UNITED STATES OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS
FIRST SESSION

VOLUME 143—PART 5

APRIL 22, 1997 TO MAY 7, 1997
(PAGES 5953 TO 7526)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1997

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: toll free (866) 512–1800; DC area (202) 512–1800
Fax: (202) 512–2250 Mail: Stop SSOP, Washington, DC 20402–0001

United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, April 22, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord God of Truth, who calls us to absolute honesty in everything we say, we renew our commitment to truth. In a time in which people no longer expect to hear the truth, or what's worse, see the need consistently to speak it, make us straight arrows who hit the target of absolute honesty. Help us to be people on whom others always can depend for unswerving integrity. Thank You for keeping us from those little white lies that later on need big black ones to cover them up. May the reliability of our words earn us the right to give righteous leadership. Thank you for the wonderful freedom that comes from a consistency between what we promise and what we do. You are present where truth is spoken. Thank You for reigning supreme in this Senate Chamber today. Now, dear Lord, we intercede for the distressed people of Grand Forks, ND, as they battle the rising waters of the Red River. Give them strength, but, dear Lord, please bring to an end the devastation of this flood. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, is recognized.

Mr. LOTT. Thank you very much, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business to accommodate a number of Senators who wish to speak on a variety of subjects. There will be no rollcall votes, however, during today's session due to the observance of Passover. I remind my colleagues that the weekly party luncheons normally held today will be held tomorrow, Wednesday.

By the unanimous consent agreed to on Thursday of last week, the Senate will begin consideration of the Chemical Weapons Convention Treaty tomorrow with, I believe, 10 hours of debate allowed. Then on Thursday there will be five motions to strike with 1 hour of debate on each of those and, presumably, votes on each one of the five, with the expectation of a final vote around 6 o'clock on Thursday.

Under the previously agreed time agreement, Senators can anticipate votes on the treaty as early as Wednesday afternoon—I want to emphasize that—as well as a variety of votes on Thursday morning and throughout Thursday. As always, we will notify Senators of any scheduled votes or changes as soon as possible, or actions we wish to take on the Executive Calendar.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. LEAHY. Mr. President, noting that nobody has been seeking to be recognized for about a half-hour, I ask unanimous consent that I may proceed for not to exceed 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CRISIS IN OUR FEDERAL JUDICIARY

Mr. LEAHY. Mr. President, I have noted on the floor of the Senate a number of times, the crisis in our Federal judiciary that Chief Justice Rehnquist has spoken of. The Chief Justice and others have spoken about the nearly 100 vacancies in our Federal judiciary at the district court level, at the court of appeals level, and at the Federal court of appeals level. So far in this Congress—we have been in session now for 4 months—we have confirmed only two Federal judges. It is a form of zero population growth, as far as the Federal judiciary is concerned. We seem to have this idea that if we do not get Federal judges we can, somehow—I am not sure what we think we are going to do.

I will tell you one of the things we have not done. In a number of jurisdictions we are reaching a crisis situation where, instead of being able to have criminal cases tried, instead of prosecutors being able to seek tough penalties, they have to plea bargain because they know they must keep up with speedy trial mandates, yet there are not enough judges to have a speedy trial, so they end up having to plea bargain. We do know that in many, many jurisdictions it is clearly impossible to have a civil case heard. If you are a business person with a just claim against somebody and you want to bring a suit, bring the suit, but they can just wait you out. If you are a litigant who has been damaged by somebody, you want to bring a suit, they can just wait you out because the judges are not there to try the cases.

I think it is irresponsible for the leadership in this body to continue to block Federal judges. This is something that I have never seen in 22 years here. During times when the Democrats were in control of the Senate when there was a Republican President, we have never done it to them. During times when Republicans have been in control of the Senate, they have not done this. But this time it is being done. It shows a lack of responsibility on the part of the Senate. It shows a lack of responsibility on the part of individual Senators that they allow this to continue. It also shows a demeaning of the Senate. It violates the traditions of the Senate.

There are some who do not care for traditions in this body. Sometimes it is in things that the public does not see, like confining the reporters of debates to something that looks like a subterranean, medieval torture chamber because we want to expand the perks

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and privileges of some of the officers of the Senate.

I would hate to think that the Senate is willing to toss aside decades, generations of tradition for momentary perks and privileges. I hope Senators will start thinking that none of us owns the seat in the U.S. Senate. None of us owns a piece of the U.S. Senate. We are merely 1 of 100 who serve here and we serve here for all Americans, not just for our partisan interests, not just for our political party's interests, not just for our own personal aggrandizement. We serve here for the whole country. We are not serving the country well on the question of judges.

This is something where judges, both Republican and Democrat appointed, are united in saying it is not responsible the way we have maintained this. Mr. President, I will continue to speak out on this, but I hope we will wake up to the fact that the country needs to have these Federal judges. We should be ready to move forward. We have about 25 in the pipeline. Let us start having hearings and start going forward on them. Let us stop playing political games. We have a woman, one of the most qualified members of the California bar, who has found her appointment blocked. Contrary to the normal tradition of hearing nominees for the circuit court first, she was made to wait behind everybody else here recently. As did not escape notice, she was also the only woman nominee and was treated like a second-class citizen on the hearing schedule. She has now been asked by a Member of the Senate, basically, to tell how she voted on over 100 items in California.

Are we stooping so low as a body that we are asking people how they voted? If they are up for confirmation, how they cast a secret ballot? Would you, Mr. President, want to have somebody go back for the last 20 years and ask how you voted every time you went to the voting booth in Kansas? I certainly would not want anybody to be able to ask that. I am very proud of all the votes I cast, but it is my business. It is not anybody else's business. One of the great hallmarks of this democracy is the secret ballot, and we should not start asking people that, when actually it appears the real reason is just to keep the stall in.

We have followed, in the past, the so-called Thurmond rule of stalling a President's appointments to the judiciary in about the last few months of their term in office. I have never seen the stall start in the first few hours of a President's 4-year term.

EARTH DAY 1997: THERE IS NO STATUS QUO IN PROTECTING THE ENVIRONMENT

Mr. LEAHY. On another issue, Mr. President, since the first Earth Day in 1970, Americans have gathered to celebrate the steps we have taken to clean up our environment and to call attention to what still needs to be done. The early Earth Day events helped create the modern environmental movement. They led directly to enactment of the first major environmental legislation, the Clean Air Act. I remember with pride serving here with Senator Gaylord Nelson of Wisconsin, knowing what he had done to help spark that movement.

But I ask Senators and the administration to look back at the debate that took place when we drafted this remarkable piece of legislation. At the time of that first Earth Day, the laws to limit air pollution were disjointed, they were limited in scope. But since passage of the Clean Air Act, we have made considerable strides in reducing some pollutants. The level of lead pollution we and our children breathe today is one-tenth what it was a decade ago—one-tenth. We have healthier children as a result. In fact, just using that figure itself is a tribute to the success of the original Clean Air Act.

One thing we do know is Americans do not want to stop the progress we made and say, look what we did back then, 10 years ago; it is what we do today to keep moving forward in cleaning up our environment. I have heard some of the debate here in the Congress now, on the Clean Air Act, that it is not to strengthen it, not to make it better based on what we learned, but rather to weaken it. It is almost like saying we took care of those children, but tomorrow's children we are unwilling to help.

We also learned the ecosystem is not static and that environmental progress should not be either. There is no status quo and never should be a status quo when it comes to a healthy environment. New pollution sources appear, and none of us can predict today what the new pollution sources might be a decade from now. We know populations grow and they shift and pollutants accumulate. So, if you are not always moving toward a safer and cleaner environment, then you are slipping backwards.

The EPA conducted a 5-year review of existing standards and compared these with new scientific research about the tiny particulates and ozone that we breathe. When EPA issued new goals to lower the level of these particulates coming into our lungs and the ozone levels, the backlash was remarkable. Opponents instantly attacked the goals rather than sitting down to work with the Congress and administration to achieve these goals in a reasonable and cost-effective timeframe. Instead of saying, "What do we do to make air and water safer for our children?" it was, rather, "We cannot possibly do this." These are the same people who would do anything to save a child, but not to save the Nation's children.

We ought to listen to the voices of more than 130 million Americans in 170 major cities who continue to breathe unhealthy air, including the city we are in today. When the Clean Air Act was drafted, we were unwilling to accept the argument that the present cost of environment regulation should define the future of our environment. Our late colleague, Senator Edmund Muskie of Maine said, "The first responsibility of Congress is not the making of technological or economic judgments. Our responsibility is to establish what the public interest requires to protect the health of persons."

So, on this Earth Day I ask Senators to go back to the original premise of the Clean Air Act and ask ourselves what do we do to carry forward the torch of environmental progress, not only for ourselves but for the next generations of Americans? I hope we might look at the biggest loophole in the Clean Air Act, allowing the dirtiest powerplants to continue to operate with vastly inadequate pollution controls. We ought to go back and close this loophole now, in this session of Congress.

One of the reasons it is so urgent is because of the deregulation of the electric utility industry. We have the benefits of competition in the utility industry. Some say it is going to be as much as $50 billion. Surely, with this we ought to be able to offset the environmental costs of utility deregulation and have some ability to have cleaner air.

We ought to look at some of the coal-fired production plants that were grandfathered under the Clean Air Act. One study says an annual increase of emissions of 349,000 tons of nitrogen oxide, a component of ozone pollution, comes from them.

Let us look at what happens here. We have plants that have been grandfathered in. That means they are allowed to spew whatever they want. These plants are out here. You see the pictures of them. But where do the pollutants go from these 25 grandfathered plants? They move, of course, east. Many of the plants are in the Midwest or toward the West, but the pollutants move east.

If we are going to talk about what we do with the Clean Air Act, let us think of our children. My children are going to live most of their lives in the next century. But if we allow this to go on with no changes, those who live in this part of our country are going to be severely damaged and those children who are going to live most of their lives in the next century are going to feel the results of it.

I have talked about the high environmental standards we have in Vermont. Each State and community should take responsibility for controlling pollution within their borders. We have done this in Vermont, implementing some of the toughest environmental laws in the Nation. But, even though we have imposed high environmental standards on ourselves, we Vermonters are faced with an uphill battle when the pollution we are striving to control silently creeps into our State each night with the wind. We Vermonters are deeply concerned about what is being transported by air currents.

We Vermonters are deeply concerned about what comes with the wind at night when we are sleeping from other parts of this country. Acid rain taught us that our tough environmental standards were not enough to protect us. We saw some of our healthiest forests die off from pollution borne from outside our region. This is an experience from which everybody can learn. Increased power generation at these 25 dirtiest plants is going to affect air quality across the country. We learned from the acid rain debate that emissions from these plants could be transported more than 500 miles.

Let us look here. Here are the 25 top polluters. This is where the pollution is going. If you look at this, you can see from the 25 top polluters, our part of the country is being hit especially hard. My own State of Vermont, with the toughest environmental laws you are going to find anywhere, cannot protect ourselves by our own laws because these pollutants come across by every wind that comes over Vermont from the west, carrying those pollutants.

There is no fence, there is no law that we Vermonters can set up to protect us, but we in the Congress can protect all the people in this region.

I will also say, Mr. President, if we do not look at these grandfathered plants, it is not only the Northeast that is going to be affected, all parts of the country are going to see their air quality diminished.

In the case of acid rain, some areas are more vulnerable to damage than others because of their geology. The rocky soils of Canada and much of the Northeast means that we have less ability to buffer the acids, so our lakes will die sooner. But in the case of ozone, we are dealing with children, not lakes or forests. As I said, my children will live most of their lives in the next century, and I think about that all the time. I also think children are the same, whether they are Canadians, Vermonters, or Ohioans. Children in Ohio, Missouri, West Virginia, and other States are just as vulnerable as those in Canada and Vermont.

I called on the administration a year ago to develop a mitigation program to address increased air pollution associated with utility restructuring. To date, nothing has been proposed. I do not think we can wait any longer. This train is leaving the station and, unfortunately, it is a polluting train.

More than 10 States are already developing restructuring legislation. Two States are implementing open competition. With more than $50 billion in expected benefits from competition, we should be able to afford the costs of ensuring clean air for our children. A number of proposals have been addressed in the House, but none addresses this problem. The administration has not proposed a solution to it. I hope that proposal will come. I will see what provisions it makes.

Earth Day reminds us that we share the air, the water and our planet. There can be no greater legacy that we leave behind for our children and our grandchildren than a society that is secure in its commitment to a healthy and environmentally sound future.

On this Earth Day, I want all of us in Congress to stop thinking only in regional terms of the Clean Air Act and the potential benefits and costs from utility restructuring. We all share in the responsibility to leave behind for the next generations a healthy environment. The only way we are going to be successful is to look at the quality of our air, water, and ecosystems in wider terms. We have to address the loopholes that allow these dirty plants to churn out tons of pollutants for the last 20 years. We cannot afford them a free ride into the next century.

Let me point out once more, we are not in this alone. The plants are here, but the pollutants go across our country. I say this today because the President is going to North Dakota, actually a place where two of these plants are. He will go representing our whole country and grant aid to the people who have been badly hurt. Any one of us, from whatever State we come from, when we look at the pictures on television and read the news accounts of what those people in North Dakota have gone through, our hearts have to ache for them.

When a town is hit with both flood and fire, it is almost like a Biblical reference to devastation. We will, as a great nation, as we always do in matters of major disasters, come together and we will help. Vermonters will help the people in North Dakota, as will Kansans and Californians and everybody else. But it is one thing when you see a disaster that happens all at once. Unfortunately, there is a disaster in air pollution that happens drip by drip, day by day, and if we allow these pollutants to continue to drift across our Nation, those of us who are in the East and Northeast also face a disaster, a disaster not of our making but a disaster of our Nation's making, a disaster that may not have a great effect on me, as I stand here in my fifties, but it will on the children of Vermont and it will on their children's children.

This country can be justifiably proud of the steps it has taken in environmental quality. When I look at the newly democratic nations of Eastern Europe and I see how they struggle with health costs and development costs based on their own ignoring of the environment for the last several generations, I think how fortunate we are that we have been way ahead of that in this country, but also know that we have a long, long way to go.

Let us look at this, not for those in my generation, necessarily, but those in my children's generation. Let us look for those who are going to live most of their lives in the next century. That is something this Congress can do. Democrats and Republicans alike should join together and that is a legacy we can leave.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 5 minutes each.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. I thank the Chair.

(The remarks of Mr. BUMPERS pertaining to the introduction of S. 624 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BUMPERS. Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERTS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

THE CHILD CARE EXPANSION ACT

Mr. ROBERTS. Mr. President, I rise today to inform my colleagues of legislation that I introduced on April 10 called the Child Care Expansion Act.

This legislation—the first legislation I have had the privilege of introducing in this body—does address one of the greatest challenges that faces families today, and that is finding dependable and affordable child care.

The demand for quality child care is rising. We have changes in family structure, more working mothers, and significant changes in social policy, which all have helped—all have helped—drive this increase. In fact, only 2 years ago 60 percent of children under the age of 5 were cared for by someone other than a parent while their mother or father was working.

We have had numerous studies that indicate the availability of child care has failed to keep up with this demand. Three out of four parents responding to a national poll indicate that there is an insufficient supply of child care, Mr. President, especially for infants.

Child care keeps America working.

In 1994, three out of five women with children under the age of 6 were in the work force. A lack of dependable child care causes these workers to lose time and to be less productive. Child care benefits provided by employers help to recruit and retain quality employees. It pays off with lower costs in regard to the businesses that have a good child care program. And child care providers are also small business owners who contribute to the economy while keeping our children safe.

Child care provides access to high-quality learning environments for children in their critical learning years.

Just last week—I think it was last Wednesday—in the Wall Street Journal there was an article entitled "Good, Early Care Has a Huge Impact on Kids, Studies Say." And that article pointed out the monumental importance of quality child care in the first 3 years of the infant's life. And according to the National Institute of Child Health and Human Development, a study cited in the article, high-quality child care provided by nurturing, stimulating care givers improves the cognitive learning and language skills. These are skills a child depends on for the rest of his or her life.

So child care is central to the implementation of successful welfare reform.

I might add, that the concept of this child care bill, as far as I was concerned, became very evident as we went through welfare reform legislation in the past session of the Congress when I had the privilege of being the chairman of the House Agriculture Committee and we were approaching food stamp reform.

It became obvious to me, if we were going to provide self-reliance, independence, and the tools with which about 2,000 people in Kansas needed to get off the welfare rolls and become self-reliant—these people had been on welfare for over 5 years—they did two things, job training, that is obvious, and the second thing was child care.

Stringent new work requirements will move more welfare parents into the work force and create an even greater demand for quality child care. I think this legislation simply addresses these issues through a responsible four-pronged approach. There are no new entitlements, no new mandates on businesses. This legislation fills a pressing need without creating more bureaucracy or more government.

Mr. President, I ask unanimous consent that the text of S. 548 be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 548

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Child Care Expansion Act".

TITLE I—GENERAL EXPANSION OF ACTIVITIES

SEC. 101. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall establish a program to award grants to States to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State will provide the funds required under subsection (e).

(c) AMOUNT OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable such small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the start-up costs related to a child care programs;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for any other activity determined appropriate by the State; or

(H) care for children with disabilities.

(2) APPLICATION.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to applicants that desire to form consortium to provide child care in geographic areas within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities which may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATION.—With respect to grant funds received under this section, a State may not provide in excess of $50,000 in assistance from such funds to any single applicant. A State may not provide assistance under a grant to more than 10 entities.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, such entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 25 percent of such costs ($1 for each $3 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which an entity receives such assistance, not less than 33⅓ percent of such costs ($1 for each $2 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which an entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering the grant awarded under this section and for monitoring entities that receive assistance under such grant.

(2) AUDITS.—A State shall require that each entity receiving assistance under a grant awarded under this section conduct of an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused such assistance, the State shall notify the Secretary of such misuses. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(h) REPORTING REQUIREMENT.—

(1) STUDY.—Not later than 2 years after the date on which the Secretary first provides grants under this section, the Secretary shall conduct a study to determine—

(A) the capacity of entities to meet the child care needs of communities within a State;

(B) the kinds of partnerships that are being formed with respect to child care at the local level; and

(C) who is using the programs funded under this section and the income levels of such individuals.

(2) REPORT.—Not later than 28 months after the date of enactment of this Act, the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the effectiveness of the grant programs under this section.

(i) DEFINITION.—As used in this section, the term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $25,000,000 for each of the fiscal years 1998 through 2000.

(k) Termination of Program.—The program established under subsection (a) shall terminate on September 30, 2001.

SEC. 102. PROJECTS FOR CHILD CARE BY OLDER INDIVIDUALS.

(a) Community Service Employment Program.—Section 502 of the Older Americans Act of 1965 (42 U.S.C. 3056) is amended by adding at the end the following:

"(f) In carrying out this title, the Secretary, and any entity entering into an agreement under this title, shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of eligible individuals (including eligible individuals described in subsection (e), as appropriate), in projects to provide child care under this title. Such child care projects shall, to the extent practicable, be carried out in communities with child care shortages, as determined by the appropriate State agency designated under section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)).".

(b) Domestic Volunteer Service Act.—Title IV of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5043 et seq.) is amended by adding at the end the following:

"SEC. 427. PARTICIPATION IN PROJECT TO PROVIDE CHILD CARE.

"(a) In General.—In carrying out this Act, the Director, and any recipient of a grant or contract under this Act, shall take necessary steps, including the development of special projects, where appropriate, to encourage the fullest participation of individuals 55 and older, in projects to provide child care under this Act. Such child care projects shall, to the extent practicable, be carried out in communities with child care shortages, as determined by the appropriate State agency designated under section 658D(a) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b(a)).

"(b) Funding of Projects.—The Director may, using amounts available for experimental projects under section 502(e), provide for the development of special projects under subsection (a).".

TITLE II—TAX INCENTIVES FOR DEPENDENT CARE

SEC. 201. EXPANSION OF CHILD AND DEPENDENT CARE CREDIT.

(a) Increase in Credit Percentage for Low and Middle Income Workers.—Section 21(a)(2) of the Internal Revenue Code of 1986 (relating to credit for expenses for household and dependent care services necessary for gainful employment) is amended to read as follows:

"(2) Applicable percentage defined.—For purposes of paragraph (1), the term 'applicable percentage' means 30 percent reduced (but not below 20 percent) by 1 percentage point for each $2,000 (or fraction thereof) by which the taxpayer's adjusted gross income exceeds $20,000."

(b) Increase in Maximum Amount Creditable.—Section 21(c) of the Internal Revenue Code of 1986 (relating to dollar limit on amount creditable) is amended—

(1) by striking "$2,400" in paragraph (1) and inserting "$3,600", and

(2) by striking "$4,800" in paragraph (2) and inserting "$5,400".

(c) Phase-Out of Credit for Higher Income Taxpayers.—

(1) In general.—Section 21(c) of the Internal Revenue Code of 1986 (relating to dollar limit on amount creditable) is amended by adding at the end the following new paragraph:

"(2) Phaseout of credit.—

"(A) In general.—The amount of the credit allowed under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) Amount of reduction.—The amount determined under this paragraph equals the amount which bears the same ratio to the credit (determined without regard to this subsection) as—

"(i) the excess of—

"(I) the taxpayer's adjusted gross income for such taxable year, over

"(II) the threshold amount, bears to

"(ii) $10,000.

Any amount determined under this subparagraph which is not a multiple of $10 shall be rounded to the next lowest $10.

"(C) Threshold amount.—For purposes of this paragraph, the term 'threshold amount' means—

"(i) $90,000 in the case of a joint return,

"(ii) $65,000 in the case of an individual who is not married, and

"(iii) $45,000 in the case of a married individual filing a separate return.

For purposes of this subparagraph, marital status shall be determined under section 7703.

"(D) Adjusted gross income.—For purposes of this paragraph, adjusted gross income of any taxpayer shall be increased by any amount excluded from gross income under section 911, 931, or 933."

(2) Conforming amendments.—Section 21(c) of such Code is amended—

(A) by striking "(c) Dollar Limit on Amount Creditable.—The" and inserting:

"(c) Limitations.—

"(1) Dollar limit.—The",

(B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and

(C) by striking "paragraph (1) or (2)" in the last sentence and inserting "subparagraph (A) or (B)".

(c) Effective Date.—The amendments made by this section apply to taxable years beginning after December 31, 1997.

SEC. 202. EXPANSION OF HOME OFFICE DEDUCTION TO INCLUDE USE OF OFFICE FOR DEPENDENT CARE.

(a) In General.—Section 280A(c)(1) of the Internal Revenue Code of 1986 (relating to certain business use) is amended by adding at the end the following: "A portion of a dwelling unit and the exclusive use of such portion otherwise described in this paragraph shall not fail to be so described if such portion is also used by the taxpayer during such exclusive use to care for a dependent of the taxpayer.".

(b) Effective Date.—The amendment made by this section applies to taxable years beginning after December 31, 1997.

Mr. ROBERTS. Mr. President, first, the Child Care Expansion Act includes funding for a short-term, flexible grant program to encourage small businesses to work together to provide day care services for employees. This program is a demonstration project that will sunset at the end of 3 years. In the meantime, small businesses will be eligible for grants up to $50,000 for startup costs, training, scholarships or other related activities. Businesses will be required to match Federal funds to encourage self-sustaining facilities well into the future.

The idea behind this 3-year grant is for the small communities and small businesses in that community to get together to provide the child care facility. The $50,000 grant over 3 years will provide startup money for our smaller communities, for the major businesses in that community to come together and provide a facility that otherwise would not be achieved.

Second, this legislation includes an expansion of the child and dependent care tax credit, targeting the credit to working parents who need it the most, not only the people who are trying to be self-reliant in regard to welfare reform but the low- and middle-income family. It will increase from $720 for one child, up to $1,080, and from the current $1,140 for two or more children to $1,620 for families with more than one dependent. In addition, the credit is phased out for higher income wage earners, which means that the deficit exposure or the expenditure side is very, very limited.

This legislation also addresses the needs of parents who choose to work from the home. In this case, the Internal Revenue Service rules are expanded to allow taxpayers who need to use the family room or some other room for home-based business while caring for dependents. The current IRS rules are much too strict and simply do not make sense for people who want to work at home but have to take care of the youngsters as well.

Finally, this legislation encourages our Nation's most experienced care givers, our older Americans, who are already participating in federally supported work programs, to provide child care services in communities where it is feasible to do so. Obviously, there is a bonding that goes on, Mr. President, in regard to grandkids and also grandparents. This bill certainly encourages that bonding.

This legislation includes no new entitlements or mandates on the business community. It fills a pressing need without creating more bureaucracy or Government. Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, it seems to me we must continue to do our part to expand the child care options and protect our Nation's most valuable resource—our children. I urge my colleagues to join me in support of America's kids and cosponsor the Child Care Expansion Act.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Maryland.

Ms. MIKULSKI. Mr. President, I ask unanimous consent I be permitted to speak for such time as is necessary for the nomination of Alexis Herman.

The PRESIDING OFFICER. Is this part of the hour that is under the Democrat leader's control?

Ms. MIKULSKI. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ALEXIS HERMAN TO BE SECRETARY OF LABOR

Ms. MIKULSKI. Mr. President, once again I am deeply disturbed that Alexis Herman's confirmation to be Secretary of Labor has been held up. Miss Herman is being subjected to a level of scrutiny that is not deserving of her nor this institution. Miss Herman is being held hostage for political reasons.

What is the real reason for the delay? Well, my colleagues on the other side of the aisle say it is because of an Executive order that would encourage Federal agencies to consider the use of something called "project labor agreements" on any construction contract sent out for bid. How ironic that it is my colleagues that would hold up the nomination of the next Secretary of Labor because of an Executive order that asks contractors and subcontractors who bid on a Federal project to consider paying union wages, provide union-scale benefits, and use union hiring halls for labor—projects that are financed with taxpayers dollars.

This order does not require the contractor to sign a collective bargaining agreement. It just makes sure that we help our workers maintain a decent wage and living standard. My Republican colleagues would hold up the nomination of the Secretary of Labor, whose responsibility it is to enforce our Nation's labor laws, because we want to ensure that contractors working on Federal projects abide by Federal laws.

I want the nomination of Alexis Herman and the debate about her to focus on her qualifications and her competency to lead the Department of Labor. This should not be a debate on President Clinton's Executive order. I call upon the leadership of the other side of the aisle to let this nomination go forward, let there be debate on the Senate floor about Miss Herman's competency. Is she a coalition builder? Can she provide leadership? And does she provide a framework for the future? That is what the debate should be all about.

My constituents are deeply concerned that Miss Herman, who brings so many credentials and competency, has been waiting month after month, subjected to character assassination, leaks in the press that distort her record, and now, just when she thought she was going to come to the Senate floor, not have that opportunity because some people are cranky about an Executive order issued by President Clinton. Be cranky with President Clinton. Do not be cranky with Alexis Herman or hold up her nomination.

We cannot have this held up because of crankpots. I know Alexis Herman and I have known her for 20 years, when she worked in the Carter administration and I was a Congresswoman. Alexis Herman comes to us having graduated from a Catholic college in New Orleans, Xavier University. She was a social worker, working at Catholic Charities in foster care. Then she wanted to make sure she prevented family breakups, and she began working in job training and placement. In 1974, she headed up a black woman's employment program that then, because of its innovation and her management skill, went to nine other cities.

Miss Herman brings to us a background where, at age 27, she was running a 10-city program to help minority women break into the work force. Is that not a Secretary of Labor we want to move people from welfare to work? At 29, she was the youngest person ever named to head the Women's Bureau of the Department of Labor. Following that first Government service, she then went on to run her own business and help manage the 1992 Democratic convention. She is a coalition builder. Throughout her career, she has worked with parties on all sides to find good solutions. If you go back and talk with the people who have worked for her over the years, advocacy groups believe she will speak up for those who are left out and left behind.

The community that provides the jobs, the business community, feels that she is a coalition builder and helps them solve issues from regulatory reform to how to do outreach in the minority communities.

She will bring to the Labor Department a lifelong commitment to making sure that we create an opportunity ladder in this century. She has said publicly and to me privately that she wants to accept the challenge of moving people from welfare to work in a new era of time limit on welfare. She wants enhanced health and pension security for working people. She wants to ensure a safe and equal opportunity workplace, and she wants to work with the President in this on extending the lifelong education and training opportunities for our citizens.

Mr. President, we need a Secretary of Labor. We need someone who is a leader, who is effective, and who has a vision for the future. I really encourage that the nomination of Alexis Herman be brought up after we finish our discussion on the chemical weapons treaty.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want just to commend the Senator from Maryland for an excellent presentation and one which I hope our friends and colleagues on the other side of the aisle would hear and heed. I see my good friend from Nevada on the floor, who will address the Senate in a few moments as well about the labor nominee.

I want to just underscore two different items, Mr. President. First, the Labor and Human Resources Committee had the opportunity to go through the hearings. These were extensive background hearings on the qualifications of Ms. Herman. I will have an opportunity, when the Senate finally comes to consider the nomination, to review the record on her background and experience, but Senator MIKULSKI has done so this afternoon in a very, very thorough way. This is really an extraordinary individual.

In spite of many allegations and charges which have been responded to, we are in a situation where the one Cabinet office which is there to hold the spokesperson for working families is vacant—vacant—and the nomination is being held hostage because of a difference with the President of the United States signing an Executive order regarding project labor agreements, or what they call PLA's. Those are arrangements and agreements that can be done voluntarily within States, that more often than not result in the saving of taxpayers' money and the reduction of accidents on the construction site. PLA's also allow for the relationships between workers and management to be worked out in a very constructive and positive way to make sure we have ontime results and achieve high quality outcomes.

PLA's have been done under Republican Governors and Democratic Governors, in New York, New Jersey, and Nevada, among others. Now the President of the United States wishes to exercise his power to issue an Executive order. That is differed with by Members. But they have the right to go into court and challenge that at a later time.

The point that Senator MIKULSKI, Senator REID, others, and I will make is that if our Republican friends have a difference with the President on the issue of the PLA's, why hold up Alexis Herman, who is the spokesperson for working families in this country, from being able to assume the responsibilities of that particular position?

It is a very important position. We have several pieces of legislation that are on the calendar which relate to the conditions of working families in this country, including the so-called TEAM Act, the so-called comptime bill, and others, which we will have an opportunity to debate at some time. These are pieces of legislation that will have a direct impact on working conditions and wages of working families. Still, we do not have a Secretary of Labor in place, who will speak for workers, and that is because there is a small group of Senators who are effectively holding her hostage.

We understand today is the Passover holiday, which is a period of celebration and a very special time of contemplation and thought and prayer by many Americans, and therefore we are not doing the Senate's business, and we do not ask the Senate to consider the nomination today. We understand tomorrow we are considering the chemical weapons treaty. That is extremely important.

Mr. President, this issue was allegedly agreed to be considered on the floor of the U.S. Senate last week. But Members on the other side of the aisle reneged on that agreement, so that we were unable to come to completion on this nomination. Now, Mr. President, we are calling on the leadership on the other side to give us an opportunity to have Senate consideration of this nominee and to stop this attempt to play hostage with the President's nominee. She is someone who was reported out favorably by all the members of the committee.

It is time to end these kinds of games. The American people want us to find ways of working together, not to be blocking the consideration of a nominee who has the support of Republicans and Democrats alike.

Mr. President, I hope at the time that we are back into full session, that we will be able to set a time in the next very few days, on the completion, perhaps, of the chemical weapons convention, or perhaps even during the consideration of that there can be time found for a short discussion of the merits of this nominee. She is an outstanding nominee. She will perform her work well. It is wrong to hold up the President's nominee. The President, after all, won the election. When you win the election, you have the time-honored privilege of selecting your own advisers. There is one standard that is used for the President's advisers who come and go at the time the President is elected. There is a different set of criteria when we talk about those who have more extended terms, such as the Federal Reserve Board and some of the other agencies; those continue at the time of a particular administration and can lapse on to another administration. We have even a higher standard when we are talking about lifetime appointments, like Federal district judges and circuit court judges, and the highest standard for the Supreme Court. That is something we all understand.

But we are at the point now where the President, who won the election, has indicated that he wants Alexis Herman as his adviser on labor for the country's working families. It is wrong to continue to hold her hostage, and I hope we move ahead with consideration of her nomination.

Mr. President, the Republican leadership is holding the nomination of Alexis Herman hostage to an unrelated policy dispute. Ms. Herman was reported out of the Labor Committee unanimously 2 weeks ago. Republicans and Democrats alike voted in her favor.

The Republican leadership had scheduled a floor vote on her confirmation last week, but in an abrupt about-face they reneged on that commitment. The reason was the leadership's disagreement with a proposed Executive order under consideration within the administration.

That order would direct Federal agencies to consider—not mandate—the use of so-called project labor agreements on Federal construction projects.

Such agreements have been used on large-scale construction projects, in the public and private sectors, for decades. Examples of Federal projects built under PLA's include the Grand Coulee Dam in the 1930's; atomic energy plants in the 1940's; Cape Kennedy in the 1960's; and today, on the Boston Harbor cleanup. Such agreements are also being used in the present decommissioning and decontamination of nuclear facilities at Oak Ridge, TN; Savannah River, SC; Fernald, OH; Hanford, WA; Idaho National Engineering Labs, ID; and Lawrence Livermore, CA, among others.

In the private sector, too, PLA's have been used on many projects across the Nation, including the construction of Disney World in Florida, the Toyota plant in Georgetown, KY, the Trans-Alaska Pipeline System in Alaska, and the Saturn auto plant in Tennessee.

State governments use PLA's as well. Governor Pataki of New York issued an Executive order strikingly similar to the Clinton proposal in January 1997. The Nevada and New Jersey Governors recently issued similar orders. State projects constructed under PLA's include the Boston Harbor cleanup; modifications to the Tappan Zee Bridge in New York; the Southern Nevada Water System improvements project outside Las Vegas; and many others.

What PLA's do is require contractors to comply with the terms of labor agreements for the duration of the project. The advantages of such PLA's are many. Projects are more often completed on time, because a skilled labor supply is always available. There are fewer cost overruns, because workplace disputes are resolved through grievance-arbitration procedures, instead of by strikes or lockouts, which cost valuable work time for employers and employees alike. Projects built under PLA's have lower accident rates, because contractors can hire highly skilled and trained employees. Productivity increases as well, because of the higher skill level of workers.

Opponents of PLA's claim that such agreements unfairly deny contracts and jobs to nonunion firms and individuals. This is simply not true.

Nonunion contractors can and do bid on jobs where PLA's are in effect. For example, in the Boston Harbor project, fully 40 percent of the subcontractors—over 100 firms—are nonunion. Similarly, on the Idaho National Engineering Labs PLA with the Department of Energy, 30 percent of the subcontractors were nonunion.

Similarly, nonunion workers can and do work on sites where PLAs are in place. Unions are required by law to refer nonmembers to jobs on the same basis as union members. The NLRB vigorously enforces this provision of the labor laws, and unions know how to and do comply. Furthermore, in the 21 so-called "right-to-work" States, no worker can ever be required to give financial support to a union. In the other 29 States, if the particular contract provides it, workers can be required to pay a fee to the union while workers are employed on the job site. However, no employee can ever be forced to join the union, or to pay for union activities that are not related to collective bargaining.

PLA's thus are beneficial to project owners and workers alike. Further, it's clear that the President has the authority to issue an Executive order dealing with Federal procurement practices. President Bush did just that, when, in October 1992, he issued an Executive order forbidding Federal agencies to require PLA's on Federal construction projects. Republican attacks on President Clinton's power to issue an order directing the consideration of such agreements thus are disingenuous at best.

It's particularly unconscionable to hold up Alexis Herman's nomination on this basis. The country's working families deserve a representative, and the Republicans know it. It's time for the political extortion to stop, and for the Republicans to give up their hostage. Free Alexis Herman, and free her now.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. REID. Parliamentary inquiry, Mr. President.

Mr. GREGG. Without yielding the floor, I will yield.

Mr. REID. I understand that. I ask the Parliamentarian this. I thought from 12 until 1 o'clock was under the control of the Democratic leader.

The PRESIDING OFFICER. That is correct.

Mr. GREGG. Mr. President, I believe we are in morning business, is that correct?

The PRESIDING OFFICER. The period is for morning business until the hour of 2 o'clock, with the hour from 12 to 1 reserved for the Democratic leader and the hour from 1 to 2 reserved for the Senator from Georgia.

Mr. GREGG. Mr. President, I ask unanimous consent that I be allowed to proceed for 5 minutes as in morning business and to the extent that it affects the time of the Democratic leader, that that time be added to his time at the end of the hour, as originally scheduled.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from New Hampshire.

THE BUDGET NEGOTIATIONS

Mr. GREGG. Mr. President, I want to raise a couple of points here as we move through the budget negotiations. There are ongoing negotiations with the White House relative to trying to reach a budget agreement. But those negotiations deal with a budget that will run through the year 2002. My concern is that, as we look at a budget in that short timeframe, action which we take to address a budget that would reach balance by 2002 would have impact beyond that period, obviously, because we will put in place decisions that are not going to end at the time that budget concludes in 2002, but it will affect spending beyond that time.

In two major accounts, the President's budget, as proposed, is basically a budget that has a low initial cost but has a dramatic, explosive cost in the outyears when you get past the year 2002. Both in the Medicare account and the Medicaid account, the President's budget, as sent up here, has significant increases in spending, but those increases in spending that are for the 5-year timeframe running through 2002 are really minuscule compared to the spending that will occur in the period after 2002. I believe this needs to be highlighted because, if it is not, I am afraid we will adopt initiatives in the President's budget that come out of it as part of this process of building our own budget and reaching a bipartisan budget.

I am concerned that we will adopt initiatives that will cost us dramatic amounts of money outside the budget window and, once again, aggravate the real problem that confronts the country. We would be passing on to our children a country with huge debts of obligation that our children will never be able to pay.

Let me highlight this in specifics. Under the President's proposal for Medicare, there is $33 billion in new spending during the budget window, through the year 2002. When you go beyond the year 2002 to the period of the next 4 years—this is a 4-year period, and it would run past that, obviously—there will be an explosion in the cost of those new programs. Those new programs, which cost $33 billion in the next 4 years, in the 4 years after that will cost $93 billion in new spending. That represents a 182-percent increase over the 5-year period. That is in the Medicare accounts.

Some of these new programs involve the following—and I agree they are probably programs which we all feel would be nice. But the question is: Can we afford them? Can we afford to pass them on to our children? Can we afford to pass $93 billion in new spending on to our children, which is outside the budget window? Some of the new programs include: A new initiative in the area of cancer screening, for $2.5 billion; a direct payment to hospitals, outside of AAPCC, $26 billion; changing the way the Medicare accounts for the part B, 20-percent charge, which accounts for $42 billion; and a whole list of other new initiatives, all of which add up to $93 billion in spending that is outside the budget window, and is new spending for new programs and which will have to be paid by the taxpayers of this country, and, if not, borrowed from our children. In either event, it will aggravate the balance in the Medicare trust fund and continue to drive the Medicare trust fund toward insolvency.

The second area the President has taken the same course of action on is in the area of Medicaid. In the Medicaid accounts, he has proposed $16 billion of new spending during the budget period between 1998 and the year 2002. But that $16 billion in new programmatic spending that occurs in the first 5 years explodes in the next 4 years to $34 billion, for a 113-percent increase. That is a 113-percent increase over the initial spending period—another explosive expansion of an entitlement program through the process of adding new benefits. In this area, we are talking about new benefits for disabled, illegal immigrants, and new benefits for children of illegal immigrants. And so you have this dramatic increase in spending. When you combine these two proposals—the President's proposal in Medicare and the proposal in Medicaid—the new spending accounts aggravate and compound the problem even more dramatically.

You see here that in the next 5 years, which is the budget period the President sent us on this, there is $49 billion in new spending in Medicare and Medicaid accounts. As you move into the outyears, that $49 billion translates into $127 billion in new spending, or a 159-percent increase because of new programmatic activity. Now, what we are talking about here—and this needs to be stressed—is new programmatic activity. We are not talking about maintaining the Medicare trust fund or Medicaid trust funds; we are talking about adding to that program.

Mr. President, we are talking about increased spending as a result of brandnew programs. So as we move down this road of trying to reach agreement on this budget, I think we have to be very sensitive that we not add a lot of new programs that may look affordable over the next 4 or 5 years, but which, in the outyears, becomes totally unaffordable and further aggravates what is already a very serious situation, because we know the Medicare trust fund is going bankrupt in 2000 and this will only aggravate that. All of these costs, if passed on to our children, may end up making their capacity to have a prosperous and productive country much less. This must be focused on as we go down the road to reaching a budget agreement.

I yield back such time as I may have left. I appreciate the Senator from Nevada allowing me to speak at this point, during the time of the Democratic leader.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

PRESIDENTIAL NOMINATIONS

Mr. REID. Mr. President, since I have been here in the Senate, we have been under a majority controlled by the Republicans and the Democrats. When I first came here, the Democrats had the majority, and now the Republicans have the majority.

During the times that the Democrats had the majority, there were some very controversial nominees that came forward, but they always came forward and there was a vote. My concern is that we are now entering into a new era, where the majority is using nominees of the President—and there is no question about their capabilities and their credentials to hold the job, and there is nothing relating to their moral qualifications. They are simply holding up the President's appointees because they don't want them to be selected, or they have some other issue and they are trying to hold the nominee hostage.

As an example, Alexis Herman has been nominated to be the Secretary of Labor. We were initially told we are not going to get her out of committee until there is comptime legislation marked up in the Labor Committee. That hurdle has gone over. The legislation is marked up. Now there is another hurdle this woman must find herself facing. Now we are told that there is an issue that deals with an opposed Executive order that would permit Federal agencies to consider requiring contractors on certain large Federal construction projects to comply with labor contracts for the duration of the project. Governor Miller of Nevada issues a similar order and a project labor agreement is now in use on a very large construction project outside of Las Vegas to bring water into Las Vegas.

Mr. President, I respectfully submit that holding Alexis Herman's nomination hostage to this is wrong. To hold her nomination hostage over an Executive order is wrong. She is qualified morally and educationally and is experienced. Therefore, she should be working for the taxpayers of this country in the job she was selected to do by the President. What is happening is not right.

We can get into the merits of the issue of the majority holding Alexis Herman hostage, but should that really be the case? If we looked at it closely, we would find that in the State of Nevada, as an example, of the seven contracts awarded, three went to nonunion contractors. I assume that is what the majority is concerned about. They have this problem with unions. Well, in Nevada, even though the Governor entered this order, three of the contracts went to nonunion contractors, and four went to traditional union contractors. Of the 36 contractors who bid on the seven contracts, 16 were nonunion, 20 were union.

The point I am making, Mr. President, is that this issue, this proposed Executive order, is just that—an issue. We should debate it. It is wrong and there is legislation to hold hearings or try to get the Executive order overturned, but we should not hold up this woman's nomination.

Are we going to continue without a Secretary of Labor until the majority leadership gets their way on every labor issue? I hope not. I don't think that hostage holding is a proper way to pass good legislation. It is not the way to have the President's nominees chosen. The President has a right to select who he wants to work in these very sensitive Cabinet positions. He has chosen a woman that is certainly qualified.

Mr. President, this woman is a graduate, as is my colleague, the junior Senator from Maryland, from Xavier University in New Orleans, LA. In 1977, she was the youngest director ever of the Woman's Bureau at the Department of Labor. She is certainly entitled to this job by virtue of her qualifications.

We are willing to debate these issues and work for compromises if, in fact, that is necessary. But the majority is saying that it is their way or no way. This tactic is becoming a way of business under this majority. Also, I don't believe there has ever been judicial nominations put on hold by a Congress as we have seen with this one. One must wonder about the pattern of the recent majority attacks—Alexis Herman, Senator LANDRIEU, Congresswoman SANCHEZ, and judicial nominee Margaret Morrow. For example, take Margaret Morrow; she has been found very qualified by the American Bar Association.

She was first nominated almost a year ago, and we still have not had the opportunity to vote on this woman. This is wrong. The rules of the Senate allow leadership to delay a nomination if there are questions about the nominee's qualifications. But there are no questions about this nominee's qualifications.

There is no reason that we don't have a vote on Alexis Herman. And we should have it this week. I think that it is wrong that we go forward with legislation—the majority feels important, and the minority goes along with that—but I think we are going to have to arrive at a point where we have to take a look at how the majority is handling what takes place on this Senate floor. Maybe what we should do is nothing until these people who are qualified, like Alexis Herman and like Margaret Morrow, until we have votes on them.

If they want to vote against Alexis Herman, then the majority should vote against Alexis Herman. But to hold this woman hostage—it is now approaching the 1st of May, and this woman has not been able to go to work as Secretary of Labor. That is wrong. I think the American public deserve more, and I hope that majority leadership will allow her nomination to go forward along with some of other nominees that are being held up for reasons unknown to most of us.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, I ask unanimous consent to speak for 10 minutes, and I also ask unanimous consent that the time for the Senator from Georgia be extended by 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORGAN DONATION STATUS REPORT

Mr. DEWINE. Mr. President, I rise today on the occasion of National Organ and Tissue Donor Awareness Week. I rise to challenge all of us to take actions that will eliminate the chronic shortage of organs available for transplant in the United States.

Mr. President, this Nation faces a severe organ shortage. I have talked about this issue several times on the Senate floor. Last year at this time when I talked about it, at least eight people in America every day were dying while waiting for organ transplants. One year later, tragically, the figures are even worse. Today, 10 people now die every day while waiting for organs.

Mr. President, these numbers are certainly very distressing. They are devastating because the technology to save these men, women, and children is available. It is there. If you ask our expert on this issue, and the Senate's expert, Dr. FRIST from Tennessee, he will tell us that these people can be saved. These 10 people who die every day could have been saved. The technology is there. Medical science has advanced that far. But they die because there are simply not enough available organs. That is a tragedy, Mr. President.

In January 1996, there were almost 44,000 patients in this country waiting for an organ transplant. One year later, the figure is up to 51,000 individuals who are today waiting—up 7,000 from just a year ago.

The need for transplantable organs has increased in all categories. These aren't just statistics, not just numbers, not just longer and longer lists. These are people. These are children, friends, and families that love them, and that pray every day that there will be a chance for that loved one to live—that there will be an organ that is available for that child, that parent, that husband, or that mother.

I think that we have to ask ourselves what we can do about this. What can we do about this as individuals and as elected officials?

As private citizens, when we go to get our driver's license for the first time, or when we go to get it renewed, we are asked sometimes very quickly, "Do you want to donate your organs in case of an accident, in the case of your death?" We all need to say yes when that question is asked. We can also, and should, encourage our relatives and friends to do the same thing. As Americans, we need to talk about this issue. As families we need to talk about this issue before tragedy strikes.

This is not a subject that anyone of us likes to discuss. But it is very important that we do so because our willingness to discuss it now, our willingness as a people to be open and to organize a donation is really a matter of life and death.

My wife, Fran, and I faced this issue when our daughter, Becky, was killed almost 4 years ago. This was not something that we had thought about really. It was not something that we had talked about as a family. When we were asked the question whether we would do this or not, my wife, Fran, turned to me, and said, "You know that is what Becky would have wanted us to do." So we did it.

I think, Mr. President, that most people would want their loved ones to do the same thing. Too often the survivors—people who are faced with life's most horrible tragedy—just do not want to do it. They do not know that the loved one would have wanted them to do it.

So I think by talking about this we will increase the number of organs that are available, and we will, in fact, save lives.

I think too often that the No. 1 obstacle to life-saving organ donation is simply that lack of awareness. People simply aren't aware of the huge difference—the life-saving difference that they can make in someone else's life. They don't think about it. They don't talk about it. And that is natural. But that is why the decision to donate the organs of a loved one sometimes is a very difficult decision. But I think when people talk about it that it will be made much easier.

As elected officials, we in this Chamber have another responsibility. I believe that we must take this message to the American people. Educational efforts have, of course, already begun.

Thanks to the leadership of our colleague, Senator DORGAN, information about organ donations is being enclosed with Federal income tax refunds that are going out this year. It is estimated that 70 million individuals will receive these refunds. So information contained in those envelopes is going out.

Further, today I sent a letter to Postmaster General Runyon asking him to approve a "Gift of Life" postage stamp as soon as possible. Mr. President, I have been talking to the Postmaster General's office for more than a year now about this issue because I am firmly convinced that this stamp will remind people of the vital importance of organ donation. It will save lives. It will bring about more awareness. Mr. President, anything that we can do to encourage families to discuss this issue will, in fact, better prepare them to make this life-saving decision.

Further, Mr. President, as you and other Members of the Chamber may know, Senator KENNEDY and Representative MOAKLEY held a field hearing in Massachusetts on this very issue. I will hold a similar field hearing in Ohio this fall, and I encourage all of my colleagues to do the same in their home States, to bring this issue closer to home.

Recently, there has been a lot of publicity about organ donation—publicity specifically about controversial protocols that have been considered to enhance the viability of transplanted organs. I support an informed public dialog on this, or any other medical issue. As this debate continues, however, Mr. President, we have to make sure that we keep our eye on the ball, that we stay focused, and not lose sight of the fact that organ donations save many thousands of lives each year in this country, and that thousands of other Americans are still waiting for this precious gift of life.

Mr. President, together we can build a national consensus to increase the rate of organ donations. Seriously ill Americans who are on these waiting lists should not have to wait so long for a second chance. They should have a second chance. And I look forward to working with all of my colleagues in the Senate and with people across this country to achieve this goal in the months ahead.

I thank the Chair. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, I ask unanimous consent I may proceed in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET REALITIES

Mr. HOLLINGS. Mr. President, on this past Sunday, the Outlook section of the Washington Post published articles regarding Uncle Sam's red ink. The unfortunate part is that these stories highlight is that debt is nothing new for the United States. While it is making us poor, one article claims that is has made us prosperous.

I rise today to make the point that our debt is not only making us very poor, it is making us totally inadequate at the governmental level in Washington, DC. All our moneys are being expended for interest costs on the debt rather than active Government.

Specifically, I want to talk about the here and now rather than the next millennium. Dick Morris detailed in his book, Mr. President, that he had counseled President Clinton, running for reelection last year, that the budget deficit was a boring subject. He claimed that nobody was really interested in it and that the President should instead focus on school uniforms and child curfews, family values and everything else.

Mr. President, people are interested in the crushing burden of our Federal debt, and to show specifically what concerns them, I have a chart that I would refer to. It is in enlarged fashion. I ask unanimous consent that we have printed in the RECORD at this particular point this one budget document "Hollings' Budget Realities."

There being no objection, the chart was ordered to be printed in the RECORD, as follows:

HOLLINGS' BUDGET REALITIES

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
Truman:						
1945	92.7	5.4	−47.6	....	260.1	....
1946	55.2	−5.0	−15.9	−10.9	271.0	....
1947	34.5	−9.9	−4.0	+13.9	257.1	....
1948	29.8	6.7	11.8	+5.1	252.0	....
1949	38.8	1.2	0.6	−0.6	252.6	....
1950	42.6	1.2	−3.1	−4.3	256.9	....
1951	45.5	4.5	6.1	+1.6	255.3	....
1952	67.7	2.3	−1.5	−3.8	259.1	....
1953	76.1	0.4	−6.5	−6.9	266.0	....
Eisenhower:						
1954	70.9	3.6	−1.2	−4.8	270.8	....
1955	68.4	0.6	−3.0	−3.6	274.4	....
1956	70.6	2.2	3.9	+1.7	272.7	....
1957	76.6	3.0	3.4	+0.4	272.3	....
1958	82.4	4.6	−2.8	−7.4	279.7	....
1959	92.1	−5.0	−12.8	−7.8	287.5	....
1960	92.2	3.3	0.3	−3.0	290.5	....
1961	97.7	−1.2	−3.3	−2.1	292.6	....
Kennedy:						
1962	106.8	3.2	−7.1	−10.3	302.9	9.1
1963	111.3	2.6	−4.8	−7.4	310.3	9.9
Johnson:						
1964	118.5	−0.1	−5.9	−5.8	316.1	10.7
1965	118.2	4.8	−1.4	−6.2	322.3	11.3
1966	134.5	2.5	−3.7	−6.2	328.5	12.0
1967	157.5	3.3	−8.6	−11.9	340.4	13.4
1968	178.1	3.1	−25.2	−28.3	368.7	14.6
1969	183.6	0.3	3.2	+2.9	365.8	16.6
Nixon:						
1970	195.6	12.3	−2.8	−15.1	380.9	19.3
1971	210.2	4.3	−23.0	−27.3	408.2	21.0
1972	230.7	4.3	−23.4	−27.7	435.9	21.8
1973	245.7	15.5	−14.9	−30.4	466.3	24.2
1974	269.4	11.5	−6.1	−17.6	483.9	29.3
Ford:						
1975	332.3	4.8	−53.2	−58.0	541.9	32.7
1976	371.8	13.4	−73.7	−87.1	629.0	37.1
Carter:						
1977	409.2	23.7	−53.7	−77.4	706.4	41.9
1978	458.7	11.0	−59.2	−70.2	776.6	48.7

HOLLINGS' BUDGET REALITIES—Continued

[In billions of dollars]

President and year	U.S. budget (outlays)	Borrowed trust funds	Unified deficit with trust funds	Actual deficit without trust funds	National debt	Annual increases in spending for interest
1979	503.5	12.2	−40.7	−52.9	829.5	59.9
1980	590.9	5.8	−73.8	−79.6	909.1	74.8
Reagan:						
1981	678.2	6.7	−79.0	−85.7	994.8	95.5
1982	745.8	14.5	−128.0	−142.5	1,137.3	117.2
1983	808.4	26.6	−207.8	−234.4	1,371.7	128.7
1984	851.8	7.6	−185.4	−193.0	1,564.7	153.9
1985	946.4	40.5	−212.3	−252.8	1,817.5	178.9
1986	990.3	81.9	−221.2	−303.1	2,120.6	190.3
1987	1,003.9	75.7	−149.8	−225.5	2,346.1	195.3
1988	1,064.1	100.0	−155.2	−255.2	2,601.3	214.1
Bush:						
1989	1,143.2	114.2	−152.5	−266.7	2,868.3	240.9
1990	1,252.7	117.4	−221.2	−338.6	3,206.6	264.7
1991	1,323.8	122.5	−269.4	−391.9	3,598.5	285.5
1992	1,380.9	113.2	−290.4	−403.6	4,002.1	292.3
Clinton:						
1993	1,408.2	94.3	−255.0	−349.3	4,351.4	292.5
1994	1,460.6	89.2	−203.1	−292.3	4,643.7	296.3
1995	1,514.6	113.4	−163.9	−277.3	4,921.0	332.4
1996	1,560.0	154.0	−107.0	−261.0	5,182.0	344.0
1997	1,632.0	130.0	−124.0	−254.0	5,436.0	360.0

*)Historical Tables, ***Budget of the US Government FY 1988;*** Beginning in 1962 CBO's ***1997 Economic and Budget Outlook***—April 15, 1997.

Mr. HOLLINGS. Mr. President, on the matter of the budget realities, I have listed here beside the different Presidents from 1945 right on through President Clinton's first term including estimates for 1997—the different years of the U.S. budget, the actual budget.

Incidentally, these are Congressional Budget Office figures. These are not tricky figures. They are the ones that we all rely upon.

Then I have listed the borrowed trust funds. That is all the trust funds that are borrowed—not just Social Security but the military retirees trust funds, the civil service retirees trust funds—there is still a surplus in the Medicare account—Medicare trust fund, the Federal finance bank, the moneys we have been using from the airport and airways improvement fund, the highway trust fund. You can go right on down the different trust funds that are borrowed.

And then the unified deficit which is the real culprit here in this particular budget fraud. I refer directly to the fraud that occurs when we cannot get the truth out. That is the purpose of my rising again today, to somehow, somewhere, sometime talk the truth because it is not an accurate figure when you say unified. They say, well, that is the net amount in and out. It is not net amount in and out. It is the amount you borrow and you have to replace.

The distinguished Presiding Officer, being a certified public accountant, knows exactly what I am speaking about. If you were trying to use that unified deficit on your return, the borrowed moneys on April 15, they would cart you off to jail. You are not allowed to do that. But we do that in Washington, and then the media, the market, the Government and everyone else continue to cite the unified deficit as a sort of net figure as to what the real deficit is.

On the contrary, the real or actual deficit is listed in the next column with the national debt going up and the annual increase in the amount of spending in order to take care of the interest costs.

So I will be glad to show this particular chart in an enlarged manner. What we have here, Mr. President, is again the Presidents. You have the years. You have the United States budget, the actual budget, the borrowed trust funds, the unified deficit with trust funds. Then the actual deficit without trust funds. That is without the borrowings, what the actual deficit is.

Those are the terms upon which we must speak. If we are going to continue to talk of a unified net kind of deficit, which is not net, the fraud will continue. There is not any question in my mind that taxes are too high. But taxes are too high because of the interest cost on the national debt.

All you need do is go to look at our actual interest costs, let us say, before President Reagan came in, just a few short years ago. The interest costs in 1980, going straight across, are $74.8 billion. Well, that is $74.8 or $75 billion. You now in 1997 have listed $360 billion. We have increased spending $285 billion for nothing. You are not getting a road paved. You are not getting a library built. You are not getting research over at the National Cancer Institute. You are not providing for a stronger defense. You are not engaging more in foreign assistance or anything else of that kind. You are getting absolutely nothing for the past profligacy and waste.

Bottom line. The crowd that came to town in 1981, against taxes and against waste, has taxes on automatic pilot, waste on automatic pilot of $1 billion a day.

Now, let me say that one more time. At $360 billion—this figure, of course, is the January figure from the Congressional Budget Office, and it does not take into account the recent increase in interest rates by Alan Greenspan and the Federal Reserve. So that is bound to be at least 365.

So we have interest payments, that is, annual increases in spending on interest that total $1 billion a day. And it has to be paid just like taxes. It is not like increases in other spending which we could forego, but it has to be paid. So that is why I categorically say the crowd that said they were going to come to town in the early 1980's and do away with taxes have put taxes on an automatic pilot of $1 billion a day.

The crowd that came in town in 1981 and said they were going to be against waste, fraud and abuse—and I was appointed on the Grace Commission, got an award for it and recognition. It was a wonderful instrumentality that went through the Government and tried to cut out all the waste. But we have really increased the waste because we get absolutely nothing for it.

Now, we increased spending since 1980 by $285 billion. If we had not done that, we would have $285 billion here for us to sit around in the Senate Chamber and spend or give back to the American people. It would be a wonderful thing. We could get all the highways. We wouldn't have any ISTEA bill. We could take care of all the demonstration projects you could possibly imagine. We could go ahead with star wars immediately. We could have all these things that they want for education, student loans and everything else. But instead, we are spending the money and not getting anything for it.

That is the cancer that we have in the fiscal affairs of the U.S. Government that is totally obscured by news articles like those that claim to show how debt has made us prosperous, like all we have to do is borrow again and that debt has always been with us.

Well, Mr. President, it has not been with us all the time for the simple reason you can see that when President Reagan came to town—we have it here—the national debt was $994.8 billion. When President Reagan came to town, after 204 years of history, after 38 Presidents, Republican and Democrat, after the cost of all the wars, the Revolutionary, the War of 1812, the Civil War, the Mexican War, the Spanish-American War, World War I, World War II, Korea, Vietnam, the cost of all the wars never gave a national debt of $1 trillion. It was less than $1 trillion after 204 years of history. But in 16 years without a war, because the cost of the war in Desert Storm was paid for by the Saudis and others, so in 16 years without the cost of a war, we have gone from less than $1 trillion to almost $5.5 trillion. Up, up, and away with the interest costs, interest spending, interest taxes going up, up and away and added to the debt to the tune of $1 billion a day and we never want to seem to recognize that.

Right to the point, Mr. President. If you take all the deficits from President Truman, the actual deficits and average them out right on down to President Reagan, 25 years, if you took all those deficits, the average would be about $20 billion a year.

Now, in contrast, take the deficits for the last 16 years without the cost of a war, without the so-called guns and butter, as they say; but rather, with spending cuts of President Reagan for 8 years, spending cuts of President Bush for 4 years, spending cuts of President Clinton, because he brought the deficit down—his 1993 plan included $500 billion in deficit reduction. Even with all the cuts, we have been giving an average deficit each year to the American people of $277 billion more in Government than we are willing to pay for. Let us not just talk abstractly about a deficit. We are actually giving away $277 billion more in Government than we are actually willing to pay for.

Let us go to just last year and the campaign, when both Senator Dole and President Clinton used $107 billion, the unified deficit figure, like it was net. That was not the case at all. In order to get to a $107 billion deficit, they had to borrow from all the pension funds. Why not borrow another $107 billion and call it balanced? The actual deficit was $261 billion. You could not get that cited or printed in the press. We gave it to them time and time again. We will give it to them again this morning. I defy you to find it in the morning paper or cited in the evening news on TV. They do not want to say what the actual deficit is. They want to use this obscure figure of unified, trying to act like we ought to be encouraged. That is why they are getting together on a budget deal. They will get together on a deal that will obscure truth in budgeting.

This fraud has to stop somehow, somewhere, because it is not a bridge to the next millennium. We are going over a cliff by the year 2000. Our domestic budget is $266 billion. Our defense budget is $267 billion. Those two budgets together are slightly over $500 billion. But you will soon have interest costs exceeding the combined cost of both the domestic and defense budgets. We are not building a bridge, we are digging a hole.

The first order of business, they say, when you are in a hole and you are trying to get out, is stop digging. We continue to dig, and we do it in a dignified fashion around here and praise each other. The President and the Congress have gotten together on a budget agreement and all of that kind of stuff. But watch for the gimmicks in it.

The biggest gimmick that is never talked about is the fact people consistently obscure the actual size of the deficit. To get it down to $254 billion, we still have to find $110 billion, that is without any cuts, just continuing what we call current policy. I sat at the budget table today to try to get to a budget now of $1.632 trillion. That is current policy. That is domestic of $266 billion, defense of $267 billion, entitlements of $859 billion. That is $1.382 trillion. Just put in the minimal figure $360 billion, that is $1.742 trillion. To bring it down, then, to the $1.632 trillion, I have to find $110 billion. I have to cut entitlements, domestic, defense combined $110 billion.

That is my job, conscientiously going to the budget table to sit as a member of the Budget Committee, where I have been since we instituted the budget process in 1974. But, instead of discussing the cuts and how are we going to get on top of this downward spiral of interest costs or interest taxes being increased $1 billion a day, instead of that, we are getting letters now to do away with the inheritance tax. We are getting letters now to do away with the capital gains tax. We are getting letters now from Steve Forbes and that other crowd: Let's just get a flat tax and do away with the IRS, the Internal Revenue System, and everything else of that kind.

Mr. President, we ought to understand once and for all that we are engaged in a fraud that continues to be obscured, due to the fourth estate. The fourth estate has taken it on as a religion, almost, of reciting the unified deficit as if it were the actual deficit. The truth of the matter is, the actual deficit is substantially more. It has averaged $277 billion last year, the year before, and the last 16 years. We have been giving out some $277 billion in Government that we are not willing to pay for.

We had that Reaganomics. Yes, there is even talk about that—cut taxes and we will get growth, we will grow out of deficits. No mayor in his right mind of a city tries that. No Governor in her right mind has tried that. There was an exception up in New Jersey. Governor Whitman up there said, "Whoa, tax cuts work." But look at the papers last week. She is now doing two things. She is borrowing, raiding the pension funds, just like we are doing in Washington. She has learned from Washington. And she is calling for a bond issue to cover her financial situation. It does not work.

There is no free lunch. Long since, we should have understood it. If I have to come every day and point this out, I will because these facts and figures are not disputable. They are not political. They are not Democratic figures or Republican figures. These are Congressional Budget Office figures. That is the actual debt that has gone to exceed $5 trillion.

I see from the Presiding Officer that my time is just about up. Let me just say one word. I thank the distinguished Chair and the distinguished Senator from Georgia for indulging me just one second more.

What we have is a fraud on the American public. We have to expose this fraud. We have to speak to truth in budgeting. We have to come up with an actual plan that will eliminate this deficit financing by raiding the trust funds in America.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

LABOR LAW CHANGES BY EXECUTIVE ORDER

Mr. COVERDELL. Mr. President, as many of us in the Congress and in the country began to realize last week, the President and the administration are endeavoring to change 60 years of labor law by edict or decree. I spoke on the floor and reminded the administration we do not govern by decree in America. We have three branches. A major and fundamental change in labor law must be legislated. The President can sign or veto it, but he cannot write law. That is not a function of the Presidency.

I will probably visit some of these documents in a bit, but published reports show that labor leaders and the administration wrote the law that would essentially squeeze out all nonunion subcontractors and employees from doing work on Federal contracts. It is a lot more complicated than that, but that is the bottom line. So this law was written somewhere in the offices of these labor leaders. It is the fundamental construction of what the administration purports will be an Executive order, bypassing the legislative branch and writing law in a very narrow confine.

You know, our forefathers were very careful in the construction of this Government to assure proper airing, thorough venting, debate on all sides. It is not easy to pass laws in America. It is not meant to be easy. The very thing for which this system was constructed was to prevent the very thing we are seeing from the administration.

I would like to begin our discussion on this by sharing with the Senate several letters that I have received from folks back home with regard to this.

Here is a letter dated March 13, 1997, from Large & Gilbert, certified public accountants. They are located in Macon, GA. It says:

> DEAR PRESIDENT CLINTON: I am writing this letter to express my outrage regarding comments made by Vice President Gore in a speech to the AFL–CIO in Los Angeles on February 18, 1997. Vice President Gore announced the Administration's plans to change the nation's federal procurement policy through an Executive Order that would encourage union-only project labor agreements.
>
> An Executive Order encouraging union-only PLAs would immediately implement an anti-competitive, protectionist, and discriminatory policy that goes against the basic principles of free market, open competition, and equal opportunity upon which the country was founded.
>
> Greater use of union-only PLAs will threaten job opportunities for the vast majority of America's workers. Union-only agreements discourage bidding by open shop, or merit shop, contractors and limit employment opportunities for workers who do not wish to be represented by a union. Union workers are less than 15 percent of America's work force. This kind of union-favoring tactic discriminates against the majority of American workers who choose not to join a union.
>
> PLAs add significantly to the cost of construction projects, because union labor costs are generally 10 to 20 percent higher than merit shop. Competitive bidding on public projects is in the best interest of all taxpayers because it ensures contracts are awarded based on who will do the best work at the best price, regardless of labor affiliation.

And I might add that Georgia is one of about half the States that is a right-to-work State.

> At a time of strict budgetary constraints, PLAs are certainly a step in the wrong direction.
>
> Vice President Gore stated, "If you want to do business with the federal government, you'd better . . . respect civil, [no one would take offense with that] human [no one would be offended by that] and [here is the kicker] union rights."

In other words, if you want to do business with the Federal Government, the Vice President said, you better be in a union, you better point your direction toward a union or union membership or a union contract.

> Unions do not have the basic right to preferential treatment.

That is what this gentlemen said. The union does not have the basic right to preferential treatment. They have equal access, but they do not have preferential access.

> Every American has the right to make a living and have equal access to federal work, regardless of organizational membership.

How right he is.

> No one's tax dollars should be spent to support discriminatory federal policies [or Federal policies that select who among the bidders would have the most opportunity to get the work].

He goes on to say:

> Americans should at a minimum be guaranteed federal policies that support equal opportunity and free enterprises at the most basic level. Every American deserves the opportunity to compete, win and execute work based on merit—not because of race, gender, union affiliation, or any other discriminatory factor. It is not the role of the federal government to put our taxpayer dollars toward guaranteeing work for the unions or to help them increase their market share and membership.
>
> Vice President Gore's blanket statement promising a presidential veto of any legislation the unions find objectionable, without any consideration of improvements to workplace opportunities, is an outrage. Americans would be better served by an Administration that supports efforts to improve fair, flexible and equal workplace opportunities that will help make companies and workers more competitive.
>
> America has always been a leader for the rest of the world in the areas of a free market and equal opportunity, and this has always been a point of pride for our country. Please take the contents of this letter into account before making any Executive Order that would jeopardize the American peoples belief in our country, and the principles upon which it stands.

That is Thomas K. Savage of Large & Gilbert, an accounting firm in Macon, GA.

Some of these letters are very interesting and deserve a standing in the RECORD.

This is a letter from W.S. Nielsen Co., Inc. Skylight Systems, Alpharetta, GA, writing to the President. He says:

> DEAR MR. PRESIDENT: Our small family owned business has grown over the last sixteen years to where it directly supports over 15 families.

That is not a big company. It is awful big to the 15 families, I might point out, though.

> We have worked hard to train all our staff to be the best and safest in our field. Ours is a dangerous business. Our staff has earned an excellent reputation with our customers, many of whom work on federal and state construction projects.
>
> Your signing an executive order to use union-only project labor agreements is not fair to the families associated with our company. You are depriving them of work that their tax dollars are paying for and depriving fellow taxpayers of highly skilled craftsmen.
>
> Our employees believe that Americans should be guaranteed federal policy that support equal opportunity and free enterprise. They have earned the right to compete on a level field for any work they are qualified for. A union-only agreement has been earned in all the cheap ways to the detriment of all involved.
>
> All of us strongly urge you to cease your plans to issue the proposed executive order.

Mr. President, we have been joined by the chairman of the Labor Committee, Senator JEFFORDS of Vermont. I would like to yield up to 10 minutes to the Senator for comment on this matter.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to raise my concerns also as expressed by the Senator from Georgia. I rise to express my continuing and growing concerns regarding the efforts of President Clinton and his administration to bypass Congress and impose the ultimate in top-down union organizing—union organizing by the President of the United States—on Federal construction projects. I am speaking, of course, of the widely circulated draft of a proposed Executive order that would result in most, if not all, federally funded construction being performed under a union project labor agreement.

A project labor agreement would deter a major portion of the contractor universe—open shop or nonunion contractors—from bidding on construction work paid for by American taxpayers. Because the project labor agreement adopted pursuant to the proposed Executive order would require a contractor to enter into an agreement with a labor union as a condition of bidding on the Federal project, most open shop contractors, unwilling to impose a union on themselves and their employees, simply would not submit a bid. Thus, the union-only project labor agreement not only eliminates open competition for Federal contracts, an anticompetitive effect that would result in increased costs of Federal construction to the taxpayers, but also discourages open shop contractors from bidding on work that they are paying for with their own tax dollars.

In addition to its anticompetitive impact, the proposed Executive order also would deprive nonunion workers of jobs in Federal construction, again jobs paid for out of those workers' wallets. Union agreements invariably require job seekers to obtain work through a union hiring hall. Hiring hall referral traditions favor longstanding union members. Others, such as the nonunion workers of the open shop contractor, would find themselves at the end of the referral line. This Executive order would penalize the overwhelming majority—majority—of construction workers in this country, who have not chosen to be union members.

The proposed Executive order clearly is an effort by the administration to set national labor policy, a job that is delegated to the Congress by the Constitution—by the Constitution—of the United States and not to the President. The wisdom of this delegation of policymaking to the legislative process by the drafters of the Constitution is proven in the matter before us. The proposed Executive order raises many more questions than it answers, questions, I note, that, if subjected to the debate and factfinding of the legislative process, could be resolved.

For example, what is the effect of the Employee Retirement Income Security Act, the ERISA, on a project labor agreement's provision that would require an open shop contractor to participate in a union pension plan? The contractor likely covers its employees in another plan, and the contractor's employees probably would receive no benefits from the union pension plan because they would not be vested before the completion of the federally funded project.

Another example of a question best addressed by congressional review is whether the anticompetitive and overly restrictive provisions of the proposed order violate the spirit, if not the letter, of the Federal Acquisition Reform Act of 1996, just recently passed.

The proposed Executive order, however, raises even more fundamental questions regarding the continued vitality of our national labor policy that provides for Federal Government neutrality in matters of labor-management relations, a longstanding policy. This neutrality has been at the core of the national policy since the passage of the Wagner Act back in 1935. The administration, without the benefit of studied review and debate inherent in the legislative process, would reverse this policy and ignore the over 60 years—over 60 years—of its fine tuning by Congress and the courts. The administration's approach, that of lawmaking by Executive fiat, would answer these, and other questions posed by the Executive order, by litigation, not legislation.

I expressed my strong support for S. 606, a bill introduced by Senator HUTCHINSON, that would prevent the exclusion of nonunion contractors from federally funded construction. I note that I am a cosponsor of this bill and look forward to its deliberation in the manner established by the Constitution.

I urge my colleagues to take note of what is going on. This is a gross example of the abuse of the authority of the President through the Executive order. He tried this before. The courts knocked it down with respect to striker replacement. Here they come again with another proposal.

This is extremely important for contractors, for the Nation, and for the taxpayer. I yield the floor.

Mr. COVERDELL. Mr. President, I thank Senator JEFFORDS for his comments and extensive work in this arena. I want to compliment him on the statement he made last week, a very thorough description and outline of this circumstance. I think the Senator has done the debate a great service. The letter of you and your colleagues on the Labor and Human Resources Committee that was sent to the President was a noteworthy contribution to the debate.

I will read one more letter for the RECORD, Peachtree Interior Builders, another letter dated March 27, to the President:

> The purpose of this letter is to voice my opposition to your proposed Executive order to require Federal agencies to use union-only project labor agreements on Federal construction projects. This order would eliminate the possibility of thousands of contractors like myself from bidding on Federal projects. As a contractor and a taxpayer I would expect a level playing field on government contracts so everyone would have the opportunity to compete, win, and execute work based on merit. The 50 families that derive all or part of their livelihood from this company should be given the opportunity to compete on any government project, regardless of their union affiliation, race, gender, or any other discriminatory factor.

Mr. President, I think it is somewhat useful to try to put this debate in context. I go back to Tuesday, February 18, of this year, when the Office of the Vice President issued a press release. It says: "For immediate release, Tuesday, February 18, 1997."

Vice President Gore Sends Message to Businesses.

"Record of Labor Relations and Employment Practice Counts in Contracting.

"In remarks to the AFL–CIO Executive Council, Vice President Gore today pledged that the Federal Government will change its rules"—now that is a key sentence—"will change its rules on Federal contracting to take into account businesses' record of labor relations on employment practices and policies."

So, the Vice President, speaking to the AFL–CIO Council says, "The Federal Government is going to change its rules." What he did not say was the President is going to change the rules arbitrarily, by decree, by edict, by fiat, as the Senator from Vermont said. To change the labor rules, which have been a condition of law for the last 60 years, requires a legislative act and not a decree.

He goes on to say, "How you treat your employees and how you treat unions counts with us. If you want to do business with the Federal Government you'd better maintain a safe workplace,"—everyone would agree with that—"respect civil, human"—everybody agrees with that,—"and union rights."

Well, that is not the law. You are not obligated to join a union in the United States.

"The Vice President said the old rules," what he means is the old law "allowed Federal contractors to get reimbursed for the costs of trying to persuade employees not to join unions and fighting unfair labor practices allegations. 'But today we are going to start changing the rules because they're just plain wrong.'"

They may be, they may not be. But the way you change the law is in the legislative branch. You do not do it because of your own opinion.

Shortly thereafter, on March 10, about 4 weeks later, lo and behold, John Sweeney, president of the AFL–CIO, issues a press statement that says "Sweeney Blasts Avondale"—that is a shipbuilding company.

> In the four years since Avondale Shipyard workers won a union election, management has waged a . . . campaign of firings, discriminatory layoffs and legal challenges.

In other words, they have been in a battle.

> Today, AFL–CIO President John Sweeney met with the workers at the New Orleans shipyard and calls on Avondale management to end its attack. He will remind Avondale, which receives Federal funds, that two weeks ago Vice President Gore said companies doing business with the government must respect . . . union rights.

So the Vice President makes his statement. They have said they will change the rules. I am here to tell you, "You better pay attention to me" is what John Sweeney is saying.

We have been joined by the senior Senator from Texas who wants to speak on this matter. I yield up to 10 minutes to the Senator from Texas.

Mr. GRAMM. Mr. President, let me first congratulate our distinguished colleague from Georgia for his leadership on this issue. I came over today to speak on this subject because I think this is a very serious matter. It behooves us, and it is in the interests of the American people on issues like this, to speak before the President acts, rather than to wait for the action to occur and then complain about it.

I want to be very emphatic today on this issue because I think this is a fundamentally important issue. First of all, the Constitution is very clear in article 1 that Congress shall have the power to make law. Now, granted, within the parameters prescribed by law, the President has the ability, through Executive power, to implement those laws, and has from time to time used Executive orders to implement the laws passed by Congress and enacted by the President's signature.

Many of you will recall that 2 years ago the President attempted to put into operation by Executive order a provision that had already been rejected by Congress. Though it is a very important issue, the principle is what I want to deal with today.

Basically, Congress had refused to pass a law that said that if workers refuse to work, the employer could not hire other workers to take their place. I never viewed that issue as a labor-management issue. I always viewed it as a freedom issue, as I believe most Americans do. Simply stated, I have a right, if I do not want to work for you, to quit. If I want to stop supplying my labor, or in concert with others, stop supplying my labor, I have a right to strike. But you have rights, too. One of those rights is hiring somebody else who is willing to work.

After an extended debate, the Congress refused to enact a law denying employers the right to hire other people when their current workers refuse to work and a strike drags on and on. The President, by Executive order, tried to do what Congress had refused to do, by mandating that companies not be permitted to replace striking workers. The courts properly stepped in and said that the President had overstepped his bounds and had no authority to make such law by Executive order. In fact, Congress had already refused on exactly that same subject to take legislative action.

If we can believe what the Vice President has said in a speech before the AFL–CIO, it appears that the President is about to do the same thing again. Now, he is going to try to do it a little bit differently. He is going to allow the individual Federal departments and agencies to take action if they choose. The net result is that through Executive order, the President is going to be violating the constitutional powers of Congress. This Executive order has been alluded to before, but what it boils down to is this: If the President goes ahead with his Executive order, he is going to be saying that in order to bid on a contract, a company is going to have to hire union workers.

Now, 89.1 percent of all private workers in America are not members of unions. So what this Executive order would do is say to almost 90 percent of American workers in the private sector of the economy, "You can't work on a Federal Government contract. You are precluded because you are not part of a privileged group empowered by the President to have rights beyond anybody else's rights. That is, you are not a member of a labor union."

Now, Mr. President, if the President's Executive order and new regulations went forward we would mandate union representation of all workers on all Government projects. We would mandate that all workers on all Government construction projects be hired out of union halls. We would require that all workers on Government construction projects pay union dues. We would eliminate competition. Mr. President, 89.1 percent of all American workers would be precluded from working on contracts funded by their tax dollars. Finally, we would impose on contractors doing work for the Federal Government union rules, including restrictive rules that limit the ability of workers to carry out their functions officially. So the first thing the President's order would do is say to 89 percent of all workers in America, "You can't do work for the Federal Government on contracts."

Second, if the current contractors switched and required mandatory union membership by their workers, the President's proposed Executive order, in one swoop, would increase the number of people who are members of unions by at least 13 million members. Let me repeat that: If the President's Executive order is put into place and it stands, and if existing contractors, rather than lose their livelihoods and businesses, employers would be forced to say OK, we will pay tribute and force our workers to join unions whether they want to join and pay dues for services they do not want or not. That one action alone would mandate at least 13 million people to pay tribute and earnings to organizations they have chosen not to join.

That does not sound like America to me. I have a right to join a union. I have always supported that right. But I also have a right not to join a union. And I ought to have a right not to join a union and still do contract work for the Federal Government, which is run in small part by my taxes.

As my final point, if the President puts this Executive order and new regulations into effect, and we are then forced to pay union scale on every construction project undertaken on behalf of the taxpayers, it will add 17 to 21 percent to the cost of Federal projects, according to the General Accounting Office, which is the accounting arm of the Congress and the Federal Government. The President's Executive order and new regulations would add $42 billion of additional expenses on the backs of the American taxpayers.

So what the President proposes to do by Executive order, in summary, is deem 89.8 percent of Americans ineligible to work on Government contracts. And at least 13 million Americans, if they choose to work on Government contracts, would be forced into involuntary union membership. Finally, the taxpayer would be forced to pay union wage levels higher than the level typically paid in the private sector and often above the level paid to many people who are paying the taxes that fund the project.

Now, I wanted to make two points today, and then I will yield the floor. First, this is a terrible Executive order. This seems to be little more than political payoff. Those are strong words to say on the floor of the U.S. Senate, but it is hard to find any other justification or any other rationalization for barring almost 90 percent of American workers from working on contracts for their Government, mandating that at least 13 million people join a union they do no want to join, and paying an additional $42 billion per year in new labor costs. If that does not give the appearance of a political payoff, I would like to know what does. It is hard to think of any other explanation.

Second, and probably the most important point that I want to make, is that sometimes things occur between branches of Government that create ill feeling and hinder the ability to engage in bipartisanship. They make it more difficult for us to do our job. If the President follows through with his Executive order, it will seriously jeopardize bipartisanship cooperation in this Congress. There is no way we could let this stand and little possibility that we could act as if nothing had changed when our very powers prescribed in article I of the Constitution are being usurped by the President. It difficult to imagine us acting as though we simply disagree with each other and then go on working together hand-in-hand doing whatever we might be doing. There is little chance of that happening.

Our message today is a warning to the President: Mr. President, don't do this. This is wrong for America. If you do this, it is going to be very difficult for us to work together.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas, Mr. President. I am going to yield to the Senator from North Carolina for up to 10 minutes. I thank him personally for his extended work and contributions in the formulation of the Right to Work Act, which has now been introduced. He has a long, long record in this arena. I welcome him to the floor.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I am here today to join the Senator from Georgia in letting the American people know what a costly and dangerous paragraph the President of this country has proposed on behalf of the labor unions, its bosses. What I am referring to is the President's Executive order, first announced to great applause by Vice President GORE before a recent gathering of union bosses. It would force all contractors doing business with the Federal Government to be unionized. To be specific, Clinton has issued an Executive order in draft form—he hasn't issued the order—which would require that anybody that sells goods to the Federal Government become a party to a labor agreement—in plain language, become a unionized closed-shop company. These agreements are nothing more than a clever device proposed and written by the union bosses that all contractors would have to be unionized if you do business with the Federal Government.

Now, this is a union-only mandate for anyone who sells to the Federal Government. But that isn't as far as it goes—not by a long way. These agreements would force the contractor to have a union, but, in turn, it would force anybody he buys from to have a union. Anybody that sold him a pencil would have to be a union contractor, if it were going to be used in Government business. So 13 million people, as Senator GRAMM said, would be forced to join unions. But I think it would run a lot more than that because this thing goes to the ultimate end of who would have to join the union. Big fleas have little fleas upon their backs to bite them, and little fleas have lesser fleas. So this would go down to the ultimate end of who would have to join a union to comply with this proposed order.

Now, Sweeney, president of the AFL–CIO, said, "In any given year, Federal contracts total as much as $200 billion, and Federal contractors employ one-fifth of the Nation's work force." And with great glee, he says, "If properly implemented . . ."—referring to President Clinton's order—". . . it would affect hundreds of billions of dollars every year." What he could have said and didn't say, but was thinking, is: Think of the money that it will bring into the unions and how much more money we will have to play with.

What we are talking about is the President, by the stroke of a pen, changing the laws of this country. Government contracts have always been awarded on the basis of the low bidder and the company that was capable of doing the job. Unions have never held a special claim to Government contracts. But, under this, everybody else would be excluded and the unions would be totally in charge.

What we are saying is that all of the $200 billion the Federal Government spends would go to 20 percent of the work force, or probably a much smaller percentage than that; probably closer to 10 percent of the work force in this country is unionized. And to the other 85 to 90 percent, we would say: Tough luck, you simply don't qualify. You pay the taxes and keep working, but any Government contracts will go to union members only.

Now, the General Accounting Office has said that union labor will run the price of a contract up 20 percent or more. I think they, very simply, underestimated the amount. That is certainly a low figure, that 20 percent of the cost will be added to every Federal contract because of this requirement.

I am troubled by the fact that no committee of Congress has had the opportunity to review proposed language. There have been no hearings. None of the millions and millions—13 million-plus—of American workers who are going to be affected by this mandate have had an opportunity—or their representatives—to be heard on it. The President has shown no interest in the American people or in what they think. He is simply putting a proposal up as a payback to the unions. It is just simply that. He has not submitted it to Congress, and from what it would appear, he doesn't plan to. If he wants to do it, this is the place he needs to do it—bring it before the Congress and then see what happens to it. It would pass through the normal checks and balances between the Congress and the administration. The Congress is bypassed and this would impose unions on businesses across the country, without the American people or the Congress having anything to say about it.

As the Senator from Georgia has so eloquently stated, in America, we didn't elect a President to rule by decree. My State of North Carolina is a right-to-work State. I am sure that nonunion employees in North Carolina would be forced to become unionized because of what the President has done. They would have to join a union. I understand that the checks and balances may be inconvenient to the President. He would rather do it by decree. But that system has served us well—the system of checks and balances—for over 200 years. The proposed Executive order is a payback to the labor union bosses, who spent hundreds of millions of dollars on behalf of the President in last year's election, and who do not want to subject their plans for American workers and employers to congressional scrutiny. They know it would lose in the Congress.

I am opposed to compulsory unionism. No worker should be forced to join a union, and no employer should be forced by the Federal Government to be unionized as a condition of doing business with the Federal Government—particularly, not by an Executive decree that has never seen the light of day in the Congress of the United States, or given the Members of the Congress an opportunity to oppose it or to speak on it.

Mr. President, I yield the floor.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. COATS. Mr. President, I yield myself 10 minutes from the time controlled by the Senator from Georgia.

The PRESIDING OFFICER. The Senator is recognized.

Mr. COATS. Mr. President, I appreciate the efforts of the Senator from Georgia in bringing to light an important issue that this Congress clearly needs to examine and examine quickly.

Two basic problems exist with the President's attempt to unilaterally overturn a 50-year-old law. The first is that it usurps the very function of the legislative branch, and appears to be a payoff, a payoff to a special interest group—big labor.

The President, knowing that he can't secure the support of a majority of the Congress, simply decides to bypass the Congress. I think it is a pure usurpation of the role of the legislative branch. Second, it will cost the taxpayers hundreds of millions of dollars, if not billions, in additional expenses. To mandate that each agency seeking to contract with the Government needs to get big labor's seal of approval before making a contract award clearly is going to add substantial cost to Federal construction and to Federal contracting.

If the Clinton administration wants to change the laws governing the awards of Federal contracts, it ought to have the courage to send the legislative changes to this Congress for consideration. If then it can make the case to the American people that the changes are justified, so be it. But it is simply unacceptable for the President to cut a deal with a special interest group that has been supportive of him politically, with such a deal having tremendous ramifications for the American economy and, arguably, circumventing the law. We simply cannot allow this kind of power grab to go unchecked.

INHERITANCE TAX

Mr. President, I also want to bring to the attention of the Senate an item that I found this morning in the Washington Post. I got up thinking it was going to be a good morning, poured myself a cup of coffee, got out the Post and the Washington Times, and was thumbing through and happened to come across a headline that certainly grabbed my attention. The Post article, written by Clay Chandler says, "Treasury Official Slams Estate Tax Rollback Effort. Changes Sought as Part of Budget Pact." Deputy Treasury Secretary Larry Summers, senior member of the Clinton administration, and someone whom the Post says is clearly becoming one of the key players in the President's economic agenda, and certainly in the budget discussions, has indicated that the efforts to roll back the inheritance tax as part of this year's budget agreement is "motivated by selfishness." He goes on to say, "When it comes to the estate tax, there is no case other than selfishness" for providing relief to families from this death tax. Further, he asserts that the evidence put forth in support of repealing the burdensome tax "is about as bad as it gets."

Mr. President, I would like to review for the Senate the evidence that currently exists about the effect of this so-called inheritance or death tax and let the Members of the Senate and the public decide whether or not this is "as bad as it gets" or is "selfishness" on the part of the American people.

Currently the death tax would take as much as 55 to 60 percent of a small business owner's assets at death. Whether you are a farmer who has worked for years to build an estate, a small businessman, or an individual who has worked successfully and achieved some success and self-reliance and prudence in terms of how you use your money, or are someone who has planned for the future, upon death the family will find itself in a very unseemly situation, one that requires, immediately after the funeral, that the family move right on down to the IRS office to try to figure out how to deal with the extraordinarily difficult problem; that is, the Federal inheritance tax, or the so-called death tax.

It is particularly difficult for those who have run a farm, those who have run a small business, those individuals who have paid a great price, and at great sacrifice, to accumulate some degree of wealth, to pass it on to the family. Clearly, the situation that exists today is that in many cases the farm or the business has to be sold instead of passed on through the family from generation after generation just to garner the funds necessary to pay the estate tax. When you are paying a 55 percent to 60 percent rate, it usually forces the sale of a particular business.

The White House Conference on Small Business indicated that 70 percent of all family businesses do not survive through the second generation, and 87 percent do not make it to a third generation. The reason for this is pretty simple. The primary cause of the demise of family farms and businesses after the death of a founder and the founder's spouse is the death tax.

When a tax can take more than half of the current valuation of the assets—many of these assets are invested in machinery, in buildings, in land, and in farm equipment, and the tax is more than half of that total valuation—very few families have the liquid assets available to pay the immediate tax and, therefore, have to liquidate the farm, have to sell off acreage, sell the entire farm, sell off the business, or sell ownership in the business, and it can't be passed on to the family.

Recently the U.S. Department of Agriculture estimated that between the years 1992 and 2002, more than 500,000 farmers will retire and that 95 percent of these farms are sole proprietorships, or family partnerships, and that every one of these estates, unless they are under a very low threshold, are subject to death taxes.

On average, 75 percent of the farms in America today consist of nonliquid assets, such as I mentioned—real estate and farm equipment—making payment of the death tax extraordinarily difficult to achieve without liquidating capital.

For small business owners, 33 percent report that they expect all or part of their businesses will be liquidated when death taxes come due.

Among a survey of black-owner enterprises, nearly one-third say their heirs will have to sell the business to pay the death tax, and more than 80 percent report that they do not have sufficient assets to pay the death tax.

If that wasn't bad enough, look at the average cost of just paying those taxes. The average family business spends nearly $20,000 in legal fees, $12,000 in accounting fees, and $11,000 for other advisers in order to do the paperwork and the processing to compute the tax and to sell the necessary assets to pay the death tax.

Mr. President, the point here is not how many examples we can give of "bad and selfish" evidence that Mr. Summers cited. I don't think any of this could be categorized as "bad and selfish" evidence. That doesn't serve the point to castigate Mr. Summers. The bottom line is that the Congress owes it to all Americans, and particularly the American farmer and the American small business men and women and their families, to get relief from the current estate tax, which is a perverse tax that goes against the very things that we want Americans to strive for. We want Americans to be self-reliant. We want them to save and to invest. We want them to build up their businesses and their farms. We want them to be prudent. We want them to be self-reliant. And we want them to have the ability to pass that farm on to the next generation and the next generation.

I have a very close friend who runs a farm in western Kansas. It is a typical farm that you find in the West with thousands and thousands of acres because of the sparse amount of rainfall—raising hogs and cattle, a great investment in equipment and land, barely making it from year to year, depending on the weather. Some years are better than others. When this individual dies—and their farm has been in the family now for two generations—his son's dream has been to continue the farm within the family. Yet, my friend is faced with what farmers and business men and women all across this country are faced with: The reality that, upon the death of he and his spouse, most of the farm will have to be sold or liquidated in order to pay the taxes. It is a double form of taxation because the earnings from that farm have been taxed on a year-to-year basis.

So it is a governmental grab.

Is it selfish to want hard-working Americans to be able to keep the assets they have accumulated through their ability or good fortune, hard work and dedication? Is it selfish to say that they can't pass that on to their family but they are better off giving it to the Government so that Government can make better use of that money than the family to continue the business or continue the farm?

I think we have all heard the horror stories about how $1 comes into Washington, comes into the Government, and suddenly disappears. We can't trace where it goes. Of the money which goes into fighting poverty, 65 percent never makes it to the people who are the recipients, who are at or below the poverty line. It gets eaten up in bureaucracy. It gets eaten up in other special designations.

So, Mr. President, the American dream is not to die and pass everything you have worked so hard—Mr. President, I ask unanimous consent for 3 additional minutes.

Mr. COVERDELL. Mr. President, I yield 3 additional minutes to the Senator from Indiana.

Mr. COATS. Mr. President, I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. COATS. Mr. President, the American dream has been to be prudent, to save, to try to make life better for your children and your grandchildren than it has been for you. The current inheritance tax system takes away that American dream—the dream that one generation can build upon the success of another to build a better life for themselves and their children.

The current tax sends a message that the Government will take away what you have earned and not allow you to pass it on. That is a disincentive to work hard. It is a disincentive to be successful, a disincentive to pursue the American dream because when you die the fruits of your labors will be taken away from you and away from your family and given to the Government. This is selfish?

Mr. Summers, who speaks for the President and the Vice President, says this "is about as bad as it gets;" that it is about as selfish as it gets; that it is selfish to want to retain the fruits of your labors; that it is unselfish to give it to the Government, which in many instances wastes the money that you have worked so hard for.

The President campaigned on repeal of the exemption for the estate tax, and Senator Dole when he was running for President on his proposal to lower the estate tax. Now that we are debating this in the budget, Mr. Summers comes along and says it is a selfish thing to want to do. I don't think it selfish, Mr. President, to allow the American taxpayers to keep the fruits of their hard-earned labors and not to have it taxed away to the point where they have to sell their farms, to sell their businesses, or to sell their assets just to pay the tax to the Government.

Mr. President, I am a proud cosponsor of legislation—in fact, four pieces of legislation—that call for repeal or at least reduction in the amount of estate tax to counter the efforts that are currently underway to eliminate even the exemption. I am pleased, and I hope that the Congress will hold firm on this issue as we go through our budget negotiations.

I would like to, in closing, invite Mr. Summers to visit some mom and pop businesses in Indiana that are hard hit by this devastating tax. I would like them to visit some farms of some friends of mine who want to pass it on to their children and grandchildren but have to liquidate the farm in order to pay the estate tax. Come out to Indiana and tell the family that is forced to sell the farm or the business that has been in the family for more than 100 years that they are being selfish for wanting to keep that farm in the family and not to turn that money over to the Government.

Mr. President, the Federal Tax Code is the only part of this debate that can truly be labeled selfish. The Government has no right to take unjustly the fruits of its citizens' labors.

I hope the President and the Vice President will quickly disavow the statement made today, or reported today in the Washington Post, by Mr. Summers when he calls it selfish on the part of the American people to try to retain the business of a farm that they have worked so hard to acquire.

Mr. President, I yield the floor. I thank the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield the remainder of my time to the Senator from Oklahoma, the assistant majority leader.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I want to compliment my colleague from Georgia for his managing this past hour. I hope that my colleagues have had a chance to listen very clearly.

I would also like to compliment my colleague from Indiana on his very forceful statement denouncing the statement that was in the paper today, reported to be made by Mr. Summers, Deputy Assistant Secretary of the Treasury, when he said that those who want to cut inheritance taxes are wanting to do so for greedy individuals. I just totally disagree. I am one of those individuals who wants to reduce the inheritance tax, and I don't think I am trying to do it for greedy individuals. I think the tax is unfair. It is too high.

The Senator from Indiana mentioned the fact that farmers and ranchers worked hard in their lifetime to build up a ranch, farm, or estate, and find that Uncle Sam is taking 39 percent, maybe 45 percent, or 55 percent of that estate. I think it is too high. It is higher even than the income tax.

If you have a taxable estate of $1 million and you are at the 39 percent tax bracket, that is too much. Why should the Government be entitled to take 39 percent of a farm or ranch that has a value of $1.6 million—there is a $600,000 exemption and a $1 million estate—why should Uncle Sam be entitled to take 40 percent, or, if you have a taxable estate of $3 million, maybe two or three restaurants or businesses that you put together and the taxable estate is $3 million, why should Uncle Sam be entitled to take over half?

Mr. Summers may think you are being greedy because you don't want to lose half of what you have built and worked all your life to accumulate, and you want to pass it on to your children. He thinks maybe you are trying to be greedy because you want to keep it in the family. Mr. Summers is wrong.

I concur with my colleague from Indiana. I hope that the administration will denounce, renounce, or disassociate themselves from his remarks because trying to reduce the inheritance tax is not being greedy.

I tell my colleagues that this is one Senator who is going to be very energetic in trying to make sure, when that tax bill comes up this year, that we are going to have estate tax relief.

I hope we will cut estate taxes for everybody. I hope we will increase the exemption because I do not think the Federal Government should be entitled to take part of the property that people have worked their lifetime to pass on to their children. I do not think Uncle Sam should be entitled to take 40 or 50 or 55 percent.

Mr. President, I am not sure what time remains of Senator COVERDELL's time, but I ask unanimous consent to speak as if in morning business for 10 minutes.

The PRESIDING OFFICER (Mr. COATS). Is there objection? The Chair hears none, and it is so ordered. The Senator from Oklahoma is recognized to speak as if in morning business for 10 minutes.

LEGISLATING BY EXECUTIVE ORDER

Mr. NICKLES. I would like to follow up on some of the statements that have been made by our colleagues concerning the executive branch's current willingness to legislate by Executive order. I have talked to the White House two or three times now. I have let it be known that I want to use whatever tools are available to get their attention and make sure they quit attempting to legislate by Executive order.

Some of our colleagues may not be aware of what we are talking about, but we have had two or three disputes—maybe we should have had more—with the administration over the last few years about executive actions that clearly should be implemented through legislation by Congress, the body elected by the people for legislative purposes. This administration, the Clinton administration, has tried to bypass Congress and legislate by Executive order. I think they have done so knowing full well in many cases they could not get their desired objective through Congress so they just decided to do it by fiat.

I am here to say all of us, Democrats and Republicans, should reject that approach. We should uphold this institution, the legislative branch, the branch of the people, and say this is why our forefathers had separation of powers. The Constitution is very clear. If you read the Constitution, it states in article I, "All legislative powers herein granted shall be vested in a Congress of the United States which shall consist of the Senate and the House of Representatives." "All legislative powers." It does not say some. It does not say that if the administration cannot accomplish its objectives through the Congress it can go ahead and pass them by Executive order.

In the 10th amendment it says all other powers are reserved to the States and to the people. So the executive branch has the power to enforce the law but not to write it. That is the responsibility of the legislative branch. And then if people do not like the laws we pass, they can vote for someone else. They have a chance to do that through the election process.

There are a couple of cases where the administration has overstepped its bounds, and I think where Congress has spoken up, or should have spoken up. One example was a case where the administration tried to give organized labor a gift and issued an Executive order to prohibit hiring replacement workers during a strike. They tried to get Congress to pass a bill that would do that in 1993 and 1994—and actually passed legislation through the House but could not get it passed through the Senate. So after the 1994 elections, the administration tried to change the law by Executive order in March 1995. That was contested in the courts.

I might make note that in the November elections of 1994, Republicans took control of the Senate and it was obvious that this legislation could not pass Congress. So President Clinton, in my opinion, overstepped his bounds and issued an Executive order in 1995 barring management from hiring replacement workers during a strike—a perfectly legal practice under the National Labor Relations Act. He issued this order knowing that Congress had twice rejected legislation that would have done the same thing. The courts didn't let him get away with it.

On February 2, 1996, the U.S. court of appeals threw out President Clinton's Executive order ruling that the President's action was clearly unlawful and was preempted by the National Labor Relations Act. Clearly, the court's message was a reminder that the President does not have a blank check to adopt policies in direct conflict with Federal laws established by Congress.

The President does not have legislative authority. I think that is what we are finding in a couple of his other Executive actions. Another example deals with the Grand Staircase-Escalante National Monument where the President in September 1996 unilaterally took a 2 million acre coal-rich block of land in Utah and made it a national monument. He did it without talking to Congress. He did it without consulting the Utah delegation. He did it without consulting the people who live and work in that area. He did it without consulting the Governor of Utah. He basically said we are going to take that 2 million acres and declare it a national monument.

Maybe I would support such a thing, but again we have a committee, the Energy And Natural Resources Committee, that considers such bills. We should have had a hearing on that legislation. There has never been a hearing. There has never been a chance for the Utah delegation to speak out on that legislation. Is it good or not? I am not sure how I would vote. Maybe I would vote with the President.

My point is he usurped congressional responsibility and basically said we are going to declare this a national monument by Federal fiat.

I might mention that when he did this—it was in September 1996, during a campaign—he had a press conference around the Grand Canyon in Arizona. He did not do it at a press conference in Utah because his decision was quite unpopular.

My point is not whether his decision is popular or not. He did it clearly for political purposes. But he did not allow the people to speak. The President is not king. He cannot do that. And maybe this will be contested. Probably we did not speak out enough on it.

Another example where I seriously think he has exceeded his Executive authority and I think legislation is required, is the President's Executive action requiring that if you are under age 27, if you buy cigarettes, you are required to show an ID wherever you are buying them. And if retailers are found selling to minors or anybody under the age of 27, they face civil penalties of $250 or more and could be subject to other sanctions. Retailers reported to have sold cigarettes or smokeless tobacco to someone under 27, without checking their photo ID, risk compliance checks being conducted in the future.

Maybe we should do that. I will tell my colleagues, I do not want kids smoking. I have four kids. I absolutely do not want them to smoke. This is hazardous to their health. I have a mother who has emphysema, lung cancer, which is very serious. I absolutely do not want anybody to smoke. But if the President wants to have ID checks for anybody under age 27, or age 40 for that matter, he can introduce it in Congress and maybe we can pass it. I think that is a proper prerogative of the States. But at least it should go through the legislative route. He did not do that.

He has advocated other Executive rules dealing with advertising. I supported banning smoking on airplanes. I may support banning various types of advertising. But we should go through the legislative process. We should have hearings. We should let elected people make a decision. I think the President's Executive action goes so far as to ban outdoor billboards or baseball caps that say Marlboro, and so on. I think the President's actions and the FDA's rules have exceeded the constitutional authority of the executive branch. I think that is wrong.

Finally, Mr. President, let me bring up the latest proposed Executive order, and I say proposed because it has been announced by the President that he is going to issue an Executive order that deals with Federal construction projects which will in practice screen out nonunion businesses from participating in Federal construction projects or force their employees to join a union, the so-called project labor agreements.

Mr. President, this is an egregious power grab by organized labor. If they want to try to do this they should do it through the legislative branch. They should see if they have the votes. We have $239 billion of Federal construction spending available between now and 2002, and to come up with an Executive order and say you need not apply unless you have a union is totally wrong. Totally wrong. More than 80 percent of the workers that are doing Federal work on construction projects now, according to this proposal, need not apply; or if you are going to apply you need to join a union. What about free competition? What about competitive bidding? What about the taxpayers?

For the administration to try to make this kind of behind-the-scenes deal with organized labor—and we have reports that organized labor was writing this regulation, that they were involved in formulating this regulation—to come up with this type of a power grab I think is absolutely wrong. If they want to do it, they should do it through the legislative branch. Have somebody who supports this legislation introduce it. Let us debate it. Let us find out where the votes are. Let us go the legislative route. Let us go the constitutional route.

And so I have contacted the White House and tried to let them know that I am very sincere about trying to protect the constitutional prerogatives of Congress. This is the legislative body and I am very sincere about making sure that the White House does not become the legislative body by Executive action.

And so, Mr. President, I have told the White House we are willing to use what actions we have at our disposal to try to get their attention. We have the confirmation process. We also have the appropriations process. We have the judicial process. We have other tools available to try to convince the administration they cannot legislate by Executive order. That's very much my intention.

I just noticed an article in the Thursday, April 17th Roll Call where Mr. Reed Hunt, the Federal Communications Commission Chairman, is talking about drafting a notice of proposed rulemaking to examine the idea of free broadcast time for Federal candidates and predicted that free time for candidates could be implemented in time for the 1998 elections.

Mr. President, we have campaign reform before this body, and there is certainly legitimate debate and we have talked about having free time for political candidates. Some people call it food stamps for politicians. That is a legitimate legislative item we should discuss. But the FCC Chairman does not have the authority to say by fiat, by direction from the administration, that we are going to give candidates free time and mandate that or dictate it or bribe the broadcasting authorities to enforce it.

That is a serious mistake. If we are going to say politicians are entitled to free time, let us have that as part of a bill. Let us debate it. But Mr. Hunt cannot do it.

We as a legislative body, Democrats and Republicans, need to reassert our legislative authority, our legislative responsibility, and we need to object. If we find the administration, the executive branch, trying to legislate, we need to object. At a different time I will speak about the need to object when the Supreme Court or courts are legislating as well, because we find that branch of Government is involved in the legislative process. Right now they are considering two cases legalizing assisted suicide. The Supreme Court does not have the authority to legalize anything. That is the responsibility of this body. That is called legislation. And that is a subject for a speech at another time. I am strongly opposed to the executive branch legislating as well as the judicial branch legislating. Both are wrong. This is the legislative branch. I as one Senator, whether I agree with the direction of the Executive order or the judicial decision, I am going to speak out loudly and strongly and use tools available to make sure the Congress remains the legislative branch of Government.

Mr. President, I yield the floor and I thank my colleague from Connecticut for his patience.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are, with Senators allowed to speak for up to 5 minutes.

Mr. DODD. I ask unanimous consent that I may be able to proceed for 10 minutes as in morning business, and I may need a couple minutes beyond that, but I will try to move through the material fairly quickly.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. I thank the Chair.

ALEXIS HERMAN NOMINATION

Mr. DODD. Mr. President, first of all, let me address if I can—and there are a couple matters I want to speak on—the issue of Alexis Herman. I have listened here to my colleagues address their concern about the Executive order regarding project labor agreements. My hope is that we would not be holding Alexis Herman hostage over a particular matter that Members have some concern about. And I respect that. I note my good friend and colleague from Oklahoma is still on the floor. It was back in I think 1991 when President Bush issued an Executive order to prohibit project labor agreements. I do not recall a similar outcry that this was acting without legislative authority.

I do not disagree, I say to my colleague, by the way, with his concern where executive branches, regardless of party, try to exceed their authority here. But nonetheless, I hope that despite the legitimacy or illegitimacy, whatever one's point of view is, on project labor agreements, Alexis Herman's nomination can go forward. She was proposed in December. The election was in November. This is almost May. We are missing a Secretary of Labor. And whether it is organized labor, unions, management, it is important there be someone at that table to represent the interests of management and labor. And the Secretary of Labor needs to be there.

My colleague from Pennsylvania, Senator SPECTER, I think addressed this issue appropriately back, as the Presiding Officer will recall, when there was some question of whether or not the nomination was going to move through the committee which the Presiding Officer and I sit on together, the Labor and Human Resources Committee. There, the Senator from Pennsylvania noted we ought to vote on these people up or down, but we ought to at least vote.

The committee voted unanimously to send Alexis Herman's name to the full Senate for consideration. As I said a moment ago, now it is getting to be late April. I am told her nomination will not be considered until something is worked out on these project labor agreements. I think that is regrettable. Again, I will discuss in a moment the project labor agreement issue. Six months after an election, to be missing yet a meaningful and important member of the President's Cabinet, I think is an unfortunate use of our power here, to deny the Senate even a vote on this nomination. So I hope we would have that nomination come sooner rather than later, so we could have that individual sitting at the Cabinet table.

PROJECT LABOR AGREEMENTS

Mr. DODD. Mr. President, let me briefly address these project labor agreements. Again, this is maybe confusing to some people because it sounds rather esoteric: Project labor agreement. There is nothing new about project labor agreements. They go back to the 1930's. They have been a very effective means by which governing bodies, States, cities and the Federal Government, where there have been major public works projects, have been able to bring people together to try to work out arrangements, in terms of wages, benefits, hours and so forth, in return for which there would be no work stoppages, strikes and the like.

I note Governor Pataki of New York has very effectively used project labor agreements on projects in the State of New York. Christine Todd Whitman, the Governor of New Jersey, has used project labor agreements on major public works projects in the State of New Jersey. There are numerous projects around the country, Federal projects—the Boston Harbor is the one I am most familiar with in New England—where there is a project labor agreement there.

I might point out it was noted by our colleague from Texas that these project labor agreements result in tremendous cost overruns. It is estimated right now, and the project is not complete—the estimated cost of the Boston Harbor project was $6.1 or $6.3 billion. It is estimated now, in no small measure because of the project labor agreement, that project may be completed for about $3.4 billion, substantially under the original estimates. So there is nothing inherent in this that says it is going to increase costs. In fact, it has worked very, very well.

The suggestion was also that nonunion businesses would be prohibited from bidding. Nothing could be further from the truth. That would be against the law. In fact, I think, as someone pointed out, in one of the Boston projects—102 of the 257 subcontractors were nonunion firms; 102 of the 257. So the notion that nonunion firms would be prohibited from being a part of these projects is unfounded.

As I noted earlier, in October of 1992, President Bush issued an Executive order which prohibited Federal agencies and Federal contractors from entering into these project labor agreements. So the outrage that is being expressed because an Executive order has been issued to reinstate them—as I said, I would be sympathetic if the outrage had been focused equally vociferously when President Bush banned these project labor agreements—as we now hear with this President's decision to issue or allow these project labor agreements to be used on Federal projects.

So, again on the Alexis Herman issue I hope she will go forward.

On these project labor agreements, I think it is important we utilize what has been a very effective tool for being able to complete very, very important public works projects. As I said earlier, these are not just used by the executive branch at the national level, they have been used by Governors all across the country.

L'AMBIANCE PLAZA

Mr. DODD. Mr. President, tomorrow, the 23d of April, will mark the 10th anniversary of a major tragedy in the State of Connecticut. It was April 23, 1987, that 28 workers in Bridgeport, CT, lost their lives at a place called L'Ambiance Plaza, a construction site. My colleague from Indiana may recall that it was the largest industrial accident we had ever had in the State of Connecticut. It occurred during the construction of an apartment building using a technique called lift-slab construction. You would actually construct the floors and then, by hydraulic lift, lift the floors up. Within a matter of seconds, these floors collapsed and took the lives of 28 of my constituents from Connecticut.

It was a dreadful day, one that people still talk about in our State. In fact, early next week there will be a memorial service, with the families and others who are still feeling the pain of the loss of their loved ones.

We ended up banning, in the State of Connecticut, lift-slab construction. There were Federal regulations put out on that construction as well. As a result of that accident, in fact, my colleague from Connecticut, Congressman CHRISTOPHER SHAYS, who represents that congressional district, he and I introduced legislation to create some new requirements to monitor health and safety on construction sites. That legislation would have created an office of construction safety. It would have created a 15-member advisory committee on construction safety.

I should back up and point out that of all trades, the construction trades suffer the most injuries and death. Even with a lot of improvements, it is highly dangerous work. So, even with the improvements that have been made in occupational safety and health, construction work, just by its nature, as one would well imagine, is very dangerous. What we were looking for was to create some specific emphasis and focus on the construction trades. So that bill required those two points and further required increased civil and criminal penalties when there were knowing violations of occupational safety and health standards, and it would require employers to develop specific procedures to ensure health and safety on building sites. The bill was never approved. We offered it and had hearings on it, but it was never approved.

If you, Mr. President, and my colleagues had seen L'Ambiance Plaza, the devastation there, I think most would have come to the same conclusion that I did, that we need to do a better job in monitoring these construction sites. I pointed out, it was the single largest construction tragedy in the State of Connecticut. The problem is that lift-slab construction had caused hundreds of injuries around the country, yet in most instances, on the specific site, the injury, although it was bad, had not resulted in a death, so reporting was not required.

So there was no warning ahead of time about the dangers of this type of construction. As a result of our efforts, you would have been required to report those incidents when they happened so the collective information would be gathered and better decisions could be made about this kind of construction.

So, next week we will again gather to commemorate the lives of the 28 men whose lives were lost on that date 10 years ago. Like all of my colleagues, I hope never to have to attend another such ceremony. My hope is still that we will do a better job in improving the enforcement and the penalties involved, because that seems to be the only way we get the kind of compliance that is necessary.

BRAIN DEVELOPMENT IN EARLY CHILDHOOD

Mr. DODD. Mr. President, I rise to talk about a subject about which I know the Presiding Officer has a great deal of interest, and that is the attention that has most recently been focused on the breakthroughs in our understanding of the human brain and in the early development of children. In fact, Newsweek just released a special edition: "From Birth to Three. What you need to know, how speech begins, a baby's brain, genes, emotions, what is normal, what is not." I commend Newsweek for dedicating a special issue to this subject matter. I think it is extremely worthwhile.

Time magazine earlier did an issue on education, which I think was extremely helpful to millions and millions of Americans. I encourage everyone in this country to read this edition, particularly young families. It is very valuable information for people to have. We are gathering new information, almost on a daily basis, about the remarkable events that occur in the earliest days of a child's development, about how important it is that we do everything we can to maximize parental understanding and to provide whatever support we can so these earliest days turn out to be productive days in the development of a child's life.

As we all know, last week the President and the First Lady hosted an important White House conference on this very topic, bringing together leading voices from around the country to discuss the early development of children and how we could better support that development. Scientists have now presented us with hard evidence of what many parents have long held true—have known, I think instinctively—that children whose lives are stimulated from birth by words, by affection, and by playful interactions with their parents and other devoted caregivers are far more likely to develop to their full intellectual and emotional potential than those who are not.

All that we already knew about giving children a good start in life still holds true. Genetics, nutrition, whether a mother drinks or smokes—all these factors still play a role in a child's development. Now we also know that the environment that we provide to children, starting at the moment of birth and into their earliest years, has an astonishing impact on their potential to learn and to grow.

I do not pretend to understand all of the scientific studies. In fact, just the language of it, the jargon of it, can be dazzling for those of us who are lay people in this area. But I am trying to gain a basic grasp of the facts. Scientists have now discovered, for instance, that the brain of a baby is wired to learn. Starting at the very first days, each time a parent holds, rocks, or talks to her child, connections are formed between the neurons of the child's brain. These connections, the building blocks of a child's cognitive and emotional development, grow exponentially in the earliest years.

Just consider this. By the time a child is 3 years old, that child's brain has formed 1,000 trillion synapses, or connections between brain cells. Just to give some idea of the magnitude of this, this evening if you have a starry night and you look up at the stars, you should know that 1,000 trillion synapses is more than all the stars in the Milky Way. So, as you gaze at the heavens tonight and you look at the Milky Way with all its stars, know that just in 36 months of a child's life there are more synapses and more connections formed than all those stars. That will give you some idea of what is occurring in these earliest days of a child's life.

Scientists have found that these connections in a child's brain only survive if they are reinforced, a sort of "use-it-or-lose-it" phenomenon. As an example, and I am very familiar with the one I am about to give you, studies have found that children who develop cataracts at an early age lose their ability to see, even after those cataracts are removed because the brain pathways for sight were not allowed to develop during the critical period for achieving sight. Why do I know about this? My oldest sister, Carolyn, a teacher in Connecticut, was born with cataracts many years ago. She is blind today. Had we known, had we had the information we have today, my parents might have been able to do something differently. She has been a wonderful teacher and an independent individual, but I was struck when I read of this particular fact by what we know now that we did not know then.

So this particular discovery came racing home to me in relation to my oldest sister—what a difference the current advances of knowledge and information might have made in her life. Although she has been tremendously successful with her physical handicap, it struck me life might have been a little different for her had the information we know now about the development of the brain been available then.

Other information shows that a baby who is not read to—the simple act of reading, even before a child can understand the words—that child may later struggle with language skills. Similarly, a child who does not get the chance to play may later have difficulty interacting with peers.

As the Carnegie Corporation's seminal publication, "Starting Points" so succinctly states:

> How individuals function from preschool years all the way through adolescence and even adulthood hinges, to a significant extent, on the experiences children have in their first three years.

What does this exciting research mean to us as policymakers? I think it means that what we thought of as "early interventions" to help children learn may not have been early enough. It means that programs for school-age children and even for preschool children miss a window of opportunity, the extraordinary potential for learning that exists in a child's brain before the age of 3.

It means we need to start even earlier, at the first day of a child's life with guaranteed parental leave, for instance, which the Chair was so instrumental in helping us pass a few years ago. Providing even those few months for parents who have to work to be with their children is a lot better than they used to have. As the Chair knows, I would like to lower the threshold from 50 employees to 25, so we can include 13 million additional people in the country who today cannot take advantage of family leave. I am still going to try to persuade him to support this. I hope we will lower the threshold so more families can take advantage, even for 12 weeks, of the opportunity to stimulate a child's early development.

In short, I think it means for us as policymakers that we need to think carefully and critically about what we are doing for children in their earliest years. I believe we in the Senate have an extraordinary opportunity to help families, to ensure that our Nation's children are able to grasp and reach the highest rungs of their potential.

I have also joined with several of my colleagues to introduce the Working Family Child Care Act of 1997. Given these scientific findings, quality child care can no longer be considered a luxury. This bill will provide $500 million to meet supply shortages, including the acute shortage of high-quality infant care. Let's talk about the families who have no choice—not the families who have the choice of working or not. I have my own feelings about that issue—but, let's talk about the families who have no choice, they have to work. Or let's talk about the parent who is raising children on her own. The best thing is a caring parent, but if for whatever reason that caring parent cannot be with that child all the time, then we have to make sure that in child-care settings there are quality caregivers so these infants, in the earliest days, get the next best thing to a mom and dad.

I am hopeful, as a result of this new information, we can develop broad-based, bipartisan support for quality child care. We have done a lot on the availability of child care, but the quality of the care has to be good as well. If a parent cannot be there with that child, then the child care provider has to know what they are doing. Hopefully, we will get support on this issue.

Our chairman, Senator JEFFORDS of Vermont, is taking a leadership role in this area, and I commend him for it. I am soon going to introduce a bill that will put us on a path to fully funding Head Start. Again, this has been a controversial matter. We have authorized full funding, but we have never come up with the money. We know Head Start works and makes a difference in the lives of children. Hopefully, we can get broad-based support. It is expensive, I know it. But, we have to come up with a means to do it.

We have to look at our priorities in light of this new information. Whether it is 5 years, 7 years, or 8 years, we need to say that at the end of that time, we will fully fund Head Start. I am willing to talk with anyone about the fastest possible way to do this.

Recently, our colleague from Utah, Senator HATCH, with Senator KENNEDY of Massachusetts, introduced legislation to insure our children and to thereby ensure that untreated injuries or illnesses do not impede a child's development in the most critical years. I commend them for their work.

Mr. President, there are a lot of good things going on that our colleagues are working on. I urge, in light of some of these studies—I mentioned a moment ago this Newsweek article which I think will be very helpful—that we try to pull together here to figure out how we can support these families, these children, recognizing the economic pressures, all the things that make it more difficult today than in earlier days to raise families the way the Presiding Officer and I may have been raised. That is not possible for many people today. So we need to try to come up with support structures that will allow families to at least approximate that world that existed for many of us—not for all—in a time when one parent worked and another stayed home and raised the family.

I know the Presiding Officer cares about this very much. I have had the privilege of working with him on these issues. I look forward to being involved with him on this one as well. There are a lot of good things we can do to assist families. With this new information coming to us, not only is it desirous, but I think we have no other choice but to act and to see to it that these children get the best start they possibly can.

Mr. President, I appreciate my colleague's indulgence in allowing me a little more time than I otherwise would have taken.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. We are currently in morning business. Senators are allowed to speak for up to 5 minutes each.

Mr. BYRD. Mr. President, I ask unanimous consent that I may be permitted to speak for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. It will more than likely be 10 minutes, or thereabout.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. I thank the Chair.

(The remarks of Mr. BYRD pertaining to the introduction of S. 630 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BYRD. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE 27TH ANNIVERSARY OF EARTH DAY

Mr. CHAFEE. Mr. President, today we celebrate the 27th anniversary of the first Earth Day. In the spirit of that celebration, it behooves us to remember how the first Earth Day came about, and what brought it about. I know the distinguished occupant of the Chair participates in Earth Day activities and is deeply interested and involved in environmental matters. Perhaps he also will be interested in a little history of what happened.

In the 1960's, a series of events occurred that shocked the Nation into an awareness of the need to protect the environment. Rachel Carson wrote her famous book, "Silent Spring," in 1962. The country was appalled by her revelations of the destruction caused to our environment by widespread pesticide use—DDT and others, for example. Then, in 1969, another extraordinary event occurred—the Cuyahoga River in Cleveland caught fire. When a river catches fire, it certainly is an eye catcher. Why did it catch fire? It was so polluted with oils and other substances that it suddenly burst into flames. That is, somebody threw a match into the river and it caught fire. Extraordinary.

So in the early 1960's, a Democratic President, President Lyndon Johnson, laid the foundation for the major environmental laws that came later. He signed antipollution and open space legislation into law, including the creation of the Redwood National Park, the Wilderness Act, and the Land and Water Conservation Fund. I might say, Mr. President, it was moneys from that Land and Water Conservation Fund that enabled me, as Governor of our State of Rhode Island, to purchase land for open space, wetlands, and parks. The improvements we made continue to give pleasure to thousands of Rhode Islanders in the past and will do so for literally millions of individuals in the future. That is a wonderful law, the Land and Water Conservation Fund.

When Senator Gaylord Nelson of Wisconsin proposed the idea of Earth Day in 1970, even he didn't know how it would galvanize Americans into action, how it would catch the imagination of Americans. The first Earth Day was a phenomenal success, a reflection of America's strong conviction for cleaning up the environment. I can remember some of the activities that took place on Earth Day where I was—cleaning up the riverbeds where there were old tires and dishwashers and refrigerators and many other things thrown over the bank and down into the stream. We took time to clean our nearby streams, as countless others did. Ours was one small activity in one small section of the country, but it made a difference.

The years that immediately followed the first Earth Day were a vibrant period for environmental legislation. The key players in that legislation, Mr. President, were on the very committee on which you serve so ably, the Environment and Public Works Committee. We remember that Democrats like Jennings Randolph from West Virginia and Ed Muskie from Maine worked closely with several Republicans, including Howard Baker from Tennessee and Bob Stafford from Vermont. Indeed, their success was the result of a nonpartisan, bipartisan cooperation. Magnificent progress was made.

It is hard to think that, before 1970, none of the laws or institutions that I am going to rattle off existed; but then they passed in 1970, 1971, and 1972. Indeed, under President Richard Nixon, the Environmental Protection Agency was created. We never had an Environmental Protection Agency. The President's Council on Environmental Quality was born; the National Environmental Policy Act, or NEPA, the guiding law upon which so many of our acts depend; the Clean Air Act; the Clean Water Act; the Endangered Species Act. I wasn't here at the time, but the Endangered Species Act passed on the floor of the Senate 92 to 0. That is the way the Senate felt about environmental laws.

Then another Republican President, Ronald Reagan, had the United States take the lead internationally in environmental matters, and we signed the Montreal Protocol in 1987, to eliminate the production of chlorofluorocarbons, the gaseous culprit responsible for the destruction of the ozone layer. It was under still another Republican President, George Bush, that the 1990 Clean Air Amendments were passed. In addition, President Bush personally went to the Earth Summit at Rio de Janeiro and signed the International Treaty on Global Climate. So we have seen Republicans and Democrats in the White House exhibit strong leadership. This was a bipartisan effort.

This bipartisanship has brought about tremendous, tangible change. Let us review the bidding to see what has taken place in the past 27 years. Have these acts done a good job—the Clean Water Act, the Clean Air Act, and the Endangered Species Act? It is a remarkable story.

Before the EPA, before all of the laws now on the books, there was lead in our air and sewage in our rivers. I can remember at the time when I was Secretary of the Navy, we took a trip on the *Sequoia*, the Presidential yacht, down the Potomac River here in Washington. I invited my British counterpart, the equivalent of our Navy Secretary, to join us. It was a lovely July evening, calm and quiet, not a ripple on the water. As we started down the river, the propeller churned up the water and it was like going for a ride down the sewer. The smells were so overpowering from the polluted river water that we all had to retreat inboard to have our dinner. That is not the way it is now, though. In those days, two-thirds of the rivers, lakes, and streams of the United States were considered nonfishable and nonswimmable. Now the reverse is true. Two-thirds of the rivers and lakes and streams in America are considered fishable and swimmable. Every year that percentage rises.

What have we done on auto emissions? Well, from 1970 to 1994, the number of vehicle miles traveled in the United States increased by 111 percent, more than a doubling of VMT. Yet, in that same period, the combined emissions of the 6 principal air pollutants dropped by 24 percent. In other words, we had dramatic emissions reductions while vehicle miles traveled shot up. Lead in the air—which everybody knows has a terrible effect on the mental development of children, particularly in congested inner cities—was reduced by 98 percent—a 98-percent reduction of lead in the air.

How did that come about? Because we mandated the use of unleaded gasoline in the mid-1970's. What an achievement.

The Montreal Protocol, as I mentioned before, has been a tremendous success. Let's look at this chart. The Montreal Protocol was signed in 1985. Since then, because of the restrictions on the production of chlorofluorocarbons—it is now projected that the ozone layer will gradually recover, and return to pre-ozone-hole levels by the year 2050. What are chlorofluorocarbons? They are cooling agents found in refrigerators and air conditioners in our homes, offices and automobiles. Because of the leadership shown by President Reagan and later President Bush, we have made great progress. This red line shows what would have happened without the controls of the Montreal Protocol.

Instead, we have been able not only to stabilize chlorine loadings, but actually reduce them. That line will go down and down. All of this has tremendous effects on what comes through this protective shield, the upper atmosphere.

Now, what about the Endangered Species Act? That is something the Presiding Officer has worked so hard on. The endangered species are—perhaps—the proverbial "canaries in the coal mine"; that is, when a canary keels over, it shows there is dangerous gas. It gives you a hint that something is wrong.

The best way to judge how successful we have been in preserving the habitat is to look at how the plant and animal species are doing. If the plant and animal life around us is in trouble, that means trouble for us in the future.

The Endangered Species Act is geared toward preserving the habitat. How do you save the animals? You preserve the habitat and thus bring them back from the brink of extinction. Since its enactment in 1973, by a vote of 92 to 0 in this Chamber—not a single Senator in 1973 voted against that law—the populations of whooping cranes, brown pelicans, and the peregrine falcon have come back from near extinction.

The bald eagle has increased from a low of 400 nesting pairs in 1963 to just over 4,700 pairs in 1995. Think of it. In the Continental United States, the lower 48 States, as they say, there were only 400 nesting pairs of bald eagles in 1963. Thirty-two years later—in 1995—there are now 4,700 nesting pairs. Remarkable.

The grizzly bear has been saved from extinction and brought back from the endangered list to the threatened list. The California gray whale and American alligator have recovered to the point where they have been removed from the endangered list.

Of the 960 species currently listed on the endangered species list, more than 40 percent are stable and gaining ground. And for many others the rate of decline has been reduced.

The recovery of the striped bass is another success story. The striped bass is a magnificent fighting fish, one that has been valued up and down the Atlantic coast for centuries.

It is interesting to hear what the original settlers said, and what Capt. John Smith said in 1614, over 350 years ago. This is what he said about the striped bass. "I myself, at the turning of the tide, have seen such multitudes pass out of a pond that it seemed to me that one might go over their backs dryshod." There were so many it seemed you could walk across on their backs.

So it was with great alarm that we learned of the precipitous decline of the striped bass in the late 1970's. And, by 1983, commercial harvest had dropped by 77 percent as compared to the previous year. By 1983, the sports harvest of striped bass had declined by 85 percent from 4 years earlier. So we inaugurated an Emergency Striped Bass Study by the Fish and Wildlife Service and the National Marine Fisheries Service. I am proud to say that this legislation came out of the Environment and Public Works Committee.

And fewer than 20 years later, through the cooperative efforts of State fish and wildlife agencies and the Federal agencies, most Atlantic striped bass stocks have recovered to healthy pre-1979 levels. This dramatic turnaround is proof that, if we act quickly to reduce the threats and preserve habitat, we can recover imperiled species.

Wetlands loss has slowed dramatically. When it comes to wetlands conservation, perhaps no program has been as successful as the North American Waterfowl Management Plan—signed 11 years ago, in 1986, by the United States and Canada, and later, Mexico. Under this plan, the North American Waterfowl Management Plan, partnerships are established bringing together Federal and local governments, and nonprofit groups such as Ducks Unlimited, and private donors, as well as landowners—to work on the conservation of wetlands, and there are Federal dollars to match private contributions.

To date, well over 4 million acres have been protected, restored, or enhanced—some of it through easement, and some of it through purchases by the United States and Canada. And 20 million additional acres are protected in Mexico.

Has it done any good? Listen to this: In 1996, there was the largest migration of waterfowl in the previous 40 years—89.5 million ducks, which is 7 million more than 2 years before, and 18 million more than the year before that migrated south for the winter; 90 million ducks, the largest migration in the past 41 years. That came about because of the North American Waterfowl Plan, which I mentioned before.

So it seems that the way that the plan operates, involving partnership between the States, the Federal Government, and private entities, it represents the wave of the future, which all of us ought to think about as we ponder how fast we can save these wetlands and wildlife habitat areas.

We are not done. We should not rest on our laurels. Some of the trickiest and most difficult environmental problems lie ahead, and we have to address these with purpose and ingenuity. We took on the formidable environmental challenges of the past and were successful. Now we look to the future. We shouldn't just rest on our laurels, as I said. We have to remember that these efforts can never succeed without strong and sincere bipartisan cooperation—Republicans and Democrats working together; Congress and the administration, likewise.

In conclusion, I just want to quote probably the greatest environmental President of them all, Teddy Roosevelt. This is what he said 86 years ago. "Of all the questions which can come before this Nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us."

Those are pretty good words for us to remember as we celebrate Earth Day in 1997—words to be considered while thinking of the future and preserving the environment for our children and grandchildren and those who come after us.

"HUMMON" TALMADGE HIGHWAY BEING DEDICATED TOMORROW IN HAMPTON, GA

Mr. HELMS. Mr. President, tomorrow, down in Hampton, GA, a highway will be dedicated to one of our former colleagues, the distinguished former Senator Herman Talmadge. It would be fun to be there tomorrow and see Herman's reaction when the honor is announced at a luncheon in the ballroom of the Atlanta Motor Speedway.

Fewer than one-fourth (23) of today's Members of the Senate were here when Senator Talmadge was. Because of that, I have decided to include in the RECORD an extensive interview with former Senator Talmadge published by The Macon, GA, Telegraph. That newspaper's Randall Savage conducted the interview.

Mr. Savage asked good questions and Herman Talmadge gave great answers. His assessment of many things about America reflect the fact that Herman Talmadge still has the good judgment that he possessed while in the Senate.

Mr. President, accordingly, I ask unanimous consent that the February 11, 1997, interview, headed "Hummon" be printed in the RECORD.

There being no objection, the interview was ordered to be printed in the RECORD, as follows:

[From the Macon Telegraph, Feb. 11, 1997]

"HUMMON"

(By Randall Savage)

HAMPTON.—Former U.S. Sen. Herman E. Talmadge is 83 now.

He doesn't dip, smoke or chew anymore, although he's not above nibbling on a cigar now and then. A year ago, doctors removed a cancerous tumor from his throat, and he underwent 25 radiation treatments.

"They can't find any trace of it now," he said.

But Talmadge no longer runs two miles every day, as he did for more than 20 years. He gave that up five years ago, opting for brisk daily walks instead. Arthritis, however, had ended even those. The condition hinders his mobility, and he walks with a cane.

"I got to be an old man at 82. I was a young man until then," Talmadge said.

Nevertheless, Talmadge, one of Georgia's most powerful politicians, is as politically astute today as he was when he left the Senate 17 years ago. And he's still delighted to share his views on politics and the world:

Question. You held political office for more than 30 years as a Democrat. What do you think of the Democratic Party?

Answer. I think well of some of them and poorly of others. I think they helped the Republican Party gain power by continuing to push their liberal policies when the country was becoming more conservative.

Question. Do you still consider your self a Democrat?

Answer. I guess you could classify me as an independent. I vote for the man or woman. For a number of years, Democrats—the national Democrats in particular—have become more and more liberal in their thinking and actions.

Question. How so?

Answer. Excessive taxes. Excessive spending. Excessive regulations, Excessive government.

Question. And you think the Democratic Party is involved too heavily in that?

Answer. Yes. The Republican takeover (of Congress) slowed down the Democrats. They'd been reacting to popular thinking instead of pursuing sound policies. They lean whichever way the wind is blowing.

Question. What do you think of House Speaker Newt Gingrich?

Answer. I think you have to give Newt Gingrich credit with leading the Republican revolution that resulted in the Republicans taking over both houses of Congress. But I don't know what I think of him. I listen to him talk and I find myself agreeing with a lot of what he's saying. But he irritates me. When he gets through speaking, I'm irritated over what he said. I don't know why.

Question. The Republican takeover of Congress—what do you think of that?

Answer. Well, it remains to be seen. They slowed the expenditures of government. They made the Democrats pause and look and listen. In fact, the only reason (President) Clinton got elected the last time is because he foreclosed (GOP presidential hopeful Bob) Dole on all his issues. He took his issues away from him.

Question. You mean he adopted Sen. Dole's platform and turned it into his own? When we talked last week, you mentioned that you think Bill Clinton is the cleverest president since Franklin Roosevelt. Why do you say that?

Answer. He can turn it around on a dime, and nobody ever notices. I give that fellow (former presidential consultant Dick) Morris credit for that. President Clinton was talking about gays in the military and divisive things like that, and (Morris) takes over his campaign and turns it around 180 degrees. He took Dole's issues away from him, and he got elected on Dole's issues.

Question. What do you think of President Clinton's performance so far?

Answer. I'd give him a plus on some things, like turning away from his liberal policies and adopting basic conservative policies and getting elected.

Question. What are some minuses?

Answer. Shifting around and not having any strong opinions on anything.

Question. What do you think of U.S. Sen. Paul Coverdell, the man who holds the seat you held so long?

Answer. I don't know Coverdell well. I've had two or three conversations with him. But I've been impressed with him. I check his voting record every week in the Sunday paper. I like the way he votes. Thus far, I think his voting record has been good. I agree with him more than 90 percent of the time. I think he's doing all right.

Question. What concerns you most about government in 1997?

Answer. Too much taxes. Too much regulation. Too much expenditure. Basically, the government does for people what they cannot do for themselves.

Question. What about society? What do you think of society in general?

Answer. It reminds me of the latter days of the Roman Empire. We have gotten away from faith and values, the things that made this country great. It's a sad commentary. Crime is rampant, and children are being born out of wedlock and looking to their government for support. There's declining morality and a lack of discipline all over the country.

Question. What should be done to turn things around?

Answer. We should have substitute fathers and mothers for these (parentless and single-parent) people. They could teach them values while they're young. The substitutes would be role models for them. They would have role models besides prostitutes and drug peddlers.

Question. How would you hook up youngsters with the substitutes?

Answer. It would take an organized effort on the part of all churches in the country, all of the governments in the country, all of the civic clubs in the country. It would be the most mammoth undertaking we've had in a long time. But it could save the country. It would take a long time. But a good start would be to save 50 children in Henry County (where Talmadge lives).

Question. You've had a few bouts with the news media. What do you think of the media?

Answer. They've adopted a new policy since World War II when I first started out in politics. They used to want to know why, who, where, what, when and how. Those were fundamental virtues of journalism. The journalism teachers instilled those fundamental virtues in their students. Now, they're prosecutors of anybody holding public office. A politician has to prove his innocence every day. (Media) treats everyone as if they're crooks.

Question. How is the world different today from what it was before you retired?

Answer. The collapse of communism has made it a different world. Freedom is beginning to be brought to all countries throughout the world, almost all of them. During my days in the Senate, we wondered what was going to prevail, communism or freedom.

Question. What are you most proud of?

Answer. My accomplishments as governor of the state of Georgia. I think Georgia made its greatest progress when I was governor. It became truly the Empire State of the South. It's been making progress since that time in building schools, protecting natural resources, building roads and bridges—you name it. We paved 10,000 miles of roads. We gave teachers a raise in salary of over 100 percent. We built new buildings. We built health centers and hospitals throughout the state. When I took office, the only hospitals we had in Georgia were a few in the larger cities. If a person had an accident in rural Georgia, they had to go to Macon or Savannah or Jacksonville, Fla., to get treatment. Now they're all over.

Question. If you were running for office today, what would your platform be?

Answer. It would be what I've always run on—economical government, service to the constituency and hard work.

Question. What advice would you give to anyone who'd listen?

Answer. Work hard and stay out of trouble. Save your money and make prudent investments. Take an Egyptian or Indian who comes to this country. They don't speak the English language, and they work for minimum wage. But they save half their money. In a few years, they're wealthy. They save their money and make prudent investments.

Once an avid hunter, Talmadge no longer pursues that sport because of his arthritic knees, but he spends many hours fishing in one of the five lakes near his home in Hampton. After he finished the interview, he sat down to rest in his leather recliner sitting between a portrait of himself on the rear wall and a portrait of his famous father, Gene Talmadge, over the mantel.

"Come see me in two or three months," Talmadge smiled and said. "When the weather warms up, we'll go fishing."

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 21, 1997, the Federal debt stood at $5,352,733,602,413.77. (Five trillion, three hundred fifty-two billion, seven hundred thirty-three million, six hundred two thousand, four hundred thirteen dollars and seventy-seven cents.)

Five years ago, April 21, 1992, the Federal debt stood at $3,885,690,000,000. (Three trillion, eight hundred eighty-five billion, six hundred ninety million.)

Ten years ago, April 21, 1987, the Federal debt stood at $2,271,325,000,000. (Two trillion, two hundred seventy-one billion, three hundred twenty-five million.)

Fifteen years ago, April 21, 1982, the Federal debt stood at $1,066,640,000,000. (One trillion, sixty-six billion, six hundred forty million.)

Twenty-five years ago, April 21, 1972, the Federal debt stood at $427,853,000,000 (Four hundred twenty-seven billion, eight hundred fifty-three million), which reflects a debt increase of nearly $5 trillion—$4,924,880,602,413.77 (four trillion, nine hundred twenty-four billion, eight hundred eighty million, six hundred two thousand, four hundred thirteen dollars and seventy-seven cents), during the past 25 years.

SUPPLEMENT TO COMMITTEE ON RULES AND ADMINISTRATION RULES OF PROCEDURE

Mr. WARNER. Mr. President, on April 17, 1997, the Senate Committee on Rules and Administration adopted rules of procedure as a supplement to the Committee Rules of Procedure for the purpose of the committee's investigation of the election for U.S. Senator in the State of Louisiana in 1996.

I ask unanimous consent that the rules of procedure be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON RULES AND ADMINISTRATION COMMITTEE MOTION

(As passed by the Committee, April 17, 1997)

Whereas, the United States Constitution, Article I, Section 5 provides that the Senate is "the Judge of the Elections, Returns, and Qualifications of its own Members * * *";

Whereas, the United States Supreme Court has reviewed this Constitutional provision on several occasions and has held: "[The Senate] is the judge of elections, returns and qualifications of its members. * * * It is fully empowered, and may determine such matters without the aid of the House of Representatives or the Executive or Judicial Department," [*Reed et al.* v. *The County Comm'rs of Delaware County, Penn.*, 277 U.S. 376, 388 (1928)]; and

Whereas, in the course of Senate debate, it has been stated: "The Constitution vested in this body not only the power but the duty to judge, when there is a challenged election result involving the office of U.S. Senator." [Congressional Record Vol. 121, Part 1, p. 440].

Therefore, the Committee on Rules and Administration, having been given jurisdiction over "contested elections" under Rule 25 of the Standing Rules of the Senate, authorizes the Chairman, in consultation with the ranking minority member, to direct and conduct an Investigation of such scope as deemed necessary by the Chairman, into illegal or improper activities to determine the existence or absence of a body of fact that would justify the Senate in making the determination that fraud, irregularities or other errors, in the aggregate, affected the outcome of the election for United States Senator in the state of Louisiana in 1996.

This Committee Motion will operate in conjunction with and concurrent to the Standing Rules of the Senate. In addition, the following Rules of Procedure are applicable, as a supplement to the Committee Rules of Procedure:

A. *Full Committee subpoenas:* The chairman, with the approval of the ranking minority member of the Committee, is authorized to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing or deposition, provided that the chairman may subpoena attendance or production without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this section, the subpoena may be authorized by vote of the members of the Committee. When the Committee or chairman authorizes subpoenas, subpoenas may be issued upon the signature of the chairman or any other member of the Committee designated by the chairman.

B. *Quorum:* One member of the Committee shall constitute a quorum for taking sworn or unsworn testimony.

C. *Swearing Witnesses:* All witnesses at public or executive hearings who testify to matters of fact shall be sworn. Any Member of the Committee is authorized to administer an oath.

D. *Witness Counsel:* Counsel retained by any witness and accompanying such witness shall be permitted to be present during the testimony of such witness at any public or executive hearing or deposition, and to advise such witness while he is testifying, of his legal rights. Provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Committee chairman may rule that representation by counsel from the government, corporation, or association, or by counsel representing other witnesses, creates a conflict of interest, and that the witness may only be represented during deposition by Committee staff or consultant or during testimony before the Committee by personal counsel not from the government, corporation, or association, or by personal counsel not representing other witnesses. This rule shall not be construed to excuse a witness from testifying in the event his counsel is ejected for conducting himself in such a manner so as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of the hearings; nor shall this rule be construed as authorizing counsel to coach the witness or answer for the witness. The failure of any witness to secure counsel shall not excuse such witness from complying with a subpoena or deposition notice.

E. *Full Committee depositions:* Depositions may be taken prior to or after a hearing as provided in this section.

(1) Notices for the taking of depositions shall be authorized and issued by the chairman, with the approval of the ranking minority member of the Committee, provided that the chairman may initiate depositions without the approval of the ranking minority member where the chairman or a staff officer designated by him has not received notification from the ranking minority member or a staff officer designated by him of disapproval of the deposition within 72 hours, excluding Saturdays and Sundays, of being notified of the deposition notice. If a

deposition notice is disapproved by the ranking minority member as provided in this subsection, the deposition notice may be authorized by a vote of the members of the Committee. Committee deposition notices shall specify a time and place for examination, and the name of the Committee member(s) or Committee staff member(s) or consultant(s) who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness' failure to appear or produce unless the deposition notice was accompanied by a Committee subpoena.

(2) Witnesses may be accompanied at a deposition by counsel to advise them of their legal rights, subject to the provisions of Section D.

(3) Oaths at depositions may be administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee member(s) or Committee staff or consultant(s). If a witness objects to a question and refuses to testify, the objection shall be noted for the record and the Committee member(s) or Committee staff or consultant(s) may proceed with the remainder of the deposition.

(4) The Committee shall see that the testimony is transcribed or electronically recorded (which may include audio or audio/video recordings). If it is transcribed, the transcript shall be made available for inspection by the witness or his or her counsel under Committee supervision. The witness shall sign a copy of the transcript and may request changes to it. If the witness fails to sign a copy, the staff shall note that fact on the transcript. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record of the testimony, and the transcript shall then be filed with the chief clerk of the Committee. The chairman or a staff officer designated by him may stipulate with the witness to changes in the procedure; deviations from this procedure which do not substantially impair the reliability of the record shall not relieve the witness from his or her obligation to testify truthfully.

(5) The Chairman and the ranking minority member, acting jointly, or the Committee may authorize Committee staff or consultants to take testimony orally, by sworn statement, or by deposition. In the case of depositions, both the Chairman and ranking minority member shall have the right to designate Committee staff or consultants to ask questions at the deposition. This section shall only be applicable subsequent to approval by the Senate of authority for the Committee to take depositions by Committee staff or consultants.

F. *Interviews and General Inquiry:* Committee staff or consultants hired by or detailed to the Committee may conduct interviews of potential witnesses and otherwise obtain information related to this Investigation. The Chairman and the ranking minority member, acting jointly, or the Committee shall determine whether information obtained during this Investigation shall be considered secret or confidential under Rule 29.5 of the Standing Rules of the Senate and not released to any person or entity other than Committee Members, staff or consultants.

G. *Federal, State, and Local Authorities:* 1. Referral: When it is determined by the chairman and ranking minority member, or by a majority of the Committee, that there is reasonable cause to believe that a violation of law may have occurred, the chairman and ranking minority member by letter, or the Committee by resolution, are authorized to report such violation to the proper Federal, State, and/or local authorities. Such letter or report may recite the basis for the determination of reasonable cause. This rule is not authority for release of documents or testimony.

2. Coordination: The Chairman is encouraged to seek the cooperation and coordination of appropriate federal, state, and local authorities, including law enforcement authorities in the conduct of this Investigation.

H. *Conflict of Rules:* To the extent there is conflict between the Rules of Procedure contained herein and the Rules of Procedure of the Committee, the Rules of Procedure contained herein apply, as it relates to the conduct of this Investigation authorized herein.

WILD BLUE THUNDER

Mr. FORD. Mr. President, the city of Louisville and the U.S. Air Force have proven beyond a shadow of a doubt that they know how to throw a party. On Saturday, April 20, 44 tons of fireworks were loaded onto barges in the Ohio River and 225 food booths dished up everything from corn dogs to barbecue to Cajun wings. The armed services brought 130 planes, including nearly every type of aircraft owned by the Air Force, helicopters, jets, and vintage planes.

When the party began, as many as 650,000 people were given the performance of a lifetime. Thunder Over Louisville, part of the Kentucky Derby Festival, has already gained a reputation as a one-of-a-kind air show and fireworks display. But I think everyone agreed that this year will be hard to top.

Called Wild Blue Thunder in tribute to the 50th anniversary of the U.S. Air Force, it was the world's largest show of its kind in America, both for the fireworks display and for the air performances.

The fireworks were reported to be larger than the opening and closing of the Atlanta Olympics combined and of the Inaugural fireworks. The impressive show culminated in an 11,000-foot waterfall of fireworks off the Clark Memorial Bridge.

The television and radio commercials for Thunder Over Louisville use the tag line "you haven't seen anything until you've seen everything." The Air Force and other armed services certainly pulled out all the stops with air performances showcasing the "Thunderbirds USAF Aerobatic Team," the F–117A stealth fighter, the B–2 stealth bomber, the SR–71A strategic reconnaissance plane, the B–1B long range strategic bomber, F–14 Tomcat jet fighter, the A–10 Warthog tank killer jet fighter, the F–15 Eagle jet fighter, the T–33 Thunderbird, and Apache and Blackhawk helicopters.

The Louisville Courier Journal reported that the F–117 stealth fighter was a crowd pleaser, along with the Army's impressive helicopter assault demonstration on the two floating bridges in the middle of the Ohio River. And after the 123d's C–130H demonstration, I can assure my colleagues the Pentagon doesn't stand a chance of taking them out of Kentucky.

I want to commend the city of Louisville, the Derby Festival, the U.S. Air Force, and Kentucky's 123d for putting on such an incredible show. Not only were the performances simply spectacular, but despite the magnitude of the crowd, I found the event to be managed with few glitches.

This was truly a day for family. And from parking to crowd control, city, Air Force, and National Guard officials did everything possible to make sure Kentucky families could enjoy themselves safely and without hassles.

Mr. President, let me close by congratulating the Air Force for their 50th anniversary. Their service to this country is immeasureable as is our gratitude to all our Air Force service men and women. A big thanks also goes to all those involved with Saturday's event. I look forward to going back next year and seeing the festival officials, the city, the armed services, and the National Guard try and top this year's sensational performance.

FAMILY IMMIGRATION, SMALL BUSINESS, AND ENTREPRENEURSHIP IN AMERICA

Mr. ABRAHAM. Mr. President, over the past 30 years, family immigration has contributed to a virtual renaissance of small business culture in the United States, according to Prof. Jimy M. Sanders of the University of South Carolina, a witness at a recent hearing of the Senate Immigration Subcommittee. His examination of census data and field research shows that the family is an institution that embodies an important form of social capital that immigrants draw on and that the common self-interests of family members provide financial and labor resources crucial to establishing successful enterprises.

At the hearing we heard testimony from four immigrant entrepreneurs who were sponsored by family members and whose life experiences supported Professor Sanders' findings:

Ilija Letica, an immigrant born in the former Yugoslavia, started Letica Corp. as a family business, and still employs several family members. Today, the manufacturer of plastic and paper packaging products headquartered in Rochester, MI, employs 1,800 people in 10 other States as well—Delaware, Oklahoma, Iowa, Alabama, Nevada, Indiana, Pennsylvania, Oregon, Tennessee, and Georgia. His daughter Mara Letica testified that her father witnessed the effects of communism: No food, no freedom, no opportunity, and ultimately immigrated to America so he could fulfill his entrepreneurial dreams.

Adrian Gaspar, born in Portugal, employs more than 20 people in Massachusetts at his firm Adrian A. Gaspar and Co., LLP. His company provides tax services to 400 small companies and over 1,400 individuals. He is proud that his office sits in the same building where his mother sewed clothes in the hope that she could make a better future for her son.

Perhaps the most inspiring testimony came from Ovidiu Colea, founder of Colbar Art, Inc., which manufactures sculptures and art reproductions in New York. He dreamed of seeing the Statue of Liberty with his own eyes, when an armed guard captured him trying to escape to America. Communist authorities imprisoned him for 5 years in a Romanian labor camp. After 15 more years of wait, he finally made it to America, drove a cab, swept floors, and saved his money to buy a factory, which today is the country's largest producer of replicas of the Statue of Liberty.

Finally, we heard from John Tu, president of Fountain Valley, CA-based Kingston Technology, a leading manufacturer of computer memory products for personal computers. Mr. Tu, born in China, immigrated to America after being sponsored by his sister. He and fellow immigrant David Sun employ over 500 people and built the company, started as a family based business operating out of a garage, into a company they sold last year for $1 billion. Both Mr. Tu and Mr. Sun took the $1 billion in profits from the sale of the company and gave $100 million to their employees, most of them native born, resulting in bonuses ranging from $100,000 to $300,000 per employee. "Only in America," Mr. Tu testified, "could this happen."

Gary MacDonald, a native born employee of Kingston Technology, pointedly noted in his testimony that four of the five high-growth companies that he has worked for in his career were started by immigrant entrepreneurs.

Overall, immigrants are approximately 10 to 20 percent more likely than the native born to start a new business in this country, and more than 1 in 10 legal immigrants own their own businesses. In addition, in 1995, 12 percent of the Inc. 500—a compilation of the fastest growing corporations in America—were companies started by immigrants. It is important to have a discussion about both what is right and wrong with different aspects of U.S. immigration policy. But any balanced debate on legal immigration must take into account the economic and social contributions made by the 1 in 10 legal immigrants who own small and large businesses in this country.

I ask unanimous consent that Mr. Colea's testimony be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY OF OVIDIU COLEA, PRESIDENT, COLBAR ART INCORPORATED—BEFORE THE SUBCOMMITTEE ON IMMIGRATION, COMMITTEE ON THE JUDICIARY, U.S. SENATE—APRIL 15, 1997

Good morning Senator ABRAHAM and subcommittee members, good morning ladies and gentlemen. My name is Ovidiu Colea, I am the founder and the president of Colbar Art Inc., manufacturer of sculptures and art reproductions, located on Long Island City, in New York State. It is a great pleasure and honor for me to be invited here. With your permission, I would like to take some time to testify through my own experience about the positive side and the benefits of the legal immigration in the United States. I would like your permission to use some parts of my life story to better understand why the liberty and freedom from this country can change some lives forever and bring many benefits to this country.

I was born in Bucharest, Romania in 1939, during the beginning of World War II in Europe. That war changed for a long time the lives of people from many countries. After the war ended in 1945, when the paranoia communists came to power in many countries, many people left their home countries, but many could not. One of those people was my own father. When I grew older, I grew up with that missing spirit of liberty and freedom. I spent time together with my father night after night and year after year enjoying the only liberty. For 30 minutes each night, we got together in the house with the lights turned off and listening to our only hope, two radio stations, Voice of America and Free Europe. This was the only freedom we could afford.

When I was 18, I took my way to liberty, hoping to reach my dream. I decided to leave the country in order to come to America. In the summer of 1958, I decided to cross the border to swim over the Danube River on the night. I hid myself in the corn fields for many hours near the river, waiting for the night. When I felt the cold metal of the guard's gun pointing on my head, on that moment, my way to freedom and liberty was closed. I was arrested, then sent to a prison labor camp for the next 5 years. What was my crime? I wanted to be free, to have liberty and to reach America. Five years of starvation, physical punishment, long hours of labor in hot and cold weather, sleeping on the floor, eating the roots of the plants and digging for growing seeds in the soil and being punished for trying to learn a foreign language. Nothing of this changed my determination of trying to come to America. After two decades, I came to America with a visa. When I came to the United States, I was penniless, but this country gave me hope.

My first job in 1978 was working in a casting factory, making $3.00 an hour. In the night, which was my second job, I drove a taxi in New York City. I also had a third job, which I worked during the weekends for over 3 years. I got married and had two children. After 9 months working for a company, I was laid off. After 1 week of unemployment, I opened a partnership company, Barrett-Colea.

In 1982, my company won a contract from AT&T for an Olympic project to make 65,000 replicas for the Olympic commemorative in Los Angeles, the largest sculpture reproduction ever produced in the United States of America. The company created many jobs for this project. In 1985, my company applied for and won a license from the Statue of Liberty-Ellis Island Foundation. We gained the right to use the symbol of the Statue of Liberty on our product. The replicas of my company's product, which are made only in the United States, were presented to President Reagan, who sent us a beautiful letter of recognition of our effort on May 12, 1986.

Many jobs were created and through their hard work, the company was able to participate on the national effort to restore the Statue of Liberty, our Nation's most precious symbol of liberty and freedom. Our replicas are used by the INS and other institutions around the United States of America. The company made a new advancement in the art field, developing new reproduction methods using acrylic. This technology is only available in the United States, which gave our country the advantage in the art field. In 1986, I applied for and obtained a patent on a new technique of embodiment for acrylic sculptures. In 1988, my new company, Colbar Art Inc., consisted of 5 employees developed new technique and reproduction methods.

In 1989, my new company, Colbar Art Inc., began a project with the Buddhist Association of America in Carmel, NY, a project to build the biggest statue of the Buddha in the United States of America, which will stand 37 feet high. This project created new jobs for the company, the largest of its type in the United States. The project took 3 years to complete. At present through my company's efforts, the jobs created over the time increased year after year. At the present time, the company employs more than 30 people, among them, many are immigrants.

At present, my company is the largest manufacturer of Statue of Liberty replicas in the United States and a large number of my employees are working to preserve the beauty of our symbol of freedom. At the same time, the company is manufacturing the best high quality limited edition reproduction of acrylic sculptures, which are made only in our company.

A new challenge faces American companies and the challenge comes from the emerging economic power with low labor costs. In order to be more competitive in this market, American companies must find people to employ on a priority basis which means American companies must be able to employ the right person at the right time. Any delay could greatly affect the success or failure of the company. Despite the low labor costs on other countries, I chose to keep the jobs in my country, America, giving back something that she gave to me. I thank my country for the opportunity that was given to me. American companies must do everything possible to make jobs available primarily for our people first.

Mr. Chairman and subcommittee members, I thank you very much for your time and I hope my experience will be seen as a positive contribution of one immigrant who loves this country.

13TH ANNUAL TUFTONIA'S WEEK CELEBRATION AT TUFTS UNIVERSITY

Mr. KENNEDY. Mr. President, this week marks the 13th annual observance of Tuftonia's Week by Tufts University in Medford, MA, in which many Tufts alumni from around the world return to honor their outstanding university. This celebration has special meaning for me. My daughter, Kara, is a graduate of Tufts, and I've worked closely with many scholars at Tufts for many years on a wide variety of public policy issues. I am proud to count myself as a member of the Tufts family.

For the second year in a row, the theme of Tuftonia's Week is community service. Participants will honor the large number of Tufts graduates across the country who are volunteering in their communities and helping to improve the lives of others in their neighborhoods through the TuftServe Program. Last year, Tufts alumni contributed more than 218,000 volunteer hours.

Tufts deserves great credit for its leadership among the Nation's universities in emphasizing service learning and providing opportunities for students to combine community service with their academic curriculum. Programs like TuftServe are the types of service initiatives that will be highlighted at the President's Summit for America's Future, beginning next Sunday, April 27. The summit will reaffirm our national commitment to community service. Every American should have the opportunity to participate in projects that help others and improve their community.

I congratulate Tufts for giving their students that opportunity. I am honored to take this opportunity to commend Tufts' President, John DiBiaggio, and the many others in the Tufts community for their impressive accomplishments in enhancing education and service.

LEGISLATION TO RESTORE ELIGIBILITY OF LEGAL IMMIGRANTS FOR SSI AND FOOD STAMPS

Mr. MOYNIHAN. Mr. President, last year, the President and Congress enacted welfare legislation which I said was welfare repeal, not welfare reform. At that time, researchers at the Urban Institute estimated 2.6 million people would fall below the poverty line because of the legislation, 1.1 million of them children. The same researchers projected that 3.5 million children would be dropped from the rolls in 2001 because of the time limits contained in the legislation.

During the debate last year, there was little attention given to the provisions concerning the eligibility of legal immigrants for benefits. These immigrants have come to America legally. They pay taxes and serve in our military. Yet the new law eliminates the eligibility of these immigrants—should misfortune strike them—for SSI and food stamps, and it severely limits their eligibility for TANF and Medicaid. Many legal immigrants affected by these restrictions are elderly. In my own State of New York, they might be frail disabled survivors of the Holocaust, or refugees from the former Soviet Union who are about to lose their only means of support. This situation has come to our attention now because it is among the first parts of the bill to be implemented.

The President has proposed restoring eligibility for SSI to those legal immigrants who become disabled after entering this country. He has also proposed permitting refugees and asylees additional time before becoming subject to the various restrictions, in light of the difficult circumstances under which they arrive on our shores. I support these proposals, although I regret that enactment of the welfare repeal law has made this new legislation necessary.

I am pleased to join with colleagues of both parties in introducing legislation to continue SSI and food stamp benefits to those legal immigrants already receiving them and to permanently exempt refugees and asylees from the eligibility restrictions. This is a good first step in addressing the immediate and pressing needs of these immigrants, and I urge our fellow Senators to join us in this effort. It represents the beginning of a bipartisan discussion on how to address this issue, and I commend the legislation to the Senate.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 18, 1997, received a message from the President of the United States submitting a withdrawal and a nomination which was referred to the Select Committee on Intelligence.

The nomination received on April 18, 1997, is shown in today's RECORD at the end of the Senate proceedings.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on Energy and Natural Resources.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate, on April 18, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 1003. An act to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bill was signed on April 21, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1592. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Agency Compliance with the Unfunded Mandates Reform Act of 1995"; to the Committee on Governmental Affairs.

EC–1593. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule entitled "Navajo Reclamation Plan" (NA-003-FOR) received on April 9, 1997; to the Committee on Energy and Natural Resources.

EC–1594. A communication from the Acting General Counsel of the Department of Energy, transmitting, a draft of the proposed legislation entitled "The Powerplant and Industrial Fuel Use Repeal Act"; to the Committee on Energy and Natural Resources.

EC–1595. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, a rule received on April 7, 1997; to the Committee on Energy and Natural Resources.

EC–1596. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the program plan for the Russian Reactor Core Conversion Program; to the Committee on Armed Services.

EC–1597. A communication from the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, a report relative to the Department's automated information systems; to the Committee on Armed Services.

EC–1598. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation of revisions to the appointment of Members to the National Ocean Research Leadership Council; to the Committee on Armed Services.

EC–1599. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Pilot Program Policy" received on April 10, 1997; to the Committee on Armed Services.

EC–1600. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a rule entitled "Military Recruiting" received on April 10, 1997; to the Committee on Armed Services.

EC–1601. A communication from the Assistant Secretary of the Interior for Land and

Minerals Management, transmitting, a draft of proposed legislation entitled "The Arizona Bureau of Land Management Wild and Scenic Rivers Act of 1997"; to the Committee on Energy and Natural Resources.

EC–1602. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on equitable relief for calendar year 1996; to the Committee on Veterans' Affairs.

EC–1603. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report on enhanced-use leasing; to the Committee on Veterans' Affairs.

EC–1604. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Veterans' Education" (RIN2900–AI55) received on March 26, 1997; to the Committee on Veterans' Affairs.

EC–1605. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Upgraded Discharges" (RIN2900–AI40) received on March 25, 1997; to the Committee on Veterans' Affairs.

EC–1606. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Vocational Rehabilitation" (RIN2900–AI29) received on April 7, 1997; to the Committee on Veterans' Affairs.

EC–1607. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Reduction of Debt" (RIN2900–AF29) received on April 1, 1997; to the Committee on Veterans' Affairs.

EC–1608. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Medical; Nonsubstantive Miscellaneous Changes" (RIN2900–AI37) received on April 7, 1997; to the Committee on Veterans' Affairs.

EC–1609. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Retroactive Payments" (RIN2900–AI57) received on April 14, 1997; to the Committee on Veterans' Affairs.

EC–1610. A communication from the Director of the Office of Regulations Management, Office of the General Counsel, Department of Veterans Affairs, transmitting, pursuant to law, a rule entitled "Removal of Certain Limitations" (RIN2900–AI61) received on April 14, 1997; to the Committee on Veterans' Affairs.

EC–1611. A communication from the Assistant Secretary of Labor for Pension and Welfare Benefits, transmitting, pursuant to law, two rules including a rule entitled "Health Insurance Portability" (RIN1210–OO54, AA55) received on April 14, 1997; to the Committee on Labor and Human Resources.

EC–1612. A communication from the Acting Administrator of the Public Health Service, Department of Health and Human Services, transmitting, pursuant to law, a rule entitled "Health Services Research" (RIN0919–AA00) received on March 25, 1997; to the Committee on Labor and Human Resources.

EC–1613. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, five rules including a rule entitled "Medical Devices" (RIN0919–AA09, AA19, AA53, AA29); to the Committee on Labor and Human Resources.

EC–1614. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation entitled "The National Science Foundation Authorization for fiscal years 1998 and 1999"; to the Committee on Labor and Human Resources.

EC–1615. A communication from the Chairman of the National Endowment for the Arts and Member of the Federal Council on the Arts and the Humanities, transmitting, pursuant to law, the report on the Arts and Artifacts Indemnity Program for fiscal year 1996; to the Committee on Labor and Human Resources.

EC–1616. A communication from the Director of the Office of Communication and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, a rule entitled "Procedures for Previously Exempt State and Local Government Employee Complaints" (RIN3046–AA45) received on April 8, 1997; to the Committee on Labor and Human Resources.

EC–1617. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, a rule entitled "Allocation of Assets" received on April 9, 1997; to the Committee on Labor and Human Resources.

EC–1618. A communication from the Acting Secretary of Labor (Chairman of the Board) and the Acting Executive Director of the Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Labor and Human Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–50. A resolution adopted by the Senate of the Legislature of the State of Georgia; to the Committee on the Judiciary.

Resolution

Whereas, the State of Georgia and other states have a constitutional provision that prohibits its legislative body from creating a budget deficit in its appropriations process; and

Whereas, the State of Georgia has various constitutional and statutory constraints relative to debt financing which require the state to maintain a very tight credit strategy; and

Whereas, the economic welfare of the United States and its citizens depends on a stable dollar and a sound economy; and

Whereas, the federal budget deficit has had a deleterious impact on the nation's financial health and has impeded severely investment productivity and growth; and

Whereas, the Georgia General Assembly has supported an amendment requiring a balanced federal budget for many years, having specifically applied to the United States Congress to call a convention for the purpose of proposing such an amendment in 1976: Now, therefore, be it

Resolved by the Senate That the members of this body urge the United States Senate and the United States House of Representatives to adopt the balanced budget amendment; be it further

Resolved That the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Secretary of the Senate of the United States Congress, the Clerk of the House of Representatives of the United States Congress, and to each member of the Georgia congressional delegation.

POM–51. Petitions from citizens of the United States relative to the Personal Responsibility Act of 1996; to the Committee on Finance.

REPORTS OF COMMITTEE

The following report of committee was submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works:

Special Report entitled "Activities of the Committee on Environment and Public Works for the One Hundred and Fourth Congress" (Rept. No. 105–13).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. D'AMATO (for himself, Mr. Murkowski, Mr. Dodd, Mr. Sarbanes, Mr. Gramm, Mr. Shelby, Mr. Mack, Mr. Faircloth, Mr. Allard, Mr. Lott, Mr. Domenici, Mr. Akaka, Mr. Inouye, Mr. Coats, Mr. Cochran, Mr. Roberts, Mr. Brownback, Mr. Coverdell, Mr. Specter, and Mr. Nickles):

S. 621. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HATCH (for himself, Mr. Conrad, Mr. Cochran, Mr. Gregg, Ms. Moseley-Braun, Mr. Enzi, Mr. Inouye, Mr. Baucus, Mr. Reid, Mr. D'Amato, Mr. Kyl, Mr. Ashcroft, Mr. Domenici, Mr. Hagel, Mr. Bond, Mr. Thomas, Mr. Murkowski, and Mr. Nickles):

S. 622. A bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. Akaka):

S. 623. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BUMPERS:

S. 624. A bill to establish a competitive process for the awarding of concession contracts in units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL (for himself, Mr. Moynihan, Mr. Lieberman, Mr. Gorton, and Mr. Grams):

S. 625. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY:

S. 626. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. JEFFORDS (for himself, Mr. MURKOWSKI, Mr. CHAFEE, Mr. COCHRAN, Mr. LEAHY, and Mr. WELLSTONE):

S. 627. A bill to reauthorize the African Elephant Conservation Act; to the Committee on Environment and Public Works.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 628. A bill to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the "Reynaldo G. Garza United States Courthouse"; to the Committee on Environment and Public Works.

By Mr. BREAUX (by request):

S. 629. A bill entitled the "OECD Shipbuilding Agreement Act"; to the Committee on Commerce, Science, and Transportation.

By Mr. BYRD:

S. 630. A bill to amend the Internal Revenue Code of 1986 to deposit in the Highway Trust Fund the receipts of the 4.3-cent increase in the fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 76. A resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world; to the Committee on the Judiciary.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 77. A resolution to authorize representation by the Senate Legal Counsel; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. D'AMATO (for himself, Mr. MURKOWSKI, Mr. DODD, Mr. SARBANES, Mr. GRAMM, Mr. SHELBY, Mr. MACK, Mr. FAIRCLOTH, Mr. ALLARD, Mr. LOTT, Mr. DOMENICI, Mr. AKAKA, Mr. INOUYE, Mr. COATS, Mr. COCHRAN, Mr. ROBERTS, Mr. BROWNBACK, Mr. COVERDELL, Mr. SPECTER, and Mr. NICKLES):

S. 621. A bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1997

Mr. D'AMATO. Mr. President, today I introduce the Public Utility Holding Company Act of 1997. This legislation is substantively identical to S. 1317 which the Senate Banking Committee reported in the 104th Congress. The bill would repeal the Public Utility Holding Company Act of 1935, [PUHCA] and would transfer residual regulatory authority from the Securities and Exchange Commission to the Federal Energy Regulatory Commission and State public service commissions.

Mr. President, this bill is introduced with the bipartisan cosponsorship of Senators MURKOWSKI, DODD, SARBANES, GRAMM, SHELBY, MACK, FAIRCLOTH, ALLARD, LOTT, DOMENICI, AKAKA, INOUYE, COATS, COCHRAN, ROBERTS, BROWNBACK, COVERDELL, and SPECTER.

Mr. President, this legislation would eliminate duplicative, unnecessary regulation which unfairly burdens a few utility holding companies. It would allow holding companies to improve service and possibly lower the costs of consumers' utility bills. The bill would enhance existing regulatory tools and provide State and Federal regulators new authority to ensure that they can protect energy consumers from unfair rate increases.

PUHCA was originally enacted more than six decades ago to regulate public utility holding companies. At that time, this Federal statute was needed to fill the regulatory gap that enabled holding companies to conceal assets by creating and speculating in public utility companies.

Mr. President, PUHCA has achieved the congressional purpose—it broke up the mammoth holding company structures that existed more than half a century ago. PUHCA is not only outdated, it is the relic of a different era. Today there is strong regulation of the energy industry at the State and Federal level. In addition, the Federal securities laws' registration and disclosure requirements have become effective tools for the SEC to protect investors and ensure the integrity of the market for public utility holding company securities.

Originally enacted to protect consumers and investors, PUHCA has become an unnecessary impediment to efficient and flexible business operations. Currently, there are 180 public utility holding companies in the United States. Of these 180 companies, 165 are exempt from PUHCA and only 15 companies are subject to direct SEC regulation. As a result, PUHCA imposes a burdensome regulatory scheme on these 15 registered holding companies and prevents them from diversifying into new business areas. PUHCA keeps these holding companies from diversifying, limits their growth opportunities and options, and requires the companies to apply for SEC permission to engage in almost all new business activities.

PUHCA also hinders the growth of nonregistered, exempt holding companies. Once exempt companies expand their business across State lines they too become subject to PUHCA's restrictions. As a result, exempt companies refrain from expanding across State lines even when such a move would lead to cheaper and more efficiently produced energy for consumers. Similarly, PUHCA prevents non-utility holding companies from diversifying into utility business.

Mr. President, PUHCA is more than just another example of Government overregulation—it is an impediment to both the deregulation of the energy industry and to the growth and diversification of existing businesses. Since many States have begun to deregulate the energy industry and Congress plans to review energy reform issues, the time for PUHCA reform is now. This year, in my own backyard, Long Island, two utility companies will merge. This merger is expected to reduce energy bills for Long Island energy customers who currently pay the highest rates for energy in the continental U.S. The merger will not only lead to lower rates, but it should also mean better service for customers.

While Long Island's energy customers can finally look forward to lower rates, PUHCA prevents other utility companies from expanding, merging, and offering new services to consumers. Like any other utility merger, the State, the FERC and other Federal regulators will have to approve this merger. Under PUHCA, if either of these companies was a registered holding company or the merger involved companies from neighboring States, the companies would also have to seek SEC approval of the merger in advance and at all subsequent stages of restructuring. For example, if this merger included utility companies from New Jersey or Connecticut, PUHCA's restrictions on diversification and burdensome requirements, could have prevented a merger that would benefit consumers, investors, and business.

As one of the leaders in energy deregulation, New York State provides an example of why PUHCA reform is necessary now. Without PUHCA reform, companies will choose alternative corporate structures to avoid PUHCA's restrictive requirements, preventing the efficient restructuring of the energy industry. Congress must reform PUHCA so that the energy industry will be efficient and consumers can realize the reduction in rates and improvement in services they deserve.

Mr. President, the bill I introduce today follows the SEC's Division of Investment Management's 1995 recommendation to conditionally repeal

PUHCA since "the current regulatory system imposes significant costs, in direct administrative charges and foregone economies of scale and scope, that often cannot be justified in terms of benefits to utility investors." The legislation has been crafted in consultation with State and Federal utility regulators, public interest groups, the Senate Energy Committee, and both registered and non-registered utility companies.

Mr. President, let me summarize the purpose of the bill. The Public Utility Company Act of 1997 would maintain the provisions of the 1935 Act essential to consumer protection. In fact, the bill enhances consumer safeguards by enabling energy regulators to oversee all holding company operations. Specifically, the bill makes it easier for FERC and State public service commissions to protect consumers from paying nonutility related costs by giving the regulators expanded authority to review the books and records of all holding company activities to determine energy rates. At the same time, the bill would preserve FERC's authority to review transactions, acquisitions, and mergers of utilities and would clarify the FERC and state commission's authority to allocate costs when setting rates. The bill also gives state commissions vital enforcement backup to ensure that they can access all the books and records necessary to make rate determinations.

Mr. President, the goal of PUHCA reform is increased competition—to make sure consumers ultimately pay lower utility rates not higher ones.

While some would prefer to address PUHCA reform in the larger context of comprehensive energy deregulation, there is no reason to delay consideration of this separate bill I introduce today. Rather than package PUHCA with comprehensive reform of the federal energy laws, PUHCA reform can proceed, on a stand alone basis, as it does not affect the larger energy issues which my knowledgeable colleagues on the Energy Committee are considering.

In fact, the experts in the energy field, lead by the distinguished chairman and former ranking member of the Energy Committee, Senators MURKOWSKI and Johnston, who testified before the Banking Committee on this issue last year, believe that PUHCA reform should move independently of, and separate from, full energy deregulation. PUHCA reform is a necessary first step in creating an efficient energy industry.

Mr. President, I have been a proponent of PUHCA reform for 16 years. Congress should allow consumers access to the cheapest power and the best services by repealing this burdensome and unnecessary law. The American people deserve and expect an efficient energy industry unfettered by unnecessary regulation. The legislation I introduce today accomplishes this by removing the energy industry from the 60-year-old regulatory shackles put in place by PUHCA. I urge my colleagues to support this legislation so that we may provide consumers with a highly efficient energy market that has better consumer protections.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 621

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Utility Holding Company Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the Public Utility Holding Company Act of 1935 was intended to facilitate the work of Federal and State regulators by placing certain constraints on the activities of holding company systems;

(2) developments since 1935, including changes in other regulation and in the electric and gas industries, have called into question the continued relevance of the model of regulation established by that Act;

(3) there is a continuing need for limited Federal and State regulation in order to ensure the rate protection of utility customers; and

(4) limited Federal regulation is necessary to supplement the work of State commissions for the continued rate protection of electric and gas utility customers.

(b) PURPOSES.—The purposes of this Act are—

(1) to eliminate unnecessary regulation, yet continue to provide for consumer protection by facilitating existing rate regulatory authority through improved Federal and State commission access to books and records of all companies in a holding company system, to the extent that such information is relevant to rates paid by utility customers, while affording companies the flexibility required to compete in the energy markets; and

(2) to address protection of electric and gas utility customers by providing for Federal and State access to books and records of all companies in a holding company system that are relevant to utility rates.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "affiliate" of a company means any company 5 percent or more of the outstanding voting securities of which are owned, controlled, or held with power to vote, directly or indirectly, by such company;

(2) the term "associate company" of a company means any company in the same holding company system with such company;

(3) the term "Commission" means the Federal Energy Regulatory Commission;

(4) the term "company" means a corporation, partnership, association, joint stock company, business trust, or any organized group of persons, whether incorporated or not, or a receiver, trustee, or other liquidating agent of any of the foregoing;

(5) the term "electric utility company" means any company that owns or operates facilities used for the generation, transmission, or distribution of electric energy for sale;

(6) the terms "exempt wholesale generator" and "foreign utility company" have the same meanings as in sections 32 and 33, respectively, of the Public Utility Holding Company Act of 1935, as those sections existed on the day before the effective date of this Act;

(7) the term "gas utility company" means any company that owns or operates facilities used for distribution at retail (other than the distribution only in enclosed portable containers or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power;

(8) the term "holding company" means—

(A) any company that directly or indirectly owns, controls, or holds, with power to vote, 10 percent or more of the outstanding voting securities of a public utility company or of a holding company of any public utility company; and

(B) any person, determined by the Commission, after notice and opportunity for hearing, to exercise directly or indirectly (either alone or pursuant to an arrangement or understanding with one or more persons) such a controlling influence over the management or policies of any public utility company or holding company as to make it necessary or appropriate for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this Act upon holding companies;

(9) the term "holding company system" means a holding company, together with its subsidiary companies;

(10) the term "jurisdictional rates" means rates established by the Commission for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(11) the term "natural gas company" means a person engaged in the transportation of natural gas in interstate commerce or the sale of such gas in interstate commerce for resale;

(12) the term "person" means an individual or company;

(13) the term "public utility" means any person who owns or operates facilities used for transmission of electric energy in interstate commerce or sales of electric energy at wholesale in interstate commerce;

(14) the term "public utility company" means an electric utility company or a gas utility company;

(15) the term "State commission" means any commission, board, agency, or officer, by whatever name designated, of a State, municipality, or other political subdivision of a State that, under the laws of such State, has jurisdiction to regulate public utility companies;

(16) the term "subsidiary company" of a holding company means—

(A) any company, 10 percent or more of the outstanding voting securities of which are directly or indirectly owned, controlled, or held with power to vote, by such holding company; and

(B) any person, the management or policies of which the Commission, after notice and opportunity for hearing, determines to be subject to a controlling influence, directly or indirectly, by such holding company (either alone or pursuant to an arrangement or understanding with one or more other persons) so as to make it necessary for the rate protection of utility customers with respect to rates that such person be subject to the obligations, duties, and liabilities imposed by this Act upon subsidiary companies of holding companies; and

(17) the term "voting security" means any security presently entitling the owner or holder thereof to vote in the direction or management of the affairs of a company.

SEC. 4. REPEAL OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935.

The Public Utility Holding Company Act of 1935 (15 U.S.C. 79a et seq.) is repealed, effective 18 months after the date of enactment of this Act.

SEC. 5. FEDERAL ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Each holding company and each associate company thereof shall maintain, and shall make available to the Commission, such books, accounts, memoranda, and other records as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates for the transmission of electric energy in interstate commerce, the sale of electric energy at wholesale in interstate commerce, the transportation of natural gas in interstate commerce, and the sale in interstate commerce of natural gas for resale for ultimate public consumption for domestic, commercial, industrial, or any other use.

(b) AFFILIATE COMPANIES.—Each affiliate of a holding company or of any subsidiary company of a holding company shall maintain, and make available to the Commission, such books, accounts, memoranda, and other records with respect to any transaction with another affiliate, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company that is an associate company of such holding company and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(c) HOLDING COMPANY SYSTEMS.—The Commission may examine the books, accounts, memoranda, and other records of any company in a holding company system, or any affiliate thereof, as the Commission deems to be relevant to costs incurred by a public utility or natural gas company within such holding company system and necessary or appropriate for the protection of utility customers with respect to jurisdictional rates.

(d) CONFIDENTIALITY.—No member, officer, or employee of the Commission shall divulge any fact or information that may come to his or her knowledge during the course of examination of books, accounts, memoranda, or other records as provided in this section, except as may be directed by the Commission or by a court of competent jurisdiction.

SEC. 6. STATE ACCESS TO BOOKS AND RECORDS.

(a) IN GENERAL.—Upon the written request of a State commission having jurisdiction to regulate a public utility company in a holding company system, and subject to such terms and conditions as may be necessary and appropriate to safeguard against unwarranted disclosure to the public of any trade secrets or sensitive commercial information, a holding company or its associate company or affiliate thereof, wherever located, shall produce for inspection books, accounts, memoranda, and other records that—

(1) have been identified in reasonable detail in a proceeding before the State commission;

(2) the State commission deems are relevant to costs incurred by such public utility company; and

(3) are necessary for the effective discharge of the responsibilities of the State commission with respect to such proceeding.

(b) EFFECT ON STATE LAW.—Nothing in this section shall preempt applicable State law concerning the provision of books, records, or any other information, or in any way limit the rights of any State to obtain books, records, or any other information under Federal law, contract, or otherwise.

(c) COURT JURISDICTION.—Any United States district court located in the State in which the State commission referred to in subsection (a) is located shall have jurisdiction to enforce compliance with this section.

SEC. 7. EXEMPTION AUTHORITY.

(a) RULEMAKING.—Not later than 90 days after the date of enactment of this Act, the Commission shall promulgate a final rule to exempt from the requirements of section 5 any person that is a holding company, solely with respect to one or more—

(1) qualifying facilities under the Public Utility Regulatory Policies Act of 1978;

(2) exempt wholesale generators; or

(3) foreign utility companies.

(b) OTHER AUTHORITY.—If, upon application or upon its own motion, the Commission finds that the books, records, accounts, memoranda, and other records of any person are not relevant to the jurisdictional rates of a public utility company, or if the Commission finds that any class of transactions is not relevant to the jurisdictional rates of a public utility company, the Commission shall exempt such person or transaction from the requirements of section 5.

SEC. 8. AFFILIATE TRANSACTIONS.

Nothing in this Act shall preclude the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to determine whether a public utility company may recover in rates any costs of an activity performed by an associate company, or any costs of goods or services acquired by such public utility company from an associate company.

SEC. 9. APPLICABILITY.

No provision of this Act shall apply to, or be deemed to include—

(1) the United States;

(2) a State or any political subdivision of a State;

(3) any foreign governmental authority not operating in the United States;

(4) any agency, authority, or instrumentality of any entity referred to in paragraph (1), (2), or (3); or

(5) any officer, agent, or employee of any entity referred to in paragraph (1), (2), or (3) acting as such in the course of his or her official duty.

SEC. 10. EFFECT ON OTHER REGULATIONS.

Nothing in this Act precludes the Commission or a State commission from exercising its jurisdiction under otherwise applicable law to protect utility customers.

SEC. 11. ENFORCEMENT.

The Commission shall have the same powers as set forth in sections 306 through 317 of the Federal Power Act (16 U.S.C. 825d–825p) to enforce the provisions of this Act.

SEC. 12. SAVINGS PROVISIONS.

(a) IN GENERAL.—Nothing in this Act prohibits a person from engaging in or continuing to engage in activities or transactions in which it is legally engaged or authorized to engage on the effective date of this Act, if that person continues to comply with the terms of any such authorization, whether by rule or by order.

(b) EFFECT ON OTHER COMMISSION AUTHORITY.—Nothing in this Act limits the authority of the Commission under the Federal Power Act (16 U.S.C. 791a et seq.) (including section 301 of that Act) or the Natural Gas Act (15 U.S.C. 717 et seq.) (including section 8 of that Act).

SEC. 13. IMPLEMENTATION.

Not later than 18 months after the date of enactment of this Act, the Commission shall—

(1) promulgate such regulations as may be necessary or appropriate to implement this Act; and

(2) submit to the Congress detailed recommendations on technical and conforming amendments to Federal law necessary to carry out this Act and the amendments made by this Act.

SEC. 14. TRANSFER OF RESOURCES.

All books and records that relate primarily to the functions transferred to the Commission under this Act shall be transferred from the Securities and Exchange Commission to the Commission.

SEC. 15. EFFECTIVE DATE.

This Act shall take effect 18 months after the date of enactment of this Act.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such funds as may be necessary to carry out this Act.

SEC. 17. CONFORMING AMENDMENT TO THE FEDERAL POWER ACT.

Section 318 of the Federal Power Act (16 U.S.C. 825q) is repealed.

Mr. MURKOWSKI. Mr. President, I rise to cosponsor the Public Utility Holding Company Act of 1997. Enactment of this legislation is long overdue.

Mr. President, the Public Utility Holding Company Act was enacted in 1935 to curb serious abuses by utilities that hurt consumers. Back then it was needed, but since then much has changed. As a result, PUHCA now does more harm than good.

This legislation will eliminate unnecessary regulation. It will also streamline and make more effective the regulation that is still needed. By doing so, it will promote competition in the electric power industry without jeopardizing consumer protections.

Over the past six decades, a comprehensive State-Federal regulatory system has been developed to protect consumers. In a nutshell, State public utility commissions regulate transactions that are intrastate in nature, and the Federal Energy Regulatory Commission regulates those that are interstate in nature. State commissions perform their regulatory activities pursuant to State law, and the FERC performs it pursuant to the Federal Power Act.

With the maturity of both State and Federal utility regulation, PUHCA is now at best superflouous, but in some instances it actually interferes with appropriate regulation. For example, the Ohio Power court case held that decisions by the Securities and Exchange

Commission under PUHCA preempt FERC's regulatory authority over utilities under the Federal Power Act. This legislation solves that problem by giving the FERC clear and exclusive authority to address matters within its jurisdiction and expertise. It will also enhance the ability of State regulatory agencies to do their jobs. In short, the streamlining of the regulatory system proposed by this legislation will not diminish needed consumer protection, and in several important ways it will actually enhance it.

If the regulatory system created by PUHCA were necessary for consumer protection, then the regulatory burdens it imposes might be justified. But as everyone now acknowledges, PUHCA is not needed to protect consumers. As a result, regulatory costs caused by PUHCA are simply passed on to consumers in the form of higher rates without any offsetting consumer benefits.

Congress has long recognized that PUHCA creates problems. In 1978, the Public Utility Regulatory Policies Act provided an exemption from PUHCA for certain types of electric power generators. In 1992, the Energy Policy Act gave additional exemptions to certain other types of electric power generators. These were Band-Aid fixes to PUHCA; needed, but not a complete solution. Fundamental reform of PUHCA is needed and is justified. The time is ripe to streamline and modernize the act. It is for these reasons that I am cosponsoring Senator D'AMATO's legislation.

Mr. President, there may be some who will try to use this legislation as a vehicle to restructure the electric utility industry, including to impose retail wheeling or to federally preempt State public utility commissions. I will strenuously resist any such effort. I have received assurances that Senator D'AMATO is of like mind. This is not the place to do this. Retain wheeling and other utility competitive issues are not linked to the issues involved in PUHCA reform. Moreover, retail wheeling and other Federal Power Act matters are entirely within the jurisdiction of the Committee on Energy and Natural Resources, not the Committee on Banking, Housing and Urban Affairs, to which this legislation will be referred. Electric utility issues are very complex, and they are very significant not only to consumers but also to this Nation's competitiveness and economic well-being. These kinds of changes cannot, and will not be made without careful and complete consideration by the Committee on Energy and Natural Resources of all aspects of the issues and questions they raise. That is why the Committee on Energy and Natural Resources is now in the process of reviewing the factors that affect the competitiveness of the electric power industry.

Mr. President, it is for these reasons that I am today cosponsoring this legislation and I hope that it will soon be on the President's desk for his signature.

By Mr. HATCH (for himself, Mr. CONRAD, Mr. COCHRAN, Mr. GREGG, Ms. MOSELEY-BRAUN, Mr. ENZI, Mr. INOUYE, Mr. BAUCUS, Mr. REID, Mr. D'AMATO, Mr. KYL, Mr. ASHCROFT, Mr. DOMENICI, Mr. HAGEL, Mr. BOND, Mr. THOMAS, Mr. MURKOWSKI, and Mr. NICKLES):

S. 622. A bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans; to the Committee on Finance.

NONDISCRIMINATION RULES FOR GOVERNMENT PENSION PLANS LEGISLATION

Mr. HATCH. Mr. President, I rise today to introduce legislation with Senators CONRAD, COCHRAN, GREGG, MOSELEY-BRAUN, ENZI, INOUYE, BAUCUS, REID, D'AMATO, KYL, ASHCROFT, DOMENICI, HAGEL, BOND, THOMAS, and MURKOWSKI that would make permanent the current moratorium on the application of the pension nondiscrimination rules to State and local government pension plans. During the last Congress, I introduced similar legislation as S. 2047. And this year, a similar provision was included in S. 14, introduced by Senator DASCHLE.

The current laws governing private pension plans contain specific rules aimed at ensuring that pension plans do not discriminate in favor of highly paid employees. For nearly 20 years, State and local government pension plans have been deemed to satisfy these complex nondiscrimination rules until Treasury can figure out how or if these rules are applicable to unique government pension plans. This bill simply puts an end to this stalled process and dispels two decades of uncertainty for administrators of State and local government retirement plans. Let me summarize the evolution of this issue and why this bill is being introduced today.

Mr. President, the Federal Government has long ago established a policy of encouraging tax-deferred retirement savings. Most retirement plans that benefit employees are employer-sponsored tax-deferred retirement plans. Over the years, Congress has required that these plans meet strict nondiscrimination standards designed to ensure that they do not provide disproportionate benefits to business owners, officers, or highly compensated individuals relative to other employees.

In response to the growing popularity of employer-sponsored tax-deferred pension plans, Congress passed the Employee Retirement Income Security Act [ERISA] in 1974 to enhance the rules governing pension plans. However, during consideration of ERISA, Congress recognized that nondiscrimination rules for private pension plans were not readily applicable to public pension plans because of the unique nature of governmental employers. Former Representative Al Ullman stated, during Ways and Means Committee consideration of ERISA, that Congress was not prepared to apply nondiscrimination rules to public plans, saying that:

> The committee exempted Government plans from the new higher requirements because adequate information is not now available to permit a full understanding of the impact these new requirements would have on governmental plans.

After studying the issue, the Internal Revenue Service on August 10, 1977, issued News Release IR–1869, which stated that issues concerning discrimination under State and local government retirement plans would not be raised until further notice. Thus, an indefinite moratorium was placed on the application of the new rules to government plans.

In 1986, Congress passed the Tax Reform Act of 1986, which made further changes to pension laws and the general nondiscrimination rules. On May 18, 1989, the Department of the Treasury, in proposed regulations, lifted the 12-year public sector moratorium and required that public sector plans comply with the new rules immediately. However, further examination revealed, and Treasury and the IRS recognized, that a separate set of rules was required for State and local government plans because of their unique features.

Consequently, through final rules issued in September 1991, the Treasury reestablished the moratorium on a temporary basis until January 1, 1993, and solicited comments for consideration. In addition, State and local government pension plans were deemed to satisfy the statutory nondiscrimination requirements for years prior to 1993. Since then, the moratorium has been extended three more times, the latest of which is in effect until 1999.

Mr. President, here we are, in April 1997, 23 years since the passage of ERISA, and State and local government pension plans are still living under the shadow of having to comply with the cumbersome, costly, and complex nondiscrimination rules. Experience over the past 20 years has shown that the existing nondiscrimination rules have limited utility in the public sector. Furthermore, the long delay in action illustrates the seriousness of the problem and the doubtful issuance of nondiscrimination regulations by the Department of the Treasury.

Mr. President, during consideration of another extension of the moratorium, a coalition of associations representative of State and local governmental plans summarized their current position in a letter to IRS Commissioner Margaret Richardson dated October 13, 1995.

> In our discussions with Treasury over the past two years, there have been no abuses or even significant concerns identified that would warrant the imposition of such a cumbersome thicket of federal rules on public plans that already are the subject of State and local government regulation.
>
> Accordingly, while we always remain open to further discussion, as our Ways and Means statement indicates, the experience of the past two years in working with Treasury to develop a sensible and workable set of nondiscrimination rules for governmental plans has convinced us that the task ultimately is a futile one—portending tremendous cost, complexity, and disruption of sovereign State operations in the absence of any identifiable problem.

Mr. President, the sensible conclusion of this 20-year exercise is to admit that the Treasury is not likely to issue regulations for State and local pension plans and Congress should make the temporary moratorium permanent.

Furthermore, there are examples to support this legislation. Relief from the pension nondiscrimination rules is not a new concept. In reality, Mr. President, State and local government pension plans face a higher level of scrutiny. State law generally requires publicly elected legislators to amend the provisions of a public plan. Electoral accountability to the voters and media scrutiny serve as protections against abusive and discriminatory benefits.

Moreover, precedent exists for Congress to grant relief from the nondiscrimination rules. In 1986, the Congress established the Thrift Savings Fund for Federal employees. As originally enacted, the fund was required to comply with the 401(k) nondiscrimination rules on employee contributions and matching contributions to the fund. However, in 1987, as part of a Continuing Appropriations Act for 1988, the Congress passed a provision that made these nondiscrimination rules inapplicable to the Federal Thrift Savings Fund. Thus, Congress has reaffirmed the need to treat governmental pension plans as unique.

Mr. President, this legislation is not sweeping, nor does it grant any new treatment to these plans. Because of the moratorium, governmental plans are currently treated as satisfying the nondiscrimination rules. Lifting the moratorium would impose on governmental pension plans the cost task of testing for discrimination when no significant abuses or concerns exist. In fact, finally imposing the nondiscrimination rules at this juncture may require benefits to be reduced for State and local government employees and force costly modifications to these retirement plans. This legislation coincides with the principle of allowing a State to enjoy the right to determine the compensation of its employees.

Mr. President, with another expiration of the moratorium looming in the future, I believe it is time to address this issue. I have no illusion that it will be resolved quickly. The complexities of these rules and the uniqueness of governmental plans have brought us to where we are today. I believe that, as Senators better understand the history of this issue, they will agree with us that the appropriate step is to end this uncertainty and make the temporary moratorium permanent.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 622

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MODIFICATIONS TO NONDISCRIMINATION AND MINIMUM PARTICIPATION RULES WITH RESPECT TO GOVERNMENTAL PLANS.

(a) GENERAL NONDISCRIMINATION AND PARTICIPATION RULES.—

(1) NONDISCRIMINATION REQUIREMENTS.—Section 401(a)(5) of the Internal Revenue Code of 1986 (relating to qualified pension, profit-sharing, and stock bonus plans) is amended by adding at the end the following:

"(G) GOVERNMENTAL PLANS.—Paragraphs (3) and (4) shall not apply to a governmental plan (within the meaning of section 414(d)).".

(2) ADDITIONAL PARTICIPATION REQUIREMENTS.—Section 401(a)(26)(H) of such Code (relating to additional participation requirements) is amended to read as follows:

"(H) EXCEPTION FOR GOVERNMENTAL PLANS.—This paragraph shall not apply to a governmental plan (within the meaning of section 414(d)).".

(3) MINIMUM PARTICIPATION STANDARDS.—Section 410(c)(2) of such Code (relating to application of participation standards to certain plans) is amended to read as follows:

"(2) A plan described in paragraph (1) shall be treated as meeting the requirements of this section for purposes of section 401(a), except that in the case of a plan described in subparagraph (B), (C), or (D) of paragraph (1), this paragraph shall only apply if such plan meets the requirements of section 401(a)(3) (as in effect on September 1, 1974).".

(b) PARTICIPATION STANDARDS FOR QUALIFIED CASH OR DEFERRED ARRANGEMENTS.—Section 401(k)(3) of the Internal Revenue Code of 1986 (relating to application of participation and discrimination standards) is amended by adding at the end the following:

"(G)(i) The requirements of subparagraph (A)(i) and (C) shall not apply to a governmental plan (within the meaning of section 414(d)).

"(ii) The requirements of subsection (m)(2) (without regard to subsection (a)(4)) shall apply to any matching contribution of a governmental plan (as so defined).".

(c) NONDISCRIMINATION RULES FOR SECTION 403(b) PLANS.—Section 403(b)(12) of the Internal Revenue Code of 1986 (relating to nondiscrimination requirements) is amended by adding at the end the following:

"(C) GOVERNMENTAL PLANS.—For purposes of paragraph (1)(D), the requirements of subparagraph (A)(i) shall not apply to a governmental plan (within the meaning of section 414(d)).".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section apply to taxable years beginning on or after the date of enactment of this Act.

(2) TREATMENT FOR YEARS BEGINNING BEFORE DATE OF ENACTMENT.—A governmental plan (within the meaning of section 414(d) of the Internal Revenue Code of 1986) shall be treated as satisfying the requirements of sections 401(a)(3), 401(a)(4), 401(a)(26), 401(k), 401(m), 403 (b)(1)(D) and (b)(12), and 410 of such Code for all taxable years beginning before the date of enactment of this Act.

Mr. CONRAD, Mr. President, I rise today as an original cosponsor of legislation to modify the application of pension nondiscrimination rules to State and local governmental pension plans. This legislation, originally introduced by Senator HATCH and myself in the 104th Congress, will provide relief to State and local governments from unnecessary and overly burdensome Federal regulations. Pension nondiscrimination laws are to assure that workers at all levels of employment are given access to the benefits of tax-exempt pension plans. As employers, State and local governments employ a wide range of workers, from judges to firefighters to teachers. Each occupation requires that its unique circumstances be considered when determining pension benefits. Laws that were created by the Federal Government do not adequately address the needs of the diverse work force of State and local governments.

Public pension plans are negotiated by popularly elected governments and subject to public scrutiny. They do not require a high degree of Federal review. The process of enacting these plans promotes fair benefits for governmental employees. Public pension plans have been given temporary exemption from nondiscrimination laws for almost 20 years, and the result is that full-time public employees enjoy almost twice the pension coverage rate of their counterparts in the private sector. It is time to make this temporary exemption permanent.

This bill enjoys a wide range of support from State and local governments, as well as public employee representatives. I urge my colleagues to join Senator HATCH and me, along with a bipartisan group of Senators, to ease the burden of Federal regulation on State and local governments. I look forward to this bill's consideration in committee and on the Senate floor.

By Mr. INOUYE (for himself and Mr. AKAKA):

S. 623. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Phillipines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans Affairs.

THE FILIPINO VETERANS EQUITY ACT OF 1997

Mr. INOUYE. Mr. President, I rise to introduce legislation which amends title 38, United States Code, to restore full veterans' benefits, by reason of service to certain organized military forces of the Philippine Commonwealth Army and the Philippine Scouts.

On July 26, 1942, President Roosevelt issued a military order that called members of the Philippine Commonwealth Army into the service of the U.S. Forces of the Far East. Under the command of Gen. Douglas MacArthur, our Filipino allies joined American soldiers in fighting some of the most fiercest battles of World War II.

From the onset of the war through February 18, 1946, Filipinos who were called into service under President Roosevelt's order were entitled to full veterans' benefits by reason of their active service in our Armed Forces. Unfortunately, on February 18, 1946, the Congress enacted the Rescission Act of 1946 (now codified as section 107, title 38, United States Code), which states that service performed by these Filipino veterans is not deemed as active service for purposes of any law of the United States conferring rights, privileges, or benefits. On May 27, 1946, the Congress extended the limitation on benefits to the new Philippine Scouts units.

Interestingly enough, section 107 denied Filipino veterans access to health care, particularly for nonservice connected disability, and denied them other benefits such as pensions and home loan guarantees. Additionally, section 107 limited the benefits received for service-connected disabilities and death compensation to 50 percent of what was received by their American counterparts.

As a result, Filipino veterans sued to obtain relief from this discriminatory treatment. The U.S. District Court for the District of Columbia, on May 12, 1989, in Quiban versus U.S. Veterans Administration, declared section 107 unconstitutional. However, the U.S. Court of Appeals for the District of Columbia reversed that ruling and the veterans did not file a petition for certiorari to the U.S. Supreme Court. Thus, the Congress is the only hope for rectifying this injustice.

For many years, Filipino veterans of World War II have sought to correct this injustice by seeking equal treatment for their valiant military service in our Armed Forces. We must not ignore the recognition they duly deserve as U.S. veterans. Accordingly, I urge my colleagues to support this measure which would restore full veterans' benefits, by reason of service, to our Filipino allies of World War II.

Mr. President, I ask unanimous consent that the text of my bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 623

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 1997".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking out "not" after "Army of the United States, shall"; and

(B) by striking out ", except benefits under—" and all that follows and inserting in lieu thereof a period; and

(2) in subsection (b)—

(A) by striking out "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking out "except—" and all that follows and inserting in lieu thereof a period.

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

§107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of enactment of this Act.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

By Mr. BUMPERS:

S. 624. A bill to establish a competitive process for the awarding of concession contracts in units of the National Park System, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL PARK SERVICE CONCESSION POLICY REFORM ACT OF 1997

Mr. BUMPERS. Mr. President, as a part of the Earth Day celebration, I am, once again, introducing legislation to reform the concessions policies of the National Park Service. This bill is very similar to a bill I sponsored in the 103d Congress—listen to this—which passed the Senate 90 to 9 and passed the House 386 to 30, but it is not yet law. It repeals the 1965 Concessions Policy Act which has been over a 30-year-old outrage.

My legislation would establish an open competitive process for awarding concessions contracts in units of the National Park System. It will be a competitive process for the first time. These contracts are very lucrative the way they are let under the 1965 act, and the American people are getting shafted and have been for a very long time.

Instead of putting the money that we get today back into the Treasury for general purposes, under my bill, the money we get from the contracts will go to a special account for the use of the National Park Service, and Lord only knows every study shows they need it.

This will be the 18th year that I have worked to reform the concession policies of this country. The very first oversight hearing I ever held upon becoming chairman of the Parks Subcommittee in 1979 was on this very issue. One has to have a lot of patience to operate around here.

Since that time, there has been no telling how many reports, hearings, markups, floor debates there have been. Everybody agrees the existing law ought to be changed, but in 18 years, with the most diligent efforts I can put into it, it has not been changed, simply because the park concessioners have more clout with some Members of the Senate than have I. They have more clout than the American people have with the U.S. Senate.

Mr. President, let me just tell you what has been happening.

In 1995—that is the latest year for which we have complete information on these concession contracts—in 1995, the United States received just under $16 million in franchise fees on gross concession revenues of $676 million, a whopping 2.4-percent return.

These contracts are almost handed down from generation to generation. They probably put them in their will and give them to their first-born son. It is almost impossible to undo one. But the U.S. taxpayer had a 2.4 percent return on $676 million of national park concessions fees last year.

In all fairness, let me add this. Under the existing law, a concessioner can also make improvements in the parks in consultation and agreement with the National Park Service. He can make improvements, he might even build a new hotel—all kinds of things like that—and he is entitled then to take that into consideration as a part of his fee. But even when you add that in, even when you add in the amount that concessioners spend to improve the park, which, incidentally, is to their benefit because it invariably increases revenues, that increases the amount we received to $40 million on $676 million, still only a 5.9-percent return.

You can invest in a T-bill and do as well, but this is our land, our property, the reason tourists go there and spend their money, because it is a park that Congress, in its infinite wisdom, established. Any property owner in the United States should ask yourself this question: Would you lease your property out for that kind of return when it was producing that kind of revenue for the lessee? You would not even consider it.

A 5.9-percent return we are getting now is better than we have received in the past, but listen to this, just to show you how ridiculous the current policy is. You will recall that Matsushita bought MCA, which owned the Yosemite Park and Curry Co., the concessioner at Yosemite. So Matsushita, when they bought this company, inherited the concessions contract at Yosemite, which produces the most concessions revenue of any park in the United States.

This will show what happens when you have competition. The people in this place, incidentally, are supposed to believe in capitalism. They believe in competition. They believe if you leave it to the marketplace, everything will work out just hunky-dory, except, it seems, for mining and concessions.

So, here was a contract that Matsushita gave up, and whoever got the new contract was going to have to pay off a $62 million note.

What happened in this contract, Matsushita gave up the contract, the National Park Foundation took it for 1 day just for transition purposes, and then Delaware North bid and was awarded the new contract, the first time, I believe, in the history of the National Park Service, since the old law, that a contract had been let competitively.

Would you like to know what happened? The year before this contract was let, the taxpayers got a return from the Yosemite concessions operations of three-quarters of 1 percent. And the first year—the first year—Delaware North had it under the new, actually competitively let contract; on over $80 million of gross revenues, the taxpayers received about a 16-percent return.

Why, Mr. President, do we continue to beat this dog about how important it is to rebuild these facilities in the parks and give a concessioner credit for it and all that?

My bill eliminates the anticompetitive measures of the 1965 act, but it also recognizes that all concessions are not the same.

People come to me and say, "How about the small operators? They're struggling to make ends meet." Under my bill small family operations grossing less than $500,000 a year would retain a preference to renew their contracts—so would outfitters and guide operators. Even though they are not a major share of the revenue, we probably exempt 80 to 90 percent of the concession operations because most of them are admittedly rather small. But my bill ensures that there will be open competition for the large contracts which generate over 90 percent of the total concessions revenue.

As I have already pointed out, the revenues that we get under this bill will go straight into a special account to be used by the National Park Service, similar to the entrance fee legislation just enacted last Congress.

Mr. President, one of the major changes that is made in this bill is the elimination of what is known as possessory interest. And here is the way it has been working. A concessioner goes to the National Park Service—this is just a hypothetical case—and says, "We want to build a hotel for $10 million." They work out the deal and the Park Service approves it.

What happens at that point is, they start depreciating that hotel. Any businessman does that, of course. So the concessioner starts depreciating this $10 million hotel over a 30- or 40-year period, whatever the IRS requires—let us assume it is a 40-year depreciation—and at the end of 20 years he has depreciated $5 million and has $5 million left to recover.

Under existing law, he is entitled to receive whatever he can get for that hotel. If he surrenders the contract, or is kicked out, or for any other reason, loses his contract, he can receive literally the fair market value of the hotel, which may very well be $15 million. He only paid $10 million, he has a tax deduction of $5 million, and he can turn right around and sell it for $15 million and make that an obligation of the next concessioner.

How much nonsense can you put in one law? You think about that. Now, you talk about a bird's nest on the ground, that is possessory interest.

Mr. President, there is one other provision in the old law that is equally as egregious. And that is the preferential right an incumbent concessioner gets to renew his contract. Another hypothetical case—you have a 15-year contract, we will say, in Yellowstone National Park. At the end of the 15 years, the Park Service will put out a notice to anybody who might be interested to let them know if they would like to bid on the concessions operation at Yellowstone.

So let us assume that I would kind of like to have the Yellowstone contract, so I go to the Park Service and say, "I would like to bid on this." And the Park Service says, "That's just jakey. You go ahead and bid. Tell us what you would give us for it." But let me tell you something, whatever you bid, the guy who has the contract now is entitled meet your bid, and if so, he gets it.

You tell me, why would I spend a half-million dollars or whatever it takes preparing a bid on something as significant as the concessions in Yelowstone National Park, knowing that the person who has that contract now need only meet my bid?

He may have paid a 2-percent return to the Federal Government last year. I may be willing to pay 10 percent. And the incumbent concessioner knows what the contract is worth. So he comes in and says, "Well, I'll give you 10 percent, too." So I ask you, if you are a businessman, who in his right mind is going to go out there and spend a lot of money preparing a bid, knowing that the person who has the contract right now only need match your bid?

I hear a lot of talk on the floor of the Senate about good old capitalism and good old competition and how it solves all problems. This is the most egregious policy I can imagine and yet it has been going on for years and years.

But if we pass this bill it will not go on any more.

Mr. President, we have made some progress through the efforts of the administration. However, they have gone about as far as they can go just doing things by regulation. They cannot do very much more. But I give a lot of credit to Bruce Babbitt and President Clinton for at least trying to bring some equity into this without changing the law.

But you know, we have a lot of Senators here who have good friends who had the concession contract on some park in their State for 40 years, and they just cannot see fit to change the law.

You know, the other night I was watching some show on NBC about mining and how egregious our mining policies are. I have worked on that for about 8 years. And I think this year may finally be the year because it is getting to be a kind of a political hot potato for people who are not from mining States to continue to allow that kind of ripoff, rape, and pillage of the taxpayers. But I can tell you it is not a bit worse than this concessions policy we have had for all these years.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 624

Be it enacted in the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Park Service Concession Policy Reform Act of 1997".

SEC. 2. FINDINGS AND POLICY.

(a) FINDINGS.—In furtherance of the Act of August 25, 1916 (39 Stat. 535), as amended (16 U.S.C. 1, 2–4), which directs the Secretary of the Interior to administer areas of the National Park System in accordance with the fundamental purpose of preserving their scenery, wildlife, natural and historic objects, and providing for their enjoyment in a manner that will leave them unimpaired for the enjoyment of future generations, the Congress finds that the preservation and conservation of park resources and values requires that such public accommodations, facilities, and services as the Secretary determines are necessary and appropriate in accordance with this Act—

(1) should be provided only under carefully controlled safeguards against unregulated and indiscriminate use so that visitation will not unduly impair these values; and

(2) should be limited to locations and designs consistent to the highest practicable

degree with the preservation and conservation of park resources and values.

(b) POLICY.—It is the policy of the Congress that—

(1) development on Federal lands within a park shall be limited to those facilities and services that the Secretary determines are necessary and appropriate for public use and enjoyment of the park in which such facilities and services are located;

(2) development of such facilities and services within a park should be consistent to the highest practicable degree with the preservation and conservation of the park's resources and values;

(3) such facilities and services should be provided by private persons, corporations, or other entities, except when no qualified private interest is willing to provide such facilities and services;

(4) if the Secretary determines that development should be provided within a park, such development shall be designed, located, and operated in a manner that is consistent with the purposes for which such park was established;

(5) the right to provide such services and to develop or utilize such facilities should be awarded to the person, corporation, or entity submitting the best proposal through a competitive selection process; and

(6) such facilities or services should be provided to the public at reasonable rates.

SEC. 3. DEFINITIONS.

As used in this Act, the term—

(1) "concessioner" means a person, corporation, or other entity to whom a concession contract has been awarded;

(2) "concession contract" means a contract or permit (but not a commercial use authorization issued pursuant to section 6) to provide facilities or services, or both, at a park;

(3) "facilities" means improvements to real property within parks used to provide accommodations, facilities, or services to park visitors;

(4) "park" means a unit of the National Park System;

(5) "proposal" means the complete proposal for a concession contract offered by a potential or existing concessioner in response to the minimum requirements for the contract established by the Secretary; and

(6) "Secretary" means the Secretary of the Interior.

SEC. 4. REPEAL OF CONCESSION POLICY ACT OF 1965.

(a) REPEAL.—The Act of October 9, 1965, Public Law 89-249 (79 Stat. 969, 16 U.S.C. 20-20g), entitled "An Act relating to the establishment of concession policies administered in the areas administered by the National Park Service and for other purposes", is hereby repealed. The repeal of such Act shall not affect the validity of any contract entered into under such Act, but the provisions of this Act shall apply to any such contract except to the extent such provisions are inconsistent with the express terms and conditions of the contract.

(b) CONFORMING AMENDMENT.—The fourth sentence of section 3 of the Act of August 25, 1916 (16 U.S.C. 3; 39 Stat. 535) is amended by striking all through "no natural" and inserting in lieu thereof, "No natural".

SEC. 5. CONCESSION POLICY.

Subject to the findings and policy stated in section 2, and upon a determination by the Secretary that facilities or services are necessary and appropriate for the accommodation of visitors at a park, the Secretary shall, consistent with the provisions of this Act, laws relating generally to the administration and management of units of the National Park System, and the park's general management plan, concession plan, and other applicable plans, authorize private persons, corporations, or other entities to provide and operate such facilities or services as the Secretary deems necessary and appropriate.

SEC. 6. COMMERCIAL USE AUTHORIZATIONS.

(a) IN GENERAL.—To the extent specified in this section, the Secretary, upon request, may authorize a private person, corporation, or other entity to provide services to park visitors through a commercial use authorization.

(b) CRITERIA FOR ISSUANCE OF AUTHORIZATION.—(1) The authority of this section may be used only to authorize provision of services that the Secretary determines will have minimal impact on park resources and values and which are consistent with the purposes for which the park was established and with all applicable management plans for such park.

(2) The Secretary—

(A) shall require payment of a reasonable fee for issuance of an authorization under this section, such fees to remain available without further appropriation to be used, at a minimum, to recover associated management and administration costs;

(B) shall require that the provision of services under such an authorization be accomplished in a manner consistent to the highest practicable degree with the preservation and conservation of park resources and values;

(C) shall take appropriate steps to limit the liability of the United States arising from the provision of services under such an authorization; and

(D) shall have no authority under this section to issue more authorizations than are consistent with the preservation and proper management of park resources and values, and shall establish such other conditions for issuance of such an authorization as the Secretary determines appropriate for the protection of visitors, provision of adequate and appropriate visitor services, and protection and proper management of the resources and values of the park.

(c) LIMITATIONS.—Any authorization issued under this section shall be limited to—

(1) commercial operations with annual gross revenues of not more than $25,000 resulting from services originating and provided solely within a park pursuant to such authorization; or

(2) the incidental use of park resources by commercial operations which provide services originating outside of the park's boundaries: *Provided*, That such authorization shall not provide for the construction of any structure, fixture, or improvement on Federal lands within the park.

(d) DURATION.—The term of any authorization issued under this section shall not exceed two years.

(e) OTHER CONTRACTS.—A person, corporation, or other entity seeking or obtaining an authorization pursuant to this section shall not be precluded from also submitting proposals for concession contracts.

SEC. 7. COMPETITIVE SELECTION PROCESS.

(a) IN GENERAL.—(1) Except as provided in subsection (b), and consistent with the provisions of subsection (g), any concession contract entered into pursuant to this Act shall be awarded to the person, corporation, or other entity submitting the best proposal as determined by the Secretary, through a competitive selection process, as provided in this section.

(2)(A) As soon as practicable after the date of enactment of this Act, the Secretary shall promulgate appropriate regulations establishing the competitive selection process.

(B) The regulations shall include provisions for establishing a procedure for the resolution of disputes between the Secretary and a concessioner in those instances where the Secretary has been unable to meet conditions or requirements or provide such services, if any, as set forth in a prospectus pursuant to sections 7(c)(2) (D) and (E).

(b) TEMPORARY CONTRACT.—Notwithstanding the provisions of subsection (a), the Secretary may award a temporary concession contract in order to avoid interruption of services to the public at a park, except that prior to making such a determination, the Secretary shall take all reasonable and appropriate steps to consider alternatives to avoid such an interruption.

(c) PROSPECTUS.—(1)(A) Prior to soliciting proposals for a concession contract at a park, the Secretary shall prepare a prospectus soliciting proposals, and shall publish a notice of its availability at least once in local or national newspapers or trade publications, as appropriate, and shall make such prospectus available upon request to all interested parties.

(B) A prospectus shall assign a weight to each factor identified therein related to the importance of such factor in the selection process. Points shall be awarded for each such factor, based on the relative strength of the proposal concerning that factor.

(2) The prospectus shall include, but need not be limited to, the following information—

(A) the minimum requirements for such contract, as set forth in subsection (d);

(B) the terms and conditions of the existing concession contract awarded for such park, if any, including all fees and other forms of compensation provided to the United States by the concessioner;

(C) other authorized facilities or services which may be provided in a proposal;

(D) facilities and services to be provided by the Secretary to the concessioner, if any, including but not limited to, public access, utilities, and buildings;

(E) minimum public services to be offered within a park by the Secretary, including but not limited to, interpretive programs, campsites, and visitor centers; and

(F) such other information related to the proposed concession operation as is provided to the Secretary pursuant to a concession contract or is otherwise available to the Secretary, as the Secretary determines is necessary to allow for the submission of competitive proposals.

(d) MINIMUM PROPOSAL REQUIREMENTS.—(1) No proposal shall be considered which fails to meet the minimum requirements as determined by the Secretary. Such minimum requirements shall include, but need not be limited to—

(A) the minimum acceptable franchise fee;

(B) any facilities, services, or capital investment required to be provided by the concessioner; and

(C) measures necessary to ensure the protection and preservation of park resources.

(2) The Secretary shall reject any proposal, notwithstanding the franchise fee offered, if the Secretary determines that the person, corporation, or entity is not qualified, is likely to provide unsatisfactory service, or that the proposal is not responsive to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(3) If all proposals submitted to the Secretary either fail to meet the minimum requirements or are rejected by the Secretary,

the Secretary shall establish new minimum contract requirements and re-initiate the competitive selection process pursuant to this section.

(e) SELECTION OF BEST PROPOSAL.—(1) In selecting the best proposal, the Secretary shall consider the following principal factors:

(A) the responsiveness of the proposal to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities and services to the public at reasonable rates;

(B) the experience and related background of the person, corporation, or entity submitting the proposal, including but not limited to, the past performance and expertise of such person, corporation, or entity in providing the same or similar facilities or services;

(C) the financial capability of the person, corporation, or entity submitting the proposal; and

(D) the proposed franchise fee: *Provided*, That consideration of revenue to the United States shall be subordinate to the objectives of protecting and preserving park resources and of providing necessary and appropriate facilities or services to the public at reasonable rates.

(2) The Secretary may also consider such secondary factors as the Secretary deems appropriate.

(3) In developing regulations to implement this Act, the Secretary shall consider the extent to which plans for employment of Indians (including Native Alaskans) and involvement of businesses owned by Indians, Indian tribes, or Native Alaskans in the operation of concession contracts should be identified as a factor in the selection of a best proposal under this section.

(f) CONGRESSIONAL NOTIFICATION.—(1) The Secretary shall submit any proposed concession contract with anticipated annual gross receipts in excess of $5,000,000 or a duration of ten or more years to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

(2) The Secretary shall not award any such proposed contract until at least 60 days subsequent to the notification of both Committees.

(g) NO PREFERENTIAL RIGHT OF RENEWAL.—(1) Except as provided in paragraph (2), the Secretary shall not grant a preferential right to a concessioner to renew a concession contract entered into pursuant to this Act.

(2) The Secretary shall grant a preferential right of renewal with respect to a concession contract covered by subsections (h) and (i), subject to the requirements of the appropriate subsection.

(A) As used in this subsection, and subsections (h) and (i), the term "preferential right of renewal" means that the Secretary shall allow a concessioner satisfying the requirements of this subsection (and subsections (h) or (i), as appropriate) the opportunity to match the terms and conditions of any competing proposal which the Secretary determines to be the best proposal.

(B) A concessioner who exercises a preferential right of renewal in accordance with the requirements of this paragraph shall be entitled to award of the new concession contract with respect to which such right is exercised.

(h) OUTFITTING AND GUIDE CONTRACTS.—(1) The provisions of paragraph (g)(2) shall apply only—

(A) to a concession contract—

(i) which solely authorizes a concessioner to provide outfitting, guide, river running, or other substantially similar services within a park; and

(ii) which does not grant such concessioner any interest in any structure, fixture, or improvement pursuant to section 12; and

(B) where the Secretary determines that the concessioner has operated satisfactorily during the term of the contract (including any extensions thereof); and

(C) where the Secretary determines that the concessioner has submitted a responsive proposal for a new contract which satisfies the minimum requirements established by the Secretary pursuant to section 7.

(2) With respect to a concession contract (or extension thereof) covered by this subsection which is in effect on the date of enactment of this Act, the provisions of this paragraph shall apply if the holder of such contract, under the laws and policies in effect on the day before the date of enactment of this Act, would have been entitled to a preferential right to renew such contract upon its expiration.

(i) CONTRACTS WITH ANNUAL GROSS RECEIPTS UNDER $500,000.—(1) The provisions of paragraph (g)(2) shall also apply to a concession contract—

(A) which the Secretary estimates will result in annual gross receipts of less than $500,000;

(B) where the Secretary has determined that the concessioner has operated satisfactorily during the term of the contract (including any extensions thereof); and

(C) that the concessioner has submitted a responsive proposal for a new concession contract which satisfies the minimum requirements established by the Secretary pursuant to section 7.

(2) The provisions of this subsection shall not apply to a concession contract which solely authorizes a concessioner to provide outfitting, guide, river running, or other substantially similar services within a park pursuant to subsection (h).

(j) NO PREFERENTIAL RIGHT TO ADDITIONAL SERVICES.—The Secretary shall not grant a preferential right to a concessioner to provide new or additional services at a park.

SEC. 8. FRANCHISE FEES.

(a) IN GENERAL.—Franchise fees shall not be less than the minimum fee established by the Secretary of each contract. The minimum fee shall be determined in a manner that will provide the concessioner with a reasonable opportunity to realize a profit on the operation as a whole, commensurate with the capital invested and the obligations assumed under the contract.

(b) MULTIPLE CONTRACTS WITHIN A PARK.—If multiple concession contracts are awarded to authorize concessioners to provide the same or similar outfitting, guide, river running, or other similar services at the same approximate location or resource within a specific park, the Secretary shall establish an identical franchise fee for all such contracts, subject to periodic review and revision by the Secretary. Such fee shall reflect fair market value.

(c) ADJUSTMENT OF FRANCHISE FEES.—The amount of any franchise fee for the term of the concession contract shall be specified in the concession contract and may only be modified to reflect substantial changes from the conditions specified or anticipated in the contract.

SEC. 9. USE OF FRANCHISE FEES.

(a) DEPOSITS TO TREASURY.—All receipts collected pursuant to this Act shall be covered into a special account established in the Treasury of the United States. Except as provided in subsection (b), amounts covered into such account in a fiscal year shall be available for expenditure, subject to appropriation, solely as follows:

(1) Fifty percent shall be allocated among the units of the National Park System in the same proportion as franchise fees collected from a specific unit bears to the total amount covered into the account for each fiscal year, to be used for resource management and protection, maintenance activities, interpretation, and research.

(2) Fifty percent shall be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research.

(b) SPECIAL ACCOUNT.—(1) Beginning in fiscal year 1998, all receipts collected in the previous year in excess of the following amounts shall be made available from the special account to the Secretary without further appropriation, to be allocated among the units of the National Park System on the basis of need, in a manner to be determined by the Secretary, to be used for resource management and protection, maintenance activities, interpretation, and research:

(1) $17,000,000 for fiscal year 1998.
(2) $18,000,000 for fiscal year 1999.
(3) $18,000,000 for fiscal year 2000.
(4) $18,000,000 for fiscal year 2001.
(5) $18,000,000 for fiscal year 2002.

(c) EXISTING CONCESSIONER IMPROVEMENT FUNDS.—Nothing in this section shall affect or restrict the use of funds maintained by a concessioner in an existing concessioner improvement account pursuant to a concession contract in effect as of the date of enactment of this Act. No new, renewed, or extended contracts entered into after the date of enactment of this Act shall provide for or authorize the use of such concessioner improvement accounts.

(d) INSPECTOR GENERAL AUDITS.—Beginning in fiscal year 1998, the Inspector General of the Department of the Interior shall conduct a biennial audit of the concession fees generated pursuant to this Act. The Inspector General shall make a determination as to whether concession fees are being collected and expended in accordance with this Act and shall submit copies of each audit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

SEC. 10. DURATION OF CONTRACT.

(a) MAXIMUM TERM.—A concession contract entered into pursuant to this Act shall be awarded for a term not to exceed ten years: *Provided, however*, That the Secretary may award a contract for a term of up to twenty years if the Secretary determines that the contract terms and conditions necessitate a longer term.

(b) TEMPORARY CONTRACT.—A temporary concession contract awarded on a non-competitive basis pursuant to section 7(b) shall be for a term not to exceed two years.

SEC. 11. TRANSFER OF CONTRACT.

(a) IN GENERAL.—No concession contract may be transferred, assigned, sold, or otherwise conveyed by a concessioner without prior written notification to, and approval of the Secretary.

(b) APPROVAL OF TRANSFER.—The Secretary shall not unreasonably withhold approval of a transfer, assignment, sale, or conveyance of a concession contract, but shall not approve the transfer, assignment, sale, or conveyance of a concession contract to any individual, corporation or other entity if the Secretary determines that—

(1) such individual, corporation or entity is, or is likely to be, unable to completely satisfy all of the requirements, terms, and conditions of the contract;

(2) such transfer, assignment, sale or conveyance is not consistent with the objectives of protecting and preserving park resources, and of providing necessary and appropriate facilities or services to the public at reasonable rates;

(3) such transfer, assignment, sale, or conveyance relates to a concession contract which does not provide to the United States consideration commensurate with the probable value of the privileges granted by the contract; or

(4) the terms of such transfer, assignment, sale, or conveyance directly or indirectly attribute a significant value to intangible assets or otherwise may so reduce the opportunity for a reasonable profit over the remaining term of the contract that the United States may be required to make substantial additional expenditures in order to avoid interruption of services to park visitors.

SEC. 12. PROTECTION OF CONCESSIONER INVESTMENT.

(a) CURRENT CONTRACT.—(1) A concessioner who before the date of the enactment of this Act has acquired or constructed, or is required under an existing concession contract to commence acquisition or construction of any structure, fixture, or improvement upon land owned by the United States within a park, pursuant to such contract, shall have a possessory interest therein, to the extent provided by such contract.

(2) Unless otherwise provided in such contract, said possessory interest shall not be extinguished by the expiration or termination of the contract and may not be taken for public use without just compensation. Such possessory interest may be assigned, transferred, encumbered, or relinquished.

(3) Upon the termination of a concession contract in effect before the date of enactment of this title, the Secretary shall determine the value of any outstanding possessory interest applicable to the contract, such value to be determined for all purposes on the basis of applicable laws and contracts in effect on the day before the date of enactment of this Act.

(4) Nothing in this subsection shall be construed to grant a possessory interest to a concessioner whose contract in effect on the date of enactment of this Act does not include recognition of a possessory interest.

(b) NEW CONTRACTS.—(1)(A) With respect to a concession contract entered into on or after the date of enactment of this Act, the value of any outstanding possessory interest associated with such contract shall be set at the value determined by the Secretary pursuant to subsection (a)(3).

(B) As a condition of entering into a concession contract, the value of any outstanding possesory interest shall be reduced on an annual basis, in equal portions, over the same number of years as the time period associated with the straight line depreciation of the structure, fixture, or improvement associated with such possessory interest, as provided by applicable Federal income tax laws and regulations in effect on the day before the date of enactment of this Act.

(C) In the event that the contract expires or is terminated prior to the elimination of any outstanding possessory interest, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the remaining value of the possessory interest.

(D) A successor concessioner may not revalue any outstanding possessory interest, nor the period of time over which such interest is reduced.

(E) Title to any structure, fixture, or improvement associated with any outstanding possessory interest shall be vested in the United States.

(2)(A) If the Secretary determines during the competitive selection process that all proposals submitted either fail to meet the minimum requirements or are rejected (as provided in section 7), the Secretary may, solely with respect to any outstanding possessory interest associated with the contract and established pursuant to a concession contract entered into prior to the date of enactment of this Act, suspend the reduction provisions of subsection (b)(1)(B) for the duration of the contract, and re-initiate the competitive selection process as provided in section 7.

(B) The Secretary may suspend such reduction provisions only if the Secretary determines that the establishment of other new minimum contract requirements is not likely to result in the submission of satisfactory proposals, and that the suspension of the reduction provisions is likely to result in the submission of satisfactory proposals: *Provided, however*, That nothing in this paragraph shall be construed to require the Secretary to establish a minimum franchise fee at a level below the franchise fee in effect for such contract on the day before the expiration date of the previous contract.

(c) NEW STRUCTURES.—(1) On or after the date of enactment of this Act, a concessioner who constructs or acquires a new, additional, or replacement structure, fixture, or improvement upon land owned by the United States within a park, pursuant to a concession contract, shall have an interest in such structure, fixture, or improvement equivalent to the actual original cost of acquiring or constructing such structure, fixture, or improvement, less straight line depreciation over the estimated useful life of the asset according to Generally Accepted Accounting Principles: *Provided*, That in no event shall the estimated useful life of such asset exceed the depreciation period used for such asset for Federal income tax purposes.

(2) In the event that the contract expires or is terminated prior to the recovery of such costs, the concessioner shall be entitled to receive from the United States or the successor concessioner payment equal to the value of the concessioner's interest in such structure, fixture, or improvement. A successor concessioner may not revalue the interest in such structure, fixture, or improvement, the method of depreciation, or the estimated useful life of the asset.

(3) Title to any such structure, fixture, or improvement shall be vested in the United States.

(d) INSURANCE, MAINTENANCE AND REPAIR.—Nothing in this section shall affect the obligation of a concessioner to insure, maintain, and repair any structure, fixture, or improvement assigned to such concessioner and to insure that such structure, fixture, or improvement fully complies with applicable safety and health laws and regulations.

SEC. 13. RATES AND CHARGES TO PUBLIC.

The reasonableness of a concessioner's rates and charges to the public shall, unless otherwise provided in the bid specifications and contract, be judged primarily by comparison with those rates and charges for facilities and services of comparable character under similar conditions, with due consideration for length of season, seasonal variance, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary.

SEC. 14. CONCESSIONER PERFORMANCE EVALUATION.

(a) REGULATIONS.—as soon as practicable after the date of enactment of this Act, the Secretary shall publish, after an appropriate period for public comment, regulations establishing standards and criteria for evaluating the performance of concessions operating within parks.

(b) PERIODIC EVALUATION.—(1) The Secretary shall periodically conduct an evaluation of each concessioner operating under a concession contract pursuant to this Act, as appropriate, to determine whether such concessioner has performed satisfactorily. In evaluating a concessioner's performance, the Secretary shall seek and consider applicable reports and comments from appropriate Federal, State, and local regulatory agencies, and shall seek and consider the applicable views of park visitors and concession customers. If the Secretary's performance evaluation results in an unsatisfactory rating of the concessioner's overall operation, the Secretary shall provide the concessioner with a list of the minimum requirements necessary for the operation to be rated satisfactory, and shall so notify the concessioner in writing.

(2) The Secretary may terminate a concession contract if the concessioner fails to meet the minimum operational requirements identified by the Secretary within the time limitations established by the Secretary at the time notice of the unsatisfactory rating is provided to the concessioner.

(3) If the Secretary terminates a concession contract pursuant to this section, the Secretary shall solicit proposals for a new contract consistent with the provisions of this Act.

SEC. 15. RECORDKEEPING REQUIREMENTS.

(a) IN GENERAL.—Each concessioner shall keep such records as the Secretary may prescribe to enable the Secretary to determine that all terms of the concessioner's contract have been, and are being faithfully performed, and the Secretary or any of the Secretary's duly authorized representatives shall, for the purpose of audit and examination, have access to such records and to other books, documents and papers of the concessioner pertinent to the contract and all the terms and conditions thereof as the Secretary deems necessary.

(b) GENERAL ACCOUNTING OFFICE REVIEW.—The Comptroller General of the United States or any of his or her duly authorized representatives shall, until the expiration of five calendar years after the close of the business year for each concessioner, have access to and the right to examine any pertinent books, documents, papers, and records of the concessioner related to the contracts or contracts involved.

SEC. 16. EXEMPTION FROM CERTAIN LEASE REQUIREMENTS.

The provisions of section 321 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 303b), relating to the leasing of buildings and properties of the United States, shall not apply to contracts awarded by the Secretary pursuant to this Act.

SEC. 17. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. MCCONNELL (for himself, Mr. MOYNIHAN, Mr. LIEBERMAN, Mr. GORTON and Mr. GRAMS):

S. 625. A bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form on insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE AUTO CHOICE REFORM ACT OF 1997

Mr. MCCONNELL. Mr. President, I am happy today to join with my esteemed colleagues, Senator MOYNIHAN and Senator LIEBERMAN, to announce the introduction of the Auto Choice Reform Act. As you know, we introduced this bill in the last Congress, along with Senator Dole. We are proud to announce that Senator SLADE GORTON and Senator ROD GRAMS have also joined us as original cosponsors.

You will hear lots of discussion today, and in the coming months, about various aspects of automobile insurance and tort liability. But, everything you will hear about Auto Choice can be summed up in two words: choice and savings.

Consumers want, need, and deserve both.

Very simply, the Auto Choice Reform Act offers consumers the choice of opting out of the pain and suffering litigation lottery. The consumers who make this choice will achieve a substantial savings on automobile insurance premiums.

Based on an analysis by the Rand Institute for Civil Justice, the Joint Economic Committee estimates that, under Auto Choice, consumers could save a total of $45 billion nationwide in 1997—at no cost to the Government. And, over 5 years, Auto Choice could make available a total of $246 billion in savings. Now, that's better than any tax cut that either party has proposed.

What does a $45 billion annual savings mean to the average driver? Well, that savings is colorfully and clearly illustrated behind me with this check: "Pay to the Order of the American Driver—$243." And this check is not a one-time payment. Motorists could achieve this type of savings every year.

However, before you can truly comprehend the benefits of Auto Choice, you must understand the terrible costs of the current tort liability system.

The Nation's auto insurance system desperately needs an overhaul. And nobody knows this better than the American motorist—who is now paying on average $757 for automobile insurance. Between 1987 and 1994, average premiums rose 44 percent—nearly 1 ½ times the rate of inflation.

Why are consumers forced to pay so much?

Because the auto insurance system is clogged and bloated by fraud, wasteful litigation, and abuse.

First, let's talk about fraud. In 1995, the F.B.I. announced a wave of indictments stemming from Operation Sudden Impact, the most wide-ranging investigation of criminal fraud schemes involving staged car accidents and massive fraud in the health care system. The F.B.I. uncovered criminal enterprises staging bus and car accidents in order to bring lawsuits and collect money from innocent people, businesses and governments. F.B.I. Director Louis Freeh estimates that every American household is burdened by an additional $200 in unnecessary insurance premiums to cover this enormous amount of fraud.

In addition to the pervasive criminal fraud that exists, the incentives of our litigation system encourage injured parties to make excessive medical claims to drive up their damage claims in lawsuits. The Rand Institute for Civil Justice, in a study released in 1995, concluded that 35 to 42 percent of claimed medical costs in car accident cases are excessive and unnecessary. Let me repeat that in simple English: well over one-third of doctor, hospital, physical therapy, and other medical costs claimed in car accident cases are for nonexistent injuries or for unnecessary treatment.

The value of this wasteful health care? Four billion dollars annually. I don't need to remind anyone of the ongoing local and national debate over our health care system. While people have strongly-held differences over the causes and solutions to that problem, the Rand data make one thing certain—lawsuits, and the potential for hitting the jackpot, drive overuse and abuse of the health care system. Reducing those costs by $4 billion annually, without depriving one person of needed medical care, is clearly in our national interest.

Why would an injured party inflate their medical claims, you might ask. It's simple arithmetic. For every $1 of economic loss, a party stands to recover up to $3 in pain and suffering awards. In short, the more you go to the doctor, the more you get from the jury. And, the more you get from the jury, the more money your attorney puts in his own pocket.

In addition to the massive fraud encouraged by the liability system, seriously injured people are grossly undercompensated under the tort system. A 1991 Rand study reveals that people with economic losses between $25,000 and $100,000 recover on the average only 50 percent of their economic losses. People with losses in excess of $100,000 recover only 9 percent.

Moreover, liability insurance does not pay until the claim is resolved. Studies show that the average time to recover is 16 months, and it takes longer in serious injury cases.

The Auto Choice bill gives consumers a way out of this system of high premiums, rampant fraud, and slow, inequitable compensation. Our bill would remove the perverse incentives of lawsuits, while ensuring that car accident victims recover fully for their economic loss.

Now, I'd like to answer the question: what is Auto Choice? Let me first answer with what it is not. It does not abolish lawsuits, and it does not eliminate the concept of fault within the legal system. There will no doubt be less reason to go to court, but the right to sue is absolutely not abolished.

What it does do is allow drivers to decide how they want to be insured. In establishing the choice mechanism, the bill unbundles economic and noneconomic losses and allows the driver to choose whether to be covered for noneconomic losses—that is, pain and suffering losses.

In other words, if a driver wants to be covered for pain and suffering, he stays in the current State system. If he wants to opt-out of the pain and suffering regime, he chooses the personal protection system.

This choice, which sounds amazingly simple and imminently reasonable, is, believe it or not, currently unavailable for over ninety percent of all motorists. Auto Choice will change that.

Let me briefly explain the choices that our bill will offer every consumer. A consumer will be able to choose one of two insurance systems.

The first choice is the tort maintenance system. Drivers who wish to stay in their current system would choose this system and be able to sue and be sued for pain and suffering. These drivers would essentially buy the same type of insurance that they currently carry—and would recover, or fail to recover, in the same way that they do today. The only change for tort drivers would be that, in the event that they are hit by a personal protection driver, the tort driver would recover both economic and noneconomic damages from his own insurance policy. This supplemental first-party policy for tort drivers will be called tort maintenance coverage.

The second choice is the personal protection system. Consumers choosing this system would be guaranteed prompt recovery of their economic losses, up to the levels of their own insurance policy. These drivers would give up recovery of pain and suffering damages in exchange for being immune from pain and suffering lawsuits. Personal protection drivers would achieve substantially reduced premiums because the personal protection system would dramatically reduce: First, pain and suffering damages, second, fraud, and third, the bulk of attorney fees.

Under both insurance systems—tort maintenance and personal protection—the injured party whose economic losses exceed his own coverage will have the right to sue the responsible party for the excess. Moreover, tort drivers will retain the right to sue each other for both economic and noneconomic loss. Critics who say the right to sue is abolished by this bill are plain wrong.

The advantages of personal protection coverage are enormous.

First, personal protection coverage assures that those who suffer injury, regardless of whether someone else is responsible, will be paid for their economic losses. The driver does not have to leave compensation up to the vagaries of how an accident occurs and how much coverage the other driver has. A driver whose car goes off a slippery road will be able to recover for his economic losses. Such a blameless driver could not recover under the tort system because no other person was at fault. No matter when and how a driver or a member of his family is injured, the driver knows his insurance will protect his family.

Second, the choice as to how much insurance protection to purchase is in the hands of the driver, who is in the best position to know how much coverage he and his family need. He can choose as much or as little insurance as his circumstances require, from $20,000 of protection to $1 million of coverage.

Third, people who elect the personal protection option will, in the event they are injured, be paid promptly, as their losses accrue.

Fourth, we will have more rational use of precious health care resources. Insuring on a first-party basis eliminates the incentives for excess medical claiming. When a person chooses to be compensated for actual economic loss, the tort system's incentives for padding one's claims disappear.

Fifth, Auto Choice offers real benefits for low-income drivers because the savings are progressive. Low-income drivers will see the biggest savings because they pay a higher proportion of their disposable income in insurance costs. A study of low income residents of Maricopa County, AZ, revealed that households below 50 percent of the poverty line spent an amazing 31.6 percent of their disposable income on car insurance.

For many low-income families the choices are stark: car insurance and the ability to get to the job, or medicine, new clothing or extra food for the children. Or, they choose the worst alternative of all—driving without any insurance. Should we allow our litigation system to promote such unlawful conduct?

Moreover, Auto Choice offers benefits to all taxpayers, even those who don't drive. For example, local governments will save taxpayer dollars through decreased insurance and litigation costs. This will allow governments to use our tax dollars to more directly benefit the community. Think of all the additional police and firefighters that could be hired with money now spent on lawsuits. Or, schools and playgrounds that could be better equipped. New York City spends more on liability claims than it spends on libraries, botanical gardens, the Bronx Zoo, the Metropolitan Museum of Art and the Department of Youth Services, combined. Imagine the improved quality of life in our urban areas if governments were free of spending on needless lawsuits.

Last, we will create incentives for safer cars. Now, it actually costs more to insure a safer car. That's because a driver in a bigger car who is responsible for another's injury may have a bigger claim to pay. After all, the bigger, safer car may cause more damage to the person in a smaller, less safe car. So insuring a bigger, safer car costs more. But under auto choice and first-party coverage, insurance companies would reward customers with lower premiums for safer cars.

The bottom line? We think that consumers should be able to make one simple choice: "Do you want to continue to pay $757 a year for auto insurance and have the right to recover pain and suffering damages? Or would you rather save $243 a year on your premiums, be promptly reimbursed for your economic losses, and forego pain and suffering damages?"

It's really that simple. And, we're not even going to tell them which answer is the right one. Because that's not up to us. It's up to the consumer. We simply want to give them the choice.

In closing, I'd like to do something I rarely do—quote the New York Times—which summed up the benefits, and indeed, the simplicity of Auto Choice: Auto Choice "would give families the option of foregoing suits for nonmonetary losses in exchange for quick and complete reimbursement for every blow to their pocketbook. Everyone would win—except the lawyers."

Now, before I turn over the floor to Senator MOYNIHAN, I'd like to share with you a scathing indictment of the tort liability system that was written more than a quarter of a century ago by a true visionary:

> No one involved has an incentive to moderation or reasonableness. The victim has every reason to exaggerate his losses. It is some other person's insurance company that must pay. The company has every reason to resist. It is somebody else's customer who is making the claim. Delay, fraud, contentiousness are maximized, and in the process the system becomes grossly inefficient and expensive. Automobile accident litigation has become a 20th-Century equivalent of Dickens's Court of Chancery, eating up the pittance of widows and orphans, a vale from which few return with their respect for just[ice] undiminished.

Well, those insightful and prophetic words were spoken by none other than the man who stands here with me as an original cosponsor today, my colleague from the State of New York, PAT MOYNIHAN. PAT, it's taken over 25 years, but I think we're finally going to overhaul this broken-down auto insurance system.

Mr. President, this bill has broad support from across the spectrum. It should be obvious by the support and endorsements that this bill has already received that this is not conservative or liberal legislation. It is consumer legislation. I ask unanimous consent that the text of the bill and statements in support of Auto Choice from the Republican mayor of New York City, Rudolph Giuliani, the former Massachusetts Governor and Democratic presidential candidate, Michael Dukakis, and the executive director of the Reform Party, Russ Verney, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 625

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Auto Choice Reform Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the costs of operating a motor vehicle are excessive due in substantial part to the legal and administrative costs associated with the resolution of claims under the tort liability insurance system;

(2) the tort liability insurance system often results in—

(A) the failure to provide compensation commensurate with loss;

(B) an unreasonable delay in the payment of benefits; and

(C) the expenditure of an excessive amount for legal fees;

(3) the incentives of the tort liability insurance system for motor vehicles are distorted, and result in—

(A) significant fraud in the claims process, which exacerbates the level of distrust of many individuals in the United States with respect to the legal process and the rule of law;

(B) significant, wasteful, fraudulent, and costly overuse and abuse of scarce health care resources and services;

(C) unbearable cost burdens on low-income individuals, imposing on them the Hobson's choice of driving on an unlawful, uninsured basis or foregoing essential needs, such as food and adequate shelter;

(D) significant reductions in, access to, and purchases of, motor vehicles, which—

(i) damage the economic well-being of many low-income individuals; and

(ii) cause unnecessary harm to a critical component of the economy of the United States;

(E) significant deterioration of the economic well-being of the majority of major cities in the United States through the imposition of a massive tort tax that—

(i) places a disproportionate burden on urban residents; and

(ii) contributes to the abandonment of the cities by many taxpayers who are able to achieve substantial after-tax savings on automobile insurance premiums by moving to adjacent suburban communities; and

(F) significant inability to achieve market-based discounts in insurance rates for owners of safer cars, which reduces the level of safety for drivers and passengers of motor vehicles;

(4) insurance to indemnify individuals for personal injuries arising from motor vehicle collisions is frequently unavailable at a reasonable cost because of the potential liability for third-party tort claims;

(5) a system that gives consumers the opportunity to insure themselves and that separates economic and noneconomic damages for the purposes of purchasing insurance would provide significant cost savings to drivers of motor vehicles;

(6) a system that enables individuals to choose the form of motor vehicle insurance that best suits their needs would—

(A) enhance individual freedom;

(B) reduce the cost of motor vehicle insurance; and

(C) increase average compensation in the event of an accident; and

(7) a system that targets and emphasizes the scourge of those individuals who drive under the influence of drugs or alcohol will further deter such dangerous and unlawful conduct.

SEC. 3. PURPOSE.

The purpose of this Act is to allow consumers of motor vehicle insurance to choose between—

(1) an insurance system that provides substantially the same remedies as are available under applicable State law; and

(2) a predominately first-party insurance system that provides for—

(A) more comprehensive recovery of economic loss in a shorter period of time; and

(B) the right to sue negligent drivers for any uncompensated economic losses.

SEC. 4. DEFINITIONS.

In this Act:

(1) ACCIDENT.—The term "accident" means an unforeseen or unplanned event that—

(A) causes loss or injury; and

(B) arises from the operation, maintenance, or use of a motor vehicle.

(2) ADD-ON LAW.—The term "add-on law" means a State law that provides that persons injured in motor vehicle accidents—

(A) are compensated without regard to fault for economic loss; and

(B) have the right to claim without any limitation for noneconomic loss based on fault.

(3) ECONOMIC LOSS.—The term "economic loss" means any objectively verifiable pecuniary loss resulting from an accident, including—

(A) reasonable and necessary medical and rehabilitation expenses;

(B) loss of earnings;

(C) burial costs;

(D) replacement services loss;

(E) costs of making reasonable accommodations to a personal residence to make the residence more habitable for an injured individual; and

(F) loss of employment, and loss of business or employment opportunities, to the extent recovery for such losses is allowed under applicable State law.

(4) FINANCIAL RESPONSIBILITY LAW.—The term "financial responsibility law" means a law (including a law requiring compulsory coverage) penalizing motorists for failing to carry defined limits of tort liability insurance covering motor vehicle accidents.

(5) INJURY.—The term "injury" means bodily injury, sickness, disease, or death.

(6) INSURER.—The term "insurer" means—

(A) any person who is engaged in the business of issuing or delivering motor vehicle insurance policies (including an insurance agent); or

(B) any person who is self-insured within the meaning of applicable State law.

(7) INTENTIONAL MISCONDUCT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "intentional misconduct" means conduct—

(i) with respect to which harm is intentionally caused or attempted to be caused by a person who acts or fails to act for the purpose of causing harm, or with knowledge that harm is substantially certain to result from that action or failure to act; and

(ii) that causes or substantially contributes to the harm that is the subject of a claim.

(B) CLARIFICATION.—For purposes of this paragraph, a person does not intentionally cause or attempt to cause harm—

(i) solely because that person acts or fails to act with the understanding that the action or failure to act creates a grave risk of causing harm; or

(ii) if the act or omission by that person causing bodily harm is for the purpose of averting bodily harm to that person or another person.

(8) MOTOR VEHICLE.—The term "motor vehicle" means a vehicle of any kind required to be registered under the provisions of the applicable State law relating to motor vehicles.

(9) NO-FAULT MOTOR VEHICLE LAW.—The term "no-fault motor vehicle law" means a State law that provides that—

(A) persons injured in motor vehicle accidents are paid compensation without regard to fault for their economic loss that results from injury; and

(B) in return for the payment referred to in subparagraph (A), claims based on fault including claims for noneconomic loss, are limited to a defined extent.

(10) NONECONOMIC LOSS.—The term "noneconomic loss" means subjective, nonmonetary losses including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, hedonic damages, injury to reputation, and humiliation.

(11) OCCUPY.—The term "occupy" means, with respect to the operation, maintenance, or use of a motor vehicle, to be in or on a motor vehicle or to be engaged in the immediate act of entering into or alighting from a motor vehicle before or after its use for transportation.

(12) OPERATION, MAINTENANCE, OR USE OF A MOTOR VEHICLE.—

(A) IN GENERAL.—The term "operation, maintenance, or use of a motor vehicle" means occupying a motor vehicle.

(B) EXCLUSIONS.—The term "operation, maintenance, or use of a motor vehicle" does not include—

(i) conduct within the course of a business of manufacturing, sale, repairing, servicing, or otherwise maintaining motor vehicles, unless the conduct occurs outside of the scope of the business activity; or

(ii) conduct within the course of loading or unloading a motor vehicle, unless the conduct occurs while occupying the motor vehicle.

(13) PERSON.—The term "person" means any individual, corporation, company, association, firm, partnership, society, joint stock company, or any other entity, including any governmental entity.

(14) PERSONAL PROTECTION INSURANCE.—The term "personal protection insurance" means insurance that provides for—

(A) benefits to an insured person for economic loss without regard to fault for injury resulting from a motor vehicle accident; and

(B) a waiver of tort claims in accordance with this Act.

(15) REPLACEMENT SERVICES LOSS.—The term "replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services from other persons who are not members of the injured person's household, in lieu of the services the injured person would have performed for the benefit of the household.

(16) RESIDENT RELATIVE OR DEPENDENT.—The term "resident relative or dependent" means a person who—

(A) is related to the owner of a motor vehicle by blood, marriage, adoption, or otherwise (including a dependent receiving financial services or support from such owner); and

(B)(i) resides in the same household as the owner of the motor vehicle at the time of the accident; or

(ii) usually makes a home in the same family unit as that owner, even though that person may temporarily live elsewhere.

(17) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and any other territory or possession of the United States.

(18) TORT LIABILITY.—The term "tort liability" means the legal obligation to pay damages for an injury adjudged to have been committed by a tort-feasor.

(19) TORT LIABILITY INSURANCE.—The term "tort liability insurance" means a contract of insurance under which an insurer agrees to pay, on behalf of an insured, damages that the insured is obligated to pay to a third person because of the liability of the insured to that person.

(20) TORT MAINTENANCE COVERAGE.—

(A) IN GENERAL.—The term "tort maintenance coverage" means insurance coverage under which a person described in subparagraph (B), if involved in an accident with a person covered by personal protection insurance, retains a right to claim for injury based on fault for economic and noneconomic losses under applicable State law, without modification by any other provision of this Act.

(B) TORT MAINTENANCE INSURED.—A person described in this subparagraph is a person covered by the form of insurance described in section 5(a)(2).

(C) RESPONSIBILITY FOR PAYMENT.—The responsibility for payment for any claim under subparagraph (A) is assumed by the insurer of the person with tort maintenance coverage to the extent of such coverage.

(21) UNCOMPENSATED ECONOMIC LOSS.—

(A) IN GENERAL.—The term "uncompensated economic loss" means economic loss payable based on fault.

(B) ATTORNEYS' FEES.—The term includes a reasonable attorney's fee calculated on the basis of the value of the attorney's efforts as reflected in payment to the attorney's client.

(C) EXCLUSIONS.—The term does not include amounts paid under—

(i) personal protection insurance;

(ii) tort maintenance coverage;

(iii) no-fault or add-on motor vehicle insurance;

(iv) Federal, State, or private disability or sickness programs;

(v) Federal, State, or private health insurance programs;

(vi) employer wage continuation programs; or

(vii) workers' compensation or similar occupational compensation laws.

(22) UNINSURED MOTORIST.—The term "uninsured motorist" means the owner of a motor vehicle, including the resident relatives or dependents of the owner, who is uninsured under either the personal protection system or the tort maintenance system described in section 5(a)—

(A) at the limits prescribed by the applicable State financial responsibility law; or

(B) an amount prescribed under section 5(b)(1)(A).

SEC. 5. AUTO CHOICE INSURANCE SYSTEM.

(a) OPERATION OF THE RIGHT TO CHOOSE.—Under this Act, a person shall have the right to choose between the following insurance systems:

(1) PERSONAL PROTECTION SYSTEM.—A person may choose insurance under a system that provides for personal protection insurance for that person and any resident relative or dependent of that person.

(2) TORT MAINTENANCE SYSTEM.—A person may choose insurance under a system that provides for the form of motor vehicle insurance (including tort liability, no-fault, add-on, or uninsured motor vehicle insurance) that is otherwise required in the State in which the person is insured.

(b) PERSONAL PROTECTION SYSTEM.—

(1) MINIMUM POLICY REQUIREMENTS.—In order for a personal protection insurance policy to be covered by this Act, a motor vehicle insurance policy issued by an insurer shall, at a minimum—

(A) provide personal protection insurance coverage—

(i) with no per accident limit; and

(ii) in coverage amounts equal to the greater of—

(I) the minimum per person limits of liability insurance for personal injury under the applicable State financial responsibility law; or

(II) in a State covered by a no-fault motor vehicle insurance law, the minimum level of insurance required for no-fault benefits;

(B) contain provisions for a waiver of certain tort rights in accordance with this Act; and

(C) contain provisions under the applicable State financial responsibility law relating to liability for—

(i) property damage; and

(ii) bodily injury to protect third parties whose rights to recover both economic and noneconomic loss are not affected by the immunities provided under this Act for those persons choosing personal protection insurance coverage.

(2) SUPERSEDING PROVISION.—This Act supersedes a State law to the extent that, with respect to the issuance of a personal protection insurance policy, the State law—

(A) would otherwise bar a provision that provides for the personal protection authorizations and accompanying immunities set forth in this Act; or

(B) is otherwise inconsistent with the requirements of this Act.

(3) PRIMACY OF PAYMENT.—

(A) IN GENERAL.—Personal protection insurance benefits shall be reduced by an amount equal to any benefits provided or required to be provided under an applicable Federal or State law for workers' compensation or any State-required nonoccupational disability insurance.

(B) REIMBURSEMENT OF PAYORS.—

(i) IN GENERAL.—A personal protection insurer may take appropriate measures to ensure that any person otherwise eligible for personal protection benefits who has been paid or is being paid for losses payable by personal protection insurance from a source other than the applicable personal protection insurer shall not receive multiple payment for those losses.

(ii) ACCRUAL OF RIGHTS.—Any right to payment for losses referred to in clause (i) from a personal protection insurer accrues only to that payor. Payments by a payor referred to in clause (i) shall not be counted against personal protection limits for personal protection insurance until such time as the payor is reimbursed under this subparagraph.

(4) PROMPT AND PERIODIC PAYMENT.—

(A) IN GENERAL.—A personal protection insurer may pay personal protection benefits periodically as losses accrue.

(B) LATE PAYMENT.—Unless the treatment or expenses related to the treatment are in reasonable dispute, a personal protection insurer who does not pay a claim for economic loss covered by a personal protection insurance policy issued under this Act within 30 days after payment is due, shall pay—

(i) the loss compounded at a rate of 24 percent per annum, as liquidated damages and in lieu of any penalty or exemplary damages; and

(ii) a reasonable attorney's fee calculated on the basis of the value of the attorney's efforts as reflected in payment to the attorney's client.

(C) ADMINISTRATION OF PERSONAL PROTECTION BENEFITS.—To the extent consistent with this Act, any applicable provision of a State no-fault motor vehicle law or add-on law governing the administration of payment of benefits without reference to fault shall apply to the payment of benefits under personal protection insurance under this subsection.

(5) MOTOR VEHICLES WITH FEWER THAN 4 LOAD-BEARING WHEELS.—A personal protection insurer may offer, but shall not require, personal protection coverage of any motor vehicle that has fewer than 4 load-bearing wheels, not including the wheels of an attachment to the motor vehicle.

(6) AUTHORIZATIONS FOR PERSONAL PROTECTION INSURERS.—A personal protection insurer may write personal protection coverage—

(A)(i) without any deductible; or

(ii) subject to a reasonable deductible, applicable in an amount not to exceed $1,000 per person per accident;

(B) with an exclusion of coverage for persons whose losses are caused by driving under the influence of alcohol or illegal drugs;

(C) at appropriately reduced premium rates, deductibles and exclusions reasonably related to health, disability, and accident coverage on an insured person; and

(D) the deductibles and exclusions described in subparagraphs (A) and (C) shall apply only to—

(i) the person named in the applicable insurance policy; and

(ii) the resident relatives or dependents of the person described in clause (i).

(c) TORT MAINTENANCE SYSTEM.—

(1) REQUIRED TORT MAINTENANCE COVERAGE.—The coverage for a person who chooses insurance under subsection (a)(2) shall include tort maintenance coverage at a level that is at least equivalent to the level of insurance required under the applicable State financial responsibility law for bodily injury liability.

(2) ADMINISTRATION OF TORT MAINTENANCE COVERAGE BENEFITS.—To the extent consistent with this Act, any applicable provision of a State law governing the administration of payment of benefits under uninsured or underinsured motorist coverage applies to the payment of benefits under tort maintenance coverage under section 5(c).

(d) EFFECT OF CHOICE ON RESIDENT RELATIVES AND DEPENDENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a person who chooses either personal protection insurance or tort maintenance coverage also binds the resident relatives and dependents of that person.

(2) EXCEPTION.—An adult resident relative or a dependent of a person described in paragraph (1) may select the form of insurance that that person does not select if the adult relative makes that selection expressly in writing.

(3) IMPLIED CONSENT.—In any case in which the resident relative or dependent is injured in a motor vehicle accident, the coverage of such person shall be the same as the person described in paragraph (1).

(4) TERMS AND CONDITIONS.—Insurers may specify reasonable terms and conditions governing the commencement, duration, and application of the chosen coverage depending on the number of motor vehicles and owners thereof in a household.

(e) RULES TO ENCOURAGE UNIFORMITY OF CHOICE.—In order to minimize conflict between the 2 options described in subsection (d), insurers may maintain and apply underwriting rules that encourage uniformity within a household.

(f) FAILURE TO ELECT TYPE OF INSURANCE.—

(1) IN GENERAL.—Any person who fails to elect a type of insurance under this section shall be deemed to have elected insurance under the tort maintenance system in effect in that State.

(2) RULE OF CONSTRUCTION.—This subsection shall not be construed to prevent a State from enacting a law that deems a person who fails to elect a type of insurance under this section to have elected insurance under the personal protection system.

(g) CONSUMER INFORMATION PROGRAM.—The State official charged with jurisdiction over insurance rates for motor vehicles shall establish and maintain a program designed to ensure that consumers are adequately informed about—

(1) the comparative cost of insurance under the personal protection system and the tort maintenance system; and

(2) the benefits, rights, and obligations of insurers and insureds under each system.

SEC. 6. SOURCE OF COMPENSATION IN CASES OF ACCIDENTAL INJURY.

(a) ACCIDENTS INVOLVING PERSONS CHOOSING THE TORT MAINTENANCE SYSTEM.—A person described in section 5(a)(2) who is involved in an accident with another person shall be subject to applicable tort law for injury except that, based on fault, that person—

(1) may claim against any person covered by personal protection insurance only for uncompensated economic loss; and

(2) may be claimed against by a person covered by personal protection insurance only for uncompensated economic loss.

(b) ACCIDENTS INVOLVING PERSONS WITH PERSONAL PROTECTION INSURANCE.—

(1) RIGHT TO RECOVER ECONOMIC LOSS.—A person covered by a personal protection insurance policy who is injured in an accident is compensated under that policy only for economic loss, without regard to fault.

(2) Right to sue for uncompensated economic loss based on fault.—If a person who chooses personal protection insurance is—

(A) involved in an accident with a person insured under either the personal protection system or tort maintenance system under section 5(a); and

(B) sustains uncompensated economic loss, that person shall have the right to claim against the other person involved in the accident for that loss based on fault.

(c) Accidents Involving Persons With Personal Protection Insurance and Persons Who Are Unlawfully Uninsured.—

(1) In general.—A person covered by personal protection insurance who is involved in an accident with an uninsured motorist shall—

(A) be compensated under that insured person's insurance policy for economic loss without regard to fault; and

(B) have the right to claim against the uninsured motorist for economic loss and for noneconomic loss based on fault.

(2) Forfeiture of rights.—An uninsured motorist forfeits the right to claim against a motorist who has chosen personal protection insurance for—

(A) noneconomic loss; and

(B) economic loss in an amount up to the amount of per-person bodily injury limits mandated by the applicable State financial responsibility law.

(d) Accidents Involving Motorists Under the Influence of Alcohol or Illegal Drugs or Engaging in Intentional Misconduct.—A person who is insured under personal protection insurance shall have the right to claim, and be subject to a claim, for—

(1) driving under the influence of alcohol or illegal drugs (as those terms are defined under applicable State law); or

(2) intentional misconduct.

(e) Priority of Benefits.—A person who is insured under the personal protection system or tort maintenance system under section 5(a) may only claim benefits under such coverage up to the limits selected by or on behalf of such person in the following priority:

(1) The coverage under which the injured person was an insured at the time of the accident.

(2) The coverage of a motor vehicle involved in the accident, if the person injured was an occupant of, or was struck as a pedestrian by, such motor vehicle at the time of the accident, except that such person shall not recover under the coverage of both paragraph (1) and this paragraph.

(f) Subrogation Rights.—A personal protection insurer is subrogated, to the extent of the obligations of that insurer, to all of the rights of the persons insured with personal protection insurance issued by the insurer with respect to an accident caused in whole or in part, as determined by applicable State law, by—

(1) the negligence of an uninsured motorist;

(2) operating a motor vehicle under the influence of alcohol or illegal drugs;

(3) intentional misconduct; or

(4) any other person who is not affected by the limitations on tort rights and liabilities under this Act.

(g) Rights of Lawfully Uninsured Persons.—Nothing in this Act shall be construed to affect the tort rights of any person lawfully uninsured under the terms of an applicable State law for insurance under either the personal protection system or tort maintenance system under section 5(a).

(h) Rights of Persons Occupying Motor Vehicles With Fewer Than 4 Load-Bearing Wheels.—Nothing in this Act shall be construed to affect the tort rights of a person who occupies a motor vehicle with fewer than 4 load-bearing wheels or an attachment thereto, unless an applicable contract for personal protection insurance under which that person is insured specifies otherwise. The preceding sentence applies without regard to whether the person is otherwise legally insured for personal protection insurance or tort maintenance coverage.

(i) Renewal or Cancellation.—An insurer shall not cancel, fail to renew, or increase the premium of a person insured by the insurer solely because that insured person or any other injured person made a claim—

(1) for personal protection insurance benefits; or

(2) if there is no basis for ascribing fault to the insured or one for whom the insured is vicariously liable, for tort maintenance coverage.

(j) Immunity.—Unless an insurer or an insurance agent willfully misrepresents the available choices or fraudulently induces the election of one motor vehicle insurance system described in paragraph (1) over the other, no insurer or insurance agent, employee of such insurer or agent, insurance producer representing a motor vehicle insurer, automobile residual market plan, or attorney licensed to practice law within a State, shall be liable in an action for damages on account of—

(1) an election of—

(A) the tort maintenance system under section 5(a); or

(B) the personal protection system under section 5(a); or

(2) a failure to make a required election.

SEC. 7. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed—

(1) to waive or affect any defense of sovereign immunity asserted by any State under any law or by the United States;

(2) to affect the awarding of punitive damages under any State law;

(3) to preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(4) to affect the right of any court to transfer venue, to apply the law of a foreign nation, or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum;

(5) subject to paragraph (1), to create or vest jurisdiction in the district courts of the United States over any motor vehicle accident liability or damages action subject to this Act which is not otherwise properly in the United States District Court;

(6) to prevent insurers and insureds from contracting to limit recovery for lost wages and income under personal protection coverage in such manner that only 60 percent or more of lost wages or income is covered;

(7) to prevent an insurer from contracting with personal protection insureds, as permitted by applicable State law, to have submitted to arbitration any dispute with respect to payment of personal protection benefits;

(8) to relieve a motorist of the obligations imposed by applicable State law to purchase tort liability insurance for bodily injury to protect third parties who are not affected by the immunities under this Act;

(9) to preclude a State from enacting, for all motor vehicle accident cases including cases covered by this Act, a minimum dollar value for defined classes of cases involving death or serious bodily injury;

(10) to preclude a State from providing that forms of insurance other than those listed in section 5(b)(3) shall be subtracted from personal protection insurance benefits otherwise payable for injury;

(11) to preclude a State from enacting a law that—

(A) allows litigation by tort maintenance insureds against personal protection insureds for economic and noneconomic loss; and

(B) assures through a reallocation device that the advantage of tort claim waivers by personal protection insureds against tort maintenance insureds is reflected in the premiums of personal protection insureds; or

(12) to alter or diminish the authority or obligation of the Federal courts to construe the terms of this Act.

SEC. 8. APPLICABILITY TO STATES; CHOICE OF LAW; AND JURISDICTION.

(a) Election of Nonapplicability by States.—This Act shall not apply with respect to a State if such State enacts a statute that—

(1) cites the authority of this subsection;

(2) declares the election of such State that this Act shall not apply; and

(3) contains no other provision.

(b) Nonapplicability Based on State Finding.—

(1) In general.—This Act shall not apply with respect to a State, if—

(A) the State official charged with jurisdiction over insurance rates for motor vehicles makes a finding that the statewide average motor vehicle premiums for bodily injury insurance in effect immediately before the effective date of this Act will not be reduced by an average of at least 30 percent for persons choosing personal protection insurance (without including in the calculation for personal protection insureds any cost for uninsured, underinsured, or medical payments coverages);

(B) a finding described under subparagraph (A) is supported by evidence adduced in a public hearing and reviewable under the applicable State administrative procedure law; and

(C) a finding described under subparagraph (A) and any review of such finding under subparagraph (B) occurs not later than 90 days after the date of enactment of this Act.

(2) Comparison of bodily injury premiums.—For purposes of making a comparison under paragraph (1)(A) of premiums for personal protection insurance with preexisting premiums for bodily injury insurance (in effect immediately before the date of enactment of this Act), the preexisting bodily injury insurance premiums shall include premiums for—

(A) bodily injury liability, uninsured and underinsured motorists' liability, and medical payments coverage; and

(B) if applicable, no-fault benefits under a no-fault motor vehicle law or add-on law.

(c) Choice of Law.—In disputes between citizens of States that elect nonapplicability under subsection (a) and citizens of States that do not make such an election, ordinary choice of law principles shall apply.

(d) Jurisdiction.—This Act shall not confer jurisdiction on the district courts of the United States under section 1331 or 1337 of title 28, United States Code.

(e) Statutes of Limitations.—Nothing in this Act shall supersede an applicable State law that imposes a statute of limitations for claims related to an injury caused by an accident, except that such statute shall be tolled during the period wherein any personal protection or tort maintenance benefits are paid.

SEC. 9. EFFECTIVE DATE.

This Act shall take effect 90 days after the date of enactment of this Act.

STATEMENT OF MAYOR RUDOLPH W. GIULIANI

Today, members of Congress and other leaders from across the political spectrum, representing diverse populations and constituencies, unite in expressing support for the introduction and passage of bold, necessary federal legislation reforming auto insurance and tort law in America.

The introduction of auto-choice legislation marks a milestone in the nation's response to motorist demands for fair, equitable and cost-effective insurance coverage. Millions of drivers are presently paying excessive insurance premiums because of inflated claims and huge pain and suffering awards. Under this legislation proposed by Senators Lieberman, McConnell and Moynihan, among others, the nation as a whole stands to save $45 billion in insurance premiums this year alone, with the average driver nationwide saving $243 per year. That amounts to the equivalent of a $243 tax cut without any corresponding cut in services. The newly released report by the Joint Economic Committee of the United States Congress on "The Benefits and Savings of Auto-Choice" estimates that with auto choice, New York City motorists will see an average decrease of $417 per driver per year.

The genius of this bill is the unbundling of pain and suffering coverage from insurance premiums and the switch to first party coverage—similar to no-fault coverage. Moreover, people who want coverage for pain and suffering—and are willing to pay for it—can obtain it. But, they will not recover pain and suffering damages at the expense of third parties, or at the expense of our court system where sympathetic juries often grant windfalls for being injured in the form of subjective non-economic damages. There is simply no justification for many of the enormous awards to the injured who—though rightfully compensated for objective pecuniary loss—are rewarded for unsubstantiated pain and suffering damages, often with no regard for the relationship to the fault of the parties concerned.

Over the years, New York City has risked losing the valuable civic contributions of many of its residents to the suburbs where insurance rates are usually more affordable. Coupled with the reduction in crime our City has experienced, reduced insurance premiums would provide added incentive for City residents to keep their homes and their businesses in the City. These reforms come at no cost to City residents nor would they diminish governmental services. Motorists in municipalities and urban centers across the land stand to reap these enormous savings.

When we value the productivity of our urban residents and demonstrate our respect for their contributions, we improve the quality of life for the City as a whole and ensure its prosperity for years to come. Auto-choice assists in doing precisely that. It demonstrates our leaders' respect for the economic well being of even the most hard pressed motorist.

But equally as important, the bill would help restore a little faith in our courts and judicial system, which have been increasingly plagued with criticism by, and stands to lose the confidence of, ordinary citizens. When people see some lawyers running from the hospital to the court to the insurance company, they understand why their premiums are so high. Plaintiffs receive barely one-half of all settlements after lawyers, experts and court fees are paid. Under existing law, plaintiff attorneys have tremendous incentive to shoot for the gold—that giant pain and suffering cash cow—paid for by the American motorist through excessive insurance premiums.

People wonder: why can't this process be controlled? Today, we tell these people that they, not special interests, are in charge. We assure them that money which should not be unjustly taken from them, will not be. We give them the chance to determine for themselves how much insurance coverage is enough coverage for them and their families. And, keep in mind, under auto-choice, all motorists obtain coverage for objective economic loss, such as medical bills or lost wages.

The bill is sensible and fair, and I respectfully urge Congress to pass this important legislation.

NORTHEASTERN UNIVERSITY, COLLEGE OF ARTS AND SCIENCES, DEPARTMENT OF POLITICAL SCIENCE,
April 17, 1997.

I enthusiastically endorse the "choice" auto insurance bill you are jointly sponsoring. Your action is an important act of bipartisan leadership on an issue that significantly affects all Americans.

The issue you address has been a great concern of mine throughout my political career ever since I sponsored the first no-fault auto insurance bill in the nation.

Given the horrendous high costs of auto insurance, coupled with its long delays, high overhead, and rank unfairness when it comes to payment, your "choice" reform takes the sensible approach of allowing consumes to choose how to insure themselves. In other words, your reform trust the American people to decide for themselves whether to spend their money on "pain and suffering" coverage of food, medicine, life insurance or any other expenditure they deem more valuable for themselves and their families.

The bill is a particularly important to the people who live in American cities where premiums are the highest. It is no surprise that the cost studies done by the Joint Economic Committee indicate that while your reform will make stunning cost savings available to all American consumers, its largest benefits will go to the low income drivers living in urban areas.

The bill will also help resolve the country's problems with runaway health costs. By allowing consumer to remove themselves from a system whose perverse incentives trigger the cost of health care costs, your reform will lower the cost of health care for all Americans while ensuring that health care expenditure are more clearly targeted to health care needs.

I look forward to assisting you to the fullest possible degree as you exercise your vitally need leadership on behalf of America's consumers.

MICHAEL S. DUKAKIS.

STATEMENT OF REFORM PARTY CHAIRMAN RUSSELL J. VERNEY

Only on rare occasions does Congress have the opportunity to stimulate our national economy without adding to the $5.2 trillion debt burden this generation is leaving to our children and grandchildren.

Auto Choice Reform is one of those rare opportunities. It allows the owners of automobiles the choice of the level of insurance coverage they wish to provide for their own losses. protects an injured or harmed person's right to collect for their losses and can cut the average automobile owner's annual insurance rate by an average of $243 per year.

Auto Choice Reform is an idea whose time has come. Unfortunately, it will also stimulate a new furious round of campaign (investments) contributions by special interests who benefit from the current high cost of auto insurance rates and protracted litigation associated with automobile insurance and accidents injuries.

As list of top donors to political parities and candidates during 1995 and 1996, published by Mother Jones Magazine listed numerous individuals from the insurance industry and trial lawyers who have established their right of access to our top political leaders in this country.

The sponsors and promoters of the common sense Auto Choice Reform Act will have to overcome the easy access special interests have to our country's decision makers if this $44 billion per year cost savings for motorists in this country is to be achieved.

Mr. MOYNIHAN. Mr. President, I am pleased to be an original cosponsor of the Auto Choice Reform Act of 1997, a bill submitted by my distinguished colleague, Senator MCCONNELL.

This legislation is designed to create a new option in auto insurance for consumers who would prefer a system that guarantees quick and complete compensation. This alternative system would change most insurance coverage to a first-party system from a third-party system and it would separate economic and noneconomic compensation by unbundling the premium. Therefore, drivers would be allowed to insure themselves for only economic loss or for both economic and noneconomic loss.

In the 1950's, I first became interested in the issue of auto insurance reform as a member of New York Gov. Averell Harriman's Traffic Safety Policy Coordinating Committee. At that time, while working on auto safety issues, I became convinced that as the number of automobiles increased, the number of automobile accidents would, inexorably, also increase. And the problem with the current state of the insurance system begins right there. A driver buys protection against the risk that he will negligently cause an accident that will injure another person. If that should occur, the driver's insurance company is responsible for compensating the victim. But this contradicts the very nature of traffic accidents. If they were orderly events, in which cause and effect could be clearly discerned and ascribed, then the present insurance system could work. But accidents are nothing of the sort. It is often very difficult to determine fault in traffic accidents. It is the role of the liable party's insurance company to argue that the plaintiff's injuries—no matter how hideous—are not as serious as he or she claims. These cases overwhelm the court system and in so doing, they prevent real justice from occurring. Justice is possible only when it is done quickly and reflects the sense of what is right and what is wrong, as I wrote in "Next: A New Auto Insurance Policy," which appeared in the August 27, 1967 New York Times magazine:

> The most serious secondary effect of the existing insurance system, however, lies in its impact on the courts. This process begins with the use of the police to enforce the traffic laws, as a result of which the incidence of arrest by armed police in the United States is the highest of any society in history. The jam starts there, and is followed by a flood of accident litigation cases that derive, in part at least, from the original criminal case. We have now reached the point where accident litigation accounts for an estimated 65 to 80 percent of the total civil court cases tried in the United States. This in turn has brought us to the point where delays in justice here are the longest of any democracy on earth. It now takes an average of 30.1 months to obtain a jury trial in the metropolitan areas of the nation. In Westchester and Kings counties, it is 50 months plus. In Chicago it is 60 months plus.
>
> A legal expert in the field, James Marshall, has argued that persons involved in or witnessing an automobile accident are not really capable of reconstructing it in court. The event is too complex, and levels of perception too low. (How would a witness to a shooting respond to a question as to which way the bullet was traveling?) *A fortiori* the attempt to reconstruct such an episode three, four, or five years afterward is nigh impossible. Thus the question must be asked whether a social concern of the highest order—the administration of justice—is not being sacrificed to one of a much lower priority, the reenactment of traffic accidents. (As indeed the whole cops-and-robbers, shoot-'em-up paradigm for managing the road system must be questioned. It was not just chance that the riots in Watts and Newark began with police arresting a motorist.)
>
> There is little likelihood, however, that greater efforts toward the administration of justice—more judges, or whatever—would change matters. A New York survey has shown that of 220,000 annual claims of victims seeking to recover damages caused by another's fault, only 7,000 reach trial, and 2,500 reach verdict. Given the number and rate of accidents in the existing transport system, a kind of Malthusian principle governs the courts: the number of litigated cases will automatically increase to use up all the available judicial facilities and maintain a permanent backlog. At a time when issues of justice, violence, and civic peace are of immediate and pressing concern, to devote the better part of the judicial (and an enormous portion of the legal) resources of the nation to managing the road system is the kind of incompetence that societies end up paying for.
>
> Only one adult response is possible: the present automobile insurance system has to change . . .

In that article, 30 years ago, I proposed two alternatives to traditional tort coverage as solutions for the problem. One was to have the Federal Government provide insurance—financed by a penny or so increases in the Federal gasoline tax—for injuries and economic losses, with claims being adjusted in a fashion similar to the workers' compensation system. The second alternative was along the lines of the current legislation. For the past 35 years, Jeffrey O'Connell, the Samuel McCoy Professor of Law at the University of Virginia, has been figuring out the permutations of this second type of reform. It is his recommendations that shape today's legislation.

Over 16 million motor vehicle accidents occur every year. The average amount of time it takes to receive compensation for losses in a tort case is over 18 months. Minimally injured parties are overcompensated while victims of serious injuries often fail to receive full restitution. According to a study by the RAND Institute, people with economic losses of under $5,000 receive over two to three times that amount in compensation. People with $25,000 to $100,000 worth of losses, however, currently are compensated for just over one-half of their losses, on average. The very seriously injured—those with economic losses of over $100,000—receive compensation worth only 9 percent of their damages, on average. The current system does not work.

This legislation is called Auto Choice because drivers would have a choice between this new system, called personal protection insurance [PPI], or they could remain insured under the system currently operating in their State—the tort maintenance system [TM]. For people who choose to insure themselves for only economic damages, this is akin to a $243 tax cut, according to a recent report by the Joint Economic Committee, only without any impact on the Federal budget. Our legislation would ensure more complete and more rapid recovery of losses for the people who incur them, and it would reduce the number of cases that presently overwhelm the courts.

I thank my friend from Kentucky for inviting me to cosponsor this legislation, and hope other Senators agree with us that the time for auto choice has come.

Mr. LIEBERMAN. Mr. President, I am here today with Senators MCCONNELL, MOYNIHAN, GORTON, and GRAMS to introduce the Auto Choice Reform Act of 1997. If enacted, this bill would save American consumers tens of billions of dollars, while at the same time producing an auto insurance system that operates more efficiently and promises drivers better and quicker compensation.

America's drivers are plagued today by an auto accident insurance and compensation system that is too expensive and that does not work. Each of us currently pays an average of $785 annually for our auto insurance per car. This is an extraordinarily large sum, and one that is particularly difficult for people of modest means—and almost impossible for poor people—to afford. A study of Maricopa County, AZ drives this point home. That study found that families living below 50 percent of the poverty line spend nearly one-third of their household income on premiums when they purchase auto insurance.

Perhaps those costs would be worth it if they meant that people injured in car accidents were fully compensated for their injuries. But under our current tort system, that often is not the case, particularly for people who are seriously injured. Because of the need to prove fault and the ability to receive compensation only through someone else's insurance policy, some injured drivers—like those in one car accidents or those who are found to have been at fault themselves—are left without any compensation at all. Others must endure years of litigation before receiving any compensation for their injuries. In the end, people who suffer minimal injuries in auto accidents generally end up overcompensated, while victims of serious injuries often fail to receive full restitution. According to a study by Rand's Institute for Civil Justice, people who suffer economic losses—lost wages and medical bills, for example—in the range of $25,000 to $100,000 currently are compensated for just over one-half of their losses on average. The very seriously injured—those with economic losses of over $100,000—receive compensation worth just 9 percent of those damages on average. Much of this shortfall is due to the high transaction costs—the 33-percent attorneys' fee regularly taken out of a plaintiff's recovery, for one thing—associated with the current system.

These statistics show that our auto insurance and compensation laws violate the cardinal rule I think those of us in the business legislating have a duty to follow: to draft our laws to encourage people to minimize their disputes, and to encourage those who do have disputes to resolve them as efficiently, as economically, and as quickly as possible. This is particularly true when we are dealing with laws impacting on people who are physically injured, because injured people simply—and literally—cannot afford to wait the years it often takes for a lawsuit to wind its way through our legal system. The laws governing our auto accident and insurance system do not now meet those simple criteria. They instead require consumers to pay extraordinarily high premiums to purchase auto insurance. That auto insurance, in turn and as a result of our broken legal system, does not bring seriously injured people either speedy or full compensation for their injuries.

My colleagues and I set out to rethink the legal framework governing our car insurance and compensation system. We asked ourselves whether we could write a law that would both lower premiums and better compensate people for injuries suffered in car accidents. Why, we wondered, should people hurt in car crashes—people who have bought and paid for insurance policies—not be able to receive compensation for their injuries unless they find someone else who was at fault, sue them, engage in potentially years of litigation, and collect from that other person? Why, we asked, couldn't auto insurance instead be more like health and homeowner insurance, where people know when they buy their policies that they will be compensated immediately for any covered injury, regardless of who caused the injury and without having to find and pay a lawyer and often suffer through years of litigation?

The answer we came up with was that there is no reason not to change our auto insurance and compensation laws to address these problems. Our Auto Choice proposal would address these problems by introducing reason into our auto insurance and accident laws. The bill would produce a system that would guarantee immediate compensation to injured people. At the same time, it would bring tremendous savings to the system—up to $45 billion annually according to a recent study. And, it would do so, not by forcing people to do something they do not want to do, but by giving them the choice—the right to determine for themselves what is in their best interests.

Here's how our plan would work: All drivers would be required to purchase a certain minimum level of insurance, but they would get to choose the type of coverage they want. Those drivers who value immediate compensation for their injuries and lower premiums would be able to purchase what we call personal protection insurance. If the driver with that type of coverage is injured in an accident, he or she would get immediate compensation for all economic losses—things like lost wages, medical bills and attorneys fees—up to the limits of his or her policy, without regard to who was at fault in the accident.

If their economic losses exceeded those policy limits, the injured party could sue the other driver for the extra economic loss on a fault basis. The only thing the plaintiff could not do is sue the other driver for noneconomic losses, the so-called pain and suffering damages.

Those drivers who did not want to give up the ability to collect pain and suffering damages could choose a different option, called tort maintenance coverage. Drivers with that type of policy would be able to cover themselves for whatever level of economic and noneconomic damages they want, and they would then be able to collect those damages, also from their own insurance company, after proving fault.

As I mentioned earlier, the savings from this new Choice system would be dramatic. According to a newly released report from the Joint Economic Committee, if all American drivers opted for personal protection insurance, they would save an average of $243 annually on their auto insurance premiums. Drivers in my home State of Connecticut would see even better savings, putting an additional $383 per year into their pockets. All told, the American economy could save up to $45 billion each and every year under our proposal.

Our Auto Choice plan, I think, both serves the reform goals I discussed above and incorporates all of the lessons we learned during our past experiences with no-fault laws. It ensures that most injured people would be compensated immediately and that we all can purchase auto insurance at a reasonable rate. As I said at the outset, we as legislators do our best when we make sure that our legal system minimizes the potential for disputes in society and facilitates the resolution of those disputes that exist. The Auto Choice law would do exactly that. It would ensure that something tens of thousands of us now have disputes about—who should compensate whom for car accidents—no longer would be the subject of disputes because everyone who is injured will know from the outset that they will be compensated, they will know by whom they will be compensated, and they will know they will be compensated without having to sue someone else first. Mr. President, this bill would be a boon to the American driver and to the American economy. I look forward to working with my colleagues to see it enacted into law.

Mr. GORTON. Mr. President, I am pleased to join Senators McCONNELL, GRAMS, MOYNIHAN, and LIEBERMAN in cosponsoring the Auto Choice Reform Act, a measure that offers consumers a quick-pay, low-cost policy to replace their current policies—policies that are grossly inflated by the costs of damage claims for pain and suffering.

Auto Choice Reform Act. Choice. Removing the perverse incentives to inflate damages that our current system creates, and allowing consumers to make rational choices, lies at the heart of this bill. Unlike some other no-fault measures, the Auto Choice Reform Act gives consumers, and States, choices. Choices which, if exercised, should significantly lower insurance premiums. For States, the choice is whether or not to offer the no-fault option to residents. A State can opt out legislatively, or if the State commissioner of insurance shows that a no-fault system will not result in a 30 percent decrease in bodily injury premiums for those who choose PPI. If States choose to offer the no-fault option, however, consumers still have the choice of whether or not to participate in the no-fault system. No driver will be deprived of her ability to sue, but instead, can choose between two systems.

If they want, consumers can avail themselves of the new no-fault insurance system that the bill creates. If a consumer elects the personal protection insurance [PPI] system, then, in the event of an accident, and regardless of fault, she is compensated by her own insurer for economic losses, such as car repair, medical expenses or lost wages, up to her policy limit. She does not, however, recover for noneconomic losses, pain and suffering, and she may not be sued for pain and suffering damages. If her economic damages exceed her policy limit, however, she may sue for economic damages. By taking the often-inflated damages for pain and suffering out of the equation, consumers choosing PPI should see a significant savings in their insurance premiums—a savings that has been estimated at $243 per policy.

Motorists who choose not to participate in the no-fault system are allowed that option under this legislation. Again, the choice is with the consumer. By opting for what the bill refers to as tort maintenance coverage, a TMC driver can keep her traditional liability policy under which she can sue other TMC drivers for both economic and noneconomic damages. To cover noneconomic damages in accidents with PPI drivers, who TMC drivers cannot sue for noneconomic damages, the TMC driver can purchase a supplemental policy and recover the noneconomic damages from her own insurer.

What does all of this mean? The New York Times perhaps summed it up best in an editorial that predicted that Auto Choice "would give families the option of forgoing suits for non-monetary losses in exchange for quick and complete reimbursement for every blow to their pocketbook. Everyone would win—except the lawyers." Mr. President, I hope the Senate will act promptly to pass this bill.

By Mr. KENNEDY:

S. 626. A bill to amend the Fair Labor Standards Act of 1938 to provide for legal accountability for sweatshop conditions in the garment industry, and for other purposes; to the Committee on Labor and Human Resources.

STOP THE SWEATSHOPS ACT OF 1997

Mr. KENNEDY. Mr. President, last Monday, President Clinton announced an agreement by the Apparel Industry Partnership that establishes a workplace code of conduct for the industry. I commend this agreement, which is the product of a presidential task force on the exploitation of garment industry workers by unscrupulous clothing manufacturers. The agreement is designed to encourage voluntary compliance with labor standards in all countries that manufacture clothing sold in the United States.

Congress can build on this agreement by acting to abolish sweatshops in our own country. Last year, Congressman BILL CLAY and I introduced the Stop the Sweatshops Act. Today I am introducing that legislation to help fulfill the promise of the Apparel Industry Partnership agreement. This bill will reinforce that agreement by making clothing manufacturers liable for sweatshop practices by contractors. This liability will help to ensure that honest employers who obey our laws will not lose out in competition with dishonest employers who do not. Without this bill, economic forces in the clothing industry make it unlikely that the Apparel Industry Partnership agreement will be fully effective in protecting American workers.

Sweatshops continue to plague the garment industry. As important as the Apparel Industry Partnership agreement is, it has a significant deficiency. It has no enforcement mechanism. It applies only to manufacturers who agree to its terms and it does not specify how violations will be remedied or what penalties will be imposed. The Stop the Sweatshops Act remedies these deficiencies for all clothing manufacturing done in this country.

This bill will require manufacturers to exert their considerable economic power to ensure fair treatment of garment workers. It will prevent manufacturers from playing one contractor against another, which drives down the prices of their goods. It is the cutthroat competition resulting from such practices that causes dangerous and unhealthy working conditions, brutally long hours, and inadequate pay.

The record of worker exploitation in the garment industry shows that effective enforcement is crucial. Of the 22,000 manufacturers of clothing and accessories in the United States, the Department of Labor finds that more than half are paying wages substantially below the minimum wage, and a third are exposing their workers to serious safety and health risks.

Sweatshops run by unscrupulous contractors have a long and sordid history in this country. In 1911, a tragic fire at the Triangle Shirtwaist Co. on Lower East Side in New York City killed 146 young immigrant women. They suffocated or were burned to death because the exits had been locked or blocked.

Eighty-six years later, we still find too often that conditions have not improved. In August 1996, four Brooklyn garment factories were closed and their owners were arrested for operating sweatshops. Serious fire code violations were found, including locked exit doors, obstructed aisles, and violations of sprinkler system requirements. In addition, the contractors maintained two sets of accounting records, one showing that workers were being paid as little as $2.67 per hour—far less than the minimum wage. The workers were all Asian immigrants making clothes for K-Mart.

K-Mart requires its garment contractors to identify all subcontractors they employ, and to make "regular and surprise inspections" of manufacturing operations. But this requirement did not prevent the fire code violations, wage violations, and other illegal practices of the contractors arrested in Brooklyn last summer. This example shows that voluntary codes of conduct and monitoring programs, as the Apparel Industry Partnership agreement encourages, cannot, by themselves, eradicate the problem.

Another sweatshop scandal came to light last spring, with respect to clothing made for Wal-Mart. It shows how far some manufacturers are willing to go to cut costs, and the terrible human toll that follows. In August 1995, Federal investigators raided a sewing factory outside Los Angeles. In a compound surrounded by barbed wire, agents found dozens of Thai and Mexican immigrant women working 20-hour days for as little as $1.00 per hour. The women were held captive at their sewing tables by guards who threatened them if they tried to escape.

American consumers do not want their clothing produced in this way. A U.S. News and World Report poll showed that 6 in 10 Americans are concerned about working conditions in U.S. manufacturing firms. A poll reported in Newsday showed that 83 percent of consumers would be willing to pay an extra $1 on a $20 item if they knew the garment wasn't made in a sweatshop.

Many law-abiding manufacturers already recognize the need to stamp out sweatshops in the United States. But, as these examples make clear, current law and voluntary codes of conduct are not adequate to prevent abuses. The 800 investigators of the Department of Labor who monitor compliance with wage and hour laws cannot do the job alone. Manufacturers have the economic muscle and market power to end these abuses. But, under the current system, the market power works in the wrong direction—it encourages contractors to inflict sweatshop conditions on employees, rather than pay fair wages and maintain proper working conditions.

The most effective way to enlist manufacturers in the battle against sweatshops is to make them liable along with their contractors for violations of the law. Manufacturers who know they will face liability will take the steps necessary to ensure that their contractors comply with applicable laws.

Our Stop the Sweatshops Act does just that. It amends the Fair Labor Standards Act to make manufacturers in the garment industry liable, along with their contractors, for violations of these laws.

Manufacturers will be liable for injunctive relief and civil penalties assessed against a contractor found to have broken the law. They will also be liable for back pay owed to employees for such violations. Manufacturers will be liable only for violations committed on work done for that manufacturer.

The bill also authorizes the Secretary of Labor to assess a civil penalty of up to $1,000 for each employee in cases where contractors fail to keep required payroll records. If the records are fraudulent, the Secretary can assess penalties up to $10,000 for the first offense and $15,000 for further offenses. These penalties will give employers an incentive to keep proper records, and punish contractors who attempt to conceal abuses by maintaining two sets of records.

This bill sends a clear message to garment industry employers. Exploitation of workers will not be tolerated. Sweatshops are unacceptable. We intend to do all we can to stamp them out, and this legislation will help us achieve that goal.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 626

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Stop Sweatshops Act of 1997".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The production of garments in violation of minimum labor standards burdens commerce and the free flow of goods in commerce by spreading and perpetuating labor conditions that undermine minimum living standards and by providing an unfair means of competition to the detriment of employers who comply with the law.

(2) The existence of working conditions detrimental to fair competition and the maintenance of minimum standards of living necessary for health, efficiency, and general well-being of workers is a continuing and growing problem in the domestic garment industry.

(3) The Congress concurs in the findings of the Comptroller General that most sweatshop employers violate the recordkeeping requirements of the Fair Labor Standards Act of 1938 and that the failure of such employers to maintain adequate records has affected, and continues to affect adversely, the ability of the Department of Labor to collect wages due to workers.

(4) The amendment of the Fair Labor Standards Act of 1938 to provide for legal responsibility on the part of manufacturers for compliance with such Act's wage and hour, child labor, and industrial homework provisions by contractors in the garment industry and to provide civil penalties for violations of that Act's recordkeeping requirements is necessary to promote fair competition and

working conditions that are not detrimental to the maintenance of health, efficiency, and general well-being of workers in the garment industry.

SEC. 3. LEGAL RESPONSIBILITY FOR COMPLIANCE WITH WAGE AND HOUR PROVISIONS IN THE GARMENT INDUSTRY.

(a) AMENDMENT.—The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.) is amended by inserting after section 14 the following:

"LEGAL RESPONSIBILITY FOR COMPLIANCE IN THE GARMENT INDUSTRY WITH SECTIONS 6 AND 7

"SEC. 14A. (a) Every manufacturer engaged in the garment industry who contracts to have garment manufacturing operations performed by another person as a contractor—

"(1) shall be civilly liable, with respect to those garment manufacturing operations, to the same extent as the contractor for any violation by the contractor of section 6 (except for violations of subsection (d)) or 7, for any violation by the contractor of the provisions of section 11 regulating, restricting, or prohibiting industrial homework, and for violation by the contractor of section 12; and

"(2) shall be subject to the same civil penalties assessed against the contractor for violations of such sections.

"(b) In this section:

"(1) The term 'contractor' means any person who contracts, directly or indirectly through an intermediary or otherwise, with a manufacturer to perform the cutting, sewing, dyeing, washing, finishing, assembling, pressing, or otherwise producing of any men's, women's, children's, or infants' apparel (including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for premanufactured items such as buttons, zippers, snaps, and studs) that is designed or intended to be worn by any individual and that is to be sold or offered for sale.

"(2) The term 'garment industry' means the designing, cutting, sewing, dyeing, washing, finishing, assembling, pressing, or otherwise producing of men's, women's, children's, or infants' apparel (including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for premanufactured items such as buttons, zippers, snaps, and studs) that is designed or intended to be worn by any individual and that is to be sold or offered for sale.

"(3) The term 'manufacturer' means any person, including a retailer, who—

"(A) contracts, directly or indirectly through an intermediary or otherwise, with a contractor to perform the cutting, sewing, dyeing, washing, finishing, assembling, pressing, or otherwise producing of any men's, women's, children's, or infants' apparel (including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for premanufactured items such as buttons, zippers, snaps, and studs) that is designed or intended to be worn by any individual and that is to be sold or offered for sale; or

"(B) designs, cuts, sews, dyes, washes, finishes, assembles, presses, or otherwise produces or is responsible for the production of any men's, women's, children's, or infants' apparel (including clothing, knit goods, hats, gloves, handbags, hosiery, ties, scarves, and belts, or a section or component of apparel, except for premanufactured items such as buttons, zippers, snaps, and studs) that is designed or intended to be worn by any individual and that is to be sold or offered for sale.

"(4) The term 'retailer' means any person engaged in the sale of apparel to the ultimate consumer for personal use.".

(b) LIABILITY TO EMPLOYEES.—Section 16 (29 U.S.C. 216) is amended—

(1) in subsection (b), by inserting after the first sentence the following: "A manufacturer in the garment industry (as defined in section 14A(b)(3)) shall also be jointly and severally liable to such an employee to the same extent as the contractor in the garment industry (as defined in section 14A(b)(1)) who employed such employee if the contractor violated section 6 (other than subsection (d)) or 7 in the production of apparel or components of apparel for such manufacturer.";

(2) in subsection (b), by inserting in the last sentence "or by a manufacturer in the garment industry" after "by an employer"; and

(3) in subsection (c)—

(A) in the third sentence, by striking "first sentence" and inserting "first or second sentence"; and

(B) in the third sentence, by inserting "or by a manufacturer in the garment industry" before "liable".

SEC. 4. RECORDKEEPING.

Section 16(e) (29 U.S.C. 216(e)) is amended by inserting after the first sentence the following: "Any person who fails to establish, maintain, and preserve payroll records as required under section 11(c) shall be subject to a civil penalty of not to exceed $1,000 for each employee who was the subject of such a violation. The Secretary may, in the Secretary's discretion, impose civil penalties under this subsection for willful violations. Any person who submits fraudulent payroll records to the agencies enforcing this Act in any of the agencies' investigations or hearings, or as evidence in a court action, that conceal the actual hours of labor worked by employees or the violation of section 6, 7, 11(d), or 12 shall be subject to a civil penalty of $10,000 for each act of fraud and $15,000 for each act of fraud for a second offense.".

SEC. 5. EFFECTIVE DATE.

The amendments made by this Act shall take effect upon the expiration of 30 days after the date of enactment of this Act.

By Mr. JEFFORDS (for himself, Mr. MURKOWSKI, Mr. CHAFEE, Mr. COCHRAN, Mr. LEAHY, and Mr. WELLSTONE):

S. 627. A bill to reauthorize the African Elephant Conservation Act; to the Committee on Environment and Public Works.

THE AFRICAN ELEPHANT CONSERVATION ACT REAUTHORIZATION ACT OF 1997

Mr. JEFFORDS. Mr. President, I rise today in celebration of Earth Day to introduce legislation to reauthorize the African Elephant Conservation Act of 1988, a historic conservation measure that continues to successfully preserve the African elephant in its natural environment. This legislation will extend the act through September of the year 2002.

The African Elephant Conservation Act has resulted in the stabilization of elephant populations on the African Continent. By the late 1980's, the population of African elephants had dramatically declined from approximately 1.3 million animals in 1979 to less than 700,000 in 1987. The primary reason for this decline was the poaching and illegal slaughter of elephants for their tusks, which fueled the international trade in ivory.

To address this problem, the U.S. Congress enacted the African Elephant Conservation Act to provide assistance to African nations in their efforts to stop poaching and to develop and implement effective conservation programs. To accomplish this goal, the legislation created the African elephant conservation fund. Since 1988, Congress has appropriated over $6 million to fund 48 conservation projects in 17 range states throughout Africa, with additional contributions of $7 million through private matching moneys.

The African elephant conservation fund has resulted in the development and implementation of various elephant conservation plans. Today, elephant populations have stabilized and are on the increase in southern Africa, the international ivory trade has been dramatically reduced, and wildlife rangers are better equipped to stop illegal poaching activities. The conservation fund originally focused on antipoaching efforts. Over the last several years, the projects have diversified to include elephant population research, efforts to mitigate elephant and human conflicts, the cataloging of ivory stockpiles, and the identification of new techniques for effective elephant management. It is important, however, to keep in mind that, while the African elephant conservation fund has resulted in several successful conservation projects, much work remains to be done to ensure that the African elephant continues to survive in its natural environment.

We must work to ensure that the African elephant does not once again decline and disappear from its historic range. I am confident that additional conservation projects funded through the legislation will help to preserve this flagship species for many future generations. I urge my colleagues to join me in supporting the African Elephant Conservation Reauthorization Act of 1997.

By Mr. GRAMM (for himself and Mrs. HUTCHISON):

S. 628. A bill to designate the United States courthouse to be constructed at the corner of 7th Street and East Jackson Street in Brownsville, Texas, as the "Reynaldo G. Garza United States Courthouse"; to the Committee on Environment and Public Works.

THE REYNALDO G. GARZA U.S. COURTHOUSE DESIGNATION ACT OF 1997

Mr. GRAMM. Mr. President, along with my colleague, Senator HUTCHISON, I am proud to introduce legislation that would name the Federal courthouse in Brownsville, TX after a man who has been involved in the administration of justice throughout South

Texas for nearly 60 years, Judge Reynaldo G. Garza.

Judge Garza was the first Mexican-American to be appointed to a Federal judgeship in the history of our country, when President Kennedy appointed him to a district court bench in 1961. Judge Garza served as a U.S. District Judge until 1979, when President Carter appointed him to the Fifth Circuit Court of Appeals, where he still serves, at the age of 81, in senior status.

Besides being named as the first Mexican-American Federal district judge, he was the first Mexican-American chief district judge, and the first Mexican-American Federal circuit court judge. He would have been the first Mexican-American ever to have been appointed to a President's Cabinet if he had accepted President Carter's request to serve as the Nation's attorney general in 1977. Sensibly, however, Judge Garza didn't want to move from Brownsville to Washington, DC.

Judge Garza's life has been filled with extraordinary accomplishments. Born in 1915 in Brownsville to Ygnacio and Zoila Garza, both Mexican immigrants, he was the sixth of eight children. Judge Garza reached adulthood during the Depression and, through sheer ability, hard work and determination, graduated from the University of Texas Law School in 1939. He then established a law practice in Brownsville, mixing his work with the demands of raising five children and serving his community in capacities ranging from the local school board and city commission to the Knights of Columbus.

Following the Japanese attack on Pearl Harbor in December of 1941, Reynaldo Garza enlisted in the U.S. Army and served until the war's end in 1945 as a gunnery sergeant and in other capacities. In 1943, Garza was selected to serve as translator in a meeting between President Franklin D. Roosevelt and Mexican President Miguel Avila Camacho, marking the first time a U.S. president had met with a Mexican president on Mexican soil.

Judge Garza's selfless commitment to his family, his community, and his Nation is exemplary, and today, he serves as a role model for people both inside and outside of the legal profession.

I am privileged to introduce this legislation in Judge Garza's honor today and look forward to working with my colleagues to make the Reynaldo G. Garza Federal courthouse a reality.

Mrs. HUTCHISON. Madam President, today we honor our Nation's first Mexican-American Federal judge, Judge Reynaldo G. Garza. I am proud to cosponsor legislation with Senator GRAMM to name the new Federal courthouse in Brownsville for Judge Garza. In this way, we will record for generations to come Judge Garza's selfless service to the city of Brownsville, to Texas and to our Nation.

Traditionally, we reserve this honor for judges who no longer walk the courthouse halls. However, we wish to grant an exception for this exceptional man. Born of immigrant parents, Reynaldo Garza has paved a hopeful path for other immigrant sons. After distinguishing himself as a lawyer, he served on the U.S. District Court for the Southern District until his appointment to the U.S. Court of Appeals for the Fifth Circuit in 1979 by President Carter. As the first Mexican-American to achieve these distinctions, Judge Garza truly personifies the pioneer spirit of this great Nation.

I would like Judge Garza to be remembered as well for his gracious response to this action. Upon learning that the courthouse might be named for him, Judge Garza said simply, "I'm humbled by the fact that somebody would even think I'm worthy of it." Indeed, no one is worthier than Judge Garza of this small token of our respect and admiration.

By Mr. BREAUX (by request):

S. 629. A bill entitled the "OECD Shipbuilding Agreement Act"; to the Committee on Commerce, Science, and Transportation.

THE OECD SHIPBUILDING AGREEMENT ACT

Mr. BREAUX. Mr. President: today I introduce a bill to implement the OECD shipbuilding agreement to end foreign shipbuilding subsidies. This bill is an administration draft that I submit to better focus upcoming congressional discussion of the issues. With Europe just announcing $2.1 billion in new subsidies for its shipyards, the United States cannot afford to delay action on this agreement any longer.

The United States has taken a leadership role in pushing for the elimination of unfair subsidies in the international commercial shipbuilding sector. In 1981, the United States unilaterally eliminated its own commercial shipbuilding subsidies. In October 1989, the United States, at the request of the six defense-oriented shipyards and the smaller commercial shipyards, initiated negotiations in the OECD aimed at eliminating trade distorting foreign shipbuilding subsidies. After 5 years of negotiations and constant prodding by the U.S. Congress, the OECD shipbuilding agreement was signed by the European Union, Japan, the Republic of Korea, Finland, Norway, and the United States on December 21, 1994.

The OECD shipbuilding agreement, which covers over 80 percent of the world's commercial shipbuilding and repair capacity, would prohibit government subsidies to the shipbuilding industry, as well as discipline export credits, set common rules for government financing programs, and establish a mechanism for addressing injurious pricing, that is, dumping. As of June 1, 1996, all signatories, except the United States, had ratified the agreement.

In the last Congress, several parties expressed serious concerns about certain aspects of the agreement and the proposed implementing legislation which we were unable to address before the end of the last session. As a result, the agreement's entry into force has been delayed by more than a year. I am hopeful that an agreement on implementing legislation can be reached early this session and I think the bill I am introducing today is a huge step in that direction.

I am very concerned, however, that further delay in confirming United States commitment to this agreement will seriously undermine U.S. long-term efforts to eliminate foreign shipbuilding subsidies, especially as other countries face increased pressure to resume the granting of subsidies to their shipbuilding industries. The United States can't afford a shipbuilding subsidies race. We are cutting funding of important domestic programs now. The United States needs to approve and implement the shipbuilding agreement in order to give us the tools to challenge foreign subsidies and protect our shipbuilding industry against unfair foreign competition.

I ask you to join the battle against unfair international shipbuilding subsidies by supporting the swift passage of legislation approving and implementing the OECD shipbuilding agreement.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 629

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

PART 1—GENERAL PROVISIONS

SECTION 101. SHORT TITLE; TABLE OF CONTENTS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "OECD Shipbuilding Agreement Act".

(b) TABLE OF CONTENTS.—

PART 1—GENERAL PROVISIONS

Sec. 101. Short title; Table of Contents.
Sec. 102. Approval of the Shipbuilding Agreement.
Sec. 103. Injurious pricing and countermeasures relating to shipbuilding.
Sec. 104. Enforcement of countermeasures.
Sec. 105. Judicial review in injurious pricing and countermeasure proceedings.

PART 2—OTHER PROVISIONS

Sec. 111. Equipment and repair of vessels.
Sec. 112. Effect of agreement with respect to private remedies.
Sec. 113. Implementing regulations.
Sec. 114. Amendments to the Merchant Marine Act, 1936.
Sec. 115. Applicability of Title XI amendments.
Sec. 116. Withdrawal from Agreement.
Sec. 117. Monitoring and enforcement.
Sec. 118. Jones Act and related laws not affected.

Sec. 119. Expanding membership in the Shipbuilding Agreement.
Sec. 120. Protection of United States security interests.
Sec. 121. Definitions.

PART 3—EFFECTIVE DATE

Sec. 131. Effective date.

(c) PURPOSES.—The purposes of this Act are—

(1) to enhance the competitiveness of U.S. Shipbuilders which has been diminished as a result of foreign subsidy and predatory pricing practices;

(2) to ensure that U.S. ownership, manning, and construction of coastwise trade (Jones Act) vessels, which have provided the Department of Defense with mariners and assets in time of national emergency, cannot be compromised by the OECD Shipbuilding Agreement; and

(3) to strengthen our shipbuilding industrial base to ensure that its full capabilities are available in time of national emergency.

SEC. 102. APPROVAL OF THE SHIPBUILDING AGREEMENT.

The Congress approves The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry (referred to in this Act as the "Shipbuilding Agreement"), a reciprocal trade agreement which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

SEC. 103. INJURIOUS PRICING AND COUNTERMEASURES RELATING TO SHIPBUILDING.

The Tariff Act of 1930 is amended by adding at the end the following new title:

"TITLE VIII—INJURIOUS PRICING AND COUNTERMEASURES RELATING TO SHIPBUILDING

"Subtitle A—Imposition of Injurious Pricing Charge and Countermeasures

"Sec. 801. Injurious pricing charge.
"Sec. 802. Procedures for initiating an injurious pricing investigation.
"Sec. 803. Preliminary determinations.
"Sec. 804. Termination or suspension of investigation.
"Sec. 805. Final determinations.
"Sec. 806. Imposition and collection of injurious pricing charge.
"Sec. 807. Imposition of countermeasures.
"Sec. 808. Injurious pricing petitions by third countries.
"Sec. 809. Third country injurious pricing.

"Subtitle B—Special Rules

"Sec. 821. Export price.
"Sec. 822. Normal value.
"Sec. 823. Currency conversion.

"Subtitle C—Procedures

"Sec. 841. Hearings.
"Sec. 842. Determinations on the basis of the facts available.
"Sec. 843. Access to information.
"Sec. 844. Conduct of investigations.
"Sec. 845. Administrative action following shipbuilding agreement panel reports.

"Subtitle D—Definitions

"Sec. 861. Definitions.

"Subtitle A—Imposition of Injurious Pricing Charge and Countermeasures

"SEC. 801. INJURIOUS PRICING CHARGE.

"(a) BASIS FOR CHARGE.—If—

"(1) the administering authority determines that a foreign vessel has been sold directly or indirectly to one or more United States buyers at less than its fair value, and

"(2) the Commission determines that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded,

by reason of the sale of such vessel, then there shall be imposed upon the foreign producer of the subject vessel an injurious pricing charge, in an amount equal to the amount by which the normal value exceeds the export price for the vessel. For purposes of this subsection and section 805(b)(1), a reference to the sale of a foreign vessel includes the creation or transfer of an ownership interest in the vessel, except for an ownership interest created or acquired solely for the purpose of providing security for a normal commercial loan.

"(b) FOREIGN VESSELS NOT MERCHANDISE.—No foreign vessel may be considered to be, or to be part of, a class or kind of merchandise for purposes of subtitle B of title VII.

"SEC. 802. PROCEDURES FOR INITIATING AN INJURIOUS PRICING INVESTIGATION.

"(a) INITIATION BY ADMINISTERING AUTHORITY.—

"(1) GENERAL RULE.—Except in the case in which subsection (d)(6) applies, an injurious pricing investigation shall be initiated whenever the administering authority determines, from information available to it, that a formal investigation is warranted into the question of whether the elements necessary for the imposition of a charge under section 801(a) exist, and whether a producer described in section 861(17)(C) would meet the criteria of subsection (b)(1)(B) for a petitioner.

"(2) TIME FOR INITIATION BY ADMINISTERING AUTHORITY.—An investigation may only be initiated under paragraph (1) within 6 months after the time the administering authority first knew or should have known of the sale of the vessel. Any period during which an investigation is initiated and pending as described in subsection (d)(6)(A) shall not be included in calculating that 6-month period.

"(b) INITIATION BY PETITION.—

"(1) PETITION REQUIREMENTS.—

"(A) IN GENERAL.—Except in a case in which subsection (d)(6) applies, an injurious pricing proceeding shall be initiated whenever an interested party, as defined in subparagraph (C), (D), (E), or (F) of section 861(17), files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subparagraph (B), (C), (D), or (E) of this paragraph, and which is accompanied by information reasonably available to the petitioner supporting those allegations and identifying the transaction concerned.

"(B) PETITIONERS DESCRIBED IN SECTION 861(17)(C).—

"(i) IN GENERAL.—If the petitioner is a producer described in section 861(17)(C), and—

"(I) if the vessel was sold through a broad multiple bid, the petition shall include information indicating that the petitioner was invited to tender a bid on the contract at issue, the petitioner actually did so, and the bid of the petitioner substantially met the delivery date and technical requirements of the bid,

"(II) if the vessel was sold through any bidding process other than a broad multiple bid and the petitioner was invited to tender a bid on the contract at issue, the petition shall include information indicating that the petitioner actually did so and the bid of the petitioner substantially met the delivery date and technical requirements of the bid, or

"(III) except in a case in which the vessel was sold through a broad multiple bid, if there is no invitation to tender a bid, the petition shall include information indicating that the petitioner was capable of building the vessel concerned and, if the petitioner knew or should have known of the proposed purchase, it made demonstrable efforts to conclude a sale with the United States buyer consistent with the delivery date and technical requirements of the buyer.

"(ii) REBUTTABLE PRESUMPTION REGARDING KNOWLEDGE OF PROPOSED PURCHASE.—For purposes of clause (i)(III), there is a rebuttable presumption that the petitioner knew or should have known of the proposed purchase if it is demonstrated that—

"(I) the majority of the producers in the industry have made efforts with the United States buyer to conclude a sale of the subject vessel, or

"(II) general information on the sale was available from brokers, financiers, classification societies, charterers, trade associations, or other entities normally involved in shipbuilding transactions with whom the petitioner had regular contacts or dealings.

"(C) PETITIONERS DESCRIBED IN SECTION 861(17)(D).—If the petitioner is an interested party described in section 861(17)(D), the petition shall include information indicating that members of the union or group of workers described in that section are employed by a producer that meets the requirements of subparagraph (B) of this paragraph.

"(D) PETITIONERS DESCRIBED IN SECTION 861(17)(E).—If the petitioner is an interested party described in section 861(17)(E), the petition shall include information indicating that a member of the association described in that section is a producer that meets the requirements of subparagraph (B) of this paragraph.

"(E) PETITIONERS DESCRIBED IN SECTION 861(17)(F).—If the petitioner is an interested party described in section 861(17)(F), the petition shall include information indicating that a member of the association described in that section meets the requirements of subparagraph (C) or (D) of this paragraph.

"(F) AMENDMENTS.—The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

"(2) SIMULTANEOUS FILING WITH COMMISSION.—The petitioner shall file a copy of the petition with the Commission on the same day as it is filed with the administering authority.

"(3) DEADLINE FOR FILING PETITION.—

"(A) DEADLINE.—(i) A petitioner to which paragraph (1)(B)(i) (I) or (II) applies shall file the petition no later than the earlier of—

"(I) 6 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or

"(II) 6 months after delivery of the subject vessel.

"(ii) A petitioner to which paragraph (1)(B)(i)(III) applies shall—

"(I) file the petition no later than the earlier of 9 months after the time that the petitioner first knew or should have known of the sale of the subject vessel, or 6 months after delivery of the subject vessel, and

"(II) submit to the administering authority a notice of intent to file a petition no later than 6 months after the time that the petitioner first knew or should have known of the sale (unless the petition itself is filed within that 6-month period).

"(B) PRESUMPTION OF KNOWLEDGE.—For purposes of this paragraph, if the existence of the sale, together with general information concerning the vessel, is published in the international trade press, there is a rebuttable presumption that the petitioner knew or should have known of the sale of the vessel from the date of that publication.

"(c) ACTIONS BEFORE INITIATING INVESTIGATIONS.—

"(1) NOTIFICATION OF GOVERNMENTS.—Before initiating an investigation under either subsection (a) or (b), the administering authority shall notify the government of the exporting country of the investigation. In the case of the initiation of an investigation under subsection (b), such notification shall include a public version of the petition.

"(2) ACCEPTANCE OF COMMUNICATIONS.—The administering authority shall not accept any unsolicited oral or written communication from any person other than an interested party described in section 861(17)(C), (D), (E), or (F) before the administering authority makes its decision whether to initiate an investigation pursuant to a petition, except for inquires regarding the status of the administering authority's consideration of the petition or a request for consultation by the government of the exporting country.

"(3) NONDISCLOSURE OF CERTAIN INFORMATION.—The administering authority and the Commission shall not disclose information with regard to any draft petition submitted for review and comment before it is filed under subsection (b)(1).

"(d) PETITION DETERMINATION.—

"(1) TIME FOR INITIAL DETERMINATION.—

"(A) IN GENERAL.—Within 45 days after the date on which a petition is filed under subsection (b), the administering authority shall, after examining, on the basis of sources readily available to the administering authority, the accuracy and adequacy of the evidence provided in the petition, determine whether the petition—

"(i) alleges the elements necessary for the imposition of an injurious pricing charge under section 801(a) and the elements required under subsection (b)(1)(B), (C), (D), or (E), and contains information reasonably available to the petitioner supporting the allegation; and

"(ii) determine if the petition has been filed by or on behalf of the industry.

"(B) CALCULATION OF 45-DAY PERIOD.—Any period in which paragraph (6)(A) applies shall not be included in calculating the 45-day period described in subparagraph (A).

"(2) AFFIRMATIVE DETERMINATION.—If the determinations under clauses (i) and (ii) of paragraph (1)(A) are affirmative, the administering authority shall initiate an investigation to determine whether the vessel was sold at less than fair value, unless paragraph (6) applies.

"(3) NEGATIVE DETERMINATIONS.—If—

"(A) the determination under clause (i) or (ii) of paragraph (1)(A) is negative, or

"(B) paragraph (6)(B) applies, the administering authority shall dismiss the petition, terminate the proceeding, and notify the petitioner in writing of the reasons for the determination.

"(4) DETERMINATION OF INDUSTRY SUPPORT.—

"(A) GENERAL RULE.—For purposes of this subsection, the administering authority shall determine that the petition has been filed by or on behalf of the domestic industry, if—

"(i) the domestic producers or workers who support the petition collectively account for at least 25 percent of the total capacity of domestic producers capable of producing a like vessel, and

"(ii) the domestic producers or workers who support the petition collectively account for more than 50 percent of the total capacity to produce a like vessel of that portion of the domestic industry expressing support for or opposition to the petition.

"(B) CERTAIN POSITIONS DISREGARDED.—In determining industry support under subparagraph (A), the administering authority shall disregard the position of domestic producers who oppose the petition, if such producers are related to the foreign producer or United States buyer of the subject vessel, or the domestic producer is itself the United States buyer, unless such domestic producers demonstrate that their interests as domestic producers would be adversely affected by the imposition of an injurious pricing charge.

"(C) POLLING THE INDUSTRY.—If the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total capacity to produce a like vessel—

"(i) the administering authority shall poll the industry or rely on other information in order to determine if there is support for the petition as required by subparagraph (A), or

"(ii) if there is a large number of producers in the industry, the administering authority may determine industry support for the petition by using any statistically valid sampling method to poll the industry.

"(D) COMMENT BY INTERESTED PARTIES.—Before the administering authority makes a determination with respect to initiating an investigation, any person who would qualify as an interested party under section 861(17) if an investigation were initiated, may submit comments or information on the issue of industry support. After the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.

"(5) DEFINITION OF DOMESTIC PRODUCERS OR WORKERS.—For purposes of this subsection, the term 'domestic producers or workers' means interested parties as defined in section 861 (17) (C), (D), (E), or (F).

"(6) PROCEEDINGS BY WTO MEMBERS.—The administering authority shall not initiate an investigation under this section if, with respect to the vessel sale at issue, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party—

"(A) has been initiated and has been pending for not more than on year, or

"(B) has been completed and resulted in the imposition of antidumping measures or a negative determination with respect to whether the sale was at less than fair value or with respect to injury.

"(e) NOTIFICATION TO COMMISSION OF DETERMINATION.—The administering authority shall—

"(1) notify the Commission immediately of any determination it makes under subsection (a) or (d), and

"(2) if the determination is affirmative, make available to the Commission such information as it may have relating to the matter under investigation, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"SEC. 803. PRELIMINARY DETERMINATIONS.

"(a) DETERMINATION BY COMMISSION OF REASONABLE INDICATION OF INJURY.—

"(1) GENERAL RULE.—Except in the case of a petition dismissed by the administering authority under section 802(d)(3), the Commission, within the time specified in paragraph (2), shall determine, based on the information available to it at the time of the determination, whether there is a reasonable indication that—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded, by reason of the sale of the subject vessel. If the Commission makes a negative determination under this paragraph, the investigation shall be terminated.

"(2) TIME FOR COMMISSION DETERMINATION.—The Commission shall make the determination described in paragraph (1) within 90 days after the date on which the petition is filed or, in the case of an investigation initiated under section 802(a), within 90 days after the date on which the Commission receives notice from the administering authority that the investigation has been initiated under such section.

"(b) PRELIMINARY DETERMINATION BY ADMINISTERING AUTHORITY.—

"(1) PERIOD OF INJURIOUS PRICING INVESTIGATION.—

"(A) IN GENERAL.—The administering authority shall make a determination, based upon the information available to it at the time of the determination, of whether there is a reasonable basis to believe or suspect that the subject vessel was sold at less than fair value.

"(B) COST DATA USED FOR NORMAL VALUE.—If cost data is required to determine normal value on the basis of a sale of a foreign like vessel that has not been delivered on or before the date on which the administering authority initiates the investigation, the administering authority shall make its determination within 160 days after the date of delivery of the foreign like vessel.

"(C) NORMAL VALUE BASED ON CONSTRUCTED VALUE.——If normal value is to be determined on the basis of constructed value, the administering authority shall make its determination within 160 days after the date of delivery of the subject vessel.

"(d) OTHER CASES.—In cases in which subparagraph (B) or (C) does not apply, the administering authority shall make its determination within 160 days after the date on which the administering authority initiates the investigation under section 802.

"(E) AFFIRMATIVE DETERMINATION BY COMMISSION REQUIRED.—In no event shall the administering authority make its determination before an affirmative determination is made by the Commission under subsection (a).

"(2) DE MINIMIS INJURIOUS PRICING MARGIN.—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis. For purposes of the preceding sentence, an injurious pricing margin is de minimis if the administering authority determines that the injurious pricing margin is less than 2 percent of the export price.

"(c) EXTENSION OF PERIOD IN EXTRAORDINARILY COMPLICATED CASES OR FOR GOOD CAUSE.—

"(1) IN GENERAL.—If—

"(A) the administering authority concludes that the parties concerned are cooperating and determines that—

"(i) the case is extraordinarily complicated by reason of—

"(I) the novelty of the issues presented, or

"(II) the nature and extent of the information required, and

"(ii) additional time is necessary to make the preliminary determination, or

"(B) a party to the investigation requests an extension and demonstrates good cause for the extension,

then the administering authority may postpone the time for making its preliminary determination.

"(2) Length of postponement.—The preliminary determination may be postponed under paragraph (1)(A) or (B) until not later than the 190th day after—

"(A) the date of delivery of the foreign like vessel, if subsection (b)(1)(B) applies,

"(B) the date of delivery of the subject vessel, if subsection (b)(1)(C) applies, or

"(C) the date on which the administering authority initiates an investigation under section 802, in a case in which subsection (b)(1)(D) applies.

"(3) Notice of postponement.—The administering authority shall notify the parties to the investigation, not later than 20 days before the date on which the preliminary determination would otherwise be required under subsection (b)(1), if it intends to postpone making the preliminary determination under paragraph (1). The notification shall include an explanation of the reasons for the postponement, and notice of the postponement shall be published in the Federal Register.

"(d) Effect of Determination by the Administering Authority.—If the preliminary determination of the administering authority under subsection (b) is affirmative, the administering authority shall—

"(1) determine an estimated injurious pricing margin, and

"(2) make available to the Commission all information upon which its determination was based and which the Commission considers relevant to its injury determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information to which confidential treatment has been given by the administering authority.

"(e) Notice of Determination.—Whenever the Commission or the administering authority makes a determination under this section, the Commission or the administering authority, as the case may be, shall notify the petitioner, and other parties to the investigation, and the Commission or the administering authority (whichever is appropriate) of its determination. The administering authority shall include with such notification the facts and conclusions on which its determination is based. Not later than 5 days after the date on which the determination is required to be made under subsection (a)(2), the Commission shall transmit to the administering authority the facts and conclusions on which its determination is based.

"SEC. 804. TERMINATION OR SUSPENSION OF INVESTIGATION.

"(a) Termination of Investigation Upon Withdrawal of Petition.—

"(1) In general.—Except as provided in paragraph (2), an investigation under this subtitle may be terminated by either the administering authority or the Commission, after notice to all parties to the investigation, upon withdrawal of the petition by the petitioner.

"(2) Limitation on Termination by Commission.—The Commission may not terminate an investigation under paragraph (1) before a preliminary determination is made by the administering authority under section 803(b).

"(b) Termination of Investigations Initiated by Administering Authority.—The administering authority may terminate any investigation initiated by the administering authority under section 802(a) after providing notice of such termination to all parties to the investigation.

"(c) Alternate Equivalent Remedy.—The criteria set forth in subparagraphs (A) through (D) of section 806(e)(1) shall apply to any agreement that forms the basis for termination of an investigation under subsection (a) or (b).

"(d) Proceedings by WTO Members.—

"(1) Suspension of investigation.—The administering authority and the Commission shall suspend an investigation under this section if a WTO member that is not a Shipbuilding Agreement Party initiates an antidumping proceeding described in section 861(30)(A) with respect to the sale of the subject vessel.

"(2) Termination of investigation.—If an antidumping proceeding described in paragraph (1) is concluded by—

"(A) the imposition of antidumping measures, or

"(B) a negative determination with respect to whether the sale is at less than fair value or with respect to injury, the administering authority and the Commission shall terminate the investigation under this section.

"(3) Continuation of investigation.—(A) If such a proceeding—

"(i) is concluded by a result other than a result described in paragraph (2), or

"(ii) is not concluded within one year from the date of the initiation of the proceeding, then the administering authority and the Commission shall terminate the suspension and continue the investigation. The period in which the investigation was suspended shall not be included in calculating deadlines applicable with respect to the investigation.

"(B) Notwithstanding subparagraph (A)(ii), if the proceeding is concluded by a result described in paragraph (2)(A), the administering authority and the Commission shall terminate the investigation under this section.

"SEC. 805. FINAL DETERMINATIONS.

"(a) Determinations by Administering Authority.—

"(1) In general.—Within 75 days after the date of its preliminary determination under section 803(b), the administering authority shall make a final determination of whether the vessel which is the subject of the investigation has been sold in the United States at less than its fair value.

"(2) Extension of period for determination.—

"(A) General rule.—The administering authority may postpone making the final determination under paragraph (1) until not later than 290 days after—

11(i) the date of delivery of the foreign like vessel, in an investigation to which section 803(b)(1)(B) applies,

"(ii) the date of delivery of the subject vessel, in an investigation to which section 803(b)(1)(C) applies, or

"(iii) the date on which the administering authority initiates the investigation under section 802, in an investigation to which section 803(b)(1)(D) applies.

"(B) Request required.—The administering authority may apply subparagraph (A) if a request in writing is made by—

"(i) the producer of the subject vessel, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was affirmative, or

"(ii) the petitioner, in a proceeding in which the preliminary determination by the administering authority under section 803(b) was negative.

"(3) De minimis injurious pricing margin.—In making a determination under this subsection, the administering authority shall disregard any injurious pricing margin that is de minimis as defined in section 803(b)(2).

"(b) Final Determination by Commission.—

"(1) In general.—The Commission shall make a final determination of whether—

"(A) an industry in the United States—

"(i) is or has been materially injured, or

"(ii) is threatened with material injury, or

"(B) the establishment of an industry in the United States is or has been materially retarded, by reason of the sale of the vessel with respect to which the administering authority has made an affirmative determination under subsection (a)(1).

"(2) Period for injury determination following affirmative preliminary determination by administering authority.—If the preliminary determination by the administering authority under section 803(b) is affirmative, then the Commission shall make the determination required by paragraph (1) before the later of—

"(A) the 120th day after the day on which the administering authority makes its affirmative preliminary determination under section 803(b), or

"(B) the 45th day after the day on which the administering authority makes its affirmative final determination under subsection (a).

"(3) Period for injury determination following negative preliminary determination by administering authority.—If the preliminary determination by the administering authority under section 803(b) is negative, and its final determination under subsection (a) is affirmative, then the final determination by the Commission under this subsection shall be made within 75 days after the date of that affirmative final determination.

"(c) Effect of Final Determinations.—

"(1) Effect of affirmative determination by the administering authority.—If the determination of the administering authority under subsection (a) is affirmative, then the administering authority shall—

"(A) make available to the Commission all information upon which such determination was based and which the Commission considers relevant to its determination, under such procedures as the administering authority and the Commission may establish to prevent disclosure, other than with the consent of the party providing it or under protective order, of any information as to which confidential treatment has been given by the administering authority, and

"(B) calculate an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel.

"(2) Issuance of order; effect of negative determination.—If the determinations of the administering authority and the Commission under subsections (a)(1) and (b)(1) are affirmative, then the administering authority shall issue an injurious pricing order under section 806. If either of such determinations is negative, the investigation shall be terminated upon the publication of notice of that negative determination.

"(d) Publication of Notice of Determinations.—Whenever the administering authority or the Commission makes a determination under this section, it shall notify the petitioner, other parties to the investigation, and the other agency of its determination and of the facts and conclusions of law upon which the determination is based, and it shall publish notice of its determination in the Federal Register.

"(e) Correction of Ministerial Errors.—The administering authority shall establish procedures for the correction of ministerial errors in final determinations within a reasonable time after the determinations are issued under this section. Such procedures shall ensure opportunity for interested parties to present their views regarding any such errors. As used in this subsection, the term 'ministerial error' includes errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which the administering authority considers ministerial.

SEC. 806. IMPOSITION AND COLLECTION OF INJURIOUS PRICING CHARGE.

"(a) In General.—Within 7 days after being notified by the Commission of an affirmative determination under section 805(b), the administering authority shall publish an order imposing an injurious pricing charge on the foreign producer of the subject vessel which—

"(1) directs the foreign producer of the subject vessel to pay to the Secretary of the Treasury, or the designee of the Secretary, within 180 days from the date of publication of the order, an injurious pricing charge in an amount equal to the amount by which the normal value exceeds the export price of the subject vessel,

(2) includes the identity and location of the foreign producer and a description of the subject vessel, in such detail as the administering authority deems necessary, and

"(3) informs the foreign producer that—

"(A) failure to pay the injurious pricing charge in a timely fashion may result in the imposition of countermeasures with respect to that producer under section 807,

"(B) payment made after the deadline described in paragraph (1) shall be subject to interest charges at the Commercial Interest Reference Rate (CIRR), and

"(C) the foreign producer may request an extension of the due date for payment under subsection (b).

"(b) Extension of Due Date for Payment in Extraordinary Circumstances.—

"(1) Extension.—Upon request, the administering authority may amend the order under subsection (a) to set a due date for payment or payments later than the date that is 180 days from the date of publication of the order, if the administering authority determines that full payment in 180 days would render the producer insolvent or would be incompatible with a judicially supervised reorganization. When an extended payment schedule provides for a series of partial payments, the administering authority shall specify the circumstances under which default on one or more payments will result in the imposition of countermeasures.

"(2) Interest charges.—If a request is granted under paragraph (1), payments made after the date that is 180 days from the publication of the order shall be subject to interest charges at the CIRR.

"(c) Notification of Order.—The administering authority shall deliver a copy of the order requesting payment to the foreign producer of the subject vessel and to an appropriate representative of the government of the exporting country.

"(d) Revocation of Order.—The administering authority—

"(1) may revoke an injurious pricing order if the administering authority determines that producers accounting for substantially all of the capacity to produce a domestic like vessel have expressed a lack of interest in the order, and

"(2) shall revoke an injurious pricing order—

"(A) if the sale of the vessel that was the subject of the injurious pricing determination is voided,

"(B) if the injurious pricing charge is paid in full, including any interest accrued for late payment,

"(C) upon full implementation of an alternative equivalent remedy described in subsection (e), or

"(D) if, with respect to the vessel sale that was at issue in the investigation that resulted in the injurious pricing order, an antidumping proceeding conducted by a WTO member who is not a Shipbuilding Agreement Party has been completed and resulted in the imposition of antidumping measures.

"(e) Alternative Equivalent Remedy.—

"(1) Agreement for alternate remedy.—The administering authority may suspend an injurious pricing order if the administering authority enters into an agreement with the foreign producer subject to the order on an alternative equivalent remedy, that the administering authority determines—

"(A) is at least as effective a remedy as the injurious pricing charge,

"(B) is in the public interest,

"(C) can be effectively monitored and enforced, and

"(D) is otherwise consistent with the domestic law and international obligations of the United States.

"(2) Prior consultation and submission of comments.—Before entering into an agreement under paragraph (1), the administering authority shall consult with the industry, and provide for the submission of comments by interested parties, with respect to the agreement.

"(3) Material violations of agreement.—If the injurious pricing order has been suspended under paragraph (1), and the administering authority determines that the foreign producer concerned has materially violated the terms of the agreement under paragraph (1), the administering authority shall terminate the suspension.

"SEC. 807. IMPOSITION OF COUNTERMEASURES.

"(a) General Rule.—

"(1) Issuance of order imposing countermeasures.—Unless an injurious pricing order is revoked or suspended under section 806(d) or (e), the administering authority shall issue an order imposing countermeasures.

"(2) Contents of order.—The countermeasure order shall—

"(A) state that, as provided in section 468, a permit to lade or unlade passengers or merchandise may not be issued with respect to vessels contracted to be built by the foreign producer of the vessel with respect to which an injurious pricing order was issued under section 806, and

"(B) specify the scope and duration of the prohibition on the issuance of a permit to lade or unlade passengers or merchandise.

"(b) Notice of Intent To Impose Countermeasures.—

"(1) General rule.—The administering authority shall issue a notice of intent to impose countermeasures not later than 30 days before the expiration of the time for payment specified in the injurious pricing order (or extended payment provided for under section 806(b)), and shall publish the notice in the Federal Register within 7 days after issuing the notice.

"(2) Elements of the notice of intent.—The notice of intent shall contain at least the following elements:

"(A) Scope.—A permit to lade or unlade passengers or merchandise may not be issued with respect to any vessel—

"(i) built by the foreign producer subject to the proposed countermeasures, and

"(ii) with respect to which the material terms of sale are established within a period of 4 consecutive years beginning on the date that is 30 days after publication in the Federal Register of the notice of intent described in paragraph (1).

"(B) Duration.—For each vessel described in subparagraph (A), a permit to lade or unlade passengers or merchandise may not be issued for a period of 4 years after the date of delivery of the vessel.

"(c) Determination To Impose Countermeasures; Order.—

"(1) General rule.—The administering authority shall, within the time specified in paragraph (2), issue a determination and order imposing countermeasures.

"(2) Time for determination.—The determination shall be issued within 90 days after the date on which the notice of intent to impose countermeasures under subsection (b) is published in the Federal Register. The administering authority shall publish the determination, and the order described in paragraph (4), in the Federal Register within 7 days after issuing the final determination, and shall provide a copy of the determination and order to the Customs Service.

"(3) Content of the determination.—In the determination imposing countermeasures, the administering authority shall determine whether, in light of all of the circumstances, an interested party has demonstrated that the scope or duration of the countermeasures described in subsection (b)(2) should be narrower or shorter than the scope or duration set forth in the notice of intent to impose countermeasures.

"(4) Order.—At the same time it issues its determination, the administering authority shall issue an order imposing countermeasures, consistent with its determination under paragraph (1).

"(d) Administrative Review of Determination To Impose Countermeasures.—

"(1) Request for review.—Each year, in the anniversary month of the issuance of the order imposing countermeasures under subsection (c), the administering authority shall publish in the Federal Register a notice providing that interested parties may request—

"(A) a review of the scope or duration of the countermeasures determined under subsection (c)(3), and

"(B) a hearing in connection with such a review.

"(2) Review.—If a proper request has been received under paragraph (1), the administering authority shall—

"(A) publish notice of initiation of a review in the Federal Register not later than 15 days after the end of the anniversary month of the issuance of the order imposing countermeasures, and

"(B) review and determine whether the requesting party has demonstrated that the scope or duration of the countermeasures is excessive in light of all of the circumstances.

"(3) Time for review.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of the review is published. If the determination under paragraph (2)(B) is affirmative, the administering authority shall amend the order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service. In extraordinary circumstances, the administering authority may extend the time for its determination under paragraph (2)(B) to not later than 150 days after the date on which the notice of initiation of the review is published.

"(e) Extension of Countermeasures.—

"(1) Request for extension.—Within the time described in paragraph (2), an interested party may file with the administering authority a request that the scope or duration of countermeasures be extended.

"(2) Deadline for request for extension.—

"(A) Request for extension beyond 4 years.—If the request seeks an extension that would cause the scope or duration of countermeasures to exceed 4 years, including any prior extensions, the request for extension under paragraph (1) shall be filed not earlier than the date that is 15 months, and not later than the date that is 12 months, before the date that marks the end of the period that specifies the vessels that fall within the scope of the order by virtue of the establishment of material terms of sale within that period.

"(B) Other requests.—If the request seeks an extension under paragraph (1) other than one described in subparagraph (A), the request shall be filed not earlier than the date that is 6 months, and not later than a date that is 3 months, before the date that marks the end of the period referred to in subparagraph (A).

"(3) Determination.—

"(A) Notice of request for extension.—If a proper request has been received under paragraph (1), the administering authority shall publish notice of initiation of an extension proceeding in the Federal Register not later than 15 days after the applicable deadline in paragraph (2) for requesting the extension.

"(B) Procedures.—

"(i) Request for extension beyond 4 years.—If paragraph (2)(A) applies to the request, the administering authority shall consult with the Trade Representative under paragraph (4).

"(ii) Other requests.—If paragraph (2)(B) applies to the request, the administering authority shall determine, within 90 days after the date on which the notice of initiation of the proceeding is published, whether the requesting party has demonstrated that the scope or duration of the countermeasures is inadequate in light of all of the circumstances. If the administering authority determines that an extension is warranted, it shall amend the countermeasure order accordingly. The administering authority shall promptly publish the determination and any amendment to the order in the Federal Register, and shall provide a copy of any amended order to the Customs Service.

"(4) Consultation with trade representative.—If paragraph (3)(B)(i) applies, the administering authority shall consult with the Trade Representative concerning whether it would be appropriate to request establishment of a dispute settlement panel under the Shipbuilding Agreement for the purpose of seeking authorization to extend the scope or duration of countermeasures for a period in excess of 4 years.

"(5) Decision not to request panel.—If, based on consultations under paragraph (4), the Trade Representative decides not to request establishment of a panel, the Trade Representative shall inform the party requesting the extension of the countermeasures of the reasons for its decision in writing. The decision shall not be subject to judicial review.

"(6) Panel proceedings.—If, based on consultations under paragraph (4), the Trade Representative requests the establishment of a panel under the Shipbuilding Agreement to authorize an extension of the period of countermeasures, and the panel authorizes such an extension, the administering authority shall promptly amend the countermeasure order. The administering authority shall publish notice of the amendment in the Federal Register.

"(f) List of Vessels Subject to Countermeasures.—

"(1) General rule.—At least once during each 12-month period beginning on the anniversary date of a determination to impose countermeasures under this section, the administering authority shall publish in the Federal Register a list of all delivered vessels subject to countermeasures under the determination.

"(2) Content of list.—The list under paragraph (1) shall include the following information for each vessel, to the extent the information is available:

"(A) The name and general description of the vessel.

"(B) The vessel identification number.

"(C) The shipyard where the vessel was constructed.

"(D) The last-known registry of the vessel.

"(E) The name and address of the last-known owner of the vessel.

"(F) The delivery date of the vessel.

"(G) The remaining duration of countermeasures on the vessel.

"(H) Any other identifying information available.

"(3) Amendment of list.—The administering authority may amend the list from time to time to reflect new information that comes to its attention and shall publish any amendments in the Federal Register.

"(4) Service of list and amendments.—

"(A) Service of list.—The administering authority shall serve a copy of the list described in paragraph (1) on—

"(i) the petitioner under section 802(b),

"(ii) the United States Customs Service,

"(iii) the Secretariat of the Organization for Economic Cooperation and Development,

"(iv) the owners of vessels on the list,

"(v) the shipyards on the list, and

"(vi) the government of the country in which a shipyard on the list is located.

"(B) Service of amendments.—The administering authority shall serve a copy of any amendments to the list under paragraph (3) or subsection (g)(3) on—

"(i) the parties listed in clauses (i), (ii), and (iii) of subparagraph (A), and

"(ii) if the amendment affects their interests, the parties listed in clauses (iv), (v), and (vi) of subparagraph (A).

"(g) Administrative Review of List of Vessels Subject to Countermeasures.—

"(1) Request for review.—

"(A) In general.—An interested party may request in writing a review of the list described in subsection (f)(1), including any amendments thereto, to determine whether—

"(i) a vessel included in the list does not fall within the scope of the applicable countermeasure order and should be deleted, or

"(ii) a vessel not included in the list falls within the scope of the applicable countermeasure order and should be added.

"(B) Time for making request.—Any request seeking a determination described in subparagraph (A)(i) shall be made within 90 days after the date of publication of the applicable list.

"(2) Review.—If a proper request for review has been received, the administering authority shall—

"(A) publish notice of initiation of a review in the Federal Register—

"(i) not later than 15 days after the request is received, or

"(ii) if the request seeks a determination described in paragraph (1)(A)(i), not later than 15 days after the deadline described in paragraph (1)(B), and

"(B) review and determine whether the requesting party has demonstrated that—

"(i) a vessel included in the list does not qualify for such inclusion, or

"(ii) a vessel not included in the list qualifies for inclusion.

"(3) Time for determination.—The administering authority shall make its determination under paragraph (2)(B) within 90 days after the date on which the notice of initiation of such review is published. If the administering authority determines that a vessel should be added or deleted from the list, the administering authority shall amend the list accordingly. The administering authority shall promptly publish in the Federal Register the determination and any such amendment to the list.

"(h) Expiration of Countermeasures.—Upon expiration of a countermeasure order imposed under this section, the administering authority shall promptly publish a notice of the expiration in the Federal Register.

"(i) Supension or Termination of Proceedings or Countermeasures; Temporary Reduction of Countermeasures.—

"(1) If injurious pricing order revoked or suspended.—If an injurious pricing order had been revoked or suspended under section 806(d) or (e), the administering authority shall, as appropriate, suspend or terminate proceedings under this section with respect to that order, or suspend or revoke a countermeasure order issued with respect to that injurious pricing order.

"(2) If payment date amended.—

"(A) Suspension of modification of deadline.—Subject to subparagraph (C), if the payment date under an injurious pricing order is amended under section 845, the administering authority shall, as appropriate, suspend proceedings or modify deadlines under this section, or suspend or amend a countermeasure order issued with respect to that injurious pricing order.

"(B) Date for application of countermeasure.—In taking action under subparagraph (A), the administering authority shall ensure that countermeasures are not applied before the date that is 30 days after publication in the Federal Register of the amended payment date.

"(C) Reinstitution of proceedings.—If—

"(i) a countermeasure order is issued under subsection (c) before an amendment is made under section 845 to the payment date of the injurious pricing order to which the countermeasure order applies, and

"(ii) the administering authority determines that the period of time between the original payment date and the amended payment date is significant for purposes of determining the appropriate scope or duration of countermeasures,

the administering authority may, in lieu of acting under subparagraph (A), reinstitute proceedings under subsection (c) for purposes of issuing new determination under that subsection.

"(j) Comment and Hearing.—In the course of any proceeding under subsection (c), (d), (e), or (g), the administering authority—

"(1) shall solicit comments from interested parties, and

"(2)(A) in a preceding under subsection (c), (d), or (e), upon the request of an interested party, shall hold a hearing in accordance with section 841(b) in connection with that proceeding, or

"(B) in a proceeding under subsection (g), upon the request of an interested party, may hold a hearing in accordance with section 841(b) in connection with that proceeding.

"SEC. 808. INJURIOUS PRICING PETITIONS BY THIRD COUNTRIES.

"(a) Filing of Petition.—The government of a Shipbuilding Agreement Party may file with the Trade Representative a petition requesting that an investigation be conducted to determine if—

"(1) a vessel from another Shipbuilding Agreement Party has been sold directly or indirectly to one or more United States buyers at less than fair value, and

"(2) an industry, in the petitioning country, producing or capable of producing a like vessel is materially injured by reason of such sale.

"(b) Initiation.—The Trade Representative, after consultation with the administering authority and the Commission and obtaining the approval of the Parties Group under the Shipbuilding Agreement, shall determine whether to initiate an investigation described in subsection (a).

"(c) Determinations.—Upon initiation of an investigation under subsection (a), the Trade Representative shall request the following determinations be made in accordance with substantive and procedural requirements by the Trade Representative, notwithstanding any other provision of this title:

"(1) Sale at less than fair value.—The administering authority shall determine whether the subject vessel has been sold at less than fair value.

"(2) Injury to industry.—The Commission shall determine whether an industry in the petitioning country is or has been materially injured by reason of the sale of the subject vessel in the United States.

"(d) Public Comment.—An opportunity for public comment shall be provided, as appropriate—

"(1) by the Trade Representative, in making the determinations required by subsection (b), and

"(2) by the administering authority and the Commission, in making the determination required by subsection (c).

"(e) Issuance of Order.—If the administering authority makes an affirmative determination under paragraph (1) of subsection (c) and the Commission makes an affirmative determination under paragraph (2) of subsection (c), the administering authority shall—

"(1) order an injurious pricing charge in accordance with section 806, and

"(2) make such determinations and take such other actions as are required by sections 806 and 807, as if affirmative determinations had been made under subsections (a) and (b) of section 805.

"(f) Reviews of Determinations.—For purposes of review under section 516B, if an order is issued under subsection (e)—

"(1) the final determinations of the administering authority and the Commission under subsection (c) shall be treated as final determinations made under section 805, and

"(2) determinations of the administering authority under subsection (e)(2) shall be treated as determinations made under section 806 and 807, as the case may be.

"(g) Access to Information.—Section 843 shall apply to investigations under this section, to the extent specified by the Trade Representative, after consultation with the administering authority and the Commission.

"SEC. 809. THIRD COUNTRY INJURIOUS PRICING.

"(a) Petition by Domestic Industry.—

"(1) With respect to the sale of a vessel to a buyer in a Shipbuilding Agreement Party, any interested party who would be eligible to file a petition under section 802(b)(1) with respect to the sale if it had been to a United States buyer, if it has reason to believe that—

"(A) the vessel has been sold at less than fair value; and

"(B) an industry in the United States is or has been materially injured, or is threatened with material injury by reason of the sale of the vessel;

may submit a petition to the Trade Representative that alleges the elements referred to in subparagraphs (A) and (B) and requests the Trade Representative to take action under subsection (b) of this section on behalf of the domestic industry.

"(2) A petition submitted under paragraph (1) shall contain such detailed information as the Trade Representative may require in support of the allegations in the petition.

"(b) Application for Injurious Pricing Action on Behalf of the Domestic Industry.—

"(1) If the Trade Representative, on the basis of the information contained in a petition submitted under subsection (a), determines that there is a reasonable basis for the allegations in the petition, the Trade Representative shall submit to the appropriate authority of the Shipbuilding Agreement Party where the alleged injurious pricing is occurring an application pursuant to Article 10 of Annex II to the Shipbuilding Agreement which requests that appropriate injurious pricing action under the law of that country be taken, on behalf of the United States, with respect to the sale of the vessel.

"(2) At the request of the Trade Representative, the appropriate officers of the Department of Commerce and the United States International Trade Commission shall assist the Trade Representative in preparing the application under paragraph (1).

"(c) Consultation After Submission of Application.—After submitting an application under subsection (b)(1), the Trade Representative shall seek consultations with the appropriate authority of the Shipbuilding Agreement Party regarding the request for injurious pricing action.

"(d) Action Upon Refusal of Shipbuilding Agreement Party To Act.—If the appropriate authority of the Shipbuilding Agreement Party refuses to undertake injurious pricing measures in response to a request made therefor by the Trade Representative under subsection (b) of this section, the Trade Representative promptly shall consult with the domestic industry on whether action under any other law of the United States is appropriate.

"Subtitle B—Special Rules

"SEC. 821. EXPORT PRICE.

"(a) Export Price.—For purposes of this title, the term 'export price' means the price at which the subject vessel is first sold (or agreed to be sold) by or for the account of the foreign producer of the subject vessel to an unaffiliated United States buyer. The term 'sold (or agreed to be sold) by or for the account of the foreign producer' includes any transfer of an ownership interest, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, to a United States buyer.

"(b) Adjustments to Export Price.—The price used to establish export price shall be—

"(1) increased by the amount of any import duties imposed by the country of exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject vessel, and

"(2) reduced by—

"(A) the amount, if any, included in such price, attributable to any additional costs, charges, or expenses which are incident to bringing the subject vessel from the shipyard in the exporting country to the place of delivery,

"(B) the amount, if included in such price, of any export tax, duty, or other charge imposed by the exporting country on the exportation of the subject vessel, and

"(C) all other expenses incidental to placing the vessel in condition for delivery to the buyer.

"SEC. 822. NORMAL VALUE.

"(a) Determination.—In determining under this title whether a subject vessel has been sold at less than fair value, a fair comparison shall be made between the export price and normal value of the subject vessel. In order to achieve a fair comparison with the export price, normal value shall be determined as follows:

"(1) Determination of Normal Value.—

"(A) In general.—The normal value of the subject vessel shall be the price described in subparagraph (B), at a time reasonably corresponding to the time of the sale used to determine the export price under section 821(a).

"(B) Price.—The price referred to in subparagraph (A) is—

"(i) the price at which a foreign like vessel is first sold in the exporting country, in the ordinary course of trade and, to the extent practicable, at the same level of trade, or

"(ii) in a case to which subparagraph (C) applies, the price at which a foreign like vessel is so sold for consumption in a country other than the exporting country or the United States, if—

"(I) such price is representative, and

"(II) the administering authority does not determine that the particular market situation in such other country prevents a proper comparison with the export price.

"(C) Third country sales.—This subparagraph applies when—

"(i) a foreign like vessel is not sold in the exporting country as described in subparagraph (B)(i), or

"(ii) the particular market situation in the exporting country does not permit a proper comparison with the export price.

"(D) Contemporaneous sale.—For purposes of subparagraph (A), 'a time reasonably corresponding to the time of the sale' means within 3 months before or after the sale of the subject vessel or, in the absence of such sales, such longer period as the administering authority determines would be appropriate.

"(2) Fictitious markets.—No pretended sale, and no sale intended to establish a fictitious market, shall be taken into account in determining normal value.

"(3) Use of constructed value.—If the administering authority determines that the normal value of the subject vessel cannot be determined under paragraph (1)(B) or (1)(C), then the normal value of the subject vessel shall be the constructed value of that vessel, as determined under subsection (e).

"(4) INDIRECT SALES.—If a foreign like vessel is sold through an affiliated party, the price at which the foreign like vessel is sold by such affiliated party may be used in determining normal value.

"(5) ADJUSTMENTS.—The price described in paragraph (1)(B) shall be—

"(A) reduced by—

"(i) the amount, if any, included in the price described in paragraph (1)(B), attributable to any costs, charges, and expenses incident to bringing the foreign like vessel from the shipyard to the place of delivery to the purchaser,

"(ii) the amount of any taxes imposed directly upon the foreign like vessel or components thereof which have been rebated, or which have not been collected, on the subject vessel, but only to the extent that such taxes are added to or included in the price of the foreign like vessel, and

"(iii) the amount of all other expenses incidental to placing the foreign like vessel in condition for delivery to the buyer, and

"(B) increased or decreased by the amount of any difference (or lack thereof) between the export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise provided under this section) that is established to the satisfaction of the administering authority to be wholly or partly due to—

"(i) physical differences between the subject vessel and the vessel used in determining normal value, or

"(ii) other differences in the circumstances of sale.

"(6) ADJUSTMENTS FOR LEVEL OF TRADE.—The price described in paragraph (1)(B) shall also be increased or decreased to make due allowance for any difference (or lack thereof) between the export price and the price described in paragraph (1)(B) (other than a difference for which allowance is otherwise made under this section) that is shown to be wholly or partly due to a difference in level of trade between the export price and normal value, if the difference in level of trade—

"(A) involves the performance of different selling activities, and

"(B) is demonstrated to affect price comparability, based on a pattern of consistent price differences between sales at different levels of trade in the country in which normal value is determined.

In a case described in the preceding sentence, the amount of the adjustment shall be based on the price differences between the two levels of trade in the country in which normal value is determined.

"(7) ADJUSTMENTS TO CONSTRUCTED VALUE.—Constructed value as determined under subsection (e) may be adjusted, as appropriate, pursuant to this subsection.

"(b) SALES AT LESS THAN COST OF PRODUCTION.—

"(1) DETERMINATION; SALES DISREGARDED.—Whenever the administering authority has reasonable grounds to believe or suspect that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the foreign like vessel, the administering authority shall determine whether, in fact, such sale was made at less than the cost of production. If the administering authority determines that the sale was made at less than the cost of production and was not at a price which permits recovery of all costs within 5 years, such sale may be disregarded in the determination of normal value. Whereas such a sale is disregarded, normal value shall be based on another sale of a foreign like vessel in the ordinary course of trade. If no sales made in the ordinary course of trade remain, the normal value shall be based on the constructed value of the subject vessel.

"(2) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

"(A) REASONABLE GROUNDS TO BELIEVE OR SUSPECT.—There are reasonable grounds to believe or suspect that the sale of a foreign like vessel was made at a price that is less than the cost of production of the vessel, if an interested party described in subparagraph (C), (D), (E), or (F) of section 861(17) provides information, based upon observed prices or constructed prices or costs, that the sale of the foreign like vessel under consideration for the determination of normal value has been made at a price which represents less than the cost of production of the vessel.

"(B) RECOVERY OF COSTS.—If the price is below the cost of production at the time of sale but is above the weighted average cost of production for the period of investigation, such price shall be considered to provide for recovery of costs within 5 years.

"(3) CALCULATION OF COST OF PRODUCTION.—For purposes of this section, the cost of production shall be an amount equal to the sum of—

"(A) the cost of materials and of fabrication or other processing of any kind employed in producing the foreign like vessel, during a period which would ordinarily permit the production of that vessel in the ordinary course of business, and

"(B) an amount for selling, general, and administrative expenses based on actual data pertaining to the production and sale of the foreign like vessel by the producer in question.

For purposes of subparagraph (A), if the normal value is based on the price of the foreign like vessel sold in a country other than the exporting country, the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or on their disposition which are remitted or refunded upon exportation.

"(c) NONMARKET ECONOMY COUNTRIES.—

"(1) IN GENERAL.—If—

"(A) the subject vessel is produced in a nonmarket economy country, and

"(B) the administering authority finds that available information does not permit the normal value of the subject vessel to be determined under subsection (a),

the administering authority shall determine the normal value of the subject vessel on the basis of the value of the factors of production utilized in producing the vessel and to which shall be added an amount for general expenses and profit plus the cost of expenses incidental to placing the vessel in a condition for delivery to the buyer. Except as provided in paragraph (2), the valuation of the factors of production shall be based on the best available information regarding the values of such factors in a market economy country or countries considered to be appropriate by the administering authority.

"(2) EXCEPTION.—If the administering authority finds that the available information is inadequate for purposes of determining the normal value of the subject vessel under paragraph (1), the administering authority shall determined the normal value on the basis of the price at which a vessel that is—

"(A) comparable to the subject vessel, and

"(B) produced in one or more market economy countries that are at a level of economic development comparable to that of the nonmarket economy country, is sold in other countries, including the United States.

"(3) FACTORS OF PRODUCTION.—For purposes of paragraph (1), the factors of production utilized in producing the vessel include, but are not limited to—

"(A) hours of labor required,

"(B) quantities of raw materials employed,

"(C) amounts of energy and other utilities consumed, and

"(D) representative capital cost, including depreciation.

"(4) VALUATION OF FACTORS OF PRODUCTION.—The administering authority, in valuing factors of production under paragraph (1), shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that are—

"(A) at a level of economic development comparable to that of the nonmarket economy country, and

"(B) significant producers of comparable vessels.

"(d) SPECIAL RULE FOR CERTAIN MULTINATIONAL CORPORATIONS.—Whenever, in the course of an investigation under this title, the administering authority determines that—

"(1) the subject vessel was produced in facilities which are owned or controlled, directly or indirectly, by a person, firm, or corporation which also owns or controls, directly or indirectly, other facilities for the production of a foreign like vessel which are located in another country or countries,

"(2) subsection (a)(1)(C) applies, and

"(3) the normal value of a foreign like vessel produced in one or more of the facilities outside the exporting country is higher than the normal value of the foreign like vessel produced in the facilities located in the exporting country,

the administering authority shall determined the normal value of the subject vessel by reference to the normal value at which a foreign like vessel is sold from one or more facilities outside the exporting country. The administering authority, in making any determination under this subsection, shall make adjustments for the difference between the costs of production (including taxes, labor, materials, and overhead) of the foreign like vessel produced in facilities outside the exporting country and costs of production of the foreign like vessel produced in facilities in the exporting country, if such differences are demonstrated to its satisfaction.

"(e) CONSTRUCTED VALUE.—

"(1) IN GENERAL.—For purposes of this title, the constructed value of a subject vessel shall be an amount equal to the sum of—

"(A) the cost of materials and fabrication or other processing of any kind employed in producing the subject vessel, during a period which would ordinarily permit the production of the vessel in the ordinary course of business, and

"(B)(i) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market of the country of origin of the subject vessel, or

"(ii) if actual data are not available with respect to the amounts described in clause (i), then—

"(I) the actual amounts incurred and realized by the foreign producer of the subject vessel for selling, general, and administrative expenses, and for profits, in connection with the production and sale of the same general category of vessel in the domestic market of the country of origin of the subject vessel,

“(II) the weighted average of the actual amounts incurred and realized by producers in the country of origin of the subject vessel (other than the producer of the subject vessel) for selling, general, and administrative expenses, and for profits, in connection with the production and sale of a foreign like vessel, in the ordinary course of trade, in the domestic market, or

“(III) if data are not available under subclause (I) or (II), the amounts incurred and realized for selling, general, and administrative expenses, and for profits, based on any other reasonable method, except that the amount allowed for profit may not exceed the amount normally realized by foreign producers (other than the producer of the subject vessel) in connection with the sale of vessels in the same general category of vessel as the subject vessel in the domestic market of the country of origin of the subject vessel.

For purposes of this paragraph, the profit shall be based on the average profit realized over a reasonable period of time before and after the sale of the subject vessel and shall reflect a reasonable profit at the time of such sale. For purposes of the preceding sentence, a ‘reasonable period of time’ shall not, except where otherwise appropriate, exceed 6 months before, or 6 months after, the sale of the subject vessel. In calculating profit under this paragraph, any distortion which would result in other than a profit which is reasonable at the time of the sale shall be eliminated.

“(2) COSTS AND PROFITS BASED ON OTHER REASONABLE METHODS.—When costs and profits are determined under paragraph (1)(B)(ii)(III), such determination shall, except where otherwise appropriate, be based on appropriate export sales by the producer of the subject vessel or, absent such sales, to export sales by other producers of a foreign like vessel or the same general category of vessel as the subject vessel in the country of origin of the subject vessel.

“(3) COSTS OF MATERIALS.—For purposes of paragraph (1)(A), the cost of materials shall be determined without regard to any internal tax in the exporting country imposed on such materials or their disposition which are remitted or refunded upon exportation of the subject vessel produced from such materials.

“(f) SPECIAL RULES FOR CALCULATION OF COST OF PRODUCTION AND FOR CALCULATION OF CONSTRUCTED VALUE.—For purposes of subsections (b) and (e)—

“(1) COSTS.—

“(A) IN GENERAL.—Costs shall normally be calculated based on the records of the foreign producer of the subject vessel, if such records are kept in accordance with the generally accepted accounting principles of the exporting country and reasonably reflect the costs associated with the production and sale of the vessel. The administering authority shall consider all available evidence on the proper allocation of costs, including that which is made available by the foreign producer on a timely basis, if such allocations have been historically used by the foreign producer, in particular for establishing appropriate amortization and depreciation periods, and allowances for capital expenditures and other development costs.

“(B) NONRECURRING COSTS.—Costs shall be adjusted appropriately for those nonrecurring costs that benefit current or future production, or both.

“(C) STARTUP COSTS.—

“(i) IN GENERAL.—Costs shall be adjusted appropriately for circumstances in which costs incurred during the time period covered by the investigation are affected by startup operations.

“(ii) STARTUP OPERATIONS.—Adjustments shall be made for startup operations only where—

“(I) a producer is using new production facilities or producing a new type of vessel that requires substantial additional investment, and

“(II) production levels are limited by technical factors associated with the initial phase of commercial production.

For purposes of subclause (II), the initial phase of commercial production ends at the end of the startup period. In determining whether commercial production levels have been achieved, the administering authority shall consider factors unrelated to startup operations that might affect the volume of production processed, such as demand, seasonality, or business cycles.

“(iii) ADJUSTMENT FOR STARTUP OPERATIONS.—The adjustment for startup operations shall be made by substituting the unit production costs incurred with respect to the vessel at the end of the startup period for the unit production costs incurred during the startup period. If the startup period extends beyond the period of the investigation under this title, the administering authority shall use the most recent cost of production data that it reasonably can obtain, analyze, and verify without delaying the timely completion of the investigation.

For purposes of this subparagraph, the startup period ends at the point at which the level of commercial production that is characteristic of the vessel, the producer, or the industry is achieved.

“(D) COSTS DUE TO EXTRAORDINARY CIRCUMSTANCES NOT INCLUDED.—Costs shall not include actual costs which are due to extraordinary circumstances (including, but not limited to, labor disputes, fire, and natural disasters) and which are significantly over the cost increase which the shipbuilder could have reasonably anticipated and taken into account at the time of sale.

“(2) TRANSACTIONS DISREGARDED.—A transaction directly or indirectly between affiliated persons may be disregarded if, in the case of any element of value required to be considered, the amount representing that element does not fairly reflect the amount usually reflected in sales of a like vessel in the market under consideration. If a transaction is disregarded under the preceding sentence and no other transactions are available for consideration, the determination of the amount shall be based on the information available as to what the amount would have been if the transaction had occurred between persons who are not affiliated.

“(3) MAJOR INPUT RULE.—If, in the case of a transaction between affiliated persons involving the production by one of such persons of a major input to the subject vessel, the administering authority has reasonable grounds to believe or suspect that an amount represented as the value of such input is less than the cost of production of such input, then the administering authority may determine the value of the major input on the basis of the information available regarding such cost of production, if such cost is greater than the amount that would be determined for such input under paragraph (2).

“SEC. 823. CURRENCY CONVERSION.

“(a) IN GENERAL.—In an injurious pricing proceeding under this title, the administering authority shall convert foreign currencies into United States dollars using the exchange rate in effect on the date of sale of the subject vessel, except that if it is established that a currency transaction on forward markets is directly linked to a sale under consideration, the exchange rate specified with respect to such foreign currency in the forward sale agreement shall be used to convert the foreign currency.

“(b) DATE OF SALE.—For purposes of this section, ‘date of sale’ means the date of the contract of sale or, where appropriate, the date on which the material terms of sale are otherwise established. If the material terms of sale are significantly changed after such date, the date of sale is the date of such change. In the case of such a change in the date of sale, the administering authority shall make appropriate adjustments to take into account any unreasonable effect on the injurious pricing margin due only to fluctuations in the exchange rate between the original date of sale and the new date of sale.

“Subtitle C—Procedures

“SEC. 841. HEARINGS.

“(a) UPON REQUEST.—The administering authority and the Commission shall each hold a hearing in the course of an investigation under this title, upon the request of any party to the investigation, before making a final determination under section 805.

“(b) PROCEDURES.—Any hearing required or permitted under this title shall be conducted after notice published in the Federal Register, and a transcript of the hearing shall be prepared and made available to the public. The hearing shall not be subject to the provisions of subchapter II of chapter 5 of title 5, United States Code, or to section 702 of such title.

“SEC. 842. DETERMINATIONS ON THE BASIS OF THE FACTS AVAILABLE.

“(a) IN GENERAL.—

“(1) necessary information is not available on the record, or

“(2) an interested party or any other person—

“(A) withholds information that has been requested by the administering authority or the Commission under this title,

“(B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (b)(1) and (d) of section 844,

“(C) significantly impedes a proceeding under this title, or

“(D) provides such information but the information cannot be verified as provided in section 844(g),

the administering authority and the Commission shall, subject to section 844(c), use the facts otherwise available in reaching the applicable determination under this title.

“(b) ADVERSE INFERENCES.—If the administering authority or the Commission (as the case may be) finds that an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information from the administering authority or the Commission, the administering authority or the Commission (as the case may be), in reaching the applicable determination under this title, may use an inference that is adverse to the interests of that party in selecting from among the facts otherwise available. Such adverse inference may include reliance on information derived from—

“(1) the petition, or

“(2) any other information placed on the record.

“(c) CORROBORATION OF SECONDARY INFORMATION.—When the administering authority or the Commission relies on secondary information rather than on information obtained in the course of an investigation under this title, the administering authority and the Commission, as the case may be, shall, to the extent practicable, corroborate that information from independent sources that are reasonably at their disposal.

"SEC. 843. ACCESS TO INFORMATION.

"(a) INFORMATION GENERALLY MADE AVAILABLE.—

"(1) PROGRESS OF INVESTIGATION REPORTS.—The administering authority and the Commission shall, from time to time upon request, inform the parties to an investigation under this title of the progress of that investigation.

"(2) EX PARTE MEETINGS.—the administering authority and the Commission shall maintain a record of any ex parte meeting between—

"(A) interested parties or other persons providing factual information in connection with a proceeding under this title, and

"(B) the person charged with making the determination, or any person charged with making a final recommendation to that person, in connection with that proceeding, if information relating to that proceeding was presented or discussed at such meeting. The record of such an ex parte meeting shall include the identity of the persons present at the meeting, the date, time, and place of the meeting, and a summary of the matters discussed or submitted. The record of the ex parte meeting shall be included in the record of the proceeding.

"(3) SUMMARIES; NONPROPRIETARY SUBMISSIONS.—The administering authority and the Commission shall disclose—

"(A) any proprietary information received in the course of a proceeding under this title if it is disclosed in a form which cannot be associated with, or otherwise be used to identify, operations of a particular person, and

"(B) any information submitted in connection with a proceeding which is not designated as proprietary by the person submitting it.

"(4) MAINTENANCE OF PUBLIC RECORD.—The administering authority and the Commission shall maintain and make available for public inspection and copying a record of all information which is obtained by the administering authority or the Commission, as the case may be, in a proceeding under this title to the extent that public disclosure of the information is not prohibited under this chapter or exempt from disclosure under section 552 of title 5, United States Code.

"(b) PROPRIETARY INFORMATION.—

"(1) PROPRIETARY STATUS MAINTAINED.—

"(A) IN GENERAL.—Except as provided in subsection (a)(4) and subsection (c), information submitted to the administering authority or the Commission which is designated as proprietary by the person submitting the information shall not be disclosed to any person without the consent of the person submitting the information, other than—

"(i) to an officer or employee of the administering authority or the Commission who is directly concerned with carrying out the investigation in connection with which the information is submitted or any other proceeding under this title covering the same subject vessel, or

"(ii) to an officer or employee of the United States Customs Service who is directly involved in conducting an investigation regarding fraud under this title.

"(B) ADDITIONAL REQUIREMENTS.—The administering authority and the Commission shall require that information for which proprietary treatment is requested be accompanied by—

"(i) either—

"(I) a nonproprietary summary in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence, or

"(II) a statement that the information is not susceptible to summary, accompanied by a statement of the reasons in support of the contention, and

"(ii) either—

"(I) a statement which permits the administering authority or the Commission to release under administrative protective order, in accordance with subsection (c), the information submitted in confidence, or

"(II) a statement to the administering authority or the Commission that the business proprietary information is of a type that should not be released under administrative protective order.

"(2) UNWARRANTED DESIGNATION.—If the administering authority or the Commission determines, on the basis of the nature and extent of the information or its availability from public sources, that designation of any information as proprietary is unwarranted, then it shall notify the person who submitted it and ask for an explanation of the reasons for the designation. Unless that person persuades the administering authority or the Commission that the designation is warranted, or withdraws the designation, the administering authority or the Commission, as the case may be, shall return it to the party submitting it. In a case in which the administering authority or the Commission returns the information to the person submitting it, the person may thereafter submit other material concerning the subject matter of the returned information if the submission is made within the time otherwise provided for submitting such material.

"(c) LIMITED DISCLOSURE OF CERTAIN PROPRIETARY INFORMATION UNDER PROTECTIVE ORDER.—

"(1) DISCLOSURE BY ADMINISTERING AUTHORITY OR COMMISSION.—

"(A) IN GENERAL.—Upon receipt of an application (before or after receipt of the information requested) which describes in general terms the information requested and sets forth the reasons for the request, the administering authority or the Commission shall make all business proprietary information presented to, or obtained by it, during a proceeding under this title (except privileged information, classified information, and specific information of a type for which there is a clear and compelling need to withhold from disclosure) available to all interested parties who are parties to the proceeding under a protective order described in subparagraph (B), regardless of when the information is submitted during the proceeding. Customer names (other than the name of the United States buyer of the subject vessel) obtained during any investigation which requires a determination under section 805(b) may not be disclosed by the administering authority under protective order until either an order is published under section 806(a) as a result of the investigation or the investigation is suspended or terminated. The Commission may delay disclosure of customer names (other than the name of the United States buyer of the subject vessel) under protective order during any such investigation until a reasonable time before any hearing provided under section 841 is held.

"(B) PROTECTIVE ORDER.—The protective order under which information is made available shall contain such requirements as the administering authority or the Commission may determine by regulation to be appropriate. The administering authority and the Commission shall provide by regulation for such sanctions as the administering authority and the Commission determine to be appropriate, including disbarment from practice before the agency.

"(C) TIME LIMITATIONS ON DETERMINATIONS.—The administering authority or the Commission, as the case may be, shall determine whether to make information available under this paragraph—

"(i) not later than 14 days (7 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted, or

"(ii) if—

"(I) the person that submitted the information raises objection to its release, or

"(II) the information is unusually voluminous or complex,

not later than 30 days (10 days if the submission pertains to a proceeding under section 803(a)) after the date on which the information is submitted.

"(D) AVAILABILITY AFTER DETERMINATION.—If the determination under subparagraph (C) is affirmative, then—

"(i) the business proprietary information submitted to the administering authority or the Commission on or before the date of the determination shall be made available, subject to the terms and conditions of the protective order, on such date, and

"(ii) the business proprietary information submitted to the administering authority or the Commission after the date of the determination shall be served as required by subsection (d).

"(E) FAILURE TO DISCLOSE.—If a person submitting information to the administering authority refuses to disclose business proprietary information which the administering authority determines should be released under a protective order described in subparagraph (B), the administering authority shall return the information, and any nonconfidential summary thereof, to the person submitting the information and summary and shall not consider either.

"(2) DISCLOSURE UNDER COURT ORDER.—If the administering authority or the Commission denies a request for information under paragraph (1), then application may be made to the United States Court of International Trade for an order directing the administering authority or the Commission, as the case may be, to make the information available. After notification of all parties to the investigation and after an opportunity for a hearing on the record, the court may issue an order, under such conditions as the court deems appropriate, which shall not have the effect of stopping or suspending the investigation, directing the administering authority or the Commission to make all or a portion of the requested information described in the preceding sentence available under a protective order and setting forth sanctions for violation of such order if the court finds that, under the standards applicable in proceedings of the court, such an order is warranted, and that—

"(A) the administering authority or the Commission has denied access to the information under subsection (b)(1),

"(B) the person on whose behalf the information is requested is an interested party who is a party to the investigation in connection with which the information was obtained or developed, and

"(C) the party which submitted the information to which the request relates has been notified, in advance of the hearing, of the request made under this section and of its right to appear and be heard.

"(d) Service.—Any party submitting written information, including business proprietary information, to the administering authority or the Commission during a proceeding shall, at the same time, serve the information upon all interested parties who are parties to the proceeding, if the information is covered by a protective order. The administering authority or the Commission shall not accept any such information that is not accompanied by a certificate of service and a copy of the protective order version of the document containing the information. Business proprietary information shall only be served upon interested parties who are parties to the proceeding that are subject to protective order, except that a nonconfidential summary thereof shall be served upon all other interested parties who are parties to the proceeding.

"(e) Information Relating to Violations of Protective Orders and Sanctions.—The administering authority and the Commission may withhold from disclosure any correspondence, private letters of reprimand, settlement agreements, and documents and files compiled in relation to investigations and actions involving a violation or possible violation of a protective order issued under subsection (c), and such information shall be treated as information described in section 552(b)(3) of title 5, United States Code.

"(f) Opportunity for Comment by Vessel Buyers.—The administering authority and the Commission shall provide an opportunity for buyers of subject vessels to submit relevant information to the administering authority concerning a sale at less than fair value or countermeasures, and to the Commission concerning material injury by reason of the sale of a vessel at less than fair value.

"(g) Publication of Determinations; Requirements for Final Determinations.—

"(1) In general.—Whenever the administering authority makes a determination under section 802 whether to initiate an investigation, or the administering authority or the Commission makes a preliminary determination under section 803, a final determination under section 805, a determination under subsection (b), (c), (d), (e)(3)(B)(ii), (g), or (i) of section 807, or a determination to suspend an investigation under this title, the administering authority or the Commission, as the case may be, shall publish the facts and conclusions supporting that determination, and shall publish notice of that determination in the Federal Register.

"(2) Contents of notice or determination.—The notice or determination published under paragraph (1) shall include, to the extent applicable—

"(A) in the case of a determination of the administering authority—

"(i) the names of the United States buyer and the foreign producer, and the country of origin of the subject vessel,

"(ii) a description sufficient to identify the subject vessel (including type, purpose, and size),

"(iii) with respect to an injurious pricing charge, the injurious pricing margin established and a full explanation of the methodology used in establishing such margin,

"(iv) with respect to countermeasures, the scope and duration of countermeasures and, if applicable, any changes thereto, and

"(v) the primary reasons for the determination, and

"(B) in the case of a determination of the Commission—

"(i) considerations relevant to the determination of injury, and

"(ii) the primary reasons for the determination.

"(3) Additional requirements for final determinations.—In addition to the requirements set forth in paragraph (2)—

"(A) the administering authority shall include in a final determination under section 805 or 807(c) an explanation of the basis for its determination that addresses relevant arguments, made by interested parties who are parties to the investigation, concerning the establishment of the injurious pricing charge with respect to which the determination is made, and

"(B) the Commission shall include in a final determination of injury an explanation of the basis for its determination that addresses relevant arguments that are made by interested parties who are parties to the investigation concerning the effects and impact on the industry of the sale of the subject vessel.

"SEC. 844. CONDUCT OF INVESTIGATIONS.

"(a) Certification of Submissions.—Any person providing factual information to the administering authority or the Commission in connection with a proceeding under this title on behalf of the petitioner or any other interested party shall certify that such information is accurate and complete to the best of that person's knowledge.

"(b) Difficulties in Meeting Requirements.—

"(1) Notification by interested party.—If an interested party, promptly after receiving a request from the administering authority or the Commission for information, notifies the administering authority or the Commission (as the case may be) that such party is unable to submit the information requested in the requested form and manner, together with a full explanation and suggested alternative forms in which such party is able to submit the information, the administering authority or the Commission (as the case may be) shall consider the ability of the interested party to submit the information in the requested form and manner and may modify such requirements to the extent necessary to avoid imposing an unreasonable burden on that party.

"(2) Assistance to Interested Parties.—The administering authority and the Commission shall take into account any difficulties experience by interested parties, particularly small companies, in supplying information requested by the administering authority or the Commission in connection with investigations under this title, and shall provide to such interested parties any assistance that is practicable in supplying such information.

"(c) Deficient Submissions.—If the administering authority or the Commission determines that a response to a request for information under this title does not comply with the request, the administering authority or the Commission (as the case may be) shall promptly inform the person submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that person with an opportunity to remedy or explain the deficiency in light of the time limits established for the completion of investigations or reviews under this title. If that person submits further information in response to such deficiency and either—

"(1) the administering authority or the Commission (as the case may be) finds that such response is not satisfactory, or

"(2) such response is not submitted within the applicable time limits,

then the administering authority or the Commission (as the case may be) may, subject to subsection (d), disregard all or part of the original and subsequent responses.

"(d) Use of Certain Information.—In reaching a determination under section 803, 805, or 807, the administering authority and the Commission shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by the administering authority or the Commission if—

"(1) the information is submitted by the deadline established for its submission,

"(2) the information can be verified,

"(3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination,

"(4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the administering authority or the Commission with respect to the information, and

"(5) the information can be used without undue difficulties.

"(e) Nonacceptance of Submissions.—If the administering authority or the Commission declines to accept into the record any information submitted in an investigation under this title, it shall, to the extent practicable, provide to the person submitting the information a written explanation of the reasons for not accepting the information.

"(f) Public Comment on Information.—Information that is submitted on a timely basis to the administering authority or the Commission during the course of a proceeding under this title shall be subject to comment by other parties to the proceeding within such reasonable time as the administering authority or the Commission shall provide. The administering authority and the Commission, before making a final determination under section 805 or 807, shall cease collecting information and shall provide the parties with a final opportunity to comment on the information obtained by the administering authority or the Commission (as the case may be) upon which the parties have not previously had an opportunity to comment. Comments containing new factual information shall be disregarded.

"(g) Verification.—The administering authority shall verify all information relied upon in making a final determination under section 805.

"SEC. 845. ADMINISTRATIVE ACTION FOLLOWING SHIPBUILDING AGREEMENT PANEL REPORTS.

"(a) Action by United States International Trade Commission.—

"(1) Advisory report.—If a dispute settlement panel under the Shipbuilding Agreement finds in a report that an action by the Commission in connection with a particular proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement, the Trade Representative may request the Commission to issue an advisory report on whether this title permits the Commission to take steps in connection with the particular proceeding that would render its action not inconsistent with the findings of the panel concerning those obligations. The Trade Representative shall notify the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate of such request.

"(2) Time limits for report.—The Commission shall transmit its report under paragraph (1) to the Trade Representative within

30 calendar days after the Trade Representative requests the report.

"(3) CONSULTATIONS ON REQUEST FOR COMMISSION DETERMINATION.—If a majority of the Commissioners issues an affirmative report under paragraph (1), the Trade Representatives shall consult with the congressional committees listed in paragraph (1) concerning the matter.

"(4) COMMISSION DETERMINATION.—Notwithstanding any other provision of this title, if a majority of the Commissioners issues an affirmative report under paragraph (1), the Commission, upon the written request of the Trade Representative, shall issue a determination in connection with the particular proceeding that would render the Commission's action described in paragraph (1) not inconsistent with the findings of the panel. The Commission shall issue its determination not later than 120 calendar days after the request from the Trade Representative is made.

"(5) CONSULTATIONS ON IMPLEMENTATION OF COMMISSION DETERMINATION.—The Trade Representative shall consult with the congressional committees listed in paragraph (1) before the Commission's determination under paragraph (4) is implemented.

"(6) REVOCATION OF ORDER.—If, by virtue of the Commission's determination under paragraph (4), an injurious pricing order is no longer supported by an affirmative Commission determination under this title, the Trade Representative may, after consulting with the congressional committees under paragraph (5), direct the administering authority to revoke the injurious pricing order.

"(b) ACTION BY ADMINISTERING AUTHORITY.—

"(1) CONSULTATIONS WITH ADMINISTERING AUTHORITY AND CONGRESSIONAL COMMITTEES.—Promptly after a report or other determination by a dispute settlement panel under the Shipbuilding Agreement is issued that contains findings that—

"(A) an action by the administering authority in a proceeding under this title is not in conformity with the obligations of the United States under the Shipbuilding Agreement,

"(B) the due date for payment of an injurious pricing charge contained in an order issued under section 806 should be amended,

"(C) countermeasures provided for in an order issued under section 807 should be provisionally suspended or reduced pending the final decision of the panel, or

"(D) the scope or duration of countermeasures imposed under section 807 should be narrowed or shortened,

the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) on the matter.

"(2) DETERMINATION BY ADMINISTERING AUTHORITY.—Notwithstanding any other provision of this title, the administering authority shall, in response to a written request from the Trade Representative, issue a determination, or an amendment to or suspension of an injurious pricing or countermeasure order, as the case may be, in connection with the particular proceeding that would render the administering authority's action described in paragraph (1) not inconsistent with the findings of the panel.

"(3) TIME LIMITS FOR DETERMINATIONS.—The administering authority shall issue its determination, amendment, or suspension under paragraph (2)—

"(A) with respect to a matter described in subparagraph (A) of paragraph (1), within 180 calendar days after the request from the Trade Representative is made, and

"(B) with respect to a matter described in subparagraph (B), (C), or (D) or paragraph (1), within 15 calendar days after the request from the Trade Representative is made.

"(4) CONSULTATIONS BEFORE IMPLEMENTATION.—Before the administering authority implements any determination, amendment, or suspension under paragraph (2), the Trade Representative shall consult with the administering authority and the congressional committees listed in subsection (a)(1) with respect to such determination, amendment, or suspension.

"(5) IMPLEMENTATION OF DETERMINATION.—The Trade Representative may, after consulting with the administering authority and the congressional committees under paragraph (4), direct the administering authority to implement, in whole or in part, the determination, amendment, or suspension made under paragraph (2). The administering authority shall publish notice of such implementation in the Federal Register.

"(c) OPPORTUNITY FOR COMMENT BY INTERESTED PARTIES.—Before issuing a determination, amendment, or suspension, the administering authority, in a matter described in subsection (b)(1)(A), or the Commission, in a matter described in subsection (a)(1), as the case may be, shall provide interested parties with an opportunity to submit written comments and, in appropriate cases, may hold a hearing, with respect to the determination.

"Subtitle D—Definitions

"SEC. 861. DEFINITIONS.

"For purposes of this subtitle:

"(1) ADMINISTERING AUTHORITY.—The term 'administering authority' means the Secretary of Commerce, or any other officer of the United States to whom the responsibility for carrying out the duties of the administering authority under this title are transferred by law.

"(2) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(3) COUNTRY.—The term 'country' means a foreign country, a political subdivision, dependent territory, or possession of a foreign country and, except as provided in paragraph (16)(E)(iii), may not include an association of 2 or more foreign countries, political subdivisions, dependent territories, or possessions of countries into a customs union outside the United States.

"(4) INDUSTRY.—

"(A) IN GENERAL.—Except as used in section 808, the term 'industry' means the producers as a whole of a domestic like vessel, or those producers whose collective capability to produce a domestic like vessel constitutes a major proportion of the total domestic capability to produce a domestic like vessel.

"(B) PRODUCER.—A 'producer' of a domestic like vessel includes an entity that is producing the domestic like vessel and an entity with the capability to produce the domestic like vessel.

"(C) CAPABILITY TO PRODUCE A DOMESTIC LIKE VESSEL.—A producer has the 'capability to produce a domestic like vessel' if it is capable of producing a domestic like vessel with its present facilities or could adapt its facilities in a timely manner to produce a domestic like vessel.

"(D) RELATED PARTIES.—(i) In an investigation under this title, if a producer of a domestic like vessel and the foreign producer, seller (other than the foreign producer), or United States buyer of the subject vessel are related parties, or if a producer of a domestic like vessel is also a United States buyer of the subject vessel, the domestic producer may, in appropriate circumstances, be excluded from the industry.

"(ii) For purposes of clause (i), a domestic producer and the foreign producer, seller, or United States buyer shall be considered to be related parties, if—

"(I) the domestic producer directly or indirectly controls the foreign producer, seller, or United States buyer,

"(II) the foreign producer, seller, or United States buyer directly or indirectly controls the domestic producer,

"(III) a third party directly or indirectly controls the domestic producer and the foreign producer, seller, or United States buyer, or

"(IV) the domestic producer and the foreign producer, seller, or United States buyer directly or indirectly control a third party and there is reason to believe that the relationship causes the domestic producer to act differently than a nonrelated producer.

For purposes of this subparagraph, a party shall be considered to directly or indirectly control another party if the party is legally or operationally in a position to exercise restraint or direction over the other party.

"(E) PRODUCT LINES.—In an investigation under this title, the effect of the sale of the subject vessel shall be assessed in relation to the United States production (or production capability) of a domestic like vessel if available data permit the separate identification of production (or production capability) in terms of such criteria as the production process or the producer's profits. If the domestic production (or production capability) of a domestic like vessel has no separate identity in terms of such criteria, then the effect of the sale of the subject vessel shall be assessed by the examination of the production (or production capability) of the narrowest group or range of vessels, which includes a domestic like vessel, for which the necessary information can be provided.

"(5) BUYER.—The term 'buyer' means any person who acquires an ownership interest in a vessel, including by way of lease or long-term bareboat charter, in conjunction with the original transfer from the producer, either directly or indirectly, including an individual or company which owns or controls a buyer. There may be more than one buyer of any one vessel.

"(6) UNITED STATES BUYER.—The term 'United States buyer' means a buyer that is any of the following:

"(A) A United States citizen.

"(B) A juridical entity, including any corporation, company, association, or other organization, that is legally constituted under the laws and regulations of the United States or a political subdivision thereof, regardless of whether the entity is organized for pecuniary gain, privately or government owned, or organized with limited or unlimited liability.

"(C) A juridical entity that is owned or controlled by nationals or entities described in subparagraphs (A) and (B). For the purposes of this subparagraph—

"(i) the term 'own' means having more than a 50 percent interest, and

"(ii) the term 'control' means the actual ability to have substantial influence on corporate behavior, and control is presumed to exist where there is at least a 25 percent interest.

If ownership of a company is established under clause (i), other control is presumed not to exist unless it is otherwise established.

"(7) OWNERSHIP INTEREST.—An 'ownership interest' in a vessel includes any contractual or proprietary interest which allows the beneficiary or beneficiaries of such interest to take advantage of the operation of the vessel in a manner substantially comparable to the way in which an owner may benefit from the operation of the vessel. In determining whether such substantial comparability exists, the administering authority shall consider—

"(A) the terms and circumstances of the transaction which conveys the interest,

"(B) commercial practice within the industry,

"(C) whether the vessel subject to the transaction is integrated into the operations of the beneficiary or beneficiaries, and

"(D) whether in practice there is a likelihood that the beneficiary or beneficiaries of such interests will take advantage of and the risk for the operation of the vessel for a significant part of the life-time of the vessel.

"(8) VESSEL.—

"(A) IN GENERAL.—Except as otherwise specifically provided under international agreements, the term 'vessel' means—

"(i) a self-propelled seagoing vessel of 100 gross tons or more used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredgers), and

"(ii) a tug of 365 kilowatts or more,

that is produced in a Shipbuilding Agreement Party or a country that is not a Shipbuilding Agreement Party and not a WTO member.

"(B) EXCLUSIONS.—The term 'vessel' does not include—

"(i) any fishing vessel destined for the fishing fleet of the country in which the vessel is built,

"(ii) any military vessel (including any military reserve vessel), and

"(iii) any vessel sold before the date that the Shipbuilding Agreement enters into force with respect to the United States, except that any vessel sold after December 21, 1994, for delivery more than 5 years after the date of the contract of sale shall be a 'vessel' for purposes of this title unless the shipbuilder demonstrates to the administering authority that the extended delivery date was for normal commercial reasons and not to avoid applicability of this title.

"(C) SELF-PROPELLED SEAGOING VESSEL.—A vessel is 'self-propelled seagoing' if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas.

"(D) MILITARY VESSEL.—A 'military vessel' is a vessel which, according to its basic structural characteristics and ability, is intended to be used exclusively for military purposes.

"(E) MILITARY RESERVE VESSEL.—A 'military reserve vessel' is a military vessel constructed under any of the programs enumerated in section 120 of the OECD Shipbuilding Agreement Act.

"(9) LIKE VESSEL.—The term 'like vessel' means a vessel of the same type, same purpose, and approximate size as the subject vessel and possessing characteristics closely resembling those of the subject vessel.

"(10) DOMESTIC LIKE VESSEL.—The term 'domestic like vessel' means a like vessel produced in the United States.

"(11) FOREIGN LIKE VESSEL.—Except as used in section 822(e)(1)(B)(ii)(II), the term 'foreign like vessel' means a like vessel produced by the foreign producer of the subject vessel for sale in the producer's domestic market or in a third country.

"(12) SAME GENERAL CATEGORY OF VESSEL.—The term 'same general category of vessel' means a vessel of the same type and purpose as the subject vessel, but of a significantly different size.

"(13) SUBJECT VESSEL.—The term 'subject vessel' means a vessel subject to investigation under section 801 or 808.

"(14) FOREIGN PRODUCER.—The term 'foreign producer' means the producer or producers of the subject vessel.

"(15) EXPORTING COUNTRY.—The term 'exporting country' means the country in which the subject vessel was built.

"(16) MATERIAL INJURY.—

"(A) IN GENERAL.—The term 'material injury' means harm which is not inconsequential, immaterial, or unimportant.

"(B) SALE AND CONSEQUENT IMPACT.—In making determinations under sections 803(a) and 805(b), the Commission in each case—

"(i) shall consider—

"(I) the sale of the subject vessel,

"(II) the effect of the sale of the subject vessel on prices in the United States for a domestic like vessel, and

"(III) the impact of the sale of the subject vessel on domestic producers of a domestic like vessel, but only in the context of production operations within the United States, and

"(ii) may consider such other economic factors as are relevant to the determination regarding whether there is or has been material injury by reason of the sale of the subject vessel.

In the notification required under section 805(d), the Commission shall explain its analysis of each factor considered under clause (i), and identify each factor considered under clause (ii) and explain in full its relevance to the determination.

"(C) EVALUATION OF RELEVANT FACTORS.—For purposes of subparagraph (B)—

"(i) SALE OF THE SUBJECT VESSEL.—In evaluating the sale of the subject vessel, the Commission shall consider whether the sale, either in absolute terms or relative to production or demand in the United States, in terms of either volume or value, is or has been significant.

"(ii) PRICE.—In evaluating the effect of the sale of the subject vessel on prices, the Commission shall consider whether—

"(I) there has been significant price underselling of the subject vessel as compared with the price of a domestic like vessel, and

"(II) the effect of the sale of the subject vessel otherwise depresses or has depressed prices to a significant degree or prevents or has prevented price increases, which otherwise would have occurred, to a significant degree.

"(iii) IMPACT ON AFFECTED DOMESTIC INDUSTRY.—In examining the impact required to be considered under subparagraph (B)(i)(III), the Commission shall evaluate all relevant economic factors which have a bearing on the state of the industry in the United States, including, but not limited to—

"(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

"(II) factors affecting domestic prices, including with regard to sales,

"(III) actual and potential negative effects on cash flow, employment, wages, growth, ability to raise capital, and investment,

"(IV) actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

"(V) the magnitude of the injurious pricing margin.

The Commission shall evaluate all relevant economic factors described in this clause within the context of the business cycle and conditions of competition that are distinctive to the affected industry.

"(D) STANDARD FOR DETERMINATION.—The presence or absence of any factor which the Commission is required to evaluate under subparagraph (C) shall not necessarily give decisive guidance with respect to the determination by the Commission of material injury.

"(E) THREAT OF MATERIAL INJURY.—

"(i) IN GENERAL.—In determining whether an industry in the United States is threatened with material injury by reason of the sale of the subject vessel, the Commission shall consider, among other relevant economic factors—

"(I) any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased sales of a foreign like vessel to United States buyers, taking into account the availability of other export markets to absorb any additional exports,

"(II) whether the sale of a foreign like vessel or other factors indicate the likelihood of significant additional sales to United States buyers,

"(III) whether sale of the subject vessel or sale of a foreign like vessel by the foreign producer are at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further sales,

"(IV) the potential for product-shifting if production facilities in the exporting country, which can presently be used to produce a foreign like vessel or could be adapted in a timely manner to produce a foreign like vessel, are currently being used to produce other types of vessels,

"(V) the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of a domestic like vessel, and

"(VI) any other demonstrable adverse trends that indicate the probability that there is likely to be material injury by reason of the sale of the subject vessel.

"(ii) BASIS FOR DETERMINATION.—The Commission shall consider the factors set forth in clause (i) as a whole. The presence or absence of any factor which the Commission is required to consider under clause (i) shall not necessarily give decisive guidance with respect to the determination. Such a determination may not be made on the basis of mere conjecture or supposition.

"(iii) EFFECT OF INJURIOUS PRICING IN THIRD-COUNTRY MARKETS.—

"(I) IN GENERAL.—The Commission shall consider whether injurious pricing in the markets of foreign countries (as evidenced by injurious pricing findings or injurious pricing remedies of other Shipbuilding Agreement Parties, or antidumping determinations of, or measures imposed by, other countries, against a like vessel produced by the producer under investigation) suggests a threat of material injury to the domestic industry. In the course of its investigation, the Commission shall request information from the foreign producer or United States buyer concerning this issue.

"(II) EUROPEAN COMMUNITIES.—For purposes of the clause, the European Communities as a whole shall be treated as a single foreign country.

"(F) CUMULATION FOR DETERMINING MATERIAL INJURY.—

"(i) IN GENERAL.—For purposes of clauses (i) and (ii) of subparagraph (C), and subject to clause (ii) of this subparagraph, the Commission shall cumulatively assess the effects of sales of foreign like vessels from all foreign producers with respect to which—

"(I) petitions were filed under section 802(b) on the same day,

"(II) investigations were initiated under section 802(a) on the same day, or

"(III) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, to foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

"(ii) EXCEPTIONS.—The Commission shall not cumulatively assess the effects of sales under clause (i)

"(I) with respect to which the administering authority has made a preliminary negative determination, unless the administering authority subsequently made a final affirmative determination with respect to those sales before the Commission's final determination is made, or

"(II) from any producer with respect to which the investigation has been terminated.

"(iii) RECORDS IN FINAL INVESTIGATIONS.—In each final determination in which it cumulatively assesses the effects of sales under clause (i), the Commission may make its determinations based on the record compiled in the first investigation in which it makes a final determination, except that when the administering authority issues its final determination is a subsequently completed investigation, the Commission shall permit the parties in the subsequent investigation to submit comments concerning the significance of the administering authority's final determination, and shall include such comments and the administering authority's final determination in the record for the subsequent investigation.

"(G) CUMULATION FOR DETERMINING THREAT OF MATERIAL INJURY.—To the extent practicable and subject to subparagraph (F)(ii), for purposes of clause (i) (II) and (III) of subparagraph (E), the Commission may cumulatively assess the effects of sales of like vessels from all countries with respect to which—

"(i) petitions were filed under section 802(b) on the same day,

"(ii) investigations were initiated under section 802(a) on the same day, or

"(iii) petitions were filed under section 802(b) and investigations were initiated under section 802(a) on the same day,

if, with respect to such vessels, the foreign producers compete with each other and with producers of a domestic like vessel in the United States market.

"(17) INTERESTED PARTY.—the term 'interested party' means, in a proceeding under this title—

"(A)(i) the foreign producer, seller (other than the foreign producer), and the United States buyer of the subject vessel, or

"(ii) a trade or business association a majority of the members of which are the foreign producer, seller, or United States buyer of the subject vessel,

"(B) the government of the country in which the subject vessel is produced or manufactured,

"(C) a producer that is a member of an industry,

"(D) a certified union or recognized union or group of workers which is representative of an industry,

"(E) a trade or business association a majority of whose members are producers in an industry,

"(F) an association, a majority of whose members is composed of interested parties described in subparagraph (C), (D), or (E), and

"(G) for purposes of section 807, a purchaser who, after the effective date of an order issued under that section, entered into a contract of sale with the foreign producer that is subject to the order.

"(18) AFFIRMATIVE DETERMINATIONS BY DIVIDED COMMISSION.—If the Commissioners voting on a determination by the Commission are evenly divided as to whether the determination should be affirmative or negative, the Commission shall be deemed to have made an affirmative determination. For the purpose of applying this paragraph when the issue before the Commission is to determine whether there is or has been—

"(A) material injury to an industry in the United States,

"(B) threat of material injury to such an industry, or

"(C) material retardation of the establishment of an industry in the United States,

by reason of the sale of the subject vessel, an affirmative vote on any of the issues shall be treated as a vote that the determination should be affirmative.

"(19) ORDINARY COURSE OF TRADE.—The term 'ordinary course of trade' means the conditions and practices which, for a reasonable time before the sale of the subject vessel, have been normal in the shipbuilding industry with respect to a like vessel. The administering authority shall consider the following sales and transactions, among others, to be outside the ordinary course of trade:

"(A) Sales disregarded under section 822(b)(1).

"(B) Transactions disregarded under section 822(f)(2).

"(20) NONMARKET ECONOMY COUNTRY.—

"(A) IN GENERAL.—the term 'nonmarket economy country' means any foreign country that the administering authority determines does not operate on market principles of cost or pricing structures, so that sales of vessels in such country do not reflect the fair value of the vessels.

"(B) FACTORS TO BE CONSIDERED.—In making determinations under subparagraph (A) the administering authority shall take into account—

"(i) the extent to which the currency of the foreign country is convertible into the currency of other countries,

"(ii) the extent to which wage rates in the foreign country are determined by free bargaining between labor and management,

"(iii) the extent to which joint ventures or other investments by firms of other foreign countries are permitted in the foreign country,

"(iv) the extent of government ownership or control of the means of production,

"(v) the extent of government control over the allocation of resources and over the price and output decisions of enterprises, and

"(vi) such other factors as the administering authority considers appropriate.

"(C) DETERMINATION IN EFFECT.—

"(i) Any determination that a foreign country is a nonmarket economy country shall remain in effect until revoked by the administering authority.

"(ii) The administering authority may make a determination under subparagraph (A) with respect to any foreign country at any time.

"(D) DETERMINATIONS NOT IN ISSUE.—Notwithstanding any other provision of law, any determination made by the administering authority under subparagraph (A) shall not be subject to judicial review in any investigation conducted under subtitle A.

"(21) SHIPBUILDING AGREEMENT.—The term 'Shipbuilding Agreement' means The Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, resulting from negotiations under the auspices of the Organization for Economic Cooperation and Development, and entered into on December 21, 1994.

"(22) SHIPBUILDING AGREEMENT PARTY.—The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(23) WTO AGREEMENT.—The term 'WTO Agreement' means the Agreement defined in section 2(9) of the Uruguay Round Agreements Act.

"(24) WTO MEMBER.—The term 'WTO member' means a state, or separate customs territory (within the meaning of Article XII of the WTO Agreement), with respect to which the United States applies the WTO Agreement.

"(25) TRADE REPRESENTATIVE.—The term 'Trade Representative' means the United States Trade Representative.

"(26) AFFILIATED PERSONS.—The following persons shall be considered to be 'affiliated' or 'affiliated persons':

"(A) Members of a family, including brothers and sisters (whether by the whole or half blood), spouse, ancestors, and lineal descendants.

"(B) Any officer or director of an organization and such organization.

"(C) Partners.

"(D) Employer and employee.

"(E) Any person directly or indirectly owning, controlling, or holding with power to vote, 5 percent or more of the outstanding voting stock or shares of any organization, and such organization.

"(F) Two or more persons directly or indirectly controlling, controlled by, or under common control with, any person.

"(G) Any person who controls any other person, and such other person.

For purposes of this paragraph, a person shall be considered to control another person if the person is legally or operationally in a position to exercise restraint or direction over the other person.

"(27) INJURIOUS PRICING.—The term 'injurious pricing' refers to the sale of a vessel at less than fair value.

"(28) INJURIOUS PRICING MARGIN.—

"(A) IN GENERAL.—The term 'injurious pricing margin' means the amount by which the normal value exceeds the export price of the subject vessel.

"(B) MAGNITUDE OF THE INJURIOUS PRICING MARGIN.—The magnitude of the injurious pricing margin used by the Commission shall be—

"(i) in making a preliminary determination under section 803(a) in an investigation (including any investigation in which the Commission cumulatively assesses the effect of sales under paragraph (16)(F)(i)), the injurious pricing margin or margins published by the administering authority in its notice of initiation of the investigation; and

"(ii) in making a final determination under section 805(b), the injurious pricing margin or margins most recently published by the administering authority before the closing of the Commission's administrative record.

"(29) COMMERCIAL INTEREST REFERENCE RATE.—The term 'Commercial Interest Reference Rate' or 'CIRR' means an interest rate that the administering authority determines to be consistent with Annex III, and appendices and notes thereto, of the Understanding on Export Credits for Ships, resulting from negotiations under the auspices of the Organization for Economic Cooperation, and entered into on December 21, 1994.

"(30) ANTIDUMPING.—

"(A) WTO MEMBERS.—In the case of a WTO member, the term 'antidumping' refers to action taken pursuant to the Agreement on Implementation of Article VI of the General Agreement on Tariffs and Trade 1994.

"(B) OTHER CASES.—In the case of any country that is not a WTO member, the term 'antidumping' refers to action taken by the country against the sale of a vessel at less than fair value that is comparable to action described in subparagraph (A).

"(31) BROAD MULTIPLE BID.—The term 'broad multiple bid' means a bid in which the proposed buyer extends an invitation to bid to at least all the producers in the industry known by the buyer to be capable of building the subject vessel.".

SEC. 104. ENFORCEMENT OF COUNTERMEASURES.

Part II of title IV of the Tariff Act of 1930 is amended by adding at the end the following:

"SEC. 468. SHIPBUILDING AGREEMENT COUNTERMEASURES.

"(a) IN GENERAL.—Notwithstanding any other provision of law, upon receiving from the Secretary of Commerce a list of vessels subject to countermeasures under section 807, the Customs Service shall deny any request for a permit to lade or unlade passengers, merchandise, or baggage from or onto those vessels so listed.

"(b) EXCEPTIONS.—Subsection (a) shall not be applied to deny a permit for the following:

"(1) To unlade any United States citizen or permanent legal resident alien from a vessel included in the list described in subsection (a), or to unlade any refugee or any alien who would otherwise be eligible to apply for asylum and withholding of deportation under the Immigration and Nationality Act.

"(2) To lade or unlade any crewmember of such vessel.

"(3) To lade or unlade coal and other fuel supplies (for the operation of the listed vessel), ships' stores, sea stores, and the legitimate equipment of such vessel.

"(4) To lade or unlade supplies for the use or sale on such vessel.

"(5) To lade or unlade such other merchandise, baggage, or passenger as the Customs Service shall determine necessary to protect the immediate health, safety, or welfare of a human being.

"(c) CORRECTION OF MINISTERIAL OR CLERICAL ERRORS.—

"(1) PETITION FOR CORRECTION.—If the master of any vessel whose application for a permit to lade or unlade has been denied under this section believes that such denial resulted from a ministerial or clerical error, no amounting to a mistake of law, committed by any Customs officer, the master may petition the Customs Service for correction of such error, as provided by regulation.

"(2) INAPPLICABILITY OF SECTIONS 514 AND 520.—Notwithstanding paragraph (1), imposition of countermeasures under this section shall not be deemed an exclusion or other protestable decision under section 514, and shall not be subject to correction under section 520.

"(3) PETITIONS SEEKING ADMINISTRATIVE REVIEW.—Any petition seeking administrative review of any matter regarding the Secretary of Commerce's decision to list a vessel under section 807 mut be brought under that section.

"(d) PENALTIES.—In addition to any other provision of law, the Customs Service may impose a civil penalty of not to exceed $10,000 against the master of any vessel—

"(1) who submits false information in requesting any permit to lade or unlade; or

"(2) who attempts to, or actually does, lade or unlade in violation of any denial of such permit under this section.".

SEC. 105. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

(a) JUDICIAL REVIEW.—Part III of title IV of the Tariff Act of 1930 is amended by inserting after section 516A the following:

"SEC. 516B. JUDICIAL REVIEW IN INJURIOUS PRICING AND COUNTERMEASURE PROCEEDINGS.

"(a) REVIEW OF DETERMINATION.—

"(1) IN GENERAL.—Within 30 days after the date of publication in the Federal Register of—

"(A)(i) a determination by the administering authority under section 802(c) not to initiate an investigation,

"(ii) a negative determination by the Commission under section 803(a) as to whether there is or has been reasonable indication of material injury, threat of material injury, or material retardation,

"(iii) a determination by the administering authority to suspend or revoke an injurious pricing order under section 806 (d) or (e),

"(iv) a determination by the administering authority under section 807(c),

"(v) a determination by the administering authority in a review under section 807(d),

"(vi) a determination by the administering authority concerning whether to extend the scope or duration of a countermeasure order under section 807(e)(3)(B)(ii),

"(vii) a determination by the administering authority to amend a countermeasure order under section 807(e)(6),

"(viii) a determination by the administering authority in a review under section 807(g),

"(ix) a determination by the administering authority under section 807(i) to terminate proceedings, or to amend or revoke a countermeasure order,

"(x) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(D) of that section, or

"(B)(i) an injurious pricing order based on a determination described in subparagraph (A) of paragraph (2),

"(ii) notice of a determination described in subparagraph (B) of paragraph (2),

"(iii) notice of implementation of a determination described in subparagraph (c) of paragraph (2), or

"(iv) notice of revocation of an injurious pricing order based on a determination described in subparagraph (D) of paragraph (2), an interested party who is a party to the proceeding in connection with which the matter arises may commence an action in the United States Court of International Trade by filing concurrently a summons and complaint, each with the content and in the form, manner, and style prescribed by the rules of that court, contesting any factual findings or legal conclusions upon which the determination is based.

"(2) REVIEWABLE DETERMINATIONS.—The determinations referred to in paragraph (1)(B) are—

"(A) a final affirmative determination by the administering authority or by the Commission under section 805, including any negative part of such a determination (other than a part referred to in subparagraph (B)),

"(B) a final negative determination by the administering authority or the Commission under section 805,

"(C) a determination by the administering authority under section 845(b), with respect to a matter described in paragraph (1)(A) of that section, and

"(D) a determination by the Commission under section 845(a) that results in the revocation of an injurious pricing order.

"(3) EXCEPTION.—Notwithstanding the 30-day limitation imposed by paragraph (1) with regard to an order described in paragraph (1)(B)(i), a final affirmative determination by the administering authority under section 805 may be contested by commencing an action, in accordance with the provisions of paragraph (1), within 30 days after the date of publication in the Federal Register of a final negative determination by the Commission under section 805.

"(4) PROCEDURES AND FEES.—The procedures and fees set forth in chapter 169 of title 28, United States Code, apply to an action under this section.

"(b) STANDARDS OF REVIEW.—

"(1) REMEDY.—The court shall hold unlawful any determination, finding, or conclusion found—

"(A) in an action brought under subparagraph (A) of subsection (a)(1), to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law, or

"(B) in an action brought under subparagraph (B) of subsection (a)(1), to be unsupported by substantial evidence on the record, or otherwise not in accordance with law.

"(2) RECORD FOR REVIEW.—

"(A) IN GENERAL.—For purposes of this subsection, the record, unless otherwise stipulated by the parties, shall consist of—

"(i) a copy of all information presented to or obtained by the administering authority or the Commission during the course of the administrative proceeding, including all governmental memoranda pertaining to the case and the record of ex parte meetings required to be kept by section 843(a)(2); and

"(ii) a copy of the determination, all transcripts or records of conferences or hearings, and all notices published in the Federal Register.

"(B) CONFIDENTIAL OR PRIVILEGED MATERIAL.—The confidential or privileged status accorded to any documents, comments, or information shall be preserved in any action under this section. Notwithstanding the preceding sentence, the court may examine, in camera, the confidential or privileged material, and may disclose such material under such terms and conditions as it may order.

"(c) STANDING.—Any interested party who was a party to the proceeding under title VIII shall have the right to appear and be heard as a party in interest before the United States Court of International Trade in an action under this section. The party filing the action shall notify all such interested parties of the filing of an action under this section, in the form, manner, and within the time prescribed by rules of the court.

"(d) DEFINITIONS.—For purposes of this section:

"(1) ADMINISTERING AUTHORITY.—The term 'administering authority' has the meaning given that term in section 861(1).

"(2) COMMISSION.—The term 'Commission' means the United States International Trade Commission.

"(3) INTERESTED PARTY.—The term 'interested party' means any person described in section 861(17).".

(b) CONFORMING AMENDMENTS.—

(1) JURISDICTION OF THE COURT.—Section 1581(c) of title 28, United States Code, is amended by inserting "or 516B" after "section 516A".

(2) RELIEF.—Section 2643 of title 28, United States Code, is amended—

(A) in subsection (c)(1) by striking "and (5)" and inserting "(5), and (6)"; and

(B) in subsection (c) by adding at the end the following new paragraph:

"(6) In any civil action under section 516B of the Tariff Act of 1930, the Court of International Trade may not issue injunctions or any other form of equitable relief, except with regard to implementation of a countermeasure order under section 468 of that Act, upon a proper showing that such relief is warranted.".

PART 2—OTHER PROVISIONS

SEC. 111. EQUIPMENT AND REPAIR OF VESSELS.

Section 466 of the Tariff Act of 1930 (19 U.S.C. 1466), is amended by adding at the end the following new subsection:

"(i) The duty imposed by subsection (a) shall not apply with respect to activities occurring in a Shipbuilding Agreement Party, as defined in section 861(22), with respect to—

"(1) self-propelled seagoing vessels of 100 gross tons or more that are used for transportation of goods or persons or for performance of a specialized service (including, but not limited to, ice breakers and dredges), and

"(2) tugs of 365 kilowatts or more.

A vessel shall be considered 'self-propelled seagoing' if its permanent propulsion and steering provide it all the characteristics of self-navigability in the high seas.".

SEC. 112. EFFECT OF AGREEMENT WITH RESPECT TO PRIVATE REMEDIES.

No person other than the United States—

(1) shall have any cause of action or defense under the Shipbuilding Agreement or by virtue of congressional approval of the agreement, or

(2) may challenge, in any action brought under any provision of law, any action or inaction by any department, agency, or other instrumentality of the United States, the District of Columbia, any State, any political subdivision of a State, or any territory or possession of the United States on the ground that such action or inaction is inconsistent with such agreement.

SEC. 113. IMPLEMENTING REGULATIONS.

After the date of the enactment of this Act, the heads of agencies with functions under this Act and the amendments made by this Act may issue such regulations as may be necessary to ensure that this Act is appropriately implemented on the date the Shipbuilding Agreement enters into force with respect to the United States.

SEC. 114. AMENDMENTS TO THE MERCHANT MARINE ACT, 1936.

The Merchant Marine Act, 1936, is amended as follows:

(1) Section 511(a)(2) (46 App. U.S.C: 1161(a)(2)) is amended by inserting after "1939," the following: "or, if the vessel is a Shipbuilding Agreement vessel, constructed in a Shipbuilding Agreement Party, but only with regard to moneys deposited, on or after the date on which the Shipbuilding Trade Agreement Act takes effect, into a construction reserve fund established under subsection (b)".

(2) Section 601(a) (46 App. U.S.C. 1171(a)) is amended by striking", and that such vessel or vessels were built in the United States, or have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date;" and inserting "and that such vessel or vessels were built in the United States, or, if the vessel or vessels are Shipbuilding Agreement vessels, in a Shipbuilding Agreement Party;".

(3) Section 606(6) (46 App. U.S.C. 1176(6)) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party or in the United States," before ", except in an emergency.".

(4) Section 607 (46 App. U.S.C. 1177) is amended as follows:

(A) Subsection (a) is amended by inserting "or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party," after "built in the United States".

(B) Subsection (k) is amended as follows:

(i) Paragraph (1) is amended by striking subparagraph (A) and inserting the following:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States,".

(ii) Paragraph (2)(A) is amended to read as follows:

"(A)(i) constructed in the United States and, if reconstructed, reconstructed in the United States or in a Shipbuilding Agreement Party, or

"(ii) that is a Shipbuilding Agreement vessel and is constructed in a Shipbuilding Agreement Party and, if reconstructed, is reconstructed in a Shipbuilding Agreement Party or in the United States, but only with regard to moneys deposited into the fund on or after the data on which the Shipbuilding Trade Agreement Act takes effect.".

(5) Section 610 (46 App. U.S.C. 1180) is amended by striking "shall be built in a domestic yard or shall have been documented under the laws of the United States not later than February 1, 1928, or actually ordered and under construction for the account of citizens of the United States prior to such date," and inserting "shall be built in the United States or, if the vessel is a Shipbuilding Agreement vessel, in a Shipbuilding Agreement Party,".

(6) Section 901(b)(1) (46 App. U.S.C. 1241(b)(1)) is amended by striking the third sentence and inserting the following:

"For purposes of this section, the term 'privately owned United States-flag commercial vessels' shall be deemed to include—

"(A) any privately owned United States-flag commercial vessel constructed in the United States, and if rebuilt, rebuilt in the United States or in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Trade Agreement Act takes effect, and

"(B) any privately owned vessel constructed in a Shipbuilding Agreement Party on or after the date on which the Shipbuilding Agreement Act takes effect, and if rebuilt, rebuilt in a Shipbuilding Agreement party or in the United States, that is documented pursuant to chapter 121 of title 46, United States Code.

The term 'privately owned United States-flag commercial vessels' shall also be deemed to include any cargo vessel that so qualified pursuant to section 615 of this Act or this paragraph before the date on which the Shipbuilding Trade Agreement Act takes effect. The term 'privately owned United States-flag commercial vessels' shall not be deemed to include any liquid bulk cargo vessel that does not meet the requirements of section 3703a of title 46, United States Code.".

(7) Section 905 (46 App. U.S.C. 1244) is amended by adding at the end the following:

"(h) The term 'Shipbuilding Agreement' means the Agreement Respecting Normal Competitive Conditions in the Commercial Shipbuilding and Repair Industry, which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development, and was entered into on December 21, 1994.

"(i) The term 'Shipbuilding Agreement Party' means a state or separate customs territory that is a Party to the Shipbuilding Agreement, and with respect to which the United States applies the Shipbuilding Agreement.

"(j) The term 'Shipbuilding Agreement vessel' means a vessel to which the Secretary determines Article 2.1 of the Shipbuilding Agreement applies.

"(k) The term 'Export Credit Understanding' means the Understanding on Export Credits for Ships which resulted from negotiations under the auspices of the Organization for Economic Cooperation and Development and was entered into on December 21, 1994.

"(l) The term 'Export Credit Understanding vessel' means a vessel to which the Secretary determines the Export Credit Understanding applies.".

(8) Section 1104A (46 App. U.S.C. 1274) is amended as follows:

(A) Paragraph (5) of subsection (b) is amended to read as follows:

"(5) shall bear interest (exclusive of charges for the guarantee and service charges, if any) at rates not to exceed such percent per annum on the unpaid principal as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the Secretary, except that, with respect to Export Credit Understanding vessels, and Shipbuilding Agreement vessels, the obligations shall bear interest at a rate the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be;".

(B) Subsection (i) is amended to read as follows:

"(i)(1) Except as provided in paragraph (2), the Secretary may not, with respect to—

"(A) the general 75 percent or less limitation contained in subsection (b)(2),

"(B) the 87 ½ percent or less limitation contained in the 1st, 2nd, 4th, or 5th proviso to subsection (b)(2) or in section 1112(b), or

"(C) the 80 percent or less limitation in the 3rd proviso to such subsection, establish by rule, regulation, or procedure any percentage within any such limitation that is, or is intended to be, applied uniformly to all guarantees or commitments to guarantee made under this section that are subject to the limitation.

"(2) With respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be.".

(C) Section 1104B(b) (46 App. U.S.C. 1274a(b)) is amended by striking the period at the end and inserting the following:

“, except that, with respect to Export Credit Understanding vessels and Shipbuilding Agreement vessels, the Secretary may establish by rule, regulation, or procedure a uniform percentage that the Secretary determines to be consistent with obligations of the United States under the Export Credit Understanding or the Shipbuilding Agreement, as the case may be.”.

SEC. 115. APPLICABILITY OF TITLE XI AMENDMENTS.

(a) EFFECTIVE DATE.—

(1) IN GENERAL.—Notwithstanding any provision of the Shipbuilding Agreement or the Export Credit Understanding, the amendments made by paragraph (8) of section 114 shall not apply with respect to any commitment to guarantee made under title XI of the Merchant Marine Act, 1936, before January 1, 1999, with respect to a vessel delivered:

(A) before January 1, 2002, or

(B) in the case of “unusual circumstances” to which paragraph (2) applies, as soon after January 1, 2002, as is practicable.

(2) UNUSUAL CIRCUMSTANCES.—This paragraph applies in a case in which unusual circumstances beyond the control of the parties concerned prevent the delivery of a vessel by January 1, 2002. As used in this paragraph, the term “unusual circumstances” means acts of God (other than ordinary storms or inclement weather conditions) labor strikes, acts of sabotage, explosions, fires, or vandalism, and similar circumstances.

(b) MATCHING COMPETITION BY NON-MEMBERS.—Section 114 does not prevent the Secretary of Transportation from exercising his full discretion and authority under title XI of the Merchant Marine Act, 1936, consistent with clause 8 and Annex III of the Export Credit Understanding, to assist United States shipyards in meeting unfairly subsidized bids by foreign yards in countries not covered by the disciplines of the OECD Shipbuilding Agreement.

SEC. 116. WITHDRAWAL FROM AGREEMENT.

(a) WITHDRAWAL.—

(1) NOTICE.—The President shall give notice, under Article 14 of the Shipbuilding Agreement, of intent of the United States to withdraw from the Shipbuilding Agreement, as soon as is practicable after one or more Shipbuilding Agreement Parties give notice, under such Article, of intent to withdraw from the Shipbuilding Agreement, if paragraph (2) applies.

(2) TONNAGE OF NEW CONSTRUCTION IN WITHDRAWING PARTIES.—This paragraph applies if the combined gross tonnage of new Shipbuilding Agreement vessels that were constructed in all Shipbuilding Agreement Parties who have given notice to withdraw from the Shipbuilding Agreement, and that were delivered in the calendar year preceding the calendar year in which the notice is given, is 15 percent or more of the gross tonnage of new Shipbuilding Agreement vessels that were constructed in all Shipbuilding Agreement Parties and were delivered in the calendar year preceding the calendar year in which the notice is given.

(3) TERMINATION OF WITHDRAWAL.—If a Shipbuilding Agreement Party described in paragraph (2) takes action to terminate its withdrawal from the Shipbuilding Agreement, so that paragraph (2) would not apply if that Party had not given the notice to withdraw, the President may take the necessary steps to terminate the notice of withdrawal of the United States from the Shipbuilding Agreement.

(b) REINSTATEMENT OF LAWS.—If the United States withdraws from the Shipbuilding Agreement, on the date on which the withdrawal becomes effective, the amendments made by section 114 cease to have effect, and the provisions of law amended by section 114 shall be effective, on and after such date, as if this Act had not been enacted.

SEC. 117. MONITORING AND ENFORCEMENT.

(a) IN GENERAL.—The United States Trade Representative shall establish a program to monitor the compliance of Shipbuilding Agreement Parties with their obligations under the Shipbuilding Agreement. This program should include—

(1) the establishment of a task force composed of representatives of the Departments of Commerce, Labor, State, Transportation, and other appropriate agencies;

(2) coordination of gathering and analysis of relevant information;

(3) consultation with United States embassies located in countries that are Shipbuilding Agreement Parties to assist in obtaining information on policies and practices that is publicly available in those countries;

(4) regular consultations with representatives of industry, labor, and other interested parties regarding policies and practices of Shipbuilding Agreement Parties and of other countries with significant commercial shipbuilding industries;

(5) annual publication of a notice in the Federal Register affording an opportunity for interested parties to comment on the implementation of the Agreement; and

(6) the taking of any other appropriate action to monitor compliance of Shipbuilding Agreement Parties.

(b) REPORT TO CONGRESS.—Before the end of each twelve-month period in which the United States is a Party to the Agreement, the United States Trade Representative shall report to the Congress on:

(1) the activities undertaken as part of its monitoring program;

(2) the results of its consultations under subsection (a)(4) above; and

(3) compliance with the provisions of the Shipbuilding Agreement.

(c) ACTION IF VIOLATION.—If the United States Trade Representative receives information provided by representatives of industry, labor, and other interested parties, indicating that a Shipbuilding Agreement Party is in material violation of the Shipbuilding Agreement in a manner that is detrimental to the interests of the United States, the United States Trade Representative should use vigorously the consultation and, if the matter is not otherwise resolved, the dispute settlement procedures provided for under the Shipbuilding Agreement to redress the situation.

SEC. 118. JONES ACT AND RELATED LAWS NOT AFFECTED.

(a) IN GENERAL.—Nothing in the Shipbuilding Agreement shall be construed to amend, alter, or modify in any manner the Merchant Marine Act, 1920 (46 App. U.S.C. 861 et seq.), the Act of June 19, 1886 (46 App. U.S.C. 289), or any other provision of law set forth in Accompanying Note 2 to Annex II to the Shipbuilding Agreement; nor shall the Shipbuilding Agreement undermine the operation or administration of these statutes or prevent them from achieving their objectives.

(b) WITHDRAWAL OF GATT CONCESSIONS.—The Shipbuilding Agreement shall not provide any mechanism for withdrawal of concessions under GATT 1994 because of the maintenance or operation of the coastwise trade laws of the United States.

(c) ANNUAL REVIEW.—The Secretary of Transportation shall review annually the impact, if any, of the Agreement on the operation or implementation of the statutes identified in subsection (a), shall consult with the United States Trade Representative, Department of Defense, U.S. industry and labor, and other interested parties, and shall report to the President. If the President determines that the implementation of the Agreement is significantly undermining the administration or operation of these statutes or significantly impeding them from achieving their objectives, the President shall give notice of intent to withdraw from the Agreement pursuant to Article 14 of the Agreement. The authorization and implementation of responsive measures, under the provisions of paragraph 2.e of Annex II B of the Agreement by any Shipbuilding Agreement Party shall be taken into account in making this determination.

SEC. 119. EXPANDING MEMBERSHIP IN THE SHIPBUILDING AGREEMENT.

The United States Trade Representative shall monitor the impact of the policies and practices pursued by countries that are not Shipbuilding Agreement Parties, and shall seek the prompt accession to the Shipbuilding Agreement of countries that have significant commercial shipbuilding and repair industries, including, but not limited to Australia, the People's Republic of China, Poland, Romania, the Russian Federation, and Ukraine. The United States Trade Representative shall report to Congress annually on any impact and on the success of efforts to expand the membership of the Agreement. When it is determined that the continuing failure of a country to adopt the disciplines of the Agreement is undermining the effectiveness of the Agreement and placing U.S. shipyards at a competitive disadvantage, the United States Trade Representative shall act vigorously to redress this situation, making appropriate use of the mechanisms at its disposal under United States trade laws as well as the opportunities for consultations and dispute settlement action under any appropriate international organization, both bilaterally and in concert with other Shipbuilding Agreement Parties.

SEC. 120. PROTECTION OF UNITED STATES SECURITY INTERESTS.

(a) IN GENERAL.—Nothing in the Shipbuilding Agreement shall be construed to prevent the United States from taking any action which the United States considers necessary for the protection of essential security interests.

(b) MILITARY VESSELS AND REQUIREMENTS.—Nothing in the Agreement and in this Act shall be construed to amend or modify any laws or programs relating to U.S. military vessels (including military reserve vessels) or the military requirements of the United States. As used in this section—

(1) MILITARY VESSEL.—A “military vessel” is a vessel which, according to its basic structural characteristics and ability, is intended to be used exclusively for military purposes;

(2) MILITARY RESERVE VESSELS.—“Military reserve vessels” are military vessels, as defined in paragraph (1), that are either owned directly by the Department of Defense or leased or chartered by the Department of Defense for military use, including for the purpose of supporting the United States Armed Forces in a contingency. Military Reserve Vessels include:

(A) “Prepositioned Vessels”, which are vessels equipped with military features and strategically located throughout the world for utilization when needed;

(B) “Surge (Phase) Vessels”, which are vessels equipped with military features or which meet military specifications, and which are dedicated to the provision of logistical support for the Armed Forces on a contingency, including "Fast Sealift Ships" (FSS), "Ready Reserve Force" (RRF) vessels, and "Large Medium Speed Roll-on/roll-off" (LMSR) vessels; and

(C) "Sustainment (Phase) Vessels", which are privately owned merchant marine vessels and are chartered on a long-term basis by the Department of Defense for the purpose of carrying military cargo or personnel including the "Military Sealift Command Controlled Fleet"; and

(3) MILITARY REQUIREMENTS.—"Laws or programs relating to the military requirements of the United States" include any program which, consistent with Article 2(2) of the Agreement, provides for modifications made or features added to vessels to make them more capable of carrying military equipment in a contingency provided that the vessels constructed or modified by such programs are under long-term contractual arrangement with the Department of Defense for their call up in the event of contingency.

SEC. 121. DEFINITIONS.

Except as otherwise provided, as used in this part—

(1) the terms "Shipbuilding Agreement", "Shipbuilding Agreement Party", "Shipbuilding Agreement Vessels", and "Export Credit Understanding" have the meanings given those terms in subsections (h), (i), (j), and (k), respectively, of section 905 of the Merchant Marine Act, 1936, as added by section 114(7) of this Act; and

(2) the term "GATT 1994" has the meaning given that term in section 2 of the Uruguay Round Agreements Act.

PART 3—EFFECTIVE DATE

SEC. 131. EFFECTIVE DATE.

Except as otherwise provided, this Act takes effect on the date that the Shipbuilding Agreement enters into force with respect to the United States.

By Mr. BYRD:

S. 630. A bill to amend the Internal Revenue Code of 1986 to deposit in the highway trust fund the receipts of the 4.3-cent increase in the fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993; to the Committee on Finance.

FEDERAL HIGHWAY TRUST FUND LEGISLATION

Mr. BYRD. Mr. President, I rise to introduce a bill today to ensure that adequate resources are available to reverse the very destructive trend of Federal disinvestment in our Nation's critical infrastructure of highways and bridges. The bill that I introduce would place into the highway trust fund the 4.3-cents-per-gallon gas tax that is currently used for our deficit reduction.

Senators will recall that back in May and June of last year, there was much debate on this 4.3-cent gas tax, which was first imposed by the Omnibus Budget Reconciliation Act of 1993.

During this past summer, I deferred offering this bill as an amendment to two separate tax bills, and I did so at the request of both the majority and the minority leaders. But unfortunately, another opportunity to offer the amendment to a tax bill did not arise.

By depositing this additional 4.3-cents per gallon gas tax into the highway trust fund, Congress will have the resources to better meet the true needs of our Nation's transportation infrastructure.

Our Federal investment in infrastructure as a percentage of the total Federal budget has declined significantly since 1980. Few economics would disagree that adequate long-term investment in infrastructure is critical to a nation's economic well-being. Only through investment here at home, only through investment to maintain and renew our own physical plant, can our economy grow and generate good wages for our citizens.

Even so, our Nation's investment in infrastructure as a percentage of our gross domestic product has almost been cut in half since 1980. As a nation, we invest a considerably smaller percentage of our gross domestic product in infrastructure than our economic competitors invest in economic infrastructure in Europe and in Asia.

Nowhere do we pay a greater price for inadequate infrastructure investment than in our Nation's highways. Our National Highway System carries nearly 80 percent of U.S. interstate commerce and nearly 80 percent of intercity passenger and tourist traffic. Yet, we have allowed segments of our National Highway System to fall into disrepair.

The Department of Transportation recently released its latest report on the condition of the Nation's highways. Its findings are even more disturbing than earlier reports. The Department of Transportation currently classified less than half of the mileage on our interstate system as being in good condition and only 39 percent of our entire National Highway System is rated in good condition. Fully 61 percent of our Nation's highways are rated in either fair condition or in poor condition. Almost one in four of our Nation's highway bridges are now categorized as either structurally deficient or functionally obsolete.

According to the Department of Transportation, investment in our Nation's highways is a full $15 billion short each year just to maintain these current inadequate conditions—just to maintain them. Put another way, we would have to increase our national highway investment by more than $15 billion a year just to avoid further deterioration of our national highway network.

It should be noted that, while our highway infrastructure continue to deteriorate, highway use is on the rise. Indeed, it is growing at a very rapid pace. The number of vehicle miles traveled has grown by roughly 40 percent in just the last decade. As a result, we are witnessing new highs in the levels of highway congestion, causing delays in the movement of goods and people that costs our national economy more than $40 billion a year.

So, Mr. President, it is clear that the requirement that we place on our National Highway System are growing while our investment continues to decline. We are simply digging ourselves a deeper and deeper hole. Six years ago, in 1991, it was estimated that an investment of $47.5 billion would be necessary on an annual basis to ensure that highway conditions would not deteriorate any further than existed in that year—that it would not get any worse. By 1993, that figure grew to $51.6 billion. And 2 years ago, that figure grew to $54.8 billion. Ergo, the longer we delay increasing Federal highway spending, the more expensive it will be to reverse this destructive trend, which costs our Nation dearly.

Productivity improvements are the key to global competitiveness, rising standards of living and economic growth. Investments in highways result in significant, nationwide improvements in productivity. According to the Federal Highway Administration, every $1 billion invested in highways creates and sustains over 40,000 full-time jobs. Furthermore, the very same $1 billion also results in a $240 million reduction in overall production costs for American manufacturers.

While we can easily see the economic impact of disinvestment in our Nation's highways, we must not lose sight of the fact that deteriorating highways have a direct relationship to safety as well. We may be talking about your life. We may be talking about your life. And we are. Almost 42,000 people died on our Nation's highways in 1996. That equates to having a mid-sized passenger aircraft crash every day, killing all of its occupants. The National Highway Traffic Safety Administration counts poor road conditions as a contributing factor in a large percentage of these fatal accidents, as well as those in which there are serious injuries. The economic impact of these highway accidents cost our Nation $150 billion a year, and that figure is growing. More importantly, this wasteful carnage brings incredible sorrow to affected families and friends, and the Nation loses the skills, the talents, and the contributions of the victims.

The Senate will soon take up legislation to reauthorize the Intermodal Surface Transportation Efficiency Act, or ISTEA. This bill will be one of the most important pieces of legislation that we consider this session. Many Members, including myself, have introduced legislation to address specific transportation needs in their States and regions. Also, many Members have spoken of the need for formula changes to bring about what they perceive to be a more equitable distribution of funds from the highway program.

However, we must face the fact that, absent a substantial increase in the current level of spending on our highway program, we will not have the resources available to address the many important, but often competing, needs for our Nation's highway requirements in all regions of the country.

So in the coming weeks, Mr. President, I look forward to working with all of my colleagues toward the enactment of substantially increased authorizations and appropriations for our Nation's highway system. And the bill that I have introduced today will provide a very helpful tool with which to do that.

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 194

At the request of Mr. CHAFEE, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 194, a bill to amend the Internal Revenue Code of 1986 to make permanent the section 170(e)(5) rules pertaining to gifts of publicly-traded stock to certain private foundations and for other purposes.

S. 224

At the request of Mr. WARNER, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 224, a bill to amend title 10, United States Code, to permit covered beneficiaries under the military health care system who are also entitled to Medicare to enroll in the Federal Employees Health Benefits program, and for other purposes.

S. 278

At the request of Mr. GRAMM, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 370

At the request of Mr. GRASSLEY, the names of the Senator from New York [Mr. D'AMATO] and the Senator from South Dakota [Mr. DASCHLE] were added as cosponsors of S. 370, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 419

At the request of Mr. BOND, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 479

At the request of Mr. GRASSLEY, the names of the Senator from Missouri [Mr. BOND] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of S. 479, a bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes.

S. 489

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 489, a bill to improve the criminal law relating to fraud against consumers.

S. 493

At the request of Mr. KYL, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 497

At the request of Mr. COVERDELL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 497, a bill to amend the National Labor Relations Act and the Railway Labor Act to repeal the provisions of the Acts that require employees to pay union dues or fees as a condition of employment.

S. 529

At the request of Mr. GRASSLEY, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Nebraska [Mr. HAGEL], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of S. 529, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 532

At the request of Mr. BAUCUS, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 532, a bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Delaware [Mr. BIDEN] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 536

At the request of Mr. GRASSLEY, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 543

At the request of Mr. COVERDELL, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 544

At the request of Mr. COVERDELL, the names of the Senator from Arkansas [Mr. HUTCHINSON] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 544, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 562

At the request of Mr. D'AMATO, the names of the Senator from Florida [Mr. MACK], the Senator from Missouri [Mr. BOND], the Senator from Delaware [Mr. ROTH], the Senator from Rhode Island [Mr. CHAFEE], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 562, a bill to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

S. 570

At the request of Mr. NICKLES, the names of the Senator from Missouri [Mr. ASHCROFT] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 575

At the request of Mr. DURBIN, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 575, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

At the request of Mr. HAGEL, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 575, supra.

S. 583

At the request of Mr. GREGG, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 583, a bill to change the date on which individual Federal income tax returns must be filed to the Nation's Tax Freedom Day, the day on which the country's citizens no longer work to pay taxes, and for other purposes.

S. 606

At the request of Mr. HUTCHINSON, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 620

At the request of Mr. GREGG, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE RESOLUTION 51

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Montana [Mr. BAUCUS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oregon [Mr. SMITH], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of Senate Resolution 51, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], the Senator from Ohio [Mr. GLENN], the Senator from Indiana [Mr. LUGAR], the Senator from New York [Mr. MOYNIHAN], the Senator from South Carolina [Mr. THURMOND], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week."

SENATE RESOLUTION 76—PROCLAIMING A NATIONWIDE MOMENT OF REMEMBRANCE

Mr. THURMOND submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 76

Whereas the preservation of basic freedoms and world peace has always been a valued objective of this great country;

Whereas thousands of American men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas greater strides should be made to demonstrate the appreciation and gratitude these loyal Americans deserve and to commemorate the ultimate sacrifice they made;

Whereas Memorial Day is the day of the year for the Nation to appropriately remember American heroes by inviting the citizens of this Nation to respectfully honor them at a designated time; and

Whereas the playing of "Taps" symbolizes the solemn and patriotic recognition of those Americans who died in service to our Country: Now, therefore, be it

Resolved, That the Senate requests that—

(1) a nationwide moment of remembrance be observed on Memorial Day, May 26, 1997, by the simultaneous pausing of all citizens to acknowledge the playing of "Taps" at 3:00 p.m. (Eastern Standard Time) in honor of the Americans that gave their lives in the pursuit of freedom and peace; and

(2) the President issue a proclamation calling upon the departments and agencies of the United States and interested organizations, groups, and individuals to participate in and promote this nationwide tribute to the dedicated American men and women who died in the pursuit of freedom and peace.

Mr. THURMOND. Mr. President, I rise today to submit a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace and liberty around the world.

This year, the nonprofit organization, No Greater Love, which assists the families of Americans who died in service to their country or in terrorist acts, is launching the first annual "Proud to Remember" campaign. The goal of this campaign is to make certain that those who have died in service to our country will be appropriately honored in a patriotic and personal way on this special day of remembrance. In other words, they seek to put "memorial" back into Memorial Day.

Pursuant to this resolution, on Memorial Day, Monday, May 26, 1997, the entire Nation will be asked to observe a moment of remembrance at 3:00 p.m., Eastern Standard Time, in honor of those who have sacrificed their lives for us. "Taps" will be played at this time across the country to honor our fallen heroes.

It is our hope that this moment of remembrance will bring all Americans together in a spirit of respect, patriotism, and gratitude, and also help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our great Nation.

SENATE RESOLUTION 77—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas, in the case of *William L. Singer* v. *Office of Senate Fair Employment Practices*, No. 97-6000, pending in the United States Court of Appeals for the Federal Circuit, petitioner William L. Singer has sought review of a final decision of the Select Committee on Ethics which has been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1)(1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f)(1994), for purposes of representatives by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1)(1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *William L. Singer* v. *Office of Senate Fair Employment Practices.*

NOTICES OF HEARINGS

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 23, 1997, 9:30 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is reauthorization of the Higher Education Act.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Thursday, April 24, 1997, 10 a.m., in SD-430 of the Senate Dirksen Building. The subject of the hearing is overview of vocational education.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON INDIAN AFFAIRS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 22, 1997, at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a hearing on S. 459, a bill to amend the Native American Programs Act of 1974 to extend certain program authorizations.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON ANTITRUST, BUSINESS RIGHTS, AND COMPETITION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Antitrust, Business Rights, and Competition, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 22, 1997, at 2 p.m. to hold a hearing on "Antitrust Implications: The British Airways—American Airlines Alliance."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SEAPOWER

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Subcommittee on Seapower of the Committee on Armed Services be authorized to meet at 2:30 p.m. on Tuesday, April 22, 1997, in open session, to receive testimony regarding the Department of the Navy's shipbuilding development and procurement programs in review of S. 450, the national defense authorization bill for fiscal years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

COUNCIL OF THE NATION'S CAPITOL GIRL SCOUT GOLD AWARD RECIPIENTS

• Ms. MIKULSKI. Mr. President, each year an elite group of young women rise above the ranks of their peers and confront the challenge of attaining the Girl Scouts of the United States of America's highest rank in scouting, the Girl Scout Gold Award.

It is with great pleasure that I recognize and applaud young women from the State of Maryland who are this year's recipients of this most prestigious and time honored award.

These outstanding young women are to be commended on their extraordinary commitment and dedication to their families, their friends, their communities, and to the Girl Scouts of the United States of America.

The qualities of character, perseverence, and leadership which enabled them to reach this goal will also help them to meet the challenges of the future. They are our inspiration for today and our promise for tomorrow.

I am honored to ask my colleagues to join me in congratulating the recipients of this award from the State of Maryland. They are the best and the brightest and serve as an example of character and moral strength for us all to imitate and follow.

Finally, I wish to salute the families, scout leaders, and the Girl Scout Council of the Nation's Capital who have provided these young women with continued support and encouragement.

It is with great pride that I submit a list of this year's Girl Scout Gold Award recipients from the State of Maryland, and I ask that the list be printed in the RECORD.

The material follows:

GIRL SCOUT COUNCIL OF THE NATION'S CAPITAL

Breton Aulick, Rebecca Bensur, Jacquelyn Blaser, Brianna Blaser, Kristen Bowen, Arianne Boylan, Christine Chase, Heather Ann Church, Kimberly Crowder, Margaret Eaton-Sainers, Carlita Fletcher, Jessica Gaines, Brianna Gibson, Kathleen Henley, Kishuana Jarmon, Gretchen Kallemyn.

Lyndsay Madden, Grace McCann, Jennifer McKelvey, Jennifer Miller, Laura Murray, Linda Jean Rinko, Janis Sanders, Alea Lu Schroeder, Jana Siskind, Kelsi Stembel, Andrea Stuart, Tanya Wessells, Denise White.•

WE THE PEOPLE . . . THE CITIZENS AND THE CONSTITUTION

• Mr. CHAFEE. Mr. President, I want to commend 25 outstanding students from West Warwick High School in West Warwick, RI, who will be visiting Washington later this month to compete in the national finals of the "We The People . . . The Citizens And The Constitution" program.

For those of my colleagues who are not familiar with it, the "We The People . . . The Citizens And The Constitution" program is among the most extensive educational programs in the country, developed to educate young people about the Constitution and the Bill of Rights. The three-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply these principals to contemporary situations.

Administered by the Center for Civic Education, the "We The People . . . The Citizens And The Constitution" program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history. We hear so much these days about growing apathy and ignorance among young people about our history and governmental traditions. In my view, programs such as this can go a long way to combat these ills. It is heartening to see young Rhode Islanders taking such an active and participatory interest in public affairs.

Mr. President, you may be interested to know that West Warwick High School has an outstanding track record in the "We The People . . . The Citizens And The Constitution" program. The West Warwick team has won the Rhode Island State competition for 7 of the past 10 years.

I am very proud of Jamie Amaral, Mary Asselin, Jonathan Bassi, Justin Broz, John Caressimo, Brian Carr, Andrew Constanza, Krystle Couto, Bethany DeBlois, Candice Felske, John Johnson, Jonathan Juneau, Jamie Kullberg, Kristin Larocque, Gina Musto, Meghan O'Brien, Ryan O'Grady, Stephanie Paquet, Erica Ricci, Hillary Sisson, Derek Tevyaw, Kevin Willette, Kristen Wolslegel, Man Yu, and Debra Zenofsky for making it to the national finals. I applaud this terrific group of young men and women for their hard work and perseverance. Also, Mr, President, I want to congratulate Michael Trofi, a fine teacher who deserves so much credit for guiding the West Warwick High School team to the national finals.

As Mr. Trofi and this fine group of West Warwick High School students prepare for their trip to Washington to compete in the national finals on April 26–28, I want to congratulate them for what they have already achieved and wish them the best of luck in the final competition. These students, with the guidance of Mr. Trofi, have learned what our Nation is all about and what countless men and women have fought and died to protect. No matter what the outcome of the contest is, they have each earned the greatest prize of all: Knowledge.•

SUPPORTING NETDAY

• Mrs. FEINSTEIN. Mr. President, I rise today to alert this body to a very special event, which took place this past weekend, called NetDay. NetDay, which began in 1996, is a unique partnership between the public, private and educational communities with the common goal of fitting K–12 classrooms with the technological infrastructure needed for the 21st century.

In the beginning of this year, on behalf of myself, Senator JOHN WARNER, Senator CONRAD BURNS, Senator CHARLES ROBB, Senator PATTY MURRAY, and Senator BARBARA BOXER, I introduced Sense of the Senate Resolution 51, celebrating the success of NetDay activities and encouraging all schools to participate in 1997 NetDay activities, including the projects which took place this past weekend. As I did in February of this year, when I introduced the NetDay resolution, I would like to again commend the organizers and volunteers of NetDay, an excellent example of individuals creating a stronger community with the goal of increasing the quality of their schools.

The success of this weekend was impressive. Although it is still too early to cite official statistics of Saturday's event, NetDay organizers have stated that "schools up and down the State, in isolated towns in the north, farming towns in the central valley, and hundreds in urban communities all participated in NetDay." In addition, the 38 empowerment zone schools of the Los Angeles Unified School District were involved in NetDay activities and future planning. Last year alone, NetDay was successful in bringing out more than 100,000 Americans, including 50,000 Californians to volunteer in their neighborhood schools. These students, teachers, parents, and friends of the schools, came to wire classrooms and school libraries throughout the Nation. Thousands of individuals accomplished their goal to install communications cables, connect wires and switches to upgrading their schools for the 21st century.

The success of NetDay is significant. Last year, over 25,000 elementary, junior and senior high schools were wired. I expect these numbers to dramatically increase as NetDay organizer compile results from Saturday's activities. Throughout the United States, volunteers climbed ladders and got on their hands and knees to install the wiring infrastructure needed to connect thousands of elementary and secondary school classrooms with contemporary technology.

As I have mentioned in earlier floor speeches, NetDay began in California on March 9, 1996. The term was coined by cofounders John Gage of Sun Microsystems, one of the Nation's leading technology companies and Michael Kaufman of KQED, a California public broadcasting station. Mr. Gage and Mr. Kaufman saw this initiative as a day where hundreds of Californians came out to an "old fashioned barn raising for the modern technology age."

Just as volunteers would gather in the Nation's early years, with neighbor helping neighbor, to build homes, barns or community buildings, California's NetDay volunteers gather in support of neighborhood schools. Amazingly, and to their surprise, NetDay succeeded in one year in wiring 3,500 schools efficiently and cost-effectively, establishing and improving our classroom information infrastructure up and down the State.

However, as our classrooms continue to modernize and improve their technological infrastructure there is much work to be accomplished, both in California and throughout the Nation. Consider the following:

According to the Department of Education half of our K–12 schools lack full access to advance technology in the classroom.

Ninety-five percent of those K–12 schools who want to but are not yet wired, do not have the needed budgetary resources or organized volunteer base to wire their schools.

Rural areas and regions with high poverty continue to have less access to advanced educational technology compared to their suburban and urban counterparts.

These few points illustrate that there is still much to be done in our children's classrooms. NetDay organizers are committed to working with under served neighborhoods and ensuring that the appropriate resources, both in volunteers and computer wiring kits, are channels to these communities. In addition, this year's NetDay will focus on communities that did not fully benefit from last years initial set of projects and activities. In all, NetDay continues to save schools and taxpayers millions of dollars in educational technology startup costs, while training and equipping teachers with the knowledge needed to be a successful and integral part of the technical educational experience.

According to NetDay organizers, this year's relationship between private business, the labor community, and neighborhood schools is stronger than ever. Business sponsors and corporate volunteers will be instrumental in making NetDay a successful reality. The small, and large, companies continue to supply the project the needed computer and wiring equipment, and have also encouraged their employees to work with their children's or neighborhood schools. In addition, the labor community will continue to go into schools across America, where they are committed to work with private partners in ensuring that their local schools have the educational infrastructure needed for a well trained work force for the 21st century. The most valuable asset of NetDay continues to be the commitment of thousands of volunteers who will work in their community schools.

As the communities throughout America celebrate their NetDay accomplishments and prepare for future activities for this year and beyond, it is my honor to once again, recognize the NetDay cofounders, Michael Kaufman and John Gage, and organizers, Ann Murphy and Teresa Wann, and the dozens of corporate sponsors and business partners, and the thousands of students, teachers, parents, and school administrators for their achievement. The success and commitment they have shown to America and my State of California should be applauded.

My colleague and cochair on the U.S. Senate information technology caucus, Senator JOHN WARNER, Senator CONRAD BURNS of Montana, Senator CHARLES ROBB of Virginia, Senator PATTY MURRAY from Washington, and my California colleague Senator BARBARA BOXER join me in supporting the advancement of educational technology by sponsoring this resolution. Together, we urge our Senate colleagues to affirm congressional support for preparing U.S. classrooms with the needed technological infrastructure for the 21st century.

I invite my Senate colleagues to join this public-private partnership effort and I congratulate all the volunteers who participated in NetDay 1997 and encourage them to keep up the commendable and exemplary work.•

ASSOCIATION OF CHINESE-AMERICANS, INC.

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable organization in my home State of Michigan, the Association of Chinese Americans, Inc. The ACA, which promotes the presence of and provides services to Chinese Americans in the Greater Detroit area, is celebrating its 25th anniversary on April 26, 1997.

In 1972, Michigan residents of Chinese descent formed the Association of Chinese Americans with the motto "Embracing the hopes and dreams of Chinese in the United States." The ACA became the first chapter of the Organization of Chinese Americans, a national group which helps Chinese-Americans preserve and promote their cultural heritage in the United States.

Many people in metropolitan Detroit have benefited from the ACA's activities, which includes physical and mental health services and legal counseling for people in need. The ACA also sponsors social and educational activities for Chinese-American youth, such as dance troupes, camping trips, and college scholarships.

The ACA plays an important role in preserving and promoting elements of Chinese culture in the United States, helping to keep Chinese art, language, and traditions alive within the Chinese-American community. One of America's great strengths is its diversity, and the ACA helps to remind us all of the valuable additions Chinese-Americans have made to American culture.

The ACA has encouraged Chinese-Americans to participate in the electoral process, and has helped give Chinese-Americans a strong voice in our political system. Members of the ACA frequently share their opinions, insights, and knowledge of issues which affect the Chinese-American community with elected officials at all levels of government.

The Association of Chinese-Americans has been effective in furthering the hopes and dreams of Chinese-Americans. I am proud to have such a vibrant and important organization in Michigan, and I invite my colleagues to join me in offering congratulations to the men and women of the ACA on the occasion of its 25th anniversary.•

[At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.]

HONORING THE LIFE OF LYMAN SPITZER, JR

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to an outstanding scientist and visionary, Mr. Lyman Spitzer Jr., who recently died in Princeton, NJ at the age of 82. Mr. Spitzer was one of those rare individuals who not only made history, he actually changed history.

Spitzer was a theoretician of astrophysics and plasma physics who inspired the Hubble Space telescope and a myriad of orbiting observatories. His scientific contributions began decades ago, when he played a leading role in the development of sonar during World War II.

After World War II, Spitzer's attention turned to what would become his lifelong dream and his lifelong work, the Hubble telescope. The most complex undertaking in unmanned space study, the telescope can peer into the deepest reaches of space. And it was only Lyman Spitzer's vision, advocacy and tenacity which made this dream a reality. He shepherded the project from, as the New York Times noted, "a glimpse in his own eye in 1947," to its liftoff in 1990.

Mr. President, Mr. Spitzer's interests included all aspects of astronautics. He was the catalyst of the Copernicus Orbiting Astronomical Observatory, an ultraviolet predecessor of Hubble that NASA launched in 1972. He was also a pioneer of the effort to use nuclear fusion as a clean and limitless source of energy. And Spitzer was the founding director of the Princeton Plasma Physics Laboratory, where he worked until the day he died.

Lyman Spitzer enhanced our vision of the universe, increased our knowledge of the stars and expanded our own horizons. He is an outstanding example of the difference a single individual can make. Others may continue his work in Princeton, but no one will ever be able to replace him.•

CENTRAL MARYLAND GIRL SCOUT GOLD AWARD RECIPIENTS

• Ms. MIKULSKI. Mr. President, each year an elite group of young women rise above the ranks of their peers and confront the challenge of attaining the Girl Scouts of the United States of America's highest rank in scouting, the Girl Scout Gold Award.

It is with great pleasure that I recognize and applaud young women from the State of Maryland who are this year's recipients of this most prestigious and time honored award.

These outstanding young women are to be commended on their extraordinary commitment and dedication to their families, their friends, their communities, and to the Girl Scouts of the United States of America.

The qualities of character, perseverence, and leadership which enabled them to reach this goal will also help them to meet the challenges of the future. They are our inspiration for today and our promise for tomorrow.

I am honored to ask my colleagues to join me in congratulating the recipients of this award from the State of Maryland. They are the best and the brightest and serve as an example of character and moral strength for us all to imitate and follow.

Finally, I wish to salute the families, scout leaders, and the Girl Scouts of Central Maryland who have provided these young women with continued support and encouragement.

It is with great pride that I submit a list of this year's Girl Scout Gold Award recipients from the State of Maryland, and I ask that the list be printed in the RECORD.

The material follows:

GIRL SCOUTS OF CENTRAL MARYLAND

Claire Adams, Laurie Lee Albright, Lisa Birkenheuer, Lyndsay Braswell, Jennifer Breighner, Joanna Buckley, Clair Cozad, Melissa Daniels, Sarah Vezzetti, Emily Wilson, Melissa Wittnebel, Marla Conley, Allison Mays, Penelope McLaughlin, Sheri Scoville, Kathryn Fryer, Sarah Gibbons.

Jessica Hamman, Diana Maddox, Sarah Magliano, Jillian McFarland, Michelle Middleton, Erin Owen, Elizabeth Ruifrok, Amanda Sadeghin, Christina Santoni, Jonette G. Shaffer, Stephanie G. Zonak, Jamila Howard, Janelle Milam, Elizabeth Disharoon, Anne Fowler, Keri Jamison, Courtney McDevitt.

Brighid Tewey, Emily Wright, Katherine Barrow, Diana Constantinides, Mary Hood, Shannon Lawson, Abigail Link, Christina Miller, Chris Mullinix, Trisha Sater, Julie Day, Kathleen Hall, Kristin Heisey, Jennifer Lewis, Julie Petr, Lisa Philipose.•

THE 100TH ANNIVERSARY OF OSTEOPATHIC MEDICINE IN MICHIGAN

• Mr. LEVIN. Mr. President, I would like to make my colleagues aware of an important anniversary in the history of health care in Michigan. Precisely 100 years ago today, osteopathic physicians became licensed to practice medicine in Michigan.

Michigan was the fourth State to legalize the practice of osteopathy and, according to the Michigan Association of Osteopathic Physicians and Surgeons, today has the largest number of osteopathic practitioners in the Nation. For the past 100 years, osteopathic physicians have served the people of Michigan by developing therapeutic and diagnostic methods of treating disease to accompany traditional medical procedures.

The philosophy of osteopathy was first articulated by Dr. Andrew Taylor Still, a physician from the State of Missouri. Dr. Still's teachings guide today's osteopathic physicians as they integrate standard medical practices with the body's natural systems for regulating and healing itself, especially the largest of these, the musculoskeletal system.

People from every corner of Michigan have benefited from the care of osteopathic physicians, who can be found in disciplines ranging from family practice to surgery. We are truly grateful for the commitment to quality care made by these doctors—the members of the Michigan Association of Osteopathic Physicians and Surgeons, the Michigan Osteopathic Hospital Association, the Michigan Women's Osteopathic Auxiliary, the Michigan Osteopathic Medical Assistance Association, and the Michigan Osteopathic Guild Association.

I know my colleagues join me in offering best wishes and congratulations to the osteopathic physicians of Michigan, who have served the community with dedication and compassion for the past 100 years.•

THE GOVERNMENT SHUTDOWN PREVENTION ACT

• Mr. BURNS. Mr. President, today I rise in support of S. 228, the Government Shutdown Prevention Act. I commend Senator MCCAIN for his leadership in drafting this important legislation.

We all lose when the Government shuts down. In Montana, as well as across the Nation, Federal workers were furloughed and national parks were closed; businesses and families were negatively affected when the Government shut down in December 1995 and January 1996. Consequently, millions of dollars were lost.

President Clinton put Congress between a rock and a hard place in that he knew that we did not want to risk another Government shutdown. We were forced to pass a budget that added $6 billion back into Clinton's pet programs. The President was more interested in playing politics than he was in balancing the budget.

Montanans are tired of political games. We can not let the administration replay its efforts to force Congress to spend billions of dollars just to avoid the threat of a shutdown because of gridlock. It is the responsibility of the Government to work for the people—not against them.

Senator MCCAIN's bill provides a safeguard against Government shutdowns. It establishes an automatic continuing resolution to provide the lowest spending levels for Federal agencies and programs in the event that the annual appropriations bills are not enacted by the start of the fiscal year. This provides an incentive to pass appropriations bills in a timely manner.

This bill also addresses the concerns of those on Medicare, Medicaid, and

Social Security as it specifically states that entitlements will be paid regardless of what appropriations are passed.

I feel that the Government Shutdown Prevention Act protects Montanans. No longer will Montana's elderly and disabled have to fear not being able to pay medical bills because of a Government shutdown. Welfare recipients will not have to worry about going hungry because of the President's political gameplaying. Finally, Montana communities like West Yellowstone, Gardiner, and Columbia Falls—which serve as gateways to Yellowstone and Glacier National Parks—will not suffer because gridlock has forced the closure of national monuments and parks. The Government Prevention Shutdown Act ensures that the Government is working for the benefit of Montana. This is why I am proud to be a cosponsor of this bill.●

HEALTH VOLUNTEERS OVERSEAS—UGANDA WAR VICTIMS PROJECT

● Mr. LEAHY. Mr. President, we hear people complain about how foreign aid is a waste of money, and there are certainly examples of it. The United States poured countless millions of dollars into the pockets of President Mobutu, and one need only observe the chaos and suffering in Zaire today to understand what a terrible mistake that was. Many of us said so at the time, but we were ignored. During that same period, the United States propped up General Noriega in Panama, until he was no longer useful to us.

But you do not hear very much about the good uses of foreign aid, and how it makes a difference between life and death, or hope and misery, for millions of people around the world. In fact, there are far more examples of those good uses, than of the scandals that attract the attention of the media.

One example is the War Victims Fund project in Uganda. This project began in 1989, and it is now coming to an end. I think Members of Congress and the public should know about it, because it is a remarkable example of what the U.S. Government, a private voluntary organization, the good will and hard work of American volunteers, and the support of the Government of Uganda, have done for the benefit of thousands of wounded and severely disabled people in that country.

Uganda, a once productive country that boasted the finest medical school in sub-Saharan Africa, was virtually destroyed by the disastrous Idi Amin and Obote regimes. The medical school was destroyed, its faculty members killed or run out of the country. Years of civil war left thousands of casualties, including many victims of landmines.

In 1989, the year the Leahy War Victims Fund was established, USAID began a project in Uganda. It was implemented by Health Volunteers Overseas, a Washington, DC-based organization that sends volunteer doctors, nurses, and other medical professionals to train people in poor countries.

Health Volunteers Overseas did an extraordinary job in Uganda during the 7-year life of this project. There were tremendous achievements, and one terrible tragedy when Dr. Rodney Belcher, the Virginia orthopedic surgeon without whom the project would not have accomplished nearly so much, was gunned down in a robbery. His loss was felt throughout Uganda, because so many people knew of his selflessness, and that he had literally given his life for them and future generations in that country. His legacy is the scores of Ugandan health professionals he trained who are carrying on his work today.

Mr. President, HVO's final report on the Uganda project should be read by all. Its staff and volunteers deserve our sincere thanks, and our continued support. USAID, and President Museveni and his Health Ministry, also deserve credit. I ask that excerpts of the report be printed in the RECORD.

The excerpts of the report follow:

EXCERPTS OF FINAL REPORT—UGANDA ORTHOPAEDICS AND PHYSICAL THERAPY FOR THE DISABLED PROJECT

INTRODUCTION

In August of 1989, Health Volunteers Overseas (HVO) entered into a three year grant agreement with the U.S. Agency for International Development (USAID) Mission in Uganda to "improve the provision of orthopaedic, prosthetic, orthotic and physical therapy services for Uganda's thousands of children and adults who have lost upper and lower limbs, been crippled through the paralytic residual of poliomyelitis or otherwise become immobilized, especially those persons whose disabilities resulted from civil strife".

This grant concluded on December 31, 1996.

* * * * *

ACCOMPLISHMENTS

Facilities

HVO renovated and furnished the Polio Clinic at Old Mulago Hospital to serve as the site for the Department of Orthopaedics. The renovated building included space for departmental offices, weekly clinics, library, storage, seminar/classroom, and the HVO offices.

HVO renovated and equipped the operating room suite at Ward 7 at Old Mulago, creating two "clean" theaters for non-septic cases. These rooms were opened in March of 1991 and according to a report dated January 31, 1995, "the well trained nursing and theater staff [are] working smoothly to assist the surgical teams in performing an average of 20 surgical operations weekly for conditions including polio, trauma, fractures, spinal and hip injuries, tuberculosis, cerebral palsy, bone tumors, club feet and a variety of severe and late burns of hands and limbs".

HVO rebuilt and equipped the Mbale Workshop which had been destroyed in a fire in March of 1990.

HVO renovated and furnished a guest house on the hospital grounds to serve as housing for volunteers.

HVO built a new, larger sterile store room adjacent to the OR suite in the fall of 1996. This was funded by a private donation to HVO, not with grant monies.

Training and Education

HVO established a M.Med. (Orthopaedics) postgraduate degree at Makerere University and Mulago Hospital. The goal of this program is to train a corps of Ugandan orthopaedic surgeons who will be qualified to continue the teaching program in orthopaedic surgery and trauma management after the end of this grant. The curriculum for this four year degree was approved by the University Senate and accepted by the School of Postgraduate Studies in 1995. The authors of the curriculum included Drs. Belcher and Lawrence Gordon. In the fall of 1995, three young Ugandan physicians were formally enrolled in the program as the first residents.

Over the life of this grant, various cadres of personnel were taught the principles of orthopaedic surgery and trauma management. According to a summary provided by Dr. Belcher in 1995, over 450 medical students, 45 physicians and surgeons, 36 orthopaedic assistant paramedical officers, 16 physical therapists and 40 nurses had been exposed to training and education related to orthopaedic surgery.

Considerable effort was also devoted to training the OR personnel and surgical nursing staff in operating theater sterile techniques and surgical procedures. When the operating theaters at Ward 6 were nearing completion, HVO sent an experienced OR nurse, Theresa McInerney, to Kampala for a 6 month tour. Her job was to get the newly renovated OR suite functioning. This included organizing donations received from the United States, determining what additional items needed to be procured from the United States or could be made locally, and developing procedures to ensure that sterile technique was maintained. She also initiated a series of classes for the OR personnel in OR technique with a special emphasis on asepsis and the importance of productivity.

This training continued under the direction of another OR nurse, Wilma Ostrander, who served several tours in Uganda. She focused her efforts on improving the efficiency and effectiveness of the OR nursing and paramedical staff through a series of lectures and demonstrations. She also participated in the development of infection control programs designed to improve the safety of the environment in the operating rooms resulting in lower post-operative infections and complications.

On return visits, she also assisted the department in the development of a computerized inventory system to track the utilization of supplies and equipment. This has facilitated the development of a departmental system to reorder supplies as needed, a critical function for the department. As part of this process, she has introduced the utilization of patient records and patient supply lists so that there is a record available tracing the items used and to facilitate stock orders.

As the OR became functional, it also became clear that there was not an adequate number of trained technicians at the hospital who could handle the maintenance and servicing of the medical equipment needed for surgery. This was particularly evident in the lengthy process required for the commissioning of the autoclave purchased for the Ward 7 OR suite. Once commissioned, Dr. Belcher learned that there was no one on the staff of the hospital who could maintain this autoclave, despite the fact that it was similar to others at New Mulago Hospital.

As a result, HVO entered into a collaborative relationship with the American Medical Resources Foundation (AMRF), a Boston-based NGO, to design and deliver a series of workshops to teach Ugandan technicians at both Old and New Mulago Hospitals how to repair, maintain and service medical equipment. A total of three workshops were held in 1996 focusing on the repair of cardiology, radiology, anesthesia, respiratory and OR equipment. The first workshop was attended by 30 hospital engineers and technicians from Mulago, Mengo, Rubago and Nsambya Hospitals. Although there was significant interest in the other two workshops, HVO and AMRF decided to limit the number of participants to 15 in order to ensure adequate time for hands-on work in diagnosing and repairing equipment.

HVO also sent a resident to Hong Kong for 2.5 months of post-graduate training at the University of Hong Kong under the direction of Professor John C.Y. Leong. This training not only served as an opportunity to see how services are delivered in another country, but also fostered the development of professional contacts outside of Uganda.

Extension of Services

The scope of this project was national. HVO, under the direction of Dr. Belcher, focused considerable effort on expanding the delivery of services to hospitals outside Kampala and developing an effective orthopaedic referral system for the up-country regions of Uganda.

For the first three years of the project, regular visits to various up-country facilities were undertaken by members of the Department of Orthopaedics, usually accompanied by a volunteer. Patients would be examined and the difficult cases referred to Mulago for surgery. Others would be measured and fitted with calipers or, if feasible, taken into surgery.

These visits ceased when travel funds for department personnel were no longer forthcoming from the Ministry of Health. However, Dr. Belcher planned an ambitious program of up-country visits starting again in 1996.

* * * * *

The goal of these trips outside of Kampala was to increase the visibility of the services available for the disabled, to identify patients in need of services and to successfully enroll them in treatment programs.

With the end of the grant, this aspect of the project is perhaps the least likely to continue, although the need for this type of outreach is critical. Funds are needed for transportation, as well as food and housing for the team members. It is unlikely that the Ministry of Health will be able to fund as many trips as originally planned on an annual basis.

Other Accomplishments

HVO was able, with funds from the grant, to identify and procure essential educational materials, including books, journals, slide sets, and videos. HVO also purchased items necessary for the viewing and development of educational materials. For example, HVO procured overhead and slide projectors, a television and video machine, computers with CD-ROM capabilities, and a photocopier. Access to this equipment is essential as members of the department or volunteers seek to organize lectures and teaching materials for students.

More than 5,000 books and journals were shipped to Uganda under the auspices of this grant. Most of these were donated by members of HVO. HVO, based on input and recommendations of the senior members of the Department of Orthopaedics, also procured a set of current reference texts in medicine, rehabilitation, and orthopaedics for the departmental library. This order filled many gaps that existed in the library and will serve the educational needs of the department for many years to come.

One of HVO's educational objectives at the Medical School and Mulago Hospital was to develop better interaction and communication between the various departments involved in patient services and teaching. This was accomplished through the development of a weekly joint conference with the Radiology Department where orthopaedic surgeons and radiologists reviewed patient x-rays and learn from one another. Similar conferences were established with a joint pathology, radiology, orthopaedic, and oncology conference held monthly. Other joint conferences were established with the Neurosurgical and Pediatric Departments.

In addition, HVO, with the assistance of Dr. Belcher, was able to develop links with other departments. HVO initiated volunteer-staffed teaching programs with the departments of anesthesia, medicine and pediatrics. Strengthening the capacity of these departments to treat patients and to teach future generations of Ugandan medical providers is critical to the overall improvement of health care in Uganda.

When it became evident that HVO volunteers would not be able to have an active role assisting AVSI in the School for Physical Therapists, HVO recruited several PT volunteers to work primarily with the Departments of Physical Therapy. Donna Tinsley, a PT who spent 6 months in Kampala with the project, taught PT students during bedside ward rounds on Ward 7 as well as in the amputee, cerebral palsy and polio clinics.

PROBLEMS ENCOUNTERED

Some of the problems encountered in the course of implementing this project are inherent in the way international assistance is designed. The original grant was for a period of three years, an extremely short period of time in which to "improve the provision of orthopaedic, prosthetic, orthotic and physical therapy services . . ." for a country such as Uganda. Extensions were forthcoming but only for 12 to 18 months at a time. This short-term focus prevented HVO from developing longer range plans that might have been more effective.

The logistical problems involved in renovating and equipping the departmental offices and OR suites on Ward 7 were, at times, monumental. Dealing with local contractors was very difficult. Materials were often delayed or "went missing". Workers might not show up on time or even at all. These problems contributed to a substantial delay in the project which was compensated for by a one-year extension.

Communications between the field office and HVO's Washington office were hampered by frequent power outages and missing faxes. This situation, however, improved over the life of the project, especially with the introduction of e-mail.

As was mentioned above, there were recurring problems with the maintenance of equipment, including, but not limited to, medical equipment. Due to power surges, office equipment frequently was damaged, often beyond repair. The problems associated with the commissioning of the autoclave might well serve as a case study in the difficulties in merging a highly sophisticated piece of equipment into a facility which cannot provide adequate supplies of water and electricity. Despite considerable research and investigation as to which autoclave would be best suited to the department's needs and building's capacity, this autoclave was inoperable for several years. When finally commissioned, its maintenance was a recurring problem.

PROJECT SUSTAINABILITY

The death on March 11, 1996, of Dr. Rodney Belcher was a tremendous loss for all involved in this project. Dr. Belcher was murdered in front of the HVO office on the hospital grounds in the course of a carjacking attempt that was ultimately unsuccessful.

* * * * *

Given the unexpected and tragic turn of events in 1996, what are the chances that activities undertaken to date will continue and that the impact of these many years of hard work will be sustained over time?

On a positive note, the senior members of the department immediately took charge upon Dr. Belcher's death and appropriately divided the departmental workload. The department has continued to function with weekly clinics, twice weekly operating schedules, ward rounds, seminars, etc. Through the end of 1996, thanks to funding available from HVO, up-country outreach clinics were conducted. Dr. Naddumba has been elected Head of the Department and has earned high marks for his administrative and political skills.

Health Volunteers Overseas will continue to send volunteers to share their technical expertise with members of the Department of Orthopaedics. HVO will also send volunteers to work with faculty and students in the Departments of Medicine, Pediatrics, and Anesthesia.

In addition, Dr. Norgrove Penny, a Canadian orthopaedic surgeon and member of Orthopaedics Overseas, accepted a four year contract in Kampala with the Christoffel Blindenmission (CBM) beginning in August of 1996. He is working in conjunction with the Uganda Society for Disabled Children and the Leonard Cheshire Homes of Uganda, both British based charities working in community based projects. His job includes developing services to up-country district hospitals who at present have no orthopaedic services.

There have been discussions between members of the Department of Orthopaedics at Mulago Hospital and Dr. Penny regarding the possibility of working together. There certainly appears to be an overlap of mutual interests and HVO/Washington has strongly supported this possibility.

However, * * * without a certain level of ongoing financial support there will be some serious problems ahead for the department and for the delivery of orthopaedic and rehabilitation services to the population at large in Uganda.

* * * * *

SUMMARY

This project began in the fall of 1989 in the midst of great anticipation and hope. Uganda was recovering from a long period of intense civil strife marked by intense fighting, brutality and bloodshed. HVO had an opportunity to participate in a program that would help rehabilitate the lives of thousands touched in one way or another by the breakdown of society during this period.

Now, seven years later, we can say that this project has done much to "improve the provision of orthopaedic, prosthetic, orthotic and physical therapy services for Uganda's thousands of children and adults who have lost upper and lower limbs, been crippled through the paralytic residual of poliomyelitis or otherwise become immobilized, especially those persons whose disabilities resulted from civil strife".

The death of Dr. Rodney Belcher was a devastating even. His death, however, serves as a beacon for members of the department and HVO who are determined not to allow this event to diminish the accomplishments of his many years of dedication and hard work.●

[At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.]

HONORING THE MOST WORSHIPFUL GRAND LODGE'S SCHOLARSHIP WINNERS

● Mr. LAUTENBERG. Mr. President, the Most Worshipful Grand Lodge, Masonic Architects of the Universe, Inc., Ancient Free and Accepted Masons, Electa Grand Chapter, Order of the Eastern Star of Newark, NJ, will be awarding scholarships to at least 16 deserving students at its second annual Scholarship Banquet on May 18. Young people from New York; Connecticut; Washington, DC; and Essex and Hudson counties in New Jersey will be recognized during the evening's ceremonies. I congratulate all the scholarship recipients, and I encourage them to always strive for academic excellence. In the words of poet Muriel Ruyskier, I urge them to "reach the limits of themselves, to reach beyond themselves."

Mr. President, education is the key that unlocks the door to the future. By the year 2000, 60 percent of all new jobs in America will require advanced technology skills. Anyone who does not have the required education will not be able to compete. Education isn't a luxury, it's a necessity.

I know that the scholarships awarded by the Most Worshipful Grand Lodge will help the recipients face tomorrow's challenges. But I also hope that these awards will instill in the winners a love for education. In the 19th century Jewish ghettos of Eastern Europe, mothers used to pour a little honey on a book, in order to demonstrate to their children the sweetness of learning. And learning is sweet, because it enriches our lives; it opens our minds to new possibilities, and it allows us to fully enjoy the wonders of the universe.

Mr. President, as we honor this year's scholarship winners, I also want to commend the Most Worshipful Grand Lodge for its outstanding community work, particularly in the area of education. Through its actions, the Grand Lodge demonstrates that not only does it take an entire village to raise a child, it takes an entire community to educate a child.

I again congratulate all of the scholarship winners, and I wish them continued success as they continue on the path of knowledge and the path of life.●

AMENDMENTS TO THE COMMITTEE RULES OF PROCEDURE IN THE CONGRESSIONAL RECORD

● Mr. SMITH of New Hampshire. Mr. President, Senator REID joins me to ask that changes to the Rules of Procedure for the Select Committee on Ethics, which were adopted February 23, 1978, and amended by the full committee on March 18, 1997, be printed in the CONGRESSIONAL RECORD. The material follows:

Rule 9, Procedures for Handling Committee Sensitive and Classified Materials, and Rule 14, Procedures for Waivers, of the Supplementary Procedural Rules are amended as follows:

Rule 9:

(c) Procedures for Handling Committee Sensitive and Classified Documents:

(1) Committee Sensitive documents and materials shall be stored in the Committee's offices, with appropriate safeguards for maintaining the security of such documents or materials. Classified documents and materials shall be further segregated in the Committee's offices in secure filing safes. Removal from the Committee's offices of such documents or materials is prohibited, except as necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, or as otherwise specifically approved by the staff director or by outside counsel designated by the Chairman and Vice Chairman.

(2) Each member of the Committee shall have access to all materials in the Committee's possession. The staffs of members shall not have access to Committee Sensitive or classified documents and materials without the specific approval in each instance of the Chairman and Vice Chairman, acting jointly. Members of the Committee may examine such materials in the Committee's offices. If necessary, requested materials may be hand-delivered by a member of the Committee staff to a member of the Committee, or to a staff person specifically designated by the member, for the member's or designated staff person's examination. A member of the Committee who has possession of Committee Sensitive documents or materials shall take appropriate safeguards for maintaining the security of such documents or materials in the possession of the member or his or her designated staff person.

(3) Committee Sensitive documents that are provided to a Member of the Senate in connection with a complaint that has been filed against the Member shall be hand-delivered to the Member or to the Member's Chief of Staff or Administrative Assistant. Committee Sensitive documents that are provided to a Member of the Senate who is the subject of a preliminary inquiry, an initial review, or an investigation, shall be hand delivered to the Member or to his or her specifically designated representative.

(4) Any Member of the Senate who is not a member of the Committee and who seeks access to any Committee Sensitive or classified documents or materials, other than documents or materials which are matters of public record, shall request access in writing. The Committee shall decide by majority vote whether to make documents or materials available. If access is granted, the Member shall not disclose the information except as authorized by the Committee.

(5) Whenever the Committee makes Committee Sensitive or classified documents or materials available to any Member of the Senate who is not a member of the Committee, or to a staff person of a Committee member in response to a specific request to the Chairman and Vice Chairman, a written record shall be made identifying the Member of the Senate requesting such documents or materials and describing what was made available and to whom.

Rule 14:

(c) Ruling: The Committee shall rule on a waiver request by recorded vote, with a majority of those voting affirming the decision. With respect to an individual's request for a waiver in connection with the acceptance or reporting the value of gifts on the occasion of the individual's marriage, however, the Chairman and the Vice Chairman, acting jointly, may rule on the waiver request.●

TRIBUTE TO DR. ANITA JONES

● Mr. ROBB. Mr. President, I rise today to recognize the professional dedication, vision and public service of Dr. Anita K. Jones who is completing her appointment, after 4 years, as the Director of Defense Research and Engineering [DDR&E]. A native of Texas, and longtime Virginia resident, Dr. Jones is one of this country's preeminent information technology experts and a pioneer for women in science and engineering career fields everywhere. Prior to coming to the Department of Defense, she was the chair of the department of computer science at the University of Virginia. As DDR&E, she serves in one of the Nation's top technical positions and oversees the largest defense research and development organization in the world.

Her strong support for, and oversight of, the multibillion-dollar Defense Science and Technology [S&T] Program dramatically improved the warfighting capabilities and readiness of our Nation's military forces both today and well into the future. Dr. Jones spearheaded the implementation of a new structured planning process which aligns technology research and development more directly with critical warfighting and national security priorities. Through strong leadership, she brought the technology and operational military communities together to design detailed plans to sustain U.S. dominance on the battlefield into the next century.

In addition, Dr. Jones focused the Department of Defense S&T Program to ensure military and national preeminence in several strategic technologies with both military and commercial application such as information technology, high-performance computing, advanced electronics, materials and modeling and simulation. Her active outreach within the Department of Defense expanded greatly the scope of the Defense S&T Program and the speed and ease at which technology is developed and transitioned into our warfighting arsenal and support infrastructure. Furthermore, her direct support of pervasive technologies such as high end computing and semiconductors resulted in breakthroughs across a wide spectrum of applications, both military and civilian, such as modeling of geophysical phenomenon, aerodynamics and process flow, which contributed directly to our Nation's ability to execute a record number of peacekeeping and military operations without the loss of a single life due to combat.

Dr. Jones' awards include the Department of Defense Award for Distinguished Public Service and the Meritorious Civilian Service Award. She has served on several Government advisory boards and scientific review panels such as the Defense Science Board, Air Force Scientific Advisory Board, the National Research Council, and the National Science Foundation. She is a member of the National Academy of Engineers and is a fellow of the Association of Computing Machinery and the Institute of Electrical and Electronics Engineers.

I know that Dr. Jones' husband, William A. Wulf, and her daughters, Karin and Ellen, are proud of her many accomplishments, and so is the Nation. Her distinguished service will be genuinely missed in the Department of Defense, and all of us who know her wish her every success as she returns to the University of Virginia.•

LOAN INTEREST FORGIVENESS FOR EDUCATION ACT

• Mr. BURNS. Mr. President, it was with great pleasure that on April 15, Tax Day, I joined with Senators GRASSLEY and MOSELEY-BRAUN in cosponsoring the Loan Interest Forgiveness for Education Act, S. 573.

With Americans scrambling last week to get their tax returns filed, this bill offers a bit of relief for students who rely on loans to pay their higher education bills. This legislation will restore the tax deduction for student loan interest, with eligibility for the deduction phased out for taxpayers with incomes between $65,000 and $85,000 (single returns) and $85,000 and $105,000 (joint returns). This modest step will take some of the sting out of repaying student loans.

A college degree is more important in today's job market than it has ever been. At the same time, education costs continue to rise and the average debt of graduates is at record levels. On top of that, the tax burden has increased, putting a serious strain on college graduates as they work to pay off their loans and interest and still get ahead in the job market.

Let us give student loan recipients a tax break. Let us send a message about the importance of student loans and higher education. This is a sound investment in our Nation's future.•

HONORING FRED VANDERVEEN OF SALISBURY, MD

• Ms. MIKULSKI. Mr. President, I rise today to pay tribute to a very special American, Mr. Fred Vanderveen, of Salisbury, MD. I am proud to say that Mr. Vanderveen is the 1997 winner of the National Heroes Award from the Sporting Goods Manufacturer's Association. This prestigious award is given each year to three individuals who make outstanding and unique humanitarian contributions to local sports programs throughout the Nation.

Fred Vanderveen is a full-time high school biology teacher. But the classroom is only one area where Mr. Vanderveen is preparing our children for the future. He knows that developing the health and fitness of our children's bodies is as important as developing their minds. He also knows that kids need a safe place to go where they can have positive experiences, where they will be among friends, and where they will feel important. So he invested his life's savings in a sports and training facility called Youth Exercise Services. His facility is designed to meet the needs of mentally and physically handicapped athletes, at-risk youths, and anyone who will say no to drugs and yes to exercise.

Mr. Vanderveen takes to his playing field at Youth Exercise Services the same way I take to the Senate floor: mission-driven, determined, and unwilling to lose. Through his dedication and hard work, the kids he touches learn that they don't have to lose either. Whether they are handicapped, at-risk, or just looking for a positive after school environment, they've got the chance to come out winners because Fred Vanderveen cares about each and every one of them.

Mr. President, I want to give my warmest congratulations to Mr. Vanderveen, and to the kids whose lives he helps make better. His 1997 Heroes Award is richly deserved, and the State of Maryland is proud to call him one of our own.•

TRIBUTE TO JANE McCAFFERY FOR WINNING THE CONTINENTAL CABLEVISION'S 1997 NATIONAL EDUCATOR AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate Jane McCaffery, a teacher at Lincoln Street School and Main Street School in Exeter, NH, on receiving the Continental Cablevision's 1997 National Educator Award.

As a former teacher myself, I commend her outstanding accomplishment and well-deserved honor.

Continental Cablevision designed the Educator Award program in 1989 to encourage teachers to use Cable in the Classroom, a cable industry initiative which provides schools with free cable connections and access to more than 500 hours of commercial-free educational programming each month. Jane was chosen for this distinguished honor from among educators in all of the communities that Continental Cablevision serves in New Hampshire.

Under the direction of Jane, Exeter elementary students, teachers and their work are showcased in "Booktalk," an ambitious weekly cable TV program. The program encourages students to read and invites families to participate in activities related to their children's reading. It also raises community awareness about the elementary curriculum. Jane and an Australian crocodile puppet explore one curriculum theme each week and feature a reading by teachers, students or guests, ideas for families to further pursue the learning theme, and many creative presentations.

New Hampshire has always been fortunate to have many talented teachers, but Jane McCaffery is certainly a role model among the teachers of the Granite State. I am proud of her commitment to education and congratulate her superb achievement. It is an honor to represent her in the U.S. Senate.•

[At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.]

SALEM COUNTY EDUCATION ANNIVERSARIES

• Mr. LAUTENBERG. Mr. President, I rise today to pay tribute to the Salem County School District on a number of notable anniversaries. The year 1997 marks the 40th anniversary of the district, the 25th anniversary of the initiation of occupational, technical and vocational programs and services to secondary students and the 15th anniversary of the operation of the New Jersey Regional Day School at Mannington for the Department of Education.

Mr. President, these anniversaries are especially significant because education is the key that will open the door to the future for our children. By the year 2000, 60 percent of all new jobs in America will require advanced technical skills. The industrial age has given way to the information age and, more than ever before, students need a quality education if they are going to be able to compete.

But a quality education doesn't only benefit the individual, it also benefits our Nation. If our firms and factories are to find the educated workers they need, and if these same firms are to remain competitive in the global marketplace, then our students must receive the necessary training and skills. Our economic future depends on it.

Mr. President, 300 years ago this year, the colony of Massachusetts passed the very first American education law. It required that every town of at least 50 people hire a teacher of reading and writing. Those first colonists, huddled in their tiny villages along the Atlantic coast, understood the importance of education for their children and for their communities. And ever since, making ourselves the best educated Nation on Earth has always been the very essence of our American dream. The work of the Salem County School District, and the Salem County Vocational Technical Schools, is helping to ensure that this particular American dream remains an American reality.

To the students of Salem County, I say don't ever forget that there's always more to be learned, always more to be seen, always more to be explored. And to the Salem County Board of Education, the Salem County School District, and the Salem County Vocational Technical Schools, I say congratulations and continue your fine work.•

CONGRESSIONAL PENSION DISCLOSURE ACT

• Mr. BURNS. Mr. President, I come to the floor today in order to offer my support for the Congressional Pension Disclosure Act of 1997.

This bill will require that detailed information about the pension of every Member of Congress be published twice a year. These facts—how much has been contributed to a pension plan, how much is to be received in retirement, and acquired Federal retirement benefits—should be public information.

Montanans, as well as those in every other State, deserve the right to know how public funds are being spent. The disclosure of pension contributions and benefits will allow Montanans to judge whether or not the amounts are fair and just. Taxpayers will be able to make fully informed decisions about the kind of job we representatives are doing in abiding the will of the people and keeping Government spending under control.

The Congressional Pension Disclosure Act will make facts readily available to anyone who wants them. Perception that Congress operates in secrecy would be eliminated and the people of Montana would know that their representatives have nothing to hide. Simply said, by disclosing the size of our pensions, we in Congress will make a step in the right direction toward restoring faith in government by the American people.

I commend Senator ABRAHAM for drafting this meaningful legislation, and I am proud to have signed on as a cosponsor of S. 269.•

SANCTIONS AGAINST BURMA

• Mr. MOYNIHAN. I commend the President for his decision to invoke investment sanctions on Burma, in accordance with section 570 of Public Law 104–208. The President deserves praise for his action. Conditions in Burma remain grim and warrant this limited measure.

Perhaps no one is more deserving of praise than the Senator from Kentucky, Senator MCCONNELL. He and I have stood together in support of the people of Burma for many years now and I congratulate him for his steadfast efforts to assist in achieving a democratic transition in Burma.

Burma is a democracy denied. It is a country with a democratic past. With our help it can have a democratic future. We find ourselves at a point in history where numerous nations are struggling to build democratic governments. It is not always an easy process. Those who are involved in such transitions watch for America s response to situations such as we find in Burma, where a military junta prevents the implementation of a democratic election. Let us be clear. This is not only about human rights and trade. This is about our commitment to democracy.

There are those who argue that constructive engagement is the only way to effect change in a country. Constructive engagement is a euphemism for doing business with thugs. Foreign investment in Burma provides hard currency for the State Law and Order Restoration Council [SLORC]. Most U.S. companies refuse to support such a regime through foreign investment. Amoco, Levi Strauss, Liz Claiborne, Macy's, Eddie Bauer, Columbia Sportswear, Oshkosh B'Gosh, Pepsi, Apple Computer, and many other companies already have cut business ties with Burma. I commend the President for his action which supports the decisions of these responsible companies.

Finally, I would note that this is not an end to our efforts in Burma, but a beginning. Strong bilateral pressure needs to be supplemented with multilateral action. I call on other nations which share our concern for the people of Burma to join us. Most importantly, the SLORC should know that we will remain vigilant and continue to defend the rights of Burmese democracy leaders.•

SLOVAKIAN HUMAN RIGHTS ISSUES

• Mr. D'AMATO. Mr. President, I rise today to call to my colleagues' attention human rights developments in Slovakia. These developments point Slovakia in the opposite direction from the road their neighbors have been traveling. Their neighbors accept western values and seek integration into western institutions, developments leading to individual freedom, political democracy, and economic prosperity in a free market system. In stark contrast, Slovakia is not in compliance with some important Helsinki process commitments and is showing signs of regression toward authoritarian, if not totalitarian relations between the state and its citizens.

This country, which showed so much promise upon gaining independence in 1993, has failed to press ahead with vitally needed democratic reforms, in contrast with so many other countries in the region, including other newly independent countries. While the Czech Republic, Hungary, and Poland have worked hard to qualify for EU membership and NATO accession, Slovakia has lagged behind. While states like Lithuania and Slovenia have emerged from repressive empires to bring prosperity and hope to their peoples, Slovakia has not. Even Romania, which has struggled profoundly with the transition from totalitarianism, has managed to undertake significant reforms in the past few months.

From the outset, members of the Helsinki Commission have supported the democratic transformation in Slovakia. We believe that a strong, democratic Slovakia will enhance stability and security in Europe.

Unfortunately, human rights and democratization in Slovakia have taken a severe beating—both literally and figuratively—in recent months. The hopes raised by free and fair elections and by the passage of a democratic constitution have been dashed

Last month, I understand some officials in Bratislava criticized a congressional report on NATO enlargement and complained that the discussion of Slovakia's progress toward democracy was too superficial. Well, I will provide a little more detail for those who genuinely want to know what worries us here in Washington.

Parliamentary democracy in Slovakia took a bullet in late November, when parliamentarian Frantisek Gaulieder, after announcing his resignation from the ruling coalition's Movement for a Democratic Slovakia, was stripped of his parliamentary mandate through antidemocratic means that are unheard of anywhere else in Europe. His removal has been protested by the European Union and the United States at OSCE meetings in Vienna, but, so far, to no avail.

Even more outrageously, there was a bomb attack against Mr. Gaulieder's home, while he and his family were present. This is a tactic that reminds me of the Communists, fascists, and other similarly bloody and ruthless groups.

The 1995 kidnaping of President Kovac's son is not only still unsolved, but the manner in which this matter has been investigated has fueled speculation that the government's own security forces were directly involved in this crime. The murder last year of Robert Remias, who may have had key evidence in this case, and the ineffectual investigation of that case has deepened these suspicions.

Adding to this disturbing pattern, questions are already being raised about the official investigation of the December bomb attack on Frantisek Gaulieder's home: Mr. Gauliedier has reported that some of his testimony regarding the attack is missing from his police file, that the first investigator was removed after only 3 days on the case, and that the Slovak Minister of Interior has, shockingly, suggested that Mr. Gaulieder may have planted the bomb himself—the same "he-did-it-himself" story that no one believes regarding the kidnaping of Mr. Kovac, Jr.

I am now informed that this investigation, like the Kovac and Remias cases, has been "closed for lack of evidence." For a country supposedly seriously committed through its OSCE obligations to the establishment of a "rule of law" state, this is a damagingly poor performance.

In addition to these acts of violence, it has been reported that the President, the President's son, and members of the Constitutional Court have been subjected to death threats. In fact, in early December the Association of Slovak Judges characterized the anonymous, threatening letters addressed to Milan Cic, the Chair of the Slovak Constitutional Court, as an attack against the court as a whole and a means of political intimidation.

It has also been reported that on February 24 an opposition political figure in Banska Bystrica, Miroslav Toman, was attacked by four assailants.

We see a country where politically motivated violence is on the increase, where public confidence in the government's intent to provide security for all Slovaks has plummeted, and where acts of violence and threats of violence have brought into question both the rule of law and the very foundations of democracy.

The ruling coalition has continued to pursue an openly hostile agenda toward a free and independent media and free speech in general. During the course of the past year, two newspapers—Slovenska Republika and Naroda Obroda—have seen a total of 21 editors quit over alleged political interference with their work. Defamation suits launched by public officials appear to be a common vehicle for harassing one's political opponents.

Most recently, on November 19, the government barred four journalists from attending a regular press conference after the weekly cabinet meeting because the journalists were believed to be unsympathetic to the government. Although this decision was ultimately rescinded after a public outcry—including a protest from the journalists' union—it was further evidence of the government's relentless efforts to curb any reporting it doesn't like.

In fact, in one of the more shocking episodes of the battle for free speech in Slovakia, it has been reported that Vladimir Meciar—the Prime Minister of the country and, not insignificantly, a former boxer—warned journalist Dusan Valko just a few weeks ago that "I will punch you so that your own mother will not recognize you." So much for Mr. Meciar's tolerance for other points of view and nonviolence.

The Slovak Government continues to pursue a minorities policy that would be laughable if it were not so wrong and harmful. This policy has included everything from banning the playing of non-Slovak national anthems last year to the more recent decision to bar the issuance of report cards in the Hungarian language, reversing long-standing practices. Such petty gestures are beneath the dignity of the Slovak people, whose heritage has survived more than a thousand years of foreign—and often markedly repressive—rule. The Slovak language and culture, now protected in an independent Slovakia, are not so weak that they can only flourish at the expense of others.

More seriously, it should be noted that past repressive crackdowns on minorities—for example, in Cluj, Romania, and in Kosovo, Serbia—began by whittling away at the minority language opportunities that had traditionally been respected by the majority community. Accordingly, these seemingly small restrictions on the Hungarian minority in Slovakia may very well be the harbinger of more repressive tactics ahead.

With this in mind, the failure of the Slovak parliament to adopt a comprehensive minority language law, and the recommendation of the Ministry of Culture that such a law is not even necessary, defy common sense. Current laws on minority-language use in Slovakia do not provide adequate or satisfactory guidance regarding the use of Hungarian for official purposes, as the recent report-card flap shows. Much harm can be done until a minority language law is passed based on a genuine accommodation between the majority and minority communities.

Finally, recent reductions in government-provided cultural subsidies have had a disproportionately negative effect on the Hungarian community. The Slovak Government's defense, that all ethnic groups have been equally disadvantaged by these cut-backs, is unpersuasive in light of the Culture Minister Hudec's stated intent to "revive" Slovak culture in ethnically mixed areas and to make cultural subsidies reflect that goal.

While Hungarians suffer from a more direct form of government intolerance, other ethnic groups suffer more indirectly. Put another way, it is not so much government action which threatens Romani communities in Slovakia, it is government inaction.

According to the most recent State Department report on Slovakia, skinhead violence against Roma is a serious and growing problem; three Roma were murdered as a result of hate crimes last year, and others have been severely injured. Some Roma leaders, in response to their government's inability or unwillingness to protect them, have called for the formation of self-defense units. Obviously, the Slovak Government is just not doing enough to address the deadly threats they face.

Moreover, the repugnant anti-Roma statements that have repeatedly been made by Jan Slota, a member of the ruling coalition, have fostered this climate of hatred. The fact that the Czech Republic, Germany, and other European countries also confront skinhead movements in no way relieves Slovakia of its responsibility to combat racism, just as Slovakia's skinhead problem does not relieve the other countries of their responsibilities.

It is time and past time for Prime Minister Meciar to use his moral authority and political leadership to set Slovakia on the right course. He must make clear, once and for all, that Jan Slota—who also called the Hungarian minority "barbarian Asiatic hordes"—is not his spokesman, and that the Slovak National Party's unreconstructed fascists do not represent the majority of the people of Slovakia.

Mr. President, the leadership of the Helsinki Commission, including my cochairman, Representative CHRISTOPHER H. SMITH, and ranking members Senator FRANK LAUTENBERG and Representative STENY HOYER, have raised our concern about developments in Slovakia with Slovak officials on a number of occasions. Unfortunately, all we hear from the Slovak leadership is one excuse after another, and all we see is a search for one scapegoat after another: it's the Hungarians, it's the Czechs, it's the Ukrainian mafia, it's the hostile international community seeking to destroy Slovakia's good name, it's a public relations problem abroad, not real problems back home—in short, there is always somebody else to blame besides the people that are, in fact, running the country.

I don't mean to suggest that there have been no positive developments in Slovakia over the past 4 years. In fact, I have been especially heartened by the emergence of a genuine civil society that is increasingly willing to express its views on a broad range of issues. But positive initiatives by the Government have been too few and too far between.

I make this statement today in the hope that the leadership in Bratislava will start to make real reforms, like their colleagues in Romania, and begin to restore the promising future that the people of Slovakia deserve. Their present policies are leading down a path toward international isolation, increasing criticism, and economic deprivation for their people. One Belarus is enough.●

ORDERS FOR WEDNESDAY, APRIL 23, 1997

Mr. CHAFEE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Wednesday, April 23. I further ask consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate immediately begin consideration of the Chemical Weapons Convention Treaty as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. CHAFEE. Mr. President, for the information of all Senators, tomorrow at 10 a.m. the Senate will begin consideration of the Chemical Weapons Convention Treaty. Under the order, there will be 10 hours of debate to be equally divided between the chairman and ranking member, or their designees, and 1 hour under the control of Senator LEAHY.

Also, in accordance with the agreement, a limited number of amendments are in order to the resolution of ratification.

Therefore, Senators can anticipate rollcall votes late tomorrow afternoon and throughout Thursday's session of the Senate.

AUTHORIZING SENATE LEGAL COUNSEL REPRESENTATION

Mr. CHAFEE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 77, submitted earlier today by Senators LOTT and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 77) to authorize representation by the Senate legal counsel.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, as my colleagues are aware, the Congressional Accountability Act of 1995 created procedures for judicial review of employment discrimination claims throughout the Congress to govern cases arising after the requirements of the law took effect on January 23, 1996. The Senate's antecedent process for review of discrimination claims in Senate employment, which was created by the Government Employee Rights Act of 1991, continues to govern older cases. The case of William L. Singer versus Office of Senate Fair Employment Practices, now pending in the U.S. Court of Appeals for the Federal circuit, is a case initiated under the 1991 act.

The petitioner in this case, a former officer in the Capitol Police Department, seeks review of a ruling of the Select Committee on Ethics, which affirmed a decision of a hearing board appointed by the Director of the Office of Senate Fair Employment Practices. The hearing board decision rejected the officer's claim that his termination from the Capitol Police violated the Americans With Disabilities Act and the Family and Medical Leave Act, as made applicable by the Government Employee Rights Act.

Under the Government Employee Rights Act, a final decision of the Ethics Committee is entered in the records of the Office of Senate Fair Employment Practices, which is then named as the respondent if the decision is challenged in the Federal circuit. As petitions for review in the Federal circuit challenges final decisions of a Senate adjudicatory process, under the Government Employee Rights Act the Senate legal counsel may be directed to defend those decisions through representation of the Office of Senate Fair Employment Practices in court.

Accordingly, this resolution directs the Senate legal counsel to represent the Office of Senate Fair Employment Practices, in the case of Singer versus Office of Senate Fair Employment Practices, in defense of the Ethics Committee's final decision.

Mr. CHAFEE. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, that any statements relating to the resolution appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 77

Whereas, in the case of *William L. Singer* v. *Office of Senate Fair Employment Practices*, No. 97-6000, pending in the United States Court of Appeals for the Federal Circuit, petitioner William L. Singer has sought review of a final decision of the Select Committee on Ethics which had been entered, pursuant to section 308 of the Government Employee Rights Act of 1991, 2 U.S.C. §1208 (1994), in the records of the Office of Senate Fair Employment Practices;

Whereas, pursuant to sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1) (1994), the Senate may direct its counsel to defend committees of the Senate in civil actions relating to their official responsibilities;

Whereas, pursuant to section 303(f) of the Government Employee Rights Act of 1991, 2 U.S.C. §1203(f) (1994), for purposes of representation by the Senate Legal Counsel, the Office of Senate Fair Employment Practices, the respondent in this proceeding, is deemed a committee within the meaning of sections 703(a) and 704(a)(1) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a), 288c(a)(1) (1994): Now, therefore, be it

Resolved, That the Senate Legal Counsel is directed to represent the Office of Senate Fair Employment Practices in the case of *William L. Singer* v. *Office of Senate Fair Employment Practices.*

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. CHAFEE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 3:53 p.m., adjourned until Wednesday, April 23, 1997, at 10 a.m.

NOMINATIONS

Executive nominations received by the Secretary of the Senate April 18, 1997, under authority of the order of the Senate of January 7, 1997:

CENTRAL INTELLIGENCE

GEORGE JOHN TENET, OF MARYLAND, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE JOHN M. DEUTCH, RESIGNED.

Executive nominations received by the Senate April 22, 1997:

DEPARTMENT OF ENERGY

ELIZABETH ANNE MOLER, OF VIRGINIA, TO BE DEPUTY SECRETARY OF ENERGY, VICE CHARLES B. CURTIS, RESIGNED.

WITHDRAWAL

Executive message transmitted by the President to the Senate on April 18, 1997, withdrawing from further Senate consideration the following nomination:

CENTRAL INTELLIGENCE

I WITHDRAW THE NOMINATION OF ANTHONY LAKE, OF MASSACHUSETTS, TO BE DIRECTOR OF CENTRAL INTELLIGENCE, VICE JOHN M. DEUTCH, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 1997.

SENATE—*Wednesday, April 23, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, a very present help in trouble, remind us of all the times You have helped us in our needs. We are quick to cry out for help but often slow to remember the countless times You have intervened to strengthen us.

Thank You for the new confidence that stirs in our hearts today. We collect and then commit to You all of our personal concerns, the challenges we face in government, the troublesome people who sometimes make life difficult, and our friends and loved ones who are presently confronted with adversity.

Especially, Lord, we remember the people in Grand Forks, ND, as they face the difficulties of the flood of the Red River, and we ask for Your blessing and guidance for Senators BYRON DORGAN and KENT CONRAD as they care for their people and give leadership in this emergency.

For Your glory, dear God, resolve problems, give guidance, provide strength.

Today, we also are aware that there are some problems You will not solve until we are ready to be used by You in working out the solutions. Sometimes You wait until we are ready to be a part of the answer You want to give. Show us what You want us to do today. We will leave the results to You. "You are great, and do wondrous things; You alone are God."—Psalm 86:10. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

Mr. LOTT. I thank the Chair.

SCHEDULE

Mr. LOTT. Mr. President, this morning, the Senate will begin consideration of the Chemical Weapons Convention Treaty. Under the previous order, there will be 10 hours of debate to be equally divided between the chairman and the ranking member or their designees and 1 hour under the control of Senator LEAHY. Also, in accordance with the agreement, a limited number of amendments are in order to the resolution of ratification.

The Senate will recess at 12:30 p.m. until the hour of 2:15 to allow for the weekly policy meetings, and when the Senate reconvenes, we will resume consideration of the treaty. I hope that perhaps we could get an agreement to have one of the votes occur later on this afternoon. I believe there may have been some discussions on that. If not, we will have the votes on motions to strike, if any. There, I believe, were five agreed to in our unanimous-consent agreement, and, of course, we are anticipating that the final vote will occur sometime tomorrow night, I assume between 5, 6 and 8 o'clock. And, of course, as always, we will notify Senators of anticipated rollcall votes as early as possible. But there would not be one, if any, today until late in the day. There will be a number of votes throughout the day on Thursday, and I urge Senators to be prepared to answer the votes quickly so that we can get through the five motions to strike that may be offered under the agreement and to final passage at a reasonable hour tomorrow.

Also, unless there were a lot of yielding back of time, I do not anticipate that we could finish even in the early afternoon or late afternoon on Thursday. I think it clearly is going to go into the evening.

With that, Mr. President, I would be glad to yield the floor.

Mr. BIDEN. Mr. President, will the majority leader yield?

Mr. LOTT. I will withhold yielding the floor and yield to the Senator from Delaware.

Mr. BIDEN. Before the clock starts to toll here on the 10 hours, I understand the distinguished chairman of the committee is running just a little bit late, and he asked whether or not it would be permissible to have a 10-minute quorum call; is that correct?

Mr. KYL. He is willing to go ahead if you would like.

Mr. BIDEN. I would like to just wait and give the chairman the opportunity to make his statement.

Mr. LOTT. We will put in a quorum then until the chairman is here and ready to resume the discussions. I know they are going to be very interesting.

The Senator from Delaware is not going to go through that whole book, is he?

Mr. BIDEN. Mr. President, I say to the distinguished leader, depending on how many votes we have, I may go through only a very small portion of it.

Mr. LOTT. I yield the floor and I observe the absence of a quorum, Mr. President.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

We have a number of items that need to be read, under the previous order.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

MEASURE PLACED ON THE CALENDAR—TREATY DOCUMENT 103-21

The PRESIDING OFFICER. Under the previous order, the Foreign Relations Committee is discharged from further consideration of Treaty Document No. 103-21, the Chemical Weapons Convention, which shall be placed on the Executive Calendar.

EXECUTIVE SESSION

CHEMICAL WEAPONS CONVENTION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and proceed to the consideration of Treaty Document No. 103-21, which the clerk will report.

The legislative clerk read as follows:

> Treaty Document No. 103-21, the convention on the prohibition of development, production, stockpiling and use of chemical weapons and on their destruction.

The PRESIDING OFFICER. Under the previous order, the convention shall be advanced through its various parliamentary stages, up to and including the presentation of the resolution of ratification.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the distinguished Senator from Arizona has a unanimous-consent request, but I want him to withhold it until Senator BIDEN can be here and have an opportunity to object, if he desires.

The PRESIDING OFFICER. Mr. Chairman, I have a couple of other previous orders I can read.

Mr. HELMS. Very well.

The PRESIDING OFFICER. Under the previous order, the Committee on Foreign Relations shall be discharged of consideration of Senate Resolution 75, and this resolution be substituted for the resolution of ratification.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Under the previous order, there will be 10 hours for debate, equally divided between the chairman and ranking member or their designees, and 1 hour under the control of the Senator from Vermont, Mr. LEAHY.

Mr. HELMS. I yield to the distinguished Senator from Arizona.

PRIVILEGE OF THE FLOOR

Mr. KYL. Mr. President, I ask unanimous consent Jeanine Esperne, John Rood, and David Stephens be granted the privilege of the floor for the duration of the day.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina.

Mr. HELMS. Mr. President, as the Senate begins final consideration of the Chemical Weapons Convention, the immortal words of Yogi Berra come to mind. Everybody remembers them. "It's deja vu, all over again."

If anyone is wondering why JESSE HELMS, Senator from North Carolina, is quoting a New York Yankee, it is because I always liked Yogi. And we have been here before, meaning the Senate. The point being that the Senate scheduled a time certain last September to take up this very same treaty. But, on the day of the scheduled vote, the White House asked to withdraw the treaty. Why? Well, because there were not 67 votes necessary to pass it.

The White House stonewalled and refused to address the key concerns raised by Senators about the treaty, concerns relating to its universality, its verifiability, and crushing effect on business because they had opposed even the most reasonable modifications proposed by this Senator and many others. That is why the treaty was withdrawn last year. So, here we go again, with most of those critical concerns remaining in the treaty: The Chemical Weapons Convention certainly is not global, it is not verifiable, and it will not work. Even its proponents admit it cannot effectively prevent the spread of chemical weaponry.

Time and time again, the administration has portrayed this agreement as one that will provide for a global ban on chemical weapons. I recently read a poll showing that 84 percent of the American people believed that this body should ratify a treaty which would "ban the production, possession, transfer and use of poison gas worldwide." That was the question asked in the poll. I quoted it verbatim. If this treaty accomplished such a ban, I would be the first Senator on this floor, along with Senator KYL, urging its approval. Had the pollster called me at home, I—if I knew nothing about the treaty, as most Americans do not—I probably would have been among the 84 percent.

In any event, more than 8 years ago, at the confirmation hearing of Jim Baker to be Secretary of State, I noted President Bush's statement that he wanted to be able to tell his grandchildren that he, "was able to ban chemical and biological weapons from the face of the Earth." Quote, unquote, George Bush. I remarked at that hearing that I, too, would like to be able to tell my grandchildren that I helped the President and the Secretary of State attain such a goal. And that statement that I made then is just as true today as it was on the day that I made it. But I cannot and will not sign off on a multilateral treaty that accomplishes none—n-o-n-e—none of the goals it purports to address.

I have, on 5 January first days of the Senate, stood right over there by the dais, raised my right hand, and pledged to support and defend our country and its Constitution. I have presided over many hearings dedicated to the careful examination of this treaty. Earlier this month, the Senate Foreign Relations Committee heard testimony by and from four former U.S. Defense Secretaries—Dick Cheney, Cap Weinberger, Jim Schlesinger, Don Rumsfeld, all four urging the Senate not—not to ratify this dangerously defective treaty.

These distinguished Americans are by no means alone. More than 50 generals and admirals and senior officials from previous administrations have joined them in opposing this chemical weapons treaty—convention—call it what you will. And why have all these great Americans urged that the Senate reject this treaty? I will tell you why. Their case can be summarized this simply: It is not global, it is not verifiable, and it will not work. No supporter of this treaty can tell us with a straight face how this treaty will actually accomplish the goals that they have advertised so profusely for it.

The best argument they have mustered to date is, as I understand it, "Oh, yes, it is defective, but it is better than nothing," they say. Or they tell us that "It creates an international norm against the production of these weapons." But, in fact, this treaty is worse then nothing.

But, in fact, Mr. President, this treaty is worse than nothing, for this treaty gives the American people a false sense of security that something is being done in Washington, DC, to reduce the dangers of chemical weaponry when, in fact, nothing is being done with or by this treaty. If anything, this treaty puts the American people at greater risk.

That is why the administration wants to avoid at all costs a real debate on the merits of this treaty. They know that they cannot defend it. They say it is better than nothing. No, it is not. So they have resorted to a number of assertions that simply do not hold up under scrutiny. They have put forward, for example, the "America as a rogue state" argument. They have said it over and over again. "Rogue state, rogue state."

They say if we don't ratify the CWC, we will be left "in the company of pariah nations, like Iraq and North Korea," who have refused to join. And then they have hit us with, "Well, everybody's doing it. It is going to go into effect anyhow," they say, and have said over and over again, "with or without the United States, so we might as well go with the flow and sign up."

Sorry, Mr. President—and I mean the distinguished Senator who is presiding, Mr. President, and I mean the President down on Pennsylvania Avenue as well—sorry, Mr. President, the oath that I have taken five times standing right over there forbids my taking part in such sophistry.

Anyhow, since when did America start letting Belgium and Luxembourg and France and Bangladesh dictate our national security policy? The Senate should decide whether or not to approve this treaty on the basis of whether it is in the national interest of the United States and the American people, not to respond to diplomatic momentum of the moment. Frankly, I take offense at the argument that this administration is making widely and frequently, that rejecting this dangerous and flawed treaty would make America the moral—get this—the moral equivalent of terrorist states—that means governments, countries—terrorist governments like Syria and Iraq and Libya and North Korea. These pariahs are, at this very moment, manufacturing chemical weapons to use against us. Don't make any mistake about that. That is what they are doing right now as we meet.

We are unilaterally destroying our chemical stockpiles with or without the Chemical Weapons Convention, and I think that such rhetorical blackmail may offend the American people. We will see. The polls are already turning around, by the way.

Mr. President, I made a commitment to the American people that I would bring this chemical weapons treaty to the Senate floor only if it contained all the key protections necessary to ensure that this treaty does no harm, even if it can do no good, and that is exactly what is happening. That is exactly why this treaty is the pending business in the U.S. Senate at this moment.

The resolution of ratification that is now pending before the Senate addresses all the inherent weaknesses of this treaty. With this resolution of ratification, I can vote for this treaty in good conscience, and I would dissuade no Senator from doing the same, obviously. But if those key protections are removed, taken out—and the administration says it is going to happen, they are going to be taken out, they boast—then we should refuse to ratify this treaty for the reasons that we will discuss in greater detail in the hours ahead.

I doubt that there is a Senator in this body who has not heard a great deal about the 28 conditions in this resolution of ratification that have been agreed upon by the distinguished Senator BIDEN, who is the ranking member of the Foreign Relations Committee, the administration, and me. I commend my friend, JOE BIDEN, for his willingness to work with me in good faith to address those issues. I have told him so privately, and I now tell him so publicly. As JOE BIDEN has pointed out, he spent many hours in my office in direct negotiations with me and my staff in an effort to reach some common ground.

Many of the 28 conditions contain commonsense provisions that never should have been contested by the administration in the first place. For example, these conditions, among other things, require the creation of an inspector general. They limit the burden on the American taxpayer. They preserve the Australia Group. They assert the right to use tear gas in combat situations.

Let me tell you something, if they had not yielded on that question about our using tear gas to help our downed pilots escape from the enemy, this treaty would never have come to the floor. Unfortunately, the Clinton administration has made clear—made clear—that it intends to remove five vital protections that Senator LOTT and I and others have included to address the defects of the treaty, or some of them. By stripping those key conditions from this resolution, the administration is asking the Senate to ratify a treaty which, first, will affect almost none of the terrorist regimes whose possession of chemical weapons actually threatens the United States, such as Libya, Iraq, Syria, and North Korea; second, which the administration admits that they can't verify, and they can't verify this treaty. Do you remember what Ronald Reagan used to say? Trust but verify. Ronald Reagan is sort of halfway implicitly credited with this treaty. I think I knew Ronald Reagan as well as anybody. I was the first sitting Senator to support Ronald Reagan's candidacy, and I knew how he felt about treaties because he felt then as I feel now about treaties.

Third, the administration knows that Russia is already violating the chemical weapons treaty, even before it goes into effect, by pursuing an entirely new generation of chemical agents specifically designed to circumvent the CWC, as we call it around this place, violating Russia's existing bilateral chemical weapons agreement with the United States signed some years ago and—I have to use this word—lying about their chemical stockpiles. And we are supposed to trot in and ratify this treaty? Not this Senator. Not this Senator.

Fourth, the administration is supporting a treaty which allows inspectors from China and rogue states, such as Iran, to descend upon American businesses, rifle through the business confidential documents in each of these places, to interrogate the employees of the business, and to remove secret business information and chemical samples whenever they want to.

A law enforcement officer in the United States cannot do that. You have to get a search warrant issued by a court.

Fifth, the administration feels that under articles X and XI, which involve the transfer of dangerous chemicals, chemical manufacturing technology and advanced chemical defense gear to any nation who signs on, including terrorist states like Iran and Cuba and known proliferators, such as Russia and China, the administration said, "No, no, we can't have that. We can't have that." That's what they say. We are going to find out tomorrow, or perhaps earlier, how the U.S. Senate feels about that, because there is going to be a vote on that specific question.

We have protections in the current resolution of ratification which address all of these issues, as I have said before, and while all of these matters are vitally important, the final concluding issue, I believe, is the key to this entire debate. What is it?

The proponents of this treaty have been telling the American people over and over and over again that this treaty will "ban chemical weapons from the face of the Earth." How many times have I heard that by some very good friends of mine in the administration? Let me tell them something, and let me tell you something, Mr. President. With articles X and XI intact, this treaty will, in fact, do the exact opposite. It will, in fact, facilitate the spread of poison gas to the very rogue countries most likely to use it against American citizens.

So I guess the question is, who would give the terrorist crowd in Iran chemical agents and chemical technology that they can use to build chemical weapons? Who would do that? Who would vote to give Iran the secrets to our most advanced chemical defensive equipment, the technology we have designed to protect our troops from poison-gas attack? Not this U.S. Senator. I will never, never vote to do that, because I stood over there five times and said I would not. But that is exactly what the Clinton administration is asking us to do by insisting that we ratify this treaty with articles X and XI intact.

Do not take my word about all of this. Heed the warnings of some people that I believe most Americans admire and respect. Let's take Secretary of Defense Dick Cheney, who served in a previous administration, the Bush administration. Dick Cheney provided written testimony to the Foreign Relations Committee earlier this month. Let me quote him. This is Dick Cheney talking:

> Articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the world.

I have heard Dick Cheney make many a speech, but I never before heard him as emphatic in his declaration about anything previous to this.

Mr. President, anybody who wants a road map for how this will work need only examine how Russia has taken advantage of similar provisions in the Nuclear Non-Proliferation Treaty. Today, Russia is using the NNPT to justify, what? To justify Russia's sale of nuclear reactors under a provision known as atoms for peace. Under the chemical weapons treaty, articles X and XI, or poisons for peace provisions, as we call them, Russia and/or China could decide, for example, to build a chemical manufacturing facility in Iran and argue not only that are they allowed to give Iran this technology, but that they are obligated to do it under a treaty, mind you, that a lot of people are advocating that the United States Senate ratify tomorrow before dark.

Worse still, the Chemical Weapons Convention also requires that we share our latest advanced chemical defensive gear with all of these countries. What that means is that, through reverse engineering, Iran could figure out how to penetrate our chemical defense, increasing not only the risk of American troops being exposed to poison gas but the chances of a chemical attack actually taking place by undermining the defensive deterrent value.

The administration has agreed that it will not give such American technology to Iran. I think they mean it as far as it goes, but this agreement with the President will not stop other countries from doing it. Articles X and XI still facilitate trade in these technologies with more than 100 countries, many, if not most, of which do not share our policy of isolating Iran, don't you see. If they get access to United States defensive technology under the chemical weapons treaty, they will share it with other signatories, like Iran. And they could do so lawfully without violating the treaty. Further, they will share their own defense technology against dangerous dual-use chemicals regardless of what the United States says or does.

What will happen once we put a plethora of chemical and defensive secrets out on the world market? I think you know, Mr. President. It will be only a matter of time, and a short time, before these rogue states which do not sign the treaty will get access to these defensive secrets. Iran will certainly share them with Syria and Libya. And who knows who they will, in turn, share them with.

Ronald Reagan, as I said earlier, said that our policy in arms control—arms control of all types—must be "trust but verify." With the Chemical Weapons Convention we can do neither. So why would we agree to a treaty which would share advanced chemicals and know-how and defensive gear with unworthy regimes? That is precisely the question before the U.S. Senate today.

We can ratify the CWC with these key protections in place. But if the administration insists on stripping them out, taking them out, then they will have invited the Senate to refuse to ratify the chemical weapons treaty. It is up to them. Unless we include protections on these issues, any agreement we have reached on other matters amounts to little more than adding sweetener to hemlock. They may make the treaty easier to swallow, but it remains, Mr. President, just as deadly as ever before and just as injurious to the national security interest of the United States of America.

Mr. President, we know Senators plan to address important aspects of this convention; therefore, at this time I shall defer to my colleagues who may wish to discuss this convention in greater detail, beginning with my distinguished friend, Senator BIDEN.

For the reasons I have discussed and for the reasons that Senators will hear in the hours ahead, obviously, I am strongly urging the Senate to oppose any amendments to strike key protections from the resolution of ratification.

Mr. President, I thank the Chair and I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from Delaware.

Mr. BIDEN. I yield myself as much time as may be necessary.

Mr. President, as my distinguished friend, the chairman of the committee, leaves the floor, let me note that he and I came to the Senate the same year, 1972. I, like he, on five occasions —four here and one in a hospital—raised my right hand and swore to uphold the Constitution. We have both done that, to the best of my knowledge, for the past 24 years.

Let me just say that just as beauty is in the eye of the beholder, security and upholding the oath of office, how to protect and defend the United States of America, is in the eye of the Senator. I do not doubt for one single second that my friend from North Carolina believes what he says, that he does not believe this treaty is in the interest of the United States of America and, by inference, he would not be upholding or defending the Constitution of the United States were he to vote for it, other than with the killer amendments attached to it that would effectively end the treaty.

I think it is important for the listeners to put in perspective a little focus here as to how much verification is necessary to defend our interest and how much is enough and what tradeoffs constitute our interests.

Let me just say that my friend and I have worked together for years and years. As I said, we came here together, 1972. We got elected in the same year. To the best of my knowledge, my friend has not voted on the floor for an arms control agreement, ever.

Although the Senate overwhelmingly passed the START Treaty negotiated by Ronald Reagan—"trust but verify" Reagan—my friend from North Carolina voted against it because he did not think it was verifiable. Ronald Reagan thought it was verifiable. Ronald Reagan, who said "trust but verify," he negotiated the treaty. He sent it to the U.S. Senate. We voted for it. Senator HELMS did not.

I do not say this as a criticism but an observation. Because if you listen to Senator HELMS, it makes it sound as though he is just like Ronald Reagan. Well, he is not like Ronald Reagan. Bush finally concluded the START I agreement, but it was Reagan who had negotiated it. Reagan supported the START I agreement. President Reagan, I understand, supported the START II agreement. Senator HELMS voted against both of them because he did not believe they were—and I believe he meant it—he did not believe they were in the security interests of the United States of America.

So again the reason I mention it is that you will hear a lot of appeals to authority today. You will hear a number of ad hominem arguments and a number of infallible arguments invoked on the floor of the Senate today by all of us. It is a debating technique. But I think one of my objectives today is going to try to be sort of the truth squad here, to make sure we are comparing apples and apples and oranges and oranges and we remember who did what.

So before the day is over, someone probably will invoke the name of George McGovern, somehow. I do not know how George McGovern will get into this, but I promise you that will happen as evidence that these arms control treaties are bad things that just soft-headed liberals do. Ronald Reagan is no soft-headed liberal.

My friend from North Carolina is a staunch conservative, but he parted company with other staunch conservatives who thought START I, START II and the INF agreements were all bad treaties. We negotiated the INF agreement when Senator HELMS and I were here. Ronald Reagan proposed that. I do not know how he voted on that. But I would not be surprised if he voted against that. And "trust but verify" Reagan not only negotiated it, but submitted it.

Mr. President, the debate we are commencing today is not only about a global treaty—it is important, it is global, and it addresses the chemical weapons threat. Quite frankly—and my distinguished friend from Indiana, Senator LUGAR, will speak to this at length because he is so articulate when he does—it is about nothing less than America's leadership in the post-cold-war era. I mean, it really is that simple.

It is above and beyond the issue of merely the chemical weapons treaty, which I will speak to in detail, and why this treaty is such a good treaty. But it is well beyond that. It is well beyond that.

Over the course of two decades and three administrations, the United States of America has led—has led—the world in developing a comprehensive treaty designed to outlaw chemical weapons. Now, less than a week before this treaty goes into effect, with or without the United States of America, the world watches to see what the world's greatest deliberative body is going to do. I mean, it sounds a bit melodramatic, but it is literally that serious. It is that fundamental.

This treaty is going into effect no matter what happens, because the way the treaty is, if over 65 nations signed on to it, it automatically goes into effect 6 months later. So whether we vote for it or not, a total of 74 nations of the world have now said, "This is a good treaty. We sign on to it. We commit to it." So it is going into effect.

What is it going to look like, as the world watches us—and, believe it or not, they watch us; the American public may not watch us a lot here in the Senate but the rest of the world is watching—when the possessor of the one of the two largest stockpiles of chemical weapons in the world, who unilaterally agreed to destroy those weapons—us—when we do not ratify a treaty that 74 nations have already ratified?

But there are the anti-arms controllers who believe there has never been an arms control agreement that is worth having. I respectfully suggest that the Senator from North Carolina is among them.

He stood up on the floor when we were debating this before it came on the floor, and he said, quoting someone, that America "has never lost a war, nor has it ever won a treaty."

Remember, that is what this is about. This dividing line is between people who believe that there is no way in the world you can multilaterally sign on to anything because you cannot trust anybody; the only thing we can trust is ourselves. Therefore, whatever we do, do it unilaterally. Senator HELMS has never voted for an arms control treaty on the floor of the U.S. Senate, including the ones negotiated by Nixon, Ford, Carter, Reagan, and Bush. We have all been here for all those Presidents.

I am not being critical. I just want to make you understand the dividing line here. This is not about the little pieces. This is about whether or not you think we can have any kind of multilateral agreements relative to controlling any kind of arms.

Our friend from Arizona, the distinguished Senator, Senator KYL, introduced a unilateral effort to stem chemical weapons. It was great, but it does not affect any other nations. No one else signed on to it. That is sort of the mantra you get from our friends who oppose arms control—we can do it ourselves. But how can we control the rest of the world unless they are part of an agreement that we are part of?

The real issue is, will we remain in the forefront of the battle to contain weapons of mass destruction, the preeminent security threat of this era, or will we retreat from the challenge and be lulled into believing we can combat this scourge of chemical weapons on our own? I know what the answer to that is. The answer is: We cannot do it on our own. I hope the Senate will answer in the affirmative that we have to do this globally.

But before we face that moment of decision sometime tomorrow evening, we are going to spend 2 days in debate here, and we are going to vote when I move to strike five specific conditions on the Helms proposal that is before us.

As we commence this debate, I think it is instructive to briefly trace the history of the problem of poison gas and the efforts of the world community to address the threat.

Today is April 23. And 82 years ago, almost, today, 82 years ago yesterday, April 22, at 5 o'clock in the evening, a green cloud boiled up out of the east near the town of Ypres in Flanders.

The modern use of chemical weapons had begun. On that day, the use of chlorine gas achieved a significant tactical advantage for the German attackers in World War I. But within 8 days, gas masks were made available to the allies and, thereafter, in World War I, the use of poison gas as a method of warfare was not especially effective as compared to the primary weapons of artillery and machine guns. But "terrible beauty had been born," to paraphrase Yeats—poison gas had been used.

As a weapon of terror, poison gas continued to be exceedingly effective in World War I and had an appalling effect on its victims along the front lines. Soldiers in trenches knew all too well the terror and horror of gas. Wilfred Owen, who was killed in action in 1918 described the terror in his poem, "Dulce et Decorum Est." I would like to read from that poem.

> Gas! Quick, boys!—An ecstasy of fumbling,
> Fitting the clumsy helmets just in time,
> But someone still was yelling out and stumbling,
> And floundering like a man in fire or lime.
> Dim, through the misty panes and thick green light,
> As under a green sea, I saw him drowning.
> In all my dreams, before my helpless sight,
> He plunges at me, guttering, choking, drowning.
> If in some smothering dreams, you too could pace
> Behind the wagon that we flung him in,
> And watch the white eyes writing in his face,
> His hanging face, like a devil's sick of sin;
> If you could hear, at every jolt the blood
> Come gargling from the froth-corrupted lungs,
> Obscene as cancer, bitter as the cud
> Of vile, incurable sores on innocent tongues,
> My friend, you would not tell with such high zest.
> To children ardent for some desperate glory,
> The old Lie: Dulce et decorum est,
> Pro patria mori.

Translated, it means: It is sweet and fitting to die for the fatherland.

The international revulsion against the use of poison gas in World War I led the United States, once again, to press for an international agreement banning the practice. The result, in 1925, was the Geneva Protocol, which prohibits the use in war of poison gas and bacteriological weapons. For much of this century, with a few exceptions, this norm was honored. During the Second World War, where restraints were hardly the rule, no party saw fit to violate the norm. Even Adolf Hitler obeyed it, although presumably not out of any sense of honor, but out of fear of allied retaliation. Hitler's restraint on the battlefield, unfortunately, did not carry forward to the concentration camps where he used gas to slaughter defenseless innocents, millions of them.

The norm contained in the Geneva Protocol eroded considerably in the 1980's, when both parties in the Iran-Iraq War employed gas during a war of attrition that ended in stalemate. The use of chemical weapons in that war provided no significant breakthroughs on the battlefield, but it did give Saddam Hussein an idea, and that idea was to use poison gas against defenseless civilians in Iraqi Kurdistan following a cease-fire in the war with Iran.

In August 1988, Saddam launched his final offensive against dozens of villages, killing hundreds and causing tens of thousands to flee to neighboring countries. A staff report prepared for the Senate Foreign Relations Committee by our present Ambassador to Croatia, Peter Galbraith, was based on interviews with survivors. He described the atrocities in vivid detail in that report: "The bombs"—meaning the chemical bombs—"did not produce a large explosion, only a weak sound that could be heard, and then a yellowish cloud spread from the center of the explosion. Those who were very close to the bombs died almost instantly. Those who did not die instantly found it difficult to breathe and began to vomit. The gas stung the eyes, skin, and lungs of the villagers exposed to it. Many suffered temporary blindness. After the bombs exploded, many villagers ran and submerged themselves in nearby streams to escape the spreading gas. Many of those that made it to the streams survived. Those who could not run from the growing smell—mostly the very old and the very young—died. The survivors, who saw the dead reported that blood could be seen trickling out of the mouths of some of the bodies, a yellowish fluid could also be seen oozing out of the noses and mouths of some of the dead. Some said the bodies appeared frozen. Many of the dead bodies turned blackish blue."

Saddam's outrageous act, unfortunately, prompted only muted response from the world community. One of the few sounds of protest came from this body, where Senator Claiborne Pell, now retired, and the chairman of the committee, Senator HELMS, promptly introduced legislation to impose sanctions against Iraq. The bill sailed through the Senate on a voice vote the day after it was introduced. Unfortunately, the Reagan administration, at that time still operating under the delusion that it could deal with Saddam, denounced the chairman's bill as premature and later succeeded in blocking its enactment in the final days of the 100th Congress—a fact we tend to forget.

Saddam's atrocities, although not a violation of the Geneva Protocol—you know, it wasn't a violation of the Geneva Protocol. That Geneva Protocol only banned the use of chemical weapons in war. This was not a war. So the irony of all ironies is that the first guy to use poison gas since the Italians in Ethiopia in the 1930's, didn't even violate the Geneva Protocol. It was used in the Iran-Iraq War, which was a violation because that was international war.

The Geneva Protocol bans the use of chemical weapons in warfare, and the extensive use of gas in the Iran-Iraq War was banned but still occurred. Ironically, it had a positive effect, Mr. President. They catalyzed the negotiations in the Conference on Disarmament on strengthening the Geneva Protocol, which were already underway. President Reagan gave the effort a very important push—that is, the effort to deal with containing chemical weapons—during his annual address to the U.N. General Assembly that fall, where he urged the parties to the protocol, as well as, other concerned states, to convene a conference to review the deterioration of respect of the norm against the use of chemical weapons.

France obliged President Reagan by hosting a special conference in January 1989. Eighteen months later, Saddam Hussein struck again by invading Kuwait this time. But this time the international community, led by President Bush, reacted forcefully to Saddam's latest outrage. Thankfully, chemical weapons were not used in the gulf war, although Saddam suggested he might do so. And an Iraqi weapons depot containing such weapons was destroyed by coalition forces after the war. Ironically, the only reported exposure to poison gas for allied troops resulted from an Iraqi stockpile that was perfectly legal under international law. The only thing illegal is to use it in international conflict—not to manufacture it, not to stockpile it, and not to use it internally.

The specter that chemical weapons might have been used in the gulf war, however, gave a new urgency to the negotiations on the Chemical Weapons Convention. In May 1991, President Bush who, as Vice President, had first proposed the draft treaty in 1984 on behalf of President Reagan—so Reagan proposed the first draft—President Bush announced several steps that spurred the negotiations to a successful conclusion. Specifically, he declared that the United States would forswear the use of chemical weapons against any state, effective when the Chemical Weapons Convention enters into force. Additionally, the United States committed to destroy all its chemical weapons stockpile.

So I want to get something straight here. Whether or not we are members of this treaty and have the benefits, we are going to destroy our chemical weapons anyway. We have already decided to do that. We have already pledged to do that. President Bush pledged that once the convention went into force, we would also forswear the use, period. The Bush proposal, made at the time, had the desired effect. Within months, the negotiations on the Chemical Weapons Convention were completed. The treaty was signed by Secretary of State Eagleburger on January 13, 1993, 1 week before President Bush left office.

Now, Mr. President, this review of the history of the Chemical Weapons Convention is necessary not only to set the stage for this debate, in my view, but also to rebut the myth which has arisen in some quarters that this is President Clinton's treaty. This is President Bush's treaty and President Reagan's treaty. The treaty was initiated by Reagan, concluded by Bush. This week, we can continue that Republican legacy by giving the Senate's consent to ratification of the Chemical Weapons Convention. So this is not a product of anything other than the intensive efforts on the part of this administration to pass a treaty signed by a Republican President, of which this President did not change a single word, did not have one bit of input on. The only input the present President had is on seeking the Senate's approval. Had President Bush been reelected, it would be real clear that this is a total Republican product, which is a good thing, not a bad thing. The reason I am bothering to say this is, if you listen here, you hear a lot of confusing talk, because some of my Republican friends understandably aren't real crazy about President Clinton, you will hear this talked about, saying the President did this and that, and the President promised this or that. This President had nothing to do with this treaty, zero, nothing. In getting it ratified, he has been tremendous in helping that process. So I do not want anybody getting confused here. If you do not like this treaty, dislike it for a good reason. Don't dislike it because you do not like the foreign policy of Clinton or you do not like the domestic policy of Clinton or you do not like President Clinton. This is a Republican treaty, born and bred.

By the way, I think it is one of their proudest achievements. I think it is a fine thing, and they deserve the credit. But let's not get into these—you will hear these ad hominem arguments this day about this liberal President did this liberal thing; we got sucked in by these all-knowing and smarter nations to get us to do these things with the treaty. Malarkey. Bush and Reagan said we are not going to use any chemical weapons; we are going to destroy our stockpiles; whether there is a treaty, or not, we will put that in the legislation; we are going to destroy our stockpile. They negotiated a treaty and sent it up here. Unfortunately for President Bush, he was not reelected. So it is left on the watch of this President to get it ratified. There are the facts.

The question still remains, though, regardless of who negotiated this treaty, why do we need it? The answer still, in essence in my view, is very simple. Notwithstanding the Herculean efforts of my friend from Arizona, Senator KYL, who is on the floor, we cannot contain the threat of chemical weapons on our own. Let me repeat that. We cannot contain the threat of chemical weapons on our own. I would love it if we could. It should be obvious that our objective of combating the global threat of chemical weapons cannot be met without working in concert with other nations. We may be the world's lone superpower, Mr. President, but that does not empower us to solve the chemical weapons problem on our own.

Mr. President, the convention is quite detailed, as it necessarily must be. This is the treaty. It is quite detailed in its several provisions upon which there will be specific debate over the course of the next 2 days. But, for the moment, let me highlight the reasons why this treaty will advance our national interests.

First, the convention addresses two key flaws in the Geneva Protocol—that is the thing that outlaws the use of chemical weapons in international war—which focused on a single wrong. The Geneva Protocol focused on one thing. It banned the use of chemical weapons in international armed conflict, period. A good thing, but not nearly enough.

The reason we need this treaty: The first reason is the Geneva Protocol doesn't ban the internal use of chemical weapons, and it says nothing about stockpiling the development of or the production of chemical weapons. Today, roughly 20 countries are believed to either possess chemical weapons or have a program aimed at acquiring such weapons. Included on this list are such pariah states as Iraq, Iran, Libya, or North Korea. Under current international law there is nothing illegal about these programs—nothing, zero, nothing illegal about these programs. The Chemical Weapons Convention will make them illegal and thus serve to isolate those who ignore this international norm.

My friends will later point out today and tomorrow that unless these countries all ratify and become signatories, we should not. Let me explain to you why it is equally important that we determine who is inside the norm and who is outside the norm. The convention will provide a moral, if not legal, basis for taking military action against a chemical weapons program that poses a threat to peace whether or not that nation is a signatory to the convention. Let me explain what I mean by that.

Let's assume that North Korea or Libya never entered this convention. Let's assume we enter it and the other nations who have signed it enter it. Let's assume that number, which I think is realistic to assume, gets closer to 100. Let's assume Libya, that we find out, or are able to demonstrate to the world through this international group of inspectors or through our own national technical means, that Libya is producing and stockpiling chemical weapons. Even though they have not signed onto the treaty, let's assume that we conclude that we should take military action to take out that capability—"take out" meaning bomb it, destroy it, get rid of it—I believe, and I predict that you will see the world community sanctioning that action, at a minimum by their silence and probably with an overwhelming degree of support.

But let me ask it another way. Let's say we don't sign onto this treaty. Libya develops a significant stockpile of chemical weapons. We identify it, show the world, and decide we are going to take it out. What do you think will happen then? Do you think there is any reasonable prospect the world will coalesce around our effort to protect us and the rest of the world? I respectfully suggest to you that there is not a chance. So this is a significant inhibitor even to those nations that do not sign onto the treaty because it establishes an international norm.

The second reason why this treaty is important is that the Chemical Weapons Convention provides this strict regime for controlling trade in precursor chemicals used in making chemical weapons because chemicals commonly used in industry are also able to be used to produce chemical weapons. The only way to effectively control chemical weapons on a global basis is to provide a strict control and monitoring regarding the commercial trade in these kinds of chemicals that can ultimately produce chemical weapons. Accordingly, the convention provides several mechanisms, including annual reporting by companies and export controls, to track the chemicals. Parties which do not join the treaty will be left on the outside of the system subject to cutting off trade in those certain chemicals, along with other restrictions that the convention will impose.

Failure to ratify the convention will in time impose onerous costs on any chemical industry in any state that does not sign, including our own. In our case, it will be the loss of—at minimum—hundreds of millions of dollars in lost export earnings annually. This financial loss would be a cruel irony because the United States pushed to put these controls in the treaty.

Do you all remember when we were trying to track down who sold the technology and the material to the Iraqis to build their nuclear and/or chemical capability? Remember all of that? We tried to track down, and we tracked down some German companies which had provided the engineering and other companies from France, and other countries had provided some of the material, et cetera.

Guess what? It is important to know who is selling what. Any outfit that signs onto this treaty could not sell without reporting in detail what they sold to each of these countries who are signatories to the treaty. Guess what? If you don't ratify the treaty and you sell certain chemicals abroad, you will be unable to sell them to the countries that have ratified, including our largest trading partners. Chemicals are our single largest export. OK? I know people who think I am a little prejudiced on this because I come from Delaware, occasionally referred to by some facetiously as "The State of DuPont." Chemicals and the chemical industry make up 51 percent of the industrial products of my State. If we do not sign onto this treaty, we are in real trouble because then we can't trade our chemicals. We can't trade certain chemicals, which is our State's biggest export and which produces the most jobs, other than agriculture. We can't trade. We will have tariffs put up against us in other countries.

Why do we do that? We, the United States, President Bush did that because we were so sure that we would sign on and see the wisdom of this. We wanted to make sure that countries who didn't sign on suffered a penalty for not signing on.

So now, if we vote this voice vote which we are going to have after our caucuses, as Senator **HELMS** proposes, guess what? We kill the treaty and our chemical industry, and the jobs associated with it will be in real trouble.

But remember why that was put in there. It was put in there because we want to track chemical trade. You know everybody is watching the Timothy McVeigh trial. You don't have to be a rocket scientist or an expert in chemicals to know that one of the things the prosecution is trying to do is they are trying to find out whether he purchased any material that could be used to make the bomb. So they are trying to find a chain. They are trying to work their way back. That is the way you stop the building of chemical weapons. If you are going to go make chemical weapons, you need certain chemicals. Countries like Iraq and countries like Libya don't have them. They need to buy them from someplace that manufactures them and then go make their chemical weapons.

So another inducement to prevent the construction of chemical weapons is that we track the material that could be used, components, to make the chemical weapons. If company officials know they are going to be violating the law if they don't record that they sold 10 barrels of such and such, that is one side of the sanction. But they also know that, if they sell it to countries that use it to produce poison gas, and report it, then they are going to be responsible in the world's eyes.

What do you think would happen if we knew today each of the chemical companies around the world that sold to Iraq the components of the chemical weapons that they used against the Kurds? What do you think would happen if we are able to identify company A, B, C, and D? I bet you that there would be a serious change in attitudes on the part of those companies.

There is no reason to believe this, but let's assume that we identified American corporations which had sold the material to the Iraqis to build their chemical weapons stockpiles. I will lay you 8 to 5 that the Senators on the floor of this Senate and Congressmen in the House of Representatives would immediately be introducing legislation to sanction those companies, and those companies would know that was about to happen to them.

So you see the logic here. If you can trace the chemicals being sold to produce the weapons, you inhibit the likelihood that any company will sell that precursor because they don't want to be listed as the company or the nation that helped North Korea build chemical weapons.

Technically, not all trade in the chemicals on what they call schedule 2 of this treaty would be banned immediately if we do not sign on, and trade in schedule 3 chemicals, would also not be banned immediately. But trade between countries that ratify and countries that don't in all of those chemicals that appear in schedule 2 will be banned in 3 years, and in schedule 3, possibly in 5 years. That means that, if we are not signed onto that at the front end or along the way, all those chemicals that have legitimate uses could not be sold for legitimate purposes without the chemical company being at a distinct disadvantage with the competitors in Europe and elsewhere.

The third reason we need the Chemical Weapons Convention is that the United States has already decided by law—voted on in this body—to destroy most of our chemical weapons stocks anyway, a decision jointly made by the Congress and, guess who, "trust but verify" Reagan. In the 1980's, President Reagan, after consulting with his military advisers, said, look, these chemical stockpiles, the hundreds and hundreds of tons of chemicals weapons that we have stockpiled in the United States, have little or no efficacy. Our military tells us we don't need them to defend against other nations that use chemical weapons, and we don't need them for offensive purposes and they are unstable, so we are going to independently destroy them. And we passed a law saying you are right, Mr. President Reagan, destroy them.

So think of the irony. We are going to destroy our chemical weapons no matter what, and we may not join a treaty that requires other nations to destroy their chemical weapons.

After the gulf war, President Bush announced that we would destroy the rest of our chemical weapons other than the ones that President Reagan said we are going to destroy anyway. Then President Bush, after the Gulf war, said we are going to destroy anything that is left once we ratify the chemical weapons treaty.

There is a connection here. I used to practice law with a guy who was a very good trial lawyer, Sidney Balick, still a great trial lawyer. He would stand before a jury, teaching me how to do jury trials, and he would look at the jury and say now look, it is very important you keep your eye on the ball here. The issue is whether or not my client robbed the store, not whether my client is a nice guy, not whether or not you would want my client to go out with your daughter, not whether my client is well dressed, not whether my client is nice looking. It is about whether or not he robbed the store. So keep your eye on the ball and connect the dots.

Well, one of the things we have to do is keep our eye on the ball here and connect the dots. One of the reasons why President Bush said we will destroy the rest of our chemical weapons was to help get ratified this treaty that we were the major architects of—a Republican President. And so because we have already decided to dismantle our chemical stockpiles, this convention we are talking about, this treaty will ensure that other nations do so as well.

As Secretary of State Albright said: "This treaty is about other people's weapons, not our own."

Let me repeat that. "This treaty is about other people's weapons, not our own." We are going to destroy our own anyway. This is about other people's weapons. You are going to hear our colleagues stand up and say, you know, we should not ratify this treaty, although it has been signed by Russia, until it is ratified by their Duma, their Congress.

Now, we are going to destroy our weapons anyway. We then do not ratify this treaty. Failure to ratify this treaty then gives Russia the excuse not to ratify the treaty. We will have destroyed all of our chemical weapons and Russia will still have millions of tons of stockpiled chemical weapons. Now, isn't that smart. Isn't that smart. What are we talking about here? This is about other people's weapons, not ours, not ours.

The conclusion that we do not need chemical weapons to protect our military superiority, by the way, is based not on some reckless idealism but on hardheaded pragmatism on the part of the Joint Chiefs. Military leaders like Gen. Norman Schwarzkopf, Gen. Colin Powell, former Secretaries of Defense Harold Brown and William Perry tell us that we do not need chemical weapons to defeat any potential adversary whether or not that adversary is armed with chemical weapons. We can engage in massive retaliation.

This treaty, by the way, is also endorsed by several highly respected veterans organizations. The list includes the Reserve Officers Association, the Vietnam Veterans Association, the Veterans of Foreign Wars, and the Jewish War Veterans of the United States.

Of course, Mr. President, we have to maintain a capacity and capability to defend against chemical weapons, against parties that may choose not to join the treaty or those which do not abide by its norms. But the danger that our forces will face chemical attack will in time be greatly reduced once this treaty is passed. So too will the threat that innocent civilians will be subject to such attacks by rogue states.

The fourth reason we need this convention is because it will greatly enhance our ability to detect and deter chemical weapons programs. Through a detailed accounting procedure and an elaborate regime of on-site inspection, the most intrusive inspection regime of any arms control agreement ever negotiated, the Chemical Weapons Convention will strengthen our ability to ensure compliance.

You are going to hear another argument which I kind of find fascinating. As the Senator from Indiana and I tried to answer each of the arguments of the opponents of this treaty, we realized that by answering one we make their other argument. They argue at cross-purposes. For example, you will hear some stand up one moment and say this treaty is not adequately verifiable. And we say OK, we have an inspection regime that allows you to go into plants in other countries, challenge inspections without notice, et cetera. They say, well, it is not enough. It is not enough. And we say OK, want to do more? They say, no, no, no, no, we can't do more. We don't want to do more. We don't want to verify.

Why don't we want to verify? Because to verify intrudes upon your sovereignty.

So you hear a second argument. Senator HELMS made it. He says, you know, this treaty will allow people to go into the plants of chemical industries in the United States and pharmaceutical industries—and soap manufacturers, which is not true—and steal their trade secrets. So someone is going to challenge the DuPont Co., the international community, saying we think you are making chemical weapons. So this team of inspectors will go into the DuPont Co., they will have us believe, and they will root around the DuPont Co.'s books and look at all their patents and look at everything and steal their trade secrets, take them back to Iraq and now make nylon or make Corfam, which no one uses anymore. And we say, well, to the degree we protect against that, we lessen the ability to verify. And to the degree we increase the verification, we can protect less against that.

The truth is neither are real. There is an entire regime built into this convention that will prevent anybody from being able to steal any trade secrets. But the point is you will hear these arguments. Ask yourself as this debate is going on, if they are really concerned about verification, why do they not want a greater ability to verify. And if they are really concerned about the loss of proprietary business interests and secrets, why do they not understand that they really do not want to verify.

With or without the treaty, Mr. President—this is a key point—whether we sign this treaty or not, the United States intelligence community, the defense intelligence establishment, the CIA, our entire intelligence apparatus, is still going to have the duty to monitor chemical weapons programs in other States. The President will demand no less, nor would we as a Nation. So no matter what we do, we are still going to be attempting to monitor through any means we can what is going on in Iran with regard to chemical weapons or Iraq with regard to chemical weapons, whether or not we verify. But what happens if we do not verify? Well, if we do not verify, then we do not get the ability to go into Iran, a signatory to this convention—and look at their companies, look at their facilities, challenge whether or not they are in fact lying to us. We do not get to be part of that. We have to do it from a distance.

Now, how does that help us? No matter how weak you think the inspection regime is, how are we better off in our ultimate objective—and that is finding and getting rid of chemical weapons programs around the world—how are we better off by not having access to the inspections that we could be part of conducting if we are part of the treaty?

In my view, every single criticism you will hear of this treaty is worse without the treaty. Every single problem you will hear raised is worse for the United States if we are not in the treaty. I will not take the time now to go into all of them but this is just one. Since we have to have our intelligence guys and women find out what other countries are doing, how are we better off when we do not give them the tools that this treaty provides to find out what other nations are doing.

This view is confirmed by George Tenet, the acting director of Central Intelligence, who testified:

> In the absence of the tools that the Convention gives . . . us, it will be much harder for us to apprise . . . the military and policymakers (about) developments.

Developments meaning chemical weapons. Of course, there are going to be cheaters. But the extensive verification regime will surely raise the stakes considerably for cheaters and act as a deterrent.

Ron Lehman, the Director of the Arms Control and Disarmament Agency under President Bush and the Deputy National Security Adviser under President Reagan, stated:

> We do not have the highest confidence that we will detect cheating, but the cheater must still worry that we might. Should we deny ourselves the strategic warning that comes from the detection of indications of chemical weapons activity, even if there is not complete proof? With the inherent difficulties in monitoring chemical weapons activities, we need all the help we can get.

Mr. President, it comes down to a simple question. Given that the treaty will enter into force next week without regard to our action, will we be better off inside the treaty or outside the treaty grouped with the pariah nations? I believe the answer is absolutely clear. We should be on the inside helping to implement the treaty that can be a powerful instrument in containing the threat posed by chemical weapons. It is not perfect, but we should not let the perfect be the enemy of the good. This is a good treaty and the Senate should consent to its ratification forthwith.

Before we go to the final vote on the treaty itself, however, we will have a full day of debate and then tomorrow consider the various conditions contained in the proposed resolution of ratification. As provided for in the unanimous consent agreement reached last week, we will consider two sets of conditions. The first is a group of 28 conditions upon which all the parties have negotiated.

Senator HELMS laid out how long and hard he and I negotiated. I asked him and all opponents, I said list the entire universe of objections you have to this treaty, every single, solitary, conceivable reason to be against the treaty. And after months they listed them all. It came to 33 there was no agreement on. I sat down with Senator HELMS and we worked out agreement on 28 of the 33. Hear what I said, 28 of the 33. I asked every argument of the treaty; list it; let me try to answer it for you—every single one. So the entire universe of objections comes down to 33. We agreed after laborious negotiations on 28 of the 33, leaving five in disagreement.

We are going to, at some point, move to adopt all 28 of those by voice vote. But that leaves the five, the five that are killer conditions.

Mr. McCAIN. Will the Senator yield for a question?

Mr. BIDEN. Sure.

Mr. McCAIN. Was the Senator aware that Senator Dole, former majority leader, has just announced his support of the treaty with the changes that have been made, which the Senator from Delaware was able to achieve in this agreement? I think this is a very important expression of support and one that I feel will be very much respected by our colleagues on both sides of the aisle.

Also, I was curious, for purposes of the time, how much longer the Senator from Delaware statement will be?

Mr. BIDEN. I will just take a few more minutes and reserve the remainder of my time. But let me answer the question. As the Senator from Arizona stood up to tell me that, my staff just handed me the news release. I was not aware until he just told me, but it does not surprise me and it pleases me a great deal. You and I worked with Senator Dole for a long time, I for 24 years, and have great respect for him. I was absolutely convinced that the conditions that we agreed on would take care of every conceivable problem he had with the treaty. I think it does for everyone, frankly.

I know my friend from Arizona was very concerned about several provisions of this treaty. He has been deeply involved in the negotiations relating to this, and I think we have taken care of every condition that can possibly be dealt with, without killing the treaty.

The remaining five conditions are conditions that cannot be met and will kill the treaty. So the reason we could not agree to the last five is they are what we call, in the parlance of the Senate, "killer amendments," or "killer conditions."

But I am very pleased, as I say, not surprised. Because in all the years I have worked with Senator Dole I have had the greatest respect for him and I have no doubt that he has thought about this long and hard. I am glad to see he has spoken out, now, which is very important.

As I said, as provided for in the unanimous-consent agreement reached last week, we will consider two sets of conditions. The first is a group of 28 conditions, upon which all parties to the negotiations agree. The second is a set of five conditions that remain in disagreement among the parties; these five will be the subject of a separate debate and vote tomorrow.

The 28 agreed conditions are the product of hours of negotiation that occurred in two complimentary phases. The first involved discussions between the administration and a task force of Republican Senators established by the majority leader. The second involved extensive negotiations between the chairman of the Foreign Relations Committee and me.

At this point, I would like to express my personal appreciation to the chairman of the Foreign Relations Committee, and his able staff, for engaging in hours of discussions with me and my staff. Throughout the past few months, we held over 40 hours of meetings. Although we did not always agree—obviously, we would have been here on the floor a lot sooner if we had—the discussions were carried out in good faith, and the Senator from North Carolina was always a gentleman.

I would also like to pause here to express my appreciation to the majority and minority leaders, who spent many hours on this over the past few months, and to the President, the National Security Adviser and his dedicated team, and the Secretary of State, for all their efforts in trying to forge common ground and narrow the issues.

And we have narrowed the issues considerably. The negotiations succeeded in addressing many key issues of concern. Let me elaborate briefly on these conditions.

Among the 28 agreed conditions are the following:

A condition [No. 28] ensuring that fourth amendment rights will be protected by requiring search warrants in cases where consent to search a facility is not granted.

A condition [No. 26] providing for the continued use of riot control agents by U.S. troops to save lives when rescuing pilots or when attacked by both combatants and civilians.

Several conditions which augment existing protections for industry, including: No. 9, which requires an annual certification that the CWC is not significantly harming legitimate commercial activities; condition No. 16, which adds teeth to the convention's provision on protecting confidential business information by withholding U.S. contributions to the Organization for the Prohibition of Chemical Weapons—the body that will implement the treaty—if an employee discloses information that results in financial loss to a U.S. firm; the money will be withheld until the immunity of that employee is waived; and condition No. 18, which prohibits samples collected from U.S. firms from being taken to foreign laboratories, thus reducing the risk of the loss of proprietary information to foreign espionage.

Conditions No. 2, 3, and 4, which hold down U.S. costs under the convention and require establishment of an inspector general for the body that will implement it.

A condition [No. 5] which establishes strict standards for the sharing of U.S. intelligence information.

And a condition [No. 14] which rejects any attempt by Russia to link its own ratification of the CWC to the receipt of U.S. assistance for chemical weapons destruction.

Some treaty opponents have attempted to characterize these achievements as relatively minor. That is hardly the case.

For example, throughout the debate on the convention, opponents have contended that it would violate the fourth amendment prohibition against unreasonable searches and seizures. Though this was never the case, condition No. 28 makes it explicitly clear that search warrants will be required whenever consent is withheld for an inspection.

Similarly, CWC opponents have frequently criticized the Clinton administration's decision to interpret the convention as requiring modifications to U.S. policy, codified in Executive Order 11850 of April 8, 1975, on the use of riot control agents by U.S. forces in certain situations.

Condition No. 26 states, unequivocally, that Executive Order 11850 shall not be altered or eliminated.

In short, many arguments about the treaty's perceived flaws are simply no longer valid in light of the agreed conditions contained in Senate Executive Resolution 75.

Unfortunately, our success in addressing so many concerns has not been enough for some treaty opponents. They insist on voting on five extreme conditions, which, if adopted, will prevent the United States from ratifying the convention or will significantly undermine the convention.

An opportunity to vote on these extreme conditions was coupled with a refusal to give the supporters of the treaty an opportunity to offer any substitutes.

So we will be left with one course—to vote against the conditions offered by the opponents of this treaty. I regret that outcome—but that is the hand we have been dealt.

During the next 2 days, we will debate these five conditions, and at an appropriate time, I will discuss them in detail. Let me now address a few of them briefly.

First, the opponents of the convention will argue that we shouldn't join the convention until Russia, as well as several countries with offensive chemical weapons programs, do so, too. We will have 2 hours of debate on these issues tomorrow, but for now let me just say this: this approach holds American policy hostage to the decisions of other nations, which is not only bad policy, but it also undermines our claim to international leadership.

Opponents will also say that even if the rogue states join, the treaty won't be worth much because they will cheat. To this charge, there is an easy answer, provided by our Secretary of State: to say that we shouldn't try to make chemical weapons illegal because there will be cheaters, is like saying that we shouldn't have laws because people will break them.

Next, you will hear the argument that we must amend article XI of the treaty, or else it will lead to the end of export controls on dangerous chemicals. This argument is based not only on a flawed reading of the treaty text, but on a willful ignorance of commitments already made.

The CWC is completely consistent with continued enforcement of existing controls enforced by the Australia Group, an informal alliance of supplier countries.

Moreover, the 30 nations that comprise the Australia Group have specifically stated their intention—individually and collectively—to maintain export controls that are equal to, or exceed, those in place today.

Finally, we have added a condition—condition No. 7—which makes clear our interpretation that we may maintain export controls, and which requires the President to certify annually that the Australia Group continues to control the trade in vital chemicals.

Even after all of this debate—and all of the voting—I suspect that the opponents of this treaty will still not be satisfied, even if they succeed in attaching killer conditions. That is because, at bottom, they have a theological opposition to arms control. That is defensible position. I respect it. But I strongly disagree with it.

In essence, opponents of arms control fear that a treaty like this will lull us into a false sense of security. This proposition, I concede, has considerable force. But I am not persuaded.

There is, of course, always a risk that a nation will lower its guard in the face of a reduced threat. But today's debate is not the end of our efforts on the chemical weapons problem. To borrow a phrase from Winston Churchill, it is not even the beginning of the end; it is the end of the beginning.

From this day forward, if we approve this convention, as I sincerely hope we will, both the Senate and the executive must remain ever vigilant against the threat of chemical weapons—and ensure that we have an effective convention.

We have added several conditions to the resolution of ratification to advance this objective. We have made a commitment, in condition No. 11; that requires the Secretary of Defense to ensure that U.S. forces are capable of carrying out military missions regardless of any foreign threat or use of chemical weapons. We have required, in condition No. 10, an annual report on compliance issues. We have established, in condition No. 13, a mechanism for ensuring that the President promptly pursues potential violations that threaten our national security interests.

Aside from these concrete conditions, however, our experience with other arms control agreements demonstrates that the political commitment remains, and that the dangers of complacency are greatly exaggerated.

Nearly 30 years ago, we signed the Nuclear Non-Proliferation Treaty amid predictions that dozens of states would have nuclear weapons within a decade. Today, we are more concerned than ever about the threat of nuclear proliferation, the Non-Proliferation Treaty has been extended permanently, and just a handful of states have the bomb.

During the 1980's, we had constant debates about whether the Soviet Union was complying with its obligations under the Anti-Ballistic Missile Treaty. Not once did we let down our guard against the Soviet threat.

The thesis that we will be lulled into a false sense of security applies not to the convention, but to the alternative: to doing nothing other than strengthening our domestic laws against chemical weapons—which was all the Senate achieved last week in passing S. 495.

Revision of our domestic laws to criminalize possession and stockpiling of chemical weapons is necessary—with or without the treaty. But it is a delusion to believe that merely enacting domestic legislation will suffice to combat an international problem of this magnitude and gravity. Rather, it will take close cooperation by the civilized nations of the world to enforce the new international norm set forth in the Chemical Weapons Convention.

Mr. President, as I stated at the outset, the world—and this is no exaggeration—is watching the U.S. Senate today and tomorrow. They are waiting for the answer to the question, will we, the United States, remain in the forefront of the battle to combat proliferation of weapons of mass destruction? We must answer that in the affirmative. Put it another way, does anybody believe that 74 nations would have signed onto this treaty if they believed the United States of America was not going to support them? We have led people down the primrose path, if in fact we do not sign onto this treaty.

I see that my friend from Indiana, who probably knows more about the chemical weapons treaty than anyone in the U.S. Senate, or maybe anyone in the country, has risen. I will be happy, if he is seeking recognition, to yield as much time to him as he believes he needs.

Mr. LUGAR addressed the chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank my colleague from Delaware for a remarkable speech in favor of the Chemical Weapons Convention, and for his leadership. I thank the distinguished Senator from Arizona, Senator MCCAIN, for a very important announcement. I have in front of me the statement given by Senator Dole at the White House. I point out the context of this statement was a meeting with Senator Dole and President Clinton, in which these two statesmen came together this morning for a very important purpose, namely to say to America, in a unanimous way, the Chemical Weapons Convention is important for our security.

Senator Dole stated:

> Last September, the Senate Majority Leader, Trent Lott, asked me to express my opinion on the Chemical Weapons Convention. In my response, I raised concerns about the Chemical Weapons Convention and expressed hope that the President and the Senate work together to ensure that the treaty is effectively verifiable and genuinely global. They have, and as a result, 28 conditions to the Senate's Resolution of Ratification have been agreed to. These 28 agreed conditions address major concerns.
>
> I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and administration officials for their constructive efforts, is it perfect—no—but I believe there are now adequate safeguards to protect American interests. We should keep in mind that the United States is already destroying its chemical weapons in accordance with legislation passed more than 10 years ago. The CWC would require all other parties to destroy their stockpiles by April 2007.
>
> In addition, the Administration has agreed to a number of provisions dealing with rogue states that remain outside the treaty.

The Senator attaches a letter from President Clinton to Senator Dole dated April 22, 1997, outlining those provisions. And then Senator Dole continues:

> I also understand there is a possibility of an additional agreement with respect to sharing of information. If so, it would further strengthen the treaty. I understand that even with all the added safeguards, not every Senator, for their own good reasons, will support ratification.
>
> As a member of the Senate, I supported the START I, START II, INF, and CFE treaties

> because they met the crucial tests of effective verification, real reductions, and stability. If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to.
>
> Those who may still have concerns can look to Article XVI, which allows withdrawal from the treaty on 90 days notice if it fails to serve America's vital interests. There is little doubt in my mind that if this convention increases proliferation of chemical weapons, it would lead to public outrage which would compel any President to act. The bottom line is that when it comes to America's security, we must maintain a strong national defense that is second to none.

As the Senator has pointed out, we will have in front of the body this afternoon, first of all, all 33 conditions, including 5 that are killer amendments. We must vote those down. We will have, then, before us, 28 agreed amendments that Senator Dole has referenced. We should vote in favor of those, and then proceed in this debate to strike the other 5.

We are here today to discuss the ratification of the Chemical Weapons Convention.

I say to my colleagues that, in performing its constitutional responsibilities with respect to treaties and international agreements, the Senate has to reach a judgment as to whether, on balance, U.S. acceptance of the obligations contained in the treaty serves the national interests of the United States. That phrase, on balance, is important, because in arriving at our judgment, we have to weigh the strengths and weaknesses of a treaty's provisions and decide whether the advantages or benefits outweigh any real or potential costs.

If one believes that the benefits outweigh the costs, one will write and support one kind of resolution of ratification that consents to the treaty while utilizing conditional language to clarify or minimize perceived weaknesses. However, if one believes that the costs of U.S. participation outweigh the benefits, one will write and support a very different kind of resolution of ratification.

It is my belief that the Chemical Weapons Convention, on balance, is in the national security interests of the United States, and thus I believe the Senate should ratify a resolution of ratification which allows the United States to deposit its instrument of ratification and become a state-party to the CWC.

As Senator BIDEN pointed out, this international treaty was negotiated by Presidents Reagan and Bush and was signed by Secretary of State Eagleburger in January 1993—just before George Bush left office.

Senator BIDEN was generous in pointing out that these were two Republican Presidents, Secretary Eagleburger was a Republican Secretary of State. It is appropriate that Senator Dole, as Republican candidate for President, join with President Clinton today, once again affirming that the CWC is in the best national interests of our country.

THE NEED FOR THE CWC

Mr. President, we need as many tools as possible to combat the proliferation of weapons of mass destruction, given the fact that many countries of concern have the capability to manufacture these weapons. We need this treaty as a global norm whereby nations foreswear the use of their domestic capabilities to produce chemical weapons. In this regard, the CWC is the most comprehensive nonproliferation and arms control treaty in history and is a critical supplement to the Geneva Convention of 1925.

The CWC fills the gap that the Geneva Convention does not address. While, the Geneva Convention bans the use of chemical weapons as an instrument of warfare, the CWC forbids even the mere possession of chemical weapons.

It prohibits member-states assistance to any chemical weapons program, thereby helping to cut off supplies to rogue nations such as North Korea and Libya who are not likely to subscribe to the CWC. Some have criticized the treaty because they say participation will not be truly global. I certainly recognize that a number of problem countries are not likely to join the CWC. So be it. The CWC will serve to isolate them in the international community and compel participating countries to restrict chemical trade with them. Participating countries who may now support the chemical weapons proliferation projects of outlaw states in a variety of ways will be obliged to terminate any such help as soon as the treaty enters into force. In this context, it is important to note that the CWC prohibits any assistance to another country's chemical weapons program—not just chemical transfers.

As Gen. Norman Schwarzkopf has said, "We don't need chemical weapons to fight our future warfares. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs in that particular matter."

Some of my colleagues have argued that we shouldn't ratify the CWC until the Russians do so. I disagree. United States ratification of the CWC will put pressure on Russia to follow suit since they don't want to be outside of the broad consensus of the international community. However, even if the Russians fail to ratify, the treaty still serves United States national interests because we have already made a unilateral decision never to deploy CW, even if such weapons are used against us. This treaty commits other nations to do what we have already done. It will make less likely that U.S. forces will face chemical weapons in future confrontations.

On April 4, 16 retired generals and admirals wrote to President Clinton supporting the Senate's consent to ratification of the CWC. Gen. Colin Powell, Gen. Norman Schwarzkopf, Gen. John Vessey, Adm. William Owens, Adm. Stansfield Turner, Adm. Zumwalt and others joined Gen. Brent Scowcroft and the current Joint Chiefs of Staff in supporting the treaty. They wrote:

> Each of us can point to decades of military experience in command positions. We have all trained and commanded troops to prepare for the wartime use of chemical weapons and for defenses against them. We all recognize the limited military utility of these weapons, and supported President Bush's decision to renounce the use of an offensive chemical weapons capability and to unilaterally destroy U.S. stockpiles. The CWC simply mandates that other countries follow our lead. This is the primary contribution of the CWC: to destroy militarily-significant stockpiles of chemical weapons around the globe.

Our military leaders concluded:

> On its own, the CWC cannot guarantee complete security against chemical weapons. We must continue to support robust defense capabilities, and remain willing to respond—through the CWC or by unilateral action—to violators of the Convention. Our focus is not on the treaty's limitations, but instead on its many strengths. The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities; and it creates new international sanctions to punish those states who remain outside of the treaty. For these reasons, we strongly support the CWC.

The CWC will compel other countries to pass domestic laws criminalizing all chemical weapons related activities on their soil and thereby give them an effective tool to deal with terrorists. In this regard, it is interesting to note how quickly Japan ratified the CWC after the poison gas attack in the Tokyo subway.

Mr. President, I understand well that some have argued that the treaty is not completely verifiable and therefore not worthy of U.S. ratification. No—the treaty is not 100 percent verifiable and we who support the CWC do not argue that it is a perfect and infallible instrument. We all recognize that a dedicated proliferator may be able to conduct a clandestine chemical weapons program and not be discovered. But that's not a fair test for an up or down vote on ratification. The CWC will complicate life for proliferators by making access to technical assistance and supplies more difficult and expensive to acquire. The treaty's verification provisions cover every aspect of a chemical weapons program from development through production, stockpiling, transfer, and use.

The CWC provides the necessary incentives for states who are considering entering the chemical weapons business to refrain from so doing. It provides an incremental yet substantial step forward in the fight against the proliferation of weapons of mass destruction.

The allegation that the treaty is unverifiable is ironic, given fearmongering from the same quarters about the treaty's allegedly draconian inspection and reporting requirements. How can it be both too tough and not tough enough? How can critics who supported, during the negotiations of the CWC, an inspection regime based on the principle of "any time, anywhere" now argue that the present inspection regime is too intrusive.

WHY MUST WE RATIFY NOW

Mr. President, we should not let the CWC enter into force without United States participation. In fact, I regret that we have waited as long as we have to debate this treaty. On April 29, 1997, this multilateral convention will enter into force whether the Senate has acted or not.

What are the consequences for the United States if it is not a party to the CWC when it enters into force.

First, instruments lost: First of all, without the CWC, there is no basis on which the United States can "bound" the chemical weapons problem. The CWC will help diminish the challenge in a way that allows the full panoply of policy tools—export controls, economic sanctions, diplomacy, chemical defense, and military options—to be brought to bear against the real miscreants such as Syria, Libya, and North Korea.

The existing 1925 Geneva Protocol only bans use; there are currently no restrictions on anything related to chemical weapons short of use including development, production, storage, deployment, or transfer. Iraq demonstrates that states interested enough to develop and produce chemical weapons have a reason to use them and would likely do so, regardless of the Geneva Protocol. There is no certainty that states who may have—undeclared—CW stockpiles will be under obligation to destroy them, as the United States has already unilaterally decided to do.

Without the CWC the international norms against chemical weapons will erode, increasing the likelihood of their use. Despite the emphasis on power in international politics, norms do count. They provide the standards by which acceptable behavior of states can be judged and serve as the basis for action by the international community when certain behavior is deemed unacceptable. Strong global norms against chemical weapons could be one factor shaping the decision not to pursue them by countries who might consider exploring the option.

U.S. credibility in pushing its specific positions in arms control forums will be undermined. Why should other countries pay attention to the United States and seek to accommodate its concerns if the United States is not going to support the final product at the end of the day? The standards on which the CWC is based are those put forward by President Reagan and President Bush. The balance of intrusion and constitutional and commercial protection displayed in the CWC is the end product of a long and deliberate debate by both Republican administrations in an attempt to reach an appropriate balance.

Second, a credibility problem: If the United States is not a state party to the treaty, the United States will have no legal basis—no legal basis—to take actions against other nonstates parties. On what grounds, for example, could we contemplate action against Libya for proceeding with the Tarhuna facility if it decided to proceed? Nor would the United States have any moral grounds for criticizing the decision of others to stay outside the treaty.

U.S. credibility and leadership will be undermined, not just on arms control but more broadly. Washington will have to deal with a perception that already exists but that nonparticipation in the CWC will only reinforce: that the United States bullies countries into assuming obligations that it is not willing to assume itself. Such views only strengthen the sense that others already have that the United States sees itself as not bound by the constraints it tries to impose on others. In a world that increasingly requires cooperation to accomplish major objectives, such a perception is damaging to the point of endangering vital American interests.

Third, lacking U.S. leadership: If the United States is not a state party to the CWC when it enters into force on April 29 we will have no role in the governing body of the CWC. This is important because while the procedures for conducting the OPCW's business will be agreed on paper, how they are in fact translated into actual practice will be the real point at which precedents are set and work habits established.

The United States will not have a seat on the executive council, the critical policy decisionmaking group of the CWC. The United States will not have any representation in the inspection regime. We will have no access to the information that inspectors and others accumulate on chemical weapons use, proliferation, and terrorism.

The information that will be provided to the governing body through declarations and inspections will be important in its own right. Even more important, when it is put together with other information available to our intelligence community, it will help to provide a more accurate picture of a state's activities which may provide leads to uncover illicit, noncompliant activities. Not being a part of the governing body will mean that this valuable source of information for the intelligence community will be closed off.

Why do the critics wish to hamstring our own intelligence community and deny it the additional pieces of information that could prove critical to an intelligence determination and finding that bears on threats to our national security interests.

Fourth, U.S. industry will pay the price: On April 29 the clock will start on the 3-year period after which trade in schedule 2 chemicals—those which can serve as direct pre-cursors to chemical weapons—with nonstates parties will be cut off. The U.S. chemical industry estimates that as much as $600 million in overseas chemical trade could be at risk. In fact, the impact of the cutoff is likely to be felt sooner than the 3 years, as trading partners begin to change their trading patterns—that is, shifting to new suppliers—in anticipation of the cutoff.

If the United States is not a party to the CWC, it will also play no role in the OPCW's decision regarding whether or not the trade cutoff will be extended to schedule 3 chemicals—dual-purpose chemicals which can be used in chemical weapons—a decision that will likely be made soon after entry into force. Given the chemicals on schedule 3, if the decision is made to extend the trade cutoff, the economic impact on the U.S. chemical industry could be enormous, making the $600 million look like small change.

Some critics have sought to intimidate American business by spreading unsubstantiated rumors and fears that "Iranian inspectors are coming" or that proprietary information will be at risk. But those large firms that might, in fact, be inspected support the treaty and the small firms have determined it will have no impact on them.

THE DEFENSE SECRETARIES

Many of the arguments of CWC critics were crystallized in the comments of three former defense Secretaries.

They repeat several old arguments used by other critics of the CWC.

Many critics act as if this is the first time these concerns have been expressed and that Members have not taken actions to deal with them. How many of these critics are familiar with the resolution of ratification passed out of the Committee on Foreign Relations last year for example? How many of them are familiar with the draft resolution of ratification that has been under negotiation this year? A resolution of ratification is precisely the vehicle through which contentious matters of interpretation are taken up and conditions added to conform U.S. domestic law to U.S. interpretations.

First, the complacency argument: One old argument is about the complacency situation; namely, that the CWC would lull the country into a false sense of security and a tendency to neglect defenses against chemical weapons.

This is a matter of political will at home in the United States; it has nothing to do with the treaty. This is what we pay Secretaries of Defense to guard against. This is what we are paid in the U.S. Senate to guard against.

Perhaps I have more faith in the U.S. Senate's willingness to carry out its responsibilities under the Constitution than do critics of the treaty. There is nothing inevitable about arms control agreements contributing to a lessened perceived need and therefore support for defenses against such threats. But there is something wrong with the notion that by allowing our potential adversaries to have chemical weapons, we are sure to be reminded to defend against them.

It may be that the Defense Department was willing to reduce its request in 1995 for funds for chemical defenses, but the Congress has never had any problem in the past in plusing up administration requests for defense situations. Funding for ballistic missile defense is a perfect example. Indeed, Secretary of Defense Cohen recently indicated that an additional $225 million is being requested for chemical defenses.

One should have little sympathy for the complacency argument employed against the CWC. Rather than whining about complacency, Congress ought to do its job and authorize and appropriate what funds are necessary to provide for a robust chemical defense capability.

By the same token, concerns are expressed about a possible reduction in the priority accorded to monitoring emerging chemical weapons threats. That is not the way recent budget requests from the intelligence community came across. Moreover, the community itself wants the CWC precisely because it will provide additional tools to the community to monitor the chemical weapons situation. Again, Congress has every ability to add or shift funds to ensure that CWC monitoring remains a funding priority.

In fact, one of the conditions included in the resolution of ratification deals with the preservation of robust defenses against chemical weapons. It states the necessity for preserving and further developing robust defenses against chemical and biological weapons. Increased readiness must be emphasized at the highest levels and supported with the necessary funding within the executive branch of the Government and the United States Armed Forces.

Second, Article XI: Some critics have placed much emphasis on the so-called poisons for peace argument—namely, that the CWC will obligate member states to facilitate transfers of CWC-specific technology, equipment and material to member states of the convention. Further, they charge that the treaty commits new member states not to observe any agreements that would restrict these transfers.

It is tragic that American critics of the CWC would swallow the Iranian interpretation of Article XI rather than that of the American delegation to the convention, and the interpretation of the Commerce Department, and the U.S. chemical industry. Why are these critics so intent on giving credibility to the Iranian interpretation? Why do they wish to align themselves with the rogue states on this issue?

To be sure, the issue of assistance, Article XI, was one of the more contentious issues during the end game of the CWC negotiations. The more radical, nonaligned states, led by Iran, demanded that this provision be interpreted so as to require the elimination of any export controls in the chemical arena for states parties in good standing.

But the United States and others rejected that argument and maintained that their interpretation of article XI did not require them to do so, that mechanisms such as the Australian Group were legitimate under the CWC, and that the work of the Australia Group would continue. The members of the Australia Group did propose to review their practices and procedures at some undefined time in the future, but only after they had a period of experience with the treaty in force, during which they could judge whether that practical experience might justify a reconsideration of their export controls.

The basic CWC obligation is contained in article I—this is, to "never under any circumstances: . . . (d) To assist, encourage or induce in any way, anyone to engage in any activity prohibited . . ." And it means what it says. This basic obligation overrides any requirement—any requirement—to facilitate trade or technical cooperation when there is a proliferation concern.

There is nothing automatic about the assistance provisions of article XI, and it will certainly not mean that the floodgates will be open for the exchange of chemical materials and equipment with rogue states, as critics have stated. It merely affirms the right of the parties to engage in chemical commerce for peaceful purposes, that is, industrial, agriculture, research, pharmaceutical, medical or other pursuits as they do today. A state with chemical weapons aspirations has no treaty right to anything that furthers those aspirations. And nothing in the treaty requires the elimination of our export controls on chemical materials and equipment. The United States and other Western countries have made clear to the Organization for the Prohibition of Chemical Weapons, the OPCW, the governing board, as well as all states parties that the provision in question does not entail any obligation to eliminate existing export control regulations on chemical material and equipment.

One condition in the resolution of ratification deals specifically with the issue of interpretation over article XI. It states in part that: "the various provisions of the CWC preserve the right of State Parties to maintain or impose export controls for foreign policy or national security reasons, and that nothing in the Convention obligates the United States to accept any weakening of its existing national export controls."

If, as the critics state, the CWC would likely leave the United States more, not less, vulnerable to chemical attack, then the blame resides with political leaders in the United States, not with the convention. The treaty in no way constrains our ability as a nation to provide for a robust defense against chemical weapons or to impose or maintain export controls for foreign policy and national security reasons.

Third, Dumbing Down of Intelligence: There is also the charge that, if the United States is not a CWC participant, the danger is lessened that American intelligence about foreign chemical programs will be dumbed down or compromised. This is a variation on the politicizing of intelligence argument taken to the extreme. Again, any dumbing down of intelligence has nothing to do with the convention. Moreover, a willingness to act in the face of noncompliance by other signatories is a political decision, not an intelligence decision. If critics want to fault American political leadership, fine, but this has nothing to do with the strengths or weaknesses of the convention.

Fourth, Costs and the Constitution: Fourth, various critics worry about the costs associated with U.S. participation in a multilateral regime and cite the outlandish estimate of $200 million annually. This hardly squares with the estimates offered by the Congressional Budget Office and fails to take account what the administration has actually requested for fiscal year 1998—namely $46 million. And quite predictably, the critics drift from the cost charge into the constitutional charge that U.S. participation in the convention could leave U.S. citizens and companies vulnerable to burdens associated with reporting and inspection arrangements, jeopardize confidential business information, and other charges.

Industry is expected to pay its own costs associated with reporting and receiving an inspection. Industry does not contribute to the cost of carrying out international inspections. Inspection costs are covered in the OPCW budget to which the U.S. Government will contribute. Annual costs to industry are expected to be about $4 million in the first year and less in subsequent years. Inspection costs are not expected to be more than an EPA or OSHA inspection—this means no more than $10,000 per inspection and probably much less. Based on practice inspections, no shutdown of facilities is anticipated, which would be an important cost factor.

U.S. industry would not support the CWC, as it does, if it posed significant risks to confidential business information. Protections against the loss of confidential business information are incorporated into the CWC and the administration's proposed implementing legislation. Industry has worked intensively on both to ensure these protections are adequate.

Unlimited inspector access is not required. For routine inspections, each facility has the right to define the degree of access through a negotiated facility agreement and may thus protect sensitive information. Furthermore, routine inspections can be anticipated, providing ample time for preparation.

In challenge inspection scenarios access to the site must be provided 120 hours after a request for a challenge inspection is received by the OPCW. Once access is granted, the principles of managed access apply. Under managed access, the inspected facility can negotiate the degree of access on the spot, and, while obligated to provide alternative means to satisfy concerns about compliance, the facility is not obligated to allow inspectors to go anywhere they like.

Allegations that the CWC will require violations of the Constitution are wrong. The proposed implementing legislation provides for search warrants if routine or challenge inspections must be carried out without consent. So does the resolution of ratification. The CWC also allows the United States to take into account constitutional obligations regarding searches and seizures and proprietary rights in providing access under challenge inspections.

When CWC negotiations commenced, President Reagan wisely decided to include representatives from the American chemical industry in the formation and evolutionary decisionmaking process of U.S. negotiating positions. Thus, the American chemical industry has participated every step of the way in the development of the convention and played a major role in crafting the language with regard to constitutional safeguards and protection of industry rights and information during any inspections.

In September 1996, the National Federation of Independent Business expressed some concern regarding the potential impact of CWC reporting requirements on the U.S. small business community.

More recently, the National Federation of Independent Business has revised its position on the CWC. A February 14, 1997, Wall Street Journal article by Carla Robbins quoted Dan Danner, vice president of Federal Government Affairs, as saying, "It is now our belief our members are not going to be impacted." The article went on to convey NFIB's view that treaty opponents who suggested that NFIB was opposed to the CWC were "100% incorrect."

Mr. Danner reiterated the National Federation of Independent Business position in a March 5 letter to me in which he said, "It is now our belief that the small business owners that we represent will not likely be included in the reporting requirements and, therefore, not affected by the CWC. Our concerns have been answered to our satisfaction."

Fifth, Russia and the CWC: Some critics claim that Russian activities with regard to its stockpile will be unaffected by whether the United States joins the convention and that Russia has, in any event, been developing new chemical agents that would circumvent the treaty's constraints.

Let us be clear about one thing. Russian activities will surely be unaffected if the United States does not ratify the CWC. Some Russians are grateful for the support they find for their position on the CWC from many American critics of the convention. One thing is certain: The Russians do not want the United States to ratify the Chemical Weapons Convention. Why? Because they know they cannot afford to have the United States participating in the OPCW without them. By the same token, if the United States does not join, the Russian Government has very little incentive to expend the political resources necessary to bring various elements of the military-chemical complex into line with treaty provisions. However, the Russian Government and the branches of the Russian Parliament are moving the CWC through the ratification process to the point where it could be acted upon in short order if the United States ratifies.

Second, the point is not that Russia is developing agents that would circumvent the treaty's constraints. Rather, the point is that we know that they are developing them, they are or can be added to the treaty's prohibited list, and that without the CWC, there is absolutely nothing illegal or noncompliant about Russian activities in this area.

The CWC is not perfect, but it is necessary for the additional tools it provides the United States,

No. 1, giving us leverage not just for the United States, but for the entire international community to pressure Russia to destroy its huge chemical weapons stockpile;

No. 2, it acts as a means to reinforce the norms against chemical weapons;

No. 3, it gives an ability to track chemical trade;

No. 4, it gives procedures for evaluating important information for the intelligence community;

No. 5, it gives a requirement for state parties to pass domestic legislation criminalizing activities prohibited by the treaty; and

No. 6, the CWC gives a legal basis for the international community to take action in the face of unacceptable behavior.

A SUBSTITUTE?

What are the critics of the treaty offering to accomplish these same tasks? What are they proposing that will help diminish the international chemical weapons threat?

To be sure, a piece of legislation was passed last week—Senate bill 495—which overlaps the CWC and its implementing legislation in several areas. But by no means can one consider this domestic piece of legislation equal to or a substitute for an international multilateral treaty which not only bans use of chemical weapons but bans the manufacturing, stockpiling, trade, and deployment of chemical weapons.

Senate bill 495 calls for U.S. leadership in adding "teeth" to the 1925 Geneva Protocol banning chemical weapons use. But the United States has already done this and the final product is the document before us today—the Chemical Weapons Convention. The Reagan and Bush administrations wisely decided to pledge not to manufacture, produce, or stockpile chemical weapons; the CWC forces other members to do the same. Without the CWC, the rest of the world would be allowed to make, stockpile, and deploy chemical weapons, and the United States would only be able to react after a Syria, Libya, Iraq, or North Korea has used chemical weapons on its population, its neighbors, or on American troops. At that point it will be too late for the victims.

S. 495 does nothing to address the concerns of the U.S. chemical industry. In a letter signed by 53 chief executive officers of America's largest chemical companies they state: "our industry's status as the world's preferred supplier of chemical products may be jeopardized if the U.S. does not ratify the [CWC]. If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs." S. 495 does nothing to solve industry's concerns regarding the negative impact the CWC would have on their international competitiveness if the United States does not ratify the convention before April 29.

Indeed, S. 495 is designed primarily to deal with the consequences of a chemical incident on American soil, not on its prevention or deterrence, as is the case with the CWC.

Whereas the CWC specifies illegality without qualification or condition—the use or possession of chemical weapons is absolutely prohibited—the enactment of S. 495 without CWC ratification would mean that the United Staes is not obligated to destroy those chemical weapons that is not already committed to destroy under the 1986 law. In this respect S. 495 is most certainly for the United States a law that authorizes the retention of the most dangerous chemical weapons. Thus, while the CWC would establish a clear and binding international prohibition against the possession of chemical weapons, enactment of S. 495 without CWC ratification would establish a clear U.S. position in support of those nations, including the United States, who choose to maintain these weapons.

In fact, S. 495's prohibitions against possession or use, and so forth, of chemical weapons are merely antiterrorism provisions, without significant transnational strategic implications, which are already provided for by existing United States law. As to the law's provisions that the U.S. will impose sanctions against nations that use chemical weapons, it is highly questionable whether such sanctions will be effective; in any event, these sanctions expressly do not apply to nations that stockpile but do not use chemical weapons.

S. 495 merely reinforces the status quo. Without the CWC, states interested in developing chemical weapons—Syria, Libya, Iran, Iraq, and North Korea—will have free rein to pursue their programs. As we saw in the case of Iraq, existing policy tools are not adequate.

THE RESOLUTION OF RATIFICATION: EXECUTIVE RESOLUTION 75

I have spent considerable time reviewing the resolution of ratification to the Chemical Weapons Convention to be laid before the Senate, Senate Executive Resolution 75, and measuring the proposed conditional remedies against perceived and/or real shortcomings in the convention and against the benefits to the United States of full participation in the convention.

Exhaustive negotiations over the past several months have produced a set of 33 conditions to the resolution of ratification; 28 of these conditions enjoy the support of those involved in the negotiations. I support them. Under a unanimous-consent agreement, the Senate will consider these 28 conditions as a package—on a voice vote.

Then the Senate will turn to the remaining five conditions which are in dispute. I have concluded that the effect of these remaining conditions proposed in Senate Executive Resolution 75 would be to destroy the Chemical Weapons Convention in a supposed effort to save it.

I firmly believe that these remaining conditions—the Senate will have a separate vote on each—would, if accepted, be tantamount to killing the Chemical Weapons Convention outright, or would have a significant adverse impact on its implementation.

Any condition that requires, as the price of ratification that all or parts of the treaty be renegotiated before it can enter into force is a killer. It is unrealistic to expect that we can renegotiate a treaty with over 160 signatories. Additionally, a U.S. condition of this nature would not only prevent U.S. participation in the convention but could encourage other signatories contemplating ratification to attach similarly unacceptable conditions.

Four of the proposed conditions would require the President to make certain certifications to the Senate prior to depositing instruments of ratification, certifications that certainly cannot be made by April 29, if ever. Consequently, approval of any of these conditions would prevent the United States from joining the treaty. The fifth would be very bad policy, at once undermining two U.S. objectives: to maintain an effective onsite inspection regime and to have U.S. inspectors participate in inspections of suspect states.

The unanimous-consent agreement is carefully configured so that no substitute amendments or conditions in these five areas of disagreement can be offered. Only motions to strike will be in order.

Let me deal with each of the five conditions.

CONDITION NO. 29 ON RUSSIA

One of the items on which the Senate will be asked to vote is a condition—proposed condition 29—that would prohibit the United States from ratifying the CWC until the President certifies that Russia has done the following: ratified the CWC, complied with the 1990 Bilateral Destruction Agreement [BDA], fulfilled its obligations under the 1989 Wyoming Memorandum of Understanding [MOU], and ceased all chemical weapons activities.

This is a killer condition that would prevent the United States from joining the CWC. It must be struck.

This condition effectively holds hostage U.S. participation in the CWC to a group of hardliners in the Duma. It would let Russia off the hook and give them an excuse to withhold ratification. Why should we let Russia decide our foreign policy?

This condition would hold hostage our ability to join the CWC to the hardliners in the Russian Duma. As the President said, "this is precisely backwards. The best way to secure Russian ratification is to ratify the treaty ourselves. Failure to do so will only give hardliners in Russia an excuse to hold out and hold on to their chemical weapons."

The prospect of Senate ratification is clearly putting pressure on Russia to ratify. The Duma announced last week that it will begin debate on the CWC today. Russia does not want to be left behind, especially if the United States is on the inside setting the rules.

In sum, we should not give Russia the power to decide our participation in and leadership of this crucial treaty. As General Rowny testified, "I think if we fail to ratify this Chemical Weapons Convention, it is going to give the Russians an excuse on a silver platter to say well, the United States did not ratify and we won't either."

Vil Mirzayanov, a Russian scientist who blew the whistle on the Soviet Union's chemical weapons programs and strongly supports the treaty, recently wrote to me and said: "Senate ratification of the Convention is crucial to securing action on the treaty in Moscow * * * the Russian government does not want America to dominate the Organization for the Prohibition of Chemical Weapons and the important decisions that the body will soon be making about the Convention's implications."

By not ratifying, the United States would be giving a present to hardline opponents of the CWC and of relations with the West more generally. By ratifying, the United States would not be giving a Christmas present to Russia; instead, it would provide a powerful tool for bringing further pressure to bear on Moscow to get on with chemical disarmament—and to stay engaged more generally in cooperative international measures that promote arms control and nonproliferation.

The 1990 BDA was never ratified by the United States or Russia. It was explicitly designed to provide a boost to negotiations on the CWC and gain Russian ascent to the United States position for an immediate cessation of chemical weapons production and the destruction of the chemical weapons stockpiles. It served that purpose. Many of the BDA's provisions were adopted by the CWC. The BDA has several shortcomings that are corrected in the CWC. For example, the BDA allows both countries to retain 5,000 tons of chemical weapons, while the CWC requires the destruction of all chemical weapons. Also, the BDA has no provision for challenge inspections that are contained in the CWC.

The 1989 Wyoming MOU was also designed to jumpstart CWC negotiations by providing for reciprocal data exchanges and inspections of chemical weapons facilities by the United States and Russia. It, too, served its purpose. The United States has some questions that linger over Russian data, but we can gain valuable information about Russia through the CWC's verification provisions.

Key officials in Moscow do not dispute that there are individuals, both civilian and military, who wish to retain an offensive chemical weapons capability and thus oppose CWC ratification. This is hardly surprising, given the fact that we have individuals in an out of the American Government who oppose CWC ratification for the same reason. Many of these individuals associated with Russian chemical weapons research and development as well as production are the very ones tasked to provide the data called for under the Wyoming MOU. Moreover, various Russian military officials have argued that, given the near disintegration of the Russian conventional military capability, only nuclear and chemical weapons may be able to compensate for such conventional weaknesses.

While Russian Government officials express their concerns about the political and economic costs of finalizing the BDA and/or ratifying the CWC before it enters into force, they do acknowledge, however grudgingly, that only United States ratification of the CWC will force them to deal decisively with the economic, political, and military dilemmas associated with chemical weapons. They also acknowledge that if the United States fails to ratify the CWC, then those military and civilian voices in Russia who favor the retention of an offensive chemical weapons capability could well become the majority.

The fourth certification requirement of this condition is apparently driven by reports of Russian "novel" chemical agents. If these reports are correct, then the CWC and its challenge inspection regime is the best tool for exposing and ending such activities. Without the CWC, we will be denied important information and Russia will be under no legal obligation to end its suspected activities.

CONDITION NO. 30 ON ROGUE STATES

Proposed condition 30 would prohibit the United States from ratifying the CWC until all states determined to possess offensive chemical weapons programs, including China, North Korea, Libya, Syria, Iran, and Iraq, as well as other state sponsors of terrorism, have ratified.

This is a killer condition that would prevent the United States from ever joining the CWC. It, too, must be struck.

This condition would make our joining this treaty hostage to Saddam Hussein, Qadhafi, other leaders of rogue states. This condition would allow these outlaw states to continue business as usual with no constraints, while our industry suffers, our leadership is undermined, and our ability to influence and benefit from the CWC regime is compromised.

By allowing the world's most recalcitrant regimes to decide for us when we join the CWC, this condition borders on a dangerous surrender of U.S. national sovereignty. It effectively lets the world's villains write the rules of international conduct.

Supporters of this condition say that we should not have a CWC because there will be cheaters. As Secretary of State Albright has said, that is a bit like saying that we shouldn't have laws because people will break them. But the CWC was not written with the illusory expectation that all of the world's bad actors would immediately sign up. Instead, it was negotiated with the cold-eyed recognition that rogue states would stay out and, therefore, should be isolated and targeted. That is why the CWC contains mandatory sanctions for those states that remain outside of the regime.

After years of providing international leadership in the fight to stop the spread of chemical weapons, we would be siding, not with our allies, on the inside, but with Libya, Syria, and Iraq on the outside. As General Norman Schwarzkopf has testified, "by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I just as soon not be associated with those thugs in this particular matter."

Our industry will be subject to automatic trade restraints beginning on April 29 if we don't ratify. Ironically, these are the same restrictions the United States fought for in the negotiations to put pressure on the rogue states to join the treaty.

Today, there is nothing illegal in international law about the chemical weapons programs in any of the countries mentioned in this condition. That will change once the CWC enters into force. It will establish a norm against the stockpiling, development, transfer, and production of chemical weapons—all perfectly legitimate activities today. It will provide the basis for harsh action against those that violate this norm. In plain English, that means the CWC will legitimize military action we might take against a rogue state that develops chemical weapons illegally. It will also increase the likelihood of forging international coalitions. Conversely, accepting this condition would undermine our ability to lead on nonproliferation matters.

This condition also ignores the fact that regardless of what these countries do, we are unilaterally destroying our chemical weapons stockpile. Chemical weapons are no longer a part of our military doctrine. Instead, as the gulf war demonstrated, we will rely on our overwhelming nonchemical capabilities to deter chemical weapons use.

In sum, this condition will not promote ratification in any of the rogue states but instead will give leverage to those factions within these countries who do not want their governments to be parties. As Gen. Brent Scowcroft has testified, "by remaining outside the CWC, we let these rogue states off the hook by making it easier for them to ignore pressures to abandon the chemical weapons option. In all these cases, we undermine the effectiveness of the CWC to do unto others what we have decided to do for ourselves: get out of the chemical weapons business."

This condition turns the present global arrangement on its head. Instead of the United States sustaining our historic leadership role in setting nonproliferation norms, this condition would have us take a backseat to the likes of Saddam Hussein and Mu'ammar Qadhafi. That does a grave disservice to our record of leadership over the past 40 years from the Nuclear Non-proliferation Treaty, to the missile technology control regime, to the CWC itself.

No country, especially outlaw states, should have a veto over our national security. As Jim Baker has stated, "It makes no sense to argue that because a few pariah states refuse to join the convention the United States should line up with them rather than with the rest of the world."

CONDITION 31 ON REJECTING CWC INSPECTORS

A third condition on which the Senate will be asked to vote is condition 31, which would require the United States to reject all CWC inspectors from countries that supported terrorism or violated U.S. nonproliferation law.

This is an unnecessary condition, one that has the potential to do great harm to the implementation of the CWC, and one that is a poor way to get at the perceived problem of untrustworthy CWC inspectors. It should be struck.

The dangers that CWC inspectors will learn some trade secrets of U.S. firms in the course of onsite inspections are limited. Many CWC provisions limit what inspectors will learn. Facility agreements governing routine inspections and managed access in challenge inspections will specify what inspectors can see. U.S. firms are free to use such devices as shrouding, removal of papers, and limiting the number of inspectors who see a particular area or how long they are allowed to see it. No employees need answer questions that are irrelevant to the question of whether the CWC is being violated. An agreed condition, No. 16, adds teeth to the CWC provision permitting the director-general to waive the immunity of any employee who betrays confidential U.S. information.

The CWC already provides the U.S. Government the right to bar inspectors on an individual-by-individual basis each year when the CWC organization proposes its list of inspectors, just as a defense attorney can peremptorily challenge a prospective juror in a trial.

Condition 31 is unnecessarily rigid. This condition takes a meat ax approach to whom we would allow to come to the United States, which is almost certain to provoke reciprocity. In other words, adoption of this condition would most likely result in other nations blackballing all American inspectors in advance. This would defeat one of our principal objectives in our joining the treaty: to ensure American inspectors take the lead in finding violations, just as we have for UNSCOM in Iraq.

It also fails to require rejection of inspectors from other countries who might be known spies or have a record of improper handling of confidential information.

As Admiral Zumwalt recently testified, "the ability for us to get more access is an important thing to me as a member of the President's Foreign Intelligence Advisory Board; the opportunity to inspect is going to give us additional information which can be cross-compared with what we get through the intelligence community. And it will, without a doubt, enhance our ability to know more about what is going on."

A better approach would have been to require the President to tell the intelligence committees of Congress the nationality of all inspectors the United States approved, as well as any derogatory information about them that U.S. agencies might have. This would enable those committees to weigh in with the executive branch if the U.S. National Authority were ignoring serious information or other agencies' concerns regarding an inspector.

A substitute condition was prepared embodying this more flexible approach. CWC critics would not even consider this, and instead insisted that no substitutes be in order. We can avoid this Hobson's choice, however, between rigidity and doing nothing. All we have to do is vote to strike condition 31 and then enact more sensible language in the implementing legislation that will come to the floor next month. I urge you to do just that.

CONDITION 32 ON ARTICLES X AND XI

The fourth condition is condition 32, which requires the President, prior to depositing the instrument of ratification, to certify that the parties to the convention have agreed to strike article X from the convention, and amend article XI.

This provision is a killer, plain and simple, and will prevent the United States from joining the convention. The President cannot make such a certification prior to April 29, and probably never will be able to do so, because the convention permits a single State party to veto such amendments. This provision must be struck.

Proponents of this condition contend that the convention requires the United States and other parties to share critical technology that will assist countries of concern to develop offensive chemical weapons programs. But this is just not so.

Article X focuses, in large measure, on assistance and protection for countries attacked, or facing attack, by chemical weapons. Opponents of the CWC have contended that paragraphs 3 and 7 require the United States to provide defensive technology to other members. But the administration has made clear that paragraph 3 leaves it up to the United States to decide precisely what, if anything, it will exchange, and has committed that the only assistance it will provide under paragraph 7 is medical antidotes and treatment. This latter promise is locked in—by condition 15 of Senate Executive Resolution 75.

Only countries that have joined the CWC and renounced chemical weapons can request assistance under article X and only then if they are threatened or attacked with chemical weapons.

Thus, article X is intended to encourage states to do what the United States wants them to do: join the CWC and eliminate their chemical weapons program.

The President has committed in resolution of ratification condition No. 15 that the United States will only give medical help to certain countries or concern, under this article. The United States will not be giving them our best gas masks or any other chemical weapons defense technology.

With regard to other states, the United States will use every instrument of U.S. diplomacy and leverage to make sure transfers do not occur that could undermine U.S. national security interests. As Secretary Cohen said Sunday, we will be better able to do this if we are inside the treaty rather than out.

U.S. absence from the treaty will do nothing to keep another state from giving Iran and Cuba gas masks.

Article XI addresses the exchange of scientific and technical information. Opponents of the CWC contend that this article also requires the sharing of technology, and will result in the erosion of export controls not only in U.S. law, but also among nations of the Australia Group, an informal alliance of potential supplier countries. This is simply not so. The administration, and the other Australia Group nations, have clearly stated their commitment to retain the current level of export controls. And condition 7 binds the administration to this promise. It requires the President to certify that "nothing in the convention obligates the United States to accept any modification of its national export controls," and, among other things, to certify annually that the Australia Group is maintaining controls that are equal to, or exceed, the controls in place today.

Regarding article XI, the critics further claim that a treaty expressly devoted to eliminating chemical weapons somehow would force its parties to facilitate the spread of chemical weapons. This interpretation is totally at odds with the plain language of the treaty.

To repeat, in order to reinforce the treaty's constraints, the President has committed in an agreed condition on the resolution of ratification to obtain assurances from our Australia Group partners that article XI is fully consistent with maintaining strict export controls on dangerous chemicals. This condition also requires an annual certification that Australia Group members continue to maintain equally effective or more comprehensive controls over chemical weapons related materials and that the Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons related material and technology.

The critics concern about dangerous exchanges under article XI misses the main point, which is that any such exchanges can take place now without the CWC. With the CWC, the countries undertaking exchanges are legally bound by the fundamental obligation of the treaty to renounce chemical weapons.

The Chemical Weapons Convention will mean not only that all relevant trade is subject to closer scrutiny, especially with countries whose compliance may be in doubt, but it will also provide the legal basis as well as the verification and compliance measures to redress those concerns.

As Ron Lehman recently stated in testimony before the Senate Foreign Relations Committee, "we made it very clear throughout the negotiations that all of this was subject to article I, which is the fundamental obligations not to assist, but the most important, telling factoid in support of the U.S. interpretation is the fact that after the convention was done so many of the usual list of suspects were so unhappy that they did not get what they wanted in these provisions."

Renegotiation is not a realistic approach, as Brent Scowcroft recently testified. "Starting over is pure fantasy. If we reject this treaty, we will incur the bitterness of all of our friends and allies who followed us for 10 years in putting this together. The idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with the situation we face now, not an ideal one out in the future."

CONDITION 33 ON VERIFICATION

The last condition on which the Senate will be asked to vote is condition 33—strictly a killer condition—that would bar the United States from ratifying the CWC until the President can certify high confidence in U.S. capabilities to detect, within 1 year of a violation, the illicit production or storage of a single metric ton of chemical agent.

The United States will never be able to certify this level of monitoring confidence, so condition 33 would bar U.S. participation in the CWC forever. It, too, must be struck.

This condition sets an unrealistic and unachievable standard for monitoring the treaty and would therefore ensure that we would not become a party to the agreement.

Nobody denies that compliance with some aspects of the CWC will be difficult to verify. Other aspects of the CWC—like the storage and destruction of declared chemical weapons stocks

—will be verifiable with fairly high confidence. But a determined country could probably hide a small-scale program of producing or stockpiling illegal chemical agent. We all know that. The important point is that without CWC, such activities won't violate anything. Only if we join the convention, can we effectively combat chemical weapons production and stockpiling.

Our Intelligence Community has testified that it would be very difficult to detect production of small quantities of chemical weapons. We do have high confidence, however, that we can detect cheating where it matters most: that is, if an adversary tries to translate illegal production into a militarily significant capability on the battlefield.

This condition defines production of 1 ton as "military significant". But Richard Perle, a CWC critic, has testified that "the possession of lethal chemicals is not by, itself, sufficient to constitute a military capability."

And as Gen. Brent Scowcroft noted in testimony to the Foreign Relations Committee, CWC declarations on chemical exports will be a useful new tool: "Right now, it is possible for a country to buy a few pounds of a precursor here or a few pounds there, a few pounds somewhere else, and to amass an abnormal supply without anybody ever noticing it. That won't be possible anymore. Therefore, we will have a better idea of what's going on and who the bad guys seem to be."

There is no need to adopt a 1-ton threshold for effective verification of the CWC. General Shalikashvili has testified that a single ton might have a real political impact, especially if used in a terrorist attack against unprotected persons. But Iran and Iraq used tens of tons per month against each other without altering the course of their war; studies for the Department of Defense found that it would take several hundred to a thousand tons to seriously disrupt U.S. logistics in a war; and the U.S. stockpile of chemical weapons—which we are committed to destroy whether we join the CWC or not—is about 30,000 tons.

General Shalikashvili went on to say that tonnage is not the only factor to consider. If a country's illicit chemical agent stockpile is to be translated into something militarily usable, there must also be weapons in which to put the agent. There must be an infrastructure for the handling of chemical weapons. And troops must be trained in the use and effective employment of the weapons. Each aspect of developing a real chemical weapons capability is potentially open to monitoring, and each aspect constitutes both a CWC violation and sufficient justification for the United States to request a challenge inspection.

To quote General Shalikashvili fully, "a militarily significant quantity of chemical weapons is situationally dependent. Variables involved in determining this quantity are the military objective, weather, terrain, number of troops, type of chemical agents used, the chemical agent weapons system and method of deployment, and the chemical weapons defensive capability of the targeted force . . . the quantity is totally scenario dependent, and it would be difficult to cite a specific amount as militarily significant."

U.S. intelligence officials have testified that the CWC will add to their monitoring tools to cover a significant target—one that they will have to monitor whether we join the CWC or not. Data declarations will give the United States an important baseline from which to work. Routine inspections will make it more difficult and expensive for declared facilities to be used in illicit chemical weapons activities. And challenge inspections pose further risks to would-be violators, while giving the United States and other countries the opportunity to have the Organization for the Prohibition of Chemical Weapons seek further indications or hard evidence of violations.

U.S. information can go a long way toward helping the organization to mount effective inspections. That is what the United States did with the International Atomic Energy Agency in North Korea, and it worked. An important agreed condition—condition No. 5—has been worked out with Senator SHELBY, chairman of the Senate Select Committee on Intelligence, to require that intelligence sharing will be conducted only after U.S. information is sanitized to minimize any risk to sensitive sources or methods. That is what the United States does currently, and what it should continue to do.

With the United States an original member of the organization, we will be able to work for effective inspection procedures and to provide the organization the information it needs to maximize its effectiveness. The organization's effectiveness will aid our own agencies, in turn, to monitor activities that are of major concern to U.S. military leaders and policymakers. That is why the CWC has been endorsed by every Chairman from the Joint Chiefs of Staff over the last 20 years.

As David Kay, former chief U.N. inspector in Iraq, Ronald Lehman, former Assistant Secretary of Defense and Director of ACDA, and James Woolsey, former Director of Central Intelligence, wrote recently in the Washington Post, "It is hard to understand why critics of the CWC believe it is to the advantage of U.S. forces—who one day may have to face an adversary armed with chemical weapons—to let such development proceed unhindered by vigorous inspection. Such inspections can slow a chemical weapons program, make it more expensive and less effective and can develop the usable evidence needed to convince doubting allies."

There is no such thing as perfect verifiability in a treaty, but the CWC provides useful tools. As Woolsey, Lehman, and Kay put it "the CWC offers at the outset verification tools that go beyond those of other arms-control treaties."

We should all support giving the U.S. Intelligence Community the necessary resources to monitor worldwide chemical weapons activities—and, in the process, to monitor CWC compliance—as well as possible. The CWC will aid in that monitoring, as well as in focusing international sanctions on any violators. All of these gains for our Intelligence Communities' ability to monitor global chemical weapons proliferation will be lost unless this condition is struck from the resolution of ratification. The national security requires a vote to strike this condition.

CONCLUSION

In conclusion, Mr. President, the Defense Department's position on the CWC is simple. As offensive weapons, chemical munitions are overrated. Therefore, keeping them in our arsenal offers scant military advantage. DOD does not believe that chemical weapons are needed for deterrence. They believe there are plenty of other options.

We have heard a good deal of discussion about the verification problems associated with the CWC, and past and current intelligence officials will be quoted in and out of context on the Intelligence Community's confidence levels. But let us remember that the Intelligence Community has to monitor the chemical-weapons capabilities of foreign powers in any event. In open and closed briefings and hearings over the past 3 years, the community has been consistent in saying that its ability to monitor various provisions of the convention is severely limited. But the community has also been consistent in arguing that the convention will provide it with additional tools to go along with national technical means in monitoring developments in chemical-weapons states, something that the intelligence community must do whether there is a CWC or not. The intelligence community believes that, the convention is a net plus to its efforts to monitor the activities of chemical-weapons states around the globe.

The CWC is not without blemishes. The United States had to make concessions in a negotiating process that involved nearly 40 states representing all possible world views. These are not easy to accept in a U.S. political process that has a hard time accepting tradeoffs in bilateral negotiations and, increasingly, even in domestic political bargaining. The Senate should not be surprised that the treaty is not perfect. But that is not the point. The proper question is whether, on balance, does the CWC serve the national interest.

For some, no arms control treaty is good enough. Indeed, the very high stakes of the cold war and the fact that arms control cheating by the Soviet Union represented a potential threat to the survival of the United States led to a legitimate focus on treaties with high standards, especially for verification and the ability to detect even minor violations.

The cold war is over, and treaty requirements must suit U.S. national interests as they exist today. Despite the CWC's tradeoffs, it is widely supported by U.S. industry, the U.S. military, and nonproliferation experts. They know it not to be a panacea or perfect—but nonetheless clearly in the service of U.S. military, economic, and political interests. They also know it to be better than the alternative defined by CWC opponents as reliance on chemical weapons retaliation in kind and unilateral enforcement of export controls or other punitive actions. This alternative is a recipe for broader proliferation extending well beyond chemical weapons. The United States is much better served by a choice to help lead a cooperative international effort to manage the problem than by one that manifestly has not worked as these weapons have proliferated in recent decades. Senators must look beyond the shouting match between the two camps of treaty supporters and treaty opponents and look at arguments based on the national interests as they exist today.

Failure to ratify the CWC this year would harm that national interest and accentuate the image among both friends and foes of a rudderless America unable to chart a course on uncertain new seas. A belief that the United States is unreliable and uncooperative—or simply confused—will harm not just the chemical arms control effort but nonproliferation goals more broadly. If the United States drops the CWC ball, the consequences for stable alliance relationships, for U.S. security in an era of rapid technology diffusion, and for a free and open trading regime will prove far reaching.

The Congress completed legislation last fall on how best to respond to terrorism and to the threats posed by the proliferation of weapons of mass destruction, including nuclear, biological, and chemical weapons and materials. The so-called Nunn-Lugar-Domenici legislative response to these threats passed the Senate unanimously and was agreed to in the House-Senate conference on the DOD authorization bill. If the Senate were to vote against ratification of the CWC, we would in effect be taking a large step backward in our positive efforts to work toward denying our enemies the tools of destruction they desire and protecting U.S. citizens from acts of terror and war.

Mr. President, the time has come for us to join the growing worldwide consensus to ratify the treaty we invented. I believe that we are far better off with the CWC than without it. We have always been the world's leader in fighting the proliferation of weapons of mass destruction and we must not recoil from that challenge at this critical juncture. Further, we must not betray the American chemical industry who worked with us for so many years to develop this treaty and who would be badly disadvantaged in world markets if we fail to act responsibly. We asked them for their help; they gave it willingly and now face the possibility of an international Mark of Cain if we fail to ratify. The time is now. The choice is clear.

I urge my colleagues, first, to support the motions to strike the five conditions in disagreement in the resolution of ratification, second, to then vote yes to approve the resolution of ratification and consent to treaty ratification, and third, to then proceed quickly to pass the domestic implementing legislation that is a necessary companion of this treaty.

The Chemical Weapons Convention offers the United States one more tool in our arsenal to help prevent, deter, or to manage the threat posed by chemical weapons. It is up to the Senate, after weighing the benefits and costs of the Convention, to determine whether the CWC tool, on balance, provides major value-added to the United States in achieving that objective. I believe it does.

The PRESIDING OFFICER. We have a previous order to recess.

Mr. HELMS. Mr. President, before you rule, I would like to be heard.

The PRESIDING OFFICER. Will the Senator from Indiana yield?

Mr. LUGAR. Is the order that the Senate should recess at 12:30? Has that been adopted earlier?

The PRESIDING OFFICER. Yes. Under a previous order, we would recess from 12:30 to 2:15 for the policy luncheons.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask to be recognized for at least 10 minutes so that the distinguished occupant of the chair can be recognized to make a statement. While we get a replacement for him in the chair, let me say this before the matter gets too cold. The distinguished Senator from Indiana, in good faith, I know, raised a number of concerns about the Chemical Weapons Convention in terms of this. Senator Dole, in a letter dated September 11, 1996, contrary to what the distinguished Senator from Indiana said, said the following:

> To achieve this goal, a treaty must be effectively verifiable and genuinely global—encompassing all countries that possess, or could possess, chemical weapons. If the Chemical Weapons Convention now before you achieves this goal, I will support it.

Now, of course, Senator Dole wrote that letter in good faith, and I suppose that the administration has assured him, incorrectly, that all of his concerns have been taken care of.

In any case, I ask unanimous consent that the letter written by Bob Dole on September 11, 1996, be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SEPTEMBER 11, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR TRENT: Thank you for seeking my views on the Chemical Weapons Convention which will soon be considered by the United States Senate. You do indeed have an important national security decision before you and I am pleased to offer you my views.

I am sure that I share with all my former colleagues—on both sides of the aisle—a strong aversion to chemical weapons. They are horrible, and there should be no doubt that I am unequivocally opposed to their use, production or stockpiling. Their widespread use during World War I provoked an outcry which resulted in the Geneva Protocol of 1925 which bans the use of chemical weapons in war. Unfortunately, the Geneva Protocol has not prevented all use of chemical weapons, and we have been reminded just in the last week of the dangers presented by tyrants such as Saddam Hussein.

In fact, Saddam used chemical weapons in the Iran-Iraq War and against his own Kurdish population in the North. And, lest anyone think this is no concern of ours, there is a distinct possibility that American troops were exposed to Saddam's chemical weapons during the Gulf War. The United States needs and wants a treaty which effectively bans chemical weapons from every point on earth. To achieve this goal, a treaty must be effectively verifiable and genuinely global—encompassing all countries that possess, or could possess, chemical weapons. If the Chemical Weapons Convention now before you achieves this goal, I will support it. If it does not, I believe we should pass up illusory arms control measures. As President, I would work to achieve a treaty which really does the job instead of making promises of enhanced security which will not be achieved.

I supported the START I, START II, INF and CFE Treaties because these agreements met three simple criteria established by President Reagan: effective verification, real reductions and stability. In evaluating the Chemical Weapons Convention, I suggest you apply these same criteria, adapted to these particular weapons and to the post-Cold War multi-polar world. Thus, I have three concerns. First, effective verification: do we have high confidence that our intelligence will detect violations? Second, real reductions, in this case down to zero: will the treaty really eliminate chemical weapons? Third, stability; will the treaty be truly global or will countries like Iraq, Iran, Syria, Libya and North Korea still be able to destabilize others with the threat of chemical weapons?

Furthermore, I believe it is important that the Senate insure that the implementation of this treaty recognize and safeguard American Constitutional protections against unwarranted searches.

It is my understanding that the Senate will have the opportunity to address these matters in debate and, perhaps, in amending the Resolution of Ratification. It is my hope that President Clinton will assist you in resolving them. If we work together, we can achieve a treaty which truly enhances American security.

Best regards,

BOB DOLE.

Mr. HELMS. Mr. President, in connection with that, statements were made about the chemical industry losing $600 and $800 million. It is a moving target. They say several things at one time.

I ask unanimous consent that this statement correctly altering the misstatements already made, and probably will be reiterated, be printed in the RECORD at this time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE UNITED STATES CHEMICAL INDUSTRY WILL NOT LOSE $600 MILLION IN ANNUAL EXPORTS FROM U.S. NONRATIFICATION

The argument that U.S. chemical companies will be subject to trade sanctions and will have their exports dramatically harmed if the U.S. does not ratify the CWC is patently untrue.

The Chemical Manufacturers Association (CMA), which has been making this argument, has contradicted itself time and again, calling into serious doubt the credibility of its claims.

Throughout the fall of 1996, the Senate was bombarded with claims from the Administration and CMA that $600 million in export sales would be "placed at risk" if the U.S. did not ratify the treaty.

Unable to substantiate such claims, the CMA cut its estimate by more than half in February, 1997, to $280 million in potential lost sales.

On March 10, 1997, under further scrutiny, CMA dropped its estimate to $227 million in potential lost exports.

However, $142 million of CMA's estimate comes from the sale of Amiton, a pesticide which Western countries do not use (for environmental reasons) but which is sold to many African countries (many of which have not ratified the CWC).

The truth of the matter is that less than one-quarter of one percent of CMA's annual exports could be subject to trade restrictions if the U.S. does not ratify the CWC.

CMA is now claiming that European countries will impose broader "non-tariff" barriers on U.S. chemicals, despite the fact that 30 percent of all CMA members are owned by Europeans or other countries (such as Akzo Nobel Chemicals, which is Dutch).

CMA companies must not be all that concerned since CMA admitted in March that no CMA member company had filed a report with the Securities and Exchange Commission to notify stockholder regarding the impact of U.S. nonratification.

JUST WHAT TYPES OF CHEMICALS ARE SUBJECT TO TRADE RESTRICTIONS?

The CWC has three schedules of chemicals. Schedule 1 compounds are those which constitute chemical weapons or only have chemical weapons applications. They are not traded by U.S. companies anyway.

Schedule 2 chemicals are also usable in or as weapons, and they are "not produced in large commercial quantities for purposes not prohibited under [the CWC]." (Annex A, paragraph 2 of the CWC) Thus, these chemicals also are not traded, or are traded in insignificant quantities, by U.S. companies.

Schedule 1 and 2 chemicals are controlled under U.S. export regulations and would not be traded freely by U.S. companies regardless of membership of the U.S. in the CWC.

Schedule 3 chemicals are common commercial chemicals which may be used in chemical weapons, but which have many other uses. These chemicals, together with chemicals not on any of the three schedules, comprise the vast majority—virtually all—of U.S. chemical trade.

There are no restrictions on trade of Schedule 3 chemicals implied or stated in the CWC. U.S. nonmembership in the treaty will not affect trade in chemicals on Schedule 3 or which do not appear on any schedule.

The CWC states that "Schedule 2 chemicals shall only be transferred to or received from States Parties." Therefore, if the U.S. is not a party, it cannot export to or receive from CWC member states any Schedule 2 chemicals. This does not matter to U.S. trade, however, because the U.S. manufactures all of the Schedule 2 chemicals it needs and does not export them in significant quantities.

There is no basis in the claim that nonmembership in the CWC will harm U.S. imports or exports, or harm U.S. industry in any significant manner. In fact, the opportunity for smaller chemical companies to break into the domestic market and compete in the production of the limited amount of Schedule 2 chemicals that cannot be imported would prove a net plus for the economy.

Mr. HELMS. Now, I am taking this advantage as the chairman of the committee. I spoke for 26 minutes this morning. The distinguished ranking member spoke for an hour. Just for the record, how long did the distinguished Senator from Indiana speak? I ask that of the Chair.

The PRESIDING OFFICER (Mr. LUGAR). The Senator from Indiana spoke for 41 minutes.

Mr. HELMS. I see. So the Senator from North Carolina feels that maybe they have had ample opportunity thus far into the debate.

Now, I ask that the distinguished Senator from Minnesota be recognized for 7 minutes, after which time we will stand in recess for the policy luncheon.

The PRESIDING OFFICER. Without objection, the Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise to express my support for the Chemical Weapons Convention [CWC] with the full complement of 33 conditions on U.S. participation, which are now being considered by the Senate.

As a member of the Foreign Relations Committee, I have been reviewing and studying this treaty for over a year now and have had some serious reservations about the CWC throughout that process.

Therefore, I believe the conditions in Senate Executive Resolution 75 are essential to ensuring that the CWC has real benefits for American national security and will be truly verifiable and effective. Before we commit the American taxpayers to paying more than $100 million annually for U.S. participation in the treaty, we owe them nothing less.

Let me outline the conditions I believe are the most important.

First, I am pleased the Clinton administration has finally reversed its long-standing position that the CWC would prevent U.S. soldiers from using tear gas to rescue downed pilots or to avoid deadly force when enemy troops are using civilians as human shields.

Second, we must be sure that Russia will both comply with the existing chemical weapons destruction agreements it has already signed, and that it will ratify the CWC. Russia has the largest chemical weapons stockpile in the world and its compliance with earlier agreements will help the United States be more confident of its ability to monitor Russian compliance with the CWC.

This is especially important given reports that Russia has already developed new chemical weapons programs specifically designed to evade the treaty. More than 15 months after the United States ratified the START II Treaty, Russia has refused to follow suit. What makes us think that if we join the CWC before Russia does, it will then follow our example?

Third, the CWC will not protect American soldiers from chemical attack unless it has a serious and immediate impact on those countries that have hostile intentions toward the United States. This means that countries which are suspected of having chemical weapons programs and are sponsors of terrorism—such as Libya, Syria, Iraq, and North Korea—must participate in the CWC. Just this morning, a newspaper article reported that a prominent North Korean defector has warned that his former country is fully prepared to launch a chemical weapons attack on its neighbors. North Korea has not yet signed the CWC.

Fourth, we need to provide as much protection as possible for U.S. Government facilities and businesses when faced with international inspections. While the CWC does allow the United States to refuse specific inspectors, it should be a matter of policy that we will not accept inspectors from terrorist states like Iran. We are certainly justified in suspecting that these inspectors would be intent on gaining access to classified or confidential business information.

Fifth, I understand the administration has offered assurances that the United States will not seek to transfer chemical technology or information about chemical defenses to countries that might put it to harmful use. But because of the vagueness of the treaty language, we need to go further to prevent the proliferation of chemical weapons. We need to close off the possibility that other countries could use language in the treaty as cover for their desires to transfer chemical technology to countries like Iran. As we have seen in Iraq and North Korea, nuclear technology acquired supposedly for peaceful purposes can advance weapon capabilities.

Sixth and finally, we need to be sure that the CWC is effectively verifiable, meaning that the United States has a high degree of confidence in its ability to detect significant violations. I strongly supported the START II Treaty because it met this traditional standard. If we don't think we can detect cheating under the CWC, it seriously calls into question the value of the treaty.

Recently, there have been reports that China is selling chemical weapons components to Iran. Both countries have signed the CWC and, therefore, are supposedly committed to banning such activity.

In conclusion, Mr. President, there are conditions in the current resolution of ratification for the CWC that address every single one of the concerns I have mentioned.

I sincerely intend to support and vote for the Chemical Weapons Convention as long as the resolution of ratification is fortified with such strong conditions. They will help ensure that this treaty will have a real impact on the proliferation of chemical weapons and provide proven protection for U.S. forces.

However, I understand that some of my colleagues may try to strip out these important conditions on the CWC. This would be very unfortunate and would cause me to reconsider my current support for the treaty.

I urge my colleagues to vote against any killer amendments that would strike these conditions and, therefore, deprive the United States of assurances that the Chemical Weapons Convention is effective, enforceable and verifiable. The American taxpayers, who will be funding U.S. participation in the CWC, deserve a treaty that unquestionably and unambiguously advances our national security.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in recess until 2:15 p.m.

Thereupon, the Senate, at 12:39 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

EXECUTIVE SESSION

CHEMICAL WEAPONS CONVENTION

The Senate continued with the consideration of the convention.

The PRESIDING OFFICER. The Senate will now proceed, under a previous order, to a voice vote on Senate Resolution 75.

The resolution (S. Res. 75) was rejected.

The PRESIDING OFFICER. Under a previous order, the motion to reconsider is agreed to.

The resolution of ratification (S. Res. 75) is back before the Senate.

Under the previous order, the question now occurs on the first 28 conditions en bloc.

The first 28 conditions en bloc were agreed to, as follows:

SEC. 2. CONDITIONS.

The Senate's advice and consent to the ratification of the Chemical Weapons Convention is subject to the following conditions, which shall be binding upon the President:

(1) EFFECT OF ARTICLE XXII.—Upon the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

(2) FINANCIAL CONTRIBUTIONS.—Notwithstanding any provision of the Convention, no funds may be drawn from the Treasury of the United States for payments or assistance (including the transfer of in-kind items) under paragraph 16 of Article IV, paragraph 19 of Article V, paragraph 7 of Article VIII, paragraph 23 of Article IX, Article X, or any other provision of the Convention, without statutory authorization and appropriation.

(3) ESTABLISHMENT OF AN INTERNAL OVERSIGHT OFFICE.—

(A) CERTIFICATION.—Not later than 240 days after the deposit of the United States instrument of ratification, the President shall certify to the Congress that the current internal audit office of the Preparatory Commission has been expanded into an independent internal oversight office whose functions will be transferred to the Organization for the Prohibition of Chemical Weapons upon the establishment of the Organization. The independent internal oversight office shall be obligated to protect confidential information pursuant to the obligations of the Confidentiality Annex. The independent internal oversight office shall—

(i) make investigations and reports relating to all programs of the Organization;

(ii) undertake both management and financial audits, including—

(I) an annual assessment verifying that classified and confidential information is stored and handled securely pursuant to the general obligations set forth in Article VIII and in accordance with all provisions of the Annex on the Protection of Confidential Information; and

(II) an annual assessment of laboratories established pursuant to paragraph 55 of Part II of the Verification Annex to ensure that the Director General of the Technical Secretariat is carrying out his functions pursuant to paragraph 56 of Part II of the Verification Annex;

(iii) undertake performance evaluations annually to ensure the Organization has complied to the extent practicable with the recommendations of the independent internal oversight office;

(iv) have access to all records relating to the programs and operations of the Organization;

(v) have direct and prompt access to any official of the Organization; and

(vi) be required to protect the identity of, and prevent reprisals against, all complainants.

(B) COMPLIANCE WITH RECOMMENDATIONS.—The Organization shall ensure, to the extent practicable, compliance with recommendations of the independent internal oversight office, and shall ensure that annual and other relevant reports by the independent internal oversight office are made available to all member states pursuant to the requirements established in the Confidentiality Annex.

(C) WITHHOLDING A PORTION OF CONTRIBUTIONS.—Until a certification is made under subparagraph (A), 50 percent of the amount of United States contributions to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law.

(D) ASSESSMENT OF FIRST YEAR CONTRIBUTIONS.—Notwithstanding the requirements of this paragraph, for the first year of the Organization's operation, ending on April 29, 1998, the United States shall make its full contribution to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII.

(E) DEFINITION.—For purposes of this paragraph, the term "internal oversight office" means the head of an independent office (or other independent entity) established by the Organization to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the Organization.

(4) COST SHARING ARRANGEMENTS.—

(A) ANNUAL REPORTS.—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to Congress identifying all cost-sharing arrangements with the Organization.

(B) COST-SHARING ARRANGEMENT REQUIRED.—The United States shall not undertake any new research or development expenditures for the primary purpose of refining or improving the Organization's regime for verification of compliance under the Convention, including the training of inspectors and the provision of detection equipment and on-site analysis sampling and analysis techniques, or share the articles, items, or services resulting from any research and development undertaken previously, without first having concluded and submitted to the Congress a cost-sharing arrangement with the Organization.

(C) CONSTRUCTION.—Nothing in this paragraph may be construed as limiting or constricting in any way the ability of the United States to pursue unilaterally any project undertaken solely to increase the capability of the United States means for monitoring compliance with the Convention.

(5) INTELLIGENCE SHARING AND SAFEGUARDS.—

(A) PROVISION OF INTELLIGENCE INFORMATION TO THE ORGANIZATION.—

(i) IN GENERAL.—No United States intelligence information may be provided to the Organization or any organization affiliated with the Organization, or to any official or employee thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the Organization to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. These procedures shall include the requirement of—

(I) the offer and provision of advice and assistance to the Organization in establishing and maintaining the necessary measures to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity, pursuant to paragraph 1(b) of the Confidentiality Annex, and in establishing and maintaining a stringent regime governing the handling of confidential information by the Technical Secretariat, pursuant to paragraph 2 of the Confidentiality Annex;

(II) a determination that any unauthorized disclosure of United States intelligence information to be provided to the Organization or any organization affiliated with the Organization, or any official or employee thereof, would result in no more than minimal damage to United States national security, in light of the risks of the unauthorized disclosure of such information;

(III) sanitization of intelligence information that is to be provided to the Organization to remove all information that could betray intelligence sources and methods; and

(IV) interagency United States intelligence community approval for any release of intelligence information to the Organization, no matter how thoroughly it has been sanitized.

(ii) WAIVER AUTHORITY.—

(I) IN GENERAL.—The Director of Central Intelligence may waive the application of clause (i) if the Director of Central Intelligence certifies in writing to the appropriate committees of Congress that providing such information to the Organization or an organization affiliated with the Organization, or to any official or employee thereof, is in the vital national security interests of the United States and that all possible measures to protect such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided. In the event that multiple waivers are issued within a single week, a single certification to the appropriate committees of Congress may be submitted, specifying each waiver issued during that week.

(II) DELEGATION OF DUTIES.—The Director of Central Intelligence may not delegate any duty of the Director under this paragraph.

(B) PERIODIC AND SPECIAL REPORTS.—

(i) IN GENERAL.—The President shall report periodically, but not less frequently than semiannually, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence information provided to the Organization or affiliated organizations and the purposes for which it was provided during the period covered by the report.

(ii) EXEMPTION.—For purposes of this subparagraph, intelligence information provided to the Organization or affiliated organizations does not cover information that is provided only to, and only for the use of, appropriately cleared United States Government personnel serving with the Organization or an affiliated organization.

(C) SPECIAL REPORTS.—

(i) REPORT ON PROCEDURES.—Accompanying the certification provided pursuant to subparagraph (A)(i), the President shall provide a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives identifying the procedures established for protecting intelligence sources and methods when intelligence information is provided pursuant to this section.

(ii) REPORTS ON UNAUTHORIZED DISCLOSURES.—The President shall submit a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government regarding any unauthorized disclosure of intelligence provided by the United States to the Organization.

(D) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under this section.

(E) RELATIONSHIP TO EXISTING LAW.—Nothing in this paragraph may be construed to—

(i) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

(ii) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(F) DEFINITIONS.—In this section:

(i) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention and includes any organ of that Organization and any board or working group, such as the Scientific Advisory Board, that may be established by it.

(iii) ORGANIZATION AFFILIATED WITH THE ORGANIZATION.—The terms "organization affiliated with the Organization" and "affiliated organizations" include the Provisional Technical Secretariat under the Convention and any laboratory certified by the Director-General of the Technical Secretariat as designated to perform analytical or other functions.

(6) AMENDMENTS TO THE CONVENTION.—

(A) VOTING REPRESENTATION OF THE UNITED STATES.—A United States representative will be present at all Amendment Conferences and will cast a vote, either affirmative or negative, on all proposed amendments made at such conferences.

(B) SUBMISSION OF AMENDMENTS AS TREATIES.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted by an Amendment Conference.

(7) CONTINUING VITALITY OF THE AUSTRALIA GROUP AND NATIONAL EXPORT CONTROLS.—

(A) DECLARATION.—The Senate declares that the collapse of the informal forum of states known as the "Australia Group," either through changes in membership or lack of compliance with common export controls, or the substantial weakening of common Australia Group export controls and nonproliferation measures in force on the date of United States ratification of the Convention, would constitute a fundamental change in circumstances to United States ratification of the Convention.

(B) CERTIFICATION REQUIREMENT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls;

(ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States;

(iii) the Convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and

(iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

(C) ANNUAL CERTIFICATION.—

(i) EFFECTIVENESS OF AUSTRALIA GROUP.—The President shall certify to Congress on an annual basis that—

(I) Australia Group members continue to maintain an equally effective or more comprehensive control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of the date of ratification of the Convention by the United States; and

(II) the Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and that the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of the date of ratification of the Convention by the United States.

(ii) CONSULTATION WITH SENATE REQUIRED.—In the event that the President is, at any time, unable to make the certifications described in clause (i), the President shall consult with the Senate for the purposes of obtaining a resolution of continued adherence to the Convention, notwithstanding the fundamental change in circumstance.

(D) PERIODIC CONSULTATION WITH CONGRESSIONAL COMMITTEES.—The President shall consult periodically, but not less frequently than twice a year, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, on Australia Group export control and nonproliferation measures. If any Australia Group member adopts a position at variance with the certifications and understandings provided under subparagraph (B), or should seek to gain Australia Group acquiescence or approval for an interpretation that various provisions of the Convention require it to remove chemical-weapons related export controls against any State Party to the Convention, the President shall block any effort by that Australia Group member to secure Australia Group approval of such a position or interpretation.

(E) DEFINITIONS.—In this paragraph:

(i) AUSTRALIA GROUP.—The term "Australia Group" means the informal forum of states, chaired by Australia, whose goal is to discourage and impede chemical and biological weapons proliferation by harmonizing national export controls chemical weapons precursor chemicals, biological weapons pathogens, and dual-use production equipment, and through other measures.

(ii) HIGHEST DIPLOMATIC LEVELS.—The term "highest diplomatic levels" means at the levels of senior officials with the power to authoritatively represent their governments, and does not include diplomatic representatives of those governments to the United States.

(8) NEGATIVE SECURITY ASSURANCES.—

(A) REEVALUATION.—In forswearing under the Convention the possession of a chemical weapons retaliatory capability, the Senate understands that deterrence of attack by chemical weapons requires a reevaluation of the negative security assurances extended to non-nuclear-weapon states.

(B) CLASSIFIED REPORT.—Accordingly, 180 days after the deposit of the United States instrument of ratification, the President shall submit to the Congress a classified report setting forth the findings of a detailed review of United States policy on negative security assurances, including a determination of the appropriate responses to the use of chemical or biological weapons against the Armed Forces of the United States, United States citizens, allies, and third parties.

(9) PROTECTION OF ADVANCED BIOTECHNOLOGY.—Prior to the deposit of the United States instrument of ratification, and on January 1 of every year thereafter, the President shall certify to the Committee on Foreign Relations and the Speaker of the House of Representatives that the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on Chemicals.

(10) MONITORING AND VERIFICATION OF COMPLIANCE.—

(A) DECLARATION.—The Senate declares that—

(i) the Convention is in the interests of the United States only if all State Parties are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects all State Parties to be in strict compliance with their obligations under the terms of the Convention, as submitted to the Senate for its advice and consent to ratification;

(B) BRIEFINGS ON COMPLIANCE.—Given its concern about the intelligence community's low level of confidence in its ability to monitor compliance with the Convention, the Senate expects the executive branch of the Government to offer regular briefings, not less than four times a year, to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues and shall include a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Organization, in advance of such meetings;

(ii) any compliance issues raised at meetings of the Organization, within 30 days of such meeting;

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Convention, within 30 days of such a determination.

(C) ANNUAL REPORTS ON COMPLIANCE.—The President shall submit on January 1 of each year to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those countries included in the Intelligence Community's Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction) that are determined to be in compliance with the Convention, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligation under the Convention;

(iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

(D) COUNTRIES PREVIOUSLY INCLUDED IN COMPLIANCE REPORTS.—For any country that was previously included in a report submitted under subparagraph (C), but which subsequently is not included in the Intelligence Community's Monitoring Strategy (or successor document), such country shall continue to be included in the report submitted under subparagraph (C) unless the country has been certified under subparagraph (C)(i) for each of the previous two years.

(E) FORM OF CERTIFICATIONS.—For those countries that have been publicly and officially identified by a representative of the intelligence community as possessing or seeking to develop chemical weapons, the certification described in subparagraph (C)(i) shall be in unclassified form.

(F) ANNUAL REPORTS ON INTELLIGENCE.—On January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Committees on International Relations, National Security, and Permanent Select Committee of the House of Representatives, a full and complete classified and unclassified report regarding—

(i) the status of chemical weapons development, production, stockpiling, and use, within the meanings of those terms under the Convention, on a country-by-country basis;

(ii) any information made available to the United States Government concerning the development, production, acquisition, stockpiling, retention, use, or direct or indirect transfer of novel agents, including any unitary or binary chemical weapon comprised of chemical components not identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iii) the extent of trade in chemicals potentially relevant to chemical weapons programs, including all Australia Group chemicals and chemicals identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iv) the monitoring responsibilities, practices, and strategies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) and a determination of the level of confidence of the intelligence community with respect to each specific monitoring task undertaken, including an assessment by the intelligence community of the national aggregate data provided by State Parties to the Organization, on a country-by-country basis;

(v) an identification of how United States national intelligence means, including national technical means and human intelligence, is being marshaled together with the Convention's verification provisions to monitor compliance with the Convention; and

(vi) the identification of chemical weapons development, production, stockpiling, or use, within the meanings of those terms under the Convention, by subnational groups, including terrorist and paramilitary organizations.

(G) REPORTS ON RESOURCES FOR MONITORING.—Each report required under subparagraph (F) shall include a full and complete classified annex submitted solely to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee of the House of Representatives regarding—

(i) a detailed and specific identification of all United States resources devoted to monitoring the Convention, including information on all expenditures associated with the monitoring of the Convention; and

(ii) an identification of the priorities of the executive branch of Government for the development of new resources relating to detection and monitoring capabilities with respect to chemical and biological weapons, including a description of the steps being taken and resources being devoted to strengthening United States monitoring capabilities.

(11) ENHANCEMENTS TO ROBUST CHEMICAL AND BIOLOGICAL DEFENSES.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) chemical and biological threats to deployed United States Armed Forces will continue to grow in regions of concern around the world, and pose serious threats to United States power projection and forward deployment strategies;

(ii) chemical weapons or biological weapons use is a potential element of future conflicts in regions of concern;

(iii) it is essential for the United States and key regional allies to preserve and further develop robust chemical and biological defenses;

(iv) the United States Armed Forces are inadequately equipped, organized, trained and exercised for chemical and biological defense against current and expected threats, and that too much reliance is placed on non-active duty forces, which receive less training and less modern equipment, for critical chemical and biological defense capabilities;

(v) the lack of readiness stems from a deemphasis of chemical and biological defenses within the executive branch of Government and the United States Armed Forces;

(vi) the armed forces of key regional allies and likely coalition partners, as well as civilians necessary to support United States military operations, are inadequately prepared and equipped to carry out essential missions in chemically and biologically contaminated environments;

(vii) congressional direction contained in the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104-201) should lead to enhanced domestic preparedness to protect against chemical and biological weapons threats; and

(viii) the United States Armed Forces should place increased emphasis on potential threats to forces deployed abroad and, in particular, make countering chemical and biological weapons use an organizing principle for United States defense strategy and development of force structure, doctrine, planning, training, and exercising policies of the United States Armed Forces.

(B) ACTIONS TO STRENGTHEN DEFENSE CAPABILITIES.—The Secretary of Defense shall take those actions necessary to ensure that the United States Armed Forces are capable of carrying out required military missions in United States regional contingency plans, despite the threat or use of chemical or biological weapons. In particular, the Secretary of Defense shall ensure that the United States Armed Forces are effectively equipped, organized, trained, and exercised (including at the large unit and theater level) to conduct operations in a chemically or biologically contaminated environment that are critical to the success of the United States military plans in regional conflicts, including—

(i) deployment, logistics, and reinforcement operations at key ports and airfields;

(ii) sustained combat aircraft sortie generation at critical regional airbases; and

(iii) ground force maneuvers of large units and divisions.

(C) DISCUSSIONS WITH REGIONAL ALLIES AND LIKELY COALITION PARTNERS.—

(i) IN GENERAL.—The Secretaries of Defense and State shall, as a priority matter, initiate discussions with key regional allies and likely regional coalition partners, including those countries where the United States currently deploys forces, where United States forces would likely operate during regional conflicts, or which would provide civilians necessary to support United States military operations, to determine what steps are necessary to ensure that allied and coalition forces and other critical civilians are adequately equipped and prepared to operate in chemically and biologically contaminated environments.

(ii) REPORTING REQUIREMENT.—Not later than one year after deposit of the United States instrument of ratification, the Secretaries of Defense and State shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate and to the Speaker of the House on the result of these discussions, plans for future discussions, measures agreed to improve the preparedness of foreign forces and civilians, and proposals for increased military assistance, including through the Foreign Military Sales, Foreign Military Financing, and the International Military Education and Training programs pursuant to the Foreign Assistance Act of 1961.

(D) UNITED STATES ARMY CHEMICAL SCHOOL.—The Secretary of Defense shall take those actions necessary to ensure that the United States Army Chemical School remains under the oversight of a general officer of the United States Army.

(E) SENSE OF THE SENATE.—Given its concerns about the present state of chemical and biological defense readiness and training, it is the sense of the Senate that—

(i) in the transfer, consolidation, and reorganization of the United States Army Chemical School, the Army should not disrupt or diminish the training and readiness of the United States Armed Forces to fight in a chemical-biological warfare environment;

(ii) the Army should continue to operate the Chemical Defense Training Facility at Fort McClellan until such time as the replacement training facility at Fort Leonard Wood is functional.

(F) ANNUAL REPORTS ON CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE ACTIVITIES.—On January 1, 1998, and annually thereafter, the President shall submit a report to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Committee on International Relations, National Security, and Appropriations of the House of Representatives, and Speaker of the House on previous, current, and planned chemical and biological weapons defense activities. The report shall contain for the previous fiscal year and for the next three fiscal years—

(i) proposed solutions to each of the deficiencies in chemical and biological warfare defenses identified in the March 1996 report of the General Accounting Office entitled "Chemical and Biological Defense: Emphasis Remains Insufficient to Resolve Continuing Problems", and steps being taken pursuant to subparagraph (B) to ensure that the United States Armed Forces are capable of conducting required military operations to ensure the success of United States regional contingency plans despite the threat or use of chemical or biological weapons;

(ii) identification of the priorities of the executive branch of Government in the development of both active and passive chemical and biological defenses;

(iii) a detailed summary of all budget activities associated with the research, development, testing, and evaluation of chemical and biological defense programs;

(iv) a detailed summary of expenditures on research, development, testing, and evaluation, and procurement of chemical and biological defenses by fiscal years defense programs, department, and agency;

(v) a detailed assessment of current and projected vaccine production capabilities and vaccine stocks, including progress in researching and developing a multivalent vaccine;

(vi) a detailed assessment of procedures and capabilities necessary to protect and decontaminate infrastructure to reinforce United States power-projection forces, including progress in developing a nonaqueous chemical decontamination capability;

(vii) a description of progress made in procuring light-weight personal protective gear and steps being taken to ensure that programmed procurement quantities are sufficient to replace expiring battle-dress overgarments and chemical protective overgarments to maintain required wartime inventory levels;

(viii) a description of progress made in developing long-range standoff detection and identification capabilities and other battlefield surveillance capabilities for biological and chemical weapons, including progress on developing a multi-chemical agent detector, unmanned aerial vehicles, and unmanned ground sensors;

(ix) a description of progress made in developing and deploying layered theater missile defenses for deployed United States Armed Forces which will provide greater geographic coverage against current and expected ballistic missile threats and will assist in mitigating chemical and biological contamination through higher altitude intercepts and boost-phase intercepts;

(x) an assessment of—

(I) the training and readiness of the United States Armed Forces to operate in a chemically or biologically contaminated environment; and

(II) actions taken to sustain training and readiness, including training and readiness carried out at national combat training centers;

(xi) a description of progress made in incorporating chemical and biological considerations into service and joint exercises as well as simulations, models, and war games and the conclusions drawn from these efforts about the United States capability to carry out required missions, including missions with coalition partners, in military contingencies;

(xii) a description of progress made in developing and implementing service and joint doctrine for combat and non-combat operations involving adversaries armed with chemical or biological weapons, including efforts to update the range of service and joint doctrine to better address the wide range of military activities, including deployment, reinforcement, and logistics operations in support of combat operations, and for the conduct of such operations in concert with coalition forces; and

(xiii) a description of progress made in resolving issues relating to the protection of United States population centers from chemical and biological attack, including plans for inoculation of populations, consequence management, and a description of progress made in developing and deploying effective cruise missile defenses and a national ballistic missile defense.

(12) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Convention requires or authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States.

(13) NONCOMPLIANCE.—

(A) IN GENERAL.—If the President determines that persuasive information exists that a State Party to the Convention is maintaining a chemical weapons production or production mobilization capability, is developing new chemical agents, or is in violation of the Convention in any other manner so as to threaten the national security interests of the United States, then the President shall—

(i) consult with the Senate, and promptly submit to it, a report detailing the effect of such actions;

(ii) seek on an urgent basis a challenge inspection of the facilities of the relevant party in accordance with the provisions of the Convention with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis a meeting at the highest diplomatic level with the relevant party with the objective of bringing the noncompliant party into compliance;

(iv) implement prohibitions and sanctions against the relevant party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis within the Security Council of the United Nations a multilateral imposition of sanctions against the noncompliant party for the purposes of bringing the noncompliant party into compliance; and

(vi) in the event that the noncompliance continues for a period of longer than one year after the date of the determination made pursuant to subparagraph (A), promptly consult with the Senate for the purposes of obtaining a resolution of support of continued adherence to the Convention, notwithstanding the changed circumstances affecting the object and purpose of the Convention.

(B) CONSTRUCTION.—Nothing in this section may be construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

(C) PRESIDENTIAL DETERMINATIONS.—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence not later than 15 days after making such determination.

(14) FINANCING RUSSIAN IMPLEMENTATION.—The United States understands that, in order to be assured of the Russian commitment to a reduction in chemical weapons stockpiles, Russia must maintain a substantial stake in financing the implementation of both the 1990 Bilateral Destruction Agreement and the Convention. The United States shall not accept any effort by Russia to make deposit of Russia's instrument of ratification contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia under the 1990 Bilateral Destruction Agreement or the Convention.

(15) ASSISTANCE UNDER ARTICLE X.—

(A) IN GENERAL.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States shall not provide assistance under paragraph 7(a) of Article X.

(B) COUNTRIES INELIGIBLE FOR CERTAIN ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961—

(i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and

(ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

(16) PROTECTION OF CONFIDENTIAL INFORMATION.—

(A) UNAUTHORIZED DISCLOSURE OF UNITED STATES BUSINESS INFORMATION.—Whenever the President determines that persuasive information is available indicating that—

(i) an officer or employee of the Organization has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, and

(ii) such practice or disclosure has resulted in financial losses or damages to a United States person,

the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination.

(B) WAIVER OF IMMUNITY FROM JURISDICTION.—

(i) CERTIFICATION.—Not later than 270 days after notification of Congress under subparagraph (A), the President shall certify to Congress that the immunity from jurisdiction of such foreign person has been waived by the Director-General of the Technical Secretariat.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(C) BREACHES OF CONFIDENTIALITY.—

(i) CERTIFICATION.—In the case of any breach of confidentiality involving both a State Party and the Organization, including any officer or employee thereof, the President shall, within 270 days after providing written notification to Congress pursuant to subparagraph (A), certify to Congress that the Commission described under paragraph 23 of the Confidentiality Annex has been established to consider the breach.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(D) DEFINITIONS.—In this paragraph:

(i) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The term "United States confidential business information" means any trade secrets or commercial or financial information that is privileged and confidential, as described in section 552(b)(4) of title 5, United States Code, and that is obtained—

(I) from a United States person; and

(II) through the United States National Authority or the conduct of an inspection on United States territory under the Convention.

(ii) UNITED STATES PERSON.—The term "United States person" means any natural person or any corporation, partnership, or other juridical entity organized under the laws of the United States.

(iii) UNITED STATES.—The term "United States" means the several States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(17) CONSTITUTIONAL PREROGATIVES.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article II, Section 2, Clause 2 of the United States Constitution states that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur".

(ii) At the turn of the century, Senator Henry Cabot Lodge took the position that the giving of advice and consent to treaties constitutes a stage in negotiation on the treaties and that Senate amendments or reservations to a treaty are propositions "offered at a later stage of the negotiation by the other part of the American treaty making power in the only manner in which they could then be offered".

(iii) The executive branch of Government has begun a practice of negotiating and submitting to the Senate treaties which include provisions that have the purported effect of—

(I) inhibiting the Senate from attaching reservations that the Senate considers necessary in the national interest; or

(II) preventing the Senate from exercising its constitutional duty to give its advice and consent to treaty commitments before ratification of the treaties.

(iv) During the 85th Congress, and again during the 102d Congress, the Committee on Foreign Relations of the Senate made its position on this issue clear when stating that "the President's agreement to such a prohibition cannot constrain the Senate's constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest".

(B) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) the advice and consent given by the Senate in the past to ratification of treaties containing provisions which prohibit amendments or reservations should not be construed as a precedent for such provisions in future treaties;

(ii) United States negotiators to a treaty should not agree to any provision that has the effect of inhibiting the Senate from attaching reservations or offering amendments to the treaty; and

(iii) the Senate should not consent in the future to any article or other provision of any treaty that would prohibit the Senate from giving its advice and consent to ratification of the treaty subject to amendment or reservation.

(18) LABORATORY SAMPLE ANALYSIS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

(19) EFFECT ON TERRORISM.—The Senate finds that—

(A) without regard to whether the Convention enters into force, terrorists will likely view chemical weapons as a means to gain greater publicity and instill widespread fear; and

(B) the March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the Convention.

(20) CONSTITUTIONAL SEPARATION OF POWERS.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article VIII(8) of the Convention allows a State Party to vote in the Organization if the State Party is in arrears in the payment of financial contributions and the Organization is satisfied that such nonpayment is due to conditions beyond the control of the State Party.

(ii) Article I, Section 8 of the United States Constitution vests in Congress the exclusive authority to "pay the Debts" of the United States.

(iii) Financial contributions to the Organization may be appropriated only by Congress.

(B) SENSE OF SENATE.—It is therefore the sense of the Senate that—

(i) such contributions thus should be considered, for purposes of Article VIII(8) of the Convention, beyond the control of the executive branch of the United States Government; and

(ii) the United States vote in the Organization should not be denied in the event that Congress does not appropriate the full amount of funds assessed for the United States financial contribution to the Organization.

(21) ON-SITE INSPECTION AGENCY.—It is the sense of the Senate that the On-Site Inspection Agency of the Department of Defense should have the authority to provide assistance in advance of any inspection to any facility in the United States that is subject to a routine inspection under the Convention, or to any facility in the United States that is the object of a challenge inspection conducted pursuant to Article IX, if the consent of the owner or operator of the facility has first been obtained.

(22) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ANNUAL ASSESSMENT.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), and (D) the United States shall pay as a total annual assessment of the costs of the Organization pursuant to paragraph 7 of Article VIII not more than $25,000,000.

(B) RECALCULATION OF LIMITATION.—On January 1, 2000, and at each 3-year interval thereafter, the amount specified in subparagraph (A) is to be recalculated by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the failure to provide such contributions would result in the inability of the Organization to conduct challenge inspections pursuant to Article IX or would otherwise jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President.

(ii) STATEMENT OF REASONS.—The President shall transmit with such certification a detailed statement setting forth the specific reasons therefor, and the specific uses to which the additional contributions provided to the Organization would be applied.

(D) ADDITIONAL CONTRIBUTIONS FOR VERIFICATION.—Notwithstanding subparagraph (A), for a period of not more than ten years, the President may furnish additional contributions to the Organization for the purposes of meeting the costs of verification under Articles IV and V.

(23) ADDITIONS TO THE ANNEX ON CHEMICALS.—

(A) PRESIDENTIAL NOTIFICATION.—Not later than 10 days after the Director-General of the Technical Secretariat communicates information to all States Parties pursuant to Article XV(5)(a) of a proposal for the addition of a chemical or biological substance to a schedule of the Annex on Chemicals, the President shall notify the Committee on Foreign Relations of the Senate of the proposed addition.

(B) PRESIDENTIAL REPORT.—Not later than 60 days after the Director-General of the Technical Secretariat communicates information of such a proposal pursuant to Article XV(5)(a) or not later than 30 days after a positive recommendation by the Executive Council pursuant to Article XV(5)(c), whichever is sooner, the President shall submit to the Committee on Foreign Relations of the Senate a report, in classified and unclassified form, detailing the likely impact of the proposed addition to the Annex on Chemicals. Such report shall include—

(i) an assessment of the likely impact on United States industry of the proposed addition of the chemical or biological substance to a schedule of the Annex on Chemicals;

(ii) a description of the likely costs and benefits, if any, to United States national security of the proposed addition of such chemical or biological substance to a schedule of the Annex on Chemicals; and

(iii) a detailed assessment of the effect of the proposed addition on United States obligations under the Verification Annex.

(C) PRESIDENTIAL CONSULTATION.—The President shall, after the submission of the notification required under subparagraph (A) and prior to any action on the proposal by the Executive Council under Article XV(5)(c), consult promptly with the Senate as to whether the United States should object to the proposed addition of a chemical or biological substance pursuant to Article XV(5)(c).

(24) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the Constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification with respect to the INF Treaty. For purposes of this declaration, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(25) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power as set forth in Article II, section 2, clause 2 of the Constitution.

(26) RIOT CONTROL AGENTS.—

(A) PERMITTED USES.—Prior the the deposit of the United States instrument of ratification, the President shall certify to Congress that the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases:

(i) UNITED STATES NOT A PARTY.—The conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Ruanda).

(ii) CONSENSUAL PEACEKEEPING.—Consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter.

(iii) CHAPTER VII PEACEKEEPING.—Peacekeeping operations when force is authorized by the Securtity Council under Chapter VII of the United Nations Charter.

(B) IMPLEMENTATION.—The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

(C) DEFINITION.—In this paragraph, the term "riot control agent" has the meaning given the term in Article II(7) of the Convention.

(27) CHEMICAL WEAPONS DESTRUCTION.—Prior to the deposit of the United States instrument of ratification of the Convention, the President shall certify to the Congress that all of the following conditions are satisfied:

(A) EXPLORATION OF ALTERNATIVE TECHNOLOGIES.—The President has agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the Convention for the destruction of chemical weapons.

(B) CONVENTION EXTENDS DESTRUCTION DEADLINE.—The requirement in section 1412 of Public Law 99-145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007.

(C) AUTHORITY TO EMPLOY A DIFFERENT DESTRUCTION TECHNOLOGY.—The requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article.

(D) PROCEDURES FOR EXTENSION OF DEADLINE.—The President will consult with Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public Law 104–208), the President determines that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

(28) CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE.—

(A) IN GENERAL.—In order to protect United States citizens against unreasonable searches and seizures, prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized; and

(ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

(B) DEFINITION.—For purposes of this resolution, the term "National Authority" means the agency or office of the United States Government designated by the United States pursuant to Article VII(4) of the Convention.

The PRESIDING OFFICER. The Chair advises that under the previous order the five remaining conditions are now part of the resolution and are open to motions to strike.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I ask that the RECORD reflect my "aye" vote on the two resolutions just voted, and that the RECORD also reflect that Senator SMITH of New Hampshire voted "aye."

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. I yield 10 seconds.

Mr. WARNER. Mr. President, I wish the RECORD to reflect that the Senator from Virginia was on the floor present and voting "aye" on the resolution.

Mr. KYL. Mr. President, may I further ask that the RECORD reflect that the Senator from Florida, Senator MACK, was present and voting "aye"; and that Senator KEMPTHORNE, Senator ABRAHAM, Senator ROBERTS, and Senator HUTCHINSON also voted "aye."

The PRESIDING OFFICER. Who yields time?

PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, will the Senator yield 10 seconds for a unanimous-consent request regarding a staff member?

Mr. President, I ask unanimous consent that Greg Suchan, a fellow on the staff of Senator MCCAIN, be granted the privilege of the floor during the discussion of the Chemical Weapons Convention.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. I thank the Chair.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, we are now going to commence additional debate on the Chemical Weapons Convention. I would like to begin with some general observations about treaties in general and about this treaty in particular.

Mr. President, I want to begin by making what should be an obvious point. But in view of some of the rhetoric, I think it is important to reiterate it; that is, that the opponents of the Chemical Weapons Convention abhor chemical weapons just as much as proponents do. If this treaty performs as it is advertised to perform, I think everyone in this body would be supportive of it. Certainly those who oppose the convention support eliminating our chemical weapons, which will happen with or without the Chemical Weapons Convention.

As has been noted by previous speakers, the United States is committed to eliminating all of our chemical weapons, and I suspect that everyone in this Chamber supports that position. So opposition is not based on the notion that we would retain our chemical weapons.

Mr. President, I also ask that the RECORD reflect that the Senator from Iowa, Senator GRASSLEY, was present and voted "aye" on the last two votes.

Mr. President, let me move forward to this proposition. Last week the Senate approved Senate Resolution 495, which demonstrates our commitment to do more. Whether one supports the Chemical Weapons Convention or not, this was an important bill to demonstrate our commitment, both here at home and abroad, to do more to try to stop the spread of chemical weapons, and not doing it alone, as my friend from Delaware has said, because Senate Resolution 495 contains several provisions that call for additional multilateral action on the part of the United States. It requires the President, for example, to use his best efforts to keep the Australia Group intact and to work against any weakening of the Australia Group restrictions on trade in chemicals; to work with Russia to ensure that it conforms to its obligations under the bilateral destruction agreement; for the President to impose sanctions on countries that violate international law with respect to chemical weapons.

So Senate Resolution 495 was not a go-it-alone resolution. Quite to the contrary. Though it did close some loopholes in American law, it also reached out in various specific ways to enable us to deal with the problem of the spread of chemical weapons in more practical and specific ways than the Chemical Weapons Convention itself does.

We have just had a vote on the resolution of ratification as presented by Senator HELMS, the resolution that is currently before us. Many of us voted for that resolution, to make the point that we favor the Chemical Weapons Convention so long as it has certain protections built into it. I think it should also be clear that the opposition to the Chemical Weapons convention is not based on politics.

As one of my colleagues said, there will be criticism of President Clinton. I don't think you will hear criticism of President Clinton. The opposition to this treaty is not based on politics. Indeed, it is not an easy treaty to oppose. I think those who oppose it must be recognized as doing so because of a firm principle and commitment rather than anything political.

Another general point I would like to make is this. The Senate has a constitutional obligation to independently scrutinize treaties. It has been said that treaties are forever. Most of the treaties that have been ratified by the U.S. Senate are still in force—treaties that are many, many, many years old, some undoubtedly far beyond this time. It is like amending the Constitution. It requires a two-thirds vote. It requires a great deal of thought, therefore, on the part of the Senate.

Mr. President, we are not a rubber stamp. No one should feel that they have to support this treaty just because it has been proposed. Treaties are no substitute for sensible action. They are in many respects inherently limited in their value, especially when the nations with whom they are entered into are not committed to the principles of the treaty. There are examples in past history that demonstrate this.

The Kellogg-Briand Pact of 1928, which outlawed war, was obviously something that everyone felt good about supporting. But the actions didn't follow the words, and we know what happened.

Also, this morning one of my colleagues quoted Will Rogers, who said, "We have never lost a war or won a treaty." While that has a certain ring of truth to it, I don't think anyone would suggest that, therefore, all treaties are bad. As a matter of fact, we have supported very specific treaties that we think have done some good—arms control treaties like the INF Treaty, the START I Treaty, and the START II Treaty. As a matter of fact, I was asked to support the START II

Treaty on the grounds that Russia would not ratify the START II Treaty until the United States did. So we did. We support the START II Treaty. It was ratified here. And 2 years later, the Russians still have not ratified the START II Treaty. So I agree with my colleagues who say that some treaties can be useful. I also make the point that one should not rely strictly on treaties.

I also am troubled by the proposition that we somehow feel that we could do internationally that which we could never do domestically. I don't think any of us would contend, for example, that we think we can solve the problem of crime by going to the criminals in our neighborhoods and making a treaty with them to stop committing crime. Instead, we have police forces, we have laws, we have specific punishments, we have a court system, and we put people in prison when they violate those laws. In other words, we take specific action to deal with the problem. We don't rely upon the written word of someone who may be unreliable. Yet, in the international forum that seems to be very much in vogue.

I don't think there is any reason that we can believe that a treaty with Iran, for example, is going to change its behavior, or Iraq, or Libya, or North Korea, or many of the other rogue states throughout the world. I think it is countries like Iran that want the benefits of the CWC and the lifting of the trade restrictions that we currently have with Iran, secure in the knowledge that it can avoid detection and/or any punishment that might follow that. Treaties generally do not modify the behavior of states. The law-abiding will abide, and those that intend to cheat will either cheat or not join at all.

That is why these multilateral treaties, unlike some of the bilateral treaties that we entered into earlier, are more difficult to make work. Frequently what they do is complicate diplomacy and encourage dishonesty. We know that there are numerous examples of violations of existing treaties and previous treaties. But it was uncomfortable for us to bring those violations to light because, frankly, we thought that we had bigger fish to fry. We had more important matters with those states than the violation of a particular treaty. As a result, paradoxically it was more difficult to enforce these conditions once the treaty went into effect than it was before, because once the treaty went into effect, in order to upset the applecart, we have to find violations. We take it to the body that is going to find a violation and sanction, and we decide that would be diplomatically difficult because we want to accomplish some greater purpose with the state that is in violation. So we just forget the whole thing. What that does is literally put into law the violations that are occurring currently. So they can complicate diplomacy and encourage dishonesty.

The bottom line about this general discussion is this: Sometimes treaties can be very useful and sometimes not. We have an obligation to make that distinction—not just to take the word that, if a treaty has been proposed, we have an obligation to support it. That is not the job of the U.S. Senate. Treaties are not an excuse to do that which is difficult. It is like making a New Year's resolution rather than beginning to diet. Sometimes we have to have the courage to begin the diet rather than just relying on a New Year's resolution.

Mr. President, a second set of general comments:

Reasonable people can differ over the Chemical Weapons Convention. We have a series of former governmental officials on both sides of this issue. We have former Secretaries of Defense, ambassadors, generals, columnists—all of whom have come out very publicly against the treaty. There is undoubtedly an equal number who have come out for the chemical weapons treaty. I hope we can begin this debate with the proposition that reasonable people can differ on this very important matter. Frankly, when former Secretaries of State—like Dick Cheney, Casper Weinberger, Don Rumsfeld, James Schlesinger; former Defense officials, such as Jeane Kirkpatrick and Richard Perle, Gen. P.X. Kelley, and Freddie Clay—when people like this say that they are opposed to the treaty, it ought to be clear that there are reasonable arguments on both sides and that neither side should claim that all right and truth and justice are on their side.

Important columnists have also weighed in to this and find themselves on both sides of the issue.

That is why I am troubled by the slogan of some people in the administration—and, in particular, I will cite the Secretary of State, who has said on national television that one of the reasons to vote for this treaty is that it has "Made in America" written all over it. Mr. President, that is not a substitute for reasoned argument. It is a slogan. It misrepresents the Reagan administration's position on the chemical weapons treaty, which, by the way, was very much different than the treaty that is before the Senate today.

I can point out the fact that there have been other treaties proposed to the U.S. Senate that also had "Made in America" written all over them—like the League of Nations, which this Senate in its judgment decided not to rubberstamp but to reject.

There were cries at the time similar to the cries you hear today that it would isolate America; that it would hurt our business; that we would be the laughingstock of the world; that, after all, President Wilson was the one who created this treaty and how could we vote against it. Moreover, we would be the pariah in the world if we voted against the League of Nations. But in 1919, this body exercised its judgment, its constitutional prerogative and it declined to allow the United States to participate. And I do not think today there are very many people who believe this country made a mistake by waiting and creating instead the United Nations.

We, I think, should be able to go forward. I think it takes more courage sometimes to go forward with a position that acknowledges a mistake than it does to simply blindly go forward and perhaps have in the back of your mind the idea that you have made a mistake but it would not look good if you backed out at this time.

That is another one of the arguments being made by the opponents; we would be embarrassed internationally if we backed out of the treaty at this point or caused part of it to be renegotiated. I submit that knowing we have made a mistake at least with regard to articles X and XI in this treaty, we should have the courage to fix articles X and XI before our resolution of ratification is deposited at The Hague.

Now another general comment, Mr. President. No one has a monopoly on morality. Ours is a disagreement about means, not about ends. I want to make this point very clear because some people, perhaps a little overzealous to push this treaty, have inferred that those who vote against it somehow support the use of chemical weapons. I watched my grandfather die, Mr. President, from emphysema acquired as a result of his being gassed in World War I in Europe. Therefore, I take a back seat to no one in expressing my abhorrence for these despicable weapons and why I fully support the United States eliminating our chemical weapons and leading the world in that regard. We are the only country in the world with chemical weapons that has declared we will eliminate all of our stocks of those weapons.

So I hope no one tries to lecture me about the evils of poison gas and how the only way to deal with that is through this Chemical Weapons Convention. We have been the moral leader of the world by imposing trade restrictions on countries like Iran, for example, restrictions that will probably have to be lifted as a result of this treaty because of articles X and XI. So I believe that insisting on renegotiation of articles X and XI would confirm our moral position. Our negotiators tried but failed to win key concessions on those provisions. In the future, they will be strengthened by the knowledge that the Senate will not go along with such halfway measures with a defective treaty.

So, Mr. President, my point here is this. It matters how we make a moral statement, and simply ballyhooing a treaty that everyone knows is flawed does not enhance our moral stature.

Now to some specific comments. Those of us who have reservations about the treaty have said that it fails in its key objectives, that if it met these objectives we would support it, that our opposition is based on two simple points. It fails to meet the objectives and it does more harm than good.

In what way does it fail to meet its objectives. It was proposed as a global and verifiable and enforceable treaty. Unfortunately, it is none of those. First, it is not global. It does not cover the key countries and the key chemicals that are currently suspected of being the problems. Nine of the 14 countries suspected of possessing chemical weapons have not even signed this treaty. These countries include Libya, Iraq, Syria, North Korea, Egypt, Sudan, Serbia, South Korea, and Taiwan. So many of the countries in the world that possess the chemicals are not signatories. They are not going to bind themselves to it. And there is nothing we can do in terms of verification or inspection or anything else that is going to deal with it. The best way to deal with those countries is to do what we are currently doing, which is to maintain and enforce the restrictions of the Australia Group.

Now, I spoke of that before. What is it? It is a group of 29 countries, including the United States, that have agreed among themselves not to trade these chemicals to countries that they think might want to develop chemical weapons with them. And we have these restrictions in place now. That is the best way to prevent the spread of these chemicals. Unfortunately, as an incentive to get countries to join the chemical weapons treaty, articles X and XI call into question the existence of those conditions and in fact in our view require that the states remove those restrictions and trade with the countries that are parties to the treaty.

Second, the treaty is not verifiable. Now, proponents have said, well, nothing is 100-percent verifiable. That is a false standard, Mr. President. Nobody is claiming that it should be 100-percent verifiable. The question is whether it is effectively verifiable. And on that there is virtually unanimous agreement that, no, it is not effectively verifiable. I read to you a recently unclassified national intelligence estimate conclusion published originally in August of 1993 which stated:

> The capability of the intelligence community to monitor compliance with the CWC is severely limited and likely to remain so for the rest of the decade. The key provision of the monitoring regime, challenge inspections at undeclared sites, can be thwarted by a nation determined to preserve a small secret program using the delays and managed access rules allowed by the convention.

And there are a variety of other statements I could read, including statements of the former Director of the CIA, all of which confirm the fact that this is not a verifiable treaty.

Nor is the treaty enforceable. Even if you were to find a violation and you brought it to the bodies that are supposed to run this treaty, you would have to have a three-quarter vote, and there is no sanction in place. Once they found a violation, they would go to the country and say, would you please stop violating. If the country continued to ignore them, although the likelihood is the country would say, well, sure, we would be happy to, and eventually hide the material in such a way that you could not find a violation in the future, but assuming the violation continued and you continue to prove that, what is the sanction? There is none. Where do you go? The United Nations, the General Assembly.

Mr. President, that is not a place where at least the United States has been treated very kindly in the past. And if you have to go all the way to the Security Council, Russia, China, other states have a veto. So it is unlikely that significant punishment would be meted out. As a matter of fact, the evidence of that probably most clearly is the case of Iraq which admittedly—I should not say admittedly. They denied it, but after inspection it was confirmed that chemical weapons were used against both Iran and against the Kurdish population of Iraq itself and yet the United Nations, the peace-loving nations of the world were incapable of mustering the courage to even name Iraq in a meaningless resolution about the use of these weapons. So it does not seem likely to me that the United Nations would muster the courage to impose any kind of particular sanction.

Now, another one of the selling points of this treaty, according to its proponents, is, well, it is better than nothing. In other words, granted, it does not cover a lot of the countries we wished it covered and it is not very verifiable and there are not any particular sanctions in the treaty, but at least it is better than nothing.

Our response to that is essentially twofold. First of all, it is very costly both in terms of money and potential constitutional restrictions and, second, there are some other very significant reasons why it is not better than nothing.

In terms of cost, we know that the cost to the Government is going to be $150 million to $200 million annually. Businesses are going to have to pay between $200,000 and $500,000 for inspections. Just to fill out the forms, and there are thousands of businesses in this country that will have to fill out the forms, it is going to be a $50,000 to $70,000 proposition, and, of course, untold amounts lost in confidential business information which can result as a result of the industrial espionage that most people believe will result from the inspections under this treaty.

Second, we mentioned the constitutional issues. There has been an attempt to fix about half of the constitutional issues. One deals with the fourth amendment, and there has been an amendment to say a search warrant would be required. The problem with that is that it would probably be found to be in violation of the treaty if a constitutional requirement were imposed to prevent the treaty from operating as it was written.

So if we actually go ahead with a protection from fourth amendment searches and seizures, we may very well be found in violation of the treaty. On the other hand, those responsible for making such a decision may decide that we can have such a constitutional protection in which case I think we can count on all of the other nations that want to avoid detection doing the same thing and, of course, as a nation that lives under the rule of law we will abide by it in a proper way. And I think we can count on countries like Iran or China or Cuba, for example, to use that as an excuse not to allow the kind of inspections that would result in detection.

The other part of the Constitution, the fifth amendment, presents a special problem that nobody has figured out how to fix. The fifth amendment provides that if there is a taking by the Government of property one is entitled to be paid. The problem is that when the U.S. Government imposes this regime on American businesses and individuals, it has not yet made the commitment to pay them. My own guess is that I would have a right to sue and the U.S. Government would have to pay but there is no provision for that. You cannot sue under the Federal Tort Claim Act, and so we would have to somehow construct an ability to sue the U.S. Government and provide for the unlimited liability that would result from such an undertaking. So that has not been dealt with either.

The bottom line is the constitutional issues remain very much up in the air.

Now, those are some of the costs. I think, however, the biggest costs are the following two. The mere fact that this treaty has been proposed has caused many to decide that we do not have to worry as much about defending our troops. I know the President has made a big matter out of saying that this treaty would help to protect our troops. Well, I think he is very wrong and his own administration officials verify this because for the last 2 years his representatives have come to the Congress and based on the fact that the United States signed this treaty and they presumed we would ratify it, this administration has called for reductions in spending on defensive measures for our troops.

How can a President who tries to sell the treaty on the basis that it will be good for our troops, that it will protect them, come before the Congress not once but twice and call for a reduction in funding to provide defenses for our troops? Two years ago, $850 million. Fortunately, we restored it. What was the reason? The reason expressly was because this treaty is going to enter into force and we will be a part of it, as if the treaty were going to make the threat go away.

And this year General Shalikashvili let us cut another $1.5 billion over 5 years out of this part of the defense budget, this despite the fact that the General Accounting Office in a very critical report following the Persian Gulf war, updated just last year, has found that our defenses are in a very serious state of disrepair; that we are not adequately prepared; that we have not provided our soldiers, our marines, our fighting people who are going to be confronting chemical or biological warfare the kind of training, the kind of equipment, the kind of antidotes, the kind of protection they deserve. So you have GAO in a very current finding that we are not doing enough for our troops, the administration trying to cut the funding to do more, and the President saying that the chemical weapons treaty will solve the problem.

That is what I had reference to when I said that treaties can make you feel good, like you have solved a problem, but when it comes to the lives of American soldiers, we will not have done enough to protect them. And that is why we should not be lulled into a sense of false security by signing a piece of paper that I do not think people would loan money on if they wanted to get it back, frankly. So, this treaty does damage. It is worse than nothing.

What is another example? You have heard me talk about articles X and XI. You are going to hear a lot about that, because articles X and XI turn out not to be such a good idea. I am going to discuss that in more detail later. They were put into the treaty at a time when it seemed like a good idea. Now it does not seem like such a good idea. The administration and everybody else acknowledges we have a problem here. The problem is, everybody is embarrassed to go back and change it. The administration says, "Well, we negotiated the best deal we could." We say, "Because it is flawed, let us go back and take those two sections out." But the administration does not want to do that. Not taking them out is going to result in a proliferation of chemical weapons and technology, not a restriction of it. Again, I will get into that in more detail later.

The point I want to make here is that as long as this treaty has articles X and XI in it, it is going to be worse than nothing because it is going to result in the proliferation of chemicals rather than a restriction. I will just quote one sentence that a letter that former Defense Secretary, Dick Cheney wrote in this regard. He said, "In my judgment, the treaty's article X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe." So, in this second significant respect, the treaty makes the situation worse than it was before.

Finally, as I made a point to mention before, it is going to significantly reduce our diplomatic options. Claiming violations will take back seat to more pressing diplomatic considerations. We have seen this in a variety of situations. When the Russians were in violation of the ABM Treaty and had a radar at a place called Krasnoyarsk, we were in delicate negotiations with them in a variety of other things and therefore it was "see no evil" basically. "We are really not all that sure they violated the treaty," when in fact our intelligence community knew full well they had. And after the Soviet Union broke up, its leaders said, "Sure we were in violation." The question is, why didn't we do anything about it? Well, because we did not want to upset the diplomatic applecart.

Think about China with MFN. Are we going to upset the diplomatic applecart? You see, today we do not have to because there is no treaty. Once a treaty is in place we have an obligation. If we know there are violations—perhaps, for example, with China—we would have an obligation to send inspectors over there and ask them to see what they could find. One of two things will happen. Either they are going to confirm there are violations—unlikely, in which case we are then going to have to do something about it. More likely, they will come back and say, "Well, we couldn't prove it."

As a result, China or whoever is doing the violating will have the Good Housekeeping stamp of approval. We set up this regime. You try to find people guilty. But the burden is so difficult you are not going to find people guilty. They are going to, in effect, be acquitted. And when they are acquitted we have then diminished our opportunity to negotiate with them, to tell them to stop selling chemicals, for example, to Iran or other countries we do not want to have them. In that respect, again, the treaty reduces our diplomatic options. It puts us into a box. It makes it more difficult to deal with these kinds of violations and in that respect again it is not better than nothing, it is worse than doing nothing.

What are some of the administration's claims? First of all, they have made the astonishing claim that failure to ratify the treaty would mean that we are aligned with the pariah states of Iraq and Libya because Iraq and Libya are not going to sign or ratify this treaty. I hope the Secretary of State and the President of the United States could discriminate a little better than that. I could make the same argument to them. If we sign the treaty, we are going to be in with a bunch of other pariah states. Do they think it is any better to be with Iran or Cuba? These are states that have signed the treaty and presumably will ratify it. Obviously, that is not an argument that gets you anywhere. But it is the kind of simplistic, superficial argument that this administration is using to sell the treaty. It is an affront to the intelligence of the Senate. As I said, I hope the President and Secretary of State can make better distinctions than that.

I also note it is a bit meaningless at this point to join the treaty, though 67 other nations have joined it, because they do not have chemical weapons. The countries that have chemical weapons have not joined it, and many of them are not going to. About 99 percent of the world's chemical weapons, according to open source material, are held by three countries, none of whom have joined the treaty: The United States, Russia, and China. We have a bilateral destruction agreement with Russia, in which we are trying to get them to destroy their chemical weapons—and they decided they are not going to follow through with that, apparently. So, what makes us think that we are going to do any good by joining the treaty, when about 80 percent-plus of the chemicals in China and Russia would be outside the purview of the treaty?

The next comment made is, "No treaty is 100 percent verifiable." I think I dealt with that before. Nobody is claiming it needs to be 100-percent verifiable, but when we say this treaty is not adequately verifiable or effectively verifiable, their comeback is, "Well, no treaty is 100 percent." That is not the issue. The issue is whether it is effectively verifiable, and unfortunately no one claims that this treaty is effectively verifiable.

No one, for example, has said that they have high confidence that this treaty will timely detect significant violations. As a matter of fact, one of the strong supporters of the treaty, a friend and someone who has served this country well, and we have a difference of opinion about the treaty, Ron Adelman, said in an op-ed piece he wrote on February 20, "Granted, the treaty is virtually unverifiable and granted it doesn't seem right for the Senate to ratify an unverifiable treaty. . ." he went on to say: "however, I think we are still better off by going ahead."

My point is that even treaty proponents acknowledge it is not verifiable, so let us not get into a debate as to whether it has to be 100-percent verifiable or not. It is not effectively verifiable. That is the point.

I discussed a bit ago the argument that the CWC will protect American troops and prevent a terrorist attack. No one who has spoken to this from an intelligence point of view can credibly make the claim that this treaty will, in any way, shape or form, reduce the threat of terrorism. Let me repeat that. Our intelligence community is unwilling to say that this treaty would stop terrorist attacks. And even one of the much vaunted agreements that was entered into between our friends on the other side of the aisle and Senator HELMS recognizes the fact that the CWC is not effective to deal with the problem of terrorism. Let me quote one of the recently unclassified assessments of our intelligence agency, the Central Intelligence Agency:

> In the case of Aum Shinrikyo [this is the cult in Japan that gassed Japanese citizens] the Chemical Weapons Convention would not have hindered the cult from procuring the needed chemical compounds needed in the production of sarin. Further, the Aum would have escaped the requirement for an end-use certification because it purchased the chemicals within Japan.

The point is, here, that chemicals are so easily secreted, chemical weapons are so easily made in small, confined spaces, that it is essentially impossible to find all of them. And a terrorist group, in a room the size of a large closet, in Japan, was able to make the sarin gas that they used. This Chemical Weapons Convention has no capability to deal with that. I will say it this way: It is a fraud on the American people to suggest that we have to adopt this treaty in order to do away with terrorist use of chemical weapons. It will not be effective for that purpose. It may have some other beneficial effects, but no one should contend that it is going to help with regard to terrorism.

The same thing, as I said, is true with regard to the defense of our troops. If this administration were actually pursuing a strong defensive capability for our troops, that would be one thing, but it is not. As a result, I think it is not an appropriate argument for this administration to base the ratification of the treaty on.

Another argument of the administration is that this is important to protect the jobs in the chemical industry and that there would be some losses to our chemical companies if the treaty were not adopted by the United States. First, I would say that this is no reason for the United States to enter into a treaty, simply to enhance the financial balance sheets of American companies. We are all for doing that, we are all for helping American businesses do well, but one does not enter into a treaty for that purpose. I think there should be a question about whether our chemical companies ought to be selling these kinds of chemicals to countries like Iran and Cuba and China in any event, because that is the new market that will open up. These are countries that have signed the treaty, not yet ratified. Presumably they will ratify it at some point so there will be an added market for us to sell our chemicals.

The other added market is that if the Australia Group restrictions come off, then our companies would not be restricted by the Australia Group limitations. In both cases they would be able to sell more chemicals. I would argue that that is not necessarily a good thing, even though it might enhance their balance sheets.

And to the argument that somehow there will be a downside to them, that they will actually lose money, it is an argument that does not persuade me. Because folks should know that the only limitation that can be imposed on companies in countries that do not sign the treaty is with respect to so-called schedule 1 and schedule 2 chemicals. These are the chemicals of chemical warfare, of chemical weapons and their precursors, by definition, made in noncommercial quantities. So the only limitation that could ever be imposed upon American companies, if it ever were, would be on such a small amount of chemicals that, even by their own definition it would constitute only a fraction of 1 percent of the chemicals that are traded. We should pass the treaty for that? I do not think so.

Another argument is that at least we will get more intelligence if we are a party to the treaty. This is the argument that says granted it may not solve all the problems but it is better to be inside than outside. I think this particular argument deserves a little bit of attention.

I serve on the Senate Intelligence Committee. I know how this works. I think I should explain a little bit about it. The claim is not true. Our intelligence agencies, of course, always are looking for new opportunities to get information, but it is not correct to say that the chemical weapons treaty provides us that mechanism. The chemical weapons treaty says that if you want to inspect another country for a suspected violation, you bring the matter to the council in charge of the treaty, and if it decides to go forward, it will appoint three inspectors—but it cannot be somebody from your country. So, it would be somebody from three other countries that go do the inspection. They come back and they deposit their findings with this body, this executive council. And by the treaty terms they cannot share that information with anybody else. It is secret. So the United States, not being a party to the inspection, does not have the information, and cannot have it, under the terms of the treaty. So there is only one way that we would gain more information under the terms of the treaty and that is by cheating, by violating the treaty, by somehow trying to steal the information, by somehow trying to turn one of those inspectors to be an agent for us in violation of the treaty terms. That is how we would get more information—not legally, under the treaty.

What would we do if we found somebody cheating? Let us assume that we find that Russia or China has chemical weapons, is not destroying them—in other words, does possess in violation of this treaty. Would we insist on sanctions? How about today? Take the case of China. Would we insist on sanctions? We shake in our boots when the President of Taiwan comes over, attends his 25th class reunion at Cornell, and the Chinese Government threatens to lob missiles into Los Angeles and steams in the Straits of Taiwan and sends missiles over Taiwan. Are we going to impose sanctions on China because of a finding that they have maintained a chemical weapons stock? Are we going to have to prove to this international body, this executive council, that they are in violation? And at what cost to our relations?

The problem is, with the treaty you can no longer ignore violations. You either object or it ends up in a whitewash. Either way it creates significant problems.

There is a final argument that has been made recently and it mystifies me because it doesn't go anywhere but they have been making it, so I will try to respond. Proponents say we are getting rid of our weapons, and therefore the chemical weapon convention will force others to do so, too. It is absolutely true the United States is getting rid of our weapons. We are committed to doing that. We do not need the Chemical Weapons Convention to prove to the world that we are the moral leader of the world. We have said we are getting rid of ours. Nobody else has, but we have.

So you don't need the Chemical Weapons Convention. I challenge my friends who propose the treaty, in what way will the chemical weapons treaty make the other countries get rid of theirs? That is the purpose, that is the goal, but there is no effective mechanism to make it happen, and there is no intelligence estimate or assessment to that effect, Mr. President.

We are going to have an opportunity tomorrow to go into classified session and hear just what our intelligence community has to say about the chemical weapons programs of other nations and about what we think they are going to be doing in the future, and I urge my colleagues to attend that session.

(Ms. COLLINS assumed the chair.)

Mr. KYL. Finally, Madam President, there has been much made of the fact that in the negotiations over this treaty, numerous improvements were made and, therefore, we should remove our objections and go along with the treaty.

First of all, I want to set the stage. Last fall when the treaty came before the Senate, the statement was that we couldn't touch it, that we couldn't negotiate anything, we had to use the resolution that came out of the committee and there were no changes that were possible; "You can't change the treaty; we're not interested in negotiating any terms."

It turned out there was not sufficient support for the treaty and, therefore, the administration had it pulled. Interestingly enough, last night I saw a news program, the Jim Lehrer News Hour, in which it was misstated that Senator Dole, the previous majority leader, asked the treaty to be withdrawn. He did not ask the treaty to be withdrawn. He was not even in the Senate at the time. He wrote a letter in opposition to the treaty, but he did not ask it be withdrawn. He just said he wouldn't vote for it if it were still in the Senate. It was withdrawn by the administration, by the Clinton administration, not by anyone here in the Senate.

Notwithstanding the fact that the administration took the position that nothing could change, once the treaty was found not to have adequate support, the administration began to change its tune, and little by little, they began to sit down and talk to those who had objections. Over many months, various concessions were made which marginally improved the situation. Now, they are not concessions with respect to the treaty itself because it can't be changed, but there are some things which at least help to clarify how the United States is going to proceed, and had it not been for the considerable efforts of the chairman of the Foreign Relations Committee, these changes would not have been made. So while they were critical of the chairman for his opposition to the treaty, it turns out that now they are bragging about the changes that he sought to have made, and I think that is a very important point, Madam President. Let me just repeat it. While initially deriding the concerns of the chairman of the committee, they are now bragging about the changes that he forced them to make, claiming that this makes it a better treaty, now we should all support it. It does make it a better treaty, but at the margins, not at the core.

What has been negotiated? First of all, there are nine specific conditions that merely restate existing constitutional protections. Those could not have been taken away in any event, but it was helpful to get the administration to acknowledge that they existed. They were even reluctant to acknowledge some of these constitutional protections. We could do without them, because they are in the Constitution anyway, but at least it was handy to get the administration to acknowledge that they existed.

Second, there are two conditions that merely allow the Congress to enact appropriations or approve reprogramming. As every Senator knows, we have that right. We are the body, along with the House, that enacts appropriations or approves reprogramming. So that was essentially meaningless, though handy to have the administration acknowledge.

There are four conditions that call for reports. Whenever you see a call for a report, Madam President, you know that that means we tried to reach agreement on something, we couldn't, so we said, "By golly, we'll have a study on it, we'll have a report." And that is what this calls for. There are seven conditions that call for Presidential certifications, all of which he can make today. These were not concessions by the administration. They were able to agree to these because these are certifications they can currently make. So one should not brag about those.

Four additional conditions are a restatement of current U.S. policy. Again, we thought these were good to have on paper in connection with the treaty so there would be no mistake about what U.S. policy was. It isn't new, it isn't new policy, it isn't a compromise, it isn't a negotiated settlement; this is just a restatement in the resolution of ratification about existing U.S. policy. One of the conditions doesn't take effect until 1998.

I conclude, then, with the two that have some meaning. One deals with search and seizures under the fourth amendment, and I discussed that briefly a moment ago. The other deals with the subject of riot control agents. We do not know what the courts will do with either of these two.

I spoke to the issue of the fourth amendment. The resolution includes a statement that we will require search warrants, either administrative warrants or criminal warrants in the appropriate case. That may or may not be effective under the treaty. It may be declared in violation of the treaty. If not, other countries are going to be able to do the same thing. While the United States will assiduously adhere to the law and to the Constitution, my guess is if other States are able to do the same thing, we will suddenly find interesting provisions in the Iranian Constitution or Chinese Constitution that are going to constitute loopholes big enough to drive a truck through.

The other matter is important, but in the overall scheme of things, I think perhaps more has been made of it than was generally warranted, and it is still not certain that it is resolved, but at least the allegation is that it is. This has to do with riot control agents, tear gas to most people. This was one of the areas in which the Bush and Reagan administrations had been very clear, and the Clinton administration changed policy, another example of a situation where this is not the same treaty that the Bush and Reagan administrations had in mind. They always thought you could use tear gas in certain situations; for example, to rescue a downed pilot, to deal with a situation where you had civilians surrounding an American hostage, for example. Rather than having to shoot those people, we say it makes sense to use tear gas to disperse the crowd and rescue the American. This administration said, no, we don't interpret the treaty as allowing that. Even people who support the treaty, like Gen. Brent Scowcroft, said, that's crazy, that has to be changed. It took a long time to get the administration to finally agree in concept to a change. I am still not persuaded the language does it, but let's assume in good faith they have really agreed to a change in this policy. What that will mean is that, at least in that limited kind of situation, we will be able to use tear gas. That is a positive development, but in light of the final points that I want to make here, it is not reason to change from supporting a treaty that is not global, not verifiable, not effective, does more harm than good. That change is helpful but not dispositive.

What are the five unresolved issues? The way this treaty comes before the Senate, it is the Helms resolution of ratification. In other words, it is a resolution wrapped around the treaty. It has 28 agreed-upon items, and then, in addition, there are 5 that are not agreed upon. Those are the items that constitute the Helms resolution of ratification. To approve the treaty, we will vote on the resolution of ratification. The proponents of the treaty have the right under the rule here to seriatim move to strike each of these five remaining conditions. If they are all stricken, then we will end up voting for the Helms resolution of ratification sans these five protections. If four of them are stricken, we will have one, and so forth.

What are these five unresolved issues? These are the core of the dispute. This is really what it is all about. And this is what I will spend the rest of my time on.

The first issue says the country that has the most chemical weapons in the world, Russia, is not a party to the treaty. It has not complied with various agreements that we have concerning destruction of its chemical weapons stocks and its biological weapons, incidentally, and it has not agreed to abide by a memorandum of understanding with this country under which it would list its stocks of chemicals. These were key agreements that were part of the basis for the Reagan and Bush administrations' sponsorship of this treaty. Russia had agreed to these things. One is called the bilateral destruction agreement. The other is called the Wyoming memorandum of understanding. The Reagan and Bush administrations believed that if the Russians complied with these provisions, that the chemical weapons treaty might be a good thing. But they are not complying with them. Again, we will hear some details in the session tomorrow. But the fact of the matter is, we ought to require that Russia at least demonstrates some good faith to proceed down the path toward declaring what they have and getting rid of those things. If there is no indication by the Russians that they intend to do this, then it seems a little odd to be entering into a treaty where 60 percent of the world's chemical weapons are not even being dealt with and we are basically conceding to the Russians that they don't have to agree with these other agreements with us. What we are saying is, to try to apply a little leverage to our friends in Russia, look, we know it is expensive to dismantle this, but that cannot be the only problem you have when you will not even declare all of the chemical weapons you have, when you won't even begin the process of dismantling them, when you have signaled that you are no longer going to be complying with the bilateral destruction agreement, you consider it now inoperative, no longer useful. We want some signs from you that you are serious about dealing with chemical weapons before we enter into the Chemical Weapons Convention.

And there is a final reason for this, Madam President. One of the leaders of Russia has written to one of the top leaders of the United States and made it clear that if Russia is to join the Chemical Weapons Convention, it wants to do so at the same time the United States does. As a result, it would be highly unfortunate if the United States went ahead and ratified this treaty before the Russian Duma did. The Russian Duma is clearly not ready to do so. This first condition, therefore, in the Helms resolution of ratification says, "Hold on, we will ratify the Chemical Weapons Convention, but we will not deposit our instrument of ratification at The Hague until Russia has done the same, thus enabling us to come in at the same time." That is all that condition says.

It would require certification by the President that Russia is making progress, that it intends to comply, it is making progress toward complying. They don't have to demonstrate that they have complied. We think that is a reasonable condition. I guess I will state it the other way around as to this first condition, should we be supporting a treaty that we know is being breached by the country that has the largest number of chemical weapons in the world and is going to continue to be breached by that country, or should we insist on a condition that they are making progress toward complying before we buy into it?

The second condition has to do with other states, the so-called rogue states. I will spend only a moment on this because I know my colleague from Oklahoma, Senator INHOFE, wants to speak at greater length about this. We know that there are a variety of rogue states that have no intention of signing on to this treaty and others that may want to sign on but know they can violate it with impunity. These chemical weapons in these countries' hands constitute a real threat to American troops. We think that if one is going to make the claim that this Chemical Weapons Convention is going to reduce the chemical weapons stocks of these rogue nations that pose a threat to the United States, the least that ought to happen is that they submit themselves to the treaty. Can't do any good if they are not members. We need to certify that some of these nations are going to be states parties before we subject ourselves to it.

The third condition is one that I can't imagine anybody is going to object to, and that is that certain inspectors would be barred from inspecting American sites. We have the right to do this under the treaty. The President has the right to say, I don't want any inspectors from China, I don't want any inspectors from Iran coming in here because we think they are going to—and I use these as hypotheticals—the President says, we think they may be bent on industrial espionage and therefore we are going to ask that they not be inspectors. The argument against that is, well, tit for tat. They will say, fine, we don't want any Americans on the inspection team that comes into our country. We are willing to say, fine. We think for certain countries, like China and Iran, we should put right up front they are not going to be inspectors of United States facilities. And that would be a third condition to ratification.

A fourth condition to—actually No. 5 on the list has to do with the standard for verification. This has to do with the question of whether or not we have an adequate sense that we can actually find cheating under the treaty. And we are not asking for an impossible standard. We are not asking for 100-percent verification.

We are simply asking that the President certify to the Congress before we submit the articles of ratification that the CIA has certified to the President to a level of verification that will work. And what we have basically done is take the definition of previous administrations, the so-called Baker-Nitze definition, along with a specific aspect that General Shalikashvili identified as a way of identifying our standard here for verification under the treaty.

It would be effectively verifiable. We could find violations with a high degree of confidence in a timely fashion, within a year of their occurrence. And they would be militarily significant.

Now, militarily significant was defined in a hearing before the U.S. Congress by General Shalikashvili as 1 ton of chemical weapons. And, therefore, that is what we have built into this definition.

So what we have said, Madam President, is that we would join the treaty at such time as we had the certification from the President that the CIA certified that we could achieve this level of verification. I do not think that is asking too much.

Finally, the final condition has to do with articles X and XI. This is what I had spoken to before.

I would ask my distinguished chairman if I could go on for just a few minutes here.

Mr. HELMS. Go right ahead.

Mr. KYL. I will conclude on articles X and XI because we are going to hear a lot more about them. I think it is important to read into the RECORD the provisions we are talking about and discuss in a little bit of detail specifically what our concerns are.

Here is what article X says. I might preface this comment, Madam President, with the statement that these were inducements put into the treaty originally to induce countries to join the treaty. They were put there based upon inducements that were included in a previous treaty, the nuclear nonproliferation treaty, under the so-called atoms for peace plan.

Many people know or will remember that the atoms for peace plan was the idea that if countries would eschew the development of nuclear weapons, we would provide them peaceful nuclear technology. And countries like Iraq, and other countries that could be mentioned, took advantage of that program, and said, "Fine. We won't develop nuclear weapons. Now send us the peaceful nuclear technology." We eventually learned that what they did with that peaceful technology was to use it in their nuclear weapons program.

So after it was put in the treaty, and we got these people signed up, we learned that several countries were using this provision of the treaty to actually enhance their nuclear weapons capability. It worked to the detriment of the proliferation of nuclear weapons.

Well, before that was ever learned this chemical weapons treaty was negotiated. So at the time it seemed like a good idea to put the same kind of provision in the chemical weapons treaty. At the time it seemed like it would be a smart thing to provide an inducement for countries to join the treaty, saying:

> If you'll join up, then we will not have any restrictions on trade in chemicals with you. You can buy all the chemicals you want. And, in addition to that, you can ask us for, and we will provide to you, all of the defensive gear, chemicals, antidotes, equipment, and so on, that will enable you to defend against chemical weapons.

That is a pretty good incentive for a country to join up. Look at it from the standpoint of a country that has in mind conducting chemical warfare capability. The first thing they want to do is be able to protect their own troops from the use of the weapons. So they want our latest technology in defensive gear, in defensive equipment, in antidotes and the like. So it is a pretty good incentive to sign up for the treaty because they have a right to ask us, and the treaty says we will undertake to provide to them that material. Moreover they want to buy chemicals.

Right now the Australia group I talked about before has limitations on what chemicals can be sold. As a matter of fact, there are 54 specific chemicals under the Australia group that cannot be sold to the countries we believe want to develop the chemical weapons capability. These countries then have an incentive for joining the convention because under the convention you cannot limit the trade in chemicals.

What does the treaty say? Article X:

> Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

It could not be more clear, Madam President. Article X says that the parties to the treaty have the right to participate in and each party undertakes to facilitate. In other words, we have an obligation to facilitate their acquisition of this defensive equipment.

Article XI carries this further and adds another element. And I read in part:

> The . . . States Parties . . . shall . . . undertake to facilitate, and have the right to participate in, the fullest . . . exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention . . . for peaceful purposes . . .

In other words. The "atoms for peace" equivalent in the Chemical Weapons Convention.

So here is a big incentive for countries who want to develop a defense against chemical weapons to join the Chemical Weapons Convention.

The second part of article XI, section (c) says that:

> [The] States Parties . . . shall . . . [n]ot maintain among themselves any restrictions, including those in any international agreements . . .
>
> shall . . . [n]ot maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of [again] scientific and technological knowledge in the field of chemistry for industrial, agriculture, research, medical, pharmaceutical or other peaceful purposes.
>
> shall . . . [n]ot maintain among themselves any restrictions, [either unilateral or international restrictions.]

So what this says is that States Parties will have the right to say, once they become parties, "You can't have an embargo on selling chemicals to us. You have to lift your restrictions."

For a country like Iran, for example, which has signed the treaty, this would be a pretty good deal because currently none of the Australia Group countries will sell it these chemicals.

What is going to happen? Well, today, China may be selling chemicals to Iran or maybe another country is selling chemicals to Iran not covered by the treaty. Once the treaty goes into effect, those countries could continue to sell chemicals to Iran. But what is going to happen is that the other countries, countries that sign onto the convention are going to say, "Wait a minute. China, for example, is selling chemicals to Iran. Our chemical companies want in on the action. It says right here in the treaty we're not supposed to maintain any restrictions. So we are out of here. We are going to allow our countries to sell chemicals to a country like Iran." We will have a very poor argument against that.

What has been the administration's response to this? Belatedly the administration seems to find there is a little problem here. But originally it did not think so. As a matter of fact—and I think this is a critical point of this debate, Madam President,—right after the chemical weapons treaty was signed into force, the Australia Group members were all asked to begin the process of lifting their restrictions pursuant to the Chemical Weapons Convention, the plain wording of articles X and XI.

Let me read to you, according to the administration—this is in testimony before the Congress:

> Australia Group members in August 1992 committed to review their export control measures with a view of removing them for CWC States Parties in full compliance with their own obligations under the convention.

In other words, after the CWC was signed, the Australia Group countries began to review their export control measures which currently prohibit them from selling chemicals to certain countries, so that they could bring themselves into compliance with their obligations under articles X and XI of the convention.

And the Australia Group itself issued a formal statement—and I am quoting now—

> Undertaking to review, in light of the implementation of the Convention, the measures that they take to prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the convention with the aim of removing such measures for the benefit of States Parties to the Convention acting in full compliance with the obligations under the Convention.

In other words, again, if you have limitations on the sale of chemicals to countries, you are going to have to lift them or you will be in violation of articles X and XI of the convention.

What has the administration's response to this been?

At first it was denial. Then, one comment made to me was, "Well, we tried our best to negotiate our way out of this, but the best we could do is get language like 'undertake to facilitate' rather than 'obligated to.' We just couldn't negotiate anything better."

So this was a bone to those countries, an incentive for them to come in. And to our argument, this makes the situation worse, not better, and will actually proliferate these weapons, the same as Secretary Cheney just said in the quotation I just read, that articles X and XI will result in the proliferation of chemical weapons because there cannot be any restrictions.

The administration then began to take a different tack. First they said, well, we will decide not to lift our restrictions, so the United States will still not sell to countries that we think might develop chemical weapons. And we will get you a letter to that effect. I have not seen anything in writing, but that is the administration's latest statement.

We said, that does not do any good because it only takes one country to break an embargo. Any one of the countries could do it. And the horse would be out of the barn. So they said, well, we will try to get the other Australia Group states to agree to the same thing.

Bear in mind what they are saying. First, they were all going to lift these restrictions to be in compliance with the treaty. Now we are going to try to convince them they should keep them in place in clear violation to the treaty. This is the way to make a moral statement, Madam President, by violating the treaty right up front and announcing to the world we are violating the treaty, by keeping in place restrictions that are required to be lifted under articles X and XI?

It is not a very propitious way to make a moral statement or to begin the operation of an international treaty to announce in effect not only are you going to violate it but you are going to try to get all your friends in the Australia Group to violate it because not to do so would be to lift the restrictions we currently believe are helpful in preventing the spread of chemical weapons.

Even if all these countries do decide to ignore articles X and XI, countries that are not States Parties can continue to sell these chemicals. I said, it will not be long until everyone else will want in the action. The same argument that has been made by some of our chemical companies, in the event if somebody is selling we should have the right to sell too otherwise we are just losing good business.

So I will conclude, Madam President, by trying to make this rather simple, but I think important point. To those who say, granted, it is not going to be a very effective treaty, but at least it does no harm, I say, you are wrong. It is going to do a lot of harm—to business, to the taxpayers, to our ability to conduct diplomacy and, importantly, to our ability to constrain the spread of chemical weapons.

As Secretary Cheney said, unless articles X and XI are removed from this treaty, it is going to make matters worse, not better.

So the fourth condition that is a part of the Helms resolution of ratification says that we will ratify the treaty, but before we deposit the articles of ratification there has to be a certification by the President that those two sections have been removed from the treaty. Yes, of course, that will require a renegotiation. The States Parties will have to agree to take those provisions out. That should not be a problem if the administration's most current assurances are to be believed.

I suspect, however, there are specific States Parties who do not agree with those assurances who fully intend to continue these sales. As a matter of fact, if you will read the language of the Chinese ratification, it explicitly preserves their understanding of articles X and XI which is the obvious understanding of anyone reading them, that it would be improper to have trade restrictions or to deny the defensive equipment in the case of other States Parties.

So, Madam President, we are stuck with articles X and XI. And it is the belief of many of us that perhaps we could support this treaty if those articles were removed. But until they are removed, it makes matters worse and therefore we cannot in good conscience support the treaty in that form.

I thank the distinguished chairman of the committee for yielding me this time.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Madam President, allow me to thank the able Senator from Arizona. He is a walking encyclopedia on the details of this treaty, and he has been enormously helpful to me and to many other Senators in understanding the implications of a great many provisions of the treaty. I thank him now publicly for all he has done to be helpful. I am deeply grateful.

Mr. KYL. Madam President, I return that thanks. I see the distinguished ranking member of the committee. I compliment both of them for their work to achieve what I have described as "limited success" in the provisions agreed to, but nonetheless important. I appreciate the negotiations that they conducted and the spirit in which this debate has been conducted as well.

Mr. HELMS. Madam President, I ask unanimous consent that the RECORD reflect that had there been a recorded vote on the previous two voice votes, that Senators ASHCROFT and GRAMS would have voted "aye" on both votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I hope the distinguished ranking member will agree that the other Senator from Arizona should follow. I will leave it for him to limit his time or not. Let me do one or two other things and I will let the Senator take care of that. I noticed that two or three times in the past week—and I am used to the media criticism; as a matter of fact, I enjoy it. I have a lot of cartoons on my office wall to prove that I do enjoy it. But I noticed that two or three people said, "Helms doesn't do anything in the Foreign Relations Committee except hold up treaties."

Well, let's look at the record. In the past 2 years—that is to say the 104th Congress—the Foreign Relations Committee has considered 39 treaties, and the Senate approved 38 of them—the one exception being this chemical weapons treaty, which the administration pulled down just before it was to become the pending business in the Senate.

I will read the list that I am going to put into the RECORD: Consideration of the CWC, in the context of the work of the committee in carrying out its responsibility to us and consent to ratification as set forth in article II, section 2, of the Constitution. Treaties considered during the 104th Congress included bilateral tax and investment treaties, important to protecting and furthering U.S. business interests abroad; 14 treaties strengthening U.S. law enforcement through extradition of criminals and access to criminal evidence in other countries. One notable example of the impact of these treaties was the ratification of the United States extradition treaty with Jordan, which enabled the United States to take into custody a suspect in the World Trade Center bombing. Extensive hearings were held by the committee to consider the START II Treaty and the Convention on Chemical Weapons. The Foreign Relations Committee also considered, and the Senate ratified, three multilateral treaties dealing with landmines and the rubber industry and international fisheries laws.

I ask unanimous consent that this list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

TREATIES RATIFIED BY THE SENATE DURING THE 104TH CONGRESS

ARMS CONTROL TREATIES

Convention on Conventional Weapons.
Start II.
[Convention on Chemical Weapons (approved by Committee/no vote by Senate)].

COMMODITIES

1995 International Natural Rubber Agreement.

FISHERIES

U.N. Convention Relating to the Conservation and Management of Highly Migratory Fish Stocks.

BILATERAL EXTRADITION TREATIES

Belgium.
Supplementary with Belgium.
Bolivia.
Hungary.
Jordan.
Malaysia.
The Philippines.
Switzerland.

BILATERAL INVESTMENT TREATIES

Albania.
Belarus.
Estonia.
Georgia.
Jamaica.
Latvia.
Mongolia.
Trinidad Tobago.
Ukraine.

BILATERAL MUTUAL LEGAL ASSISTANCE TREATIES

Austria.
Hungary.
Korea.
Panama.
The Philippines.
United Kingdom.

BILATERAL TAX TREATIES

Canada.
France.
Indonesia.
Kazakstan.
Kazakstan Exchange of Notes.
Mexico.
Netherlands-Antilles.
Portugal.
Sweden.
Ukraine.
Ukraine Exchange of Notes.

Mr. HELMS. In addition to my recommendation to the distinguished ranking member, I hope Senator MCCAIN, although he does not share my view on the treaty, will be recognized, because he is a patriot of the first order, as far as I am concerned. If anybody ever paid his dues to this country, the Senator from Arizona did. Following him, I should like for Senator HUTCHINSON to represent our side in the pecking order. How much time will the Senator need?

Mr. HUTCHINSON. Ten minutes.

Mr. HELMS. The Senator can use a little longer if he wishes. Let me ask about the time consumed thus far, Madam President.

The PRESIDING OFFICER. The Senator from North Carolina has 3 hours 10 minutes remaining. The Senator from Delaware has 3 hours 21 minutes remaining.

Mr. HELMS. Three hours even for me?

The PRESIDING OFFICER. And 10 minutes. And 3 hours 21 minutes for the Senator from Delaware.

Mr. HELMS. We are running pretty near. The distinguished Senator from Delaware made his usual eloquent speech this morning. How long did I speak, by the way?

The PRESIDING OFFICER. The Senator spoke for 4 minutes, plus 26 minutes earlier today.

Mr. HELMS. Four months? No, I understand. With the understanding that the Senator from Arkansas will follow the distinguished Senator from Arizona, I yield the floor to my distinguished friend from Delaware.

Mr. BIDEN. That "four month" comment reminds me of a joke about the two guys who were cheering at the bar, clapping their hands. A guy walks into the bar and says, "What are they so happy about?" Another guy says, "Oh, they just put together a jigsaw puzzle, and they did it in 3 hours." The guy walks up to them and says, "Congratulations, but why is that so special?" They showed him the box, which said "2 to 4 years." At any rate, it will take a while for that to sink in. A little bit of levity in the chemical weapons treaty is worth the effort.

The junior Senator from Arizona complimented me on the limited success that we have achieved here. I thank him for that. Now I am going to yield to a man of unlimited capacity to prove to everyone that there is no limit to the success we are about to achieve in this treaty.

I yield 15 minutes to the distinguished Senator from Arizona, my good friend, JOHN McCAIN.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Madam President, I thank my distinguished colleague from Delaware and the Senator from North Carolina. The distinguished Senator from North Carolina deserves great credit, in my view, because he, as chairman of the Foreign Relations Committee, allowed this treaty to come to the floor. The distinguished chairman could have bottled up this treaty under his authority as chairman of the committee. He deserves great praise.

I also point out that, as various groups have gotten into this debate, there have been a lot of allegations, a lot of impugning of character and patriotism and views about whether people are tough enough or not tough enough or what is too soft. This is a debate amongst honorable people who have honorable differences of opinion, as I do with the junior Senator from Arizona, my dear friend and colleague, Senator KYL. I would like to see, especially in the columns of various periodicals interested in this view, the debate elevated a bit as to the virtues or vices, as the observers of this treaty might view them, as opposed to speculations about the motives of those who either support or oppose this treaty. I think the American people would be far better off.

Madam President, the importance of this issue has been pointed out. We will have political and economic consequences for the United States for many years to come. The most important question is whether this agreement is good for U.S. national security.

In my view, one central fact dominates consideration of this issue. Regardless of whether the United States ratifies this treaty, the United States will, in the next decade or so, complete the destruction of its own aging chemical weapons stockpile. Our reasons for doing so have nothing to do with arms control. The decision was made before the CWC became a near-term possibility. I am not aware of any interest of Congress or the U.S. military in getting the United States back in the chemical weapons business. So when we consider the wisdom of ratifying this treaty, we should bear in mind that this is, first and foremost, a treaty about limiting other countries' chemical weapons, not our own, because we are doing away with ours. In practical terms, the alternative to ratification of the CWC is U.S. unilateral disarmament in the field of chemical weapons.

The critics point out that a number of countries, such as Iraq, Libya, Syria, and North Korea, will not ratify the CWC and will therefore not be bound by its limits. True. But will our efforts to keep weapons of mass destruction out of their hands be enhanced if we don't ratify this treaty? No, they will not. In fact, I am confident that these rogue states are desperately hoping the Senate will reject ratification because, if we do, we will not only spare them the mandatory trade sanctions that the CWC imposes on nonparties, we will also undermine a near global consensus that all chemical weapons, including those of nonparties, should be banned.

Madam President, for 10 years I have had the privilege of working with the former Senate majority leader, Bob Dole. Probably the closest working relationship I had with him was on issues of national security. In fact, I was privileged to serve as one of his advisers in the last campaign in his efforts for the Presidency of the United States. Madam President, I know of no one more credible on these issues, and I know of no one, going back to World War II, who understands service and sacrifice and our national security interests more than Senator Bob Dole, a man whose friendship I cherish and whose companionship I enjoy but, more important than that, a person whose views I hold in the highest esteem and regard. There are many other experts on national security issues in this town, but I know of no one who has had the experience and hands-on involvement with these issues, that is, the tough decisions, than Senator Dole. We all know that Senator Dole issued a letter today that I think is of great importance.

Madam President, I ask unanimous consent that Senator Dole's statement and the letter from President Clinton to Senator Dole be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATEMENT OF BOB DOLE ON THE CHEMICAL WEAPONS CONVENTION

WASHINGTON.—Bob Dole today issued the following statement regarding the Chemical Weapons Convention:

"Last September, the Senate Majority Leader, Trent Lott, asked me to express my opinion on the Chemical Weapons Convention. In my response, I raised concerns about the Chemical Weapons Convention and expressed hope that the President and the Senate would work together to ensure that the treaty is effectively verifiable and genuinely global. They have, and as a result, 28 conditions to the Senate's Resolution of Ratification have been agreed to. These 28 agreed conditions address major concerns.

"I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and administration officials for their constructive efforts. Is it perfect—no—but I believe there are now adequate safeguards to protect American interests. We should keep in mind that the United States is already destroying its chemical weapons in accordance with legislation passed more than 10 years ago. The CWC would require all other parties to destroy their stockpiles by April 2007.

"In addition, the Administration has agreed to a number of provisions dealing with rogue states that remain outside the treaty. (See attached letter from President Clinton to me dated April 22, 1997). I also understand there is a possibility of an additional agreement with respect to sharing of information. If so, it would further strengthen the treaty. I understand that even with all the added safeguards, not every Senator, for their own good reasons, will support ratification.

"As a member of the Senate, I supported the START I, START II, INF, and CFE treaties because they met the crucial tests of effective verification, real reductions, and stability. If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to.

"Those who may still have concerns can look to Article XVI, which allows withdrawal from the treaty on 90 days notice if it fails to serve America's vital interests. There is little doubt in my mind that if this convention increases proliferation of chemical weapons, it would lead to public outrage which would compel any President to act. The bottom line is that when it comes to America's security, we must maintain a strong national defense that is second to none."

THE WHITE HOUSE,
Washington, April 22, 1997.

Hon. BOB DOLE,
Washington, DC.

DEAR BOB: I welcomed the opportunity to discuss the Chemical Weapons Convention (CWC) with you Saturday and appreciated your taking the time Monday to have Bob Bell brief you on the 28 agreed conditions to the Resolution of Ratification.

When you wrote Senator Lott last September, you expressed the hope that I would assist him in amending the Resolution of Ratification in a manner that would address certain concerns you raised and thereby "achieve a treaty which truly enhances American security." I believe the 28 agreed conditions, which are the product of over 60 hours of negotiation between the Administration and the Senate over the last two and a half months, meet both these tests. We have truly gone the extra mile in reaching out, as you recommended, to broaden the base of bipartisan support for this treaty. As I said in my public remarks Friday, "I consider that the things that we've agreed to in good faith are really a tribute to the work that Senator Lott and Senator Helms and Senator Biden and a number of others did to really clarify what this Convention will mean; I think it's a positive thing."

Let me mention briefly how my Administration has addressed the specific concerns you raised last fall:

Constitutionality. You said Constitutional protections should be safeguarded against unwarranted searches. We have agreed to a condition (#29) guaranteeing that there will be no involuntary inspection of a U.S. company or facility without a search warrant. Period. We have also agreed to a condition (#12) underscoring that nothing in the treaty "authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States."

Real Reductions. You asked whether the CWC will actually eliminate chemical weapons. We have agreed to a condition (#13) specifying severe measures that the United States will insist upon if a country is in noncompliance of this fundamental obligation under the treaty.

Verification. You asked whether we will have high confidence that our intelligence community (IC) will detect violations. We have agreed to a condition (#10) which would require the Administration to identify on a yearly basis priorities, specific steps and resources being undertaken to strengthen U.S. monitoring and detection capabilities. These annual reports would also include a determination of the IC's level of confidence with respect to each monitoring task. We also made clear during the negotiations on the conditions our willingness to certify that the CWC is "effectively verifiable" and that the IC has high confidence it could detect the kind of violation that matters most in terms of protecting our troops deployed in the field: any effort by an adversary to try to train and equip his army for offensive chemical warfare operations. I regret that the unanimous consent (U/C) agreement governing the floor debate on the CWC will not allow this condition to be offered.

Universality. Finally, you asked whether the treaty will be truly global. We have agreed to a condition (#11) which requires the Secretary of Defense to ensure that U.S. forces are effectively equipped, trained and organized to fight and win against any rogue state that remains outside the treaty and employs CW in battle. To restrict CW options for such states, we agreed to a condition (#7) requiring the President to certify that we will strengthen our national export controls and that all 30 states participating in the Australia Group are committed to maintaining this export control regime on dangerous chemicals. This certification will have to be made annually. Lastly, during the negotiations on the conditions we underscored our willingness to commit to a mechanism by which we would have to consult each year with the Senate on whether to remain in the CWC if rogue states do not over time succumb to pressure to join the treaty regime. As with the proposed verification condition, I regret the Senate will not have an opportunity to vote on this condition either.

In closing, let me again thank you for your interest in and support for achieving a treaty that enhances the security of our Armed Forces and all our citizens.

Sincerely,

BILL CLINTON.

Mr. McCAIN. Madam President, I will not read Senator Dole's whole statement, but I think it is important what he said. I will read parts of it:

> I commend Senator Lott, Senator Helms, Senator Lugar, and many other former colleagues, as well as President Clinton and the administration officials for their constructive efforts. Is it perfect—no—but I believe there are now adequate safeguards to protect American interests.

I repeat.

> * * * I believe there are now adequate safeguards to protect American interests. We should keep in mind that the United States is already destroying its chemical weapons in accordance with legislation passed more than 10 years ago. The CWC would require all other parties to destroy their stockpiles by April 2007.

He goes on to say:

> As a Member of the Senate, I supported the START I, START II, INF, and CFE treaties because they met the crucial tests of effective verification, real reductions, and stability. If I were presently in the Senate, I would vote for ratification of the CWC because of the many improvements agreed to.

Madam President, it is well known that, last fall, one of the reasons the treaty was withdrawn by the administration was because of the reservations expressed by Senator Dole at that time—then candidate Dole. It is well known that Senator Dole's reservations were legitimate and sincere. There is also now no doubt—at least in my mind, as well as in Senator Dole's—that those reservations and concerns have been satisfied by the 28 conditions that are included in this treaty, with only 5 remaining, which we will be voting on tomorrow.

Obviously, every U.S. Senator thinks for himself or herself; there is no doubt about that. But, in my mind, this is an important event that Senator Dole should weigh in on this issue—not because there is any benefit to Senator Dole; clearly, there is a downside for his involvement, and he could have kept silent. But, once again, Senator Dole has chosen to speak out for what he believes is important to U.S. vital national security interests. I applaud him and, again, hope that he will continue his involvement in the challenges that we face in the years ahead to our Nation's security, as he has so successfully done in the past.

The CWC critics also contend that the treaty will weaken our nonproliferation policy because article XI of the treaty says the parties will have the right to participate in "the fullest possible exchange" of chemical technology for purposes not prohibited under the convention. As a result, we will have to eliminate our national controls on chemical technologies and disband the Australia Group, the multilateral framework for restraining transfers of sensitive chemical technology.

This interpretation of the treaty is contradicted not only by the text of the treaty—which subordinates article XI to the basic undertakings in article I for parties not to acquire chemical weapons or to assist another state in doing so—but also by our experience with other nonproliferation treaties and the agreed "consensus" conditions included in the resolution of ratification before us.

First of all, article XI is essentially similar to the language of article IV of the Nuclear Non-Proliferation Treaty in that it blesses technology exchanges among treaty parties, but the NPT has not caused us to disband the Nuclear Suppliers Group, which was, in fact, founded after the NPT went into force.

Nor has it obliged us to curtail our national controls on the transfer of nuclear technology, even to other NPT parties; the United States enacted the Nuclear Nonproliferation Act of 1978 10 years after the NPT was signed. There will always be some countries that object to our technology controls, but these are decisions the United States makes for itself. And successive administrations, Republican and Democratic, have maintained and expanded our export controls on nuclear technology, while the NPT has contributed to our ability to obtain support from our allies in this effort by establishing an international consensus that nuclear proliferation is an evil that must be countered.

Moreover, beyond the text of the CWC itself, we have before us 28 agreed conditions in the resolution of ratification. As a member of the group that the majority leader put together to address issues regarding CWC ratification, I am proud of the work done at the member and staff level to achieve agreement with the administration on a number of difficult issues. I am also grateful for the work done by the chairman of the Foreign Relations Committee and the ranking minority member, who together resolved many additional problems. This work has greatly strengthened the resolution of ratification on which we will soon vote.

Agreed condition 7 of the resolution requires the President to certify not only that the United States believes that the CWC does not require us to weaken our export controls, but also that all members of the Australia Group have communicated, at the highest diplomatic levels, their agreement that multilateral and national export controls on sensitive chemical technology are compatible with the treaty and will be maintained under the CWC.

Conversely, if the United States rejects ratification, I doubt that we will be able to play our traditional leadership role in attempting to persuade other chemical suppliers to exercise restraint. The world will blame the

United States for undermining a chemical weapons ban that the vast majority of other countries were willing to sign. If we reject ratification, where will we get the moral and political authority to persuade other Australia Group participants to block exports to countries of concern?

The same case can be made regarding article X of the treaty, which critics claim will require us to share defensive technologies with potential enemy states. Not only does this provision apply only to CWC parties, so countries outside the treaty like Libya cannot benefit, but condition 15 in the resolution of ratification obliges the United States to share only medical antidotes and treatment to countries of concern if they are attacked with chemical weapons. And our respected former colleague, Secretary of Defense Cohen, has committed the United States to use every instrument of U.S. diplomacy and leverage to block transfers of chemical technology that would undermine our security, and he has made the obvious point that we will be better able to do this if we are inside the CWC regime rather than outside.

It is true that the Chemical Weapons Convention will be more difficult to verify than nuclear arms control agreements such as START and INF. But regardless of whether the United States ratifies the CWC, we will have to monitor closely the chemical weapons programs of other states. The intelligence community has repeatedly told the Senate that the CWC's verification measures will be a useful tool in doing this job. General Shalikashvili has told the Armed Services Committee that "I believe that the system of declarations, of routine inspections, challenge inspections, all put together, give us a leg up to the ability to detect whether (potential violators) are, in fact, embarked upon a program that would be in violation of the CWC. So I think our chances are improved when they are members of the CWC. Our chances decrease dramatically if they are not members of the CWC."

While some want to reject the CWC because of verification concerns, it seems to me that this would have the practical effect of reducing the United States' ability to monitor the chemical weapons programs of other countries. This is an example of the best being the enemy of the good.

Discussions among Senators and between the Senate and the administration have produced other agreed conditions to the resolution that have strengthened the case for ratification.

Madam President, I also want to commend the work of the majority leader, Senator LOTT, who has worked long and hard to address the legitimate concerns many Republicans Senators had expressed about the Convention and to accommodate the administration's correct assertion that the Senate has a duty to vote, yea or nay, on the treaty. Senator LOTT and his indefatigable foreign policy advisor, Randy Scheunemann, labored tirelessly to facilitate negotiations between members and between the Senate and the administration. They ensured that these negotiations bore fruit and resulted in a resolution of ratification that resolved most, if not all, of the reservations expressed by some Senators. Both the Senate and the administration are in their debt.

It is also appropriate, Madam President, to commend administration officials for working with the Senate in a genuinely nonpartisan way that was notable for the respect paid to the views of all Members, and the good faith shown in trying to come to terms with so many difficult issues. I have on many past occasions been critical of administration policies and the lack of bipartisanship in promoting those policies. In this instance, administration officials took great pains to secure the Senate's advice and consent in a manner that was, as I said, genuinely respectful of every Senator's views. Thus, I am happy to give praise where praise is due.

Madam President, I respect the concerns of those Senators who cannot vote in favor of ratifying the CWC. But in my opinion, we do not need killer amendments to ensure that this treaty—negotiated under President Reagan and signed by President Bush—is on balance a good deal for the United States. This view is shared by former Presidents Ford and Bush, numerous Nobel Prize winners in chemistry, the chemical industry trade associations, gulf war victors Colin Powell and Norman Schwarzkopf, retired CNO Adm. Elmo Zumwalt, plus the Veterans of Foreign Wars, the Vietnam Veterans of America, and the Reserve Officers Association. I am comfortable in their company, and that of every U.S. ally in Europe and Asia. That is why I intend to vote to ratify this treaty, and I urge my colleagues to do the same.

Madam President, I yield back my time to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 10 minutes.

Mr. HUTCHINSON. Madam President, I rise today to voice my serious reservations about the Chemical Weapons Convention treaty. The most important standards for an effective treaty are: Verifiability, protection to the signatories, constitutionality, and the applicability to nations of most concern. I sincerely believe that the CWC falls short in each of these basic requirements.

On April 8, 1997 three former Secretaries of Defense appeared before the Senate Foreign Relations Committee urging Senators to vote against the ratification of the Chemical Weapons Convention. This fact alone should give this body great pause in the consideration of this treaty.

I know that there are good, there are loyal, and there are patriotic Americans on both sides of this issue of ratifying the Chemical Weapons Convention. I have many constituents who have called me, and said, "Senator, how do we know? We hear former Secretaries of Defense saying it is a bad treaty. We hear Colin Powell saying it is a good treaty. Today we hear former Senator Dole saying we need to ratify this. How do we know?"

I believe that it is simply our responsibility as Senators, respecting the differences that exist, to study this, to evaluate it, and to make a reasoned judgment. I believe also when our national security is at risk that we must always opt on the side of caution in consideration of a treaty such as we have before us.

Madam President, the opinions of Secretaries Schlesinger, Rumsfeld, Weinberger, and Cheney regarding this treaty should not be taken lightly. On April 7, in a letter to Senator JESSE HELMS, chairman of the Senate Foreign Relations Committee, former Secretary of Defense Cheney wrote, and I am quoting, Mr. President:

> The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat. Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.

Those words of Dick Cheney have echoed in my mind—"worse than having no treaty at all".

He said, if I might summarize, that the manufacture of chemical weapons is too widespread, concealing it is too easy, and enforcement is too uncertain for us to ratify this treaty.

Madam President, I ask unanimous consent that this statement from Dick Cheney be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

> The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat. Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.—Richard Cheney, Letter to Chairman Helms, April 7, 1997.

Mr. HUTCHINSON. Madam President, Secretary Cheney's statement sends a clear message to the American people that this treaty does not effectively deal with the threat of chemical and biological weapons. As we begin this debate on the CWC, the American people, with justification, will ask their leaders how and where they stand on the issue of chemical weapons.

I stand here today wanting to tell the American people that this Congress will do everything in its power to rid our world of chemical and biological weapons, however, the CWC is not global, is not verifiable, is not constitutional, and quite frankly, it will not work.

While the intent of the CWC is to create a global chemical weapons ban, accomplishing that goal does seem unlikely. Six countries with chemical weapons programs—including all of those with aggressive programs—have not yet signed the CWC.

So how then can we call this a global treaty?

Neither Iraq, Libya, Syria, nor North Korea have signed or ratified the CWC. China, Pakistan, and Iran have signed the CWC, but have not ratified it. Russia has signed the CWC, but has not ratified it.

These rogue nations of Iran, Libya, North Korea, and Syria represent a clear threat to United States security and the security of key United States allies. All of these countries have active, aggressive programs to develop and produce chemical weapons.

Let's be clear about one important thing. The administration has refused to ban inspectors from rogue nations such as Iran and China.

That will be one of the reservations that we will have the opportunity to vote on. And it is one of those reservations that I find it incomprehensible that the administration has found unacceptable—banning inspectors from rogue nations such as Iran and China.

In addition, there are intelligence reports that have recently indicated that Russia has already begun to cheat, even before the CWC has gone into effect. These facts alone give substance to opposing the treaty.

Madam President, inherent in the CWC is a requirement that we share our advanced chemical defensive gear with countries like Iran and China. It is important to recognize that rogue nations, through reverse engineering, can easily figure out how to infiltrate our technologies. This would not only increase the chances of a chemical attack, but more importantly this would endanger our troops around the world.

Let us be crystal clear on the fact that once there is a free-for-all of U.S. chemical and defensive technologies between the proposed signatories of this treaty, it will quite frankly be impossible to stop the transfer of this information to the rogue nations, that do not sign the CWC.

I believe that the CWC will not increase pressure on rogue regimes. The CWC will not result in an international norm against the use of chemical weapons. The Geneva Convention of 1925 already established that norm. How many times has this prohibition been violated by Iraq, on the Kurds and even in the case of our own troops?

Madam President, it took 5 years before the Pentagon came forward with information pertaining to the exposure of our own troops to certain chemical and biological substances that could affect the health and well-being of our 700,000 U.S. service people in the gulf.

The rogues have demonstrated that they will plan for the use of, threaten the use of, and indeed use chemical weapons despite international norms.

We must, to the best of our ability, avoid the horrible events of the 1980's, when the international community witnessed the horrors of Iraq's use of chemical weapons against its own people. Since that time, sanctions against Iraq have been strong and effective. The CWC will not address any shortcomings in these sanctions.

Madam President, how can the CWC be global if these so-called rogue nations have not signed the CWC? The bottom line seems to be that the CWC is most applicable to the countries of least concern to the United States. It may help us with Great Britain, but provide no protection regarding North Korea or Iraq.

It is my understanding, that under article XII of the treaty, members caught violating treaty provisions are simply threatened with a restriction or suspension of convention privileges. At worst, a report will be sent to the U.N. General Assembly and the U.N. Security Council. Mr. President, how does a report protect the American people?

Madam President, with no predetermined sanctions in place to deter potential violators, the CWC seems ineffective and unenforceable.

I am very sensitive to the needs and wishes of the small business-man. And while large multinational chemical corporations can bear the estimated astronomical costs regarding reporting requirements of a CWC member nation, these costs constitute a significant burden, in some cases an overwhelming burden, to small businesses, not just in Arkansas but all around America. There are roughly 230 small businesses which custom-synthesize made-to-order products and compete with large chemical manufacturers. It is my understanding that they generally have fewer than 100 employees and have annual sales of less than $40 million each. Few, if any, of them can afford to employ legions of lawyers just to satisfy the new reporting requirements of the CWC. Let us be realistic. Can these burdensome reporting requirements prevent the proliferation of chemical weapons?

In addition to the cost factor on our small businesses, the possibility of U.S. trade secrets being stolen during CWC inspections to me at least seems very high. I have been advised that the U.S. intelligence community has said that the CWC inspections constitute a new tool to add to our intelligence collection tool kit. Putting one and one together, inspections will also constitute a tool in the kit of foreign governments as well. I hope that the American people realize that U.S. expenditures as a member nation of the CWC include a mandatory 25-percent assessment for operating expenses of the Organization for the Prohibition of Chemical Weapons, the OPCW.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. HUTCHINSON. Madam President, I ask unanimous consent for an additional 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUTCHINSON. As a member nation, we will pick up a 25-percent assessment for the operating expenses of the organization. This is the new international organization created to administer the CWC. It is my understanding that operating costs are likely to be a minimum of $100 million per year, $25 million of which will come from U.S. taxpayers.

Finally, it is my understanding that the CWC requires the United States to begin destruction of our chemical stockpile no later than 2 years after the treaty enters into force. I simply believe that is unreasonable and unattainable.

The Department of Defense has publicly stated that the U.S. destruction of its chemical weapons stockpile will continue regardless of whether we are a signatory to such treaty. We have one such arsenal in Pine Bluff, AR. I believe it is unrealistic to expect that the $12.4 billion cost in destroying those chemical weapons will be achievable particularly given the environmental concerns that exist. And I am being contacted daily by those with environmental concerns about the Pine Bluff arsenal. So I believe that the recent debate on Yucca Mountain further illustrates how problematic the fulfillment of our treaty obligations would be.

Madam President, I certainly want this body to provide a comprehensive domestic and international plan to reduce the threat of chemical and biological weapons. As I have already stated today, however, the CWC has too many loopholes that will perpetuate chemical weapon activity rather than end it. It is a serious obligation that we have. I believe that this body will make the right decision. For me, the words of Dick Cheney keep echoing: "Worse than no treaty at all."

For this Senator, I will be voting "no" on I believe a flawed, unfixable treaty. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. I yield the distinguished Senator from New Jersey 7 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. TORRICELLI. I thank the Chair. I thank the Senator from Delaware for yielding.

Madam President, tomorrow the Senate will exercise its historic constitutional powers of treaty ratification. It is a solemn power that we have exercised for two centuries. That power has often defined the security of the Nation and sometimes been determinant of war and peace itself. The issue before the Senate now is the ban on chemical weapons, probably the most important foreign policy question remaining before the United States in this century.

Perhaps because the consequences are so great the choice is also clear. This treaty demands ratification. The treaty itself is a culmination of a process that began over 12 years ago under the leadership of Ronald Reagan. The United States began a review and then determined that it would eliminate chemical weapons. We did so because of the need to reduce the numbers of those weapons in the world and to restrict the ability of those nations that did not possess them to obtain them.

Since Ronald Reagan's judgment a decade ago, we have made extraordinary progress. In 1985, President Reagan signed into law a judgment that would eliminate American stockpiles by the year 2004, having an important impact on the ratification of this treaty because, whether it is ratified or not, no matter what judgments are made by this institution, the United States is going to eliminate chemical weapons. Second, the United States then followed our own judgment by leading the international effort with 160 other nations to enact a multilateral ban. It is the result of that process that is now before the Senate.

The process, it is important to note, did not culminate with the Reagan administration. In 1992, President George Bush announced a strong American support for the treaty and the United States became an original signatory. A year later, under President Clinton, the United States once again announced its support. Today, we have come full circle. From Ronald Reagan's first pronouncements, the treaty, now endorsed by a Democratic President, seeks ratification under a majority Republican Congress.

The Secretary of State said only a week ago:

> This treaty has "made in America" written all over it. It was Ronald Reagan's idea, George Bush negotiated it and signed it, and Bill Clinton has embraced it.

In truth, however, Madam President, the treaty is neither Democratic nor Republican. It reflects the bipartisan commitments of the United States toward our security, our values, and a century of learning the lessons of collective security because after 80 years of living under the threats of chemical weapons, it is the judgment of this administration and those that preceded it that it is time to eliminate these weapons.

The treaty does several direct and important things. It bans the development, production, and stockpiling of chemical weapons.

Second, it requires the destruction of all chemical weapons and their production facilities.

Third, it provides the most extensive verification process in the history of arms control.

Finally, it grants member nations the effective tools for dealing with those who refuse to comply, tools that will be denied the United States if we fail to ratify the treaty. And yet many of my colleagues have questioned the need for the United States to become a member state. They note two principal objections. First, that the burden of reporting requirements and verifications would be onerous on American industry; and second, the impact on American defense capabilities.

Allow me to deal with each. First, the economic impact. In my State of New Jersey, the chemical industry represents fully one-third of the entire industrial capability of the State; 150,000 citizens of the State of New Jersey are employed in this vital manufacturing industry of chemicals. Let us be clear. The entire industry, from small companies to among the largest industries in the State of New Jersey, not only supports this treaty but has joined in demanding its ratification.

Second, on the question of American defense capabilities, it should be self-evident that if the United States is unilaterally forgoing these weapons and rogue nations continue to embrace them, American military personnel will be more vulnerable and, indeed, endangered if the United States is not a signatory, allowing us to help enforce the provisions of the treaty and deny capability to rogue nations than if we are to remain on the outside.

That is why this treaty has been endorsed by General Powell, 17 other four-star generals and every former Chairman of the Joint Chiefs of Staff—in the Carter, Clinton, and Ford administrations.

I ask my colleagues who oppose this treaty, would all these members of the general staff, would each of these men who have held the principal responsibility for guiding and leading our Armed Forces have endorsed this treaty if there was any chance, if there was any judgment, that, indeed, our Armed Forces would be less safe?

The PRESIDING OFFICER. The Senator's 7 minutes have expired.

Mr. TORRICELLI. Thank you, Madam President. I ask the Senator from Delaware to yield 3 additional minutes.

Mr. BIDEN. Without objection.

The PRESIDING OFFICER. The Senator may proceed.

Mr. TORRICELLI. Madam President, this is a moment of judgment that this Senate has faced before. History instructs us that we cannot afford to be wrong. Over 75 years ago, this body chose the wrong route and the toll was monumental. During consideration of the treaty for the League of Nations, the United States took the lead in forming the principles of collective security. It was our leadership which brought the world to understand that there was no separate peace, there was no individual security, and yet in that instance, as in this moment, the United States, after providing the intellectual and the political leadership, was a reluctant participant. The judgment then, we were told, was that there were reservations because of individual provisions of the treaty. But, indeed, history instructs us, and I believe would guide us now, that those reservations were not because of individual aspects of the treaty but because of a general ideologic opposition to arms control and the general notion of collective security.

It is time for the United States, after all the painful lessons of previous generations, to simply understand there is no unilateral security in a multilateral world. From Pearl Harbor to the Persian Gulf, history demands us to recognize an essential truth: American security, because of a changing world and developing technology, requires and demands that we deal with other nations.

The choice before this Senate is clear. From the doughboys who endured the horrors of mustard gas in the trenches of Europe, the Kurdish refugees who suffered in Iraq, to the refugees of Cambodia who suffered yellow rain, to our own veterans of the Persian Gulf, it is time to put an end to chemical weapons. That power is in the hands of the Senate. If we fail to do so, a host of rogue nations will take advantage of the opportunity.

Before this Senate on July 10, 1919, Woodrow Wilson closed the debate saying, "We are the only hope of mankind. Dare we reject it and break the hearts of the world."

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. HELMS. Madam President, I yield 10 minutes to the distinguished Senator from Idaho [Mr. CRAIG].

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Madam President, thank you and let me thank my chairman, not only for yielding but for his leadership on this most important issue that now is being thoughtfully and responsibly debated here on the floor of the U.S. Senate.

Madam President, the Chemical Weapons Convention has such far-reaching domestic and national security implications that it deserves the most thorough and thoughtful examination the Senate can give it. I have given this matter a careful review and would like to reiterate some of the conclusions I have reached.

If I thought supporting this treaty would make chemical weapons disappear, and give us all greater security from these heinous weapons, I would not hesitate in giving my support. Unfortunately, the facts do not demonstrate this; indeed, implementing this treaty may actually increase danger to U.S. citizens and troops.

The convention has been signed by 160 nations and ratified by only 74—less than 50 percent. Five countries who are thought to have chemical weapons are not even signatories of the convention: Egypt, Iraq, Libya, North Korea, and Syria. Another six nations have signed, but not ratified the convention: China, India, Iran, Pakistan, Israel, and Russia. In short, this convention is not global in scale.

Even if it were true that this treaty had been signed and ratified by 160 nations, serious problems would remain. Compliance with the Chemical Weapons Convention cannot be assured because it is not effectively verifiable.

I think it is timely and appropriate to remember, as others have mentioned, the principles of Ronald Reagan. Even though he started the process that we are debating today, he would have insisted in the end, while we might trust our allies and our friends around the world, that in every circumstance we must verify.

Unlike nuclear weapons which require a large, specialized industrial base, chemical weapons can be manufactured almost anywhere. Furthermore, many lethal chemicals are common and have peaceful uses. Chemicals help us to manufacture products such as pesticides, pharmaceuticals, plastics, and paints. With such a broad spectrum of uses, it would be difficult to discern the legitimate from the illicit.

It is also very disturbing to me that ratification of this treaty would abandon a fundamental arms control principle insisted upon over the last 17 years—that the United States must be able to effectively verify compliance with the terms of the treaty. Verification has meant that U.S. intelligence is able to detect a breach in an arms control agreement in time to respond appropriately and assure preservation of our national security interests. I believe the Senate has an obligation to uphold this sound standard. Let me take this opportunity to express my support for Senator HELMS' condition in this regard. I applaud his effort to make real verification a condition of CWC implementing legislation, if the treaty is ratified.

Even if verification of compliance were not a concern, this convention would be difficult to enforce. In a sound arms control treaty, the United States must be able to punish other countries caught in violation of the agreement. The Chemical Weapons Convention provides only vague, unspecified sanctions to be imposed on a country found in breach of the Convention. Ultimately, the Chemical Weapons convention leaves the U.N. Security Council to impose penalties severe enough to change behavior of an outlaw nation. Since any one of the five members of the Security Council can veto any enforcement resolution lodged against them or their friends, China and Russia, for example, could simply veto resolutions imposing sanctions if they disagreed with other Security Council members. In sum, it does not appear that this agreement is verifiable or enforceable.

Even if the enforcement mechanism to punish violators of the treaty were perfect, countries that represent the greatest threat to United States security such as Iran, Iraq, Libya, Syria, and North Korea have not ratified the treaty and would be under no obligation to comply with its terms and conditions. Furthermore, our intelligence experts tell us that each one of these countries has active and aggressive programs to develop and produce chemical weapons.

Iran has a stockpile of blister, choking, and blood agents possibly exceeding 2,000 tons. Their program is the largest in the Third World. Syria, which has been increasing production of chemical weapons since the 1980's, is home to several radical terrorist organizations, including Hamas, the Palestinian Islamic Jihad, and the Popular Front for the Liberation of Palestine. Many worry that Syria could easily supply these organizations with chemical weapons. North Korea has a stockpile of nerve gas, blood agents, and mustard gas. Additionally, North Korea has the ability to unleash large scale chemical attacks through mortars, artillery, multiple rocket launchers, and Scud missiles. Currently, Libya has one chemical weapons production facility in operation, and a larger plant under construction. Iraq has not only a substantial capability, but has demonstrated a willingness to use these weapons against their own people.

It has been observed that under the CWC, members to the convention would face no difficulty looking for prohibited chemicals in free and open countries which will accurately declare the location of chemical facilities. However, this situation will be much different for rogue states that are a party to the convention. As arms control verification experts correctly point out, "We've never found anything that's been successfully hidden." Let me repeat that: "We've never found anything that's been successfully hidden." Will the unintended consequence of the CWC be that villainous states will be more secure, and peaceful states less?

Furthermore, have all questions raised in regards to the convention's compatibility with our constitution been sufficiently addressed? The Convention creates an international monitoring regime called the Organization for the Prohibition of Chemical Weapons, or OPCW. The OPCW will be granted the most extensive monitoring power of any arms control treaty ever because it extends coverage to governmental and civilian facilities.

The authority of this international monitoring regime also raises concern about foreign nationals having such broad authority to obtain access to property held by private U.S. citizens. The U.S. chemical industry is known to be one of the top industries targeted for espionage by foreign companies and governments. There is legitimate worry that international inspections could jeopardize confidential business information, trade secrets, and other proprietary data. Since the United States will be expected to pay 25 percent, or approximately $50 million, of the OPCW's operating costs, American tax dollars could be subsidizing increased risk for U.S. business interests.

There is also an implementation cost that will be borne by private industry. The cost for each inspection has been estimated as high as $500,000 for large chemical companies, and a range of $10,000 to $20,000 for small companies. Costs could become even higher if a shutdown is required for an inspection to safeguard proprietary information or company security.

Another issue which has not been thoroughly discussed is how the costs incurred with the inspections are to be paid. Estimates of the number of companies to be inspected in America vary from 140 firms to over 10,000 firms.

And even though we would pay the lion's share of the international monitoring regime's budget, the United States would have no special status over other signatory nations, no veto power, and no assurance of being a member of the executive council.

In conclusion, making the production and possession of chemical weapons illegal according to international law will not make them disappear. Use of such weapons has been prohibited since 1925 yet we have seen the results of their use. We all know about the tens of thousands of deaths from poison gas in World War I, and no one could forget the tragic photographs of the Iranian children killed during the 1980's by the Iraqi government. Illegal? Yes, but still in use, nonetheless.

I stand today with all Americans expressing a grave concern over the increasing proliferation of chemical and biological weapons. The real question here seems to be whether ratification of the Chemical Weapons Convention will increase our own national security. Unfortunately, the answer is no. There is little value in implementing international laws which do little to decrease illegal research, development, and proliferation of chemical weapons worldwide.

I support the goal of making the world safe from the threat of chemical weapons. I applaud the honorable statement the CWC makes against these heinous weapons. However, I believe the best way to protect ourselves from this threat is by rejecting this treaty. The convention does nothing to better our security, but may even open the door to increasing risks against our vital security interests and infringing on the rights of innocent citizens. For these reason, I am compelled to vote against the ratification of the Chemical Weapons Convention.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Who yields time?

Mr. BIDEN. Mr. President, I yield myself 3 minutes and then I will yield to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. BIDEN. No, I yield myself 3 minutes and then I will yield to the Senator from Ohio.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Delaware.

Mr. BIDEN. Mr. President, I found it fascinating, the statement of my friend from Idaho. He made a very compelling case, from his perspective, as why we cannot verify the treaty and therefore why we should be against the treaty—because we cannot verify it. We cannot verify it because, he says, we cannot inspect sufficiently well. And that is why he is against the treaty. Then he says one of the other reasons he is against the treaty is because the verification regime is so intrusive that it will allow the opposition—allow rogue states to get access to information in the chemical industry.

So, if we correct one problem, which is to make it more verifiable, then he would argue he is against the treaty because it is verifiable. If you do not make it more verifiable, he said, he is against the treaty because it is not verifiable.

Mr. CRAIG. Will the Senator yield?

Mr. BIDEN. Not on my time. I will be delighted to yield on the time of the Senator, since I have limited time, on Senator HELMS' time.

Mr. CRAIG. I yield myself 1 minute off the time of Senator HELMS.

Mr. BIDEN. I will be happy to yield when I finish.

He also said the intelligence community says, "They have never found anything that is successfully hidden."

I do not know how many of you are golfers. That is like saying you cannot sink a putt if it is short. Obviously, a putt will not go in if it does not get to the hole. Obviously, you cannot uncover something that is successfully hidden.

The last point I would make is the chemical industry, the outfit that represents the bulk of the chemical industry has strongly endorsed this treaty. I am just responding to the last point that the chemical industry is the target. The chemical industry, coincidentally, is for this treaty.

But I would be happy, now, on Senator HELMS' time, to yield back to my friend from Idaho.

Mr. HELMS. Yes, I yield 3 minutes to the Senator from Idaho.

Mr. CRAIG. I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Thank you, Mr. Chairman, for yielding me time. I think it is very important that what I said be what I said. Let me reiterate that it would be impossible to verify with rogue nations. We know in this country we will verify. Our chemical companies will be an open door. We have always played by the rules of the treaties we have signed and we have never intentionally or purposely violated them. That is not the point I was trying to make, and I think the Senator knows that.

But, what we do know is that for countries who choose not to play by international rules—and there are a good many out there—it would be difficult, if not impossible, for the international monitoring team to be able to verify compliance. I think that is the point. I have not even discussed, nor did I bring up the point of concern, that we would be releasing information. I am also concerned about espionage. And I did express that. So, it is important that that part of it be understood. Our chemical companies, by this treaty, would be an open door.

Let me also say I do not believe there is a chemical company in this country that is an expert in international affairs. Nor do I want the executives of these chemical companies negotiating a treaty. Nor do I want them establishing the foreign policy of this country. I believe that is the job of the Senator, and it is mine, and the job of this body, and of the President of the United States.

I'm sorry, no matter what the chemical industry says, frankly, I don't care. What I do care about is the security of this country. What I do care about is our national sovereignty. And what I do care about is the issue of verification. I think this treaty simply does not get us where we need to get for a safer world.

I must say, I am tremendously proud and I have supported this country's disarming itself of chemical and biological weapons. I encourage us to do that. We have done it and we ought to continue to do it and we ought to make sure that our troops in the field have adequate equipment to be able to protect themselves.

We must lead by example, but let's not walk into or create the illusionary track that I think the CWC simply offers to the world, and most assuredly to this country.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield myself as much time as I might take, and I am only going to take a few minutes.

Mr. President, the reason I mention the Chemical Manufacturers Association is not that they should determine the foreign policy. My friend from Idaho is saying that the target of this kind of espionage, or stealing secrets, whatever, is going to be the chemical industry. All I am pointing out is, just as they should not determine the foreign policy, I respectfully suggest my friend from Idaho does not know anything about their secrets. The chemical industry knows about their secrets, and they believe that this treaty fully protects them in maintaining their secrets. That is the point I was making.

You know that play and movie that is out, "Don't Cry for Me Argentina," well, don't worry about the chemical companies, they think they can take care of themselves in terms of their secrets.

One last point. The Senator raised, as others have raised, the 1 ton of weapons and 2 tons that could be amassed, et cetera. I want to point out what John Shalikashvili, Chairman of the Joint Chiefs of Staff, said, and he is not quoted by the Senator from Idaho, but others. Everyone quotes John Shalikashvili as saying that 1 ton of chemical weapons is militarily significant and that we cannot effectively guarantee we could uncover 1 ton. Let me read what General Shalikashvili said:

> A militarily significant quantity of chemical weapons is situationally dependent. Thousands—

Thousands—

> of tons of chemical agent would be required to significantly impact on a large scale engagement while a mere ton of agent could be effective as a weapon of terror.

He went on to say:

> In certain limited circumstances—

I emphasize "in certain limited circumstances"—

> even 1 ton of chemical agent may have a military impact, for example, if chemical weapons are used as a weapon of terror against an unprotected population in a regional conflict.

He went on to say further:

> The United States should be resolute that the 1-ton limit set by the convention will be our guide.

He did not mean, however, that 1 ton was an appropriate standard for what constitutes effective verifiability. Rather, General Shali meant that the 1-ton limit in the CWC on agent stocks for peaceful purposes—that is the context in which he talked about it—was appropriate and that any country's stock in excess of 1 ton would likely be for offensive military purposes.

So what he is saying—the 1 ton that keeps being used—he is saying if you detect that there is more than a ton of chemical weapons out there, they are probably doing it not for peaceful purposes, they are probably doing it to gain some military advantage. But it would take a lot more than 1 ton to have a major effect on a battle, a major effect on our security. He said it would take thousands of tons.

Other people may think in this body that 1 ton is militarily significant and if you can't effectively verify 1 ton then there is no verification in terms of our strategic interests. They may think that, but that is not what the Joint Chiefs think. The 1-ton reference was for the purpose of determining whether or not a country was trying to do more than use those chemicals for peaceful purposes. He says, if you have more than 1 ton, it is a pretty good sign that these are bad guys and they are trying to do something worse, but they are nowhere near being militarily significant in terms of U.S. security.

I see my friend.

Mr. HELMS. I think it is fair to let Senator CRAIG have another whack at it, and I do wish the former Democratic Secretary of Defense can be quoted on this subject as well. As a matter of fact, the news media ignored him entirely.

I yield the Senator 2 more minutes.

Mr. CRAIG. Mr. President, I thank my chairman for yielding, and I recognize and appreciate the patience of the Senator from Ohio. I will be brief.

It is very important that it not be suggested that all who are in favor makes it so lopsided that there is nobody in opposition. May I quote Donald Rumsfeld or James Schlesinger or, most important, Edward O'Malley, who was the Assistant Director of the Federal Bureau of Investigation, chief of counterintelligence under Ronald Reagan. He speaks of many companies' great concerns about both economic and secret espionage and expresses his opposition to it.

Here are the names of 25 major CEO's of chemical companies who stand clearly in opposition to this treaty. Mr. President, I ask unanimous consent that these ladies and gentlemen and their statements be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICA'S TOP FOREIGN POLICY, DEFENSE, AND ECONOMIC EXPERTS RAISE CONCERNS OVER THE CWC'S IMPACT ON U.S. BUSINESS

Steve Forbes, President and CEO of Forbes Inc.: ". . . . As I have strenuously argued on other occasions, maintaining America's competitive edge requires a lessening of the tax and regulatory burdens on the American people and on our Nation's enterprises. Unfortunately, the CWC will have precisely the opposite effect. It will burden up to 8,000 companies across the United States. Remember, these are in the hands of an international bureaucracy, not what we would like them to be, with major new reporting regulatory and inspection requirements entailing large and uncompensated compliance costs. These added costs constitute an unfunded Federal mandate. Like so many mandates, they are bound to retard our economic growth and make our companies less competitive.

. . . in addition to the costs arising from heavy duty reporting, the CWC subjects our chemical companies to snap inspections that will allow other nations access to our latest chemical equipment and information. No longer will violators of intellectual property rights in China, Iran, and elsewhere, have to go to the trouble of pirating our secrets . . . Some might even regard such burdens as a barrier to entry that can enhance their market share at the expense of their smaller competitors."

Donald Rumsfeld, former Secretary of Defense and President and former Chairman and CEO of G.D. Searle and Company: " . . . Big companies seem to get along fine with big government. They get along with American government, they get along with foreign governments, they get along with international organizations, and they have the ability, with all their Washington representatives, to deal effectively with bureaucracies . . . Indeed, that capability on the part of the big companies actually serves as a sort of barrier to entry to small and medium-sized companies that lack that capability. So I do not suggest . . . for one minute that large American companies are not going to be able to cope with the regulations. They will do it a whale of a lot better than small and medium sized companies . . .

I don't believe that the thousands—whatever the number is—of companies across this country know about this treaty in any detail, believe that the treaty would apply to them, understand that they could be subjected to inspections, appreciate the unfunded mandates that would be imposed on them in the event this were to pass."

James Schlesinger, former Secretary of Defense and former Director of Central Intelligence: "The convention permits or encourages challenge inspections against any facility deemed capable of producing chemical weapons—indeed, against any facility. This exposes American companies to a degree of industrial espionage never before encountered in this country. This implies the possibility of the capture of proprietary information or national security information from American corporations by present or by prospective commercial rivals.

. . . we are dealing with the possible industrial espionage in the United States, and that industrial espionage is going to be a godsend—I repeat, a godsend—to foreign intelligence agencies and to the corporations which will feed on those foreign intelligence agencies."

Lieutenant General William Odom, former Director of the National Security Agency: "Looking at the verification regime as a former official of the Intelligence Community, I am disturbed by it, not just because it is impossible to verify, but also because it can complicate U.S. security problems. Take, for example, the U.N.-like organization to be set up to make inspections. All of the appointed members may have no foreign intelligence links initially. As they find that they can tramp around in all kinds of U.S. production facilities, however, foreign intelligence services are likely to offer to supplement their wages for a little "technology collection" activity on the side. And they will provide truly sophisticated covert technical means to facilitate such endeavors."

Lieutenant General James Williams, former Director of the Defense Intelligence Agency: ". . . the opportunity for unfettered access to virtually every industrial facility in this country, not merely the pharmaceutical and chemical plants, would make most foreign intelligence organizations very happy, even gleeful. It is likely to cause the counterintelligence sections of the FBI and the Defense Investigative Service major problems for the foreseeable future. The inspection procedures which apply to ALL industries constitute unprecedented access to our manufacturing base, not just to those thought likely to be engaged in proscribed activities! My experience in protecting patents and intellectual property over the past ten years leads me to conclude that there is the potential for the loss of untold billions of dollars in trade secrets which can be used to gain competitive advantage, to shorten R&D cycles, and a steal US market share."

Edward J. O'Malley, former Assistant Director of Federal Bureau of Investigation, Chief of Counterintelligence: "The activities of the former Soviet Union and others are as aggressive as ever, and remain a major threat. What is new, however, is the increased importance given by them to the collection of American corporate proprietary information.

. . . One of the greatest concerns of companies . . . is that the CWC will open them up to economic espionage. I think their concerns are well-justified. . . . The acquisition of American trade secrets has become a high stakes business involving billions and billions of dollars, and I would be able to pay an agent handsomely to acquire such information"

Deborah Wince-Smith, former Assistant Secretary of Commerce for Technology Policy (in September 9, 1996, letter signed jointly by Secretaries Weinberger, Rumsfeld, and others): "What the CWC will do, however, is quite troubling: It will create a massive new, UN-style international inspection bureaucracy (which will help the total cost of this treaty to U.S. taxpayers amount to as much as $200 million per year). It will jeopardize U.S. citizens constitutional rights by requiring the government to permit searches without either warrants or probable cause. It will impose a costly and complex regulatory burden on U.S. industry. As many as 8,000 companies across the country may be subjected to new reporting requirements entailing uncompensated annual costs of between thousands to hundreds-of-thousands of dollars per year to comply. Most of these American companies have no idea they will be affected."

Bruce Merrifield, former Assistant Secretary of Commerce for Technology: "I am quite concerned about the Chemical Weapons Convention which, in its current form, would seriously diminish our U.S. competitive advantage in the currently existing hyper-competitive global marketplace . . . industrial espionage by countries that do not have an equivalent capability to make basic discoveries, now accounts for the theft each year of some $24 billion to perhaps over $100 billion of U.S. proprietary technology. The Chemical Weapons Convention would literally open the floodgates of access to U.S. technology by foreign nations. Virtually unannounced inspections by scientific experts, taking samples and inspecting invoices can quickly uncover the proprietary nature of any industrial operation, bypassing millions of dollars of research and many years of development time that a U.S. company has expended to create its competitive advantage."

Kathleen Bailey, Senior Fellow, Lawrence Livermore Laboratories, former Assistant Director for the Arms Control and Disarmament Agency "Experts in my laboratory recently conducted experiments to determine whether or not there would be a remainder inside of the equipment that is used for sample analysis on-site.

They found out that, indeed, there is residue remaining. And if the equipment were taken off-site, off of the Lawrence Livermore Laboratory site, or off of the site of a biotechnology firm, for example, and further analysis were done on those residues, you would be able to get classified and/or proprietary information."

". . . My bottom line is that the use of treaty inspections for espionage is easy, effective, and all but impossible to detect . . . Hypothetically, an inspector could either be an intelligence official assigned to be an inspector or could later sell information to a company or country abroad that reveals either classified or CBI, confidential business information, that they might have gleaned through the process of gathering samples and analyzing them."

Ralph S. Cunninghan, President and CEO of Citgo Petroleum Corporation: "CITGO believes that the requisite inspections associated with the Treaty will, no doubt, jeopardize confidential business information as well as disrupt normal business operations.

We realize that the petroleum industry is not the specific target of this treaty. Nevertheless, it will be affected because of the extensive list of chemicals covered by the treaty."

William Arbitman, Associate General Counsel for the Dial Corp: "We are not prepared to receive a foreign inspection team to our facilities, and we would be greatly concerned that such a visit might compromise our confidential business information."

Kevin Kearns, President of the U.S. Business and Industrial Council: "On behalf of the 1,000 member companies of the United States Business Industrial Council (USBIC), I strongly urge you to oppose ratification of the Chemical Weapons Convention (CWC).

. . . the CWC effectively authorizes industrial espionage. The CWC offers no protections for company formulas and other trade secrets; they must be handed over if inspected. Nothing would prevent other unscrupulous countries such as France and China from placing intelligence officers on the inspection team."

Larry Postelwait, President of the Crosby Group, Inc.: "I have several concerns regarding the access of our facilities to a foreign inspection team. The treaty, as written, gives them too much authority considering they could interfere with our operations and affect production. It also makes us vulnerable to our global competitors since they could benefit from interfering with our production and from gaining close insight into our operations."

David M. Craig, Manager of Environmental and Safety Compliance for the Detrex Corporation: "Although reverse engineering of a product (the process of determining the products' composition or molecular structure) may be possible, many companies enjoy a competitive advantage in a market due to the manufacturing process used. Process "trade secrets" may include items as simple as: the type of equipment used, manufacturing parameters, or even who supplies a particular raw material. Allowing inspectors full access to a company's manufacturing site and records could have a large impact on a company's ability to compete in domestic and international trade."

Tracy Hesp, Assistant to the Director of Regulatory Affairs for Farnam Industries: "First, the short-notice challenge inspections that can be initiated by foreign states would be a burden physically and financially. We have confidential information concerning formulations and manufacturing procedures that we need to protect."

Lesa McDonald, Environmental/Safety Manager for the Gemini Company: " . . . hosting such an inspection would be a serious hindrance to our business. It would be very difficult to safeguard confidential business information during such an inspection.

We have serious reservations about the ability of more legislation and further regulation of U.S. industry to solve the chemical weapons problem. Further, since the countries of Libya, Iraq, Syria and North Korea refuse to sign this treaty, how will further reporting requirements, and inspection of businesses such as ours prohibit the development of chemical weapons?"

John Hobbs, Safety Coordinator for Crafco, Inc.: "The potential for abuse, specifically the theft of trade secrets both formulations and process oriented is significant. Unannounced inspections are also costly in terms of production disruption. A second concern would be that the apparent goals of this treaty are enforceable in the United States under already existing statutes. Industry sponsored terrorism in the form of chemical weapons manufacture is controllable without external intervention. Finally, without the assent of the states sponsoring terrorism this treaty really amounts to the good guys policing the good guys and picking up whatever they can in the process."

J. Doug Pruitt, President of the Sundt Corporation: "Based upon the depth of inspection, e.g. interviews with corporate personnel, employees, vendors, subcontractors; review of drawings, purchase orders, subcontracts; inspection and review of internal and external correspondence; we feel that it could be difficult to safeguard confidential business information during this inspection. This has to do not only with our internal corporate information but we would be concerned about information that we have signed a confidentiality agreement with our partners and/or customers."

U.S. COMPANIES ARE EXTREMELY WORRIED ABOUT THE CWC—A MASSIVE NEW PAPERWORK BURDEN

S. Reed Morian, CEO of Dixie Chemical Company, Inc. (a CMA-member company): "We would incur a significant increase in data reporting under the CWC. . . . I'm certain we could not comply with the CWC under our current budget. The CWC would probably require an increase in headcount at our plant. . . . It would be of little benefit for the U.S. to rigorously participate in the CWC, if ALL the nations of the world don't also participate.

Thank you again for allowing us this opportunity to comment on a treaty ratification that could impact us so greatly."

Robert Roten, the President and CEO of Sterling Chemicals (a CMA-member company): "We are very concerned about control and cooperation of other countries (Mexico, Colombia, North Korea, Iran, Iraq, Jordan, Libya, Croatia, etc.). Since they probably will not cooperate, how does this treaty assure a "worldwide ban?" . . . We are familiar with the Chemical Weapons Convention and we understand our responsibilities (and liabilities) should this treaty become U.S. law. . . . We cannot comply within our current annual budget and personnel constraints. Our best estimates is that this treaty will cost Sterling a minimum of $100,000 per year and should an inspection occur at least another $200,000–$300,000 will possibly be required."

Raymond Keating, Chief Economist for the Small Business Survival Committee: "Of course, smaller businesses will be hit hardest by these increased regulatory costs. Interestingly, the Chemical Manufacturers Association (CMA) supports ratification of the CWC and told the Senate Foreign Relations Committee that the new regulations would not be a burden. But the CMA is a group of generally large chemical manufacturers, and reportedly more than 60 percent of the facilities likely affected by the CWC are not CMA members.

Large companies possess far greater resources and have accrued significant experience in dealing with regulators of all kinds. In fact, new regulatory burdens can perversely give large firms a competitive edge over smaller companies due to these resource and experience factors. As economist Thomas Hopkins has shown, the per-employee cost of federal regulation runs almost 50 percent higher for firms with fewer than 500 employees versus companies with more than 500 employees."

Marvin Gallisdorfer, President of Lomac, Inc.: "It is not possible to estimate the amount of time that it will take to fill out the various CWC forms, but I can assure you that the total time will far exceed the 2–10 hour estimate found in Section 1.A. [of the Draft Department of Commerce Regulations.]. The instructions alone will require a substantial commitment of time. After the data is gathered, it must be checked thoroughly to assure accuracy, because an honest mistake can (and most assuredly will in some cases) lead to a $50,000 fine. Even if, however, we estimate a 20-hour commitment per form, where can we find the 20 hours? Our staff is already employed full-time filling out a host of forms and applications for the Michigan Department of Environmental Quality, the U.S. EPA, and other government agencies. I have enclosed, for your information, copies of the reports that we are required to file annually. As you can see, this is quite a bit of paperwork—and we are a relatively small (150–200 employees) company.

* * * I truly believe that this CWC will cost American jobs without any benefit. The United States can be trusted to refrain from making chemical weapons, but I cannot believe that certain other countries will abide by the treaty. Because of the adverse impact on Michigan's chemical industry (with little or no off-setting benefit) I urge you to vote against ratification of the treaty."

Edward Noble, Senior Corporate Environmental Specialist for ISK Biosciences Corporation: "In general, we believe that banning chemical weapons is a laudable goal. Since those countries most likely to instigate the use of chemical weapons are not among the signatories of the CWC, it would seem that this convention creates a lot of paper and does very little to gain the goal of eliminating chemical weapons."

Paul Eisman, Vice President of Ultraform-Diamond Shamrock: "* * * our costs have increased by an estimated $1 million per year over the last couple of years just to meet new regulatory paperwork demands. We are incurring these costs, but should assume that our customers are paying for these in the long run * * *. We cannot comply with the requirements of this treaty with our current staff and resources. We estimate additional costs of $250,000 annually to comply."

Jim Moon, President of Moon Chemical Products, Inc.: "The reporting requirements in this treaty are a burden for any company not involved in weapons * * * We are manufacturers of industrial, institutional, and agricultural products. Several years ago we had to hire an outside consultant to make sure we meet government regulations for our business, our employees, and our customers. Please do not add another burden to our industry."

Nick Carter, President of South Hampton Refining Company: "No, we could not comply with this treaty within our current annual budget and personnel. The reason we are in business as a small refiner is that we change the operation quickly and often to meet the market. The reporting alone would require additional personnel, much less the cost of potential inspection, interpreting the regulations, etc. We currently have 10% of our work force assigned to nothing but regulatory functions, mostly environmental. At some point these non-profit producing efforts will outweigh the value of keeping the business operating.

* * * There are months where the cost of compliance with this treaty would completely eliminate the profit for the month. You can explain to our employees how this is more important to the nation than them getting a paycheck, or having health coverage, or having a retirement plan, or having a profit sharing check."

John Hohnholt, Vice-President of Valero Refining Company: "Valero is an independent refinery with limited staff resources which are already overwhelmed with regulatory compliance record keeping and reporting. This additional burden on our staff appears excessive and probably unintended for our industry."

Odus Hennessee, President and COO for Cosmetic Specialty Labs: "The ultimate result is to simply add unnecessary costs to the production of our products making it difficult if not impossible to sell our products in our own market, much less to compete in the international marketplace."

THE THEFT OF TRADE SECRETS

Don Fuqua, President of the Aerospace Industries Association: "We are very concerned, however, that the application of the Convention's reporting and inspection regime to AIA member companies could unnecessarily jeopardize our nation's ability to protect its national security information and proprietary technological data."

Rear Admiral Jim Carey, Chairman of 21st Century Coatings: "This communication is to urge you in the strongest possible terms to oppose the Chemical Weapons Convention on the grounds that it will cost my company an outrageous amount of money and subject us to intrusive international inspections that we can ill afford. We make paint under trade-secret technology that with one coat can stop all rust and corrosion for 50 years. We have spent the last 6 months researching construction of a new plant in Texas. The CWC will bring that effort to a screeching halt and instead we will look offshore. The CWC will not stop the world chemical weapons threat; it will only put people like us out of business."

Eduardo Beruff, President of SICPA Industries of America, Inc.: "For the reasons outlined below, we at SICPA Industries of America, Inc. ("SICPA") respectfully urge you to reject this treaty.

. . . SICPA Industries of America, Inc. is the foremost manufacturer of security inks used in printing U.S. currency, and is a leader in developing new security ink technologies to protect the nation's valuable documents and proprietary products. . . . The proposed Chemical Weapons Convention would impose new financial burdens on SICPA and similar companies in order to attain and maintain compliance. More importantly, it could jeopardize the security of SICPA's invaluable trade secret information."

S. Reed Morian, CEO of Dixie Chemical Company, Inc. (a CMA-member company): "While the intent of the CWC is of the highest merit, the regulations appear to be very onerous requiring increased reporting and record keeping, foreign inspection of our facilities, and a significant challenge to our ability to maintain Confidential Business Information (CBI) . . . We are not prepared to have a foreign inspection team in our plant. I doubt that CBI could be safeguarded during such an inspection."

Ralph Johnson, Vice President of Environmental Affairs of Dixie Chemical Company: ". . . If we use EPA inspections as an example, these foreign Chemical Weapon Convention inspections could cost up to maybe $50,000 per site. . . . These inspections would be very costly and burdensome. The biggest problem with these inspections, however, is . . . our highly probable loss of confidential business information. An inspector observing one of our reactors would know, for the product being observed, our operating pressures, temperatures, catalysts, reaction time, ingredients, purification methods, pollution abatement methods. We would no longer have any confidential technology, methodology, or know-how relative to this product. It would be gone forever."

Mr. CRAIG. Mr. President, I also ask unanimous consent that an editorial from the Wall Street Journal that I think speaks very openly to the concerns that many in the chemical industry have as it relates to what they would be required to do, which is open their doors wide and embrace an international inspection team, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal]

HERE COME THE SPIES

We've already made the case for why the Senate should reject the Chemical Weapons Convention. The last thing the world needs is another unverifiable arms control treaty. The worst danger here is creating the illusion that we are ridding the world of the threat of chemical weapons. But there's another danger: The treaty would be a bonanza to countries that are in the business of spying on American business.

Worst hit would be the defense and aerospace industry—and hence national security—but plenty of other industries would be subject to industrial espionage. There has never been an arms control treaty whose reach would extend so far into ordinary business, both through its reporting requirements and its inspection regime.

The CWC covers not just companies that manufacture certain chemicals and discrete organic chemicals, but also those that use them to make something else—such as automobiles, pharmaceuticals, electronics or even liquor. The Arms Control and Disarmament Agency has drawn up a list of more than 1,000 American companies that would be subject to the treaty's terms. Others say at least 6,000 companies would be affected.

The Chemical Manufacturers Association has been vocal in pooh-poohing the treaty's reporting and inspection requirements, which may in fact not be much for the CMA's already highly regulated membership of fewer than 200 companies. But companies that make such things as soap or tires or paint are going to find the paperwork alone an expensive new irritant.

Far more troublesome, however, is the treaty's proposed inspection regime, to be carried out by a new international bureaucracy in the Hague called the Organization for the Prohibition of Chemical Weapons. A better name might be the Organization for the Promotion of Industrial Espionage.

OPCW will conduct both routine inspections and "challenge" inspections at the request of member governments. Under the terms of the treaty, it would be next to impossible for the U.S. to halt a frivolous or abusive inspection. A challenge inspection would take place with less than a day's notice, and inspectors would have extraordinary access to files, data, equipment, etc. A company might as well post its trade secrets on the Internet.

The challenging country would send along an observer, and even though he wouldn't be permitted beyond a specified perimeter, there's a lot he would be able to learn from that distance. In a mock inspection that the U.S. carried out using the CWC's proposed rules, the "observer" was able to steal proprietary information simply by gathering soil and water samples from his spot on the edge of the inspection site.

Worse, there are no guarantees that the inspectors themselves won't moonlight as spies. Senator Helms raised this issue during Madeleine Albright's confirmation hearing in January. He pointed to evidence that Chinese applicants for OPCW inspector jobs had been "directed to volunteer" and that most had ties to the People's Liberation Army's chemical "defense" program. It's not hard to imagine the damage an inspector-spy could do. Reverse engineering is one threat, but even something seemingly as simple as the type of equipment used in a manufacturing process could constitute a trade secret.

All this poses a danger to national security. Kathleen Bailey of Lawrence Livermore National Laboratory testified to that effect before the Senate Foreign Relations Committee last year. She said "classified information can be obtained from sampling and analysis during, and perhaps after, inspections under the Chemical Weapons Convention. Furthermore, clandestine sampling would be virtually impossible to detect or to prevent." In the defense area, stealth technology is particularly at risk; a challenge inspection of a U.S. defense contractor could yield much on that score.

So far, the debate on the Chemical Weapons Convention hasn't moved beyond Washington to the boardroom. Only a few companies—Dial Soap and Citgo Petroleum among them—have spoken out against the treaty. It's perhaps understandable that most CEOs would assume that a treaty on chemical weapons wouldn't affect them. It does and they'd be wise to pay attention.

CWC IS WATCHING

From a May 14, 1996 list compiled by the Arms Control and Disarmament Agency of companies that would be subject to the Chemical Weapons Convention: Archer Daniels Midland Co., Armco Steel Co., Castrol, Citgo Petroleum Corp., Colgate-Palmolive Co., Dial Corp., General Motors Corp., Gillette Co., Goodyear Tire & Rubber Co., Jim Beam Brands Co., Kaiser Aluminum, Lever Brothers Co., Maxwell House Coffee Co., Nutrasweet Co., Pfizer, Quaker Oats Co., Raytheon Co, Safeway Stores; Sherwin Williams Co., Simpson Timber Co., Winn-Dixie Stores, and Xerox Corp.

Source: Senate Foreign Relations Committee.

Mr. CRAIG. Mr. President, my point is simply this. There are reasonable people on both sides of this issue who differ and are very loud about the concerns they have. The chemical industry is not monolithic at all when it comes to support for this. There are a substantial number within it who are extremely concerned that they may expose their companies to tremendous economic risk and to the liability of the loss of their secrets that relate to the formulas for the production of peaceful goods and services to our country. I think it is important that that be said at this time and that the names and quotes of these ladies and gentlemen become a part of the RECORD.

I yield back any time.

Mr. BIDEN. Mr. President, I yield 30 seconds to myself. I ask unanimous consent that a statement of the Chemical Manufacturers Association be printed in the RECORD, as well as the list of those companies supporting this treaty.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHEMICAL MANUFACTURERS ASSOCIATION,
Arlington, VA, April 18, 1997.

Hon. JOSEPH R. BIDEN,
U.S. Senate, Washington, DC.

DEAR SENATOR BIDEN: On April 24, the Senate will vote on whether to ratify the Chemical Weapons Convention (CWC). On behalf of nine organizations representing a broad spectrum of chemical producers, consumers, and professionals, I urge your strong support of this important treaty.

Opponents of the CWC contend that the treaty will have a catastrophic impact on American business, including a burdensome regulatory system, intrusive on-site inspections, and losses of proprietary information. The facts, however, bear out our belief that the CWC is the right thing to do:

Less than 2,000 facilities nationwide will have any responsibilities under the CWC. Of these, ninety percent will have to do no more than fill out a two-page report once a year.

The chemical industry helped develop the procedures by which fewer than 200 facilities will be inspected. We then tested those provisions in a series of full-fledged trial inspections at plant sites. We helped confirm that inspected companies have a role in determining how inspections will be conducted, and the extent to which inspection teams access the facilities.

Industry representatives helped write the treaty provisions that safeguard confidential business information. Chemical companies worked closely with the Administration in drafting the CWC implementing legislation that complements those safeguards.

The chemical industry has continued its efforts to further narrow the potential impact of the Convention on commercial interests. We successfully advocated a complete exemption for polymer and oligomer producers, which means that the plastics and textile industries are not subject to the Convention. We helped push an exemption for petroleum refineries and explosives manufacturers. We have worked to develop reasonable, low concentration limits that are commercially practicable, yet provide the level of verification necessary to assure that the CWC is not being violated.

On April 17, the Senate passed Senator Kyl's legislation, S. 495. Although Senator Kyl's legislation would generally expand the legal basis for domestic action against chemical weapons proliferation, it is important that you know that S. 495 is not a substitute for the Chemical Weapons Convention.

For example, S. 495 provides no mechanism for multilateral agreement to prevent or prohibit the production, storage, development or use of chemical weapons. It provides no means for investigating potential diversions to illegal weapons uses. And it does not remedy the trade impacts that will arise when the CWC's trade ban goes into effect three years from now. CMA estimates that some $500 to $600 million in two way trade will be at risk if this ban goes into effect. Moreover, S. 495 does nothing to prevent trade barriers being imposed by CWC Parties, aimed at U.S. trade in chemicals.

The chemical industry is America's largest exporter surpassing agriculture, aerospace, computers, etc. It is the world leader in technological development, research and innovation. The industry works hard to maintain that leadership. The industry has maintained a trade surplus for 68 consecutive years. You can be assured that the chemical industry would not be silent if the CWC truly jeopardized commercial interests.

For your further information, I have enclosed a copy of an advertisement that appeared in the April 14, 1997 issue of Roll Call. I have also enclosed a copy of a letter signed by members of CMA's Board of Directors, reiterating their support for this important agreement.

In short, Senator, we need your vote in favor of the Chemical Weapons Convention.

If you have any questions concerning the chemical industry's support for the CWC, please call me or Claude Boudrias, Legislative Representative for Tax and Trade at (703) 741-5915.

Sincerely,

FREDERICK L. WEBBER,
President and Chief Executive Officer.

APRIL 15, 1997.

Hon. TRENT LOTT,
Senate Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: We, the undersigned members of the Chemical Manufacturers Association's Board of Directors, are writing to ask you to support the Chemical Weapons Convention (CWC).

We believe the Convention is a fair and effective international response to the international threat of chemical weapons proliferation. Ratifying the CWC is in the national interest.

The CWC is a natural extension of existing U.S. policy. In 1985, Congress voted to end production of chemical weapons by the military and to begin destroying existing stockpiles.

For years, the United States has imposed the world's strongest controls on exports of weapons-making ingredients. Our nation is the standard bearer in preventing the spread of chemical weapons.

The CWC requires other nations to do what the United States is already doing. That's why President Reagan proposed the treaty to the United Nations in 1984. It's why President Bush signed the treaty in Paris in 1993. And it's why President Clinton is asking the Senate to ratify it.

The chemical industry has thoroughly examined the CWC. We have tested the treaty's record-keeping and inspection provisions. And we have concluded that the benefits of the CWC far outweigh the costs.

Ratifying the CWC is the right thing to do. We urge you to vote for the Convention.

Sincerely,

Frederick L. Webber, President & CEO, Chemical Manufacturers Association; J. Lawrence Wilson, Chairman & CEO, Rohm and Haas Company; Chairman, Board of Directors, Chemical Manufacturers Association; John E. Akitt, Executive Vice President, Exxon Chemical Company; Phillip D. Ashkettle, President and CEO, Reichhold Chemicals, Inc.; Bernard Azoulay, President and CEO, Elf Atochem North America; William G. Bares, Chairman and CEO, The Lubrizol Corporation; Jerald A. Blumberg, Executive Vice President, DuPont, Chairman, DuPont Europe; Michael R. Boyce, CEO & President, Harris Chemical Group; Vincent A. Calarco, Chairman, President & CEO, Crompton & Knowles Corporation; William R. Cook, Chairman, President and CEO, BetzDearborn Inc.; Albert J. Costello, Chairman, President & CEO, W.R. Grace & Co.; David J. D'Antoni, President, Ashland Chemical Company; John R. Danzeisen, Chairman, ICI Americas Inc.; Earnest W. Deavenport, Jr., Chairman of the Board and CEO, Eastman Chemical Company.

R. Keith Elliott, Chairman, President & CEO, Hercules Incorporated; Darryl D. Fry, Chairman, President and CEO, Cytec Industries Inc.; Michael C. Harnetty, Division Vice President, 3M; Richard A. Hazleton, Chairman & CEO, Dow Corning Corporation; Alan R. Hirsig, President & CEO, ARCO Chemical Company; Gerald L. Hoerig, President, Syntex Chemicals, Inc.; Jack L. Howe, Jr., President, Phillips Chemical Company; Jon M. Huntsman, Jr., Vice Chairman, Huntsman Corporation; Donald M. James, President & CEO, Vulcan Materials Company; Dale R. Laurance, President and Sr. Operating Officer, Occidental Petroleum Corporation; Raymond W. LeBoeuf, President & CEO, PPG Industries, Inc.; James A. Mack, President & CEO, Cambrex Corporation; Hans C. Noetzli, President & CEO, Lonza, Inc.; Robert G. Potter, Executive Vice President, Monsanto Company; Arthur R. Sigel, President & CEO, Velsicol Chemical Corporation; Enrique J. Sosa, Executive Vice President-Chemicals Sector, Amoco Corporation; William Stavropoulos, President & CEO, The Dow Chemical Corporation; F. Quinn Stepan, Chairman & President, Stepan Company; S. Jay Stewart, Chairman & CEO, Morton International, Inc.; Robert O. Swanson, Executive Vice President, Mobil Corporation; Rudy van der Meer, Member, Board of Management, Akzo Nobel nv;

Jeroen van der Veer, President & CEO, Shell Chemical Company; George A. Vincent, Chairman, President & CEO, The C.P. Hall Company; J. Virgil Waggoner, President & CEO, Sterling Chemicals, Inc.; H.A. Wagner, Chairman & CEO, Air Products & Chemicals, Inc.; Helge H. Wehmeier, President & CEO, Bayer Corporation; Ronald H. Yocum, President & CEO, Millennium Petrochemical Company.

Mr. BIDEN. Mr. President, just as my friend from Idaho knows a lot about mining and knows a lot about potatoes and knows a lot about apples, because they are big issues in his State, I assure you, being a Senator from Delaware, if there was any genuine opposition from the chemical industry for this treaty, since most of those companies are incorporated in my State and it makes up 56 percent of my State's economy, I assure you, I would hear about it.

Now, there may be some companies that do not like it, but I want to tell you, to use the expression, there may be reasons why for this in the minds of my colleagues, but none of the big boys, none of the outfits that do this as a big business, none of the outfits with multibillion-dollar operations, none of them, that I am aware of, are opposed to this treaty. They strongly support it.

I yield 7 minutes to my friend from Ohio.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Ohio.

Mr. GLENN. I thank the Chair, and I ask the Chair to please notify me when I have used 6 minutes.

Mr. President, I rise to urge my colleagues to vote in favor of ratification of the Chemical Weapons Convention with its 28 agreed conditions.

So far in this century, we have witnessed the use of chemical weapons in Europe, in China and in the Middle East, and we have seen the absolutely revolting photographs of victims of chemical weapons attacks at the Iraqi village of Halabja and the Tokyo subway. Some of us may have seen the famous photograph of the great violinist, Isaac Stern, performing in Israel while wearing a gas mask during the Iraqi occupation of Kuwait. Let there be no doubt about it, these weapons do present a clear and present danger to our security and the security of our allies around the world. They have not acquired the nickname, "poor man's nukes" for nothing. They are cheap to make, easy to conceal, and can have devastating effects.

Since 1995, the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs has held six hearings titled "Global Proliferation of Weapons of Mass Destruction," which documented in vivid detail the gravity of the threat our country faces from both chemical and biological weapons. The three committee prints covering these hearings contain over 2,000 pages of relevant documentation. While I was chairman of that committee, I chaired personally four hearings on "Global Spread of Chemical and Biological Weapons." In 1989, that produced another 746 pages of documentation on these threats and the various choices facing our country by way of responses.

Mr. President, today is not the day for additional hand wringing over these nightmares. Today is the day finally to do something truly constructive to alleviate these threats and stop the hand wringing. In this case, constructive means multilateral, since we are dealing here with a truly global threat, not one susceptible to solution by unilateral U.S. legislation. For example, bills like S. 495, which passed a badly divided Senate last week after virtually no serious debate and without a single hearing, would, if enacted, impose yet another death penalty, while opening up several new loopholes for continued U.S. possession of both chemical and biological weapons. Fortunately, we have an alternative approach to consider.

Today, we can vote on a resolution providing our advice and consent to ratify a treaty that does not just address the problem of halting the proliferation of these weapons, but a treaty that will also set the world on a course finally to eliminate such weapons everywhere. Though we will not obviously achieve these goals overnight simply by ratifying the CWC, we will be taking a crucial step toward achieving that ultimate goal.

My argument, simply put, is that we just cannot solve the global problems of the CWC destruction, proliferation, terrorism and warfare by acting alone. The international framework, machinery, reporting procedures, and enforcement and verification mechanisms of this treaty will complement and reinforce—not compete with, substitute for or compromise—our own national military, intelligence, and diplomatic efforts against the global CW threat.

The time has now come to put into place the international legal foundation necessary to eliminate chemical weapons once and for all. I am proud to be here on this historical occasion to speak on behalf of and to vote in favor of U.S. ratification of this treaty.

Mr. President, let me get into some highlights of the CWC. The CWC bans the development, the production, stockpiling, use, and proliferation of chemical weapons. It requires the destruction of existing weapons, chemical agents, and CW production facilities. It breaks new ground with a system of verification that is the most extensive in the history of weapons of mass destruction.

On November 23, 1993—over 3 years ago—President Clinton sent this treaty to the Senate for its advice and consent to ratification. Though the Senate has proceeded very, very slowly with the consideration of this treaty, the rest of the world seems prepared to go forward with or without us. Over 160 countries have now signed the treaty and 74 have already ratified it. So with or without U.S. ratification, the treaty will enter into force on April 29 of this year. At that point, world commerce in chemicals and chemical equipment will begin to take place within a multilaterally coordinated system that imposes real costs on nonparties to this convention. It is one reason why I support this treaty.

There is a widespread consensus among the military, the intelligence and the defense experts inside our Government that this treaty will serve our national interest. This consensus is bipartisan. Indeed, the convention was negotiated during the Reagan administration, signed by President George Bush and sent to the Congress by President Clinton.

Except with respect to nonparties, this treaty is completely nondiscriminatory: It obligates its parties not to develop or to possess chemical weapons, period. It does not divide the world up into one set of countries that may have these weapons and another set that may not. It works from a different premise, one more closely aligned with its cousin, the Biological Weapons Convention—by outlawing such weapons among the parties to the treaty, it will significantly strengthen international diplomatic efforts to make the prohibition truly global.

To ensure compliance, the treaty provides a verification system that operates on two dimensions. First, it provides for routine monitoring of potentially sensitive activities at declared chemical weapons sites, storage areas, and relevant civilian chemical industries. Second, it provides for a system of on-site challenge inspections operating on the principle of managed access to ensure the protection of proprietary information, constitutional rights, and national security interests. These inspections will be conducted by the Organization for the Prohibition of Chemical Weapons [OPCW]. This system of verification has been worked out not just in consultation with industry, but with the strong and continuing support of industry.

NOTHING PERFECT

I believe that this system of verification—coupled with the increased transparency of chemical transfers and activities at chemical facilities around the world—will, when backed by robust national intelligence capabilities, build a level of confidence in the world community sufficient to ensure that the treaty is being observed by its parties.

EVEN IF IMPERFECT—BETTER THAN PRESENT WITH NO RESTRICTIONS

This view is shared today by our military and intelligence officials. On

June 23, 1994, Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, summarized this judgment quite clearly when he testified that—"From a military perspective, the Chemical Weapons Convention is clearly in our national interest." On August 11, 1994, he specifically testified that—"Because of the regime of declarations, which then can be verified through routine inspection and challenge inspection, I believe that the CWC can be effectively verified." The treaty has also been supported by former generals Colin Powell and Norman Schwarzkopf, among many other top military and intelligence officials. It has the full support of The Joint Chiefs.

The verification system, in short, represents an appropriate balance between the need for intrusiveness and the need to protect commercial secrets and national security information. As a whole, the treaty will serve U.S. national interests in a number of ways. It will reduce the risk that chemical weapons will be used against our country. It will potentially reduce—but of course not eliminate entirely—the risk of terrorism involving chemical weapons. It will enhance the transparency of activities at chemical facilities around the world and thereby build confidence in CW disarmament. It will serve U.S. interests in combating the proliferation of chemical weapons. And it will, after the 10-year process of destroying existing CW stockpiles, remove many serious environmental hazards that faced citizens who live near plants that produced or stored chemical weapon agents.

COMMON CRITICISMS

It is not surprising that any great achievement in the realm of disarmament would encounter criticism. I am not going to claim that each and every one of these criticisms is totally unfounded. I am also not going to question the motives of those who make such criticisms. I believe it is good to hear the views of such critics, to listen carefully to their interpretations of the flaws of this treaty, to debate points on which there is disagreement, and to come to a decision on what is in the long-term interest of our country. This is what the whole ratification process is all about. Though no treaty is perfect and the CWC is no exception to this rule, by my reckoning the flaws in this treaty are not sufficient grounds for the Senate not to proceed with ratification.

I would now like to discuss briefly some of the main criticisms of the treaty that I have encountered over the many years this treaty has been awaiting a vote in the Senate.

No. 1. Lack of universality. It is true, not every country is a party to this treaty, nor is universal membership even a likelihood anytime soon. It may never be a universal agreement. There are several Arab countries, for example, that will no doubt refuse to enter into binding CW disarmament agreements until an agreement can also be reached concerning Israel's nuclear capability. Is this a sufficient cause to vote against the treaty? Absolutely not.

I know of no multilateral disarmament agreement that is truly universal, if that term is defined to mean that all countries on Earth are parties. True, the more countries that join the better. But opting for isolation hardly seems to me to be a rational way for a country to pursue the goal of universality. I cannot imagine anything that would set back the goal of universality of this treaty more than a decision by the Senate of the United States not to vote for ratification of this treaty, or to approve it with killer amendments. I believe this treaty will stand the test of time and will approach universality of membership as confidence grows in its credibility as a force for international peace and security. It will be a challenge for diplomats and national leaders of the 21st century to induce the hold-out countries into the CWC regime.

As for the treaty hold-outs specifically in the Middle East—including Iraq, Libya, and some other Arab states that critics cite as a reason why the United States should not join this treaty—let us remember that no country has a bigger stake in putting a halt to chemical weapon proliferation in that turbulent region than does Israel. And I think it is instructive that Israel has considered and chosen to ignore this particular criticism—it has signed the treaty.

No. 2. Verification problems. Now nobody questions that verifying a global ban on possessing or manufacturing chemical weapons will be a difficult undertaking, maybe even an impossible one, if the test of success is the ability to detect the secret manufacture of a small number of such weapons. Nobody doubts the widespread availability of the dual-use materials and know-how needed to make and to deliver chemical weapons. Nobody doubts that such weapons can be manufactured in very small facilities, some even as small as some hearing rooms here in the Senate, as our intelligence officials have openly testified.

In light of these basic facts of life about chemical weapons, the Report of the Senate Select Committee on Intelligence on the "U.S. Capability to Monitor Compliance with the Chemical Weapons Convention" (Rpt. 103–390) identified several potential difficulties in verifying this treaty. The committee's report, however, reads not as an indictment of the treaty, but as a convincing reminder of the need for America to maintain and upgrade its intelligence capabilities to grapple with such problems. I am concerned that some of my colleagues and outside commentators have looked at these challenges and simply concluded that it is impossible to verify this, or indeed any, CW disarmament treaty.

Though the treaty offers no absolute guarantee against cheating at the level of relatively small-scale violations—it will leave us far more secure than we would be without such a treaty. First, the reporting and inspection provisions of the treaty will enhance the transparency of global flows of chemicals and chemical production equipment—it will also give us better information about how such chemicals are used after they leave international commerce. Second, the challenge inspection system will give the United States a new means to check up on suspicious activities inside countries, including activities that may not even involve chemicals or chemical equipment that entered international commerce.

In short, we stand a much better chance of detecting, assessing, and mobilizing collective international action against potential CW-related activities by having a multilateral system of CW disarmament, than we would under the "go-it-alone" approach we would be left with as a non-party to this treaty.

I think Maj. Gen. John Landry—testifying before the Armed Services Committee as the National Intelligence Officer for General Purpose Forces—accurately summarized the view of the U.S. intelligence community when he said on August 11, 1994, that "we are better off with the treaty than without it." Former Defense Secretary Perry similarly observed on March 28, 1996, that despite the inherent difficulties of detecting illicit production of small quantities of chemical weapons, "we also recognize that that [detection capability] would be even more difficult without a CWC."

Let us keep in mind that when it comes to verifying international compliance with arms control, disarmament, and nonproliferation treaties, America does not rely exclusively upon the verification mechanisms in those treaties to judge compliance. Verification is achieved by these mechanisms operating alongside our own national intelligence capabilities. As I stated in my additional views to the SSCI's report on the CWC, the difficulties of monitoring this treaty underscore the importance of maintaining a highly capable U.S. intelligence community. If we work hard toward the goal of universal membership in the CWC and maintain or increase the capabilities of our intelligence community, then the lingering questions about compliance and verification would only fade accordingly. I would not be at all surprised if Russia were to ratify this treaty very soon.

It is useful to recall that the Russian scientist who blew the whistle in 1991 and 1992 on illicit Russian chemical weapons activities is now a firm supporter of the CWC as a means to combat just such activities. On November 1, 1995, Dr. Vil Mirzayanov testified as follows before the Permanent Subcommittee on Investigations about the risk of theft of chemical agents in Russia:

> I am sure that the system of international inspections provided for under the Chemical Weapons Convention will help address this problem . . . These are very strong tools and I hope that you will do your part to see that they are applied in Russia by pressing for the Senate's ratification of the Convention.

The fact that this statement came from someone who is one of Russia's toughest critics on chemical weapons issues will, I hope, inspire other treaty critics to reexamine their own views.

No, this is not the time to badger the CWC's verification system because it is unable to guarantee perfect international compliance. I wish we had some domestic criminal laws that would guarantee perfect compliance. Today is a day to rejoice that the CWC's verification system will soon be generating information that will be useful to our national leaders in detecting, characterizing, and defending against chemical weapons threats. When I hear all these criticisms about the treaty's verification system, I can only wonder—if these arguments are true, then why would Israel, which is located in one of the most dangerous neighborhoods on Earth, and which has so much at stake, sign such a treaty?

The answer is that the CWC serves Israel's national security interests for precisely the same reason it serves our own national security interests. It deserves the support of all nations, and the more support it has, the better the verification system will become. Remaining outside the CWC is no way to improve its verification system.

No. 3. *Cost.* Now with respect to cost, nobody can possibly predict exactly what it will cost to implement this treaty. The International Atomic Energy Agency's annual budget of about $200 million does not serve as a useful indicator of the cost of implementing the CWC given the many different functions of the respective treaty organizations, the IAEA and the OPCW. For fiscal year 1998, the administration has requested $25 million for meeting our CWC assessment and an additional $21 million for multilateral verification at U.S. facilities should that be necessary. This annual financial contribution approximates the cost of a couple of F–16 aircraft.

The Chemical Manufacturers Association [CMA] has estimated that the cost to industry of complying with this treaty is about ". . . one-onehundredth of one percent of the cost of environmental reporting in the United States." CMA estimates that industry's total CWC reporting costs for 1997 would come to less than $250,000 and will decline in subsequent years. CMA has also estimated, however, that the cost to industry of America not ratifying this treaty would be "hundreds of millions of dollars" and thousands of jobs.

As for the claim by some critics that the treaty will place a heavy regulatory burden on industry, CMA reports that in a recent field test it took less than 2 hours for producers of the broadcast category of materials—discrete organic chemicals—to fill out the appropriate reporting form. Some plant managers have estimated that they could complete this form in as little as 15 minutes. In recent field tests involving materials that are more tightly controlled, it took companies between 2–8 hours to complete the relevant paperwork. This does not seem to me to be an unduly burdensome procedure.

We all know that the costs of destroying CW agent material will of course be considerable, particularly in countries like the United States and Russia which have tens of thousands of tons of this material. But U.S. law already requires us to destroy these materials, whether or not we join the CWC.

The costs of having to defend against the use of such weapons—costs we have to pay regardless of whether America is a party to the CWC—will remain considerable, though this expense will decline as the world's stockpiles of CW materials gradually diminish in accordance with the treaty. The treaty, it should be noted, does not outlaw national defenses against chemical weapons nor does it ban military retaliation for CW users.

When it comes to measuring the true costs of this treaty, there is an absolute way and a relative way to measure these costs. The absolute approach merely adds up the costs of implementing the treaty and considers such costs in a vacuum. The relative approach compares these costs against various alternatives, such as costs we would have to pay in a world in which chemical war remains a clear and present danger, or a world with a CWC without the United States as a party.

I think that any fair assessment would need to compare the costs of implementing the CWC against the costs of chemical war—preparing for one, fighting one, defending against one, deterring one, and recuperating from one. Now there is no way that the absolute costs of implementing this treaty would ever outweigh the devastating costs of coping in a world armed to the teeth with chemical weapons. I just do not accept the argument that the costs of implementing this treaty are greater than the benefits to our national security from membership.

No. 4. Sovereignty and secrecy. Under the Constitution, the CWC will be a supreme law of the land. Ironically, some of the same critics of the CWC who argue that the treaty is not verifiable because it is not intrusive enough, also argue that the treaty is too intrusive insofar as it allegedly jeopardizes the U.S. constitutional rights. These questions have already been examined closely by the Congress, as well they should, and most Members would agree that these arguments have been overdrawn.

The main problem with this criticism is that it ignores the many safeguards that exist in the treaty to protect sovereign rights. First and most fundamentally, there is the right of withdrawal from the treaty on 90-days' notice. Second, the treaty's inspection system is far from a "no-notice" system—it prescribes a series of timetables which allow a state party time to prepare a site for inspection. The inspection itself is limited in time.

As the Department of State put it in its letter transmitting the treaty to the President, "The inspected State Party has the final say in determining the extent and nature of access within the challenged site." That is from the letter of November 20, 1993. This gets at the whole notion of "managed access," which lies at the heart of the CWC inspections system. Under this approach, the State Department letter continued, "the inspected State Party may give only individual inspectors access to certain parts of the inspection site, may shroud sensitive pieces of equipment, such as computer or electronic systems, and it may restrict sampling and sample analysis." Indeed, it is highly improbable that the U.S. chemical industry would have been such strong and chronic supporters of the CWC if this industry had concluded that the treaty would harm the competitiveness of U.S. industry or jeopardize company secrets.

Aside from industry, I can imagine that the scientific community should be quite well informed about the merits of this treaty, especially its alleged intrusiveness. Mr. President, I ask unanimous consent to have printed at the end of my remarks a list of 151 members of the National Academy of Scientists who are chemists or biochemists and who support this treaty, and another list, compiled by the Federation of American Scientists, of 45 Nobel laureates who also endorse this treaty. No doubt about it, American support for this treaty is both broad and deep.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibits 1 and 2.)

Mr. GLENN. Mr. President, No. 5. Other Criticisms. These are not the only lines of attack that critics have taken against the treaty in recent years.

First, would the CWC require a new strategic nuclear doctrine that actually encourages the use of tactical nuclear weapons, given the unavailability of a CW alternative? Not very likely, given that our military has unparalleled conventional military options that are available to respond to and to deter any CW attack. In this respect, critics who urge the retention of a CW arsenal underestimate the power of our conventional military capabilities and overestimate both the value and likelihood of the use of tactical nuclear weapons. Typically, such critics also tend to ignore the impact of making such nuclear threats upon our global nuclear nonproliferation policy.

Second, it is true that the parties to the CWC are nation states, not nonstate entities such as terrorist groups that may seek to acquire such weapons. Though the treaty offers no guarantee against CW terrorism, the treaty's transparency provisions will at least operate to make it more difficult for terrorists to acquire equipment or materials for use in making such weapons and that in itself is a positive feature of the treaty. In particular, it will make it much more difficult for terrorists to engage in large-scale production of chemical weapons without detection. Since the CWC has never been intended to serve as a substitute for national efforts against subnational terrorism, I find this whole argument that the treaty is weak on terrorism to be a red herring.

I find it quite interesting that Japan—which was the victim of a recent chemical weapons attack by terrorists—has already ratified the CWC. In fact, Japan's Diet ratified the CWC within a month of the Sarin gas attack in the Tokyo subway. Though the treaty may not have been able to guarantee that this specific attack would not occur, Japan's leaders have obviously concluded that their country would still be better off with this treaty than without it. So would our country.

Third, critics have argued that the treaty lacks teeth. In fact, the CWC does not repeal the fundamental principle of national sovereignty that has dominated world affairs for over 300 years. The treaty does not intend for the OPCW to perform as a police force in a world state. Though the treaty provides procedures for mobilizing international action against treaty violators, sanctions must still be implemented by individual state parties to the treaty.

Nonparties to the treaty, however, will feel the teeth of this treaty. They will have a harder time participating in the world market for chemicals and chemical equipment. The few remaining CW states will in time feel the inevitable political pressures that come with the possession of internationally outlawed weaponry. And as the taboo on possession settles in the world community, so will the likelihood of strong international action against countries that would actually use such weapons. Sanctions against all forms of proliferation could always be strengthened, and I would certainly hope that this would be a high priority national security goal of this and future administrations. But the lack of mandatory sanctions in this treaty should not be confused with any lack of teeth—it will fall to the national diplomats, the leaders, and ultimately the people of the states that are CWC parties to sharpen this treaty's teeth. Though teething pains can be expected in the years ahead, sharper teeth will come.

Fourth, and most recently, critics have pointed to trade and cooperation provisions in the treaty as evidence of an alleged obligation to provide chemicals and chemical equipment that will help treaty cheaters to make chemical weapons. Frankly, this argument is hogwash. The very first article of this treaty obligates its parties "* * * never under any circumstances * * * to assist, encourage or induce, in any way, anyone" to acquire chemical weapons. Given this obligation—and given the treaty's inspection system and national intelligence capabilities to back it up—the only appropriate response to the accusation that the treaty will encourage peaceful trade and scientific exchanges is, so what?

The administration has been more than reasonable in accommodating the concerns of the critics. The fact that agreement was reached on 28 conditions hardly suggests a posture of stonewalling by anybody. But I cannot support any of the five additional conditions that have been offered concerning Russian chemical weapons activities, requiring terrorist states to join the CWC before we do, asserting a unilateral U.S. right to bar certain inspectors from certain countries, requiring the United States to seek the renegotiation of key provisions of the treaty on certain trade and CW defense issues, and adopting a verification standard based on a concept of military significance that is both inappropriate and unworkable. To the limited extent that these final conditions touch upon legitimate concerns, let us address these concerns inside the tent of the CWC, not by howling in the wilderness outside that tent.

CONCLUSION

Mr. President, I would like to conclude my remarks on a personal note. I have come a long way when it comes to the issue of CW disarmament. On May 21, 1985, I joined with three of my Senate colleague to argue in an Op-Ed in the Washington Post in favor of modernizing America's chemical weapons arsenal. At the time, there was scant prospect of a Chemical Weapons Convention. The Soviet Union was sitting on a huge CW arsenal and was threatening United States interests around the world. And our old so-called unitary chemical weapons were at best a national embarrassment, at worst an actual danger to American citizens and our own troops. I favored the safer binary weapons—safer for our own troops if they ever had to use them.

But times have changed. The Soviet Union has ceased to exist and there is significant support inside the Russian Government to follow through with Russia's obligations under the CWC, support which America has every reason to encourage in any way it can. Yes, there still are countries in the world today that have chemical weapons. There still is a terrorist threat involving such weapons. There is still a CW proliferation threat. Russia, though it will hardly be alone in this respect, will no doubt still seek to compete with us in many arenas of world affairs. And many of those old unitaries are still sitting around like rusting relics of a by-gone age.

Yet the world today is closer than ever to outlawing one of the most dangerous weapons that mankind has every devised. As a U.S. Senator for over 20 years now, I have at times encountered some of my colleagues who were simply unprepared to reconsider policy positions that they took in considerably different times and circumstances. I am determined not to follow that practice.

Mr. GLENN. In partial answer to Senator KYL's comments on export controls, I ask unanimous consent that this release by the Australia Group, which deals with export controls, be printed at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. GLENN. Mr. President, the only other thing I would add is that I have examined this treaty and listened to arguments both pro and con. I am convinced the time has finally arrived to move the campaign to eliminate chemical weapons into high gear. The CWC certainly offers no panacea to all risks concerning their proliferation or use of chemical weapons. It does, however, represent a substantial step along the way to alleviating these risks and, therefore, deserves the full support of the Senate and the people of the United States. I urge all my colleagues to vote for ratification.

I thank the Chair.

EXHIBIT 1

FEBRUARY 24, 1997.

Hon. TRENT LOTT,
487 Russell Senate Office Building,
Washington, DC.

DEAR SENATOR LOTT: We, the undersigned scientists, urge you to work as a matter of national urgency to bring the Chemical Weapons Convention to a vote in the Senate before April 29 of this year. That is the date when the Convention will automatically enter into force, with or without the United States.

Negotiated by the administrations of Presidents Reagan and Bush, and signed by the United States under President Bush in January 1993, the Convention was formally submitted to the Senate for its advice and consent to ratification by President Clinton in November 1993. Since then it has been the subject of thirteen hearings before the Committee on Foreign Relations, the Committee on Armed Services and the Select Committee on Intelligence. The Secretaries of State and Defense, the Chairman of the Joint Chiefs, the Director of Central Intelligence and the representatives of the Chemical Manufacturers Association have all testified strongly in favor of ratification. More than 65 countries, including all of our major allies, have ratified.

If the Senate fails even to vote on the CWC, after three administrations have been its leading architects and proponents, the United States will have surrendered by default its essential leadership in combating the proliferation of chemical weapons.

Respectfully,

Julius Adler.
Robert A. Alberty.
Sidney Altman. [1]
Fred C. Anson.
W. O. Baker.
John D. Baldeschwieler.
Robert L. Baldwin.
Allen J. Bard.
Neil Bartlett.
Helmut Beinert.
Howard C. Berg.
R. Stephen Berry.
Richard Bersohn.
Jerome A. Berson.
Klaus Biemann.
Jacob Bigeleisen.
Virgil Boekelheide.
Jan L. Breslow.
Leo Brewer.
Herbert C. Brown. [1]
Giulio L. Cantoni.
John A. Carbon.
Herbert E. Carter.
Charles P. Casey.
Thomas R. Cech. [1]
David Chandler.
Carolyn Cohen.
Mildred Cohn.
Robert E. Connick.
John D. Corbett.
Stanley J. Cristol.
James E. Dahlberg.
Samuel Danishefsky.
Earl W. Davie.
David R. Davies.
Peter B. Dervan.
William Doering.
Paul Doty.
Harry G. Drickhamer.
James L. Dye.
Isidore S. Edelman.
Mary P. Edmonds.
David Eisenberg.
Mostafa A. El-Sayed.
Ernest L. Eliel.
David A. Evans.
John D. Ferry
Edmond H. Fischer. [1]
Marshall Fixman.
Marye Anne Fox.
Josef Fried.
Carl Frieden.
Gerhart Friedlander.
Joseph S. Fruton.
Marshall Gates.
E. Peter Geiduschek.
Martin Gellert.
Walter Gilbert. [1]
Roy G. Gordon.
Robert H. Grubbs.
Lowell P. Hager.
George S. Hammond.
Dudley Herschbach. [1]
George P. Hess.
Robert L. Hill.
Mahlon Hoagland.
Bernard L. Horecker.
Donald F. Hornig.
William P. Jencks.
Harold Johnston.
Isabella L. Karle.
Martin Karplus.
Joseph J. Katz.
Walter Kauzmann.
Sung-Hou Kim.
James L. Kinsey.
William Klemperer.
Judith P. Klinman.
Irving M. Klotz.
Edward D. Korn.
Roger Kornberg.
Daniel E. Koshland, Jr.
Henry Lardy.
Robert Lehman.
Nelson J. Leonard.
Robert L. Letsinger.
Stephen J. Lippard.
William N. Lipscomb. [1]
F.W. McLafferty.
Jerrold Meinwald.
Matthew Meselson.
Thomas J. Meyer.
Josef Michl.
William H. Miller.
Kurt Mislow.
Mario J. Molina. [1]
C. Bradley Moore.
Manuel F. Morales.
Howard A. Nash.
Daniel Nathans. [1]
Elizabeth F. Neufeld.
Marshall Nirenberg. [1]
Harry F. Noller.
Leslie E. Orgel.
Mary J. Osborn.
Norman R. Pace.
Charles S. Parmenter.
Robert G. Parr.
George W. Parshall.
Ralph G. Pearson.
Gregory A. Petsko.
Kenneth S. Pitzer.
Charles M. Radding.
Julius Rebek.
Lester J. Reed.
Howard Reiss.
Stuart A. Rice.
Frederic M. Richards.
Irwin A. Rose.
F. Sherwood Rowland. [1]
William J. Rutter.
Lewis H. Sarett.
Robert T. Sauer.
Howard K. Schachman.
Peter G. Schultz.
Glenn T. Seaborg. [1]
K. Barry Sharpless.
Robert G. Shulman.
Maxine F. Singer.
Robert L. Sinsheimer.
Emil L. Smith.
David B. Sprinson.
George R. Stark.
Donald F. Steiner.
Joan A. Steitz.
Thomas A. Steitz.
Walter H. Stockmayer.
Gilbert Stork.
Jack L. Strominger.
Julian M. Sturtevant.
Dean Stanley Tarbell.
Henry Taube. [1]
H.E. Umbarger.
Peter H. von Hippel.
Salih J. Wakil.
Frederick T. Wall.
Cheves Walling.
James C. Wang.
Gregorio Weber.
Samuel I. Weissman.
Frank Westheimer.
Ralph S. Wolfe.

(All signatories are members of the United States National Academy of Sciences in the field of Chemistry or biochemistry)

EXHIBIT 2

NOBEL LAUREATES URGES SENATORS TO RATIFY THE CHEMICAL WEAPONS CONVENTION

MARCH 11, 1997.

The Federation of American Scientists (FAS) has sent a letter to US Senators urging the Senate to ratify the Chemical Weapons Convention without delay. Support for the letter's goal of prompt ratification came from 45 Nobel prize winners who specifically confirmed their desire for CWC ratification.

The letter, signed by FAS Chairman, and former Deputy National Security Adviser to the President, Carl Kaysen, reminds Senators of the importance of U.S. ratification. The treaty requires "total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities, and bars trade with non-parties in certain relevant chemicals."

In ratifying the treaty, the U.S. would join 70 countries—including all major NATO allies and all other G–7 members—who have already ratified it.

The Federation of American Scientists is a national organization of scientists and engineers concerned with issues of science and global security.

FEDERATION OF AMERICAN SCIENTISTS,
Washington, DC, March 7, 1997.

Hon. TRENT LOTT,
U.S. Senate,
Washington, DC.

DEAR SENATOR LOTT: The Chemical Weapons Convention (CWC) will enter into force on April 29, 1997, following its ratification by the 65th signatory nation in November, 1996. It has not yet been ratified by the United States.

This treaty bans an entire class of weapons of mass destruction. It is a nonproliferation treaty that requires total elimination of chemical weapons stocks, prohibits chemical weapons-related activities, bans assistance for such activities, and bars trade with non-parties in certain relevant chemicals. This treaty denies us no option we would otherwise wish to exercise, for the United States has already renounced chemical weapons and is in the process of destroying them. The CWC is a critical instrument for universalizing this policy and preventing the further spread of chemical weapons.

With no military interest in chemical weapons, the United States can only gain by ratifying the treaty, regardless of its level of verification. US accession is necessary to give the CWC the force of an international norm against the possession of chemical weapons. That norm alone would be powerful, providing a basis for joint action to enforce compliance.

But, in addition, the CWC provides new tools for deterring and detecting chemical weapons proliferation. The value of its provisions will grow with time, as the treaty's incentives work to increase the number of adherents. The declaration and inspection requirements will improve our knowledge of possible proliferation activities, whether conducted by nations or terrorists. Access to declared and undeclared sites will make clandestine operations more difficult, risky and expensive; participating states will have the right to demand short-notice inspections of sites in other States Parties. The CWC's provisions constitute the most rigorous verification regime ever negotiated. At the same time, the treaty and the proposed US implementing legislation explicitly protect Constitutional rights and confidential and proprietary information.

---

[1] Nobel Laureate.

During negotiation of the treaty, senior officials of the U.S. Chemical Manufacturers Association participated at the side of U.S. Government negotiators, and the chemical industry has consistently and publicly advocated ratification of the CWC. Now, if the treaty comes into force without U.S. ratification, its constraints on the chemical exports of non-parties will penalize the U.S. chemical industry. Should the Senate not ratify the Convention, the U.S. Government would also be excluded from a seat on the CWC's governing body, and from participating in the establishment of operating procedures. At the same time, as signatories we will be obligated to abide by the treaty's prohibitions.

Since the treaty was opened for signature in 1993, the United States and 166 other countries have signed it. Further, 67 countries, including all the major NATO allies, have deposited their instruments of ratifications, as have all other G–7 members.

In order to draw the attention of the Senate to the importance of this issue, the Federation of American Scientists has secured the specific endorsement of 45 Nobel Prize winners to the ratification of the Chemical Weapons Convention, and records their names below.

Yours sincerely,

CARL KAYSEN,
Chairman, FAS.

I urge the U.S. Senate to ratify the Chemical Weapons Convention without delay.

Signed by: Sidney Altman, Philip W. Anderson, Kenneth J. Arrow, Julius Axelrod, David Baltimore, Helmut Beinert, Konrad Bloch, Baruch S. Blumberg, Herbert C. Brown, Stanley Cohen, Leon N. Cooper, Johann Deisenhofer, Renato Dulbecco, Gertrude B. Elion, and Val L. Fitch.

Walter Gilbert, Dudley R. Herschbach, David Hubel, Jerome Karle, Arthur Kornberg, Edwin G. Krebs, Joshua Lederberg, Leon Lederman, Wassily W. Leontief, Edward B. Lewis, William N. Lipscomb, Mario J. Molina, Joseph E. Murray, Daniel Nathans, Arno A. Penzias, and Norman F. Ramsey.

Burton Richter, Richard J. Roberts, Martin Rodbell, F. Sherwood Rowland, Glenn T. Seaborg, Herbert A. Simon, Phillip A. Sharp, R.E. Smalley, Robert M. Solow, Jack Steinberger, Henry Taube, James Tobin, Charles H. Townes, and Eric Weischaus.

EXHIBIT 3

AUSTRALIA GROUP MEETING

Australia Group participants held informal consultations in Paris between Oct. 14–17, to discuss the continuing problem of chemical and biological weapons (CBW) proliferation. Participants at these talks were Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, the European Commission, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, Switzerland, United Kingdom and the United States, with the Republic of Korea taking part for the first time.

Participants maintain a strong belief that full adherence to the Chemical Weapons Convention (CWC) and to the Biological and Toxin Weapons Convention (BTWC) will be the best way to eliminate these types of particularly inhumane weapons from the world's arsenals. In this context, the maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC and the BTWC.

All participants at the meeting welcomed the expected entry into force of the CWC, noting that this long-awaited step will be an important, historic moment in international efforts to prohibit chemical weapons. Participants agreed to issue a separate statement on this matter, which is attached.

Participants also welcomed the progress of efforts to strengthen the BTWC in the negotiations taking place in the Ad Hoc Group of BTWC States Parties in Geneva. All Australia Group participating countries are also States Parties to this Treaty, and strongly support efforts to develop internationally-agreed procedures for strengthening international confidence in the treaty regime by verifying compliance with BTWC obligations.

Experts from participating countries discussed national export licensing systems aimed at preventing inadvertent assistance to the production of CBW. They confirmed that participants administered export controls in a streamlined and effective manner which allows trade and the exchange of technology for peaceful purposes to flourish. They agreed to continue working to focus these national measures efficiently and solely on preventing any contribution to chemical and biological weapons programs. Participants noted that the value of these measures in inhibiting CBW proliferation benefited not only the countries participating in the Australia Group, but the whole international community.

Participants also agreed to continue a wide range of contacts, including a further program of briefings for countries not participating in the Paris consultations to further awareness and understanding of national policies in this area. Participants endorsed in this context the importance of regional seminars as valuable means of widening contacts with other countries on these issues. In particular, Romania's plans to host a seminar on CBW export controls for Central and Eastern European countries and the Commonwealth of Independent States in Bucharest on Oct. 21–22 and Japan's plans to host a fourth Asian Export Control Seminar in Tokyo in early 1997 were warmly welcomed by participants. Argentina will also host a regional seminar on non-proliferation matters, in Buenos Aires, in the first week of December 1996. France will organize a seminar for French-speaking countries on the implementation of the CWC. This will take place shortly before entry into force of the Convention.

The meeting also discussed relevant aspects of terrorist interest in CBW and agreed that this serious issue requires continuing attention.

Participants agreed to hold further consultations in October 1997.

AUSTRALIA GROUP COUNTRIES WELCOME PROSPECTIVE ENTRY INTO FORCE OF THE CHEMICAL WEAPONS CONVENTION

The countries participating in the Australia Group warmly welcomed the expected entry into force of the Chemical Weapons Convention (CWC) during a meeting of the Group in Paris in October 1996. They noted that the long awaited commencement of the CWC regime, including the establishment of the Organization for the Prohibition of Chemical Weapons, will be an historic watershed in global efforts to abolish chemical weapons for all time. They also noted that all states adhering to the CWC are obliged to ensure their national activities support the goal of a world free of chemical weapons.

All of the participating countries reiterated their previous statements underlining theii intention to be among the original States Parties to the CWC. They noted that 24 of the 30 countries participating in the Australia Group have already ratified the Convention. Representatives also recalled their previous expressions of support for the CWC, and reaffirmed these commitments. They restated their view that the effective operation and implementation of the CWC offers the best means available to the international community to rid the world of these weapons for all time. They called on all signatories to ratify the CWC as soon as possible, and on the small number of countries which have not signed the Treaty to join the regime and thereby contribute to international efforts to ban these weapons.

Representatives at the Australia Group meeting recalled that all of the participating countries are taking steps at the national level to ensure that relevant national regulations promote the object and purpose of the CWC and are fully consistent with the Convention's provisions when the CWC enters into force for each of these countries. They noted that the practical experience each country had obtained in operating export licensing systems intended to prevent assistance to chemical weapons programs have been especially valuable in each country's preparations for implementation of key obligations under the CWC. They noted in this context, that these national systems are aimed solely at avoiding assistance for activities which are prohibited under the Convention, while ensuring they do not restrict or impede trade and other exchanges facilitated by the CWC.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I yield myself 1 minute.

Mr. President, I have received a very fine statement by a distinguished former Member of this body, Malcolm Wallop of Wyoming, a gentleman and Senator whom I admire very much. He is now chairman, by the way, of the Frontiers of Freedom. I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAD TREATIES DO MAKE SECURITY PROBLEMS WORSE

(By Malcolm Wallop)

On Thursday, April 24th, the U.S. Senate will debate and vote on ratification of the Chemical Weapons Convention. As is the case with many pieces of legislation like the Endangered Species Act and The Comprehensive Antiterrorism Act of 1995, the Chemical Weapons Convention sounds great. Who can be against the Convention except those who like chemical weapons? Dig deep, however, and you will find how bankrupt and harmful the Chemical Weapons Convention can be, if ratified. Ken Adelman, noted arms control expert an proponent of this Convention, admits forthrightly, in a Washington Post op-ed that "no accord banning all chemical weapons can be verifiable in any real sense. The convention's verification provisions may help somewhat, but not all that much."

This reality virtually assures that the treaty will be violated by many who sign up, as well as having no effect whatsoever on several dangerous chemical weapon states—such as Iraq, Syria, North Korea and Libya—that have said they will not become parties.

With this devastating admission, virtually the only argument left for the Chemical Weapons Convention is the proposition, as Adelman puts it, that "standards and values violated are better than no standards or values at all." According to this logic, we will be better off being party to a treaty that cannot and will not reduce the chemical weapons threat because of the civilizing effect such "international norms" create.

The implication is that the "international norm" will somehow enhance our security. In fact, quite the contrary is true—as former Secretaries of Defense James Schlesinger, Donald Rumsfeld and Caspar Weinberger observed in a Washington Post op-ed dated March 5th.

That this can happen with even relatively practical "international norms" can be seen in one cited by Adelman, himself in a follow-up to the March 5th op-ed—the Nuclear Non-Proliferation Treaty. Even its strongest admires recognize that this treaty has a terrible flaw: Its "Atoms for Peace" provision which permits the sharing of nuclear weapons-relevant technology with countries that promise not to apply it to that end. One rogue nation after another has violated this promise, giving rise to a large and growing number of undeclared or incipient nuclear weapon states. Unfortunately, a similar flaw has been built into the Chemical Weapons Convention, virtually assuring that this new "norm" will produce more proliferation of chemical weaponry, not less.

If anything, Mr. Adelman, as a spokesperson for proponents for the treaty; exaggerates the value of unverifiable, unenforced "international norms" which validates a central concern expressed by the three Secretaries: Such "norms" frequently induce a false sense of security in law-abiding societies.

This dangerous placebo effect of defective arms control agreements is especially evident with respect to another "international norm" lauded by Mr. Adelman, namely, the Biological Weapons Convention. Adelman contends that this treaty—which he acknowledges lacks "even a pretense of verifiability"—has, nonetheless, "served us fairly well."

Regrettably, this Convention has not prevented the spread of biological weapons and related technology to virtually every dangerous country on the planet. The "international norm" created by the Biological Weapons Convention has, however, encouraged the United States government to remain woefully unprepared to deal with the threat such weapons pose.

This point is dramatically made in the cover story of the March 14–20, 1997 edition of Washington City Paper. This article is entitled "Margin of Terror—The Government has One Clear Strategy for Responding to a Terrorist Attack on Washington: Pray."

It describes in detail how the United States' systematic failure to ready the resources and emergency personnel—to say nothing of the American people—to contend with the nightmare of weapons of mass destruction in the subways or other public spaces of cities like Washington could easily translate into hundreds, if not many thousands, of casualties.

The U.S. military has proven no more immune to the seductive effects of ineffectual "international norms" created by unverifiable arms control treaties. Operation Desert Storm illuminated serious shortfalls in the armed services' capability to operate and prevail in combat should chemical and/or biological weapons be used. These shortfalls persist today to varying degrees thanks, in part, to illusion that "international norms" will make that sort of combat unlikely.

Overstating the value of international accords has one other deleterious effect: It tends to make the United States and other law-abiding states reluctant to respond to violators of such accords. As with President Clinton's successive decisions to grant MFN to China—despite its repeated violations of undertakings concerning human rights and the curbing the spread of nuclear weapons and missile technology, the argument is always made that larger national interests must be taken into account. When the Untied States winds up ignoring violations in the interest of preserving an arms control regime, however, the effect is not only to invite further violations but to undermine the value of the "international norm" thus created.

Those who believe that arms control can make a measurable contribution to U.S. security and civilized intercourse between states have a special responsibility to avoid debasing the currency of international law. Unverifiable, unenforceable accords do not promote valuable "international norms" any more than unverifiable, unenforceable domestic statues like Prohibition lead to a sober and law-abiding society. The difference is that the former threaten to make arms control a sham—an outcome that can translate into incalculable harm to our Nation and its people.

(Malcolm Wallop represented Wyoming in the United States Senate from 1976–1995 and is currently chairman of the Frontiers of Freedom Institute, a non-partisan, public policy organization located in Arlington, VA.)

Mr. HELMS. Mr. President, I yield 20 minutes to the able Senator from New Hampshire, a great patriot, BOB SMITH.

Mr. SMITH ofNew Hampshire. Thank you very much, I say to Senator HELMS.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from New Hampshire.

Mr. SMITH of New Hampshire. Thank you, Mr. President.

I thank the distinguished chairman of the Foreign Relations Committee for his tremendous leadership on this matter. He has been steadfast. I have been in a number—several hours and days—of meetings with him as he has tried very hard to get this treaty into a position where it could be acceptable to some of us—to all of us. But in this case, Mr. President, I have to maintain my opposition to this convention.

Contrary to the assertions of its proponents, this treaty will not advance our national interests, and as a Member of the U.S. Senate, I must put the national and sovereignty interests above all others when it comes to votes here on the Senate floor. This is a flawed accord that will undermine our security and create a massive, unfunded regulatory burden on U.S. companies. And the Senate should reject it.

Let me make clear, I do not object to the goal of eliminating chemical weapons, although those of us who have taken a position in opposition to this treaty will be accused of that, and have been. In fact, as a member of the Armed Services Committee, I have consistently supported funding for our Nation's chemical demilitarization program. Certainly, we all support the goal of eliminating chemical weapons.

But this treaty will not accomplish that goal. Sometimes we forget that fact as we debate these issues that have a great-sounding name. It does not even come close. For the benefit of my colleagues, I want to highlight some of the most egregious problems with this treaty.

First of all, it is not a global treaty. Its advocates would have you believe that it is. It is not global. In fact, many nations believed to have active chemical weapons programs, such as Iraq, Libya, North Korea, and Syria, have not even signed on to the treaty and they are not bound by any provisions.

Additionally, other confirmed or suspected chemical weapons nations, such as India, Iran, Pakistan, and Russia, have signed the treaty but do not seem very likely to ratify it or even comply with it.

For the life of me, I cannot understand how anyone could possibly stand here on the floor of the U.S. Senate and say this is a global treaty if the most heinous anti-American regimes on the face of the Earth are not even a party to it. They are going to be making chemical weapons, and nobody can do anything about it. That is like saying we have a global treaty outlawing terrorism, but Iran, North Korea, Syria, and Lebanon are not a part of it. Why not have another treaty and outlaw terrorism? Well intended; great goal. Why not just pass a treaty and we will outlaw it? That will be the end of it.

It is absurd, not to mention patently false, to allege that this Chemical Weapons Convention is a global treaty. Iraq used chemical weapons on its own citizens in the last decade—on its own people. How can we have a global treaty banning chemical weapons without Iraq? Could somebody please answer that question for me? It is not global. And we are not banning chemical weapons in Iraq. We are inspecting the devil out of Iraq and we still do not know what they are doing and what they can and cannot do.

Mr. President, not only is this treaty not global, it is not verifiable according to the U.S. intelligence community, not according to Senator SMITH, but the U.S. intelligence community.

In testimony before the Foreign Relations Committee, former Director of Central Intelligence, James Woolsey stated:

> The chemical weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

This is not exactly a ringing endorsement for this treaty, particularly when it is coming from a person who is representing an administration that supports it and that is bringing it here to the Senate. Let us be honest, there is no way we are going to be able to verify compliance, and everybody on this floor knows it. The proponents, as well as the opponents, know that.

The United Nations Special Commission on Iraq was established following the gulf war to oversee the dismantling of Iraq's chemical, biological, and nuclear weapons programs. There have been over 1,000 inspectors searching every nook and cranny in Iraq for the past 5 years, yet we continue to uncover new evidence and new revelations regarding Iraq's programs to develop weapons of mass destruction.

I say to my colleagues on the floor, now that you have seen all these inspections, you all feel very comfortable, I am sure. Now you have the full knowledge that Iraq does not have any chemical weapons or any biological weapons or any nuclear weapons. Everybody feels real comfortable with that. We have inspected them, so everybody is certain. Right.

Iraq is the most heavily monitored and inspected country on Earth. We have more access to Iraq than the chemical weapons treaty will ever provide for any country. If we cannot determine after 5 years just how large and sophisticated Iraq's chemical weapons program is, how on Earth are we going to be able to verify compliance for the dozens and dozens of countries supposedly bound by this treaty? The answer is simple. We cannot. We are not going to be able to do it.

We will move into classified session later on, tomorrow, to more fully examine the intelligence community's assessment. I urge my colleagues to come to that session and listen to the facts from our intelligence community.

Noncompliance is not something to take lightly. Without adherence by all parties, no treaty is worth the paper it is written on—never has been, never will be. But we cannot verify this treaty. We know for a fact that some of its signatories have routinely and repeatedly violated other treaties in the past. So they have a track record.

Russia has the world's largest chemical weapons arsenal. The former Soviet Union routinely violated its arms control obligations whenever it was convenient, whenever it was in their best interest. Russia remains in violation of the Biological and Toxic Weapons Convention and the CFE treaty. Thus, it is clear that the cold war pattern of noncompliance did not end when the Soviet Union ended.

Russia has also made clear that it has no intention of ratifying the chemical weapons treaty or complying with its provisions unless the United States provides a massive aid package to pay for destruction of its arsenal. Mr. President, where I come from in New Hampshire, this is called blackmail. That is what it is. And I object to it. We are already committed to spending $12 billion to eliminate our own chemical weapons arsenal. Are we supposed to foot the bill for Russia's as well now?

Let us not forget we are already giving Russia billions of dollars in ransom for the START I and START II treaties, even though they have yet to ratify START II. With the hard-line Communists and nationalists gaining 33 percent of Parliament seats in the recent Russian elections, can anyone actually believe that this situation is likely to improve? I do not think so.

Russia is not implementing the 1990 bilateral destruction agreement in which it pledged to substantially reduce its chemical weapons arsenal. The DIA stated Russia is moving so slowly that no meaningful reduction of its arsenal is likely to occur in the next decade. These are facts that the proponents do not want you to hear, Mr. President. The DIA has expressed skepticism regarding the veracity of Russia's data declarations. It appears highly likely that Russia has grossly underreported its chemical weapons arsenal.

Finally, it has been widely reported in the international publications that Russia is developing new binary weapons that are highly lethal, yet contained none of the chemicals—none of the chemicals—listed on the treaty's schedules. If this is true, Russia will be capable of circumventing this treaty in a very significant and, frankly, destabilizing way. We will be considering this issue in more detail during the closed session, but I want to say here and now that this is a very, very big problem and it ought to be looked at very closely.

It gives me no pleasure to take the floor of the Senate and raise these troubling issues. I would like to be for this treaty. I wish it banned all chemical weapons. But the fact of the matter is, it does not, and I have a constitutional responsibility to look carefully at these issues and act in a manner that I believe advances our national security.

This treaty is deeply flawed—deeply flawed. No amount of public relations spin, no amount of pressure from the White House or from anybody else can change that issue. Certainly it is not going to change this Senator's mind.

I know that many of my colleagues think that since the cold war is over arms control issues do not matter anymore. I know many Members who would just as soon focus on issues that seem to be drawing more attention in the polls. But as the stewards of national security, we do not have that luxury. We cannot afford to sweep these issues under the rug for the convenience of political expediency.

Mr. President, in addition to these important national security considerations, I want to highlight for my colleagues the enormous burden that this treaty will place on U.S. businesses. Under the treaty, there would be two basic types of inspections: routine and challenge. Routine inspections are to be directed at sites producing chemicals that present the greatest risk of diversion to weapons uses. A nation could be subject to up to 20 routine inspections per year, and a specific site up to two routine inspections. Challenge inspections would occur by request by a party to the treaty and can take place with very little advance notice. There is no limit to the number of challenge inspections that can take place.

The United States also, Mr. President, will be obligated to pay 25 percent of the operating expenses of this organization. Does that sound familiar? Think of the United Nations and other international organizations where we wind up footing most of the bill. Membership on the Executive Council is determined by a rotating regional formula, with the majority of seats allocated to third world countries. The United States would not necessarily be represented on the council at all times and there is no U.S. veto, as there is in the U.N. Security Council.

This represents a new open-ended entitlement for another United Nations-style bureaucracy. I cannot believe that we are going to agree to pay 25 percent of the cost when we are having so much difficulty injecting fiscal discipline into the existing foreign aid bureaucracy which Senator HELMS has been trying to change for years. Why should we pay such a grossly disproportionate percentage when Russia, who has the world's largest stockpile, pays 5.6 percent—while we pay the 25 percent?

It is estimated that somewhere between 3,000 and 8,000 companies, perhaps more, will be affected by this treaty—3,000 to 8,000 U.S. companies. The treaty creates a massive program of reporting requirements for companies, companies that produce or use regulated chemicals.

I would ask my colleagues, do you really think the rogue nations, the North Koreas, the Libyas, the Irans, or the Iraqs, and others, are going to be subject to this? Do you really think they care that we are harassing our own companies? They are probably getting a good laugh out of it, Mr. President.

The individual companies are required to assume all costs associated with this compliance, including filings, escort and administration of routine inspections, challenge inspections, and in some circumstances, American businesses may even be required to shut down production during the inspection period. Failure to comply with the regulations could result in a company being fined up to $50,000 per incident—per incident.

The Defense Department has estimated the cost imposed on a company with a large facility could be as high as $500,000 per inspection, while small businesses should expect inspections to cost between $10,000 and $20,000, all on U.S. businesses on something that does not ban chemical weapons in other countries.

Each international inspection team will be accompanied by representatives of the U.S. Government. According to the administration, it is possible the representatives of the Environmental Protection Agency and OSHA could also serve as escorts to come into your business and have a good look at what we you are doing—maybe something very personal, very private, something you would not want your competitors to have. But under the treaty, the EPA can walk right in, have access to the whole facility, perhaps even take a few samples, a few products. Who knows—take some records.

It is clear, Mr. President, that this treaty and the accompanying implementing legislation that the administration has requested represents a massive, unfunded mandate on U.S. businesses. It is staggering. I cannot believe that this Senate is prepared to do this injustice to businesses here in America and, frankly, injustice to ourselves as a nation. At a time when your constituents are crying out for relief from onerous and burdensome regulations, here we go again. The problem is, other nations who get to inspect our facilities have a lot more to gain than we do by inspecting theirs. The limited military-related intelligence that we may gain is far outweighed by the industrial and commercial intelligence that other nations will derive from our companies. That is why nations like Iran are signing on to this treaty, because they want that information. They will have access to that information, if not directly, certainly indirectly even if they are not one of the inspectors.

Most chemical manufacturers have not considered the effect of this treaty. Frankly, I am disappointed in some of those manufacturers because they have not thought it through. But they will be back, Mr. President. If we pass this, they will be back and they will be back with tears in their eyes because they are going to be very, very sorry that they supported this treaty.

In fact, I know of one example where an individual called my office purporting to represent the CMA in support of the treaty. When questioned on the details of the treaty and the implications for U.S. businesses, the individual became frustrated, claimed ignorance, and stated that the CMA told him to make the calls. He admitted not knowing much about the treaty and quickly ended the call. That is pretty sad, Mr. President.

If that is the kind of expertise being brought to bear in this lobbying campaign we are faced with, I think it raises more serious questions as to the merit and true nature of this endorsement by CMA.

Additionally, while CMA's support is an important factor to consider, it is important to recognize that CMA does not even represent a majority of the businesses affected by the treaty. According to the Arms Control and Disarmament Agency, 60 percent of the companies affected by the treaty are not CMA members.

In fact, most of these non-CMA companies are smaller businesses who are most likely to be harmed by the increased regulatory burden. They have the most to lose. Yet, they are the ones that are overlooked by the treaty's proponents.

Mr. President, since last fall, when the Clinton administration abruptly requested that the Senate defer consideration of the treaty, I have worked very closely with my colleagues in the Senate, including Senator KYL and Senator HELMS and others. I have attended numerous meetings with the President's National Security Adviser to explore possible conditions to protect U.S. national security, and, to their credit, the administration and others did work hard to address many of those concerns, and many have been addressed. But there are still some that I just cannot, in good faith, allow to go unchallenged.

In the end, we are not able to agree on all of these issues. That is the nature of democracy. We discuss issues, debate policy, find common ground, and compromise where we can. We compromised 28 times.

It is important to understand, though, that reasonable people can and do disagree on the merits of this treaty. I want to make it very clear that I have no problem with any of my colleagues in terms of how they arrived at their votes. That is their vote, and I respect that, I recognize that. In fact, it is healthy. While I strongly oppose this treaty, I don't impugn anyone's motives or character for taking an opposing viewpoint. Having said that, it is regrettable that those of us deeply troubled by the lack of participation in this treaty by Iran, Syria, Libya, and North Korea, and by the inherent unverifiability of the treaty, by the fact that nations such as Iran will gain access to sensitive data on our chemical defenses. Now, people have said that is not going to happen. Well, we will see. If this treaty passes, we will see, because they can be part of the inspection team and can have access to that information.

Anyway, we are accused of being somehow in favor of chemical weapons because we take this position. It seems that when those of us who are conservatives want to stand by our principles, we are "crazy people" or something. But when you are liberal and you stand by your principles, you are thoughtful and considerate and compassionate. Well, maybe I am missing something somewhere.

It is very easy for the media and the advocates of the treaty to demagog this issue. Some in the media have demagoged it. Some in the media in my own State are demagoging me and the treaty. That is their prerogative. But they are not here on the Senate floor—I am. Some in the media in my State may not like that fact, but I am here as an elected representative for the State of New Hampshire. I am sworn to uphold the Constitution and to defend the national security interests of the United States. Yes, if there is a treaty violating those, I am going to be opposed to it.

While I wholeheartedly support the objective of banning chemical weapons, this doesn't ban chemical weapons. If somebody can stand up here and tell me how we are going to get access to all of Iraq and be certain that we are not going to have chemical weapons there, and all of Libya and North Korea, and can prove that to me, I will support the treaty. That is why we have this amendment, this provision on rogue nations. I don't believe this requires that the Senate rubber stamp any treaty dealing with chemical weapons. We have some very respected people, including four former Secretaries of Defense—that was testified to here before—who oppose this treaty.

In the medical world, the wrong medicine can kill a patient even if it is prescribed with the best of intentions. The same holds true with national security. I have no doubt that the advocates of CWC believe that it will cure the plague of chemical weapons. But that is the wrong medicine and it won't work.

I want to conclude my remarks by summarizing some of the more important arguments against this treaty.

First, it is not global.

Second, it is not effectively verifiable.

Third, there are no technical means to detect undeclared stockpiles of chemical agents or weapons.

Many of those who have signed the treaty are either unlikely to ratify it or to comply. Does anybody really believe that Iran will be a responsible party to this treaty? When is the last time we had access to all of the countryside in Iran and all of the industry and buildings in Iran? Why should we believe that this treaty is going to make us do that?

Article X of the treaty will require us to share detailed information on our own chemical weapons defenses with all other signatories to the treaty, good and bad signatories to the treaty, friends and enemies.

Thousands of U.S. businesses, many of them vulnerable small businesses, will be exposed to costly annual reporting requirements that they can't afford. Direct costs to U.S. industry are estimated to be over $200 million a year.

It goes on and on and on, Mr. President. It is just incredible.

Challenge inspections, which basically you could not do under our Constitution, are unlimited in number and may violate the fourth amendment, which guarantees the rights of individuals and their property against unreasonable search and seizure.

Mr. President, it is clear that this treaty falls short of achieving its objectives and its goals. In fact, it doesn't even come close. As we will see later in the classified session, the stakes are high. We have little to gain and a great deal to lose.

I urge my colleagues to reject this treaty. I yield the floor.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Jeff Severs be given the privilege of the floor for this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield 15 minutes to the Senator from Alaska.

Mr. STEVENS. Mr. President, I have been involved with the chemical weapons debate and negotiations for a convention like this since its beginning. During the Reagan administration, at the suggestion of Ambassador John Tower, former Senator John Tower, I spent a month in Geneva during an August recess auditing the beginnings of the negotiations that led up to this Chemical Weapons Convention. John Tower even loaned me his home in Geneva to live in during that period. He and I agreed that negotiating a satisfactory chemical weapons treaty was an objective that had to be achieved, because we shared the feeling that the world was becoming a very dangerous place to live in because of chemical and biological warfare developments. We felt the United States needed to show leadership in reducing some of the dangers whenever possible.

This convention before the Senate could be improved. The START treaties could have been improved. However, under those treaties, the United States and Russia will significantly reduce their numbers of nuclear warheads and reduce the risk of nuclear war. The Conventional Armed Forces in Europe Treaty could have been improved. Yet, today we no longer have Russian and NATO forces bristling with tanks, cannons, and fighter aircraft facing each other across the border in numbers that reminded many of Armageddon.

The Chemical Weapons Convention does move the world toward a goal of bringing order and accountability to the production and transportation of weapons of mass destruction. This is a convention that has required the negotiating concurrence of 74 countries. I will never forget sitting around those rooms in Geneva while we waited for the representatives of the various countries to state their positions.

To require this convention to be perfect asks the impossible. To expect it to be an effective tool in controlling chemical weapons is reasonable. This convention does provide an inspection regime that will allow our inspectors to monitor potential chemical weapons production and transportation more effectively than without the convention. And protections are built into the convention so that U.S. companies producing chemicals are not going to have their manufacturing processes compromised, and, obviously, we do not amend the Constitution of the United States by approving this convention.

For me, this convention enhances the security of our forces deployed abroad, as well as throughout our whole Nation. The Joint Chiefs of Staff support the Chemical Weapons Convention. Generals Colin Powell and Norman Schwarzkopf support the convention. Former Secretary of State Jim Baker and former National Security Adviser Brent Scowcroft support this convention. Former CIA Directors, Jim Woolsey, Stansfield Turner, and John Deutch, support this convention. I could go on and on with the list, Mr. President.

But, to me, it is not the former or present officials that should have an impact on this Senate. It is the men and women in uniform. They are in harm's way. They know now that many of their predecessors who served us in the Persian Gulf war, men and women there in uniform, were exposed to some type of a chemical weapon in Iraq. It is for them that I speak, because I think, universally, they are now worried about what this Congress is going to do, or not do, in trying to find some process of protecting them against chemical and biological warfare.

In its essence, I believe that the United States has a responsibility for world leadership. This leadership is more graphically demonstrated in this legislative body than anywhere I know, because passage of the resolution of ratification will show our leadership in the effort to contain chemical weapons, just as Senate support for START I showed the United States' commitment to nuclear weapons reduction.

I encourage the Senate to vote in favor of this resolution of ratification and support the Chemical Weapons Convention as it was presented to us.

I ask unanimous consent that two articles from today's papers be printed in the RECORD. One article is by Samuel Berger, in the Washington Times, entitled "The CWC Imperative"; the other is by Gen. Thomas McInerney and Stanley Weiss, in the Hill newspaper.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Times, April 23, 1997]

THE CWC IMPERATIVE

(By Samuel R. Berger)

Tomorrow, the Senate will vote on the Chemical Weapons Convention. After years of international negotiation and domestic debate, the Senate faces a clear choice; we can continue to lead the widening international commitment to begin banishing poison gas from the earth and head the effort to make it work. Or we can walk away from a treaty we helped write, deny our soldiers and citizens its benefits, expose our companies to its penalties, and put America on the same side as pariah nations like Libya and Iraq.

This treaty will take effect next week—with or without us. That's why the real test of the Chemical Weapons Convention is not whether it's perfect, but whether we will be better off inside or outside it. By that basic measure, this treaty is overwhelmingly in our national interest.

First, this treaty will help protect our soldiers by requiring other countries to do what we decided to do years ago—get rid of chemical weapons. The treaty will also make it harder for rogue states and terrorists to get or make chemical weapons. By eliminating existing stockpiles, it will remove the single largest source of weapons that they could steal or buy on the black market. By imposing new controls on the transfer of dangerous chemicals, it will help put the raw ingredients for such weapons further out of reach.

Finally, by giving us new tools for verification like short-notice, on-site inspections, creating a global intelligence network, and strengthening the authority of our own law enforcement, this treaty will make it easier for us to prevent and punish those who seek to break its rules.

Two and half months ago, President Clinton and Senate Majority Leader Trent Lott established a process to work through the concerns of some senators about the treaty. As a result of this effort, and negotiations led by Sen. Jessie Helms and Sen. Joe Biden, we have reached agreement on 28 conditions that will be included in the treaty's resolution of ratification. Among them are binding commitments to maintain strong defenses against chemical attack; allow the use of riot control agents like tear gas in a wide range of military and law enforcement situations; and require search warrants for any involuntary inspections of an American business. These conditions resolve almost all the issues that have been raised about this treaty.

Almost, but not all. Opponents insist on a handful of additional conditions, each of which would make it impossible for us to participate in this treaty. One would have us wait to join until Russia does—giving cover to hard-liners in Russia who want to hold on to their weapons. Another would have us wait until rogue states like Iraq become members—delaying our chance to use the treaty's tools against these international outlaws and giving them a veto over our national security. Another would impose an unrealistically high standard of verification—and risk our ability to protect our troops by using the treaty's already tough provisions to detect cheating that is militarily significant.

Two other killer conditions would require us to re-open negotiations on the treaty. First, some critics mistakenly believe that the treaty requires the United States to provide advanced chemical weapons defenses to rogue states. In fact, only countries that have joined the CWC, renounced chemical weapons and destroyed their stockpiles can request assistance—and then, only if they are threatened with chemical weapons by a non-party. President Clinton has committed to the Senate that if a country of concern such as Cuba or Iran should meet the strict conditions for aid, the United States will restrict our assistance to emergency medical supplies—and to use our influence as member of the CWC to prevent other states from transferring equipment that could harm our national security.

Second, some opponents misread treaty language to conclude that the CWC would somehow facilitate their spread. President Clinton has made it clear we reject this far-fetched interpretation. He has committed to maintain strict U.S. and multilateral export controls on certain dangerous chemicals and obtained the same assurance from our allies.

If the Senate approves any of these "killer conditions," it will mean foregoing this treaty's clear costs. We will be denied use of the treaty's tools against rogue states and terrorists. We will lose the ability to enforce the rules we helped make. We will subject our chemical companies to trade restrictions that could cost them hundreds of millions of dollars in sales. And we will send a clear signal of retreat that will undermine our leadership to stop the spread of weapons of mass destruction.

That must not be allowed to happen. While the Convention is not a panacea, it represents a real opportunity to strengthen the global fight against the threat that no one nation can meet on its own. That is why president and legislators from both parties and our military leaders have made U.S. approval of the Convention their common cause. Negotiated under President Reagan and signed under President Bush, the treaty has broad, bipartisan support that includes every chairman of the Joint Chiefs of Staff for the past 20 years and the overwhelming majority of our veterans, chemical manufacturers and arms control experts. As Secretary of State Madeleine Albright has said, this treaty was "made in America." It is right for America, and now, at last, it must be ratified in America.

[From the Hill, April 23, 1997]

CHEMICAL WEAPONS PACT: LET'S MAKE A DEAL

(By Thomas G. McInerney and Stanley A. Weiss)

On one side is President Clinton. He wants the Senate to ratify the Chemical Weapons Convention (CWC). This model agreement, which bands the production and use of chemical weapons, is supported by an overwhelming majority of Americans, including a "Who's Who" of former officials and military leaders, and has been signed by most of the civilized world.

On the other side is Sen. Jesse Helms (R–N.C.). The Foreign Relations Committee chairman wants to reorganize the State Department, and threatened to keep the CWC bottled up in his committee until this was agreed upon.

Mr. President, Sen. Helms. It's time to make a deal!

Both of them and, more importantly, the American people would come out winners if the Senate votes to ratify the CWC, and the State Department streamlines its operations. Here are three ways to improve the business of diplomacy:

First, cut back on assistant secretaries. The State Department currently houses 19 assistant secretaries focusing on certain regions (East Asia) or functional areas (human rights). Compare this to the Department of Defense where nine assistant secretaries help oversee a budget 10 times larger than the State Department's program budget. The system has evolved into an unwieldy bureaucratic morass. The practical effect of 19 assistant secretaries is overlap and poor coordination.

Second, improve coordination and eliminate layers in foreign aid programs. Here again, a hodgepodge of well-intentioned programs operates with little oversight and coordination. The details should be left to careful negotiation between the State Department and Congress. But, the goal should be to reduce bureaucracies, establish clear priorities, and put these aid programs more closely in the service of our overall foreign policy goals.

Finally, start running the State Department in a more business-like manner. State Department officials rightly tout their important role in supporting American businesses overseas. But as part of this effort, they ought to get their own house in order.

The required management reforms are no secret. The General Accounting Office (GAO), The National Performance Review, and other studies have all reached similar conclusions. Closing unnecessary overseas posts, outsourcing administrative support functions, and rethinking overseas staff structure can save money and improve performance.

Maintaining the status quo is impossible. The GAO estimates that simply maintaining current functions and personnel will require a 22 percent increase in State Department budgets by the year 2000—an unlikely prospect in today's budget environment.

Despite the clear need for action, the State Department management continues to postpone the inevitable. A well-conceived strategy for reconstructing the department does not exist, and Helms is right to demand action.

In return, the Senate should ratify the Chemical Weapons Convention. Americans will be safer with the treaty than without it. The CWC combines an arms-control agreement that bans an entire class of weapons of mass destruction and a non-proliferation regime that forbids trade to any nation in non-compliance.

It will help prevent terrorists and pariah states from getting their hands on materials to make chemical weapons, while ensuring that American manufacturers can continue to successfully compete in the global trade of legitimate chemical products.

America is unilaterally destroying its chemical stockpile. The question now is whether it will become party to a convention which will go into effect on April 29, with or without U.S. approval. As retired Gen. Norman Schwarzkopf stated in Senate testimony, "We don't need chemical weapons to fight our future wars. And frankly . . . by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs."

If the price of getting two-thirds of the Senate to ratify the CWC is improving the way the State Department works, that sounds like a deal we can all live with.

Mr. STEVENS. Mr. President, it is not an easy position for me to be opposed to friends with whom I normally stand shoulder to shoulder. But I believe we must be motivated by what we believe is in the best interest of the country as a whole. I believe if we took a poll of men and women in uniform today, they would say that the No. 1 threat they fear is chemical and biological warfare. I say that we must lead the world in addressing the consequences of production and use of these weapons of mass destruction, just as we led the world in dealing with the consequences of the proliferation of nuclear weapons. Voting for the Chemical Weapons Convention resolution of ratification will make the world a safer place.

Thank you, Mr. President.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, it is interesting. I have been here on the floor listening to this debate for a period of time, and it is almost as if the arguments kind of pass each other in a strange way. I have, also, on the Foreign Relations Committee, been at the hearings. We keep hearing the same mantra repeated with respect to a number of objections, notwithstanding the fact that either the language of the treaty is going to be changed by virtue of agreements made between Senator HELMS and Senator BIDEN and the administration, or the treaty itself addresses those specific arguments. One of the most interesting repetitive arguments is that this is somehow going to be dangerous for the chemical companies. We keep hearing people say that this is going to be terrible for American industry. But American industry has signed off on it. The Senator from Delaware represents many chemical companies. Fifty-six percent of the economy in the State of Delaware is represented by chemical companies. He hasn't heard from them in opposition. Nevertheless, we hear people repeat that.

Now, obviously, this convention, despite its attributes, is not a panacea for the threat of chemical weapons. None of us who are proposing this convention, I think, are suggesting that this is the panacea. But what it does do, Mr. President, is it contributes, on balance, more to the effort to have deterrence, to expose cheaters and to detect chemical weapons production and proliferation of any kind of significant military nature than not having it.

Mr. President, although crude chemical weapons have been around for centuries, poison gas unfortunately came of age as a tool of warfare in World War I. First chlorine, then phosgene, mustard gas, and lewisite were introduced onto the battlefields of Europe, burning, blistering, and choking unprotected soldiers and civilians alike. Both because with chemical weapons so closely associated with World War I there is a perception they are an anachronistic threat and are therefore of less concern, and because we became accustomed during 40 years of the cold war to living with the threat of a global nuclear Armageddon, some fail to recognize the magnitude of the threat now posed by chemical weapons. This is a terribly serious mistake.

Modern chemical weapons—nerve agents like sarin, soman, tabun, and VX—are so lethal that a dose as small as 15 milligrams can kill a person. Equally as troubling, chemical weapons are the most financially and technically attractive option for a country—or a terrorist—that sets its sights on developing and producing a weapon of mass destruction. The ingredients for chemical weapons are chemicals that are inexpensive and readily available in the marketplace, and the formulae to make nerve and blister agents are well known. It is no coincidence that chemical weapons are known as the poor man's atom bomb. The U.S. intelligence community estimates that more than 20 nations possess chemical weapons or the capability to make them readily. Still other countries are working to acquire a chemical arsenal. Chemical weapons have proliferated far more widely than the two other types of weapons of mass destruction, nuclear and biological weapons. We ignore this threat at our peril. It is this threat that the Chemical Weapons Convention confronts. And the Senate today and tomorrow has an historical opportunity to address and reduce that threat—to our civilian citizens, to our armed forces, and to the entire world—as we perform our constitutional responsibility of advice and consent with respect to the convention.

Our Nation's highest military and intelligence officials repeatedly have stated that while the Chemical Weapons Convention is no panacea for these threats, America will be safer and we will have greater ability to reduce chemical weapons proliferation, and to identify and remove chemical weapons threats, if the United States and a majority of the world's nations ratify this treaty. The number of signatories is up to 161. Seventy-four nations, including the majority of our allies in NATO and the European Union, have already ratified the convention.

The public outcry over the use of chemical weapons in World War I compelled diplomats to begin work to ban these weapons. These post-war efforts fell short of a complete prohibition. They resulted, however, in the 1925 Geneva Protocol that outlaws the use of chemical weapons. Negotiations on a more far-reaching prohibition resumed in 1968, focusing on a treaty that would prohibit the development, production, and stockpiling of chemical weapons as well. In 1969, the United States renounced the first use of chemical weapons and initiated a moratorium on their production that lasted 18 years. Five years later, the Senate gave its advice and consent to ratification of both the Geneva Protocol and the Biological and Toxin Weapons Convention. International negotiation toward a Chemical Weapons Convention, however, made little progress until the United States again took the initiative.

In the 1980's, Saddam Hussein's use of chemical weapons against Iran and against his own Kurdish people horrified the international community. Iraq clearly violated its obligations under the Geneva Protocol, but the international community did nothing to punish Saddam for his outlaw behavior. This failure to enforce the Geneva Protocol was a failure of international political will, not of the treaty itself. America's leaders at that time, including many of us in this Chamber, must bear part of the responsibility for not having insisted that Saddam pay a price for his outrageous behavior. Just like a domestic law, an international agreement, no matter how good, is of little use unless it is enforced.

Iraq's flagrant violation of the Geneva Protocol did, however, serve as a catalyst for the negotiators' attempt to complete the Chemical Weapons Convention. Working from a draft treaty text first introduced by then-Vice President George Bush in 1984, the 39 nations hammering out the treaty in the Conference on Disarmament reached agreements on intrusive and far-reaching verification provisions that were included in the Bush draft text. For example, Vice President Bush proposed on behalf of President Reagan "anytime, anywhere" on-site challenge inspections to deter and catch treaty violators. At the time the concept of challenge inspections was first advanced, no nuclear arms treaty yet included even routine on-site inspections of declared nuclear facilities.

Vice President Bush asked for these tough verification measures for good reason. It is much more difficult to monitor a chemical weapons treaty than a nuclear accord. The capabilities of our national technical means—including intelligence satellites—enable us to track the production and deployment of nuclear weapons in other countries with a considerable degree of confidence. Chemical weapons production, however, cannot be monitored from afar with anywhere near the same level of confidence. Aside from using large government facilities to churn out chemical weapons, a government could coopt a commercial chemical firm into making chemical weapons, or manufacture chemical weapons in a factory purported to be involved in the commercial production of legitimate products. The legitimate chemical industry around the world makes products that are important to modern life. Some of the same chemicals and technologies that this industry employs to manufacture fertilizers, pharmaceuticals, pesticides, herbicides, and countless other products could also be used to make chemical weapons. There are literally thousands of industrial facilities worldwide, and we know all too well from the inspections in Iraq in the aftermath of the 1991 gulf war that a determined rogue proliferator can and will use the industrial sector to mask efforts to develop and produce weapons of mass destruction. For these very reasons, the Reagan administration not only pushed for routine data declarations and inspections of government and industry facilities; it also insisted on these unprecedented challenge inspections.

After George Bush was elected President, the Bush administration took a variety of steps to give impetus to the international negotiations. Perhaps most importantly, in May of 1991, President Bush, without waiting for or depending on completion and ratification of the Chemical Weapons Convention, unilaterally forswore any use of chemical weapons by the United States, even as in-kind retaliation on the battlefield. A year and a half later, as one of the last acts of his Administration, Bush sent Secretary of State Lawrence Eagleburger to Paris in January, 1993 to join more than 130 states in signing the Chemical Weapons Convention. Pushing these negotiations through to a successful conclusion stands as one of the most important foreign policy achievements of the Bush administration. We owe the dedicated negotiators from the Reagan and Bush administrations, most notably Ambassador Stephen Ledogar and Arms Control and Disarmament Agency Director Ronald Lehman, a debt of gratitude for their far-sighted proposals and their persistence at the negotiating table. We owe Presidents Reagan and Bush a debt as well—for their leadership and consistent support of this historic arms control initiative.

The convention that President Bill Clinton presented to the Senate on November 23, 1993, which is before us today, is a feasible and pragmatic treaty. Given the inherent difficulty of curtailing the proliferation of chemical weapons, America's negotiators did not insist on obtaining a flawless pact—an effort that would have been certain to fail. Instead, the U.S. delegation worked closely with our allies in Europe, Japan, Australia, and Canada to create a realistic treaty with verification provisions that offer a significant likelihood of identifying militarily-significant violations and that will force cheaters to incur higher costs and endure greater inconvenience in order to accumulate a covert chemical weapons stockpile. It is important to note that the convention's negotiators and advocates have never claimed that it provides an ironclad assurance that the world will become and remain free from all chemical weapons. That is an impossible standard to meet, so it should come as no surprise the convention does not meet it. Instead, the convention makes identification of cheaters more likely; it requires all non-cheaters to dispose of all chemical weapons—which, of course, the United States already was unilaterally committed to doing by law; and it will make it more difficult and expensive for cheaters to cheat.

A very important ally in the negotiations leading to the Chemical Weapons Convention was the U.S. chemical industry. It is counterintuitive to think that the chemical industry would participate in a negotiation that would ultimately bring additional regulation, notably data declarations and inspections, upon itself. To its credit, that is exactly what the U.S. chemical industry, and many of its counterparts in other nations, did. For well over a decade, the U.S. chemical industry provided invaluable assistance to the U.S. delegation and all of the negotiators in Geneva, opening their facilities to test verification concepts and proposing workable solutions for how the data declarations and inspections should operate. With the help of the U.S. chemical industry, the CWC emerged with sufficient provisions and restrictions to make trade in chemical weapons materials more visible and more difficult. The convention's inspectors will watch closely over the global industry, guarding against the diversion of commercial chemicals for purposes of weapons proliferation. At the same time, the treaty contains numerous safeguards that enable the industry to protect its confidential business information to its satisfaction, despite claims to the contrary that are made by some treaty opponents.

I want to be clear that despite all of its attributes, the treaty is not a panacea for the threat of chemical weapons. It can't be. But the convention's primary merit is that it will contribute to deterrence, exposure, and detection of chemical weapons proliferation of a militarily significant nature. By requiring the destruction of existing arsenals and making it much more difficult for future adversaries to acquire or increase chemical weapons stocks, the CWC greatly reduces the prospect that U.S. troops will encounter chemical weapons on the battlefield. Following in our footsteps as we move to unilaterally destroy our chemical weapons stockpile, the CWC will begin to level the international playing field by requiring other countries to eliminate their chemical weapons as well.

That is the balance. That is the judgment we are called on to make in the Senate.

Is this, as the Senator from Alaska was just saying, in the interest of our country to protect our troops and the long-term interests of our Nation? I believe this convention makes identification of cheaters more likely. It requires all noncheaters to dispose of all chemical weapons, something we can't do today. And, of course, we have already unilaterally decided that we are going to get rid of all of our chemical weapons.

So here we are going down the road of getting rid of all of our chemical weapons, and here you have finally some form of legal structure that will hold other nations accountable.

Clearly the United States must never be complacent about the threat of adversary nations or terrorists armed with chemical weapons.

I respectfully suggest that nothing in this convention and none of those of us who advocate this convention begs complacency.

The convention's critics claim that the treaty will lull us into a false sense of security, resulting in a weakening of our defenses. To the contrary, the convention stipulates that each of its member nations is allowed to maintain defensive programs to develop and test antidotes, gas masks, and other protective gear and to train its troops in how to use them.

So it is really a question of us. I mean that there is nothing in the treaty that lulls us to sleep. The treaty specifically allows us to have defenses. And if we are, indeed, concerned about it, as we ought to be, we will have those defenses, precisely as this administration is offering us with an additional $225 million of expenditure this year.

So how can you continually come to the floor and say, "Oh, my God, this is going to lull us to sleep" when the administration is providing an additional $225 million?

It is our responsibility as elected officials to ensure that we maintain a robust U.S. chemical weapons defense program. To do less would be an injustice to our troops, a threat to our security, and a failure on our part to exercise fully our rights under this treaty. One of the 28 conditions to the treaty negotiated by Senators HELMS and BIDEN, and agreed to by the administration, condition 11, explicitly states this determination, and requires the Secretary of Defense to ensure that U.S. forces are capable of carrying out required military missions regardless of any foreign threat or use of chemical weapons.

The Pentagon's view of the convention is unambiguous. In his testimony, Chairman of the Joint Chiefs of Staff Gen. John Shalikashvili stated:

> From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The convention's advantages outweigh its shortcomings. The United States and all other CW-capable state parties incur the same obligation to destroy their chemical weapons stockpiles . . . if we do not join and walk away from the CWC an awful lot of people will probably walk away from it as well, and our influence on the rogue states will only decrease."

So here you have the general of our Joint Chiefs of Staff, the Chairman, coming before us and saying, indeed, the problem of the rogue states is not passing the convention. The problem is not having a convention because, if you do not have a convention, you don't have the kind of legal structure and inspection and tracking and accountability that help put pressure on those rogue states and limit the access of the rogue states to the materials with which they make chemical weapons.

The truth is that until the convention enters into force, the actions of any nation, signatory or not, to manufacture or to stockpile chemical weapons will be objectionable but it won't be illegal. Mr. President, it won't be illegal. And it is very hard for this Senator to understand how, against the regimen that we have for inspection—against the intrusiveness that we are acquiring that we don't have today, and measured by the level of destruction of existing stockpiles that is required, the people who today are under no obligation whatsoever to destroy those stockpiles—you could be better off without it against those who have it is really very, very difficult to understand.

General Shalikashvili's last point alludes to an argument often made by the treaty's opponents, who are quick to point out that not all of the countries believed to have chemical weapons will join. Indeed, that is true. Libya, Syria, Iraq, and North Korea have not signed the convention, but three-quarters of the nations on the intelligence community's list of probable proliferators have signed.

The truth is that until the convention enters into force, the actions of any nation—signatory or not—to manufacture or stockpile chemical weapons will be objectionable, but not illegal under any international law or agreement. Some colleagues in this Chamber suggest we defer United States ratification until after Libya, Syria, Iraq, and North Korea have joined. To them I would respond that failure to ratify gains us absolutely nothing with respect to those rogue states. We are in no way aided in meeting our intelligence and military obligations regarding those nations and their chemical weapons activities by failing to ratify the CWC; conversely, we are in no way impeded, and in fact are assisted, in meeting those obligations by ratification. Rather, I agree with the Chairman of the Joint Chiefs of Staff on this matter: We increase our leverage against these hold-out states by ratifying the Convention. We also make it more difficult for those holdouts to obtain materials they can use in their chemical weapons programs.

Some opponents of the CWC, suggest that it is fatally flawed because adherence to or violation of its requirements cannot be verified.

We keep hearing this. It is interesting. At the hearings I kept hearing two arguments coming out from the people who said you can't verify it. They say it is too intrusive, that we will give away all of the trade secrets of the businesses, so we can't allow obtrusive verification. They object to it because they think it is going to prevent business from conducting its business. And they go to the other side of the coin, and say, "If we get more intrusive, we are going to be verifying sufficiently but then you lose on the other side." You can't have it both ways. Either it is a balanced effort at verification and at the level of intrusiveness, which is why the chemical companies support this treaty.

Mr. President, the fact is that the very people who have argued for that intrusiveness—the Reagan administration, and most of the principal critics who are making that argument today —are the very people who insisted that the challenge inspections would be essential to the integrity of this convention.

Ironically, the handful of principal critics making this argument served in the Reagan administration and, fortunately, insisted that challenge inspections would be essential to the CWC's integrity. Virtually every inspection provision that the Reagan administration proposed was included in the treaty text when the negotiations concluded in 1992. Their proposals having been accepted, these critics now want to raise the bar even higher.

The CWC's verification provisions will put inspectors on the ground with sensitive equipment and the right to review records, ask questions, go to any part of a facility, and take and analyze samples. These powerful inspection tools are needed to get the job done, and it would be sheer folly for the Senate to deprive the U.S. intelligence community of the information that these inspections will provide. According to former Director of Central Intelligence James Woolsey:

> What the Chemical Weapons Convention provides the intelligence community is a new tool to add to our collection tool kit. It is an instrument with broad applicability, which can help resolve a wide variety of problems. Moreover, it is a universal tool which can be used by diplomats and politicians, as well as intelligence specialists, to further a common goal: elimination of the threat of chemical weapons.

Another argument used by critics of the treaty is that Russia does not comply with other arms control treaties and that more of the same can be expected with the CWC. Reports from whistleblowers who worked in the Soviet chemical weapons production complex indicate that in the late 1980's and on into the 1990's, the Soviet Union was developing and testing a new generation of nerve agents. More recent reports suggest chemical weapons research, if not limited production, continues. Russia has declared a stockpile of 40,000 metric tons of chemical weapons—the world's largest—but reports indicate that even these numbers may be incorrectly low.

Mr. President, to the extent these reports of continuing Russian chemical weapons activity are true, I join treaty critics —and, I confidently expect—all Senators in abhoring this Russian activity. I take second place to no Senator in wanting to use all capability at the disposal of the United States to obtain cessation of those activities, and destruction of all Russian chemical weapons. But treaty opponents seem to have stepped through the lookingglass in Alice in Wonderland. Simply insisting that Russia tell us the truth is no way to get the bottom of this situation. Refusing to ratify the CWC because we are piqued at their behavior is a classic example of what the old cliche refers to as "cutting off one's nose to spite one's face."

The United States greatly increases its leverage by ratifying the CWC, which will put pressure on Russia to follow suit. When Senate debate of the CWC was scheduled in the fall of 1996, it became evident that Moscow was feeling the heat of a pending Senate vote on the CWC. Suddenly, Russian officials backpedaled from a 1990 bilateral destruction agreement, which had not yet entered into force, and stated the CWC's activation should be delayed until the bilateral agreement was underway. This strategy belies Moscow's eagerness to postpone U.S. ratification. I, for one, am not buying it. The longer we wait to ratify the CWC, the more breathing room Moscow has. The time has long since passed to put some real pressure on Russia. Senate ratification of the CWC will do just that.

Another of the treaty opponents' claims is that the treaty requires the United States to share chemical and chemical weapons defense technologies and capabilities with even those party States that are rogue nations or adversaries of our Nation. Some claim that we would be forced to remove our current export controls applicable to chemicals with respect to all other parties to the CWC. Articles X and XI of the Convention are frequently referenced in this context. What is going on here, Mr. President, is very regrettable. The black and white language of the convention itself contradicts that view. And if the convention itself were not sufficiently clear in enabling the United States to refuse to provide any technology or other information or data that could be misused by rogue nations or adversaries, several of the 28 conditions to which bipartisan agreement has been reached directly address these concerns and should lay them to rest in all minds.

Condition 7 requires the President to certify before the ratification documents are deposited that the CWC will in no way weaken the Australia Group of nations, of which the United States is a participant, that has established a cooperative export control regime, and that every single nation that participates in the Australia Group must concur that there is no CWC requirement that would weaken the Group's export controls. Then, annually, certification is required to the Congress that the Group's controls have not been weakened. Further, the condition requires the President to block any attempt within the Australia Group to change the Group's view of its obligations under the CWC.

Condition 16 requires the President to notify Congress if he ever determines the Convention's secretariat, the Organization for the Prohibition of Chemical Weapons, has willfully divulged confidential business information that results in a financial loss or damage to U.S. company, and to withhold half the United States' annual assessment toward the OPCW's expenses if such a breach occurs and the OPCW does not waive immunity for prosecution of any OPCW official involved in the breach, or if the OPCW refuses to establish an investigatory commission to investigate the breach.

Condition 15 requires the United States not to contribute to the voluntary fund the CWC establishes for providing chemical weapons defense assistance to other parties to the treaty, and, with regard to the CWC requirement for all treaty parties to assist other party nations who have been attacked with chemicals or are threatened with such an attack, the same condition limits U.S. assistance to those nations determined to be adversaries to medical antidotes and treatments.

Perhaps the least credible argument raised by the CWC's opponents is that this treaty would place unreasonable burdens on America's chemical industry. It would seem that those making this argument have not been listening to what the chemical industry itself has been saying for the last two decades. The chemical industry's reasons for supporting the convention are not altogether altruistic, but they are imminently logical. First and foremost, the chemical industry seeks to disassociate itself from the odious practice of making chemical weapons. Equally important, the U.S. industry long ago decided that the Chemical Weapons Convention would be good for business. The convention contains automatic economic sanctions that preclude treaty members from trading in controlled chemicals with states that do not join. The U.S. chemical industry, which is America's largest exporter, views the convention as a way to a more open marketplace. Industry representatives describe their obligations under the treaty as manageable and acceptable; to wit, the CWC will not impose inspections, regulations, intrusions, or costs greater than those already required by other Federal laws and standards.

But it is very important to go beyond the fact that the chemical industry believes the CWC will not impose significantly difficult burdens on its companies—and look closely at the critical fact that U.S. failure to ratify will result in tremendous financial and market share losses—grave in the near term and likely even worse in the longer term—for the U.S. chemical industry. In a letter dated August 29, 1996, the CEO's of 53 of America's most prominent chemical companies bluntly stated: "Our industry's status as the world's preferred supplier of chemical products may be jeopardized if the United States does not ratify the convention." The American chemical industry would be marked as unreliable and unjustly associated with chemical weapons proliferation. If the resolution of ratification of the CWC were to be defeated, it would cost the U.S. chemical industry significant portion of its $60 billion export business—many in the industry have agreed on an estimate of $600 million a year—and result in the loss of thousands of good-paying American jobs.

Under the terms of the CWC, some 2,000 U.S. industry facilities—not companies—will be affected by the treaty. Of that group, some 1,800 will be asked to fill out brief data declaration forms and the remaining 200 are likely to undergo inspections. Assertions that the neighborhood "Mom and Pop" dry cleaners, cosmetics firms, and breweries will be involved in this are wildly inaccurate.

In addition, although the industry's representatives explained patiently to Senators that the CWC's onsite verification and inspection procedures will not violate a U.S. company's constitutional protection against undue search or seizure, there is included in the 28 agreed conditions condition 28 that requires the United States to obtain a criminal search warrant in the case of any challenge inspection of a U.S. facility to which the facility does not give its consent, and to obtain an administrative search warrant from a U.S. magistrate judge in the case of any routine inspection of a U.S. facility to which the facility does not give its consent.

The U.S. chemical industry led by the Chemical Manufacturers Association, the Synthetic Organic Chemical Manufacturers Association, and the Pharmaceutical Research and Manufacturers of America have repeatedly and unequivocally requested that the Senate approve the resolution of ratification and pass its associated implementing legislation. Industry's support of this treaty should not be questioned, it should be applauded.

It's suprising to see nonindustry people shouting industry concern when the industry itself was intimately involved in developing the convention and the proposed implementation legislation and is urging the Senate to approve the resolution of ratification. The CEO's or other senior executives of seven major chemical firms with significant operations in my home State of Massachusetts are among those who have repeatedly urged the Senate to approve the resolution of ratification. Frankly, in my judgment, the statements of these executives concerning the effects this convention will have on their businesses are more credible than the contradictory statements of the opponents of the CWC.

Also among the arguments against the convention used by its critics is the assertion that the CWC will cost the American taxpayers too much money. On the contrary, the U.S. share of the CWC's monitoring and inspection regime, approximately $20 million annually, is far less than the $75 million annual cost to store America's chemical weapons. This $20 million of support for the international inspection agency is minuscule in comparison to the amounts we spend for U.S. defenses. This is a small price to pay to institute and maintain an international mechanism that will dramatically reduce the chemical weapons threat that faces U.S. service men and women and establish an international norm for national behavior which is so apparently in the interests of this Nation and, indeed, all the world's people. And, lest the estimates of the costs of U.S. participation prove to be low, included in the 28 agreed conditions is a condition that limits the U.S. annual contribution to no more than $25 million a year, to be adjusted every third year based on changes in the Consumer Price Index.

The United States led the international community throughout the negotiation of the Chemical Weapons Convention. Three administrations—two Republican and one Democratic—have labored to develop and place before the Senate a carefully crafted instrument that will increase the safety and security of U.S. citizens and armed forces and will do so at very reasonable costs to taxpayers, companies that make and use legitimate chemicals, and American consumers. Former Presidents Ford, Carter, and Bush have spoken out strongly in favor of ratification. Today 1996 Republican Presidential nominee and former Senate Majority Leader Robert Dole announced his support for the CWC coupled with the 28 conditions to which bipartisan agreement has been secured.

Rarely does one see a situation in which it is more important to apply the admonition that we would be wise not to let the perfect become the enemy of the good. Perfect security against chemical weapons is unattainable. I have great hopes that wise Senators will not permit a group of Senators who will not be satisfied by the greatest achievable increase in our security, and many of whom have a basic objection to any international arms control treaty to scuttle a carefully engineered agreement that our military leaders, our intelligence community senior executives, former Presidents of both parties, President Clinton, and 1996 Presidential nominee Dole agree will make all Americans and, indeed, the entire world safer and more secure from chemical weapons.

In closing, I want to commend those who have labored diligently to bring the Senate to this point. Former Senate Foreign Relations Committee Chairman RICHARD LUGAR, with the assistance of his able staff, has done yeoman service and again demonstrated his capacity as a leader and statesman. Senator JOE BIDEN, the ranking Democratic member of the Foreign Relations Committee, has labored, also with the help of his staff, to bring this treaty before the Senate. Senator CARL LEVIN, ranking Democrat on the Armed Services Committee, and Senate Democratic Leader TOM DASCHLE, each knowledgeable and dedicated, have made considerable contributions to this effort and to the debate. Majority Leader TRENT LOTT's leadership has permitted negotiation of 28 conditions designed to reassure those who in good faith had questions and concerns about various aspects of the treaty. I compliment and thank all of them.

Mr. President the compelling logic of this convention and the breadth and depth of support for it should produce an overwhelming vote to approve the resolution of ratification. I have great hope that the Senate will demonstrate its ability by taking this important step of ratifying this treaty. I urge my colleagues to vote for the resolution.

PRIVILEGE OF THE FLOOR

Mr. President, I ask unanimous consent, under the new rules governing access to the floor, that Scott Bunton of my staff, be permitted access to the Senate floor as long as the Chemical Weapons Convention is being debated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I now invite the distinguished Senator from Oklahoma [Mr. INHOFE] to take the floor to make whatever comments he may require.

Mr. INHOFE. I thank the chairman.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Thank you, Mr. President.

First of all, let me say that there have been a lot of charges made back and forth. And certainly I don't question the sincerity of any Senators who have spoken on the floor, nor any positions they have taken, nor do I question their motives. They clearly think that they are right and that I am wrong. I think I am right. And the right position is not to ratify the Chemical Weapons Convention.

The distinguished Senator from Massachusetts talked about "lulling" people into a false sense of security. There is a very interesting editorial in the Wall Street Journal on that subject—that people are going to believe that something is going to be done with this, that it is going to eliminate or dramatically reduce chemical weapons. We have testimony from very distinguished, well-known, former Secretaries of Defense—four of them—who say that this, in fact, could increase the proliferation of chemical weapons around the world, and particularly in the area of rogue nations.

Let me just address one other thing because my beloved friend, Bob Dole, came out and changed the position that he had previously had. I certainly don't question his sincerity. But in his letter he said that the conditions or the concerns that he had previously had been met.

I happened to stumble onto the letter that was dated September 11, 1996, from Bob Dole to TRENT LOTT. I will read the last of one paragraph. He says, "I have three concerns. First, effective verification. Do we have confidence that our intelligence will detect violations? Second, real reductions. In this case down to zero."

He is putting an expectation of reducing the use of chemical weapons "down to zero."

"Third, that it will truly be a global treaty."

Mr. President, none of these three have been met—not one of these three conditions; certainly on verification. There is not one person who has stepped onto the floor of this Senate and said that this is a verifiable treaty. Nobody claims that it is. It is not verifiable. People who give us their word that they are not going to do it. That is fine. We can believe their word. Are we going to believe countries who have not lived up to their other treaties? Certainly not.

In the case of real reductions, "down to zero"—getting one to say there are going to be any real reductions. Certainly not down to zero. Nobody has made that statement.

And will it be truly global? We have talked about the countries that are not a part of this treaty. And there are countries that are not like we are. We are talking about people who murder their own grandchildren, we are talking about Iraq, Syria, Libya, North Korea. So obviously, it is not a global treaty in any sense of the term.

In verifiability, it is kind of interesting. After the Persian Gulf war we set up a very meticulous system of verification within the United Nations that gave the inspectors from the United Nations far greater authority than the inspectors would have under this treaty. Yet we find out that in the midst of all of this that Iraq is making chemical weapons as we speak. If you can't do it with the information that they have, and the ability that they have from the United Nations, certainly it is not something that can happen under this treaty.

I have another concern. Mr. President, it is not just those who have not signed or who have not ratified the treaty. I look at some of the countries that have signed and they may or may not ratify. The distinguished Senator from Arizona, Senator KYL, earlier said that 99 percent of the known chemical weapons are in three countries: United States, China, and Russia. And not one of those countries has ratified this treaty. I doubt very seriously that they are going to ratify this treaty.

So we have all of these conditions that we are talking about that assume that, No. 1, those who are signatories to this treaty are going to ratify it; and, No. 2, the ones that ratify it will do what they have said they will do.

I think it is kind of interesting when you look at Russia, for example. I am not singling them out other than the fact that we have had more treaties with Russia. We have the 1990 Biological Weapons Destruction Treaty; the ABM Treaty that goes all the way back to the 1970's; we have the Strategic Armaments Reduction Treaty, START I; the Conventional Forces in Europe Treaty, the CFE treaty; and the Intermediate Nuclear Forces Treaty. In each one of these cases, the country involved—this country being Russia—has not lived up to the provisions of the treaty. In other words, they ratify a treaty. They are a signatory. Then they ratify, go through that elaborate process, and then they turn around and don't live up to it. They have been found in noncompliance by our State Department—this country—in each one of these five.

You have to ask the question: If Russia ratified five treaties and did not comply with any of the five, why would we expect that they would ratify this and not live up to it? One of the conditions that we have is that the Russians will ratify the treaty prior to the time that we would do it. People are saying oh, no, Russia will ratify but only if we do. I would like to remind my friends in this body that I was one of, I think, three Senators who voted against the START II Treaty and they used the same argument at that time. They said you have to ratify this thing, you have to ratify it before Russia because Russia is not going to ratify it if we do not ratify it. This is 2 years later, and they still have not ratified it. So we are still waiting.

So why will you expect if 2 years ago we passed the START II Treaty—and I think the Senator from North Carolina and I were two of the four votes that were against it—they said they were going to ratify after we did, and they didn't do it—why would they necessarily do it?

This global thing is very significant because here we talk about those who have signed the treaty and those who have ratified the treaty and, quite frankly, I do not care if a lot of those who have to ratify this treaty ratify it. I am not at all concerned about Canada, Costa Rica, the Fiji Islands, Switzerland, Togo, Singapore, Iceland. They are not threats to this country, but there are threats out there.

And a minute ago, someone, the distinguished Senator from Massachusetts, quoted James Woolsey, former CIA Director. It is also James Woolsey who said we know there are somewhere in excess of 25 nations that currently have weapons of mass destruction, either biological, chemical, or nuclear and are working on the vehicle means to deliver those weapons. And so if these countries have them, these are not countries that we are friendly with or think like we do.

I have said on the Senate floor several times in the past that I look back sometimes wistfully to the days of the cold war, Mr. President, when they had two superpowers, the U.S.S.R. and the United States of America. We had an intelligence system that was pretty well informed. We pretty much knew what they had, and they pretty much knew what we had. Even though they were a threat to this Nation, certainly they were a threat and a quantity that could be measured and we could anticipate. Now we have countries like Iraq, and we have people, as I said before, who murder their own grandchildren and we are talking about the Qadhafis, Hafez Assads and those individuals who, I think, are a far greater threat in terms of what is available in technology out there with weapons of mass destruction including what we are addressing today, and that is chemical weapons. So the threat is a very real threat that is out there.

I understand from some of my close friends, Republican friends, that there are some of these conditions that they could either take or leave and are not as concerned about whether Russia ratifies the treaty in advance; they are not really concerned about whether there are no inspectors from terrorist countries. I can't really understand that, but they are concerned understandably about article X. And while everyone has put their own interpretation on article X, and instead of putting an interpretation on it let me just read. I hope that all of America could hear the exact wording of this treaty that we are being asked to endorse and to ratify. Section 3 of article X says:

> Each State party undertakes to facilitate and shall have the right to participate in the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

Wait a minute now. We are talking about they would be able to look at what our defenses against chemical weapons are, not just what we have, what our technology is, how they might be able to copy our technology.

Moving on to section 5, it says:

> The technical secretariat shall establish—

> Incidentally, Mr. President, does it bother you, that technical secretariat? I always wondered what happened to sovereignty in this country. We have a group sitting over there someplace; we are not sure who they are going to be, but they are called the technical secretariat—

> Not later than 180 days after entry into force of this convention and maintain for the use of any requesting State party a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by State parties.

Now, I look at this as a sovereignty issue again, because I do not know who these people are, but I do know this, that we have a lot of chemical companies in this country that have not been talked about very much. You talk about the CMA. That is, as I understand it, 192 chemical companies. They are the large ones, but there are somewhere between, it is estimated, 3 and 8,000 companies that would be affected by this treaty. Not all of them are chemical companies but about half of them, so you may be looking at 192 large chemical companies and maybe 4,000 small chemical companies and maybe it would be to their advantage to have very stringent requirements like this that would be a lot easier for large companies to stand behind than small companies.

Finally, Mr. President, I have so much respect for the three former Secretaries of Defense who testified before Senator HELMS' committee, James Schlesinger, Don Rumsfeld, and Cap Weinberger. In fact, I have talked to each one of them, along with Dick Cheney, who would have been there to testify, but he was unable to make that schedule. But he has sent a letter that has been quoted from several times. These individuals all say essentially the same thing. They say that we are being asked to ratify a treaty that is not verifiable, that is not global, that does not have any effect on those countries that are considered to be our enemies, our adversaries out there. And they are out there, Mr. President, and also even those who say they will ratify and comply have demonstrated over and over again, such as Russia, that they have not complied with previous treaties.

By the way, speaking of Russia, it was interesting; last week in Janes Defense News, I read that the Russians had developed a type of chemical weapon, and they have developed it out of precursors that are not under this treaty. In other words, there are three precursors that they are using that they can develop these weapons with. So they would not be covered by this. I think maybe that is just a coincidence. Maybe there are other countries out there also that are saying all right, if this Chemical Weapons Convention goes in and we intend to comply with the provisions of it, which they probably are not, what can we do to build chemical weapons without using those precursor chemicals? And they are already doing it.

I would like to share lastly something that all four of these former Secretaries of Defense have said. They have said that there is a very good chance being a party to this treaty and ratifying this treaty could increase the proliferation of chemical weapons as opposed to reducing them. I would read one paragraph out of Dick Cheney's letter, and I do not think anyone is more respected than Dick Cheney in these areas.

> Indeed, some aspects of the present convention, notably its obligation to share with potential adversaries like Iran chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all. In my judgment, the treaty's article X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.

So I would just say, Mr. President, that there has been a lot of lobbying going on, and I know the President's been very busy. I do not know what kind of deals have been made, but I do know that this is not something that is in the best security interests of the United States. I do sit on the Senate Armed Services Committee. I am the chairman of the readiness subcommittee. We are very much concerned about our State of readiness in terms of how to defend against chemical warfare. We deal with this subject every day. I am on the Intelligence Committee. We talk about this. But none of us on those two committees know about this as people such as Dick Cheney. I agree with them. We cannot afford to take a chance on a flawed treaty that could have the effect of increasing the proliferation of chemical weapons.

I thank the Chair.

Mr. HELMS. Mr. President, I yield myself such time as I may require to thank the Senator for his comment. He is right on target.

I have been around this place quite a while, and I have seen Senators come and go but there is one situation that is endemic to the trade. A lot of Senators can be frightened about threats of 30-second television commercials 2 years hence or 4 years hence. But let me tell you something, every kind of television known to man has been used against me about practically every vote I have cast and I am still here. So I have a little policy. I started it the first time I was sworn in. I stood over there five times now taking an oath to uphold the Constitution and to do my best to defend the best interests of this country just as the Senator has and just as the Senator has talked about.

Now, the media have with one or two rare exceptions totally ignored the appearance of the three former Secretaries of Defense who came before the Foreign Relations Committee. And one of them read the letter that the Senator has just alluded to written by Dick Cheney. I wish all Americans could have heard these three gentlemen and read the letter by Cheney because they would understand that no matter about the 30-second commercials, no matter about the news media—I have had it all thrown at me. You can come to my office and look at the wall and see all the cartoons. Every cartoon that they run I put it up on the wall to remind me that the media do not count if you stand on principles and do what you think is right.

Now, I have an idea satisfactory to myself that a lot of Senators wish they could vote against this treaty but they are wondering about the next election. I think they better stop and wonder about the next generation.

I thank the Senator for the fine remarks that he made. I admire the Senator very much.

Mr. INHOFE. I thank the Senator.

Mr. HELMS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LEVIN. Mr. President, I yield 7 minutes to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, the people of Oregon have firsthand knowledge of the dangers of chemical weapons. Stored at the chemical weapons depot at Umatilla in the eastern part of my State are millions of pounds of chemical weapons. Mustard gas and nerve gas sit in concrete bunkers, a constant reminder of the need for action.

We see and hear constant news reports about the dangers facing children in eastern Oregon every day those weapons sit in those stockpiles.

There is no place in a civilized society for terror weapons like these, and it is not right to have stockpiles of these weapons that put our children at risk. Passing the Chemical Weapons Convention is the most important vote in this Congress for a safer future for our children. This is a time in my view for the United States to lead rather than to retreat. When Presidents Reagan and Bush negotiated this treaty, they fully understood that U.S.

leadership was needed to complete it. They knew that full U.S. participation was essential for its work.

Not only will failure to ratify this convention put us in the position of being followers on the world's stage but the provisions built into this treaty to isolate and in fact economically punish those nations which refuse to ratify the treaty are going to apply to the United States if the Senate does not ratify this treaty.

In my State, we believe that we prosper from trade, cultural and other exchanges with the rest of the world and that there would be a threat if we failed to ratify this treaty.

If the Senate allows America to become an outlaw nation, the effects would be felt by every farmer, software engineer, timber worker and fisherman who sell the fruits of their labor overseas.

I would like to for just a brief few minutes review the arguments against this treaty. Some say that it represents a loss of sovereignty, but there is no greater threat to our sovereignty than to run away from our role as a world leader. Some say that this treaty would open our essential industries to espionage, but there is no question that the American chemical companies were consulted on this treaty. They worked closely on the key verification issues and there is enormous support, enormous support among those in the chemical industry to approve this treaty.

Finally, there are those who say verification is unworkable because rogue nations will refuse to ratify it. But the fact is that ratification of the treaty gives our country new access to information about the chemical weapons programs of other nations. If we are denied access to this vital intelligence, then we will be forced to spend even more on our own intelligence to track the chemical weapons threat.

The world is watching the Senate now, watching the greatest nation on Earth and hoping that we will lead the way to ridding our planet of these poisons. I urge my colleagues to join across party lines and approve this treaty, because when it is approved, our world will be a safer place.

I yield the floor.

The PRESIDING OFFICER. Who yields time? The Senator from New Mexico is recognized.

Mr. DOMENICI. I thank the Chair.

(The remarks of Mr. DOMENICI pertaining to the introduction of S. 633 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

PRIVILEGE OF THE FLOOR

Mr. DOMENICI. I ask unanimous consent that Peter Lyons, a legislative fellow working in my office, be granted the privilege of the floor for today and the remainder of the debate on this issue.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe it is crucial to American leadership and to the security of our men and women in the Armed Forces and, indeed, to all of us in America, that the Senate provide its advice and consent to the ratification of the Chemical Weapons Convention so that the United States can join it as an original party.

The security of our men and women in the Armed Forces who someday may face the threat of chemicals, the security of our people who constantly face the threat of terrorists and terrorist states that try to get their hands on chemical weapons, all demand that the Senate join as an original party to this convention and ratify this treaty. To ratify it and to make it real, we have to do so without accepting any of the killer amendments that would render this ratification vote useless.

I say this, and I reached this conclusion as a member of the Armed Services Committee who has listened to our military leaders testify before us, who has read the testimony of these leaders who have said that the ratification of this convention is unequivocally in our national security interest because it will reduce the risk of our military forces encountering chemical weapons on a future battlefield.

In 1985, President Reagan signed a law which has resulted in our unilaterally destroying our stockpile of chemical weapons. This process will be completed in 2004. The destruction of our chemical weapons will take place, whether or not the United States ratifies the convention. We are destroying our chemical weapons. We are doing so because we decided they are no longer militarily useful and they are too expensive to maintain and we have all the capability we need to deter attack and to respond to attack. So that President Reagan, in 1985, proposed and the Congress accepted his proposal that we destroy our chemical weapons. What this convention will do will be to require other nations to do what we are already doing, and that is going to reduce the risk of chemical attacks against our troops and our Nation.

General Shalikashvili, the Chairman of our Joint Chiefs, has had a great deal to say about this treaty. This is what he wrote on April 8. He said that:

> The ratification of the Chemical Weapons Convention by as many nations as possible is in the best interests of the Armed Forces of the United States. The combination [he wrote] of the nonproliferation and disarmament aspects of the convention greatly reduces the likelihood that U.S. forces may encounter chemical weapons in a regional conflict. The protection of the young men and women in our forces, should they have to go in harm's way in the future, is strengthened, not diminished, by the Chemical Weapons Convention.

Then he went on to say:

> We do not need chemical weapons to provide an effective deterrent or to deliver an effective response.

When the Chairman of the Joint Chiefs of Staff, every member—every single member of the Joint Chiefs, and every combatant commander have reached the same conclusion, that the ratification of this treaty is in our national security interests and will reduce the likelihood of our men and women ever facing chemicals in combat, it seems to me we should listen. When they tell us that we are already unilaterally destroying our stockpile of chemical weapons and that what we are doing by joining this convention is being in a position where we will be able to help reduce the risk that others will obtain chemical weapons, we should listen. And when they tell us that they know that this is not perfectly verifiable but that this will reduce the chances that chemical weapons will fall in hands of terrorist states or terrorist organizations or individuals—when our top military leaders tell us that, we should listen.

They have acknowledged what everyone has acknowledged. There is no way to perfectly verify a chemical weapons convention. But what they have also told us is that following their analysis of this treaty, that because of the intense inspection regime which is provided for here, that we will be able to reduce the risk that any militarily significant amount of chemicals will fall into the hands of an opponent or a future opponent. It is not a matter of perfection, they tell us. It is a matter of improving our current position. That sounds like a security bargain to them and it ought to sound like a security bargain to us. Our senior military leaders have a unique perspective on what makes our military stronger or more secure. And they have agreed. They have agreed that this treaty is good for our security. All the Chiefs of Staff, as I have said, the Chairman of the Joint Chiefs and the combatant commanders have urged that we ratify this treaty.

This is the way General Shalikashvili made that point. He said, "I fully support early ratification of the Chemical Weapons Convention and I reflect the views of the Joint Chiefs and the combatant commanders."

The previous Chairman of the Joint Chiefs, General Powell, spoke very forcefully on this issue just last week. He was addressing the Senate Veterans' Affairs Committee on April 17 during a hearing on gulf war illness, but he said this relative to the convention on chemical weapons:

> I think one of the greatest things we can do over the next 2 weeks is to pass the Chemical Weapons Convention treaty. This is a good treaty. It serves our national interest.

> That is why it was negotiated beginning in Ronald Reagan's term, and I helped participate [The "I," here, being Colin Powell]—I helped participate in those negotiations as National Security Adviser, and that is why we signed it in the administration of President Bush. And I participated in the development of the treaty during those days as Chairman of the Joint Chiefs of Staff and I supported the treaty then and I support it now.

Then General Powell went on to say the following:

> There are some uncertainties associated with the treaty and there are some criticisms of the treaty. I think those criticisms can be answered and dealt with. But we should not overlook the simple fact that, with the treaty, the United States joins over 160 nations in saying to the world that chemical weapons will not be used, will not be made, will not be developed, will not be produced, and we will not share the technology associated with chemical weapons with other nations who are inclined to use them inside or outside the confines of this treaty.

Then he went on to say the following:

> Not to participate in this treaty, for us to reject the treaty that we designed, we signed, for us to reject that treaty now because there are rogue states outside that treaty is the equivalent of saying we should not have joined NATO because Russia was not a part of NATO. It's exactly because there are these rogue states that we should join with an alliance of over 160 nations to make a clear international statement that these are rogue nations.

And he concludes:

> Not signing the treaty does not make them no longer rogue nations. So I think this is a fine treaty and it is one of the things the Senate can do to start to get a better handle on the use of these weapons of mass destruction and especially chemical weapons.

Mr. President, Secretary Cohen addressed the Chemical Weapons Convention at great length before the Armed Services Committee.

I ask the Chair whether or not I have used up the 10 minutes that I allotted myself?

The PRESIDING OFFICER. The Senator from Michigan has 15 seconds remaining.

Mr. LEVIN. I thank my Chair. I will just yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator has that right.

Mr. LEVIN. Now, Secretary Cohen, our former colleague Bill Cohen, has testified before the Armed Services Committee on this subject. He has filed some lengthy testimony supporting the Chemical Weapons Convention. To summarize what he said, and here again I am quoting:

> The Chemical Weapons Convention is both a disarmament and nonproliferation treaty. It is very much in our national security interest because it establishes an international mandate for the destruction of chemical weapons stockpiles, because it prohibits the development, retention, storage, preparations for use, and use of chemical weapons, because it increases the probability of detecting militarily significant violations of the CWC.

And, here he said that:

> While no treaty is 100 percent verifiable, the Chemical Weapons Convention contains complementary and overlapping declaration and inspection requirements which increase the probability of detecting militarily significant violations of the convention. While detecting illicit production of small quantities of chemical weapons will be extremely difficult, it is easier to detect large-scale production, filling and stockpiling of chemical weapons over time through declaration, routine inspections, factfinding, consultation and challenge inspection mechanisms. The verification regime should prove effective in providing information on significant chemical weapons programs that would not otherwise be available.

In conclusion, there has been reference to a classified session tomorrow, which will be held relative to advice from the intelligence community.

Relative to this point, I will only say that the Acting Director of Central Intelligence, George Tenet, has said, "The more tools we have at our disposal, the better off we feel we are in our business." And he said that as part of an acknowledgment that we can never guarantee that a power that signs up to this agreement will not cheat. "No regime is foolproof, particularly with regard to these dual-use capabilities. Nothing is going to guarantee success but," George Tenet concluded, "the more tools we have at our disposal, the better off we are in our business."

I also hope that our colleagues will come to that classified session tomorrow. I am very confident that they will conclude, as I have concluded after listening to the intelligence community, that it is very much in our interest, from an intelligence perspective, that we have these tools in our tool kit, and that these additional verification and inspection capabilities are very, very much in our Nation's interest.

This treaty will enter into force on April 29 whether or not we ratify, but our ratification will make a big difference in the effect the treaty has on us and on our leadership in the world. Is it perfect? No, nothing in life is. Is it an improvement to our present position in terms of inspection of other countries? Surely it is, and we should listen to that top uniformed military official, General Shalikashvili, when he tells us our troops are safer, because if we ratify this convention, it is less likely—not certain—but less likely that they will ever face chemical weapons in combat.

Mr. President, I yield the floor, and if my good friend from Rhode Island is ready, I will be happy to yield him 7 minutes. If there is nobody on the other side, I yield 7 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER (Mr. HAGEL). The Senator from Rhode Island.

Mr. REED. Mr. President, I rise to add my voice to the chorus of support for the ratification of the Chemical Weapons Convention. As a former company commander in the 82d Airborne Division, I have a keen interest in an international diplomatic agreement that will protect soldiers from one of the most terrible perils of war. As a Senator, I believe that the United States has a duty to assume a leadership role in this ambitious, global effort to not only reduce, but eliminate, an entire class of weapons of mass destruction.

U.S. ratification of the Chemical Weapons Convention is a paramount first step in removing the threat of chemical warfare on the battlefield. Soldiers in World War I were the first to know the terror of the release of poison gas. Over 1.3 million soldiers were injured or killed by chlorine and mustard gas during the Great War. This enormous number of casualties led to the negotiation of the Geneva Protocol in 1925 which banned the use of chemical weapons in wartime. Eighty years later, however, young soldiers are still plagued by the dangers of chemical warfare. Many veterans of the Persian Gulf war fight illness and lie awake at night, worrying and wondering, "Was there something in the air?"

But this is not a treaty which will just protect soldiers in a time of armed conflict, it is a treaty which will protect innocent civilians from terrorist attacks. The 1995 Sarin gas attack in a crowded Tokyo subway that killed and injured dozens made this scenario a reality for everyone. It is imperative that we do what is necessary to ensure that such an incident becomes a distant memory rather than a daily fear.

The Chemical Weapons Convention bans the development, production, acquisition, stockpiling, transfer or use of chemical weapons by signatories. It requires the destruction of all chemical weapon stockpiles and production facilities. Parties to the convention must begin to destroy weapons within 1 year and complete the process within 10 years. If we ratify this treaty, we will take an important step toward eliminating the production, storage and use of blister agents, like mustard gas, which destroy exposed skin tissue; of choking agents that inflame the bronchial tubes and lungs and cause asphyxiation; of blood agents that block the circulation of oxygen when inhaled; and of nerve agents that cause the nervous system to overload, resulting in respiratory failure and death. The goal of this treaty is to ensure that these deadly chemicals will never again be dispersed over troops or civilian populations by bombs, rockets, missiles, artillery, mines, grenades or spray.

Chemical weapons are terrifying because they kill quickly, silently, and indiscriminately. Even more disturbing is the fact that their production is easy, cheap and simple to conceal. With a little know-how, a solvent used in pen ink can be converted into mustard gas and a chemical common in pesticides becomes an ingredient in a deadly nerve agent. It must be acknowledged that eliminating chemical weapons is a herculean task. But the Chemical Weapons Convention, which we are finally considering today, addresses this challenge. This treaty is the most comprehensive arms control agreement ever negotiated. It institutes an extensive and intrusive verification regime which will include both government and civilian facilities. International teams of inspectors will conduct instrument-monitoring as well as routine and random onsite inspections of facilities known to work with chemical agents. Furthermore, it allows challenge inspections, without right of refusal, of sites suspected of producing or storing chemical weapons. The convention also requires export controls and reporting requirements on chemicals that can be used as chemical warfare agents and their precursors. In addition, the treaty establishes the Organization for the Prohibition of Chemical Weapons [OPCW], a permanent body which will oversee the convention's implementation and ensure compliance. The enemy is elusive but 162 signatory countries decided this treaty was the best means of waging war against chemical weapons.

In January 1993, President Bush joined dozens of other nations in Paris and agreed to meet the challenge of eliminating chemical weapons by signing the Chemical Weapons Convention. Now some members of this chamber, members of President Bush's own party, are second-guessing that decision. The problem is that if we drag our feet any longer, the United States will be left behind. April 29, 1997 is not an artificial deadline imposed by a political party. One of the provisions of the treaty is that it enters into force 180 days after the ratification by the 65th country, and in 6 days, on April 29, the 74 nations who have ratified the treaty will begin its implementation. If we do not vote to ratify the Chemical Weapons Convention, we will not stop it. In fact, we will not even become a passive bystander. Instead, we will become the target of the trade restrictions that make this treaty so powerful.

Now, no one can say the Senate has not had ample opportunity to consider this agreement. Thirteen years and two administrations ago, President Reagan proposed this treaty to the United Nations. It was approved by the United Nations in 1992 and President Bush signed the convention weeks before he left office. Several months later, President Clinton presented the CWC to the Senate for consideration. The Committees on Foreign Relations, Armed Services, Intelligence, and Judiciary held 17 hearings over three Congresses. The administration has provided the Senate with over 1,500 pages of information. In the past 2 months, the administration and a task force formed by the majority leader have held almost 60 hours of discussion. Twenty-eight additional conditions, statements, understandings, and declarations to the resolution of ratification have been reached. The overwhelming evidence persuasively argues that now is the time to ratify this treaty.

Ratifying the Chemical Weapons Convention complements the existing military strategy of the United States. We are already committed to unilateral destruction of our chemical weapons. In the early 1980's, the Department of Defense declared about 90 percent of our Nation's chemical weapons obsolete. In 1985, Congress directed destruction of these weapons. President Reagan signed the law that would eliminate approximately 30,000 metric tons of blister and nerve agents by the year 2004. Even President Reagan, one of the greatest advocates of a strong military, decided that chemical weapons were not needed to remain the most powerful fighting force in the world.

We have much to gain by ratification. This treaty will force other nations to adopt the same standard as the United States. The monitoring regime and trade restrictions imposed by the convention will make the production and storage of chemical weapons by rogue states infinitely more difficult and costly. The CWC improves our ability to keep our troops safe and makes the enemy more vulnerable by reducing its options of weaponry.

If we do not ratify the Chemical Weapons Convention, we will abdicate our leadership role in the world. As I have said before, the United States initiated this treaty. It was American leadership that led the negotiations through to completion. It would be irresponsible, both to Americans and the world, to abandon the convention on the eve of implementation. If we do not ratify this treaty tomorrow, the United States will not be able to participate in the executive council which will oversee the implementation of the treaty. Furthermore, U.S. citizens will not be eligible to become international inspectors and serve in other key positions. The ratifying countries will be forced to carry on our idea without us, and the United States will have no choice but to stand aside and watch.

Without our expertise and support, the entire convention may be jeopardized. One of the key elements of the treaty is intelligence gathering. The United States has the most sophisticated intelligence network in the world. If our country refuses to participate, we deny our intelligence community the opportunity to tap into new sources of information and we may cripple the verification regime by denying the international community the benefits of our knowledge.

In addition, the United States is the only nation with extensive experience in destroying chemical weapons. We are also the only country investing heavily in research and development to find methods other than incineration to destroy these weapons. Without our advice, participants in the convention risk inadvertent but dangerous accidents and may squander scarce financial resources attempting to reinvent the wheel in learning how to destroy weapons. Furthermore, if the entire international community pools its resources, both intellectual and financial, to discover safe, environmentally sound methods of destruction, the development time would certainly be reduced. If we show reluctance to ratify the treaty, we will undermine the confidence and commitment of the entire international community. It is counting on us to continue to lead the way.

There are critics of this treaty, but their criticism, I think, misses the mark. This will not inhibit our business, it will help our chemical business. This treaty is not perfect, but it is a better tool for controlling weapons than having no treaty whatsoever. We are, I hope, committed to the path of destruction of our own weapons and to ensure that the rest of the world follows this very prudent, indeed, noble course.

Vocal critics of the Chemical Weapons Convention claim that it is fatally flawed. They state that we should not ratify this treaty because we will not be able to verify that chemical weapons are completely eliminated. Of course this treaty is not perfect. But we will have increased our capability to find and eliminate large scale production of chemical weapons which can cause the most damage. The verification regime will also enable us to discover production and storage of small quantities of chemical weapons that we have little or no chance of discovering now. The CWC is not a panacea, but no law or treaty is. It is a tool that can help us solve a problem. Isn't it better to use the tool to try and fix the problem rather than simply admit defeat?

Critics also contend that the treaty cannot be effective until all nations, particularly those who are known to possess chemical weapons, ratify the convention. It will be impossible to convince every rogue state to sign the treaty. It is also safe to say that some who sign the treaty will cheat. But the CWC is designed to isolate and cajole those who do not join. The treaty uses a most effective weapon against rogue states—economics. Trade restrictions will be implemented against these nations and they will soon be unable to acquire "dual use" chemicals which they need for the production of common items. As these nations begin to feel the pressures from shortages, they may find it advantageous to sign the treaty. Trade restrictions are one of the most effective weapons that the international community has.

In an era when balancing the budget is of primary importance, it is not surprising that opponents cite the cost of joining the treaty as a reason for not ratifying it. I cannot dispute that there is a financial price for joining the convention. Most of the costs will be incurred for maintaining the activities of the Organization for the Prohibition of Chemical Weapons [OPCW]. These costs will be apportioned according to a system similar to the one used by other international organizations. In addition, each signatory which destroys its stockpile must repay the OPCW for costs associated with verification. In his budget, the President requested about 20 cents per American to pay for CWC costs, a small price for the elimination of chemical weapons. Furthermore, members of this body can ensure that this cost does not escalate in the future, because the conditions agreed to in the Senate Executive Resolution allow Congress to control future payments by granting it the authority to authorize and appropriate any funds above this level. The cost of the CWC is reasonable, and certainly less than the cost of "going it alone" or entering a battlefield where chemical weapons are being used.

Critics of the CWC claim that American private businesses will bear the brunt of the treaty provisions. However, the U.S. chemical industry, the private business which will be most affected by this treaty, heartily endorses its ratification. Contrary to what some have claimed, the burden on industry has not been discounted or ignored. The major trade associations which represent the chemical industry, like the US Chemical Manufacturers Association, have actively worked with those writing the treaty for the past 15 years. The chemical industry helped develop the confidentiality provisions, the data declarations and the inspection regime. Certain companies even participated in the National Trial Inspections to test the verification procedures outlined in the Chemical Weapons Convention. In addition, the conditions agreed to in the Senate Executive Resolution further protect businesses from unreasonable searches and seizures and the dissemination of confidential information. Less than 2,000 facilities will be affected by the treaty, and the vast majority of these must do no more than complete an annual two page form.

Opponents of the Convention claim they are protecting American business interests. But American businesses seem to disagree. They fear, in fact, that the Senate will not ratify the treaty. Ironically, if we do not make the right decision tomorrow, our chemical companies will become subject to the same trade restrictions that will be imposed on non-signatories such as Libya, Egypt, Iraq, North Korea, and Syria. More than $600 million a year in sales could be lost. Treaty critics are protesting so loudly, they seem unable to hear the voices of the constituencies they claim to protect.

We have overcome many hurdles to reach this point: Years of negotiations among the nations of the world, months of negotiations among the leaders of this Nation. We are finally debating this treaty on the floor of the Senate today because we have agreed to an unprecedented 28 conditions—28 duties, declarations and understandings added to a treaty which was proposed, negotiated and agreed to by Republican administrations. But, unfortunately, five hurdles remain. Five conditions demanded by opponents of this treaty may prevent the United States from assuming its proper role of leadership in an ambitious arms control treaty. These conditions unacceptably compromise the treaty and the ability of the United States to participate in its implementation. These conditions are simply not fair play. Every member of this body has a right to oppose this treaty. They can voice their opposition by voting against it and their opinion will be respected. But hobbling the ability of the United States to ratify the Chemical Weapons Convention strikes an unwarranted blow to international arms control and our political process. I urge my colleagues to vote against these five killer conditions.

Mr. President, 34 years ago, President John F. Kennedy undertook the challenge to convince the Senate and the people of the United States of America should ratify the Limited Test Ban Treaty. The same questions were raised about verification, about the reliability of those who might sign the treaty or who might not sign the treaty. In a nationwide television address, President Kennedy reminded us:

> We have a great obligation . . . to use whatever time remains to prevent the spread of nuclear weapons, to persuade other countries not to test, transfer, acquire, possess or produce such weapons.
>
> According to the ancient Chinese proverb, "A journey of a thousand miles must begin with a single step." My fellow Americans, let us take that first step. Let us, if we can, step back from the shadows of war and seek out the way of peace. And if that journey is a thousand miles, or even more, let history record that we, in this land, at this time, took the first step.

Complementing the President's words, though, were the words of a very wise, distinguished statesman of the Chamber, Senator Everett Dirksen of Illinois. In September of that year, 1963, he came to this Chamber and began a speech, but threw the pages away and spoke spontaneously from his heart and said:

> A young President calls this treaty the first step. I want to take a first step, Mr. President. One my age thinks about his destiny a little. I should not like to have written on my tombstone, "He knew what happened at Hiroshima, but he did not take a first step . . ."

We know what happened in World War I with poison gas. We know what happened in the Tokyo subway with sarin gas. Let us not have it said on our tombstone that we knew but were unwilling to take a first step. Let us, like the statesmen before us, take a first step to control weapons, to reduce weapons, to provide a more peaceful, a more dignified world.

Mr. President, I hope we will take that first step and discharge our obligation to the world and to the citizens of this great country.

On the eve of the vote to ratify another historic agreement, one that seeks not just to limit weapons of mass destruction, but eliminate them, the words of President Kennedy and Senator Dirksen still ring true. We have an obligation to take the first step. Let us do so.

I yield back my time.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina.

Mr. HELMS. Mr. President, I listened in amazement to some of the statements being made today about a nonexistent treaty. The treaty before us I understand, but I do not understand the descriptions that some are indicating that they believe are accurate.

Furthermore, I was astonished at the number of companies that will be required to provide annual business information and undergo routine annual inspections under this arms control treaty, and that is what it is, an arms control treaty.

The Chemical Weapons Convention, so-called, will affect companies engaged in coke, coal, steel production, mining, crop protection, fertilizers, paper production, wood preservation, chlorine manufacturing, color pigments, paint, ink, die stuff production, speciality coatings, powder and roof coatings, plating and packaging, compressed gas, cosmetics, toiletries and fragrances, drug chemicals manufacturing, pharmaceuticals, plastics, textiles, custom chemicals, food, wine, beer, processing and electronics, among others.

The list I just read, as long as it is, is not all of them. So anybody sitting in television land listening to this conversation in the Senate today, I suggest, as the saying goes, wake up and smell the coffee and give some thought about what is going to happen to the business community if, as and when this treaty is ratified.

It is not an ethereal thing that is floating through the air, dropping little rose petals, it is something that can bollix this country up. And yet what you hear from so much of the media and so much of the White House and other proponents of this treaty is simply not so.

I note, however, that even this long list does not cover companies likely to be affected by the CWC, and I simply do not believe it advisable for the Senate to learn belatedly the far-reaching implications of this treaty for businesses of all kinds across the United States of America. As the April 15, 1997, hearing, recently, before the Senate Committee on Foreign Relations demonstrated, compliance costs—compliance costs, the cost of complying with this treaty—will place a massive new regulatory burden upon so many companies who don't even know it is going to hit them, along with an unprecedented onsite inspections and data declarations that may very well compromise trade secrets vital to the competitive edge of many, many businesses.

So you see, we are dealing with a lot of untrue, inaccurate statements. I am not saying everybody is deliberately distorting the facts. In the media, they do not know what it is all about. I did see Helen Dewar the other day sitting down and having lunch reading the treaty. Bless her heart, she was trying. She looked up and said, "I'm trying to understand this." Well, Helen Dewar is a great reporter with a not so great newspaper, but she was sitting there eating her lunch with the treaty before her.

I would like to take a poll of all the people who have commented on this treaty and see how many of them have even looked at it. That is the problem. That is the problem. But at our hearing the other day, a number of companies, including two members of the Chemical Manufacturers Association, provided testimony relating to rising concerns about the chemical weapons treaty.

Now, then, here is a fact, indisputable: Companies will have to bear an entirely new reporting burden beyond anything required by, say, the Environmental Protection Agency or the Occupational Safety and Health Administration or the International Trade Commission or the Census Bureau—and just name the various State and local agencies that require reports.

Nobody says that on Pennsylvania Avenue about those reports, about the paperwork. Oh, no, we are not going to mention that because they might ask us too many questions. That is precisely the problem. Everybody has been dancing around the truth on this treaty. As a consequence, too few Americans understand the scope of it.

For those businesses that are covered, current reporting thresholds are much higher than those required under the CWC. Some regulations require only prospective rather than retroactive reporting. Moreover, several environmental regulations—how do you like them apples?—will apply to the chemical producers but not to processors or consumers. And reporting deadlines for the chemical weapons treaty are shorter and will require more frequent updates than estimates currently required by the EPA.

So, if you would like to file reports with the EPA, you will file more reports with this chemical weapons treaty. The regulations imposed by EPA and OSHA and all the others, in 1992 alone, 1 year, cost the chemical industry approximately $4 billion—$4 billion with a "B"—$4.9 billion.

Now, isn't it a bit incredible that one major chemical manufacturer employs 1,700 of its 50,000 personnel for the sole purpose of satisfying Federal and State requirements for environmental and regulatory data? That is why, Mr. President, I am concerned that while large, international chemical industries such as those represented by the Chemical Manufacturers Association may be able to afford the cost of the new regulations as a result of the ratification of this chemical weapons treaty, these same requirements will be proportionately far more burdensome for small businesses. That was the point that Don Rumsfeld, former Secretary of Defense, made when he appeared before the Foreign Relations Committee. But that was kept a secret by the news media. They hardly touched on anything that the four former Secretaries of Defense came and testified to. Well, let me correct that. One of them, it was delayed at the last moment, sent a letter.

Now then, there are roughly 230 small businesses which custom synthesize made-to-order products and compete with the large chemical manufacturers. They generally have fewer than 100 employees. They are small businesses, and they have annual sales of less than $40 million each.

Few, if any, of them can afford to employ the legions of lawyers just to satisfy the new reporting requirements of this chemical weapons treaty. Nobody talks about that. Sandy Berger down at the White House has not even mentioned it. He is telling TRENT LOTT and all the rest what to do. Yet, Bob Dole writes letters, but they did not talk about the details of the impact and the burden to be piled on the small businesses of America.

It will not be reported in tomorrow's paper. You will not hear a thing about it unless you are looking at C-SPAN. That is one thing wrong with this country today—no warning is given the American people about some of the actions and some of the proposals that come up in the Congress of the United States.

Mr. President, equally as important, Senators should be careful to note that the onsite inspection provisions of the CWC increase the potential for compromising proprietary information which is offered as the very basis for a company's competitive edge. Many companies will not survive if they had to do without their competitive edge.

While it may be difficult to assess the potential dollar losses associated with the inspections under the chemical weapons treaty, it is clear, Mr. President, it is absolutely clear, that information gleaned from inspections and data declarations could be worth literally millions and millions of dollars to foreign competitors. You better believe that they will be digging for it every time they get a chance. So that is what some of us have been talking about and some of us have been pleading, let us get this thing straightened out before we make the mistake of ratifying this treaty.

Let me tell you something. I do not enjoy having my shirttail on fire in the newspapers and on television about opposing a treaty that the newspapers and the television programs say is a wonderful treaty. But I stood there, as I said earlier this afternoon, five times, and I have taken the oath of office as a Senator. A part of that oath, I say to you, Mr. President, is to support the Constitution of the United States, defend it, and defend the American people. I have done my best to do that for every year that I have been here.

So as Don Rumsfeld, the former Secretary of Defense, emphasized in his testimony during his appearance, which was unnoticed by the news media, his appearance before the Foreign Relations Committee, Don Rumsfeld emphasized that the greatest threat is not—is not—to the large, diversified chemical manufacturers who have the lobbyists lobbying for this treaty—you fall all over the lobbyists—but it is going to be the threat to other companies that are trying to concentrate on a single market or a particular technological nature.

A company whose profitability and economic survival derives from the cost or quality advantage in one type of process will be particularly vulnerable to industrial espionage.

One other thing. For some companies even visual inspection might reveal a unique process configuration of great value to a would-be competitor.

While big chemical businesses routinely undergo Federal inspections, the chemical weapons treaty will allow a whole cadre of international inspectors from countries routinely engaging in economic espionage to inspect hundreds of facilities around the United States on a recurring basis.

Among the companies potentially hardest hit by treaty inspections will be those companies that engage in technologically intensive applications, such as the biotechnology and pharmaceutical sectors as well as the manufacturers of commercial and military aircraft, missiles, space-launch vehicles, and other equipment of a highly sensitive nature. The economic integrity of these companies is essential not only to the economic stability of the United States, don't you see, but in many cases to our future national security.

I, for one, was not surprised to have discovered that the Aerospace Industries Association stated in a March 13, 1997, letter to the majority leader of the U.S. Senate:

> We are very concerned, however, that the application of the Convention's reporting and inspection regime to AIA member company facilities could unnecessary jeopardize our nation's ability to protect its national security information and proprietary technological data.

At this point I am going to pause so that Senator BROWNBACK can be recognized.

We had several of those favoring the treaty in a row, and I think it is fair for Senator BROWNBACK to be recognized—for how long?

Mr. BROWNBACK. Seven minutes, if I could.

Mr. HELMS. Seven, eight minutes. I yield to the Senator for that purpose.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. I thank the Senator from North Carolina for yielding to me for a few minutes to discuss this critical issue in front of the U.S. Senate, the Chemical Weapons Convention.

I would like to state at the very outset of my statement that I would like to be on record that as to the earlier vote we had today of supporting the CWC treaty that came to the floor earlier, that we had an oral vote on, that I support that treaty. I support it. And I will go into the reasons why I supported that and why I will have problems ultimately voting for it if we do not hold tightly to what hit the floor earlier.

Mr. President, I just want to talk about this as a couple people would perhaps talk about it if they were sitting somewhere across this country, somewhere in my State of Kansas, and how they look at the Chemical Weapons Convention.

I think they would sit down and ask themselves: If we enter into this Chemical Weapons Convention Treaty, will it be less likely for chemical weapons to be used in the world or will it be more likely for chemical weapons to be used in the world? It seems to me that that is the real crucible that we have to decide this under: Is it more likely or less likely if we enter into this treaty?

I take this treaty obligation very seriously. I chair the Middle East Subcommittee for Foreign Affairs, the region of the world where perhaps you have the most concentration and the most potentially recent use of chemical weapons happening in a battle situation. This is a very important issue in that region of the world. It is a very important issue in the United States as far as, are we going to be able to rid the world of these terrible, horrible weapons of mass destruction? I take that very seriously. So I have sat and I have visited with a number of people, experts on both sides.

On Monday I did maybe an unusual thing for a Senator. I read the treaty. The parts of it I had not read, I have now read the treaty. I need to get on through the attachments, but I have gone through this. I have looked at the arguments. I have looked particularly at the problems. I have looked at the overall good aspects of it, and I want to say that I do strongly support the objectives of the Chemical Weapons Convention. We must oppose the use and existence of chemical weapons. There is just no doubt about it. They are an abomination that needs to be removed from the face of the Earth. We all agree on that.

But it is actually for that reason, however, that I have some great difficulties with one particular provision—a number of them within the treaty actually, but one in particular. That is article X of this treaty. It is for that reason, if that is left in this treaty, I do not think that I can support the overall vote, if article X is left in.

Let me say why. The Chemical Weapons Convention, if that is left in, I believe will have the exact opposite of the intended effect. And that is, as I said at the outset, are we going to have more chemical weapons used or less? If article X is left in, I fear greatly we are going to have more use of chemical weapons taking place even though the purpose is exactly the opposite.

Let me say why. Article X requires nations to share defensive technology regarding chemical weapons. It is something that has been discussed at some length. The particular paragraph reads this way:

> Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

In other words, we are going to be sharing technology, particularly defensive technology, which is very high technology in many of these areas. I fear that that technology is going to more easily get into the hands of rogue nations, like Iran. I am very concerned about their getting weapons of mass destruction.

We had a hearing last week in the Middle East Subcommittee regarding the threat and the expansion of Iran's capacity for mass destruction. The Chinese—and this is unclassified information—have sold precursor chemical weapons to the Iranians. This has in fact occurred. They do not use that without defensive technology to support their own troops, yet this treaty will make the possibility of their getting that defensive technology more likely, if not even ordered within the treaty.

You can say, wait a minute. That is just your interpretation. Well, let us look at what Secretary Cheney has said on this, former Defense Secretary Dick Cheney, an admirable man, who served in the House of Representatives, also in the administration under President Bush. He says this about this treaty:

> [the] obligation to share with potential adversaries like Iran, chemical manufacturing technology that can be used for military purposes and chemical defensive equipment, threaten to make this accord worse than having no treaty at all.

Then he is joined, of course, as you know, by former Defense Secretaries Schlesinger, Weinberger, Rumsfeld, and others.

Now you say, well, this is not going to happen. That is just not going to occur. We are not going to have people selling them this sort of technology, either us or other nations. And maybe we will not do it. But will other nations then step forward and sell this defensive technology? You say no, that will not happen. There have been people already pointing out the fact that actually that has already occurred under some previous treaties—the Nuclear Non-Proliferation Treaty being one where the Russians now cite to us that treaty as a reason for them to sell nuclear production capacity to the Iranians, citing the very treaty we entered into to stop this from taking place and that is used back against this to try to expand. And now the Iranians having this capacity, we are trying to stop this nuclear generator from getting fully online for the Iranians. And the Russians cite a nonproliferation treaty that they have to share this technology with the Iranians.

That certainly is not the intent. I am very fearful we will repeat the same mistakes of history here. We have to stop the abomination of chemical weapons. We have to stop it in the United States. We have to stop it in the world. We have to stop the abomination of these weapons of mass destruction, these terrible weapons of mass destruction being used. The way to do that is to have a CWC treaty that actually does it and doesn't spread their use. And striking article X is the way to do that. With that, even though the treaty has a number of other problems, it is supportable. Without that, I actually fear the opposite will occur.

And with that I would like to yield back the time.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. In 30 seconds, I will yield 12 minutes to my friend from Pennsylvania.

Mr. President, I am holding up in my hand here a declaration form for those firms that face reporting requirements for production of discrete organic chemicals, which applies to about 1,800 firms. It is three pages long. I will at a later time read into the RECORD what it asks for to show you how non-onerous it is.

On one of the pages of instructions, on the bottom of the page, it says,

> You do not have to declare unscheduled discrete organic chemical plant sites that produce explosives exclusively, produce hydrocarbons exclusively, refine sulfur-containing crude oil, produce oligomers and polymers, whether or not containing PSF, and produce unscheduled discrete organic chemicals via a biological or bio-mediated process.

This eliminates thousands of firms, hundreds of firms at least. And so this is not nearly as onerous as it was made out to be in my humble opinion.

I now yield with the permission of my colleagues 12 minutes to the distinguished Senator from Pennsylvania, Mr SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I thank my colleague from Delaware for yielding me this time. I have sought recognition to voice my support for the pending treaty and to give my reasons.

Long before the current debate on chemical weapons, in my college thesis, which I wrote back at the University of Pennsylvania in 1951, on United States-Soviet relations, I was convinced by Prof. Hans Morganthau's dictum that "the objectives of foreign policy must be defined in terms of the national interest and must be supported with adequate power."

As a U.S. Senator, I have long advocated a strong national defense and have worked to shape a comprehensive arms control agenda for the United States as one arrow in our overall defense quiver.

Ten years ago, in 1987, in Geneva, Switzerland, I was an observer to the U.S.-USSR nuclear disarmament talks. That year I debated extensively with many of my colleagues in the Chamber the need for a broad interpretation of the Anti-Ballistic Missile Treaty, ABM. Many of those whom I opposed at that time I now side with on the current issue. I still believe that the approach for a broad interpretation to give the United States additional power, an approach advocated by President Reagan, was necessary and still remains necessary to provide security for our Nation.

From my experience on the Senate Defense Appropriations Subcommittee, I have observed that strength is the best guarantor of peace and that prudent arms control can provide an important basis for such strength. From my work as chairman of the Senate Intelligence Committee, I have seen the wisdom of President Reagan's view that verification not trust is the realistic basis for arms control.

Verification is an important issue in this treaty. It is true that this treaty does not guarantee verification and no treaty has or can guarantee absolute certainty on verification. However, ratifying this treaty gives us far greater opportunity to verify through inspections, data collection, and establishing a norm for chemical arms reduction.

Mr. President, I adhere to my position on the need to secure a strong defense for America. It is my belief that the Chemical Weapons Convention will complement the existing components of our foreign policy which includes our arms control treaties. As we continue to work to protect our troops abroad and our citizens at home from the threat of weapons of mass destruction, arms control is an important ingredient of a sound foreign policy.

Critics of the Chemical Weapons Convention say the treaty provides a false sense of security. On the contrary, no Senator has ever suggested that a single treaty standing alone would adequately deter aggressor nations. The Chemical Weapons Convention is not perfect but we can build on it as a parameter for dialog. Ratification certainly does not mean that we are going to rest on our laurels. The United States did not stop moving forward with strengthening our national defense while we negotiated arms control agreements with the Russians such as the ABM Treaty, SALT I, and SALT II. In this combined approach we were successful. The nuclear threat today is dramatically lower than it was a decade or two decades ago, and arms control agreements are a critical part of that strategy.

Similarly, we must not stop at mere ratification of the Chemical Weapons Convention in our quest to destroy existing and prevent the production of new chemical and biological weapons. One area of the treaty critics often point to as being particularly detrimental to the United States is the search and seizure provisions of the Chemical Weapons Convention which they claim is unconstitutional.

This is a subject that I have worked on extensively since Mapp versus Ohio came down in 1961 imposing the burden on States not to admit evidence seized as a result of an unconstitutional search and seizure. At a time when I was an assistant district attorney in Philadelphia and later as district attorney of Philadelphia, I worked on these issues very, very extensively. Under this treaty, an international inspection team would be allowed to search a U.S. facility to determine whether or not a chemical agent is being diverted to use in noncompliance with the treaty. Similarly, that obligation, that inspection would be available for other nations.

After careful review of the provisions of the treaty, I am personally confident that the language does not conflict with the fourth amendment of the U.S. Constitution but, rather, is in accord with that amendment. The language on search and seizure as negotiated by the administration and Members of the Senate states that in cases where the search is challenged, the U.S. Government will first obtain a criminal search warrant based upon probable cause. So that in any situation of challenge, the search will have to measure up to the tough criminal standard. In cases of routine inspection, the U.S. Government will obtain an administrative search warrant from a U.S. magistrate judge.

Through the months preceding this debate, opponents have raised a number of issues. These include suggestions that the treaty plays into the hands of rogue nations like Libya and North Korea, that it facilitates the transfer of military chemical technology to aggressive countries and prohibits our troops from the use of riot control agents.

There is now agreement on these issues among all the parties involved in negotiating the set of conditions now contained in the proposed resolution of ratification. The Chemical Weapons Convention will actually make it more difficult for rogue states to make chemical weapons. The treaty has prohibitions in place to prevent industrial espionage. Concerning riot control agents, the treaty sets sound guidelines on what agents may be used and when such agents may be used.

As we debate the merits of the treaty and consider the outstanding amendments, I remind my colleagues of the importance of bipartisanship in foreign affairs. We have traditionally said that politics stop at the water's edge and bipartisanship in foreign affairs is of critical continuing importance. It is the role of Senators to shape a climate of bipartisan support for treaties of this magnitude. To work with the administration and our colleagues to craft an agreement that will serve the needs of the United States in both the long and short terms. Two of our noteworthy predecessors, giants in the Senate, one Republican and one Democrat, Senator Arthur Vandenberg and Senator Scoop Jackson exemplify how bipartisanship can work to the betterment of our country. Their willingness to look beyond the confines of partisan politics provides the model for us today as Republicans to support the ratification of the Chemical Weapons Convention.

And I note, Mr. President, the statement today made by our former majority leader, Senator Robert Dole, in support of the treaty.

There is another much more recent example of why ratification of the treaty falls outside traditional partisan politics and that is the potential use of chemical agents against U.S. troops. This is an issue about which I am all too familiar. As former chairman of the Senate Intelligence Committee and as the current chairman of the Veterans' Affairs Committee, I have chaired several hearings on gulf war syndrome. I have traveled extensively throughout Pennsylvania and have heard from gulf war veterans who have been unable to explain the cause of their illnesses. And many gulf war veterans across the Nation echo similar complaints. Believe me when I say that their suffering is very real.

Last year, this issue was addressed in great detail at a joint hearing of the Senate Intelligence Committee and the Veterans' Affairs Committee. This year a number of hearings have been held both in Washington and across Pennsylvania. And more recently, a few days ago, on April 17, Gen. Colin Powell testified before the Veterans' Affairs Committee on this important matter. While we can still not verify the cause of these illnesses, there are indicators that American troops may have been exposed to chemical agents. During the course of the hearing with General Powell, I asked him what effect if any the Chemical Weapons Convention would have had on Iraq if the United States had ratified the treaty before the gulf war and the treaty would have been in effect.

We will never know with certainty the answer to that question. Iraq is a rogue nation, and it is difficult to imagine them as signatories. But General Powell was quick to point out that the Chemical Weapons Convention works to strengthen America's hand.

He noted, "In the future, when we deal with rogue states or with signatory states, we will be speaking from the position not of unilateral American action, but with the support of most of the nations of the world."

I suggest to my colleagues that it is a matter of considerable importance in protecting American troops from the ravages of chemical warfare, which the gulf war troops may have been exposed to.

Now, we must ask ourselves, if we had this treaty in place beforehand, would we have at least averted or minimized the effects of chemical agents on our troops? We will never know the answer to this question with certainty, but we owe it to our Nation to reach out for every possible means of reducing the threat of chemical and biological weapons. United States ratification of the Chemical Weapons Convention, however, may certainly constrain the further development of chemical weapons by countries like Iraq.

Mr. President, it is obviously impossible to craft a comprehensive treaty that meets the satisfaction of all people. I respect those who have spoken against the treaty. I disagree with them, but I respect the sincerity of their views. Yet, with the appropriate assurances given about some of the finer points of the treaty on objections which have been raised by opponents, most of which have been satisfied, on issues such as constitutional rights, we as a Nation, I submit, should take the moral high ground. We should ratify the treaty, or we will be categorized with the likes of Iraq and Libya. I am not advocating that we ratify the Chemical Weapons Convention instead of pursuing other forms of protection. But it is one important point of protection. The Chemical Weapons Convention is just one more tool for the United States as we work toward a more vigilant defense for our Nation. We have come a long way in making this treaty work for the best interests of the United States of America.

I urge my colleagues in the Senate to vote to ratify this convention.

(The remarks of Mr. SPECTER pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BIDEN. Mr. President, in the spirit that these negotiations began with me and the chairman of the committee and Senator KYL, we have continued that spirit. The next speaker we have is undeclared. So we have agreed for a total of 7 minutes he will get. We ask unanimous consent that 3 ½ minutes be taken out of the time of the Senator from Delaware and 3 ½ minutes out of the time of the Senator from North Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Further, Mr. President, before I yield the floor to my friend from Washington State, we are trying to work out a unanimous-consent agreement on the total 10 hours. I am not propounding such an agreement. But we are hoping we can work out an agreement, whereby in the closed session tomorrow, the so-called secret session that will take place tomorrow, which will be a 2-hour session, that that time not be counted against the 10 hours in the UC for debate on chemical weapons.

Again, I will leave it in the able hands of my friend from Arizona to determine whether the Republican leader is amenable to that, but colleagues who may be listening hopefully were able to do that. The reason I stand up to say that, if they are not, each of us only have about 55 minutes left tomorrow in this process. So for the colleagues who wish to speak, I want them to understand that I am not going to have the time to give them if in fact this doesn't happen. This is by way of disclaimer this evening, so tomorrow morning my colleagues won't come in and say: Joe, you promised me time.

I think we can work it out.

Mr. President, we now yield a total of 7 minutes, 3 ½ from each side, to the distinguished Senator from the State of Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, I thank my colleagues. I want to introduce my remarks by expressing my view that this has been a remarkably thoughtful and important debate in the finest traditions of the Senate, not only here on the Senate floor but during the months leading up to it. Perhaps one of the reasons for that is that all Members are united in detesting the use of chemical weapons, divided only by their views on how best to succeed in reaching that goal, and working toward reaching that goal with a high degree of good will and accommodation to one another. So, essentially, from the beginning, the only real question has been: Does this convention advance or inhibit the cause of limiting or eliminating the use of chemical weapons all around the world?

Mr. President, at the very beginning of the debate when the convention was first submitted to the Foreign Relations Committee, I was inclined to fall on the side of that debate that said that the convention probably was worse than nothing because of the overwhelming false sense of security it created, a sense of security that it could not match in its provisions on a wide range of activities attempted to be covered by it.

But as we vote tomorrow, Mr. President, I don't believe we are going to be voting on the original bare bones understanding of the convention. The administration and the proponents on this floor have agreed to some 28 conditions, or explanations, or interpretations of the convention, each of which has contributed to a greater degree of comfort with the balance of the convention and its ratification. Three are particularly important to me. One measure ensures that the Chemical Weapons Convention does not lead to a false sense of security—a false sense that is going to be there no matter what we do, but is at least limited by some specific promises on the part of the administration.

Second, the clarification of the affect of the convention on the use of riot control agents.

Third, and vitally important to us and to our constitutional rights, are the fourth amendment protections against unreasonable searches and seizures.

That is not to say that the other 25 conditions aren't important, Mr. President, but these 3, at least, have been particularly significant, in my view, as I have listened to both sides during the course of this debate.

Nevertheless, I am not yet willing at this point to commit to voting in favor of ratification because of my deep concerns with articles X and XI of the convention, and the proposition that they might well force the United States to share technologies and allow the world, by its sale of chemicals, to a far greater extent, and those technologies and chemicals may be sold at least by responsible and free nations in the world today under the aegis of the Australia Group.

It would be ironic indeed if, in the guise of passing a treaty or a convention to lessen the opportunity for the use of chemical weapons in the future we actually enhanced it by assisting those nations that are willing to sign the convention but which, like Iran, have shown, without the slightest ability to contradict the proposition, that they do not regard any treaty, any convention, as binding on them, and who are more likely than not to use the convention to advance their own ability to violate it.

And so, Mr. President, as I make up my own mind during the course of the next 24 hours, it is the impact of articles X and XI that cause me the greatest degree of concern. I don't believe that we can simply strike them from the treaty. That vote tomorrow seems to me to be the equivalent of saying, no, of killing the convention in its entirety. I do believe, however, that we should continue to work toward clarification and understandings on the part of the administration, as I know the majority leader is doing in this, as he has in many of the other questionable elements of this convention, so that we can be assured that the United States at least will not be required to do something that will undercut its own security and that of its friends and neighbors by the convention, that it is not required to do in the absence of that convention.

So if my concerns with respect to the actual impact in the real world of articles X and XI are met, I will vote to ratify the convention. If they are not, it will remain, in my mind, a situation in which the convention increases our danger rather than obviates them.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I yield myself 7 minutes in accordance with the understanding on the floor now.

The PRESIDING OFFICER. The Senator is recognized for 7 minutes.

Mr. LAUTENBERG. Mr. President, while the Senate debates one of the most important arms control treaties in our history, various issues come into play. It is obvious that the Chemical Weapons Convention will ban an entire class of weapons of mass destruction. It prohibits the full spectrum of activities associated with the offensive use of chemical weapons, including development, production, acquisition, stockpiling, and assistance to anyone engaging in these activities. It requires that the destruction of chemical weapons begin within 1 year and it be completed within 10 years.

Mr. President, there is no doubt in my mind that the United States should join a treaty we helped to shape and which enhances our security. I am going to vote for it. Now, with the Chemical Weapons Convention and our leadership, other nations will follow the lead that we set years ago by giving up chemical weapons.

Rogue nations and terrorist countries will have a harder time acquiring or making chemical weapons, and new tools will be available to prevent and punish them if they try. That is a noble goal.

One of the arguments that we have heard against ratifying the Chemical Weapons Convention is that it will force some industries —one in particular—to bear an unusual burden. I want to address this for a few minutes because I don't believe it is true. To the contrary, the chemical industry will bear an undue burden if the United States fails to ratify the CWC. I want to explain why.

If the Chemical Weapons Convention goes into effect without the United States a party, strict trade restrictions designed to pressure rogue states to join the convention would spell disaster for the U.S. chemical industry. Reasonably enough, neither Presidents Reagan nor Bush ever foresaw that the U.S. Senate might decide to place the United States outside of the treaty, along with countries like Iraq, Libya, and other rogue nations.

But the fact is that treaty provisions prohibiting members from trading with nonmembers in certain chemicals that have both commercial as well as military uses would put at risk as much as $600 million a year in two-way trade by American chemical companies, and many jobs.

I will repeat that. Should the U.S. Senate fail to ratify the treaty, as much as $600 million a year in American export and import sales would be placed at risk as a result of sanctions against American companies.

On April 15, Fred Webber, who is the president and CEO of the Chemical Manufacturers Association, testified in support of this treaty. He said:

> The industry I represent is America's largest export industry, with over 1 million American jobs * * * we know how this treaty affects our commercial interests. * * * We began with many of the same concerns about the treaty that have been voiced here. We worked hard to protect U.S. industrial interests, especially proprietary information.
>
> We helped develop the protocols guiding the treaty's inspection and recordkeeping requirements, and we put those protocols to live-fire tests over and over again. * * * In summary, we believe the treaty is not a threat to U.S. business.

Not only does the CWC have the support of the Chemical Manufacturers Association, which represents 193 chemical manufacturing companies, accounting for more than 90 percent of the Nation's productive capacity for basic chemicals, it has the support of the Chemical Industry Council of New Jersey and the Synthetic Organic Chemical Manufacturers Association, with over 260 member companies.

It also has the support of the Pharmaceutical Research and Manufacturers of America and its 100 plus member companies, and the Biotechnology Industry Organization and its 650-plus member companies and affiliated organizations. It has the support of the Council for Chemical Research, the American Crop Protection Association, the American Institute of Chemical Engineers, and the American Chemical Society.

Mr. President, the point I am trying to make is simple—the Senate cannot refuse to ratify the CWC in the name of industry. American industry supports this treaty. It does not believe it places an unfair burden on companies in this country.

In fact, U.S. companies view the convention as an asset because it offers a way to dissociate themselves from chemical weapons production and to be good corporate citizens by helping to eliminate these abhorrent weapons.

American industry even participated in the treaty negotiations and helped write the rules covering inspections and confidential business information. Its top priority during the negotiations conducted by the Reagan and Bush administrations was ensuring that any burdens on business would be reasonable and that trade secrets would be protected. To ensure that the protections against unreasonable searches and seizures and industrial espionage would be strong, the chemical industry tested the treaty during seven full-fledged trial inspections at chemical facilities. It ensured that warrants would be required when a company would not consent to a search and that the treaty would protect sensitive equipment, information, or areas not related to chemical weapons during a challenge inspection. For most companies in this country—more than 90 percent of the 2,000 American companies that will be covered by the treaty—the treaty will require them to do little more than fill out a two-page form once a year. Only about 140 companies are likely to be subject to routine inspections.

In addition to the protections negotiated by industry and already in the treaty, the Senate will be adding five additional protections.

Under additional conditions that will be added by the Senate, if an employee of the Organization for the Prohibition of Chemical Weapons willfully discloses U.S. confidential business information that causes financial harm to a U.S. business, the President is required to withhold half of the U.S. contribution to the organization until that employee's immunity from prosecution is waived. This will serve as a deterrent to breaches of confidential information.

To reduce the risk of industrial espionage, samples collected during inspections in the United States cannot be analyzed in a foreign laboratory. The President would be required to certify annually that the CWC is not significantly harming the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms.

The Senate would support the provision of assistance to U.S. business by the On-Site Inspection Agency. And, the Senate would be informed promptly of the proposed addition of a chemical to any of the CWC's schedules and the anticipated effect of such a proposal on U.S. industry.

Mr. President, this treaty enhances America's security. It is the right thing to do, and I urge my colleagues to ratify it without delay.

I hope that my colleagues will stand up and say this is good for America, that it is good for humanity, and that they will ratify this treaty without delay.

I thank the Chair. I yield the floor.

Mr. KERREY. Mr. President, I rise today in support of the Chemical Weapons Convention. While some of my colleagues may have other means of measuring this convention, I believe when we consider any arms control treaty, the main concern must be how it will affect our national security. I support this treaty because, on balance, our Nation's security will be vastly improved in a world where chemical weapons are outlawed than in a world where the possession of these horrible weapons remains an acceptable practice.

I believe it is important for all in this Chamber and for the public at large to realize that today the United States is committed to destroying all of our chemical weapons. Under a law passed by Congress and signed by President Reagan in 1985, we will destroy all of our chemical weapons stockpile by the year 2004. Further, in 1991 President Bush committed the United States to banning chemical weapons and foreswore their use even in retaliation upon the Chemical Weapons Treaty entering into force.

Many of those who have spoken out against this treaty imply that possession of chemical weapons is the only deterrent against a chemical weapons attack by an adversary. However, in the judgment of our political and military leaders, our Nation does not require chemical weapons to defend our Nation. In fact, the United States has already begun the process of destroying all our chemical weapons. Our Nation reserves the right to retaliate against a chemical weapons attack with overwhelming conventional force or any other means at our disposal. The United States can and will defend itself against any foe armed with a weapon of mass destruction. We do not need these ghastly weapons to ensure the safety of our military personnel and our Nation.

Mr. President, I also believe it is important to note this treaty was negotiated and signed under two Republican Presidents and transmitted for ratification under a Democratic President. The Chemical Weapons Convention is an example of how U.S. foreign policy can be bipartisan and how both parties can act outside the shadow of political maneuvering when it is in the best interests of our Nation. Presidents Reagan, Bush, and Clinton realized the benefits we receive under a treaty banning the possession of chemical weapons could far outweigh any costs incurred by our industries and Nation.

No treaty is perfect. As with other treaties, the Senate has included conditions to the resolution of ratification which I believe strengthen this accord. But opponents of the convention have added five conditions meant not to improve but to kill the treaty. These five provisions must be struck from the treaty if we are to receive the national security benefits the CWC offers our Nation.

The opposition to this treaty centers on three questionable and contradictory points. First, opponents state that since this treaty is not absolutely verifiable, the U.S. Senate should not ratify it. Second, contradicting the first point, opponents state this treaty's verification regime, while not strict enough, nevertheless places too much of a burden on our chemical industry. And, third, opponents state that since rogue nations may either not join the Chemical Weapons Convention or will not comply with the treaty once they become signatories, this treaty does not further our national security interests. I believe they are wrong on all points.

No treaty—be it an arms control treaty, a trade treaty, or a humanitarian treaty—is completely verifiable. If absolute verifiability is the marker, no treaty could attain that ideal and our Nation would never experience the varied benefits we now gain from treaties such as the SALT Treaties, the START Treaties, GATT, NAFTA, the Convention on Fishing, or the Convention on Literary and Artistic Copyrights. Absolute verification should not be the measure of the CWC or any other treaty. Instead of insisting on absolute verification, our Nation has realized the strength of a treaty lies in the enforcement of the treaty and the measure to be taken if a party violates a treaty. America's treaties work because our treaty partners know the full power of the United States lies behind the conventions and we do not hesitate to protect our national interests by enforcing their provisions.

When considering ratification of an arms control treaty, the question must be whether on balance the verification system is strong enough to significantly increase our national security. It is a simple fact that the verification measures included in this treaty are the most stringent and most intrusive of any multilateral arms control agreement currently in place. While still not powerful enough to allow searches of every warehouse, laboratory, or garage in the world, the means to be employed under the CWC are the most thorough and most rational ever to be included in a multilateral international agreement.

The Reagan, Bush, and Clinton administrations all realized the nature of chemical weapons and their production created the need for a stringent system to verify compliance with the CWC provisions. And yet, some safeguards and limitations on the verification system would have to be put in place in order to protect companies engaged in legitimate chemicals from unwarranted hardships. Under President Bush's direction, the proper balance was struck between the strength and rigors of a verification regime on one hand and the intrusiveness of that same system on our industry and Nation on the other. Under the Chemical Weapons Convention, measures are in place which will severely increase the likelihood an illicit producer of chemical weapons will be caught while ensuring that any company that produces or uses potentially dangerous chemicals will not be unnecessarily burdened.

Mr. President, some opponents argue that the treaty has it wrong both ways—they claim it is not intrusive enough to be completely verifiable and also claim the costs incurred by industry are too great under the verification regime. While the nature of all treaties makes them correct on the former point, since no treaty can reasonably be considered absolutely verifiable, the Chemical Manufacturers Association, which represents hundreds of chemical companies, and hundreds of individual chemical companies on their own have expressed their support for this treaty.

If the vast majority of companies that produce or use chemicals pronounce their support for this agreement, I do not believe we should claim the treaty is unduly burdensome on these companies. They know what is in their own interest and they have stated their support for the Chemical Weapons Convention.

Opponents also argue that since rogue nations can be expected not to join in the CWC or will not comply with its provisions the United States should not endorse this treaty. This argument overlooks the fact that even if the Chemical Weapons Convention does not enter into force these same rogue nations can develop and produce chemical weapons. Without the CWC we will still face this same threat.

Yet, if we ratify the CWC and are vigorous in its enforcement, the United States will have a much improved ability to identify clandestine chemical weapons programs. The nature of chemical weapons make it possible to produce them in facilities as small as a high school laboratory or even a garage. Because these weapons of mass destruction can be produced in small areas, the intelligence community today faces extreme difficulties in locating programs already underway in rogue nations. However, as the Senate Select Committee on Intelligence noted in its September 1994 report on this issue, under the Chemical Weapons Convention, the United States Government will gain important new access to useful information, relevant to potential CWC threats to the United States, that would not otherwise be obtainable. As Acting Director of Central Intelligence George Tenet told the Intelligence Committee on February 5 of this year, the CWC will give our intelligence community more information and more tools to use in our efforts to combat those who would use these horrible weapons.

The Chemical Weapons Convention's regular inspection process and its ability to perform challenge inspections on short notice are very powerful means of catching parties breaking the treaty. The convention also includes varied reporting requirements on the production and use of toxic agents and precursor chemicals which may help the intelligence agencies to locate clandestine production of chemical weapons. If the Chemical Weapons Convention is ratified and we use it to our advantage, the intelligence community will have another important tool with which to fight the battle against these weapons. If we do not ratify the convention, we will forgo a better chance to win a battle we must fight whether or not this treaty is in effect.

The CWC will help protect our citizens by increasing the likelihood that a potential cheater would be caught under its inspection processes. But the CWC helps our national security in other ways as well. Three years after entry into force, the Chemical Weapons Convention prohibits parties from exporting high risk precursor and toxic chemicals to countries not belonging to the CWC. This will further limit the ability of nonsignatory countries to acquire chemicals which could be turned into a lethal gas. Finally, the power of international law created by the CWC against the possession of chemical weapons will assist our own Nation's continuing efforts against this abominable class of weapons.

Taken together, the benefits we gain from ratifying the Chemical Weapons Convention far outweigh the minimal costs of implementing this treaty. The strict verification regime, increased opportunities for our intelligence agencies, the prohibition of exports to nonmember nations, and the force of international law complementing the United States' individual efforts will help protect our citizens and our national interests.

We have already made the decision that possession and use of chemical weapons is not in the security interests of our Nation. We have determined the United States has the means and the will to protect our forces and our Nation without this type of weapon. It is time now to compel the other nations of the world to abide by these same rules.

Mr. President, I have weighed the effects of the Chemical Weapons Convention on our national security and I believe our Nation is safer with this treaty than without it. It is my hope my colleagues will also realize that our national security interests lie in ratification, not in maintaining the status quo of a world where possession of chemical weapons remains acceptable under international law. I yield the floor.

Mr. JEFFORDS. Mr. President, this is a day many of us have been waiting for for a long time. After having been thoroughly reviewed by the relevant Senate committees, both in the last Congress and this one, the Chemical Weapons Convention has finally come to the Senate floor for debate and a vote.

This is a complex and controversial treaty and I thank Senator HELMS, Senator BIDEN, and others for their hard work on the resolution of ratification. The 28 conditions and provisions on which they have agreed go a long way toward protecting American interests and making this an even better treaty. While I have reservations about the remaining five provisions, I am pleased that the Senate will have the opportunity to openly discuss and debate these before moving to a final vote. I believe that when the facts come to light, those who are undecided will vote to ratify the treaty.

I think I can safely say that no one in this body supports the production or use of chemical weapons, even as a deterrent. That is not what this debate is about. What it is about is what we get for what we give up. In other words, is the extra protection from chemical weapons that this treaty affords us worth the financial cost and the regulatory burden required to implement the treaty?

Well, let's take a look. First, what do we get?

Above all, we get enhanced national security. The treaty requires all signatories to do away with chemical weapons and to refrain from any future production. We have already committed to destroy our own chemical weapons stocks, so why shouldn't we grasp an opportunity to require others to do so as well? I think this is a compelling argument. So do a few other people who know something about national security matters: General Powell, General Schwarzkopf, and every living former Chairman of the Joint Chiefs of Staff. Believe me, if this treaty weakened the United States in some way these distinguished Americans would not support it.

With a reduction in the number of chemical weapons we also get increased protection for U.S. troops. We have a responsibility to our brave men and women in uniform to do all we can to protect them as they put their lives on the line for our freedoms. We spare no expense to provide them with the best chemical weapons defenses possible. By the same token, we should do all we can to reduce the actual threat of a chemical weapons attack on them. Recognizing this, a number of the country's most prominent veterans' groups and military associations have spoken out in favor of the CWC, including the VFW and the Reserve Officer Association. They recognize the extra protection this treaty provides our troops in the field.

The CWC also improves our ability to detect chemical weapons production by others. This treaty boasts the most intrusive verification regime of any arms control agreement ever. Will it enable us to sniff out every violation, every criminal effort to produce these horrible weapons? Of course not. But it will give us a powerful new tool to check up on those who seek to employ chemical weapons, something that is important to the intelligence community. Opponents point out that U.S. intelligence agencies cannot absolutely guarantee they will be able to detect treaty cheaters. This is true. But it is also true that the treaty will significantly improve our ability to uncover violations. Let's not make the perfect an enemy of the good.

Finally, the CWC also stiffens international resolve to deal with the chemical weapons threat. Every signatory will be required to enact legislation cracking down on terrorists and criminals who use or threaten to use poison gas, as well as the unsavory businessmen who traffic in these dangerous chemicals. Last week the Senate passed a bill which would tighten U.S. laws in this area. Isn't it in our interest, in this ever-shrinking world, to make sure that others also toughen their laws against chemical weapons production? Moreover, a broadly accepted international regime outlawing this class of weapons altogether will put us on a much stronger footing to respond to serious violations, including by force if necessary.

So with the CWC we get enhanced national security, better protection for U.S. troops, improved ability to detect violations, and stiffened international resolve in addressing this global problem.

That's a pretty valuable package. What do we give up to get it? Well, we must pay our share of the costs for administering the treaty and carrying out required inspections. We must also underwrite costs associated with preparing U.S. military facilities for inspection. I understand that the Congressional Budget Office has estimated that implementation of the CWC would cost the U.S. taxpayer about $33 million a year. That's about one-twentieth of the amount that we spend every year on chemical and biological weapons defenses. I think that's a reasonable investment to reduce the core threat against which these defenses are needed.

The treaty does impose additional reporting and inspection requirements on American businesses in the chemical field. This is regrettable but necessary if we wish to have a serious verification regime. It's worth noting, though, that the U.S. chemical industry was closely involved in the negotiation of the treaty and strongly supports it. I am sympathetic to the concerns expressed by smaller businesses affected by the treaty but believe that some treaty opponents have vastly exaggerated the additional regulatory burden involved. As I understand it, the vast majority of these businesses will need do no more than submit a short, basic informational form annually. And only a handful are likely to be inspected in any given year. This is a small price to pay for the many benefits of the treaty.

Finally, I would like to address the argument that the United States should withhold ratification until Russia and all the so-called rogue states sign and ratify the treaty. The issue is not whether we should press these countries to join the treaty—of course, we should—but how to most effectively achieve this goal. Does anyone really think that withholding U.S. ratification will convince these countries to sign up? Standing on the sidelines with arms folded will only give encouragement to those who want to ignore this treaty and continue making chemical weapons. The United States is a world leader and should act like one. We should not allow thugs like Qaddafi and Saddam Hussein to dictate our approach to national security matters.

Mr. President, this treaty is good for America and good for the world. It's not perfect. What international treaty is? But it serves our interests and improves our security. For these reasons, I will vote to ratify and encourage my colleagues to do the same.

Mr. KENNEDY. Mr. President, the 29-year-old pursuit for a chemical weapons treaty has finally reached its moment of truth in the United States Senate. Few votes cast in this Congress or any Congress are likely to be more important.

The effort to achieve this treaty was launched in 1968, and its history is genuinely bipartisan. In that year, the final year of the Johnson administration, international negotiations began in Geneva to build on the 1925 Geneva Protocol and try to reduce the production of chemical weapons. In the 1970's, President Gerald Ford had the vision to take that initiative a major step forward during intense international negotiations.

President Ronald Reagan advanced it to the next stage with his efforts on arms control in the 1980's. And President Bush deserves high praise for embracing the ideal of eliminating chemical weapons, for making it a serious worldwide effort, and at long last bringing it to the stage where it was ready to be signed. In one of his last acts in office, George Bush signed the treaty, on January 13, 1993.

President Clinton formally submitted the Chemical Weapons Convention to the Senate for its advice and consent later that year. Now, it's our turn. Today and tomorrow, in a series of votes, the Senate can and should join in this historic endeavor to rid the world of chemical weapons. We can bestow a precious gift on generations to come by freeing the world of an entire class of weapons of mass destruction.

The chemical weapons treaty bans the development, production, stockpiling, and use of toxic chemicals as weapons. Previous agreements have merely limited weapons of mass destruction. But the Chemical Weapons Convention sets out to eliminate them from the face of the earth.

The United States has already taken many steps unilaterally to implement a ban of our own. As long ago as 1968, this country ordered a moratorium on chemical weapons production.

When President Bush signed the treaty on behalf of the United States, he also ordered the unilateral destruction of the U.S. stockpile of these weapons. Regardless of the treaty, the United States is destroying its chemical weapon stockpile.

Today and tomorrow culminate many years of work and compromise. The Senate has held 17 hearings on the convention. Every issue has been exhaustively analyzed. The result is the shootout that the leadership has arranged for the next 24 hours.

Bipartisan negotiations have achieved agreement on 28 amendments to the treaty, none of which go to the heart of the treaty and many of which help to clarify it.

But five major issues have not yet been settled. The five amendments, on which we will vote tomorrow, seek to settle differences of opinion the wrong way. They are killer amendments. I hope the Senate will vote "no" on each of them. If any one of them passes, it will doom our participation in the treaty, and relegate us to the company of outlaw regimes like North Korea and Libya, who also reject the treaty.

Two of the killer amendments condition our participation on whether other nations—Russia, Iran, Iraq, Syria, and China—have already become participants. Essentially, they would hand over U.S. security decisions to those nations.

A third killer amendment arbitrarily excludes all representatives from certain other countries from participating in verification inspections. This amendment ignores the ability that the treaty already gives us to reject any inspectors we believe are not trustworthy.

A fourth killer amendment omits and alters other key parts of the treaty that deal with the export of certain materials. Its proponents fear that rogue nations may gain valuable technology from us. Nothing in the convention requires the United States to weaken its export controls. Experts in the chemical industry, trade organizations, and Government officials have worked to ensure that nothing in the treaty threatens our technology and industrial power.

The fifth killer amendment places an unrealistically high standard of verification on the treaty. It requires the treaty verification procedures to accomplish the impossible, by being able to detect small, not militarily significant, amounts of dangerous chemical materials.

No international agreement can effectively police small amounts of raw materials that might possibly be used in chemical weapon production. Every effort is being made and will be made to make the detection procedures as effective as possible. It is hypocritical for opponents to attempt to scuttle this treaty because they feel it does not go far enough.

The overwhelming majority of past and present foreign policy officials, military leaders, large and small businesses, Fortune 500 companies, Nobel laureates, veterans organizations, religious groups, environmentalists, and public interest groups are united in their strong support of the convention. It is a practical international agreement with practical benefits for the United States, and the United States should be a part of it.

Nevertheless, the treaty is being opposed by an entrenched band of foreign policy ideologues and isolationists who think the United Nations is the enemy and who say the arms race should be escalated, not restricted. History proved their ilk wrong once before, when they sank the League of Nations in the 1920's. And it will prove them wrong, again, with far more drastic consequences than World War II, if they prevail today.

We cannot let that happen. The Senate should reject the five killer amendments, and give this treaty the two-thirds vote it needs and deserves.

Mr. DODD. Mr. President, I rise today to express my strong support for U.S. ratification of the Chemical Weapons Convention.

First, I wish to thank Senators BIDEN and LUGAR for their untiring efforts in seeking ratification of this historic treaty. I also want to commend the majority leader for working diligently with both sides to bring this treaty to the Senate floor for consideration. No matter where one stands on this issue, we all agree that it is proper for this debate to take place while our Nation can still become a full participant in the convention.

I think that it is only appropriate that we are having this debate 1 week after we commemorated the second anniversary of the bombing of the Murrah Federal building in Oklahoma City. That singular event made us all aware that we are vulnerable to terrorism on our own soil. We also remember when terrorists launched a chemical attack in Tokyo's subways, taking 12 lives and injuring thousands more. We must take action to protect Americans from a similar terrorist outrage, and therefore it is incumbent upon this body to approve the Chemical Weapons Convention.

The Chemical Weapons Convention is also relevant today in light of recent findings that thousands of our troops may have been exposed to chemical weapons during the Persian Gulf war. Veterans groups across the country have called on the Senate to approve the CWC, and I believe that it is inexcusable for us to forgo this opportunity to take a stand against chemical warfare. If we fail to do so, we will be unnecessarily placing those who volunteer their services in our military at risk.

It is impossible to overstate the importance of the votes that will be cast in this Chamber tomorrow. We have an opportunity to consider a proposal that would eliminate an entire class of weapons of mass destruction, and we may never have this opportunity again. Our decisions will have a tremendous impact on the safety of the American people and our Nation's role as an international leader.

We are all familiar with the horrifying effects associated with chemical weapons. We remember the use of mustard gas in World War I and the use of chemical weapons during the Iran-Iraq war. It was the inhumane nature of chemical warfare that prompted President Reagan to initiate the negotiations for an international treaty to eliminate the use of chemical weapons. President Bush was also committed to phasing out chemical weapons, and the United States joined 160 other nations in signing the Chemical Weapons Convention during the final days of his administration.

President Clinton has been a strong supporter of the convention, and he has made ratification of this treaty his top foreign policy priority.

For nearly a decade, the United States led efforts to develop the Chemical Weapons Convention, and the result was an effective agreement to eliminate chemical weapons that was unprecedented in its scope. Considering its history of bipartisan support, one would have expected this treaty to be easily approved by the Senate. Unfortunately, opponents of the convention have distorted the facts surrounding this treaty, and it is possible that the United States will fail to ratify the treaty that it initiated.

I strongly believe that the Chemical Weapons Convention is an effective tool for combating chemical warfare, and I hope that my fellow Senators will look beyond the rhetoric of the treaty's detractors and look at the positive things that this measure would accomplish.

The Chemical Weapons Convention bans the development or transfer of chemical weapons by member nations. It also requires participating states to destroy their chemical weapon stockpiles and chemical weapons production facilities under the observation of international inspectors.

The convention would also establish the most extensive verification regime of any arms control treaty, that would require inspections of not only governmental facilities but also civilian facilities. This system of monitoring will provide us with a mechanism for knowing who produces what chemicals throughout the world, and where these chemicals are being sent.

The convention also prohibits signatory nations from exporting chemicals most frequently used in chemical weapons to non-member countries. The import of some chemicals from nonmember nations would also be prohibited. These measures should isolate nonmember nations and provide them with incentive to ratify the convention.

In order to oversee the convention's implementation, the CWC establishes the Organization for the Prohibition of Chemical Weapons, or the OPCW. This organization will monitor the chemical production throughout the world and will enforce compliance with the convention.

On April 29, the Chemical Weapons Convention will go into effect with or without the United States' ratification. The Senate must provide its advice and consent on the treaty and send a resolution of ratification to the President before next Tuesday, so that he may formally ratify the treaty.

Many hours of intense negotiations have yielded the resolution of ratification to the Chemical Weapons Convention that we are now considering on the Senate floor. This resolution contains 33 conditions which cover nearly every objection raised by opponents of ratification. I am pleased that negotiators have reached an agreement on 28 of those 33 conditions. However, the Senate will have a separate vote on each of the five remaining conditions tomorrow. I would like to stress that approval of any of these conditions would be tantamount to prohibiting U.S. participation in the Chemical Weapons Convention and could fatally damage the effectiveness of this treaty.

I would like to quickly address these five conditions that threaten ratification of this treaty. Two of these conditions tie our ratification to the actions of other nations. One demands that Russia ratify the treaty first, and the other precludes ratification until the world's rogue nations like Libya and Iraq ratify the treaty.

The logic behind these two amendments is that the convention is meaningless if it does not include all nations with the capability to develop and use chemical weapons. This logic is seriously flawed.

The CWC would impose trade restrictions on nonmember nations that will curb their ability to obtain the materials used in making chemical agents. In addition, by establishing an international legal standard opposing the manufacture and use of chemical weapons, the United States will be able to isolate these pariah states making it more difficult for these nations to acquire chemical weapons.

Also, since when does the United States allow other nations to dictate American policy? It is ridiculous to suggest that we should compromise our position as a world leader by following the lead of fringe countries.

President Reagan did not wait for other nations when he declared that this Nation would unilaterally destroy its chemical weapons stockpile. He did not wait for other nations when he initiated negotiations to ban chemical weapons from the Earth. We did not follow others in making those critical decisions. We led and others fell in behind us. This Nation set the example. And now it is time for us once again to lead and set the example.

In fact, perhaps the greatest way to ensure that Russia and other countries with offensive chemical weapons programs will not endorse this treaty, would be for the United States to reject this treaty. Seventy-three other nations, including all of our major allies, and two-thirds of all countries with chemical weapon capabilities, have already endorsed this treaty. I hope that we will align ourselves with those who have ratified the convention and not with those outlaw nations.

Another condition that will be considered as an amendment would bar individual inspectors because they come from a country that supported terrorism or violated U.S. nonproliferation law. If a particular inspector has a past history of spying or assisting terrorists, we must prevent him or her from inspecting our facilities. But if we bar certain inspectors based solely on their nationality, other countries will certainly bar U.S. inspectors. In addition, these will likely be the countries that we would most like to monitor.

Another condition that would surely kill the ratification agreement demands a level of verification that simply cannot be guaranteed. Like every other arms control agreement, this one is not 100 percent verifiable. Certainly, that is not a reason to avoid ratifying this treaty. The question ought to be: Are verification measures under this treaty better or worse than those we have now?

The answer to that question must be "yes." This treaty includes tougher verification measures than any existing arms control agreement to the extent that it allows for frequent inspections of both governmental and commercial chemical manufacturing plants throughout the world. And while chemical weapons are generally more difficult to detect than conventional weapons, the U.S. intelligence community has confidence that it will be able to detect a large scale effort to develop chemical weapons.

The remaining condition of the ratification resolution is perhaps the most contentious, and it would certainly kill all hopes of ratifying the Chemical Weapons Convention if it were to pass as an amendment tomorrow.

In today's Washington Post, my colleague from North Carolina, Senator HELMS writes: "* * * the one issue that has raised the greatest concern among Senators—the issue on which the ratification vote will almost certainly hinge—is the Clinton Administration's refusal to modify the treaty's Articles 10 and 11." His next sentence is particularly important, "These controversial provisions require the transfer of dangerous chemical agents, defensive gear and know-how to any nation that joins the CWC." With all due respect to my colleague from North Carolina, the simple fact of the matter is that this statement is not true. Article 10 does not require the United States or any other signatory to share advanced chemical weapons defense technologies and equipment with other countries or to assist them in the development of such capabilities.

I hope that all of my colleagues, who are considering opposing the CWC for this reason, will simply refer to the actual text of the convention to understand the true implications of the treaty.

Paragraph 7 of article 10 states: "Each State Party undertakes to provide assistance through the Organization and to this end to elect to take one or more of the following measures." One of the choices is, "to declare, not later than 180 days after the Convention enters into force for it, the kind of assistance it might provide in response to an appeal by the Organization." In no way does this language require any country to share advanced chemical defense technology and equipment. In fact, 1 of the 28 conditions agreed to in the resolution of ratification will ensure that no assistance other than medical antidotes and treatments is provided by the United States under article 10.

Opponents of the convention have also raised concerns regarding paragraph 3 of article 10. It reads as follows: "Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material, and scientific and technological information concerning means of protection against chemical weapons." The inclusion of the word "right" underscores that each signatory state has a right, not an obligation, to exchange materials and information.

In fact, President Clinton confirmed this interpretation when he recently stated: "We have made it clear that, as regards to other countries, we will not do anything to give them our technology * * * and that our response will be * * * limited to helping them deal with the health effects of an attack. We will help people in medical ways and with other things having to do with the health consequences."

The national security concerns raised by Senator HELMS were shared by the representatives of the Reagan and Bush administrations who negotiated this treaty. That is why treaty negotiators took great lengths to ensure that the treaty's language would be carefully crafted to protect America's interests. In responding to the criticisms of article 10 of the convention, I'll simply use the words of former Secretary of State James Baker: "The suggestion that Presidents Bush and Reagan would negotiate a treaty detrimental to the nation's national security is outrageous."

I hope that my colleagues will not take the criticisms of this critically important treaty at face value and will closely examine the actual text.

The final condition which opponents of the treaty seek to raise relates to cooperation in the field of chemical activities for businesses. Critics argue that the CWC might force industry to share manufacturing and trade secrets with other nations. These criticisms are completely unfounded. Fred Webber, president and CEO of the Chemical Manufacturers Association, criticized these allegations stating that, "the Chemical Weapons Convention does not obligate us to turn over trade secrets, and it most certainly does not require the U.S. to abolish its system of export controls on dual-use chemistry. The CWC raises the export control bar for other nations to the high standard already set by the United States. That's why this treaty is in the national interest." In fact, it is ironic that critics of the treaty argue that they support the interests of America's chemical and pharmaceutical companies. Yet, if we fail to ratify this treaty, these very same companies will be subject to trade restrictions that were devised by the United States.

Members of this body must examine the elements that set this agreement apart from others. The Chemical Weapons Convention was signed by nearly every nation in the world; it penalizes nations that refuse to sign on; it provides for routine and challenge inspections; and it creates an international norm that would prohibit the very existence of chemical weapons. We must recognize that there has never been an arms control treaty that better accounted for the skeptic's concerns than this one.

Today we live in a world of nations that increasingly act together. In this time of economic unions, coalition forces, and multinational businesses, we can ill-afford to disengage from the international community. If we do not ratify this treaty or if we accept conditions that prevent our ratification, we will careen off the course that we set for ourselves and the other peace-loving nations of the world.

Worse, we will force the nations who have ratified the treaty to decide between ridding the world of chemical weapons on the one hand and maintaining good trade relations with the richest nation in the world on the other. If we force our allies to make decisions like that, they'll be justified in looking elsewhere for leadership.

I strongly believe that ratification of the Chemical Weapons Convention is in the best interests of the United States, and I urge my colleagues to support this historic treaty.

Mr. BIDEN. Mr. President, as we close the first day of debate on the Chemical Weapons Convention, I wanted to insert into the RECORD an explanation of the 28 conditions to the resolution of ratification that we adopted this afternoon, so we can create a legislative history.

Mr. President, the Chemical Weapons Convention is a fine arms control agreement. It can stand on its own.

But the U.S. Senate has a constitutional duty to consider carefully all the implications of treaties submitted for its advice and consent to ratification. Such careful consideration often enables us to spot aspects of an agreement that merit clarification, or implementation matters on which we would be well advised to require particular executive branch policies.

The Chemical Weapons Convention is no exception to this rule. Over the years since its signing over 4 years ago, near the end of the Bush administration, we have identified several areas in which clarifying the convention's intent or establishing requirements regarding executive branch implementation would be useful.

In addition, there were several areas in which some of my colleagues wanted assurances that went beyond those that the executive branch or I could give them, even though we thought that such reassurances ought to suffice. In many such cases, the easiest way of providing the needed assurances was to codify them in a condition to the resolution of ratification.

The convention enters into force on April 29, with or without the United States. To be an original state party, therefore, the President must deposit the instrument of ratification by midnight on April 28. As a technical matter, the Senate's vote is not the final word, because the Senate does not "ratify" a treaty; it provides advice and consent to it. Once that occurs, the President then must formally ratify—an indication to our treaty partners that the United States is consenting to be legally bound to its terms—by signing an "instrument of ratification." The President then directs the Secretary of State to deposit that instrument at a central location designated by the convention; then, once the convention enters into force, the United States is bound under international law to abide by its terms.

The Senate's role in providing consent to a treaty is not that of a rubber stamp. The Senate may attach amendments or reservations to the treaty—essentially changing the terms of the original bargain between the United States and its treaty partners, or it may adopt conditions, which are, in effect, a binding contract between the Senate and the President which will govern how the treaty will be implemented or interpreted under U.S. law and practice.

In the case of the Chemical Weapons Convention, no amendments to the convention's text have been, or will be, offered; the Senate has already moved beyond the stage in its consideration of treaties in which such amendments would be in order. Neither have any reservations been put forth—although article XXII of the convention purports to prevent a party from doing so. The Senate has gone on record several times, and does so again in condition 17, that the President's agreement to such a prohibition cannot constrain the Senate's constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest.

Instead, we have a set of 28 conditions which were agreed to by those involved in the negotiations to date, and which the Senate approved by voice vote earlier this afternoon. These conditions, as stated before, are binding upon the President.

Several conditions will be debated tomorrow which are tantamount to killing the treaty. For example, any condition which requires a renegotiation of the treaty—as condition 32 does—is a killer, plain and simple, because there is no way that this treaty can be renegotiated. Additionally, any condition which requires the President to make impossible certifications before depositing the instrument of ratification will prevent the United States from formally entering the convention.

As I described earlier, there have been several stages of negotiation to work out agreed conditions to the resolution and to narrow our areas of disagreement. The Senator from North Carolina and I engaged in many hours of negotiation as part of this process.

The end result of our negotiations, of the negotiations between the White House and the task force established by the majority leader, and of discussions directly between the White House and the majority leader is a set of 28 agreed conditions to the resolution of ratification. I would like to summarize and comment upon those agreed conditions, so that my colleagues may understand what we have achieved.

For I think that we have achieved quite a lot. I also think that Members should study the many agreed conditions that the Senator from North Carolina was able to propound. Frankly, virtually all of the concerns that have been raised regarding the CWC have been addressed in these agreed conditions, in a manner that should substantially ease those concerns.

So I would like to summarize, Mr. President, what the Senator from North Carolina and I, along with other Members and the executive branch, have been able to achieve.

PROVIDING PROTECTION FOR INDUSTRY

The CWC contains a number of built-in protections for U.S. businesses, largely because industry helped write many of the convention's provisions. A number of conditions have been added, however, to provide even greater protection for business.

Condition 16 provides that if an employee of the organization for the prohibition of chemical weapons, or OPCW, willfully discloses U.S. confidential business information that causes financial harm to a U.S. business, the President must inform Congress. If the director-general does not waive the employee's diplomatic immunity from prosecution, which may be done pursuant to paragraph 20 of the CWC's confidentiality annex, within 9 months of the President's reporting the matter to Congress, the President is required to withhold half of the U.S. contribution to the OPCW until that employee's immunity from prosecution is waived. This will serve as a strong deterrent to breaches of confidential information. You might call it a "don't mess with our trade secrets" condition.

Condition 18 is a further protection for proprietary information. This condition prohibits any samples collected during inspections in the United States from being analyzed in a foreign laboratory. This will greatly reduce the risk of industrial espionage. I frankly have concerns about this condition. I hope it does not lead to every country keeping all its samples in-country, so that all of Iran's samples are analyzed in Iran and all of Russia's samples are analyzed in Russia. But there is no question that this is a major concession to some of my colleagues' concerns regarding the need to protect confidential business information.

Condition 9 requires the President to certify, both now and annually, that the CWC's limits on the production and use of the most toxic chemical weapons and their precursors are not significantly harming the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms. The administration is fully prepared to make that certification.

The Reagan, Bush, and Clinton administrations have all taken extraordinary measures to limit the impact of the CWC upon U.S. businesses. For example, the Bush administration made sure that challenge inspections would be subject to "managed access," in which a firm will be able to limit the access of inspectors to the minimum necessary to disprove any allegations of CWC violations by that firm. And the Clinton administration worked with other countries in the CWC Preparatory Commission to make sure that most of the businesses covered by the convention will only have to fill out a short form to comply with the requirement for data declarations.

Condition 21 puts the Senate on record supporting the provision of assistance to U.S. businesses by the On-Site Inspection Agency—or OSIA—an arm of the Department of Defense. OSIA has years of experience in helping protect sensitive information during inspections of Government-run facilities and defense contractors. This Agency lacks authority to aid other U.S. businesses, however. Following through on this provision with authorizing legislation—which I would hope we could do in the CWC implementing legislation—would ensure that American businesses have the full benefit of OSIA's expertise available to them.

Under condition 23, the Senate will be informed promptly of the proposed addition of a chemical to any of the CWC's schedules of chemicals. A report from the President will indicate the anticipated effect of such proposal on U.S. industry. If a proposed addition should appear to promise too great a burden on U.S. industry for too little gain in protection against chemical weapons, Congress will then have time to convince the executive branch to force that proposed addition into a CWC process that requires two-thirds vote of the states parties to adopt the change.

HOLDING DOWN U.S. COSTS

Allegations have been made that the CWC will create a massive U.S.-style bureaucracy that will cost U.S. taxpayers hundreds of millions of dollars.

Several conditions have been agreed upon to keep U.S. costs to a minimum and ensure a well-managed organization.

Under condition 22, regular U.S. contributions to the Organization for the Prohibition of Chemical Weapons, or OPCW, have been capped at $25 million annually. Any increase to this cap must cross two high hurdles. First, the President must make a "national security interest" waiver. Second, the Congress must enact a joint resolution approving the President's waiver.

Fortunately, condition 22 allows a periodic inflation adjustment to the regular U.S. contribution. In addition, the United States will be permitted to contribute funds to help the OPCW handle the costs of monitoring U.S. destruction of chemical weapons. Those are costs that we originally intended to fund for implementation of the 1990 bilateral destruction agreement between the United States and the Soviet Union, and they have not been included in the regular OPCW budget.

Condition 2 provides that any U.S. contributions to the OPCW will be subject to congressional authorization and appropriation. This means that not one dollar can be transferred to the organization by the U.S. Government without congressional approval.

Pursuant to condition 3, the OPCW must create an independent inspector general within its first 9 months of operation. Otherwise, half of the regular U.S. contribution to the OPCW budget will be withheld. An inspector general will ensure rigorous oversight of OPCW activities and expenditures.

While it is in the U.S. interest for the CWC to have a strong verification regime, we should not have to foot the bill for all of the research and development that goes to improving verification. That is why condition 4 was included, to require that any research and development by the United States that is designed primarily to improve the verification provisions of the CWC—including the training of OPCW inspectors—must be pursuant to an agreed cost-sharing arrangement that spreads the costs of such R&D equitably between the United States and the organization.

A cost-sharing arrangement will also be required in order to share items or services that were developed through U.S. research and development. It will still be possible, however, for U.S. agencies to pursue R&D programs so as to improve U.S. monitoring of chemical weapons, and cost-sharing arrangements need not be in place unless and until the United States wants to share the results with the OPCW.

We would also not want to be stuck with the bill for Russian destruction of their vast chemical weapons stockpile. So there is agreement on condition 14, under which the United States shall not accept any Russian effort to condition its ratification of CWC upon United States guarantees to pay for Russian implementation of chemical weapons destruction under the CWC or the 1990 bilateral destruction agreement.

ENSURING IMPROVED MONITORING, VERIFICATION AND ENFORCEMENT

Some opponents of CWC have alleged that the convention will lead to a "dumbing down" of U.S. intelligence and that the United States will shy away from taking tough actions when faced with instances of noncompliance. Three conditions address these concerns head-on.

We all know that monitoring and verification of some aspects of CWC compliance will be difficult. This fact of life has prompted understandable concern on the part of some Members, and the administration has accepted a condition— No. 10—that requires both periodic reports and prompt notice regarding world chemical weapons programs and the status of CWC compliance. The executive branch would also offer briefings on current compliance issues, including issues to be raised in OPCW meetings and the results of those meetings.

The careful reader of condition 10 may note some hyperbole in it. Thus, the first subparagraph states that "the convention is in the interests of the United States only if all parties * * * are in strict compliance * * *, such compliance being measured by performance and not by efforts * * *"

In truth, of course, there may be major violations or minor shortfalls. If a party is delayed in its sincere efforts to clean up the vestiges of a long-inactive chemical weapons program, that will hardly constitute a threat to U.S. national interests. But the drafters of this condition are on to something; even minor violations by a few parties could erode the commitment of other parties to strict compliance with the convention.

The important thing is that the administration is not afraid to keep Congress in the loop on CWC compliance issues. Condition 10 requires briefings at least four times a year for the Congress on U.S. actions taken to address compliance issues. This regular flow of information will allow the Congress to keep abreast of chemical weapons programs and to judge for itself whether the United States is doing enough to detect and respond to noncompliance.

It may be in our interest at times to share intelligence with the OPCW, especially so as to maximize the effectiveness of the CWC's on-site inspection regime. All agree that we should take steps to protect U.S. sources and methods when sharing intelligence information.

Thanks to the work of the senior Senator from Alabama, which I am happy to commend, condition 5 has been added to do just that. It requires the intelligence community, at the interagency level, to fully sanitize and to approve all intelligence information before it is released to the OPCW.

The Director of Central Intelligence can waive this requirement for particular documents on a case-by-case basis, but that must be promptly reported to the Foreign Relations and Intelligence Committees of the Congress. The Director must also report on the procedures set up to protect classified information and on any unauthorized disclosures of information provided to the OPCW.

The Senator from Alabama's condition makes a real contribution to the verification of compliance with the CWC. The ability of the United States to share information with the OPCW is vital to catching would-be violators of the convention. I hope that this condition will not only ease the Senator's concerns over the protection of intelligence sources and methods, but also reassure him that the overall convention is in the national interest.

All of us want the executive branch to act effectively in the event that a State party should violate the CWC in any manner that threatened U.S. national security interests. Condition 13 will require the executive branch to report to and consult with the Senate regarding such violations and to make effective use of CWC provisions for challenge inspections, high-level diplomacy and U.N. sanctions. The executive branch also agrees that any sanctions required by U.S. law should be implemented in such a case.

Pursuant to subparagraph (A)(vi), if the noncompliance should persist for a year, the executive branch will be bound to consult with the Senate for the purposes of obtaining a resolution of support of continued adherence to the convention. This seems unduly rigid; a country may well need more than a year to come into compliance if it must destroy chemical weapons stocks or facilities. Frankly, I do not know what is to be gained by requiring the executive branch to consult each time on a possible resolution of support for continued adherence to the CWC. But condition 13 does not require that such a nonbinding resolution be introduced or voted upon in every case, so there is little potential for harm in this.

Some other aspects of condition 13 merit additional explanation. For example, several of the mandated executive branch responses to CWC violations must be undertaken on an urgent basis. This does not mean that they must all proceed concurrently. Thus, in some cases high-level diplomacy will suffice and there will be no need to seek a challenge inspection or U.N. sanctions.

In some cases, it might be necessary to prepare the groundwork carefully for a challenge inspection or a diplomatic approach. The Senator from

North Carolina and I are agreed that the executive branch could proceed with such preparations on an urgent basis, even though they may take many months to come to fruition.

Finally, the requirement in subparagraph (A)(ii) that the executive branch seek a challenge inspection should not be read as requiring that the United States must always be the party that initiates such a request. There might well be other States parties with an equal or greater interest in a given country's apparent violation of the CWC, and it might be more fruitful in some cases for the executive branch to work with those other States parties to secure the common objective of a challenge inspection.

MAINTAINING ROBUST CHEMICAL DEFENSES

Some have asserted that if the United States joins the CWC, we will be lulled into a false sense of security and drop our guard against the continuing threat of chemical weapons. This concern is frankly a bit mystifying. Aside from the risk that any arms control treaty might be violated by a State party to it, U.S. military leaders are quite aware that such potential military adversaries as Iraq, Libya, and North Korea are not planning to sign the convention. The Joint Chiefs of Staff support CWC not because it will automatically remove the need to defend against chemical weapons, but rather because CWC is a vital step toward reducing and combating that threat.

While the opponents' argument ignores the fact that the Pentagon has requested $225 million in additional funds for chemical weapons defenses over the next 5 years, a condition has nonetheless been added to address their concerns. Pursuant to condition 11, the Secretary of Defense shall ensure that U.S. forces are capable of carrying out required military missions in U.S. regional contingency plans, regardless of any threat or use of chemical weapons. In particular, U.S. forces must be properly trained, equipped, and organized to operate in chemically and biologically contaminated environments. This means not only improving the defensive capabilities of U.S. forces, but also initiating discussions on chemical weapons defense with likely coalition partners and countries whose civilian personnel would support U.S. forces in a conflict.

The administration has also agreed to assure that the U.S. Army Chemical School remains under the supervision of an Army general. Finally, the President is required to submit exhaustive annual reports to Congress on the State of Chemical and Biological defense efforts.

CONSTITUTIONAL CONCERNS

Some opponents of the CWC have alleged that it will violate the U.S. Constitution by permitting international inspectors to conduct warrantless searches of U.S. facilities. Actually, a number of legal scholars have noted the specific constitutional protections written into the convention. To ease any members' lingering concerns, however, two important agreed conditions have been added.

Condition 28 makes it crystal clear that no warrantless searches will be permitted when access to inspectors is denied. All challenge inspections will require a criminal warrant based upon probable cause when consent to that inspection is withheld. An administrative warrant will be required for routine inspections of declared U.S. facilities when consent has been withheld. Both of these warrants must be issued by a Federal judge—either a U.S. District Court judge or a U.S. magistrate judge.

Condition 28 was reached through the combined efforts of the majority leader, Senator HELMS, the administration and myself. It represents a significant concession by the administration, as the Constitution does not require administrative warrants in cases of highly-regulated industries. Condition 28 reflects the executive branch's confidence that any challenge inspection mounted in the United States will, indeed, be based on sufficient evidence to justify a criminal search warrant.

I want to compliment the majority leader, in particular, for his efforts on condition 28. I would certainly hope that the concessions he obtained from the administration on this major issue would reassure him that the CWC's important contributions to the national security will be achieved without any violation of people's constitutional rights or any undue costs or harm to U.S. persons.

Condition 12 makes clear that nothing in the CWC requires or authorizes anything that is prohibited by the U.S. Constitution, as interpreted by the United States. No administration would agree to a treaty that violated the constitution, no treaty ever takes precedence over the constitution, and only the United States interprets our Constitution. The administration is quite willing, therefore, to accept a condition stating these facts.

RIOT CONTROL AGENTS

Concerns were raised that the administration planned to amend Executive Order 11850 of 1975 to prohibit the use of tear gas in times of war to rescue downed pilots and to fend off attacks by combatants using civilians as human shields. Condition 26 has been added to lay this concern to rest.

Pursuant to condition 26, the President is prohibited from taking any action to alter or eliminate Executive Order 11850 of 1975. In other words, all uses of tear gas by U.S. Armed Forces that are permitted today—including rescuing of downed pilots and against combatants when they use civilians to shield attacks—will continue to be permitted after the CWC enters into force.

In addition, condition 26 makes clear that nearly all uses of riot control agents in peacekeeping operations will be permitted. The sole exception to that permission would be in the most unlikely case that the U.S. role in a peacekeeping operation reached such a military scope and duration that the laws of war would pertain to it.

TRANSFER OF CHEMICAL WEAPONS DEFENSES

Some opponents of CWC have asserted that article X of the convention would require the United States to provide financial assistance and equipment to countries such as Iran and Cuba in order to improve their chemical weapons defense capabilities. This is an understandable misconception of paragraph 7 of article X, which states that "each state party undertakes to provide [such] assistance through the organization." Paragraph 1 of article X defines "assistance" to include "detection equipment and alarm systems, protective equipment; decontamination equipment and decontaminants; medical antidotes and treatments; and advice on any of these protective measures."

The rest of paragraph 7 of article X makes clear, however, that each state party is not required to provide all such assistance. A state party may contribute to a voluntary fund for assistance, or agree to provide assistance through the OPCW on demand, or simply declare what assistance it might provide in response to an appeal by the OPCW. So CWC does not compel the United States to give any country, let alone an enemy like Cuba, anything more than medical assistance or advice.

The Senator from North Carolina has proposed in condition 15 that the Senate bind the executive branch not to provide anything more than medical antidotes and treatment to a rogue state pursuant to article X of the convention. While there is no real need to so bind the executive branch, this proposal is certainly consistent with current administration policy. As such, it may usefully allay the suspicions that article X has aroused in some quarters, and is therefore worth supporting.

MAINTAINING STRINGENT EXPORT CONTROLS

Some opponents of the CWC see article XI of the convention as requiring the Australia group—an informal alliance of potential supplier states—to relax its export controls, which are a bulwark of nonproliferation. I have never shared that concern, because the Australia Group has steadfastedly told the world that it viewed its export control regime to be fully consistent with the CWC. Nevertheless, condition 7 has been added to reassure those who worry that the Australia Group would be hobbled by the CWC.

Pursuant to condition 7, the President must certify that he has obtained authoritative assurances from all other Australia Group members that they agree with the United States view that the CWC will not weaken any Australia Group controls—and these assurances have, in fact, been received. In addition, the President is required to do what it takes to prevent any backsliding in the years to come. If the Australia Group is weakened, the President will be required to consult with the Senate for the purposes of obtaining a resolution of continued adherence to the CWC.

PROTECTING THE SENATE'S PREROGATIVES

Senators on both sides of the aisle wish to preserve the Senate's constitutional role in treaty-making. Several conditions address this issue.

Condition 1 asserts that the Senate reserves the right to add reservations to the resolution of ratification, despite the ban—in article XXII of the convention—on reservations to the convention. This condition asserts the Senate's right under the U.S. Constitution, but does not exercise it. It requires the administration to inform all other states parties that the Senate reserves the right to give its advice and consent to ratification of the convention subject to reservations. Although the Senate has not exercised this right at this time, it could do so in ratifying future amendments to the convention; this condition puts all parties on notice.

If the United States decided not to cast its vote—one way or another—on a proposed CWC amendment at an amendment conference under the convention, it would be possible for such an amendment to be passed without a vote in the Senate. So condition 6 will bind the executive branch to vote on every proposed CWC amendment and to submit any amendment to the Senate for its advice and consent.

As explained in the discussion of condition 1, the CWC includes a provision barring states parties from attaching reservations to their ratification of the convention. A sense-of-the-Senate condition warns U.S. negotiators that they should not include such provisions in any future treaty.

The Biden condition on treaty interpretation, which has been attached to all arms control treaties since the INF treaty was approved in 1988, is reaffirmed in condition 24. It states the constitutionally-based principle that the shared understanding that exists between the executive branch and the Senate about the terms of the treaty at the time the Senate gives advice and consent to ratification can be altered only subject to the Senate's advice and consent to a subsequent treaty or protocol, or the enactment of a statute.

Another condition is included which has been attached to major arms control treaties in recent years, setting forth the Senate position that any international agreement that would obligate the United States to limit its forces in a militarily significant way will be considered by the Senate only pursuant to article II, section 2, clause 2 of the Constitution. This is condition 25.

Condition 20 also purports to preserve the rights of the Senate, by asserting the sense of the Senate that the United States should not be denied its vote in OPCW organs if Congress fails to appropriate the full amount of funds assessed to the United States.

It should be noted that although paragraph 8 of article VIII of the convention allows the Conference of States Parties to permit a state party to retain its vote if the conference is satisfied that the state's arrears are due to conditions beyond the control of the state party, this is clearly a decision left to the states parties acting in that conference.

I sincerely doubt that any international body will see the actions of Congress as conditions beyond the control of the United States, although sometimes the American people may sympathize with that concept. Condition 20 merely states the nonbinding sense of the Senate, however, so it does no harm.

FOREIGN POLICY CONSIDERATIONS

Some people are concerned that the CWC has been oversold as a defense against the use of chemical weapons by terrorist groups. The Senator from North Carolina proposes, therefore, condition 19, by which the Senate will find that the CWC would not have stopped the Aum Shinrikyo Group in Japan and that future terrorist groups will likely seek chemical weapons. Both of these statements are probably quite accurate, and no harm is done by attaching them to the resolution of ratification.

Condition 8 deals with the matter of so-called negative security assurances. Despite the fact that the United States decided long ago to destroy its chemical weapons stockpile, some are concerned that one impact of the CWC will be to undermine the ability of the United States to adequately retaliate against a state that used chemical weapons against us, if that state has received U.S. assurances to non-nuclear weapons states that the United States will not be the first to use nuclear weapons against them—Such assurances are known as negative security assurances—This condition requires the administration to submit a classified report on the impact of this new reality upon U.S. retaliatory options in such a case and upon the whole policy of negative security assurances.

U.S. CHEMICAL WEAPONS DESTRUCTION

Condition 27 is the result of negotiations between the administration and the senior Senator from Kentucky. It is an important effort to ensure citizens concerned about the environment that the United States will do all it can to select the safest methods for the destruction of our own stockpile of chemical weapons.

Condition 27 assures that the United States will be able, under CWC, to give full consideration to alternatives to incineration as the means to destroy U.S. chemical weapons pursuant to the convention. Since alternative means may be feasible only if we take the full time allowed by the CWC, which is more than the time allotted under current U.S. law, this condition states that the CWC time allotment may supersede that in section 1412 of Public law 99-145.

Mr. President, this has been a lengthy explanation of what we are accepting in the 28 agreed conditions to the resolution of ratification. It is lengthy for a good reason: because the senior Senator from North Carolina and I have truly reached many elements of agreement, and because several of those agreements are truly significant. In addition, given the absence of a report from the Foreign Relations Committee, this statement is intended to create some legislative history for the 28 conditions on which the Senator from North Carolina and I have agreed.

It is my sincere belief, Mr. President, that the adoption of these 28 agreed conditions, will answer many of the most vexing concerns that have been raised by Members who find it difficult to decide how to vote on advice and consent to ratification. I hope that my colleagues will study carefully how much we have achieved.

I trust they will understand that the remaining issues are ones on which we cannot accept the proposed conditions without killing U.S. ratification of the convention or seriously impeding its implementation. And finally, I urge my colleagues, in light of what we have accomplished thus far, to take the culminating step and support final passage of this historic resolution.

Mr. KYL. Mr. President, to explain to the colleagues what is going to happen next, we are going to conclude debate this evening on the Chemical Weapons Convention and then reinitiate it tomorrow.

We will begin tomorrow with the closed session which will be a 2-hour closed session in the Old Senate Chamber, and thereafter resume debate, including the motions to strike.

UNANIMOUS-CONSENT AGREEMENT

Mr. KYL. Mr. President, I have a unanimous-consent request that has been cleared on both sides. I ask unanimous consent that 1 hour of the 2 hours devoted to the closed session not be counted against the 10-hour debate time as provided in the consent agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. KYL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUTTING FAMILIES FIRST: 100 DAYS PAST DUE AND COUNTING

Mr. DASCHLE. Mr. President, over the past months South Dakota has suffered some of the worst disasters in recent memory. The drifts of snow that have paralyzed our State and killed over 100,000 cattle are at last melting, but their runoff has swelled our lakes and rivers to overflowing and forced thousands to evacuate in the face of devastating floodwaters. Only the hard work of South Dakotans, building dikes and filling sandbags to save the homes of their friends and neighbors, has prevented the serious disaster we are facing from having more catastrophic consequences.

I am also proud to say that during these disasters, our bipartisan elected leadership has set politics aside and worked together for the good of our State. Our Democratic President, our Republican Governor, our entire congressional delegation, and every local leader have made overcoming the disaster our first priority. As Governor Bill Janklow of South Dakota stated, "There is no way that Republican or Democrat politics should come into play when we are dealing with the things that are vital to all the people of this State." Together, we believe that meeting the needs of our families and our communities should always come first.

This philosophy has served South Dakota well during its time of need, and I am convinced that what has worked in South Dakota can work here in Washington. Recently, we passed the 100th day of this Congress. Since we began this session, 14 million children attended classes in schools that are falling apart, 180,000 babies were born without health care coverage and 51 million workers labored without a pension plan. Unfortunately, this Congress has accomplished nothing to meet these dire needs. It is now time to make good on our pledges of cooperation. Just as South Dakotans have joined together for the good of our State, we in Congress must join together for the good of our country and deliver much-needed relief to America's working families.

On the first day of the 105th Congress, I introduced bills to enact the Families First Agenda to raise the incomes of working families, extend affordable health coverage to children, expand the retirement benefits of workers, and make it easier for students of all ages to receive a quality education. Now it is time to roll up our sleeves and get to work. I urge my colleagues to join with me to support America's families. Every day we wait is another day they struggle to make ends meet.

Mr. President, I would like to bring to the attention of my colleagues a very important letter I received from Kym Pacheco, a resident of Sioux Falls, SD. It is a heartbreaking letter, and it tells the story of working families better than any words of mine. Despite a 105-hour work week as a truck driver, Kym's husband earns just enough for the family to get by. Each month they struggle to pay their rent and the grocery, gas, and phone bills. "Mind you," she writes, "none of this includes car repairs, school supplies, clothes, medications, or car insurance. There are no luxuries—week-end vacations, a nice car, trips to McDonald's. What we wouldn't do to be able to take our son to the Black Hills for a week! . . . But we cannot put any money into the savings. We literally live paycheck to paycheck!"

Mr. President, no one in our Nation who works 105 hours a week should live one paycheck away from an empty stomach or a missed rent payment. Families like Kym's work hard but cannot get ahead, and they fear for the future of their children. They have faith that life can be better, but they are depending upon us to give them the help they need. We cannot let them down. As Kym continues, "There are so many problems in the U.S., but I honestly believe that when our government starts passing laws that actually give families affordable, decent coverage health insurance, decent wages, tax breaks for poor and middle class working families, our country will become better. It would be a start! Our children deserve an opportunity to live better than we did!"

Mr. President, her children do deserve that opportunity, and we can give it to them. Let us accept Kym's challenge. If we put the interests of working families before party politics, we can provide working families with tax breaks for education and ensure that parents can afford to take their children to the doctor. We can ensure that in future years when Kym's children retire they will have financial security. All of this is in our power, but to meet our goal we must work together. I hope my colleagues will join me in this task.

COMMENDING VOLUNTEERS ON THE FLOOD RELIEF EFFORT

Mr. BYRD. Mr. President, I want to highlight the commendable effort displayed by the legion of West Virginia volunteers who have done so much to help their neighbors and communities affected by last month's flooding in sixteen West Virginia counties. Their selfless dedication to neighbors in need is in the finest West Virginia tradition of community spirit and support.

The efforts of volunteers from the Fire and Rescue Departments throughout the affected area are especially noteworthy. These heroic workers rescued numerous families and individuals trapped by the raging flood waters that swept through my beloved state. You may recall some of the harrowing events displayed on television news, particularly from those hardest hit counties of Kanawha, Cabell, and Wirt. Also working during the storms and in their destructive aftermath, utility employees labored long hours in driving rain and deep mud to restore electricity, gas, water, and sewer service to the affected communities.

Mr. President, churches have always sustained the people of West Virginia, and never more so than when disaster strikes. Aside from providing physical sustenance to the affected residents, the community churches that dot our hills and hollows have also provided flood victims with moral and spiritual comfort to ease the pain of all that has been lost. Particularly hard hit in this flood, the people of Clendenin have received extensive and much-needed support from churches, neighbors, and other charitable organizations. After all of the floods of last year, it is uplifting to see that such strong community spirit yet endures among the Mountaineers of West Virginia. This year, as in previous years, volunteers, churches, and organizations like the Red Cross have risen above the flood waters of disaster to provide comfort and hope to their neighbors. I am reminded of the words of poet, essayist, and critic Matthew Arnold:

Then, in such hour of need
Of your fainting, dispirited race,
Ye, like angels, appear,
Radiant with ardour divine!
Beacons of hope, ye appear!
Langour is not in your heart,
Weakness is not in your word,
Weariness not on your brow.

Surely, the concerned faces and helping hands of volunteers and church workers seemed divinely inspired to the flood victims who benefited from their tireless efforts. Mr. President, I offer my thanks to all of those individuals, congregations, and charitable organizations who respond with such compassion and energy when disaster strikes.

RETIREMENT OF DR. SHELDON HACKNEY AS CHAIRMAN OF THE NATIONAL ENDOWMENT FOR THE HUMANITIES

Mr. KENNEDY. Mr. President, earlier this week Sheldon Hackney, chairman of the National Endowment for the Humanities, announced that he would be leaving office and returning to teaching at the end of his term of office in August. Dr. Hackney came to the endowment in 1993, following a brilliant academic and administrative career, including service as president of the University of Pennsylvania.

News of his retirement saddens all of us who know what a superb job he has done at the endowment for the past 4 years. Perhaps his most notable achievement has been in taming the intense political controversies that were swirling around the endowment when he arrived. The controversies persist, but fortunately, they are muted because of his leadership. The endowment has earned new bipartisan support because of the effective way he has explained its important mission to liberals and conservatives alike. He will be greatly missed, but I wish him well.

Asked about his views on eliminating the endowment, Dr. Hackney responded with characteristic eloquence,

> The only legitimate argument against continuing it is from someone who believes in a minimalist government, that government shouldn't be in culture at all. The endowment does things that no one else would do but need to be done if we are to remember who we are and what the heritage of our nation is.

I ask unanimous consent that an article from the New York Times about Dr. Hackney may be printed at this point in the RECORD. The humanity of the man shines through, and through him the humanities endowment has shone through as well.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 21, 1997]

CHAIRMAN TO LEAVE HUMANITIES ENDOWMENT

(By Irvin Molotsky)

WASHINGTON, April 21.—Sheldon Hackney, who has led the National Endowment for the Humanities during a period of reduced budgets, told the White House today that he would not seek another term as chairman and would return to the University of Pennsylvania to teach history.

Mr. Hackney, who stepped down as president of Penn to come to Washington four years ago, said today that he had planned all along to step down when his four-year term expired in August.

"I never discussed it with the White House," he said, "but I'm sure I could have stayed."

The endowment, which provides Federal money for research and exhibitions on history and other scholarly pursuits, has been less of a lightning rod for fiscal conservatives than its counterpart, the National Endowment for the Arts. But it has been bracketed with the arts endowment as the target of spending cuts and its budget has been reduced in recent years.

When asked about his disappointments as chairman, Mr. Hackney said: "The political situation changed, and I had to spend more time than I wanted telling the public and Congress what we do. I could have spent that time on programs."

The change in the political situation that Mr. Hackney spoke of was the Republican takeover of Congress in 1994, when many opponents of Federal spending for the arts and humanities were elected to the House and Senate.

Spending for the humanities endowment has fallen from a high of $172 million in 1993 to $110 million in the current budget. President Clinton has asked for $136 million for next year, but Congress is unlikely to approve that much.

"Despite the turbulence of the times," Mr. Hackney said, "I feel very good. We've accomplished a lot."

Besides keeping the endowment alive, Mr. Hackney said, his accomplishments include making the endowment nonpolitical and nonideological, reversing a pattern that he said took hold during the Reagan and Bush Administrations.

Asked to provide a defense for continuing the endowment, Mr. Hackney said: "The only legitimate argument against continuing it is from someone who believes in minimalist government, that government shouldn't be in culture at all. The endowment does things that no one else would do but need to be done if we are to remember who we are and what the heritage of our nation is.

"One of the purposes of government is to create good citizens. That's what we do at the N.E.H. We are a democratizing force in American culture."

Representative Sidney R. Yates, Democrat of Illinois, an advocate of both endowments who was chairman of the House committee that approved their financing when the Democrats were in the majority, said he thought Mr. Hackney has succeeded in removing the endowment from partisan politics.

"We'll miss him," Mr. Yates said. "I think he's been very good. He's been a very good administrator of the humanities endowment at a difficult time with less money."

Representative Ralph Regula, Republican of Ohio, who is chairman of the appropriations panel Mr. Yates once led, said of Mr. Hackney, "I think he's worked hard at giving the N.E.H. good leadership, especially in the field of libraries."

Asked whether Mr. Hackney had kept politics and ideology out of the endowment, Representative Regula said, "He has been very successful in that regard." He added, however, that he thought Mr. Hackney's Republican predecessors had also kept partisanship out.

A Republican critic of the endowment, Representative John T. Doolittle, a Californian, said it spent money on unneeded programs, money that could be better used "to save Medicare from bankruptcy and balance the budget."

"If there were ever a Federal agency or program that deserves a trip to the chopping block, it is this sandbox for the cultural elite," Mr. Doolittle said.

Mr. Regula did not agree with his Republican colleague. "I think it will survive in some form or another," he said. "I think the preservation of the culture of society is important."

Mr. Hackney said the endowment had supported many good projects without getting much credit for it, like providing some of the money for public television programs on Theodore Roosevelt and the American West.

"The public doesn't normally notice who is funding projects," he said. "People say: 'Oh, my goodness. Did you do that?'¿¿"

Mr. Hackney, an Alabamian, said that at Penn he would return to one of his great interests by teaching a course on the history of the South.

When he was named chairman of the endowment, Mr. Hackney was succeeded by Judith S. Rodin as university president.

"I'm going to teach history and stay out of her way," Mr. Hackney said.

SENATE IMMIGRATION SUBCOMMITTEE ANALYSIS OF 1996 INS LEGAL IMMIGRATION NUMBERS

Mr. ABRAHAM. Mr. President, yesterday, the Immigration and Naturalization Service [INS] officially released its legal immigration numbers for 1996. Attached please find an analysis by the staff of the Senate Immigration Subcommittee that helps place these numbers into context.

The analysis finds:

First, the 1996 increase in immigration is not part of a long-term rise in legal immigration but rather a temporary increase.

Second, many additional people being counted as immigrants in 1996 and 1997 were not new entrants but were already physically in the country as the spouses of those who received amnesty under the law signed by President Reagan in 1986.

Third, the increase is due largely to INS processing delays that caused many people who would have been counted as immigrants in 1995 to be counted in 1996.

Fourth, after a 20-percent decline between 1993 and 1995, this short-term increase in legal immigration numbers is expected to be followed by another decline to previous levels within 2 to 3 years.

And finally, in historical terms, legal immigration is moderate when measured as a percentage of the U.S. population—0.3 percent—the most accurate measurement of immigrants' economic and demographic impact. Numerically, legal immigration in 1996 was below the level recorded on 10 other occasions since 1904.

As chairman of the Senate Immigation Subcommittee, I hope this analysis sheds light on the legal immigration numbers released yesterday by INS. I ask unanimous consent that the Senate Immigration Subcommittee's analysis of the 1996 INS legal immigration numbers be included in the RECORD. Mr. President, I yield the floor.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SENATE IMMIGRATION SUBCOMMITTEE ANALYSIS

1996 INS LEGAL IMMIGRATION INCREASE PART OF A TEMPORARY RISE FOLLOWED BY DECREASE TO PREVIOUS LEVELS; '86 AMNESTY, INS PROCESSING DELAYS IN '95 LED TO RISE

WASHINGTON.—The Immigration and Naturalization Service (INS) today officially released its legal immigration numbers for 1996. Attached please find an analysis by the staff of the Senate Immigration Subcommittee that helps place these numbers into context.

The analysis finds:

The 1996 increase in immigration is not part of a long-term rise in legal immigration but rather a temporary increase.

Many additional people being counted as immigrants in 1996 and 1997 were not new entrants but were already physically in the country as the spouses of those who received amnesty under the law signed by President Reagan in 1986.

The increase is due largely to INS processing delays that caused many people who would have been counted as immigrants in 1995 to be counted in 1996.

After a 20 percent decline between 1993 and 1995, this short-term increase in legal immigration numbers is expected to be followed by another decline to previous levels within two to three years.

In historic terms, legal immigration is moderate when measured as a percentage of the U.S. population (0.3%)—the most accurate measurement of immigrants' economic and demographic impact. Numerically, legal immigration in 1996 was below the level recorded on 10 other occasions since 1904.

An Analysis of the 1996 INS Legal Immigration Numbers

PREPARED BY THE STAFF OF THE SENATE SUBCOMMITTEE ON IMMIGRATION—APRIL 1997

Summary: Between 1993 and 1995, the level of legal immigration declined by 20 percent. An analysis performed by the Senate Subcommittee on Immigration has determined that the increase in immigration reported by the INS for 1996 is part of a temporary trend and that the overall immigration numbers are projected to decline again within three years. The analysis shows that legal immigration is projected to plateau potentially in 1997, but more likely in 1998 or the following year according to the latest INS projections—and then to fall. Simply put, the 1996 increase from 1995 is not part of a long-term rise in legal immigration.

The subcommittee analysis shows that the approximately 27 percent increase in legal immigration in 1996, from 720,461 in 1995 to 915,900 in 1996, is explained by three factors: (1) INS processing delays in 1995 that led immigrants to be counted in 1996, rather than in 1995; (2) The aftermath of the 1986 Amnesty signed by President Reagan, which has enabled formerly undocumented immigrants to sponsor their spouses and children; and (3) the result of unused employment visas in 1995 that on a one-time basis boosted 1996's available total for family preference visas.

The 1996 immigration rate is lower than every year in the nation's history between 1840 and 1930, actually one-third the rate for many of those years, and lower even in absolute terms than near the turn of the century. By the most accurate measure of immigrants' demographic and economic impact on America—the annual immigration total as a percentage of the U.S. population—legal immigration remains moderate in historical terms at only 0.3 percent of the populace.

BACKGROUND ON THE LEGAL IMMIGRATION SYSTEM

Immigration categories are numerically restricted for family and business, with the sole exception being the "immediate relatives" of U.S. citizens, whose totals changed little between 1986 and 1995. Their totals have risen over the last year, but their rise is part of a short term confluence of factors that is expected dissipate within the next two to three years. Under U.S. law, an American citizen can petition for (1) a spouse or minor child, (2) a parent, (3) a married child or a child 21 or older, or (4) a brother or sister. A lawful permanent resident (green card holder) can petition only for a spouse or child.[1] There are no "extended family" categories for aunts or uncles in the U.S. immigration system. Approximately three-quarters of all family immigration visas went to the spouses and children categories in 1996. The other one-fourth went to the parents and sibling of U.S. citizens. In addition, up to 140,000 people a year can immigrate with employment-based visas. Refugees are admitted after entering the country following the annual consultative process by which Congress and the President set each year's refugee totals. Finally, there are a limited number of "diversity" visas distributed to immigrants from "underrepresented" countries. In the immigration system as a whole, no country may receive more than 7 percent of the total visas allotted in a given year, although an exception is made for the spouses and children of lawful permanent residents.[2]

LEGAL IMMIGRATION IS PROJECTED TO PLATEAU AND THEN DECLINE

The analysis performed by the staff of the Senate Subcommittee on Immigration leads to one overarching conclusion: The 1996 increase in immigration is not part of a long-term rise in legal immigration but rather a temporary increase.

The conclusion that legal immigration will fall after a temporary two- to three-year bump upwards is already part of the public record. At a May 16, 1996 hearing before the House Subcommittee on Immigration and Claims, Susan Martin, executive director of the U.S. Commission on Immigration Reform, stated, "As the INS figures released on April 25 show, immigration levels will increase, without any change in current law, for the next two years and then return to approximately the level of last year."[3] [Emphasis added.] The 1995 total was 720,461, well below the 1996 total.

1. Processing Delays Artificially Inflate 1996 Totals

At the same hearing, House Immigration and Claims Subcommittee Chair Lamar Smith (R–TX) correctly pinpointed the primary reason that legal immigration was expected to rise from 1995 to 1996. He stated, "The FY 1995 figures were artificially low. An administrative logjam prevented the issuance in 1995 of immigrant visas to tens of thousands of individuals who were eligible to receive them and to be admitted immediately to the United States. This logjam resulted from delays in processing applications for green cards under section 245(i) of the Immigration and Nationality Act, a new provision that was effective for the first time in 1995."[4]

As Rep. Smith pointed out, a new procedure that allowed people to obtain green cards in the United States rather than having to travel to a consulate in their home countries significantly increased processing at INS offices in 1995 and caused delays. Those delays caused at least tens of thousands of people who would have been counted as immigrants in 1995, to be counted in 1996 instead. In other words, the 1996 increase is in many ways a bookkeeping phenomenon. As Figure 2 illustrates, when one smooths out the one-year blips in 1995 processing and other one-time anomalies and instead uses two-year averages, the data show that since 1990 the general direction in immigration has been downward.

2. The Aftermath of the Amnesty Artificially Increased 1996 Totals: Many People Newly Counted Were Already in the Country

The years 1989, 1990, and 1991 were artificially high because of the amnesty of undocumented immigrants signed into law by President Ronald Reagan under the Immigration Reform and Control Act of 1986. Yet it is equally true that much of the increase we have seen in annual immigration totals since those years are also a result of that amnesty.

That brings us to an important point that illustrates why many of those included in the 1996 increase do not represent an increase in new people physically entering the United States. In other words, many additional people being counted as immigrants for the period 1996–1999 are already here.

Here is what happened as a result of the 1986 law: When Congress granted amnesty to undocumented immigrants, it made no additional visas available for close relatives of the amnesty recipients, which eventually created a large backlog in the category. Between 1986 and 1990, the INS adopted the administrative policy of not deporting those relatives and allowing them to obtain work authorization. In 1990, Congress provided 55,000 visas a year to help these spouses and children gain permanent residence and to remain lawfully under Family Unity. Therefore, the spouses and children of many immigrants legalized by the amnesty have been waiting for their green cards while living with their sponsors in the United States. Amnesty recipients have now completed their five years of permanent residence required to apply for citizenship. Now that those formerly illegal immigrants are becoming citizens, under the law they can gain visas immediately for their spouses and children without a waiting list, since the spouses and children would be the immediate relatives of U.S. citizens (and there is no quota on the immediate relatives of U.S. citizens). In essence, that means that much of the increase in immigration in 1996 and 1997—most of which is in the category for the immediate relatives of U.S. citizens—will be the INS handing out green cards to spouses and children already physically here. It is that accounting phenomenon that will disappear after a few years.

3. One Additional Factor: Unused Employment Visas

Another reason for the 1996 increase is the combination of the lower immediate relatives total, which is related to the INS processing delays, and unused employment visas from 1995. Under U.S. law, if the number of immediate relatives of U.S. citizens does not exceed a certain level (in practice 254,000), then the unused employment visas from that year are added to the next year's total of family preference visas. In 1996, that made 85,000 more immigrant visas available to the family preference categories. Under the law, all of those additional visas went to the spouses and children of lawful permanent residents. However, the way the law operates, those additional visas will not be available in 1997 (because immediate relative immigration in 1996 was above 254,000.) The U.S. State Department has calculated that family preference visas will decline from 311,819 in 1996 to 226,000 in 1997, a drop of 27 percent.[5]

Figure 1 (on page 1), based in part on INS projections, shows that after a plateau is reached potentially in 1997, but more likely in 1998, legal immigration is projected to decline again. The latest information from the INS indicates that 1998 may be the peak year. It is possible that due to INS processing and naturalizations we will find that 1999 is the high point. Most important, however, is that these numbers will decline after this short-term rise. Note that the INS projections in Figure 1 did not take into account the impact of the income and sponsorship requirements passed under the 1996 immigration bill. Those new requirements are expected to have at least some effect in reducing legal immigration, particularly among spouses and children, that is not reflected in the INS projections.

IN HISTORICAL TERMS, LEGAL IMMIGRATION REMAINS MODERATE

As a percentage of the U.S. population—the most accurate measurement of the impact of immigration—legal immigration is moderate by historical standards. The annual rate of legal immigration in 1996 equaled just 0.3 percent of the U.S. population—less than one-third the rate near the turn of the century and lower than every year in the nation's history between 1840 and 1930. Even in absolute terms, the 1996 total is less than the annual totals near the turn of the century when America was smaller and less economically developed, and therefore less capable of absorbing new people than it is today. Numerically, legal immigration in 1996 was below the level recorded in 10 other occasions since 1904.

CONCLUSION

Our legal immigration system is based on America's historical commitment to immigration and to the principle that it is sound public policy to unite close family members, help employers sponsor needed employees, and provide humanitarian relief for those fleeing religious or political persecution. While numbers are a part of the system, it is important that we understand what the numbers mean and approach them with a minimum of rhetoric, but rather with a premium on intelligent debate.

Ben Wattenberg of the American Enterprise Institute describes the current level of immigration using this illustration: Imagine you are in a giant ballroom where 1,000 people are gathered for a Washington cocktail party. Champagne is being poured, waiters are carrying trays of hors d'oeuvers, and into the room walk three more people. Those three people represent the proportion of the U.S. population that immigrants add each year. There is little evidence these immigrants are spoiling the party.

FOOTNOTES

[1] INA Sections 201 and 203.

[2] INA Section 202(a)(1) states that the "total number of immigrant visas made available to natives of any single foreign state . . . may not exceed 7 percent" in a fiscal year. Under the law, 75 percent of the visas for the spouses and children of lawful permanent residents are not subject to the 7 percent ceiling.

[3] Statement of Susan Martin, Executive Director, U.S. Commission on Immigration Reform, Subcommittee on Immigration and Claims, U.S. House of Representatives, May 16, 1996.

[4] Opening Statement, Chairman Lamar Smith, "Projected Increases in Legal Immigration," Hearing Before the House Subcommittee on Immigration and Claims, May 16, 1996, p. 3.

[5] Immigrant Visa Control and Reporting Division, U.S. Department of State, "Various Determinations of Numerical Limits of Immigrants Required Under the Terms of The Immigration and Nationality Act as Amended by the Immigration Act of 1990," for FY 1996 and FY 1997. Under the law, a minimum of 226,000 family preference visas are available each year.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 22, 1997, the Federal debt stood at $5,340,281,332,685.87. (Five trillion, three hundred forty billion, two hundred eighty-one million, three hundred thirty-two thousand, six hundred eighty-five dollars and eighty-seven cents)

One year ago, April 22, 1996, the Federal debt stood at $5,101,586,000,000. (Five trillion, one hundred one billion, five hundred eighty-six million)

Five years ago, April 22, 1992, the Federal debt stood at $3,889,360,000,000. (Three trillion, eight hundred eighty-nine billion, three hundred sixty million)

Ten years ago, April 22, 1987, the Federal debt stood at $2,271,567,000,000. (Two trillion, two hundred seventy-one billion, five hundred sixty-seven million)

Fifteen years ago, April 22, 1982, the Federal debt stood at $1,058,288,000,000 (One trillion, fifty-eight billion, two hundred eighty-eight million) which reflects a debt increase of more than $4 trillion—$4,281,993,332,685.87 (Four trillion, two hundred eighty-one billion, nine hundred ninety-three million, three hundred thirty-two thousand, six hundred eighty-five dollars and eighty-seven cents) during the past 15 years.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING APRIL 18

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending April 18, the U.S. imported 7,984,000 barrels of oil each day, 684,000 barrels more than the 7,300,000 imported during the same week a year ago.

Americans relied on foreign oil for 55.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,984,000 barrels a day.

RECOGNITION OF HOME EDUCATION IN MISSOURI

Mr. ASHCROFT. Mr. President, I rise today to congratulate home schoolers in Missouri who are celebrating Missouri Home Education Week, May 4–10, 1997. As a parent and former teacher, I understand the vital importance of sound education in a child's development. The opportunities for students who achieve educational excellence are virtually limitless.

As a U.S. Senator I fully recognize that the character and productivity of our Nation are directly linked to the quality of education provided to America's youth. Throughout my career in public service, I have been pleased to support the efforts of home schoolers to provide quality education.

Home educators in Missouri are making an extra effort to give their children the best chance for success in an ever-changing society. They recognize the importance of family and judge home schooling to be the educational setting that is most appropriate. By personally guiding the scholastic endeavors of their children, home educators ensure that all facets of a child's development are considered when preparing them to become active, productive, and responsible citizens.

In Missouri, home education has enjoyed considerable success in recent years because of the tremendous support received from citizens all across the State who realize the significance of family participation in the educational process. Furthermore, Missouri home schoolers are establishing one-on-one relationships with adult role models and mentors who enrich home education learning by providing hands-on business experience. This exposure to the marketplace allows home schoolers the opportunity to interact with business, community, and civic organizations.

I commend the achievement realized by home schools in the State of Missouri and applaud your noble work on this special observance of Home Education Week in Missouri, May 4–10, 1997.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1619. A communication from the Commissioner of the Office of Special Education and Rehabilitative Services, Department of Education, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC–1620. A communication from the Assistant Secretary for Labor for Occupational Safety and Health, transmitting, pursuant to law, a rule entitled "Abatement Verification" (RIN1218–AB40) received on March 31, 1997; to the Committee on Labor and Human Resources.

EC–1621. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report relative to alternative tax proposals; to the Committee on Labor and Human Resources.

EC–1622. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Orphan Products Board for calendar years 1993 through 1995; to the Committee on Labor and Human Resources.

EC–1623. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a rule entitled "Individual Market Health Insurance Reform" (RIN0938–AH75) received on April 10, 1997; to the Committee on Labor and Human Resources.

EC–1624. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, three rules including a rule entitled "Research in Education"; to the Committee on Labor and Human Resources.

EC–1625. A communication from the Secretary of Education and the Secretary of the Treasury, transmitting jointly, a draft of proposed legislation entitled "The Hope and Opportunity for Postsecondary Education Act of 1997"; to the Committee on Labor and Human Resources.

EC–1626. A communication from the Chief Executive Officer of the Corporation For National Service, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1627. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1628. A communication from the Postmaster General of the U.S. Postal Service, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1629. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1630. A communication from the Acting Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1631. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1632. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1633. A communication from the Chairman of the Federal Housing Finance Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1634. A communication from the Director of the Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1635. A communication from the Acting Commissioner of Social Security, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1636. A communication from the Attorney General, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on the Judiciary.

EC–1637. A communication from the Secretary of the U.S. Naval Sea Cadet Corps, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on the Judiciary.

EC–1638. A communication from the Attorney General, transmitting, pursuant to law, the annual report of the Federal Prison Industries for fiscal year 1996; to the Committee on the Judiciary.

EC–1639. A communication from the Director of the Federal Judicial Center, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on the Judiciary.

EC–1640. A communication from the Executive Director of Government Affairs, Non Commissioned Officers Association of the United States of America, transmitting, pursuant to law, the annual report for calendar year 1995 and 1996; to the Committee on the Judiciary.

EC–1641. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of enforcement activities for fiscal year 1995; to the Committee on the Judiciary.

EC–1642. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on the Judiciary.

EC–1643. A communication from the Director of the Federal Bureau of Investigation, transmitting, pursuant to law, a rule entitled "Implementation of Section 109" (RIN1105–AA39) received on April 7, 1997; to the Committee on the Judiciary.

EC–1644. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report relative to refugee resettlement for fiscal year 1995; to the Committee on the Judiciary.

EC–1645. A communication from the Chief Justice of the Supreme Court of the United States, transmitting, pursuant to law, the reports of amendments adopted by the Court; to the Committee on the Judiciary.

EC–1646. A communication from the Commissioner of the Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, three rules including a rule entitled "The Establishment of Preregistered Access Lane Program" (RIN1115–AE80, AD89, AC72); to the Committee on the Judiciary.

EC–1647. A communication from the Director of the Federal Bureau of Prisons, Department of Justice, transmitting, pursuant to law, two rules including a rule entitled "Transfer of Inmates" (RIN1120–AA53, AA33); to the Committee on the Judiciary.

EC–1648. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation entitled "The Federal Bureau of Investigation Leave Sharing Reform Act of 1997"; to the Committee on the Judiciary.

EC–1649. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a draft of proposed legislation entitled "The Radiation Exposure Compensation Improvement Act of 1997"; to the Committee on the Judiciary.

EC–1650. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the Bureau of Justice Assistance for fiscal year 1995; to the Committee on the Judiciary.

EC–1651. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, the report of settlements for calendar year 1996; to the Committee on the Judiciary.

EC–1652. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the Police Corps; to the Committee on the Judiciary.

EC–1653. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the impact of the Public Safety and Recreational Firearms Use Protection Act of 1994; to the Committee on the Judiciary.

EC–1654. A communication from the Secretary of the Judicial Conference of the United States, transmitting a draft of proposed legislation entitled "The Federal Judgeship Act of 1997"; to the Committee on the Judiciary.

EC–1655. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the uniform percentage adjustment; to the Committee on the Judiciary.

EC–1656. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report on the confidentiality of communications between sexual assault victims and their counselors; to the Committee on the Judiciary.

EC–1657. A communication from the Chair of the Physician Payment Review Commission, transmitting, pursuant to law, the annual report for 1997; to the Committee on Finance.

EC–1658. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on the Medicaid Drug Rebate Program; to the Committee on Finance.

EC–1659. A communication from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to enact the health care portions of the President's fiscal year 1998 budget; to the Committee on Finance.

EC–1660. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, three rules including a rule entitled "Duty-Free Store" (RIN1515–AB86, AC09, AC14); to the Committee on Finance.

EC–1661. A communication from the Director of Selective Service, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Finance.

EC–1662. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin for March 1997; to the Committee on Finance.

EC–1663. A communication from the Chief Counsel of the Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, two rules including a rule entitled "Regulations Governing Book-Entry Treasury Bonds, Notes and Bills" received on April 10, 1997; to the Committee on Finance.

EC–1664. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to tax incentives; to the Committee on Finance.

EC–1665. A communication from the Assistant Secretary of Defense (Reserve Affairs), transmitting, pursuant to law, a report relative to tax deductibility; to the Committee on Finance.

EC–1666. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, two rules including a rule entitled "Substantiation of Business Expenses" (RIN1545–AT98, AV05); to the Committee on Finance.

EC–1667. A communication from the Assistant Commissioner (Examination), Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, three rules including a rule entitled "Maquiladora Industry"; to the Committee on Finance.

EC–1668. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Notices 97–17, 23, 24, 26; to the Committee on Finance.

EC–1669. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Revenue Procedures 97–23, 26; to the Committee on Finance.

EC–1670. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the reports relative to Revenue Rulings 97–13, 16, 17, 18, 21; to the Committee on Finance.

EC–1671. A communication from the Senior Vice President, Communications, Tennessee Valley Authority, transmitting, pursuant to law, the report of statistical summaries for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1672. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the annual report on progress on Superfund implementation for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1673. A communication from the Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule entitled "Determination of Endangered Status for Three Plants" (RIN1018–AC00) received on March 25, 1997; to the Committee on Environment and Public Works.

EC–1674. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule entitled "Design Standards for Highways" (RIN2125–AD38) received on April 3, 1997; to the Committee on Environment and Public Works.

EC–1675. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, a report relative to funding; to the Committee on Environment and Public Works.

EC–1676. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report of a construction prospectus; to the Committee on Environment and Public Works.

EC–1677. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, a report relative to the Capital Investment and Leasing Program for fiscal year 1998; to the Committee on Environment and Public Works.

EC–1678. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "The Federal Highway Administration's Oversight of the Buy American Program"; to the Committee on Environment and Public Works.

EC–1679. A communication from the Secretary of Commerce, transmitting, a draft of proposed legislation entitled "The Economic Development Partnership Act of 1997"; to the Committee on Environment and Public Works.

EC–1680. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, ten rules received on April 17, 1997; to the Committee on Commerce, Science, and Transportation.

EC–1681. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a report entitled "The Superfund Innovative Technology Evaluation Program for Fiscal Year 1995"; to the Committee on Environment and Public Works.

EC–1682. A communication from the Administrator of the U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL–5805–2) received on April 15, 1997; to the Committee on Environment and Public Works.

EC–1683. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, two rules including a rule entitled "Danger Zone and Restricted Areas"; to the Committee on Environment and Public Works.

EC–1684. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a recreation day use fee program; to the Committee on Environment and Public Works.

EC–1685. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to a deep-draft navigation program for the Port of Long Beach, California; to the Committee on Environment and Public Works.

EC–1686. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a draft of proposed legislation to authorize appropriations for the Commission for fiscal year 1998; to the Committee on Environment and Public Works.

EC–1687. A communication from the Director of the Office of Congressional Affairs, transmitting, pursuant to law, eight rules including a rule entitled "Nuclear Power Plant Instrumentation For Earthquakes" (RIN3150–AF37); to the Committee on Environment and Public Works.

EC–1688. A communication from the Director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, fifty-one rules including a rule entitled "Approval and Promulgation of Air Quality" (FRL5814–1, 5802–3, 5802–9, 5807–9, 5808–5, 5687–8, 5691–7, 5808–7, 5597–2, 5809–7, 5809–9, 5697–1, 5812–3, 5811–1, 5801–9, 5805–2, 5577–2, 5804–5, 5802–2, 5694–4, 5710–1, 5807–4, 5599–8, 5806–7, 5598–6, 5801–1, 5702–5, 5595–3, 5594–2, 5597–7, 5709–3, 5709–8, 5711–7. 5709–6. 5667–4. 5711–8. 5699–1, 5802–6, 5809–5, 5808–7, 5598–7, 5598–2, 5597–9, 5600–5, 5597–3, 5596–7, 5600–2, 5808–9, 5711–1, 5698–5); to the Committee on Environment and Public Works.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 631. A bill to provide for expanded research concerning the environmental and genetic susceptibilities for breast cancer; to the Committee on Labor and Human Resources.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 632. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Finance.

By Mr. DOMENICI:

S. 633. A bill to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAUCUS (for himself, Mr. WARNER, and Mr. BYRD):

S. 634. A bill to amend the Internal Revenue Code of 1986 to deposit in the Highway Trust Fund the receipts of the 4.3-cent increase in the fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and for other purposes; to the Committee on Finance.

By Mr. SPECTER:

S. 635. A bill to amend the Internal Revenue Code of 1986 to provide incentives for investments in disadvantaged and women-owned business enterprises; to the Committee on Finance.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DEWINE, Mr. DORGAN, Mr. MURKOWSKI, Mr. LEVIN, Mr. THURMOND, Mrs. MURRAY, Mr. WARNER, and Mr. GREGG):

S. 636. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DeWINE:

S. 637. A bill to amend title XVIII of the Social Security Act to continue full-time-equivalent resident reimbursement for an additional one year under medicare for direct graduate medical education for residents enrolled in combined approved primary care medical residency training programs; to the Committee on Finance.

By Mr. GORTON (for himself and Mrs. MURRAY):

S. 638. A bill to provide for the expeditious completion of the acquisition of private mineral interests within the Mount St. Helens National Volcanic Monument mandated by the 1982 act that established the monument, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 639. A bill to require the same distribution of child support arrearages collected by Federal tax intercept as collected directly by the States, and for other purposes; to the Committee on Finance.

By Mr. D'AMATO (for himself, Mr. CHAFEE, and Mr. DEWINE):

S. 640. A bill to extend the transition period for aliens receiving supplemental security income or food stamp benefits as of August 22, 1996; to the Committee on Finance.

By Mr. SMITH of New Hampshire (for himself and Mr. SHELBY):

S.J. Res. 26. A joint resolution proposing a constitutional amendment to establish limited judicial terms of office; to the Committee on the Judiciary.

By Mr. WARNER:

S.J. Res. 27. A joint resolution designating the month of June 1997, the 50th anniversary of the Marshall plan, as George C. Marshall Month, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI (for himself and Mr. LAUTENBERG):

S. 631. A bill to provide for expanded research concerning the environmental and genetic susceptibilities for breast cancer; to the Committee on Labor and Human Resources.

THE NEW JERSEY WOMEN'S ENVIRONMENTAL HEALTH ACT

Mr. TORRICELLI. Mr. President, today, Senator LAUTENBERG and I are introducing the New Jersey Women's Environmental Health Act. I rise to draw this country's attention to breast cancer and the threat that it faces to all American women. It is estimated that more than one in eight women will be diagnosed with breast cancer in her lifetime. Over 46,000 women will die each year. The American Cancer Society estimates 6,400 new cases of breast cancer in New Jersey in 1997—an estimated 1,800 deaths in this year alone. It is for this reason that I speak today, in an effort to heighten the awareness of breast cancer in our Nation and its possible environmental causes.

Breast cancer in New Jersey is much worse than the rest of the country. New Jersey has the highest breast cancer death rate of any State in the Nation. Overall, New Jersey has an 11 percent higher incidence rate of breast cancer than the national rate. Between 1988–92 New Jersey's rate was 110.8. For the United States the rate was only 105.6. The highest counties include: Warren, 34.8 percent; Morris, 20.7 percent; and Monmouth, 18.5 percent. During this time, 19 of New Jersey's 21 counties had a higher incidence rate of breast cancer than the national average and two-thirds of these counties had a 10 percent or higher incidence rate of breast cancer than the national average.

Federal and national foundation funding is disproportionately low for a State with a significant academic and research presence, and an exceptionally high death rate from breast cancer. The per capita expenditure on breast cancer funding in New Jersey is only $0.15. Neighboring States with lower breast cancer rates have received significantly more funding per capita. New York receives $1.11 and Massachusetts receives $3.05. In general, New Jersey gets only $0.62 back for every tax dollar sent to Washington. We contribute $17 billion more to the Federal Treasury than we get back—the lowest return in the Nation.

I believe that behind our State's history of environmental problems lies the reasons for our high breast cancer rates. It is not a coincidence that New Jersey, the State with the most Superfund sites, also has the highest breast cancer rates. The current breast cancer research efforts are not being focused on epidemiological studies that investigate the effect of environmental factors. The value of providing expanded research concerning the environmental factors for breast cancer in New Jersey is essential not only to New Jersey women, but to all women across the country.

I am optimistic that not only will this study provides some answers for women in New Jersey, but will provide groundbreaking research on the impact of environmental conditions on breast cancer rates which will benefit doctors across this country in their efforts to find a cure for this tragic disease. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 631

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Jersey Women's Environmental Health Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The American Cancer Society estimates 6,400 new cases of breast cancer will be diagnosed in New Jersey in 1997 with an estimated 1,800 deaths.

(2) In New Jersey, from 1989 to 1993, 8,378 women died from breast cancer. The average mortality rate per 100,000 was 31.1 for white women and 34.4 for African American women.

(3) New Jersey has the second highest breast cancer mortality rate (31.1) of any state in the United States. New Jersey also has more superfund sites (107) than any other State.

(4) During the period from 1988 to 1992—

(A) New Jersey's incidence rate (110.8) of breast cancer was 11 percent higher than the national incidence rate (105.6);

(B) 19 of New Jersey's 21 counties had a higher incidence rate of breast cancer than the national average; and

(C) two-thirds of the counties described in subparagraph (B) have a 10 percent or higher incidence rate of breast cancer than the national average.

(5) The State's University of the Health Sciences is one of only 7 joint centers in the United States, and the only such center in New Jersey, that house a National Cancer Institute designated research center and a National Institute of Environmental Health Sciences research center.

SEC. 3. RESEARCH CONCERNING BREAST CANCER.

(a) GRANT.—The Secretary of Defense is authorized to award one or more grants to the University of the Health Sciences of New Jersey (hereafter referred to in this Act as the "University") to enable the University and affiliates of the University to conduct research, in collaboration with the New Jersey Department of Health and Senior Services, concerning environmental, lifestyle, and genetic susceptibilities for breast cancer in the State of New Jersey.

(b) STUDY AND REPORT.—

(1) STUDY.—The University shall use amounts received under the grant under subsection (a) to conduct a study to assess biological markers, exposure to carcinogens, and other potential risk factors contributing to the incidence of breast cancer in the State of New Jersey.

(2) EPIDEMIOLOGICAL STUDY.—The New Jersey Department of Health and Senior Services shall be the co-investigator with the University for any population based epidemiologic studies under paragraph (1) that attempt to explore associations between environmental and other risk factors and breast cancer.

(3) REPORT.—Not later than 12 months after the date of enactment of this Act, and annually thereafter, the University (and the affiliates of the University conducting the study under this subsection) shall prepare and submit to the appropriate committees of Congress a report describing the findings and progress made as a result of the studies conducted under paragraphs (1) and (2).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated—

(1) $3,000,000 for fiscal year 1998; and

(2) $2,500,000 for each of fiscal years 1999 through 2001.

By Mr. KOHL (for himself and Mr. WYDEN):

S. 632. A bill to amend the Internal Revenue Code of 1986 with respect to the eligibility of veterans for mortgage revenue bond financing, and for other purposes; to the Committee on Finance.

MORTGAGE REVENUE BOND FINANCING LEGISLATION

Mr. KOHL. Mr. President, I rise today to introduce legislation with Senator WYDEN that will help Wisconsin and several other States, including Oregon, Texas, Alaska, and California, extend one of our most successful veterans programs to Persian Gulf war participants and others. This bill will amend the eligibility requirements for mortgage revenue bond financing for State veterans housing programs.

Wisconsin uses this tax-exempt bond authority to assist veterans in purchasing their first home. Under rules adopted by Congress in 1984, this program excluded from eligibility veterans who served after 1977. This bill would simply remove that restriction.

Wisconsin and the other eligible States simply want to maintain a principle that we in the Senate have also strived to uphold—that veterans of the Persian Gulf war should not be treated less generously than those of past wars. This bill will make that possible.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 632

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF VETERANS FOR MORTGAGE REVENUE BONDS DETERMINED BY STATES.

(a) IN GENERAL.—Paragraph (4) of section 143(*l*) of the Internal Revenue Code of 1986 (defining qualified veteran) is redesignated as paragraph (6) and amended to read as follows:

"(6) QUALIFIED VETERANS.—For purposes of this subsection, the term "qualified veteran" means any veteran—

"(A) who meets such requirements as may be imposed by the State law pursuant to which qualified veterans' mortgage bonds are issued,

"(B) who applied for the financing before the date 30 years after the last date on which such veteran left active service, and

"(C) in the case of financing provided by the proceeds of bonds issued during the period beginning July 19, 1984, and ending June

30, 1997, who served on active duty at some time before January 1, 1977.

(b) Effective Date.—The amendments made by subsection (a) shall apply to bonds issued after the date of the enactment of this Act.

SEC. 2. STATE CAP RESTRICTIONS.

(a) In General.—Section 143(*l*) of the Internal Revenue Code of 1986 (relating to additional requirements for qualified veterans' mortgage bonds), as amended by section 1(a), is amended by inserting after paragraph (3) the following new paragraph:

"(4) Subcap restrictions.—

"(A) In General.—An issue meets the requirements of this paragraph only if the amount of bonds issued pursuant thereto that is to be used to provide financing to mortgagors who have not served on active duty at some time before January 1, 1977, when added to the amount of the aggregate qualified veterans' mortgage bonds previously issued by the State during the calendar year that is to be so used, does not exceed the subcap amount.

"(B) Subcap amount.—

"(i) In general.—The subcap amount for any calendar year is an amount equal to the applicable percentage of the State veterans limit for such year.

"(ii) Applicable percentage.—For purposes of clause (i), the applicable percentage shall be determined under the following table:

"Calendar year:	*Applicable Percentage:*
1998	10
1999	20
2000	30
2001	40
2002 and thereafter	50."

(b) Restriction on Overall State Cap.—Paragraph (3)(B) of section 143(*l*) of such Code (relating to State veterans limit) is amended by adding at the end the following flush sentence:

"But in no event shall the State veterans limit exceed $340,000,000 for any calendar year after 1998."

(c) Conforming Amendment.—The matter preceding paragraph (1) of section 143(*l*) of such Code is amended by striking "and (3)" and inserting ", (3), and (4)".

(d) Effective Date.—The amendments made by this section shall apply to bonds issued after December 31, 1997.

By Mr. DOMENICI:

S. 633. A bill to amend the Petroglyph Monument Establishment Act of 1990 to adjust the boundary of the monument, and for other purposes; to the Committee on Energy and Natural Resources.

THE PETROGLYPH NATIONAL MONUMENT BOUNDARY ADJUSTMENT ACT OF 1997

Mr. DOMENICI. Mr. President, today I am introducing legislation that for the past 6 years, I hoped would not be necessary. This legislation is necessary, however, to ensure that the American people will continue to be able to enjoy the natural and cultural resources of Petroglyph National Monument.

For almost 10 years, I have worked to provide needed protection for the invaluable cultural resources located throughout the 17-mile-long escarpment on Albuquerque's west side. In 1990, New Mexico's congressional delegation successfully enacted legislation which I sponsored in the U.S. Senate to establish Petroglyph National Monument. The bill was signed by President George Bush on June 27, 1990, providing protection for prehistoric and historic artifacts from looting, vandalism, and imminent development.

That legislation provided a unique management program for the new monument, directly involving the National Park Service, the State of New Mexico, and the city of Albuquerque. Cooperation was and remains critical because, among other reasons, the State of New Mexico and the city of Albuquerque hold title to almost 63 percent of the land within the boundaries of the monument. Albuquerque alone holds title to about 3,800 acres of the 7,244 acres within the monument. In order to provide protection of the petroglyphs and other artifacts along the escarpment, a partnership between the three layers of government—Federal, State and local—remains the most appropriate way of managing these important resources.

Even before its introduction, I have already heard from several of my colleagues that the Domenici bill regarding petroglyphs has begun to generate controversy. I am sure that many more things will be said about it following today's introduction. By introducing this legislation, I want to reduced the debate to the basic essence of the relevant issues. It is about resolving a problem for two growing communities that encompass a national monument. That resolution involves providing access to less than one-quarter mile of a right-of-way that has been in the planning process for well over a decade. The problem with that one-quarter mile stretch is that it falls on city-owned land within the current boundaries of the national monument.

This legislation will adjust the monument boundary to exclude approximately 8.5 acres, providing a corridor for the extension of Paseo del Norte. This accounts for approximately one-tenth of 1 percent of the 7,244 acres within the monument boundary. This is not an authorization for the city of Albuquerque to begin construction on the road. When passed, it will simply remove the Federal Government as a barrier to the process of developing locally needed access to Albuquerque's west side.

In order to maintain the local support needed to sustain a national monument in an urban area, the city's needs must be acknowledged and dealt with. The extension of Paseo del Norte is an important piece of the planned transportation network for the west side. Access to much of the area for emergency services, such as ambulance and fire equipment, is currently inadequate. Albuquerque and Rio Rancho must have the ability to deal with the needs of those who already live and work in the area, and plan for needs of those who will live and work there in the future. At this point, growth and development north and east of the monument have eliminated any other reasonable alternatives that would resolve the problems that the cities face. The need for a resolution is indicated by demographic and traffic pattern projections provided by the regional planning organization, the Middle Rio Grande Council of Governments.

The extension of Paseo del Norte and the protection of the monument's cultural resources are not mutually exclusive ideas. They have been brought together before when a coalition was put together in 1989 to address these very same issues. At that time, the transportation needs and preservation concerns were coordinated to move forward with an idea that all could support. That plan, which resulted in the creation of Petroglyph National Monument, acknowledged the idea that neither the Paseo del Norte or Unser boulevard extensions would detract from the integrity of the monument, and the purposes for which it was created. Since that time, the city of Albuquerque has gone to great lengths to minimize any disturbance to the artifacts. In fact, the proposed road alignment would not directly impact a single petroglyph as it ascends the escarpment.

This legislation will once again commit us to the goal of a national monument that benefits the Albuquerque area, the Pueblo people, and the public, at large. The relationship between the city and the National Park Service has deteriorated since all parties entered into a 1991 joint administrative agreement. The situation now goes beyond issues surrounding the transportation planning of the city of Albuquerque, centered around Paseo del Norte, and whether it should or shouldn't be extended to the west side of the escarpment. As I mentioned earlier, the city of Albuquerque owns well over half of the land within the monument boundary. A breakdown of cohesive and coordinated management of the monument and its natural and cultural resources continues, and threatens to dissolve the support of the local communities and the surrounding municipalities. As was the case when the monument was established, a return to the intimate working relationship between the National Park Service and the cities of Albuquerque and Rio Rancho is required. This cannot happen, however, until the issues surrounding transportation planning are resolved, just as they were when the monument was established. Without a cooperative and productive relationship between the cities and the Park Service, the monument will never be what it was intended to be—a benefit to all Americans.

Throughout the ongoing debate, the urban development on Albuquerque's west side has been a constant reminder that the monument does not exist in a vacuum. Efforts to manage and protect the monument's natural and cultural resources must be coordinated with the needs of New Mexico's fastest growing cities—Albuquerque and Rio Rancho. That is to say that neither altruistic protectionism, nor unmitigated growth can be paramount in this relationship.

Both the city and the Park Service have made it clear that legislation is required to reach the goal we all desire. Unfortunately, there is no agreement on what the legislation should include. The city sees its transportation and infrastructure needs as the most important component. The Park Service believes that resource management and protection need to be considered as the top priority. Both the Park Service and the city have sound reasons for their respective positions. I believe that this legislation is not only the right thing for the city of Albuquerque or Rio Rancho, but the right thing for Petroglyph National Monument.

In closing, Mr. President, I want to make it clear that neither the Park Service, nor the city of Albuquerque can continue to pursue its own agenda without considering the needs of the other. We must all begin to refocus our efforts on our ultimate goal, providing for Petroglyph National Monument in a way that we can all be proud. I urge my colleagues to support this legislation that is critical to the communities of the Albuquerque area. Just as important, this legislation is vital to the continued enhancement and protection of the national monument we created in that urban area to preserve these invaluable cultural resources.

Without this, it seems to me the park will never again have cooperation between the city, the State, and the Federal Government and what could have been a marvelous example of government working together will probably end up in shambles.

I send the bill to the desk and ask it be appropriately referred.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 633

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Petroglyph National Monument Boundary Adjustment Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) the purposes for which Petroglyph National Monument was established continue to be valid;

(2) the valued cultural and natural resources of Petroglyph National Monument will be best preserved for the benefit and enjoyment of present and future generations under a cooperative management relationship between the City of Albuquerque, New Mexico, the State of New Mexico, and the National Park Service;

(3) the National Park Service has been unable to accommodate harmoniously the transportation needs of the City of Albuquerque in balance with the preservation of cultural and natural resources of Petroglyph National Monument.

(4) corridors for the development of Paseo del Norte and Unser Boulevard are indicated on the map referred to in section 102(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note), and the alignment of the roadways was anticipated by Congress before the date of enactment of the Act;

(5) it was the intent of Congress in the passage of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note) to allow the City of Albuquerque, New Mexico—

(A) to utilize the Paseo del Norte and Unser Boulevard corridors through Petroglyph National Monument; and

(B) to coordinate the design and construction of the corridors with the cultural and natural resources of Petroglyph National Monument; and

(6) the city of Albuquerque, New Mexico, has not provided for the establishment of rights-of-way for the Paseo del Norte and Unser Boulevard corridors under the Joint Powers Agreement (JPANO 78–521.81–277A), which expanded the boundary of Petroglyph National Monument to include the Piedras Marcadas and Boca Negra Units, pursuant to section 104 of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note).

SEC. 3. BOUNDARY ADJUSTMENT.

Section 104(a) of the Petroglyph National Monument Establishment Act of 1990 (Public Law 101–313; 16 U.S.C. 431 note) is amended—

(1) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(2) by striking "(a) Upon" and inserting the following:

"(a) PIEDRAS MARCADAS AND BOCA NEGRA UNITS.—

"(1) IN GENERAL.—Upon"; and

(3) by adding at the end the following:

"(2) BOUNDARY ADJUSTMENT.—

"(A) EXCLUSION OF PASEO DEL NORTE CORRIDOR.—Notwithstanding paragraph (1), effective as of the date of enactment of this subparagraph—

"(i) the boundary of the monument is adjusted to exclude the Paseo Del Norte corridor in the Piedras Marcadas Unit described in Exhibit B of the document described in subparagraph (B); and

"(ii) the Paseo Del Norte corridor shall be owned and managed as if the corridor had never been within the boundary of the monument.

"(B) DOCUMENT.—The document described in this paragraph is the document entitled "Petroglyph National Monument Road-way/Utility Corridors", on file with the Secretary of the Interior and the mayor of the City of Albuquerque, New Mexico.

By Mr. BAUCUS (for himself, Mr. WARNER, and Mr. BYRD):

S. 634. A bill to amend the Internal Revenue Code of 1986 to deposit in the highway trust fund the receipts of the 4.3-cent increase in the fuel tax rates enacted by the Omnibus Budget Reconciliation Act of 1993, and for other purposes; to the Committee on Finance.

TAX LEGISLATION

Mr. BAUCUS. Mr. President, I rise today to introduce legislation to transfer 4.3 cents of the Federal gas tax currently used for deficit reduction to transportation purposes.

Specifically, this bill will transfer 3.8 cents to the highway account of the highway trust fund and one-half penny to a new intercity passenger rail account to be used for Amtrak or other intercity passenger rail service.

Mr. President, this bill is important because it is time to give the American taxpayers the confidence that the fuel taxes they pay will be used for transportation purposes.

The 3.8 cents deposited in the highway account means over $5.5 billion in additional funds would be available each year for transportation improvements. Those improvements could be for highway maintenance or other infrastructure safety improvements; mass transit projects; bikepaths; pedestrian walkways; or a variety of other transportation projects that are eligible today under the Intermodal Surface Transportation Efficiency Act.

This Nation is losing ground with regard to transportation investments. Japan spends four times the United States on transportation as a percentage of gross domestic product. And the Europeans spend twice as much.

These and other countries envy our transportation system. We cannot afford to allow our global competitors to outspend us on infrastructure improvements. Our ability to remain competitive in the future is tied to maintaining an efficient transportation system and highly mobile workforce.

And Amtrak remains an important component of such a transportation system. Every country that has a passenger rail system provides some government financial assistance. It only makes sense that this country do the same.

Amtrak is important to many communities around the country—it serves over 530 cities and towns. These include 12 in my State of Montana—Libby, Whitefish, West Glacier, Essex, East Glacier, Cut Bank, Malta, Browning, Shelby, Havre, Wolf Point, and Glasgow. These Montana communities rely upon Amtrak as a transportation option.

And Amtrak is an important economic lifeline. Not only for the jobs directly related to Amtrak service, but Amtrak is an important tool in Montana's tourism industry. Each year, Amtrak brings thousands of folks to our State to ski, hike, or just enjoy the beauty of Montana.

But in order for Amtrak to remain a component of this Nation's transportation system, it must have a dedicated revenue source. Such a revenue source will give Amtrak the ability to do long-term capitalization planning—planning and improvements that must be made in order for Amtrak to remain viable.

While I do not agree that Amtrak should be funded off of the top of the highway trust fund as has been suggested by the administration, I do feel we need to financially support Amtrak into the next century.

My bill will do that. It will provide a substantial increase in available funds for all modes of transportation.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 634

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RECEIPTS OF THE 4.3-CENT FUEL TAX RATE INCREASE DEPOSITED IN THE HIGHWAY TRUST FUND; ESTABLISHMENT OF INTERCITY PASSENGER RAIL ACCOUNT.

(a) IN GENERAL.—Section 9503(f) of the Internal Revenue Code of 1986 (defining Highway Trust Fund financing rate) is amended—

(1) in paragraph (1)(A), by striking "11.5 cents per gallon (14 cents per gallon after September 30, 1995)" and inserting "18.3 cents per gallon"; and

(2) in paragraph (1)(B), by striking "17.5 cents per gallon (20 cents per gallon after September 30, 1995)" and inserting "24.3 cents per gallon".

(b) CONFORMING AMENDMENTS.—

(1) Section 9503(f)(2) of such Code is amended—

(A) in subparagraph (B), by striking "3 cents" and inserting "7.3 cents";

(B) in subparagraph (C), by striking "zero" and inserting "4.3 cents per gallon";

(C) in subparagraph (D), by striking "zero" and inserting "48.54 cents per MCF (determined at standard temperature and pressure)";

(D) in subparagraph (E), by striking "11.5 cents" and inserting "15.8 cents"; and

(E) in subparagraph (E), by striking "17.5 cents" and inserting "21.8 cents".

(2) Section 9503(f)(3)(A) of such Code is amended to read as follows:

"(A) IN GENERAL.—If the rate of tax on any fuel is determined under section 4041(b)(2)(A), 4041(k), or 4081(c), the Highway Trust Fund financing rate is the rate so determined after September 30, 1997. In the case of a rate of tax determined under section 4081(c), the preceding sentence shall be applied by increasing the rate specified by 0.1 cent."

(3) Section 9503(f)(3)(C) of such Code is amended to read as follows:

"(C) PARTIALLY EXEMPT METHANOL OR ETHANOL FUEL.—In the case of a rate of tax determined under section 4041(m), the Highway Trust Fund financing rate is the rate so determined after September 30, 1995."

(4) Section 9503(f)(4) of such Code is amended by striking "zero" and inserting "4.3 cents per gallon".

(c) ESTABLISHMENT OF INTERCITY PASSENGER RAIL ACCOUNT.—Section 9503 of the Internal Revenue Code of 1986 (relating to Highway Trust Fund) is amended by adding at the end the following:

"(g) ESTABLISHMENT OF INTERCITY PASSENGER RAIL ACCOUNT.—

"(1) CREATION OF ACCOUNT.—There is established in the Highway Trust Fund a separate account to be known as the 'Intercity Passenger Rail Account', consisting of such amounts as may be transferred or credited to the Intercity Passenger Rail Account as provided in this subsection or section 9602(b).

"(2) TRANSFERS TO INTERCITY PASSENGER RAIL ACCOUNT.—

"(A) IN GENERAL.—The Secretary of the Treasury shall transfer to the Intercity Passenger Rail Account the intercity passenger rail portion of the amounts appropriated to the Highway Trust Fund under subsection (b) which are attributable to taxes under sections 4041 and 4081 imposed after September 30, 1997, and before October 1, 2003.

"(B) INTERCITY PASSENGER RAIL PORTION.—For purposes of subparagraph (A), the term 'intercity passenger rail portion' means an amount determined at the rate of 0.5 cent for each gallon with respect to which tax was imposed under section 4041 or 4081.

"(3) EXPENDITURES FROM ACCOUNT.—

"(A) IN GENERAL.—Amounts in the Intercity Passenger Rail Account shall be available without fiscal year limitation to finance qualified expenses of—

"(i) the National Railroad Passenger Corporation, and

"(ii) each non-Amtrak State, to the extent determined under subparagraph (B).

"(B) MAXIMUM AMOUNT OF FUNDS TO NON-AMTRAK STATES.—Each non-Amtrak State shall receive under this paragraph an amount equal to the lesser of—

"(i) the State's qualified expenses for the fiscal year, or

"(ii) the product of—

"(I) 1/12 of 1 percent of the lesser of—

"(aa) the aggregate amounts transferred and credited to the Intercity Passenger Rail Account under paragraph (1) for such fiscal year, or

"(bb) the aggregate amounts appropriated from the Intercity Passenger Rail Account for such fiscal year, and

"(II) the number of months such State is a non-Amtrak State in such fiscal year.

If the amount determined under clause (ii) exceeds the amount under clause (i) for any fiscal year, the amount under clause (ii) for the following fiscal year shall be increased by the amount of such excess.

"(4) DEFINITIONS.—For purposes of this subsection—

"(A) QUALIFIED EXPENSES.—The term 'qualified expenses' means expenses incurred, with respect to obligations made, after September 30, 1997, and before October 1, 2003—

"(i) for—

"(I) in the case of the National Railroad Passenger Corporation, the acquisition of equipment, rolling stock, and other capital improvements, the upgrading of maintenance facilities, and the maintenance of existing equipment, in intercity passenger rail service, and the payment of interest and principal on obligations incurred for such acquisition, upgrading, and maintenance, and

"(II) in the case of a non-Amtrak State, the acquisition of equipment, rolling stock, and other capital improvements, the upgrading of maintenance facilities, and the maintenance of existing equipment, in intercity passenger rail or bus service, and the payment of interest and principal on obligations incurred for such acquisition, upgrading, and maintenance, and

"(ii) certified by the Secretary of Transportation on October 1 as meeting the requirements of clause (i) and as qualified for payment under paragraph (5) for the fiscal year beginning on such date.

"(B) NON-AMTRAK STATE.—The term 'non-Amtrak State' means any State which does not receive intercity passenger rail service from the National Railroad Passenger Corporation.

"(5) CONTRACT AUTHORITY.—Notwithstanding any other provision of law, the Secretary of Transportation shall certify expenses as qualified for a fiscal year on October 1 of such year, in an amount not to exceed the amount of receipts estimated by the Secretary of the Treasury to be transferred to the Intercity Passenger Rail Account for such fiscal year. Such certification shall result in a contractual obligation of the United States for the payment of such expenses.

"(6) TAX TREATMENT OF ACCOUNT EXPENDITURES.—With respect to any payment of qualified expenses from the Intercity Passenger Rail Account during any taxable year to a taxpayer—

"(A) such payment shall not be included in the gross income of the taxpayer for such taxable year,

"(B) no deduction shall be allowed to the taxpayer with respect to any amount paid or incurred which is attributable to such payment, and

"(C) the basis of any property shall be reduced by the portion of the cost of such property which is attributable to such payment.

"(7) TERMINATION.—The Secretary shall determine and retain, not later than October 1, 2003, the amount in the Intercity Passenger Rail Account necessary to pay any outstanding qualified expenses, and shall transfer any amount not so retained to the Highway Trust Fund."

(d) EFFECTIVE DATES.—

(1) TRANSFER OF TAXES.—The amendments made by subsections (a) and (b) apply to fuel removed after September 30, 1997.

(2) ACCOUNT.—The amendment made by subsection (c) applies with respect to taxes imposed on and after October 1, 1997.

By Mr. SPECTER:

S. 635. A bill to amend the Internal Revenue Code of 1986 to provide incentives for investments in disadvantaged and women-owned business enterprises; to the Committee on Finance.

THE MINORITY AND WOMEN CAPITAL FORMATION ACT OF 1997

Mr. SPECTER. Mr. President, I have sought recognition for the purpose of introducing legislation captioned the Minority and Women Capital Formation Act of 1997.

I am introducing this legislation which is designed to be an economic stimulus to promote jobs and economic opportunity. Unquestionably, small minority and women-owned businesses can and must play an integral role in expanding our economy, but they cannot do so unless we are able to close the great capital gap facing these businesses.

This bill, captioned the Minority and Women Capital Formation Act of 1997, would close this gap by providing targeted tax incentives for investors to invest equity capital in minority and women-owned small businesses, as well as venture capital funds which are dedicated to investing in minority and/or women-owned businesses.

As long as the Internal Revenue Code continues tax incentives to promote specified business activities, then I believe this legislation is warranted. If we were to adopt a flat or modified flat tax which I favor, and have proposed, then I would be willing to forgo the tax incentive because I believe sufficient additional capital would be available for the purpose without the specific incentive.

Small businesses in general face limited access to capital. In many instances, this lack of access amounts to a failure of many such businesses to succeed. But unlike other small businesses owned by minorities or women which have traditionally faced greater barriers in addressing private capital for startups, these businesses have been unable to achieve such funding.

Candidly, many of these barriers are founded in racism and sexism, two subjects we do not like to talk about but two subjects which are very important and really very pervasive in our society.

While the United States has benefited from civil rights laws, we have not yet moved ahead on the business front to provide the kinds of capitalization which we need. The "capital gap" is a phrase adopted by the U.S. Commission on Minority Business Development. In its 1990 interim report, the Commission found that the availability of capital is probably the single most important variable affecting minority business. As stated by the Commission "the problem is twofold: Lack of access to capital and credit and the need for development of alternatives to conventional financial instruments and intermediaries."

In its 1992 final report, the Commission said: "Without timely access to capital, you can't start or grow a business, particularly growth firms being weaned off solely Government business."

In 1988, the House Committee on Small Business, in its report, New Economic Realties, The Rise of Women Entrepreneurs, also noted the barriers which women face in accessing capital and the need for the Federal Government to take into account alternative development financing institutions and eliminating or circumventing such barriers.

Mr. President, this legislation is designed to focus our attention on critical elements of a national strategy for providing access to capital and credit from minorities and women in business. The bill provides investors, and others who invest equity, capital in a small minority or women-owned businesses or venture capital for minorities, African-Americans, Hispanics, et cetera, will have tax breaks of, first, the option to elect either a tax deduction or a tax credit subject to certain annual and lifetime caps and, second, a partial capital gains exclusion of limited deferral of the remaining capital gain if it is reinvested in another minority or women-owned small business.

Mr. Robert Johnson, president of Black Entertainment Holdings, a minority-controlled enterprise publicly traded on the New York Stock Exchange, testified in 1992 before the Banking Committee on the availability of capital to minority businesses. He stated: "The urgency of the problem requires more adventuresome kinds of policies. Policies that are designed to deal with a specific problem should be problem specific in their solution."

Mr. President, I note that in the 1981 to 1990 timeframe, the venture capital resources increased from approximately $5.8 billion to some $36 billion but less than one-half of 1 percent of the capital raised by the majority venture capital industry was invested in minority- or women-operated businesses, which demonstrates the need for legislation of this type and incentives.

I believe minority and women small business development is critical to urban revitalization, job creation, and long-term economic growth. No one denies the need for urban revitalization and job creation to facilitate a sustained economic recovery. And no one should deny the role that women and minority business owners must have in this effort. During the 102d Congress as a member of the Banking Committee, I heard many firsthand accounts concerning the lack of access to capital for minority- and women-owned businesses. In some cases the cause is outright discrimination; in other instances investor or lender ignorance of the marketplace; in other fear. Whatever the cause, we are facing an emergency that requires Congress' and the President's immediate attention.

To avoid abuse, the bill also imposes minimum holding periods of 5 years for such investments and contains recapture provisions for instances where the minority- or women-owned business or venture capital fund fails to remain qualified within the meaning of the legislation.

Admittedly, my proposal may not be inexpensive. To address the cost issue, perhaps the bill should be limited to a tax credit, or perhaps to the capital gains benefit. In any event, I am willing to work with the estimators, my colleagues, and others to modify my bill as necessary to achieve the ultimate goal of eliminating the capital gap confronting minority- and women-owned businesses.

Some may question the use of tax policy in the manner I am proposing. However, just as we use tax policy to foster development of housing, jobs, and research and development, so too should we utilize tax policy to foster economic empowerment of minority and women business owners who will provide jobs and generate tax revenues.

Stated differently, this bill is really a Federal investment strategy for such businesses. The proposed tax expenditures represent seed capital to help develop greater self-sufficiency in the long term. In this regard, the bill recognizes that capital targeted to women and minority business is an essential, but often overlooked component of economic development. In my judgment, it is a very creative tool to spur business growth and job creation, particularly in distressed communities.

Another very important feature of the bill is the provision of similar tax incentives for those who invest in venture capital funds dedicated to investing in minority- and/or women-owned businesses. Prior to 1970, the Federal Government had no dedicated sources of financing for disadvantaged businesses. In 1971, however, Congress authorized the creation of the specialized small business investment company [SSBIC] program administered by the Small Business Administration. For the last 20 years SSBIC's have been the primary source of capital for disadvantaged businesses. In the face of tremendous obstacles SSBIC's and the minority venture capital industry have made a real difference. For example, according to the National Association of Investment Companies [NAIC], over the last decade they have raised and invested nearly $1 billion in disadvantaged businesses.

In sum, Mr. President, there remains a need to facilitate the development of minority- and women-owned small business. We cannot allow the capital gap to grow. If we are to remain a productive and competitive nation, we must eliminate it. Moreover, there is no substitute for equity capital. Federal policies should not focus exclusively on debt financing. With targeted tax incentives, such as those that I am proposing, we can cause greater investment of equity in businesses that traditionally have not been able to access it to any significant degree. I believe this capital formation bill will take us a long way toward achieving this goal. I, therefore, encourage my colleagues to join my efforts to enact this much needed legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Minority and Women Capital Formation Act of 1997".

SEC. 2. INCENTIVES FOR INVESTMENTS IN DISADVANTAGED AND WOMEN-OWNED ENTERPRISES.

(a) Subchapter P of chapter 1 of the Internal Revenue Code of 1986 (relating to capital gains and losses) is amended by adding at the end thereof the following new part:

"PART VI—INCENTIVES FOR INVESTMENTS IN DISADVANTAGED AND WOMEN-OWNED ENTERPRISES

"Subpart A—Initial investment incentives.
"Subpart B—Capital gain provisions.
"Subpart C—General provisions.

"Subpart A—Initial Investment Incentives

"SEC. 1301. Deduction for investment in minority and women venture capital funds.

"SEC. 1302. Deduction for investment in small minority and women's business corporations.

"SEC. 1303. Taxpayer may elect credit in lieu of deduction.

"SEC. 1304. Recapture provisions.

"SEC. 1301. DEDUCTION FOR INVESTMENT IN MINORITY AND WOMEN VENTURE CAPITAL FUNDS

"(a) GENERAL RULE.—There shall be allowed as a deduction an amount equal to the sum of the aggregate bases of—

"(1) qualified minority fund interests, and

"(2) qualified women's fund interests,

which are acquired by the taxpayer during the taxable year at their original issuance (directly or through an underwriter), and which are held by the taxpayer as of the close of such taxable year.

"(b) LIMITATIONS.—The amount allowable as a deduction under subsection (a)(1) or (2), respectively, for any taxable year shall not exceed $300,000 ($150,000 in the case of a separate return by a married individual).

"(c) QUALIFIED MINORITY FUND INTEREST.—For purposes of this part, the term 'qualified minority fund interest' means any stock in a domestic corporation or partnership interest in a domestic partnership if—

"(1) such stock or partnership interest (as the case may be) is issued after the date of the enactment of this part solely in exchange for money,

"(2) such corporation or partnership (as the case may be) was formed exclusively for purposes of—

"(A) acquiring at original issuance equity interests in qualified minority corporations, or

"(B) making loans to such corporations, and

"(3) at least 70 percent of the total bases of its assets is represented by—

"(A) investments referred to in paragraph (2), and

"(B) cash and cash equivalents.

For purposes of paragraph (2), the term 'equity interests' means stock, warrants, and convertible securities.

"(d) QUALIFIED WOMEN'S FUND INTEREST.—For purposes of this part, the term 'qualified women's fund interest' shall be determined under subsection (c) by substituting 'qualified women's corporations' for 'qualified minority corporations' in paragraph (2)(B).

"SEC. 1302. DEDUCTION FOR INVESTMENT IN SMALL MINORITY AND WOMEN'S BUSINESS CORPORATIONS.

"(a) GENERAL RULE.—There shall be allowed as a deduction an amount equal to the sum of the aggregate bases of—

"(1) small minority business stock, and

"(2) small women's business corporations,

which are acquired by the taxpayer during the taxable year at its original issuance (directly or through an underwriter), and which are held by the taxpayer as of the close of such taxable year.

"(b) LIMITATIONS.—

"(1) NONCORPORATE TAXPAYERS.—

"(A) IN GENERAL.—In the case of a taxpayer other than a corporation, the amount allowable as a deduction under subsection (a)(1) or (2), respectively, for any taxable year shall not exceed the lesser of—

"(i) $50,000 ($25,000 in the case of a separate return by a married individual), or

"(ii) $500,000 ($250,00 in the case of a separate return by a married individual) reduced by the aggregate amount allowable as a deduction under subsection (a)(1) or (2), respectively, the taxpayer for prior taxable years.

"(B) CARRYOVER.—If the amount otherwise deductible under subsection (a) exceeds the limitation under subparagraph (A)(1) for any taxable year, the amount of such excess shall be treated as an amount described in subsection (a) which is paid in the following taxable year.

"(C) SPECIAL RULE.—The amount allowable as a deduction under subparagraph (A)(i) or (ii) with respect to any joint return shall be allocated equally between the spouses in determining the limitation under subparagraph (A)(ii) for any subsequent taxable year.

"(2) CORPORATE TAXPAYER.—In the case of a corporation, the amount allowable as a deduction under subsection (a) (1) or (2), respectively, for any taxable year shall not exceed $100,000.

"(c) SMALL MINORITY BUSINESS STOCK.—For purposes of this part, the term 'small minority business stock' means any stock in a qualified minority corporation if—

"(1) as of the date of the issuance of such stock, the total bases of property owned or leased by such corporation does not exceed $12,000,000,

"(2) such stock is issued after the date of the enactment of this part solely in exchange for money, and

"(3) such corporation elects to treat such stock as small minority business stock for purposes of this section. An election under paragraph (3), once made, shall be irrevocable.

"(d) SMALL WOMEN'S BUSINESS STOCK.—For purposes of this part, the term 'small women's business stock' means any stock in a qualified women's corporation if—

"(1) as of the date of the issuance of such stock, the total bases of property owned or leased by such corporation does not exceed $12,000,000,

"(2) such stock is issued after the date of the enactment of this part solely in exchange for money, and

"(3) such corporation elects to treat such stock as small women's business stock for purposes of this section. An election under paragraph (3), once made, shall be irrevocable.

"(e) ISSUER LIMITATION.—The aggregate amount of stock for which an issuer may make an election under subsection (c)(3) or (d)(3) shall not exceed $5,000,000.

"SEC. 1303. TAXPAYER MAY ELECT CREDIT IN LIEU OF DEDUCTION.

"(a) MINORITY AND WOMEN VENTURE CAPITAL FUNDS.—

"(1) IN GENERAL.—A taxpayer may elect, in lieu of the deduction under section 1301, to take a credit against the tax imposed by this chapter for the taxable year in an amount equal to 15 percent of the sum of the aggregate bases of—

"(A) qualified minority fund interests, and

"(B) qualified women's fund interest,

which are acquired by the taxpayer during the taxable year at their original issuance (directly or through an underwriter), and which are held by the taxpayer at the end of the taxable year.

"(2) LIMITATIONS.—The amount allowable as a credit under paragraph (1) for any taxable year shall not exceed the lesser of—

"(A) $500,000 ($250,000 in the case of a separate return by a married individual), or

"(B) $7,000,000, ($3,500,000 in the case of a separate return by a married individual), reduced by the amount of the credit allowed under paragraph (1) for all preceding taxable years.

"(3) CARRYOVER.—If the amount otherwise allowable as a credit under paragraph (1) exceeds the limitation under paragraph (2)(A) for any taxable year, the amount of such excess shall, subject to the limitation of paragraph (2), be treated as an amount which is allowable as a credit in the following taxable year.

"(b) SMALL MINORITY AND WOMEN'S BUSINESS CORPORATIONS.—

"(1) IN GENERAL.—A taxpayer may elect, in lieu of the deduction under section 1302, to take a credit against the tax imposed by this chapter for the taxable year in an amount equal to 10 percent of the sum of the aggregate bases of—

"(A) small minority business stock

"(B) small women's business corporations, which are acquired by the taxpayer during the taxable year at their original issuance (directly or through an underwriter), and which are held by the taxpayer at the end of the taxable year.

"(2) LIMITATIONS.—The amount allowable as a credit under paragraph (1) for any taxable year shall not exceed the lesser of—

"(A) $250,000 ($125,000 in the case of a separate return by a married individual), or

"(B) $5,000,000 ($2,500,000 in the case of the separate return by a married individual), reduced by the amount of the credit allowed under paragraph (1) for all preceding taxable years.

"(3) CARRYOVER.—If the amount otherwise allowable as acredit under paragraph (1) exceeds the limitation under paragraph (2)(A) for any taxable year, the amount of such excess shall, subject to the limitation of paragraph (2), be treated as an amount which is allowable as a credit in the following taxable year.

"(c) APPLICATION WITH OTHER PROVISIONS.—For purposes of this title, any credit allowed under this section shall be treated in the same manner as a credit allowed under subpart B of part IV of subchapter A.

"(d) ELECTION.—An election under this section for any taxable year shall be made at such time and in such manner as the Secretary may prescribe and shall apply with respect to all acquisitions to which this subpart applies for such taxable year.

"SEC. 1304. RECAPTURE PROVISIONS.

"(a) BASIS REDUCTION.—For purposes of this title, the basis of any qualified minority or women's fund interest or small minority or women's business stock shall be reduced by the amount of the deduction allowed under section 1301 or 1302, or the credit allowed under section 1303, with respect to such property. In any case in which the deduction allowable under subsection (a) of section 1301 or 1302 (as the case may be) is limited by reason of subsection (b) of such section, or in any case in which the credit allowable under subsection (a)(1) or (b)(1) of section 1303 is limited by reason of subsection (a)(2) or (b)(2) of section 1303, the deduction of credit shall be allocated proportionately among the qualified minority or women's fund interests or small minority or women's business stock, whichever is applicable, acquired during the taxable year on the basis of their respective bases (as determined before any reduction under this subsection).

"(b) DEDUCTION RECAPTURED AS ORDINARY INCOME.—

"(1) IN GENERAL.—For purposes of section 1245—

"(A) any property the basis of which is reduced under subsection (a) (and any other property the basis of which is determined in whole or in part by reference to the adjusted basis of such property) shall be treated as section 1245 property; and

"(B) any reduction under subsection (a) shall be treated as a deduction allowed for depreciation. If an exchange of any stock the basis of which is reduced under subsection (a) qualifies under section 354(a), 355(a), or 356(a), the amount of gain recognized under section 1245 by reason of this paragraph shall not exceed the amount of gain recognized in the exchange (determined without regard to this paragraph).

"(2) Certain events treated as dispositions.—For purposes of this section, if—

"(A) a deduction was allowable under section 1301, or a credit was allowable under section 1303, with respect to any stock in a corporation or interest in a partnership and such corporation or partnership, as the case may be, ceases to meet the requirements of paragraphs (2) and (3) of section 1301(c), or

"(B) a deduction was allowable under section 1302, or a credit was allowable under section 1303, with respect to any stock in a corporation and such corporation ceases to be a qualified minority corporation or qualified women's corporation, whichever is applicable,

the taxpayer shall be treated as having disposed of such property for an amount equal to its fair market value.

"(c) Interest Charged if Disposition Within 5 Years.—

"(1) In general.—If a taxpayer disposes of any property the basis of which is reduced under subsection (a) before the date 5 years after the date of its acquisition by the taxpayer, the tax imposed by this chapter for the taxable year in which such disposition occurs shall be increased by interest at the underpayment rate (established under section 6621(a)(2))—

"(A) on the additional tax which would have been imposed under this chapter for the taxable year in which such property was acquired if such property had not been taken into account under section 1301, 1302, or 1303, whichever is applicable;>"(B) for the period on the due date for the taxable year in which the property was acquired and ending on the due date for the taxable year in which the disposition occurs. For purposes of the preceding sentence, the term 'due date' means the due date (determined without regard to extensions for filing the return of the tax imposed by this chapter).

"(2) Special rule.—Any increase in tax under paragraph (1) shall not be treated as a tax imposed by this chapter, for purposes of determining the amount of any credit allowable under this chapter or the amount of the minimum tax imposed by section 55.

"Subpart B—Capital Gain Provisions

"Sec. 1311. Exclusion of gain on sale by qualified minority or women's fund.

"Sec. 1312. Deferral of capital gain reinvested in certain property.

"SEC. 1311. EXCLUSION OF GAIN ON SALE BY QUALIFIED MINORITY OR WOMEN'S FUND.

"(a) General Rule.—Gross income shall not include 50 percent of any gain on the sale or exchange of any property by a qualified minority or women's fund if such property was acquired after the date of the enactment of this part and was held by such fund for at least 5 years.

"(b) Qualified Minority Fund.—For purposes of this section, the term 'qualified minority fund' means any domestic corporation or domestic partnership which meets the requirements of paragraphs (2) and (3) of section 1301(c).

"(c) Qualified Women's Fund.—For purposes of this section, the term 'qualified women's fund' means any domestic corporation or partnership meeting the requirements of paragraphs (2) and (3) of section 1301(c) (as modified by section 1301(d)).

"SEC. 1312. DEFERRAL OF CAPITAL GAIN REINVESTED IN CERTAIN PROPERTY.

"(a) General Rule.—Except as otherwise provided in this section, in the case of an individual, any qualified reinvested capital gain shall be taken into account for purposes of this title—

"(1) in the 9th taxable year following the taxable year of the sale or exchange, or

"(2) in such earlier taxable year (or years) following the taxable year of the sale or exchange as the taxpayer may provide.

"(b) Limitations.—

"(1) Dollar Limitation.—

"(A) In general.—The amount of the gain to which subsection (a) applies shall not exceed $500,000, reduced by the aggregate amount of gain of the taxpayer to which subsection (a) applied for prior taxable years. This subparagraph shall be applied separately for property described in subsections (c)(2)(A) and (B) and for property described in subsection (c)(2)(C) and (D).

"(B) Special rule.—The amount of gain to which subsection (a) applied on a joint return for any taxable year shall be allocated equally between the spouses in determining the limitation under subparagraph (A) for any subsequent taxable year.

"(2) Ineligibility of certain taxpayers.—Subsection (a) shall not apply to—

"(A) a married individual (as defined in section 7703) who does not file a joint return for the taxable year, or

"(B) any estate or trust.

"(c) Qualified Reinvested Capital Gain.—For purposes of this section—

"(1) Qualified reinvested capital gain.—The term 'qualified reinvested capital gain' means the amount of any long-term capital gain (determined without regard to this section) from any sale or exchange after the date of the enactment of this part to which an election under this section applies but only to the extent that the amount of such gain exceeds the excess (if any) of—

"(A) the amount realized on such sale or exchange, over

"(B) the cost of any qualified property which the taxpayer elects to take into account under this paragraph with respect to such sale or exchange. For purposes of subparagraph (B), the cost of any property shall be reduced by the portion of such cost previously taken into account under this paragraph.

"(2) Qualified property.—The term 'qualified property' means—

"(A) any qualified minority fund interest acquired by the taxpayer at its original issuance (directly or through an underwriter),

"(B) any small minority business stock acquired by the taxpayer at its original issuance (directly or through an underwriter),

"(C) any qualified women's fund interest acquired by the taxpayer at its original issuance (directly or through an underwriter), and

"(D) any small women's business stock acquired by the taxpayer at its original issuance (directly or through an underwriter). Such term shall not include any property taken into account by the taxpayer under section 1301, 1302, or 1303.

"(3) Reinvestment period.—The term 'reinvestment period' means, with respect to any sale or exchange, the period beginning on the date of the sale or exchange and ending on the day 1 year after the close of the taxable year in which the sale or exchange occurs.

"(d) Termination of Deferral in Certain Cases.—

"(1) Certain dispositions, etc., of replacement property.—

"(A) In general.—If the taxpayer disposes of any qualified property before the date 5 years after the date of its purchase—

"(i) any amount treated as a qualified reinvested capital gain by reason of the purchase of such property (to the extent not previously taken into account under subsection (a)) shall be taken into account for the taxable year in which such disposition or cessation occurs, and

"(ii) the tax imposed by this chapter for the taxable year in which such disposition or cessation occurs shall be increased by interest at the underpayment rate (established under section 6621(a)(2))—

"(I) on the additional tax which would have been imposed under this chapter (but for this section) for the taxable year of the sale or exchange, and

"(II) for the period of the deferral under this section. Any increase in tax under clause (ii) shall not be treated as a tax imposed by this chapter for purposes of determining the amount of any credit allowable under this chapter or the amount of the minimum tax imposed by section 55.

"(B) Certain events treated as dispositions.—For purposes of subparagraph (A), rules similar to the rules of section 1304(b)(2) shall apply.

"(2) Last taxable year.—In the case of the last taxable year of any taxpayer, any qualified reinvestment capital gain (to the extent not previously taken into account under subsection (a)) shall be taken into account for such last taxable year.

"(e) Coordination With Installment Method Reporting.—This section shall not apply to any gain from any installment sale (as defined in section 453(b)) if section 453(a) applies to such sale.

"(f) Statute of Limitations.—If any gain is realized by the taxpayer on any sale or exchange to which an election under this section applies, then—

"(1) the statutory period for the assessment of any deficiency with respect to such gain shall not expire before the expiration of 3 years from the date the Secretary is notified by the taxpayer (in such manner as the Secretary may by regulations prescribe) of—

"(A) the taxpayer's cost of purchasing any qualified property,

"(B) the taxpayer's intention not to purchase qualified property within the reinvestment period, or

"(C) a failure to make such purchase within the reinvestment period, and

"(2) such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any law or rule of law which would otherwise prevent such assessment.

"Subpart C—General Provisions

"Sec. 1321. Qualified minority corporation defined.

"Sec. 1322. Qualified women's corporation defined.

"Sec. 1323. Other definitions and special rules.

"SEC. 1321. QUALIFIED MINORITY CORPORATION DEFINED.

"For purposes of this part, the term 'qualified minority corporation' means any domestic corporation if—

"(1) 50 percent or more of the total value of the stock of such corporation is held by individuals who are members of a minority,

"(2) throughout the 5-year period ending on the date as of which the determination is being made (or, if shorter, throughout the period such corporation was in existence), such corporation has been engaged in the active conduct of a trade or business or in startup activities relating to a trade or business, and

"(3) substantially all of the assets of such corporation are used in the active conduct of a trade or business or in startup activities related to a trade or business.

"SEC. 1322. QUALIFIED WOMEN'S CORPORATION.

"For purposes of this part, the term 'qualified women's corporation' means any domestic corporation if—

"(1) 50 percent or more of the total value of the stock of such corporation is held by individuals who are women,

"(2) the management and daily business operations of the corporation are controlled by one or more women, and

"(3) the requirements of paragraphs (2) and (3) of section 1301 are met with respect to the corporation.

"SEC. 1323. OTHER DEFINITIONS AND SPECIAL RULES.

"(a) MINORITY INDIVIDUALS.—For purposes of this part, individuals are members of a minority if the participation of such individuals in the free enterprise system is hampered because of social disadvantage within the meaning of section 301(d) of the Small Business Investment Act of 1958.

"(b) CONTROLLED GROUP RULES.—

"(1) IN GENERAL.—All corporations which are members of the same controlled groups shall be treated as 1 corporation for purposes of this part.

"(2) CONTROLLED GROUP.—For purposes of paragraph (1), the term 'controlled group' has the meaning given such term by section 179(d)(7)."

(b) The table or parts for subchapter P of chapter 1 of such Code is amended by adding at the end thereof the following item:

"Part VI. Incentives for investments in disadvantaged and women-owned enterprises."

(c) The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

By Mr. FRIST (for himself, Mr. JEFFORDS, Mr. DEWINE, Mr. DORGAN, Mr. MURKOWSKI, Mr. LEVIN, Mr. THURMOND, Mrs. MURRAY, Mr. WARNER, and Mr. GREGG):

S. 636. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1997

Mr. FRIST. Mr. President, I take great pleasure today in introducing the Gift of Life Congressional Medal Act of 1997. With this legislation, which doesn't cost taxpayers a penny, Congress has the opportunity to recognize and encourage potential donors, and give hope to over 52,000 Americans who have end-stage disease. As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors. Public awareness simply has not kept up with the relatively new science of transplantation. As public servants, we need to do all we can to raise awareness about the gift of life.

Under this bill, each donor or donor family will be eligible to receive a commemorative Congressional medal. It is not expected that all families, many of whom wish to remain anonymous, will take advantage of this opportunity. The program will be coordinated by the regional organ procurement organizations [OPO's] and managed by the entity administering the Organ Procurement and Transplantation Network. Upon request of the family or individual, a public official will present the medal to the donor or the family. This creates a wonderful opportunity to honor those sharing life through donation and increase public awareness. Some researchers have estimated that it may be possible to increase the number of organ donations by 80 percent through incentive programs and public education.

As several recent experiences have proved, any one of us, or any member of our families, could need a life saving transplant tomorrow. We would then be placed on a waiting list to anxiously await our turn, or our death. The number of people on the list has more than doubled sine 1990—and a new name is added to the list every 18 minutes. In my home State of Tennessee, 98 Tennesseans died while waiting last year, and more than 900 people are in need in a transplant. Nationally, because of a lack or organs, close to 4,000 individuals died who were on the list in 1996.

However, the official waiting list reflects only those who have been lucky enough to make it into the medical care system and to pass the financial hurdles. If you include all those reaching end-stage disease, the number of people potentially needing organs or bone marrow, very likely over 120,000, becomes staggering. Only a small fraction of that number would ever receive transplants, even if they had adequate insurance. There simply are not enough organ and tissue donors, even to meet present demand.

Federal policies surrounding the issue of organ transplantation are difficult. Whenever you deal with whether someone lives or dies, there are no easy answers. There are between 15,000 and 20,000 potential donors each year, yet inexcusably, there are only some 5,400 actual donors. That's why we need you to help us educate others about the facts surrounding tissue and organ donation.

This year and last, Mr. President, there has been unprecedented cooperation, on both sides of the aisle, and a growing commitment to awaken public compassion on behalf of those who need organ transplants. It is my very great pleasure to introduce this bill on behalf of a group of Senators who have already contributed in extremely significant ways to the cause of organ transplantation. And we are proud to ask you to join us, in encouraging people to give life to others.

By Mr. DEWINE:

S. 637. A bill to amend title XVII of the Social Security Act to continue full-time-equivalent resident reimbursement for an additional one year under Medicare for direct graduate medical education for residents enrolled in combined approved primary care medical residency training programs; to the Committee on Finance.

THE PRIMARY CARE PROMOTION ACT OF 1997

Mr. DEWINE. Mr. President, I rise today to introduce the Primary Care Promotion Act of 1997. This bill would restore full Federal funding under Medicare for graduate medical education for physicians specializing in approved combined primary care residency training programs. This legislation is needed to refocus the recently issued HCFA regulations that reduce the level of Federal funding to graduate medical education paid by the Medicare program.

While HCFA's goals—reducing Medicare spending and placing sensible limitations on the number of new specialists trained in this country—are praiseworthy, we must not lose sight of the fact that we face a shortage of primary care physicians, and particularly those who treat children.

The Federal Government has used Medicare dollars effectively to support physicians who specialize in care for our seniors. Now, in my view, we must make a similar commitment to ensure that medical professionals are prepared to meet the health needs of our children. Despite what the bulk of our health policy would suggest, the health needs of our children are very different from those of their parents and grandparents. Children aren't miniature adults, and they need care that is tailored to their special needs.

This legislation would greatly benefit children, because it would enable physicians to complete advanced training in combined specialties such as internal medicine and pediatrics or emergency medicine and pediatrics. A recent survey by the American Boards of Internal Medicine and Pediatrics demonstrates the wisdom of this investment: over 70 percent of the physicians who were trained in the combined specialties of internal medicine and pediatrics between 1980 and 1995 currently work as primary care providers. Because the health needs of children are so varied and so different from those of adults, they often require care by physicians who have received specialized training.

The Primary Care Promotion Act is supported by a wide variety of professional medical associations, including pediatricians, specialists in internal medicine, children's hospitals, and medical educators. This legislation has received bipartisan support in the House of Representatives, where it has been introduced by Representative LOUISE SLAUGHTER, and we expect similar support in the Senate.

By Ms. SNOWE (for herself and Mr. ROCKEFELLER):

S. 639. A bill to require the same distribution of child support arrearages collected by Federal tax intercept as collected directly by the States, and for other purposes; to the Committee on Finance.

CHILD SUPPORT ARREARAGES LEGISLATION

Ms. SNOWE. Mr. President, I rise today to introduce a bill designed to rectify an inequity in child support law which will enable families to keep more of past-due support owed to them. I am extremely pleased that my colleague from West Virginia, Mr. ROCKEFELLER, has joined me today in offering this bill, and that Representative NANCY JOHNSON is offering a companion bill in the House.

Last year, my bill, the Child Support Improvement Act of 1996, was enacted into law as part of the Personal Responsibility and Work Opportunity Reconciliation Act (Welfare Reform Act). This bill contained comprehensive reforms to ensure that deadbeat parents could no longer renege on their responsibilities as parents to care for and support their children. It included provisions to dramatically improve States' ability to collect child support, particularly across State lines, and to take maximum advantage of computer technology in order to track down missing parents and ensure that child support gets paid promptly. It also will help increase the rate of paternity establishment, require the provision if health insurance coverage in child support orders, and improve the process for modifying support orders. In short, it promises to bring hope and financial stability to the millions of children and their single parents who depend on support from absent parents.

I am introducing a bill today which will close one small loophole that remains outstanding. Prior to the enactment of the Welfare Reform Act last year, a State that collected child support arrearages for a family that had left welfare could choose to reimburse itself for welfare expenditures with the arrears that accrued before the during AFDC receipt, before it paid the family arrears that accrued after the family left AFDC. Two-thirds of States chose to pay themselves back for AFDC outlays before paying the family, leaving the family with little, if any, of the money that accrued after they left the rolls. The Welfare Act rightfully changes this to require States to first pay the family the arrears collected when the family was not on welfare, before it can reimburse itself for assistance outlays. This provision increases the likelihood of a family's success in leaving welfare by ensuring that the family receives more of the child support collected on its behalf.

Unfortunately, a small provision inserted in conference creates an inequity for families, whereby arrears collected via a tax intercept (instead of wages garnished by the State) will not be affected by this change. It does not make sense that whether or not a family receives the funds depends on the method by which it is collected. This provision also rewards those States which do little to collect child support but rely instead on the Federal tax system to intercept the funds. My bill corrects this inequity by imposing the same distribution scheme on arrears collected through the tax intercept as it does on arrears collected by the States directly. This will ensure that families receive more of the past-due support that is owed to them, helping them to remain economically independent and to stay off welfare. I urge my colleagues to support this bill, which not only promises to help families, but will further our goals of keeping families off of public assistance.

By Mr. D'AMATO (for himself, Mr. CHAFEE, and Mr. DEWINE):

S. 640. A bill to extend the transition period for aliens receiving supplemental security income or food stamp benefits as of August 22, 1996; to the Committee on Finance.

IMPLEMENTATION DELAY LEGISLATION

Mr. D'AMATO. Mr. President, on August 22, 1997, in nearly 100 days, approximately half a million legal immigrants in this country, currently receiving SSI, will lose their benefits. These recipients are elderly or disabled—a vulnerable part of our population.

Of the 80,000 legal immigrants at risk of losing their SSI benefits in New York State, more than 70,000 are in New York City. The city estimates that there will also be 130,000 immigrants who will lose food stamps.

According to New York City estimates, the loss of SSI and food stamps to city immigrants is a loss of $442 million from the Federal Government to immigrants in New York City in 1998.

On April 17, I joined with my colleagues Senators CHAFEE, FEINSTEIN, MOYNIHAN, DEWINE, LIEBERMAN, and MIKULSKI to introduce legislation that will allow immigrants who were in the United States legally and were receiving SSI and food stamps on August 22, 1996 (the day the welfare reform bill was enacted) to continue to receive those benefits.

Legal immigrants who were in this country and receiving benefits at the time the welfare reform act was enacted should not have the rules changed midstream.

The legislation introduced last Thursday also allows refugees who were legally in the United States as of August 22, 1996 to receive SSI or food stamps, without a 5-year limitation. Refugees who entered after August 1996 will only be able to receive benefits for 5 years.

Congress needs time to enact legislation that will protect the most vulnerable population—the elderly and the disabled who are relying on these Federal benefits and refugees who are fleeing persecution.

Enacting a legislative fix will take time but the clock is ticking closer to August 1997, when benefits are expected to be cut.

That is why Senator CHAFEE, DEWINE, and I are introducing a bill that will provide the necessary time for Congress to further examine options and take action.

The bill will delay the cut-off period for legal immigrants who are SSI and food stamp recipients until February 22, 1998.

A delay in implementation will also allow immigrants who are trying to naturalize an additional 6 months to complete the citizenship process. This is especially important, because under the Welfare Reform Act, a legal immigrant who becomes an American citizen is eligible for benefits as any other citizen.

The naturalization process can prove to be a bureaucratic nightmare—especially for elderly and disabled poor immigrants. These people should not be unfairly penalized for being caught in the bureaucracy.

Mr. President, I urge my colleagues review the merits of this bill, as well as the Chafee-Feinstein-D'Amato bill to restore benefits to certain categories of immigrants, and hope for their passage.

By Mr. WARNER:

S.J. Res. 27. A joint resolution designating the month of June 1997, the 15th anniversary of the Marshall plan, as George C. Marshall month, and for other purposes; to the Committee on the Judiciary.

MARSHALL PLAN RESOLUTION

Mr. WARNER. Mr. President, today the nations of Europe enjoy historically unprecedented freedoms and economic success as democracy flourishes across the continent. This was not the case a mere 50 years ago.

I rise today to ask my colleagues and the American people to recall the state of the European Continent at the end of World War II. Like many of you, I will never forget the horrible devastation that the world witnessed in Europe: the destruction of the world's most remarkable cities; devastation of God's beautiful countryside; and the despair of the people. Europeans endured not only the ravages of two world wars, but also economic and political turmoil throughout the first half of this century. As I recall, even the elements seemed to plot against a post-World War II European recovery—one of the harshest European winters on record was in 1946.

This situation might well have precipitated renewed divisions and another war rather than a lasting peace. It was quite possible that we may have never enjoyed, in our lifetime, a Europe such as it thrives today, if it had not been for the foresight and wisdom of then-Secretary of State, and former Army Chief of Staff, Gen. George Catlett Marshall.

On behalf of the American people, George Marshall conceived and implemented one of the most benevolent acts of charity in the history of mankind. Under his stewardship, the European Recovery Program, or Marshall plan, provided over $13 billion in economic relief to the nations of Europe. Marshall's ingenuity and leadership restored hope and pride to a disheartened people, helping them to rebuild their cities and societies and again be positive contributors to the international community.

With the economic recovery of Western Europe came political stability. The Marshall plan, which Winston Churchill characterized as "the most unsordid act in history," enabled the re-emergence of free, democratic institutions. Today, the North Atlantic Treaty Organization and the Organization for Economic Cooperation and Development are successful institutions which can trace their origins to the Marshall plan.

General Marshall outlined his visionary initiative during remarks delivered at Harvard University in June 1947. That same month, he met with representatives of European nations to encourage their participation. Today, as we approach the 50th anniversary of that month, I am proud to introduce this resolution to once again acknowledge the integrity, vision, and benevolence of George Marshall, statesman and soldier, and the unparalleled importance of the Marshall plan in shaping the world of the 20th century. It is important that we continue to foster the virtues embodied in the Marshall plan; virtues which all the world continues to expect from the United States. I invite the support of my colleagues to this important legislation.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 65, a bill to amend the Internal Revenue Code of 1986 to ensure that members of tax-exempt organizations are notified of the portion of their dues used for political and lobbying activities, and for other purposes.

S. 66

At the request of Mr. HATCH, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 66, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 112

At the request of Mr. MOYNIHAN, the names of the Senator from Iowa [Mr. HARKIN] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 112, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of ammunition capable of piercing police body armor.

S. 173

At the request of Mr. DEWINE, the name of the Senator from Alabama [Mr. SESSIONS] was added as a cosponsor of S. 173, a bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes.

S. 193

At the request of Mr. GLENN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 215

At the request of Mr. JEFFORDS, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 215, a bill to amend the Solid Waste Disposal Act to require a refund value for certain beverage containers, to provide resources for State pollution prevention and recycling programs, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the names of the Senator from Georgia [Mr. CLELAND] and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 299

At the request of Mr. LAUTENBERG, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 299, a bill to require the Secretary of the Treasury to mint coins in commemoration of the sesquicentennial of the birth of Thomas Alva Edison, to redesign the half dollar circulating coin for 1997 to commemorate Thomas Edison, and for other purposes.

S. 305

At the request of Mr. D'AMATO, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Alaska [Mr. STEVENS] were added as cosponsors of S. 305, a bill to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

S. 320

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 320, a bill to amend the Internal Revenue Code of 1986 to provide comprehensive pension protection for women.

S. 364

At the request of Mr. LIEBERMAN, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 364, a bill to provide legal standards and procedures for suppliers of raw materials and component parts for medical devices.

S. 387

At the request of Mr. HATCH, the names of the Senator from New Hampshire [Mr. GREGG] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from Washington [Mr. GORTON] and the Senator from Wyoming [Mr. ENZI] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 405

At the request of Mr. HATCH, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 422

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 422, a bill to define the circumstances under which DNA samples may be collected, stored, and analyzed, and genetic information may be collected, stored, analyzed, and disclosed, to define the rights of individuals and persons with respect to genetic information, to define the responsibilities of persons with respect to genetic information, to protect individuals and families from genetic discrimination, to establish uniform rules that protect individual genetic privacy, and to establish effective mechanisms to enforce the rights and responsibilities established under this Act.

S. 432

At the request of Mr. ABRAHAM, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Mississippi [Mr. COCHRAN], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 432, a bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes.

S. 492

At the request of Mr. SARBANES, the names of the Senator from Illinois [Mr. DURBIN] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 492, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 505

At the request of Mr. HATCH, the names of the Senator from Florida [Mr. MACK], the Senator from Ohio [Mr. DEWINE], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 505, a bill to amend the provisions of title 17, United States Code, with respect to the duration of copyright, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Mississippi [Mr. LOTT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from New Hampshire [Mr. SMITH] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 537

At the request of Ms. MIKULSKI, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from Georgia [Mr. CLELAND], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 561

At the request of Mr. SHELBY, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 561, a bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, to eliminate certain sentencing inequities for drug offenders, and for other purposes.

S. 562

At the request of Mr. D'AMATO, the names of the Senator from Kansas [Mr. ROBERTS], the Senator from Arkansas [Mr. BUMPERS], the Senator from Utah [Mr. HATCH], and the Senator from New Jersey [Mr. TORRICELLI] were added as cosponsors of S. 562, a bill to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

S. 597

At the request of Mr. BINGAMAN, the names of the Senator from Maine [Ms. COLLINS] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 597, a bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of medical nutrition therapy services furnished by registered dietitians and nutrition professionals.

S. 606

At the request of Mr. HUTCHINSON, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Missouri [Mr. BOND] were added as cosponsors of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 620

At the request of Mr. GREGG, the names of the Senator from Utah [Mr. HATCH] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

SENATE JOINT RESOLUTION 6

At the request of Mr. KYL, the names of the Senator from Tennessee [Mr. FRIST] and the Senator from Oregon [Mr. SMITH] were added as cosponsors of Senate Joint Resolution 6, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the names of the Senator from New York [Mr. MOYNIHAN] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 13

At the request of Mr. SESSIONS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Concurrent Resolution 13, a concurrent resolution expressing the sense of Congress regarding the display of the Ten Commandments by Judge Roy S. Moore, a judge on the circuit court of the State of Alabama.

* * *

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Friday, April 25, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "The U.S. Healthcare Workforce: Realigning to Meet the Future." For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 10 a.m. on Wednesday, April 23, 1997, to receive testimony on the Administration's proposal on NATO enlargement.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 23, 1997, at 9:30 a.m. on the nominations of Kerri-Ann Jones of Maryland, and Jerry M. Melillo of Massachusetts, to be associate directors of the Office of Science and Technology Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 23, 1997, beginning at 10 a.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 23, 1997, at 10 a.m., for a hearing on S. 261, Biennial Budgeting and Appropriations Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 23, 1997, at 10 a.m., to hold a hearing on "Gangs—A National Crisis."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Reauthorization of Higher Education, during the session of the Senate on Wednesday, April 23, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HELMS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 23, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTE ON MANUFACTURING AND COMPETITIVENESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Manufacturing and Competitiveness subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 23, 1997, at 10 a.m. on the current state of manufacturing in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

EARTH DAY 1997

• Mr. DOMENICI. Mr. President, I would like to take a few moments to discuss our environment following Earth Day 1997.

In consideration of the 27th annual commemoration of Earth Day, the American people should remember that they have been fortunate to live in an industrialized and prosperous society that has afforded environmental protection. Growing consumer demand for parks, improved air quality, and open land for hunting and hiking is largely responsible for improving the quality and quantity of ecological resources. Advances in technology, production methods, and manufacturing practices, an offshoot of our economic growth, have resulted in less pollution.

However, Mr. President, Earth Day in 1970 was not the beginning of environmentalism in this Nation. Rather, it was evidence of a trend. Since the turn of the century, a strong conservation movement, led by rural interests, wanted national policy that would manage those resources they depended on to survive. Beginning with the passage of the Wilderness Act, Congress responded to those interests. In the last 27 years, the United States has continued to make great strides in improving the quality of its environment.

The United States of America has become a world leader in so many environmental areas. The Clean Air Act has been strengthened, and the Clean Water Act and the reauthorization of the Safe Drinking Water Act have improved the quality of our Nation's environment. We can take pride in the progress that has been made in the last 27 years since the first Earth day, and we have learned a great deal. We are in far better shape than we were in 1970.

According to the EPA, between 1970–95, air pollutants have decreased substantially. EPA has also observed that our rivers, lakes, and coastal waters are cleaner today than 25 years ago. Carol Browner, Administrator of the EPA, stated yesterday that the United States has the best drinking water in the world. We now recycle almost 35 percent of our municipal waste, 40 percent of all paper, and 60 percent of all aluminum cans. Our children consider recycling a way of life.

Since 1970, air pollution has been steadily declining, despite the fact that the U.S. population has increased by 28 percent and vehicle travel has increased by 116 percent. This is due in large part to advanced emissions equipment on newer cars. But we have learned as a people to change our personal habits as we demand that industry change theirs. Air pollution, for example, would continue to be greatly improved if people kept their vehicles, old and new, tuned up.

Mr. President, we know that humans will inevitably effect the environment because they are an inherent part of nature itself. We are not in a battle against the environment; rather, we now know that we are interdependent. Congress has further learned that top-down administration and imposition of regulations may not achieve the goal of true interdependence, but incentives, cooperation, respect for property rights, and more local control does. As most Americans have come to learn, if you want a better society, you build it yourself.

The term "sustainability" has come to represent our Nation's environmental goals. Activists, entrepreneurs, and scientists are being successfully linked with ecosystems. Technological advancements have shown us how to improve the environment. Programs such as the Waste-management Education and Research Consortium, or WERC, which I put together several years ago, are the future of environmental protection, not top-down regulation imposing unfunded mandates to states. Let us leave local environmental issues to the locals.

Sustainability is a goal best realized with local initiative. This Nation needs more flexible, market-oriented regulations that allow businesses more options for controlling pollution but that retain limitations on overall discharges. Concern and cooperation has bred environmental self-reliant activism.

Communities have just now been able to achieve the National Ambient Air Quality Standards, and air quality is improving. According to the EPA, air pollutants have greatly decreased since the first Earth Day. Let's let communities continue to improve, rather than impose strict and costly new air quality standards before we know that they are based in sound science. We should be proud that we are reaping the benefits of our current standards.

The working people of this country appreciate and have a healthy respect for nature. People who live on the land are closer to nature. Coming from New Mexico, I see the interdependence and cooperation of agricultural, timber, native American, urban and environmental interests. Congress has funded such programs as my initiative to preserve one of the largest areas of riparian cottonwood in the world, the Rio Grande Bosque. In the middle of a growing city like Albuquerque, citizens can walk among the native trees and animals. At the Bosque del Apache National Wildlife Refuge, rare migratory birds coexist with agricultural development. We all strive to maintain a delicate balance in our society and on our planet.

We all have to live on this planet, at least for now. Some might say progress is a curse. I say we are blessed in this Nation to be leaders in environmental protection and to also enjoy modern conveniences. Continuing progress is a blessing to all our families; we must just proceed to take care of our planet as we learn to live better in it.

This Congress will continue to work to improve environmental quality, and we will build on the experiences and successes of the past. We must promise to better our lives, our Nation, and our world. Earth Day should be every day.•

CINCINNATI TEACHER AT THE TOP

• Mr. GLENN. Mr. President, I rise with a great deal of pleasure and pride to inform my colleagues that the 1997 National Teacher of the Year is Sharon Draper, an English and language arts teacher at Walnut Hills High School in Cincinnati, OH.

Ms. Draper won the 1997 Ohio Teacher of the Year Award and was selected from four finalists to the receive the Nation's top teacher award. President Clinton presented this award at a White House ceremony.

In addition to her talents as a teacher, Ms. Draper is an accomplished award-winning author. Her novel "Tears of a Tiger" won the 1995 Corretta Scott King Genesis Award. Her second novel, "Forged By Fire," has been recently published.

Ms. Draper's dedication and outstanding commitment to education as well as her efforts to improve education are the envy of every school system and Ohio is justifiably proud of her accomplishment.

At a time when our education is under a great deal of scrutiny and in need of much improvement, it is important to remember that there are many examples of educational excellence. Certainly one outstanding example is Sharon Draper.

I had the opportunity to meet with Ms. Draper and it was an honor. I was at the White House to participate in the ceremony where she received the Teacher of the Year Award.

Ms. Draper's 25-year teaching career has been filled with creativity and enthusiasm. I understand that she requires a research paper in her senior level classes. When her students turn in their paper the day before the prom she gives them a T-shirt that proclaims "I survived the Draper paper." She says that she was probably born to be a teacher.

I am pleased that the Council of Chief State School Officers and Scholastic, Inc., have selected Ms. Draper as Teacher of the Year. I know that her students, school, the city of Cincinnati, and our State are very proud. I congratulate Sharon, her husband Larry, and children Cory and Crystal for the contribution they have made to public education.●

TRIBUTE TO CHUCK CONNER

● Mr. LUGAR. Mr. President, for 17 years Chuck Conner has been my top agriculture and nutrition advisor, and for the last 10 years has been Republican staff director of the Agriculture, Nutrition and Forestry Committee. Chuck is departing the Senate to become president of the Corn Refiners Association.

Chuck has ushered four farm bills through the Senate, including last year's historic FAIR Act that ended 60 years of Federal production controls. Chuck's work can be seen in moving American agriculture to the free market, thoughtfully downsizing the Department of Agriculture, reforming hundreds of USDA field offices, making food safer through pesticide regulations, saving and then reforming the farm credit system, updating commodity futures legislation, and landmark reform of the nutrition sections in last year's welfare reform bill.

Chuck was with me on my Indiana farm June 28, 1985, when then Secretary of Agriculture Jack Block and I announced the first Conservation Reserve Program. Today that program is still a vital cornerstone of soil and water conservation in America, and the extension of the program last year was part of the most significant environmental legislation in the 104th Congress. Chuck has been involved every step of the way.

He has combined a strong academic background, with an agricultural economics degree from the Purdue University School of Agriculture, and practical knowledge of how programs are implemented. His family continues to operate an 1100-acre corn and soybean farm in Benton County, IN. Chuck and his wife Dru maintain a herd of 100 registered Angus cows in Whitley County, IN.

Chuck and Dru met in the early 1980's while working in my office. My wife, Char, and I have enjoyed watching the growth of their four children: Katie, Ben, Andrew, and Emily.

I will miss Chuck's counsel, which Agriculture Committee members have trusted and respected. He now takes his leadership skills to agribusiness. On the committee he has hired, trained, and developed a talented staff that will be led by his longtime deputy Randy Green, maintaining continuity in service.

I speak for majority and minority members of the Agriculture Committee in wishing Chuck Conner, an extraordinarily talented and loyal friend, the very best.●

CONGRESS HAS 100 DAYS TO RESTORE IMMIGRANT BENEFITS

● Mr. KENNEDY. Mr. President, Congress has 100 days to restore urgently needed assistance to legal immigrants and refugees.

On August 1, 100 days from today, legal immigrants who have worked hard, but were injured on the job, will lose their Federal benefits under last year's so-called welfare reform law.

Refugees will lose their safety net. These are men and women who fled persecution in their own countries, only to find persecution now in America.

They are people who fought with us in Southeast Asia, and this is the thanks they get from hawks who kept the war going long after it should have stopped.

The Vietnam war and the cold war are finally over. But in the rush to forget, we cannot forget these brave families and their sacrifices, and treat them unfairly, because they are old or disabled.

In recent weeks, some needy immigrants have taken their own lives, rather than burden their families.

We must say enough is enough—100 days is long enough for Congress to undo the thoughtless damage an unthinking Congress did last year. I ask that a few recent news articles on this issue may be printed in the RECORD.

The articles follow:

[From the New York Times, Apr. 22, 1997]

CONFUSED BY LAW, NURSING HOMES BAR LEGAL IMMIGRANTS—FEAR OVER LOST BENEFITS

(By Rachel L. Swarns)

As the health care industry braces for Federal cuts that will leave thousands of immigrants without Medicaid this fall, nursing homes have begun to mistakenly deny admission to some elderly and sickly legal immigrants who will not lose their health coverage.

Bewildered by the new Federal welfare law and fearful that immigrants will default on their bills, some health care centers in New York and around the country are asking prospective patients for citizenship papers instead of residency papers upon admission, hospital and nursing home administrators say.

And while New York State health officials acknowledge that a small group of immigrants will lose Medicaid as Federal restrictions go into effect later this year, they warn that the new practice unfairly denies care to the vast majority who will keep that coverage.

But as health care administrators peer into the faces of their elderly applicants and struggle to interpret the law, some have found it easier to refuse all legal immigrants—those with green cards but not citizenship—than to figure out who will keep benefits and who will lose them.

"It's heartbreaking, but we're all too terrified to admit anybody who is not a citizen," said Sheryl Geminder, the director of admissions at the Sephardic Home for the Aged in Brooklyn, which now rejects all legal immigrants who need long-term care. "A green card was the ticket in six months ago, but now our attorneys are warning us not to take any chances.

The confusion is the unintended consequence of the changes in the Federal welfare laws, which allow states to continue Medicaid to some legal immigrants while denying coverage to others.

New York, along with at least 35 other states, plans to continue benefits to poor legal immigrants who entered the country before Aug. 22 of last year, when President Clinton signed the welfare bill. But those who have arrived since then will generally find themselves ineligible for Medicaid coverage for five years.

No one knows how many eligible immigrants have been turned away from care centers for the elderly, but health care officials in New York said that dozens had been rejected in the last month.

And administrators at public hospitals in Miami and Los Angeles, who are also reporting their first cases, fear the problem will balloon if the law is not clarified, stranding immigrants in hospital beds needed by acute-care patients.

Already, legal immigrants too sickly to bathe and too senile to recognize their children are beginning to languish in hospitals. And families who can no longer care for ailing relatives now find themselves overwhelmed with few options.

"If this continues, what will we do with these people?" asked Carol Burger, an administrator at Elmhurst Hospital Center in Queens as she searched for a place for an 83-year-old legal immigrant from Romania, one of about 20 patients rejected by nursing homes for lack of citizenship. "Where are they going to go?"

Representative E. Clay Shaw Jr., a Republican of Florida and the chief sponsor of the new welfare law, called the situation "worrisome" and said he had never intended to deny care to eligible immigrants.

By law, nursing homes may refuse patients who cannot pay their bills. But Mr. Shaw said he doubted that elderly care centers that receive Federal funds, in the form of Medicaid payments, had the right to turn away legal immigrants who were eligible for care. "There's no question that it's discrimination," he said in an interview.

Mr. Shaw said that care centers needed better guidance from state and Federal health officials and that his Congressional committee would provide it, if others did not. "I can understand their confusion," he said of the nursing homes. "But obviously, some elderly people have fallen through the cracks."

Paralyzed by a stroke that left empty spaces in her memory, Raisa Kinker, a 74-year-old legal immigrant from Ukraine, spent one month at Huntington Hospital on Long Island, rejected by one nursing home after another, until a Brooklyn rehabilitation center took her in.

Withered by the stomach cancer that has left him marooned at Elmhurst Hospital Center for two months, Lois Bejarano, 74 and a legal immigrant from Colombia, has been told not to even hope for a nursing home bed, although he, too, will keep his Medicaid coverage.

And more than 30 legal immigrants from China, many of them too crippled to walk or brush their thinning hair, recently found themselves stranded with families who could not care for them when a Staten Island retirement home rejected their pleas for placement this month.

"These families come all the way from Chinatown and beg us to take their elderly relatives, and I've got to look in their eyes and tell them no," said Cindy Miner, the case manager at the Staten Island home, the Anna Erika Home for Adults and Assisted Living Programs, which caters to elderly Asian patients.

"We've taken these people into our country, and now when they need help, we have to turn them away," she said. "It's a horrible feeling. We'd love to take everyone, but it's just too much of a risk."

The confusion over eligibility stems, in part, from the Federal Government's distinction between "qualified" immigrants, who will keep benefits, and "nonqualified" immigrants, who will lose them.

In New York State, virtually all legal immigrants, those who arrived before Aug. 22, are considered qualified. These noncitizens, who include legal permanent residents, refugees and seekers of political asylum, will keep Medicaid, which covers nursing home costs. Even the estimated 87,000 legal immigrants expected to lose Supplemental Security Income benefits, the Federal cash payments accepted by retirement homes, will receive state funds to cover their stay, state health officials say.

The S.S.I. recipients' Medicaid status will be re-evaluated, but state officials say the coverage will continue unless the recipients are no longer poor or disabled.

Although the State Legislature has not formally passed the welfare law that includes this provision, Democrats and Republicans say there is no dispute over the issue.

"They should not be turning away this group on the basis that they will be losing Medicaid eligibility, because that will not happen," said Frances Tarlton, a spokeswoman for the State Department of Health.

But a group of about 16,000 immigrants, considered "present under color of law," who have been granted temporary residency and receive Government services, are expected to lose both Medicaid insurance and cash benefits beginning in August.

And legal immigrants who arrived on or after Aug. 22 of last year—a group that will increase over time—will be ineligible for Medicaid.

State officials said they had tried to make the distinctions clear. But health care administrators for the elderly are still frantically seeking guidance, calling politicians, reading trade newsletters and viewing Government World Wide Web sites.

"I'm getting calls from nursing homes and they're saying, 'I have a legal immigrant here. What do I do?'" said Scott Sandford, director of regulatory affairs for the New York State Health Facilities Association, a trade group that represents 290 nursing homes.

"We have been telling our members, 'You have to be really careful about someone who is not a citizen.'" Mr. Sandford said. "We assume that Governor Pataki's proposal is going to pass, but we can guarantee nothing. It's a real risk."

The perceived risk varies from institution to institution. The Cabrini Center for Nursing and Rehabilitation, a 240-bed complex in Manhattan still accepts legal immigrants. Menorah Home and Hospital for the Aged and Infirm, a 253-bed center in Brooklyn, on the other hand, has turned several away.

"Some homes are being extra careful," said James E. Piazzola, the director of social work at the Los Angeles County-University of Southern California Medical Center, which saw its first legal immigrants rejected from nursing homes six weeks ago. "Rumors are flying everywhere."

Plans to ease the new welfare law's impact have been bandied about for weeks. President Clinton wants to restore most benefits to elderly immigrants. Republicans in Congress want to give some states money to help them manage the transition. And Mayor Rudolph W. Giuliani of New York City has filed suit to keep the Federal cuts from going into effect.

But while the proposals fly, hospital administrators say some legal immigrants are already suffering. And they fear that the situation will only get worse as the summer deadline for cuts in benefits approaches.

"As we get closer to August, more and more of the facilities are going to refuse them," said Jill Lenney, the administrator of social work at Jackson Memorial Hospital in Miami. "They're going to be occupying acute-care beds, and patients who need those beds will be spending more time in the emergency room."

Without clear guidance, nursing homes and retirement homes currently refusing legal immigrants have no reason to change their new policies, advocates for nursing home patients say.

"There are obviously people who need care, who are not going to be able to get it," said Cynthia Rudder, the director of the Nursing Home Community Coalition of New York State, which advocates on behalf of nursing home residents. "They're in limbo until the state makes some determination."

In a tiny apartment in Brooklyn, a 75-year-old legal immigrant from Ukraine lives in that limbo. Rejected from the Sephardic Home for lack of citizenship, Villy Vaysman lies in bed, unable to move, his body mostly deadened by Parkinson's disease.

He is too heavy for his 76-year-old wife, Irina, to carry to the bathtub. So every morning, she washes him bit by bit, rolling him from one side to another, praying all the while that some nursing home will take him in.

"I don't have the strength to take care of a paralyzed man," she said as she wept last week. "I don't want to think that they won't take him. I don't know what we'll do."

[From the Wall Street Journal, Apr. 22, 1997]

SUICIDE SHOWS WHY WELFARE FIGHT PERSISTS—IMMIGRANT'S DEATH RAISES QUESTIONS OVER CUTS IN AID

(By Dana Milbank)

STOCKTON, CA.—A few days before his 76th birthday last month, Ignacic Munoz clambered down into a dried canal bed beneath the railroad tracks here, put a .35 caliber Colt revolver to his right temple, and pulled the trigger.

Three weeks earlier, the Mexican-born laborer, who came to America half a century ago, received an "Important Notice" from the government warning him that he might lose his $400 a month of Supplemental Security Income. The reason: Mr. Munoz, though a legal immigrant, wasn't a citizen—and therefore stood to lose his benefits because of welfare overhaul. "They're going to cut me off," he told friends after receiving the letter. "If I had a gun right now, I would kill myself."

FUNDS MAY BE RESTORED

It's difficult to know what causes any suicide, or what other demons might have haunted Mr. Munoz. But in the debate over welfare policy, the laborer's story provides just the sort of powerful anecdote that can affect the course of events in Washington. Ronald Reagan's tales of welfare queens in Cadillacs helped spark the drive that led the government to revise the welfare system last year. And now tales of hard-working immigrants like Mr. Munoz are leading policymakers from both parties to question whether some of those changes went too far.

Leaders of both parties now support restoring some of the funding cut last year from benefits for legal immigrants, although they disagree on how much. Republican legislators, under pressure from GOP governors and worried about the public relations problems that stories like Mr. Munoz's could cause, have already proposed adding back $2 billion of funding for immigrants over the next two years—mostly for SSI and food stamps. President Clinton and the Democrats are proposing adding back much more—more than $14 billion over five years. If the White House and Republican leaders are able to reach a budget agreement, it will probably include a compromise on increased immigrant funding somewhere in between.

In Mr. Munoz's case, the sad irony is that he need not have lost his benefits. The law requires immigrants to either become citizens or prove that they have worked 10 years or more in the U.S. to keep their benefits. Mr. Munoz had worked in this country since the late 1940s, and a welfare counselor told him he could obtain an exemption if he could document his employment history. That, however, would have required his patrons to acknowledge that they had employed him against the law, and Mr. Munoz considered it a matter of honor not to betray his former bosses.

"I'd rather die," he told his friend Salvador Aguierre. Lupe Marquez, another friend, explains it this way: "He really loved the patron. He got in his mind that he'd have to put the finger on his patron. That's why he died."

Mr. Munoz, whose nickname was "Nacho," was born in 1921 on a ranch in Colotlan, in the Mexican state of Jalisco, the son of a laborer. He came to the U.S., illegally at first and alone, in the late 1940s. He lived in labor camps and cheap hotels or with friends. He held a string of odd, seasonal jobs—pruning pear trees in the winter, picking olives in the fall, working in a tortilla factory, and doing landscaping and office cleaning at a local radio station. Anselmo Ambriz, who met Mr. Munoz in the fields in 1951, says his friend worked until age 70, sometimes for 10 hours a day.

Whenever he worked, he was dogged by a fear that border police would catch him. Indeed, he was once returned to Mexico but snuck back in soon after. "He thought he was a criminal," says Frank Gonzales, whose family housed Mr. Munoz at various times.

Mr. Munoz developed intense loyalty to his patrones, his employers through the 1980s: Knox LaRue and Arnold Toso. Mr. Munoz worked illegally for both men, but Mr. LaRue, under an amnesty program passed by Congress in 1996, obtained a green card and a legitimate Social Security number for him in the late '80s. "He was a very nervous little guy." Mr. LaRue recalls of the 5-foot-7 Mr. Munoz, who had bushy gray brows over sad, dark eyes. "He'd been on the lam for 40 years, looking over his shoulder."

CONSIDERED CITIZENSHIP

Mr. Munoz stopped working after 1992 and moved into the Franco Center, a big, concrete building for the elderly poor, where he took a noisy one-bedroom apartment overlooking a freeway. He paid the $184 monthly rent with his Social Security payment of $286 and his $400 of SSI. At some point, he contemplated becoming a citizen; among the possessions in his apartment is a wrinkled, 11-page list of study questions for the exam.

Mr. Munoz never married and had no children. He spoke little English and never visited the cantinas (tavern) with his friends. He had cataract surgery in January, and walked stiffly because of arthritic legs, but friends say he showed no signs of depression.

The trouble, says Mary Serna, a neighbor, "all started with that letter he got." He showed the letter to his friend Mr. Aguierre. "I worked all my life, now they're cutting me off," Mr. Aguierre recalls Mr. Munoz saying.

He paid a visit to a local advocacy group called Concilio, where Susan Casillas offered to help him document his work history. On Monday morning, March 17, he returned unannounced to the Concilio office. Ms. Casillas asked him to return at 1 p.m. Instead, he walked that afternoon down to the railroad track, past a cement and lumber yard, through some weeds and down into the dusty canal bed. He was found bloody but still breathing just after 1 p.m., the time of his appointment at Concilio.

Mr. Munoz was buried in a simple gray coffin in a plot for the indigent in the county cemetery. The police found $717.40 in the dead man's pocket—the $1,000 in savings he had recently withdrawn from the Franco Center office, less the price of the gun.•

TRIBUTE TO EVELYN MARCONI FOR BEING AWARDED THE LIFETIME ACHIEVEMENT AWARD

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Evelyn Marconi of Portsmouth, New Hampshire, for being honored with the Lifetime Achievement Award by the Rotary Club of Portsmouth.

Evelyn has been my friend for more than a decade. I can think of no one more deserving of the recognition she is receiving by the Portsmouth Rotary Club.

She has given her life to public and community service. Evelyn has served on the Portsmouth City Council for 10 years, four of those years as assistant mayor. In 1989 she was nominated for the prestigious Norris Cotton Republican of The Year Award.

Evelyn has also been a cornerstone of business in Portsmouth and is known to everyone as she owns and operates the landmark Geno's Coffee Shop. In 1980 former U.S. Senator Gordon Humphrey recognized Evelyn's business leadership and appointed her as a delegate to the Small Business Conference where she participated in the Women in Business and Capital Formation and Retention. She also was a delegate to the New Hampshire Constitutional Convention.

Evelyn's community involvements range from organizing fundraisers to keeping the local Pierce Island Pool open for the children, to being a member of several foundations, committees and executive boards and serving as the first woman president of the Navy League of the United States.

Among her neighbors Evelyn is known as a compassionate and concerned person who makes chicken soup for the sick, helps out with babysitting and works to secure anonymous donations of food or clothing for the underprivileged. Evelyn has been known to go out in a blizzard to deliver food to shut-ins when the city's "meals on wheels" was canceled due to bad weather.

Evelyn is always willing to take responsibility, whether to organize rides to the cancer treatment center for local patients, giving rides on election day to any voter, chairing committees or helping people in need. Whatever she commits to, she always does an outstanding job.

Mr. President, Evelyn has dedicated her time, talent and energy to serving the residents of Portsmouth in an exemplary way. I am proud to know Evelyn, and to honor her outstanding community commitment, which is so important to the future and prosperity of Portsmouth. We are indeed indebted to Evelyn for her efforts in business, public service and community dedication. Congratulations to my friend, Evelyn Marconi, for this distinguished recognition. I am honored to represent her in the U.S. Senate.•

THE THEME IS FREEDOM: RECONSIDERING U.S.-SINO RELATIONS

• Mr. ASHCROFT. Mr. President, no one did more to bring peace and prosperity in our time than our 40th President, Ronald Reagan. President Reagan's economic and foreign policies gave us the longest peacetime expansion in our history and made the world safe again for democracy. But more than that, Ronald Reagan called us to our highest and best: we never spoke with more certainty or sat taller in the saddle than when Ronald Reagan was riding point.

In his farewell address, Reagan told a wonderful story, a story of a refugee and an American sailor. In the early eighties, the U.S.S. *Midway* was patrolling the South China Sea when the crew happened upon a small craft, a decrepit little boat crammed with refugees trying to make their way to America. The *Midway's* captain sent a small launch to bring the ship to safety. And as they made their way toward the tiny vessel, a refugee glimpsed a crewman on deck and called out, "Hello, American sailor. Hello freedom man."

It was, as Reagan noted, "a small moment with a big meaning." Throughout our history, America has been a nation dedicated to a proposition, a country committed to freedom—freedom of religion, of speech, of assembly, and of the press. That undying devotion has allowed us to know both wealth and power, for they are the natural fruit of the democratic ideal. From manufacturing to basic science, from aerospace to the arts, it is a material abundance and cultural vitality heretofore unseen.

And freedom is the song America has sung across the globe whether marshaling her troops or providing resources for the Marshall plan. Five times in this century patriot's blood has been spilled in the fight for freedom around the world. That is our history, it is our common calling, it is our shared wisdom.

And so as we stand on the verge of a new century, with the greatest technological and material advances mankind has ever known, we would do well to ask ourselves: how stands the cause of freedom? Not just in the Western Hemisphere, but around the world. For while America is safer, stronger, more prosperous today than at any time in recent history, a sound like a bell tolls softly in the night; and it warns of coming conflict.

Mr. President, there is a destabilizing force in the Pacific rim today—and it is not the Asian democracies. There is an entity, which through its emerging economic and military might, intends to assert its power—and it is not the Asian democracies. There is a political system that sees as its enemy the free people of the world—and it is not the Asian democracies. No, the expansionist force in Asia is Communist China, a country that cares little for international law, and even less for the sacred nature of human life.

Now, Americans have long known of the existence of evil in the human heart. And yet strangely, we are loathe to confess it. We are Jefferson's children, unrequited romantics, believers in the innate goodness of man. But experience is both the best and most expensive teacher. And it has taught us a costly lesson that I fear is being lost: "Totalitarians do not stop—they must be stopped."

Communist China is presently engaged in a military build-up that is as spectacular as it is unsettling. The weapon's bazaar open for business in Beijing includes a blue water navy and a 21st century air force that will give China the capacity to exercise power throughout the Pacific. Russia alone has sold billions of dollars of military technology to the Chinese, including cruise missile(s) capable of defeating the antimissile defenses of the United States Navy.

These force-projection technologies are not about provid[ing] for the common defense; they are about providing an uncommon capacity to project power. They threaten not just the democracies of Asia, but the American sailors of the 7th Fleet who in the name of peace call the waters of the South China Sea home.

Just as troubling as Beijing's buying binge is its decision to sell missile and nuclear technology to Pakistan, Syria, and Iran. Over time, this equipment will allow each to produce bomb-grade uranium. Now, China contends that the sales are nothing more than a mutually agreeable exchange between sovereign nations. But the dispatch of cruise missiles to Iran has placed United States forces in harm's way. For let us recall that it was a lesser version of this same missile that took the lives of 37 American sailors aboard the U.S.S. *Stark*.

As if this were not enough, Communist China has undertaken another drive: a campaign of persecution and repression aimed at crushing internal dissent. Beijing's policies of torture, arbitrary arrest, and execution in Tibet have made horror ordinary.

Today, the President has an opportunity to challenge state persecution and champion individual freedom by formally receiving the Dalai Lama. Unfortunately, administration thinking on his visit seems as muddled as our China policy itself. Why is it that the President has an open door policy for Chinese arms dealers, but the Dalai Lama must be slipped through the White House back door? We should embrace the people of China who yearn to breathe free, not toast the tyrants who ordered tanks into Tiananmen Square.

Or, consider the case of Bishop Su. Hung from the ceiling by his wrists, Su was battered time and again about the head until all but unconscious. He was then placed in a cell filled with water where he was left for days, unable to sit or [to] sleep. Tragically, Su is but one of untold hundreds that have been beaten and killed. Their high crime? A fidelity to God and the desire to exercise that devotion.

And who will condemn such barbarism? The administration has made not a sound. Well, I would respectively remind them that to sin by silence makes cowards out of men; and an act of cowardice this great has not been seen since Hemingway's Macumber heard the lion's roar.

As for United States exporters, there is little denying trade with China has been of great value. United States goods and services exports to China have increased from $3.5 billion to over $14 billion in the last decade alone. From power generation equipment to automotive parts, China has pursued Western consumer goods as a means by which to fuel its military expansion. The West has willingly obliged. But at what cost, and to what end?

Chinese import duties are still five times higher on average than those imposed by the United States and quadruple those of Japan. Nearly half of Chinese imports are subject to further barriers. And certain key industries such as electronics, aircraft, and telecommunications are shielded from competition altogether. It would seem that 18th century mercantilism is alive and well in 20th century China.

Mr. President, China's trade policies are about selective market access that ensure merchandise trade deficits as far as the eye can see; on human rights, Beijing is showing the world a reign of terror unparalleled in the post-cold-war era; and a tour of the Pacific rim's horizon finds a Chinese defense buildup aimed at achieving superpower status at the Asian democracies, expense.

So what, then, is to be done? Just a decade ago, the vast majority of the Congress seemed to understand who our enemies were and why. But some in Washington today seem confused about what is a decent political system and what is not, which philosophies should be embraced or rejected, what is right and what is wrong.

We will never tame the Chinese dragon—no more than we subdued the Soviet bear—with the policies of appeasement. The way to bring China into the community of nations, as Michael Ledeen and others have argued, is to talk truthfully and forcefully about the evils found there; challenge Beijing to grant more political and economic freedom to its people; and maintain a military superiority that makes the cost of conflict too high.

There is an old Chinese proverb which says, "When you want to test the depth of a stream, do not use both feet." To end diplomatic ties and cease trading with the most populous nation on Earth would be the march of folly. I do believe, however, that we must look anew at both the granting of most favored nation [MFN] status as well as China's acceptance into the World Trade Organization [WTO].

For we are now approaching a critically important stage in United States-Sino relations as a new generation of leadership leaps forward. They must know that adventurism in Asia will meet a firm response. They must know we will not sanction the injuries and usurpations that the Chinese people have suffered at the hands of the state. They must know that we will support and defend democracy.

The theme is freedom. And the fundamental principle upon which we should base U.S. trade policy is this: Truly free trade can only exist between free peoples. And the Chinese who watched treachery take hold in Tiananmen are most certainly not free.

More than 300 years before the U.S.S. *Midway* patrolled the South China Sea, there was a great Puritan migration to a land called America. And on board a very different ship, the *Arbella*, John Winthrop preached a sermon entitled, "A Modell of Christian Charity." In it, he laid out his expectations for the new colony; he spoke that, "every man might have need of other" and of a world "knit more nearly together by the bond of brotherly affection."

Winthrop was an early freedom man and his, like Reagan's, was a transcendent vision. The society he foresaw was a true commonwealth, a community in which each person put the good of the whole ahead of private concern. It should not surprise us, then, that Winthrop's words upon arriving in America were some of Reagan's most frequently quoted: "We shall be a city upon a hill, the eyes of all people are upon us."

Well, the eyes of all people are upon us again. And the question they ask? Will America continue to stand for freedom? Or, will she fall captive to policies born of confusion and conciliation. The answer we send will tell much about how brightly our city still shines.

For we stand on the cusp of a new and exciting age. By all accounts, this has been the American century. The ideals that light our city have found comfort's warm embrace across the globe; democracy has triumphed; market capitalism reigns supreme. But alas, China's shadow looms large. And the decisions of today will determine whether America alone will shape the tomorrows in which we live. So let us resolve to once again hoist up the flag of freedom. Let us resolve to extol the virtues of democracy to all who will listen. And not because democracy is our form of government, but because democracy is the only peaceful form of government. With the hope that one day the long tug of memory might look favorably upon us as we look approvingly on the generations who answered freedom's call in decades passed.●

ORDERS FOR THURSDAY, APRIL 24, 1997

Mr. KYL. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Thursday, April 24. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate immediately resume consideration of the Chemical Weapons Convention treaty.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KYL. Mr. President, for the information of all Senators, tomorrow, at 10 a.m., the Senate will resume consideration of the Chemical Weapons Convention treaty. I remind all Senators that from 10:30 to 12:30 the Senate will conduct its business in a closed session of the Senate in the Old Senate Chamber to hear debate on sensitive intelligence issues. With that in mind, I ask all Senators to arrive promptly at the Old Senate Chamber at 10:30 tomorrow morning. Under the agreement, tomorrow there will be five motions to strike in order to the resolution of ratification with 1 hour of debate equally divided between the chairman and ranking member, or their designees. Therefore, Senators should anticipate rollcall votes throughout Thursday's session of the Senate and possibly into the evening, if necessary, to complete action on this treaty.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. KYL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:06 p.m., adjourned until Thursday, April 24, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, April 23, 1997*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Since You have created each person, O God, and have breathed into all people the very breath of life, we offer these words of prayer and thanksgiving for the mighty gifts of life that we celebrate each day.

When we contemplate our blessings and as we meditate on our responsibilities, we become more aware of the grandeur of Your creation and the majesty of Your gifts to us. May we use these gifts wisely and courageously as we seek to be Your people, doing the works of faith and hope and love. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerk, announced that the Senate had passed a bill of the following title in which the concurrence of the House is requested:

> S. 495. An act to provide criminal and civil penalties for the unlawful acquisition, transfer, or use of any chemical weapon or biological weapon, and to reduce the threat of acts of terrorism or armed aggression involving the use of any such weapon against the United States, its citizens, or Armed Forces, or those of any allied country, and for other purposes.

The message also announced that pursuant to Public Law 104–201, the Chair, on behalf of the majority leader, after consultation with the Democratic leader, appoints the following individuals as members of the Commission on Maintaining United States Nuclear Weapons Expertise: Henry G. Chiles, Jr. of Virginia; and Robert A. Hoover of Idaho.

THE REPUBLICAN AGENDA

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I come here today to talk about the Republican agenda. I think that it is fitting and proper that we start to concentrate on those important areas of business left to this body and to this Congress.

Crime is and remains an important issue in the 15th District of Illinois and is an important part of our agenda. Securing our borders from threats of illegal entry by those trafficking drugs is very important in our battle to win the war on crime and drugs.

As recently as last Sunday, a Sunday evening news program, an exposé as you would have it, talked about the operation of our border patrols as we deal with those coming into our country who may be bringing drugs into this country. I think it was shocking to the American people. It was to me. If the evidence put forth in this television program were even partially true, we have a serious problem with our own enforcement.

Mr. Speaker, it is time to move on and to check this out.

ONE HUNDRED DAYS UNTIL ELDERLY AND DISABLED LEGAL IMMIGRANTS LOSE SSI BENEFITS

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, in exactly 100 days many thousands of elderly and disabled legal immigrants in our country will lose their only source of financial support, SSI, unless this Congress acts.

This is not about welfare reform, it is about community responsibility. It is not about moving a young parent from welfare to work, but about elderly people who cannot work. It is not about people who came here illegally, but people who came here under our laws, who now find themselves disabled, most often because of age and illness:

Asian-Americans caught up in the Vietnam war, often fighting on our side; Arab-Americans, many of whom fled the land of Saddam Hussein; people who, despite in numerous cases having defended their native land against Nazi invaders, left because of Soviet persecution against Jewish families; Hispanic-Americans dislocated by war or in pursuit of family reunification.

When the President signed the Personal Responsibility Work Opportunity Reconciliation Act, he made it completely clear he would propose legislation this year to correct the provisions on legal immigrants. Today I am introducing the bill that the President has proposed.

WORLD BANK GIVING AMERICAN DOLLARS AWAY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the World Bank, funded by American dollars, just gave another $250 million to Russian coal miners. The problem is no one knows what happened to the first $250 million. That is right, bye-bye, $250 million.

Now, if that is not enough to massage your chapter 11, check this out: Russian officials say the $250 million is lost. Where is the money, Mr. Speaker?

Since 1992, $7 billion of American money going to the World Bank ends up in Russia. Where is the money?

I say, while the World Bank, with American dollars, is providing jobs for Soviet and old Soviet Russian coal miners, American coal workers are getting pink slips and black lung.

Beam me up. I say somebody at the World Bank is smoking dope and they are inhaling. I think we need some common sense here. Yield back the balance of our carcinogens involved with this.

PRESENT TO AMERICAN PEOPLE AN HONEST AND RESPONSIBLE BALANCED BUDGET PLAN

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute.)

Mr. GUTKNECHT. Mr. Speaker, we talk about the 104th Congress as being a historic Congress. Well, we have an opportunity in this Congress to do something historic as well: to present the American people with an honest and responsible balanced budget plan.

The President and the Congress are having important budget negotiations right now. We have an opportunity. We

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

can balance the budget by the year 2002. We can show decreasing deficits as we move toward that balanced budget. We can provide permanent tax relief for hard-working American families. We can solve the problem of the Social Security and the Medicare trust funds. And finally, and most importantly, we can lay the foundations for eliminating the national debt and leave our kids a debt-free future.

Mr. Speaker, these are principles and issues that are worth fighting for, and I think they are principles we can all agree to. This is a chance for us to set a higher standard, to make good on our promises of actually changing the way Washington does business, and simply do the right thing for our seniors, for our children, for everyone. Let us seize the day.

NATIONAL SCIENCE AND TECHNOLOGY WEEK

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, this week is National Science and Technology Week. National Science and Technology Week is an informal public education outreach program of the National Science Foundation.

National Science and Technology Week is celebrated across the country, providing special opportunities in communities throughout the Nation to notice the major impact and importance that science and technology have on all aspects of our daily lives.

This year's theme is "Webs, Wires and Waves: The Science and Technology of Communication." This theme recognizes the impact that telecommunications has had in shrinking the world and bringing people worldwide closer together.

Today, from 9 a.m. to 9 p.m., the National Science Foundation will again offer its "Ask a Scientist or Engineer" hotline by telephone and the Internet. The toll-free number for this public service is 1-800-682-2716. Online access will be provided throughout the week at asknstw@nsf.gov.

I encourage my fellow Members to strongly support this program and join with me in celebrating National Science and Technology Week, and if my colleagues did not catch the telephone numbers or the Internet address, feel free to call my office and get the correct numbers.

NEW WELFARE REFORM LAW UNJUST, UNNECESSARY, AND UN-AMERICAN

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, today the countdown begins.

One hundred days from now, the new welfare reform law, a law that is unjust, unnecessary, and un-American, will jeopardize the health of the elderly, blind, disabled, and economically vulnerable immigrants. Yes, the same immigrants who made America richer, stronger and free through their own hard work, their own contributions.

The new welfare law would be unfair if it affected one immigrant. Now multiply it hundreds of thousands of times, as much as 1.8 million times. This is the magnitude of the crisis we are facing.

We have 100 days to restore benefits to legal immigrants and 100 days to restore something else, too: To restore a sense of fairness and logic to the welfare debate, to restore the principle of compassion.

Two years ago, some of my House colleagues acted in 100 days on something called a Contract With America. Within the next 100 days Members of both parties should consider an older contract, a compact, a covenant really, that no matter our background, in America we are worthy of that freedom, worthy of our respect, worthy of our compassion.

America should be proud of its immigrants and ashamed of the new welfare law.

H.R. 400 IS THE STEAL AMERICAN TECHNOLOGIES ACT

(Mr. ROHRABACHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROHRABACHER. Mr. Speaker, today, H.R. 400 comes before the House of Representatives for amendment and for an up and down vote. I call H.R. 400 the Steal American Technologies Act, so it is a good thing that we have discussed this bill on Science and Technology Week.

The fact is H.R. 400 would change the fundamental protections that have been in place guarding America's technological secrets and our innovation since the founding of our Republic.

□ 1415

It changes these fundamental protections. It guts the patent system. H.R. 400 would mandate that all of our technological secrets be published so our worst enemies will be able to use our innovations and technologies against us even before our patents are issued.

I ask my colleagues to join me in defeating H.R. 400, which is a Pearl Harbor attack on America's technological lead. Future generations of Americans will suffer if we let this dismal, this terrible bill through. I would ask my colleagues to join me in defeating H.R. 400, the Steal American Technologies Act.

EQUAL TREATMENT FOR MEN AND WOMEN

(Ms. NORTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. NORTON. Mr. Speaker, Monday the Supreme Court let stand a title IX ruling requiring Brown University to give equal treatment to men and women in sports. This was not an affirmative action case. It was an old-fashioned deliberate discrimination case, even though affirmative action would have been justified given the exclusion of women from sports for decades. It did not come a moment too soon. This is the 25th anniversary of title IX. It did not come a moment too soon because everybody jumped and cheered for our women athletes at the Atlanta Olympics. It is now time for Congress to undo the damage it did last year when it erased all State compliance funds for title IX, for the injury was not to female athletes alone but to all school programs for girls, including our attempts to increase girls in math and science. This is not about men versus women. It is not a zero sum game. Equal treatment for men and women is win-win, Mr. Speaker.

PROVIDING FOR CONSIDERATION OF MOTIONS TO SUSPEND THE RULES

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 117 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 117

Resolved, That it shall be in order at any time on Wednesday, April 23, 1997, or on Thursday, April 24, 1997, for the Speaker to entertain motions that the House suspend the rules. The object of any motion to suspend the rules shall be announced from the floor at least one hour prior to its consideration. The Speaker or his designee shall consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule makes it in order at any time today, Wednesday April 23, or tomorrow, Thursday, April 24, for the Speaker to entertain motions that the House suspend the rules. The rule also provides that the object of any motion to suspend the rules shall be announced from the floor at least 1 hour prior to its consideration. The rule further considers the Speaker or his designee to consult with the minority leader or his designee on the designation of any matter for consideration pursuant to this resolution.

The bills that will be considered under suspension of the rules as a result of adopting this rule are noncontroversial and are very narrowly tailored, thus making it impractical to bring them up under an order of business resolution from our Committee on Rules. However, scheduling them for consideration today is necessary to ensure that our colleagues are here to do the very important committee work.

For example, Mr. Speaker, the Committee on Banking and Financial Services is meeting today to mark up the Housing Opportunity and Responsibility Act. In addition, the Committee on Ways and Means is meeting today to mark up two very important pieces of legislation, the Adoption Promotion Act and the Welfare Reform Technical Corrections Act. Finally, the Committee on International Relations is marking up several timely measures relating to Zaire and Cambodia.

Mr. Speaker, a number of our colleagues have expressed concern about the pace in which this body has conducted its business during the first months of this session. To those Members, I would simply say that today's resolution makes it possible to keep moving ahead expeditiously on the important business the American people have sent us here to do.

This is clearly a straightforward and noncontroversial rule. I would hope my colleagues here will debate it with their customary civility and pass it on without delay.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank my colleague for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

While I do not oppose the rule, I would like to use the opportunity to again raise the issue of why the majority still has yet to propose a budget and has yet to hold any hearings or markups on campaign finance reform. Fifty-eight bills have already been introduced in the House this year that would reform our campaign finance system, one of which is my own measure to provide free television time to political candidates. Yet all 58 of these campaign finance reform bills continue to languish in committee. There is no excuse for this Congress' continuing failure to take action on these issues. The leadership of the House owes it to the voters of the Nation to seize the opportunity before it and to enact responsible reform. While I support this rule allowing us to move suspension measures forward this week, I would urge our leadership and my colleagues to also move forward on some of the more difficult and pressing matters before us. I am at a loss to explain to my constituents why the House has spent so little time in session this year while so much major legislation has yet to see the light of day. Let us get on with the budget process and move forward with real campaign finance reform.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT REGARDING LEGISLATION TO BE CONSIDERED UNDER SUSPENSION OF THE RULES TODAY

Mr. HASTINGS of Washington. Mr. Speaker, pursuant to the rule, the following suspensions will be considered today:

House Concurrent Resolution 8, H.R. 39, H.R. 449, H.R. 688, and H.R. 1272.

21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

The SPEAKER pro tempore. Pursuant to House Resolution 116 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 400.

☐ 1425

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes, with Mr. HASTINGS of Washington (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, April 17, 1997, the amendment in the nature of a substitute offered by the gentleman from California [Mr. ROHRABACHER] had been disposed of and the bill was open for amendment at any point.

Are there further amendments to the bill?

AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. CAMPBELL: Amend section 302(C)(2), p. 68 of March 20 text: Strike lines 4-6.

Insert: "under this chapter, and such use shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use, however, the defense shall also extend to improvements in"

Amend section 302(C)(6), p. 69 of March 20 text:

At line 23, strike "," add: "; in which case the use of the defense shall not be greater in quantity, volume, or scope than had been the actual quantity, volume, or scope of the prior use."

Mr. CAMPBELL. Mr. Chairman, I begin today with a word of thanks to my good friend and colleague, the gentleman from California [Mr. ROHRABACHER], on whose side I fought last week, and to my good friend and colleague, the gentleman from North Carolina [Mr. COBLE], the chairman. This is a different subject from last week. It is an amendment that deals with the prior domestic use. I would just like to take a moment and explain it.

This bill does something that has never before happened in American patent law. What it says is that where a prior user of a patented idea has made commercial use of that idea in the United States, then—even though the inventor files the patent on time and even eventually gets the patent—that inventor has no opportunity to get royalties from that prior domestic user. Now, that messes up the whole system. The idea is to reward the inventor, the person who comes up with the idea first, and who goes and gets it patented.

If instead you have to look around and wonder if somebody else anywhere in the country is engaged in the prior domestic use, you run the risk that when the patent eventually is awarded to you it will have very little value, very little value because some other company has already got it and the right to continue producing it.

This is a problem that might be limited, and I was offering an amendment to my good friend the chairman of the committee, which regrettably he was not able to accept. I do wish to put on the Record, by the way, that he accepted many other amendments of mine, for which I am very grateful. So this has been a cooperative process, but he was not able to accept this one.

What I suggested was, look, let us limit this prior domestic user to the kind and volume of that prior use. If you are an innocent prior domestic user, okay, continue. But you should not be able to double it, to triple it, increase it tenfold after somebody else has the patent. Particularly I am worried that if you sell your company, you should not be put in the position where the acquirer is bidding more for the company because it has the crown jewel of being able to do what, under existing law, would be a violation of patent.

So I propose today on the floor exactly the amendment I offered to the chairman, and I am going to take just a moment further and explain it. It says, go ahead, I understand the occasional need for a prior domestic user to continue, but it will be limited in quantity, volume, and scope to the actual quantity, volume, and scope that you were producing before; and, if you are acquired, that the acquirer, in taking over the full company, also not expand that use in scope or quantity or volume. Obviously the Patent Office has the right to issue regulations that will be relevant for explaining and applying this exception.

Where did I come up with this? This is a model in labor law about the opportunities and obligations to continue bargaining when an employer is taken over by another. The legal rules for changes in scope when there is a change in ownership are well known in existing law. I hope this is clear, and I offer this as an amendment that will improve the Coble bill that we are voting on later today. It will not defeat the other provisions of the bill. It is not inconsistent with it in my view.

Since last week, one additional piece of testimony has come to my attention, Mr. Chairman, and that is from Robert Rines, the president of the Academy of Applied Science. He wrote the following in a letter dated April 22:

> I also know firsthand that staff at MIT, where I teach, Stanford, Carnegie and Harvard, at least, are particularly upset with the prior secret user provision, which is certainly of no value to universities and which if passed will be used to deprecate their patents.

The importance of this is underlined by the fact that the major research universities have an interest in creating innovation and not having the value of it taken away because some prior domestic user making, let us say, 10 units can now make 100. That is it. I believe the amendment is simple, and I would urge my colleagues to support it.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment.

I thank the gentleman from California. As he indicated, Mr. Chairman, we have been pretty easy dogs to hunt with. As the gentleman said, we have compromised, we gave away a lot. I do not think we compromised the bill in doing so, but we worked very favorably with many people who came to us.

□ 1430

The amendment made in order by my colleague would seriously undermine the effectiveness of title III of H.R. 400, however, which protects prior American users of patented technologies. The amendment would apply limitations on expansion of activities by the prior user and by any company to which the prior user might wish to transfer its business.

The first part of this amendment is unclear to me as to exactly what type of limit would be placed upon a prior user. By limiting the quantity and volume to the, quote, actual quantity, volume or scope, close quote, of the prior use, the question is prior to what? Prior to the date of filing of an application covering an invention which is the subject of the prior use? Prior to the date of issuance on such a patent? Prior to the date the prior user is sued by the patent holder? It is very nebulous.

Irrespective of the actual meaning of the first part of this amendment, Mr. Chairman, it would at least significantly erode the benefit of the prior user right to American manufacturers, leaving them at a serious disadvantage vis-a-vis European and Japanese patent holders. All of our major trading partners have prior use defenses in their laws now. Thus, while foreign firms could use their U.S. patents to effectively disrupt the U.S. manufacturing and production facilities of American companies, the manufacturing operations of these foreign firms would remain immune from attack on the basis of patents obtained in their countries by their U.S. competitors. Such serious limitation on the prior use defense would place enormous pressure on enterprises, large and small, to seek to patent every advance which formed part of their production technology to avoid disruptions from patents by subsequent inventors.

The second part of the amendment, in addition to suffering the same infirmities of clarity, would be extremely prejudicial to start-up firms and small businesses which are frequently acquired by larger firms. A small business concern enjoying a prior use right, which it cannot transfer to a perspective purchaser, will be considerably less valuable to such a purchaser, depriving the individuals who created the small business in the first place of the just returns for their endeavors.

For those reasons and others, Mr. Chairman, I oppose the amendment offered by the gentleman from California [Mr. CAMPBELL].

Mr. DELAHUNT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the ranking member and I and other Democratic members of the subcommittee oppose this amendment. It forbids a technology-based business to grow its operations if the benefits are from a prior use defense. It would also freeze the level of activity benefiting from a prior use defense when a business was sold. This would especially harm small firms selling their businesses. The amendment limits the protection for prior uses to use that is no greater in quantity, volume or scope than the use that occurred before a somewhat unclear point in time. The limitation applies both to any expansion in quantity, volume or scope by another company to which the prior user may wish to transfer its business.

The practical effect of this limitation would be to discourage any growth or improvement in businesses that title III is intended to protect. The limitation also would discourage any transfer of a line of business to another firm that might be more efficient and competitive.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. DELAHUNT. Mr. Chairman, I yield the balance of my time to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I just wanted a quick comment. The chairman has received a letter. Mr. Lehman, our Commissioner of Patents and Trademarks, has written to the chairman on this issue, and I want to quote him. He in his letter dated April 22 indicates that, and I quote:

> H.R. 400 contains provisions referred to as prior use rights that are intended to make the patent system fairer by allowing those who practice an invention before it was patented by another to continue to practice invention after the patent issued.

According to Mr. Lehman, and again this is a quote:

> Mr. CAMPBELL's amendment is unfair in limiting their rights to exploit the invention to the quantity or volume of use at the time of the prior use. In some instances they may have reasonably expected to expand operations at a later time and others that may be tantamount to eliminating the prior use right.

That is Mr. Lehman's comment.

Mr. CAMPBELL. Mr. Chairman, would the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from California.

Mr. CAMPBELL. Would the gentleman kindly request the gentlewoman to share that copy with me, in that I have not seen it until this moment?

Ms. LOFGREN. Mr. Chairman, if the gentleman will yield, I am sorry. Of course. Since it was sent to the gentleman from North Carolina [Mr. COBLE] I assumed, but I would be happy to, when we go back into the House of Representatives, I will ask unanimous consent that the letter be submitted in the RECORD. In the meanwhile I will make a copy for the gentleman.

Mr. CAMPBELL. If the gentlewoman from California can just bring it over to me, that way I can see it on my rebuttal.

The letter referred to is as follows:

U.S. DEPARTMENT OF COMMERCE,
PATENT AND TRADEMARK OFFICE,
Washington, DC, April 22, 1997.

Hon. HOWARD COBLE,
Chairman, Subcommittee on Courts and Intellectual Property, Committee on the Judiciary, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your request to review proposed amendments to H.R. 400, the "21st Century Patent System Improvement Act." We oppose enactment of any of these proposed amendments and amendments that may be presented containing the same subject matter.

One amendment offered by Mr. Hunter would amend provisions of H.R. 400 related to patent reexamination—a proceeding that offers a cost-effective alternative to litigation. As changed by the Manager's Amendment, title V of H.R. 400 would improve the existing procedures by permitting those who question patent validity (other than the patent owner) to participate more effectively in reexamination proceedings. This makes reexamination a more effective alternative to expensive and time-consuming litigation. This amendment would eliminate this improvement and all others contained in H.R. 400. Furthermore, it would preclude the primary examiner who authorized the issuance of the patent, the person in the Patent and Trademark Office most familiar with the patent and the technology involved in it, from participating in the reexamination of the patent.

Another proposed amendment offered by Mr. Hunter would retain the provisions as amended by the Manager's Amendment but would change them in such a way as to render reexamination proceedings as almost useless. Under the provisions of this amendment, reexamination proceedings could only be instituted within nine months of the date of issue of the patent. In many or most cases, disputes involving the validity of the patent will not be apparent within the first nine months after issue. Thus, reexamination will not be a viable substitute for litigation in many instances and patent owners and third parties will be forced to engage in litigation that is more costly and time consuming. While this would be a disadvantage for all businesses, this could be especially disadvantageous for individual inventors and small businesses. It is ironic that this amendment is claimed to have been offered on their behalf.

An amendment offered by Mr. Forbes would preclude pre-grant publication of a patent application filed by small business or individual inventors (as defined in the fee subsidy provisions of title 35), unless requested by the applicant. The public benefits from prompt publication of patent applications. There appears to be no reason to exempt some applicants from the publication requirement, especially when any possible legitimate concerns about losing the opportunity to use trade secrets are mitigated by the bill under consideration. It provides that these applicants can request delays in publication until after the second office action.

H.R. 400 contains provisions, referred to as "prior user rights," that are intended to make their patent system fairer by allowing those who practiced an invention before it was patented by another to continue to practice invention after the patent issued. Mr. Campbell's amendment us unfair in limiting their rights to exploit the invention to the "quantity or volume of use" at the time of the prior use. In some instances, they may have reasonably expected to expand operations at a later time. In others, it may be tantamount to eliminating the prior user right.

Each of these proposed amendments would make it more difficult for all businesses, but especially small businesses or individual inventor, to exploit their inventions successfully. Therefore, we oppose their enactment.

Furthermore, during the debate on H.R. 400, some Members cited a report released by the Congressional Research Service that concluded that H.R. 811 would end the practice of "submarine patents". This conclusion in it is incorrect. H.R. 811 would permit publication at a late point in patent prosecution (unlike H.R. 400 that requires early publication) and permits the term to run from the date of issue (unlike H.R. 400 that requires the term to run from the date of filing). This means that the public would not receive notice of the "submarine" patent until the five-year date. Although this could be earlier than they would under the law before the enactment of the Uruguay Round Amendments Act, the public still could have invested substantial amounts unknowingly in the technology covered by the submarine patent. Worse, given the term provisions, the beginning of the patent term can still be unjustifiably delayed so that it appears that the submariner is obtaining a longer patent term than authorized. Thus, the public may then know about the patent application pending in the Office, but they cannot stop the delay tactics or the unfair extension of the patent term.

Sincerely,

BRUCE A. LEHMAN,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

Mr. DELAHUNT. Mr. Chairman, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was very pleased that the gentlewoman from California [Ms. LOFGREN] brought up Bruce Lehman, the head of our Patent Office. He is the one who actually made an agreement that has brought us all together today. It was his agreement with the Japanese, which I put into the CONGRESSIONAL RECORD on numerous occasions which the other side of this debate has yet to comment on, that has brought us together, because Mr. Lehman signed an agreement to harmonize American patent law with that of the Japanese. That is the reason we are here today.

America had the strongest patent law in the world. That is the reason we had our great innovations that mankind has enjoyed over these last 200 years coming from the United States of America.

This is an attempt, what is happening today, H.R. 400, to destroy the fundamental legal protections that have been part of our legal system since the adoption of our Constitution and in the name of harmonizing our law with that of Japan.

Last week, when we had this discussion as to basically our substitute amendment, all of this, quote, reform was being done to stop submarine patenting, supposedly. Well, those who were listening realized that argument did not wash. Well, what was the real reason we have the bill here? Why is there a portion of this bill that demands that every American inventor will have to have his invention published for everybody in the world to see and to steal before that patent is issued? That is part of the bill because that is the way the Japanese system works. That is what we have agreed to in a subterranean agreement with the Japanese.

This bill will gut America's patent system. It is horrendous. It will make us technologically inferior one generation from now. I ask my colleagues to defeat it.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, there were three points made in opposition to my amendment. I would like to rebut each of them. First of all, prior domestic use; it has been asked: Prior to what? The answer is already in the bill. Remember the bill itself creates the prior domestic use as a right. Accordingly, I am saying whatever that prior domestic use is, it shall be limited to its scope as of the time of the prior domestic use recognized by the bill. So it really is a circular argument against my amendment.

Second, opponents of my amendment argue that this is a disadvantage for America in regard to Europe because Europe has a prior domestic use provision. This is the debate we had last week.

If a European files over here, the European's prior domestic use does not give an excuse to violate American patent law. Everyone over here is treated the same. Over in Europe, whether an American or a European files, there is a prior domestic use exception. So there is a no unfairness between the two; we have a better system. In America the patent means more, and that should be protected.

And, last, opponents argue that small businesses are somehow disadvantaged. I have now had the opportunity to read Mr. Lehman's letter. He claims small inventors are disadvantaged—but what he says is disadvantaged as opposed to what the amendment would provide instead of the bill, not disadvantaged as compared to the status quo. There is no prior domestic commercial use in the status quo.

Now if my colleagues wish to create a prior domestic use exception, I am limiting it so that it is not expanded so broad as to take away the value of the right. And that is my intention. But please, to say that it limits the small businesses is really quite erroneous because small businesses do not have this right presently.

Last, if you want to generalize, understand it is the large businesses who are more likely engaged in the prior domestic commercial use. It is the small businesses who, if you want to generalize, are the inventors, the larger businesses who are the commercializers.

This one provision shows as clearly as any in the bill that it is an attempt to take from the inventor and give to the commercializer, and we do that at great risk to the inventing process.

I thank my colleague for yielding.

Mr. ROHRABACHER. It is fascinating that in H.R. 400, which we will vote on as an up-and-down vote at the end of this long debate and after our amendments are through, that all of the Nobel Laureates that have been cited on the floor have been in favor of a substitute to H.R. 400 and have opposed H.R. 400; the research departments of our major universities and colleges are opposed to H.R. 400; every inventors' organization in the country is opposed to H.R. 400; small businesses throughout our country are opposed to H.R. 400.

They do not want to give huge, multinational, and foreign corporations every secret that they have been developing with their research and their efforts over the years, even before patents are granted to those who have applied for patents.

This would make vulnerable small businessmen. It would make vulnerable our inventors. It would cut into what America has had as our edge against every one of our foreign adversaries both in terms of national security and in terms of our prosperity.

I am asking my colleagues to join me in voting no on H.R. 400 but supporting the amendment of the gentleman from California [Mr. CAMPBELL] which would, hopefully, improve it one little bit.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words. I just have a very brief statement I want to make.

I want to say to my friend, the gentleman from California [Mr. ROHRABACHER]: First, I disagree with him comprehensively in his interpretation of the bill; second, a local Capitol Hill newspaper has quoted me according to some anonymous source, as referring to him with a highly uncomplimentary name. I would like the public record to show that I hold him in the highest regard, I hold him in the highest esteem, in the highest respect, and that I disavow such terms and dislike personalizing any disputes.

I hope the gentleman does not put any credence in that published statement because that would be wrong. But again, I reiterate my comprehensive disagreement with the gentleman.

Publication is protection. Yes, it is published. Yes, people can read it. But you have provisional rights as though you had a patent issued. What the publication does is say, yes, this is my idea, I was here first, do not tread on me. And it is that publication of foreign applications for patents that we would like to see, inasmuch as they see ours when we file over there.

But notwithstanding that, that is not the real thrust of my remarks. The thrust of my remarks is to say that the gentleman is persistent and tenacious and a very worthy adversary; and I hope the misstatements in the press have not colored the gentleman's view of my opinion of him, which is of the highest.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I thank the gentlewoman for yielding.

First of all, I would like to say that this has been a heated debate and it has been a bipartisan debate; and no one can really chart who is going to fall down on what side of this debate in terms of their party or whether they are conservative or liberal or what have you.

I think that is healthy for this body. And I certainly never believed that my colleague, the gentleman from Illinois [Mr. HYDE] would have personalized it the way the newspaper said it was. After all, it was a comment not about me but about my mother I seem to think. And I am sure that comment would not really have been something that would be characteristic of the gentleman from Illinois [Mr. HYDE], who has always kept debates on a very high plain, even though sometimes being called Mr. Periscope is not always the nicest thing in the world, but I did not take offense at that either.

Mr. HYDE. Mr. Chairman, if the gentlewoman would yield, the gentleman's periscope is always up.

Mr. ROHRABACHER. But I have nothing but respect for the gentleman from North Carolina [Mr. COBLE] and the gentleman from Illinois [Mr. HYDE].

As I say, if one would examine our voting records, one would find that we vote together 90 percent of the time. Again, however, in this particular instance, I am in strong disagreement with my two colleagues. And I am happy that we are discussing publication, because I believe publication is the essential ingredient of H.R. 400.

□ 1445

How one might determine this, whoever is listening from the outside or reading the CONGRESSIONAL RECORD or our colleagues listening from their offices, is that this bill was actually submitted to Congress during the last session. The bill was virtually the same bill, but it had a different title on the bill. The title of the bill in the last Congress was the Patent Publication Act.

The reason it was called the Patent Publication Act is because the purpose of the bill, and the essential purpose, the essential thing that it accomplishes that could not be accomplished with other minor reforms, or actually things that could happen, reforms within the Patent Office itself, the publication is the thing that by necessity takes some congressional action.

Why is publication bad? It is common sense. Those people who are listening, those people who are reading the CONGRESSIONAL RECORD, our colleagues who are listening at home, if one cannot understand the argument that was just presented to us of why publishing our secret information, information that by American tradition was kept absolutely confidential until the issuance of a patent, from the time our Constitution was adopted until after this bill passes and is signed into law, the law has been that an American has a right of confidentiality. If he has an invention and applies for a patent, no one will have the right to know about it until that patent is issued.

This is a major divergence of American law in a fundamental area. We are talking about the law that has governed technological development in our country. It has served us well. America's competitors did not know what American inventors, innovators, and universities were doing until the patent was issued. This bill would mandate after 18 months that all of the information of an applicant would be made public even before the patent is issued.

Sometimes patents take 5 and 10 years to issue. In that case, America's worst adversaries, people who want to destroy this country economically and bring us down, will have all of our technological secrets to use against us. The bill takes care of that, we are told, because it grants then, the innovator, the inventor, the right to sue these huge foreign and multinational corporations who might infringe upon us.

That will not work. It does not fool the inventors. It is a formula for a catastrophe and the stealing of our technology to be used against us.

I ask for people to vote no on H.R. 400.

Ms. KAPTUR. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. CAMPBELL].

Mr. HYDE. Mr. Chairman, will the gentlewoman from Ohio yield?

Mr. CAMPBELL. Mr. Chairman, if the gentleman from Illinois [Mr. HYDE] will get us some more time.

Mr. HYDE. Mr. Chairman, I ask unanimous consent that the gentlewoman from Ohio have an additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, this is just kind of a passing comment. The gentleman from California [Mr. ROHRABACHER] talked about countries that wanted to destroy us economically. I searched the globe, and I see all of these countries wanting to trade with us. They like our markets. They do not really want to destroy us economically. They would like to get an advantage, but destruction, I do not think that is part of their agenda.

Mr. CAMPBELL. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, if I could please get attention to my amendment. It has nothing to do with disclosure. My amendment has something to do with the prior user opportunity to undermine the patent. Here is what it is.

The bill itself says something that has never existed before in American patent law. At it is now in patent law, if one who was making a product prior to you, but does not obtain the patent, and you do—they have to pay you royalties. That is valuable. It is a way to make people go to the Patent Office and get their idea patented.

Under this bill, for the first time in American patent law, that prior domestic user gets to continue—with no obligation to pay royalties, and worse, the right to expand, and sell the company and sell this right along with the company, with the result that it really takes away a significant percentage of the value of having a patent.

So what I propose is this: I understand that there will occasionally be a prior innocent commercial user. Let him, let her continue—that is all right—but only with the scope and volume that that person was doing. Do not allow it to be a back door to expand so much as to take away the essential patent right.

I think that is a very reasonable amendment. We had discussion on this as an amendment, and I think it improves the bill. I thank my colleagues from Ohio.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman for staying around to answer a few questions on his amendment. I just want to ask a couple of questions. Let me walk through this thing and make sure I get the right and accurate picture of what his amendment does.

This has to do with prior use of a certain technology, and that means presumably, if one has a company that has been using technology, let us say they have kept it as a trade secret so other people do not know what it is, and they end up obtaining a patent for that particular technology, that the prior user, the corporation, can continue to use the technology without having to pay. But if they expand their activity beyond the scope that existed at the time the patent issued for the inventor over here, then they have to pay for the delta, the difference between their present activity and their expanded activity, using what is now patented technology.

Is that an accurate description?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, it is almost accurate; there is just one point where it was not, and that is that the expansion is of the use beyond the prior domestic use. At one point my colleague substituted the word "patent" for "use," but I think he has said it absolutely accurately otherwise.

Here it is: Under existing patent law, the prior domestic user has to pay royalties to the person who gets the patent. This bill says that prior domestic user who might have kept it secret can expand to his heart's content. My amendment says, no, look, if you have a prior domestic use, that is what you can continue doing; but if you expand it beyond that, then you have to deal with the fellow who has the patent.

Mr. HUNTER. Mr. Chairman, I thank the gentleman for his explanation.

Mr. CAMPBELL. Mr. Chairman, if the gentleman would yield further, I want to just take one moment to read the provision in the bill which I would amend. Again, I say to my colleagues, this has nothing to do with publication; it has to do with an exemption never before existing in American patent law. It says, I am quoting from the bill, title III: "except that the defense shall also extend to variations in the quantity or volume of use of the claimed subject matter."

I take that out, and I say, if you have a prior use, okay, continue it, just do not expand it. I thank the gentleman for yielding.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

Mr. COBLE. Mr. Chairman, I move to strike the last word to engage in a colloquy with my friend from California [Mr. CAMPBELL], a brief colloquy, if the gentleman is willing.

Mr. Chairman, the gentleman and I talked about this in the back of the room earlier, and as best I recall, the gentleman was in agreement, but he may not be able to bind others.

I think our colleagues have heard about enough of H.R. 400. Would the gentleman be willing, and it would be unanimous consent, to terminate all debate on this matter at 5 o'clock today?

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I speak only for myself. I have consulted with my colleague from California. I know my other colleague from California, Mr. HUNTER, will be offering an amendment, and I understand our colleague from New York, Mr. FORBES, will be offering an amendment.

On my own behalf and having consulted with my colleague, I am more than willing to use every effort to end by 5. This is my last amendment.

There is one disagreement. In my family, we speak of little else than patent law, and I am shocked that the gentleman would find that a limitation is somehow preferred by my colleagues on the floor. But if that is my colleague's perception, I would be agreeable.

Perhaps the gentleman would yield to my colleague from California, Mr. HUNTER.

Mr. HUNTER. Mr. Chairman, if the gentleman would yield, certainly I have an amendment that I will be offering at the end of the other amendments and I will try to make it short and sweet and do everything I can to accommodate our friend.

I would anticipate we ought to be finished by 5. I would hate to be at 4:45 or 4:50 and have one to go, but I think we can do it.

Mr. COBLE. Mr. Chairman, I thank the gentleman.

Mr. Chairman, for what it is worth, I ask unanimous consent that all debate on the bill and any amendments thereto be concluded by 5 o'clock today.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

AMENDMENT OFFERED BY MR. CAMPBELL

Mr. CAMPBELL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMPBELL: page 48 of March 20 text, strike line 3, insert:

"111(b) of this title, as to which there have been two substantive Patent Office actions since the filing, shall be published, in accordance"

Line 17, insert:

"(D) 'Substantive Patent Office action' means an action by the patent office relating to the patentability of the material of the application (not including an action to separate a patent application into parts), unless the patent applicant demonstrates under procedures to be established by the patent office that the office action in question was sought in greater part for a purpose other than to achieve a delay in the date of publication of the application. Such Patent Office decision shall not be appealable, or subject to the Administrative Procedures Act."

Mr. CAMPBELL. Mr. Chairman, this is the last amendment I will offer. It deals with the publication issue.

For our colleagues who have not followed the debate on the floor, I would simply observe that the first amendment I offered was not on this subject; it dealt with prior commercial use. This does. This is the soul of a compromise that I thought made sense.

I will point out that it deals with the obligation to disclose before a patent is actually granted. Everyone who followed the debate last week is familiar with the argument, pro and con, but I, in good faith, tried to work out a compromise, and we were close, but it was not eventually successful. I believe it is the right way to go, though. Here is what I am suggesting.

The whole argument in favor of disclosure offered by the supporters of the bill is that there is a submarine patent problem. Some patent applicants will keep their application secret, just below the surface for a while, and then ask for a continuation, ask for a delay, and then wait for somebody else to take their idea and turn it into a commercial product; and when they do, then they rise, like a submarine, and fire their torpedoes of litigation. I understand that argument. It has validity, in part.

So what I suggest is, let us require disclosure for some, but by requiring disclosure for all, we run all the risks that we talked about last week. There are good-faith people who are not trying this submarine strategy who want to try to get a patent, but when they are told they are not likely to, they then want to take their idea to a company and say, "I have a trade secret, are you interested in a trade secret?"

But after the bill passes, if it does today and becomes law, if the other body passes it and the President signs it, well, then, it is gone, because they have already disclosed their secret.

So let us solve the problem of the submarine patent but not cause everybody to have to disclose. That is the element of my compromise.

So how do we determine who ought to disclose? Here is the part that I offer, and I think it is a generous offer. If this is acceptable to the majority of Members, we will have improved this bill. It says, look, I have one pretty good signal. If one has had two actions in the Patent Office, one is possibly involved in gaming the system. Let me emphasize "possibly," because there are a lot of innocent people who have two actions in the Patent Office. Indeed, I am informed by some of my research universities that three or four Office actions are needed before they are absolutely sure.

I am being as generous as I can to try to seek compromise, and I am saying, disclose if you are in the Patent Office and you get two patent actions. That tells me that gaming the system is afoot, maybe.

□ 1500

This amendment says disclose only if we are convinced that you might be a submariner. I think it is a very generous exception, but it does not require everyone to disclose. So the innocent patent applicant who does everything he or she can and just does not get the patent by 18 months can continue to try to get the patent without suffering the consequence that it is disclosed to the world. The person who is attempting to game the system really cannot game it without getting two patent actions.

Let me take a moment and explain what a patent action is. For example, somebody would go in and ask for a continuation; the Patent Office is ready to make your decision and give you a patent, but I, the patent applicant, say: Take your time, please delay it a little more. Please consider the prior use that might have been alleged, for example. Please consider that this patent has more than one possible patentable idea in it, for example.

All of those requests could, of course, be done innocently, but I am suggesting that they are sufficient for us to say the risk of the submariner is there.

In conclusion, I put to my colleagues, if the patent applicant has not even gotten two Patent Office actions, how can this patent applicant be engaged in a subterfuge, an attempt to engage in or an attempt to do a submarine number? It is really practically impossible. That is not how it is done. So rather than force the world to disclose, please, just go after the wrongdoers, and even so, I am sweeping broadly.

That is what I offer. I appreciate the attention of my colleagues.

Mr. COBLE. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, I say to the gentleman from California, I have referred to him on many occasions as one of the most learned, if not the most learned, Member of this august body, and perhaps I was presumptuous when I accused him of committing infirmities of clarity. The gentleman might remind me that it was my inability to interpret. But it appeared to me to be an infirmity of clarity, nothing personal meant by that.

The amendment submitted by my friend, the gentleman from California, Mr. Chairman, can be interpreted to require the PTO, Patent and Trademark Office, to complete two substantive office actions in every application filed and still publish all applications in 18 months.

The PTO is simply not able to comply with such a requirement at this time with their existing resources. This solution would force the PTO to ask Congress for a fee increase, which comes, guess where, out of the inventor's pockets. It could also affect the quality of patent examinations, causing more examiners to make mistakes through hurried examinations, and therefore exposing inventors to more court challenges, which can cost millions of dollars. That does not propel innovation, it seems to me.

The second interpretation of the gentleman's amendment could be to delay the publication of all applications until the second substantive office action determining the patentability of an invention. If this interpretation holds true, the gentleman from California proposes to expand the choice over publication offered only to small businesses in H.R. 400. I repeat, we offer that to small businesses in our bill.

But the gentleman from California [Mr. CAMPBELL] would expand that to all applicants, including big business, without granting the inventor a 3-month grace period before publication. This will remove one of the benefits of publishing applications in the United States, the early availability of foreign origin applications in the United States in our language, in the English language.

Title II of H.R. 400 requires publication of foreign origin applications within about 6 months after filing in the United States. That means we see their technology 1 year before any of ours is published and protected in the United States. The amendment offered by the gentleman from California delays the publication of foreign origin applications for a year after the date they would otherwise be published in the United States under H.R. 400. Let us not take away that benefit.

Moreover, the Campbell amendment would delay the publication of applications by U.S. businesses who are also filing abroad, where their applications are already published 18 months after filing in the United States. Delayed publication of these applications that are also filed abroad deprives American inventors of easy access to the same.

Whichever way it is read, the amendment offered by the gentleman from California, it seems to me, favors foreign applicants over U.S. applicants and effectively guts the protections and benefits offered in H.R. 400.

Vote no on the Campbell amendment.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. COBLE. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I would just like to note that the ranking member concurs in the analysis that the chairman of the subcommittee has just outlined.

Mr. GOODLATTE. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment offered by the gentleman from California [Mr. CAMPBELL].

Mr. Chairman, I think the debate here has been wrongly focused on the whole idea that somehow the patent system operates to protect the work of inventors through secrecy. That is not the case at all. We protect the work of inventors through secrecy by using a trade secret process.

Patents operate just the opposite. We protect the rights of American inventors through our patent system when the patent is issued today by telling the whole world that that particular individual is the first to patent that item. That is the protection they get, by publishing the work, by publishing the discovery of the invention.

That is exactly what we are trying to improve in this process by publishing after 18 months. We are, if we simply look at this debate from the standpoint of how many of these can we continue to not publish, overlooking the fact that we are, in point of fact, having the opportunity to improve our system and improve the protection on those inventors through publication.

The gentleman from North Carolina has rightly pointed out that if we do not change our system, the fact that 75 percent of all the patents filed in the United States are published after 18 months because they are also filed in Japan, in Germany, in France, and other places around the world, in the languages of those countries, in Japanese, in German, in French, so inventors in those countries, the little guys, have the opportunity to see in their own language exactly what everybody else in this process is doing. The small inventor, the major business, anybody in the United States, does not have that opportunity under our system because we do not publish.

Of all the patents filed in the United States, 45 percent are filed by foreign inventors. We do not get the opportunity to see what they are doing in this country because it is not published in English for our inventors to see. If we adopt this amendment, we are going to miss out on what is a major reform in our patent law that improves the conditions, does not harm the conditions for the small inventor.

The second thing that is harmful for the small inventor in our current process is the amount of time it takes that small inventor to get capital to get their product on the market. A major business does not have that problem. They have the capital. They are ready to go with their product, whether they have a patent issued or not. But the little guy has the problem of not being able to get that capital.

Quite to the contrary of the criticism of this legislation by the opponents, the experience in Europe and other places around the world is that when you publish after 18 months, the entrepreneurial investor will be willing to put the money behind your invention sooner because you are being published, and not only are you being published, and this is the critical element, everybody else in the patent process is being published as well, so that entrepreneurial investor has the opportunity to know that you are the first one out of the box because you are the first one being published.

If there is anybody else out there with a competing patent idea, that if they put their money behind you and somehow somebody else is going to get that patent, they now have the opportunity to know that you are the one because you are the first one out of the box with that publication.

The experience in Europe and other places has been that the entrepreneurs put the money behind that little inventor sooner, get their product to market sooner as a result of having that publication.

Finally, the amendment offered by the gentleman from California does not eliminate gaming of the system. As the gentleman from North Carolina [Mr. COBLE] correctly pointed out, it simply changes the nature of the gaming. If somebody wants to force publication of somebody else's patent, then they go through the process of having a patent controversy in the Patent Office. The result is that there is a new way of gaming our system.

That has not improved the system, that has simply changed the way that lawyers and those who want to game the system and take advantage of it, who do not want to bring a new idea to market, who do not want to get the capital to put an idea on the line but rather want to take advantage of somebody else, they will still be able to do it under the gentleman's amendment.

Mr. Chairman, I urge opposition to the amendment and support of H.R. 400, which will truly improve the system not only for all American business but most especially for the little guy.

Ms. KAPTUR. Mr. Chairman, I move to strike the requisite number of words.

I listen to this discussion about why we have to do things in this country to benefit foreign inventors, Mr. Chairman, and I think they should be helped, but not at the expense of our own people. The truth is that if our country has 10 times as many intellectual breakthroughs as any other country in the world, why do we want to conform our system to countries that are not working as well as ours?

The gentleman from Virginia said something about that our inventors need to see all this information from other places, but they are not clamoring for this. We have more inventors in our part of America, and we are the State of Thomas Alva Edison. They are not asking for this to be done. What they are asking for is their property rights be protected, and that their inventions not be opened up to snooping in the 18-month window that the gentleman is talking about, there, that after that they can take a look; for whichever country in the world or whichever inventor in the world wants to take a look at that, and really have special privilege over that intellectual property, which has never been granted by this country before.

If we talk about what other countries do, if you file a patent in Germany or one in Japan, you do not file the kind of detailed patent that you do in this country. We require so much more of our inventors. What is interesting, I just have to put this in the RECORD, and I am going to ask unanimous consent that it be placed in the RECORD, what is driving this entire debate, the amendments, the base bill, is this agreement that our Government got itself locked into back in January 1994 called a mutual understanding between the Japanese Patent Office and the United States Patent and Trademark Office.

Mr. Chairman, this is not something that is not significant. This is very significant, because what the United States agreed to is exactly what the proponents of H.R. 400 are trying to get us to pass here. Essentially it says that our Government had to come back to the United States after agreeing to this and agree to introduce legislation to amend the U.S. patent laws to change the term of patents from 17 years from the date of grant of a patent, which has been our current law now, for an invention to 20 years from the date of filing, which is the change that the proponents of H.R. 400 obviously want.

What did we get for this; for changing, turning upside down the system that has created 10 times more inventions, better inventions, intellectual property breakthroughs, than any other country in the world? What we got was an agreement from the Japan Patent Office that says the following; that they would permit foreign nationals to file patent applications in the English language, with a translation in Japanese to follow within 2 months.

So what we agreed to was to turn the entire system that drives job creation in this country and has created the standard of living in this society, and what we get is a little teeny, weeny agreement from Japan that they are going to agree to translate the patents that are filed into their own language.

Mr. Chairman, it seems to me there is something very uneven about this playing field, and for those Members that were not a party to these negotiations, if the staffs have not informed the Members of what is going on here, let me tell them, we are talking about a wholesale gutting of the patent laws that have protected the intellectual property of our inventors. This has not been talked about much in the debate. Our system is completely different than these other countries, but what is wrong with our current system? Why is it so bad? Have these Members' inventors actually been beating their doors down and asking for changes? The only changes my inventors back home have been asking for is to make the maintenance fees more easily payable for them. They are getting too high for the small people, for the small people.

What H.R. 400 does is opens up the possibilities of litigation to the small people, which are the people that are creating the new jobs in this country, making life much more difficult for them, and we get almost nothing for it. I would hope that one of the proponents of the legislation could explain to me how this is an evenhanded deal for the United States, that they are out here. I would hope the gentleman from Virginia [Mr. GOODLATTE] would respond.

Mr. GOODLATTE. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, in responding to the gentlewoman's comments earlier where she said we were helping foreign inventors, quite the opposite. Foreign inventors are helped right now under the current laws of their countries that publish the 75 percent of all patents filed in the U.S. Patent Office that are also filed in other countries.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

□ 1515

Ms. KAPTUR. As I mentioned to the gentleman, when you file in Europe or you file in Japan, you file a generic patent. You do not file the kind of detailed patent that you do in this country. We have a different kind of patent system, and the proof is in the pudding. Look at this country compared to the places that we are competing with.

So it seems to me that we should be about the task of saying, if we have created a good system, how do we make the system here function better for our people rather than getting ourselves into a position where we are arguing to rubberstamp an agreement that is going to harmonize the United States with countries whose systems are flat, who commercialize the inventions made here, and we will disadvantage our own people by getting them caught up in all types of litigation.

Why are we making it harder for the people of the United States to protect their intellectual property?

Mr. Chairman, I submit this for inclusion in the RECORD.

MUTUAL UNDERSTANDING BETWEEN THE JAPANESE PATENT OFFICE AND THE UNITED STATES PATENT AND TRADEMARK OFFICE

Actions to be taken by Japan:

1. By July 1, 1995, the Japanese Patent Office (JPO) will permit foreign nationals to file patent applications in the English language, with a translation into Japanese to follow within two months.

2. Prior to the grant of a patent, the JPO will permit the correction of translation errors up to the time allowed for the reply to the first substantive communication from the JPO.

3. After the grant of a patent, the JPO will permit the correction of translation errors to the extent that the correction does not substantially extend the scope of protection.

4. Appropriate fees may be charged by the JPO for the above procedure.

Actions to be taken by the U.S.:

1. By June 1, 1994, the United States Patent and Trademark Office (USPTO) will introduce legislation to amend U.S. patent law to change the term of patents from 17 years from the date of grant of a patent for an invention to 20 years from the date of filing of the first complete application.

2. The legislation that the USPTO will introduce shall take effect six months from the date of enactment and shall apply to all applications filed in the United States thereafter.

3. Paragraph 2 requires that the term of all continuing applications (continuations, continuations-in-part and divisionals), filed six months after enactment of the above legislation, be counted from the filing date of the earliest-filed of any applications invoked under 35 U.S.C. 120.

WATARU ASOU,
Commissioner, Japanese Patent Office.
BRUCE A. LEHMAN,
Assistant Secretary of Commerce and Commissioner of Patents and Trademarks, United States Patent and Trademark Office.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has again expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, if the gentlewoman will continue to yield, 45 percent of the patents that are filed in the U.S. Patent Office are filed by foreign inventors, and we do not have the opportunity to see in the English language what is published by those folks.

Second, no one has addressed the whole point that we have made that these inventors get the capital to bring their product to market sooner, when you publish sooner, so that entrepreneurs who invest know sooner that this is the investment they should put their money behind because that is the person who is going to be getting the patent.

Ms. KAPTUR. Reclaiming my time, Mr. Chairman, nobody is complaining about the current system. People like the protection attendant with the current system. Inventors are not breaking our doors down and coming through the windows asking for these changes. There are a few multinational corporations that want to do a little snooping. And they are famous for buying out inventions of inventors in this country. You know how the current system works. Why would you want to advocate for them rather than the vast majority of inventors who want to have their rights protected.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has again expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. GOODLATTE. Mr. Chairman, if the gentlewoman will continue to yield, the fact of the matter is we are advocating for the little inventor by pointing out the advantages of the system that we have elsewhere in the world that benefits them. We have seen how it benefits them. It will benefit them here as well.

I have had many small inventors who have contacted me in support of this legislation and, yes, I have had some of those multinational corporations you talk about. They file an awful lot of patents as well and they want their patents protected under our system as well. That is exactly why we need to pass this legislation, to help both.

Ms. KAPTUR. Mr. Chairman, if what the gentleman says is true, then why are all the small business groups of the United States opposed to his proposal: the Small Business Legislative Council, the Small Business Technology Coalition, the National Association for the Self-Employed, the National Patent Association, National Small Business United. If your idea is so good, then why are the small guys who cannot afford suits on the international scene, why are they opposing the bill?

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentlewoman's points were right on target. I hope my colleagues who are following this debate in their offices and those people following on C-SPAN and those people reading the CONGRESSIONAL RECORD will note that throughout the debate we have made reference to a subterranean agreement with Japan and have indicated that what we see here today we believe is nothing more than an attempt to implement this agreement, subterranean, hushed-up agreement with the Japanese to harmonize our law, make our law like theirs. And you will notice that that has never been addressed, nothing has been addressed by the other side of this debate to that charge. We make it over and over and over again. And I would like the gentleman from Virginia [Mr. GOODLATTE] to come forward now if he would like to have a colloquy and deny that this has something to do with implementing this secret agreement with Japan. Mr. Chairman, I thank the gentleman from Virginia [Mr. GOODLATTE].

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I note that none of the proponents of H.R. 400 are willing to stand up and explain about this agreement with Japan and how that is driving this debate and what is the relationship between that and these.

Mr. ROHRABACHER. Mr. Chairman, I would challenge Members on the other side of this debate to spend their time and their 5 minutes explaining to the American people why what they are proposing directly parallels a secret agreement that we have made with Japan. They will have time on their side to answer that.

The fact is that the driving force behind this, whether or not the members of the committee are themselves committed to this agreement, the driving force behind this has been to fulfill this agreement. How can you tell? Because there were two avenues to this agreement in harmonizing our law with Japan. There were two major factors that made American law different than the Japanese law.

No. 1 was we had a guaranteed patent term, a guaranteed patent term which meant no matter how long it takes you to get your patent issued, at the end of that time period, would be guaranteed 17 years of patent protection and, No. 2, the other aspect of American patent law, since the founding of our country, was that there was a right of confidentiality. The inventor had a right, when he applied for a patent, that that would be kept secret and, yes, secret really meant something to those people and has meant a lot to our technological edge throughout the years. They had a right to that until the patent was issued.

This legislation goes in exactly the opposite direction, changes the fundamental rules of the game to correspond with this agreement to harmonize our law with Japan. This is absolutely, the American people should understand that what we are doing is trading a strong system of protection that gave us the leverage on all our competitors in the world, gave us our own national security because we had the edge technologically on our adversaries, we are now changing that to a weak system. And where will that weak system take America?

I would beg to disagree with my esteemed colleague, the gentleman from Illinois [Mr. HYDE]. I believe there are people who are out to destroy us economically. I believe there are other countries in the world and other forces at play in the world that would like very much to destroy America's economic prosperity and to put all of those billions of dollars in their pocket. I am assuming that they are adversaries. I am assuming that our Government should be doing everything we can to strengthen the rights of the American people to thwart those adversaries overseas that would steal their technology.

This bill, H.R. 400, I implore my colleagues, please vote against this monstrous threat to American security and prosperity. Please remember that all the inventors organizations, research departments at our major universities, all the Nobel laureates that have been cited on this floor are begging us not to pass this bill. It will not in any way improve a situation that could not be improved with smaller type improvements and reforms. We do not need to destroy the fundamentals of the system to reform and make our system better.

This is the equivalent, this bill, of cutting off our leg in order to cure a hangnail. If your doctor says, I am sorry, we have to change the fundamental makeup of your body in order to cure that hangnail and we are going to cut your leg off, go to another doctor.

Please, let us not harmonize our law with Japan. God bless the gentleman from Virginia [Mr. GOODLATTE]. Yes, it has worked maybe one way in Europe, but how this system has worked, 18 months with publication, how has it worked in Japan? The economic shoguns, the people, the elite of Japan have beaten down their people in submission every time they have raised their head. The Japanese do not invent anything because when an inventor applies for a patent in Japan, he is beaten down and his invention is stolen. They will do that to us, too.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I note, I thought it was rather an odd orchestration when my friend from Ohio challenged anybody to stand up and respond, and her colleague from California then refused to allow anyone to do it. I think we should notice that there was a certain reason why no one stood up to respond. The gentlewoman from Ohio, she said, why does not someone respond? And the answer was, the gentleman from California would not let them.

Mr. Chairman, I yield to the gentleman from Virginia [Mr. GOODLATTE].

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to make the point that the so-called agreement that the gentleman refers to is not something that has been honored in any way, shape, or form by this Congress or by the Committee on the Judiciary that comes forward with this legislation.

We are a first to invent Nation, not a first to file Nation. That is what they want to have. We have always had a number of very significant differences in our patent system.

All we are doing is saying that these are things that help us in this country, and we want to modify our system to engage small inventors and large inventors in having the opportunity to receive the benefits of publication. This is not a battle over trade secrets. There is a mechanism to protect trade secrets for anyone who wants to take advantage of it. Patents are protected by broadcasting to the whole world that an individual has the first to invent, and we should protect that by advancing publication where it helps.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, if the gentleman from Virginia's statement is correct, then why does H.R. 400 embody the Japanese agreement?

Mr. FRANK of Massachusetts. Mr. Chairman, let me respond now. First of all, I want to congratulate my friend from California. I did not realize he had such good intelligence sources, because he has been waving around a secret agreement.

My reaction was to wonder, if it was a secret, where he got it. And I do not want to force him to reveal his sources, but apparently the gentleman from California has some tentacles into the intelligence networks of either America or Japan, because he is privy to secret agreements. Frankly I did not think it was that much of a secret, and the fact that the gentleman had it did not surprise me. But when he waved it around as a secret agreement, I was little bit puzzled.

I just want to totally disagree with the conspiracy theory here. This is a difficult subject in some regards. People who have different economic interests may have different views. There is room for legitimate intellectual debate here.

I and others have had some differences with the bill. H.R. 400 today is a different bill than it was before. There are some close questions. Some of the questions the gentleman from California [Mr. CAMPBELL] raised about prior use, I had hoped to work with him further. But this is not some conspiracy.

There was not a secret agreement signed in some tunnel in Tokyo. The gentleman from California is refuting me on a secret agreement by waving that secret around. I have to say, it is a pretty poor secret that falls into the hands of the gentleman from California. It is not a secret. There is a discussion of policy. We are making these changes. Some of us make changes in this bill without checking with anybody else. And the unwillingness to debate the issue on the merits but to invoke these kinds of conspiracy theories, I think ill-serves the policymaking process.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I think that the secret source for uncovering this secret agreement has been found. It is the Commerce News Press Release for immediate release. It is 1994. The headline is, "American Inventors Promised Swifter, Stronger Intellectual Property Protection by Japan."

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, this is very sneaky. Not only is the Commerce

Department signing secret agreements, but they are then publicizing their secret agreements to throw people off the track of the fact that they had a secret agreement. I think that is an underhandedness that we ought to put an end to.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I did not use that term.

Mr. FRANK of Massachusetts. Mr. Chairman, I understand that. I realize the gentlewoman did not say that. That is why I did not say she said it. It was the gentleman from California.

The gentleman from California has been waving this around talking about a secret agreement. My friend from California over here has just pointed out that this secret agreement was announced. I think we are entitled to point out that this was not such a big secret and that notion I will stress for this reason. Sure there is reason to debate this. I have agreed with some of the points Mr. ROHRABACHER made, and I have supported some amendments to move it more in his direction, but to denounce it in these terms, to talk about secret agreements and to invoke conspiracies of people to be beholden to foreign powers to undermine American economics is just not a good idea.

Ms. KAPTUR. Mr. Chairman, if the gentleman will continue to yield, does the gentleman deny that the content of that agreement is now the driving mainline inside of H.R. 400? The rollback?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Yes, I deny it, Mr. Chairman. I will tell the gentlewoman this, I have been working on this bill. I was originally a cosponsor of Mr. ROHRABACHER's bill. We made some changes. I have met with people in biotech. I have met with people in universities, big inventors and small inventors. I have proposed some changes. I did not even read the secret agreement. That agreement may not be a secret from a lot of people, but it was secret from me. So I absolutely deny that in my work on this bill, guided as it has been by conversations with Americans, that I was in fact the hidden puppet of the emperor of Japan.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Virginia.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has again expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 1 additional minute.)

□ 1530

Mr. GOODLATTE. Mr. Chairman, if the gentleman will continue to yield, I want to make the point if this is some conspiracy that came up within the last 2 years, it is interesting that U.S. patent commissioners have been seeking this change. U.S. patent commissioners of both political parties have been seeking this change for 20 years. The Nixon administration, the Ford administration, the Reagan administration, the Bush administration all sought these changes long before there was any so-called secret agreement.

Mr. FRANK of Massachusetts. Mr. Chairman, reclaiming my time, what we finally should do is to give credit to the literary hand that runs us all. Clearly this was motivated by the purloined letter, where the way to hide it was to leave it out in public, because, apparently, the Commerce Department stands accused of having signed a secret agreement to govern us all and then nefariously publishing that secret agreement to cover their tracks.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to speak just for a minute because the gentleman from Virginia [Mr. GOODLATTE] made several points about the European and the Japanese system and how they have a large number of high-technology start-ups. I think that goes right to the essence of this publication requirement in the amendment of the gentleman from California [Mr. CAMPBELL].

I want to read a paragraph from a gentleman who is a patent lawyer, considered to be an authority on patents. I think it is a very excellent summary of the problem with early publication. He says:

> Moreover, if early stage inventions of start-ups, small businesses and individual inventors are prematurely disclosed, the innovators will quickly lose any advantage or headstart to establish financially stronger imitators. Unless start-up businesses can get a strong foothold in the marketplace before infringers appear so that they can afford to assert their patent rights, these rights become virtually worthless.

He concludes by saying this, and this goes right to the gentleman's point, he says, "These are two major reasons that Japan and Europe have virtually no high-technology start-up businesses."

Now, I think we should all be proceeding from the same page with respect to the facts. As I understand it, and the reason I have this graph up here is because this is a factual graph. It shows that the United States has 175 Nobel laureates in science and technology; Japan has only five and that may be instructive to us here. The information I have is that there are almost no high-technology start-up companies.

That is the lifeblood of the American economy. But in Europe and Japan there are almost no high-technology start-up companies, and it is because these little companies need running room. They need to be able to go out before they get a patent and start lining money up.

Early publication, according to these inventors that are here, and I am quoting one of their letters, early publication will "kill us." They will lose the one thing that they have, the secrecy; the one thing they can offer, the confidentiality to an investor to get him or her to invest money in their particular operation.

So unless the gentleman from Virginia [Mr. GOODLATTE] has information to the contrary, my information is that there are almost no high-technology start-up businesses in Japan and Europe, and that is because those countries are production heavy. They are not idea heavy, they are production heavy. We have the innovators, we have the creators of ideas, and our people need that protection.

Japanese businesses and European businesses, perhaps legitimately, want to aid their industrial base. And the way they aid their industrial base is by getting American ideas into the assembly line quickly and cheaply, and they can do that with early publication.

Now, according to the same analyst, the reason there are not a lot of high-technology start-ups in Japan is because once a little inventor comes out with an idea, and it is not protected by patent when he has to publish early, he is immediately flood patented. That means that people patent around him by making very incremental changes in his idea, so that if he varies the slightest to the left or right from this little alley that has been left for him and his invention, he runs into Mitsubishi's or Toshiba's patent or some other large company.

There is a reason why we have 175 Nobel laureates in the United States in science and technology, many of whom, as we have discussed on the floor, the inventor of the MRI, the inventor of the pacemaker, and many others who oppose this bill and support the Rohrabacher substitute, our inventors are afraid of early publication and they do not want to see it.

So I would support the enlargement of the publication protection that is manifested in the amendment offered by the gentleman from California [Mr. CAMPBELL].

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, just a question of the gentleman. He mentioned patent flooding, a practice that happens in Japan, where the big guys surround the little guys and beat them down trying to steal their intellectual property rights.

If we change our laws exactly like Japan's, to make it just like Japan's, which is harmonizing our law, which is the secret agreement, and I say secret agreement because I did not know anything about it as a Member of Congress. I was a Member of Congress at this time. Probably 1 out of 100 Members of Congress knew anything about this agreement with Japan.

But if we harmonize our law with Japan, will that not mean that these same Japanese companies can come here and do in the United States to our little guys what they are doing to their people in Japan?

Mr. HUNTER. Mr. Chairman, reclaiming my time, I would say to the gentleman that that is absolutely right. And the other thing is there are big companies that are infringers that, if they had the opportunity, would flood patent around a small entrepreneur.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 1 additional minute.)

Mr. HUNTER. Mr. Chairman, I guess my point is this. We need to get some running room, some momentum, the opportunity to go out and line up investors before the patent is issued.

The point that is made by this patent analyst is very good. He said unless startup businesses can get a strong foothold in the marketplace before infringers appear so that they can afford to assert their rights, that means hire lawyers, these rights will become virtually worthless.

It is very easy to spend a lot of money on lawyers early in the process. This early publication takes away their running room and their ability to get a foothold in the investment community and ultimately in the marketplace. That is the problem with early publication.

So I strongly endorse Mr. CAMPBELL's amendment that to some degree enlarges publication avoidance rights.

Mr. ROHRABACHER. Mr. Chairman, if the gentleman will continue to yield, one other correction to the statement made by the gentleman from Virginia. He stated the Reagan administration sought these changes.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, I yield to the gentleman if he wants to complete his statement.

Mr. ROHRABACHER. Mr. Chairman, my office has been in contact with Clayton Yeutter about these changes that were mandated. I am sorry to say to the gentleman that the Reagan administration did not support the changes that are being sought in H.R. 400.

What the gentleman is mistaking is the heads of the Patent Office, who were probably working for the Reagan administration and other administrations, those former heads of the Patent Office are now living on consulting fees and retired from the Government, and they can take whatever stand that they need to take.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

As I have listened here to this very vigorous debate, I have felt some concern, because I think there is some confusion that has been created, not intentionally I am sure.

I generally, do not like agreements that are made by any administration when the Congress is not in agreement with them. I was not a Member of the House of Representatives in 1994, when this agreement was entered into. I was happily on the Board of Supervisors of Santa Clara County, but I can recall at the time a very vigorous discussion in Silicon Valley that I participated in as a public figure about whether or not innovators and inventors believed that we should change our system to first to file, as opposed to first to invent. And it may not be that every part of the country has that kind of vigorous spirited debate about patent reform but as the gentleman from California [Mr. CAMPBELL] is aware, that is the sort of thing that is discussed at home in Santa Clara County, and there were divided opinions. I think that for the most part people are very satisfied with H.R. 400 in Silicon Valley.

I wanted to point out that we are not attempting to conform American patent law to Japan's laws or the European Union. What we are attempting to do is to make sure our innovators have every protection, that there is an even playing ground, that innovators are not put at a disadvantage.

I think if one looks at the nature of patent law, and, actually, I have had occasion to get a copy of the Japanese patent law and compare it to United States patent and copyright laws, and almost word for word patent applicants in Japan are required to do what patent applicants in the United States and the European Union are required to do.

Mr. Chairman, I submit for the RECORD a copy of comparison between the Japanese, the United States, and European Community patent law.

JAPANESE LAW

(4) The detailed explanation of the invention under preceeding subsection (iii) shall state the invention, as provided for in an ordinance of the Ministry of International Trade and Industry, in a manner sufficiently clear and complete for the invention to be carried out by a person having ordinary skill in the art to which the invention pertains.

U.S. LAW

§112 Specification.—The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, and shall set forth the best mode contemplated by the inventor of carrying out his invention.

EUROPEAN COMMUNITY

Article 83, Disclosure of the Invention.—The European patent application must disclose the invention in a manner sufficiently clear and complete for it to be carried out by a person skilled in the art.

I believe it is important that we talk about protecting our own people and our own innovators. There has been a lot of discussion that somehow the big, bad multinationals are after passage of this bill to the detriment of America.

Well, the National Venture Capital Association members were here last week in the Capitol at a meeting, and the venture capitalists, who fund the startups, the little guys that are in the garages with the great ideas, they are for H.R. 400. They vigorously oppose the amendment defeated last week, and they are for small American innovators getting a better chance to be successful in America.

I saw the gentleman from California's chart about Nobel prize winners in America vis-a-vis other parts of the world, and it makes me proud that we have so many great scientists in our country. I think we all have that pride. We want to make sure that we continue to have the cutting edge in innovation, that we continue to do better than everyone else in the world.

Whether we agree on all of these amendments or not, I think as Americans in this Chamber we all agree we want our country to be successful. We want to keep that leading edge, because we know that the high technology, high value-added jobs that are represented by the so-called big, bad multinationals, companies I thought were good guys, like Intel, as well as the little bitty guys that are about to be funded by venture capitalists, and hopefully fulfill their dream to become a big guy like the Intels, that it is in protecting their interests vis-a-vis our foreign competitors that our future lies.

Mr. Chairman, at this point we have had a very long discussion on this matter, and I do not want to unduly prolong it. I would just note that for those that are concerned about the memorandum entered into in 1994 between Commissioner Lehman and his counterpart in Japan, it was, unfortunately or not, depending on one's point of view, reached quite some time ago by the United States, and it is very clear that H.R. 400 is not really what was envisioned by the agreement although as far as I am aware we have gotten the advantage of some of their promises.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to direct my remarks to my dear friend, the gentleman from California [Mr. HUNTER], who is one of the great consumers of venison in this or any other Congress.

I am proud, too, as the gentlewoman from California [Ms. LOFGREN] stated, of the number of Nobel Prize winners in the United States, but I just am uncomfortable with that kind of a chart, because what it seems to be saying is that Occidentals are smarter than Asians. It is kind of a racial bias to say that some groups, some races, some ethnic clusters are smarter than other people. I do not know what else we can draw from that.

I went and looked up all the Nobel Prize winners in chemistry, physics, medicine, and physiology from 1981 to 1995, and, yes, the United States had 57 percent of them, but 43 percent were foreigners from all over the globe. All over the globe.

Of course, it is a Swedish prize, given up in Stockholm by a group of Occidentals, I guess. I would not claim Asiatic bias, and I know they know where Japan is, but I would just hesitate saying one group of people are just smarter than another group.

I know that just because someone is paranoid does not mean people are not after them. That could be true. But I have detected some awfully serious Japan bashing here, and I am surprised, because what we are aiming for in H.R. 400 is what the Patent Commissioners of President Ford, President Reagan, President Nixon, President Bush all wanted, 18 months publication, which protects the inventor because he has provisional rights as against the world as though he had a patent and can enforce it.

☐ 1545

But it forces the foreign inventor who wishes to be protected in our country to get published, too, that 45 percent of applications from overseas to be published, too. And in addition, those submariners that are cruising under the bottom have to surface and they cannot seduce other people into investing money and then finding they are in the middle of a lawsuit.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from California.

Ms. LOFGREN. I just thought as a Swedish American I should speak as to the Nobel Prize committee and the number of Americans who are awarded Nobel Prizes.

We know from Silicon Valley that Americans, and as the chairman has referenced, come in all stripes and from every part of the globe originally. One can walk into any high-tech company in the Silicon Valley and it feels like being in the United Nations, but they are all good Americans. Many of our Nobel Prize winners are originally of Asian descent, and we are proud of them as well.

Mr. HYDE. I remember Wernher von Braun. He had an accent, but he was certainly a brilliant scientist. He came over here. A fellow named Einstein did pretty well.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from California.

Mr. HUNTER. I thank my friend for yielding.

Let me just say that the gentleman has made my point. My point is not that there is any ethnic difference between the Nobel Prize winners here and the ones in Japan. In fact, the gentleman was chuckling at my pronunciation of a number of these names because there are not many Smiths and Joneses on this list. The point is that these people from all over the globe came to America for a reason. The reason was they got better property rights protection in terms of intellectual property than they do in Japan.

Mr. HYDE. They have freedom in this country. Freedom.

Mr. HUNTER. The point is you have a different system. It is the publication that kills the early innovator, the entrepreneur.

Mr. HYDE. Will the gentleman agree that once publication occurs at 18 months, the average patent is issued at 19 months? Would the gentleman agree to that?

Mr. HUNTER. I just got a letter from the Patent and Trademark Office. It says fully 30 percent of the patents that are going to be issued are not yet issued at 18 months. Will the gentleman agree with that?

Mr. HYDE. What about provisional rights? Does the gentleman agree that there is protection called provisional rights following publication? The inventor then says, "Look, I did this, I invented this"?

Mr. HUNTER. Here is my answer to the gentleman. My answer is that 2 or 3 percent of royalties, if you can afford the lawyer to get them, are no substitute for getting 20 to 30 percent of the action, which is what an inventor gets when he lines up the money, the investors, and he gets to produce his product himself instead of trying after the fact to get partial payment from a company that took his invention.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Virginia.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

(On request of Mr. GOODLATTE, and by unanimous consent, Mr. HYDE was allowed to proceed for 2 additional minutes.)

Mr. GOODLATTE. I thank the chairman for yielding. Mr. Chairman, on that very point the fact of the matter is those inventors get the opportunity to get the capital behind their project, their invention, sooner with publication. Because not only are they published but their competition is published. So the inventor has the opportunity to say to that entrepreneur, that person who is going to put the dollars behind him, "You can put them behind me with confidence."

Right now many inventors are complaining to the gentleman from California [Mr. ROHRABACHER] saying they are worried about the gap between 18 months and whenever they get their patent because they will not be able to get the capital during that time. The reason they cannot get the capital during that time is because they do not know, the entrepreneur does not know that they are the ones who are going to get it. Under this procedure, they will.

But I want to address, if I may, the gentleman's very, very asserted message that somehow we are attempting to conform our patent laws to the Japanese, nothing could be further from the truth, when we take one concept that is held by many, many other countries and apply it in this legislation to say that somehow we are now harmonizing our patent law with the Japanese law. We most certainly are not.

The United States is a first-to-invent nation. Japan is a first to file. The United States has immediate examination. Japan has deferred examination. The United States process their patents in 20 months, on average. Japan takes 8 years. We have protections for universities who publish early. There is no such protection in Japan. And we have, as the chairman noted, provisional rights that give additional protection for those inventors. They do not have those rights in Japan. We are not following the Japanese here. We are leading the way as we always have in patent law.

Mr. PEASE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, last week I learned a lesson at this microphone about how quickly 5 minutes pass, particularly when one is being questioned. But today in hopes to give an opportunity for those who still have brief comments to share as we bring this to a conclusion, I have agreed to yield to my colleague from California, and if there are others who would like part of that time, please let me know.

I just wanted to follow up a statement made by the chairman of the committee, and that deals with a portion of the bill that has not been discussed but which I think is extremely important as we talk about the publication at 18 months and the fact that the Patent Office tells us that currently the pendency, average pendency time for a patent in this country is 21 months. Obviously, more than the 18.

However, under current law, funds intended for the PTO are being diverted to other purposes. Last year, $54 million in funding for the PTO was diverted from the PTO to other programs under the budget, and for fiscal year 1998 the President's proposed budget will divert $92 million of the user fees to other areas of the budget. If the PTO were allowed to keep those fees which H.R. 400 does allow, the time to process patents would be reduced dramatically and this whole discussion of whether publication at 18 months is problematic or not would be made moot.

Mr. Chairman, I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, I want to thank my friend and colleague from Indiana who is especially gracious given that we have parted company on some issues of this bill. The reason I asked the gentleman to yield is I thought it might be useful to talk about my amendment on which we will have a vote.

The bill as it is now written has an exception. It is a good idea. The bill now has an exception for somebody who is not likely to be a submariner and who is small. In that case, you do not have to disclose. You do not have to publish. It is a good idea.

The way they tell if you are not a submariner is if you have not yet had two Patent Office actions. It is pretty rough justice, but it will do. So my amendment says if that is right, if that is how you tell who is not a submariner, then you should not have to disclose whatever size you are. And if you want to give an exemption for small applicants, that is the gentlewoman from Ohio's amendment that will be coming up next.

So if your idea is to help small business, great, vote for the Kaptur amendment, and if your idea is that if you have not even had two actions from the Patent Office, you are not gaming the system, then you should vote for the Campbell amendment.

I just conclude by noting that that is the very logic in the exception provided by the bill itself.

Mr. PEASE. Mr. Chairman, reclaiming my time, I do oppose the amendment offered by my friend from California. I do believe that the combination of publication with the rights that attach at the time of publication and the funding that would be provided to the PTO in order to allow it to advance the time that it takes to grant patents outright is the best combination for protection of all American inventors, large or small.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CAMPBELL].

The question was taken; and the chairman announced that the noes appeared to have it.

Mr. CAMPBELL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from California [Mr. CAMPBELL] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MS. KAPTUR

Ms. KAPTUR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. KAPTUR:

Page 48, insert the following after line 21:

"(C) An application filed by a small business concern entitled to reduced fees under section 41(h)(1) of this title, by an individual who is an independent inventor entitled to reduced fees under such section, or by an institution of higher education (as defined in section 1202 of the Higher Education Act of 1965) entitled to reduced fees under such section 41(h)(1) shall not be published until a patent is issued thereon, except upon the request of applicant, or in any of the following circumstances:

"(i) In the case of an application under section 111(a) for a patent for an invention for which the applicant intends to file or has filed an application for a patent in a foreign country, the Commissioner may publish, at the discretion of the Commissioner and by means determined suitable for the purpose, no more than that data from such application under section 111(a) which will be made or has been made public in such foreign country. Such a publication shall be made only after the date of the publication in such foreign country and shall be made only if the data is not available, or cannot be made readily available, in the English language through commercial services.

"(ii) If the Commissioner determines that a patent application which is filed after the date of the enactment of this paragraph—

"(I) has been pending more than 5 years from the effective filing date of the application,

"(II) has not been previously published by the Patent and Trademark Office,

"(III) is not under any appellate review by the Board of Patent Appeals and Interferences,

"(IV) is not under interference proceedings in accordance with section 135(a),

"(V) is not under any secrecy order pursuant to section 181,

"(VI) is not being diligently pursued by the applicant in accordance with this title, and

"(VII) is not in abandonment,

the Commissioner shall notify the applicant of such determination.

"(iii) An applicant which received notice of a determination described in clause (ii) may, within 30 days of receiving such notice, petition the Commissioner to review the determination to verify that subclauses (I) through (VII) are all applicable to the applicant's application. If the applicant makes such a petition, the Commissioner shall not publish the applicant's application before the Commissioner's review of the petition is completed. If the applicant does not submit a petition, the Commissioner may publish the applicant's application no earlier than 90 days after giving such a notice.

"(iv) If after the date of the enactment of this paragraph a continuing application has been filed more than 6 months after the date of the initial filing of an application, the Commissioner shall notify the applicant under such application. The Commissioner shall establish a procedure for an applicant which receives such a notice to demonstrate that the purpose of the continuing application was for reasons other than to achieve a delay in the time of publication of the application. If the Commissioner agrees with such a demonstration by the applicant, the Commissioner shall not publish the applicant's application. If the Commissioner does not agree with such a demonstration by the applicant or if the applicant does not make an attempt at such a demonstration within a reasonable period of time as determined by the Commissioner, the Commissioner shall publish the applicant's application.

Page 48, line 22, strike "(C)" and insert "(D)".

Page 49, line 16, strike "(D)" and insert "(E)".

Page 49, line 17, strike "(C)" and insert "(D)".

Page 50, line 2, strike "(C)" and insert "(D)".

Strike title V of the bill and redesignate the succeeding title, and sections thereof, and references thereto, accordingly.

Amend the table of contents accordingly.

Ms. KAPTUR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. KAPTUR. Mr. Chairman, it is obvious that this patent bill has engendered substantial and necessary debate. That means that there are some unsolved problems inherent in the basic bill.

One of the most important issues that we wish to bring up for amendment today has to do with the treatment of small business as opposed to big business in the base bill. Our amendment would exempt small business as defined by the Patent Office itself, 500 or fewer employees, based on the fee schedule that they use to distinguish between large and small business. It would exempt small business, universities, and individual independent inventors from having their patents published prior to when that patent is granted. This gets at one of the major objections of the opponents to the base bill.

Our amendment also fixes the submarine problem, which I will discuss in a second, but basically it sets up a process that is more fair to get at the problem of when a patent has not risen out of the depths of the review process, and, third, it strikes the reexamination provisions. Because what we do not want to do is to open up more litigation for the small inventor that really does not have the deep pockets of some of those who very much want to receive some of the benefits in the parts of H.R. 400 that we do like.

So our amendment has three parts to it: It exempts small business, universities, and individual independent inventors from having their patents published prior to grant. We do this because in the base bill the 18-month publication would reveal new ideas to the world technical community before that inventor had the patent and, frankly, that is an open invitation to stealing, it is an open invitation to copying, and it places a much greater burden on that inventor, especially when they are small, to protect their invention. Our amendment also is proposed because we want to offer the small inventor some leg to stand on, a fairer system.

Our amendment is also offered because we want to make sure that foreign corporations and foreign governments do not have easier access to American technology as proposed by small inventors, and we want to protect from this undue litigation that seems to be burdening our system from one end to the other, and why complicate it more under the proposed bill?

I might just point out that in the way the H.R. 400 is currently proposed, if you end up defending your patent, that will not happen in a court of law. There will not be a jury. There will not be a judge. You will be in the Patent Office, this new creature, we do not know what it is going to look like yet, and it is going to take a lot of money to defend yourself in this new system that is being set up and this new entity that is being set up.

So our effort is to say, look, OK, for those people who want to play that game, let them do it, but for the small inventors and the small businesses and the university community that do not want to get engaged in that system, give them a level playing field to play on as well.

I might mention that in 1995, the White House Conference on Small Business adopted a recommendation which specifically recommended to Congress that patent applications remain unpublished until the patent is granted. That was the White House Conference on Small Business, a large group of people that come in here from across the United States. This was an important enough issue that they put it on the agenda of the White House Conference on Small Business. They do have legitimate concerns. We are only asking those who have already started to repair H.R. 400 to please consider this proposal.

We incorporate in the amendment as well important language to deal with the submarine patent issue. The amendment adopts the Rohrabacher language in the substitute that was debated last week, and our amendment lays out specific exceptions for when a patent can be published early, perhaps due to continuous delays, perhaps abandonment, perhaps pending more than 5 years, all of the concerns of the proponents.

Mr. ROHRABACHER. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, on this particular point, the antisubmarine patent language in our bill was the strongest language that we could possibly put into the bill. For 2 years I pleaded with the other side of this issue, to everyone on the other side, please give me the strongest language you can possibly give me, I will include it in the bill just so long as it does not eliminate and end the guaranteed patent term.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(On request of Mr. ROHRABACHER, and by unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Mr. ROHRABACHER. We pleaded and pleaded. Give us anything that will satisfy you that we have put the submarine patent issue to bed. We begged them, please give us that language. But, no, they would not. They would not touch it with a 10-foot pole because their purpose was not ending the submarine patent issue.

□ 1600

We instead, I went to the gentleman from California [TOM CAMPBELL], distinguished professor, man respected throughout this body for his legal knowledge, and he finally came up with the strongest patent, antisubmarine patent language that he could come up with. That is what was in the bill. We did that because we did not want people to destroy the fundamental patent system or protections that was a guaranteed 17-year patent system or patent in the name of getting at submarine patents. That is like cutting a leg off to get to a hangnail or destroying freedom of speech for everybody because there is some pornographer out there printing a pornographic magazine.

No, we have taken care of the submarine patent issue. We have included that language.

The CHAIRMAN. The time of the gentlewoman from Ohio [Ms. KAPTUR] has expired.

(By unanimous consent, Ms. KAPTUR was allowed to proceed for 1 additional minute.)

Ms. KAPTUR. Mr. Chairman, I really appreciate this opportunity because I know that the folks that have worked on H.R. 400 have tried very hard, and frankly it is a work in progress, and as we work harder, it gets better all the time.

I just wanted to summarize and say on this amendment we really have made a legitimate effort to protect the interests of the small inventor, the small business, the university inventors, the university community that is not satisfied with the base bill. We would ask for colleagues' consideration, and I would just end by saying that on the reexamination provisions of the base bill, recognize that this is going to cause a heavier burden on inventors to defend their patents because it gives the right to anyone in the world to submit a request to invalidate a U.S. patent at any time in its 17-year life. On this one, the big money will win as these patent fights go. Please support the Kaptur amendment. Please defend small business, the small inventor and the university community where so many of our new ideas come from.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

Mr. Chairman, first of all, I would like to establish my credentials of defending small businessmen and working people as much as anybody that is on this floor at this moment. That being said, I want to point out that this is not in the interests of small business. So we have a little bit of a definitional problem as we approach the Kaptur amendment. That is that we both support working people and small businessmen except one thinks that this amendment will help small businessmen, and myself thinks that it will not help small businessmen, and I am going to try to explain for all those in this body that want to help small businessmen why the Kaptur amendment is not good, it is bad. It is bad for this first reason:

One, what she has cleverly put into this, or somebody, from lines 6 to 11 is to bring back the current law that we are changing. The bill currently on the floor helps small businessmen. This changes it back namely by saying that of the Higher Education Act entitled to reduce fees from such section shall not be published until a patent is issued thereon except upon the request of the applicant. This just went back into the bill that we voted on last week and lifted up this current law language.

This allows submarining. Submarining, now known to everybody, is bad. We do not want bad stuff in the base bill. This would allow submarining and those who would indulge in that, and they are not all big businessmen. The businessman on the cover, the picture of the businessman who was the No. 1 submariner in the country on the Wall Street Journal, was not representing a multinational corporation. He was a small businessman.

Point No. 2: Why do we have an amendment exempting institutions who do not wish to be exempted? Why? In whose great wisdom, not on the committee, have we decided that universities need to be exempted? Who is asking? The answer: Nobody. But it is thought to be a pretty good deal.

It is not a good deal, but not only is it not a good deal, it is not desired.

So for those reasons, the three that I mentioned, I respectfully urge a very strong and overwhelming rejection of the amendment of my good friend from Ohio's amendment.

Mr. COBLE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from the Roanoke Valley said it earlier about publication. Some people have made publication the devil. Our Constitution provides the grant of a monopoly for a limited time in exchange for sharing one's secret with the public. That simplifies a definition of the patent law. Today that constitutional exchange is being circumvented by whom? By patent submariners.

Now here we go again. The gentlewoman from Ohio [Ms. KAPTUR] has reincarnated Mr. ROHRABACHER'S failed attempt to allow abuses of the patent system. This was defeated last Thursday by the House, and I again thank each of my colleagues who stood tall with us, and it ought to be defeated again. This reminds me of the Cary Grant movie, "The Pink Submarine." This is the same submarine, my friends, with a new coat of paint. This amendment should really be called an invitation.

My colleagues all remember Mr. Lemelson, our patent submariner, our multimillionaire patent submariner. It reads something like this. "Dear Mr. Lemelson," or any other prospective patent submariner, "You are invited to purposefully delay your application at the Patent and Trademark Office for your own benefit to the detriment of the American consumer." Just as the gentleman from Michigan said, this is no friend to small business. "Don't worry about the phony escape clause regarding dilatory tactics. No one can prove it. Time? Oh, as long as you want, perhaps 25, 30, 40 years. Place? Unknown. After all, your application is a secret so that no one will have the benefit of avoiding duplicating your efforts because you can successfully hide from them. You are submarining. You are laying low in the bushes. You are laying low and playing possum," as I said last week. "Date. The date is up to you. You show up when you want to show up. P.S., please pass this invitation on to a friend."

This license to allow professional litigators to clog our courts and stifle American innovators with expensive lawsuits that can end in bankruptcy for those who actually hire American workers and invest in the economy cuts into the heart of the constitutional charge to Congress to offer a limited monopoly to an inventor in exchange for sharing secrets. That is right. Publication is a necessary ingredient of the process.

The gentleman from California [Mr. ROHRABACHER] the gentlewoman from Ohio [Ms. KAPTUR], they do not seem to believe that submarining is a problem. That is why this amendment contains a loophole big enough to drive a submarine through. But let me quote from the Wall Street Journal from April 9. Many of my colleagues read it. It describes a new class of patent lawyers out to make a business in the submarine industry. "The clear winners," writes the Journal, "so far are the lawyers. Mr. Lemelson also employees a small army of them. One of Mr. Lemelson's lawyers pretty much thanks himself for that, noting an old joke. 'One lawyer in town, you are broke.' He boasts, 'Two lawyers in town, you are rich.'" The article goes on to say that a new breed of intellectual property lawyers has emerged, too.

Many seem to be inspired by Mr. Lemelson's attorney, who pioneered the use of contingency fees in patent cases and whose work for Mr. Lemelson alone has brought him more than $150 million in fees. You think consumers win with this sort of scenario?

The lawyer's success: He lives in a 15,000 square foot house near Aspen, CO, has made the field of submarining a very hot area. Here the cover of the American Lawyer Magazine, a picture of Mr. Lemelson's lawyer basking in the riches, 150 million bucks that belongs to American consumers.

You bet I am worked up about this. This is indeed a grave problem, and it is growing. This amendment, and I will call it Rohrabacher 2, or Kaptur 1, or the sequel to Rohrabacher, again works to protect this practice which stifles American investment and innovation.

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. COBLE] has expired.

(By unanimous consent, Mr. COBLE was allowed to proceed for 2 additional minutes.)

Mr. COBLE. I feel obliged to get this into the record before 5 o'clock, Mr. Chairman. I have worked on this now for almost 5 months. When I retire for my evening rest, I am thinking of patents. At early morning hours, when I dream, I dream of patents. When the cock crows the next morning, I awaken, guess to what? The thoughts of patents.

And for the first time since last week, I learned of a secret Japanese agreement. Oh, yes, there is a secret agreement out. The Japanese are going to bash us. Folks, our better argument, the gentlewoman from California said it last week, the gentleman from Illinois, the chairman of the committee, said it last week, I think the gentleman from Massachusetts [Mr. FRANK], perhaps the gentleman from Michigan [Mr. CONYERS] did as well, a better argument could be made that your rank and file Japanese inventor, they want to keep it just the way it is because, under the present scenario, they have the luxury of reviewing publication well in advance over there and then they can play possum and lay low because the time runs for a delayed publication over here.

It would be my thinking they are not happy at all with H.R. 400. But I want my colleagues to dispel this thought about a secret Japanese agreement because there is simply no truth to it.

I thank everyone who has taken part in this, Mr. Chairman, and I thank you. And if I become too emotional, I apologize. But I think I would be remiss if I did not feel strongly about it, because we have plowed the field time and again and it is time to bring in the harvest and head for the barn.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

I have struggled trying to find some way that I can support the amendment of my colleague, the gentlewoman from Ohio [Ms. KAPTUR]. My colleague asked me to review it, and I regret that I cannot support it.

I think many of us are striving to reach comity and to work in a bipartisan manner, but for this amendment it just cannot happen for me and I think that is true for many of us who have worked so long on this bill; and the main reason why is that, as others have indicated, it continues to permit submarine patents.

The manager's amendment went a long way toward addressing the issue, whether anyone believes it is correct or not, addressing even the perception or the anxiety about small inventors, who wanted to not have a published application, who are uneasy about the change and updating of our law for the information age.

And I think that that measure is sound and passed by voice vote last week. However, to provide that an application could never be published or might be published for many, many years later, as could be done with the amendment of the gentlewoman from Ohio [Ms. KAPTUR] and is currently done under our present system, is not acceptable.

I would point out one thing: I know this was not intended, I am sure, by the amendment, but you could, under the amendment, have a foreign inventor come to the United States, file an application for a patent in the United States only, and end up submarining American inventors. And I do not think that is a result that is good for our country.

I want to mention a particular case, because so much has been said about countries in Asia. But the most notorious submarine patentor that I have been able to find is a Swedish individual, an alleged inventor, Olaf Soderblom, who filed for a United States patent in 1968 and it was not issued until 1981, 13 years later.

□ 1615

The very early years of the patent pending application were spent by Mr. Soderblom fighting various battles with other independent U.S. patent applicants over who was the first inventor. However, a lot of the 13 years were used by Mr. Soderblom's attorney to manipulate claims to postpone any action on them.

Mr. Soderblom never participated in or contributed to the public IEEE standards regarding his token ring technologies that he alleged as his idea. As he waited with his application just below the surface, the rest of the world moved forward and the token ring technologies that were really never contemplated by Mr. Soderblom at the time of his filing were invented; and fortunately for him or unfortunately for America, Mr. Soderblom did get some very excellent American patent attorneys.

Press accounts indicate that he was paid over $100 million for his patent, something he never really designed, never used, never participated in. And this money came directly from United States companies and was deposited into his bank in the Netherlands, contributing to our adverse balance of trade.

Mr. Soderblom has never resided in the United States. He has rarely visited the United States. He just came and took our money. Unfortunately, the amendment before us would allow that to occur again.

I also need to discuss the issue of swooping, because it has been discussed several times by several speakers.

Mr. Chairman, one would think by listening to the debate here that the small people, and I do not mean small in stature, but people who are not rich, people who are just starting out, are at risk under H.R. 400. The world, as my mother and father used to tell me, is not always fair. The truth is that one's ability to protect one's patent from swoopers at the time of patent issuance or at the time of publication, when rights attach under H.R. 400, is only as good as one's ability to step forward, get one's lawyers, stand up for oneself, and protect oneself.

Now, fortunately, we have contingent fee operations in America, and there are plenty of attorneys who are willing to protect a good American inventor against an infringing Japanese multinational or Swedish multinational or whatever. But the truth is if one is not willing to fight for one's patent, one does not have any rights that will not be trampled on. That is true under the current system of publication at patent issuance. It is equally true under the proposed protection from the time of publication, 18 months out. I think it is important to say that because nothing changes in this regard as the result of H.R. 400.

The CHAIRMAN. The time of the gentlewoman from California [Ms. LOFGREN] has expired.

(On request of Ms. KAPTUR, and by unanimous consent, Ms. LOFGREN was allowed to proceed for 2 additional minutes.)

Ms. KAPTUR. Mr. Chairman, will the gentlewoman yield?

Ms. LOFGREN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I wanted to thank the gentlewoman for her comments. Our intention is to close any loopholes that may exist on submarine patenting, even though that issue is a rather curious one to be raised by the committee, because in the last 20 years between 1971 and 1993, out of 2.3 million patent applications, only 627 have been classified as submarine patents; and at least a third of those were U.S. Government military secrets. So I find it interesting that the gentlewoman spent a great deal of her time talking about submarine patents.

Our intention is to close any loopholes that might be there, and that is why the language is in our amendment.

Let me also say that our concern is profoundly small inventors, small business, and university-based inventors. If the proposal in the base bill that early publication is so good for the small inventor and small business, why have those inventors and businesses not published before the grant of the patent up to now? By current law they have that right. So our intention is to protect the small inventor. Please help us do that.

Ms. LOFGREN. Mr. Chairman, reclaiming my time, under current law, if one publishes one's patent application in America before the patent is issued, one does not have any protection. Under H.R. 400, provisional rights attach at the time of publication. So one is protected from the time of publication. Under current American law, it would be foolish indeed to put oneself out otherwise.

Secondarily, I understand, and I believe, that the gentlewoman does not want to do damage to her country any more than I do. That is not what is at issue, as we both recognize. It is a difference of opinion over how to proceed, how best to protect our country's inventors.

It is my judgment that the hundreds of millions of dollars spent by U.S. companies, and in some cases individuals, to submariners is indeed important. The cited number of 200 does not matter as much as the hundreds of millions of dollars.

Mr. HYDE. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Illinois [Mr. HYDE] for yielding.

If Members feel that they may have heard this debate before somewhere, they are absolutely correct. This is precisely what we spent several hours doing on the Rohrabacher amendment last week. We did it upsidedown, backward, there were short speeches, long speeches, ferocious speeches, timid speeches, but it was the Rohrabacher amendment. We are now back into it again. We are now rehashing the Rohrabacher amendment.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I will not yield, Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, this is the Kaptur amendment, it is not the Rohrabacher amendment.

Mr. HYDE. Mr. Chairman, I have the time.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has the time.

Mr. CONYERS. Mr. Chairman, I will not lecture my distinguished colleague from Ohio on the rules of the floor. Please do not interrupt me when the chairman of the committee has yielded time.

Ms. KAPTUR. Mr. Chairman, I would ask the chairman to please yield to me.

The CHAIRMAN. The gentleman from Illinois has the time, and he has yielded to the gentleman from Michigan. The gentleman from Michigan is recognized.

Mr. CONYERS. Mr. Chairman, that is the second time the gentlewoman has done that.

Now, this is a rehash. I emphasize, this is the same old stuff. Go back and read the RECORD.

POINT OF ORDER

Ms. KAPTUR. Point of order, Mr. Chairman.

The CHAIRMAN. The gentlewoman will state her point of order.

Ms. KAPTUR. Mr. Chairman, the gentleman in the well is referencing this amendment under the name of another Member. This is an amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

The CHAIRMAN. The gentlewoman may clarify that point in debate but has not stated a point of order.

The gentleman from Michigan [Mr. CONYERS] may proceed.

Mr. CONYERS. Mr. Chairman, let me say that the subject of this discussion has been dealt with already under whoever's name we care to put it. It is not new information. It is the RECORD of last week that is spread with this.

As my subcommittee chairman has said, the gentleman from North Carolina [Mr. COBLE], this brings back playing possum; right? This brings back submarining; right?

Oh, well, if it does, how does that happen? Because in the gentlewoman's amendment, the Kaptur amendment, at lines 8, 9, and 10: shall not be published until a patent is issued thereon, except upon the request of the applicant.

This now allows small business and universities to indulge in submarining, if they choose; it exempts publication, and that takes us back to where we came in. That is what the new base bill of the committee, after several years' doing, is all about.

Mr. Chairman, I would say to my colleagues, please, we do not need to be going back into this. We need to stop submarining, and this is in the interest of small businessmen.

Final point, and I will yield my time back to the Chairman. If the universities needed this, they would have asked us. We have had innumerable hearings, and not one university witness has ever said we need the Kaptur amendment or any language like it. For those reasons I humbly approach the membership to ask them to reject the amendment. I thank the gentleman for yielding to me.

Mr. HYDE. Mr. Chairman, I thank the gentleman. I would just like to point out to the gentlewoman from Ohio [Ms. KAPTUR], a fine Member of this House, that there is form and there is substance. The form is certainly the Kaptur amendment. The substance, however, in my interpretation, as I read it, is Rohrabacher.

Why do I say that? Because under the gentlewoman's amendment, publication of the pending application could occur only if the application has been pending for more than 5 years. Boy, does that protect the submariner. Five years. That is a lifetime in the computer industry, in the biotechnical industry, in the pharmaceutical industry. Five years one can lurk underground, under the surface of the water. And there are other conditions which echo the Rohrabacher amendment, which we debated last week.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding, merely to point out that the reviewers of this, the Congressional Research Service, all of the other groups, fundamentally said that the base bill and our bill, that amendment, were equally good on the submarining issue. The substance of our amendment, which is the small business provision, my colleague will not talk about doing this debate. My colleague is trying to obfuscate the most important part of this amendment. Very clever, Mr. Speaker.

Mr. HUNTER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Kaptur amendment. A couple of points have been made that I think need to be answered in this debate on this particular amendment. First, publication, the driving theme of the proponents of the bill is that small inventors need them and need their language and need H.R. 400. Whether they like it or not, this is going to help them.

Once again the gentleman from Virginia [Mr. GOODLATTE] pointed out that he thinks publication is going to help small innovators, because once they advertise this creation to the world, money will swoop in, money will come from the four corners of the globe and they will be able to finance their invention with that money.

Now, the point is, if somebody wants to publish their invention, they can do it. They can do it under present law. There is a provision under present law so inventors can go out and publicize if they want to.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Mr. Chairman, the point about publication is it is not just the choice of the individual inventor but, rather, the publication of everyone's patent applications. If no one else has published, then the entrepreneur has the assurance that that one being published is the one they can put their money behind. If they do not know, if everybody else has a choice of publishing or not, we are back to the same old submarining, gaming of the system.

Mr. HUNTER. Mr. Chairman, reclaiming my time, let me just say that the gentleman's argument is naive. If one goes into a high-technology company today and wants to view some of their technology for possible financing, one has to sign a stack of nondisclosure agreements.

Mr. GOODLATTE. Mr. Chairman, if the gentleman will continue to yield, just briefly, to say that that is because they do not have the protection of the U.S. patent system. Publication gives them the provisional right to protection that they do not have when they sign that stack of papers.

□ 1630

Mr. HUNTER. Mr. Chairman, let us walk through what the gentleman just said. He said these people are protected once they publish. They are not protected, and I will tell the gentleman why. To be able to sue for royalties, and that is not 20 or 30 percent of the action, but if somebody else publicizes what they have, they have to show that their invention, that the invention that came out and was utilized by somebody else, was substantially identical to their initial application.

The facts are that when inventors go out and make an initial application, that initial application is often much broader than what is finally patented. So if they make it too broad, if they make the application much broader than the final patent that is awarded and they get that final patent, they cannot come in and sue.

The second thing is that they have to come in and show that they actually had notice of what that person was doing, of that publication. When you send out patent ideas, these ideas that are being published, on the Internet, how are you going to prove that the guy had actual knowledge of what you had?

Last, the whole point that has been made by all these small inventors is this: To sue and get a part of the action, even if it is a 2- or 3-percent royalty, you have to have horsepower. That means you have to have money. If you have not had some running room, if you have not had the chance while your patent was secret to go out there and line that money up, you are never going to be able to do it. That is a fact of life. That is why these inventors hold this stuff tight to their chests. That is why they have not come on H.R. 400.

My good friend, the gentleman from Illinois [Mr. HYDE], my fellow consumer of venison, posed this debate as something, as a Japan-bashing thing, where we are lining up the sons of the Mayflower versus the people of Japanese ancestry.

I would just say to my friend, I am looking at this list of our Nobel laureates, like Franco Modigliano and many others. This is a country where people of every ethnic origin have come to America, used the protection of the patent system to come up with an idea. My friend, the gentleman from Illinois, almost deterred me from using my poster again.

I wonder why it is OK for the gentleman from Virginia to talk about Japan and Europe and why we should look at some of their ideas, but if somebody disagrees with him it is Japan bashing. I still think this poster is instructive.

Japan is production heavy. They specialize in production. They need to get creative ideas into the assembly line. That is why they made the agreement with our patent examiner to get our patents published 20 years after application, rather than 17 years after the patent was actually issued. But once again, the small inventors, the Nobel laureates, the guys who invented the MRI, the guys who invented the pacemaker, those guys are not submariners.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, I think the question everybody has to ask the committee is this: You have 2.3 million patents granted since 1973. According to the statistics that both sides have cited, there have been 670 submariners in that period of time, and about 30 percent of those were military secrets. That takes us down to less than 400 submariners.

We have crafted a piece of legislation that will rip away privacy for millions of inventors so we can make one guy on the face of a magazine, we can take care of that problem.

The CHAIRMAN. The time of the gentleman from California [Mr. HUNTER] has again expired.

(By unanimous consent, Mr. HUNTER was allowed to proceed for 30 additional seconds.)

Mr. HUNTER. Mr. Chairman, let me just close by saying that the same language that was in the Rohrabacher bill is in the Kaptur bill. CRS has said that both sides, both types of language, would likely end the practice of submarine patents.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the reason I demonstrably stated and repeatedly stated at the end of the debate on the last amendment, that I had begged the other side for language to end the submarine patent problem, if Members remember, I said over and over again, I for 2 years pleaded with the other side of this issue, give me language that will end the submarine patent problem and I will put it into my bill, just so long as we do not use this problem as an excuse to destroy the fundamental protection of our patent system which has been the guaranteed patent term.

I got nothing in return. I got no answer. To everyone I met I said, please give me the language.

The gentleman from Virginia [Mr. BOUCHER] negotiated, hopefully in good faith, for over a year trying to find language that was acceptable. There was nothing acceptable to the other side except elimination of the guaranteed patent term.

Finally the gentleman from California, TOM CAMPBELL came forward and said, let us work together and find some really tough language on the submarine patent problem and we will put it into your bill, and no one will be able to complain.

In fact, the Congressional Research Service looked at it and said, yes, the language you put in there is likely to end the submarine patent practice forever, just like H.R. 400 will. The difference between our approaches is, of course, we are not amputating the patient's leg in order to get to the hangnail. We are not destroying freedom of speech in the name of stopping a few pornographers.

If someone was up here today arguing that we have to end the first amendment to the Constitution, we have to change the Bill of Rights, because there are going to be some people that take advantage of freedom of speech, and our bill is going to have the government check all the newspapers and everything that is published beforehand to take care of these submarine free speechers, the fact is, you would say, you are crazy. You are not going to touch the Constitution in order to get the bad guys. We can find out ways of regulating them and controlling the problem.

No; instead, the other side has demanded we obliterate the protections that we have had in place since the adoption of the U.S. Constitution in order to get at the submarine patent problem. I contend that this is a fig leaf that is being used to cover the implementation of an agreement that we made with Japan 4 years ago to harmonize our law with the Japanese law. That is why there was no compromise language. That is why there was nothing they could come back to me and say that, no, we do not have to have publication to solve the submarine patent problem, we can do something else here. I was open to all those other alternatives.

No, because the purpose of the act is to put publication in our law, and the purpose of putting publication in our law is to implement a secret agreement, it was secret to me, and I was a Member of Congress, with the Japanese to harmonize our system.

Why do we want to harmonize our law with Japanese law? In Japan, which we were talking about here before, they have flooded, and that means if the little guy invents something the big guys just make little changes in what his patent is all about, because now they know all the details because it has been published, and they surround the little guy and they beat the little guy into submission and take away his rights. That is why nobody ever invents anything in Japan.

We are inviting these very same economic gangsters, economic shoguns, economic godfathers, you name them, whatever they are, the economic elite of Japan and China and all the rest of the countries who brutalize their own people because their people do not have legal protections, we are inviting those same elitists to come over here and brutalize our people because we are stripping away their protection in the name of submarine patents.

Let me note that all the examples we have heard about submarine patents today have been examples from the 1960's and 1970's. The Patent Office in the early 1970's put in place, or late 1970's, excuse me, a system called the PALMS system. It has already taken care of the submarine patent problem. None of the examples they have given have taken place since the PALMS system was put into place.

Furthermore, our legislation, which we have been trying to offer, rather than destroying the rights of the American people, will, according to the Congressional Research Service, end the practice of submarine patenting.

Please, Mr. Chairman, I urge my colleagues, the little guy, the Roscoe Bartletts of this country, the small businessmen, our universities and research departments are begging us, please, do not publish the secret information that they have been developing before they get their patent. They know it is going to be stolen. They know they will not have the wherewithal to sue Mitsubishi Corp. or the People's Liberation Army in China that would steal their technologies.

Please oppose H.R. 400 and support the Kaptur amendment.

Mr. GOODLATTE. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Illinois [Mr. HYDE], the chairman of the committee.

Mr. HYDE. Mr. Chairman, I think this could be boiled down very simply. We have a mind-set that thinks publication is an open door to thievery and to stealing our secrets.

There is another philosophy, it is in our Constitution. It says that if you want to get a patent, that gives you exclusive rights to your invention for a period of years, and then the tradeoff for that exclusivity is disclosure to the world, so the world may benefit from this wonderful insight that you have now patented. That is the tradeoff.

Publication is the disclosure so the world may benefit, but meanwhile, you have a period of years for which you may exploit fully your rights to the patent. That is the tradeoff. Publication is protection, because once your idea is published it is notice to the world you were there first; you have been there, you have done that, and it is yours. If anybody wishes to infringe on your rights, which are called provisional rights, not a patent yet but equivalent to a patent, they are subject to damages. So you are protected.

Meanwhile, Mr. Chairman, the foreign inventor, and 45 percent of the applications in our country, where we produce all these Nobel laureates, most of whom have an accent, not all, most, we then publish in our country, as they publish over there, so we all have that so-called level playing field.

But the most important thing I want to say, Mr. Chairman, is that we have seen that CRS report waved around as often as we have heard about hangnails or toenails. I think this argument needs a pedicure, I would say to my friend.

By the way, speaking of the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR], there is an old Italian saying, you may dress the shepherd in silk, he will still smell of the goat.

Mr. Chairman, the CRS report which the gentleman so proudly has waved I would point out has been critiqued by the American Intellectual Property Law Association, which represents nearly 10,000 international intellectual property lawyers, and they say, for reasons about which we can only speculate, H.R. 811, the bill of the gentleman from California [Mr. ROHRABACHER], as reprised by the gentlewoman from Ohio, considerably strengthens the abuse potential of a submariner wishing to keep a patent application secret.

Under one section of H.R. 811, publication of a pending application could only occur if the application has been pending for more than 5 years. We can grow an awful lot of submarines under the water in 5 years.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding to me. I am glad it is not goat skin, based on what has gone on here recently.

Mr. Chairman, I just wanted to say that the gentleman's explanation of how the patent system works today was just excellent.

Mr. HYDE. I thank the gentlewoman.

Ms. KAPTUR. What I wanted to ask, though, is if the proposal in H.R. 400 that the gentleman is promoting is going to be useful, currently if publication is going to be such a good idea, early publication for small inventors and small business, why have they not published under the current law, which they can do if they wish, but they do not do it?

Mr. HYDE. I would suggest to my friend that if she does not want it ever published, she wants to keep it a secret in perpetuity, do not ask for a patent. Keep it as a trade secret and get protected under the trade secrecy laws.

But if she wants a patent it has to be published. She is protected while it is published, and then the patent protects her, and then the world may benefit from her wonderful invention.

Ms. KAPTUR. Mr. Chairman, if the gentleman will continue to yield, you are protected until such time as that patent is issued, and certainly with the courts and system we have in place, after that patent is granted. What the committee is seeking to do, and why we in this amendment try to protect small business and small inventors, is lessen the time that they have that protection.

Mr. HYDE. The gentlewoman protects the submariner. She really protects and enhances the submariner.

Ms. KAPTUR. If the gentleman reads correctly what our amendment does, that is only one of five different ways in which we try to get at the submarine problem. I think the gentleman is incorrect.

□ 1645

Mr. HYDE. Mr. Chairman, that 5 years leaps out from the gentlewoman's amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, I heard a statement just a few minutes ago, and I think it needs to be addressed, that there is nothing currently going on by way of the submarine patent issue, that that problem was already solved, and the like.

I had to mention, I did mention last week a letter received by Charles Trimble, President and CEO of Trimble Navigation, one of the premier firms in Silicon Valley. I just wanted to quote a couple of the things he said in his letter.

He said, From our view inside the Global Positioning System Industry, we see no harm to our industry from H.R. 400 and I support this legislation. As an inventor, I obtained basic patents, not to make money but to ensure that no one else would stop me from using my own patent or innovation in commercializing the GPS technology.

Another reason for obtaining patents is to facilitate the licensing of technology to a larger company. The real issue is not only inventing a technology but reducing it to practice, generating a commercial market and creating a legitimate business activity. This activity is a critical backbone of our economy.

He goes on to say that keeping patents unpublished or submarining until there is an emerging commercial industry that can be held hostage to costly and unnecessary lawsuits is a serious competitive threat to U.S. industries. And then, in fact, and this was dated March 11, 1997, Our industry is currently, he says, diverting significant amounts of money to combat a submarine patent that will most likely be proven not to read on our technology. This is a very sensitive issue.

He is saying that this is not a large company versus a small company issue. This is an issue about who can get hotshot patent lawyers to continue to press for money that they do not deserve, did not earn and are extorting.

Mr. FRANK of Massachusetts. Mr. Chairman, let me say, I am about to yield to the senior ranking member, but I did want to alert Members that the vote is at 5 and the test on this for all Members will be given tomorrow morning.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, to the gentleman from California [Mr. ROHRABACHER], our distinguished colleague, it has just been discovered that there is no secret conspiracy.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in order to allow the author of this amendment the chance to close. I wish to take 30 seconds before yielding the remaining amount of my time to observe that our distinguished chairman of the full committee did omit the other provision of Ms. KAPTUR's amendment. It was not simply the 5-year provision. There is also the provision that I drafted which requires publication for anyone who seeks to continue the patent application process, which is exactly the submariner.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman. I wish to ask the Members to please read the substance of our amendment. The sidetracks that this debate has gone down this afternoon have amazed even me.

I wanted to state for the RECORD that there are many university scholars, inventors, lists long that have written us in support of our legislation against the base bill and, of course, many of them are in a precarious position because those universities receive funds from some of the very same interests that are promoting H.R. 400 and in many ways not being sensitive to the smaller inventors, the smaller businesses, those individual inventors that we wish to protect and give fair standing to as this measure moves forward.

Our amendment essentially would attempt to protect those inventors' patents prior to issuance. We do not want any invitation to copy, which H.R. 400 certainly promotes, because it says that within 18 months, that patent would be published even before it is granted.

Right now an individual is protected until the time that the patent is issued, until it is granted. So it is a substantial collapsing of the protection time for an individual inventor.

I find it so interesting to listen to the proponents say, well, in our system you can litigate. That is easy for a big corporation. IBM, Xerox, Ford Motor, why they are some of the best friends of this country in the jobs that they provide, and so forth. But the point is they are not the only inventors around. There are a lot of small workshops. There are a lot of professors that are out there filing. There are a lot of independent inventors who do not have the kind of financial wherewithal to function in the system that is being created here.

It is no different than the battle between the megabanks and the credit unions. It is no different than the battles that we have between the Committee on Commerce and the Committee on Small Business. It is the very same issue for small inventors, for independent inventors, and those who are not independent, who have other sources of finance to back up whatever it is they are trying to protect and advance through that Patent Office.

So our amendment essentially exempts small business under the definition of the Patent Office. It says, hey, look, give them equal footing. Do not make them play under this system, which is very difficult for the small inventor to cough up the cash for. It does not subject them to the kind of litigation that is likely to be involved here where it is more likely that their ideas and their patent will be infringed upon through the processes that are being promoted in the base bill.

Our measure also would try to acknowledge that the base bill does not distinguish between large and small inventors. So it really is an equity question for us.

We would ask Members to support the Kaptur amendment to create a level playing field, support the small business person. Support the small inventor. Support your colleges and universities. Support the little guy. Do the right thing. Make this bill better.

I know the chairman of the full committee wants to do that. I know the ranking member wants to do that. The Kaptur amendment accomplishes that.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. KAPTUR. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] will be postponed.

Are there further amendments?

AMENDMENT OFFERED BY MR. HUNTER

Mr. HUNTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HUNTER:

Page 4, strike line 1 and all that follows through page 26, line 9 and insert the following:

TITLE I—PATENT AND TRADEMARK SYSTEM REVISIONS

SEC. 101. SECURE PATENT EXAMINATION.

Section 3 of title 35, United States Code, is amended by adding at the end the following:

"(f) All examination and search duties for the grant of United States letters patent are sovereign functions which shall be performed within the United States by United States citizens who are employees of the United States Government.".

SEC. 102. PATENT AND TRADEMARK EXAMINER TRAINING.

(a) IN GENERAL.—Chapter 1 of title 35, United States Code, is amended by adding at the end the following new section:

"§15. Patent and trademark examiner training

IN GENERAL.—All patent examiners and trademark examiners shall spend at least 5 percent of their duty time per annum in training to maintain and develop the legal and technological skills useful for patent or trademark examination, as the case may be.

"(b) TRAINERS OF EXAMINERS.—The Patent and Trademark Office shall develop an incentive program to retain as employees patent examiners and trademark examiners of the primary examiner grade or higher who are eligible for retirement, for the sole purpose of training patent examiners and trademark examiners who have not achieved the grade of primary examiner.".

(b) CLERICAL AMENDMENT.—The table of contents for chapter 1 of title 35, United States Code, is amended by adding at the end the following:

"15. Patent and trademark examiner training.".

SEC. 103. LIMITATIONS ON PERSONNEL.

Section 3(a) of title 35, United States Code, is amended by adding at the end the following: "The Office shall not be subject to any administratively or statutorily imposed limitation on positions or personnel, and no positions or personnel of the Office shall be taken into account for purposes of applying any such limitation.".

Page 26, line 10, strike "121" and insert "104".

Page 28, line 15, strike "122" and insert "105".

Page 30, strike line 3 and all that follows through page 46, line 23, and insert the following:

SEC. 106. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect 30 days after the date of the enactment of this Act.

Amend the table of contents accordingly.

Mr. HUNTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. HUNTER. Mr. Chairman, this has been a good debate, a robust debate on the patent system and whether or not we need to radically change the system. I am offering this amendment to move over to the personnel side of the issue and talk about it a little bit.

I want you to consider that the proposal, the idea that property rights are extremely precious in the United States and that if you ask the average citizen what his most important right is, he would probably say it is my right to own my house, my farm, my property, and to have a system that ensures that ownership.

Now, we often have disputes over property rights in the United States. We have quiet title actions and other types of actions, when you go to court because somebody else or the government disputes your claimed absolute ownership of your property. And what Americans want when their property rights are in dispute is an excellent judiciary with absolute integrity. They do not want to have a judiciary that is contracted out. We went over and had a rent-a-judge program. They do not want to have a judiciary where you may go to a foreign country and contract or exchange judges with them, especially if it is an issue where their ownership of your property may be a part of the particular issue. We want to have judges that are absolutely insulated from politics.

Now, I think we need exactly the same thing when we are talking about intellectual property. We have had a Patent Office, I understand, I have done a little investigation, we have not had a scandal regarding undue influence in the Patent Office for 160 years. What does that say about our patent examiners, those Federal employees who work in the Patent Office and basically make decisions that are life or death for American citizens, for inventors, for small businesses, for big businesses?

Those people in practical terms award property rights or refuse to award property rights. They are quasi-judges. They are a lot like the judges who make determinations on real property rights, who make the decision as to whether or not you own your house or you own that strip of land that your neighbor may contest.

Well, I have offered an amendment that does several things. It says essentially that patent applications, it ensures that patent applications will be reviewed by politically insulated, competent, and plentiful patent examiners. Let us go through that.

First, I think the important idea is to have political insulation to make sure that you have an absolutely pristine patent examiner corps and you do that by making sure that they are U.S. citizens and that they are Federal employees. You do not want to contract out judges. These folks are quasi-judges.

Second, it ensures that you are going to have good patent examiners. It says that over 5 percent of their duty time must be spent in training. We have a lot of very high technology creativity now that is being pushed through the Patent Office by American innovators. We need to have folks that are up to speed and can apply technical expertise that will allow them to make an efficient review of that patent application. So my bill or my amendment offers a requirement for 5 percent of your duty time being spent in training.

Last, it ensures that you are going to have swift patent issuance, that has been an issue today, and office flexibility by lifting a mandated full-time employee cap from the Patent and Trademark Office.

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from California [Mr. HUNTER] has expired.

Mr. HUNTER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just want to explain to the gentleman from California, [Mr. HUNTER] that he has had 5 minutes. I get 3. I am not giving him any more time. I am not yielding.

Mr. Chairman, I object to this amendment. This amendment contains a number of restrictions on how the tradeoffs can operate, including the types of search files the office should use, the amount of training examiners should receive, where and by whom the patent application should be examined. It imposes restraints on executive branch negotiations with other nations on patent law.

Is this serious? We are going to, in an amendment that all debate concludes on in 8 minutes, we are now going to limit the executive branch of Government's ability to negotiate with other nations on patent law.

This would eliminate the operational flexibilities and management stability of the Government corporation which would be created in H.R. 400. I guess that means it guts the bill.

So here we go. We have had about 4 amendments. I am not impatient with this mode of debate and the secret agreements that nobody knows about, the conspiracy that is motivating the movers of H.R. 400. But it is a little trying.

Ms. LOFGREN. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Chairman, in my reading of the amendment, I believe it is very clear from the plain words of the amendment that the Patent and Trademark Office current search files would need to be maintained. I think what this means, in a practical manner, is that the current 33 million documents search files that are on paper would need to be maintained forever.

I think, although I presume not intended, that would be a very serious problem for our country when we think about what we can accomplish with computerization, especially dealing with massive amounts of data. So I think that that unintended consequence, if for no other reason, should lead us all to oppose this amendment. I do not know whether the chairman of the subcommittee wished to be recognized for the remainder of my time.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from California.

□ 1700

Mr. CAMPBELL. Mr. Chairman, I appreciate the gentleman yielding, and it is for this purpose. If I could have the attention of the gentleman from Michigan.

Mr. Chairman, I am asking for unanimous consent that 2½ additional minutes be given to the gentleman from Michigan [Mr. CONYERS] and 2½ additional minutes be given to the gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

Mr. CONYERS. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. HUNTER].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HUNTER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 116, further proceedings on the amendment offered by the gentleman from California [Mr. HUNTER] will be postponed.

Mr. BARCIA. Mr. Chairman, we have listened to members of this house eloquently debate both sides of this issue today and it is apparent that almost all agree that there are problems with our current patent system. However, we do not agree on how we can correct the problems.

There are several points on which we all agree and I believe that we can and should work on perfecting those provisions to improve, not massively alter, our patent system. We agree that we need to prevent submarine patents.

We agree on provisional royalty rights for those who are published. Those changes can be made without hurting independent inventors who have been the backbone of this country for 200 years.

We do not need to make massive changes to a system that we can fix. Let's address those provisions on which we agree and pass a bill that ends abuse of the system. Let us also continue to provide the independent inventor the opportunity and financial ability to pursue innovative ideas and inventions.

Some of my colleagues have suggested, quite correctly, that even under the current system lawsuits and piracy are possible, even prominent. However, this is not an excuse for opening our inventors to more of the same. Compounding injustice will not make our Nation better.

Innovation is the cornerstone and strength of our country and we are all committed to protecting the intellectual property rights of inventors and researchers. We all want to prevent abuses by those who would purposely delay applications or use other tactics to artificially extend patent protection.

However, I am opposed to H.R. 400 and any other legislation that would allow infringement on intellectual property rights guaranteed by our Constitution.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to stand up for our Nations small businesses and individual investors. With all the data on the obstacles small businesses face in our increasingly globally-oriented marketplace, I am quite dismayed about the changes advocated by this bill. While supporters claim this bill helps businesses and inventors, closer examination proves otherwise. Rather than assisting all businesses and inventors, this bill allows large corporations and foreign entities to gain an advantage over America's small businesses and individual inventors.

Proponents of this legislation claim that this bill benefits investors and the American society as a whole. They contend that by publishing patents in a shorter amount of time, businesses and the government will be able to save money from eliminating duplicative research. In addition, supporters claim by disclosing the patent information in 18 months inventors are compensated for royalties earlier in the patent process. Existing law provides that a patent applicant must remain confidential until the patent is granted. Do we really want to disclose information to our competitors just to harmonize our patent laws with international standards?

Instead of maintaining a system that has been independent and encourages American ingenuity for over 200 years, H.R. 400 restructures the U.S. Patent & Trademark Office [PTO] by creating a Management Advisory Board that reviews the policies, goals, performance, budget and user fees of the PTO. This bill will subject the PTO to the appropriations process, as well as, Congressional oversight. Mr. Speaker we have already seen how special interests in the political process can influence the system. This bill not only adds additional redtape, but more significantly, it allows politics to influence the issuance of a patent. The existing structure already provides applicants the objectivity and assurance that they will be given a fair opportunity to obtain patents and safeguards intellectual property rights.

During this debate we will be hearing a lot about "submarine patents." Proponents of H.R. 400 allege that numerous patent applicants purposely delay their patent to keep their inventions secret. If submarine patents are as secretive as critics claim, then how are we to know the real number of submarine patents that exists? Are submarine patents really a problem or is it just a smokescreen to dismantle a system that protects the rights of the little guy?

Another change H.R. 400 seeks is to allow third parties to participate in the reexamination process. Under existing law, validity of issued patents are challenged and reexamined only by the U.S. Patent & Trademark Office. This bill will allow larger corporations and wealthier entities to challenge the validity of a patent. As these challenges or suits drag on for longer periods, the smaller and less affluent businesses or individuals are the ones most negatively affected. Once their finances are depleted, the "deep pockets" are likely to acquire rights to these patents.

H.R. 400 will hurt our small businesses and inventors. It should not pass.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 116, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 1, offered by the gentleman from California [Mr. CAMPBELL];

Amendment No. 2, offered by the gentleman from California [Mr. CAMPBELL];

Amendment offered by the gentlewoman from Ohio [Ms. KAPTUR];

And the amendment offered by the gentleman from California [Mr. HUNTER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PARLIAMENTARY INQUIRIES

Mr. CAMPBELL. Mr. Chairman, is it my understanding that we will go to a recorded vote or must I make a point of order about the absence of a quorum?

The CHAIRMAN pro tempore. The Chair will clarify.

Ms. LOFGREN. Mr. Chairman, parliamentary inquiry. Is it my understanding that the first recorded vote is on the Campbell 1 amendment, to be followed by 5 minute votes on Campbell 2, the Kaptur amendment and the like? I could not hear.

The CHAIRMAN pro tempore. The gentlewoman is correct.

AMENDMENT NO. 1 OFFERED BY MR. CAMPBELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 1, offered by the gentleman from California [Mr. CAMPBELL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 185, noes 224, not voting 24, as follows:

[Roll No. 86]

AYES—185

Abercrombie
Bachus
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Blumenauer
Bonilla
Bonior
Bono
Brown (FL)
Brown (OH)
Calvert
Camp
Campbell
Chenoweth
Christensen
Clayton
Clement
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Crapo
Cunningham
Danner
Davis (VA)
DeFazio
Dellums
Dixon
Doolittle
Doyle
Duncan
Ehlers
Emerson
Engel
Ensign
Everett
Filner
Foley
Forbes
Fowler
Frank (MA)
Gallegly
Gephardt
Gibbons
Gillmor
Goode
Gordon
Goss
Graham
Green
Gutierrez
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoyer
Hulshof
Hunter
Istook
Jackson-Lee (TX)
Johnson, E. B.
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kildee
Kim
King (NY)
Kleczka
Klink
Klug
Kucinich
LaHood
Largent
LaTourette
Leach
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McDade
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Mink
Molinari
Moran (KS)
Murtha
Myrick
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Paul
Petri
Pickering
Pombo
Pomeroy
Porter
Poshard
Radanovich
Rangel
Regula
Riley
Rivers
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sanders
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Shadegg
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Stark
Stearns
Strickland
Stump
Stupak
Talent
Tauscher
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weygand
Wolf

NOES—224

Ackerman
Aderholt
Allen
Archer
Armey
Baesler
Barrett (NE)
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Bunning
Burr
Burton
Buyer
Callahan
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clyburn
Coble
Conyers
Cramer
Crane
Davis (FL)
Davis (IL)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dickey
Dicks
Dingell
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Ford
Fox
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hostettler
Houghton
Hutchinson
Hyde
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kennelly
Kind (WI)
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Latham
Lazio
Levin
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCrery
McDermott
McHale
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Nadler
Neal
Nethercutt
Northup
Nussle
Oxley
Packard
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Reyes
Riggs
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Sabo
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Smith, Adam
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stokes
Sununu
Tanner
Tauzin
Thomas
Thompson
Tierney
Torres
Turner
Vento
Visclosky
Waxman
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Ballenger
Bryant
Collins
Cubin
Cummings
Deutsch
Diaz-Balart
Furse
Hoekstra
Inglis
Kilpatrick
Kingston
Rahall
Rush
Sanford
Schiff
Smith (OR)
Taylor (MS)
Taylor (NC)
Towns
Velázquez
Wise
Yates

☐ 1725

The Clerk announced the following pairs:

On this vote:

Mrs. Cubin for, with Mr. Kingston against.

Mr. Sanford for, with Mr. Smith of Oregon against.

Mr. Deutsch for, with Mr. Towns against.

Messrs. DELAY, HASTERT, WELLER, and GONZALEZ changed their vote from "aye" to "no."

Messrs. POMBO, CAMP, RYUN, WATTS of Oklahoma, KIM, McGOVERN, Mrs. CLAYTON, and Ms. ROYBAL-ALLARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 2 OFFERED BY MR. CAMPBELL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. CAMPBELL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 167, noes 242, not voting 24, as follows:

[Roll No. 87]

AYES—167

Abercrombie
Archer
Bachus
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bereuter
Bilirakis
Bonilla
Bonior
Bono
Brown (OH)
Calvert
Campbell
Cardin
Chenoweth
Christensen
Clayton
Clement
Coburn
Combest
Condit
Cook
Cooksey
Costello
Cox
Crapo
Cunningham
Danner
Deal
DeFazio
DeLay
Dellums
Dixon
Doolittle
Doyle
Duncan
Emerson
English
Ensign
Everett
Ewing
Filner
Foley
Forbes
Gallegly
Gephardt
Gibbons
Goode
Goss
Graham
Green
Gutierrez
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Holden
Hoyer

Hulshof
Hunter
Hutchinson
Istook
Jones
Kanjorski
Kaptur
Kildee
King (NY)
Kleczka
Klink
Kucinich
LaHood
Largent
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (FL)
Mink
Molinari
Moran (KS)
Myrick
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Parker
Pascrell
Paul
Petri
Pickering
Pombo
Poshard
Regula
Riggs
Riley
Rivers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Stark
Strickland
Stump
Stupak
Sununu
Talent
Thornberry
Thune
Thurman
Tiahrt
Traficant
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weller
Whitfield

NOES—242

Ackerman
Aderholt
Allen
Armey
Baesler
Barrett (NE)
Barton
Bateman
Becerra
Bentsen
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Clay
Clyburn
Coble
Conyers
Coyne
Cramer
Crane
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dickey
Dicks
Dingell
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Granger
Greenwood
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Horn
Hostettler
Houghton
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
Kind (WI)
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Latham
Levin
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
McGovern
McHale
McIntosh
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Nussle
Owens
Oxley
Packard
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Reyes
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Schumer
Scott
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Smith, Adam
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Tanner
Tauscher
Tauzin
Thomas
Thompson
Tierney
Torres
Turner
Upton
Vento
Visclosky
Watkins
Waxman
Weldon (PA)
Wexler
Weygand
White
Wicker
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—24

Andrews
Ballenger
Bryant
Collins
Cubin
Deutsch
Diaz-Balart
Furse
Gekas
Hoekstra
Inglis
Kilpatrick
Kingston
Rahall
Rush
Sanford
Schiff
Smith (OR)
Taylor (MS)
Taylor (NC)
Towns
Velázquez
Wise
Yates

□ 1736

The Clerk announced the following pair:

On this vote:

Mr. Sanford for, with Mr. Smith of Oregon against.

Ms. PELOSI changed her vote from "aye" to "no."

Mr. McCRERY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. KAPTUR

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Ohio [Ms. KAPTUR] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 220, noes 193, not voting 20, as follows:

[Roll No. 88]

AYES—220

Abercrombie
Aderholt
Archer
Bachus
Baker
Baldacci
Barcia
Barr
Barrett (WI)
Bartlett
Bereuter
Bilbray
Bilirakis
Bishop
Bonilla
Bonior
Bono
Boyd
Brady
Brown (FL)
Brown (OH)
Calvert
Campbell
Cardin
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Costello
Cox
Cramer
Crapo
Danner
Deal
DeFazio
DeLauro
DeLay
Dellums
Dickey
Dixon
Doolittle
Doyle
Duncan
Emerson
English
Ensign
Everett
Ewing
Fattah
Filner
Foley
Forbes
Fowler
Fox
Franks (NJ)
Gallegly
Gejdenson
Gephardt
Gillmor
Goode
Gordon
Goss
Graham
Green
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Holden
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Istook
Jackson-Lee (TX)
Jefferson
Jones
Kanjorski
Kaptur
Kildee
Kim
King (NY)
Kleczka
Klink
Kucinich
LaHood
Largent
LaTourette
Lazio
Leach
Levin
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCarthy (NY)
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Molinari
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pappas
Parker
Pascrell
Paul
Payne
Pelosi
Peterson (PA)
Petri
Pickering
Pombo
Pomeroy
Porter
Poshard
Radanovich
Rahall
Rangel
Regula
Riggs
Riley
Rivers
Rodriguez
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Smith (MI)
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Thompson
Thornberry
Thune
Tiahrt
Torres
Traficant
Upton
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Woolsey
Wynn
Young (AK)

NOES—193

Ackerman
Allen
Armey
Baesler
Barrett (NE)
Barton
Bass
Bateman
Becerra
Bentsen
Berman
Berry
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Borski
Boswell
Boucher
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cannon
Capps
Carson
Castle
Chabot
Chambliss
Clement
Coble
Conyers
Cooksey
Coyne
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
Dicks
Dingell
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fawell
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Granger
Greenwood
Gutknecht
Hamilton
Hastings (FL)
Hefner
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hyde
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam

Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)
Klug
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Latham
Lewis (CA)
Lewis (GA)
Linder
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCollum
McDermott
Meehan
Minge
Moakley
Mollohan
Morella
Nadler
Neal
Northup
Nussle
Oxley
Packard
Pastor
Paxon
Pease
Peterson (MN)
Pickett
Pitts
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Reyes
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Smith, Adam
Snyder
Souder
Stokes
Tanner
Tauscher
Thomas
Thurman
Tierney
Turner
Vento
Visclosky
Watkins
Waxman
Weldon (FL)
Wexler
White
Wolf
Young (FL)

NOT VOTING—20

Andrews
Ballenger
Cubin
Deutsch
Diaz-Balart
Furse
Hoekstra
Inglis
Kilpatrick
Kingston
Rush
Sanford
Schiff
Smith (OR)
Taylor (MS)
Taylor (NC)
Towns
Velázquez
Wise
Yates

☐ 1748

The Clerk announced the following pairs:

On this vote:

Ms. Velázquez for, with Mr. Deutsch against.

Mrs. Cubin for, with Mr. Kingston against.

Mr. Sanford for, with Mr. Smith of Oregon against.

Mr. HOBSON, Mr. LAFALCE, and Ms. SLAUGHTER changed their vote from "aye" to "no."

Messrs. RAHALL, BRADY, McGOVERN, and FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Chairman, during the vote on the Kaptur amendment my vote should have been recorded as a "yea" vote for the amendment. My vote was inadvertently recorded as a "no" vote and I would like for the RECORD to show that I was in favor of the Kaptur amendment. This amendment will provide small businesses and inventors with the protections that they need and deserve.

AMENDMENT OFFERED BY MR. HUNTER

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. HUNTER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 133, noes 280, not voting 20, as follows:

[Roll No. 89]

AYES—133

Abercrombie
Bachus
Baker
Baldacci
Barcia
Barr
Bartlett
Bilbray
Bilirakis
Bonior
Bono
Brown (OH)
Burton
Calvert
Campbell
Chenoweth
Clement
Coburn
Combest
Condit
Crapo
Danner
DeFazio
Doolittle
Doyle
Emerson
English
Ensign
Everett
Ewing
Filner
Foley
Forbes
Gallegly
Gephardt
Gibbons
Goode
Goodling
Goss
Graham
Gutierrez
Hall (TX)
Hansen
Hayworth
Hefley
Herger
Hill
Holden
Hostettler
Hoyer
Hulshof
Hunter
Istook
Jackson-Lee (TX)
Jones
Kanjorski
Kaptur
Kildee
King (NY)
Kleczka
Klink
Kucinich
Largent
LaTourette
Lewis (KY)
Lipinski
LoBiondo
Lucas
Manzullo
Martinez
Mascara
McCarthy (NY)
McHale
McHugh
McInnis
McKeon
McKinney
McNulty
Metcalf
Mica
Miller (CA)
Mink
Moran (KS)
Moran (VA)
Myrick
Neumann
Ney
Norwood
Oberstar
Obey
Olver
Ortiz
Pallone
Pappas
Pascrell
Petri
Pombo
Pomeroy
Radanovich
Rahall
Regula
Riley
Rivers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Skelton
Smith (NJ)
Smith, Linda
Snowbarger
Solomon
Spence
Stark
Stump
Talent
Tiahrt
Traficant
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weller
Whitfield
Young (AK)

NOES—280

Ackerman
Aderholt
Allen
Archer
Armey
Baesler
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Buyer
Callahan
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Christensen
Clay
Clayton
Clyburn
Coble
Collins
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hefner
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hutchinson
Hyde
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kim
Kind (WI)
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Latham
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Livingston
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (MO)
McCollum
McCrery
McDade
McDermott
McGovern
McIntosh
McIntyre
Meehan
Meek
Menendez
Millender-McDonald
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Morella
Murtha
Nadler
Neal
Nethercutt
Northup
Nussle
Owens
Oxley
Packard
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Reyes
Riggs
Rodriguez
Roemer
Rogan
Rogers
Rothman
Roukema
Roybal-Allard
Sabo
Sanchez
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (TX)
Smith, Adam
Snyder
Souder
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Turner
Upton
Vento
Visclosky
Watkins
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wicker
Wolf
Woolsey
Wynn
Young (FL)

NOT VOTING—20

Andrews
Ballenger
Cubin
Deutsch
Diaz-Balart
Furse
Hoekstra
Inglis
Kilpatrick
Kingston
Rush
Sanford
Schiff
Smith (OR)
Taylor (MS)
Taylor (NC)
Towns
Velázquez
Wise
Yates

☐ 1757

The Clerk announced the following pair: (On this vote:

Mrs. Cubin for, with Mr. Kingston against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. Are there other amendments?

If not, the question is on the committee amendment in the nature of a substitute as modified, as amended.

The committee amendment in the nature of a substitute as modified, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

☐ 1800

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

KOLBE), having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 400) to amend title 35, United States Code, with respect to patents, and for other purposes, pursuant to House Resolution 116, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SMITH of Oregon. Mr. Speaker, unfortunately, I was unable to be present during consideration of H.R. 400 today. As a cosponsor of this bill, however, I feel it is important for me to let my intentions be known on this important matter. Therefore, I would like to state for the RECORD that, had I been present, I would have voted against all of the amendment to H.R. 400 and supported final passage of the bill.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 400, 21ST CENTURY PATENT SYSTEM IMPROVEMENT ACT

Mr. COBLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 400, the Clerk be authorized to correct section numbers, punctuation, and cross-references, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 400.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

WITHDRAWAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1062

Mr. GIBBONS. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 1062.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Thursday, April 24, 1997.

EXPRESSING THE SENSE OF CONGRESS WITH RESPECT TO SIGNIFICANCE OF MAINTAINING HEALTH AND STABILITY OF CORAL REEF ECOSYSTEMS

Mr. SAXTON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H.Con. Res. 8) expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems, as amended.

The Clerk read as follows:

H. CON. RES. 8

Whereas coral reefs are among the world's most biologically diverse and productive marine habitats, and are often described as the tropical rain forests of the oceans;

Whereas healthy coral reefs provide the basis for subsistence, commercial fisheries, and coastal and marine tourism and are of vital economic importance to coastal States and territories of the United States including Florida, Hawaii, Georgia, Texas, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands;

Whereas healthy coral reefs function as natural, regenerating coastal barriers, protecting shorelines and coastal areas from high waves, storm surges, and accompanying losses of human life and property;

Whereas the scientific community has long established that coral reefs are subject to a wide range of natural and anthropogenic threats;

Whereas the United States has taken measures to protect national coral reef resources through the designation and management of several marine protected areas, containing reefs of the Flower Garden Banks in the Gulf of Mexico, the Florida Keys in south Florida, and offshore Hawaii, Puerto Rico, the Virgin Islands, and American Samoa;

Whereas the United States, acting through its agencies, has established itself as a global leader in coral reef stewardship by launching the International Coral Reef Initiative and by maintaining professional networks for the purposes of sharing knowledge and information on coral reefs, furnishing near real-time data collected at coral reef sites, providing a repository for historical data relating to coral reefs, and making substantial contributions to the general fund of coral reef knowledge; and

Whereas 1997 has been declared the "International Year of the Reef" by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress recognizes the significance of maintaining the health and stability of coral reef ecosystems, by—

(1) promoting comprehensive stewardship for coral reef ecosystems;

(2) encouraging research, monitoring, and assessment of and education on coral reef ecosystems; and

(3) improving the coordination of coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the scheduling of House Concurrent Resolution 8, the coral reef protection resolution of 1997, for consideration this afternoon.

Mr. Speaker, with the able help of my comrade in arms, the gentleman from Hawaii [Mr. ABERCROMBIE], I introduced this resolution in early January.

Mr. Speaker, in addition to their colorful beauty and ecological significance, healthy coral reefs provide numerous economic benefits to the United States and our territories. They support commercial and recreational fisheries, they are tourist attractions; they provide us with biomedicines and serve as natural protection for our coastlines. However, coral reefs are in a state of decline, not only in United States waters but worldwide. Without proper understanding of what is causing this degradation, it is difficult to determine how best to combat or reverse it.

To this end, House Concurrent Resolution 8 makes a clear and forceful statement in support of further research, monitoring, and education with regard to coral reefs. It also encourages cooperation and coordination among U.S. agencies, academic institutions, nongovernmental organizations and industry that are involved in research on reef management and conservation activities.

Finally, this legislation honors the fact that in 1997, it has been declared the Year of the International Reef by a global community of coral reef scientists, conservationists, and natural resource managers. Through the successful passage of this resolution, Congress will join this effort in promoting understanding and awareness of coral reef ecosystems. Congressional support for this resolution is bipartisan, coming from 40 Members who represent both coastal and noncoastal districts. Along with other positive environmental legislation that will be considered by Congress this year, this deserves our favorable consideration.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that the gentleman from New Jersey [Mr. SAXTON], in his usual manner, has stated the case very well for the International Year of the Reef. I would like to just simply state for the record and for the benefit of the Members who may not be fully aware of the items contained in the resolution, that this sense of the Congress statement is aimed at maintaining the health and stability of coral reef ecosystems.

We intend to do that by promoting comprehensive stewardship for coral reef systems, for encouraging research, monitoring, and assessment of and education on coral reef ecosystems, and approving the coordination of the coral reef efforts and activities of Federal agencies, academic institutions, nongovernmental organizations, and industry.

Mr. Speaker, this is truly a public-private partnership which will have benefits not only for the reef systems themselves, but for all the people on the planet with respect to continued recognition of our dependency on one another.

Mrs. MINK of Hawaii. Mr. Speaker, I rise as one of the cosponsors of House Concurrent Resolution 8, which expresses the sense of Congress regarding the importance of maintaining the health and stability of our coral reef ecosystems. This resolution is particularly appropriate as we celebrate the International Year of the Reef in 1997.

Coral reefs, both in U.S. and international waters, face dire threats to basic functions needed to maintain them as natural and stable reef ecosystems. Pollution from chemicals and human waste disrupt normal behaviors of organisms making up coral communities in reefs. Overfishing disturbs the precarious balance in marine ecosystems of which coral reefs are an integral part. Overuse by industries using coral products in their processing and merchandise destroy and damage sections of the reef, as does indifference and careless handling of the reef during activities such as water recreation and fishing.

Statistics about the destruction of the world's coral reefs cited by the National Oceanic and Atmospheric Administration [NOAA] should be of great concern. NOAA estimates that about two-thirds of coral reefs globally are dying, with 10 percent degraded beyond recovery, 30 percent in critical condition and predicted to die in the next 10 to 20 years, and another 30 percent forecasted to perish by 2050.

In the Central Pacific Ocean region, nuclear testing and military base construction at Enewetak and Bikini in the Marshall Islands, and military construction and warfare at Ulithi, Kanton, Palmyra, Wake, Tarawa, Chuuk, Kwajalein, Mili, Jaluit, Johnston, and Funafuti permanently damaged coral reefs, or left them in the condition to warrant longterm recovery, according to the University of Hawaii Sea Grant College Program. Additional reports have included evidence of reef degradation by illegal or destructive harvesting of reef resources, which has also led to depletion of giant clams, sharks, other finish, dugongs, crocodiles, sea turtles, coconut crabs, lobsters, and other shellfish coexisting with reef ecosystems.

Mitigation of threats to coral reefs are especially critical to my State of Hawaii, which is home to some of the most exquisite reefs in the world. Reef health is vital to Hawaii's mutlimillion dollar tourism industry, and some efforts to practice ecotourism have been implemented by the industry. However, reef conditions around the islands need much more attention if they are to improve. For example, reefs around the island of Maui are being endangered by shoreline development and human pressures—anchoring, pollution from boats and water users, and fishing exercises—as well as fish feeding, according to the coral reef research study administered by the Pacific Whale Foundation and funded by Earthwatch annually since 1989.

During the International Year of the Reef, we must make conscientious efforts toward preservation of our coral reefs. Extensive stewardship of and research and education about coral reefs by government agencies, nongovernmental organizations, academic institutions, industry, and our own communities is necessary to save our beautiful reefs.

I strongly urge my colleagues to add their support to House Concurrent Resolution 8 and vote to pass this significant resolution.

Ms. CHRISTIAN-GREEN. Mr. Speaker, I thank my colleague for yielding time to me and ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise today in strong support of House Concurrent Resolution 8 and I ask my colleagues to join with me and the proponents of this resolution in expressing the sense of Congress of the significance of maintaining the health and stability of coral reef ecosystems. I want to also commend my colleagues on the Resources Committee, the chairman and ranking member of the Subcommittee on Fisheries, Wildlife and Oceans, Mr. SAXTON and Mr. ABERCROMBIE for their leadership in bringing this resolution to the floor today.

House Concurrent Resolution 8 recognizes that our country has taken certain measures to protect national coral reefs through the designation and management of several underwater national parks. One such national coral reef site is the Buck Island National Monument situated off the northeast coast of St. Croix in my district, the U.S. Virgin Islands.

Buck Island Reef National Monument was established in 1961 through a proclamation issued by President Kennedy to preserve "one of the finest marine gardens in the Caribbean Sea". Since that time, this and other local reef systems have been struggling against the onslaught of several major hurricanes, nonpoint source pollution and other damaging influences. To determine the present and future health of one the Caribbean's most significant coral reef ecosystems the National Park Service has established a research/monitoring program at Buck Island. Since the inception of the monitoring program, over 350 individual coral colonies have been tagged and are being monitored.

This past weekend I had the opportunity, along with two of my colleagues, to visit the Buck Island National Monument and can report firsthand of the magnificence of this priceless resource and of the healthy signs of recovery of the corals following the damage to them by the recurring hurricanes. I want to thank National Park Service Biological Technician Zandy-Marie Starr for her assistance in helping us understanding the unique features of the Buck Island Reef National Monument.

Mr. Speaker, 1997 has been declared the International Year of the Reef by the coral reef research community and over 40 national and international scientific, conservation, and academic organizations. I urge my colleagues to join me in expressing our support for the preservation of coral reefs by voting "yes" on House Concurrent Resolution 8. I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in strong support of House Concurrent Resolution 8, the Coral Reef Protection Resolution of 1997.

Interestingly enough, Alaska has the distinction of being the northernmost point in the Pacific which supports coral growth. A variety of corals live in the Gulf of Alaska, along the Aleutian chain, and in the Bering Sea. However, due to cold water temperatures, these corals are unable to create extensive reef structures.

House Concurrent Resolution 8 is noncontroversial and has broad bipartisan support. It deserves favorable consideration in both Chambers of Congress, and I urge you to vote "aye" on this important measure.

Mr. MILLER of California. Mr. Speaker, I'm pleased that we are considering House Concurrent Resolution 8 today. The global crisis in coral reef health is an important issue that has received little recent attention in Congress. I commend the Fisheries Subcommittee Chairman, Mr. SAXTON, for introducing the resolution, of which I am an original cosponsor.

Coral reefs are one of nature's wonders. While they provide important physical habitat for ecologically and economically important species, the reef itself is also a living structure. And, as a living structure, thousands—perhaps millions—of individual coral animals are dying and others are taking their place on the reef at any one time.

The problem is that now human activities have shifted that balance and coral reefs are dying off at an alarming rate worldwide. Corals are very sensitive to water pollution, sedimentation, damage from boat groundings, and even simple physical contact by divers. Coral reefs are, in a sense, the canary in the coal mine of the oceans.

A great deal of injury is being inflicted on coral reefs, mainly in southeast Asia, through easily preventable, largely illegal fishing techniques. Cyanide and other poisons are being used to stun and capture fish for the aquarium trade and for the live food fish trade. These chemicals kill nearby coral, and divers scrambling to get fish out of nooks and crannies in the reef often inflict further damage on the reef.

Most of the aquarium fish captured in this way end up in hobbyists' tanks in the United States. So this is not just a foreign problem; we have to take some responsibility for our consumer actions that are driving these practices.

I have introduced legislation myself, House Resolution 87, to address the specific problem of unsustainable coral reef fisheries. I understand that the Fisheries Subcommittee will hold a hearing on that resolution next month, and I hope that it will be marked up shortly thereafter.

Both of these resolutions share a common purpose. They are intended to bring the global plight of coral reefs before Congress, raise the level of awareness of policy makers, and ask us to do more. The scientific and environmental communities have declared 1997 the International Year of the Reef. What better time for us to pay attention to the many problems plaguing coral reefs, and seek practical solutions to those threats? If we don't do something soon, there may not be any reefs left to save.

I urge the House to support the resolution and I hope we will continue in the coming months to take action to address the coral reef crisis.

Mrs. MEEK of Florida. Mr. Speaker, I rise to express my strong support for House Concurrent Resolution 8, the Protect Coral Reef Ecosystems resolution.

I am particularly moved to speak on this subject because, my State, Florida, is the only State in the continental United States with natural coral reef communities.

This resolution seeks to preserve this natural marine resource by providing comprehensive protection from natural and manmade destruction.

This measure articulates Congress' recognition of the importance of maintaining the health and stability of coral reef ecosystems.

The bill also encourages research, education, and management efforts by Federal agencies, academic institutions, nongovernmental organizations, and private industry to further this effort.

Although most people know that coral reefs are one of our most precious and fragile marine resources, the benefits derived from coral reefs are probably less known.

Coral reefs are valuable sources of biomedical chemicals. The use of coral reefs as a source of new chemicals for anticancer treatments is especially promising.

The life of coral reefs are at once fragile and dynamic. It takes 100 years to grow one inch of coral reef—and decades to rehabilitate damaged reefs. This kind of sustained instability is further justification for strong protective measures.

We are now certain that the loss of these natural wonders has implications for other organisms. Without coral reefs, many lesser organisms would disappear. Likewise the abundance of other valuable marine species would also be substantially affected.

The world's coral reefs are subject to a myriad of threats including natural damage caused by humans and extreme weather conditions, as well as damage resulting from tourism activities, commercial harvests, vessel groundings, and pollution.

Even though underwater national parks have been established by Congress in the Gulf of Mexico and the Florida Keys, it is still critical that we move decisively to protect this vital natural resource.

The protection of coral reefs is good for tourism, biomedical research, pharmaceutical production, and good for the future of our children.

I urge support for this measure.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 8, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on the concurrent resolution just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mr. KUCINICH. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1031.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

AFRICAN ELEPHANT CONSERVATION REAUTHORIZATION ACT OF 1997

Mr. SAXTON. Mr. speaker, I move to suspend the rules and pass the bill (H.R. 39) to reauthorize the African Elephant Conservation Act.

The Clerk read as follows:

H.R. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "African Elephant Conservation Reauthorization Act of 1997".

SEC. 2. REAUTHORIZATION OF AFRICAN ELEPHANT CONSERVATION ACT.

Section 2306 of the African Elephant Conservation Act (16 U.S.C. 4245) is amended by striking "fiscal years" and all that follows through "1998" and inserting "fiscal years 1997, 1998, 1999, 2000, 2001, and 2002".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise in support of this bill. Mr. Speaker, H.R. 39 was introduced by our full committee chairman, the gentleman from Alaska [Mr. YOUNG] and was cosponsored by our distinguished Speaker, the gentleman from Georgia [Mr. GINGRICH].

The fundamental goal of H.R. 39 is quite simple: It is simply to extend the authority of the Secretary of the Interior to allocate Federal money from the African elephant conservation fund until September 30, 2002.

At our subcommittee hearing in March we heard from witnesses regarding the various grant projects their organizations have sponsored to assist in the conservation of the African elephant. The results of these projects were discussed, and how additional funds authorized by H.R. 39 would be spent in the future.

H.R. 39, I believe, Mr. Speaker, is noncontroversial. It is a conservation measure. It will help to save the flagship species of the African Continent. I ask all Members to join in supporting the bill.

Mr. Speaker, I reserve the balance of my time.

☐ 1815

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I, too, with the gentleman from New Jersey [Mr. SAXTON], rise to support H.R. 39, the African Elephant Conservation Reauthorization Act of 1997.

I might take a moment, Mr. Speaker, to ask the Chamber to reflect on the fact that not only does Mr. SAXTON support this resolution but the gentleman from Georgia, Mr. GINGRICH, the gentleman from Alaska, Mr. YOUNG, myself and the gentleman from California, Mr. MILLER, all support it. I do not know if we are ever going to achieve that position again.

We may want to pause for a moment of silence at this point, reverence for the question of bipartisanship. It surely can take place and it does take place over the African elephant. I think we could probably extend that to the donkey and the elephant in the United States, but I am not sure about the former as opposed to the latter.

In any event, Mr. Speaker, it is the African Elephant Conservation Reauthorization Act, and it is literally deadly serious business we are about on this floor today.

I support the African Elephant Conservation Act and its purpose in perpetuating healthy populations of African elephants. I am concerned that other U.S. funded programs that may impact the African elephant may not be working towards this purpose as expressed by the act. I hope that the U.S. Fish and Wildlife Service and the United States Agency for International Development will work cooperatively towards the ends of African elephant conservation.

I appreciate the importance of the Speaker, the chairman and the subcommittee chair, the importance which the Speaker and the chairman and the subcommittee chair place on conserving African elephants, and I most certainly commend them for moving expeditiously to reauthorize the African Elephant Conservation Act.

I would hope, Mr. Speaker, in conclusion, especially that the young people of this country would pay particular attention, given the fact that we have before us the situation with the panda at the Washington Zoo now undergoing an operation with species throughout the United States and the rest of the world in zoos finding themselves under extreme stress and duress. With populations of animals such as the elephant experiencing similar calamities and difficulties throughout the world, I think that it is incumbent upon us to help other nations and other people find ways to have conservation and preservation efforts be made manifest in more than just the abstract.

We do not want to find ourselves reduced to finding reruns of National Geographic specials or Discovery Channel programs constituting or, for that matter, observing animal acts in Las Vegas as the sole preservation effort that is made by this species with regard to the rest of the species on the planet.

This particular act, this reauthorization act, is a serious effort made on a bipartisan basis by serious minded Members who want to see to it that we set a standard; with this act we are doing it. If we can take similar measures with other species throughout the world, I look forward to the time when we can say with some confidence that we have made moves and taken steps to see to it that conservation is more than just a word.

I commend the gentleman from New Jersey [Mr. SAXTON], for bringing this bill forward and am very grateful for the cooperation that he and the staff of the committee have extended on this bill and for all the Members who have expressed support.

Mr. SAXTON. Mr. Speaker, I yield myself such time as I may consume. I would like to thank the gentleman from Hawaii [Mr. ABERCROMBIE] for the bipartisanship with which we have been able to handle these two bills and the staff on both sides.

I might say, Mr. Speaker, it appears to me like we are moving rapidly towards some other bipartisan agreements on some other bills that have to do with wildlife management on the domestic side.

Mr. ABERCROMBIE. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Hawaii.

Mr. ABERCROMBIE. Mr. Speaker, under the question of wildlife management, perhaps we can get the Committee on the Budget members in and make an amendment to this resolution.

Mr. SAXTON. Mr. Speaker, we could certainly call on them for their cooperation.

Mr. ABERCROMBIE. Mr. Speaker, does the gentleman think he could get unanimous consent on that?

Mr. SAXTON. The gentleman will be interested to know that we just held the second in a series of five hearings that had to do with how we were funding our wildlife refuge system. And we could use some help, I might say, from the Committee on the Budget with regard to some of those issues.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the African Elephant Conservation Reauthorization Act (H.R. 39). This important piece of legislation will continue America's commitment to worldwide elephant conservation. I would also like to congratulate Chairman YOUNG for bringing this important legislation forward.

H.R. 39 will reauthorize the African Elephant Conservation Act through the year 2002. The continuation of this important and successful program will preserve America's leadership to conserve and restore African elephant herds in their native habitat. The future survival of African elephants depends upon America's leadership, and our small but crucial amount of financial support.

The AECA has been responsible for rescuing African elephants from the path to extinction. As we all know during the 1970's and 1980's, African elephant populations declined from around 1.5 million to 600,000 animals. Drought, shrinking habitat, and expanding human populations had some part in the decline of the population. But by the mid-1980's, rampant and efficient poaching of elephants for the world ivory trade was found most directly responsible for elephants' endangerment.

The passage of the AECA reversed that downward trend of elephant populations. A large part of the success of the AECA comes from the effectiveness of the African Elephant Conservation Fund. This Fund, which is administered by the United States Fish and Wildlife Service, has provided nearly $7 million during 9 years to elephant conservation projects throughout Africa, through 66 grants to 50 projects in 17 countries. Each of these projects has received matching support from organizations like Safari Club International, the Wildlife Conservation Society, the African Safari Club of Washington, DC, and others. Less than one half of this has been Federal funding. Our Federal commitment leverages and coordinates private sector support for elephant conservation.

The focus of the conservation fund was originally on antipoaching efforts. However, in the last few years, the projects have focused on elephant population research, efforts to mitigate elephant/human conflict, investigations of the ivory trade, cataloging of ivory stockpiles, and identifying new techniques for elephant management.

In addition the fund helps local villages, who often live in fear of elephants, to coexist and benefit from the long term conservation of elephants. This is an important step. As rural farmers in Africa begin to accumulate economic gains brought by the wildlife around them, they will find it in their best interest to conserve that same wildlife. In the long run, this will reduce the high cost of conservation and save elephants from extinction.

Mr. Speaker, the African Elephant Conservation Fund has been a tremendous success. I encourage all my colleagues to vote H.R. 39 and support this important and successful program.

Mr. YOUNG of Alaska. Mr. Speaker, as the sponsor of H.R. 39, I rise in strong support of this important conservation legislation to reauthorize the African Elephant Conservation Fund. I am pleased that I have been joined in this effort by Speaker NEWT GINGRICH and our colleague from California, DUKE CUNNINGHAM.

For the past 9 years, this fund has been the only continuous source of new money for elephant conservation efforts. While the act authorizes up to $5 million per year, in reality the Congress has annually appropriated less than $900,000 to save and conserve this flagship species of the African Continent.

This money has been used to finance some 50 conservation projects in 17 range states throughout Africa. These projects have been sponsored by a diverse group of conservation organizations including the African Wildlife Foundation, Safari Club International, Southern Africa Wildlife Trust, and the World Wildlife Fund. These funds have been used to purchase antipoaching equipment for wildlife rangers, to establish a database on elephants, to develop effective conservation plans, to undertake various elephant population surveys, and to move elephants from certain drought regions.

While the world community has been successful in halting the widespread slaughter of this magnificent animal, the fight to save the African elephant is far from over. It is essential that we extend the Secretary of the Interior's authority to allocate money for the African elephant beyond its statutory deadline, and that is the goal of H.R. 39. In fact, my bill would reauthorize the African Elephant Conservation Fund until September 30, 2002.

Last month, the subcommittee conducted a hearing on H.R. 39. Testimony was obtained from witnesses representing the administration, the Humane Society of the United States, Safari Club International, and the World Wildlife Fund. There was unanimous support for this bill, and the administration's representative accurately stated that "this is not a hand out, but a helping hand."

This is a sound piece of legislation, and this small investment will help to ensure that our largest land mammal, the African elephant, does not disappear from this planet. It will also allow the U.S. Fish and Wildlife Service to fund a number of additional elephant conservation projects in the future.

I urge an "aye" vote on this important conservation measure.

Mr. MILLER of California. Mr. Speaker, I support H.R. 39 which continues funding for the African Elephant Conservation Act through the year 2002. Enacted in October 1988 in response to the alarming decline of African elephants, the act has made a significant contribution to the preservation of this threatened species. This legislation will allow these efforts to continue.

The African Elephant Conservation Act has funded effective programs throughout 17 different African countries. Efficiently using small, strategically important grants, the act: enhances elephant conservation management programs; supports antipoaching training and operations; and develops sound scientific data on elephant populations. The act promotes range-wide efforts, as well as cooperative projects that provide for matching funds from a variety of other sources. All of these programs work toward the act's purpose of perpetuating healthy populations of African elephants.

Despite the achievements seen so far, I am concerned about the coordination and management of U.S. funded elephant conservation efforts. Programs that impact African elephant populations are funded by both this act and the United States Agency for International Development, and it is not clear whether these efforts are mutually supportive. They should be. Furthermore, it is essential that innovative programs and management decisions are well grounded in science and sound management practices, and are effective in increasing elephant populations. We must ensure that all United States funded programs work toward the same ends—the conservation of African elephants.

I appreciate the importance the Speaker, Mr. YOUNG, and Mr. SAXTON place on conserving African elephants, and I commend them for moving expeditiously to reauthorize the African Elephant Conservation Act. Their support of this legislation reflects the strong desire by the American public to preserve African elephants. By passing this legislation, and by continuing to monitor all U.S. efforts supporting elephant conservation, we can fulfill this desire.

Mr. SAXTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from New Jersey [Mr. SAXTON] that the House suspend the rules and pass the bill, H.R. 39.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks on H.R. 39, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

SOUTHERN NEVADA PUBLIC LAND MANAGEMENT ACT OF 1997

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 449) to provide for the orderly disposal of certain Federal lands in Clark County, NV, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada, as amended.

The Clerk read as follows:

H.R. 449

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Public Land Management Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds the following:

(1) The Bureau of Land Management has extensive land ownership in small and large parcels interspersed with or adjacent to private land in the Las Vegas Valley, Nevada, making many of these parcels difficult to manage and more appropriate for disposal.

(2) In order to promote responsible and orderly development in the Las Vegas Valley, certain of those Federal lands should be sold by the Federal Government based on recommendations made by local government and the public.

(3) The Las Vegas metropolitan area is the fastest growing urban area in the United States, which is causing significant impacts upon the Lake Mead National Recreation Area, the Red Rock Canyon National Conservation Area, and the Spring Mountains National Recreation Area, which surround the Las Vegas Valley.

(b) PURPOSE.—The purpose of this Act is to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term "Secretary" means the Secretary of the Interior.

(2) The term "unit of local government" means Clark County, the City of Las Vegas, the City of North Las Vegas, or the City of Henderson; all in the State of Nevada.

(3) The term "Agreement" means the agreement entitled "The Interim Cooperative Management Agreement Between The United States Department of the Interior—Bureau of Land Management and Clark County", dated November 4, 1992.

(4) The term "special account" means the account in the Treasury of the United States established under section 4(e)(1)(C).

(5) The term "Recreation and Public Purposes Act" means the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (43 U.S.C. 869 et seq.).

(6) The term "regional governmental entity" means the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District.

SEC. 4. DISPOSAL AND EXCHANGE.

(a) DISPOSAL.—Notwithstanding the land use planning requirements contained in sections 202 and 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711 and 1712), the Secretary, in accordance with this Act, the Federal Land Policy and Management Act of 1976, and other applicable law, and subject to valid existing rights, is authorized to dispose of lands within the boundary of the area under the jurisdiction of the Direction of the Bureau of Land Management in Clark County, Nevada, as generally depicted on the map entitled "Las Vegas Valley, Nevada, Land Disposal Map", dated April 10, 1997. Such map shall be on file and available for public inspection in the offices of the Director and the Las Vegas District of the Bureau of Land Management.

(b) RESERVATION FOR LOCAL PUBLIC PURPOSES.—

(1) RECREATION AND PUBLIC PURPOSE ACT CONVEYANCES.—Not less than 30 days before the offering of lands for sale or exchange pursuant to subsection (a), the State of Nevada or the unit of local government in whose jurisdiction the lands are located may elect to obtain any such lands for local public purposes pursuant to the provisions of the Recreation and Public Purposes Act. Pursuant to any such election, the Secretary shall retain the elected lands for conveyance to the State of Nevada or such unit of the local government in accordance with the provisions of the Recreation and Public Purposes Act.

(2) RIGHTS-OF-WAY.—

(A) ISSUANCE.—Upon application, by a unit of local government or regional governmental entity, the Secretary, in accordance with this Act and the Federal Land Policy and Management Act of 1976, and other applicable provisions of law, shall issue right-of-way grants on Federal lands in Clark County, Nevada, for all reservoirs, canals, channels, ditches, pipes, pipelines, tunnels and other facilities and systems needed for—

(i) the impoundment, storage, treatment, transportation or distribution of water (other than water from the Virgin River) or wastewater; or

(ii) flood control management.

(B) DURATION.—Right-of-way grants issued under this paragraph shall be valid in perpetuity.

(C) WAIVER OF FEES.—Right-of-way grants issued under this paragraph shall not require the payment of rental or cost recovery fees.

(3) YOUTH ACTIVITY FACILITIES.—Within 30 days after a request by Clark County, Nevada, the Secretary shall offer to Clark County, Nevada, the land depicted on the map entitled "Vicinity Map Parcel 177-28-

101-020 dated August 14, 1996, in accordance with the Recreation and Public Purposes Act for the construction of youth activity facilities.

(c) Withdrawal.—Subject to valid existing rights, all Federal lands identified in subsection (a) for disposal are withdrawn from location and entry, under the mining laws and from operation under the mineral leasing and geothermal leasing laws until such time as the Secretary terminates the withdrawal or the lands are patented.

(d) Selection.—

(1) Joint selection required.—The Secretary and the unit of local government in whose jurisdiction lands referred to in subsection (a) are located shall jointly select lands to be offered for sale or exchange under this section. The Secretary shall coordinate land disposal activities with the unit of local government in whose jurisdiction such lands are located. Land disposal activities of the Secretary shall be consistent with local land use planning and zoning requirements and recommendations.

(2) Offering.—After land has been selected in accordance with this subsection, the Secretary shall make the first offering of land as soon as practicable after the date of enactment of this Act.

(e) Disposition of Proceeds.—

(1) Land sales.—Of the gross proceeds of sales of land under this subsection in a fiscal year—

(A) 5 percent shall be paid directly to the State of Nevada for use in the general education program of the State;

(B) 10 percent shall be paid directly to the Southern Nevada Water Authority for water treatment and transmission facility infrastructure in Clark County, Nevada; and

(C) the remainder shall be deposited in a special account in the Treasury of the United States for use pursuant to the provisions of paragraph (3).

Amounts in the special account shall be available to the Secretary without further appropriation and shall remain available until expended.

(2) Land exchanges.—

(A) Payments.—In the case of a land exchange under this section, the non-Federal party shall provide direct payments to the State of Nevada and the Southern Nevada Water Authority in accordance with paragraphs (1) (A) and (B). The payments shall be based on the fair market value of the Federal lands to be conveyed in the exchange and shall be considered a cost incurred by the non-Federal party that shall be compensated by the Secretary if so provided by any agreement to initiate exchange.

(B) Pending exchanges.—The provisions of this Act, except this subsection and subsections (a) and (b), shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management prior to February 29, 1996.

(3) Availability of Special Account.—

(A) In general.—Amounts deposited in the special account may be expended by the Secretary for—

(i) the acquisition of environmentally sensitive land in the State of Nevada in accordance with subsection (h), with priority given to lands located within Clark County;

(ii) capital improvements at the Lake Mead National Recreation Area, the Desert National Wildlife Refuge, the Red Rock Canyon National Conservation Area and other areas administered by the Bureau of Land Management in Clark County, and the Spring Mountains National Recreation Area;

(iii) development of a multispecies habitat conservation plan in Clark County, Nevada;

(iv) development of parks, trails, and natural areas in Clark County, Nevada, pursuant to a cooperative agreement with a unit of local government; and

(v) reimbursement of costs incurred by the local offices of the Bureau of Land Management in arranging sales or exchanges under this Act.

(B) Procedures.—The Secretary shall coordinate the use of the special account with the Secretary of Agriculture, the State of Nevada, local governments, and other interested persons, to ensure accountability and demonstrated results.

(C) Limitation.—Not more than 25 percent of the amounts available to the Secretary from the special account in any fiscal year (determined without taking into account amounts deposited under subsection (g)(4)) may be used in any fiscal year for the purposes described in subparagraph (A)(ii).

(f) Investment of Special Account.—All funds deposited as principal in the special account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended according to the provisions of subsection (e)(3).

(g) Airport Environs Overlay District Land Transfer.—Upon request of Clark County, Nevada, the Secretary shall transfer to Clark County, Nevada, without consideration, all right, title, and interest of the United States in and to the lands identified in the Agreement, subject to the following:

(1) Valid existing rights.

(2) Clark County agrees to manage such lands in accordance with the Agreement and with section 47504 of title 49, United States Code (relating to airport noise compatibility planning), and regulations promulgated pursuant to that section.

(3) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed or leased by Clark County, such sale, lease, or other conveyance shall contain a limitation which requires uses compatible with the Agreement and such Airport Noise Compatibility Planning provisions.

(4) Clark County agrees that if any of such lands are sold, leased, or otherwise conveyed by Clark County, such lands shall be sold, leased, or otherwise conveyed for fair market value. Clark County shall contribute 85 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the special account. If any of such lands sold, leased, or otherwise conveyed by Clark County are identified on the map referenced in section 2(a) of the Act entitled "An Act to provide for the orderly disposal of certain Federal lands in Nevada and for the acquisition of certain other lands in the Lake Tahoe Basin, and for other purposes", approved December 23, 1980 (94 Stat. 3381; commonly known as the "Santini-Burton Act"), the proceeds contributed to the special account by Clark County from the sale, lease, or other conveyance of such lands shall be used by the Secretary of Agriculture to acquire environmentally sensitive land in the Lake Tahoe Basin pursuant to section 3 of the Santini-Burton Act. Clark County shall contribute 5 percent of the gross proceeds from the sale, lease, or other conveyance of such lands directly to the State of Nevada for use in the general education program of the State, and the remainder shall be available for use by the Clark County Department of Aviation for the benefit of airport development and the Noise Compatibility Program.

SEC. 5. ACQUISITIONS.

(a) Acquisitions.—

(1) Definition.—For purposes of this subsection, the term "environmentally sensitive land" means land or an interest in land, the acquisition of which the United States would, in the judgment of the Secretary or the Secretary of Agriculture—

(A) promote the preservation of natural, scientific, aesthetic, historical, cultural, watershed, wildlife, and other values contributing to public enjoyment and biological diversity;

(B) enhance recreational opportunities and public access;

(C) provide the opportunity to achieve better management of public land through consolidation of Federal ownership; or

(D) otherwise serve the public interest.

(2) In general.—After the consultation process has been completed in accordance with paragraph (3), the Secretary may acquire with the proceeds of the special account environmentally sensitive land and interests in environmentally sensitive land. Lands may not be acquired under this section without the consent of the owner thereof. Funds made available from the special account may be used with any other funds made available under any other provision of law.

(3) Consultation.—Before initiating efforts to acquire land under this subsection, the Secretary or the Secretary of Agriculture shall consult with the State of Nevada and with local government within whose jurisdiction the lands are located, including appropriate planning and regulatory agencies, and with other interested persons, concerning the necessity of making the acquisition, the potential impacts on State and local government, and other appropriate aspects of the acquisition. Consultation under this paragraph is in addition to any other consultation required by law.

(b) Administration.—On acceptance of title by the United States, land and interests in land acquired under this subsection that is within the boundaries of a unit of the National Forest System, National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, any other system established by Act of Congress, or any national conservation or national recreation area established by Act of Congress—

(1) shall become part of the unit or area without further action by the Secretary or Secretary of Agriculture; and

(2) shall be managed in accordance with all laws and regulations and land use plans applicable to the unit or area.

(c) Determination of Fair Market Value.—The fair market value of land or an interest in land to be acquired by the Secretary or the Secretary of Agriculture under this subsection shall be determined pursuant to section 206 of the Federal Land Policy and Management Act of 1976 and shall be consistent with other applicable requirements and standards. Fair market value shall be determined without regard to the presence of a species listed as threatened or endangered under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

(d) Payments In Lieu of Taxes.—Section 6901(1) of title 31, United States Code, is amended as follows:

(1) By striking "or" at the end of subparagraph (F).

(2) By striking the period at the end of subparagraph (G) and inserting "; or".

(3) By adding at the end the following:

"(H) acquired by the Secretary of the Interior or the Secretary of Agriculture under section 5 of the Southern Nevada Public Land Management Act of 1997 that is not otherwise described in subparagraphs (A) through (G).".

SEC. 6. REPORT.

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report on all transactions under this section.

SEC. 7. RECREATION AND PUBLIC PURPOSES ACT.

(a) TRANSFER OF REVERSIONARY INTEREST.—

(1) IN GENERAL.—Upon request by a grantee of lands within Clark County, Nevada, that are subject to a lease or patent issued under the Recreation and Public Purposes Act, the Secretary may transfer the reversionary interest in such lands to other non-Federal lands. The transfer of the reversionary interest shall only be made to lands of equal value, except that with respect to the State of Nevada or a unit of local government an amount equal to the excess (if any) of the fair market value of lands received by the unit of local government over the fair market value of lands transferred by the unit of local government shall be paid to the Secretary and shall be treated under subsection (e)(1) of this section as proceeds from the sale of land. For purposes of this subsection, the fair market value of lands to be transferred by the State of Nevada or a unit of local government may be based upon a statement of value prepared by a qualified appraiser.

(2) TERMS AND CONDITIONS APPLICABLE TO LANDS ACQUIRED.—Land selected under this subsection by a grantee described in paragraph (1) shall be subject to the terms and conditions, uses, and acreage limitations of the lease or patent to which the lands transferred by the grantee were subject, including the reverter provisions, under the Recreation and Public Purposes Act.

(k) AFFORDABLE HOUSING.—The Secretary, in consultation with the Secretary of Housing and Urban Development, may make available, in accordance with section 203 of the Federal Land Planning and Management Act of 1976, land in the State of Nevada at less than fair market value and under other such terms and conditions as he may determine for affordable housing purposes. Such lands shall be made available only to State or local governmental entities, including local public housing authorities. For the purposes of this subsection, housing shall be considered to be affordable housing if the housing serves low income families as defined under the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12701 et. seq.).

SEC. 8. BOUNDARY MODIFICATION OF RED ROCK CANYON NATIONAL CONSERVATION AREA.

Section 3(a)(2) of the Red Rock Canyon National Conservation Area Establishment Act of 1990 (16 U.S.C. 460ccc–1(a)(2)) is amended to read as follows:

"(2) The conservation area shall consist of approximately 195,780 acres as generally depicted on the map entitled 'Red Rock Canyon National Conservation Area Administrative Boundary Modification', dated August 8, 1996.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 449, introduced by the gentleman from Nevada [Mr. ENSIGN], will solve the many problems currently facing the Bureau of Land Management in the Las Vegas area. Las Vegas is the fastest growing area in the Nation and is expected to continue on this trend for years to come. As with many Western States, Las Vegas is landlocked by the vast Federal ownership in Nevada and, as the area grows, demands for Federal lands increase.

During the 104th Congress, the Subcommittee on National Parks, Forests and Lands requested the Interior Inspector General to audit the Federal land exchange process in Nevada. The Inspector General found that the BLM had lost millions of dollars of taxpayer money because the system is flawed, easily manipulated and subject to political pressures. The Ensign bill will implement an open process wherein the public will have more input and lands will be sold for fair market value.

The revenues received from these sales will be used to purchase environmentally sensitive lands within the State of Nevada. Fifteen percent of the revenues will be shared with the local government to help pay for the incredible demands for infrastructure and water.

H.R. 449 is the culmination of many hours of Mr. ENSIGN's public lands task force which involved representatives from all sides of this debate. Environmentalists, developers, planners, local and Federal Government came together to agree on this legislation. Moreover, Mr. ENSIGN has worked hard to accommodate administration and minority concerns. This is a balanced and equitable approach to a very difficult issue, and I commend Mr. ENSIGN and the gentleman from Nevada, Mr. GIBBONS, for their efforts. I urge my colleagues to support H.R. 449 and pass it as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think that my good friend, the gentleman from Utah [Mr. HANSEN], has made an excellent summation of the bill to this point.

The language of bill, H.R. 449, has undergone a number of refinements, as indicated, since it was first considered in the last Congress. Originally there were a number of very serious concerns with the bill. Tremendous progress on the measure has been made over the past year. Senators BRYAN and REID and the gentleman from Nevada, Mr. ENSIGN, have worked with the Bureau of Land Management and other interested parties to address a number of issues of concern, and changes to the bill continue to be made up until the very recent time, as indicated again by my good friend.

An agreement is near on the total bill, but it has not been completed. The administration's statement of policy on H.R. 449 notes the remaining concerns, but with the understanding that further refinements to the bill are likely in the Senate, neither the administration nor this side of the aisle will oppose passage today of H.R. 449, as amended.

Mr. Speaker, I would like to commend Mr. ENSIGN.

Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Las Vegas, NV [Mr. ENSIGN], the sponsor of this bill.

Mr. ENSIGN. Mr. Speaker, I rise in support of H.R. 449, the Southern Nevada Public Land Management Act of 1997. I would like to start by thanking the gentleman from Utah [Mr. HANSEN], the subcommittee chairman, for all his diligent work and also the staff, my staff, the committee staff and everybody who participated in this bill and, of course, the chairman of the House Committee on Resources, the gentleman from Alaska [Mr. YOUNG], for all of the work that has been done on this bill. This bill has been commonly referred to as the Ensign/Bryan bill because Senator BRYAN introduced companion legislation on the Senate side.

Mr. Speaker, this is good legislation, especially with this being Earth Week and our awareness of the environment is heightened. H.R. 449 is good for the environment, good for education, and good for quality of life in Nevada. I believe that this legislation will prove to be model legislation not only in policy but in process.

This process first started with my predecessor, Representative Jim Bilbray, who formed a public lands task force. Members of this task force were representatives from local governments, utility providers, developers, recreationalists, environmentalists, and Federal agencies such as the National Park Service, U.S. Forest Service and BLM. When I came to office, I continued the meetings of the task force, and with their help and input and with the assistance of Senator BRYAN we drafted what ultimately became the legislation before us today.

After numerous meetings and constant flow of information and ideas, we drafted what we believe to be excellent, compromise legislation where an extremely wide variety of interests have been served and are ultimately satisfied. In a political atmosphere that has seen so much controversy, it is refreshing to see true bipartisan legislation.

During the 104th Congress, the Subcommittee on National Parks, Forests and Lands held a field hearing in Las Vegas on similar legislation. We heard overwhelming testimony and startling statistics about what is occurring in Clark County. Our witnesses included Governor Miller, Clark County School Superintendent Dr. Brian Cram, representatives from the Clark County Commission and Southern Nevada Water Authority, and representatives from local environmental groups. The witnesses unanimously supported our legislation.

As some of my colleagues may know, the Las Vegas valley is the fastest growing metropolitan city in the country, and this single issue has been the central focus of our State legislature. No other issue, besides Yucca Mountain receives the attention that growth and development do. In addition, 87 percent of the State of Nevada is federally controlled, resulting in a patchwork pattern of private lands interspersed with public lands.

The blue on this map indicates the public lands that are located within the red boundary which this legislation establishes. The blue lands are the public lands within the Las Vegas valley to be disposed of within this legislation.

This dueling combination makes it very difficult for the Federal agencies to manage this land and puts enormous pressure on local elected officials, the school district, utility providers and, most importantly, the current residents who are forced to shoulder the price tag of this development.

Given the high quality of life and large percentage of federally owned land, the valley is a prime platform for development. Over the years, the land exchange process has been used to privatize the public land that is interspersed among the private land. Many aspects of this process have greatly benefited Nevada as well as the entire country. Nevada's economy and job market have experienced a boost. We have acquired environmentally sensitive lands throughout the State and relieved the Federal agencies of some burdensome management responsibilities.

Despite all the good that seems to stem from the land exchange process, it unfortunately cannot possibly accommodate the ever-changing market of the Las Vegas valley and give the fairest value of the land in a fast growing area like Las Vegas. Therefore, an open, fair market auction process will best serve the American people by ensuring the most revenue to purchase and improve our favorite environmental areas. Currently, it is nearly impossible for the BLM to guarantee fair market value for exchanged lands.

Furthermore, it is exceedingly expensive for our local utilities to transport services across Federal lands to private tracts, and everyone is in agreement that it makes sense to dispose of these lands.

☐ 1830

The general manager of the Southern Nevada water authority has repeatedly testified that it costs an estimated $14,000 per acre of land that is privatized through the exchange process.

It is very important to point out that the value of this Federal land is greatly inflated due to the infrastructure that the local taxpayers are providing. Land in the desert without roads or water is virtually worthless from a financial standpoint, and I see no reason why we should not be getting a little something back from the sale of these lands that our utility bills have made so valuable.

H.R. 449 authorizes the sale of these lands while providing that 85 percent of the generated revenue would go to the Federal Government for use in the State of Nevada to purchase environmentally sensitive lands and the remaining 15 percent would be used locally. Most importantly, the Ensign-Bryan bill provides the essential mechanisms to, one, allow this growth to occur in an orderly fashion by allowing local officials a seat at the table; two, ensure this growth occurs without neglecting the environment by funneling revenue for acquisition of environmentally sensitive lands and to our existing federal facilities, such as Lake Tahoe, Red Rock and Lake Mead. Nevada is home to some of the most beautiful and pristine areas in the country. Areas around Lake Tahoe and Spring Mountains are unparalleled in their natural environmental splendor. These lands must be protected for the enjoyment of future generations and the Ensign-Bryan bill provides the necessary means to accomplish this united goal.

H.R. 449 provides money to offset a $1.7 billion water delivery system for Clark County. Ten percent of the revenues would be used by Southern Nevada Water Authority for construction of a future water delivery system. The ability of the residents to receive an adequate water supply is the most pressing issue currently facing southern Nevada.

Finally, H.R. 449 helps future generations by providing revenue for education. It has been estimated that school enrollment is projected to increase by 83 percent by 2006 and the Clark County School District will need to build one elementary school a month just to accommodate the new students coming in.

H.R. 449 also helps our youngest residents by setting aside nearly 40 acres of land to be used specifically for development of youth recreation facilities like baseball diamonds and soccer fields. As this phenomenal rate of growth sweeps the Las Vegas Valley, it is important we preserve ample and safe areas for our children and our children's children to play.

The Ensign-Bryan bill gives new authority to the Secretary of the Interior to sell lands to local governments for affordable housing. The entire State of Nevada is experiencing growth and affordable housing needs exist throughout the State. With this new authority, the Secretary, working with local governments, can provide adequate housing facilities for our less fortunate residents. It is vitally important that everyone, young and old, have access to a roof over their head, and the Ensign-Bryan bill makes this possible.

Mr. Speaker, I cannot emphasize strongly enough the importance of this legislation to Nevada and the precedent it will set for other areas. We have come a long way since this legislation was initially introduced, and again I want to thank my colleague in the Senate, Senator BRYAN, I want to thank the gentleman from Utah, Chairman HANSEN, my colleague the gentleman from Nevada, JIM GIBBONS, and also the minority and the minority staff for all the work they have done on this.

Mr. HANSEN. Mr. Speaker, I yield the balance of the time to the gentleman from Nevada, [Mr. GIBBONS], who has the rest of the State.

The SPEAKER pro tempore (Mr. EWING). The gentleman from Nevada, [Mr. GIBBONS], is recognized for 9 minutes.

Mr. GIBBONS. Mr. Speaker, I want to begin by thanking my colleague, the Congressman from southern Nevada, JOHN ENSIGN, for his outstanding work on H.R. 449, the Southern Nevada Public Lands Management Act of 1997. H.R. 449 will solve many land, sale and exchange problems for Southern Nevada because Southern Nevada is one of the Nation's fastest growing areas and, with over 87 percent of Nevada owned by the Federal Government, it makes expansion for our communities almost impossible.

The Bureau of Land Management and many developers continually disagree over the fair market value of these public lands. The BLM praises the land as being fully developed, trying to maximize the returns on public lands, while developers, on the other hand, feeling the land would continue to be sagebrush without their development, appraise the land as desert.

H.R. 449 will change the appraisal process by auctioning off land to the highest bidder. This will ensure the taxpayers of America get the highest probable price for our public lands, and will allow developers to acquire needed lands for community expansion and development.

My colleague the gentleman from Nevada, [Mr. ENSIGN], was helpful in working with me to get report language that assures all Federal proceeds from the land sales would be spent first in Clark County and then priority would be placed on lands in the Lake Tahoe Basin.

H.R. 449 requires a funding split from land sales, 85 percent going to the Federal Government for the purchase of environmentally sensitive land in Nevada and the remaining 15 percent going to the State of Nevada.

The Federal Government's 85 percent, which is used to purchase environmentally sensitive areas, caused me and my constituents great concern. Many times in previous land exchanges, large amounts of land in Northern Nevada were bought and exchanged for small parcels of land in Southern Nevada. This process has destroyed the tax base of many cities and counties and essentially gave the Federal Government more land ownership in Nevada.

No longer were ranches farmed, taxes paid or workers hired. Needless to say, land exchanges and sales have been tough for many local governments in Nevada.

That is why Congressman ENSIGN's diligent effort has allowed Northern Nevada to protect its tax base and stop the Federal Government from continually owning more and more of Nevada. The land in the Lake Tahoe Basin is very pristine, and it is in need of protection to guarantee the quality of the lake and the surrounding forests.

In conclusion, Mr. Speaker, the Southern Nevada Public Land Management Act of 1997 accomplishes two very important goals in Nevada. First, it allows land in the Las Vegas area to be developed to accommodate the ever growing number of people moving to that area. And second, it will serve to protect and improve many environmentally sensitive areas in Clark County and the Lake Tahoe Basin while protecting the tax base in Northern Nevada.

Finally, this bill is good for the American taxpayer because it protects them in the land sale and exchange process.

Mr. Speaker, I would again like to compliment my colleagues on this bill and encourage all Members to support H.R. 449.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we understand Las Vegas and Clark County are under tremendous growth pressure, and we can sympathize with their situation. I think we can all agree that the BLM should work with the local community regarding land sales and exchanges the agency is undertaking in the area. We want to see this done in a fair and reasonable way, one that protects the national interests in these public lands and is mindful of local needs and concerns.

With that in mind, Mr. Speaker, we will accept the bill and ask that it move forward today.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 449, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 449, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Utah?

There was no objection.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND AMENDMENTS ACT OF 1997

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 688) to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act, as amended.

The Clerk read as follows:

H.R. 688

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Leaking Underground Storage Tank Trust Fund Amendments Act of 1997".

TITLE I—DISTRIBUTIONS FROM LEAKING UNDERGROUND STORAGE TANK TRUST FUND

SEC. 101. LEAKING UNDERGROUND STORAGE TANKS.

(a) TRUST FUND DISTRIBUTION.—Section 9004 of the Solid Waste Disposal Act (42 U.S.C. 6991c) is amended by adding at the end the following new subsection:

"(f) TRUST FUND DISTRIBUTION TO STATES.—

"(1) IN GENERAL.—(A) The Administrator shall distribute to States at least 85 percent of the funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund (in this subsection referred to as the 'Trust Fund') each fiscal year for the reasonable costs under cooperative agreements entered into with the Administrator for the following:

"(i) States' actions under section 9003(h)(7)(A).

"(ii) Necessary administrative expenses directly related to corrective action and compensation programs under subsection (c)(1).

"(iii) Enforcement of a State or local program approved under this section or enforcement of this subtitle or similar State or local provisions by a State or local government.

"(iv) State and local corrective actions pursuant to regulations promulgated under section 9003(c)(4).

"(v) Corrective action and compensation programs under subsection (c)(1) for releases from underground storage tanks regulated under this subtitle in any instance, as determined by the State, in which the financial resources of an owner or operator, excluding resources provided by programs under subsection (c)(1), are not adequate to pay for the cost of a corrective action without significantly impairing the ability of the owner or operator to continue in business.

"(B) Funds provided by the Administrator under subparagraph (A) may not be used by States for purposes of providing financial assistance to an owner or operator in meeting the requirements respecting underground storage tanks contained in section 280.21 of title 40 of the Code of Federal Regulations (as in effect on the date of the enactment of this subsection) or similar requirements in State programs approved under this section or similar State or local provisions.

"(2) ALLOCATION.—

"(A) PROCESS.—In the case of a State that the Administrator has entered into a cooperative agreement with under section 9003(h)(7)(A), the Administrator shall distribute funds from the Trust Fund to the State using the allocation process developed by the Administrator for such cooperative agreements.

"(B) REVISIONS TO PROCESS.—The Administrator may revise such allocation process only after—

"(i) consulting with State agencies responsible for overseeing corrective action for releases from underground storage tanks and with representatives of owners and operators; and

"(ii) taking into consideration, at a minimum, the total revenue received from each State into the Trust Fund, the number of confirmed releases from leaking underground storage tanks in each State, the number of notified petroleum storage tanks in each State, and the percent of the population of each State using groundwater for any beneficial purpose.

"(3) RECIPIENTS.—Distributions from the Trust Fund under this subsection shall be made directly to the State agency entering into a cooperative agreement or enforcing the State program.

"(4) COST RECOVERY PROHIBITION.—Funds provided to States from the Trust Fund to owners or operators for programs under subsection (c)(1) for releases from underground storage tanks are not subject to cost recovery by the Administrator under section 9003(h)(6).".

(b) TECHNICAL AMENDMENTS.—Subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) is amended as follows:

(1) Section 9001(3)(A) (42 U.S.C. 6991(3)(A)) is amended by striking out "sustances" and inserting in lieu thereof "substances".

(2) Section 9003(f)(1) (42 U.S.C. 6991b(f)(1)) is amended by striking out "subsection (c) and (d)" and inserting in lieu thereof "subsections (c) and (d)".

(3) Section 9004(a) (42 U.S.C. 6991c(a)) is amended by striking out "in 9001(2)(A)" and

inserting in lieu thereof "in section 9001(2)(A)".

(4) Section 9005 (42 U.S.C. 6991d) is amended—

(A) in subsection (a), by striking out "study taking" and inserting in lieu thereof "study, taking";

(B) in subsection (b)(1), by striking out "relevent" and inserting in lieu thereof "relevant"; and

(C) in subsection (b)(4), by striking out "Evironmental" and inserting in lieu thereof "Environmental".

TITLE II—EXTENSION OF TRUST FUND PURPOSES

SEC. 201. EXTENSION OF TRUST FUND PURPOSES.

Paragraph (1) of section 9508(c) of the Internal Revenue Code of 1986 (relating to expenditures) is amended by striking "to carry out section 9003(h)" and all that follows and inserting "to carry out—

"(A) section 9003(h) of the Solid Waste Disposal Act (as in effect on the date of the enactment of the Superfund Amendments and Reauthorization Act of 1986), and

"(A) section 9004(f) of the Solid Waste Disposal Act (as in effect on the date of the enactment of the Leaking Underground Storage Tank Trust Fund Amendments Act of 1997)."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio [Mr. OXLEY] and the gentleman from Michigan [Mr. STUPAK] each will control 20 minutes.

The Chair recognizes the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the estimable Yogi Berra said, "It's like deja vu all over again." H.R. 688 is the same Leaking Underground Storage Tank bill we passed by a voice vote on the floor just 7 months ago in the last Congress. Except for a couple of technical, completely nonsubstantive changes, everything is the same except the number.

The LUST program cleans up leaking underground storage tanks and requires tank owners to put in new tanks meeting tough Federal standards by the end of next year. The program is funded by a dedicated trust fund.

Owners of cars pay taxes into the LUST trust fund. On every gallon of gas we pay a one-tenth of a cent tax for the LUST program. This tax went into effect in 1987 and expired at the end of 1995, but only 40 percent of the money we have paid has been spent out on the program. We have spent only $655 million on LUST since 1987 out of $1.7 billion collected. Before we give the taxes another ride, we ought to look carefully at using what we have already collected. Congress did not create the trust fund for the sake of having another trust fund; it was created to fund this particular program.

In contrast with some other environmental programs, we taxpayers seem to have gotten an effective program for our LUST money. With financial assistance from EPA cooperative agreements, States have secured cleanup of 140,000 sites since 1987. Contrast this with Superfund. Taxpayers spent $17 billion through the EPA alone in 17 years and only 130 sites or so were taken off the list of the country's worst sites. States should have a bigger role in running Superfund.

While I am on the subject, I want Members to know we are working on Superfund reform in my subcommittee on a bipartisan basis with the administration, and I hope our efforts will result in a bill with bipartisan support from our full committee.

Back to LUST, H.R. 688 improves the LUST program in two ways:

First, it requires EPA to give at least 85 percent of its appropriation to the States each year. This puts the money where the tanks are and where the cleanup work is done.

Second, the bill authorizes three new uses of the Federal funding, giving States flexibility to make their programs more effective by, one, putting the money into their financial assurance funds for tank cleanup in cases of financial hardship; two, enforcing requirements that underground tanks meet minimum leak detection and prevention standards by 1998; and, three, administering their State assurance funds.

Less than 30 percent of tank owners have come into compliance with the EPA tank requirements that all tank owners will have to meet in 1998. We need to help States meet the financial burdens of the huge enforcement task that is coming down the pike next year.

The bill also prohibits States from using the money to help someone comply with the 1998 tank requirements so tax dollars will not be used to put people who have already complied with the law at a competitive disadvantage.

This is another good bill for the environment from the Committee on Commerce, and I encourage Members to support this bill as they did just 7 months ago on the floor.

I congratulate the chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, the sponsor of the bill, for his work, as well as the gentleman from Michigan, Mr. BART STUPAK, the chief Democrat cosponsor.

Mr. Speaker, I reserve the balance of my time.

Mr. STUPAK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Virginia, Chairman BLILEY, and members of the committee for working together in taking this major step forward on moving this very important bill. I appreciate the opportunity to work with the gentleman from Colorado, Mr. DAN SCHAEFER, and his staff. We have worked together well the past Congress and this Congress to put forth this leaking underground storage tank legislation.

□ 1845

The Leaking Underground Storage Tank Program is one of the most important and least known environmental programs run by the Federal Government and the States. The act regulates the use of large underground tanks that hold petroleum products. One need only to go to their local gas station to find tanks regulated underneath this act.

This is the National Water Quality Inventory Report to Congress. In this report, which list each State, this report states that the leaking underground storage tanks are the most frequent cause of groundwater contamination. Unfortunately, the Committee on Appropriations does not feel our Nation's groundwater is as high a priority as many of us here in this Chamber believe tonight. In fiscal year 1997, the Committee on Appropriations cut the President's request by more than a third for the funds necessary to help us clean up leaking underground storage tanks.

The Committee on Appropriation's actions are even more frustrating because the Leaking Underground Storage Tank Program is funded, as the gentleman from Ohio pointed out, from a tax on petroleum products. Currently, the Leaking Underground Storage Tank Trust Fund, or LUST, as it is called, has a billion dollar surplus. I will continue to join with my colleagues, especially the gentleman from Colorado, Mr. DAN SCHAEFER, in the fight to increase the appropriations for this program.

In Michigan, my State, the State's leaking underground storage tank fund is insolvent due to improper management and funding. In Michigan, the fund is not accepting new claims, and cleanups on leaking underground tanks have all but ceased. Although I believe the legislation being discussed here tonight is an important step in cleaning up leaking tanks, it is my hope that States, and Michigan in particular, will renew their commitment to this program.

Beyond any doubt, H.R. 688 will make improvements to the program. These improvements will increase the amount of funding available for contaminated sites, increase the amount of money for State enforcement, and guarantee that the money Congress appropriates for this program will get to the States.

This legislation does not completely turn the program over to the States. We have maintained a strong role for the EPA in this legislation by preserving the current cooperative agreement process between the States and the Federal Government. This bill does not decrease the Federal role in the LUST program. Rather, it will strengthen the Federal-State partnership that has been successful since the program's inception.

The bill before us today will not require the Committee on Appropriations to direct more resources to this problem. However, it will strengthen the

EPA's partnership with the States and increase EPA's flexibility to use this money for the Leaking Underground Storage Tank Program and get that money back to the States.

I would like to comment briefly, if I may, just on a few points that the gentleman from Ohio [Mr. OXLEY] made about the Superfund Program and its comparison with the Leaking Underground Storage Tank Program. Although we are certainly not here to debate Superfund issues tonight, it is clear that in order to achieve our mutual goal of improving the Superfund Program, we must take a full and fair look at the program as it exists today.

I have heard too many times from my Republican friends that very few Superfund sites have been cleaned up despite heavy expenditures. These statements are no more than old, worn out political rhetoric. The facts reveal an entirely different landscape:

Out of the 1,335 National Priorities List sites, 1,100 of those sites have had significant on-site, physical cleanup work performed. Those 1,100 sites break down as follows:

At 400 sites, all cleanup construction has been completed; at 500 sites, actual cleanup construction is under way, such as construction of a slurry wall for installation of a treatment system; and at 200 sites, significant removal work has been completed to abate an imminent hazard.

Mr. Speaker, in my district, Manistee Harbor, we were just there the other night to sign the final documents between the State of Michigan, industry, environmental groups, and the Federal Government, because we have taken a site that was on the Superfund that put PCBs out into Lake Michigan, and in less than 3 years we have most of it cleaned up. Everybody has agreed upon a solution. It is being done, and it has been a record cleanup for a Superfund site. That could not have happened without the help of my friends on the Republican side.

Mr. Speaker, Superfund expenditures to date have totaled $13 billion, not the wildly inflated figures we hear. It is my hope, and if we take Manistee Harbor as an example, that our mutual efforts on this bill here tonight will serve as an example of how we can work together on the more difficult issue of Superfund reauthorization. We should examine the facts and the progress of the Superfund Program today in order to achieve a bipartisan consensus on improving Superfund.

I look forward to working with the gentleman from Ohio, Mr. OXLEY, the gentleman from Colorado, Mr. DAN SCHAEFER, and their staffs, as we work this bill the rest of the way through, through the Senate, and on to the conference committee, and even to the White House, and I hope we can do the same with Superfund.

On today's bill, I would like to thank the gentleman from Colorado, Mr. DAN SCHAEFER, and his staff person Patrick O'Keefe, as well as Alison Burkes of the minority staff; Fred Eases from the majority and Matt Berzok on my staff for all their hard work over the past year on this very important program, the Leaking Underground Storage Tank Program.

Mr. Speaker, I reserve the balance of my time.

Mr. OXLEY. Mr. Speaker, I yield such time as he may consume to the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I again want to certainly thank the gentleman from Ohio and the ranking members of this committee for moving this finally along.

The objectives of the Leaking Underground Storage Tank Trust Fund Amendments Act, which is H.R. 688, are really simple. This is identical to the bill that we passed last year, ran out of time, but I think it is very imperative that we finally get back to it. It is going to give the States, as has been stated, more financial stability in operating their underground storage tank programs and greater flexibility to address unique environmental problems, particularly in rural America.

Throughout the drafting process, the gentleman from Michigan [Mr. STUPAK] and I solicited and received substantial input on how to best achieve our goals. As a result, the final product we have before us today meets all our initial goals, with a strong emphasis on quicker cleanups and stricter enforcement. H.R. 688 has over 70 bipartisan cosponsors and diverse private sector support.

The so-called LUST program was first enacted in 1984. The trust fund followed in 1986. The current LUST statute allows States to spend the Federal LUST trust fund money in a limited number of instances, mainly for corrective actions where an owner is unable, or unwilling, to clean up a leak.

Along with the corrective action standards for leaking tanks, the LUST statute also requires owners and operators of underground storage tanks to meet certain standards. The deadline for compliance with these tank standards is 1998. When implemented, the tank standards will provide an important preventative protection against many future leaks.

The LUST program has largely been a success. The regulated industry and the EPA tank office share a good working relationship. However, over the next few years the nature of the program is going to change dramatically. EPA has stated it envisions drastically scaling back the tank office. States will supervise corrective action where leaks have occurred and become the primary enforcers for the tank standards.

I certainly support this progression. However, if we expect States to carry out more duties, it is critical that they must be given more freedom to use LUST trust fund money where most needed.

Finally, EPA has traditionally dedicated about 85 percent of its annual LUST trust fund appropriation to the States. But as State responsibilities do increase, we need to give them peace of mind that this tradition will continue. H.R. 688 gives this financial stability.

I want to thank all those involved in crafting this bill. The process has embodied the spirit of bipartisanship and compromise. Our final product increases enforcement and enhances site cleanups with the broad-based support of the regulated industry.

I again want to thank the gentleman from Michigan [Mr. STUPAK] for all his work on this, and certainly again thank the gentleman from Ohio [Mr. OXLEY], and on my staff Patrick O'Keefe for staying with this issue for so long.

Mr. Speaker, I urge my colleagues to support this sound environmental initiative.

Mr. STUPAK. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. DOYLE] who was a valuable asset in drafting this legislation and as a member of the Committee on Science certainly understands it.

Mr. DOYLE. Mr. Speaker, I rise in support of H.R. 688. I want to thank the bill's sponsors, the gentleman from Colorado, Mr. DAN SCHAEFER, and my good friend, the gentleman from Michigan, Mr. STUPAK, for their diligent leadership on this issue.

The LUST program was enacted in 1984 to address the potential health and environmental risks associated with antiquated and substandard underground storage tanks. A tax was levied on all petroleum products to create a trust fund to fund these efforts. That tax expired on December 31, 1995, with nearly $1 billion in the trust fund.

Unfortunately, the majority of these funds expended so far have gone to offset general Federal spending and not for the purpose to which it was meant to be dedicated.

The LUST Amendments Act gives the ironclad assurance that trust fund spending will go to assisting States to pursue compliance and corrective action associated with the LUST program. It also gives the States more flexibility in using these funds, including direct use of Federal LUST trust fund money to help business owners who would otherwise be unable to afford Government-mandated cleanups. These cleanups are pivotal to comprehensive economic revitalization efforts like the one many of us in the Pennsylvania delegation are looking at for Allegheny County and for the Mon Valley region in particular.

We have a good program here, and Congress in its wisdom found a sound funding mechanism for it. Let us demonstrate our good faith to small businesses in this sector and move this legislation forward without delay.

Last year, the Congress passed this legislation, but the Senate failed to act on it before adjournment last October. Since this year's version is identical to the previously approved bill, I expect the House will act expeditiously to pass the LUST Amendments Act. Hopefully, this will give the Senate ample time to send this legislation to the President for his approval.

Mr. BEREUTER. Mr. Speaker, this Member rises in support of H.R. 688, the Leaking Underground Storage Tank Trust Fund Amendments Act. As an original cosponsor of the legislation, this Member would like to commend the distinguished gentleman from Colorado, Mr. DAN SCHAEFER, and the distinguished gentleman from Michigan, Mr. STUPAK, for introducing this bill and working for its enactment.

Across the Nation, leaking underground storage tanks present a hazard which must be addressed. Unfortunately, less than half of the identified leaking tanks have been remedied. In addition, there are likely thousands of other unidentified leaking tanks which require action.

This legislation improves the current situation by distributing more money from the existing trust fund to the States where it belongs. The trust fund was established by Congress in 1986 and currently contains about $1 billion. Although the trust fund is intended to provide assistance in the cleanup of underground storage tanks, too much of the money in the trust fund has been used to offset general Federal spending.

This Member certainly believes that the money in the trust fund should be used for the purposes for which it was originally intended; money simply accumulating in the trust fund obviously does not address the current needs. The large number of remaining leaking underground storage tank sites is evidence that the States could use this money which is currently accumulating in the trust fund. This bill would assist States in more efficiently receiving and disbursing money from the trust fund. It would also give the States increased flexibility in the use of money from the trust fund.

This Member urges his colleagues to support H.R. 688.

Mr. LARGENT. Mr. Speaker, as a member of the Commerce Committee's Finance and Hazardous Materials Subcommittee, I rise in support of H.R. 688, the Leaking Underground Storage Tank Trust Fund Act, commonly referred to as the LUST program.

My colleague, Mr. SCHAEFER, has developed a well-crafted piece of legislation which has two primary purposes. The first is to ensure that 85 percent of the money Congress appropriates for the program goes to the States; and to expand the uses for which the trust fund moneys can be used.

In 1986, Congress created the LUST Trust Fund, paid for with a one-tenth of one cent per gallon tax on motor fuels. The Trust Fund is to be used by the EPA or the States, in accordance with Federal law, to enforce Underground Storage Tank corrective action requirements; to conduct cleanups where no solvent responsible party can be found, where there is a known but unwilling responsible party, or where a responsible party does not have the financial ability to pay for the entire cleanup.

Unlike many other well-intentioned bills enacted by Congress, which then fall victim to the law of unintended consequences, the LUST program has met its intended purpose to set leak detection and prevention standards for underground tanks.

H.R. 688 improves on the current program because it provides an increased amount of stability and certainty to State agencies while granting greater flexibility.

I urge my colleagues to support H.R. 688.

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Colorado, Mr. DAN SCHAEFER, once again for his leadership on this issue.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from Ohio [Mr. OXLEY] that the House suspend the rules and pass the bill, H.R. 688, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 688.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1271, FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–70) on the resolution (H. Res. 125) providing for consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1273, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–71) on the resolution (H. Res. 126) providing for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1274, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–72) on the resolution (H. Res. 127) providing for consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1275, CIVILIAN SPACE AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–73) on the resolution (H. Res. 128) providing for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes, which was referred to the House Calendar and ordered to be printed.

FIRE ADMINISTRATION AUTHORIZATION ACT OF 1997

Mr. SENSENBRENNER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1272) to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Administration Authorization Act of 1997".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 17(g)(1) of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2216(g)(1)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) $29,600,000 for the fiscal year ending September 30, 1998; and

"(H) $30,500,000 for the fiscal year ending September 30, 1999.".

SEC. 3. SUCCESSOR FIRE SAFETY STANDARDS.

The Federal Fire Prevention and Control Act of 1974 is amended—

(1) in section 29(a)(1), by inserting ", or any successor standard thereto," after "Association Standard 74";

(2) in section 29(a)(2), by inserting "or any successor standards thereto," after "whichever is appropriate,";

(3) in section 29(b)(2), by inserting ", or any successor standards thereto" after "Association Standard 13 or 13–R";

(4) in section 31(c)(2)(B)(i), by inserting "or any successor standard thereto," after "Life Safety Code),"; and

(5) in section 31(c)(2)(B)(ii), by inserting "or any successor standard thereto," after "Association Standard 101,".

SEC. 4. TERMINATION OR PRIVATIZATION OF FUNCTIONS.

The Administrator of the United States Fire Administration shall transmit to Congress a report providing notice at least 60 days in advance of the termination or transfer to a private sector entity of any significant function of the United States Fire Administration.

SEC. 5. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator of the United States Fire Administration for fiscal years 1998 and 1999 for the activities for which sums are authorized by the amendments made by this Act, unless such sums are specifically authorized to be appropriated by the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator of the United States Fire Administration shall exclude from consideration for grant agreements made by the Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 6. NOTICE.

(a) NOTICE OF REPROGRAMMING:—If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator of the United States Fire Administration shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the United States Fire Administration.

SEC. 7. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the United States Fire Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) access immediately the extent of the risk to the operations of the United States Fire Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the United States Fire Administration is unable to correct in time.

SEC. 8. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to the amendments made by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under the amendments made by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the amendments made by this Act, the Administrator of the United States Fire Administration shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Michigan [Mr. BARCIA] each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

☐ 1900

Mr. SENSENBRENNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today to ask that the House suspend the rules and pass the bill, H.R. 1272, the Fire Administration Authorization Act of 1977.

Mr. Speaker, this bill, as amended, was reported favorably by voice vote with overwhelming bipartisan support by the Committee on Science on April 16, 1997.

H.R. 1272 reauthorizes the programs and activities of the U.S. Fire Administration, a small but important Federal agency within the Federal Emergency Management Agency. The USFA was created by Congress in 1974 in response to a report by the President's National Commission on Fire Prevention and Control, entitled "America Burning," which presented a dismal assessment of the Nation's fire problem. The report found that nearly 12,000 lives were lost to fire yearly in this country. In addition, fire was found to be responsible for more than 300,000 injuries and over $3 million in economic losses.

Congress reacted to the report by declaring a Federal role for reducing fire losses and created the USFA and the National Fire Academy. The USFA is currently charged with helping prevent and control fire-related losses through, first, coordination of the Nation's fire safety and emergency medical service activities; second, educating the public on fire prevention and control; third, collecting, analyzing and disseminating data related to fire; fourth, promoting the use of sprinkler systems in residential and commercial buildings; fifth, conducting research and development on fire suppression; sixth, promoting fire fighter health and safety; and seventh, coordinating with other agencies charged with emergency response responsibilities.

The USFA administers the National Fire Academy. The academy provides management-level training and education to fire and emergency service personnel and fire protection and control activities. The Fire Academy, located in Emmitsburg, MD, trains tens of thousands of fire and emergency personnel a year through its on and off campus programs.

Year after year during budget hearings held by the committee, witnesses from the volunteer and paid fire services, as well as emergency services, have testified to the important and indispensable role the USFA and NFA pay and their ability to perform their responsibilities. For a modest Federal expenditure, the USFA leverages the resources of tens of thousands of fire departments nationwide. The USFA provides training and education to firefighters, provides them with data which enables them to fight fires more efficiently and safely, and performs research on lifesaving protective clothing and gear as well as new fire suppression technologies. All of these activities could not be done as well, if at all, if the tight budgets of volunteer fire departments, without whom the Nation would be incapable of protecting lives and property without an enormous expenditure of money, money which I will hasten to say would be raised through local property taxes.

H.R. 1272 authorizes $29.6 million in fiscal year 1998 and $34.5 million in fiscal year 1999, a 3 percent annual increase over the administration's request of $28.7 million. The USFA needs the slight increase because the agency recently acquired a new mission.

The USFA's new mission, counter terrorism training for emergency response personnel, arose from the enactment of the Antiterrorism and Effective Death Penalty Act passed last year by the Congress and signed by the President. Counter terrorism training for first responders is an appropriate function for the USFA as it is frequently local fire and emergency departments who are first on the scene not only to battle fires, but also to react to acts of terrorism such as the bombings in Oklahoma City and the World Trade Center in New York. In fact, counter terrorism training complements and supplements many of the traditional first responder training programs currently offered through the National Fire Academy.

Following enactment of the Antiterrorism Act, money was appropriated to FEMA and the USFA in the Omnibus Appropriations Act of 1997 to begin counter terrorism training this year. The USFA's fiscal 1998 budget request includes for the first time an appropriation for this activity, without a corresponding increase in the overall budget request. During the committee's budget hearing on USFA, the administrator explained that request reflects the incorporation of counter terrorism training as a new, permanent mission of the agency and that the arson budget would be decreased in order to fund this mission.

As I have stated before, counter terrorism training is relevant and appropriately performed within the USFA. However, the Committee on Science feels that a slight increase in the budget is necessary in order to accommodate the new mission, while ensuring that the agency's core missions, including arson, are not negatively impacted.

The other sections of H.R. 1272 include: first, technical changes to the fire protection standards; second, a provision requiring that the administrator inform Congress in advance of any effort to privatize or terminate agency activities; third, a prohibition of funds authorized by this act for congressional lobbying; fourth, a limitation on unauthorized appropriations; fifth, a 5-year limitation on future grants to a person who received noncompetitive, merit-reviewed awards; sixth, a requirement that reprograming notices be required by the Appropriations Committees must be provided to the authorizing committees; and seventh, a sense of Congress resolution emphasizing that planning should begin immediately to assess and correct any computer systems affected by the year 2000 date-related software problem and requires the USFA to comply with the Buy American Act.

I understand that there is some confusion among Members about this bill based upon erroneous information that many offices received regarding the bill's authorization levels compared with fiscal year 1997 spending. The original appropriation to USFA for fiscal 1997 was $27.6 million. However, late last year Congress appropriated an additional $2.5 million to USFA for a new mission in counter terrorism training, which raised the spending level to 30.1 million in fiscal year 1997. This was in response to a supplemental request by the administration for funds authorized in the antiterrorism and effective death penalty act of 1996.

Let me be clear that the authorization levels in this bill of 29.6 million for fiscal 1998 and $30.5 million for fiscal 1999 are lower than the fiscal 1997 appropriated final level of $30.1 million.

Mr. Speaker, in closing I wish to thank the chairman, the gentleman from New Mexico [Mr. SCHIFF], and the ranking minority member, the gentleman from Michigan [Mr. BARCIA], of the Subcommittee on Basic Research of the Committee on Science for their hard work on this legislation as well as the full committee's ranking member, the gentleman from California [Mr. BROWN]. I urge the Houses's support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BARCIA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 1272, the Fire Administration Authorization Act of 1997. I want to commend the gentleman from New Mexico [Mr. SCHIFF], the chairman of the Subcommittee on Basic Research, for his efforts to develop this legislation. I also want to especially acknowledge the leadership of the chairman of the Committee on Science, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the ranking Democratic member, the gentleman from California [Mr. BROWN] for bringing the bill before the House so expeditiously.

The U.S. Fire Administration is a small Federal agency with a disproportionate impact. Its programs make a difference by improving the skills of firefighters and other emergency rescue workers in all parts of the Nation, improving the tools available to detect and subdue fires and by raising public awareness of fire prevention measures. Although the Federal expenditure for the agency is small, its impact on the well-being of all Americans is enormous.

The Fire Administration was created by the Federal Fire Prevention and Control Act of 1974 in response to a growing awareness that the high loss of life and destruction of property due to fire was a national problem which could be improved by focused and coordinated education, training and research efforts. During the past 25 years, significant progress has been made through the programs of the Fire Administration which increases public awareness of fire safety measures, improves the effectiveness of fire and emergency services and spurs the wider use of home fire safety devices. Nevertheless the United States still has one of the highest fire death rates among advanced nations.

While much has been accomplished by the Fire Administration, the record of fire death rates and property loss in our Nation reveals that much remains to be done. H.R. 1272 authorizes funding for the Fire Administration above the President's request for fiscal year 1998 and provides sufficient growth to offset inflation for fiscal year 1999.

On the basis of testimony to the Science Committee, the Fire Administration operates effective programs that are widely acclaimed by firefighters and emergency response personnel alike. H.R. 1272 provides the slight growth needed to allow the agency to sustain its new and ongoing programs and continue to successfully carry out its multiple missions.

In particular, the increase above the fiscal year 1998 request is for the purpose of providing sufficient resources to allow the Fire Administration to continue its important new education and training programs for counter terrorism, which have been expressed so eloquently by the chair of the Science Committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] in his remarks.

With our world becoming no less dangerous, it is vital that the first responders to emergencies in every community are well-trained and ready to deal with terrorist actions. In giving the Fire Administration this important, new responsibility, it is essential to also provide sufficient resources to ensure that the agency's traditional functions involving firefighter training and public fire education do not suffer. H.R. 1272 provides the modest growth that will prevent such an adverse impact on the agency.

The Fire Administration has long enjoyed the bipartisan support of Congress because of the recognition of its vital mission to increase public safety. I would like to commend the majority members of the Science Committee for working in a bipartisan fashion with the minority to develop H.R. 1272.

Mr. Speaker, H.R. 1272 is a good bill which authorizes the programs of an agency that truly contributes to the well-being of all of our citizens; and I am pleased to recommend the measure to my colleagues for their approval.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON LEE].

Ms. JACKSON LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me the time, and I thank very much the chairman and the ranking member for this bipartisan effort on behalf of the Fire Administration Authorization Act.

If there was a pleasurable act in the House Science Committee, certainly, being able to support this agency and all that it does was that. I would also like to stand today to salute all of the Nation's firefighters and emergency staff across the Nation, for it is through their sacrifice and effort that we are, in fact, a safer country.

In 1974, Congress created the U.S. Fire Administration and its National Fire Academy in order to halt the tragic loss of firefighters and individuals in the United States. Training, research, and public education have accounted for the success of the U.S. Fire Administration's commitment to reduce the loss of life.

There is no doubt that the people of America in our communities are safer as a result of the USFA. Every man, woman, and child in America benefits from its efforts, as do the Nation's 1.2 million fire servers, emergency medical servers, and emergency response personnel.

Emergencies will continue to occur. How we react to emergencies depends on the readiness of those that are dispatched to respond to our most critical emergency situations. We must be prepared to handle the critical situations that inevitably will arise.

The United States does have one of the highest fire death rates in the industrialized world. We are obviously working hard to bring that number down. More Americans die in fires each year than in all the natural disasters combined. With this agency, however, we feel comfortable that we are working steadfastly to stem that tide.

For example, approximately 4,500 deaths and 30,000 civilian injuries occur annually. Eighty percent of all civilian deaths occur in the home. Approximately 2 million fires are reported each year, with the direct property loss of about $8.5 billion per year, with the cost to taxpayers of about $50 billion a year.

□ 1915

One of the missions of the USFA is leadership coordination and support for the Nation's fire prevention and control, fire training and education and emergency medical services activities. This mission is carried out through programs directed at reducing injuries and loss of life and property resulting from fire.

Certainly our heart goes out to those citizens in North Dakota suffering from the flood and then the absolute irony of seeing their buildings burned down. Certainly this is an aspect of firefighting that many of us never thought we would have to confront, but this agency has the ability to try and solve those particular problems.

The USFA promotes firefighter health and safety and initiates research into and conducts special studies to improve fire prevention and protection. USFA's national fire incidents reporting system collects, analyzes and disseminates data to assist State and local governments in reducing fire losses.

In NFA classrooms there are individuals who are trained to save lives, not only from terrorist attacks, but also from natural disasters and hazardous materials disasters.

It is important to know exactly what we are funding. Particularly, the activities of the National Fire Academy and those courses include training individuals on command and control of fire department operations in multialarm incidences, something very important for our urban areas and even in our smaller communities. It also assists, if you will, in fighting the overall world threat of terrorism. Terrorism is a worldwide threat that waits until the most vulnerable moment to shatter the lives and dreams of families and individuals. One terrorist attack affects hundreds, if not thousands, of individuals. The ability to swiftly mitigate the damages of terrorism must be firmly and solidly in place. We do not know where the next terrorist attack will take place, but fire departments across this country must be ready and able to respond if called upon.

The National Fire Academy trains students from all across the United States. I am very proud that in Houston a total of 29 firefighting students attended classes at the Emergency Management Institute and the National Fire Academy during the fiscal year 1996. The United States must have as its priority to bring down the terrible loss of life and property damage as it relates to fire. This supportive legislation will help us do that in the years to come.

Again, I am gratified for the bipartisan effort. My thanks to the chairperson and ranking member.

Finally, we must remember we do not know where the next fire emergency will occur, but we must be prepared to combat it and handle it effectively. The efforts of the U.S. Fire Administration allows us to accomplish this task. I rise in support of this legislation.

Mr. Speaker, in 1974, Congress created the U.S. Fire Administration [USFA] and its National Fire Academy [NFA] in order to halt the tragic loss of firefighters and individuals in the United States. Training, research, and public education have accounted for the success of the U.S. Fire Administration's commitment to reduce the loss of life.

There is no doubt that the people of America and our communities are safer as a result of the USFA. Every man, woman, and child in America benefits from its efforts, as do the Nation's 1.2 million fire service, emergency medical service, and emergency response personnel.

Emergencies will continue to occur. How we react to emergencies depends on the readiness of those who are dispatched to respond to our most critical emergency situations. We must be prepared to handle the critical situations that inevitably arise.

The United States has one of the highest fire death rates in the industrialized world. According to the USFA, more Americans die in fires each year than in all the natural disasters combined.

Approximately 4,500 deaths and 30,000 civilian injuries occur annually. Eighty percent of all civilian deaths occur in the home. Approximately 2 million fires are reported each year with a direct property loss of about $8.5 billion per year with a cost to taxpayers of about $50 billion per year.

According to the USFA, its mission is to provide leadership, coordination, and support for the Nation's fire prevention and control, fire training and education, and emergency medical services activities. The mission is carried out through programs directed at reducing injuries and loss of life and property resulting from fire.

The USFA also is responsible for the development and delivery of training programs to advance the professionalism of the fire service and allied personnel. USFA assists State and local governmental efforts to prevent and control fire-related incidents, arson, and enhance the capability of the fire service to material incidents.

The USFA promotes firefighter health and safety and initiates research into and conducts special studies to improve fire prevention and protection. USFA's national fire incidents reporting system [NFIRS] collects, analyzes, and disseminates data to assist State and local governments in reducing fire losses.

The National Emergency Training Center [NETC] in Emmitsburg, MD, is a 107-acre campus which is shared by the Emergency Management Institute [EMI], the National Fire Academy, and the U.S. Fire Administration.

Through the courses and programs of the National Fire Academy, it works to enhance the ability of the fire service and allied professionals to deal more effectively with fire and related emergencies. The Fire Academy trains approximately 4,000 students through resident courses. An additional 3,500 students attend State weekend programs which offer shorter, more intense courses on designated weekends set aide for specific States.

More than 500 students attended regional delivery courses annually, and off campus direct delivery courses reach 7,000 participants.

According to the National Fire Academy, its delivery system is diverse. Teaching facilities include modern classrooms, residence halls, and training facilities.

In NFA classrooms are individuals who are trained to save lives; not only from terrorists attacks, but also from natural disasters and hazardous materials disasters.

It is important to know exactly what we are funding. National Fire Academy courses provide resident training in incident command and include:

Command and control of fire department operations in multi-alarm incidents;

Command and control of fire department operations at natural and manmade disasters, which addresses fire and rescue department operations at natural and manmade disasters that may require interagency or interjurisdictional coordination. Earthquakes, hurricanes, blizzards, civil disturbances, terrorism, hazardous materials releases, tornadoes, and floods are a few of the topics that are covered;

Command and control of fire department operations at target hazards, which is designed to introduce command officers to the complexities involved in commanding incidents at high risk areas;

Incident command system for emergency medical services, where students use scenarios, case studies, graphics, audiovisual, and role playing in order to demonstrate an understanding of the concept;

Basic life support and hazardous materials response, which emphasize critical concerns for emergency medical responders at hazardous materials incidents;

Initial response to hazardous materials incidents: basic concepts which gives students an understanding of the basic concepts and techniques of hazardous materials first response;

Fire service communication, which focuses on verbal and written communication skills for fire service managers;

Terrorism is a worldwide threat that waits until the most vulnerable moment to shatter the lives and dreams of families and individuals. One terrorist attack effects hundreds if not thousands of individuals. The ability to swiftly mitigate the damages of terrorism must be firmly and solidly in place.

We do not know where the next terrorist attack will take place. But fire departments across this country must be ready and able to respond if called upon. Fire response teams in Texas must be as quickly able to rapidly combat terrorist attacks as fire response teams in New York. Each must possess the same cutting edge training that will allow them to protect the lives and property of the American people.

The National Fire Academy trains students from all across the United States. In Houston, a total of 29 firefighting students attended classes at the Emergency Management Institute and the National Fire Academy during fiscal year 1996.

The priorities of the U.S. Fire Administration include public education and fire safety in order to reduce fire deaths, injuries, and property losses; assist State and local government efforts to prevent and control for related incidents, especially arson; and develop programs to encourage State and local fire and EMS service delivery organizations to coordinate and cooperate with State and local emergency management agencies.

The USFA also participates in research and technology initiatives to enhance the capability of the fire service to respond to all types of emergencies, including emergency medical and hazardous materials incidents; to promote the health, safety, and efficiency of firefighters; and to initiate research and evaluation procedures to improve fire prevention and protection.

We do not know where the next fire emergency will occur. But we must be prepared to combat it and handle it effectively. The efforts of the U.S. Fire Administration allows us to accomplish this task.

Mr. BARCIA. Mr. Speaker, I thank the gentlewoman from Texas.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Speaker, I yield myself the balance of my time to just briefly thank the gentleman from Michigan [Mr. BARCIA], and the gentleman from California [Mr. BROWN], and all of the members of the Committee on Science for working hard to expedite in a bipartisan manner this very important bill.

Mr. SCHIFF. Mr. Speaker, I rise today in support of H.R. 1272, the Fire Administration Authorization Act of 1997. This important legislation is the product of a truly bipartisan effort to adequately fund a small Federal agency whose impact can be felt nationwide, every day.

Mr. Speaker, the United States Fire Administration [USFA] was created in 1974 in order to help reverse a very disconcerting trend of increasing deaths, injuries, and property damage caused by fires. Since its establishment, the USFA has assisted our nation's first responders in reducing fire losses. The USFA, charged with coordinating the nation's fire fighting efforts, funds programs in public education in fire prevention and control, firefighter health and safety, research and technology, and data gathering and analysis. In addition, the USFA administers the National Fire Academy [NFA] in Emmitsburg, MD through which tens of thousands of firefighters annually receive management level education and training.

During the hearing which I chaired in the Basic Research Subcommittee of the Committee on Science earlier this year, witnesses from the volunteer and paid fire fighting communities testified as to the importance of the USFA and NFA to their efforts. These programs leverage the modest resources available to local fire departments.

Mr. Speaker, H.R. 1272 provides a 3 percent annual increase in the USFA's FY 1998 and 1999 budgets. This increase is necessary in order to fund a new mission undertaken by the agency in counter terrorism training for emergency first responders, without negatively impacting USFA's traditional missions. The new mission is complementary to the training programs currently run by USFA, and I fully support this effort. Unfortunately, our nation must deal with the reality that terrorism has reached our borders. Because it will be local fire and emergency service personnel who are first on the scene at these horrible events, as was the case in Oklahoma City, it makes sense for USFA to integrate counter terrorism training with their other training programs.

Mr. Speaker, before I close I think it is important to mention that, as we consider H.R. 1272, the first in a series of bills reported by the House Science Committee, this week is National Science & Technology Week. National Science and Technology Week is an informal and public education outreach program of the National Science Foundation, dedicated to expanding participation by all Americans in the fields of science, technology and engineering. Since its inception in 1985, National Science & Technology Week has gradually expanded in scope and impact, involving millions of Americans in national and local events.

As part of this celebration of innovation and intellect in my home state of New Mexico, the Space Center in Alamogordo, provides training workshops for teachers and planning interactive, hands-on science events. The programs are resourceful in assisting in the distribution of education materials, which are issued annually, both in English and Spanish. These packets assist both formal and informal educators and parents in engaging children in innovative, hands-on learning activities geared to science, mathematics and technology.

I encourage the House and Senate to strongly support this outreach program, recognizing the importance of involving all people in the awareness that science, engineering and technology are important in our lives today and crucial to our progress tomorrow. I hope you will join me in celebrating National Science and Technology Week.

Mr. Speaker, I want to thank Chairman SENSENBRENNER, Mr. BROWN, and Mr. BARCIA for all of their hard work in getting this legislation to the floor today. I support this bill and ask the House for its expeditious enactment.

Mr. SENSENBRENNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by gentleman from Wisconsin [Mr. SENSENBRENNER] that the House suspend the rules and pass the bill, H.R. 1272, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1272, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

EXTENDING ORDER OF THE HOUSE OF FEBRUARY 12, 1997, THROUGH WEDNESDAY, MAY 7, 1997, AS MODIFIED

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that the order of the House of February 12, 1997, be extended through Wednesday, May 7, 1997, with the following modification:

After "minority leader" insert: ", or a Member designated from the floor by the majority leader or the minority leader at the time of notice pursuant to clause 2(A)(1) of rule IX,".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

SUPPORT H.R. 400 WITHOUT WEAKENING AMENDMENTS

(Mr. COBLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COBLE. Mr. Speaker, never has a bill been so misrepresented and trashed as has the patent bill. The effort to demonize this bill has not contributed to our debate, but has only misled Members who do not and should not be expected to understand the intricacies of the complex patent laws.

Following our debate last week, a Member was quoted as saying Mr. ROHRABACHER's bill helps the little guy while H.R. 400 only helps big business. I asked him how he reached that conclusion, and he replied that is what the opponents of H.R. 400 told me to say. That is his explanation.

This typifies the type of reasoning that has surrounded this debate. We defeated the Rohrabacher amendment last week. We are not yet finished. Help us defeat the amendments today, pass H.R. 400, and bring the United States patent system into the 21st century.

Mr. Speaker, later today we will finish consideration of an omnibus patent bill, H.R. 400, which I have attempted to shepherd through this body. While I believe we will pass the measure without weakening amendments, I feel compelled to address the manner by which the bill has been criticized since its introduction on January 9.

Never, in my years as a Congressman have I seen a piece of legislation so thoroughly misrepresented as to content and effect as has the patent bill. The effort to demonize this bill has not contributed to our debate; it has only served to mislead, confuse, and paralyze some Members who do not and should not be expected to understand all of the intricacies of a complex and arcane topic such as patent law. If we wait much longer, I anticipate that our detractors will attempt to convince the American public that I, as a lifetime member of the VFW, am conspiring with the other Bolsheviks down at the VFW Hall in Greensboro, NC, to destroy the United States and subvert her national economy.

With all due respect, Mr. Speaker, the chief opponent of H.R. 400 does not serve on either the subcommittee or full committee of jurisdiction. I dare say he has never sat on a panel charged with having knowledge of any intellectual property law.

Mr. Speaker, I implore my colleagues to bring our patent system into the 21st century by supporting H.R. 400 and rejecting the simplistic and distorted criticism that has surrounded the bill to date.

AGAINST MFN FOR CHINA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, the question of MFN will be coming up. I urge Members to take a look at a recent poll done by the Weekly Standard which I will put in the RECORD. This is what Public Opinion Strategies said:

By an overwhelming margin of 61 to 29 percent, the American people oppose MFN for China. The other 10 percent did not know.

Sixty-one to twenty-nine percent.

The pollsters asked the respondents: "Do you support or oppose continuing most-favored-nation status with China?" Sixty-one percent to twenty-nine percent. That is all across the country, in every region, in all the cities, in the suburbs, on the farms, all political spectrum, men and women. The fact is even a greater percentage of women, 67 to 22 percent, oppose MFN.

Let us listen to the American people. The Chinese are persecuting Christians, they have Christians in jail, Catholic priests, Catholic bishops, evangelical pastors, persecuting Buddhists and Moslems, and yet this Congress and this administration is thinking of giving MFN for China.

I strongly urge Members to read the poll. The American people are aware. The Republican Party and the Democratic Party ought to be. Oppose MFN for China.

Mr. Speaker, I include the following editorial for the RECORD:

[From the Weekly Standard, April 28, 1997]

THE POLL NUMBERS ON CHINA: 61–29 AGAINST

The Washington debate over the Clinton administration's policy of appeasement—pardon us, "engagement"—toward China is heating up. It will get even warmer as July 1 nears, when Hong Kong reverts to Chinese sovereignty after 155 years as a British crown colony. And there'll be a full boil when Congress takes up the question of China's "most favored nation" status in American trade law. The fearsome let's-trade-with-Beijing lobby will twist the arms of congressmen to shut up about human rights and pass MFN. Wavering legislators will want to know: Where's the public on this nettlesome issue? Here's the answer.

At the Weekly Standard's request, the polling firm Public Opinion Strategies earlier this month reminded 800 Americans that the MFN designation "gives the Chinese full trading privileges with the United States." Then our pollsters posed a question that, if anything, bends over backwards in favor of engagement.

Some people support MFN "because they believe it will promote democracy and free markets in China and help the U.S. economy." Others want to suspend MFN "because China limits human rights, sells arms to Iran and pursues an aggressive foreign policy." So do our poll respondents "support or oppose continuing most favored nation status with China?"

The result: The American people oppose MFN, overwhelmingly, by 61 to 29 percent (the other 10 percent don't or gave no answer). They oppose it in every region of the country. They oppose it in the cities. They oppose it in the suburbs. They oppose it on the farm. White people oppose it. Black people oppose it. Republicans oppose it. Democrats oppose it. Rich people oppose it. Poor people oppose it. High-school dropouts oppose it. Ph.D.s oppose it. Married people oppose it. Single people oppose it. Clinton voters oppose it. Dole voters oppose it. Perot voters oppose it.

In other words, everyone opposes MFN. And interestingly enough, no one opposes MFN more than women do; by a whopping 45-point margin, 67 to 22 percent. So on this issue, President Clinton has a gender gap. He deserves it.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ARMENIAN GENOCIDE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, I rise today as my colleagues and I do every year at this time to join in remembrance and commemoration of one of the most horrible events of the 20th century and, in fact, in all of human history. That is the systematic extermination of 1.5 million Armenian men, women, and children during the final years of the Ottoman Turkish empire. This was the first genocide of the 20th century, a precursor to the Nazi Holocaust and the other cases of ethnic cleansing and mass extermination of peoples in our time in Bosnia and Central Africa and in other parts of the world.

We must, Mr. Speaker, call what happened to the Armenian people between the years 1915 and 1923 by its correct name, and that is genocide. Tomorrow, Thursday, April 24, marks the 82d anniversary of the beginning of the Armenian genocide. Armenian-Americans throughout the United States and people of conscience everywhere are commemorating this event in various ways.

Our annual tradition of holding a special order here in the House of Representatives on or near the anniversary of the genocide is always a proud moment for this institution, a time where

Members come together on a bipartisan basis to remember, to try to counter the indifference and the outright distortions of history. Yet, regrettably, I would say incredibly, the United States does not officially recognize the Armenian genocide. Bowing to strong pressure from Turkey, the U.S. State Department has, for more than 15 years, shied away from referring to the tragic events of 1915 to 1923 by the word "genocide."

Successive U.S. Presidents have annually issued proclamations on the anniversary of the genocide expressing sorrow for the massacres and solidarity with the victims and survivors, but always stopping short of using the word "genocide," thus minimizing and not accurately conveying what really happened beginning 82 years ago.

In the 1970's, the U.S. House passed a resolution officially recognizing the genocide, but it did not become law. In June 1996, just last year, during debate on the foreign operations appropriations bill, the House passed, by more than 300 votes in favor, an amendment withholding economic assistance to Turkey until and unless that country acknowledged the genocide. But again, that provision was removed in conference.

Today, there are some 30 countries from Australia to Russia to Lebanon that have adopted resolutions officially recognizing the Armenian genocide. When I speak to Armenian-American groups, many people are shocked to learn that the United States does not officially recognize the genocide. Armenian-Americans love this country and are very proud of the stands, the brave stands that we have taken throughout our history. Many people, Armenian-Americans and people of other ethnic backgrounds, probably just naturally assume that the United States, usually at the forefront of defending human rights and the cause of confronting history head on, including the difficult parts of history, that we would have been in the lead in this effort to remember the past. The fact that we have failed to go on record proclaiming the truth about the Armenian genocide must be rectified.

The United States should go on record clearly and unambiguously recognizing the Armenian genocide in setting aside April 24 as a day of remembrance. To that end, I urge renewed effort on the part of Congress to pass a resolution that puts the United States firmly on record on the side of the truth, and I pledge to keep up the pressure on the President to call the genocide by its proper name.

Mr. Speaker, I have a lot more comments that I would like to make about the genocide this evening, but I would like now, if I could, to yield to the gentleman from Massachusetts [Mr. McGovern], who has joined me on many occasions on the floor on Special Orders, and I am very pleased to see him here tonight on this occasion.

Mr. McGOVERN. I want to thank the gentleman from New Jersey for organizing this time so that we might come together in remembrance of this terrible chapter in human history.

While there are some nations that object to the term "genocide," what took place in Armenia between the years of 1915 and 1923 was exactly that, a genocide. Whole communities were wiped off the face of the map. Over 1.5 million men, women, and children were deported, forced into slave labor, tortured, and exterminated by the Ottoman government of Turkey.

What happened in those years was more than just a series of massacres carried out by the Turkish Government during a time of instability, revolution, and war. It was the first example of genocide of the 20th century, a precursor to the Nazi Holocaust and the other cases of ethnic cleansing and massive extermination that have so haunted our times.

With the rise of totalitarian regimes in Europe during the 1920's and 1930's and the outbreak of World War II, the genocide perpetrated against the people of Armenia was largely forgotten. It has often been said that Adolph Hitler, when planning the Nazi strategy of extermination of the Jews that culminated in the final solution, remarked, who today remembers the extermination of the Armenians? Well, we remember, and we must always remember. Forgetting history not only dishonors the victims and the survivors, it encourages tyrants to believe that they can kill with impunity.

Most of the survivors of the Armenian genocide have now passed away, while the few who are still living are very old now.

□ 1930

Their sons and their daughters, their grandchildren and great grandchildren, will continue to speak out about their family's history and tragedy. It is out of respect for them that we add our voices here today on the floor of the U.S. Congress. It is with great sorrow and with a sense of disbelief that I find the United States has yet to recognize the Armenian genocide.

There are official statements each year observing the massacres that took place at the beginning of the century, but for reasons of political expedience, and bowing to Turkish pressure, the United States has never recognized these mass exterminations as genocide, this in spite of the fact that the U.S. National Archives, which is right here in Washington, DC, holds the most comprehensive documentation in the world on the Armenian genocide.

Some 30 nations, from Australia to Russia to Lebanon, have adopted resolutions officially recognizing the Armenian genocide. The United States should go on record clearly and unambiguously recognizing the Armenian genocide, and setting aside April 24 as a day of remembrance.

I am proud to be a cosponsor of House Concurrent Resolution 55 that honors the victims of the Armenian genocide and calls upon the United States to recognize the genocide and encourage the Republic of Turkey to acknowledge and commemorate the atrocity committed against the Armenian population from 1915 to 1923.

As a Member of the National Caucus on Armenian Issues formed in 1995 by the gentleman from New Jersey [Mr. Pallone] and our colleague, the gentleman from Illinois [Mr. Porter], I am committed to being a voice for a stronger partnership between the United States and the Armenia of today.

But the gentleman from New Jersey also brought us together this evening not only to remember the past, but to praise the spirit and contributions of Armenian-Americans who are integral members of our cities and communities. The gentleman from New Jersey may not be aware that the first Armenian community in the United States was established at the end of the 19th century in the city of Worcester, in what is now the Third Congressional District of Massachusetts, which I have the privilege of representing. The very first Armenian church was built in Worcester. So the history of my district and the history of the Armenian people in America are deeply linked.

That history continues today, for operating just outside the town of Franklin, MA, in the center of my district, is the Armenian Youth Federation Summer Camp, where for the past 40 summers over 500 Armenian young people from across the country come together in fellowship.

There are 1,400 Armenian families in the Third Congressional District in Massachusetts, active members in the communities of Worcester, Shrewsbury, Holden, Westborough, Franklin, Medway, and elsewhere. They are involved in supporting the educational institutions of the district, an issue that is a high priority for me in my work here in the U.S. Congress. They have made their mark in business, the professions, and the arts. We are all enriched by their presence.

It is on their behalf that I have come here today to remember and to honor the past, to praise and respect the courage of the present, and to make a commitment to work for a better future for all Armenians.

I just want to again thank the gentleman from New Jersey for allowing me to have this opportunity, and thank him for his leadership on this issue.

Mr. PALLONE. Mr. Speaker, I appreciate the comments made by the gentleman from Massachusetts, and I know that the Armenian community is a very large one in Massachusetts and continues to grow. Basically, I think in many ways it was the first State that really did have a large Armenian community, so I thank the gentleman for joining us tonight.

Mr. Speaker, I would like to report some good news on this issue. That is that on Monday, just this past Monday, April 21, the California General Assembly unanimously passed a resolution recognizing the Armenian genocide, as well as the more recent anti-Armenian pogroms committed in Azerbaijan.

Assemblyman Howard Kaloogian, a Republican representing north San Diego, authored the resolution and guided its passage through the legislature of that State. I know members of the California delegation will be joining this special order today, and I know they are very proud of their State today because of what happened with this resolution.

I yield to the gentleman from California [Mr. HORN].

Mr. HORN. I thank the gentleman from New Jersey, Mr. Speaker, and particularly for his initiative in getting this hour for a number of us to speak to the terrible, sad history that has been suffered by the Armenians from the Turks.

Mr. Speaker, I have come to this House floor again, along with the gentleman from New Jersey and many other colleagues, to remember the 82d anniversary of the beginning of the massacre that would ultimately claim over 1½ million Armenian dead, and untold suffering by those who came after them.

I have followed the history, both distant and recent, of Armenia for many years. Mr. Speaker, out of personal interest and as a result of my interactions with many fine individuals who are members of the American-Armenian community in Long Beach and Fresno, CA, I have had a long-held interest in this matter.

It is particularly sad for me that this House must gather year after year to commemorate this tragic event and to secure recognition in memory for it, and press for the acknowledgment of this terrible tragedy and shameful place in history by Turkey.

Unfortunately, the sad history of this massacre that took place in Turkey so many years ago is often overlooked. This leaves the historical reality of the plight of the Armenian people vulnerable to efforts to minimize or even deny the terror that was unleashed against their ancestors, unleashed in the first decade and a half of this century.

Because the events 82 years ago are so distant, this House is very right to draw the attention of the Nation to it. But it must be even more forceful, and the U.S. Government, through its diplomatic efforts, should pressure the government of Turkey to admit the role that their predecessors many years ago at that time played in this assault.

The continued denial by the Turkish government, our ally in NATO, of this massacre, and that it occurred on its soil, and that Turks were actively involved, only serves to denigrate the memory of those who died and those who suffered and those who suffer today, thinking of their ancestors.

As a nation we must not forget the sad history of a larger power unleashed on a vigorous and creative people to obliterate their whole culture. The Armenian massacre is among the most terrible chapters of the 21st century, along with what Stalin did, along with what Mao did, along with what Hitler did, along with what Pol Pot did in Cambodia.

This House must remain vigilant to the efforts of historical revisionism and the attempt to make de minimis, as the lawyers would say, this terrible tragedy when 1.5 million Armenians were killed and many others maimed and wounded, or else we should be faced with the prospect of witnessing this type of tragedy again.

I hope that those who want to be members of the European Community, those who want to continue in NATO, will admit what those that came before them did, just as this Nation has admitted its mistakes in both slavery, how black Americans have been treated, how Indian Americans have been treated, how Hispanic-Americans have been treated, and how the Japanese-Americans in the Second World War were treated.

This Nation's greatness is because we have the capacity to say we were wrong, our ancestors were wrong, and we try to do something about it to remedy what has been left of this proud colony of vigorous people.

Mr. PALLONE. Mr. Speaker, I thank the gentleman from California [Mr. HORN] for the statement that he made, and again, his State just this past week passed this resolution commemorating and recognizing the genocide for what it is, and certainly everyone in California can be proud of that fact. I appreciate the gentleman's comments.

Mr. Speaker, as the gentleman from California mentioned, and I would like to reiterate again, the problem, or certainly one of the most serious problems we face, is the fact that Turkey goes right on denying that the genocide ever took place.

Yesterday my office received, as I am sure many other offices did, a document from the Turkish Democracy Foundation. This document repeats the well-worn claims that the genocide did not happen, or that the number of victims is overstated, or that relocation of a certain portion of the population was limited, et cetera, et cetera.

The document concludes, and I will quote: "The U.S. Congress is not the proper place to discuss historically controversial issues, and it should not pass historical judgments."

I would like to say right now on the floor, with all due respect to the Turkish Democracy Foundation, I would say that the Congress is the proper place to discuss the genocide, as well as classrooms and civic organizations and religious institutions throughout this country. We must not deny the truth. Our responsibility on the floor is to make sure that the truth is told, and told over and over again, so that genocide does not occur again. That is the point we need to make.

Just to give some facts, again, and these are simple, documented facts, on April 24 of 1915 some 200 Armenian religious, political, and intellectual leaders from Constantinople or Istanbul were arrested and exiled in one fell swoop, silencing the leading representatives of the Armenian community in the Ottoman capital. This was the symbolic beginning of the genocide, the occasion we commemorate tonight.

But over the years from 1915 to 1923, as the gentleman mentioned, there were over 1.5 million men, women and children were deported, forced into slave labor, tortured and exterminated by the government of the Young Turk Committee. The deportations and killings finally ended with the establishment of the Republic of Turkey in 1923, although efforts to erase all traces of the Armenian presence in the area continued.

After years of imprisonment, slave labor, acts of torture and 1.5 million murders, the Turks tried to erase the evidence of the Armenian presence in the region by changing place names and destroying Armenian culture and religious monuments. But this entire shameful and appalling period of history meets every definition of the term "genocide."

Turkey has to come to terms with its past. After all, Mr. Speaker, Turkey is a member of NATO. The gentleman from California mentioned that it is a member of NATO, a defense alliance that was basically set up to defend freedom. Many of our NATO allies, as well as some of the eastern and central European nations moving toward NATO membership, have very painful and horrible aspects of their history, in some cases very recent history. But some have done a better job than others in confronting their past. Turkey, at least at the official level, has made no attempt to face up to the truth. Those independent Turkish voices that have tried to tell the truth have been intimidated into silence.

Mr. Speaker, I mention this again only because there is such merit in the fact that, for example, in the case of Nazi Germany, that the German Government recognized that the Holocaust took place. They give reparations for the Holocaust. They commemorate the

Holocaust. They put up memorials to the Holocaust. That makes such a difference in terms of the Jewish people, to recognize that the German Government acknowledges that this took place and it was a terrible thing. When Turkey refuses to acknowledge it, it is almost as if the genocide continues to occur, because the government officially will not recognize it.

Mr. HORN. If the gentleman will continue to yield, Mr. Speaker, he mentioned it was the Turkish Democracy Foundation.

Mr. PALLONE. Yes.

Mr. HORN. They seem to feel that over 8 years, as the gentleman mentioned, from 1915 to 1923, that 1.5 million Armenians must have committed suicide. Of course, that is nonsense.

Mr. PALLONE. I think the gentleman is right. I am not saying that they do not acknowledge that some people were killed, but they refuse to acknowledge the numbers, certainly, and they refuse to acknowledge there was any systematic effort to kill people in the nature of a genocide or ethnic cleansing.

Of course, the fact that they are willing to say that a few people were murdered or a few people were involved in some conflict is simply not acceptable. That is not what happened. This was a systematic effort at the government level by the Ottoman Empire to exterminate a whole people.

Mr. HORN. Exactly.

Mr. PALLONE. If I could just say, I just want to say that in January I had the opportunity to go to Armenia and Nagorno-Karabakh and visited the genocide Memorial Museum, which was a really amazing place and really valuable to just be there to see it.

But when I went into the museum, which is actually still being completed, it was almost embarrassing, because I went through a particular room where they had collected the various countries, and there are 30 now, that have recognized the genocide. The director of the museum, who was a wonderful man who basically, you know, made this his life ambition, to continue and complete this museum, sort of under his breath said, you know, the United States does not recognize the genocide, even though Russia and so many other countries have.

It was really embarrassing to think that our country, the bastion of freedom, has not recognized the genocide when some of the other countries did, including Russia as one of the ones that did.

The other thing was, it goes back to what we were saying before about the Turkish Government recognition. They are in the process of constructing in the museum a sort of memorial that looks like a court. In other words, it is in the round, and in the center is basically where the judge would sit, and then on each of the walls of this round room they have a testimony from eyewitness accounts, contemporary eyewitness accounts, of what occurred, including one from the U.S. Ambassador to the Ottoman Empire at the time, Henry Morgenthau.

□ 1945

He testified, repeating what actually happened, that it was genocide and what occurred. It was explained to me, but it needed no explanation, that this is their idea, the Armenian idea of the Nuremburg trial.

In other words, that in the case of Germany and the Jewish Holocaust, trials were held and the people were brought to justice that in some, not all of them, but some of them who had perpetrated this crime. But in the case of Armenia, the Armenian genocide, no trial took place.

So in a sense the museum is creating the trial using contemporary documents and eyewitness accounts. It just brought home again how important and how valuable from a cleansing point of view, if nothing else, it is to have a trial or have a public pronouncement by the government or the perpetrators that this took place and that we still do not have in the case of the Armenian genocide.

Mr. HORN. Mr. Speaker, if the gentleman will continue to yield, I would hope we would draft a bipartisan bill that would solve that problem.

Mr. PALLONE. Mr. Speaker, we have. There is legislation that has actually been introduced by the gentleman from California [Mr. RADANOVICH], I believe, and the gentleman from Michigan [Mr. BONIOR] on a bipartisan basis and obviously we would like to get that moved. I think we are moving in that direction with what we do tonight and with other actions and statements by our colleagues.

Mr. HORN. Mr. Speaker, I thank the gentleman.

Mr. PALLONE. Mr. Speaker, let me, if I may, I wanted to just elaborate a little more, if I could, on why we attach such significance to insisting that the world community, including the United States, recognize the tragedy of the genocide and call it by its proper name.

As I said, Turkey stubbornly maintains its disgraceful policy of denying that the genocide we solemnly remember today ever took place, despite the lack of factual or historical basis for Turkey's denial. From the eyewitness accounts of journalists and diplomats on the scene to the eloquent and horrifying testimony of the survivors, the historic record is clear: that in the name of Turkish nationalistic ideology, the rulers of the Ottoman Empire conceived, planned and executed a program to eliminate ethnic minorities. The primary victims of this cruel policy were the Armenians. At that time the word "genocide" had not been coined but genocide is what it was. And I said there were no Nuremburg trials.

There has been no official atonement by the Turkish nation, and statements by me and other Members of Congress about the Armenian genocide are routinely met with contemptuous responses by Turkey's ambassador to the United States. But the denials of the revisionists fly in the face of the preponderance of evidence from American and other Western diplomats, from journalists on scene and from the survivors themselves, many of whom are still alive and some of whom are American citizens.

The U.S. National Archives holds the most comprehensive documentation in the world on this historic tragedy, more than 30,000 pages. Formal protests were made by the U.S. Ambassador Henry Morganthau, and Congress approved of allowing a private relief agency to raise funds in the United States. American consular officials and private aid workers secretly housed Armenians, distributed aid and helped in their escape to other nations during the years from 1915 to 1923, and many times these Americans acted at great personal risk to themselves and in direct defiance of Turkish orders not to help the Armenians.

We have to continue to persuade the leaders of the Republic of Turkey, a country that receives hundreds of millions of dollars each year in U.S. aid, to officially acknowledge the truth. As one way to make amends, Turkey should immediately lift its blockade of Armenia and accept the Armenian government's offer to normalize relations without preconditions. I believe that these steps would ultimately be in Turkey's long-term interest as well. By doing the right thing and accepting historical responsibility and improving relations with the nation of Armenia, Turkey can help its own cause in terms of gaining admission to the European community and recognition in other historical forums.

Mr. Speaker, I yield to the gentleman from California [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, I rise in memory of the victims of the Armenian genocide, one of the most tragic events of this century and, of course, the first genocide of this century.

During the years 1915 to 1923, between a million and a half and 2 million Armenians who were citizens of the Ottoman Empire died as a result of a concerted effort to annihilate the Armenian population. This genocide is an undeniable fact. It is time for the Turkish government to recognize history and to apologize, not only to the Armenian community but to humanity as a whole.

I want to bring to my colleagues' attention a statement which the Holocaust Council issued in 1987 on the inclusion of the Armenian genocide in the U.S. Holocaust memorial museum, because I think it speaks volumes about the need to commemorate, to recognize and to remember the first genocide of this century.

That statement read: The genocide of the Armenian citizens of the Ottoman Empire between 1915 and 1923 will have a place in the U.S. Holocaust museum and its library. The fate of Armenians should be included in any discussion of genocide in the 20th century.

I also want to bring to the attention of my colleagues perhaps the most famous statement uttered about the Armenian genocide, and that was the comment made by Adolf Hitler when he reached the conclusion that history would forgive him if he engaged in the genocide he was planning. He stated, who, after all, speaks today of the annihilation of the Armenians?

Mr. Speaker, we here today speak of the annihilation.

That is why we insist, we must insist that this body remember once again the Armenian genocide as one of the most important events of this century. The mistakes made by the west in reaction to that event or failure to react led in at least part to the annihilation of 6 million Jews and millions of others in the rest of this century.

That is why I hope that before a single dime of American taxpayer dollars are spent in aid to Turkey, that Ankara must, among other things, recognize the Armenian genocide. There is a tendency to view history as something only of relevance to the past. But those who forget history or those who refuse to acknowledge history are doomed to repeat it.

Today Turkey is not engaged in genocide against Armenians, but it is engaged in trying to strangle the Republic of Armenia by not allowing even humanitarian supplies to pass to this landlocked country. I note with regret that the State Department a few days ago informed those of us who are members of the House Committee on International Relations that once again it would waive the Humanitarian Aid Corridor Act. It is time for this act to carry out its purpose. It is time for Congress to evaluate whether Turkey should be given impunity to continue to blockade Armenia.

When Congress passed the act involving humanitarian aid corridors, we were serious. And I look forward in future meetings of the Committee on International Relations to trying to put some teeth in that act, to give Congress the right to review whether or not it is really necessary for our security that we waive that act again and again.

With that, I thank the gentleman for yielding to me.

Mr. PALLONE. I thank the gentleman from California.

He specifically mentioned the appropriation process and some of the provisions that the Armenia caucus, which the gentleman is a member of and that I am a member of, some of the things that we are trying to accomplish. It is sort of ironic in a way or coincidence that tomorrow, April 24, is not only the anniversary of the genocide but also the day when the appropriations subcommittee on foreign affairs or foreign operations is going to meet, and that has been, that subcommittee and the bill that comes to the floor has been the vehicle in the past for us to make a point on a number of issues.

The gentleman mentioned the Humanitarian Aid Corridor Act, which has been one of the main pieces of legislation that the caucus has worked on in the last few years. It really makes perfect sense.

Here all we are really saying is that if one country, in this case it happens to be Turkey, but it could be any country, accepts U.S. assistance, they have to allow humanitarian assistance that the U.S. is providing to its neighbor to pass through that first country's borders.

I cannot imagine anyone, I cannot imagine any American who would think that it would be possible for a country that receives American assistance to deny safe passage of humanitarian assistance through its borders to another country. I think if we told any of our constituents that the U.S. government allowed that first country to deny access, they would be outraged. Yet not only is that done routinely by Turkey through its blockade, but when we passed the Humanitarian Aid Corridor Act, we see year after year the administration coming forward and waiving it and saying, for national security reasons, whatever the reasons they gave, I thought were rather poor, it is OK to waive this Corridor Act and allow Turkey to blockade humanitarian assistance to Armenia. It just totally flies in the face of any notion of humanitarian assistance or human rights.

Mr. SHERMAN. I think that perhaps some in the State Department are victims of continuing Cold War thinking. We are no longer engaged in a giant chess game against the evil empire of the Soviet Union. Certainly when we emerge as the sole superpower, that is the status that we will enjoy only so long as the world regards the United States as a bastion of decency and morality in foreign policy.

Never in the history of the world has the rest of the world acquiesced to one country emerging as the sole superpower. It has happened in various regions. It has happened in the world before, but never with acquiescence.

The reason we are trusted to play the role we play in the world is because we are, yes, we are concerned and I think perhaps should be even more concerned with our own national interest, but we also are guided by morality. And for us to ignore the strangulation of both economic and humanitarian aid that Turkey is imposing on Armenia is actually harmful to our national security interests because it calls into question the foundation, the ideological foundation that allows us to be the only world superpower.

Another factor that I think is important, every time I go back to my district, and I was just there earlier today, people are concerned with how effectively our money is spent. They are willing to see the U.S. Government do things that are good but only if the money is spent effectively.

When we have an international aid program which aids Turkey on the one hand and allows Turkey to prevent the aid program from being effective, when the recipient is also the obstructor, then how do we go back to our districts and say we are paying for air freight into Yerevan because we cannot truck things through Turkey and at the same time we are spending money to provide aid to Turkey.

What we need to do is insist that those who receive aid from the United States not prevent our aid programs around the world from being effective.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. I also wanted to make reference, I know that I was at the international relations subcommittee, one of the subcommittee hearings that the gentleman was a member of when we talked about trying to provide some assistance to Nagorno-Karabagh. I know the gentleman made reference to that.

Again, if I could just mention that, and perhaps you would like to comment as well, right now under the Freedom Support Act, section 907, there is no direct assistance to Azerbaijan, no direct U.S. assistance, because they also have a blockade of Armenia. So Armenia is really effectively blockaded on almost all sides between Turkey and Azerbaijan. However, the U.S. continues to provide humanitarian assistance to Azerbaijan through nongovernmental organizations.

Unfortunately, none of that assistance goes to Nagorno-Karabagh. Nagorno-Karabagh is an Armenian country, between Azerbaijan and Armenia, that fought a war of independence about 5 years ago, successfully, and is in the midst of trying to gain recognition by Azerbaijan and Turkey and other countries of its existence.

And I was there in January at the same time that I went to Armenia. I will say, as I have said, that the humanitarian needs are great and there is absolutely no reason why the U.S. should provide nongovernmental assistance, if you will, to one side in this conflict, Azerbaijan and Nagorno-Karabagh, when the need is just as great, if not greater.

□ 2000

So one of the things that we are trying to do this year is to provide some humanitarian assistance, probably through nongovernmental organizations, to Nagorno-Karabagh.

I know the gentleman at that hearing was very supportive of that and I appreciate that, and I yield to the gentleman.

Mr. SHERMAN. As a matter of fact, I think it is very important that if we are going to provide aid to that region of the world that we provide it to the one part of that region that has been wracked by warfare, and that is Nagorno-Karabagh. If there is any part of the Caucasus that needs our help, that is an area that should be receiving our help.

Indeed, a portion of the aid that we provide to that region should go through nongovernmental organizations to the people of Nagorno-Karabagh, and I will be working with the Armenians Issues Caucus and others, both in the committee and here on the floor, to make sure we provide that aid.

Also at that same committee hearing I was more than a bit surprised and certainly not impressed when I saw that the administration's plan for aid to the Newly Independent States, the states of the former Soviet Union, anticipated that going from 1997 to 1998 they would increase aid to Azerbaijan by $15 million and decrease aid to Armenia by $15 million.

Now, they assured me that that figure was a mere coincidence, but whether it is a coincidence or a plan, it can certainly be reversed. One way to deal with it, of course, is to simply not increase aid to Azerbaijan, a country that, as the gentleman points out, continues to blockade Armenia on the other side, with Azerbaijan on one side and Turkey on the other, to certainly not go along with the administration's plan to increase aid, but to use that increment of dollars to provide aid to the people of Nagorno-Karabagh.

I hope that we would move in that direction and will be suggesting that to my colleagues not only here but in writing as well.

Mr. PALLONE. There is no question that there is a need for humanitarian assistance to Nagorno-Karabagh, and I have to say that I saw that firsthand. And I think the bottom line is that the United States policy needs to be more evenhanded. It does not make sense to say we are going to give money through the nongovernmental organizations to Azerbaijan and not to Nagorno-Karabagh.

The other thing I wanted to say, if the gentleman would bear with me, is having been to Karabagh, and of course our caucus has brought this up on a bipartisan basis many, many times, the concern, the need I should say, for the United States to play a larger role in trying to bring a peaceful settlement to Nagorno-Karabagh.

Obviously, there has been a cease-fire now in effect between Azerbaijan and Nagorno-Karabagh for a few years, and overall it has held. Although there was an incident last week where Azerbaijan did violate the cease-fire and there were some people actually killed, which was certainly unfortunate, but, overall, the cease-fire has held. But there needs to be a peaceful settlement of this conflict and I believe very strongly the only way that that will occur is if the United States plays an important role.

Earlier this year the United States agreed to be the cochair of the MINS group, as it is called, which is a group of nations that are trying to come to a peaceful settlement with regard to Nagorno-Karabagh. But, unfortunately, the United States really has not played a major role in trying to come to a peaceful settlement.

In fact, I thought that the United States' position that it took back in late 1996, where the United States signed onto this Lisbon Accord, where they recognized Azerbaijan's territorial integrity, thereby assuming that Nagorno-Karabagh was part of Azerbaijan, but at the same time did not recognize Nagorno-Karabagh's self-determination.

And we know there are two principles in international law, territorial integrity and self-determination. The United States was clearly siding with the territorial integrity of Azerbaijan and not the self-determination of Nagorno-Karabagh.

We need to turn that around and then the United States has to be an advocate for Nagorno-Karabagh's self-determination and then be willing to play a more significant role.

We have seen the President, for example, get involved in the Bosnia situation, in the Dayton accords, we have seen the President play a major role in the Mideast, in the Israeli-Palestinian conflict, and the same type of role needs to be played, I think personally by the President, but certainly to not continue this policy of not recognizing or not promoting Karabagh's self-determination.

I bring this back again to the genocide issue because one of the things that was certainly brought home to me when I was in Nagorno-Karabagh is the fact that the history of what has occurred in that region of the world not only at the time of the genocide between 1915 and 1923, but certainly before and after makes it almost impossible for people who are Armenian, who live in Nagorno-Karabagh, to think that they can ever be protected or ever have any kind of security if they live under the suzerainty of Azerbaijan.

I met a woman outside of Yerevan who was a refugee, and really a victim of three genocides. She was basically deported or had to escape from western Armenia at the time of the 1915 genocide; she went to Sushi, which is a town, a religious center, in Karabagh, and was expelled or deported from there a few years later; then she ended up in Baku, which is the capital of Azerbaijan, and she was about 5 or 6 years ago she was expelled and deported from there and ended up in Yerevan.

So there are people who in the course of their lives have been the victims of deportation or genocide on many occasions. They are never going to accept the notion that somehow they are part of Azerbaijan or that they can live peaceably under the suzerainty of Azerbaijan.

That is why I believe very strongly that the United States has to recognize that fact. We cannot have another genocide in Karabagh, so the speak, and the only way we will make sure it does not happen is if we play a major role in trying to bring about a peaceful settlement.

I yield to the gentleman.

Mr. SHERMAN. I agree with the gentleman that one of the crowning glories of the second term of the administration of President Clinton would be to work for peace and achieve peace in the Caucasus. There is always a conflict between the concept of territorial integrity and the concept of self-determination, and when we look at the concept of self-determination we see that that allows people to live under the government of their own choice.

Our own country was born, perhaps the world's greatest exercise of the concept of self-determination, our own Declaration of Independence, and we set forth in that declaration some standards that ought to be applied. Because when you render a country apart, when you change borders, the whole world can be affected.

We talked about the injustices imposed upon us by King George III. But they seem somewhat pale compared to the pogroms, compared to the aggression and the expulsions that the Armenian population of Nagorno-Karabagh has had to suffer over the last decade. Certainly if we made the case for self-determination, Nagorno-Karabagh has as well.

But also the argument for territorial integrity. There are borders and there are borders. The borders of Azerbaijan were drawn by Joseph Stalin for the purpose of dividing the Armenian people and placing Nagorno-Karabagh not for any logical reason except mischief, except division, except to deliberately cause peoples to be at conflict with each other.

If there was ever a border that should not be given a lot of respect by the international community, it is a border drawn by Joseph Stalin for the purpose of oppressing peoples in the Caucasus. And when we weigh territorial integrity, where the integrity is a Joseph

Stalin border and the right of self-determination for a people who have suffered, I think in ways that our Founding Fathers did not, the scales certainly are in the direction of recognizing the rights of the people of Nagorno-Karabagh.

Mr. PALLONE. If I could, I think maybe we have another 5 or 10 minutes in our special order, and I just wanted to take this opportunity, if I could, to mention that although we, the Members of the House, are doing this commemoration this evening, many Members, yourself, myself and other Members of the House and Senate will take part in a Capitol Hill commemoration ceremony that is organized by the Armenian National Committee next Wednesday, April 30.

I wanted at this time, Mr. Speaker, to cite the work of both the great organizations representing the Armenian American community here in DC, the Armenian Assembly of America and the Armenian National Committee, and they both deserve praise for their continued hard work and dedication to both Armenia and the United States.

The gentleman from California did mention the caucus, and if I could just say something briefly about the caucus. Two-and-a-half years ago Congressman PORTER and myself founded the Congressional Caucus on Armenian Issues basically to be a voice for a stronger United States-Armenia partnership and to better represent the interests of the Armenian American community. We now have 55 members.

There is a lot of sympathy and moral support for Armenia in the Congress and the administration, among State legislators. Your own State I mentioned earlier passed a resolution recognizing the genocide just earlier this week, I believe. But the bottom line is we cannot kid ourselves. We are up against very strong forces.

Unfortunately, the State Department, I believe, continues to take a basically pro-Turkey policy or adhere to a very pro-Turkey policy, and among United States and international business interests whose concerns with profits and sources of raw material often outweigh their concerns for the people of Armenia. So we have to constantly work against some of these others that are out there not really standing up for the concerns of Armenia and the concerns of the people of Karabagh.

In closing today, if I could just say one thing. Obviously, there is a need to pay particular tribute to the survivors of the genocide. I was in Michigan, actually, over the weekend at a commemoration service and there were many survivors there, I would say maybe about 15 or so people who survived the genocide. Of course, they are usually in their late eighties or nineties, or even 100, and one of the gentlemen actually gave me a book that he signed that talked about his whole eye witness account of the years 1915 through 1923. And it really was amazing to talk to someone who could directly explain what went on then. But of course there are thousands of accounts like that in the archives, in the U.S. archives and around the world.

I just wanted to mention, if I could, that we had many Members of Congress here tonight who wanted to join in this special order but because of the schedule, everything was a little crazy this evening. I think we have about 15 or 20 statements to submit for the RECORD.

Mr. HAMILTON. Mr. Speaker, I want to join my colleagues today in remembering the tragedy endured by the Armenian people in the years 1915–23.

Extensive massacres of Armenians took place during that period in eastern Anatolia plains in an atmosphere akin to a horrible civil war. Those events have indelibly and permanently marked the consciousness of many Americans, including Americans of Armenian descent, who are commemorating April 24, 1997, as a national day of remembrance of man's inhumanity to man and a special day of remembrance for the Armenian victims of strife in the early years of this century.

April 24 marks the 82d anniversary of the calamity. It is appropriate on this occasion to direct our attention and prayers to the memory of the vast number of victims who died in these tragic events.

It is in the interest of all of us and in the interest of mankind that this type of tragedy not occur again. The leading organizations of the Armenian-American community have been seeking to work within our political system for a statement concerning these critical events in their heritage.

The House of Representatives takes this occasion to honor the memory of the victims of the massacres of Armenians. No one can deny these events and the centrality of these events in modern Armenian history. I am proud to be associated today with my colleagues on this important day of remembrance.

I would also like to salute the Republic of Armenia, and urge it to move forward in its democratic and economic reforms. Americans have an interest in the economic development of Armenia, its progress toward a free market economy, and its development of democratic institutions. We want to work with Armenia and its neighbors to ensure peace, stability, and progress in their search for greater freedom and security. There is no better way to honor the misdeeds of the past than rededicating ourselves to a better future.

Today in Europe, we have a chance to advance the cause of peace and stability more vigorously and on a wider scale than ever before. I salute all governments, private organizations, and individuals, including the Armenians, who are working toward this end. I hope that their efforts will make the world a safer place, where innocent people no longer suffer the unspeakable crimes of war and terror.

Mrs. LOWEY. Mr. Speaker, this year marks the 82d anniversary of the Armenian Genocide, an act of mass murder that took 1.5 million Armenian lives and led to the exile of the Armenian nation from its historic homeland.

It is of vital importance that we never forget what happened to the Armenian people. Indeed the only thing we can do for the victims is to remember, and we forget at our own peril.

The Armenian Genocide, which began 15 years after the start of the 20th century, was the first act of genocide of this century, but it was far from the last. The Armenian Genocide was followed by the Holocaust, Stalin's purges, and other acts of mass murder around the world.

Adolf Hitler himself said that the world's indifference to the slaughter in Armenia indicated that there would be no global outcry if he undertook the mass murder of Jews and others he considered less than human. And he was right. It was only after the Holocaust that the cry "never again" arose throughout the world. But it was too late for millions of victims. Too late for the 6 million Jews. Too late for the 1.5 million Armenians.

Today we recall the Armenian Genocide and we mourn its victims. We also pledge that we shall do everything we can to protect the Armenian nation against further aggression; in the Republic of Armenia, in Nagorno-Karabagh, or anywhere else.

Unfortunately, there are some who still think it is acceptable to block the delivery of U.S. humanitarian assistance around the world. Despite our success in including the Humanitarian Aid Corridor Act in the foreign operations appropriations bills for the last 2 years, Azerbaijan has continued its blockade of United States humanitarian assistance to Armenia.

It is tragic that Azerbaijan's tactics have denied food and medicine to innocent men, women, and children in Armenia, and created thousands of refugees. The United States must stand firm against any dealings with Azerbaijan until it ends this immoral blockade. We must make clear that warfare and blockades aimed at civilians are unacceptable as means for resolving disputes.

Mr. Speaker, after the Genocide, the Armenian people wiped away their tears and cried out, "Let us never forget. Let us always remember the atrocities that have taken the lives of our parents and our children and our neighbors."

As the Armenian-American author William Saroyan wrote, "Go ahead, destroy this race * * * Send them from their homes into the desert * * * Burn their homes and churches. Then see if they will not laugh again, see if they will not sing and pray again. For, when two of them meet anywhere in the world, see if they will not create a New Armenia."

I rise today to remember those cries and to make sure that they were not uttered in vain. The Armenian nation lives. We must do everything we can to ensure that it is never imperiled again.

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today with my colleagues to commemorate the 82d anniversary of the Armenian genocide.

April 24, 1915, marks the symbolic beginning of the campaign to extinguish the Armenian population in the Ottoman Empire. Over the course of nine long years, 1,500,000 Armenian men, women and children were deported, forced into slave labor, tortured, or exterminated. Another 500,000 had to flee their homes, some coming here to the United States. It is imperative, therefore, that we, as the elected representatives of the people of the United States, recognize and commemorate the Genocide of the Armenian people.

Some today deny that the Armenian genocide ever occurred. Not only is there a preponderance of evidence to prove that it did, but there are a number of survivors, and children of survivors, who are living testaments to the horrors of the past. Our own National Archives holds more than 30,000 pages of documentation on this historic tragedy. With this overwhelming evidence, we cannot continue to allow the truth to be denied. Forgetting the past not only deprives us of the lessons that it has to teach, but it also shows a disrespect for the people who had to live it.

It is also incumbent upon us, on the anniversary of the Armenian genocide, to speak out about the messages of hate and bigotry on the rise in this country. As we have learned in this country and witnessed abroad several times this century, hate must not be allowed to grow unchecked. We must continue to denounce messages of hate and bigotry and promote tolerance within our communities.

Mr. Speaker, I thank you for the opportunity to remember this tragic episode in world history.

Mrs. MALONEY of New York. Mr. Speaker, as a proud member of the Congressional Caucus on Armenian Issues, and the representative of a large and vibrant community of Armenian-Americans, I rise today to join my colleagues in the sad commemoration of the Armenian Genocide.

First, I would like to commend the gentleman from New Jersey [Mr. PALLONE] and the gentleman from Illinois [Mr. PORTER], cochairs of the caucus, for all of their hard work on this issue and other issues of human rights.

April 24, 1997, marks the 82nd anniversary of the beginning of the Armenian genocide. It was on that day in 1915 that over 200 Armenian religious, political, and intellectual leaders were arrested and subsequently murdered in central Turkey.

This date marks the beginning of an organized campaign by the "Young Turk" government to eliminate the Armenians from the Ottoman Empire. Over the next 8 years, 1.5 million Armenians died at the hands of the Turks, and a half million more were deported.

As the United States Ambassador to the Ottoman Empire, Henry Morgenthau, Sr., has written: "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race. They understood this well and made no particular attempt to conceal the fact."

As a supporter of human rights, I am appalled that the Turkish government is still refusing to acknowledge what happened and instead is attempting to rewrite history.

In a sense, even more dismaying than Turkey's denial is the willingness of some officials in our own government to join in rewriting the history of the Armenian Genocide. It is imperative that we do not let political agendas get in the way of doing the right thing.

Mr. Speaker, the issues surrounding the Armenian genocide should not go unresolved. I call upon the United States Government to demand complete accountability by the Turkish Government for the Armenian Genocide of 1915–1923. To heal the wounds of the past, the Turkish government must first recognize the responsibility of its country's leaders at that time for this catastrophe.

Nothing we can do or say will bring those who perished back to life, but we can imbue their memories with everlasting meaning by teaching the lessons of the Armenian genocide to future generations.

The noted philosopher, George Santayana, has taught us that "those who cannot remember the past are condemned to repeat it." We should heed this wise principle and do all we can to ensure that the martyrdom of the Armenian people is not forgotten.

Mr. MEEHAN. Mr. Speaker, I rise to join my colleagues in this Special Order to commemorate the anniversary of the Armenian Genocide. Each year, I join Members of Congress from both sides of the political spectrum, representing areas from east coast to west coast to take part in this Special Order. We join together in this annual commemoration to bring awareness to a chapter in history so brutal and violent, that 75 years later, the Turkish Government still refuses to admit their involvement.

Each year, as I rise to pay tribute to over 1.5 million Armenians who were killed in this tragic event, I am amazed at how easily, and how well, the news of the Armenian genocide was squelched and then hidden. We all remember the now famous question posed by Adolf Hitler at the beginning of World War II—he said "Who remembers the Armenians." Well, citizens of the world, this is just the problem. When tragedies of this magnitude take place, it is our responsibility to ensure that the story does not get forgotten. Let us teach our children that we will not tolerate human tragedy of this nature. Instead, as our world grows smaller every day, we must learn to live together in a global village. We must discover and treasure the differences among peoples around the world. We must promote tolerance and understanding. Only then will we have peace. When we remember the Armenian genocide we send a strong message to our global community that violence born of hatred and fear is unacceptable.

The world has the responsibility to see that the crime of genocide does not go unpunished. Genocide cannot be allowed to be a policy of our international community. A crime unpunished and unrepented is a crime which can and will be repeated. Even today, as I speak, the present Turkish Government is enforcing a blockade of Armenia blocking American humanitarian assistance from reaching that country. This aid, supported by Congress, is prevented from being transported to Armenia by land. Such a violation of fundamental principles of humane conduct cannot be allowed to continue.

There are still living survivors of the Armenian genocide in my district, and the horror of this ordeal is forever etched in their collective memories. Every year survivors participate in commemoration ceremonies in Boston, Lowell, and other areas around the Merrimack Valley. The commemoration offers an opportunity to reach out to the public in hopes that the media, the educated public, and citizens around the world will not ignore—or will not forget the tragedy suffered by the Armenians at the hands of the Turkish empire.

I represent a large and active Armenian community in my district. They are hard working and proud of their heritage. As Representatives to the United States Congress, it is our duty to commemorate the Armenian genocide in the hope that future generations will never allow such a callous disregard for human rights to occur again.

Mr. GILMAN. Mr. Speaker, I want to thank our two cochairmen of the Caucus on Armenian Issues, Congressman PORTER of Illinois and Congressman PALLONE of New Jersey, for arranging this Special Order today.

I also want to take this opportunity to extend my best wishes to the Armenian-American community on this important occasion.

The annual commemoration of the Armenian genocide is indeed an occasion of sad remembrance for Armenian-Americans.

Over the years I have had the privilege of meeting and becoming friends with many Armenian-Americans who have lost relatives and friends in the tragic atrocities that began in 1915.

I can well understand their grief and deep-seated feelings about this terrible event.

There are others who have suffered from genocidal acts who know what it means to lose such loved ones.

While we look back with sadness on the events that took place more than 80 years ago, we are reminded of how such atrocities can come about—and reminded as well that we must continue to try to prevent such tragedies in the future.

Mr. Speaker, once again, I want to thank my colleagues for inviting me to join them in this Special Order.

As we look to the future, let us wish the Armenian people success and prosperity as they continue to build their country's independence from communist domination—an independence won just a few years ago.

An independent Armenia is the best guarantee that the terrible events that began 82 years ago will never be repeated.

Mrs. MORELLA. Mr. Speaker, I am proud to join my colleagues today in commemorating the 82nd anniversary of the Armenian genocide.

Eighty-two years ago, the rulers of the Ottoman Empire made a decision to attempt to eliminate the Armenian people living under their rule. Between 1915 and 1923, nearly 1.5 million Armenian people died and another 500,000 were deported.

The purpose of this special order is really a dual one, and I thank the gentlemen from New Jersey and Illinois for organizing it. First and foremost, it is to show respect and remembrance to those Armenian people and their families who suffered during those 8 years at the beginning of this century. Secondly, we are here to recognize that if we are ever to witness a universal respect for human rights, we must begin by acknowledging the truth. And that is the fact that governments continue to commit atrocities against their own citizens while escaping the consequences of their actions, internally by means of repression and externally for reasons of political expediency.

The events that took place under the rule of the Ottoman Empire 82 years ago were real. Many people died and the results were, and still are, shocking. If we in the Congress continue to react with silence regarding these events and are unwilling to stand up and publicly condemn these terrible events, we effectively give our approval to abuses of power, such as the Armenian genocide.

Mr. Speaker, all of us participating in this special order today realize that silence can mean acceptance when it comes to human rights abuses. And now it is our responsibility to make sure that everyone who is not here today realizes that they too must speak out against human rights violations. Not just violations of the past, but also against violations which are occurring in our world today. We must let the truth about these events be known and continue to speak out against all instances of man's inhumanity to man.

Today nearly one million Armenians live in the U.S. They are a proud people who spent 70 years fighting Stalinist domination. Finally, in just the past 5 years, they have achieved freedom. But even that freedom will never allow them to forget the hardships suffered by their friends and families nearly a century ago, nor will they ever stop forcing us to recognize that these and similar acts must continue to be condemned by nations and people who hold the highest respect for human rights.

Mr. VISCLOSKY. Mr. Speaker, I rise today to commemorate the 82nd anniversary of the Armenian genocide. I am pleased to join my House colleagues on both sides of the aisle in remembering the terrible atrocities that were committed against the Armenian people earlier this century.

Despite the efforts of some, there is no denying that the Armenian genocide occurred. History is clear that the Ottoman Empire engaged in a systematic attempt to destroy the Armenian people and their culture. It started on April 24, 1915, when over 200 religious, political, and intellectual leaders of the Armenian community in Istanbul were brutally executed. By 1923, over half the world's Armenian population—an estimated 1.5 million men, women, and children—had been killed.

The Armenians are an ancient and proud people. In the fourth century, they became the first nation to embrace Christianity. During World War I, the Ottoman Empire was ruled by an organization known as the Young Turk Committee and became allied with Germany. Amid fighting in the Ottoman Empire's eastern Anatolian provinces, the historic heartland of the Christian Armenians, Ottoman authorities ordered the deportation and execution of all Armenians in the region. By the end of 1923, virtually the entire Armenian population of Anatolia and western Armenia had been either killed or deported.

Despite the well documented fact that over 1.5 million Armenian were killed and hundreds of thousands more were exiled from their homes, there are some who still choose to believe that the genocide did not take place. The U.S. National Archives contain numerous reports detailing the process by which the Armenian population of the Ottoman Empire was systematically decimated. Further denial of the Armenian genocide by certain parties, either due to ignorance or malice, can only be seen as a misrepresentation of history and should be roundly condemned.

While it is important to remember the horrible facts of history in order to help comfort the survivors, we must also remain eternally vigilant in order to protect Armenia from new and more hostile aggressors. Even now, as we rise to commemorate the accomplishments of the Armenian people and mourn the tragedies they have suffered, Turkey and other countries are attempting to break Armenia's spirit by engaging in a debilitating blockade against this free nation.

Last year, I led the fight in the House of Representatives to free Armenia from Turkey's viscous blockade by offering an amendment to the fiscal year 1997 Foreign Operations appropriations bill. Under current law, U.S. economic assistance may not be given to any country that blocks humanitarian assistance from reaching another county. Despite the fact that Turkey has been blocking humanitarian aid for Armenia for many years, the President has used his waiver authority to keep economic assistance for Turkey intact. My amendment, which passed in the House by a bipartisan vote of 301 to 118, would have prevented the President from using waiver authority and would have cut off U.S. economic aid to Turkey unless it allowed humanitarian aid to reach Armenia. Unfortunately, my amendment was not included in the final version of the Foreign Operations appropriations bill and the Turkish blockade continues unabated.

I am proud to say that a strong and vibrant Armenian-American community thrives in my district in northwest Indiana. My predecessor in the House, the late Adam Benjamin, was of Armenian heritage, and northwest Indiana's strong ties to Armenia continues to flourish. Mrs. Vickie Hovanessian and her husband, Dr. Raffi Hovanessian, residents of Indiana's First Congressional District are two Armenian-Americans who have contributed greatly to the quality of life in Armenia, as well as to the Armenian-American community in northwest Indiana.

Although it has suffered greatly, Armenia is once again a strong, sovereign nation. Its people are determined to succeed, and I am proud of the steps that Armenia has made to promote democracy. It is my sincere hope that Armenia remains strongly committed to democratic ideals and that our two countries continue to remain close friends.

In closing, I would like to thank my colleagues, Representatives JOHN PORTER and FRANK PALLONE, for organizing this special order to commemorate the 82nd anniversary of the Armenian genocide. Their efforts will not only help to console the victims and their families, but also serve as a reminder to remain vigilant in the fight to protect basic human rights and freedoms around the world.

Mr. KENNEDY of Massachusetts. Mr. Speaker, in my long association with the Armenian-American community, I have become very familiar with their pain by the act of genocide—and the further pain caused by a continuing attempt to deny that this genocide ever took place.

From 1915 to 1923, 1.5 million Armenian men, women, and children were deported, forced into slave labor, tortured, and exterminated.

The Armenian genocide was the model for subsequent efforts of religious and ethnic annihilation. The infamous quote by Hitler—"Who, after all, remembers the extermination of the Armenians?"—which is prominently displayed in the U.S. Holocaust Memorial Museum, serves as chilling affirmation of this fact.

I am a proud cosponsor of House Concurrent Resolution 55, a resolution honoring the memory of the victims of the Armenian genocide. As we reflect on the past, we must also take positive steps for the future of the men, women, and children of Armenia.

Therefore, I am currently circulating for signature a letter to President Clinton to express Congress' grave concerns regarding U.S. efforts to mediate a settlement in the conflict between Nagorno-Karabagh and Azerbaijan—to finally bring peace to that war-torn region.

This letter stresses that all U.S. humanitarian assistance should be provided to all people in the Caucasus region who need it, irrespective of ethnicity. To date over $100 million in U.S. humanitarian assistance has been provided to Azerbaijan, despite that country's blockade of Armenia and Nagorno-Karabagh. But U.S. policy prohibits direct U.S. humanitarian assistance to the people of Nagorno-Karabagh, a discriminatory practice which must be stopped.

Finally, the letter protests the President's recent decision to waive the Humanitarian Aid Corridor Act. Last year, I worked hard with my colleagues to pass an amendment to the Foreign Operations Appropriations bill which would restrict the President's authority to waive the Humanitarian Aid Corridor Act—a measure which I co-authored.

Last year the amendment passed in the House but was not signed into law. This year we must pass legislation to ensure that the President's ability to waive this measure is restricted, and we must ensure that this language is signed into law.

Mr. BILIRAKIS. Mr. Speaker, I rise today to share my thoughts on one of the most appalling events in human history—the genocide of the Armenian people. I would like to thank Mr. PORTER of Illinois and Mr. PALLONE of New Jersey, the cochairs of the congressional caucus on Armenian issues, for holding this special order.

It shames and saddens me to say that the human race is no stranger to genocide—the great purges in Russia, during which Stalin methodically killed millions of Russians; the Holocaust, in which 6 million Jews were systemtically slaughtered by the Nazis; and less well known, but certainly just as significant, the Armenian genocide in which 1.5 million Armenians were exterminated by the Ottoman Turks. The number of people who died during this tradegy was almost equal to the entire population of Nevada.

I feel a special kinship to the Armenian people. As many of you know, I am a Greek-American, and my ancestors, too, suffered at the hands of the Ottoman Turks.

In fact, every March, I conduct a special order in this Chamber to commemorate Greek Independence Day. On that day, 176 years ago, the Greeks mounted a revolution which eventually freed them from the tyranny of the Ottoman Empire.

Unfortunately, the Armenians were not as fortunate as their Greek brothers and sisters. Between 1915 and 1923, 1½ million Armenians were murdered and hundreds of thousands were driven from their homes by the Ottoman Turks. They were people like you and me. People with families and friends, hopes and dreams and they were all destroyed by the Ottoman Turks.

Today, I want to acknowledge this dark moment in history and remember the Armenian people who tragically lost their lives. We in Congress must always remember tumultuous moments in history where people suffered because they were different. Of course, we all want to forget these horrific tragedies in our history and bury them in the past. However, it is only through the painful process of acknowledging and remembering that we can keep similar dark moments from happening in the future. In closing, I want to share a passage inscribed in the stone of Israel's National Holocaust Museum. "Forgetfulness leads to exile, while remembrance is the secret of redemption." We must never forget these words.

Mr. Speaker, this Sunday is Easter for the Christian orthodox faiths. It is a time for us to reflect on and to celebrate the glory of redemption. Hopefully, tonight many will hear our speeches and will take the time to remember those who lost their lives during the Armenian tragedy. By reflecting tonight on this sad event in history. I am hopeful that we are preventing similar tradegies from occurring in the future.

Mr. PORTER. Mr. Speaker, on April 24, 1915, 200 American political and intellectual leaders from Istanbul were arrested and exiled. This action had the effect of silencing the leading voices of the American community in the Ottoman capital, and it is considered the symbolic beginning of the genocide. Over the years from 1915 to 1923, 1.5 million men, women, and children were deported, forced into slave labor, tortured and exterminated by the government of the Young Turk Committee. During this dark time, the Turks of the Ottoman Empire carried out a systematic policy of eliminating the Christian Armenian minority within its bounds. The deportations and killings finally ended with the establishment of the Republic of Turkey in 1923, although efforts to erase all traces of the Armenian presence in the area continued.

What happened in the Ottoman Empire during 1915 until 1923 was more than a series of massacres in a time of instability, revolution, and war. It was the first example of genocide in the 20th century, a precursor to the Nazi Holocaust, and other cases of ethnic cleansing and mass exterminations in our own time, and we must never ever forget it. To forget history not only dishonors the victims and survivors—it encourages other tyrants to believe that they can commit such heinous acts with impunity.

Mr. Speaker, this is a time for solemn reflection. But this act of remembrance also affords us the opportunity to celebrate the incredible resilience of the human spirit when faced with the most horrendous disasters and challenges. Armenia itself and the Armenia diaspora have managed to rebuild their shattered, destroyed communities. This determination to overcome such an atrocious past is written clearly in the faces of those of Armenia descent. On a national level, the struggle for existence and a better future is an everyday fact of life for the young independent, democratic, Republic of Armenia. The successes that so many Armenian-Americans have found in this country also peaks volumes on this subject.

Despite the incontrovertible evidence of the historical fact of the Armenian genocide, modern Turkey continues to deny that this horrific event ever happened. While various Turkish sources express the view that certain unfortunate incidents took place, there is an overall denial that there was ever a systematic, ethnically based policy targeting the Armenian people. There are those who say we should not offend our Turkish allies by using the word "genocide", but friendship takes no refuge in relationship based upon dishonesty. There was a genocide in which over 1.5 million people, including women and children, lost their lives and over 500,000 Armenians were exiled, eradicating the historic Armenian homeland in Anatolia—a community which had existed there since the time of Christ.

Let us remind ourselves that the United States, and the rest of the world, we did little to prevent these crimes against humanity, despite the frequent and detailed reports that Ambassador Morganthal sent back to Washington from his post in Istanbul. Turkey's historic difficulties in respecting minority rights have not gone away, and they are continuing now in a different form against another minority people. Today in Turkey, another campaign of ethnic dissolution is being waged by the Turkish Government against yet another minority, the Kurdish people. For years now, Turkish troops have pursued a scorched Earth policy in southeastern Turkey—burning and tearing down over 2,000 Kurdish villages, and displacing over 2 million innocent civilians. Turkey has also crossed into the border in Iraq to launch attacks on Kurdish refugee camps. Our Government has stood idly and allowed this to happen and, moreover, has defended Turkey's actions against innocent civilians by cloaking them in the guise of antiterrorism. Once again, our Embassy has provided comprehensive reports of what is occurring in Turkey, and once again, we are ignoring these reports. As we stand here once again to commemorate this sad day in the long history of the Armenian people, we should realize that we are our brother's keeper, and we do have a responsibility to stand up and be honest about both the past and the present. History ignored is history repeated.

We have made great progress in helping to establish a new Armenia, an Armenia that is free and democratic, and forging ahead to provide, through economic and political freedom, a better life for its people and greater stability for its future. Armenia is a struggling young country that does reflect the values that we stand for and believe in, and by supporting Armenia we will extend those values across the world.

Mr. Speaker, we also want to support Turkey and have a strong relationship with this important ally. We understand the importance of a free and democratic Turkey. But we also understand that it is important for Turkey to look honestly at its past, and acknowledge what the world knows to be true. It is time that Turkey reexamine its military campaign against its Kurdish minority. Now is the time for Turkey to join the community of Western nations, but that means that they must stop committing human rights abuses against their own people and build better relationships with their neighbors. We can and should be a strong supporter of Turkey's efforts to move in this direction.

Unfortunately, I believe that our administration continues to send the wrong signals to Turkey in this regard. In the fiscal year 1997 omnibus appropriations bill, the Humanitarian Aid Corridor Act was made permanent law, barring the provision of U.S. assistance to any country which blockades U.S. assistance to another country. Last week, however, President Clinton again waived this provision for Turkey in spite of her continuing blockade of U.S. assistance to Armenia. By doing so, he is telling Turkey that the United States does not really care whether they lift the blockade or not, and that we would rather waste U.S. tax dollars than stand on our principles. I firmly believe that this is not the message we should be sending.

This observance of the 82d anniversary of the Armenian genocide is an important acknowledgment of the past, and an important inducement to take action in the present. I thank my colleagues for joining me and the cochairman of the Armenian issues caucus, the Honorable FRANK PALLONE of New Jersey, in this most worthwhile endeavor.

Mr. BONIOR. Mr. Speaker, beginning on the night of April 24 in 1915, the religious and intellectual leaders of the Armenian community of Constantinople were taken from their beds, imprisoned, tortured, and killed.

In the days that followed, the remaining males over 15 years of age were gathered in cities, towns and villages throughout Ottoman Turkey, roped together, marched to nearby uninhabited areas, and killed.

Innocent women and children were forced to march through barren wastelands—urged on by whips and clubs—denied food and water.

And when they dared to step out of line, they were repeatedly attacked, robbed, raped * * * and ultimately killed.

One and one-half million Armenians lay dead, and a homeland which had stood for 3,000 years was destroyed.

Mr. Speaker, we come to the floor this evening to remember the victims—and the survivors—of the Armenian Genocide.

As we come to this floor, we do so with the knowledge that all of us have a responsibility to remember the victims, to speak out and to make sure that tragedies like this are never allowed to happen again.

Now more than ever, those of us who embrace democracy have a responsibility to speak out for all those who live under tyranny.

Mr. Speaker, we must pause today and say "Never again."

We can never forget that in 1939, another leader used the Armenian genocide as justification for his own genocide.

This leader said, and I quote: "I have given orders to my Death Units to exterminate without mercy or pity men, women, and children belonging to the Polish-speaking race. After all," Adolf Hitler asked, "who today remembers the extermination of the Armenians?"

Mr. Speaker, it is up to all of us to remember.

For centuries, the Armenian people have shown great courage and great strength.

The least we can do is match their courage with our commitment.

Because in the end, we are their voices and we must do all we can to remember.

Because if we don't, nobody else will.

Mr. FRELINGHUYSEN. Mr. Speaker, tomorrow marks the 82nd anniversary of the Armenian Genocide. As Armenians gather around the world to commemorate the anniversary of this event, it is important for all of us to remember the significance of this tragedy. For, it is only be remembering past horrors that we will not allow them to be repeated.

As many of my colleagues know, 1.5 million Armenians were subjected to this century's first systematic extermination based on their ethnicity, something we know all to commonly now as genocide. Between 1915 and 1923, the Ottoman empire implemented a deliberate policy of deporting, torturing, starving and massacring Armenians throughout the lands under their rule. Many of the Armenian survivors and those deported emigrated to the United States. At that time, the United States condemned the brutal acts of the Ottoman Empire and even provided humanitarian assistance to survivors, in the largest relief effort ever organized by our country.

Today, there are those that refuse to recognize the sins of the past—despite the overwhelming evidence of the Armenian Genocide. We must stare history in the face no matter how terrible. The cost of not being honest about the past threatens our future. That is why I urge the President, the Senate, and every Member of this body to send a unified message to the world that we do remember the victims of the Armenian Genocide. Let us not allow any nation to forget or disavow that this tragedy ever happened.

Finally, Mr. Speaker, I would like to commend Armenian-Americans, who continue their vigilance on the issue of the Armenian Genocide and who continue to make invaluable contributions to our shared American culture. I would also like to take this opportunity to commend the Republic of Armenia, a fledgling democracy of 3.3 million people, for working to enact economic and democratic reforms while developing important ties to the United States. We welcome Armenia into our growing assembly of free nations and look forward to working with the Armenian people to insure that they realize the fruits of liberty and democracy.

Ms. ESHOO. Mr. Speaker, let me begin by thanking Representatives Pallone and Porter for their work on behalf of Armenia, and in particular for organizing this special order in remembrance of the Armenian Genocide.

Today marks the 82nd anniversary of the beginning of the Armenian Genocide, an event that foreshadowed many dark moments to come in this century.

In its final days, the Ottoman Empire systematically exterminated 1.5 million Armenians, and the forcibly deported 500,000 more. These tragic events began on April 24, 1915 when leaders of the Armenian community living in Constantinople were arrested and killed.

Tragically the genocide lasted for eight years until 1923 and the international community never mounted any serious effort to bring it to an end. Armenians were deprived of their homes and businesses. Families were torn apart and individuals were robbed of their freedom and dignity. Hundreds of thousands of Armenians were forced to flee their homeland or risk death, and 1.5 million people lost their lives.

As the only Member of Congress of Armenian descent, I believe what we are doing here tonight is important, not only because we honor the memory of the men, women and children who lost their lives, but also the millions of those who survived and have contributed to our nation.

We cannot lapse in our efforts to speak out and teach about the atrocities of the past. When the international community stands silent, as they did in 1915, we allow the evil to flourish. When we commemorate the Armenian Genocide we fight not only against forgetting, but also against tolerating a future that brings misery to vulnerable people wherever they may live.

We must continue to fight against those who want to obscure, minimize or even deny that the Armenian Genocide occurred, and memory is our weapon, the memory of survivors, victims, and their relatives. The memory is also alive in modern Armenia, where in the wake of the Soviet Union's collapse, fledgling democracy is taking hold.

It is my hope that as we come together tonight to remember the past, we also renew our commitment to a secure and prosperous Armenia. This will only come through full enforcement of the Humanitarian Corridor Act, and a peaceful resolution of the conflict in Nagorno-Karabagh based upon self-determination.

As an Armenian-American I am grateful so many of my colleagues have participated in this remembrance of the 82nd anniversary of the Armenian Genocide. I am also proud of the contributions so many Armenians have made to our nation. Their legacy ensures that we will never forget this tragic chapter in history.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in remembering the 82nd anniversary of the Armenian Genocide. I especially want to thank Congressman FRANK PALLONE and Congressman JOHN PORTER for arranging this important special order in observance of this tragic event in world history.

Beginning with the arrests of hundreds of intellectual and political leaders in 1915, the Ottoman Turkish Empire began the systematic process of genocide against the Armenian people. In addition to the blatant killings of millions of innocent people, there were works of deportation, rape, slavery and other unspeakable acts.

The persecution and mistreatment of the Armenian peoples continues today through the conflict regarding Nagoro-Karabagh. Since 1988, this contentious situation has left more than 1,500 Armenians dead and uprooted hundreds of families, forcing them to flee to other parts of this unstable region. However, I believe hope is on the horizon with the recent induction of Robert Kocharian as the new Prime Minister of Armenia. I am confident his courage and leadership will play an important role in bringing this conflict to an end.

Mr. Speaker, this historic event can no longer be denied. Vast amounts of documentation exist in the United States' Archives and in the U.S. Embassy in Istanbul, as well as in the public domain, which lend proof that the horrific events surrounding this tragic period took place. It is important that we as Members of Congress continue to officially recognize the Genocide because it is a part of our world history, just as historically important as World War II, and just as tragic as the Holocaust. However, it is a shame and an outrage that the Genocide is still not recognized by many nations.

It is also important that we continue to mark this event on an annual basis. Although most of the survivors of the Genocide are, unfortunately, no longer with us, their relatives continue to remember and mourn the loss of life. I am proud that New York State is one of the few states which has offered a human rights/genocide curricula for teachers to use at their discretion, including the story of the Armenian Genocide. Education programs such as this allow our children to learn about the unfortunate and sad aspects of our world's history, such as the tragic past in Armenian history, hopefully ensuring a peaceful existence for future generations. A wise man once said that those who do not learn history are doomed to repeat it.

Mr. Speaker, as a member of the Congressional Armenia Caucus, I urge my colleagues in joining me as a member of this bipartisan organization dedicated to ensuring a strong U.S.-Armenia relationship and lending our support for issues affecting Armenians and Armenian-Americans. In addition, I urge them to join me as cosponsors of two pieces of legislation on this important issue: H.R. 500 would provide additional assistance to Armenia in FY 1997; and H.J. Res. 55, honors the memory of the victims of the Armenian genocide.

Mr. Speaker, I commend the people of Armenia and Nagorno-Karabagh for their courage, and wish them well in their struggle to strengthen their democracy. I will continue to support their efforts to ensure a stable future for their people.

Mr. LEVIN. Mr. Speaker, I rise today to recognize the 82nd anniversary of the Armenian genocide and urge an end to the denial of this atrocity by the government of Turkey. Denial of an event which cost the lives of one and a half million human beings should not and must not be allowed to continue.

Throughout 1915 and 1916, the "Young Turk" government of the Ottoman Empire conducted a systematic campaign of murder and oppression against the Armenian minority throughout the country; first, rounding up and killing all Armenian political, military, and intellectual leaders, and then, by forcing the remaining Armenians from their homes and "relocating" them to camps in the desert where they died from thirst and starvation.

At the time, the Armenian genocide was condemned by nearly all European powers. The United States, while neutral at this stage of the war, condemned the massacres and acted as the chief spokesman of behalf of the Armenians and issued strong protests against the reprehensible actions of the Ottoman government.

Diplomatic dispatches and newspaper reports tell of deportations, beatings, and mass killing. Our own Ambassador, Henry Morgenthau Sr. wrote in 1915, "* * * it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion." Numerous articles appeared in the New York Times throughout August, September, and October of 1915. The articles cite eyewitness accounts from American, Greek, Bulgarian, Turkish, German, and British citizens as well as those from Armenians themselves which tell of widespread atrocities including forced deportations, mass starvation, deliberate drowning, and the sale of women and girls into slavery.

Throughout the "relocation," American missionaries and relief workers in Turkey risked their lives to save as many people as possible, namely orphaned children, and brought them to the United States which formed the foundation of today's Armenian-American community. At home in the United States, Americans collected and donated millions of dollars to help feed the survivors of this human tragedy.

Following the war, the post-war government of Turkey held war crime trials and sentenced to death the major leaders responsible for the atrocity calling the fact "proven and verified" and describing the decision to eradicate the Armenians "the result of extensive and profound deliberations." Repentance soon gave way to denial, as Turkey's post-war government was replaced by Nationalists who made war criminals into national heroes.

Today, despite all the facts, eyewitness accounts, recognition by countries throughout the world, and the findings of their own post-war courts, the government of Turkey still refuses to acknowledge the genocide ever occurred. Instead, they claim, as did the Ottoman Empire before them, that they only "relocated" the Armenians from the eastern "war zone" to a more secure location and that the deaths were caused by the "brutalities of war."

Indeed, the government of Turkey goes one step further calling the Armenians "traitors" who collaborated with the enemies of the Ottoman Empire during war. The government of Turkey even claims that 2.5 million widely disbursed Armenian men, women, and children were a direct threat militarily to the 17 million and mobilized Turks. As evidence they cite a few scattered incidents of self-defense by Armenians against Turkish death squads.

We cannot allow such blatant disregard and denial to go on. Genocide is genocide, no matter how, when, or where it happens. To deny is to accept.

We need to remember and commemorate this horrible chapter in human history not only for the survivors and their families, but for ourselves. Respect for human rights and individual diversity are the cornerstones of our society. We cannot afford to forget the past, lest we doom the world to a similar such fate in the future.

To me, and to my constituents, the Armenian genocide is not just a footnote in history. In Detroit and its surrounding suburbs lives the third largest Armenian-American community in the United States many of whom are the children and grandchildren of genocide survivors or actual survivors themselves.

Mr. Speaker, for myself and my constituents, I rise today to urge the government of Turkey to end its denial and accept its past, no matter how painful. Only then can we all move forward to the future and stop these atrocities from repeating themselves over and over again.

Ms. PELOSI. Mr. Speaker, I would like to thank my colleagues, Mr. PALLONE and Mr. PORTER, for giving us this opportunity to remind the world that we will never forget the Armenian genocide even when the descendants of the Ottoman Empire refuse to accept responsibility for this crime against humanity.

In 1944, noted jurist and scholar, Raphael Lemkin looked to a previous generation when he coined the word "genocide" to describe the systematic annihilation of the Jewish people by the Nazis. Lemkin was thinking of the Turkish attempt in 1915 to extinguish from this earth the ancient community of Armenians living within the Ottoman Empire. Ironically, Hitler had also referred to the extermination of the Armenians when he spoke of his plans for the Jewish people in 1939: "Who, after all, speaks today of the Armenians," Hitler said.

During World War I, Turkish rulers tried to eradicate all traces of this culturally rich and historic people. At least one and a half million Armenians were massacred and 500 thousand deported. We owe it to the survivors and their descendants to remind the world of this tragic event. We owe it to Turkey and to the Turkish people who face continued recriminations in this chamber and throughout the civilized world for as long as the Ankara government stonewalls and rejects historical fact. We owe it to the Bosnians and Rwandans who wonder if the perpetrators of modern day atrocities will be brought to justice. The stench of genocide must not be allowed to waft over future generations.

In 1991, following the collapse of the Soviet Union, a free Armenia emerged. This tiny, landlocked nation is attempting to embrace democratic ideals as it struggles to gain its footing amidst hostile neighbors. These proud people are defying the odds to retake their place among the community of nations.

I must also express my deep gratitude to the survivors of the Armenian genocide who sought refuge in the United States and to their descendants. As someone who represents a city rich in cultural diversity, I can say without reservation that the Armenian people have enriched San Francisco, the State of California, and this nation with their splendid heritage, their commitment to family values, their work ethic, and their contributions to their communities in their adopted homeland.

Mr. MARTINEZ. Mr. Speaker, I join my colleagues today in commemorating the 82d anniversary of the Armenian genocide.

We observe the Armenian genocide today so as not to forget. We remember the horrific conflagration that engulfed the lives of 1.5 million innocent Armenian men, women, and children so that governments around the world will know that they will be held accountable for their bloody deeds by the consciousness of mankind. In one of the darkest chapters of the 21st century, the Government of the Ottoman Empire systematically implemented a policy of extermination against its Armenian population through ruthless marches of forced starvation and endless waves of bloody massacres.

Eight decades have now come and gone since the tragic event unfolded and, yet, the Turkish Government continues to deny the undeniable. The Armenian genocide is a historical fact that has been indelibly etched in the annals of history. It cannot be erased from our collective memory.

To heal the open wounds of the past, the Turkish Government has a moral obligation to acknowledge and recognize the Armenian genocide. Turkey must come to terms with its past. It must also come to terms with its present actions against the Republic of Armenia.

The Government of Turkey should immediately lift its illegal blockade of Armenia, which it has had in place since 1993. Turkey must also stop obstructing the delivery of United States humanitarian assistance to Armenia. This is not only unconscionable but it also damages American-Turkish relations. Turkey is indeed an important ally of the United States. However, until Turkey faces up to its past and stops its silent but destructive campaign against the Republic of Armenia, American-Turkish relations will continue to be strained.

Mr. KENNEDY of Rhode Island. Mr. Speaker, today we in Congress are solemnly observing the tragedy of the Armenian genocide.

We honor the bravery and courage of those who survived and we honor the memory of those who perished.

We speak out so that future generations of Americans will know the story of the first genocide of this century.

Over 6 million people of Armenian descent live in this country. Many of them can still recount the persecution they faced during the Ottoman Empire and the stories of the night of April 24, 1915.

That night must be remembered, not only for the atrocities which took place, but because we must never forget our duty to fight against human rights abuses, ethnic cleansings, genocides, and other atrocities.

Unfortunately, we see the atrocities of the past being replayed today. In the former Yugoslavia, the terrors of the past have recently been replayed.

By observing the Armenian genocide we make a strong statement. A statement that the atrocities of the past are not acceptable. They were not acceptable then and they are not acceptable today.

It has been said many times that those who forget history are doomed to repeat it. Let us never repeat this history. We must all work to always remember and never forget the genocide, to cherish and preserve the Armenian culture, and to fight for human rights in this region.

We owe that to those we honor today and to our Nation's Armenian-Americans.

Thank you.

Mr. ROTHMAN. Mr. Speaker, today I join with my colleagues in commemorating the 82d anniversary of the Armenian genocide. Along with the Armenian-American community in my district and with people of goodwill throughout the country, Congress today is observing the death of 1.5 million Armenians from the years 1915–1923.

As we gather today, many of my constituents over the weekend participated in solemn requiem services held at their respective places of worship in the memory of the martyrs, consecrated a genocide monument in

Ridgefield, NJ, held an observance ceremony in front of the Bergen County Court House in Hackensack, NJ, and attended a series of other events commemorating the Armenian genocide.

And so let me offer my solidarity with those remembering the Armenian genocide today. And let me also emphasize that we should today not only remember the martyred, but as well, the survivors of the Armenian genocide. Those few survivors of the Armenian genocide are still living today, those who endured the horrors of 1915, are heroes for all time.

Today, the people of Armenia and her Diaspora are proudly looking to rebuild their country. From the ashes of despair born of the genocide, and from the ravages of seven decades of Communist rule, Armenians the world over are striving to secure a safe and prosperous future for Armenian and Nagorno-Karabagh.

As Armenian-Americans rebuild their homeland, and as they seek to secure an economically prosperous state, founded on firm democratic principles, I will stand by them.

Let me conclude my brief remarks today by encouraging the young people of America to never forget the tragedy and lessons of 1915. Because as George Santayana once remarked, "Those who forget history are condemned to repeat it." And if no clearer evidence of these prescient words are necessary let us remind one another today that before commencing the Holocaust, Hitler himself stated, "Who today remembers the Armenians?"

As a Jewish-American and being ever mindful of the Holocaust, I join with my colleagues today in observing the Armenian genocide. And I promise to stand firm against the shameful efforts of those who would rewrite the facts as it pertains to the Armenian genocide.

Mr. RADANOVICH. Mr. Speaker, today, April 23rd, 1997, the House of Representatives commemorates a bleak chapter in world history: the Armenian genocide of 1915–1923. To overlook or deny its existence is not only irresponsible, but also provides incentive to despots who have it within their evil designs to commit similar atrocities. Civilization and peaceful nations, like the United States, can ill afford failures of justice, let alone tolerate breakdowns of the magnitude of the Armenian genocide.

On March 21, 1997, I introduced, along with Rep. DAVID BONIOR, H. Con. Res. 55, the Armenian genocide Resolution. This measure honors the memory of the victims of the Armenian genocide. As with similar resolutions in the past, this measure enjoys widespread bipartisan support. I believe the time has long since passed for all governments to publicly acknowledge and rebuke this fatal chapter in the history of human events.

Mr. Speaker, the 1.5 million Armenians who lost their lives during the genocide deserve our utmost respect. The highest honor this House can bestow on the victims is to secure a formal recognition from the Turkish government that the genocide indeed occurred. It is for their honor that we must wage this principled fight.

Mr. HUNTER. Mr. Speaker, today I rise to bring attention to the 81st anniversary of the genocide of the Armenian people. On April 24, 1915 some 200 Armenian religious, political and intellectual leaders were arrested and exiled from Istanbul, Turkey. Over the next eight years, 1.5 million men, women, and children were forced into slave labor, tortured, exterminated, and deported by the government of the "Young Turk Committee."

For more than 15 years the U.S. State Department has refrained from referring to the tragic period between 1915–1923 as "genocide." Several former Presidents have issued proclamations on the anniversary of this event, expressing deep sorrow for the massacres, yet stopping short of declaring the tragedy as genocide. The U.S. should, in conjunction with the state of California and some 30 other nations, go on record to clearly and unambiguously recognize the Armenian massacres as genocide, and set aside April 24th as a day of remembrance.

Remembering the Armenian genocide is important not only for the Armenian people, but for the future generations of our global society. We must not forget and we must not repeat such tragic history.

Mr. Speaker, what happened in the Ottoman Turkish Empire during the years of 1915–1923 was more than a series of massacres in a time of instability, revolution, and war. It was the first example of genocide in the 20th century. Calling this by its proper name is extremely important, both from the standpoint of the historical accuracy, and respect for the victims and survivors. Given the alarming number of conflicts in today's world that often verge on genocide, stating the truth about what happened in the history of the Armenian people, including commemorating this anniversary, can help strengthen our determination to prevent genocide from occurring again.

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 82nd Anniversary of the Armenian genocide. On April 24th, 1915, the people of Armenia were subjected to long-term, organized deprivation and relocation. Eighty-two years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over seven years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Many Armenian-Americans reside in my congressional district, and each year they mark this date with solemn commemoration. It is a day to reflect on the loss of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must continue to be vigilant about remaining a strong friend of Armenian democracy through U.S. foreign policy. The Clinton Administration's recent decision to waive the Humanitarian Aid Corridor Act does not bode well for long-term stabilization in this region. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

[Armenia This Week, April 18, 1997]

CLINTON WAIVES CORRIDOR ACT PROHIBITION ON AID TO TURKEY

For the second consecutive year the Clinton administration waived the prohibition of aid to Turkey for violating the Humanitarian Aid Corridor Act. The legislation mandates the suspension of aid to any nation that bars the transshipment of U.S. humanitarian assistance to a third party. However, the president can waive the halt in aid if the national security interests of the United States are deemed to be damaged by such an action.

The Clinton administration expressed its rationale for the waiver in a memorandum of justification, saying. "It is very much in our national security interests not to terminate U.S. assistance programs for Turkey. Such a termination would create significant difficulties in our bilateral relations, affecting a broad range of national security interests. Such a termination would also reduce prospects for the successful resolution of the Nagorno Karabakh conflict." The statement cites the rationale for Ankara to close its border with Armenia, explaining that the action was taken, "when local Armenian forces seized large areas of Azerbaijan despite UN Security Council resolutions calling for the withdrawal of all occupying forces and the cessation of hostilities." It also praised Turkey for opening an air corridor to Armenia in 1995 and for its promise to open the land border "once Armenia and Azerbaijan agree on a statement of principles for a settlement of the [Karabagh] conflict."

Congressional and Armenian community reaction to the Clinton waiver decision was quick and critical. Congressman John Porter, a Republican from Illinois issued a sharp rebuttal to the Clinton waiver action. He said, "It is unconscionable that the president continues to defend Turkey's ongoing four-year blockade of Armenia." He noted that a bipartisan decision was made by Congress to enact the Humanitarian Aid Corridor Act. He added, "The United States must not tolerate countries blockading the delivery of humanitarian aid to alleviate hunger and suffering to those who need it." Congressman Frank Pallone, Democrat from New Jersey, speaking on the floor of the House of Representatives, noted, "Maintaining good relations should not entail turning a blind eye to the outrageous actions committed by Turkey."

In the United States Senate, Rhode Island Democrat Jack Reed criticized the Clinton waiver. He said, "The administration's decision is troubling. U.S. humanitarian aid should not be held hostage by any country to further its own political ends."

In Washington, the Armenian Assembly of America and the Armenian National Committee issued statements criticizing the administration action. The Assembly's Executive Director, Ross Vartian, said: "The president's use of the national security waiver is outrageous. The administration's expressed rationale not only justifies Turkey's blockade, it demonstrates that they have not encouraged Turkey to lift the embargo." Vartian also questioned the administration's praise of Turkey's role in the Karabagh conflict negotiations. He said, "Turkey has discredited itself as a neutral party by supplying arms and military training to Azerbaijan." [Sources: *State Department text*, *Armenian Assembly press release* 4–16]

AZERI SAYS ARMENIA HAS NO ALTERNATIVE IN KARABAGH SETTLEMENT

Vafa Gulizade, special adviser to Azerbaijan's president Heidar Aliyev, declared that Armenia has no alternative except to agree to autonomy of Nagorno Karabagh within Azerbaijan. Gulizade denied the OSCE peace process was "stuck." He said, "The ice has begun to melt and certain changes are evident." [Source: *Azg* 4–16]

BORDER TENSIONS REMAIN HIGH AS INCIDENTS INCREASE IN FREQUENCY

Incidents along the Armenian-Azerbaijan borders have increased in frequency in recent weeks and tensions remain high on the northeastern sector of the border. On April 16 three separate exchanges of fire took place in the area. No casualties were reported. [Source: *Noyan Tapan* 4–17]

AZERBAIJAN VIOLATES CONVENTIONAL FORCES IN EUROPE TREATY

On the heels of a campaign charging that Armenia has received Russian arms illegally, Baku itself was accused by a representative of the International Human Rights Congress (IHRC), Vitaly Danilov, of violating the Conventional Forces in Europe (CFE) Treaty. IHRC operates within the framework of the OSCE. At a press conference in Yerevan, Danilov said that an April 10 analysis by IHRC showed that between 1992 and 1996, Azerbaijan purchased a volume of offensive armaments that exceeded CFE quotes. In contrast, Danilov declared that neither Armenia nor Georgia are in violation of the CFE treaty. He said, "it is only Azerbaijan that is violating the treaty." According to the analysis, IHRC asserts that Baku's allegations of illegal arms deliveries to Armenia "are motivated by efforts to reinforce Azerbaijan's military superiority over its neighbors." The report also suggests that Baku's most recent accusations against Russian arms to Armenia, "were aimed to impede the OSCE Minsk negotiations on the Karabakh problem that were in progress in Moscow, thus disturbing peace in the region." The IHRC report listed, by category, statistics covering arms deliveries to Azerbaijan by the Russian Federation. The document concludes with an appeal to OSCE members to take diplomatic steps to compel Azerbaijan to comply by the CFE treaty. [Source: Noyan Tapan 4–14]

ARARKTSIAN ADDRESSES RUSSIA'S UPPER HOUSE OF PARLIAMENT

Babken Ararktsian, chairman of Armenia's National Assembly, reviewed Armeno-Russian relations in an address to Russia's upper house of parliament. Ararktsian asserted that the twin blockades of Armenia by Turkey and Azerbaijan coupled with the after effects of the 1988 earthquake in Armenia created a major energy crisis in Armenia. This, in turn, caused an abrupt decline in economic production, which has been overcome largely by international assistance. He said that close Armeno-Russia relations and the economic integration of the CIS were of importance to Armenia. Ararktsian expressed concern about the eastward expansion of NATO. He also noted the importance to Armenia's security of the Russian military bases in Armenia. The visiting Chairman of the Armenian National Assembly also praised Russia's peacekeeping role in the Nagorno Karabagh crisis, especially for Moscow's initiative in establishing the present cease-fire. [Source: Noyan Tapan 4–17]

EBRD CALLS ECONOMIC GROWTH IN ARMENIA 'REMARKABLE'

A report by the European Bank for Reconstruction and Development (EBRD), says that the Armenian economy has been growing at a brisk pace since 1994, despite border closures and interruptions in the supply of energy. The report adds, "Armenia's success in achieving positive results is remarkable in view of the deadlock caused by the long-running dispute with Azerbaijan over the Nagorno Karabagh enclave." The report cites a 5.8 percent growth in GDP in 1996 and predicts 6 percent for 1997. Inflation in 1996 was set at 18.8 percent but EBRD expects it to fall by half in 1997. The report advises that Armenia will continue to require large capital inflows and that a vigorous response from the private sector is needed "if Armenia is to reap the benefits of its courageous reforms." [Source: RFE/RL London report 4–16]

REGIONAL TRILATERAL AGREEMENT SIGNED IN YEREVAN

Armenia's Foreign Minister Alexander Arzoumanian signed a mutual cooperation agreement in Yerevan with his counterparts from Iran and Turkmenistan. The accord covers cooperation in the spheres of trade, economic development, transportation, energy, banking, and tourism." Meanwhile it was reported that Armenia will begin receiving electrical energy from Iran beginning May 1. Also, the possibility of natural gas imports from Turkmenistan through Iran starting in 1998 depends on the completion of pipeline links between Turkmenistan and Iran by the end of 1997. [Source: Azg 4–17]

Mr. DREIER. Mr. Speaker, once again I am proud today to raise and join my colleagues to honor the lives of the 1.5 million men, women, and children who were brutally murdered in the inaugural genocide of the 20th century.

Each year, Members of Congress come together to do more than simply remember that the Armenians were the first victims of what is sadly man's bloodiest century. Rather, we are dedicated to the fervent hope that raising the consciousness of past atrocities, such as those which befell the Armenian people, will help prevent similar tragedies in the future.

It is often said that before embarking on his planned final solution to the "Jewish problem," Adolph Hitler was heard to say "Who remembers the Armenians?" Elie Wiesel, a Holocaust survivor and 1986 Nobel Peace Prize recipient, has said, "He was right. No one remembered them." The Nazi Holocaust, the murder of millions of Russians and Ukrainians by the Soviet Government, and the bloody rampage of Pol Pot and the Khmer Rouge in Cambodia, all had their seeds in Anatolia. Each of the murderous regimes depended upon people not remembering or caring.

The collapse of the Soviet empire and the independence of Armenia have been important milestones on the road toward freedom for the Armenian people. While very serious conflicts remain to be resolved in the Caucasus region, April 24 will remain an important day for Armenians and Armenian-Americans, who are equally dedicated to remembering the past and working for a brighter future.

Mr. FARR of California. Mr. Speaker, 82 years ago there began one of the most tragic events in modern history: the persecution of the Armenian population of Ottoman Turkey, which led to the death or deportation of some 2 million men, women, and children—solely because of their ethnicity.

Over a 10-year period, Turkish Armenians were subjected to arbitrary execution, torture, and forced labor. Armenian women were raped or forced into prostitution, and tens of thousands of men, women, and children were forced onto death marches that claimed their lives. When this horrified tragedy ended, as many as 1.5 million Armenians were dead, and hundreds of thousands of others became refugees. The Armenian genocide decimated the Armenian community in Turkey, reducing its size by some 90 percent.

Many years have passed since these events, but we must never forget what happened to the Armenians of Ottoman Turkey solely because of their ethnicity. First and foremost, it is a lesson in the terrible tragedy that can so easily result from hatred and bigotry—especially when a country sees political gain in supporting ethnic persecution.

Sadly, our modern world is no stranger to events of ethnic atrocity. More recently, Bosnia and Rwanda have been scenes of massacres and human brutality caused by ethnic hatred and prejudice. It is for this reason that we must remember and commemorate the Armenian genocide of 1915–23, to remind ourselves of how prejudice can lead to acts of great evil.

Let us join Armenian-Americans and others in commemorating the terrible events of 82 years ago, working to protect the human rights of all people around the world, and preventing such a tragedy from happening again.

Mrs. KENNELLY of Connecticut. Mr. Speaker, tomorrow, we mark the 82d anniversary of the Armenian Genocide. I rise to commemorate the lives of the 1.5 million Armenians who were enslaved, tortured, and exterminated from 1915 to 1923 by the Ottoman Empire.

On April 24, 1915, Armenian intellectuals, clergy, and leaders were rounded up and taken to their deaths. What was to follow was the ethnic cleansing of the native homeland of the Armenian people. Over a period of 8 years, 1.5 million Armenians were murdered and another 500,000 were deported. Before World War I, over 2 million Armenians lived in the Ottoman Empire. By 1923, the entire population of Anatolia and Western Armenia had been killed or deported.

This was the first genocide of the 20th century, but, tragically, it was not the last. Prior to the invasion of Poland, Adolf Hitler asked, "Who today remembers the extermination of the Armenians?" In a climate where no one remembered, the death camps became a reality.

Today, as nations around the world continue to struggle for peace, it is more important than ever to remember—and to stand up to oppose genocide, systematic extermination, or ethnic cleansing. I have cosponsored House Concurrent Resolution 55, a resolution commemorating the Armenian genocide, because of my belief that we must never forget the victims of this terrible act, and that we must always be prepared to prevent further crimes against humanity.

Mr. WELDON of Pennsylvania. On April 24, we commemorate the 82d anniversary of the Armenian genocide, a tragic passage in our world history which observed the systematic murder and relocation of 1.5 million Armenians living in the Ottoman Empire. This tragedy, the first genocide of the 20th century, included the torture, starvation, and butchering of peaceful Armenians was a horrid example and foreshadowing of the race extermination of which politically and religiously intolerant regimes are capable.

The Ottoman Turks decapitated the Armenian population by removing their religious, political, and intellectual leaders and placing them in exile to later be murdered. With their leadership removed, the Turks next deprived Armenians of 250,000 of their young, able-bodied men who were serving in the Ottoman army at the time. These men were disarmed, placed in forced labor battalions, and either starved or executed. Severed from their leadership and physical protection, the remaining Armenian population were deported from every city, town, and village in Asia Minor and Turkish Armenia. The ensuing march saw the torture, rape, and mutilation of defenseless women, children, and elderly before their subsequent death in the Syrian Desert.

The Armenian genocide was a carefully executed government plan which effectively eliminated the Armenian population of the Ottoman Empire. I recommend that in commemoration of this tragedy, we remember not only the many lives lost, but the spirit that lives on in the Armenian people. I have seen this fervor in the many Armenian-Americans that live in my congressional district today and I commend the countless contributions that they have made to America from the national level all the way down to local communities.

Although the Ottoman Empire may have successfully executed their sinister plan to eliminate the presence of the Armenian population, they certainly failed to kill the cohesive Armenian community or their spirit with which they continue to bless the United States and other nations fortunate to have their presence.

Mr. DOOLEY. Mr. Speaker, I rise today to join my colleagues in commemorating the 82d anniversary of the Armenian Genocide.

This terrible human tragedy must not and will not be forgotten. Like the Holocaust, the Armenian Genocide stands as an historical example of the human suffering that results from hatred and intolerance.

One and one-half million Armenian people were massacred by the Ottoman Turkish Empire between 1915 and 1923. More than 500,000 Armenians were exiled from a homeland that their ancestors had occupied for more than 3,000 years. A race of people was nearly eliminated.

However great the loss of human life and homeland that occurred during the genocide, a greater tragedy would be to forget that the Armenian Genocide ever happened. To not recognize the horror of such events almost assures their repetition in the future. Adolph Hitler, in preparing his genocide plans for the Jews, predicted that no one would remember the atrocities he was about to unleash. After all, he asked, "Who remembers the Armenians?"

Our statements today are intended to preserve the memory of the Armenian loss, and to remind the world that the Turkish Government—to this day—refuses to acknowledge the Armenian Genocide. The truth of this tragedy can never and should never be denied.

This 82d anniversary also brings to mind the current suffering of the Armenian people, who are still immersed in tragedy and violence. The unrest between Armenia and Azerbaijan continues in Nagorno-Karabakh. Thousands of innocent people have already perished in this dispute, and still many more have been displaced and are homeless.

In the face of this difficult situation comes an opportunity for reconciliation. Now is the time for Armenian and its neighbors, including Turkey, to come together, to work toward building relationships that will assure lasting peace.

Meanwhile, in America, the Armenian-American community continues to thrive and to provide assistance and solidarity to its countrymen and women abroad. Now numbering nearly 1 million, the Armenian-American community is bound together by strong generational and family ties, an enduring work ethic and a proud sense of ethnic heritage. Today we recall the tragedy of their past, not to place blame, but to answer a fundamental question, "Who remembers the Armenians?"

Our commemoration of the Armenian Genocide speaks directly to that, and I answer—We do.

Mr. KNOLLENBERG. Mr. Speaker, thank you for taking this time tonight to speak about this important topic to many people in this country, including many in my district in Michigan.

Recently, our Armenian-American community lost a great hero, Alex Manoogian. A penniless Armenian immigrant who came to America in 1924, Manoogian was a kind benefactor, gentle-hearted leader, a talented inventor and a perfect model of the American dream.

He was one of the most important and influential leaders in the Armenian-American Community over the last century. As we commemorate the 82d anniversary of the genocide of millions of Armenians at the hands of the Turkish Ottoman Empire, I want to remember a bright light who this community misses dearly.

And if he were here today he would be telling the story of his heritage. It is a story of sorrow, followed by a story of triumph. It is a story we must always remember so that this dark period can never happen again.

I rise today to commemorate this dark period in history—those 8 years staring in 1915 when over a million and a half of Armenian men, women and children were murdered by the Turkish Ottoman Empire.

While everyone has heard the story of Hitler and his systematic extermination of the Jewish people during World War II, the story of Armenian Genocide remains unknown to many.

The Ottoman Turks were every bit as systematic as Adolph Hitler. After eliminating the Armenian leadership—most of which was done on 1 day, April 24th, 1915—they then went after the male population. The Turks took their guns and put them into work camps where they labored until they died or were killed. Finally, the surviving women, children and elderly were marched out into the desert, where they were starved, raped, and tortured.

Very few who left ever came back. They were stripped of their homes, property, freedom, dignity, and ultimately, their lives. By 1923, 1.5 million Armenians had been massacred and 500,000 more had been deported.

The mental images are nothing less than horrifying. The ghost-like silhouette of an Armenian man after weeks and months of starvation and torture in a labor camp. Women, children, and the elderly, forcibly marched into a wasteland, left to die.

These images should be etched in the collective memory of every citizen of every country in the world.

Unfortunately, there was no CNN to beam disturbing pictures into the world's living rooms to galvanize international opinion. There were no U.N. convoys to bring food for the hungry and medical treatment for the injured. There was only blood, hunger, and dust as thousands upon thousands of innocent victims died in agonizing obscurity.

What troubles me most, beyond the scale of the atrocities, is that you can ask 10 people on the street what they know of the Armenian Genocide, and most will likely respond with silence.

Most people are unaware that the Armenian Genocide ever happened.

It wasn't until the 1980's that the world community officially recognized the genocide. And to this day, there are still some who dispute that classification.

It is time for the world to remember the Armenian Genocide and give it its rightful place in history.

If not for justice's sake, then for the important and painful lessons it lends to today's events.

We in America have a special responsibility to remember those who died in those dark days. Our country was built with the sweat of millions of persecuted refugees, who came here from many places and at great risk, to simply embrace a better life and to be judged only by the excellence of their endeavors.

Alex Manoogian is an example of this attitude.

Sometimes, while we have enjoyed the fruits of freedom, democracy, and basic human rights for so long, we tend to take them for granted.

This complacency sometimes allows us to forget that there are places where people have been systematically murdered because of who they are.

So let us pay homage to those who fell victim to their Ottoman oppressors, but let us also go forth and tell the story of the forgotten holocaust to everyone we know.

For the sake of the Armenian heritage, it is a story that must continue to be told.

Mr. TORRES. Mr. Speaker, each year, for the past 5 or 6 years of my memory, my colleagues, Mr. PALLONE and Mr. PORTER, have organized this special congressional opportunity for this body to pause to honor the memory of the 1½ million Armenians who were killed between 1915 and 1923 by agents of the Turkish Ottoman Empire in what is known in infamy as the Armenian Genocide. In essence, we retell a story of a moment in history, an event which began some 82 years ago. I have notices that each year, I find myself using the same words to tell this story, and I realize that this process of retelling the facts of genocide, committed against the people of Armenia is in itself a very important event. For in retelling this story of the horror which was perpetuated, we remember to be vigilant against the planting of the seeds of future atrocities.

I would like to add that my district, the 34th Congressional District of California, has what I believe is the only monument in the United States which commemorates and records the genocide against the Armenian people. The citizens of the 34th Congressional District have strong feelings about today's commemoration, and on their behalf I am here today to share with you this retelling of an old and difficult story.

Some would claim that our remembrance today fans the flames of atavistic hatred and that the issue of the Ottoman government's efforts to destroy the Armenian people is a matter best left to scholars and historians. I do not agree. For whatever ambiguities may be invoked in the historic record of these events, one fact remains undeniable: the death and suffering of Armenians on a massive scale happened, and is deserving of recognition and remembrance.

This solemn occasion permits us to join in remembrance with the many Americans of Armenian ancestry, to remind this country of the tragic price paid by the Armenian community for its long pursuit of life, liberty, and freedom.

Today, I rise, with my colleagues, to recall and remember one of the most tragic events in history and through this act of remembrance, to make public and vivid the memory of the ultimate price paid by the Armenian community by this blot against human civility.

We come together each year with this act of commemoration, this year being the 82d anniversary of this genocide, to tell the stories of this atrocity so that we will not sink into ignorance of our capacity to taint human progress with acts of mass murder.

The Armenian genocide was a deliberate act to kill, or deport, all Armenians from Asia Minor, and takes its place in history with other acts of genocide such as Stalin's destruction of the Kulaks, Hitler's calculated wrath on the Jews, Poles, and Romany Gypsy community in Central Europe, and Pol Pot's attempt to purge incorrect political thought from Cambodia by killing all of his people over the age of 15, and more recently, the ethnic cleansing atrocities in Bosnia and Ruanda.

We do not have the ability to go back and correct acts of a previous time, or to right the wrongs of the past. If we had this capacity, perhaps we could have prevented the murders of millions of men, women and children.

We can, however, do everything in our power to prevent such atrocities from occurring again. To do this, we must educate people about these horrible incidents, comfort the survivors and keep alive the memories of those who died.

I encourage everyone to use this moment to think about the tragedy which was the Armenian genocide, to contemplate the massive loss of lives, and to ponder the loss of the human contributions which might have been.

Although, the massacre we depict and describe started 82 years ago, the Armenian people continue to fight for their freedom and independence today, in Nagorno Karabakh.

Again, this year, I would like to close my remarks with an urgent plea that we use this moment as an occasion to recommit ourselves to the spirit of human understanding, compassion, patience, and love.

For these alone are the tools for overcoming our tragic, and uniquely human proclivity for resolving differences and conflicts by acts of violence.

This century has been characterized as one of the bloodiest in our archives of human history. Certainly, the genocide perpetuated against the Armenian peoples has been a factor in this dismal record.

The dawning of a new millennium offers our human race two paths. One continues along a road of destruction, distrust, and despair. Those who travel this path have lost their connection to the primal directives, which permit us as a society to maintain balance, continuity, and harmony.

I would ask my colleagues, on this 82d anniversary of one of history's bloodiest massacres of human beings—and during a time of history when violent solutions to problems between peoples continue to hold sway—to contemplate the second path. The map to this path exists within the guiding teachings of all major world religions and are encapsulated in what Christians refer to as the 10 Commandments. I would ask my colleagues, no matter their religious or political persuasions and beliefs, to revisit these core teachings which form a common bond between all peoples. To use these common beliefs as the basis for action and understanding in these trying times. The surface differences between peoples, offer only an exciting diversity in form. At the core all peoples are united by common dreams, aspirations, and beliefs in a desire for harmony, decency, and peace with justice.

Let these testimonies of the atrocities perpetuated against the Armenian people serve as a reminder that as a human race we can, and must, do better. It takes strength and wisdom to understand that the sword of compassion is indeed mightier than the sword of steel.

Certainly, as we reflect over the conflicts of this closing century, we can only come to the conclusion that violence begets violence, hatred begets hatred and that only understanding patience, compassion, and love can open the door to the realization of the dreams which we all hold for our children and for their children.

Let our statements today, remembering and openly condemning the atrocity committed against the Armenians, help renew a commitment of the American people to oppose any and all instances of genocide. As we enter the new millennium let us commit ourselves to finding new and peaceful paths for resolving differences which inevitably arise.

I thank you for the honor of sharing these thoughts and words with you today.

Mr. ACKERMAN. Mr. Speaker, I rise today, together with my colleagues, to commemorate the Armenian Genocide of 1915–23. On this day, in 1915, over 200 Armenian leaders were systematically massacred by the Turkish Government. Yet these horrific murders were only a precursor to the brutality and aggressiveness that would follow. In just 8 years, over 1.5 million Armenian men, women, and children were murdered and an entire population was faced with annihilation. I stand today, not only to acknowledge and remember the horrors of this tragic event but to denounce the government of Turkey for their denial of these historically documented truths. The official position of the Turkish Government is that, during World War I, a series of internal conflicts contributed to the unfortunate deaths of many Armenians. This claim shamefully ignores the premeditated murder of these people. As Members of Congress and as human beings, it is our responsibility to defend the memories of those who needlessly suffered. We must preserve the dignity of lives destroyed by the cruelty of a government. Their plight deserves remembrance and the world deserves the truth. The Turkish Government's refusal to acknowledge the Armenian genocide is disgraceful and I find it to be an injustice, which should not be tolerated under any circumstances. It is essential to recognize the devastation that was incurred by ignoring the Armenian genocide and allowing such horrors to reoccur through the Holocaust. We remember the trauma befallen upon the Jews and we must now stand up for the suffering forced upon millions of Armenians. The world can no longer refute history. Instead we must come together as Armenians, as Jews and as human beings to guarantee that no person shall ever endure such pain again. I thank my colleagues, Congressman JOHN PORTER and Congressman FRANK PALLONE, for leading this effort in the House of Representatives, and am proud to be a member of the Armenian Issues Caucus in order to work on this issue of concern to all human beings.

Mr. FRANK of Massachusetts. Mr. Speaker, I am appreciative of the efforts of my colleagues in taking out this special order and making it possible for us to reaffirm our absolute determination that the Armenian genocide will not go unnoticed. The world made a terrible mistake, with disastrous consequences, when it ignored the terrible crime committed by Turkey against the Armenian people 80 years and more ago. I continue to be baffled by the unwillingness of the current Turkish Government to acknowledge this horrible crime. I do not blame the current inhabitants of Turkey for the sins of their ancestors, but their refusal to acknowledge these terrible actions do them no credit.

As do many of my colleagues, I greatly admire the fierce commitment of the current generation of Armenians to honor the memory of the innocent people who were slaughtered simply because they were Armenian. They do a great service for the world by not only commemorating their own ancestors, but by focusing world attention on the terrible consequences of allowing crimes like this to go unopposed and unnoticed. Remembering the Armenian genocide is both an important tribute to those who were slaughtered and one step in making sure that this does not happen again.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this special order on the Armenian genocide.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, if the gentleman from California has nothing else, I would thank him for participating with me.

TWO GREAT AMERICANS: BOB DORNAN AND BILL BLAKEMORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I thank my friend, the gentleman from Georgia, JACK KINGSTON, for giving me some time here ahead of his 1 hour.

Mr. Speaker, I rise to say a few things about two great Americans. One of them is my good friend Bob Dornan, who is no longer with us, but may be back soon depending on the outcome of the election challenge that he has offered; and the other one is Bill Blakemore, a private American citizen who right now is in the hospital, the Methodist Hospital in Houston, TX, who is in pretty serious condition, but who was very, very important to this country in the 1980's when he helped to put together a group of Texas conservatives who rallied the country behind the idea that Central America was worth saving, and particularly that we needed to support the Contras, the freedom fighters who were fighting the Communist-backed, Soviet-backed insurgents or Soviet backed Sandinistas in Nicaragua, and also that we needed to protect the very fragile government of El Salvador, the government of Jose Duarte, which at that time was holding off the Soviet-backed FMLN.

□ 2015

When Ronald Reagan came into office in 1980, and I was lucky to be one of the people that came in with him as one of the 54 Republican Congressmen who were elected that year, Honduras, Guatemala, El Salvador and Nicaragua were all under some sort of a military dictatorship. Today all those nations have fragile democracies, imperfect, certainly not totally cast in the image of democracy that we have in the United States, but represented I think by a determination that was manifested in one of those voting lines in the 1980's, when one woman who had been ordered by the FMLN Communists not to go to the polls that day was standing in a voting line with a bullet wound in her shoulder and was asked by one of the reporters if she was not going to leave the line and she said "no". Essentially she said "We fought for a long time to get to this point, I'm going to vote." And they had a great turnout that year.

Jose Duarte remained the leader of El Salvador and, because of the steadfastness of Ronald Reagan a lot of his supporters and guys like Bill Blakemore of Texas, who was a real leader of the business community, we have a chance for real democracy in our own hemisphere.

Let me say just a word, Mr. Speaker, about my great friend Bob Dornan. There will never be another one like him. He was of great value to this House, and I think there is a good chance he will be of great value to this House again. I am just reminded when they had the incident in Somalia and those Americans were killed, Bob Dornan was the only Member of the National Security Committee who went over, flew that long distance, some 40 hours in the air, to Somalia, went over the event in detail, and came back and contacted the family of every member of that Ranger unit who were killed in that debacle.

That was Bob Dornan. A heart as big as all outdoors, a keen intellect, a great ability to speak. He has still got it. Obviously we have heard from him across the airwaves lately, but I just wanted to say that Bob Dornan was a great, great asset to the National Security Committee, flew all of the aircraft, knew all of the countries with whom we had treaty relations and knew what the treaty relations were and was a real expert in national security. God bless you, Bob. I hope to see you back soon.

MEDICARE

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes as the designee of the majority leader.

Mr. KINGSTON. Before he leaves the Chamber, I want to say to the gentleman from California that many, many Members and in fact I am sure most Members of this Chamber agree with him in his comments about Representative, the Honorable Bob Dornan, because he was such a viable part of this body for many years. He is an extremely dedicated patriotic American of great intellect and energy, and I hope that the years are as good to me as they have been to Bob Dornan in terms of getting the job done.

Mr. Speaker, tonight is the eve of the trustees report on Medicare. Each year the trustees who are appointed, three of them by the President of the United States, give a state of affairs on Medicare, how it is doing, how much money it is bringing in, how many people are participating, what works and what does not work. We all remember on April 3, 1995, when those Clinton-appointed Medicare trustees gave us the very sad news that Medicare was going broke and if we did not act and act quickly to protect and preserve Medicare, that it would not be there for our grandparents and for future generations.

I think what the Republican Party has tried to do since April 1995 is work to solve Medicare on a bipartisan basis, because, Mr. Speaker, my mother and dad depend on it. My great grandmother depends on it. My wife depends on it. My wife's grandmother depends on it. It is something we believe deeply as Americans that we need to protect and preserve.

I have tonight joining me in this special order the gentleman from Florida [Mr. MILLER], who has led that fight. The gentleman from Florida [Mr. MILLER] has, and he may have the need to correct me, more seniors in his district than any other district in the United States of America. It is not only very personal with him, but it is certainly political. So he has had to do everything he can to help it.

I am going to yield the floor to the gentleman from Florida [Mr. MILLER], but before I do I want to also say that I have the gentleman from Washington [Mr. METCALF] with us, who is part of the freshman class in the 104th Congress who also has worked very closely and very energetically to protect Medicare. The gentleman from California [Mr. HUNTER] is welcome to join us if he chooses to.

Let me yield to the gentleman from Florida [Mr. MILLER]. Tomorrow we get the report. What is it going to tell us?

Mr. MILLER of Florida. The Medicare report is probably going to tell us essentially the same thing we have been hearing the past couple of years, that Medicare is going to be bankrupt in 4 more years. This report coming out from the administration includes people like the Secretary of HHS, Donna Shalala, the Secretary of Treasury, Robert Rubin, the Secretary of Labor, which we do not have one right now, and few other appointees. It is not in dispute what the facts are going to be in the report. The report is going to say that Medicare is going to be bankrupt sometime probably in 2002. That is only 4 years away. It may be a couple of months different from what it was last year, but the bottom line is Medicare part A is going to be totally out of money, because we started back in 1995 where the money flowing into the Medicare part A fund is less than the amount of money going out. Up until 1995, we had more money flowing in from the payroll tax, that is how we fund the Medicare part A program, we had more money going in than going out. It changed in 1995 and all the reserves will be totally exhausted by 2002.

The gentleman is right. My congressional district in Florida is a beautiful area, southwest Florida, with lots of senior citizens. It has more senior citizens than any congressional district in the country. It is important for the people in my district because of the seniors in the district. It is important as a jobs issue. My economy is very dependent on Medicare because I have got more hospitals and doctors and nursing homes and home health agencies that employ people. That is the largest employer in my district. So it is a jobs issue. It is not just for the senior citizens.

Mr. KINGSTON. If the gentleman will yield, it is a jobs issue, but also as part of it, there are some inefficiencies in there and one of the results of that inefficiency is that Medicare inflation has been around 11 percent. Regular medical inflation has been in the 4 to 6 percent range, depending on the year and so forth.

Would the gentleman care to comment on that?

Mr. MILLER of Florida. What we find is that in the private sector, we found health care costs really being very manageable the past several years. Actually for larger businesses with over 100 employees, health care costs have even been going down for some of these companies. So what we should do is let us look at what the private sector is doing. That has been true in everything. Just look at what the private sector is doing and apply it to Medicare.

Mr. KINGSTON. Is the gentleman meaning to tell me that Ford Motor Co. or IBM or Wal-Mart, their health care has not been going up as much as Government-run health care?

Mr. MILLER of Florida. In some years it has been going down. That is how successful they have been to help control costs. Under the Medicare plan that we are proposing, this is a bipartisan issue as the gentleman said. This is something that we have got to work together with the Democrats and Republicans, because the Democrats, despite what they said during the campaign last year, are just as committed as we are to save this program. We have got to save it. We have got to work together. Actually I have to commend the President. He has moved in our direction since the election, despite all the rhetoric last fall. Hopefully we are going to be able to work out something together. It is something that is absolutely essential to this country and we need to work together.

But the gentleman is right. Big companies have actually had their costs go down for some years. What they have done is give people choices, instead of having one size fits all as we have in Medicare. Medicare is not a great program. My mother is on Medicare. She is 87 years old, in a nursing home. It is very important obviously to my mother. But it is very complicated. She has to have a part A program, she has to have a part B program and she has to have a supplemental and it still does not pay that much. It does not pay any drug coverage.

Mr. KINGSTON. Would the gentleman care to describe those briefly?

Mr. MILLER of Florida. Of course Medicare part A is paid for by payroll tax. That is the part that is going bankrupt. The part A program pays hospitalization costs. When you go in the hospital, that is what it pays for is the doctor, the surgeon, the hospital bills. There is some nursing home coverage and a little bit of home health coverage there. Part B is outpatient coverage. Part B pays for home health and doctor bills. But part B unlike part A is paid mainly out of the Federal treasury. Twenty-five percent of it is paid by the senior citizens, about $46 a month. Whereas the other 75 percent comes right out of our Federal treasury. No one pays a penny into it. It is a pay-as-you-go type plan.

Supplemental, the senior citizens pay the full costs of it. They have a choice of about 10 plans. They pick the one they want. If they want a Cadillac plan, they pay a very expensive bill. If they want to take a lesser expensive version, they do not have to pay as much. But it is very complicated. No one in the private sector has to live with three insurance plans. Basically you just only have one plan. When I was in the private sector I had one plan. As a Federal employee I have one plan. That is the way it works. But not for senior citizens. We have created this very difficult plan. The benefits are not even that great sometimes. As I say, most of them do not get drug coverage. They do not have all the choices they want. It is a very paperwork, bureaucratic type plan. Everybody has been afraid to talk about Medicare. But the one thing right now at stake, we brought up the issue 2 years ago when the trustees' report came out, is this is something we have got to work together on. It is not sustainable continuing to grow at 10, 11, 12 percent a year. It is going bankrupt. Looking at the numbers, going further off into the future, it is even worse.

We have a two-part problem here, a short-term problem and a long-term problem. The short-term problem is bankrupt in 4 years, so we have got to act now. We have got to act this year, with the President, with the Democrats and Republicans, we have got to have a plan that saves it at least to 2010.

Then we have a long-term problem, and that is what I call the 2010 problem. 2010 is 65 years after the end of World War II. That is when the baby boomers were born, right at the end of World War II, so starting in the late 1940's. Those people are going to start retiring in 2010. The demographics really explode starting then. That is, the number of retirees is going to increase very fast, from 2010 on. And the number of people working to support them on Medicare is going to be going down. So we are going to have fewer people working, paying payroll taxes to support retirees after 2010.

Mr. KINGSTON. What the gentleman is saying is it is our jobs working with the Medicare trustees on a bipartisan basis to act like fiduciaries and protect and preserve Medicare not just for the next election, not just for the term of our tenure in public office but for the next generations, so that it will be there tomorrow.

As I understand the gentleman, the private sector health care inflation has been flat largely because the private sector has gotten out there and looked at different types of delivery systems, different alternatives. In our Medicare plan, we had some options for seniors. If you want to stay in traditional Medicare, you may, it is no problem if you want to just continue. In fact, if you do not elect to take an option you are automatically enrolled in traditional Medicare. But if you want a managed care plan, because as the gentleman has pointed out, it could give you free prescription drugs as part of the monthly premium. If you want a medical savings account, which is a deductible type plan, you could take that. At one time I know we talked about enrolling in the Federal employee health care plan or something like that, very close to it. Another option I remember was if you are, say, a retiree of General Motors and as part of your job description, your perk, if you will, was to be covered under health care the rest of your life, you could just elect that and not participate in any kind of Government-offered health care. In giving seniors these choices, which are the same choices, Mr. Speaker, that everybody has in America today and frankly I think I would like to upgrade my mother from a 1964 Blue Cross/Blue Shield plan. I do not expect her to drive the same 1964 Chevrolet Biscayne that we had, actually a Ford Falcon, so why should she be confined by the same health care policy? Let us let seniors get the benefits of the 1990s. But by offering those things, we can bring down medical inflation as respects Medicare and not cut Medicare one dime. In fact, I remember last year, and the gentleman can correct me, but approximately the numbers were $190 billion, increased to $270 billion, which is not a cut even if you do live at 1600 Pennsylvania Avenue.

Mr. MILLER of Florida. We are going to spend more money every year per person on Medicare. Medicare spending is going to go up every year. It is just that we need to slow down the rate of growth in spending, slow it down just a little bit but spend more money every year. As the gentleman said earlier, we need to look at this waste and fraud. Because when you have a government bureaucracy, there is so much waste. When I have town meetings and I have seniors talk about the waste in the system, there are some absolutely amazing stories. One of the stories, and actually this was covered, by the way. The Tom Brokaw news people had TV cameras at this town meeting.

□ 2030

And a lady stood up. It was in a mobile home park in Palmetto, Florida, and explained about, you know, this is a classic one of waste and fraud. It is she got a bill from the hospital. She had been in the hospital, and she was billed for her own autopsy, and so she calls up the hospital and said, "You know, you did not do an autopsy on me, I'm still alive," and tried to explain to him that, you know, you cannot do an autopsy, I am still alive, and they came back and the hospital:

"Well, let me check the records first"; then came back and said "Oh, I'm sorry. That was a mistake. We did an EKG on you."

And she said, "You didn't do one of those either."

And so it is amazing the number of little mistakes like that. I mean that was, might have been a billing-type mistake.

Mr. KINGSTON. You know, though, I hear this in our town meetings on Medicare with seniors all the time is that the fraud and abuse, the sloppiness in billing is just unbelievable.

My dad has diabetes, and he has macular degeneration, so he is legally blind. You know, diabetics have to check their blood sugar level all the time, and so in the condominium complex that he lives in Athens, GA the seniors all kind of help each other out. So one of his things is he gives advice to lots of his neighbors, and he says over and over again somebody goes to the doctor, the hospital, on Medicare for a head cold, they are billed for x-rays or whatever, it is just. And you do not know.

There is another story of a woman just outside of Brunswick, GA, who instead of going to have stitches removed in Brunswick, the ambulance drove her to Jacksonville because it is legal under Medicare, and the Jacksonville trip allowed the ambulance company to charge $1,200 whereas, had they just gone to Brunswick, it would have only been $200 or $300.

So legally they can be very, very aggressive on their delivery service just to get the higher amount. You never see that in the private sector. That was one of the reasons that health care inflation skyrocketed in the 1980's, but in the private sector, companies started getting aggressive about it and they brought that down.

Now the gentleman from Colorado [Mr. SCHAFFER] is here, and I know he is a freshman. He has already expressed interest in working on Medicare, and he has been waiting for tomorrow and the trustees' report, too.

Mr. BOB SCHAFFER of Colorado. Well, thank you very much for yielding. This is truly a critical issue for us, and this report that is coming out tomorrow is a landmark report that I think the American public ought to pay close attention to, and we expect that we will mirror closely the last trustees' report that was released, and this notion of the bipartisan aspect of our concern about Medicare and our need to save and preserve the Medicare program is a very real aspect of our deliberation. And when you start with the very basis of the debate that exists on Medicare, I think you see that.

This report is not a Republican report. In fact it is not really a Democrat report, although the trustees, the Medicare trust fund, are appointees of our President, Bill Clinton, and please help me with some of these names, Robert Reich, the Labor Secretary; it includes Donna Shalala as well. Maybe you can help me. Who else?

Mr. MILLER of Florida. Robert Rubin, Secretary of Treasury, and the head of the Social Security Administration is on that. There is about 8 or 9, I think, total.

Mr. BOB SCHAFFER of Colorado. You know, and if you think about how many debates we have here where the basis for the debate is often the subject of disagreement on this particular issue, there is no denying, from either party or anybody involved, that this Medicare program is undeniably going to go bankrupt within 4 years. In fact, it is a fact that the Medicare program spends approximately $40 million every day. Every day; that is something that is very difficult for people to fathom, but I have to say, and I appreciate the chance to participate in this discussion tonight because when I, as a new Member here in Washington, have been on the job for about 4 months and running for Congress was an eye-opening experience for me. My grandmother, who lives out in Colorado Springs, told me; she said whatever you do back there in Washington, you have to save the Medicare program, and I assured her that we would, that that is our goal and our objective and that we would do whatever it takes to accomplish that.

And you mentioned a few minutes earlier just about we certainly have the financial side of maintaining solvency of the fund. But there is also the behavioral side of Medicare itself, and what I mean by that is we have to change the system in a way that restores the patient-physician relationship that we once had; this whole notion of a government third-party payer that will pay the bills with little questions asked, in many cases, causes, for a significant amount of fraud in many cases, for overtreatment and other examples of where questions that are just not asked as a consumer would perhaps. And you know the Medicare Plus program that the Republicans had proposed 2 years ago and was eventually thwarted here in Washington involved those very opportunities for patients to have choice within the Medicare program and to be treated like real customers, real consumers of health care to provide the consumer-driven accountability that you have in so many private aspects as well.

So certainly we have to look at the financial side of increasing spending at a responsible rate so that we do not bankrupt the program as others have proposed to increase more than that; in fact, drain the account and result in ultimate bankruptcy, but we also have to look at the behavioral reforms to the program that allow us to be treated like real customers, like real consumers, and to restore that relationship which is so vital in the health care delivery system.

Mr. KINGSTON. Well, the gentleman who has worked so hard on it, the gentleman from Florida [Mr. MILLER], do you believe you had mentioned that the President is a lot closer now? It is not an election year, we do not hear the demagoguery. Are we in the United States Congress going to put our seniors first this year, get a bill passed in the House and Senate and signed by the President?

Mr. MILLER of Florida. Well, I certainly hope so. We have to. I mean 4 years is not very long. I mean when we started this, it was 7 years before bankruptcy. Now it is just 4 years. So we have to do something, the President realizes it. And you know what we are hearing is that he wants to work out an agreement.

You know, one thing has been interesting in the past few weeks back in my district and even up here: some of the frustrations with the bureaucracy. Let me tell you a couple of the situations, and that is what people get mad about with Medicare because it is, you know, the big bureaucracy in Washington makes the decisions, and these doctors are just saying they have never had it worse in Medicare. I mean they are getting more letters saying denied, denied, denied, and then the doctor just has to spend all this effort documenting why he did this procedure. And they said, "I'm all ready to give up on the whole thing." I mean there are some doctors that are more senior. They are saying, "Hey, I'm not ready to quit the whole practice of medicine. I cannot tolerate it any more."

Give you one other illustration. I had the deans of the medical schools in the State of Florida. We have, I think, four or five medical schools in the State all came to see me one day; the dean of the University of Florida, the University of South Florida, University of Miami and Nova actually.

Mr. KINGSTON. Were their any Gators in the room? I am a Georgia Bulldog.

Mr. MILLER of Florida. I am a Gator now.

Mr. KINGSTON. And the Seminoles, but the Gators, you are really pushing it even in the name of grandma.

Mr. MILLER of Florida. When I was in Florida the guy named Dooley that was there coaching, and we were not too fond of him, but now we like our plan. You know, Super Steve was playing when I was there, and so now he has brought us to great fame.

But it was the frustration of the deans of the medical school because

Medicare had come up with a ruling that was a retroactive ruling of how they are going to pay for medical school residents.

Now I do not necessarily disagree with the details of what they are talking about doing, but the problem is they are going to go retroactive back to 1992 or so. That was it could bankrupt our medical schools; it was unbelievable. I hate anything retroactive. We have retroactive death taxes here, a couple of years ago President Clinton's bill, but the thing is when you go retroactive, and they feel so helpless down there, the deans of the medical schools; we cannot afford these millions of dollars retroactively. We have got to pay back.

If you are going to change the policy, fine, change it, give us the right notice. We will work under whatever rules Washington's bureaucracy decides. And that is the problem. One size fits all, whether it is my local. The dermatologists in the State of Florida have had a certain procedure on treating skin cancer. Well, maybe there is an abuse of it by Medicare, but only in the State of Florida. So the State of Florida Blue Cross in effect banned it for all the doctors, and the dermatologists are saying wait a minute; you know, you could do it in Arizona, you can do it in Georgia, but the dermatologists now across the board, all of them, cannot use this procedure unless you have got great documentation. I mean it is unbelievable.

You know, there was an abuse, but when you have a government-run system, one size fits all, you set it up to try to figure a way around the system.

Mr. KINGSTON. Well, it is interesting. You mentioned that a friend of mine sells bandages to Medicare suppliers, and it is kind of a cross between the regular bandage and a gauze bandage, and it is more sophisticated than an ordinary bandage but is no big deal. He says that they can be made for $3. Under Medicare you can legally bill up to $29 on there.

So he comes to a town meeting, and he and I make a big deal about this bandage, and I show it up, and, you know, of course it is the kind of poster child you look for; you know, public officials and so forth. And so I showed it. The only time he has ever been audited by the Federal Government was after he put this, after he basically blew the whistle on this crazy bandage.

And it is the same thing, only the government would come up with such weird rules and regulations and then appear to be a little bit punitive when somebody blows the whistle on it, and I hope that it works out.

Mr. MILLER of Florida. I mean, as you were saying, the gentleman from Colorado, somebody, you got to be concerned about the patient-doctor relationship, and I mean just kind of like the dermatologist situation in Florida. For all the dermatologists in Florida, only Florida, they came up with a new set of rules, and that, you know, says I mean maybe there is a problem there, but, you know, to come up with a blanket rule is interfering with that patient-doctor relationship, and there is a great deal of frustration, more frustration with our doctors and my doctors in my area than I have seen in my 4 years here in Congress talking about that issue so. And it is the bureaucracy, and they say, oh well, we have got to save money, and so there is a problem here. We will write some new rules. Well, you know that is what we need to do is open up the marketplace.

You know one of the options we have talked about by the way in the bill last year, and hopefully it will be included in it this time around, is something called provider service organizations, which is really a great opportunity for local communities to provide their own health care. Most people get their health care in the local community, and what we want to do is give the opportunity for the local hospital and doctors to go together and offer a package or plan to the seniors.

Now insurance companies are not too keen on this, admittedly, but the hospitals and doctors say, hey, we can compete with them because they feel frustrated that the Blue Cross or Travelers are going to beat up on them. What we want to do is, hey, if Sarasota Hospital and their doctors want to do one, if Savannah Memorial Hospital or whatever the name of the hospital is in Savannah, wants to get together with their doctors and offer one, if they want to get together in Denver or whatever city and let the doctor and hospital work together to compete with a Blue Cross plan or a Travelers plan or the traditional Medicare, which, you know, should continue, that is the type of pressures that will give flexibility to a system, market pressures, just what is happening in the private sector can really slow down the rate of growth in spending because we are going to spend more money in the system as long as the amount of money is still growing. I think we can preserve and protect it and save it for our seniors and strengthen it at the same time, because we need to strengthen Medicare not just for the long term.

Mr. BOB SCHAFFER of Colorado. If the gentleman will yield, you know the strengthening is precisely how we pay for our program to maintain the solvency of the Medicare trust fund, and the programming, the $30 bandage example, is one that I hear a lot, not bandages per se in my town meetings, but I hear a lot of examples just like that. And what I hope people will realize is that those kinds of occasions that occur every day in America in fact rob and steal medical opportunities for the millions of Americans who receive health care and benefits through the Medicare Program. And without a doubt, these different options and examples that you mention of various service delivery systems and networks that we would hope recipients would be able to choose among and be a part would end the example of the $30 bandage, will put an end to the example of the $200 splinter removal, as I had heard out in Colorado, examples like this that you just routinely hear, and it is just remarkable.

I would like you, though, to speak to just one more time. I do not think we can say it often enough that our plan actually envisions spending more money per recipient over the next 5 to 6 years than certainly what we are spending today. Many people think that the only way you can save Medicare is to somehow cut spending or cut funding for the program. We are not talking about that at all. In fact, we are talking about increasing the per-capita benefit to somewhere around $6,700 per recipient. Today I think we are around $5,000 per recipient, somewhere around that neighborhood.

But by increasing the spending at a responsible rate and at the same time putting the patients and giving them some real incentive in the accountability side of this delivery system, that is how we are going to save the program, that is how we are going to maintain solvency, and hopefully that is what is going to ultimately earn the bipartisan support here in the House and the Senate and over at the President's office as well to sign Medicare reform in a program that will save the program.

Mr. KINGSTON. It is too bad that in Washington you can always demagog out of fear and you can get reelected through race-baiting or scaring seniors or saying that children are going to be starved on the streets. It is an old tactic.

Last year, before the gentleman was here, Haley Barbour, the chairman of the Republican Committee, offered $1 million to any Democrat or any person who could show where Medicare was being cut in the bill. Now do you not know the pressure that partisans were under to try to prove that the Republicans were, in fact, cutting Medicare? I mean they would have loved to collect that million dollars because in addition to being millionaires, they could have been heroes, huge heroes.

Not one person was able to do that. Medicare was not cut. Yet unfortunately, in Washington we have a few demagogs who like to scare seniors and so forth, but the gentleman has raised a good point. Per recipient, it went from approximately 5,200 to about 7,100, and we are going to continue to work, and the doors are wide open in the discussions and the dialogs and the committee rooms. Democrats and Republicans, come on in, let us do what is responsible. Tomorrow we will get the report, and we are going to have to continue addressing this.

□ 2045

One of the things we need in Medicare policy is common sense. One of the things that we have tried since we have become the majority of Congress is bring common sense, Republican, American ideas to the streets of America. Common sense is at a premium in Washington. It is just such a scarcity.

But the gentleman from Washington [Mr. JACK METCALF] is one of the Members who has been working very, very hard in the Housing Opportunity Caucus to make homeownership and that part of the American dream real to millions of more Americans than have houses right now. So I am proud to yield to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. I thank the gentleman for yielding.

Mr. Speaker, it is absolutely critical to protect and preserve Medicare. We cannot allow it to continue toward bankruptcy. It will be very difficult, but I will tell you, we will succeed in keeping Medicare so people can stay in their own homes.

Homeownership is something I am critically interested in. I will briefly comment on this as related to Medicare. Very important, really critical, and that is homeownership.

As chairman of the Republican Opportunity Caucus, I can sincerely speak on one of the most important issues facing our Nation, the ability of our people to realize the American dream and participate in one of our greatest opportunities, homeownership, and the right of the Medicare recipients to stay as long as possible in their own homes.

While there is no magic silver bullet in finding ways to increase homeownership, we can find solutions by working together. In some cases, Federal programs such as the low income housing tax credit, FHA, HUD or the Federal Home Loan Bank have been the catalyst for developing homeownership.

Clearly, Mr. Speaker, these important programs I have mentioned, and important ownership encouragements, such as maintaining the home mortgage deduction, have brought people from renting to owning, fulfilling the dream of so many Americans.

Not only does homeownership benefit the individual home buyer, but the spin-off of the home building industry is the catalyst for our national economy. Rightly so, new housing starts are always one of the first indicators we look for in an ever-growing and expanding economy.

Mr. Speaker, the Republican Housing Opportunity Caucus is committed to identifying models that work for housing and homeownership. It is often the case that partnerships fostered between nonprofit organizations, lenders, government and builders are needed to solve the ownership problem. This is the goal of our caucus.

The mission of this caucus is to give Members of Congress, who are interested in housing policies, an opportunity to discuss their concerns and coordinate a response. A symposium that we will soon sponsor will bring in people with hands-on experience in providing affordable housing. We want their ideas and creative suggestions to implement and expand homeownership, especially for first-time home buyers.

Housing is not just a roof over your head but a place you can call home, a place you own. Thus far, over 30 of my colleagues have joined this caucus. We remain committed to expanding homeownership and opportunities for everyone, and protecting Medicare so seniors, like me, can stay in their homes as long as possible.

I personally invite Members to join the caucus and look forward to working together to find solutions that will expand homeownership and fulfill the homeownership American dream.

Mr. KINGSTON. I thank the gentleman for discussing what he is up to in the homeownership conference, because another thing that will bring about homeownership, as much as anything else, is balancing the budget, and we are going to be talking about that, because, as the gentleman knows, Alan Greenspan has said that balancing the budget could reduce interest rates on home mortgages as much as 2 percent, and that would be significant towards everybody participating in the American dream.

There are a lot of quirky things that we are trying to bring common sense policy to. One of them is in the subject of sugar, and, Mr. Speaker, we are not going to get back to the Hershey's bipartisan hugs and kisses dialogue when we talk about sugar. But the gentleman from Florida [Mr. MILLER] has a program that eliminates the sugar program. So I wanted to yield to him and ask him what is the sugar program and why should we eliminate it?

Mr. MILLER of Florida. I thank the gentleman.

Last year we worked very hard, and the gentleman worked very closely with me and with the gentleman from New York [Mr. SCHUMER], a Democrat, to do away with the sugar program. We are going to try to have a 5-year phaseout.

I look at the sugar program as one of the most egregious examples of corporate welfare that we have here in Washington. Anybody who believes in reducing the size and scope of government has to believe in getting rid of this program, phasing out this program, because the sugar program is big government at its worst.

What the sugar program does is it is a cartel. I think the gentleman from Texas [Mr. ARMEY] says it is the worst cartel we have had since OPEC. It is the cartel that controls the amount of sugar available in the United States, and it does this by restricting imports in such that the price of sugar is kept almost at twice the world price. If the world price is 12 or 13 cents, in the United States we pay 22 or 23 cents a pound for sugar. It costs the American consumer $1.4 billion a year.

Mr. KINGSTON. Let me ask the gentleman, it costs the American consumers the difference in the world price versus the domestic price, but does it cost you in taxes?

Mr. MILLER of Florida. It costs in several areas in taxes. Because, first of all, the American consumer is the American taxpayer. So I am not sure of the distinction. When the American consumer pays $1.4 billion more for sugar than they need to, it costs the American taxpayer, too.

But it costs the taxpayer in other ways we don't realize. For example the sugar program is bad for the environment. It really is bad for the Everglades. There was an editorial in the New York Times on Sunday talking about the Everglades problem and sugar's contribution to it.

Now sugar is not the only problem to the Everglades. It is a major contributor to the destruction of the Everglades and the Florida Bay. The problem with it, for example, is to solve the Everglades problem, part of the solution is to buy 100,000 acres of land in the Everglades' agricultural area. Last year, we put $2 million in the farm bill to help buy that land.

We are going to buy 100,000 acres, most of it in sugar, but because of the sugar program, we are going to pay an inflated price for the land. It is going to cost us probably $100 million more to buy this land from the sugar farmers because of the sugar program. It is crazy.

Mr. KINGSTON. Because the Government is the reason that land is higher, and yet the Government is going to pay the higher cost, which it costs.

Mr. MILLER of Florida. Right. That is what makes it so crazy is that we are, in effect, subsidizing sugar again; we are buying that land.

Another little interesting subsidy about the sugar program is we cannot grow enough sugar in the United States to satisfy demands, so there is no choice about the fact whether we do not import or not. We have to import sugar.

Mr. KINGSTON. Is it not true that we import 100 percent or 99 percent of our tea, which is true, we do not grow tea domestically? Many people have said we have to preserve the American supplier because we cannot be dependent. But I think the reality is the dependency is overseas to those markets to make sure that America continues to buy their sugar.

So to say that there is going to be a sugar shortage because of the change in the sugar domestic policy is ridiculous because we never had a tea shortage, or at least none in recent memory that I can recall.

Mr. MILLER of Florida. We have to be proud of American agriculture. It is the most efficient and productive in the world. We are the major exporter of agriculture products. I do not know the number, but that is one of our largest trade surpluses we have.

I have a lot of citrus in the State of Florida, of course. We cannot consume all of the citrus we grow in the State of Florida. We have to export. Tropicana is my largest employer in my district. Twenty-eight percent of the juice they produce there in my area goes outside the United States. Fifty percent of the fresh grapefruits in the State of Florida are shipped outside the United States.

So we have to export some products and some products we have to import. I mean, that is just a fact. Sugar, we just do not have the land.

Mr. KINGSTON. Let me ask my colleague on the subject of imports, so not only are we subsidizing large, corporate American sugar growers, but we are also, if I hear the gentleman correct, subsidizing foreign sugar growers; is that correct?

Mr. MILLER of Florida. That is right.

Mr. KINGSTON. And then let me ask the gentleman this question, are there non-American citizens participating in the sugar program, and are they getting paid to do that?

Mr. MILLER of Florida. The gentleman asked a couple questions. One is, one reason we call it corporate welfare is that there are at least 33 farms that benefit by a million dollars a year. Most of the benefits go to big sugar farmers, sugar plantations in the State of Florida. The largest one, as a matter of fact, is controlled by a family who are not U.S. citizens.

But the interesting point on this, and it really makes me bothered by this whole thing about importing sugar, Australia has a free market for sugar. We should be able to compete with Australia. They sell sugar to anybody in the world 12 or 13 cents a pound, but not to the United States. We do not want to pay 12 or 13 cents. We insist on paying the full price; the United States insists on 22 or 23 cents a pound.

Mr. KINGSTON. Even though we can get it for about half that price.

Mr. MILLER of Florida. Not just half price, but, no, we insist we will pay our price for it whether it is coming from the Dominican Republic or what have you.

This is a bad jobs issue, too. The sugar program is killing jobs in the United States. Let me give a couple of illustrations.

First of all, we have sugar refineries that are going out of business. We have closed 40 percent of the sugar refinery production in the United States since this sugar program came into existence in 1981, 40 percent. These are good-paying jobs.

I had a press conference last week, and I had these members of the AFL–CIO surrounding me coming down from New York City and Baltimore saying, "Hey, we are going to lose our jobs, this is my career, and we are going to have to shut down because there is not enough sugar in the United States to keep these mills open."

But the other issue why we are losing jobs is, because of the high price of sugar, we are driving jobs outside the United States. Canada. Canada, you can buy sugar for about half the price that we do here.

Why would a candy company that uses a lot of sugar continue producing in the United States when they could shift the production to Canada, produce the candy there and send it back to the United States? And that is exactly what is happening.

Mr. KINGSTON. In fact, there is a candy cane company in Georgia who tells me that the biggest competitor is not in the candy cane business, the biggest competitor is the U.S. Government, who makes it so that they have to buy sugar at an inflated price, and because of that, Canadian candy cane manufacturers can come in there. And he can beat the Canadian candy cane manufacturer any day of the week on a one-on-one basis, but when the Government is also on the team of the Canadian folks, the American guy loses.

Mr. MILLER of Florida. Right. It is just not fair. We should be proud of a lot we did with this farm bill last year. We made some historic changes with farm programs that went back all the way to the 1930s. It was a really historic change.

Unfortunately, the only program that was not changed, basically, was sugar. All the other products, whether it is peanuts or dairy, had some really major changes. But not sugar. And it was unfortunate.

So, hopefully, we are going to continue to address that issue in this Congress and see some results, maybe.

Mr. KINGSTON. The interesting thing about the sugar program is that changes in compromises transitioning the sugar program to a free market program and protecting whatever very small farmers are out there. But as was said, most of the bulk of it, the benefits go to the large corporate farmers anyhow, but giving the programs the benefit of the doubt, compromises were offered. They were all rejected.

The Miller-Schumer bill, which the gentleman has introduced, actually eliminates the programs and takes the American consumer out from the shackles of a Government cartel.

Mr. MILLER of Florida. It was actually the Miller-Schumer-Kingston bill last year. Right. It was a 5-year phaseout. So it was not something that was going to happen immediately. I am a big believer that we need to phase these programs out so we do not really punish people unfairly on this.

We have to be fair to the American consumer, who is the American taxpayer. We are losing these jobs. It is just not the right way of having a big government program. It no longer needs to continue to exist in this country.

Mr. KINGSTON. It is interesting as we look at these things. I want to talk to the gentleman about the budget. When he says the taxpayers are paying, one of the things that they have to pay for is the administration of this ridiculous program.

Another thing taxpayers are paying for is AmeriCorps. AmeriCorps takes kids who are volunteering and pays them. Now it is interesting. The President has this volunteer summit going on this week in Washington. And Americans are great volunteers. I believe the statistic that I read, 90 million Americans volunteer 4 hours a week each and every week, and that includes people who make and bill out $4 or $5 an hour to people would bill out $300 or $400 an hour.

Everyone likes to volunteer in America and participate, and it is one of the great things about our country. Yet, the President's main program has been to take young children and start paying them to do what their older brothers and sisters and parents have been volunteering to do.

Now the cost for that and the President's justification is that it is an idea to get them interested in participating; it helps them with student loans and so forth. And yet, the cost per student is $26,000, Mr. Speaker, for volunteers; and the student only gets $1,500 of that. Where is the difference? The bureaucracy.

☐ 2100

Once again, we have a program that is doing nothing but growing the bureaucracy. So the Congress goes Republican, the Republicans go in there and say, let us audit AmeriCorps and see how it is that the program that pays volunteers $1,500 costs $26,000 per volunteer. We found, after ordering this audit, that the books were in such bad shape that they could not be audited. Our budget is full of ridiculous and archaic things like that. As the President stands in the well of the House of Representatives and says, the era of big government is over with, in fact, his budget insists on increasing the size of big government.

Let me show the gentleman this chart, Mr. Speaker. This is the Clinton budget which he says will reduce spending and balance the budget by the year 2002. In fact, in the year 2002, the Clinton budget proposal has a $69 billion deficit.

Now, if we say an increase in Medicare is a cut, maybe we can call a $69 billion deficit an even budget, I don't know, a zero balance. But it is not true.

Here is what is even worse than that, 98 percent of the deficit reduction in the Clinton budget comes within the last 2 years. That is the equivalent of me saying I am going to lose 30 pounds over the next 10 months, and not losing anything for the first 9 months and then that last month go on a starvation diet, like anybody thinks I am going to make the goal. It does not even happen.

Then, in the year 1998, which is a year away, it increases the deficit by $24 billion compared to not even passing his budget. Clearly, Mr. Speaker, we cannot be playing games like this. The time has come to balance the budget.

My friend, Michael Quido, who is an evangelist, I do not know if the gentleman gets him in Florida or not, tells the story about a frog that got caught in the road, got caught in a pothole in the road. People in Florida have all of these sink holes, so they can identify with this. The frog gets caught, his buddy frog comes over there and tries to pull him out. He pulls and pulls and pulls and cannot get the frog out of the pothole.

So his buddy says: I will try to come back to get you tomorrow. Just hang in there. So he goes back home and has dinner, a couple of flies and grub worms with the family. The next thing you know, the frog that was in the road caught in the pothole comes through the door. He said, how did you get out of the pothole? We tried and tried and tried and we could not get you out of the pothole. How did you get out? He said: When you were trying I just wanted to get out because I knew I needed to get out. But after you left a truck was coming, and I had to get out.

Now, that is the position of the U.S. Congress right now. We are stuck in the pothole. We would like to balance the budget, but in reality, we can go home and tell everybody it is somebody else's problem. We can portray ourselves as a solution and say that we really cannot do it now, but we are trying, and we can talk this good game.

The fact is, we cannot defy gravity much longer, Mr. Speaker. It is time to admit a truck is coming down the road to smash all of us politically, nationally, economically. It is time to balance the budget, and it is time to quit fooling around about it.

I know the gentleman from Florida has worked very hard as a member of the Committee on the Budget to try to come up with some programs that the Clinton administration will agree to eliminate and that we can move toward balancing the budget. I know the gentleman from Ohio [Mr. KASICH] has worked very hard with the White House since January trying to negotiate. Are my colleagues getting anywhere?

Mr. MILLER of Florida. Mr. Speaker, balancing the budget is very, very hard work. It is not easy, because a lot of the programs are good programs in the government. The problem is whether the Federal Government should really be doing them.

My colleague mentioned AmeriCorps. I am sure there is some good work being done by AmeriCorps "volunteers" in this country, and I am sure they can show us some of the programs that they are helping with. And I think we could say, well, that is fine.

The question is, first of all, it is not a volunteer program. I mean, it is a paid-work program. It is a make-work program. And for someone who is a big believer in volunteer work, I never was in politics before and my background is volunteer work. I had my kids volunteer, my wife volunteers, we have done everything. In terms of helping with arts organizations or mental health organizations or day care programs, we are strong supporters of helping the community. That is what makes the backbone of a great community where we live now.

So I am a big believer in volunteer work. But when you get paid, that is a job. So let us stop calling AmeriCorps a volunteer program. It is a jobs program.

Why do we need a new jobs program? We want to have college kids; well, let us help work study. That is a good program. It helps kids work for the university or do different jobs and get paid for it. But it is a jobs program. So it really bothers me when you say it is volunteer. Oh, well, we have a volunteer army. It is volunteer to get in, but one is a paid soldier, and it is a career when one gets in. So we have to differentiate. But we can go program after program; and sitting on the Committee on Appropriations as we both do, we have to make these tough choices. They are not always bad programs, someone is always there to defend them.

But I am more optimistic now. We start with the ideas, the rhetoric is very different. When we first came here in 1993, talking about balancing the budget was not talked about. We were the only ones talking about it. We were just talking on this side of the aisle. At least now, everybody is talking about it, assuming we are going to balance the budget in the year 2002. So at least we are starting with the premise that we are going to reach a goal. That was not true 4 years ago, so we have come a long way. Unfortunately, I am not sure the facts will back up the rhetoric. The rhetoric is there, but at least we have accomplished the rhetoric.

Mr. Speaker, the negotiations are going on, as the gentleman said, between Senator DOMENICI and the gentleman from Ohio, Mr. KASICH, from the House Committee on the Budget. We are at a critical juncture right now because, if we cannot get something to work with the administration on, we are going to have to proceed on our own to present a budget. We are prepared to move very quickly, because time is running out. I mean our fiscal year ends on September 30, so we have to have a budget and get moving on the appropriation process and all that.

The President said he presented a balanced budget. And as the gentleman said, it is smoke and mirrors, and the gentleman from Ohio [Mr. KASICH] uses phrase, it gives smoke and mirrors a bad name because of the games they played with the issue.

But there are serious negotiations going on. I think it is very difficult for the President, Dick Morris' theory, and the triangulation is separating us from the liberal wing of the Democratic Party. If he is willing to sacrifice the liberal wing, the party who say they are for a balanced budget, but I do not think really mean it, we have a chance to get a deal.

Mr. KINGSTON. Let me ask the gentleman, the gentleman from Ohio [Mr. KASICH] has been negotiating with the White House in good faith since January. And his analogy is, it is like selling a house to somebody. They say I like your floor plan, I like your shrubbery, I like your neighborhood, I like your price, but they keep coming and coming with everything but a contract. At this point, my colleague says it is time to fish or cut bait, and they are not doing that.

So here is my question. Say the White House is up to its usual tricks and they will say one thing publicly but behind the scenes not agree to a budget. What do we do in the House? Can we go ahead without a budget and pass our appropriations bills and avoid a government shutdown, or does Clinton want to have another government shutdown?

Mr. MILLER of Florida. Actually I think the President really wants a balanced budget, but we will see. We are at a critical juncture over the next couple of weeks. We will know whether we can work out an arrangement so that we can have a balanced budget with the President over the next couple of weeks. If we do not, we are going to find the Budget Committee moving very fast forward and presenting the budget that we will vote on here in the House certainly before the Memorial Day break. And then the Committee on Appropriations can move ahead with all 13 of their appropriations bills.

So we had a meeting in the Committee on the Budget this afternoon, and I do not want to be optimistic or pessimistic. We are at a very critical point right now, and we just do not know what we are going to come forward with over the next few days.

Mr. KINGSTON. Mr. Speaker, here is a budget that has been proposed from the gentleman from Wisconsin [Mr. NEUMANN], one of the members of the committee. His budget excludes Social

Security revenue and, as the gentleman knows, Mr. Speaker, Social Security is mixed in with the general budget. What his does is actually protect Social Security by putting it on a separate line and then, in addition to balancing the budget by the year 2002, one thing the Neumann budget has that I really think is very important, and I do not think this can be picked up by a camera, Mr. Speaker, but this is a schedule for balancing the budget and zeroing out the national debt. And in the Neumann budget, by the year 2023, my children and grandchildren, your children and grandchildren, can wake up and say the national debt is gone. The $6 trillion national debt, that generation of Americans, can live without having that dark cloud hanging over them.

Mr. MILLER of Florida. Mr. Speaker, the gentleman mentioned Social Security. Social Security generates approximately $75 billion more in revenue a year than it pays out. So actually, our deficit is worse than we realize, because Social Security is counted in there.

What is really good about the Neumann budget is it takes care of the national debt issue and it gets Social Security on a sound basis.

We have talked about Medicare earlier, we have to talk about Social Security. It does not go bankrupt for another 20 years, so we have a little bit of time. But the fact is it is hiding how bad the deficit is today; $75 billion of our deficit, it should be higher by $75 billion, because Social Security is where that money is.

Mr. KINGSTON. Essentially, when we talk about Social Security, is what seniors are saying, is protect it from general highway appropriations, or AmeriCorps, or the NEA, or whatever the folks want to spend money on; just use the Social Security money only for Social Security. That is what seniors say.

What the younger folks say is, put me in a private program; the existing program is not going to be there when I retire. So the great beauty of this Neumann budget is he calls it a Social Security preservation budget. I call it the grandma and the grandbabies' budget, because it looks at both spectrums of our population, the demographics, which I think is extremely important.

Let me read the gentleman some statistics that were given to me by a man named Pete Davies of Sun City, AZ. It says, prior to 1929 it was a disgrace for an administration to run a deficit. Out of the 140 years between the year 1790 and 1929, there were 87 years in the history of the United States when there was a surplus, and that resulted in a reduction of whatever debt had been out there. There were four periods, from 1801 to 1811, 1922 to 1934, 1879 to 1892, and 1919 to 1929 where the Nation operated for a decade or more with a surplus every year, and that was considered a responsible government. The longest period prior to 1929 in which there was a deficit every year were the 8 years of 1857 to 1864, which included the Civil War. So there was a reason, a viable reason to have a deficit.

Mr. Speaker, the longest period with a deficit without a war was the 5 years of 1846 to 1850. Then of course there was a deficit between 1930 and 1945, 16 years, but that was right after World War I and during World War II.

But during this last period when we have had deficits since 1969, or actually since 1970, 1969 was the last time we had a balanced budget, we have not had a major war, certainly a civil war or of World War II proportions. So it is absolutely time that we got this under control and do what is responsible.

Mr. MILLER of Florida. Sun City, AZ. I have a Sun City in my district in Florida.

One thing I think for senior citizens, and I meet with them all the time, most senior citizens, they lived through the Great Depression and World War II. They want to do what is right for this country. In fact, a lot of them resent the fact that most Americans think all seniors want is more, more, more. That is not necessarily true. Some of their organizations that, so called, represent them up here say that, but the seniors back home do not always feel that way.

I had an interesting conversation on the phone last week with a constituent who lives in a very, very large mobile home park, these are not wealthy retirees. This lady was from Indianapolis. He was in fact leaving this Saturday to go back to Indianapolis, 84 years old, lost her husband recently. She is getting this extra money from Social Security. I do not need it. This debt is bad. How can I get my check, give it back, and have it applied to the debt. I do not want to just give it to the government to spend more money.

She wanted to give it back to the government to pay down its debt. I thought that was very noble of her, and I called and we chatted on the phone the other day. That makes me feel so good. They know there is a problem there. They know it is not right for their grandchildren and this country and future generations, they are willing to do their share. I do not need this COLA or this increase, I do not think we should stop that at all. The seniors are willing to do their fair share, they just want to make sure that everybody contributes to it, the farmers and the military, everybody.

Mr. KINGSTON. So are farmers, so are veterans and so are business people. Somehow, Washington does not get the message. Sometimes they get beat around up here, as you do, people come to the office, you have to vote, and you are darned if you do and darned if you do not on an issue.

□ 2115

You go home and you realize that the guy in the morning who wakes up at the crack of dawn, who puts his lunch together and eats it out of a lunch pail, drives maybe 20 miles to work, and comes home late at night after putting in a full day, he is tired, his kids are there and his wife has had a full day at her job, they are not disappointed in the vote that we may have cast because they want a government that works. They just want good, commonsense policies, a balanced budget. They want an American dream they can pass on to their children and grandchildren, they want a good future that they can retire with a health care program that is there and a neighborhood that is safe.

If they can have that, that is what they want. I think what they are asking from you and me as their representatives in Washington is just to do what is right, to do what is good for America. If you do that, do not worry about lobbyists and the big government crowd, and then the day is a good day.

I go home and think about those folks, because often they do not write. Many times they do not have business cards, they do not have titles and so forth, but that is whose interests we really have to look out for. That is who we have to make more of a priority.

Mr. MILLER of Florida. Exactly. As Ronald Reagan said, this is a great country filled with good people. There are so many good people, it makes you feel good to be in America. Especially senior citizens, they want to do what is right in this country. They recognize we have problems in this country. They are willing to make their contribution, but as the gentleman says, we have talked to veterans groups. It is not always me, me, me, and that is too bad that some organizations here advocate that.

We are moving in the right direction. The rudder is right, we are all talking about balance the budget, balancing the budget and getting fiscal responsibility back in Washington. Now is a chance, the best chance ever in our lifetimes, to really bring that fiscal sanity back here and get a balanced budget by the year 2002. I am more optimistic today, whether we deal with the administration or we just do it on our own.

Mr. KINGSTON. I am glad to hear that. I thank the gentleman for being with us tonight in this special order.

OUR RIGHT TO SAFETY AND FREEDOM FROM FEAR

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes.

Mr. HULSHOF. Mr. Speaker, once again the 32 newly-elected Republican

Members of this body have sought a special order of this House to focus on issues that affect the lives of Americans all across this great land.

We have, as Members know, in the past explored positive solutions to problems that affect American communities. We have addressed the issues and concerns of working men and women as they struggle to juggle family commitments along with their careers. We have spoken, I think last week it was, about enacting real tax relief.

Mr. Speaker, tonight we want to train the spotlight of this House and focus on an issue of concern to every man and every woman and every child in this great land. What I am speaking about is the most basic civil right that each of us possesses: the right to be free from fear, the right to be able to drive to a convenience store in safety, the right to take a leisurely stroll through our neighborhoods, holding hands with our spouses, without concern; the right to let our kids play outside in the front yard without having to constantly keep watch over them.

Mr. Speaker, before joining this body after the November election, I worked for a little over 10 years as a criminal prosecutor in the State of Missouri. Along with many hardworking law enforcement officials from our great State, I had the opportunity to work on the front lines, dealing with crime and crime victims. I have cried with family members as they have had to deal with the horrific tragedy visited upon them by some violent criminal. We have held hands as we have waited for the verdict of 12 impartial people.

I have relived with those victims of violent crime some pretty horrific tragedies, like the young father who was murdered in front of his two young children. In one of the most selfless acts that I can think of, he was begging not for his life, not for his own safety, but for the lives of his two kids. Yet his pleas fell on the deaf ears of the murderer, who was ultimately convicted.

Or there were the two juveniles who were on a crime spree, and chose to murder the two security guards that came down to investigate this routine theft. The stories and tragedies across this country are too many to mention. I do not need to mention, Mr. Speaker, how strongly I feel for the victims of violent crime.

Of course, last week we had the opportunity to visit back in our districts and promote National Victims' Rights Week. Fortunately, I think in the last Congress, in earlier Congresses, we have done some things to begin making some inroads, to make sure that victims are equal partners in the criminal justice system along with those who are accused of these heinous crimes.

For instance, in the last Congress, restitution for victims was required in Federal courts. In fact, earlier in this Congress we passed a law to help protect crime victims' rights to attend the trial of their assailants and to provide victim impact testimony, which passed this House by a large, overwhelming number. In fact, I am told that the President has signed that measure into law, and it is now the current law of this land.

We have much work to do, however. What we hope to do, Mr. Speaker, is focus a few minutes this evening on this issue. Particularly, I know that there are members of the Republican freshman class who have been champions in the area of victims' rights. I know there are others of us who wish to speak tonight about a specific problem dealing with drugs in our communities, as well as violent juvenile offenders.

In fact, I see that my friend, the gentleman from New Jersey, joins me here in the well of the House. Mr. Speaker, I am happy to yield to the gentleman from New Jersey [Mr. PAPPAS].

Mr. PAPPAS. Mr. Speaker, I thank the gentleman for yielding to me, and I want to thank him once again for organizing this special order that we are doing each week that we are in session, to highlight an area of public policy that is of concern to you and to many of us here, and to talk about some of the experiences that we have had in our own respective districts and States.

The debate here this evening, or the discussion here this evening, is really aimed at trying to create a better America, and to help many families within our districts and certainly within our country. For many of us, it is obvious that if we do not pay some attention to this, the future for many people in our country is not going to be what it certainly should be. The young people of our Nation are the future. They are the future doctors, teachers, businessmen and businesswomen, and yes, even future Members of this Congress.

Juvenile crime for many people is the result of substance abuse. In speaking to teachers, youth group leaders from various religious institutions throughout my State and district, that has been confirmed for me.

I recently saw a study that had gotten the opinion of police chiefs around the country, and they believed, or 31 percent of them believe, that reducing substance abuse, specifically narcotic abuse, would be a very positive step in reducing the crime rate. For many of these police chiefs, reducing drug abuse was three times as crucial as putting more police officers on the street. That that was certainly something that raised my eyebrows.

I know that many of our colleagues here probably saw an article in many of the newspapers, even here in Washington, DC, within the last couple of days, in which two teenagers from my State in Sussex County, the northern part of New Jersey, lured and then killed two pizza delivery people.

I just read an article today in one of our major newspapers in our State, in the Star Ledger, that both suspects in this slaying had a history of drug abuse, and perhaps this brutal crime could have been prevented if these two people had not begun using drugs.

I would like to quote from the Star Ledger article. One of the alleged perpetrators' grandmother was interviewed, and she said, and I will quote in part, "This young man was transformed in the past 2 months through drug use." This change was radical, and she was speaking of his demeanor, how it changed, and that he had, among other things, tremendous mood swings. Obviously she is very upset about not just what took place to these two young people who were killed, but also what drugs did in changing her grandson.

In New Jersey, though, for several years our Governor has established the Council on Alcoholism and Drug Abuse, and we have really seen it make a difference. What it does is it establishes in each of our 21 counties in our State an alliance which is made up of people from county government, municipal government, people from the religious community, youth organizations, education, labor, business, many nonprofit, volunteer organizations.

What they have done, which is somewhat unique even for New Jersey, is meet to determine what is their need in their respective community, and how can that need best be addressed. There is some government funding that is provided, but there is also a requirement that there be some fund-raising at the local level to help pay for these, which in most instances are education and prevention programs.

Some of the programs that have been sponsored include drug-free graduation parties or proms, poster contests, in-school training sessions on the danger of drugs, and preventative programs for all age categories. I might say that some of the communities have even selected programs to target senior citizens, because in many people's view there are many senior citizens in our country that have substance abuse problems.

The focus of this particular program is in education and prevention, not so much on treatment, not that that is not an appropriate avenue for funding, but there are many detoxification services and halfway houses that are already in existence and are funded in many instances from other avenues.

Over the course of our Gov. Christy Whitman's first term in office, juvenile arrests in New Jersey have actually declined overall by 5 percent, and juvenile arrests for violent crimes have dropped by 7 percent. I believe that these community-based organizations that I have spoken about here are an important reason for this drop in crime.

Another exciting initiative that was very successful in my home county of Somerset in New Jersey was the formation of the Somerset County Youth Council, which, when I was on our county board, asked principals, high school principals, private, parochial, as well as public, to recommend young people to come together, to meet maybe 4 times a year, to advise the county government officials on programs they feel need to be addressed from the young people's perspective.

That strategy has been very enthusiastically responded to by both the educational community as well as the young people. They have become involved in a wide variety of efforts, undertaken projects, such as trying to raise the consciousness of their peers to not even start to smoke, let alone get involved in alcohol and narcotics, and it has really been something that has been very, very positive.

These young people have been asked to serve, and they have really stepped forward and run this program, which really is growing in its scope and in its breadth of involvement from people from all segments and all economic situations.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned these young groups, and I would ask the gentleman, what age groups is he talking about that the coalition is reaching out to?

Mr. PAPPAS. Junior high, middle schools, and up to high school.

Mr. HULSHOF. It seems that especially the earlier that the education process can begin, once that foundation begins, you can really begin to build that foundation.

I know recently just going back, I have had a chance to visit with the local elementary school in Missouri, the Luray Elementary School, very small, K through 8, with about 45 students, and yet they are very aware. In fact, when you walk into the school, the doormat there says "Don't do drugs."

☐ 2130

This constant educational process that helps young people realize that with every choice there comes a responsibility, it sounds like this is also working in your home district.

Mr. PAPPAS. In conclusion, if the gentleman will continue to yield, I think what I spoke about, what we have done in New Jersey and what we did in my county, is to illustrate how one-size-fits-all approaches that too often Washington, DC, folks have felt is the way to go does not always work. It is not always the answer to all of the needs of the communities throughout our great country.

I hope that initiatives that we have had, not just in New Jersey but really in many of our districts that are represented here tonight, will be reflected upon. I talk about some of the success stories that we have been involved with in central New Jersey, with the hope of encouraging other people to not necessarily feel they have to reinvent the wheel.

I certainly look forward to learning of what positive things may have taken place in your district and in others and certainly take those ideas back home.

Mr. Speaker, I thank the gentleman for yielding to me.

Mr. HULSHOF. Mr. Speaker, I applaud the gentleman for his efforts. Hopefully his constituents know how hard he is working up here and that he is providing some great examples and success stories in central New Jersey.

I see the gentleman from Colorado has joined us in the Chamber, and I yield to the gentleman from Colorado [Mr. BOB SCHAFFER].

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding to me.

I wanted to talk about a couple things that I think raise this issue and tell us why it is important this week and why we ought to focus on juvenile crime and the importance of this topic.

There was a subcommittee hearing that just took place this last week, and some of the stories that that subcommittee had heard are some sobering facts. I want to go through a couple of those. There were a number of personal stories, just tragic, similar to the one that you mentioned just a few moments ago, but also just some numbers that I think really put this into perspective.

First of all, when you realize that with the experts are telling us right now about the effect of what they call the echo boomers, the children of baby boomers that will be leaving their diapers behind and becoming teenagers very shortly, the experts tell us that nationwide we are likely to experience a 31 percent increase in juvenile crime by the year 2010. In that climate, the FBI predicts and has told us that juvenile arrests for murder will increase 145 percent over the 1992 level, juvenile arrests for forcible rape by 66 percent, and juvenile arrests for aggravated assaulted by 129 percent.

Those are estimates based on today's trends, but I know like you and the rest of the Members of this freshman class who are dedicated to changing those numbers and using the power of these podiums and our offices to try to give a new direction to these numbers and offer a brighter picture.

Let me tell you about some of the problems that we face in America right now, why juvenile crime is something that is on increase. I would submit that it has an awful lot to do with the callous disregard for the issue that we see people in government and people in this Congress, I hate to admit, take toward juvenile crime and hopefully we can change that.

The question is, what happens to juveniles once they are caught? What does the Government do at the State and local and Federal level as well to remedy the situation? Juvenile courts have seen their case load of violent juvenile offenders increase 98 percent between 1985 and 1994. The number of juvenile murders has actually tripled during that same time period. Juveniles 15 years and younger were responsible for 64 percent of the violent offenses handled by juvenile courts in 1994. Almost half of all juveniles arrested for violent offenses received either probation or fine, restitution or community service. And nearly 40 percent of those offenders who come in contact with the court system have their cases dismissed.

These young children are not stupid. They may be foolish with respect to the crimes that they commit. I do not want to deny that. But when it comes to the odds of getting caught and getting prosecuted and strenuously so in this court system, these young children have figured out that the odds are in fact on their side and that we as Americans have tolerated far too much in the way of unruly behavior and discipline problems throughout the country and so on.

Let me tell you a couple more disturbing statistics. The average length of institutionalization for a juvenile who has committed a violent crime is only 353 days. In other words, a juvenile who commits cold-blooded murder can be back on the streets in less than 1 year in many cases.

According to the Justice Department, of those juveniles who actually make it to a State institution, 43 percent have had more than 5 prior arrests and 20 percent have been arrested more than 10 times. Approximately four-fifths of those offenders have previously been on probation and three-fifths have been committed to a correctional facility at least once in the past.

The next question obviously is, what can we do? What can we do to turn these terrifying numbers around? That is the job that is in front of us. That is something that I believe if we have the tenacity that brought us all here to Washington we can turn those numbers around.

I would suggest that in many respects what we ought to do is not look to more and more government programs as the answer to preventing juvenile crime. Sometimes that is effective. But as the research begins to pile up and mount, it confronts us with the undeniable truth that spending millions and millions more of Federal and State and local funds on various youth related programs has not managed to turn these statistics around, not at all.

I would suggest that just as the previous gentleman had mentioned that in some ways we need to look back to the future, programs that have worked well. It was Alexis de Tocqueville, the great observer of American democracy back in the earliest days, who observed that in America it was the private associations, the private institutions, the private charities and religious organizations that in fact had more to do with America's greatness than anything that the government was able to put together.

Just a few examples, and I want to finish with just a brief comment about what is happening here in the District of Columbia.

Look at these examples and I think it is our challenge to try to see what has worked and try to duplicate these examples.

The Young Men's Christian Association, the YMCA, was established to combat urban crime. Seeing its mission as molding the moral character of the young, the YMCA successfully undertook a struggle to win the hearts and minds of inner city youth, leading to a major drop in juvenile crime.

In founding Georgetown University in 1792, Bishop John Carroll argued for the necessity of, "a pious and Catholic education for the young." Carroll hoped that Georgetown's graduates would supply a pool of teachers for the Catholic schools of local parishes. Today those schools provide superior education, not only to the children of Catholic faith but to all faiths, and it has had just a tremendously important role to play in poor inner city parents seeking an alternative to public education.

The Young Women's Christian Association gave a chaperoned place to live to young women migrating to the cities from rural areas. That stability immediately became available to those young women, permitting them to gradually find the community life in which they felt comfortable and safe fellowship after leaving their families and original communities.

The Red Cross is another good example, a massive private sector organization which runs the world's largest blood collection and distribution systems as just one of its projects. The temperance movement in the mid-1800's, a response to the growing alcohol addiction of the time, resulted in massive reductions in alcohol consumption and a change of attitudes about alcohol abuse.

I mention some of those examples because these were not inspired by government. They were inspired by private citizens, private associations who realize that the answer to crime and to just sad economic conditions for many millions of our youth at that point in time was not found in the halls of government but it was found in the halls of churches and schools and charitable organizations.

I want to finish with one more sad story unfortunately. It is an event that took place right here in Washington, DC last week, and I mention this today because it does relate to this issue of juvenile crime and it is a topic that I hope to speak to in more detail next week.

That is an event that took place a little over a week ago here in the District schools. In a fourth grade classroom here in Washington, an elementary school, nine fourth graders were allowed to be unobserved or unattended by their teacher in a holding room off to the side of the school room. These children engaged in some kind of sex game known as freaky Friday, as the Washington Post described the event, eventually were disrobed and engaged in sexual activity in a school building, a classroom in the District of Columbia. This is an important item to note for us here because the Constitution puts this Congress in charge of the District of Columbia.

But at a time when we are wondering and in disbelief in many cases as to how young children in America can behave in many cases the way they do, we need to look no further than the examples that occur right here in Washington, DC, a good place to start, I would suggest, and as I mentioned, I hope to have a chance to discuss this a little more next week because we certainly have to focus on improving the quality of our public education system if we ever hope to get at a point where we really are challenging these young children, giving them real hope and opportunity.

Let me finish just by saying this. By far the greater example is found within the many children and young people we have seen throughout the country who are achieving noble things, who are working hard, earning good grades, finding ways to be young entrepreneurs and being successful in their home towns.

We see these examples all the time. They really do need to be celebrated. They need to be a component part to any solution that we try to craft here in Washington or policy direction that we pursue, and it is really those young children, who are on their ways to becoming worthwhile productive leaders and citizens in our country, that we need to embrace and that we need to celebrate and really look to them. I think they really are going to be the answer to the solutions that we are hunting for in reducing juvenile violence.

Mr. HULSHOF. Mr. Speaker, I always appreciate the gentleman from Colorado gracing us with his presence. I did not see any photographs tonight. I was waiting for the family portraits.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, no juvenile offenders at home.

Mr. HULSHOF. Mr. Speaker, the gentleman mentioned a good point. He started talking about statistics and what unfortunately we had to look forward to.

In fact, I know that some who say that crime is not that much of a problem and that the statistics say that violent crime is going down, and they talk about government programs having worked, and yet why is it that none of us at least who work in this city, why do we not feel safe when we walk down the street?

You mentioned another good point about the violent nature of the offenses being committed by younger and younger offenders. I have had a chance, again in my career as a prosecutor, I have had occasion in the last couple of years to visit with some of the older criminals in the prisons who are actually serving substantial sentences and visiting with them about why they are there and trying to find some solutions.

One of the things that rang out was that these men and some women with extensive criminal resumes were most fearful of the youthful offenders who were just now being sentenced that they were having to be incarcerated with, that these were the ones that had a callous disregard for the difference between right and wrong.

It was just extraordinary to hear these very grizzled criminals that expressed some concern and fear about the youthful offenders that they were having to share cells with.

I know, as the gentleman has worked on the subcommittee, in the old days in, 1950's and 1960's, when our juvenile laws were first crafted and created across the country, a truancy was the most violent or aberrant behavior that we had to deal with. Now rape and murders and assaults and all other types of violent offenses.

I know in the State of Missouri we have been very proactive, that we have held accountable those youthful offenders that commit adult crimes and holding them accountable as adults, while at the same time, as I hear folks argue on the other side of it, we are not throwing away the key on youthful offenders, but there are ways to reach out to those that have not had discipline in their lives, like boot camps or institutional type settings that provide them training and skills that they have not had.

You mentioned some of these volunteer organizations. I think the list goes on and on, things like even scouting, Boy Scouts and Girl Scouts or 4-H, Big Brothers and Big Sisters, which provide adult mentors for adolescents.

I think this is a problem that really hopefully the American people realize is not a governmental problem with governmental solutions but really does require all of us to take a little bit of a load and some of the responsibility. I thank the gentleman.

I see my good friend from Kansas, my neighboring State, is also now in the well. I yield to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Speaker, if I could, I would like to kind of broaden the discussion a little bit tonight. We have talked a lot about juvenile crime. That is an important part of the discussion of crime altogether. But I think it may have escaped our attention. Last week was victims rights week.

□ 2145

Last week was Victims' Rights Week, but our memories of the victims of crime should not be restricted to a single week of the year, nor should our determination to deal appropriately with violent criminals be limited to lofty speeches and tough resolutions.

The American people know, and they make it clear in survey after survey, that violent crime is a national crisis. And at a time in history when the world was never safer for a democracy, the streets of our country have become even more dangerous. We have largely won what President Kennedy called the long twilight struggle against Communist totalitarianism, but the war against crime goes on in our cities. It is a war we must fight with the same resolve, determination, patience and vigor with which we waged the cold war of the last past half century.

I feel we should take the same approach to crime, particularly juvenile crime, that we have taken to welfare. Congress should permit the States to experiment with different methods for controlling crime rather than impose a one size fits all solution from Washington. It would be foolish to believe that Congress knows better how to fight crime in Kansas City, Kansas than the city council or the Kansas legislature does. It would be equally foolish to suggest that the same crime fighting strategies are equally effective in Los Angeles, California, and Lawrence, Kansas.

However, there are some things that can and should be done by Washington to assist the States in fighting crime. For example, the Clinton administration should be moving more swiftly to create a computerized instant check system to prevent criminals are from purchasing guns. The White House promised that such a system would be in place long ago, and it is time they turned their overheated election year rhetoric on this issue into concrete results.

The administration likes to cite statistics showing that the rate of violent crime is falling, but these figures fail to convey the increasing sense of the coarsening of our culture in which once unspeakable crimes lead the news on a nightly basis. Nor do they convey the preciousness of a loved one so senselessly taken away and the rage that come from the knowledge that it was preventable.

Many Members of this body have, over the last several years, become familiar with the name Stephanie Schmidt. Her parents, Gene and Peggy, are constituents of mine and have lobbied tirelessly for tougher sentences for sex offenders.

Unfortunately, none of us in this body will ever have the pleasure of knowing Stephanie. Three and a half years ago a convicted rapist, who had just served half his sentence before being paroled, kidnapped, raped and murdered the 20 year old college student.

Gene and Peggy, two exceptionally courageous people, turned their grief into action by asking all of us to speak out for Stephanie, as my lapel pin indicates. Along with the parents of other murdered children, they have asked us to look more realistically at the problem of repeat offenders.

The Schmidts have proposed a series of measures that I fully endorse and will be working to enact into law. They are designed to extend reach of what has become known as "Megan's Law". These proposals, which could appropriately be called "Stephanie's Law", are as follows:

First, we should expand the current law requiring all convicted sex offenders to register in the state in which they resides to apply to all violent felony offenders.

Second, the FBI in conjunction with the Justice Department and the Attorney General's office should complete a registry of violent felony offenders from all 50 States. Under current law the FBI is exploring establishing such a list. Congress should require it. We should examine the feasibility of disseminating information in a central registry through avenues such as public libraries or perhaps a 900 phone number, the proceeds from which could finance the registry.

Third, any Federal legislative changes should include a public policy statements urging States to reform their laws dealing with licensing boards and agencies. State boards and agencies should not feel compelled to license or certify any violent felon who is on post release supervision.

Laws by themselves cannot prevent crimes nor can anyone law protect all people from the particular crime it addresses, but that is no excuse for failing to enact the law when its need is so clear.

I will be asking this Congress to speak out for Stephanie, for other victims of violent crime, and for the millions of Americans who live daily in terror of what awaits them outside their front door.

I appreciate the gentleman's yielding the time.

Mr. HULSHOF. I appreciate that. I notice the gentleman is wearing a particular pin on his lapel. Would he mind sharing with us what that signifies?

Mr. SNOWBARGER. Again this was a pin distributed back in my district by the "Speak Out For Stephanie Foundation" in honor of Crime Victims' Week last week, again we were so focused on taxes that last week, I am not sure if there is any connection here between being victims of crime and talking about taxes, but in any event, we did not give it the attention we needed to last week, and I felt compelled tonight to raise the issue of the victims of violent crime and indicate that Congress does have a role to play in that.

Other areas of criminal law, I prefer to leave to the States.

Mr. HULSHOF. If I could prevail upon the gentleman a little further, I appreciate his comments, and I know before joining this body that he was a leader in the Kansas legislature for a number of years.

What did the State of Kansas do either on crime victim legislation or perhaps dealing with juvenile offenders.

Mr. SNOWBARGER. I will talk specifically about juvenile offenders, because it is amazing to me that Washington is just now catching on to get tough on juvenile crime laws. We did that in Kansas last year.

We often think Washington has the answers to all these questions. They do not. A lot of States out there were before Kansas in submitting and passing legislation that would again treat juvenile offenders as adults when they commit adult crimes, extending the sentences for juveniles, again treating them as adults if they choose to commit crimes like adults would commit.

In the area of victims rights, we passed a constitutional amendment to the State constitution that guaranteed certain rights to victims. I know one of our colleagues from Texas is going to be talking about that same kind of proposal for the U.S. Constitution.

Again, States are already acting on those things, and sometimes I think if we do not understand that States can act more quickly and sometimes in a much more responsive fashion, then we are going to fall into the same trap I think our colleagues in the past have, thinking Washington is the repository of all wisdom.

Mr. HULSHOF. I appreciate the gentleman, especially for his very eloquent voice, and he is right, last week we were focused on our pocketbooks, unfortunately. And National Victims' Rights Week, while it was something we celebrated and recognized back in my home district in Missouri, in fact, while we were in session last week I was told that Fred Goldman, who of course has become a very vocal advocate for the rights of victims actually came to Missouri to champion and to remind us that the system, the criminal justice system, while it is not perfect, is the best system known in modern civilization.

At the same time that we focus on the rights of the accused, certainly we do not want that system to victimize family a second time after having experienced a very tragic type of crime.

So I appreciate the gentleman joining us tonight. He mentioned the State of Texas, and I see my friend from Texas has joined us, and I would be happy to yield to him, Mr. BRADY.

Mr. BRADY. Mr. Speaker, I thank the gentleman from Missouri for yielding to me.

I want to follow on the comments of our colleague from Kansas about the week that we just passed and some of the issues that were raised.

During National Crime Victims' Rights Week, House Joint Resolution 71 was introduced. I am proud to be an original cosponsor of this proposed constitutional amendment which would provide rights for victims of crime, victims of juvenile crime, of State and of Federal crimes.

House Joint Resolution 71 is important to me because, as my friends know, my father was murdered when I was young, when I was 12 years old, leaving my mom to raise five of us by herself. Our family has been through the trial, through a conviction, through sentencing, and even though dad's killer received life in prison without parole, like a lot of families we found ourselves before the parole board fighting to keep him in prison. Unlike a lot of families, we succeeded, but only because this killer happened to be a little built elderly at the time he committed the crime.

House Joint Resolution 71 is important to America because we are a country with two classes of citizens, of those who have been touched by violent crime and those who someday will be. In this House Joint Resolution, in this constitutional amendment, we seek to provide some basic rights that, with the exception of a few enlightened States, are not available today.

We are seeking the right to be included in public proceedings; for victims to know in advance the court proceedings that affect their case; to have the simple right to sit in the courtroom to lend their family support to the victim and, in some cases, to the prosecution, which is the same right that we accord the family of the accused.

The O.J. Simpson trial, which caught much of the world's attention, featured the families of the victims in the courtroom. That is the exception rather than the rule. Today, in most States, clever defense lawyers routinely list and identify the family of victims as potential witnesses only to ensure that they are kept out of the courtroom as a means to isolate the victim's family.

It is a cruel courtroom tactic that features, for the jury's sake, the family of the accused while isolating the family of the victim. The tactic is routine, it is wrong, and it is a tactic that ought not be tolerated any longer in this country.

As important as presence in these proceedings are, House Joint Resolution 71 guarantees that victims are heard in these public proceedings. It gives us the opportunity to tell the prosecution, the judge, the jury, the parole board members how our family feels about having a criminal released from custody, often only hours after they have committed the crime; how appropriate is a plea bargain; how just is a sentence; and how safe our families will feel when the killer of a child or the rapist of one's wife walks free again in their neighborhood as a result of some parole board's action.

We all agree, clearly, that justice must be sure and must be swift. Unfortunately, our criminal justice system is rarely either. This measure, House Joint Resolution 71, allows victims of crime to seek relief from unreasonable delays in criminal proceedings, which is a key advantage and benefit to those who are in a situation that they never thought imaginable, and hoping that the system will work on their behalf and often finds themselves years and years beyond the offense before any measure of justice is ever served.

We are also seeking the right for victims to seek restitution for crime victims. It permits these families to seek some financial help, to help replace the financial support that literally was stolen from them. For many families these dollars, if they are ever paid, go for basic needs, like health care for their children, clothing, the cost of higher education.

We are providing in House Joint Resolution 71 the right to know when the person who took a child's life or a family member's life, when they escape from prison, the right to know when they are proposed for release from prison. This is such a commonsense basic right to have our safety considered when determining a release for the criminal.

Finally, in House Joint Resolution 71, we want to make sure that victims are made aware of these rights early in the process so that they can take full advantage of these basic, basic rights.

In closing, we pursue the rights in House Joint Resolution 71, the Crime Victims Constitutional Amendment, so that someday in the future, somewhere in America, when a family finds themselves in a situation they never thought could happen to them, that we are able to give them the one thing they most desperately need, which is justice.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman's joining us and especially for his eloquence in speaking on behalf of crime victims. I know certainly he raises a number of good points, particularly about parole.

I know that this body has, on occasion, encouraged States to enact tougher sentencing laws, truth in sentencing, so that when that collective voice of a jury pronounces a sentence on one they have found guilty, that that sentence, a large percentage of that sentence, will actually be served.

I learned this week, in fact, that a man that I helped convict of a crime of murder in Missouri 4 short years ago was up for his first parole hearing this week. I wish that this was an exception to the rule, but, unfortunately, this is all too common.

What has been the gentleman's experience in Texas?

Mr. BRADY. As a prosecutor, the gentleman knows firsthand how frustrating it is to have that revolving door. And even though the States have put tremendous resources into prosecution and law enforcement into their prison systems, expensive prison systems, that is still unfortunately a common occurrence today.

It is devastating to the family, to the victims of these crimes, to have this criminal walk free on the streets after such a short time, in some cases where the trial, in the time it took to receive a sentence, is longer than the sentence that they actually serve.

□ 2200

It is indefensible within our system. The good news is I think Congress has absolutely the will to make these changes and I think we have the ability to do so. I appreciate the gentleman's leadership as President of the Republican freshman class in guiding us, in focusing us on issues of quality of life, not just through the economy and through our society but making sure we have a criminal justice system that from your experience works as well for the victims as it does for the accused.

Mr. HULSHOF. I thank the gentleman for his words. He is exactly right. There is no easy solution to this very difficult problem. But I think we can make some strides and provide some meaningful changes. We have begun that, even in the last Congress, giving credit to the 104th Congress that did provide that victims receive some restitution from those that took something from them, whether it was monetarily or in other ways that sometimes money could not replace but at least providing that right of restitution. But building on that, even as we did earlier in this Congress with providing the right of allocution of victims to attend these hearings, these parole hearings and sentencing hearings and the right to be heard at trial, but there is much more to be done.

I know as the gentleman mentioned, House Joint Resolution 71 that we will be debating in the weeks and months ahead, that we need to continue to focus on the rights of the innocent. We continue to focus, Mr. Speaker, all too often, and rightly so in some instances, the right of those that are accused and certainly those due process rights are there and they should be there but at the same time we believe and I think we have heard tonight very forcefully spoken by other Republican freshmen Members that the rights of the victims should also be heard as well in courtrooms across this land.

Mr. Speaker, I see that our time is drawing to a close. As a simple comment to sort of bring closure to this discussion, the Founding Fathers recognized that each of us has been given a God-given right, the right to life and to liberty and to the pursuit of happiness. Violent acts that are committed by unrepentant criminals directly violate these God-given inalienable rights. I think it is good of us to take a moment as we did in this last week to focus on the innocent victims of crime and I think we need to continue to speak out not just tonight in a special order but we need to speak out all across this country and not just those of us in this body or not just those back in State legislatures or State senate chambers, or not only in the Governor's mansions around this country but I think it is incumbent on each of us to do our part, whether it is part of a neighborhood watch program or whether it is marching for the victims of crime, for their rights, or in any of these volunteer organizations that we talked about tonight, whatever we can do to help promote and restore the fabric of our society and our community. It is a problem that there is no easy answer to but one that I think we need to continually focus on.

Again I thank the Speaker for allowing us, the 32 Members on the GOP side of this body, to bring to light this problem and some solutions that have worked.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. VELAZQUEZ (at the request of Mr. GEPHARDT) for today, on account of family illness.

Mr. DEUTSCH (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. YATES (at the request of Mr. GEPHARDT) for today, on account of back pain.

Mr. RUSH (at the request of Mr. GEPHARDT) for today, on account of personal business.

Ms. KILPATRICK (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. SCHIFF (at the request of Mr. ARMEY) for today and the balance of the week, on account of medical reasons.

Mr. TAYLOR of North Carolina (at the request of Mr. ARMEY) for today, on account of weather-related transportation problems.

Mr. HOEKSTRA (at the request of Mr. ARMEY) for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SUNUNU) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes, on April 24.
Mrs. KELLY, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.
Mr. JONES, for 5 minutes, on April 24.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. LEWIS of Georgia, for 5 minutes, today.
Mr. POMEROY, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. HUNTER, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. WEYGAND.
Mr. MANTON.
Mr. MOAKLEY.
Mr. FRANK of Massachusetts.
Mr. HAMILTON.
Mr. DAVIS of Illinois.
Mr. KUCINICH.
Mr. KLECZKA.
Ms. FURSE.
Mr. ACKERMAN.
Mr. STARK.
Ms. LOFGREN.
Mr. FOGLIETTA.
Mrs. KENNELLY of Connecticut.
Ms. SANCHEZ.
Mr. LANTOS.
Mrs. MEEK of Florida.
Mr. DICKS.

(The following Members (at the request of Mr. SUNUNU) and to include extraneous matter:)

Mr. SMITH of New Jersey.
Mr. SOLOMON.
Mr. FRELINGHUYSEN.
Mr. FORBES.
Mr. HAMILTON.
Mr. ROGAN.
Mr. BEREUTER.
Mr. MCINTOSH.
Mr. HYDE.
Mr. DUNCAN.
Mr. GILMAN, in two instances.
Mr. HORN.

(The following Members (at the request of Mr. HULSHOF) and to include extraneous matter:)

Mr. FLAKE.
Mr. UPTON.
Mrs. EMERSON.
Mr. PACKARD.
Ms. SANCHEZ.
Mr. DREIER.
Mr. CASTLE.
Mr. SHERMAN.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 18, 1997:

H.R. 1003. An act to clarify Federal law with respect to restricting the use of Federal funds in support of assisted suicide.

ADJOURNMENT

Mr. HULSHOF. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Thursday, April 24, 1997, at 10 a.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees, House of Representatives, during the 1st quarter of 1997, a consolidated report of foreign currencies and U.S. dollars utilized for Speaker authorized trips during the 4th quarter of 1996 and 1st quarter of 1997, pursuant to Public Law 95–384, as well as reports concerning the foreign currencies and U.S. dollars utilized by various miscellaneous groups in connection with official foreign travel during the calendar year 1996 and the 1st quarter of 1997, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. F. James Sensenbrenner	2/16	2/24	Germany		496.00		4,508.05		1,078.17		6,082.22
			Russia		690.00						690.00
			France		648.00						648.00
Hon. Dana Rohrabacher	2/16	2/24	Germany		496.00		4,508.05				5,004.05
			Russia		690.00						690.00
			France		648.00						648.00
Hon. Dave Weldon	2/16	2/21	Germany		496.00		4,771.45				5,267.45
			Russia		690.00						690.00
			France		324.00						324.00
Todd R. Schultz	2/16	2/24	Germany		496.00		4,508.05				5,004.05
			Russia		690.00						690.00
			France		648.00						648.00
Richard Obermann	2/16	2/24	Germany		496.00		4,508.05				5,004.05
			Russia		690.00						690.00
			France		648.00						648.00
Committee total					8,846.00		22,803.65		1,078.17		32,727.82

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES SENSENBRENNER, JR., Chairman, Apr. 10, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SMALL BUSINESS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Philip Eskeland	2/19	2/23	Belgium		921.00						921.00
Commercial airfare							498.18				498.18
Committee total					921.00		498.18				1,419.18

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JAMES TALENT, Chairman, Apr. 7, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. John S. Tanner	3/25	3/28	Estonia		612.00		(3)				612.00
	3/28	3/29	Latvia		245.00		(3)				245.00
	3/29	3/31	Poland		422.00		(3)				422.00
	3/31	4/2	Poland		526.00		(3)				526.00
	4/2	4/4	Czech Republic		564.00		(3)				564.00
Hon. Mac Collins	1/11	1/13	Israel		417.00		(3)				417.00
	1/13	1/14	Jordan		251.00		(3)				251.00
	1/14	1/17	Egypt		701.00		(3)				701.00
	1/17	1/18	Morocco		195.00		(3)				195.00
	1/19	1/20	Ireland		352.00		(3)				352.00
Committee total					4,285.00						4,285.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

BILL ARCHER, Chairman, Apr. 10, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 18, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. David McIntosh	12/13	1/1	United Kingdom								
Hon. Mark Foley	12/15	12/20	United Kingdom				1,061.45				1,061.45
Hon. Lindsey Graham	12/16	12/18	United Kingdom				4,266.45				4,266.45
Hon. Bob Barr	12/16	12/19	United Kingdom				5,038.56				5,038.56
John Steele	12/15	12/23	United Kingdom								
Committee total							10,366.46				10,366.46

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DAVID McINTOSH, Jan. 17, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 21, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Scott Klug	12/16	12/21	United Kingdom				885.75				

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE UNITED KINGDOM, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN DEC. 16 AND DEC. 21, 1996—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jay Dickey	12/16	12/20	United Kingdom				5,603.75				
Joyce Yamat	12/16	12/21	United Kingdom				599.75				
Committee total							7,089.25				

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

SCOTT KLUG, Jan. 14, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BANGKOK, INDONESIA, AND HONG KONG, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 9 AND JAN. 17, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Frank R. Wolf		1/9	United States				5,096.57				5,096.57
	1/11	1/11	Thailand						115.00		115.00
	1/12	1/16	Indonesia		1,081.00						
	1/16	1/17	Hong Kong		394.00						
	1/17		United States								
					[3] −489.00						
											986.00
Charles E. White		1/9	United States				5,096.57				5,096.57
	1/11	1/11	Thailand						115.00		115.00
	1/12	1/16	Indonesia		1,081.00						
	1/16	1/17	Hong Kong		394.00						
	1/17		United States								
					[3] −280.00						1,195.00
Committee total					2,181.00		10,193.14		230.00		12,604.14

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unused per diem returned to the State Department.

FRANK R. WOLF, ———. ——, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 17, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Jim Kolbe	1/9	1/10	Japan				(3)				
Hon. Cliff Stearns	1/9	1/10	Japan				(3)				
Hon. Nathan Deal	1/9	1/10	Japan				(3)				
Hon. James Greenwood	1/9	1/10	Japan				(3)				
Hon. Ron Lewis	1/9	1/10	Japan				(3)				
Hon. Thomas Davis	1/9	1/10	Japan				(3)				
Hon. Robert Ehrlich	1/9	1/10	Japan				(3)				
Hon. Mark Foley	1/9	1/10	Japan				(3)				
Hon. Sue Kelly	1/9	1/10	Japan				(3)				
Hon. Robert Ney	1/9	1/10	Japan				(3)				
Hon. John LaFalce	1/9	1/10	Japan				(3)				
Hon. Barbara Kennelly	1/9	1/10	Japan				(3)				
Hon. Sander Levin	1/9	1/10	Japan				(3)				
Hon. Louise Slaughter	1/9	1/10	Japan				(3)				
Hon. Collin Peterson	1/9	1/10	Japan				(3)				
Hon. Stanford Bishop	1/9	1/10	Japan				(3)				
Hon. Pat Danner	1/9	1/10	Japan				(3)				
Hon. Alcee Hastings	1/9	1/10	Japan				(3)				
Hon. Tim Holden	1/9	1/10	Japan				(3)				
Hon. Paul McHale	1/9	1/10	Japan				(3)				
Hon. Cynthia McKinney	1/9	1/10	Japan				(3)				
Everett Eisenstatt	1/9	1/10	Japan				(3)				
Angela Ellard	1/9	1/10	Japan				(3)				
Robert Hathaway	1/9	1/10	Japan				(3)				
Gregory Van Tatenhoue	1/9	1/10	Japan				(3)				
Hon. Xavier Becerra	1/9	1/10	Japan				(3)				
Hon. Jim Kolbe	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Cliff Stearns	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Nathan Deal	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. James Greenwood	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Ron Lewis	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Thomas Davis	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Robert Ehrlich	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Mark Foley	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Sue Kelly	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Robert Ney	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. John LaFalce	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Barabra Kennelly	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Sander Levin	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Louis Slaughter	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Collin Peterson	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Stanford Bishop	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Pat Danner	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Alice Hastings	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Tim Holden	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Paul McHale	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Cynthia McKinney	1/10	1/12	Hong Kong		788.00		(3)				788.00
Everett Eisenstatt	1/10	1/12	Hong Kong		788.00		(3)				788.00
Angela Ellard	1/10	1/12	Hong Kong		788.00		(3)				788.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO JAPAN AND CHINA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 17, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Robert Hathaway	1/10	1/12	Hong Kong		788.00		(3)				788.00
Gregory Van Tatenhove	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Xavier Becerra	1/10	1/12	Hong Kong		788.00		(3)				788.00
Hon. Jim Kolbe	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Cliff Stearns	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Nathan Deal	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. James Greenwood	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Ron Lewis	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Thomas Davis	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Robert Ehrlich	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Mark Foley	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Sue Kelly	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Robert Ney	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. John LaFalce	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Barbara Kennelly	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Sander Levin	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Louis Slaughter	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Collin Petersen	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Stanford Bishop	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Pat Danner	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Alcee Hastings	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Tim Holden	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Paul McHale	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Cynthia McKinney	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Everett Eisenstatt	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Angela Ellard	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Robert Hathaway	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Gregory Van Tatenhoue	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Xavier Becerra	1/12	1/15	Beijing, China		702.00		(3)				702.00
Hon. Jim Kolbe	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Cliff Stearns	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Nathan Deal	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. James Greenwood	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Ron Lewis	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Thomas Davis	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Robert Ehrlich	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Mark Foley	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Sue Kelly	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Robert Ney	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. John LaFalce	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Barbara Kennelly	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Sander Levin	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Louise Slaughter	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Collin Peterson	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Sanford Bishop	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Pat Danner	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Alcee Hastings	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Tim Holden	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Paul McHale	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Cynthia McKinney	1/15	1/16	Xian, China		169.00		(3)				169.00
Everett Eisentatt	1/15	1/16	Xian, China		169.00		(3)				169.00
Angela Ellard	1/15	1/16	Xian, China		169.00		(3)				169.00
Robert Hathaway	1/15	1/16	Xian, China		169.00		(3)				169.00
Gregory Van Tatenhove	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Xavier Becerra	1/15	1/16	Xian, China		169.00		(3)				169.00
Hon. Jim Kolbe	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Cliff Stearns	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Nathan Deal	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. James Greenwood	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Ron Lewis	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Thomas Davis	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Robert Ehrlich	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Mark Foley	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Sue Kelly	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Robert Ney	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. John LaFalce	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Barbara Kennelly	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Sander Levin	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Louis Slaughter	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Collin Petersen	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Stanford Bishop	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Pat Danner	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Alcee Hastings	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Tim Holden	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Cynthia McKinney	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Everett Eisenstatt	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Angela Ellard	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Robert Hathaway	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Gregory Van Tatenhove	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Hon. Xavier Becerra	1/16	1/18	Shanghai, China		552.00		(3)				552.00
Committee total					57,486.00						57,486.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

JIM KOLBE, Feb. 13, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE EUROPEAN PARLIAMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 23, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Benjamin A. Gilman	2/14	2/15	Ireland		543.00						543.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE EUROPEAN PARLIAMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 14 AND FEB. 23, 1997—Continued

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Tom Lantos	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Ileana Ros-Lehtinen	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Michael McNulty	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Jim Moran	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Pat Danner	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Lincoln Diaz-Balart	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Sue Myrick	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Robert W. Ney	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Hon. Sheila Jackson-Lee	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
David Jung	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Laura Rush	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Paker Brent	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Robert King	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
	2/21	2/23	Belgium		614.00						614.00
Peter Davidson	2/14	2/15	Ireland		543.00						543.00
	2/15	2/18	England		1,002.00						1,002.00
	2/18	2/20	Germany		530.00						530.00
	2/20	2/21	France		263.00						263.00
Committee total					43,666.00						43,666.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BEN GILMAN.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO ITALY AND GERMANY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 17 AND FEB. 20, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
David V. Marventano	2/17	2/18	Italy	400,510	242.00		(3)			400,510	242.00
	2/18	2/20	Germany	900.90	546.00		(3)			900.90	546.00
Kerry Knott	2/17	2/18	Italy	400,510	242.00		(3)			400,510	242.00
	2/18	2/20	Germany	900.90	546.00		(3)			900.90	546.00
Committee total					$1,576.00						1,576.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

——— ———, March 18, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO CANADA, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 8 AND JAN. 11, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Robert W. Van Wicklin	1/8	1/11	Canada	1,139.40	844.00		1,062.70			1,139.40	1,906.70
Committee total					844.00		1,062.70				1,906.70

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

—— ——, Jan. 29, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO FRANCE AND SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 26 AND FEB. 3, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Gardner G. Peckham	1/26	1/30	France	7,128	1,296.00					7,128	1,296.00
	1/30	2/3	Switzerland		705.00						705.00
Commercial airfare							3,206.05				3,206.05
											[3] 75.00
Committee total											

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Unused per diem returned.

GARDNER G. PECKHAM, Mar. 16, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, TRAVEL TO SWITZERLAND, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 11 AND FEB. 17, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Monica Azare	2/11	2/17	Switzerland	1,950.47							1,950.47
Committee total											1,950.47

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

MONICA AZARE, Mar. 19, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 23, 1997

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Gerald Solomon	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Hon. Tom Bliley	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Hon. Porter Goss	2/15	2/17	Belgium		684.00						
	2/17	2/19	France		508.00						
	2/19	2/21	Ukraine		644.00						
	2/21	2/23	Belgium		579.00						2,415.00
Hon. Paul Gillmor	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/19	2/23	Belgium		614.00						2,740.00
Hon. Scott McInnis	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Hon. Owen Pickett	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
John Herzberg	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Jo Weber	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Mark Gage	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Ed Timperlake	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Linda Pedigo	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE NORTH ATLANTIC ASSEMBLY, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 15 AND FEB. 23, 1997—Continued

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Ron Lasch	2/15	2/17	Belgium		759.00						
	2/17	2/19	France		548.00						
	2/19	2/21	Ukraine		819.00						
	2/21	2/23	Belgium		614.00						2,740.00
Committee total					32,555.00						32,555.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

——— ———, Apr. 20, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE CANADA-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1997

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Hon. Pat Danner	5/10	5/14	United States		821.01		(3)				821.01
Hon. E. (Kika) De la Garza	5/10	5/14	United States		821.01		(3)				821.01
Hon. David Dreier	5/10	5/14	United States		821.01		(3)				821.01
Hon. Victor Frazer	5/10	5/14	United States		821.01		(3)				821.01
Hon. Sam Gibbons	5/10	5/14	United States		821.01		(3)				821.01
Hon. Amo Houghton (Co-Chair)	5/10	5/14	United States		821.01		(3)				821.01
Hon. Harry Johnston	5/10	5/14	United States		821.01		(3)				821.01
Hon. James Oberstar	5/10	5/14	United States		821.01		(3)				821.01
Hon. Collin Peterson	5/10	5/14	United States		821.00		(3)				821.00
Hon. Robert Underwood	5/10	5/14	United States		821.00		(3)				821.00
Hon. Fred Upton	5/10	5/14	United States		821.00		(3)				821.00
Tracy Hart	5/10	5/14	United States		821.00		(3)				821.00
Ken Nelson	5/10	5/14	United States		821.00		(3)				821.00
Frank Record	5/10	5/14	United States		821.00		(3)				821.00
Bob Van Wicklin	5/10	5/14	United States		821.00		(3)				821.00
Delegation Expenses:											
Miscellaneous									4,055.74		4,055.74
Representational									15,697.11		15,697.11
Committee total					11,494.07		(3)		19,752.85		31,246.92

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

AMO HOUGHTON, Apr. 4, 1997.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1996

Name of Member or employee	Date		Country	Per diem [1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]	Foreign currency	U.S. dollar equivalent or U.S. currency [2]
Delegation Expenses:											
Transportation—Ground									3,618.65		3,618.65
Representational									31,642.12		31,642.12
Committee total									35,260.77		35,260.77

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUGLAS BEREUTER, Mar. 20, 1997

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2931. A letter from the Administrator, Agricultural Market Service, transmitting the Service's final rule—Egg, Poultry, and Rabbit Grading Increase in Fees and Charges [Docket No. PY–97–001] received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2932. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2933. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's interim report pursuant to section 1234 of the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

2934. A letter from the Assistant Secretary for Reserve Affairs, Department of Defense, transmitting the Department's report pursuant to section 1233 of the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

2935. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize the U.S. participation in an increase in authorized capital stock of the European Bank for Reconstruction and Development, and to authorize appropriations to pay for the increase in the U.S. subscription; to the Committee on Banking and Financial Services.

2936. A letter from the Assistant Secretary for Pension and Welfare Benefits, Department of Labor, transmitting the Department's "Major" final rule—Interim Rules for Health Insurance Portability for Group Health Plans (Pension and Welfare Benefits Administration) (RIN: 1210–AA54) received April 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2937. A letter from the Nuclear Waste Technical Review Board, transmitting the Board's report entitled "Report to the U.S. Congress and the Secretary of Energy—1996 Finding and Recommendations," pursuant to 42 U.S.C. 10268; to the Committee on Commerce.

2938. A letter from the Chairman, Securities and Exchange Commission, transmitting the Commission's report on the practice of preferencing, pursuant to section 510(c) of the National Securities Markets Improvement Act of 1996; to the Committee on Commerce.

2939. A letter from the President, Inter-American Foundation, transmitting the fiscal year 1996 audited financial statements, pursuant to 22 U.S.C. 283j-1(c); to the Committee on International Relations.

2940. A letter from the Chairman, Commission for the Preservation of America's Heritage Abroad, transmitting the Commission's annual report, 1997, pursuant to 16 U.S.C. 469j(h); to the Committee on International Relations.

2941. A letter from the Secretary of Defense, transmitting the Department's report pursuant to section 1432 of the National Defense Authorization Act for fiscal year 1997; to the Committee on International Relations.

2942. A letter from the Attorney General of the United States, transmitting the Federal Prison Industries, Inc. annual management report for fiscal year 1996, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform and Oversight.

2943. A letter from the Executive Director, Committee for Purchase From People Who Are Blind or Severely Disabled, transmitting the Committee's final rule—Additions to the Procurement List [I.D. 97–009] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2944. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska, Pacific Cod in the Central Regulatory Area of the Gulf of Alaska [Docket No. 961126334–7025–02; I.D. 041197C] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2945. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 041197B] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2946. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Northern Anchovy Fishery [Docket No. 960614176–7081–02; I.D. 030797A] (RIN: 0648–AI19) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2947. A letter from the Commissioner, Immigration and Naturalization Service, transmitting the Service's final rule—Establishment of Pre-enrolled Access Lane (PAL) Program at Immigration and Naturalization Service Checkpoints [INS No. 1830–97] (RIN: 1115–AE80) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2948. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions (Research and Special Programs Administration) [Docket No. HM–215B; Amdt. Nos. 171–153, 172–152, 173–261, 175–86, 176–43, 178–119] (RIN: 2137–AC82) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2949. A letter from the Chairman, Interagency Coordinating Committee on Oil Pollution Research, U.S. Coast Guard, transmitting the Department's oil pollution research and technology plan, pursuant to Public Law 101–380, section 7001(b)(2)(B) (104 Stat. 560); to the Committee on Science.

2950. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's "Major" final rule—Interim Rules for Health Insurance Portability for Group Health Plans [TD 8716] (RIN: 1545–AV05) received April 14, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2951. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Organizations Organized and Operated for Religious, Charitable, Scientific, Testing for Public Safety, Literary or Educational Purposes, or for the Prevention of Cruelty to Children or Animals [Rev. Rul. 97–21] received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2952. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Method of Valuing Farm Real Property [Rev. Rul. 97–13] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2953. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property [Rev. Rul. 97–19] received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2954. A letter from the Chief of Staff, Social Security Administration, transmitting the Administration's final rule—Federal Old-Age, Survivors and Disability Insurance; Report of Earnings under the Social Security Earnings Test [Regulations No. 4] (RIN: 0960–AE44) received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2955. A letter from the Director, Administration and Management, Department of Defense, transmitting the Department's final rule—Military Recruiting and Reserve Officer Training Corps Program Access to Institutions of Higher Education (RIN: 0790–AG42) received April 8, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); jointly, to the Committees on National Security and Appropriations.

2956. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation to amend the Panama Canal Act of 1979, and for other purposes; jointly, to the Committees on National Security, Government Reform and Oversight, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Pursuant to the order of the House on April 21, 1997 the following report was filed on April 22, 1997]

Mr. SENSENBRENNER: Committee on Science. H.R. 1278. A bill to authorize appropriations for the activities of the National Oceanic and Atmospheric Administration for fiscal years 1998 and 1999, and for other purposes; with an amendment (Rept. 105–66 Pt. 1). Ordered to be printed.

[Submitted April 23, 1997]

Mr. YOUNG of Alaska: Committee on Resources. H.R. 449. A bill to provide for the orderly disposal of certain Federal lands in Clark County, NV, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada; with an amendment (Rept. 105–68). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. House Concurrent Resolution 8. Resolution expressing the sense of Congress with respect to the significance of maintaining the health and stability of coral reef ecosystems; with amendments (Rept. 105–69). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 125. Resolution providing for consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes (Rept. 105–70). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 126. Resolution providing for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes (Rept. 105–71). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 127. Resolution providing for consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes (Rept. 105–72). Referred to the House Calendar.

Mr. McINNIS: Committee on Rules. House Resolution 128. Resolution providing for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes (Rept. 105–73). Referred to the House Calendar.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

[Pursuant to the order of the House on April 21, 1997 the following report was filed on April 22, 1997]

Mr. SENSENBRENNER: Committee on Science. H.R. 1277. A bill to authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, and for other purposes, with an amendment; referred to the Committee on Commerce for a period ending not later than June 6, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(e), rule X (Rept. 105–67, Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X, the following action was taken by the Speaker:

[The following action occurred on April 22, 1997]

H.R. 1278. Referral to the Committee on Resources extended for a period ending not later than June 20, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself and Mr. Evans) (both by request):

H.R. 1406. A bill to provide that the Disabled American Veterans corporation may sue or be sued in the Federal courts; to the Committee on the Judiciary.

By Mr. STUMP (for himself, Mr. Spence, Mr. Davis of Virginia, Mr. Farr of California, Mr. Riggs, Mr. Goode, and Mr. Hill):

H.R. 1407. A bill to amend title 10, United States Code, to provide that the decoration known as the Purple Heart may only be awarded to members of the Armed Forces, and for other purposes; to the Committee on National Security.

By Mr. STUMP (for himself and Mr. Evans):

H.R. 1408. A bill to amend the Internal Revenue Code of 1986 to provide that the statute of limitations shall not bar a claim for credit or refund based on a retroactive determination of an entitlement to receive military disability benefits; to the Committee on Ways and Means.

H.R. 1409. A bill to amend the Internal Revenue Code of 1986 to clarify the exclusion from gross income for veterans' benefits; to the Committee on Ways and Means.

By Mr. BARR of Georgia (for himself, Mr. Solomon, Mr. LaTourette, Mr. Bachus, Mr. Ney, Mr. Ehrlich, Mr. Sessions, Mr. Jones, Mrs. Chenoweth, Mr. Fox of Pennsylvania, Mr. Coble, Mr. Chabot, Mr. Graham, Mr. Gutknecht, and Mr. Chambliss):

H.R. 1410. A bill to amend the Internal Revenue Code of 1986 to provide for a nonrefundable tax credit for law enforcement officers who purchase armor vests, and for other purposes; to the Committee on Ways and Means.

By Mr. BURR of North Carolina (for himself, Mr. Greenwood, Mr. Barton of Texas, Mr. Klug, Mr. Coburn, and Mr. Deal of Georgia):

H.R. 1411. A bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to facilitate the development and approval of new drugs and biological products, and for other purposes; to the Committee on Commerce.

By Mr. DUNCAN:

H.R. 1412. A bill to amend the Internal Revenue Code of 1986 to require that envelopes provided by the Internal Revenue Service with the instructions for filing income tax returns be postage· paid envelopes; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. Pallone, Mr. Smith of New Jersey, Mr. Franks of New Jersey, Mr. Payne, Mr. Pappas, Mr. Rothman, and Mr. Pascrell):

H.R. 1413. A bill to provide for expanded research concerning the environmental and genetic susceptibilities for breast cancer; to the Committee on Commerce, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mr. Hinchey):

H.R. 1414. A bill to recognize the organization known as the Ukrainian-American Veterans, Inc.; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself, Mr. Bachus, Mr. Baker, Mr. Barcia of Michigan, Mr. Barr of Georgia, Mr. Barrett of Wisconsin, Mr. Bishop, Mr. Brown of Ohio, Mr. Canady of Florida, Mr. Chambliss, Mr. Coble, Mr. Coburn, Mr. Combest, Mr. Cooksey, Mr. Cramer, Mr. Davis of Illinois, Mr. Davis of Virginia, Mr. Deal of Georgia, Mr. DeFazio, Mr. Dickey, Mr. Duncan, Mr. Filner, Mr. Foley, Mr. Fox of Pennsylvania, Mr. Frost, Mr. Gilman, Mr. Graham, Mr. Hall of Ohio, Mr. Hilleary, Mr. Hilliard, Mr. Hinchey, Mr. Jenkins, Mrs. Kelly, Mr. Kennedy of Rhode Island, Mr. Kind of Wisconsin, Mr. LaHood, Mr. Lewis of Kentucky, Mr. Linder, Mr. Livingston, Mrs. Maloney of New York, Mr. McHale, Mr. McHugh, Mrs. Morella, Mrs. Myrick, Mr. Nethercutt, Mr. Pallone, Mr. Pickering, Mr. Rangel, Mr. Riggs, Mrs. Roukema, Mr. Sanders, Mr. Scarborough, Mr. Sensenbrenner, Mr. Shadegg, Mr. Solomon, Mr. Spence, Mr. Strickland, Mr. Towns, Mr. Walsh, Mr. Wicker, Mr. Wise, Ms. Woolsey, Mr. Weygand, Mr. Christensen, Mr. Collins, and Mr. Wamp):

H.R. 1415. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut:

H.R. 1416. A bill to amend title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 restricting welfare and public benefits for aliens to provide an exception to limited eligibility for SSI and food stamps programs for permanent resident aliens who are applicants for naturalization; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Massachusetts:

H.R. 1417. A bill to amend title 18, United States Code, to provide penalties for those who, under color of Government authority, teach or distribute materials encouraging the use of torture; to the Committee on the Judiciary.

By Mr. KING of New York (for himself, Mrs. McCarthy of New York, Mr. Lazio of New York, Mr. Ackerman, Mr. Gilman, Mr. Towns, Mrs. Kelly, Mrs. Lowey, Mr. Diaz-Balart, Ms. Ros-Lehtinen, Mr. Engel, Mr. Flake, Mr. Nadler, Mr. Serrano, Mr. Manton, Mr. Shays, Mr. McNulty, Mr. Schumer, Mr. Hastings of Florida, Mr. Kennedy of Rhode Island, Mr. Pascrell, Mr. Rangel, and Mr. Owens):

H.R. 1418. A bill to extend the transition period for aliens receiving supplemental security income or food stamp benefits as of August 22, 1996; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MOLINARI (for herself, Mr. Gingrich, Mr. Paxon, Mr. Bilbray, Mr. Walsh, Mr. Frost, Mr. Fox of Pennsylvania, Mr. Greenwood, Mr. Ewing, Mrs. Kelly, Mr. DeLay, Mr. Petri, Ms. Pryce of Ohio, Mr. Hastert, Mr. Burr of North Carolina, Mr. Brady, Mr. Shays, Mr. Solomon, Mr. King of New York, Mr. Crapo, Mr. Frelinghuysen, Mr. Burton of Indiana, and Mr. Coburn):

H.R. 1419. A bill to reduce the incidence of child abuse and neglect, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska (for himself, Mr. Dingell, Mr. Saxton, Mr. Tanner, and Mr. Cunningham):

H.R. 1420. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Resources.

By Mr. NUSSLE (for himself and Mr. Stark):

H.R. 1421. A bill to amend title XVIII of the Social Security Act to apply standards to outpatient physical therapy provided as an incident to a physician's professional services; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PORTER:

H.R. 1422. A bill to amend the Federal Election Campaign Act of 1971 to encourage compliance with spending limits on elections for the House of Representatives and enhance the importance of individual contributions and contributions originating within congressional districts; to the Committee on House Oversight.

By Mr. ROEMER (for himself, Mr. Ganske, Mr. Shays, Mr. Meehan, Mr. Upton, Mr. Yates, Mr. Ramstad, Mrs. Maloney of New York, Mr. Oberstar, Mr. Christensen, Mrs. Myrick, Mr. Minge, Mr. Klug, Mr. Stark, Mr. Kildee, Mr. Bereuter, Ms. Slaughter, Mr. Barrett of Wisconsin, Mr. Kind of Wisconsin, Mr. DeFazio, Ms. Rivers, Mr. Camp, Mr. LaFalce, Mr. Schumer, Ms. Danner, Mr. Luther, Mr. Kleczka, Mr. Evans, Mr. Vento, Mr. Inglis of South Carolina, Mrs. Roukema, Mrs. Lowey, and Mr. LoBiondo):

H.R. 1423. A bill to cancel the space station project; to the Committee on Science.

By Mr. SCHIFF (for himself and Mr. SKEEN):

H.R. 1424. A bill to amend the Petroglyph National Monument Establishment Act of 1990 to adjust the boundary of the monument, and for other purposes; to the Committee on Resources.

By Mr. SHAYS (for himself, Mrs. MALONEY of New York, Mr. BARRETT of Wisconsin, Mr. BLUMENAUER, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CONYERS, Mr. COSTELLO, Mr. DELLUMS, Ms. ESHOO, Mr. EVANS, Mr. FARR of California, Ms. FURSE, Mr. GUTIERREZ, Mr. HINCHEY, Mr. LIPINSKI, Mrs. LOWEY, Mr. MEEHAN, Mr. NADLER, Ms. NORTON, Ms. RIVERS, Mr. SANDERS, Mr. SMITH of New Jersey, and Mr. TOWNS):

H.R. 1425. A bill to designate as wilderness, wild and scenic rivers, national park and preserve study areas, wild land recovery areas, and biological connecting corridors certain public lands in the States of Idaho, Montana, Oregon, Washington, and Wyoming, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself and Mr. SAXTON):

H.R. 1426. A bill to amend title 38, United States Code, to provide a presumption of service connection for injuries classified as cold weather injuries which occur in veterans who while engaged in military operations had sustained exposure to cold weather; to the Committee on Veterans' Affairs.

By Mr. WALSH (for himself, Mr. HALL of Ohio, Mr. HOUGHTON, Mr. OBERSTAR, Mr. BOEHLERT, Ms. SLAUGHTER, Mr. MCDERMOTT, Mr. FRANK of Massachusetts, Mrs. MORELLA, Mrs. MEEK of Florida, Mr. BARRETT of Wisconsin, Mr. FILNER, Ms. PRYCE of Ohio, Ms. LOFGREN, Mr. GREEN, Mr. JEFFERSON, Mr. TORRES, Mr. ABERCROMBIE, Mr. DAVIS of Illinois, Mr. ANDREWS, Mr. DELLUMS, Ms. RIVERS, Mr. LEVIN, Mr. MCGOVERN, Mr. BROWN of Ohio, Mrs. MALONEY of New York, Mr. NADLER, Mr. CAPPS, Mr. LEWIS of Georgia, Mrs. TAUSCHER, Ms. DEGETTE, and Mr. YOUNG of Alaska)

H.R. 1427. A bill to assist in implementing the plan of action adopted by the World Summit for Children; to the Committee on International Relations.

By Mr. MOAKLEY (for himself, Mr. SOLOMON, Mr. ABERCROMBIE, Mr. OBEY, Mr. MURTHA, Mr. MCGOVERN, Ms. HARMAN, Mr. RAHALL, Mr. OBERSTAR, Mr. CUNNINGHAM, Mr. DELLUMS, Mr. YOUNG of Alaska, Mr. CLEMENT, Mr. LIVINGSTON, Mr. BORSKI, and Mr. HUNTER):

H. Con. Res. 65. Concurrent resolution expressing the sense of the Congress that section 27 of the Merchant Marine Act, 1920, popularly known as the Jones Act, and related statutes are critically important components of our Nation's economic and military security and should be fully and strongly supported; to the Committee on National Security.

By Mr. LANTOS (for himself and Mr. PORTER):

H. Res. 124. Resolution expressing the sense of the Congress welcoming His Holiness the XIV Dalai Lama of Tibet to the United States; to the Committee on International Relations.

MEMORIALS

Under clause 4 of rule XXII,

52. The SPEAKER presented a memorial of the Senate of the Commonwealth of Virginia, relative to Senate Joint Resolution No. 228 memorializing the Congress of the United States to enact legislation that would require Congress to cite the constitutional authority for all proposed laws; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. BURTON of Indiana, Mrs. CUBIN, Mr. COBLE, Mrs. EMERSON, Mr. LARGENT, Mr. HALL of Texas, and Mr. KLUG.

H.R. 58: Mr. HANSEN, Mr. COSTELLO, Mr. FORBES, Mr. MORAN of Virginia, Mr. JACKSON, Mr. HOBSON, and Mr. BLUNT.

H.R. 74: Mr. ROMERO-BARCELO, Mr. MCGOVERN, Mr. HINCHEY, and Mr. DAVIS of Illinois.

H.R. 127: Mr. ENGEL, Mr. RUSH, and Mr. HINCHEY.

H.R. 202: Mrs. JOHNSON of Connecticut.

H.R. 209: Mr. RAMSTAD, Mr. ACKERMAN, Mr. SANDERS, Mrs. KELLY, Mr. TOWNS, and Mr. RANGEL.

H.R. 216: Ms. CHRISTIAN-GREEN.

H.R. 228: Mr. METCALF.

H.R. 235: Mr. FROST, Mr. LANTOS, Mr. MEEHAN, Mr. TOWNS, Ms. ROS-LEHTINEN, Mr. LAMPSON, and Mr. FILNER.

H.R. 279: Ms. WOOLSEY, Mr. KIND of Wisconsin, Mr. JOHN, Mr. SPRATT, Mr. LOBIONDO, Mr. BOEHLERT, and Mr. GOODE.

H.R. 292: Mr. SANFORD.

H.R. 347: Mr. SPENCE.

H.R. 399: Mr. KIND of Wisconsin and Mr. MCINTOSH.

H.R. 407: Mr. DOOLITTLE, Mr. MILLER of California, Ms. CHRISTIAN-GREEN, Mr. CAMP, Mr. WELLER, Mr. MEEHAN, Mr. ROMERO-BARCELO, Mr. MINGE, Mr. CALLAHAN, Mr. DEUTSCH, Mr. BALDACCI, Mr. FORD, Ms. MCKINNEY, Mr. RANGEL, and Mr. BURR of North Carolina.

H.R. 409: Mr. HOLDEN, Mr. DAVIS of Virginia, Mr. YOUNG of Alaska, Mr. FROST, Mr. MCNULTY, Mr. ACKERMAN, Mr. WHITFIELD, Mrs. THURMAN, Mrs. CUBIN, Ms. KAPTUR, Mr. KLUG, Mr. BACHUS, Mr. BILIRAKIS, Mr. CALVERT, Mr. NORWOOD, Mr. MCINNIS, Mr. BARRETT of Nebraska, Mr. UNDERWOOD, Mr. WOLF, Mrs. MYRICK, Mr. KENNEDY of Rhode Island, and Mr. NEY.

H.R. 418: Ms. DEGETTE.

H.R. 444: Ms. PELOSI and Mr. WEXLER.

H.R. 446: Mr. RIGGS and Mr. CRAMER.

H.R. 476: Mr. RUSH, Ms. MILLENDER-MCDONALD, and Ms. BROWN of Florida.

H.R. 500: Mr. DOOLEY of California, Mr. MENENDEZ, Mr. BROWN of California, and Mr. KENNEDY of Massachusetts.

H.R. 511: Mr. RADANOVICH and Mr. HOBSON.

H.R. 512: Mr. RADANOVICH.

H.R. 521: Mr. MORAN of Virginia and Mr. DELLUMS.

H.R. 526: Mr. SKEEN.

H.R. 551: Mr. CUMMINGS.

H.R. 552: Mr. PASCRELL and Mr. CAPPS.

H.R. 577: Mr. HINCHEY.

H.R. 598: Mr. NEY.

H.R. 612: Mr. DEFAZIO, Mr. BENTSEN, Mr. CUMMINGS, Mr. WYNN, and Mr. NADLER.

H.R. 619: Mr. ACKERMAN, Mr. MORAN of Virginia, and Mrs. NORTHUP.

H.R. 621: Mr. DELLUMS, Ms. NORTON, Mr. KUCINICH, Mr. LEWIS of Georgia, and Mr. OLVER.

H.R. 630: Ms. HARMAN.

H.R. 641: Mr. SHIMKUS.

H.R. 656: Mr. EVERETT.

H.R. 659: Mr. HOBSON, Mr. NETHERCUTT, Mr. GREENWOOD, Mr. PAXON, and Mr. HILLEARY.

H.R. 664: Mr. NEAL of Massachusetts.

H.R. 684: Mr. MCDERMOTT.

H.R. 707: Mr. MCNULTY.

H.R. 716: Mr. WELDON of Florida, Mr. FORBES, and Mr. JOHN.

H.R. 726: Mr. BROWN of California, Mr. DAVIS of Illinois, Mr. FILNER, and Mr. PAYNE.

H.R. 755: Mr. CONDIT.

H.R. 769: Mr. CAMPBELL.

H.R. 770: Mr. CAMPBELL.

H.R. 771: Mr. CAMPBELL.

H.R. 778: Mr. EVANS.

H.R. 779: Mr. EVANS.

H.R. 780: Mr. EVANS.

H.R. 789: Mr. RAMSTAD, Mr. KIND of Wisconsin, and Mr. SPENCE.

H.R. 802: Mr. GRAHAM.

H.R. 810: Mr. LIPINSKI.

H.R. 815: Mr. RUSH, Mr. PALLONE, Mr. COOK, Ms. ESHOO, and Mr. CRAMER.

H.R. 836: Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ANDREWS, Mr. BORSKI, Mr. CLAY, Mr. CUNNINGHAM, Mr. DOOLEY of California, Mr. FALEOMAVAEGA, Mr. FATTAH, Mr. FAZIO of California, Mr. FRANK of Massachusetts, Mr. FROST, Mr. HINCHEY, Mr. LANTOS, Ms. LOFGREN, Mr. MANTON, Mr. MCDERMOTT, Ms. MCKINNEY, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mrs. MINK of Hawaii, Mr. OWENS, Ms. PELOSI, Ms. RIVERS, Mr. SCOTT, Mr. STUPAK, Mr. THOMPSON, Mr. TORRES, Mr. UNDERWOOD, Ms. WATERS, and Mr. MILLER of California.

H.R. 873: Mr. HOLDEN.

H.R. 875: Mr. FOGLIETTA.

H.R. 880: Mr. TALENT, Mr. BACHUS, Mr. BATEMAN, Mr. MCINNIS, and Mr. RILEY.

H.R. 897: Mr. LEWIS of Georgia.

H.R. 901: Mr. BOB SCHAFFER, Mr. MORAN of Kansas, Mr. BURTON of Indiana, Mr. CRAMER, Mr. NEY, and Mr. SMITH of New Jersey.

H.R. 911: Mr. SHIMKUS, Mr. CRAMER, Mr. CAMP, Mr. SOUDER, Mr. DOOLEY of California, Mr. CONDIT, and Mr. BONIOR.

H.R. 920: Mrs. THURMAN.

H.R. 925: Ms. RIVERS.

H.R. 931: Mrs. JOHNSON of Connecticut, Mrs. TAUSCHER, Mrs. MORELLA, Ms. HARMAN, and Mr. MEEHAN.

H.R. 956: Mr. RUSH, Mr. TOWNS, Mr. CANADY of Florida, and Mr. KASICH.

H.R. 957: Mr. TAYLOR of Mississippi.

H.R. 965: Mr. DAN SCHAEFER of Colorado, Mr. CALVERT, and Mr. DICKEY.

H.R. 971: Mr. HOBSON and Mr. MCGOVERN.

H.R. 977: Mr. SHIMKUS, Mr. REGULA, Mr. POMBO, Mr. PICKETT, Mr. BATEMAN, and Mr. STOKES.

H.R. 978: Mr. YATES, Mr. POSHARD, Mr. TAYLOR of Mississippi, and Mr. FOLEY.

H.R. 979: Mr. LIPINSKI, Mr. BALDACCI, Mr. MCINTYRE, Mr. DOOLEY of California, Mr. DELLUMS, and Mr. CLYBURN.

H.R. 983: Mr. WATT of North Carolina and Mr. YATES.

H.R. 991: Mr. JOHNSON of Wisconsin.

H.R. 1002: Mr. CANADY of Florida, Mr. DIXON, Ms. WOOLSEY, Mr. HOUGHTON, Mr. FAZIO of California, Mr. LEACH, Mr. WAXMAN, Mr. CUNNINGHAM, Mr. OLVER, and Mr. DELLUMS.

H.R. 1005: Mr. SALMON.

H.R. 1010: Mr. ROYCE, Mr. LOBIONDO, Mr. NEY, and Mr. STUMP.

H.R. 1016: Mr. TOWNS and Mr. BROWN of California.

H.R. 1026: Mr. CUNNINGHAM, Mr. HORN, Mr. MCCOLLUM, Mr. SOUDER, and Mr. METCALF.

H.R. 1046: Mr. FORD.

H.R. 1047: Mr. ACKERMAN, Mr. BERMAN, Mr. BLAGOJEVICH, Ms. BROWN of Florida, Mrs.

Clayton, Ms. Furse, Mr. Lewis of Georgia, Mr. Markey, Mr. Rothman, and Mr. Vento.

H.R. 1053: Mr. Campbell, Mr. Sununu, and Mr. Sisisky.

H.R. 1072: Ms. Jackson-Lee, Mr. Rangel, Mrs. Lowey, and Ms. Slaughter.

H.R. 1080: Mr. Pappas and Mr. Pascrell.

H.R. 1107: Mr. Rothman.

H.R. 1108: Mr. Campbell, Mrs. Myrick, and Mr. Baker.

H.R. 1126: Mr. Rush.

H.R. 1130: Mr. Jackson, Mr. Kanjorski, Mr. Yates, and Mr. Sanders.

H.R. 1134: Ms. McCarthy of Missouri.

H.R. 1151: Mr. Rothman, Ms. Eshoo, Mr. Bonior, Mrs. Mink of Hawaii, Mr. Neal of Massachusetts, Mr. Kennedy of Rhode Island, Mr. Lipinski, Mr. Gonzalez, Ms. Norton, Mr. Lewis of Georgia, Mr. Stupak, Mr. Weldon of Pennsylvania, Mr. Sabo, Mrs. Kennelly of Connecticut, Mr. Gibbons, Mr. Stark, Mr. Towns, Mr. Boehlert, and Mr. Dellums.

H.R. 1159: Mr. Sabo.

H.R. 1161: Mr. Cunningham, Mr. McHale, Mr. Filner, Mr. Blumenauer, Mr. Manton, Mr. Burr of North Carolina, and Mr. Shimkus.

H.R. 1245: Mr. Dellums, Mr. Hinchey, Mr. Lewis of Georgia, Mr. Rangel, and Mr. Towns.

H.R. 1246: Ms. DeLauro and Mr. Rangel.

H.R. 1251: Mr. Gilchrest.

H.R. 1252: Mr. Riggs.

H.R. 1260: Mr. Andrews, Mr. Bentsen, Mr. Berry, Mr. Davis of Illinois, Mr. Delahunt, Mr. Deutsch, Mr. Dicks, Mr. Doyle, Mr. Ensign, Mr. Gejdenson, Mr. Hayworth, Mr. Hobson, Ms. Hooley of Oregon, Mrs. Kelly, Mr. Lewis of California, Mr. Markey, Mr. McGovern, Ms. Millender-McDonald, Mr. Norwood, Mr. Peterson of Pennsylvania, Mr. Portman, Mr. Roemer, Mr. Rush, Mr. Sawyer, Mr. Schumer, Ms. Slaughter, Mr. Snyder, Mr. Stark, Mr. Stupak, Mr. Tierney, Mr. Wexler, and Mr. Weygand.

H.R. 1270: Mr. Mica, Mr. Sisisky, Mr. Wicker, Mrs. Cubin, Mr. LoBiondo, Mr. Spence, Mr. Weldon of Florida, Mr. Pickett, Mr. Boucher, and Mr. Scarborough.

H.R. 1276: Mr. Brown of California, Ms. Jackson-Lee, and Mr. Ehlers.

H.R. 1277: Mr. Brown of California, Ms. Jackson-Lee, and Mr. Foley.

H.R. 1278: Mr. Brown of California, Ms. Jackson-Lee, Mr. Foley, and Mr. Ehlers.

H.R. 1302: Mr. Engel, Ms. Stabenow, Mr. Jackson, Mr. Kind of Wisconsin, and Mr. Rangel.

H.R. 1320: Mr. Campbell.

H.R. 1323: Mr. Vento.

H.R. 1330: Mr. Poshard, Mrs. Emerson, Mrs. Maloney of New York, and Mr. Ney.

H.R. 1332: Mr. Owens, Ms. Waters, and Mr. Ackerman.

H.R. 1350: Mr. Ensign, Mr. Thomas, and Mr. Bliley.

H.R. 1360: Mr. King of New York, Mr. Frost, Mr. Dellums, Mr. Hinojosa, Mr. Waxman, Mr. Berman, and Mr. Ackerman.

H.R. 1371: Mr. Hill.

H.R. 1373: Mr. Gephardt.

H.R. 1375: Mr. Rangel, Mr. Fawell, and Mr. Owens.

H.R. 1383: Mr. Berman, Mrs. Clayton, Mr. Dellums, Mr. DeFazio, Mr. Kind of Wisconsin, and Mr. LaFalce.

H.R. 1398: Mr. Camp and Mr. Riley.

H.R. 1401: Mr. Bono.

H.J. Res. 37: Mr. Stump.

H.J. Res. 65: Mr. Engel, Ms. Stabenow, and Mr. Kucinich.

H.J. Res. 67: Mr. Ehrlich, Mr. Hutchinson, Mr. Callahan, and Mr. Spence.

H. Con. Res. 10: Mr. Hyde, Mr. Poshard, and Mrs. Kelly.

H. Con. Res. 13: Mr. Pastor, Mr. Johnson of Wisconsin, and Mr. Nethercutt.

H. Con. Res. 49: Mr. Wynn, Mrs. Morella, Mr. Moran of Virginia, Ms. Norton, and Mr. Wolf.

H. Con. Res. 52: Mr. Pomeroy, Mr. Ackerman, Mr. Smith of New Jersey, and Mr. Allen.

H. Con. Res. 55: Mr. Rogers, Mr. McNulty, Mr. Miller of California, Mr. Dingell, Mr. Kildee, Mr. Matsui, Mr. Pallone, Mr. McGovern, Mr. Kennedy of Rhode Island, Mr. Ensign, Mr. McKeon, Mrs. Kennelly of Connecticut, Mr. Manton, Mr. Sherman, Mrs. Kelly, Ms. Eshoo, Mr. Olver, Mr. Dellums, Mr. Kennedy of Massachusetts, and Mr. Filner.

H. Res. 53: Mr. Dellums, Mr. Faleomavaega, and Mr. Lipinski.

H. Res. 103: Mr. Hamilton and Mr. Cox of California.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1031: Mr. Kucinich.

H.R. 1062: Mr. Gibbons.

AMENDMENTS

Under clause 6 of the rule XXIII, proposed amendments were submitted as follows:

H.R. 1271,

Offered By: Ms. Jackson-Lee

Amendment No. 1: Page 5, line 11, after "institutions" insert ", including Historical Black Colleges and Universities,".

H.R. 1271,

Offered By: Ms. Jackson-Lee

(Striking Section 3)

Amendment No. 2: Page 3, strike line 15 and all that follows through line 10 on page 4 and redesignate sections 4 through 9 as sections 3 through 8, respectively.

H.R. 1271,

Offered By: Ms. Jackson-Lee

(Striking Section 6(a))

Amendment No. 3: Page 7, strike lines 8 through 17 and redesignate subsections (b) and (c) as subsections (a) and (b), respectively.

H.R. 1271,

Offered By: Ms. Jackson-Lee

(Striking Section 6(b))

Amendment No. 4: Page 7, strike lines 18 through 24 and redesignate subsection (c) as subsection (b).

H.R. 1273,

Offered By: Mr. Coburn

Amendment No. 1: Page 6, after line 11, insert the following new section:

SEC. 104. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and Biosphere Program, or related projects.

H.R. 1273,

Offered By: Ms. Jackson-Lee

Amendment No. 2: Page 20, insert after line 18 the following:

SEC. 213. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

The Director, in consultation with the Administrator of General Services, shall establish a directory of all laboratories of the Federal Government and research programs funded by the Federal Government which have surplus equipment which may be donated to elementary and secondary education schools to enhance their science and mathematics programs and shall take such action as may be appropriate to enable the donation of such equipment.

H.R. 1275,

Offered By: Ms. Jackson-Lee

Amendment No. 1: Page 75, after line 12, insert the following new section:

SEC. 323. TREATMENT OF EMPLOYEES IN CASE OF LAPSE OF APPROPRIATIONS.

In any case in which the Congress fails to make appropriations for the National Aeronautics and Space Administration for a fiscal year in advance of the fiscal year, every employee of the National Aeronautics and Space Administration shall be considered as essential, and no such employee shall be furloughed or cease to be paid for any period of time as an employee of the National Aeronautics and Space Administration as a result of the failure by Congress to make appropriations in advance of the fiscal year.

Page 3, in the table of contents, after the item relating to section 322, insert the following:

"Sec. 323. Treatment of employees in case of lapse of appropriations.".

H.R. 1275,

Offered By: Ms. Jackson-Lee

Amendment No. 2: Page 31, strike lines 8 through 12 and insert the following:

SEC. 129. INTERNATIONAL SPACE UNIVERSITY.

Funds appropriated pursuant to this Act may be used by the National Aeronautics and Space Administration to pay the tuition expenses of any National Aeronautics and Space Administration employee attending programs of the International Space university held in the United States. The National Aeronautics and Space Administration shall obtain all tuition costs for employees attending programs of the International Space University outside of the United States from the International Space University.

H.R. 1275,

Offered By: Ms. Jackson-Lee

Amendment No. 3:

Page 17, line 22, strike "$102,200,000" and insert "$110,300,000".

Page 18, line 4, strike "$46,700,000" and insert "$54,800,000".

Page 18, line 8, strike "$108,000,000" and insert "$116,100,000".

Page 18, line 9, strike "$51,700,000" and insert "$59,800,000".

H.R. 1275,

Offered By: Mr. Roemer

Amendment No. 4: Page 40, after line 3, insert the following new section:

SEC. 206. CANCELLATION OF RUSSIAN PARTNERSHIP.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International

Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis as provided in section 202. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

Page 2, in the table of contents, after the item relating to section 205, insert the following:

"Sec. 206. Cancellation of Russian partnership.".

H.R. 1275,

OFFERED BY: MR. ROEMER

AMENDMENT NO. 5: Page 9, line 12, through page 10, line 6, amend paragraph (1) to read as follows:

(1) For the Space Station, for expenses necessary to terminate the program, for fiscal year 1998, $500,000,000.

Page 13, line 9, strike "308(a)" and insert in lieu thereof RTYUIO8P]='][CX VM.,/ 11dquo;208(a)".

Page 14, line 3, strike "308(a)" and insert in lieu thereof "208(a)".

Page 21, line 6, strike "$13,881,800,000" and insert in lieu thereof "$12,260,500,000".

Page 21, line 7, strike "$13,925,800,000" and insert in lieu thereof "$11,816,600,000".

Page 21, line 18, strike "303" and insert in lieu thereof "203".

Page 23, line 21, strike "(1) through (4)" and insert in lieu thereof "(2) through (4)".

Page 30, line 6, strike "308(a)" and insert in lieu thereof "208(a)".

Page 31, lines 13 through 18, strike section 130.

Page 31, line 19, through page 40, line 3, strike title II.

Page 40, line 4, redesignate title III as title II.

Page 40, line 6, through page 74, line 17, redesignate sections 301 through 322 as sections 201 through 222, respectively.

Page 2, in the table of contents, strike the item relating to section 130.

Page 2, in the table of contents, strike the items relating to title II.

Page 3, in the table of contents, redesignate title III and sections 301 through 322, as title II and sections 201 through 222, respectively.

H.R. 1275,

OFFERED BY: MR. ROHRABACHER

AMENDMENT NO. 6: Page 31, lines 13 through 18, strike section 130.

Page 2, in the table of contents, strike the item relating to section 130.

Page 62, lines 11 and 12, strike "moon and the planets" and insert "moon, asteroids, planets and their moons, and comets".

Page 75, after line 12, insert the following new section:

SEC. 323. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting in lieu thereof "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(C) by striking "laboratory" in subsection (c) and inserting in lieu thereof "facility".

Page 3, in the table of contents, after the item relating to section 322, insert the following:

EXTENSIONS OF REMARKS

LET'S APPLY THE GORE-MCCAIN ACT TO RUSSIA AND CHINA

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. SOLOMON. Mr. Speaker, I would like to insert for the record an article by Bill Gertz of the Washington Times which reveals Russian efforts to sell missiles to the rogue nation of Iran. This follows on the heels of a previous Russian deal to supply Iran with nuclear reactor technology, as well as recent Communist Chinese sales of anti-ship missiles and other weaponry to Tehran.

The Clinton administration's nonresponse to these developments is astonishing, especially in light of the fact that while a Senator, Vice-President GORE authored the 1992 Iran-Iraq Non-Proliferation Act, otherwise known as the Gore-McCain Act. The law requires sanctions against nations which knowingly supply Iran or Iraq with advanced conventional weaponry or technology that could contribute to their acquisition of weapons of mass destruction.

Mr. Speaker, nothing could be clearer than the applicability of this law to Russia's and China's arming of Iran. We should apply the law, now.

[From the Washington Times, Apr. 23, 1997]

RUSSIA SELLS MISSILES TO IRAN

TERRORISTS TO GET LATEST ARMS

(By Bill Gertz)

Russia is selling advanced air-defense systems to Iran, including the latest version of a hand-held anti-aircraft missile that Tehran intends to provide to Hezbollah terrorists, The Washington Times has learned.

Such transactions would violate a pledge Russian President Boris Yeltsin made during the 1994 summit with President Clinton to block all new conventional arms sales to Iran.

The missile sales talks took place in February and last month between Iranian intelligence agents and Russian arms brokers in Moscow, who offered S-300 series anti-aircraft missiles for sale at discount prices, Pentagon intelligence officials said.

The talks included the proposed sale by Moscow arms dealers of up to 500 advanced "Igla" anti-aircraft missiles worth more than $50,000 each, according to U.S. intelligence information. The officials identified the missiles as SA-18s.

Other arms deals involve proposed sales of T-72 tanks and Mi-17 helicopters. They are said to include one of Russia's intelligence services. The deals are being made outside the official Russian government arms sales agency.

The Pentagon officials said Iran's Ministry of Defense and Armed Forces Logistics is involved in buying the shoulder-fired Iglas, and plans to supply some of them to Hezbollah, the pro-Iranian group based in Lebanon that has been blamed for many international terrorist attacks.

The officials said a scientific and technical arm of the Iranian intelligence service that acquires foreign technology for Iran's weapons programs is involved in some of the weapons purchases. This indicates the weapons may be used by Tehran as models for local production.

It could not be learned whether the U.S. government has tried to halt the missile sales.

Vincent Cannistraro, a former CIA counterterrorism official, said the Iglas would give Hezbollah more effective capabilities for attacking Israeli helicopters and jets over southern Lebanon.

"It vastly increases the risk and danger to Israeli aircraft, and because they are transportable, they could be smuggled into Israel," he said.

Hezbollah also could use the Iglas for attacks on civilian airliners, although less-capable shoulder-fired missiles already are in the hands of terrorists, Mr. Cannistraro said.

There are few reported cases of civil aircraft being shot down by shoulder-fired missiles.

Most Israeli military operations in southern Lebanon involve helicopter gunships, troop transports or U.S.-made warplanes.

The Pentagon officials said two S-300 systems with 96 missiles that were manufactured near Moscow this year are being offered to Iran for $180 million—$20 million less than the price charged by Russia's state arms exporter, Rosvooruzheniye.

The systems are either advanced SA-10s or the newer SA-12, both part of the S-300 series—weapons that are very effective against warplanes and have some capabilities for shooting down short-range missiles.

The S-300s would be delivered in two shipments within a year of signing a contract, the officials said.

The February talks between Iranian officials and Russian arms brokers involved the sale of three older SA-10 systems and 36 missiles worth about $90 million.

That deal, for SA-10s from components in Russia, Croatia and Kazakhstan, fell through but is now being brokered by a colonel in the Kazakh army, the Pentagon officials said.

The SAMs would vastly improve Iran's air defenses, which now include U.S.-made Hawks and older Russian and Chinese SA-2 and SA-5 systems.

Iran is in the process of building up a nationwide air defense system and recently purchased several advanced air defense radars from China capable of tracking up to 100 targets simultaneously.

According to the publication "Russia's Arms Catalogue," produced by the Russian Defense Ministry, the advanced S-300 has a range of three to 92 miles; the Igla has a range of 30 feet to about 10,500 feet.

Iranian intelligence agents also are trying to buy tanks and helicopters from unofficial Russian arms brokers. The Pentagon officials said the tanks probably are T-72s and the helicopters are Mi-17 transports.

Disclosure of the secret Iran-Russia arms deals comes as Iranian government officials are visiting Russia.

Mr. Yeltsin met Friday in Moscow with Iranian parliamentary speaker Ali Akbar Nateq-Nouri and said cooperation between the two countries was "good, positive and with a tendency toward growth."

The speaker, a possible presidential candidate in upcoming elections, signed several industrial, cultural and scientific agreements, including a pact to coproduce Tupulev jetliners.

Russia is Iran's largest arms supplier and has sold three Kilo-class submarines, several squadrons of MiG-29 fighter-bombers and related missiles.

Russian officials say Iranian military contracts with Rosvooruzheniye are worth about $1 billion a year; they noted that in 1995 Moscow and Tehran signed an $800 million deal for nuclear reactors to be built in Iran.

The United States has tried in vain to stop Moscow from selling the reactors.

In February, Vice President Al Gore complained to Russian officials about the country's transfer of SS-4 medium-range missile technology to Iran. Russian Prime Minister Victor Chernomydrin reportedly denied any SS-4 technology had been sold to Iran, because it would have violated Mr. Yeltsin's pledge not to conclude new arms deals with Tehran.

JOHN FORTHMAN: A COMMUNITY HERO

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to recognize an extraordinary citizen who has given much to his community. Mr. John Forthman, who resides in Lilbourn, MO, in my congressional district, is an exceptional individual and a role model to every American.

Mr. Forthman has worked with the New Madrid County Civil Defense for 9 years. His services have included storm spotting, emergency organization, and disaster relief. In 1992, he obtained his EMT license in order to better respond to medical emergencies within the community. Since then, he has been working with the New Madrid County ambulance service and attending continuing education classes in emergency medicine. He has also been a volunteer firefighter for the city of Lilbourn for over 8 years. For the last 2 years, he has filled the position of fire chief, playing an integral role in building a much-needed fire station for his hometown of Lilbourn.

Mr. Forthman's service to the community doesn't stop there; he is also a reserve deputy for the New Madrid County Sheriff's Department. He is a commissioned deputy and works to assist the full-time officers to prevent crime in the area.

It would seem that with these numerous activities, Mr. Forthman would have time for nothing else. Yet, he is involved in the area Little League and various high school athletics and works full time for the Electric Cooperative

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

New Madrid Powerplant, where he has been for the last 20 years. He also spends much time with his wife and two children.

Citizens such as Mr. Forthman are unfortunately few and far between. The people of Lilbourn are lucky to know John Forthman, and I am proud to recognize him for his many achievements.

IN COMMEMORATION OF THE 75TH ANNIVERSARY OF ST. CLEMENT CHURCH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. KUCINICH. Mr. Speaker, I rise to commemorate the 75th anniversary of St. Clement Church of Lakewood, OH.

St. Clement Church was founded by Bishop Joseph Schrembs on April 27, 1922. The church was built by a local construction company with a lot of help from parishioners. The church officially opened its doors Easter Sunday, 1923. The church opened its school the next year, and the Cleveland Sisters of St. Joseph staffed it. By 1931, the parish had tripled in size from the original 314 families. A new sanctuary was added. In 1947, a convent for 18 sisters was built. St. Clement continued to grow, and in 1958, a new school building was built, with further expansion in 1965.

St. Clement has grown with the times. St. Clement School is now staffed by lay teachers and a lay principal. The convent was converted to Freedom House, a program which helps women who are making strides toward recovery. An entrance for the disabled was added in 1982.

St. Clement has matured through the generosity of its parishioners. A new restoration is being financed through the pledges of the 1,300 families who worship at the church under the direction of the Reverend Alfred Winters.

St. Clement Church has been an integral institution in the city of Lakewood from its very beginnings. We are honored to have known it for so long, and we look forward to the many great contributions to the community St. Clement Church will make into the next millenium.

WESSELL'S CELEBRATE 50 YEARS IN NEWSPAPER PUBLISHING

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. HYDE. Mr. Speaker, at an early age Dick and Mary Jane Wessell arrived at the same conclusion: both wanted to write for newspapers. When they finally met while studying together in the early 1940's at Lake Forest College, Dick was the editor of the college newspaper, and Mary Jane wrote feature stores. A bond of mutual friendship and love was formed.

Today, the Wessell family celebrates 50 years of service to the northwest suburbs. It was in early 1947 that Dick and Mary Jane, the college sweethearts who married shortly after graduation, scraped together moneys saved from Dick's navy service in World War II and Mary Jane's employment with the U.S. Government, and purchased the Des Plaines Journal. What the Wessells purchased was a single weekly newspaper. During the course of the next 50 years, the Wessells, with help from their 6 children and 13 grandchildren, expanded the business to 17 prize-winning newspapers serving 28 suburban communities.

Dick started his career, in neighboring Park Ridge in June 1935, as a reporter for Pickwick Newspapers. A political science major in college, Dick has never lost his interest and respect for the political process. He served 2 years in 1968–70 in Washington with then-Senator Birch Bayh of Indiana; and he worked on the campaigns of former Gov. William Stratton, the late Senator Paul Douglas and Lt. Gov. John W. Chapman.

Mary Jane earned her degree in English and wrote a travel column for Journal & Topics Newspapers for 35 years in addition to her vital duties as an equal partner in the family business.

I extend to the entire Wessell family my heartiest of congratulations on this very special anniversary.

HARD WORK AND DETERMINATION PAY OFF

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. DUNCAN. Mr. Speaker, everybody in Tennessee is proud of our national champions, the Lady Vols basketball team. But, I am also proud of another basketball team in my district, the McMinn Central Chargerettes. The Chargerettes were the runner-up in the State girls basketball tournament. These young ladies are to be commended for their performance, hard work, and enthusiasm. The following is an article that appeared in the Daily Post-Athenian which I would like to share with my fellow colleagues and other readers of the RECORD.

[From the Daily Post-Athenian, Mar. 12, 1997]

CHARGERETTES WON THROUGH HARD WORK

High fives and hearty congratulations are in order for the McMinn Central Chargerettes for their valiant effort in the state girls basketball tournament.

It had been 25 years since the Central girls team had made it into the playoffs and the 1997 Chargerettes made the most of their history-making performance, coming in as the runner-up in one of the toughest divisions in girls basketball play in Tennessee.

Coach Johnny Morgan's team started out the year with the goal of simply playing one game at a time and striving to improve with every contest. That simple philosophy worked as the Chargerettes seemed to just get better each week as they worked on the fundamentals of the game and never let ambition cloud their vision.

One by one their opponents learned the Chargerettes were a team to be wary of because they were able to make the most of each player's abilities. It was a team approach to the game that got them where they wanted to be. It was the players' unselfish attitude that made the Chargerettes a formidable team other schools couldn't contend with when the chips were on the line.

They worked hard, winning didn't just happen for the Chargerettes. The glory came at the end of the games when they were ahead on the scoreboard but it all began with the long hours of practice filled with hours of learning the game and their own strengths and weaknesses. They worked to make the most of their strengths and to overcome their weaknesses and that's what made them winners.

The Chargerettes deserve the praise and accolades heaped upon them when they returned home from the hard-fought battles in state tournament. They earned the right to be proud of their accomplishments.

But the praise that meant the most came from Coach Morgan, who knows more than anyone else how much these young women worked over the course of the season.

"I do know this is probably the best overall team I've had in my 19 years as a head coach," he said. "Especially in taking each game one at a time and I know how hard they work to make themselves better—how much they want to be successful."

The goods news for the Chargerettes is bad news for the teams they'll face next year as the team will return basically intact when the season opens. We know they'll continue to work hard to maintain the winning tradition they've established.

Our congratulations echo those of the community. We're proud of your devotion to excellence and sportsmanship.

HONORING THE U.S. SUBMARINE VETERANS INC., THE NAVAL SUBMARINE LEAGUE, AND THE SUBMARINE VETERANS OF WORLD WAR II

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. ROGAN. Mr. Speaker, on behalf of our men and women who tirelessly serve our country in the Armed Forces, please join me in offering tribute to the Navy's silent warriors, those who have qualified to serve for over 200 years as Navy submariners. In honor of the U.S. Submarine Veterans Inc., the Naval Submarine League, and the Submarine Veterans of World War II, let us be reminded just how much we owe our submariners.

As early as the Revolutionary War, America's ports were guarded by naval submarines. In their earliest inception, a young inventor named David Bushnell designed America's first operational submarine. During the War for Independence, Bushnell piloted his craft toward the destruction of British men-of-war. This early work of a patriotic pioneer paved the way toward an innovative and potentially lethal form of naval warfare.

As the Navy grew into the 20th century, the role of the submarine became only more vital. By the late 1800's, the U.S. Navy adopted its first official submersible vessel, the *Holland*. As the world grew closer to entering World

War I, submarine technology was further improved.

By the dawn of the Great War, the Navy had 34 submarines in the fleet. One of the Submarine Services' earliest standouts was a young officer named Chester Nimitz. The future admiral would gain fame by commanding the U.S. Pacific Fleet in the Pacific during World War II.

On the morning of December 7, 1941, all of America was awakened by the shock waves reverberating from the Japanese surprise attack on Pearl Harbor. While the surface fleet was largely destroyed, the submarine fleet remained safely at sea, and soon would render a brutal counterattack on Japanese-flagged vessels.

As the industrial machine in the States steadily labored toward repairing our battered surface fleet, America's submarines set out like a phalanx to destroy Japanese naval operations. Admiral Nimitz defiantly proclaimed:

> It was the great submarine force that I looked to carry the load until our great industrial activity could produce the weapons we so sorely needed to carry the war to the enemy. It is to the everlasting honor and glory of our submarine personnel that they never failed us in our days of great peril.

By the end of World War II, American submariners had decimated the Japanese fleet. Over 1,000 Japanese ships were destroyed in the Pacific theater alone. However, destruction was not the only role submariners would play during the war. Ships assigned to the submarine lifeguard league rescued hundreds of downed Navy and Army Air Corps flyers from the sea. In all, over 500 flyers owed their rescue to the Navy's submariners, prompting one sailor to proclaim, "* * * they never failed us in our days of great peril, and we as a nation are forever grateful."

As World War II drew to a close, and the cold war dawned, the role of the submarines and their crews became only more invaluable. With the introduction of the nuclear powered fleet, submariners would be pushed to even greater extremes as men and ships were sent on extended missions well beyond what was imaginable only 10 years prior.

Nuclear subs carried the most lethal deterrent known to mankind—nuclear missiles. With their ability to launch from indeterminable locations without warning, the United States proved its preeminence as a naval power and maintained peace and relative stability around the world.

Triumph was not without tragedy and early nuclear submariners paid the ultimate price. In 1963, the submarine *Thresher* sank with nearly 130 crewmen aboard. Again in 1968 the *Scorpion* went down with 99 crewmen aboard. These tragic losses, however proved to open new doors for American submariners. The deep submergence rescue vehicle program was born out of tragedy and now sailors of all nations can be quickly rescued in the event of tragedy. The tragic losses are sad but gallant extensions of the traditions of duty, professional competence, and self-sacrifice which has always been the hallmark of submariners.

As we enter a new millennia and an era of changing world order, we must be ever mindful of the sacrifices made by our men and women who silently served as submariners. Throughout our history, the role of submariners and their crews have time and time again been put of the test and performed flawlessly. Each day we remember troops, airmen, and sailors—men and women alike—who paid the ultimate price for our continuing freedom. As we look back, let us not forget our submariners, active crews and veterans alike. Let us not forget the sacrifices paid by our submariners. In tribute to their valor, we offer our admiration, respect, and praise.

EARTH DAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting my Washington Report for Wednesday, April 23, 1997, into the CONGRESSIONAL RECORD.

EARTH DAY 1997: THE FUTURE OF ENVIRONMENTAL PROTECTION

On April 22 we celebrated the 27th Earth Day. We can take great pride in the advances that have been made in environmental protection. We have succeeded in reducing the levels of lead and other dangerous pollutants from the air. Lakes and rivers, once so contaminated they could catch on fire, now support large fish populations. Forests are rebounding. Endangered species, like the eagle, have been saved from extinction and are now thriving.

Hoosiers strongly support cleaning up our air, water, and land, and want to leave the environment safe and clean for the next generation. They overwhelmingly support sensible, targeted and moderate laws necessary to keep the environment clean. They also support the view that states and localities have a greater role to play in the environment, and that environmental laws should be based on sound science and a careful balancing of costs, benefits and risks. I agree with their common sense beliefs.

As we celebrate the 27th Earth Day, it is helpful to see how our approach to environmental protection has changed over the last two decades, and how we can best meet the environmental challenges of the 21st Century.

THE FEDERAL SYSTEM

Much debate has focused in recent years on the various roles that federal, state and local governments should play in environmental and other areas of regulation. There has been a strong push to devolve more responsibilities to the state and local level, where officials are closer to problems and can respond in a more flexible, cost-effective way. I support that general trend.

The federal government, however, is still the dominant player in the environmental field. There are two primary reasons for this arrangement. First, many environmental problems are national in scope. Air pollution, for example, generated in Louisville or Cincinnati can affect air quality in southern Indiana. Likewise, an oil spill in Pittsburgh will affect water quality throughout the Ohio River system. States, acting alone, cannot effectively respond to environmental problems which cross state boundaries.

Second, the federal government has the resources and expertise to determine what levels of pollution are safe for public health. The federal government first set national standards for air quality in the 1960s and has since adopted similar standards for water quality, hazardous waste disposal and the like. This regulation has come at a cost to industry and local communities—and often the federal government has failed to provide adequate financial resources to help state and local governments meet federal standards—but, in general, federal leadership has resulted in dramatic benefits for public health and overall environmental quality.

REGULATORY APPROACH

The federal approach to environmental regulation has changed over the last two decades. The first approach was characterized by "command and control." The government set the rules and expected state and local governments as well as industry to obey them. Under this approach, a factory would be required to install a specific pollution control device.

"Command and control" has worked, at some cost, in terms of controlling large point sources of pollution, such as industrial facilities, but has been less successful in reducing pollution created by numerous smaller sources. For example, storm runoff can wash pollutants from farms, highways and city streets into the water system. Such diffuse pollution sources are difficult to control.

The federal government is now taking a more cooperative approach in addressing environmental problems. Today, the federal government takes the lead in setting standards for the country, and assumes a substantial share of the resources, but works closely with the states and the regulated community to implement the laws and find cost-effective solutions which aim to strike a balance between environmental protection and economic growth. Many farmers, for example, have switched to low-till or even no-till farming practices. Such methods not only reduce soil erosion and help prevent water contamination, but also improve overall efficiency of the farm operation.

THE GLOBAL PERSPECTIVE

Environmental problems can be global. Scientists concluded that use of CFCs (a group of chemicals commonly used in aerosol spray cans and automobile air conditioners) was depleting the ozone layer. Ozone in the upper levels of the atmosphere acts as a shield against harmful ultraviolet radiation from the sun. In response, the U.S. joined other countries in approving a phaseout of CFCs, and U.S. companies are now leading the way in developing safer substitutes.

The U.S. is working with other countries on a host of international environmental problems, such as maintaining fish and other wildlife in our oceans and improving environmental quality along our borders with Mexico and Canada. The U.S. can and should participate in these efforts because it is in our national interest to do so. If we take a leading role, we can insist that other countries abide by similar environmental standards.

CONCLUSION

When I was first elected to Congress in 1964, there was little or no discussion about the environment. That has, of course, changed. Environmental protection now ranks as one of the most important concerns of the American public, and progress has certainly been made: substantial reductions in most air and water pollution; international efforts to phase out CFCs; reductions in children's blood lead levels; improved industrial management practices to reduce emissions; and, more broadly, a strengthened stewardship ethic to minimize environmental damage.

The challenge for the next century is building upon our successes in more flexible, cost-effective ways. New approaches will entail using innovative technologies, increasing community participation, placing more emphasis on prevention, streamlining government regulations, providing economic incentives to business and industry, and urging cooperation at all levels. As long as the population, economy, and per capita income grow the pressure on the environment will grow. Our challenge is finding the right balance between environmental protection and economic growth.

JEROME WARNER, NEBRASKA'S PREEMINENT CITIZEN LEGISLATOR

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. BEREUTER. Mr. Speaker, this week Nebraskans bade farewell to an extraordinary man. State Senator Jerome Warner, a family man, a farmer, a fine and honorable gentleman, and a preeminent citizen legislator, died at the age of 69, after 35 years of service to our State in its unicameral legislature.

The extraordinary qualities and abilities of the gentleman from Waverly, NE, have long been recognized across our State. In recent weeks and months Nebraskans have praised him with such words as "integrity, courage, dignity, honest, genuine, outstanding legislator, a force of nature, friendly, All-American, trustworthy, unpretentious, fair, builder, modest, consummately ethical, revered, bred for public service, the Dean, captain of the ship, and progressive."

Jerry was only 9 years old when his father was elected speaker of the first session of the Nebraska Unicameral Legislature, and the senior Warner served nearly 40 years as a Nebraska legislator, including 23 years as speaker. In his 35 years as a State senator, Jerry Warner served as speaker, too, three times, as chairman of practically all of the important committees, including the appropriations, revenue and education committees, and in many other formal and informal leadership roles.

In his early years in the legislature, Jerry worked successfully to provide State aid so that schools could be less dependent on property taxes. Thirty years later, he continued that effort to provide even more State aid for education. Jerry was chairman of the appropriations committee for 13 years. During the farm crisis in the 1980's, when the revenues from sales and income taxes fell, Jerry found ways to cut State spending. Throughout his service on the appropriations committee, when a shortfall loomed, Jerry produced a plan to pull the State through its fiscal difficulties.

In addition, throughout his life, Jerry farmed on the same family farm where he was born in 1927, and he bred registered Hereford cattle. He finally leased out the farm land 3 years ago and sold the last of his cattle last month.

Some Nebraskans have wondered why Jerry never ran for higher office. I think I know. For him there was no higher office than serving one's fellow citizens in our unicameral legislature—as a "citizen legislator."

I served with Jerry Warner for only 4 years, but that was a wonderful and significant time for me. When he first moved to the appropriations committee and became its chairman in 1977, I was new to the vice chairman role. Together, as we worked alone, night after night, we poured over the budget until midnight hours. We made some big changes in direction. But more importantly, during these nights I learned about the depth of this man's commitment to Nebraska's welfare and about the unrivalled depth of his knowledge of the State. Thereafter, I always knew my first and best source of information—practical and historical—about Nebraska State government was Jerry Warner. Up close I learned about the intellect and rationality behind that very special twinkle in Jerry's eye.

I am so very appreciative that I had the privilege of knowing him and working with him, of his good counsel, and of all that he did to make Nebraska a much better place to live. Jerry Warner made a big, big difference for the better here on earth. What better legacy can one leave?

Jerome Warner of Waverly, NE, a giant in his accomplishments, has walked modestly among us, but none before him or probably none after him will ever match his legislative achievements in Nebraska.

[From the Lincoln (NE) Journal Star, Apr. 22, 1997]

FROM LIFE TO LEGACY: WARNER'S LONG SEASON OF SELFLESS SERVICE

Toward the end, people who knew him well were at special pains to pay tribute to Jerome Warner. The energy to speak in admiration and in gratitude bubbled up at about the same rate that Warner's own energies wore down.

It is a measure of this man's quiet, simple greatness that even those who did not know him well could know how fine, how decent a man he was.

Like a cold wind, the thought rushes in upon us now that we were somehow vastly unprepared for his death Sunday.

Our search for warmth and for solace leads us to simple truths that passed from the seat of state government to the farthest corners of this state over a 35-year career. Jerome Warner is a man of his word. Jerome Warner defines what it means to be a public servant. Jerome Warner is the kind of leader who cares more about what he gets done than how he describes it.

The Revenue Committee puts its sense of urgency about failing health into action as calendars turned to April 1997. Sens. David Landis of Lincoln and George Coordsen of Hebron were among those to take some time to praise Warner for his leadership, for his selflessness, for his ability to see out ahead to new problems and new solutions. Never one for spectacle or smooth speeches, the chairman took it all in from behind those glasses that gave his eyes such owl-like hugeness and suggested the committee adjourn.

As applause rolled across the room, he declared, "I guess we're done."

Now at least in the most immediate sense, we citizens of Nebraska are done with the life of Jerome Warner. Thankfully, his legacy is just beginning.

As was so typical of him, he gave almost all of his remaining energy to the legislative task. He did not check into Tabitha's hospice program in Lincoln until a few days before his death.

The tributes that began back when cancer had so clearly gained the upper hand continue in a torrent. But the words now are words we pass among ourselves. We comfort each other, we try to reassure each other, and we look anxiously for others half so willing, half so able to help us find our way.

The Warner legislative legacy includes establishing state aid to education. It includes an end to pork-barrel politics in use of highway funds and stout defense of using highway money for highway purposes. It includes hard and unfinished work in the 1997 session in trying to salvage quality education from property tax relief.

In earlier sessions of his life, Warner spent his days in the Legislature and his nights on the tractor. It is a fitting way, in this last session, to remember a citizen-senator who did so much to bring together the interests of rural Nebraska and the interests of all of Nebraska. It is a fitting, sunset vision of ambitions that were so characteristically focused first on his state, rather than on himself.

[From the Omaha World-Herald, April 22, 1997]

SENATOR WARNER DIGNIFIED OFFICE

Jerome Warner died too young. At age 69, his mind was still sharp. His judgment was still good. He still displayed a desire to serve his fellow Nebraskans.

Until he checked himself into a nursing home two weeks ago, in pain and frail from his battle with cancer, he had been in the thick of the legislative debate over property-tax lids and projected treasury surpluses. Members of the Legislature and people outside the Legislature were still looking to Warner for guidance on how to manage the tangle of tax issues.

It was logical that they were turning to the Waverly senator. Nebraska has benefited substantially from the wisdom and balance he displayed during his 34 years as a state senator. His passing leaves a void in state government.

Warner served in the Legislature longer than any other person. He held all the top leadership positions and three of the most powerful committee chairmanships—Appropriations, Revenue and Education.

Many of his achievements came in the area of providing essential services with a fair system of taxation. He was the father of Nebraska's roads classification system, which took politics out of highway planning. He planned the Postsecondary Education Coordinating Commission to eliminate unnecessary duplication in higher education. He was instrumental in bringing Kearney State College into the University of Nebraska system.

Warner got Nebraska's variable gasoline tax through the Legislature. He wasn't the kind of politician who would promise good roads and leave the financing to someone else. He knew that the highway program needed more money. He came up with what he thought was the fairest system of obtaining more.

Warner had personal qualities that made him effective as a politician and likable as a human being. His integrity was unimpeachable. He was always pleasant and polite to those around him, whether they were high-powered officials or the college students who work as legislative pages. He respected ordinary people. He was a "bottomless pit of patience," a former legislative colleague once said.

Some politicians gain dignity when they are elected to public office. With Jerry Warner, it was the other way around. The way he conducted his 34-year career as a state senator enhanced the honor and dignity of the office. Few Nebraskans ever came closer to being the model public official.

HONORING THE 75TH ANNIVERSARY OF THE PORTAGE SCHOOL DISTRICT, PORTAGE, MICHIGAN

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. UPTON. Mr. Speaker, I rise today to honor the 75th anniversary of the Portage School District in southwest Michigan. Much has changed since the school doors opened in 1922, but throughout the years the Portage schools have consistently succeeded in providing a high quality education and outstanding services for students.

Formed in 1922 as the Portage Agricultural School District, the district then had five teachers. Today, 550 professionals educate nearly 9,000 students who fill 8 elementary schools, 3 middle schools, and 2 high schools. The school district boasts student achievement scores that are 15 percent to 20 percent higher than State averages with 83 percent of their students going on to higher education.

The strength and excellence of the school district's curriculum and programs prepares youths for the challenges they will face following graduation. It is with great pleasure that I am able to represent the Portage schools and witness their remarkable growth. I consider their comprehensive programs to be a model of success, and I have the utmost confidence in their ability to continue serving students for another 75 years with the same excellence they have achieved.

Mr. Speaker, I know that the people of Portage have always stood behind their schools, just like the school district stands behind its students and staff. As their Representative in Congress, it is a great honor for me to rise today in recognition of their accomplishments and wish them many more years of prosperity.

WAYNE COUNTY HEALTH CENTER FIGHTS HUNGER

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mrs. EMERSON. Mr. Speaker, I rise today to recognize the creative and innovative work of the Wayne County Health Center, a hospital located in the 8th District of Missouri. Wayne County Health Center was recently presented with the American Star, an award given to 100 civic organizations each year by the America The Beautiful Fund of Washington, DC.

I would especially like to extend my congratulations to Mrs. Velma Osborne, who has played an instrumental role in the success of Wayne County Health Center's extraordinary citizen service.

Wayne County Health Center established a program that assists over 400 low-income families in the area grow their own fresh food. The families involved in the project are learning the importance of good nutrition, as well as how to grow their own fresh fruits and vegetables.

This program has taken a giant step in helping to fight hunger in Wayne County. It will continue to benefit the families involved as children grow up with the knowledge of good nutrition and the skills to grow their own healthy food.

The Wayne County Health Center is certainly deserving of an award as prestigious as the America The Beautiful American Star. The accomplishments of Velma Osborne and the many others who have worked for the success of this program should serve as a reminder of the spirit that founded this country and the role that each and every one of us play in keeping that spirit alive.

LEGISLATION TO RECOGNIZE THE UKRAINIAN AMERICAN VETERANS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. GILMAN. Mr. Speaker, I am pleased to introduce legislation that will grant a Federal charter to the veterans organization known as Ukrainian American Veterans, Inc. This legislation recognizes and honors the thousands of Ukrainian-Americans who have fought for the ideals and principles that our great country represents.

Through the years, Ukrainian-American veterans have proven their determination and dedication by bravely fighting in the defense of the United States.

Ukrainian-American veterans have served in the United States armed services, and have aided in the destruction of the tyrants and oppressors that have confronted our great Nation. Based on their distinguished military service, Ukrainian-American veterans deserve recognition.

By providing our Ukrainian-American veterans with a Federal charter, our Nation will recognize this special group of American heroes. This measure will protect and preserve the foundations that our Nation was founded upon. And will promote patriotism and respect by commemorating the military actions, wars and campaigns of the United States in which they were involved.

I am pleased to introduce this legislation and I urge my colleagues to join us in supporting the courageous military service of Ukrainian-American veterans. We truly believe that this legislation demonstrates a commitment to democracy and liberty. Providing a Federal charter to the Ukrainian-American veterans is a symbolic tribute of respect for our veterans as our Nation continues to promote freedom throughout the world.

IN RECOGNITION OF A HIGH ACHIEVING JOHN MARSHALL HIGH SCHOOL AMERICAN HISTORY CLASS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. KUCINICH. Mr. Speaker, I rise to recognize and honor the high intellectual achievement of a John Marshall High School American history class. This class of high school juniors and seniors has demonstrated a superlative command of the facts and a critical understanding of the meaning of American history. They are first among their peers, having won that distinction when they took first place in the State of Ohio finals of the We the People competition.

The We the People competition does not involve mere rote learning and short answers, but requires detailed research and study on specific areas of the Constitution and Bill of Rights. Students testify before a panel of judges, most of whom are judges and lawyers, as if they were testifying at a congressional hearing. The class is divided into six groups and each group is required to give a 4 minute prepared answer to one of three extremely complex questions. Each group must then answer extemporaneously 6 minutes of followup questions posed by the judges. Through this trying ordeal, the students must demonstrate their understanding and ability to articulate indepth analysis of complex constitutional issues. All students must respond, not just the stars of the class.

The entire class, then, has earned a coveted honor as the State representative at the national competition. Under the tutelage of their teacher, George Klepacz, the following students are commended by Congress for their work and achievement: Brigitte Beale, Alicia Bebee, Raenala Brown, David Bucchioni, Tyessa Howard, Kasey King, Deanna Lamb, James Lazarus, Kim Noeum, Ryann O'Bryant, Brad Schaefer, Tiwanna Scott, Matt Stevens, and Kim Chau Vo.

AUTHORIZING FUNDING FOR A STUDY OF BREAST CANCER

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today, joined by a bipartisan group of my colleagues, to introduce legislation critical to the State of New Jersey.

This bill will authorize funding for a study focusing on the link between environmental factors and genetic susceptibilities toward breast cancer. The study will be conducted by the New Jersey University of the Health Sciences in consultation with the New Jersey Department of Health and Senior Services.

Breast cancer is an epidemic in our country. It is reported that every 3 minutes, a woman is diagnosed with the disease and every 11 minutes a woman dies from it. In this year alone, more than 44,000 women will from breast cancer—these women, who are our mothers, spouses, siblings, children, or friends.

These numbers are especially alarming in the State of New Jersey, which has the second highest breast cancer mortality rate of any State in the country. The American Cancer Society estimates 6,400 new cases of breast cancer in New Jersey in 1997 and 1,800 estimated deaths.

While we have made some strides in raising awareness about the need for early detection and some strides in research, we still do not have a cure nor do we know what causes the devastating disease. That is why I am introducing this legislation, to direct more funding to study the disease and potential causes of it.

Because of its dense population, the State of New Jersey has many unique environmental concerns that may have some link to our high incidents of breast cancer. The State's University of Health Sciences is one of only seven joint centers in the United States that house a National Cancer Institute designated research center and a National Institute of Environmental Health Sciences research center. The New Jersey Department of Health and Senior Services also oversees a statewide cancer registry and is advanced in its cancer research programs.

While this potential study is critical to women and families in New Jersey, the results of the study are equally important to the 1 in 8 women that will be diagnosed nationally with breast cancer each year, to their children and families. Consequently, I urge the support of my colleagues for swift passage of this bill.

LETTER CARRIERS FOOD DRIVE WILL BE MAY 10TH

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. KLECZKA. Mr. Speaker, hunger has no calender. Hunger doesn't know if it's spring, summer, winter, or fall. Hunger doesn't know the days of the week, or the months of the year. During the Thanksgiving and Christmas holiday season, our thoughts and our hearts turn to the less fortunate in our own communities. But, sadly, hunger is a year round concern and food pantries can be dangerously depleted during the spring and summertime.

That's why it is so important that all Americans are aware that on May 10, the National Association of Letter Carriers [NALC], in conjunction with the U.S. Postal Service, the AFL–CIO, and the United Way, will be collecting nonperishable food items for distribution to local food pantries. Postal customers simply place the food items by their mailboxes on the 10th, and the letter carriers pick up the items when they make their rounds. This is the largest 1 day food drive in the Nation, and proudly, I might add, my hometown, Milwaukee, ranked third in the Nation last year by collecting over 1 million pounds of food for distribution.

Let's all spread the news, far and wide, to the cities, suburbs, towns, and rural areas, as hunger affects many of our neighborhoods and hometowns. When doing the weekly grocery shopping for the second week of May, please join my wife and I by adding to the shopping cart a few extra cans of soup, vegetables and fruit, for distribution via the Letter Carrier food drive May 10.

A TRIBUTE TO THE PIERSON HIGH SCHOOL ROBOTICS TEAM OF SAG HARBOR, LONG ISLAND FOR ITS PARTICIPATION IN THE NATIONAL HIGH SCHOOL ROBOTICS COMPETITION

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to the 30 students and 4 teachers who comprise the Pierson High School robotics team, of Sag Harbor, Long Island, for their showing at the National High School Robotics competition, held between April 9–13 at the Epcot Center at Walt Disney World, Orlando, FL.

Competing against 115 teams from across America, including several magnet high schools that specialize in science and technology, Pierson High School finished 15th at the national competition in Orlando. The competition's sponsor—U.S. For Inspiration, Recognition, Science and Technology [FIRST]—provided each of the 115 schools with the same materials and parts list and asked each to accomplish the same task: to construct a robot that would pick up a number of inner tubes and place them inside a hexagonal goal. Using radio transmitters and receivers, the students were scored on the number of inner tubes they safely maneuvered from a remote location into the goal.

What makes the accomplishments of the Pierson High School team so remarkable is that they constructed a robot that outperformed machines built by teams from schools with much larger enrollments, many of whom enjoyed corporate sponsorship and assistance. To raise the $6,000 entry fee, travel, and lodging costs, the students from Pierson High School held garage sales, raised funds from local businesses, and were helped by their schools PTA, who held a fundraising brunch. Symbol Technologies, of Bohemia, Long Island, helped Pierson's with a small grant. Many of the students also came up with some of their own money to pay their way to Orlando, and to the regional competition at New Jersey's Rutgers University.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in saluting the 30 students on the Pierson High School Robotics team, for their performance at the national robotics competition. As America enters the new millennium, an era that will be dominated by microchips and robots, it is these young scientists who will create the new technologies that we can now only imagine. By their talent, hard work and ingenuity, America will remain the greatest force in the global marketplace. Congratulations, Pierson High School.

CONGRATULATIONS TO WESLEY GAINS ELEMENTARY SCHOOL IN PARAMOUNT, CALIFORNIA

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. HORN. Mr. Speaker. I rise today to praise the Wesley Gains Elementary School in the Paramount Unified School District. It is being recognized by the California Department of Education as a California title I achieving school. Wesley Gains is also a candidate for the competitive Title I National Recognition Schools Award.

This award is sponsored by the National Association of State Coordinators of Compensatory Education. The Association's goal is to focus the Nation's attention on programs in high poverty areas where disadvantaged students demonstrate unusual success in raising their achievement levels in basic and more advanced skills.

Paramount School Superintendent Michele Lawrence and Wesley Gains Principal Susan Lance have worked hard to develop and maintain the Gains community, which is not just physical buildings, but a philosophy that underscores the importance of education as a joint venture between the home, the school, and the community. The goal of the Gains community is to prepare students to become responsible citizens and productive members of the society. To achieve this, students need to be proficient in reading, writing, mathematics, and have a positive character behavior—which includes good work habits, teamwork, perseverance, honesty, self-reliance, and consideration for others.

Through several key features, the Gains community has been able to achieve these goals. The primary component has been a balanced literacy program, utilizing title I funds. All existing and incoming teachers receive training in specific, researched-based reading and writing strategies, including theory, program expectations, and implementation expectations. Additionally, Wesley Gains has five reading recovery teachers who work with targeted at risk first graders and provides assistance to staff, as well as a site literacy teacher, who acts as a partner-teacher to all staff.

Parent involvement is a critical part of the effort, and programs for parent-training help to support students' reading efforts at home. Program examples are "I Have A Parent Who Reads To Me" for kindergarten and first grades; "WOW! I Can Read" for second grades; and "Book Bridges" for off-track students. A parent task force is very active with the site-based decision-making model and coordinates support activities, such as a minimum of three parent visitation days and Family Nights each year. One example of this program's success is the parent attendance rate at parent conferences: more than 97 percent of Wesley Gains parents attend their parent-teacher conferences.

The overall success has been achieved and maintained regardless of some district wide changes: extension of the school day; implementation of a four-track, year-round schedule, adding grades 6 to 8 to Wesley Gains' K–

5 campus, redefining each school's attendance boundaries, which at Wesley Gains led to an increase of 850 new students; and implementing a new school uniform policy.

It is obvious that Wesley Gains deserves this honor. The students, teachers, and staff have worked hard and it has paid off. They recognized where their focus needed to be, devised a plan that efficiently used their resources, implemented their plan, and continue to reevaluate and reassess the quality of work they do, making changes as they go. And I am pleased to see that they recruited the best support group possible: parents. The level of commitment Wesley Gains parents show has been, without a doubt, a key to their success. I would wish that all schools could have as much parental support as Wesley Gains does. After all, it will take the entire community to educate and prepare our children for the 21st century.

I congratulate Superintendent Lawrence, Principal Lance, the entire staff, faculty, parents and students of the Gains community. I wish them many more years of success.

"WE THE PEOPLE" PROGRAM

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. WEYGAND. Mr. Speaker, on April 26–28, 1997, more than 1,200 students from 50 States and the District of Columbia will be in Washington, DC, to compete in the national finals of the We The People . . . The Citizen and the Constitution Program. I am proud to announce that the class from West Warwick High School from West Warwick will represent the Second Congressional District of Rhode Island. These young scholars have worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Rhode Island are: Jamie Amaral, Mary Asselin, Jonathan Bassi, Justin Broz, John Caressimo, Brian Carr, Andrew Costanza, Krystle Couto, Bethany DeBlois, Candice Felske, John Johnson, Jonathan Juneau, Jamie Kullberg, Kristin Larocque, Gina Musto, Meghan O'Brien, Ryan O'Grady, Stephanie Paquet, Erica Ricci, Hillary Sisson, Derek Tevyaw, Kevin Willette, Kristen Wolslegel, Man Yu, and Debra Zenofsky.

I also would like to recognize their teacher, Michael Trofi, who deserves much of the credit for the success of the team. The district coordinator, Carlo Gamba, and the State coordinator, Henry Cote, also contributed a significant amount of time and effort to help the team reach the national finals.

The We The People . . . The Citizen and Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We The People program, now in its 10th academic year, has reached more than 75,000 teachers, and 24 million students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.

HOSPITAL OUTPATIENT OVERCHARGES: WHY WE NEED TO REFORM MEDICARE'S PAYMENT SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. STARK. Mr. Speaker, the President's budget proposes to reform a major defect in Medicare—the ability of hospital outpatient departments [HOPDs] to overcharge beneficiaries. Due to the way the law is worded, patients today pay—on average—about 45 percent of the allowable cost of a hospital outpatient procedure. They should be paying 20 percent. Unless fixed, the problem will just get worse and worse, with seniors and the disabled paying more and more. Simply put, the problem arises because Medicare pays the hospital on the basis of reasonable cost, while the beneficiary is stuck with 20 percent of charges—and charges can be anything the hospital wants to say they are.

On February 4, Representative COYNE and myself introduced a bill, H.R. 582, to provide for an immediate correction of this serious Medicare beneficiary problem. I urge the Budget Committee, as it considers the size of the Medicare budget cuts, to make an allowance for the fixing of this problems.

In the meantime, the public should be advised to shop around for a better price than the HOPDs offer. Of the roughly 7,000 procedures that are done in HOPDs, 2,700 are also done safely and competently in ambulatory surgical centers [ASCs], where the price is usually much lower—and where the beneficiaries copay is limited to 20 percent.

Following are some examples of the difference to a patient in using an ASC instead of an HOPD. Newspapers, the electronic media, and consumer groups could do a great service to the Nation's seniors and disabled by checking on these prices in their local market and advertising the difference to seniors. Caveat emptor—big time.

COMPARISON OF HOSPITAL AND ASC FEES

ILLUSTRATIVE EXAMPLE NO. 1

Description:
Procedure: Inguinal Hernia Repair.
Location: Milwaukee, Wisconsin.
CPT Code: 49505.
Date: June 18, 1996.

	Comparative payments—	
	ASC	Local hospital
Retail Charge	$1,816	$3,171
HCFA Approved	....	3,171
HCFA Payment	587	2,537
Patient Co-payment	117	634

COMPARISON OF HOSPITAL AND ASC FEES

ILLUSTRATIVE EXAMPLE NO. 2

Description:
Procedure: Breast Biopsy.
Location: Milwaukee, Wisconsin.
CPT Code: 19120.
Date: July 29, 1996.

	Comparative payments—	
	ASC	Local hospital
Retail Charge	$899	$1,237
HCFA Approved	....	1,237
HCFA Payment	473	989
Patient Co-payment	95	247

COMPARISON OF HOSPITAL AND ASC FEES

ILLUSTRATIVE EXAMPLE NO. 3

Description:
Procedure: Cataract w/IOL.
Location: Milwaukee, Wisconsin.
CPT Code: 66984.
Date: August 15, 1996.

	Comparative payments—	
	ASC	Local hospital
Retail Charge	$1,419	$4,417
HCFA Approved	....	1,617
HCFA Payment	914	1,294
Patient Co-payment	183	323

COMPARISON OF HOSPITAL AND ASC FEES

ILLUSTRATIVE EXAMPLE NO. 4

Description:
Procedure: Colonoscopy w/Tumor Removal.
Location: Pasadena, California.
CPT Code: 45385.
Date: January 23, 1996.

	Comparative payments—	
	ASC	Local hospital
Retail Charge	....	$1,583
HCFA Approved	....	1,186
HCFA Payment	$442	1,186
Patient Co-payment	88	396

TWO YEAR ANNIVERSARY OF THE OKLAHOMA CITY BOMBING—APRIL 21, 1997

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. MANTON. Mr. Speaker, I rise today to commemorate the second anniversary of the Oklahoma City bombing. On April 19, 1995, a car bomb exploded outside the Alfred P. Murrah Federal Building in Oklahoma City, OK, killing 169 people and injuring hundreds more. This act of cowardice was an attack on innocent children and defenseless citizens, and struck at the very heart of our democracy.

This act of terrorism, the worst in the Nation's history on American soil, shocked, frightened, angered and saddened the citizens of Oklahoma and the United States. But throughout this time of hardship, the acts of courage, compassion, and professionalism by the citizens of Oklahoma and countless volunteers that descended upon the Murrah building are indelibly etched in the memories of people all over the world. These heroes, which included law enforcement officers, firefighters, search and rescue professionals, doctors, nurses, and volunteers throughout the country, gave selflessly in providing comfort and compassion to the victims of the attack and their families.

Mr. Speaker, as a Member of Congress who hails from New York City, the site of the World Trade Center Bombing 4 years ago, I know the fear and loss which these cowardly acts can have on a community. While the devastation which occurred in Oklahoma City is far greater than that which New York sustained, I know the people of New York have a special affinity for the suffering experienced by the families and friends of the victims of the Oklahoma tragedy.

I think all Americans agree that this victimization of innocent people is a trend which we cannot allow to continue. That is why I introduced and urge my colleagues to join me in co-sponsoring H.R. 538, the Explosives Fingerprinting Act, which would require explosive manufacturers to use high technology additives—taggants—in their explosives. These taggants would serve as identifying signatures which show where and when a particular explosive material was made. This legislation, which I originally offered during the 103d Congress in response to the World Trade Center bombing, is supported by major law enforcement agencies, including the Bureau of Alcohol, Tobacco and Firearms.

Mr. Speaker, it is time to give our law enforcement officials a valuable new tool in their arsenal. I would encourage my colleagues to join me as cosponsors of this important legislation, thereby taking a small step toward making sure another terrorist act like the bombing in Oklahoma City does not occur again.

Finally, Mr. Speaker, I would like to again express my deepest sympathies to the families and friends of the victims of Oklahoma City on this the second anniversary of the Oklahoma City bombing.

INS AND CITIZENSHIP

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. PACKARD. Mr. Speaker, I rise today to discuss an issue which disturbs me greatly. Just 3 months ago the Justice Department reported that the Immigration and Naturalization Service allowed some 180,000 people to become citizens without fully completing the required criminal background checks.

INS Commissioner Doris Meissner promised that appropriate steps would be taken to correct the obvious problems. Mr. Speaker, last week the verdict came in.

In a 140-page report issued by the Peat Marwick Accounting Firm, our worst fears were realized. The report found that of the 23 INS offices around the country, only 8 were complying with the new procedures for screening out criminal aliens. In fact, the report said that it could not with any assurance state that INS was not continuing to incorrectly naturalize aliens with disqualifying conditions.

Mr. Speaker, it is bad enough when a government agency is inefficient and squanders taxpayer money. But what can possibly be said about an agency that is fouling up the most important honor our Nation can give—the honor of citizenship.

There is nothing that should be viewed with more respect than the process by which we bestow citizenship on new Americans. We simply must improve the integrity of the naturalization process or we risk cheapening a privilege that so many have given their lives to protect.

NAFCU MARKS 30 YEARS OF SERVICE

HON. FLOYD H. FLAKE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. FLAKE. Mr. Speaker, for the past 30 years an organization known as the National Association of Federal Credit Unions [NAFCU] has distinguished itself by playing a key role in guiding and shaping the growth of America's Federal credit union community.

This week NAFCU marks the 30th anniversary of its incorporation. During that time it has rapidly grown so that today NAFCU represents credit unions that account for well over a majority of all Federal credit union members from across the land, and nearly three-quarters of the assets of all Federal credit unions in the country.

NAFCU and its representatives on Capitol Hill have served America's credit unions well. I invite our colleagues to join in extending warm wishes on the occasion of NAFCU's 30th anniversary.

SUPPORT FOR THE JONES ACT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. MOAKLEY. Mr. Speaker, on behalf of myself and the chairman of the Rules Committee, Mr. SOLOMON, and a bipartisan group of our colleagues, I have introduced today a resolution that strongly reaffirms the Congress' support for the Jones Act, section 27 of the Merchant Marine Act of 1920, one of the cornerstones of U.S. maritime policy. With origins dating back more than 200 years, the Jones Act requires that vessels used to transport cargo between U.S. ports be built in the United States, owned by U.S. citizens and crewed by U.S. citizen mariners.

The U.S. domestic Jones Act fleet plays a critical role in safeguarding U.S. economic and military security by ensuring U.S. control of essential transportation assets and our maritime infrastructure. It is not surprising that there are over 40 other nations that have similar laws that limit access to their domestic commerce to their national flag vessels in order to better enhance and support their own economic and military security.

Domestic trade has always been the core of our maritime industry. This trade, which consists of seaborne commerce between our States and territories and coastwise, Great Lakes and river commerce, has insured the survival of our maritime industry. The Jones Act has fostered the growth of a highly productive and diverse fleet of large, technologically advanced, fuel efficient vessels. These vessels transport all types of U.S. domestic commerce in a timely, economically, and responsive manner. This fleet is better equipped than ever to serve America's economy. Today's fleet consists of more than twice as many large vessels as it did in 1965. These vessels are not only larger but faster and much more productive in terms of their cargo carrying and delivery capability. As a result, a single American mariner working aboard one of today's technologically advanced vessels is able to deliver as much as 17 times the amount of cargo as 30 years ago. The Jones Act, along with the comparable requirements applicable to America's aviation, rail, and trucking industries, plays a vital role in ensuring that America's shippers and consumers continue to have a reliable, efficient, and competitively balanced domestic transportation system. America's shippers and consumers benefit greatly by using equipment built to U.S. standards and operated by trained U.S. citizen workers.

Vessels comprising the U.S. domestic Jones Act fleet does not receive any operating or construction subsidies from the U.S. Government, but rather are supported entirely through private capital investment by U.S. maritime companies. To date, these private investments have totaled approximately $26 billion. This investment pumps nearly $15 billion into the national economy, including more than $4 billion in direct wages to U.S. citizens. This economic impact is multiplied by thousands of additional jobs which Jones Act industries support in downstream industries and local communities in which Jones Act-related income is spent. In fact, the U.S.-flag domestic fleet provides direct employment for 124,000 Americans, including 80,000 merchant sailors and 44,000 shipyard and other shoreside workers. Their livelihoods are directly tied to the construction, repair, maintenance, supply, and operation of the 44,000 vessels and barges in the Jones Act fleet.

Not only do American citizens, our constituents, benefit from the Jones Act but so do Federal and State treasuries. The construction and operation of the privately owned U.S.-flag domestic fleet generates approximately $300 million annually in corporate tax revenues for the Federal Treasury and another $55 million annually in State tax revenues. Americans working aboard U.S.-flag domestic vessels and in related domestic industries pay approximately $1 billion $100 million annually in Federal income taxes and another $272 million in State income taxes. These revenues will be lost to our Federal and State governments if foreign vessels and foreign crews are allowed to enter America's domestic trades.

The Jones Act provides many significant and cost-effective national security benefits. In times of international crisis, the Jones Act fleet keeps goods flowing reliably and securely between U.S. ports, supporting the domestic economic base needed to sustain military action overseas. It also serves as an efficient and cost-effective adjunct to government-owned and other commercial sealift defense resources. The same U.S. merchant mariners who crew these Jones Act vessels in peacetime can be mobilized, as they have in the past, to crew surge and sustainment vessels for the Department of Defense.

Despite the claims made by foreign shipping interests and their spokespersons, without the Jones Act, foreign flag vessels—free of virtually all U.S. laws, taxes, and obligations—would be able to complete unfairly, not only against U.S.-flag vessels but also against America's trucking, rail, and pipeline industries. Americans will not benefit if the Jones Act was weakened or repealed. Americans will not benefit when their fellow citizen maritime workers lose their jobs. Americans will not benefit when Federal and State taxing authorities lose desperately needed revenues. Foreign shipping interests must not be given our domestic shipping market, the world's most lucrative domestic shipping market, into which they could dump their foreign built, foreign crewed vessels and capture our trades.

It is important to remember that if we, as Members of Congress, choose to not support the Jones Act, we will instead have chosen to eliminate an American industry. By doing so we will be turning over its functions and responsibilities to foreign owned and controlled vessels crewed by foreign nationals. It means that we will have chosen to wipe out the billions of dollars in private investments made in an all-American industry. We will have done so in order to give heavily subsidized, largely unregulated foreign shipping interests the right to control the movement of America's domestic commerce, to dictate the terms and conditions of such shipments. We will have allowed foreign shippers to export freight revenues., taxes and jobs outside of the United States. It means that we will open our market to foreign shipping interests that do not pay U.S. taxes, do not comply with America's safety, environmental and worker protection laws, and do not employ American workers. It means we will have given foreign shipping interests the ability and the right to compete unfairly against U.S. vessels, pipelines, railroads, and trucks.

Common sense dictates that our economic and military security requires an American owned, built and crewed domestic fleet and this common sense has prevailed for over 200 years. I ask that you join Mr. SOLOMON, our colleagues and me in supporting our bipartisan resolution that strongly reaffirms the Congress' support for the Jones Act.

H. CON. RES. —

Whereas a privately owned United States-flag merchant fleet and maritime industry are vital to the economic, military, and international political security of the United States;

Whereas it is essential for the Congress to reaffirm its support for those programs and policies that have successfully developed and maintained a strong, competitive, and economically viable United States-flag merchant marine, including section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), popularly known as the Jones Act, which reserves the carriage of America's waterborne domestic commerce to privately owned United States-flag commercial vessels that are built and repaired in United States shipyards and owned and crewed by United States citizens, and similar statutes pertaining to the domestic dredging, fishing, salvage, and towing industries;

Whereas these statutes have fostered the growth of a highly productive and diverse fleet of large, technologically advanced, and fuel-efficient vessels, that is capable of transporting in a timely, economical, and responsive manner all types of United States domestic commerce and that carries approximately 21 percent of the freight moved in the domestic transportation market while accounting for less than 2 percent of domestic expenditures for freight transportation;

Whereas the United States-flag domestic merchant fleet has more than twice the number of large vessels than in 1965 and productivity of the fleet over the past 30 years has more than tripled the fleet's ability to serve American shippers and consumers;

Whereas this increased growth and gains in productivity are due largely to the increased capital investments by private industry in the fleet and to the cooperative relationship that exists between American vessel operators and their American citizen crews;

Whereas more than 40 of America's trading partners have comparable laws and restrictions to limit access to their domestic commerce to their national flag vessels in order to better enhance and support their own economic and military security;

Whereas the Jones Act and related statutes are necessary to prevent America's domestic economy from being dominated and controlled by foreign shipping interests which today operate in international commerce outside the scope of United States Government laws and regulations, including tax obligations, that apply to all types of United States-flag vessels and their crews, to the entire domestic transportation infrastructure, and to all other industries located in the United States;

Whereas the Jones Act and related statutes, along with the comparable requirements applicable to America's aviation, rail, and trucking industries, play a vital role in ensuring that America's shippers and consumers continue to have a reliable, efficient, and competitively balanced domestic transportation system that uses equipment built to American standards and operated by trained American citizen workers;

Whereas allowing foreign flag vessels and foreign crews to operate in America's domestic trades will threaten the economic viability of America's transportation system, which operates in compliance with all United States Government laws and regulations, including tax obligations;

Whereas the Jones Act and related statutes and the construction and operation of the privately owned United States-flag domestic fleet contribute significantly to the national economy, generating approximately $300,000,000 annually in corporate tax revenues for the Federal Treasury, and another $55,000,000 annually in State tax revenues, all of which would be lost if foreign vessels were allowed to enter America's domestic trades;

Whereas Americans working aboard United States-flag domestic vessels and in related domestic industries pay $1,100,000,000 annually in Federal income taxes and another $272,000,000 in State income taxes, revenue which will be lost if foreign vessels and foreign crews are allowed to enter America's domestic trades;

Whereas the domestic maritime industry provides a significant source of employment to maintain a cadre of well trained, loyal American citizen merchant mariners ready and able to respond, as always, to our Nation's call in time of war or other emergency; and

Whereas the Jones Act and related statutes are necessary because the construction and repair of the United States-flag domestic merchant fleet provides the primary source of commercial shipbuilding opportunities for American shipyards and their workforce, helping to maintain the shipyard mobilization base necessary to America's national security: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), popularly known as the Jones Act, and related statutes are critically important components of our Nation's economic and military security and should be fully and strongly supported.

HOOSIER HERO—INDIANA STATE POLICE'S PENDLETON POST

HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. MCINTOSH. Mr. Speaker, I rise today to give my report from Indiana. As my wife, Ruthie, and I travel throughout the great State of Indiana, we meet so many hard-working Hoosiers.

These people go to work every day to support themselves and their families.

However, there are those who go above and beyond the call of duty each day, to put their lives on the line for fellow Hoosiers. This commitment calls on the courage of the Indiana State Police officers.

Today, I would like to pay special attention to the hard-working men of the Indiana State Police's Pendleton Post. Their devotion, courage, and outstanding work ethic are recognized as Indiana's best State police squad.

The Pendleton Post consists of seven men. Alexander Willis, Scott Sollars, Jeff Goforth, Chris Lambert, David Preston, Shawn O'Keefe, and Chris Noone make up the squad who, in 1996, recorded over 800 criminal arrests and over 200 drunk-driving arrests, the highest in the State of Indiana. However, what makes these accomplishments so significant is the fact that there were only seven men on the squad.

Sgt. Robert Kowalski said that normally a group this size would not be able to accomplish as much as the Pendleton troopers have, but their good-old fashion hard work have put fear out of the minds of the citizens of Madison County. The work ethic of the Indiana State Police's Pentleton Post is something each of us should strive for.

Special recognition is also deserved by Troopers David Preston and Shawn O'Keefe. Trooper Preston was honored for having the most criminal arrests and the third highest drunk-driving arrests for the State of Indiana. Trooper Shawn O'Keefe was also awarded

Trooper of the Year by the "Real Stories of the Highway Patrol" television show.

Only 6 months out of the training academy, Trooper O'Keefe displayed immense courage by rescuing a 6-year-old girl from a burning car after a terrible accident claimed the lives of three people in December of 1995.

This true act of bravery was nominated as "Real Stories" TV show's Trooper of the Year segment where viewers called in and voted for one of the four finalists for the award. Trooper O'Keefe's actions captured the attention of many as he was pronounced Trooper of the Year.

Today, I would like to salute the heroic efforts displayed by Trooper O'Keefe. While the accomplishments of the Indiana State Police's Pendleton Post are significant, it is important to remember that they put their life on the line every day for people whom they never have met. It is this type of commitment that is truly commendable.

On behalf of the citizens of Madison County, we are proud to have State police officers of such high caliber. Their hard work ethic earns them further recognition as Hoosier heroes.

Mr. Speaker, that concludes my report from Indiana.

CHAIRMAN BENJAMIN A. GILMAN'S ADDRESS TO THE III WORLD PARLIAMENTARIAN CONVENTION ON TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. LANTOS. Mr. Speaker, today, here at the offices of the House of Representatives, the III World Parliamentarian Convention on Tibet was held. The keynote address for this impressive gathering of elected representatives of Parliaments was given by His Holiness, the Dalai Lama of Tibet, who is here in Washington, DC, for this conference.

One of the true highlights of this parliamentary convention was an address by our distinguished colleague and the chairman of the House International Relations Committee, Congressman BENJAMIN A. GILMAN of New York. Mr. Speaker, I am inserting this excellent address of our colleague in the RECORD, and I urge all of my colleagues to give his fine remarks thoughtful and careful attention.

STATEMENT BY THE HONORABLE BENJAMIN A. GILMAN, CHAIRMAN, HOUSE INTERNATIONAL RELATIONS COMMITTEE, III WORLD PARLIAMENTARIAN CONVENTION ON TIBET, APRIL 23, 1997

Mr. GILMAN. Good morning ladies and gentlemen, your Holiness and distinguished participants. Thank you Lodi for your kind words. It is a special honor for the House International Relations Committee and the Congress to host this third international parliamentarian convention on Tibet.

I am pleased to welcome His Holiness The Dalai Lama, Professor Rinpoche, the Chairman of the Assembly of Tibetan People's Deputies, and all the distinguished legislators, academics, participants and guests joining us today. It is fitting that this historic meeting takes place under the roof of the "House of the people" by a worldwide community of legislators, scholars and experts.

As I drove down from New York last evening after spending the last two days celebrating the Passover Holidays with my family, the significance of our meeting here today reminded me of the similarities between our two people's and indeed the similarities between righteous efforts of any people for freedom and G-d given rights.

During Passover the Jewish people celebrate their freedom from slavery and are reminded of their ancestors' wandering in the desert for forty years. The family sedar centers around recalling the persecution of the Jews by the Pharaoh, the efforts made to free the Jews, the promises made by G-d, their plight in the desert and the meaning of the sedar's different foods, drinks and rituals. But most significant of all is the family gathering recounting the story of how a powerless non violent religious nation regained its rights.

As we gather together today I strongly feel that same sense of family * * * that same motivation for coming together. Some of you have traveled very long distances and are sacrificing precious time and money to help the Tibetan people. Others are volunteering your services so that this can happen. But most significant of all is the selflessness of the deed and the joy of doing what is right.

Today, we are a family gathering together to learn from the past, to enjoy good company and to help our Tibetan and Chinese brothers and sisters regain the freedom that is rightfully theirs. The result of our deliberations which will be delivered to the Secretary General of the United Nations and various governments are intended to bring those leaders into the family to give them the opportunity to strengthen and to be a part of our unity of effort.

Most of you know the statistics: The Chinese destruction of over 6,000 monasteries, the death of 1.2 million Tibetans (a third of the population), the tight control of religion by a foreign atheist government, the public humiliation of monks and nuns. The Tibetans have lost everything, their great teachers, their lands and monasteries, and now due to a diabolical "final solution"—a population transfer program of massive numbers of Chinese into Tibet—many Tibetans are very rapidly losing their identity, language and self respect.

The Romans destroyed the Temple in Jerusalem some two thousand years ago, and sent the Jews into exile from their holy land. The Chinese destruction and current occupation of Tibet is every bit as cruel and brutal to the Tibetans. The very strict control of Tibet's religious institutions by atheist communist officials is not only unimaginable blasphemy to Tibetans but to all of the world's great religious traditions.

The extent to which China's past and present leaders are personally responsible for these policies is very distressing. For example it was Deng Xiaoping who directed the People's Liberation Army into Tibet and oversaw its destruction. Just three years ago it was reported that at an internal Central Communist Party meeting, President Jiang Zemin asserted that, religion is one of the biggest threats to Communist Party rule in China and Tibet. Subsequently, Premier Li Peng signed decrees number 144 and 145 which restrict worship, religious education, distribution of Bibles and other religious literature, as well as restricting contact with foreign coreligionists.

The totalitarian Chinese government has created official religious organizations that control all religious worship, activity, and association in China and Tibet and supplant the independent authority of the Roman Catholic Church, independent Protestant churches, and independent Buddhist, Taoist, and Islamic associations. Indeed, the Bureau of Religious Affairs is headed by a rigid communist who is hostile to all religion.

The Bureau is controlled by the United Front Work Department of the Chinese Communist Party. The Party was behind the sentencing of a 76-year-old Protestant leader to 15 years in prison for distributing Bibles, the sentencing of a 65-year-old evangelical elder to an eleven-year prison term for belonging to an evangelical group outside the government-sanctioned religious organizations and the sentencing of a 60-year-old Roman Catholic priest to two years of "reeducation through labor" for unknown charges. He had previously spent 13 years in prison because of his refusal to renounce ties with the Vatican. During this past Easter, the regime arrested Peter Xu who is perhaps the most important evangelical leader of the underground Protestant church. He founded the New Birth house church networks, reportedly to have 4 million members. At this time there are four Catholic Bishops imprisoned or in detention.

The Communist Party and the Bureau of Religious Affairs are also responsible for the kidnapping of the 6-year-old Panchen Lama and his family who have been detained for almost two years, and their whereabouts are still unknown. Scores of Tibetan Buddhists who refused to participate in the Chinese sham enthronement of Beijing's "Panchen Lama" have been sent to prison and one of their spiritual leaders committed suicide rather than take part in the charade.

Mine you, these people are not spending lengthy periods of their life in horrible prison conditions for peacefully advocating political pluralism or democracy. They are being severely punished merely for pursuing their religious beliefs.

Pro dmeocracy advocates in China and Tibet are going through equally hard times. The recently released State Department's Country Report on Human Rights Practices in China and Tibet states that "in 1996 the authorities stepped up efforts to cut off expression of protest or criticism. All public dissent against the party and government was effectively silenced by initimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end." Not even the former Soviet Union managed such complete repression against the refuseniks.

The State Department Report goes on to say: "Although the Government denies that it holds political prisoners, the number of persons detained or serving sentences for 'counterrevolutionary crimes' or 'crimes against the state,' or for peaceful political or religious activities are believed to number in the thousands. Persons detained during 1996 included activists arrested for issuing petitions or open letters calling for reforms and greater democracy."

Having checkmated all resistance in Tibet and China the dictators have been successfully applying similar strategies in the international arena. Just last week, representatives of the unelected government in Beijing once again succeeded in Geneva at the U.N. Commission on Human Rights to have a no-action motion adopted on the consideration of a resolution regarding human rights violations in Tibet and China. The Beijing dictatorship elevated its international bullying to new heights by threatening Denmark. If Denmark introduced a human rights resolution regarding China, the resolution would, according to the Chinese "become a rock that smashes on the Danish government's head."

Such statements and the shameful action by Beijing of introducing a no-action motion are insults and a disgrace to the Commission on Human Rights. No country should be able to utilize its economic or political power to attempt to block international scrutiny of its human rights record. And no civilized country on the face of the earth would permit its diplomats, spokesmen or leaders to make such pernicious remarks.

Within the past year Beijing officials have made similar public threats against Germany, New Zealand, Australia and Taiwan if they permitted His Holiness to visit their countries and if their leaders were to meet with Him. China's diplomats have been flying all over the world promising stadiums, roads, government buildings, purchases of airplanes and other forms of trade and assistance in order to bully, threaten and cajole Commission members to vote with them in Geneva.

Three years ago, leaders of many nations that are currently members of the U.N. Commission on Human Rights urged President Clinton to de-link U.S. trade with China to its human rights violations. They argued that the human rights issue ought to be considered separate and apart from trade and economic matters and last week they ignored the hypocrisy of trading their values and principles away.

Democracy is on the run and having a difficult time establishing itself throughout Asia because democracies throughout the world, including our own nation, have put short term economic gains for powerful companies ahead of the long term benefits of democracy and the rule of law. Although most western CEO's intimately understand and are usually supportive of the role that an independent judiciary has on controlling corruption, which in turns helps to maintain profitable business ventures, they are mesmerized by what George Will of the Washington Post calls the "beguiling chimera" of the China market. Almost every deal with China requires a substantial technology transfer that quickly evaporates their profitable sales.

Every year around now since 1989, members of the business community visit Capitol Hill to speak with us about the need for a Most Favored Nation trading status for China and to warn against containment versus engagement of the government in Beijing. But I submit to you that the containment versus engagement discussion is a straw man. In a healthy family, members discuss issues, come to agreements and then follow through on their words with deeds. Engagement continues even when a punishment occurs. If many important agreements are broken and a sibling never stands up for his or her rights then the other one usually turns into a bully. At which point the family and the aggrieved sibling will both be responsible if the belligerent's behavior affects the larger community.

The Tibetans and all of us here today are bearing our responsibility to the world community by calling attention to the crises of leadership in both the People's Republic of China and in any other government that fails to be alarmed, and to take strong action against the manipulation of religion and destruction of a people.

Such a people who have a particular commitment to G-d that characterizes their whole national identity, who are the victims of the most vicious oppression, who might be miraculously delivered against the odds precisely by continuing to hold to their special relationship to G-d rather than by practicing the ways of the Pharaoh, need all of our support.

We are a family. We are here to bring out the best in all of our members. Your very presence gives the Tibetans and Chinese people hope for the future.

I urge you during the next two days to chart out a program of action where together we can take a multilateral approach in helping His Holiness and the people of Tibet. Many of us in the House and Senate, Republicans and Democrats, are prepared to work with you.

Lodi, I want to convey to you and your staff at the International Campaign for Tibet and to all the volunteers here today doing the hard work of making this happen, my deepest appreciation and respect.

To the leaders in Beijing, we ask for their suggestions on how we can assist them in dealing with their past in order that they may then embrace the necessary values that will sustain their nation in the future. In this same unity of spirit we ask that they let our people go.

May their decisions and your deliberations lead to freedom and peace for the Tibetan and Chinese people.

G-d bless.

A TRIBUTE TO THE EL CAMINO REAL HIGH SCHOOL ACADEMIC DECATHLON TEAM

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor an exceptional group of individuals from my congressional district, the El Camino Real High School Academic Decathlon team. This team not only won the local and State competitions, but this last weekend competed in St. George, UT where they finished second in the national competition.

This is not the first time that El Camino Real has competed for this national honor. El Camino Real has won the California Academic Decathlon three times, and this was the school's third appearance in the national competition since 1992. This kind of continued success can only be attributed to diligence, hard work, and perseverance. Indeed, this impressive history speaks volumes about the individuals that we are honoring here today from the coaches, parents, friends, and of course students who were willing to sacrifice and give the extra effort.

Yet hard work alone does not explain their success as this group exemplifies the word teamwork. The team consists of nine students, two coaches, and seven faculty assistants compelled by the rigorous nature of this competition to study, train, and act as a cohesive unit. The manner in which points are accumulated in the Academic Decathlon competition requires every team member to make a significant contribution; indeed, the team is only as strong as its weakest link. Through their cooperation and hard work, the team has learned that self-sacrifice can lead to excellence. I believe our ability to enter and contribute to these types of relationships both as families and communities is key to our future.

Finally Mr. Speaker, I am proud to note that this track record of academic excellence is found in one of our public schools. We continuously hear about the problems facing the Nation's public education system, and although there are many obstacles and they are daunting, I believe they can be overcome. Many of the qualities that made this team successful can be used throughout our schools, such as hard work in a team atmosphere and looking to peers for support and accountability.

This team consists of nine students: Steve Chae, Michal Engelman, Robert Magee, Tamara Miller, Michael Montgomery, Jacqueline Moses, Roger Rees, Dawn Robinson, and Adi Zarchi. The faculty assistants are James Centorino, Charles Doherty, Rebecca Gessert, Jerry Hickman, Mark Johnson, Jack Liebel, Naomi McCoy, Lillian Ruben, and Shukla Sarkar; the team is led by head coaches Sharon Markenson and David Roberson. Principal Ronald Bauer's guidance and support was another critical ingredient in the team's success. I commend not only the El Camino Real team, but every individual involved in similar academic pursuits. As educator John Dewey noted, "Education is not preparation for life, education is life itself."

Mr. Speaker, I am privileged to represent such outstanding young people, as they are truly the future of this great Nation.

HONORING DR. REBECCA W. STEELE

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise today to commend the musical genius of Dr. Rebecca W. Steele.

On April 27, the board of directors of the Richard V. Moore Community Center, Inc., will honor Dr. Rebecca W. Steele, director of Bethune-Cookman College Concert Chorale and Young Artists group, with a musical tribute. Over a period of 50 years, Dr. Steele's expansive career has included the positions of choral music director, voice teacher, music educator, singer, and arts administrator. Family, friends, and colleagues will pay tribute to this individual who has touched the lives of hundreds of young people across the State of Florida and the Nation.

A member of the faculty of Bethune-Cookman College since 1976, Dr. Steele is currently professor of music and director of cultural affairs. She has a Ph.D. from Florida State University in humanities and music, with special emphasis in multicultural music education. She earned dual masters in music education and voice, piano, and choral conducting from Columbia University. Prior to joining the Bethune-Cookman faculty, Dr. Steele enjoyed a long teaching career at Florida A&M University, in Tallahassee, another outstanding historically Black University.

Under her direction, the concert choir at Florida A&M was recognized for its performances of such major extended choral works as

Verdi's Requiem and Bach's Magnificat. The choir's exceptional renditions of Negro spirituals also received wide-spread acclaim. The Bethune-Cookman Chorale has performed with the Jacksonville Symphony Orchestra and Lyric Theater in a production of Porgy and Bess as well as at the Spoleta Festival in Charleston, SC.

A singer of considerable prominence, Dr. Steele remained in demand while at Florida A&M University. Her soprano solos from Mozart's Requiem, arias, and interpretations of spirituals were especially popular. Dr. Steele's ability to conduct different styles of music, while simultaneously producing beautiful tone and phrasing distinguishes her from many of her peers. Her latest production, "From Bach to Gospel" features varied styles of choral works, ensembles, and solos from numerous periods. Dr. Steele's professional affiliations add another dimension to an already committed teacher and humanitarian. She is a member of the Music Educators National Conference, the Florida State Music Teacher's Association, the Association of University Professors, the Southern Arts Federation and the Florida Professional Presenters Consortium.

Mr. Speaker, it is with enormous pride and extreme satisfaction that I join others in saluting the musical accomplishments and contributions of this exceptional Floridian. Shakespeare said, "[i]f music be the food of love, play on. . .".

To the thousands of students of Dr. Rebecca W. Steele, I say "play on."

EARTH DAY 1997

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. MANTON. Mr. Speaker, I rise today in recognition of Earth Day 1997. During this Congress it is especially crucial to emphasize the significance and purpose of this nationally recognized day. Since 1970, this country has set aside 1 day a year to highlight the importance of environmental conservation and preservation. But protecting the environment and our natural resources is not a once a year project. It is about the way we choose to live our lives.

Mr. Speaker, the nationwide recognition of this day illustrates the overwhelming public concern over how the natural and man-made world should interact. While I support efforts to relieve businesses of undue red tape, I believe it is possible to do so without also reducing protection of our air, water, and other natural resources. Although striking a balance is often difficult, it is necessary for the long term health of both the environment and the economy.

As a Member of this esteemed body, I am pleased with the role Congress has played over the last 27 years. Passage of legislation such as the Clean Water Act, Clean Air Act, the Endangered Species Act, among others, has been instrumental in cleaning our environment and protecting our valuable natural resources. It is our responsibility as legislators to continue to respond to the public and its priorities through enactment and renewal of these most important environmental laws.

Mr. Speaker, I am hopeful that this day will be a reminder to Congress that the management of our resources is of vital importance. The decisions we make today will impact not only our future, but all future generations.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. STARK. Mr. Speaker, today our colleagues Mr. SERRANO, Mr. DELLUMS, Mr. KLECZKA, Mr. UNDERWOOD, Mr. FRANK, Ms. CHRISTIAN-GREEN, Ms. PELOSI, Mr. HALL (OH), Ms. ROS-LEHTINEN, Mr. BERMAN Mr. WAXMAN, Mr. CRAMER, Mr. EHRLICH, Ms. CLAYTON, Mr. RANGEL, Mr. GONZALEZ, Mr. MOAKLEY, Mr. FROST, Mr. ACKERMAN, Mr. SPENCE, and I take great pride in reintroducing The Gift of Life Congressional Medal Act of 1997. The enactment of this legislation, which doesn't cost taxpayers a penny, will not only honor the individual organ donor and their loved ones, but will also heighten the awareness of the organ shortage—ultimately resulting in more organ donation.

There is a major undersupply of available and suitable organ donors.

Currently, there are 50,000 individuals waiting for an organ transplant in the United States. The number of people on the list has more than doubled since 1990 and a new name is added to the national patient waiting list approximately every 18 minutes. Despite the numerous problems that organ donation programs have faced and conquered over the years, a major problem still exists.

The demand for organs will continue to grow with the improvement of medical technologies. Without expanded efforts to increase the supply of organ donation, the supply of suitable organs will continue to lag behind the need.

For the many would-be organ recipients, the consequence of shortage is death. It is clear that expanded efforts are necessary in order to increase the number of organ donors.

According to some researchers, it may be possible to increase by 80 percent the number of organ donations in the United States through incentive programs and public education. A congressional medal recognizing donors and their families can play a very important and effective role in our efforts to encourage such donation.

Our proposed Gift of Life Medal Program will be administered by the regional organ procurement organizations [OPO's] and managed by the entity administering the organ procurement and transplantation network. Once the decision to donate an organ has been made, the donor or the family member of the donor will be asked by the regional OPO whether participation in the Gift of Life Medal Program is desired.

The OPO will give each donor or family member the option of receiving a gift of life medal, recognizing that some may not want to participate. If requested, a public presentation will be made to honor the donor. A presentation by a local official, community leader or Member of Congress would be a tremendous opportunity to increase the awareness concerning the desperate need for organ donation.

Every action has been taken to ensure that the issuance of the gift of life medals results in no net cost to the Government. In addition, I am proud to report that the legislation has the strong support of the United Network for Organ Sharing [UNOS] and the Coalition on Donation.

Any one of us, or any member of our families, could need a life saving transplant tomorrow. We would then be placed on a waiting list to await our turn—or our death.

So, I ask that our colleagues help bring an end to waiting lists and recognize the enormous faith and courage displayed by organ donors and their families. Please join us as cosponsors of The Gift of Life Congressional Medal Act of 1997. These donors offer others a second chance by providing the most precious gift imaginable—the gift of life.

The bill is as follows:

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gift of Life Congressional Medal Act of 1997".

SEC. 2. CONGRESSIONAL MEDAL.

The Secretary of the Treasury shall design and strike a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, to commemorate organ donors and their families.

SEC. 3. ELIGIBILITY REQUIREMENTS.

(a) IN GENERAL.—Any organ donor, or the family or family member of any organ donor, shall be eligible for a medal described in section 2.

(b) DOCUMENTATION.—The Secretary of Health and Human Services shall direct the entity holding the Organ Procurement and Transplantation Network (hereafter in this Act referred to as "OPTN") to contract to—

(1) establish an application procedure requiring the relevant organ procurement organization, as described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)), through which an individual or their family made an organ donation, to submit to the OPTN contractor documentation supporting the eligibility of that individual or their family to receive a medal described in section 2; and

(2) determine, through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal described in section 2.

SEC. 4. PRESENTATION.

(a) DELIVERY TO THE SECRETARY OF HEALTH AND HUMAN SERVICES.—The Secretary of the Treasury shall deliver medals struck pursuant to this Act to the Secretary of Health and Human Services.

(b) DELIVERY TO ELIGIBLE RECIPIENTS.—The Secretary of Health and Human Services shall direct the OPTN contractor to arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to this Act to individuals or families that, in accordance with section 3, the OPTN contractor has determined to be eligible to receive medals under this Act.

(c) LIMITATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, to the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) EXCEPTION.—In the case of a family in which more than 1 member is an organ donor, the OPTN contractor may present an additional medal to each such organ donor or their family.

SEC. 5. DUPLICATE MEDALS.

(a) IN GENERAL.—The Secretary of Health and Human Services or the OPTN contractor may provide duplicates of the medal described in section 2 to any recipient of a medal under section 4(b), under such regulations as the Secretary of Health and Human Services may issue.

(b) LIMITATION.—The price of a duplicate medal shall be sufficient to cover the cost of such duplicates.

SEC. 6. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of section 5111 of title 31, United States Code.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

SEC. 8. SOLICITATION OF DONATIONS.

(a) IN GENERAL.— The Secretary of the Treasury may enter into an agreement with the OPTN contractor to collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) PAYMENT OF FUNDS.—

(1) IN GENERAL.— Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of the Treasury.

(2) LIMITATION.— Not more than 5 percent of any funds received under subsection (a) shall be used to pay administrative costs incurred by the OPTN contractor as a result of an agreement established under this section.

(c) NUMISMATIC PUBLIC ENTERPRISE FUND.— Notwithstanding any other provision of law—

(1) all amounts received by the Secretary of the Treasury under subsection (b)(1) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

(2) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this Act.

(d) START-UP COSTS.— A 1-time amount not to exceed $55,000 shall be provided to the OPTN contractor to cover initial start-up costs. The amount will be paid back in full within 3 years of the date of the enactment of this Act from funds received under subsection (a).

(e) NO NET COST TO THE GOVERNMENT.— The Secretary of the Treasury shall take all actions necessary to ensure that the issuance of medals authorized under section 2 results in no net cost to the Government.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "organ" means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation of the Secretary of Health and Human Services or the OPTN contractor; and

(2) the term "Organ Procurement and Transplantation Network" means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

SEC. 10. SUNSET PROVISION.

This Act shall be effective during the 2-year period beginning on the date of the enactment of this Act.

TOWARD A BETTER SYSTEM OF DIPLOMATIC IMMUNITY

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. DREIER. Mr. Speaker, earlier this year, here in our Nation's Capital, a young woman was killed in a car accident. This tragedy briefly became the subject of national news because the offending driver was a diplomat of the Republic of Georgia, and the driver was allegedly driving drunk. Thus, a horrible situation for the young woman's family became the focal point for an ad hoc rethinking of the issue of diplomatic immunity, and the reasonable expectation of most Americans that diplomats and their families should not be absolved of all personal responsibility for criminal actions.

Diplomatic immunity unquestionably plays an important role in foreign relations between nations. I firmly believe that American diplomats, their staffs and their families must be shielded from abusive prosecution abroad by strict adherence to the international rule of law upon which diplomatic immunity is based. In the United States, the same principles must apply to those associated with diplomatic missions here in Washington, at the United Nations in New York City, and at consulates in California and throughout our country.

While the concept of diplomatic immunity remains an important underpinning of peaceful diplomacy, it is time, with the exponential growth of the diplomatic corps, that we reexamine the procedures and policies implicit in the doctrine of diplomatic immunity. In short, while diplomats cannot be held hostage by foreign governments through criminal prosecution of themselves, their families or their staffs, that does not mean that civilized countries cannot agree to hold their own diplomatic personnel accountable in their own judicial systems.

I recently met with a now-retired New York City detective, a highly decorated veteran of street wars, who attempted to arrest a young man, the son of a diplomat, who is a serial rapist. I recently met with one of that young man's victims, whose life has never fully returned to normal. I recently met with representatives of the International Association of Chiefs of Police, the National Organization for Victim's Assistance, the National Association of Crime Victims Compensation Boards, the National Black Police Association, Mothers Against Drunk Drivers, and the National Law Enforcement Council.

These officers, victims, and advocates were assembled by constituents of mine in California who are responsible for an important study of cases of diplomatic immunity abuse. In the book by veteran journalist Chuck Ashman and attorney Pamela Terracott, "Diplomatic Crime", they document that the majority of criminal acts which trigger the imposition of diplomatic immunity claims are committed not by Ambassadors or senior ministers, but by their lower ranking staff and family members. They point out that there are cases in which those accused are not only excused but remain in their duty post or are quickly reassigned to another

I commend Chuck and Pamela for their dedicated research. I thank victims and police for their determination to shed light on abuses. I appreciate the concern on the part of so many significant police and victims support groups for this issue.

Mr. Speaker, as I mentioned, the tragic death of a young woman at the hands of a drunk driver forced the issue of diplomatic immunity back to the front pages earlier this year. In that one case, the government of the accused has waived his immunity and allowed American procedures for justice to move ahead. What is most significant about that decision is how unique it is in the field. In fact, the knee jerk reaction of most nations, including the United States, is to recall those accused of crimes before there is any determinations as to the merits of the charges.

It is my view that the growth in the number of diplomatic personnel, along with media technology that spreads word of crimes across the country in minutes, creates the potential for public outrage that could threaten the entire system of diplomatic immunity sometime in the future. Therefore, I believe that now is the time for Congress to begin an effort to seriously investigate how to improve and protect diplomatic immunity. I recently introduced legislation, H.R. 1236, to get that process underway. I would like to thank Congressman CHRIS SMITH, the chairman of the International Relations Committee's Subcommittee on International Operations and Human Rights for incorporating the provisions of H.R. 1236 into H.R. 1253, the Foreign Relations Authorization Act for fiscal years 1998 and 1999, which was reported out of the subcommittee on April 9.

This legislative effort may be of little comfort to the victims of that serial rapist or to the families of those killed by drunken drivers who have not been called to account in any nation, but I believe it is a step in the right direction. The Congress should know when and where these incidents occur. The Congress and the American people should know the disposition of cases involving American officials overseas accused of crimes. I look forward to the Congress moving forward on this issue, to study the reports we are requesting from the State Department, and to take the lead globally in exploring how to balance the needs of diplomacy and the demands of a changing society.

Again, Mr. Speaker, I commend Chuck Ashman and Pamela Terracott for their dedicated research, and thank the victims and those police who have shown such determination to shed light on abuses.

PRESIDENT BILL CLINTON SENDS GREETINGS TO THE THIRD WORLD PARLIAMENTARIANS CONVENTION ON TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. LANTOS. Mr. Speaker, today here in the Rayburn House Office Building the Third World Parliamentarians Convention on Tibet was held. Among those who spoke during this conference were His Holiness the Dalai Lama and the chairman of the House International Relations Committee, our colleague Congressman BENJAMIN A. GILMAN of New York.

President Bill Clinton sent a message of greeting to the parliamentarians of many countries who were assembled here today. Mr. Speaker, I am inserting the message of President Clinton into the RECORD. Our President's powerful affirmation of the importance of human rights is an important statement that I urge all of my colleagues to read:

THE WHITE HOUSE,
Washington, April 17, 1997.

Warm greetings to everyone gathered in Washington, D.C., for the Third World Parliamentarians Convention on Tibet. I am pleased to welcome all the participants, and especially His Holiness the Tibetan Dalai Lama, whose devotion to the Tibetan people and inspiring advocacy of nonviolence and dialogue have earned the world's lasting admiration.

All Americans cherish the rights guaranteed to us by our founders in the Constitution and the Bill of Rights. We have worked to extend them not only to our own citizens, but also to people everywhere, recognizing that these freedoms are the birthright of all humankind. It is heartening that, with the growth and development of the human rights movement, there has been a greater awareness and appreciation that such rights are universal and not limited by political boundaries.

We must continue to speak out whenever human rights are threatened or denied, and I am grateful for the continuing efforts of leaders like you, who have done so much to advance democracy, human dignity, and religious freedom worldwide.

Best wishes for a successful convention.

BILL CLINTON.

PRESERVING OUR COUNTRY'S IMPORTANT NATURAL AND RECREATIONAL RESOURCES

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to voice my deep concern that revenues deposited into the Land and Water Conservation Fund [LWCF] are not being spent as they should. Congress created this fund many years ago to pay for the purchase of critical Federal park and recreation lands, but now only spends a small portion of the fund's annual revenues for this purpose.

The Land and Water Conservation Fund was established in 1965 in order to provide a permanent annual funding source for high priority land investments that would help to conserve our Nation's natural resources and ensure our ability to meet Americans' recreational needs. At first the fund's revenues came from proceeds generated by the sales of surplus Federal real property, motorboat fuel taxes, and fees for recreational use of Federal lands. Then in 1968, Congress decided to substantially increase the LWCF's revenues by directing into the fund money yielded from Outer Continental Shelf mineral leasing receipts. As a result, Federal returns from the exploitation of one key natural resource, namely mineral products removed from the Outer Continental Shelf areas, are designated to conserve other key natural resources, namely public parks, wildlife habitats, and other recreational resources.

The LWCF presently receives $900 million each year, nearly all of which comes from OCS receipts, and until 1981 the vast majority of the fund's holdings were spent on Federal land acquisition. However, over the last decade and a half, Congress has allocated less and less LWCF money for its intended purpose and has, instead, used the fund to offset the Federal deficit. Though in fiscal year 1978 over $800 million was directed from the LWCF to buy land, in fiscal year 1997 only $149 million, or 14 percent, of the LWCF was allocated to buy park and recreational property. Since such small percentages of the fund have been used to buy land in recent years, the unspent revenues have accumulated and now total more than $11 billion.

While we wait to balance the budget, we are losing many opportunities to acquire and protect environmentally sensitive lands and areas that are critical to our present and future recreational needs. Many important lands will soon be lost to real estate development and industrial uses, and unless we purchase them now, we will never have another opportunity to preserve them.

In honor of Earth Day, I would like to call on Congress to allocate this year's LWCF revenues for their intended purpose, to preserve in public ownership our country's most important natural and recreational resources.

REMEMBERING JOHN JENSEN

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. CASTLE. Mr. Speaker, I rise today to extend my sincerest condolences to the family, friends, and coworkers of John Jensen. An employee for 20 years at the Amtrak facility in Wilmington, DE, John Jensen lost his life in a senseless tragedy. He leaves behind his beloved wife of 16 years Bonnie, 14-year-old daughter Virginia, father Miller, and brother James.

John Jensen was a family man who found time to coach a little league girl's softball team, and took pleasure in boating and fishing. He was a solid member of his community, and well respected by his neighbors as a friend.

Mr. Speaker, as many of my colleagues who rely on Amtrak service can attest, the employees of Amtrak are in many ways a family. The long hours that these individuals spend ensuring that millions of Americans across our country have safe and efficient rail transportation results in a bond of kinship.

While there are many questions left unanswered in the wake of tragic events in Wilmington, what is certain is that the Amtrak family has lost a valued member. John Jensen was a foreman universally respected by his coworkers as a dedicated, conscientious, and well-liked member of the facility. He will be painfully missed by his colleagues for a long time to come.

John Jensen was a man of fine character, great perseverance, and true kindness. While I know no words can lessen the pain felt by the Jensen family and the Wilmington community, it is my hope that from this tragedy some good will come, it is my hope that John Jensen's memory will inspire others to live as he did—dedicated to his family, involved in his community, and committed to his work.

Mr. Speaker, I want to conclude by extending my hopes and best wishes for a speedy recovery to Jonathan Fedora and John Morrison, two dedicated Amtrak employees who were needlessly wounded during this tragic event. Hopefully, both Mr. Fedora and Mr. Morrison will be returning to work in the very near future.

HONORING JACK CROGHAN FOR FORTY-TWO YEARS OF OUTSTANDING AND CONTINUED SERVICE AS AN EDUCATOR

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mrs. MEEK of Florida. Mr. Speaker, it is my great pleasure to join Mr. Jack Croghan's family, friends, coworkers, and students in recognizing his 42 years of outstanding and continuous service to our community. We congratulate Mr. Croghan for his contributions as an educator, a role model, and a mentor who has helped shape the lives of thousands of young people in our community.

Mr. Croghan earned his Ph.D in administration at Syracuse University. Since then, he has studied at the National Training Laboratories of Applied Behavioral Science, where he focused on educational training for consultants and applied behavioral science and social change. He has taught at all educational levels: Elementary, junior high, senior high, undergraduate, and graduate. This year will mark the 120th doctoral dissertation that Jack has chaired to successful completion at the University of Miami. Jack Croghan also distinguished himself as the chairman of the department of educational and psychological studies at the University of Maimi. He also trains supervisors and managers in the university's leadership development program.

Jack was involved in the research studies that helped develop the Florida principal competencies which are now used in all 67 Florida counties to train school principals. He played a key role as a master trainer in the assessment of competencies. His strong commitment to improving our school system has affected the lives of fellow educators and students alike. Jack's exceptional service and commitment to enhancing education is greatly appreciated by all. In addition to his many years as an educator, he has found time to serve as a charter member of the Florida Council on Educational Management.

Jack Croghan is an excellent role model for our youth. On behalf of our entire community and as a former educator myself, I offer him my deepest thanks for his many years of dedicated service and our best wishes for continued success.

BURMA SANCTIONS AT LAST

HON. ELIZABETH FURSE

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Ms. FURSE. Mr. Speaker, I congratulate the Clinton administration for its announcement yesterday to impose new sanctions on Burma. This is absolutely the right thing to do in the face of growing oppression of the Burmese people at the hands of Burma's State Law and Order Restoration Council.

This is an important message to other nations considering further investment in a nation with a repressive military junta illegally governing it. The imposition of sanctions will facilitate a dialog with those who are seeking democracy and will help to make 1997 a year of change. This could be the year the SLORC's power is broken.

I have written to Secretary of State Madeleine Albright to encourage her to pursue these sanctions with all due vigor, and to consider other options which may be necessary in order to restore true law and order to this beleaguered country.

In February, prodemocracy leader Aung San Suu Kyi called on the rest of the world to block investment in her country. United States sanctions are an urgently-needed step in the struggle being waged by Aung San Suu Kyi and so many others in Burma. I have had a long-time interest in this issue and I urge my colleagues to join me in advocating for democracy there.

PERSONAL EXPLANATION

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. DICKS. Mr. Speaker, last Thursday, I was unavoidably absent for rollcall vote No. 85, an amendment in the nature of a substitute to H.R. 400, the Twenty-First Century Patent Improvement Act. If I had been present I would have voted "no."

RESOLUTION OF WELCOME TO HIS HOLINESS, THE DALAI LAMA OF TIBET

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. LANTOS. Mr. Speaker, today, the Members of the Congress have had the honor and pleasure of meeting with His Holiness the Dalai Lama of Tibet at a reception in his honor sponsored by the Congressional Human Rights Caucus. Our distinguished colleague, Congressman JOHN EDWARD PORTER and I, as cochairmen of the Congressional Human Rights Caucus, had the honor of hosting this reception, at which our colleagues had the pleasure of meeting the Dalai Lama.

I am delighted to report to our colleagues that His Holiness met today with President Clinton, and he also had the opportunity to meet today with the Speaker of the House, our colleague from Georgia, NEWT GINGRICH.

Mr. Speaker, the occasion for our reception was a historic anniversary. In 1987—10 years ago this year—His Holiness the Dalai Lama met with the members of the Congressional Human Rights Caucus. This was the Dalai Lama's first such political meeting in Washington, DC, with Members of Congress. On this important occasion 10 years ago, he presented his five-point peace plan for Tibet for the first time in public. This is an outstanding proposal for the nonviolent resolution of differences between the people of Tibet and the Government of China. This five-point peace plan for Tibet was an important proposal that was a significant element in the decision of the Norwegian parliamentary committee to award the Nobel Peace Prize to the Dalai Lama in 1989.

It is most fitting and appropriate, Mr. Speaker, that we here in the Congress mark the 10th anniversary of the Dalai Lama's important visit here 10 years ago. I regret to note that despite the excellent proposals made by His Holiness, Chinese Government authorities have adamantly refused to negotiate seriously to resolve the problems regarding Tibet. It is also tragic that the Government of China continues to carry out policies that threaten the unique and important religious and historical cultural traditions of the Tibetan people.

The tragic human rights violations in Tibet, which we highlighted 10 years ago, continue to remain a serious problem. The Tibetan people are still subject to persecution and the Chinese Government continues to repress the Tibetan people.

Mr. Speaker, in honor of the visit of His Holiness here to the Congress, with my colleague, JOHN EDWARD PORTER, I have introduced a resolution welcoming the Dalai Lama. I ask that the full text of our resolution be placed in the RECORD.

H. RES. 124

Whereas on September 21, 1987, the Dalai Lama visited the United States Congress at the invitation of the Congressional Human Rights Caucus and publicly presented his Five Point Peace Plan for Tibet for the first time;

Whereas on December 11, 1989, the Dalai Lama was awarded the Nobel Peace Prize in recognition of the Five Point Peace Plan for Tibet and his consistent principled resistance to the use of force or violence;

Whereas on this, the tenth anniversary of the presentation of the Dalai Lama's Five Point Peace Plan, the government of the People's Republic of China has yet to enter into serious discussions, without preconditions, with the Dalai Lama or his representatives, in spite of repeated calls from the United States and other governments to do so;

Whereas the government of the People's Republic of China continues to carry out policies that threaten the existence of Tibet's unique religious, cultural and linguistic traditions, despite urging from the United States and other governments that the People's Republic of China take measures to respect these unique traditions;

Whereas the Dalai Lama's first visit to Taiwan in March 1997 and his message of tolerance and non-violence resonated among millions of people in Taiwan; and

Whereas His Holiness the XIV Dalai Lama of Tibet will be visiting Washington, D.C., in April 1997: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring) that the Congress,

(1) warmly welcomes His Holiness the XIV Dalai Lama of Tibet to the United States;

(2) urges the President to meet with His Holiness the Dalai Lama during his visit to discuss substantive issues;

(3) requests the President to continue to urge the Government of the People's Republic of China to meet with the Dalai Lama or his representatives, without preconditions, to discuss a solution to the impasse in their relations; and

(4) requests His Holiness the Dalai Lama to communicate to the Tibetan people that the Congress and the American people support them in their struggle to preserve Tibetan identity and to protect and exercise their freedoms.

A TRIBUTE TO HELEN BERNSTEIN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to mourn the loss of a valuable member of our community, Helen Bernstein. Ms. Bernstein leaves a lifetime of work and dedication on behalf of our children's education.

Helen completed her undergraduate education at UCLA, going on to do her graduate work in psychology at California State University Northridge. She then began her career as teacher. Teaching at both the junior high and high school levels, she quickly earned a reputation among students and her colleagues as an outstanding educator. Although she thrived on the direct daily interaction with the children, her natural leadership abilities eventually led her to taking a more active role in the teaching community.

In 1990 she was elected president of United Teachers of Los Angeles [UTLA], a position she held until 1996. She led Los Angeles teachers through a tumultuous period in which they experienced efforts to break up the school system, efforts to cut funding for teachers, and internal strife. She faced these obstacles in the only way she knew how, head on.

Helen was never one to shy away from conflict or adversity, as she had a way of embracing these issues and quickly bringing the debate back to her focus—the welfare of the children. Colleagues of Helen consistently comment on both her courage of conviction and her unwavering commitment to the goal of improving schools for the children of Los Angeles.

Last year Helen stepped down as president of UTLA, but remained active in the effort to reform our schools. She became director of the Teacher Union Reform Network a multistate project designed to coordinate various school reforms and improve student achievement. In addition, Helen had recently taken a position as an education adviser to Mayor Riordan, in an effort to increase his role in school reform.

Indeed Helen Bernstein's life and work have left an indelible mark on the Los Angeles public school system. Her legacy was best stated in a recent Los Angeles Times editorial, "Bernstein stood for higher academic standards and more emphasis on discipline and student testing. She saw the teachers as the key to higher standards and would stop at nothing to make that point. . . ."

Recently Ms. Bernstein passed away, leaving our community with a great loss. Her lifelong work on behalf of our educational system will not be soon forgotten. Ms. Bernstein served as a voice of those often left voiceless, the students of Los Angeles. We will miss her greatly.

A TRIBUTE TO DAVID MORSE OF THE UNIVERSITY OF PENNSYLVANIA

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Mr. David Morse, who for 14 years has been the voice of the University of Pennsylvania in its communications with Congress and the Federal Government. During his years in Washington, Mr. Morse has become a leading expert on issues relating to the financing of higher education. In addition to his official duties for the University of Pennsylvania, Mr. Morse has utilized his knowledge of these issues to the benefit of others, chairing committees and working groups for the Consortium on Financing Higher Education, and the Association of American Universities.

Mr. Morse has long been a strong proponent of funding for university-based science and technology research. Since 1995, Morse has been one of the major forces behind the Science Coalition, a Washington-based group of more than 400 universities, scientific and engineering societies, corporations, Nobel Laureates and other prominent individuals organized in support of a strong Federal commitment to university-based research. As a result of Morse's and others vigorous advocacy, the coalition has been cited in the media as one of the most significant forces behind Congress' and the administration's renewed interest and support for basic science and technology funding.

Before coming to the University of Pennsylvania, Mr. Morse worked on Capitol Hill for over 10 years; first, as a professional staff member for higher education and cultural affairs on the staff of former Senator Robert Stafford of Vermont, then-chairman of the Senate Subcommittee on Education, Arts and Humanities, and later in a similar capacity on the staff of former Senator Jacob Javits, of New York. In 1981, Mr. Morse took a leave from his Senate position to serve as Director of the President's Task Force on the Arts and Humanities, which recommended an enhanced Federal role in support of cultural activities.

Penn has begun a search for a successor to Mr. Morse, but it will not be easy for anyone to fill his shoes. Mr. Speaker, in light of Mr. Morse's career-long commitment to improving higher education and for his successful lobbying of Congress to achieve these ends, I ask that my colleagues join me in honoring Mr. Morse on the occasion of his departure from the University of Pennsylvania, and wishing him luck in his new position as director of public affairs at the Pew Charitable Trusts.

HONORING EILEEN GOODWIN

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Ms. LOFGREN. Mr. Speaker, I rise today in recognition of Ms. Eileen Goodwin, who since 1993 has served as executive director of the Santa Clara County Traffic Authority.

The Santa Clara County Traffic Authority was established in 1984 by the voters of Santa Clara County, who approved a half-cent sales tax to bring much needed road improvements to Silicon Valley. Known as measure A, this highly successful road improvement program helped to preserve Silicon Valley's economic viability and quality of life.

The role Ms. Goodwin played in ensuring the success of this program, first as deputy director of the Traffic Authority and then as executive director, cannot be overstated. During Ms. Goodwin's tenure, the Traffic Authority built 18 miles of new freeway and improved 40 miles of existing freeway. This monumental $1.2 billion public works project was not only completed on time and within budget, but at each stage of development Ms. Goodwin went to great lengths to make sure that the public's concerns were taken into consideration and addressed.

Ms. Goodwin's skill, vision, and unsurpassed professionalism have earned her the respect of her peers in both the private and public sector. She is recognized as one of Santa Clara County's most distinguished public administrators. The replication of measure A by counties throughout California is a further testament to her outstanding leadership qualities.

Mr. Speaker, on March 31, 1997, the Santa Clara County Traffic Authority terminated its operations. Today I ask my colleagues in the House of Representatives to join me in recognizing Ms. Goodwin for her extraordinary service to the residents of Santa Clara County.

MARGOT CARLSON 1997 NATIONAL CRIME VICTIM SERVICE AWARD RECIPIENT

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Ms. SANCHEZ. Mr. Speaker, I would like to take this time to honor the Gang Victim Assistance Program and its executive director, Margot Carlson. This unique program from Orange County, CA started as a project of Community Service Programs, Inc. The Gang Victim Assistance Program and Ms. Carlson were honored with a Crime Victim Service Award by Attorney General Janet Reno on Friday, April 18, 1997.

Last year, the program helped more than 970 victims of gang-related violence and their families. Since the launch of the program in 1990, it has worked closely with the Orange County district attorney's gang unit by providing support to victims and witnesses through the investigation and prosecution of each case of gang-related violence. The nonprofit human service organization is comprised of eight bicultural and bilingual victim specialists, enabling it to respond to problems that Latino crime victims face when confronted by gang violence.

The program's victim specialists are continuously on call and respond to various situations which include accompanying investigating officers to the crime scene, delivering death notifications, assessing crime victims' safety and emergency needs, and providing referrals to support agencies. These situations utilize the victim specialists' training in victim support and counseling. This program has been so successful that the Department of Justice's Office for Victims of Crime is creating a protocol based upon gang victim assistance for other communities needing similar programs.

I would like my colleagues in Congress to join me in recognizing Ms. Margot Carlson and the Gang Victim Assistance Program of Orange County, CA. Their contributions to the Orange County community have been invaluable and inspiring. I commend the Department of Justice and Attorney General Janet Reno for honoring them with the Crime Victims Service Award.

PRESIDENT WAIVES CORRIDOR ACT YET AGAIN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. SMITH of New Jersey. The State Department has notified the House International Relations Committee of the President's intention to invoke the national security waiver clause of the Humanitarian Aid Corridor Act. That law bars U.S. assistance to any country which prohibits or restricts the transport or delivery of U.S. humanitarian assistance to other countries. The national security clause allows the President to waive the implementation of the law on the grounds of U.S. national security interests.

The beneficiary of the administration's munificence is Turkey, which has refused since 1993 to let United States humanitarian aid transit its territory to Armenia. Referring to Turkey's ethnic kinship to Azerbaijan, which has been locked in conflict with Armenia over Nagorno-Karabakh since 1988, and to the occupation of Azerbaijani territory by Nargorno-Karabakh Armenians, Ankara has closed all land routes to Armenia. The opening of an air corridor in 1995 has in no way mitigated the impact of this decision, which forces United States aid to transit Georgia.

Last year, President Clinton also invoked the national security waiver clause of the Humanitarian Aid Corridor Act, without bothering to inform Congress in advance. We learned of the administration's decision post facto, from Turkey's Foreign Minister, who announced it at a May 21, 1995, press conference. The waiver had actually been signed on May 16. This year, President Clinton, having learned his lesson and seeking to blunt criticism, at least gave Congress advance notification.

President Clinton's graciousness in 1997 does not, however, compensate for maintaining a bad policy. The arguments in the administration's memorandum of justification for the waiver, neither individually or collectively, can explain away turning a blind eye to Ankara's flouting of basic principles of civilized behavior in the international community. True, Turkey has ethnic ties to Azerbaijan, and is a NATO ally, and the United States cooperates with Turkey on a spectrum of issues. But as I said when I introduced the Humanitarian Aid Corridor Act in February 1995, it should be an obvious and unobjectionable principle of U.S. assistance that countries keeping U.S. humanitarian aid from reaching third countries should not receive U.S. aid. Nothing has happened in the intervening 2 years to change my view on this subject. However close Turkey may be to Azerbaijan, Turkey is not a party to the Nagorno-Karabakh conflict. There is simply no reason for Ankara to block the delivery of United States humanitarian aid to Armenia. Moreover, as a member of the OSCE, Turkey has certain commitments: the 1991 Moscow Document calls on participating states to "cooperate fully to enable humanitarian relief operations to be undertaken speedily and effectively; to take all necessary steps to facilitate speedy and unhindered access for such relief operations; [and to] make the necessary arrangements for those relief operations to be carried out."

The administration's memorandum of justification is a poor attempt to defend the indefensible. Turkey is impeding the delivery of our humanitarian aid to refugees. That policy is unacceptable. So is the administration's policy of refusing to confront Ankara on this fundamental issue.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 24, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 25

9:30 a.m.
Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine how the United States' health care workforce must evolve to meet future needs.
SD–430

APRIL 28

10:00 a.m.
Judiciary
To hold hearings on pending nominations.
SD–226

APRIL 29

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to review a GAO evaluation of the development of the Draft Tongass Land Management Plan.
SD–366

Indian Affairs
Business meeting, to mark up S. 459, to authorize funds for and extend the Native American Programs Act of 1974; to be followed by an oversight hearing on the implementation of the San Carlos Water Rights Settlement Act of 1991 (P.L. 102–575).
SR–485

Special on Aging
To hold hearings to examine the chronic health care delivery system.
SH–216

10:00 a.m.
Labor and Human Resources
To hold hearings on proposed legislation authorizing funds for the National Endowment for the Arts and the Humanities, National Foundation on the Arts and the Humanities.
SD–430

2:00 p.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To resume hearings to examine ozone and particulate matter standards proposed by the Environmental Protection Agency.
SD–406

3:00 p.m.
Judiciary
To hold hearings on the nomination of Joel I. Klein, of the District of Columbia, to be an Assistant Attorney General.
SD–226

APRIL 30

9:30 a.m.
Labor and Human Resources
To hold hearings on equal opportunity issues in Federal construction.
SD–430

Rules and Administration
To resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office.
SR–301

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD–192

Judiciary
To hold hearings to examine the operations of the Department of Justice.
SD–226

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the use of "Telepresence", the enabling technology for telemedicine and distance learning.
SR–253

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on fighting crime and violence in the District of Columbia.
SD–342

2:30 p.m.
Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MAY 1

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD–192

9:30 a.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 357, to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine biomedical research priorities.
SD–430

Small Business
To hold hearings on the Small Business Administration's finance programs.
SR–428A

10:00 a.m.
Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD–124

Armed Services
Readiness Subcommittee
To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the Department of Defense Depot maintenance privatization initiatives.
SR–222

11:30 a.m.
Judiciary
Immigration Subcommittee
To hold oversight hearings on the Immigration and Naturalization Services, focusing on criminal record verification process for citizenship applicants.
SH–216

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD–138

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MAY 5

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.
SD–366

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the Newly Independent States.
S–128, Capitol

MAY 7

9:15 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services.
SH–216

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues.
SD–124

MAY 8

9:30 a.m.
Energy and Natural Resources
To hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation.
SH–216

MAY 14

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

MAY 22

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.
SH–216

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

CANCELLATIONS

APRIL 24

2:00 p.m.
Finance
To hold hearings on the 1997 Annual Reports on the Status of the Social Security and Medicare Trust Funds.
SD–215

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

POSTPONEMENTS

APRIL 24

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on U.S. agricultural export issues.
SR–332

HOUSE OF REPRESENTATIVES—*Thursday, April 24, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BURTON of Indiana].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 24, 1997.

I hereby designate the Honorable DAN BURTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

From the early morning Sun until the going down of the same, we express our thanksgiving, O gracious God, for the many gifts of life that You freely give to us each day. We know that You look upon us not as we deserve, but You forgive us and give us new life and bless us along life's way. For Your amazing grace, for Your wonderful gifts, O God, for all the heavenly hosts who are witness to Your gifts, for all the people who encourage us and for all the people we are privileged to serve, we offer this prayer of gratitude and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado [Mr. BOB SCHAFFER] come forward and lead the House in the Pledge of Allegiance.

Mr. BOB SCHAFFER of Colorado led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 one-minutes on each side.

PRESIDENT'S EXECUTIVE ORDER WOULD LINE THE POCKETS OF UNION CONTRACTORS

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, what would the American public say about Congress if we tried to exclude 90 percent of American workers from Government contracts? They would have our heads, and rightly so. But with a stroke of his pen the President wants to do just that, to pay off his friends at the AFL–CIO. The President wants to sign an Executive order that would make sure that all the hard-earned tax dollars Americans send to Washington for Federal construction projects go only to union contractors.

It does not matter if a nonunion contractor can do a better or a less expensive job. It does not matter that this order would exclude 90 percent of the working families of this country. That is just too bad. Only union contractors will get your tax dollars, even if it costs more than a nonunion firm.

Does that make any sense? Of course not, but apparently the President thinks it is more important to line the pockets of the union bosses.

Mr. Speaker, I urge the President to reconsider this absurdly unfair, costly, and absurdly un-American order.

MEDICARE'S IMPENDING INSOLVENCY, REPUBLICANS' INACTION

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, today the Medicare trustees will release the latest numbers on Medicare's impending insolvency. The Republicans are in the majority, so what is their solution? Instead of passing legislation to fix the trust fund, they have wasted the last 2 years trying to ram through deep Medicare cuts to finance tax breaks for the wealthy.

Last week Republican leaders argued for an additional $30 billion in Medicare cuts. The Medicare legislation that the Republicans passed in the last Congress would have forced seniors to pay double premiums for lesser quality care.

The Republicans fought the Medicare Program when it was created under Democratic control, and now they are relishing the opportunity to let it die under their watch.

PROJECT LABOR AGREEMENTS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute.)

Mr. BALLENGER. Mr. Speaker, the American people are best served by open competition, whether for goods, services, or for construction. This has always led to lower costs, higher quality, innovation, and efficiency.

The Executive order of President Clinton that he has promised his important labor friends ignores all these principles and imposes a near monopoly on the source of construction labor. Under union-only contracts Federal work would be restricted to a small minority of the work force that is unionized and would deny work to the majority of workers who, for religious, economic, or other personal reasons, choose not to work under union control.

Mr. Speaker, I urge the President to reject the calls from one narrow interest group for favoritism and to support fair and open competition. Imposing this discriminatory Executive order would be a disservice to working men and women, to the American taxpayer, and to the economy.

WOMEN AND INFANT CARE PROGRAM SHOULD NOT BE CUT

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, I rise today to ask my colleagues to give major consideration to a program that I think is one of America's finest, and that is the women and infant care program, which I understand that many are talking about cutting.

When we talk about a Nation where infant mortality is at such a high rate that it compares very favorably to many Third World countries, it seems to me that a program that addresses the needs of pregnant women, children before and after birth, ought not be one that we ought to be using the budget knife to slice.

In reality, when we talk about what America is all about, it would seem to me our primary interest ought to be in the protection of our babies and our children, and clearly one of the best programs that we have that addresses that concern is the Women and Infant Care Program.

I think if we talk about budget cuts with WIC, we lose the opportunity to provide for milk, the bread and all of

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the other necessities for the nutrition of these young children, and in doing so, I think it represents a blight on America.

I would hope that committees that are giving consideration to budget cuts in this area would reconsider and think more favorably about a program that is doing what it was intended to do, and that is meet the needs of our infants and our pregnant mothers.

THE SPIRIT OF VOLUNTARISM IS STILL ALIVE AND WELL

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. DUNN. Mr. Speaker, when Alexis de Toqueville came to America in the spring of 1831, there were many aspects of American life that deeply impressed him. One of the aspects of American life that impressed him the most was the spirit of voluntarism that he encountered everywhere he went.

Mr. Speaker, that spirit of voluntarism is still alive and well today. In fact, I believe that voluntarism is part of the American character. That is why I am so distressed to see that the spirit of voluntarism is threatened these days by a legal system that allows all sorts of lawsuits to be filed against innocent people who volunteer their time to serve others.

Mr. Speaker, too many volunteers are put on trial by those who are manipulating our legal system and that must stop. That is why we must pass H.R. 911, the Volunteer Protection Act. Volunteers who act in good faith, who are engaged in acts of charity should not be threatened by absurd lawsuits.

Let us pass H.R. 911 and strengthen the unique American spirit of voluntarism.

WHITE HOUSE TURNS THE OTHER CHEEK ON CHINA'S ACTIONS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, China denies American products and the White House turns the other cheek. China smuggles AK-47's into America and the White House turns the other cheek. China sells missiles to Iran, the White House turns the other cheek. China even threatened to use nuclear force against Taiwan. The White House turns the other cheek.

And after all this, the White House still wants to grant most-favored-nation trade status to China.

Beam me up here. Evidently, the White House will not learn a lesson till one of those Communist Chinese missiles hits them right smack in the middle of their other cheeks. Think about that one, ladies and gentlemen. We are, in fact, financing the next major national security threat to our Nation.

MEDICARE TRUSTEES' REPORT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, a little over 2 years ago, on April 3, 1995, the Medicare trustees, who are appointed by President Clinton and other folks, but it is a bipartisan committee, they came out with their report, and the trustees' report 2 years ago said Medicare was going to be bankrupt, the Congress was under an obligation to move to protect and preserve and strengthen Medicare.

At that time, the Congress passed two plans to protect, preserve, and strengthen Medicare on a bipartisan basis and increase funding per beneficiary from about $5,200 to $7,100. There was no cut.

Unfortunately, politics being politics, this was demagogued and eventually vetoed by the President of the United States. The senior citizens of America deserve more. Today those same trustees will come out with yet another report, and it will say one more time that Medicare is going to go bankrupt in the year 2002.

In 1995, when the report first came out, Medicare was losing $22 million a day. Today it is losing about $36 million a day. Our seniors, my grandmother, my mom, my dad, your grandmother, your mom and dad, they deserve more. It is time for us to work on a bipartisan basis to save Medicare, not just for the next election, but for the next generation.

EDUCATION STANDARDS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute.)

Mr. ETHERIDGE. Mr. Speaker, nothing is more important to the future of our American families, our communities, and our economy than the success of our public schools. In North Carolina, we have proven that over the last 8 years that if you want to make great strides in public education, you can do it through innovation, high standards, and good old-fashioned hard work.

I rise today to urge this Congress to take aggressive action to support excellence in our public schools. North Carolina has proven that by challenging our people to become the best, we bring out their best efforts. This Congress must take the same approach by providing the necessary tools to equip our young people to provide for quality education for every child in every point and every place in America for those that are willing to work.

Mr. Speaker, I will soon introduce legislation to support voluntary standards in our States to provide for higher standards. We must measure our progress and chart our future to a better America. I urge my colleagues to join me in the support of this legislation.

SAVING MEDICARE

(Mr. BOB SCHAFFER of Colorado asked and was given permission to address the House for 1 minute.)

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today is an important day for my grandmother and my wife's grandmother and for many of the seniors that I have had a chance to meet over the last several years in my short career in politics. Today is important to them because this afternoon the Medicare trustees will meet and finally release the annual trustee report.

This is a body of trustees appointed by the President. If recent trends hold true, the Medicare trust fund will be bankrupt within 4 or 5 years; and when that happens, all of these seniors will lose their hospital coverage. My grandmother and my wife's grandmother asked me to promise them during the course of my campaign that I would not let that occur, and I aim to maintain that promise and uphold it.

For 2 years, the Republicans have been fighting to save the trust fund. Our plan would actually increase Medicare spending by an average of 7½ percent per year from the $5,200 per recipient today to $7,100 by the year 2002. That rate of responsible growth is what is needed to, in fact, maintain the solvency of the trust fund.

We also intend to offer choices and to restore the patient-physician relationship that has been lost by a large government, third-party payer system, which is going bankrupt unless we act now to save it.

I urge my colleagues on the other side and the White House, as well, to join us in the effort.

TAX BREAKS FOR WEALTHY IS WRONG PRIORITY

(Mr. ALLEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLEN. Mr. Speaker, Republicans are demanding an additional $10 to $30 billion in Medicare cuts. Why? Not to extend the life of the Medicare part A trust fund, not to improve the program for the 38 million seniors and disabled who depend on it. No, the additional cuts proposed by the majority are needed to fund tax breaks for the wealthy.

The new crown jewel, costing $300 billion over the next 5 years, involves eliminating all estate and capital gains taxes. Some tax relief makes sense, but only after we balance the Federal budget and invest in our future.

Tax breaks for the wealthy are the wrong priority for this Congress. Our children must be our top priority. Children's health insurance, quality, affordable child care, improved education, and confronting drug and alcohol abuse, that is the heart of our future and ought to be part of our budget.

□ 1015

REPUBLICAN AGENDA TO ADDRESS CHILD ABUSE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I come here today to talk about part of the Republican agenda. Yesterday I was in a news conference with the gentlewoman from New York [Ms. MOLINARI], the Speaker of the House, the gentleman from Texas [Mr. DELAY], and others from our side talking about legislation to help protect abused children.

One of the points that came out so clearly in that legislative proposal and those who testified was that drugs and alcohol are one of the biggest causes of child abuse in America. I think, of course, of child abuse as symptomatic of the problems with our society and that is an enormous challenge that will take years to meet. But there are things we can do now. We can stop drugs from entering America. We can do a better job of it. We can beef up our border patrols. I hope that they are doing a good job. If they are not, we ought to be investigating. We can use the best equipment to detect those bringing drugs into America. We are not doing enough. It is time that we recognized how high these stakes are and do our very best.

FREEDOM OF THE PRESS UNDER ATTACK

(Mr. HINCHEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HINCHEY. Mr. Speaker, one of the most important aspects of the foundation upon which this Republic is based is freedom of the press. That freedom unfortunately is under attack by the majority in this House. Two days ago, the Speaker of the House of Representatives addressing the Georgia Chamber of Commerce called upon the advertisers in America's newspapers to attempt to influence the quality and character of news as it is being recorded by the free press in this country. This comes upon the heels of the blatant attack during the last Congress to influence in an outrageous way public broadcasting, both television and radio, in this country by cutting back on their funds. Freedom of the press is critically important to the future of this country and to the freedoms that are possessed by all Americans. That freedom is under attack by this Speaker. I call upon the majority Members in this House to repudiate those remarks of the Speaker and to reaffirm that this House stands solidly behind the right of the free press in this country to report the news as it sees fit, not based upon the advertisers that advertise in those newspapers.

PROJECT LABOR AGREEMENTS

(Mr. FAWELL asked and was given permission to address the House for 1 minute.)

Mr. FAWELL. Mr. Speaker, the Clinton administration is expected to issue an Executive order regarding the use of what is called "project labor agreements" for all Federal and federally funded construction projects. This proposal is anticompetitive, it is discriminatory, and it is just basically unfair since nonunion construction companies will not be eligible to bid on Federal and federally funded construction projects.

The proposed order appears to be yet another attempt by the President to change or affect Federal laws by executive fiat rather than through the normal legislative process.

Mr. Speaker, this is a matter of basic American fairness. Republicans and Democrats alike should be concerned about this proposed Executive order. Bids to perform Government work should be based on sound, credible criteria such as quality of work, experience, and cost, not union affiliation and not whether the bidder is a union or nonunion construction company. President Clinton's initiative is unfair and discriminatory and goes in the opposite direction of fair and merit-based competition. It will exacerbate already strained relations between management and labor in this Nation and between the Congress and the administration. I would implore the President to reconsider his intentions here.

MEDICARE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, one of the things that most frustrates the American public is the failure of Congress to address the Nation's real business. Today the trustees of the Medicare system will make a report and talk about the real business, and that business is the problem of our Medicare trust fund going bankrupt in about the year 2002.

The question then becomes what are we going to do about it? Or, rather, what is the Republican majority going to do about it? We believe that we can make prudent cuts and achieve savings that will solve this problem. The President has put that proposal out on the table. We can adjust it and avoid this bankruptcy. The question becomes, what does the Republican majority want to do? So far, their crown jewel is not solving Medicare but providing tax breaks that basically benefit the wealthy. The tax breaks that they have talked about amount to $300 billion over 5 years. Who gets that $300 billion in tax breaks? Not the average American. Rather, the richest 5 percent, people who make over $100,000 a year.

My suggestion is this: Let us not give those big tax breaks, let us put the crown jewel back in the drawer, let us address the Nation's real business which is solving the Medicare problem. We can do that without giving tax breaks to the wealthy, and that is what we ought to do. Take care of the Nation's business.

MEDICARE IS LIVING BEYOND ITS MEANS

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, as my colleagues have said so far this morning, today the Medicare trustees' report will be unveiled. Unfortunately, we all know what it is going to say. It is going to say that bankruptcy is closing in. That is the bad news.

For 2 years now Medicare part A, the trust fund, has been spending more than it takes in. Medicare is living beyond its means and is rapidly depleting any surplus that it may have built up. That is the bad news.

The good news is that we have a plan to protect the trust fund. We can simplify the complicated billing and paperwork. We can offer seniors a choice and use the market system to give people a choice and let them decide what is best for them. We can aggressively fight waste and abuse, which cost billions of dollars to the Medicare fund every year.

Mr. Speaker, such a plan was successfully passed in the last Congress. Unfortunately, the President chose to veto it. We have a unique opportunity in this Congress to produce such a solution again. Let us work together on a bipartisan basis, let us seize the day, let us save Medicare.

TRIBUTE TO BRANDON K. SEARCY

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, I rise on behalf of the citizens of Atlanta to mourn the loss and celebrate the life of Brandon Searcy. Brandon Searcy was just 8 years old. He was the victim of a senseless and hideous crime.

Mr. Speaker, what kind of world do we live in when an 8-year-old child is stalked and preyed upon, when it is no longer safe for a child to walk a block to a school bus stop?

Brandon Searcy was a special child, a gifted child. He was the light and the joy of his mother Kimala Searcy. He loved school and he loved the Lord, and he was dedicated to both.

Brandon was a member of the First Norman Grove Baptist Church in Scottsdale, GA. He often took notes during the pastor's sermons, and he and sister, Algerica, would sing with joy their favorite song, "Shake the Devil Off."

Brandon was a second grade student at Cleveland Avenue Elementary School where he excelled as an honor student on the principal's list. He loved to play baseball and his ambition was to go to college and then become a professional baseball player.

Mr. Speaker, Brandon Searcy's favorite passage from the Bible was the 23d Psalm. It reads in part, "Surely goodness and mercy shall follow me all the days of my life, and I will dwell in the house of the Lord forever."

Brandon Searcy, Mr. Speaker, will surely dwell in the house of the Lord forever. He will be remembered and he will be missed by all who knew him and many who never had the good fortune. God bless Brandon Searcy.

WE NEED TRUTH IN LENDING AND TRUTH IN LEGISLATING

(Mr. PAUL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I am very disappointed that so far in this Congress we have not yet seen any sincere effort to cut any spending. The latest ploy has been the Treasury report that claims the deficit is shrinking up to nothing. In the first 6 months of this year we are in deficit of $101 billion and this is claimed to be a victory, thus taking off the pressure to work harder to cut spending. How did they do this?

The first thing we did was we sent the IRS agents out and hounded the American people and collected $28 billion more than they did in the first 6 months of the last fiscal year. But they did something else. They keep borrowing from the trust funds. They borrow from the Social Security fund, further jeopardizing that whole program. Looking at the statistics more carefully, they claim the deficit is $111, but during the past 12 months our national debt went up $241 billion. There is no way to predict what the next 6 months will bring. Interest rates may rise, revenues may dwindle if the markets and the economy slumps.

I think that we ought to have some truth in lending and truth in legislating here by honestly telling the American people that there is something wrong here that could and should be adjusted with decreased spending, not raising taxes and not further robbing the Social Security trust fund.

MEDICARE TRUSTEES REPORT DUE TODAY

(Mr. PETERSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETERSON of Pennsylvania. Today, the Medicare trustees are due to report on the projected solvency of the Medicare part A trust fund. As we all recall, last year's report predicted the part A trust fund would be insolvent by the year 2001 without reform. We also know that in 1996 the trust fund lost $25 million a day and is now losing over $30 million a day.

Ladies and gentlemen of this House, this is unacceptable. The state of the Medicare Program warrants serious discussion proposing genuine solutions. A recent proposal introduced in the House would add provider-sponsored organizations to the managed care options available to Medicare beneficiaries. By allowing groups of affiliated providers to organize and deliver a broad base of health care services, we can offer new choices for quality care that is community based. For a rural district like mine, increased choice is a welcome opportunity. Whether your district is rural, urban, or suburban, we all know that localized solutions work best.

I ask Members to support that measure.

DEFENSE DIVERSIFICATION ON DISPLAY IN NEW FILM

(Mr. GEJDENSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEJDENSON. Mr. Speaker, this last Friday we celebrated Steven Spielberg's filming at a former defense facility, not a war movie but a movie about slaves who revolted and freed themselves. As exciting as the topic of the story is, it was exciting to see defense diversification at work. Sonalyst Studios has the best sound stage in America. It used the sound technology it developed during the cold war with submarines and submarine quieting to build a sound stage.

□ 1030

Now a company is diversified, helping the economy of eastern Connecticut, providing jobs and then entertainment for the country. While we are still suffering some of the effects of the defense downsizing and the bad economy of the early nineties, small companies like Sonalyst Studios Ship Analysis and Technologies are taking their defense technologies and diversifying, expanding our economy and building the economy of the entire country. This event Friday night was spectacular to see some of the best in the entertainment industry coming to eastern Connecticut. Using our facilities at Sonalyst Studios is hopefully going to set a pattern for years to come.

Mr. Speaker, we have still got pains in defense downsizing but it is exciting to see these companies using their own resources and investment to broaden their economic activity, benefiting the entire community.

Mr. DREIER. Mr. Speaker, will the gentleman yield for one moment?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I would just like to say to my friend that we are happy to see the entertainment industry moving to Connecticut partially, but we want them to know that their home continues to be in southern California, and we hope very much they will continue to make base there.

Mr. GEJDENSON. Mr. Speaker, reclaiming my time, I would say that we are happy at this stage to just have a small piece of what is happening in southern California, and we will fight over the larger share later.

DEPUTY TREASURY SECRETARY COMPLETELY MISSES THE POINT ON DEATH TAXES

(Mr. PAXON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PAXON. Mr. Speaker, earlier this week the Deputy Treasury Secretary, Lawrence Summers, condemned efforts to ease Federal death taxes saying these were motivated by, and I am quoting him here, selfishness. I believe it is nothing short of an outrage for an administrative official who has such important influence over tax policy to make a statement like this.

Secretary Summers completely misses the point on death taxes. The fact is whether it is small business or family farmers or others, they spend thousands of hours and tens of thousands of dollars, in many cases a year, on estate planning to forestall the selloff of that family farm or that small business which results in the loss of jobs back at home in our districts. This is time and money that would be far better spent on buying new equipment and expanding operations so new jobs and more jobs and better wages can be created.

Now as we continue this debate we cannot lose sight of the heavy costs that death taxes impose each and every year on our communities and our country. If we stress this enough here in

Congress, hopefully the folks down at Treasury will finally open their eyes and ears to the real world.

JOIN IN COSPONSORING H.R. 14

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to once again encourage my colleagues to join as cosponsors of H.R. 14, the bill that a number of Democrats and Republicans introduced on the opening day, to put 14 percent as the top rate on capital gains. My friend from New York was just talking about the administration's opposition to dealing with our attempt to repeal the death tax. I am happy to say on capital gains, the job creation and savings encouragement measure, that we have an indication of some support coming from the White House.

I hope very much that we can move beyond our 130-plus Democrats and Republicans as cosponsors because reducing the top rate on capital gains will early create jobs, increase the flow of revenues to the Federal Treasury, and by $1,500 a year increase the take-home pay for working Americans. Reducing the top rate on capital is in fact a family, permanent family tax cut, and I hope everyone will join in cosponsoring H.R. 14.

PROVIDING FOR CONSIDERATION OF H.R. 1274, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 127 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 127

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. (Mr. BURTON of Indiana). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I may consume. During consideration of this resolution, Mr. Speaker, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 127 is an open rule providing for the consideration of H.R. 1274, the National Institute of Standards Technology Authorization Act of 1997. The purpose of the legislation is to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999. House Resolution 127 waives points of order against the consideration of the bill for failure to comply with the 3 day availability of committee reports rule. In addition the rule provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

After general debate, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section shall be considered as read. Further, the Chair would be authorized to grant priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD, and the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, the National Institute of Standards and Technology is the Nation's oldest Federal laboratory, serving as the Nation's dispute arbiter of standards in complex technologies. I look forward to an open and full debate and will defer to the Committee on Science for an indepth explanation as to the bill's merits and complexities. The Committee on Rules' hearing on this bill was extremely cordial and bipartisan, which I believe is an accurate reflection of the manner in which the Committee on Science handled this legislation.

Mr. Speaker, the rule before us, I believe, is an exemplary rule, it is fair, it is completely open, and I would urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Florida for yielding the customary 30 minutes.

Mr. Speaker, I support this open rule which will allow us to consider H.R. 1247, the National Institute of Standards and Technology Act. NIST, as it is called is an essential institution because it works with the U.S. industries to develop and implement innovative technologies and electronics, supercomputers, and microwave communications for other agencies and private business.

H.R. 1274 includes two important programs which are not funded in last year's bill: the advanced technology program, ATP, and the manufacturing extension partnership. ATP encourages public-private cooperation in the development of technologies with broad application across industries. In my own district in upstate New York, ATP funds allow businesses like TROPEL Corp. and Eastman Kodak to produce new technologies that benefit our entire Nation. While I might have hoped for an authorization level closer to the President's request, I am encouraged that this year's bill does authorize ATP.

High technology of Rochester and another countless projects benefit from NIST's manufacturing extension program. This program helps small- and medium-sized manufacturing companies to utilize the technologies developed under the auspices of NIST. Manufacturing extension partnerships benefit all 50 States and Puerto Rico.

I encourage my colleagues to support this bill which will continue authorization for the NIST, the Nation's oldest Federal laboratory. I hope they will join me in supporting this open rule.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I have no further speakers on the rule.

Ms. SLAUGHTER. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1273, NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 126 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 126

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER] pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 126 is an open rule providing for the consideration of House Resolution 1273, the National Science Foundation Act of 1997. The purpose of this legislation is to authorize the activities of the National Science Foundation for the fiscal years 1998 and 1999. House Resolution 126 provides for 1 hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate, it shall be in order to consider as an original bill for purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each title shall be considered as read.

Further, the Chair will be authorized to grant priority in recognition to Members who have pre-printed their amendments in the CONGRESSIONAL RECORD, and the rule provides for one motion to recommit with or without instructions.

As is well known, Mr. Speaker, the National Science Foundation funds research and education activities in all fields of science and engineering at colleges and universities throughout the United States, and, Mr. Speaker, similar to the previous rule, the rule that we just adopted, this rule, 126, is open, and I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this open rule that will allow us to consider H.R. 1273, the National Science Foundation Authorization Act. The National Science Foundation contributes to the advancement of biological sciences, geosciences, mathematical and physical sciences, as well as scientific research and educational programs. In my own district of Rochester, NY, last year the NSF awarded $13 million in grants to support both basic and scientific research and high-tech development. Ninety-six NSF grants enabled scientists in my district to pursue critical work and optical science and engineering, advanced manufacturing technologies and virtual reality programs which can replace the real world in testing and debugging a system.

□ 1045

The NSF is the foundation for the countless scientific and technological advances that enable us to compete in the global economy.

We should pass this bill, which provides continued funding for the NSF. I urge my colleagues to support this open rule.

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1275, CIVILIAN SPACE AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 128 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 128

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore [Mr. DUNCAN]. The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

Mr. MCINNIS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During the consideration of this resolution, all time yielded is for the purposes of debate only.

Mr. Speaker, this is a very simple resolution. The proposed rule is an open rule providing for 1 hour of general debate equally divided and controlled by the chairman and ranking member of the Committee on Science. The resolution waives points of order against consideration of the bill for failure to comply with clause 2(L)(6) of rule XI. After general debate, the bill shall be considered for amendment under the 5-minute rule. Furthermore, it shall be in order to consider as an original bill for the purpose of amendment under the 5-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill.

Additionally, Mr. Speaker, House Resolution 128 provides that the committee amendment in the nature of a substitute shall be considered by title rather than by section. Moreover, the rule provides that the Chair may accord priority recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

Mr. Speaker, at the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Finally, Mr. Speaker, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, under the proposed rule, each Member has an opportunity to have their concerns addressed, debated, and ultimately voted up or down by this body. House Resolution 128 was reported out of the Committee on Rules by a voice vote.

Mr. Speaker, the underlying legislation, H.R. 1275, the Civilian Space Authorization Act for fiscal years 1998 and 1999 is a bipartisan compromise that keeps the Nation's civilian space program on course.

Mr. Speaker, I urge my colleagues to support the rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague, the gentleman from Colorado [Mr. McINNIS] for yielding me this time. This is an open rule which will allow full and fair debate on H.R. 1275. This is a bill to reauthorize the National Aeronautics and Space Administration for fiscal years 1998 and 1999.

This bill is important to a lot of people, especially to my colleagues in the State of Ohio. My district is the home of the Wright Brothers and the birthplace of aviation, so Ohio is one of the top States for aerospace research through Wright-Patterson Air Force Base in Dayton and NASA Lewis Research Center in Cleveland.

The aerospace industry is estimated to employ nearly 300,000 workers in the State of Ohio and contributes nearly $23 billion to the total economy of the State.

As my colleague from Colorado [Mr. McINNIS] has described, this rule provides 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Science.

Under the rule, amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members on both sides will have a chance and an opportunity to offer amendments. The rule does waive the clause in the House rules requiring 3-day availability for committee reports. However, given the open process and bipartisan support behind this bill, the Committee on Rules did not consider this a problem. The Committee on Rules approves this open rule unanimously by a voice vote, and I would urge adoption of the open rule and the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1271, FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

Mr. LINDER. Madam Speaker, by the direction of the Committee on Rules, I call up House Resolution 125 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 125

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Science now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. MORELLA). The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Madam Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 125 is an open rule providing for consideration of H.R. 1271, the Federal Aviation Administration Research Engineering and Development Authorization Act of 1997. This rule provides for 1 hour of general debate, divided equally between the chairman and the ranking minority of the Committee on Science. The rule also waives points of order against consideration of the bill for failure to comply with section 306 of the Congressional Budget Act of 1997.

Madam Speaker, House Resolution 125 makes in order the Committee on Science amendment in the nature of a substitute as an original bill for the purpose of amendment, with each section being considered as read. The rule waives points of order against the committee amendment in the nature of a substitute for failure to comply with section 306 of the Congressional Budget Act of 1974.

Madam Speaker, this rule continues an approach that has been used effectively in recent Congresses by according priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule does not require preprinting but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the floor and to inform Members of the details of pending amendments.

Finally, House Resolution 125 provides for one motion to recommit, with or without instructions, as is the right of the minority Members of the House.

Madam Speaker, this is a standard open rule, and the Committee on Rules has assured all Members who wish to modify the bill through the amendment process that they have every opportunity to offer their amendments.

Briefly, this legislation authorizes the Federal Aviation Administration's research, engineering and development programs for fiscal years 1998 through 2000. The bill provides important funding to enhance computer and information systems security for air traffic management to prioritize weather research projects and reduce delays in aircraft accidents and to develop new technologies that will ensure air safety.

I want to commend the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science, for crafting legislation that will ensure the preservation and security of the national aerospace system as we work to meet the increased air traffic demands that are expected in the next century.

H.R. 1271 was favorably reported out of the Committee on Science, as was the open rule by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate in consideration of the merits of this very important bill.

Madam Speaker, I reserve the balance of my time.

Mr. FROST. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise in support of this open rule and I rise in support of H.R. 1271, the Federal Aviation Administration Research, Engineering and Development Authorization.

Madam Speaker, the Committee on Science is to be commended for sending this legislation to the full House for its consideration. This bill, along with the others the House will consider today, are examples of what can happen when a committee sits down to do its work and includes all of its members, majority as well as minority, in its deliberations. Reauthorization of the research and engineering activities of the Federal Aviation Administration is an important matter to all Americans and especially to the flying public.

This legislation enhances the activities of the FAA in four important areas: Capacity and air traffic management, weather, environment and energy, and innovation and cooperative research. The Science Committee has recommended funding priorities for the FAA in the next 2 fiscal years, and the open rule recommended by the Committee on Rules will allow the House to fully debate these priorities and the appropriate levels of funding.

Madam Speaker, this legislation reflects what the real work of the Congress is all about: Taking care of the Nation's business. H.R. 1271 is not a bill which will grab headlines or make bold political statements. Instead, it is legislation which reviews and renews the activities of the Federal Government, upon which the people of this country depend to ensure their safety.

The committee system has been used to its best advantage because of the cooperative spirit demonstrated by the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, and by the gentleman from California [Mr. BROWN], his ranking member. I commend them as well as the other members of the Committee on Science.

□ 1100

Mr. FROST. Madam Speaker, I yield back the balance of my time.

Mr. LINDER. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mr. FROST. Madam Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1031.

The SPEAKER pro tempore [Mrs. MORELLA]. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 127 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1274.

□ 1101

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to present H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997.

I would like to thank and congratulate the subcommittee chairwoman, the gentlewoman from Maryland [Mrs. MORELLA] and the ranking member, the gentleman from Tennessee [Mr. GORDON] for crafting such a fine bill.

H.R. 1274 authorizes all the programs under the Technology Administration in the Department of Commerce that require appropriations for fiscal years 1998 and 1999. The Technology Administration includes the Office of the Under Secretary and the Office of Technology Policy in NIST, which is responsible for the vast majority of programs that make up the Technology Administration.

Mr. Chairman, H.R. 1274 is a fiscally responsible bill. It authorizes $609 million for fiscal 1998, a decrease of over $92 million, or 13 percent from the administration's request.

In fiscal year 1999 the bill authorizes a total of $628 million, again $116 million or 16 percent below the administration's projected budget.

While spending less than the administration requested, the bill manages to do more. In authorizing NIST programs, the bill prioritizes funding for NIST laboratory functions, increasing their funding by 5 percent for fiscal 1998 and 3 percent for fiscal 1999, while reducing funding for lower priority programs such as the advanced technology program, and providing no funding for new administration initiatives such as the experimental program to stimulate competitive technology, or EPSCOT, for short.

Specifically, the bill authorizes $278.6 million for NIST laboratory activities in fiscal 1998 and $286.9 million in fiscal 1999. The NIST laboratories have been called the crown jewel of the Technology Administration, and H.R. 1274 will help ensure that they have sufficient funding to continue their vital work of safeguarding the accuracy of standards necessary for domestic and international commerce.

H.R. 1274 includes $117.8 million for the manufacturing extension program in fiscal 1998 and $111.3 million in fiscal 1999. These totals will allow for full funding of all 75 existing MEP centers and will cover the administrative costs associated with running the program.

The bill also reforms and authorizes reduced funding for ATP in fiscal 1998 and fiscal 1999. ATP is authorized at $185 million in 1998 and $150 million in fiscal 1999. These levels represent decreases of $40 million and $75 million, respectively, from the fiscal year 1997 appropriated total of $225 million. The bill further reforms the program's match requirements, requiring a 60 percent match from all joint venture grant recipients and non-small business single awardees.

To ensure that ATP grants are not simply displacing private capital, the bill also contains language requiring a review of ATP applications to ensure that an ATP grant is actually required in order to enable the project to go forward.

Finally, the bill authorizes funding for NIST critical maintenance and construction needs for fiscal 1998 and fiscal

1999. In order to ensure that construction funding is used in the most appropriate manner, H.R. 1274 includes a certification requirement precluding the Department from obligating any money to new construction unless it meets the requirements of NIST's new facilities plan.

Accordingly, the authorization language includes provisions to reduce scientific research earmarks, to require the Committee on Science to receive notice of any reprogramming of NIST funds, and to express the sense of Congress that NIST should address the year 2000 computer date field program.

Mr. Chairman, H.R. 1274 is a sound bill. It is fiscally responsible, and will help ensure that NIST programs, which are some of our Nation's most important technology research and development programs, receive the funding they require during the next 2 fiscal years.

I encourage all my colleagues to join me in supporting the National Institute of Science and Technology Authorization Act of 1997.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997. This bill authorizes all the programs in the Technology Administration, including the programs of the National Institute of Standards and Technology.

H.R. 1274 represents bipartisan agreement on a sensible U.S. science and technology policy. As Chairman SENSENBRENNER stated, the bill before us today represents a number of changes to H.R. 1274 as introduced. I want to thank the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentlewoman from Maryland [Mrs. MORELLA] for working with us to resolve some of our concerns.

My remaining reservation about H.R. 1274 centers around the funding level for the Advanced Technology Program. The funding level allows only for a modest number of new awards to be made in 1998, and allows for no new awards in 1999. Both authorization levels represent significant cuts below the fiscal year 1996 and fiscal year 1997 appropriated levels. One of the criticisms of the ATP has been the lack of thorough evaluation of the program. I would like to point out that this is a relatively new program, and only 42 projects have been completed.

In addition, the ATP has not had stable funding. As a result, we do not have the hard data needed to evaluate this program objectively and rationally.

With this reservation, I support H.R. 1274, which moves overall U.S. policy in the right direction. I urge my colleagues to support this bill, as well.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA], who is the chair of the subcommittee.

Mrs. MORELLA. Mr. Chairman, I thank the chairman of the full Committee on Science for yielding the time to me, and for the leadership that he has shown and that the gentleman from California [Mr. BROWN] as ranking member has shown on that committee.

I rise today in support of H.R. 1274, the National Institute of Standards and Technology Authorization Act of 1997, legislation that I introduced on April 10 of this year. The bill is, as has been mentioned, truly bipartisan. It has been cosponsored by the gentleman from California [Mr. BROWN], the gentleman from Tennessee [Mr. GORDON], the ranking members of both the full committee and the Subcommittee on Technology, as well as the gentleman from Michigan [Mr. EHLERS], the gentleman from Virginia [Mr. DAVIS], and the gentlewoman from Texas [Ms. JACKSON-LEE], all distinguished members of the Committee on Science.

NIST is the Nation's oldest Federal laboratory. It was established by Congress in 1901 as the National Bureau of Standards, and subsequently renamed NIST.

As a part of the Department of Commerce, NIST's mission is to promote economic growth by working with industry to develop and apply technology, measurements and standards. As the Nation's arbiter of standards, NIST enables our Nation's businesses to engage each other in commerce and participate in the global marketplace.

The precise measurements required for establishing standards associated with today's increasingly complex technologies require NIST's laboratories to maintain the most sophisticated equipment and the most talented scientists in the world. To date, NIST has succeeded, and the science conducted by the Institute is a vital component of the Nation's civilian research and technology development base.

H.R. 1274 authorizes $609 million for fiscal year 1998 and $628 million for fiscal year 1999 for the Technology Administration. NIST's programs account for all but $7 million of that total in fiscal year 1998.

The care of NIST's functions are conducted by NIST's laboratories. The bill prioritizes these functions, increasing their funding by 5 percent in fiscal year 1998 and 3 percent in fiscal year 1999. The increases will ensure that the laboratories have sufficient funding to maintain the high quality of their work, while expanding their services in three areas.

First of all, the bill includes a $2.5 million increase in the 1998 budget from the levels recommended by the administration for the physics program to support reengineering measurement services to simplify the delivery of measurement assurance at the point of use. This initiative should increase the accuracy and lower the cost of calibration for the end users of NIST standards.

Second, H.R. 1274 authorizes an additional $4 million for fiscal year 1998 for the Computer Science and Applied Mathematics Program to augment NIST work in the field of computer security. The increase is intended to enable NIST, through its programs, to improve computer security throughout the Federal Government.

Third, the bill includes a half million dollar increase in fiscal year 1998 from the levels recommended by the administration for the Technical Assistance Program to support improving measurement standards to facilitate international trade and provide additional funding to implement the National Technology Transfer and Advancement Act of 1995.

H.R. 1274 also authorizes funding for NIST's most critical maintenance and construction needs. The bill includes $16.7 million in fiscal year 1998 and $67 million in fiscal year 1999 for construction and maintenance of NIST facilities.

The funding is sufficient to cover the administration's request for maintenance in fiscal year 1998 and fiscal year 1999, and it includes $50 million in fiscal year 1999 for NIST's top new facility priority, the Advanced Metrology Laboratory. In order to ensure that the construction funding is used in the most appropriate fashion, H.R. 1274 includes the certification requirement precluding the Department from obligating any money to new construction unless it meets the requirements of NIST's new facilities plan.

In order to help offset these increase, the bill reduces funding for lower-priority programs at NIST, and in the Technology Administration.

Therefore, the bill includes a reduction of $40 million and $75 million to the Advanced Technology Program in fiscal years 1998 and 1999, respectively. While I support the ATP program, I believe H.R. 1274's authorizations of $185 million in fiscal year 1998 and $150 million in fiscal year 1999 are sufficient for the program.

H.R. 1274 also does not authorize funding for the $1.7 million Experimental Program to Stimulate Competitive Technology, called EPSCOT, and the $350,000 program in support of the administration's foreign policy.

Along with funding NIST's laboratories, H.R. 1274 also authorizes full funding of all 75 existing Manufacturing Extension Partnership Centers and the administrative costs that are associated with running the program for the next 2 years.

The bill also authorizes $4.1 million in fiscal year 1998 and $5.3 million in fiscal year 1999 for the Malcolm

Baldrige National Quality Program. These totals will allow for the program's expansion into education and health care over the next 2 years.

Finally, the bill contains a number of good Government provisions, including a sense of Congress on the year 2000 computer problem. As a strong proponent of addressing this impending crisis, I am pleased that this provision has not only been included in the NIST authorization bill, but all of the Committee on Science's authorizations.

I am hopeful that with continued pressure from the Committee on Science and from Congress, the administration will fix the problem before it is too late.

☐ 1115

Mr. Chairman, H.R. 1274 is both fiscally responsible and scientifically sound. It will help NIST remain the world's foremost scientific research institution for the establishment of standards and the development of new technologies.

I encourage all my colleagues to join me in supporting the National Institute of Standards and Technology Authorization Act of 1997.

Again, my appreciation to the chairman of the full committee, the gentleman from Wisconsin [Mr. SENSENBRENNER], and the ranking member, the gentleman from California [Mr. BROWN], my ranking member, the gentleman from Tennessee [Mr. GORDON] of the Subcommittee on Technology and the members.

I also want to offer accolades to the staff who worked very hard on this inch by inch: on our side, Richard Russell and Ben Wu; on the minority side, Mike Quear and Jim Turner.

Mr. GORDON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], ranking member on the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I thank the ranking minority member of the subcommittee, the gentleman from Tennessee [Mr. GORDON], for yielding me this time.

I rise in support of H.R. 1274. I support most of the funding provisions, although I have a few reservations which the subcommittee ranking member has pointed out.

Many of our concerns were resolved in the manager's amendment offered during the markup and the committee adopted an amendment, the Boehlert-McHale amendment, which lifts the 6-year cap on Federal support for manufacturing extension partnership centers, which helps to assuage some of my problems with the bill.

There are a few additional matters which we hope to continue to work with the majority on during the further progress of the bill. I am confident that I can safely urge my colleagues to support the bill.

In conclusion, let me add a word about the legislative progress of this bill. Most of my colleagues will not recall, but we had some problems with this bill last year. I remember them very vividly because they represented a situation which I felt both the process and the results were wrong.

I only make this statement, not to rehash the past, but to point out the marked difference in process and content this year and to praise the chairman of the full committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] for his spirit of cooperation with the minority, his evenhanded management of the committee, and for all of his other many good traits which I really never suspected until I saw him in action as chairman during the course of these last few months.

It has been a pleasure to work with him. I look forward to continuing the cooperative relationship that we have had and to continue to produce the good work which I know our committee is capable of doing.

Mr. COOK. Mr. Chairman, thank you for this opportunity to share my concerns about the Advanced Technology Program. First, let me say I am a strong believer in research and development. My own explosives manufacturing business stems from my father's research into ammonium nitrate. After considerable research and development of new, safe, low-cost explosives, two successful companies were founded that to this day provide hundreds of jobs to people in Utah and other States.

Research and development is the backbone of competitive enterprise. But I do not believe that the Advanced Technology Program is the best way to encourage corporate research and development. This program has some troubling flaws. I think it would be irresponsible to give $40 million more to a program that has the problems ATP has.

Let me give you an example of one problem. ATP is designed to fund long-term, high-risk programs that would not be funded by the private sector. To qualify, applicants must assure the Government that they could not get funding anywhere but from the ATP. They make that assurance in writing. Yet, a recent poll by the General Accounting Office of those who received ATP funding showed that fully half acknowledged they could have obtained funding somewhere else or would have gone ahead with their research without outside funding.

That tells us the money isn't going to the projects ATP was designed to fund: Research projects that would never be done if it wasn't for ATP.

That's a serious problem. Now, the Democrats want to toss another $40 million of taxpayers' hard earned money into this program without correcting that flaw. President Clinton would like to go farther, throwing another $275 million into the ATP in the next 4 years, more than doubling the size of the program.

Ladies and gentlemen, this is nothing more than corporate welfare. And not even very efficient corporate welfare, since apparently half of the companies that have received money from ATP could have gotten the money privately. That means tens of millions of taxpayer dollars—maybe hundreds of millions of dollars—that could have been spent to build roads and improve our schools, or reduce our Federal deficit was spent to assist companies that apparently didn't need governmental assistance. If we are serious about getting Federal spending under control, that thought should be deeply troubling to each of us.

This amendment is the very thing American taxpayers are sick of. The lavish, reckless corporate welfare of this amendment is the kind of excess that appalls and angers our constituents. This program has already grown 2,150 percent in just 7 years. And now the Democrats want to fatten it even more. If President Clinton gets his way, by 2002, funding for the ATP will be 5,000 percent greater than it was in 1990. In 1990, Congress gave it $10 million. By 2002, President Clinton wants it to receive half a billion dollars. If that isn't an example of the runaway Federal program frightened Americans talk about, I don't know what is.

What shocks me most is that this amendment would pour tens of millions more into it and President Clinton and the Democrats want to pour hundreds of millions more dollars into a program that has not, from 1990 to today, been able to spend all of the money it has been given. As a fiscal conservative, that stuns me. In 1990, ATP carried over $9.3 million of the $10 million it was given. Those carryovers have swollen year to year. Last year, ATP carried over $168 million. And now we want to give ATP $40 million more?

Ladies and gentlemen, when some politicians tell me we can't balance our Federal budget, I want to point to programs like ATP.

If we want to get our Federal spending under control, let's start here. If we have any regard at all for how hard our constituents work for their money, we can't throw $40 million more of their hard-won dollars away on this program. If we are serious about getting a bloated Federal budget under control, we will reject this amendment. Mr. Chairman, I yield back the remainder of my time.

Mr. GORDON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Institute of Standards and Technology Authorization Act of 1997".

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES.

(a) Laboratory Activities.—There are authorized to be appropriated to the Secretary of Commerce for the Scientific and Technical Research and Services laboratory activities of the National Institute of Standards and Technology—

(1) $278,563,000 for fiscal year 1998, of which—

(A) $38,104,000 shall be for Electronics and Electrical Engineering;

(B) $18,925,000 shall be for Manufacturing Engineering;

(C) $31,791,000 shall be for Chemical Science and Technology;

(D) $30,372,000 shall be for Physics;

(E) $50,914,000 shall be for Material Science and Engineering;

(F) $13,404,000 shall be for Building and Fire Research;

(G) $47,073,000 shall be for Computer Science and Applied Mathematics;

(H) $19,376,000 shall be for Technical Assistance; and

(I) $28,604,000 shall be for Research Support; and

(2) $286,919,890 for fiscal year 1999, of which—

(A) $39,247,120 shall be for Electronics and Electrical Engineering;

(B) $19,492,750 shall be for Manufacturing Engineering;

(C) $32,744,730 shall be for Chemical Science and Technology;

(D) $31,283,160 shall be for Physics;

(E) $52,441,420 shall be for Material Science and Engineering;

(F) $13,806,120 shall be for Building and Fire Research;

(G) $48,485,190 shall be for Computer Science and Applied Mathematics;

(H) $19,957,280 shall be for Technical Assistance; and

(I) $29,462,120 shall be for Research Support.

(b) Malcolm Baldrige National Quality Program.—There are authorized to be appropriated to the Secretary of Commerce for the Malcolm Bladrige National Quality Program under section 17 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a)—

(1) $4,134,500 for fiscal year 1998; and

(2) $5,289,000 for fiscal year 1999.

(c) Construction and Maintenance.—(1) There are authorized to be appropriated to the Secretary of Commerce for construction and maintenance of facilities of the National Institute of Standards and Technology—

(A) $16,692,000 for fiscal year 1998; and

(B) $67,000,000 for fiscal year 1999.

(2) None of the funds authorized by paragraph (1)(B) for construction of facilities may be obligated unless the Secretary of Commerce has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that the obligation of funds is consistent with a plan for meeting the facilities needs of the National Institute of Standards and Technology that the Secretary has transmitted to those committees.

The CHAIRMAN. Are there any amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE UNDER SECRETARY FOR TECHNOLOGY.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Under Secretary for Technology and the Office of Technology Policy—

(1) $7,000,000 for fiscal year 1998; and

(2) $7,205,000 for fiscal year 1999.

The CHAIRMAN. Are there any amendments to section 3?

The Clerk will designate section 4.

The text of section 4 is as follows:

SEC. 4. AUTHORIZATION OF APPROPRIATIONS FOR INDUSTRY TECHNOLOGY SERVICES.

There are authorized to be appropriated to the Secretary of Commerce for the Industrial Technology Services activities of the National Institute of Standards and Technology—

(1) $302,900,000 for fiscal year 1998, of which—

(A) $185,100,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $117,800,000 shall be for the Manufacturing Extension Partnerships program under sections 25 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l); and

(2) $261,300,000 for fiscal year 1999, of which—

(A) $150,000,000 shall be for the Advanced Technology Program under section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n); and

(B) $111,300,000 shall be for the Manufacturing Extension Partnerships program under section 5 and 26 of the National Institute of Standards and Technology Act (15 U.S.C. 278k and 278l).

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 5. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY ACT AMENDMENTS.

(a) Amendments.—Section 28 of the National Institute of Standards ànd Technology Act (15 U.S.C. 278n) is amended—

(1) by striking "or contracts" in subsection (b)(1)(B), and inserting in lieu thereof "contracts, and, subject to the last sentence of this subsection, other transactions";

(2) by inserting "and if the non-Federal participants in the joint venture agree to pay at least 60 percent of the total cost of the joint venture during the Federal participation period under this section, which shall not exceed 5 years," in subsection (b)(1)(B) after "participation to be appropriate,";

(3) by striking "(ii) provision of a minority share of the cost of such joint ventures for up to 5 years, and (iii)" in subsection (b)(1)(B), and inserting in lieu thereof "and (ii)";

(4) by striking "and cooperative agreements" in subsection (b)(2), and inserting in lieu thereof ", cooperative agreements, and, subject to the last sentence of this subsection, other transactions";

(5) by striking ", provided that emphasis is" in subsection (b)(2) and inserting in lieu thereof "on the condition that grant recipients (other than small businesses within the meaning of the Small Business Act) provide at least 60 percent of the costs of the project, with emphasis";

(6) by adding after subsection (b)(4) the following:

"The authority under paragraph (1)(B) and paragraph (2) to enter into other transactions shall apply only if the Secretary, acting through the Director, determines that standard contracts, grants, or cooperative agreements are not feasible or appropriate, and only when other transaction instruments incorporate terms and conditions that reflect the use of generally accepted commercial accounting and auditing practices.";

(7) in subsection (d)(1), by inserting "and be of a nature and scope that would not be pursued in a timely manner without Federal assistance" after "technical merit"; and

(8) by adding at the end the following new subsections:

"(k) Nothwithstanding subsection (b)(1)(B) and subsection (d)(3), the Director may grant extensions beyond the deadlines established under those provisions for joint venture and single applicant awardees to expend Federal funds to complete their projects, if such extension may be granted with no additional cost to the Federal Government and it is in the Federal Government's interest to do so.

"(l) The Secretary, acting through the Director, may vest title to tangible personal property in any recipient of financial assistance under this section if—

"(1) the property is purchased with funds provided under this section; and

"(2) the Secretary, acting through the Director, determines that the vesting of such property furthers the objectives of the Institute.

Vesting under this subsection shall be subject to such limitations as are prescribed by the Secretary, acting through the Director, and shall be made without further obligation to the United States Government.".

(b) Additional Amendments.—(1) Section 28 of the National Institute of Standards and Technology Act (15 U.S.C. 278n) is further amended by striking the period at the end of the first sentence of subsection (d)(11)(A) and inserting in lieu thereof the following: "or any other participant in a joint venture receiving financial assistance under this section, as agreed by the parties, notwithstanding the requirements of section 202 (a) and (b) of title 35, United States Code.".

(2) The amendment made by this subsection shall be effective only with respect to assistance for which solicitations for proposals are made after the date of the enactment of this Act.

SEC. 6. MANUFACTURING EXTENSION PARTNERSHIP PROGRAM CENTER EXTENSION.

Section 25(c)(5) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(5)) is amended by striking ", which are designed" and all that follows through "operation of a Center." and inserting in lieu thereof ". After the sixth year, a Center may receive additional financial support under this section if it has received a positive evaluation through an independent review, under procedures established by the Institute. Such an independent review shall be required at least every two years after the sixth year of operation. Funding received for a fiscal year under this section after the sixth year of operation shall not exceed the proportion of the capital and annual operating and maintenance costs of the Center received by the Center during its sixth year of operation.".

SEC. 7. MALCOLM BALDRIGE QUALITY AWARD.

Section 17(c)(3) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3711a(c)(3)) is amended by inserting ", unless the Secretary determines that a third award is merited and can be given at no addition cost to the Federal Government" after "in any year".

SEC. 8. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 9. LIMITATIONS.

(a) Prohibition of Lobbying Activities.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) Limitation on Appropriations.—No sums are authorized to be appropriated to the Director of the National Institute of Standards and Technology for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) Eligibility for Awards.—

(1) In general.—The Director of the National Institute of Standards and Technology shall exclude from consideration for grant agreements made by the Institute after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) Exception.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) Definition.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 10. NOTICE.

(a) Notice of Reprogramming.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) Notice of Reorganization.—The Secretary of Commerce shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Institute of Standards and Technology.

SEC. 11. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Institute of Standards and Technology should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Institute posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Institute is unable to correct in time.

SEC. 12. BUY AMERICAN.

(a) Compliance With Buy American Act.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) Sense of Congress.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) Notice to Recipients of Assistance.—In providing financial assistance under this Act, the Secretary of Commerce shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore [Mr. DREIER] having assumed the chair, Mr. DUNCAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1274) to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes, pursuant to House Resolution 127, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 126 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill, H.R. 1273.

□ 1122

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, with Mr. DUNCAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN], each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of H.R. 1273, the National Science Foundation Act of 1997. It is particularly appropriate that the House consider this legislation at this time because this week is National Science and Technology Week. This House can be proud of the work of the Members on both sides of the aisle in developing the blueprint of the 105th Congress for strong support of research, development, and science education.

The National Science Foundation provides funding to over 19,000 research and education projects in science and engineering annually. It does this through grants and cooperative agreements to more than 2,000 colleges, universities, K–12 schools, businesses and other research institutions in all parts of the United States. The foundation accounts for about 25 percent of Federal support to academic institutions for basic research.

This 2-year authorization improves our investment in America by strengthening our commitment to the National Science Foundation. The bill authorizes approximately $3.5 billion for fiscal year 1998. The bipartisan support for this bill demonstrates the committee's belief that the support of basic research will provide America with the lead role for science in the future. It is through basic research that we will make the fundamental discoveries that will become the economic drivers in the 21st century.

H.R. 1273 provides for $2.56 billion, or a 5.4-percent increase over fiscal year 1997, in the research and related activities account. In fiscal year 1999, the bill then further increases the RR&A account to $2.74 billion, a 7-percent increase over fiscal year 1998. The research and related activities account is NSF's primary account. It provides the resources that allow the United States to uphold world leadership in a variety of science and engineering activities.

This legislation follows through on the committee's commitment to improve math and science education. In the Education and Human Resources Directorate, the bill incorporates the President's request of $625 million, a 1.1-percent increase over fiscal year 1998, and then provides 3 percent growth in this program to over $644 million in fiscal year 1999.

The major research equipment account completes funding for the construction of the Laser Interferometer Gravitational Wave Observatory Program, LIGO, for short. This account provides funds for two new programs: the Millimeter Array Radio Telescope and the Polar Cap Observatory. The MMA will be the world's most sensitive, highest resolution millimeter-wavelength telescope and will provide a testing ground for theories of star birth, galaxy formation and the evolution of the universe. The Polar Cap Observatory will provide new measurement capabilities for studying and monitoring space weather, the conditions in space environment that can influence the performance of satellites, affect power grids and disrupt telecommunications.

In addition, the bill provides for the one time, full authorization of the Antarctic Rehabilitation Program. As the distinguished chairman of the NSF's External Review Panel on Antarctic Programs, Norm Augustine, testified before our committee:

> It's our belief we would not send a ship to sea or a spacecraft to orbit in the condition of the facilities that we have at the pole.

I am proud to say this legislation fully authorizes the resources necessary to rebuild the facilities in Antarctica and protect the health and safety of our scientists as well as the very fragile Antarctic environment.

In our drive to hold down expenses, the salaries and expense account of NSF has been held to approximately 2-percent growth in fiscal years 1998 and 1999. The committee commends NSF for their low overhead rate and expects them to continue to maximize efficiency and productivity.

Finally, the Office of the Inspector General is funded at the President's request for fiscal year 1998 and provided a 3-percent growth in fiscal year 1999.

I wish to express my appreciation to the chairman of the Basic Research Subcommittee, the gentleman from New Mexico [Mr. SCHIFF], the ranking minority member of the subcommittee, the gentleman from Michigan [Mr. BARCIA], and the gentleman from California [Mr. BROWN], ranking minority members of the full committee, for their efforts and support in crafting a bipartisan bill that received overwhelming support in the Committee on Science. I believe that this is an outstanding bill and urge Members to support H.R. 1273.

Mr. Chairman, I reserve the balance of my time.

Mr. BARCIA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the National Science Foundation authorization bill, House Resolution 1273, which was developed in a bipartisan manner by the Committee on Science. House Resolution 1273 signals the strong bipartisan support for the key role of the NSF in developing and sustaining the academic research enterprise of this Nation. NSF is the only Federal agency with the sole mission to support basic science and engineering research as well as education in our Nation's schools, colleges and universities. NSF programs support research in science and engineering, the operation of national research facilities, and science education at all levels of instruction. Such wide-ranging activities underpin the technological strength of our Nation through both the generation of new knowledge and the continued education of our scientists and engineers.

In light of NSF's important role, I am pleased that House Resolution 1273 provides real growth for those NSF research activities which support individual investigators and interdisciplinary research teams.

□ 1130

The authorization level increases in each year of the bill are above what is needed to offset inflation and, therefore, will allow NSF to pursue new initiatives in such areas as distributive intelligence and life in extreme environments, while sustaining core research activities in the major science and engineering disciplines. The research investments made by NSF generate the new knowledge that fuels our Nation's technological innovation and ultimately dictates our future economic strength.

Mr. Chairman, I would like to describe some recent examples that show the breadth and potential technological value resulting from NSF-sponsored research.

Materials scientists at Cornell University, for example, have investigated the characteristics of silk fiber spun by the golden orb weaving spider, which are stronger than steel and more elastic than Kevlar. In fact, through the tools of biotechnology, it is now possible to manufacture designer materials by producing genes which can express large amounts of this super strength material. The practical applications for such technologies are simply enormous.

Power plants emit high levels of nitrogen oxides, which are health hazards and cannot be completely eliminated by using current catalysts. Researchers at Penn State University discovered a family of novel rare-earth catalysts which can remediate nitrous oxide in flue gas and thereby enable the design of a new process which support environmentally safe power plants.

At the University of Michigan the Center for Ultrafast Optical Science is working with ultrashort laser pulses in developing important applications to ophthalmology. Ultrashort laser pulses are composed of only a few optical cycles in light, and their duration is measured in femtoseconds. One femtosecond is one millionth of one billionth of a second. Ablation of material with femtosecond pulses is extremely clean in contrast to ablation performed by traditional lasers with a pulse duration 1,000 times longer. As very fine and accurate surgical cuts can be made without any collateral damage using ultrafast lasers, these devices are the perfect scalpel.

In addition to supporting basic research, NSF programs help educate the next generation of scientists, engineers and technicians as well as improve science education for all of our K-12 students. Such outcomes are realized through a wide range of NSF activities, including graduate student support, research experience for undergraduates, development of curricular materials for science courses at all levels of instruction, development of educational applications of computer and communications technologies, and in-service training for K-12 teachers.

I would particularly like to mention the NSF Advanced Technology Education Program, which is targeted for 2-year institutions. The program supports curriculum faculty development to improve the training of technicians critical to the high performance workplace. The ATE Program attains its goals through partnerships among 2-year institutions, universities, business, and industry.

House Resolution 1273 supports the President's request for the education and human resources activities of NSF and provides sufficient growth in a second year to offset the effects of inflation. The bill will sustain existing programs while the basic research subcommittee reviews the impact of education programs during this Congress.

Finally, the bill accepts the recommendation of the distinguished panel assembled by NSF to review the facilities necessary for the U.S. Antarctic program, which has also been very eloquently and comprehensively explained by our outstanding chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], and authorization also is provided to allow for replacement, as the chairman explained, of the South Pole Station and for needed upgrades at other Antarctic stations.

The value of research programs and the importance of the U.S. presence in Antarctica has been expressed by the administration and outside witnesses at committee hearings over the past 2 years. This bill will ensure that U.S. facilities in Antarctica are capable of supporting the most advanced research and will provide adequate safety for the scientists and support staff who must function in this very hostile environment.

I want to thank the gentleman from New Mexico [Mr. SCHIFF], the chairman of the Subcommittee on Basic Research, for his efforts to develop House Resolution 1273 in a great spirit of cooperation, and also especially commend the gentleman from Wisconsin [Mr. SENSENBRENNER], the chair of the Committee on Science, as well as the gentleman from California [Mr. BROWN], an outstanding ranking Democratic member, for their leadership in moving the bill through the committee and to the floor.

Mr. Chairman, I fully support H.R. 1273 and urge its approval by the House.

Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN], the distinguished former chairman of the Committee on Science in the House of Representatives.

Mr. BROWN of California. Mr. Chairman, I thank the ranking member very much for yielding me this time, and I also want to commend him for the excellent work he is doing in his initial efforts as a ranking member of this very important subcommittee. I know that he will continue to do an excellent job in that regard.

It is hardly necessary to speak in support of the National Science Foundation, since it has long enjoyed bipartisan support and continued budgetary growth. Not always as much as I would like, but in this particular bill and under these circumstances, I think that the budgetary growth which has been set forth by the chairman of the full committee represents a very reasonable program, and I am happy to commend him for that.

I will not belabor all of the good points that I could make about the NSF, but I do want to say something about a very small line item which is in the bill that has not been in there before, and that is a provision providing for authorization of about a million dollars for international science cooperation through the funding of the United States-Mexico Foundation for Science.

This foundation contributes to the scientific and technological strength of each country through fostering research and human resource development, and promoting collaborative solutions to common problems.

Since this foundation was established in 1992, the United States-Mexico Foundation has established a proven track record of supporting high quality international research. The additional funding authorized by this bill, which will be matched by Mexico, will enable the foundation to expand its activities from its current very small base and will thereby further advance United States-Mexican scientific and technological cooperation.

We hope other U.S. agencies will likewise be able to support some of this binational research in areas that is focused on their individual missions, and we are looking forward to gradually building up a substantial base of funding for this very important binational research.

I should mention here that I had the opportunity and the pleasure to visit with the leadership of the Mexican Government and Mexican scientific establishment just a few weeks ago to discuss the progress of the binational foundation, and I found uniform support at every level, from the president, through his science adviser, through the Secretary of State, and many other agencies, and all of the leading scientific institutions in Mexico, who wanted to continue this program and have it reach a reasonable level over the next several years, and we look forward to working with them in achieving this.

I also want to conclude by not extolling again the chairman of the full committee and the chairman of the subcommittee, the gentleman from New Mexico [Mr. SCHIFF], but to include by reference the laudatory remarks I made previously about the gentleman from Wisconsin [Mr. SENSENBRENNER]. It would be rather repetitious to say that on each one of these bills. But he has done a great job and we look forward to continued cooperative relationships with him.

Mr. Chairman, I urge every Member to support this excellent bill.

Mr. BARCIA. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding the time.

Anyone who followed the debate over these matters in the last Congress knows that this House took a very short detour from our traditional and long-term path of bipartisan support for research and development and particularly for the work of the National Science Foundation. It was a path that the New York Times said would actually cripple American science.

Fortunately, we have a new day and we are now back on the path of a bipartisan commitment to research and development. While we have a few differences over certain specifics of this bill and of other legislation that is being considered today, on the whole, we have agreement; and it is a testament to the work of the gentleman from Wisconsin [Mr. SENSENBRENNER] to the gentleman from California [Mr. BROWN], to the gentleman from Michigan [Mr. BARCIA], and to the gentleman from New Mexico [Mr. SCHIFF], their leadership, that we have come together once again to pursue support for science and for research and development from the Federal level.

This National Science Foundation bill represents a slight increase over what we did in the Congress last year and over what President Clinton has requested. It would appear that we have found some consensus on just how vital funding for scientific research is, its importance in fostering scientific discovery and jobs that that discovery will produce.

Our worldwide leadership in science and technology is a source of great pride and satisfaction for millions of Americans but, more importantly, it is a source of future jobs for millions of our young Americans who will be entering the job market in future years.

Now we can talk about ways that this Congress can improve the lives of Americans; and there is little that we cannot accomplish through realistic investments in science and technology to produce those high-skill, high-wage, high-tech jobs in the future.

The area that I represent in and around Austin, TX is a good example. The investment made through the National Science Foundation through related programs of Federal investment in research and technology has provided the engine for economic growth, has attracted considerable private investment, and has provided us the kind of economic problems that the rest of the country would like to have, that being that we need, we have a shortage actually of many individuals in the high-skilled area to fill jobs that are being created each month by our high-tech industries.

Clearly, our Nation is in a fight on the economic front around the world; and if we are to remain competitive and if we are to be able to produce the kind of jobs that we need for our population, it will be through the kind of investment that we are making today in this National Science Foundation bill and in other bills to place America first when it comes to research, when it comes to science and technology.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. SESSIONS].

Mr. SESSIONS. Mr. Chairman, it is with great encouragement that I stand up today to rise to commend the chairman of the House Committee on Science for working very diligently on the bill H.R. 1273. I stand today as a proud member and a supporter of the committee as an advocate for research and development on the types of things that will make a real impact and make a difference in our country.

This bill corrects years of neglect and promotes the most fiscally responsible part of our Federal budget. Research and development provides exponential returns to the taxpayer and enables our country to continue its long history of pressing the envelope of math, science, and technology.

□ 1145

As a freshman Member I was very encouraged by the hearings on this bill and others that were reported out by our Committee on Science last week. Throughout the hearings, there was a bipartisan support, not only that we have heard today from other Democrat Members of Congress, but also those on the committee who feel that if we have a competitive grant process and united feelings against specific earmarks of funds, we can make better progress. I believe both of these efforts have led to a bill that is proeconomic growth and for fiscal responsibility.

I also believe that this bill actively attacks one of the most serious problems with America in education today. According to the third international mathematics and science study, eighth grade math and science students in the United States are considerably average when compared to students in developing countries. Average students are not going to keep the United States of America ahead of our foreign competitors and other competitors around the globe. As a nation, it is imperative that we encourage students, teachers, and administrators to focus their efforts on basic math and science skills. By providing competitive incentives, we have signaled our commitment to encourage these important skills and opportunities.

Finally, our focus on competitive grants highlights a unique American way that we can solve our problems. Incentives and encouragement lead to productive answers and innovative solutions. This method is in direct conflict with many of the reforms circulating around Washington today. It seems that some of my colleagues think a Federal mandate can solve everything, but I think that really we have the answer when we talk about regulations and mandates that are put on people. I believe that a Federal mandate has never educated a student, inspired a scientist or invented the next generation in technology. However, the human desire to succeed has brought America more innovative ideas and scholastic achievements than a room of bureaucrats can think of in a lifetime.

I think what we need to do is to support H.R. 1273, and I rise in support of that and wish to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman, for not only his leadership but help in this process.

Mr. BARCIA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Chairman, I rise also in favor of this bill to reauthorize the National Science Foundation. As a new Member of the Congress, I must say that the bipartisan cooperation that has brought forward this legislation has been an example for the rest of the House to follow. I want to commend and thank the gentlewoman from Maryland [Mrs. MORELLA], chairman; the gentleman from Tennessee [Mr. Gordon], ranking member; the gentleman from Wisconsin [Mr. SENSENBRENNER], chairman; and my esteemed colleague, the gentleman from California [Mr. BROWN] for their outstanding work on this legislation.

The bill before us today provides a healthy and worthy increase for the National Science Foundation. While I support the research community's call earlier this year for a 7-percent increase in science research and development, I am encouraged by the funding levels that this bill contains in these tight budgetary times.

I have spent my professional life prior to coming here engaged in teaching and research, so I have a sincere appreciation for the critical role of research and education in our society. The National Science Foundation's mission to sponsor research and encourage new thinking and education is a critical element for our economic growth as we move into the 21st century. Much is said today about the need to educate our children for our increasingly competitive economic environment. I agree with this viewpoint.

However, I also believe that education inspires individual and personal growth which inevitably leads to a more civilized and prosperous society. This is also what NSF programs achieve. The bill is evidence of the support that NSF has in the House and throughout the country. I urge my colleagues to support this legislation.

Mr. BARCIA. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Chairman, I will take just a moment to rise to commend both the chair of the committee and the ranking member of the committee as well as the ranking member of our subcommittee dealing with the National Science Foundation for the excellent work and the bipartisanship that has come from the Committee on Science this year. As a first-term Member, I am very pleased to be a part of a committee that is focused and committed to investing in scientific research and development, technology development, environmental research, and efforts through the National Science Foundation. Very important efforts are taking place on behalf of this country that are critical to our economic competitiveness in the future.

We no longer as a country are looking at competition, business to business or State to State. It is definitely country to country. Our ability to maintain our economic advantage is only as strong as our willingness to invest in basic research and the development of technology in partnership with business. I am extremely pleased that the NIST budget has passed and that the advanced technology program and other important partnership efforts have been included this year that are critical. The National Science Foundation has a very important base that has been adopted by this committee. I would like to again commend our leadership on both sides of the aisle for a strong vision and commitment, and I am hopeful that we will be successful in maintaining this throughout the process.

Ms. HOOLEY of Oregon. For almost 50 years, the National Science Foundation has worked to expand the core of knowledge that has broadened our horizons in almost every field of science, engineering, and mathematics. We may not always see such direct applications of most of the research, but advancements in understanding of our planet, the composition of life, and the elements of technologies enrich our lives.

Equally important in the mission of the NSF is its dedication to integrating education into its activities. Obviously, future scientific successes hinge on society's ability to train students to understand the fundamentals of current knowledge.

In conducting research, undergraduate and graduate students must have adequate opportunities to learn from direct experience. And precollege students should not be left out of the picture. I can tell you as a former educator—and I know that many of my colleagues will agree—that if our students do to learn the basics of science in their youth, we will be hard pressed to find interested and prepared students at the higher levels.

We must also remember that scientific education extends beyond the immediate research community. If our Nation's populace does not understand the issues facing our national science policies, they cannot make informed decisions that affect those policies.

I understood the rationale for keeping the education and human resources accounts in check, and I look forward to further inquiries by this body into the successes of the programs in this category. However, pending such a review, I think that we should further expand our educational programs within the NSF and other agencies.

We have an obligation to do as much as possible to support education, and in particular, the improvement of our students' math and science skills. I urge my colleagues to vote for this legislation.

Mr. SCHIFF. Mr. Chairman, I rise in support of H.R. 1273, The National Science Foundation Act of 1997. I am proud to have introduced this legislation.

This 2-year authorization provides real growth to the National Science Foundation. To briefly summarize its provisions:

The President's fiscal year 1998 request for NSF is $3.367 billion, a 3-percent increase over the fiscal year 1997 appropriation levels. This bill authorizes over $3.505 billion for fiscal year 1998, a 7.2-percent increase over fiscal year 1997.

Within the individual appropriations accounts, the bill authorizes $2.563 billion, or a 5.4-percent increase over fiscal year 1997, in the Research and Related Activities [R&RA] account. In fiscal year 1999, the bill increases the R&RA account to $2.740 billion, a 7-percent increase over fiscal year 1998.

In the Education and Human Resources Directorate, this bill incorporates the President's request of $625.5 million, a 1.1-percent increase over fiscal year 1998, and then provides for 3-percent growth in this program to over $644 million in fiscal year 1999.

The major research equipment account completes funding for the Laser Interferometer Gravitational Wave Observatory [LIGO] program. This account provides funds for two new programs: the Polar Cap Observatory and the Millimeter Array radio telescope. In addition, this bill provides $115 million for the one time, full authorization, of the Antarctic rehabilitation program.

The salaries and expense account has been held to approximately 2-percent annual growth in fiscal year 1998 and fiscal year 1999. The committee commends NSF for their low overhead rate and expects them to continue to maximize efficiency and productivity.

The office of the inspector general is funded at the President's request for fiscal year 1998 and provided 3-percent growth in fiscal year 1999.

I urge my colleagues to support this legislation.

Before closing, I would like to remind my colleagues that this week is National Science and Technology Week. National Science and Technology Week is an informal and public education outreach program of the National Science Foundation, dedicated to expanding the participation by all Americans in the fields of science, technology, and engineering. Since its inception in 1985, National Science and Technology Week has gradually expanded in scope and impact, involving millions of Americans in national and local events.

National Science and Technology Week is celebrated across the country, providing special opportunities in communities throughout the Nation to notice the major impact and importance that science and technology have on all aspects of daily life. The National Science Foundation presents this full week of informal science and engineering activities annually in April. This year's celebration, April 20–26, 1997, has the them of "Webs, Wires & Waves: The Science and Technology of Communication." This them recognizes the priceless impact that communications has had in shrinking the world and bringing people worldwide closer together. It allows individuals to take the opportunity to explore questions about communications, both those of nature as well as technology.

The National Science Foundation attempts to reach its audience through various resources, especially the National Science and Technology Week Regional Network in 46 sites across the country, including a site in New Mexico. The Space Center in Alamogordo, NM is very instrumental in providing training workshops for teachers and planning interactive, hands-on science events. These sites are resourceful in assisting in the distribution of education materials, which are issued annually, both in English and Spanish. These packets assist both formal and informal educators and parents in engaging children in innovative, hands-on learning activities geared to science, mathematics, and technology.

Many of the activities this year will present new opportunities to engage the curiosity of ordinary people everywhere, affected daily by new capabilities unfathomed even a generation ago. During National and Technology Week, the National Science Foundation will again offer its "Ask a Scientist or Engineer" over the Internet. Now in its third consecutive year, online access has been a popular and worthwhile tool, engaging the public's curiosity to explore and question the mysteries of science and technology. Online access will be available throughout the week at asknstw@nsf.gov.

I encourage the House and Senate to strongly support this outreach program, recognizing the importance of involving all people in the awareness that science, engineering, and technology are important in our lives today and crucial to our progress tomorrow. I hope you will join me in celebrating National Science and Technology Week.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the reauthorization of the National Science Foundation. In the years since its creation, the NSF has provided funding for research that has led to technological innovations which have improved the lives of millions of people in this country and around the world.

Many of our country's economists agree that technological innovation is responsible for between 30 and 50 percent of the United States' economic growth in the last 100 years. This has meant hundreds of thousands of jobs in every State of the Union.

Without the NSF, there would be no Internet as we know it today. As many of you know, the Defense Department first created the Defense Advanced Research Projects Agency [DARPA]—creating a link of defense computers around the world. In 1981, NSF created the first nondefense computer network, called CSNET, at the request of our country's universities that did not have access to DARPA. In 1987 NSF further expanded into the world with NSFnet.

Ten years later NSFnet has grown into the Internet—the latest frontier in our country's development. The uses for the Internet are still being developed. We already know it is a great research tool for our students, it is fast becoming a great place of economic activity, and the future may hold things we can't even think of.

In Massachusetts and across the country the Internet is also becoming a way to bring people together to support their schools. Twice in the last year volunteers from industry, labor, government, schools and parents, have given up time on their weekends to work on MassNetworks. It is an effort to wire every school in the Commonwealth for computer networks and the Internet. It has been a great success—and I would like to thank all those volunteers.

NSF no longer provides the backbone of the Internet. So, it has now turned its formidable energies to developing the next generation of computer networks and supercomputers.

I am also a strong supporter of the Research Experiences for Undergraduates. This program provides funding for undergraduates to be hired by research professors. I have met students in this program, and all of them sing its praises. There are a number of students at the Massachusetts Institute of Technology, which is in my district, who have benefited from this program.

MIT has furthered this idea with its own called the Undergraduate Research Opportunities Program. This program is very similar except that the researcher does not need to apply for a grant to hire undergraduates—instead they can use their existing research funds for that purpose.

Too often close working relationships with research professors are reserved for graduate students. This program recognizes that most undergraduates don't go to graduate school. This early interaction is vital to these kids' education. Their experiences will turn these kids into the great minds of the next century.

The NSF continues to expand the opportunities of all Americans and I urge my colleagues to support its reauthorization.

Mr. BARCIA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I also have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will report section 1.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Science Foundation Authorization Act of 1997".

Mr. SENSENBRENNER (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. DEFINITIONS.

For purposes of this Act—

(1) the term "Director" means the Director of the Foundation;

(2) the term "Foundation" means the National Science Foundation;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965;

(4) the term "national research facility" means a research facility funded by the Foundation which is available, subject to appropriate policies allocating access, for use by all scientists and engineers affiliated with research institutions located in the United States; and

(5) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.

TITLE I—NATIONAL SCIENCE FOUNDATION AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) FINDINGS.—The Congress finds that—

(1) the programs of the Foundation are important for the Nation to strengthen basic research and develop human resources in science and engineering, and that those programs should be funded at an adequate level;

(2) the primary mission of the Foundation continues to be the support of basic scientific research and science education and the support of research fundamental to the engineering process and engineering education; and

(3) the Foundation's efforts to contribute to the economic competitiveness of the United States should be in accord with that primary mission.

(b) FISCAL YEAR 1998.—There are authorized to be appropriated to the Foundation $3,505,630,000 for fiscal year 1998, which shall be available for the following categories:

(1) Research and Related Activities, $2,563,330,000, of which—

(A) $330,820,000 shall be for Biological Sciences;

(B) $289,170,000 shall be for Computer and Information Science and Engineering;

(C) $360,470,000 shall be for Engineering;

(D) $452,610,000 shall be for Geosciences;

(E) $715,710,000 shall be for Mathematical and Physical Sciences;

(F) $130,660,000 shall be for Social, Behavioral, and Economic Sciences, including $1,000,000 for the United States-Mexico Foundation for Science;

(G) $165,930,000 shall be for United States Polar Research Programs;

(H) $62,600,000 shall be for United States Antarctic Logistical Support Activities; and

(I) $2,730,000 shall be for the Critical Technologies Institute.

(2) Education and Human Resources Activities, $625,500,000.

(3) Major Research Equipment, $175,000,000.

(4) Salaries and Expenses, $136,950,000, of which $5,200,000 shall be for Headquarters Relocation.

(5) Office of Inspector General, $4,850,000.

(c) FISCAL YEAR 1999.—There are authorized to be appropriated to the Foundation $3,613,630,000 for fiscal year 1999, which shall be available for the following categories:

(1) Research and Related Activities, $2,740,000,000, including $1,000,000 for the United States-Mexico Foundation for Science.

(2) Education and Human Resources Activities, $644,245,000.

(3) Major Research Equipment, $90,000,000, of which no funds are authorized for the Large Hadron Collider project at the European Organization for Nuclear Research (CERN) unless the Director, in consultation with the Secretary of Energy, has transmitted to the Committee on Science of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate a report on the impacts of such funding on the operations and viability of United States high energy and nuclear physics facilities.

(4) Salaries and Expenses, $134,385,000.

(5) Office of Inspector General, $5,000,000.

SEC. 102. PROPORTIONAL REDUCTION OF RESEARCH AND RELATED ACTIVITIES AMOUNTS.

If the amount appropriated pursuant to section 101 (b)(1) or (c)(1) is less than the amount authorized under that paragraph, the amount available for each scientific directorate under that paragraph shall be reduced by the same proportion.

SEC. 103. CONSULTATION AND REPRESENTATION EXPENSES.

From appropriations made under authorizations provided in this Act, not more than $10,000 may be used in each fiscal year for official consultation, representation, or other extraordinary expenses at the discretion of the Director. The determination of the Director shall be final and conclusive upon the accounting officers of the Government.

TITLE II—GENERAL PROVISIONS

SEC. 201. NATIONAL RESEARCH FACILITIES.

(a) FACILITIES PLAN.—The Director shall provide to Congress, not later than December 1 of each year, a plan for the proposed construction of, and repair and upgrades to, national research facilities. The plan shall include estimates of the cost for such construction, repairs, and upgrades, and estimates of the cost for the operation and maintenance of existing and proposed new facilities. For proposed new construction and for major upgrades to existing facilities, the plan shall include funding profiles by fiscal year and milestones for major phases of the construction. The plan shall include cost estimates in the categories of construction, repair, and upgrades for the year in which the plan is submitted to Congress and for not fewer than the succeeding 4 years.

(b) STATUS OF FACILITIES UNDER CONSTRUCTION.—The plan required under subsection (a) shall include a status report for each uncompleted construction project included in the current and previous plans. The status report shall include data on cumulative construction costs by project compared with estimated costs, and shall compare the current and original schedules for achievement of milestones for major phases of the construction.

(c) LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.—No funds appropriated for any project which involves construction of new national research facilities or construction necessary for upgrading the capabilities of existing national research facilities shall be obligated unless the funds are specifically authorized for such purpose by this Act or any other Act which is not an appropriations Act, or unless the total estimated cost to the Foundation of the construction project is less than $50,000,000. This subsection shall not apply to construction projects approved by the National Science Board prior to June 30, 1997.

SEC. 202. ADMINISTRATIVE AMENDMENTS.

(a) NATIONAL SCIENCE FOUNDATION ACT OF 1950 AMENDMENTS.—The National Science Foundation Act of 1950 (42 U.S.C. 1861 et seq.) is amended—

(1) in section 4 (42 U.S.C. 1863)—

(A) by striking "the appropriate rate provided for individuals in grade GS–18 of the General Schedule under section 5332" in subsection (g) and inserting in lieu thereof "the maximum rate payable under section 5376"; and

(B) by redesignating the subsection (k) that was added by section 108 of the National Science Foundation Authorization Act of 1988 as subsection (l);

(2) in section 5(e) (42 U.S.C. 1864(e)) by amending paragraph (2) to read as follows:

"(2) Any delegation of authority or imposition of conditions under paragraph (1) shall be promptly published in the Federal Register and reported to the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.";

(3) in section 14(c) (42 U.S.C. 1873(c))—

(A) by inserting "be entitled to" between "shall" and "receive";

(B) by inserting ", including traveltime," after "Foundation";

(C) by striking "the rate specified for the daily rate for GS–18 of the General Schedule under section 5332" and inserting in lieu thereof "the maximum rate payable under section 5376"; and

(D) by adding at the end the following new sentence: "Members of the Board and special commissions may waive compensation and reimbursement for travel expenses."; and

(4) by striking "Atomic Energy Commission" in section 15(a) (42 U.S.C. 1874(a)) and inserting in lieu thereof "Secretary of Energy".

(b) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT, 1976 AMENDMENTS.—Section 6(a) of the National Science Foundation Authorization Act, 1976 (42 U.S.C. 1881a(a)) is amended by striking "social," the first place it appears.

(c) NATIONAL SCIENCE FOUNDATION AUTHORIZATION ACT OF 1988 AMENDMENTS.—(1) Section 117(a)(1)(B)(v) of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1881b(1)(B)(v)) is amended to read as follows:

"(v) from schools established outside the several States and the District of Columbia by any agency of the Federal Government for dependents of its employees.".

(2) Section 117(a)(3)(A) of such Act (42 U.S.C. 1881b(3)(A)) is amended by striking "Science and Engineering Education" and inserting in lieu thereof "Education and Human Resources".

(d) SCIENCE AND ENGINEERING EQUAL OPPORTUNITIES ACT AMENDMENTS.—The Science and Engineering Equal Opportunities Act is amended—

(1) in section 34 (42 U.S.C. 1885b)—

(A) by amending the section heading to read as follows: "PARTICIPATION IN SCIENCE AND ENGINEERING OF MINORITIES AND PERSONS WITH DISABILITIES"; and

(B) by amending subsection (b) to read as follows:

"(b) The Foundation is authorized to undertake or support programs and activities to encourage the participation of persons with disabilities in the science and engineering professions."; and

(2) in section 36 (42 U.S.C. 1885c)—

(A) by striking "minorities," and all that follows through "in scientific" in subsection (a) and inserting in lieu thereof "minorities, and persons with disabilities in scientific";

(B) in subsection (b)—

(i) by striking "with the concurrence of the National Science Board"; and

(ii) by amending the second sentence thereof to read as follows: "In addition, the Chairman of the National Science Board may designate a member of the Board as a member of the Committee.";

(C) by striking subsections (c) and (d);

(D) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively;

(E) by inserting after subsection (b) the following new subsection:

"(c) The Committee shall be responsible for reviewing and evaluating all Foundation matters relating to participation in, opportunities *for, and advancement in education, training, and research in science and engineering of women, minorities, and persons with disabilities."; and*

(F) in subsection (d), as so redesignated by subparagraph (D) of this paragraph, by striking "additional".

(e) TECHNICAL AMENDMENT.—The second subsection (g) of section 3 of the National Science Foundation Act of 1950 is repealed.

SEC. 203. INDIRECT COSTS.

(a) MATCHING FUNDS.—Matching funds required pursuant to section 204(a)(2)(C) of the Academic Research Facilities Modernization Act of 1988 (42 U.S.C. 1862c(a)(2)(C)) shall not be considered facilities costs for purposes of determining indirect cost rates.

(b) REPORT.—The Director of the Office of Science and Technology Policy, in consultation with other relevant agencies, shall prepare a report analyzing what steps would be needed to—

(1) reduce by 10 percent the proportion of Federal assistance to institutions of higher education that are allocated for indirect costs; and

(2) reduce the variance among indirect cost rates of different institutions of higher education, including an evaluation of the relative benefits and burdens of each option on institutions of higher education. Such report shall be transmitted to the Congress no later than December 31, 1997.

SEC. 204. FINANCIAL DISCLOSURE.

Persons temporarily employed by or at the Foundation shall be subject to the same financial disclosure requirements and related sanctions under the Ethics in Government Act of 1978 as are permanent employees of the Foundation in equivalent positions.

SEC. 205. EDUCATIONAL LEAVE OF ABSENCE FOR ACTIVE DUTY.

In order to be eligible to receive funds from the Foundation after September 30, 1997, an institution of higher education must provide that whenever any student of the institution who is a member of the National Guard, or other reserve component of the Armed Forces of the United States, is called or ordered to active duty, other than active duty for training, the institution shall grant the member a military leave of absence from their education. Persons on military leave of absence from their institution shall be entitled, upon release from military duty, to be restored to the educational status they had attained prior to their being ordered to military duty without loss of academic credits earned, scholarships or grants awarded, or tuition and other fees paid prior to the commencement of the military duty. It shall be the duty of the institution to refund tuition or fees paid or to credit the tuition and fees to the next semester or term after the termination of the educational military leave of absence at the option of the student.

SEC. 206. SCIENCE AND TECHNOLOGY POLICY INSTITUTE.

(a) AMENDMENT.—Section 822 of the National Defense Authorization Act for Fiscal Year 1991 (42 U.S.C. 6686) is amended—

(1) by striking "Critical Technologies Institute" in the section heading and in subsection (a), and inserting in lieu thereof "Science and Technology Policy Institute";

(2) in subsection (b) by striking "As determined by the chairman of the committee referred to in subsection (c), the" and inserting in lieu thereof "The";

(3) by striking subsection (c), and redesignating subsections (d), (e), (f), and (g) as subsections (c), (d), (e), and (f), respectively;

(4) in subsection (c), as so redesignated by paragraph (3) of this subsection—

(A) by inserting "science and" after "developments and trends in" in paragraph (1);

(B) by striking "with particular emphasis" in paragraph (1) and all that follows through the end of such paragraph and inserting in lieu thereof "and developing and maintaining relevant informational and analytical tools.";

(C) by striking "to determine" and all that follows through "technology policies" in paragraph (2) and inserting in lieu thereof "with particular attention to the scope and content of the Federal science and technology research and develop portfolio as it affects interagency and national issues";

(D) by amending paragraph (3) to read as follows:

"(3) Initiation of studies and analysis of alternatives available for ensuring the long-term strength of the United States in the development and application of science and technology, including appropriate roles for the Federal Government, State governments, private industry, and institutions of higher education in the development and application of science and technology.";

(E) by inserting "science and" after "Executive branch on" in paragraph (4)(A); and

(F) by amending paragraph (4)(B) to read as follows:

"(B) to the interagency committees and panels of the Federal Government concerned with science and technology.";

(5) in subsection (d), as so redesignated by paragraph (3) of this subsection, by striking "subsection (d)" and inserting in lieu thereof "subsection (c)"; and

(6) by amending subsection (f), as so redesignated by paragraph (3) of this subsection, to read as follows:

"(f) SPONSORSHIP.—The Director of the Office of Science and Technology Policy shall be the sponsor of the Institute.".

(b) CONFORMING USAGE.—All references in Federal law or regulations to the Critical Technologies Institute shall be considered to be references to the Science and Technology Policy Institute.

SEC. 207. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 208. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Director for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act, unless such sums are specifically authorized to be appropriated by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Director shall exclude from consideration for grant agreements made by the Foundation after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 209. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committees on Labor and Human Resources and Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Director shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Labor and Human Resources, Commerce, Science, and Transportation, and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Foundation.

SEC. 210. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Foundation should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Foundation posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Foundation is unable to correct in time.

SEC. 211. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

The National Science Foundation is authorized to participate in the National Oceanic Partnership Program established by the National Oceanic Partnership Act (Public Law 104–201).

SEC. 212. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Director shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 1 OFFERED BY MR. COBURN

Mr. COBURN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. COBURN:

Page 6, after line 11, insert the following new section:

SEC. 104. UNITED STATES MAN AND THE BIOSPHERE PROGRAM LIMITATION.

No funds appropriated pursuant to this Act shall be used for the United States Man and Biosphere Program, or related projects.

Mr. COBURN. Mr. Chairman, this amendment is very simple. What it does is limit the amount of money that the NSF can spend for the United States Man and Biosphere Program and related projects.

It is important that the people recognize that the Biosphere Reserve and World Heritage sites are under the guidance of the United Nations Educational, Scientific and Cultural Organization also known as UNESCO. The United States withdrew from that Organization in 1984 because of gross financial mismanagement.

Over 68 percent of our national parks, preserves, and monuments have been designated as United Nations World Heritage sites, Biosphere Reserve or both. There are currently 47 of those sites in the United States, covering an area the size of Colorado. Under the relative agreements, the United States is promising to manage lands in accordance with international guidelines. Many times local government, private properties are never consulted in these management plans. This is a clear violation of private property rights. The biosphere programs, including the United States Man and Biosphere Program, have never been authorized by any Congress, never been authorized, but still received this past year and this year will receive over $700,000 of taxpayers' money.

The National Science Foundation distributed more than $400,000 in grants to this unauthorized program despite the fact that the program has never had a consideration or vote in Congress and has never been approved by a body of the Congress.

Mr. Chairman, I think it is important for us to recognize that if we are going to balance our budget, the one thing that has to happen is that the Congress has to decide whether or not we are going to authorize programs. If we are going to authorize programs, then we ought to fund them. But if we are not going to authorize programs, we should not let other agencies do our job instead.

The fact is, is there are over 15 different Government agencies that are contributing moneys for other purposes to the biosphere program. It is my feeling and many others that this should not happen, that it gives away a responsibility of Congress, that in fact being unauthorized, and also invades the personal property rights of those people who own land around these parks and reserves.

The Committee on Science, it also should be noted that we did vote to take out money out of NASA that was used for this very purpose on a voice vote in the Committee on Science markup. All we are doing is extending the same guidance to the National Science Foundation as was given to NASA.

It would be my request that this body consider this amendment in the spirit in which it is given: No. 1, in terms of fiscal responsibility we should not be giving moneys to unauthorized programs; No. 2, especially programs that violate the very spirit of freedom and control of personal property rights that our citizens enjoy.

I would ask concurrence from other Members in this body on this.

Mr. BARCIA. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Oklahoma.

I would just like to make a few brief points. I would like to point out that the NSF's contribution to the Man and Biosphere Program is $50,000 a year, provided through an interagency transfer to the State Department. NSF funds pooled with other agency funds are used to support five to six projects at about $200,000 each. Research grants are peer reviewed and then approved by the executive committee of the Man and Biosphere Program comprised of about 15 agency officials, including a person from the NSF.

I would like to also point out that all NSF moneys are used only for research purposes, not to acquire additional land. The issue of the United Nations perhaps having influence or control or authority over U.S. lands, private and public, is completely false. Neither the United Nations nor any other international body has any authority over any public or private U.S. lands which have received recognition as a biosphere reserve. Only voluntary guidelines exist for biosphere reserves. No international biosphere reserve treaty or biosphere reserve convention exists.

In 1995, many managers from biosphere reserves around the world, representatives of conservation groups and scholars met in Seville, Spain, to set some voluntary framework for international science and conservation cooperation. Among those documents were the Seville Strategy for Biosphere Reserves and the statutory framework for the World Network for Biosphere Reserves. No statutory law or treaty exists, nor is any being contemplated or proposed for this network.

□ 1200

Mr. SENSENBRENNER. Mr. Chairman, I rise in support of the amendment that has been offered by the gentleman from Oklahoma [Mr. COBURN]. I think there are two reasons why we should do this.

First, the NSF contributes $50,000 for this program. It is a controversial program, it is a program that has been set up by the United Nations, and as the gentleman from Oklahoma has stated, it has never been voted on by the Congress. The question is whether or not we can spend $50,000 on better research than this. I think we can. There is the secretariat in the State Department that is supposed to coordinate all of this money. It seems to me that there are a lot of people on the payroll, there is an awful lot of traveling around. That is not research in my mind. What is research is the type of stuff that the NSF can do inhouse with peer review grants to our universities, to our high schools, to our research institutions in the United States of America.

So it is a question of whether we want to spend the money on Man and the Biosphere or whether we want to spend the money on the other very worthwhile NSF research projects. I vote for spending the money on the other worthwhile NSF research projects.

Second, the gentleman from Oklahoma raises a very good point. The committee did offer, or did adopt, an amendment that he offered to the NASA bill that prohibits NASA funds from being contributed into this pot. The same arguments that I gave against using NSF funds for this pot are valid for NASA funds. I think it was probably an oversight that he was not able to offer the similar amendment to the NSF bill. This simply corrects the oversight, makes the Congress consistent in both NSF and NASA, and I would urge support of the gentleman from Oklahoma's amendment.

Mr. BROWN of California. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had hoped that we would not get involved in a lengthy debate over this amendment, and I would only like to make a few brief statements to amplify on some of the things that the gentleman from Michigan [Mr. BARCIA] has already said. I really would like to urge the author of this amendment to spend a little more time in becoming acquainted with the research purposes of this program. I think that as a professional who understand the importance of research, he would be able to understand the significance of this international network of preserves which maintain in a condition that can be used for study and research areas around the globe which have a unique ecosystem niche or which protect a unique ecosystem niche of one sort or another. This means that in these protected areas over periods of time we can observe the impact of what human beings are doing on a global basis to specific kinds of areas, particular specific environments, which may have great value to us over the years.

That is the reason that we have this voluntary program and whose only purpose really is to establish a basis for scientific research to study impacts over time of what is happening. Now I honestly believe that the gentleman, if he would observe the program in more detail, would be impressed by the long-term value which this program contributes.

Now I understand that it has become controversial. I regret that that has been the case. But the controversy is not in my opinion over the merits of the program. The controversy is over the fact that some people, and I mean no disrespect to these people, feel that this is a conspiracy or a plot by the United Nations to take over the United States or something of that sort. Now, if one believes in this fantasy, then one of course wants to strike out at anything involving the U.N., and this is one of those programs which is a U.N.-sponsored program which they might want to do.

But as has already been mentioned, there is nothing here which provides the U.N. any authority whatsoever over any territory of the United States. These biosphere reserves are offered voluntarily as study sites within the framework of this U.N. program. They can withdraw at any time, any time. There is no loss of local, State or Federal control over these biospheres, no part of the law is changed in any way, shape or form. The amount of money involved is minuscule. The $50,000, for example, that may be spent by the National Science Foundation is so ridiculously small that it would be normally unobservable. The money spent, adding up as I understand it to less than a million dollars by other agencies, is research money either for the agency or by a university research group or some other group that wants to use these reserves to establish certain environmental research findings that would be useful to everybody in the world over a period of time.

So I very strongly urge that this amendment be defeated, and I even more strongly urge that the individual who authored it, the gentleman for whom I have great respect, would take the time to understand the full implications of this program and the value that it contributes on a global basis to research that will benefit all of us in this country.

Mr. Chairman, I rise in opposition to this amendment which would gut one of our most successful international environmental programs. I would like to briefly describe what the Man and the Biosphere Program does and what it does not do.

The Man and the Biosphere Program is a coordinated research mainly carried out by university research grants. The objective is to study representative ecological systems and compare regional results with studies elsewhere both in the United States and worldwide. In order to carry out the program, study areas called biosphere reserves have been designated within the United States and in other participating countries that reflect the unique ecological systems that need to be examined.

As is described by the Congressional Research Service, "Biosphere Reserve recognition does not convey any control or jurisdiction over such sites to the United Nations or to any other entity. The United States and/or State and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before the designation." Thus there is no question that this is not a property rights issue, nor an international plot to take over U.S. lands.

Yet, sadly, there remains a uniformed opinion among some that has transformed itself into an irrational fear over the loss of U.S. sovereignty. There has been a great many inaccurate and groundless anecdotes about this program that I am certain could be corrected given enough time today.

This would not be a very wise use of our time however. I will just make a few general comments about this issue.

The idea that the United Nations is taking over U.S. lands, public and private, is completely false. No international treaty or convention exists that even remotely affects U.S. sovereignty.

The designation of a biosphere reserve does not have any effect on the status, use, or value of non-Federal lands. There is absolutely no evidence that any restrictions have been placed on any private lands in the vicinity of a biosphere reserve because it was a reserve. For an area to be nominated as a reserve, such an area must already have legal protection as a protected area, area of managed use, wilderness area, or research natural area. There have been no new restrictions placed on such lands.

Biosphere reserves will not circumvent the Constitution or infringe on the laws enacted by Congress. The Federal or State agencies responsible for biosphere protected areas are all the agencies we have jurisdiction over, there is no new authority conveyed by the Man and the Biosphere Program.

Finally, Mr. Chairman, opponents of the Man and the Biosphere Program have asserted that U.N. troops have had a firsthand role in establishing control over these biosphere reserves, U.N. roadblocks have been set up, that some secret international conspiracy called Agenda 21 exists for seizing control, and so on. These charges would be laughable if it were not for the tragic consequences that this type of paranoia has bred over the past year.

I hope that we take a rational and moderate view toward this issue today and defeat this amendment. The opponents of the Man and the Biosphere Program simply have not met the burden of proof that it is part of a conspiracy or that it in any way has affected property rights. I urge my colleagues to vote no on the amendment.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Oklahoma.

Mr. COBURN. Mr. Chairman, I would just say to the gentleman I have read everything available to use on this program. The people I represent wholeheartedly disagree with this program. Even though it does have benefits they still disagree, and that even though a ridiculously small amount like $700,000 in terms of what we spend does seem small, but when the average family income in the district is $13,000, that is a tremendous amount of money, and when we are trying to balance a budget and not take money from our grandchildren, $700,000 on an unauthorized project is a tremendous amount of money.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just like to put my strength or my convictions or my words behind my colleague from Oklahoma who is watching out for the taxpayers' interests. As my colleagues know, sometimes we get so involved with the big picture that we miss some of the details, and when talking about the details in Washington, DC, we are talking about hundreds of thousands and millions of dollars that slip right on by and end up being spent on what most Americans would think are looney programs. And I have to say that I honestly believe that this biosphere program is one of those looney programs for which we could have better spending in other NSF research programs, and it would be much better to have this money that is being spent for what I consider also to be.

As my colleagues know, one of the things when I came up here, and I will just be very honest about it, is, yes, we have a situation where all political people, we are all elected, and sometimes people are attracted to projects that have a lot of publicity and are trendy projects, and I hate to say this, but it appears to be from what I read about the biosphere program that it is a trendy project, but it does not make any sense to me what I read about it, and I think that there are other ways that we could spend taxpayers' dollars that would be much more beneficial, like making sure no money is spent on this sort of looney program. We are ensuring that those dollars will be spent on something a little bit more substantive.

Mr. Chairman, I yield the balance of my time to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding. I just thought I would give us a rundown of where the $700,000 came from last year so we can all know where it came from since none of this was authorized and it came from several different agencies.

The Air Force gave $50,000. That is really defense of our country. The Bureau of Land Management gave $20,000; the EPA gave $18,000; the Forest Service gave $75,000; the National Biologic

Service gave $30,000; the National Park Service, $60,000; NASA, $50,000; NOAA, $50,000; the National Science Foundation, $50,000; the Peace Corps gave $11,000 of their budget to the Project Man and Biosphere. The State Department gave $240,000 of their money to the biosphere program last year. The State Department; I am having trouble connecting what that has to do with the State Department in terms of protecting that. USAID, which is not quite biosphere, it gave $60,000. We spent $7,000 in Denmark out of this money, we spent $11,000 on the European market, we spent $11,000 in the Mexican biosphere project, and we spent $23,000 in the Russian biodiversity information project.

So I guess the question comes is if this is a legitimate project, let us bring it through the Congress, let us bring it through the Committee on Science, let us authorize it and then put the money there. Let us not let bureaucrats decide how we are going to fund something that we may think is right, and all we are asking with this amendment is that we not fund money for an unauthorized project, and if it has merits, let it stand on its own merit and go through the process that any other thing in this Congress is supposed to do. That means come through the committee process, be authorized and be voted on by both Houses of Congress, and get the money.

Mr. ROHRABACHER. Mr. Chairman, I would compliment my colleague from Oklahoma [Mr. COBURN]. While a short time here, he has become a champion of the taxpayers and watching for these little things that might sneak by the rest of us, and we really appreciate his diligence on this issue and other issues, I might add as well.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, the Coburn amendment would prohibit the National Science Foundation from distributing grants from the U.S. Man and Biosphere Program which is the mechanism the United Nations uses to study and designate biosphere reserves in the United States.

Mr. Chairman, few Americans really realize that over the last 25 years increasingly large amounts of Federal land have been designated for international land use programs such as the biosphere reserves. I would like to lay out some facts about this program.

Here in the United States a total of 47 sites in the United States have been designated already as U.N. biosphere reserves with virtually no congressional oversight and no congressional hearings. The Biosphere Reserve Program is under the jurisdiction of the U.N. Educational, Scientific, and Cultural Organization, commonly referred to as Unesco. Now it is very, very important to note that the United States actually pulled out of Unesco in the mid-1980's because of gross financial mismanagement, at the urging of our President, Ronald Reagan.

Mr. Chairman, in addition, there is no formal international agreement concerning biosphere reserves, and I think that is very important to note when we are trying to appropriate several hundred thousand dollars. The U.S. program operates without legislative direction and is not authorized by Congress. The U.S. biosphere reserves now proximate an area the size of the State of Colorado, the eighth largest State in the Nation. A biosphere reserve is a federally zoned and coordinated region consisting of three areas or zones that meet certain minimum requirements established by the United Nations. The inner or most protected area, the core zone, is usually Federal lands, but the outer two zones contain non-Federal property, and that means an encroachment, an imposition, of rules and regulations again into private property. By allowing these international land use designations, the United States promises to protect designated areas and regulate surrounding lands if necessary to protect the designated areas. Honoring these agreements forces the Federal Government to prohibit or limit some uses of private lands outside the internationally designated area unless our country wants to break a pledge to other nations. The Federal regulatory actions that result have a potential of causing a significant adverse impact on the value of private property and on the local and regional economy surrounding these areas. Also disturbing is that the designation of biosphere reserves rarely involves consulting the public and the local government. In fact, Unesco policy apparently discourages an open nomination process for the designation of these lands for biosphere reserves.

□ 1215

In their operational guidelines, in UNESCO's own operational guidelines for the implementation of the World Heritage Convention, it states, and I quote, "in all cases, as to maintain the objectivity of the evaluation process and to avoid possible embarrassment to those concerned. The State national party," they refer to the United States as the State, "the State party should refrain from giving undue publicity to the fact that a property has been nominated inscription pending the final decision of the committee of the nomination in question."

Now, participation of the local people in the nomination process is essential to make them feel a shared responsibility with the State party in the maintenance of the site but should not prejudice further decisionmaking by the committee.

Mr. Chairman, I think that says it all. Last year, when the Committee on Resources held a hearing on this issue, our suspicions about the lack of local involvement were confirmed. We heard testimony from local officials all around the country who felt that their role in the land management process had been significantly diminished by these designations. Many of these people did not even know that their property and surrounding lands were even being considered for designation until final decisions were made.

Mr. Chairman, it is clear to me that biosphere reserve designations give the international community an open invitation to interfere in domestic land use decisions. More seriously, the underlying international land use agreements potentially have several significant adverse effects on the American system of government. The policymaking authority is further centralized at the Federal executive branch level, and the role that the ordinary citizen has in the making of this policy through their elected representatives is totally diminished. The executive branch may also invoke these agreements in an attempt to administratively achieve an action within the jurisdiction of the Congress but without consulting Congress.

Mr. Chairman, I urge strong support for this amendment.

Mr. Chairman, in looking at these facts, it is particularly distressing that the National Science Foundation has contributed more than $40,000 tax dollars to this unauthorized and sovereignty threatening program.

With that in mind, I strongly urge my colleagues to vote in support of this amendment, which will not only stop the expenditure of unauthorized Federal funds, but will also help keep the sovereignty of our lands where it belongs; in the people's house.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think there is paranoia going on here having to do with a fear about Unesco, the United Nations and various things; and I think it is completely overblown. The research has already been authorized, that is point No. 1, and the research that has been authorized does not infringe upon property rights. I think that this ought to be emphasized.

The biosphere reserve designation does not convey any control or jurisdiction over such sites of the United Nations or to any other entity. The United States and/or State and local communities where biosphere reserves are located continue to exercise the same jurisdiction as that in place before the designation, and areas are listed only at the request of the country in which they are located. These areas can be removed from the biosphere reserve list at any time by a request from that country.

Mr. Chairman, I am reading from a CRS report for Congress. I want to add to that that CRS is not known to lie to Congress. I am opposed to the amendment and urge my colleagues to vote against it.

Mr. SALMON. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I yield to the gentleman from Oklahoma [Mr. COBURN].

Mr. COBURN. Mr. Chairman, I would just like to make one point. I believe it was a mistake in language, but I would like to ask the gentleman a question. This program has never been authorized by any Congress of the United States; is that the gentleman's understanding?

Mr. CAPPS. Mr. Chairman, if the gentleman would yield, it was before I got here, but I understand that we authorized the research. We did not designate whether the research would take place.

Mr. COBURN. Mr. Chairman, I would ask the gentleman from California [Mr. BROWN] to please clarify that for me.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. SALMON. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, we do have reference to the concept of the biosphere reserves. That is a U.N. designation. We do not authorize that. All of the research done within those biospheres is conducted with Federal money. That research is authorized, however.

Mr. COBURN. Mr. Chairman, I thank the gentleman. That is exactly my point. We have never as a body in this Congress authorized the U.S. Man and Biosphere project. We have, in fact, authorized moneys that then have been spent on it for an unauthorized program. That is exactly why we should support this amendment and not allow agencies to spend money on unauthorized projects.

Again, I would reemphasize, if this program has good merits, it should come before the appropriate committees of Congress, receive its authorization and receive its funding. To fund it any other way is, first of all, inappropriate and is deceitful. Yes, there is in the far Western States certain paranoia about this, but why should there not be if we are funding it and not bringing it for authorization?

So I would say we understand that it does not have anything to do with about whether we are environmentally friendly or not. The fact is that, if it is a legitimate program, then let us bring it before the committees, let us authorize it and then let us fund it.

Mr. BROWN of California. Mr. Chairman, if the gentleman would continue to yield, I want to indicate that there are some things that we should agree on. If the gentleman is willing to admit that there is a little paranoia out there, and I have some of it in my district, I can assure him, I would be willing to admit that we should authorize specifically our participation, even though it is a voluntary participation, in the U.N. Biosphere Program. There is no reason why we should not put that into suitable legislation, and I will commit myself to making an effort to do that as soon as possible.

Mr. COBURN. Mr. Chairman, I thank the gentleman.

Mrs. EMERSON. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Oklahoma [Mr. COBURN] to prohibit National Science Foundation funds to be used for purposes relating to the U.S. Man and Biosphere Program. On behalf of many of my constituents in southern Missouri, I commend Mr. COBURN's efforts to prevent future funding for this program.

Mr. Chairman, large portions of my district in southern Missouri have been designated by the Man and Biosphere Program as a proposed site. Fortunately, after a groundswell of opposition and strong grassroots on the part of property owners throughout our region, the proposed Ozark Highlands Man and Biosphere has been dropped. However, that is not to say that future proposals will not emerge that could again potentially pose problems for private land owners throughout my congressional district and the Nation.

It is important to understand that Congress has no direct oversight, input, or direction over this program. It has never been authorized by Congress and therefore should not be funded. Just as important, the public and local governments are rarely consulted. This is wrong and should not be funded with taxpayers' dollars.

The U.S. Man and Biosphere Program goes to the heart of a larger problem in this country—that is land management restrictions for both our Nation's public and private lands. In fact, many folks would be surprised to know that within the last 25 years, more and more of our Nation's land has become subject to international land-use restrictions. Right now, a total of 67 sites in the United States have been designated as United Nations Biosphere Reserves or World Heritage sites. While there is no current U.N. involvement in our domestic land management decisions, we should not be establishing additional forums that could eventually lead to international input in our own domestic decisions regarding this country's public and private lands.

I want to, again, reiterate my strong support of the amendment by Mr. COBURN to prohibit funding for this unauthorized program and appreciate his efforts on behalf of private property owners throughout this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 20, insert after line 18 the following:

SEC. 213. ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS.

It is the sense of the Congress that the Director shall, to the greatest extent practicable and using existing authority, donate surplus computers and other research equipment to elementary and secondary education schools to enhance their science and mathematics programs. The Director shall report annually to the appropriate Committees of Congress on the Director's activity under this section.

The CHAIRMAN pro tempore (Mr. DIAZ-BALART). The gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as a relatively new Member of this body, I have been very proud of the work of the House Committee on Science, both under the leadership of the gentleman from California [Mr. BROWN], my ranking member, and the chairmanship of the majority.

One of the issues that we have raised as we confront this whole story of the 21st century is, will we be prepared and will our children be prepared? With that in mind, I am very concerned that our schools in the Nation continue to encourage our young people to be involved expertly, if you will, in science and mathematics programs. There is not one of us who has not talked to a 5th grader, a 6th grader, a 9th grader, and then maybe an 11th grader or 12th grader, and we see the progress of change on the issues of science and math; the sparkling eyes of the 3rd grader and 4th grader and 5th grader and then the waning interest of maybe those in middle school and high school. It is extremely important, I believe, that we in the Government lend ourselves to encouraging the study of math and science.

This amendment responds to that interest. In 1997, the number of children in the United States that enrolled in public schools between K through eighth grades are 33,226,000. The number of children enrolled in public schools between grades 9 and 12 are 13,299,000. The number of children enrolled in private schools between K to 8th grades are 4,547,000, and the number of children between grades 9 and 12 are 1,329,000, for a total of 51 million children. We have the responsibility to educate our children.

Science has value and importance because of the beneficial applications of scientific finds in the overall economy. It was of great excitement for me to join one of my elementary schools where a teacher single-handedly opened up a science a lab with all kinds of trinkets, if you will, that she had gathered from the parents of children, parents who are involved in the science arena who brought different items to her attention and she created a touch-and-see laboratory. Because of that, that will instill in those children the opportunity and the desire to be proficient in science and in math, helping us explore our world and space in the 21st century.

Further, the benefits have tangible results and a better educated citizenry graduating from our Nation's schools, universities and graduate schools. Because of the work done by the National Science Foundation, America will be better able to compete in the global economy of tomorrow.

This amendment complements the National Science Foundation by allowing them to donate surplus computers and other research equipment to elementary and secondary educational schools to enhance their science and mathematics programs. What better source of this kind of equipment than the cutting-edge agency that deals with science research on a continuous basis? If we are to prepare our children for the demands of science and mathematics in the future, they should be allowed to receive the benefits of federally funded programs which are revenue-neutral by using surplus equipment that may be of benefit to strengthening science and mathematics programs.

This amendment would direct the National Science Foundation to look at its equipment and be able to ensure that our schools, rural and urban throughout the Nation, have access to this very valuable and current scientific equipment. Math and science are key, Mr. Chairman, and I believe anywhere and anyhow this Congress can help our children be excited about math and science and being prepared for the 21st century, we should engage in whatever way possible.

Therefore, I ask my colleagues to support me in this amendment. Most of all, I ask them to support our children by allowing them and giving them encouragement to participate in science and mathematics throughout this Nation.

Mr. EHLERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I am pleased to say of the amendment which has been offered by the gentlewoman from Texas [Ms. JACKSON-LEE] that the majority is willing to accept the amendment. It is clear that we need in our elementary and secondary educational schools greater computing ability as well as a better means of instructing students in the use of computers, and to the extent that we can assist in the Federal Government with surplus computers and other research equipment, it is a great step forward.

My only comment is that this action should also extend to higher education because they can also make particularly good use of surplus research equipment and, to a certain extent, computers.

My hope is that we will donate good equipment and not junk equipment. And I think the schools may have to be a bit discriminating as to what they accept, because they may accept greater maintenance liabilities than they think if they are not careful. But there is certainly a noble intent behind the amendment. I am pleased on behalf of the majority to say that we appreciate it and are willing to accept it.

□ 1230

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. EHLERS. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as one of the individuals on the committee, being a scientist that I admire along with the other scientists that are there, let me thank the gentleman for that.

Let me say that I look forward to having the opportunity in the future to work on institutions of higher learning. One of the aspects of this amendment is that we ask the agency to report back to the committee. In that, I hope that we can be assured that no junk has been given, and work with the agency to ensure that that would not happen.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do this not to belabor the amendment, which obviously on both sides we agree to. I would like to just indicate how important I think it is. It moves us a long way forward in making sure that all of our schools do have access to the kind of equipment that will help them to cross this bridge into the 21st century.

Mr. Chairman, I specifically want to pay tribute to the gentlewoman from Texas, who, despite the fact that she is not a scientist, is taking the leadership role in this whole area of adequate communication, networks, advanced computing equipment, and other things that are so important to education in today's world.

It is remarkable that someone who does not claim to be a scientist and have a background in the information revolution should be as assiduous as she has been in making sure that at every opportunity we make some contribution to enhancing our progress in this vital area. I want to commend the gentlewoman for that.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. DIAZ-BALART, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that the Committee, having had under consideration the bill (H.R. 1273) to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes, pursuant to House Resolution 126, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

CIVILIAN SPACE AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 128 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1275.

□ 1234

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes, with Mr. DIAZ-BALART in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Michigan [Mr. EHLERS] and the gentleman from Alabama [Mr. CRAMER] each will control 30 minutes.

The Chair recognizes the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I reserve my time and defer to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 1275, the Civilian Space Authorization Act for fiscal years 1998 and 1999. I believe this is a good bill and that it is the result of a bipartisan effort by members of the Committee on Science.

I want to congratulate the chairman of the committee, the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the subcommittee, the gentleman from California [Mr. ROHRABACHER], as well as the ranking member, the gentleman from California [Mr. GEORGE BROWN] for their work in crafting this important piece of legislation.

This provides for a balanced NASA program, fully funding its critical missions, and I am pleased that the bill maintains the Congress' commitment to the Space Shuttle and Space Station Programs. These programs are critical to our Nation's future in space and are the heart of the human space flight endeavor.

I am sure we will hear a little more about the Space Station Program when we likely debate what I believe is an ill-considered amendment to cancel the station program. I believe the gentleman from Indiana [Mr. ROEMER] will consider offering that amendment again here.

I want to focus on many more of the positive provisions of H.R. 1275. This bill ensures that the taxpayers' investment in the space station is protected. We have erected a firewall between the funding for the space station science payloads and the funding for the space station's hardware development. We need to make sure that the station program that we are building is a productive world-class research laboratory, and I believe this bill goes a long way toward ensuring that that goal is attained.

We heard through the committee hearing process from many different points of view. We heard loudly from the medical research community that they need the Space Station Program in order to continue to build on the highly effective life and microgravity science research that we are already conducting on the space shuttle program.

We heard from many witnesses about advances that are being made with infectious disease, combatting that, advances that are being made in treating particular kinds of cancers, diabetes, other issues as well, that cannot go much further here on Earth, they need the Space Station Program in order to get there.

This research has real potential for commercial development, and I hope those new Members of Congress that may be somewhat reserved about our investment in the Space Station Program will listen during this debate to the advances that we have made over those issues.

H.R. 1275 provides funding in fiscal year 1998 to allow NASA to continue flight research activities on the shuttle until the Space Station Program becomes operational. H.R. 1275 also contains a number of tough provisions regarding the Russian participation in the Space Station Program. Cooperation with Russia in space offers many benefits to America, but that cooperation has to be based on each party living up to its commitments. The Space Station Program that is funded through the authorization of this bill sends a strong signal to Russia that we expect them to deliver on their promises.

Turning to space science, I think we do an outstanding job in this piece of legislation to fully fund the President's request for space science. For example, the bill funds the continued operation of the Hubbell space telescope, which is making exciting scientific discoveries that are rewriting science textbooks.

In all, H.R. 1275 is a strong bill, and I urge my colleagues to consider this bill. I have more to say, but I want to make sure that I give the chairman of the committee the opportunity to discuss this.

Mr. Chairman, I reserve the balance of my time.

Mr. EHLERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. SENSENBRENNER).

Mr. SENSENBRENNER. Mr. Chairman, I rise today to support H.R. 1275, the Civilian Space Authorization Act, which the Committee on Science recommends to the House by a wide bipartisan margin.

In fiscal year 1998, this bill provides a modest 1-percent increase for NASA over its fiscal 1997 appropriated level. For fiscal year 1999 we provide a 1½-percent increase over the 1997 level.

As most of the Members will recognize, these increases do not keep pace with inflation, so NASA's real budget continues to fall. Nevertheless, H.R. 1275 provides NASA with the stability it requires to achieve our national space goals during this period of declining budgets.

The bill fully funds NASA's programs and scientific research and includes modest increases in space science data analysis to correct NASA's failures to adequately fund its science investigations.

The bill also contains funding to take our reusable launch vehicle programs to the next level, a generation beyond the X-33 program. X-33 remains our first priority, but this new investment in another X plane concept ensures that the Nation has options for the future of its space transportation capabilities.

I would like to turn now to the bill's international space station provisions. As my colleagues are aware, the Clinton administration invited Russia to join the international space station in 1993.

At the time Congress was skeptical that Russia would make a good partner based upon the instability associated with its transition from communism to democracy and capitalism. But the administration made a lot of promises, arguing that the Russians would never let their space program fall into disrepair, and that we would not be dependent upon the Russians for the success of the international space station.

As most of us know, those promises have been broken. This does not mean that we should walk away from the space station. Its potential to radically improve our knowledge of human physiology, plant and animal biology, microgravity, and material science has been demonstrated time and time again on the space shuttle and in testimony before the Committee on Science. Congress has been right and proper in continuing its support for the international space station, and I hope it continues to do so today.

We have been consistent and passed funding for the space station in the last Congress by 140 vote margins. Our mistake, which we were obligated to make, was to place any faith in the administration's promises. H.R. 1275 fixes that problem.

In committee, the gentleman from California [Mr. BROWN] and I offered an amendment that imposes a decision process on the administration relative to the Russian problem and the space station. That amendment was adopted by a unanimous division vote of 25 to nothing.

Briefly, we prohibit paying Russia for its commitments to the international space station. They have to pay for that themselves. United States taxpayers' money will not be used to pay for what the Russians promised to build.

Second, we put an end to the administration's practice of dissembling, denying, and ducking problems by forcing NASA to develop a contingency plan and time line for deciding whether or not to remove each Russian piece of hardware in the critical path.

Third, we require NASA to certify each month that the Russians are, or are not, living up to their obligations, so the administration cannot spring surprises on us and pretend it did not know what was going on.

Fourth, we require the President to certify by August 1 that he will or will not baseline the Russian elements in the Space Station's design.

Finally, long-term stays by our astronauts on the Russian Mir space station require an independent review of the Mir to determine whether it meets or exceeds U.S. safety standards. We cannot risk our astronauts on Mir just to save Russia's dignity or to allow the administration to remain in denial.

I would point out that there is currently a leak of antifreeze on Mir that has caused a partial evacuation of one of the modules of Mir. It does not place our astronauts in a life-threatening situation at the present time, but this is the latest in a long line of safety problems, because the Mir space station has outlived its useful and functional life, and is continuing to be used by the Russians.

The bill is a good package of policy initiatives that will put the space station back on the right track when it comes to dealing with Russia. We are not imposing a solution on the administration, at least not yet. We are not imposing a solution because the committee still hopes to work with the White House to come up with a national solution to this problem.

But we are imposing a decision-making process with deadlines that will force the administration to resolve this problem, and to prevent a hemorrhage of more U.S. taxpayer funds from being unnecessarily used because delaying the problem's resolution will simply increase costs.

☐ 1245

This reason alone is enough to warrant continuing bipartisan support for H.R. 1275.

Mr. Chairman, I yield such time as he may consume to gentleman from California [Mr. ROHRABACHER], chairman of the subcommittee.

Mr. ROHRABACHER. Mr. Chairman, I rise today in strong support of H.R. 1275, the Civilian Space Authorization Act of 1997.

This bill authorizes appropriations in fiscal years 1998 and 1999 for and provides policy direction to the National Aeronautics and Space Administration, the Office of Commercial Space Transportation in the Federal Aviation Administration, and the Office of Space Commerce in the Department of Commerce.

Mr. Chairman, just as our Nation's efforts are helping to open up America's next frontier, this bill makes pioneering strides in bipartisanship, in funding vital scientific and technological research, and in promoting our Nation's emerging commercial space enterprises.

I would like to thank the gentleman from Wisconsin [Mr. SENSENBRENNER], my chairman, for his leadership on the space issues within this bill and his help in my efforts to prepare this bill. I would also like to thank the ranking member of the full committee, the gentleman from California [Mr. BROWN], who has been a guidepost for the rest of us and made major contributions as well. The gentleman from California [Mr. BROWN] is a good friend and has contributed a great deal to this, as has the gentleman from Wisconsin [Mr. SENSENBRENNER].

I might add that the gentleman from Alabama [Mr. CRAMER] and I have developed a relationship that some Members probably thought was impossible for a partisan guy like me to do. But the gentleman from Alabama [Mr. CRAMER] and I have been working for our country's space efforts to make sure that America has the number one space effort in the world. We have put together a package today, and I am very, very pleased with the cooperation that we have had. I pledge that I will do my very best to keep that level of cooperation going.

I would also like to thank, in passing, the gentleman from Florida [Mr. WELDON], who is the subcommittee's capable and active vice chairman, who has probably been more active than any vice chairman of any subcommittee that I have ever been a member of. So we thank the gentleman from Florida [Mr. WELDON] as well.

Because we do not yet have a budget resolution, this year, this bill's funding levels are based on the Committee on Science's views and estimates which call for strengthening our Nation's research and development investments while pursuing the bipartisan goal of balancing the budget. Actually this bill provides a mere 1.25 percent increase, that is a 1¼ percent increase in the funding for NASA over last year, over fiscal year 1997 levels. That is less than inflation. We do that while holding the other two agencies basically constant.

This bill reflects funding priorities set by the Committee on Science and its Subcommittee on Space and Aeronautics over the last several years. Over the last several years, obviously, both parties have been in a leadership position in these committees. We strongly support human space flight, space science and the aeronautics and space technology efforts which will keep American industry number one and open the frontier of space to commercial enterprise.

With a few exceptions, we have approved the President's budget request for NASA. It is a greatly improved budget submission over the one he made for fiscal year 1997, especially with regard to the outyears. In two areas, we have added the funds necessary to achieve high priority goals. In others, we have made small reductions or limitations on the use of funds.

NASA Administrator Goldin has repeatedly stated to the Congress and audiences all over the country that his highest goal after preserving the safety of the space shuttle flight program is dramatically reducing the cost of transporting people and cargo into space. NASA has made an excellent start in that direction with the X–33 Program and its smaller sibling, X–34 Program. We are fully funding those programs and indeed specifically authorizing the X–33 Program.

Unfortunately, the NASA budget only has funds to develop and flight test one concept for the X–33. NASA has indicated both in testimony and direct conversations with me and my staff that they wish to pursue additional X-vehicles in the future to continue pushing down the cost of space transportation. This bill uses most of our increase over the President's request to fully fund a different competitively chosen X-vehicle by using the most advanced technologies possible as a complementary follow-on to X–33.

This will provide technical redundancy to the X–33 in case that program fails, and it will enable downstream competition in the reusable launch vehicle industry, should the X–33 program succeed.

It also will accelerate the drive toward cheap access to space and not in the long run but in the medium run save the taxpayers not only millions of dollars but billions of dollars by bringing down the cost of getting into space and making sure that as we explore and utilize space for national and all the purposes of mankind, that it not be, that the cost is not so high simply because the transportation costs are high.

Another goal of the subcommittee for NASA is preserving steady funding for scientific research. We are providing some small increases to the space science accounts in this bill, particularly for the analysis of data coming back from science missions and also for initiatives like asteroid detection and NASA participation in the Air Force's Clementine II asteroid intercept mission. We also increase and specify funding for life and microgravity sciences and applications, an area with tremendous potential to improve our daily lives here on earth and also an area which the gentleman from Alabama [Mr. CRAMER] in his remarks detailed for us that we learned during our hearings of the tremendous potential of this life and microgravity sciences.

Again, I would like to thank the gentleman from Alabama [Mr. CRAMER] for the positive role he played in those hearings and in relating that potential to us here today.

Perhaps the most well-known program in the bill is the International Space Station Program which we are fully funding at the President's request so it will enable vital science and help open new frontiers to American free enterprise. Of course, the space station program is currently facing the challenge of a lack of funding from the Russian Government for their share of the hardware. The Subcommittee on Space and Aeronautics held an excellent hearing on April 9 which discussed both the problems with the Russian partnership and the great importance of completing the space station on schedule for scientific and commercial reasons.

On April 16, the committee adopted without a single opposing vote a bipartisan amendment by the gentleman from Wisconsin [Mr. SENSENBRENNER], and the ranking member, the gentleman from California [Mr. BROWN], which imposes a responsible decisionmaking process on the administration for solving this problem.

Now, this bill does not just fund NASA. As commercial space activities continue to grow, creating high-wage, high-technology jobs here in America, using private capital in doing so, it is vital that the Government can provide a stable and streamlined regulatory and positive business environment for this emerging space industry.

That is why President Reagan created the Office of Commercial Space Transportation and the Office of Space Commerce. This bill funds and directs the Office of Commercial Space Transportation, now part of the Federal Aviation Administration, to license commercial space transportation vehicles and spaceports. We also fully fund and permanently establish the Office of Space Commerce in the Department of Commerce, which promotes the growth of current and emerging new commercial space activities.

As I said earlier, this bill provides significant policy direction as well as authorizing appropriations. That direction boils down to two important themes: ensuring NASA's accountability in the spending of nearly $14 billion each year in taxpayer funds and improving the cost effectiveness of all Government civil space spending.

Regarding accountability, this bill gives NASA four major directives. First, in the International Space Station Program, the Congress should be better informed as to the thinking behind and the commercial impact of the international hardware barter agreements NASA is negotiating with various foreign entities.

Second, we want to make sure that as NASA consolidates its nonshuttle operational contracts and moves those activities more into the private sector, that NASA fully consider and inform the Congress regarding the issues of competition and fixed-price versus cost-plus-fee contracting. Third, we direct NASA to pursue independent cost analysis of its programs which include all costs to the taxpayers.

Finally, we direct NASA to provide the Congress with a detailed report on the status of the Earth Observing System data information system. Of course, all of us on the committee and in this body want to ensure that our constituents' tax dollars are spent as effectively as possible, particularly as we drive toward a balanced budget in the year 2002.

So for civil space, like all other so-called discretionary programs, the Congress and the administration must work hard to continually improve and reform the cost effectiveness of all Federal space activities. To that end, this bill does several things to improve both efficiency and effectiveness of the taxpayers' investment.

We include an initiative to improve NASA procurement of new technology. We direct NASA to actively pursue the greatest possible commercial participation and use of the International Space Station Program. We direct NASA to purchase space science data from commercial providers. We fund a continuing program at the Stennis Space Center to purchase commercial remote sensing data to more cheaply meet the needs of the Mission to Planet Earth Program. We strongly state our commitment to move from Government-operated space launch vehicles to the purchase of commercially provided launch services, including the possible option of a privatized shuttle fleet. And we place in statute a very important provision of the President's national space policy, mandating the purchase of, and preventing NASA competition with, commercially available space goods and services.

In closing, let me say a few more words about the bipartisanship that we have enjoyed over these last few months and how critical that has been to this legislation.

Our Nation's space efforts have been and should remain bipartisan in nature and bipartisan in their support.

But the world is changing. The cold war that motivated our earlier space efforts has long since gone. Our space program and our policies concerning space must change as well. Bureaucracies do not like change and they often use partisan differences to keep the legislative branch from promoting positive reforms. We have in these last few months forged a solid bipartisan coalition which will permit us to make sure the taxpayers are getting their money's worth and that America will remain the No. 1 Nation in space, the No. 1 space power on this planet.

The great achievement of this bill is that the funding priorities and policy direction we have set are supported by both policies. Together we are saying that the reason we are funding the space station is to do scientific research and to promote commercial opportunities. Together we are saying that the space shuttle should be upgraded to improve safety. Together we are saying that cheap access to space is a critical goal which deserves additional funding.

Together we are saying that the space commercialization offers tremendous opportunities for creating new jobs and industries without increasing and in fact in some instances decreasing the actual funding level that we have to deal with. So today I would ask my colleagues to join me in strong support for H.R. 1275. We have found it in our abilities to work together, and I am sure we will continue this cooperation throughout this session.

Mr. CRAMER. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. Brown], former chairman of the full committee, ranking member of the full committee, and strong advocate for NASA.

Mr. BROWN of California. Mr. Chairman, I thank the subcommittee ranking member for yielding me this time.

Of course, I would also like to rise in support of H.R. 1275. I want to particularly note the contribution that the chairman of the subcommittee, the gentleman from California [Mr. ROHRABACHER] has made. Much of the detail of this bill reflects his considerable input and his commitment to the space program.

□ 1300

I think all of my colleagues have noticed that the gentleman from California [Mr. ROHRABACHER] has made some changes. Some of these are highly visible, others are not quite so visible.

I, for example, have challenged his description of himself as an active partisan by accusing him of becoming a pragmatic statesman. He may not want me to say that in public, but it does reflect the fact that he has been able and has worked very closely with the minority in developing this excellent bill.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I would say to the gentleman that serving on the Committee on Science from January 3, 1997, has been a tremendously maturing process for all of us.

Mr. BROWN of California. Mr. Chairman, reclaiming my time, I would note that I completely concur with the gentleman's statement.

Of course I will not belabor all the details of this bill, Mr. Chairman, which those who have worked more closely with it, including the gentleman from California [Mr. ROHRABACHER] and the gentleman from Alabama [Mr. CRAMER], have already spoken to or will speak to, but I would like to point out, just to emphasize the fact, that this bill does really represent a critical turning point in terms of support and funding for the NASA programs and many of the critical components in the national programs.

For example, I have been complaining to no avail now for several years that the budget for NASA, and particularly the 5-year outlook, was disastrous. As late as just last year, the projection was that we would be at about $11 billion per year by the year 2002. That has completely turned around, as has already been remarked by the gentleman from California [Mr. ROHRABACHER], and we now appear, although it is never wise to take too much for granted, to have stabilized NASA at a figure of roughly $14 billion, slightly under $14 billion.

I personally do not consider that that gives sufficient weight to the many diverse contributions that NASA makes to the future of this country, both in terms of scientific productivity but as well in our opportunity to be commercial leaders in what I believe will be a huge market in space and in space-related activities over the near future. I think that a recognition of the importance of this has infused the gentleman from California and the gentleman from Wisconsin, and has encouraged them to help us to move toward taking advantage of these great opportunities that we will have in the future.

Mr. Chairman, I am going to just comment very briefly about a couple of items that have already been mentioned.

The amendment which the chairman and I jointly offered with regard to Russian participation is, I believe, both tough and prudent. We are aware of the need to have full Russian commitment, backed up with Russian dollars, for those parts of the program that they have committed themselves to.

I would like to say that the chairman has been most assiduous, most conscientious in making sure that we were fully informed as to the problems that the Russians were having and the need to correct those problems at the earliest possible date.

I think it needs to be said that the Russians do face a particularly difficult period at the present time in their evolution from their former status as a dictatorship to a form of democracy. That is not, I would say, U.S.-style democracy, but one in which there is greater participation by the citizens of the country, and so on. That transition is going to take years and, in the meantime, the Russian Government has severe problems which they need our help in trying to overcome.

Having said that, that does not absolve them from their responsibility to keep their commitments, and it is this keeping of commitments that is spoken to in the language of the bill which we have adopted and which I think will be very helpful and will provide a little better guidance to our own Government in terms of how to operate in this kind of a spirit.

I would like to indicate also that there are some areas that represent modest new programs in this bill, so modest I almost hesitate to mention them. But, for example, with regard to the Asteroid Program, which the gentleman from California mentioned, he and I both, I suspect, have a background in old science fiction novels in which asteroids collide with Earth.

This may not happen for a million years, but, who knows, we ought to be prepared even for something that may not occur for quite a period of time. And the steps to take efforts to prepare are so simple, so rudimentary, and so inexpensive that we are hardly justified in not doing it. It involves a modest effort to improve our observation of incoming asteroids or Earth orbit-crossing asteroids as well as comets or whatever else may be out there.

For a modest $1 or $2 million per year we can substantially increase our level of observation to the point where we are detecting if not 100 percent, almost 100 percent of objects which might be affected. And, of course, programs such as the Clementine Program and others that would seek to actually research ways in which we might alter the path of an incoming object at this stage are extremely inexpensive. They fit in well with many programs that the Defense Department already has, and we would be imprudent not to begin to focus on these at this modest level in order to achieve the additional degree of protection which we could conceivably achieve at this point.

So for these and many other reasons, I am strongly supportive of this bill. I look forward to, of course, another fruitful debate on whether or not we ought to continue with the space station. I trust that will not take up more time than is necessary and we can get through with it fairly quickly.

Mr. Chairman, I would like to rise in support of H.R. 1275, the Civilian Space Authorization Act, Fiscal years 1998 and 1999. While H.R. 1275 is not a perfect bill, I believe that it represents a reasonable bipartisan compromise that keeps the Nation's civil space program on course.

I am particularly pleased that the bill provides full funding for NASA's programs. It has been my belief that the Federal Government has not been making an adequate investment in research and development. If uncorrected, the consequences of the underinvestment will do serious damage to our long-term national competitiveness. As many of you know, I have introduced an investment budget proposal that addresses that concern. NASA's activities are an important part of our Nation's overall Federal investment in R&D, and I support H.R. 1275's strong commitment to funding those activities.

There are many features of the bill that I could discuss, but I will confine my remarks to just a few. In particular, I would like to call attention to provisions related to the space station that were added to the bill by Chairman SENSENBRENNER and myself.

I believe that the provisions governing the Russian participation are tough and prudent. We have received much of value from our cooperation with Russia to date, and I hope that that cooperation will continue. Although I have long argued that Russia should not be on the station's critical path, I do not believe that we should end Russia's involvement in the Space Station Program.

Nevertheless, it is important for Russia to honor its commitments to the International Space Station Program if we are to maintain a productive relationship. At the same time, we need to ensure that NASA has credible contingency plans in place in the event that the Russian contributions are further delayed. H.R. 1275 establishes a concrete series of steps to be taken by NASA and the administration to protect our investment in the Space Station Program.

Next, I would note that the bill makes some modest, but important increments to the funding for NASA's science programs. These include funds for the analysis of the data returned from the incredibly productive science missions that have been undertaken over the last several years. In addition, the bill provides a small amount of additional funding to speed the rate at which NASA and the Department of Defense are detecting and cataloging Earth-crossing asteroid and comets. I believe that this investment is a prudent "insurance policy" given the consequences for life on Earth if one of these bodies would ever impact the Earth.

One area of concern I have with the bill is language that would hold NASA's innovative Earth System Science Pathfinder Program—for which three contracts have already been awarded—hostage to the Earth science data purchase initiative. Since I interpret the data purchase provision as one that encourages NASA to buy such data when it is sensible and meets the scientific requirements of Mission to Planet Earth, these two activities appear to be totally unrelated and should not be linked in a punitive manner. Such actions send a chilling message to current and potential bidders of NASA programs. While I will not offer an amendment at this time, I hope that we can work together to remove this restriction prior to enactment.

In closing, I believe that, on balance, H.R. 1275 is a good bill, and I would urge Members to support it.

Mr. SENSENBRENNER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. WELDON], the distinguished vice chair of the subcommittee.

Mr. WELDON of Florida. Mr. Speaker, I thank the chairman for yielding me this time and I rise in strong support of H.R. 1275, the Civilian Space Authorization Act, and I commend both the chairman and the ranking member, as well as the subcommittee chairman, the gentleman from California [Mr. ROHRABACHER], and the subcommittee ranking member, the gentleman from Alabama [Mr. CRAMER], as well as the staff for putting together what I feel is a very well balanced and good piece of legislation.

In particular, I would like to associate myself with the remarks of the chairman regarding the Russian participation in the space station and, in particular, in support of the leadership that has been demonstrated by him as well as the ranking member in regard to the continuing ongoing problems with the Russian participation in this space station.

We have all been made aware on the committee, as well as many others in this body, of the tremendous potential that will come from the Space Station

Program. We have heard testimony from scientists regarding the tremendous breakthroughs in our understanding of human physiology and disease, in particular as it relates to heart disease, bone disease, as well as the development of new drugs and our better understanding of the transmission of some infectious diseases, such as cholera.

Despite all these exciting developments and the reality that the Space Station Program is well on track, our international partners, such as the Europeans and the Japanese, have spent well beyond $6 billion in preparing their hardware. A critical partner in this project, the Russians, who were brought into the program by the Clinton administration, have been failing to appropriate the necessary funds to fulfill their obligations associated with the program.

Might I say that I feel very strongly that it is in the best interest of our country that the Russians participate in the program, and I would like to see them continue to do so. Reality is such that their economy has not allowed them to support this program, and I, along with the chairman of the subcommittee and the full committee, went to Russia in February and were able to see first hand the serious nature of their internal financial problems.

What has been lacking in dealing with this problem associated with the program is, I believe, a failure of leadership on the part of the White House, and particularly the Office of the Vice President, to clearly define how we are going to get beyond this problem area so that this program can be completed on schedule.

Mr. Chairman, I congratulate again the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] for their amendment that addresses this issue, and I am prepared to work with them to make sure that the space station goes on to become a reality, because I know first hand, as a practicing physician, the tremendous potential scientific benefits as well as medical benefits that we will see from this program.

I also rise in support of many of the other features associated with the program, such as the ongoing funding for the shuttle program, X-33, the Venture Star, as well as X-34, an important test bed technology that will help us develop new technologies for use in space.

I, additionally, want to rise in support of the space science features that are associated with this; and in particular, I want to thank the people at NASA, the men and women, who have worked very hard not only in helping us prepare this legislation but, as well, have been doing more with less for the past 5 years.

There have been many departments within the Federal Government that have been complaining about receiving decreases in the size of their increase. Whereas, NASA has been doing things better, faster, cheaper for a long time; and that is because of the commitment of the men and women at all the NASA centers all throughout our country to making sure that they keep their programs running efficiently and effectively. I would like to rise in strong support of them and again commend the ranking member and the chairman of the subcommittee for their hard work.

Mr. CRAMER. Mr. Chairman, I yield 2 minutes to my relentless colleague, the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. With that generous allocation of time, Mr. Chairman, let me first of all thank the gentleman from Alabama [Mr. CRAMER] for his time and his hard work on this budget and this bill. Let me thank the gentleman from California [Mr. BROWN] and the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. ROHRABACHER].

Certainly, the tone and the civility and bipartisanship of this committee have made it very, very easy to serve on for the past several months. In that tone, I also want to continue and say, as I rise today, I support about 80 percent of the NASA budget. I do not support a space station that started at $8 billion and now has costs of $100 billion over the lifetime of the contract.

But I do support so many good things that are taking place in this bill that most Americans do not even know about: the great observatories, which includes the Infrared, X ray, the Gamma Ray, and the Human Eye, the Hubble, which in this latest edition of National Geographic we are vividly shown the phenomenal and magnificent pictures that this eye is returning to us here on the ground.

I am a strong supporter of those great observatories and Hubble and the repair mission that the men and women pulled off so successfully in space. The *Galileo*, which explored Jupiter, has shown marvelous results for science. The Clementine project, which helped us map the Moon, I am a strong supporter; better, faster, cheaper, which allows us to get projects off the ground and into space with a cost efficiency that the taxpayer can be very proud of. And then the forgotten "A" in the NASA budget, aeronautics, where we helped develop the latest cleaner burning engine and helped our industry here in America compete with fledgling industries in Taiwan and in South Korea, in Japan and with Airbus in Europe.

It is in that context, Mr. Chairman, that we have a declining budget in NASA. We do not want the space station to cannibalize all these other good programs that are going on that return the money to the taxpayer. We want to get NASA back to the days where, for every dollar invested, $7 came back in return; and that is why I will be offering these two amendments later on in this process.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from California [Mr. CAPPS].

Mr. CAPPS. Mr. Chairman, I rise to support the bill to reauthorize NASA. I would like to commend the Chair and ranking member for their work on this legislation. The bill before us provides adequate funding for NASA's important programs and gives the agency needed direction on a number of critical areas.

I also want to add how impressed I am with NASA projects that I have witnessed at close range at Vandenberg Air Force Base in the district that I am privileged to represent. In particular, I am pleased that the bill before us provides full funding for NASA's important Mission to Planet Earth Program.

I am a strong supporter of Mission to Planet Earth and grateful that the committee can work together in a bipartisan basis on this program. NASA has made great strides with this program, cutting the budget bill some 60 percent over the past several years, while continuing to achieve its original goals.

□ 1315

Mission to Planet Earth is a critical program that will expand our knowledge of ourselves, our Earth, and its incredibly complex environmental systems. I am convinced that we should never shrink from the opportunity to grasp such critically important knowledge about ourselves.

But Mission to Planet Earth will be more than the search for knowledge. With its series of orbiting satellites set to begin launching next year, Mission to Planet Earth's ability to accurately monitor and predict long-term climate variability will have great benefits for large sectors of our economy, including such diverse industries as agriculture, financial services, insurance, and disaster management. The ability to predict droughts, floods, and other cataclysmic natural events will reap huge benefits in lives and dollars for years to come.

Mission to Planet Earth information will not only be useful for long-range forecasting, but will have daily applications as well in agriculture. To use one example, farmers will be better able to anticipate irrigation and harvesting needs and disease control and eradication requirements.

As NASA programs add to our knowledge of the entire solar system, we must not lose sight of all that we still do not know about our own glorious world. Mission to Planet Earth will help fill in some of these gaps about our environmental systems, improving our quality of life here on Earth, while we continue to explore the stars and the planets.

I urge my colleagues to support this important legislation.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. I thank the gentleman for yielding me this time.

Mr. Chairman, for the sake of our future, I rise today to support full funding for the International Space Station. I represent the Johnson Space Center and the thousands of men and women whose livelihoods depend upon this project and our commitment to space exploration and research. I am proud to represent them, but I do not want my support for the space station to be viewed as pork-barrel politics, helping only the ninth district of Texas. In fact, we must all support the space station for our future.

I stand before you today to voice this support for the station because of what America learned about its future in 1969. At that time I was teaching physical science at South Park High School in Beaumont, TX, and I saw firsthand how our progress in space culminating in the lunar landing encouraged and inspired students. The prospect of a fully functioning international space station will rekindle our enthusiasm for space and science and lead us to greater discoveries than we can even comprehend today.

I have with me some of the 7,000 letters that were written by science and math teachers from all across America voicing their support for the space station. They know the space station is crucial to the future of science and technology in this Nation. I am proud to speak today on their behalf.

We have an obligation to the future of this Nation and to that of humanity to use our resources to discover and interpret the scientific advancements that can be made through research in space.

As the 19th century philosopher and mathematician W.K. Clifford said:

> You cannot fail to see that scientific thought is not an accompaniment or a condition of human progress, but human progress itself.

Scientists performing research in zero gravity have been able to make tremendous breakthroughs. Their work has already provided new information about the makeup of diseases such as cancer, emphysema, diabetes, heart disease and stroke, viral hepatitis, and influenza. We have all been affected by these illnesses, and we want to utilize every possible resource to find a cure or a successful treatment.

Despite what its detractors say, the international space station is not an amusement park for scientists. It has real world, real life implications for people on this planet. I recognize the need to balance our budget, but the 2.2 cents per day that it will cost each American to fund our portion of the international space station is an investment in healthier, longer lives and new high-technology industries.

An important issue at this point in time is the participation of the Russians in the international space station. We all regret their inability to deliver on their promises. But let us not forget, though, that the Russians were in space before we were and they have expertise that will benefit the space station. While Russia endures difficulty in its political and economic transformation, the international space station keeps the Russian scientific community constructively engaged. This project will help solidify relations between the United States and Russia and all the participating nations. The Russian historian Zhores Medvedev described how scientific progress improves relationships between nations in 1970.

He wrote:

> As science progresses, the worldwide cooperation of scientists and technologists becomes more and more of a special friendship, in which, in place of antagonism, there is a growing up, a mutually advantageous sharing of work, a coordination of efforts and a common language for the exchange of information, and a solidarity, which are in many cases independent of the social and political differences of individual States.

Space is not the domain of any nation. Those of us who have the ability to go into space are still obliged to share its wonders with the world.

In 1969, I watched wide eyed as the future of humanity was instantly and forever changed. I was overwhelmed by the sheer magnitude of what man had been able to accomplish. The promise of space still lies before us. Through the space station we can translate a little more of that promise into better lives for us here on Earth. With 160,000 pounds of flight hardware already constructed, two-thirds of the international development funds already spent and with a launch scheduled, why would we stop now? We cannot.

Mr. CRAMER. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the distinguished gentleman from Alabama, the subcommittee ranking member, for yielding me this time. I appreciate his leadership on these issues.

Mr. Chairman, I rise in support of the civilian space authorization, H.R. 1275. In doing so I would like to commend the Committee on Science's decision to authorize the President's full fiscal year 1998 funding request of $1.4 billion for NASA's Mission to Planet Earth. The committee's decision to remove from the bill a provision mandating that $200 million of the Mission to Planet Earth budget come from an existing fund, this is a welcome addition.

Mission to Planet Earth research is expanding our understanding of the Earth's environment and natural processes, giving us new insights into how humanity affects and is affected by them, this unique research to yield practical, tangible benefits for all Americans and people around the globe.

Having said this, Mr. Chairman, I must say that my support for this bill has some reservations. There is one very ill-conceived, in my opinion, provision in this bill. I want to declare my intention to work to prevent its inclusion in the Senate bill and in the conference report.

This bill holds hostage one of the most low-cost, cost-effective programs in the NASA budget, the Earth Space Pathfinders Program. Section 127 precludes any and all funding for pathfinder missions unless and until NASA certifies that it will expend $50 million in fiscal 1998 for commercial data buys.

That may be a good policy, but, Mr. Chairman, there is no good reason for this relationship. There is no programmatic link and no legitimate policy reason to justify making the funding of pathfinders projects contingent on expenditures for commercial data buys. This is simply an attempt to force NASA's hand on a program and a concept to which NASA has already demonstrated its commitment.

I would point out to my colleagues that the pathfinders program is the direct product of a recommendation of the National Science Foundation, a recommendation solicited by former Committee on Science Chair Bob Walker. NASA has already approved two ESSP proposals and one alternate. Missions are selected not only for their scientific merit, but for their commercial application and potential as well. By changing the rules in midgame and effectively yanking the rug from under investigators with existing contracts, this provision threatens not just these contracts but NASA's overall credibility. If enacted, it would chill the willingness of companies and institutions to compete for contracts or develop new applications.

Mr. Chairman, I will vote for the bill because of its support for Mission to Planet Earth and other component parts. In the coming weeks, however, I will be working with my Senate colleagues to ensure that the Senate hopefully does not approve this restriction on the Pathfinder Program.

I thank my friend the gentleman from Alabama, the chairman of the committee, and others for working effectively on this bill and hope that they would look at this particular provision and reconsider its impact both on NASA and on the private sector.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in closing on this side because we have no more speakers during general debate, I once again would like to congratulate the chairman of the committee and the chairman of the subcommittee. They have certainly made my few months in this job a pleasure. I have enjoyed working with them, and I think we have accomplished a lot. I particularly enjoy the way the gentleman from California [Mr. ROHRABACHER] has approached the hearings of the committee and I look forward to working with him more thoroughly as we move on through the year.

In closing, I would just like to make the point that NASA is an important part of America's total investment in R&D. NASA has pushed back the boundaries in countless areas of space and technology. We have so much to be thankful to NASA for. Their aeronautics programs have helped stimulate the growth and prosperity of our Nation's aviation industry, an industry that is the envy of all the world. Most importantly, NASA's programs have inspired our youth. NASA's achievements are a proud symbol of America's technological superiority and our citizens have reaped a bountiful harvest from our investment in the space program.

In sum, I believe that H.R. 1275 is a bill that maintains a balanced civil space program and maintains America's leadership in space. I urge my fellow Members to support this bill.

Ms. HARMAN. Mr. Chairman. I rise today to voice my strong support for H.R. 1275, the Civilian Space Authorization Act.

I have said time and time again here on the House floor, and in the Science Committee during the last two Congresses when I had the honor of serving on that committee, that we must provide the Nation with an adequately funded civilian space program which balances human space flight with science, aeronautics, and technology. While we must act swiftly to balance the budget, I believe we must be careful to not make shortsighted cuts in our country's research and development efforts.

In my view, H.R. 1275 gives our Nation a balanced space program. The bill moves us toward a permanent human presence in space, toward new and exciting scientific discoveries, and finally toward the development of a fully-reusable launch vehicle.

I am particularly pleased that this legislation fully-funds NASA's Mission to Planet Earth. From the unique vantage point of space, NASA's Earth observing satellites will help us understand our changing planet. Mission to Planet Earth will provide us with scientific answers to a wide range of global change questions.

We'll learn more about our planet's ozone layer and its polar ice caps. Most importantly, because of its comprehensive nature, Mission to Planet Earth will allow scientists to study the interplay between land, sea, and air here on our planet—perhaps to one day avoid the devastation which the residents of the Northern Plains are currently suffering.

In addition to these and other scientific benefits, Mission to Planet Earth data will have immediate practical applications. Farmers will make use of soil condition information as they seek to better plant their crops. Firefighters are already using NASA remote sensing data to help them battle forest fires. The list goes on and on.

Mr. Chairman, it was unfortunate that the 104th Congress was such a difficult one for Mission to Planet Earth, where the program was tossed around like a partisan football. But today, in a new Congress under new leadership, I would like to congratulate Science Committee Chairman JAMES SENSENBRENNER and Ranking Member GEORGE BROWN; and Space Subcommittee Chairman DANA ROHRABACHER and Ranking Member BUD CRAMER for putting partisanship behind and unifying support for this important program.

I urge my colleagues to support this legislation, which will continue our country's leadership in space well into the 21st century.

Mr. HILLEARY. Mr. Chairman, I rise to encourage the House Members to vote for H.R. 1275, Civilian Space Authorization Act. It is a good bill that authorizes vital programs and includes helpful language that affects the whole country.

This bill has provisions to update the language of the Unitary Wind Tunnel Act of 1949 which originally declared that the NASA Administrator and the Secretary of Defense should jointly develop a plan for construction of:

> Wind tunnel facilities for the solution of research, development, and evaluation problems in aeronautics at educational institutions within the continental limits of the United States for training and research in aeronautics, and to revise the uncompleted portions of the unitary plan from time to time to accord with changes in national defense requirements and scientific and technical advances.

The field of aeronautics has received many advances since this act was last amended in 1958—almost four decades ago. Unfortunately, as this Nation's facilities are showing their age, and the European countries, in a consortium, recently opened a new transonic wind tunnel which is technologically superior to any in the United States. This will have a direct effect on improving the competitiveness of European aircraft in the global market.

Mr. Chairman, just a few short years ago, the U.S. aerospace industry accounted for around 70 percent of the global market, recent reports show that we may have dropped below 50 percent. This loss of market share costs us billions of dollars in our trade deficit and each percentage point of global aerospace market lost by our domestic companies translates into Americans losing their jobs.

A study conducted by the National Research Council [NRC] in 1992 identified that our current wind tunnel facilities are inadequate for maintaining aeronautical superiority into the next century.

I believe that the integrated planning and organizational framework envisioned in the Unitary Wind Tunnel Plan Act of 1949, as amended in H.R. 1275, is a suitable and appropriate vehicle for the planning, development, and operation of aeronautics research and test facilities and activities in transonic, supersonic, and hypersonic flight regimes, since all regimes influence performance, cost and competition for civil aviation directly undertaken in whole or in part by NASA.

Although plans to build a new wind tunnel facility have been deferred, I believe the amendment included in the bill will properly update the Unitary Wind Tunnel Act to account for technological advances.

This will lay the proper foundation in the law should Congress and industry agree to construct new facilities in the future.

I thank Mr. ROHRABACHER for his foresight in adding this technical amendment to the manager's amendment and I encourage my colleagues to support this bill.

Mr. BLILEY. Mr. Chairman, I would like to insert attached letter in the RECORD as part of the debate on H.R. 1275 to note the interests of the Committee on Commerce in this piece of legislation.

April 24, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: On April 17, 1997, the Committee on Science ordered reported H.R. 1275, the Civilian Space Authorization Act. This measure authorizes appropriations for the National Aeronautics Space Administration (NASA), and other space-related projects that include provisions on interstate and foreign commerce, and communications issues within the jurisdiction of the Committee on Commerce.

The bill has provisions that would regulate "commercial providers," defined in section 3(2) as "any person providing space transportation services or other space-related activities, primary control of which is" privately held. Of particular concern in this definition is the term "space-related activities," which would be interpreted to include both commerce and communications activities. In fact, this term could encompass policy and regulatory activities for communications or spectrum operations, including those that involve the use of satellite systems, within the jurisdiction of the Commerce Committee.

Section 303 of the bill, which establishes the Office of Space Commerce, raises similar concerns. For example, one of the six "primary responsibilities" of the Office of Space Commerce mandated in section 303(b)(5) would be to represent the Department of Commerce in the "development of U.S. policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce." This provision implicates the Commerce Committee's jurisdiction regarding interstate and foreign commerce, particularly with regard to communications policy in the international marketplace.

With regard to satellite systems, section 321 refers to the use of a NASA Tracking Data Relay Satellite System (TDRSS). The Commerce Committee has jurisdiction over policy or regulations on communications or spectrum activities, including the use of spectrum and orbital locations for satellites used for communications, as well as spectrum interference issues related to satellites, including but not limited to the TRDSS satellites. Therefore, section 321 is of jurisdictional interest to the Commerce Committee.

Nonetheless, recognizing the desire to bring this legislation expeditiously before the House, I will not seek a sequential referral of the bill. However, by not seeking a sequential referral, this Committee does not waive its jurisdictional interest in matters within the purview of the Committee. I would appreciate your support of my effort to seek conferees on all provisions of the bill that are within the Commerce Committee's jurisdiction during any House-Senate conference that may be convened on this legislation.

Sincerely,

TOM BLILEY,
Chairman.

Mr. CRAMER. Mr. Chairman, I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I have no further requests for time, and I also yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Civilian Space Authorization Act, Fiscal Years 1998 and 1999".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Definitions.

TITLE I—AUTHORIZATION OF APPROPRIATIONS

SUBTITLE A—AUTHORIZATIONS

Sec. 101. Human space flight.
Sec. 102. Science, aeronautics, and technology.
Sec. 103. Mission support.
Sec. 104. Inspector General.
Sec. 105. Total authorization.
Sec. 106. Office of Commercial Space Transportation authorization.
Sec. 107. Office of Space Commerce.
Sec. 108. United States-Mexico Foundation for Science.

SUBTITLE B—RESTRUCTURING THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Sec. 111. Findings.
Sec. 112. Restructuring reports.

SUBTITLE C—LIMITATIONS AND SPECIAL AUTHORITY

Sec. 121. Use of funds for construction.
Sec. 122. Availability of appropriated amounts.
Sec. 123. Reprogramming for construction of facilities.
Sec. 124. Consideration by committees.
Sec. 125. Limitation on obligation of unauthorized appropriations.
Sec. 126. Use of funds for scientific consultations or extraordinary expenses.
Sec. 127. Mission to Planet Earth limitation.
Sec. 128. Space operations.
Sec. 129. International Space University Limitation.
Sec. 130. Space Station program responsibilities transfer limitation.

TITLE II—INTERNATIONAL SPACE STATION

Sec. 201. Findings.
Sec. 202. Commercialization of Space Station.
Sec. 203. Space Station accounting reports.
Sec. 204. Report on international hardware agreements.
Sec. 205. International Space Station limitations.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Commercial space launch amendments.
Sec. 302. Requirement for independent cost analysis.
Sec. 303. Office of Space Commerce.
Sec. 304. National Aeronautics and Space Act of 1958 amendments.
Sec. 305. Procurement.
Sec. 306. Acquisition of space science data.
Sec. 307. Commercial space goods and services.
Sec. 308. Acquisition of earth science data.
Sec. 309. EOSDIS report.
Sec. 310. Shuttle privatization.
Sec. 311. Launch voucher demonstration program amendments.
Sec. 312. Use of abandoned and underutilized buildings, grounds, and facilities.
Sec. 313. Cost effectiveness calculations.
Sec. 314. Foreign contract limitation.
Sec. 315. Authority to reduce or suspend contract payments based on substantial evidence of fraud.
Sec. 316. Next Generation Internet.
Sec. 317. Limitations.
Sec. 318. Notice.
Sec. 319. Sense of Congress on the Year 2000 problem.
Sec. 320. National Oceanographic Partnership Program.
Sec. 321. National Science Foundation Antarctic Program.
Sec. 322. Buy American.

The CHAIRMAN pro tempore. Are there amendments to section 1?

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The National Aeronautics and Space Administration should aggressively pursue actions and reforms directed at reducing institutional costs, including management restructuring, facility consolidation, procurement reform, personnel base downsizing, and convergence with other defense and commercial sector systems.

(2) The National Aeronautics and Space Administration must reverse its current trend toward becoming an operational agency, and return to its proud history as the Nation's leader in basic scientific, air, and space research.

(3) The United States is on the verge of creating and using new technologies in microsatellites, information processing, and space launches that could radically alter the manner in which the Federal Government approaches its space mission.

(4) The overwhelming preponderance of the Federal Government's requirements for routine, nonemergency manned and unmanned space transportation can be met most effectively, efficiently, and economically by a free and competitive market in privately developed and operated space transportation services.

(5) In formulating a national space transportation service policy, the National Aeronautics and Space Administration should aggressively promote the pursuit by commercial providers of development of advanced space transportation technologies including reusable space vehicles, single-stage-to-orbit vehicles, and human space systems.

(6) The Federal Government should invest in the types of research and innovative technology in which United States commercial providers do not invest, while avoiding competition with the activities in which United States commercial providers do invest.

(7) International cooperation in space exploration and science activities serves the United States national interest—

(A) when it—

(i) reduces the cost of undertaking missions the United States Government would pursue unilaterally;

(ii) enables the United States to pursue missions that it could not otherwise afford to pursue unilaterally; or

(iii) enhances United States capabilities to use and develop space for the benefit of United States citizens; and

(B) when it does not—

(i) otherwise harm or interfere with the ability of United States commercial providers to develop or explore space commercially;

(ii) interfere with the ability of Federal agencies to use space to complete their missions;

(iii) undermine the ability of United States commercial providers to compete favorably with foreign entities in the commercial space arena; or

(iv) transfer sensitive or commercially advantageous technologies or knowledge from the United States to other countries or foreign entities except as required by those countries or entities to make their contribution to a multilateral space project in partnership with the United States, or on a quid pro quo basis.

(8) The National Aeronautics and Space Administration and the Department of Defense can cooperate more effectively in leveraging their mutual capabilities to conduct joint space missions that improve United States space capabilities and reduce the cost of conducting space missions.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "Administrator" means the Administrator of the National Aeronautics and Space Administration;

(2) the term "commercial provider"ans any person providing space transportation services or other space-related activities, primary control of which is held by persons other than Federal, State, local, and foreign governments;

(3) the term "institution of higher education" has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term "State" means each of the several States of the Union, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other commonwealth, territory, or possession of the United States; and

(5) the term "United States commercial provider" means a commercial provider, organized under the laws of the United States or of a State, which is—

(A) more than 50 percent owned by United States nationals; or

(B) a subsidiary of a foreign company and the Secretary of Transportation finds that—

(i) such subsidiary has in the past evidenced a substantial commitment to the United States market through—

(I) investments in the United States in long-term research, development, and manufacturing (including the manufacture of major components and subassemblies); and

(II) significant contributions to employment in the United States; and

(ii) the country or countries in which such foreign company is incorporated or organized, and, if appropriate, in which it principally conducts its business, affords reciprocal treatment to companies described in subparagraph (A) comparable to that afforded to such foreign company's subsidiary in the United States, as evidenced by—

(I) providing comparable opportunities for companies described in subparagraph (A) to participate in Government sponsored research and development similar to that authorized under this Act;

(II) providing no barriers to companies described in subparagraph (A) with respect to local investment opportunities that are not provided to foreign companies in the United States; and

(III) providing adequate and effective protection for the intellectual property rights of companies described in subparagraph (A).

TITLE I—AUTHORIZATION OF APPROPRIATIONS

Subtitle A—Authorizations

SEC. 101. HUMAN SPACE FLIGHT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Human Space Flight the following amounts:

(1) For the Space Station—

(A) for fiscal year 1998, $2,121,300,000, of which $400,500,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications; and

(B) for fiscal year 1999, $2,109,200,000, of which $496,200,000, notwithstanding section 121(a)—

(i) shall only be for Space Station research or for the purposes described in section 102(2); and

(ii) shall be administered by the Office of Life and Microgravity Sciences and Applications.

(2) For Space Shuttle Operations—

(A) for fiscal year 1998, $2,494,400,000; and

(B) for fiscal year 1999, $2,625,600,000.

(3) For Space Shuttle Safety and Performance Upgrades—

(A) for fiscal year 1998, $483,400,000, including related Construction of Facilities for—

(i) Repair of Payload Changeout Room Wall in Ceiling, Pad A, Kennedy Space Center, $2,200,000;

(ii) Restoration of Pad Surface and Slope, Kennedy Space Center, $1,800,000; and

(iii) Rehabilitation of 480V Electrical Distribution System, Kennedy Space Center, $2,800,000; and

(B) for fiscal year 1999, $392,900,000.

(4) For Payload and Utilization Operations—

(A) for fiscal year 1998, $247,400,000; and

(B) for fiscal year 1999, $178,600,000.

SEC. 102. SCIENCE, AERONAUTICS, AND TECHNOLOGY.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Science, Aeronautics, and Technology the following amounts:

(1) For Space Science—

(A) for fiscal year 1998, $2,079,800,000, of which—

(i) $47,600,000 shall be for the Gravity Probe B;

(ii) $5,000,000 shall be for participation in Clementine 2 (Air Force Program Element 0603401F "Advanced Spacecraft Technology");

(iii) $3,400,000 shall be for the Near Earth Object Survey;

(iv) $529,400,000 shall be for Mission Operations and Data Analysis, of which $150,000,000 shall be for data analysis; and

(v) $5,000,000 shall be for the Solar B program; and

(B) for fiscal year 1999, $2,085,400,000, of which—

(i) $5,000,000 shall be for participation in Clementine 2 (Air Force Program Element 0603401F "Advanced Spacecraft Technology");

(ii) $3,400,000 shall be for the Near Earth Object Survey;

(iii) $561,100,000 shall be for Mission Operations and Data Analysis, of which $184,400,000 shall be for data analysis; and

(iv) $15,000,000 shall be for the Solar B program.

(2) For Life and Microgravity Sciences and Applications—

(A) for fiscal year 1998, $234,200,000, of which—

(i) $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues; and

(ii) $2,000,000, shall be for modifications for the installation of the Bio-Plex, Johnson Space Center; and

(B) for fiscal year 1999, $249,800,000, of which $2,000,000 shall be for research and early detection systems for breast and ovarian cancer and other women's health issues.

(3) For Mission to Planet Earth, subject to the limitations set forth in section 127—

(A) for fiscal year 1998, $1,417,300,000, of which—

(i) $50,000,000 shall be for commercial Earth science data purchases under section 308(a);

(ii) $8,000,000 shall be for continuing operations of the Midcourse Space Experiment spacecraft constructed for the Ballistic Missile Defense Organization, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for Midcourse Space Experiment data; and

(iii) $10,000,000 shall be for the lightning mapper, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for lightning mapper data; and

(B) for fiscal year 1999, $1,446,300,000, of which—

(i) $50,000,000 shall be for commercial Earth science data purchases under section 308(a); and

(ii) $10,000,000 shall be for the lightning mapper, except that such funds may not be obligated unless the Administrator receives independent validation of the scientific requirements for lightning mapper data.

(4) For Aeronautics and Space Transportation Technology—

(A) for fiscal year 1998, $1,769,500,000, of which—

(i) $915,100,000 shall be for Aeronautical Research and Technology, of which not more than $35,700,000 shall be for High Performance Computing and Communications;

(ii) $696,600,000 shall be for Advanced Space Transportation Technology, including—

(I) $333,500,000, which shall only be for the X–33 advanced technology demonstration vehicle program, including $3,700,000 for rehabilitation and modification of the B2 test stand, Stennis Space Center;

(II) $150,000,000, which shall only be for a program of focused technology demonstrations to support the competitive awarding of a contract to develop, build, and flight test an experimental single-stage-to-orbit demonstration vehicle, which will be a complementary follow-on to the X–33, and which uses design concepts different from, and technologies more advanced than, the design concepts and technologies used for the X–33 program; and

(III) $150,000,000, which shall only be for the procurement of an experimental vehicle described in subclause (II), after the expiration of 30 days after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report including a plan for the experimental vehicle program and the projected costs thereof; and

(iii) $157,800,000 shall be for Commercial Technology, of which $10,000,000 shall be for business facilitators, selected by a National Aeronautics and Space Administration Center with an existing State partnership for the purpose of developing business facilitators, from among candidates who receive at least 40 percent State matching funds and who obtain significant participation from local community colleges; and

(B) for fiscal year 1999, $1,816,400,000, of which—

(i) $832,400,000 shall be for Aeronautical Research and Technology;

(ii) $818,600,000 shall be for Advanced Space Transportation Technology, including—

(I) $313,900,000, which shall only be for the X–33 advanced technology demonstration vehicle program;

(II) $425,000,000, which shall only be for the procurement of an experimental vehicle described in subparagraph (A)(ii)(II); and

(III) $40,770,000, which shall only be for the Advanced Space Transportation program; and

(iii) $165,400,000 shall be for Commercial Technology, of which $10,000,000 shall be for business facilitators, selected by a National Aeronautics and Space Administration Center with an existing State partnership for the purpose of developing business facilitators, from among candidates who receive at least 40 percent State matching funds and who obtain significant participation from local community colleges.

(5) For Mission Communication Services—

(A) for fiscal year 1998, $400,800,000; and

(B) for fiscal year 1999, $436,100,000.

(6) For Academic Programs—

(A) for fiscal year 1998, $102,200,000, of which—

(i) $15,300,000 shall be for the National Space Grant College and Fellowship Program; and

(ii) $46,700,000 shall be for minority university research and education, including $31,300,000 for Historically Black Colleges and Universities; and

(B) for fiscal year 1999, $108,000,000, of which $51,700,000 shall be for minority university research and education, including $33,800,000 for Historically Black Colleges and Universities.

SEC. 103. MISSION SUPPORT.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Mission Support the following amounts:

(1) For Safety, Reliability, and Quality Assurance—

(A) for fiscal year 1998, $37,800,000; and

(B) for fiscal year 1999, $43,000,000.

(2) For Space Communication Services—

(A) for fiscal year 1998, $245,700,000; and

(B) for fiscal year 1999, $204,400,000.

(3)(A) For Construction of Facilities, including land acquisition, for fiscal year 1998, $159,400,000, including the following:

(i) Modernization of Process Cooling System, Numerical Aerodynamic Simulation Facility, Ames Research Center, $2,700,000.

(ii) Rehabilitation and Modification of Hangar and Shop, Dryden Flight Research Center, $2,800,000.

(iii) Restoration of Chilled Water Distribution System, Goddard Space Flight Center, $2,400,000.

(iv) Restoration of Space/Terrestrial Application Facility, Goddard Space Flight Center, $4,600,000.

(v) Construction of Emergency Services Facility, Jet Propulsion Laboratory, $4,800,000.

(vi) Upgrade of Utility Annex Chilled Water Plant, Kennedy Space Center, $5,900,000.

(vii) Rehabilitation of High-Voltage System, Lewis Research Center, $9,400,000.

(viii) Modification of Chilled Water System, Marshall Space Flight Center, $7,000,000.

(ix) Minor Revitalization of Facilities at Various Locations, not in excess of $1,500,000 per project, $65,700,000.

(x) Minor construction of new facilities and additions to existing facilities at various locations, $1,100,000.

(xi) Facility planning and design, not otherwise provided for, $19,000,000.

(xii) Environmental compliance and restoration, $34,000,000.

(B) For Construction of Facilities, including land acquisition, for fiscal year 1999, $188,900,000.

(4) For Research and Program Management, including personnel and related costs, travel, and research operations support—

(A) for fiscal year 1998, $2,070,300,000; and

(B) for fiscal year 1999, $2,022,600,000.

SEC. 104. INSPECTOR GENERAL.

There are authorized to be appropriated to the National Aeronautics and Space Administration for Inspector General—

(1) for fiscal year 1998, $18,300,000; and

(2) for fiscal year 1999, $18,600,000.

SEC. 105. TOTAL AUTHORIZATION.

Notwithstanding any other provision of this title, the total amount authorized to be appropriated to the National Aeronautics and Space Administration under this Act shall not exceed—

(1) for fiscal year 1998, $13,881,800,000; and

(2) for fiscal year 1999, $13,925,800,000.

SEC. 106. OFFICE OF COMMERCIAL SPACE TRANSPORTATION AUTHORIZATION.

There are authorized to be appropriated to the Secretary of Transportation for the activities of the Office of Commercial Space Transportation—

(1) for fiscal year 1998, $6,000,000; and

(2) for fiscal year 1999, $6,000,000.

SEC. 107. OFFICE OF SPACE COMMERCE.

There are authorized to be appropriated to the Secretary of Commerce for the activities of the Office of Space Commerce established by section 303 of this Act—

(1) for fiscal year 1998, $500,000; and

(2) for fiscal year 1999, $500,000.

SEC. 108. UNITED STATES-MEXICO FOUNDATION FOR SCIENCE.

There are authorized to be appropriated to the National Aeronautics and Space Administration for the United States-Mexico Foundation for Science—

(1) $1,000,000 for fiscal year 1998; and

(2) $1,000,000 for fiscal year 1999.

Subtitle B—Restructuring the National Aeronautics and Space Administration

SEC. 111. FINDINGS.

The Congress finds that—

(1) the restructuring of the National Aeronautics and Space Administration is essential to accomplishing the space missions of the United States while simultaneously balancing the Federal budget;

(2) to restructure the National Aeronautics and Space Administration rapidly without reducing mission content and safety requires objective financial judgment; and

(3) a formal economic review of its missions and the Federal assets that support them is required in order to plan and implement needed restructuring of the National Aeronautics and Space Administration.

SEC. 112. RESTRUCTURING REPORTS.

(a) Implementation Report.—The Administrator shall transmit to Congress, no later than 90 days after the date of the enactment of this Act, a report—

(1) describing its restructuring activities by fiscal year, including, at a minimum, a description of all actions taken or planned to be taken after July 31, 1995, and before October 1, 2002, including contracts terminated or consolidated; reductions in force; relocations of personnel and facilities; sales, closures, or mothballing of capital assets or facilities; and net savings to be realized from such actions by fiscal year; and

(2) describing the status of the implementation of recommendations resulting from the Zero Base Review, particularly with respect to the designation of lead Centers and any increases and decreases in the roles and responsibilities of all Centers.

(b) Proposed Legislation.—The President shall propose to Congress, not later than 180 days after the date of the enactment of this Act, all enabling legislation required to carry out actions described by the Administrator's report under subsection (a).

Subtitle C—Limitations and Special Authority

SEC. 121. USE OF FUNDS FOR CONSTRUCTION.

(a) Authorized Uses.—Funds appropriated under sections 101 (1) through (4), 102, and 103 (1) and (2), and funds appropriated for research operations support under section 103(4), may be used for the construction of new facilities and additions to, repair of, rehabilitation of, or modification of existing facilities at any location in support of the purposes for which such funds are authorized.

(b) Limitation.—No funds may be expended pursuant to subsection (a) for a project, the estimated cost of which to the National Aeronautics and Space Administration, including collateral equipment, exceeds $500,000, until 30 days have passed after the Administrator has notified the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of the nature, location, and estimated cost to the National Aeronautics and Space Administration of such project.

(c) Title to Facilities.—If funds are used pursuant to subsection (a) for grants to institutions of higher education, or to nonprofit organizations whose primary purpose is the conduct of scientific research, for purchase or construction of additional research facilities, title to such facilities shall be vested in the United States unless the Administrator determines that the national program of aeronautical and space activities will best be served by vesting title in the grantee institution or organization. Each such grant shall be made under such conditions as the Administrator shall determine to be required to ensure that the United States will receive therefrom benefits adequate to justify the making of that grant.

SEC. 122. AVAILABILITY OF APPROPRIATED AMOUNTS.

To the extent provided in appropriations Acts, appropriations authorized under subtitle A may remain available without fiscal year limitation.

SEC. 123. REPROGRAMMING FOR CONSTRUCTION OF FACILITIES.

(a) In General.—Appropriations authorized for construction of facilities under section 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), or 103(3)—

(1) may be varied upward by 10 percent in the discretion of the Administrator; or

(2) may be varied upward by 25 percent, to meet unusual cost variations, after the expiration of 15 days following a report on the circumstances of such action by the Administrator to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

The aggregate amount authorized to be appropriated for construction of facilities under sections 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3) shall not be increased as a result of actions authorized under paragraphs (1) and (2) of this subsection.

(b) Special Rule.—Where the Administrator determines that new developments in the national program of aeronautical and space activities have occurred; and that such developments require the use of additional funds for the purposes of construction, expansion, or modification of facilities at any location; and that deferral of such action until the enactment of the next National Aeronautics and Space Administration authorization Act would be inconsistent with the interest of the Nation in aeronautical and space activities, the Administrator may use up to $10,000,000 of the amounts authorized under sections 101(3)(A) (i) through (iii), 102 (2)(A)(ii) and (4)(A)(ii)(I), and 103(3) for each fiscal year for such purposes. No such funds may be obligated until a period of 30 days has passed after the Administrator has transmitted to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives a written report describing the nature of the construction, its costs, and the reasons therefor.

SEC. 124. CONSIDERATION BY COMMITTEES.

Notwithstanding any other provision of law—

(1) no amount appropriated to the National Aeronautics and Space Administration may be used for any program for which the President's annual budget request included a request for funding, but for which the Congress denied or did not provide funding;

(2) no amount appropriated to the National Aeronautics and Space Administration may be used for any program in excess of the amount actually authorized for the particular program under this title; and

(3) no amount appropriated to the National Aeronautics and Space Administration may be used for any program which has not been presented to the Congress in the President's annual budget request or the supporting and ancillary documents thereto,

unless a period of 30 days has passed after the receipt by the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate of notice given by the Administrator containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action. The National Aeronautics and Space Administration shall keep the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate fully and currently informed with respect to all activities and responsibilities within the jurisdiction of those committees. Except as otherwise provided by law, any Federal department, agency, or independent establishment shall furnish any information requested by either committee relating to any such activity or responsibility.

SEC. 125. LIMITATION ON OBLIGATION OF UNAUTHORIZED APPROPRIATIONS.

(a) Reports to Congress.—

(1) Requirement.—Not later than—

(A) 30 days after the later of the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1998 and the date of the enactment of this Act; and

(B) 30 days after the date of the enactment of an Act making appropriations to the National Aeronautics and Space Administration for fiscal year 1999,

the Administrator shall submit a report to Congress and to the Comptroller General.

(2) Contents.—The reports required by paragraph (1) shall specify—

(A) the portion of such appropriations which are for programs, projects, or activities not authorized under subtitle A of this title, or which are in excess of amounts authorized for the relevant program, project, or activity under this Act; and

(B) the portion of such appropriations which are authorized under this Act.

(b) FEDERAL REGISTER NOTICE.—The Administrator shall, coincident with the submission of each report required by subsection (a), publish in the Federal Register a notice of all programs, projects, or activities for which funds are appropriated but which were not authorized under this Act, and solicit public comment thereon regarding the impact of such programs, projects, or activities on the conduct and effectiveness of the national aeronautics and space program.

(c) LIMITATION.—Notwithstanding any other provision of law, no funds may be obligated for any programs, projects, or activities of the National Aeronautics and Space Administration for fiscal year 1998 or 1999 not authorized under this Act until 30 days have passed after the close of the public comment period contained in a notice required by subsection (b).

SEC. 126. USE OF FUNDS FOR SCIENTIFIC CONSULTATIONS OR EXTRAORDINARY EXPENSES.

Not more than $30,000 of the funds appropriated under section 102 may be used for scientific consultations or extraordinary expenses, upon the authority of the Administrator.

SEC. 127. MISSION TO PLANET EARTH LIMITATION.

No funds appropriated pursuant to this Act shall be used for Earth System Science Pathfinders for a fiscal year unless the Administrator has certified to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that at least $50,000,000 are available for that fiscal year for obligations by the Commercial Remote Sensing Program at Stennis Space Center for commercial data purchases under section 308(a). No funds appropriated pursuant to section 102(3) shall—

(1) be transferred to any museum; or

(2) be used for the United States Man and the Biosphere Program, or related projects.

SEC. 128. SPACE OPERATIONS.

No funds appropriated pursuant to this Act shall be used for Phase Two of the Consolidated Space Operations Contract until a period of 30 days has passed after the Administrator has transmitted to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written report which—

(1) compares the cost-effectiveness of the single cost-plus contract approach of the Consolidated Space Operations Contract and a multiple fixed-price contracts approach;

(2) analyzes the differences in the competition generated through the bidding process used for the Consolidated Space Operations Contract as opposed to multiple fixed-price contracts; and

(3) describes how the Consolidated Space Operations Contract can be transformed into fixed-price contracts, and whether the National Aeronautics and Space Administration intends to make such a transition.

SEC. 129. INTERNATIONAL SPACE UNIVERSITY LIMITATION.

No funds appropriated pursuant to this Act shall be used to pay the tuition or living expenses of any National Aeronautics and Space Administration employee attending the International Space University.

SEC. 130. SPACE STATION PROGRAM RESPONSIBILITIES TRANSFER LIMITATION.

No funds appropriated pursuant to this Act shall be used to transfer any Space Station program responsibilities in effect at any National Aeronautics and Space Administration Center as of October 1, 1996.

TITLE II—INTERNATIONAL SPACE STATION

SEC. 201. FINDINGS.

The Congress finds that—

(1) the development, assembly, and operation of the International Space Station is in the national interest of the United States;

(2) the significant involvement by commercial providers in marketing and using, competitively servicing, and commercially augmenting the operational capabilities of the International Space Station during its assembly and operational phases will lower costs and increase benefits to the international partners; and

(3) when completed, the International Space Station will be the largest, most capable microgravity research facility ever developed. It will provide a lasting framework for conducting large-scale science programs with international partners and it is the next step in the human exploration of space. The United States should commit to completing this program, thereby reaping the benefits of scientific research and international cooperation.

SEC. 202. COMMERCIALIZATION OF SPACE STATION.

(a) POLICY.—The Congress declares that a priority goal of constructing the International Space Station is the economic development of Earth orbital space. The Congress further declares that free and competitive markets create the most efficient conditions for promoting economic development, and should therefore govern the economic development of Earth orbital space. The Congress further declares that the use of free market principles in operating, servicing, allocating the use of, and adding capabilities to the Space Station, and the resulting fullest possible engagement of commercial providers and participation of commercial users, will reduce Space Station operational costs for all partners and the Federal Government's share of the United States burden to fund operations.

(b) REPORTS.—(1) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 90 days after the date of the enactment of this Act, a study that identifies and examines—

(A) the opportunities for commercial providers to play a role in International Space Station activities, including operation, use, servicing, and augmentation;

(B) the potential cost savings to be derived from commercial providers playing a role in each of these activities;

(C) which of the opportunities described in subparagraph (A) the Administrator plans to make available to commercial providers in fiscal year 1998 and 1999;

(D) the specific policies and initiatives the Administrator is advancing to encourage and facilitate these commercial opportunities; and

(E) the revenues and cost reimbursements to the Federal Government from commercial users of the Space Station.

(2) The Administrator shall deliver to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, within 180 days after the date of the enactment of this Act, an independently-conducted market study that examines and evaluates potential industry interest in providing commercial goods and services for the operation, servicing, and augmentation of the International Space Station, and in the commercial use of the International Space Station. This study shall also include updates to the cost savings and revenue estimates made in the study described in paragraph (1) based on the external market assessment.

(3) The Administrator shall deliver to the Congress, no later than the submission of the President's annual budget request for fiscal year 1999, a report detailing how many proposals (whether solicited or not) the National Aeronautics and Space Administration received during calendar year 1997 regarding commercial operation, servicing, utilization, or augmentation of the International Space Station, broken down by each of these four categories, and specifying how many agreements the National Aeronautics and Space Administration has entered into in response to these proposals, also broken down by these four categories.

SEC. 203. SPACE STATION ACCOUNTING REPORTS.

(a) INITIAL REPORT.—Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Congress a report containing a description of all Space Station-related agreements entered into by the United States with a foreign entity after September 30, 1993, along with—

(1) a complete accounting of all costs to the United States incurred during fiscal years 1994 through 1996 pursuant to each such agreement; and

(2) an estimate of future costs to the United States pursuant to each such agreement.

(b) ANNUAL REPORTS.—Not later than 60 days after the end of each fiscal year beginning with fiscal year 1997, the Administrator shall transmit to the Congress a report containing a description of all Space Station-related agreements entered into by the United States with a foreign entity during the preceding fiscal year, along with—

(1) a complete accounting of all costs to the United States incurred during that fiscal year pursuant to each such agreement; and

(2) an estimate of future costs to the United States pursuant to each such agreement.

SEC. 204. REPORT ON INTERNATIONAL HARDWARE AGREEMENTS.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on—

(1) agreements that have been reached with foreign entities to transfer to a foreign entity the development and manufacture of International Space Station hardware baselined to be provided by the United States; and

(2) the impact of those agreements on United States operating costs and United States utilization shares of the International Space Station.

At least 90 days before entering into any additional agreements of the type described in paragraph (1), the Administrator shall report to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the nature of the proposed agreement and the anticipated cost, schedule, commercial, and utilization impacts of the proposed agreement.

SEC. 205. INTERNATIONAL SPACE STATION LIMITATIONS.

(a) TRANSFER OF FUNDS TO RUSSIA.—No funds or in-kind payments shall be transferred to any entity of the Russian Government or any Russian contractor to perform work on the International Space Station which the Russian Government pledged, at any time, to provide at its expense. This section shall not apply to the purchase or modification of the Russian built, United States owned Functional Cargo Block, known as the "FGB".

(b) CONTINGENCY PLAN FOR RUSSIAN ELEMENTS IN CRITICAL PATH.—The Administrator shall develop and deliver to Congress, within 30 days after the date of the enactment of this Act, a contingency plan for the removal or replacement of each Russian Government element of the International Space Station that lies in the Station's critical path. Such plan shall include—

(1) decision points for removing or replacing those elements if the International Space Station is to be completed by the end of the calendar year 2002;

(2) the cost of implementing each such decision; and

(3) the cost of removing or replacing a Russian Government critical path element after its decision point has passed, if—

(A) the decision at that point was not to remove or replace the Russian Government element; and

(B) the National Aeronautics and Space Administration later determines that the Russian Government will be unable to provide the critical path element in a manner to allow completion of the International Space Station by the end of calendar year 2002.

(c) MONTHLY CERTIFICATION ON RUSSIAN STATUS.—The Administrator shall certify to the Congress on the first day of each month whether or not the Russians have performed work expected of them and necessary to complete the International Space Station by the end of calendar year 2002. Such certification shall also include a statement of the Administrator's judgment concerning Russia's ability to perform work anticipated and required to complete the International Space Station by the end of 2002 before the next certification under this subsection. Each certification under this subsection shall include a judgment that the first element launch will or will not take place by October 31, 1998.

(d) DECISION ON RUSSIAN CRITICAL PATH ITEMS.—The President shall provide to Congress a decision, by August 1, 1997, on whether or not to proceed with permanent replacement of the Service Module, and each other Russian element in the critical path for completing the International Space Station by the end of calendar year 2002. The President shall certify to Congress the reasons and justification for the decision and the costs associated with the decision. Such decision shall include a judgment that the first element launch will or will not take place by October 31, 1998, and that the stage of assembly complete will or will not take place by December 31, 2002. If the President decides, after August 1, 1997, to proceed with a permanent replacement of the Service Module or any other Russian element in the critical path, the President shall certify to Congress the reasons and justification for the decision to proceed with permanent replacement, and the costs associated with that decision, including the cost difference between making such decision by August 1, 1997, and any later date at which it is made. Such certification shall include a description of the costs of removing or replacing each critical path item, and the schedule for completing the International Space Station by the end of calendar year 2002.

(e) ASTRONAUTS ON MIR.—The National Aeronautics and Space Administration shall not place another United States astronaut on board the Mir Space Station, without the Space Shuttle attached to Mir, until the Administrator certifies to Congress that the Mir Space Station meets or exceeds United States safety standards. Such certification shall be based on an independent review of the safety of the Mir Space Station.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. COMMERCIAL SPACE LAUNCH AMENDMENTS.

(a) AMENDMENTS.—Chapter 701 of title 49, United States Code, is amended—

(1) in the table of sections—

(A) by amending the item relating to section 70104 to read as follows:

"70104. Restrictions on launches, operations, and reentries.";

(B) by amending the item relating to section 70108 to read as follows:

"70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries.";

and

(C) by amending the item relating to section 70109 to read as follows:

"70109. Preemption of scheduled launches or reentries.";

(2) in section 70101—

(A) by inserting "microgravity research," after "information services," in subsection (a)(3);

(B) by inserting ", reentry," after "launching" both places it appears in subsection (a)(4);

(C) by inserting ", reentry vehicles," after "launch vehicles" in subsection (a)(5);

(D) by inserting "and reentry services" after "launch services" in subsection (a)(6);

(E) by inserting ", reentries," after "launches" both places it appears in subsection (a)(7);

(F) by inserting ", reentry sites," after "launch sites" in subsection (a)(8);

(G) by inserting "and reentry services" after "launch services" in subsection (a)(8);

(H) by inserting "reentry sites," after "launch sites," in subsection (a)(9);

(I) by inserting "and reentry site" after "launch site" in subsection (a)(9);

(J) by inserting ", reentry vehicles," after "launch vehicles" in subsection (b)(2);

(K) by striking "launch" in subsection (b)(2)(A);

(L) by inserting "and reentry" after "commercial launch" in subsection (b)(3);

(M) by striking "launch" after "and transfer commercial" in subsection (b)(3); and

(N) by inserting "and development of reentry sites," after "launch-site support facilities," in subsection (b)(4);

(3) in section 70102—

(A) by striking "and any payload" and inserting in lieu thereof "or reentry vehicle and any payload from Earth" in paragraph (3);

(B) by inserting "or reentry vehicle" after "means of a launch vehicle" in paragraph (8);

(C) by redesignating paragraphs (10) through (12) as paragraphs (14) through (16), respectively;

(D) by inserting after paragraph (9) the following new paragraphs:

"(10) 'reenter' and 'reentry' mean to return or attempt to return, purposefully, a reentry vehicle and its payload, if any, from Earth orbit or from outer space to Earth.

"(11) 'reentry services' means—

"(A) activities involved in the preparation of a reentry vehicle and its payload, if any, for reentry; and

"(B) the conduct of a reentry.

"(12) 'reentry site' means the location on Earth to which a reentry vehicle is intended to return (as defined in a license the Secretary issues or transfers under this chapter).

"(13) 'reentry vehicle' means a vehicle designed to return from Earth orbit or outer space to Earth, or a reusable launch vehicle designed to return from outer space substantially intact."; and

(E) by inserting "or reentry services" after "launch services" each place it appears in paragraph (15), as so redesignated by subparagraph (C) of this paragraph;

(4) in section 70103(b)—

(A) by inserting "AND REENTRIES" after "LAUNCHES" in the subsection heading;

(B) by inserting "and reentries" after "space launches" in paragraph (1); and

(C) by inserting "and reentry" after "space launch" in paragraph (2);

(5) in section 70104—

(A) by amending the section designation and heading to read as follows:

"§ 70104. Restrictions on launches, operations, and reentries";

(B) by inserting "or reentry site, or to reenter a reentry vehicle," after "operate a launch site" each place it appears in subsection (a);

(C) by inserting "or reentry" after "launch or operation" in subsection (a) (3) and (4);

(D) in subsection (b)—

(i) by striking "launch license" and inserting in lieu thereof "license";

(ii) by inserting "or reenter" after "may launch"; and

(iii) by inserting "or reentering" after "related to launching"; and

(E) in subsection (c)—

(i) by amending the subsection heading to read as follows: "PREVENTING LAUNCHES AND REENTRIES.—";

(ii) by inserting "or reentry" after "prevent the launch"; and

(iii) by inserting "or reentry" after "decides the launch";

(6) in section 70105—

(A) by inserting "or a reentry site, or the reentry of a reentry vehicle," after "operation of a launch site" in subsection (b)(1); and

(B) by striking "or operation" and inserting in lieu thereof ", operation, or reentry" in subsection (b)(2)(A);

(7) in section 70106(a)—

(A) by inserting "or reentry site" after "observer at a launch site";

(B) by inserting "or reentry vehicle" after "assemble a launch vehicle"; and

(C) by inserting "or reentry vehicle" after "with a launch vehicle";

(8) in section 70108—

(A) by amending the section designation and heading to read as follows:

"§ 70108. Prohibition, suspension, and end of launches, operation of launch sites and reentry sites, and reentries";

and

(B) in subsection (a)—

(i) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site"; and

(ii) by inserting "or reentry" after "launch or operation";

(9) in section 70109—

(A) by amending the section designation and heading to read as follows:

"§ 70109. Preemption of scheduled launches or reentries";

(B) in subsection (a)—

(i) by inserting "or reentry" after "ensure that a launch";

(ii) by inserting ", reentry site," after "United States Government launch site";

(iii) by inserting "or reentry date commitment" after "launch date commitment";

(iv) by inserting "or reentry" after "obtained for a launch";

(v) by inserting ", reentry site," after "access to a launch site";

(vi) by inserting ", or services related to a reentry," after "amount for launch services"; and

(vii) by inserting "or reentry" after "the scheduled launch"; and

(C) in subsection (c), by inserting "or reentry" after "prompt launching";

(10) in section 70110—

(A) by inserting "or reentry" after "prevent the launch" in subsection (a)(2); and

(B) by inserting "or reentry site, or reentry of a reentry vehicle," after "operation of a launch site" in subsection (a)(3)(B);

(11) in section 70111—

(A) by inserting "or reentry" after "launch" in subsection (a)(1)(A);

(B) by inserting "and reentry services" after "launch services" in subsection (a)(1)(B);

(C) by inserting "or reentry services" after "or launch services" in subsection (a)(2);

(D) by inserting "or reentry" after "commercial launch" both places it appears in subsection (b)(1);

(E) by inserting "or reentry services" after "launch services" in subsection (b)(2)(C);

(F) by striking "or its payload for launch" in subsection (d) and inserting in lieu thereof "or reentry vehicle, or the payload of either, for launch or reentry"; and

(G) by inserting ", reentry vehicle," after "manufacturer of the launch vehicle" in subsection (d);

(12) in section 70112—

(A) by inserting "or reentry" after "one launch" in subsection (a)(3);

(B) by inserting "or reentry services" after "launch services" in subsection (a)(4);

(C) by inserting "or reentry services" after "launch services" each place it appears in subsection (b);

(D) by inserting "applicable" after "carried out under the" in paragraphs (1) and (2) of subsection (b);

(E) by inserting "OR REENTRIES" after "LAUNCHES" in the heading for subsection (e); and

(F) by inserting "or reentry site or a reentry" after "launch site" in subsection (e);

(13) in section 70113 (a)(1) and (d) (1) and (2), by inserting "or reentry" after "one launch" each place it appears;

(14) in section 70115(b)(1)(D)(i)—

(A) by inserting "reentry site," after "launch site,"; and

(B) by inserting "or reentry vehicle" after "launch vehicle" both places it appears; and

(15) in section 70117—

(A) by inserting "or reentry site, or to reenter a reentry vehicle" after "operate a launch site" in subsection (a);

(B) by inserting "or reentry" after "approval of a space launch" in subsection (d);

(C) by amending subsection (f) to read as follows:

"(f) LAUNCH NOT AN EXPORT; REENTRY NOT AN IMPORT.—A launch vehicle, reentry vehicle, or payload that is launched or reentered is not, because of the launch or reentry, an export or import, respectively, for purposes of a law controlling exports or imports."; and

(D) in subsection (g)—

(i) by striking "operation of a launch vehicle or launch site," in paragraph (1) and inserting in lieu thereof "reentry, operation of a launch vehicle or reentry vehicle, or operation of a launch site or reentry site,"; and

(ii) by inserting "reentry," after "launch," in paragraph (2).

(b) ADDITIONAL AMENDMENTS.—(1) Section 70105 of title 49, United States Code, is amended—

(A) by inserting "(1)" before "A person may apply" in subsection (a);

(B) by striking "receiving an application" both places it appears in subsection (a) and inserting in lieu thereof "accepting an application in accordance with criteria established pursuant to subsection (b)(2)(D)";

(C) by adding at the end of subsection (a) the following new paragraph:

"(2) In carrying out paragraph (1), the Secretary may establish procedures for certification of the safety of a launch vehicle, reentry vehicle, or safety system, procedure, service, or personnel that may be used in conducting licensed commercial space launch or reentry activities.";

(D) by striking "and" at the end of subsection (b)(2)(B);

(E) by striking the period at the end of subsection (b)(2)(C) and inserting in lieu thereof "; and";

(F) by adding at the end of subsection (b)(2) the following new subparagraph:

"(D) regulations establishing criteria for accepting or rejecting an application for a license under this chapter within 60 days after receipt of such application."; and

(G) by inserting ", or the requirement to obtain a license," after "waive a requirement" in subsection (b)(3).

(2) The amendment made by paragraph (1)(B) shall take effect upon the effective date of final regulations issued pursuant to section 70105(b)(2)(D) of title 49, United States Code, as added by paragraph (1)(F) of this subsection.

(3) Section 70102(5) of title 49, United States Code, is amended—

(A) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively; and

(B) by inserting before subparagraph (B), as so redesignated by subparagraph (A) of this paragraph, the following new subparagraph:

"(A) activities directly related to the preparation of a launch site or payload facility for one or more launches;".

(4) Section 70103(b) of title 49, United States Code, is amended—

(A) in the subsection heading, as amended by subsection (a)(4)(A) of this section, by inserting "AND STATE SPONSORED SPACEPORTS" after "AND REENTRIES"; and

(B) in paragraph (1), by inserting "and State sponsored spaceports" after "private sector".

(5) Section 70105(a)(1) of title 49, United States Code, as amended by subsection (b)(1) of this section, is amended by inserting at the end the following: "The Secretary shall submit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a written notice not later than 7 days after any occurrence when a license is not issued within the deadline established by this subsection.".

(6) Section 70111 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting after subparagraph (B) the following:

"The Secretary shall establish criteria and procedures for determining the priority of competing requests from the private sector and State governments for property and services under this section.";

(B) by striking "actual costs" in subsection (b)(1) and inserting in lieu thereof "additive costs only"; and

(C) by inserting after subsection (b)(2) the following new paragraph:

"(3) The Secretary shall ensure the establishment of uniform guidelines for, and consistent implementation of, this section by all Federal agencies.".

(7) Section 70112 of title 49, United States Code, is amended—

(A) in subsection (a)(1), by inserting "launch, reentry, or site operator" after "(1) When a";

(B) in subsection (b)(1), by inserting "launch, reentry, or site operator" after "(1) A"; and

(C) in subsection (f), by inserting "launch, reentry, or site operator" after "carried out under a".

(c) REGULATIONS.—(1) Chapter 701 of title 49, United States Code, is amended by adding at the end the following new section:

"§ 70120. Regulations

"The Secretary of Transportation, within 6 months after the date of the enactment of this section, shall issue regulations to carry out this chapter that include—

"(1) guidelines for industry to obtain sufficient insurance coverage for potential damages to third parties;

"(2) procedures for requesting and obtaining licenses to operate a commercial launch vehicle and reentry vehicle;

"(3) procedures for requesting and obtaining operator licenses for launch and reentry; and

"(4) procedures for the application of government indemnification.".

(2) The table of sections for such chapter 701 is amended by adding after the item relating to section 70119 the following new item:

"70120. Regulations.".

(d) REPORT TO CONGRESS.—(1) Chapter 701 of title 49, United States Code, is further amended by adding at the end the following new section:

"§ 70121. Report to Congress

"The Secretary of Transportation shall submit to Congress an annual report to accompany the President's budget request that—

"(1) describes all activities undertaken under this chapter, including a description of the process for the application for and approval of licenses under this chapter and recommendations for legislation that may further commercial launches and reentries; and

"(2) reviews the performance of the regulatory activities and the effectiveness of the Office of Commercial Space Transportation.".

(2) The table of sections for such chapter 701 is further amended by adding after the item relating to section 70120, as added by subsection (c)(2) of this section, the following new item:

"70121. Report to Congress.".

SEC. 302. REQUIREMENT FOR INDEPENDENT COST ANALYSIS.

Before any funds may be obligated for Phase C of a project that is projected to cost more than $75,000,000 in total project costs, the Chief Financial Officer for the National Aeronautics and Space Administration shall conduct an independent cost analysis of such project and shall report the results to Congress. In developing cost accounting and reporting standards for carrying out this section, the Chief Financial Officer shall, to the extent practicable and consistent with other laws, solicit the advice of expertise outside of the National Aeronautics and Space Administration.

SEC. 303. OFFICE OF SPACE COMMERCE.

(a) ESTABLISHMENT.—There is established within the Department of Commerce an Office of Space Commerce.

(b) FUNCTIONS.—The Office of Space Commerce shall be the principal unit for the coordination of space-related issues, programs, and initiatives within the Department of Commerce. The Office's primary responsibilities shall include—

(1) promoting commercial provider investment in space activities by collecting, analyzing, and disseminating information on space markets, and conducting workshops and seminars to increase awareness of commercial space opportunities;

(2) assisting United States commercial providers in their efforts to do business with the United States Government, and acting as an industry advocate within the executive branch to ensure that the Federal Government meets its space-related requirement, to the fullest extent feasible, with commercially available space goods and services;

(3) ensuring that the United States Government does not compete with United States commercial providers in the provision of space hardware and services otherwise available from United States commercial providers;

(4) promoting the export of space-related goods and services;

(5) representing the Department of Commerce in the development of United States policies and in negotiations with foreign countries to ensure free and fair trade internationally in the area of space commerce; and

(6) seeking the removal of legal, policy, and institutional impediments to space commerce.

SEC. 304. NATIONAL AERONAUTICS AND SPACE ACT OF 1958 AMENDMENTS.

(a) DECLARATION OF POLICY AND PURPOSE.—Section 102 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2451) is amended—

(1) by striking subsection (f) and redesignating subsections (g) and (h) as subsections (f) and (g), respectively; and

(2) in subsection (g), as so redesignated by paragraph (1) of this subsection, by striking "(f), and (g)" and inserting in lieu thereof "and (f)".

(b) REPORTS TO THE CONGRESS.—Section 206(a) of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2476(a)) is amended—

(1) by striking "January" and inserting in lieu thereof "May"; and

(2) by striking "calendar" and inserting in lieu thereof "fiscal".

(c) Disclosure of Technical Data.—Section 303 of the National Aeronautics and Space Act of 1958 (42 U.S.C. 2454) is amended—

(1) in subsection (a)(C), by inserting "or (c)" after "subsection (b)"; and

(2) by adding at the end the following new subsection:

"(c)(1) The Administrator may, and at the request of a private sector entity shall, delay for a period of at least one day, but not to exceed 5 years, the unrestricted public disclosure of technical data in the possession of, or under the control of, the Administration that has been generated in the performance of experimental, developmental, or research activities or programs funded jointly by the Administration and such private sector entity.

"(2) Within 1 year after the date of the enactment of the Civilian Space Authorization Act, Fiscal Years 1998 and 1999, the Administrator shall issue regulations to carry out this subsection. Paragraph (1) shall not take effect until such regulations are issued.

"(3) Regulations issued pursuant to paragraph (2) shall include—

"(A) guidelines for a determination of whether data is technical data within the meaning of this subsection;

"(B) provisions to ensure that technical data is available for dissemination within the United States to United States persons and entities in furtherance of the objective of maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base; and

"(C) a specification of the period or periods for which the delay in unrestricted public disclosure of technical data is to apply to various categories of such data, and the restrictions on disclosure of such data during such period or periods, including a requirement that the maximum 5-year protection under this subsection shall not be provided unless at least 50 percent of the funding for the activities or programs is provided by the private sector.

"(4) The Administrator shall annually report to the Congress all determinations made under paragraph (1).

"(5) For purposes of this subsection, the term 'technical data' means any recorded information, including computer software, that is or may be directly applicable to the design, engineering, development, production, manufacture, or operation of products or processes that may have significant value in maintaining leadership or competitiveness in civil and governmental aeronautical and space activities by the United States industrial base.".

SEC. 305. PROCUREMENT.

(a) Procurement Demonstration Program.—

(1) In general.—The Administrator shall establish a program of expedited technology procurement for the purpose of demonstrating how innovative technology concepts can rapidly be brought to bear upon space missions of the National Aeronautics and Space Administration.

(2) Procedures and evaluation.—The Administrator shall establish procedures for actively seeking from persons outside the National Aeronautics and Space Administration innovative technology concepts, relating to the provision of space hardware, technology, or service to the National Aeronautics and Space Administration.

(3) Special authority.—In order to carry out this subsection the Administrator shall recruit and hire for limited term appointments persons from outside the National Aeronautics and Space Administration with special expertise and experience related to the innovative technology concepts with respect to which procurements are made under this subsection.

(4) Sunset.—This subsection shall cease to be effective 10 years after the date of its enactment.

(b) Technology Procurement Initiative.—

(1) In general.—The Administrator shall coordinate National Aeronautics and Space Administration resources in the areas of procurement, commercial programs, and advanced technology in order to—

(A) fairly assess and procure commercially available technology from the marketplace in the most efficient manner practicable;

(B) achieve a continuous pattern of integrating advanced technology from the commercial sector, and from Federal sources outside the National Aeronautics and Space Administration, into the missions and programs of the National Aeronautics and Space Administration;

(C) incorporate private sector buying and bidding procedures, including fixed price contracts, into procurements; and

(D) provide incentives for cost-plus contractors of the National Aeronautics and Space Administration to integrate commercially available technology in subsystem contracts on a fixed-price basis.

(2) Certification.—Upon solicitation of any procurement for space hardware, technology, or services that are not commercially available, the Administrator shall certify, by publication of a notice and opportunity to comment in the Commerce Business Daily, for each such procurement action, that no functional equivalent, commercially, available space hardware, technology, or service exists and that no commercial method of procurement is available.

SEC. 306. ACQUISITION OF SPACE SCIENCE DATA.

(a) Acquisition From Commercial Providers.—The Administrator shall, to the maximum extent possible and while satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost effective, space science data from a commercial provider.

(b) Treatment of Space Science Data as Commercial Item Under Acquisition Laws.—Acquisitions of space science data by the Administrator shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that space science data shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) Definition.—For purposes of this section, the term "space science data" includes scientific data concerning the elemental and mineralogical resources of the moon and the planets, Earth environmental data obtained through remote sensing observations, and solar storm monitoring.

(d) Safety Standards.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) Limitation.—This section does not authorize the National Aeronautics and Space Administration to provide financial assistance for the development of commercial systems for the collection of space science data.

SEC. 307. COMMERCIAL SPACE GOODS AND SERVICES.

The National Aeronautics and Space Administration shall purchase commercially available space goods and services to the fullest extent feasible, and shall not conduct activities that preclude or deter commercial space activities except for reasons of national security or public safety. A space good or service shall be deemed commercially available if it is offered by a United States commercial provider, or if it could be supplied by a United States commercial provider in response to a Government procurement request. For purposes of this section, a purchase is feasible if it meets mission requirements in a cost-effective manner.

SEC. 308. ACQUISITION OF EARTH SCIENCE DATA.

(a) Acquisition.—For purposes of meeting Government goals for Mission to Planet Earth, the Administrator shall, to the maximum extent possible and while satisfying the scientific requirements of the National Aeronautics and Space Administration, acquire, where cost-effective, space-based and airborne Earth remote sensing data, services, distribution, and applications from a commercial provider.

(b) Treatment as Commercial Item Under Acquisition Laws.—Acquisitions by the Administrator of the data, services, distribution, and applications referred to in subsection (a) shall be carried out in accordance with applicable acquisition laws and regulations (including chapters 137 and 140 of title 10, United States Code), except that such data, services, distribution, and applications shall be considered to be a commercial item for purposes of such laws and regulations (including section 2306a of title 10, United States Code (relating to cost or pricing data), section 2320 of such title (relating to rights in technical data) and section 2321 of such title (relating to validation of proprietary data restrictions)).

(c) Study.—(1) The Administrator shall conduct a study to determine the extent to which the baseline scientific requirements of Mission to Planet Earth can be met by commercial providers, and how the National Aeronautics and Space Administration will meet such requirements which cannot be met by commercial providers.

(2) The study conducted under this subsection shall—

(A) make recommendations to promote the availability of information from the National Aeronautics and Space Administration to commercial providers to enable commercial providers to better meet the baseline scientific requirements of Mission to Planet Earth;

(B) make recommendations to promote the dissemination to commercial providers of information on advanced technology research and development performed by or for the National Aeronautics and Space Administration; and

(C) identify policy, regulatory, and legislative barriers to the implementation of the recommendations made under this subsection.

(3) The results of the study conducted under this subsection shall be transmitted to the Congress within 6 months after the date of the enactment of this Act.

(d) Safety Standards.—Nothing in this section shall be construed to prohibit the Federal Government from requiring compliance with applicable safety standards.

(e) Administration and Execution.—This section shall be carried out as part of the Commercial Remote Sensing Program at the Stennis Space Center.

SEC. 309. EOSDIS REPORT.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall transmit to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report which contains—

(1) an analysis of the scientific capabilities, costs, and schedule of the Earth Observing System Data and Information System (EOSDIS);

(2) an identification and analysis of the threats to the success of the EOSDIS Core System; and

(3) a plan and cost estimates for resolving the threats identified under paragraph (2) to the

EOSDIS Core System before the launch of the Earth Observing System satellite known as PM-1.

SEC. 310. SHUTTLE PRIVATIZATION.

(a) POLICY AND PREPARATION.—The Administrator shall prepare for an orderly transition from the Federal operation, or Federal management of contracted operation, of space transportation systems to the Federal purchase of commercial space transportation services for all nonemergency launch requirements, including human, cargo, and mixed payloads. In those preparations, the Administrator shall take into account the need for short-term economies, as well as the goal of restoring the National Aeronautics and Space Administration's research focus and its mandate to promote the fullest possible commercial use of space. As part of those preparations, the Administrator shall plan for the potential privatization of the Space Shuttle program. Such plan shall keep safety and cost effectiveness as high priorities. Nothing in this section shall prohibit the National Aeronautics and Space Administration from studying, designing, developing, or funding upgrades or modifications essential to the safe and economical operation of the Space Shuttle fleet.

(b) FEASIBILITY STUDY.—The Administrator shall conduct a study of the feasibility of implementing the recommendation of the Independent Shuttle Management Review Team that the National Aeronautics and Space Administration transition toward the privatization of the Space Shuttle. The study shall identify, discuss, and, where possible, present options for resolving, the major policy and legal issues that must be addressed before the Space Shuttle is privatized, including—

(1) whether the Federal Government or the Space Shuttle contractor should own the Space Shuttle orbiters and ground facilities;

(2) whether the Federal Government should indemnify the contractor for any third party liability arising from Space Shuttle operations, and, if so, under what terms and conditions;

(3) whether payloads other than National Aeronautics and Space Administration payloads should be allowed to be launched on the Space Shuttle, how missions will be prioritized, and who will decide which mission flies and when;

(4) whether commercial payloads should be allowed to be launched on the Space Shuttle and whether any classes of payloads should be made ineligible for launch consideration;

(5) whether National Aeronautics and Space Administration and other Federal Government payloads should have priority over non-Federal payloads in the Space Shuttle launch assignments, and what policies should be developed to prioritize among payloads generally;

(6) whether the public interest requires that certain Space Shuttle functions continue to be performed by the Federal Government; and

(7) how much cost savings, if any, will be generated by privatization of the Space Shuttle.

(c) REPORT TO CONGRESS.—Within 60 days after the date of the enactment of this Act, the National Aeronautics and Space Administration shall complete the study required under subsection (b) and shall submit a report on the study to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

SEC. 311. LAUNCH VOUCHER DEMONSTRATION PROGRAM AMENDMENTS.

Section 504 of the National Aeronautics and Space Administration Authorization Act, Fiscal Year 1993 (15 U.S.C. 5803) is amended—

(1) in subsection (a)—

(A) by striking "the Office of Commercial Programs within"; and

(B) by striking "Such program shall not be effective after September 30, 1995.";

(2) by striking subsection (c); and

(3) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 312. USE OF ABANDONED AND UNDERUTILIZED BUILDINGS, GROUNDS, AND FACILITIES.

(a) IN GENERAL.—In meeting the needs of the National Aeronautics and Space Administration for additional facilities, the Administrator, whenever feasible, shall select abandoned and underutilized buildings, grounds, and facilities in depressed communities that can be converted to National Aeronautics and Space Administration facilities at a reasonable cost, as determined by the Administrator.

(b) DEFINITIONS.—For purposes of this section, the term "depressed communities" means rural and urban communities that are relatively depressed, in terms of age of housing, extent of poverty, growth of per capita income, extent of unemployment, job lag, or surplus labor.

SEC. 313. COST EFFECTIVENESS CALCULATIONS.

In calculating the cost effectiveness of the cost of the National Aeronautics and Space Administration engaging in an activity as compared to a commercial provider, the Administrator shall compare the cost of the National Aeronautics and Space Administration engaging in the activity using full cost accounting principles with the price the commercial provider will charge for such activity.

SEC. 314. FOREIGN CONTRACT LIMITATION.

The National Aeronautics and Space Administration shall not enter into any agreement or contract with a foreign government that grants the foreign government the right to recover profit in the event that the agreement or contract is terminated.

SEC. 315. AUTHORITY TO REDUCE OR SUSPEND CONTRACT PAYMENTS BASED ON SUBSTANTIAL EVIDENCE OF FRAUD.

Section 2307(h)(8) of title 10, United States Code, is amended by striking "and (4)" and inserting in lieu thereof "(4), and (6)".

SEC. 316. NEXT GENERATION INTERNET.

None of the funds authorized by this Act, or any other Act enacted before the date of the enactment of this Act, may be used for the Next Generation Internet. Notwithstanding the previous sentence, funds may be used for the continuation of programs and activities that were funded and carried out during fiscal year 1997.

SEC. 317. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this Act and the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator for fiscal years 1998 and 1999 for the activities for which sums are authorized by this Act and the amendments made by this Act, unless such sums are specifically authorized to be appropriated by this Act or the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator shall exclude from consideration for grant agreements made by the National Aeronautics and Space Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 318. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by this Act or the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committee on Science of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator shall provide notice to the Committees on Science and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Aeronautics and Space Administration.

SEC. 319. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the National Aeronautics and Space Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the National Aeronautics and Space Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the National Aeronautics and Space Administration is unable to correct in time.

SEC. 320. NATIONAL OCEANOGRAPHIC PARTNERSHIP PROGRAM.

The National Aeronautics and Space Administration is authorized to participate in the National Oceanic Partnership Program established by the National Oceanic Partnership Act (Public Law 104–201).

SEC. 321. NATIONAL SCIENCE FOUNDATION ANTARCTIC PROGRAM.

If the Administrator determines that excess capacity is available on the Tracking Data Relay Satellite System (TDRSS), the Administrator shall give strong consideration to meeting the needs of the National Science Foundation Antarctic Program.

SEC. 322. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act or the amendments made by this Act may be expended by an entity unless the entity agrees *that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").*

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act or the amendments made by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act or the amendments made by this Act, the Administrator shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

The CHAIRMAN pro tempore. Are there any amendments?

AMENDMENT NO. 6 OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. ROHRABACHER:

Page 31, lines 13 through 18, strike section 130.

Page 2, in the table of contents, strike the item relating to section 130.

Page 62, lines 11 and 12, strike "moon and the planets" and insert "moon, asteroids, planets and their moons, and comets".

Page 75, after line 12, insert the following new section:

SEC. 323. UNITARY WIND TUNNEL PLAN ACT OF 1949 AMENDMENTS.

The Unitary Wind Tunnel Plan Act of 1949 is amended—

(1) in section 101 (50 U.S.C. 511) by striking "transsonic and supersonic" and inserting in lieu thereof "transsonic, supersonic, and hypersonic"; and

(2) in section 103 (50 U.S.C. 513)—

(A) by striking "laboratories" in subsection (a) and inserting in lieu thereof "laboratories and centers";

(B) by striking "supersonic" in subsection (a) and inserting in lieu thereof "transsonic, supersonic, and hypersonic", and

(C) by striking "laboratory" in subsection (c) and inserting in lieu thereof "facility".

Page 3, in the table of contents, after the item relating to section 322, insert the following:

"Sec. 323. Unitary Wind Tunnel Plan Act of 1949 amendments.".

Mr. ROHRABACHER. Mr. Chairman, this bipartisan manager's amendment was crafted from 3 distinct minor amendments which have no impact on the funding level of this bill and simply fine-tune or add policy provisions.

The first part authored by the distinguished ranking member of the Subcommittee on Space and Aeronautics strikes a policy provision relating to freezing Space Station management responsibilities we had included in the bill at the time of the markup, and I support the language of the gentleman from Alabama [Mr. CRAMER]. The second part is a clarification of the range of scientific data we are recommending that NASA purchase from the commercial data providers.

□ 1330

There has been a lot of interest in comets and asteroids as of late. We did not want to leave them out.

Now the third part is an amendment by the gentleman from Tennessee [Mr. HILLEARY] which was offered successfully in the last Congress to perfect the language of the Unitary Wind Tunnel Plan Act of 1949 based on technological progress that has been made since 1949, and I support Mr. HILLEARY'S language.

As further evidence of how bipartisan our work in this bill has been, each of these parts were agreed to by the minority side, and so I combined them into a single amendment to save our time here on the floor.

Mr. Chairman, I yield to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the en bloc amendment. I will have an amendment to the amendment, but I do support the manager's amendment.

Mr. ROHRABACHER. Mr. Chairman, I yield back the balance of my time.

AMENDMENT OFFERED BY MR. CRAMER TO THE AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. CRAMER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAMER to the amendment offered by Mr. ROHRABACHER: At the end of the amendment add the following:

Page 14, line 14, strike "$915,100,000" and insert "$920,100,000".

Page 16, strike lines 4 through 14 and insert the following:

(iii) 152,800,000 shall be for Commercial Technology, of which $5,000,000 shall be for business facilitators, selected by the National Aeronautics and Space Administration from among candidates who receive at least 25 percent of their resources from non-Federal sources; and

Page 16, line 17, strike "$832,400,000" and insert "$837,400,000".

Page 17, strike lines 8 through 17 and insert the following:

(iii) $160,400,000 shall be for Commercial Technology, of which $5,000,000 shall be for business facilitators, selected by the National Aeronautics and Space Administration from among candidates who receive at least 25 percent of their resources from non-Federal sources.

Mr. CRAMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. (Mr. QUINN). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CRAMER. Mr. Chairman, the intent of my amendment is to insure the provisions in the bill dealing with the business incubators. Business incubators create a level playing field for the future establishment of additional incubators. I commend my colleague from Florida [Mr. WELDON], who was here earlier on his interest and support for the future establishment of these incubators and his willingness to work with me on this issue.

Mr. Chairman, my amendment enjoys bipartisan support, and I urge its adoption.

Mr. WELDON of Florida. Mr. Chairman, I rise in support of the change in language offered by the gentleman from Alabama. I have no intention to oppose this amendment, but accept this amendment. I am happy to craft the language in such a way that business incubators would be available at other NASA centers that currently are not taking advantage of this, I think an excellent tool to make sure that the technology that is developed within NASA is better transmitted out into the economy where it can accrue to the benefit of all the people of the United States.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the majority accepts this amendment, and I would like to point out that it does have an offset so there is no increase to the authorization of the bill. There is an offset from another section of the bill. I think that is the way we ought to be considering these amendments, and I would encourage the committee to adopt the amendment to the amendment.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I also accept the amendment, and I commend both the gentleman from Alabama [Mr. CRAMER] and the gentleman from Florida [Mr. WELDON] for the work they have put in to insuring as we did work in this committee that we did not overlook the very positive program that both of them believe in, and because of their hard work and diligence we have managed to fund this and make sure that it will continue through the years.

Mr. KUCINICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the NASA space, the civilian space authorization bill, and I commend my colleagues on the Committee on Science and on the Subcommittee on Space and Aeronautics for reporting out a well balanced and reasonable authorization bill that will maintain our Nation's leadership in using space science to enhance research and development efforts. The bill continues our commitment to the space station while improving congressional oversight of international cooperation in the construction of the space station. It moves forward in the orderly process of promoting the commercial use of both the space station and the space shuttle. The Office of Space Commerce will provide a secure location to advance this sort of activity.

I am particularly impressed by the progress being made in the mission to Planet Earth. This project will pay major dividends for the understanding of our global environment. Through the Earth observing system that is part of this project, NASA will be able to collect very important data on the level of ozone in the atmosphere, the impact of climate changes on long-term weather patterns and the relationship between gases in the atmosphere and productive land use management. This project is providing the scientific foundation for sustainable development on our planet. I look forward to continued progress on experiments with microgravity, one of the areas of concentration of the NASA Lewis Research Center outside of the city of Cleveland in my district.

Mr. Chairman, the international space station will provide an ongoing environment for advanced microgravity experiments. Those experiments will help our country conduct the basic research needed to treat diseases, develop new generations of plastics and better understand the growth of plants.

Mr. Chairman, it is with pride that I urge my colleagues to support the civilian space authorization bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. CRAMER] to the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER], as amended.

The amendment, as amended, was agreed to.

Mr. PASCRELL. Mr. Chairman, I move to strike the last word.

Mr. Speaker, I rise today in support of H.R. 1275. As we debate the authorization of the civilian space program I wish to remind my colleagues of the importance of investing in NASA. Throughout the years there have been calls to abandon our commitment to technological advancement by shifting funding from these important programs. Having the foresight to resist these efforts and invest in our future has yielded critical advancements in areas such as medicine, public safety, consumer products and transportation. These spinoffs include safety improvements for our school buses, water purification systems for our homes, emergency rescue cutters to free accident victims and enhanced alarm systems for our prison guards, the elderly and the disabled.

Particularly in health care, the advancements due to NASA have been remarkable. We have developed a digital imaging breast biopsy system which greatly improves the treatment and cost of surgical biopsies. As we work together in this body to help women with breast cancer, this nonsurgical tool has been and will continue to be an essential part of safer, less traumatic treatment. And instead of having to use the less accurate, more painful thermometer, Mr. Chairman, I hold in my hand, thanks to NASA technology, we now have this ear thermometer which would not have been developed if it had not been for NASA. It has helped physicians improve the treatment of our own children.

I bring this device to the floor today to highlight the importance of this vote. This thermometer is an excellent example of the advancement that has developed directly from our investing in NASA.

This is an important vote today. It is easy to say we are for improving people's day-to-day lives, but it is another actually to vote in a manner that achieves that goal. While we all are conscious of reining in our spending practices by cutting programs that have failed to meet the objective, I rise today to say that NASA is not one of these programs, and I urge my colleagues to support the space program and the space station and to allow us to continue developing critical technology that improves our lives.

The CHAIRMAN pro tempore. Are there any other amendments?

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER: Page 9, line 12, through page 10, line 6, amend paragraph (1) to read as follows:

(1) For the Space Station, for expenses necessary to terminate the program, for fiscal year 1998, $500,000,000.

Page 13, line 9, strike "308(a)" and insert in lieu thereof "208(a)".

Page 14, line 3, strike "308(a)" and insert in lieu thereof "208(a)".

Page 21, line 6, strike "$13,881,800,000" and insert in lieu thereof "$12,260,500,000".

Page 21, line 7, strike "$13,925,800,000" and insert in lieu thereof "$11,816,600,000".

Page 21, line 18, strike "303" and insert in lieu thereof "203".

Page 23, line 21, strike "(1) through (4)" and insert in lieu thereof "(2) through (4)".

Page 30, line 6, strike "308(a)" and insert in lieu thereof "208(a)".

Page 31, line 13 through 18, strike section 130.

Page 31, line 19, through page 40, line 3, strike title II.

Page 40, line 4, redesignate title II as title II.

Page 40, line 6, through page 74, line 17, redesignate sections 301 through 322 as sections 201 through 222, respectively.

Page 2, in the table of contents, strike the item relating to section 130.

Page 2, in the table of contents, strike the item relating to title II.

Page 3, in the table of contents, redesignate title III and sections 301 through 322, as title II and sections 201 through 222, respectively.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent that all debate on this amendment be limited to 1 hour, with time equally controlled by myself and the chairman of the committee, Mr. SENSENBRENNER.

The CHAIRMAN pro tempore. Is the gentleman talking about this amendment and all other amendments?

Mr. ROEMER. I am talking about this particular amendment, No. 5.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Indiana?

Mr. SENSENBRENNER. Mr. Chairman, reserving the right to object, and I do not intend to object, let me clarify that of the time allocated to the proponents of the amendment, does the gentleman from Indiana intend to yield 15 minutes of that time to Republican supporters of the amendment, and then I would yield 15 minutes of my time to Democratic opponents of the amendment?

Mr. ROEMER. Mr. Chairman, will the gentleman yield?

Mr. SENSENBRENNER. I yield to the gentleman from Indiana.

Mr. ROEMER. I would be happy, Mr. Chairman, to try to divide that equally. The sponsor of my amendment is a Republican, and it is a bipartisan amendment. However, I would just ask my colleague to be flexible with that 15 minutes, depending upon people's schedule, how many Republicans and Democrats we have at any given time to speak on the floor.

So I will try my best to have it equally divided to answer the gentleman's question.

Mr. SENSENBRENNER. Mr. Chairman, further reserving the right to object, the gentleman from Indiana [Mr. ROEMER] is saying yes and no, and I guess I will accept it for getting on with it.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The gentleman from Indiana is talking about amendment No. 5 and all amendments thereto; is that correct?

Mr. ROEMER. That is correct, on amendment No. 5.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The CHAIRMAN. The gentleman from Indiana [Mr. ROEMER] and the gentleman from Wisconsin [Mr. SENSENBRENNER] will each control 30 minutes.

The Chair recognizes the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an important amendment for many reasons. We have all had the opportunity in a recent election to tell our constituents how devoted we are to balancing the budget, and we have all sat back home in our individual districts in Indiana and Iowa and California and in Maine, across this great country, that we would come here and work in a bipartisan way and make the tough but fair decisions to balance the budget. This, Mr. Chairman, is a tough decision, and it is fair based upon how poorly this program has performed over the last decade.

Now let me give my colleagues the example, Mr. Chairman. Back in 1984 this program started out with an $8 billion price tag. Now in 1997 it will cost our American taxpayer about $100 billion to finish this space station, $8 billion to $100 billion. That is according to the General Accounting Office which is a nonpartisan group of scholars and thinkers here that gets us research, $8 billion to $100 billion.

That would be like an example that maybe I can relate better to, and some of our constituents, but because we are talking about real big bucks there, what about if someone as a constituent went to buy a car in 1984 and that car dealer said, "Mr. ROEMER, we're going to sell you a car for $8,000, and it's going to have power windows, it's going to have air-conditioning, it's going to have a tape player, it's going to have all these marvelous things; $8,000, sir," and I bought it. Now in 1997 he comes back and says, "Hey, I'm sorry. That car is going to cost you $100,000, and I am going to take the tape player away, you are going to have to suffer through the summertime, no air-conditioning and no power windows."

That is kind of what the space station has become. It has gone from 8 scientific missions to 1 or 1½. It has gone from $8 billion to $100 billion, and now the United States taxpayer has sent almost a billion dollars to Russia because now they are 11 months late in their participation in the space station, which is jacking up the cost for the American taxpayer.

This is not a good deal for us. This is a terrible deal for the taxpayer. There is $100 billion, and more and more of it going over to Russia.

Now you are going to hear, Mr. Chairman, you are going to hear this argument on the floor: Well, we have already spent $18 billion, let us finish the job.

How do we justify 18 billion bad dollars down a rat hole and then another $70 billion later on? That is what this is going to cost; $18 billion down a rat hole and then $70 billion into a black hole in space. That is not a good expenditure of taxpayer dollars.

We are also going to hear about science. We are going to hear that this thing is going to discover the cure to AIDS and cancer and help school buses. There is not anything that that space station cannot do.

Let me read for my colleagues a couple quotes from some scientists, not politicians. Let me read some quotes from some scientists. This is a quote from a Dr. Robert Park, who is a professor of physics at the University of Maryland. He says:

> The greatest single obstacle to continued exploration of space is the international space station. Cost overruns and construction have been accommodated by postponing what little science is planned for the station.

☐ 1345

There is one scientist. Another scientist, Dr. Bloomfield, professor of physics at the University of Virginia, he says:

> The space station is an insatiable sponge for resources, drawing the life and vitality from many exciting and sorely needed NASA programs.

So that the space station is cannibalizing other very, very good programs that are returning good science to us.

He also states:

> We are in danger of building a fantastically expensive scientific laboratory in which no important scientific work will be accomplished.

Another scientist. There seems to be some consensus of opinion from some of these scientists. This is Dr. Ursula Goodenough, professor of biological sciences. She says:

> I am an avid fan of space science and would be very happy to see the international space stations appropriations go instead to aerospace contracts and NASA jobs geared to the further exploration of the universe, planets and earth.

Mr. Chairman, we all talk about balancing this budget. We all talk about doing things in a bipartisan way. I offer this in a bipartisan way with the gentleman from Iowa [Mr. GANSKE], a Republican.

We all talk about not having cost overruns in our programs. This is a $92 billion cost overrun, and the scientists are saying, we do not want it. Fund NIH where we are trying to do things on breast cancer and Parkinson's and AIDS, and where two out of four of those grants are not adequately funded.

Let us solve some of these problems right here, right now, but not cut off space. I am very supportive of the shuttle and the Hubble and the great observatories and the faster and cheaper and better programs, and Galileo.

All of these things can give us a presence until we find out what exactly our manned presence should be in the next century. Should it continue to be commercial rockets and the shuttle and some other kind of a space station that works, or should we ultimately and finally say, enough is enough to the American taxpayer.

We are not getting good science out of this project, we are not getting a return on the dollar. Let us have the courage to take on the special interests, to kill this program, and move forward and give the men and the women of NASA who are doing tremendously good work with 85 percent of this NASA program and budget, let us give them the opportunity to continue to do that good work in these other areas I have outlined.

Mr. Chairman, I reserve the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that 15 minutes of my time be yielded to the gentleman from Alabama [Mr. CRAMER], and that he have the right to yield portions of that time as he sees fit.

The CHAIRMAN pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Indiana [Mr. ROEMER] gets high marks for persistence. This is his annual amendment to kill the space station. However, he gets equally low marks for his logic, because he wants the American taxpayer to back away from the $18 billion that we have already spent on the space station, leaving this house half built, breaking the international commitments that we have made to our closest allies in Western Europe, Canada, and Japan, and stiffing them the $6 billion that they have spent out of their own funds because he says, "the space station has no useful purpose."

The space station does have a useful purpose, and it also means that if we build the space station, we will continue to have the United States of America be the leadership in manned space flight for the next generation.

If the gentleman from Indiana [Mr. ROEMER] has his way, not only will America be out of manned space flight, but so will the rest of the world, because these programs are so expensive they have to be internationalized, and no other country will be able to pick that up. I think that would be a shame. I think it would be shocking. I think it would demonstrate that the United States of America is an unreliable partner because of the commitments that we have asked other countries to undertake in building the space station, and which all but Russia have done so and have spent their own taxpayers' money.

If the gentleman from Indiana has his way, it is going to be a long time before other countries rely on the United States of America in any international undertaking, whether it be in space or in science or anything else, because if we back away from the space station now, we will have burned them so significantly with funds on their own.

The gentleman from Indiana says that if we kill the space station, we can save a great big bunch of money. I have heard the figure $75 billion touted about. I do not know whether that is accurate or not. But that includes the cost of maintaining and operating the shuttles that will be used for assembling the space station. That cost is going to be there.

If the space station is not set up, we are going to be using the shuttles for other things and expending the taxpayers' money for it, so very little of that $75 billion is going to be saved, because we will be utilizing the equipment that the taxpayers have already bought and paid for, as well as paying for other types of microgravity research.

The fact is that the cost of completing and operating the space station between now and the year 2012 will be about $23 billion for the United States, about $10 billion to finish the station by the year 2002, and about $13 billion to operate it for the next 10 years. That includes the cost of the shuttle flights and the research in this total.

We hear the argument all along that it is no-good science. Now, I have heard a lot of testimony of scientists in my time on the Committee on Science, and many of the scientists approach the Committee on Science saying the science that I am doing is good science and we should give more money to it.

The science that other scientists are doing I think should be a much lower priority, and I really do not care if you defund it. So we can trot out scientists on each side of the argument. But let me quote what some of the scientists told the subcommittee of the gentleman from California [Mr. ROHRABACHER] a couple of weeks ago.

Dr. Larry DeLucas of the University of Alabama at Birmingham testified that shuttle-based microgravity research has led to ongoing clinical tests in drugs for the flu, stroke, and open heart surgery. The shuttle's maximum duration mission is 16 days. The station is permanent, and we can do much more research on that.

Dr. Jane Milburn Jessup of Harvard Medical School is researching colon cancer through space research. Dr. Lelund Chung of the University of Virginia is studying prostate cancer through space research. Dr. Reggie Edgerton of the Division of Life Sciences at UCLA testified that microgravity research is already aiding studies of neurocell regeneration, which can help us cure or ameliorate spinal cord and other nerve injuries.

I am married to a person who has a spinal cord injury, who is paralyzed from the waist down. It is a terrible disability for anybody to have that kind of an injury. If we can figure out some way, any way, to help regenerate those neurocells following a spinal cord injury, the grief, the trauma, the pain that someone like my wife has to endure can be solved for future people who might have those kinds of injuries.

Now, we can accelerate this research by having a permanent space station rather than having 16-day shuttle missions. We are building a space station that allows this research to be done 365 days a year. Mr. Chairman, I hope the Members do not back out on their previous commitments to the space station. I hope the Members, once again, reject the Roemer amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CRAMER. Mr. Chairman, I yield myself such time as I may consume and I rise in opposition to the amendment.

Mr. Chairman, I rise in strong opposition to the annual Roemer amendment. It is springtime and he is persistent, and here we are again. Since I came to the Congress in 1991, we have had more than 25 votes on this issue in the committee and on the floor, so needless to say, most Members of this House, except for our new Members of the 105th have had an opportunity to hear these arguments that we make every year.

I want to echo some of the comments that the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the Committee on Science, has made already. It is just too late for us to turn our back on this program. It would not be the responsible thing to do. I do want to make a few additional points for the freshman Members that may not have heard this debate for the first time.

The international space station is not a new program. Even as we debate today, there are thousands of engineers and scientists that are hard at work in the United States, Canada, Japan, Europe, and Russia, building and testing the space station systems and components. More than 160,000 pounds of hardware have already been built in the United States alone. The program is scheduled to start launching the first segments of the space station next year.

This amendment, this annual Roemer amendment, would waste all of that hard work and the taxpayer dollars that have been spent today on the station program. That is not the fiscally responsible thing to do.

The space station makes good sense. I wish that other Members had the opportunity to hear the testimony of the world class scientists that appeared before the committee this year and other years, as well regarding the advances that they believe will be responsible or will be possible from the research conducted in the weightless environment of space, research that cannot be conducted here on earth.

These potential advances span the spectrum from increased understanding, development of exotic new materials that could revolutionize any terrestrial processes, and the design of new pharmaceutical processes as well.

The space station, as has been pointed out, is an international cooperative venture including cost-sharing by more than a dozen nations. If we turn our back now, our lawyers will inherit a possible nightmare that we will have to sort through.

Now, there is one issue that my colleague, Mr. ROEMER, will bring up over and over, and that is the concern in the delays over the Russian involvement, the Russian funding of its space station contributions. I believe, under the leadership of the chairman and ranking member of the full committee, that this bill contains tough provisions to make it clear to Russia that we expect them to honor their commitments to this program.

Mr. Chairman, this is a bad amendment. I urge Members to defeat it.

Mr. Chairman, I reserve the balance of my time.

Mr. ROEMER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Iowa [Mr. GANSKE], a cosponsor of the amendment and a Republican.

Mr. GANSKE. Mr. Chairman, I rise in support of the Roemer-Ganske amendment. On Tuesday, the gentleman from Indiana [Mr. ROEMER] and I were successful in our efforts to save the taxpayers $6 million when NASA decided to end the Bion Program. This was a small down payment on the $75 billion we could save by cutting the space station.

Space station supporters say that since we have already spent $18 billion, well, we cannot stop now. I disagree. Now is the time to stop throwing money into this black hole. It would be doing our allies a favor if we killed this jobs program now.

Despite repeated promises, the Russians still have not paid for critical space station components. As a result, the first space station launch will be delayed at least 11 months. The space station is already $300 million over budget for the next 2 years. Congress imposed a spending cap which lost its teeth before we even launched the first piece of hardware.

The sad truth is that if we do not cancel the space station, it will continue to be the Pac-Man that eats up everything else at the expense of important other NASA programs.

I believe the Federal Government does have a role in space research, but in this case, the space station will ultimately, in my opinion, impede our knowledge of outer space because it will eat up those funds for unmanned space exploration.

□ 1400

Let me explain briefly why I think the Space Station will not fulfill the scientific goals first envisioned.

First, if we look at the physical sciences, years of research on the shuttle and on Mir have produced no evidence that microgravity offers any advantage for processing or manufacturing. The few experiments in areas such as turbulence and fluid phase transitions that might benefit from a microgravity environment could be conducted on unmanned platforms or the shuttle.

Turning to life sciences, experiments on the shuttle and Mir have established that diverse organisms can go through their full life cycle in a microgravity environment. This fundamental question of whether important biological processes can occur in microgravity has already been answered. The answer is yes.

It is also no surprise that vestibular organs, bones, muscles of larger mammals, are affected by microgravity. We have known that as physicians for years. If we have a bedridden patient, they lose bone mass. There is no evidence, however, that studies of these effects have contributed to an understanding of how organisms function on Earth.

The possibility of growing better protein crystals is often cited as a benefit of the space station. Such crystals are important in determining the molecular structure of proteins. However, years of growing protein crystals on the shuttle and on Mir have made no discernible contribution to determining any new structure.

Mr. Chairman, we came to Washington to make some tough choices. I hope my colleagues will agree with me that it is necessary to ground this orbiting erector set. One of my heroes when I was an undergraduate at the University of Iowa was Dr. James van Allen, discoverer of the van Allen radiation belt.

I talked to him yesterday about the space station. He pointed out that the principal scientific achievements of NASA have been accomplished by unmanned exploration: Galileo, Viking, Pioneer, Voyager, the Mariner missions. The exceptions have been Hubble, which has needed some maintenance, and Apollo. But he also pointed out that the Russians brought back rock samples from the Moon with unmanned missions.

Dr. van Allen told me, "The Space Station purposes are grossly incommensurate with the cost." I think that says it all.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BRADY].

Mr. BRADY. Mr. Chairman, like other fiscal conservatives, I find this amendment attractive on its surface. But a closer look reveals and has repeatedly shown that the scientific criticism is not valid and the cost savings are exaggerated. Killing the space station at this point in its life would ultimately prove to be penny wise yet pound foolish.

We all know that major leaps in mankind's progress require a major commitment over a long time and an ability to look beyond the immediate horizon. The international space station is no different. This is a fiscally responsible investment which will produce real benefits for American families.

While the space station is long-term in nature, the return on our investment is significant and very well worth making: in new drugs to battle our most stubborn diseases; in knowledge to protect and preserve our earth's environment; and in the potential for a vast number of new jobs for the 21st century resulting from the commercial opportunities in space.

We cannot afford not to continue this investment, this critical investment in America's future. I respectfully urge my colleagues to defeat this amendment and continue our historic support for the space station.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin, Mr. TOM BARRETT.

Mr. BARRETT of Wisconsin. Mr. Chairman, I want to applaud my colleagues, the gentleman from Iowa [Mr. GANSKE] and particularly the gentleman from Indiana [Mr. ROEMER] for consistently fighting this very lonely fight.

This fight reminds me a lot of that childhood story of the emperor has no clothes, because the gentleman from Indiana in particular has stood by the side of this parade now for many, many years.

When this parade first started, this emperor space station was walking down the street and we were told that this is cloaked in fiscal responsibility, that this is a responsible project, it costs $8 billion. Of course, we saw that it was not a real cloak. The emperor's space station was wearing no clothes at that time.

So what happened several years later? We were told this is the greatest thing since the polio vaccine, that we are going to solve all the problems in the world with this. Again, the emperor space station has no clothes.

Then they had a close call 2 years ago, 215, 214. Now we had all sorts of new bells and whistles and balloons that went in this parade, and we were told this is going to help us reach world peace because we are going to work with the Russians, and by working with the Russians we are going to really move forward.

What have we seen in the last month? The emperor space station has no clothes. Those opponents of the space station have a tough fight. There are powerful forces that create jobs in parts of the country for people because of the space station.

I have no problem with the jobs program. But if all this is a jobs program, let us call it that and let us spread the money out evenly throughout the United States. But the time has come for Congress to say that the emperor space station has no clothes, and to end this economic folly.

Mr. CRAMER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. BROWN], the ranking member of the full committee.

Mr. BROWN of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, sometimes I have difficulty determining what the value of these perennial debates are, but being an eternal optimist, I am going to assume that they will result in some enlightenment on those who have not been sufficiently informed.

Mr. Chairman, the history is subject to a lot of debate. It is true that, as with every project I have been associated with over the last 30-odd years, there are misrepresentations made, not intentionally but necessarily, as to what the final cost and parameters of any project like this will be, and the space station is one of those.

We are finding out some interesting things. It represents some breakthroughs which we did not anticipate. for example, the inclusion of the Russians was never planned, it was serendipitous, and it may have some beneficial effects. There were over-promises made about what the research would do, but nobody questions the fact that there will be valuable results from the research.

The most important thing is that if Members really believe that there is any potential for human activity in space, it has to have a space station. There is no other way that you can gain the experience both of creating the infrastructure to house these humans, and for humans to get the experience which will allow them to function in a near-Earth orbit, far-Earth orbit, on the surface of the Moon, on Mars, anywhere else. We have to start. Killing the space station kills the start. We would say, in effect, we abdicate any future for humans in space.

The opponents have made some statements about costs, that it is going to cost I think the figure is $75 million more to complete the space station. The life of the space station is anticipated to be between 10 to 15 years, so what we are saying is that it is going to cost more than twice as much per year after the space station is built as it is costing for the space station to be built. That is ridiculous on its surface.

Mr. Chairman, the fact of the matter is that we are going to build this space station for something fairly close to the original cost, and then we are going to maintain it for 10 to 15 years. We are going to fly the shuttle to it several times a year. We are going to put new supplies, new experiments, new other things up there.

All of this costs money, it is not going to cost $75 billion. But even if it does cost a fraction of that, half that, say, this is not building the space station, this is operating the space station for the purpose of which it was built:

namely, to expand human abilities to live and work and produce new knowledge for the whole of human culture in the environment of space, which will be a landmark in the history of the human culture, and it is worth the effort we are making today.

Mr. ROEMER. Mr. Chairman, I gladly yield 2 minutes to the distinguished gentleman from Michigan [Mr. CAMP], a Republican.

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding time to me, and I thank him for his efforts in this matter.

Mr. Chairman, I rise in support of the Roemer-Ganske amendment. This November NASA will begin to launch $94 billion into orbit. This is a project plagued with delays, cost overruns, and unfulfilled promises. Russian assurances have fallen short, and the American taxpayer has been left holding the bag. We cannot afford this big budget action adventure in space.

The space station, originally budgeted at $8 billion, has become the black hole of the taxes of hardworking Americans. It threatens our ability to balance the budget. Space is infinite, but our resources are not.

It is time for Congress to get its spending priorities in order, and admit that we cannot afford a $94 billion playground in space. We need to get serious about what the core functions of the Federal Government are while we continue to run budget deficits year after year, and have a national debt of almost $5.3 trillion.

We are all amazed by the promises of space exploration and the excitement the space station generates. We should be amazed at the $200,000 every child in this country owes in interest on the national debt during their lifetime. Congress should invest this $94 billion in our children's future.

Mr. CRAMER. Mr. Chairman, I yield 5 minutes to the gentleman from Texas [Mr. HALL], my very dedicated colleague.

Mr. HALL of Texas. Mr. Chairman, once again we have a bad amendment offered by some good guys.

Mr. Chairman, opponents of the space station say the station is going to cost the American taxpayers $94 billion by 2012, as Chairman BROWN has pointed out and Chairman SENSENBRENNER has pointed out, rather than the $8 billion for construction in 1994. What are the facts?

I think we need to go back over the facts one more time. The redesign over the past couple of years has lowered the expected cost. That is a hard, cold fact. The project is two-thirds completed. It is a matter of math. The $94 billion figure is an overstatement because it adds projected operating expenses to the cost of construction.

As the chairman has noted in a Dear Colleague that we received some time ago, American taxpayers have invested about $18 billion in the international space station, and we are more than halfway through building the hardware we need. We will spend another $10 billion to complete the space station in 2002, and $13 billion to operate it until the year 2012, Mr. Chairman, for a total of $23 billion.

This year's funding, like last year's funding, cost each American an average of 2.2 cents a day. If Members want to hear a real outcry from young America, cancel this space station. The cost of terminating the project would be far greater, thousands of jobs would be lost, and the potential for creating new high-technology industry would absolutely be lost. We also would lose the hope of curing diseases and making other scientific discoveries that could save or enhance the lives of everyone in our planet. We lose far more by terminating the space station than we do by keeping it.

Opponents of that have stated that reliance on unstable partners like Russia could jeopardize the project. Of course, I have concern over their instability. But the truth is that Russian participation is still needed. It is very important, because of the expertise they bring to the project.

The Committee on Science unanimously adopted an amendment offered by the chairman and the ranking member, the gentleman from California, [GEORGE BROWN], that addresses the Russian problem. Their amendment prohibits U.S. funding of work pledged to be done by Russia. It requires NASA to develop a contingency plan should the Russians default, and requires the President to make a decision by August 1, 1997, on whether to proceed with permanent replacements for the Russian items. I think they have covered the waterfront. It also directs NASA to certify that Mir meets U.S. safety standards.

We also have to consider that we have other partners who have committed billions of dollars toward the space station: Japan, Canada, and the European community. This is an international station. Russia is only one of the many worthy participants.

The opponents also argue that the project has questionable scientific merit. What are the facts? Biomedical and materials research in space has very impressive results. The ability to provide a permanent manned platform for conducting research has the potential for far greater rewards.

We need to remember that we must pursue our dream. We must pursue this dream. Out of splitting the atom we got the MRI and the CAT scan. We have to keep going forward. We have to keep our heads up. We have to keep following the star that might really be a deliverance to all of the people, to young and old, future and present.

The space station began as a dream, but through hard work, careful planning and the financial commitment of many nations, it became a reality. The space station represents an investment in our future.

As we prepare for the many challenges of the 21st century and continue to battle many of the problems of the 20th century, the space station represents the combined hopes of many nations that we will find some of the answers beyond the Earth's atmosphere.

□ 1415

I urge my colleagues to oppose the Roemer-Ganske amendment and support the international space station.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN], a pretty good basketball player, a Republican.

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman from Indiana for yielding me the time.

This has been a lonely fight for my friend, and it has gradually caught support. I am looking forward to helping him on this fight.

I am hearing a lot of the arguments that remind me of the arguments that I watched on TV a few years ago about the superconducting super collider, the great atom smasher down in Texas. If that was the boondoggle of the 1980's, this program must be the boondoggle of the 1990's. Because by every cost estimate that I have seen, it is way over budget. It is not getting the promised results that we had hoped for.

We can disagree on whether it is $94 billion or $74 billion or $84 billion, but it has run over cost. It is a year behind. The Russians have not lived up to their part of the deal, but we keep funding it because it is two-thirds done.

I am not sure that is the best philosophy and the best argument to be selling here. Maybe there is some other issue we could be talking about. The facts are, it is overdone; it is overrun. They have not lived up to the bargain.

We need to take a look at the fiscal responsibility of this Congress. We are $5.4 trillion in debt. Do we keep funding a program because it is already there, just because it is there, mainly because it is set in Florida and Texas and California? Or do we really look at some of the scientific aspects and can we accomplish those in a much more economic manner?

I really applaud the gentleman from Indiana [Mr. ROEMER] and the gentleman from Iowa [Mr. GANSKE] for putting effort into this. Maybe this year, with the help of other Members on both sides of the aisle, we can pass this bill and pass this amendment. But I do look forward to a good argument and I respect both sides.

Mr. CRAMER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN], a strong advocate for NASA and the space station.

Mr. BENTSEN. Mr. Chairman, I want to echo the comments made by my senior Member, the gentleman from Texas [Mr. HALL].

I hate to have to oppose an amendment by my good friend, the gentleman from Indiana [Mr. ROEMER], but the fact is that we have invested about $18 billion in a program which from my viewpoint appears to work. It would be one thing if we were investing funds year in and year out and showing no results to walk away from the program, but that is not what is going on here.

We are looking at a program where we are building up, where it is going to work, and it would be a grave mistake and really a bad business decision for us to walk away at this point, to break the contracts, to say that we are not going to go forward.

The gentleman from California [Mr. BROWN], the ranking Democrat, is also correct that if we are going to continue as a nation to lead the world in space exploration, we are the only ones that are going to do it, as the gentleman from Wisconsin [Mr. SENSENBRENNER] said. And if we do not do it with this, as the gentleman from California [Mr. BROWN] says, if we do not build the station, we will stop at this point and we will lose ground.

I think it would be a very serious mistake. Yes, we have spent the vast majority of the money, and we made progress. Yes, two-thirds of the hardware has been developed. Yes, there are problems with the Russians. I think having the Russians involved in this as well as all the other nations involved in this program is good foreign policy for America.

If the Russians fall out, we have contingency plans in place, but I do not think we should focus the argument solely on the Russian problem. We can take care of that if they fall out of it, but it is still incumbent upon the United States to lead.

I would encourage my colleagues to once again defeat this amendment. It is not going to balance the budget. We are fooling ourselves if we think that it is. We have to prioritize the budget and find where we can make cuts, but we have to keep the country moving forward at the same time.

I would also urge my colleagues on the subsequent amendment offered by my friend, the gentleman from Indiana [Mr. ROEMER], with regard to the agreements with the Russians, that we defeat that and pass the authorization.

Mr. ROEMER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in support of this amendment. Like so many Federal programs, Congress was given a low-ball figure at the first and was told in 1984 that this program would cost only $8 billion. Now the General Accounting Office, not our figures but the figures from the General Accounting Office tell us that the cost will be at least $94 billion. Some estimates of the ultimate cost when all expenses are figured in are much, much higher. James J. Kilpatrick, nationally syndicated columnist, said: This is "pure folly and that the cost itself has now gone into orbit." This project will ultimately be the most expensive single project ever funded by the Federal Government, and that is really saying something.

An editorial in the Washington Post in 1991, when the cost estimates were much lower than now, said this "The diversion of $30 billion would be a sad thing even if the Federal Government had money to burn. Money for the space station will have to be squeezed out of other research of value to society and to science, including space science."

Mr. Chairman, we do not have money to burn. We need to support this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I rise in strong opposition to the Roemer amendment.

We have heard a number of points made repeatedly today that I would like to address, one of them being that this project somehow costs $100 or $90 billion. To say that this project costs that much money would be similar to saying that the Louisiana Purchase did not cost $14 million. It cost billions of dollars for all of those settlers to move into the West and build all those cities. Included in that figure is the cost of all the shuttle missions and all of the research that is going to be done on the space station. It is very, very unfair to make those kinds of comparisons.

We heard firsthand in our committee the tremendous amount of good quality scientific research that will be possible on the space station. We research into areas like the treatment of existing diseases, development of new technologies that can help deal with problems like spinal cord injuries and bone disease and heart disease.

I would also like to point out that there have been a number of Members who have mentioned about all these cost overruns that have occurred in the program already. The vast majority of those cost overruns were caused by this body redesigning the space station over and over and over again. Once we, the House of Representatives, stopped monkeying with it, lo and behold, NASA has been able to stay on budget and on schedule. They have done a darn good job on it.

Finally I would like to say one additional thing. I believe when Queen Isabella was approached about funding Columbus, there were those who said, no, no, no, do not do it. Each time he wanted to go back, there were people who said do not give him any more money. Likewise, during the Mercury, Gemini and Apollo Programs, I know that there were Members in this body, probably motivated by the fact that the program had absolutely no funding coming into their district, chose to oppose it and vote against it. I am sure none of those Members today would stand up and speak proudly of the fact that they were opposed to one of the greatest accomplishments in the history of American exploration.

I encourage Members to vote against ROEMER.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON], my good friend and a Cubs fan.

Mr. UPTON. Mr. Chairman, I prefer to talk about the Wolverines instead of the Cubs, I would have to say, this year.

Mr. Chairman, I rise in strong support of the Roemer-Ganske amendment. Before I was in the Congress, this Congress made the decision to go ahead with the space station; but when they made the decision to go ahead with it, I in fact worked at the Office of Management and Budget. And I remember well the argument that took place within the Office of Management and Budget in terms of what the cost was going to be. The suggested cost was about $8 billion. Then it was $12, then it was $15, now I understand we have spent $18 billion already. Three years ago I took to this floor and argued in support of this amendment, they were saying then that the cost was going to be $45 billion. I come today and it is $94 billion. No, that is not million, that is billion dollars.

I listened to the comments of the gentleman from Iowa [Mr. GANSKE] today about one of the great NASA supporters of all time, Dr. van Allen, what he had to say. It is not worth the bang for the buck. I can remember talking to some of my colleagues in the past years about how this amendment or how this space station is so important for the advancement of science. They said: FRED, go back to your districts and talk to your pharmaceutical folks, talk to some of the people there and find out what this science will do.

I did. And they came back and they said, it is not worth the bang for the buck. It is not worth it; $94 billion.

Mr. Chairman, we have heard from a lot of newspapers, and some of them have suggested that we just simply vote for the continuation of this program to keep the dream alive. Well, I have to say something, that when we see a budget increase grow from $8 billion to $94 billion, it sounds more like a nightmare, it does not sound like a dream. The Taxpayers for Common Sense, the Citizens Against Government Waste all say support the Roemer amendment. As we think about our children and their future, the $5.5 trillion national debt, the almost $300 billion that we are going to spend on interest. We have to start making some tough choices. One of those is supporting this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Indiana [Mr. ROEMER] has 11½ minutes remaining, the gentleman from Alabama [Mr. CRAMER] has 3½ minutes remaining, and the gentleman from Wisconsin [Mr. SENSENBRENNER] has 6 minutes remaining.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Roemer-Ganske amendment. At an estimated cost of $94 billion, this space station has become Congress's latest sacred cow. And this at a time when we are trying to balance the budget, we are cutting very important social programs and we are substantially cutting other research projects.

I rise in strong support of the Roemer-Ganske amendment to terminate space station funding. Simple put, the Space Station Program is a luxury item the United States cannot afford when the national debt exceeds $4.5 trillion.

At an estimated cost of $94 billion, the space station has become Congress' new sacred cow, at a time when we are trying to balance the budget and important social programs and other research projects are being deeply cut, it is unconscionable that once again this bill includes full funding of the space station which is already vast billions over the original estimates.

It is absolutely unconscionable that we are again including full funding for this which is already vast billions over the original estimates.

The Space Station Program is so fundamentally flawed that when President Clinton selected a new scaled-back design for the space station in 1994, the chosen design satisfied only one of the eight original design objectives. Despite the substantial redesign, scientists across the spectrum remain critical of the station because of its costs and irrelevance to real science. Many contend that the research proposed for the station could be conducted for far less money on the space shuttle, on smaller spacecraft, or through the use of satellites, with the money saved being used for projects having more scientific merit or for environmental protection, housing needs, emergency food and shelter programs, veterans programs, and deficit reduction.

This is despite the fact that continuous redefinition of the goals and designs have inflated the cost of this project more than $86 billion. The originally cost being $8 billion, with construction scheduled for 1994. Now, the Government Accounting Office estimates that it will cost the American taxpayers $94 billion to build the space station by 2012.

Taxpayers have already spent $18 billion on the space station since 1984, with few tangible results. Furthermore, with NASA's poor track record on cost-overruns, it is doubtful that NASA has any idea how much it will cost American taxpayers to maintain and operate the space station.

With reference to Mr. SENSENBRENNER's remarks which characterizes the space station as the primary source of research for medical procedures. Please, if we were to put a fraction of these billions on medical research here at home. Instead we are cutting medical research in our pressing need to balance the budget.

We need the space station $4.2 billion here on Earth. I urge my colleagues support of this important amendment.

Come back to Earth—we can't keep chattering about balancing the budget.

Threatening to take food out of the mouths of little babies—the WIC Program cutbacks, while still funding this enormous pork barrel—lets use some common sense and set our priorities so that the people will again respect this elected body and trust us to keep our word.

Now, both the gentleman from Indiana [Mr. ROEMER] and the gentleman from Iowa [Mr. GANSKE] have fully and rationally explained the alternative programs that are conducting research. They have explained the deficiencies in the space station project. They have adequately outlined the fact that the authoritative scientific community is deeply split on this project. But I would like to refer in my limited time to the gentleman from Wisconsin [Mr. SENSENBRENNER] comments and others who have referred specifically to medical research projects leaving the impression here with our colleagues that this is the only source of research funding for new medical procedures. That is not anywhere near accurate.

The gentleman from Iowa [Mr. GANSKE] spoke eloquently to that subject. But, let me put it this way. If we were to put only a fraction of those billions of dollars into the medical research here at home, we would be doing vast good for the American people. Instead, we are cutting medical research in our very pressing need to balance the budget.

That brings me to the point. Come on back down to Earth. We cannot keep chattering about balancing the budget and threatening to take food out of the mouths of little babies and cutting enormous amounts from other medical research projects when we are funding this enormous pork barrel. Let us call it what it is, pork barrel. Let us use some common sense and set our priorities so that the people will again respect this elected body and trust us to keep our promises.

Mr. ROEMER. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I rise today in strong support of the Roemer amendment to terminate funding for the international space station. In my view the space station is not a responsible use of taxpayer dollars. It was originally projected to cost $8 billion. Recent estimates put the price tag at $94 billion. The $18 billion that has been spent thus far in construction only began in 1995.

□ 1430

It is time for the taxpayers to cut their losses. Eliminating the program now will save $78 billion, four times what has been spent this far, dollars that are desperately needed for programs here at home. NASA is projecting the space station budget to be an average of 75 percent over budget from what they originally planned.

As somebody who spent over 25 years in a small business, I find that spending dollars wisely and cost efficiently is not only critical, it is essential. While I think our space program can provide significant scientific contributions to society, I do not think the space station is worth the price.

Of the eight original scientific objectives for the program, only two remain, just two out of the eight. Many of the proposed experiments can be done on unmanned satellites or aboard the space shuttle for just a fraction of the cost.

NASA now says that the primary reason to build the space station is for the sake of learning how to build a space station. In the wake of our $5 trillion national debt, I do not think we can afford to pursue a multibillion dollar endeavor of questionable scientific merit.

I hope my colleagues will make their stands for the taxpayers today and vote for the Roemer amendment, because once again, my colleagues, as we struggle with how to find sufficient dollars for education, for seniors, for our environment, this spending is critical.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida, [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I have heard some of these arguments. The problem is that this project is two-thirds complete in operation. We are not talking about something like the super collider here where we are just starting it and then we killed it. Even then there were large termination fees. Here is a project that is two-thirds complete into the operation.

Now, these folks keep talking about a $92 billion overrun. That is over 15 years. That is about $6 billion a year. This is a project that we are almost already about to see the light at the end of the tunnel, so I think we are too far along to consider terminating it. It may be $92 billion in overruns, however it turns out to be a very small number over the 15-year period.

This amendment lost by 65 percent last year in the 104th Congress. I will bet that the gentleman from Indiana [Mr. ROEMER] and everybody else in the House would love to win an election by

65 percent. The majority of people here in Congress believe this space program is a good project, yet time and time again the gentleman, Mr. ROEMER brings this up. I will bet on the last day of the project the gentleman will bring up the fact that we have to shut this program down. Another thing is that we will not be able to shut this project down because of our agreements with many, many countries.

I would point out to those that keep coming to the House floor and saying this is fiscally irresponsible to push this space station, I went back to the vote on the National Endowment for the Arts on June 22, 1994, and almost without an exception these people could not even reduce and do away with a program that was $160 million. We are not talking billions, we are talking about millions.

In fact, my good friend from Indiana did not agree to substantially reduce or shut down the National Endowment for the Arts.

Another point I want to make is that we are talking about a program that only is $23 billion to completion. So we are not talking about billions and billions of dollars, but $10 billion for completing it and $13 billion for the operation for the next 10 years.

My friends, there is no parallel between this and the super collider. We have promises we have made to other countries. We must keep them.

Author J.G. Holland said, "Heaven is not reached by a single bound. But we build the ladder by which we rise." We are currently building that ladder, in a series of bounds. What we find at the top of this ladder will inspire future generations to imagine, explore, and actually see, first hand, the unprecedented advances that the space station will provide. We must retain funding for the space station. I urge a "no" vote on the Roemer-Ganske amendment.

Mr. CRAMER. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. SHERMAN] who is a new Member and new to this debate.

Mr. SHERMAN. Mr. Chairman, my colleagues, when Columbus set sail, about two-thirds of the way into the journey a group of his sailors rose up and urged that the project be defunded. America would not be here today if that amendment had not been defeated.

There are many reasons to support the International Space Station. It is a way for us to build bridges with other countries, including former adversaries. It is a way to build our own aerospace industry, which is already our leading source of exports.

I wish my colleagues had been able to join me at Rocketdyne, where I saw how they are developing batteries for a space station that could well lead to breakthroughs in an electric automobile.

We will find cures for diseases, perhaps AIDS, cancer, influenza, or diabetes. Most important of all, humankind belongs in space. The space station is our stepping stone to where we belong in the next millennia.

Mr. ROEMER. Mr. Chairman, I would inquire how much time is left.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Indiana [Mr. ROEMER] has 7½ minutes remaining; the gentleman from Wisconsin [Mr. SENSENBRENNER] has 4 minutes remaining; and the gentleman from Alabama [Mr. CRAMER] has 2½ minutes remaining.

Mr. ROEMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say, first of all, that I am delighted that we have been able to, for the most part, conduct this debate in a very civil and bipartisan way. A number of Republicans and Democrats have stood up on both sides of this great Chamber and disagreed on whether or not to support this particular amendment. I would urge my colleagues to support this amendment to cancel the space station.

A number of groups that are devoted day in and day out to deficit reduction support this legislation, and let me read a few of them. This amendment is endorsed by the Taxpayers for Common Sense, the National Taxpayers Union, the Citizens Against Government Waste, the Concord Coalition, and the Citizens for a Sound Economy.

Now, Mr. Chairman, those groups do not go around, I do not think, saying we need to spend more money here and protect these jobs, and we need to do a little more money here, and would you please vote for this increase across the board here. Their mission, which is a difficult one in America today, is to try to get to a balanced budget.

We all come here, Democrats and Republicans alike, and we all talk about balancing that budget, but then we delay some of the tough votes. I think this is an appropriate vote to signal to our Democratic leadership at the White House and here in the House and over in the other body and to the Republican leadership in this body and over in the other body that we want these talks to balance the budget to continue; that we are willing to make tough choices over here; and that we can anticipate even tougher choices coming at us in the next few weeks.

There are going to be proposals to cut different defense projects. There have already been proposals in the Committee on Appropriations to cut the WIC Program for women, infants and children. We will see proposals to cut back on different discretionary spending programs for education.

This is the choice, ladies and gentlemen. We can vote to cut a program like this that is $75 to $80 billion over budget; that has gone from eight scientific missions to 1 or 1½; that is not performing the way that the taxpayers deserve; and that is going to send off almost $1 billion to Russia of our taxpayers money under the guise of the NASA budget.

Now, I think that is not such a tough choice. I think we should send a signal to the American people and the respective Democratic and Republican leadership that we are serious about deficit reduction; that we will make tough choices; and that we are going to make fair choices, and they are not going to be choices that hurt children and hurt families and hurt those that need a safety net.

In conclusion, Mr. Chairman, yes, it is my annual fight; yes, when the springtime comes and the cherry blossoms are out, I offer this amendment, and I do it because I believe it is the right thing to do. I believe that for the taxpayer, for the United States of America, and for good science we should kill this project. I would encourage my colleagues to take a good look at this, to read their DSG, which really outlines the arguments on both sides, and vote a tough vote that will upset some special interest groups. It might take away some support, but it will resonate with the American people that we need to balance the budget.

Mr. Chairman, I yield back the balance of my time.

Mr. CRAMER. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. KUCINICH], also a new voice in this debate.

Mr. KUCINICH. Mr. Chairman, skepticism is a healthy expression in a democracy, but skepticism should never permit us to stop reaching upward in establishing new frontiers. In the words of the poet, "A man's reach should exceed his grasp or what is a heaven for?"

We should not let skepticism blind the American willingness and ability to envision a better future. In the words of the prophet Isaiah, "Without vision, a people perish." We, in this Congress, are called upon to see the health care benefits, to see the medical technology benefits, to see the industrial technology benefits which comes from the space program.

We are called to join with those visionaries who have given this country the ability to adapt to an undreamed of future. America's destiny is to keep reaching onward and upward.

Mr. CRAMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE], a very dedicated member of the committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I say to the gentleman from Indiana [Mr. ROEMER] he is a good friend, and I recognize that this is an annual rite of passage. But let me join with my colleague by saying that the American people do have vision and we will not perish.

NASA and the space station represents success, success in efficiency, success in downsizing effectively, success in outsourcing and giving opportunity to commercial enterprises, success in microgravity research, where finite results help in our pharmaceutical industry, success in health research that helps diabetes, AIDS, health disease, and cancer.

Finally, might I say, what will we do with $500 million to destroy the program? That is down a hole and we will never find it. Let us save the space station, for it is for our children, it is for our future, it is for our health, it is the right thing to do. The space station deserves our further consideration. It is a vision for tomorrow. It is a vision of America.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Alabama [Mr. CRAMER] has 30 seconds remaining.

Mr. CRAMER. Mr. Chairman, I yield the final 30 seconds to the gentlewoman from Texas, [Ms. EDDIE BERNICE JOHNSON].

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, let me simply say that my colleague here is right when he wants to stop a lot of the spending. I fully agree, but I do not want to stop it where there is a pennywise and a pound-foolish.

We have gone into the unknown in research, all of our existence as a nation. This research has brought us many answers. If we do not explore the unknown, we cannot remain on the cutting edge, we cannot continue to battle diseases that plague us and the viruses and all.

We also know that we can commercialize many of the products and offer jobs and give good income for our country. I fully support the space station.

The CHAIRMAN pro tempore. The time of the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, has expired. All time that was yielded to the gentleman from Alabama [Mr. CRAMER] has expired.

Mr. SENSENBRENNER. Mr. Chairman, I yield the final 4 minutes to the gentleman from California [Mr. ROHRABACHER], the subcommittee chairman.

Mr. ROHRABACHER. Mr. Chairman, I thank the gentleman from Wisconsin [Mr. SENSENBRENNER] for yielding the time.

Mr. Chairman, first of all, I would like to congratulate the gentleman from Indiana [Mr. ROEMER], who again has drawn our attention to the fact that we should not rubberstamp any major programs or even minor programs that go through the House of Representatives. His diligence over the years has prevented us from becoming complacent. His diligence has ensured that we have tried to make this program, to the very best of our ability, to be as cost effective and as efficiently run as possible, if nothing else, to detour the criticism of the gentleman from Indiana [Mr. ROEMER] that comes up on the floor every year.

To that regard, he is serving a useful function, and this is a very fine example of bipartisan democracy at work in the sense there are people on both sides of the issues and we have people who are very sincere in what they are trying to say.

I may have agreed with the gentleman from Indiana [Mr. ROEMER] had we been making this decision 10 years ago or 12 years ago. I may have agreed with him perhaps even 8 years ago, perhaps. But today we have gone down the road, and to turn back now after this long journey has only begun but as we are halfway down the road to the destination would be irresponsible on our part and would actually cause more waste than what the gentleman from Indiana [Mr. ROEMER] would save by cutting the program.

The gentleman from Indiana suggests that he supports the shuttle program, but many of the savings that he talks about that would be saved as part of slicing off the Space Station Program were achieved only by the fact that the space shuttle would not be used to put the space station up; the shuttle would be used for other things, as well.

□ 1445

We will not make savings in that area until we develop a new and less costly way of putting people and payloads into space, which is something we are trying to do in our budget.

The international space station will be a magnificent technological achievement of historic proportions. It will be of significance, historical significance. People will remember that it was this generation that stepped forward and placed our first frontier post, manned frontier post into the next frontier. It is from that post, it is from this penetration of that great barrier, that great frontier that now is beyond us and confronts us, that will be the moment that people will say, this is where the conquest of space began for this generation.

Whatever great leap forward mankind has ever taken has always had a situation where there were people who, No. 1, said that we should not go, or, No. 2, this is not the right method, or as the program proceeded, they were doubters about the program and doubters about the specific goal that the people had in mind.

Six years ago, I sat on this floor and we came very close to canceling the C–17 project. The C–17, which is a magnificent aircraft, an aircraft that now ensures that the United States is the No. 1 aerospace power in the world, that we can project our forces anywhere in the world now, and people all over the world look to us in awe of this great achievement.

The C–17 almost went down for the same arguments that the gentleman from Indiana [Mr. ROEMER] is now making against the space station. After that vote, my father called me. My father was a pioneer in air transport aviation. He flew DC–3's all over the Pacific in World War II. He reminded me that every time they had come up with a new aircraft, there had been cost overruns, there had been kinks in the program, and there had been problems that were unforeseen and they had to overcome those problems and overcome the naysayers in order to make those achievements.

We must overcome our doubters to make this next great achievement for mankind, the great achievement that will be in the history books, a manned space station. This is our job.

The CHAIRMAN pro tempore (Mr. QUINN). All time having expired, the question is on the amendment offered by the gentleman from Indiana [Mr. ROEMER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. ROEMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 112, noes 305, not voting 16, as follows:

[Roll No. 90]

AYES—112

Barrett (WI)
Bass
Bereuter
Berry
Bilbray
Blagojevich
Blumenauer
Brown (OH)
Camp
Carson
Chabot
Christensen
Coble
Coburn
Conyers
Costello
Coyne
Cunningham
Danner
DeFazio
Delahunt
Dellums
Dingell
Doyle
Duncan
Ensign
Evans
Fattah
Foglietta
Frank (MA)
Franks (NJ)
Ganske
Goode
Goodlatte
Gutierrez
Hamilton
Herger
Hilleary
Hinojosa
Holden
Inglis
Kanjorski
Kaptur
Kennedy (MA)
Kind (WI)
Kingston
Kleczka
Klug
LaFalce
Largent
Latham
Lazio
Leach
Levin
Lipinski
LoBiondo
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McHugh
McInnis
McNulty
Meehan
Miller (CA)
Minge
Mink
Moakley
Molinari
Moran (VA)
Myrick
Nadler
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Paul
Paxon
Pelosi
Peterson (MN)
Pomeroy
Portman
Poshard
Ramstad
Rivers
Roemer
Roukema
Sanders
Sanford
Schaffer, Bob
Schumer
Shays
Shuster
Slaughter
Smith (MI)
Solomon
Stark
Strickland
Stupak
Tierney
Upton
Vento
Visclosky
Wamp
Watkins
Watts (OK)
Waxman
Woolsey

NOES—305

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Becerra
Bentsen
Berman
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady

Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chambliss
Chenoweth
Clay
Clayton
Clyburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Everett
Ewing
Farr
Fawell
Fazio
Filner
Flake
Foley
Forbes
Ford
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilliard
Hinchey
Hobson
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
LaTourette
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Livingston
Lofgren
Lucas
Maloney (CT)
Manton
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McIntosh
McIntyre
McKeon
McKinney
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Neal
Nethercutt
Ney
Northup
Norwood
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Stump
Sununu
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Walsh
Waters
Watt (NC)
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Andrews
Bishop
Clement
Cubin
Furse
Hefner
Hoekstra
Manzullo
Porter
Schiff
Smith (OR)
Tanner
Towns
Velázquez
Weldon (PA)
Yates

☐ 1509

The Clerk announced the following pair:

On this vote:

Ms. Velázquez for, with Mr. Towns against.

Mr. SKAGGS and Mr. SALMON changed their vote from "aye" to "no."

Messrs. OWENS, SHUSTER, SCHUMER, and DELLUMS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HINOJOSA. Mr. Chairman, today on rollcall vote No. 90 I was recorded as voting "yes." I meant to cast a "no" vote. I oppose eliminating funding for the space station. This is a project which has my wholehearted support.

AMENDMENT OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROEMER:

Page 40, after line 3, insert the following new section:

SEC. 206. CANCELLATION OF RUSSIAN PARTNERSHIP.

Not later than 90 days after the date of the enactment of this Act, the Administrator shall terminate all contracts and other agreements with the Russian Government necessary to remove the Russian Government as a partner in the International Space Station program. The National Aeronautics and Space Administration shall not enter into a new partnership with the Russian Government relating to the International Space Station. Nothing in this section shall prevent the National Aeronautics and Space Administration from accepting participation by the Russian Government or Russian entities on a commercial basis as provided in section 202. Nothing in this section shall prevent the National Aeronautics and Space Administration from purchasing elements of the International Space Station directly from Russian contractors.

Page 2, in the table of contents, after the item relating to section 205, insert the following:

"Sec. 206. Cancellation of Russian partnership.".

Mr. ROEMER. Mr. Chairman, this amendment is very, very simple. All it does is to cancel out the Russian participation in the international space station.

Mr. Chairman, this amendment is simple and concise. It simply says that the Russians have not fulfilled their obligation under the contract of an international space station and, therefore, we should cancel the Russians out of this participation.

☐ 1515

Simply put, in the amendment it says: However, nothing in this section shall prevent NASA from accepting participation from the Russian Government or Russian entities on a commercial basis as provided in section 202. That means they could be a tenant. They could add on something to the international space station.

Mr. Chairman, they are 11 months behind in fulfilling their fiduciary responsibility to the American taxpayer and to NASA to build the service module. The service module would keep the rest of the space station up, yet they have not built it, so the American taxpayer is going to assume the costs.

Now, there is a great line in the movie "Jerry McGuire," and it is exchanged between the Academy Award winner, Cuba Gooding, and Tom Cruise. And he yells at the top of his lungs to Tom Cruise: Show me the money. He is yelling over and over, show me the money.

This relationship that we have between NASA and the United States could best be termed, throw me some money. Throw me money, American taxpayer, to the Russian space agency.

Let me go through some of the expenditures that the NASA budget is now throwing toward Russia. Let me remind the Members of the body that this is not the foreign aid bill that we are dealing with today, this is the NASA bill. Yet, in this bill and through the last several years with the Russians being our partner, we have paid them $463 million to rent Mir, and our distinguished chairman said earlier that that is not a very safe space station at this point, with a leak.

We have spent $215 million of U.S. taxpayer money on the service module, which is now 11 months late. We are taking $200 million out of the shuttle program and creating a new line item called the Russian cooperation program. We will probably send a couple hundred million more. That is close to $1 billion, Mr. Chairman, $1 billion of NASA money going to the Russians.

Now, if they were on time and on schedule and helping us in an international way, in a scientific manner complete the space station on time, I would say, let us go, let us have the participation.

The gentleman from Wisconsin [Mr. SENSENBRENNER] has tried to tighten up the accounting practices and put a better accountability into the bill, but if we cannot pay, and as Reuters, the news center says, the Russians are probably not going to have the money to pay; those accounting practices and principles do not do any good.

So I would really urge this body to even go further than the gentleman from Wisconsin [Mr. SENSENBRENNER] has gone in this bill with his language and really try to get the Russians to live up to their responsibility.

I will not call for a rollcall vote on this amendment, Mr. Chairman. I think this body has determined that they want to proceed with the space station with the last vote. But I would hope that this body would go beyond what the gentleman from Wisconsin [Mr. SENSENBRENNER] has done in this bill and at some point say to the Russians if they are not reliable partners, if they are not living up to their fiduciary responsibility of the contract, then we eliminate them.

It cannot just be foreign policy or goodwill. This is $1 billion in American taxpayer money being taken out of good projects in NASA to go to the Russian space agency. That is not wise, prudent science; that is not fair to our taxpayers. I would offer this amendment if I thought it had a good chance to pass. Based on the last vote, I am smart enough to know that it would not pass.

I will continue to fight the space station and try to get accountability in this account. I think the distinguished chairman from Wisconsin should go farther than he has done in this bill language, which I supported in committee. And I hope that the Russians, if they continue to be as unreliable as they have been, that the White House and the legislative body would come together and ask them to be removed from this partnership.

This is not an anti-Russian measure, Mr. Chairman. I think we should have a good, close engagement with the Russians, but we should not have foreign aid in the NASA bill.

Mr. Chairman, I will ask unanimous consent to withdraw the amendment, but first the distinguished gentleman from Wisconsin [Mr. SENSENBRENNER] may like to comment on this.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think this amendment can be appropriately dubbed the dumb like a fox amendment, because if it is passed and the Russians are kicked out now, that will result in a huge unanticipated cost that will bust the $2.1 billion cap that we have had, and then the gentleman from Indiana will come back and say, I told you so, there is a cost overrun, and we ought to pass my amendment to kill the space station to begin with.

So I do not think that we should pass this amendment, even though I have probably been the most severe critic of the Russian participation in this program in the entire Congress.

The problem, Mr. Chairman, is not the Russian technicians or the Russian manufacturers, it is the Russian Government and not making the payments to their contractors and subcontractors to do the work on those elements of the space station that the Russians agreed to build.

I certainly hope that Russia will clean up its act and live up to its international obligations, because this is the first test of whether the new Russia will do so; and so far, the Russians have flopped. They have broken promise after promise after promise made to me, made to the gentleman from California [Mr. LEWIS], who is the subcommittee chairman; made to the Vice President of the United States, made to the NASA administrator, and made to the President of the United States.

The problem, as I see it, is the fact that when this problem started to fester, the Clinton administration trusted the Russians to live up to their promises; and after they broke one promise after the other, the Clinton administration was not willing to admit that it made a mistake.

The provisions that we have in this bill are designed to make the Clinton administration reach timely decisions so that we do not have to spend an undue amount of extra money to replace what the Russians do not appear with, should that happen.

There is a provision in this bill that specifically prohibits NASA from paying the Russians to construct replacements for what the Russians promise to pay for in the original agreement. There are reporting requirements monthly so that NASA has to say in public whether Russia is completing its agreement or not. There is a deadline of August 1 for the President of the United States to make a certification of whether we go ahead with Russia included in this project.

To sum up, the decision to include the Russians and the details on the inclusion of the Russians were made not by the Congress but by the Clinton administration. If it does not work out the way they advertised, then they are the ones that ought to admit that they made a mistake. This bill forces them to make a decision on that question one way or the other. If the decision is to disengage the Russians, the President of the United States will have to tell us that and the President of the United States will then have to tell us how much it will cost to make up for what the Russians were supposed to have done, and the Clinton administration relied on them, and their reliance was in error.

Mr. CRAMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, very quickly, since my colleague from Indiana [Mr. ROEMER] says that he will withdraw this amendment, I want to take this time to once again congratulate the chairman of the committee, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] for making sure that this Russian issue was settled within the committee and facing off with the administration, because H.R. 1275 does contain a number of tough provisions regarding the Russian participation in the Space Station Program.

Cooperation with the Russian Government does offer many benefits to this country in terms of the space program. However, that cooperation has to be based on each party living up to its commitments. The space station provisions in this bill send a strong signal to Russia that we expect them to deliver on their promises. The provisions also direct NASA and the administration to prepare credible contingency plans in case the Russian contributions are further delayed.

So I think we have accomplished what my colleague would set out to accomplish by this amendment. I am opposed to the amendment.

Mr. ROEMER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. Under the 5-minute rule, the gentleman's time expired.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I appreciate the kindness of the gentleman from California [Mr. LEWIS]. I would only say that I did vote for the Sensenbrenner and Brown language in committee, which does establish some accounting and some different monitoring mechanisms and does try to establish a structure to make the Russians more accountable for the rest of their participation.

I would hasten to add that I hope that, if the administration certifies in August that they still think that the Russians should be a participant, then we might visit this as a Congress again if the Russians are still not performing up to the tasks that are outlined under the agreements to pay for certain things on time, which if they do not, delays the rest of the schedule and increases the cost of the space station, that Congress would have a discussion with the administration and potentially revisit this issue again.

Mr. LEWIS of California. Mr. Chairman, reclaiming my time, I first would like to indicate that I very much appreciate on the one hand the gentleman suggesting that the amendment is going to be withdrawn; but on the other hand, I think it is very valuable that the gentleman brought this matter up in this fashion, for it is important that the House be aware of these problems and it is important that the committee be responsive to these concerns.

There is little doubt in my mind's eye that having this international cooperative effort go forward positively is extremely valuable to everybody involved. Indeed, the foreign policy implications are obvious to anybody who would look. But in turn, as these difficulties have arisen relative to Russia's commitment, it is vital that the committee be responsive and make sure that we have mechanisms for judging the progress in the months ahead. So I am very appreciative of the work that the committee has done.

I would be happy to yield further to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I appreciate the kind words of the gentleman. I just hope that we are not doing too little too late. That the Russians, if they are going to be genuine partners, that they pay their bills on time, that they genuinely perform the services that they are contracted under, and I would hope, and I have confidence in the gentleman from California [Mr. LEWIS], and the Committee on Appropriations and the gentleman from Wisconsin on the authorizing committee, that if it continues to slip like it has been slipping, that we really hold them to task and revisit this entire issue.

I would ask unanimous consent to withdraw the amendment at the appropriate time, given the fine assurances that I have from the gentleman from California and the concern expressed from the gentleman from Wisconsin.

Mr. LEWIS of California. Mr. Chairman, just by way of closing comment, let me say that I have long appreciated the gentleman's involvement in this issue. Who knows, with the progress we are making here, my colleague may one day support space station, and I would appreciate that as well.

Mr. ROEMER. Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Are there further amendments?

☐ 1530

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment Offered by Ms. JACKSON-LEE of Texas:

Page 31, strike lines 8 through 12 and insert the following:

SEC. 129. INTERNATIONAL SPACE UNIVERSITY.

Funds appropriated pursuant to this Act may be used by the National Aeronautics and Space Administration to pay the tuition expenses of any National Aeronautics and Space Administration employee attending programs of the International Space University held in the United States. Funds appropriated pursuant to this Act may not be used to pay tuition costs of the National Aeronautics and Space Administration employees attending programs of the International Space University outside of the United States.

Mr. SENSENBRENNER (during the reading). Mr. Chaiîrman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first let me thank the chairman of the Committee on Science for his cooperation and his staff's cooperation, along with the ranking member, the gentleman from California [Mr. BROWN], and the staff that worked with my office on an issue that has been consistently an important part of my commitment to science. That is the issue of education.

Mr. Chairman, this amendment involves the support of the International Space University, but as well, it recognizes the value that it has to our own NASA employees.

We have already acknowledged that the NASA employees are both dutiful, certainly, and dedicated to the idea of science and research. The International Space University was founded in 1987 in Cambridge, MA, as an international institution of higher learning dedicated to the development of outer space for peaceful purposes through multicultural and multidisciplinary education and research programs. Frankly, it is a diplomatic way to say that space belongs to all of us, but we must do it in a cooperative way.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, it is my understanding that the gentlewoman's amendment prohibits NASA from paying tuition for employees' courses at the International Space University for programs outside the United States, but allows for NASA to pay tuition and fees for programs within the United States.

I ask the gentlewoman, is my impression correct?

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman is in fact correct on that.

Mr. SENSENBRENNER. With that explanation, Mr. Chairman, let me say that I support the amendment and I do hope it is adopted.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate that clarification of the gentleman. I think with that clarification, it will still be of great assistance to the training of our NASA employees.

Might I say in closing two points: NASA has been involved with ISU since 1988 with the signing of a memorandum of understanding. In fact, we will have the International Space University housed in Houston, TX, this summer. It travels throughout the United States and the world. I look forward to it going to many of our jurisdictions and being of value.

Mr. Chairman, I quote for the RECORD from a letter from J. Wayne Littles, director of the NASA's Marshall Space Flight Center, who indicates that NASA is very supportive of the International Space University. It is part of the agency's training.

> . . . ISU provides a unique opportunity for NASA employees to interact with others in an international setting. In an expanding global economy and at a time when space and aeronautics activities are increasingly international in scope, this training is extremely valuable for NASA employees.

Mr. Chairman, I include for the RECORD the letter from J. Wayne Littles.

The letter referred to is as follows:

NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION,
Washington, DC, April 24, 1997.

Hon. SHEILA JACKSON-LEE,
U.S. House of Representatives,
Washington, DC.

DEAR MS. JACKSON-LEE: It is my understanding that you plan to introduce an amendment to H.R. 1275, the Civilian Space Authorization Act, Fiscal Years 1998 and 1999, concerning Sec. 129, International Space University Limitation.

NASA is very supportive of International Space University (ISU). As part of the agency's training program, ISU provides a unique opportunity for NASA employees to interact with others in an international setting. In an expanding global economy and at a time when space and aeronautics activities are increasingly international in scope, this training is extremely valuable for NASA employees.

Past participants have rated ISU as a very high quality training experience. In addition to an excellent curriculum, ISU has afforded participants an opportunity to learn from other space agencies and multinational organizations, especially in areas such as strategic business practices, technical strengths and weaknesses, and cultural traditions in the workplace.

The realities of limited Government funding for space activities worldwide require NASA to be a skilled international player. We believe that participation in ISU helps NASA maintain its leadership position in the world space community. Current and future NASA personnel must be able to participate effectively in this community, and ISU provides an excellent venue for developmental opportunities for the NASA workforce. The international perspective gained by NASA staff who participate in ISU programs will contribute strongly to the success of NASA's mission.

We appreciate your work on behalf of this unique institution.

Sincerely,

J. WAYNE LITTLES,
Director, NASA Marshall
Space Flight Center.

Mr. Chairman, I ask my colleagues to support this amendment.

Mr. CRAMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to rise in support of this amendment. I admire my colleague, the gentlewoman from Texas. She is certainly a tireless advocate for NASA, for space station, for all of NASA's issues. I congratulate the chairman for supporting this amendment. I, too, believe that ISU is a useful, innovative approach. It is educating the young people who will lead the international space ventures of the future.

I also, in endorsing the International Space University, want to endorse, as the gentlewoman read, the letter from my director of Marshall Space Flight Center, Dr. Wayne Littles.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment dealing with essential NASA employees.

The Clerk read as follows:

Amendment offered by Ms. Jackson-Lee of Texas:

Page 75, after line 12, insert the following new section:

"SEC. 323. TREATMENT OF EMPLOYEES IN CASE OF LAPSE OF APPROPRIATIONS.

In any case in which the Congress fails to make appropriations for the National Aeronautics and Space Administration for a fiscal year in advance of the fiscal year, every employee of the National Aeronautics and Space Administration shall be considered as essential."

Page 3, in the table of contents, after the item relating to section 322, insert the following:

"Sec. 323. Treatment of employees in case of lapse of appropriations."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to support and offer this amendment in order, frankly, to save money.

We have determined in the last Government furlough, which none of us certainly would have welcomed, and certainly do not welcome that in the future, that in actuality we lost money. There were millions and millions of dollars spent by way of employees being furloughed for the backlog that had to be recouped upon their return.

NASA has essential duties, if you will. For if, for example, during a future Government shutdown that none of us would argue for, a shuttle flight is in progress, this amendment would ensure against unintended results because of budget negotiations. In fact, this would protect lives and provide a measure of safety for the utilization of the right employees and using them in the proper manner.

This amendment would designate NASA employees as essential personnel, causing important duties to be carried on, and furthermore, causing NASA to value and save necessary dollars.

This amendment, as well, Mr. Chairman, does give the opportunity for the director of NASA to make selections, but it does say that in order to ensure the safe, ongoing responsibilities of NASA that these employees be declared as essential, saving us money, and again, protecting the responsibilities and duties of NASA.

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this amendment is micromanagement in its worst way. The NASA administrator has got the power to declare all employees in his agency essential, should there be a Government shutdown. He has the discretion to make a determination on which employees are vital for the health and safety of continued operations of NASA.

So to say that mission control walks off the job if there should be a Government shutdown while a space shuttle mission is up is ridiculous, because that is not going to happen. The NASA administrator has the power to make sure that those people who are responsible for the safe operation of the shuttle mission report to work and do their jobs as usual. That is what happened during the unfortunate Government shutdowns that we had in the last 2 years.

Mr. Chairman, this amendment is also unfair because it singles out NASA employees. Why should all NASA employees be declared essential but not all employees of the FBI, not all employees of the Treasury Department, not all employees of the Department of Health and Human Services, or any other department?

Mr. Chairman, I know that having a broader amendment would be ruled out of order as nongermane, but I think that it shows the terrible precedent this sets if we legislatively decree that employees of one department are all essential but not decree that employees of other departments are all essential.

Having said that, Mr. Chairman, let me say that it is my hope that we never have another Government shutdown. There are Members that are working on legislation that provide for a continuation of appropriations if a budget deal is not reached by September 30. We have had a similar law on the books in the State of Wisconsin, where I served in the State legislature for 10 years before I was elected to Congress.

When the budget was not passed on time, which was more often than when the budget was passed on time, the agencies simply continued at the existing level of appropriations, or at some other level that was determined by State law, and nobody was furloughed. Mr. Chairman, I hope that before September 30 we are able to get a similar law like that on the books. I can pledge my support to it.

That is the right way to go about this problem. The amendment offered by the gentlewoman from Texas is the wrong way. I would urge its defeat.

Mr. CRAMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I support the intent of this amendment. I think we talk too little about NASA employees. I am proud of their dedicated work. Unfortunately, they are held hostage every year as we face these relentless amendments that are offered on the floor, particularly by the gentleman from Indiana [Mr. ROEMER].

The NASA employees are not faceless bureaucrats, they are people who have been downsized and streamlined, and year after year they are asked to do more with less, but they have delivered. I think the gentlewoman from Texas [Ms. JACKSON-LEE] is doing them a valuable service by offering this amendment here today. They deserve our support. Let us keep them on the job.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. CRAMER. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding. Let me respond to the chairman and his comments. He is right, for us to do anything else today for the Department of Health and Human Services, Department of Justice, the FBI, would certainly be far-reaching.

The question of NASA's essentiality has to do a lot with NASA's agenda. That is, NASA is not on the ground, it is in space. On many occasions the need to be able to respond to the urgencies of space and a space shuttle being in need of the whole team being in place is the real issue behind making these employees essential.

Let us not in any way think about shutting down the Government again. I agree with the chairman, I do not want to shut down the Government. I agree with the ranking member, we never want to see that happen. But I do believe that because of the unique nature of NASA's business, it would be appropriate to declare these particular employees essential.

Mr. Chairman, might I say, however, I would inquire of the chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER] on the basis the uniqueness of NASA's responsibilities, do we have any reason to believe that we would be able to find compromise on this language?

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. The answer is no, Mr. Chairman, because I think the principle of the amendment is bad. We should not be micromanaging the agency. If there is an emergency like a Government shutdown, I have every confidence in the NASA administrator to do the right thing.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the chairman for that. I vigorously disagree, however, Mr. Chairman. I am going to pursue this language further, and work to be able to define further the language that will appropriately separate out NASA employees for what I think is a very important responsibility.

Mr. Chairman, I ask unanimous consent to withdraw this amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment on minority university research and education programs.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Ms. JACKSON-LEE of Texas:

Page 17, line 22, strike "$102,200,000" and insert "$110,300,000".

Page 18, line 4, strike "$46,700,000" and insert "$54,800,000".

Page 18, line 8, strike "$108,000,000" and insert "$116,100,000".

Page 18, line 9, strike "$51,700,000" and insert "$59,800,000".

Ms. JACKSON-LEE of Texas. Mr. Chairman, this follows a line of consistency as it relates to education and science. This restores the dollars of this present level of authorization to the minority university research and education programs. It acknowledges the wealth of diversity in this country. It respects the excitement and, of course, the wealth of experience and diversity brought to us by the different communities in our Nation.

The minority university research and education programs are beneficial to developing national research that uses all of our Nation's strength in the sciences. This in particular covers Hispanics and all other minorities other than African-Americans. It restores the minority university funding to the fiscal year 1997 funding.

HBCU's and other minority universities are considered minority categories within the budget of NASA. Therefore, we are very much interested in being consistent in ensuring that Hispanic universities, those who are serving Hispanic constituencies and other minority groups have the same fair access to research dollars. This is not taking away to give to others, this is restoring dollars that were allotted in fiscal year 1997 funding.

Mr. Chairman, it is a known fact that this country is becoming increasingly diverse. It is a known fact that the Hispanic population is increasing. Therefore, I would argue that it is only fair to keep at the same level the funding to enhance research in the area of science in these universities that serve Hispanic populations.

Mr. Chairman, I would ask my colleagues to join me in equalizing science research by supporting this amendment that helps Hispanic universities or those universities serving Hispanic populations to be an equal player in the area of research and education as it relates to science.

In closing, Mr. Chairman, I would simply say that we can do this certainly in a manner that answers the question that I have always raised: Is science going to be the work of the 21st century? I believe it is. If it is going to be the science of the 21st century, we need to prepare Americans for that.

Americans are diverse. They live in diverse areas. This assures that universities that serve Indian populations, Hispanic populations, Asian populations, and other populations predominantly, other than African-Americans, will be able to play in the arena of science research.

□ 1545

Mr. SENSENBRENNER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I respectfully disagree with the gentlewoman from Texas saying this amendment is necessary to equalize money that is spent between minority and nonminority students at universities that get NASA education funds. The figures are exactly the opposite and if we were to equalize the amount of money that was spent, we would be cutting the minority account even further than what is proposed in the bill.

Let me give you those figures. For the nonminority students and faculty, approximately 700,000 to 750,000 faculty and students benefit by the education programs of NASA every year. In the bill's figures in fiscal 1998, that amounts to approximately $76.55 spent per faculty or student from the education and program account in the nonminority institutions.

Using the bill's figures in the minority institutions in fiscal 1998, there will be 50,000 faculty and students benefited, and of those 50,000 students, approximately $934 will be spent per faculty and student in the minority research and education programs. So the minority research and education programs are getting 11 to 12 times the amount of money per student than the nonminority research and education programs, and the amendment of the gentlewoman from Texas wants to make that disparity still bigger. I think that is unfair.

Second, the amendment of the gentlewoman from Texas does not increase the total authorization for NASA. So while she pluses up the education account for NASA, that means that the other accounts will end up having their programs and their people reduced as a result of what is effectively an earmark. That means less money for science, less money for Mission to Planet Earth, less money for human space flight, less money for the Johnson Space Center in Houston, less money for the Kennedy Space Center in Florida, simply because of the direction that she is putting the capped amount of money in the authorization bill into this particular program.

So for this reason and the fact that we already are spending 11 to 12 times as much per faculty and student in the minority programs and should not increase that still further, contrasted to the nonminority programs, I would hope that this amendment would be defeated.

Mr. CRAMER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to rise in support of the intent of this amendment. There is no question that we need to do all we can to ensure that all of our young people have an equal opportunity to an education. Our Nation will need the skilled scientific and engineering personnel that we can educate if we are to remain competitive in the 21st century.

However, I would hope that we could conduct hearings to examine how these academic programs are working as well as what additional resources might be needed.

Mr. Chairman, I yield to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his kind inquiries.

I do agree that we can in the long run look at this as a global issue, how do we train our young people for the 21st century.

I would simply say, in response to the gentleman from Wisconsin [Mr. SENSENBRENNER] that this is a restoration of funds that were allotted in fiscal year 1997 when Mission to Planet Earth was funded, when the manned space shuttle was funded, when research was funded. So, therefore, we are not in a situation where we would be denying the funding to those particular items in fiscal year 1998.

This is a mere restoration of funds that will help in large part Hispanic universities, those that are traditionally serving Hispanic populations, those that are serving other minorities. As I indicated, this is an increasingly diverse country, and what we want most of all is to prepare professionals that would be able to take on the requirements of space and science in those careers.

Therefore, it is important that we support institutions that serve these minorities in the area of science and research. This does that. It gives them the latitude to draw down on funds that will allow them to have professors, to do research, to provide dollars in those particular areas.

Often we find out that in those areas that serve Hispanics and other minorities, there is a shortage of funds. They have to make choices. In many instances, they make the choices contrary to science and math and research.

This is to emphasize that we believe that they should be brought into the 21st century as well and to give them the opportunity to use these funds so that in the future that we see a rainbow array of astronauts, a rainbow array of scientists and engineers and those that work on planning the space station because they have been trained in these disciplines.

I think that this is a worthwhile investment, not only in these institutions but, frankly, in America. It is a worthwhile investment in what we purport to be as we move toward the 21st century. I think that we should have the whole net included, Hispanics, other minorities, African-Americans and all others, excited about space, researching in space, being taught, learning and, of course, having institutions with the quality of expertise so that we can produce these kinds of professionals.

I ask my colleagues to consider this amendment and consider broadening the net and allowing us to invest in our future.

Mr. BROWN of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I understand the amendment of the gentlewoman from Texas, it proposes to increase the education funding back to the same level as the current year, which requires about an $8.1 million increase, which is offset in her amendment. I would be unfaithful to my district if I did not support this, because I have a district which is predominantly Hispanic. And we have a number of institutions in southern California which meet the criteria of institutions that would be benefited by this.

I am also aware of the fact that we have in some of our own territories institutions of higher education which would benefit from the additional funds that this amendment would produce and particularly need and would appreciate the additional assistance, even if for only a few hundred thousand dollars, to the improvement of math, science, and engineering education.

I think this is a worthy educational initiative. It goes to a category of students who we are seeking most assiduously to bring into these areas, and we are not going to bring them into these areas if we do not provide the additional assistance, as well as provide the hope of career opportunities in these fields which I think that we are beginning to do at the present time but still in insufficient numbers.

So for all of these reasons, I would like to support this amendment and hope that the Members will vote for it.

The CHAIRMAN pro tempore [Mr. NEY]. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. JACKSON-LEE of Texas. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 186, noes 226, not voting 21, as follows:

[Roll No. 91]

AYES—186

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fox
Frank (MA)
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McDade
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pitts
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Tauscher
Thompson
Thurman
Tierney
Torres
Traficant
Turner
Vento
Visclosky
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weygand
Wise
Woolsey
Wynn

NOES—226

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cunningham
Danner
Davis (VA)
Deal
DeLay
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
McCarthy (MO)
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Nethercutt
Neumann
Ney
Northup
Norwood
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Upton
Walsh
Watkins
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Andrews
Clay
Clement
Condit
Cubin
DeFazio
Furse
Hall (OH)
Hefner
Hoekstra
Manzullo
McCrery
Myrick
Nussle
Porter
Schiff
Smith (OR)
Tanner
Towns
Velázquez
Yates

□ 1614

The Clerk announced the following pairs:

On this vote:

Mr. Towns for, with Mr. Manzullo against.

Ms. Velázquez for, with Mrs. Cubin against.

Messrs. GEJDENSON, DOOLEY of California, WAMP, and QUINN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MANZULLO. Mr. Chairman, due to an illness in my family, I was unable to be present for two House recorded floor votes on Thursday, April 24. Had I been present, I would have voted as follows:

On rollcall vote No. 90: "Yes" (Roemer amendment).

On rollcall vote No. 91: "No" (Jackson-Lee amendment).

□ 1615

The CHAIRMAN pro tempore [Mr. NEY]. Are there further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BARRETT of Nebraska] having assumed the chair, Mr. NEY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1275) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes, pursuant to House Resolution 128, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1273, 1274 and 1275, the bills passed today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

REREFERRAL OF H.R. 892, AARON HENRY UNITED STATES POST OFFICE

Mr. KIM. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform and Oversight be discharged from further consideration of the bill, H.R. 892, and that the bill be rereferred to the Committee on Transportation and Infrastructure.

This bill would redesignate the Federal building located at 223 Sharkey Street in Clarksdale, MS, as the Aaron Henry United States Post Office.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

PROVIDING FOR LUMP SUM ALLOWANCE FOR CORRECTIONS CALENDAR OFFICE

Mr. GUTKNECHT. Mr. Speaker, I offer a resolution (H. Res. 130) and I ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 130

Resolved,

SECTION 1. LUMP SUM ALLOWANCE FOR CORRECTIONS CALENDAR OFFICE.

There shall be a lump sum allowance of $300,000 per fiscal year for the salaries and expenses of the Corrections Calendar Office, established by House Resolution 7, One Hundred Fifth Congress, agreed to January 7, 1997. Such amount shall be allocated between the majority party and the minority party as determined by the Speaker, in consultation with the minority leader.

SEC. 2. EFFECTIVE DATE.

The allowance under section 1—

(1) shall be available beginning with the month of May 1997;

(2) through the end of September 1997, shall be paid from the applicable accounts of the House of Representatives on a pro rata basis; and

(3) beginning with fiscal year 1998, shall be paid as provided in appropriations Acts.

Mr. GUTKNECHT (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO MONDAY, APRIL 28, 1997

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 29, 1997

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 28, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, April 29, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GUTKNECHT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LET US GIVE OUR KIDS A HEAD START ON LIFE

(Mr. MCGOVERN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. MCGOVERN. Mr. Speaker, last week I joined with several of my colleagues in attending a White House Conference on Early Childhood Development. This conference focused on new scientific research that confirms what many parents have suspected for a long time: that the first few years of a child's life are critical, absolutely critical to that child's intellectual, emotional, and social development.

Last week I joined with the gentlewoman from Connecticut [Ms. DELAURO] and the gentleman from Maryland [Mr. HOYER] in introducing H.R. 1373, the Early Learning and Opportunity Act. One key component of our bill is increased Federal funding for the Head Start and Early Start programs, two true success stories in the effort to prepare our children for a lifetime of education.

I have taken to this well many times to speak of my support for improving the scope and quality of American education. But we must never forget that a child starts learning long before they enter their first classroom. If one believes, as I do, that education is truly the key to our Nation's economic future, we must begin early. The DeLauro-Hoyer-McGovern bill takes a solid first step in ensuring that our Nation's children can learn, share, and mature to their fullest potential.

Mr. Speaker, I include the following material for the RECORD that contains some additional facts regarding early childhood development.

THE EARLY LEARNING AND OPPORTUNITY ACT

(Original cosponsors: DeLauro, Hoyer, McGovern)

FINDINGS

The first three years of life are a critical period of brain development, intellectual growth, and emotional, social, affective, and moral development, which prepares a child for later life.

Scientific research shows that how individuals function from preschool through adolescence and adulthood hinges to a significant extent on the experiences children have in their first three years.

One in three victims of physical abuse is under one year old.

The National Educational Goals Panel has reported that nearly half of infants do not have what they need to grow and thrive.

High quality care from a parent or other adult is necessary to facilitate growth and development before the age of three.

More than half of mothers with babies under one year of age are working outside the home.

More than 50% of working women are not covered by the Family and Medical Leave Act, which provides a twelve week, unpaid maternity leave.

The United States is the only industrialized country in the world which does not provide paid maternity leave. 30 developing countries provide paid maternity leave.

5 million children under age three are in the care of other adults while their parents work outside the home.

According to the Carnegie Foundation "Starting Points" report, most parents of babies have few child care options. Many cannot afford to stay home with their children, or to pay for safe, high quality developmental child care.

State-wide and multi-state studies have found that less than 20% of child care for babies is of good quality; nearly half is so substandard that it adversely affects infant and toddler development and may put babies' health and safety at risk.

Families with children under the age of three are the single largest group living in poverty. 25% of children under the age of three—3 million children—are living below the poverty line, and are at greater risk for malnutrition, poor health, and maltreatment, and are less likely to receive the care they need from parents or other child care providers to grow and develop normally.

EARLY LEARNING AND OPPORTUNITY ACT

STATUS OF AMERICAN INFANTS AND TODDLERS FACT SHEET

Poor developmental outcomes early in life have been shown to be significant risk factors for academic failure, teen pregnancy, and juvenile delinquency later in life.

In 1993, the National Educational Goals Panel reported that nearly half of infants in the United States do not have what they need to grow and thrive.

According to the Carnegic Foundation "Turning Points" report, most parents today have few choices for infant and toddler care. Even middle class parents cannot afford to stay at home with their children, and yet cannot afford high quality child care which will promote normal development.

Fewer than half of America's working women are covered by the Family and Medical Leave Act, which provides a 12-week, unpaid leave to parents of companies which employ more than 50 employees.

The United States is the only industrialized country in the world which does not provide paid maternity leave.

Thirty developing countries provide paid maternity leave.

More than half of mothers with babies under one year of age are working outside the home.

More than 5 million American children under age 3 are in the care of other adults while their parents work outside the home.

Studies of care for very young children show that less than 20 percent of such care is of good quality.

One multistate study showed that 40 percent of child care for babies was so poor that it adversely affected the babies' development and threatened their health and safety.

One in three victims of physical abuse is a baby less than one year of age.

Families with children under age 3 are the single largest group living in poverty.

Three million children—25% of all children under age 3—are living below the poverty line, at greater risk for malnutrition, poor health, and maltreatment, and are less likely to receive the care they need from parents or other child care providers to grow and develop normally.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. NEY). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES REFLECTING ACTION COMPLETED AS OF MARCH 25, 1997 FOR FISCAL YEARS 1997–2001

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period fiscal year 1997 through fiscal year 2001.

This report is to be used in applying the fiscal year 1997 budget resolution (H. Con. Res. 178), for legislation having spending or revenue effects in fiscal years 1997–2001.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, April 11, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1997 and for the 5-year period fiscal year 1997 through fiscal year 2001.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of February 28, 1997.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 178, the concurrent resolution on the budget for fiscal year 1997 as adjusted pursuant to 606(e) of the Budget Act for continuing disability reviews. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1997 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the "section 602(a)" allocations for discretionary action made under H. Con. Res. 178 for fiscal year 1997 and for fiscal years 1997 through 2001. "Discretionary action" refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 1997 with the revised "section 602(b)" sub-allocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, because the point of order under that section also applies to measures that would breach the applicable section 602(b) sub-allocation. The revised section 602(b) sub-allocations were filed by the Appropriations Committee on September 27, 1996.

Sincerely,

JOHN R. KASICH,
Chairman.

Enclosures.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 1997 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 178

[Reflecting action completed as of March 25, 1997—On-budget amounts, in millions of dollars]

	Fiscal years–	
	1997	1997–2001
Appropriate Level (as amended by P.L. 104–93):		
Budget authority	1,314,935	6,956,507
Outlays	1,311,321	6,898,627
Revenues	1,083,728	5,913,303
Current Level:		
Budget authority	1,331,836	(1)
Outlays	1,323,900	(1)
Revenues	1,104,262	5,975,917
Current Level over (+)/under (−) Appropriate Level:		
Budget authority	16,901	(1)
Outlays	12,579	(1)
Revenues	20,534	62,614

[1] Not applicable because annual appropriations Acts for Fiscal Years 1997 through 2001 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

FY 1997 budget authority exceeds the appropriate level set by H. Con. Res. 178 as amended by P.L. 104–93. Enactment of measures providing any new budget authority for FY 1997 would be subject to point of order under section 311(a) of the Congressional Budget Act of 1974.

OUTLAYS

FY 1997 outlays exceed the appropriate level set by H. Con. Res. 178 as amended by P.L. 104–93. Enactment of measures providing any new outlays for FY 1997 would be subject to point of order under section 311(a) of the Congressional Budget Act of 1974.

REVENUES

Enactment of any measure that would result in any revenue loss in excess of $20,534,000,000 for FY 1997 (if not already included in the current level estimate) or in excess of $62,614,000,000 for FY 1997 through 2001 (if not already included in the current level) would cause revenues to be less than the recommended levels of revenue set by H. Con. Res. 178.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a), REFLECTING ACTION COMPLETED AS OF MARCH 25, 1997

[Fiscal years, in millions of dollars]

	1997			1997–2001		
	BA	Outlays	NEA	BA	Outlays	NEA
House Committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,996
Current Level	5	5	5	55	55	55
Difference	5	5	5	55	55	−4,941
National Security:						
Allocation	−1,579	−1,579	0	−664	−664	0
Current Level	−102	−102	−21	−289	−289	−34
Difference	1,477	1,477	−21	375	375	−34
Banking, Finance and Urban Affairs:						
Allocation	−128	−3,700	0	−711	−4,004	0
Current Level	0	−6	0	0	0	0
Difference	128	3,694	0	711	4,004	0
Economic and Educational Opportunities:						
Allocation	−912	−800	−152	−3,465	−3,153	7,669
Current Level	1,967	1,635	1,816	11,135	10,296	8,852
Difference	2,879	2,435	1,968	14,600	13,449	1,183
Commerce:						
Allocation	0	0	370	−14,540	−14,540	−41,710
Current Level	3	3	492	242	195	1,430
Difference	3	3	122	14,782	14,735	43,140
International Relations:						
Allocation	0	0	0	0	0	0
Current Level	−1	−1	0	−1	−1	0
Difference	−1	−1	0	−1	−1	0
Government Reform and Oversight:						
Allocation	−1,078	−1,078	−289	−4,605	−4,605	−1,668
Current Level	0	0	0	0	0	0
Difference	1,078	1,078	289	4,605	4,605	1,668
House Oversight:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	−91	−90	−12	−1,401	−1,460	−59
Current Level	−19	−20	0	−144	−167	0
Difference	72	70	12	1,257	1,293	59
Judiciary:						
Allocation	0	0	0	−357	−357	0
Current Level	3	3	0	45	45	0
Difference	3	3	0	402	402	0
Transportation and Infrastructure:						
Allocation	2,280	0	0	125,989	521	2
Current Level	2,345	65	12	4,748	121	56
Difference	65	65	12	−121,241	−400	54
Science:						
Allocation	0	0	0	−13	−13	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	13	13	0
Small Business:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	−90	−90	224	−919	−919	3,475
Current Level	0	0	3	0	0	−52
Difference	90	90	−221	919	919	−3,527
Ways and Means:						
Allocation	−8,973	−9,132	−2,057	−134,211	−134,618	−10,743
Current Level	8,338	8,302	−2,840	73,457	73,476	−38,717
Difference	17,311	17,434	−783	207,668	208,094	−27,974
Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current Level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Total Authorized:						
Allocation	−10,571	−16,469	−1,916	−34,897	−163,812	−38,038
Current Level	12,539	9,884	−533	89,248	83,731	−28,410
Difference	23,110	26,353	1,383	124,145	247,543	9,628

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1997—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (Sept. 27, 1996)				Current level reflecting action completed as of Mar. 25, 1997				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture Rural Development	12,960	13,380	0	0	13,009	13,373	0	0	49	−7	0	0
Commerce, Justice, State	24,493	24,939	4,525	2,951	24,838	25,065	4,526	2,954	345	126	1	3
Defense	245,085	243,372	0	0	243,851	242,887	0	0	−1,214	−485	0	0
District of Columbia	719	719	0	0	719	719	0	0	0	0	0	0
Energy & Water Development	19,421	19,652	0	0	19,973	19,923	0	0	552	271	0	0
Foreign Operations	11,950	13,311	0	0	12,267	13,310	0	0	317	−1	0	0
Interior	12,118	12,920	0	0	12,503	13,178	0	0	385	258	0	0
Labor, HHS & Education	65,625	69,602	61	38	71,026	71,517	61	39	5,401	1,915	0	1
Legislative Branch	2,180	2,148	0	0	2,170	2,132	0	0	−10	−16	0	0
Military Construction	9,983	10,360	0	0	9,982	10,344	0	0	−1	−16	0	0
Transportation	12,190	35,453	0	0	12,080	35,519	0	0	−110	66	0	0
Treasury-Postal Service	11,016	10,971	97	84	11,620	11,292	97	83	604	321	0	−1
VA–HUD–Independent Agencies	64,354	78,803	0	0	64,522	79,196	0	0	168	393	0	0
Reserve/Offsets	768	219	0	0	−2,750	−5,850	0	0	−3,518	−6,069	0	0
Grand total	492,842	535,849	4,683	3,073	495,810	532,605	4,684	3,076	2,968	−3,244	1	3

Note: Amounts in Current Level column for Reserve/Offsets are for Spectrum sales and BIF/SAIF. Those items are credited to the Appropriations Committee for FY 1997 only.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 10, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1997. These estimates are compared to the appropriate levels for those items contained in the 1997 Concurrent Resolution on the Budget (H. Con. Res. 178) and are current through February 28, 1997. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 178)	Current level +/− resolution
Budget authority	1,331,836	1,314,935	+16,901
Outlays	1,323,900	1,311,321	+12,579
Revenues:			
1997	1,104,262	1,083,728	+20,534
1997–2001	5,975,917	5,913,303	+62,614

Since my last report, dated March 4, 1997, there has been no action to change the current level of budget authority, outlays, or revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

PARLIAMENTARIAN STATUS REPORT-105TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1997, AS OF CLOSE OF BUSINESS APRIL 9, 1997

[In millions of dollars]

	Budget authority	Outlays	Revenues
PREVIOUSLY ENACTED			
Revenues			1,101,533
Permanents and other spending legislation	855,751	814,110	
Appropriation legislation	753,927	788,263	
Offsetting receipts	−271,843	−271,843	
Total previously enacted	1,337,835	1,330,530	1,101,533
ENACTED THIS SESSION			
Airport and Airway Trust Fund Tax Reinstatement Act of 1997 (H.R. 668)			2,730
APPROPRIATED ENTITLEMENT AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	−5,999	−6,630	
TOTALS			
Total Current Level	1,331,836	1,323,900	1,104,262
Total Budget Resolution	1,314,935	1,311,321	1,083,728
Amount remaining:			
Under Budget Resolution			
Over Budget Resolution	16,901	12,579	20,534
ADDENDUM			
Emergencies:			
Funding that has been designated as an emergency requirement by the President and the Congress	1,806	1,228	
Funding that has been designated as an emergency requirement only by the Congress and is not available for obligation until requested by the President	323	305	
Total emergencies	2,129	1,533	
Total current level including emergencies	1,333,965	1,325,433	1,104,262

RECOGNIZE CUSTOMS AND INS INSPECTORS AS LAW ENFORCEMENT OFFICERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today to honor the work of the officers and inspectors of the U.S. Immigration and Naturalization Service and the U.S. Customs Service and ask that they be accorded full Federal law enforcement status as outlined in H.R. 1215, which I recently introduced.

My bill will finally grant the same status to U.S. INS and Customs inspectors as all other Federal law enforcement officers and firefighters. It is in the public's interest to end the unfair, unsafe and expensive practice of excluding the inspectors from the law enforcement category. Because of the current lopsided law, INS and Customs lose vigorous, trained professionals to other law enforcement agencies. These agencies also lose millions of dollars in training costs and revenues that experienced inspectors help to generate.

Customs and Immigration inspectors are law enforcement officers. They carry firearms and are the country's first line of defense against terrorism and the smuggling of drugs at our borders. In my district, 200,000 people a day cross through the San Ysidro port of entry, making it the busiest port of entry and border crossing in the world. These inspectors face dangerous felons daily and disarm people carrying sawed-off shotguns, switch blade knives, and handguns. They have been run over by cars and have had shoot-outs with drug smugglers.

Just last week in Calexico, Customs inspectors Robert Labrada, Jr. and Nicholas Lira were shot by a man that they escorted to an inspection area reserved for those suspected of carrying illegal weapons or drugs. Before they had a chance to search him, the man pulled out a semiautomatic handgun and shot one inspector in the face and the other in the chest. The inspectors fired back to protect themselves. Both inspectors are now recovering from surgery, but they are lucky. Other Customs and INS inspectors have been killed in the line of duty, and their names are listed on the wall of the Law Enforcement Officers Memorial.

The shoot-out at Calexico last Friday is not an isolated incident. The callous, single-minded ruthlessness of drug smugglers put Customs and Immigration inspectors' lives at risk every single day.

One INS inspector at the San Ysidro port, Paul Cannon, has had to draw his service revolver four times in the last four years. In a recent case a criminal was trying to break through the inspection gates. Even at gunpoint, it took four inspectors to disarm and subdue him.

Yet the Federal Government does not classify these employees as law enforcement officers. United States Immigration and Customs inspectors daily put their lives on the line. It is time that we value those lives. I urge support of H.R. 1215 to correct the unequal treatment of these Federal law enforcement officers.

TRIBUTE TO 53RD ANNIVERSARY OF WORLD WAR II EXERCISE TIGER OPERATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSHOF. Mr. Speaker, I rise today to honor a group of great and honorable Americans. On Monday, April 28, the Veterans of Foreign Wars Post 280 in Columbia, Missouri, will pay tribute to the 53d anniversary of the World War II Exercise Tiger operation, in which more than 750 Americans made the ultimate sacrifice.

Few Americans are aware of the circumstances surrounding the Exercise Tiger operation. What began as a top-secret military operation ended in a horrible moment frozen in time. In December 1943, the U.S. Army began conducting a number of training exercises in preparation for the Normandy invasion. These exercises concentrated on a long stretch of beach at Slapton Sands in Devon, England. This unspoiled beach of coarse gravel greatly resembled Omaha Beach, and it consequently made for an ideal simulation of what would be the D-day invasion.

Soldiers engaging in these maneuvers were under constant threat of attack, however, due to the many German E-boats patrolling the English Channel. One such exercise was utilized to prepare United States and British forces and was given the code name Exercise Tiger. These training exercises were conducted from April 22 to 30, 1944. The troops and equipment who participated in this maneuver embarked on the same ships and for the most part from the same ports from which they would later leave for France.

In the early morning hours of April 28, 1944, the convoy was maneuvering in Lyme Bay. Eight landing ship tanks and their lone British escort were en route to the landing area. Suddenly, in the pitch black night, nine German Navy E-boats patrolling the English Channel struck quickly and without warning. The presence of enemy boats was discovered only when the U.S.S. LST–507 was torpedoed. The ship burst into flames and survivors abandoned ship. Minutes later, the LST–531 was torpedoed and sank in 6 minutes. As the convoy returned fire, the U.S.S. LST–289 was also torpedoed, but was able to reach port.

The surprise German attack did not, however, stop Exercise Tiger. Landing operations resumed the next day, on April 29, 1944. This is a credit to the tenacity and determination of the soldiers and sailors involved in Exercise Tiger. The D-day invasion of Normandy occurred as planned. However, casualty information and the details surrounding Exercise Tiger were not released until after the Normandy invasion in an attempt to keep the Germans from learning about the impending attack.

□ 1630

I believe, Mr. Speaker, it is time we recognize these brave men. Of the 4,000 man force, nearly a quarter were missing or dead. Official Department of Defense records confirm 749 dead, at least 441 Army and 198 Navy casualties, although facts suggest the numbers could be greater.

Mr. Speaker, it is finally time that we acknowledge the indispensable role that members of Exercise Tiger played in preparing for the D-day invasion and in making it a success. To that end, I am proud to acknowledge VFW Post 280 as the first organization in the State of Missouri to commemorate the men of the historic battle of Exercise Tiger. After 53 years these great Americans deserve to be properly honored by those who have benefited so much from their sacrifices.

CONGRESSIONAL RESOLUTION RECOGNIZING THE HEROIC EFFORTS AND SACRIFICES OF THE AMERICAN SERVICEMEN WHO TOOK PART IN EXERCISE TIGER AND THEIR CONTRIBUTIONS TOWARD THE SUCCESS OF THE HISTORIC D-DAY INVASION DURING WORLD WAR II

Whereas the D-Day invasion of Normandy on June 6, 1944, was one of the most heroic battles of World War II and a critical turning point leading to Allied victory;

Whereas during the Exercise Tiger training mission for D-Day, members of the operation were exposed to great danger by carrying out this treacherous exercise in the English Channel during a period of increased German torpedo boat patrols;

Whereas on April 28, 1944, soldiers and sailors of the Exercise Tiger mission were unexpectedly attacked by 9 German Torpedo boats off the coast of Slapton Sands, England;

Whereas 749 American soldiers were killed in the attack;

Whereas the heroic efforts of these soldiers have not been sufficiently recognized in American history;

Whereas the United States Congress has not provided adequate recognition to sailors and soldiers who participated in Exercise Tiger; and

Whereas April 28, 1997 will be the 53rd anniversary of the tragedy of Exercise Tiger: Now, therefore, be it

Resolved, that the American Servicemen who took part in Exercise Tiger be recognized for their contributions towards the success of the historic D-Day invasion during World War II, preserving the virtues of freedom and democracy.

INDIA'S NEW PRIME MINISTER, INDER KUMAR GUJRAL

The SPEAKER pro tempore (Mr. NEY). Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I rise today to congratulate India's new Prime Minister, Inder Kumar Gujral, for winning the vote of confidence of the Indian Parliament this past Tuesday. This vote of confidence has put an end to the 24-day government crisis and provides yet another indication that India's democratic institutions remain very strong.

Mr. Speaker, Prime Minister Gujral is committed to strengthening United States-India ties. He has assured foreign investors that he will support free market reforms and initiatives. These reforms have opened India to United States businesses and industries. In a recent meeting with the Indian President Sharma, he assured the President that all the economic policies of the previous government will continue and be strengthened.

Prime Minister Gujral has already shown that given the opportunity he will bring peace to South Asia. His policies as Foreign Minister in the previous government have been coined as the Gujral Doctrine. He has already laid the groundwork to ease tensions in this traditionally volatile region. As Foreign Minister for Prime Minister Gowda, Mr. Gujral helped orchestrate the Bangladesh Water Agreement, a water treaty that ended years of dispute over water sharing rights between India and Bangladesh. He supervised an accord in which India and China agreed to reduce troops along the Himalayan border.

But most important, Mr. Speaker, Mr. Gujral has vowed to improve relations with Pakistan and made this the priority of India's foreign policy. Mr. Gujral helped initiate peace talks between India and Pakistan after a lull of 3 years. He is confident that the two neighbors can reach agreement in many areas through bilateral talks, and on May 12 of this year Prime Minister Gujral and Pakistani Prime Minister Sharif will meet in the Maldives to discuss peace.

Mr. Speaker, what is extraordinary about these accomplishments is that they were achieved within 10 months since the united front first took charge of the Indian Government. An even stronger sign of Prime Minister Gujral's ability to bring peace to the region can be seen in the troubled region of Jammu and Kashmir. This morning Kashmiri leaders stated that they believe that the new Prime Minister could help normalize relations between Pakistan and India and bring peace to Kashmir. A popular Kakshmiri separatist leader told Reuters News Service that if Mr. Gujral continues to be Prime Minister of India for a long period, I believe he can play a historic role in bringing India and Pakistan closer and solve the Kashmir problem.

Mr. Speaker, Prime Minister Gujral is India's third Prime Minister in the last 11 months. However, as we have seen, democracy remains strong and vibrant in India. As the Prime Minister said in a speech on Monday, we can change government but the system goes on, democracy continues, and it is strengthened.

As cochairman of the Congressional Caucus on India and Indian-Americans, I believe that Prime Minister Gujral can best lead India toward the 21st century, and I look forward to working with the Prime Minister in strengthening United States-India relations.

I want to also urge the Clinton administration, Members of this House and the Senate to support Prime Minister Gujral and assist him in bringing peace to South Asia. Mr. Speaker, I would also like to add that this year marks the 50th anniversary of India's independence. Since her birth in 1947, India has hosted free and fair elections through a multiparty political system and has maintained an orderly transfer of power from government to its successor. In light of this achievement, I would urge President Clinton and more Members of this body to visit India this year and to support this momentous occasion.

INTRODUCING THE EXPANDED WAR CRIMES ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, last week I introduced the Expanded War Crimes Act of 1997. It is a bill which expands the jurisdiction of my original bill, the War Crimes Act of 1996.

Last year I came before this House and told a story of a Navy pilot named Mike Cronin who had spent time as an uninvited guest of the Hanoi Hilton. I spoke of Mr. Cronin's time in Vietnam as an A–6 pilot and of his being shot down and taken prisoner of war and how he spent 6½ years living in a cage. Mike Cronin's story shocked many of you when I told you that upon his return to America he realized that while he and many others had witnessed horrible crimes of war being committed, no justice could be found within the U.S. court system because Congress had not yet enacted implementing legislation of the Geneva Convention. Well, a good number of you must have listened because I am pleased to say that last year Congress finally enacted implementing legislation of the Geneva Conventions of 1949. Held by the strong support of the State Department, the Defense Department, the American Red Cross, and many others, the War Crimes Act of 1996 finally signed into law legislation originally proposed back in the 83d Congress. The War Crimes Act of 1996 gave the United

States the legal authority to try and prosecute the perpetrators of war crimes against American citizens. Additionally those Americans prosecuted now have available all the procedural protections of the American justice systems, quite a victory for America.

The 105th Congress cannot and should not stop there. We must protect all the rights of our men and women defending the interests of our country abroad. It is for that reason that I introduced the Expanded War Crimes Act of 1997. I stand before this body today to encourage my colleagues to support this expanded bill. The War Crimes Act of 1997 expands the definition of my original bill to cover not only the grave breaches of the Geneva Convention but also a more general category of war crimes. The bill also includes important articles of the Hague Convention which has long been recognized as an important source of international humanitarian law with respects to means and method of warfare, and finally it includes the international protocol on land mines thereby insuring that the delivery and indiscriminate use of antipersonnel mines to harm civilians would constitute a criminal offense. While the bill is not retroactive, it can ensure that any future victims of war crimes will be given the full protection of the U.S. courts.

My colleagues, it is a bill which would rectify the existing discrepancies between our Nation's intolerance of war crimes and our inability to prosecute war criminals. Please join me as a cosponsor of this important and critical legislation.

NINTH ANNUAL CONGRESSIONAL FIRE AND EMERGENCY SERVICES DINNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise today to discuss a situation that is an ongoing problem in this country, and that is our ability to respond to disasters and life-threatening situations. At this very moment we are witnessing nationally the response to major flooding in the Dakotas. Over the past several years we have seen a number of incidents involving loss of life and property damage caused by hurricanes and tornadoes and earthquakes and fires of tremendous magnitudes. These incidents are becoming more complicated. Within the last several hours, there has been an incident uptown in Washington, DC, involving an unknown agent where first responders in this city had to respond in special suits because they were not sure whether or not it involved a chemical or biological incident.

Mr. Speaker, day in and day out, 1.2 million men and women in this country, our domestic defenders, respond to every disaster and emergency situation that this Congress or that this country and our communities face.

On Wednesday of next week, Mr. Speaker, we will in fact host the Ninth Annual Congressional Fire and Emergency Services dinner where 2,000 of the leaders of our domestic defenders across the country from every State will assemble in Washington to again celebrate the work that these brave individuals provide. They are involved in 32,000 organized departments, they are paid and they are volunteers, and they are out there day in and day out as the first responders to America's problems.

Mr. Speaker, I urge our colleagues to join with us in paying tribute to them. Speaker GINGRICH will be our keynote speaker this year. Last year we had AL GORE and we had Bob Dole. The previous 2 years we had President Clinton. Speaker GINGRICH will in fact address these individuals and reinforce the commitment of this Congress to work on their priorities.

During Wednesday afternoon, Mr. Speaker, starting at 12:45 the Marine Corps Chemical and Biological Incident Response Team, which was created by Congress over the past year, will respond to a simulated incident involving a chemical or biological agent in the Rayburn Park. Two hundred forty marines will arrive from Camp LeJeune, and they will demonstrate our country's ability to respond to a life-threatening situation involving an unknown agent.

But, Mr. Speaker, even though our marines are the finest in the world and this team is the finest in the world today, the first responders who have to go on these scenes in the first few minutes are those most at risk, and they are the ones that we have to make sure have the proper protection, the proper training, and the resources to meet these threats until reinforcements can in fact be provided by our military and by the marine response unit.

On Wednesday during the day and the evening, we will focus on this group of people and we will discuss the key priorities that we in this Congress can focus on to assist these 1.2 million men and women to better serve their communities.

Mr. Speaker, I urge all of our colleagues to join with us both during the day at the information sessions, meetings that will be held in Member offices, and finally on Wednesday evening to the Washington Hilton to attend the ninth annual dinner.

Mr. Speaker, there are no braver group of people in this country who respond to every type of disaster that we face as a nation, and many of them are not being paid to respond, and it is appropriate that we in the Congress provide the appropriate resources and support to allow them to continue to serve America.

INTRODUCTION OF THE VOTER ELIGIBILITY VERIFICATION ACT—H.R. 1428

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. HORN] is recognized for 5 minutes.

Mr. HORN. Mr. Speaker, today I and 16 other colleagues are introducing the Voter Eligibility Verification Act, H.R. 1428. I think most American citizens would say that the very hallmark of citizenship is the right to cast one's vote and to have it counted. But in America we have increasingly situations where people who are not American citizens are voting, and local registrars and State chief election officers are at their wit's end as to how we can find out who are American citizens and who are not.

The Voter Eligibility Verification Act of 1997 intends to solve that problem. I am very conscious of what one vote means. When I go to high school civic classes and talk to seniors, I stress my own primary back in 1992. I won by one-fifth of a vote per precinct.

So each vote is precious. One's individual vote does count, and in introducing this bill we are trying to ensure the integrity of national, State, and local elections. By preventing noncitizens from registering to vote, we are fulfilling the spirit of the Constitution. The 16 colleagues who join me have also had experience with close elections in Arizona, California, and Ohio among other States. In many jurisdictions, it is simply too easy to vote fraudulently.

Last October, California Secretary of State Bill Jones dropped 727 people from the voter rolls after they completed voter registration forms that simply indicated they were not citizens. Secretary Jones has endorsed the bill, and I would like to place his endorsement letter in the RECORD.

SECRETARY OF STATE,
State of California, April 3, 1997.

Hon. STEVE HORN,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN HORN: I am writing to express my strong support of your proposed legislation to permit elections officials to have access to INS information.

As you know, I have set as my goal as Secretary of State 100% voter participation and zero tolerance for fraud. In the last two and a half years my office has moved aggressively towards both of these goals.

In regards to voter participation, I have established an aggressive and comprehensive outreach program via television, radio, signs on buses, printed messages on bank ATM receipts, grocery bags, La Opinion newspaper, and billboards, and a variety of other programs within the public and private sector.

My election reforms include a statewide voter file (CalVoter) to clean duplicate and deadwood voter records off our lists; a place on the voter registration form to provide a driver's license number as a unique identifier; the first ever cross-county check for double voters; a crackdown on bounty hunters, to name just a few. I am working hard to send a message of deterrence to any who would abuse our elections system in any way.

However, there are still some reforms uncompleted that are critical to the future integrity of California's election system. Number one is the issue of citizenship. The federal NVRA [National Voter Registration Act—"Motor Voter"] and California election law clearly state that only those persons who are United States citizens are eligible to register and vote in elections. Unfortunately, we have very limited tools to be able to verify or check if a voter is a citizen.

Your bill, which would provide for access to records residing with the Immigration and Naturalization Service would materially benefit election officials in our efforts to maintain the integrity of the voter file. Please feel free to contact my office for assistance in securing passage of this most important measure.

Sincerely,

BILL JONES,
Secretary of State.

Mr. HORN. Mr. Speaker, in another startling case in 1994, it was discovered that Mexican presidential candidate Luis Donald Colosio was assassinated by one of his countrymen who had registered to vote in Los Angeles County twice despite the fact that he was not a citizen of the United States.

Elections are the very lifeblood of democracy. Fraud in elections poisons our electoral system and undermines the trust that is essential to democracy.Under the bill we are introducing today, State and local election officials would be able to make inquiries to the Social Security Administration which has a record of citizenship when they assign a Social Security number, and the Immigration and Naturalization Service which also can help verify people who have submitted to naturalization and citizenship.

□ 1645

I want to emphasize that this legislation includes extensive restrictions on the use of the system to prevent discrimination and violations of privacy rights. This legislation strikes a vitally needed balance between protecting the sanctity of our elections and the rights of every individual.

Last year, we saw many elections where the possibility of noncitizens voting was before us. Last year in the 104th Congress, we passed a historic Illegal Immigration Reform and Immigrant Responsibility Act. It made it explicitly illegal for noncitizens to vote. But without having a way to verify registrants' ability to vote, State and local election officials simply could not enforce that law effectively.

Voting, as I suggested, is the most fundamental act of citizenship. The people who administer our elections ought to have access to the information they need to ensure the integrity of the ballot box. American citizens deserve no less.

Mr. Speaker, I attach for inclusion the following exhibits:

Exhibit I: A Summary of The Voter Eligibility Verification Act.

Exhibit II: The sponsors of H.R. 1428.

Exhibit III: The text of H.R. 1428.

EXHIBIT I

SUMMARY: THE VOTER ELIGIBILITY VERIFICATION ACT

Under the bill, local election officials would be able to make inquiries with the Social Security Administration and the Immigration and Naturalization Service to verify the citizenship of people who have submitted a voter registration application at the local level. Both agencies are involved because neither has a comprehensive record of all current citizens. The agencies only will respond if the inquiry is necessary for determining eligibility to vote.

The bill also makes it clear that state and local governments also may require the Social Security number as part of the voter registration process. According to the Congressional Research Service, 13 states require the Social Security number on their voter registration forms. It is optional on the forms of 14 states.

The bill requires the verification process to be designed to be as reliable and easy to use as possible, so long as privacy and information security are protected. Election officials would be able to make inquiries through a toll-free telephone call or other toll-free electronic media.

The bill also requires Social Security and INS to update their information to make it as accurate possible, and to set up a process for prompt correction of erroneous information.

There is no mandate on state or local governments to use the proposed verification process. It is simply a tool available to them should they choose to use it.

The bill also includes extensive restrictions on the use of the verification process to prevent discrimination and violation of privacy. The verification process in the bill is to be designed and operated with administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information, and safeguards against discrimination, including the selective or unauthorized use of the verification process. The bill requires the verification process to be "uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965."

It explicitly does not authorize a "national ID card" or the creation of a new database.

Finally, people whose citizenship status cannot be confirmed by the process proposed in the bill would have the opportunity to provide proof of their citizenship to local registrars of voters. Under the bill, if an individual's citizenship cannot be confirmed, the election official has to notify the individual in writing and inform them of their right to establish their eligibility to vote (provide proof of citizenship). The individual's voter application can then be rejected, the individual's name can be removed from the voting rolls, or the individual can be given provisional voting status.

California Secretary of State Bill Jones has endorsed the bill. The bill's original cosponsors are Representatives David Dreier (R-CA), Mark Foley (R-FL), Brian Bilbray (R-CA), Ken Calvert (R-CA), Randy "Duke" Cunningham (R-CA), Phil English (R-PA), Elton Gallegly (R-CA), Duncan Hunter (R-CA), Jerry Lewis (R-CA), Howard "Buck" McKeon (R-CA), Ron Packard (R-CA), Frank Riggs (R-CA), Ed Royce (R-CA), Cliff Stearns (R-FL), Bob Stump (R-AZ), and James Traficant (D-OH).

EXHIBIT II

THE SPONSORS OF H.R. 1428

Mr. Horn and:
1. Mr. Dreier.
2. Mr. Foley.
3. Mr. Bilbray.
4. Mr. Calvert.
5. Mr. Cunningham.
6. Mr. English (PA).
7. Mr. Gallegly.
8. Mr. Hunter.
9. Mr. Lewis (CA).
10. Mr. McKeon.
11. Mr. Packard.
12. Mr. Riggs.
13. Mr. Royce.
14. Mr. Stearns.
15. Mr. Stump.
16. Mr. Traficant.

EXHIBIT III

THE TEXT OF H.R. 1428

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Voter Eligibility Verification Act".

SEC. 2. VOTER ELIGIBILITY CONFIRMATION SYSTEM.

(2) IN GENERAL.—Title IV of the Immigration and Nationality Act (8 U.S.C. 1101, note) is amended by inserting after the chapter heading for chapter 1 the following:

"VOTER ELIGIBILITY CONFIRMATION SYSTEM

"SEC. 401. (a) IN GENERAL.—The Attorney General, in consultation with the Commissioner of Social Security, shall establish a confirmation system through which they—

"(1) respond to inquiries made to verify the citizenship of an individual who has submitted a voter registration application, by Federal, State, and local officials (including voting registrars) with responsibility for determining an individual's qualification to vote in a Federal, State, or local election; and

"(2) maintain a record of the inquiries that were made and of verifications provided (or not provided).

"(b) INITIAL RESPONSE.—The confirmation system shall provide for a confirmation or a tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security as soon as practicable after an initial inquiry to the Commissioner.

"(c) SECONDARY VERIFICATION PROCESS IN CASE OF TENTATIVE NONCONFIRMATION.—In cases of tentative nonconfirmation, the Attorney General shall specify, in consultation with the Commissioner of Social Security and the Commissioner of the Immigration and Naturalization Service, an available secondary verification process to confirm the validity of information provided and to provide a final confirmation or nonconfirmation as soon as practicable after the date of the tentative nonconfirmation.

"(d) DESIGN AND OPERATION OF SYSTEM.—The confirmation system shall be designed and operated—

"(1) to be used on a voluntary basis, as a supplementary information source, by Federal, State, and local election officials for the purpose of assessing the eligibility of voter registration applicants, and administering voter registration, through citizenship verification;

"(2) to respond to an inquiry concerning citizenship only in a case where determining whether an individual is a citizen is—

"(A) necessary for determining whether the individual is eligible to vote in an election for Federal, State, or local office; and

"(B) part of a program or activity to protect the integrity of the electoral process that is uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.);

"(3) to maximize its reliability and ease of use, consistent with insulating and protecting the privacy and security of the underlying information;

"(4) to permit inquiries to be made to the system through a toll-free telephone line or other toll-free electronic media;

"(5) to respond to all inquiries made by authorized persons and to register all times when they system is not responding to inquiries because of a malfunction;

"(6) with appropriate administrative, technical, and physical safeguards to prevent unauthorized disclosure of personal information; and

"(7) to have reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including the selective or unauthorized use of the system.

"(e) Responsibilities of the Commissioner of Social Security.—

"(1) In general.—As part of the confirmation system, the Commissioner of Social Security shall establish a reliable, secure method, which compares the name and social security account number provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided regarding an individual whose identity and citizenship must be confirmed, the correspondence of the name and number, and whether the individual is a citizen of the United States. The Commissioner shall not disclose or release social security information (other than such confirmation or nonconfirmation).

"(2) Provision of alien identification number.—In cases of tentative nonconfirmation of an individual's citizenship by the Commissioner of Social Security after an initial inquiry to the Commissioner, the Commissioner, as part of the confirmation system, shall provide to the person making the inquiry any information the Commissioner maintains regarding an alien identification or authorization number for the individual established by the Immigration and Naturalization Service. The Attorney General, in consultation with the Commissioner, shall specify the information to be provided under this paragraph.

"(f) Responsibilities of the Commissioner of the Immigration and Naturalization Service.—As part of the confirmation system, the Commissioner of the Immigration and Naturalization Service shall establish a reliable, secure method, which compares the name and alien identification or authorization number described in subsection (e)(2) which are provided in an inquiry against such information maintained by the Commissioner in order to confirm (or not confirm) the validity of the information provided, the correspondence of the name and number, and whether the individual is a citizen of the United States.

"(g) Updating Information.—The commissioners of Social Security and the Immigration and Naturalization Service shall update their information in a manner that promotes the maximum accuracy and shall provide a process for the prompt correction of erroneous information, including instances in which it is brought to their attention in the secondary verification process described in subsection (c).

"(h) Limitation on Use of the Confirmation System and Any Related Systems.—

"(1) In general.—Notwithstanding any other provision of law, nothing in this section shall be construed to permit or allow any department, bureau, or other agency of the United States Government to utilize any information, data base, or other records assembled under this section for any other purpose other than as provided for under this section.

"(2) No national identification card.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(3) No new data bases.—Nothing in this section shall be construed to authorize, directly or indirectly, the Attorney General and the Commissioner of Social Security to create any joint computer data base that is not in existence on the date of the enactment of the Voter Eligibility Verification Act.

"(i) Actions by Voting Officials Unable to Confirm Citizenship.—

"(1) In general.—In a case where an official who is authorized to receive information through use of the confirmation system is unable, after completion of the secondary verification process, to confirm the citizenship of an individual, the official—

"(A) shall so notify the individual in writing; and

"(B) shall inform the individual in writing of the individual's right to use—

"(i) the process provided under subsection (g) for the prompt correction of erroneous information in the confirmation system; or

"(ii) any other process for establishing eligibility to vote provided under State or Federal law.

"(2) Registration applicants.—In the case of an individual who is an applicant for voter registration, and who receives a notice from an official under paragraph (1), the official may, subject to, and in a manner consistent with, State law, reject the application, or provisionally accept the application, pending the official's receipt of adequate confirmation of the citizenship of the individual.

"(3) Voter removal programs.—In the case of an individual who is registered to vote, and who receives a notice from an official under paragraph (1) in connection with a program to remove the names of ineligible voters from an official list of eligible voters, the official may, subject to, and in a manner consistent with, State law, remove the name of the individual from the list, or grant the individual provisional voting status, pending the official's receipt of adequate confirmation of the citizenship of the individual.".

(b) Clerical Amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting before the item relating to section 402 the following:

"Sec. 401. Voter eligibility confirmation system.".

SEC. 3. PERMITTING STATES TO REQUIRE APPLICANTS REGISTERING TO VOTE TO PROVIDE SOCIAL SECURITY NUMBER.

Clauses (i) and (vi) of section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) are amended by inserting "voter registration," after "driver's license,".

KEEPING SOCIAL SECURITY SOLVENT

The SPEAKER pro tempore (Mr. Ney). Under a previous order of the House, the gentleman from Michigan [Mr. Smith] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, today the trustees of Medicare issued their report and also the trustees of Social Security issued their report. I think this is another indication that this country, has got to do something, if we are going to keep Social Security solvent, if we are going to keep Social Security available to not only existing retirees, but future retirees.

In the report, the trustees estimated that the time that the Social Security Trust Fund was going to run out of money, the time that there was going to be less money coming in in taxes than was required for benefit payout would be 2012. And they also calculated a slight increase in their estimate of the tax increases necessary to keep Social Security solvent.

One year ago, they estimated that it would take a tax increase of 2.19 percent of payroll. This year they are estimating that it is going to take a tax increase of 2.23 percent of payroll, slightly a worse condition.

However, there is a couple of assumptions that the Social Security trustees used to come up with this estimate. One is they calculated that CPI would be one-half of 1 percent less than their estimates of a year ago.

The second assumption was that real interest rates would increase and therefore, the interest paid from the general fund to the Social Security Trust Fund on the Government securities in the fund would actually increase.

What we have to face up to, Mr. Speaker, is the fact that when there is less money coming in than is required for payout, somehow Congress and the U.S. Government is going to have to come up with the money to pay back the money borrowed from the trust fund. How do they do it? How would they come up with these billions of dollars.

They have several options. One is to cut spending in other programs. One is to increase taxes on existing workers and say, in effect, look, what we borrowed from you we are going to pay back by increasing your taxes and make you pay this additional sum in.

Let me just give my colleagues a couple examples of how much the general fund is going to have to come up with to continue to pay the benefits that are now promised under Social Security.

In the year 2020, for example, the general fund is going to have to pay to Social Security $219 billion in order to come up with the money necessary for promised benefits.

Mr. Speaker, Members of Congress, the President, politicians are going to have to take their heads out of the sand. They are going to have to face up to the problem that this Ponzi game of Social Security cannot maintain itself, and we need to take immediate action. The suggestion of the gentleman from Wisconsin [Mr. NEUMANN] that has the support of a lot of us that say at the very least, let us stop Government from reaching into the Social Security Trust Fund and then using that money for other program payments.

The long-range solution will be, I hope, similar to the bill that I have introduced that is now scored by the Social Security Administration to keep Social Security solvent for the next 75 years. The bottom line is we have to pay attention to it. The longer we put it off, the more drastic the solutions will have to be.

DISCRIMINATION WITHIN USDA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, known as the people's department, the USDA was established when President Lincoln signed the law on May 15, 1862. It is ironic that the very department created by the President, who signed the Emancipation Proclamation, today faces widespread and documented charges of unfair and unequal treatment of socially disadvantaged and minority farmers.

The farmers and ranchers of America, including minority and limited resource producers, through their labor, sustain each and every one of us and maintain a lifeblood of our Nation and the world. These people do not discriminate. Their products are for all of us. Therefore, it is important that we do all within our power to ensure that each and every producer is able to farm without the additional burden of institutional racism rearing its ugly head.

Mr. Speaker, it greatly concerns me that in my home State of North Carolina, there has been a 64-percent decline in minority farmers just over the last 15 years from 6,996 farms in 1978 to 2,498 farms in 1992. There are several reasons why the number of minority and limited resource farmers are declining so rapidly, but the one that has been documented time and time again is the discriminatory environment present in the USDA, the very agency established to accommodate and to assist the special needs of all farmers and all ranchers.

In November of last year, the Farm Service Agency Administrator, Grant Tuntrock, stated in a public speech that, "We recognize there have been instances of discrimination in responding to the requests for our services in the past, and we deplore it," he said. As I have stated before, the time has come, however, not just to deplore these occurrences, but to put a stop to them.

We must resolve that the many pending individual cases where discrimination has been found, the planting season is upon us, and if these farmers are to be given the opportunity to farm this year, financial resolution of the unjust treatment they have received must come and must come very, very soon.

With our understanding of this issue, it is my hope that we will continue with a steady movement toward legislation that the emancipation, in the first instance, was to give people equal opportunity, that we in this House will have the courage to stop this and have legislation that will prevent it from happening in the future.

POSSIBLE CHANGES FOR SOCIAL SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina [Mr. SANFORD] is recognized for 5 minutes.

Mr. SANFORD. Mr. Speaker, my colleague from Michigan [Mr. SMITH] just talked about some of the problems facing Social Security if we do nothing to address what the trustees; again, not what Republicans or Democrats have said, but what the trustees have said if we do nothing.

I would like to talk for just a moment about not just the problems inherent in Social Security, because it has done a lot of great things for my mother, for my grandparents, but we need to address some of the benefits that might come if we looked at changing Social Security.

I think, first, we might want to define what we mean by changing Social Security. I do not believe, and I do not think anybody believes, that changing Social Security ought to mean taking Social Security away from existing retirees or those about to retire. However, what I do believe in terms of changing Social Security is that we ought to begin at least talking about the possibility of, while leaving seniors whole, looking at and exploring options for young people.

Mr. Speaker, what I have consistently heard from young people in my district is that they do not think they are going to get all of the Social Security that is due them. One of the interesting things to look at is I guess a number of the benefits that might come with change.

One of the benefits would be just saving the system, because what the trustees have said is that if we do nothing, it goes bankrupt in about 30 years. But more important than just saving the system, the whole purpose of Social Security ought to be a noble retirement. If one earns more with their Social Security investment, they can retire with more.

What the Social Security trustees have said today is that on average, people today earn about 1.9 percent on their quote "Social Security investment," and most of the folks I talk to in my home district say that they could earn more than 1.9 percent on their retirement investment.

What this means is, if you take somebody earning $24,000 a year and if one group earns 1.9 percent on their investment and another group earns 5 percent on their investment, it does not take a rocket scientist to know that second group is going to earn more and end up with more in their retirement, and I think that to be a very big benefit of this possibility of changing Social Security.

Another benefit that I think is worth mentioning is the whole notion of retirement age. A pay-as-you-go system, I think, comes at a tremendous cost in terms of human happiness, because with a pay-as-you-go system, we all have to retire at the same age. Yet I can walk down the grocery store aisle and look at 25 different kinds of detergent, I can look at 30 different kinds of toothpaste, I can look at a long magazine stack of different kinds of magazines, but I cannot choose for me when I want to retire, and I think that that, again, comes at a tremendous cost in terms of human happiness, because we are all different.

In my home State of South Carolina, we have STROM THURMOND, who would like to work until he is 100 or 150, I am not sure, but he wants to work basically until he dies. And I say God bless him; go for it. But I have many other friends who say that work is fine, but fishing is even better. I want to retire when I am 50. With the idea of personal savings accounts, you could choose for yourself when you want to retire rather than a Congressman or a Senator or a bureaucrat in Washington choosing for you when you want to retire.

Another benefit I think worth mentioning, and again, there are many, but one other worth mentioning would be we could do something about the national savings rate. Right now in our country we have a savings rate that bumps along somewhere between 3 and 5 percent.

Well, in China, they have a savings rate of about 40 percent. In Singapore, they have a savings rate in the mid 30's. In South Korea, they have a savings rate in the high 30's. In Chile, where they instituted this system, they have a savings rate in the high 20's, and here we are bumping along at 3 to 5 percent.

We cannot advance a modern industrial society on a 3-percent national savings rate, because the thing that politicians leave off while they will talk about the fact that we need to do something about standard of living in America, they will not talk about what it is that affects standard of living in America, and that is that savings drives investment, which drives productivity gain, which drives standard of living.

In short, if you were to have a woodcutting contest in the backyard, and you gave one fellow a little hand ax that cost you 3 bucks, and you gave another person a chain saw that cost $300, the person with the $300 chain saw, however much weaker or however slight, would be able to end up with a bigger stack of wood and consequently more in the way of income.

I know that I am eroding away at my 5 minutes here, so I will call it quits. But the point is to say that there are many benefits that might come with this proposed talk of changing Social Security so that we save it for the next generation and so that my three boys get Social Security as well.

□ 1700

PROBLEMS FACING AMERICA THAT MUST BE ADDRESSED NOW

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 7, 1997, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 60 minutes as the designee of the majority leader.

Mr. NEUMANN. Mr. Speaker, I rise tonight to talk about an issue that I think is very important. It is really the issue I came here for in the first place.

Up until 1989 I had never been involved in any politics in any way, shape, or form. In 1980 my wife and I started a business in the basement of our house. The business grew. It was real estate. In 1986 we started a homebuilding company, and we understand fully if we had lost money in the second year and the third year, that the banks would have taken that business away from us. It is that kind of background that I bring here.

But instead of losing money in the second year the homebuilding company turned around. After building 9 homes our first year, providing 18 jobs in southeastern Wisconsin, we wound up building about 120 homes 4 years later, making a legitimate profit in our business and providing 250 job opportunities in southeastern Wisconsin.

I bring that background here because when I think back to those years, the late 1980's and even 1990, and I think about that business and how it grew and prospered and provided job opportunities, I sometimes forget why it was that I left that business that was going so well to come to Washington, and then I look at this picture. It reminds me of the future that we have for our children if something is not done about the growing debt facing the United States of America today.

I always look at this chart as one of the best charts that I have ever seen that shows actually what is going on in our country. This shows the growing debt facing America. From 1960 to 1980 one can see that the debt did not grow hardly at all, but from 1980 forward we are on a very, very steep climb that is going to destroy the future of this Nation for our children.

I like to point out that at this point in time we are about here on this chart, and the debt continues to grow and grow and grow. I rise tonight to remind my colleagues of that, because there are a lot of bills going on right now in this community that relate very directly to this picture that I have here with me.

In fact, the debt today is $5.3 trillion facing the United States of America. The legacy that our generation is going to pass on to the next generation of Americans; that we, the people that are working today are going to pass on to our children and our grandchildren, that legacy is of a $5.3 trillion debt.

Let me put that into perspective so we keep in mind what that really means. That debt translates into $20,000 for every man, woman and child in the United States of America today. For a family of five, like mine, the United States Government has borrowed $100,000 basically in the last 15 years.

Let me translate that into what that really means. That means that an average family of five, like mine, is paying $600 a month into this Government to do nothing but pay the interest on the debt. An average family of five, like mine, pays $600 a month to do nothing but pay the interest on the Federal debt.

A lot of people say, do not worry about me, I do not pay that much in taxes. The reality is when you walk into the store and you buy something as simple as a loaf of bread, the store owner makes a profit when you pay him for that loaf of bread or her for that loaf of bread, and part of that profit comes into the U.S. Government in the form of taxes.

One way or another, every family of five in the United States of America, every group of five people in the United States of America today, is paying $600 a month toward the interest only. That does not count Social Security or Medicare or defense, or any of the other important programs our Government runs. That $600 a month does nothing but pay the interest on the Federal debt.

Why is that significant? Right now there are a lot of things happening out here in Washington, DC. Two years ago a group of people came here, 73 freshman Republicans came here with the idea that we were going to solve this disastrous problem and what it means for the future of our country. We have committed ourselves to shrinking the size and scope of Washington, and shrinking the involvement of this Government in the lives of real Americans, of everyday people, the people that get up every morning and go to work.

Our goal was to get this Government smaller, so those people could in fact look forward to the opportunities that exist if this debt was not there, keeping that extra $600 a month in their own pockets. That is what our goal was 2 years ago.

Now today it is 2 years later, and a lot of the freshmen that came here 2 years ago and a lot of the others in this Congress have kind of forgotten, it seems, sometimes what we came here for. In fact, the heart and soul of one of the things we came here for, making Washington smaller, the funding of Washington committee staff, is a bill that is being considered as we speak this evening right here and now.

The Washington committee staff proposal this year was to increase spending for Washington committee staff by 14½ percent. To me, that is contrary to everything that we came here for and everything we came here to be about. The concept of increasing Washington committee staff spending by 14½ percent is against everything that I believe in and everything we came here for. That is making Washington bigger and more intrusive into our lives, as opposed to what I believe Republicans stand for, and that is making Washington smaller.

When I look at this debt picture, it reminds me of how important it is that we win these battles to keep Washington shrinking, as opposed to turning around and letting it start growing again.

There is another looming battle. This battle is even tougher. It is the supplemental appropriation bill. For those in America that do not know exactly what that means, Mr. Speaker, that means it is a spending bill of American tax dollars. Washington people are going to spend your money.

I have to say that this supplemental, we are spending it on some legitimate things. There are flood victims all across America, and those flood victims need help. When I talk to the folks back home in Wisconsin, the vast majority of those people are willing to help others less fortunate than themselves, like the folks in North Dakota that we have been seeing on TV, where a city of 50,000 is literally under water.

The city of Janesville, WI, where I come from, is about the same size as that city, so it is very easy for us to imagine what this means, and this is a legitimate need. This is a legitimate program for the government to step into and help these people.

But this is the dilemma. The dilemma is here. As we realize that we have a responsibility to help these people in North Dakota or Ohio, or where the flood victims are around America, we also realize our responsibility to the future of this country, our responsibility to our children to prevent this chart from continuing its growth of debt.

This is a very tough dilemma. We have a legitimate reason to spend money, to help people who are truly in need in this Nation. On the other hand, we have this responsibility to the future of America to stop the growth in debt that is so clear in this picture, a responsibility to our children to make sure that this does not continue, so they have the opportunity to live the American dream that we have had.

What do we do about that? In Washington what is going on is they are proposing that we simply go and spend more money, that we spend $4.8 billion, add $4.8 billion to this debt legacy we are going to pass on to our children.

There is another alternative. We do not have to just go and spend the money. What we could do is go and spend the money to help those flood victims and find other parts of the budget that are less important, other areas we are spending money on and not spend that money.

Let me give an example of how this might work. Currently, today, the U.S. Government hires people to push elevator buttons for Members of Congress, so as they leave their office and come over to this floor to vote, they do not have to push the buttons in the elevators themselves. I find this a ridiculous expenditure of the taxpayers' money.

So rather than just going and spending this money on flood victims without finding other areas less important in the Federal budget, why do we not go and spend the money to help the flood victims who legitimately need it, and go to other parts of the budget and find ways to reduce spending to offset that legitimate expenditure to help flood victims?

The flood victims, I maybe understand this a little better than some other issues. My son happens to be going to school in New Ulm, MN. I know one night he called me up and said that that day he had been out filling sand bags to help protect that city in Minnesota from the floods that were coming.

This is a legitimate reason, and people in Wisconsin are willing to help other people around the country. I am willing to help people around the country. What we need to do, though, is go and find areas where we do not have to be spending the taxpayers' money, eliminate those expenditures, and redirect the money over here to the flood victims.

Make no mistake, that is not the current proposal. The current proposal is to simply go and spend more money, just let the debt keep growing, add it to the legacy that this generation is passing on to the next generation, and I say that is wrong and that is inexcusable. I say we have a responsibility to future generations of Americans, that if we are going to spend the money, we have to find other parts of the budget that we can reduce spending in.

The second reason I rise to speak tonight is with that growing debt picture looming, several other Members of Congress just ahead of me this evening talked about the Social Security issue. The second reason I am rising tonight is to speak to the Social Security issue, and exactly what is going on. The new report coming out today repeats how important it is that we solve the Social Security problems today, not in the future.

Social Security today is collecting about $418 billion out of the paychecks of Americans. Anybody who has a job today pays into the Social Security system. When they are all done collecting that money out of the paychecks, they are collecting $418 billion. They are writing checks out to our senior citizens of about $353 billion. That sounds pretty good. If you think of this as your own checkbook, if you are taking $418 into your checkbook and you are only spending $353, that is a pretty good setup. In fact, there are 65 bucks left in your checkbook when you are done. That is good news for senior citizens, that is good news for America.

The idea is this, that extra money that is left in the checkbook, the difference between the $418 they are collecting and the $353 they are paying out, that extra money is supposed to be set aside into a kitty, because not far down the road the baby boom generation gets to retirement, and they will not be taking enough money in to make the payments back to our seniors.

The idea is this: At that point in time the money is supposed to be sitting there in a savings account, so when there is not enough money coming in to make good on the payments, when there is not enough coming in to make the payments out to our seniors, they then go to that savings account that is supposed to be built with this surplus that exists today, the $65 billion.

I have good news for the seniors. If this were being run the way it is set up, the Social Security system is solvent and works all the way to 2029. That is the good news. The bad news is in Washington, DC, when they see this $65 billion, they do the Washington thing. I think anybody watching tonight, all of my colleagues, know what the Washington thing is to do. They see that $65 billion sitting there in the Social Security trust fund, and instead of putting that $65 billion into the trust fund, they put it into the general fund. They then spend all the money out of the general fund, leading us to the deficit.

There is another way to think of this. They take the 65 bucks, put it in their big checkbook, they then overdraw the checkbook, that is called the deficit, so they take this $65 billion, put it in the general fund, overdraw the general fund, and there is no money left to put actual dollars into this savings account that is supposed to be there to preserve and protect Social Security. As a result, at the end of the year they simply write an IOU, technically called a nonnegotiable Treasury bond, and they put that down here in the trust fund.

What does this really mean? This really means if you go and look at the Social Security trust fund today, that there is nothing in it except IOU's; that entire savings account that is supposed to be there to protect our senior citizens, there is absolutely nothing in this except a pile of IOU's.

I am happy to report this evening, and I am going to ask our colleagues to join it, and ask the people around the country to call on our colleagues and ask them to support this bill, the bill very simply is the Social Security Preservation Act. It is not an Einstein kind of bill. It is very simple and very straightforward.

It simply says that that $65 billion that is being collected to preserve and protect Social Security is to be put directly into the Social Security trust fund, instead of being directed into the big Government checkbook to be spent on other Government programs.

The bill is H.R. 857, and I strongly encourage our colleagues to join the 60 of us that have already cosponsored that bill; call, ask them to join us as a cosponsor of that bill, so as American people we can solve the Social Security problem and make it solvent.

Again, what that bill does is very simple. It is very simple and straightforward. It simply takes the money that is being collected over and above what is being sent out to our seniors in benefits and puts it directly into the Social Security trust fund. If that would happen, if that would happen, there would currently be $550 billion in the Social Security trust fund. That number would build all the way to $1.2 trillion by the year 2002.

Social Security would then be safe and secure for our senior citizens, but it goes beyond the senior citizens. People that are in their forties and fifties need to understand that if this bill is not passed, we are going to reach a crisis point sometime between the year 2005 and the year 2012. That crisis point occurs when there is not enough money coming in to make good on the payments, and there is no money over here in the trust fund to get the money to make good on the payments to seniors.

So from 2005 to 2012, what are we going to do as a Nation? We have a couple of choices. One choice is to go to senior citizens and say, we cannot make good on the promises that have been made to you regarding Social Security. I think that is a lousy choice. It should be ruled out.

A second choice, and now I am going to bring another generation in here, it is not only the folks that are seniors and the people in their forties and fifties, I am now going to talk about the young people and what this means to them, because the second choice when we reach that crisis point, 2005 to 2012, the second choice is to go to our young families and say, we have to take more money out of your paycheck because we were not able to set the money aside when we were supposed to back in the 1990's. So the next choice affects our young people and affects them directly.

My oldest son is a sophomore in college. My daughter is a senior in high school. My youngest is in eighth grade. When I think about our kids and the time when they are going to be married and starting their own families, and all the other kids just like them across America, when I think of these kids, it is about the same time that this Social Security crisis hits.

I, for one, do not think it is responsible for us as a Nation to go blindly forward spending the Social Security money, knowing that in the near future our young families are going to be saddled with even more of a burden as we try to deal with this Social Security crisis that was supposed to be dealt with in the 1990's.

I think it is inexcusable that we do not pass the Social Security Preservation Act. Again, the Social Security Preservation Act is very important across all generations. Would it not be nice if there were really $1.2 trillion in the Social Security trust fund, and we had enough money there that we could go out and see our seniors and say, look, your Social Security really is safe? Here is the passbook savings account, here is the savings account to make sure you are going to get your Social Security check? Then we could begin the discussion of going to our young people and say, would you rather do something other than pay into the Social Security system?

□ 1715

Because, you see, if the savings account was there and we could genuinely go to our seniors and tell them their account was safe, we could then go to the younger people and ask them if they would like to do something different.

Very interesting thing happened the last couple weeks in my own family. My 8th grade son went out and mowed lawns this past summer. He earned 900 bucks mowing lawns this past summer, and it came tax time, April 15. I said: Matt, you have to fill out a tax return, you earned 900 bucks.

It turns out he did not really owe any Federal taxes for anything except Social Security. And when his tax return came back to him, his Social Security tax, being that he was self-employed, for earning $900 was over 120 bucks. So my 8th grade son was asked to pay $120 into the Social Security system, and he has no hopes whatsoever of seeing that money back.

The Social Security Preservation Act needs to be passed. It is a fairness situation. It needs to be passed in the very near future. We need to start setting this money aside so that our seniors are safe, so that the people in their forties and fifties are safe and so that the young people can start thinking about doing something different.

If we let this go, if we let this go in the 1990's and our generation looks the other way and continues doing the Washington thing and spending this money instead of putting it away, let the burden be on our shoulders when we have to go out to our families and ask to collect even more taxes than right after the turn of the century.

The issue gets even more interesting when you look at how the Social Security issue really impacts and affects the budget as a whole. You see, in Washington when they report the budget they report this blue area. In fact this year we are reporting a budget deficit of about $107 billion. What they do not tell you is that is how much the checkbook is overdrawn. Well, the checkbook is overdrawn by $107 billion but they wrote an IOU to the Social Security trust fund. So in addition to the deficit that Washington reports to the American people, they do not tell you that in addition to that they have taken the Social Security trust fund money.

The real deficit this year is not $107 billion. It is $107 billion plus the money taken out of the Social Security trust fund or in reality about 172 billion.

I come from the private sector. I am a home builder by trade. I have to tell you, if we tried this in the home-building business, not only would the banks reject our argument; I would be locked up in jail if I took the money that was supposed to be set aside for pension funds for my employees, spent it on other programs and put IOUs in their pension funds. It would be illegal in the private sector. It should be illegal here in Washington, DC. That is what H.R. 857 is all about. It makes this illegal.

Mr. Speaker, when people in Washington talk about balancing the budget, virtually all of America has now heard that the people in Washington are going to balance the budget by the year 2002. Virtually everybody in America has heard that that is going to be done. I think it is real important that we understand what Washington is talking about so we fully comprehend what Washington means when they say they are going to balance the budget because what Washington means by a balanced budget and what people in Wisconsin mean are two things different entirely.

When Washington says they are going to balance the budget, what they mean is they are going to get rid of this blue area; that is, they are going to get rid of that $107 billion debt. So let me make this as clear as I possibly can. When Washington, DC. says they are going to balance the budget by the year 2002, what Washington, DC. actually means is they are going to go into the Social Security trust fund, take out $104 billion of surplus that year, put that money in their checkbook and call their checkbook balanced. You see, in the year 2002, when Washington says the budget is balanced, they have still got the $104 billion that they are using out of the Social Security trust fund. That is inexcusable.

It does not have to be this way. The worst part of this whole picture is that absolutely it does not have to be that way. We have out of our office with the support of many groups here in Washington as well as many of my colleagues here in Washington proposed a budget that would stop this from happening. Our budget is very straightforward. It assumes CBO revenues. It assumes a revenue stream that is being estimated out here in Washington. It allows the American people to keep more of their own money putting $500 per year back into the pockets of our working families, per child. It allows for capital gains tax reduction, which is really a job creation bill.

It reforms the estate tax so that when people pass away they are not taxed on something they have already been taxed on. And at the same time, it sets aside the Social Security trust fund money. Now if that sounds too good to be true in a budget plan this year, the important thing to understand, as you, the American people, and my colleagues out there in all the districts they represent, the economy is stronger than anyone expected it would be. As a result of the economy being stronger, there is more revenue coming into the Federal Government than anyone anticipated.

Our budget, in a nutshell, accepts the President's Medicare proposals or at least the numbers that he has proposed and Medicaid and other mandatory but it throws out all of the new Washington spending ideas in the President's plan. It throws out all the new Washington spending ideas, in all fairness, in the Republican plans as well.

Mr. Speaker, our budget plan is very straightforward. We can balance the budget, set aside the Social Security money and we can do it if we simply say no to new Washington spending. When Washington saw these additional revenues coming in because the economy was doing so well, Washington again did the Washington thing. They looked for ways to spend that revenue and they proposed new spending programs. So instead of looking at this chart and saying, we need to set that Social Security money aside, instead of doing that, they came up with new ways to spend the money. Under our budget plan, we simply say no to new Washington spending programs, and in fact we can then get to balance without using the Social Security trust fund money.

One more thing that our budget does is very different than any other plan in Washington. After we get to a balanced budget, we cap spending growth at the

Federal Government level at a rate 1 percent below the rate of revenue growth. Revenue grows because of inflation and real growth in the economy. We cap spending increases at 1 percent below the rate of revenue growth. What this does is create a small surplus. If you are at balance, revenues go up by 5 percent, spending goes up by 4 percent; that creates a small surplus. That surplus is used to start paying down the Federal debt because, you see, even if we get to a balanced budget, we still have a $6.5 trillion debt hanging over our heads.

In our budget plan, we would literally pay off the debt so we could pass this Nation on to our children debt free by the year 2023, and then think what that means. That means instead of going to our families and collecting $600 a month to do nothing but pay the interest on the Federal debt, we would not need that money anymore. We could instead go to our families and say, keep that extra money. Go ahead. Put it away for your kids for college. Go ahead, put it aside if you want your kids to go to private school, go ahead send them there. Here is the $600 a month that you were paying in interest on the Federal debt.

This can all happen. It is not farfetched. In fact, under that pay-off-the-debt plan, spending at Federal Government level would still go up faster than the rate of inflation. A lot of my colleagues do not like that, but the reality is even with spending going up faster than the rate of inflation at the Federal Government level, we would pay off the debt so we could have massive tax cuts. It is not only the tax cuts. That puts more money available out there in the private sector. More money in the private sector means looser money supply. Looser money supply means lower interest rates. Lower interest rates means our families can afford to buy houses and cars. And of course when they buy houses and cars, that means other people have to go to work building the houses and cars.

In Janesville, WI, there is a General Motors plant where we assemble Suburbans and Tahoes and Yukons. That is extra jobs for those people because of the interest rates down and people can afford to buy those cars that are being made. So it is a complete picture here of how we can restore this great Nation of ours. It can be done. It should be done. I just sincerely hope that the folks in Washington have the nerve that it takes to follow through on our commitment from 1994 to the American people.

I yield to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I thank the gentleman for talking on this important issue. In just listening to it, it sounds too good to be true. It sounds too easy to be true but actually it is not. You look at the numbers and they actually all add up. With somebody that has a grandmother that depends on Social Security, that depends on Medicare, that depends on the assistance that she paid into for so long and somebody that has parents and inlaws that are coming of age where they are depending on a solvent system, this makes too much sense.

How can we continue to steal from the Social Security trust fund money that they paid into the fund simply to balance the books, so called, balance the books? Balancing the books the way Washington defines balancing the books. This is a real crisis. You hear so many people making complaints, yelling back and forth.

We had a shameful episode over the past few years regarding certain people trying to scare senior citizens for their own political gains but it comes down in the end to numbers and to demographics. There is a saying that circulates around now that says demographics is destiny. With the case of Social Security, that is the case. Back in the 1950's, we had 15 people working for every one person on Social Security. Today we have four people working for every one person on Social Security. Twenty-five years from now, there is going to be one person working for every one person on Social Security. So we need to save every cent of this surplus. If we do not, the consequences are going to be absolutely detrimental.

A lot of times you throw numbers around like this and you throw charts around like this, and it makes sense to us; but I have had a couple people come up to me lately and tell me what all this means. One person came up telling me what the huge Federal debt means to us and adding onto that debt, what that is going to mean to us.

They told me that they had figured out that, if you made a million dollars every day from the day that Jesus Christ was born until today, a million dollars every day, you would not make enough money to pay off the Federal debt. A million dollars every day for 2000 years. And then they got their calculator out again and continued calculating. And they said: And then we figured out that, if you made a million dollars every day until the year 14,000 A.D., made a million dollars every day for 14,000 years, you still would not make enough money to pay off our Federal debt.

Mr. Speaker, and still we have people coming to this floor every day telling us what a great job we are doing in balancing the Federal budget and that the budget negotiations that are going on now are so difficult and we are doing such heavy lifting. Yet they are not doing anything. They are not doing anything that is going to address how we keep Social Security solvent, how we keep Medicare solvent, how we keep Medicaid solvent, and how we prevent our children from paying a tremendous debt. During the campaign I talked about this. And my opponent acted outraged saying: How dare you try to scare children, how dare you try to tell them that we are depriving them of their future. That would not happen in America.

I said to him: I have some very bad news for you. Not only could that happen in America, that is happening in America, and unless we get disciplined it will continue to happen in America.

The one number I gave him that I think carried the day in that debate was the number 89 percent. That number comes from BOB KERREY, a Democratic Senator's independent commission on entitlements back in 1994. The conclusion, using independent numbers, using Congressional Budget Office numbers was this: that if we continue down this path of tax and spend, tax and spend, tax and spend, that our children, your children, I have seen them, my children, my 9-year-old boy, my 6-year-old boy will be paying a tax rate of 89 percent to the Federal Government by the year 2025 when they are in their thirties. Barely my age, they will be paying 9 out of $10 in taxes.

Mr. NEUMANN. I was in an appropriations meeting today. I heard time and time again how we need to do this or that or the next thing to help the children of this Nation.

I just point out that, if we do not get to a balanced budget, if we do not do what is right to stop this growth of debt, the opportunities for the children of this Nation are going to go away.

The most important thing we can possibly do is make sure that we do get to a balanced budget so that the government is not taking all of this money out of the private sector that should be out there to keep the money supply available so interest rates stay down.

And make no mistake about it. I noticed in a newspaper on the way out here this week, the headlines, two sections, headlines were good news about the economy because the deficit was down. When the deficit is down, they do not take as much money out of the private sector. When the Government is not confiscating that money out of private sector, there is more money available out there for people to borrow. And when there is more money available, the interest rates stay down. When the interest rates stay down, people can afford to buy houses and cars. This is what we need to do for our children.

When the interest rates stay down and people buy those houses and cars, that means that there are job opportunities for young people right here in the United States of America, not the Government stepping in to take care of our children but rather our children having the opportunity to get a job and the opportunity to get a promotion and to create a better life for themselves and their family.

That is what this ought to be all about. It is about whether or not the next generations of Americans are going to have the opportunity to live the American dream. It is about whether or not we in our generation are going to be able to fulfill our commitments to our seniors, my parents, your parents. It is about whether we fulfill those commitments to our seniors.

Most important, I have to say, it is about our children and our grandchildren. It is whether or not there are going to be American job opportunities for those kids when they reach the age where they are making a decision on where they are going to go.

In this day and age we live in, you can get from here to Japan or China, anywhere else in the world in a relatively easy manner on a plane. Those kids are going to have the opportunity to go elsewhere in the world. If we mess this up to a point where it is not affordable for them to live here in the United States, they are going elsewhere. Because kids are dynamic. This is a dynamic Nation. And for generations there have been entrepreneurs that have built this great country of ours.

And if we mess this up to the point where the tax rate is 89 percent of all of their earnings or to a point where interests rates are so high they cannot afford to buy a house or car, they will be in a different country and they will raise our grandkids somewhere else other than America.

□ 1730

That is what this is about. It is about getting our financial house in order so our children have the opportunity to live the American dream.

Mr. SCARBOROUGH. And if the gentleman will continue to yield, the gentleman talks about children, and I know he has seen and I have seen and others have seen people pile on to the floor over the past 3 years since we came here in 1994 and they talk about children. And Washington is great. Any time somebody has a program that they cannot pass on its merits, they put on the children's tie and they come out and start talking about how much they love children.

It seems to me that some of the people come to this floor so much talking about how much they love children, and they love children so much that the first pockets that they go to to pay for their new Federal Government plans are our children's pockets. We can make no mistake of it, they are reaching down into the pockets of my children, the gentleman's children, children from across America, and they are stealing more money from the pockets of our children.

That may sound a little bit blunt, but it is the truth. We have already stolen, this body over the past 40 years has stolen $5.6 trillion from future generations, and it is future generations that will have to pay that bill after the gentleman and I are retired.

Mr. NEUMANN. Reclaiming my time, I would say to the gentleman that we are about to do more of it. The supplemental appropriations bill, and I mentioned this earlier in the hour, is for a legitimate purpose, to help flood victims, those folks in North Dakota. They have a problem with the flood. It is real and it is genuine, and there are other people around the country that have real problems.

People in Wisconsin do not mind helping them, but when we are doing that, is it right that we take our children's money to help them, or would it be more fair to take money from our generation and help them? And we can do that by going to other parts of the budget and reducing spending elsewhere in the budget so we can help the flood victims.

But that is not the decision we are making in Washington. What we are doing in Washington is saying, forget it, we will add to the debt the kids will pay. We cannot keep doing that or the debt will get worse and the problem will compound itself to a point where we cannot deal with it any more.

That is a decision being made next week, and I sincerely hope my colleagues will join me in our efforts to make sure that rather than simply saying the flood victims need help, we have to help them, let us do it so that we will have our children pay for it; that instead of that, they will say the flood victims need help, let us do it, here is a less important Government program that we can cancel to help pay for the flood victims.

That is an entirely different concept. Right now we are intending to go to our children and say let the children pay, and that is just absolutely wrong.

Mr. SCARBOROUGH. I know that as a businessman, as a father and as a husband, there have been times when the family, we have put our families around the kitchen table, and I remember my parents did it when I was growing up, we do it at our home, and we look at the family finances and say, gee, we have these two credit cards and we are spending more money than we can afford to spend on the credit cards. And not only is it how much we are charging on the cards that we have to pay back, but it is the interest that keeps accruing, and we come to a decision as mature, rational middle-class Americans and we say, OK, listen, we are going to have to pay down these credit cards. We will have to cut a couple of them up, and we are going to have to spend only as much money as we bring in.

I remember looking at the wonderful example of my grandmother, who recently passed away, lived 93 years, and she raised a family of six in the Great Depression. That work ethic, that belief that one should never go into debt because there are disastrous consequences, that ethic was passed on to my parents, who passed it on to me, and I am just wondering when that ethic is going to infiltrate Washington, DC.

We thought in 1994 that the American people had sent a message, not a radical message, because radical, radical is a funny word. We were called radical because we believed in this: We believed that Washington should only spend as much money as it took in, and for that we were called radicals. We were called extremists. We were called reactionaries.

Let me tell my colleagues that where I come from a radical is somebody who believes they can spend more money than they take in, that a spending increase is called a spending cut, and that a spending cut actually amounts to a spending increase. And we heard all three of those arguments last year when we were told that a 7-percent increase in entitlement programs were massive cuts, when we were told that eliminating entire Cabinet agencies would actually drive up the debt.

I mean this was logic from people that have lived in never-never land for too long, and it was Alice in Wonderland-type reasoning and the type of reasoning that we came here to change.

Mr. NEUMANN. I was going to mention to the gentleman, he was talking about the values passed on to him by his grandmother and this concept that a debt is an inappropriate thing as one goes forward. This is more than an issue about numbers and whether we need to pay down the debt or balance the budget. It is an issue about morals, and it is one of many moral issues facing America today.

When a generation concludes that it is all right for them to spend the next generation's money, we have more than a numbers problem, we have a moral crisis facing America today. And this is just one part of it. The moral crisis facing our Nation is even bigger than what we are looking at here today.

I would go into one other area, but first I want to yield to my good friend from Minnesota. I would mention, however, that my son is filling sandbags over in part of the gentleman's district. I was just commenting that one of the districts in the gentleman's district was flooding and how important it is that we handle this issue properly here in Washington.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for yielding. I just came from a meeting with our Governor and the rest of the Minnesota delegation to talk about what has been happening in our State. I think we all, from both sides of the aisle, and whether we calls ourselves liberal or conservatives, recognize that there is a need, as the gentleman from Florida a few years ago can attest, when the hurricane came through southern Florida.

In some respects, my district has been spared all but just the edges of the serious flooding, but the folks up in northwest Minnesota, it is a devastating thing to have entire cities literally under water. And it is the kind of situation where who would have ever predicted that a relatively small river like the Red River would be 25 feet above flood stage.

So I think that we are going to do what we can to make certain we get the aid that we can to those people to begin to rebuild the infrastructure in those areas, but I think there is also a new ethic in this Congress, that we should figure out a way to help pay for that as well out of this budget. That is going to be tough.

I know that the gentleman is doing what he can on that front, because I think there is a different ethic, and we will have to say that some projects will have to be delayed because this is a much higher priority project.

I also want to, if I could quickly, talk about, and it is not just the people in my area, but I think this is an ethic of Americans all across our country. My wife told me that about 36 hours ago now one of the radio stations in my district announced a program to try to raise some money for the folks up in the Red River Valley and they set a goal of raising $10,000. I think my numbers are correct, that within 24 hours they already had pledges and cash totaling over $21,000. I think that is going to happen all over the upper Midwest. And we are demonstrating that charity begins at home and that we will find people willing to help out. I think that is a great thing.

In the bigger picture, I do not think we should say, well, this is a new program, we will just have to add more debt to our grandchildren. There are certainly projects still in the Federal budget that are going to be delayed, that should be delayed in order to pay for this, and we hope that we can figure out ways to offset that spending as well.

And I thank your son for being one of those who are volunteering on the sandbag lines. Literally there are thousands of volunteers from Wisconsin and Minnesota, the Dakotas, and all over the upper Midwest helping those people save their homes.

Mr. NEUMANN. I want to mention, and we have talked about this a little, how this is really a tough dilemma, because on one hand we have flood victims who are truly in need of help, and on the other hand we have the responsibility to the future generations as well as to our senior citizens to make sure we are able to fulfill our commitments to seniors and to Medicare and also our commitment to our future generations to not leave them with a debt so big they are paying 89 percent of their total income in taxes.

So what do we do in this type of dilemma? I will give my colleagues an example, because this occurred today. In the Committee on Appropriations meeting I suggested that rather than simply saying let the children pay, or do a spend-now-pay-later kind of idea, where the children literally get this $4.8 billion, $4,800 million passed onto their backs, that what we do is this: We, as Members of Congress, make a commitment, and our commitment is this, and do not laugh when I say this. Rather than have elevator operators, who sit in elevators and collect tax dollars, push elevator buttons for us as we travel from our office buildings to the House floor to vote, that rather than use the salaries for them, instead of asking our children to pay, we no longer have elevator operators push the buttons as we travel from one place to another in this community.

Many people in America do not realize this, but there are literally people that sit in the elevators and push the buttons so that Members of Congress do not have to push their own elevator buttons. So my suggestion was, why do we not take the money that we are using in those salaries, and those folks can be reassigned. I know them and they are very capable and responsible people, and they can easily be reassigned elsewhere as people retire, and so on, to fill the place of people who are retiring. So we take those folks that were sitting in the elevators, Members of Congress are perfectly capable of pushing their own elevator buttons, and they take that salary money and apply it to offset the cost of helping the flood victims.

Now does it not sound reasonable to my colleagues that instead of spending the money on elevator operators that we would help flood victims instead? And does it not seem reasonable that instead of passing this debt on to our children and simply going, let the kids pay, spend now, pay later, instead of letting the kids pay that we find things like the elevator operators that we can do without?

Certainly, Members of Congress, if they figured out how to get elected, are perfectly capable of figuring out how to push the elevator buttons. I have great confidence. I say that tongue in cheek, but the reality is I know that we do not have to spend $500,000 a year of the taxpayers' money on this particular topic in Washington, DC, and that money could be applied to help the flood victims rather than simply saying we are going to spend the money, let the kids pay.

Mr. GUTKNECHT. If the gentleman from Wisconsin [Mr. NEUMANN] would yield, I think that there are plenty of examples. The gentleman from Wisconsin has illustrated one. But I think perhaps even to the point, we are paying to rebuild villages and countries all over the world; and I think this is one example where we probably have got to rebuild some of our villages and our cities first.

It really is a matter of priorities. I applaud the Committee on Appropriations for what it is doing, but I do not think we should get away from the basic goal of balancing the people's books. Partly, as the gentleman says, it is a moral issue. It is not just an accounting exercise, it is about preserving the American dream for our kids.

Every time something comes along where we say we want to balance the budget but, we would balance the budget but, we have just got to eliminate those "yes, buts."

Mr. SCARBOROUGH. Mr. Speaker, I heard the gentleman from Minnesota [Mr. GUTKNECHT] say that charity begins at home. I believe that the ethic that the gentleman was talking about and that my colleague, the gentleman from Wisconsin [Mr. NEUMANN], is talking about also begins at home, that we, as Members of Congress, should save this country $500,000 by pushing our own elevator buttons for automatic elevators.

Let me take it a step further. I certainly hope I do not make some fellow Members uncomfortable, but we had quite a showdown a couple weeks ago because we believe that this Congress should abide by the same rules that middle-class Americans abide by; and if you do not have money, if you are $5.4 trillion in debt, then you do not raise the spending for your own committees and for your own appropriations.

That is going to be a pitched battle. I have seen some reports in the paper today that I know have to be inaccurate that talk about how our leadership is actually going to some of the most liberal Members in this House in trying to strike a deal because they are so desperate to get committee funding increased that they would rather deal with those that spin us into debt for the past 40 years instead of talking to those of us who believe that one only spends as much money as one takes in.

I know that those news accounts are inaccurate. I have full confidence in it. I know that our leadership is going to come back here and they are going to say, if we want the American people to only spend as much money as they take in, then we are going to live by those rules ourselves, that the ethic that got us through the Great Depression, the ethic that got us through World War II, that made America the last great hope for this dying world, that we will live by those same rules.

Mr. NEUMANN. Reclaiming my time, is it not nice to have confidence in the Republican leadership to know that Republicans do not stand for increasing the size of Washington committee staffs; Republicans stand for making

THE PAPER AND INK USED IN THE ORIGINAL
PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

Washington smaller and less intrusive in our lives?

So certainly, Republican leadership is not going to bring us a bill with a 14½-percent spending increase. Republicans stand for getting to a balanced budget. That was our issue a long time ago. We really do mean that we want to get to a balanced budget.

So I know that our Republican leadership is not going to allow a bill to come to the floor of the House that spends now and passes the spending debt on to our children, the spend-now-pay-later plan of spending $4,900 million of our children's money.

□ 1745

I know our Republican leadership understands that we have to go elsewhere in the budget and find wasteful spending to offset this new spending for a legitimate reason.

Mr. SCARBOROUGH. If the gentleman will yield, of course, they would have to. Because how could one say on one hand, we have got to balance this budget, we have got to get by on less, we have got to freeze discretionary spending, and then turn around and increase your own budget by 15 percent? These are some very intelligent people, and I have confidence that the same fire that brought this party to a majority in 1994, the same visionary leadership, the same visionary courage that had men and women across the country saying we will live by the same rules that middle-class Americans live by, that sounds so simple in Washington, DC. I know they are not going to back down now. Because to do so would be sending a dangerous message, and I know they are not going to do that. I am glad to be a member of a party that has such courageous leadership.

Mr. NEUMANN. I yield to the gentleman from Minnesota.

Mr. GUTKNECHT. To change the subject slightly, there was a Pepsi commercial that used to say life is a series of choices. And really Congress is about making choices. We may have to have some different priorities. It may mean that we will have to delay the purchase of some of the B–2 bombers. It may mean that we are going to have to pull our troops out of Bosnia sooner because we simply cannot afford [illegible] billion a year to keep troops in a country that may or may not ever be [illegible] peace with itself.

There are a lot of choices that we are [illegible] to have to make in this Congress, [illegible] they are not easy choices, but I [illegible] that we will not say to people, [illegible] it be in Grand Forks, ND, or [illegible] and Forks or some of those peo- [illegible] really are suffering that we are [illegible] to help you.

[illegible] do think we have to help [illegible] but then we have got to [illegible] choices. And as I think [illegible] saying is, Congress has [illegible] example as well. We are going to have in the next several weeks a number of tough choices. I would hope that within 2 weeks, this House will have on the floor a budget resolution which will be the blueprint. Hopefully, it will be an agreement between the White House and the Congress. And there are negotiations going on, and we hear rumors that one day they feel like they are close, the next day they are far apart. We really don't know, and they have been very tight-lipped about what exactly the terms and conditions are that are on the table.

But we hope there will be an agreement between the White House and the Congress on a budget resolution. But even if there is not, this House is going to have to pass a budget resolution very soon and it is going to mean some tough choices. We are not going to turn our backs on people, and particularly Americans who are desperately in need and then say to other countries and other people around the world, well, sure, Uncle Sam will be there to bail you out.

So we are not going to turn our backs on those people who are suffering in the United States and continue to provide unlimited foreign aid to some of these other nations.

Mr. SCARBOROUGH. If the gentleman will yield, he brings up a good point. We talked about Congress negotiating with the President. Obviously, we negotiate with the Senate also. Let me just say this: This is something that gets lost in all the discussions about the budget.

The Constitution says that this body, the people's House, as the Speaker says, this body that is closest to the people has the checkbook. And so we have to stop pointing our fingers at the Senate, we have to stop pointing our fingers at the White House, and we need to recognize that we have the checkbook, that all spending originates here, all bills that have anything to do with spending originate here, and so we have the ultimate responsibility.

We have got to take personal responsibility for that instead of turning and whining about how the Senate moderates everything or how the White House is addicted to spending. Whether that is true or not is completely irrelevant. We have the checkbook in our hand. If we have a checkbook in our hand and our children come up and say they want to spend money on Nintendo games or they want to spend money on a trip this summer, they want to go to Disney World, if we do not have the money, we have the checkbook in our hand, and if we go ahead and write a bad check to our children just because we are afraid of the consequences, then we have no moral courage and do not have the moral fiber that we have to have to make the tough decisions. We need to always remember that. Unfortunately, it seems to me at times that Congress has forgotten that.

Mr. NEUMANN. There is one thing the gentleman from Minnesota mentioned; priority spending. There is kind of a myth going on out here in Washington DC, and I noticed it at our town hall meetings, we just held about 20 of them. The myth has really penetrated to the public that they believe defense spending has gone straight up and very, very few people in this Nation recognize the fact that defense spending has actually dropped, in actual dollars spent, dollars written out of the checkbook from $300 to $266 billion a year from 1990 to 1996.

In real dollars, it has gone down even more. In real dollars, that is dollars adjusted for inflation, it is comparable to a drop from $325 to $242 billion over that 6-year span of time.

The other thing that is out there kind of as a myth is that with this defense spending increase, and we are cutting all these other areas in Government. Well, the reality is that is not true, either. The reality is these other areas called nondefense discretionary spending have risen dramatically from $165 billion in 1986 all the way up to $268 billion 10 years later. So over a 10-year period of time, it has nearly doubled, in spending in these other areas called nondefense.

Everybody blames Social Security and Medicare and all of that stuff for rising too fast. The reality is it is not just there. It is these other programs, too, that have gone up by over $100 billion over that 10-year period of time. I, for one, would just take the opportunity when you mention priority and spending to work again to dispel the myth that somehow defense spending is the cause of the problem.

In fact, defense spending has dropped over the last 10 years in either real dollars or actual dollars coming out of the checkbook. I think it is important, because the threat is growing around the world. We do need to maintain our defense.

Mr. SCARBOROUGH. If the gentleman will yield quickly, a couple of quick numbers. We are spending less on defense today per ratio of how much we have at any level since 1939, before World War II and Pearl Harbor. The dire consequences are these: We have enlisted men and women who are on food stamps. We have promises that are being broken to our military retirees and our veterans. We cannot sustain the continued cuts unless we want to face dire consequences in the 21st century.

We have to be concerned about a system that allows men and women that are protecting this country to live on food stamps. The quality of life right now for men and women in the armed services is absolutely dismal, at its lowest level ever.

Mr. NEUMANN. I would just add in the defense area that defense is not above wasting some money either and certainly is subject to our review as we find areas of waste within defense so that those dollars can be reallocated and better spent for the defense of this Nation.

Mr. GUTKNECHT. If the gentleman will yield, I would make this point as well. We heard a lot about when we won the cold war, and frankly, I think sometimes we are too timid to say, we won the cold war. The military buildup of the 1980's was perhaps, in my opinion, one of the greatest investments in the history of human beings because we literally won the Third World War, the cold war, if you will, without firing a shot. It was because of the buildup. Now, we are seeing some of that peace dividend.

Real defense spending has dropped by over 30 percent in the last 5 years. A lot of people talked about the peace dividend. But I think most of us would agree that that peace dividend ought to go to our children rather than go into even higher domestic discretionary spending. Unfortunately the gentleman from Wisconsin is absolutely right. What we have seen is dramatic increases in domestic discretionary spending along with entitlements as defense spending has come down. But let me just say this, too, and I think this is an important point, and we should have a healthy debate about how many B-2 bombers we really need. The gentleman from Wisconsin may disagree with me and the gentleman from Florida may disagree with me, but I think we probably have enough B-2 bombers. But let us have that debate. Even within the Defense Department, whether or not we need to move ahead with some of the other new weapon systems or if they can be delayed. We live in a relatively safe world. I do not want to cut defense irrationally, but on the other hand I do not think any area of the budget should just be rubber-stamped by this Congress. As I say, we have got to set priorities and clearly at this point in time one of those priorities has to be people who are hurting in disaster areas such as northwest Minnesota.

Mr. NEUMANN. We are nearing the end of the hour that we have reserved to us this evening and I thought I would bring the discussion kind of back to where we started, and that is this picture that shows the growing debt facing this Nation of ours and maybe talk a little bit about an issue that is very important, that is probably not now coming to the floor of the House but we hope it does in the future, and that is the balanced budget amendment. I have had a lot of people in our town hall meetings again asking me the question, "Do we really need the balanced budget amendment?" I have been asking those people back when they ask me that question, I just point to this chart and point to the growing debt, and then I ask them, if we did manage to get to a balanced budget in 2002 and let us be optimistic and say we got to a balanced budget without using the Social Security trust fund money, we got Washington to stop spending the Social Security trust fund money, we got the job done. Do you really think that in 2003 they would balance the budget again? Or do you think we would go back to our old ways? And even if we managed to do it in 2002 and 2003, how long would it take before they went back to their old ways of this growing debt?

That is why a balanced budget amendment that has failed by one vote three times in the Senate of the United States is so important. I hope on the other side they decide to bring it back again and get another vote on it so that we have what Wisconsin already has in its constitution, a requirement that we do not spend more money than we have. It is not about a balanced budget. It is about our children's future and whether or not they can hope to have a future in this great Nation of ours. Without a balanced budget amendment even if we manage to get the job done by 2002, we have those after years, 2003, 2004, 2005, 2006, and so on to worry about. Fixing the problem temporarily by 2002 is not going to solve the long-term problem without the balanced budget amendment to the Constitution.

Mr. GUTKNECHT. As I have said before, and one of the things I really like about the budget plans that the gentleman and I have worked on, and frankly the gentleman from Wisconsin has done a lot more of the work than I have, but as a famous architect from Chicago said, "Make no small plans." I think we need a big vision, and I think the vision should not be just to balance the budget by the year 2002. I think the real vision and the real goal ought to be to pay off that national debt. As the gentleman says, and I certainly agree, I can think of no better thing to leave our kids than a debt-free future. We have an opportunity to do that if we will exercise the discipline this year and every year. As we have said before, balancing the budget is not something you do next year. Balancing the budget is something you do this year. It is something you do every day. That is why as we look at this supplemental appropriation, I hope that the gentleman is successful in the Appropriations Committee to make certain that we set those priorities, that we rearrange some of the budget so that we can take care of those people who are hurting and needing in certain areas of our country and still stay on that glide path to balancing the budget.

Mr. NEUMANN. Would the gentleman not say that is also true of the Social Security issue? The issue where the Federal Government is collecting out of paychecks about $65 billion more than it is paying back out to seniors and that that money is supposed to be set aside in the savings account but Washington is instead spending that money? Is that not a day-to-day struggle also to prevent Washington from spending that money?

When Washington talks about getting to this balanced budget in 2002, we cannot accept getting to the balanced budget by going into the Social Security trust fund and taking that money out, taking $104 billion out of the trust fund, putting it in the checkbook. That is not good enough. That is not really a balanced budget. Is that not what this fight is about day to day out here to stop Washington from spending that Social Security money, get us to a balanced budget but do it the right way without using the Social Security trust fund money to get there? Are those not the battles that we are engaged in out here day after day after day in this city?

Mr. GUTKNECHT. We are certainly in a wonderful position. We are given a golden opportunity. We are at relative peace and relative prosperity here in this country. If we cannot balance the budget and save Social Security now, I do not know when we will.

Mr. NEUMANN. I thank the gentleman. I would conclude tonight with a very optimistic picture for the future of this great Nation that we live in. We have it within our grasp, within our means, within our understanding to do what is right for the future of this country. We have laid out a plan that gets us to a balanced budget by 2002, lets the American people keep more of their own hard-earned money, sets aside the Social Security trust fund money that estops Washington from spending the money that is supposed to be in the Social Security trust fund and at the same time looks past the year 2002 to 2003, 2004 and beyond, looks at paying off the Federal debt so instead of taking $600 a month from our families of five in America, that instead of doing that to just pay the interest on the Federal debt that we can look at the families keeping that money, using it for education, using it for things that are so important in our families in America today.

We do have a big vision for the future of this great Nation we live in. It includes a balanced budget, it includes protecting and preserving Social Security and fulfilling our commitment to our seniors in Medicare. It includes letting the American people keep more of their own hard-earned money. There is just no reason not to look past that and look to the big picture and say, yes, we can pay off the Federal debt and, yes, we can get to a point where our people do not need to pay $600 a month to do nothing but pay the interest. Let our families keep that money in their own pockets to spend in the way that they deem most appropriate instead of sending it out to Washington to do nothing but pay the interest on the Federal debt.

I see a very bright future for America because if we manage to implement these sorts of plans, that means the Government is going to quit borrowing the money out of the private sector, leave the money in the private sector. When there is more money in the private sector, that means the interest rates stay down and when the interest rates stay down that is a bright picture because then people can afford to buy houses and cars and all the other things that they do when the interest rates are low, and that means somebody has to build those houses and build those cars and that is job opportunities for the young people in this great Nation that we live in. These are our hopes and dreams for America's future. God bless you all.

□ 1800

RED RIVER VALLEY FLOODS

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of January 7, 1997, the gentleman from North Dakota [Mr. POMEROY] is recognized for 60 minutes as the designee of the minority leader.

Mr. POMEROY. Mr. Speaker, my remarks tonight have nothing to do with political party or political ideology. In fact it has rather to do with something much more basic than that, disaster of an unprecedented character that has inundated the second largest city in the State that I represent, the State of North Dakota, and caused hundreds of millions of dollars of damage up and down the Red River in light of the disastrous floods we continue to experience. During the next few minutes I want to brief my colleagues about what brought this about, what weather circumstances were out there that caused flooding of this unprecedented character.

Mr. Speaker, I want to tell my colleagues of the preparations made to fight the flood, because I think it is important that they understand we did not just sit and give way to the river. In fact, this is only the final stages of what had been a heroic several-week period of frantic effort to beat these waters back. I want to tell you, sadly, about how the battle for Grand Forks was lost and how the city has now been totally inundated and the consequences of it. I want to bring you up to date in terms of how people are coping with this disaster and assess finally where we go from here.

First, what brought all this about? Well, this has been one winter for the books in North Dakota. We are used to tough weather, we pride ourselves on it, but this year we had an unbelievable series of first occurrences, more snowfall than ever, worse blizzards than ever, a 50-year storm on April 8, only now not quite 3 weeks ago, dumping more snow on already land that was just buried in snow. We had the first Presidential disaster declaration issued statewide for a snow emergency.

Now very unusual to have a snow emergency, but in this circumstance we literally could not deal with the volumes of snow on our roads that were impeding access, critical access, to medical facilities and the like for the citizens of North Dakota, as you know many scattered about on the farms and remote smaller towns across the State. We needed more help in keeping our access to the facilities, and that is why as we coped with the snow, the Presidential declaration issued statewide had become acquired.

I think that we would have been OK but for the blizzard of nearly 3 weeks ago. The meteorologist tells us that this storm alone was a 50-year event, worst storm in 50 years.

So you take a situation where the land has been saturated with wetfall, covered with more snow than we have ever had in the history of recording snowfall in North Dakota, and add to it the worst blizzard in 50 years, and you had all the elements for a true disaster.

As the snow started to melt, we began to see in the rural areas just what we were up against. This picture shows what we have seen across an awful lot of rural acreage in North Dakota, standing water of flooding proportion and the small tributaries which carried it to the major river arteries also flooding. As the floodwater went from the rural reaches to the larger rivers, the flooding accelerated.

We began with the State really following the blizzard of nearly 3 weeks ago, the April 6 blizzard, in a virtual deep freeze. In fact we had some tragic loss of life due to exposure the second week in April as the State coped with freezing temperatures and power outages. As the weather warmed up, at last, and all the snow melted, the water really started to flood.

Now we thought we were ready for the floods that we knew were to come. The Weather Service had given us early forecasts predicting severe flooding and giving us specific numbers that allowed the Corps of Engineers to begin the work on the dikes for these cities literally weeks earlier than had ever been attempted before. By the time we came into the month of April, millions of dollars had been spent elevating the levees and getting them ready for the flood water that we knew was to come.

General Furman, the head of civil works for the Army Corps of Engineers, surveyed the preparations and indicated that he thought this represented the very best advanced measure work the Corps of Engineers had ever attempted, the best effort to stop cities from flooding represented in weeks of frantic activity, activity including the movement of massive amounts of clay and dirt in earthen levees at the citywide level and then, as individual homeowners prepared, literally millions of sandbags, an estimated 6 million placed in Grand Forks alone, put in place bag by bag by bag, with the countless hours of hundreds and then thousands of volunteers.

The floods impacted in particular the Red River Valley and caused us the most severe flooding that we have had to deal with, and the Red River is somewhat unique in North Dakota; it flows north. This is an unfortunate character for a river in the north country because you take water in the south and you send it into ice in the north before it is melted, frequently resulting in ice jams and exacerbating the flooding problem. All up the Red River Valley the cities have had problems; Wahpeton having their crest occur literally in the height of that April 6 and 7 blizzard, people enduring ice and snow to place urgently needed sandbags in dikes that were just about to give way. Wahpeton fared relatively well through the flooding crests that they sustained. Unfortunately, their sister city, Breckenridge, MN, did not fare as well, and there have been hundreds of homes flooded in that city.

North flows the river. As the problem eases in Wahpeton, the problem grows for Fargo and Moorhead. Frantic efforts have saved most of those cities, although dozens of homes have been lost in that fight as rural houses could not be protected and as urban ones in some neighborhoods gave way. Urgently constructed secondary dikes prevented much greater flooding in that area.

Coming now to Grand Forks, certainly the greatest loss we have sustained in the flooding, the river running now at 54 feet. That is over a flood stage of 28 feet and over a normal elevation for that river of 16 feet. A river that on a summer day is 16 feet deep is 54 feet deep as it rampages through the neighborhoods of Grand Forks tonight. This is several feet above the forecast. In fact, it is entirely possible that inundation would not have occurred had we prepared for a height of this magnitude. It is by a factor of several feet the highest flood ever reported in Grand Forks, ND, and they did not have the dikes constructed to the level to deal with it. Frantic and truly heroic efforts made in the final hours of the fight to get the levees up with the rapidly increasing height to the river unfortunately were unsuccessful.

The general river flows in Grand Forks normally run at about 5,000 cubic feet per second which is how they measure river flows. The water flowing by Grand Forks today is 110,000 cubic feet per second, 22 times the normal rate of flow, which gives you a very good idea about the amount of water in the Red River system that is funneling by Grand Forks and inundating that city and threatening two cities to the north, Drayton and Pembina, as the river crests continue to work their way north.

Unfortunately the battle for Grand Forks, as anyone knows who has seen the television footage, was lost. It is a very flat city and the dikes were not capable of being lifted to the final elevations the floodwater required. As the dikes gave way and the streets in the lowest lying parts of town began to be inundated, they flooded also the city's storm sewer system. A storm sewer system very efficiently takes runoff water from city streets to the river when the river is at its normal elevation, but in this flat city when the river is at an elevation that is higher than the city streets, it just as efficiently transfers the water from the river throughout the neighborhoods. That is why only 1 in 10 of the flood victims in North Dakota had flood insurance. The great majority was well outside the 100-year flood plain, but water came charging through the storm sewers and bubbling up through the manhole covers on every corner slowly but surely inundated virtually 90 percent of the city of Grand Forks.

There were some very dangerous periods during the loss of the city of Grand Forks. There were evacuations occurring in the dead of night, people forced to leave their homes with the possessions that they had on their backs in advance of the flooding waters. Others had slightly more time.

I watched the Red River High School serve as an evacuation center, and I will tell you it looked something like you might see out of a war zone. People, evacuees from the city I know so well coming flooding into the school and being routed on to schoolbuses and sent to the shelter at the Grand Forks Air Force Base, all keeping them out of harm's way and the ever-rising waters.

The hospital for the city that had 200 patients, many of them critically ill and in intensive care, had to be evacuated as their water system became polluted. People were med-evac'd to hospitals throughout North Dakota and Minnesota. Fortunately all of that transfer occurred with no loss of life. All of the evacuations occurred with no loss of life.

The University of North Dakota, the largest university in North Dakota, a school of 11,000 forced 3 weeks before the end of the semester to just shut it down. The president of that university indicated to the professors: Give your students the grades they have earned to date or give them incompletes, but we are done with the semester, there will be no commencement, school is out, school is over, get your students out of town.

All of this occurred as the water rose, and the next two charts I would show you go to show you the dimensions, the depths of the water that especially the lower lying parts of town had to contend with, yet again more than 90 percent of the town ended up being inundated.

This is a home that has been in the water a day or two, and as you can see it is literally floating. Houses will float, and so these houses, a number of the houses, will be totally wrecked as they floated off their foundations, as the one in the picture illustrates.

This shows a line of cars, people forced to leave their houses so quickly they could not even get their vehicles, and those vehicles have been bobbing like toy cars and trucks on the streets as the water has so completely inundated them, as you can see.

Just when we thought it could not get any worse it got worse. A fire broke out that ultimately claimed 11 of the major buildings in the downtown intersection. This picture shows the first building to go into flame. They believe the cause of it was broken gas pipes. I talked to a fireman that was down fighting the fire, and he says, you know it is ironic, but a fireman's best friend is water. Water is a critical element we use to control fire. And yet we could not fight this fire because there was too much water, too much water on the street to get our equipment down, and they literally dove under water trying to locate hydrants to hook up their hose, and when they finally did get their equipment moved in rough proximity to the fire, got their hoses hooked up to the hydrants, the city's water system had been so badly damaged that there was no pressure for the water to fight the fire. Ultimately it was fought by air, Forest Service planes dropping a fire retardant on it and a Coast Guard helicopter using a device that was capable of bringing river water over the flame ultimately controlled it again after 11 buildings were lost, buildings including the Grand Forks Herald, the city's newspaper, one of the State's largest newspapers as well as a major bank and other major commercial buildings in downtown.

The devastating aftermath is revealed in the next two pictures I have. You have a city that one person called it a mixture between Venice with the water and Berlin with the charred remnants of buildings. This is the scene today, a scene that has been widely reported in newspapers across the country and across the world reflecting the extent of the devastation that Grand Forks, ND has had to cope with.

□ 1815

The loss is as comprehensive as it is horrific. I mean, this is a God-awful scene, but just as God-awful is the fact that this disaster has touched virtually everyone in the community. I was there last weekend, and for an example, on a boat ride, as we toured the devastated downtown, the photographer taking pictures said, as we passed the newspaper, I might get a little emotional here. I asked him why in particular. He had lost 25 years of negatives in the fire at the Grand Forks Herald, all of his life's work reflected in his negatives, all of them torched and left without one in that fire.

Later that afternoon I was on a street assessment looking at areas of town that had not yet been evacuated and the determination being made whether or not they needed to be evacuated. The policeman that was with me on that assessment had already lost his home, and the city attorney's home was subject to imminent threat and has now also been inundated. The mayor of Grand Forks, Mayor Pat Owens, a woman who has shown such tremendous character and courage in the face of this disaster had, all the while she maintained her public leadership, faced deep personal challenge. She had a 92-year-old father that she could not get to leave his house even though he was being flooded. He finally agreed to leave when necessary and agreed to take his dogs along. Her own house, aside from worrying about her father, was also lost.

When I flew out Monday morning from Grand Forks, the people at the Northwest Airlines ticket desk were unshaven and unshowered, not surprising, given the fact that there is no water in Grand Forks. They indicated that to a person, the people at the counter had each lost their homes. Their families had been evacuated. But they said it could be worse, we still have employment.

The telephone company is the only operating business in Grand Forks today, and it is operating because it is completely sandbagged. Crews are working around the clock pumping out water and actually using blow dryers to keep the cables dry. Boats bring in supplies to maintain the 24-hour shift.

The Grand Forks Herald, I believe, is a real example of just the courage of this community in coping with the disaster.

Mr. Speaker, the city is presently publishing in a school north of town. The paper is being printed in St. Paul and flown back for distribution in Grand Forks free of charge so that people can track the information, and there is no advertising revenue in these newspapers supporting this city effort.

This column, "The Day That Changed Everything," was literally written by the editor as the newspaper building burned and destroyed completely that newspaper. The community, being desperate for news, continues to benefit from the heroic efforts of the Grand Forks Herald and its staff, and I really salute them for their effort.

Mr. Speaker, the community response to this disaster has really been overwhelming. The Grand Forks Air

Force Base, the major Air Force base 13 miles out of town, has brought resources to bear that have been critical to our getting through this. They took a massive three-bay hangar and turned it over as an evacuation center, housing up to 2,500 evacuees on cots; not very comfortable cots I know, because I slept on one Saturday and Sunday night in that shelter. But the hospitality, the friendliness, the support of encouragement provided by the men and women of the Air Force working at that base was something to behold. They have done a tremendous service and shown what an essential part of our community they truly are.

Families throughout the region, both in North Dakota and the Minnesota side, have phoned into radio stations with the most unbelievable offers you have ever heard on the air: We have a home. We have room, we have a spare room, we will take a family. We have a finished basement. We will offer to house a family for the duration, until they can get back into their home.

Can you imagine in some of the areas of this country people turning their homes open to total strangers for a period of time that is anything but certain, but could literally run weeks, if not more than a month? Well, that is what happened in great number in North Dakota. As a result, the number of people having to spend the entire duration of the evacuation period in that Air Force base has now dropped to under 300 as people find more comfortable shelter with friends, relatives, or these wonderful volunteers taking total strangers into their homes and into their families.

The mayor, I believe, put in perspective what has happened to Grand Forks. She said, we have suffered a disaster. Our hearts are broken, but we will get through this. It could be worse. Property, as difficult as it is to lose precious, lifelong possessions, can be replaced, homes can be rebuilt. But to date, we have come through this disaster without a single loss of life, and life is truly irreplaceable. That record held and held again today in Grand Forks, and let us all hope and pray that that continues to be the case, and we will avoid the ultimate disaster, loss of life, in this flood.

Well, where do we go from here? I will tell my colleagues where we go. We pull together and we build back. The local support has, as I mentioned, been absolutely amazing. And what North Dakotans have seen I think to their amazement over the last several days is the extent of national support that has been extended. There are innumerable stories I could tell my colleagues, corporate and individuals from across the country reaching out and assisting. AT&T put free phone lines immediately into that shelter, for example. Life USA Today Insurance Co. called me in my office yesterday and said, how can we help? Can we send cash, can we send people up and help clean out? Anything we can do, let us know. The AFL-CIO has contacted me and said, we want to help. We have people that lost everything they have. Do you have ways you could suggest we can help? Money or trade skills as we build back?

I think, making it real personal, something happened in my office this morning that took me by surprise and was incredibly special to me. I saw a fellow I had not seen before, a boy with him. I figured maybe they were from North Dakota visiting the Nation's Capital. But no, they are people that live in the area, and the 7-year-old wrote this note that he wanted me to share with the people of Grand Forks. To the children of Grand Forks:

> My family and I survived Hurricane Andrew 5 years ago in Florida, and I know that all of you will triumph over these floods of 1997. Accept these small gifts, and good luck to all of you. Peter Boyce, 7 years old, Jamie Elementary School.

Well, Peter, his father went on to explain, insisted that they pull together some bottled water, took the canned goods they could spare, and they brought them up, two boxes full. And I am under instruction from Peter Boyce to get those to the children of Grand Forks.

That is just a perfect example of how people have reached out. There are 1-800 numbers established, which I do not believe protocol allows me to share with you on the floor. But the Red Cross has an 800 number, and in addition there is a 1-800 number set up through FEMA, the Federal Emergency Management Agency. And any of my colleagues that might like to individually provide that kind of support demonstrated by the gesture of Peter Boyce, I would urge you to contact those numbers.

In spite of how touched we are with this national outpouring and the charitable outreach of thousands of Americans across the country, a number that I believe is going to even grow larger, we need the help of the Federal Government. I will tell my colleagues why we need the help of the Federal Government. It is kind of illustrated by a true story that occurred as the dikes were giving way. An engineer for the Corps of Engineers, a very talented woman engineer that had been there for all of the building of the dikes, she was frantically looking at her topography maps, looking for a secondary line of defense against the flooding waters. And she was crying and she said, there is no high ground, there is no high ground.

Well, unfortunately, that is the case in a figurative way with the status of the city of Grand Forks right now. There was not a part of the community left untouched, nothing to build upon. The financial community, devastated. The university, sent home. The business community, under water and then aflame. We are going to have to completely rebuild this community, and it is going to take all of our help and all of our work.

There have been some wonderful things that have occurred this week. The President came to Grand Forks, ND, and if my colleagues could only have seen what he did for the morale of the people spending the nights in the shelter. He told them: You are not in this alone. We are standing with you. And it meant an awful lot.

The President returned and within 1 day of his return sent to the Congress an amendment to the supplemental appropriations bill requesting an additional $300 million for relief in the Grand Forks area. The House Committee on Appropriations marked up this morning, a markup that convened 6 days after the dikes breached. They indicated that they also wanted to help and passed $210 million of relief on the $488 million that was in the additional relief package, bringing the total, not just for Grand Forks, but for North Dakota, Minnesota, and South Dakota, to $698 million. The chairman said it right when he announced to his committee members this morning: This is not enough. More will be required, but we are still assessing the damages, and this is a place to start.

Disasters know no partisan lines, and I am very pleased to announce on the floor this evening that Speaker GINGRICH will be visiting Grand Forks, ND, tomorrow, late afternoon, touring the devastation. The gentleman from Texas [Mr. ARMEY], the House majority leader, a North Dakota native himself, will be touring the area on Monday, all to learn more about the extent of the devastation we have experienced and to be prepared to help.

Ultimately, the Federal resources will be a critical part of our rebuilding. But even more critical than that and more fundamental than that is the tough character, the tough and resilient character and the optimism in the face of all odds of the people of North Dakota.

I would close with my comments before yielding briefly to the gentleman from South Dakota [Mr. THUNE] who in his State also has suffered a disaster, and he will tell you about it. But I want to close with this story I think reflecting the resilient character of the people of North Dakota.

As I mentioned earlier, I spent Saturday and Sunday night with the evacuees in that Air Force hangar. On Monday morning as I got up to go to the airport, it was about 5:30 in the morning, and in a hangar full of more than 2,000 people you are always going to have some people milling about. Even that early hour I noticed two women about 70 years old walking around. I went to visit with them a little. I was amazed at how good they looked. Their hair was all fixed, they were presenting themselves very, very well, especially given the fact that they were staying in a hangar and it was 5:30 in the morning. Out of my surprise I said, you look great. And one woman replied: Well, of course; some of these soldiers are really good-looking.

I think that underscores the unquenchable optimism of the people of North Dakota, and with the help of the Federal Government and with the help and prayers of the American people, we will be back and we will be back bigger and better than ever.

Mr. Speaker, I yield to my friend and colleague, a freshman Member who distinguishes himself with his conscientious service to his State of South Dakota, Mr. THUNE.

Mr. THUNE. Mr. Speaker, I want to thank my good friend and colleague from North Dakota, Mr. POMEROY. I would like to echo many of the sentiments that he has just expressed, because I too have seen what he has seen firsthand. I had the opportunity earlier this week to view the damage in Grand Forks, ND, and it truly looks like a war zone. It is a city that has been utterly decimated. As we flew over it and saw that the entire area was just engulfed and consumed in water and the burned-out buildings, it looked like a scene from a World War II movie.

□ 1830

They have a tremendous challenge ahead of them, and it is one that is going to take all of us working together to see that we get North Dakota and South Dakota back on their feet.

I never thought that I would be saying after the winter and spring we have gone through in South Dakota that we are fortunate, but in this particular case, we are. After having seen what North Dakota is going through, some of our State's problems do not seem quite as big as they once did.

Nevertheless, we have had what has been an unprecedented weather circumstance in our State. Conditions this year truly are historic in the history of the Dakotas. I, too, represent an entire State, like my neighbor to the north, and we are very geographically isolated. We are large States. We are truly accustomed and used to having adverse weather, tough circumstances and conditions to deal with. Yet, this year I think has tested that beyond the limits.

I recall an incident not too long ago, just recently in my State of South Dakota, the city of Watertown, where people were out sandbagging in 30-below wind chills and 60-mile-an-hour winds. That is the kind of season that we have had to contend with.

It is heart-wrenching when you see the stories and witness firsthand the people who have been torn from their homes. My friend, the gentleman from North Dakota, as he mentioned, has spent some time in the relief center there, and had an opportunity to see again firsthand what people are going through and enduring, the effect, the toll it takes on families.

A few weeks back my wife and I as well had an opportunity to spend some time in the Red Cross Emergency Relief Center in Watertown, SD, and it really is one of those things that you have to experience and see firsthand to have an appreciation for what these people are going through.

I have talked with friends in my State who, as a result of April blizzards, have experienced enormous losses of livestock. It was bad enough during the blizzards during the winter, but then we got a late spring blizzard during calving season. I talked with one friend who has lost 50 calves in calving season, another who has lost 20.

I think it is very important to note that for those of us who live in States like the Dakotas, that is our livelihood. We have an incredible challenge ahead of us to rebuild and to start to recover. Our economies are so dependent upon agriculture, and the cattle losses that we have experienced and much of the crop damage that is going to be caused as a result of not being able to get in the fields and plant, we are going to have a very, I think, difficult task ahead of us. We are going to need help.

That is why it is so important that we work together. We appreciate very much the response we have seen from those at the Federal level, the President visiting North Dakota this last week, and again, the Speaker coming out tomorrow to see North Dakota. The various Federal agencies have responded in a very quick and immediate way, and we want to credit them for the help they have given, and look to them again for assistance.

I think, again, the thing that I would note from all this, and we have seen an historic response, I think, from the Federal Government, we have also witnessed incredible examples of people working together. We have seen tremendous leadership at the local level; the mayor of Grand Forks, the mayor of Watertown, who have stepped up and led. Also our Governors in the States have helped take precautions so we have not lost lives.

We are very blessed, I think, not to have lost lives in this. But there was an incredible, tremendous toll on property, people putting their lives back together. But people have come together and worked the very best in the human spirit, we have witnessed that firsthand. It really speaks well I think to the pioneer, frontier spirit that the people in our State have. Their spirits have been bent but they have not been broken, and we will rebound. We will get back on our feet.

I can recall, again, going back in our history in 1972 with the flood in Rapid City that decimated the entire city, and the rebuilding effort that has been going forward there. It is now an economic wonder. It has become a great model for cities around the country. The economy is performing well. So Grand Forks I think as well will come back, but it will be a tribute to the leadership that they have there, and again, to the will and spirit of the people in that community and throughout our entire State.

It is a work in progress. We have much that remains to be done. We are very appreciative of the great effort that has been put forward by the administration, the various Federal agencies, our State governments, our local governments, and individuals who have stepped up and been willing to make the sacrifices that are necessary to help our States and some of these communities get back on their feet.

I look forward to working with my colleague, the gentleman from North Dakota, and other members of our delegation in our respective States, and Minnesota as well, and in the Senate, and working with our Governors and the various Federal agencies and through the appropriations process to bring the type of relief and assistance that is necessary.

I think we all realize these are difficult times fiscally, and we have to do these things in a very responsible way. Yet, we also have to recognize that these are truly conditions that have put people in a position where there are things they can do, but others that are just beyond their control. We are going to have to step in and help.

I appreciate my friend, the gentleman from North Dakota, for yielding to me.

Mr. POMEROY. Reclaiming my time, Mr. Speaker, I thank the gentleman for his remarks.

Mr. Speaker, this is a floor that sees an awful lot of tough, partisan debate. I think it is very important that our colleagues see tonight that when it really matters, when it is really on the line, like it is for the people that we represent in the context of this disaster, this is a body that can, in a very bipartisan way, step up to the plate and reflect, really, what the American people are thinking, a desire to provide help for people who need help.

Mr. Speaker, there is another North Dakota native in this House. I mentioned earlier that the majority leader is a native of North Dakota. So is the gentleman from Minnesota, JIM RAMSTAD, who very capably represents Minnesota and the Minneapolis area, specifically.

He has been absolutely more genuine and more sincere in his offer of support, just as sincere as he could be. I appreciate all he has done for us already, and look forward to his continued help as we try to get the disaster assistance put into place.

Mr. RAMSTAD. Mr. Speaker, I thank the gentleman for yielding to me. I also want to thank my friend, the gentleman from North Dakota, EARL POMEROY, and recognize his efforts; the gentleman from Minnesota, COLLIN PETERSON, who represents the Seventh District; our colleague, the gentleman from South Dakota, JOHN THUNE; the gentleman from Minnesota, GIL GUTKNECHT, who is from southern Minnesota. For you people, your districts have been most directly impacted by the horrible floods of 1997, and they all have represented their people so well at the time of their greatest need.

I also have never been more proud of the people I represent in the Twin Cities suburban Third District. They have also been there, and they are there, they are going to remain there in support of our friends in North Dakota and South Dakota.

Last weekend there were sandbagging operations around the clock at a correctional facility in Hennepin County there, with inmates working hand in hand with high school students, and 500 people from the Mormon Church and other churches; volunteers coming out to help sandbag and send the sandbags up north; food banks, many food banks helping. There is one I am familiar with, Lake Country Food Bank, Hy Rosen, the executive director. Right now as we speak, I talked to him earlier today, they are loading eight or nine semis of dry food to send up to people in need;

The churches, sending choirs to cheer up the people in these flood-devastated areas;

The schools, young schoolchildren, trying to cheer up other young people who have been so devastated;

Families pitching in, corporations.

My colleague, the gentleman from South Dakota, mentioned several corporations. Northwest Airlines offered free transportation to get emergency supplies up. The State bar association, I know the 16 law firms, major firms in Grand Forks, were wiped out, 8 by the fire, 8 by the flood; everything destroyed, all their books, records, wiped out. Cheryl Ramstad Voss, who happens to be my sister and president-elect of the State bar, she has assembled a group tomorrow in the afternoon of the 50 big law firms in the Twin Cities to get together and help jump start those firms.

The Governors have been tremendous. The National Guard, General Andreotti in Minnesota, the Salvation Army has been there. Also I want to thank FEMA Director James Lee Witt, Jim Franklin, who is the emergency management director in Minnesota, and the local officials; the mayors as well.

Mr. Speaker, I do not want to take all my 5 minutes, I know there are other speakers. But I just want to conclude by saying that I strongly support the President's call for a $488 million Federal relief package. One-half is emergency dollars which the President has already committed during his visit, and $200 million of it depends on a special appropriation from us here in Congress.

We need to continue to work together in a bipartisan way over the next week or two to finish the job of getting this relief money to those people who so desperately, desperately need it.

I know the gentleman from Louisiana [Mr. LIVINGSTON] from the Committee on Appropriations said yesterday that he expects strong bipartisan support and quick action, and the people of those devastated areas certainly deserve nothing less.

I am also, in conclusion, grateful to the Speaker. I know the gentleman invited him to tour the area to see firsthand how bad it is. I appreciate the invitation to go along with the Speaker. My favorite cousins had to evacuate their homes in Grand Forks. In fact, their daughter and her husband and little baby do not know what they have to come back to. It is in the area that is hard hit. We do not know for sure at this time. But I know the Speaker has made a commitment to support whatever is necessary to get this flood-ravaged area repaired and restored, and to help the people in the short term as well.

We will be there with the full cost of emergency rescue and cleanup. We will be there for the permanent repair and restoration of facilities, as well as the short-term assistance, the disaster unemployment relief, the disaster food stamps. Then, over the longer term, we will be there with a Federal task force; a Marshall plan, as the President called it, for flood-ravaged areas.

I thank my friend, the gentleman from North Dakota for yielding to me, and for the tremendous job that he has done in serving his people well.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for his remarks. The majority leader, the gentleman from Texas [Mr. ARMEY], said when it comes to disasters, once a North Dakotan, always a North Dakotan. The Congressman, although so capably representing Minnesota, has certainly shown with the depths of his concern and the sincerity of the energy behind his effort to do something to help that that is true for him as well.

Mr. Speaker, this concludes the portion of our discussion about the Grand Forks, ND disaster and the disaster that has impacted our entire area. I do ask for Members' support and prayers. Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO JAMES FARMER, CIVIL RIGHTS FREEDOM FIGHTER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. LEWIS] is recognized for the remaining 18 minutes of the hour of the gentleman from North Dakota [Mr. POMEROY].

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker I rise to pay tribute to one of the last of a special breed of freedom fighters, James Farmer. His voice has been strong and reliable; his leadership, invaluable. However, James Farmer has never sought the limelight. In the course of history and fate, he has not been given his due. We owe it to ourselves and to the unborn generations to stop and pay tribute to this great man, and that is why we are here tonight, Mr. Speaker.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia, ELEANOR HOLMES NORTON.

Ms. NORTON. Mr. Speaker, I thank the gentleman for his great generosity in yielding to me. First, in light of some unavoidable scheduling difficulties, I will be brief, but I believe I had to come forward, because, Mr. Speaker, I was in the nonviolent army of Jim Farmer, and if I may say so, in the nonviolent army where one of the commanders was the gentleman who has the remaining period, the gentleman from Georgia [Mr. LEWIS].

He and I, because we were in that army, needed to come forward to pay tribute to a man who, as the gentleman from Georgia has said, many in America do not know, but who everybody knew in the 1960's when he led the nonviolent marches, and encouraged Americans to remain nonviolent in the face of what might otherwise have been temptations into violence.

The name of James Farmer is, indeed, a name that will go down in history as one of the great civil rights leaders of the 20th century. James fought the brutality of racism through nonviolent means, making him one of the Nation's most recognizable and influential black leaders in the 1960's.

□ 1845

In 1942, Jim Farmer and several Christian pacifists founded the Congress of Racial Equality with the goal of using nonviolent Gandhian tactics to challenge American racism. Under his leadership, the Congress of Racial Equality, or CORE as it became called, began a campaign of sit-ins which successfully ended discrimination in two Chicago restaurants in 1947. Later he would be appointed the executive director of CORE, and in 1961 his group would initiate the famous freedom rides throughout the Deep South. The gentleman from Georgia will tell you all about those rides.

Like Martin Luther King, Jr., Roy Wilkins, Whitney Young, and other courageous black men of the early civil rights movement, Jim Farmer was no stranger to the danger of organizing nonviolent demonstrations in the tumultuous South of the 1960's. Jim Farmer literally put his life on the line more than once in the struggle for civil rights. In 1963, outside the town of Plaquemine, LA, a mob of State troopers hunted for him after he organized nonviolent demonstrations. He said and I am quoting him: "I was meant to die that night, they were kicking open doors, beating up blacks in the streets, interrogating them with electric cattle prods." And remarkably, Jim made his escape by playing dead in the back of a hearse which carried him along back roads out of town.

This articulate and charismatic leader continued to spread the method of nonviolent demonstrations throughout the country. Under his direction, CORE organized voter registration and civil protests like the 1964 demonstration at the New York World's Fair to protest black conditions in that city. In 1966, Jim Farmer resigned from CORE and a leadership role and went on to continue his work in civil rights in other ways. As president of the Center for Community Action, he championed adult literacy. His service with the Department of Health, Education and Welfare was noteworthy for programs increasing black employment in the agency under President Richard Nixon. Later he would direct the Council on Minority Planning and Strategy here in Washington.

The gentleman from Georgia, several other Members of Congress and I have written the President to ask that the Medal of Freedom be awarded to this great American who was among the class of the great civil rights leaders of the 1960's. He is, Mr. Speaker, today blind. He has lost the use of both of his legs. And yet with the indomitable determination for which he was known in his younger years, he continues as a distinguished professor of history and American studies at Mary Washington College in Fredericksburg, VA.

This is a very distinguished American. He helped originate the nonviolent approach that saved our country from race war. One of the originators of this approach among the young people, I must say, Mr. Speaker, was the gentleman from Georgia, who perhaps more than any man in America suffered physically for his commitment to nonviolence. But he would be the first to note his gratitude to a man who was his senior and the leader of us all because we were young whippersnappers learning from the likes of Jim Farmer.

Few if any countries have solved so serious a problem, so deep a problem as American racism nonviolently. Martin Luther King, Jr., was not the only apostle of nonviolent resistance and peaceful approaches to breaking down racial barriers. He is only the best known. One of the very best known of course continues to serve in this Congress, and that is the gentleman from Georgia. But the fact is that in these days, when we decry violence in our country, we would do well to look to the leadership of those who were willing to die for nonviolent change.

The moment of civil rights triumph may be a distant memory to some. After all, we are a generation removed, but certain ideas never lose their currency and one of those ideas is equality. Another of those ideas is racial harmony. And Jim Farmer stood proudly for both and would stand proudly for both today. The President of the United States, Mr. Speaker, has said that race relations is one of the priorities of his second term and well it might be.

Mr. Speaker, we ought to be worried about race relations in our country today, so many of us are comfortable, the smaller the group. The fact is that when the gentleman from Georgia and I were young troops in the nonviolent armies of the South, I think it fair to say that there was greater communication often across racial lines than there is today. We are not nostalgic about the past, but there are some parts of the past that I would like to recall. One way to recall and to pay a debt the country owes is for President Clinton to award the Medal of Freedom to an American hero, a man who suffered for it, a man who stood on principle and a man who taught America that its gravest social problem could be solved and could be solved nonviolently.

The life of Jim Farmer recalls us to first principles, brotherhood and sisterhood, if you will, racial equality and racial and ethnic harmony. These are great American principles. They have had their ups and they have had their downs, but they are and must remain with us in perpetuity. I thank the gentleman from Georgia for his great generosity in yielding to me.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentlewoman from the District of Columbia [Ms. NORTON] for those very moving words. We are grateful for her leadership, for coming here tonight to recognize Jim Farmer.

Mr. Speaker, we really did not hear a lot about nonviolence as a part of the early civil rights movement until the Montgomery bus boycott in 1955. But that was actually almost 15 years after the use of Gandhian principles in the struggle for civil rights. Jim Farmer, this brave warrior, did it first.

When Jim Farmer graduated from the School of Theology at Howard University in 1941, he went to work for a pacifist organization in Chicago, the Fellowship of Reconciliation. Farmer had been studying the nonviolent techniques and teaching of Gandhi. He marveled at the success of Gandhi's 1930 salt march to the sea. He suggested to the Fellowship of Reconciliation that they find ways to use Gandhi techniques, civil disobedience, direct action, and nonviolence in the battle against segregation. The Fellowship of Reconciliation, better known as FOR, did not take his suggestion. It did not attempt to discourage him but said that it would not sponsor such activity at that time. So Jim enlisted some of his friends, an interracial group, mostly graduate students at the University of Chicago, and they founded what they called CORE, the Congress of Racial Equality.

One evening after a CORE meeting, Jim and a white friend stopped by the Jack Spratt Coffee Shop. Farmer wanted to order a doughnut. He was told that he could not be served. Farmer told the waiter that he was violating State law by refusing to serve him. The waiter said, fine, that doughnut will be $1. The usual selling price was 5 cents.

The next day Farmer came back with about 20 of his friends. The whites in the group were served; the blacks were not. But no one would eat until everyone was served. They very calmly explained that it would be rude to do otherwise. The result was that they all ended up sitting there all day.

For 3 or 4 days they came back to Jack Spratt Coffee Shop first thing in the morning and tied up almost every seat for almost all of the day. It did not take Jack Spratt long to give in and serve everyone. Farmer sent them a nice letter thanking them for changing their policy. This was our Nation's first nonviolent sit-in. That was April 1942, 55 years ago this month.

Gandhi's technique of civil disobedience, direct action, and nonviolence has worked. Jim Farmer was right. Fifty years ago, in 1947, Farmer led CORE members in a challenge to the practice of segregated seating on buses traveling interstate. The U.S. Supreme Court had ruled the year before that blacks could not be forced to ride in the back of the bus. On what he called the journey of reconciliation, they traveled through Maryland, Virginia, North Carolina, and West Virginia. Some members of that group included Bayard Rustin. Three were arrested and they served 30 days on a chain gang in North Carolina for having violated local segregation laws. But in 1961, Farmer organized the Freedom Ride. He came here to Washington on May 1, 1961; 13 of us, 7 whites and 6 blacks, Farmer, like myself, who was one of the original freedom riders. In May 1961, we left Washington, DC to travel throughout the South.

Some of us pretended during those workshops to be white and some said horrible things and beat others of us up. We discussed what we could expect on the freedom ride. We resisted violence. We practiced being nonviolent. We prayed. We prepared ourselves for the worst. Three days later, we set out on the Freedom Ride on May 4, 1961.

Officials in the southern States knew we were coming. Jim had sent them letters in advance. Virginia and North Carolina took down their white-only and colored-only signs that had been hanging in the bus station. We had no problem there. South Carolina was a different story. When we arrived in a little town called Rock Hill, there were young men waiting for us. They would not allow us to enter the waiting room. I explained to them my rights under a Supreme Court decision and they clubbed each one of us.

But Farmer had trained us well. My eyes, like others', were on the prize. Nothing could stop me or the others. We were on a mission.

When we got to Birmingham, Bull Connor, the chief of police, had his officers put newspapers on the bus windows so that we could not see out. When we arrived on the scene, he ordered the troopers to take us into protective custody. They put us in jail where we stayed until the next day.

We went on a hunger strike. You see, that was one of the techniques of nonviolence Jim Farmer had taught us. The media attention would be focused on our hunger strike, and Bull Connor would not want to risk our getting sick or starving on his watch. By going on a hunger strike, we were going to force Bull Connor to change his behavior, to change whatever plans he may have had for us and treat us differently than he may have otherwise. It worked.

But the next day, Bull Connor drove us 150 miles to the State line and told us to get out. We walked and walked until we found a black couple that took us in and fed us. We called fellow students in Nashville, and they came to pick us up and took us back to Birmingham to resume the ride. I guess Bull Connor must have thought these young people are like fleas. We can get rid of them. But that is what Jim Farmer taught us. Go on, get under their skin.

Mr. Speaker, James Farmer, this good and decent man, taught us how to practice the philosophy and the discipline of nonviolence. Jim Farmer was one of the big six of the civil rights movement, and with each of us Jim was scheduled to speak at the March on Washington in 1963. But rather than coming to the March on Washington, he was arrested and placed in jail in a parish in Louisiana. And he stayed there with the people rather than coming to speak at the March on Washington.

Mr. Speaker, let me close tonight by saying, James Farmer is not in good health tonight. But he is still teaching at Mary Washington College where he is a distinguished professor of history and American studies. He continues to inspire his students and all those who are blessed as I was to come in contact with him, to set goals, direct action, to be creative, to have a vision, and keep the faith.

Mr. Speaker, as a nation and as a people, we are more than lucky, but we are blessed to have had this man in our midst to lead American people toward the creation of a truly beloved community, toward the creation of an interracial democracy. So we are doing the right thing here tonight, Mr. Speaker, by honoring this great man, James Farmer.

Mr. TOWNS. Mr. Speaker, 55 years ago, James Farmer had the tenacity and passion to organize and lead the first sit-in at the Jack Spratt Coffee Shop in Chicago, IL. This director of the Congress of Racial Equality [CORE] during the height of the civil rights movement is still around to tell what it was like at the helm.

Farmer's determination grew from an early incident. At the age of 3½, he learned about racism for the first time when he was denied a Coca-Cola because of the color of his skin in Holly Springs, MS. From that day forward, he was burdened with a desire to bring about racial harmony and equality.

James Farmer is the last of the "Big Four" civil rights movement leaders. The other three coleaders of the civil rights movement of the 1960's are not around to tell their stories and give their historical perspective on America. The Rev. Martin Luther King Jr. of the Southern Christian Leadership Conference, Roy Wilkins of the National Association for the Advancement of Colored People, and Whitney Young of the Urban League are now deceased.

However, James Farmer is still with us. Referred to as a "young Negro aristocrat", Farmer was born in Texas, where his father was the first black person to earn a Ph.D. degree. Today, he is 77 years old, blind and he has lost the use of both legs.

As we approach a new millennium, Americans and the world are still trying to bring about racial justice and understanding; a philosophy Farmer espoused when he began training an interracial group of 13 young people in the nonviolent techniques of Gandhi. To ensure that this history is never lost, it is fitting that Mr. James Farmer be awarded the Presidential Medal of Freedom for his meritorious contributions to our society.

Mr. SCOTT. Mr. Speaker, I rise today to add my voice to those of my colleagues in appreciation of and respect for a quiet hero, Mr. James L. Farmer. During the turbulent 1960's, he rightfully earned his place as one of the "Big Four" in the civil rights movement along side the other giants: Whitney Young, Roy Wilkins, and Martin Luther King, Jr. Though famous for founding the Congress for Racial Equality, James Farmer was an unassuming, modest man. For that reason, many Americans—African-American as well as white—are unaware of the invaluable contributions he made to the civil rights movement, and, even more importantly, to the fulfillment of America's underlying principles and goals for all of its citizens. We call on President Clinton to honor James Farmer by awarding him the Presidential Medal of Freedom.

Sadly, few who are familiar with photographs of James Farmer taken in the sixties when he orchestrated the first Freedom Rides would recognize him today. At 77, he is blind, suffers from severe diabetes, and has been forced to undergo several amputations. Even now, he is hospitalized, recovering from the latest operation to remove his left leg above the knee.

By where James Farmer's body may be weak, his achievements remain as strong as any man's. He continues his life-long work, teaching a popular civil rights course at Mary Washington College in my State. And the textbook for that class is his autobiography. The achievements of the civil rights movement are in large part the achievements of James Farmer. And the time is right to honor his achievements. Let him just this once feel the applause, receive the accolades, and hear the words of thanks from a grateful nation.

Mr. CLAY. Mr. Speaker, I am honored to join in paying tribute to one of our Nation's heroes in the battle for racial equality. A man of unwavering faith and steadfast devotion to his people and his Nation, James Farmer has devoted his whole life to the cause of racial harmony and individual justice. James Farmer is a man of vision who infused a generation of black Americans with the spirit and strength of nonviolent protest against the scourge of racism and injustice. Through countless contributions and endless personal sacrifices, James Farmer has played a critical role in profoundly changing the course of our Nation's history.

Mr. Speaker, I am personally grateful to Farmer for the support and inspiration he gave to me and to so many others at a critical time in the history of the civil rights movement. Farmer founded the Congress on Racial Equality. CORE was the catalyst for challenging and overcoming the entrenched segregation and racism that incarcerated black Americans and sentenced all Americans to a nation of unfulfilled promises, lost to its once cherished vision of freedom and equality. It was unfortunate that Farmer was unable to address the Great March on Washington, his remarks had to be read by someone else because he was jailed in Plaquemine, LA.

James Farmer was a founding father of the 20th century civil rights movement. In the beginning, there were only a handful who committed themselves to banishing segregation and building a colorblind nation. Although their numbers were few, their dedication was enormous. In just a few short years Farmer saw his followers grow from dozens to hundreds to thousands; under his leadership the Freedom Riders rose up and changed the direction of a nation.

Mr. Speaker, it was my privilege to have worked with CORE in the 1950's and the 1960's. It was my privilege to be among those sent to jail for our peaceful protest at the Jefferson Bank in St. Louis. And, it has been a privilege to have spent my career fighting for equal rights and social justice. James Farmer has been a source of courage and strength to me and to thousands of others. All who cherish racial harmony are grateful to James

Farmer for his wisdom and guidance and devotion. James Farmer is a man of peace and good will. He will be forever appreciated and celebrated for a life service to his people and his Nation.

Mr. Speaker, I salute James Farmer and urge President Clinton to award this outstanding American the Presidential Medal of Freedom.

□ 1900

DRUG ABUSE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. HASTERT] is recognized for 60 minutes.

Mr. HASTERT. Mr. Speaker, tonight I want to take some time and talk to you and the House about a very serious problem that faces this country, not only facing this country but it is facing many nations across this planet, and that is drug abuse.

Many times we see drug abuse in the guise of our children having OD's, being in the emergency room, finding problems in schools, drug gangs that are popping up across this country, especially in big cities and in towns adjoining big cities. We see the drug problem in OD's of kids in our neighborhoods, children, but it also is in corporate America, it is also in people who do work in blue collar areas.

We have worked in this country to make sure that people who fly airplanes and drive trucks and maneuver trains down the tracks certainly are drug free. We have worked hard to make sure that we have drug free workplaces in this country. And certainly the Federal Government and many, many State governments have worked to make sure their workplaces are drug free as well.

But, Mr. Speaker, I have just returned from the Second International Symposium Against Drugs in Switzerland, and what I learned there was truly disturbing. At the same time it was heartening to meet with doctors and world leaders engaged in the fight against drug abuse, drug-related crime, and international drug trafficking.

America and Europe are both under siege directly from international drug traffickers and internally from well-financed drug legalization movements. In Switzerland, legalizers give away 100 percent pure heroin, and between 300 and 5,000 needles a day, plus heroin cigarettes which Swiss legalizers claim are compassionate because these cigarettes, Mr. Speaker, do not contain tobacco.

Proponents of drug legalization are, at best, a dangerous and misguided crowd. For many it is an elaborate game, a way to retaliate against those who condemn their own drug using behavior. For others legalization is a means of achieving other ends, undermining moral values and democratic institutions, turning profits on an expanded population, creating new industries around the maintenance of addiction, and, in a few cases, even yearning to justify a tragic loss to drug abuse.

Whatever the motivation, drug legalization is wrong headed and destined to hurt those societies which indulge the instinct to experiment with the most vulnerable segments of their population, including their children.

So let us be clear about legalization, Mr. Speaker. The promoters of legalization forget the basic facts. They forget, for example, that drug use and abuse always and everywhere follows drug availability. They forget that there will always be more users trying drugs when there are more drugs to try.

This is clearly the experience of the United States. Between 1992 and 1995, the administration experimented with reduced drug interdiction. The result was more drugs inside our country and more kids trying those drugs. In 1994, there were three-quarters of a million more teenagers using drugs than in 1992, a reversal of the 1981 to 1992 downward trend in drug use.

By contrast, between 1985 and 1992, when the United States was firmly committed to halting the inflow of drugs, casual teen drug use fell dramatically. Regular drug users fell by 80 percent, from 5.8 to 1.3 million. Crack use declined from nearly a million in 1990 to just over 300,000 in 1992. And marijuana use plummeted from 22 million regular users in 1985 down to 8.5 million users in 1992, a 61 percent fall. That is what can happen when a society is serious about turning back the tide.

Legalization promoters also forget that the number of addicts invariably rises with the number of casual or experimental users. In the United States, as casual teen drugs rose after 1992, so did addiction.

Legalization advocates forget that the political leadership of a country that embraces legalization is also sending a message. I was a high school teacher for 16 years. I think I know kids. Kids are not stupid. They know if adults in their lives are giving consent or are forbidding it. They need and want limits set, even if they occasionally test those limits. And when there are no limits, they respond accordingly.

If someone is looking the other way and letting them get high or use drugs, they know it. If society legalizes dangerous drugs in any measure for those who wish to get high or are already addicted, kids get the message. Society will have put the stamp of approval on drug use. And, as the old saying goes, what is good for the goose is good for the gander. Kids know hypocrisy when they see it.

Finally, legalization promoters forget three other terrible and compelling facts: First, a drug overdose, for example, by heroin is not a simple or sterile or quick or painless event. It is a horrible, choking, suffocating event. The lungs fill with liquid in a lung edema, and the person, often a child, slowly chokes to death.

Second, they forget that there will always be a black market for drugs that are more pure than those being made legally available, and there will always be those who cannot get the drugs but want them.

Finally, the most drug-related crime is not between dealers or gangs. Most are committed by those on drugs, or so-called pharmacological crimes. Up to 70 percent of the United States' State prisons are filled with criminals who committed their crime on drugs. Legalization only increases this population.

Let me turn now to the heart of the matter: National security. This is a big area I want to discuss.

The Swiss national security is threatened by legalizers and traffickers in drugs, and so is our national security. In America, public complacency and indifference by the media are permitting drugs to erode public security, personal security, and ultimately, national security.

But we all must recognize the enormity of the threat. This threat to our society comes from the international cartels in Colombia and Mexico, who export literally hundreds of millions of tons of heroin, cocaine, crack, and marijuana annually. But the threat also comes from within.

In the United States, we have been timid about confronting it on both fronts. In the United States, we are accustomed to thinking about national security and threats to national security in traditional ways. When I say, for example, that America faces a national security threat, and we do, most people think of bombs and tanks and espionage and intercontinental ballistic missiles, maybe theater nuclear weapons. They do not think of hypodermic needles filled with 90-percent pure Burmese or Colombian heroin. They do not think of crack or LSD or THC or methamphetamine.

When I say the world's leading democracies are in the jaws of an insidious national security threat, and they are, most people think of spies and uniformed soldiers and body bags and conventional warfare. The truth is different. Often most serious threats are those that masquerade as solutions or mere distractions.

In my view, the legalization initiatives passed by California and Arizona this last election season are the Trojan horses of the 21st century. My message is that this is not a game or a harmless distraction and it certainly is not a solution. The drug cartels are sophisticated and they welcome the legalization movement.

This is a war, and the traffickers and legalizers are intentionally slipping a Trojan horse within the gates of the United States and Switzerland and other countries around the world. On the whole, we in the United States have been too complacent, we have underestimated the organizations, the power of this $40 billion annual industry. Yes, Mr. Speaker and Members of the House, I said billion with a B, $40 billion annual industry.

The power to corrupt, power to kill, the power to destroy the heart and soul of our society. We have underestimated the threat for a simple reason. Drug traffickers and promoters are not the sort of threat that we are used to responding to. They do not wear uniforms or come in battalions. Instead, they often come with stealth, in the dark, and inject society under the shroud of night.

But let us not kid ourselves. Let us go to the very heart of this. This adversary is well-financed, it is powerful, it is violent. We have had hearings in the Committee on Government Operations and Subcommittee on National Security, International Affairs, and Criminal Justice about the huge cartels in Colombia and Mexico, their far-reaching effect, that are in places as far away as Nigeria and Russia and Japan, the use of the Japanese yakuza organization and the Russian Mafia and the Nigerian drug runners across the world. Those stories are well-known.

So there is no limit to what these drug cartels are willing to do. They are well-financed, and they are powerful, and they are very, very violent. It kills more people in 1 year than died in the entire cold war. Last year, in the United States, this underrated adversary killed more than 10,000 children. Think about it, 10,000 children.

If anything else in this country threatened our children, our kids that are in schools, kids that walk the streets in numbers of 10,000, this Congress and this society would be turned upside down. But drugs have done that.

On a personal note, I come from Illinois, and my brother works in a public school in Aurora, IL. Already this school year he has buried one of his students, buried him because the student was involved in a gang and the gang was involved in drug trafficking.

In my congressional district, in one of the major cities in Aurora, IL, 6 children have already died this year from drugs and drug-related violence. Why? Because they are involved in gangs and drive-by shootings and drug overdoses. It is something that is there in somebody else's neighborhood, not in somebody else's State, but in our own backyard.

On the national level, the numbers are stark. Over the past 3 years, we have witnessed a 200 percent increase in drug use by American children, the kids between the ages of 8 and 17, our kids. The price of dangerous drugs has fallen by several magnitudes, as availability has increased. Street purities of cocaine and heroin and marijuana have all jumped to record levels, all this because we let down our guard between 1992 and 1995 and we have been slow to see the national security implications.

This year, the fourth year in a row, a national reporting system by the U.S. hospitals called DAWN showed record level emergency room admissions for cocaine, heroin, methamphetamines, and THC or marijuana. In 1995, overall drug-related emergency room episodes jumped 12 percent; cocaine-related episodes leaped 21 percent; heroin-related episodes skyrocketed 27 percent. THC or marijuana-related emergencies, as a result of purities that are up to 25 times greater than in the 1970's and the lacing of marijuana with PCP, were up 32 percent. Methamphetamine emergencies were up 35 percent.

In short, drugs are destroying young lives in record numbers. So the crisis is here. The crisis is in Switzerland. The crisis is over the face of this planet. And the crisis is real, as real as World War II, as the air battles over Britain when Winston Churchill called for his nation to respond. It is as grave as the national security threat to the generation which must follow as the threat that animated the French Resistance to act against the Nazi government.

The difference here is that this threat is insidious, it is slow growing, it is like a cancer, it grows below seemingly healthy skin. It is threatening Switzerland's future, and it is threatening our own future in this country. That is why Congress is fighting legalization and fighting to fund drug prevention and drug interdiction. We must respond. We must see the Trojan horse that is slipping even now between our gates, and we must turn it back.

□ 1915

We must recognize that drugs fund crime and dissolution of all that is best about America and Switzerland. They criminalize our banking and commercial systems. They finance terrorist groups in Russia and the Middle East and Peru and Mexico and Colombia, and they undermine the future that we wish to pass on to our children. I worry, too, that Swiss banks may not be fully on guard about drug money laundering. Even here we must do more.

In closing, I must say that we have now been to, and our committee has traveled to, the drug producing and shipping nations of Burma and Colombia and Bolivia and Peru and Panama and Mexico and certainly seen what we are up against. I traveled into the jungles where coca and poppy are grown and processed, and I think we have a mighty adversary to confront in those nations.

The first step for us is to support the drug war and drug prevention. The first step is for Switzerland's people to pass the youth-against-drugs referendum. But my hope is that we will not be misled or deceived and that we will see this national security threat for what it is and respond with a dedicated antidrug effort in Switzerland and here in America. I especially want to congratulate VPM and Dr. Francesca Haller, as well as the AIDS-Information-Switzerland, for fighting against heroin legalization with all their hearts, and we are with you.

This problem, Mr. Speaker, is an insidious problem. It has reached down to the very heart of our society. It has reached into other societies around the world and into our commercial institutions. There are questions about banks and money laundering, because of all the efforts of people who grow illegal drugs and move them into countries such as Colombia to refine them and from Colombia move them into Mexico where drug families move them across the border and across this country and into the street corners where kids can buy them. It would never happen if we could not take the street bills, the 5- and 10- and 20- and 50-dollar bills that kids pay to drug dealers, and that money goes back to the drug cartels.

Money laundering is a problem. In Switzerland, it is even a greater problem because Swiss banks carry money and wires from all over the world. Later on I am going to borrow from an article written by a gentleman named Bob McGinnis, who talks about how Swiss banks are being implicated in moving drug money across this universe.

I yield to my good friend from Fort Wayne, IN [Mr. SOUDER], who has certainly worked with us on drug issues.

Mr. SOUDER. Mr. Speaker, I wanted to associate myself with the chairman's remarks and to congratulate him on his leadership in the committee. Last fall when the National Security Committee was winding up a 2-year effort, there was some concern whether or not this was just a political effort. In fact, we had been working on this from the time we came in to control Congress because when we saw the facts of the results on the American streets and neighborhoods and families, we backed off of our commitment against drug interdiction, we were alarmed. We spent 2 years traveling across America, traveling down to foreign nations and confronting the leaders with the fact that most of those drugs were coming across the Mexican border, being produced in the coca leaves of Peru and Bolivia, processed in the labs of Colombia, and we confronted them. We confronted the television and the movie industry in Hollywood and said and challenged them with what they were producing and what impact they were having in our home communities.

We went around the country in every region of the country looking and hearing stories, tragic stories of young children, of families being destroyed, of women being intimidated by husbands who had been beating them. As one poor lady said in Arizona, in JOHN SHADEGG's district, she said she hated to say this but she hoped that the drugs killed her husband before he killed her because he had been beating her and her daughter, she was hiding and moving from shelter to shelter because of what had happened with drugs, all of which started with marijuana.

The myth that marijuana is not dangerous, all these people said, well, we started with marijuana, we heard from kids, oh, we thought marijuana was good, but then we wanted to get higher. We heard it from gangs, from women who were being beaten, from law enforcement officials, from school administrators. We heard it across the board. There was a clear linkage. There is a dispute as to whether this is a war or a cancer. It is in fact both. It is a war in the sense it is coming at us.

People are making money, they are destroying and undermining the fabric of our country. It is also a cancer eating away at our soul internally, person by person, as we relax our standards and say well, we do not want to judge other people's behavior and so on. But that behavior has a direct impact on all of our lives.

We had a case in Fort Wayne just recently where a high school student who was high on cocaine and alcohol flipped their vehicle, hit a senior citizen, then flipped over the median on the interstate and hit two more cars, two people dead, four people injured if I recall correctly. And it was a series we have had of multiple accidents with people on drugs.

If I cannot drive on a road, if my wife cannot drive on a road without fearing that somebody is high on drugs or alcohol endangering our lives, what is freedom? If my son cannot go to school, if my daughter cannot go to college, if they are not safe when they go out on the roads at night, if they are not safe when they go shopping, if the gang wars that we have in our district, the least we have heard is 70 percent, the highest is 85 percent of all crime of every type is drug and alcohol-related. These are tragic statistics. We cannot say we are worried about crime but oh, not about marijuana. It is not a question of well, alcohol is legal. Quite frankly, if we had the statistics today and looked at alcohol, we would not legalize it. It is not a justification to legalize marijuana.

Furthermore, if we are increasingly enforcing anything on zero tolerance in the schools, it is illegal for minors to have alcohol as well and we should not use that as an excuse to back off what is true. That is why it is so tragic about what has happened in Arizona and California with this false siren of medicinal use of marijuana. If there is a component in marijuana that can relieve pain, there are multiple other ways that you can do that without having the dangerous effects of marijuana. It was a false bill of goods sold by people with a vested interest in destroying our laws against drugs, and we need to stand up to that.

I am also concerned as we watch what happened there and to hear of our chairman's efforts in Switzerland to speak out and the things he has brought here tonight and will continue to bring out, it is very disturbing to see heroin needles being distributed, the massive level of experimentation they have been doing. That the United Nations would be involved in any way in this calls into question a lot of the judgments that many of us have anyway about how the U.N. Health Organization works. The fact is that we have been through this. This is not new.

My friend, JOHN SHADEGG, has this quote, I cannot remember the original person that had the quote, that history may not repeat itself but it rhymes, and that is often the problem that we are facing here. It may not be exactly the same thing but we can see these repetitive patterns. It is as if sometimes when you drive in on the interstate in the morning, if you see somebody who has run out of gas in a tunnel, you say, "Boy, I feel sorry for that person," because maybe they do not know all the information. But when you do it a second time, when you start to see the repetitive patterns, you go, do you not ever learn from history? Are there not things that are triggers and say, "We've been there, we've done that, we don't need to do that again"?

You give heroin needles away, heroin abuse goes up. You have these different programs that are out there that supposedly are getting people off, and instead you are getting people more addicted and you are expanding it.

We have to look to the past history of this and, that is, the things that work are a combination of different variables. One is, we have to keep the pressure on the interdiction. Even if we cannot stop all the drugs coming across the Mexican border, which we cannot, and even if we cannot stop all the drugs that are coming from Colombia to Mexico because the coasts are too long, we can put the pressure on and reverse a problem that has been happening in Fort Wayne and all over America and, that is, the price was dropping, the purity was increasing, and that was meaning the street price was easier for the kids to get, easier for adults to get, more risk to the society, and it was more potent drugs. By putting the pressure on, we not only force the pricing structure to change in this country and the purity structure and the watering down by making it more difficult for them to get their prices on the street, but we also put pressure as we heard in Peru and other places that they were starting to have the breakthroughs after the interdiction pressure went up, after President Fujimori instituted his shootdown policy if planes did not respond because the campesinos were finding that, hey, the dealers did not want to take a profit hit so they were paying them less. And all of a sudden alternative crops to coca leaves look more attractive if your pricing structure is different. So interdiction has to be a critical component. But so does education and prevention. We need to be looking just like we look at what interdiction programs are working and not working, we need to look at does this work, does this not work? What can we target in the middle schools, clearly the place where so many kids are at risk and how can we focus in on that? How can we do better prevention programs to get addicts off and focus on that? Because a lot of these things have such high recidivism rates, it is a question of how they are working but it does not mean we should not work at treatment.

Furthermore, and we all know this, ultimately in a free society there is personal responsibility. Ultimately people have to take more and more responsibility for their own lives. Families need to be engaged. Churches need to be engaged. Individual teachers and others who can be an influence on kids where they may not have the family structure or have the means or anybody taking them to a church. As this country, we need to change this, because it is tearing us at the core like a cancer and it is a war coming at us more dangerous than any other war as the chairman clearly demonstrated in his statistics. We cannot say, "Oh, I'm bored with this drug problem, I've heard this before, can't you talk about something else?" It is not going to go away. It is going to be there. It is a constant battle because evil will be there. The struggles that everybody goes through, the temptation to try to cop out of your problems by getting high is a human temptation. But this is an insidious one. It is not a freedom of yourself to practice something. It is a danger that when you smoke pot, when you take heroin, when you take cocaine, when you get drunk, you endanger other people. I thank the chairman.

Mr. HASTERT. I thank the gentleman from Indiana. It is interesting, you can imagine my shock and chagrin when I went to a place that I had visited 25, 30 years ago, Zurich, Switzerland which at that time it was a pristine city on a beautiful lake shore. Today that city is not so pristine. There are addicts in the train stations, there are addicts off in the alleyways. The city at one time just recently gave away 15,000 free needles for heroin use a day. Today if you declare yourself as an addict in Switzerland, you have a pension granted to you of 2,500 Swiss francs, and it is 1.4 Swiss francs to the dollar. If you have a dog, you get another 500 Swiss francs. If you have a wife, you get another 2,500 Swiss francs. If you have a child you get another 350 Swiss francs. So you can have a pension, declare yourself an addict, have a pension of about $4,000 a month and live and get free heroin. What kind of a message does that send to the rest of Europe? What kind of a message does that send to the world? What kind of a message do our kids get from that country? We have enough problems. We do not have to just point to Switzerland. We have enough problems here. But we cannot afford to let countries who have traditionally been our allies slip into this type of morass.

Mr. Speaker, I yield to the gentleman from Florida [Mr. MICA] who has been one of the stalwarts in the fight against drugs, both in this country and trying in interdiction abroad.

Mr. MICA. I want to thank the gentleman from Illinois, chairman of the Subcommittee on National Security, International Affairs, and Criminal Justice of the Committee on Government Reform and Oversight. I want to take a moment and particularly thank him for his leadership. I remember last week we had a discussion on the floor about the progress of this session of Congress and one of my colleagues said, well, what have you done about drugs on this side of the aisle, commenting to us, and that we had not done enough. I had to remind the gentleman that just in the few months of this session under the leadership of the chairman, the gentleman from Illinois, we have held more hearings than were held in the entire first Congress when I came from 1993 to 1994, my first term, that the leadership that Chairman HASTERT has provided is unprecedented. He has had before his subcommittee that oversees national drug policy just in the past few months the drug czar for very lengthy, in fact many hours of questioning not only in formal hearings but numerous meetings, countless meetings and work and cooperation with the drug czar. With this administration, he has had the Director and Administrator of DEA before the committee, very lengthy discussions, hearings. Another member and leader of this issue is the gentleman from Ohio [Mr. PORTMAN], who has had legislation to bring together the efforts of local government, community-based organizations that are combating illicit drugs and drug abuse and working to promote prevention and education in our communities.

□ 1930

He has had hearings already on his legislation, and his proposal and funding of that proposal that is probably the most effective way of combating drugs with those successful community-based programs, not to mention other work.

My colleague, the gentleman from Florida [Mr. McCOLLUM], who chairs the Subcommittee on Crime of the Committee on the Judiciary held a hearing recently in San Juan Harbor. Our subcommittee, under Chairman ZELIFF, who chaired the subcommittee last year, held a similar hearing. We were trying to put Humpty-Dumpty back together again.

The programs of interdiction, the programs of enforcement, the programs of military cooperation, the involvement of our Coast Guard, the whole picture was destroyed in 2 years when the other body took office, other party took office, the executive office, and then controlled both the House and the other body, and we have seen the results of it.

And I have a selfish interest in this. I have children. I come from central Florida, a beautiful area, and I held up in the last year this headline from the Orlando Sentinel: "Long Out of Sight, Heroin is Back Killing Teens." Central Florida, tranquil, prosperous area; we are not talking about ghettos or urban settings of Los Angeles, New York, Detroit. We are talking about peaceful, central Florida where heroin is epidemic, where our children are literally dying in the streets, and under the leadership of Chairman ZELIFF and others who are here tonight came into our community last fall and held an intensive hearing, and helping us get back on track.

Then the problem has not stopped, and the problem continues, and this is last week's Orlando Sentinel article: "Orlando No. 2 in Cocaine Deaths." This is just last week. One thousand eleven people died, up 7 percent in Florida, from cocaine; over a thousand potentially useful children, fathers, mothers, their lives destroyed because of what is going on. And part of this does relate back to this policy of just say maybe.

I am very concerned about what I have heard, what the chairman has outlined tonight, this policy that we have seen in Switzerland of just say try it.

Now we have an administration in this country that appointed a national health officer, the Surgeon General, Jocelyn Elders, who said just say maybe, and we see where it has gotten us today with epidemic use of heroin, cocaine, methamphetamines, designer drugs with our youth, and now we have a good example that the chairman has brought before the Congress tonight, a very bad thing that happened in another country when the Swiss Government, in fact, said just say try it, and they tried it, and the result is a disaster.

So there are those now that want to legalize drugs that say this is the panacea, and we see the experience of this country, and it is not a Third World country. It is Switzerland, a very sophisticated country, very sophisticated economic system, and we are not talking again about just urban problems, but they have tried it, it does not work, and their people are demanding a referendum, and the referendum is called Youth Without Drugs, and they intend to repeal this government policy.

So those who would like to say just say maybe, or just say try it, we have a great example of a bad reaction to a program that did in fact fail.

Now it is easy to come and to criticize what has been done, and we make no bones that we are not pleased with what happened in the first 2 years of the past administration here. But what have we done? And let me tell you when the new majority took this responsibility on, that the current Chair, the gentleman from Illinois [Mr. HASTERT], was appointed by the leadership to direct a House-wide effort to coordinate all the resources of the House of Representatives and the various committees of jurisdiction to again put Humpty-Dumpty back together again to make certain that interdiction was restored, to make certain that our military and our Coast Guard had the capability to become involved, to make certain that the eradication programs and these source countries were restored, to make certain that treatment programs were not just spending a great deal of money but we were concentrating on putting the money into effective treatment programs. And then education, which is so important, that other part of this four-legged stool, that that in fact also be properly funded and addressed, and the programs that are a success that had the support of this Congress.

So the Speaker of the House of Representatives appointed Mr. HASTERT. Now we are privileged to have him chair this Oversight and Investigation Subcommittee, national security, international affairs, criminal justice, that has authority over our drug policy, and each of the elements have in fact been restored. He has fought to get the funds back so that the military can become involved in this. He has restored the cuts. The first thing President Clinton did was cut the drug czar's office and staff and capability, and he has worked to restore that office. He has worked to bring the Coast Guard back into the action on some of the heroin that is coming into this country. He worked to bring to the floor the first decertification measure ever heard in the House of Representatives or ever passed by the House of Representatives.

So he has helped to put Humpty-Dumpty back together again, and he brings to the floor tonight, to the attention, Mr. Speaker, of you and our colleagues a great example of a bad experiment, and that was to just say try it, to just legalize drugs. Switzerland tried it, it is a disaster. We do not need to be listening to those voices.

So again, Mr. Speaker, I salute the gentleman on what he has done and the leadership he has brought to this issue and to our Congress. He has done a remarkable job.

Mr. HASTERT. I thank the gentleman. One of the things that he was remiss in saying was that he was a sponsor of a bill that said we need to look at what is happening between our country and another country, a close neighbor, Mexico. He and a colleague from Florida, [Mr. SHAW], sponsored a very tough piece of legislation, and we are not done with that yet. So we really appreciate his efforts and his strong antidrug stance.

At this time I yield again to the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. I wanted to again point out that this is not something new.

Interesting historical footnote: My first job here in Washington was Republican staff director of the Children Family Committee in Washington, and when the gentleman from Illinois [Mr. HASTERT], who had been involved in Illinois with human services issues like this, came and we worked together there, we were already focusing on alcohol abuse, on crack babies being abandoned in hospitals. The gentleman from Florida [Mr. MICA] who was a chief of staff here in Washington worked with a lot in drafting the original antidrug legislation through the 1980's in the U.S. Senate. This has been a longtime commitment, and we cannot back off as Americans.

And what is so frustrating when we hear these stories like in Switzerland is do we not learn anything? When you were saying that behavior was in effect being rewarded, what one thing we have learned over and over in our country, and I say this as somebody who has a German background and partly Swiss and who always looked at the Swiss as an international model. To hear this type of thing is so disturbing. We have seen it with gangs. If you say you are going to get such and such, what you get is more kids joining gangs to get the things. If you give benefits to things, people come and abuse it more. You do not get them off.

And I hope you will share more on some of those articles, but this is very disturbing that a country that has been held up as an example and held up in my family and our heritage and in our region and also in the whole world, I think this is really important that American companies help put the pressure on this, too, because it is a disturbing international trend, and I would hope that they can learn from some of our experiences here.

Mr. HASTERT. I would hope so, and I hope that they learn from our good experiences. But you are right on target. You know we have about 36, almost $37 billion of Swiss investment in the United States so we are dealing with Swiss companies day in and day out, and we probably ought to send a message.

You know, it is not everybody has been coopted in Switzerland by this. I worked with a woman by the name of Dr. Francesca Haller who had led this group, and it is called Youth Against Drugs. They have an initiative that they are trying to move in the Swiss legislature, the Swiss Parliament, even as we speak, and they hope that this referendum comes sometime in September or October, that time period, but they have 140-some thousand people who signed this petition saying: "You know, we don't want drugs in our country. We're going to fight to stop drugs."

But it is amazing, it is just absolutely amazing that, you know, there is three languages that are spoken in Switzerland, and the German-speaking newspapers have been for liberalization, and liberalization is a code word for legalization of drugs, and there has been a lot of suspicion that the people who serve on those boards of directors of newspapers are also boards of directors of the Swiss banks, Swiss banks that we have always held up as being the epitome of solid issues until of course the Nazi gold issue came forward. And now we know that Swiss banks harbored millions of dollars of drug money that came from Mexico and was in the account of a fellow by the name of Salinas that we have heard of before; and there is a real suspicion out there that the Swiss banks are pushing the Swiss newspapers, the German-speaking newspapers, to legalize drugs so that they can be the holders and the movers of illegal drug money. And if that comes and happens, it is just not a Swiss problem, it is not only an American problem, but it is a huge international problem, and I think that is something that we have to be very, very cautious against, we have to make sure that that does not happen, and it is just a huge thing that the world financial system has a possibility of getting embroiled in.

And as I said before, the ability to move money from country to country is the whole key to drug narco-traffickers being able to move their products from South America to the United States, from South America to Europe, from Asia and Thailand and Burma and India, you know, to Turkey, to Europe. All these things have these huge interconnections, and the drug trafficking is only the other side of the coin from the whole issue of being able to move money or drug laundering.

The gentleman from Florida.

Mr. MICA. If the gentleman will yield, I was quite shocked about this Swiss experiment, and I have also been a harsh critic of the lax attitude by both our President and this administration on the question of even a casual drug use, and that is not only translated into what our kids have heard in our country, but I was stunned to find out and get a copy of a billboard which is in downtown Zurich, Switzerland.

I do not know if my colleagues and the Speaker can see it, but this billboard in downtown Zurich says in German, and I will translate it; it says "Bill Clinton used one marijuana joint, and look, he's not a junkie. What's the big deal?"

And this is the kind of justification and commentary that was used to support this legalization effort in Switzerland in billboards, and here's a copy of one in Zurich, and I think that that is a sad commentary, and this program again has been such a failure that the Swiss are demanding that it be repealed. But when we have the leader of our administration sending the wrong signals by appointing a chief health officer, by saying that he might inhale, and then this is translated into support for a program in another country that is used for justification of legalization, we have the big problem.

So they have tried it, it does not work. Their countrymen are asking for this to be, for this program to be repealed, and we see a bad example that should not be repeated in this country.

The other thing, too, is the lax attitude is really creating even more problems in this country. There is a report just released by the Partnership for a Drug-free America and these statistics are startling.

□ 1945

There are key findings of 9- to 12-year-olds. They found in this Partnership Study that more teenagers are using drugs. In 1996, last year, one in four children was offered drugs. That is 24 percent of the 9- to 12-year-olds in 1996 compared to 19 percent in 1993.

Trial use of marijuana last year increased among children from 2 to 4 percent. It is an increase of approximately 230,000 children experimenting in 1995 to 460,000 children experimenting in 1996. Eight percent of sixth graders had experimented with marijuana and 23 percent of seventh graders and 33 percent of eighth graders reported trying drugs. Only 29 percent of parents of children age 9 to 12 are talking to their kids about drugs, and fewer children are receiving information about the dangers of drugs.

So what we have done is put drugs on the back burner. We have not sent the right message. In fact, we have sent the wrong message, not only to our children, but now overseas, and we see the results and its tragic consequence in our youth population.

Mr. HASTERT. Mr. Speaker, my colleague was talking about schools. The gentleman would be interested to know, my weekend in Switzerland and during that period I gave about three workshops and a major speech, and some interviews. I talked to one Swiss school teacher who taught in a grade school, public grade school. She lost her job for warning her students against heroin use after one of her students died from an overdose.

My colleagues can imagine the pressure that school boards are under as a result of this liberalization, when a teacher is fired who warns her students not to use drugs after one of their classmates died, and this is an insidious thing and it is happening right now.

One of the things that we have to look at, Mr. Speaker, and certainly my colleagues, if we do not agree with heroin legalization, and I have to say we talked about what happened in California on the legalization of marijuana for glaucoma and pain relief. Our friends in Arizona also passed legislation. The Arizona Legislature just turned that around, much to their credit.

But we can say something. I would say if we do not agree with heroin legalization, if we think that administering to thousands of young people this ability for them to get marijuana, using propaganda like the gentleman used, certainly is not a great credit to our country or to Switzerland.

I recommend that probably the Speaker and our colleagues, we ought to call the Ambassador, Alfred Defago, at the Embassy of Switzerland, right here in the United States, right here in Washington, if we believe that the Swiss companies, who have had the privilege of doing business in the United States, would know that we disapprove of heroin legalization. We expect them to speak out, too. They should speak out in this country and in Switzerland.

The laws that these companies have to live under here where we have drug protection for workers and people who buy the products that these workers make, they do not exist in Switzerland, because the Swiss have not signed an agreement with the European Union, and they have not signed an agreement for the other European communities such as Holland and Sweden, who have had to virtually clean up their act because of this cooperation between European nations.

Switzerland is completely independent, and the newspapers in Switzerland called the people who were trying to change the drug policy and push this issue of Youth Against Drugs, they called them just insidious names such as psycho gangs, because they were psychologists and doctors that are trying to change this situation.

I think Swiss companies who have had the privilege of doing business here need to hear it from American citizens who buy their products. Some of the Swiss companies that are involved are right here doing business in the United States.

For instance, Asea Brown Boveri in Virginia and Indiana and North Carolina; New Jersey, Florida, and Ohio. ABB should be asked to publicly oppose heroin legalization if they are going to continue to do business in America.

Mr. Speaker and my colleagues, let me add that a few other Swiss companies that do business in America should be asked to stand up and oppose heroin legalization in Switzerland. AGIE USA in North Carolina; Swiss Alamo Cement Co. in San Antonio, Texas; and ASA Aerospace Co. in New York; and the ASCOM Holding Company in Connecticut; all of those companies are doing business here and they have an influence back home.

The relationship between the United States and Switzerland is very close. We ought to stand up and say, no, in this country. They ought to stand up and say, no, in their own home country of Switzerland.

Mr. SOUDER. Mr. Speaker, I wanted to reinforce that point as we look at the heroin problem and what can become a rogue nation when one nation starts to legalize heroin and how it can move. I know you have been in Asia and I was in Thailand as well, and in the Golden Triangle area much of the heroin goes through. There is a concern, for example, in our agencies over there that as most likely normalization occurs with Vietnam, that the heroin could move down and move out of there.

Would it not be ironic with some of our slowdown in working with Vietnam, that we are concerned about how tourism might bring drugs in, but if we see these types of things happening in countries like Switzerland, we have to look at our relationships of how it goes over and comes back.

This is a critical international issue. Nigeria has turned into a rogue agency that I hear a lot about, and I appeal to a lot of my fellow Hoosiers. As I said, I am not Swiss bashing, I am part Swiss. Mostly German, part Swiss. In my district, Bern, for example, where I annually go for Swiss days, we have a lot of Anabaptists who are predominantly of Swiss and German background.

Here is something that you can do. Contact these companies. Ciba-Geigy is a very big company. We need to keep the pressure on some of these big companies. None of us can be accused of not keeping the pressure on here in America. We have an international stake in this, too.

I commend the gentleman and want to reinforce contacting these different companies. In Indiana, ABB is a direct company with involvement in Indiana. We just need to keep the pressure on. They are not necessarily hostile at this point, but we need to move on it.

Mr. HASTERT. Mr. Speaker, in Minnesota, our Members from Minnesota might consider calling the Brudier Co. and tell them to take a stand in favor of Youth Against Drugs in Switzerland. We talked about our tourist trade. Swiss hotels that are across this country in Chicago and other big cities, people who fly on Swiss Air, evidently in Switzerland, those pilots are not required to take drug tests because it is against the law in Switzerland to require somebody to take a drug test. I would think twice before I wanted to fly in that type of a situation.

People who go on ski vacations in Switzerland, there are literally tens of thousands of Americans that do it. There is no protection against the guy that runs the ski lifts and protect people on those slopes that somebody in there is not on drugs. Of all of the thousands of people who are drug free, it only takes one person who is a heroin addict who cannot be tested because of Swiss law and can cause real problems in those areas.

Mr. SOUDER. Mr. Speaker, it is inconceivable to me that they do not drug test pilots. That is literally flying blind. Sometimes ignorance is not bliss. In other words, it is like we do not want to know whether they are abusing drugs, and then if you see a society already having these trends, I would think it would be more of a reason to drug test, not less of a reason.

Mr. HASTERT. I think the pressure could start here in the United States. You talked about Ciba-Geigy. I think we could call the president of Ciba-Geigy, Doug Watson, and tell him to stand up against the legalization of drugs in Switzerland. Perhaps hundreds of other Swiss companies who benefit from trade from the United States, Americans Against Heroin Legalization could call the Swiss Bank, Swiss Credit, or Credit Swiss, the big bank that has been silent on this issue that certainly should be vocal in supporting Youth Against Drugs in Switzerland. Credit Swiss should be vocal in Switzerland to stop the legalization of heroin.

In New York, Robert O'Brien is the regional head of Credit Swiss. In Los Angeles, the Credit Swiss head is David Worthington. In Florida, Max Lutz, who represents senior management at Credit Swiss. Those people should know that Members of Congress do not really appreciate that.

Mr. MICA. Mr. Speaker, I would just like to, as we close up, remind folks that what this experiment in Switzerland, a beautiful country, you think of the Swiss Alps and mountain chalets and peaceful living.

Let me read from this. In one park, the number of addicts grew to 15,000 daily that came for free needles. Switzerland, again, a placid European tranquil State, Switzerland now has the highest heroin addiction rate in Europe and the second highest HIV infection. That is with the free needles, with the free heroin. So they have tried it. It is a disaster for their people.

We are joining their people who are now calling for a referendum to repeal this. Again, a good example of a program that went bad.

So I join my colleagues in whatever pressure we need to put on the Swiss, United States interests, we will do that. We are not going to let what happened there happen here, and this is the evidence as to why we should not let that take place.

Mr. HASTERT. Mr. Speaker, I think that is really an important point. I think that is one of the things we need to look at.

Mr. Speaker, for hundreds of years we looked to the Swiss for chocolate and we looked to them for Swiss watches and Swatches and things like that. We also respected the integrity of the Swiss banks.

During the Hitler era, the Jews trusted the Swiss to protect their accounts from the Nazis. However, after the war, the Swiss took bank deposits of murdered holocaust victims and funneled them to Swiss businessmen to cover assets seized by East European Communist regimes.

According to recent news reports, while the Swiss Bankers Association admits to $32 million in diverted deposits, the World Jewish Congress believes the figure may be as high as $7 billion. But in 1992, the Swiss bank secrecy laws, which had concealed the diversion of these funds, were repealed, and this change removed Switzerland from a short list of countries whose banks are capable of masking deposits delivered from such illicit sources as drug profits.

Some countries, like the Republic of Seychelles, have banking laws that permit large deposits of suspected money. Although there is no direct evidence that Switzerland may be joining these ranks, legalized drugs could normalize financial transactions with drug kingpins.

So one of the things we need to be careful of, if Switzerland does legalize drugs and legalize heroin, then the profits from those drugs can be moved into Swiss banks and that money can be transferred all over the world. Thus, the drug money that happens in the United States or Mexico or Thailand, moved into the wire system, moved to Swiss banks.

So I think that is something that is very, very treacherous, something that we need to be very, very careful about. Our committee will be looking into this, will be working on this, and I hope that we will have another special order on this issue.

I would encourage Mr. Speaker and all of the rest of my colleagues to be sensitive to this. Talk to these Swiss companies, be involved, and let us turn this around, turn it around in Switzerland because Switzerland is so important to this country. We can turn it around in this country as well.

We are not without fault, we have our problems, but we cannot let other countries slip into this type of a situation as well.

I certainly appreciate my colleagues from Indiana and Florida for joining us this evening on this very, very important issue.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOEKSTRA (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. MANZULLO (at the request of Mr. ARMEY), for today, on account of illness in the family.

Mr. PORTER (at the request of Mr. ARMEY), for today, on account of medical reasons.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of back pain.

Ms. VELÁZQUEZ (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. CLEMENT (at the request of Mr. GEPHARDT), for today, on account of official business in the district.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. PICKERING) to revise and extend their remarks and include extraneous material:)

Mr. WELDON, for 5 minutes, today.
Mr. HORN, for 5 minutes, today.
Mr. HULSHOF, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) and to include extraneous matter:)

Mr. SKELTON.
Mr. MOAKLEY.
Mr. FARR.
Mr. KUCINICH.
Mr. DAVIS of Illinois.
Mr. HOYER.
Mr. DOYLE.
Mr. BERMAN.
Mr. FRANK of Massachusetts.
Mr. VENTO.
Mrs. THURMAN.
Mr. MCNULTY.
Mr. RAHALL.
Mr. VISCLOSKY.
Mr. KILDEE.

(The following Members (at the request of Mr. PICKERING) and to include extraneous matter:)

Mr. LEWIS of California.
Mr. EHRLICH.
Mr. DAN SCHAEFER of Colorado in two instances.
Ms. PRYCE.
Mr. GALLEGLY.
Mr. COOK.
Mr. SMITH of Michigan.
Mr. DAVIS of Virginia in two instances.
Mr. QUINN in two instances.
Mr. HERGER.
Mr. HOUGHTON.
Mr. SHUSTER.

(The following Members (at the request of Mr. SOUDER) and to include extraneous matter:)

Mr. NEY in two instances.
Mr. HYDE.
Mr. LANTOS.
Mr. HINOJOSA.
Mr. MENENDEZ in six instances.
Mr. FORD.
Mr. BALLENGER.
Mr. HOSTETTLER.
Ms. DEGETTE.
Mr. MILLER of California.
Mr. LAHOOD.
Mr. BLUNT.
Mr. THOMPSON.
Mrs. MORELLA.
Mr. CRANE.
Mr. COLLINS.
Mr. LEWIS of Georgia.
Ms. VELÁZQUEZ.
Mr. BROWN of California.
Mr. VISCLOSKY.
Mr. CLAY.
Mr. SHERMAN.
Mr. WELDON of Pennsylvania.
Mr. BLILEY.

☐ 2000

ADJOURNMENT

Mr. SOUDER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock p.m.), under its previous order, the House adjourned until Monday, April 28, 1997, at 2 p.m.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

U.S. CONGRESS,
OFFICE OF COMPLIANCE,
Washington, DC, April 18, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to Section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. §1383), I am transmitting the enclosed notice of adoption of amendments to the Procedural Rules of the Office of Compliance) for publication in the Congressional Record.

The Congressional Accountability Act specifies that the enclosed amendments be published on the first day on which both Houses are in session following this transmittal.

Sincerely,

RICKY SILBERMAN,
Executive Director.

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

Summary: After considering the comments to the Notice of Proposed Rulemaking published January 7, 1997 in the Congressional Record, the Executive Director has adopted and is publishing amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3). The amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540-1999. Telephone No. 202-724-9250. TDD/TTY: 202-426-1912.

SUPPLEMENTARY INFORMATION

I. Background.

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the Legislative Branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance ("Office") shall, subject to the approval of the Board of Directors ("Board") of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the Congressional Record (141 Cong. R. S19239 (daily ed., Dec. 22, 1995)). Amendments to these rules, approved by the Board and adopted by the Executive Director, were published September 19, 1996 in the Congressional Record (142 Cong. R. H10672 and S10980 (daily ed., Sept. 19, 1996)). The revisions and additions that follow establish procedures for consideration of matters arising under Parts B and C of title II of the CAA, which became generally effective January 1, 1997.

Pursuant to section 303(b) of the CAA, the Executive Director published for comment a Notice of Proposed Rulemaking ("NPR") in the Congressional Record on January 7, 1997 (143 Cong. R. S25-S30 (daily ed., Jan. 7, 1997)) inviting comments regarding the proposed amendments to the procedural rules. Four comments were received in response to the NPR: Three from Congressional offices and one from a labor organization. After full consideration of the comments received, the Executive Director has, with the approval of the Board, adopted these amendments to the procedural rules.

II. Consideration of Comments and Conclusions Regarding Amendments to Existing Rules.

A. Section 1.04(d)—Final Decisions.

One commenter noted that, although section 1.04(d) provides that the Board will make public final decisions in favor of a complaining covered employee, or charging party under section 210 of the CAA, as well as those that reverse a Hearing Officer's decision in favor of a complaining employee or charging party, section 1.04(d) does not specifically provide that decisions in favor of an employing office will be made public. Rather, such decisions may be made public in the discretion of the Board. The commenter suggested that the rules should provide either that all or none of the decisions be made public, asserting that, if section 1.04(d) were not so modified, there would be "inconsistent access" to decisions and "the impression that the Board's procedures are weighted against employing offices." Proposed section 1.04(d) is identical to section 416(f) of the CAA, and its language, therefore; should not and will not be altered, whatever the Board's ultimate practice with respect to the publication of decisions in favor of employing offices.

B. Section 1.07(a).

One commenter suggested that, if section 1.04(d) were not modified to provide for publication of all decisions, the term "certain final decisions" in section 1.07(a) should be defined and procedures should be established to challenge Board determinations regarding the publication of decisions. Section 1.07(a) has been modified to make it clear that the referenced final decisions are those described in section 416(f) of the CAA. As section 416(f) of the CAA makes clear which final decisions must be made public and grants the Board complete discretion as to publication of other final decisions, procedures for challenging determinations regarding publication are not warranted.

C. Section 5.01—Complaints.

For the reasons set forth in Section III.C.10., *infra*, section 5.01(b)(2) will not be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215 of the CAA, as requested by a commenter.

D. Section 5.04—Confidentiality.

One commenter suggested that section 5.04 be modified to clarify that proceedings before Hearing Officers and the Board are not confidential. However, with certain exceptions, pursuant to section 416(c) of the CAA, such proceedings are confidential and, therefore, the proposed rule cannot be modified as suggested by the commenter. However, the rule will be clarified to note the statutory exceptions to the confidentiality requirement. In addition, at the suggestion of another commenter, the rule will be modified to cross-reference sections 1.06, 1.07 and 7.12 of the procedural rules, which also relate to confidentiality.

III. Consideration of Comments and Conclusions Regarding Section 215 Procedures.

A. Promulgation of the proposed amendments as substantive regulations under section 304.

Two commenters restated objections to the Board's decision in promulgating its substantive section 215 regulations (143 Cong. R. S61, S63 (daily ed., Jan. 7, 1997)) not to adopt the Secretary's rules of practices and procedure for variances under the OSHAct (part 1905, 29 C.F.R.), and the Secretary's regulations relating to the procedure for conducting inspections, and for issuing and contesting citations and proposed penalties under the OHSAct (part 1903, 29 C.F.R.) as regulations under section 215(d)(2) of the CAA. The arguments offered by the commenters are substantially the same as those rejected by the Board in its rulemaking on this issue (143 Cong. R. at S63). The Board has fully explained its decision not to adopt Parts 1903 and 1905, 29 C.F.R., as regulations under section 215(d) of the CAA, and for rejecting the arguments made by the commenters. The Board did not consider the Secretary's regulations governing inspections, citations, and variances to be outside the scope of rulemaking under section 304 because they were "procedural" as opposed to "substantive." Instead, the Board did not adopt these regulations because they were promulgated to implement sections 8, 9, and 10 of the OSHAct, statutory provisions which are not "referred to in subsection (a)" of section 215. Accordingly, these regulations are not within the scope of the Board's rulemaking authority under section 215(d)(2). 143 Cong. R. at S63-64. Thus, the question whether the proposed regulations should have been issued under section 304 of the CAA cannot be addressed by the Executive Director in the context of this rulemaking.

Because the Board has determined that regulations covering variances, citations, and notices cannot be issued under section 215(d), the question is whether such regulations may be issued by the Executive Director under section 303. The essence of the commenters' argument in this rulemaking is that the Executive Director cannot do so because the procedures affect substantive rights of the parties. The commenters' position is based on the substance-procedure distinction that they believe demarcates the boundary between rulemaking under sections 215(d) and 304 and rulemaking under section 303.

As noted above, the Board did not exclude the subjects of variances, citations, and notices from its rulemaking based on a substance/procedure distinction, but because the Secretary's regulations covering these subjects were not within the scope of section 215(d). Similarly, the Executive Director is not barred from promulgating rules governing the procedures of the Office simply because those procedures might affect the substantive rights of the parties.

Contrary to the commenters' arguments, the Board's earlier statement (in the context of its rulemaking under section 220(d) of the CAA) that rules governing procedures can be substantive regulations is not controlling with respect to the present issue. In its rulemaking proceeding under section 220(d), the Board determined that the subject matter of the Federal Labor Relations Authority's regulations, including certain regulations purporting to govern procedures of the Authority, were within the plain language setting forth the scope of rulemaking under section 220(d). The question raised by the commenters in that rulemaking was whether regulations falling within the scope of section 220(d) were nevertheless excluded because of their procedural label or character. The Board decided that they were not so excluded, and its statement that procedural rules can be considered substantive regulations was made in that context. *See* 142 Cong. R. S5070, 5072 (daily ed., May 15, 1996). Conversely, in its rulemaking under section 215(d), the Board determined that certain regulations were *not* within the scope of rulemaking under section 215(d), and it rejected the argument that regulations not falling within the scope of section 215(d) should nevertheless be included because of their substantive label or character. Thus, contrary to the commenters' arguments, there is no inconsistency in the underlying rationale of the Board in these two rulemakings. The Board's preambulatory remarks as part of the section 220(d) rulemaking seized upon by the commenters, when read in context, do not control the question here.

The question whether these rules can be promulgated under section 303 must begin and end with the language of the statute. Section 303(a) provides that "[t]he Executive Director shall, subject to approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional Record." 2 U.S.C. §1383(a). The regulations in issue plainly meet these criteria. So long as the Executive Director's regulations meet these criteria, the regulations may be promulgated under this authority, whether they affect substantive rights or not.

Given the Board's decision not to promulgate regulations governing the subject of variances, citations, and notices under section 215(d), if the Executive Director accepted the commenters' arguments and did not issue these rules under section 303, it would mean, for example, that no procedures would exist by which variances may be considered by the Board. The Executive Director believes that such a procedure should be provided employing offices. Because promulgation of such procedures is within the scope of the Executive Director's rulemaking under section 303, there is no basis upon which the Executive Director should refuse to address these matters under section 303.

B. References to the General Counsel's designees.

Two commenters argued that references in the regulations to "designees of the General Counsel" are inappropriate on the theory that the CAA does not authorize the General Counsel to delegate his duties. To the extent that the commenters are arguing that the General Counsel is prohibited from assigning or designating others to perform the inspections and other responsibilities under section 215 of the CAA, such an argument is refuted by section 302(c)(4) of the CAA, which expressly authorizes the General Counsel to "appoint * * * such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties." 2 U.S.C. §1382(c)(4). Similarly, 215(c) of the CAA provides that the General Counsel exercises the "authorities granted to the Secretary of Labor" by subsections (a), (d), (e), and (f) of section 8 of the OSHAct, and sections 9 and 10 of the OSHAct. Those sections in turn recognize that the Secretary may act personally or through an "authorized representative" with respect to many of these functions. See 29 U.S.C. §§657(e),(f), and 658(a). Thus, the proposed regulation is not inconsistent with section 215 of the provisions of the OSHAct incorporated thereunder.

One of the commenters also argued that the General Counsel may not utilize detailees or consultants in carrying out his duties, because section 302 of the CAA gives the Executive Director the authority to secure the use of detailees. However, section 302 does not limit the functions to which these detailees may be assigned within the Office. Similarly, although the Executive Director may procure the temporary services of consultants "[i]n carrying out the functions of the Office," nothing in the CAA suggests that the Executive Director is barred from obtaining and approving the services of consultants to assist the General Counsel in performing his duties. Indeed, the comprehensive inspections of Legislative Branch facilities were performed in large part through the use of detailees and consultants assisting the General Counsel. The commenters were aware of this use of consultants for this purpose. No claim was made that such inspections could not be conducted with the assistance of consultants.

More to the point, the General Counsel is statutorily responsible for exercising the authorities and performing the duties of the General Counsel as specified in section 215 and is accountable for decisions made therein. The proposed regulatory sections do not purport to delegate the General Counsel's statutory responsibilities to others. The regulations simply recognize that the General Counsel may utilize others to enable him to perform certain functions within those responsibilities (such as assisting in conducting investigations and inspections).

The commenters' implicit argument that the CAA requires the General Counsel to *solely* and *personally* perform those functions is, quite simply, wrong. It is clear that "those legally responsible for a decision must in fact make it, but that their method of doing so—their thought processes, their reliance on their staffs—is largely beyond judicial scrutiny." *Yellow Freight System, Inc.* v. *Martin*, 983 F.2d 1195, 1201 (2d Cir. 1993), *quoting KFC National Management Corp.* v. *NLRB*, 497 F.2d 298 (2d Cir. 1974), *cert. denied*, 423 U.S. 1087 (1976). Thus, the decision to assign or designate others (such as other attorneys in the Office, detailees or others) to perform functions related to the General Counsel's ultimate decisions under section 215 (e.g., whether to issue a citation, a notice and/or a complaint in a particular case) is not prohibited by the CAA or subject to review by individual employing offices, as argued by the commenters.

One of the commenters argued that employing offices should have an opportunity to pass upon the qualifications of individuals chosen by the General Counsel to conduct inspections through a specified process. Nothing in the CAA or the OSHAct authorizes adoption of such a procedure, and such a provision would interfere unduly with the General Counsel's enforcement responsibilities. Adoption of procedures to micro-manage the General Counsel's operations in this area would be improper in the absence of any statutory authority.

C. Inspections, Citations, and Complaints.

1. Objection to inspection, entry not a waiver, advance notice of inspection, requirement of ex parte administrative inspection warrants (sections 4.04, 4.05, and 4.06).

Three commenters requested that the Executive Director issue regulations requiring the General Counsel to provide advance notice of an inspection to employing offices or to seek a warrant before conducting a nonconsensual search of employing offices. One commenter argued that the Supreme Court's decision in *Marshall* v. *Barlow's, Inc.*, 436 U.S. 307 (1978), which held that the Fourth Amendment's protection against unreasonable searches and seizures applies to nonconsensual inspection of private commercial property, applies to administrative inspections of legislative branch employing offices by another legislative branch entity; the commenter further argued that the rules should require that the General Counsel first notify the employing office of the intent to inspect, obtain written consent prior to inspections, and schedule an appointment with employing offices for such inspections. The other commenter argued that, regardless of whether the Fourth Amendment's protection applies equally to congressional offices, similar privacy interests apply to employing offices to enable them to conduct their legislative business free from unreasonable searches. These commenters asked that the procedural rules include provisions similar to those of section 1903.4 of the Secretary's rules, which were amended to authorize the Secretary to secure an ex parte administrative warrant upon refusal to consent to a search in response to the Barlow's decision. See 45 Fed. Reg. 65916 (Oct. 3, 1980) (Final rule amending section 1903.4, 29 C.F.R.). The third commenter also requested that the final regulations include the compulsory process/ex parte administrative warrants provisions of section 1903.4, but did not explain how inclusion of such a provision would be authorized by section 215 of the CAA.

It is not entirely clear that the Fourth Amendment's protections that bar the warrantless search of commercial premises apply (or apply with equal force) to inspections of a legislative branch office by another legislative branch entity, albeit an independent one. The protections of the Fourth Amendment were designed to protect privacy interests against intrusion by the government; it is, therefore, not obvious that they apply to prohibit one legislative branch enforcement entity (the General Counsel) from conducting an investigation of another legislative branch entity (an individual employing office). To be sure, there may be portions of an employing office to which individual persons' expectations of privacy may attach. See, e.g., *O'Connor* v. *Ortega*, 480 U.S. 709 (1987) (expectation of privacy in public employee's desk, files, and areas within his exclusive control); *Schowengerdt* v. *General Dynamics Corp.*, 823 F.2d 1328, 1335 (9th Cir. 1987) (reasonable expectation of privacy found to exist in areas of government property given over to an employee's exclusive control). But it is questionable whether an employing office, as a covered entity (as distinguished from the individuals holding positions within the office or working there), would be found to possess a privacy right to be free from administrative inquiries authorized by a statute duly enacted by Congress. Moreover, section 215(f)'s requirement that the General Counsel conduct a comprehensive inspection of all covered employing offices and other covered facilities on a regular basis and at least once each Congress may well defeat an otherwise reasonable expectation of privacy in such offices and other facilities. See, e.g., *United States* v. *Bunkers*, 521 F.2d 1217, 1219–20 (9th Cir.) (search of postal worker's locker authorized by regulation), cert. denied, 423 U.S. 989 (1975); *United States* v. *Taketa*, 923 F.2d 665, 672 (9th Cir. 1991) (valid regulation may defeat an otherwise reasonable expectation of workplace privacy); see also *Donovan* v. *Dewey*, 452 U.S. 593 (1981) (legislative schemes authorizing warrantless administrative searches of commercial property do not necessarily violate the Fourth Amendment).

In any event, whether Barlow's and its progeny apply in the context of the CAA is a question that need not be decided here. Section 215 does not provide a mechanism by which warrants may be issued. Section 215 contemplates the assignment of hearing officers, but only after a complaint has been filed by the General Counsel. See 2 U.S.C. §1341(c)(3). Moreover, there is no provision in the CAA that would allow such applications to be heard by federal judges. Compare 2 U.S.C. §1405(f)(3) (authorizing federal district court to issue orders requiring persons to appear before the hearing officer to give testimony and produce records). Thus, there is no statutory basis upon which such a procedure could be adopted by the Executive Director.

The commenters incorrectly assume that, absent a warrant procedure, the General Counsel would nevertheless enter a workspace over the objection of the employing office/s with jurisdiction over the area or control of the space involved. Just as it would be improper to assume that employing offices would engage in a wholesale refusal to allow inspections, it cannot be assumed that the General Counsel will attempt to force inspectors into work areas over the employing office's objection. See 29 U.S.C. §657(a)(2) (Secretary authorized "to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner . . ."). In the typical case, the General Counsel can be expected to ascertain the reason for the refusal and attempt to secure voluntary consent to conduct the inspection. If the employing office continues to refuse an inspection, there are options presently available to the General Counsel to secure access to the space. These options would include, among others, seeking such consent from the relevant committee(s) of the Congress that have responsibilities for the office space or work area involved, and seeking consent from the Architect of the Capitol and/or other entities that have superintendence or other responsibility for and authority over the facility and access to and/or control of the space involved. If such options are unavailing, the General Counsel could simply note the refusal of the employing office to allow the inspection in, for example, the inspection report submitted to the Congress. Of course, the Office assumes that employing offices will not withhold their consent.

The commenters also argued that advance notice should be given by the General Counsel to conform to protections recognized in the private sector context. One of the commenters specifically requested that the rules require the General Counsel to first schedule an appointment with an employing office prior to an inspection. Although the commenters argued that such notice is consistent with practice under the OSHAct, advance notice of inspections is the *exception*, not the rule, at OSHA. *See* 29 C.F.R. §1903.6; OSHAct section 17(f). Moreover, in enacting the CAA, the Congress understood that its incorporation of the rights and protections of the OSHAct included the standard practice and procedure at OSHA that advance notice would not be given. *See* 142 Cong. R. S 625 (daily ed., Jan. 9, 1995) (section-by-section analysis of the CAA submitted by Senator Grassley) ("[T]he act does not provide that employing offices are to receive notice of the inspections."). Thus, the commenters' argument that advance notice of inspections is required by OSHA regulations and practice, or by the CAA, is not supported by the statute. Indeed, as one of the commenters acknowledged, its proposal requiring advance notice would require a re-writing of the inspection authority of section 8(a) of the OSHAct, applied by section 215, to read that the General Counsel is authorized "*upon the notice and consent of the employing office* to enter [without delay and] at reasonable times . . ." Adoption of such a rule, which is plainly at odds with the underlying statute, would be improper.

One of the commenters argued alternatively that proposed section 4.06 be modified to include the provisions of section 1903.6, which authorizes advance notice in certain specified circumstances. The provisions of section 1903.6, with appropriate modifications, will be included as part of the final regulations, since such an enforcement policy is not deemed to add to or alter any substantive provision in the underlying statute.

This commenter also requested that section 4.06 be modified to require the General Counsel to issue a written statement explaining why advance notice was not provided to the employing office. Nothing under the CAA or the OSHAct authorizes or suggests such a requirement, nor would any purpose of the CAA be served. Thus, no such modification will be made.

Finally, section 4.05 (Entry not a waiver) will be modified to specifically refer to section 215 of the CAA, as requested by a commenter.

2. References to recordkeeping requirements (sections 4.02 and 4.07).

Two commenters objected to references in proposed section 4.02 of the regulations to "records required by the CAA and regulations promulgated thereunder," and a similar reference in section 4.07, on the theory that no recordkeeping requirements, even those that are inextricably intertwined with the substantive health and safety standards of Parts 1910 and 1926, 29 C.F.R., may be imposed on employing offices under the CAA. The commenters presented no different arguments than those fully considered and rejected by the Board in promulgating its substantive section 215 regulations. *See* 142 Cong. R. at S63. Because the Board has adopted substantive health and safety standards which impose limited recordkeeping requirements on employing offices (e.g., rules relating to employee exposure records), such records are subject to review during an inspection. The Executive Director thus has no basis for the proposed deletion.

3. Security clearances (section 4.02).

Two commenters suggested that section 4.02 of the proposed regulation be amended to provide that the General Counsel or other person conducting a work site inspection obtain an appropriate security clearance before inspecting areas that contain classified information. The General Counsel reports that he is in the process of obtaining, through the appropriate security division of the United States Capitol Police, security clearances for the General Counsel and the General Counsel's inspection personnel to enable them to have access to such areas, if access is required as part of a section 215 inspection. Section 4.02, and other sections as appropriate, will be amended to state that the General Counsel and/or any inspection personnel will be required to either have or obtain appropriate security clearance, if such clearance is required for access to the workspaces inspected.

4. Requests for inspections by employing office (section 4.03).

One commenter noted that, although section 4.03(b) provides that employing office requests for inspections must be reduced to writing on a form provided by the Office, there is no requirement in section 4.03(a) that employee requests be submitted on an Office-provided form. Section 4.03(a) will be modified to provide that employee requests be reduced in writing on an Office-provided form. The commenter has asked that any form developed be submitted for review and comment from employing offices prior to its approval. Since the form is merely an investigative tool of the General Counsel, there is no reason to require that it be "approved" by the Board prior to issuance. Inspection forms and other similar documents relating to the General Counsel's enforcement procedures are available from the General Counsel.

5. Scope and nature of inspection (sections 4.03 and 4.08).

One commenter has asked that section 4.03(2) be modified to provide that inspections will be limited to matters included in the notice of violation. Section 4.03(2) is based on virtually identical provisions of the Secretary's regulations, 29 C.F.R. §1903.11. Nothing in section 215 or the provisions of the OSHAct incorporated thereunder would authorize placing a limitation on the General Counsel's inspection authority, as proposed by the commenter.

Similarly, section 8(e) of the OSHAct, 29 U.S.C. §657(e), and proposed section 4.08 provide that a representative of the employer and a representative authorized by the employees shall be given an opportunity to accompany the inspector, and section 4.08 will not be modified to provide that parties be given the opportunity to seek immediate review of the General Counsel's determinations regarding authorized representatives, or to provide specific standards by which the General Counsel may deny the right of accompaniment, or that parties have a "fair" opportunity to accompany the General Counsel's designee during the inspection, as suggested by two commenters. As with the proposed modifications of section 4.03, nothing in section 215, the OSHAct, or the Secretary's rules and practice under the OSHAct, would authorize placing these limitations on the General Counsel's enforcement authorities. On the contrary, such a modification provides parties with a tool for delay, allowing an office to forestall prompt inspection and abatement of hazards while the parties litigate the issue of whether an employing office was denied a "fair" opportunity for accompaniment or whether a representative of employees is an appropriately authorized representative. Nothing in the OSHAct, as applied by section 215 of the CAA, would sanction such a rule.

6. Inspector compliance with health and safety requirements (section 4.07).

Two commenters requested that section 4.07 of the proposed regulations add the provisions of 29 C.F.R. §1903.7(c), which provide that health and safety inspectors take reasonable safety precautions to ensure that their inspection practices are not hazardous and comply with the employer's safety and health rules at the work site. This enforcement policy will be included within the final regulations.

7. Consultation with employees (section 4.09).

Section 4.09 tracks the provisions of section 1903.10 of the Secretary's regulations, which provide that inspectors may consult with employees concerning health and safety and other matters deemed necessary for an effective and thorough inspection, and that afford employees an opportunity to bring violations to the attention of the inspectors during the course of an inspection. A commenter has requested that section 4.09 be modified to require specific limits on the time, place, and manner of such consultations, and that employees be required to first put in writing violations that they intend to bring to the attention of inspectors during the course of an inspection. Nothing in section 215 of the CAA or the provisions of the OSHAct incorporated thereunder requires or permits the modifications requested by the commenter.

8. Inspection not warranted; informal review (section 4.10).

A commenter requested that proposed section 4.10(a) be revised to state that, after conducting informal conference to review a decision not to conduct an inspection of a work site, the General Counsel "shall" (rather than "may") affirm, modify or reverse the decision. The final regulations will include the change suggested by the commenter.

A second commenter requested that the final regulations include the provisions of 29 C.F.R. §1903.12(a), which permit parties to make written submissions as part of the informal conference. The final regulations will include these provisions, as suggested by the commenter.

9. Citations (section 4.11).

Two commenters requested that section 4.11 of the final regulations include the language of 29 C.F.R. §1903.14(a) that "No citation may be issued under this section after the expiration of six months following the occurrence of any violation." The commenters argued that the proposed regulations "omit this important substantive right" under section 9(c) of the OSHAct. Section 9(c) of the OSHAct is a temporal limitation on the ability of the Secretary to issue a citation and thus is included within the scope of section 215(c). It applies regardless of whether or not a procedural regulation "implements" it. Nevertheless, because the proposed provision simply tracks the clear and unambiguous statutory provision of section 9(c) of the OSHAct and does not purport to create or modify any substantive right, it will be included in section 4.11 of the final regulations.

One commenter requested that section 4.11(a), which authorizes the General Counsel to issue citations or notices even if the employing office immediately abates, or initiates steps to abate the violation, be deleted. However, this provision tracks the language of section 1903.14(a) and is consistent with section 215 of the CAA. Thus, it will not be modified as requested by the commenter.

10. De minimis violations (sections 4.11 and 4.13).

Two commenters argued that the Executive Director should adopt provisions regarding "de minimis" violations, consistent with section 9(a) of the OSHAct and 29 C.F.R. §§1903.14 and 1903.16. Section 9(a) of the OSHAct provides, in relevant part, that "[t]he Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to deminimis violations which have no direct or immediate relationship to safety or health." Although OSHA formerly required inspectors to issue citations on de minimis violations under this provision, the practice has been abandoned. OSHA Field Inspection Reference Manual ch. III.C.2.g. (1994) ("De Minimis violations . . . shall not be included in citations. . . . The employer should be verbally notified of the violation and the [Compliance Safety and Health Officer] should note it in the inspection case file."). Thus, a provision enabling the General Counsel to issue notices for de minimis violations is of little practical utility under section 215. However, the text of section 215(c)(2)(A) authorizes the General Counsel to issue a "citation or notice," which reasonably would include a notice of de minimis violations. Including such a provision in these regulations is consistent with the CAA, and does not create a substantive requirement. Thus, sections 4.11 and 4.13 will be modified to provide that the General Counsel may issue notices of de minimis violations in appropriate cases, as requested by the commenters.

11. Failure to correct a violation for which a citation has been issued; notice of failure to correct a violation; complaint (section 4.14).

Section 4.14(a) of the proposed regulations provide that, "if the General Counsel determines" that an employing office has failed to correct timely an alleged violation, he or she "may" issue a notification of such failure before filing a complaint against the office. Two commenters argued that the proposed regulations are contrary to section 215(c)(2)(B) of the CAA because they do not require the General Counsel to issue a notification before filing a complaint. Similarly, these commenters argued that section 5.01 be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215. Nothing in section 215(c)(2)(B) requires the General Counsel to issue a notification or to conduct a follow-up inspection prior to filing a complaint. Instead, section 215 grants the General Counsel the authority to file a complaint after issuing "a citation or notification," if the General Counsel determines that a violation has not been corrected. 2 U.S.C. §1341(c)(3).

The section-by-section analysis of the CAA explains the basis for section 215(c)(2)'s language authorizing the General Counsel to issue a citation or a notice. It makes clear that section 215 does not require the General Counsel to issue a notification prior to filing a complaint where an employing office has failed to abate a hazard outlined in the citation: "[Under section 215] the general counsel can issue a citation and proceed to file a complaint if the violation remains unabated. Or the general counsel may file a notification after the citation is not complied with, and then file a complaint. The general counsel may not file a notification without having first filed a citation which has not been honored. The choice whether to follow a citation with a complaint once it is evident that there has not been compliance, or to file a notification before the filing of the complaint, will normally turn or whether the general counsel believes that good faith efforts are being undertaken to comply with the citation, but the time period for complete remediation of the citation period has expired." 141 Cong. R. S621, S625 (daily ed. Jan. 9, 1995) (section-by-section analysis).

Therefore, because the commenters' requested change is contrary to the statutory procedure outlined in section 215, it may not be adopted as a procedure of the Office under section 303.

12. Informal conferences (section 4.15).

One commenter requested that section 4.15 be modified to require the General Counsel to allow participation in a formal conference by persons other than the requesting party (complaining employee or employing office). Section 4.15, which states that such participation is "at the discretion of the General Counsel," tracks section 1903.19 of the Secretary's regulations and is consistent with section 215 of the CAA. Thus, it will not be modified as requested by the commenter. However, as requested by the commenter, section 4.15 will be revised to clarify that any settlement entered into between the parties to such a conference shall be subject to the approval of the Executive Director, to conform to section 414 of the CAA.

13. Notice of contest.

A commenter argued that the procedural regulations should provide a procedure for filing notices of contest, as outlined in 29 C.F.R. §1903.17 and consistent with section 9(a) of the OSHAct. However, the changes proposed by the commenter would flatly contradict the statutory procedures outlined in section 215. As the Board noted in its rulemaking under section 215, the statutory enforcement scheme under section 215 differs significantly from the comparable statutory provisions of the OSHAct.

The enforcement procedures of the OSHAct are set forth in sections 8, 9, 10, and 11 of the OSHAct, 29 U.S.C. §§657–660. Section 8(a) of the OSHAct authorizes the Secretary's inspectors to conduct reasonable safety and health inspections at places of employment. 29 U.S.C. §657(a). If a violation is discovered, the inspector may issue a citation to the employer under section 9(a) of the OSHAct, specifically describing the violation, fixing a reasonable time for its abatement and, in his or her discretion, proposing a civil monetary penalty. 29 U.S.C. §§658, 659. Section 8(c) permits an employer to notify the Secretary that it intends to contest the citation. 29 U.S.C. §659(c). If the employer does not contest the citation within 15 working days, it becomes a final abatement order and is "not subject to review by any court or agency." 29 U.S.C. §659(b). Section 10(c) of the OSHAct also gives an employee or representative of employees a right to contest the period of time fixed in the citation for abatement of the violation. In either event, the Occupational Safety and Health Review Commission must afford the employer and/or the employee "an opportunity for a hearing." 29 U.S.C. §659(c). Section 10(c) also requires the Commission to provide affected employees or their representatives "an opportunity to participate as parties to hearings under this subsection." *Id.*

Rather than either incorporating by reference the statutory enforcement procedures of the OSHAct described above or adopting them *in haec verba* in section 215, the CAA provides a detailed statutory enforcement scheme which departs from the OSHAct in several significant respects. Section 215(c) makes reference to sections 8(a), 8(d), 8(e), 8(f), 9, and 10 of the OSHAct, but only to the extent of granting the General Counsel the "authorities of the Secretary" contained in those sections to "inspect and investigate places of employment" and to "issue a citation or notice * * * or a notification" to employing offices. Section 215(c) (1), (2). Other portions of sections 8, 9, and 10 of the OSHAct that do not relate to the Secretary's authority to conduct inspections or to issue citations or notices are not incorporated into sections 215(c). Instead, section 215(c) provides a detailed procedure regarding inspections and citations which, although modeled on sections 8, 9, and 10 of the OSHAct, differs in several significant respects from the OSHAct enforcement scheme.

For example, under section 10 of the OSHAct, the employer must initiate a contest within 15 days of receipt to prevent the citation from becoming final; under section 215(c), the General Counsel must initiate a complaint to obtain a final order against an employing office that fails or refuses to abate a hazard outlined in the citation. Section 10(c) of the OSHAct gives employees and representatives of employees a right to participate as parties before the Occupational Safety and Health Appeals Review Board; section 215(c)(5) does not provide such party participation rights to employees and suggests that only the General Counsel and the employing office may participate in any review of decisions issued under section 215.

Section 215(c) of the CAA outlines the specific procedures regarding variances, citations, notifications and hearings under section 215. Any procedural regulations adopted by the Executive Director under section 303 of the CAA cannot conflict with these statutorily-mandated procedures. See *United States* v. *Fausto*, 108 S.Ct. 668, 677 (1988) (the provision of detailed review procedures provides strong evidence that Congress intended such procedures to be exclusive); *Block* v. *Community Nutrition Institute*, 467 U.S. 340, 345–48 (1984) (omission of review procedures for consumers affected by milk market orders, coupled with the provision of such procedures for milk handlers so affected, was strong evidence that Congress intended to preclude consumers from obtaining judicial review); *Whitney Nat. Bank* v. *Bank of New Orleans & Tr. Co.*, 85 S.Ct. 551, 557 (1965) (where Congress has provided statutory review procedures, such procedures are to be exclusive).

Given the fact that section 215(c) sets forth a detailed enforcement procedure which is significantly different than the procedures of the OSHAct, it is reasonable to conclude that Congress did not intend the Board to presume that the regulations regarding such procedures would be "the same" as the Secretary's procedures, as they generally must be if they fall within the Board's substantive rulemaking authority under section 215(d)(2). See *Lorillard* v. *Pons*, 434 would be "the same" as the Secretary's procedures, as they generally must be if they fall within the Board's substantive rulemaking authority under section 215(d)(2). See *Lorilard* v. *Pons*, 434 U.S. 575(1978) (manner in which Congress employed incorporation by reference evidence an intent on the part of Congress to assimilate the remedies and procedures of the FLSA into the ADEA, except in those cases where, in the ADEA itself, Congress made plain its decision to follow a different course than that provided for in the FLSA). Thus, the commenters' interpretation is not supported by section 215.

Here, there is no statutory authority for the filing and determination of notices of contest by employing offices. The only way in which a safety and health issue can be presented to a hearing officer is in connection with a complaint filed by the General Counsel. These procedural regulations cannot be used to engraft provisions not provided for in the statute and, more importantly, which conflict with the procedures expressly set forth therein. For the same reasons, there is no statutory basis upon which to create a procedure allowing an employing office to petition for modification of abatement dates (29 C.F.R. §1903.14a), as requested by this commenter.

14. Trade secrets.

A commenter requested that the regulations include the provisions of section 1903.7, 29 C.F.R., relating to protection of trade secrets information. Section 1903.7 implements section 15 of the OSHAct, which provides that information obtained by the Secretary in connection with any inspection or proceeding under the OSHAct "which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code" shall be considered confidential. It is not clear that section 15 of the OSHAct applies to proceedings under section 215 of the CAA. However, the current procedural rules attempt to protect privileged or otherwise confidential information from disclosure in CAA proceedings. If any employing office possessed information that constituted a "trade secret" within the meaning of section 15, the Office's procedures recognize that confidential or privileged materials or other information should be protected from disclosure in appropriate circumstances. See section 6.01(c)(3) and (d) of the Procedural Rules (authorizing hearing officers to issue any order to prevent discovery or disclosure of confidential or privileged materials or information, and dealing with claims of privilege). If employing offices maintain information that would constitute "trade secrets" within the meaning of section 15 of the OSHAct, protection against disclosure of such information should be extended to inspections and other information gathering under section 215. Accordingly, the final rules will include, with appropriate modification, the provisions of section 1903.7 as section 4.07(g).

D. Variances.

1. Publication of variance determinations and notices (sections 4.23, 4.25, 4.26, and 4.28).

Two commenters requested that sections 4.23, 4.25, 4.26, and 4.28 specify the manner in which the Board's final determinations and other notices will be made public, either by publication in the Congressional Record or its equivalent. The regulations will be amended to provide that the Board shall transmit a copy of the final decision to the Speaker of the House and President pro tempore of the Senate with a request that the order be published in the Congressional Record. Since the CAA does not require publication of such orders in the Congressional Record, the decision to publish in the Congressional Record is solely within the discretion of Congress.

2. Hearings (sections 4.25 and 4.26).

Two commenters have suggested that the provisions regarding referral of matters appropriate for hearing to hearing officers in sections 4.25 and 4.26 of the proposed regulations be revised to replace "may" with "shall" to conform to the language of section 215. They further suggest that the references in section 4.25 and 4.26 requiring applicants to include a request for a hearing be deleted as unnecessary. After considering these comments and the statutory language, the regulations will be amended to provide for referral to hearing officers.

E. Enforcement policy regarding employee rescue activities.

Two commenters argued that the regulations should include the provisions of subsection (f) of 29 C.F.R. §1903.14, which provides that, with certain exceptions, no citations may be issued to an employer because of rescue activity undertaken by an employee. However, this provision was adopted by the Secretary as "a general statement of agency policy" and is "an exercise of OSHA's prosecutorial discretion in carrying out its enforcement responsibilities" under the OSHAct. See "Policy on Employee Rescue Efforts," 59 Fed. Reg. 66612 (Dec. 27, 1994) (amending 29 C.F.R. pt. 1903 to add section 1903.7; noting that rule is effective immediately upon publication because "the rescue policy simply states OSHA's enforcement policy" regarding citations involving employee rescue activities). Because it is an enforcement policy, the Secretary reserves the right to modify it "in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act." 29 C.F.R. §1903.1. The General Counsel has stated his intention to follow, where not inconsistent with the CAA, the enforcement policies of the Secretary, which would include the policy on employee rescue activities. Thus, this policy will be expressly stated as part of the final procedural regulations at section 4.11(f), as requested by the commenters. However, so that such policies are consistent with the Secretary's part 1903 regulations, the final regulations will add the proviso of section 1903.1, 29 C.F.R., that, to the extent statements in these regulations at section 4.01 set forth general enforcement policies they may be modified in specific circumstances by the General Counsel on the same terms as similar enforcement policies of the Secretary.

F. Regulations governing inspections, citations, and notices in the case of Member retirement, defeat, and office moves.

A commenter has requested regulations that would specify the employing office to whom the General Counsel should issue citations and notices in cases where circumstances have changed since the time of the alleged violation, such as when a Member dies, retires, or is not reelected, or when an employing office moves from one office to another. After considering the matter, the Executive Director has determined that it would be inappropriate to issue procedural rules governing these issues. The hypothetical situations posited by the commenter are better addressed by the General Counsel and ultimately, the Board, in the context of actual cases. When and if the situations hypothesized by the commenter occur, the General Counsel and the Board are better positioned to make determinations based on the facts presented. See *NLRB* v. *Bell Aerospace Co.*, 416 U.S. 267, 294–95 (1974) (use of adjudication rather than rulemaking within agency discretion).

G. Technical and nomenclature changes.

Commenters have suggested a number of technical and nomenclature corrections in the language of the proposed regulations. The Executive Director has considered all of these suggestions and, as appropriate, has adopted them.

H. Additional comments.

One of the commenters requested that the Executive Director review several proposed changes in procedural rules suggested by commenters in response to the earlier July 11, 1996 Notice of Proposed Rulemaking and either promulgate regulations to address these issues or supply a written response as to why such regulations are not necessary. These suggestions included: (1) changes in the special procedures for the Architect of the Capitol and Capitol Police; (2) a rule allowing parties to negotiate changes to the Agreement to Mediate; (3) a procedure by which the parties, instead of the Executive Director, would select Hearing Officers; (4) procedures by which the Office would notify employing offices of various matters; (5) additional requirements for the filing of a complaint; (6) changes in counseling procedures; and (7) a procedure which would allow parties to petition for the recusal of individual Board members.

As stated in the preamble of the Notice of Adoption of Amendments to Procedural Rules, such comments and suggestions were not the subject of or germane to the proposals made in that rulemaking. 142 Cong. R. H10672, H10674 and S10980, S10981 (daily ed., Sept. 19, 1996). Nor are they here. The Notice of this rulemaking clearly stated that the proposed revisions and additions to the procedural rules were intended to provide for the implementation of Parts B and C of title II of the CAA, which were generally effective on January 1, 1997, and to establish procedures for consideration of matters arising under those parts.

As stated in the September 19, 1996 Notice of Adoption of Amendments, the Office, like most agencies, reviews its policies and procedures on an ongoing bases. Where its experience suggests that additional or amended procedures are needed, it will modify its policies and propose amendments to its procedures, to the extent appropriate under the CAA.

Signed at Washington, D.C. on this 18th day of April, 1997.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

IV. Text of adopted amendments to procedural rules.

§1.01 Scope and Policy.

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A, B, C, and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for variances and compliance, investigation and enforcement under Part C of title II and procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§1.02(i).

(i) *Party.* The term "party" means: (1) an employee or employing office in a proceeding under Part A of title II of the Act; (2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under Part B of title II of the Act; (3) an employee, employing office, or as appropriate, the General Counsel in a proceeding under Part C of title II of the Act; or (4) a labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§1.03(a)(3).

(3) *Faxing documents.* Documents transmitted by FAX machine will be deemed filed on the date received at the Office at 202–426–1913, or, in the case of any document to be filed or submitted to the General Counsel, on the date received at the Office of the General Counsel at 202–426–1663. A FAX filing will be timely only if the document is *received* no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner, provided that the status report indicates the date of the FAX, the receiver's FAX number, the number of pages included in the FAX, and that transmission was completed.

§1.04(d).

(d) Final decisions. Pursuant to section 416(f) of the Act, a final decision entered by a Hearing Officer or by the Board under section 405(g) or 406(e) of the Act, which is in favor of the complaining covered employee, or in favor of the charging party under section 210 of the Act, or reverses a Hearing Officer's decision in favor of a complaining covered employee or charging party, shall be made public, except as otherwise ordered by the Board. The Board may make public any other decision at its discretion.

§1.05(a).

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

§1.07(a).

(a) *In General.* Section 416(a) of the CAA provides that counseling under section 402 shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations. Section 416(b) provides that all mediation shall be strictly confidential. Section 416(c) provides that all proceedings and deliberations of hearing officers and the Board, including any related records shall be confidential, except for release of records necessary for judicial actions, access by certain committees of Congress, and, in accordance with section 416(f), publication of certain final decisions. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of hearing officers and the Board under section 215. See also sections 1.06, 5.04 and 7.12 of these rules.

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures Under Section 215 of the CAA (Occupational Safety and Health Act of 1970)

Inspections, Citations, and Complaints

Sec.
4.01 Purpose and scope
4.02 Authority for inspection
4.03 Request for inspection by employees and employing offices
4.04 Objection to inspection
4.05 Entry not a waiver
4.06 Advance notice of inspection
4.07 Conduct of inspections
4.08 Representatives of employing offices and employees
4.09 Consultation with employees
4.10 Inspection not warranted; informal review
4.11 Citations
4.12 Imminent danger
4.13 Posting of citations
4.14 Failure to correct a violation for which a citation has been issued; notice of failure to correct violation; complaint
4.15 Informal conferences

Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions

4.20 Purpose and scope
4.21 Definitions
4.22 Effect of variances
4.23 Public notice of a granted variance, limitation, variation, tolerance, or exemption
4.24 Form of documents
4.25 Applications for temporary variances and other relief
4.26 Applications for permanent variances and other relief
4.27 Modification or revocation of orders
4.28 Action on applications
4.29 Consolidation of proceedings
4.30 Consent findings and rules or orders
4.31 Order of proceedings and burden of proof

INSPECTIONS, CITATIONS AND COMPLAINTS

§4.01 Purpose and scope.

The purpose of sections 4.01 through 4.15 of this subpart is to prescribe rules and procedures for enforcement of the inspection and citation provisions of section 215(c)(1) through (3) of the CAA. For the purpose of sections 4.01 through 4.15, references to the "General Counsel" include any authorized representative of the General Counsel. In situations where sections 4.01 through 4.15 set forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the General Counsel or the General Counsel's designee determines that an alternative course of action would better serve the objectives of section 215 of the CAA.

§4.02 Authority for Inspection.

(a) Under section 215(c)(1) of the CAA, upon written request of any employing office or covered employee, the General Counsel is authorized to enter without delay and at reasonable times any place of employment under the jurisdiction of an employing office; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employing office, operator, agent or employee; and to review records required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.

(b) Prior to inspecting areas containing information which is classified by an agency of the United States Government (and/or by any congressional committee or other authorized entity within the Legislative Branch) in the interest of national security, and for which security clearance is required as a condition for access to the area(s) to be inspected, the individual(s) conducting the inspection shall have obtained the appropriate security clearance.

§4.03 Requests for inspections by employees and covered employing offices.

(a) *By covered employees and representatives.* (1) Any covered employee or representative of covered employees who believes that a violation of section 215 of the CAA exists in any place of employment under the jurisdiction of employing offices may request an inspection of such place of employment by giving notice of the alleged violation to the General Counsel. Any such notice shall be reduced to writing on a form available from the Office, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or the representative of the employees. A copy shall be provided to the employing office or its agent by the General Counsel or the General Counsel's designee no later than at the time of inspection, except that, upon the written request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the General Counsel.

(2) If upon receipt of such notification the General Counsel's designee determines that the notice meets the requirements set forth

in subparagraph (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists, he or she shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this section shall not be limited to matters referred to in the notice.

(3) Prior to or during any inspection of a place of employment, any covered employee or representative of employees may notify the General Counsel's designee, in writing, of any violation of section 215 of the CAA which he or she has reason to believe exists in such place of employment. Any such notice shall comply with the requirements of subparagraph (1) of this section.

(b) *By employing offices.* Upon written request of any employing office, the General Counsel or the General Counsel's designee shall inspect and investigate places of employment under the jurisdiction of employing offices under section 215(c)(1) of the CAA. Any such requests shall be reduced to writing on a form available from the Office.

§4.04 Objection to inspection.

Upon a refusal to permit the General Counsel's designee, in exercise of his or her official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employing office, operator, agent, or employee, in accordance with section 4.02 or to permit a representative of employees to accompany the General Counsel's designee during the physical inspection of any workplace in accordance with section 4.07, the General Counsel's designee shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The General Counsel's designee shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the General Counsel, who shall take appropriate action.

§4.05 Entry not a waiver.

Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action or citation under section 215 of the CAA.

§4.06 Advance notice of inspections.

(a) Advance notice of inspections may not be given, except in the following situations: (1) in cases of apparent imminent danger, to enable the employing office to abate the danger as quickly as possible; (2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection; (3) where necessary to assure the presence of representatives of the employing office and employees or the appropriate personnel needed to aid in the inspection; and (4) in other circumstances where the General Counsel determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

(b) In the situations described in paragraph (a) of this section, advance notice of inspections may be given only if authorized by the General Counsel, except that in cases of apparent imminent danger, advance notice may be given by the General Counsel's designee without such authorization if the General Counsel is not immediately available. When advance notice is given, it shall be the employing office's responsibility promptly to notify the authorized representative of employees, if the identity of such representative is known to the employing office. (*See* section 4.08(b) as to situations where there is no authorized representative of employees.) Upon the request of the employing office, the General Counsel will inform the authorized representative of employees of the inspection, provided that the employing office furnishes the General Counsel's designee with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. Advance notice in any of the situations described in paragraph (a) of this section shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.

§4.07 Conduct of inspections.

(a) Subject to the provisions of section 4.02, inspections shall take place at such times and in such places of employment as the General Counsel may direct. At the beginning of an inspection, the General Counsel's designee shall present his or her credentials to the operator of the facility or the management employee in charge at the place of employment to be inspected; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in section 4.02 which he or she wishes to review. However, such designation of records shall not preclude access to additional records specified in section 4.02.

(b) The General Counsel's designee shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately, any employing office, operator, agent or employee of a covered facility. As used herein, the term "employ other reasonable investigative techniques" includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.

(c) In taking photographs and samples, the General Counsel's designees shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. The General Counsel's designees shall comply with all employing office safety and health rules and practices at the workplace or location being inspected, and they shall wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employing office.

(e) At the conclusion of an inspection, the General Counsel's designee shall confer with the employing office or its representative and informally advise it of any apparent safety or health violations disclosed by the inspection. During such conference, the employing office shall be afforded an opportunity to bring to the attention of the General Counsel's designee any pertinent information regarding conditions in the workplace.

(f) Inspections shall be conducted in accordance with the requirements of this subpart.

(g) *Trade Secrets.*

(1) At the commencement of an inspection, the employing office may identify areas in the establishment which contain or which might reveal a trade secret as referred to in section 15 of the OSHAct and section 1905 of title 18 of the United States Code. If the General Counsel's designee has no clear reason to question such identification, information contained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled "confidential—trade secret" and shall not be disclosed by the General Counsel and/or his designees, except that such information may be disclosed to other officers or employees concerned with carrying out section 215 of the CAA or when relevant in any proceeding under section 215. In any such proceeding the hearing officer or the Board shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(2) Upon the request of an employing office, any authorized representative of employees under section 4.08 in an area containing trade secrets shall be an employee in that area or an employee authorized by the employing office to enter that area. Where there is no such representative or employee, the General Counsel's designee shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

§4.08 Representatives of employing offices and employees.

(a) The General Counsel's designee shall be in charge of inspections and questioning of persons. A representative of the employing office and a representative authorized by its employees shall be given an opportunity to accompany the General Counsels designee during the physical inspection of any workplace for the purpose of aiding such inspection. The General Counsel's designee may permit additional employing office representatives and additional representatives authorized by employees to accompany the designee where he or she determines that such additional representatives will further aid the inspection. A different employing office and employee representative may accompany the General Counsel's designee during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) The General Counsel's designee shall have authority to resolve all disputes as to who is the representative authorized by the employing office and employees for the purpose of this section. If there is no authorized representative of employees, or if the General Counsel's designee is unable to determine with reasonable certainty who is such representative, he or she shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(c) The representative(s) authorized by employees shall be an employee(s) of the employing office. However, if in the judgment of the General Counsel's designee, good cause has been shown why accompaniment by a third party who is not an employee of the employing office (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the General Counsel's designee during the inspection.

(d) The General Counsel's designee may deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. With regard to information classified by an agency of the U.S. Government (and/or by any congressional committee or other authorized entity within the Legislative Branch) in the interest of national security, only persons authorized to have access to such information may accompany the General Counsel's designee in areas containing such information.

§4.09 Consultation with employees.

The General Counsel's designee may consult with employees concerning matters of occupational safety and health to the extent he or she deems necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of section 215 of the CAA which he or she has reason to believe exists in the workplace to the attention of the General Counsel's designee.

§4.10 Inspection not warranted; informal review.

(a) If the General Counsel's designee determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a notice of violation under section 4.03(a), he or she shall notify the party giving the notice in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the General Counsel and, at the same time, providing the employing office with a copy of such statement by certified mail. The employing office may submit an opposing written statement of position with the General Counsel and, at the same time, providing the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employing office, the General Counsel, at his or her discretion, may hold an informal conference in which the complaining party and the employing office may orally present their views. After considering all written and oral views presented, the General Counsel shall affirm, modify, or reverse the designee's determination and furnish the complaining party and the employing office with written notification of this decision and the reasons therefor. The decision of the General Counsel shall be final and not reviewable.

(b) If the General Counsel's designee determines that an inspection is not warranted because the requirements of section 4.03(a)(1) have not been met, he or she shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new notice of alleged violation meeting the requirements of section 4.03(a)(1).

§4.11 Citations.

(a) If, on the basis of the inspection, the General Counsel believes that a violation of any requirement of section 215 of the CAA, or of any standard, rule or order promulgated pursuant to section 215 of the CAA, has occurred, he or she shall issue a citation to the employing office responsible for correction of the violation, as determined under section 1.106 of the Board's regulations implementing section 215 of the CAA, either a citation or a notice of de minimis violations that have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the General Counsel, the employing office immediately abates, or initiates steps to abate, such alleged violation. Any citation shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the CAA, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection under section 4.03(a)(1), or a notification of violation under section 4.03(a)(3), a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.

(d) After an inspection, if the General Counsel determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under section 4.03(a)(1) or a notification of violation under section 4.03(a)(3), the informal review procedures prescribed in 4.15 shall be applicable. After considering all views presented, the General Counsel shall affirm the previous determination, order a reinspection, or issue a citation if he or she believes that the inspection disclosed a violation. The General Counsel shall furnish the party that submitted the notice and the employing office with written notification of the determination and the reasons therefor. The determination of the General Counsel shall be final and not reviewable.

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of section 215 has occurred.

(f) No citation may be issued to an employing office because of a rescue activity undertaken by an employee of that employing office with respect to an individual in imminent danger unless:

(1)(i) Such employee is designated or assigned by the employing office to have responsibility to perform or assist in rescue operations, and

(ii) The employing office fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(2)(i) Such employee is directed by the employing office to perform rescue activities in the course of carrying out the employee's job duties, and

(ii) The employing office fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(3)(i) Such employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and

(ii) Such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elected to rescue such an individual; and

(iii) The employing office has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.

(4) For the purpose of this policy, the term "imminent danger" means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

§4.12 Imminent danger.

(a) Whenever and as soon as a designee of the General Counsel concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by section 215(c), he or she shall inform the affected employees and employing offices of the danger and that he or she is recommending the filing of a petition to restrain such conditions or practices and for other appropriate relief in accordance with section 13(a) of the OSHAct, as applied by section 215(b) of the CAA. Appropriate citations may be issued with respect to an imminent danger even though, after being informed of such danger by the General Counsel's designee, the employing office immediately eliminates the imminence of the danger and initiates steps to abate such danger.

§4.13 Posting of citations.

(a) Upon receipt of any citation under section 215 of the CAA, the employing office shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employing office's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employing offices are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employing office shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The pendency of any proceedings regarding the citation shall not affect its posting responsibility under this section unless and until the Board issues a final order vacating the citation.

(c) An employing office to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Board, and such notice may explain the reasons for such contest. The employing office may also indicate that specified steps have been taken to abate the violation.

§4.14 Failure to correct a violation for which a citation has been issued; notice of failure to correct violation; complaint.

(a) If the General Counsel determines that an employing office has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, he or she may issue a notification to the employing office of such failure prior to filing a complaint against the employing office under section 215(c)(3) of the CAA. Such notification shall fix a reasonable time or times for abatement of the alleged violation for which the citation was issued and shall be posted in accordance with section 4.13 of these rules. Nothing in these rules shall require the General Counsel to issue such a notification as a prerequisite to filing a complaint under section 215(c)(3) of the CAA.

(b) If after issuing a citation or notification, the General Counsel believes that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification pursuant to section 215(c)(3) of the CAA. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures of sections 7.01 through 7.16 of these rules govern complaint proceedings under this section.

§4.15 Informal conferences.

At the request of an affected employing office, employee, or representative of employees, the General may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice issued by the General Counsel. Any settlement entered into by the parties at such conference shall be subject to the approval of the Executive Director under section 414 of the CAA and section 9.05 of these rules. If the conference is requested by the employing office, an affected employee or the employee's representative shall be afforded an opportunity to participate, at the discretion of the General Counsel. If the conference is requested by an employee or representative of employees, the employing office shall be afforded an opportunity to participate, at the discretion of General Counsel. Any party may be represented by counsel at such conference.

RULES OF PRACTICE FOR VARIANCES, LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS

§4.20 Purpose and scope.

Sections 4.20 through 4.31 contain rules of practice for administrative proceedings to grant variances and other relief under sections 6(b)(6)(A) and 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, as applied by section 215(c)(4) of the CAA.

§4.21 Definitions.

As used in sections 4.20 through 4.31, unless the context clearly requires otherwise—

(a) *OSHAct* means the Williams-Steiger Occupational Safety and Health Act of 1970, as applied to covered employees and employing and employing offices under section 215 of the CAA.

(b) *Party* means a person admitted to participate in a hearing conducted in accordance with this subpart. An applicant for relief and any affected employee shall be entitled to be named parties. The General Counsel shall be deemed a party without the necessity of being named.

(c) *Affected employee* means an employee who would be affected by the grant or denial of a variance, limitation, tolerance, or exemption, or any one of the employee's authorized representatives, such as the employee's collective bargaining agent.

§4.22 Effect of variances.

All variances granted pursuant to this part shall have only future effect. In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed period of abatement is pending before the General Counsel, a hearing officer, or the Board until the completion of such proceeding.

§4.23 Public notice of a granted variance, limitation, variation, tolerance, or exemption.

The Board will transmit every final action granting a variance, limitation, variation, tolerance, or exemption under this part of the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that such final action be published in the Congressional record. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

§4.24 Form of documents.

(a) Any applications for variances and other papers which are filed in proceedings under sections 4.20 through 4.31 of these rules shall be written or typed. All applications for variances and other papers filed in variance proceedings shall be signed by the applying employing office, by its attorney or other authorized representative, and shall contain the information required by sections 4.25 or 4.26 of these rules, as applicable.

§4.25 Applications for temporary variances and other relief.

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance from a standard, or portion thereof, authorized by section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section with the Board. Pursuant to section 215(c)(4) of the CAA, the Board shall refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures set forth at sections 7.01 through 7.16 of these rules shall govern hearings under this subpart.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A specification of the standard or portion thereof from which the applicant seeks a variance;

(4) A representation by the applicant, supported by representations from qualified persons having first-hand knowledge of the facts represented, that the applicant is unable to comply with the standard or portion thereof by its effective date and a detailed statement of the reasons thereof;

(5) A statement of the steps the applicant has taken and will take, with specific dates where appropriate, to protect employees against the hazard covered by the standard;

(6) A statement of when the applicant expects to be able to comply with the standard and of what steps the applicant has taken and will take, with specific dates where appropriate, to come into compliance with the standard;

(7) A statement of the facts the applicant would show to establish that (i) the applicant is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alternation of facilities cannot be completed by the effective date; (ii) the applicant is taking all available steps to safeguard its employees against the hazards covered by the standard; and (iii) the applicant has an effective program for coming into compliance with the standard as quickly as practicable;

(8) A statement that the applicant has informed its affected employees of the application by giving a copy thereof to their authorized representative, posting a statement, giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted, and by other appropriate means; and

(9) A description of how affected employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties and the terms of the order shall be transmitted by the Board to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.26 Applications for permanent variances and other relief.

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance authorized by section 6(d) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section, with the Board. Pursuant to section 215(c)(4) of the CAA, the Board shall refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;

(4) A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;

(5) A certification that the applicant has informed its employees of the application by (i) giving a copy thereof to their authorized representative; (ii) posting a statement giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself); and (iii) by other appropriate means; and

(6) A description of how employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application*. An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application*. If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order*. If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties, and the terms of the order shall be transmitted by the Board to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.27 Modification or revocation of orders.

(a) *Modification or revocation*. An affected employing office or an affected employee may apply in writing to the Board for a modification or revocation of an order issued under section 6(b)(6)(A), or 6(d) of the OSHAct, as applied by section 215 of the CAA. The application shall contain:

(i) The name and address of the applicant;

(ii) A description of the relief which is sought;

(iii) A statement setting forth with particularly the grounds for relief;

(iv) If the applicant is an employing office, a certification that the applicant has informed its affected employees of the application by:

a. Giving a copy of thereof to their authorized representative;

b. Posting at the place or places where notices to employees are normally posted, a statement giving a summary of the application and specifying where a copy of the full application may be examined (or, in lieu of the summary, posting the application itself); and

c. Other appropriate means.

(v) If the applicant is an affected employee, a certification that a copy of the application has been furnished to the employing office; and

(vi) Any request for a hearing, as provided in this part.

(b) *Renewal*. Any final order issued under section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may be renewed or extended as permitted by the applicable section and in the manner prescribed for its issuance.

§4.28 Action on applications.

(a) *Defective applications*. (1) If an application filed pursuant to sections 4.25(a), 4.26(a), or 4.27 does not conform to the applicable section, the hearing officer or the Board, as applicable, may deny the application.

(2) Prompt notice of the denial of an application shall be given to the applicant.

(3) A notice of denial shall include, or be accompanied by, a brief statement of the grounds for the denial.

(4) a denial of an application pursuant to this paragraph shall be without prejudice to the filing of another application.

(b) *Adequate applications*. (1) If an application has not been denied pursuant to paragraph (a) of this section, the Office shall cause to be published a notice of the filing of the application, which the Board will transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record.

(2) A notice of the filing of an application shall include:

(i) The terms, or an accurate summary, of the application;

(ii) a reference to the section of the OSHAct applied by section 215 of the CAA under which the application has been filed;

(iii) an invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and

(iv) information to affected employing offices, employees, and appropriate authority having jurisdiction over employment or places of employment covered in the application of any right to request a hearing on the application.

§4.29 Consolidation of proceedings.

On the motion of the hearing officer or the Board or that of any party, the hearing officers or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

§4.30 Consent findings and rules or orders.

(a) *General*. At any time before the reception of evidence in any hearing, or during any hearing a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) *Contents*. Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

(1) That the rule or order shall have the same force and effect as if made after a full hearing;

(2) That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;

(3) A waiver of any further procedural steps before the hearing officer and the Board; and

(4) A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

(c) *Submission*. On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing officer for his or her consideration; or

(2) Inform the hearing officer that agreement cannot be reached.

(d) *Disposition*. In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefore, the hearing officer may accept such agreement by issuing his or her decision based upon the agreed findings.

§4.31 Order of Proceedings and Burden of Proof.

(a) *Order of proceeding*. Except as may be ordered otherwise by the hearing officer, the party applicant for relief shall proceed first at a hearing.

(b) *Burden of proof*. The party applicant shall have the burden of proof.

§5.01(a)(2)

(a)(2) The General Counsel may file a complaint alleging a violation of section 210, 215 or 220 of the Act.

§5.01(b)(2)

(b)(2) A complaint may be filed by the General Counsel.

(i) after the investigation of a charge filed under section 210 or 220 of the Act, or

(ii) after the issuance of a citation or notification under section 215 of the Act.

§5.01(c)(2)

(c)(2) *Complaints filed by the General Counsel*. A complaint filed by the General Counsel shall be in writing, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each employing office and/or labor organization alleged to have violated section 220, against which complaint is brought:

(ii) notice of the charge filed alleging a violation of section 210 or 220 and/or issuance of a citation or notification under section 215;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

§5.01(d)

(d) Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

§5.04 Confidentiality

Pursuant to section 416(c) of the Act, except as provided in sub-sections 416(d), (e) and (f), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules could result in the imposition of sanctions. Nothing in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are subject of a matter. *See also* sections 1.06, 1.07 and 7.12 of these rules.

§7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§7.12

Pursuant to section 416 of the Act, all proceedings and deliberations of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in section 416(d), (e), and (f) of the Act. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the deliberations of Hearing Officers and the Board under that section.

§8.03(a)

(a) Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6), a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved.

§8.04 Judicial Review

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II;

(2) a charging individual or respondent before the Board who files a petition under section 210(d)(4);

(3) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5); or

(4) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2957. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Onions Grown in South Texas; Amendment of Sunday Packing and Loading Prohibitions [Docket No. FV97–959–1 IFR] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2958. A communication from the President of the United States, transmitting his requests for emergency fiscal year 1997 supplemental appropriations for emergency expenses related to the devastating flooding in North Dakota, South Dakota, and Minnesota, and to designate the amounts made available as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–71); to the Committee on Appropriations and ordered to be printed.

2959. A letter from the Comptroller General of the United States, the General Accounting Office, transmitting a review of the President's second and third special impoundment message for fiscal year 1997, pursuant to 2 U.S.C. 685 (H. Doc. No. 105–76); to the Committee on Appropriations and ordered to be printed.

2960. A letter from the Director, the Office of Management and Budget, transmitting the cumulative report on rescissions and deferrals of budget authority as of April 1, 1997, pursuant to 2 U.S.C. 685(e) (H. Doc. No. 105–75); to the Committee on Appropriations and ordered to be printed.

2961. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Eligibility for the Defense Experimental Program to Stimulate Competitive Research"; to the Committee on National Security.

2962. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation entitled "Nuclear Attack Submarines"; to the Committee on National Security.

2963. A letter from the Chairman, Federal Deposit Insurance Corporation, transmitting the 1996 annual report to Congress by the Division of Compliance and Consumer Affairs of the FDIC, pursuant to 15 U.S.C. 57a(f)(6); to the Committee on Banking and Financial Services.

2964. A letter from the Acting Assistant Secretary for Employment and Training, Department of Labor, transmitting the Department's final rule—Training and Employment (Employment and Training Administration) [Guidance Letter Nos. 6–96 and 7–96] received April 19, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

2965. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District [CA 126–0032a; FRL–5815–5] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2966. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: State of Washington [WA60–7135a; WA61–7136a; and WA63–7138a; FRL–5812–7] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2967. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New Jersey; Consumer and Commercial Products Rule [Region II Docket No. NJ26–2–165, FRL–5813–9] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2968. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance [LOA] to Australia for defense articles and services (Transmittal No. 97–10), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2969. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Country Reports on Human Rights Practices for 1996," pursuant to 22 U.S.C. 2151n(d); to the Committee on International Relations.

2970. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the Authority's report entitled "Toward a More Equitable Relationship: Structuring the District of Columbia's State Functions"; to the Committee on Government Reform and Oversight.

2971. A letter from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting a report on the necessity to construct modifications to Lost Creek Dam, Weber Basin Project, UT, for safety reasons, pursuant to 43 U.S.C. 509; to the Committee on Resources.

2972. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Ocean Salmon Fisheries Off the Coast of Washington, Oregon, and California; Inseason Adjustments, Cape Falcon, OR, to the Oregon-California Border [Docket No. 960429120–6120–01; I.D. 040897A] received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2973. A letter from the Acting Director, Office of Surface Mining and Reclamation Enforcement, transmitting the Office's final rule—North Dakota Regulatory Program [SPATS No. ND–034, Amendment No. XXIII] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2974. A letter from the Acting Director, Office of Surface Mining and Reclamation Enforcement, transmitting the Office's final rule—Arkansas Regulatory Program and Abandoned Mine Land Reclamation Plan [SPATS No. AR–027–FOR] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2975. A letter from the Acting Director, Office of Surface Mining and Reclamation Enforcement, transmitting the Office's final rule—Texas Regulatory Program [SPATS No. TX–030–FOR] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2976. A letter from the Director, Office of Global Programs, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—NOAA Climate and Global Change Program, Program Announcement [Docket No. 970324067–7067–01]

(RIN: 0648–ZA29) received April 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2977. A letter from the Fiscal Assistant Secretary, the Board of Trustees, Federal Hospital Insurance Trust Fund, transmitting the 1977 annual report of the Board of Trustees of the Federal Hospital Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2) (H. Doc. No. 105–73); to the Committee on Ways and Means and ordered to be printed.

2978. A letter from the Board of Trustees, Federal Old-Age and Survivors Insurance and Disability Insurance Trust Funds, Transmitting the 1997 annual report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1385t(b)(2) (H. Doc. No. 105–72); to the Committee on Ways and Means and ordered to be printed.

2979. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical Savings Accounts [Rev. Rul. 97–20] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2980. A letter from the Executive Director, Office of Compliance, transmitting notice of adoption of amendments to the Procedural Rules of the Office for printing in the CONGRESSIONAL RECORD, pursuant to Public Law 104–1, section 303(b) (109 Stat. 28); jointly, to the Committees on House Oversight and Education and the Workforce.

2981. A letter from the Board of Trustees, Federal Supplementary Medical Insurance Trust Fund, transmitting the 1997 annual report of the Board of Trustees of the Federal Supplementary Medical Insurance Trust Fund, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2) (H. Doc. No. 105–74); jointly, to the Committees on Ways and Means and Commerce, and ordered to be printed.

2982. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled the "Public Housing Management Reform Act of 1997"; jointly, to the Committees on Banking and Financial Services, Ways and Means, Education and the Workforce, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; with an amendment (Rept. 105–74 Pt. 1). Ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 478. A bill to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures; with amendments (Rept. 105–75). Referred to the Committee of the Whole House on the State of the Union.

REPORTED BILLS SEQUENTIALLY REFERRED

Under clause 5 of rule X, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes; with an amendment; referred to the Committee on Ways and Means for a period ending not later than May 5, 1997, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(s), rule X.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and caluse 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HORN (for himself, Mr. DREIER, Mr. FOLEY, Mr. BILBRAY, Mr. CALVERT, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, Mr. GALLEGLY, Mr. LEWIS of California, Mr. MCKEON, Mr. PACKARD, Mr. RIGGS, Mr. ROYCE, Mr. STEARNS, Mr. STUMP, Mr. TRAFICANT, and Mr. HUNTER):

H.R. 1428. A bill to amend the Immigration and Nationality Act to establish a system through which the Commissioner of Social Security and the Attorney General respond to inquiries made by election officials concerning the citizenship of voting registration applicants and to amend the Social Security Act to permit States to require individuals registering to vote in elections to provide the individual's Social Security number; to the Committee on the Judiciary; and in addition to the Committees on House Oversight, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. KIM, and Mr. TRAFICANT) (all by request):

H.R. 1429. A bill to reauthorize and amend the Appalachian Regional Development Act of 1965; to the Committee on Transportation and Infrastructure.

H.R. 1430. A bill to reauthorize and make reforms to programs authorized by the Public Works and Economic Development Act of 1965; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself, Mr. ARMEY, Mr. SOLOMON, Mr. GOSS, Mr. WELDON of Pennsylvania, and Mr. COX of California):

H.R. 1431. A bill to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes; to the Committee on International Relations.

By Mr. CRANE (for himself, Mr. RANGEL, Mr. MCDERMOTT, Mr. HOUGHTON, Mr. JEFFERSON, Mr. MANZULLO, Mr. EHLERS, Mr. KOLBE, Mr. DREIER, Ms. CHRISTIAN-GREEN, Mr. TOWNS, Mr. MCNULTY, Mrs. MEEK of Florida, Ms. CARSON, Mr. PAYNE, Ms. FURSE, Ms. MCKINNEY, Ms. JACKSON-LEE, Mr. FALEOMAVAEGA, Ms. NORTON, Mr. RUSH, Mr. HASTINGS of Florida, Mr. HALL of Ohio, Mr. DELLUMS, Mr. FORD, Mr. FOGLIETTA, Mr. FATTAH, Mr. BISHOP, Mr. HILLIARD, Mrs. CLAYTON, Mr. OWENS, Mr. SCOTT, Mr. HINCHEY, Mr. BISHOP, Mr. HILLIARD, Mr. OWENS, Mr. SCOTT, Mr. HINCHEY, and Mr. BEREUTER):

H.R. 1432. A bill to authorize a new trade and investment policy for sub-Saharan African; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAZIO of New York (for himself and Mr. KENNEDY of Massachusetts) (both by request):

H.R. 1433. A bill to protect the financial interests of the Federal Government through debt restructuring and subsidy reduction in connection with multifamily housing; to enhance the effectiveness of enforcement provisions relating to single family and multifamily housing, including amendments to the bankruptcy code; to consolidate and reform the management of multifamily housing programs; and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committees on Ways and Means, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 1434. A bill to amend the Internal Revenue Code of 1986 to authorize the Secretary of the Treasury to postpone certain tax-related deadlines in the case of taxpayers affected by a Presidentially declared disaster, and for other purposes; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. MILLER of California, Mr. MARTINEZ, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. SCOTT, Mr. ROMERO-BARCELÓ, Mr. FATTAH, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Ms. SANCHEZ, Mr. FORD, Mr. KUCINICH, Mr. LEWIS of Georgia, Ms. WATERS, Mr. HILLIARD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RANGEL, Mr. STOKES, Mr. BISHOP, Ms. BROWN of Florida, Ms. CARSON, Mrs. CLAYTON, Mr. CLYBURN, Mr. CUMMINGS, Mr. DIXON, Mr. FLAKE, Ms. MCKINNEY, Mrs. MEEK of Florida, Ms. NORTON, Mr. RUSH, Mr. TOWNS, Mr. WYNN, Mr. SERRANO, Mr. DAVIS of Illinois, and Ms. CHRISTIAN-GREEN):

H.R. 1435. A bill to amend the Higher Education Act of 1965 to improve the access to and affordability of higher education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CLAY (for himself, Mr. Kildee, Mr. Martinez, Mr. Owens, Mr. Payne, Mr. Andrews, Mr. Scott, Mr. Romero-Barceló, Mr. Fattah, Mr. Hinojosa, Mrs. McCarthy of New York, Ms. Sanchez, Mr. Ford, Mr. Kucinich, Mr. Bonior, Mr. Lewis of Georgia, Ms. Waters, Mr. Hilliard, Ms. Eddie Bernice Johnson of Texas, Mr. Rangel, Mr. Stokes, Mr. Bishop, Ms. Brown of Florida, Ms. Carson, Mrs. Clayton, Mr. Cummings, Mr. Dixon, Ms. McKinney, Mrs. Meek of Florida, Ms. Norton, Mr. Rush, Mr. Towns, Mr. Serrano, Mr. Wynn, Mr. Davis of Illinois, and Ms. Christian-Green):

H.R. 1436. A bill to assist local communities in the renewal of their public schools; to the Committee on Education and the Workforce.

By Mr. CASTLE (for himself, Mrs. Johnson of Connecticut, Mr. Cardin, Mr. Bachus, Mr. DeFazio, Mr. Boehlert, Mr. McGovern, Mr. Neal of Massachusetts, Mr. Serrano, Mr. Bereuter, Mr. LaHood, Mr. Lewis of Georgia, and Mr. Olver):

H.R. 1437. A bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE (for herself, Mr. Riggs, Mr. Hansen, Mr. Waxman, Mr. Meehan, Ms. Furse, Mr. Oberstar, Mr. Cook, Mr. McDermott, Ms. Norton, Mr. Olver, Mrs. Tauscher, Mr. Lewis of Georgia, Mr. Castle, Ms. Christian-Green, Mr. McHale, Mr. Tierney, Mr. Underwood, Mr. Miller of California, Mr. DeFazio, and Mrs. Linda Smith of Washington):

H.R. 1438. A bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco; to the Committee on Agriculture.

By Mr. DOOLITTLE:

H.R. 1439. A bill to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, CA; to the Committee on Resources.

By Mr. ENGEL (for himself and Mrs. McCarthy of New York):

H.R. 1440. A bill to require the Department of Education to provide links to databases of information concerning scholarships and fellowships; to the Committee on Education and the Workforce.

By Mr. ENGLISH of Pennsylvania:

H.R. 1441. A bill to amend the Internal Revenue Code of 1986 with respect to discharge of indebtedness income from prepayment of loans under section 306B of the Rural Electrification Act of 1936; to the Committee on Ways and Means.

By Mr. GONZALEZ (for himself and Mrs. Maloney of New York):

H.R. 1442. A bill to amend the Federal Reserve Act to expand the opportunity for private enterprise to compete with the Board of Governors of the Federal Reserve System in the provision of check-clearing and other services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HOUGHTON (for himself, Mr. Kleczka, Mr. Bunning of Kentucky, Mr. Herger, Mr. Crane, Mr. English of Pennsylvania, Mr. Christensen, Mr. McCrery, Mr. McNulty, Mrs. Kennelly of Connecticut, Mr. Neal of Massachusetts, Ms. Dunn of Washington, Mr. Weller, Mr. Matsui, and Mr. Shaw):

H.R. 1443. A bill to amend the Revenue Act of 1987 to provide a permanent extension of the transition rule for certain publicly traded partnerships; to the Committee on Ways and Means.

By Mr. KENNEDY of Massachusetts (for himself, Mr. Olver, Mr. Serrano, Mr. Towns, Mr. Underwood, Mr. Thompson, Ms. Brown of Florida, Mr. Fox of Pennsylvania, Mr. Frost, Mr. Faleomavaega, Mr. McGovern, Mr. Dellums, and Mr. Bishop):

H.R. 1444. A bill to establish a grant program to install safety devices and improve safety at convenience stores; to the Committee on the Judiciary.

By Mr. KING of New York (for himself and Mrs. McCarthy of New York):

H.R. 1445. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to provide for continued eligibility for supplemental security income and food stamps with regard to certain classifications of aliens; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KLUG (for himself, Mr. Sensenbrenner, Mr. Barrett of Wisconsin, Mr. Kleczka, Mr. Obey, and Mr. Kind of Wisconsin):

H.R. 1446. A bill to require the Secretary of the Navy to terminate the operation of the Extremely Low Frequency Communications System of the Navy; to the Committee on National Security.

By Mr. LAZIO of New York (for himself and Mr. Kennedy of Massachusetts) (both by request):

H.R. 1447. A bill to reform the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEWIS of Georgia:

H.R. 1448. A bill to improve the control of outdoor advertising in areas adjacent to the Interstate System, the National Highway System, and certain other federally assisted highways, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LEWIS of Georgia (for himself, Mr. Farr of California, Mr. Stark, Mrs. Mink of Hawaii, Mr. Dellums, Mr. Lipinski, and Ms. Christian-Green):

H.R. 1449. A bill to amend the Internal Revenue Code of 1986 to impose an annual tax on outdoor advertising to provide funding for surface transportation programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California (for himself, Mr. Lipinski, Mr. Kleczka, Mr. Berman, Mr. Stark, Mr. Pallone, Mr. Abercrombie, Mr. Dingell, Mr. McGovern, Mr. Kucinich, Mr. Clay, Mr. Hinchey, Mr. Olver, Mr. Evans, Mrs. Mink of Hawaii, Ms. McKinney, Ms. Pelosi, Mrs. Clayton, Mr. Dellums, Ms. Christian-Green, Mr. Gejdenson, Mr. Kind of Wisconsin, Mr. Sanders, Mr. Frank of Massachusetts, Mr. Hefner, Mr. Lantos, Mr. Spratt, and Mr. Brown of Ohio):

H.R. 1450. A bill to provide certain requirements for labeling textile fiber products and to implement minimum wage and immigration requirements in the Commonwealth of the Northern Mariana Islands; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mr. Payne, Mr. Serrano, Mr. Wolf, Mrs. Morella, Mr. Scott, Mr. Coyne, Mr. Underwood, Mr. Miller of California, Mr. Dellums, Mr. McDermott, Mr. Bentsen, Mr. Fazio of California, Ms. Jackson-Lee, Mr. Hall of Ohio, Ms. Norton, Ms. McKinney, Mr. Borski, Ms. Rivers, Mr. Thompson, Ms. Lofgren, Mr. Strickland, Mr. Ackerman, Mr. Boucher, Mrs. Maloney of New York, Mr. Green, and Mrs. Thurman):

H.R. 1451. A bill to amend the Public Health Service Act with respect to research regarding the health of children; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. Kennedy of Massachusetts, Ms. Norton, Mr. Martinez, Mr. Owens, Mr. Fox of Pennsylvania, and Mr. Moran of Virginia):

H.R. 1452. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Mr. Shays, Mr. DeFazio, Mr. Gilchrest, and Mrs. Morella):

H.R. 1453. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS:

H.R. 1454. A bill to prohibit the Administrator of the Federal Aviation Administration from closing certain flight service stations; to the Committee on Transportation and Infrastructure.

By Mr. RUSH (for himself, Mr. Frost, Ms. Christian-Green, Mrs. Mink of Hawaii, Ms. DeGette, Ms. Lofgren, Mr. Gonzalez, Mr. Sawyer, Mr. Ackerman, Ms. Waters, Mr. Towns, Mr. Rangel, Mr. Hilliard, and Ms. Kilpatrick):

H.R. 1455. A bill to preserve the eligibility for Federal loans and guarantees of disabled children whose supplemental security income benefits are terminated by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Government Reform and Oversight.

By Mr. THORNBERRY:

H.R. 1456. A bill to amend title 10, United States Code, to improve the access to military treatment facilities for retired members of the uniformed services, and their dependents, who are over 65 years of age, to provide for Medicare reimbursement for health care services provided to such persons, and, as an alternative health care approach, to permit such persons to enroll in the Federal Employees Health Benefits program; to the Committee on Ways and Means, and in addition to the Committees on Commerce, National Security, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. THURMAN (for herself, Mr. STARK, Mr. SHAW, and Mr. DAVIS of Florida):

H.R. 1457. A bill to amend title XVIII of the Social Security Act to improve efforts to combat fraud and abuse under the Medicare Program for suppliers of durable medical equipment, home health agencies, and other providers through disclosure of information on ownership interests and requirement for a surety bond; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TIAHRT (for himself and Mr. WATTS of Oklahoma):

H.R. 1458. A bill to amend the Federal Election Campaign Act of 1971 to prohibit labor organizations from using funds withheld from wages for activities related to a campaign for election for Federal office; to the Committee on House Oversight.

By Mr. TIAHRT (for himself and Mr. BURTON of Indiana) (both by request):

H.R. 1459. A bill to amend part E of title IV of the Social Security Act to prevent children from languishing in foster care; to the Committee on Ways and Means.

By Mr. UNDERWOOD:

H.R. 1460. A bill to allow for election of the Delegate from Guam by other than separate ballot, and for other purposes; to the Committee on Resources.

By Mr. VENTO (for himself, Mr. PETERSON of Minnesota, Mr. OBERSTAR, Mr. SABO, Mr. POMEROY, and Mr. MINGE):

H.R. 1461. A bill to facilitate recovery from the recent flooding of the Red River and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. VISCLOSKY:

H.R. 1462. A bill to authorize the Administrator of the Environmental Protection Agency to establish a pilot project providing loans to States to establish revolving loans for the environmental cleanup of brownfield sites in distressed areas that have the potential to attract private investment and create local employment; to the Committee on Commerce.

By Mr. RANGEL:

H.J. Res. 73. Joint resolution proposing an amendment to the Constitution of the United States respecting the right to a home; to the Committee on the Judiciary.

By Mr. KIM:

H. Con. Res. 66. Concurrent resolution authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service; to the Committee on Transportation and Infrastructure.

H. Con. Res. 67. Concurrent resolution authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds; to the Committee on Transportation and Infrastructure.

By Mr. THOMAS:

H. Res. 129. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; to the Committee on House Oversight.

By Mr. GUTKNECHT:

H. Res. 130. Resolution providing for a lump sum allowance for the Corrections Calendar Office; considered and agreed to.

By Mr. KENNEDY of Massachusetts (for himself, Mr. GEPHARDT, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. MARKEY, Ms. DeGETTE, Mr. ABERCROMBIE, Mr. CLEMENT, Ms. DeLAURO, Mr. HALL of Ohio, Ms. JACKSON-LEE, Mr. DELLUMS, Mr. BARRETT of Wisconsin, Ms. NORTON, Mr. SAWYER, Mr. CONYERS, Mr. LaFALCE, Mr. OLVER, Mr. NEAL of Massachusetts, Mr. MEEHAN, Mr. LEWIS of Georgia, Mr. DELAHUNT, Mr. WEYGAND, Mrs. MALONEY of New York, Mr. ACKERMAN, Mr. SCHUMER, Mr. NADLER, Mr. McGOVERN, Ms. RIVERS, Mr. COYNE, Ms. PELOSI, Mr. PALLONE, Ms. LOFGREN, Mr. GONZALEZ, Mr. FORD, Mr. PAYNE, Ms. STABENOW, Mrs. TAUSCHER, Mr. POSHARD, Mr. DAVIS of Illinois, Mr. BORSKI, Mr. CLAY, Mr. OBERSTAR, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mrs. CLAYTON, Mr. HILLIARD, Mr. ALLEN, Mr. HINCHEY, Mr. MORAN of Virginia, Mr. SERRANO, Mr. FLAKE, Mr. BENTSEN, and Mr. BONIOR):

H. Res. 131. Resolution expressing the sense of the House of Representatives that the Federal commitment to early childhood development programs should be supported by sufficient funding to meet the needs of infants and toddlers in the areas of health, nutrition, education, and child care; to the Committee on Education and the Workforce.

By Mr. SANDERS (for himself, Ms. WATERS, Mr. GEJDENSON, Mr. PALLONE, Mr. DELLUMS, Mr. FILNER, and Ms. CHRISTIAN-GREEN):

H. Res. 132. Resolution expressing the sense of the House of Representatives against reductions in Social Security benefits and arbitrary reductions in the Consumer Price Index; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

53. By the SPEAKER: Memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution 63 memorializing Congress to address the pragmatic and budgetary shortfalls that have plagued the Nuclear Waste Program; to the Committee on Commerce.

54. Also, memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution 88 memorializing the Clinton administration and Congress to support legislation authorizing States to restrict the amount of solid waste they import from other States; to the Committee on Commerce.

55. Also, memorial of the Legislature of the State of Montana, relative to House Joint Resolution 7 which supports full membership in the United Nations for the Republic of China on Taiwan; to the Committee on International Relations.

56. Also, memorial of the Senate of the State of Georgia, relative to Senate Resolution 180 urging the U.S. Congress to adopt the balanced budget amendment; to the Committee on the Judiciary.

57. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to Senate Joint Resolution 307 memorializing Congress to take appropriate steps to reimburse the States for the costs of services provided illegal aliens; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. HILL, Ms. PRYCE of Ohio, Mr. SENSENBRENNER, and Mr. OXLEY.

H.R. 15: Mr. FAWELL, Mr. KING of New York, Mr. TOWNS, and Mr. SPENCE.

H.R. 38: Mr. STUPAK and Mr. PALLONE.

H.R. 64: Mr. THOMAS.

H.R. 66: Mr. RUSH, Mr. McINTOSH, and Mr. CRAMER.

H.R. 107: Mr. YOUNG of Florida, Mr. STUPAK, Mr. CRAMER, and Mr. MICA.

H.R. 122: Mr. DOOLITTLE, Mr. BOEHNER, Mr. ARMEY, Mr. COBURN, Mr. ROYCE, Mr. BARTLETT of Maryland, and Mr. NEY.

H.R. 135: Mr. BORSKI, Mr. LAMPSON, and Mr. MOLLOHAN.

H.R. 145: Ms. ROS-LEHTINEN, Mr. SANDLIN, Mr. TIERNEY, Mr. JOHNSON of Wisconsin, Ms. RIVERS, and Mr. LaTOURETTE.

H.R. 150: Mr. RUSH, Ms. DeLAURO, and Mr. MILLER of California.

H.R. 155: Mr. LAMPSON.

H.R. 158: Mr. TALENT, Mr. FROST, Mr. NEY, and Mr. BLILEY.

H.R. 159: Mr. BLILEY.

H.R. 176: Mr. FROST, Mr. MANTON, and Mr. HANSEN.

H.R. 192: Mr. NETHERCUTT, Mr. EVERETT, Mr. MASCARA, Mr. WELLER, Mr. NEY, and Mr. KING of New York.

H.R. 209: Mrs. McCARTHY of New York and Mr. NEY.

H.R. 219: Mr. ENSIGN, Mr. MATSUI, Mr. FRANKS of New Jersey, Mr. JONES, Mr. DOOLEY of California, Mr. WEXLER, Mr. FRELINGHUYSEN, Mr. RADANOVICH, Mr. JOHN, Mr. FROST, Mr. GEJDENSON, Mr. WATKINS, Mr. DELAHUNT, Mr. BUNNING of Kentucky, Ms. ESHOO, Ms. NORTON, Mr. COMBEST, Mr. FILNER, Mr. YOUNG of Alaska, and Mr. KNOLLENBERG.

H.R. 248: Mr. TIAHRT.

H.R. 279: Mr. GOODLING and Mr. OLVER.

H.R. 299: Mr. MATSUI and Mr. COYNE.

H.R. 303: Mr. YOUNG of Florida and Mr. RILEY.

H.R. 339: Mr. ADAM SMITH of Washington and Mr. SOUDER.

H.R. 347: Mr. COBLE.

H.R. 371: Mr. LUCAS of Oklahoma and Mr. WATT of North Carolina.

H.R. 383: Mr. CAPPS and Mr. WICKER.

H.R. 406: Mr. ROTHMAN.

H.R. 414: Mr. NETHERCUTT, Mr. DIAZ-BALART, Mr. EVERETT, Mr. MASCARA, Mr. WELLER, and Mr. NEY.

H.R. 450: Mr. HAYWORTH, Mr. CHRISTENSEN, Mr. MALONEY of Connecticut, and Mr. NEAL of Massachusetts.

H.R. 465: Mr. BOEHLERT, Mr. NEAL of Massachusetts, Mr. BURR of North Carolina, and Mr. BORSKI.

H.R. 475: Mr. Miller of Florida.

H.R. 479: Mr. Blunt, Mr. Nethercutt, Mr. Miller of Florida, Mr. Frost, Mr. DeFazio, Mr. Riggs, Mr. Lampson, Mr. Lewis of Georgia, and Mr. Wexler.

H.R. 482: Mr. Wynn.

H.R. 493: Mr. Foglietta and Mr. Graham.

H.R. 519: Mr. Shaw, Ms. Stabenow, and Mr. Bereuter.

H.R. 530: Mr. Castle, Mr. Bachus, Mr. Crane, and Mr. Hulshof.

H.R. 546: Mr. Schumer.

H.R. 566: Mr. Rush, Mr. Dellums, and Mr. McGovern.

H.R. 586: Mr. Costello, Mr. Davis of Florida, Mr. Rangel, Mr. Reyes, Mr. Young of Alaska, and Ms. Harman.

H.R. 587: Mr. Lewis of Georgia.

H.R. 598: Mr. Brown of California.

H.R. 611: Ms. Hooley of Oregon, Mr. Kind of Wisconsin, Mr. Flake, Mr. Boucher, Mrs. Johnson of Connecticut, Mr. Upton, Mr. Kucinich, Mr. Foglietta, and Mr. Wexler.

H.R. 617: Mr. Towns, Mr. Frank of Massachusetts, Mr. McDermott, Mr. Lampson, and Mr. Rangel.

H.R. 628: Mr. Stump.

H.R. 630: Ms. Millender-McDonald.

H.R. 659: Mr. Latham and Mr. Hostettler.

H.R. 674: Mr. Davis of Florida, Mrs. Clayton, Mr. Hutchinson, Mr. Dreier, and Mr. Scarborough.

H.R. 695: Mr. Gordon, Mr. Hutchinson, Ms. Rivers, Mr. Snowbarger, and Mrs. Tauscher.

H.R. 722: Mr. Christensen, Mr. Frelinghuysen, Mr. Shays, Ms. Pryce of Ohio, Mr. Mica, and Mr. Norwood.

H.R. 723: Mr. Ganske and Mrs. Northup.

H.R. 753: Mr. Clyburn, Mr. Blagojevich, Mrs. Meek of Florida, Ms. Woolsey, Mr. Kucinich, Mr. Coyne, Ms. Eddie Bernice Johnson of Texas, Mr. Shays and Mrs. Tauscher.

H.R. 756: Mr. Jones and Mr. Hastings of Florida.

H.R. 775: Ms. Kilpatrick.

H.R. 778: Mr. Waxman.

H.R. 779: Mr. Waxman.

H.R. 780: Mr. Waxman.

H.R. 786: Mr. Riley.

H.R. 816: Mr. Riley.

H.R. 850: Mr. Foglietta, Mr. Towns, Mr. Serrano, Mr. Frost, Mr. Miller of California, Mr. Filner, Ms. Christian-Green, Mr. Manton, Mr. Boehlert, Mr. Quinn, Mr. Ackerman, Mr. Flake, and Ms. Waters.

H.R. 866: Mr. Knollenberg and Mr. Stearns.

H.R. 867: Mr. Bunning of Kentucky, Mr. Ensign, Mr. Herger, Mr. Weller, Mr. DeLay, and Mr. McHale.

H.R. 871: Mr. Bishop.

H.R. 876: Mr. Jefferson, Mr. Pappas, Mr. Davis of Virginia, and Mr. Snowbarger.

H.R. 901: Mr. Barton of Texas, Mr. Dreier, and Mr. Ganske.

H.R. 902: Mrs. Northup and Mr. Aderholt.

H.R. 907: Mr. Lewis of Georgia.

H.R. 910: Mr. Dellums and Ms. Kaptur.

H.R. 911: Mr. Kleczka, Mr. Gekas, Mr. Riley, Mr. Lantos, and Mr. Solomon.

H.R. 915: Mr. Spratt, Mr. Borski, Ms. Waters, Mr. Graham, and Mrs. Tauscher.

H.R. 946: Mr. Hutchinson and Mr. Lucas of Oklahoma.

H.R. 956: Mr. Gingrich.

H.R. 964: Mr. Goode, Mr. Peterson of Minnesota, Mr. Ewing, Mr. Cunningham, Mr. Clement, and Ms. Danner.

H.R. 965: Mr. Hall of Texas, Mr. Pombo, Ms. Dunn of Washington, and Mr. Cunningham.

H.R. 983: Ms. Woolsey.

H.R. 991: Mrs. Tauscher.

H.R. 1004: Mr. Bliley, Mr. Watts of Oklahoma, Mr. Greenwood, Mr. Talent, Mr. Sensenbrenner, Mr. Taylor of North Carolina, Mr. Chabot, Mr. Latham, Mr. Hutchinson, Mrs. Myrick, Mr. Hill, Mr. McKeon, Mr. Hansen, and Mr. Inglis of South Carolina.

H.R. 1009: Mr. Cooksey and Mr. Crapo.

H.R. 1015: Mr. Yates and Ms. Kilpatrick.

H.R. 1016: Mr. Largent and Mr. Berry.

H.R. 1035: Mr. McDade and Mr. Holden.

H.R. 1037: Mr. Matsui, Mr. Frost, Mr. Kolbe, and Mr. Hefner.

H.R. 1046: Mr. Conyers.

H.R. 1054: Ms. Rivers, Mr. Riggs, and Mr. Pombo.

H.R. 1060: Mr. Radanovich, Mr. Edwards, Mr. Ramstad, and Mr. Deutsch.

H.R. 1062: Mr. Tauzin.

H.R. 1068: Mr. Coburn, Mr. Paul, Mr. Pickett, and Mr. Riggs.

H.R. 1070: Ms. Christian-Green, Mr. Oberstar, Mrs. Maloney of New York, Mr. Sanders, Mr. Yates, Mr. Rangel, Mr. Frost, and Mr. Green.

H.R. 1071: Mr. Thompson.

H.R. 1104: Ms. Slaughter, Mr. Brown of California, Mr. Hilliard, Mr. McIntyre, Mr. Payne, Mr. Blagojevich, Mr. Cummings, Ms. Kilpatrick, Mr. Faleomavaega, Ms. DeGette, Mr. Deutsch, Mr. Delahunt, Mrs. Kennelly of Connecticut, Mr. Engel, Mr. Rahall, Mrs. Clayton, Ms. Rivers, Mr. Maloney of Connecticut, Mr. Moakley, Mr. Sanders, Mr. Flake, Mr. Thompson, Mr. Lampson, and Mr. Dellums.

H.R. 1117: Mr. Lewis of Georgia, Mr. Brown of California, Mr. Abercrombie, and Mr. Poshard.

H.R. 1120: Ms. Pelosi, Mr. Ford, Mr. McDermott, Mr. Strickland, and Mr. Dellums.

H.R. 1132: Mr. Brown of Ohio, Mr. Moakley, Mr. Moran of Virginia, Mr. Klug, Mr. McGovern, Mr. Engel, Mr. Sanders, Mrs. Maloney of New York, Mrs. Morella, and Ms. Lofgren.

H.R. 1147: Mr. Dickey.

H.R. 1164: Mr. English of Pennsylvania, Mr. Gillmor, Mr. Wicker, Mr. Deal of Georgia, Mr. Hefner, Mr. Paul, Mr. Clyburn, and Mrs. Emerson.

H.R. 1172: Mr. Goode, Ms. Granger, Mr. Barr of Georgia, Mr. Thornberry, Mr. Bass, Mr. Metcalf, Mr. Collins, Mrs. Fowler, Mr. Hastings of Washington, Mr. Tiahrt, Mr. Scarborough, Mr. Wamp, Mr. Cunningham, Mr. Klug, Mr. Bryant, Mr. Graham, Mr. Duncan, Mr. Largent, Mr. Christensen, Mr. Gutknecht, Mr. Doolittle, Mr. Chambliss, and Mr. Neumann.

H.R. 1175: Mr. Herger, Mr. Dellums, Mr. Cunningham, Mr. Berman, Mr. Filner, Ms. Lofgren, Ms. Harman, Mr. Bilbray, Mr. Gallegly, Mr. Calvert, Mrs. Tauscher, Mr. Campbell, Mr. Dixon, Mr. Riggs, Mr. Horn, Mr. Torres, and Mr. Packard.

H.R. 1176: Mr. Owens, Mr. Nadler, and Mr. Dixon.

H.R. 1181: Mr. Coyne, Mr. Borski, Mr. Oberstar, Mr. Flake, Mr. McDermott, Mr. McNulty, Mr. Engel, Ms. Slaughter, Mr. Smith of New Jersey, and Mr. Menendez.

H.R. 1218: Mr. Frank of Massachusetts.

H.R. 1231: Mr. Houghton, Ms. DeLauro, Mr. Baldacci, and Mr. DeFazio.

H.R. 1248: Mr. Rogers.

H.R. 1258: Mr. Lipinski, Mr. Traficant, and Mr. Sessions.

H.R. 1263: Mr. Abercrombie, Mr. Matsui, Mr. LaFalce, Ms. Roybal-Allard, Mr. Levin, Mr. Cummings, Ms. Harman, and Mr. Weygand.

H.R. 1266: Mr. Watts of Oklahoma.

H.R. 1270: Mr. McCollum, Mr. Wamp, and Ms. Kilpatrick.

H.R. 1281: Mr. Ford, Mr. Defazio, Mr. Lipinski, Mr. Talent, Mr. Baldacci, Mr. Goode, Mr. Frank of Massachusetts, Mr. Underwood, Mr. Barrett of Wisconsin, Mr. Ehlers, Mr. Price of North Carolina, Mr. Rush, Mr. Oberstar, Mr. Rangel, Mr. Gutierrez, Mr. Menendez, Mr. Clement, Mr. Payne, Mrs. Mink of Hawaii, Mr. McDermott, Mr. Hinchey, Mr. Olver, Mr. Edwards, Mr. Rahall, Mr. Waxman, Mr. Baesler, Mr. Kennedy of Rhode Island, Mr. Poshard, Mr. Engel, Mr. Ortiz, Mr. Lewis of Georgia, Ms. DeLauro, Mr. Sanders, Mr. Borski, Mr. Barcia of Michigan, Mr. Filner, Mr. Dooley of California, Mr. Visclosky, Mr. McHale, Mr. Levin, Mrs. Clayton, Mr. Blagojevich, and Mr. Coyne.

H.R. 1283: Mr. Hill, Mr. Hobson, Mr. Deal of Georgia, Mr. Weldon of Pennsylvania, Mr. Bliley, Mr. Goode, Mr. Foley, Mr. Burr of North Carolina, Mr. Sessions, Mr. Cook, Mr. Riley, Mrs. Linda Smith of Washington, Mr. Royce, and Mr. Nethercutt.

H.R. 1284: Mr. Manton.

H.R. 1288: Ms. Kilpatrick, Mr. McDermott, Mr. Rangel, Mr. Ackerman, and Mr. Evans.

H.R. 1291: Mr. Forbes.

H.R. 1292: Mr. Dellums and Mrs. Maloney of New York.

H.R. 1297: Mr. Brown of California.

H.R. 1299: Mr. Hefner, Mr. Gordon, Mr. Mica, Mr. Boucher, Mr. McIntosh, Mr. Houghton, Mr. Hayworth, Mr. Snowbarger, Mr. Bunning of Kentucky, Mr. Petri, and Mr. Camp.

H.R. 1301: Mr. Faleomavaega.

H.R. 1302: Mr. Barcia of Michigan and Mr. Ford.

H.R. 1311: Ms. Eddie Bernice Johnson of Texas, Mr. Pallone, Mrs. Maloney of New York, and Mr. Lipinski.

H.R. 1327: Mr. Snowbarger, Mr. Pappas, and Mrs. Northup.

H.R. 1338: Mr. Pappas.

H.R. 1349: Ms. Christian-Green and Mr. Rangel.

H.R. 1355: Ms. Ros-Lehtinen, Mr. Bunning of Kentucky, Mr. Kennedy of Massachusetts, Mr. Smith of New Jersey, Mr. Frost, Mrs. Meek of Florida, and Mr. Neal of Massachusetts.

H.R. 1362: Mr. Nethercutt, Mr. Manton, Mr. Whitfield, Mr. Miller of California, Mrs. Kelly, Mr. Hilliard, Mr. Ney, Mr. Pascrell, Mr. Frost, Ms. DeLauro, and Mr. Klug.

H.R. 1375: Mr. Lipinski, Mr. McNulty, Mr. Clement, and Mr. Filner.

H.R. 1379: Mr. Smith of Michigan and Mr. Bob Schaffer.

H.R. 1383: Mr. Bonior, Mr. Hilliard, and Mr. Lipinski.

H.R. 1395: Mrs. Maloney of New York.

H.R. 1420: Mr. Miller of California.

H. Con. Res. 35: Mr. McIntosh.

H. Con. Res. 65: Mr. Smith of New Jersey, Mr. Metcalf, and Mrs. Kelly.

H. Res. 22: Mr. Lewis of Georgia, Ms. Slaughter, Mr. Rothman, and Mr. Faleomavaega.

H. Res. 93: Mr. BARCIA of Michigan, Mr. CAPPS, Mr. HINCHEY, Ms. RIVERS, Mr. SANDERS, and Mr. DEUTSCH.

H. Res. 104: Mrs. KELLY, Mr. OLVER, Mr. PAYNE, Mr. SERRANO, Mr. KING of New York, Mr. LANTOS, Mrs. LOWEY, Mr. FROST, and Mr. SMITH of New Jersey.

H. Res. 122: Ms. NORTON, Mr. SANDERS, Mr. RANGEL, Mr. MCCRERY, Mr. VENTO, and Mrs. NORTHUP.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1031: Mr. FROST.

SENATE—*Thursday, April 24, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, who calls us to seek peace and not war, but who has blessed us in victory in just wars fought for the righteous cause of freedom and justice, we seek Your guidance for the crucial decisions about the Chemical Weapons Convention. Our hearts and minds are united with You in abhorrence and judgment on the use of chemical weapons. Thank You for the diligence with which the Senate has debated the issues of ratification of the treaty. The research and clear communication on both sides of these issues have brought illuminating discussions. Sharp differences remain about ratification. Now the hour of decision approaches.

Father, fuel with Your presence and glory this Chamber and then the Old Senate Chamber during the executive session. May the Senators seek Your guidance, clarify their convictions, and then cast their votes with a sense that they have done their very best. When the votes are counted and the result is declared, unite the Senators in the unbreakable bond of unity rooted in a mutual commitment to patriotic leadership of our Nation.

Dear God, guide this Senate and bless America. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT, of Mississippi, is recognized.

Mr. LOTT. Mr. President, I thank you for the recognition. And I want to thank the Chaplain, as always, for his very thoughtful and helpful prayers.

SCHEDULE

Mr. LOTT. For the information of all Senators, today, at 10:30 a.m., the Senate will begin a closed executive session in the Old Senate Chamber to continue the debate on the Chemical Weapons Convention so that Members can be briefed on certain classified information. This is the first time in several years that we have had such a briefing. I urge all Senators to attend. I think they will find it very interesting. They need to know what will come out of this briefing before they make a final decision.

The closed session is expected to last until approximately 12:30. After the expiration of time for the closed session, the Senate will then immediately resume consideration of the treaty in this Chamber. By previous consent, the Senate will continue the debate with respect to the treaty until all time is expired or is yielded back under the time agreement. I think there is something like 1 hour 40 minutes or 2 hours of general time remaining, something about that amount.

In addition, by consent, the five motions to strike will be in order at any time following the closed session. Separate votes on each of the motions are expected. Therefore, Senators can expect votes throughout the day and into the evening in order for the Senate to complete action on the treaty today. It would appear to me that the final vote will come sometime between 8 and 9 o'clock probably, perhaps a little earlier, but that is the way it looks at this point.

Again, I encourage all Members to participate in this important debate beginning in a few minutes in the Old Senate Chamber.

PRIVILEGE OF THE FLOOR

Mr. LOTT. Mr. President, I ask unanimous consent that the following individuals, in addition to those officers and employees referred to in standing rule XXIX, be granted floor privileges during today's closed session, and I send the list to the desk.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

The list is as follows:

Kathleen Alvarez.
Steven Biegun.
Marshall Billingslea.
Joel Breitner.
Romie Brownlee.
Charles D'Amato.
Michael DiSilvestro.
Jeriel Garland.
Lorenzo Goco.
Frank Jannuzi.
Taylor Lawrence.
Edward Levine.
David Lyles.
Mary Jane McCarthy.
Sheila Murphy.
James Nance.
John Roots.
Randall Scheunemann.
Christopher Straub.
Puneet Talwar.
Peter Flory.

CONFIDENTIALITY OF EXECUTIVE SESSIONS

Mr. LOTT. Mr. President, I would like to call the attention of all Senators and staff to rule XXIX of the Standing Rules of the Senate which addresses the confidentiality of executive sessions. Paragraph 5 of standing rule XXIX reads as follows:

> Any Senator, officer, or employee of the Senate who shall disclose the secret or confidential business or proceedings of the Senate shall be liable, if a Senator, to suffer expulsion from the body; and if an officer or employee, to dismissal from the service of the Senate, and to punishment for contempt.

I urge my colleagues to keep this in mind when approached by the media for comments on these proceedings.

[ORDER FOR RECESS]

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate stand in recess until the hour of 10:30 a.m. following brief remarks by Senator HAGEL and Senator BINGAMAN, at which time the Senate will then reconvene in the Old Senate Chamber for a closed executive session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Does the Senator seek recognition?

Mr. BIDEN. Only to recognize Mr. HAGEL.

Mr. LOTT. I yield the floor, Mr. President.

EXECUTIVE SESSION

CHEMICAL WEAPONS CONVENTION

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I ask, how much time do I have remaining?

The PRESIDING OFFICER. First we will have the clerk report the pending business.

The assistant legislative clerk read as follows:

> Treaty Document No. 103–21, the convention on the prohibition of the development, production, stockpiling and use of chemical weapons and on their destruction.

The Senate resumed consideration of the convention.

The PRESIDING OFFICER. The Senator from Delaware has 1 hour 30 minutes remaining.

Mr. BIDEN. Mr. President, I yield 7 minutes to my distinguished colleague from Nebraska, and if he needs more time, let me know. We are kind of tight on time. Then, in accordance with the unanimous-consent request by the majority leader, I will yield 7 minutes of my time to the distinguished Senator from New Mexico, [Mr. BINGAMAN].

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 7 minutes.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. HAGEL. Mr. President, I thank you.

Mr. President, it was 30 years ago this week that I joined the U.S. Army. It was 29 years ago this week, with my brother Tom, that I was first wounded in Vietnam. This is an important week of reflection for me as we take up the final hours of debate on the Chemical Weapons Convention.

I rise this morning to say that I will vote for the Chemical Weapons Convention. America's national security interests are better served with this treaty than without it. Our men and women in uniform are better served with this treaty than without it.

There are few Senators who have put as much time in on this issue than I have, studying this treaty over the past few weeks. As a freshman Senator, I began with very limited knowledge about this convention. I had to understand it totally before I could make an intelligent vote on the treaty.

This treaty is much improved from the form in which it was first submitted to the Senate. I would have voted against this treaty in its original form.

But as the Framers of our Constitution intended, the Senate has worked its will and has substantially strengthened the final agreement. Because of the strong leadership and negotiation, in my judgment, the balance has tipped strongly in favor of ratification of this convention.

The people of this country should recognize the important roles that Majority Leader LOTT, Chairman HELMS, and Senators BIDEN, LUGAR, and KYL played in this debate. They allowed the Senate the opportunity to listen, to learn, and to understand this treaty, to debate this treaty, and they have brought a more informed Senate together to vote on this treaty as we will throughout the day.

That is what this body, the Senate, should be about, debating important issues that have consequences for all Americans. This convention will have consequences for all peoples around the globe.

Under the leadership of Majority Leader LOTT, Senator BIDEN, the administration, and others, the Senate made 28 substantial changes to the original treaty to address major problems in the treaty, several of which were key to improving it, in my opinion. The majority leader held a news conference 45 minutes ago and read a letter from the President—as far as I know, unprecedented in arms control conventions—laying out some of the concerns that this President has and this body has about issues in this convention. I think that, too, further strengthens this treaty.

We fully protected the constitutional rights of our businesses against unlawful searches and seizures by ensuring that international inspection teams must obtain a search warrant before entering any American facility. This means no challenge inspection will occur unless a U.S. Federal judge finds probable cause to believe a violation of law has occurred at that facility. The rights guaranteed under our Constitution will continue to reign supreme.

We ensured that the American military will be able to use nondeadly riot control agents, such as tear gas. As military operations become increasingly complex and involve more areas with civilian populations, it is imperative that our military commanders have the maximum flexibility to employ a range of force, including nondeadly force.

We made clear that our existing national and international export controls will remain in place. The United States simply will not transfer chemical technology in any manner that would weaken our existing controls or military defense capabilities, or would tend to allow dangerous chemical technology to fall into the hands of pariah regimes.

We put in place safeguards to ensure that American intelligence data is protected whenever it is shared with the international organization that will oversee operations of the convention. We also prohibited chemical samples taken at American laboratories from being transferred off American soil—an important provision that helps protect proprietary and security information.

And, we took steps to ensure that the new international organization set up to monitor and enforce the convention will not become an ill-managed bureaucracy that burdens the American taxpayer. We put a cap on the American contribution to that organization, and we required the organization to establish and maintain an independent inspector general.

I should like to close with this. As I have referenced, there are a number of improvements that have been made to this treaty. We have five more proposed conditions that remain in disagreement that we will vote on yet today. I will vote to strike at least four of those conditions because they would effectively prevent American participation in the convention and would undermine the very purpose of this treaty.

This treaty, however, is no magic instrument that will guarantee Americans and our troops safety from chemical attack. No treaty can substitute for unwavering American strength, determination, vigilance, and leadership. But this treaty is one more tool we can use to make chemical attacks less likely. It does improve our eyes.

With or without this treaty, the United States years ago decided never again to use chemical weapons and is committed by law to completely destroy our stockpile of chemical weapons by early in the next century. That decision was made during the Reagan administration and was reaffirmed by the Bush administration.

The important question now is, what can we do to give ourselves more leverage to press other countries to do the same? It is a very important question. Ratifying this treaty is not the end of our efforts to make chemical attacks on Americans less likely. To the contrary, it is only the beginning. As President Reagan's top arms control negotiator, Ronald Lehman, said last week before our Foreign Relations Committee:

> Ratification is essential to American leadership against proliferation of weapons of mass destruction, but ratification alone is not enough. Strong follow-up involving all branches of Government will be vital.

We must now use the tools of this treaty effectively. The treaty tools give us, I believe, the most effective way to deal with the proliferation of chemical weapons. We must keep America strong. We must keep America vigilant. The Senate has an important and ongoing role to play in making sure this treaty is implemented properly, and I am committed as a Senator to making that happen.

For me, this has never been a political issue, Mr. President. This vote is not about Republicans. It is not about Democrats. It is not about conservatives, not about liberals. It is not about Bill Clinton. It is not about TRENT LOTT. This vote is about America's national security interests. It is about our young men and women in uniform all over the world who may someday face an adversary with chemical weapons. It is about each Senator doing what he or she thinks is in the best interests of our country.

For those reasons, Mr. President, I urge our colleagues to vote for ratification of the Chemical Weapons Convention.

I yield my time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Before the Senator yields back all his time, if he will yield to me for a comment.

Mr. HAGEL. Yes.

Mr. BIDEN. Mr. President, I am obviously very pleased with the decision the Senator from Nebraska made, but I want to state on the record that I would have been comfortable with whatever decision he made, and I say that for the following reasons. I have been here for 24 years. It has been a long time since I have been a freshman Senator, but I remember how overwhelming it was and the pressures that are exerted, legitimate pressures, when major issues confront someone. I have watched the Senator from Nebraska from the day he got here, because we serve on the same committee, attack with a seriousness of purpose I have seldom seen one of the most complicated issues that is going to come before this body this year. It was not merely determining what groups, what party, what factions of parties were for and against the treaty. He wanted to know what article X meant in the language. He wanted to know whether article I trumped article X. He wanted to know the details of it, and he addressed it.

He indicated that this is the eve of an anniversary. It seems appropriate and totally consistent, I am going to say for the record—I hope I do not embarrass him—what I said to him privately. I have also observed another feature about him. This is a man whose conduct on the battlefield is mirrored by his conduct in politics, in that when he thinks he is right he is not afraid to do whatever it is he thinks he should do. And that comes through. That is what I mean when I say I would have been comfortable and assured that he had given it every consideration had he concluded to vote the other way. I want to publicly compliment him, not for the decision he made, but the way he made the decision. I hope that does not cost him politically, for someone on this side of the aisle to compliment my colleague.

There is another freshman Senator I serve with, Senator GORDON SMITH, who may not come to the same conclusion, but he has addressed it with the same kind of alacrity and commitment. So I just say it is a pleasure to serve with the Senator and our colleague, Senator SMITH. But as I said, I am happy he came out the way he did. Regardless of how the Senator came out, I would have been comfortable.

I yield the floor.

Mr. HAGEL. I thank the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico is recognized for 7 minutes.

Mr. BINGAMAN. Mr. President, thank you.

I thank the manager of the bill, the Senator from Delaware, for yielding me time.

I also commend my colleague from Nebraska. I sat through a meeting with him and the Senator from Delaware at the White House where he asked some very penetrating questions. The President and the Vice President were there. The Secretary of State was there. Our Ambassador to the United Nations and a great many individuals who studied this treaty were there. And I am very pleased to see the decision that our colleague from Nebraska has made.

Mr. President, a point that was made by the Senator from Nebraska I think needs to be foremost in our minds, and that is that this is different from all other treaties that have come before the Senate since I have been here, in that this does not ask us to give up any military capability that we have not already decided to give up.

Most treaties involve an agreement by us to give up military capability in return for other nations giving up military capability. But we have decided unilaterally during the Reagan administration and have maintained the policy ever since then that we are going to renounce the use of chemical weapons, destroy our stockpile of chemical weapons. What this treaty does is try to find ways to bring other nations to that same decision.

President Reagan did commit to that in the 1980's. President Bush reiterated that position. President Clinton has certainly done so as well. That is a central part of this discussion that needs to be kept in mind.

A second part of the discussion that needs to be kept in mind is that by going ahead and ratifying this treaty, we give up no other tools that we have to prevent chemical attack or to retaliate against someone who might begin a chemical attack.

This is not: Do you want to have the ability to retaliate, or, on the contrary, do you want the treaty? We are going to retain in the future all capabilities to retaliate which we presently have. We stated very definitively in one of the conditions that is attached to this treaty that we will use a massive force to respond to any chemical attack. We do not consider a chemical weapons attack by a potential adversary or adversary to be comparable to a conventional attack; therefore, people need to know that we are not giving up any of our abilities or resolve in that regard.

I think these two factors are persuasive. We have chosen to destroy our own chemical weapons anyway, whether this treaty goes into effect or not. And, second, we maintain the ability to retaliate against any chemical weapons attack with all the strength that we have today.

So what does the treaty buy us?

It buys us an international agreement with other nations that will, hopefully, bring them also to give up their chemical weapons stockpiles. And it puts in place mechanisms to ensure that they do that.

It buys us a guarantee that other nations which might have chosen to build chemical weapons will find it much more difficult to do so.

It buys us a likelihood that if anyone decides to cheat on the treaty, we will have the ability to detect that. It enhances our intelligence-gathering capability substantially. As the Director of the CIA testified—he said this treaty gives us tools that we do not now have to look into places where we cannot now look.

There have been some concerns raised. I will not go into those. I think they have been addressed extensively in the various conditions that have already been added to the treaty.

Let me just say a few words about the amendments that are being proposed.

The first amendment calls for us to withhold ratification until the Russian Duma agrees to the ratification and agrees to comply with an earlier statement about the destruction of chemical weapons.

Mr. President, what this does is essentially make our foreign policy and our national policy hostage to what the hard-liners in the Russian Duma decide to do. It gives the Russians an excuse for not ratifying the treaty if we do not. I think it would be contrary to our best interests.

A second amendment that will be offered, which I will oppose—or second effort to strike that I will support, deals with an amendment that would destroy the potential benefits of the Chemical Weapons Convention. It would require us to withhold ratification until various other countries, such as China, North Korea, Libya, and others, have ratified the treaty.

Again, this provision would essentially shift to others the ability to define what is in our own best national interest. That cannot be a good thing for the United States.

A third amendment deals with requiring us to reject inspectors from countries that have supported terrorism.

Mr. President, we have the ability under the treaty to reject any inspectors we do not want to permit to come into this country and inspect. But it does not serve our interest to require, put into law a requirement, that certain inspectors be rejected at this early stage because, clearly, that will give them the same ability to reject our inspectors. That is not in our best interest.

We will have the ability to decide any information that we will exchange with other countries. That has been a confusion about this treaty, Mr. President, that needs to be cleared up.

When all the debate is concluded at the end of the day today, I believe it serves our national interest to go ahead and ratify the treaty. I believe it will contribute to a more peaceful world. Like all treaties, it lacks perfection. But the acid test is: Will this generation of Americans and future generations of Americans be less likely to confront chemical weapons on the battlefield or in a civilian context if this treaty is ratified? In my view, it is clear that they will be less likely to confront chemical weapons if we go ahead today. I hope very much my colleagues will join in supporting the treaty.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The time of the Senator has expired.

Will the Senator withhold the quorum request?

Mr. BINGAMAN. I withhold.

RECESS UNTIL 10:30 A.M. FOR A CLOSED SESSION IN THE OLD SENATE CHAMBER

The PRESIDING OFFICER. Under the previous order, the Senate will recess and reconvene at the hour of 10:30 a.m., in the Old Senate Chamber.

Thereupon, the Senate, at 10:22 a.m., recessed under the previous order and reconvened in closed session at 10:32 a.m., in the Old Senate Chamber; whereupon, at 12:50 p.m., the Senate recessed the closed session, and the Senate reassembled in open session, under the previous order, at 1 p.m., when called to order by the Presiding Officer (Mr. ENZI).

CHEMICAL WEAPONS CONVENTION

The Senate continued with the consideration of the convention.

The PRESIDING OFFICER. The pending business before the Senate is ratification of the Chemical Weapons Convention.

The Senator from North Carolina has 1 hour and 20 minutes. The Senator from Delaware has 46 minutes.

Mr. HELMS. Mr. President, I yield 7 minutes to my friend from New York.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. I thank the Chair.

May I ask my good friend if he didn't wish that the time be charged to the Senator from Delaware?

The PRESIDING OFFICER. The time will be charged to the Senator from Delaware.

Mr. MOYNIHAN. I thank the Chair. I thank my dear friend, the chairman.

Mr. President, I rise in support of the resolution of ratification. I will take just a moment of the Senate's time to put this matter in a historical context.

Since its development by 19th century chemists, poison gas—as it was known—has been seen as a singular evil giving rise to a singular cause for international sanctions.

In May 1899, Czar Nicholas II of Russia convened a peace conference at The Hague in Holland. Twenty-six countries attended and agreed upon three conventions and three declarations concerning the laws of war. Declaration II, On Asphyxiating or Deleterious Gases stated:

> The Contracting Parties agree to abstain from the use of projectiles the sole object of which is the diffusion of asphyxiating or deleterious gases.

Article 23 of the Annex to the Convention added:

> In addition to the prohibitions provided by special Conventions, it is especially forbidden:
>
> (a) To employ poison or poisoned weapons * * *

Our own Theodore Roosevelt called for a second peace conference which convened in 1907. This time, 45 countries were in attendance at The Hague, and reiterated the Declaration on Asphyxiating Gases and the article 23 prohibition on poisoned weapons.

The Hague Conventions notwithstanding, poison gas was used in World War I. Of all the events of the First World War, a war from which this century has not yet fully recovered, none so horrified mankind as gas warfare. No resolve ever was as firm as that of the nations of the world, after that war, to prevent gas warfare from ever happening again.

Declaring something to be violation of international law does not solve a problem, but it does provide those of us who adhere to laws mechanisms by which to address violations of them. In June 1925, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare was signed in Geneva. This reaffirmed the Hague prohibition and added biological weapons to the declaration.

In the Second World War that followed, such was the power of that commitment that gas was not used in Europe. It was expected, but it did not happen.

Then came the atom bomb and a new, even more important development in warfare. In time it, too, would be the subject of international conventions.

As part of the peace settlement that followed World War II, President Roosevelt, with the British, Chinese, and French, set up the United Nations. In 1957, within the U.N. system, the International Atomic Energy Agency was established. The new agency fielded an extraordinary new device, international inspectors, who began inspecting weapons facilities around the world to ensure compliance. This was enhanced by the Nuclear Non-Proliferation Treaty (NPT), which came into force in 1970, allowing inspectors to monitor declared nuclear sites. This was an unheard of compromise of traditional sovereignty. It has not worked perfectly. The number of nuclear powers, or proto-nuclear powers, has grown somewhat. But only somewhat: around 10 in a world with some 185 members of the United Nations. And never since 1945 has a single atomic weapon been used in warfare.

The Chemical Weapons Convention incorporates the advances in international law and cooperation of which I have spoken; it extends them. Its inspections can be more effective than the IAEA because of the ability to conduct challenge inspections when violations of the CWC are suspected.

If the Senate should fail—and it will not fail—to adopt the resolution of ratification, it would be the first rejection of such a treaty since the Senate in 1919 rejected the Treaty of Versailles, with its provision for the establishment of the League of Nations. It would be only the 18th treaty rejected by the Senate in the history of the Republic.

Every living Chairman of the Joint Chiefs of Staff over the past 20 years has called for ratification of the Chemical Weapons Convention.

Our beloved former colleague, Senator Bob Dole, has given his support and asked us to do what I think we can only describe as our duty. The President pleads.

Here I would note a distinction. In 1919, Woodrow Wilson could have had the Versailles Treaty, we could have joined the League of Nations, if only he had been willing to make a modicum of concessions to then-chairman of the Foreign Relations Committee and majority leader, Henry Cabot Lodge of Massachusetts. Wilson was too stubborn; in truth, and it pains an old Wilsonian to say so, too blind. Nothing such can be said of President Clinton. In a month of negotiations with the current chairman of the Foreign Relations Committee and the current Republican leader, the administration has reached agreement on 28 of 33 conditions. Only five proved unacceptable. And, indeed, sir, they are. The President could not in turn ratify a treaty with those conditions.

Again to draw a parallel with 1919. During consideration of the Treaty of Versailles, the Senate was divided into three primary camps: those who supported the treaty; those who opposed the treaty, no matter what shape or form it might take—known as "irreconcilables" or "bitter enders"—and those who wanted some changes to the treaty, most importantly led by Senator Lodge.

There are some modern day irreconcilables who oppose this Treaty for the same reason they eschew international law: viewing it as an assertion of what nice people do. Such a view reduces a magisterial concept that there will be enforced standards to a form of wishful thinking. A position which runs counter to a century of effort. Today I would appeal to those Republicans who might compare themselves with Senator Lodge. Unlike 1919, this President has heard your concerns and worked carefully to address them in the form the resolution of ratification containing 28 conditions which is now before the Senate.

To fail to ratify the CWC would put us on the side of the rogue states and relieve them of any pressure to ratify the convention themselves. As Matthew Nimitz has argued, the United States has a unique interest in international law because it cannot "match the Russians in deviousness or the Libyans in irresponsibility or the Iranians in brutality * * *. [It is the United States] which stands to lose the most in a state of world anarchy."

The Chemical Weapons Convention builds on the laws of The Hague: a century of arms control agreements. It bans chemical weapons—hideous and barbaric devices—completely. International law can never offer perfect protection, but we are primary beneficiaries of the protection that it does provide. I urge my colleagues to support this important treaty.

I thank the Chair. I yield the floor.

Might I ask? Does time run consecutively and is it divided equally?

The PRESIDING OFFICER. Yes. It will be divided equally.

Mr. MOYNIHAN. I thank the Chair.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, I yield 3 minutes to my friend from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I ask unanimous consent that a congressional fellow from my office, Ashley Tessmer, be allowed in the Chamber during the Chemical Weapons Convention debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, the Chemical Weapons Convention goes into force April 29 with or without U.S. participation. This, after more than 100 years of international efforts to ban chemical weapons, including the Hague Convention of 1889 and the Geneva Protocol of 1925 which placed restrictions on the use of chemical weapons. The history of chemical weapons use is a long one—from 1915 with the German use of chlorine gas in Belgium during World War I, to the Iraqi use of poison gas to kill an estimated 4,000 people in the Kurdish village of Halabja in 1988, and the very recent threat of chemical weapons use in the Persian Gulf war.

These chemical weapons are dangerous—not only because of intentional, but also accidental use. In Minnesota, I've listened to many gulf war veterans who've told me about their experiences during the conflict. Much is still unknown about chemical weapons use in the gulf and there is great concern throughout the Minnesota veterans community. I've seen the tragic effects of this when I've met with gulf war veterans who went to the gulf in perfect health but became seriously ill after they returned. While many are uncertain about the causes of their illnesses, they suspect that exposure to toxic chemical agents was a factor.

Mr. President, I want to tell my colleagues about a story I recently heard concerning veterans who were part of the 477th Ambulance Company who may have been exposed to toxic chemicals. After the war, a couple of company members went exploring the area nearby and noticed a spill on the floor of a warehouse. There's no way of knowing now exactly what the substance was, but they are concerned about possible exposure to a nerve agent. They were alarmed because even this kind of low-level exposure can be a serious threat to our soldiers' safety and health. The plea from the Minnesotan who told this story is, "Please! Get everyone to stop using this junk!" Well, that is exactly what we are trying to do, and ratifying the CWC is a vital step in that direction. If we don't sign up, America's soldiers—and indeed, all Americans—will be the worse for it.

Another Minnesotan who was a nuclear-biological-chemical warfare specialist during the war talked about the panic and incorrect use of protective equipment that occurred when there were scud alerts accompanied by CBW alerts. There were soldiers who just couldn't handle the threat of possible chemical attacks. And why should we be surprised? The use of chemical weapons is inhuman and even the perceived threat has to be psychologically damaging. These stories just strengthen my resolve to do all I can to push for ratification of this treaty.

Mr. President, we face a decision between taking a lead role in this effort or standing on the sidelines—this decision should not be difficult for the United States which historically has taken the lead in arms control, seeking agreements that are in the national interest, verifiable, and contribute to world peace. I repeat in the national interest, verifiable, and contribute to world peace. And there is no question in my mind that the CWC fully meets these standards.

To me, it is a great mystery why this treaty is not already ratified. After all, Congress directed in 1985 that all U.S. chemical munitions be destroyed by 1999—since amended to 2004. Subsequently in 1993, the United States became one of the original signatories of the CWC, now awaiting ratification by this body. It would seem that there's nothing so dramatic as waiting until the last minute to make an obvious and sensible decision. This international treaty takes a major step forward in the elimination of the scourge of chemical weapons. As the world's only superpower and leader in the fight for world peace, we must be out front on this convention.

This treaty itself has a very interesting and solid bipartisan history as well as strong popular support, and I am mystified as to why some of my colleagues want to reject a treaty for which we are largely responsible. The CWC was conceived during the Reagan administration, crafted and signed during the Bush administration and further negotiated during the Clinton administration. Former President Bush has continued to proclaim strong support for ratification. Its bipartisan creditials are thus impeccable. Legislators and national security experts from both parties firmly support it. Former Secretary of State James Baker argues that it is outrageous to suggest that either Presidents Bush or Reagan would negotiate a treaty that would harm national security. President Clinton sees the accord as building on the treaty than bans nuclear tests in the atmosphere that President Kennedy signed more than three decades ago. The Senate now needs to complete the weapons-control work to which Presidents Kennedy, Reagan and Bush and Clinton were and have been committed.

By at least restricting the manufacture, sale, and possession of toxic chemicals capable of being used as weapons, the United States makes it more difficult for rogue nations or terrorist organizations to obtain the raw material for weapons. Ultimately, we then better protect our soldiers and civilians. We should help lead the world away from these graveyard gases, and not pretend they are essential to a solid defense. Do we plan to use chemical weapons? No. Then do we lack the courage to lead? I certainly hope not.

Mr. President, according to Secretary of State Madeleine Albright, the United States is the only nation with the power, influence, and respect to forge a strong global consensus against the spread of weapons of mass destruction.

There is also support for this treaty from the armed services. I have the unique perspective of serving on both the Foreign Relations Committee and the Committee on Veterans' Affairs. I know that many veterans organizations support this treaty—VFW, VVA, Reserve Officers Association of U.S., American Ex-prisoners of War, AMVETS, Jewish War Vets to name a few. What better testimony to its value? The treaty will reduce world stockpiles of weapons and will hopefully prevent our troops from being exposed to poison gases. And, for my colleagues who are still not convinced on the merits of the treaty—over three quarters of the American public—as much as 84 percent in a recent poll, favors this treaty.

But why then are there opponents to this treaty? I cannot answer that. I can only say that it is always easier to tear something down than it is to build it. Ask ethnic minorities in Iraq—who were the victims of Saddam's chemical attacks—why there are opponents. Ask Generals Schwartzkopf and Powell why there are opponents. According to General Powell, this treaty serves our national interest—to quote his comments at last week's Veterans' Affairs Committee hearing: "For us to reject that treaty now because there are rogue nations outside the treaty is the equivalent of saying we shouldn't have joined NATO because Russia wasn't a part of NATO." If we don't sign this treaty, there will still be rogue nations. Ask the State Department, the intelligence community, the chemical manufacturers who stand to lose as much as $600 million in sales, why there are opponents to this treaty. And ask our own gulf war veterans who lived with the fear of chemical attack and may now be suffering the effects of exposure to chemicals why there are opponents. They and I will never understand it.

Mr. President, ratification of the Chemical Weapons Convention is crucial to all nonproliferation efforts. If America's message to the world is that the United States is not deeply concerned about the production of weapons of mass destruction, then it will encourage rogue states to either continue clandestine projects or to begin producing these weapons that could imperil U.S. troops in future conflicts. Lack of U.S. resolve on the CWC and the unraveling effect it would have on other arms control treaties, would make it easier for rogue states in two ways: they could more easily acquire chemical weapons materials and more effectively hide their production programs. How can we best protect the future of our children, our soldiers, our trade, our country's position in the world? By ratifying this treaty.

I'm deeply puzzled as to why, when at long last the Senate is on the verge of giving its advice and consent to CWC ratification, we are being asked to consider treaty-killer conditions. Again, I remind my colleague, this treaty has been more than 15 years in the making with two Republican Presidents and one Democratic President involved in negotiating and crafting the final product. It is the result of years of bipartisan efforts. The CWC has been strongly endorsed by former Secretary of State James Baker and former National Security Adviser Brent Scowcroft—both of whom served Republican Presidents. It also enjoys the support of our top commanders during the Persian Gulf war, including General Schwarzkopf, who clearly recognize that it is in our national interest to ratify the treaty.

While I do not question the motives and integrity of my colleagues who support these four killer conditions, it is clear that they are not a result of insufficient Senate scrutiny and debate. In fact, the CWC has been before the Senate since November 1993, when it was submitted by President Clinton. During the past 3½ years, the Senate has held 17 hearings on the treaty and the administration has provided the Senate with more than 1,500 pages of information on the CWC, including over 300 pages of testimony and over 400 pages of answers to questions for the record. It is important to recall that in April 1996 the Senate Committee on Foreign Relations voted the treaty out of committee by a strong bipartisan majority, 13 to 5. Why then, only 1 year later, are we confronting four conditions, any of which will prevent us from ratifying the treaty by April 29 when it will automatically go into effect, and a fifth condition that is unacceptable and would undermine the treaty?

Mr. President, I hope that all of my colleagues realize that the United States will incur serious costs if we don't submit instruments of ratification by April 29. Unless we join the convention now, the United States will be barred from having a seat on the executive council, the key decisionmaking body of the convention, for at least a year and, perhaps, longer. We would thus be precluded from influencing vital decisions to be made by the executive council regarding the detailed procedures that will be followed under the convention. Moreover, sanctions against U.S. companies—the requirement that they obtain end-user certificates to export certain chemicals—will commence on April 29 if we are not a convention party. If we still haven't joined in 3 years, U.S. firms would be subject to a ban on trade in certain chemicals. In addition, U.S. citizens won't be hired as officials or inspectors by the body that will implement the convention until the United States becomes a party to the CWC. And, even more important than these costs to the United States, is the fact that failure to ratify the treaty, which was produced because of U.S. leadership, will have a negative impact on American leadership around the world.

While I will never understand why we have come to such a pass, it is crystal clear to me why we have to move to strike all five of these conditions. Mr. President, permit me to briefly summarize each of the five conditions and to spell out the key reasons why I'm unalterably opposed to them:

CWC condition No. 29 on Russia precludes the United States from joining the convention until Russia ratifies and satisfies other specified conditions. This is a killer condition that would hold hostage our ability to join the CWC to hardliners in the Russian Duma. As the President put it, "this is precisely backwards [since] the best way to secure Russian ratification is to ratify the treaty ourselves." I couldn't agree more with the President, whose position parallels that of Vil Myrzyanov, a Russian scientist who blew the whistle on the Soviet Union's CW program and strongly backs the treaty. In a recent letter to my distinguished colleague, Senator LUGAR, he said "Senate ratification of the convention is crucial to securing action on the treaty in Moscow." Unless, my colleagues join me in striking this amendment, we'll be permitting Russian hardliners to decide our foreign policy, while dimming prospects that Russia—which has the world's largest stockpile of chemical weapons—will ratify the CWC. How can this be in our national interest?

CWC condition No. 30 on rogue states bars the United States from ratifying the CWC until all states determined to possess offensive chemical weapons programs, including China, North Korea, Libya, Syria, Iran, and Iraq, and other states deemed to be state sponsors of terrorism, have ratified. This is a killer condition likely to prevent the United States from ever joining the CWC. If this condition is not struck we would be using the lowest common denominator as a principle for determining our foreign policy. The United States would be placed in the bizarre and embarrassing position of allowing the world's most recalcitrant regimes to determine when we join the CWC, if ever. As former Secretary of State James Baker has said: "It makes no sense to argue that because a few pariah states refuse to join the convention the United States should line up with them rather than the rest of the world." Makes no sense at all, which is precisely why I strongly support striking this condition.

CWC condition No. 31 on barring CWC inspectors from a number of countries such as Cuba, Iran, Iraq, and North Korea, from ever entering the United States as part of CWC inspection teams. This is an unnecessary condition that has the potential to seriously hamstring CWC implementation. To begin with, the United States already has the right under the CWC to bar inspectors on an individual basis each year when the CWC proposes its list of inspectors. If this condition is not struck, it is likely to provoke reciprocity, resulting in other nations blackballing all American inspectors. This would have the perverse effect of undermining one of our main objectives in joining the treaty: to ensure American inspectors take the lead in finding violations. In addition, condition No. 31 would bar inspectors from a country like China even if United States national security might be better served by letting them confirm directly that the United States is not violating the CWC, but fails to require rejection of inspectors from other countries who might be known spies or have a record of improper handling of confidential data. Because of these serious flaws, I urge my colleagues to join me in voting to strike this condition.

CWC condition No. 32 which prohibits the United States from joining the CWC until the President certifies that the parties to the convention have agreed to strike article X and amend article XI. This provision is an outright killer that will prevent the United States from joining the Convention. Clearly the President can't make such a certification prior to April, and likely won't ever be able to do so since the Convention permits a single State party to veto such amendments. Proponents of condition No. 32 wrongly contend that the Convention requires the United States and other parties to share sensitive technology that will assist such countries as Iran to develop offensive CW capabilities.

In fact, Mr. President, neither article X nor article XI have such requirements. Article X, which focuses mainly on assisting or protecting convention member countries attacked, or facing attack, by chemical weapons, provides complete flexibility for states to determine what type of assistance to provide and how to provide it. One option would be to provide solely medical antidotes and treatments to the threatened state. This is precisely the option the President has chosen under agreed condition No. 15 which specifies that the United States will give only medical help to such countries as Iran or Cuba under article X. Moreover, beyond medical assistance, the President has made clear the United States will be careful in deciding what assistance to provide on a case-by-case basis. In sum, there is no valid justification for scrapping article X.

Opponents of the CWC contend that article XI, which addresses the exchange of scientific and technical information, requires the sharing of technology and will result in the erosion of export controls now imposed by the Australia Group of chemical exporting countries, which includes the United States. While this is plainly not the case, the President under agreed condition No. 7 is committed to obtain assurances from our Australia Group partners that article XI is fully consistent with maintaining export curbs on dangerous chemicals. Condition No. 7 also requires the President to certify that the CWC doesn't obligate the United States to modify its national export controls, as well as to certify annually that the Australia Group is maintaining controls that are equal to, or exceed, current export controls.

Mr. President, one final point regarding the Condition's proponents concern that articles X and XI will require technology that will assist other countries to develop offensive chemical weapons programs. Exchanges of sensitive technology and information provided under terms of both articles would be legally bound by the fundamental obligation of treaty article I, which obligates parties never to "* * * assist encourage, or induce, in any, anyone to engage in any activity prohibited to a State party under this convention." This would ban assisting anyone in acquiring a chemical weapons capability.

I strongly urge my colleagues from both sides of the aisle to join me in voting to strike this condition.

CWC condition No. 33 would prohibit the United States from ratifying the CWC until the President can certify high confidence U.S. capabilities to detect within 1 year of a violation, the illicit production or storage of one metric ton of chemical agent. Since this is an unachievable standard for monitoring the treaty, this is a killer condition that would permanently bar U.S. participation in the CWC.

Mr. President, no one can deny that some aspects of the CWC will be difficult to verify, nor can anyone affirm that any arms control agreement is 100 percent verifiable. And, as Gen. Edward Rowny, who was special adviser to Presidents Reagan and Bush, pointed out in the Washington Post any chemical weapons treaty is inherently more difficult to verify than a strategic arms treaty, under which missiles and bombers can be observed by national technical means. For one thing, chemical weapons can literally be produced in thousands of large and small laboratories around the world. But the bottom line is one made succinctly and clearly by General Rowny: "If we are within the CWC, well-trained and experienced American inspectors, employing an agreed set of procedures, intensive procedures, will have an opportunity to catch violaters. Outside the CWC, no such opportunity will exist." I couldn't agree more. As in many other matters, the perfect is not only unattainable but is also the enemy of the good. I hope than many of my colleagues will see this issue in the same light and will join me in voting to strike condition No. 33.

In conclusion, I want to stress that America has always been a leader in international arms negotiations. America should continue this proud tradition of leading the way. We as a nation have the opportunity to be one of the world's leading guardians of the peace through the application of this treaty; we can participate in safeguarding our armed forces, our citizens, our children from the horrors of chemical weapons; we can lessen the likelihood of chemical weapons being used again in warfare.

But to make all this possible, we must have the perspicacity and foresight to grab this fleeting opportunity, this historic moment where we decide to join with other nations to improve the quality of life worldwide and assure a safer, saner world. We have just celebrated Earth Day—and I ask what better way to honor our planet is there than by now ratifying a treaty that will protect and safeguard her people?

Mr. President, there is not a lot of time to go through such an important issue, but I thought I would just draw from some very poignant and personal discussion back in Minnesota that we have had with gulf war veterans.

To quote one of the veterans who himself is really struggling with illness which he thinks is based upon some exposure to chemicals during his service in the war, he said, "This is my plea. Please get everyone to stop using this junk."

I really do think that the more I talk to veterans with their service in the gulf war fresh in their mind, many of whom are ill, many of whom are struggling with illness, who were fine before they served in the war and are not now and want to know what has happened to them, there are two different issues. I have the honor of being on both the Veterans' Committee and the Senate Foreign Relations Committee. One, on the Veterans' Committee, is to get to the bottom of this and make sure veterans get the care they deserve. But the other is when we have such an important treaty, such a historically important agreement which is in the national interest, which is verifiable and which contributes to world peace and helps us get rid of this junk and is so important not only to our soldiers-to-be but also to children and grandchildren, Mr. President, I do not think there is any more important vote that we can make than one of majority support for the Chemical Weapons Convention.

In my State of Minnesota, I know that people are overwhelmingly for this agreement. People are under no illusion. They do not think it is perfect, but they think it is an enormous step forward for all of humankind, an enormous step forward for people in our country, an enormous step forward for people in other countries as well. Since the United States of America has taken a leadership position in the international community, in the international arena, it would be, I think, nothing short of tragic if we now were on the sidelines, if we were not involved in the implementation of this agreement, if we were not involved in exerting our leadership in behalf of this agreement.

I urge full support for this agreement, and I really do think I speak for a large, engaged majority in Minnesota.

I thank the Chair.

Mr. BIDEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. If there is no objection, time will be deducted equally.

Mr. BIDEN. Mr. President, I withhold my suggestion of the absence of a quorum. I yield 7 minutes to my friend from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, today the Senate will vote on the Chemical Weapons Convention. President Reagan began the negotiations on this treaty. President Bush signed it. And President Clinton sent it to the Senate for our advice and consent.

We do a lot of things in this Chamber. Some of them are small and rather insignificant. But we also do some very big and important things and make some big and important decisions. The vote this evening on this treaty is a very significant decision for the people of America and also people around the world.

There are some who have opposed virtually all efforts in all cases to limit arms. They vote against all of the arms control treaties, believing that they are not in our country's best interests. I think they were wrong, and I think they have been proven wrong in a number of areas.

In previous arms control agreements, we have achieved significant success in reducing the nuclear threat against this country. I held up in this Chamber—in fact, somewhere right near this spot—not too many months ago a large piece of metal that I held up from that missile is metal that comes from the scrap heap because the missile does not exist any longer.

In the missile silo that existed, in the hole in the ground in the Ukraine, that hole in the ground which contained a missile with a warhead ensconced in that silo, there is now simply dirt. And in that dirt are planted sunflowers—no missile, no silo—sunflowers.

Now, why are sunflowers planted where a missile was once planted, a missile with a nuclear warhead aimed at the United States of America? Because of an arms control agreement which required that that missile be destroyed. So sunflowers exist where a missile once stood poised, aimed at our country.

Arms control agreements have worked. This particular convention which we will vote to ratify today would eliminate an entire class of weapons of mass destruction.

One could come to the floor of the Senate today and hold up a vial of sarin gas, and if one should drop that vial of gas on this desk and it would break, those in this room might not be leaving the room; they might not survive. If someone came here with a vial and a gas mask and wore the mask and appropriate protective clothing, then they would suffer no consequences.

My point is, who are the most vulnerable in our world when there is a poison gas or chemical weapon attack? The population of ordinary citizens is the most vulnerable. There are armies, if forewarned, that can defend themselves against it, but the mass population of citizens in our countries is extraordinarily vulnerable to the most aggressive poison gas and chemical weapons known to mankind.

There are a lot of arguments that have been raised against this convention, but none of them make much sense. Our country has already decided to destroy our stockpile of poison gas and chemical weapons. We have already made that decision. President Reagan made that decision. We are in the process of finishing that job. The question before the Senate is whether we will join in a treaty ratified already by over 70 other countries, whether we will decide to work to eliminate chemical weapons and poison gas from the rest of the world, to decide that if ever American men and women who wear a uniform in service of our country go abroad or go somewhere to defend our country, they will not be facing an attack by chemical weapons or poison gas.

That is what this debate is about. This is not a small or an insignificant issue. This is an attempt by our country and others to join together to ban an entire class of weapons of mass destruction.

Mr. President, I have spoken several times in this Chamber about the vote that we are to take today. This vote is late. This debate should have taken place long ago, but it did not. We pushed and agitated and pushed and pushed some more to get it to the floor of the Senate because we face a critical end date of April 29.

I commend those who finally decided to join with us and bring this to the floor for a debate, but now as we proceed through several amendments and then final passage, it is important for the future of this country, for my children and the children of the world, that this Senate cast a favorable vote to ratify the treaty that comes from this convention. It will be a better world and a safer world if we do that.

I want to commend those who have worked on this in Republican and Democratic administrations, those whose view of foreign policy is that it is a safer world if we together, jointly, reduce the threats that exist in our world. Yes, the threat from nuclear weapons. We have done that in arms control treaties. Those treaties are not perfect, but we have made huge progress. And now, also, the threat of chemical weapons and poison gas.

I am proud today to cast a vote for a treaty that is very significant, and I hope sufficient numbers of my colleagues will do the same. I hope that the news tomorrow in our country will be that the United States of America has joined 74 other countries in ratifying this critically important treaty for our future.

Mr. President, I yield the floor and I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The time will be divided equally.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Vermont, who has an hour under the agreement.

Mr. LEAHY. Mr. President, I yield myself such time as I may need under the hour reserved to the Senator from Vermont.

Mr. President, today the Senate will exercise its advice and consent authority under article II, section 2, clause 2 of the United States Constitution. We have to decide whether we will advise and consent to the Chemical Weapons Convention that has been the product of negotiations conducted by the Reagan, the Bush and the Clinton administrations. If we advise and consent to it, then President Clinton will be free to ratify the convention. If we do not, of course, he does not have that power to do so.

Last week I did not object to the unanimous-consent agreement by which the Senate is now finally able to consider the Chemical Weapons Convention. I did comment at that time on the manner in which we are proceeding. We have been forced to take the unusual step of discharging this important treaty from the Foreign Relations Committee without the benefit of committee consideration or a committee report. And, what is most extraordinary, is that it is the Republican leadership for the Republican majority that has insisted on this extraordinary procedure.

Last week we were required to discharge the Judiciary Committee from any consideration of S. 495, a bill that was taken up last Thursday with no committee consideration, no committee report, and an absolute minimum of debate. In fact, the Senate was asked to consider a revised, unamendable substitute version of the bill that was not made available to us until that very afternoon. I raised concerns that it might, in fact, serve to weaken criminal laws against terrorism. I daresay at least 90 out of the 100 Senators who voted on S. 495 last week had not read it and probably did not have much idea of what was in it.

I mention this because we have taken a lot of time for recesses this year but we did not come up with a budget on April 15, even though the law requires us to do so. The leadership decided not to bring one before the Senate to vote on. Each one of us had to file our taxes on April 15, or the IRS would have come knocking on the door, but even though the law requires the leadership to bring up a budget bill, none was. I am not suggesting we not bring up the Chemical Weapons Convention now. It should have been brought up last September. But I worry that the Senate is suddenly doing this, launching into issue after issue, not following the kind of procedures that would enable us to really know what we are talking about. I suggest that we should be looking at the way we have done this.

In 1988 I chaired hearings on the threat of high-tech terrorism. I continue to be concerned about terrorist access to plastique explosives, sophisticated information systems, electronic

THE PAPER AND INK USED IN THE ORIGINAL
PUBLICATION MAY AFFECT THE QUALITY OF
THE MICROFORM EDITION.

surveillance equipment, and ever more powerful, dangerous weapons. With the sarin nerve gas attack on the Tokyo subway system 2 years ago, we saw the use of harmful chemicals to commit terrorist acts.

In our Judiciary hearings in 1988, 1991 and 1995, we heard testimony on easily acquired, difficult to detect chemical and biological weapons and explosions. On April 17, 1995, the date of the bombing of the Murrah Federal Building in Oklahoma City, we all learned how easy it is for somebody, intent on terrorism, to concoct a lethal compound out of materials as easily available as fertilizer.

So, for more than a decade I have raised issues about the threats of nuclear, biological and chemical terrorism. I have worked with Members on both sides of the aisle to minimize those threats. We have cooperated on measures included in the Violent Crime Control and Law Enforcement Act of 1994, and the Antiterrorism Act, passed in April of last year. We have concurred on those. Assuming we advise and consent today, and I think now that we will—I think some who wanted to hold it up realize that this is not the kind of posture they want to be in, especially as a party going into elections next year—but, assuming that we advise and consent and the President can ratify it, I look forward to working with Senator HATCH to promptly consider and report implementing legislation that will continue the progress we are making today.

I look forward to hearings in the Judiciary Committee on S. 610, having that committee consider that measure and report it to the Senate before the Memorial Day recess.

I do not expect the distinguished senior Senator from Utah, chairman of the Judiciary Committee, to bottle up this measure or to deny the Senate the benefit of our committee's views. I am going to try to get something approaching regular order. We have not on anything else yet this year, but maybe on this issue we could.

We have had the Chemical Weapons onvention before us since November 93. As the April 28, 1997, deadline ap- oaches—after which our lack of rati- tion risks economic sanctions nst our chemical industry that d actually cost U.S. chemical com- es hundreds of millions of dollars— e the Republican majority will with the President and ratify it, llow him to sign this treaty. I un- nd all Democrats will vote for it. enough Republicans will, too.

ct, our good friend and former e. Senator Bob Dole, endorsed on yesterday. I hope others oing to follow him, because, e are deciding whether the es will be a member of a oes into effect on April 29, out us. No matter what we do on the floor of the Senate, this treaty goes into effect on April 29. If we do not advise and consent, the United States will be left on the outside of the world community, with states like Iraq and Libya, which have refused to become parties to this important arms control measure. It is a fascinating situation, Mr. President. If we do not advise and consent, we can say we are standing shoulder to shoulder with Iraq and Libya because we did not join the chemical weapons treaty. This is one of the most ambitious treaties in the history of arms control. It bans an entire class of weapons, which have been one of the great scourges of the 20th century. In fact, this, along with antipersonnel landmines, have been among the greatest scourges of 20th century warfare. This treaty prohibits a full spectrum of activities associated with the offensive use of chemical weapons, including the development, production, acquisition, stockpiling and assistance to anyone engaging in these activities.

The convention creates a comprehensive verification regime which makes it easier to detect and monitor emerging chemical weapons threats. The vigorous verification procedures established in this treaty will help deter countries from developing chemical weapons, and will make it more likely that cheaters are detected. Those nations that do not ratify it, and we could be among them, will be subject to trade sanctions. Nonparticipating nations will also face increasing international pressure to comply, as their number dwindles to an unsavory few. I hope the United States will not be one of those unsavory few.

In the last day, I have heard preposterous statements from the Senate floor about what damage this treaty will do to our national security, about what a burden it will be on American business—the same businesses that are hoping that we will advise and consent to it; about how rogue states will suddenly produce unconstrained amounts of chemical weapons to use on our soldiers. Others eloquently exposed these charges for what they are: flat-out false.

What this debate is really about is how we monitor the rest of the world to ensure the use of these weapons is deterred and minimized. For we all know, the United States by law is committed to destroying our own chemical stockpiles by 2004. We are doing this because we know that these weapons have limited military utility and because civilized people around the world agree their use is morally wrong. And the United States is not going to use them.

So, how do we encourage other states to do what we are going to do anyway? Should we go at it unilaterally or multilaterally? Do we want American inspection teams to mount short notice inspections of potential violators or not? Do we want international penalties to apply to those who flout this treaty or not? Are we safer if the Russians destroy their 40,000 tons of chemical weapons, or not? Do we join with the 74 nations who have ratified this treaty, and the 162 countries that have signed it, or not? Or, does the United States, the most powerful nation in the history of the world, choose, somehow, to go it alone, with all the problems that would entail?

Let us not forget that the United States had a primary role in designing and shaping this treaty, from the time it was first proposed by President Reagan. In recent weeks, the ranking member of the Foreign Relations Committee, working in concert with the Clinton administration, has worked very hard to address the concerns that some Members of this body have. Yesterday we passed 28 declarations to the resolution of ratification that provide even greater protections to U.S. business, and our soldiers, and those who are concerned about constitutional violations.

Shortly, we are going to vote to strike five other conditions that opponents of the treaty say are necessary to address their concerns. I hope that, rather than addressing their concerns, we address the concerns of the United States. Those five conditions should be seen for what they are, treaty killers, designed by those who have no desire to see us participate in this treaty, no matter how many modifications we make.

I want to speak briefly about two of the amendments. The distinguished chairman of the Foreign Relations Committee, Senator HELMS, has been very insistent on them. They are important with respect to this treaty, and also with respect to the issue of antipersonnel landmines. That is a matter of special importance to me.

Proposed condition 29 would, among other things, prohibit the United States from ratifying the treaty until Russia has done so. Proposed condition 30 would prohibit the United States from ratifying the treaty until all States having chemical weapons programs, including China, North Korea, and Iraq, have ratified the treaty. In other words, we would say that China, North Korea, and Iraq would determine the timetable for the United States. Can you imagine that in any other context? We would be screaming on this floor. Of course we would not allow that to happen. These conditions would effectively prevent the United States from ratifying the Chemical Weapons Convention and allow the world's most recalcitrant regimes to decide the rules of international conduct.

To its credit, the administration strongly opposed these amendments. It argues, and I agree, that we should ratify the treaty even before Russia does, and even assuming that rogue States like Iraq and Libya and North Korea do not. In other words, even if these other nations which could easily produce chemical weapons do not join the treaty, the United States should still do so. Why? Because, by ratifying the treaty we isolate the rogue nations, we make it harder for them to produce and use chemical weapons. And, were they then to do so, if all of us had joined in this convention and they moved outside the convention, they would suffer international condemnation and sanctions.

In support of this argument the administration has turned to some of our most distinguished military and national security leaders. Let me quote what they are saying about linking our ratification to Russia's or to the actions of such nations as China and Iraq.

Gen. Brent Scowcroft and former CIA Director John Deutch say:

> [U.S. failure to ratify] gives Russia—which has the world's largest stock of chemical weapons—an easy excuse to further delay its own accession to the CWC.

Former Secretary of State James Baker says:

> [S]ome have argued that we should not contribute to the treaty because states like Libya, Iraq and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true. But the convention . . . will make it more difficult for these states to do so. . . . It makes no sense to argue that because a few pariah states refuse to join the convention, the United States should line up with them, rather than the rest of the world.

Secretary of Defense William Cohen says:

> [T]he CWC will reduce the chemical weapons problem to a few notorious rogues. . . .

And last, but certainly not least, Gen. Norman Schwarzkopf has said:

> We don't need chemical weapons to fight our future wars. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I'd just as soon not be associated with those thugs in that particular battle.

I agree with General Schwarzkopf. I do not want to have the United States lumped in with Libya and North Korea on the CWC.

By ratifying the treaty, we and the overwhelming majority of nations establish the rules by which the conduct of nations is measured.

Will some nations violate the treaty? Perhaps. But that is no more reason to oppose ratification than it would be to oppose passage of other laws outlawing illegal conduct. We pass laws all the time, criminal laws in this country, and treaties, that say what shall be a crime or a violation of the treaty. We do not withhold passing them because somebody might break that law. It is one of the main reasons we do pass a law, to try to deter unacceptable conduct.

And by isolating the rogue nations, we pressure them to refrain from producing or using chemical weapons. When they tire of being branded outlaws, they may even join in ratifying the treaty and complying with it themselves.

The arguments we hear on the floor from some today in opposition to this also apply to the Nuclear Test Ban Treaty. Not all nuclear powers are signatories to that treaty. But the effect of the treaty is a powerful disincentive on any state, signatory or not, from testing nuclear weapons. We know there are some countries today that have nuclear weapons. They have not signed the Nuclear Test Ban Treaty, but because the major countries have, it limits their own scope of activity.

These treaties were the subject of many, many years of negotiations, negotiations that went nowhere until the United States said that it would renounce the use of chemical weapons, and stop nuclear testing. And once the United States said that, then negotiations were pursued vigorously. The treaties were signed within a few years time.

I commend the administration and other proponents of the CWC for arguing so strongly and effectively in favor of ratification. The President has made the case very, very well, and members of his administration have too.

I would say with some irony though, this is precisely the argument that I have been using on antipersonnel landmines. I could repeat verbatim what the President, the White House staff, the Secretary of Defense, General Schwarzkopf, and former Secretary Baker have said. These arguments apply lock, stock, and barrel to the problem of antipersonnel landmines. We all want Russia and China to be part of a treaty banning antipersonnel landmines. But that is not going to happen any sooner than Iraq is going to sign the chemical weapons treaty.

Their failure should not be used as an excuse for the United States not to sign a treaty banning antipersonnel mines when 100 other nations, including many that have produced and used landmines or have been devastated by their effects, are ready to sign such a treaty.

When the administration on the one hand says we have to go forward with the Chemical Weapons Convention—and I agree—even though some countries, the worst ones have not yet joined, it is unfortunate that the administration then turns around and says we cannot do the same thing with antipersonnel landmines until everybody joins in.

No treaty is universal. In fact some treaties have taken effect with only 20 signatories. But by establishing the international norm, the rogue nations are isolated and pressure builds on them to sign. And that is the only way.

So I ask, Mr. President, why does the administration argue one way on chemical weapons but not follow through on its argument when it comes to antipersonnel landmines? Landmines are just as indiscriminate.

Why, when many more American soldiers and many more innocent civilians, Americans and others, have been killed and horribly maimed by landmines than by chemical weapons?

The reason, of course, is we pushed for the Chemical Weapons Treaty because we have already renounced our own use of chemical weapons, just as we pushed for the Test Ban Treaty because we had renounced our own nuclear tests. But we have not yet renounced our use of antipersonnel landmines.

If we did do so, if the United States were to renounce its use of antipersonnel mines, as so many other nations have done, including many of our NATO allies, I guarantee that the administration would make exactly the same arguments in support of a treaty banning those weapons as it is making in support of the CWC.

They would say that we should not allow Russia, China, and others to decide what the rules of international conduct should be. They would say it makes absolutely no sense that because a few pariah nations refuse to join a landmine ban the United States should line up with them rather than the rest of the world. And they would say that a treaty banning antipersonnel landmines would reduce the landmine problem to a few notorious outlaws and make the world safer for all its people. These are the arguments they made on the Chemical Weapons Convention. They are right. They also would be right in making these same arguments in support of a treaty banning antipersonnel landmines.

In fact, Mr. President, in a letter to the New York Times today by Robert Bell, the Senior Director for Defense Policy and Arms Control, National Security Council, Mr. Bell wrote:

> We will be in a much stronger position to make sure other parties to the Chemical Weapons Convention do the same if we are inside, not outside a treaty.

Mr. President, I ask unanimous consent that that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 24, 1997]

U.S. WOULD BENEFIT FROM CHEMICAL TREATY

(By Robert G. Bell)

To the Editor:

Re A.M. Rosenthal's "Matter for Character" (column, April 22), on the Chemical Weapons Convention, which the Senate will vote on April 24:

Mr. Rosenthal says that Article 10 of the treaty should be a "deal breaker" because it allegedly would give "terrorist nations" access to defensive technology that would help them evade the defenses of responsible states.

Only countries that have joined the Chemical Weapons Convention, renounced chemical weapons and destroyed their stockpiles

> can request defensive assistance—and then only if they are threatened with or under chemical attack. Further, President Clinton has committed to the Senate in a binding condition that the United States will limit our assistance to countries of concern, like Iran or Cuba—should they ratify and comply with the treaty—to emergency medical supplies.
>
> And we will be in a much stronger position to make sure other parties to the Chemical Weapons Convention do the same if we are inside, not outside a treaty that will compel other nations to do what we decided to do years ago: get rid of chemical weapons.

Mr. LEAHY. I agree with Mr. Bell, and I know he worked tirelessly on the CWC. But unfortunately, Mr. Bell, who I am sure is well motivated, has not been willing to apply that same argument to antipersonnel landmines. The Vice President will not apply that argument. Many of the same people who are up here arguing for the Chemical Weapons Convention make one argument for the Chemical Weapons Convention and turn that argument completely around when it comes to antipersonnel landmines even though we face a grave danger, every day, from antipersonnel landmines.

There are 100 million of antipersonnel landmines in the ground in 68 countries, where every few minutes somebody is maimed or killed by them. This is, in many ways, a greater danger to innocent people than chemical weapons. And I wish the administration, I wish Mr. Bell, I wish the Vice President, I wish others who have not made their same arguments on antipersonnel landmines that they do on chemical weapons will reconsider. Because, like chemical weapons, antipersonnel landmines are weapons we do not need.

What we do need are defenses against them, because, like chemical weapons, they are easy and cheap to produce. They pose a grave threat to our troops. They are the Saturday night specials of civil wars. They kill or maim a man, woman or child every 22 minutes every day of the year. They are aptly called weapons of mass destruction in slow motion. In fact, they are the only weapon where the victim pulls the trigger. They are a weapon where one Cambodian told me, in their country they cleared their landmines with an arm and a leg at a time.

I am proud to support the President, the Vice President, and the rest of the administration on the Chemical Weapons Convention. But I hope that they will soon take the same position on antipersonnel landmines and say, let us bring together the like-minded states—and there are many who are ready to join in a treaty to ban them, join with them, and then put the pressure on the other countries like Russia and China and so on who will take longer to do it.

If American children were being torn to pieces every day on their way to school, or while playing in their backyards, we would have made it a crime long ago. It is an outrage that should shock the conscience of every one of us.

So I am going to vote to advise and consent to the Chemical Weapons Convention so the President can ratify it and to exert the leadership necessary to help rid the world of the scourge of chemical weapons. I look forward to ratification and to the implementation legislation to make the treaty a reality.

And I will also continue to work to convince the administration this is the kind of leadership we need if we are to rid the world of antipersonnel landmines—a scourge every bit as horrifying as chemical weapons, frankly, Mr. President, a scourge that is killing more people today and tomorrow and last year and next year, and on and on, than chemical weapons. We should be leading the world's nations to end the destruction and death caused each day by landmines, not sitting on the sidelines.

I will conclude, Mr. President, by quoting from a letter to President Clinton signed by 15 of this country's most distinguished military officers, including Gen. Norman Schwarzkopf; former Supreme Allied Commander John Galvin; former Chairman, Joint Chiefs of Staff, David Jones, and others. They said:

> We view such a ban [on antipersonnel landmines] as not only humane, but also militarily responsible.

I quote further:

> The rationale for opposing antipersonnel landmines is that they are in a category similar to poison gas. . . . they are insidious in that their indiscriminate effects . . . cause casualties among innocent people. . . .

They said further:

> Given the wide range of weaponry available to military forces today, antipersonnel landmines are not essential. Thus, banning them would not undermine the military effectiveness or safety of our forces, nor those of other nations.

Mr. President, every single argument the administration has made in favor of us joining the Chemical Weapons Convention could be made to ask us to go to Ottawa to sign a treaty banning antipersonnel landmines. Because by doing that, we would have 90 percent of the nations of this world pressuring the remaining 10 percent, and that pressure would be enormous.

I reserve the balance—

Mr. President, how much time is remaining to the Senator from Vermont?

The PRESIDING OFFICER. Twenty-seven minutes.

Mr. DODD. May I inquire, Mr. President, from the Senator from Vermont, there are a couple of us here who have requested some time. In fact, I know my colleague from California has made a similar request. My colleague from Maryland also has. I ask if our colleague from Vermont would be willing to yield us some time off his time. We could make some remarks and maybe expedite this process.

Mr. LEAHY. Mr. President, I intend to be speaking again further on this. I have 27 minutes remaining.

The PRESIDING OFFICER. There is a correction of the time. You actually have 32 minutes left.

Mr. DODD. I needed 10 minutes.

Mrs. BOXER. If I could have 7 minutes, I would ask the Senator.

Mr. LEAHY. I will yield 10 minutes to the Senator from Connecticut, 7 minutes to the Senator from California, and withhold the balance of my time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much.

I appreciate my friend from Connecticut allowing me to proceed. I may not use the full 7 minutes. I will try to be very concise.

Mr. President, I rise in strong support for ratification of the Chemical Weapons Convention. And I base my support on four main facts.

First, the Chemical Weapons Convention is in the national security interests of the United States of America because it reduces the likelihood that American soldiers or civilians will ever face a chemical weapons attack.

We should not lose sight of why this is so important. The effects of chemical weapons are so barbaric, so devastating, that we must do all we can to ensure that they are never used again.

Chemical weapons are among the most horrible devices ever conceived. If they do not kill their victims instantly, chemical weapons invade the respiratory system making it unbearably painful to breathe. When chemical weapons were used in Iraq by Saddam Hussein, against the Kurds, eyewitnesses reported that the pain was so great that many victims submerged themselves in nearby rivers to escape the spreading gas.

Mr. President, we are a civilized Nation here. We must do all we can to prevent this torture. And approving the CWC is a major step. I know many of my colleagues had questions. I know that Senator BIDEN and others have worked tirelessly to address those problems. And I feel what we will have before us, if we defeat the killer amendments, the five killer amendments, will lead us to a far more civilized world.

All signatory nations of the CWC agree never again to manufacture chemical weapons, nor to use them in war. They agree to destroy all existing stockpiles of chemical weapons. They agree to allow inspections of chemical plants to verify that no weapons are being manufactured illegally.

To those who say there are some nations who may not sign on, we know that is so. I will say this: If we sign this treaty and we are a party to it, it will be far more difficult for nonsignatory nations to develop chemical weapons. This is the case because rogue states will find it far more difficult to import the raw materials and manufacturing equipment they need to develop chemical weapons.

Another reason, the second reason: If the United States fails to ratify the convention, it will still go into effect, but it will be weaker. It will be weaker because many nations will stay off this treaty and, therefore, there will be fewer who are actually bound by it. Also, our inspectors will not be on the team to go and search for possible CWC violations. Our inspectors are among the best in the world, and they will give us confidence as to the true state of chemical weapons production. Why would we want to stay off a treaty that will go forward that will not have our inspectors on those teams?

Third, failure to ratify will hurt American business. The CWC imposes trade sanctions against nonsignatory nations that limit the ability of their chemical industries to export many of their products overseas. It could cost our companies hundreds of millions of dollars every year. Now, opponents say that the CWC would impose additional regulations on an already heavily regulated industry, our chemical industry. They argue the convention will result in vast new compliance costs. But when you take the compliance costs of $250,000 to $2 million for the entire industry, that is a small price to pay compared to the hundreds of millions of dollars that would be lost if sanctions were imposed.

The vast majority of the chemical industries strongly supports the CWC. U.S. chemical companies advised the Reagan and Bush administrations throughout the original CWC negotiations. Leading U.S. chemical trade associations support the CWC. They know the costs of compliance are small and the risks to industry are great if we fail to ratify.

Fourth, failure to ratify will undermine our credibility, America's credibility, in the world. Imagine a treaty that was brought forward by Ronald Reagan, continued toward the goal line by George Bush, and now a Democrat President, following a legacy of those two Republican Presidents, wanting to take this over the goal line, and suddenly we are going to back off. It seems to me our credibility is absolutely at stake here. I believe we should not back away from this treaty. We should pass it and defeat the killer amendments.

Mr. President, to those who raise all sorts of flags about this treaty, we should understand this: We could always exercise our right to withdraw from the convention on 90 days' notice. This right to withdraw is guaranteed to all signatory nations by article XVI of the CWC.

Mr. President, in closing, I thank the Senator from Vermont for his generosity, and my friend from Connecticut. I join with them. The CWC is in our national interests. It will enhance national security, protect American jobs; it will help maintain our position of global leadership; and, my friends, most important of all, it really will protect the world from the most horrible, horrible weapons of our time.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Thank you, Mr. President. I thank my colleague from Vermont for his generosity in yielding time.

Mr. President, yesterday I included some extensive remarks in the RECORD regarding the overall treaty. I let those remarks speak for themselves today.

First, I begin by commending our colleagues, the chairman of the Foreign Relations Committee, Senator HELMS; the ranking Democrat on the committee, Senator BIDEN; the majority leader, Senator LOTT; and the minority leader, Senator DASCHLE, for working out the arrangements of this treaty so we can come up for a vote prior to the April 29 deadline.

Let me also say, Mr. President, while there are disagreements—and there will be over the ultimate decision of whether or not to support the treaty—I think the debate and the process we have gone through has been healthy. I suspect those who are deeply involved in the workings of this treaty have improved it. So I commend all of our colleagues for the work they have done on this particular effort. I think it is how the Senate of the United States ought to conduct its business when it comes to matters dealing with obligations to commit our country for many years to come. It was no mistake that our Founding Fathers required supermajorities to commit this Nation to international arrangements, and the fact that we require supermajorities for treaties, I think, is worthwhile.

Mr. President, I want to focus my attention, if I can, on the first amendment that will be raised here. The amendment will strike a condition in the treaty that has been included by Senator HELMS. I am going to oppose condition 30, which I believe will be the first vote we will cast. This is the rogue states condition. I will explain what that means and express why I think it ought to be struck from this treaty in the brief time I have available to me.

Mr. President, we must ask only one question today. We must ask: Is this treaty in the best interests of our country? That is our obligation as Members of the U.S. Senate. That is the question which we must address. This condition 30, the rogue states condition, I think, is not in the best interests of the United States. I think it would prohibit the United States from ratifying the Chemical Weapons Convention. It would prohibit us, of course, from ratifying the convention until nations such as North Korea, Libya, Syria and Iraq ratify the treaty.

More than any of the other conditions we will vote on, Mr. President, later today, this condition would delay indefinitely, in my view, the ratification of this treaty. The so-called rogue states condition would force the United States of America to wait until all of the pariah states of the world ratify before we, ourselves, would accept the treaty that we, ourselves negotiated.

There is a reason, Mr. President, that we use the words rogue and pariah to describe these countries such as North Korea, Libya, Iran. These are the nations that are the loners in the international arena and who routinely disregard international opinion in pursuing their own interests. These rogue nations, these renegade nations, have never given weight to world opinion. There is no reason to expect that they will have a change of heart any time soon. Waiting for these rogue states to accept this treaty is literally like waiting for Godot.

Let it be known, then, that a vote against striking this condition is, in my view, without any question whatever, a vote to prohibit U.S. participation in the Chemical Weapons Convention. If we include, Mr. President, this condition 30, the rogue states condition, we might as well include a condition that requires ratification by every single nation on Earth before we ratify, for these are, indeed, the very last nations that would ever accept this treaty. That is because these nations, these rogue nations, fear this treaty and the international determination that it demonstrates.

Our country, Mr. President, has decided unilaterally to destroy its aging chemical weapons stockpile by the year 2004. That is a decision we have already made. Regardless of what other nations do, we have decided to take ourselves out of the chemical weapons business unilaterally, and yet the assumption under this faulty condition is that we must not disarm until other nations with chemical weapons or chemical weapons capability disarm as well.

We must be clear, Mr. President, that having agreed, ourselves, to destroy our chemical weapons, this treaty deals with whether or not we can act with the backing of the world to bring other nations to do the same. As Secretary Albright has said very simply, "This treaty is about other nations' chemical weapons, not our own." We will destroy, Mr. President, our weapons because they are no longer needed. So this idea that we must wait for other nations to ratify this treaty, I believe, is fatally flawed.

This convention would establish an international norm that will allow us to pressure rogue states who decide they would rather keep and enhance their chemical weapons stockpile. On the basis of what we now know about the Persian Gulf war, that many thousands of this Nation's troops may have been exposed to chemical agents, we must not pass up the chance, in my view, to establish a norm that would have made it far more difficult for Iraq to have the weapons in the first place. Remember, Mr. President, there is no law that bars a nation from building, stockpiling, upgrading, or transferring their chemical weapons. In fact, when Iraq used chemical weapons against the Kurds, as heinous an act as it was, the Iraqis did not even violate the Geneva Protocol because they did not use the agents in an international conflict.

What we need today, Mr. President, is a new agreement. This convention goes much farther in establishing a basis for international action against chemical weapons themselves.

I further object, Mr. President, to this rogue states condition because we should not allow our foreign policy decisions to be dictated by rogue states—by a Libya, a North Korea, and an Iraq. Let us remember that the negotiating teams of President Reagan and President Bush anticipated the likelihood that rogue nations would not accept this treaty. That is why President Reagan's and President Bush's teams included sanctions, when they wrote this treaty, against nations that remained outside of this treaty. This condition 30, the rogue states condition, insults those negotiating teams that worked so hard and with such great foresight on this very treaty. It assumes that they were so shortsighted that they did not anticipate that rogue nations would oppose it. That is not the case. The truth, again, is that the negotiators knew very well that these rogue nations would look upon this treaty as something that they would have to oppose, so we and other nations demanded that these renegade nations be penalized.

How ironic it is, Mr. President, that unless the United States strikes this rogue states condition, we now will be penalized ourselves. Germany, I point out, has already indicated its intent to impose the sanctions against nonparticipants that this treaty mandates.

Let us be aware, Mr. President, we live in a new world. Scholars use the words "multipolar" and "post-nationalist" to describe today's world. Other nations are increasingly capable of taking action without our leadership, regretfully I might add. Those who think this treaty will not go into effect without our ratification are thinking of an older world, of the days when the United States declined to participate in the League of Nations and it failed as a result. Mr. President, that was over three-quarters of a century ago. Let me assure my colleagues that to the extent we isolate ourselves today, our country will pay a price tomorrow.

The question before us this hour with this condition that will come up shortly, is, will we allow a group of rogue, renegade nations to disengage the United States from the international community on this issue of chemical weapons?

Mr. President, when this Nation allows itself to be held back by the shortsightedness, the evil of other nations, we make a huge mistake indeed. President Reagan did not wait for other nations when he took the first step forward on the matter of chemical weapons by declaring that the United States would unilaterally destroy its chemical weapons stockpile. President Reagan did not wait for other nations when he initiated negotiations to ban chemical weapons from this Earth. President Bush did not wait for other nations to sign this treaty. Presidents Reagan and Bush did not follow others in making those critical decisions. We led, as great nations must, and others have fallen in behind us. Our Nation set the example. Now it is time for us to set the example once again.

Finally, Mr. President, we must keep in mind that opponents of this treaty argue both sides of the issue. On the one hand, they argue that rogue states will reap great benefits from the technology and intelligence available to them as participants in this treaty.

That argument assumes that these nations can't wait to participate in this treaty. Yet, on the other hand, this condition that we will vote on assumes that rogue states will avoid participating in this treaty.

If parties to this treaty pick up such a technological advantage, why aren't these rogue nations crawling over themselves to ratify the treaty? They should be the first in line if that is the case. Why then do we need this condition?

The truth is, Mr. President, that rogue nations fear this convention and this treaty. Waiting for them to ratify is absurd. No one expects them to ratify, so we should at least become a party to a treaty that will severely restrict the flow of chemicals to those nations, rather than assisting them by a reluctance to move forward.

Mr. President, I urge the adoption of the amendment to strike, and I urge the adoption of the treaty itself.

I yield the floor.

The PRESIDING OFFICER. The chair recognizes the Senator from New Mexico and asks, who yields time?

Mr. BIDEN. Mr. President, I yield 7 minutes to my friend from New Mexico.

Mr. DOMENICI. Mr. President, first let me say that I believe the Senate has done itself proud with reference to the debate and participation of our Members in this series of debates and discussions regarding this treaty. When you add to it the closed session we had today, I think every Senator has had an ample opportunity to thoroughly understand this situation. I believe when the day ends and you have heard all of that, the overwhelming majority of the U.S. Senators are going to vote to ratify this treaty. I believe they are going to do that not because it is perfect, but because the world is better off and we are better off if we have this treaty than if we don't.

Having said that, while the world has set about to perfect chemical weapons, there is nothing new about this. In fact, I can remember, as a very small boy, a great uncle who was a totally disabled American veteran. He was an Italian immigrant taken into the First World War. He served in the U.S. Army, and he was the victim of mustard gas. In that war, the Germans used mustard gas, a chemical weapon on the front, on the lines. Many Americans received toxic doses. In fact, this great uncle of mine, as I indicated, collected veteran benefits for his entire life for a total disability because of the mustard gas being used in World War I.

Science has perfected weapons beyond mustard gas, and the world lives under three scourges today. One is the possible proliferation of nuclear weapons; another is the proliferation of chemical weapons, and the third is the proliferation of biological weapons. Now, we have attempted in the past, starting with President Eisenhower, to do something about the proliferation of nuclear weapons. While we haven't succeeded in totality, we have clearly succeeded beyond anything men of that day thought. It was not perfect. There were those who wanted to argue about it because it was not perfect, but we could not have ended an entire era without Atoms for Peace and everything that came with it. Having said that, let me suggest that we probably won't find a way to enter into an international treaty on biological weapons. They are principally weapons of terrorists.

Let me talk about this treaty and tell the Senate in my own way why I am for it. First of all, I think it is an imperative. Even though it was said before, I say this one more time. Frankly, the reason this treaty exists is because we are trying—the United States of America—to set in motion in the world a security and arms control treaty, and the overreaching question is: Will we be better off or worse off if we commit to its terms?

Now, this is not a treaty that is going to prevent terrorists from using chemicals as weapons if they see fit. This is more of a treaty that addresses itself to the military use of these kinds of drastic weapons. Now, it is not perfect, but let me suggest the second principle that everybody should know, including those Americans who worry about this treaty: America has already committed to totally destroying all of its chemical weapons. President Ronald Reagan, many years ago, said, let's get rid of one kind of weapon, leaving only one left over. President Bush also agreed to get rid of them. America is now on a path to get rid of them in 10 years. All of this discussion has not changed that. So when we talk about the dangers to America, it should be understood that we have already decided that on our own. We want to get rid of them either because we think that is in our best interest—I would assume that is the case—and/or we think it is better for the world that we not have any because we think the world may follow our example.

Having said that, it seems to me that, with the United States having agreed to destroy all of their weapons of this type, we ought to look at the treaty and ask, is it apt to work its will on the rest of the world quicker and better than if we didn't have it? In everything I hear, everything I have read, in discussions with scientists that worked on it, including some of the top scientists who negotiated this agreement, they have all said that, even with its defects, the CWC is more apt than not to bring the rest of the world to the same conclusion that America has come to. They support that we might get to a point where there are none of these weapons around sooner rather than later if we have this treaty, as compared with no treaty.

There are all kinds of nuances that one can talk about as you look at something as complicated as this. But I think, fundamentally, the issue is: what is best for the United States after we have committed to destroy our chemical weapons, is it better that we have the treaty or not? From everything I can tell, the 28 conditions that have been agreed upon are good clarifying language and many contain protections to our private property rights that we may have assumed early on would not be violated. But then we got concerned with the CWC and properly so. Now, there is going to be some judicial process to be required before inspections can occur. I believe we now will protect private facilities as well as public facilities like our national laboratories through requirements for search warrants as part of the language that Senator HELMS agreed on with our staff.

In summary, it seems to this Senator that if we join with other countries and begin moving to implement this treaty, that we are better off with it than without it. Will it be difficult to get everyone in the world to agree with our position—the civil position of moral, decent leaders? I am not sure. But the question is, will it be any easier, or are we apt to succeed better, without the treaty? I am convinced that such is not the case.

Now, Mr. President, there are so many Senators to thank, but I say to JON KYL, whose position I don't agree with, that I don't believe anybody has done a better job on something as complicated as this since I have been in the Senate, which is now 25 years. I compliment him for that.

I yield the floor.

Mr. BIDEN. Mr. President, I yield 5 minutes to the distinguished Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. SARBANES. I thank the able Senator from Delaware, and I commend him for his extraordinary leadership with respect to the Chemical Weapons Convention. I know personally of the time and effort he has devoted to this cause. We are all in his debt.

Mr. President, it is now less than a week before a landmark treaty—one which the United States led the world in negotiating—goes into effect internationally. The Chemical Weapons Convention, signed by President Bush on January 13, 1993, has now been ratified by 74 countries. The eyes of the world are upon the United States as we decide whether or not to join them.

It would be a major mistake if this treaty were to go into effect without us. Worse yet, if we fail to ratify, we could be jeopardizing our best chance to eliminate the chemical weapons that some day would be used against us.

This is a treaty that was advanced, negotiated, and signed by Republican Presidents, with the encouragement, in 1989, of some 75 U.S. Senators. What a mistake it would be if the Senate were to forfeit this opportunity to protect American security, promote American interests and preserve American leadership.

If we fail to ratify the CWC, we will have done just that. If the Senate does not approve this historic treaty, our economic and security interests will suffer. Despite widespread and continuing bipartisan support for this treaty, despite support from some of our Nation's outstanding military leaders—such as General Shalikashvili and former Chairmen of the Joint Chiefs of Staff Colin Powell, Admiral Crowe, General Vessey, and General Jones—some of my colleagues argue that this convention does not serve our security interests.

The Chemical Weapons Convention is an unprecedented international agreement designed to eliminate an entire class of weapons of mass destruction. Unlike earlier protocols that prohibit only the use of chemical weapons, this convention aims at stopping their production, transfer, and storage by providing incentives for participation, verification of compliance, and penalties for violation. The United States is the only major industrialized country not to have ratified it yet. Our participation is critical to its ultimate success.

This convention will not make the threat of chemical weapons automatically disappear from the face of the Earth. But it will constrain their proliferation and make it harder for rogue regimes and terrorists to gain access to them. By increasing the legal, moral, and financial costs of acquiring chemical weapons, it will deter covert chemical weapons programs and increase the likelihood they will be discovered.

There are three major reasons why this treaty will serve American interests and why a failure to ratify it could have severe repercussions.

First, the convention requires other nations to do something we already plan to do—destroy chemical arsenals. Under a law first signed by President Reagan, the United States will eliminate our current stockpile of chemical weapons by the year 2004, independent of what happens in this treaty. Our own military thinks that is a wise thing to do, even on a unilateral basis. The convention will simply ensure that others do the same.

In other words, this is not a debate over eliminating our own chemical weapons. We are already programmed to do so. This is a question of whether we can establish a regime that will require other countries to destroy their chemical weapons and stop building new ones. That is why Admiral Zumwalt had stated, militarily, this treaty will make us stronger.

It is not enough, however, to ask other nations to ratify the treaty. We must do so ourselves. Today, we have an opportunity to lead the world in abolishing these terrible weapons, rather than providing others with an excuse not to do so. If we do not adopt this treaty, or if we add crippling amendments, we will have single-handedly undermined the hope of ridding the world of this deadly scourge and of reducing the threat to our own citizens.

The second major reason to ratify this treaty is that it will provide us with better information about what other countries are doing in the realm of chemical weapons. We know the verification regime is not perfect. The verification regime is never perfect in any treaty. There may be states that try to cheat on this agreement and others that refuse to sign it. But if we are party to the treaty, we will have an opportunity to investigate and sanction potential violations. We will take part in the organization established to monitor implementation, and we will help enforce its rules and procedures. As former CIA Director James Woolsey noted, "We will know more about the state of chemical warfare preparations in the world with the treaty than we would know without it."

Moreover, once we ratify the treaty we will be in a better position to do something about noncompliance. The CWC throws the force of world public opinion behind the identification and exposure of violators. Any violations that are discovered will be made widely known and receive universal condemnation. We will be able to punish violators through multilateral action, rather than going it alone, or trying to convince the world that our suspicions are correct without revealing our intelligence sources. As former Secretary of State Christopher explained, "By ratifying the Convention, we will add the force and weight of the entire international community to our efforts."

The third reason we must ratify this treaty is that a failure to do so will put U.S. chemical manufacturers at a serious competitive disadvantage. Once the CWC enters into force—which will happen next Tuesday, with or without U.S. participation—chemical manufacturers in countries that have not ratified will find themselves faced with international economic sanctions. These companies will be required to obtain end-user certificates for the sale of certain chemicals abroad, and after 3 years, they will not be able to export those chemicals at all. The United States will be treated on a par with rogue states, who will no longer be trusted to conduct normal, commercial trade in chemicals.

These dismal scenarios were certainly on the minds of the chief executives of 53 of the Nation's largest chemical firms last August, when they expressed their concern in a joint statement, warning: "Our industry's status as the world's preferred supplier of chemical products may be jeopardized if the United States does not ratify the Convention. If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs." American chemical companies have indicated a willingness to comply with inspections under the treaty because they are not conducting illegal activity, and because they helped to design the treaty's inspection regime so that it would not threaten legitimate business secrets or compromise proprietary information.

Earlier this year, President Bush reaffirmed his support for ratification, telling reporters the treaty should transcend partisanship. "I think it is vitally important for the United States to be out front, not to be dragged, kicking, and screaming to the finish line on that question. We do not need chemical weapons, and we ought to get out front and make clear that we are opposed to others having them."

The CWC has been before the Senate for consideration for nearly 4 years now, providing ample opportunity for examination. Last year, after exhaustive hearings and review, it was reported favorably by the Senate Foreign Relations Committee, but not brought to a vote on the floor of the Senate.

Over the past few weeks a new series of hearings has been held, in open and in closed session, and all perspectives have been thoroughly aired. The administration has worked in good faith to negotiate a new resolution of ratification that addresses the earlier concerns and more, including 28 agreed conditions, declarations, statements, and understandings. The remaining five conditions that have been proposed will undercut and place in jeopardy the effectiveness of this treaty, and I urge my colleagues to reject them.

The conditions to which the administration has already agreed will resolve every legitimate concern that has been raised. I would urge my colleagues not to vote for pending amendments that would require renegotiation, delay, or abrogation of the CWC. If we don't take this opportunity to begin abolishing these terrible weapons, we will rue the day and have only ourselves to blame.

Mrs. FEINSTEIN. Mr. President, I rise today to express my strong support for the Chemical Weapons Convention. I believe it is very much in our national interests to ratify this treaty, after we strike five conditions in the resolution of ratification.

Let me first express my respect and appreciation for the distinguished ranking member of the Foreign Relations Committee, Senator BIDEN. He and his staff have really done the heavy lifting in getting this treaty to the floor, including many long hours of negotiations on the package of 28 agreed conditions.

I also want to express my respect for the opponents of this treaty, including the distinguished chairman of the Foreign Relations Committee and the Senator from Arizona, Senator KYL. I have worked well with Senator KYL on many issues, including, at the moment, our strong effort to pass a Victims' Rights Amendment to the Constitution.

I know that in this debate these Senators are motivated by their genuine and deeply felt concern for America's national security. However, I must disagree with the view that we would be better off without this treaty, or by passing a resolution of ratification that essentially renders the treaty meaningless.

Mr. President, the threat of chemical weapons falling into the hands of terrorists, or being used as a weapon of war by a rogue state, has increased dramatically in recent years.

One need only reflect on the dangers faced by our military by Iraq's incipient chemical weapons program during the gulf war, or the tragedies our Nation has suffered with the bombing of the World Trade Center, the Federal building in Oklahoma City, and the Olympic Park in Atlanta, to fully appreciate the dangers posed by the proliferation of chemical weapons. In each of these cases, the tragedy and loss of life could have been magnified significantly had chemical weapons been used.

The people of Japan know this firsthand. The deadly sarin gas attack carried out in the Tokyo subway system by the Aum Shunrikio cult was testimony to the power of even a relatively small amount of chemical weapons.

Chemical weapons are among the most barbaric of mankind's inventions. They are so awful, that the United States, by act of Congress, has decided to eliminate our own stocks of these weapons by 2004. They are designed to kill and incapacitate by causing such effects as skin blistering, blindness, lung damage, choking, nervous system disruption, paralysis, or oxygen starvation. Because of the ease of their dispersal over a wide area, chemical weapons are especially useful for targeting civilian populations.

The Chemical Weapons Convention is the most far-reaching attempt ever by the international community to control the spread of chemical weapons. It bans for the first time the development, production, and possession of chemical weapons and reinforces the international norm against their use. Since we are destroying our own chemical weapons, it only makes sense that we should want other nations to do so as well.

The convention requires all signatory states to declare and destroy any chemical weapons and the facilities used to produce them. It requires member states to submit annual reports on the production and use of certain sensitive chemicals. This information, combined with our own intelligence resources, will significantly improve our ability to monitor and prevent illegal transfers and uses of such chemicals.

Once the CWC takes effect, it will make it much harder and more costly for proliferators and terrorists to acquire chemical weapons. An intrusive verification system will be set up to detect violations. Sanctions will be imposed against nations that refuse to participate, making it more difficult for them to acquire precursor chemicals for poison gas and easier to monitor their efforts to do so.

The intelligence-sharing and global verification network that will result from this treaty will increase the chances that terrorist attacks involving chemical weapons can be prevented before they ever occur—a net gain in the security of our troops and our citizens.

Now, a number of very serious concerns have been raised about the CWC. I myself have shared some of these concerns. I will not speak to every criticism of the treaty, but I want to address some of these concerns now, because I believe very solid answers have been provided to virtually all of them.

Verification: Critics of the CWC have complained that it is not verifiable, and that it will be easy for nations who sign up to the treaty to cheat without getting caught.

We must start with the proposition that no arms control agreement is 100-

percent verifiable. But with the CWC, we will know far more about who is trying to develop chemical weapons, where, and how than we would without the treaty. That is why the intelligence community has consistently testified that, while the treaty is not completely verifiable, they regard it as a highly desirable tool that will enhance our knowledge of chemical weapons programs and our ability to stop them.

The CWC's verification regime requires routine inspections of all declared facilities working with significant amounts of chemicals listed by the treaty. In addition, any site, declared or not, may be subject to short-notice challenge inspections if there are suspicions that it is being used to produce or store banned chemicals.

The CWC also establishes significant trade restrictions on precursor chemicals. These restrictions will make it more difficult for nations who are not parties to the treaty to acquire these chemicals, and will provide us with much more information than we currently have about who is seeking to import such chemicals, and in what amounts.

So the concern about verification, while valid, I believe has been more than adequately addressed. We must go into this treaty with our eyes open, aware that it will not detect every violation. But why would we deprive ourselves of the extremely useful tools and information this treaty would provide on the grounds that they are not foolproof? It would be incredibly shortsighted to do so.

Sharing Defense Technologies: During one of the hearings in the Senate Foreign Relations Committee earlier this month, the concern was raised that Article X of the CWC would require the United States to share advanced chemical defense technologies with rogue nations like Iran, who may sign and ratify the treaty. If indeed the treaty required that, there would be significant grounds for concern. But I believe the concern is overstated.

In an April 22 letter to me, National Security Adviser Sandy Berger makes it very clear that Article X of the CWC would impose no obligation on the United States to assist Iran with its chemical weapons defense capabilities.

I ask unanimous consent that Mr. Berger's letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. Berger makes clear that paragraph 7 of Article X, which spells out the obligations of States Parties to assist others threatened by chemical weapons, would require the United States to provide nothing more than medical antidotes and treatments to any state we deemed unreliable. We have the option to provide more advanced assistance to those nations we trust, but no obligation.

The administration is so comfortable with this reading of the treaty, that, in their negotiations with Senator HELMS and with the Majority Leader's task force on the CWC, they have agreed to a binding condition (number 15) that would ensure that the United States will not provide any assistance other than medical assistance to any rogue nation that becomes a party to the treaty.

Another concern about Article X is that paragraph 3, which calls for parties to "facilitate . . . the fullest possible exchange" of information and technology on protection against chemical weapons, would require the United States to share such equipment with rogue nations who sign and ratify the treaty.

The administration has made clear that the use of the words "facilitate" and "possible" in this paragraph mean that we will determine whether any specific exchange is appropriate, and we will not pursue those we deem inappropriate. In making these decisions, we will do nothing to undermine our national export controls.

With these assertions in hand, I am satisfied that the United States will in no way be obligated to provide chemical weapons technology to any nation we deem to be untrustworthy.

Some have also raised the concern that Article X might induce other, less conscientious nations, to supply rogue states with defense technologies. But there is nothing that prevents those sales from taking place today, with no CWC in effect.

With the CWC, the countries who make exchanges allowed in Article X are legally bound by the treaty's overriding principle, stated in Article I, that they can do nothing to "assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention."

In addition, the CWC would provide us with far more ability to scrutinize any exchanges than we have today. The result is a net increase, not decrease, in our knowledge of defense exchanges with rogue nations, and our ability to address any compliance concerns that may arise from these exchanges.

Cooperation on Chemical Technology: Another concern that has been raised involves Article XI. Some have suggested that Article XI, which deals with cooperation in chemical activities not prohibited by the treaty, would require the United States to provide other nations with access to our dual-use technologies and manufacturing secrets. Here again, the concern is unwarranted.

Article XI does aim to ensure that parties to the treaty can conduct legitimate chemical commerce, which is reasonable. But in his April 22 letter, Mr. Berger explains that this article does not require the United States, or any U.S. company, to provide any confidential business information to any foreign party.

As to the concern that Article XI will undercut export controls, indeed, the reverse is true. Mr. Berger makes clear that the all U.S. export controls now in effect are fully consistent with the CWC. In addition, our allies in the Australia Group, all 28 of them, have pledged to maintain all existing multilateral export controls, which they agree are fully consistent with the CWC.

Here again, the problem identified by critics of the CWC would actually be worse without the treaty. The CWC will allow us to better monitor chemical commerce that occurs today without our knowledge. It will also provide the basis for further multilateral efforts to control exports, above and beyond our own existing export controls and those of the Australia Group.

To address the concerns raised about Article XI, the Administration has agreed to a binding condition (number 7) that the President must certify now and on an annual basis that the Australia Group is continuing to effectively control chemical exports and remains a viable mechanism for doing so.

According to this condition, the President must also certify that nothing in the CWC obligates the United States to weaken our own export controls, and that each member of the Australia Group remains committed to maintaining current export controls.

With this condition added to the resolution of ratification, I believe concerns about Article XI can be laid aside.

In fact, the negotiations between the Administration and Senator BIDEN on the one hand, and Senator HELMS and the Lott task force on the other, have been remarkably successful in addressing the concerns that have been raised about the treaty.

In all, 28 conditions have been agreed to in these negotiations, on subjects ranging from verification and Articles X and XI, to Congressional prerogatives in providing funding for the OPCW; the establishment of an inspector general at the OPCW; safeguards on intelligence sharing; the Senate's role in reviewing future treaty amendments; constitutional protections in the inspection of U.S. facilities; our armed forces' continued ability to use non-lethal riot control agents, such as tear gas; and maintaining robust U.S. chemical defense capabilities.

With all of these conditions agreed to, there are only five areas remaining in dispute. One would think we were near the point of a virtually unanimous vote to ratify the CWC.

And yet, we still hear charges that the administration is "stonewalling." That is simply not the case. Far from stonewalling, the administration has worked very hard to address the Senate's concerns. But it appears that some people simply do not to want to take yes for an answer.

And so, we have five conditions in this resolution of ratification which the Administration has identified as "killer" conditions. These conditions would make our ratification of this treaty meaningless, because they would either gut central provisions of the treaty, or set up unachievable goals that must be met for us to deposit our instruments of ratification. They should all be defeated.

Let me briefly address each of these killer conditions:

Condition 29 would prohibit the United States from ratifying the CWC until Russia ratifies it and takes a series of other actions to comply with past agreements.

Besides holding United States foreign policy hostage to a group of hardliners in the Russian Duma, this condition ignores the fact that the CWC provides precisely the tools that would be helpful in detecting Russian violations of this and past treaties. It also gives Russia an easy excuse to delay ratification itself. On the grounds of self-interest, this condition shoots ourselves in the foot.

Condition 30 would prohibit the United States from ratifying the CWC until rogue states such as North Korea, Libya, Syria, Iran, and Iraq have ratified it. By accepting this treaty, we allow these rogue regimes to set the standards of international conduct. It is the equivalent of saying that we should not outlaw drug smuggling because some people will still smuggle drugs.

By ratifying the CWC, the United States will make it easier to forge international coalitions aimed at eliminating the chemical weapons programs of these regimes, even through military force when necessary. It will also set a standard for those nations to meet if and when their current regimes are replaced by more responsible ones.

Condition 31 requires the United States to reject all CWC inspectors from countries like Iran and China. This condition is unnecessarily rigid. It would prevent us from allowing suspect states from seeing for themselves that we are not violating the treaty. It would also certainly result in American inspectors being excluded from inspections in these countries.

A better approach would be to strike this language and enact implementing legislation that would allow Congress a role in determining which inspectors should be barred, which the CWC allows the United States to do on a case-by-case basis.

Condition 32 would prohibit the United States from ratifying the CWC until Article X is eliminated and Article XI is amended. This is completely unrealistic and completely unnecessary. Articles X and XI were included to reassure countries who signed the treaty that they would not be prevented from developing chemical weapons defenses or engaging in legitimate chemical commerce.

None of the 160 nations who have signed or 74 nations that have ratified the treaty will agree to renegotiate these provisions at the eleventh hour. It will simply result in our exclusion from the CWC—which is clearly the intent.

As Gen. Brent Scowcroft, National Security Adviser to President Bush, testified before the Foreign Relations Committee on April 9, 1997: "Starting over . . . is pure fantasy. If we reject this treaty, we will incur the bitterness of all our friends and allies who followed us for 10 years in putting this thing together. . . The idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with the situation we face now, not an ideal one out in the future."

The concerns raised about Articles X and XI—which I shared—have been more than adequately addressed by the agreed conditions. This is what I mean about not wanting to take yes for an answer.

Condition 33 would prevent the U.S. from ratifying the treaty unless the President can certify with "high confidence" that we would be able to detect the production or storage of a single metric ton of chemical agent.

This is an absurdly high standard. The intelligence community has consistently said it could detect "militarily significant" cheating, but the production of one ton of agent does not qualify.

But the tools created by the CWC will only enhance our abilities to detect these violations. It would be foolish to kill the treaty with a condition like this that makes the perfect the enemy of the good. This condition is not about verification—it is about killing the treaty.

Tomorrow, each of these five amendments will be subject to a motion to strike. Failing to strike them would be tantamount to killing the treaty. I urge my colleagues to vote for each motion to strike. Those who do not are essentially voting against ratification of the entire CWC.

Mr. President, I think this debate really comes down to whether or not one supports international arms control agreements. Many of the criticisms of the CWC—such as that it would lull us to sleep, or that it is not verifiable—were levied against all previous successful arms control treaties, such as the Nuclear Non-Proliferation Treaty, and the START treaty.

Those who worry that the United States will weaken its vigilance in our efforts to guard against the threat of chemical weapons have actually done us a service. I believe the intensity of this debate has helped to ensure that we will never allow ourselves to believe that the treaty by itself is enough. We will follow the course that President Reagan did—a strong national defense and arms control agreements with verification.

The CWC is not a panacea, and none of its proponents believes it is. It will not by itself banish chemical weapons from the earth, but it would result in the destruction of much of the world's chemical weapons stocks, and provide us with a valuable set of tools that would significantly strengthen our ability to monitor and defend against the threat of chemical weapons.

Our failure to ratify this treaty would be a grave mistake. The treaty will enter into force on April 29, with or without us. This is the only treaty that there is, and it requires U.S. leadership to make it work. Only by being a party to this convention can we make it function to its fullest possible extent.

I believe every Member on this side of the aisle supports this treaty. I urge my Republican colleagues to vote for ratification, after voting to strike the five killer amendments.

EXHIBIT 1

THE WHITE HOUSE,
Washington, April 22, 1997.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am pleased that we were able to talk last week about ratification of the Chemical Weapons Convention, including the concerns which have been raised about Articles X and XI of the treaty. I would like to take the opportunity to elaborate further on these issues and set the record straight.

Regarding Article X, concern has been expressed that this provision might force us or other treaty parties to share advanced chemical defense technologies and equipment with rogue nations like Iran and to assist in the development of CW defense capabilities. This simply is not the case.

First, only countries that have joined the CWC and renounced CW can request assistance and only then if they are threatened or attacked with CW. Indeed, the very purpose of Article X is to encourage countries to join the CWC and eliminate their CW programs by providing an assurance of international assistance in the event that they are threatened or attacked with CW by a non-party. For states in good standing under the CWC that do qualify for Article X aid, there is no requirement to provide high tech defenses or even gas masks. The obligation to assist can be satisfied with medical or humanitarian aid. Indeed, the President has committed in an agreed condition on the Resolution of Ratification (Condition #15) that the United States will only give medical help to certain countries of concern, such as Iran or Cuba, under Article X.

Second, with regard to the actions of other states, let me point out that countries contemplating any exchanges under Article X are legally bound by the fundamental obligation in Article I of the treaty never "to assist, encourage or induce in any way anyone to engage in any activity prohibited" under the Convention. This means that all relevant transfers must be subject to very close scrutiny, especially with countries whose compliance may be in doubt. We will use every instrument of U.S. diplomacy and leverage at our disposal to ensure that transfers do not occur which could undermine U.S. national security interests, including the extensive verification and compliance provisions in the Convention. As Secretary Cohen said on "Meet the Press" on Sunday, we will be in a much better position to do this if we are inside the treaty rather than outside. Frankly, other countries will have little incentive to work with us to ensure that inappropriate transfers do not occur if we have not ratified ourselves.

Article XI encourages free trade in nonprohibited chemicals among States that join the CWC and renounce any CW capability. Some have charged that this provision might force us or our chemical industry to share dual-use technologies and manufacturing secrets with other countries. Such an interpretation is totally at odds with the plain language of the treaty. It also defies logic to suggest that a treaty expressly devoted to eliminating chemical weapons somehow requires its parties to facilitate the spread of chemical weapons.

First, Article XI is explicitly subject to the fundamental ban in Article I on assisting anyone in acquiring chemical weapons. Moreover, in order to reinforce the treaty's constraints against the transfer of dangerous technology, the President has committed in agreed condition #7 in the Resolution of Ratification to obtain official assurances from our Australia Group partners at the highest diplomatic levels that Article XI is fully consistent with maintaining strict export controls on dangerous chemicals and that they are committed to ensuring the Group remains an effective mechanism for dealing with CW proliferation. I would note that this condition also requires annual certification.

Second, with the CWC the countries undertaking exchanges are legally bound by the fundamental obligations in Article I. As Ron Lehman, former Arms Control Director under President Bush, recently stated in testimony before the Senate Foreign Relations Committee: "We made it very clear throughout the negotiations that all of this was subject to Article I, which is the fundamental obligation not to assist. . . . But the most important, I think, telling fact in support of the U.S. interpretation is the fact that after the Convention was done so many of the usual list of suspects were so unhappy that they did not get what they wanted in these provisions."

I would note, in conclusion, that renegotiation of Articles X and XI of the CWC, as the Helms condition (#32) in the Resolution of Ratification would require, is not a realistic option. This treaty was intensively negotiated for more than 10 years. It has been signed by 162 countries and ratified by 74. As Brent Scowcroft recently testified, "Starting over . . . is pure fantasy. If we reject this treaty, we will incur the bitterness of all of our friends and allies who followed us for 10 years in putting this together . . . the idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with the situation we face now, not an ideal one out in the future." This is why the Senate must vote to strike this Helms Condition.

I hope this information facilitates the Senate's consideration of the CWC and look forward to a successful vote in the coming days.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President for National Security Affairs.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The time will be equally divided.

The legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 47

(Purpose: To strike condition no. 30, relating to chemical weapons in other states)

Mr. BIDEN. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 47.

On page 63, strike lines 8 through 20.

Mr. BIDEN. Mr. President, this is condition No. 30. As was indicated at the outset of the unanimous-consent agreement, the Senate has now agreed to 28 of the 33 conditions that were attached to the treaty that is before us today.

As I indicated at that time that I would be moving to strike five of the conditions, any one of which—at least four of which—if adopted, would essentially vitiate the treaty; would make our ratification useless.

They are killer amendments. This is one of those amendments. Mr. President, condition No. 30 would hold hostage our joining the Chemical Weapons Convention to the condition that rogue states—several rogue states, such as Iraq, Libya and North Korea—would have to sign and ratify the treaty before we became party to the treaty.

This has a very perverse impact. The first impact is we wouldn't be in the treaty. We would not have ratified the treaty, if we ratified this condition. Second, it has a perverse impact. It would prevent the United States from participating in the convention until a band of 2-bit regimes that specialize in flaunting norms of civilized behavior decide for us when we should be a member of this treaty. Seventy-four nations have already signed onto it.

This condition turns the present global arrangement on its head. Instead of the civilized nations of the world setting the rules, this condition effectively let's the villains determine the rules of the road and American policy. This condition ignores the critical fact that regardless of what the rogue states do, regardless of whether we join the CWC, or not, we have decided unilaterally to destroy our chemical weapons stockpile.

We will not use chemical weapons to respond to a chemical weapons attack. That is a judgment our military and our last Commander in Chief and this one has made. Instead, we will rely on what General Schwarzkof said, and General Powell, General Shalikashvili, and others will rely upon our overwhelming nonchemical military capabilities to deter and retaliate against the use of chemical weapons.

The best way to affect the behavior of these rogue states is to bring to bear the combined weight of the civilized nations of the world to isolate, sanction, and target those nations who would continue to produce chemical weapons in defiance of the creation of this international norm. But, Mr. President, first we have to establish the norm. If the United States of America says we will not join unless the bad guys join, then there is no reasonable prospect that such a norm will be established.

As Secretary of State Madeleine Albright has noted, to say that we should not have a CWC because there will be people out there who will continue to produce chemical weapons, or who will cheat, is a little bit like saying we should not have laws because people will break them. We should not have laws against murder because we know people are going to murder people. So have no laws against murder.

The point is that today there is nothing illegal—let's get this straight—under international law about producing chemical weapons, developing chemical weapons, or stockpiling chemical weapons. The purported Libyan chemical weapons program is completely legal today. The Iraqi chemical stockpile is completely legal today. In fact, there is nothing in international law that prohibits the use of chemical weapons internally. Like Saddam Hussein's poison gas attack against the Kurds within Iraq, there is nothing illegal about having or using these weapons in your own country. That will change once the CWC is in force.

To quote Gen. Colin Powell, "For us to reject this treaty now because there are rogue states outside that treaty is the equivalent of saying that we should not have joined NATO because Russia wasn't part of NATO." That is former Chairman of the Joint Chiefs Colin Powell—not me.

This treaty will establish standards by which to judge others. If it is violated—that is, if the treaty is violated —it will provide the basis for harsh action to punish and bring violators into compliance. The opponents will say that norms are meaningless unless there is a will to enforce those norms. They are right. But on that point, I would point out that without a norm there is nothing to enforce.

The bottom line is this: With the treaty we will have more tools and greater flexibility to act against those countries that threaten us and their neighbors. Should we choose military action we would be able to justify it as a measure taken to enforce the terms of a treaty to which we and 160 other nations who are signatories—only 74 ratified—are parties. North Korea is not. Libya is not. But 160 other nations have signed, and we are going to say that we will not join unless North Korea joins. As Gen. Colin Powell said, I am glad these folks weren't around when NATO was starting up to say we are not going to have NATO because Russia can't be a part.

Mr. President, I reserve the remainder of my time. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, there is a lot of misunderstanding about this treaty. It has been advertised implicitly—not explicitly, of course—as a cure-all; as an end to the perils of chemical warfare. And a lot of people think it will all be over, and we will not have any more danger. The truth of the matter is that they will not do a thing in the world to help the situation because the Chemical Weapons treaty—Convention, as it has been called—is not a comprehensive ban. This treaty contributes to the national security of the United States and the American people, and that is what I am primarily interested in.

This treaty, it seems to me, must at a minimum affect those countries possessing chemical weapons which pose a threat to the United States. Accordingly, the United States should not become a party to this treaty—many Senators feel—until those countries are also participants. And no effort has been made to encourage them to come in. We are standing alone, and they are going to go about their little deviltry unmolested. Rogue states—like Iran, Iraq, Libya, Syria, and North Korea—clearly represent a threat to United States security and the security of key United States allies. And not one of these countries has ratified the CWC, and not one of them is likely to ratify.

First, the intelligence people in our own country—we call it the intelligence community—reported that all of these governments have active aggressive programs to develop and produce chemical weapons.

In March 1995, I believe it was, regarding the nonproliferation treaty, the Central Intelligence Agency released an unclassified estimate that gave a troubling assessment of the likely impact that the CWC would have upon the proliferation of chemical weapons.

This report said:

> A number of states continue to pursue the development or enhancement of a chemical weapons capability. Some states have chosen to pursue a chemical weapons capability because of relatively low cost, and the low technology required for chemical weapons production. Moreover, they believe that a CWC ability can serve as both a deterrent to enemy attack and as an enhancement of their offensive military capability.

I am quoting. The report says:

> Currently, at least 15 countries have an offensive CWC program in some level of development, and the most aggressive chemical weapons programs are in Iran, Libya, and Syria. The CWC will continue to be a serious threat for at least the remainder of this decade despite a number of armaments control efforts, such as the Chemical Weapons Convention. Several countries have expressed concern, excluding Libya, Syria and Iraq, which have so far refused to sign the CWC, and some CW-capable countries that have signed the treaty show no signs of ending their programs.

That was our intelligence community's assessment of the situation as of 1995.

Mr. President, while the intent of the CWC is good, what it proposes is to create a global chemical weapons ban, and it will not do any such thing. It simply will not achieve any other of the goals. Thirty percent of the countries with chemical weapons programs, including all of those with what is called aggressive programs, have not yet signed the treaty, let alone ratified it. Yet, these countries have been and will continue to be the paramount chemical weapons threat to the United States.

About 6 years ago, during Operation Desert Storm, the United States was so concerned about Iraq's chemical weapons program that we focused a huge percentage of long allied air attacks upon Saddam Hussein's chemical weaponry. A facility 65 miles north of Baghdad was the nucleus of Iraq's chemical weapons program, and a priority target during the early days of the gulf war. I was amazed then that no one seemed to pay much attention. And I am amazed now that no one seems to remember General Schwarzkopf's remarks during a press briefing at that time in Saudi Arabia. It was on February 27, 1991. Here is what he said:

> The nightmare scenario for all of us would have been to go through the Iraqi tank barrier, get hung up in this breach right here and then have the enemy artillery rain chemical weapons on the troops that were in the gaggle, in the breach right here.

Pointing to specific points.

Well, the point is this. That nightmare scenario exists today since Iraq has neither signed nor ratified this treaty.

Let us look at another rogue regime, North Korea. On March 18, 1996, the Director of the Defense Intelligence Agency, Lt. Gen. Patrick Hughes, forwarded to me a DIA assessment of North Korea's military capabilities which underscored United States concern with the war-fighting uses to which chemical weapons can be put.

Now, according to that study, and I am quoting, "In any attack on the South, P'yongyang could use chemical weapons to attack forces deployed near the DMZ, suppress allied air power and isolate the peninsula from strategic reinforcements."

Now, in boasting that this treaty will make American soldiers free from the threat of chemical weapons, the administration either has forgotten or deliberately ignored the fact that North Korea has neither signed nor ratified the CWC and the threat posed by North Korea and Iraq and others here. Now over 30,000 United States troops face North Korean troops armed and extensively trained with chemical weapons. Key airfields and ports are within striking distance of North Korean missiles, and with just a handful of chemical weapons North Korea could force United States aircraft to withdraw from the Korean Peninsula to Japan, and in fact in the near future North Korea may be even able to strike air bases in Japan with chemical munitions. Without air support and reinforcement, our ground forces and our South Korean allies would be overwhelmed within days.

The threat to the United States forces in the Persian Gulf being rotated from Iran and Iraq is no less troubling, Mr. President. The bottom line, I guess, is that rogue states—if you will look at the chart—see chemical weapons as the best means to offset the superior conventional forces of the United States and its allies. These countries continue to develop plans to use chemical weapons in the event of war, and we must remember I think, Mr. President, that each of these countries are state sponsors, Government sponsors, of terrorism and may supply chemical weapons to terrorist groups.

So when the CWC enters into force, our troops will be no safer from chemical attacks than they are today because the countries of greatest concern have not acceded to this treaty. For the CWC to offer any improvement, however modest, to the national security of the United States, it must at a minimum, I think, affect those countries with aggressive chemical weapons programs, those countries which have hostile intentions toward the United States and the American people.

I urge Senators, please, to oppose this motion to strike this key provision.

Have the yeas and nays been ordered on the motion?

The PRESIDING OFFICER. They have not.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there is a sufficient second?

Is there a sufficient second?

There is a sufficient second.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. Mr. President, I yield the distinguished Senator from Massachusetts up to 10 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts for 10 minutes.

Mr. KERRY. I thank the Chair. I thank the distinguished minority manager.

Mr. President, with the active participation of the President and his National Security Council and other foreign policy and national security representatives, Senator BIDEN, the Foreign Relations Committee ranking Democratic member and his staff have worked diligently to remove as many of the objections and doubts about the Chemical Weapons Convention held by a number of Republican Senators as they possibly could remove. Working together, they sought to do this by providing official data and information about the convention, about Defense Department plans, and about intelligence sources and methods; by obtaining official commitments from the President; and by negotiating conditions to the treaty. This negotiating effort centered on Foreign Relations Committee Chairman HELMS and his staff and Senate Majority Leader LOTT and his staff as well as other Senators who have voiced major concerns about the treaty.

I believe the evidence is unassailable that the effort to negotiate conditions acceptable to both treaty proponents and opponents produced great progress—in fact, a degree of progress few thought was attainable when the process began. As a result, this afternoon the Senate has unanimously agreed to 28 conditions that address a sweeping range of treaty facets.

One measure of how successful this effort has been is that yesterday, former Senate majority leader and 1996 Republican Presidential nominee Bob Dole announced that, given the assurances and insurance those 28 conditions provide, he now supports the convention and believes it is in our Nation's national security interest to ratify it and participate in its ongoing efforts to eliminate chemical weapons from this Earth.

Senator Dole was clear in noting that the treaty remains imperfect in his mind, a fact that comes as no surprise to treaty proponents but still is loudly professed to be a shocking fact by some treaty opponents.

But despite the herculean effort that has resulted in agreement on 28 conditions to the treaty, Senator HELMS and some other Senators have been relentless in insisting on 5 other conditions. While the stated purpose of each of these conditions appears on the surface to be laudable, and that stated purpose could be readily embraced by virtually every Senator if not every Senator, ranging from stalwart treaty proponent to stalwart opponent, the practical effect of four of these conditions in the form in which their drafters insist on them would be to prevent the United States from ratifying the CWC, even if the Senate were to vote 100 to 0 for ratification with any of these conditions attached to the resolution of ratification the Senate approved.

For that reason, Mr. President, these proposed conditions to which treaty proponents could not possibly agree, which are contained in the substitute resolution authored by Senator HELMS along with the 28 conditions to which the agreement of both treaty proponents and opponents was secured, have come to be known among treaty proponents as the killer amendments.

This afternoon, under the terms of the unanimous-consent agreement that governs Senate action on the CWC, the Senate will take up these disputed conditions one at a time. Treaty proponents will move to strike each of them, and the Senate will vote on each of those motions to strike.

It is not possible to overemphasize the importance of these motions and the vote on them, Mr. President. Because regardless of what is said about the rationale for insisting on these disputed conditions, Mr. President, the fact is that the United States will be unable to ratify the CWC now or any time in the immediate future—and quite possibly never—if the effort to strike any one of them from the resolution fails. That is the gravity of what we will be doing on the Senate floor for the next 5 or 6 hours.

The first of the disputed conditions that we will take up is Condition 30, titled, somewhat antiseptically, Chemical Weapons in Other States. The text of this condition is quite short. Let me quote it verbatim:

> Prior to the deposit of the United States instrument of ratification, the President, in consultation with the Director of Central Intelligence, shall certify to the Congress that countries which have been determined to have offensive chemical weapons programs, including Iran, Iraq, Syria, Libya, the Democratic People's Republic of Korea, China, and all other countries determined to be state sponsors of international terrorism, have ratified or otherwise acceded to the Convention.

Now let me translate that text into simple English. Under the terms of that condition, were it to be attached to the resolution of ratification and the Senate were to pass it in that form, regardless of how many votes the resolution receives, and regardless of the strong support of the President of the United States for ratification, the United States could not formally ratify the Convention or be a part of its efforts to remove chemical weapons from the Earth until and unless the President could and did certify to the Congress that all the rogue nations of the Earth had first ratified the Convention or formally agreed to abide by its provisions.

Mr. President, I certainly applaud those who drafted this condition for the objective they seek. There is no Senator who more fervently wishes than this Senator that Iran, Iraq, Syria, Libya, North Korea, China, Cuba, and Sudan—and, in fact, all nations on the Earth—will ratify the CWC and fully abide by all its provisions. Were that to be the case, Mr. President, the world would be a far, far safer, healthier, and more stable place for the human race.

Indeed, were that to be the case, the effect would be so profound that the CWC probably would no longer be needed, because we would have reached the unreachable, achieved the unachievable. We would have reached a near-Utopia.

But the hard, cold fact, Mr. President, is that while one or two or even more of these nations, some of which are often referred to as rogues, may ratify the CWC, and, if they do, we certainly hope and expect they will abide by its terms and destroy their chemical weapons arsenals and foreswear the production of any more chemical weapons, it is a safe bet that several of these nations will not ratify the Convention in the foreseeable future.

That absolutely cannot come as a surprise to anyone in this Chamber. I do not believe a single Member of the Senate could look me in the eye and make a genuine claim that he or she is surprised to learn that most close observers of these nations do not believe that several of them will ratify the CWC anytime soon.

Indeed, much of the 10 years during which the Reagan administration and Bush administration negotiating teams spent in exhausting and exhaustive negotiations to develop this treaty was spent to structure sanctions that will apply to trade in chemicals conducted by nations that do not ratify the CWC, in the full expectation that some if not all of these very nations will not ratify it. Think about it, and it will be painfully apparent. The CWC was not carefully negotiated and crafted to apply principally to those nations that ratify it and genuinely want to rid the Earth of all chemical weapons, though, of course, we must hold all nations accountable. It was negotiated and crafted to apply the pressure of world opinion, diplomatic pressure, and economic pressure on recalcitrant nations whose leaderships flaunt the civilized norm and equip themselves with these horrific weapons, and where even this pressure does not attain reformed behavior, to make it as difficult as possible for those nations to carry on their deadly efforts—to isolate them in all possible ways.

The Senator from North Carolina is absolutely correct when he says the rogue nations, or at least some of them, have these materials. In a number of cases, I am convinced they will continue to produce them, Chemical Weapons Convention or no Chemical Weapons Convention. But the issue before the Senate is how can we best try to pressure them to reform their behavior. How do we make it as difficult as possible for them to continue to do that? It is not, I assert, by means of this condition. It will not directly have that effect. And, more destructively, it will prevent U.S. participation in the CWC, period.

Plainly, Mr. President, the authors of this condition know that if the condition we now are debating is not defeated, they have succeeded via the backdoor when they could not succeed through the front door in preventing U.S. ratification of the Chemical Weapons Convention. That is an outcome that must not be permitted.

This condition has other destructive consequences. Let me note a few of them.

First, this condition places control of a critical U.S. foreign policy and national security decision wholly in the hands of other nations, and not just any other nations. It places total control of whether the United States will ever ratify the CWC and participate in its vital efforts to rid the Earth of chemical weapons in the hands of the very group of nations that are led by those who are our avowed or de facto adversaries—our enemies if you will. What kind of sense does it make to give control of this key U.S. decision to any other nation, much less to any one of these nations? And yet this is the unintended consequence of action by Senators who in every other circumstance most vehemently insist that U.S. sovereignty must never be weakened or trampled.

Second, this condition either fails to recognize or ignores the reality that at midnight next Tuesday—April 29—the Chemical Weapons Convention takes effect with or without U.S. participation. The question of whether the Convention is the best that can be designed is not the salient question at this point. The principal question now relevant is whether the United States, its people, and its security interests are better served by being a part of the Convention and working from within its organization to pursue abolition of the world's chemical arsenals, or to remain outside the Convention, which already has been ratified by 74 nations and is sure to be ratified by others of the over 160 signatories.

If we fail to ratify, which emphatically will be the result of failing to strike this killer condition, guess which nations the company of which the United States ignominiously will join? Mr. President, in bitter irony, the United States, which under Presidents Reagan and Bush initiated, animated, and led the effort to negotiate this Convention, will join the company of precisely the group of nations this condition identifies as the world's villains and rogues. Rather than continuing to provide global leadership and rallying the world's community of nations to establish a new standard of behavior which proscribes all chemical weapons and engineers effective movement toward reducing them dramatically and ultimately, we hope, eliminating them entirely, we turn a sharp 180 degrees in the opposite direction, and refuse to be a part of this critical effort. In my judgment and the judgment of other people, U.S. prestige and respect around the world will be tragically tarnished. The ability of the United States to effectively lead the community of nations in myriad ways will be severely damaged. Our national credibility will suffer a serious blow.

Third, those who insist on this killer condition have claimed that they cannot countenance U.S. participation in the CWC because they are certain that some nations will not participate in it or, if they do ratify it, they will not abide by its terms—notably, they believe, including the nations listed in this condition or at least some of them. As the Senator from Delaware noted earlier, as he quoted Secretary of State Albright, this is analogous to saying that we should have no laws because we are certain that some people will break them.

Mr. President, I want to note what three of our most respected voices in this country with respect to national security affairs have said in agreeing that the United States should ratify the Chemical Weapons Convention and specifically addressing the linkage of our actions on the CWC to those of the outlaw states that is made by Condition 30.

Gen. Norman Schwarzkopf, commander of United States and coalition troops in Desert Storm, said, "I am very, very much in favor of the ratification of that treaty," referring, of course, to the CWC. "We don't need chemical weapons to fight our future warfares. And frankly, by not ratifying that treaty, we align ourselves with nations like Libya and North Korea, and I just as soon not be associated with those thugs in this particular manner." I think that is a pretty strong statement about precisely what this condition would do.

Gen. Colin Powell, former Chairman of the Joint Chiefs of Staff, who served in that role during the Bush administration and during the Desert Storm operation, has already been quoted by my colleague. He, too, made it very clear that we should insist on this linkage.

Former Assistant to President Reagan and Secretary of State James A. Baker III said:

> [S]ome have argued that we shouldn't commit to the treaty because states like Libya, Iraq, and North Korea, which have not signed it, will still be able to continue their efforts to acquire chemical weapons. This is obviously true. But the convention, which . . . will go into effect in April whether or not we have ratified it, will make it more difficult for these states to do so by prohibiting the sale of materials to non-members that can be used to make chemical weapons. . . . It makes no sense to argue that because a few pariah states refuse to join the convention the United States should line up with them rather than with the rest of the world.

Mr. President, that is not company that I want our Nation to be in. It would be a step that would have precisely the opoposite effect of that sought by its authors. Our failure to ratify the CWC will give any nation in the world all the cover it needs to fail to ratify. One need not have a great imagination to know what will result. When those nations that have ratified seek to point the finger of opprobrium at nonparticipants, very few will fail to respond that the United States has determined that it does not support this treaty or what it is designed to accomplish.

Accepting this killer condition is playing right into the hands of the rogue nations that want no limits on their macabre chemical activities. I would think that reality would send shivers up and down the spines of all who recoil at the idea of troops from one or more of these rogue nations employing an instantly fatal gas against American troops, or an aerosol compound that leads to the slow, wretched, excruciating death of thousands of American service men and women.

If we in the Senate do not remove this killer condition, we will be knowingly driving a stake through the heart of the first successful effort in human history to declare that manufacture or possession of chemical weapons is illegal under international law and to put unremitting pressure on those nations. Over time, if the United States puts its full weight behind the CWC effort as an active participant, the nations that refuse to participate will be shut out of the market for many dual use chemicals that can be used to make both chemical agents and commercial products as harmless as writing ink. Such nations will find it considerably more difficult to produce or acquire chemical weapons. This will produce cumulative pressure to join the community of nations by ratifying the treaty and living up to its requirements.

To those who say that is not sufficient, or that it will happen too slowly, or that there will be cheaters in the treaty as well as nonparticipants, I say what is your alternative that will work more surely or more rapidly? The reality is that those who are insisting on this killer amendment have no alternative, much less one that will work more surely or rapidly.

It must be remembered that currently it is not even illegal to make or stockpile chemical weapons, and there is no other effort on the horizon to make these actions illegal or to effectively halt them. If the United States chooses not to ratify this treaty after leading the world to it, you can rest assured the community of nations will not be running to us to seek our leadership in some new effort to do that.

In addition to all the reasons I have cited for rejecting this killer condition, it is both appropriate and accurate to add every reason advanced by dozens of Senators of both parties during yesterday's and today's sessions for ratifying the Chemical Weapons Convention. Because the only practical effect of this condition is to make it impossible for the United States to ratify. Everything else that is said to justify accepting this condition is eyewash, window dressing, camoflage.

Only one thing about this condition matters, I say to all my colleagues. If this condition is not defeated, the ratification of the Chemical Weapons Convention is.

There can be no hiding from this central truth. Reasonable people can differ on substantive or policy grounds. Some Senators, albeit for reasons I believe are not meritorious or even logical, may conclude that they do not believe the United States should ratify the CWC. Presumably those Senators, whose number I hope is very, very small, will vote against the resolution of ratification. But no Senator can claim with veracity that he or she wants the United States to ratify the CWC now or in the foreseeable future, and participate in its vital activities to rid the world of chemical weapons, while voting to retain this condition. The two are mutually inconsistent, mutually incompatible. To place it in the vernacular, that does not compute.

I urge all my colleagues to consider and understand the gravity of the vote we are about to take. Those who support the CWC must vote to strike this condition.

The PRESIDING OFFICER (Mr. Kempthorne). Who yields time? The Senator from North Carolina.

Mr. HELMS. I have here, Mr. President, a group of editorial comments, making, as Sam Ervin used to say, uncommon good sense, in opposition to this treaty. I ask unanimous consent they be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Washington Post, Mar. 5, 1997]

No to the Chemical Arms Treaty

(By James Schlesinger, Caspar Weinberger, and Donald Rumsfeld)

The phrase "damning with faint praise" is given new meaning by the op-ed by Brent Scowcroft and John Deutch on the Chemical Weapons Convention ["End the Chemical Weapons Business," Feb. 11]. In it, the authors concede virtually every criticism made by those who oppose this controversial treaty in its present form.

They acknowledge the legitimacy of key concerns about the Convention: its essential unverifiability; its lack of global coverage; the prospect that it will inhibit non-lethal use of chemicals, including tear gas; and its mandating the transfer of militarily relevant chemical offensive and defensive technology to untrustworthy countries that become parties. It is our view that these problems are inherent in the present treaty.

Take, for example, Scowcroft and Deutch's warning against cutting investment in chemical defensive measures. Unfortunately, treaties such as the Chemical Weapons Convention (CWC)—which promise to reduce the menace posed by weapons of mass destruction but which cannot do so—inevitably tend to diminish the perceived need and therefore the support for defenses against such threats.

In fact, in December 1995, the then-vice chairman of the Joint Chiefs of Staff recommended a reduction of more than $800 million in investment on chemical defenses in anticipation of the Convention's coming into force. If past experience is a guide, there might also be a reduction in the priority accorded to monitoring emerging chemical weapons threats, notwithstanding Scowcroft and Deutch's call for improvements in our ability to track chemical weapons developments.

Scowcroft and Deutch correctly warn that the "CWC [must] not [be] exploited to facilitate the diffusion of CWC-specific technology, equipment and material—even to signatory states." The trouble is that the Chemical Weapons Convention explicitly obligates member states to facilitate such transfers, even though these items are readily exploitable for military purposes. What is more, the treaty commits member states not to observe any agreements, whether multilateral or unilateral, that would restrict these transfers.

In short, we believe that the problems with the Chemical Weapons Convention in these and other areas that have been identified by Brent Scowcroft and John Deutch clearly demonstrate that this treaty would be contrary to U.S. security interests. Moreover, in our view these serious problems undercut the argument that the CWC's "imperfect constraints" are better than no constraints at all.

The CWC would likely have the effect of leaving the United States and its allies more, not less, vulnerable to chemical attack. It could well serve to increase, not reduce, the spread of chemical weapons manufacturing capabilities. Thus we would be better off not to be party to it.

Notably, if the United States is not a CWC member state, the danger is lessened that American intelligence about ongoing foreign chemical weapons programs will be dumbed down or otherwise compromised. This has happened in the past when enforcement of a violated agreement was held to be a greater threat to an arms control regime than was noncompliance by another party. The United States and the international community have been unwilling to enforce the far more easily verified 1925 Geneva Convention banning the use of chemical weapons—even in the face of repeated and well-documented violations by Saddam Hussein. What likelihood is there that we would be any more insistent when it comes to far less verifiable bans on production and stockpiling of such weapons?

As a non-party, the United States would also remain free to oppose dangerous ideas such as providing state-of-the-art chemical manufacturing facilities and defensive equipment to international pariahs such as Iran and Cuba. And the United States would be less likely to reduce investment in chemical protective capabilities, out of a false sense of security arising from participation in the CWC.

In addition, if the United States is not a CWC party, American taxpayers will not be asked to bear the substantial annual costs of our participating in a multilateral regime that will not "end the chemical weapons business" in countries of concern. (By some estimates, these costs would be over $200 million per year.) Similarly, U.S. citizens and companies will be spared the burdens associated with reporting and inspection arrangements that might involve unreasonable searches and seizures, could jeopardize confidential business information and yet could not ensure that other nations—and especially rogue states—no longer have chemical weapons programs.

Against these advantages of nonparticipation, the purported down-sides seem relatively inconsequential. First, whether Russia actually eliminates its immense chemical arsenal is unlikely to hinge upon our participating in the CWC. Indeed, Moscow is now actively creating new chemical agents that would circumvent and effectively defeat the treaty's constraints.

Second, the preponderance of trade in chemicals would be unaffected by the CWC's limitations, making the impact of remaining outside the treaty regime, if any, fairly modest on American manufacturers.

Finally, if the United States declines to join the present Chemical Weapons Convention, it is academic whether implementing arrangements are drawn up by others or not. In the event the United States does decide to become a party at a later date—perhaps after improvements are made to enhance the treaty's effectiveness—it is hard to believe that its preferences regarding implementing arrangements would not be given considerable weight. This is particularly true since the United States would then be asked to bear 25 percent of the implementing organization's budget.

There is no way to "end the chemical weapons business" by fiat. The price of attempting to do so with the present treaty is unacceptably high, and the cost of the illusion it creates might be higher still.

[From the Weekly Standard, Mar. 24, 1997]

Just Say No to a Bad Treaty

The United States Senate must decide by April 28 whether to ratify the Chemical Weapons Convention. The press, the pundits, and the Clinton administration have treated the debate over the treaty as another in a series of battles between "internationalists" and "isolationists" in the new, post-Cold War era.

It isn't. What we really have here is the continuation of one of this century's most enduring disputes. In the first camp are the high priests of arms control theology, who have never met an international agreement they didn't like. In the second camp are those who take a more skeptical view of relying on a piece of watermarked, signed parchment for safety in a dangerous world.

The case for ratifying the Chemical Weapons Convention is a triumph of hope over experience. It is an attempt to reform the world by collecting signatures. Some of the most dangerous nations—Iraq, Syria, Libya, and North Korea—have not ratified the convention and, for all we know, never will.

Some of the nations that are signatories, like Russia, China, Iran, and Cuba, are manifestly unreliable and are already looking for ways to circumvent the convention's provisions.

The convention's most prominent American defenders admit that the agreement is probably not verifiable. And it isn't. Chemical weapons can be produced in small but deadly amounts in tiny makeshift laboratories. The nerve gas used by terrorists to poison subway riders in Japan in 1995, for instance, was produced in a 14 ft.-by-8 ft. room. No one in the American intelligence community believes we would be able to monitor compliance with an international chemical weapons regime with any reasonable degree of confidence.

The Washington Post opines that these failings in the convention—the very fact "that the coverage of this treaty falls short and that enforcement is uncertain"—are actually arguments for ratifying it. Presumably, signature of a flawed treaty will make all of us work harder to perfect it.

Great.

At the end of the day, the strongest argument proponents of ratification can offer is that, whatever a treaty's manifest flaws, it is better to have one than not to have one. How could it be bad to have a treaty outlawing production of chemical weapons, no matter how full of holes it may be?

Well, actually, such a treaty could be worse than no treaty at all. We have pretty good evidence from the bloody history of this century that treaties like the Chemical Weapons Convention—treaties that are more hortatory than mandatory, that express good intentions more than they require any actions to back up those intentions—can do more harm than good. They are part of a psychological process of evasion and avoidance of tough choices. The truth is, the best way of controlling chemical weapons proliferation could be for the United States to bomb a Libyan chemical weapons factory.

But that is the kind of difficult decision for an American president that the Chemical Weapons Convention does nothing to facilitate. Indeed, the existence of a chemical weapons treaty would make it less likely that a president would order such strong unilateral action, since he would be bound to turn over evidence of a violation to the international lawyers and diplomats and wait for their investigation and concurrence. And as Richard Perle has recently noted, even after Saddam Hussein used chemical weapons in flagrant violation of an existing prohibition against their use, the international bureaucrats responsible for monitoring these matters could not bring themselves to denounce Iraq by name. In the end, it would be easier for a president to order an air strike than to get scores of nations to agree on naming one of their own an outlaw.

The Chemical Weapons Convention is what Peter Rodman calls "junk arms control," and not the least of its many drawbacks is that it gives effective arms control a bad name. Effective treaties codify decisions nations have already made: to end a war on certain terms, for instance, or to define fishing rights. Because they reflect the will of the parties, moreover, the parties themselves don't raise obstacles to verification.

But treaties whose purpose is to rope in rogue nations that have not consented, or whose consent is widely understood to be cynical and disingenuous, are something else again. They are based on a worldview that is at best foolishly optimistic and at worst patronizing and deluded.

One of the important things separating Reaganite internationalism from the more starry-eyed Wilsonian version is the understanding that treaties must reflect reality, not hope. The Chemical Weapons Convention turns the clock back to the kind of Wilsonian thinking characteristic of the Carter administration. It is unfortunate that among its strongest backers are some prominent Republicans who have served in key foreign-policy positions. It is true that the origins of the Chemical Weapons Convention date back to the Reagan years, and the convention was carried to fruition by the Bush administration. But let's be candid. In the Reagan years, the treaty was mostly a sop to liberals in Congress, an attempt to pick up some points for an arms control measure at a time when Reagan was trying to win on more important issues like the defense buildup and the Strategic Defense Initiative. And President Bush pushed the treaty in no small part because he had disliked having to cast a tie-breaking vote in the Senate as vice president in favor of building chemical weapons. Republicans today are under no obligation to carry out the mistakes of their predecessors.

In one respect, the debate over the Chemical Weapons Convention calls to mind the struggle for the party's soul waged in the 1970s between Kissingerian détente-niks on one side and the insurgent forces led by Ronald Reagan on the other. Back then, conservative Republicans like Senate majority leader Trent Lott knew without hesitation where they stood. They should stand where they stood before, foursquare with the ideas that helped win the Cold War, and against the Chemical Weapons Convention.

[From the Arizona Republic, Mar. 9, 1997]

CHEMICAL PACT

SAY NO TO THIS TREATY

Make no mistake about it.

Those were the words of President Bill Clinton, referring to the Chemical Weapons Convention in his State of the Union address.

He said ratification of the CWC "will make our troops safer from chemical attack . . . we have no more important obligations, especially in the wake of what we now know about the Gulf War."

Although all civilized nations can embrace the notion of eliminating chemical weapons, it would, nevertheless, be a mistake to ratify the CWC, signed by more than 160 nations—including the United States during the Bush administration.

The treaty requires the destruction of chemical weapons that signatories to the treaty own or possess, or weapons anywhere under their jurisdiction; the destruction of chemical weapons abandoned on the territory of another state; the destruction of chemical-weapons production facilities; the prohibition of riot-control agents as a method of warfare—all reasonable and worthy goals.

Ever since 1675, when a French-German agreement not to use poison bullets was concluded in Strasbourg, nations have struggled with how to limit the terribly destructive nature of chemical weapons, though none of the subsequent international agreements prevented the use of chemical weapons by warring factions.

In the 1980s, Iraq used chemical weapons, including nerve gas, against Iran, clearly violating the 1925 Geneva Protocol. But an international conference in Paris failed to enforce or fortify the Geneva Protocol, proving the difficulty is not a lack of law, but the failure to enforce it.

Under terms of the CWC, for the first time in U.S. history, private industry will be subject to foreign inspection, with inspectors being dispatched from an agency based in the Netherlands. In addition, businesses must prove to the U.S. government and international inspectors that they are not producing or stockpiling chemical weapons, with non-compliance fines reaching as high as $50,000 per incident.

Tucson's Sundt Corp. estimates that "with five major offices/warehouses/shops in two states, up to 35 job-site offices utilizing subcontractors and suppliers in eight states, the complete and final determination of what we have in the way of compounds and their derivative, the interactive relationships (with the list of chemicals) could involve the cost of a chemist's or consultant's time amounting to $50,000–$100,000 per annum, not including Sundt Corp.'s administrative time."

Under the terms of the treaty, inspections may be conducted at any facility within a state party without probable cause, without a warrant. Inspectors will be authorized under the treaty to collect data and analyze samples. This could result in the loss of proprietary information, or "based upon the depth of inspection, e.g. interviews with corporate personnel, employees, vendors, subcontractors; review of drawings, purchase orders, subcontracts; inspection and review of internal and external correspondence; we feel that it could be difficult to safeguard confidential business information during this inspection," says the Sundt Corp.

The obligation to open on-site inspections raises clear Fourth and Fifth Amendment concerns, inasmuch as no probable cause need be shown while a foreign state will have the right to a challenge inspection of a U.S. facility without the grounds that are essential for a search warrant.

As Sen. Jon Kyl, R-Ariz., has pointed out, the CWC may actually contribute to the proliferation of chemical technology because of its requirement that the United States share information with rogue nations, once they sign onto the CWC.

Further, American technology that might actually enhance the safety of U.S. troops—such as non-lethal immobilizing agents—could be prohibited if the Senate ratifies the convention in its present form.

The forces on both sides of this issue in Washington are men and women of good will. But the CWC is not a good deal for the United States. That is the message the Senate should continue to send to Bill Clinton, in unmistakable terms.

[From the Wall Street Journal, Apr. 1, 1997]

THE BUM'S RUSH

The debate over the Chemical Weapons Convention looks like it's about to turn into a slugfest, notwithstanding last week's spectacle of Jesse Helms and Madeleine Albright holding hands. Intimations of the battle to come were heard the week before last, when Democrats threatened to stall all Senate actions unless a ratification vote is scheduled. The Administration, meanwhile, is hyping April 29 as the drop-dead date for ratification in the hope of getting the Senate to short-change the "advise" part of its advise-and-consent responsibilities and rush to a vote before it has a chance to review it properly.

Majority Leader Trent Lott, who hasn't let on how he will vote, is the point man here. How he handles the treaty's passage through the Senate will be an important test of his leadership. While he has pleased Democrats by promising to bring the treaty up when the

Senate returns from recess in a few days, that doesn't mean that he's going to ram a vote down the Senate's throat, as the Administration hopes. Senator Lott is perfectly capable of spotting a bum's rush when he sees one, and he expressly made no promise for a vote before April 29, the date the treaty goes into effect with or without U.S. ratification. Despite Chicken Little warnings from the White House, there is no deadline for ratification; the U.S. can join as a full member at any time.

Before a ratification vote, there is plenty of time for a vigorous, public examination. The best place to start is with hearings, which Foreign Relations Committee Chairman Helms has scheduled to begin on April 9. Senators, especially the 15 new ones who missed last year's hearings, deserve a chance to understand exactly what they are being asked to vote on. At the moment the focus is on political maneuverings instead of where it should be: the content of the treaty.

For starters, Senator Helms could call the four former Defense Secretaries who adamantly oppose the CWC: James Schlesinger, Donald Rumsfeld, Casper Weinberger and Dick Cheney. Ask them about the treaty's verifiability, and they'll tell you it's impossible. (So, for that matter, will the treaty's supporters, whose best argument is that the treaty is flawed, but we ought to sign it anyway.) Douglas Feith, a Reagan Administration chemical weapons negotiator, likens enforcement to a drunk searching for his keys under a lamppost because that's where the light is. Under the CWC, members could look for chemical weapons in New Zealand or the Netherlands, but not in North Korea or Libya or Iraq, which have no intention of joining.

The former Defense Secretaries could also talk about Articles X and XI, which would require American chemical manufacturers to share their latest technology with fellow signatories—including the likes of Iran and Cuba. Legal scholars could offer some thoughts on the treaty's requirement that American companies open their doors to surprise inspections as to whether that squares with the Constitution's protection of property rights and its ban on search and seizure. CEOs could testify on the treaty's regulatory burdens, not to mention the threat of industrial espionage as inspector-spies snoop around their factories and troll through their files. Intelligence experts could discuss the impact on national security.

All this and more should emerge in hearings. In recent days, Republicans and Democrats have come to agreement on 21 of 30 points of contention over the treaty. That progress (which comes after weeks of Administration stonewalling, by the way) is on relatively minor issues and doesn't extend to the key concerns on verifiability, constitutionality or national security. The Administration would like nothing better than a perfunctory day or two of hearings on these crucial matters followed by a quick transfer to the Senate floor for a vote billed as "for" or "against" poison gas. It should come as no surprise if it doesn't want Senators to take too close a look: if they do, there's a good chance they might not like what they see.

Mr. HELMS. I yield to the distinguished Senator from Arizona [Mr. KYL], such time as he may require. Does he have an estimate?

Mr. KYL. Mr. President, 10 minutes.

Mr. HELMS. Take a shot at it. I want to be through along about 3:30, so we can vote.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. I also ask unanimous consent to have printed in the RECORD a number of op-ed pieces.

There being not objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Mar. 4, 1997]

DON'T RUSH THE CHEMICAL WEAPONS TREATY

George Bush, James Baker, Brent Scowcroft—this is not exactly a lineup one would expect to find on the side of the Clinton White House. However, in the past few weeks, the administration has drawn upon all available resources in the hope of prevailing upon Congress to ratify the Chemical Weapons Convention—and to do it at once. A deadline of April 29 looms ominously on the horizon, so we are told, by which time the treaty goes into effect, having already been ratified by the necessary 65 countries. If the United States does not ratify by then, we will be left out in the cold with other nonsigning ne'er-do-wells, and the world will laugh at this failure of American leadership. For heavens' sake, this is a treaty the United States itself negotiated! How can we possibly not ratify it?

Hold the horses here. As critics of the treaty including four past secretaries of defense have pointed out, it's not at all clear that it is in the interest of the United States to ratify the CWC, at least not until a number of problems associated with it have been resolved. The famous deadline of April 29 is basically of the administration's own making and ought not intimidate anyone. Of the 65 countries needed to trigger the treaty to take effect, the last one, Hungary, did so in November, and only after consultation with the White House, which told Budapest to go ahead.

In point of fact, as Michael Waller notes on today's Op-ed page, Russian Prime Minister Victor Chernomyrdin specifically warned Vice President Gore in a letter against rushing the process with other countries before ratification by the two most important signatories, Russia and the United States. Disregarding Mr. Chernomyrdin's warning, the Clinton administration pressed ahead in order to try to force the Senate's hand.

President Clinton and Secretary of State Madeleine Albright argue that non-ratification by the United States by April 29 will mean that we will be shut out from the regime's executive board. This is highly unlikely to happen, especially given that the United States is being asked to pony up a full 25 percent of the budget for enforcement. That's $52 million this year.

The fact of the matter is that the CWC may be in just as much trouble in the Senate now as it was back in the fall, when then-secretary of State Warren Christopher decided to postpone the debate for lack of support. For one thing, this Senate is more conservative than the previous one, and for another, numerous concerns have not been addressed. It redounds to the credit of Republicans that they have declared themselves willing to work with the administration to iron out these difficulties, but there is a very long way to go. Sen. John Kyl of Arizona tells The Washington Times' editorial page, "I believe we have an obligation to try to get as close as possible to making the treaty workable. And we'll see how far we can get."

Mr. Kyl, however, points to some serious problems. For one thing, it is not global. Iran and Libya, for instance, have not signed, and China and Russia have not ratified it. Should we be concerned about chemical weapons in Belgium and Holland? Of course not. They are not the problem. For another, the treaty is not adequately verifiable. Even the Clinton administration admits as much. And third, much like the Atoms for Peace program, it will spread the knowledge of a potentially lethal technology to countries that could make dangerous use of it. Add to these concerns the huge regulatory burden the treaty will impose on American chemical companies, in effect an unfunded mandate, as well as the constitutional problems with spot checks by international inspectors.

There may be ways out of these problems without sending the treaty back to the drawing board. One would be for the Senate ratification resolution (a document that accompanies all international treaties ratified by the Senate) to posit a set of conditions that must be fulfilled before the United States formally joins the CWC regime. A creative solution might be, for instance, to say that the CWC regulatory burden should not be imposed on American companies at least until such a time as the treaty has been ratified by countries that are key to its effectiveness—say, Russia, China and Iran.

On Friday, Senate Majority Leader Trent Lott informed administration negotiators that they will have to deal directly with the staff of Sen. Jesse Helms' Foreign Relations Committee, which is indeed where the responsibility belongs. Mr. Helms has some other issues outstanding with the administration, including State Department reorganization. If the CWC is truly as important as the White House claims it is, there's little time to be lost in getting the White House to work on the legitimate problems of this treaty.

[From the Wall Street Journal, Feb. 13, 1997

THE CHEMICAL WEAPONS COVERUP

(By J. Michael Walker)

President Clinton had hardly completed his first year in office when Sen. William Cohen (R., Maine) suspected that the administration was covering up ominous Russian military developments. Mr. Cohen introduced legislation requiring the president "to tell us and the American people what the Russian military was doing and what the implications were for American and Allied security." The Pentagon made the information available to Congress—but withheld it from the public. Mr. Cohen complained that the report "was classified from cover to cover, even though much of the report did not warrant being restricted by a security classification."

"Perhaps," Mr. Cohen surmised in a speech on the Senate floor, "the administration was worried about being embarrassed given its acquiescence to Russian military adventures." Whatever the reason, he said, "the decision to classify the report from the cover to cover has prevented Congress from conducting a complete public debate about Russian actions and the administration's policy toward Russia, and it has prevented the American people from becoming fully informed on these matters."

EERILY RESONANT

Mr. Cohen's criticisms of the administration to which he now belongs seem eerily resonant. The issue today is the administration's campaign to win Senate ratification of the Chemical Weapons Convention. Intended to abolish all chemical weapons world-wide, the CWC contains many loopholes, legal discrepancies and weak enforcement mechanisms that render it ineffective. In particular, there is every reason to believe that Russia has continued work to develop deadly new chemical weapons that would skirt the treaty's requirements.

Hungary recently became the 65th country to ratify the CWC, tripping a mechanism that puts the treaty into effect April 29 with or without the ratification of Russia, China and the U.S. Thus the administration is pushing hard for ratification by that date, though it had put the CWC on hold last September over concerns that the CWC might unnecessarily burden U.S. industry. American companies would be subject to new regulations and would be compelled to open their records to foreign inspectors. Firms having nothing to do with chemical weapons—wineries, breweries, distilleries, food-processing companies and manufacturers of electronics and soaps—could be forced to reveal trade secrets to the inspectors, to the benefit of foreign competitors.

In its zeal to ratify the CWC, the administration has been distorting and even concealing vital information about the treaty. Written exchanges between key senators and the executive branch show grave inconsistencies and worse in the selling of the CWC:

Verification questions

Many senators are worried that the U.S. lacks the capability to verify other countries' compliance with the CWC. This disquiet is fueled in part by the rather vague assessments by Arms Control and Disarmament Agency Director John Holum and other officials, who repeatedly have reassured the Senate that the CWC is "effectively verifiable." Indeed, proponents say CWC will provide an added tool for intelligence collection.

But intelligence reports demonstrate it is insufficient, even though intelligence chiefs have given the CWC their obligatory endorsement. In 1994, then-CIA Director R. James Woolsey told senators that "the chemical-weapons problem is so difficult from an intelligence perspective that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale." And a May 1995 National Intelligence Estimate stated that production of new classes of chemical weapons "would be difficult to detect and confirm as a CWC-sponsored activity."

Clandestine production

Several countries—notably including Russia—maintain clandestine chemical weapon programs designed to elude detection. The administration virtually ignored reports of Moscow's continuing covert development and production of binary nerve agents, and made no visible attempt to induce Moscow to terminate the programs—until last week, when the Washington Times made public a classified Pentagon report. The report described Foliant, the code name of a super-secret program begun under the Soviets to develop nerve agents so lethal that microscopic amounts can kill. One of those substances is A–232 of the Novichok class of binary weapons, which were designed to circumvent future bans on such agents.

The Pentagon report says the chemical formulas are not defined in the CWC lists. Therefore, Novichok weapons technically are not banned under the treaty. The administration counters that they are banned "in spirit," but as with all its arms control agreements, Moscow has been banking on the technicality and the camouflage.

Russian military scientists and journalists revealed the program, but Russian officials were not alone in trying to cover it up. The leaked Pentagon report's low level of classification—secret as opposed to top secret—suggests that protecting intelligence sources and methods was not the objective of the secrecy. Rather, it appears the facts were simply too inconvenient for the administration's purposes.

Nearly all the leaked information had appeared in the press long before. In September 1992, Vil Mirzayanov, a dissident Russian scientist who worked for 26 years on the clandestine programs, wrote an article in Moscow News describing the existence and nature of Novichok, and the specific intent to circumvent the CWC. More details emerged over the next two years as authorities persecuted—but never disputed—Mr. Mirzayanov. One of Russia's top binary weapons scientists, Vladimir Ugiev, revealed the existence of A–232—which he personally developed—in an interview with the magazine Novoye Vremya in early 1994. And in May 1994 Mr. Mirzayanov wrote about A–232 and other substances in an article for this page. Along with these first-person accounts came additional revelations of both programs in the Baltimore Sun and other publications.

Backed by letters from Sens. Bill Bradley (D., N.J.) and Jesse Helms (R. N.C.), U.S. Ambassador Thomas Pickering held a Moscow news conference in January 1994 defending Mr. Mirzayanov for "telling the truth about an activity which is contrary to treaty obligations." Yet in Washington, officials kept silent. Only the embarrassment of last week's Washington Times report has spurred the administration to ask Russia to stop.

Weapons destruction

The U.S. and other nations have repeatedly offered to help Moscow destroy the tens of thousands of tons of declared chemical agents in its arsenals. A legal base toward this goal in the 1990 Bilateral Destruction Agreement. Visiting Bonn last spring, Mr. Holum of the Arms Control and Disarmament Agency learned that Moscow was planning to withdraw from the BDA, and wrote a May 21 cable to Washington with the news. Lawmakers who asked to see the cable were told for weeks that it did not exist. Senate sources say. Sen. Jon Kyl (R., Ariz.), a member of the Select Committee on Intelligence, wasn't allowed to read the cable until the eve of the expected September ratification vote, when he was shown only a redacted version.

Chernomyrdin letter to Gore

Russian Prime Minister Viktor Chernomyrdin sent a letter to Vice President Al Gore on July 8, 1996, warning that if the CWC went into effect before Russia's ratification, Moscow probably wouldn't ratify it. The letter was faxed all around Washington, but when Sen. Helms, chairman of the Foreign Relations Committee, asked the administration for a copy, the administration classified it.

STRATEGY BACKFIRED

The Clinton administration had hoped to present the Senate with a fait accompli: that's why it encouraged Hungary and other nations to ratify the treaty and automatically trigger its implementation. Yet the White House strategy seems to have backfired. After Hungary set the CWC in motion, the upper house of the Russian Parliament voted down a long-awaited law that would establish the legal basis for chemical-weapons destruction. Just as the administration began its new CWC sales pitch, the Pentagon was forced to explain why it had done nothing for four years to convince Moscow to terminate its clandestine binary weapons program. And with former Sen. Cohen settling in at the Pentagon, others in the administration still hide behind their paper shield of secrecy.

[From the Wall Street Journal, Feb. 19, 1997]

A Dangerous Treaty

Among the many good reasons why the Senate should not ratify the Chemical Weapons Convention is a substance known as A-232. This highly lethal nerve agent was concocted by a Russian scientific team precisely for the purpose of circumventing the terms of the CWC, which both the U.S. and Russia have signed but not yet ratified. A–232 would escape scrutiny under the treaty because it is made from agricultural and industrial chemicals that aren't deadly until they are mixed and therefore don't appear on the CWC's schedule of banned chemicals.

The world has known about A–232 since the May 1994 publication on this page of an article by a Russian scientist, who warned how his colleagues were attempting to camouflage their true mission. It is now the subject of a classified Pentagon paper, reported in the Washington Times earlier this month, on the eve of what is shaping up to be an escalation of the battle joined in September over ratification of the Chemical Weapons Convention.

The Administration was forced to sound the retreat then, pulling the treaty from consideration when it became clear that the Senate was preparing to vote it down. Now it's trying again, this time in full cry about the urgency for U.S. ratification before April 29, the date it goes into effect. For now, Senator Jesse Helms has kept the treaty tied up in the Foreign Relations Committee, making the sensible argument that the new Senate ought first to focus on matters of higher priority than ramrodding through a controversial treaty that merits careful deliberation.

The Administration, meanwhile, is mounting a full-court press, with the president offering a plea for ratification in his State of the Union address "so that at last we can begin to outlaw poison gas from the earth." This is an admirable sentiment—who isn't against making the world safe from the horrors of poison gas?—but it's far from the reality. In fact, ratification would more likely bring the opposite result.

Article XI is one of the key danger areas. It would obligate U.S. companies to provide fellow signatories with full access to their latest chemical technologies, notwithstanding American trade or foreign policy. One country delighted at the prospect of upgrading its chemical industry is China, which, upon signing the CWC, issued a declaration saying, "All export controls inconsistent with the Convention should be abolished." No doubt Cuba and Iran, to name two other signatories, share the same sentiment. The Russian team that came up with A–232 no doubt could accomplish much more with the help of the most up-to-date technology from the U.S.

Verification is an insurmountable problem, and no one—not even the treaty's most ardent supporters—will promise that the treaty can be enforced. In the administration's obfuscating phrase, the CWC can be "effectively verified." Yet if chemical weapons are easy to hide, as A–232 proves, they are also easy to make. The sarin used in the poison-gas attack on the Tokyo subway was created not in a fancy lab but in a small, ordinary room used by Aum Shinri Kyo's amateur chemists. The treaty provides for snap inspections of companies that make chemicals, not of religious cults that decide to cook up some sarin in the back office. The CWC wouldn't make a whit of difference.

Those snap inspections, by the way, could turn into a huge burden on American businesses, which would have to fork out millions of dollars in compliance costs (though the biggest companies no doubt would watch the heaviest burden fall on their smaller competitors).

More than 65 countries have already ratified the CWC, including most U.S. allies. But somehow we don't think the world is more secure with Australia and Hungary committed to ridding the world of chemical weapons when such real threats as Libya, Iraq, Syria and North Korea won't have anything to do with the CWC. How can a treaty that professes to address the problem of chemical weapons be credible unless it addresses the threat from the very countries, such as Syria and Iraq, that have actually deployed these weapons?

With or without the CWC, the U.S. is already committed to destroying its chemical weapons by 2004. That doesn't mean the rest of the world shares any such commitment; what possible peaceful purpose does Russia have in the clandestine production of A-232? Instead of pushing a treaty that can't accomplish its impossible goals, the Administration would be better advised to use its clout, rather than that of some planned U.N.-style bureaucracy, in getting the Russians to stop making nerve gas.

It's hard to find a wholehearted advocate of the treaty. The gist of the messages from most of its so-called champions is that it's a poor deal, but it's the best on offer. But their cases have acknowledged so many caveats that it's hard to see how they've reached such optimistic conclusions. The biggest danger of ratification is that it would similarly lull the U.S. and other responsible nations into the false belief that they are taking effective action against the threat of chemical weapons. The case for this treaty strains belief too far.

Mr. KYL. Mr. President, the condition we have before us right now is whether or not the United States will be a party to a meaningful treaty, that is to say a treaty that covers nations that it needs to cover. It will not do us any good if we are a party to a treaty, paying 25 percent of the costs, to inspect ourselves. Right now, the countries that have ratified this treaty are not the countries that are of concern to us. They do not have weapons. As a matter of fact, right now the countries that are parties have nothing to inspect. The United States, if it believes this treaty is ultimately going to have any positive effect, that is to say if it has significant verification features, and if it is global in the sense that most of the countries of the world that have chemical weapons are parties to it, and if it is enforceable—at that point in time the United States presumably could get something out of this treaty. In the meantime, the only thing we get out of it is the opportunity to pay a lot of money, as I say, to inspect ourselves. Because the countries that need to be inspected are not yet in it.

Specifically, 74 countries have ratified the treaty and they are the countries of least concern to the United States. The three countries that have the largest amount of chemical weapons in the world—Russia and China and the United States—are not parties, nor are any of the so-called rogue countries of the world.

Many of these countries have no intention of signing onto the treaty. North Korea, Iraq, Libya, Syria, and Sudan have all refused to sign the treaty. Others, such as Cuba and Iran, have signed the treaty but have not yet ratified it. In the meantime, some of these countries, such as Iraq, continue to stockpile and develop chemical weapons.

So, the question is, will the United States enter this treaty at a time when it is meaningless, or will we, instead, use our entry as a prod to cause other countries of the world that need to be parties to be parties. For the treaty to offer any potential improvement, however modest, to the national security interests of the United States, I think at a minimum it must affect those countries with aggressive chemical weapons programs and which have hostile intentions toward the United States. Let me just outline briefly who these—who some of these countries are.

North Korea—North Korea's program involves the stockpiling of a large amount of nerve gas, blood agents, and mustard gas. And it is capable of producing much more, according to our intelligence sources. Its armed forces have the ability to launch large-scale chemical attacks using mortars, artillery, multiple rocket launchers, and Scud missiles. And it is presently developing a new generation of medium-range ballistic missiles that will be able to carry chemical warheads. North Korea has neither signed nor ratified the Chemical Weapons Convention.

Iraq—despite the most intrusive inspection and monitoring regime in the history of the world, Iraq has retained a chemical weapons production capability and continues to hide details and documents related to its chemical weapons program. The U.N. Special Commission believes that Iraq continues to hide chemical agents, precursors, and weapons. Iraq admitted in 1995 that it had produced over 500 tons of a lethal nerve gas agent before the Gulf war. The U.N. inspectors had previously been unable to uncover evidence of this, despite a more rigorous inspection regime than even those mandated by the Chemical Weapons Convention verification regime. As noted, Iraq has neither signed nor ratified the Chemical Weapons Convention.

Iran—Iran has been producing chemical weapons at a steadily increasing rate since 1984 and now has a stockpile of choking, blister and blood agents of over 2,000 tons. It also may have a small stockpile of nerve agent. It has the ability to produce an additional 1,000 tons of chemical agents per year.

It has signed but not ratified the CWC. Even so, and this is critical, Iran's chemical weapons program is among the largest in the Third World. It has continued to expand, even since Tehran signed the CWC. And the Central Intelligence Agency believes that Iran has no intention of abiding by the terms of the CWC.

Iran is making improvements to its chemical capabilities that suggest it has made a long-term commitment to its chemical program. I repeat, the CIA believes that Iran has no intention of abiding by the terms of the CWC. It is the most active state sponsor of international terrorism. It is directly involved in planning and directing terrorist attacks. And it could supply chemical weapons to a number of terrorist groups. Iran has not ratified the Chemical Weapons Convention.

Syria has produced chemical weapons since the mid-1980's. The CIA believes that it is likely that Syria's chemical weapons program will continue to expand. Syria can indigenously produce nerve agents and mustard gas, and is stockpiling both agents. It may have produced chemical warheads for its Frog and Scud missiles for use against Israeli cities. Syria has not signed nor ratified the Chemical Weapons Convention.

Libya—Libya has produced at least 100 tons of chemical agents, including mustard and nerve gas. Libya is capable of delivering its chemical weapons with aerial bombs, and may be working to develop a chemical warhead for ballistic missiles. It also possesses cruise missiles. Libya has neither signed nor ratified the Chemical Weapons Convention.

Mr. President, the point is, unless these countries are party to this treaty, whatever benefits the treaty has are essentially meaningless. This is one of the reasons why former Defense Secretary Dick Cheney said this, in a letter he wrote about a week ago. He said:

> Those nations most likely to comply with the Chemical Weapons Convention are not likely to ever constitute a military threat to the United States. The governments we should be concerned about are likely to cheat on the CWC, even if they do participate.
>
> In effect, [he wrote] the Senate is being asked to ratify the CWC even though it is likely to be ineffective, unverifiable, and unenforceable. Having ratified the convention, we will then be told we have "dealt with the problem of chemical weapons" when in fact we will have not. But, ratification of the CWC will lead to a sense of complacency, totally unjustified given the flaws in the convention.

Finally, to the point. The Senator from Massachusetts said that we are somehow holding ourselves hostage to the rogue states. Precisely the opposite is the case. We decide when to join this convention, not because the administration says there is an automatic deadline under which we have to do so, but when we say it will matter. When we are not having to pay 25 percent of the costs of a meaningless convention, in effect 25 percent of the costs to inspect ourselves. Mr. President, $200 million a year to help this U.N.-style bureaucracy, in addition to putting the businesses of the United States through all the hoops they are going to have to go through in order to comply with this convention.

I have written to my constituents the names of companies on the list supplied to us by the Government as potentially required to comply with the reporting requirements of the convention. They write back to me saying it would cost them $50,000, $70,000, or more than $100,000 a year, just to fill out the forms.

What we are saying is, instead of putting our businesses through the expense and hassle of having to comply with this when nobody in the United States has any intention of violating this treaty—these companies back in Arizona have no intention of producing chemical weapons—instead of submitting ourselves to that intrusive bureaucratic regulation and expense, not to mention the expense to the U.S. taxpayer, let us be involved in this when it means something; that is to say, when the countries we really care about are involved in it.

Finally, to the point that we are somehow associating ourselves with thugs by not joining, I find that really an argument that is, really—

Mr. HELMS. Insulting?

Mr. KYL. Mr. President, I don't want to use the word insulting, but it has no persuasive force, let's put it that way.

Does this mean if a country like Iran or Cuba, for example, signs up, that we would be associating with lesser thugs? Actually, don't the proponents of the treaty want us to associate with thug nations, if this is going to mean anything? Don't we want all of those countries in the treaty with us?

Somehow, under their logic, we don't want to associate with these thugs. Yet, they want to pass a treaty that, presumably, if it is going to mean anything, has these thugs in it, in which case we are associating with them.

Obviously, the point is not whether we are associating with thugs. I don't think that any of us can fail to make appropriate distinctions here. The fact of the matter is, those thug nations, if this treaty is to mean anything, ought to be part of the organization and, at that time, the United States then could participate in a meaningful way. Until those thugs are a part of this treaty, we are just wasting our time and money and putting a lot of our citizens to an awful lot of unnecessary hassle.

The point of this condition is to make a point, to make the point that the countries that really matter are not even going to be governed by this treaty. It is one of the reasons why this treaty, in the end, cannot be supported.

The PRESIDING OFFICER. Who yields time? The Senator from North Carolina.

Mr. HELMS. Mr. President, allow me to inquire of the distinguished colleague, does he have somebody ready to go now? I do, if he does not.

Mr. BIDEN. Why don't you go ahead?

Mr. HELMS. I believe I have an hour and 6 minutes that I saved a while ago. I yield 10 minutes of that to the distinguished Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee for his leadership on this issue, for talking about this treaty so that all of America is beginning to see what the issues are.

I hope to be able to support the Chemical Weapons Convention as strengthened by the resolution of ratification introduced by the chairman of the Foreign Relations Committee.

Before I address this resolution, I want to draw our attention to the remarkable events in Lima, Peru. The Peruvian Armed Forces and police conducted a bold, daytime raid and rescued 71 of the 72 hostages being held by a terrorist group for 4 months. As part of the operation, the Peruvian Army used riot control agents to stun the terrorists and rescue the hostages.

I would caution my colleagues, regardless of where they come out on this treaty, that the actions of the Peruvian Armed Forces that resulted in minimal loss of life among the hostages were quite possibly a violation of the Chemical Weapons Convention, which expressly forbids the use of riot control agents as a method of warfare.

I make this point because this treaty has many things in it that we must think about very carefully. I believe the proposals the distinguished Senator from North Carolina has offered in the resolution before us will turn a flawed treaty into an effective, verifiable tool of American foreign policy. We are talking about safeguards that ensure the treaty will be something that America can support, knowing that we are protected, both in our constitutional rights and in the security of our country.

One of the amendments before us today would take away one of the very important elements of protection about which I speak. The amendment I am referring to does not require that the Director of the CIA certify that the countries which have been determined to have offensive chemical weapons, like Iran, Iraq, Syria, Libya, North Korea, China—have ratified the convention. We want to make sure that those countries are going to come under the auspices of this convention. I think it is important that we have those safeguards.

So, I hope my colleagues will support the resolution, the underlying resolution, rather than the amendments that are being put forward.

I am glad the Senate is taking the opportunity to improve this treaty. Our constitutional responsibility to advise and consent on treaties is one of the most important that we have. Unfortunately, we have gotten into the bad habit of all consent and no advice. When it comes to that, we cannot let that happen. That is why we are here. That is why the Constitution requires two-thirds of our body to ratify any treaty that America would participate in.

Mr. President, international treaties extend the full faith and credit of the United States, and they become the law of our land when they are ratified. So the United States cedes a little sovereignty with every treaty the Senate ratifies. That is why the framers of our Constitution wanted to be very careful that two-thirds of the Senate would be needed to ratify any treaty that would become the law of our land.

Like no other treaty before it, the Chemical Weapons Convention will make this loss of sovereignty apparent to thousands of Americans at thousands of companies who will be faced with new Government regulations or be subject to searches and seizures of their property by teams of international inspectors. These are the practical effects this treaty will have on ordinary Americans.

As many as 670 companies in my home State of Texas will be directly affected by this treaty. Only a handful of these companies are actually in the chemical industry. Many others use small amounts of chemicals for legal, nonmilitary purposes. But according to this treaty, they will be required to submit business information to a new United Nations-style international organization that will monitor this treaty, or they will have to open their property to inspections by teams of international inspectors.

Because of the way this treaty will affect ordinary Americans, it is a profound departure from previous arms control treaties which were really limited to military contractors and installations. That is why we must look so carefully at this treaty. If we are going to impose this burden on ordinary Americans, then we must make sure that the benefits outweigh the costs.

First, let me say, without qualification, that chemical warfare is reprehensible and it deserves uniform condemnation. I am proud that the United States has already decided to destroy any chemical weapons that we might have with or without this treaty. But, Mr. President, it is also our responsibility to make sure that we have defenses against any country that might use chemical weapons in order to be sure that we are not unilaterally disarming ourselves.

I support the 1989 and 1990 agreements between the United States and Russia that ban the production of chemical weapons and require both countries to destroy their stockpiles. Those two agreements were backed up by tough onsite inspections in which each side can watch the other destroy the weapons.

Unfortunately, neither the Geneva Protocol against chemical weapons use nor the two agreements that we have signed with Russia are actually being enforced.

When the Government of Iraq used chemical weapons against its own citizens in the 1980's, the United Nations could not even agree upon a resolution condemning Iraq.

The two Russian agreements are dead, too. The Russian Prime Minister told Vice President Gore in July 1996 that both agreements have outlived their usefulness. It appears that the Russians do not intend to honor these agreements. I remind my colleagues that Russia has the world's largest stockpile of chemical weapons, and this is not a trivial matter.

So, Mr. President, we have three good, tough, supposedly enforceable international agreements to restrict the use of and destroy chemical weapons. But those agreements have failed. So now we are here today to consider another agreement, even tougher, that involves more countries, and we hope it will work where others have failed.

Mr. President, I think we have to address three key questions when we are talking about not only destroying our chemical weapons but sharing the technology that we have for defending against them.

My first question: Will this treaty achieve the desired objective, an objective we all want, and that is to rid the world of chemical weapons?

I do not think so. Even the most ardent supporter of the treaty knows that this is not going to rid the world of chemical weapons. We know that there are outlaw regimes producing chemical weapons as we speak that have no intention of signing or ratifying this treaty.

Iraq is one example. Iraq makes a mockery of international agreements. The Government of Iraq has used chemical weapons against its own people, for Heaven's sake. Who among us believes that a government that would do this would honor an agreement when it has already used these weapons on its own people?

Even worse, this treaty as written actually encourages the spread of chemical weapons technology among the countries that are parties to it because articles X and XI require treaty participants to share their chemical weapons defense technologies and prohibits countries from placing restrictions on commerce in chemicals that can be used for weapons purposes.

Mr. President, I think what we see here is good-intentioned, but we are talking about restricting ourselves from producing chemical weapons, which we want to do, and we are talking about sharing our defenses against chemical weapons with countries that may be represented in international inspection groups that would come into our businesses and could easily give this information back to the countries who are not signatories.

That is why these amendments are so important, so that every one of these countries that has chemical weapons will be a party to this agreement, so that at least we would know that we have some ability to sanction these countries when they are not able to show us that they are complying.

Mr. President, my second question is: Can we determine with reasonable accuracy that the other countries that have signed the treaty will honor it, as we certainly will? We all remember President Reagan's words, "trust but verify." We need the ability to verify.

This is a treaty that I am afraid there is no way we could really verify. In fact, even the supporters admit that you cannot really verify it. We are trying to strengthen it so that we will have at least some ability. But then it comes into question, are we going to exercise those abilities?

I think one of the concerns that I have is that we know that countries with whom we trade, countries with whom we have good relations, are actually selling the equipment to make nuclear weapons to these countries that are rogue nations, that are terrorist states, right now as we speak. Germany is. Russia is. China is.

What are we doing about it? What are we doing? We are not standing up and saying, there are consequences to that action, because we do not want to rock the boat in some other area of foreign policy.

Mr. President, if we are not going to stand up when countries with whom we are trading and with whom we have friendly relations are this very day selling nuclear weapons or nuclear capabilities to rogue nations, like Iran and Iraq, how could we ever say that this treaty would be verifiable and that all of the signatories would comply with this treaty and that we would in fact do anything if they were not?

Mr. President, my third question is: Can we protect the constitutional rights of ordinary Americans affected by the treaty who are engaged in activities that have nothing to do with the production of chemical weapons? I think this is one of the most important issues—the constitutional right against an unreasonable search or seizure.

The protections offered by the chairman of the Foreign Relations Committee, Mr. HELMS, is a first step. But we are going to have to hold on to the protections that have been put in the bill by the committee because the fourth amendment to the Constitution is a pillar of the Bill of Rights. It protects the rights of our people against unreasonable searches and seizures. Yet this agreement, the chemical weapons treaty, would allow people to come in, international groups, to inspect our companies, not companies that are making chemical weapons—we do not do that—but companies that use chemicals for any other myriad of purposes, to get their trade secrets or our defense mechanisms against the chemical weapons that we may have to face one day.

Mr. President, I am just very worried that we would disarm ourselves and lose the ability to protect ourselves against a rogue nation that will not sign and ratify this treaty.

The amendments offered today would take away the protections that are now in the resolution against that happening because the resolution says all of these rogue nations must be a party to the agreement so that at least we would have the mechanisms to go in and try to find these chemical weapons. Yet, you know even the best effort that we have been able to make in finding chemical weapons in Iraq have failed. Right now our international agreements allow us to look in Iraq for chemical weapons. We have not found any. And yet all of the inspectors in the international group that are trying to find those weapons have not been able to do it, but they say they know they are there. They are sure that they are there. So the verifiability becomes a real issue.

Mr. President, I think that the committee has done an excellent job of protecting the interests of Americans in this treaty. I hope that we can keep the safeguards so that all of us can vote for this treaty. I would like to because I respect the people who are for the treaty.

I have the greatest regard for President Bush. I think he is a wonderful man. He would never leave the United States of America defenseless. But you know, if Senator KYL and Senator HELMS had not stood up, one of the safeguards that President Bush put in the treaty would have been taken out, and that is the use of tear gas by our forces in wartime, because President Bush made sure that we said right up front, yes, we will use tear gas because we would rather use tear gas than bullets.

President Clinton disagreed with that. He said, no, we would not use tear gas. But because of the efforts of Senator HELMS and Senator KYL, we have been able to agree on that issue.

So, Mr. President, I hope to be able to support this treaty. I thank the distinguished chairman of the committee for allowing me to speak and for his leadership. I would like to be able to support it, but I will not support this treaty without the safeguards to the security of America. That is my first responsibility.

Thank you, Mr. President.

Mr. HELMS. I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield 10 minutes to my colleague from Indiana.

The PRESIDING OFFICER. The Senator from Indiana is recognized for 10 minutes.

Mr. LUGAR. I thank the Chair.

I thank the distinguished Senator from Delaware.

Mr. President, the objective of the Chemical Weapons Convention, the debate that we are involved in now, is leadership, a question of leadership by our country.

We can take a look at all the exceptions and the negative views, but the very positive force I think we want to stress in framing this issue is, the United States of America, our statesmen, President Ronald Reagan, George Bush, now President Bill Clinton, and many who have worked with them in the Armed Forces and in statecraft, recognize that our country has a very substantial problem in the world; namely, that of chemical weapons.

We came to a determination on our part that these weapons were unreliable, unstable, dangerous, and so dangerous, as a matter of fact, that we did not wish to employ them—we wished to destroy them. We have been doing that as a nation.

Our dilemma is that other nations, primarily Russia, with substantial stores much greater than our own, but a variety of other nations, purportedly have these weapons. Our problem is to convince other nations in the world that we all ought to be about the task of ending production of these weapons, ending possession, storage, ending any vestige of them.

Now, in order to do that, we have to bring other nations into this with us. Therefore, we have offered leadership now for many years. We have convinced 74 other nations that have already ratified the Chemical Weapons Convention that they ought to be with us in this quest. I make that point at the outset, Mr. President, because the motion before the Senate is to strike a condition added, at least to this treaty, that would say we ought to forgo our leadership, we ought to really forget what our objective has been for years. I presume we ought to forget we are in the process of destroying all of our own chemical weapons and simply hope that others might proceed.

As a matter of fact, if we do not ratify this convention this evening, others will proceed, but they will proceed without us. Our diplomacy with Russia will be severely impaired. As a result, even though we are working with Russia now—as a matter of fact, to help them destroy chemical weapons—through reasons the world will find hard to understand, we will have denied the very treaty we have asked others to join us in. It makes no sense.

Let me say with all due respect to those who formulated the idea that we should not ratify the Chemical Weapons Convention unless the so-called rogue states—named as North Korea, Libya, Syria, Iran, and Iraq—join, must have really stayed up nights trying to think of some way to throw us off course. I presume they felt that our antipathy to some of these states would be such that we would say if they are not going to be a part of it, we ought not to be a part of it, we ought to simply go after them in a unilateral way. Let me examine that for a moment, Mr. President.

The Senator from Delaware and the Senator from Massachusetts have talked about law, about legitimacy. As a matter of fact, our Nation does have the mobility to be an enforcer. In the event we feel our security is threatened, our President might, in fact, consider a military action against a nation that offered a security threat to us. But let us examine the implications if our President decides to do this. If he is going to act unilaterally without benefit of international law—and international law does count because other nations understand the implications of that cooperation and the binding that brings—if we are going to contemplate solo strikes without benefit of international law, then we will have to think about overflight rights, about the problems of our pilots if our aircraft are down, about a number of implications in which we count upon cooperation of nation-states. International law does count. It makes a difference that there is a law against this, and that the United States acts with other nations and with their backing to enforce that, and that we shall have to do.

Much has been said about lack of military will or lack of political will, but, Mr. President, I have seen very little of that in this Chamber during this debate. We are serious about this.

Mr. President, let me add just as a topical matter, because the Members of the Senate who have been watching local television at least in the last half-hour appreciate that in northwest Washington, in the downtown area near the B'nai B'rith headquarters, a vial of chemical material or biological material is present that authorities of the police and fire department and special persons in the Washington, DC, area have now picked up this material, and people in the B'nai B'rith headquarters are being decontaminated. A suggestion is that it may be anthrax, a very deadly biological weapon.

It was not long ago on this floor, Mr. President, that the Nunn-Lugar-Domenici Act was debated and we talked then in terms of attempting to bring Department of Defense resources into play with the cities of this country—Washington, DC, being prominent among them, Atlanta, GA, Denver, CO, and 23 other cities have been named—so that in the event there should be anthrax, which was specifically mentioned in the debate, we were prepared to move. That is leadership, Mr. President. We saw the threat and we prepared to move upon it. We have done so.

Now, we will do so with regard to the international scene. But the treaty gives us the basis of international law. To suggest for a moment, Mr. President, we ought to be deterred from our leadership by whether Iraq joins, whether Iran is involved, whether North Korea should ever be involved, is to stretch credibility really to the breaking point. These nations are irrelevant to our membership and our leadership. They are irrelevant to our standing for international law and our ability to act, and to act decisively. That must be our standard, Mr. President. With imagination, one will think of all sorts of hobgoblins that can be thrown up to make an interesting debate, but debate is leadership, and debate is decisive political will, and the debate is our ability to convince other nations of the world they should come with us, that we are reliable, that we stay the course, that our word is good, administration after administration.

Mr. President, this is the reason we should vote to strike this amendment, this condition, from the convention immediately, decisively. It has been a point, clearly, a parliamentary procedure, and that our failure to do so, as a matter of fact, jeopardizes the entire treaty. It is improbable, if not impossible, our Nation would ever join, would ever follow through on our leadership, if we were to wait upon states that are irrelevant to the whole proposition.

I conclude, Mr. President, by saying obviously, threats in those states are not relevant. We must be decisive. We need going for us international law, enhancement of our intelligence that the intrusive inspections and all of the trade accounts will give to us, so that when we strike, we will strike accurately and completely and bring the security to the world that this treaty attempts to promote.

Mr. HELMS. I yield such time as the Senator from Arizona may consume.

Mr. KYL. I will be very brief to a matter of news interest here in the Washington, DC, area. People might be watching this on a different channel of their television, viewing the ambulances and people attempting to assist, and at least two people who appear to have been exposed to some kind of chemical agent. My understanding is that Senator LUGAR has just discussed this matter briefly, as well. This occurred at or near a B'nai B'rith facility here in Washington, DC.

I think that while neither side in this debate would want to use an unfortunate incident to bolster their case, and while our first concern ought to be for the people who may have been exposed to some agent here—and we all certainly hope there is no harm done and that if, in fact, it was not accidental that the perpetrators are dealt with in the appropriate fashion—I think it is also an inappropriate place to make the point that contrary to those who assert that the Chemical Weapons Convention deals with this problem, it does not. We should be very, very clear about that.

There are reasons for proponents to suggest that this Chemical Weapons Convention should be supported. There are arguments of opponents as to why that should not be the case. But I hope that we do not have people arguing on the floor of the Senate here that the Chemical Weapons Convention will deter terrorists, that somehow this will make us safer from terrorist attack, because it cannot fulfill that noble goal. We will literally be buying on to something that cannot come to pass if the treaty proponents try to sell it on that basis.

As a matter of fact, there is specific declassified intelligence information directly on this point. I will quote that before the chairman resumes his time. A declassified section of the Defense Intelligence Agency document of February 1996, with specific reference to the Tokyo subway attack by terrorists at that time said:

> Irrespective of whether the Chemical Weapons Convention enters into force, terrorists will likely look upon CW as a means to gain greater publicity and instill widespread fear. The March 1995 Tokyo subway attack by Aum Shinrikyo would not have been prevented by the Chemical Weapons Convention.

In May of 1996, another CIA report, a portion of which has been declassified, contains this statement:

> In the case of Aum Shinrikyo the Chemical Weapons Convention would not have hindered the cult from procuring the needed chemical compounds used in the production of sarin. Further, the Aum Shinrikyo would have escaped CWC requirement for an end use certification because it purchased the chemicals within Japan.

There are some additional things we can quote. The point I am making is that reasonable people can differ about the pros and cons of this treaty. That will be reflected in the vote on the treaty here. I hope that Americans do not get the idea that we will be safe from terrorist attack or even significantly safer by the adoption of this Chemical Weapons Convention. Terrorist attacks are not what it was designed to deal with. I hope that point is crystal clear.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Senator for that explanation. I think it was very timely.

I yield 12 minutes to the distinguished Senator from Oklahoma [Mr. INHOFE], following which I suggest we vote.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

The Senator from North Carolina has 4½ minutes remaining on the amendment.

Does the Senator wish to yield from your resolution time?

Mr. HELMS. In that case, I misunderstood the statement of the Parliamentarian.

The PRESIDING OFFICER. The Senator from North Carolina, do you yield the remaining time of the amendment or from the resolution time?

The Senator from Oklahoma is recognized for 12 minutes.

Mr. INHOFE. Thank you, Mr. President. I will probably not take the 12 minutes.

The Senator from Arizona is exactly right. I think even the strongest opponents of the ratification of the Chemical Weapons Convention have said this is not going to affect terrorist activities. Obviously, by the very title "terrorists" they are not going to be complying with this.

I have to say I feel the same way about these countries that we are discussing right now. The condition which is under debate at this time is whether or not to strike that portion with regard to Iran, Syria, Libya, North Korea, and China. It would be, if we were only concerned about those countries that have signed or have ratified or have an expressed intention to ratify, that would be very nice, because we would be talking about Canada, the Fiji Islands, Costa Rica, and Singapore, Iceland. That is not where the threat is. The threat is the rogue nations. That is what we are talking about right now.

I will for a moment bring this up to date by quoting a couple of things. General Schwarzkopf, during a press conference in Riyadh said: ,

> The nightmare scenario for all of us would have been to go through this [the Iraqi tank barrier], get hung up in this breach right here, and then have the enemy artillery rain chemical weapons down on the troops that were in the gaggle in the breach right here.

General Hughes said:

> In any attack in the south, Pyongyang could use chemical weapons to attack forces deployed near the DMZ, suppress allied air power, and isolate the peninsula from strategic reinforcement.

Four days ago in a Seoul, North Korea, newspaper there was an article quoting very high North Korean officials as saying they now have adequate chemical weapons to annihilate South Korea. This is going on as we speak. So we are talking about nations that are not going to be our friends. These are the ones that, whether they are signatories, or whether they ratify or not, it doesn't make too much difference. It tickles me when they talk about, "Russia is going to do that." Last night, I was on a talk show and we finally agreed that on the 1990 Bilateral Destruction Agreement, they have been found in noncompliance of that, and of the START I, of the Conventional Forces in Europe. Even though my opponent denied it was the INF, in fact, they were. In the 1995 Arms Control Disarmament Agency report, it says they were not in compliance with that; the ABM Treaty, they have not been in compliance with that.

But let's assume if a country like Russia doesn't comply when they ratify, what about these rogue nations? I can tell you for sure that those proponents of the ratification have gone to every extent possible to make it look like—or to make us believe that the Reagan administration, if they were here today, would be in support of this Chemical Weapons Convention. I can assure you that they would not. Coincidentally, I happened to be on a talk show—"Crossfire"—with a very fine gentlemen, Ken Adelman. He had been in the Reagan administration. We found out, after he gave his testimonial as to why we should ratify—and he admitted it was not verifiable nor is it global, but he still thought we should do it—that Mr. Adelman might be prejudiced by his membership on two boards of directors, the International Planning and Analysis Center and on Newmeyer and Associates. These companies, which he directs, have clients in many foreign countries, including China and Japan, and they represent companies that deal in chemicals such as those from the UpJohn Co. People say this is just chemicals. It is not just chemical companies we are talking about. In this chemical association that gets so much attention, it represents 192 chemical companies. These are the large ones, the giants. There are some 4,000 other companies, and you can expand it beyond purely chemical companies to some 8,000 other companies, most of whom are opposed to this, because they would be shut out in the competition.

I think the whole thing on this particular amendment is whether or not this would have any positive effect on the rogue nations if we should ratify the Chemical Weapons Convention. I don't think there is anybody here who is so naive to think that, voluntarily, if they are a part of it, they would reduce their chemical behavior. I think those of us in this room can argue and debate that.

So I go back to the people who are the real authorities. You have heard

Dick Cheney quoted several times on the floor, in his letter that we have quoted several times. He said, "Indeed some aspects of the present convention—notably, its obligation to share with potential adversaries, like Iran, chemical manufacturing technology that can be used for military purposes in chemical defense equipment—threaten to make this accord worse than having no treaty at all." That is Dick Cheney, not some guy that read a couple of articles and determined it was wrong. What is he talking about? He is talking about something that will be debated here shortly, and we will get into that in more detail. Part of article X says, "The technical secretariat shall establish not later than 180 days after entry into force of this contract, and maintain for the use of any requesting state party, a data bank containing freely available information concerning various means of protection against chemical weapons, as well as such information as may be provided by states' parties."

Well, I can remember in the Armed Services Committee when Schwarzkopf was here. I said:

> General, you are in support of the Chemical Weapons Convention.

I read that, and then I will read a transcript, because I think everybody who might be basing their vote on what General Schwarzkopf said, here is a transcript from that meeting:

> Senator INHOFE. Do you think it wise to share with countries like Iran our most advanced chemical defensive equipment and technology?
>
> General SCHWARZKOPF. Our defensive capabilities?
>
> Senator INHOFE. Yes.
>
> General SCHWARZKOPF. Absolutely not.
>
> Senator INHOFE. Well, I'm talking about sharing our advanced chemical defensive equipment and technologies, which I believe under article X (they) would be allowed to (get). Do you disagree?
>
> General SCHWARZKOPF. As I said, Senator, I'm not familiar with all the details—you know—you know, a country, particularly like Iran, I think we should share as little as possible with them in the way of our military capabilities.

I am not critical of General Schwarzkopf. It is a very complicated thing. I don't know how many people read the whole thing. I haven't, but I read enough to know, as far as our treatment with rogue nations, I would not want to be ratifying this contract unless they ratified it. Then I would not trust them any more than we would trust Russia, and if they do ratify, I question if they will honor it.

One of the other conditions we are going to talk about is, should we do it, should we put in a requirement that they would have to ratify before we will. Well, we had that requirement 2 years ago when I voted against the START II treaty. They said we have to do it before Russia because they won't ratify unless we do. Guess what, Mr. President, they still haven't ratified.

Lastly, to kind of express the urgency of this, former Secretary of Defense, James Schlesinger, said, "To the extent that others learn from international sharing of information on chemical warfare defenses, our vulnerability is enhanced rather than diminished. Finally, this treaty in no way helps shield our soldiers from one of battlefield's deadliest killers. As indicated earlier, only the threat of effective retaliation provides such protection."

What he is saying there is not that we would use chemical weapons, but by the fact that we are not a party to this treaty is one that would at least offer some type of a deterrent. So I think, Mr. President, when you look and read of the hostility that is over there—James Woolsey said, in 1993:

> More than two dozen countries have programs to research or develop chemical weapons, and a number have stockpiled such weapons, including Libya, Iran, and Iraq—

Three of the countries we are talking about:

> The military competition in the always volatile Middle East has spurred others in the region to develop chemical weapons. We have also noted a disturbing pattern of biological weapons development following closely on the heels of the development of chemical weapons.

Mr. President, the threat is there, and we know that other countries can sell their technology, as well as their systems, to rogue nations. We know Russia has done this, to specifically Iran and other nations, not when they sold their technology, but also their equipment. So it is a very scary thing to think that we might be putting ourselves in a position that would increase our exposure to the threat of chemical warfare and would increase the proliferation of chemical weapons in the Middle East.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I believe time has expired. Parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HELMS. If the Chair will refresh my memory, a motion to table is not in order, is that correct?

The PRESIDING OFFICER. All time would have to be yielded back on the amendment in order for a motion to table to be in order. The unanimous-consent agreement does not appear to preclude a motion to table.

Mr. HELMS. How much time remains, Mr. President?

The PRESIDING OFFICER. Currently, the Senator from North Carolina would have 4 minutes 27 seconds on the amendment. The Senator from Delaware would have 2 minutes 37 seconds.

Who yields time?

Mr. BIDEN. Mr. President, how much time remains for me?

The PRESIDING OFFICER. The Senator controls 2 minutes 37 seconds.

Mr. BIDEN. I yield myself the remaining time. I will speak to a couple of points. With regard to Ken Adelman, I am sure our colleague from Oklahoma didn't mean to impugn his motivation by suggesting for whom he worked. I would not suggest that of Mr. Rumsfeld because of where he works now, that it caused him to have that view. Ken Adelman—although I disagree with him most of the time, he was an able member of the administration. He was viewed as a hawk at the time he was here. For the record, I am sure there was no intention to do that?

Mr. INHOFE. If the Senator will yield, I made it very clear before my remarks that I hold him in the highest of esteem. However, the fact remains that he does work for those companies that have an interest, and that could be a conflict of interest. I think that could be drawn by anyone.

Mr. BIDEN. I thank the Senator for making clear what he meant. I didn't think that's what he meant. I was hoping that is not what he meant, but it is what he meant. That could be said about almost everybody who testified before our committee, for and against this treaty, and I really, quite frankly, think that the leaders for and against this treaty in the last two administrations are men and women of integrity who would have no conflict. They are consistent with what they did within those administrations.

Let me point out a few things. It seems interesting to me that here we are, the very people—our very colleagues who want to have a provision saying that we want all these rogue nations in the treaty before we get into the treaty, argue in the alternative, that these nations in the treaty mean the treaty is worthless. Translated, very simply, they are not for this treaty under any circumstance, whether or not these nations are in the treaty or out of the treaty. I also point out that—in the interest of time, I will not be able to point it out in detail—every argument against this treaty made thus far on the floor today, I respectfully suggest, is made worse by not being in the treaty, by not having the treaty. I find it, quite frankly, interesting.

My time is up. I hope my colleague will not move to table. We agree not to attempt to amend any of these conditions. I hope we will have a vote up or down. Apparently, it is not in the agreement. If he chooses to do it, I guess he has the right.

Mr. HELMS. Mr. President, I shall not move to table. I will yield back such time as I may have.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to amendment No. 47.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 71, nays 29, as follows:

[Rollcall Vote No. 46 Ex.]

YEAS—71

Abraham
Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith Gordon H
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—29

Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Coverdell
Craig
Enzi
Faircloth
Gramm
Grams
Grassley
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McConnell
Murkowski
Sessions
Shelby
Smith Bob
Thomas
Thompson
Thurmond

The amendment (No. 47) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWNBACK). The Senator from Delaware.

Mr. BIDEN. Parliamentary inquiry.

The PRESIDING OFFICER. May we please have order.

Mr. BIDEN. Mr. President, I withdraw my inquiry I did not make.

The PRESIDING OFFICER. The Senator from Delaware withdraws his inquiry. Who seeks time?

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi, the majority leader.

Mr. LOTT. Mr. President, can I get time off the manager's time from the bill?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I do still have my leader time. If I need that, we can use that also.

Mr. President, I had planned on and had hoped to be able to speak after all of the votes on the motions to strike because I did not in any way want to distract from those motions to strike. I have hopes that at least some of them might actually be defeated, particularly the one with regard to inspectors coming into the United States from some of the so-called rogue countries, but I think it is important we go ahead and state our positions at this point. Everybody has made their case. It is time to make decisions and to move on. I want to start by thanking Senator HELMS for his cooperation. Without his cooperation, we would not be here today. His cooperation guaranteed that we were able to develop a process that was fair, that allowed us to get S. 495 up and voted on last week, that all of the remaining issues in disagreement would have an opportunity to be debated, considered and voted upon.

He really has done an excellent job. There is no question that he continues to have great reservations about this legislation. But his efforts and the efforts of Senator KYL from Arizona have been nothing short of heroic. They have been tenacious. They have done their homework. They have made excellent statements both here and in our closed session earlier today. I think they should be commended for what they have done. In fact, their work and their success has contributed greatly to the likelihood that this treaty actually will pass. That had not necessarily been their intent, but they wanted to make sure, if it did pass, they wanted it to pass in the best possible form.

I also thank the Democratic leader for his courtesies as we worked through a very complicated unanimous-consent agreement. We were watched over very carefully by the Senator from West Virginia. I thank the Senator from Delaware, [Mr. BIDEN] for his cooperation and his patience, and I think the fact that we have all sort of kept cool heads and been careful how we proceeded has served us well.

Mr. President, our Constitution is unique in the power it grants the Senate in treaty making. Article II, section 2 states the President "shall have the power, by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur."

The Senate's coequal treaty making power is one of our most important constitutional duties. All 100 Senators have approached this duty very seriously in examining the Chemical Weapons Convention, as we should. We have participated in and we have listened to hearings laying out the arguments for and against the convention. We have looked closely at many provisions of the convention and have sought the advice and counsel of experts and former policymakers. We read many articles and we have heard the arguments making the case for and against it.

Before addressing my views on the convention itself, I should like to share with my colleagues a brief history of the Senate's action on this convention, how we got to where we are today.

The Chemical Weapons Convention was signed by the United States as an original signatory on January 13, 1993, in the last days of President Bush's administration. For reasons that remain unclear, it was 10 months before President Clinton sent the convention to the Senate. In his transmittal letter, dated November 23, 1993, President Clinton wrote:

> I urge the Senate to give early and favorable consideration to the convention and to give advice and consent to its ratification as soon as possible in 1994.

Let me remind my colleagues that for the next 11 months, until the 103d Congress adjourned on December 1, 1994, the Senate majority leader was George Mitchell and the chairman of the Foreign Relations Committee was Claiborne Pell.

Despite Democratic control of the White House and the Senate, the Senate did not consider the Chemical Weapons Convention in 1994.

In late 1995, Senate Democrats began a filibuster on the State Department authorization bill to force action on the CWC. On December 7, 1995, an agreement was reached providing for the convention to be reported out of the Foreign Relations Committee by April 30, 1996. The committee honored that agreement, and the convention was placed on the Executive Calendar.

That is where matters stood when I became majority leader on June 12, 1996. Only 6 days later, before I had a chance to get my sea legs at all, there began a filibuster once again by the Senate Democrats to force Senate action on the convention.

To allow critical national defense legislation to proceed, we worked with Senators on both sides of the aisle, and again we reached an agreement guaranteeing a vote by September 13, 1996.

In the weeks preceding the vote, opponents and proponents of the convention made their case to Senators. On September 6, 1996, I requested the declassification of certain key judgments of the intelligence community relating to key aspects of the convention. On September 10, the administration partially complied with that request, and certain intelligence judgments were made public. I ask unanimous consent that the exchange of letters on the intelligence judgments be printed in the RECORD.

Mr. President, I understand the Government Printing Office estimates it will cost $1,288 to print these letters in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 6, 1996.

President WILLIAM JEFFERSON CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to ask your cooperation and support for Senate efforts to obtain information and documents directly relevant to our consideration of the Chemical Weapons Convention.

As you know, the Senate is currently scheduled to consider the Convention on or before September 14, 1996 under a unanimous consent agreement reached on June 28, 1996. Immediately prior to the Senate agreement on the Convention, I stated, "With respect to the Chemical Weapons Convention, the Majority Leader and the Democratic Leader will make every effort to obtain from the administration such facts and documents as requested by the Chairman and ranking member of the Foreign Relations Committee, in order to pursue its work and hearings needed to develop a complete record for the Senate . . ."

I regret to inform you that your administration has not been fully cooperative in Senate efforts to obtain critical information. Chairman Helms wrote to you on June 21, 1996—prior to the Senate setting a date for a vote on the Convention—and asked eight specific questions. Chairman Helms also requested the provision and declassification of documents and a cable relating to critical issues of Russian compliance with existing chemical weapons arms control agreements and with the Chemical Weapons Convention.

On July 26, 1996, having received no response to his earlier letter, Chairman Helms reiterated his earlier request and asked additional questions concerning the apparent Russian decision to unilaterally end implementation of the 1990 U.S.-Russian Bilateral Destruction Agreement on chemical weapons. Chairman Helms also asked for specific information and documents concerning Russian conditions for ratification of the Chemical Weapons Convention, as well as other information important to our consideration of the Convention. While Chairman Helms did receive responses to his letters on July 31 and on August 13, his request for declassification of documents was refused and the answers to many of his questions were incomplete.

During a Senate Select Committee on Intelligence hearing on June 17, 1996, Senator Kyl asked for a specific document—a cable written in Bonn, Germany by Arms Control and Disarmament Agency (ACDA) Director Holum concerning current Russian government positions on the Bilateral Destruction Agreement, ratification of the Chemical Weapons Convention and on U.S. assistance for the destruction of Russian chemical weapons. On numerous occasions, Senator Kyl was told the document did not exist. Finally, on July 26, Senator Kyl was able to see a redacted version of the document under tightly controlled circumstances but the document has not been made available to Chairman Helms or other Senators.

Mr. President, the unanimous consent agreement of June 28, 1996, was entered into in good faith, and based on our understanding that the administration could and would be fully forthcoming in the provision of information and documents to enable the Senate to fulfill its constitutional responsibilities. Numerous judgements of the United States intelligence community deserve as wide a circulation as possible—particularly since they are distinctly different than some public statements made by officials of your Administration concerning the Convention.

Accordingly, I respectfully request that you reconsider your refusal to declassify critical documents and consider the declassification of important intelligence community judgements—consistent with the need to protect intelligence sources and methods. Specifically, I request that you act immediately to declassify the May 21, 1996, cable written by ACDA Director Holum and the July 8, 1996, letter from Russian Prime Minister Chernomyrdin to Vice-President Gore, and consider immediately declassification of the paragraphs from which the attached statements are excerpted—all drawn from documents produced by the Central Intelligence Agency and the Defense Intelligence Agency on the Russian chemical weapons program, the verifiability of the Chemical Weapons Convention, the effect of the Convention on the chemical weapons arsenals of rogue states, and the relevance of the Convention to acts of terrorism committed with chemical weapons.

I make these requests to enable the Senate to fully prepare for its consideration of the Chemical Weapons Convention. I am certain you would agree it is necessary for the Senate to have complete and usable information in order fulfill our constitutional obligations and to responsibly meet the terms of the current unanimous consent agreement. Because the unanimous consent agreement calls for the Senate to vote on the Chemical Weapons Convention by September 14, 1996, I respectfully request that you respond to my declassification requests no later than the close of business on Tuesday, September 10, 1996. With best wishes, I am

Sincerely,

TRENT LOTT.

THE WHITE HOUSE,
Washington, September 10, 1996.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The President has asked that I respond to your letter regarding Senate consideration of the Chemical Weapons Convention (CWC).

On behalf of the President, I would like to thank you for your cooperation and leadership in scheduling a Senate vote on this vital treaty which, as you know, has been before the Senate since November 1993. The CWC, which was negotiated under President Reagan and concluded and signed under President Bush, is an important element of our bipartisan efforts over the years to address two of the most important threats facing us in the post Cold War era: the proliferation of weapons of mass destruction and terrorism.

I was concerned by your letter and regret that you believe that the Administration has not been fully cooperative with Senate efforts to obtain critical information. I want to assure you that the Administration remains eager and committed to continuing to assist the Senate in developing a complete record for its consideration prior to floor action on the CWC, as stated in the June 28, 1996, unanimous consent agreement.

During the almost three years the Convention has been before the Senate, the Administration has worked very hard to ensure that the Senate has been fully informed on the Convention and that all its questions have been answered. Our efforts to inform the Senate have included testimony at 13 hearings, including testimony by many Cabinet officials. We have conducted dozens of briefings for members and staff by representatives of key agencies, including yesterday's productive session with the Arms Control Observer Group. The President has appointed two Special Advisors on the CWC, to address Senate questions and concerns as part of the ratification process. Former Representative Martin Lancaster served in this capacity in 1995 and Dr. Lori Esposito Murray currently holds this position. On behalf of the President, they have personally briefed every Senate office, offered individual briefings to every member of the Senate and personally briefed over 40 Senators.

In addition, we have answered over 300 questions for the record. Senator Helms has asked many of these questions and we have always responded to his concerns. For example, we have not only provided Senator Helms our database of companies likely to be affected by the CWC, but we have also provided him a list of chemical companies we have determined unlikely to be affected by the CWC. Overall, the Administration has provided the Senate with over 1500 pages of information on the CWC—over 300 pages of testimony, over 500 pages of answers to Senate letters and reports, over 400 pages of answers to Senate questions for the treaty record and over 300 pages of other documentation.

With regard to Senator Helms' most recent letters, the President and I both personally responded to Senator Helms, first on July 31 and then again on August 13; these responses included detailed attachments that answered a series of specific questions asked by Senator Helms.

The Administration has repeatedly offered to make relevant classified information available to the Senate through classified briefings and reports. I explained to Senator Helms in my response to his most recent letters that, while I regretted we could not declassify the documents he requested, we remained eager to brief the Senator and any of his colleagues, as well as cleared staff, at the earliest possible time, both on those documents as well as on other concerns. Such a briefing was provided to Senator Kyl but, to date, Senator Helms has not responded to these offers.

We have carefully reviewed your request for declassification of the May 21, 1996 cable written by ACDA Director Holum, the July 8, 1996 letter from Russian Prime Minister Chernomyrdin and selected paragraphs from various intelligence community documents. I regret that we cannot declassify the May 21, 1996 Holum Cable or the letter from Russian Prime Minister Chernomyrdin to Vice President Gore because these documents have been properly classified pursuant to E.O. 12958; they contain sensitive diplomatic information regarding high-level, ongoing negotiations, the disclosure of which may affect our ability to negotiate in confidence. In addition, the correspondence you requested is between the highest levels of the United States and Russian governments, and was exchanged with the expectation that it would be kept in the strictest confidence. As you know, an essential element of the Executive Branch's conduct of foreign relations is the protection of the confidentiality of high level, sensitive diplomatic discussions and correspondence.

After a careful review of the paragraphs of the intelligence documents that you requested be declassified, we have determined they were properly classified. However, we have been able to declassify a portion of the material without risk to sources and methods and it is attached. The sentences and paragraphs that are still classified remain so because they contain information which could place sources and methods at risk. In several cases, declassification of requested materials also would reveal information about U.S. force vulnerabilities. The paragraphs from which most of the judgments were extracted remain classified because it is difficult to identify clearly the source paragraphs. Therefore, granting paragraph release authority could inadvertently permit release of intelligence which would be damaging to declassify.

I would like to reaffirm personally the Administration's commitment to brief you or any other Senator and cleared staff on the documents discussed above under appropriate classification at any time before the Senate debate on the CWC. As you know, a high-level Administration team briefed Senators and staff on the CWC, including many of the issues raised in your letter, on Monday, September 9, 1996. We remain committed to continuing to assist the Senate as it prepares to vote on advice and consent to ratification on this vital Convention.

As part of this continuing effort, I have attached a detailed response which includes the declassified material.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

RESPONSES TO ISSUES RAISED BY MAJORITY LEADER LOTT

The issues addressed in the attachment to your letter concern chemical weapons proliferation challenges we must address, with or without the CWC. The CWC provides concrete measures that will raise the costs and risks of engaging in CW-related activities. The CWC also will improve our knowledge about CW activities worldwide. This is why the CWC has been strongly supported by both President Bush and President Clinton.

Since the CWC was submitted to the Senate in 1993, the Intelligence Community has kept the Senate fully informed of its judgments regarding the Convention. During the past three years, the Intelligence Community has produced two NIEs and numerous other reports, testified in numerous public and executive session hearings, answered dozens of intelligence questions for the record and provided a number of briefings on precisely the issues you raise in the attachment to your letter, as well as many others.

Intelligence Community judgments on the CWC are not at odds with Administration policy. In fact, Intelligence Community judgments play an integral role in the formation of policy regarding the Chemical Weapons Convention. The following responses regarding the issues raised in the attachment to your letter may help clarify this.

1. NOVEL AGENTS

New chemicals of concern and novel agents are covered under the CWC; it is incorrect to assert that because an agent is not on the Schedules it is not subject to the CWC. The CWC captures new chemicals of concern and novel agents under the definition of a "chemical weapon" and prohibits the development, production, acquisition, stockpiling, retention, use and direct or indirect transfer to anyone of chemical weapons. Concerns that new chemicals of concern and novel agents were being used to violate the CWC would provide a basis for bilateral consultation and challenge inspection under Article X of the Convention. It would not be necessary to show that such chemicals are listed in the Schedules of the Convention to exercise this option.

Furthermore, the CWC explicitly provides for expanding the lists of chemicals subject to declaration and verification as new CW agents are identified and to improve verification procedures and equipment as new technology emerges and experience is gained.

As regards our chemical defense capabilities, the Department of Defense Counterproliferation Program is, with Congress' support, already aggressively pursuing an effective response to ensure that our troops are the best protected and best equipped fighting force for operations in a nuclear, biological, or chemical environment. The National Defense Authorization Act for FY 94 led to the formation of the Joint Nuclear Biological and Chemical (NBC) Defense Board, the Joint Services Integration Group and the Joint Services Material Group. These boards, which have representatives from the Services, Joint Staff and OSD, are working to identify the needs of the military for chemical/biological defense and are providing input to the Defense Acquisition Board process through the Secretary of Defense.

The U.S. military is well aware that it may be called upon to operate in a hostile environment in which chemical weapons may be used or threatened to be used. Though U.S. chemical equipment is second to none, we understand the need to continually improve our capabilities. Through the Defense Acquisition Board process, the military is taking steps to ensure these improvements continue. The Administration's budget request for FY 97 for our chemical defense programs is $505 million.

In this context, the following paragraph from NIE 95–9/I of May 1995 is hereby declassified: "Production of new binary agents would be difficult to detect and confirm as a CWC-prohibited activity."

2. RUSSIAN INTENTIONS REGARDING CHEMICAL WEAPONS

It is important to keep in mind, when discussing Russian intentions regarding chemical weapons, that there is not yet in force a treaty obligation prohibiting the possession of chemical weapons against which we can measure compliance. The CWC will establish such a prohibition and, most importantly, the new tools to pursue any concerns we may have about suspected CW activities, whether in Russia or any other State Party. As the Intelligence Community has testified, the CWC will provide us with access to information not otherwise available which will help us in our efforts to detect, deter and, if necessary, punish violations of the CWC.

Regarding the views of the Russian leadership, President Yeltsin and other senior government officials have repeatedly expressed support for the CWC. We will expect Russia and all other Parties to adhere to all the Convention's provisions including those concerning CW development and production. The Russian Government has recently reaffirmed its commitment to become an original Party to the CWC and announced it is seeking speedy submission of the Convention to the Parliament for ratification.

In this context, the following paragraph from NIE 95–9/I of May 1995 is hereby declassified:

"President Yeltsin has publicly endorsed CW disarmament and supported ratification and implementation of CW arms control agreements to which Russia is a signatory. The extent to which Yeltsin has attempted to enforce his will on the bureaucracy is not clear. He may not be aware of the scope of ongoing CW activities, or if he is aware, he may be unable to control them. We cannot exclude the possibility that Yeltsin approves of an offensive CW capability and will support a covert program once the CWC enters into force. He may accept the military's argument about the need to retain a CW capability. Moreover, being subjected to far more bureaucratic pressure to sustain the program than to do away with it, he may find it easier to give way to military arguments."

It should be noted, however, that detailed information on the views of key individuals is limited and insufficient to document with confidence their current personal and professional positions for maintaining CW programs.

3. VERIFICATION

No treaty is 100 percent verifiable. While the Intelligence Community has indicated that CW development and production is and will remain difficult to distinguish from legitimate commercial activities, they have simultaneously noted the importance of acquiring the CWC as a new collection tool to aid their efforts to monitor CW proliferation, which we must do, with or without the CWC.

The CWC's verification provisions constitute the most comprehensive and intrusive verification regime every negotiated, covering virtually every aspect of a CW program, from development through production and stockpiling.

The CWC's declaration provisions will improve the U.S. ability to obtain information about other countries' CW efforts. These provisions will facilitate detection and monitoring of prohibited activities by providing the U.S. access to certain information about declarations of CW production facilities and storage sites as well as relevant chemical industry facilities and activities.

The CWC's inspection provisions permit access to both declared and undeclared facilities and locations, thus making clandestine CW production and stockpiling more difficult, risky and expensive. Routine inspections will enhance deterrence and detection of clandestine product by monitoring activities and relevant chemical industry facilities. These inspections will increase the cost and the risk of carrying out illicit chemical weapons activities.

Challenge inspections will further enhance deterrence and detection of prohibited activities by providing States Parties with the right to request an international inspection at any facility or location in another State Party in order to clarify and resolve a potential compliance concern. As the scope and size of a program increases, it is more likely that illicit activities will be detected. Challenge inspections are but one part of the CWC's comprehensive verification regime which, in its totality, complements our ongoing intelligence monitoring effort in this area. As former DCI Woolsey testified before the Senate Foreign Relations Committee on June 23, 1994:

"The CWC will, however, strengthen our ability to deal with the problem that we confront with or without the Convention: the requirement to discover what states are developing and producing chemical weapons when these activities are difficult to distinguish from legitimate commercial endeavors. The isolation and adverse attention that nonsignatories will draw upon themselves may spur greater multinational cooperation in attempting to halt offensive CW programs.

"In sum, what the Chemical Weapons Convention provides the Intelligence Community is a new tool to add to our collection tool kit. It is an instrument with broad applicability, which can help resolve a wide variety of problems. Moreover, it is an universal tool which can be used by diplomats and politicians, as well as intelligence specialists, to further a common goal: elimination of the threat of chemical weapons."

In this context, the following paragraphs from NIE 93–32J/I of August 1993 are hereby declassified:

"The capability of the Intelligence Community to monitor compliance with the

Chemical Weapons Convention is severely limited and likely to remain so for the rest of the decade."

"The key provisions of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program using the delays and managed access rules allowed by the convention."

4. TERRORISM

The CWC will increase the difficulty for terrorists and proliferators of acquiring chemical weapons and significantly improve our law enforcement ability to investigate and prosecute chemical terrorists even before chemical weapons are used. Japan serves as an example of the importance of this treaty and its implementing legislation in combating the terrorist threat. Within 10 days of the poison gas attacks in the Tokyo subways, the Japanese enacted the CWC implementing legislation. The Japanese completed ratification of the CWC a month later.

No treaty is foolproof. However, the CWC and its implementing legislation will provide significant benefits in dealing with the threat of chemical terrorism. Implementing legislation will strengthen our legal authority to investigate and prosecute persons who commit acts prohibited by the treaty. It will also make the public more aware of the threat of chemical weapons and of the fact that the acquisition of such weapons is illegal .

The following are among it significant benefits:

Investigation. The proposed U.S. implementing legislation contains the clearest, most comprehensive and internationally recognized definition of a chemical weapon available. The definition contained in the implementing legislation will enable an investigator to request a search warrant on the basis of reasonable suspicion of illegal chemical weapons activity (such as production of chemical weapons agent), rather than suspicion of an attempt or conspiracy to use a weapon of mass destruction, as under current U.S. law. By providing law enforcement officials and prosecutors an actionable legal basis for investigating the development, production, transfer of acquisition of chemical weapons, CWC implementing legislation improves prospects for detection, early prosecution and possibly even prevention of chemical terrorism in the United States.

Prosecution. The proposed U.S. implementing legislation will also aid prosecution. Because possession of a chemical weapon (whether or not it is intended to be used) would be prohibited under the Convention, it would also be illegal under the CWC implementing legislation and thus would provide a sufficient basis for prosecution. Currently, prosecutors must rely on legislation intended for other purposes, such as a law against conspiracy to use a weapon of mass destruction.

Penalties. Under the proposed U.S. implementing legislation, any person who knowingly engages in prohibited CW-related activities far short of actual use of a chemical weapon could be subject to the maximum punishment of life in prison or any term of years. In contrast, under existing U.S. legislation, equivalent penalties require proof of use or an attempt or conspiracy to use a weapon of mass destruction. Thus, it would be difficult under current law for prosecutors to prove that a violation of the law has occurred unless a scheme to use chemical weapons is well advanced.

Trade Controls. The proposed U.S. implementing legislation would also supplement existing export/import control laws and regulations by strictly controlling the import and export of those chemicals posing the greatest risk (listed in Schedule 1 of the CWC) and also regulating the production, acquisition, retention, transfer or use of such chemicals within the U.S. Fines of up to $50,000 could be imposed for unlawful production, acquisition, transfer, etc. of such chemicals.

Emergency Authority. The proposed U.S. implementing legislation contains authority to seize, forfeit and destroy chemical weapons. This important provision protects the constitutional rights of property owners while allowing law enforcement officials to seize and destroy a chemical weapon under exigent circumstances (i.e. where harm is imminent or likely). This provides additional authority to prevent a potential catastrophe and save lives.

Public Awareness. Tips by concerned private citizens are the lifeblood of successful police investigations. Ratification of the CWC and enactment of its implementing legislation will ensure, due to reporting and inspection requirements and penalties for violations, that private companies and concerned citizens are more alert to and more likely to report any suspected chemical weapons-related activities.

The nonproliferation provisions of the CWC will deny terrorists easy access to chemical weapons by requiring Parties to eliminate national stockpiles and by controlling international transfers of certain chemicals than can be used to make chemical weapons. In particular, the CWC requires Parties to cease transfers of certain CW agents and CW precursor chemicals to non-Parties and restrict such transfers to Parties. In addition, reporting is required on anticipated production levels of Schedule 1, 2 and 3 chemicals and anticipated imports and exports of Schedule 1 and 2 chemicals. These measures will help restrict access to key chemicals, while also helping to alert law enforcement and other government officials to suspicious activities.

Finally, one of the key tools in combating terrorism is early intelligence. The CWC will provide access to international declaration and inspection information and will strengthen the intelligence links between the United States and the international community that will help us detect and prevent chemical attacks. By tying the United States into a global verification network and strengthening our intelligence sharing with the international community this treaty can be an early warning that is essential for combating terrorism.

In this context, the following paragraph from DIA PC–1563–4–96 of February 1996 is hereby declassified:

"Irrespective of whether the CWC enters into force, terrorists will likely look upon CW as a means to gain greater publicity and instill widespread fear. The March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the CWC."

I would also invite your attention to the following conclusions concerning the impact of the CWC contained in the May 1996 report issued by the Director of Central Intelligence Interagency Committee on Terrorism entitled "Aum Shinrikyo: Insights to the Chemical and Biological Terrorist Threat":

"The Chemical Weapons Convention (CWC) is designed to regulate and monitor the procurement, production, and use of some chemicals used in CW production with varying degrees of intrusiveness, depending on which of the three Schedules of Chemicals a compound is listed. Within five years of the CWC's entry into force, transfer of all Schedule 1 and 2 chemicals to non-States Party will be banned, and transfer of Schedule 3 chemicals to non-States Party will require end-use certificates. In addition, all sites within a State Party are subject to challenge inspections initiated by another State Party with substantive information that illegal activities are taking place by the government or any other group. The Convention's provisions probably would make it more difficult and costly for terrorists to acquire CW by increasing the risk of detection, but a determined group could circumvent the provisions.

"The CWC mandates that each State Party establish national laws to prohibit anyone on its territory or any citizen abroad from developing, producing, stockpiling, acquiring or using CW. Each State Party must develop and pass national legislation to ensure the implementation of all CWC obligations and provisions. Depending on the quality of the legislation and its enforcement, the institution of these laws would help establish a political and legal basis for the prosecution of a terrorist group.

"In the case of Aum Shinrikyo, the CWC would not have hindered the cult from procuring the needed chemical compounds used in its production of sarin. Further, the Aum would have escaped the CWC requirement for an end-use certification because it purchased the chemical within Japan."

5. ROGUE STATES

The Administration recognizes the possibility that not all States Parties may comply with their CWC obligations immediately upon the Convention's entry into force. However, information acquired through the CWC's declaration and inspection provisions will supplement our national intelligence resources and place us in a better position than we are now to deter and detect clandestine chemical weapons programs. Moreover, unlike any previous arms control agreement, the CWC provides a range of punitive measures including trade sanctions that can be imposed against a Party to the treaty who fails to meet its treaty obligations.

In short, as former DCI Woolsey and other intelligence officials have pointed out, the CWC will provide a useful tool in our inventory of means to stem the worldwide expansion of chemical weapons capabilities and to assist in monitoring CW programs worldwide, whether inside or outside the CWC.

U.S. Senate,
Office of the Majority Leader,
Washington, DC, January 8, 1997.

Hon. William Jefferson Clinton,
President of the United States,
The White House, Washington, DC.

Dear Mr. President: Following our phone conversation, I arranged a meeting later today with your Acting National Security Adviser, Sandy Berger, to discuss the Chemical Weapons Convention. Before that meeting however, I wanted to inform you personally of how your Administration's actions on critical arms control issues have complicated efforts to work cooperatively.

As you know, many Members of the 104th Congress have expressed concern over the security implications of certain arms control positions taken by your Administration. The security concerns are aggravated by your Administration's unwillingness to seriously consider our views on the appropriate Constitutional role of the Senate in providing advice and consent on treaties. I would point to three important issues: demarcation limits to the Anti-Ballistic Missile Treaty of

1972 (ABM Treaty); multilateralization of the ABM Treaty; and flank limits to the Conventional Armed Forces in Europe Treaty of 1990 (CFE Treaty). In each of these cases, your Administration has negotiated substantive modifications of the treaties, and then taken questionable legal positions that render Senate advice and consent an option that can be ignored rather than a constitutional obligation that must be fulfilled.

Congress has legislated on the proposed demarcation limits and the proposed multilaterization of the ABM Treaty. Section 232 of the National Defense Authorization Act for Fiscal Year 1995 (P.L. 103–337) addresses both issues. It states "the United States shall not be bound by any international agreement entered into by the President of the United States that would substantively modify the ABM Treaty unless the agreement is entered into pursuant to the treaty making power of the President under the Constitution."

Section 235 of the National Defense Authorization Act for Fiscal Year 1996 (P.L. 104–106) addresses demarcation and states "any international agreement that would limit the research, testing, or deployment of missile defense systems, system upgrades, or system components that are designed to counter modern theater ballistic missiles in a manner that would be more restrictive than the compliance criteria specified in paragraph 1 should be entered into only pursuant to the treaty making powers of the President under the constitution."

The position of Congress concerning the substantive modifications your Administration has sought to the ABM Treaty is clear: Senate advice and consent is needed for their entry into force. Despite this clear position, your Administration continues to argue that Senate advice and consent is not necessary in the case of multilateralization, and is but one among several options you might choose in the case of demarcation. This is unacceptable.

With specific reference to the Agreed Statement on Demarcation reached last summer, section 406 of the Department of State and Related Agencies Appropriations Act, 1997 (P.L. 104–208) prohibits expending funds on the Standing Consultative Commission "unless the President provides to the Congress a report containing a detailed analysis of whether * * * the Agreed Statement regarding Demarcation agreed to by the Standing Consultative Commission on June 24, 1996 * * * will require the advice and consent of the Senate of the United States." The report submitted on your behalf did not answer this question.

Finally, the May 31, 1996 Conventional Forces in Europe flank agreement contains negotiated amendments and significant changes to the 1990 CFE Treaty. Yet, again your Administration has taken the legal position that Senate advice and consent is not necessary.

Mr. President, I have pledged to work with you in a bipartisan fashion on a wide range of challenges facing our country. Nowhere is such cooperation more important than in foreign policy and national security. But bipartisanship must be a two-way street. Your Administration has now re-started a public campaign to gain Senate advice and consent for the Chemical Weapons Convention. As you seek bipartisan cooperation, you must understand our expectation for such cooperation on ABM multilateralization, ABM demarcation, and CFE flank limits.

Senate advice and consent arms control treaties after their negotiation and after their substantive modification is not an option—it is a requirement of our Constitution. I am sure you understand that it will be very difficult to explore the possibility of Senate action on the Chemical Weapons Convention without first addressing legitimate security and Constitutional concerns on other important arms control issues. I stand ready to work with you and your national security team in a comprehensive manner to address arms control issues in the 105th Congress. With best wishes, I am,

Sincerely,

TRENT LOTT.

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, March 18, 1997.

Hon. WILLIAM JEFFERSON CLINTON,
President of the United States, The White House, Washington, DC.

DEAR MR. PRESIDENT: As you know, we have been working in good faith to try to establish a process under which the Senate might consider a resolution of ratification for the Chemical Weapons Convention (CWC).

As we consider the next steps in this process, I want to remind you of two problems that remain unresolved. First, on January 8, 1997, I wrote to you expressing concerns about your administration's approach to a number of critical arms control issues, including demarcation limits and multilateralization of the Anti-Ballistic Missile Treaty of 1972 (ABM Treaty) and about the flank limits to the Conventional Armed Forces in Europe Treaty of 1990 (CFE Treaty). To date, I have not received a response. Each of these significant treaty modifications are subject to the constitution's shared treaty making power and, accordingly, cannot enter into force until receiving the advice and consent of the United States Senate.

Second, I have repeatedly pointed out that the CWC is currently under consideration by the Committee on Foreign Relations. Accordingly, it is essential that you and your administration honor the publicly-stated commitments to work closely and expeditiously with Chairman Helms on issues before the Committee, including the presentation of a plan to reorganize U.S. foreign affairs agencies. Until that occurs, Chairman Helms has made it clear to me that he is unlikely to consider next steps in the CWC process.

As I have said privately and publicly, bipartisanship must be a two-way street. I look forward to hearing from you soon on these important issues. With best wishes, I am,

Sincerely,

TRENT LOTT.

THE WHITE HOUSE,
Washington, March 25, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The President has asked me to reply to your letter concerning the Chemical Weapons Convention (CWC) and the role of the Senate under the Constitution in giving its advice and consent to treaties. Our staffs have held some discussions on this matter, but I want to address in more detail each of the three treaty issues you raise in the letter: the CFE flank agreement, ABM multilateralization and ABM/TMD demarcation.

CFE FLANK AGREEMENT

On May 31, 1996, the United States, our NATO allies, Russia and the 13 other States Party to the CFE Treaty approved a document in Vienna culminating more than two years of intensive negotiations on the CFE flank issue. The centerpiece of this agreement was a realignment of the CFE map (depicting the territory of the former USSR in the CFE area), which has the effect of reducing the size of the flank zone. The CFE parties had deliberately not included this map as part of the Treaty when it was signed in 1990, and the Bush Administration did not submit the map to the Senate in 1991 as part of the formal documents for advice and consent. Accordingly, legal counsels in the Clinton Administration's national security agencies determined last year that a change to the map does not constitute a formal amendment to the Treaty.

At the same time, we determined that a realignment of the map did constitute a change in a "shared understanding" formed with the Senate at the time the Senate gave its advice and consent to the Treaty. That "shared understanding" established that the Treaty would be applied and interpreted on the basis of the original map. According to the 1988 "Biden Condition" on treaty interpretation (which was attached by the Senate to its resolution of ratification for the INF Treaty), Senate consent or congressional approval is required to change a shared understanding.

When the Administration submitted the CFE flank document for legislative approval last August, we were faced with a time-urgent situation: by its own terms, the document required all States parties to confirm their approval by December 15; yet very little time remained before the adjournment *sine die* of the 104th Congress. In this circumstance we chose to seek statutory approval by both houses, as is explicitly permitted under the Biden Condition.

We now face a complex situation. At the Lisbon OSCE Summit in December, the 30 States party to the CFE Treaty agreed to extend the deadline for confirmation of approval to May 15, 1997. In recent months, it has become evident that the flank agreement underpins the new negotiations in Vienna on "CFE adaptation," which in turn underpins NATO's efforts to define the new security environment in Europe as NATO enlarges. In addition, both adaptation of the CFE Treaty and the admission of new states to NATO will be effected through agreements that will be submitted for the advice and consent of the Senate. The situation and timing is therefore different from when the Administration submitted the CFE flank agreement for legislative approval last August. Accordingly, the Administration is prepared, without prejudice to its legal position vis-a-vis the approval options we believe are available to us, to seek Senate advice and consent to the flank Document provided the Senate will act on this crucial matter before May 15.

MOU ON ABM SUCCESSION

As noted in the President's November 25, 1996 report to Congress submitted in accordance with Section 406 of the FY 1997 State Appropriations Act (the "Livingston Report"—hereafter referred to as "the Report"), executive agreements recognizing the succession of new States to the treaty rights and obligations of their predecessors have traditionally not been treated as treaty amendments or new treaties requiring Senate advice and consent. Rather, they have been treated as the implementation of existing treaties, which is recognized as an exclusively Presidential function under the Constitution. The Report elaborates the specific reasons why this conclusion applies in the case of the June 24, 1996 Memorandum of Understanding (MOU) on ABM Succession reached ad ref between the United States, Russia, Ukraine, Belarus and Kasakstan in the Standing Consultative Commission (SCC). It also explains why the MOU does not constitute a substantive modification of the ABM Treaty.

In dealing with matters of succession, a key U.S. objective has been to reconstitute the original treaty arrangement as closely as possible. This was true with respect to the elaboration of the ad ref MOU as well and, accordingly, the MOU works to preserve the original object and purpose of the ABM Treaty. We hope that the breakthrough on ABM/TMD demarcation achieved at the Helsinki Summit will set the stage for a meeting at which all parties would sign this MOU. The Administration continues to believe that the agreement does not require the advice and consent of the Senate, or any other form of congressional approval, to enter it into force.

THE WHITE HOUSE,
Washington, April 24, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: During Senate ratification proceedings on the Chemical Weapons Convention (CWC), concerns have been raised over Article X, which provides for certain types of defensive assistance in the event that a State that has joined the treaty and renounced any chemical weapons (CW) capability is threatened with or suffers a chemical weapons attack, and Article XI, which encourages free trade in non-prohibited chemicals among states that adhere to the CWC. Some have suggested that these Articles could result in the CWC promoting, rather than stemming, CW proliferation despite States Parties' general obligation under Article I "never under any circumstances . . . to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention."

To respond to these concerns, the Administration has worked closely with the Senate to develop conditions relating to both Articles that have now been incorporated in the resolution of ratification (Agreed Conditions #7 and 15). These two conditions would substantially reinforce and strengthen the treaty by: prohibiting the United States under Article X from (a) providing the CWC organization with funds that could be used for chemical weapons defense assistance to other States Parties; and (b) giving certain states that might join the treaty any assistance other than medical antidotes and treatment; and requiring the President to (a) certify that the CWC will not weaken the export controls established by the Australia Group and that each member of the Group intends to maintain such controls; (b) block any attempt within the Group to adopt a contrary position; and (c) report annually as to whether Australia Group controls remain effective.

With respect to the latter condition, I am pleased to inform you that we have now received official confirmations from the highest diplomatic levels in each of the 30 Australia Group nations that they agree that the Group's export control and nonproliferation measures are compatible with the CWC and that they are committed to maintain such controls in the future.

While supporting these guarantees and safeguards, you expressed the concern on Sunday that nations might still try to use Article X or XI to take proscribed actions that could undercut U.S. national security interests, notwithstanding the best efforts of U.S. diplomacy to prevent such actions. I am, therefore, prepared to provide the following specific assurance related to these two Articles:

In the event that a State Party or States Parties to the Convention act contrary to the obligations under Article I by:

(A) using Article X to justify providing defensive CW equipment, material or information to another State Party that could result in U.S. chemical protective equipment being compromised so that U.S. warfighting capabilities in a CW environment are significantly degraded;

(B) using Article XI to justify chemical transfers that would make it impossible for me to make the annual certification that the Australia Group remains a viable and effective mechanism for controlling CW proliferation; or

(C) carrying out transfers or exchanges under either Article X or XI which jeopardize U.S. national security by promoting CW proliferation:

I would, consistent with Article XVI of the CWC, regard such actions as extraordinary events that have jeopardized the supreme interests of the United States and therefore, in consultation with the Congress, be prepared to withdraw from the treaty.

Sincerely,
BILL CLINTON.

Mr. LOTT. On September 12, the day the Senate was scheduled to begin debate on the convention, Secretary of State Christopher called me and asked that the vote be canceled. I quizzed him. I wanted to make sure that was what the administration was asking and that I would be able to come out to the floor of the Senate and explain that is why it was being done. It was canceled because it was clear, in my opinion, the convention was likely to be rejected at that time by the Senate.

I acceded to the Secretary's request. We canceled the vote, and it went back to the Foreign Relations Committee calendar at the end of the 104th Congress.

In January of this year, the President and his national security advisers made it clear that the Chemical Weapons Convention remained a top priority. On January 8, 1997, I wrote to the President explaining some of our arms control priorities, including the submission of three significant treaty modifications for advice and consent: The ABM Demarcation Agreement, the ABM Multilateralization Agreement and the flank agreement to the Conventional Forces in Europe Treaty. The administration had previously refused to submit these treaties for Senate ratification.

I wrote at that time.

Bipartisanship is a two-way street. Your administration has now restarted a public campaign to gain Senate advice and consent for the Chemical Weapons Convention. As you seek bipartisan cooperation, you must understand our expectation for such cooperation on ABM multilateralization, ABM demarcation and CFE flank limits.

On March 18, I again wrote the President reminding him that I had not received a response to that January 8 letter. I also pointed out that "it is essential that you and your administration honor the publicly stated commitments to work closely and expeditiously with Chairman HELMS on issues before the committee, including the presentation of a plan to reorganize the U.S. foreign affairs agencies.

From the beginning of the 105th Congress, I made clear as best I could to all who would listen in the administration that bipartisanship could not mean forcing the Senate into acting on administration-chosen priorities if we did not likewise have an opportunity to consider issues that are important to the Senate, in fact, issues we think have long since been sent to us for action with regard to arms control treaties.

We stated that we thought it was vital that we get State Department reorganization and real reform at the United Nations. This was not a quid pro quo but a simple statement of reality. Working in a cooperative fashion, as we must, means that both sides have to be forthcoming on issues in these foreign policy very important, critical areas.

Let me briefly review the status of each of these three related issues. On the arms control treaties, the administration did reconsider their positions very carefully and they came back and agreed to send the Conventional Forces in Europe Flank Agreement to the Senate for advice and consent. Hearings have already been scheduled on this treaty, and I expect a resolution of ratification to be before the full Senate in the near future. President Clinton agreed to submit the agreed statement on demarcation to the Senate for advice and consent. This treaty, agreed to in principle between Presidents Clinton and Yeltsin at the Helsinki summit, will provide the Senate an opportunity to consider the administration's approach toward negotiating constraints on our defensive systems pursuant to the administration's interpretation of the ABM Treaty. I am sure we will have quite an interesting and lively debate on that, but certainly we should take advantage of our responsibilities to do just that. Along with many of my colleagues, I have expressed grave doubts about the wisdom of this administration's approach in that area. Now, however, we have a full opportunity to debate the policy and this treaty in the ratification process.

The President still does not agree that they should send forward the treaty dealing with multilateralization. We think the Constitution requires it; his lawyers disagree. We will continue to press the administration to accept our position in this area, and they understand we should keep talking about it.

If this provision is contained in the final agreement that is submitted to the Senate for advice and consent in connection with demarcation, it will give us an opportunity to debate it.

On U.N. reform, our now Secretary of State Madeleine Albright asked that we begin to actually meet and talk about U.N. reform; that we meet with a U.N. presiding officer; that he come and visit with us. He did. We have started a process between the House and Senate, Republicans and Democrats, our chairmen and ranking members, to take a look at what should be done with regard to the arrearages we may or may not owe, how can we deal with the U.S. assessment at the United Nations that could be fairer, and we are working from a comprehensive Republican document as a basis for the discussions. I think we see some action already occurring. The Secretary General has been working at it, and I think he understands we are very serious about U.N. reform.

On State Department reorganization, I am very pleased that the administration has proposed, I think, some major changes. Chairman HELMS, and many others, have worked to streamline our foreign policy bureaucracy, and now it looks like we are going to have a chance to do that.

The Agency for International Development, the Arms Control and Disarmament Agency and the U.S. Information Agency were started and organized during the cold war. Barely more than a year ago, President Clinton vetoed a bill which would have mandated the dismantling of only one foreign affairs agency. Last week, however, thanks to the efforts of Secretary of State Madeleine Albright and the involvement of the President, the President agreed to abolish both the USIA and ACDA and to fold many of AID's functions into the State Department. This will make our scarce resources go farther, increase coordination and help ensure American interests, not bureaucratic interests, are behind our foreign policy decisionmaking.

On each of these parallel issues—and I call them parallel, that is the way they have always been discussed—we have made progress. I think it is important that we realize that. Thanks to the persistence of the chairman and thanks to a Secretary of State that is working with us now, we have made progress with U.N. reform, with State Department reorganization, and the fact we will be able to consider these treaties. No serious observer can claim that we have not moved forward in these areas.

There have been important changes in the Chemical Weapons Convention over the past few months. Last September, I worked closely with Senators HELMS, KYL and others in opposition to the treaty. Had we not canceled the vote, I would have voted against it, and I believe that it would have failed.

In the aftermath of that debate, some in the White House blamed political motivations. The President said it was partisan politics involving America's security. But, fortunately, calmer heads have prevailed this year. The administration did come to the table and they have negotiated with us. They recognize the legitimate concerns that were ignored last year. So we have engaged in a process of member-and-staff-level discussions that have had a major impact on this convention.

There are 28 agreed items in this resolution of ratification that were not there last September. Senator KYL, Senator HELMS, and Senator BIDEN have been working together on this. They reached agreements. Some of them Senator BIDEN said, "Yes, we should do this," and the administration didn't particularly agree. Others in the administration said, "Yes, we should do it," and some of our colleagues did not agree with it. There has been a give and take, but real progress has been made.

Many of these items have addressed the concerns that have been cited by opponents as reasons to oppose the CWC last year. I have gone over some of the letters, some of the memos I have received—and I have received a lot of them—and point by point has been addressed, maybe not 100 percent, maybe not to their total satisfaction, but progress has been made. I will not go down the whole list of 28, but I want to list some of the more critical ones where real progress has been made.

First, on search and seizure, condition 28 requires search warrants for all involuntary searches of American facilities. We were worried about a constitutional problem here. Now it has been addressed.

Second, on our ability to use riot control agents, condition 26 ensures that the U.S. policy since 1975 remains in effect. Our military can use nonlethal agents, such as tear gas, to rescue downed pilots. Certainly, that should have been in there all along. I don't know why there was resistance to it, but it has been addressed.

Third, on intelligence sharing, condition 5 places strict limits on all U.S. intelligence shared with the international organization established under the CWC.

Fourth, on maintaining robust chemical defenses, condition 11 mandates a series of steps including negotiations with our allies, planning for chemical weapons in war game scenarios and high-level leadership of the U.S. Army's Chemical School.

Fifth, on information sharing, an area that has worried me the most and right up until this very moment, progress has been made in two ways. First, with regard to these articles X and XI, condition 7 makes crystal clear that nothing in the CWC undermines U.S. export control laws, and that the informal Australia Group export controls will continue. Condition 15 helps to ensure that defensive assistance under the convention will be strictly limited. So I invite my colleagues who may still have some doubts to look at these conditions—conditions 7 and 15—dealing with information sharing and how we have restrictions on the defensive assistance.

Sixth, on financing Russian implementation, which I think is a ridiculous idea personally on its face, but condition 14 precludes the United States from making any commitment to finance Russia's chemical weapons destruction program in an effort to secure Russian ratification of CWC.

Seventh, conditions 1, 17, 6, and 20 preserve Senate prerogatives in this and in future treaties. They preserve our right to pass reservations to treaties, to ratify future amendments to the CWC and to make clear the executive branch cannot commit to appropriations in advance of congressional action.

Eighth, on noncompliance, condition 13 requires a series of steps to be taken by the United States in the event of noncompliance by a party to the convention. Condition 13 mandates unilateral actions and requires the United States to seek a series of multilateral actions to deal with CWC violations.

Ninth, conditions 3 and 22 address financial concerns about the Organization for the Prohibition of Chemical Weapons set up under this convention. One sets a binding limit on the U.S. assessment to ensure we are not creating another international entitlement program, and the other requires an independent inspector general be created to increase accountability of the OPCW.

Finally, condition 10 requires an annual report of condition that, for the first time in arms control, shifts the burden of proof to making the administration certify compliance. As previous experience has demonstrated, the arms control bureaucracy has refused to find clear evidence of noncompliance. This condition will change and will ensure our vigilance on monitoring issues.

Each of these conditions makes the resolution before us today a better document, there is no doubt about it, certainly better than the document we were considering last fall. Each of these changes addresses concerns raised by treaty opponents last year and addresses my own concerns. In addition, the Senate is considering this convention in a manner agreed to by all 100 Senators. We first considered, and passed, as I said earlier, S. 495, the Chemical and Biological Weapons Threat Reduction Act of 1997 sponsored by Senator KYL. We are considering the resolution of ratification drafted by

Senator HELMS. Think about that. We are considering that resolution that he drafted and that he had in the committee. That is what we brought to the floor, and the process requires that motions to strike be offered to take provisions out. Much progress has been made, and many Senators have been cooperative.

But there should be no mistake, serious problems remain with this convention. Unfortunately, key protections in the resolution of ratification may be stricken out in our debate today, and we will have some more votes in a few minutes.

Condition 33 on verification requires the President to certify the same standard of verification developed under the Reagan-Bush administrations—high confidence in detecting militarily significant violations in a timely manner. Detecting the production and stockpiling of chemical weapons may be more difficult than detecting the existence, obviously, of nuclear-armed warheads.

But I will vote to retain the verification standard that has served our country well in previous arms control agreements. I understand why my colleagues might not agree with that and they might vote in a way that would lower this verification standard, but it is a serious problem.

Condition 30, which we just voted on, I think should have been kept in the document.

Condition 29 conditions U.S. participation in the convention upon demonstrated actions by the country with the largest chemical weapons arsenal on Earth—Russia. Russia has not implemented the Bilateral Destruction Agreement signed in 1990. Russia has not submitted accurate data on chemical weapons. That is a real concern, and we have reason to believe they are devoting resources now to develop new chemical agents which are outside the scope of CWC. I support retaining this condition because I believe it makes sense to expect Russia to live up to past agreements before entering into new ones.

I strongly support condition 31 which would require the President to exercise the power given in the verification annex to the convention to bar inspectors from terrorist states and from states which have violated U.S. proliferation law, particularly, I hope and think that we can defeat the motion to strike here. It is not a killer amendment and we ought to retain the right to bar those inspectors.

Finally, there is the most serious question of articles X and XI, whether these provisions on information sharing will increase the likelihood of, in fact, chemical weapons proliferation. Over the past few weeks, I made it clear to the administration as best I could the legitimate concerns about the impact of articles X and XI had to be addressed more than what was in the condition. I support delaying our ratification until the CWC is renegotiated to deal with these articles. For obvious reasons, the administration does not want to do that, and probably the majority of the Senate would not want to do that.

But this very morning, I received a letter from President Clinton which I think is significant. The President made specific assurances that the United States would exercise its right to withdraw from the convention if any one of three things occurred: If countries used "article X to justify providing defensive chemical weapons equipment, material, or information to another state party that could result in U.S. chemical protective equipment being compromised. . .";

If countries use article XI to justify chemical transfers which undermine the Australia Group.

If countries carried "out transfers or exchanges under either article X and XI which jeopardize U.S. national security by promoting chemical weapons proliferation;

These are specific and probably unprecedented. Yes, it is a letter. It is not in the document, but it is signed by the President of the United States in very strong language that, frankly, I was pleased but somewhat surprised that he agreed to say, I will withdraw after consultation with the Senate. If any one of these things happen, he is the President and his assurances in foreign policy must make a difference. They address countries even justifying transfers where there is concern. They address transfers which promote chemical weapons proliferation.

Mr. President, I think this is a very important document. I have made that letter available to our colleagues. I have more copies.

Every Member has struggled with one fundamental question: Are we better off with or without this convention? In my mind, there is no easy answer. I want to know that my children and our country will be better off, and that we will be better able to deal with chemical weapons with it, but I have my doubts.

Experts, whose opinions I respect deeply, are divided on the question. Over the last 2 weeks, I have had many conversations to discuss this convention. I spoke with Presidents Bush and Ford. I talked with my good friend, former Secretary of Defense Dick Cheney, former Secretary of Defense Cap Weinberger, Steve Forbes, former Secretary of State James Baker, Jim Schlesinger, Colin Powell, uniformed military officers—a great variety of people. I met with leaders of groups that are deeply opposed and well informed about the treaty's flaws. I talked with President Clinton, Secretary Albright, and Joint Chiefs of Staff Chairman Shalikashvili.

Republican Senators, with long experience in national security matters, are divided. On this issue, reasonable people can and do disagree, and reasonable people will vote on opposite sides.

After our negotiations, hearings, and discussions, it is time to make decisions—decisions that will be important to the future of our men and women in uniform, and the future security of our country.

I have decided to vote in support of the Senate giving its advice and consent to the Chemical Weapons Convention. I will do so not because I believe it will end the threat posed by chemical weapons or rid the world of poison gas. I will do so not because I believe this treaty is verifiable enough or even enforceable enough. And I will not do so because I believe there are no additional proliferations concerns related to articles X and XI.

I will vote for the convention because I believe there will be real and lasting consequences to the United States if we do not ratify the convention. In a very real sense, the credibility of commitments made by two Presidents of our country—one Republican and one Democrat—is at stake.

I will vote for the convention because the judgment of the most senior former and current military commanders believe it will make our soldiers, sailors, airmen, and marines more safe in potential battlefields and less likely to face the horrible prospect of chemical weapons.

I will vote for the convention because I believe the United States is marginally better off with it than without it. It will provide new tools to press signatories for compliance. It will enable us to gain access to sites and information we are currently unable to examine.

Through the important and enlightening debate we have had over the past few months, I am convinced the convention will bring new focus and energy to this administration's nonproliferation efforts. We have certainly heightened the awareness and knowledge of the concerns we have. One year ago, few of us even knew about the Australia Group. Now we have committed ourselves and the administration to keeping the Australia Group as a viable tool to limit access to chemicals and technology.

Yes, the CWC may give legal cover to proliferators in Teheran or in Beijing. But they have undertaken such efforts in the past and no doubt will do it again in the future.

I believe our allies in Europe are more likely to join with us in isolating Iran if we are a party to this convention than if we reject it tonight. They have made it clear that they hope we will ratify it, whether it is Canada or whether it is Britain or our European allies or Japan.

I believe this convention will increase the cost of covert chemical weapons programs, and it will increase our chances of detecting such programs.

I think there is a long list of good reasons why we should do this today. I have struggled with it. I would like to take just a minute, if I can, to talk on a personal note.

Many people in the media have tended to say, well, you know, this is going to determine the fate of various and sundry Senators and tell a lot about leadership. It has been exaggerated.

I have talked to a lot of Senators one on one. Not one of them—not one of them—has said that they would vote on it on any basis other than what is best for our country.

The way the Senate works, we debate these issues—we read, we study, we argue, we go back and forth. We set up a fair process, and then we come to a conclusion. We make a decision. We vote on it. And I do not think it is fair to exaggerate any one Senator's role in this whole effort.

I think the Senate should be complimented today for the way it has handled this. I think that Madison, and others, placed their faith in this institution. And I think it has worked well.

The efforts of Senator HELMS and Senator KYL have been heroic. They have done a magnificent job. Others that have supported the convention have done their part, too.

I think that this process has helped the Senate as an institution to exercise the leadership assigned to it by the Constitution. And that, I submit, is the only real test of leadership that truly matters.

I urge the adoption and ratification of this treaty.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. We have a small difficulty which can be remedied in short order. Without going into a great deal of detail, we are trying to adjust the time back to have accommodated the majority leader and his remarks.

So I ask unanimous consent that—how much time did we agree to?

Mr. BIDEN. That the remaining time that the chairman have be 35 minutes, the remaining time under the control for the Senator from Delaware be 15 minutes, and I believe Senator LEAHY has 14 minutes anyway, and that be the remaining time on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Who seeks time?

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. How many minutes?

Mr. BURNS. Ten or less.

Mr. HELMS. Ten minutes.

Mr. BURNS. Or less.

Mr. HELMS. I yield 10 minutes to the Senator from Montana.

The PRESIDING OFFICER. The Senator from Montana is recognized for 10 minutes.

Mr. BURNS. Mr. President, I thank Senator HELMS, the chairman of the Senate Foreign Relations Committee.

History has to be recorded that this has probably been the most ever-changing and cloudy situation that we have faced here in the U.S. Senate. Some in this body have changed their minds as they have tried to read the public opinion polls, and even some of those who have served in the administration have done the same—the history, as it was articulated here by the majority leader, of getting caught up in Presidential politics in 1996.

But basically what it was, it was most of us sitting down and reading the words and trying to make a decision based on what we think is best for our country. No matter the winds that blow in politics or in public opinion, this issue must be considered and decided on its merits. There is just too much at stake. The President has written a letter to the majority leader. If you will read the words real carefully, you could even say you could argue both sides of the issue on that letter alone.

But I rise today to express my opposition to this Chemical Weapons Convention treaty.

There are several reasons why I have chosen to oppose the treaty. Some would say that it is verifiable. I am not fully convinced of that, yet. Some would say that it does not hinder or break the Constitution. I think I would question that. When it comes to sovereignty of the United States, I would say that very much was in jeopardy. However, I will focus my concerns with article XI and my fears that this article will compromise both the United States and the citizens that live here.

Article XI of the Chemical Weapons Convention treaty prohibits countries from denying others access to dual-use chemicals—that means chemicals that can be used in any manner—processes, and technology. In effect, mandating access to and sharing of materials and the methods of making chemical weapons. By legitimizing commerce in dangerous, dual-use chemicals and processes the CWC will increase, not reduce, the ability of countries to acquire chemical weapons.

Second, Mr. President, article XI gives states the treaty right to:

> Facilitate and have the right to participate in, the fullest possible exchange of chemicals, equipment, and scientific and technical information relating to the development and the application of chemistry for [peaceful] purposes . . .

Have we not had enough experience over nuclear problems of this world, just with one country that is on this planet?

Third, transferring chemical-related technologies and material to members of the CWC such as Cuba, Iran, India, Pakistan, and China will help them establish and/or improve their chemical weapons programs. This is because there is very little difference between the legitimate commercial chemical processes and those processes used to make chemical weapons.

Article XI also legitimizes trade in dangerous dual-use chemicals. The treaty right will be used by countries such as China, India, and Russia to override Western objections to their provision of sensitive chemicals and production technologies to countries such as Iran. China and India already supply Iran with such chemicals, but the CWC will legitimize this trade and allow these countries to expand the volume of commerce conducted in dual-use chemicals.

Mr. President, I take a moment to focus on the fact that by ratifying this treaty, Iran will be permitted to have access to our chemical secrets, to have the ability to obtain chemical information from other rogue nations. If ratified, we are allowing a nation that we have confirmed, we have confirmed as a terrorist nation, one that is the primary suspect in numerous terrorist attacks against the United States, and one that calls for the destruction of this country to get more information, not less, on deadly chemicals.

How many in this body think that if allowed this information, Iran will, of its own accord, destroy these potentially deadly weapons and not use them against United States citizens around the world? I think that is a legitimate question. How many in this body really think that the United States will be in a more secure position? Finally, how can we in clear conscience give them this information when American men and women have been murdered by their actions?

Mr. President, for this reason, I cannot vote for the passage of this treaty.

I have heard all the reasons why we would be just a tiny bit better off being part of the convention. Well, this Senator thinks you have to be a bigger part. It falsely promises security to our Nation, and would betray those U.S. citizens who have died by the hand of terrorists. I urge my fellow colleagues to contemplate what I have stated here. I urge a "no" vote on ratification of this treaty. This is not an easy decision but is a decision where the majority of people who serve in this body have read and have made their decision on what is actually in it and not the emotion of the times. I urge them to read it and vote accordingly.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I yield to the Senator from Oklahoma.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Jeff Severs be permitted privileges of the floor for the duration of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 48

(Purpose: To strike condition no. 29, relating to Russian elimination of chemical weapons)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

> The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 48.
>
> Beginning on page 61, strike line 21 and all that follows through line 7 of page 63.

Mr. BIDEN. Mr. President, this amendment strikes condition 29. I will speak to this in a moment, but I yield as much time of the half-hour that I control as my friend from Indiana desires to discuss this.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I thank the Chair and I thank the distinguished Senator from Delaware. The condition that we move to strike, condition 29, would prohibit the United States from ratifying the Chemical Weapons Convention until the President certifies that Russia has done the following:

> Ratified the CWC, complied with the 1990 bilateral destruction agreement, fulfilled its obligations under the 1989 Wyoming memorandum of understanding, and ceased all chemical weapons activities.

Mr. President, two arguments against this condition prevailed, at least on the last vote that we had. I cite the first important argument is simply that this is a killer amendment. Senators need to know that a vote to leave this in the convention effectively terminates the convention. Senators cannot have it both ways.

I simply indicate, in his very important statement, the majority leader, Senator LOTT, referencing a particular condition that he found appealing, indicated it was not a killer amendment. But, in fact, this one is a killer amendment. Therefore, there is a crucial reason to vote to strike it.

Second, Mr. President, once again we are talking about American leadership. It is in our interest, clearly, to get Russia's attention to the chemical weapons problem. We have decided unilaterally in this country that chemical weapons are not useful to us in our defense, largely because we cannot necessarily guard our own troops against the fallout and against the problems they create. So we are destroying them.

Russia always had greater stocks than we have. They still do. It has been in our interest to work with the Russians. In the Cooperative Threat Reduction Act, so-called Nunn-Lugar-Domenici Act, we have worked with the Russians in a first instance to assist them in the techniques of destroying chemical weapons in Russia. There are seven very large sites that need to be dealt with. We are dealing now with the Russians at the first.

Mr. President, I speak today from a personal experience of last October when it was my privilege to accompany the then Secretary of Defense, William Perry, and my colleagues Senator Sam Nunn and Senator JOE LIEBERMAN, in a visit to Russia, specifically to the Defense Department of Russia and to military persons involved in weapons of mass destruction. Perhaps equally importantly, Mr. President, it was my privilege to go with my colleagues from America to the Russian Duma. On that particular day, our first attempt was to attempt to gain some understanding by members of the Duma about the importance of the START II treaty and its ratification. While we were there, we visited with the relevant committees comparable to our Foreign Relations and our Armed Services Committee about the Chemical Weapons Convention.

The Russians—in what we characterize as the Russian administration, the executive branch, and the legislative branch, the Duma—made identical points to us, that the START II treaty was coupled in consideration with the expansion of NATO. They said this is a political issue. These two are joined together.

With regard to the Chemical Weapons Convention, they made the clear distinction that it was not political, it was not involved with either NATO or START II or other arrangements. As a matter of fact, they perceived it was in the interests of Russia to ratify the treaty. They also pointed out that Russia has very little money, that at this particular point in history Russian taxes are not being paid with regularity. The soldiers are not being paid, or at least their paychecks are often delayed. As a result, they pointed out that arms control expenses were a very great problem for them. I think we understand that. That is not a sufficient reason for Russia to dodge its responsibilities. But it was a reason offered as to why they had postponed consideration.

In addition, Mr. President, they have postponed consideration because despite our leadership from the very beginning, our leadership to destroy our own chemical weapons, then to try to sign up all the nations of the world to destroy theirs, and to make this an international law project, the Russians read our press and they understood that we had had difficulty last December in ratifying this convention. So they simply were curious as to whether we were serious now. Well, we are, Mr. President. I simply say that the question that is before the Senate should not be delay or perhaps failure to ratify the treaty, because we are waiting on Russia. Our leadership is imperative. We are the country that is leading the world. We are the country that is leading Chemical Weapons Convention matters. Our citizens of the United States take that seriously. Mr. President, a large majority of Americans want us to act. They believe the U.S. Government ought to do everything possible, and they recognize, as do most Senators, that this convention is unlikely to get that job done very swiftly but they do recognize it is an advance, it is a constructive step. To offer as a reason why we would not proceed that we are waiting for Russia, or hoping that two agreements that are specified in the condition might somehow come to fulfillment is to miss the entire point of the leadership that is involved and the persuasion we must have.

Mr. President, I believe it is important, as soon as we ratify this convention, for the President of the United States to press on President Yeltsin his responsibility to gain ratification. At the Helsinki summit meeting recently, President Yeltsin assured our President he would offer that leadership. He assured our President he understood the responsibility of the Russians. He also asked our President to do his duty to help get the job done here. In fairness, our President has been fulfilling that responsibility, as did Senator Dole yesterday, as have President Bush and President Ford, as they have come forward as Presidents who understand, and as the majority leader understands. In his statement today, he mentioned one reason for voting for this treaty is the fact that two Republican administrations have made a commitment. An American word means something. Our leadership has continuity and staying power. It does not flip one way or another, depending upon Iraq or Russia.

Mr. President, I simply say, once again, American leadership is at stake. We are looking at a killer amendment. This condition must be struck. I ask Senators to vote aye when the roll is called.

I thank the Chair.

Mr. HELMS. Mr. President, before I plead on this amendment, I have been around this place for quite a while. Before I came to the Senate as a Senator, I had the honor of serving with two Senators as administrative assistant. Time after time, at the conclusion of long arduous debate and votes on various issues, a parting "thank you" is made to the staff people who did most of the work. I talked to Senator BIDEN and told him I want to do it now before we begin to sign off. He suggested that I go first.

Admiral Nance, sitting back there, with the white hair, that young man, he and I were boyhood friends back in Monroe. Adm. James W. Nance, the chief of staff of the Foreign Relations Committee; Tom Klein; Mark Theissen; Steve Biegun; Marshall Billingslea—particularly Marshall Billingslea—Colleen Noonan; Beth Wilson, and the rest of the Foreign Relations Committee staff.

Senator KYL has three remarkable young people: David Stephens, John Rood, and Jeanine Esperne. Senator CRAIG has Yvonne Bartoli and Jim Jatras.

I want to thank, in particular, some people from the outside who helped enormously in our trying to build a case to protect the American people from the extravagances of this treaty. But that is neither here nor there, but I want to thank those four great former Secretaries of Defense who came up—Dick Cheney; Cap Weinberger; Don Rumsfeld; James Schlesinger; the marvelous Jeane Kirkpatrick; Steve Forbes, who came down from New York; Richard Perle; Frank Gaffney; Doug Feith, and Fred Clay. I also want to include the retired flag and general officers.

I know that when I am driving home in a few hours from now, I will think of others. Just speaking for all of us, I want to thank them all. I know Senator BIDEN wants to do the same thing on his side.

I yield the floor.

Mr. BIDEN. Mr. President, I thank the chairman. I apologize because I may have to augment this. Although it is a very good idea to do it now, I was preparing to do it later, so I may leave somebody out, and I may amend this.

Let me begin by thanking a young man, who came over from my personal staff to the Foreign Relations Committee and I think maybe Mr. Billingslea may have thought he was his cousin, they spent so much time together in the last couple of months, and that is Puneet Talwar. He has done a great deal of the heavy lifting for me on this, along with Ed Levine, from the Intelligence Committee, who is now working with me. Ed Hall, the minority staff director; John Lis; the young man—well, he has been with me so long that he is getting old—Brian McKeon, who is counsel for the minority; Frank Januzzi; Dawn Ratliff; Kathi Taylor; Ursula McManus, who we kept up late at night writing memos and other things on our behalf; Casey Adams; Bill Ashworth, a former long-time staff member of the Foreign Relations Committee and Senator Pell's staff; David Schanzer, who worked with me on the Judiciary Committee; Mary Santos; Kimberly Burns; Jennette Murphy; Larry Stein; Randy DeValk; Sheila Murphy, all leadership staff persons who have worked with me.

I have left out some, but I will augment this with the staff members of the Intelligence Committee, the Appropriations Committee, the Judiciary Committee, and the Armed Services Committee. They all played major rolls.

The hearings that the distinguished chairman had on this treaty this time around were, I think, among the best hearings—even though I didn't always agree with the witnesses—that I have participated in in my 25 years. The cast of characters were the luminaries of previous administrations, as well as this administration. We had the who's who of the foreign policy establishment, literally. These people were particularly helpful to me, which is going to sound strange. He was up in the gallery, but I am referring to General and former Ambassador Rowny, a close friend and, I think, neighbor of the chairman. I know he is much more philosophically compatible with the chairman than with me, but we found ourselves on the same side of this issue. Everybody wondered why Bob Dole changed his mind—not changed his mind, but why Bob Dole concluded that the conditions that were added to the treaty sufficiently corrected its defects. It is my understanding that General Rowny bumped into Bob Dole in a coffee shop at the Watergate Hotel. I can see the distinguished Senator from Arizona wishing he had been at that coffee shop. But there was Gen. Brent Scowcroft, one of the most respected people in this town, Adm. Elmo Zumwalt; John Deutch; Fred Webber and his staff at the Chemical Manufacturers Association; Gen. Colin Powell; Amy Smithson of the Stimson Center; John Isaacs; Brad Roberts, Institute for Defense Analysis; Barry Kellman, DePaul Law School; Ron Lehman of the Reagan and Bush administrations. I am leaving a number of people out who I will add later.

I thank them all for contributing to this debate. I want to make a personal thanks, if I may, Mr. Chairman and Mr. President, to one of the most competent staff people I have ever dealt with in the administration, Bob Bell, who works for Sandy Berger and who also, I think, did an incredibly good job here, and Lori Murray, also of that staff. Bob Bell is a walking encyclopedia, who negotiated with the Lott committee. He is a man who has the ability to understand very complex notions and put them into language everybody can understand. He has done an admirable job. There are other people to thank.

Mr. LUGAR. Will the Senator yield?

Mr. BIDEN. Yes.

Mr. LUGAR. I would like to ask if he would include Kenneth Myers and Kenny Myers, on my staff and the staff of the Intelligence Committee, who have been invaluable.

Mr. BIDEN. The answer is I would absolutely like to do that. The statement I was going to introduce has a paragraph about that.

I express my deep appreciation to Senator LUGAR, with whom I have talked every day for the past few months as we have tried to move the ball forward in this treaty. He was very committed. He is truly the Senate's leading expert on the treaty and, I think, one of the leading experts in this country on foreign policy. We would not have gotten this far without his efforts. Perhaps the reason he is as good as he is that he has a father and son team working for him, Kenneth and Kenny Myers. I envy Ken Myers, Senator LUGAR's long-time staff aide, because he gets to work with his son, Kenny Myers, every day. The only thing I found, Mr. Chairman, in my meetings with them is that, like with my sons, I occasionally observe that the son knew more than the father. So my compliments to both of them.

The bottom line of all this—and I assume this was one of the intentions of the Senator from North Carolina, the chairman—is that regardless of the final outcome of each of these remaining amendments and the treaty, this has been done fairly and honorably. Everyone has kept their word. We said we would negotiate in good faith; we both did. All of the staff members involved acted in the same way.

Lastly—and I hope this doesn't come out the wrong way—I want to thank the chairman of the full committee for the honorable way in which he has dealt with this entire matter. I mean that sincerely.

I yield the floor.

Mr. HELMS. I thank the Senator. I will add two things. One, I hope Bob Dole stays out of those coffee shops from now on. I am going to see if the distinguished ranking member would mention probably the most prominent player in this game. He didn't, but I will, because I had the honor of escorting her to North Carolina—the new Secretary of State, Madeleine Albright. I don't always agree with her, nor she with me. But she is a great lady and she is doing a good job for this country. I thank her.

Mr. President, one of the many fine people who contributed to the Chemical Weapons Convention is no longer among us. Mrs. Sherry Stetson Mannix, a retired U.S. Air Force lieutenant colonel, joined the U.S. Arms Control and Disarmament Agency in 1984 and became its top expert on chemical weapons. She helped negotiate the treaty, and then she became a resource person for Members and staff of the Senate as we began to consider whether to give our advice and consent to ratification.

Lieutenant Colonel Mannix was dying of cancer in 1994, when the Foreign Relations and Intelligence Committees first held hearings on the CWC. Despite being in terrible pain, Lieutenant Colonel Mannix faithfully and effectively managed the process of responding to our committees' questions for the Record.

Sherry Mannix was only 44 years old when she died in early 1995. She had hoped to live long enough to see this convention ratified. We were unable, Mr. President, to grant that last wish. But Sherry Mannix kept faith with us, with her comrades in the U.S. Armed Forces, and with her country. Now we have the opportunity to keep faith with her, and with all our military personnel who long for ratification of this convention as a step toward curbing the menace of chemical weapons.

Mr. HELMS. What is the pending business, Mr. President?

The PRESIDING OFFICER. The amendment offered by the Senator from Delaware.

Mr. HELMS. Which is?

The PRESIDING OFFICER. No. 48.

Mr. HELMS. I yield to the distinguished Senator from Arizona [Mr. KYL] for whatever time he may require.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I will, at a later time, join in thanking the various staff and other people who have been so useful in ensuring a good debate. I think the Senate has gotten very serious about this matter. As the majority leader said earlier, as a result of the application of various Members of the Senate, a great deal of progress has been made in trying to bring the sides closer together in getting a treaty that, if it is entered into, will be more in the interest of the United States than as originally submitted.

There are a couple of conditions, however, in the resolution of ratification which we believe ought to be a part of this treaty before the President submits those articles for ratification, signifying the U.S. entry into the treaty. One of the most important is the one before us at this moment. There is a motion to strike this condition from the resolution of ratification. We believe that this condition should remain. As the majority leader earlier said, he believes this condition should remain. Here is what it provides: Prior to depositing the U.S. instrument of ratification, the President must certify four things: First, that Russia is making reasonable progress on implementing the 1990 bilateral destruction agreement entered into between the United States and Russia. Second, that outstanding compliance related to the 1989 Wyoming memorandum of understanding have been resolved to U.S. satisfaction. Third, that Russia has deposited its articles of ratification of the conventional weapons agreement. Fourth, that it is committed to foregoing any weapons development.

Those are four important conditions, if our partner, Russia, and the United States are to effectively utilize the Chemical Weapons Convention. The reason is, first of all, because Russia is the world's largest possessor of chemical weapons. It has anywhere from 60 to 70 percent of the world's chemical stocks. For the Chemical Weapons Convention to be global, in the sense that it covers the weapons, and to be effective, it should involve the country with the largest inventory of chemical weapons.

Now, Russia has signed the Chemical Weapons Convention, but has indicated that it will not ratify, at least at this time and, as a matter of fact, in a communication to the Vice President of the United States, one of the Russian leaders, Chernomyrdin, said, in effect, that Russia would prefer that the two parties, if they are going to come into the treaty, come in at the same time rather than one preceding the other, and, therefore, said that it would be integral to Russian entry that the United States entered first, which is what we are about to do.

I think these four commitments by Russia are integral to the success of the Chemical Weapons Convention if we are to have a truly global ban. That is why this condition 29 should remain a part of the resolution of ratification.

Quickly, to the four points: First, reasonable progress in implementing the 1990 Bilateral Destruction Agreement. Reasonable progress simply means that we are continuing to work on complying with it. That is what the Russians agreed to do when they entered into this agreement in June 1990. This is an agreement between President Bush and President Gorbachev.

By the way, when proponents of this treaty speak of it as a Reagan-Bush-Clinton treaty, I point out the fact that the treaty was different in the Reagan and early Bush years than it is now. One of the underpinnings of the treaty was that this bilateral destruction agreement between Russia and the United States would be in place and would be enforced and would be complied with by the two parties. This agreement was designed specifically to ban the production of chemical weapons, their agents, the destruction of chemical weapons agents, to provide for onsite inspections of CW facilities, and require data declarations.

The Bilateral Destruction Agreement is central to the CWC before us today. Without it the Chemical Weapons Convention is a much weaker treaty than it would otherwise be. The CWC was negotiated with the assumption that the United States and Russia would both destroy and verify destruction of their stockpiles under the Bilateral Destruction Agreement. But Russia has not implemented the Bilateral Destruction Agreement, and it appears that it has no intention of doing so.

Russian Prime Minister Chernomyrdin, in this letter to Vice President GORE that I mentioned before, essentially stated that the Bilateral Destruction Agreement and the 1989 Wyoming Memorandum of Understanding have outlived their usefulness insofar as Russia is concerned.

The Chemical Weapons Convention before us today is no substitute for the Bilateral Destruction Agreement. Under the Bilateral Destruction Agreement, the inspectors of Russian facilities would not be international inspectors. They would be U.S. professional inspectors, and there would be more frequent inspections. The United States would have guaranteed access to data declarations, none of which would be the case under the CWC.

So it is important that Russia at least indicate to us that it is making reasonable progress to implement the BDA before we enter into force CWC.

Second, the resolution says there should be compliance with the 1989 Wyoming Memorandum of Understanding. Without getting into a lot of detail, I will simply note that this memorandum of understanding was essentially an agreement between the two states that we would exchange data on how much chemical weapons we had and to provide the information on the status for binary weapons programs.

To comply with this declaration, the United States has given information to the Russians. Russia declared a 40,000 metric ton agent stockpile. However, present reports and other information allege that the Defense Intelligence Agency estimates that the former Soviet—now Russian—stockpile could be as large as 75,000 tons. Russia has refused to provide information on the status of its binary weapons program. And, according to the former Director of Central Intelligence Jim Woolsey, "The data we have received from Russia makes no reference to binary chemical weapons or agents. That is contrary to our understanding of the program that was initiated in the former Soviet Union."

There are additional indications of activity on the part of the Russians, all of which suggest that they are not in compliance with this 1989 memorandum of understanding.

Our second point in this condition is getting compliance with that.

Third, we want the Russians to ratify this treaty at the same time that we do. That is what they want to do. We believe that will be a preferable course of action to the United States entering into the treaty causing the Russians to be concerned that we would set up the rules of the treaty, in effect, in a way that would be amicable to their interests, thus perhaps causing them never to enter into the treaty.

A CWC without Russia, furthermore, means that over 50 percent of the world's known chemical weapons stockpile will be outside of the treaty regime. Should the United States ratify the CWC absent Russian participation or the involvement of other states that have weapons, the treaty's intrusive verification schemes would, for all intents and purposes, be focused solely on the United States, the only nation likely to declare integral weapons inventory. In effect, we would be paying 25 percent of the cost of the treaty to verify our own compliance.

Finally, Russian commitment to forego a chemical weapons capability. This is central to the meaning of the CWC. If Russia is not willing to do this, obviously their intentions are not to comply with CWC.

We have evidence of the so-called Novichok class of nerve agents that is more lethal than any other known chemical agent in the world.

According to Jane's Land-Based Air Defense 1997–98, Russia is developing three new nerve agents, two of which are eight times as deadly as the VX nerve agent stockpiled by Iraq.

Mr. President, Russia's new chemical agents do not depend on stockpiles that are on the CWC list of scheduled chemicals, according to sources. Thus, inspectors will neither be prepared nor allowed to look for them, nor will Russia be precluded from importing these components. A declassified portion of a May 1995 national intelligence estimate states "Production of new binary agents would be difficult to detect and confirm as a CWC-prohibited activity."

In conclusion, in light of these ongoing activities and related United States intelligence estimates, it is reasonable to condition United States ratification of the CWC to the President certifying that Russia is committed to foregoing chemical weapons capability or other activity contrary to the purpose of the convention weapons treaty.

For those reasons, Mr. President, I join the distinguished majority leader and the chairman of the Foreign Relations Committee in urging that we not strike this condition from the resolution of ratification.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time is under the control of the Senator from Delaware?

The PRESIDING OFFICER. Seventeen minutes.

Mr. BIDEN. I yield 5 minutes to the distinguished Senator from Michigan. Next, I will let people know that I understand Senator INHOFE is going to speak in opposition to this motion to strike. Then I would like to yield, just to let people know, 5 minutes to the distinguished Senator from Virginia.

That is for informational purposes. I am not asking UC.

I now yield 5 minutes to the Senator from Michigan.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, it isn't always that our top military officials so strongly and jointly agree that an arms control treaty is in our national security interest. But in the case of the chemical weapons treaty before the Senate today, that strong support has been expressed over and over and over again.

The Chairman of the Joint Chiefs, General Shalikashvili, speaking on behalf of the Chiefs of each of the services and the combatant commanders, urged the Senate to ratify this treaty because it would make it less likely that our troops will face chemical weapons. Their position is not based on politics or public opinion polls; it is based on their military judgment.

The acting head of Central Intelligence, George Tenet, has said that this treaty will give us additional tools to inspect for chemical weapons that we otherwise would not have.

The United States, under former President Bush, led the way to the negotiation of this treaty. It would represent a tragic blow to American leadership were the Senate to reject a treaty negotiated and supported by three Presidents. If we don't lead the way, if and when the day comes that we must act militarily to eliminate a country's chemical weapons, the credibility of and support for, that effort will be undermined by our lack of clean hands and our refusal to ratify a treaty that makes it less likely those weapons will be created to begin with.

The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities, and it creates new international sanctions to punish those states that remain outside of the treaty. If we fail to ratify the convention, we will imperil our leadership in the entire area of nonproliferation, perhaps the most vital security issue of the post-cold-war era.

Relative to condition 29 that is before us, there is a motion to strike this condition that has been made by the Senator from Indiana. It is based on many grounds. But the first ground that he points out, which seems to me is the foremost ground even before we get to the details of this condition, is that this condition is a killer condition. If this condition stays in this resolution, it kills this ratification resolution because it makes it conditional on somebody else ratifying.

Do we want to make our ratification conditional upon these other events? Do we want to give Russia the power to decide our participation in the leadership of this crucial treaty? The President has said—I am here quoting him—"This is precisely backwards. The best way to secure Russian ratification is to ratify the treaty ourselves. Failure to do so will not only give hard-liners in Russia an excuse to hold out but also to hold onto their chemical weapons."

Do we want Russia to ratify? Clearly we do. General Shalikashvili, who has so strongly supported the ratification of this treaty, has testified before us in the Armed Services Committee as follows: "The most significant advantage derived from the convention is the potential elimination of chemical weapons by state parties." He went on to say, "Eventual destruction of approximately 40,000 tons of declared Russian chemical weapons will significantly reduce the global chemical threat."

That is why General Shalikashvili has said, among other reasons, that the ratification of this treaty will make it less likely that our troops would ever face chemical weapons because the largest declared stockpile by Russia must be destroyed under this treaty. General Shalikashvili, Chairman of our Joint Chiefs, speaking for each of the chiefs and our combatant commanders, says that destruction of 40,000 tons of declared chemical weapons by Russia is the most significant advantage to this treaty.

What does our ratification have to do with Russian ratification? I would suggest here that we listen to a number of voices. But one of them is a Russian voice—a Russian scientist who blew the whistle actually on the Soviet Union chemical weapons program. His name is Vil Myrzyanov. He is a high-level Russian scientist. This is what he said about the relationship in a letter that he wrote to Senator LUGAR. "Senate ratification of the convention is crucial to securing action on the treaty in Moscow."

Our ratification, he is telling us—this is an inside voice—is critical to getting the Duma to ratify this treaty. And getting the Duma to ratify this treaty is, in the eyes of General Shalikashvili, the single most important advantage of the treaty because then 40,000 declared tons of chemical agents, the largest stockpile in the world, will be destroyed and less available for leakage, less available to any potential sale or disposition to others adversely or inadvertently.

So our leadership is important to a safer world. This is a treaty that we helped to draft, negotiated, and now it is before us to ratify. But our leadership is also important to ratification of this treaty inside of Russia.

The decision of whether the United States ratifies this convention is for this body, the United States Senate to decide—not the Russian Duma. We should strike this killer condition.

The purpose of both the Bilateral Destruction Agreement and the Wyoming

MOU was to help make progress towards achieving a CWC.

Now that we have the CWC complete, the BDA and the Wyoming MOU are less relevant. We can enter the CWC without the BDA being implemented.

The BDA does not go as far as the CWC. BDA would permit both sides to keep 5,000 tons of chemical agent. The BDA does not permit challenge inspections.

The CWC requires complete destruction of all chemical weapons, and provides for challenge inspections to any facility suspected of a violating suspected of violating the CWC.

If the CWC is ratified by the United States—which this killer condition would prohibit—and by Russia—it is entirely possible that the United States and Russia can finish negotiations on the BDA and let it enter into force.

If the United States does not ratify this convention, there is little chance Russia will ratify it and there is no chance for this BDA ever entering into force.

If we want Russia to ratify the CWC—and surely we must—then we should ratify the CWC—which, in turn requires us to strike this condition.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. I thank the Chair.

Mr. President, I am going to abbreviate my statement in the interest of time, hoping that we can help Senators get out a little bit earlier, including the distinguished occupant of the Chair.

Mr. President, this condition is very important. It forbids the deposit of the United States instrument of ratification until Russia has made significant progress in implementing the 1990 Bilateral Destruction Agreement and has resolved concerns over its incomplete data declarations under the Wyoming memorandum of understanding, ratified the convention and has committed to forgo the clandestine maintenance of chemical weapons production capability.

That sounds like a lot but more than anything else it is a measurement of how Russia is playing games in terms of not doing things to live up to its agreement.

I have the highest hope that Russia one day will have a free enterprise economy and all the rest of it, but such commitments by Russia are absolutely imperative and essential to the success of this CWC, this treaty, in securing a truly global ban on possession and use of chemical weapons. If Russia continues to drag its feet, this convention will be worth almost nothing. And for my part, as one Senator, I am extremely concerned that Russia, the country that possesses the largest and the most sophisticated chemical weapons arsenal in the world, has refused consistently to agree to implement its commitments to eliminate its chemical weapons stockpile despite the 1990 United States-Russian Bilateral Destruction Agreement.

Now, put any face on it you want, but if Russia fails to do that, then Russia is telling this Senate, this Government, the American people, we don't care what you want; we are going our way. And that is a pretty dangerous position for Russia to take in terms of world peace.

This coupled with the Russian withdrawal from the BDA and the Russian Parliament rejection of the chemical weapons destruction plan portend ominous things to come in terms of Russia's ratification of this treaty.

Now, I hope Senators are aware, and if they are not aware, that they will become aware, that Russia is by far and away the world's largest possessor of chemical weapons. If the United States in eliminating its own chemical stockpile could assure that Russia also destroyed its stockpile through the Bilateral Destruction Agreement, 99 percent of the world's chemical arsenal would be eliminated independently of this treaty. So that gives you some idea of the enormity of this situation which has been passed over and over and over. I think enough is enough.

Now, of course, Russia has signed the CWC but it has not ratified this treaty. Evidence has come to light recently, by the way, suggesting that Russia may not pursue ratification of this treaty in the near term and does not intend to abide by the CWC even if it ratifies it.

I just want Senators to understand what they are doing. It is all very well and good to succumb to the imaginative suggestion that we are doing something about chemical weapons when we pass this treaty. We are not. It is not going to do one bit of good until the United States is able to persuade some other people to do things that they have already agreed to do. So the danger is how the American people are being misled by those who have endorsed this treaty into believing that something is being done about chemical weaponry.

I hope, if we do nothing else in our opposition to this treaty, we can make the American people aware that nothing is being done for their safety by this treaty. I wish it were different. I wish I did not have to stand here and say this. But those are the facts. This treaty is absolutely useless in terms of giving the American people any security at all.

According to a May 6, 1996, letter from the DIA, the Defense Intelligence Agency, to the chairman of the Senate Select Committee on Intelligence:

> There are several factors affecting Russia's actions regarding its CW programs and arms control commitments. Russian officials probably believe they need a CW capability to deter other nations from chemical warfare. They cite a potential threat from purported CW programs in the United States, other Western nations, and several countries on or near Russia's borders.

Now, the DIA continued:

> In addition, Russian officials believe that dismantling the CW program would waste resources and rob them of valuable production assets. They maintain that the CW production facilities should not be destroyed but be used to produce commercial products.

Well, la-de-da. Every nation that has some ulterior motives with chemical weapons can say the same thing.

> Moreover, these officials do not want to see their life's work destroyed, their jobs eliminated, and their influence diminished.

And here we are probably going to ratify this treaty in spite of the great concern about the views of Russia's senior military leadership on the Chemical Weapons Convention and on the elimination of Russia's chemical warfare capability in general.

On numerous instances, the United States has received indications that key elements within the Russian Government staunchly oppose the CWC. Back in 1994, October 25, Dr. Lev Fyodorov—I never met him, do not know how to pronounce his name—head of the Union for Chemical Security, told Interfax news service that key officers from the Russian Ministry of Defense had spoken against the treaty during the Russian Duma defense committee's closed hearings on October 11 1994.

Now, my concerns about the two Russian generals responsible for Russia's chemical warfare elimination program have been well documented in a series of letters to President Clinton, and I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, October 25, 1995.

The PRESIDENT,
The White House
Washington, D.C.

DEAR MR. PRESIDENT: I take no offense at your declaration to the effect that I am irresponsibly delaying consideration of the Chemical Weapons Convention. Both of us know that this is not so. Moreover, the CWC is a treaty which in my view must not be seriously considered by Congress unless and until the issue of verification can be resolved.

There is no disagreement that the production stockpiling and use of chemical and biological weapons is inherently abhorrent, and especially by rogue regimes. Yours is the second Administration with which I have raised compelling questions about verification, Russian compliance, Russian binary weapons programs—and the cost of the Chemical Weapons Convention.

If and when we receive satisfactory answers to these concerns, there would be a substantial increase in the probability of this treaty's being reported out of the Foreign Relations Committee for formal consideration by the Senate.

I was astounded to learn, as surely you were, that the former Chairman of the [Russian] President's Committee on Conventional Problems of Chemical and Biological

Weapons, Lieutenant General Anatoliy Kuntsevich, is now under the house arrest for his having delivered 1,800 pounds of military chemicals to terrorists in the Middle East in 1993. What's more, the Russian intelligence service asserts that General Kuntsevich attempted to sell 5 tons of military chemicals to the same buyers a year later, in 1994. He was caught in the act.

Needless to say, the arrest of this key Russian negotiator of the Chemical Weapons Convention on trafficking charges—for dealing in the very same chemical agents he was supposedly trying to control—calls into question the integrity of every provision of the Chemical Weapons Convention. It certainly lends credibility to concerns about the trustworthiness of Russian declarations regarding its own current chemical and biological programs, its stockpiles, and the sincerity of the Russians' willingness, and ability, to abide by the CWC and other agreements.

General Kuntsevich's role in chemical weapons dates to the 1980s. As Deputy Commander of Soviet Chemical Forces, he was honored as a hero of Socialist Labor in 1981. In 1988, he became a member of the Soviet delegation to the United Nations Conference on Disarmament, which negotiated the CWC. In 1991, he received the Lenin Prize for his work on binary chemical weapons. Through his many years as a negotiator for the Soviet/Russian governments, Kuntsevich won a number of concessions on the Chemical Weapons Convention and follow-on provisions to the Bilateral Destruction Agreement. Moreover, he was responsible for Russia's dubious declarations under the Wyoming Memorandum of Understanding.

While General Kuntsevich is said to have been removed by President Yeltsin in April 1994, concern remains that the General may have conspired to negotiate significant loopholes in the agreements with the obvious intent of enabling him and others to engage in chemical trafficking with impunity—and possibly to permit Russia to evade its obligations.

I respectfully request a thorough analysis of the negotiating record of the CWC and the Bilateral Destruction Agreement in order to review the role of General Kuntsevich in securing various provisions and concessions. I regard this analysis to be essential to any credible review.

Furthermore, I need to know General Kuntsevich's role in the provision of questionable data declarations under the Wyoming Memorandum. Has he been allowed to retain contacts with the Yeltsin government since his removal?

There are three other questions, Mr. President, that simply must be answered:

(1) When did the U.S. government learn of General Kuntsevich's role in trafficking chemical weapons and other corrupt practices?

(2) Were you aware of his activities, and his arrest, while you were urging the Congress to move forward on the ratification of the CWC?

(3) If General Kuntsevich has been under house arrest since April 1994, what could explain the timing of the Russian government's revelations regarding his activities?

The Russian government should be urged to accelerate and complete its investigation of General Kuntsevich. I do hope you will obtain from the Russian government a full accounting of precisely what was sold and to whom, and how Russian export controls were circumvented. Additionally, what precautions, if any, have been taken to prevent such future incidents from occurring?

Obviously, unless and until these concerns and those raised previously have been addressed, it would not be fair to the security and safety of the American people even to consider moving the Chemical Weapons Convention out of Committee.

Respectfully,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, October 30, 1995.

DEAR COLLEAGUE: I am confident that you were astonished, as I was, that Russia's former chief negotiator for the Chemical Weapons Convention is now under house arrest for trafficking in the very military chemicals he purportedly was seeking to control. Apparently, General Kuntsevich in 1993 sold 1,800 pounds of chemical agents to terrorists in the Middle East. He was caught attempting to sell another 5 tons a year later.

Many of us have consistently raised concerns regarding the verifiability and enforceability of the Chemical Weapons Convention. This most recent incident makes it demonstrable that the CWC, even had it been in effect, would have been helpless to interdict illicit trade in chemicals. (General Kuntsevich is alleged to have transferred chemicals not listed in the chemicals annex of the CWC, and those chemicals went to a country that was not even a signatory to the Convention. He was caught red-handed by traditional, national law enforcement means, not by some global policing mechanism.)

Furthermore, had General Kuntsevich not been caught, it is conceivable that he and/or his cronies may have worked their way into the administrative body of the CWC, and would then have access to a plethora of information regarding the chemical programs of all signatories, and forewarning of all short-notice inspections to be conducted under the Convention.

The attached letter that I sent to President Clinton underscores my concerns arising from the arrest of General Kuntsevich. Given Kuntsevich's influence over the negotiating process of the CWC, and his responsibility for overseeing the destruction of his own personal empire under the U.S.-Russian Bilateral Destruction Agreement, I have requested a thorough review of the negotiating record of both agreements.

I bring this new incident to your attention as the Senate continues its discussion of issues surrounding the Chemical Weapons Convention. General Kuntsevich's activities and arrest highlight the many legitimate concerns we all share regarding how best to guard against the threat that chemical weapons pose to our nation's security.

Respectfully,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, June 21, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: I was gratified to note your Administration's decision to impose sanctions against Lieutenant General Anatoliy Kuntsevich, former Chairman of the [Russian] President's Committee on Conventional Problems of Chemical and Biological Weapons. (I had written to you on October 25, 1995 regarding his having been arrested on charges of selling military chemicals to Middle East terrorists.)

Disturbing information about General Kuntsevich's activities prompted my concerns about whether the U.S. can believe Russian declarations regarding: (1) its current chemical and biological programs and stockpiles; (2) its willingness to abide by the 1990 U.S.-Russian Bilateral Destruction Agreement (BDA); and (3) its intent to ratify the Chemical Weapons Convention.

General Kuntsevich was, after all, one of the most senior officers in Russia's chemical weapons program. Indeed, in 1994 it was he who signed, in conjunction with Colonel General S.V. Petrov, the U.S.-Russian work plan for the destruction of Russia's chemical weapons.

At that time, your National Security Advisor assured me that General Kuntsevich was acting independently of the Russian government. I was also told that his actions in no way called into question the willingness of Russia to abide by its commitments to eliminate its stockpile of chemical weapons. However, it subsequently came to my attention that yet another high-ranking Russian general, General Petrov, has openly alluded to the desirability of maintaining a chemical weapons capability. General Petrov, the other signatory to the 1994 Work Plan, expressed his views in the November-December 1994 edition of the official Russian Military Journal, Military Thought. Such a belief, stated publicly by a key Russian officer, prompts concern that key elements within the Russian government may not even intend to implement the BDA, ratify the CWC—or abide by either agreement.

Most troubling to me, however, are rumors that have begun to circulate that Russia no longer favors implementation of the six-year old Bilateral Destruction Agreement. I further understand that Russia will not seek to ratify the Chemical Weapons Convention in the near future, and that the United States has been told to delay its own ratification indefinitely—or risk the possibility that Russia will never ratify the CWC.

I am concerned that nearly a month has elapsed and the Senate Foreign Relations Committee has yet to be notified of such an ominous change in Russian policy towards the destruction of its chemical arsenal.

Accordingly, I respectfully request immediate declassification of any documents or cables pertaining to the aforementioned issues, including cable number 607329 dispatched from Bonn on May 21, 1996, and their being provided to the Committee. I also respectfully request detailed, and unclassified responses to the following questions:

(1) Has the intelligence community conducted any assessment identifying Russian officials believed to oppose dismantlement of Russia's chemical weapons stockpile, or who oppose Russian ratification of the CWC? Please declassify these reports provide them to the Committee.

(2) The Central Intelligence Agency stated in a report in March, 1995, that "some CW-capable countries that have signed the CWC show no signs of ending their programs." Does the intelligence community believe that Russia intends to forgo all aspects of its chemical weapons program?

(3) Is it the case that Russia has not yet constructed even a pilot chemical weapons destruction facility? Is it also true that the Shchuch'ye Implementation Plan exists only on paper, and that the plan does not yet even include such rudimentary components as baseline data, engineering survey data, or a site feasibility study? How many years will finalization of these critical elements of the Russian destruction program take?

(4) On June 23, 1994, the then-Director of Central Intelligence, R. James Woolsey, stated that the U.S. had "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" provided to the United States by Russia regarding its chemical weapons program. How will Russian withdrawal from the BDA affect U.S. efforts to resolve questions regarding "contradictions" in Russia's declarations about its chemical weapons stockpile? Is the Administration prepared to challenge immediately the veracity of Russian reporting under the CWC if Russia provides data which mirrors that provided to the United States under the 1989 Wyoming Memorandum of Understanding?

(5) Dr. Vil Mirzayanov, former chief of counterintelligence at the State Union Scientific Research Institute for Organic Chemistry and Technology, has alleged that Russia has produced a new class of binary nerve agents five to eight times more lethal than any other known chemical agent, and that work may be continuing on these chemical weapons. Is the Administration satisfied that the Russian Federation has indeed ceased the development and/or production of all offensive chemical weapons agents?

I will appreciate your assistance in resolving these questions which concern issues which so directly impact on the national security of the United States.

Respectfully,

JESSE HELMS.

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC, July 26, 1996.

The PRESIDENT,
The White House
Washington, DC.

DEAR MR. PRESIDENT: When I wrote to you on June 21 regarding perhaps the most significant, ominous shift in Russian arms control policy since the end of the Cold War, I respectfully requested, among other things, information from the Administration concerning reports that Russia will not implement the six-year old U.S.-Russian Bilateral Destruction Agreement (BDA) or pursue ratification of the CWC in the near future.

Mr. President, since writing to you, my concerns as to whether Russia intends to implement the BDA and ratify the CWC have been confirmed beyond peradventure. To be specific: Russian Prime Minister Chernomyrdin wrote to Vice President Gore on July 8, stating officially that both the BDA and the Wyoming Memorandum of Understanding (MOU) have outlived their usefulness to Russia. Moreover, it has been established that Prime Minister Chernomyrdin (1) linked Russian ratification of the CWC to U.S. agreement to a Joint Statement linking ratification by the United States to Russian ratification, (2) stated that the American taxpayers must pay the cost of the Russian destruction program, and (3) linked ratification to U.S. acquiescence to Russia's position on conversion of its chemical weapons facilities.

Even more disturbing is the report that the Prime Minister declared that if the CWC enters into force without Russia, it will be impossible for Russia ever to ratify the treaty.

Mr. President, the Russian Federation appears to anticipate that due to intense U.S. diplomatic lobbying the CWC may enter into force this summer. I am concerned that U.S. efforts at inducing nations to ratify the treaty, and bring it into force before the views of the United States Senate have been expressed on the CWC, have virtually ensured that neither the United States nor Russia will have a hand in finalizing the 37 uncompleted implementation procedures of the treaty. Once 65 countries have ratified, all manner of detailed guidelines affecting the CWC's verification regime, ranging from the conduct of inspections to the safeguarding of samples transferred for analysis off-site, will be finalized rapidly.

Prime Minister Chernomyrdin's letter was clear: "Speaking candidly," he wrote "I shall say that the Convention's entry into force without Russia would hamper its ratification with us." On July 22, 1996, the Russian delegation in The Hague repeated this position, stating that "the entry into force of the Convention without Russia, to be perfectly candid, would hamper its ratification in our country."

Since Russia is bound to know that the treaty will enter into force without Russia's participation, is it not evident that Russia is preparing a diplomatic exit strategy from the CWC?

The Senate needs to be informed by the Administration precisely how Russian withdrawal from the BDA and the Wyoming MOU will affect U.S. efforts to resolve questions concerning Russia's various declarations about its chemical weapons stockpile.

The Director of Central Intelligence, James Woolsey, testified on June 23, 1994, that the U.S. had "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" submitted by Russia under the Wyoming MOU.

So, Mr. President, if Russia is now refusing to answer any more questions about the size of its chemical weapons stockpile or its binary weapons program (which it has failed to mention at all), does this not cast doubt as to whether Russia will ever fully disclose its chemical weapons activities? Is the Administration prepared to challenge immediately the veracity of Russian reporting under the CWC if Russia provides data which mirrors that provided to the United States under the Wyoming MOU?

Additionally, given that the bilateral inspection regime (under the BDA) was to have substituted for multilateral inspections under the CWC, does Russian withdrawal from the BDA lower the intelligence community's already poor level of confidence in its ability to monitor Russian treaty compliance?

Mr. President, I respectfully reiterate my request for detailed, and unclassified responses to the questions I asked of you on June 21, 1996. I also will appreciate your providing to the Committee:

(1) the Chernomyrdin letter of July 8, 1996, which I understand must be unclassified since it was transmitted by facsimile around Washington on unsecured lines;

(2) all assessments by the intelligence community discussing the views of Prime Minister Chernomyrdin towards the BDA, the CWC, and any assessments as to whether he favors complete elimination of Russia's chemical weapons arsenal;

(3) the draft Joint Statement and all relevant documents supplied by Russia to Vice President Gore prior to the President's Moscow Summit;

(4) a detailed assessment of discrepancies in Russia's Wyoming MOU data and the results of any bilateral discussions regarding those discrepancies;

(5) a detailed assessment by the intelligence community of the impact that non-implementation of the BDA and Wyoming MOU will have upon the U.S. ability to monitor Russian compliance with the CWC;

(6) a detailed estimate of the additional cost to the United States of implementing the CWC without the BDA in place;

(7) an estimate of the total cost of destroying Russia's chemical weapons stockpile; and

(8) all documents relating to any discussions with or assurances made to Russia by the Administration regarding U.S. assistance to the Russian destruction program.

In closing, Mr. President, I should note for the record that the unanimous consent agreement in the Senate (to proceed to consideration of the CWC on or before September 14, 1996) is predicated entirely upon the administration's providing "such facts and documents as requested by the Chairman and ranking minority member of the Foreign Relations Committee."

I hope we can work together on this matter. I will appreciate your assistance in resolving these questions concerning issues which so directly impact on the national security of the United States and the American people.

Respectfully,

JESSE HELMS.

Mr. HELMS. Mr. President, we are all aware of how the administration has refused, refused to provide the Senate, despite my repeated requests, my repeated entreaties to them, to give us an updated assessment of the Russian position regarding the BDA and the CWC.

Russian Prime Minister Chernomyrdin wrote to Vice President GORE on July 8, 1996 stating that both the BDA and the 1989 Wyoming memorandum of understanding have outlived their usefulness to Russia, don't you see. Moreover, the Prime Minister, one, tied Russian ratification of this treaty, the CWC, to United States agreement to a joint statement linking ratification by the United States to Russian ratification; two, stated that the American taxpayers—get this—the American taxpayers must pay the cost of the Russian destruction program; and three, he linked ratification to United States acquiescence to Russia's position on conversion of its chemical weapons facilities. The shift in Russian arms control policy, you see, will have important ramifications.

First, the minimalist approaches taken by Russia in its data declaration on the Wyoming memorandum of understanding will go unresolved. Russia has stated that the total size of its stockpiled chemical weapons is equivalent to 40,000 tons of agent. This declaration is absolutely untrue. The Director of Central Intelligence, James Woolsey, testified before the Foreign Relations Committee on June 23, 1994, that the United States had "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" submitted by Russia under the Wyoming MOU. On August 27, 1993, Adm. William Studeman, Acting Director of Central Intelligence, wrote to Senator GLENN stating:

> We cannot confirm that the Russian declaration of 40,000 mt is accurate. In addition, we cannot confirm that the total stockpile is

> stored only at the seven sites declared by the Soviets...

Articles in both the Washington Post and the Washington Times alleged that the Defense Intelligence Agency has estimated the Soviet stockpile could be as large as 75,000 metric tons.

Omissions in Russia's MOU data declarations have clear implications for how Russia will interpret the various provisions of the CWC. Because the BDA mandates annual updates to the Wyoming MOU, Russian withdrawal from the BDA may also signal that Russia will henceforth refuse to entertain any additional United States questions about the size of its chemical weapons stockpile or its binary weapons program. Senators should be concerned that Russia may intend to provide to the OPCW data which mirrors that provided under the Wyoming MOU. This would, in this Senator's view, serve as a clear indicator that Russia intends to violate the CWC.

Second, Russia has consistently refused to provide information on the status of its binary chemical weapons program. On June 23, 1994, then-Director of Central Intelligence James Woolsey declared that "the data we have received from Russia makes no reference to binary chemical weapons or agents. That is contrary to our understanding of the program that was initiated by the former Soviet Union."

Dr. Vil Mirzayanov, former chief of counterintelligence at the State Union Scientific Research Institute for Organic Chemistry and Technology, has stated that the Russian Federation may continue work on novel nerve agents far more lethal than any other known chemical agents—substance A-230, substance 33, and substance A-232. In an article in the Wall Street Journal on May 25, 1994, Dr. Mirzayanov wrote:

> It is very easy to produce binary weapons without detection under the guise of agricultural petrochemicals. The products easily pass all safety tests and become registered with the government as legitimate commercial products. The plant receives a license for production and goes into operation. Neither the firm's leaders, its staff, nor international inspectors know that the chemicals are a component of a new binary weapon.
>
> As the public talks toward banning chemical weapons progressed, the more intense became Russia's secret development and testing of binary weapons... our laboratories created Substance A-230, a weapon about which I can only say that its killing efficiency surpassed any known military toxin by a factor of five to eight.
>
> ...Two more major achievements took place in 1990 and 1991. First, a binary weapon based on a compound code-named Substance 33 passed site tests and was put into production for the Soviet army.
>
> ...The second development was the synthesis of a binary weapon based on Substance A-232, a toxin similar to A-230. This new weapon, part of the ultra-lethal "Novichok" class, provides an opportunity for the military establishment to disguise production of components of binary weapons as common agricultural chemicals; because the West does not know the formula, and its inspectors cannot identify the compounds.
>
> ...Fifteen thousand tons of Substance 33 have been produced in the city of Novocheborksarsk... But our generals have told the U.S. that Novocheborksarsk is turning out another substance known as VX.

Dr. Mirzayanov and other dissident Russian scientists have claimed that Russia's binary weapons program has been specifically crafted to evade detection under the verification regime of the CWC. They allege that components for the binary agents have been given legitimate commercial applications, that they are not covered under the CWC's schedules, and that OPCW inspectors will not know what they are examining when they come across such chemicals. The United States should not ratify the CWC until Russia agrees to forgo this abhorrent program.

Third, the BDA provides for United States on-site inspections of Russian storage, destruction and production facilities, combined with data declarations. The United States can expect to gain real monitoring benefits from the CWC only if the Bilateral Destruction Agreement [BDA] is implemented. This agreement provides for United States on-site inspections of Russian storage, destruction and production facilities. Without the BDA, the United States will be forced to verify Russian CWC compliance based upon a smaller number of inspections than anticipated under the bilateral arrangement, with inspections of Russian sites by the OPCW rather than by United States personnel, and with no guaranteed United States access to detailed inspection data. In other words, the intelligence community's already poor confidence level in its ability to monitor Russian treaty compliance will fall even lower.

Fourth, Russian insistence on excluding several of its chemical weapons-related facilities from the BDA's definition of "chemical weapons production facility," and hence from the CWC's definition, relates directly to its desire to maintain a clandestine chemical weapons production capability. The United States refusal to accede to the Russian position, which would have—in turn—strengthened the Russian case for facility conversions under the CWC, may be a primary reason that Russia has refused to implement the BDA. We should not, under any circumstance, allow Russia to exclude its chemical weapons facilities from inspection.

Moreover, without the bilateral agreement the OPCW will increase the size of its international inspectorate and purchase of additional equipment. This will drive up vastly the expected costs of the regime. Further, the CWC requires States Parties to pay for monitoring of their chemical weapons production, storage, and disposal facilities.

Mr. President, I guess we ought to respond once more—it is an exercise in futility, but we ought to keep responding to that old litany that we have heard this day about making the United States ratification of the CWC contingent upon Russia's acting first.

Let us look at a little bit of history. This Senate approved the START II treaty amidst a clamor of claims by the administration that a failure to act was preventing Russian approval of that treaty. Does anybody hear anything familiar about that? More than 15 months have passed and the Russian Duma still has not approved START II. Instead, the Russian leadership rendered ratification of the START II treaty contingent upon United States acquiescence to Russian interpretation of, get this, the 1972 Anti-Ballistic Missile Treaty and now the Chemical Weapons Convention is being tied to NATO enlargement and other issues.

Mr. President, surely, surely, Senators will not fail to refuse such linkages, and the best way to do it is to require, to stipulate unmistakably that Russia must act in good faith and ratify the Chemical Weapons Convention first. Indeed, in his letter to Vice President Gore, the Prime Minister of Russia stated that the United States should wait for Russia.

I urge Senators to reject that motion to strike.

I yield the floor. I do not know who has been waiting the longest.

Mr. WARNER. I think the Senator from Oklahoma, Mr. President, has been waiting longer than I. I will follow him.

Mr. HELMS. I did not see anybody over here.

Mr. LEVIN. Senator WARNER is going to get part of our time.

Mr. INHOFE. I think Senator WARNER should go ahead since we are going back and forth across the aisle.

Mr. LEVIN. I yield 5 minutes to Senator WARNER.

The PRESIDING OFFICER. The Senator from Michigan yields to the Senator from Virginia.

Mr. WARNER. Mr. President, I was asked by a reporter my view of the distinguished majority leader's role in this very important debate, and I replied, without hesitation, that the tougher the issue, the closer the division within the ranks of the Senate and most particularly within our party, the tougher the leadership challenge. I am proud to join others in saying our leader has met that challenge.

Likewise, my distinguished colleague and friend from day one in the Senate, the senior Senator from North Carolina, together with Senators KYL and SMITH and INHOFE, have met the challenge. They have ensured that the Senate has conducted a full and thorough debate on this treaty, and they have been instrumental in achieving the 28 conditions which have been adopted by the Senate. Those conditions have improved the document which the President submitted to the Senate in 1993.

There is a clear division within the ranks of Republicans on this issue, and it has been a conscientious and thoughtful process by which each has reached his or her position.

Now, Mr. President, to go to the subject itself. I will not go into the details of this treaty. I would like to speak to the broader issue.

I first learned of chemical weapons at the knee of my father who was a surgeon in the trenches in World War I. He described to me in vivid detail how he cared for the helpless victims of that weapon.

On through my years on the Armed Services Committee, where I was the point man in the 1980's to drive through the legislation for binary chemical weapons because I wanted this country to be prepared to deter the use of those weapons. And, then, through the Reagan-Bush era, our Nation has come full circle, and decided to lead in the effort to eliminate these weapons. Whether that can be done I know not, nor does anyone. But we cannot turn back now from that leadership role.

This treaty does not meet my full expectations. But I think we can fight better in the arena, in the ring, to improve this treaty than were we to stay outside and peer over the ropes. It is for that reason that I shall cast my final vote in support of this convention.

I recall the ABM Treaty. I was in Moscow as a part of President Nixon's team, as Secretary of the Navy. The drafters of that treaty put their minds to dealing with the threat at that period of time. They never envisioned, nor could they envision, a decade or two decades hence, what the scientific community might produce. Therein we have made a mistake as a nation by not adapting that treaty over time to deal with technological developments. I shall continue to fight very vigorously to see that that treaty does not become written in stone so as to block the efforts of our Nation to properly defend itself against attack from short-range missiles.

I cite that as an example, because technology is outpacing what the best minds in this Nation can draft—whether it is a treaty or a law. We have to look upon this treaty—as we should look upon all treaties—as a living document, a document that must be changed by the conscientious efforts of the signatories to this treaty. It must be changed to meet the advancements of technology in the area of chemical weapons; it must be changed to address the concerns that have been raised during this debate.

Like our Constitution—a document that has lived and survived so that we, the United States, are the oldest continuously functioning form of democratic republic on Earth—this convention must be a living document. Our Constitution has been amended. It shall be amended, perhaps, in the future. Because it is a living document. It has adapted to the many changes we have witnessed as a nation.

This treaty must be regarded as a living document and it is incumbent upon this President and his successors thereafter to work conscientiously, within the arena, to see that it is strengthened.

The work in this debate has gone far to show that it is a living document. Under the leadership of Senator HELMS and Senator LOTT we have already brought about a number of changes. The Senate may effect further changes as the evening progresses. But the important thing we must keep in mind is that this document must be regarded as one that has to be improved. And it is the leadership of the United States that must step forward to achieve that goal.

I yield the floor.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from North Carolina.

Mr. HELMS. May I ask the distinguished Senator from Oklahoma how much time he believes he will need?

Mr. INHOFE. May I have 6 minutes?

Mr. HELMS. I yield 7 minutes to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining on the amendment.

The Senator is recognized for the remainder of the time.

Mr. INHOFE. I inquire of the Senator from North Carolina if he has other Senators requesting time?

The PRESIDING OFFICER. The Senator from North Carolina has 5 minutes remaining.

Mr. HELMS. Yes. I think I have some time over in one corner.

The PRESIDING OFFICER. The Senator has time on the resolution, if he wishes. There are 5 minutes remaining on the motion.

Mr. HELMS. I understand that. I have 5 minutes. Then he would like 2 minutes. So take it out of the other pot.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for up to 2—up to 7 minutes.

Mr. INHOFE. Are you sure that's right?

The PRESIDING OFFICER. Yes.

Mr. INHOFE. I thank the Senator from North Carolina. I do want to address this particular amendment. Before I do, I have three articles, and I ask unanimous consent to have them printed in the RECORD after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. The first one is a Wall Street Journal editorial of September 9, 1996. I will just read the last paragraph.

> Ultimately the treaty's most pernicious effect is that it would lull most responsible nations into the false belief that they'd "done something" about the chemical weapons problem and that it now was behind them. Yes, the world would be a better place without chemical weapons. But this treaty's attempt to wave them away isn't going to make that happen.

The other two, one by Frank Gaffney, Jr. and the other by Douglas Feith, address the regulation problems that would come from this to literally thousands of companies throughout America. In fact, the Commerce Department guidance on recordkeeping for affected businesses runs more than 50 pages.

Mr. President, you have run companies. You know one of the major reasons we are not globally competitive here in the United States is that we are overregulated. There is a tremendous cost to these regulations. If the requirements exceed 50 pages, imagine what the companies would have to do.

Mr. President, in a way I think the other side of this has perhaps used the wrong argument. There is an argument they are overlooking, and that is it does not seem to make a lot of difference whether Russia ratifies this or not because, as we have said several times during the course of this debate, they ratified a lot of treaties, including the 1990 Biological Weapons Destruction treaty, the ABM Treaty—that goes all the way back to the 1970's—the START I, CFE, INF. And while they have ratified these, they have not complied.

There are three steps you go through. One is you have to sign them. Second, you ratify them. But, third, you have to comply. And they have been found out of compliance. I cannot imagine why we would expect that they would comply with this one if they ratified it if they have not complied with the previous ones.

The distinguished Senator from Michigan quoted, somewhat extensively, Gen. John Shalikashvili, the Chairman of the Joint Chiefs of Staff, as saying that this would have the effect of reducing the proliferation of chemical weapons.

I would only say, trying not to be redundant, if that is the case, then you are taking his word over four previous Secretaries of Defense: Dick Cheney, James Schlesinger, Don Rumsfeld, and Cap Weinberger, all four of whom said this would have the effect of increasing the proliferation of chemical weapons and their use in the Middle East.

But, one of the statements that was made by the distinguished Senator from Michigan I thought was interesting. He said, if I got it right, and correct me if I am wrong: "The single most important reason to ratify the treaty is to encourage Russia to ratify it." Again, if they do, it really does not seem to make that much difference because of their past history on what they have done.

I would like to clear up something because I think we have gone through a lot of debate on this issue. It has been clearly implied by both Republicans who are supporting the ratification of the Chemical Weapons Convention as well as Democrats who are supporting it that this was started in the Reagan administration and that Ronald Reagan was in support of a chemical weapons treaty.

I happened to run across something here that I am going to read. These are the conditions—I am going to save the best one until last—the conditions under which Ronald Reagan said he would agree to the ratification of a chemical weapons convention.

First, the condition was that strategic defense initiative and theater missile defense systems would be deployed and operational as one safeguard against cheating.

As we know, currently we do not have those in place.

Second, that the Chemical Weapon Convention's international executive council would consist of 15 members, including the United States as one of the five permanent members, just like the U.N. Security Council. The current treaty gives us a 41-member executive council, each with 2-year terms, and no permanent members; hence, no veto.

Third, that the United States would have absolute veto power over all CWC decisions. Obviously, in this one there is no veto power. Obviously, the President would not have supported this.

President Reagan also, even though it is not on my list, verbally indicated on more than one occasion that one of his conditions would be that we would not have to incur the financial responsibility, in the United States, of other countries complying with it. In fact, right now our compliance costs on this convention appear to be, according to the Foreign Relations Committee report, $13.6 billion and the cost of Russia complying with this would exceed that.

It has been stated on this floor many times that Russia has somewhere between 60 and 70 percent of all the chemical weapons in the world, so, obviously it would be more than that. What is Russia going to do? Are they going to comply? Let us say they go ahead and ratify. If they ratify it, you know, everyone in this Chamber knows, that they are going to look to the United States to pay for their obligation under the treaty. That is what they are doing on START II. In fact, I have to go back and make that statement also, that we are hearing this same argument all over again right now that we heard 2 years ago. Mr. President, 2 years ago we stood in this Chamber and they said: If we don't ratify this, Russia won't ratify it. Here it is 2 years later and Russia has not ratified it.

So I think this is a very significant requirement, the fact that Ronald Reagan said—and this is a direct quote, coming out of his committee at the time—for ratification, "All Soviet obligations of previous arms control agreements would have to be corrected." And we have five such agreements that have not been corrected to date.

So, I hope no one stands on the floor the rest of the evening and talks about how Ronald Reagan would have ratified this Chemical Weapons Convention.

EXHIBIT 7

[From the Wall Street Journal, Sept. 9, 1996]

POISONS FOR PEACE

The greatest misperception about the Chemical Weapons Convention, which comes before the Senate this week for ratification, is that it can't do any harm and might do some good. Former Reagan defense official Fred Ekle aptly calls this mind-set "poisons for peace." Who could possibly be against making the world safe from the horrors of poison gas? In fact, this treaty would make the horrors of poison gas an even greater possibility.

The first problem is that many of the nations we have cause to worry about most aren't about to sign. What good is a treaty that doesn't include Iraq or Libya or Syria or North Korea? Somehow knowing that New Zealand and the Netherlands have both ratified it doesn't help us sleep more soundly.

Worse, the treaty would give all signatories access to our latest chemical technology, since Article XI enjoins signatories from keeping chemicals, information or equipment from one another. This means not only countries such as China and Russia, but also Cuba and Iran, which have both signed. In other words, forget about the trade embargoes and forget about foreign policy. The treaty would require the U.S. to facilitate the modernization of the chemical-weapons industry in a host of countries that just might use them.

The second problem is verification. No one, not even its most ardent supporters in the Administration, is naive enough to claim that the treaty is verifiable. Chemical weapons are easy to make and easy to hide. The sarin that was used in the attack in the Tokyo subway last year was concocted in an 812 room. Instituting snap inspections of companies that make or use chemicals isn't going to stop a future Aum Shinri Kyo. Nor is it going to stop a determined government.

In addition, the inspection and reporting procedures required under the treaty would be a huge burden on American business, which of course would become even more nervous about industrial espionage. Senator Jon Kyl estimates that up to 10,000 American companies would be affected at a cost approaching $1 billion a year. Every company that uses or produces chemicals would fall under the long arm of the treaty—companies like Pfizer and Quaker Oats and Strohs Brewery and Maxwell House Coffee and Goodyear Tire. Dial Corp., which uses 5,000 different chemicals to produce an array of household products, estimates that it will have to spend $70,000 a year to meet the treaty's reporting requirements.

The small number of chemical companies that make the lethal stuff would of course be covered, too, and much has been made of the treaty's endorsement by the Chemical Manufacturers Association, which represents just 190 member companies and had a hand in formulating the treaty's verification procedures. The industry is already very heavily regulated, and the treaty's inspection and reporting requirements wouldn't be much of an additional burden. It also can't hurt that the treaty would increase its members' trading and sales opportunities thanks to Article XI.

The list of problems with the treaty goes on and on. Constitutional scholar Robert Bork raises the possibility that the verification requirements might violate the Constitution's ban on search and seizure, and its property rights guarantees. The Pentagon isn't happy with it since, under the Clinton Administration's interpretation, it would prohibit the military from using non-lethal chemical agents. It's not hard to imagine a scenario in which the Army is forced to shoot people because it's not permitted to use tear gas.

Ultimately the treaty's most pernicious effect is that it would lull responsible nations into a false belief that they'd "done something" about the chemical weapons problem and that it now was behind them. Yes, the world would be a better place without chemical weapons. But this treaty's attempt to wave them away isn't going to make that happen.

[From the Washington Times, Sept. 4, 1996]

IMPENDING CWC DEBATE

(By Frank Gaffney, Jr.)

There is a certain irony to the timing of the looming Senate debate on the Chemical Weapons Convention. After all, in a sense this treaty was the direct result of one of Saddam Hussein's earlier genocidal operations against the Kurds of Northern Iraq. It came about after the abysmal 1989 conference in Paris where scores of nations could not being themselves even to cite—let along condemn or sanction—the Iraqi government for its use of chemical weapons against its own people, let alone the Iranian military. Such attacks directly violated the existing "international norm" on chemical warfare: the 1925 Geneva Protocol banning the use of chemical weapons.

In a bid to deflect criticism for the international community's failure to enforce one relatively verifiable arms control treaty, the politicians and diplomats decided to negotiate a new, utterly unverifiable agreement. After four years of further negotiations in Geneva, a brand new "international norm" against chemical warfare was minted: the Chemical Weapons Convention (CWC).

Now, readers of this column learned last week that, quite apart from the problems with this treaty from the standpoint of its verifiability and enforceability, there are a number of questions that have been posed about how the CWC has been affected by Russian bad faith and other changed circumstances since the United States signed up in 1993. Such questions were supposed to have been answered before the Senate considered this accord on or before Sept. 14. As the answers are inconvenient (for instance, confirmation that Moscow is welching on a 1990 Bilateral Destruction Agreement and demanding that the West pay the estimated $3.3 billion it will take Russia to dismantle its vast chemical arsenal), it has employed its favorite tactic with regard to congressional information requests: Stonewall.

Since that column was written, however, the administration's machinations on behalf of the Chemical Weapons Convention have, as Alice said of Wonderland, become "curiouser and curiouser." This is particularly evident in the Clinton teams's efforts to dissemble about what the CWC won't do—and what it will.

For example, the administration convened a series of briefings for Senate staffers over the August recess. In these lopsided sessions, a gaggle of 15 or more executive branch officials harangued three of four folks from Capitol Hill, in some cases for hours on end. Unfortunately, the briefers repeatedly misled the staffers—notably with respect to the costs of the CWC to American taxpayers and to thousands of American companies. Among other things, the administration is significantly low-balling the U.S. portion of the expenses associated the new U.N.-style international bureaucracy created to gather data and conduct inspections. Clinton officials have also minimized the likely loss of proprietary data when a company's sensitive facility is gone over for up to 84 hours by inspectors who will be, likely as not, detailed from foreign commercial espionage organizations.

Incredibly, even some of the companies at greatest risk appear to be susceptible to the administration's disinformation on this score. Take, for example, an Aug. 7 letter to Sen. Richard Lugar from the Pharmaceutical Research and Manufacturers of America (PhARMA), a trade association for some of the nation's most cutting-edge biotech firms. Clinton officials reportedly induced PhARMA's president to tell the treaty's top Senate cheerleader that it supported the CWC with the promise that the administration would not allow the CWC's verification protocol to be extended to the existing (and similarly unmonitorable) Biological Weapons Convention.

PhARMA's members clearly understand an important reality: If, under the biological weapons treaty, America's pharmaceutical manufacturers were subjected to a reporting and inspection regime similar to that of the CWC, they could lose their shirts. After all, on average these companies invest 12 years and some $350 million to produce a new breakthrough drug. Trial inspections suggest that a single on-site, inspection by a trained intelligence operative could greatly reduce, if not wipe out, the competitive advantage acquired at such a high price.

The only problem with PhARMA's stance is, that many of its member companies will find themselves subjected to precisely that danger under the terms of CWC. So might a great many other companies having nothing to do with chemical weapons and in industries as diverse as automotive, food processing, electronics, alcohol distilling and brewing, oil refining, soap and detergents, cosmetics, textiles and paint and tire manufacturers. Among the companies listed on a recent Arms Control and Disarmament Agency list of businesses "likely" to be affected by the CWC's various requirements are: Eli Lilly, Sherwin-Williams, Nutrasweet, Jim Beam, Archer Daniels Midland, Lever Brothers, Kaiser Aluminum, Goodyear Tire and Rubber, Xerox Raythoen and Conoco. If the trade associations representing these major American businesses are operating under illusions similar to PhARMA's their member companies may wish to join the call for a "time-out" on Senate action on the CWC.

Some senators may be tempted to ignore the administration's stonewalling of legitimate and troubling questions relevant to the CWC that have been posed by their own leadership. Some may consider the administration's understanding of the treaty's associated costs and its inflating of the claims benefits to be business as usual for the Clinton team. It is, however, very much to be hoped that at least 34 members of the U.S. Senate will refuse to tolerate such behavior and, insist that consideration of the Chemical Weapons Convention be postponed until corrective action can be taken and, failing that, that the convention be defeated outright.

[From the San Diego Union-Tribune, Sept. 8, 1996]

"OPEN UP IN THE NAME OF THE . . . ORGANIZATION FOR THE PROHIBITION OF CHEMICAL WEAPONS?"

(By Douglas J. Feith)

The Chemical Weapons Convention would be the first arms control agreement to reach into the lives of non-military U.S. businesses and impose costs and regulatory burdens.

It would oblige the government to adopt implementing legislation to compel a wide range of American businesses—including tire, paint, pharmaceutical, fertilizer and electronics manufacturers, distillers, food processors and oil refiners—to keep special records. (The Commerce Department guidance on record-keeping for affected businesses runs more than 50 pages.)

Affected businesses would be forced to submit to routine and possibly "challenge" inspections by officials of an international organization—the Organization for the Prohibition of Chemical Weapons. The warrantless inspections, which may run afoul of U.S. constitutional rights under the Fourth and Fifth Amendments, could jeopardize important private proprietary information.

The regulatory cost is just one of a number of flaws. In the final analysis, what the CWC amounts to is a general declaration, a statement of disapproval of chemical weapons that would be made sincerely only by the world's law-abiding nations. The treaty would accomplish little more than the typical United Nations General Assembly resolution. Such rhetorical exercises are not necessarily bad or useless, but they do not amount to a whole lot.

We would favor paying a substantial price for a ban on chemical weapon possession if such a ban covered the relevant countries and it could be made effective through reliable detection of illegal production and stockpiling. But such results hardly seem likely. We tend to think of the Chemical Weapons Convention this way: Even a price you may be willing to pay for a new car will appear ridiculously high if you learn that the car cannot be made to drive.

Mr. LEVIN. Mr. President, I yield 2 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I strongly support this treaty, and I strongly urge the Senate to ratify it.

In a sense, this debate is as old as America. Two centuries ago, with our independence newly won, the Founding Fathers urged us to beware of "entangling foreign alliances." They wrote into the Constitution a requirement that any treaty with foreign nations must be confirmed by a two-thirds vote of the Senate.

By any rational standard, this treaty meets that test.

Nevertheless, the treaty is being opposed by an entrenched band of foreign policy ideologues and isolationists who think the United Nations is the enemy and who say the arms race should be escalated, not restricted. History proved their ilk wrong once before, when they sank the League of Nations in the 1920's. And it will prove them wrong again with far more drastic consequences than World War II, if they prevail today.

We cannot let that happen. The Senate should reject the remaining killer amendments, and give this treaty the two-thirds vote it needs and deserves.

The 29-year-old pursuit of a chemical weapons treaty has finally reached its moment of truth in the U.S. Senate. Few votes cast in this Congress or any Congress are likely to be more important.

The effort to achieve this treaty was launched in 1968, and its history is genuinely bipartisan. It has moved forward under Republican and Democratic Presidents alike. In 1968, the final year of the Johnson administration, international negotiations began in Geneva to build on the 1925 Geneva Protocol and try to reduce the production of chemical weapons.

In the 1970's, President Gerald Ford had the vision to take that initiative a major step forward during intense international negotiations.

President Ronald Reagan advanced it to the next stage with his efforts on arms control in the 1980's. And President Bush deserves high praise for embracing the ideal of eliminating chemical weapons, for making it a serious worldwide effort, and at long last bringing it to the stage where it was ready to be signed. In one of his last acts in office, George Bush signed the treaty, on January 13, 1993.

President Clinton formally submitted the Chemical Weapons Convention to the Senate for its advice and consent later that year. Now, it's our turn. Today, the Senate can and should join in this historic endeavor to rid the world of chemical weapons. We can bestow a precious gift on generations to come by freeing the world of an entire class of weapons of mass destruction.

The chemical weapons treaty bans the development, production, stockpiling, and use of toxic chemicals as weapons. Previous agreements have merely limited weapons of mass destruction. But the Chemical Weapons Convention sets out to eliminate them from the face of the earth.

The United States has already taken many steps unilaterally to implement a ban of our own. As long ago as 1968, this country ordered a moratorium on chemical weapons production.

When President Bush signed the treaty on behalf of the United States, he also ordered the unilateral destruction of the U.S. stockpile of these weapons. Regardless of the treaty, the United States is destroying its chemical weapon stockpile.

Today culminates many years of work and compromise. The Senate has held 17 hearings on the convention. Every issue has been exhaustively analyzed. The result is the shoot-out that the leadership has arranged today on this series of killer amendments.

Bipartisan negotiations have achieved agreement on 28 amendments to the treaty, none of which go to the heart of the treaty and many of which help to clarify it.

But five major issues have not yet been settled. The five amendments, on which we are voting today, seek to settle differences of opinion the wrong way. They are killer amendments. I hope the Senate will note "no" on all of them. If any of them passes, it will doom our participation in the treaty, and relegate us to the company of outlaw regimes like North Korea and Libya, who also reject the treaty.

Two of the killer amendments condition our participation on whether other nations—Russia, Iran, Iraq, Syria, and China—have already become participants. Essentially, they would hand over U.S. security decisions to those nations.

A third killer amendment arbitrarily excludes all representatives from certain other countries from participating in verification inspections. This amendment ignores the ability that the treaty already gives us to reject any inspectors we believe are not trustworthy.

A fourth killer amendment omits and alters other key parts of the treaty that deal with the export of certain materials. Its proponents fear that rogue nations may gain valuable technology from us.

Nothing in the convention requires the United States to weaken its export controls. Experts in the chemical industry, trade organizations, and government officials have worked to ensure that nothing in the treaty threatens our technology and industrial power.

The fifth killer amendment places an unrealistically high standard of verification on the treaty. It requires the treaty verification procedures to accomplish the impossible, by being able to detect small, not militarily significant, amounts of dangerous chemical meterials.

No international agreement can effectively police small amounts of raw materials that might possibly be used in chemical weapons production. Every effort is being made and will be made to make the detection procedures as effective as possible. It is hypocritical for opponents to attempt to scuttle this treaty because they feel it does not go far enough.

The overwhelming majority of past and present foreign policy officials, military leaders, large and small businesses, Fortune 500 companies, Nobel laureates, veterans organizations, religious groups, environmentalists and public interest groups are united in their strong support of the convention. It is a practical international agreement with practical benefits for the United States, and the United States should be a part of it.

Mr. BIDEN. Mr. President, how much time do I have on this amendment?

The PRESIDING OFFICER. The Senator from Delaware has 5 minutes 45 seconds.

Mr. BIDEN. Mr. President, unless there is someone in opposition, I yield as much time of the remaining time that my colleague from Pennsylvania would like to the Senator from Pennsylvania, Senator SPECTER.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. BIDEN. Mr. President, I would like to reserve 30 seconds of whatever my time is.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 5 minutes.

Mr. SPECTER. I thank my colleague from Delaware for yielding the time.

Mr. President, on the pending issue, having studied the conditions as to what is sought here by way of preliminary action by Russia before ratification should occur by the United States, it is my strong view that we really ought not to play Gaston and Alphonse with the Russians to require them, as article C does, for Russia to deposit their ratification before the United States ratifies.

I think that that sets up a condition which is just not reasonable. If they took the same position, as Alphonse and Gaston, no one would ever enter the door.

With respect to the other conditions which are set forth here, all of the substantive matters would be superseded by the Chemical Weapons Convention, that the requirements set forth in this treaty would impose more obligations on Russia than are contained in these instruments.

And under instrument A, where it is talked about, an agreement between the United States and Russia, that was never formalized into an agreement because all terms were never agreed to by the parties, so that this is not a condition which adds any measure of safety to the United States since all of the requirements imposed on Russia in these collateral arrangements would be superseded and more stringent requirements would be added by the Chemical Weapons Convention.

Mr. President, I compliment my colleagues on both sides for what I believe has been a very, very constructive debate in the highest tradition of the U.S. Senate. I compliment the distinguished chairman of this committee, Senator HELMS, for his determination.

And it is noted that some 28 of the 33 conditions have been agreed to. Even beyond those conditions, the President today, in writing to the distinguished majority leader, has articulated further safeguards which would be present so that in sum total we have an agreement which, while not perfect, advances the interest of arms control.

In my capacity as the chairman of the Senate Veterans Committee, I have chaired hearings on the issue of the gulf war syndrome where there is evidence that our veterans in the gulf were damaged by chemical substances, not conclusively, but that is the indication, and that had such a treaty been in effect, again, not conclusive, but a strong indication, that our troops might have been saved to some extent.

And certainly if we intend to take a firm stand on a moral plane, the United States has to be a part of this covenant to try to reduce chemical weapons. And this treaty goes a substantial way.

And the search and seizure provisions are adequate to protect constitutional rights, a field I have had substantial experience with as a district attorney, so that there will have to be a criminal standard of probable cause.

Taken as a whole, with the additions by the President today—even though it had been made a part of the RECORD, I ask unanimous consent that, following my comments, the President's letter to Senator LOTT be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. All factors considered, this is a treaty which ought to receive Senate ratification.

EXHIBIT 1

THE WHITE HOUSE,
Washington, April 24, 1997.

Hon. TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: During Senate ratification proceedings on the Chemical Weapons Convention (CWC), concerns have been raised over Article X, which provides for certain types of defensive assistance in the event that a State that has joined the treaty and renounced any chemical weapons (CW) capability is threatened with or suffers a chemical weapons attack, and Article XI, which encourages free trade in non-prohibited chemicals among states that adhere to the CWC. Some have suggested that these Articles could result in the CWC promoting, rather than stemming, CW proliferation despite States Parties' general obligation under Article I "never under any circumstances . . . to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention."

To respond to these concerns, the Administration has worked closely with the Senate to develop conditions relating to both Articles that have now been incorporated in the resolution of ratification (Agreed Conditions #7 and 15). These two conditions would substantially reinforce and strengthen the treaty by:

Prohibiting the United States under Article X from (a) providing the CWC organization with funds that could be used for chemical weapons defense assistance to other States Parties; and (b) giving certain states that might join the treaty any assistance other than medical antidotes and treatment.

Requiring the President to (a) certify that the CWC will not weaken the export controls established by the Australia Group and that each member of the Group intends to maintain such controls; (b) block any attempt within the Group to adopt a contrary position; and (c) report annually as to whether Australia Group controls remain effective.

With respect to the latter condition, I am pleased to inform you that we have now received official confirmations from the highest diplomatic levels in each of the 30 Australia Group nations that they agree that the Group's export control and nonproliferation measures are compatible with the CWC and that they are committed to maintain such controls in the future.

While supporting these guarantees and safeguards, you expressed the concern on Sunday that nations might still try to use Article X or XI to take proscribed actions that could undercut U.S. national security interests, notwithstanding the best efforts of U.S. diplomacy to prevent such actions. I am, therefore, prepared to provide the following specific assurance related to these two Articles:

In the event that a State Party or States Parties to the Convention act contrary to the obligations under Article I by:

(A) using Article X to justify providing defensive CW equipment, material or information to another State Party that could result in U.S. chemical protective equipment being compromised so that U.S. warfighting capabilities in a CW environment are significantly degraded;

(B) using Article XI to justify chemical transfers that would make it impossible for me to make the annual certification that the Australia Group remains a viable and effective mechanism for controlling CW proliferation; or

(C) carrying out transfers or exchanges under either Article X or XI which jeopardize U.S. national security by promoting CW proliferation:

I would, consistent with Article XVI of the CWC, regard such actions as extraordinary events that have jeopardized the supreme interests of the United States and therefore, in consultation with the Congress, be prepared to withdraw from the treaty.

Sincerely,

BILL CLINTON.

The PRESIDING OFFICER. The Senator from Delaware has 1 minute remaining.

Mr. BIDEN. Mr. President, let me just take the minute to say the following: If you do not like this treaty and you are not for it, vote against it. If you think this treaty makes sense, vote for my amendment, because if this treaty contains this provision, it is dead. This is a so-called killer amendment.

So those of you who have concluded you are not going to vote in the final analysis for this treaty, vote no. Those of you who have decided you want to vote for this treaty—to cut through it all—vote yes. I mean, it really is that basic, because if my motion fails to strike, this treaty is dead.

I yield back the remainder of my time, if my colleague from North Carolina is prepared to yield back his time. I am prepared to vote.

Mr. HELMS. The yeas and nays have been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered. All time has expired.

The question occurs on agreeing to amendment No. 48 offered by the Senator from Delaware. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 47 Ex.]

YEAS—66

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Smith Gordon H
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—34

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coverdell
Craig
Enzi
Faircloth
Gramm
Grams
Grassley
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Santorum
Sessions
Shelby
Smith Bob
Thomas
Thompson
Thurmond
Warner

The amendment (No. 48) was agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. BIDEN. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, how much time is reserved for the Senator from Vermont?

The PRESIDING OFFICER. The Senator has 14 minutes remaining on the resolution.

Mr. LEAHY. Mr. President, for the benefit of my colleagues, I will be very brief. Mr. President, I appreciate efforts of the Senator from Utah to get order, and that is no more than I could expect for somebody that bears certain similarities to the Senator from Vermont.

Earlier, the distinguished Senator from Delaware read a long list of staff and Senators and others who deserve praise for getting us as far as we are. The name of the distinguished Senator from Delaware is notably absent, and I think that those who support the CWC owe a debt of gratitude to the Senator from Delaware. In the customary practice, he left his own name off, but if I might add his name to the record and put it in.

Mr. President, I am, as you know, a supporter of the CWC. Again, I compliment what we have done. As in the test ban treaty, when countries were not coming forward, the United States unilaterally banned their own tests and then other countries joined us—not every country that has nuclear capability, but other countries did join us—and we brought the pressure forward for a test ban treaty.

The United States took an initiative with chemical weapons. We banned our own use, unilaterally. When we did that, other countries joined us. Not all countries, but other countries, most countries, joined us.

Now if we vote to advise and consent on this treaty we will have pressure, the pressure of the most powerful Nation on Earth, joined by all these other countries, pressure on the few rogue countries who have not done that. I say that, Mr. President, because there is one other weapon, a weapon that kills and maims far more people than chemical weapons. That is the weapon of antipersonnel landmines. There are 100 million landmines in over 65 countries today. As one person told me, in their country, they clear these landmines an arm and a leg at a time. Every 22 minutes an innocent civilian—almost always a civilian—is killed or injured by an antipersonnel landmine. The United States should now do the same thing they did.

The United States should do the same thing we did with chemical weapons. We should move unilaterally, ban our own use, ban our own export, ban our own production of antipersonnel landmines, expand on the Leahy legislation already passed by the House and Senate. Do that and then join with like-minded nations. There are tens of like-minded nations that have already done that.

Join with them, agree, together, that this is what we will do. It will not be every nation. It will not be some of the nations most needing to do this like Russia and China, but we will have the same moral suasion that we have with the chemical weapons convention. We can do it with chemical weapons and should. Now let us follow exactly the same step, join with the Canadians and others and do it with antipersonnel landmines. This country is capable of it. It would be a moral step. It would be a dramatic step that would help the innocent civilians who die from that.

I withhold the balance of my time and yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, we all know full well that this administration has already testified that the CWC is "effectively verifiable." The Director of the Arms Control and Disarmament Agency, John Holum, testified on March 22, 1994, that "the treaty is effectively verifiable" and that the Deputy Under Secretary of Defense for Policy, Walter Slocombe, made similar claims on May 13, 1994. However, just because administration officials have declared the CWC to be "effectively verifiable" does not make it so.

Indeed, by making such claims the Clinton administration has done great violence to the standard of "effective verification" developed and refined by the Reagan and Bush administrations as a key criteria for arms control treaties. The definition of "effective verification" was first offered to the Foreign Relations Committee by Ambassador Paul Nitze during hearings on the INF Treaty in 1988 and subsequently further refined on January 24, 1989, by ACDA's Director, Maj. Gen. William Burns, and again in January 1992 by Secretary of State James Baker. The components of effective verification, as defined during testimony, are: (1) a "high level of assurance" in the intelligence community's ability to detect (2) a "militarily significant" violation in (3) a "timely fashion." That definition is the one used in this condition.

This yardstick of "effective verification" has been the standard against which every arms control treaty for the last decade has been measured. It should be the standard against which the CWC is measured as well.

For any arms control treaty to be effective it must be verifiable. When Vice President George Bush put forward the first U.S.-sponsored text for the CWC, he told negotiators in Geneva on April 18, 1984, that:

> For a chemical weapons ban to work, each party must have confidence that the other parties are abiding by it. . . . No sensible government enters into those international contracts known as treaties unless it can ascertain—or verify—that it is getting what it contracted for.

I could not agree more.

In my view, this standard cannot be met by the CWC. On March 1, 1989, then-Director of Central Intelligence [DCI] William Webster stated that monitoring the CWC "is going to be costly and difficult, and, presently, the level of confidence is quite low." On January 24, 1989, Director Burns noted that "verification of any chemical ban is going to be extremely difficult." ACDA's section 37 report on the CWC, submitted on March 18, 1994, states that the CWC's verification provisions, together with National Technical Means [NTM], "are insufficient to detect, with a high degree of confidence, all activities prohibited under the Convention." Then-DCI Woolsey testified on June 23, 1994 that "I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale."

Most significantly, declassified portions from the August 1993 NIE note:

> The capability of the intelligence community to monitor compliance with the Chemical Weapons Convention is severely limited and likely to remain so for the rest of the decade. They key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program using the delays and managed access rules allowed by the Convention.

With respect to military significance, General Shalikashvilli testified on August 11, 1994 that:

> In certain limited circumstances, even one ton of chemical agent may have a military impact . . . With such variables in scale of target and impact of chemical weapons, the United States should be resolute that the 1 ton limit set by the Convention will be our guide.

The bottom line is that a stockpile of 1 ton of chemical agent can prove of military significance. Unclassified portions of the NIE on U.S. monitoring capabilities indicate that it is unlikely that the United States will be able to detect or address violations in a timely fashion, if at all, when they occur on a small scale. And yet, even small-scale diversions of chemicals to chemical weapons production are capable, over time, of yielding a stockpile far in excess of a single ton. Moreover, few countries, if any, are engaging in much more than small-scale production of chemical agent. For example, according to today's Washington Times, Russia may produce its new nerve agents at a pilot plant in quantities of only 55 to 110 tons annually.

In other words, the intelligence community has low confidence in its ability to detect in a timely fashion the covert production of chemical weapons which could produce militarily significant quantities. We should not cheapen the norm of effective verifiability by claiming that the CWC meets this standard—for it patently does not.

In conclusion, verification of the CWC is plagued by the fact that too many chemicals are dual-use in nature. Chemicals used to make pen ink can be used to make deadly agent. It is impossible to monitor every soap, detergent, cosmetic, electronics, varnish, paint, pharmaceutical, and chemical plant around the world to ensure that they are not producing chemical weapons, or that toxic chemicals are not being diverted to the production of weapons elsewhere. Countries such as Russia are well aware that if they ratify the CWC, they can cheat with impunity. Indeed, on May 6, 1996 the Defense Intelligence Agency informed the chairman of the Senate Select Committee on Intelligence that Russia intends to maintain the capability to produce chemical weapons, regardless of whether or not it ratifies the CWC.

The Senate, therefore, should not agree to this treaty until U.S. intelligence capabilities have caught up with President Clinton's Wilsonian idealism.

Finally, I will say a word or two about the counter-arguments we have heard on this condition. Patently ignoring the conclusions of the Joint Chiefs, the administration has claimed that the right standard for detecting violations is not 1 metric ton, but a "large-scale, systematic effort by a potential adversary to equip its armed forces with a militarily significant chemical warfare capability * * *" It is absurd to say that if the intelligence community has high confidence in its ability to detect "any large-scale, systematic effort by a potential adversary to equip its armed forces with a military significant chemical warfare capability * * *" the CWC is effectively verifiable.

I have no doubt that it would be difficult to conceal the existence of a program the scope and size of the former Soviet Union's for example. But not one of the countries that currently envisions a need for chemical weapons intends to wage World War III and conquer Western Europe. Not one.

Again, let me reiterate just how ridiculous this argument is. Nobody—not Russia, China, Iran, Iraq, Libya, Syria, India, Pakistan, Egypt, or North Korea—is engaged in a large scale effort.

Indeed, such a certification is inherently contradictory since a country desirous of developing a militarily significant stockpile of chemical agent need not engage in a large-scale, systematic effort. The Chairman of the Joint Chiefs of Staff, General John Shalikashvilli, testified before the Armed Services Committee on August 11, 1994, that:

> Even one ton of chemical agent may have a military impact . . . With such variables in scale of target and impact of chemical weapons, the United States should be resolute that the 1 ton limit set by the Convention will be our guide.

In other words, the production of 1 militarily significant ton of agent does not require a large-scale program. To knock-out every key logistical node in Saudi Arabia, Saddam Hussein needs only a handful of SCUD's with chemical warheads. He does not need an elite force of infantry trained in chemical-environment combat.

Accordingly, the intelligence community's confidence in its ability to detect the annual production of 1 metric ton in a timely fashion is the benchmark question by which the Senate should assess the verifiability of the CWC. I urge the Senate to reject this motion to strike and to uphold President Reagan's standard of effective verifiability.

Mr. President, I ask that Senator SHELBY of Alabama be recognized next for 10 minutes. Does the Senator have somebody?

Mr. BIDEN. Mr. President, if I could ask a parliamentary inquiry. A lot of our colleagues are looking to determine when the final vote will take place. It is my understanding that the Senator from Delaware has the option to move to strike three more conditions—one relating to intelligence verification, one relating to inspectors, and one relating to articles X and XI.

On each of those motions of the Senator from Delaware, there is an hour reserved, equally divided, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. The attempt is being made, as we speak, to reduce the time on those amendments. I respectfully suggest that on the next amendment that I am going to move—my intention was to move to strike the intelligence provision—or verification, I should say, No. 33, and that instead of an hour equally divided on that amendment, I respectfully suggest we have 20 minutes equally divided on that amendment. Is that all right with the Senator?

Mr. HELMS. That will be fine, from this point. I will consume a few minutes.

Mr. BIDEN. In other words, the Senator has already spoken on the intelligence issue. The time he has spoken on it would be taken out of the 10 minutes that we are about to agree to on the amendment I have not yet sent to the desk. The Senator was under the impression I already sent the amendment to strike.

AMENDMENT NO. 49

(Purpose: To strike condition No. 33, relating to effective verification)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 49.

Beginning on page 65, strike line 25 and all that follows through line 3 of page 67.

Mr. BIDEN. Mr. President, I ask unanimous consent that the time consumed by the Senator from North Carolina in his previous speech be deducted from the 10 minutes of time allotted to his side, and that 10 minutes remain on the side of the Senator from Delaware on this amendment.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object.

Mr. BIDEN. I ask unanimous consent that there be a total of 20 minutes on this amendment equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. BIDEN. Mr. President, on this amendment, of my 10 minutes, I will yield 7 minutes to the Senator from Rhode Island. But prior to doing that, let me say briefly what this amendment does.

This amendment strikes a condition in the treaty that sets a verification standard that, if it were in the treaty, would not be able to be met; therefore, it would kill the treaty. I will not speak more at this time.

I yield to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. HELMS. Mr. President, just a moment. I must leave the Chamber for a few minutes. After the Senator from Rhode Island has concluded, I ask unanimous consent that the Senator from Alabama be recognized to consume our 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I strongly support the Chemical Weapons Convention, a treaty which serves our national security interests in a number of ways. U.S. ratification would help set an international standard that would put political pressure on outlaw nations to rid themselves of chemical arsenals. This treaty will also give our intelligence community valuable new tools to combat illicit production of deadly chemicals, even among nations that do not ratify the convention.

Mr. President, ratification of the Chemical Weapons Convention by the Senate this evening would continue our Nation's proud tradition of leadership in the field of international security. We took the lead in the formation of NATO, on the containment of communism, and on the defeat of Iraqi aggression in the Persian Gulf. This evening, we can again assert our irreplaceable leadership by participating in an effort to ban chemical weapons around the world.

Mr. President, condition No. 33, which we are now debating, must be stricken in order for the United States to participate in the CWC. Condition No. 33 requires that the President—these are the conditions of condition No. 33—the President of the United States must certify with "a high degree of confidence" that our intelligence community can detect "militarily significant" violations of the convention.

Now, Mr. President, what does "militarily significant" mean? It is defined as 1 metric ton or more of these chemical weapons.

Mr. President, this condition is simply impossible to achieve. This condition would bar the U.S. participation in the CWC forever. We must understand that the convention seeks to ban chemical weapons. These weapons, by their very inherent composition, are extremely difficult to detect in relatively small quantities, such as a ton. This truth has been known from the beginning, and no one, Mr. President, has alleged that the CWC will eliminate chemical weapons from the face of the Earth.

If an individual wants to build a chemical weapon somewhere in a small shack or a cave in some remote area of the world, he or she will always be able to do so, regardless of the outcome of this vote. No treaty, no matter how it is written, will ever be able to stop such an occurrence. Our inability to verify fully the CWC is not a result of any flaws in the convention. It is due to the innate difficulty in monitoring chemical weapons and their components.

Mr. President, I also question the definition of "militarily significant quantity," as being 1 metric ton or more of chemical weapons agent. Although 1 metric ton can certainly do a lot of damage, particularly in a terrorist attack, I will defer to military experts to consider what is military significant. In testimony to the Senate, Gen. John Shalikashvili stated that tonnage is not the only factor to consider in assessing the military capacity of these weapons. To transform an illicit chemical stockpile into something militarily useful, an adversary must have vast supplies of these weapons, and he must have an infrastructure for handling them and must have troops trained in the use of these weapons.

It is these more complex activities—the training of the troops, for example—that the Chemical Weapons Convention, together with our intelligence resources, will be able to verify. As Gen. Brent Scowcroft has testified to the Foreign Relations Committee, under the CWC, it will no longer be possible for a country to buy a few pounds of these chemicals from various sources around the world to amass an abnormal supply of chemicals. Our intelligence community has, in fact, indicated on a number of occasions that this convention will provide another tool to the U.S. inventory of ways to stem worldwide expansion of chemical weapons capabilities. In brief, the Chemical Weapons Convention will supplement—it will not replace, but it will add to—ongoing efforts to monitor chemical weapons production worldwide.

Now, critics of this treaty claim it is unverifiable, that we will not be able to catch adversaries abroad who cheat. But they also allege that the CWC's verification regime, while too weak to catch those cheaters abroad, is too intrusive for American industry. In other words, it won't let us find anything abroad, but it is too intrusive for other nations as far as inspection in the United States. They can't have it both ways.

The fact is that the Chemical Weapons Convention's verification tools—in other words, how to determine whether there are weapons in other countries—go beyond those of other arms control treaties that we have approved in the Senate in the past. No treaty will ever be able to verify totally a ban on chemical weapons. Condition No. 33 is impossible to meet. The condition that is in this, which we are seeking to strike, is an impossible condition to meet. It serves no purpose other than to prevent U.S. participation in the Chemical Weapons Convention treaty. So I urge my colleagues to support the motion to strike this amendment.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SHELBY. Mr. President, I rise to address the issue of verification, and in opposition to the motion to strike condition No. 33 contained in the resolution of ratification, relating to effective verification.

I have a number of serious concerns with respect to the Chemical Weapons Convention.

As chairman of the Senate Intelligence Committee, however, I have a particular responsibility to ensure that any treaty ratified by this body can be effectively verified by the intelligence community.

If it cannot be verified, the CWC could become the means by which CWC member states, such as China and Iran, expand and enhance—rather than renounce—their CW capabilities.

In negotiating the INF Treaty, ratified in 1988, President Reagan set forth an eminently reasonable standard to guide the negotiation and implementation of arms control agreements. "Trust," he said, "but verify."

But I am afraid that the critical, second part of President Reagan's formula seems to have been forgotten with respect to this treaty. The CWC, and especially the verification regime, is based on the triumph of hope and trust over experience and history.

In its efforts to obtain ratification, the administration has—if I may borrow a phrase from a former vice-chairman of the committee, Senator MOYNIHAN—"defined verification down."

Condition No. 33 to the resolution of ratification seeks to correct that problem.

It conditions deposit of the U.S. instrument of ratification on a Presidential certification to Congress that the treaty is effectively verifiable.

This term, as used in the resolution, contains the following elements, based on the traditional definition of "effective verification":

A "high degree of confidence" in our ability to detect,

"Militarily significant violations"—meaning one metric ton or more of chemical agent—

"In a timely fashion,"—meaning detection within 1 year—and

Detection of "patterns of marginal violation over time."

Effective verification is ultimately a political judgment that must be made by the President and his national security advisors. However, a key input to this decision is the judgement of the intelligence community.

It is currently impossible to reconcile the above definition of "effective verification" with the intelligence community's own statements over the past 4 years, which is why condition 33 calls for a new Presidential certification.

I would like to briefly restate the intelligence community's key conclusions as to the verifiability of the CWC, as set forth in recently declassified material from the National Intelligence Estimate of August 1993:

> The capability of the Intelligence Community to monitor compliance with the Chemical Weapons Convention (CWC) is severely limited and is likely to remain so for the rest of the decade.

Our intelligence community is the most capable in the world today. It enjoys extensive resources, and employs an impressive variety of assets to collect information affecting our national security.

Yet with all of the sophisticated assets at our disposal, we cannot be confident of verifying this treaty.

And some of the most promising new intelligence methods which might have improved this score over the last 4 years, have been significantly underfunded by this administration.

We should look to the certification required by condition 33 as an opportunity for the President to tell us of his plans to invest in improvements to our technical collection capabilities to enable effective verification.

Therefore I strongly support condition 33 of the resolution of ratification, and oppose the motion to strike.

While most will acknowledge that we do not have the technical intelligence capabilities currently in place to provide effective verification, the proponents of the treaty place great stock in the contribution of the verification mechanisms contained in the treaty.

For example, the creation of the Organization for the Prohibition of Chemical Weapons [OPCW], and the ability of OPCW inspectors to carry out challenge inspections of suspected violations, are cited as evidence for a mechanism of effective verification.

Yet in an unclassified excerpt from the 1993 NIE on verification, the intelligence community states that:

> The key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program by using the delays and managed access rules allowed by the convention.

Those, Mr. President, are not my words. Those are the words of the intelligence community describing its ability to monitor compliance with the treaty before us.

I should point out to my colleagues, in light of the fact that the National Intelligence Estimate from which I have quoted is dated August 1993, that the Acting Director of Central Intelligence, George Tenet, and other intelligence officials have confirmed on numerous occasions that the key judgments cited above are unchanged.

In an open hearing on February 5 of this year, I asked George Tenet, the acting Director of Central Intelligence, about the verifiability of the CWC. Our discussion went, in part, as follows:

Acting Director Tenet said: "We can never guarantee that a power that signs up to this agreement won't cheat. These . . . chemical and biological developments are small, they are easily hidden. They are not like big nuclear developments that have big signatures that everybody understands."

I replied: "In other words, it will be fairly easy to cheat some, wouldn't it?"

Acting Director Tenet responded: "It will be easy to cheat, Mr. Chairman."

Mr. President, the treaty before us today is deficient in many respects: both in what it does, and in what it fails to do.

As chairman of the Senate Intelligence Committee, I must therefore conclude that the greatest flaw with the CWC is that, absent a certification of effective verification, we cannot even know if it is doing what it is supposed to be doing, and we cannot know the extent to which it is failing to do what it should do: This treaty is unverifiable.

Therefore, I support condition No. 33, and oppose the motion to strike.

If I have any time left, I yield it to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the chairman for yielding to me.

Mr. President, I rise in opposition to the motion to strike condition 33, relating to effective verification.

As a member of the Senate Select Committee on Intelligence, I believe I have a responsibility to ensure that this treaty can be effectively verified by the intelligence community.

If the CWC cannot be verified to ensure that it will, in fact, eliminate the scourge of chemical weapons, then what is the point of ratifying it?

In fact, the CWC may well make things worse, not better, Some signatory countries like China and Iran will use the technology-sharing provisions of titles X and XI, combined with the cloak of international respectability they gain by joining the CWC, to advance their CW programs and exports.

Condition 33 of the resolution of ratification seeks to address the verifiability problem, by requiring the President to certify to the Congress that the CWC is effectively verifiable before submitting the U.S. instrument of ratification.

Mr. President, we have all heard what the intelligence community said about the verifiability of the CWC in its National Intelligence Estimate of August 1993, but I think this judgment is worth repeating:

> The capability of the Intelligence Community to monitor compliance with the Chemical Weapons Convention (CWC) is severely

limited and likely to remain so for the rest of this decade.

If that judgment has changed, the President should be able to provide the necessary certification. But as we well know, and as the Acting Director of the CIA George Tenet has confirmed on several occasions, that judgment has not changed. With all the assets at our disposal, the intelligence community still cannot verify compliance with this treaty.

The Senate has already discussed the classified aspects of our intelligence and verification capabilities in considerable detail in closed session, and I cannot add anything to that debate now.

What I would like to do, is provide an example of the way in which a determined proliferator can evade, and deflect, what is perhaps the most extensive scrutiny ever imposed on an unoccupied nation in peacetime. I am referring, of course, to Iraq.

Iraq is exhibit A for a number of propositions. First, Iraq is the very model of a rogue state. It is a country that has not only developed chemical and biological weapons [CBW], and come within a hair's breadth of producing a nuclear device, but has actually used chemical weapons against Iran, and against its own citizens.

Second, as a nonsignatory to the CWC, Iraq is an example of those countries that will not be constrained by the CWC, and will proceed apace with the production of chemical weapons.

Third, and this is the point I wish to focus on, Iraq is the most current example of the effectiveness—or the lack thereof—of even the most intrusive international monitoring.

Treaty supporters point to the Organization for the Prohibition of Chemical Weapons [OPCW]—and especially the ability of OPCW inspectors to carry out challenger inspections of suspected violations—as a means of effective verification.

Yet the intelligence community concludes, in an unclassified excerpt from the 1993 NIE, that:

> The key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program by using the delays and managed access rules allowed by the convention.

Acting CIA Director Tenet reiterated that judgment in a letter to Senator KYL, dated March 26, 1997.

In the 6 years since the end of the Persian Gulf war, weapons inspectors from the U.N. Special Commission [UNSCOM] have combed Iraq in search of nuclear, chemical, biological, and missile production and storage sites—inspectors armed with powers far greater than those of OPCW inspectors, I might add.

Despite this extraordinary level of scrutiny, Iraq is believed to retain: chemical weapon precursors and production equipment, and possibly large quantities of deadly VX agent and munitions; BW cultures, production equipment, agent and weapons. These stocks can be used to create a large stockpile in a matter of days; and an operational SCUD missile capability, including support vehicles, launchers, fuel, operational missiles, and, most alarming of all, possible chemical or biological warheads.

Last, Iraq retains nuclear weapons blueprints, machine-tools, and know-how; is believed to be continuing its nuclear weapons design work; and probably has the ability to create a nuclear weapon—if it obtains fissile materials—with very little warning.

Mr. President, I am not reciting this information in order to criticize UNSCOM. I commend Ambassador Rolf Ekeus, and the dedicated UNSCOM inspectors, for their persistence in the face of determined Iraqi resistance and intimidation.

But if these are the results of 6 years of international monitoring of Iraq—a pariah country, defeated in war, and subjected to massive invasions of its national sovereignty—then I wonder what the OPCW inspectors, with their far more limited powers, can realistically hope to accomplish in other countries?

As a final note, I should remind my colleagues that before the gulf war, Iraq was a member in good standing of the International Atomic Energy Commission, or IAEA, subject to all the usual IAEA inspections and safeguards.

Yet Saddam Hussein was within months of having a nuclear weapons capability on August 2, 1990, when he invaded Kuwait. Had Saddam waited until he had a nuclear device, Kuwait might yet be the 19th province of Iraq—and tens of thousands of people, including thousands of American soldiers, might have died.

Mr. President, I believe that our experience with Iraq demonstrates the intractable problems posed by the verification of the CWC. Supporters of the treaty say, "But we have learned from our experience with Iraq, and we will do better next time." I cannot join them in that optimistic conclusion.

If the President of the United States cannot certify that this treaty can be effectively verified, as defined in condition 33, then the Senate should not ratify this treaty.

I oppose the motion to strike condition 33.

Mr. BIDEN. Mr. President, I yield the remainder of the time to the Senator from Nebraska.

Mr. KERREY. Mr. President, I rise today in support of striking condition 33 from the resolution of ratification of the Chemical Weapons Convention. Condition 33 would bar the United States from ratifying the convention until the President can certify with high confidence that we have the capability to detect, within 1 year of a violation, the illicit production or storage of a single metric ton of chemical agent. As the authors of this condition fully realize, this standard is unattainable and would effectively bar the United States from participation in the CWC forever.

Mr. President, I do not come to the floor as the vice chairman of the Intelligence Committee to say to my colleagues that this treaty is absolutely verifiable. The distinguished chairman of the committee indicated that Mr. Tenet, Acting Director of Central Intelligence, said it will be difficult to verify and quoted him as saying it would be easy to cheat. What he did not do, regrettably, is go on with the follow-on quote. The next sentence in his answer was, "But, in the absence of the tools the convention gives us, it will be much harder for us to apprise you"—meaning the committee—"and apprise the military and policymakers of where we think we are in the world with regard to these developments."

Let me be clear. The United States has made a decision that we are going to destroy our chemical weapons and try to lead the world in the elimination of chemical weapons. That is what this policy is all about. We didn't have this treaty presented to us. We made a conscious decision to eliminate our own chemical weapons and then try to develop a regimen that enables us to identify and detect as much as possible. Our Director of Central Intelligence, as well as our military, has indicated to us that this treaty will increase the identification that we are able to do and increase the likelihood that we will be able to end up with the result being that we have no chemical weapons in any military arsenal on this planet.

No treaty is absolutely verifiable. Condition 33 make verification more difficult by setting a level of identification, we do not need to benefit from the convention. Far more important to our security are the improvements to our identification efforts we stand to gain under the CWC.

Verification is a political decision made by policymakers. To make this decision, our intelligence agencies will need to provide evidence to support a conclusion made by policymakers. The benefits we will receive under the CWC come from our increased ability to identify whether a nation is developing, producing, and storing chemical weapons. Under the CWC's routine and challenge inspections, we will be better able to identify the storage and destruction of declared chemical weapon stocks. We will also be better able to identify a nation's attempt to develop the infrastructure to handle chemical weapons and any military training in the use of these weapons.

U.S. intelligence officials have stated that the CWC will add to their monitoring tools to counter the chemical weapons threat. Data declarations will provide evidence of compliance or noncompliance, routine inspections make it more difficult and costly to use legitimate facilities to produce chemical weapons, and challenge inspections will give the United States the opportunity to seek further indications and evidence under the CWC.

In addition, the CWC will help stymie chemical weapons development by nonsignatory, rogue nations by restricting trade in key precursor chemicals to non-parties. Acquisition efforts for chemicals, technology, and equipment by non-signatories will provide tip-offs to pursue compliance concerns with parties who may be the source of the materials.

These are real benefits to our identification efforts that will help ensure the safety of our troops and citizens. However, if we impose an impossible standard of verification and fail to ratify the CWC, we will lose these benefits.

Further, condition 33 creates an arbitrary definition of what is a "militarily significant" amount of chemical weapons. This condition deems one metric ton of chemical weapons to be a threat to our military. But General Shalikashvili, Chairman of the Joint Chiefs of Staff, has testified that "a militarily significant quantity of chemical weapons is situationally dependent." It depends on the terrain, the weather, the number of troops, the type of chemicals used, how the chemicals are delivered, and the chemical weapons defensive system of the targeted forces. He stated that, "The quantity is totally scenario dependent, and it would be difficult to cite a specific amount as militarily significant."

During the Iran-Iraq war, both sides used tens of tons against each other without altering the course of the war. The Defense Department found that it would take several hundred to a thousand tons to seriously disrupt U.S. logistics in a war; and the United States's own stockpile of chemical weapons, which we are committed to destroy with or without the CWC, is about 30 thousand tons. One metric ton of chemical weapons, while still posing a horrible threat under some conditions, in no way is a militarily significant threat to our national security.

Without the CWC, chemical weapons production and stockpile on a small or grant scale will still be an acceptable practice. Under the CWC, not only will this no longer be acceptable, but we will have additional tools in our arsenal to identify chemical weapons programs. Since we will have to monitor this threat whether or not we join the CWC, our security interests are improved under the treaty rather than without it.

This condition must be removed from the resolution if the United States is to participate in the Chemical Weapons Convention. Therefore, Mr. President, I support striking condition 33 from Executive Resolution 75.

Mr. President, and colleagues, I believe strongly that this particular condition, regardless of how you feel about the treaty, sets an unrealistic level of requirement for verification, and under no circumstances are we going to be able to verify a ton of chemical weapons under the evaluations of the military. We do not need to accept this kind of arbitrary standard.

Mr. President, regardless of whether or not you are going to vote for or against this treaty in the end, I urge my colleagues to vote to strike condition 33.

Mr. BIDEN. I yield myself 1 minute on the time left.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Delaware.

Mr. BIDEN. Mr. President, let's get this straight. Verification is about whether or not we can know whether or not our security interests are going to be put in jeopardy. A useful chemical weapons capacity requires a lot more than just whether or not you can produce illicit chemical weapons. It requires a delivery system, infrastructure, storage, and use of chemical weapons. It includes defense preparations, extra security around the storage areas, and training and exercising of troops who will use those weapons. It goes on and on.

The ability to put together a chemical weapons capability to go undetected that will diminish our security is not real.

I yield back the time and ask unanimous consent that we defer a vote on this amendment at this moment, that we turn to my next motion to strike, which will relate to inspectors, condition 31, that there be 10 minutes equally divided on condition 31, that vote on condition 33 and on condition 31 be stacked after the conclusion of the debate on condition 31, with 15 minutes on the first vote, 10 minutes on the second vote, and with 1 minute intervening.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 50

(Purpose: To strike condition no. 31, relating to the exercise of right to bar certain inspectors)

Mr. BIDEN. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment numbered 50.

Beginning on page 63, strike line 21 and all that follows through line 4 of page 65.

Mr. BIDEN. Mr. President, let me also say for the benefit of my colleagues that we are trying to accommodate schedules. I thank the Senators from Arizona and Georgia, who were running around trying to get their agreement. At the completion of the two rollcall votes—we are trying to get additional time on one amendment relating to articles X and XI, and we have an hour set aside for it now and we hope to reduce that time. At the conclusion of that vote we would then go to final passage, although there probably may be a few minutes intervening because each has some time left. That is the objective. Some are trying to catch planes and trains and the like.

Mr. President, let me suggest quickly what this does. The amendment that I sent to the desk strikes a condition which unilaterally says at the front end we will not allow any inspector from such states as China, Iran, and Iraq, et cetera, if they are signatories to the treaty. If they have deposited their instruments of ratification, now they are in the deal. We are saying, if they are in, we will not allow any inspector from their countries to be any part of a team that would inspect U.S. facilities.

The intention is obvious, and it is laudable. The intention is to keep the bad-guy inspectors out because we are worried that what they would do is send over an intelligence officer as part of that inspection team, learn all secrets from us and take them back home. It is not likely that can happen anyway. But let's assume it did.

The intelligence community says this is a very bad idea. The reason it is a bad idea if we do that, Mr. President, is every other country will issue a blanket rejection of any U.S. inspectors. We are the class of the field. You have heard all day—and in the closed session—my colleagues expressing their concern about verification. The more we have American inspectors involved, the more likely we are to be able to detect wrongdoing because we are the class of the field. We don't want to be excluded across the board from being on any inspection team. So, therefore, this is intended to do something good but is extremely counterproductive. It is counterproductive, and the intelligence community says so as well.

But beyond that, it is unnecessary. There is a provision. In the interest of time—we were going to have an hour of debate; I was going to put all of this out to you—but in this treaty there is a provision now that says the United States, or any other country, can at any time strike an inspector. The way this works, as most of our colleagues know, is when there is going to be a challenge inspection, or a routine inspection, there is a list of inspectors. They give the names. As few as 3 and as many as 15 inspectors are going to show up on the doorsteps of X, Y, Z company, and they list their names and their country. Guess what? Our intelligence community from the time those names are given—it is like a jury pool. The Presiding Officer was a Federal prosecutor. It is like a grand jury. Every country submits inspectors that they want participating. Their committee picks inspectors from each of the countries. They sit in one town and one city. When an inspection comes up, they say "You, you, you, and you, go and inspect." They have to submit those names. Our intelligence community, when that pool is picked, will do a background check on every one of those guys and women. They know their names. So they can, in fact, go out there and say—we can say, or the intelligence community can say—"Look, he is on that inspection group. Strike him. We don't want him." You can do that. The only time we can't strike is when—I have a smart staff here. In the late hours they think they are humorous.

You are fired.

[Laughter.]

I am only kidding. That is a joke; a little levity at this time.

As my distinguished friend on the Intelligence Committee, formerly of my staff, wrote, "They can't strike when they are on the plane." You have to give 24 hours notice you don't want So and So in there.

So the point is you can already strike anybody. We do this in a blanket way. We knock the class of the field out of the inspection process. We don't want to do that. With all due respect, this is not a thoughtful amendment. This is counterproductive.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, have the yeas and nays been ordered on the previous amendment? If not, I would ask for the yeas and nays on the previous amendment as well.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, if I have any time left on this, I reserve it, and I will yield the floor now for my colleague from Arizona.

Mr. KYL. I thank the Senator.

Mr. President, Senator HELMS had intended to present these remarks, and he cannot be here right at this moment. Therefore, I am going to proceed to deliver his remarks and then also yield to the majority leader should he wish to make a remark or two about this condition.

If ratified, Mr. President, the Chemical Weapons Convention would provide inspectors from foreign countries unprecedented access to U.S. facilities, both commercial and Government-related. Inspectors would be permitted to interview site personnel, inspect records, photograph onsite apparatus, take samples, record readings of plant equipment, and use instruments to monitor processes. The risk that trade secrets or national security secrets could be stolen during inspection is very high.

First, proprietary information is often the basis for a chemical company's competitive edge. Industrial espionage can enable a competitor to obtain at a minimal cost information that its originator acquired only through an enormous investment of time and money, thereby erasing the company's competitive advantage. For this reason, the theft of trade secrets can cripple even a giant company and can be fatal to a smaller enterprise.

Second, because chemicals covered by the CWC are used in a variety of aerospace activities, from the manufacture of advanced composites and ceramics to additives for paints and fuels, dozens of defense contractors are targeted for routine inspections under the CWC. That means that when we are talking about proprietary information, we may also be talking about national security information.

A company such as Lockheed Martin, Courtaulds Aerospace, Hercules, Raytheon, and the Hexcel Corp. will be forced to allow foreign nationals access to their facilities, employees, and records. Our national laboratories further could be inspected under this treaty, as will Government facilities.

Previous national trial inspections conducted in the United States in preparation for the CWC revealed that inspections under the treaty are an extremely dangerous threat to sensitive information. Soil and water samples were collected in the vicinity of rocket propellant production facilities on one such inspection. They were analyzed at the Lawrence Livermore National Laboratory. Using modern techniques, analysts were able to discern classified information about the formulation of the rocket propellant and the process used to make it.

Finally, Mr. President, China and others likely intend to use CWC inspections for espionage purposes. They should not be allowed to do that. The officials of the preparatory commission for the Organization of the Prohibition of Chemical Weapons, the OPCW, have stated that all of the Chinese inspectors were directed to volunteer for the organization and that these inspectors have direct ties to China's defense chemical warfare program. Accordingly, and the point of this condition, the Senate should uphold this provision which would direct the administration to exercise a United States treaty right—as the Senator from Delaware pointed out, we have this right under the treaty—we are simply directing the President to exercise this right to bar inspectors from China, which has an active industrial espionage program and has violated United States nonproliferation laws, from entering the United States to engage in these inspections. In addition, it would prevent inspectors from countries which are hostile to the United States and are state sponsors of terrorism—Iran, Iraq, Syria, Libya, Sudan, North Korea, and Cuba—from participating in these inspections.

Mr. President, I do not think this is an unreasonable provision. There is no downside to the provision, only the positive potential that fewer trade and national security secrets would be handed over to countries that are openly hostile to the United States.

Therefore, I urge the Senate to reject the motion to strike.

At this time I yield the remaining time to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. LOTT. Could I inquire about how much time is remaining?

The PRESIDING OFFICER. There are 1½ minutes.

Mr. LOTT. Mr. President, I have already stated my position. I do think we should vote to ratify this convention, but I think we should defeat this motion to strike. This is not a killer amendment. This is very serious, where we are just saying that we should have the ability, the President should have the ability, to bar these inspectors from these countries that have violated U.S. nonproliferation laws. You are talking about inspectors from so-called, as the Secretary of State has called them, "rogue nations" that want to come in here and get into finding information that could help them to further contribute to proliferation.

So I urge the Senate on this motion to vote to defeat the motion to strike. We should have the ability, we should as a matter of fact I think require that we bar these inspectors from coming into this country when they are contributing to the problem all over the world. So I yield the remainder of my time.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. I yield myself 30 seconds off my time on the bill.

The PRESIDING OFFICER. The Senator is recognized for 30 seconds.

Mr. BIDEN. Mr. President, two very quick points. The companies named by my distinguished friend, including Hercules, which is headquartered in my State, that are supposedly worried, they support this treaty. Hercules supports this treaty. They are not worried about this being trouble.

Second, this is not a killer, but it rips the heart out of our inspection regime, and I would not be objecting, I say to the majority leader, I would not be seeking to take it out if it gave the President the option. It gives the

President no option. It requires him—it requires him—to ban. And what it does again, I say to my colleagues, it then says they will ban us. We have the class of the field doing the inspection. It is not a smart thing to do, in my humble opinion.

I yield the floor.

VOTE ON AMENDMENT NO. 49

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 49. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 48 Ex.]

YEAS—66

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—34

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coverdell
Craig
Enzi
Faircloth
Gramm
Grams
Grassley
Gregg
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond
Warner

The amendment (No. 49) was agreed to.

AMENDMENT NO. 50

The PRESIDING OFFICER. Under the previous order—the Senator from Delaware.

Mr. BIDEN. I am sorry to interrupt the Chair. You were going to say 1 minute for explanation, is that correct, equally divided?

The PRESIDING OFFICER. That is correct.

Mr. BIDEN. Mr. President, the purpose of my amendment is to strike a provision in the bill that requires the President to disallow an inspector from any of a number of countries, from Russia to Iran.

There is in the treaty already the ability of the United States to strike any inspector. The inspectors must be named before an inspection takes place. The reason why we do not want a blanket exemption is, if we blanket exempt all those folks, they will blanket exempt any U.S. inspector.

We want inspectors in the bad guy's country. We do not want to do this. It is counterproductive.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, let met summarize the argument the majority leader and I made in opposition to the motion to strike this condition.

The treaty currently provides for the President to say that he does not want inspectors from certain countries coming into the United States. There is a reason for that. What we are doing is directing him only in two cases to, in advance, say, these are the countries covered: Those countries that sponsor state terrorism, pursuant to our definition of that, and China because of its violation of another law.

So it is only those countries that have violated American law and who are the state-sponsored terrorists who can be denied inspectors in the United States.

The PRESIDING OFFICER. The time has expired. Under the previous order, the question now occurs on agreeing to the Biden amendment No. 50. They yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 56, nays 44, as follows:

[Rollcall Vote No. 49 Ex.]

YEAS—56

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Cochran
Collins
Conrad
D'Amato
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Snowe
Specter
Stevens
Torricelli
Wellstone
Wyden

NAYS—44

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Coverdell
Craig
DeWine
Domenici
Enzi
Faircloth
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Thomas
Thompson
Thurmond
Warner

The amendment (No. 50) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay it on the table.

The motion to lay on the table was agreed to.

Mr. BIDEN. As I understand, there is 1 hour remaining on the last amendment of the Senator from Delaware to strike condition 32, is that correct?

The VICE PRESIDENT. The Senator is correct.

Mr. BIDEN. It is my understanding the Senator from Delaware has control of an additional 8 minutes on the bill?

The VICE PRESIDENT. Fifteen minutes.

Mr. BIDEN. Mr. President, I have spoken to the majority on this. The distinguished Senator from Virginia has been waiting around patiently all day and I keep bumping him. I want to yield up to 5 minutes of my time on the bill to him at this moment, and then I will move, with permission of the chairman, to the last condition.

I yield to the Senator from Virginia.

The VICE PRESIDENT. The Senator from Virginia.

Mr. ROBB. I thank my friend and colleague from Delaware.

Mr. President, there's not much left to say about ratification of the CWC—even here in the Senate. We've had seventeen formal hearings on the topic over the last two years—both open and closed—and as a member of all three national security committees, I have participated in most of them. In addition, the salient features have been discussed in countless meetings and fora that have that have been widely reported in both print and broadcast media. Finally, for everyone involved, the moment of truth has arrived and we will cast what will certainly be one of the most important votes of the 105th Congress.

Mr. President, I have been committed to ratification for some time, but I know some of our colleagues have had reservations. There is no question that respected opponents of ratification have raised important and legitimate questions. But those questions have been thoroughly and painstakingly answered by the proponents, including and I believe that our failure to ratify this chemical weapons convention today would represent a serious setback for the United States and the entire international community and unquestionably would be viewed as a failure of leadership by the world's indispensable nation.

I will not repeat all of the arguments that have been made. In his news conference earlier today the majority leader framed the essential question. And he repeated it here on the Senate floor earlier this afternoon. And I certainly commend him for the way he responded. He asked will we be better off with or without the treaty—for me that is not a close call.

I believe we will be much better off, by any measure I can think of, if we ratify the convention.

I hope that the 28 conditions that we agreed to yesterday, and the additional reassurances provided by the President today, will insure that at least two-thirds of our colleagues reach the same conclusion.

The United States is getting out of the chemical weapons business with or without an international agreement—and because over 70 other nations have already ratified the convention, it goes into effect on April 29th, regardless of what we do. The only matter we'll decide tonight is whether we'll be able to participate and shape banning the use, development, production, and stockpiling of chemical agents, or be cast with the pariah states that will face increasing difficulty due to permanent trade restrictions on non-CWC members.

If we want to play a leading role in at least reducing the likelihood that poison gas will be used against us or the rest of the international community, we have no choice but to ratify this convention.

Of course, there are no absolutes when it comes to arms control verification, but through the most far-reaching, extensive, and intrusive inspection procedures ever agreed to, the CWC represents a clear step in the right direction.

I do not question the patriotism of any of our colleagues who oppose ratification, but I belive we owe a special debt of gratitude to those statesmen who might find some partisan or ideological advantage in opposing ratification, but who put our country's interest first in supporting it.

In that regard, I'd like to single out our former colleague and Majority Leader, Bob Dole, who now joins the Presidents of both parties who negotiated, signed, and submitted the convention for ratification, as well as a distinguished galaxy of present and past top-level national security leaders.

And, I would like to conclude by commending Senator BIDEN, the ranking member of the Foreign Relations Committee, and Senator LUGAR, a longstanding expert in the area of arms control, for their leadership and tenacity these last few weeks. Due to their tireless efforts, I hope we will have the votes to ratify the CWC and signal to the world our continuing leadership, by example, to eliminate these weapons of mass destruction from the face of the earth.

Mr. President, I yield the floor.

AMENDMENT NO. 51

(Purpose: To strike condition no. 32, relating to stemming the proliferation of chemical weapons)

Mr. BIDEN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. ENZI). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] proposes an amendment number 51.

On page 65, strike lines 5 through 24.

Mr. BIDEN. Mr. President, we now turn to the last condition that I am seeking to strike which will require the President, before he deposits the instrument of ratification, to certify that the Chemical Weapons Convention has been amended by striking article X and article XI in several respects.

Mr. President, I apologize for the shorthand, because it does not do justice to the arguments of my friends who oppose this, but this is what we call in the trade a killer amendment. Were this to pass, there is no treaty. I will speak to that later.

With permission of the chairman of the committee, I yield to the Senator from Arizona, Senator MCCAIN, who, as the old saying goes, has forgotten more about this treaty than most people know. I yield such time as he consumes.

Mr. MCCAIN. Mr. President, failure to approve the amendment proposed by the Senator from Delaware would require the United States to delay ratification of the Chemical Weapons Convention until we obtain the agreement of other CWC parties to delete one of the treaty's articles and significantly alter another.

I believe the issue of technology transfer is a serious one because it is the one argument that seeks to demonstrate that ratifying the CWC will actually harm the United States national security.

The critics argue because of article XI of the CWC we will have to eliminate our national controls on chemical technologies and disband the Australia Group, a multilateral framework for restraining transfers of sensitive chemical technology. This interpretation of the treaty is contradicted not only by the text of the treaty which subordinates Article XI on the basic undertakings in Article I for parties not to acquire chemical weapons or to assist another state in doing so, but also by our experience with other nonproliferation treaties and the agreed consensus conditions included in the resolution of ratification before us.

First of all, Mr. President, our experience with essentially similar language in the Nuclear Non-Proliferation Treaty shows that we need not weaken our national or multilateral export controls. The Nuclear Suppliers Group, the counterpart of the Australia Group, was actually founded after the NPT went into force. Nor has the NPT obliged us to curtail our national controls on the transfer of nuclear technology, even to other NPT parties. The United States enacted the Nuclear Non-Proliferation Act of 1978, 10 years after the NPT was signed.

Moreover, beyond the text of the CWC itself we have condition 7 of the resolution of ratification before us. This requires the President to certify not only that the United States believes that the CWC does not require us to weaken our export controls but also that all members of the Australia Group have communicated at the highest diplomatic levels their agreement that multilateral and multinational controls on sensitive chemical technology are compatible with the treaty and will be maintained under the CWC.

We also have condition 15 obliging the United States to share only medical antidotes and treatment to countries of concern if they are attacked with chemical weapons.

Finally, we have received today from the majority leader a letter which President Clinton has sent to him committing the administration to withdraw from the CWC if other parties misuse articles X and XI of the treaty. In the words of the majority leader, this commitment is unprecedented and ironclad.

Let me just remind my colleagues, Mr. President, that the President of the United States in this letter states:

> In the event that a State Party or States Parties to the Convention act contrary to the obligations under Article I by:
>
> (A) using Article X to justify providing defensive CW equipment, material or information to another State Party that could result in U.S. chemical protective equipment being compromised so that U.S. warfighting capabilities in a CW environment are significantly degraded;
>
> (B) using Article XI to justify chemical transfers that would make it impossible for me to make the annual certification that the Australia Group remains a viable and effective mechanism for controlling CW proliferation; or
>
> (C) carrying out transfers or exchanges under either Article X or XI which jeopardizes U.S. national security by promoting CW proliferation:
>
> I would, [the President of the United States] consistent with Article XVI of the CWC, regard such actions as extraordinary events that have jeopardized the supreme interests of the United States and therefore, in consultation with the Congress, be prepared to withdraw from the treaty.

Mr. President, I do not know how we could be any clearer than that letter from the President of the United States.

Conversely, if the United States rejects ratification, I doubt that we will be able to play our traditional leadership role in attempting to persuade other chemical suppliers to exercise restraint.

The world will blame the United States for undermining a chemical weapons ban that the vast majority of other countries were willing to sign. If we reject ratification, where will we get the moral and political authority to persuade other Australian Group participants to block exports to countries of concern?

Mr. President, the supporters of this condition portray renegotiating the CWC to change these two articles as a feasible undertaking. We are talking about a new treaty with more than 160 other signatories, more than 70 of which already ratified. In this context, retired Gen. Brent Scowcroft, former National Security Adviser, recently testified:

> Starting over, as was suggested this afternoon, I think it is pure fantasy. If we reject this treaty, we will incur the bitterness of all our friends and allies who followed us for ten years in putting this together. The idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with the situation we face now, not an ideal one out in the future.

I think that the CWC, as we have it now and as strengthened by the 28 agreed conditions, is good enough. I urge my colleagues to adopt the amendment of the Senator from Delaware.

Mr. President, I don't—to the relief of most—intend to speak again. I want to congratulate Senator HELMS for his leadership on this issue, for his willingness to bring this treaty, which he opposed, to the floor. I congratulate Senator BIDEN for his consistent leadership. He just said that I knew more about the treaty. I know of nobody who knows more details of the treaty than the Senator from Delaware, unless it is the Senator from Indiana, Senator LUGAR, who has consistently led on this and is also responsible in the Senate for ratification of this issue along with Senator BIDEN.

I congratulate my colleague from Arizona, Senator KYL, who fought long and hard in this cause. He has done a masterful and admirable job in articulating his position on this issue. Our majority leader, Senator LOTT, has been through hundreds of hours of meetings and has had tough negotiations with the administration. Senator LOTT got from the President of the United States a letter which he calls unprecedented. I agree. I believe that it is something that can assure all of our citizens that if there are violations of this treaty, the United States of America will leave, and leave immediately. Senator LOTT has done a job unequaled by any in his leadership on this issue. I am grateful for it.

Finally, I also want to express my appreciation to the former majority leader, Senator Dole, who, of course, decided that this issue was important enough for him to inform our colleagues.

Finally, Mr. President, sometimes the Senate doesn't have great days, and sometimes the Senate has moments of which we can all be proud. I believe, watching carefully this debate for the last 2 days and what has transpired here on the floor of the Senate, I think the opponents and proponents of the treaty can be proud of the level of debate, both in its comity and also in its content. I congratulate my colleagues on a hard-fought debate, one of which I think every Member, whether we are on the winning or losing side, can be proud.

I yield the floor.

Mr. ENZI. Mr. President, one of the charges made consistently during the weeks of debate over this treaty is the charge that supporters of this treaty desired to see chemical weapons abolished from the earth, while opponents have no such interest. Nothing could be further from the truth. Opponents of the treaty also desire to see these heinous weapons abolished. We have simply contended that a poorly drafted treaty will not only fail to achieve that worthy end, but could even lead to their increased proliferation.

I am pleased to report that, as of this morning, opponents of the original treaty draft have prevailed in our efforts to add teeth and additional safeguards to what was heretofore an unacceptable document. To begin with, the Senate yesterday voted to add twenty-eight additional provisions to the CWC. These provisions tighten our intelligence sharing procedures to keep classified information out of the wrong hands, would maintain the stricter exporting restrictions as outlined in the "Australia Group" protocol, would enhance monitoring and verification of compliance, and would greatly beef up our military's chemical warfare defense capabilities. In addition, the Senate leadership this morning received a letter from the President committing him to withdrawing from the convention if it leads to the degradation of our chemical weapons defenses, or leads to chemical weapons proliferation.

I believe this treaty is now worthy of ratification and will vote accordingly. Rest assured, however, that a treaty is only as reliable as the offices administering it. Consequently I have every intention of continuously evaluating the performance of the administration and the United Nations relative to their implementation of these treaty provisions. Should any party come up short in their verification and enforcement duties, we will be right there to set them straight.

Mr. HELMS. Mr. President, I suppose, at this point, it would be an exercise in futility to go into great detail about why the Senate should reject this chemical weapons treaty. But let me touch on it. I ask the Chair to notify me when I have talked for 8 minutes.

Mr. President, this treaty won't touch—won't touch—terrorist states like Libya, Iraq, Syria and North Korea. The administration admits this itself. The administration also admits that this treaty is unverifiable. The fact that Russia is already cheating, even before this treaty goes into effect, and the rather incredible refusal by the administration to bar inspectors from hostile nations, such as Iran and China, to come and "inspect" the businesses of the United States of America. It seems to me that each of these defects, in and of themselves, are reason enough to oppose the treaty.

But one in the Senate often has to face reality. Let me say this. There is one issue that has raised the greatest concern among Senators, I believe—the issue on which the ratification vote should hinge—and that is the administration's refusal to modify Articles X and XI of this treaty.

Now, these controversial provisions require the transfer of dangerous chemical agents, defensive gear and know-how to any nation that joins the CWC, including—get this—terrorist states like Iran and Cuba, and known proliferators, such as Russia and China. Now, think of the implications of that. If anybody is out there in televisionland, I hope you will contemplate what is going on here on the Senate floor and watch who votes how when the roll is called up yonder in just a little while.

Former Secretary of Defense, Dick Cheney, during the previous public administration, the Bush administration, by the way, told the Foreign Relations Committee earlier this month that Articles X and XI amount to what he said are "a formula for greatly accelerating the proliferation of chemical warfare capabilities around the world."

Now, this condition is an essential protection in the Senate's resolution of ratification. It would make approval of this treaty absolutely contingent upon the administration's agreement to seek modifications of Articles X and XI. You have heard me say that over and over again for the past several weeks and months. Now, I have urged Senators to oppose efforts to strip out that key protection. But here we go again. If this motion to strike prevails, it will be an invitation to the Senate to reject the treaty entirely. But I don't think the Senate is going to accept that invitation.

In any case, why should we modify Articles X and XI? The administration argues that, in spite of all its flaws, the CWC is better than nothing. Well, to the contrary. With Articles X and XI unmodified, this treaty is far worse than nothing. Instead of halting the spread of poison gas, this treaty will be aiding in its proliferation by helping countries like Iran modernize their chemical arsenals, giving them access to our secrets for defending against poison gas attack, and giving a United States imprimatur to third country transfers of dangerous chemicals and defensive technology to rogue states.

Anybody who needs a road map or wants one for how this will work doesn't have to go to a lot of trouble. Just examine how Russia has taken advantage of similar provisions in the Nuclear Non-Proliferation Treaty. Russia is, at this very moment, using that treaty to justify its sale of nuclear reactors to Iran, under a provision known as "Atoms for Peace," if you can believe that. Under this CWC treaty's Articles X and XI—again, I have to chuckle when I say it—dubbed "Poisons for Peace"—if Russia or China decide, for example, to build a chemical manufacturing facility in Iran, giving that terrorist regime the chemical agents and high technology it needs to modernize its chemical weapons program, Russia and China not only could argue that they are allowed to give Iran this technology, but that they are obliged to do so under a treaty, mind you, ratified by the Senate of the United States.

In short, ratifying the chemical weapons treaty sends a signal to the world that something has been done about the proliferation of chemical weapons when, in fact, we would not have done anything at all except make bad matters worse, because Articles X and XI of this treaty—this dangerous, dangerous treaty—assure that the Chemical Weapons Convention will increase the spread of chemical weapons rather than stop it.

So in this next to the last vote of the evening, Senators have a choice. In making that choice, I for one cannot imagine that the U.S. Senate would reject the advice of four former distinguished Secretaries of Defense, who testified that unless Articles X and XI are modified, the Senate should refuse to ratify this treaty.

Mr. President, I reserve the balance of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. FEINSTEIN. I note that the ranking member is not present on the floor at the moment, Mr. President. I will yield myself 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. Mr. President, I want to express my strong support for the motion to strike condition 32 from the resolution of ratification.

I strongly support the Chemical Weapons Convention. I believe it is very much in our national interests to ratify this treaty.

The pending motion is to strike condition 32 from resolution of ratification of the CWC. It is essential that this motion pass, because if it does not, our decision to ratify the treaty will be meaningless.

During the debate over this treaty, a number of serious concerns have been raised over Articles X and XI. I myself have shared some of these concerns. But I want to address these criticisms of the CWC now, because I believe that very solid answers have been provided to virtually all of them.

I met at the White House last Friday with National Security Adviser Sandy Berger and Special Assistant to the President for Defense Policy and Arms Control Robert Bell, who explained these answers to me in detail, and I found their explanations persuasive.

Sharing Defense Technologies: During the April 9, 1997 hearing in the Senate Foreign Relations Committee, the concern was raised by several witnesses that Article X of the CWC would require the United States to share advanced chemical defense technologies with rogue nations like Iran, who may sign and ratify the treaty.

If indeed the treaty required that, there would be significant grounds for concern. But I believe the concern is unwarranted and unfounded.

In an April 22 letter to me, National Security Adviser Sandy Berger makes it very clear that Article X of the CWC would impose no obligation on the United States to assist Iran with its chemical weapons defense capabilities.

I ask unanimous consent that Mr. Berger's letter be included in the RECORD at the conclusion of my remarks.

Mr. Berger makes clear that paragraph 7 of Article X, which spells out the obligations of States Parties to assist others threatened by chemical weapons, would require the United States to provide nothing more than medical antidotes and treatments to any state we deemed unreliable. We have the option to provide more advanced assistance to those nations we trust, but no obligation.

The Administration is so comfortable with this reading of the treaty, that, in their negotiations with Senator HELMS and with the Majority Leader's task force on the CWC, they have agreed to a binding condition (number 15) that would ensure that the United States will not provide any assistance other than medical assistance to any rogue nation that becomes a party to the treaty.

Another concern about Article X is that paragraph 3, which calls for parties to "facilitate * * * the fullest possible exchange" of information and technology on protection against chemical weapons, which some here have said would require the United States to share such equipment with rogue nations who sign and ratify the treaty.

The Administration has made clear that the use of the words "facilitate" and "possible" in this paragraph mean that the United States will determine whether any specific exchange is appropriate, and we will not pursue those we deem inappropriate. In making these decisions, we will do nothing to undermine our national export controls.

With these assertions in hand, I am satisfied that the United States will in no way be obligated to provide chemical weapons technology to any nation we deem to be untrustworthy.

Some have also raised the concern that Article X might induce other, less conscientious nations, to supply rogue states with defense technologies. But there is nothing that prevents those sales from taking place today, with no CWC in effect.

Within the CWC, the countries who make exchanges allowed in Article X are legally bound by the treaty's overriding principle, stated in Article I, that they can do nothing to "assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention." Any country's failure to uphold this obligation would enable the full force of over 160 nations to coalesce in support of sanctions, and possibly military action.

In addition, the CWC would provide us with far more ability to scrutinize any exchanges of chemical defense equipment than we have today. The result is a net increase, not decrease, in our knowledge of defense exchanges with rogue nations, and our ability to address any compliance concerns that may arise from these exchanges.

Cooperation on Chemical Technology: Another concern that has been raised involves Article XI. Some have suggested that Article XI, which deals with cooperation in chemical activities not prohibited by the treaty, would require the United States to provide other nations with access to our dual-use technologies and manufacturing secrets. Here again, the concern is unwarranted.

Article XI does aim to ensure that parties to the treaty can conduct legitimate chemical commerce, which is reasonable. But in his April 22 letter, Mr. Berger explains that this Article does not require the United States, or any U.S. company, to provide confidential business information to any foreign party.

As to the concern that Article XI will undercut export controls, indeed, the reverse is true. Mr. Berger makes clear that all U.S. export controls now in effect are fully consistent with the CWC. In addition, our allies in the Australia Group, all 28 of them, have pledged to maintain all existing multilateral export controls, which they agree are fully consistent with the CWC.

Here again, the problem identified by critics of the CWC would actually be worse without the treaty. The CWC will allow us to better monitor chemical commerce that occurs today without our knowledge. It will also provide the basis for further multilateral efforts to control exports, above and beyond our own existing export controls and those of the Australia Group.

Furthermore, with the CWC, the countries undertaking exchanges are legally bound by the fundamental obligations in Article I—the overriding Article of the treaty—never "to assist, encourage or induce in any way anyone to engage in any activity prohibited" under the convention. It must be remembered that Article I supersedes all subsequent articles of the Convention. It is disingenuous to suggest that the treaty would undercut its central prohibition so blatantly.

To address the concerns raised about Article XI, the Administration has agreed to a binding condition (number 7) that the President must certify now and on an annual basis that the Australia Group of 30 nations is continuing to control chemical exports effectively and remains a viable mechanism for doing so.

According to this condition, the President must also certify that nothing in the CWC obligates the United States to weaken our own export controls, and that each member of the Australia Group remains committed to maintaining current export controls.

With this condition added to the resolution of ratification, I believe concerns about Article XI can be laid aside.

In fact, the negotiations between the Administration and Sen. BIDEN on the one hand, and Sen. HELMS and Sen. LOTT's task force on the other, have been remarkably successful in addressing the concerns that have been raised about the treaty.

If the Administration is willing to meet the concerns of the critics of Articles X and XI, as it has, and those critics still insist on the removal of those articles as their price for ratifying the treaty, it is clear that the intent is to kill the treaty altogether.

It is completely unrealistic to suggest that we try to drop Article X and amend Article XI of the CWC at this point. These two articles were included to reassure countries who signed the treaty that they would not be prevented from developing chemical weapons defenses or engaging in legitimate chemical commerce.

None of the 160 nations who have signed or 74 nations that have ratified the treaty will agree to renegotiate these provisions at the eleventh hour. It will simply result in our exclusion from the CWC—which is clearly the intent.

As Gen. Brent Scowcroft, National Security Adviser to President Bush, testified before the Foreign Relations Committee on April 9, 1997:

> Starting over * * * is pure fantasy. If we reject this treaty, we will incur the bitterness of all our friends and allies who followed us for 10 years in putting this thing together * * *. The idea that we can lead out again down a different path I think is just not in the cards. We have got to deal with the situation we face now, not an ideal one out in the future.

The concerns raised about Articles X and XI—which I shared—have been more than adequately addressed by the agreed conditions.

Failing to strike this condition would be tantamount to killing the treaty. I urge my colleagues to vote for this motion to strike. Those who do not are essentially voting against ratification of the entire CWC.

The CWC is not a panacea, and none of its proponents believes it is. It will not by itself banish chemical weapons from the earth, but it would result in the destruction of much of the world's chemical weapons stocks, and provide us with a valuable set of tools that would significantly strengthen our ability to monitor and defend against the threat of chemical weapons.

So, reiterating, Mr. President, during the April 9 hearing in the Senate Foreign Relations Committee, the concern was raised by several witnesses that Article X would require the United States to share advanced chemical defense technologies with rogue nations like Iran, who may sign and ratify the treaty. If indeed the treaty required that, there would be significant grounds for concern. But I believe the concern is unwarranted.

In an April 22 letter to me, National Security Adviser Sandy Berger makes it very clear that Article X of the CWC would impose no obligation on the United States to assist Iran with its chemical weapons defense capabilities.

Mr. Berger makes clear that paragraph 7 of Article X, which spells out the obligations of States Parties to assist others threatened by chemical weapons would require the United States to provide nothing more than medical antidotes and treatments to any state we deem unreliable. We have the option to provide more advanced assistance to those states we trust, but no obligation.

Another concern about Article X is that paragraph 3, which calls for parties to * * * "facilitate * * * the fullest possible exchange" of information and technology on protection against chemical weapons.

Now, I understand the concern there. But the administration has made it clear that the use of the words "facilitate" and "possible" in this paragraph mean that the United States will determine whether any specific exchange is appropriate, and we will not pursue those we deem inappropriate. In making these decisions we will do nothing to undermine our national export controls.

With these assertions in hand, I am satisfied that the United States will in no way be obligated to provide chemical weapons defense technology to any nation we deem untrustworthy. And the President's point A in his letter to the majority leader points this out as one of the three conditions under which the United States would withdraw from the treaty if it turns out any other way.

Some have also raised the concern that Article X might induce other, less conscientious, nations to supply rogue states with defense technologies. But there is nothing that prevents these sales from taking place today, with no CWC in effect.

With the CWC, the countries who make exchanges allowed in Article X are legally bound, as Senator MCCAIN pointed out, to the treaty's overriding and superseding principle, stated in Article I, that they can do nothing to "assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention." Any country's failure to uphold this obligation would enable the full force of 160 nations to coalesce in support of sanctions, and possibly military action.

In addition, the CWC would provide us with far more ability to scrutinize any exchanges of chemical defense equipment than we have today. So the result is a net increase, not a decrease, in our knowledge of defense exchanges with rogue nations and our ability to address any compliance concerns that may arise from these exchanges. For me, it was very helpful to be present in the closed session of this Senate. I very much appreciate the information shared. But I think the bottom line is really this point.

Let me turn to article XI, which deals with cooperation in chemical technology.

Another concern that has been raised involves the article XI provisions on cooperation in chemical activity not prohibited by the treaty. Some fear that these provisions would require the United States to provide other nations with access to our dual-use technologies and manufacturing secrets. Here again, I truly believe the concern is unwarranted. Article XI aims to ensure that parties to the treaty can conduct legitimate chemical commerce. It is reasonable.

In his April 22 letter to me, Mr. Berger explains that this article does not require the United States nor any U.S. company to provide confidential business information to any foreign party. As to the concern that article XI will undercut export controls, indeed, the reverse is true. Mr. Berger makes clear that all U.S. export controls now in effect are fully consistent with the CWC.

In addition, our allies in the Australia Group—all 29 of them—have pledged to maintain all existing multilateral export controls, which they agree are fully consistent with the CWC. Here again the problem identified by critics, I think, would be worse without the treaty. The CWC allows us to better monitor chemical commerce that occurs today without our knowledge. It will also provide the basis for further multilateral efforts to control exports, above and beyond our own existing export controls and those of the Australia Group. And, once again, Article I supersedes this article with the overriding obligation never "to assist, encourage or induce in any way anyone to engage in any activity prohibited" under the convention.

To address the concerns raised about article XI, the administration has agreed to a binding condition No. 7 that the President must certify now and on an annual basis that the Australia Group of nations is continuing to control chemical exports effectively and remains a viable mechanism for doing so. The President must also certify that nothing in the CWC obligates the United States to weaken its own export controls. The President, in his point B on page 2 in his letter to the majority leader, clearly points out that, if that happens, we would withdraw from the treaty.

The negotiations between the administration and Senator BIDEN on the one hand, and Senator HELMS and Senator LOTT's task force on the other, I think have been remarkably successful in addressing concerns raised by the treaty.

So we see here that the administration has been willing to meet the concerns of critics of articles X and XI, and it has. It seems to me completely unrealistic to suggest that we try to drop articles X and XI at this late stage. These two articles were included to reassure countries who sign the treaty that they would not be prevented from developing chemical weapons defenses or engaging in legitimate chemical commerce.

None of the 160 nations who have signed, nor the 74 nations who have ratified this treaty will agree to renegotiate these provisions at the eleventh hour. It will simply result in our exclusion from the CWC. And that would truly be too high a price to pay. I urge all my colleagues to support this motion to strike condition 32 from the resolution of ratification.

I thank the Chair. I yield the floor.

Mr. HELMS. Mr. President, I yield as much time as I may have to Senator KYL.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, first of all, let me say that I do not like to disagree with my friend and colleague from California, Senator FEINSTEIN. And I find that I rarely disagree with my colleague from Arizona, Senator MCCAIN. This is a treaty which has caused division among reasonable people. I respect their views immensely. We find that even former members of the same administration, the Bush and Reagan administrations, now find themselves on opposite sides of this issue. So it is a matter upon which reasonable people can differ. As I said, I respect the views of those who have disagreed with me, and they have certainly shown a respect for my views, which I appreciate.

These two articles are among the most important in the treaty, and I think a little bit of background is important for us to understand the reason we believe that it is important that they not be included in the treaty when we enter into force.

We have said initially that this treaty is not global. It doesn't cover countries that it should. It is not verifiable. It is fairly well acknowledged there are no sanctions. But supporters have said it is better than nothing. There are some advantages to it. Our response is that in some respects it is not better than nothing.

In particular, these two sections, articles X and XI, make it worse than nothing, and we ought to get rid of them. It is true that to get rid of them, the states parties to the convention have to agree. That will take some time. But we believe it is better, before the United States enters, when we have the leverage to cause that renegotiation to occur, to have it occur at that time. Therefore, the resolution of ratification is passed, but prior to the President actually depositing those articles, the President certify to us that articles X and XI have been removed, or fixed.

Why is this so important? Secretary of Defense Cheney was quoted by the distinguished chairman of the committee, and I think he succinctly said it. Therefore, I will summarize these thoughts by quoting Secretary Cheney in his letter of April of this year.

He said:

> Indeed, some aspects of the present Convention—notably, its obligation to share with potential adversaries like Iran chemical manufacturing technology that can be used for military purposes and chemical defensive equipment—threaten to make this accord worse than having no treaty at all. In my judgment, the treaty's Articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.

Mr. President, I ask unanimous consent that Secretary Cheney's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DALLAS, TX, *April 7, 1997*.

Hon. JESSE HELMS,
Chairman, Committee on Foreign Relations, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter inviting me to join several other former Secretaries of Defense in testifying in early April when the Foreign Relations Committee holds hearings on the Chemical Weapons Convention. Regrettably, other commitments will preclude me from participation. I hope that this correspondence will be sufficient to convey my views on this Convention.

During the years I served as Secretary of Defense, I was deeply concerned about the inherent unverifiability, lack of global coverage, and unenforceability of a convention that sought to ban production and stockpiling of chemical weapons. My misgivings on these scores have only intensified during the four years since I left the Pentagon.

The technology to manufacture chemical weapons is simply too ubiquitous, covert chemical warfare programs too easily concealed, and the international community's record of responding effectively to violations of arms control treaties too unsatisfactory to permit confidence that such a regime would actually reduce the chemical threat.

Indeed, some aspects of the present Convention—notably, its obligation to share with potential adversaries like Iran chemical manufacturing technology that can be used for military purposes and chemical defensive equipment—threaten to make this accord worse than having no treaty at all. In my judgment, the treaty's Articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.

Those nations most likely to comply with the Chemical Weapons Convention are not likely to ever constitute a military threat to the United States. The governments we should be concerned about are likely to cheat on the CWC, even if they do participate.

In effect, the Senate is being asked to ratify the CWC even though it is likely to be ineffective, unverifiable and unenforceable. Having ratified the Convention, we will then be told we have "dealt with the problem of chemical weapons" when in fact we have not. But, ratification of the CWC will lead to a sense of complacency, totally unjustified given the flaws in the convention.

I would urge the Senate to reject the Chemical Weapons Convention.

Sincerely,

DICK CHENEY.

Mr. KYL. Mr. President, what is it about articles X and XI that cause Secretary Cheney and so many others to conclude that they should be removed? I will quote to you the language of both. They are on the chart behind me.

Article X provides that "* * * each state party undertake to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material, and scientific and technological information concerning means of protection against chemical weapons."

In other words, in plain English, those parties which have defensive capability will undertake to facilitate the fullest possible exchange of that technology, equipment, and so on, to the countries that don't have them. They shall have the right to participate in the fullest possible exchange of that equipment.

Article XI is the article that says that the states parties shall: "(b) undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemical equipment, and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under the convention."

That is to say, peaceful purposes. And, second, that the state parties "shall not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial and agricultural research, medical, pharmaceutical, and other peaceful purposes."

These two provisions were inserted in the treaty essentially as inducements to get the parties to join the treaty, in effect, saying, "If you will join the CWC, those of us who have this technology and these chemicals will provide them to you. We will sell you the chemicals for peaceful purposes—not for chemical weapons. And we will provide you the defense technology so that you can defend against any possible use against you." Of course, the price for having that right is not developing chemical weapons.

In this respect, the treaty was compared to the Nuclear Non-Proliferation Treaty, and the so-called "Atoms for Peace," which said that if the countries would forswear the development of nuclear weapons building that the developed countries of the world would provide them peaceful nuclear technology. For some countries this worked. But sadly we know that a couple of other countries used the peaceful technology to build their nuclear weapon capability.

So, Secretary Cheney, and many others, fear that these sections, these articles, would permit countries—since they have been induced to come into the treaty with these commitments—to then call upon those commitments from the countries that have this equipment.

Is this an unreasonable assumption? Today, we are basically hearing statements that suggest that that is not the way it was intended at all.

That is a very recent phenomenon. As a matter of fact, right after the CWC was signed, it was very clear to all states parties that they begin to dismantle the trade restrictions they had in place on chemicals in order to come into compliance with the CWC.

According to the administration in testimony before the Senate, and I am quoting now, "Australia Group members"—these are the countries that have agreed not to sell chemicals to terrorist states—"in August 1992 committed to review their export control measures with a view of removing them for CWC states parties in full compliance with their obligations under the convention."

They knew that those trade restrictions were incompatible with the new commitments they had undertaken in articles X and XI of the convention, and the Australia Group itself issued a formal statement which concluded again that states parties were reviewing this, and I am quoting, "with the aim of removing such measures for the benefit of states parties to the convention acting in full compliance with the obligations under the convention."

The point being that when the treaty went into effect the parties knew full well that trade restrictions they had were no longer compatible with the convention, with articles X and XI, and that they were going to have to review limiting those trade restrictions, and the Australia Group is a very successful group of countries that has trade restrictions against trade in chemicals to these terrorist states.

Well, we then began raising the questions about articles X and XI. The administration position changed 180 degrees, Mr. President. The administration began to say, well, actually, we could continue our restrictions under these two articles. And we said, well, it will not do any good unless everybody else does it. They said, we could even persuade the Australia Group countries to do that. In other words, to do exactly the opposite of what they had originally decided they had to do to be in compliance.

So the administration has made much of and my colleagues have spoken of the fact that the United States will now interpret the Chemical Weapons Convention as not requiring us to provide this equipment and as enabling us to maintain trade restrictions even despite articles X and XI. Moreover, that we have even tried to get our fellow Australia Group countries to maintain their restrictions in place.

That is laudable. We have at least pushed the rock that far up the mountain. We have got them to agree these two sections should not operate the way they plainly say they will. I think it is a little unseemly to be signaling before we have entered the convention that we are going to violate it up front and convince many of our friends to violate it, because, frankly, it is the right thing to do because articles X and XI ought to be violated by us. They have no place in this treaty.

The problem is the administration has also glossed over the fact that while we may interpret the treaty this way, there are others who do not. For example, China does not. Iran does not. And there are other countries that we heard about in our classified session this morning that do not. They explicitly understand that the treaty means what it says. And therefore two parties that have signed, not yet ratified but signed the agreement have indicated that they intend to continue their trade. And this is China selling chemicals to Iran, for Iran's chemical weapons program. That is the problem. And it is true that nothing prevents that trade from occurring today, Mr. President, but the problem is that the Chemical Weapons Convention gives them the color of law, the legal authority to be able to say: Look, we are parties to the treaty. The treaty says we can do it, so stop complaining and, by the way, don't impose any restrictions on us because of what we are doing.

I do not know how long it will be before chemical companies in other countries are going to say wait a minute, why should the Chinese have all the action here; we would like to have a piece of that action, too, and therefore when one country breaks an embargo it begins to fall apart. That is why I submit that just focusing on United States action under the treaty is not going to solve the problem.

There is also the idea—and this is really not a proper legal argument, but some have said that article I supersedes the specific articles of the convention. Now, for those who are lawyers, they recognize this is not true. The specific always governs over the general. Article I is a general prohibition. The very specific articles such as articles X and XI will control. They are the specific implementation of the treaty.

But to conclude now, Mr. President, the President of the United States has said given the fact that there are concerns, continuing concerns about articles X and XI, I am going to write a letter which maybe will put your mind at ease, and that letter has been referred to here by some of my colleagues. I do not doubt the sincerity of the President in sending the letter and certainly do not doubt the sincerity of my colleagues in believing that letter provides some solace, but I would like to make five points with respect to that letter.

If the things under articles X and XI happen that we think will, it does not solve anything for the United States to pull out of the treaty as the President says he might do. The time to exercise leverage is now before we are a party to the treaty. And what we are saying is prior to the United States getting into the treaty, we should make sure that articles X and XI are removed so that these bad things do not happen. Once they happen, there is no point of the United States pulling out of the treaty. That does not solve anything. So what the President says he is willing to do, frankly, is not an inducement.

Moreover, there is the argument that it is better to be inside the treaty than outside the treaty. And believe me, once we are inside it is going to be much harder to leave than it is to get in in the first place.

Third, certifications of the kind that the President indicated he would be willing to make are very, very hard to do. There are a whole series of certifications that have to be made under U.S. law. They are too hard. We end up not doing them. The certification of Mexico is a good example, to certify that they are cooperating with us in the war on drugs. Most people believe that that was not an honest certification. But the desire to cooperate with Mexico was so strong that it overrode the point of being honest in the certification. The same thing is true with the Arms Control Disarmament Act, the annual Pell report, section 51. We know that Russia is not in compliance with the Biological Weapons Convention or with the Wyoming Memorandum of Understanding or with the Bilateral Destruction Agreement, but the most this administration has ever done is to conduct high-level discussions with the Russians. It is too hard to certify that they are in noncompliance and therefore take the action that is required.

The same thing is true under the Export-Import Ban Act with respect to violations by China and several other laws that China has violated with respect to its chemical weapons transfers to Iran. These certifications are simply too hard. And while I agree, I am sure the intentions of the President are appropriate in this regard, those certifications I submit are not going to be done.

The time line here is important, too. This is a commitment by President Clinton. It is between 2 and 3 years before any action can be taken under this convention. That means that this President's term will almost be expired before he would have the opportunity to even consider the issues that are set forth in his letter. So it is not an effective commitment.

And finally, Mr. President, the letter only deals with United States actions, the point that I made in the beginning. The question here is not United States actions. The question has always been what are we going to do with those countries of the world that seek an offensive chemical weapons capability, a capability that we would like to deny them, countries like Iran, the one I have been talking about here. This commitment, the President's commitment in his letter does absolutely nothing with respect to the sales of chemicals and chemical technology from a country like China to a country like Iran. It doesn't affect it at all.

So while it is a nice commitment to have made with respect to the United States participation and attempting to keep the Australia Group together, the fact is it does not deal with part of the problem that has concerned us from the very beginning.

I conclude with this letter to simply make this point. As I said, reasonable people can differ, and I respect the views of those who disagree with me. They have sincere belief that this treaty is better than nothing. And if they believe that way, they should vote yes on this treaty. There are also those of us who disagree with that proposition. But I urge my colleagues, if you believe that this letter provides the basis for support for the treaty, I honestly believe that is incorrect. If you are going to vote yes on this treaty, do it for grounds other than this letter because it does not provide a satisfactory response to the very real problem that has been discussed by Secretary Cheney, by Secretary Weinberger, by Secretary Rumsfeld, by Secretary Schlesinger, and a host of other people who have all said that the fundamental problem is articles X and XI. Unless they are removed, we are looking for more proliferation, not less, under this treaty. And it is for that reason the motion to strike should be defeated, Mr. President.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. From my general debate time I yield 10 minutes to the assistant majority leader.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. NICKLES. Mr. President, first I would like to compliment my colleague from Arizona, Senator KYL, for an excellent statement. I happen to think that this amendment we are debating is the key amendment of the entire debate. I certainly compliment all Senators for their involvement in this debate. I think it has been one of the best debates we have had in the Senate for a long time. It is also one of the most important issues we have had where we have seen so many colleagues, particularly on this side of the aisle, who have been undecided and probably because of this language dealing with article X and article XI.

This is the language we have heard former Defense Secretary Cheney, former Secretary of Defense Schlesinger, and Cap Weinberger, really speak out against in their statements before the Senate Foreign Relations Committee.

Also, I note that President Clinton has a letter addressing this issue. But I looked at it a little bit more. I certainly concur with the goals and objectives; we want to reduce chemical weapons. And we have taken a laudatory step of saying we are going to ban them in this country and we want to encourage other countries to ban them, and I think that is great. And that is in article I. I see article I is over here, and if one reads article I it looks great. But I think it is incumbent upon us as Senators to read the balance of the treaty.

When you read article X, and it is in the treaty, it says:

> Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

Share defensive technology. I know the administration said, well, we are not going to do that. But it is in the treaty that we are going to. I find that a little contradictory, we are going to limit what we are going to share. This says to the fullest extent possible. The language is very contradictory in what the administration says they are going to do in subsequent letters and what the language of the treaty is. I think maybe the language of the treaty will supersede.

If we are signing a treaty, don't we mean to comply with all of it. And then again we are not just talking about the United States, because I hope that we don't just give our technology away to some countries, some countries that will sign this convention and will not comply. We know that. We have had some experience. We have seen it not only with the Geneva Protocol on chemical weapons, but we also have seen it with the biological weapons convention which a lot of countries signed but they have not complied with and we know that. Our intelligence community has done a pretty good job, and in many cases we know a lot of countries are not complying.

But I think it is legitimate to ask, are we better off with it or without. And I have heard good debate on both sides. But this language says to me we have to share this technology. Not only do we have to but also other countries, including countries like China, would be sharing this technology with Iran. Under the treaty, they would be obliged to, or certainly that is what they will be saying. Does that increase the likelihood and the dangers of chemical weapons? I am afraid it does.

And then looking at article XI, and again just looking at the treaty and looking at the language of the treaty—every once in a while I think it is important we do it—under article XI, section 2(c) it says:

> Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.

In other words, we want a lot more trade in other chemicals that aren't banned by this treaty.

There is an editorial in the Wall Street Journal that I ask unanimous consent to have printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 24, 1997]

CHEMICAL REACTIONS

Before today's vote on the Chemical Weapons Convention, we hope that some Senator will twist his tongue around the 20 chemicals listed here and read their names into the record. This list makes two important points about what's wrong with the treaty.

First is that many ordinary chemicals can be put to deadly use. The chemicals on this list can be used in such mundane products as laundry soaps, ink and fumigation agents—or they can be used in lethal weapons. Bear this in mind when you hear the President assert that the CWC will "banish poison gas from the Earth."

The second point is that the CWC not only will permit trade in these 20 potentially deadly chemicals, it will *require* it. American companies currently are restricted from exporting these dual-use chemicals under the terms of an organization called the Australia Group, which is made up of 29 Western countries committed to ensuring that their exports don't contribute to the spread of chemical weapons.

But Articles X and XI of the CWC require member countries to transfer chemicals and technology to any other member country that asks. This goes a long way toward explaining why the Chemical Manufacturers

Association is so loud in its support of the treaty.

Senators who are still considering how to vote might consider whether selling such chemicals to China or Iran or Cuba will help make the world safe from chemical weapons—or make the world a more dangerous place.

MUSTARD GAS FOR SALE

Trade in these 20 precursors for chemical weapons agents, now regulated, would be permitted under the Chemical Weapons Convention:

3-Hydroxy-1-methylpiperidine
Potassium fluoride
2-Chloroethanol
Dimethylamine (DMA)
Dimethylamine hydrochloride
Hydrogen fluoride
Methyl benzilate
3-Quinuclidone
Pinacolone
Potassium cyanide
Potassium bifluoride
Ammonium bifluoride
Sodium fluoride
Sodium bifluoride
Sodium cyanide
Phosphorus pentasulfide
Diisopropylamine (DIPA)
Diethylaminoethanol (DEAE)
Sodium sulfide
Triethanolamine hydrochloride

Source: Senate Foreign Relations Committee

Mr. NICKLES. This article lists about 20 chemicals that are not prohibited by this treaty, that basically this section of article XI says you will be able to sell those chemicals. As a matter of fact, no restriction. This language says that countries cannot maintain amongst themselves any restrictions including those in any international agreements. It does not say some. It says any international agreements. That sounds pretty open. A lot of those chemicals can be used to develop chemical weapons. They can also have a dual purpose. It can be kind of confusing.

I understand the President in his letter today said, well, he would try to end the confusion. And so I looked at his letter, and in his letter on page 2 he says—dealing with article X, he said:

> Using article X to justify providing defensive chemical weapon equipment, material or information to another State Party that could result in U.S. chemical protective equipment being compromised so that U.S. war fighting capabilities in a chemical weapons environment are significantly degraded.

If that is the case, he wants out. What is "significantly degraded"? How do you reach that level. I do not know that you would ever reach—since he has "significantly degraded," I do not know, because the word "significantly" is there that it would ever be treated. And then in (b) he talks about where it would be impossible for him to make a certification on the Australia Group. But in the final language he says we would get out if the implementing of this convention carries out transfers or exchanges under either article X or XI which jeopardize U.S. national security by promoting chemical weapons proliferation. When is that going to be triggered?

His final conclusion is kind of interesting. I read the AP story that said, well, because of the President's letter, he said if these things happen, we are out of there, we are going to walk away from the treaty. I do not read that in his language. It says I would be prepared to withdraw. It did not say he would withdraw. So if it really jeopardizes our national security, he might be prepared, but it did not say he would withdraw, after consulting with Congress.

In other words, I do not find a lot in this letter that gives me any real comfort or assurance that article X or XI has really been addressed. And I appreciate the fact that a lot of our colleagues have addressed this issue, but to me treaties are important. And we have had a lot of significant discussion over various sections of the treaty, maybe none more than article X and XI, but it happens to still be in the treaty. And the President's letter notwithstanding, at the conclusion of his letter he said if all these things happen or any of these things happen, I would be prepared to withdraw.

Frankly, Senator KYL is right. That is not going to happen in 2 or 3 years. It is not going to happen under President Clinton's term. I do not know that this letter would be binding on succeeding or successors of the President.

So, Mr. President, this language is vitally important. I would tell my colleague from North Carolina my vote on final passage depends on this amendment. If we are able to make this change by the Senator from North Carolina, I will vote maybe for final passage. I think this is a killer amendment, having it in the treaty. I think it is that important. We are ratifying the entire treaty including article X, including article XI. And again I compliment my colleagues. I have the greatest respect for Senator LUGAR. I know he has worked hard on this. I have the greatest respect for Senator McCAIN and a lot of other people on both sides of the aisle. They have conducted an excellent debate. I have made a long list of pluses and minuses on this treaty. I could debate either side of the treaty, I have spent just that amount of time on it. But I happen to think that this article X and article XI do a lot of damage. Since we are ratifying not just article I, but the entire treaty, I urge my colleagues to vote to delete the section. I urge my colleagues to vote no on this. I think this is the most important amendment and discussion that we will have to date.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, have the yeas and nays been ordered on this amendment?

The PRESIDING OFFICER. They have not.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BIDEN. Mr. President, how much time remains under the control of the Senator from Delaware?

The PRESIDING OFFICER. Eleven minutes.

Mr. BIDEN. Mr. President, I suggest my colleague and I divide that time. I yield 5 minutes to my friend from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, the condition we are discussing, all Senators by this time, I am certain, understand, requires the President to certify that the parties to the convention have agreed to strike article X of the convention and amend article XI of the convention. That means, in simple language, that the United States would simply say a treaty negotiated by 160 countries, now ratified by, apparently, 74—unilaterally, we simply knock out article X and severely amend article XI.

As all Senators who have addressed this will admit, this means effectively the end of the treaty, at least in terms of our participation, because, clearly, the other nations of the world are under no obligation to renegotiate the entire treaty at that point. This is the reason it is strictly a killer amendment. It simply knocks out material parts of the convention.

If those who are advocating this had a point, there might be reason to pause at this point and not ratify the treaty. But by and large it appears to me that most of us want to ratify the treaty and we do so with assurance, first of all, that as a country we have our wits about us. There is no possibility this President, the next President, Members of the Senate, any responsible American is going to furnish material to countries that are rogue states that are going to jeopardize our security. The treaty does not call for that, as again and again we pointed out. This was a generous interpretation that the Iranians gave because, at least from that standpoint, they would like to have the material. But why we should ever be that gullible escapes me. There is no mandate to give anything away.

Those of us who advocate the treaty have been saying we will not. The President of the United States has been asked for assurance, and he said that he will not. He has sent letters to the majority leader and to individual Senators affirming this in any number of ways.

Furthermore, the question arises, "Fair enough, Mr. President, or Mr. Senator, if you will not give things away to the Iranians, how about the French or the Germans or some other nation? Perhaps they will do so." As Secretary Cohen replied on Meet The Press on Sunday—and Secretary Albright, likewise, who was sitting beside him responded to this question—they pointed out that is a very good reason for us to be around the table with the other countries from the beginning, setting the rules.

If Senators are seriously concerned that other countries are going to give away the store, we had better be there to help restrain them, to offer our leadership. It comes back to that, our leadership. We were the ones that started the whole process—President Reagan, President Bush, President Clinton. We are the ones who had a good idea: If we were getting rid of our chemical weapons, others ought to get rid of theirs.

This is our treaty, as Secretary Albright said, "Made in the USA." And we ought to be there to set the rules, to be the governing board, to assert our leadership at the moment that it is crucial after April 29.

So I say simply to those who have qualms about articles X and XI, we are not going to give away the store, any of us, as patriotic Americans. We would like to be at the table to make sure no one else entertains that thought. But I say again, whether we are there or not, the treaty is going to happen after April 29. We better be there and, hopefully, with affirmative votes to strike this fifth situation we have discussed this evening, this fifth condition, and for final passage, to vote for the treaty. These are very important for the foreign policy and security of our country.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes 11 seconds.

Mr. BIDEN. Mr. President, I yield myself 5 minutes and I ask to be informed at the end of those 5 minutes. I am not going to take the time to speak to why this is a killer amendment and why this is so important, because I could not improve upon what the Senator from Indiana said. I mean that sincerely.

It is real basic. This gets down to real basic considerations. Anybody who has the capacity to transfer technology can do that right now. They can do it right now. If they are in the treaty, the treaty does not require them to transfer that technology, but they, theoretically, could transfer technology. If we are not in the treaty we are not there to modulate their attitudes, their activities. We are out of the game.

This seems to me to be so simplistic and basic. But let me put on the hat I have been wearing for the past 5 years. I have been teaching constitutional law at Widner University on Saturday mornings, a three-credit course. You know the old joke is, if you want to learn a subject, teach it. If I had spent nearly as much time studying it when I was in law school, as much time as I have spent teaching it, I would have ended up in the top of the class, not the bottom. I don't think I would have the record the Senator from Indiana had, but it would be better.

But all kidding aside, there is something, to quote Elliot Richardson, our former Attorney General, and Abe Chayes, Harvard Law School professor, and a number of other professors, which I will submit for the RECORD, there is, as the letter to me says, regarding article X and article XI, it says:

> As it is axiomatic that all treaty provisions must be interpreted in view of the purposes and objectives of the treaty and that a subsidiary obligation should never be read out of context to authorize behavior that would contravene a primary obligation, nothing in article X or XI may undermine article I. . . .

But the first part of that sentence—maybe I spent too much time in law schools. There is no legal scholar in America who will tell you that you can read a subsidiary provision in a treaty, a document, a contract or anything else, that contravenes the stated purpose of the treaty—the stated purpose of the contract. You cannot do that.

Think about it. Forget being a lawyer, just think about it. How could you write a contract, make a deal that said, "This is our purpose," and five paragraphs later say, "but if you don't want to meet the purpose, you don't have to." It is bizarre. This is an absolute bizarre interpretation.

Let me also point out—I wish my friend had not taken down their chart. The Senator's chart, those in opposition to my amendment, a chart on article XI, is somewhat incomplete. The paragraph that sat up there for a half-hour or so, paragraph 2 in the chart, read, "The state party shall—" and then it goes on, and then the subparagraphs (b) and (c) were shown. But they left out the remaining part of that. The words that were missing are very key. They read as follows:

> Subject to the provisions of the convention and without prejudice to the principles and applicable rules of international law, the state party shall . . .

That is the part they left out of article X and XI. What does article X and XI refer to? They are referring to article I.

I do not want to be overly technical here. This is not rocket science. What does article I of the treaty say? It says:

> Each State party to this convention undertakes never under any circumstances:
>
> (a) to develop or produce or otherwise acquire, stockpile or retain chemical weapons or transfer, directly or indirectly, chemical weapons to anyone;
>
> (b) to use chemical weapons;
>
> (c) to engage in any military preparation to use chemical weapons;
>
> (d) to assist, encourage or induce in any way anyone to engage in any activity prohibited to a state party under this convention.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BIDEN. I yield myself 2 additional minutes under the bill.

Mr. President, what are we talking about here? Do you know what this debate on article X and article XI reminds me of, speaking of law school? The only thing I ever did do well in law school was moot court. I won that. Does that surprise you all? But I did.

It reminds me of what we used to do—maybe when my friend from Indiana was at Oxford. You would walk in and you would be presented a question. The question before the court or the question before the House is—and you got assigned a side and you came up with the best arguments.

This reminds me of that, as if we all got together earlier today and said, OK, one side has to argue that article X and article XI do all these terrible things. I am glad I did not get that side to argue. The reason is, it is much harder to make the case. My friend from Arizona, who is an able trial lawyer, is doing a very good job. But, look, you cannot avoid the central purpose of the treaty and that is: Never, under any circumstances, can any party assist, encourage, induce in any way anyone to engage in any prohibited activity.

I yield myself 2 more minutes on the bill.

So we are in a position here where I really understand the worry. But, even if there was any merit to the reading that is given by my friends, we have, in the conditions that we did support, we have two conditions which cover this—double cover it. We promise we are not going to transfer anything that is not medical in nature.

Mr. President, a party cannot do something in the treaty by transferring material which would have the effect these Senators are worried about, because if it had the effect they were worrying about, then it would be assisting, encouraging, inducing or in some way engaging in activity prohibited by the treaty. Chemical weapons are prohibited by the treaty.

To reiterate, Mr. President, this is a killer, pure and simple. This will prevent the United States from joining the Chemical Weapons Convention.

The condition requires the President to certify that he has achieved the impossible: that he has been able to substantially rewrite the treaty.

There is no chance—none—that he can achieve this by April 29, and it is highly unlikely that he can ever do so—because amendments may be blocked by any State party to the convention. If a party wants to keep us out—and thus render the treaty ineffective—it can easily do so.

Aside from the practical difficulties of rewriting a treaty that took nearly a decade to negotiate, there is no need to do so.

Let me start with article 10. The Senator from North Carolina wants to get rid of it completely.

Article 10 contains two paragraphs at issue. Paragraph three provides that:

> [E]ach State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

Note that this paragraph contains ambiguous terms like "facilitate" and "possible." There's a reason for that—the negotiators did not want us to make a concrete commitment.

And the Administration has made clear that it interprets this paragraph to mean that it will have the flexibility to decide what exchanges, if any, will occur under this paragraph.

On April 15, Sandy Berger wrote to me to say that:

> . . . any exchange which does occur is limited to that which we determine would be appropriate and permitted under the Convention and consistent with our national export controls on these heavily regulated items.

I ask unanimous consent that this letter be printed in the Record.

There being no objection, the letter was ordered to be printed in the Record, as follows:

The White House,
Washington, April 15, 1997.

Hon. Joseph R. Biden, Jr.,
Washington, DC.

Dear Joe: During the Senate Foreign Relations Committee's hearings last week, concerns were again raised about the impact of the Chemical Weapons Convention (CWC) on the ability of rogue states to acquire advanced chemical defense or chemical manufacturing technology. I would like to take the opportunity to elaborate further on these issues and set the record straight.

First and foremost, I would like to take issue with the charge that the Nuclear Non-Proliferation Treaty (NPT) and the Biological Weapons Convention (BWC), which have language similar to the CWC on promoting trade for peaceful purposes, have hastened the spread of these dangerous weapons and technologies. In fact, export controls in these areas have been made tougher and these controls, as well as the treaties themselves, have gained the support of more and more countries over the years. In the early 1960s, President Kennedy predicted that there would be 15–20 nuclear weapon states by the 1970s. Due largely to the NPT, that number if far lower today. Controls on biological weapons continue to be strengthened, including in 1992, when the Australia Group decided to add biological pathogens and related equipment to their list of controlled items.

The CWC, like the NPT and the BWC, will result in a strengthened export control regime on dangerous chemicals. The CWC allows for maintenance and strengthening of the controls already in place, while also formally expanding controls over a broad range of chemicals and precursors. The CWC also prohibits novel agents which are not currently covered. The informal Australia Group consists of 30 countries, while the CWC has been ratified by 72 countries and the list is growing. Furthermore, the CWC provides for trade restrictions against states who are not party to the treaty.

Regarding the specific CWC Articles in question, one area of concern has been whether Article X of the CWC might force us to share advanced chemical defense technologies and equipment with rogue nations like Iran and to assist in the development of CW defensive capabilities. Let me assure you that Article X does not require the U.S. or any other Party to the treaty to share its advanced chemical weapons defense technologies and equipment with countries such as Iran or to assist them in the development of such capabilities.

Although Paragraph 7 of Article 10 obligates States Parties to provide assistance through the treaty organization in response to a request by a State Party that has either been threatened by the use of chemical weapons or has had chemical weapons used against it, assistance is broadly defined in the article as including medical antidotes and treatments. Article X provides complete flexibility to States Parties to determine what type of assistance they provide and how they provide it. A State Party's obligation under paragraph 7 of Article X may be met in one of three ways—by contributing monies to a voluntary fund (managed by the treaty organization); by concluding an agreement with the organization concerning the procurement, if requested, of specific types of assistance; or by declaring (within 180 days after the CWC's entry-into-force) the kind of assistance it might provide in response to an appeal by the organization.

To meet its obligations under Article X, therefore, the U.S. can choose from a variety of options and forms of assistance. In no case would we be required to share advanced chemical defense technology and equipment, or even to provide older model gas masks. During our extensive negotiations with Majority Leader Lott and the Task Force he established on the CWC, the Administration has agreed to a binding condition, regarding Article X, on the resolution of ratification that will ensure that no assistance other than medical antidotes and treatments is provided by the United States to any country of concern.

A particular concern has also been raised about Paragraph 3 of Article X. This paragraph states that "Each Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons." The inclusion of the words "facilitate" and "possible" underscores that no specific exchange is required and that any exchange which does occur is limited to that which we determine would be appropriate and permitted under the Convention and consistent with our national export controls on these heavily regulated items. Paragraph 3 of Article X does not override any other rights and obligations under international law, such as the right to have export controls.

The concerns about Article X also include whether other less scrupulous countries might seek to use this article as an excuse to profiteer by giving away defense secrets. This concern misses the main point, which is that any such unscrupulous exchanges can take place now without the CWC. With the CWC, the countries undertaking any exchanges in Article X are legally bound by the fundamental obligation of the treaty in Article I, which obligates Parties never to ". . . assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention." The Chemical Weapons Convention will mean not only that all relevant trade is subject to closer scrutiny, especially with countries whose compliance may be in doubt, but it will also provide the legal basis as well as the verification and compliance measures to redress those compliance concerns.

In this regard, concern has been raised specifically that Paragraph 6 of Article X could provide the basis for other Parties to argue that they must share defensive technologies. Paragraph 6 states that "Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally . . . concerning the emergency procurement of assistance." This paragraph does not require or obligate a Party to provide emergency bilateral assistance, but simply states that a party may choose to provide such emergency assistance. Again, I would underscore that with the CWC in force, any exchange of CW defense assistance takes place within the framework of the fundamental obligations of the treaty not to assist anyone in acquiring a chemical weapons capability.

A specific concern also has been raised that Paragraph 5 of Article X could be read to require the release of advanced and classified information about defensive capabilities and technologies. This is simply not the case. Paragraph 5 requires the international Technical Secretariat which will administer the Convention to establish and maintain "for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties." As stated in the Article-by-Article Analysis submitted to the Senate on November 23, 1993, "freely available" means "from open public sources." Further, the CWC imposes no obligation on States Parties to contribute to this database. Hence, the provision does not require the release of classified or otherwise sensitive information about U.S. chemical defense capabilities.

A second area of concern has been whether Article XI of the CWC, which relates to cooperation in the field of chemical activities for purposes not prohibited by the CWC, might force our industry to share dual-use technologies and manufacturing secrets with other nations. This is not what the treaty says. Let me assure you that Article XI does not require private businesses to release such proprietary or otherwise confidential business information, nor does it require the U.S. Government to force private businesses to undertake such actions.

Article XI is explicitly subject to the fundamental ban in Article I on assisting anyone in acquiring a chemical weapons capability. Here again, far from undercutting export controls, the CWC will be a basis for stronger controls, enforced by more countries. I want to make clear that the export controls that we and other Australia Group members have undertaken, as well as our own national export controls, are fully consistent with the CWC and will further its implementation. This is not just a U.S. Government position. In recent weeks, we have instructed our embassies to confirm with our Australia Group partners that they agree that the Group's export control and nonproliferation measures are fully compatible with the CWC. Our partners have confirmed this and have also confirmed that they are committed to maintaining such export control and nonproliferation measures in the future.

In order to address the concerns raised about Article XI, the Administration has agreed to a binding condition in our negotiations with the Majority Leader's Task Force that would have the President certify prior to the deposit of our instrument of ratification that nothing in the Convention obligates us to accept any weakening of our export controls, that we maintain the right to impose export controls unilaterally or collectively on chemicals and chemical production technology, and that each member of the Australia Group agrees that its export controls and nonproliferation measures are consistent with the CWC and is committed to maintaining such controls in the future.

Furthermore, as prescribed in the condition, the President must certify on an annual basis that the Australia Group continues to maintain equivalent or more effective controls over exports and that it remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials. If this certification cannot be made, the President must consult with the Senate for the purpose of obtaining a resolution of continued adherence to the Convention.

I hope this information facilitates the Senate's consideration of the CWC. I look forward to continuing to work with you and other CWC supporters to ensure a successful vote on this vital treaty in the days ahead.

Sincerely,

SAMUEL R. BERGER,
Assistant to the President
for National Security Affairs.

Mr. BIDEN. Moreover, as with any treaty, this paragraph must be read in light of the object and purpose of the convention. The purpose of the treaty, quite obviously, is to ban chemical weapons.

And any nation which provides technology to a country of concern would find itself in violation of the overriding obligation of Article One of the treaty, which requires states "never under any circumstance * * * to assist, encourage, or induce, in any way, anyone to engage in any activity prohibited to a state party under this Convention."

This is an overriding obligation. It governs everything you do under the treaty.

Ronald Lehman, the head of the Arms Control and Disarmament Agency during the Reagan Administration, stated during a recent Foreign Relations Committee hearing that:

> We made it very clear throughout the negotiations that all of this was subject to [A]rticle I, which is the fundamental obligation [under the Convention] not to assist. So we reiterated that again and again and again. But the most important, I think, telling factoid in support of the U.S. interpretation is the fact that after the Convention was done so many of the usual list of suspects were so unhappy that they did not get what they wanted in these provisions.

On this point, I would also like to refer to a letter submitted to me by a group of eminent legal scholars, including Abe Chayes of Harvard Law School, former State Department legal adviser, and Elliot Richardson, former Secretary of Defense and former Attorney General.

They write that the language in paragraph three which discusses that each State Party has the right to "participate in exchanges of equipment" is axiomatic—that is, it "merely reaffirms current trade policies that allow nations to exchange goods and services. Each State Party retains the right to participate in this trade at the level of its own choosing, including not to trade at all. There is no affirmative duty to trade * * *."

I ask unanimous consent to have the letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 23, 1997.

Hon. JOSEPH R. BIDEN, JR.,
U.S. Senate,
Washington, DC.

DEAR SENATOR BIDEN: You have asked us to state whether Articles X and XI of the Chemical Weapons Convention (CWC) require States Parties to "undertake to share everything that is hard to achieve in a chemical weapons capability" thereby enabling States Parties to develop a "militarily effective chemical weapons capability."

Before analyzing Articles X and XI, we note that the CWC primarily obligates all States Parties, as set forth in Article I, "never under any circumstances" to "assist, encourage or induce, in any way, anyone to engage in any activity" prohibited under the CWC. This includes the obligations not to develop, produce, stockpile, acquire or retain chemical weapons, and not to engage in any military preparations to use chemical weapons. As it is axiomatic that all treaty provisions must be interpreted in view of the purposes and objects of that treaty and that a subsidiary obligation should never be read out of context to authorize behavior that would contravene a primary obligation, nothing in Article X or XI may undermine Article I by assisting a country in developing a chemical weapons capability.

Article X is titled "Assistance and Protection Against Chemical Weapons." Paragraph (7) is the only provision in Article X which contains a specific obligation: each State Party must elect to take one or more of three specified measures of assistance. Under Agreed Condition 15 to the Resolution of Ratification of Advice and Consent, the United States, to meet its commitments, will only provide medical antidotes and treatment to states not eligible for assistance under the Foreign Assistance Act of 1961. Nothing in paragraph (7) can remotely be construed as requiring the United States to provide equipment or assistance that would enhance a rogue state's offensive or defensive chemical weapons capability; again, a proper reading of the treaty as a whole would prohibit the provision of assistance that would encourage such a result.

Paragraph 2 clarifies that the CWC does not restrict a State Party from researching chemical weapon protection capabilities for purposes not prohibited. Paragraph 6 clarifies that the CWC does not impede parties from providing assistance or entering into bilateral agreements concerning the emergency procurement of assistance. Neither of these paragraphs compels any conduct whatsoever but merely enables States Parties to pursue these activities without fear of being in breach.

Article X, paragraph 3, asserts that: "Each State Party undertakes to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons. In our view, nothing in paragraph (3) requires the United States to provide any particular matter or information. Accordingly, this paragraph would require the United States to withhold, either unilaterally or as part of a multilateral group, materials or information that could enhance the chemical weapons capability of any particular state.

That each State Party has the right to participate in exchanges of equipment, etc. regarding chemical weapons protection merely reaffirms current trade policies that allow nations to exchange goods and services. Each State Party retains the right to participate in this trade to the level of its own choosing, including not to trade at all. There is no affirmative duty to trade, but only a reaffirmation that States Parties wishing to trade may do so without fear of contravening the CWC. Under recognized principles of treaty interpretation, the use of the intentionally vague and weak verb "undertakes to facilitate" conveys no specific affirmative obligation nor would the refusal to trade in sensitive items support even the most tenuous claim that the United States has breached its obligations.

Article XI is titled "Economic and Technological Development" and seeks to balance free trade in chemicals, equipment and technology with the prevention of proliferation of chemical weapons. It is modeled on Article X of the Biological Weapons Convention and is analogous to Article IV of the Nuclear Nonproliferation Treaty (NPT) dealing with peaceful uses of nuclear energy. Subparagraphs (b), (c), (d), and (e) of paragraph 2 address the right of each State Party to participate "in the fullest possible exchange" of information; generally prohibits restrictions on trade; and prohibits using the Convention as grounds for measures not provided under the CWC. Only paragraph (2)(e) contains an affirmative obligation: each State Party must review its existing national regulations to make them consistent with the CWC. The remainder of its provisions clarify that the CWC should not restrict commercial and research activity that would be otherwise permissible. Moreover, these provisions are explicitly balanced against general provisions, including: (1) "without prejudice to the principles and applicable rules of international law," (2) "for purposes not prohibited under this Convention", (3) "other peaceful purposes", and (4) to "render them consistent with the objects and purpose of the Convention".

Article XI, when read in its entirety and together with Article I, undoubtedly permits the United States to continue national security controls over exports of chemical weapons material, equipment and dual use items. We believe that Agreed Condition 7 to the Resolution of Ratification of Advice and Consent the continuing vitality of the Australia Group and national export controls is consistent with Article X and XI, and the CWC as a whole. Accordingly, we believe that Agreed Condition 7 should alleviate concerns raised by critics of the CWC concerning United States obligations under Articles X or XI. Furthermore, we would note that the United States has never been prevented (or seriously challenged) from legally pursuing unilateral and multilateral export controls on nuclear technology that it deems necessary on national security grounds, despite objections from certain states citing Article IV of the NPT. We do not believe that the CWC requires any different course.

Throughout the Chemical Weapons Convention is a manifest effort to balance the elimination of chemical weapons with the legitimate security requirements of States as well as their legitimate need to use, develop and trade chemicals for commercial purposes. The critical characterization of the CWC quoted in the first paragraph of this letter focuses on selected provisions of the CWC reflecting only one side of this balancing effort, misreads those provisions to render them obligatory instead of voluntary or conditional, and ignores the language of the treaty as well as principles of international law. We disagree. We do not believe Articles X and XI require the United States to take any steps contrary to its security interests. Accordingly, we do believe that Disagreed Condition 32, which would require an amendment to strike Article X and amend Article XI, is legally unnecessary to preserve U.S. security interests if the United States ratifies the CWC.

Respectfully,

ABE CHAYES,
Harvard Law School.
ELLIOT L. RICHARDSON,
Former Secretary of Defense and Attorney General, Nixon Administration.
MICHAEL MOODIE,
Former Bush Administration arms control negotiator.
JOHN B. RHINELANDER,
Former deputy legal advisor and arms control negotiator, Nixon Administration.
GEORGE BUNN,
Center for International Security and Arms Control, Stanford University.
BARRY KELLMAN,
DePaul University Law School.
DAVID KOPLOW,
Georgetown University Law School.

Mr. BIDEN. More to the point, even if we were obligated—which we're not, we maintain export controls on chemical defense equipment. In other words, we do not allow it to be sold to the rogue states.

The only specific obligation contained in Article Ten is in paragraph seven, which is where you provide assistance to nations facing attack by chemical weapons.

This provision also has much flexibility—it allows a nation to choose one of three methods for providing assistance.

But to ensure that this paragraph does not become a loophole, we have added a binding condition, condition number fifteen, which limits the type of assistance we will provide—at least when it comes to countries ineligible for economic or military assistance, which includes the rogue states—to medical antidotes and treatment.

Let me now turn to Article Eleven. The proponents of this condition contend that this article requires us to weaken our export controls under the CWC.

There is nothing in the CWC that requires us to weaken our export controls. But just to ensure that there isn't any doubt, we have agreed to a binding condition that addresses the problem.

Condition seven requires the President to certify that nothing in the Convention requires us to weaken our export controls, and that the Australia Group—an informal group of potential supplier states to which the United States belongs—will continue to maintain controls over chemical weapons precursors that are equal to, or exceed, those in effect today.

the Australia Group has already indicated, as a group, that it would maintain its export controls. On October 17, 1996—a little more recently than the statement read by the Senator from Arizona—the Australia Group stated that the "maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC."

But just to be sure, I asked the administration to ask each country—individually—whether it intended to maintain existing levels of controls. The answers have come back—all in the affirmative—as the President stated today in his letter to the majority leader.

Finally, the President committed today, in the event that either Article Ten or Article Eleven to legitimate trade in a manner that endangers our security, the President will consult promptly with Congress on whether we should withdraw from the Convention.

This is an extraordinary commitment. So I hope it resolves everyone's concern.

Mr. President, I reserve the remainder of the time on the bill. I think I have used up all the time on the amendment.

The PRESIDING OFFICER. There is 1 minute remaining on the amendment.

Mr. BIDEN. Oh, there is 1 minute remaining on the amendment? Mr. President, in that case I have another 10 minutes.

No, if the majority is ready to yield back their time, I will yield back my minute.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. A bum deal, just like this treaty.

Mr. BIDEN. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I always enjoy holding court with my friend from Delaware. We have had some of these debates in the past, and this is the thing that lawyers like to argue about, but I believe that most lawyers will agree with me that what they learned in law school was that the specific provisions of the contract always prevail over a general statement at the beginning of the contract. There are a lot of rules of instruction. Later provisions generally govern over previous provisions on the theory that you later describe your intent, fully cognizant of what existed before. The same thing is true with specific provisions of the contract, and that is why article I is called, not "CWC article I," but rather "general article." "Article I, General Obligations."

Then article II is definitions, and after that are the specifics. This is the reason why the Australia Group itself issued a statement right after this convention was entered into undertaking to review, in light of the implementation of the convention, the measures that they take to "prevent the spread of chemical substances and equipment for purposes contrary to the objectives of the convention with the aim of removing such measures for the benefit of states parties to the convention acting in full compliance with the obligations under the convention."

Australia Group members would not have had to do this under the interpretation of the convention by my friend from Delaware. Rather, they began to do this because they read articles X and XI the same as the many experts do that I cited earlier as limiting our ability to impose trade restrictions on states parties to the convention. That is why it says we will undertake to facilitate, and the other states parties have the right to the fullest possible trade in these chemical weapons. This is not just my view. I read to you what Secretary Cheney said before, James Schlesinger, former Secretary of Defense and head of the CIA. It is plain that article X legitimizes such transfers.

The PRESIDING OFFICER. The Senator from Delaware has 33 seconds.

Mr. BIDEN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter dated October 17, 1996—speaking of superseding—which supersedes the statement referred to by my colleague about the Australia Group. It says:

> In this context, the maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC and the BTWC.

Translated into ordinary English, it means that we adhere to the commitment we made in the Australia Group with export controls. We believe it is consistent with the CWC and required by the CWC.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUSTRALIA GROUP MEETING

Australia Group participants held informal consultations in Paris between Oct. 14–17, to discuss the continuing problem of chemical and biological weapons (CBW) proliferation.

Participants at these talks were Argentina, Australia, Austria, Belgium, Canada, the Czech Republic, Denmark, the European Commission, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovak Republic, Spain, Sweden, Switzerland, United Kingdom and the United States, with the Republic of Korea taking part for the first time.

Participants maintain a strong belief that full adherence to the Chemical Weapons Convention (CWC) and to the Biological and Toxin Weapons Convention (BTWC) will be the best way to eliminate these types of particularly inhumane weapons from the world's arsenals. In this context, the maintenance of effective export controls will remain an essential practical means of fulfilling obligations under the CWC and the BTWC.

All participants at the meeting welcomed the expected entry into force of the CWC*, noting that this long-awaited step will be an important, historic moment in international efforts to prohibit chemical weapons. Participants agreed to issue a separate statement on this matter, which is attached.

Participants also welcomed the progress of efforts to strengthen the BTWC in the negotiations taking place in the Ad Hoc Group of BTWC States Parties in Geneva. All Australia Group participating countries are also States Parties to this Treaty, and strongly support efforts to develop internationally-agreed procedures for strengthening international confidence in the treaty regime by verifying compliance with BTWC obligations.

Experts from participating countries discussed national export licensing systems aimed at preventing inadvertent assistance to the production of CBW. They confirmed that participants administered export controls in a streamlined and effective manner which allows trade and the exchange of technology for peaceful purposes to flourish. They agreed to continue working to focus these national measures efficiently and solely on preventing any contribution to chemical and biological weapons programs. Participants noted that the value of these measures in inhibiting CBW proliferation benefited not only the countries participating in the Australia Group, but the whole international community.

Participants also agreed to continue a wide range of contacts, including a further program of briefings for countries not participating in the Paris consultations to further awareness and understanding of national policies in this area. Participants endorsed in this context the importance of regional seminars as valuable means of widening contacts with other countries on these issues. In particular, Romania's plans to host a seminar on CBW export controls for Central and Eastern European countries and the Commonwealth of Independent States in Bucharest on Oct. 21–22 and Japan's plans to host a fourth Asian Export Control Seminar in Tokyo in early 1997 were warmly welcomed by participants. Argentina will also host a regional seminar on non-proliferation matters, in Buenous Aires, in the first week of December 1996. France will organize a seminar for French-speaking countries on the implementation of the CWC. This will take place shortly before entry into force of the Convention.

The meeting also discussed relevant aspects of terrorist interest in CBW and agreed that this serious issue requires continuing attention.

Participants agreed to hold further consultations in October 1997.

AUSTRALIA GROUP COUNTRIES WELCOME PROSPECTIVE ENTRY INTO FORCE OF THE CHEMICAL WEAPONS CONVENTION

The countries participating in the Australia Group warmly welcomed the expected entry into force of the Chemical Weapons Convention (CWC) during a meeting of the Group in Paris in October 1996. They noted that the long awaited commencement of the CWC regime, including the establishment of the Organization for the Prohibition of Chemical Weapons, will be an historic watershed in global efforts to abolish chemical weapons for all time. They also noted that all states adhering to the CWC are obliged to ensure their national activities support the goal of a world free of chemical weapons.

All of the participating countries reiterated their previous statement underlining their intention to be among the original States Parties to the CWC. They noted that 24 of the 30 countries participating in the Australia Group have already ratified the Convention. Representatives also recalled their previous expressions of support for the CWC, and reaffirmed these commitments. They restated their view that the effective operation and implementation of the CWC offers the best means available to the international community to rid the world of these weapons for all time. They called on all signatories to ratify the CWC as soon as possible, and on the small number of countries which have not signed the Treaty to join the regime and thereby contribute to international efforts to ban these weapons.

Representatives at the Australia Group meeting recalled that all of the participating countries are taking steps at the national level to ensure that relevant national regulations promote the object and purpose of the CWC and are fully consistent with the Convention's provisions when the CWC enters into force for each of these countries. They noted that the practical experience each country had obtained in operating export licensing systems intended to prevent assistance to chemical weapons programs have been especially valuable in each country's preparations for implementation of key obligations under the CWC. They noted in this context, that these national systems are aimed solely at avoiding assistance for activities which are prohibited under the Convention, while ensuring they do not restrict or impede trade and other exchanges facilitated by the CWC.

Mr. BIDEN. We are ready to vote, Mr. President.

The PRESIDING OFFICER. All time has expired. The question is on agreeing to amendment No. 51. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 66, nays 34, as follows:

[Rollcall Vote No. 50 Ex.]

YEAS—66

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lugar
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Torricelli
Warner
Wellstone
Wyden

NAYS—34

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coverdell
Craig
Enzi
Faircloth
Gramm
Grams
Grassley
Gregg
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Santorum
Sessions
Shelby
Smith (NH)
Thomas
Thompson
Thurmond

The amendment (No. 51) was agreed to.

Mr. HELMS. I move to reconsider the vote.

Mr. BIDEN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I ask unanimous consent that I be allowed to use the 5 minutes allocated to each leader for purposes of closing debate in addition to my 15 minutes for the leader in an effort to make my statement at this point in the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, let me begin by commending the distinguished majority leader for his leadership on this issue and for his eloquent statement earlier today. I think he spoke for a large number of the American people, both Republicans and Democrats in coming to the conclusion he did about this treaty. I rise to commend him and to support him in the decision that he made.

I also wish to commend the distinguished ranking member of the Foreign Relations Committee, the Senator from Delaware, for his leadership on our side of the aisle. No one could have managed this bill better. And we could not have come to this point were it not for the remarkable commitment he has made in the effort to pass this treaty. I thank him for his leadership in bringing us to this point tonight.

Under the terms of article II, section 2 of the Constitution, the Senate alone was granted the power to advise and consent to treaties made by the President. Our Founding Fathers also decided that approval by a simple majority was simply not sufficient for legislation of this magnitude. Instead, they established the requirement that two-thirds of the Senate must support a treaty for it to take effect.

This is as it should be. There is no more important or unique power assigned to the Senate by the Constitution than the authority to provide advice and consent on treaties. With this authority, however, comes obligations. Senators must examine a treaty not through a prism of narrow political pursuits, but rather from the perspective of broad national interests.

Put simply, the most important question we should ask ourselves when considering the Chemical Weapons Convention, or any other treaty, is, does this make sense for the Nation and are its citizens more secure?

Mr. President, after a thorough review of this treaty, its negotiating history, and the 28 conditions added by the Senate, I believe the answer to this question is a resounding and unqualified yes.

The Chemical Weapons Convention bans the development, production, stockpiling, and use of toxic chemicals as weapons. A look at the negotiating history of the CWC reveals that this treaty is truly a bipartisan product. Negotiations, as has been mentioned now on several occasions throughout the day, began with President Reagan in the early 1980s.

While the bulk of the negotiations and most of the difficult decisions occurred during the Bush administration, President Clinton finished the work started by his two predecessors and submitted the treaty to the Senate for consideration in November of 1993.

The Senate's counsel on crucial issues was sought and provided repeatedly throughout the course of the decade-long negotiations. Playing an especially important role in this regard was the Senate's Arms Control Observer Group, a bipartisan gathering of Senators with special interests and expertise in arms control matters. Currently, Senators STEVENS and BYRD lead the group.

In addition, since the treaty has been before the Senate for nearly 3 years, Members have had ample opportunity to request the information needed to reach their judgment, and more than sufficient time to carry out a thorough examination of the treaty's impact on our national security.

During that 3-year period, nearly 20 hearings have been conducted in several different Senate committees, including Armed Services, Foreign Relations, Intelligence, and Judiciary. In addition, the administration has made available over 1,500 pages of documentation on the Chemical Weapons Convention and answered over 300 questions from Senators and their staffs.

Moreover, as a result of intensive, around-the-clock negotiating sessions between the administration, Senator HELMS and Senator BIDEN, the resolution of ratification now contains 28 separate conditions on the U.S. Senate's resolution of ratification. That is 28 individual clarifications by the Senate about the terms and conditions under which the U.S. would enter into the Chemical Weapons Convention. These conditions were the product of over 100 hours of discussion. And I am told that the vast majority of the conditions address problems first raised by Republicans. I think it is safe to say that these list of conditions address virtually every legitimate concern that has been raised about the potential impact of the CWC on our national security and economy.

Mr. President, we must now evaluate what has been revealed during this process that has spanned three Presidential Administrations and includes numerous hearings, briefings and mounds of documents. What have we determined about the merits of the CWC in the nearly 3½ years since President Clinton submitted it to us?

First, officials from previous Administrations who were involved in the CWC negotiations support the treaty. General Brent Scowcroft, the National Security Advisor to Presidents Reagan and Bush, has said the following:

> "The time has come for the Senate to uphold U.S. leadership in combating the proliferation of weapons of mass destruction by providing its consent to the [Chemical Weapons] Convention.

And President Bush himself, in a February meeting with Secretary of State Madeleine Albright and former Secretary of State James Baker, noted:

> "I . . . strongly support efforts to get this chemical weapons treaty approved. This should be beyond partisanship. I think it is vitally important for the United States to be out front. . . . We don't need chemical weapons, and we ought to get out front and make clear that we are opposed to others having them."

Second, what are the views of America's chemical manufacturers—the industry that will be most directly affected by the provisions of the CWC? The chemical industry is America's largest export industry, posting $60 billion in export sales last year alone. Opponents of this treaty claim its ratification will lead to onerous and costly restrictions and regulations on this industry as well as the exposure of confidential, proprietary information.

The chemical industry has repeatedly refuted these claims; yet, it appears that CWC's critics are so blinded by their ideological zeal to kill all arms control treaties that they cannot take no for an answer. One of the industry's best responses was contained in a letter sent late last year to the distinguished Majority leader, Senator LOTT. This letter is an important one, so I will quote it at length:

> "The chemical industry has long supported the Chemical Weapons Convention. Our industry participated in negotiating the agreement and in U.S. and international implementation efforts. The treaty contains substantial protections for confidential business information. We know because industry helped to draft these provisions . . . In short, our industry has thoroughly examined and tested this Convention. We have concluded that the benefits of the CWC far outweigh the costs. . . . Indeed, the real price would come from not ratifying the CWC. . . . If the Senate does not vote in favor of the CWC, we stand to lose hundreds of millions of dollars in overseas sales, putting at risk thousands of good-paying American jobs."

So says the chemical industry in a letter signed by the CEOs of 53 of America's preeminent chemical manufacturers. Signees include the ARCO Chemical Company, the Ashland Chemical Company, the Bayer Corporation, the B.F. Goodrich Company, the Dow Chemical Company, the Eastman Chemical Company, the E.I. Dupont Company, the Exon Chemical Company and the Monsanto Company. I should also note that these companies issued this statement before we agreed upon the 28 conditions I discussed earlier, several of which would further reduce the possibility that proprietary information from American businesses would fall into the hands of our adversaries.

Well, Mr. President, what about the military? After all, it is our men and women in uniform who must face, as they did in Desert Storm, the threat of an attack from lethal chemical weapons. Make no mistake. We are talking about invisible and instantaneous killers. What about our people in the Pentagon who have to make the decisions that may ultimately lead to the exposure of our troops to that insidious threat? General Shalikashvili, the Chairman of the Joint Chiefs of Staff, testified before the Senate Foreign Relations Committee:

> "The potential benefits of the Chemical Weapons Convention will have a positive impact on the lives of our service people and how the U.S. military fulfills its responsibility to national security."

In another appearance before the Foreign Relations Committee, General Shalikashvili noted:

> "From a military perspective, the Chemical Weapons Convention is clearly in our national interest. The non-proliferation aspects of the convention will retard the spread of chemical weapons and, in so doing, reduce the probability that U.S. forces may encounter chemical weapons in a regional conflict."

Some may argue that General Shalikashvili is but one general who was appointed by President Clinton. To those skeptics, let me say three things. First, General Shalikashvili's record of service to this country is unparalleled. Second, a comprehensive review of this record will not reveal a single instance where he failed to offer anything but than his objective, untarnished opinion. Third, he is not alone.

An April 3 letter to the President states the following:

> The CWC destroys stockpiles that could threaten our troops; it significantly improves our intelligence capabilities; and it creates new international sanctions to punish those states who remain outside of the

> treaty. For these reasons, we strongly support the CWC.

Mr. President, that letter was sent on behalf of 16 three- and four-star generals and admirals, including Colin Powell, John Vessey, and Norman Schwartzkopf. This letter, in addition to an endorsement by David Jones, means that every occupant in the last 20 years of the position of chairman of the Joint Chiefs of Staff, this Nation's highest military office, has come out in support of the CWC.

The final group the Senate has heard from in its efforts to weigh the pros and cons of the Chemical Weapons Convention is the intelligence community. The task of verifying this treaty, like other arms control treaties, ultimately falls on the shoulders of the Central Intelligence and the other organizations within the intelligence community. Despite the most comprehensive, intrusive verification regime in the history of arms control, critics of CWC argue that it is unverifiable; if they had their way, the Senate would reject the CWC because the intelligence community will be unable to detect any violations of the treaty itself. But in this case, the perfect is the enemy of the good.

While the intelligence community has rightly acknowledged that it cannot detect any production of chemical agents—anywhere or at anytime—it has also said that it can effectively verify the provisions of this treaty. Moreover, the critics' argument ignores the fact that, with or without the Chemical Weapons Convention, our intelligence community will still seek to collect information on efforts by foreign nations to develop and produce chemical weapons. The more important question is whether our intelligence and nonproliferation efforts are helped or hindered by the adoption of the treaty.

According to James Woolsey, then director of the Central Intelligence Agency, and since confirmed by George Tenet, acting director of the CIA:

> The Intelligence community has the broader mission—with or without the treaty—of detecting the existence and assessing the threat from chemical weapons programs of any country. This mission must be carried out regardless of whether we have the additional requirement to assess such activities against the provisions of the treaty. And it is to this broader mission that the CWC can make a significant contribution.

The Senate has heard from President Reagan's National Security Advisor, from President Bush, from the leading figures in the chemical industry, from the current chairman of the JCS, three of his predecessors and 14 other three- and four-star generals and admirals, and from the intelligence community. Each of these groups and individuals have looked at the CWC from their unique perspectives and interests and each has reached the same conclusion: the Senate should support this treaty and should do so promptly.

Mr. President, I would submit since the Senate received the CWC treaty for its advice and consent, one other group has spoken all too loudly to us: those who commit terrorist acts. In the 3½ years this treaty has been before the Senate, terrorist incidents have occurred with a sickening and disturbing regularity: the sarin gas attack in the Tokyo subway; the bombing of the Murrah Federal Building in Oklahoma City; the attack on Khobar Towers in Dharan, Saudi Arabia; the suspected bombing of TWA flight 800; the bombing in Olympic Park in Atlanta. Each incident has painfully dramatized the fact that we live in an age where, unfortunately, no one is inoculated against the threat of terrorism. No community stands outside the reach of determined terrorists. As President Clinton noted in a recent address, "Terrorism has become an equal opportunity destroyer, with no respect for borders."

This treaty is an opportunity to send a small message to those who threaten our families, our communities and our way of life with their unprovoked acts of violence.

The United States Senate has heard what terrorists have to say. Today, with our votes on this treaty, we determine how the United States Senate will respond to these acts. I hope we will send the message that we are going to do all we can to ensure that these deadly chemicals will never be the means terrorists employ to advance their cause. It is time we said to the terrorists, on the issue of chemical weapons, enough is enough.

Now the argument will be made that this treaty will not halt terrorism, will not shut down the private laboratories of insane extremists and will not halt the efforts of various rogue nations.

To a certain degree, that is probably true. But what this treaty will do is begin the orchestration of a concert of nations—an orchestration of civilized voices that speaks out forcefully against an unambiguous evil.

Tonight America has the opportunity to make the moral stand. We are destroying our own chemical stockpiles. We began that cleansing process under President Reagan and it continues today. Why should we oppose a treaty that demands the world to live up to a moral standard that we have already willingly accepted ourselves? Why deprive ourselves of the right to call upon our neighbors to live up to the example that we in the United States are willing to act?

In summary, Mr. President, this is a necessary treaty. It has been endorsed by a bipartisan group of Senators who are experts on this issue, by advisors to Presidents Reagan and Bush, and President Clinton, by the U.S. military, by our chemical industry and by our intelligence community.

To all of this I would add two final points. First, over 80 percent of the American people have indicated their support for ridding the world of toxic agents by ratifying the CWC. Second, over 70 countries have already ratified this treaty and thereby forsworn the use of chemical weapons. Mr. President, this treaty is going to happen with or without us. I urge the Members of this body to set aside partisan differences, demonstrate leadership to our friends and enemies alike, join with those who have already ratified this treaty and take the first step toward eliminating these evil weapons. Mr. President, I ask that the Senate ratify this treaty.

The PRESIDING OFFICER. Who yields time?

Mr. BIDEN. How much time remains?

The PRESIDING OFFICER. The Senator from North Carolina has 21 minutes, the Senator from Delaware has 7 minutes, the Senator from Vermont has 8½ minutes, and the majority leader has 5 minutes.

Mr. BIDEN. I yield myself such time as I may consume under the 7 minutes. I do not plan on using it all.

Mr. President, it has been a long road to this spot, this point. We have had not only extensive debate in the last 2 days, we have had an extensive debate on this floor, in committees, in the press, among foreign policy experts, think-tank types, for the past 3 years. We reached the point where we are constitutionally required to fulfill a duty of either giving our consent to ratification or withholding it. As both leaders have pointed out, it is maybe the most significant responsibility delegated to the U.S. Senate

I realize that we sometimes stand on this floor, particularly when any one of us and all of us have invested a significant amount of time in one issue or another where we feel that we have spent most of our waking hours for the past month, two, or three—everyone has experienced that on this floor—and we tend to think that since we put so much time into the passage of a piece of legislation, or in this case, a treaty, that maybe it is the most important thing that the Senate has done or could do because I guess we say to ourselves we would not invest that much of our time, our energy, our mind, our soul, into the effort if it was not so important.

Acknowledging that we all err on that side of thinking what we do is sometimes more important than what it is, I respectfully suggest that the vote each of us is about to cast on this treaty is likely to be the most significant vote any of us cast in this Congress.

Twice today I have been referred to as the senior Senator from Delaware. I want the record to show, I know I am the junior Senator. I am the second most senior junior Senator in the United States. I have been here 25 years, but that young man in the back there is the most senior junior Senator, the distinguished Senator from South Carolina, Senator HOLLINGS, because the most senior Senator of senior Senators is his colleague, Senator THURMOND.

Mr. President, I am not sure that there is any vote that I have cast in the last 4 or 5 years that I think is as significant for the future of the United States as this treaty. And as I said, and I will conclude with this, not merely because of what the treaty attempts to do—and that is, for the first time in the history of modern man, ban even the possession of an entire category of weaponry—but that is not the reason why this is the most important vote. We are at a juncture in our history, Mr. President, in my opinion, where the United States has an opportunity, which rarely comes to any nation in its history—it has come to us, in my opinion, on two occasions—where our actions and our leadership can literally, not figuratively—and it is not hyperbole—can literally shape, at least on the margins, the future of the world.

After World War II, we stepped up to the plate. My father's generation and my grandfather's generation and grandmother's and my mother's generation stepped up to the plate. They did things, when we look back on them, that must have taken incredible courage. Can you imagine having over 10 million men still under arms and standing up as a Senator, or as a President, or as a Secretary of State, and saying, by the way, I want us now to send billions of dollars to those people who killed our sons and daughters? That was the Marshall Plan. Can you imagine the foresight it took and how difficult it must have been to cast a vote to set up an outfit called NATO, of which Germany, our sworn enemy that killed our sons and daughters, were members? Those people had courage. But they did what the Senator from Indiana, Senator LUGAR, said: They led.

This is about leadership. This is about the role of the United States in leading the world. If we refrain from exercising that opportunity—and we will if we do not vote for this treaty—we will have passed up an opportunity that, as I said, rarely comes to any nation in the history of the world. We can affect, if we are wise, the behavior, activity and actions for a generation to come, not for what is contained in this treaty, but because of the leadership that was demonstrated in drafting this treaty, in ratifying this treaty and enforcing this treaty.

So, Mr. President, I realize that all of us—myself included—tend to engage in hyperbole and rhetoric that doesn't mean the substance of what we are talking about. But I honestly believe this is one of the most important votes, in terms of the future of this country and its ability to lead at a moment in history that seldom comes to any nation, that may be the most important vote that any of us will cast. If we embark on this path of continuing to engage the world and lead the world, we maintain the reasonable prospect that we can make the world—the world—a better place in which to live.

I yield the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. I am profoundly disappointed in the five votes of the Senate on the important, vital amendments. After all the debate, all the gallons of newspaper ink spilled, all of the negotiations—ultimately, I had hoped for better. But so be it.

There isn't a person in this room, rhetoric aside, who can believe that the amendments that we have just considered are "killer amendments." The nature of international relations, and of treaties is that what is negotiated can be renegotiated, and if necessary, negotiated anew. If our aim is a better future, what are a hundred more meetings in Geneva, or Vienna or the Hague? These amendments would have ensured that this treaty did no harm, even if it did no good.

Now, we must vote on a treaty that, stripped of these key protections, four former Defense Secretaries have told us is contrary to the national security interests of the United States.

The truth is that I cannot abide the pretense of action on a matter as weighty as the proliferation of weapons of mass destruction. If we ratify this treaty today, the Senate, with the President, will announce to the world that we have done something about the scourge of chemical weapons. We will pat ourselves on the back and go home.

But, Mr. President, we will have done nothing. And, worse than nothing, we will have done harm. In the name of curbing the proliferation of these chemicals, we will allow rogue states to gain access to our most precious defense secrets. We will guarantee that rogue nations of the World—both those who have signed this treaty and those who have not—have the ability to manufacture chemical weapons and penetrate our Nation's most advanced chemical defenses.

Article X and XI—"Poisons for Peace"—will foster the proliferation of those very poisons. Anyone who doubts that need only look to how Russia has abused similar provisions in the Nuclear Non-Proliferation Treaty. The N.P.T.'s "Atoms for Peace" provisions allows Russia to transfer to Iran, a terrorist state, a nuclear reactor. Russia has argued that the sale is perfectly legal, and Russia is right. Iran, despite its nuclear weapons program and its chemical weapons program, is a nation in full compliance with the Non-Proliferation Treaty. And so it will get one nuclear reactor from Russia, maybe more. And perhaps China will throw in a reactor or two as well. And we can do nothing to stop it.

The administration says that we will not sell Iran chemical technology or defensive gear under the similar provisions of the CWC. We are not selling them nuclear reactors either. Russia is.

And it will not be the United States which provides Iran the chemical technology. They will get it from Russia and China under "Poisons for Peace." And Iran will give it to its terrorist allies Syria and Libya, who have not signed up to the treaty. And we will be powerless to protest—because if we ratify this treaty, here, today, in this body, we will have endorsed those transfers.

Now this morning the President has offered us some sweeteners for the hemlock he is asking us to swallow. He promises to keep an eye on any problems Articles X and XI may cause. I appreciate his willingness to recognize the legitimacy of the concerns my colleagues and I have expressed. However, I can't help but feel that this last ditch attempt to buy off opponents to this dangerous treaty is nothing more than empty promises.

I am a veteran of the counter-proliferation wars. Every week, I see more and more classified information about proliferation activities that should require the President, under existing law, to levy sanctions against Russia, China, or both. We never do, and we won't under the terms of the CWC with or without the assurances under Article X and XI. The President doesn't want to fight with those 800-pound gorillas. In much the same way as we will turn a blind eye while Russia helps Iran get a nuclear weapon, we will allow others to develop chemical weapons. And there won't be a darn thing we'll be able to do.

Should Articles 10 and 11 of the CWC be renegotiated? Yes. Did the Senate err by stripping out the protections we inserted that would have required the administration to do so? Yes. And I am deeply disappointed that I was unable to convince my colleagues of the danger to the people of the United States and our allies. We have made a terrible, potentially cataclysmic, mistake today in ignoring the desperate need to revise the terms of this treaty.

Without revision of Articles 10 and 11, this treaty is bad for America, and bad for the world. It must be voted down. For it we ratify this treaty, our children and our grandchildren will hold us accountable. They will hold us accountable when Iran or Syria or Libya or North Korea finally uses a chemical weapon—and they will do so—built with technology they acquired thanks to Articles 10 and 11 of the CWC. They will look back on this debate, look back on where each of us stood, and—mark my words—they will hold us accountable.

Mr. President, let us listen to the wisdom of the four former Secretaries of Defense, who have urged us to oppose this treaty. Let us listen to the mountain of evidence—classified and unclassified—that has been presented over the past two days as to the dangers posed by this treaty. And most important, let us listen to our consciences. Let us vote to reject the Chemical Weapons Convention.

AMENDMENT NO. 52

Mr. HELMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], for Mr. BIDEN, proposes an amendment numbered 52.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 2, line 18, strike “payments” and insert “any payment”.

On page 6, line 3, strike “the head of”.

On page 8, line 2, insert “or such other organization, as the case may be,” after “nization”.

On page 8, line 10, insert “or the affiliated organization” after “tion”.

On page 9, line 11, insert “or the affiliated organization” after “Organization”.

On page 9, line 17, insert “or the affiliated organization” after “Organization”.

On page 13, line 21, insert “, and any official or employee thereof” after “it”.

On page 14, line 5, insert “, and any official or employee thereof” after “functions”.

On page 15, lines 6 and 7, strike “to United States ratification” and insert “affecting the object and purpose”.

On page 18, line 2, insert “support for” after “resolution of”.

On page 20, line 12, strike “citizens,” and insert “citizens and”.

On page 23, line 18, strike “obligation” and insert “obligations”.

On page 25, line 19, strike the comma.

On page 32, line 13, insert “of Representatives” after “House”.

On page 32, lines 19 and 20, strike “Foreign Military Sales, Foreign Military Financing,” and insert “Foreign Military Sales and Foreign Military Financing under the Arms Export Control Act”.

On page 34, line 1, strike “Committee” and insert “Committees”.

On page 34, line 3, insert “the” after “and”.

On page 37, line 11, insert a comma immediately after “games”.

On page 40, line 9, strike “of” and insert “for”.

On page 41, line 16, insert “of the Convention” after “ratification”.

On page 47, line 19, insert “the ratification of” after “to”.

On page 49, line 5, move the margin of “(i)” 2 ems to the right.

On page 49, line 11, move the margin of “(ii)” 2 ems to the right.

On page 49, line 16, move the margin of “(iii)” 2 ems to the right.

On page 52, line 9, insert a comma after “(D)”.

On page 53, line 21, strike the comma.

On page 55, line 4, insert “a schedule of” after “to”.

On page 57, line 1, strike “the” the first place it appears and insert “to”.

On page 59, line 15, strike the comma.

On page 61, line 11, strike “on an involuntary basis”.

On page 61, line 12, insert “where consent has been withheld,” after “States,”.

On page 8, line 8, insert “, if accepted,” after “provision”.

On page 25, line 19, insert “on Intelligence” after “tee”.

On page 27, line 7, strike “is” and insert “are”.

On page 27, line 22, insert “on Intelligence” after “Committee”.

On page 57, line 15, strike “Ruanda” and insert “Rwanda”.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 52) was agreed to.

Mr. KEMPTHORNE. Mr. President, it was President Ronald Reagan who said, “Trust but verify.” Sound advice I believe we should heed today.

Reluctantly, I rise in opposition to the Chemical Weapons Convention. Do I want to see the elimination of chemical weapons and deadly poisons? Absolutely. Will the proposed treaty actually prevent the use of chemical weapons? Not in my opinion. As I've listened carefully to all of the arguments, I have concluded the proposed treaty will not do what it is intended to do, and, in fact, may actually do more harm than good.

Again, trust but verify.

Like many Americans, I took notice when four recent Secretaries of Defense came out in opposition to the Chemical Weapons Convention. The opposition of Secretaries Schlesinger, Cheney, Rumsfeld and Weinberger is based, in part, on the fact that the treaty is not verifiable. In other words, we have no way of knowing if our “partners” in this agreement are living up to their end of the deal. Like the four former Secretaries of Defense, I am troubled by statements by CIA and Department of Defense officials that admit they do not have “high confidence” the treaty can be verified, key provisions “can be thwarted” and detection of small amounts of chemical weapons “will admittedly be extremely difficult.” In my mind, the admission of Clinton Administration officials that the treaty is not verifiable raises serious questions about the value of the agreement.

The Chemical Weapons Treaty also contains provisions, Articles X and XI, which mandate the sharing of all chemical equipment and technology, including chemical weapons defensive technology, with other countries. These provisions might allow countries like Iran and Iraq to acquire advanced defensive technologies so they can improve their chemical weapons combat capability. This exchange of technical information, mandated by the treaty, may also be used to develop ways to defeat our chemical weapons defensive technology. Because of these flaws in the treaty, Secretary Cheney wrote “In my judgement, the treaty's Articles X and XI amount to a formula for greatly accelerating the proliferation of chemical warfare capabilities around the globe.” This mandated sharing of technology represents one example of how the treaty may actually do more harm than good.

I want to point out that one of the conditions removed from the Resolution of Ratification directed the U.S. to renegotiate Articles X and XI to ensure the treaty does not inadvertently increase the threat of chemical weapons. The Clinton Administration viewed the requirement to renegotiate the treaty as a “killer amendment” and encouraged the Senate to strike this condition. Under pressure from the President, the Senate voted to remove this condition so renegotiation of these important articles will not happen.

In addition, the President's letter to Majority Leader LOTT on the day of the vote acknowledges that there are legitimate security concerns regarding the flaws in Articles X and XI. I'm troubled because the letter is non-binding and it will be three years before we will discover if Articles X and XI lead to the proliferation of chemical weapons technology. The President says the U.S. could then withdraw from the Convention, but by then the damage will have been done.

If I believed this treaty by itself would stop chemical weapons, I would support it. During my own deliberations regarding the CWC, I had a thoughtful discussion with James Schlesinger, a former Secretary of Defense, Secretary of Energy and Director of the Central Intelligence Agency. Secretary Schlesinger made the point that although scores of nations ratified the Geneva Protocol which claimed to “prohibit” the use of poison gas, Iraq used mustard gas against Iran and its own citizens with impunity. In my mind, this episode demonstrates one of the weaknesses of international treaties which sound good on the surface but lack enforcement procedures in practice.

I am also concerned about the provisions of the Chemical Weapons Convention which will allow international inspectors access to chemical businesses and other important national security facilities. The idea that North Korea or Iraq can come into the United States and examine our facilities and then take that information home to help their own chemical and defense industries is wrong. The treaty makes no arrangement to compensate businesses for the loss of this sensitive data. This is another reason I believe the Chemical Weapons Convention will, in fact, do more harm than good.

As a member of the Senate Armed Services Committee, I understand the military threat posed by chemical weapons. I continue to support efforts to destroy the U.S. chemical weapons stockpile in a safe and environmentally sensitive manner. I oppose any use of these horrible weapons and I believe the United States should threaten massive retaliation against any nation that might consider using these weapons against our citizens or soldiers. I am also very proud of the leadership role of the United States in the fight to stop the spread of chemical weapons. Without a doubt, this leadership role will continue whether or not we ratify the CWC.

But we must also be honest with ourselves. The Chemical Weapons Convention cannot be verified. The treaty will not prevent countries or terrorists from acquiring or using chemical weapons. The treaty may in fact increase proliferation of advanced defensive technologies and the treaty may jeopardize proprietary information of U.S. companies.

As I weigh these facts, I conclude the Chemical Weapons Convention will do more harm than good and I will cast my vote against the ratification of this treaty.

Mr. DEWINE. Mr. President, I will vote today to ratify the Chemical Weapons Convention (CWC). I do so without any illusions. I have concluded that it will be of marginal benefit, but that its benefits do outweigh the risks. Clearly, no chemical weapons treaty can be 100% verifiable. Inside the CWC, there is at least a better chance of catching violators than if we remain outside the treaty.

I commend the Chairman of the Foreign Relations Committee, Senator HELMS, as well as Senator KYL, and others who have worked so hard to improve this treaty. As a result of their efforts, for example, we retain the right for our troops to use tear gas in hostage rescue operations; we require search warrants in cases where consent is not granted to protect 4th amendment rights; and we restrict U.S. assistance to rogue nations under Article X to medical antidotes and humanitarian assistance.

This is a historic agreement bringing together 74 countries that have ratified the treaty in a comprehensive, worldwide fight, to ban chemical weapons. The treaty requires all nations to follow America's lead to destroy all chemical stockpiles by 2007. The CWC also provides for sanctions against those who trade in chemical agents with nonparties to the treaty. These provisions will help to ensure that on a future battlefield our troops will be less likely to face chemical agents.

Passage of this treaty should not bring a false sense of security. A treaty alone will not protect our troops and citizens from chemical weapons. We should continue to devote attention and resources to improving our chemical weapons defenses. We should provide our troops with the equipment and training they need in combat situations. The parties to this treaty must also take action against violators who resort to using chemical weapons. As a member of the Intelligence Committee, I will work to ensure that the goals of this treaty are not lost in its implementation.

Mr. FEINGOLD. Mr. President, I rise today in support of the resolution of ratification of the Chemical Weapons Convention.

I am pleased that—more than 3 years after the administration sent this treaty to the Senate—the CWC is finally before us on the floor of this Chamber.

In these three years, Mr. President, three Senate committees have held numerous hearings—nearly 20 of them—on the efficacy of this treaty. As a Member of both the Foreign Relations and Judiciary Committees, I have been privileged to participate in several of these hearings and to hear numerous perspectives during this debate.

More recently, several Senators and Administration officials have spent a considerable amount of time negotiating the terms under which this treaty would come to the floor. And so I think we should all thank the Chairman of the Foreign Relations Committee [Mr. HELMS] and the Senator from Delaware [Mr. BIDEN], the ranking member of that committee, for the time they both have spent on this issue.

I would also like to recognize the efforts of the White House Working Group and the LOTT Task Force to come to a consensus on the aspects of this treaty on which we can agree. I know that the Members and Administration officials involved in these negotiations have spent hours reviewing countless technical details. It is because of these efforts that the resolution of ratification before us today contains 28 agreed-upon conditions. These conditions were carefully crafted by our colleagues to respond to Members' specific concerns. I am myself comfortable with these conditions, which, for the most part, duly exercise the Senate's prerogatives with respect to treaty ratification, and instruct the administration to undertake certain commitments. They also require greater reporting requirements which will help the Senate to monitor U.S. participation in the Convention in the future.

I am pleased that our colleagues have come to agreement on these points, because throughout the deliberations over this convention, I have made two observations: No. 1 the CWC is not a perfect document, and No. 2 notwithstanding that, the CWC is the best avenue available today for beginning to control the spread of chemical weapons, and leading, eventually, to the total elimination of such weapons.

Like any document arrived at through consensus, the Chemical Weapons Convention can not claim to address every party's concerns. But, it is my view that the 28 agreed-upon conditions in the resolution before us today serve to strengthen what we do have.

Let me speak first on my initial point—that the CWC is not a perfect document. There are real flaws that we all recognize, and that experts both pro and con acknowledge, related to the verifiability of the CWC. There may well be cheating, evasions, and attempts to disobey the spirit, as well as the letter, of the treaty. Some of this cheating may escape detection—although not enough, I believe, to pose a legitimate threat to the security of the United States.

Nevertheless, I think we gain more by establishing an international regime that prohibits such behavior than we do by refusing to exercise U.S. leadership in that regime.

My second, and more important, point is this: The CWC is the best avenue available today for beginning to control the spread of chemical weapons, and leading, eventually, to the total elimination of such weapons.

Those countries that do ratify the treaty—and this group represents most of the responsible players on the international stage—recognize that through the CWC, the world firmly rejects the existence and use of chemical weapons. The treaty puts in place mechanisms to enforce its precepts and monitor its progress, and signatories are committed to complying with these mechanisms.

What of the handful of nations who flout international will, and will not sign on to this treaty?

First, defense experts at the very top of our military command structure are satisfied that the use of chemical weapons by these so-called rogue states does not pose a significant threat to our national security. In March 1996, then-Secretary of Defense William Perry told the Foreign Relations Committee that he was "damm sure" that the United States could respond massively and effectively to any chemical weapons challenge.

Moreover, the CWC will make it easier for the international community to track the chemical ingredients necessary for weapons production and to inhibit the flow of these materials to rogue or non-signatory states. The Convention will impose trade sanctions on non-signatory countries whether or not they are known to posses chemical weapons. This provision was devised by the Bush administration specifically to make it expensive for countries not to join this Convention.

As Secretary of State Madeleine Albright said in testimony before the Foreign Relations Committee earlier this month, "These penalties would not exist without the treaty. They will make it more costly for any nation to have chemical weapons, and more difficult for rogue states or terrorists to acquire materials needed to produce them."

Those states that we are most concerned about currently are unwilling to accept the norms that the treaty would establish. That is why they have thus far chosen not to ratify. But it is just as clear these states will never accept the treaty if the United States refuses to ratify.

This is why I plan to vote in favor of striking the so-called killer amendments that would tie the deposit of our instrument of ratification to the actions of these nations.

If the linkage were to remain in the resolution, the Senate would become responsible for painting the United States into a very uncomfortable corner, a corner from which we would be unable to exit. Such conditions would force the United States, which led the negotiations of this treaty, to engage in a game of chicken with other countries. It should instead join our allies in ratifying this treaty.

Mr. President, this treaty provides a solid start to limiting the flow of chemical weapons.

It urges the destruction of all chemical weapons. It will provide more information about the prevalence of chemical weapons than we have ever had before. And it will make the dissemination of such weapons—and the materials used to make them—more actionable than they have ever been before.

Mr. President, do I think the treaty could be improved? Of course. So I am pleased that the CWC has the provision for amendment after it comes into force.

But now is not the time to debate amendments to the treaty. One hundred sixty-one nations have signed the Chemical Weapons Convention and 74 of them have ratified it.

I think we can all assume that—just as we played a leading role in negotiating the existing treaty—the United States will again be at the forefront of efforts to make the treaty more effective after a period to test its utility. We have the technological means and the economic weight to do so. But only if we ratify this treaty prior to its entry into force on April 29. Only by that deadline—now less than a week away—will the United States be a full participant in the Organization for the Prohibition of Chemical Weapons [OPCW], the governing body that will have the responsibility for deciding the terms for the implementation of the CWC.

Would I like to see the enforcement provisions of the CWC written in a less ambiguous manner? Certainly.

Could sanctions against violators be spelled out more clearly? Absolutely.

But the CWC was laboriously crafted throughout three decades to meet the security and economic interests of States' Parties. The United States led this effort, and the treaty which we are voting on reflects our needs. As Secretary Albright has said, this treaty has "Made in the USA" written all over it. That is why the CWC has the blessing and enthusiastic support of our defense and business communities.

Mr. President, I would like to address an issue that is of particular importance to me, and that is the potential constitutional implications of this treaty.

In particular, the argument has been made, incorrectly in my opinion, that adoption of the CWC would subvert, in some way, the constitutional protections of the fourth amendment which—as Americans—we all enjoy. Let me say at the outset that preserving the fourth amendment is a responsibility that I take very seriously and very personally. My concern about preserving the protections of the fourth amendment does not end at the corners of this treaty. I have opposed in this Congress proposals to weaken the fourth amendment's protections, for example, in the area of wire taps.

In fact, I am pleased to see that throughout the debate over this treaty, many of my colleagues have taken an active interest in promoting the rights bestowed upon us by the fourth amendment. Indeed, I welcome the opportunity to work with these members on future initiatives related to this vital provision of our Constitution.

With respect to the claim that ratification of this treaty risks constitutional protections for Americans, I think three points need to be stressed.

First, this treaty, and in particular the inspection language therein, is the product of bipartisan efforts spanning many years. In fact, it was the Bush administration which rejected efforts to adopt overly broad, and undoubtedly unconstitutional inspection proceedings in favor of those in the treaty today.

Second, although the treaty itself acknowledges the supremacy of the constitutions of its signatories, this would be the case even without specific language. The Senate cannot, be it through signing a treaty or passing a law, subvert any of the protections guaranteed by our Constitution. That is the very essence of our Constitution: it is the bedrock of our freedoms and cannot be abrogated short of amendment to the Constitution itself.

Mr. President, during a Judiciary Committee hearing last September, I questioned Professor Barry Kellman of the DePaul Law School on various aspects of the constitutionality of this treaty and on each of the points I have raised here today. On each point, Professor Kellman was in agreement with me. In fact, Professor Kellman, who has dedicated many years, and much time and energy to reviewing the constitutional implications of the Chemical Weapons Treaty, testified that, "every serious scholar" who has looked into the issue has found this treaty to be constitutional.

Finally, to the extent there are concerns to be addressed, and there may be, the proper context for airing those concerns is during what I expect to be a lively discussion over the implementing legislation, which we will have a chance to debate in the next several weeks. It is in the implementing legislation—not the treaty itself—where these issues should be addressed and resolved.

I look forward to working with concerned colleagues as we consider implementation of the treaty, so I am pleased that the unanimous consent agreement arrived at regarding the resolution of ratification before us today included the intent to debate and vote on the implementing legislation prior to the Memorial Day recess.

As the debate over the implementing language continues, I will work with my colleagues to ensure that the language we ultimately adopt fully and properly reflects the protections embodied in the United States Constitution.

In the interim, however, we should not become side-tracked by arguments that this treaty is unconstitutional or subverts the fourth amendment. The inspections conducted pursuant to this treaty will be conducted pursuant to the Constitution of this nation. Nothing in this treaty can, nor does it even attempt to, alter that simple, but fundamental fact.

Mr. President, I support the ratification of the Chemical Weapons Convention which I believe is in the best interests of the United States.

And if the Senate is to lend its support to this treaty, we must vote to strike each one of the five conditions before us. Four of these would pronounce the treaty dead on arrival by linking the deposit of the U.S. instrument of ratification to conditions that are simply impossible to achieve—by April 29, or at any time in the near future. The other condition would establish a precedent for the selection of inspectors that would greatly undermine the entire inspection process.

Mr. President, it is imperative that those of us who support this treaty help strike the language that would undermine U.S. participation in the Convention in this manner.

And, after doing so, Mr. President, I hope my colleagues will join me in voting for final passage of the resolution of ratification.

Mr. LAUTENBERG. Mr. President, I rise to urge my colleagues to ratify the Chemical Weapons Convention.

The Chemical Weapons Convention is a historic arms control treaty which will significantly enhance America's security. The treaty prohibits the development, production, acquisition, stockpiling, and transfer of chemical weapons by those countries that are signatories. It requires signatories to begin to destroy their chemical weapons within a year and to complete destruction of chemical weapons within ten years. Importantly, it prohibits the use of chemical weapons in combat, and it prohibits signatories from helping other countries to engage in any activity banned by the treaty. As such, the Chemical Weapons Convention is an important non-proliferation tool that will help slow the spread of dangerous chemical weapons and force the destruction of most of the world's chemical weapons stockpiles.

President Reagan recognized the wisdom of working to ban chemical weapons worldwide. Under his administration, negotiations on the terms of a chemical weapons treaty began. Those negotiations continued under President Bush, who signed the treaty. Now, five years after completion, with the full support of President Clinton, the Chemical Weapons Treaty is before the Senate for ratification.

There are many good reasons to support the Chemical Weapons Treaty. First, and foremost, this treaty will protect America's military from the threat of chemical weapons attack without requiring America to give up anything militarily. The United States has already decided to destroy its stockpile of chemical weapons and has vowed not to use chemical weapons in warfare. Because the Chemical Weapons Convention requires other nations to abandon chemical weapons as the United States has done, America gains from this treaty. We give up nothing, and our troops will be less likely to face poison gas in future conflicts.

Civilians in America and worldwide will benefit from Senate ratification of this treaty as well. Last year's terrorist attack in Japan, in which chemical weapons were used against innocent civilians, reminds us that none of us is safe from the threat of chemical weapons. As long as chemical weapons are produced and stockpiled, the possibility remains real that they will end up in the hands of terrorists. Because the Chemical Weapons Convention requires all countries to enact laws making it a crime to develop or produce chemical weapons, the treaty will make it harder for terrorists to obtain chemical weapons, making America's cities, streets, and schools safer.

Additionally, the Chemical Weapons Convention will help America and the intelligence community to better track and control the spread of chemical weapons and to punish violators. Through the verification regime established by the treaty, our country will have an easier time monitoring chemical weapons threats and establishing rigorous verification procedures to prevent cheating.

Already seventy countries have ratified the treaty, and it will go into effect with or without the United States. But if the Senate does not ratify the treaty, America will be siding with rogue nations like Iraq and Libya. If the Senate does not ratify the treaty, American industry will be sanctioned and will lose roughly $600 million in trade, a point I addressed more fully in an earlier speech to the Senate. If the Senate does not ratify the treaty, America will not be able to participate in the body that will determine the rules for implementing the treaty. And if the Senate does not ratify the treaty, America's credibility as a proponent of nonproliferation and arms control will be jeopardized.

Mr. President, there is no doubt in my mind that the United States should join a treaty we helped to shape and which enhances our security. With the Chemical Weapons Convention and our leadership, other nations will follow the lead America set years ago by giving up chemical weapons. Rogue nations and terrorist countries will have a harder time acquiring or making chemical weapons, and new tools will be available to prevent and punish them if they try. America is much better off with the Chemical Weapons Convention than without it, and I urge my colleagues to ratify it without delay.

Mr. GORTON. Mr. President, I have thought long and hard on whether I should vote to ratify the Chemical Weapons Convention. I must admit that as the Convention was originally presented, I was inclined to oppose it. But after three weeks of hard work with the Majority Leader and with the many thoughtful opponents of ratification, I believe we have resolved a significant number of issues in contention and now believe that ratification of the Chemical Weapons Convention will do more to reach our common goal of eradicating these deadly and detested weapons from the earth than will nonratification.

First, I would like to commend my many constituents, and the thousands of Americans like them, who were relentless in raising their voices against many dangerous aspects of the treaty and its interpretation. Without their vigilance, we would never have reached the point we have today.

I also commend Senator HELMS, Senator KYL, and the Majority Leader for their work and negotiations with the Administration that has led to vast improvements in the Chemical Weapons Convention ratifying documents.

Since the beginning of the debate on the Chemical Weapons Convention, I have stated that the real question is not whether to support the cause of restricting the production, stockpile, and use of chemical weapons throughout the world, but whether the Chemical Weapons Convention itself advanced or inhibited this honorable cause.

As it was originally presented to the Senate for ratification, Mr. President, I believe the treaty did not advance our cause, but instead inhibited it by making sensitive information on chemicals and chemical weapons technology so readily available as to encourage the proliferation of these hideous weapons. But through the good work of Senator HELMS and Senator KYL, we were able to reach 28 agreements with the Administration. These 28 agreements went a long way toward advancing our cause. I think three of these agreements are particularly important.

First, I shared the concern of many of my constituents and several former Secretaries of Defense who testified before the Armed Services Committee that the convention would create a false sense of security, not only in the United States, but in nations around the world. It would be easy, Mr. President, for governments to believe that, because the Chemical Weapons Convention is in force, we no longer need to worry about the use of chemical weapons or to prepare ourselves to defend against them. I found this aspect of the treaty to be quite troubling.

No arms control treaty has yet proven to be perfect. And chemical weapons are far more difficult to detect than missiles or nuclear warheads. Thus, I originally feared that ratification of the treaty would lull us into a false sense of security in which our armed forces would not be properly prepared to deal with a chemical attack.

I now believe, however, that the agreement reached between Senator HELMS and the Administration that ensures our armed forces will continue to receive the equipment and training necessary to complete their missions in the face of chemical weapons is a major improvement which will guard against a debilitating false sense of security.

Second, I and many of my constituents had grave concerns about the treaty's impact on Fourth Amendment protections against unreasonable searches and seizures. The treaty, in its original form, did not go far enough to protect U.S. citizens and businesses from involuntary inspections. The treaty's provisions on challenge inspections of chemical producing facilities in the United States did not, in my opinion, comply with the Constitution.

I am pleased that the administration has agreed to a condition to protect the Fourth Amendment rights of all Americans and to conform the Chemical Weapons Convention to the United States Constitution. According to this condition, before the U.S. deposits its instrument of ratification, the President must certify to Congress that for any challenge inspection in the United States for which consent has been withheld, the inspection team must first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing the place to be searched and the persons or things to be seized. For any routine inspection of a declared facility in the United States that is conducted on an involuntary basis, the inspection team must obtain an administrative search warrant from a United States magistrate judge.

I am now confident that this agreement will ensure that the constitutional rights of U.S. citizens and businesses will be protected under the treaty. I commend Senators HELMS and KYL and the administration for their work on this vitally important condition.

Third, I was troubled by the treaty's impact on the use of non-lethal riot control agents. Since the Chemical Weapons Convention was originally drafted, there has been a great deal of debate in the United States on whether the treaty language would preclude American armed forces from using nontoxic riot control agents. Tear gas and other such chemicals provide the United States military with an invaluable tool when conducting sensitive operations. Tear gas, for example, is an excellent means of rescuing downed pilots, or avoiding unnecessary loss of life when enemy troops and civilians are in the same area.

I am pleased with the agreement that has been reached on this issue. According to a condition the administration has now accepted, the President will certify to Congress that the United States is not restricted by the convention in the use of riot control agents in the following situations: (1) in the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict; (2) in consensual peacekeeping operations when the use of force is authorized by the receiving state; and (3) in peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter. The agreement also leaves in place Executive Order 11850 signed by President Ford which cites four cases where the use of riot control agents should be permissible under the Chemical Weapons Convention: avoiding unnecessary loss of life, subduing rioting enemy POWs, protecting supply convoys, and rescuing a downed pilot from enemy troops or a POW from behind enemy lines. I commend the administration for agreeing to this reasonable and necessary condition. It will ensure that the men and women of the United States armed forces have the tools necessary to do their jobs in precarious situations.

While the 28 agreements made did go a long way to improve the Chemical Weapons Convention, I still had one remaining concern, in my view the most important concern, until this morning. That concern relates to Articles X and XI of the convention and the proposition that they might well force the United States to share sensitive information on our chemical weapons defense capabilities and to eliminate our export controls on dangerous chemicals.

Article X of the treaty obliges all parties to provide assistance and protection to any State Party threatened by the potential use of chemical weapons, including information on chemical weapons defense and detection. Article XI of the treaty obliges all parties to freely exchange chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by the Convention. It forbids parties to the treaty to maintain export controls that would restrict the trade and development of chemicals and chemical technology with other treaty parties.

Ironically, these provisions of the treaty, a treaty designed to eliminate the proliferation of chemical weapons, could in fact promote that very proliferation. If the United States is forced under the treaty to provide this sensitive technology to countries such as Iran, China, or Cuba, those countries could use that information to develop weapons against which we have no ability to defend.

It is my contention that Articles X and XI do more to inhibit the cause of eradicating chemical weapons than they do to promote it. Thus, they comprise a fatal flaw in the Chemical Weapons Convention. And, until today, I was inclined to vote against ratification because of my concerns on Articles X and XI.

I am pleased to say, however, that the distinguished Majority Leader was remarkably successful in his negotiations with the President on this most important aspect of the debate on the treaty. I commend him for his diligence and commend the President for his wisdom in responding to our concerns.

This morning, the President sent Senator LOTT a letter in which he extended a promise that the United States will withdraw from the Convention if Articles X and XI are used by other treaty parties to undermine the intent of the Convention. The specific circumstances under which the President agreed to withdraw from the treaty are as follows: (1) if Article X is used to justify actions that could degrade U.S. defensive capabilities; (2) if Article XI erodes the Australia Group export controls; and (3) if Article XI promotes increased proliferation of chemical weapons.

With this assurance from the President, I am now prepared to support the Chemical Weapons Convention and will vote for its ratification. With the 28 agreements Senator HELMS and Senator KYL were able to negotiate, and with this final commitment from the President, I am comfortable with the treaty. The Convention has been transformed from one doing more harm than good, to one promoting rather than inhibiting the cause of eradicating chemical weapons from the earth.

In closing, Mr. President, let me say that these changes could not have been made without the diligent and good-faith negotiating done by the majority leader, and without the voices raised by thousands upon thousands of Americans who went out of their way to draw attention to the treaty's many flaws. They should be given the lion's share of credit for the conditions and modifications we have made that make the Chemical Weapons Convention a more workable, more responsible treaty.

Mr. BAUCUS. Mr. President, I rise today to express my firm support of the Chemical Weapons Convention Treaty. I have thought long and hard on this issue. And I believe that my colleagues—both for and against this treaty—have shown patience, diligence and understanding during this important debate.

I also believe the time has come for us to lead the civilized world in signing this treaty. And to remember why, we need to look back to our history.

On October 30, 1918, 12 days before the end of the First World War, the 362nd Infantry Division received orders to attack German positions outside the city of Audenarde in France. Many Montanans served in this division.

During this battle, German troops lobbed several gas shells toward the Montana troops. The wind that morning just happened to be blowing to the east, and the gas carried over the American area.

The men of the 362nd fought valiantly that day. And in the end, they overtook the German positions with a minimal loss of life. But they, and hundreds of thousands of other World War I veterans, carried scars in their lungs for the rest of their lives. It made breathing difficult and left many of them invalids.

Chemical weaponry has come a long way in the 79 years since that battle took place. Modern technology has made this type of warfare more devastating and more deadly. It can now kill instantly as well as scar and maim the lungs.

Chemical warfare is an indiscriminate killer. It cannot tell the difference between a soldier and a civilian, a bunker from a subway, or a barracks from a school.

And worst of all, some chemical weapons are relatively easy to create. As we have seen in recent news reports, if the substances used to create chemical weapons are freely available, terrorist groups and cults can make them and use them against civilians.

This, of course, often makes them hard to detect. So the critics of this Convention have a point when they say it will be hard to verify.

But this agreement will make it much easier than it is now for us to find out when rogue states try to create or stockpile chemical weapons. We will have the right to inspect the factories and defense installations of those we suspect are creating these weapons. And we will be able to block those who do not sign from buying the substances they need to create chemical weapons.

That is why this treaty has wide support. If we choose not to ratify it, we cast ourselves with such countries as Iraq and Libya—one which used chemical weapons against Iran and its own Kurdish citizens, another suspected of clandestine efforts to create a chemical weapons program.

And we make it more likely that some day, another generation of American servicemen and servicewomen will suffer the same kind of outrageous attack that the Montanans in the 362nd went through in 1918. That must not happen. And the Senate must pass this Convention.

If we ratify this treaty now, we allow the United States to participate in its administration from the outset. To fail to ratify the treaty is to lose our seat at the table. I want to make sure that we put American inspectors on the ground to ensure the eventual end of these horrible weapons.

Again, I urge my colleagues to join me in supporting this treaty. And I look forward to the day we remove chemical weapons from the face of the earth.

Mr. McCONNELL. Mr. President, I rise today to join my colleagues in addressing the issue of ratification of the Chemical Weapons Convention (CWC).

While some who are less familiar with the advice and consent process may regret the pace the Senate has undertaken, I strongly believe it is a point of pride. The Senate, led by Majority Leader LOTT, Senator KYL, Senator HELMS, Senator LUGAR and many others, has painstakingly reviewed the CWC for many months. The 33 conditions which have been the subject of protracted negotiations have created a document which better protects our nation's security interests. I congratulate Senator LOTT and the rest of the participants for their efforts.

Despite the best efforts of all involved I continue to harbor a number of strong reservations about the convention. I am concerned about its verifiability, the impact on U.S. business, the effect on U.S. efforts to eliminate existing chemical weapons stockpiles, and the number of rogue nations which are not party to the CWC.

Former CIA director James Woolsey testified that detection of violations of the CWC is so difficult that we cannot "have high confidence in our ability to detect noncompliance, especially on a small scale." Nowhere is this more evident than Iraq. In a recent column, Charles Krauthammer pointed out that Iraq has been subjected to the most intrusive, comprehensive inspections for weapons of mass destruction ever devised or implemented by an international organization. Yet, we continue to uncover secret sites and weapons and have no confidence we know the extent of Saddam Hussein's lethal stockpile. If we are uncertain under the best of conditions, we should not underestimate the significant risks under adverse circumstances.

Mr. President, my second concern is the unforseen impact inspection requirements might have on U.S. businesses. One estimate puts the number of Kentucky businesses which are likely to be impacted by the CWC at 44. Not all of these companies are large enough to be able to afford the increased costs of additional burdensome regulations. The chemical industry is already one of the most over-regulated industries in America. Currently, the combined costs of EPA, OSHA and other federal regulations on the industry is near $4.9 billion annually. Adding to this incredible financial burden is overkill.

In addition to the costly regulatory burdens CWC asks these companies to withstand, the treaty will require companies to open their books and facilities to foreign inspection teams—creating a Pandora's box of commercial hazards. Former Defense Secretary Donald Rumsfeld points out, despite best efforts its possible, even likely, that inspection teams could come away with classified and proprietary information.

Specifically, the inspection requirements may compel companies to provide proprietary technical data which could be used to considerable financial advantage by competitors. Worse yet, the results might enable adversaries to enhance their chemical weapons capabilities, putting American soldiers and citizens at potential risk. These risks underscore the need to include the imperative protections in Condition 31 enabling the President to ban inspection teams with terrorist track records.

The third issue of concern relates to Condition 27's direct affect on my state and on our ability to dismantle our existing stockpiles. Kentucky is home to the Lexington Bluegrass Army Depot where thousands of chemical munitions are currently stored. The community surrounding this facility is justifiably concerned over the method by which the weapons will be destroyed. The Treaty mandates signatories register specific technical plans for destruction shortly after the instruments of ratification are filed. This may undermine alternatives currently being explored.

Let me explain. Last year, I offered an amendment to the Defense Appropriations Bill which directed the Secretary of Defense to pursue the acquisition of at least two alternative technologies to the current plan of incineration. Condition 27, provides some assurance that the development and use of alternatives to incineration would not be affected by the CWC regime. However, if this agreement between Congress and the Administration is overruled, reversed or challenged by the Organization for the Prohibition of Chemical Weapons, my constituents will be placed at increased risk. I accept the President's written guarantee at this point, but will keep a close watch to assure his commitment is not reversed or revised. I ask unanimous consent that a letter from President Clinton to me on this issue be included in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. Condition 27 also presents another problem. Current law requires the President to destroy the U.S. stockpile by 2004. Condition 27 extends the deadline to 2007. Mr. President I am emphatically opposed to this provision. I do not believe it wise to give the Army, or any party the opportunity to slow down efforts to identify alternative technologies or to delay the destruction process.

The weapons stored in the U.S. need to be dismantled now. They are aging and therefore becoming more unstable every day. As this occurs, safe destruction becomes increasingly difficult and the chance of an accident increases dramatically. I hope the Administration will not seek a delay in the destruction deadline unless it is absolutely necessary in order to undergo the safe and effective elimination of our weapons.

Finally, Mr. President, the fact that many of the nations with either the intent or the means to attack U.S. soldiers and citizens with chemical weapons are not covered by the CWC is deeply troubling. Libya, Syria, Iraq and North Korea are all suspected of possessing chemical weapons and not one is a participant in the CWC. This fact is strong justification for maintaining Condition 30 which compels their participation.

If the U.S. ratifies the CWC the horrors of chemical attack will not magically disappear. Those of us in the United States Senate must remain vigilant in ensuring that America continues to prepare adequate defensive capabilities against potential chemical or biological attack. Incidents such as the sarin gas attack in the Tokyo subway cannot be prevented by this or any other treaty.

The world remains a dangerous place and this treaty will not substantially change that fact. The Secretary of State insists that this Treaty is not about our chemical weapons—it is a means to limit other nations'. The plain fact is it will not constrain one nation from acquiring or using these weapons. Even if we are able to determine that a participating nation is violating the CWC, the means of redress or sanction available under the treaty are toothless and largely ineffective. The United Nations Security Council must craft penalties which could avoid potential Chinese or Russian vetoes. I am certain this would be a near impossible task.

With these objections stated, it is clear that I do not believe the CWC is a perfect document. In fact, it remains unclear whether the treaty will have any of the positive effects its proponents allege.

Why then do I feel compelled to support U.S. ratification? Quite simply it comes down to one issue—the necessity to sustain the strength and credibility of U.S. leadership. As the principal architect of the CWC, the United States risks our authority and stature should we refuse to ratify the convention. If this treaty is to enjoy any success it will be due to U.S. participation and leadership. As President Bush has stated repeatedly, "it is vitally important for the United States to be out front." I also agree with former Secretary of State James Baker's assertion that failure to ratify the convention "would send a message of American retreat from engagement in the world."

The United States must be in a position to lead, and it must use this leadership to push other nations to follow our example and eliminate their chemical stockpiles. Just this week we heard from a former high ranking North Korean official of that country's significant chemical and nuclear capabilities and willingness to use both. The U.S. must actively work to ensure that the North Korea's of the world recognize the futility in relying on these weapons. The CWC is a modest step on that road, a road which I hope yields success.

EXHIBIT 1

THE WHITE HOUSE,
Washington, March 19, 1997.

DEAR SENATOR MCCONNELL: Thank you for your letter concerning your support for the Chemical Weapons Convention and for the alternative technologies program.

I want to assure you that nothing in the Convention would preclude the consideration of alternative technologies funded by your amendment to the FY 1997 Defense Appropriations bill. Indeed, the Administration has agreed to a condition to the CWC resolution of ratification which makes clear my commitment to exploring alternatives to incineration for the destruction of the U.S. chemical weapons stockpile and clarifies the relationship between the CWC and our chemical weapons demilitarization program. A copy of the condition is attached.

I am gratified that you agree on the importance to U.S. national security of banning the production, possession and use of chemical weapons worldwide. I look forward to your support for Senate ratification of the CWC in the weeks ahead.

Sincerely,

BILL CLINTON.

Ms. MOSELEY-BRAUN. Mr. President, in recent weeks we have heard a great deal about the Chemical Weapons Convention.

We have talked about the risks of information sharing, the reliability of the verification systems, and whether Russia should go first. We have debated the dangers of exchanging inspectors, we have questioned whether outcasts like Iran, Iraq and North Korea should sign this international agreement, and whether anything would change if they did. Fundmentally, we have been considering whether the proposed treaty is a step forward, or whether it is worse than no treaty at all.

Opponents have argued that the treaty is fatally flawed, and that the United States is better off without it. It's true that the Chemical Weapons Convention is not perfect. Chemical weapons are cheap and easy to make, and despite our best efforts, we will never be able to monitor every laboratory, or stop every nation in this world that is driven to make tools of biological warfare.

But this debate is not about whether the treaty is perfect, or whether its provisions must be changed. This debate is about what happens if the United States fails to act.

Every weapon of war is horrible. While the bloodshed, violence and destruction caused by things that kill people cannot be ranked, death by poison gases or viruses is particularly grisly. I am reminded of the words of Erich Maria Remarque in his novel about men lost to poison gas attacks during the Great War in the early part of this century:

> We found one dug-out full of them, with blue heads and black lips. Some . . . took their masks off too soon . . . they swallowed enough to scorch their lungs. Their condition is hopeless; they choke to death with hemorrhages and suffocation—"All Quiet on The Western Front" Erich Maria Remarque.

It was experiences like this that helped to generate worldwide hatred and fear of chemical weapons, and is what led to the Geneva Protocol of 1925.

In the 70 years since that time, negotiations have been conducted, conferences have been held, and agreements have been signed to permanently ban chemical weapons from the earth. It is universally recognized that outlawing chemical and biological weapons and their manufacture—while it might not completely prevent any use in future conflicts—is the right thing to do.

That's why it is incredible to me, less than a week before the ratification deadline, that this treaty has become a point of political division here in the U.S. Senate.

This treaty is the first global arms control agreement to ban an entire class of weapons. Participating states must destroy their chemical weapons within 10 years of the treaty's enactment and pledge to never make them again. The agreement also creates an international organization to monitor compliance, and signatories must exchange data and permit routine inspections of their facilities.

Nations refusing to participate will be barred from purchasing the ingredients necessary to make chemical weapons and many commercial chemical products, and will face heightened scrutiny over their chemical weapons activities. Their chemical and biotechnology industries will face great international trade obstacles.

Opponents of the Chemical Weapons Convention argue that this treaty should not be ratified because countries such as Iraq, Iran and Syria are not signatories. They argue that the treaty is unverifiable, that it is intrusive and damaging to confidential trade information held by the U.S. chemical industry, and that, due to the Clinton administration's refusal to modify article 10 and 11, the United States will be forced to share critical technology with other nations.

I do not subscribe to this interpretation. The sanctions provided by this treaty for nonmembers were designed with the distinct understanding that pariah states were unlikely to join the agreement, and therefore would be isolated and targeted for sanctions. Furthermore, article 10 does not obligate the United States to share chemical defense technologies and equipment with member or nonmember states. Article 10, in fact, provides the United States with the flexibility to determine how and what types of assistance should be provided to signatories. Article 11 will not force private businesses to release proprietary information. The convention legally binds signatories, via article 1, never to engage in any activities prohibited under the convention, greatly decreasing the likelihood that nations would seek to profit by giving secrets to non-signatories.

For the American people, the benefits of the Chemical Weapons Convention are clear. Its provisions will diminish the threat of chemical warfare against our young troops overseas. It will help protect Americans at home from terrorist attacks like the kind that occurred in the Tokyo subway. And it gives us new tools to help us track down and punish nations that violate this treaty.

The amount of good that this treaty can accomplish has been recognized by the rest of the civilized world. One hundred and sixty-four nations have signed, and seventy-four nations have ratified this agreement. The treaty, which was negotiated by the Republican administrations of Reagan and Bush, has been endorsed by military leaders like General Powell and General Schwartzkopf. It's supported by the chemical manufacturers, and most significantly, it is supported by the American people.

The Senate has less than 1 week, however, to ratify this treaty. If we miss the April 29 deadline, the world will move ahead without us, and the United States will lose a critical opportunity to take a stand against the worldwide proliferation of chemical weapons. America will lose its seat at the table in the international enforcement process, and American inspectors will be barred from examining foreign facilities. Our chemical industry will lose hundreds of millions of dollars per year as a result of the treaty's trade restrictions. And we will sit on the sidelines with outlaw nations like Libya, North Korea, Iraq, and Iran.

The United States is not an outlaw nation, and should not be considered one because of our failure to act. We cannot stop these deadly weapons alone, and the world cannot stop these weapons without us. As President Clinton said in his State of the Union Address, "We must be shapers of events, not observers." If we want to continue our leadership role into the next century, then it is time for the United States to be leagued with the rest of the world and put an end to these weapons of death.

We have a clear choice. We can take the path of political partisanship, and stand in isolation. Or we can set aside discord, take responsibility for our children's future, and ratify this agreement.

This is the decision that the Senate must make. In the 100 years since the Hague Conventions, a historic opportunity is within reach to ban chemical weapons forever. It is time for the Senate to complete the job and ratify the Chemical Weapons Convention.

Ms. MIKULSKI. Mr. President, I support the ratification of the Chemical Weapons Convention. This international treaty is our best hope to end the use of lethal chemical weapons. It will protect Americans by making it harder for terrorists to produce chemical weapons and it will protect our soldiers on the battlefield. This treaty will make America and the world more secure.

The Chemical Weapons Convention bans the development, production, stockpiling, and use of chemicals as weapons. Each and every nation that signs this treaty becomes an ally in the fight against chemical weapons used by terrorists or by outlaw states. If we don't ratify this treaty, America will join countries like Libya and Iraq who refuse to join the worldwide effort to end the use of chemical weapons. I can't speak for my colleagues, but I know that this Senator does not want the United States to be aligned with those terrorist states.

The Chemical Weapons Convention is not a liberal or a conservative document. It is not a Democratic or a Republican document. It was negotiated by the Reagan and Bush administrations and it is supported by the Clinton administration. It is in the tradition of a nonpartisan foreign policy.

The Chemical Weapons Convention was made in America. It is inconceivable that we—the world's only superpower—would refuse to ratify a Convention that we were instrumental in drafting.

Of course no treaty can ever eliminate every threat. That is why the United States must continue to maintain our strong chemical weapons defense program. At the Aberdeen Proving Ground in Maryland, scientists and technicians are developing better ways to protect our troops from the effects of chemical weapons. This important work must continue.

In addition, our intelligence agencies, like the National Security Agency, must continue to provide the kind of information that prevents the use of chemical weapons. The National Security Agency is listening in on the international criminals and terrorists as they seek to buy chemicals and produce weapons. The Chemical Weapons Convention will aid these efforts by making it harder for terrorists to get chemicals that could be turned against Americans.

America has always led the effort to end the use of chemical weapons—and the convention will ensure that other countries follow our lead. We have already decided not to use chemical weapons and we have started to dismantle our chemical stockpile.

Maryland is one of seven States that stores chemical weapons left over from the First and Second World Wars. For many years, we have lived with the threat of an accident. We are only now preparing to neutralize the chemical stockpile that is stored in Maryland. We in Maryland know first-hand the dangers these chemical weapons pose to military personnel and civilians. America's priority must be to safely dispose of these lethal chemicals—not to produce them.

Mr. President, The Chemical Weapons Convention will make it harder for thugs and rogue nations to make and use chemical weapons. I urge my colleagues to join me in voting for its ratification.

Ms. SNOWE. Mr. President, in my view there is no greater threat to our nation's security than the proliferation of weapons of mass destruction. Among these is the scourge of chemical weapons which have been unleashed in this century with such horrifying effect in the trenches of the First World War, in the villages of Iraq a decade ago, and more recently in the Tokyo subway.

In 1985 the United States took a bold unilateral decision to destroy our chemical weapons stockpiles because they serve no military purpose. And in 1990 the United States negotiated a bilateral chemical weapons destruction agreement with the Soviet Union in an effort to begin the process of reducing that country's stockpiles, the largest in the world. The leadership of the United States through the years has been crucial in forging the broad international consensus which produced the Chemical Weapons Convention. The whole world is watching us closely today to see whether or not the United States is going to continue its leadership role on this critical issue.

The United States must not retreat from more than a decade of leadership on controlling chemical weapons. We must ratify the Chemical Weapons Convention before it comes into force on April 29—not just to maintain our leadership on this issue, but because it is in our best interests to do so.

The issue is not whether the Convention will completely eliminate the threat of chemical weapons. There is no magic wand to do that. However, what the Chemical Weapons Convention will do is nevertheless substantial. It will establish—for the first time—an international standard against the production and use of chemical weapons. It will provide us with significant additional monitoring and inspection tools to detect chemical weapons activities. And it will impose trade restrictions that will make it more difficult for "rogue" states and terrorist organizations to start or continue chemical weapons programs.

Opponents of the Convention argue that it is not adequately verifiable, although many of those same critics argue at the same time that the treaty is too intrusive. The fact is that the Convention includes the most extensive monitoring and inspection regime of any arms control treaty to date. The U.S. chemical industry—which will be the target of most of the monitoring and inspection under the Convention—helped write these provisions and is comfortable with them.

The U.S. intelligence community believes that the Convention will significantly enhance its current ability to detect suspicious patterns of chemical activity in other countries. I am particularly pleased with the Condition #5, which has been agreed to, that protects U.S. intelligence information that may be shared with the Organization for the Prohibition of Chemical Weapons. It reflects the legislation I have introduced to protect U.S. intelligence which is shared with international organizations.

The trade restrictions imposed by the Convention represent another key element in controlling the proliferation of chemical weapons. Building on the existing trade restrictions in chemicals under the informal Australia Group, the Convention limits trade in the most likely chemicals to be used in weapons production—Schedule I chemicals—to trade among countries that have already ratified it. The same restrictions will apply after three years to Schedule II "dual-use" chemicals which have both commercial and military applications.

Therefore, if we do not ratify, we hurt our own chemical industry which will be excluded from commerce in Schedule I chemicals with some of our principal trading partners, including the United Kingdom, France, Germany, Japan, and Canada. The economic loss to the United States is estimated to be $600 million annually.

Opponents of the Convention also argue that it is contrary to our national security interests because countries like Iraq and North Korea will continue their chemical weapons programs while we destroy our own stockpiles. But the Convention will make it harder for these countries to obtain critical chemical ingredients for their weapons programs. And, by outlawing the production of chemical weapons for the first time, the Convention will allow the international community to take collective action to isolate "rogue" states intent on developing these weapons.

The Pentagon's top military leaders have all testified that chemical weapons are not needed to deter other countries from using these weapons against the U.S. or our armed forces. In fact, chemical weapons serve no useful military purpose as a method of warfare. America's ability to inflict overwhelming destruction, without resorting to chemical warfare, serves as a sufficient deterrent to the use of chemical weapons against our armed forces. I agree strongly with Condition #11, which has already been agreed to, that requires the United States to maintain a robust program of chemical and biological defenses to ensure that our forces are provided with maximum protection in the event such weapons are ever used against U.S. forces. Such a policy is only matter of prudence and common sense.

The resolution of ratification before the Senate today sets out further conditions that address widely-shared concerns about the Chemical Weapons Convention. For instance, conditions will ensure the primacy of the U.S. Constitution, limit U.S. financial obligations under the Convention, ensure appropriate cost-sharing arrangements, and require consultation with this body in cases of noncompliance with the treaty. By clarifying and reinforcing the Senate's views on these and other important issues, the conditions constitute a useful complement to the Chemical Weapons Convention.

Mr. President, it is important to note that this Convention has a history of bipartisan support. Negotiations began under the Reagan Administration and were concluded by the Bush Administration. Former President George Bush has said, and I quote, "This Convention clearly serves the best interests of the United States in a world in which the proliferation and use of chemical weapons is a real and growing threat . . . United States leadership is required once again to bring this historic agreement into force."

A total of 162 countries have now signed the Chemical Weapons Convention and 74 countries have ratified it. Russia, China and Iran—all with known chemical weapons programs—have signed the Convention, but it is unlikely that these countries will ratify it if the U.S. does not do so first.

Mr. President, American leadership is needed once again. The U.S. must be among the original ratifying states in order to play a central role in setting up the new Organization for the Prohibition of Chemical Weapons and to participate fully in the Convention's monitoring, inspection, and trade control activities. I urge my colleagues to support the resolution of ratification for the Chemical Weapons Convention.

Mrs. MURRAY. Mr President, I am pleased that the United States Senate has finally turned its attention to the Chemical Weapons Convention. Before this body today sits the work of President Reagan, President Bush and now President Clinton. The CWC will place a global ban on the manufacture, stockpiling and use of chemical weapons by its signatories. Along with protocols for inspections and sanctions against countries that do not abide by the CWC, it contains a specific timetable for the destruction of existing chemical weapons and production facilities.

The United States provided valuable leadership for many years in the effort to outlaw chemical weapons and their use. Our government was the driving force behind the negotiations that produced the Chemical Weapons Convention. The CWC will go into effect next week with or without U.S. participation. Failure to ratify the CWC would be a monumental error for the United States; a symbolic retreat from our traditional role in the world that will likely impede our efforts to further eliminate and combat proliferation of weapons of mass destruction.

I do strongly support the immediate ratification of the Chemical Weapons Convention. I want to add my personal thanks to my many colleagues who have worked so hard to bring the articles of ratification to the Senate floor. Senator BIDEN and Senator LUGAR have both been champions in this effort. I have great admiration and respect for both of these Senators and I know many thousands of my constituents also appreciate their leadership on the CWC.

As a Member of the Senate Committee on Veterans Affairs, I have been particularly impressed by the support given to the CWC by numerous veterans service organizations. My own state has more than 700,000 veterans and thousands of additional active duty personnel stationed in every corner of my state. The following veterans organization have all called upon the Senate to ratify the CWC; the Veterans of Foreign Wars, the Vietnam Veterans of America, the Reserve Officers Association of the United States, the American Ex-Prisoners of War and the Jewish War Veterans of the USA. The National Gulf War Resource Center, a coalition of two dozen Gulf War veterans organizations has also publicly endorsed the CWC.

Such distinguished senior US military commanders as General Norman Schwarzkopf, former Chairmen of the Joint Chiefs of Staff Generals John M. Shalikashvili and Colin Powell, former Chief of Naval Operations Admiral Elmo Zumwalt, and former National Security Adviser General Brent Scowcroft have all publicly called for the ratification of the CWC. Colin Powell appeared before the Veterans Affairs Committee last week; he gave the committee his unequivocal support for the CWC. General Powell stated that the treaty will lessen the likelihood that U.S. troops will be safer from chemical attack in the future. Given the problems many of our Gulf War veterans are suffering that many attribute to exposure to chemical weapons, I believe the Senate should give General Powell's comments in support of the CWC special consideration.

Also of great importance to me in considering the merits of the CWC is the strong support of the chemical industry, including both small and large businesses. It is noteworthy that our business community provided advice to the Reagan and Bush administrations on the treaty provisions affecting this industry.

If the United States does not ratify the Chemical Weapons Convention it will not have access to the Treaty's tools to help detect rogue states and terrorists who seek to acquire chemical weapons. The United States will not be allowed to participate in the Organization for the Prohibition of Chemical Weapons (OPCW), the governing body deciding the terms for the implementation of the Treaty. Therefore, Americans will not be able to serve on inspection teams or influence amendments, and Americans now serving as head of administration, head of industrial inspections, and head of security will be replaced by nationals from countries that have ratified the CWC. Chemical proliferation and terrorism are undoubtedly problems the United States can fight more effectively within the framework of global cooperation.

The Chemical Manufacturing Association has stated that the CWC "does not trump US export control laws." Instead, the Treaty will expand and improve the effectiveness of non-proliferation by instituting a strong system of multilateral export controls. No information will be disclosed regarding imports, exports or domestic shipments. The CWC will affect approximately 2,000 companies, not 8,000 as the

Treaty's opponents hold. About 1,800 of those 2,000 companies will do nothing more than check a box regarding the range of Discrete Organic Chemicals they produce, without specifying the nature of these chemicals. Of the some 140 companies most likely to be subjected to routine inspections, a large proportion are CMA members, who assisted in writing the provisions of the Treaty. Regardless, it is anticipated that any challenge inspections will more than likely involve military, rather than commercial facilities. Thus, we should not concern ourselves with a potential negative impact of the CWC on the industry, because clearly this is not the case. On the contrary, if the U.S. Senate chooses not to ratify the Chemical Weapons Convention, American chemical companies risk losing as much as $600 million a year in sales and many well-paying jobs when the mandatory trade sanctions against non-parties are enforced.

Critics insist that the CWC will be ineffective because rogue states suspected of possessing or attempting to acquire chemical weapons, such as Syria, Iraq, North Korea and Libya, have not joined the convention. Accordingly, they argue that the United States should hold up ratification until these states join. The reality is that only about 20 states are believed to have or to be seeking a chemical weapons program, more than two-thirds of which have already signed the CWC. For the past 40 years, the United States has led nonproliferation regimes that have established accepted norms of international behavior. Failing to ratify the convention will not persuade the rogue states to join the CWC. Rather, it will legitimize their action and hurt US credibility in the international community. The Treaty ensures that non-party states are isolated and makes it extremely difficult for them to pursue their nefarious objectives.

I urge my Senate colleagues to reflect on the measure of American leadership and the indispensability of our nation on nonproliferation issues and to vote for the Chemical Weapons Convention. This Treaty makes sense on political, legal and moral grounds. As officials of both Republican and Democratic administrations assert, the Chemical Weapons Convention will ensure that Americans live in a safer America and a safer world.

Mr. BOND. Mr. President I will vote against ratification of the Chemical Warfare Convention. I came to this decision, not because I am against doing away with chemical weapons, we all are. I will vote against ratification because amendments which I believe were critical to ensuring our safety and security were stricken rendering the convention more dangerous to our well being than one which would include those conditions, even if it means having to renegotiate the convention. Of the outstanding amendments which were debated through out the day today, I believe those covering Russian ratification and their compliance with previous treaties, the rejection of inspectors or inspections by states with a history of violating non-proliferation treaties or which have been designated by our State Department as sporting terrorism, striking article 10 of the treaty and amending article 11, and having our intelligence agencies certify that the treaty would be credibly verifiable were critical to making the treaty worthwhile.

The fact that the President suggested we could withdraw from the convention if there were a compelling reason to do so, was a placebo which carried little viable meaning. I believe that it would not only be more difficult to withdraw from the convention once we ratify it, it would be much more dangerous to world stability if we were to withdraw after obligating ourselves to a flawed treaty. And so, I must, in good conscience, vote not to ratify.

Mr. HATCH. Mr. President, the first thing I wish to express is my gratitude to the Chairman of the Foreign Relations Committee and the Majority Leader for the work they have done in the final weeks to improve this resolution of ratification.

The Chemical Weapons Convention before us is significantly better than what we faced last year. In addition, I wish to compliment both the Chairman and the Ranking Member of the Foreign Relations Committee for holding numerous hearings during the past month and for the way they have led the debate over the past two days. The duty of this body to advise and consent has never been more honorably met.

This treaty, with the resolution of ratification, while now an acceptable treaty, is not the panacea for chemical weapons that some of the more adamant proponents have implied or suggested. It will not, in and of itself, spare our grandchildren from the horrors of chemical warfare. It will not, in and of itself, protect our citizens from terrorists intent on using chemical weapons.

This Convention will not significantly reduce the threat of terrorism, Mr. President. Now that this debate is almost concluded, it would be of great benefit to the future of this agreement that everyone be realistic about this. The Administration and other proponents of this agreement recognized this when they stated in the resolution of ratification, condition 19 that: "The Senate finds that without regard to whether the Convention enters into force, terrorists will likely view chemical weapons as a means to gain greater publicity and instill widespread fear; and the March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the Convention."

Mr. President, I am greatly concerned about future terrorist threats to the citizens of this country, and I urge those who have suggested that this Convention will curb that threat to decease from such counterproductive rhetoric that could disastrously mislead us about future threats.

In addition, I must note to the ardent proponents of the CWC that a number of nations will remain outside of this regime, and some of them have policies inimical to this nation's welfare and security. I have read the Convention, and I wish to state that I read Article XI, section (d) to mean that the U.S. is free to pursue any action—unilaterally or multilaterally—against nations having chemical weapons. Furthermore, I will insist on clarification indicating that current trade sanctions promoting U.S. national security, and supported by this body as well the executive, will not be infringed by this Treaty.

The benefits of this Treaty will not nearly approach the rhetoric of some of its proponents. In my opinion, overblown rhetoric enhanced the possibility that this Treaty could have failed, as some of us studied the document and realized the great gap between the rhetoric and reality.

The current resolution of ratification helps to close that gap. The conditions included in the resolution preserve the Senate's constitutional role in treaty-making, including approval of amendments to the CWC. Agreed conditions established standards for U.S. intelligence sharing, including requiring reports on such sharing. They limit the sharing of defensive capabilities under Article X. They clarify our position on the use of riot control agents in wartime circumstances, preserving for us that option along the lines originally intended by our negotiators under President Reagan. They require the President to report regularly on the threat of chemical weapons.

Finally—and this is extremely important, Mr. President—the resolution of ratification requires criminal search warrants for challenge inspections against non-complying parties.

I stress again, Mr. President, my gratitude to those, on both sides of the aisle as well as in the Clinton Administration, who negotiated this resolution.

The letter the Majority Leader has obtained from President Clinton also helps close the gap between rhetoric and reality. The President recognizes, with this letter, that the Treaty may not guarantee the cessation of proliferation of these monstrous weapons and their precursors. He recognizes that, despite the goals of this document, our defenses against their possible use on our troops should not wane. He recognizes that we have a regime—the Australia Group—in place that has addressed the problem of illicit trade in chemicals and that that regime should not go by the wayside.

With this letter, the President recognizes that if this Treaty is seen to be failing, we can and will exercise Article XVI, which defines how a State Party may withdraw from the CWC.

Despite these improvements and assurances, Mr. President, I know that a number of thoughtful colleagues continue to have reservations about the effectiveness of this Treaty. And I wish to say that I respect their decisions, and I object to certain exceptional notions heard during the debate that opponents of this Treaty object because they are against all arms control treaties. I don't believe this to be the case at all. This Treaty has many practical limitations, and I believe that we should not impugn the motives of individuals who, at the end of the day, have great reservations over its benefits.

I have supported many arms control agreements myself, Mr. President, but always after careful consideration of the strategic value as well as practical consequences of making so grave a commitment. And I must say that it has never been more difficult for me to determine the net worth of an arms control agreement as it has been for me regarding the Chemical Weapons Convention before us today.

I have concluded that this treaty can advance our security, but only if Administration matches the rhetoric of arms control with the muscle of political will. Because, Mr. President, international norms without political will do not become norms.

The benefits of treaties are measured on achievements, not intentions. If intentions were all that mattered, all treaties would be beneficial prima facie. By this standard, the Kellogg-Briand Treaty, which outlawed war, or the 1925 Geneva Convention Against the Use of Chemical Weapons, would have been rousing successes. History has proven that they were not. But, the success of treaties is measured in reality, not rhetoric. And the benefits of this Treaty are measured on a narrow margin.

It is after a careful parsing of this margin, and much reflection, that I have determined that I will vote for the Chemical Weapons Convention. But I do so with the expectation that this Chief Executive, and subsequent ones, must be wholly dedicated to implementing this agreement in a way that advances U.S. security interests and protects U.S. domestic interests.

Mr. President, this Treaty will give us some tools—inspections and other data collections—that will enhance our knowledge of the threat of chemical weapons. The information will not be comprehensive; it will not apply universally. But, if in collecting this information we reduce the possibility that our troops will face a chemical threat, then this is a tangible, defensible goal, for which anyone could support this Treaty.

The United States has been a principal negotiator of this agreement, through Republican and Democratic administrations. To abandon it now would be to abdicate U.S. leadership. We are now burdened to support it and implement it. The goals are admirable. The bridge to achieving those goals, to bridging the gap between the idealistic rhetoric and the vexing reality, will be difficult. On that bridge, Mr. President, will ride the credibility of the United States, and, I believe, the credibility of future arms control. Past administrations have led in the establishment of this international norm. Future administrations will need to verify its legitimacy. President Clinton must carry through on his pledge for strict international compliance and for vigilence regarding threats by terrorists or renegade groups.

Over 70 nations have ratified this Convention. Of course, we decided to unilaterally destroy our stockpile more than a decade ago, and we are proceeding as expeditiously as possible, restrained only by prudence regarding safety and the environment. We've known all along that our unilateral destruction plan was not contingent on the outcome of this debate. We determined these weapons were not militarily useful to us; our defense establishment can preserve and promote our national security without them. But as of the moment that our instrument of ratification is deposited, we will be the first of the countries with a large stockpile to ratify. The United States is leading. Will other nations follow?

Mr. President, I wish to say a few words about Russia. With the consent of the Senate today, the Administration will be able to deposit the instrument of ratification before the April 29 deadline, allowing U.S. participation in the formation of the Organization for the Prohibition of Chemical Weapons. The U.S. and Russia are the only powers that voluntarily declare they have chemical weapons. On two occasions the Russians have joined us—in the 1990 Bilateral Destruction Agreement and under the 1989 Wyoming Memorandum—in bilateral commitments to expose and destroy our stockpiles. As those who have studied this question know, the record of Russian compliance is not good. As those who read the papers and get the briefings know, the Russian chemical arms capability is not stagnant.

President Yeltsin has indicated that he wishes the Russian Duma to approve ratification before the April 29 deadline. I hope they do. The Russians need to join and participate in the initial construction of this regime. And we need to begin to inspect and expose all of our stockpiles. If the Russians are not part of this Treaty, Mr. President, this regime may be stillborn, because the largest stockpile of chemical weapons in the world exists in the Russian Federation. I hope we can work with the Russians as partners beginning next week.

If the Senate gives its consent today, Mr. President, next week the hard work will begin. The success or failure of this regime will not be a function of depositing the instrument of ratification. It will be a function of implementing the agreement. I am supporting this Convention today because I think it can only succeed with U.S. participation—and leadership. It can fail for many reasons, including noncompliance or nonparticipation by nations around the world. But it won't succeed without U.S. leadership.

Leadership will require more than idealistic promises. We must abandon the rhetoric of unattainable promises and commit to the reality of national interest. I fear the Administration will have a lot of work building the bridge between the rhetoric and reality. On that bridge lies the future of this Convention and the future of arms control.

Mr. HELMS. Mr. President, let me state the order of distinguished speakers on this side of the aisle. I am going to start with the most distinguished of all. The President pro tempore of the Senate, Senator THURMOND, will have 5 minutes; followed by Senator HUTCHISON of Texas, for 5 minutes; Senator HUTCHINSON of Arkansas to follow with 2 minutes; Senator BROWNBACK, for 1 minute; Senator KYL, for 1 minute; Senator ASHCROFT, for 2 minutes. They will be recognized in that order.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, I want to recognize the work done on this treaty by the floor managers—both in opposition and in support of this very important international treaty. Both sides have made laudable arguments in supporting their different positions. This subject is one of great importance. I want to especially commend our able majority leader for the long hours he spent working with both floor managers and the administration.

Mr. President, during the Senate Armed Services Committee's review of the national security implications of the Chemical Weapons Convention, I raised concerns about the ability of the U.S. to comply with the treaty obligation to destroy our chemical stockpile within the timeframe stipulated, the universality of the treaty, the verifiability of the treaty, and the administration's interpretation of the provision on the defensive use of riot control agents by U.S. forces.

During the committee's hearings on the treaty in August 1994, I took no position on this treaty. I made it clear that the administration would have to convince me that it was in the national security interests of the United States.

I have concerns about statements made over the past few weeks, by the

President and several administration representatives, that if the United States does not ratify the Chemical Weapons Convention, that we would be aligning ourselves on the side of rogue nations, like Iraq and Libya, and against our allies.

Mr. President, in 1985 the Congress legislated the requirement for the United States to destroy its chemical stockpile, and has reaffirmed that decision every year since that time. The Senate agreed to take actions against Iraq for attacking its neighbor, and against Libya for terrorist actions which resulted in the death of American citizens. How can the President, the Secretary of State and other administration representatives liken a decision by the Senate, in its performance of its constitutional duties to provide advice and consent to international treaties, to be aligning the United States with rogue nations? Regardless of the outcome of the CWC, the United States will continue to destroy its chemical stockpiles.

Last Sunday, the Secretary of Defense talked about his recent visit to South Korea and the discussions he had about the threat posed to U.S. Forces by the chemical weapons in North Korea. He also mentioned General Tilelli's support for ratification of the CWC because it would reduce the chemical weapons threat faced by his troops in South Korea.

Mr. President, North Korea has not signed the CWC. As I read the treaty, none of the provisions will apply to nations that have not signed and ratified it. Only trade sanctions will apply to countries that have not signed it. United States ratification of the CWC will not minimize the North Korean chemical weapons threat which face our United States forces.

Mr. President, I cannot support the Chemical Weapons Convention. I appreciate the efforts made by the White House to work out conditions to the resolution of ratification that respond to concerns raised about the treaty made by Members of the Senate. However, I do not believe they go far enough. I remain concerned about the ability of the intelligence community to verify compliance with the treaty. Rogue nations which pose a military and terrorist threat to the United States have not signed the treaty, and most likely will not sign it. I am also concerned about the potential compromise of U.S. defensive capability through potential transfers of chemical defensive protective equipment, material or information under article X and article XI.

It is for these reasons that I cannot vote for this treaty.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas for 5 minutes.

Mrs. HUTCHISON. Mr. President, I respect everyone who is going to vote today for the position that they are taking because I know that it is sincere. I respect the people who have come out for this convention treaty—the former Presidents—and I respect the people who have come out against the treaty, the former Secretaries of Defense.

It comes down, for me, to a basic question, and that is: Do we believe that international conventions and conferences keep us safe at night? Or do we believe a strong national defense is what keeps us safe at night and what has served us so well for this century? Mr. President, I think it is a commitment to a strong national defense, and I have decided, reluctantly, to vote against this convention treaty because I believe this does more to harm our strength and our national defense than it does to help it.

Mr. President, we have seen our allies transfer nuclear technology that can be made into weapons to rogue nations. So now we have a treaty that will allow people to come into our chemical plants—not chemical plants that make weapons, because we are not going to make weapons, but into our chemical plants that might be doing research on how to defend against chemical weapons. That technology can then be transferred to the nations who would use the chemical weapons.

It seems to me that we are unilaterally disarming ourselves, Mr. President, with a treaty that would say we must allow international groups to come into plants that use chemicals, whether it is to make fertilizer or disinfectant, or defenses to chemical weapons, any of those things. An international group will be able to come in and, I think, violate our constitutional right against search and seizure. I am concerned that we are hurting our ability to defend our country.

So, Mr. President, I think we have a choice here between America being the leader and undercutting our defenses, or standing on principle and protecting our security. Mr. President, I just don't think there is a choice. We must stand on principle. So that if our young men and women in the field are attacked by chemical weapons by those who will not sign this treaty, we will surely have the defenses to protect them; and so that we will keep the ability in our country to have the strength to fight the chemical weapons that will be produced, that we know are being produced right now, by nations who will not abide by this treaty.

So I do not buy the argument that we are better off with this treaty than without it. In fact, I think we are hurting our ability to combat the rogue nations, the terrorist nations with whom we are dealing all over the world, and I could not vote in good conscience to do that. Thank you.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. HUTCHINSON. Mr. President, I want to especially applaud this evening the Senator from North Carolina and the Senator from Arizona for their courageous opposition to this treaty. I also want to recognize the good and patriotic Americans and Senators who have differed on this treaty and have come down to different places on how they are going to vote.

But this treaty is not about who is committed to and who believes in the elimination of chemical warfare in this world. I believe all of us are equally committed to that goal.

I rise in opposition to the CWC because I simply believe that it is a flawed treaty in which we claim to verify the unverifiable, we are ratifying the unenforceable, and we are trusting the untrustworthy. We are binding ourselves and our friends, while those that we should be most concerned about go unrestrained and undeterred. When addressing the ratification of a treaty, we in this body are executing one of our most solemn duties. When addressing our Nation's security and when addressing our Nation's sovereignty, our watch words should be "prudence" and "caution."

I believe that prudence and caution call out for a "no" vote. By ratifying this treaty, we spurn the sage advice of former Secretaries of Defense. And I close with the words of one of those Secretaries, Secretary Cheney, who wrote that "This accord is worse than no treaty at all."

So, while I recognize and applaud the sincerity and the passion with which the advocates of this treaty have spoken and how they articulated their position, I believe firmly that it is not in the interest of the sovereignty and the security of the United States. And I urge a "no" vote on the treaty ratification.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kansas for 1 minute.

Mr. BROWNBACK. Thank you very much, Mr. President. I appreciate that.

Mr. President, I join with other Senators noting how extremely difficult and important this decision is to vote for treaty ratification. I have taken it very seriously, as well as everybody else. I have read the entire treaty. I sat down and thought it through. I have talked with people. I have talked with President Bush, Bob Dole, Colin Powell, Casper Weinberger, James Schlesinger, Richard Perle, and my 9-year-old son, too, who I think has a stake in this as well.

I find it a terribly tough call to make on this treaty; a tough one to be able to decide what is in the best interest and ultimately what will get the fewest chemical weapons used in this world. That to me is the real litmus test issue. What is going to make the world safer is when we are going to have fewer chemical weapons used in the world.

I would like to bare to the body that I chair the Middle East Subcommittee of the Foreign Relations Committee. We held a hearing just last week on U.S. policy toward Iran. Our policy has failed to stop them from receiving weapons of mass destruction, particularly chemical weapons. The Iranians are receiving precursor chemical weapons from the Chinese.

May I have an additional minute and a half?

Mr. HELMS. Please. Yes.

Mr. BROWNBACK. I thank the chairman very much.

As I mentioned in our hearing last week, it was noted and pointed out that the Iranians have received chemical weapons, precursor chemical weapons, from the Chinese and from other sources.

I have reluctantly but clearly concluded that Iran would be more likely to obtain and use chemical weapons if we enter into this Chemical Weapons Convention with article X in place, which is currently how it sits; that they will be more likely to get and use chemical weapons, weapons of mass destruction. Iran is our erstwhile terrorist enemy.

I spoke to Colin Powell. He noted that chemical weapons today are the weapons of choice, primarily, for terrorists. These are primarily weapons used by terrorists. That certainly fits the Iranians.

So that is why I have, unfortunately, reluctantly yet clearly, decided that with article X in it and with the likelihood of that being used by the Iranians, that this treaty would actually cause more chemical weapons to be used by people that we don't want; by terrorist regimes such as the Iranians. Therefore, I will have to vote against this treaty.

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank you for this opportunity to make some comments in regard to this serious matter.

None of us has any affection for chemical weapons. Each of us hates chemical weapons. We would all like to see chemical weapons abolished. None of us would like to see chemical weapons used. We would all like to believe the statements of prominent experts that have been made about this treaty. We would all like to embrace the assurances of the President that, if something goes wrong, the treaty could be something easily walked away from.

But, in spite of all our aspirations, in spite of all of our desires, and in spite of all our hopes, there is one reality which will persist; and that reality is the language of the treaty itself. Long after the assurances have stopped echoing through this Chamber, long after the President has left office, who is trying to assuage the fears of those who have misgivings about this treaty, the black and white letters of the treaty itself will be the controlling components of what happens. And the thing that gives me great pause is that the treaty will remain.

There are the requirements, particularly in articles X and XI of the treaty, which require us to share technology, to share information, and to share, in particular, the defensive technology of chemical weaponry. There is an anomaly in chemical weaponry which is challenging. It is that when you provide the defensive technology for chemical weapons, you are providing one of the essential components of delivering chemical weapons. No one can deliver chemical weapons, unless it is launched by a missile, without having to have all the technologies of how to defend against the chemistry of the weapons.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ASHCROFT. I ask for 30 additional seconds.

If a rogue state wants to deliver chemical weapons, one of the things they need to do is to acquire the defensive technology to defend against them and to protect their own soldiers in delivery. That seems to me one of the substantial problems contained in articles X and XI. The risks far exceed the benefits.

As a result, I think it is ill-advised for us to accept assurances which would mislead us. We need to read the treaty, and the treaty is not one which merits our approval.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona for 1 minute.

Mr. KYL. Mr. President, let me begin by thanking Senator HELMS and Senator BIDEN, the floor managers of this treaty, for the work they did in bringing it before us.

Mr. President, I share the hope of the supporters of this treaty that it will help end the proliferation of chemical weapons. I believe, however, that history will record this treaty as one of the most well-intentioned yet least effective in our history. My hope is that we will not relax our efforts in other ways to reduce this threat, that we will not be lulled into a sense of security when it is ratified.

With the protections in the original resolution of ratification, I voted for the treaty. But the protections having been stricken, I must vote "no."

The PRESIDING OFFICER. The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Mr. President, Senators will be glad to hear this.

I ask for the yeas and nays on the final vote in the Senate.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, how much time remains to the Senator from Vermont?

The PRESIDING OFFICER. The Senator from Vermont has 8½ minutes.

Mr. LEAHY. Mr. President, I will not use all of that time, only to say this. We will advise and consent so the President can ratify this treaty. I truly believe we will. It will show the moral leadership that the Senate should show and that the United States should show. We will act as the conscience of this Nation, and we will advise and consent to this treaty. We will show the moral leadership because we began this by saying we would act unilaterally, if need be, renouncing our own use of chemical weapons with or without a treaty. That was true leadership.

Not all countries are going to join with us. But most did join with us on this, and we should be proud of that leadership that brought them together. We will never have all of the countries with us, but we know that it is in the best interests of the United States to do this.

I suggest, after we do this, Mr. President, that we should again look at the question of antipersonnel landmines and show the same moral leadership to get countries to join with us—not all countries will—to ban antipersonnel landmines which kill and injure far more people than chemical weapons.

Mr. President, I will vote for advice and consent of this treaty so the President can ratify it.

I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HELMS. Mr. President, I, on behalf of the leader's time and any other time that may be assigned to me, yield the remainder of time.

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 74, nays 26, as follows:

[Rollcall Vote No. 51 Ex.]

YEAS—74

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gregg
Hagel
Harkin
Hatch
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman

Lott
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Smith (OR)
Snowe
Specter
Stevens
Thomas
Torricelli
Warner
Wellstone
Wyden

NAYS—26

Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coverdell
Craig
Faircloth
Gramm
Grams
Grassley
Helms
Hutchinson
Hutchison
Inhofe
Kempthorne
Kyl
Mack
Nickles
Sessions
Shelby
Smith (NH)
Thompson
Thurmond

The VICE PRESIDENT. On this vote, the yeas are 74, the nays are 26. Two-thirds of the Senators present having voted in the affirmative, the resolution of ratification is agreed to.

The resolution of ratification, as amended, was agreed to, as follows:

Resolved, (two-thirds of the Senators present concurring therein),

SECTION 1. SENATE ADVICE AND CONSENT SUBJECT TO CONDITIONS.

The Senate advises and consents to the ratification of the Chemical Weapons Convention (as defined in section 3 of this resolution), subject to the conditions in section 2.

SECTION 2. CONDITIONS.

The Senate's advice and consent to the ratification of the Chemical Weapons Convention is subject to the following conditions, which shall be binding upon the President:

(1) EFFECT OF ARTICLE XXII.—Upon the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

(2) FINANCIAL CONTRIBUTIONS.—Notwithstanding any provision of the Convention, no funds may be drawn from the Treasury of the United States for any payment or assistance (including the transfer of in-kind items) under paragraph 16 of Article IV, paragraph 19 of Article V, paragraph 7 of Article VIII, paragraph 23 of Article IX, Article X, or any other provision of the Convention, without statutory authorization and appropriation.

(3) ESTABLISHMENT OF AN INTERNAL OVERSIGHT OFFICE.—

(A) CERTIFICATION.—Not later than 240 days after the deposit of the United States instrument of ratification, the President shall certify to the Congress that the current internal audit office of the Preparatory Commission has been expanded into an independent internal oversight office whose functions will be transferred to the Organization for the Prohibition of Chemical Weapons upon the establishment of the Organization. The independent internal oversight office shall be obligated to protect confidential information pursuant to the obligations of the Confidentiality Annex. The independent internal oversight office shall—

(i) make investigations and reports relating to all programs of the Organization;

(ii) undertake both management and financial audits, including—

(I) an annual assessment verifying that classified and confidential information is stored and handled securely pursuant to the general obligations set forth in Article VIII and in accordance with all provisions of the Annex on the Protection of Confidential Information; and

(II) an annual assessment of laboratories established pursuant to paragraph 55 of Part II of the Verification Annex to ensure that the Director General of the Technical Secretariat is carrying out his functions pursuant to paragraph 56 of Part II of the Verification Annex;

(iii) undertake performance evaluations annually to ensure the Organization has complied to the extent practicable with the recommendations of the independent internal oversight office;

(iv) have access to all records relating to the programs and operations of the Organization;

(v) have direct and prompt access to any official of the Organization; and

(vi) be required to protect the identity of, and prevent reprisals against, all complainants.

(B) COMPLIANCE WITH RECOMMENDATIONS.—The Organization shall ensure, to the extent practicable, compliance with recommendations of the independent internal oversight office, and shall ensure that annual and other relevant reports by the independent internal oversight office are made available to all member states pursuant to the requirements established in the Confidentiality Annex.

(C) WITHHOLDING A PORTION OF CONTRIBUTIONS.—Until a certification is made under subparagraph (A), 50 percent of the amount of United States contributions to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law.

(D) ASSESSMENT OF FIRST YEAR CONTRIBUTIONS.—Notwithstanding the requirements of this paragraph, for the first year of the Organization's operation, ending on April 29, 1998, the United States shall make its full contribution to the regular budget of the Organization assessed pursuant to paragraph 7 of Article VIII.

(E) DEFINITION.—For purposes of this paragraph, the term "internal oversight office" means an independent office (or other independent entity) established by the Organization to conduct and supervise objective audits, inspections, and investigations relating to the programs and operations of the Organization.

(4) COST SHARING ARRANGEMENTS.—

(A) ANNUAL REPORTS.—Prior to the deposit of the United States instrument of ratification, and annually thereafter, the President shall submit a report to Congress identifying all cost-sharing arrangements with the Organization.

(B) COST-SHARING ARRANGEMENT REQUIRED.—The United States shall not undertake any new research or development expenditures for the primary purpose of refining or improving the Organization's regime for verification of compliance under the Convention, including the training of inspectors and the provision of detection equipment and on-site analysis sampling and analysis techniques, or share the articles, items, or services resulting from any research and development undertaken previously, without first having concluded and submitted to the Congress a cost-sharing arrangement with the Organization.

(C) CONSTRUCTION.—Nothing in this paragraph may be construed as limiting or constricting in any way the ability of the United States to pursue unilaterally any project undertaken solely to increase the capability of the United States means for monitoring compliance with the Convention.

(5) INTELLIGENCE SHARING AND SAFEGUARDS.—

(A) PROVISION OF INTELLIGENCE INFORMATION TO THE ORGANIZATION.—

(i) IN GENERAL.—No United States intelligence information may be provided to the Organization or any organization affiliated with the Organization, or to any official or employee thereof, unless the President certifies to the appropriate committees of Congress that the Director of Central Intelligence, in consultation with the Secretary of State and the Secretary of Defense, has established and implemented procedures, and has worked with the Organization or other such organization, as the case may be to ensure implementation of procedures, for protecting from unauthorized disclosure United States intelligence sources and methods connected to such information. These procedures shall include the requirement of—

(I) the offer and provision if accepted of advice and assistance to the Organization or the affiliated organization in establishing and maintaining the necessary measures to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity, pursuant to paragraph 1(b) of the Confidentiality Annex, and in establishing and maintaining a stringent regime governing the handling of confidential information by the Technical Secretariat, pursuant to paragraph 2 of the Confidentiality Annex;

(II) a determination that any unauthorized disclosure of United States intelligence information to be provided to the Organization or any organization affiliated with the Organization, or any official or employee thereof, would result in no more than minimal damage to United States national security, in light of the risks of the unauthorized disclosure of such information;

(III) sanitization of intelligence information that is to be provided to the Organization or the affiliated organization to remove all information that could betray intelligence sources and methods; and

(IV) interagency United States intelligence community approval for any release of intelligence information to the Organization or the affiliated organization, no matter how thoroughly it has been sanitized.

(ii) WAIVER AUTHORITY.—

(I) IN GENERAL.—The Director of Central Intelligence may waive the application of clause (i) if the Director of Central Intelligence certifies in writing to the appropriate committees of Congress that providing such information to the Organization or an organization affiliated with the Organization, or to any official or employee thereof, is in the vital national security interests of the United States and that all possible measures to protect such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided. In the event that multiple waivers are issued within a single week, a single certification to the appropriate committees of Congress may be submitted, specifying each waiver issued during that week.

(II) DELEGATION OF DUTIES.—The Director of Central Intelligence may not delegate any duty of the Director under this paragraph.

(B) PERIODIC AND SPECIAL REPORTS.—

(i) IN GENERAL.—The President shall report periodically, but not less frequently than semiannually, to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence information provided to the Organization or affiliated organizations and the purposes for which it was provided during the period covered by the report.

(ii) Exemption.—For purposes of this subparagraph, intelligence information provided to the Organization or affiliated organizations does not cover information that is provided only to, and only for the use of, appropriately cleared United States Government personnel serving with the Organization or an affiliated organization.

(C) Special reports.—

(i) Report on procedures.—Accompanying the certification provided pursuant to subparagraph (A)(i), the President shall provide a detailed report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives identifying the procedures established for protecting intelligence sources and methods when intelligence information is provided pursuant to this section.

(ii) Reports on unauthorized disclosures.—The President shall submit a report to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after it has become known to the United States Government regarding any unauthorized disclosure of intelligence provided by the United States to the Organization.

(D) Delegation of duties.—The President may not delegate or assign the duties of the President under this section.

(E) Relationship to existing law.—Nothing in this paragraph may be construed to—

(i) impair of otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403–3(c)(5)); or

(ii) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(F) Definitions.—In this section:

(i) Appropriate committees of Congress.—The term "appropriate committees of Congress" means the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives.

(ii) Organization.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention and includes any organ of that Organization and any board or working group, such as the Scientific Advisory Board, that may be established by it and any official or employee thereof.

(iii) Organization affiliated with the Organization.—The terms "organization affiliated with the Organization" and "affiliated organizations" include the Provisional Technical Secretariat under the Convention and any laboratory certified by the Director-General of the Technical Secretariat as designated to perform analytical or other functions and any official or employee thereof.

(6) Amendments to the convention.—

(A) Voting representation of the United States.—A United States representative will be present at all Amendment Conferences and will cast a vote, either affirmative or negative, on all proposed amendments made at such conferences.

(B) Submission of amendments as treaties.—The President shall submit to the Senate for its advice and consent to ratification under Article II, Section 2, Clause 2 of the Constitution of the United States any amendment to the Convention adopted by an Amendment Conference.

(7) Continuing vitality of the Australia Group and national export controls.—

(A) Declaration.—The Senate declares that the collapse of the informal forum of states known as the "Australia Group," either through changes in membership or lack of compliance with common export controls, or the substantial weakening of common Australia Group export controls and nonproliferation measures in force on the date of United States ratification of the Convention, would constitute a fundamental change in circumstances affecting the object and purpose of the Convention.

(B) Certification requirement.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls;

(ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States;

(iii) the Convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and

(iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

(C) Annual certification.—

(i) Effectiveness of Australia Group.—The President shall certify to Congress on an annual basis that—

(I) Australia Group members continue to maintain an equally effective or more comprehensive control over the export of toxic chemicals and their precursors, dual-use processing equipment, human, animal and plant pathogens and toxins with potential biological weapons application, and dual-use biological equipment, as that afforded by the Australia Group as of the date of ratification of the Convention by the United States; and

(II) the Australia Group remains a viable mechanism for limiting the spread of chemical and biological weapons-related materials and technology, and that the effectiveness of the Australia Group has not been undermined by changes in membership, lack of compliance with common export controls and nonproliferation measures, or the weakening of common controls and nonproliferation measures, in force as of the date of ratification of the Convention by the United States.

(ii) Consultation with Senate required.—In the event that the President is, at any time, unable to make the certifications described in clause (i), the President shall consult with the Senate for the purposes of obtaining a resolution of support for continued adherence to the Convention, notwithstanding the fundamental change in circumstance.

(D) Periodic consultation with congressional committees.—The President shall consult periodically, but not less frequently than twice a year, with the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives, on Australia Group export control and nonproliferation measures. If any Australia Group member adopts a position at variance with the certifications and understandings provided under subparagraph (B), or should seek to gain Australia Group acquiescence or approval for an interpretation that various provisions of the Convention require it to remove chemical-weapons related export controls against any State Party to the Convention, the President shall block any effort by the Australia Group member to secure Australia Group approval of such a position or interpretation.

(E) Definitions.—In this paragraph.

(i) Australia group.—The term "Australia Group" means the informal forum of states, chaired by Australia, whose goal is to discourage and impede chemical and biological weapons proliferation by harmonizing national export controls, chemical weapons precursor chemicals, biological weapons pathogens, and dual-use production equipment, and through other measures.

(ii) Highest diplomatic levels.—The term "highest diplomatic levels" means at the levels of senior officials with the power to authoritatively represent their governments, and does not include diplomatic representatives of these governments to the United States.

(8) Negative security assurances.—

(A) Reevalation.—In forswearing under the Convention the possession of a chemical weapons retaliatory capability, the Senate understands that deterrence of attack by chemical weapons requires a reevaluation of the negative security assurances extended to non-nuclear-weapon states.

(B) Classified report.—Accordingly, 180 days after the deposit of the United States instrument of ratification, the President shall submit to the Congress a classified report setting forth the findings of a detailed review of United States policy on negative security assurances, including a determination of the appropriate responses to the use of chemical or biological weapons against the Armed Forces of the United States, United States citizens and allies, and third parties.

(9) Protection of advanced biotechnology.—Prior to the deposit of the United States instrument of ratification, and on January 1 of every year thereafter, the President shall certify to the Committee on Foreign Relations and the Speaker of the House of Representatives that the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on Chemicals.

(10) Monitoring and verification of compliance.—

(A) Declaration.—The Senate declares that—

(i) the Convention is in the interests of the United States only if all State Parties are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply; and

(ii) the Senate expects all State Parties to be in strict compliance with their obligations under the terms of the Convention, as submitted to the Senate for its advice and consent to ratification;

(B) BRIEFINGS ON COMPLIANCE.—Given its concern about the intelligence community's low level of confidence in its ability to monitor compliance with the Convention, the Senate expects the executive branch of the Government to offer regular briefings, not less than four times a year, to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in bilateral and multilateral diplomatic channels and forums to resolve compliance issues and shall include a complete description of—

(i) any compliance issues the United States plans to raise at meetings of the Organization, in advance of such meetings;

(ii) any compliance issues raised at meetings of the Organization, within 30 days of such meeting;

(iii) any determination by the President that a State Party is in noncompliance with or is otherwise acting in a manner inconsistent with the object or purpose of the Convention, within 30 days of such a determination.

(C) ANNUAL REPORTS ON COMPLIANCE.—The President shall submit on January 1 of each year to the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives a full and complete classified and unclassified report setting forth—

(i) a certification of those countries included in the Intelligence Community's Monitoring Strategy, as set forth by the Director of Central Intelligence's Arms Control Staff and the National Intelligence Council (or any successor document setting forth intelligence priorities in the field of the proliferation of weapons of mass destruction) that are determined to be in compliance with the Convention, on a country-by-country basis;

(ii) for those countries not certified pursuant to clause (i), an identification and assessment of all compliance issues arising with regard to the adherence of the country to its obligations under the Convention;

(iii) the steps the United States has taken, either unilaterally or in conjunction with another State Party—

(I) to initiate challenge inspections of the noncompliant party with the objective of demonstrating to the international community the act of noncompliance;

(II) to call attention publicly to the activity in question; and

(III) to seek on an urgent basis a meeting at the highest diplomatic level with the noncompliant party with the objective of bringing the noncompliant party into compliance;

(iv) a determination of the military significance and broader security risks arising from any compliance issue identified pursuant to clause (ii); and

(v) a detailed assessment of the responses of the noncompliant party in question to action undertaken by the United States described in clause (iii).

(D) COUNTRIES PREVIOUSLY INCLUDED IN COMPLIANCE REPORTS.—For any country that was previously included in a report submitted under subparagraph (C), but which subsequently is not included in the Intelligence Community's Monitoring Strategy (or successor document), such country shall continue to be included in the report submitted under subparagraph (C) unless the country has been certified under subparagraph (C)(i) for each of the previous two years.

(E) FORM OF CERTIFICATIONS.—For those countries that have been publicly and officially identified by a representative of the intelligence community as possessing or seeking to develop chemical weapons, the certification described in subparagraph (C)(i) shall be in unclassified form.

(F) ANNUAL REPORTS ON INTELLIGENCE.—On January 1, 1998, and annually thereafter, the Director of Central Intelligence shall submit to the Committees on Foreign Relations, Armed Services, and the Select Committee on Intelligence of the Senate and to the Committees on International Relations, National Security, and Permanent Select Committee on Intelligence of the House of Representatives a full and complete classified and unclassified report regarding—

(i) the status of chemical weapons development, production, stockpiling, and use, within the meanings of those terms under the Convention, on a country-by-country basis;

(ii) any information made available to the United States Government concerning the development, production, acquisition, stockpiling, retention, use, or direct or indirect transfer of novel agents, including any unitary or binary chemical weapon comprised of chemical components not identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iii) the extent of trade in chemicals potentially relevant to chemical weapons programs, including all Australia Group chemicals and chemicals identified on the schedules of the Annex on Chemicals, on a country-by-country basis;

(iv) the monitoring responsibilities, practices, and strategies of the intelligence community (as defined in section 3(4) of the National Security Act of 1947) and a determination of the level of confidence of the intelligence community with respect to each specific monitoring task undertaken, including an assessment by the intelligence community of the national aggregate data provided by State Parties to the Organization, on a country-by-country basis;

(v) an identification of how United States national intelligence means, including national technical means and human intelligence, are being marshaled together with the Convention's verification provisions to monitor compliance with the Convention; and

(vi) the identification of chemical weapons development, production, stockpiling, or use, within the meanings of those terms under the Convention, by subnational groups, including terrorist and paramilitary organizations.

(G) REPORTS ON RESOURCES FOR MONITORING.—Each report required under subparagraph (F) shall include a full and complete classified annex submitted solely to the Select Committee on Intelligence of the Senate and to the Permanent Select Committee on Intelligence of the House of Representatives regarding—

(i) a detailed and specific identification of all United States resources devoted to monitoring the Convention, including information on all expenditures associated with the monitoring of the Convention; and

(ii) an identification of the priorities of the executive branch of Government for the development of new resources relating to detection and monitoring capabilities with respect to chemical and biological weapons, including a description of the steps being taken and resources being devoted to strengthening United States monitoring capabilities.

(11) ENHANCEMENTS TO ROBUST CHEMICAL AND BIOLOGICAL DEFENSES.—

(A) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) chemical and biological threats to deployed United States Armed Forces will continue to grow in regions of concern around the world, and pose serious threats to United States power projection and forward deployment strategies;

(ii) chemical weapons or biological weapons use is a potential element of future conflicts in regions of concern;

(iii) it is essential for the United States and key regional allies to preserve and further develop robust chemical and biological defenses;

(iv) the United States Armed Forces are inadequately equipped, organized, trained and exercised for chemical and biological defense against current and expected threats, and that too much reliance is placed on non-active duty forces, which receive less training and less modern equipment, for critical chemical and biological defense capabilities;

(v) the lack of readiness stems from a deemphasis of chemical and biological defenses within the executive branch of Government and the United States Armed Forces;

(vi) the armed forces of key regional allies and likely coalition partners, as well as civilians necessary to support United States military operations, are inadequately prepared and equipped to carry out essential missions in chemically and biologically contaminated environments;

(vii) congressional direction contained in the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201) should lead to enhanced domestic preparedness to protect against chemical and biological weapons threats; and

(viii) the United States Armed Forces should place increased emphasis on potential threats to forces deployed abroad and, in particular, make countering chemical and biological weapons use an organizing principle for United States defense strategy and development of force structure, doctrine, planning, training, and exercising policies of the United States Armed Forces.

(B) ACTIONS TO STRENGTHEN DEFENSE CAPABILITIES.—The Secretary of Defense shall take those actions necessary to ensure that the United States Armed Forces are capable of carrying out required military missions in United States regional contingency plans, despite the threat or use of chemical or biological weapons. In particular, the Secretary of Defense shall ensure that the United States Armed Forces are effectively equipped, organized, trained, and exercised (including at the large unit and theater level) to conduct operations in a chemically or biologically contaminated environment that are critical to the success of the United States military plans in regional conflicts, including—

(i) deployment, logistics, and reinforcement operations at key ports and airfields;

(ii) sustained combat aircraft sortie generation at critical regional airbases; and

(iii) ground force maneuvers of large units and divisions.

(C) DISCUSSIONS WITH REGIONAL ALLIES AND LIKELY COALITION PARTNERS.—

(i) IN GENERAL.—The Secretaries of Defense and State shall, as a priority matter, initiate discussions with key regional allies and likely regional coalition partners, including those countries where the United States currently deploys forces, where United States forces would likely operate during regional conflicts, or which would provide civilians necessary to support United States military operations, to determine what steps are necessary to ensure that allied and coalition forces and other critical civilians are adequately equipped and prepared to operate in chemically and biologically contaminated environments.

(ii) REPORTING REQUIREMENT.—Not later than one year after deposit of the United States instrument of ratification, the Secretaries of Defense and State shall submit a report to the Committees on Foreign Relations and Armed Services of the Senate and to the Speaker of the House of Representatives on the result of these discussions, plans for future discussions, measures agreed to improve the preparedness of foreign forces and civilians, and proposals for increased military assistance, including through the Foreign Military Sales and Foreign Military Financing under the Arms Export Control Act, and the International Military Education and Training programs pursuant to the Foreign Assistance Act of 1961.

(D) UNITED STATES ARMY CHEMICAL SCHOOL.—The Secretary of Defense shall take those actions necessary to ensure that the United States Army Chemical School remains under the oversight of a general officer of the United States Army.

(E) SENSE OF THE SENATE.—Given its concerns about the present state of chemical and biological defense readiness and training, it is the sense of the Senate that—

(i) in the transfer, consolidation, and reorganization of the United States Army Chemical School, the Army should not disrupt or diminish the training and readiness of the United States Armed Forces to fight in a chemical-biological warfare environment;

(ii) the Army should continue to operate the Chemical Defense Training Facility at Fort McClellan until such time as the replacement training facility at Fort Leonard Wood is functional.

(F) ANNUAL REPORTS ON CHEMICAL AND BIOLOGICAL WEAPONS DEFENSE ACTIVITIES.—On January 1, 1998, and annually thereafter, the President shall submit a report to the Committees on Foreign Relations, Appropriations, and Armed Services of the Senate and the Committees on International Relations, National Security, and Appropriations of the House of Representatives, and the Speaker of the House of Representatives on previous, current, and planned chemical and biological weapons defense activities. The report shall contain for the previous fiscal year and for the next three fiscal years—

(i) proposed solutions to each of the deficiencies in chemical and biological warfare defenses identified in the March 1996 report of the General Accounting Office entitled "Chemical and Biological Defense: Emphasis Remains Insufficient to Resolve Continuing Problems", and steps being taken pursuant to subparagraph (B) to ensure that the United States Armed Forces are capable of conducting required military operations to ensure the success of United States regional contingency plans despite the threat or use of chemical or biological weapons;

(ii) identification of the priorities of the executive branch of Government in the development of both active and passive chemical and biological defenses;

(iii) a detailed summary of all budget activities associated with the research, development, testing, and evaluation of chemical and biological defense programs;

(iv) a detailed summary of expenditures on research, development, testing, and evaluation, and procurement of chemical and biological defenses by fiscal years defense programs, department, and agency;

(v) a detailed assessment of current and projected vaccine production capabilities and vaccine stocks, including progress in researching and developing a multivalent vaccine;

(vi) a detailed assessment of procedures and capabilities necessary to protect and decontaminate infrastructure to reinforce United States power-projection forces, including progress in developing a nonaqueous chemical decontamination capability;

(vii) a description of progress made in procuring light-weight personal protective gear and steps being taken to ensure that programmed procurement quantities are sufficient to replace expiring battle-dress overgarments and chemical protective overgarments to maintain required wartime inventory levels;

(viii) a description of progress made in developing long-range standoff detection and identification capabilities and other battlefield surveillance capabilities for biological and chemical weapons, including progress on developing a multichemical agent detector, unmanned aerial vehicles, and unmanned ground sensors;

(ix) a description of progress made in developing and deploying layered theater missile defenses for deployed United States Armed Forces which will provide greater geographic coverage against current and expected ballistic missile threats and will assist in mitigating chemical and biological contamination through higher altitude intercepts and boost-phase intercepts;

(x) an assessment of—

(I) the training and readiness of the United States Armed Forces to operate in a chemically or biologically contaminated environment; and

(II) actions taken to sustain training and readiness, including training and readiness carried out at national combat training centers;

(xi) a description of progress made in incorporating chemical and biological considerations into service and joint exercises as well as simulations, models, and war games, and the conclusions drawn from these efforts about the United States capability to carry out required missions, including missions with coalition partners, in military contingencies;

(xii) a description of progress made in developing and implementing service and joint doctrine for combat and non-combat operations involving adversaries armed with chemical or biological weapons, including efforts to update the range of service and joint doctrine to better address the wide range of military activities, including deployment, reinforcement, and logistics operations in support of combat operations, and for the conduct of such operations in concert with coalition forces; and

(xiii) a description of progress made in resolving issues relating to the protection of United States population centers from chemical and biological attack, including plans for inoculation of populations, consequence management, and a description of progress made in developing and deploying effective cruise missile defenses and a national ballistic missile defense.

(12) PRIMACY OF THE UNITED STATES CONSTITUTION.—Nothing in the Convention requires or authorizes legislation, or other action, by the United States prohibited by the Constitution of the United States, as interpreted by the United States.

(13) NONCOMPLIANCE.—

(A) IN GENERAL.—If the President determines that persuasive information exists that a State Party to the Convention is maintaining a chemical weapons production or production mobilization capability, is developing new chemical agents, or is in violation of the Convention in any other manner so as to threaten the national security interests of the United States, then the President shall—

(i) consult with the Senate, and promptly submit to it, a report detailing the effect of such actions;

(ii) seek on an urgent basis a challenge inspection of the facilities of the relevant party in accordance with the provisions of the Convention with the objective of demonstrating to the international community the act of noncompliance;

(iii) seek, or encourage, on an urgent basis a meeting at the highest diplomatic level with the relevant party with the objective of bringing the noncompliant party into compliance;

(iv) implement prohibitions and sanctions against the relevant party as required by law;

(v) if noncompliance has been determined, seek on an urgent basis within the Security Council of the United Nations a multilateral imposition of sanctions against the noncompliant party for the purposes of bringing the noncompliant party into compliance; and

(vi) in the event that the noncompliance continues for a period of longer than one year after the date of the determination made pursuant to subparagraph (A), promptly consult with the Senate for the purposes of obtaining a resolution of support for continued adherence to the Convention, notwithstanding the changed circumstances affecting the object and purpose of the Convention.

(B) CONSTRUCTION.—Nothing in this section may be construed to impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)).

(C) PRESIDENTIAL DETERMINATIONS.—If the President determines that an action otherwise required under subparagraph (A) would impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the President shall report that determination, together with a detailed written explanation of the basis for that determination, to the chairmen of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence not later than 15 days after making such determination.

(14) FINANCING RUSSIAN IMPLEMENTATION.—The United States understands that, in order to be assured of the Russian commitment to a reduction in chemical weapons stockpiles, Russia must maintain a substantial stake in financing the implementation of both the 1990 Bilateral Destruction Agreement and the Convention. The United States shall not accept any effort by Russia to make deposit of Russia's instrument of ratification of the Convention contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia under the 1990 Bilateral Destruction Agreement or the Convention.

(15) ASSISTANCE UNDER ARTICLE X.—

(A) IN GENERAL.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that the United States shall not provide assistance under paragraph 7(a) of Article X.

(B) COUNTRIES INELIGIBLE FOR CERTAIN ASSISTANCE UNDER THE FOREIGN ASSISTANCE ACT.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Congress that for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961—

(i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and

(ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

(16) PROTECTION OF CONFIDENTIAL INFORMATION.—

(A) UNAUTHORIZED DISCLOSURE OF UNITED STATES BUSINESS INFORMATION.—Whenever the President determines that persuasive information is available indicating that—

(i) an officer or employee of the Organization has willfully published, divulged, disclosed, or made known in any manner or to any extent not authorized by the Convention any United States confidential business information coming to him in the course of his employment or official duties or by reason of any examination or investigation of any return, report, or record made to or filed with the Organization, or any officer or employee thereof, and

(ii) such practice or disclosure has resulted in financial losses or damages to a United States person,

the President shall, within 30 days after the receipt of such information by the executive branch of Government, notify the Congress in writing of such determination.

(B) WAIVER OF IMMUNITY FROM JURISDICTION.—

(i) CERTIFICATION.—Not later than 270 days after notification of Congress under subparagraph (A), the President shall certify to Congress that the immunity from jurisdiction of such foreign person has been waived by the Director-General of the Technical Secretariat.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(C) BREACHES OF CONFIDENTIALITY.—

(i) CERTIFICATION.—In the case of any breach of confidentiality involving both a State Party and the Organization, including any officer or employee thereof, the President shall, within 270 days after providing written notification to Congress pursuant to subparagraph (A), certify to Congress that the Commission described under paragraph 23 of the Confidentiality Annex has been established to consider the breach.

(ii) WITHHOLDING OF PORTION OF CONTRIBUTIONS.—If the President is unable to make the certification described under clause (i), then 50 percent of the amount of each annual United States contribution to the regular budget of the Organization that is assessed pursuant to paragraph 7 of Article VIII shall be withheld from disbursement, in addition to any other amounts required to be withheld from disbursement by any other provision of law, until—

(I) the President makes such certification, or

(II) the President certifies to Congress that the situation has been resolved in a manner satisfactory to the United States person who has suffered the damages due to the disclosure of United States confidential business information.

(D) DEFINITIONS.—In this paragraph:

(i) UNITED STATES CONFIDENTIAL BUSINESS INFORMATION.—The term "United States confidential business information means any trade secrets or commercial or financial information that is privileged and confidential, as described in section 662(b)(4) of title 5, United States Code, and that is obtained—

(I) from a United States person; and

(II) through the United States National Authority or the conduct of an inspection on United States territory under the Convention.

(ii) UNITED STATES PERSON.—The term "United States person" means any natural person or any corporation, partnership, or other juridical entity organized under the laws of the United States.

(iii) UNITED STATES.—The term "United States" means the several States, the District of Columbia, and the commonwealths, territories, and possessions of the United States.

(17) CONSTITUTIONAL PREROGATIVES.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article II, Section 2, Clause 2 of the United States Constitution states that the President "shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur".

(ii) At the turn of the century, Senator Henry Cabot Lodge took the position that the giving of advice and consent to the ratification of treaties constitutes a stage in negotiation on the treaties and that Senate amendments or reservations to a treaty are propositions "offered at a later stage of the negotiation by the other part of the American treaty making power in the only manner in which they could then be offered".

(iii) The executive branch of Government has begun a practice of negotiating and submitting to the Senate treaties which include provisions that have the purported effect of—

(I) inhibiting the Senate from attaching reservations that the Senate considers necessary in the national interest; or

(II) preventing the Senate from exercising its constitutional duty to give its advice and consent to treaty commitments before ratification of the treaties.

(iv) During the 85th Congress, and again during the 102d Congress, the Committee on Foreign Relations of the Senate made its position on this issue clear when stating that "the President's agreement to such a prohibition cannot constrain the Senate's constitutional right and obligation to give its advice and consent to a treaty subject to any reservation it might determine is required by the national interest".

(B) SENSE OF THE SENATE.—It is the sense of the Senate that—

(i) the advice and consent given by the Senate in the past to ratification of treaties containing provisions which prohibit amendments or reservations should not be construed as a precedent for such provisions in future treaties;

(ii) United States negotiators to a treaty should not agree to any provision that has the effect of inhibiting the Senate from attaching reservations or offering amendments to the treaty; and

(iii) the Senate should not consent in the future to any article or other provision of any treaty that would prohibit the Senate from giving its advice and consent to ratification of the treaty subject to amendment or reservation.

(18) LABORATORY SAMPLE ANALYSIS.—Prior to the deposit of the United States instrument of ratification, the President shall certify to the Senate that no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

(19) EFFECT ON TERRORISM.—The Senate finds that—

(A) without regard to whether the Convention enters into force, terrorists will likely view chemical weapons as a means to gain greater publicity and instill widespread fear; and

(B) the March 1995 Tokyo subway attack by the Aum Shinrikyo would not have been prevented by the Convention.

(20) CONSTITUTIONAL SEPARATION OF POWERS.—

(A) FINDINGS.—The Senate makes the following findings:

(i) Article VIII(8) of the Convention allows a State Party to vote in the Organization if the State Party is in arrears in the payment of financial contributions and the Organization is satisfied that such nonpayment is due to conditions beyond the control of the State Party.

(ii) Article I, Section 8 of the United States Constitution vests in Congress the exclusive authority to "pay the Debts" of the United States.

(iii) Financial contributions to the Organization may be appropriated only by Congress.

(B) SENSE OF SENATE.—It is therefore the sense of the Senate that—

(i) such contributions thus should be considered, for purposes of Article VIII(8) of the Convention, beyond the control of the executive branch of the United States Government; and

(ii) the United States vote in the Organization should not be denied in the event that Congress does not appropriate the full amount of funds assessed for the United States financial contribution to the Organization.

(21) ON-SITE INSPECTION AGENCY.—It is the sense of the Senate that the On-Site Inspection Agency of the Department of Defense should have the authority to provide assistance in advance of any inspection to any facility in the United States that is subject to a routine inspection under the Convention, or to any facility in the United States that is the object of a challenge inspection conducted pursuant to Article IX, if the consent of the owner or operator of the facility has first been obtained.

(22) LIMITATION ON THE SCALE OF ASSESSMENT.—

(A) LIMITATION ON ANNUAL ASSESSMENT.—Notwithstanding any provision of the Convention, and subject to the requirements of subparagraphs (B), (C), and (D), the United States shall pay as a total annual assessment of the costs of the Organization pursuant to paragraph 7 of Article VIII not more than $25,000,000.

(B) RECALCULATION OF LIMITATIONS.—On January 1, 2000, and at each 3-year interval thereafter, the amount specified in subparagraph (A) is to be recalculated by the Administrator of General Services, in consultation with the Secretary of State, to reflect changes in the consumer price index for the immediately preceding 3-year period.

(C) ADDITIONAL CONTRIBUTIONS REQUIRING CONGRESSIONAL APPROVAL.—

(i) AUTHORITY.—Notwithstanding subparagraph (A), the President may furnish additional contributions which would otherwise be prohibited under subparagraph (A) if—

(I) the President determines and certifies in writing to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate that the failure to provide such contributions would result in the inability of the Organization to conduct challenge inspections pursuant to Article IX or would otherwise jeopardize the national security interests of the United States; and

(II) Congress enacts a joint resolution approving the certification of the President.

(ii) STATEMENT OF REASONS.—The President shall transmit with such certification a detailed statement setting forth the specific reasons therefor and the specific uses to which the additional contributions provided to the Organization would be applied.

(D) ADDITIONAL CONTRIBUTIONS FOR VERIFICATION.—Notwithstanding subparagraph (A), for a period of not more than ten years, the President may furnish additional contributions to the Organization for the purposes of meeting the costs of verification under Articles IV and V.

(23) ADDITIONS TO THE ANNEX ON CHEMICALS.—

(A) PRESIDENTIAL NOTIFICATION.—Not later than 10 days after the Director-General of the Technical Secretariat communicates information to all States Parties pursuant to Article XI(5)(a) of a proposal for the addition of a chemical or biological substance to a schedule of the Annex on Chemicals, the President shall notify the Committee on Foreign Relations of the Senate of the proposed addition.

(B) PRESIDENTIAL REPORT.—Not later than 60 days after the Director-General of the Technical Secretariat communicates information of such a proposal pursuant to Article XV(5)(a) or not later than 30 days after a positive recommendation by the Executive Council pursuant to Article XV(5)(c), whichever is sooner, the President shall submit to the Committee on Foreign Relations of the Senate a report, in classified and unclassified form, detailing the likely impact of the proposed addition to a schedule of the Annex on Chemicals. Such report shall include—

(i) an assessment of the likely impact on United States industry of the proposed addition of the chemical or biological substance to a schedule of the Annex on Chemicals;

(ii) a description of the likely costs and benefits, if any, to United States national security of the proposed addition of such chemical or biological substance to a schedule of the Annex on Chemicals; and

(iii) a detailed assessment of the effect of the proposed addition on United States obligations under the Verification Annex.

(C) PRESIDENTIAL CONSULTATION.—The President shall, after the submission of the notification required under subparagraph (A) and prior to any action on the proposal by the Executive Council under Article XV(5)(c), consult promptly with the Senate as to whether the United States should object to the proposed addition of a chemical or biological substance pursuant to Article XV(5)(c).

(24) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the Constitutionally based principles of treaty interpretation set forth in Condition (1) of the resolution of ratification with respect to the INF Treaty. For purposes of this declaration, the term "INF Treaty" refers to the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(25) FURTHER ARMS REDUCTIONS OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power as set forth in Article II, section 2, clause 2 of the Constitution.

(26) RIOT CONTROL AGENTS.—

(A) PERMITTED USES.—Prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases:

(i) UNITED STATES NOT A PARTY.—The conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda).

(ii) CONSENSUAL PEACEKEEPING.—Consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter.

(iii) CHAPTER VII PEACEKEEPING.—Peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

(B) IMPLEMENTATION.—The President shall take no measure, and prescribe no rule or regulation, which would alter or eliminate Executive Order 11850 of April 8, 1975.

(C) DEFINITION.—In this paragraph, the term "riot control agent" has the meaning given the term in Article II(7) of the Convention.

(27) CHEMICAL WEAPONS DESTRUCTION.—Prior to the deposit of the United States instrument of ratification of the Convention, the President shall certify to the Congress that all of the following conditions are satisfied:

(A) EXPLORATION OF ALTERNATIVE TECHNOLOGIES.—The President has agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the Convention for the destruction of chemical weapons.

(B) CONVENTION EXTENDS DESTRUCTION DEADLINE.—The requirement in section 1412 of Public Law 99–145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007.

(C) AUTHORITY TO EMPLOY A DIFFERENT DESTRUCTION TECHNOLOGY.—The requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article.

(D) PROCEDURES FOR EXTENSION OF DEADLINE.—The President will consult with Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act, 1997 (as contained in Public Law 104–208), the President determines that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

(28) CONSTITUTIONAL PROTECTION AGAINST UNREASONABLE SEARCH AND SEIZURE.—

(A) IN GENERAL.—In order to protect United States citizens against unreasonable searches and seizures, prior to the deposit of the United States instrument of ratification, the President shall certify to Congress that—

(i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized; and

(ii) for any routine inspection of a declared facility under the Convention that is conducted on the territory of the United States, where consent has been withheld the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

(B) DEFINITION.—For purposes of this resolution, the term "National Authority" means the agency or office of the United States Government designated by the United States pursuant to Article VII(4) of the Convention.

SECTION 3. DEFINITIONS.

As used in this resolution:

(1) CHEMICAL WEAPONS CONVENTION OR CONVENTION.—The terms "Chemical Weapons Convention" and "Convention" mean the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, Opened for Signature and Signed by the United States at Paris on January 13, 1993, including the following protocols and memorandum of understanding, all such documents being integral parts of and collectively referred to as the "Chemical Weapons Convention" or the "Convention" (contained in Treaty Document 103–21):

(A) The Annex on Chemicals.

(B) The Annex on Implementation and Verification.

(C) The Annex on the Protection of Confidential Information.

(D) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(E) The Text on the Establishment of a Preparatory Commission.

(2) ORGANIZATION.—The term "Organization" means the Organization for the Prohibition of Chemical Weapons established under the Convention.

(3) STATE PARTY.—The term "State Party" means any nation that is a party to the Convention.

(4) UNITED STATES INSTRUMENT OR RATIFICATION.—The term "United States instrument of ratification" means the instrument of ratification of the United States of the Convention.

Mr. HELMS. Mr. President, of course I am disappointed by today's vote on the CWC. But I find some solace in the fact that, thanks to our efforts, this treaty is much less harmful than it would have been. I am enormously proud of Senators KYL, INHOFE, and other Senators who stood with us despite enormous pressure against this treaty. I believe history will vindicate their efforts.

Make no mistake, this is a dangerous treaty. But it is a little less dangerous thanks to the efforts we made to amend it, and to deliver the truth to the American people. Last September, treaty proponents were pressing the Senate to vote on a treaty that had none of the key protections that some of us succeeded in inserting in this treaty. Had we not been a phalanx of common sense standing in their way, the exact same treaty would have been before the Senate for ratification today, and that would have been a disaster.

The treaty approved by the Senate tonight was toned down with 28 conditions, most of which the administration was until recently calling "killer amendments." Those include, among many others, conditions that limit the cost of the treaty to the American taxpayer, place safeguards on intelligence sharing, enhance our chemical defenses, and protect confidential business information.

Further, concessions on what I consider some of the most important issues—such as protecting the right of American commanders in the field to use tear gas, and requiring criminal search warrants for foreign inspectors—came only the final days before I agreed to allow the treaty to go to the Senate floor for a vote. If we had not held out so long—in spite of all the criticism and derision lobbed in our direction—none of those protections would be in the treaty today.

I hope I may be forgiven for taking some satisfaction in the knowledge that, thanks to what our critics called our stubbornness, our soldiers in the field will be a little safer, and the constitutional rights of American citizens will be a little better protected. Final judgment of our efforts will be left to future generations.

I do know this: those great Senators with whom I was honored to stand fought the good fight, we won some battles, and lost others. But we fought with honor, and integrity, and for the cause of right.

Mr. BIDEN addressed the Chair.

The VICE PRESIDENT. The Senator from Delaware.

Mr. BIDEN. I would like to thank the Vice President for being at the ready the whole day, and I would like to thank my colleagues for not making it necessary. I am glad they deprived the Vice President of the United States the opportunity to vote on the five conditions and on final passage. But I want to point out to my colleagues who are being very nice and solicitous about my efforts in this regard, the Vice President of the United States, who is in the Chair, played a critical role in pushing this, making sure that we kept it before the Nation, generating the interesting debate so this could not be left untouched, and I want to publicly thank him.

There is that old expression in politics that politics makes strange bedfellows. I have had the distinction and the honor of having been the ranking member and/or chairman with the distinguished Senator from South Carolina, Senator THURMOND, and when I got that assignment I think most of my colleagues looked at me and said, this is going to be an interesting time, BIDEN and THURMOND. We turned out to be very good friends. This is the first occasion after 25 years that I have had to work as closely as I have with my new chairman of the Foreign Relations Committee, on which I rank, and that is Senator HELMS. I want to publicly thank him. He kept his word at every stage of this long, arduous, and for me ultimately rewarding negotiation. I want to acknowledge how much I appreciate it.

I conclude by saying, because I do not want to turn this into some litany of people to thank, what a pleasure it has been to work with and receive the guidance and encouragement from the Senator from Indiana [Mr. LUGAR]. He has served this Nation well on this occasion, as well as Senator MCCAIN. I hope I am not hurting their credentials in the Republican party by acknowledging how closely I worked with both of them. However, I think it should be noted that without the two of them weighing in on this treaty I not only doubt, I know we would not have passed this.

I conclude by saying I truly think this is a very important moment in the Senate, and I do think the vote we just cast will be within the next hour heard around the world. Had we voted the other way, it would have been a louder, more resounding sound than the one now. It will be heard around the world, and it will reaffirm American leadership.

I thank the Vice President for being here again and I am also thankful we did not have to have his vote, but I knew where it was if we had needed it.

I yield the floor.

The VICE PRESIDENT. Under the previous order, the President will be immediately notified.

LEGISLATIVE SESSION

The VICE PRESIDENT. The Senate now returns to legislative session.

MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

COMMENDING KENTUCKY AIR NATIONAL GUARD

Mr. FORD. Mr. President, I just want to take a moment to extend my personal thanks to the Kentucky Air National Guard for a job well done. When the U.S. Air Force chose the Kentucky Derby Festival's annual Thunder Over Louisville celebration as one of the high points in a year-long celebration of the Air Force's 50th anniversary, the Kentucky Air National Guard proved to be the perfect hosts. They not only brought in all the aircraft, but coordinated all the different services.

Thunder Over Louisville has already gained a reputation as a one-of-a-kind air show and fireworks display. But I think everyone agreed that this year will be hard to top. The performances were truly spectacular, but much of the success is also due to the tremendous job the city, the Air Force, the Derby Festival and the Kentucky Air National Guard did to assure the event ran smoothly and safely.

Called "Wild Blue Thunder" in tribute to the Air Force's 50th Anniversary, it was the world's largest show of its kind in America, both for the fireworks display and for the air performances.

The fireworks were reported to be larger than the opening and closing of the Atlanta Olympics combined and of the Inaugural fireworks. The impressive show culminated in an 11,000 waterfall of fireworks off the Clark Memorial Bridge.

The television and radio commercials for Thunder Over Louisville use the tag line "you haven't seen anything until you've seen everything." The Air Force and other armed services certainly pulled out all the stops with air performances showcasing the "Thunderbirds USAF Aerobatic Team," the F-

117 A Stealth Fighter, the B-2 Stealth Bomber, the SR-71A Strategic Reconnaissance Plane, the B-1B Long Range Strategic Bomber, F-14 "Tomcat" jet fighter, the A-10 Warthog Tank Killer jet fighter, the F-15 "Eagle" jet fighter, the T-33 "Thunderbird," and Apache and Blackhawk helicopters.

The performances were not only a great source of entertainment, but also were a tremendous learning experience for spectators of all ages, especially about Kentucky's homegrown talent.

Kentucky's 123rd already has an impressive list of accomplishments under their belt. And I've come to the Senate floor time and again to commend them on their exceptional work in places like Bosnia, Somalia, and Rwanda.

But as part of the Derby Festival's spectacular display, the 123rd got to show off for the hometown crowd. 650,000 Kentuckians saw first-hand the 123rd's skill and expertise with the C-130Hs, getting a better idea of how important this unit is to the overall operations of this nation's active duty Air Force. And that will make my job much easier this year if Pentagon officials start making moves to pull any of the 123rd's C-130Hs.

Mr. President, let me close by thanking the 123rd for their hard work and their hospitality. I know the true test of their abilities happens when they are far from home. But it's nice to remind everyone at home just how lucky we are to have such a talented, committed group of service people right here in Kentucky.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 23, 1997, the federal debt stood at $5,345,088,835,181.58. (Five trillion, three hundred forty-five billion, eighty-eight million, eight hundred thirty-five thousand, one hundred eighty-one dollars and fifty-eight cents)

One year ago, April 23, 1996, the federal debt stood at $5,106,372,000,000. (Five trillion, one hundred six billion, three hundred seventy-two million)

Five years ago, April 23, 1992, the federal debt stood at $3,877,376,000,000. (Three trillion, eight hundred seventy-seven billion, three hundred seventy-six million)

Ten years ago, April 23, 1987, the federal debt stood at $2,264,001,000,000. (Two trillion, two hundred sixty-four billion, one million)

Fifteen years ago, April 23, 1982, the federal debt stood at $1,058,822,000,000 (One trillion, fifty-eight billion, eight hundred twenty-two million) which reflects a debt increase of more than $4 trillion—$4,286,266,835,181.58 (Four trillion, two hundred eighty-six billion, two hundred sixty-six million, eight hundred thirty-five thousand, one hundred eighty-one dollars and fifty-eight cents) during the past 15 years.

PATRICK H. WINDHAM

Mr. LIEBERMAN. Mr. President, I would like to take a few moments to pay tribute to Patrick H. Windham, the long-serving Senior Democratic Professional Staff Member for the Subcommittee on Science, Technology and Space. Pat is leaving Washington for California with his wife Arati Prabhakar and newborn baby Katie after nearly 20 years of service to the Senate, primarily on science and technology policy issues. For the many people here who knew or worked with Pat, including my staff and me, he will be sorely missed as a great source of institutional knowledge but most of all as a friend, a genuine and nice guy in a town not always known for its friendliness.

Originally from California, Pat completed his undergraduate work at Stanford, received a Masters in public policy from the University of California at Berkeley and first came to the Hill in 1976 as a Congressional Fellow to the Committee on Commerce, Science and Transportation. In 1982 Pat began his long association with Senator HOLLINGS, joining his personal staff as a legislative assistant. He has held his present position of Senior Democratic Professional staff member for the Subcommittee on Commerce, Science and Transportation since 1984.

I met Pat through his many hours of work on the important issue of technology partnerships, especially those run through the Commerce Department such as the Advanced Technology Program. Pat, along with my able colleague Senator HOLLINGS, has been a tireless advocate of promoting the movement of new ideas generated by scientists and engineers in our universities and national laboratories out into the commercial marketplace. Widely respected for his substantive thinking on such topics, Pat has tirelessly worked on legislative solutions that would bridge the cultural gap existing between the differing worlds of academia, government and industry. I believe this effort to be critical towards ensuring the future ability of America to compete in a global market.

During World War II and the subsequent Cold War, federal investment in science and technology was seen as essential to maintaining America's national security. A by-product of federal investment was an infrastructure of world-leading high tech defense companies, laboratories and universities and subsequent creation of an entire new generation of products and industries. With the end of the Cold War, the defense rationale for continued investment is not as politically compelling and the growth of information technologies continues to change the landscape for American business.

We are now in a period of transition, looking for ways to move from the old system of innovation where the government funded the science, paid for development and then purchased the final product—to a new system that preserves both our country's security and its competitive economic advantage. It is not an exaggeration to say that Pat has been a major contributor in the development of science and technology policy during this turbulent transition period. My office and I particularly respect his work for Senator HOLLINGS as an architect of both the Advanced Technology Program and the Manufacturing Extension Program, both of which help move technology and information out to the manufacturing floors of America's workplaces. Pat has always been open minded, has carefully listened and will be remembered as a joy to work with. My staff and I hope that Pat will find some time to write and reflect on the technology policy issues he's been grappling with for so long, and welcome fresh insights from him. The Senate owes him a large debt of thanks for his fine work here. Good luck in California, Pat, and best wishes to your wonderful wife and daughter.

82ND ANNIVERSARY OF THE ARMENIAN GENOCIDE

Mr. KENNEDY. Mr. President, today marks the 82nd anniversary of the beginning of one of the most tragic episodes in human history. Beginning in 1915, the Government of the Ottoman Turks waged a vicious campaign of genocide against the people of Armenia. One and a half million Armenians were killed in the following eight years. Over 500,000 more Armenians were forced into exile from their homeland and compelled to seek havens in other lands.

The extraordinary resiliency of the Armenian people can be seen by what they have accomplished in their new lands. Nations around the world have benefited from the spirit and perseverance of the Armenians. No nation has benefited more from the contributions of the Armenian Diaspora than the United States. My own state of Massachusetts is blessed with a large and vigorous community of Armenians who have played an important role in all aspects of public and private life in our state.

I commend the tireless efforts of the Armenian Assembly of America and the Armenian National Committee for their outstanding work in informing Americans about the history and culture of Armenia and its people. In honoring Armenians throughout the world today, we also pledge to do all we can to banish genocide against any peoples anywhere from the face of the earth.

MESSAGES FROM THE HOUSE

At 2 p.m., a message from the House of Representatives, delivered by Mr.

Hays, one of its reading clerks, announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 8. Concurrent resolution recognizing the significance of maintaining the health and stability of coral reef ecosystems.

The message also announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R 39. An act to reauthorize the African Elephant Conservation Act.

H.R. 400. An act to amend title 35, United States Code, with respect to patents, and for other purposes.

H.R. 449. An act to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada.

H.R. 688. An act to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act.

H.R. 1272. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes.

At 6:26 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R 1273. An act to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes.

H.R. 1274. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes.

H.R. 1275. An act to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R 39. An act to reauthorize the African Elephant Conservation Act; to the Committee on Environment and Public Works.

H.R. 400. An act to amend title 35, United States Code, with respect to patents, and for other purposes; to the Committee on the Judiciary.

H.R. 449. An act to provide for the orderly disposal of certain Federal lands in Clark County, Nevada, and to provide for the acquisition of environmentally sensitive lands in the State of Nevada; to the Committee on Energy and Natural Resources.

H.R. 688. An act to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such Act; to the Committee on Environment and Public Works.

H.R. 1272. An act to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1273. An act to authorize appropriations for fiscal years 1998 and 1999 for the National Science Foundation, and for other purposes; to the Committee on Labor and Human Resources.

H.R. 1274. An act to authorize appropriations for the National Institute of Standards and Technology for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1275. An act to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 1998 and 1999, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1689. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification regarding the incidental capture of sea turtles; to the Committee on Commerce, Science, and Transportation.

EC–1690. A communication from the Chairman of the Interagency Coordinating Committee on Oil Pollution Research, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of the oil pollution research and technology plan; to the Committee on Commerce, Science, and Transportation.

EC–1691. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–1692. A communication from the Director of Congressional Relations, U.S. Consumer Product Safety Commission, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–1693. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report of a summary relative to the NASA Crows Landing Facility; to the Committee on Commerce, Science, and Transportation.

EC–1694. A communication from the Under Secretary for Acquisition and Technology, Department of Defense, transmitting, pursuant to law, the report on the plan for coordinating and eliminating unnecessary duplication of operations; to the Committee on Armed Services.

EC–1695. A communication from the Administrator from the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to increase in fees and charges, received on April 18, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1696. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to export certification of animal products, received on April 18, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1697. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to viruses, serums, toxins, and analogues, received on April 18, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1698. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Eligibility for the Defense Experimental Program to Stimulate Competitive Research"; to the Committee on Armed Services.

EC–1699. A communication from the Chief, Programs and Legislative Division, Office of Legislative Liaison, Department of the Air Force, Department of Defense, transmitting, pursuant to law, a multi-function cost comparison study relative to Tinker Air Force Base (AFB), Oklahoma; to the Committee on Armed Services.

EC–1700. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to the second special impoundment message for fiscal year 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, Committee on the Budget, Committee on Agriculture, Nutrition, and Forestry, Committee on Armed Services, Banking, Housing, and Urban Affairs, Committee on Energy and Natural Resources, Committee on Finance, Committee on Governmental Affairs, and the Committee on the Judiciary.

EC–1701. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the interim report on the Lead-Based Hazard Control Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

EC–1702. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report on the Comprehensive Needs Assessment; to the Committee on Banking, Housing, and Urban Affairs.

EC–1703. A communication from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Public Housing Management Reform Act of 1997"; to the Committee on Banking, Housing, and Urban Affairs.

EC–1704. A communication from the Acting President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report with respect to transactions involving exports to Poland; to the Committee on Banking, Housing, and Urban Affairs.

EC–1705. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, three rules including one entitled "Texas Regulatory Program," (TX–017–FOR) received on March 20, 1997; to the Committee on Energy and Natural Resources.

EC–1706. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to the Lost Creek Dam Weber Basin Project, Utah; to the Committee on Energy and Natural Resources.

EC–1707. A communication from the Assistant Secretary of the Interior for Land and Minerals Management, transmitting, pursuant to law, a rule relative to royalties, rentals and bonuses, (RIN 1010–AC01) received on April 17, 1997; to the Committee on Energy and Natural Resources.

EC–1708. A communication from the Acting Director of the Office of Surface Mining, Reclamation and Enforcement, Department of the Interior, transmitting, pursuant to law, a rule relative to permit application process, (RIN1029-AB91) received on April 17, 1997; to the Committee on Energy and Natural Resources.

EC–1709. A communication from the Director of Regulations Policy, Management Staff, Office of Policy, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, four rules including a rule entitled "Food and Drugs," (RIN0919-AA19) received on April 3, 1997; to the Committee on Labor and Human Resources.

EC–1710. A communication from the Chairman of the Consumer Products Safety Commission, transmitting, pursuant to law, the annual report on the administration of the government in the Sunshine Act for calendar year 1996; to the Committee on Governmental Affairs.

EC–1711. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report entitled "Toward a More Equitable Relationship: Structuring the District of Columbia's State Functions"; to the Committee on Governmental Affairs.

EC–1712. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-61 adopted by the Council on March 4, 1997; to the Committee on Governmental Affairs.

EC–1713. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, a request for additional appropriations for fiscal year 1997; to the Committee on Governmental Affairs.

EC–1714. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the fiscal year 1996 management report; to the Committee on Governmental Affairs.

EC–1715. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the management report of the Government National Mortgage Association for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1716. A communication from the Secretary of the Department of Housing and Urban Development, transmitting, pursuant to law, the Federal Housing Administration Management Report for fiscal year 1995; to the Committee on Governmental Affairs.

EC–1717. A communication from the General Counsel of the Federal Retirement Thrift Investment Board, transmitting, pursuant to law, a rule entitled "Thrift Savings Plan" received on April 16, 1997; to the Committee on Governmental Affairs.

EC–1718. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, a rule relative to excepted service, (RIN3206-AH67) received on April 16, 1997; to the Committee on Governmental Affairs.

EC–1719. A communication from the Chairman of the Christopher Columbus Fellowship Foundation, transmitting, pursuant to law, the report on the system of internal accounting and financial controls in effect during fiscal year 1996; to the Committee on Governmental Affairs.

EC–1720. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to disease status, received on April 17, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1721. A communication from the Under Secretary of Commerce for Oceans and Atmosphere, transmitting, pursuant to law, the annual report for fiscal year 1996; to the Committee on Commerce, Science, and Transportation.

EC–1722. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, two rules including a rule entitled "Guides for the Jewelry, Precious Metals and Pewter Industries"; to the Committee on Commerce, Science, and Transportation.

EC–1723. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Maritime Administration Authorization Act for Fiscal Years 1998 and 1999"; to the Committee on Commerce, Science, and Transportation.

EC–1724. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Coast Guard; to the Committee on Commerce, Science, and Transportation.

EC–1725. A communication from the Chairman of the Surface Transportation Board, transmitting, pursuant to law, two rules including a rule entitled "Railroad Consolidation Procedures"; to the Committee on Commerce, Science, and Transportation.

EC–1726. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on northeast multispecies harvest capacity; to the Committee on Commerce, Science, and Transportation.

EC–1727. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on bluefin tuna for calendar years 1995 and 1996; to the Committee on Commerce, Science, and Transportation.

EC–1728. A communication from the Secretary of Commerce, transmitting, pursuant to law, a report relative to the Chesapeake Bay; to the Committee on Commerce, Science, and Transportation.

EC–1729. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on grant-in-aid for fisheries for calendar years 1995 and 1996; to the Committee on Commerce, Science, and Transportation.

EC–1730. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report of the summary of scientific studies of the hatchery system in the Pacific Northwest; to the Committee on Commerce, Science, and Transportation.

EC–1731. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report regarding highly migratory species; to the Committee on Commerce, Science, and Transportation.

EC–1732. A communication from the Managing Director of the Federal Communications Commission, transmitting, pursuant to law, eight rules; to the Committee on Commerce, Science, and Transportation.

EC–1733. A communication from the Acting Associate Managing Director for Performance Evaluations and Records Management, Federal Communications Commission, transmitting, pursuant to law, seven rules; to the Committee on Commerce, Science, and Transportation.

EC–1734. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation entitled "The Surface Transportation Safety Act of 1997"; to the Committee on Commerce, Science, and Transportation.

EC–1735. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, one hundred and ten rules; to the Committee on Commerce, Science, and Transportation.

EC–1736. A communication from the Acting Deputy Assistant Administrator of the National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Hawaiian Islands Humpback Whale Marine Sanctuary" (RIN0648–AH99) received on March 28, 1997; to Committee on Commerce, Science, and Transportation.

EC–1737. A communication from the Director of the Office of Global Programs, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "NOAA Climate and Global Change Program" (RIN0648–ZA29) received on April 22, 1997; to Committee on Commerce, Science, and Transportation.

EC–1738. A communication from the National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska" received on March 25, 1997; to Committee on Commerce, Science, and Transportation.

EC–1739. A communication from the National Marine Fisheries Services, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, four rules including a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska" received on March 25, 1997; to Committee on Commerce, Science, and Transportation.

EC–1740. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of a certification relative to a proposed Manufacturing License Agreement; to the Committee on Foreign Relations.

EC–1741. A communication from the Chairman Pro Tempore of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 12-63 adopted by the Council on March 4, 1997; to the Committee on Governmental Affairs.

EC–1742. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the annual audit for fiscal year 1996; to the Committee on Governmental Affairs.

EC–1743. A communication from the Acting Assistant Administrator for Fisheries of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries of the Northeastern United States" (RIN0648-AI21) received on March 25, 1997; to Committee on Commerce, Science, and Transportation.

EC–1744. A communication from the Acting Assistant Administrator for Fisheries of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, a rule entitled "Fisheries of the Caribbean" (RIN0648-AI47) received on March 28, 1997; to Committee on Commerce, Science, and Transportation.

EC–1745. A communication from the Deputy Assistant Administrator for Fisheries of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, three rules including a rule concerning the Gulf of Mexico Sustainable Fisheries Program (RIN0648–AI68, AI88); to Committee on Commerce, Science, and Transportation.

EC–1746. A communication from the Director of the Office of Sustainable Fisheries of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, five rules including a rule concerning fisheries; to Committee on Commerce, Science, and Transportation.

EC–1747. A communication from the Director of the Office of Sustainable Fisheries of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, twelve rules including a rule concerning fisheries; to Committee on Commerce, Science, and Transportation.

EC–1748. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, transmitting, pursuant to law, five rules including a rule concerning fisheries (RIN 0648–AJ32, AJ78, AJ11, AJ43, AI15); to Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services:

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. George T. Babbitt, Jr., 3032.

The following-named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, United States Code, section 12203:

To be major general

Brig. Gen. John J. Batbie, Jr., 7759.
Brig. Gen. Winfred N. Carroll, 8742.
Brig. Gen. Dennis M. Gray, 5184.
Brig. Gen. Grant R. Mulder, 6734.
Brig. Gen. Virgil J. Toney, Jr., 3240.

To be brigadier general

Col. William E. Albertson, 6512.
Col. Paul R. Cooper, 1006.
Col. Gerald P. Fitzgerald, 6393.
Col. Patrick J. Gallagher, 3723.
Col. Edward J. Mechenbier, 3853.
Col. Jeffrey M. Musfeldt, 8617.
Col. Allan R. Poulin, 0569.
Col. Giuseppe P. Santaniello, 7772.
Col. Robert B. Siegfried, 5248.
Col. Robert C. Stumpf, 5111.
Col. William E. Thomlinson, 6969.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Tad J. Oelstrom, 3287.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Richard B. Myers, 7092.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be general

Lt. Gen. Ralph E. Eberhart, 7375.

The following-named officer for appointment in the U.S. Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. John B. Hall, Jr., 5835.

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10 United States Code, section 601:

To be lieutenant general

Maj. Gen. Claudia J. Kennedy, 0477.

The following-named officer for appointment in the U.S. Army to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Tommy R. Franks, 0864.

The following-named officer for appointment in the Reserve of the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 12203:

To be major general

Maj. Gen. Kevin B. Kuklok, 6010.

The following-named officers for appointment in the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be brigadier general

Col. James R. Battaglini, 5336.
Col. James E. Cartwright, 5961.
Col. Stephen A. Cheney, 1702.
Col. Christopher Cortez, 9054.
Col. Robert M. Flanagan, 2865.
Col. John F. Goodman, 3509.
Col. Gary H. Hughey, 9286.
Col. Thomas S. Jones, 2831.
Col. Richard L. Kelly, 9290.
Col. Ralph E. Parker, Jr., 6337.
Col. John F. Sattler, 0580.
Col. William A. Whitlow, 5394.
Col. Frances C. Wilson, 7788.

The following-named officer for appointment in the Reserve of the Navy to the grade indicated under title 10, United States Code, section 12203:

To be rear admiral (lower half)

Capt. Karen A. Harmeyer, 8014.

The following-named officer for appointment in the U.S. Marine Corps to the grade indicated under title 10, United States Code, section 624:

To be major general

Brig. Gen. Terrence P. Murray, 7177.

The following-named officer for appointment as Judge Advocate General of the U.S. Navy and for appointment to the grade indicated under title 10, United States Code, section 5148:

To be rear admiral

Capt. John D. Hutson, 9946.

The following-named officer for appointment in the U.S. Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be vice admiral

Rear Adm. Lee F. Gunn, 4664.

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 25 nomination lists in the Air Force, Army, Marine Corps and Navy which were printed in the CONGRESSIONAL RECORDS of January 7, 28, 30, February 5, 25, 27, March 5, 11, 21, and April 7, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 7, 28, 30, February 5, 25, 27, March 5, 11, 21, and April 7, 1997, at the end of the Senate proceedings.)

In the Army there are 30 promotions to the grade of major (list begins with William M. Austin) (Reference No. 55).

In the Army there are 69 promotions to the grade of colonel (list begins with Richard H. Agosta) (Reference No. 65).

In the Army there are 9 appointments to the grade of colonel (list begins with Richard Cooper) (Reference No. 171).

In the Army there are 66 appointments to the grade of major (list begins with Ida F. Agamy) (Reference No. 178).

In the Navy there are 59 appointments to the grade of lieutenant commander (list begins with Cal D. Astrin) (Reference No. 195).

In the Air Force Reserve there are 83 appointments to the grade of colonel (list begins with Robert N. Agee) (Reference No. 218).

In the Army Reserve there is 1 appointment to the grade of colonel (George B. Garrett) (Reference No. 219).

In the Army Reserve there are 32 appointments to the grade of colonel (list begins with Vincent J. Albanese) (Reference No. 220).

In the Army Reserve there are 7 appointments to the grade of colonel (list begins with James M. Caldwell) (Reference No. 221).

In the Navy there are 29 appointments to the grade of lieutenant and below (list begins with Jason T. Baltimore) (Reference No. 222).

In the Army there are 170 appointments to the rank of lieutenant colonel (list begins with Bryant H. Aldstadt) (Reference No. 224).

In the Air Force there are 22 appointment to the grade of colonel and below (list begins with John L. Bush) (Reference No. 227).

In the Army Reserve there is 1 appointment to the grade of colonel (Larry W. Rascster) (Reference No. 228).

In the Air Force there are 517 appointments to the grade of colonel and below (list begins with Barry S. Abbott) (Reference No. 229).

In the Marine Corps there are 92 appointments to the grade of colonel (list begins with Dirk R. Ahle) (Reference No. 234).

In the Army there is 1 appointment to the grade of lieutenant colonel (Douglas R. Yates) (Reference No. 239).

In the Navy there are 3 appointments to the grade of captain and below (list begins with Edward H. Lundquist) (Reference No. 240).

In the Air Force there are 16 appointments to the grade of colonel and below (list begins with Christopher R. Kleinsmith) (Reference No. 261).

In the Army Reserve there are 18 appointments to the grade of colonel (list begins with Harry L. Bryan, Jr.) (Reference No. 262).

In the Army there is 1 appointment to the grade of major (Phuong T. Pierson) (Reference No. 263).

In the Air Force there are 364 appointments to the grade of colonel and below (list begins with Marilyn S. Abughusson) (Reference No. 264).

In the Air Force there are 11 appointments to the grade of lieutenant colonel and below (list begins with John M. Barker, Jr.) (Reference No. 269).

In the Marine Corps there is 1 appointment to the grade of colonel (Todd H. Griffis) (Reference No. 270).

In the Marine Corps there are 479 appointments to the grade of major (list begins with Roy P. Ackley, Jr.,) (Reference No. 272).

In the Marine Corps there are 326 appointments to the grade of lieutenant colonel (list begins with Robert J. Abblitt) (Reference No. 273).

In the Navy there is 1 appointment to the grade of lieutenant commander (Jamel B. Weatherspoon) (Reference No. 274).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCAIN:

S. 641. A bill to require the Federal Communications Commission to eliminate from its regulations the restrictions on the cross-ownership of broadcasting stations and newspapers; to the Committee on Commerce, Science, and Transportation.

By Mr. TORRICELLI:

S. 642. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

By Mr. DURBIN (for himself, Mr. Gregg, and Mr. Lautenberg):

S. 643. A bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 644. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG (for himself and Mr. Torricelli):

S. 645. A bill to amend the Federal Water Pollution Control Act to improve the enforcement and compliance programs; to the Committee on Environment and Public Works.

By Mr. FORD (for himself, Mr. Hollings, Mr. Helms, Mr. Faircloth, Mr. Thurmond, Mr. Cochran, Mr. Robb, Mr. Sessions, Mr. Warner, Mr. Byrd, Mr. Breaux, Ms. Collins, Ms. Landrieu, Mr. McConnell, and Mr. Shelby):

S. 646. A bill to ensure the competitiveness of the United States textile and apparel industry; to the Committee on Finance.

By Mr. FEINGOLD:

S. 647. A bill to amend the Congressional Budget and Impoundment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one Committee reports, the other Committee has thirty days to report or be discharged.

By Mr. GORTON (for himself, Mr. Ashcroft, Mr. McCain, and Mr. Lott):

S. 648. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. SNOWE (for herself, Mr. Grassley, Mr. Glenn, Mr. D'Amato, Mr. Inouye, Mr. Rockefeller, and Mr. Mack):

S. 649. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare program; to the Committee on Finance.

By Mr. NICKLES:

S. 650. A bill to amend the Internal Revenue Code of 1986 to reduce estate taxes by providing a 20 percent rate of tax on estates exceeding $1,000,000, and a 30 percent rate of tax on estates exceeding $10,000,000, and for other purposes; to the Committee on Finance.

By Mr. ALLARD:

S.J. Res. 28. A joint resolution proposing an amendment to the Constitution of the United States granting the President the authority to exercise an item veto of individual appropriations in an appropriations bill; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BURNS (for himself, Mr. Baucus, Ms. Collins, Mr. Kempthorne, Mr. Faircloth, Mr. Bingaman, Mr. DeWine, Mr. Hatch, Mr. Grassley, Mr. Warner, Mr. Cleland, Mr. Gorton, Mr. Abraham, Ms. Landrieu, Mr. Reid, Mr. Lieberman, Mr. Dodd, Mr. Murkowski, Mr. D'Amato, Mr. Kennedy, Mr. Kerrey, Mr. Levin, Mr. Gramm, Mr. Kerry, Mr. Lugar, and Mr. Moynihan):

S. Res. 78. A resolution to designate April 30, 1997, as "National Erase the Hate and Eliminate Racism Day"; to the Committee on the Judiciary.

By Mr. McCAIN:

S. Con. Res. 23. A concurrent resolution honoring the lifetime achievements of Jackie Robinson; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCAIN:

S. 641. A bill to require the Federal Communications Commission to eliminate from its regulations the restrictions on the cross-ownership of broadcasting stations and newspapers; to the Committee on Commerce, Science, and Transportation.

THE NEWSPAPER OWNERSHIP ACT

Mr. McCAIN. Mr. President, I am pleased to introduce the Newspaper Ownership Act. This legislation would eliminate one of the most archaic provisions remaining in telecommunications law: that which prohibits a newspaper from being co-owned with a local radio or television station.

Mr. President, at a time when the number of outlets for news, information, and entertainment has expanded exponentially, and at a time when other restrictions on ownership of mass media companies have been rethought and liberalized one fossil from the age of Walter Winchell and the Dumont Network remains—the law that keeps one entity from owning both a newspaper and a radio or TV station in the same market. It's time to finally get rid of this relic.

The newspaper/broadcast cross-ownership prohibition dates from a day when there was a realistic fear that common control of both media in the same locale could result in the public's receiving only one point of view on important issues.

Radio and television outlets abound. Many are supplemented by multichannel news and entertainment outlets like cable TV and satellite broadcasting. Even in the smallest markets, diversity of viewpoints is as close as clicking on the Internet.

It is not surprising that, in this era of media diversity, newspapers have found it tough going, their numbers steadily declining over the years. In this environment, the infusion of resources that would result from allowing them to be owned by local radio and TV station owners would be most beneficial. Moreover, is there any reason to think that an attempt to make a newspaper walk in the lock-step with a co-owned broadcast station would not be readily detected by the public, and rejected in favor of more diverse sources of information? It is difficult to believe that, given the almost bewildering variety in the numbers and types of information sources available in even the smallest markets, any seeker of information could be either so passive or so defenseless.

Mr. President, I introduce this bill in an effort to engage informed debate on this outdated restriction. I ask unanimous consent that the text of the bill be printed on the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 641

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CROSS-OWNERSHIP OF BROADCASTING AND NEWSPAPERS.

(a) Rule Changes Required.—The Federal Communications Commission shall modify section 73.3555 of its regulations (47 C.F.R. 73.3555) by eliminating any provisions limiting the granting or renewal of an AM, FM, or TV broadcast station license to any party (including parties under common control) on the basis of the ownership, operation, or control by such party of a daily newspaper.

(b) Deadline for Action.—The Federal Communications Commission shall complete all action necessary to complete the modifications required by subsection (a) within 90 days after the date of enactment of this Act.

By Mr. TORRICELLI:

S. 642. A bill to amend section 842 of title 18, United States Code, relating to explosive materials; to the Committee on the Judiciary.

THE EXPLOSIVES PROTECTION ACT OF 1997

• Mr. TORRICELLI. Mr. President, I introduce the Explosives Protection Act of 1997. I do so just over two years after the tragic bombing of the federal building in Oklahoma City, because I hope that this bill will, in some small way, prevent future bombings—whether by terrorists of symbolic targets, malcontents of random ones, or even spouses involved in marital disputes.

This bill, while not directly related to the circumstances in Oklahoma City, is a first step towards protecting the American people from those who would use explosives to do them harm.

Not many people realize, Mr. President, just how few restrictions on the use and sale of explosives really exist. While we have increasingly restricted the number of people who can obtain and use a firearm, we have been lax in extending these prohibitions to explosives.

For instance, while we prohibit illegal aliens from obtaining a gun, we allow them to obtain explosives without restriction. And this same divergence applies to those who have been dishonorably discharged from the armed forces, those who have renounced U.S. citizenship, people who have acted in such a way as to have restraining orders issued against them, and those with domestic violence convictions. Each of these categories of persons are prohibited from obtaining firearms, but face no such prohibition on obtaining explosive material.

Additionally, while this Congress has been moving to prevent nonimmigrant legal aliens from obtaining a gun, in response to the recent shooting at the Empire State Building, we have neglected to work towards this same goal with regards to explosives.

Mr. President, many of these differences in the law are simply oversights—Congress has often acted to limit the use and sale of firearms, and has neglected to bring explosives law into line. And in so doing, we have made it all too easy for many of the most dangerous or least accountable members of society to obtain materials which can result in an equal or even greater loss of life.

Congress has already made the determination that certain members of society should not have access to firearms, and the same logic clearly applies to dangerous and destructive explosive materials. It is time to bring the explosives law into line with gun laws, and this is all my bill does.

Specifically, my bill would take the list of categories of people who cannot obtain firearms and would add any of those categories not currently covered under the explosives law. Additionally, my bill would insert the Durbin-Kennedy nonimmigrant provisions into the law to protect us from persons entering the country and quickly moving to purchase and use deadly explosive material.

Mr. President, this is a simple bill meant only to correct longstanding gaps and loopholes in current law. I urge my colleagues to support the bill, and I hope we can quickly move to get this passed and protect Americans from future acts of explosive destruction.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Explosives Protection Act of 1997".

SEC 2. PROHIBITIONS RELATING TO EXPLOSIVE MATERIALS.

(a) Prohibition of Sale, Delivery, or Transfer of Explosive Materials to Certain Individuals.—Section 842 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) Prohibition of Sale, Delivery, or Transfer of Explosive Materials to Certain Individuals.—It shall be unlawful for any licensee to knowingly sell, deliver, or transfer any explosive materials to any individual who—

"(1) is less than 21 years of age;

"(2) is under indictment for, or has been convicted in any court of, a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or has been committed to any mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship;

"(9) is subject to a court order that restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child, except that this paragraph shall only apply to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had the opportunity to participate; and

"(B)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(b) Prohibition on Shipping, Transporting, Possession, or Receipt of Explosives by Certain Individuals.—Section 842 of title 18, United States Code, is amended by striking subsection (p) and inserting the following:

"(p) Prohibition on Shipping, Transporting, Possession, or Receipt of Explosives by Certain Individuals.—It shall be unlawful for any person to ship or transport in interstate or foreign commerce, or possess, in or affecting commerce, any explosive, or to receive any explosive that has been shipped or transported in interstate or foreign commerce, if that person—

"(1) is less than 21 years of age;

"(2) has been convicted in any court, of a crime punishable by imprisonment for a term exceeding 1 year;

"(3) is a fugitive from justice;

"(4) is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(5) has been adjudicated as a mental defective or who has been committed to a mental institution;

"(6) being an alien—

"(A) is illegally or unlawfully in the United States; or

"(B) except as provided in subsection (*l*), has been admitted to the United States under a nonimmigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26));

"(7) has been discharged from the Armed Forces under dishonorable conditions;

"(8) having been a citizen of the United States, has renounced his citizenship; or

"(9) is subject to a court order that—

"(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

"(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

"(C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; and

"(ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

"(10) has been convicted in any court of a misdemeanor crime of domestic violence.".

(c) Exceptions and Waiver for Certain Individuals.—Section 842 of title 18, United

States Code, is amended by adding at the end the following:

"(*l*) EXCEPTIONS AND WAIVER FOR CERTAIN INDIVIDUALS.—

"(1) DEFINITIONS.—In this subsection—

"(A) the term 'alien' has the same meaning as in section 101(a)(3) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)); and

"(B) the term 'nonimmigrant visa' has the same meaning as in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)).

"(2) EXCEPTIONS.—Subsections (d)(5)(B) and (p)(5)(B) do not apply to any alien who has been lawfully admitted to the United States pursuant to a nonimmigrant visa, if that alien is—

"(A) admitted to the United States for lawful hunting or sporting purposes;

"(B) a foreign military personnel on official assignment to the United States;

"(C) an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or

"(D) a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.

"(3) WAIVER.—

"(A) IN GENERAL.—Any individual who has been admitted to the United States under a nonimmigrant visa and who is not described in paragraph (2), may receive a waiver from the applicability of subsection (d)(5)(B) or (p)(5)(B), if—

"(i) the individual submits to the Attorney General a petition that meets the requirements of subparagraph (B); and

"(ii) the Attorney General approves the petition.

"(B) PETITIONS.—Each petition under subparagraph (A)(i) shall—

"(i) demonstrate that the petitioner has resided in the United States for a continuous period of not less than 180 days before the date on which the petition is submitted under this paragraph; and

"(ii) include a written statement from the embassy or consulate of the petitioner, authorizing the petitioner to engage in any activity prohibited under subsection (d) or (p), as applicable, and certifying that the petitioner would not otherwise be prohibited from engaging in that activity under subsection (d) or (p), as applicable.".●

By Mr. DURBIN (for himself, Mr. GREGG, and Mr. LAUTENBERG):

S. 643. A bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco; to the Committee on Agriculture, Nutrition, and Forestry.

THE TOBACCO SUBSIDY REDUCTION ACT OF 1997

Mr. DURBIN. Mr. President, people often ask their elected officials, "If smoking is so dangerous, why does Congress subsidize tobacco?" Today, my colleagues Senator GREGG of New Hampshire and Senator LAUTENBERG of New Jersey are joining me in introducing legislation that will give my colleagues an answer to this question.

The Tobacco Subsidy Reduction Act of 1997 ends the largest direct federal subsidy of tobacco. Specifically, this legislation prohibits the federal government from offering crop insurance or providing crop insurance subsidies for tobacco. For consistency, it also prohibits payments for tobacco under the Non-Insured Disaster Assistance Program, an alternative risk management program created in the 1996 Farm Bill for crops not eligible for the crop insurance program. I ask that the full text of the legislation appear in the RECORD following my statement.

Tobacco growing and processing is one of the most lucrative industries in America. To protect their profits despite the health dangers of their product, tobacco growers created the "no net cost" price support program. But a variety of taxpayer subsidies to tobacco remain, including crop insurance, extension services, and other programs assisting tobacco production and sales.

Last year, the federal government spent $98 million on tobacco-related subsidies and programs. These costs include $68 million for crop insurance losses beyond the premiums tobacco farmers paid, and $11 million for overhead costs of administering the crop insurance program for tobacco crops. This year, federal tobacco-related subsidies are estimated to amount to $67 million, including $48 million related to crop insurance.

In an era of tight budgets, there are better uses for this money. It makes no budgetary sense to subsidize a crop that causes an enormous amount of disease, disability, and death.

This amendment will not affect the tobacco price support program, so it will not drive any tobacco farmers out of business. It will merely get the federal government out of the business of paying for these specific subsidies for this deadly crop.

Cigarettes and smokeless tobacco products kill more than 400,000 Americans every year of cancer, heart disease, and other illnesses. These products also disable hundreds of thousands of other Americans through emphysema and other respiratory illnesses. It's time to take another step toward getting the federal government out of this business.

I invite my colleagues to cosponsor the Tobacco Subsidy Reduction Act and tell their constituents that they are working to cut government tobacco subsidies.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 643

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tobacco Subsidy Reduction Act of 1997".

SEC. 2. PROHIBITION OF FEDERAL INSURANCE, REINSURANCE, OR NONINSURED CROP DISASTER ASSISTANCE FOR TOBACCO.

(a) CROP INSURANCE.—

(1) DEFINITION OF AGRICULTURAL COMMODITY.—Section 518 of the Federal Crop Insurance Act (7 U.S.C. 1518) is amended—

(A) by striking the section heading and all that follows through "as used in this title, means" and inserting the following:

"SEC. 518. DEFINITION OF AGRICULTURAL COMMODITY.

"(a) DEFINITION.—In this title, the term 'agricultural commodity' means";

(B) by striking "tobacco,"; and

(C) by adding at the end the following:

"(b) EXCEPTION.—In this title, the term 'agricultural commodity' does not include tobacco. The Corporation may not insure, provide reinsurance for insurers of, or pay any part of the premium related to the coverage of a crop of tobacco.".

(2) CONFORMING AMENDMENTS.—Section 508 of the Federal Crop Insurance Act (7 U.S.C. 1508) is amended—

(A) in the first sentence of subsection (a)(2), by striking "cases of tobacco and" and inserting "case of"; and

(B) in subsection (h)(9)(A), by inserting ", excluding tobacco," after "commodity".

(b) NONINSURED CROP DISASTER ASSISTANCE.—Section 196(a)(2) of Agricultural Market Transition Act (7 U.S.C. 7333(a)(2)) is amended by adding at the end the following:

"(C) CROPS SPECIFICALLY EXCLUDED.—The term 'eligible crop' does not include tobacco. The Secretary may not make assistance available under this section to cover losses to a crop of tobacco.".

(c) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Subject to paragraph (2), the amendments made by this section shall apply with respect to the 1997 and subsequent crops of tobacco.

EXISTING CONTRACTS.—The amendments made by this section shall not apply to a contract of insurance of the Federal Crop Insurance Corporation, or a contract of insurance reinsured by the Corporation, in existence on the date of enactment of this Act.

By Mr. D'AMATO:

S. 644. A bill to amend the Public Health Service Act and the Employee Retirement Income Security Act of 1974 to establish standards for relationships between group health plans and health insurance issuers with enrollees, health professionals, and providers; to the Committee on Labor and Human Resources.

THE PATIENT ACCESS TO RESPONSIBLE CARE ACT

Mr. D'AMATO. Mr. President, I am introducing this bill in an effort to protect the vast majority of patients in this country. Currently, in order to control the cost of health care, managed care organizations often place limits on the delivery of necessary medical services. I believe American families must be guaranteed basic health rights when dealing with HMOs and managed care providers. The bottom line in medicine must be the health of the patient, not the profits of any given company. This legislation, the Patient Access to Responsible Care Act, will meet this obligation.

With this Act, I seek to establish basic protections for patients and health care providers in order to ensure the best medical care for patients. I envision these basic provisions giving Americans a set of health rights, in the form of a Patients' Bill of Rights, when dealing with HMOs and other health insurance plans. These rights include:

The Right to Choose Your Own Doctor. This bill will allow patients to select their own doctors within their plan and change their selection of doctor as the patient feels necessary. It also gives patients, who are in managed care-only health plans, the option to see doctors outside their HMOs for an additional fee.

The Right to Quality Health Care. This legislation will ensure that doctors are not prohibited or limited in any way from discussing a patient's health status, treatment options or any other medical communications. It also stops HMOs from using financial incentives for doctors to deny or limit care to patients. We must make sure that health care decisions are based on sound medical criteria and not the financial bottom line.

The Right to Justice. This Act closes loopholes in current law that allow the vast majority of health insurance plans to escape legal responsibility for decisions causing needless injury or death to a patient. Currently, self-insured managed care plans cannot be held liable for a patient's wrongful death or personal injuries resulting from plan policies even when those policies directly contributed to the patient's death or injury. This is wrong and this bill would guarantee that if HMO policies hurt patients, the HMO will be held accountable for their actions.

In addition, within a patient's health plan, this bill guarantees patients can quickly and easily appeal adverse decisions by their manage care plans. We've heard too many horror stories of patients who have been denied treatment by a health plans' policy. In addition, the appeals process is too bureaucratic and lengthy, sometimes resulting in tragic consequences. We must always put the quality of patient care first.

The Right to Full Disclosure. This bill also provides that health insurance plans make available to each patient a list of what health care is covered, what are the plans costs and profits, and how much is the plan spending on marketing and other non-medical costs. This is a sort of "truth-in-lending" statement for health plans.

When I first considered introducing this Patients' Bill of Rights, I was concerned about how prevalent a need there was for this type of legislation. I quickly found numerous instances where patients were suffering adverse outcomes from poor medical decisions made by managed care companies. The most publicized recent case is Corcoran versus United Health Care. In this case, Ms. Corcoran, a Louisiana woman with a high risk pregnancy, was admitted to a hospital under her physician's orders. She was discharged from the hospital after her health plan refused to pay for her care. The health plan would only authorize a visiting nurse to check on the woman at home. At one point, when the nurse was absent, the unborn child went into distress and died. The U.S. Court of Appeals for the 5th Circuit ruled that the woman had no right to sue the HMO for damages because the insurance plan was governed under ERISA laws. These laws preempt state insurance laws allowing patients to seek due process. Americans cannot expect health care with this type of managed health care.

As I said before, there are numerous instances where managed care is revealed to be ruled by a company's profits. In New York, a diabetic developed an infection in his foot that had become gangrenous and had spread all the way to his groin. Almost his entire leg was infected and the blood vessels clogged. His doctor, a cardio-vascular specialist, feared that the gentleman could lose his foot if treatment was not initiated immediately. So, as a responsible physician, he admitted his patient to the hospital where he was immediately treated with intravenous antibiotics to combat the infection. Once in the hospital, the gentleman's HMO contacted the doctor to find out how long he anticipated the hospital stay would be. Since the man had clogged blood vessels and had to undergo a vascular bypass in order to be treated, the doctor estimated a stay between 10 and 15 days.

Upon learning this, an HMO official went to the gentleman's hospital room, and without even notifying the doctor, told the man that "he could watch Oprah and be treated as well from home with a visiting nurse." The gentleman's doctor repeatedly argued with the HMO that it was not medically safe to release his patient from the hospital. But, with fluid still draining from his wounds and the doctor still protesting against the early discharge, the gentleman was sent home just a week after being admitted. The next day, the HMO sent a nurse—not a cardiovascular specialist or even a doctor, but a nurse—to his home to evaluate his condition and to show his wife how to change the dressing covering his wounds. With this state of affairs, the man eventually required surgery. With the early discharge and the lack of responsible care on the part of the HMO, the surgery had to be postponed because the patient's blood had become too thin to safely perform surgery.

In Georgia, a 2-year old boy was suffering from a high fever which did not respond to medication. His parents followed the insurance company's instructions for pre-authorization of emergency room care and attempted to drive 42 miles to the preferred hospital. The couple passed five emergency rooms along the way. Before they could reach the preferred hospital, their son went into cardiac arrest and stopped breathing. The child slipped into a coma, developed gangrene in his extremities, and subsequently lost his arms and legs to amputation.

In California, a young girl was diagnosed with Wilm's tumor, a rare childhood kidney cancer. The families new HMO required that the girl's surgery be performed by a surgeon within the managed care plan. None of the plan's surgeons had any experience with Wilm's tumor. The family chose to use an expert surgeon outside of the plan who had a proven track record with this type of tumor. The surgery was a success and the child has fully recovered. However, the HMO denied coverage for going outside of their system causing the family to enter a 2 year legal battle with the plan. In the first ever enforcement action against an HMO for a patient complaint, the state imposed a $500,000 fine against the plan for denying appropriate medical care.

In Colorado, a 75-year old woman was diagnosed with Kidney Cancer, but her plan refused to authorize surgery to remove the kidney and tumor of such an elderly woman. The plan only relented and allowed the surgery to be performed when a Congressman finally intervened on her behalf. The lady's cancer is now in full remission.

In Texas, a 17-year old Texas girl was critically injured in a head-on car crash that left her with severe head trauma, a broken back, a crushed pelvis, and numerous other injuries. She eventually pulled through, but her health plan refused to pay $40,000 of her hospital bill because her family had not received "prior authorization" for her emergency admission to the hospital—even though the hospital was a preferred provider for the plan.

These stories are not isolated incidents. They do not happen just in New York and Georgia, but across the nation. They speak for the thousands of patients across the country who have been denied access to the responsible care they need and deserve.

Mr. President, I believe it would be beneficial for my colleagues if I summarized what rights this bill will provide for patients across the country and how this bill meets those rights.

First of all, we are trying to increase patient access to plans and doctors. Patients, including those in under served inner-city and rural areas, are ensured their choice of doctor within the plan. The bill will ensure that health plans have enough doctors to guarantee this choice. Patients will also have access to any specialist required by their medical condition within the plan. In addition, patients are to have emergency health care without the burden of seeking prior approval from their health plan.

Also in this Act, patients will have an expanded choice of health care providers inside and outside of the network. People can either go through the network, or choose a plan that allows them to go out of the network, although at a higher cost. They will be allowed to select their own personal doctors within their plan and change their selection as the patient feels necessary. Patients will also be given the option to choose a health insurance plan that covers health care options not offered in the network. The managed care plan would reimburse the costs of these services based on rates consistent with those negotiated under the plan. Patients would be responsible for any remaining costs.

This bill will include a prohibition on gag rules. Patients are ensured that the health plan will not in any way limit doctors from discussing the patient's health status, treatment options or any other medical communication. Health plans can not offer any incentives, financial or otherwise, for doctors to deny or limit any health care.

In addition, this Bill of Rights forces HMOs to be responsible for their decisions. Currently, HMOs can not be held liable for wrongful death or personal injury suffered by the medical decision making policies of the plan, action may only be brought against the doctor and the hospital. Even if the HMO or the plan had in place a policy which directly contributed to death or injury of a patient, they are protected. This bill changes that by ensuring that managed care plans are held responsible for any medical decisions that they make. This bill says that if you make a medical decision, no matter who you are, you will be responsible for your actions. ERISA was never intended to be used as a shield for health plans providing negligent medical care. Also, there will be a provision providing due process on patient appeals claims made to their heath plans. Within the plan, patients will be guaranteed the ability to quickly and easily appeal adverse decisions.

The act will establish an information disclosure provision allowing patients to make informed decisions about which health plan would be best for them. This is a sort of "Truth in Lending" statement for HMO's. Every health plan will be required to disclose information about plan benefits, appeals procedures, plan performance measures, history of patient satisfaction, as well as the number and type of health care providers participating in the network. Based on this information, patients will be guaranteed the ability to make informed decisions about the quality of their health care and the managed care companies they choose from.

In addition, there will be doctor and patient protections from discrimination. The provision allows any doctor who meets a clear set of standards the opportunity to be a member of any managed care plan. In addition, patients will not be discriminated against based on their personal background or preexisting conditions, such as long-term and costly diseases.

Mr. President, we have an obligation to set minimum health care standards in the private sector to protect American families and ensure they have access to quality health care. We cannot allow the profits of the company to get in the way of patient health.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 644

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Patient Access to Responsible Care Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Patient protection standards under the Public Health Service Act.
"PART C—PATIENT PROTECTION STANDARDS
"Sec. 2770. Notice; additional definitions; construction.
"Sec. 2771. Enrollee access to care.
"Sec. 2772. Enrollee choice of health professionals and providers.
"Sec. 2773. Nondiscrimination against enrollees and in the selection of health professionals; equitable access to networks.
"Sec. 2774. Prohibition of interference with certain medical communications.
"Sec. 2775. Development of plan policies.
"Sec. 2776. Due process for enrollees.
"Sec. 2777. Due process for health professionals and providers.
"Sec. 2778. Information reporting and disclosure.
"Sec. 2779. Confidentiality; adequate reserves.
"Sec. 2780. Quality improvement program.
Sec. 3. Patient protection standards under the Employee Retirement Income Security Act of 1974.
Sec. 4. Non-preemption of State law respecting liability of group health plans.

SEC. 2. PATIENT PROTECTION STANDARDS UNDER THE PUBLIC HEALTH SERVICE ACT.

(a) PATIENT PROTECTION STANDARDS.—Title XXVII of the Public Health Service Act is amended—

(1) by redesignating part C as part D, and

(2) by inserting after part B the following new part:

"PART C—PATIENT PROTECTION STANDARDS

"SEC. 2770. NOTICE; ADDITIONAL DEFINITIONS; CONSTRUCTION.

"(a) NOTICE.—A health insurance issuer under this part shall comply with the notice requirement under section 711(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this part as if such section applied to such issuer and such issuer were a group health plan.

"(b) ADDITIONAL DEFINITIONS.—For purposes of this part:

"(1) ENROLLEE.—The term 'enrollee' means, with respect to health insurance coverage offered by a health insurance issuer, an individual enrolled with the issuer to receive such coverage.

"(2) HEALTH PROFESSIONAL.—The term 'health professional' means a physician or other health care practitioner licensed, accredited, or certified to perform specified health services consistent with State law.

"(3) NETWORK.—The term 'network' means, with respect to a health insurance issuer offering health insurance coverage, the participating health professionals and providers through whom the plan or issuer provides health care items and services to enrollees.

"(4) NETWORK COVERAGE.—The term 'network coverage' means health insurance coverage offered by a health insurance issuer that provides or arranges for the provision of health care items and services to enrollees through participating health professionals and providers.

"(5) PARTICIPATING.—The term 'participating' means, with respect to a health professional or provider, a health professional or provider that provides health care items and services to enrollees under network coverage under an agreement with the health insurance issuer offering the coverage.

"(6) PRIOR AUTHORIZATION.—The term 'prior authorization' means the process of obtaining prior approval from a health insurance issuer as to the necessity or appropriateness of receiving medical or clinical services for treatment of a medical or clinical condition.

"(7) PROVIDER.—The term 'provider' means a health organization, health facility, or health agency that is licensed, accredited, or certified to provide health care items and services under applicable State law.

"(8) SERVICE AREA.—The term 'service area' means, with respect to a health insurance issuer with respect to health insurance coverage, the geographic area served by the issuer with respect to the coverage.

"(9) UTILIZATION REVIEW.—The term 'utilization review' means prospective, concurrent, or retrospective review of health care items and services for medical necessity, appropriateness, or quality of care that includes prior authorization requirements for coverage of such items and services.

"(c) NO REQUIREMENT FOR ANY WILLING PROVIDER.—Nothing in this part shall be construed as requiring a health insurance issuer that offers network coverage to include for participation every willing provider or health professional who meets the terms and conditions of the plan or issuer.

"SEC. 2771. ENROLLEE ACCESS TO CARE.

"(a) GENERAL ACCESS.—

"(1) IN GENERAL.—Subject to paragraphs (2), and (3), a health insurance issuer shall establish and maintain adequate arrangements, as defined by the applicable State authority, with a sufficient number, mix, and distribution of health professionals and providers to assure that covered items and services are available and accessible to each enrollee under health insurance coverage—

"(A) in the service area of the issuer;

"(B) in a variety of sites of service;

"(C) with reasonable promptness (including reasonable hours of operation and after-hours services);

"(D) with reasonable proximity to the residences and workplaces of enrollees; and

"(E) in a manner that—

"(i) takes into account the diverse needs of enrollees, and

"(ii) reasonably assures continuity of care.

For a health insurance issuer that serves a rural or medically underserved area, the issuer shall be treated as meeting the requirement of this subsection if the issuer has arrangements with a sufficient number, mix, and distribution of health professionals and providers having a history of serving such areas. The use of telemedicine and other innovative means to provide covered items and services by a health insurance issuer that serves a rural or medically underserved area shall also be considered in determining whether the requirement of this subsection is met.

"(2) Rule of construction.—Nothing in this subsection shall be construed as requiring a health insurance issuer to have arrangements that conflict with its responsibilities to establish measures designed to maintain quality and control costs.

"(3) Definitions.—For purposes of paragraph (1):

"(A) Medically underserved area.—The term 'medically underserved area' means an area that is designated as a health professional shortage area under section 332 of the Public Health Service Act or as a medically underserved area for purposes of section 330 or 1302(7) of such Act.

"(B) Rural area.—The term 'rural area' means an area that is not within a Standard Metropolitan Statistical Area or a New England County Metropolitan Area (as defined by the Office of Management and Budget).

"(b) Emergency and Urgent Care.—

"(1) In general.—A health insurance issuer shall—

"(A) assure the availability and accessibility of medically or clinically necessary emergency services and urgent care services within the service area of the issuer 24 hours a day, 7 days a week;

"(B) require no prior authorization for items and services furnished in a hospital emergency department to an enrollee (without regard to whether the health professional or hospital has a contractual or other arrangement with the issuer) with symptoms that would reasonably suggest to a prudent layperson an emergency medical condition (including items and services described in subparagraph (C)(iii));

"(C) cover (and make reasonable payments for)—

"(i) emergency services,

"(ii) services that are not emergency services but are described in subparagraph (B),

"(iii) medical screening examinations and other ancillary services necessary to diagnose, treat, and stabilize an emergency medical condition, and

"(iv) urgent care services, without regard to whether the health professional or provider furnishing such services has a contractual (or other) arrangement with the issuer; and

"(D) make prior authorization determinations for—

"(i) services that are furnished in a hospital emergency department (other than services described in clauses (i) and (iii) of subparagraph (C)), and

"(ii) urgent care services, within the time periods specified in (or pursuant to) section 2776(a)(8).

"(2) Definitions.—For purposes of this subsection:

"(A) Emergency medical condition.—The term 'emergency medical condition' means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention could reasonably be expected to result in—

"(i) placing the patient's health in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.

"(B) Emergency services.—The term 'emergency services' means health care items and services that are necessary for the diagnosis, treatment, and stabilization of an emergency medical condition.

"(C) Urgent care services.—The term 'urgent care services' means health care items and services that are necessary for the treatment of a condition that—

"(i) is not an emergency medical condition,

"(ii) requires prompt medical or clinical treatment, and

"(iii) poses a danger to the patient if not treated in a timely manner, as defined by the applicable State authority in consultation with relevant treating health professionals or providers.

"(c) Specialized Services.—

"(1) In general.—A health insurance issuer offering network coverage shall demonstrate that enrollees have access to specialized treatment expertise when such treatment is medically or clinically indicated in the professional judgment of the treating health professional, in consultation with the enrollee.

"(2) Definition.—For purposes of paragraph (1), the term 'specialized treatment expertise' means expertise in diagnosing or treating—

"(A) unusual diseases or conditions, or

"(B) diseases and conditions that are unusually difficult to diagnose or treat.

"(d) Incentive Plans.—

"(1) In general.—In the case of a health insurance issuer that offers network coverage, any health professional or provider incentive plan operated by the issuer with respect to such coverage shall meet the following requirements:

"(A) No specific payment is made directly or indirectly under the plan to a professional or provider or group of professionals or providers as an inducement to reduce or limit medically necessary services provided with respect to a specific enrollee.

"(B) If the plan places such a professional, provider, or group at substantial financial risk (as determined by the Secretary) for services not provided by the professional, provider, or group, the issuer—

"(i) provides stop-loss protection for the professional, provider, or group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number of professionals or providers placed at such substantial financial risk in the group or under the coverage and the number of individuals enrolled with the issuer who receive services from the professional, provider, or group, and

"(ii) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the issuer to determine the degree of access of such individuals to services provided by the issuer and satisfaction with the quality of such services.

"(C) The issuer provides the Secretary with descriptive information regarding the plan, sufficient to permit the Secretary to determine whether the plan is in compliance with the requirements of this paragraph.

"(2) In this subsection, the term 'health professional or provider incentive plan' means any compensation arrangement between a health insurance issuer and a health professional or provider or professional or provide group that may directly or indirectly have the effect of reducing or limiting services provided with respect to individuals enrolled with the issuer.

"SEC. 2772. ENROLLEE CHOICE OF HEALTH PROFESSIONALS AND PROVIDERS.

"(a) Choice of Personal Health Professional.—A health insurance issuer shall permit each enrollee under network coverage to—

"(1) select a personal health professional from among the participating health professionals of the issuer, and

"(2) change that selection as appropriate.

"(b) Point-of-Service Option.—

"(1) In general.—If a health insurance issuer offers to enrollees health insurance coverage which provides for coverage of services only if such services are furnished through health professionals and providers who are members of a network of health professionals and providers who have entered into a contract with the issuer to provide such services, the issuer shall also offer to such enrollees (at the time of enrollment) the option of health insurance coverage which provides for coverage of such services which are not furnished through health professionals and providers who are members of such a network.

"(2) Fair premiums.—The amount of any additional premium required for the option described in paragraph (1) may not exceed an amount that is fair and reasonable, as established by the applicable State authority, in consultation with the National Association of Insurance Commissioners, based on the nature of the additional coverage provided.

"(3) Cost-sharing.—Under the option described in paragraph (1), the health insurance coverage shall provide for reimbursement rates for covered services offered by health professionals and providers who are not participating health professionals or providers that are not less than the reimbursement rates for covered services offered by participating health professionals and providers. Nothing in this paragraph shall be construed as protecting an enrollee against balance billing by a health professional or provider that is not a participating health professional or provider.

"(c) Continuity of Care.—A health insurance issuer offering network coverage shall—

"(1) ensure that any process established by the issuer to coordinate care and control costs does not create an undue burden, as defined by the applicable State authority, for enrollees with special health care needs or chronic conditions;

"(2) ensure direct access to relevant specialists for the continued care of such enrollees when medically or clinically indicated in the judgment of the treating health professional, in consultation with the enrollee;

"(3) in the case of an enrollee with special health care needs or a chronic condition, determine whether, based on the judgment of the treating health professional, in consultation with the enrollee, it is medically or clinically necessary to use a specialist or a care coordinator from an interdisciplinary team to ensure continuity of care; and

"(4) in circumstances under which a change of health professional or provider might disrupt the continuity of care for an enrollee, such as—

"(A) hospitalization, or

"(B) dependency on high-technology home medical equipment,

provide for continued coverage of items and services furnished by the health professional or provider that was treating the enrollee before such change for a reasonable period of time.

For purposes of paragraph (4), a change of health professional or provider may be due to changes in the membership of an issuer's health professional and provider network, changes in the health coverage made available by an employer, or other similar circumstances.

"SEC. 2773. NONDISCRIMINATION AGAINST ENROLLEES AND IN THE SELECTION OF HEALTH PROFESSIONALS; EQUITABLE ACCESS TO NETWORKS.

"(a) NONDISCRIMINATION AGAINST ENROLLEES.—No health insurance issuer may discriminate (directly or through contractual arrangements) in any activity that has the effect of discriminating against an individual on the basis of race, national origin, gender, language, socioeconomic status, age, disability, health status, or anticipated need for health services.

"(b) NONDISCRIMINATION IN SELECTION OF NETWORK HEALTH PROFESSIONALS.—A health insurance issuer offering network coverage shall not discriminate in selecting the members of its health professional network (or in establishing the terms and conditions for membership in such network) on the basis of—

"(1) the race, national origin, gender, age, or disability (other than a disability that impairs the ability of an individual to provide health care services or that may threaten the health of enrollees) of the health professional; or

"(2) the health professional's lack of affiliation with, or admitting privileges at, a hospital (unless such lack of affiliation is a result of infractions of quality standards and is not due to a health professional's type of license).

"(c) NONDISCRIMINATION IN ACCESS TO HEALTH PLANS.—While nothing in this section shall be construed as an 'any willing provider' requirement (as referred to in section 2770(c)), a health insurance issuer shall not discriminate in participation, reimbursement, or indemnification against a health professional, who is acting within the scope of the health professional's license or certification under applicable State law, solely on the basis of such license or certification.

"SEC. 2774. PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.

"(a) IN GENERAL.—The provisions of any contract or agreement, or the operation of any contract or agreement, between a health insurance issuer and a health professional shall not prohibit or restrict the health professional from engaging in medical communications with his or her patient.

"(b) NULLIFICATION.—Any contract provision or agreement described in subsection (a) shall be null and void.

"(c) MEDICAL COMMUNICATION DEFINED.—For purposes of this section, the term 'medical communication' means a communication made by a health professional with a patient of the health professional (or the guardian or legal representative of the patient) with respect to—

"(1) the patient's health status, medical care, or legal treatment options;

"(2) any utilization review requirements that may affect treatment options for the patient; or

"(3) any financial incentives that may affect the treatment of the patient.

"SEC. 2775. DEVELOPMENT OF PLAN POLICIES.

"A health insurance issuer that offers network coverage shall establish mechanisms to consider the recommendations, suggestions, and views of enrollees and participating health professionals and providers regarding—

"(1) the medical policies of the issuer (including policies relating to coverage of new technologies, treatments, and procedures);

"(2) the utilization review criteria and procedures of the issuer;

"(3) the quality and credentialing criteria of the issuer; and

"(4) the medical management procedures of the issuer.

"SEC. 2776. DUE PROCESS FOR ENROLLEES.

"(a) UTILIZATION REVIEW.—The utilization review program of a health insurance issuer shall—

"(1) be developed (including any screening criteria used by such program) with the involvement of participating health professionals and providers;

"(2) to the extent consistent with the protection of proprietary business information (as defined for purposes of section 552 of title 5, United States Code) release, upon request, to affected health professionals, providers, and enrollees the screening criteria, weighting elements, and computer algorithms used in reviews and a description of the method by which they were developed;

"(3) uniformly apply review criteria that are based on sound scientific principles and the most recent medical evidence;

"(4) use licensed, accredited, or certified health professionals to make review determinations (and for services requiring specialized training for their delivery, use a health professional who is qualified through equivalent specialized training and experience);

"(5) subject to reasonable safeguards, disclose to health professionals and providers, upon request, the names and credentials of individuals conducting utilization review;

"(6) not compensate individuals conducting utilization review for denials of payment or coverage of benefits;

"(7) comply with the requirement of section 2771 that prior authorization not be required for emergency and related services furnished in a hospital emergency department;

"(8) make prior authorization determinations—

"(A) in the case of services that are urgent care services described in section 2771(b)(2)(C), within 30 minutes of a request for such determination, and

"(B) in the case of other services, within 24 hours after the time of a request for determination;

"(9) include in any notice of such determination an explanation of the basis of the determination and the right to an immediate appeal;

"(10) treat a favorable prior authorization review determination as a final determination for purposes of making payment for a claim submitted for the item or service involved unless such determination was based on false information knowingly supplied by the person requesting the determination;

"(11) provide timely access, as defined by the applicable State authority, to utilization review personnel and, if such personnel are not available, waives any prior authorization that would otherwise be required; and

"(12) provide notice of an initial determination on payment of a claim within 30 days after the date the claim is submitted for such item or service, and include in such notice an explanation of the reasons for such determination and of the right to an immediate appeal.

"(b) APPEALS PROCESS.—A health insurance issuer shall establish and maintain an accessible appeals process that—

"(1) reviews an adverse prior authorization determination—

"(A) for urgent care services, described in subsection (a)(8)(A), within 1 hour after the time of a request for such review, and

"(B) for other services, within 24 hours after the time of a request for such review;

"(2) reviews an initial determination on payment of claims described in subsection (a)(12) within 30 days after the date of a request for such review;

"(3) provides for review of determinations described in paragraphs (1) and (2) by an appropriate clinical peer professional who is in the same or similar specialty as would typically provide the item or service involved (or another licensed, accredited, or certified health professional acceptable to the plan and the person requesting such review); and

"(4) provides for review of—

"(A) the determinations described in paragraphs (1), (2), and (3), and

"(B) enrollee complaints about inadequate access to any category or type of health professional or provider in the network of the issuer or other matters specified by this part,

by an appropriate clinical peer professional who is in the same or similar specialty as would typically provide the item or service involved (or another licensed, accredited, or certified health professional acceptable to the issuer and the person requesting such review) that is not involved in the operation of the plan or in making the determination or policy being appealed.

The procedures specified in this subsection shall not be construed as preempting or superseding any other reviews or appeals an issuer is required by law to make available.

"SEC. 2777. DUE PROCESS FOR HEALTH PROFESSIONALS AND PROVIDERS.

"(a) IN GENERAL.—A health insurance issuer with respect to its offering of network coverage shall—

"(1) allow all health professionals and providers in its service area to apply to become a participating health professional or provider during at least one period in each calendar year;

"(2) provide reasonable notice to such health professionals and providers of the opportunity to apply and of the period during which applications are accepted;

"(3) provide for review of each application by a credentialing committee with appropriate representation of the category or type of health professional or provider;

"(4) select participating health professionals and providers based on objective standards of quality developed with the suggestions and advice of professional associations, health professionals, and providers;

"(5) make such selection standards available to—

"(A) those applying to become a participating provider or health professional;

"(B) health plan purchasers, and

"(C) enrollees;

"(6) when economic considerations are taken into account in selecting participating health professionals and providers, use objective criteria that are available to those applying to become a participating provider or health professional and enrollees;

"(7) adjust any economic profiling to take into account patient characteristics (such as severity of illness) that may result in atypical utilization of services;

"(8) make the results of such profiling available to insurance purchasers, enrollees, and the health professional or provider involved;

"(9) notify any health professional or provider being reviewed under the process referred to in paragraph (3) of any information indicating that the health professional or provider fails to meet the standards of the issuer;

"(10) offer a health professional or provider receiving notice pursuant to the requirement of paragraph (9) with an opportunity to—

"(A) review the information referred to in such paragraph, and

"(B) submit supplemental or corrected information;

"(11) not include in its contracts with participating health professionals and providers a provision permitting the issuer to terminate the contract 'without cause';

"(12) provide a due process appeal that conforms to the process specified in section 412 of the Health Care Quality Improvement Act of 1986 (42 U.S.C. 11112) for all determinations that are adverse to a health professional or provider; and

"(13) unless a health professional or provider poses an imminent harm to enrollees or an adverse action by a governmental agency effectively impairs the ability to provide health care items and services, provide—

"(A) reasonable notice of any decision to terminate a health professional or provider 'for cause' (including an explanation of the reasons for the determination),

"(B) an opportunity to review and discuss all of the information on which the determination is based, and

"(C) an opportunity to enter into a corrective action plan, before the determination becomes subject to appeal under the process referred to in paragraph (12).

"(b) Rule of Construction.—The requirements of subsection (a) shall not be construed as preempting or superseding any other reviews and appeals a health insurance issuer is required by law to make available.

"SEC. 2778. INFORMATION REPORTING AND DISCLOSURE.

"(a) In General.—A health insurance issuer offering health insurance coverage shall provide enrollees and prospective enrollees with information about—

"(1) coverage provisions, benefits, and any exclusions—

"(A) by category of service,

"(B) by category or type of health professional or provider, and

"(C) if applicable, by specific service, including experimental treatments;

"(2) the percentage of the premium charged by the issuer that is set aside for administration and marketing of the issuer;

"(3) the percentage of the premium charged by the issuer that is expended directly for patient care;

"(4) the number, mix, and distribution of participating health professionals and providers;

"(5) the ratio of enrollees to participating health professionals and providers by category and type of health professional and provider;

"(6) the expenditures and utilization per enrollee by category and type of health professional and provider;

"(7) the financial obligations of the enrollee and the issuer, including premiums, copayments, deductibles, and established aggregate maximums on out-of-pocket costs, for all items and services, including—

"(A) those furnished by health professionals and providers that are not participating health professionals and providers, and

"(B) those furnished to an enrollee who is outside the service area of the coverage;

"(8) utilization review requirements of the issuer (including prior authorization review, concurrent review, post-service review, post-payment review, and any other procedures that may lead to denial of coverage or payment for a service);

"(9) financial arrangements and incentives that may—

"(A) limit the items and services furnished to an enrollee,

"(B) restrict referral or treatment options, or

"(C) negatively affect the fiduciary responsibility of a health professional or provider to an enrollee;

"(10) other incentives for health professionals and providers to deny or limit needed items or services;

"(11) quality indicators for the issuer and participating health professionals and providers, including performance measures such as appropriate referrals and prevention of secondary complications following treatment;

"(12) grievance procedures and appeals rights under the coverage, and summary information about the number and disposition of grievances and appeals in the most recent period for which complete and accurate information is available; and

"(13) the percentage of utilization review determinations made by the issuer that disagree with the judgment of the treating health professional or provider and the percentage of such determinations that are reversed on appeal.

"(b) Regulations.—The Secretary, in collaboration with the Secretary of Labor, shall issue regulations to establish—

"(1) the styles and sizes of type to be used with respect to the appearance of the publication of the information required under subsection (a);

"(2) standards for the publication of information to ensure that such publication is—

"(A) readily accessible, and

"(B) in common language easily understood,

by individuals with little or no connection to or understanding of the language employed by health professionals and providers, health insurance issuers, or other entities involved in the payment or delivery of health care services, and

"(3) the placement and positioning of information in health plan marketing materials.

"SEC. 2779. CONFIDENTIALITY; ADEQUATE RESERVES.

"(a) Confidentiality.—

"(1) In general.—A health insurance issuer shall establish mechanisms and procedures to ensure compliance with applicable Federal and State laws to protect the confidentiality of individually identifiable information held by the issuer with respect to an enrollee, health professional, or provider.

"(2) Definition.—For purposes of paragraph (1), the term 'individually identifiable information' means, with respect to an enrollee, a health professional, or a provider, any information, whether oral or recorded in any medium or form, that identifies or can readily be associated with the identity of the enrollee, the health professional, or the provider.

"(b) Financial Reserves; Solvency.—A health insurance issuer shall—

"(1) meet such financial reserve or other solvency-related requirements as the applicable State authority may establish to assure the continued availability of (and appropriate payment for) covered items and services for enrollees; and

"(2) establish mechanisms specified by the applicable State authority to protect enrollees, health professionals, and providers in the event of failure of the issuer.

Such requirements shall not unduly impede the establishment of health insurance issuers owned and operated by health care professionals or providers or by non-profit community-based organizations.

"SEC. 2780. QUALITY IMPROVEMENT PROGRAM.

"(a) In General.—A health insurance issuer shall establish a quality improvement program (consistent with subsection (b)) that systematically and continuously assesses and improves—

"(1) enrollee health status, patient outcomes, processes of care, and enrollee satisfaction associated with health care provided by the issuer; and

"(2) the administrative and funding capacity of the issuer to support and emphasize preventive care, utilization, access and availability, cost effectiveness, acceptable treatment modalities, specialists referrals, the peer review process, and the efficiency of the administrative process.

"(b) Functions.—A quality improvement program established pursuant to subsection (a) shall—

"(1) assess the performance of the issuer and its participating health professionals and providers and report the results of such assessment to purchasers, participating health professionals and providers, and administrative personnel;

"(2) demonstrate measurable improvements in clinical outcomes and plan performance measured by identified criteria, including those specified in subsection (a)(1); and

"(3) analyze quality assessment data to determine specific interactions in the delivery system (both the design and funding of the health insurance coverage and the clinical provision of care) that have an adverse impact on the quality of care.".

(b) Application to Group Health Insurance Coverage.—

(1) Subpart 2 of part A of title XXVII of the Public Health Service Act is amended by adding at the end the following new section:

"SEC. 2706. PATIENT PROTECTION STANDARDS.

"(a) In General.—Each health insurance issuer shall comply with patient protection requirements under part C with respect to group health insurance coverage it offers.

"(b) Assuring Coordination.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

"(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under part C (and this section) and section 713 of the Employee Retirement Income Security Act of 1974 are administered so as to have the same effect at all times; and

"(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.".

(2) Section 2792 of such Act (42 U.S.C. 300gg–92) is amended by inserting "and section 2706(b)" after "of 1996".

(c) Application to Individual Health Insurance Coverage.—Part B of title XXVII of the Public Health Service Act is amended by inserting after section 2751 the following new section:

"SEC. 2752. PATIENT PROTECTION STANDARDS.

"Each health insurance issuer shall comply with patient protection requirements under part C with respect to individual health insurance coverage it offers.".

(d) MODIFICATION OF PREEMPTION STANDARDS.—

(1) GROUP HEALTH INSURANCE COVERAGE.—Section 2723 of such Act (42 U.S.C. 300gg–23) is amended—

(A) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(B) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(C) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 2706 and part C, and part D insofar as it applies to section 2706 or part C, shall not be construed to preempt any State law, or the enactment or implementation of such a State law, that provides protections for individuals that are equivalent to or stricter than the protections provided under such provisions.".

(2) INDIVIDUAL HEALTH INSURANCE COVERAGE.—Section 2762 of such Act (42 U.S.C. 300gg–62), as added by section 605(b)(3)(B) of Public Law 104–204, is amended—

(A) in subsection (a), by striking "subsection (b), nothing in this part" and inserting "subsections (b) and (c)", and

(B) by adding at the end the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (b), the provisions of section 2752 and part C, and part D insofar as it applies to section 2752 or part C, shall not be construed to preempt any State law, or the enactment or implementation of such a State law, that provides protections for individuals that are equivalent to or stricter than the protections provided under such provisions.".

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 2723(a)(1) of such Act (42 U.S.C. 300gg–23(a)(1)) is amended by striking "part C" and inserting "parts C and D".

(2) Section 2762(b)(1) of such Act (42 U.S.C. 300gg–62(b)(1)) is amended by striking "part C" and inserting "part D".

(f) EFFECTIVE DATES.—(1)(A) Subject to subparagraph (B), the amendments made by subsections (a), (b), (d)(1), and (e) shall apply with respect to group health insurance coverage for group health plan years beginning on or after July 1, 1998 (in this subsection referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after January 1, 1999.

(B) In the case of group health insurance coverage provided pursuant to a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by subsections (a), (b), (d)(1), and (e) shall not apply to plan years beginning before the later of—

(i) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(ii) the general effective date.

For purposes of clause (i), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) or (b) shall not be treated as a termination of such collective bargaining agreement.

(2) The amendments made by subsections (a), (c), (d)(2), and (e) shall apply with respect to individual health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the general effective date.

SEC. 3. PATIENT PROTECTION STANDARDS UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 is amended by adding at the end the following new section:

"SEC. 713. PATIENT PROTECTION STANDARDS.

"(a) IN GENERAL.—Subject to subsection (b), a group health plan (and a health insurance issuer offering group health insurance coverage in connection with such a plan) shall comply with the requirements of part C of title XXVII of the Public Health Service Act.

"(b) REFERENCES IN APPLICATION.—In applying subsection (a) under this part, any reference in such part C—

"(1) to a health insurance issuer and health insurance coverage offered by such an issuer is deemed to include a reference to a group health plan and coverage under such plan, respectively;

"(2) to the Secretary is deemed a reference to the Secretary of Labor;

"(3) to an applicable State authority is deemed a reference to the Secretary of Labor; and

"(4) to an enrollee with respect to health insurance coverage is deemed to include a reference to a participant or beneficiary with respect to a group health plan.

"(c) ASSURING COORDINATION.—The Secretary of Health and Human Services and the Secretary of Labor shall ensure, through the execution of an interagency memorandum of understanding between such Secretaries, that—

"(1) regulations, rulings, and interpretations issued by such Secretaries relating to the same matter over which such Secretaries have responsibility under such part C (and section 2706 of the Public Health Service Act) and this section are administered so as to have the same effect at all times; and

"(2) coordination of policies relating to enforcing the same requirements through such Secretaries in order to have a coordinated enforcement strategy that avoids duplication of enforcement efforts and assigns priorities in enforcement.".

(b) MODIFICATION OF PREEMPTION STANDARDS.—Section 731 of such Act (42 U.S.C. 1191) is amended—

(1) in subsection (a)(1), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(3) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL RULES IN CASE OF PATIENT PROTECTION REQUIREMENTS.—Subject to subsection (a)(2), the provisions of section 713 and part C of title XXVII of the Public Health Service Act, and subpart C insofar as it applies to section 713 or such part, shall not be construed to preempt any State law, or the enactment or implementation of such a State law, that provides protections for individuals that are equivalent to or stricter than the protections provided under such provisions.".

(c) CONFORMING AMENDMENTS.—(1) Section 732(a) of such Act (29 U.S.C. 1185(a)) is amended by striking "section 711" and inserting "sections 711 and 713".

(2) The table of contents in section 1 of such Act is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Patient protection standards.".

(3) Section 734 of such Act (29 U.S.C. 1187) is amended by inserting "and section 713(d)" after "of 1996".

(d) EFFECTIVE DATE.—(1) Subject to paragraph (2), the amendments made by this section shall apply with respect to group health plans for plan years beginning on or after July 1, 1998 (in this subsection referred to as the "general effective date") and also shall apply to portions of plan years occurring on and after January 1, 1999.

(2) In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) the general effective date.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by subsection (a) shall not be treated as a termination of such collective bargaining agreement.

SEC. 4. NON-PREEMPTION OF STATE LAW RESPECTING LIABILITY OF GROUP HEALTH PLANS.

(a) IN GENERAL.—Section 514(b) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1144(b)) is amended by redesignating paragraph (9) as paragraph (10) and inserting the following new paragraph:

"(9) Subsection (a) of this section shall not be construed to preclude any State cause of action to recover damages for personal injury or wrongful death against any person that provides insurance or administrative services to or for an employee welfare benefit plan maintained to provide health care benefits.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to causes of action arising on or after the date of the enactment of this Act.

By Mr. LAUTENBERG (for himself and Mr. TORRICELLI):

S. 645. A bill to amend the Federal Water Pollution Control Act to improve and enforce compliance programs; to the Committee on Environment and Public Works.

THE CLEAN WATER ENFORCEMENT AND COMPLIANCE IMPROVEMENT ACT OF 1997

Mr. LAUTENBERG. Mr. President, I introduce the Clean Water Enforcement and Compliance Improvement Act of 1997. This important bill will put real teeth in the enforcement provisions of the Clean Water Act, and will help restore and preserve our Nation's already stressed lakes, rivers and coastal areas. I would like to commend my colleague from New Jersey, Congressman Pallone, for introducing similar legislation in the House of Representatives. Senator TORRICELLI has joined as a co-sponsor of our bill.

Mr. President, when Congress first enacted the Clean Water Act in 1972, we established lofty goals-to make our Nation's waters fishable and swimmable. And we mandated strict enforcement and provided for penalties to assure compliance with the act's provisions.

We were responding to strong public concern about pollution of our waterways. That concern is every bit as strong today because people understand that clean water is essential to human life. The American people want us to rid our waters of bacteria, toxins, and garbage.

Yet, as we approach the 25th anniversary of the Clean Water Act, and after several substantial revisions since its enactment, the act has failed to meet all of our goals. While the Act has resulted in significant progress and water quality is improving, our waters are not clean. In 1988, over one-third of our rivers, lakes and estuaries surveyed throughout the country were either failing to achieve designated water quality levels or were threatened with failing to achieve those levels. In my State of New Jersey, a survey of roughly 10 percent of the State's rivers showed that only 15 percent were safe for swimming.

One reason we haven't made more progress is that the Clean Water Act is not being adequately enforced.

Mr. President, effective enforcement is essential to achieving the goals of the act. Not only does effective enforcement deter violations, but it also helps ensure that appropriate corrective actions are taken in a timely manner when violations do occur. The Clean Water Enforcement and Compliance Improvement Act will strengthen enforcement efforts.

Mr. President, my bill will toughen penalties for polluters, improve enforcement by EPA and state water pollution agencies, and expand citizens' right-to-know about violations of the Clean Water Act.

It establishes mandatory minimum penalties for serious violations of the Clean Water Act.

It requires that civil penalties be no less than the economic benefit resulting from the violation.

It requires more frequent reporting of water discharges to identify violations more quickly.

And it requires EPA to publish annually a list of those facilities that are in significant noncompliance with the Clean Water Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 645

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Water Enforcement and Compliance Improvement Act of 1997".

SEC. 2. FINDINGS.

(a) IN GENERAL.—Congress finds that—

(1) a significant number of persons who have been issued permits under section 402 of the Federal Water Pollution Control Act are in violation of such permits;

(2) current enforcement programs of the Administrator of the Environmental Protection Agency and the States fail to address violations of such permits in a timely and effective manner;

(3) full, accurate and prompt reporting of possible violations of the Federal Water Pollution Control Act is necessary for implementation and well served by assuring that good faith reporters of possible violations are protected against adverse personnel actions;

(4) often violations of such permits continue for a considerable period of time, yielding significant economic benefits for the violator and thus penalizing similar facilities which act lawfully;

(5) penalties assessed and collected by the Administrator from violators of such permits are often less than the economic benefit gained by the violator;

(6) swift and timely enforcement by the Administrator and the States of violations of such permits is necessary to increase levels of compliance with such permits; and

(7) actions of private citizens have been effective in enforcing such permits and directing funds to environmental mitigation projects with over $12.8 million in penalties and interest having been recovered and deposited with the Treasury of the United States over the fiscal years 1990 through 1994.

(b) FINDING WITH RESPECT TO HARM CAUSED BY VIOLATIONS.—Section 101 of the Federal Water Pollution Control Act (33 U.S.C. 1251) is amended by adding at the end the following:

"(h) FINDING WITH RESPECT TO HARM CAUSED BY VIOLATIONS.—Congress finds that a discharge which results in a violation of this Act or a regulation, standard, limitation, requirement, or order issued pursuant to this Act interferes with the restoration and maintenance of the chemical, physical, and biological integrity of any waters into which the discharge flows (either directly or through a publicly owned treatment works), including any waters into which the receiving waters flow, and, therefore, harms those who use or enjoy such waters and those who use or enjoy nearby lands or aquatic resources associated with those waters.

"(i) FINDING WITH RESPECT TO CITIZEN SUITS.—Congress finds that citizen suits are a valuable means of enforcement of this Act and urges the Administrator to take actions to encourage such suits, including providing information concerning violators to citizen groups to assist them in bringing suits, providing expert witnesses and other evidence with respect to such suits, and filing amicus curiae briefs on important issues related to such suits.".

SEC. 3. VIOLATIONS OF REQUIREMENTS OF LOCAL CONTROL AUTHORITIES.

Section 307(d) of Federal Water Pollution Control Act (33 U.S.C. 1317(d)) is amended to read as follows:

"(d) VIOLATIONS.—After the date on which (1) any effluent standard or prohibition or pretreatment standard or requirement takes effect under this section, or (2) any requirement imposed in a pretreatment program under section 402(a)(3) or 402(b)(8) of this Act takes effect, it shall be unlawful for any owner or operator of any source to operate such source in violation of the effluent standard, prohibition, pretreatment standard, or requirement.".

SEC. 4. INSPECTIONS, MONITORING, AND PROVIDING INFORMATION.

(a) APPLICABILITY OF REQUIREMENTS.—Section 308(a) of the Federal Water Pollution Control Act (33 U.S.C. 1318(a)) is amended by striking "the owner or operator of any point source" and inserting "a person subject to a requirement of this Act".

(b) PUBLIC ACCESS TO INFORMATION.—The first sentence of section 308(b) of such Act is amended—

(1) by inserting "(including information contained in the Permit Compliance System of the Environmental Protection Agency)" after "obtained under this section";

(2) by inserting "made" after "shall be"; and

(3) by inserting "by computer telecommunication and other means for a period of at least 10 years" after "public" the first place it appears.

(c) PUBLIC INFORMATION.—Section 308 of such Act is further amended by adding at the end the following:

"(e) PUBLIC INFORMATION.—

"(1) POSTING OF NOTICE OF POLLUTED WATERS.—At each major point of public access (including, at a minimum, beaches, parks, recreation areas, marinas, and boat launching areas) to a body of navigable water that does not meet an applicable water quality standard or that is subject to a fishing and shell fishing ban, advisory, or consumption restriction (issued by a Federal, State, or local authority) due to fish or shellfish contamination, the State within which boundaries all or any part of such body of water lies shall, either directly or through local authorities, post and maintain a clearly visible sign which—

"(A) indicates the water quality standard that is being violated or the nature and extent of the restriction on fish or shellfish consumption, as the case may be;

"(B) includes (i) information on the environmental and health effects associated with the failure to meet such standard or with the consumption of fish or shellfish subject to the restriction, and (ii) a phone number for obtaining additional information relating to the violation and restriction; and

"(C) will be maintained until the body of water is in compliance with the water quality standard or until all fish and shellfish consumption restrictions are terminated with respect to the body of water, as the case may be.

"(2) NOTICE OF DISCHARGES TO NAVIGABLE WATERS.—Except for permits issued to municipalities for discharges composed entirely of stormwater under section 402 of this Act, each permit issued under section 402 by the Administrator or by a State shall ensure compliance with the following requirements:

"(A) Every permittee shall conspicuously maintain at all public entrances to the facility a clearly visible sign which indicates that the facility discharges pollutants into navigable waters and the location of such discharges; the name, business address, and phone number of the permittee; the permit number; and a location at which a copy of the permit and public information required by this paragraph is maintained and made available for inspection or a phone number for obtaining such information.

"(B) Each permittee which is a publicly owned treatment works shall include in each quarterly mailing of a bill to each customer of the treatment works information which indicates that the treatment works discharges pollutants into the navigable waters and the location of each of such discharges; the name, business address and phone number of the permittee; the permit number; a location at which a copy of the permit and public information required by this paragraph is maintained and made available for inspection or a phone number for obtaining such information; and a list of all violations of the requirements of the permit by the treatment works over the preceding 12-month period.

"(3) REGULATIONS.—

"(A) ISSUANCE.—The Administrator—

"(i) not later than 6 months after the date of the enactment of this subsection, shall propose regulations to carry out this subsection; and

"(ii) not later than 18 months after such date of enactment, shall issue such regulations.

"(B) CONTENT.—The regulations issued to carry out this subsection shall establish—

"(i) uniform requirements and procedures for identifying and posting bodies of water under paragraph (1);

"(ii) minimum information to be included in signs posted and notices issued pursuant to this subsection;

"(iii) uniform requirements and procedures for fish and shellfish sampling and analysis;

"(iv) uniform requirements for determining the nature and extent of fish and shellfish bans, advisories, and consumption restrictions which—

"(I) address cancer and noncancer human health risks;

"(II) take into account the effects of all fish and shellfish contaminants, including the cumulative and synergistic effects;

"(III) assure the protection of subpopulations who consume higher than average amounts of fish and shellfish or are particularly susceptible to the effects of such contamination;

"(IV) address race, gender, ethnic composition, or social and economic factors, based on the latest available studies of national or regional consumption by and impacts on such subpopulations unless more reliable site-specific data is available;

"(V) are based on a margin of safety that takes into account the uncertainties in human health impacts from such contamination; and

"(VI) evaluate assessments of health risks of contaminated fish and shellfish that are used in pollution control programs developed by the Administrator under this Act.".

(d) STATE REPORTS.—Section 305(b)(1) of such Act (33 U.S.C. 1315(b)(1)) is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) a list identifying bodies of water for which signs were posted under section 308(e)(1) in the preceding year and the reason or reasons for such posting.".

SEC. 5. CIVIL PENALTIES.

(a) ENFORCEMENT OF LOCAL PRETREATMENT REQUIREMENTS.—

(1) COMPLIANCE ORDERS.—

(A) INITIAL ACTION.—Section 309(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1319(a)(1)) is amended by inserting after "404 of this Act," the following: "or is in violation of any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,".

(B) ISSUANCE OF ORDERS.—Section 309(a)(3) of such Act is amended by inserting after "404 of this Act by a State," the following: "or is in violation of any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,".

(2) CRIMINAL PENALTIES.—Section 309(c)(3)(A) of such Act is amended by inserting after "Army or by a State," the following: "or knowingly violates any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act,".

(3) ADMINISTRATIVE PENALTIES.—Section 309(g)(1)(A) of such Act is amended by inserting after "404 by a State," the following: "or has violated any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of this Act or an order issued by the Administrator under subsection (a) of this section,".

(b) TREATMENT OF SINGLE OPERATIONAL UPSETS.—

(1) CRIMINAL PENALTIES.—Section 309(c) of such Act is amended by striking paragraph (5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(2) CIVIL PENALTIES.—Section 309(d) of such Act is amended by striking the last sentence.

(3) ADMINISTRATIVE PENALTIES.—Section 309(g)(3) of such Act is amended by striking the last sentence.

(c) USE OF CIVIL PENALTIES FOR MITIGATION PROJECTS.—

(1) IN GENERAL.—Section 309(d) of such Act is amended by inserting after the second sentence the following: "The court may, in the court's discretion, order that a civil penalty be used for carrying out mitigation projects which are consistent with the purposes of this Act and which enhance the public health or environment.".

(2) CONFORMING AMENDMENT.—Section 505(a) of such Act (33 U.S.C. 1365(a)) is amended by inserting before the period at the end of the last sentence the following: ", including ordering the use of a civil penalty for carrying out mitigation projects in accordance with such section 309(d)".

(d) DETERMINATION OF AMOUNT OF PENALTIES.—

(1) CIVIL PENALTIES.—The second sentence of section 309(d) of such Act (33 U.S.C. 1319(d)) is amended by inserting "the amount of any penalty previously imposed on the violator by a court or administrative agency for the same violation or violations," after "economic impact of the penalty on the violator,".

(2) ADMINISTRATIVE PENALTIES.—Section 309(g)(3) of such Act is amended—

(A) by striking "or savings"; or

(B) by inserting "the amount of any penalty previously imposed on the violator by a court or administrative agency for the same violation or violations," after "resulting from the violation,".

(e) LIMITATION ON DEFENSES.—Section 309(g)(1) of such Act is amended by adding at the end the following: "In a proceeding to assess or review a penalty under this subsection, the adequacy of consultation between the Administrator or the Secretary, as the case may be, and the State shall not be a defense to assessment or enforcement of such penalty.".

(f) AMOUNTS OF ADMINISTRATIVE CIVIL PENALTIES.—

(1) GENERAL RULE.—Section 309(g)(2) of such Act is amended to read as follows:

"(2) AMOUNT OF PENALTIES; NOTICE; HEARING.—

"(A) MAXIMUM AMOUNT OF PENALTIES.—The amount of a civil penalty under paragraph (1) may not exceed $25,000 per violation per day for each day during which the violation continues.

"(B) WRITTEN NOTICE.—Before issuing an order assessing a civil penalty under this subsection, the Administrator or the Secretary, as the case may be, shall give to the person to be assessed the penalty written notice of the Administrator's or Secretary's proposal to issue the order and the opportunity to request, within 30 days of the date the notice is received by such person, a hearing on the proposed order.

"(C) HEARINGS NOT ON THE RECORD.—If the proposed penalty does not exceed $25,000, the hearing shall not be subject to section 554 or 556 of title 5, United States Code, but shall provide a reasonable opportunity to be heard and to present evidence.

"(D) HEARINGS ON THE RECORD.—If the proposed penalty exceeds $25,000, the hearing shall be on the record in accordance with section 554 of title 5, United States Code. The Administrator and the Secretary may issue rules for discovery procedures for hearings under this subparagraph.".

(2) CONFORMING AMENDMENTS.—Section 309(g) of such Act is amended—

(A) in paragraph (1) by striking "class I civil penalty or a class II";

(B) in the second sentence of paragraph (4)(C) by striking "(2)(A) in the case of a class I civil penalty and paragraph (2)(B) in the case of a class II civil penalty" and inserting "(2)"; and

(C) in the first sentence of paragraph (8) by striking "assessment—" and all that follows through "by filing" and inserting "assessment in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred by filing".

(g) STATE ENFORCEMENT ACTIONS AS BAR TO FEDERAL ENFORCEMENT ACTIONS.—Section 309(g)(6)(A) of such Act is amended—

(1) by inserting "or" after the comma at the end of clause (i);

(2) by striking clause (ii); and

(3) by redesignating clause (iii) as clause (ii) and in such clause—

(A) by striking ", the Secretary, or the State" and inserting "or the Secretary"; and

(B) by striking "or such comparable State law, as the case may be,".

(h) RECOVERY OF ECONOMIC BENEFIT.—Section 309 of such Act is amended by adding at the end the following:

"(h) RECOVERY OF ECONOMIC BENEFIT.—

"(1) GENERAL RULE.—Notwithstanding any other provision of this section, any civil penalty assessed and collected under this section must be in an amount which is not less than the amount of the economic benefit (if any) resulting from the violation for which the penalty is assessed.

"(2) REGULATIONS.—Not later than 2 years after the date of the enactment of this subsection, the Administrator shall issue regulations establishing a methodology for calculating the economic benefits or savings resulting from violations of this Act. Pending issuance of such regulations, this subsection shall be in effect and economic benefits shall be calculated for purposes of paragraph (1) on a case-by-case basis.".

(i) LIMITATION ON COMPROMISES.—Such section 309 is further amended by adding at the end the following:

"(i) LIMITATION ON COMPROMISES OF CIVIL PENALTIES.—Notwithstanding any other provision of this section, the amount of a civil penalty assessed under this section may not be compromised below the amount determined by adding—

"(1) the minimum amount required for recovery of economic benefit under subsection (h), to

"(2) 50 percent of the difference between the amount of the civil penalty assessed and such minimum amount.".

(j) Minimum Amount for Serious Violations.—Such section 309 is further amended by adding at the end the following:

"(j) Minimum Civil Penalties for Serious Violations and Significant Noncompliers.—

"(1) Serious violations.—Notwithstanding any other provision of this section (other than paragraph (2)), the minimum civil penalty which shall be assessed and collected under this section from a person—

"(A) for a discharge from a point source of a hazardous pollutant which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 20 percent or more, or

"(B) for a discharge from a point source of a pollutant (other than a hazardous pollutant) which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 40 percent or more,

shall be $1,000 for the first such violation in a 180-day period.

"(2) Significant noncompliers.—Notwithstanding any other provision of this section, the minimum civil penalty which shall be assessed and collected under this section from a person—

"(A) for the second or more discharge in a 180-day period from a point source of a hazardous pollutant which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 20 percent or more,

"(B) for the second or more discharge in a 180-day period from a point source of a pollutant (other than a hazardous pollutant) which exceeds or otherwise violates any applicable effluent limitation established by or under this Act by 40 percent or more,

"(C) for the fourth or more discharge in a 180-day period from a point source of any pollutant which exceeds or otherwise violates the same effluent limitation, or

"(D) for not filing in a 180-day period 2 or more reports in accordance with section 402(r)(1),

shall be $5,000 for each of such violations.

"(3) Mandatory inspections for significant noncompliers.—The Administrator shall identify any person described in paragraph (2) as a significant noncomplier and shall conduct an inspection described in section 402(q) of this Act of the facility at which the violations were committed. Such inspections shall be conducted at least once in the 180-day period following the date of the most recent violation which resulted in such person being identified as a significant noncomplier.

"(4) Annual reporting.—The Administrator shall transmit to Congress and to the Governors of the States, and shall publish in the Federal Register, on an annual basis a list of all persons identified as significant noncompliers under paragraph (3) in the preceding calendar year and the violations which resulted in such classifications.

"(5) Hazardous pollutant defined.—For purposes of this subsection, the term 'hazardous pollutant' has the meaning the term 'hazardous substance' has under subsection (c)(6) of this section.".

(k) State Program.—Section 402(b)(7) of such Act (33 U.S.C. 1342(b)(7)) is amended to read as follows:

"(7) To abate violations of the permit or the permit program which shall include, beginning on the last day of the 2-year period beginning on the date of the enactment of the Clean Water Compliance and Enforcement Improvement Amendments Act of 1995, a penalty program comparable to the Federal penalty program under section 309 of this Act and which shall include at a minimum criminal, civil, and civil administrative penalties, and may include other ways and means of enforcement, which the State demonstrates to the satisfaction of the Administrator are equally effective as the Federal penalty program;".

(l) Federal Procurement Compliance Incentive.—Section 508(a) of such Act (33 U.S.C. 1368(a)) is amended by inserting after the second comma "or who is identified under section 309(j)(3) of this Act,".

SEC. 6. NATIONAL POLLUTANT DISCHARGE ELIMINATION PERMITS.

(a) Withdrawal of State Program Approval.—Section 402(b) of the Federal Water Pollution Control Act (33 U.S.C. 1342(b)) is amended by striking "unless he determines that adequate authority does not exist:" and inserting the following: "only when he determines that adequate authority exists and shall withdraw program approval whenever he determines that adequate authority no longer exists:".

(b) Judicial Review of Rulings on Applications for State Permits.—Section 402(b)(3) of such Act is amended by inserting "and to ensure that any interested person who participated in the public comment process and any other person who could obtain judicial review of that action under any other applicable law has the right to judicial review of such ruling" before the semicolon at the end.

(c) Inspections for Major Industrial and Municipal Dischargers.—Section 402(b) of such Act is amended—

(1) by striking "and" at the end of paragraph (8);

(2) by striking the period at the end of paragraph (9) and inserting a semicolon; and

(3) by adding at the end the following:

"(10) To ensure that any permit for a discharge from a major industrial or municipal facility, as defined by the Administrator by regulation, includes conditions under which such facility will be subject to at least annual inspections by the State in accordance with subsection (q) of this section;".

(d) Monthly Reports for Significant Industrial Users of POTWs.—Section 402(b) of such Act is further amended by adding at the end the following:

"(11) To ensure that any permit for a discharge from a publicly owned treatment works in the State includes conditions under which the treatment works will require any significant industrial user of the treatment works, as defined by the Administrator by regulation, to prepare and submit to the Administrator, the State, and the treatment works a monthly discharge monitoring report as a condition to using the treatment works;".

(e) Permits Required for Introduction of Pollutants Into POTWs.—Section 402(b) of such Act is further amended by adding at the end the following:

"(12) To ensure that, after the last day of the 2-year period beginning on the date of the enactment of this paragraph, any significant industrial user, or other source designated by the Administrator, introducing a pollutant into a publicly owned treatment works has, and operates in accordance with, a permit issued by the treatment works or the State for introduction of such pollutant; and".

(f) Granting of Authority to POTWs for Inspections and Penalties.—Section 402(b) of such Act is further amended by adding at the end the following:

"(13) To ensure that the State will grant to publicly owned treatment works in the State, not later than 3 years after the date of the enactment of this paragraph, authority, power, and responsibility to conduct inspections under subsection (q) of this section and to assess and collect civil penalties and civil administrative penalties under paragraph (7) of this subsection.".

(g) Inspection.—Section 402 of such Act is amended by adding at the end the following:

"(q) Inspection.—

"(1) General rule.—Each permit for a discharge into the navigable waters or introduction of pollutants into a publicly owned treatment works issued under this section shall include conditions under which the effluent being discharged will be subject to random inspections in accordance with this subsection by the Administrator or the State, in the case of a State permit program under this section.

"(2) Minimum standards.—Not later than 6 months after the date of enactment of this subsection, the Administrator shall establish minimum standards for inspections under this subsection. Such standards shall require, at a minimum, the following:

"(A) An annual representative sampling by the Administrator or the State, in the case of a State permit program under this section, of the effluent being discharged; except that if the discharge is not from a major industrial or municipal facility such sampling shall be conducted at least once every 3 years.

"(B) An analysis of all samples collected under subparagraph (A) by a Federal or State owned and operated laboratory or a State approved laboratory, other than one that is being used by the permittee or that is directly or indirectly owned, operated, or managed by the permittee.

"(C) An evaluation of the maintenance record of any treatment equipment of the permittee.

"(D) An evaluation of the sampling techniques used by the permittee.

"(E) A random check of discharge monitoring reports of the permittee for each 12-month period for the purpose of determining whether or not such reports are consistent with the applicable analyses conducted under subparagraph (B).

"(F) An inspection of the sample storage facilities and techniques of the permittee.".

(h) Reporting.—Section 402 of such Act is further amended by adding at the end the following:

"(r) Reporting.—

"(1) General rule.—Each person holding a permit issued under this section which is determined by the Administrator to be a major industrial or municipal discharger of pollutants into the navigable waters shall prepare and submit to the Administrator a monthly discharge monitoring report. Any other person holding a permit issued under this section shall prepare and submit to the Administrator quarterly discharge monitoring reports or more frequent discharge monitoring reports if the Administrator requires. Such reports shall contain, at a minimum, such information as the Administrator shall require by regulation.

"(2) Reporting of hazardous discharges.—

"(A) General rule.—If a discharge from a point source for which a permit is issued under this section exceeds an effluent limitation contained in such permit which is based on an acute water quality standard or any other discharge which may cause an exceedance of an acute water quality standard or otherwise is likely to cause injury to persons or damage to the environment or to pose a threat to human health and the environment, the person holding such permit shall notify the Administrator and the affected States and municipalities, in writing, of such discharge not later than 2 hours after the later of the time at which such discharge commenced or the time at which the permittee knew or had reason to know of such discharge.

“(B) Special rule for hazardous pollutants.—If a discharge described in subparagraph (A) is of a hazardous pollutant (as defined in section 309(j) of this Act), the person holding such permit shall provide the Administrator with such additional information on the discharge as may be required by the Administrator. Such additional information shall be provided to the Administrator within 24 hours after the later of the time at which such discharge commenced or the time at which the permittee became aware of such discharge. Such additional information shall include, at a minimum, an estimate of the danger posed by the discharge to the environment, whether the discharge is continuing, and the measures taken or being taken (i) to remediate the problem caused by the discharge and any damage to the environment, and (ii) to avoid a repetition of the discharge.

“(3) Signature.—All reports filed under paragraph (1) must be signed and dated by the highest ranking official having day-to-day managerial and operational responsibility for the facility at which the discharge occurs or, in the absence of such person, by another responsible high ranking official at such facility. Such highest ranking official shall be responsible for the accuracy of all information contained in such reports; except that such highest ranking official may file with the Administrator amendments to any such report if the report was signed in the absence of the highest ranking official by another high ranking official and if such amendments are filed within 7 days of the return of the highest ranking official.”.

(i) Limitation on Issuance of Permits to Significant Noncompliers.—Section 402 of such Act is further amended by adding at the end the following:

“(s) Significant Noncompliers.—No permit may be issued under this section to any person (other than a publicly owned treatment works) identified under section 309(j)(3) of this Act or to any other person owned or controlled by the identified person, owning or controlling the identified person, or under common control with the identified person, until the Administrator or the State or States in which the violation or violations occur determines that the condition or conditions giving rise to such violation or violations have been corrected. No permit application submitted after the date of the enactment of this subsection may be approved unless the application includes a list of all violations of this Act by a person identified under section 309(j) of this Act during the 3-year period preceding the date of submission of the application and evidence indicating whether the underlying cause of each such violation has been corrected.”.

(j) Applicability.—The amendments made by this section shall apply to permits issued before, on, or after the date of the enactment of this Act; except that—

(1) with respect to permits issued before such date of enactment to a major industrial or municipal discharger, such amendments shall take effect on the last day of the 1-year period beginning on such date of enactment; and

(2) with respect to all other permits issued before such date of enactment, such amendments shall take effect on the last day of the 2-year period beginning on such date of enactment.

SEC. 7. EXPIRED STATE PERMITS.

Section 402(d) of the Federal Water Pollution Control Act (33 U.S.C. 1342(d)) is amended by adding at the end the following:

“(5) Expired state permits.—In any case in which—

“(A) a permit issued by a State for a discharge has expired,

“(B) the permittee has submitted an application to the State for a new permit for the discharge, and

“(C) the State has not acted on the application before the last day of the 18-month period beginning on the date the permit expired,

the Administrator may issue a permit for the discharge under subsection (a).”.

SEC. 8. COMPLIANCE SCHEDULE.

Section 302(b)(2)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1312(b)(2)(B)) is amended by adding at the end the following: “The Administrator may only issue a permit pursuant to this subparagraph for a period exceeding 2 years if the Administrator makes the findings described in clauses (i) and (ii) of this subparagraph on the basis of a public hearing.”.

SEC. 9. EMERGENCY POWERS.

Section 504 of the Federal Water Pollution Control Act (33 U.S.C. 1364) is amended to read as follows:

“SEC. 504. COMMUNITY PROTECTION.

“(a) Issuance of Orders; Court Action.—Notwithstanding any other provision of this Act, whenever the Administrator finds that, because of an actual or threatened direct or indirect discharge of a pollutant, there may be an imminent and substantial endangerment to the public health or welfare (including the livelihood of persons) or the environment, the Administrator may issue such orders or take such action as may be necessary to protect public health or welfare or the environment and commence a suit (or cause it to be commenced) in the United States district court for the district where the discharge or threat occurs. Such court may grant such relief to abate the threat and to protect against the endangerment as the public interest and the equities require, enforce, and adjudge penalties for disobedience to orders of the Administrator issued under this section, and grant other relief according to the public interest and the equities of the case.

“(b) Enforcement of Orders.—Any person who, without sufficient cause, violates or fails to comply with an order of the Administrator issued under this section, shall be liable for civil penalties to the United States in an amount not to exceed $25,000 per day for each day on which such violation or failure occurs or continues.”.

SEC. 10. CITIZEN SUITS.

(a) Suits for Past Violations.—Section 505 of the Federal Water Pollution Control Act (33 U.S.C. 1365) is amended—

(1) in subsection (a)(1) by inserting “to have violated (if there is evidence that the alleged violations has been repeated) or” after “who is alleged”;

(2) in subsection (b)(1)(A)(ii) by striking “occurs” and inserting “has occurred or is occurring”; and

(3) in subsection (f)(6) by inserting “has been or” after “which”.

(b) Time Limit.—Section 505(b)(1)(A) of such Act is amended by striking “60 days” and inserting “30 days”.

(c) Effect of Judgments on Citizen Suits.—Section 505(b) of such Act is further amended—

(1) in paragraph (1)(B)—

(A) by striking “, or a State”; and

(B) by striking “right.” and inserting “right and may obtain costs of litigation under subsection (d), or”; and

(2) by adding at the end the following: “The notice under paragraph (1)(A) need set forth only violations which have been specifically identified in the discharge monitoring reports of the alleged violator. An action by a State under subsection (a)(1) may be brought at any time. No judicial action by the Administrator or a State shall bar an action for the same violation under subsection (a)(1) unless the action is by the Administrator and meets the requirements of this paragraph. No administrative action by the Administrator or a State shall bar a pending action commenced after February 4, 1987, for the same violation under subsection (a)(1) unless the action by the Administrator or a State meets the requirements of section 309(g)(6) of this Act.”.

(d) Consent Judgments.—Section 505(c)(3) of such Act is amended by adding at the end the following: “Consent judgments entered under this section may provide that the civil penalties included in the consent judgment be used for carrying out mitigation projects in accordance with section 309(d).”.

(e) Pretreatment Requirements.—Section 505(f)(4) of such Act is amended by striking “or pretreatment standards” and inserting “or pretreatment standard or requirement described in section 307(d)”.

(f) Effluent Standard Definition.—Section 505(f)(6) of such Act is amended by inserting “narrative or mathematical” before “condition”.

(g) Offers of Judgment.—Section 505 of such Act is further amended by adding at the end the following:

“(g) Applicability of Offers of Judgment.—Offers of judgment pursuant to Rule 68 of the Federal Rules of Civil Procedure shall not be applicable to actions brought under subsection (a)(1) of this section.”.

SEC. 11. EMPLOYEE PROTECTION.

Section 507 of the Federal Water Pollution Control Act (33 U.S.C. 1367) is amended—

(1) in subsection (e) by inserting “Continuing Evaluations” after “(e)”;

(2) by redesignating subsection (e) as subsection (f); and

(3) by striking subsections (a), (b), (c), and (d) and inserting the following:

“(a) In General.—No employer or other person may harass, prosecute, hold liable, or discriminate against any employee or other person because the person—

“(1) is assisting or demonstrating an intent to assist in achieving compliance with any provision of this Act (including a rule or regulation issued to carry out this Act);

“(2) is refusing to violate or assist in the violation of any provision of this Act (including a rule or regulation issued to carry out this Act);

“(3) has commenced, caused to be commenced, or is about to commence a proceeding, has testified or is about to testify at a proceeding, or has assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

“(b) Filing Complaints and Procedures.—

“(1) Filing deadline.—An employee alleging a violation of subsection (a), or another person at the employee's request, may file a complaint with the Secretary of Labor not later than 365 days after the alleged violation occurred.

“(2) Procedures.—

"(A) INVESTIGATION; PRELIMINARY ORDERS.—Not later than 60 days after receiving a complaint, the Secretary shall conduct an investigation, decide whether it is reasonable to believe the complaint has merit, and notify the complainant and the person alleged to have committed the violation of the findings. If the Secretary decides it is reasonable to believe a violation occurred, the Secretary shall include with the decision findings and a preliminary order for the relief provided under paragraph (3).

"(B) OBJECTIONS TO PRELIMINARY ORDER.—Not later than 30 days after the notice under subparagraph (A) of this paragraph, the complainant and the person alleged to have committed the violation may file objections to the findings or preliminary order, or both, and request a hearing on the record. The filing of objections does not stay a reinstatement ordered in the preliminary order. If a hearing is not requested within the 30 days, the preliminary order is final and not subject to judicial review.

"(C) HEARING; FINAL ORDER; SETTLEMENT AGREEMENT.—A hearing shall be conducted expeditiously. Not later than 120 days after the end of the hearing, the Secretary shall issue a final order. Before the final order is issued, the proceeding may be ended by a settlement agreement made by the Secretary, the complainant, and the person alleged to have committed the violation.

"(3) ORDER.—

"(A) PENALTIES.—If the Secretary decides, on the basis of a complaint, a person violated subsection (a), the Secretary shall order the person to—

"(i) take affirmative action to abate the violation;

"(ii) reinstate the complainant to the former position with the same pay and terms and privileges of employment; and

"(iii) pay compensatory damages, including back pay.

"(B) COSTS.—If the Secretary issues an order under subparagraph (A) and the complainant requests, the Secretary may assess against the person against whom the order is issued the costs (including attorney's fees) reasonably incurred by the complainant in bringing the complaint. The Secretary shall determine the costs that reasonably were incurred.

"(4) JUDICIAL REVIEW AND VENUE.—A person adversely affected by an order issued after a hearing under this subsection may file a petition for review, not later than 60 days after the order is issued, in the court of appeals of the United States for the circuit in which the violation occurred or the person resided on the date of the violation. The review shall be heard and decided expeditiously. An order of the Secretary subject to review under this paragraph is not subject to judicial review in a criminal or other civil proceeding.

"(5) CIVIL ACTIONS TO ENFORCE.—If a person fails to comply with an order issued under this subsection, the Secretary shall bring a civil action to enforce the order in the district court of the United States for the judicial district in which the violation occurred.

"(c) BURDENS OF PROOF.—The legal burdens of proof with respect to a violation of subsection (a) shall be governed by the applicable provisions of sections 1214 and 1221 of title 5, United States Code.

"(d) SUBPOENA AUTHORITY.—With respect to an alleged violation of subsection (a), the Secretary of Labor may issue a subpoena for the attendance and testimony of any person and the production of documentary or other evidence from any person if the testimony or production requested is not unduly burdensome and appears reasonably calculated to lead to the discovery of admissible evidence.

"(e) POSTING REQUIREMENT.—The provisions of this section shall be prominently posted in any place of employment to which this section applies.".

SEC. 12. ISSUANCE OF SUBPOENAS.

Section 509(a)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1369(a)(1)) is amended by striking "obtaining information under section 305 of this Act, or carrying out section 507(e) of this Act," and inserting "carrying out this Act,".

SEC. 13. JUDICIAL REVIEW OF EPA ACTIONS.

Section 509(b)(1) of the Federal Water Pollution Control Act (33 U.S.C. 1369(b)(1)) is amended—

(1) by inserting after the comma at the end of clause (D) "including a decision to deny a petition by interested person to veto an individual permit issued by a State,";

(2) by inserting after the comma at the end of clause (E) "including a decision not to include any pollutant in such effluent limitation or other limitation if the Administrator has or is made aware of information indicating that such pollutant is present in any discharge subject to such limitation,"; and

(3) by striking "and (G)" and inserting the following: "(G) in issuing or approving any water quality standard under section 303(c) or 303(d), (H) in issuing any water quality criterion under section 304(a), including a decision not to address any effect of the pollutant subject to such criterion if the Administrator has or is made aware of information indicating that such effect may occur, and (J)".

SEC. 14. NATIONAL CLEAN WATER TRUST FUND.

(a) IN GENERAL.—Title V of the Federal Water Pollution Control Act (33 U.S.C. 1361–1377) is amended by redesignating section 519 as section 520 and by inserting after section 518 the following new section:

"SEC. 519. NATIONAL CLEAN WATER TRUST FUND.

"(a) CREATION OF TRUST FUND.—There is established in the Treasury of the United States a trust fund to be known as the 'Clean Water Trust Fund'.

"(b) TRANSFERS TO TRUST FUND.—There are hereby appropriated to the Clean Water Trust Fund amounts equivalent to the penalties collected under section 309 of this Act and the penalties collected under section 505(a) of this Act (excluding any amounts ordered to be used to carry out mitigation projects under section 309 or 505(a), as the case may be).

"(c) ADMINISTRATION OF TRUST FUND.—The Administrator shall administer the Clean Water Trust Fund. The Administrator may use moneys in the Fund to carry out inspections and enforcement activities pursuant to this Act. In addition, the Administrator may make such amounts of money in the Fund as the Administrator determines appropriate available to carry out title VI of this Act.".

(b) CONFORMING AMENDMENT TO STATE REVOLVING FUND PROGRAM.—Section 607 of such Act (33 U.S.C. 1387) is amended—

(1) by inserting "(a) IN GENERAL.—" before "There is"; and

(2) by adding at the end the following:

"(b) TREATMENT OF TRANSFERS FROM CLEAN WATER TRUST FUND.—For purposes of this title, amounts made available from the Clean Water Trust Fund under section 519 of this Act to carry out this title shall be treated as funds authorized to be appropriated to carry out this title and as funds made available under this title.".

SEC. 15. APPLICABILITY.

Sections 101(h), 309(g)(6)(A), 505(a)(1), 505(b), 505(g), and 505(l) of the Federal Water Pollution Control Act, as inserted or amended by this Act, shall be applicable to all cases pending under such Act on the date of the enactment of this Act and all cases brought on or after such date of enactment relating to violations which occurred before such date of enactment.

By Mr. FEINGOLD:

S. 647. A bill to amend the Congressional Budget and Impeachment Control Act of 1974 to limit consideration of nonemergency matters in emergency legislation; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, as modified by the order of April 11, 1986, with instructions that if one committee reports, the other committee have 30 days to report or be discharged.

THE EMERGENCY SPENDING CONTROL ACT OF 1997

• Mr. FEINGOLD. Mr. President, I am pleased to re-introduce a measure designed to limit consideration of nonemergency matters in emergency legislation. This bill, S. 647, the Emergency Spending Control Act of 1997, passed the Senate during the last Congress as part of the Senate's version of the Line-Item Veto Act, though it was later dropped in conference. Identical language passed the other body during the 103d Congress with overwhelming bipartisan support, first as a substitute amendment by a vote of 322 to 99, and then, as amended, by a vote of 406 to 6.

Mr. President, the support this measure has received in both Houses is a reflection of the keen awareness Members have of the abuses of the emergency appropriations process that have taken place. This measure helps address one aspect of that abuse by limiting emergency spending bills solely to emergencies by establishing a new point of order against nonemergency matters, other than rescissions of budget authority or reductions in direct spending, in any bill that contains an emergency measure, or an amendment to an emergency measure, or a conference report that contains an emergency measure.

As an additional enforcement mechanism, the legislation adds further protection by prohibiting the Office of Management and Budget from adjusting the caps on discretionary spending, or from adjusting the sequester process for direct spending and receipts measures, for any emergency appropriations bill if the bill includes extraneous items other than rescissions of budget authority or reductions in direct spending.

Mr. President, though this proposal relates to shoring up our budget rules, I want to stress that the rules themselves do not solve the deficit problem. No rule can—whether it is a procedural rule of the Senate, a statute, or a constitutional amendment. The only way we will balance the budget is through specific spending cuts and exercising fiscal restraint.

However, we have made some progress over the past 4 years, and that progress, as well as the continued work we need to do, can be sustained through the budget rules we impose on ourselves by ensuring the sacrifices that have been made, and that we will ask in the future, will not be hollow or futile.

The rules that have been developed over the past twenty years have proven useful in this regard, though it bears repeating that the deficit has begun to come down only as a result of our willingness to vote for tough measures.

In general, the rules require that new spending, whether through direct spending, tax expenditures, or discretionary programs, be offset with spending cuts or revenue increases. However, the rules provide for exceptions in the event of true emergencies.

The deliberate review through the federal budget process, weighing one priority against another, may not permit a timely response to an international crisis, a natural disaster, or some other emergency. We do not ask that earthquake victims find a funding source before we send them aid. But that should not, even in dire circumstances, be read to imply we must not find ways to pay for emergencies, rather than simply add their costs to the deficit.

But, Mr. President, the emergency exception to our budget rules, designed to expedite a response to an urgent need, has become a loophole, abused by those trying to circumvent the scrutiny of the budget process, in particular, by adding non-emergency matters to emergency legislation that is receiving special, accelerated consideration.

Mr. President, the measure I introduce today targets that abuse by helping to keep emergency measures clean of extraneous matters on which there is no emergency designation.

When the appropriations bill to provide relief for the Los Angeles earthquake was introduced in the 103rd Congress, it initially did four things: provided $7.8 billion for the Los Angeles quake, $1.2 billion for the Department of Defense peacekeeping operations; $436 million for Midwest flood relief, and $315 million more for the 1989 California earthquake.

But, Mr. President, by the time the Los Angeles earthquake bill became law, it also provided $1.4 million to fight potato fungus, $2.3 million for FDA pay raises, $14.4 million for the National Park Service, $12.4 million for the Bureau of Indian Affairs, $10 million for a new Amtrak station in New York, $40 million for the space shuttle, $20 million for a fingerprint lab, $500,000 for United States Trade Representative travel office, and $5.2 million for the Bureau of Public Debt.

Though non-emergency matters attached to emergency bills are still subject to the spending caps established in the concurrent budget resolution, as long as total spending remains under those caps, these unrelated spending matters are not required to be offset with spending cuts. In the case of the LA earthquake bill, because the caps had been reached the new spending was offset by rescissions, but those rescissions might otherwise have been used for deficit reduction. Moreover, by using emergency appropriations bills as a vehicle, these extraneous proposals avoid the examination through which legislative proposals must go to justify Federal spending. If there is truly a need to shift funds to these programs, an alternative vehicle—a regular supplemental appropriations bill, not an emergency spending bill —should be used.

The measure I am introducing today will restrict that kind of misuse of the emergency appropriations process. Adding non-emergency, extraneous matters to emergency appropriations not only is an attempt to avoid the legitimate scrutiny of our normal budget process, it can also jeopardize our ability to provide relief to those who are suffering from the disaster to which we are responding.

Just as importantly, adding superfluous material to emergency appropriations bills degrades those budget rules on which we rely to impose fiscal discipline, and that only encourages further erosion of our efforts to reduce the deficit.

Mr. President, as I noted earlier, this legislation has passed both Houses in recent years—in the Senate during the 104th Congress as the amendment I offered to the Line Item Veto Act, and in the other body, during the 103rd Congress, by a vote of 406 to 6. I urge my colleagues to join in this effort to pass this measure through both Houses during this Congress, and help end this abusive practice.

Mr. President, I ask unanimous consent that the text of bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Emergency Spending Control Act of 1997”.

SEC. 2. TREATMENT OF EMERGENCY SPENDING.

(a) EMERGENCY APPROPRIATIONS.—Secton 251(b)(2)(D)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: “However, OMB shall not adjust any discretionary spending limit under this clause for any statute that designates appropriations as emergency requirements if that statute contains an appropriation for any other matter, event, or occurrence, but that statute may contain rescissions of budget authority.”.

(b) EMERGENCY LEGISLATION.—Section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new sentence: “However, OMB shall not designate any such amounts of new budget authority, outlays, or receipts as emergency requirements in the report required under subsection (d) if that statute contains any other provisions that are not so designated, but that statute may contain provisions that reduce direct spending.”.

(c) NEW POINT OF ORDER.—Title IV of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

“POINT OF ORDER REGARDING EMERGENCIES

“SEC. 408. It shall not be in order in the House of Representatives or the Senate to consider any bill or joint resolution, or amendment thereto or conference report thereon, containing an emergency designation for purposes of section 251(b)(2)(D) or 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 if it also provides an appropriation or direct spending for any other item or contains any other matter, but that bill or joint resolution, amendment, or conference report may contain rescissions of budget authority or reductions of direct spending, or that amendment may reduce amounts for that emergency.”.

(d) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 407 the following new item:

“Sec. 408. Point of order regarding emergencies.”.●

By Mr. GORTON (for himself, Mr. ASHCROFT, Mr. MCCAIN, and Mr. LOTT:

S. 648. A bill to establish legal standards and procedures for product liability litigation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PRODUCT LIABILITY REFORM ACT OF 1997

Mr. GORTON. Mr. President, I am introducing this evening, along with Senators ASHCROFT, MCCAIN, and LOTT, a bill to reform and rationalize our product liability system.

At the beginning of this session, Senator ASHCROFT and others introduced S.5, another measure to address product liability. Although I agreed with the substance of S.5, which was identical to the conference report on Product Liability that the President vetoed in the 104th Congress, I did not cosponsor S.5 because I knew that that particular bill would not be enacted into law and because I wanted to craft another bill that would obtain bi-partisan support in the Senate, address the President's legitimate concerns with the conference report, and accomplish meaningful reform.

Mr. President, I cannot say that the measure I am introducing tonight fully accomplishes that. But it comes very close. I introduce this measure without the co-sponsorship of my good friend and long-time companion on this worthy mission, Senator ROCKEFELLER, but I introduce it with the sincere belief that we will continue to work together to enact product liability reform in 1997.

I introduce this measure to get the process started. It is a good measure that I believe goes a long way toward meeting the goals I described above. But as I said, the process is just starting. I welcome input from my Republican and Democratic colleagues.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 648

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Product Liability Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.

TITLE I—PRODUCT LIABILITY REFORM

Sec. 101. Definitions.
Sec. 102. Applicability; preemption.
Sec. 103. Liability rules applicable to product sellers, renters, and lessors.
Sec. 104. Defense based on claimant's use of intoxicating alcohol or drugs.
Sec. 105. Misuse or alteration.
Sec. 106. Uniform time limitations on liability.
Sec. 107. Alternative dispute resolution procedures.
Sec. 108. Uniform standards for award of punitive damages.
Sec. 109. Liability for certain claims relating to death.
Sec. 110. Several liability for noneconomic loss.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

Sec. 201. Short title.
Sec. 202. Findings.
Sec. 203. Definitions.
Sec. 204. General requirements; applicability; preemption.
Sec. 205. Liability of biomaterials suppliers.
Sec. 206. Procedures for dismissal of civil actions against biomaterials suppliers.

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

Sec. 301. Effect of court of appeals decisions.
Sec. 302. Federal cause of action precluded.
Sec. 303. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(A) FINDINGS.—The Congress finds that—

(1) our Nation is overly litigious, the civil justice system is overcrowded, sluggish, and excessively costly and the costs of lawsuits, both direct and indirect, are inflicting serious and unnecessary injury on the national economy;

(2) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability have a direct and undesirable effect on interstate commerce by increasing the cost and decreasing the availability of goods and services;

(3) the rules of law governing product liability actions, damage awards, and allocations of liability have evolved inconsistently within and among the States, resulting in a complex, contradictory, and uncertain regime that is inequitable to both plaintiffs and defendants and unduly burdens interstate commerce.

(4) as a result of excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability, consumers have been adversely affected through the withdrawal of products, producers, services, and service providers from the marketplace, and from excessive liability costs passed on to them through higher prices;

(5) excessive, unpredictable, and often arbitrary damage awards and unfair allocations of liability jeopardize the financial wellbeing of many individuals as well as entire industries, particularly the Nation's small businesses and adversely affects government and taxpayers;

(6) the excessive costs of the civil justice system undermine the ability of American companies to compete internationally, and serve to decrease the number of jobs and the amount of productive capital in the national economy;

(7) the unpredictability of damage awards is inequitable to both plaintiffs and defendants and has added considerably to the high cost of liability insurance, making it difficult for producers, consumers, volunteers, and nonprofit organizations to protect themselves from liability with any degree of confidence and at a reasonable cost;

(8) because of the national scope of the problems created by the defects in the civil justice system, it is not possible for the States to enact laws that fully and effectively respond to those problems;

(9) it is the constitutional role of the national government to remove barriers to interstate commerce and to protect due process rights; and

(10) there is a need to restore rationality, certainty, and fairness to the civil justice system in order to protect against excessive, arbitrary, and uncertain damage awards and to reduce the volume, costs, and delay of litigation.

(b) PURPOSES.—Based upon the powers contained in Article I, Section 8, Clause 3 and the Fourteenth Amendment of the United States Constitution, the purposes of this Act are to promote the free flow of goods and services and to lessen burdens on interstate commerce and to uphold constitutionally protected due process rights by—

(1) establishing certain uniform legal principles of product liability which provide a fair balance among the interests of product users, manufacturers, and product sellers;

(2) placing reasonable limits on damages over and above the actual damages suffered by a claimant;

(3) ensuring the fair allocation of liability in civil actions;

(4) reducing the unacceptable costs and delays of our civil justice system caused by excessive litigation which harm both plaintiffs and defendants; and

(5) establishing greater fairness, rationality, and predictability in the civil justice system.

TITLE I—TITLE PRODUCT LIABILITY REFORM

SEC. 101. DEFINITIONS.

For purposes of this title—

(1) ACTUAL MALICE.—The term "actual malice" means specific intent to cause serious physical injury, illness, disease, death, or damage to property.

(2) CLAIMANT.—The term "claimant" means any person who brings an action covered by this title and any person on whose behalf such an action is brought. If such an action is brought through or on behalf of an estate, the term includes the claimant's decedent. If such an action is brought through or on behalf of a minor or incompetent, the term includes the claimant's legal guardian.

(3) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" is that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established. The level of proof required to satisfy such standard is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(4) COMMERCIAL LOSS.—The term "commercial loss" means any loss or damage solely to a product itself, loss relating to a dispute over its value, or consequential economic loss, the recovery of which is governed by the Uniform Commercial Code or analogous State commercial or contract law.

(5) COMPENSATORY DAMAGES.—The term "compensatory damages" means damages awarded for economic and non-economic loss.

(6) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(7) HARM.—The term "harm" means any physical injury, illness, disease, or death or damage to property caused by a product. The term does not include commercial loss.

(8) MANUFACTURER.—The term "manufacturer" means—

(A) any person who is engaged in a business to produce, create, make, or construct any product (or component part of a product) and who (i) designs or formulates the product (or component part of the product), or (ii) has engaged another person to design or formulate the product (or component part of the product);

(B) a product seller, but only with respect to those aspects of a product (or component part of a product) which are created or affected when, before placing the product in the stream of commerce, the product seller produces, creates, makes or constructs and designs, or formulates, or has engaged another person to design or formulate, an aspect of the product (or component part of the product) made by another person; or

(C) any product seller not described in subparagraph (B) which holds itself out as a manufacturer to the user of the product.

(9) NONECONOMIC LOSS.—The term "noneconomic loss" means subjective, nonmonetary loss resulting from harm, including pain, suffering, inconvenience, mental suffering, emotional distress, loss of society and companionship, loss of consortium, injury to reputation, and humiliation.

(10) PERSON.—The term "person" means any individual corporation, company, association, firm, partnership, society, joint stock company, or any other entity (including any governmental entity).

(11) PRODUCT.—

(A) IN GENERAL.—The term "product" means any object, substance, mixture, or raw material in a gaseous, liquid, or solid state which—

(i) is capable of delivery itself or as an assembled whole, in a mixed or combined state, or as a component part or ingredient;

(ii) is produced for introduction into trade or commerce;

(iii) has intrinsic economic value; and

(iv) is intended for sale or lease to persons for commercial or personal use.

(B) EXCLUSIONS.—The term does not include—

(i) tissue, organs, blood, and blood products used for therapeutic or medical purposes, except to the extent that such tissue, organs, blood, and blood products (or the provision thereof) are subject, under applicable State law, to a standard of liability other than negligence; or

(ii) electricity, water delivered by a utility, natural gas, or steam.

(12) PRODUCT LIABILITY ACTION.— The term "product liability action" means a civil action brought on any theory for harm caused by a product.

(13) PRODUCT SELLER—

(A) IN GENERAL.—The term "product seller" means a person who in the course of a business conducted for that purpose—

(i) sells, distributes, rents, leases, prepares, blends, packages, labels, or otherwise is involved in placing a product in the stream of commerce; or

(ii) installs, repairs, refurbishes, reconditions, or maintains the harm-causing aspect of the product.

(B) EXCLUSION.—The term "product seller" does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services in any case in which the sale or use of a product is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who—

(I) acts in only a financial capacity with respect to the sale of a product; or

(II) leases a product under a lease arrangement in which the lessor does not initially select the leased product and does not during the lease term ordinarily control the daily operations and maintenance of the product.

(14) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded against any person or entity to punish or deter such person or entity, or others, from engaging in similar behavior in the future.

(15) STATE.—The term "State" means any State of the United States, the District of Columbia, Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States or any political subdivision of any of the foregoing.

SEC. 102. APPLICABILITY; PREEMPTION.

(a) PREEMPTION.—

(1) IN GENERAL.—This Act governs any product liability action brought in any State or Federal court on any theory for harm caused by a product.

(2) ACTIONS EXCLUDED.—A civil action brought for commercial loss shall be governed only by applicable commercial or contract law.

(b) RELATIONSHIP TO STATE LAW.—This title supersedes State law only to the extent that State law applies to an issue covered by this title. Any issue that is not governed by this title, including any standard of liability applicable to a manufacturer, shall be governed by otherwise applicable State or Federal law.

(c) EFFECT ON OTHER LAW.—Nothing in this Act shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any law;

(2) supersede or alter any Federal law;

(3) waive or affect any defense of sovereign immunity asserted by the United States;

(4) affect the applicability of any provision of chapter 97 of title 28, United States Code;

(5) preempt State choice-of-law rules with respect to claims brought by a foreign nation or a citizen of a foreign nation;

(6) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss a claim of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(7) supersede or modify any statutory or common law, including any law providing for an action to abate a nuisance, that authorizes a person to institute an action for civil damages or civil penalties, cleanup costs, injunctions, restitution, cost recovery, punitive damages, or any other form of relief for remediation of the environment (as defined in section 101(8) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(8)).

(d) ACTIONS FOR NEGLIGENT ENTRUSTMENT.—A civil action for negligent entrustment, or any action brought under any theory of dramshop or third-party liability arising out of the sale or provision of alcohol products to intoxicated persons or minors, shall not be subject to the provisions of this Act but shall be subject to any applicable State law.

SEC. 103. LIABILITY RULES APPLICABLE TO PRODUCT SELLERS, RENTERS, AND LESSORS.

(a) GENERAL RULE.—

(1) IN GENERAL.—In any product liability action, a product seller other than a manufacturer shall be liable to a claimant only if the claimant establishes—

(A) that—

(i) the product that allegedly caused the harm that is the subject of the complaint was sold, rented, or leased by the product seller;

(ii) the product seller failed to exercise reasonable care with respect to the product; and

(iii) the failure to exercise reasonable care was a proximate cause of harm to the claimant;

(B) that—

(i) the product seller made an express warranty applicable to the product that allegedly caused the harm that is the subject of the complaint, independent of any express warranty made by a manufacturer as to the same product;

(ii) the product failed to conform to the warranty; and

(iii) the failure of the product to conform to the warranty caused harm to the claimant; or

(C) that—

(i) the product seller engaged in intentional wrongdoing, as determined under applicable State law; and

(ii) such intentional wrongdoing was a proximate cause of the harm that is the subject of the complaint.

(2) REASONABLE OPPORTUNITY FOR INSPECTION.—For purposes of paragraph (1)(A)(ii), a product seller shall not be considered to have failed to exercise reasonable care with respect to a product based upon an alleged failure to inspect the product—

(A) if the failure occurred because there was no reasonable opportunity to inspect the product; or

(B) if the inspection, in the exercise of reasonable care, would not have revealed the aspect of the product which allegedly caused the claimant's harm.

(b) SPECIAL RULE.—

(1) IN GENERAL.—A product seller shall be deemed to be liable as a manufacturer of a product for harm caused by the product if—

(A) the manufacturer is not subject to service of process under the laws of any State in which the action may be brought; or

(B) the court determines that the claimant would be unable to enforce a judgment against the manufacturer.

(2) STATUTE OF LIMITATIONS.—For purposes of this subsection only, the statute of limitations applicable to claims asserting liability of a product seller as a manufacturer shall be tolled from the date of the filing of a complaint against the manufacturer to the date that judgment is entered against the manufacturer.

(c) RENTED OR LEASED PRODUCTS.—

(1) Notwithstanding any other provision of law, any person engaged in the business of renting or leasing a product (other than a person excluded from the definition of product seller under section 101(13)(B)) shall be subject to liability in a product liability action under subsection (a), but any person engaged in the business of renting or leasing a product shall not be liable to a claimant for the tortious act of another solely by reason of ownership of such product.

(2) For purposes of paragraph (1), and for determining the applicability of this title to any person subject to paragraph (1), the term "product liability action" means a civil action brought on any theory for harm caused by a product or product use.

SEC. 104. DEFENSE BASED ON CLAIMANT'S USE OF INTOXICATING ALCOHOL OR DRUGS.

(a) GENERAL RULE.—In any product liability action, it shall be a complete defense to such action if the defendant proves that—

(1) the claimant was intoxicated or was under the influence of intoxicating alcohol or any drug when the accident or other event which resulted in such claimant's harm occurred; and

(2) the claimant, as a result of the influence of the alcohol or drug, was more than 50 percent responsible for such accident or other event.

(b) CONSTRUCTION.—For purposes of subsection (a)—

(1) the determination of whether a person was intoxicated or was under the influence of intoxicating alcohol or any drug shall be made pursuant to applicable State law; and

(2) the term "drug" mean any controlled substance as defined in the Controlled Substances Act (21 U.S.C. 802(6)) that was not legally prescribed for use by the claimant or that was taken by the claimant other than in accordance with the terms of a lawfully issued prescription.

SEC. 105. MISUSE OR ALTERATION.

(a) GENERAL RULE.—

(1) IN GENERAL.—In a product liability action, the damages for which a defendant is otherwise liable under Federal or State law shall be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of a product by any person if the defendant establishes that such percentage of the claimant's harm was proximately caused by a use or alteration of a product—

(A) in violation of, or contrary to, a defendant's express warnings or instructions if the warnings or instructions are adequate as determined pursuant to applicable State law; or

(B) involving a risk of harm which was known or should have been known by the ordinary person who uses or consumes the product with the knowledge common to the class of persons who used or would be reasonably anticipated to use the product.

(2) USE INTENDED BY A MANUFACTURER IS NOT MISUSE OR ALTERATION.—For the purposes of this Act, a use of a product that is intended by the manufacturer of the product does not constitute a misuse or alteration of the product.

(b) WORKPLACE INJURY.—Notwithstanding subsection (a), the damages for which a defendant is otherwise liable under State law shall not be reduced by the percentage of responsibility for the claimant's harm attributable to misuse or alteration of the product by the claimant's employer or any coemployee who is immune from suit by the claimant pursuant to the State law applicable to workplace injuries.

SEC. 106. UNIFORM TIME LIMITATIONS ON LIABILITY.

(a) STATUTE OF LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3) and subsection (b), a product liability action may be filed not later than 2 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered—

(A) the harm that is the subject of the action; and

(B) the cause of the harm.

(2) EXCEPTION.—A person with a legal disability (as determined under applicable law) may file a product liability action not later than 2 years after the date on which the person ceases to have the legal disability.

(3) EFFECT OF STAY OR INJUNCTION.—If the commencement of a civil action that is subject to this title is stayed or enjoined, the running of the statute of limitations under this section shall be suspended until the end of the period that the stay or injunction is in effect.

(b) STATUTE OF REPOSE.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), no product liability action that is subject to this Act concerning a product alleged to have caused harm (other than toxic harm) may be filed after the 18-year period beginning at the time of delivery of the product to the first purchaser or lessee.

(2) EXCEPTIONS.—

(A) A motor vehicle, vessel, aircraft, or train, that is used primarily to transport passengers for hire, shall not be subject to this subsection.

(B) Paragraph (1) does not bar a product liability action against a defendant who made an express warranty in writing as to the safety or life expectancy of the specific product involved which was longer than 18 years, but it will apply at the expiration of that warranty.

(c) TRANSITIONAL PROVISION RELATING TO EXTENSION OF PERIOD FOR BRINGING CERTAIN ACTIONS.—If any provision of subsection (a) or (b) shortens the period during which a product liability action could be otherwise brought pursuant to another provision of law, the claimant may, notwithstanding subsections (a) and (b), bring the product liability action not later than 1 year after the date of enactment of this Act.

SEC. 107. ALTERNATIVE DISPUTE RESOLUTION PROCEDURES.

(a) SERVICE OF OFFER.—A claimant or a defendant in a product liability action may, not later than 60 days after the service of—

(1) the initial complaint; or

(2) the applicable deadline for a responsive pleading;

whichever is later, serve upon an adverse party an offer to proceed pursuant to any voluntary, nonbinding alternative dispute resolution procedure established or recognized under the law of the State in which the product liability action is brought or under the rules of the court in which such action is maintained.

(b) WRITTEN NOTICE OF ACCEPTANCE OR REJECTION.—Except as provided in subsection (c), not later than 10 days after the service of an offeree to proceed under subsection (a), an offeree shall file a written notice of acceptance or rejection of the offer.

(c) EXTENSION.—The court may, upon motion by an offeree made prior to the expiration of the 10-day period specified in subsection (b), extend the period for filing a written notice under such subsection for a period of not more than 60 days after the date of expiration of the period specified in subsection (b). Discovery may be permitted during such period.

SEC. 108. UNIFORM STANDARDS FOR AWARD OF PUNITIVE DAMAGES.

(a) GENERAL RULE.—Punitive damages may, to the extent permitted by applicable State law, be awarded against a defendant if the claimant establishes by clear and convincing evidence that conduct carried out by the defendant with a conscious, flagrant indifference to the rights or safety of others was the proximate cause of the harm that is the subject of the action in any product liability action.

(b) LIMITATION ON AMOUNT.—

(1) IN GENERAL.—The amount of punitive damages that may be awarded in an action described in subsection (a) may not exceed the greater of—

(A) 2 times the sum of the amount awarded to the claimant for economic loss and noneconomic loss; or

(B) $250,000.

(2) SPECIAL RULE.—Notwithstanding paragraph (1), in any action described in subsection (a) against an individual whose net worth does not exceed $500,000 or against an owner of an unincorporated business, or any partnership, corporation, association, unit of local government, or organization which has fewer than 25 full-time employees, the punitive damages shall not exceed the lesser of—

(A) 2 times the sum of the amount awarded to the claimant for economic loss and noneconomic loss; or

(B) $250,000.

For the purpose of determining the applicability of this paragraph to a corporation, the number of employees of a subsidiary or wholly-owned corporation shall include all employees of a parent or sister corporation.

(3) EXCEPTION FOR INSUFFICIENT AWARD IN CASES OF EGREGIOUS CONDUCT.—

(A) DETERMINATION BY COURT.—If the court makes a determination, after considering each of the factors in subparagraph (B), that the application of paragraph (1) would result in an award of punitive damages that is insufficient to punish the egregious conduct of the defendant against whom the punitive damages are to be awarded or to deter such conduct in the future, the court shall determine the additional amount of punitive damages (referred to in this paragraph as the "additional amount") in excess of the amount determined in accordance with paragraph (1) to be awarded against the defendant in a separate proceeding in accordance with this paragraph.

(B) FACTORS FOR CONSIDERATION.—In any proceeding under paragraph (A), the court shall consider—

(i) the extent to which the defendant acted with actual malice;

(ii) the likelihood that serious harm would arise from the conduct of the defendant;

(iii) the degree of the awareness of the defendant of that likelihood;

(iv) the profitability of the misconduct to the defendant;

(v) the duration of the misconduct and any concurrent or subsequent concealment of the conduct by the defendant;

(vi) the attitude and conduct of the defendant upon the discovery of the misconduct and whether the misconduct has terminated;

(vii) the financial condition of the defendant; and

(viii) the cumulative deterrent effect of other losses, damages, and punishment suffered by the defendant as a result of the misconduct, reducing the amount of punitive damages on the basis of the economic impact and severity of all measures to which the defendant has been or may be subjected, including—

(I) compensatory and punitive damage awards to similarly situated claimants;

(II) the adverse economic effect of stigma or loss of reputation;

(III) civil fines and criminal and administrative penalties; and

(IV) stop sale, cease and desist, and other remedial or enforcement orders.

(C) REQUIREMENTS FOR AWARDING ADDITIONAL AMOUNT.—If the court awards an additional amount pursuant to this subsection, the court shall state its reasons for setting the amount of the additional amount in findings of fact and conclusions of law.

(D) PREEMPTION.—This section does not create a cause of action for punitive damages and does not preempt or supersede any State or Federal law to the extent that such law would further limit the award of punitive damages. Nothing in this subsection shall modify or reduce the ability of courts to order remittiturs.

(4) APPLICATION BY COURT.—This subsection shall be applied by the court and application of this subsection shall not be disclosed to the jury. Nothing in this subsection shall authorize the court to enter an award of punitive damages in excess of the jury's initial award of punitive damages.

(c) BIFURCATION AT REQUEST OF ANY PARTY.—

(1) IN GENERAL.—At the request of any party the trier of fact in any action that is subject to this section shall consider in a separate proceeding, held subsequent to the determination of the amount of compensatory damages, whether punitive damages are to be awarded for the harm that is the subject of the action and the amount of the award.

(2) INADMISSIBILITY OF EVIDENCE RELATIVE ONLY TO A CLAIM OF PUNITIVE DAMAGES IN A PROCEEDING CONCERNING COMPENSATORY DAMAGES.—If any party requests a separate proceeding under paragraph (1), in a proceeding to determine whether the claimant may be awarded compensatory damages, any evidence, argument, or contention that is relevant only to the claim of punitive damages, as determined by applicable State law, shall be inadmissible.

SEC. 109. LIABILITY FOR CERTAIN CLAIMS RELATING TO DEATH.

In any civil action in which the alleged harm to the claimant is death and, as of the effective date of this Act, the applicable State law provides, or has been construed to provide, for damages only punitive in nature, a defendant may be liable for any such damages without regard to section 108, but only during such time as the State law so provides. This section shall cease to be effective September 1, 1997.

SEC. 110. SEVERAL LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In a product liability action, the liability of each defendant for noneconomic loss shall be several only and shall not be joint.

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant shall be liable only for the amount of noneconomic loss allocated to the defendant in direct proportion to the percentage of responsibility of the defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which the defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

TITLE II—BIOMATERIALS ACCESS ASSURANCE

SEC. 201. SHORT TITLE.

This title may be cited as the "Biomaterials Access Assurance Act of 1997".

SEC. 202. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 203. DEFINITIONS.

As used in this title:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf of or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT.—With respect to an action brought on behalf of or through a minor or incompetent, such term includes the parent or guardian of the minor or incompetent.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional health care services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services;

(ii) a person acting in the capacity of a manufacturer, seller, or biomaterials supplier;

(iii) a person alleging harm caused by either the silicone gel or the silicone envelope utilized in a breast implant containing silicone gel, except that—

(I) neither the exclusion provided by this clause nor any other provision of this Act may be construed as a finding that silicone gel (or any other form of silicone) may or may not cause harm; and

(II) the existence of the exclusion under this clause may not—

(aa) be disclosed to a jury in any civil action or other proceeding; and

(bb) except as necessary to establish the applicability of this Act, otherwise be presented in any civil action or other proceeding; or

(iv) any person who acts in only a financial capacity with respect to the sale of an implant.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant non-implant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an indiviudal;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term "manufacturer" means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 501(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) and includes any device component of any combination product as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) RAW MATERIAL.—The term "raw material" means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(10) SELLER.—

(A) IN GENERAL.—The term "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 204. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this title, a biomaterials supplier may raise any defense set forth in section 205.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this title is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 206.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this title applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this title; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This title supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this title establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this title and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this title may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 205. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section;

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so; or

(C) is related by common ownership or control to a person meeting all the requirements described in subparagraph (A) or (B), if the court deciding a motion to dismiss in accordance with section 206(c)(3)(B)(i) finds, on the basis of affidavits submitted in accordance with section 206, that it is necessary to impose liability on the biomaterials supplier as a manufacturer because the related manufacturer meeting the requirements of subparagraph (A) or (B) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if—

(1) the biomaterials supplier—

(A) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(i) the manufacture of the implant; and

(ii) the entrance of the implant in the stream of commerce; and

(B) subsequently resold the implant; or

(2) the biomaterials supplier is related by common ownership or control to a person meeting all the requirements described in paragraph (1), if a court deciding a motion to dismiss in accordance with section 206(c)(3)(B)(ii) finds, on the basis of affidavits submitted in accordance with section 206, that it is necessary to impose liability on the biomaterials supplier as a seller because the related seller meeting the requirements of paragraph (1) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j), and received clearance from the Secretary if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 206. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this title, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action against it on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 205(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 205(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 205(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) an action against the manufacturer is barred by applicable law.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 205(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 205(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (2) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2)(B)(i) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 205 on the grounds that the defendant is not a manufacturer subject to such section 205(b) or seller subject to section 205(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 205(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 205(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 205(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists as to the applicable elements set forth in paragraphs (1) and (2) of section 205(d).

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 205(d) or the failure to establish the applicable elements of section 205(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 205(b)(3)(A) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this title shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

TITLE III—LIMITATIONS ON APPLICABILITY; EFFECTIVE DATE

SEC. 301. EFFECT OF COURT OF APPEALS DECISIONS.

A decision by a Federal circuit court of appeals interpreting a provision of this Act (except to the extent that the decision is overruled or otherwise modified by the Supreme Court) shall be considered a controlling precedent with respect to any subsequent decision made concerning the interpretation of such provision by any Federal or State court within the geographical boundaries of the area under the jurisdiction of the circuit court of appeals.

SEC. 302. FEDERAL CAUSE OF ACTION PRECLUDED.

The district courts of the United States shall not have jurisdiction pursuant to this Act based on section 1331 or 1337 of title 28, United States Code.

SEC. 303. EFFECTIVE DATE.

This Act shall apply with respect to any action commenced on or after the date of the enactment of this Act without regard to whether the harm that is the subject of the action or the conduct that caused the harm occurred before such date of enactment.

By Ms. SNOWE (for herself, Mr. GRASSLEY, Mr. GLENN, Mr. D'AMATO, Mr. INOUYE, Mr. ROCKEFELLER and Mr. MACK):

S. 649. A bill to amend title XVIII of the Social Security Act to provide for coverage of bone mass measurements for certain individuals under part B of the Medicare program; to the Committee on Finance.

THE BONE MASS MEASUREMENT STANDARDIZATION ACT OF 1997

• Ms. SNOWE. Mr. President, today I am introducing the Bone Mass Measurement Standardization Act of 1997.

Millions of women in their post-menopausal years face a silent killer, a stalker disease we know as osteoporosis. This unforgiving bone disease afflicts 28 million Americans;

causes 50,000 deaths each year; 1.5 million bone fractures annually; and the direct medical costs of osteoporosis fracture patients are $13.8 billion each year, or $38 million every single day. This cost is projected to reach $60 billion by the year 2020 and $240 billion by the year 2040 if medical research has not discovered an effective treatment.

The facts also show that one out of every two women have a lifetime risk of bone fractures due to osteoporosis, and that it affects half of all women over the age of 50 and an astounding 90% of all women over 75. Perhaps the most tragic consequences of osteoporosis occur with the 300,000 individuals annually who suffer a hip fracture. Twelve to thirteen percent of these persons will die within six months following a hip fracture, and of those who survive, 20% will never walk again, and 20% will require nursing home care—often for the rest of their lives.

We all know that osteoporosis cannot be cured, although with a continued commitment to research in this area I remain hopeful that we will find one. We also know that once bone mass is lost, it cannot be replaced. Therefore, early detection is our best weapon because it is only through early detection that we can thwart the progress of the disease and initiate preventive efforts to stop further loss of bone mass.

Bone mass measurement can be used to determine the status of a person's bone health and to predict the risk of future fractures. These tests are safe, painless, accurate and quick. Our expanding technology is adding new methods to determine bone mass and we need to keep up with this technology. The most commonly used test currently is DXA (Dual energy X-ray Absorptiometry).

In order to ensure that we detect bone loss early, we need to ensure that older women have coverage for bone mass tests. Unfortunately, Medicare coverage is inconsistent in its coverage depending on where an individual resides. Instead of national coverage of the DXA test, Medicare leaves coverage decisions to local Medicare insurance carriers. The definition of who is qualified to receive a bone mass measurement varies from carrier to carrier. Some carriers require beneficiaries to have suffered substantial bone loss before allowing coverage for a bone density test. For example, in about 20 States, the carriers require x-ray proof of low bone mass or other abnormalities. Unfortunately, standard x-rays do not reveal osteoporosis until 25 to 40 percent of bone mass has been lost.

One carrier allows pre-menopausal women to have a DXA test to determine whether hormone replacement therapy is indicated. However, it does not allow the test to determine treatment for the post-menopausal women—the majority of Medicare beneficiaries. Other carriers have no specific rules to guide reimbursement and cover the tests on a haphazard case-by-case basis.

Frequency of testing also varies from carrier to carrier. Re-testing is important to monitor treatment, yet only eight states specifically allow coverage for people who are under treatment for osteoporosis.

This patchwork coverage is confusing to beneficiaries, and means that an older woman who lives in one State will be covered, but if she moves to another state, she may not be. A woman may also lose coverage if she moves to another city within a given State.

Mr. President, a woman shouldn't have to change zip codes to obtain coverage for a preventive test, especially when early intervention is the only action we can take right now to slow the loss of bone mass. Once it is lost, it cannot be replaced.

The Medicare Bone Mass Measurement Standardization Act will clarify the Medicare coverage policy for DXA testing to make it uniform in all states. We all know that an ounce of prevention is worth a pound of cure. This bill will ensure that older women, regardless of where they live, will have access to bone mass measurement technology that will help detect bone loss and allow preventive steps to be taken. I urge my colleagues to support this important bill.●

● Mr. GRASSLEY. Mr. President, I am pleased to join my colleague from Maine, Senator SNOWE, to introduce legislation to standardize Medicare eligibility for the diagnosis of osteoporosis. It is estimated that osteoporosis results in 1.5 million fractures and $20 billion in medical costs each year. The Centers for Disease Control and Prevention, through the use of 1992 incidence data of bone fractures related to osteoporosis, determined that such fractures represent three percent of all Medicare costs. A recent report issued by the Alliance for Aging Research examined the dramatic savings realized when the onset of age-related disability is delayed. The report indicates that delaying the onset of osteoporosis by 5 years could save the economy up to as much as $10 billion annually.

In the state of Iowa, 15 percent of men and women over the age of 50, which is approximately 340,000 Iowans, have osteoporosis. Women are particularly prone to getting osteoporosis, which can lead to bone fractures that result in loss of independence and eventually to nursing home care. Early detection is critical, and there are effective treatments available to prevent bone mass deterioration. An ounce of prevention is worth a pound of cure.

Medicare currently covers bone mass measurement, which is the diagnostic tool used to detect osteoporosis. However, Medicare carriers have discretion regarding eligibility requirements. States cover bone mass measurement on a case-by-case basis; some States cover it when an individual is in the early stages of or already has the disease; and some States allow early detection of the disease based on whether or not the patient is at high risk of developing osteoporosis.

Medicare carriers in states such as Iowa and Maine promote early detection of osteoporosis by covering bone mass measurement for individuals at-risk of the disease. However, carriers in more than half the States do not allow testing until the person already has the disease or is at very high-risk of getting it.

The legislation I am co-sponsoring with Senator SNOWE would help reduce the economic and social costs of osteoporosis through early detection of this crippling disease. The bill would establish uniform eligibility requirements for coverage of bone mass measurement, eliminating the variation in Medicare coverage that currently exists. It would not require that every individual be screened for the disease, only those that are considered at-risk. Medicare is a federal program where everyone pays 2.9 percent of their pay. Therefore, everyone deserves to have access to the same benefits.

I congratulate my colleague, Senator SNOWE, for taking the lead on this very important health issue. I urge my colleagues on both sides of the aisle to support this legislation.●

By Mr. NICKLES:

S. 650. A bill to amend the Internal Revenue Code of 1986 to reduce estate taxes by providing a 20 percent rate of tax on estates exceeding $1,000,000, and a 30 percent rate of tax on estates exceeding $10,000,000, and for other purposes; to the Committee on Finance.

THE ESTATE TAX REDUCTION ACT OF 1997

Mr. NICKLES. Mr. President, an April 15, 1997 letter to the Wall Street Journal, which I will insert for the RECORD, describes one family's recent experience with the estate tax.

The letter states, "We finally did it. We didn't want to, but we had no choice. Exactly nine months after my father-in-law died, my wife and I signed a check for $1,285,000 payable to the Internal Revenue Service."

The man who wrote this letter goes on to talk about what his family could have used that money for, such as buying a beach house, prepaying their kids' college education, or even retiring.

Instead, he calculates that the federal government will spend in 26.8 seconds what took his father-in-law 75 years to accumulate.

After I read this letter, I decided to do some calculations of my own. In 1997, the federal government will collect $19.2 billion in estate taxes from 37,200 Americans. The federal government will spend that $19.2 billion in 4.3

days. Assuming each of those decedents was 70 years old when they died, that represents more than 2.6 million years' worth of work and savings which will be wiped-out forever and spent by the government in less than five days.

Mr. President, some people mistakenly believe estate taxes only affect the rich. In the Washington Post this week, Deputy Treasury Secretary Larry Summers says in response to a question about the estate tax, "You have to raise revenue somewhere, and ability to pay seems like a good way to do it."

The truth is that there are thousands of small businesses and farms throughout the country owned and operated by middle-income Americans that are affected by the estate tax. In Oklahoma alone, statistics from the U.S. Census of Agriculture indicate that over 7,500 farms and ranches have a value that could trigger estate tax. Even those who do not end up paying the tax will spend thousands of dollars planning to avoid it or insuring against it.

What is the ultimate impact of all this uneconomic activity? According to the Small Business Administration, only 30 percent of family businesses are passed down to a second generation, and only 13 percent make it to a third generation.

It does not take a lot of success in business or investing these days to become a "taxable estate" in the eyes of Uncle Sam. With the explosive growth in mutual fund investments over the last several years, and the corresponding increase in stock prices, workers will retire and discover their pension plan to be much larger than they had anticipated. Aggressive business owners who reinvest all their profits back into their business will find themselves asset-rich and cash-poor.

Under current law, a taxable estate of $1 million faces a marginal tax rate of 39 percent. A taxable estate of $3 million qualifies you for a confiscatory 55 percent marginal tax rate. A tax credit limits the tax on the first $600,000 of the estate.

If a person starts a small business—be it a farm, a restaurant, or a car dealership—and they work hard, expand, and become successful, why should Uncle Sam be entitled to 39 percent or 55 percent of it? What did the government do to build that business?

This business owner has already paid annual income tax (twice if organized as a corporation), self-employment tax, FICA tax, FUTA tax, and capital gains tax. Why should the Government come in and say, after all these taxes are paid, "We want over half of everything that's left"?

Mr. President, the current estate tax is unfair and it is counterproductive. In the long term, it needs to be repealed. In the short term, it needs to be dramatically changed.

I am introducing legislation today which represents dramatic change in the short term and provides a steppingstone to eventual repeal. My bill goes right to the basic problem, which is estate tax rates. With seventeen marginal tax rate brackets ranging from 18 percent to 55 percent, estate tax rates are too complex and too high.

Under my legislation, taxable estates and gifts under $1 million will pay no tax, taxable estates and gifts from $1 million to $10 million will be taxed at a marginal rate of 20 percent, and taxable estates and gifts over $10 million will be taxed at a marginal rate of 30 percent.

Mr. President, this legislation benefits all taxpayers by simplifying the structure of the estate tax and reducing the number of tax brackets from seventeen to three. Further, by increasing the basic exemption from $600,000 to $1 million, it will reduce the number of estates subject to taxation by more than 40 percent and greatly reduce the need for and cost of estate tax planning.

The benefits of this legislation are also progressive. A taxable estate worth $1 million will have its tax liability completely eliminated. A taxable estate worth $5 million will receive a 64 percent reduction in tax liability, and a taxable estate worth $50 million will receive a 50 percent reduction in tax liability.

Finally, the benefits of this legislation are fair. It does not single-out certain types of estate assets for preferential treatment, and thus avoids the problems of picking winners and losers.

The enactment of estate tax reform this year will not be very easy, Mr. President, despite broad, bipartisan support in the Senate and the House. The Clinton administration continues to block estate tax reform with partisan, class-warfare rhetoric. In the Washington Post article I mentioned earlier about estate tax reform, Deputy Secretary Summers even said, "When it comes to the estate tax, there is no case other than selfishness."

I find that statement offensive, and I wonder if President Clinton agrees with his lieutenant. Is passing your life's work on to your children is "selfish"?

I encourage all my colleagues to read the letter I submitted with my statement today and ask themselves, "Is our estate tax policy promoting freedom, family, and opportunity, or does it just promote the redistribution of wealth?"

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 650

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Estate Tax Reduction Act of 1997".

SEC. 2. 20 PERCENT RATE OF TAX ON ESTATES EXCEEDING $1,000,000; 30 PERCENT RATE OF TAX ON ESTATES EXCEEDING $10,000,000.

(a) IN GENERAL.—Section 2001(c) of the Internal Revenue Code of 1986 (relating to imposition and rate of tax) is amended to read as follows:

"(c) RATE SCHEDULE.—

"If the amount with respect to which the tentative tax to be computed is:.	The tentative tax is:
Not over $10,000,000	20 percent.
Over $10,000,000	$2,000,000 plus 30 percent of the excess over $10,000,000.".

(b) INCREASE IN UNIFIED CREDIT.—

(1) IN GENERAL.—Section 2010(a) of the Internal Revenue Code of 1986 (relating to unified credit against estate tax) is amended by striking "$192,800" and inserting "$200,000".

(2) GIFT TAX CREDIT.—Section 2505(a)(1) of such Code (relating to unified credit against gift tax) is amended by striking "$192,800" and inserting "$200,000".

(3) CONFORMING AMENDMENTS.—

(A) Section 2102(c)(3)(A) of such Code is amended by striking "$192,800" and inserting "$200,000".

(B) Section 6018(a)(1) of such Code is amended by striking "$600,000" and inserting "$1,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to the estates of decedents dying, and gifts made, after the date of the enactment of this Act.

[From the Wall St. Journal, Apr. 15, 1997]

ELIMINATE THE MIDDLEMAN

(By Sanford F. Young)

We finally did it. We didn't want to, but we had no choice.

Exactly nine months after my father-in-law died, my wife and I signed a check for $1,285,000, payable to the Internal Revenue Service.

Now, you may ask what we are complaining about. After all, we were born into enlightened, liberal upper-middle-income families in the 1950s. Our fathers extolled our obligation to pay taxes so that the government can provide for the less fortunate. Indeed, it may have been those principles that dissuaded my father-in-law from engaging in any estate planning. So we had to sign away—in addition to state inheritance taxes, deferred income taxes, excise taxes and countless legal and accounting fees incurred just so we could compute how much tax we must pay—the great bulk of my father-in-law's estate.

Having had the privilege of holding on to this much money for these past months—as executors of the estate we are legally obligated to accumulate and preserve the assets for paying taxes—we dreamed of what we could have done with the funds: buy a beach house, prepay our kids' college education, even quit our jobs and retire. Instead, the reality of how fast that money will be spent by the government is hammered home by the giant billboard tallying government debt at the intersection of Sixth Avenue and 43rd Street in New York. I calculate that the federal government will spend in 26.8 seconds what took my father-in-law 75 years to accumulate—after the taxes he paid during his lifetime. Not a satisfying thought.

We thus propose the following: Rather than paying my father-in-law's hard-earned money to the government, which acts as no more than a greedy and inefficient middleman between the haves and have-nots, it should simply identify three of the neediest families and let us hand over a half-million dollars or so to each. This way we can know that my father-in-law's money will make a difference. And at least someone would give my father-in-law a posthumous thank-you.

NICKLES ESTATE TAX PROPOSAL

	Current law					Proposal					Impact	
	Marginal tax rate (%)	Tax before unified credit	Unified credit	Tax after unified credit	Effective tax rate	Marginal tax rate (%)	Tax before unified credit	Unified credit	Tax after unified credit	Effective tax rate	Reduction in tax liability	As a % of current law
Taxable estate:												
10,000	18	1,800	192,800	0	0	20	2,000	200,000	0	0		
20,000	20	3,800	192,800	0	0	20	4,000	200,000	0	0		
40,000	22	8,200	192,800	0	0	20	8,000	200,000	0	0		
60,000	24	13,000	192,800	0	0	20	12,000	200,000	0	0		
80,000	26	18,200	192,800	0	0	20	16,000	200,000	0	0		
100,000	28	23,800	192,800	0	0	20	20,000	200,000	0	0		
150,000	30	38,800	192,800	0	0	20	30,000	200,000	0	0		
250,000	32	70,800	192,800	0	0	20	50,000	200,000	0	0		
500,000	34	155,800	193,800	0	0	20	100,000	200,000	0	0		
750,000	37	248,300	192,800	55,500	7	20	150,000	200,000	0	0	(55,500)	−100
1,000,000	39	345,800	192,800	153,000	15	20	200,000	200,000	0	0	(153,000)	−100
1,250,000	41	448,300	192,800	255,500	20	20	250,000	200,000	50,000	4	(205,500)	−80
1,500,000	43	555,800	192,800	363,000	24	20	300,000	200,000	100,000	7	(263,000)	−72
2,000,000	45	780,800	192,800	588,000	29	20	400,000	200,000	200,000	10	(388,000)	−66
2,500,000	49	1,025,800	192,800	833,000	33	20	500,000	200,000	300,000	12	(533,000)	−64
3,000,000	53	1,290,800	192,800	1,098,000	37	20	600,000	200,000	400,000	13	(698,000)	−64
5,000,000	55	2,390,800	192,800	2,198,000	44	20	1,000,000	200,000	800,000	16	(1,398,000)	−64
10,000,000	55	5,140,800	192,800	4,948,000	49	20	2,000,000	200,000	1,800,000	18	(3,148,000)	−64
20,000,000	55	11,000,000	0	11,000,000	55	30	5,000,000	200,000	4,800,000	24	(6,200,000)	−56
50,000,000	55	27,500,000	0	27,500,000	55	30	14,000,000	200,000	13,800,000	28	(13,700,000)	−50
100,000,000	55	55,000,000	0	55,000,000	55	30	29,000,000	200,000	28,800,000	29	(26,200,000)	−48

Replace the current unified transfer tax rate structure with two rates, 20% under $10 million and 30% over $10 million. Increase the unified credit equivalent to $1 million.
Staff estimates assume reductions are fully phased-in.

ESTATE TAX REFORM COMPARISION—$1 MILLION ESTATE

S. 2 increases the basic exemption to $1 million, excludes 100% of the first $1.5 million in family business assets, and excludes 50% of any remaining family business assets.

S. 479 increases the unified credit equivalent to $1 million, excludes 100% of the first $1.5 million in family business assets, and excludes 50% of the next $8.5 million in family business assets.

The Nickles Plan imposes no tax on estates up to $1 million, taxes estates up to $10 million at 20%, and taxes estates over $10 million at 30%.

	Current law	S. 2	S. 479	Nickles Plan
ALL FAMILY BUSINESS				
Family business assets	1,000,000	1,000,000	1,000,000	1,000,000
Other assets	0	0	0	0
Total estate	1,000,000	1,000,000	1,000,000	1,000,000
Family business exclusion	(1)	(1,000,000)	(1,000,000)	(1)
Taxable estate	1,000,000	0	0	1,000,000
Tax before unified credit	345,800	0	0	200,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	153,000	0	0	0
Effective tax rate (percent)	15	0	0	0
NO FAMILY BUSINESS				
Family business assets	0	0	0	0
Other assets	1,000,000	1,000,000	1,000,000	1,000,000
Total estate	1,000,000	1,000,000	1,000,000	1,000,000
Family business exclusion	(1)	0	0	(1)
Taxable estate	1,000,000	1,000,000	1,000,000	1,000,000
Tax before unified credit	345,800	345,800	345,800	200,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	153,000	0	0	0
Effective tax rate (percent)	15	0	0	0
SPLIT				
Family business assets	500,000	500,000	500,000	500,000
Other assets	500,000	500,000	500,000	500,000
Total estate	1,000,000	1,000,000	1,000,000	1,000 000
Family business exclusion	(1)	(500,000)	(500,000)	(1)
Taxable estate	1,000,000	500,000	500,000	1,000,000
Tax before unified credit	345,800	155,800	155,800	200,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	153,000	0	0	0
Effective tax rate (percent)	15	0	0	0

(1) Not applicable.
Note.—For simplicity, the current law phase-out of the unified credit and marginal rate benefits for estates between $10,000,000 and $21,040,000 is not computed in these examples.

ESTATE TAX REFORM COMPARISON—$5 MILLION ESTATE

S. 2 increases the basic exemption to $1 million, excludes 100% of the first $1.5 million in family business assets, and excludes 50% of any remaining family business assets.

S. 479 increases the unified credit equivalent to $1 million, excludes 100% of the first $1.5 million in family business assets, and excludes 50% of the next $8.5 million in family business assets.

The Nickles Plan imposes no tax on estates up to $1 million, taxes estates up to $10 million at 20%, and taxes estates over $10 million at 30%.

	Current law	S. 2	S. 479	Nickles Plan
ALL FAMILY BUSINESS				
Family business assets	5,000,000	5,000,000	5,000,000	5,000,000
Other assets	0	0	0	0
Total estate	5,000,000	5,000,000	5,000,000	5,000,000
Family business exclusion	(1)	(3,250,000)	(3,250,000)	(1)
Taxable estate	5,000,000	1,750,000	1,750,000	5,000,000
Tax before unified credit	2,398,000	668,300	668,300	1,000,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	2,205,200	322,500	322,500	800,000

	Current law	S. 2	S. 479	Nickles Plan
Effective tax rate (percent)	44	6	6	16
NO FAMILY BUSINESS				
Family business assets	0	0	0	0
Other assets	5,000,000	5,000,000	5,000,000	5,000,000
Total estate	5,000,000	5,000,000	5,000,000	5,000,000
Family business exclusion	([1])	0	0	([1])
Taxable estate	5,000,000	5,000,000	5,000,000	5,000,000
Tax before unified credit	2,398,000	2,398,000	2,398,000	1,000,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	2,205,200	2,052,200	2,052,200	800,000
Effective tax rate (percent)	44	41	41	16
SPLIT				
Family business assets	2,500,000	2,500,000	2,500,000	2,500,000
Other assets	2,500,000	2,500,000	2,500,000	2,500,000
Total estate	5,000,000	5,000,000	5,000,000	5,000,000
Family business exclusion	([1])	(2,000,000)	(2,000,000)	([1])
Taxable estate	5,000,000	3,000,000	3,000,000	5,000,000
Tax before unified credit	2,398,000	1,298,000	1,298,000	1,000,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	2,205,200	952,200	952,200	800,000
Effective tax rate (percent)	44	19	19	16

[1] Not applicable.

Note.—For simplicity, the current law phase-out of the unified credit and marginal rate benefits for estates between $10,000,000 and $21,040,000 is not computed in these examples.

ESTATE TAX REFORM COMPARISON—$50 MILLION ESTATE

S. 2 increases the basic exemption to $1 million, excludes 100% of the first $1.5 million in family business assets, and excludes 50% of any remaining family business assets.

S. 479 increases the unified credit equivalent to $1 million, excludes 100% of the first $1.5 million in family business assets, and excludes 50% of the next $8.5 million in family business assets.

The Nickles Plan imposes no tax on estates up to $1 million, taxes estates up to $10 million at 20%, and taxes estates over $10 million at 30%.

	Current law	S. 2	S. 479	Nickles Plan
ALL FAMILY BUSINESS				
Family business assets	50,000,000	50,000,000	50,000,000	50,000,000
Other assets	0	0	0	0
Total estate	50,000,000	50,000,000	50,000,000	50,000,000
Family business exclusion	([1])	(25,750,000)	(5,750,000)	([1])
Taxable estate	50,000,000	24,250,000	44,250,000	50,000,000
Tax before unified credit	27,148,000	12,985,500	23,985,500	14,000,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	26,955,200	12,639,700	23,639,700	13,800,000
Effective tax rate (percent)	54	25	47	28
NO FAMILY BUSINESS				
Family business assets	0	0	0	0
Other assets	50,000,000	50,000,000	50,000,000	50,000,000
Total estate	50,000,000	50,000,000	50,000,000	50,000,000
Family business exclusion	([1])	0	0	([1])
Taxable estate	50,000,000	50,000,000	50,000,000	50,000,000
Tax before unified credit	27,148,000	27,148,000	27,148,000	14,000,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	26,955,200	26,802,200	26,802,200	13,800,000
Effective tax rate (percent)	54	54	54	28
SPLIT				
Family business assets	25,000,000	25,000,000	25,000,000	25,000,000
Other assets	25,000,000	25,000,000	25,000,000	25,000,000
Total estate	50,000,000	50,000,000	50,000,000	50,000,000
Family business exclusion	([1])	(13,250,000)	(5,750,000)	([1])
Taxable estate	50,000,000	36,750,000	44,250,000	50,000,000
Tax before unified credit	27,148,000	19,860,500	23,985,500	14,000,000
Unified credit	192,800	345,800	345,800	200,000
Tax after UC	26,955,200	19,514,700	23,639,700	13,800,000
Effective tax rate (percent)	54	39	47	28

[1] Not applicable.

Note.—For simplicity, the current law phase-out of the unified credit and marginal rate benefits for estates between $10,000,000 and $21,040,000 is not computed in these examples.

By Mr. ALLARD:

Senate Joint Resolution 28. A joint resolution proposing an amendment to the Constitution of the United States granting the President the authority to exercise an item veto of individual appropriations in an appropriations bill; to the Committee on the Judiciary.

THE LINE-ITEM VETO CONSTITUTIONAL AMENDMENT

• Mr. ALLARD. Mr. President, today I am pleased to introduce a line-item veto constitutional amendment.

This action is particularly timely in light of the decision by a Federal district court judge which declared the recently enacted statutory line-item veto, or more accurately, enhanced rescission authority, to be unconstitutional.

This judge's decision may be overturned, or Congress may be able to modify the language in a way that satisfies the courts. Baring either of these, a line-item veto can only be provided by amending the Constitution.

Fortunately, Congress provided for expedited judicial review of the constitutionality of the 1996 Line Item Veto legislation, and the Supreme Court has agreed to hear arguments in the case next month, and to render a decision by July.

Prior to my election to the Senate I served in the House of Representatives. In that body I introduced a constitutional line-item veto on several occasions. This was motivated by my view that the greatest threat to our economy is the continued deficits which Congress piles on top of the accumulated $5.3 trillion national debt.

Obviously, the budget system that we have in place is not working. We need a balanced budget amendment and a line-item veto.

Last year, Congress gave the President what is generally referred to as expanded rescission authority. The Republican Congress committed to give this authority to whoever was elected President in 1996, Democrat or Republican. It was immaterial to us, our objective was to provide a bi-partisan tool to help eliminate wasteful spending beginning on January 1, 1997.

Last year's legislation was an expansion of the very limited rescission authority granted to the President in 1974 under the Impoundment Control Act. Under that earlier statute, the President could indicate items in the budget that he wanted to rescind, but he was required to obtain the support of both Houses of Congress in order for the rescission to actually be enacted. The budget history of the past two decades demonstrates better than I could why this is akin to the fox guarding the henhouse.

The Line-Item Veto Act reversed this burden and required the Congress to disapprove any rescissions identified by the President within 30 days. If this deadline was not met, then the item was eliminated.

This new authority permitted three types of rescissions. First, discretionary appropriations could be rescinded. Discretionary spending is about one-third of the budget and is where most of what is considered pork barrel spending occurs.

Second, the law permitted the rescission of any new item of entitlement spending. While currently existing entitlements would be exempt, any new item could be stricken—entitlements constitute the remaining two-thirds of the budget and is certainly the fastest growing portion of the budget.

Finally, certain limited tax benefits could be rescinded. These limited tax provisions were generally defined as provisions that provided a federal tax deduction, credit, exclusion, or preference to 100 or fewer beneficiaries.

The judge who ruled the line item veto statute unconstitutional focused on the fact that the cancellation or rescission authority under the statue exists only after the President signs a bill. He has up to 5 days after signature to identify these rescissions. The judge concluded that this was an unconstitutional delegation of Congressional power.

I find this reasoning puzzling since the statute was crafted in a manner that Congress believed to be consistent with past Supreme Court decisions concerning Congressional delegation of authority. The statute also provides nearly identical authority to the impoundment authority held by all Presidents from George Washington up through 1974 when Congress voted to deny this authority to future presidents.

Obviously, we will hear the final word on this in July. One thing however, is certain. The authority given to the President last year was different from that authority held by 43 state governors. In the states the governor has the explicit authority to line item veto provisions in a bill as part of the actual bill-signing process.

I believe it is time that we take the approach of the states. In order to do this we must enact a Constitutional Amendment. Under article I, section 7 of the Constitution, the President's veto authority has been interpreted to mean that he must sign or veto an entire piece of legislation—he cannot pick and choose.

This language reads: "Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, . . ." this section then proceeds to outline the procedures by which Congress may override this veto with a two-thirds vote of both houses.

The amendment that I am introducing today amends this language as it pertains to appropriations bills. It specifically provides that the President shall have the power to disapprove any appropriation of an appropriations bill at the time the President approves the bill.

This change will make explicit that the President is no longer confined to either vetoing or signing an entire bill, but that he may choose to single out certain appropriations for veto and still sign a portion of the bill.

I noted earlier that 43 state governors have some type of line item veto. This is consistent with the approach taken in most state constitutions of providing a greater level of detail concerning the budget process than is contained in the U.S. Constitution. In my view, the line item veto has been an important factor in the more responsible budgeting that occurs at the state level.

Colorado is one of the states that gives line item veto authority to the governor. That power, along with a balanced budget requirement in the state constitution, has worked well and insured that Colorado has been governed in a fiscally responsible manner regardless of who served in the legislature or in the governor's office.

Mr. President, I look forward to further discussion on this important issue. I realize that the Supreme Court may overturn the lower court decision and declare the line item veto statute constitutional. However, in my mind, this is no substitute for moving ahead on a constitutional amendment. It is time to eliminate the uncertainly, and provide for explicit line item veto authority for the President.●

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. NICKLES, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 9, a bill to protect individuals from having their money involuntarily collected and used for politics by a corporation or labor organization.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 222

At the request of Mr. DOMENICI, the name of the Senator from Colorado [Mr. CAMPBELL] was added as a cosponsor of S. 222, a bill to establish an advisory commission to provide advice and recommendations on the creation of an integrated, coordinated Federal policy designed to prepare for and respond to serious drought emergencies.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 311

At the request of Mr. GRAHAM, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 311, a bill to amend title XVIII of the Social Security Act to improve preventive benefits under the medicare program.

S. 317

At the request of Mr. CRAIG, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 317, a bill to reauthorize and amend the National Geologic Mapping Act of 1992.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Altanta, Georgia, as the "Sam Nunn Federal Center".

S. 413

At the request of Mrs. HUTCHISON, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 413, a bill to amend the Food Stamp Act of 1977 to require States to verify that prisoners are not receiving food stamps.

S. 415

At the request of Mr. BAUCUS, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 415, a bill to amend the medicare program under title XVIII of the Social Security Act to improve rural health services, and for other purposes.

S. 436

At the request of Mr. ROTH, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 436, a bill to amend the Internal Revenue Code of 1986 to provide for the establishment of an intercity passenger rail trust fund, and for other purposes.

S. 476

At the request of Mr. HATCH, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 476, a bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

S. 562

At the request of Mr. D'AMATO, the names of the Senator from Nevada [Mr. REID], the Senator from Montana [Mr. BURNS), and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 562, a bill to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 570

At the request of Mr. NICKLES, the names of the Senator from South Carolina [Mr. HOLLINGS], and the Senator from Kentucky [Mr. MCCONNELL) were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 572

At the request of Mr. ALLARD, the names of the Senator from Nebraska [Mr. HAGEL], the Senator from Wyoming [Mr. ENZI], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 572, a bill to amend the Internal Revenue Code of 1986 to repeal restrictions on taxpayers having medical savings accounts.

S. 606

At the request of Mr. HUTCHINSON, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

SENATE CONCURRENT RESOLUTION 23—HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. MCCAIN submitted the following concurrent resolution; which was referred to the Committee on Commerce, Science, and Transportation.

S. CON. RES. 23

Whereas Jackie Robinson was the first four sport letterman at the University of California at Los Angeles;

Whereas on April 15, 1947, Jackie Robinson was the first African-American to cross the color barrier and play for a major league baseball team;

Whereas Jackie Robinson, whose career began in the Negro Leagues, went on to be named Rookie of the Year and subsequently led the Brooklyn Dodgers to six National League pennants and a World Series championship;

Whereas Jackie Robinson's inspiring career earned him recognition as the first African-American to win a batting title, lead the league in stolen bases, play in an All-Star game, win a Most Valuable Player award, play in the World Series and be elected to baseball's Hall of Fame;

Whereas after retiring from baseball Jackie Robinson was active in the civil rights movement and founded the first bank owned by African-Americans in New York City;

Whereas his legacy continues to uplift the Nation through the Jackie Robinson Foundation that has provided 425 scholarships to needy students;

Whereas Jackie Robinson's courage, dignity, and example taught the Nation that what matters most is not the color of a man's skin but rather the content of his character;

Whereas Jackie Robinson, in his career, consistently demonstrated that how you play the game is more important than the final score;

Whereas Jackie Robinson's life and heritage help make the American dream more accessible to all; and

Whereas April 15, 1997, marks the 50th anniversary of Jackie Robinson's entrance into major league baseball: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

That the achievements and contributions of Jackie Robinson be honored and celebrated; that his dedication and sacrifice be recognized; and that his contributions to African-Americans and to the Nation be remembered.

Mr. MCCAIN. Mr. President, today I submit a Senate concurrent resolution honoring the lifetime achievements of Jackie Robinson. I urge its immediate consideration.

After an already distinguished career in the Negro League, Jackie Robinson became the first African-American to play major league professional baseball and one of the best individuals ever to play the game. Just over 50 years ago, Mr. Robinson animated for the entire country the simple premise on which our Nation was founded—that all men are created equal; that they are endowed by their creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness. Given that this animation occurred more than a decade and a half before Martin Luther King reminded us that man should be judged not by the color of his skin but by the content of his character, Mr. Robinson's accomplishments were truly great.

As his biographers have noted, Jackie Robinson began playing major league baseball 7 years before the historic Brown versus Board of Education Supreme Court ruling, 18 years before voter registration drives in Selma, Alabama. And 18 years before passage of the Voter Rights Act of 1965.

At a time when African Americans were still being forced to walk to the back of the bus, Jackie Robinson was walking up to the plate and receiving cheers of Americans from all walks of life. But for the cheers given the efforts of Jackie Robinson, I doubt we would have heard the cheers given to Arthur Ashe, Michael Jordon, and Tiger Woods.

While Jackie Robinson is best known for being the first African-American to play major league baseball, his entire life was full of achievements. These are all detailed in this resolution.

Jackie Robinson was the first four sport letterman at the University of California at Los Angeles.

Jackie Robinson was named Rookie of the Year and subsequently led the Brooklyn Dodgers to six National League pennants and a World Series championship.

Jackie Robinson's career earned him recognition as the first African-American to win a batting title, lead the league in stolen bases, play in an All-Star game, win a Most Valuable Player Award, play in the World Series and be elected to baseball's Hall of Fame.

Beyond his accomplishments in baseball, Jackie Robinson was active in the civil rights movement and founded the first bank owned by African-Americans in New York city.

Jackie Robinson's legacy continues to uplift the Nation through the Jackie Robinson Foundation that has provided 425 scholarships to needy students.

It is difficult to list the many heights obtained by Jackie Robinson. He was as successful off the playing field as he was on. It is fitting for the Congress of the United States to honor and celebrate the achievements and contributions of Jackie Robinson; that his dedication and sacrifice be recognized; and that his contributions to African-Americans and to the Nation be remembered.

SENATE RESOLUTION 78—NATIONAL ERASE THE HATE AND ELIMINATE RACISM DAY

Mr. BURNS (for himself, Mr. BAUCUS, Ms. COLLINS, Mr. KEMPTHORNE, Mr. FAIRCLOTH, Mr. BINGAMAN, Mr. DEWINE, Mr. HATCH, Mr. GRASSLEY, Mr. WARNER, Mr. CLELAND, Mr. GORTON, Mr. ABRAHAM, Ms. LANDRIEU, Mr. REID, Mr. LIEBERMAN, Mr. DODD, Mr. MURKOWSKI, Mr. D'AMATO, Mr. KENNEDY, Mr. KERREY, Mr. LEVIN, Mr. GRAMM, Mr. KERRY, Mr. LUGAR, and Mr. MOYNIHAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 78

Whereas the term "hate crime" means an offense in which one or more individuals, commits an offense (such as an assault or battery (simple or aggrevated), theft, criminal trespass, damage to property, mob action, disorderly conduct, or telephone harassment) by reason of the race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals;

Whereas there are almost 8,000 hate crimes reported to the Department of Justice each year, and the number of hate crimes reported increases each year;

Whereas hate crimes have no place in a civilized society that is dedicated to freedom and independence, as is the United States;

Whereas the people of the United States must lead and set the example for the world in protecting the rights of all people;

Whereas the people of the United States should take personal responsibility for and action against hatred and hate crimes;

Whereas the Members of Congress, as representatives of the people of the United States, must take personal responsibility for and action against hatred and hate crimes;

Whereas the laws against hate crimes, which have been passed by Congress and signed by the President, must be supported and implemented by the people of the United States and by Federal, State, and local law enforcement officials and other public servants: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 1997, as "National Erase the Hate and Eliminate Racism Day"; and

(2) requests that the President issues a proclamation calling upon the people of the United States and throughout the world to recognize the importance of using each day as an opportunity to take a stand against hate crimes and violence in their nations, states, neighborhoods, and communities.

Mr. BURNS. Mr. President, I rise today, along with Senator BAUCUS and 23 of our fellow colleagues, to submit a resolution to designate April 30 as "National Erase the Hate and Eliminate Racism Day." We are submitting this measure because, as you may know, a few years ago a series of anti-semitic and racially biased crimes occurred in my home town of Billings, MT. However, instead of ignoring these events, I am proud to say that the community united and worked together to ban these acts of hatred. We are hoping that the American people will learn from Montanans that racism and hate crimes can be done away with if we work together.

According to the United States Department of Justice, there are almost 8,000 racially and biased crimes each year—and unfortunately, this number is rising. Due to this disappointing fact, my colleagues and I have determined that a day should be set aside to bring groups together that will work to begin to heal our Nation from the sins of our past and present.

This day would serve as a day for people in the United States, and throughout the world, to recognize the importance of using every day as an opportunity to take a stand against hate crimes and violence in their neighborhoods, communities, states and nations.

Through this legislation, we hope to reinforce in the American people that our diversity is something to be proud of. A new understanding of our differences would help bring forth a new respect for each other, and this resolution should serve as the vehicle to educate Americans and promote unity throughout our communities and States.

Now, I realize that passage of this measure will not immediately obliterate racism from our country. But it is our responsibility, as Members of this distinguished, elected, body to set an example for the American people by speaking up for what is right and encouraging others to do so.

I would like to offer a special thanks to the YWCA and the Anti-Defamation League for their assistance in garnering support for this measure. Their continued service to the American people in supporting diversity serves as a means to open the doors between divergent groups. They should be acknowledged and praised by all.

We welcome each of our colleagues to join with us to work to eradicate the forces that divide us. Finally, I hope that by April 30, the American people are made aware of our thoughts and that we will work for justice for all.

Mr. BAUCUS. Mr. President, I rise today to submit a resolution which will designate this April 30 as a National Day to Erase the Hate and Eliminate Racism.

In the last couple of years, we Montanans have seen our state come under the microscope of considerable media scrutiny. We've had the arrest of the alleged "Unabomber," the standoff between the FBI and the so-called Freemen outside Jordan, and a series of hate crimes in some of our cities.

And it's appropriate for the press to take a look at these things, while recognizing that many of these incidents are repeated on a larger scale throughout the rest of the country.

What has frustrated me, and many other Montanans, however, is the lack of attention to the vast majority of Montanans—the people who are willing to stand up to bigots and hate groups. For example, take what happened in Billings, Montana, a few years ago.

People in Billings enjoy a high quality of life that only Montana can provide. It is the largest city in Montana, but it still has the feel of a small town. Folks say hello to strangers in the street. Families go to the symphony in Pioneer Park in the summer. And neighbors go out of their way to help someone when they need a hand.

That placid life was shattered in November 1993, when a group of "skinheads" threw a bottle through the glass door of the home of a Jewish family. A few days later they put a brick through the window of another Jewish family's home—with a five-year-old boy in the room. Then they smashed the windows of a Catholic high school that had a "Happy Hanukkah" sign on its marquee.

The people of Billings were horrified. But they did not sit at home and try to ignore the problem. They did not let the hatred take root. The community banded together.

Thousands of homes put Menorahs in their windows. They showed the skinheads that the people of Billings were united against hate. And that year, Billings held the largest Martin Luther King Day march ever in Montana.

And all over Montana, we see more of the same. Whether it is a county attorney who stands up to militia groups in Jordan. Or the unsung people who work in their communities, such as Helena, to stamp out racism and hatred through the Montana Human Rights Network. These are all stories that need to be told.

Recently, the USA Network aired a movie called "Not In This Town," which told the story of these events to the country. I commend the network for bringing this story to the world because it sends two powerful messages. First of all, Montana is no home for bullies and hate-mongers. And second, wherever you live, violence and bigotry do not have to be accepted in your community.

That is why today I am submitting, with my colleague from Montana, Senator BURNS, and many others from across America, a bill which will designate April 30, 1997, as a National Day to Erase the Hate and Eliminate Racism.

I know a simple bill like this one will not end the problems we still have. A piece of paper alone cannot teach a child that hate is wrong.

But I do believe a piece of paper can make people think. It can make people talk about hate crimes. And it can light a spark in people's hearts and minds.

And if we continue to look at the good, courageous, decent things our neighbors are doing, that spark just might catch fire, in Montana and all across the country.

AMENDMENTS SUBMITTED

CHEMICAL WEAPONS CONVENTION RATIFICATION RESOLUTION

BIDEN AMENDMENTS NOS. 47–51

Mr. BIDEN proposed five amendments to the executive resolution (S. Res. 75) to advise and consent to the ratification of the Chemical Weapons Convention, subject to certain conditions; as follows:

AMENDMENT NO. 47

On page 63, strike lines 8 through 20.

AMENDMENT NO. 48

Beginning on page 61, strike line 21 and all that follows through line 7 of page 63.

AMENDMENT NO. 49

Beginning on page 65, strike line 25 and all that follows through line 3 of page 67.

AMENDMENT NO. 50

Beginning on page 63, strike line 21 and all that follows through line 4 of page 65.

AMENDMENT NO. 51

On page 65, strike lines 5 through 24.

HELMS AMENDMENT NO. 52

Mr. HELMS proposed an amendment to the executive resolution, Senate Resolution 75, supra; as follows:

On page 2, line 18, strike “payments” and insert “any payment”.

On page 6, line 3, strike “the head of”.

On page 8, line 2, insert “or such other organization, as the case may be,” after “nization”.

On page 8, line 10, insert “or the affiliated organization” after “tion”.

On page 9, line 11, insert “or the affiliated organization” after “Organization”.

On page 9, line 17, insert “or the affiliated organization” after “Organization”.

On page 13, line 21, insert “, and any official or employee thereof” after “it”.

On page 14, line 5, insert “, and any official or employee thereof” after “functions”.

On page 15, lines 6 and 7, strike “to United States ratification” and insert “affecting the object and purpose”.

On page 18, line 2, insert “support for” after “resolution of”.

On page 20, line 12, strike “citizens,” and insert “citizens and”.

On page 23, line 18, strike “obligation” and insert “obligations”.

On page 25, line 19, strike the comma.

On page 32, line 13, insert “of Representatives” after “House”.

On page 32, lines 19 and 20, strike “Foreign Military Sales, Foreign Military Financing,” and insert “Foreign Military Sales and Foreign Military Financing under the Arms Export Control Act”.

On page 34, line 1, strike “Committee” and insert “Committees”.

On page 34, line 3, insert “the” after “and”.

On page 37, line 11, insert a comma immediately after “games”.

On page 40, line 9, strike “of” and insert “for”.

On page 41, line 16, insert “of the Convention” after “ratification”.

On page 47, line 19, insert “the ratification of” after “to”.

On page 49, line 5, move the margin of “(i)” 2 ems to the right.

On page 49, line 11, move the margin of “(ii)” 2 ems to the right.

On page 49, line 16, move the margin of “(iii)” 2 ems to the right.

On page 52, line 9, insert a comma after “(D)”.

On page 53, line 21, strike the comma.

On page 55, line 4, insert “a schedule of” after “to”.

On page 57, line 1, strike “the” the first place it appears and insert “to”.

On page 59, line 15, strike the comma.

On page 61, line 11, strike “on an involuntary basis”.

On page 61, line 12, insert “where consent has been withheld,” after “States,”.

On page 8, line 8, insert “, if accepted,” after “provision”.

On page 25, line 19, insert “on Intelligence” after “tee”.

On page 27, line 7, strike “is” and insert “are”.

On page 27, line 22, insert “on Intelligence” after “Committee”.

On page 57, line 15, strike “Ruanda” and insert “Rwanda”.

NOTICE OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will meet on Tuesday, April 29, 1997 at 9:30 a.m. in Room 485, Russell Senate Building to mark-up S. 459, a bill to amend the Native American Programs Act of 1974. An Oversight Hearing on P.L. 102–575, the San Carlos Water Rights Settlement Act of 1992 will immediately follow the Business Meeting.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce that the oversight hearing to receive testimony from the General Accounting Office on their evaluation of the development of the Draft Tongass Land Management Plan scheduled for Tuesday, April 29, 1997 before the Committee on Energy and Natural Resources will now begin at 10:00 a.m. instead 9:30 a.m. as previously scheduled.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of Elizabeth Anne Moler to be Deputy Secretary of Energy.

The hearing will take place Tuesday, May 6, 1997 at 9:30 a.m. in Room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

For further information, please call Camille Heninger Flint at (202) 224–5070.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I would like to announce for the public that an oversight hearing has been scheduled jointly before the Subcommittee on Forests and Public Land Management of the Senate Committee on Energy and Natural Resources and the Subcommittee on Forests and Forest Health of the House Committee on Resources.

The hearing will take place Thursday, May 15, 1997 at 2:00 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on the release of the Columbia River Basin Environmental Impact Statement.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Judy Brown or Mark Rey at (202) 224–6170.

NOTICE OF WORKSHOP

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public that a workshop has been scheduled before the Subcommittee on Forests and Public Land Management to exchange ideas and suggestions on the proposed “Public Land Management Responsibility and Accountability Restoration Act.” The workshop will take place on Thursday, May 22, beginning at 2:00 p.m. in room 366 of the Dirksen Senate Office Building. The topic for this workshop will be to hear testimony regarding community-based solutions that have been tried concerning public land conflicts.

Testimony at these workshops is by invitation only. They are open to the public and the press. For further information, please write to the Subcommittee on Forests and Public Land Management, United States Senate, Washington, D.C. 20510, or call Mark Rey or Judy Brown of the Subcommittee staff at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet at 2 p.m. on Thursday, April 24, 1997, in executive session to mark up S. 7, the National Missile Defense Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 24, 1997, at 10 a.m. on ISTEA Reauthorization/Truck Safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, April 24, 1997, at 12:30 p.m. for a hearing on opportunities for management reforms at the National Oceanic Atmospheric Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Overview of Vocational Education, during the session of the Senate on Thursday, April 24, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, April 24, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing to consider revisions to Title 44.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on "SBA's Non-Credit Programs" on Thursday, April 24, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, April 24, 1997 at 2:00 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Thursday, April 24, 1997, at 9:30 a.m., on ozone and particulate matter standards proposed by the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 24, 1997, at 2:00 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. HELMS. Mr. President, I ask unanimous consent that the Science, Technology and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 24, 1997, at 2 p.m. on reauthorization of the FY98 NASA budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MEDICARE

• Mr. FRIST. Mr. President, in 1995, my first year in the U.S. Senate, the Medicare Trustees told Congress that unless it took "prompt effective, and decisive action * * * Medicare will be dead in seven years."

Two years later, another Trustees' report has been delivered to Congress and we are even worse off. We still face the same tough choices. We must balance the budget, restore integrity to the Medicare trust fund, update the Medicare system and provide consumers with more choice—a cornerstone structural change that addresses the long-term viability of the Medicare program.

In the 104th Congress, the U.S. Congress realized that the fundamental way to capture the dynamics of change in the health care system would be to modernize Medicare by opening it to a broader array of private health plans that would compete on the basis of quality and not just cost.

President Clinton embraced this ideal as well by initiating a Medicare Choices demonstration and including provisions to expand choice, although I feel they are limited, in his February budget submission to the U.S. Congress.

Therefore, Senator ROCKEFELLER and I introduced S. 146, the Provider-Sponsored Organization Act of 1997. S. 146 expands the current Medicare risk contracting program to include PSO's, Provider Sponsored Organizations.

A PSO, very simply, is a public or private provider, or group of affiliated providers, organized to deliver a spectrum of health care services under contract to purchasers.

Our bill specifies detailed requirements for certification, quality assurance and solvency to ensure that PSO's contracting with Medicare meet standards that are comparable to or higher than those for health maintenance organizations [HMO's].

Specifically, the bill provides Federal leadership for States to fashion a streamlined PSO approval process that is consistent with Federal standards protecting Medicare beneficiaries.

Second, by providing incentives for PSO's and HMO's to evaluate patterns of care, it promotes state of the art continuous quality improvement.

Third, the bill creates a mechanism by which the Secretary of HHS would be allowed, but not required, to enter into partial risk payment arrangements with PSO's or HMO's.

Fourth, it outlines specific solvency standards for PSO's which reflect the peculiarities of their operating environment.

Now, why are PSO's, to my mind, a good place to start in opening up and modernizing Medicare to offer our seniors and individuals with disabilities more choice of private plan options?

First, and something very close to me as a physician and as one who has spent over 50,000 hours working in hospitals, PSO's will improve quality of health care. The creation of PSO's in the Medicare environment, I am absolutely convinced, will improve quality.

It really goes back to personal experience. But the fundamental reason is that PSO's are the care-givers. PSO's are the physicians, the hospitals, the facilities.

It is those physicians, those caregivers who are on the front line of health care every day. Thus, they are in the best position to control, monitor, and demand quality for that individual patient who walks in through the door.

It is my feeling that in a competitive managed care environment, PSO's will be at the table competing with insurance companies, competing with HMO's. But it is they, because they are the care-givers, that can bring to the table that concern for the individual patient, and demand quality which will have a spill-over effect in the negotiations in the managed care environment. There is an inherent PSO emphasis on quality because the people at the table are the people who are taking care of the individual patient.

The second issue around quality, is that S. 146 requires collective accountability, where quality and cost are measured by overall practice patterns across the entire PSO rather than just case-by-case utilization review.

It used to be that we did not know how to do that. In 1997, we do know how to do that. We look at system-wide measures of quality. The advantage of system-wide measures, instead of case-by-case utilization, is better use of resources, less intrusiveness in the doctor/patient relationship, and it is state of the art today. It is built into our bill.

S. 146 requires PSO's to meet new, higher quality standards and they must, as spelled out in our bill, have experience in the coordination of care. Thus, we will not see the creation of inexperienced groups coming forward.

That is important because of the so-called 50-50 rule, a standard which is inappropriately used as a surrogate measure for quality, requiring that plans participate in the commercial marketplace.

Well, today, because of the outline of higher quality standards, and because of the requirement for experience with the coordination of care, the 50-50 rule does not apply and would be waived for PSO's.

I should also say that non-PSO Medicare risk contractors, under our bill, would be eligible for waiving this quasi-quality measurement as long as they met the enhanced quality standards spelled out in our bill. Thus, S. 146 sets a new standard for quality assurance, a standard that I feel will set the pace for the rest of the industry.

Mr. President, the Provider Sponsored Organization Act returns to a basic concept that applies a lot to what we are doing in the U.S. Congress today. This bill will empower providers to become, once again, true partners in the clinical decisionmaking process. The PSO really does allow physicians, care-givers, and facilities to once again regain some control over what goes on at that doctor/patient relationship level.

In the U.S. Congress over the last year we have seen bills, like a 48-hour maternity stay bill post-birth, and a proposal for a 48-hour stay after mastectomy. I have even had proposals come forward to me for 5-day bills after heart surgery. Well, obviously the U.S. Congress can go in and try to micromanage body part by body part, but I do not think that is the direction to go.

By bringing care-givers to the table, by reenfranchising them, by allowing them to once again regain participation in the clinical decision-making process, we get out of that business.

Why? Because at the negotiating table in the managed care environment you have physicians and care-givers there speaking for the patient, not allowing just cost to drive what goes on in the managed care environment.

In addition, the PSO option will bring coordinated care to more communities. Again, this is terribly important because we see so much of managed care in urban areas and not in rural areas and not in under-served areas.

This bill very specifically has incentives built in it to encourage participation in those under-served and rural areas. It will very clearly, to my mind, bring managed care, coordinated care, networking of care to those communities where it is not an available choice today.

As you know, managed care has had great difficulty in attracting seniors. We know that about three-quarters of the employed population are enrolled in coordinated/managed care today. But in Medicare, only about 13 percent are enrolled.

Two reasons. Right now, the rigidity of our Medicare system does not allow any other entities besides a very narrowly defined HMO to participate in Medicare. We can agree or disagree whether to open that system up to a broad array of plans. Indeed, I think this first step of a PSO is the most reasonable way to go to begin to expand that choice.

In the State of Tennessee, the majority of Medicare beneficiaries have no choice. There is no HMO, except right in middle Tennessee. There are no other plans. Senior citizens have no choice whatsoever in Tennessee, except in Nashville, where they can choose one plan today.

The second reason, is that our seniors are scared their care is going to be taken away. They are scared to join managed care because they are scared that their local physician will be dropped from the network. Many fear that an HMO or managed care plan might drop their physician once they join it, and that frightens them a great deal.

It only makes sense that Medicare beneficiaries will feel much more secure about coordinated care knowing that they have the choice of a health care plan run by care-givers, run by physicians, nurses, and hospitals who are in their own local community. The Rockefeller/Frist bill will give them that security.

PSO's, as I mentioned, do apply particularly well to rural communities. Because the doctors and hospitals are already in the rural areas, serving the local population, it is easier for them, rather than some outside insurance company maybe located 200 miles away, to organize, network and provide a coordinated care option for seniors in what have been traditionally under-served rural areas.

Finally, given the fact that Medicare's own trustees have reported that the trust fund will soon be bankrupt, Medicare's rate of growth clearly must be slowed. The introduction of PSO's will advance market-based competition within Medicare, which I believe is absolutely essential to the long-term integrity of the entire Medicare Program, both part A and part B.

The Provider Sponsored Organization Act of 1997 builds on the PSO provision included in the Balanced Budget Act of 1995 [BBA]. The BBA created a legal definition of PSO's and developed a definition of "affiliated provider." S. 146 goes one step further. It defines a Medicare Qualified PSO as a PSO that has the capability to contract to provide full benefit, capitated, coordinated care to beneficiaries.

Specific criteria for the direct provision of services by affiliated providers are spelled out in the bill. This ensures that all but a small fraction of contracted services are provided either under affiliation or by participating provider agreements.

It also ensures that current Medicare provider contracting rules, especially those that protect beneficiaries or consumers from financial liability in the event of a plan failure, will also apply to PSOs.

Since Medicare qualified PSOs do not enter the commercial market as a health plan in order to contract with Medicare, S. 146 provides Federal certification for the first four years, after which transition to State licensure is carried out.

In addition, this bill requires that the Secretary contract with states during that four year period to provide local monitoring of ongoing PSO performance, as well as beneficiary access to services. At the end of the four year period, State licensure would be required as long as State standards are sufficiently similar to the Federal standards, and the solvency standards are identical.

This approach over these initial four years, marries the benefits of national standards for a national program with the benefits of close monitoring at the State level by State agencies, an approach currently used by Medicare in certifying a variety of health care providers.

The issue of solvency. Last year's Balanced Budget Act mandated that the Secretary develop new solvency standards that are more appropriate to this PSO, provider-sponsored, environment.

Similarly, S. 146 recognizes that PSOs are different. They are not insurance companies, nor should they pretend to be insurance companies. PSOs are the caregivers themselves.

Thus, it is not necessary, because they are care-givers—physicians, nurses, and facilities—for them to go out and contract out or pay claims for health care services that they have to go out and essentially buy—as insurance companies have to do. Very different. This bill establishes these new solvency standards to protect Medicare beneficiaries against the risk of PSO insolvency.

The test of fiscal soundness is based on net worth and reserve requirements drawn from current Medicare law and the current National Association of Insurance Commissioners' (NAIC) "Model

HMO Act.'' Adjustments are made to reflect the operational characteristics of PSOs. For example, in measuring net worth, it ensures that health delivery assets held by the PSOs, such as the hospital building, are recognized just as they are in NAIC's Model HMO Act. Thus, fiscal soundness is assured.

Another issue on which the Rockefeller/Frist bill differs from the 1995 Balanced Budget Act is that it gives the Secretary authority to enter partial risk contracts, either with PSO's or HMO's.

The Balanced Budget Act required that PSO's take full risk with respect to Medicare benefits. While both bills would require that PSO's provide the full Medicare-defined benefit package, S. 146 adds a partial risk payment method, that is, payment for all services based on a mix of capitation and cost. This is actually very important if we want to have coordinated care go to our rural communities.

Now, why is PSO legislation necessary? First, current Medicare statute does not allow managed care plans to serve only Medicare patients. Instead, currently it requires these types of plans to participate also in the commercial market.

The Balanced Budget Act established the premise, that PSO's should be allowed to offer Medicare-only plans. Therefore, the rule that I mentioned earlier, the so-called 50-50 rule, is inappropriate under our bill for Medicare-only type plans.

Second, plans today are required to go through the State licensure process. Yet, the overwhelming majority of State licensure processes do not recognize the fact that PSO's differ from most insurers. Rather, States today expect them to look and act like insurers. But they are not, they are caregivers.

Senator ROCKEFELLER and I, in closing, did not introduce this legislation to eclipse the current Medicare risk contractors. Rather, the Provider Sponsored Organization Act compliments existing HMO options in the Medicare program and expands the choices available to seniors and individuals with disabilities.

This bill is narrow. It is focused. It really does not take on the broader issues of structural reform that must be addressed in Medicare. I would like to see much more choice than this bill, but this is the place to start.

Mr. President, Qualified Provider-Sponsored Organizations will challenge all health care organizations participating in Medicare to meet the goal of an integrated, coordinated health care system where quality, and not just cost, is put forward, where relationships of care-givers and their patients is preserved, and where physicians, nurses and hospitals come to the table. PSO's will challenge the entire system and the result will be higher quality.●

SENATOR SAM NUNN SUPPORTS THE B–2

● Mr. INOUYE. Mr. President, there have been many supportive comments on the remarks I presented last week on the need to acquire nine additional B–2 global precision strike aircraft. There is one response, in particular, which I wish to share with my colleagues.

Former Senator Sam Nunn of Georgia served the Senate for many years. Through dedicated work and thoughtful analysis, Senator Nunn came to be regarded as a national authority on defense issues. I now ask that a letter in support of additional B–2 procurement, which Senator Nunn sent to Congressman DUNCAN HUNTER, chairman of the House Committee on National Security, Subcommittee on Military Procurement, be printed in today's RECORD. I believe that all Senators will benefit from a close and thoughtful reading of former Senator Nunn's letter.

The letter follows:

KING & SPALDING
Washington, DC, March 10, 1997.

Hon. DUNCAN HUNTER,
Chairman, Subcommittee on Military Procurement,
Committee on National Security,
U.S. House of Representatives, Washington, DC

DEAR MR. CHAIRMAN: Thank you for asking me to provide testimony for your March 12, 1997, hearing on bomber force structure. As you know, I have been a strong supporter of the B–2 bomber program since its inception as the Advanced Technology Bomber in the early 1980's. I continue to believe that 21 B–2 bombers will not constitute an adequate force level to deal with many likely future contingencies and crises, and that no other military systems in existence or on the drawing boards can adequately substitute for the capabilities the B–2 offers. Therefore, I strongly endorse the Subcommittee's reconsideration of the future bomber force structure to include the issue of resuming production of the B–2 bomber. I believe the Subcommittee needs to carefully consider the following points in its deliberations.

*For the foreseeable future, two major hot spots will remain in the Middle East and on the Korean peninsula. Yet these set-piece scenarios should not be the only scenarios against which the adequacy of our forces (and our military strategy) are tested.

*Potential enemies have learned several valuable lessons from Iraq's experience during Operation Desert Storm don't give the U.S. time to deploy forces and their support to the theater, do focus on disrupting U.S. air operations, do target strategic objectives that allies will be reluctant to counterattack (Seoul, Saudi oil field, etc.) and plan to seize them rapidly, before U.S. power can be brought to bear.

*Future conflicts are likely to confront the U.S. with a race against time and the advance of enemy forces toward important strategic objectives (think how different it might have been if Saddam's troops had not stopped after taking Kuwait.)

*U.S. contingency planning, including the BUR analyses and the JCS "Nimble Dancer" wargames (and the widely criticized 1995 DOD Heavy Bomber Study), assumes the U.S. will enjoy two weeks of actionable warning prior to an enemy attack—valuable time during which our military plans to deploy forces from CONUS and Europe, and more important, to start the sealift bridge from CONUS to the theater.

*This sealift link is crucial to U.S. performance in 1990, the U.S. needed six months in which to build up forces levels and to establish the sealift pipeline to support those forces during high-intensity conflict. Yet, the adequacy of logistics support has never been adequately modeled in JCS wargames.

*In 1994, Iraq suddenly mobilized troops and sent them to the border with Kuwait. The U.S. response capability raises serious questions. U.S. planning assumes two carriers in the Persian Gulf, yet there were none, U.S. planning assumes deployment of many hundreds of tactical aircraft to the theater in the first week, yet only about one hundred arrived, U.S. planning assumes prepositioned equipment aboard ships berthed at Diego Garcia in the Indian Ocean are important assets, yet these ships did not arrive until after the crisis was ended, U.S. planning assumes many precision munitions, yet supplies in the theater were low.

*If an important class of future contingencies will be those in which U.S. forces are trying to prevent an enemy surprise attack from seizing high-value targets, then U.S. forces will have to place a premium either on combat-ready forces stationed within the theater or on forces that can reach the theater and conduct effective operations in a timely fashion.

*We cannot count on having stationed forces in the right place at the right time, all the time. This suggests the importance of long-range assets, to provide the flexibility to respond rapidly from CONUS to trouble spots around the globe. The B–2 can reach any point on the globe from just three bases—Guam, Diego Garcia, and the U.S.

*Once in the theater, U.S. assets must be both survivable and highly effective against an invading enemy force. The B–2 bomber has a combination of range, payload, and stealth that is unmatched by any other system. And, precision munitions are continuing to enhance the value of all tactical aircraft, including the B–2 bomber.

*The value of stealth for conducting operations in a high-threat environment has been clear ever since the air operations against Iraq began in early 1991. The F–117A Stealth Fighter conducted countless missions over Baghdad without any loses and are widely cited for the success of the air war. Yet the F–117A has many operational limitations—it is a medium altitude attack platform capable of effective operations only at night in clear weather.

*The B–2 is an all-altitude, all-weather platform that is more stealthy than the F–117A and that carries many more individually-targetable weapons. The B–2's advanced capabilities go well beyond those of the F–117A or any other non-stealthy bomber.

*A number of recent analytic studies have shown that against many plausible invading forces, 20 or 21 B–2 bombers are simply not enough force to stop enemy invaders short of their important strategic objectives.

*The cost of additional B–2's is high relative to non-stealthy, short-range tactical aircraft. But so is the cost of failing to stop a determined enemy short of his strategic objectives. The inherent flexibility and capability of the B–2 bomber will be most important in those cases where we are surprised, where an enemy doesn't do what we had expected, and/or where we did not plan to have to fight.

I commend these points to the attention of your Subcommittee, and would urge you to undertake a searching review of the assumptions and assertions that underlie present U.S. military contingency plans. I thank you for inviting me to submit these thoughts for the Subcommittee's consideration and for your Subcommittee's careful attention to these important questions for national security.

Sincerely,

SAM NUNN.•

REMEMBERING TURKEY'S GENOCIDE OF THE ARMENIANS

• Mr. D'AMATO. Mr. President, America has always been a haven for victims of oppression and it is fitting that Members of this body rise every year to mark April 24—the day that commemorates Turkey's genocide of the Armenians. In the first instance in the 20th century when a state declared war on a minority group, an estimated 1.5 million people were killed. We rise today to show our solidarity with the victims and our condemnation of the slaughterers.

Many Armenian survivors came to the United States, where they found sanctuary. They have prospered and their vibrant community as a whole has become an integral part of American life and the democratic process. But while realizing and contributing to the American dream, they always remembered their Armenian origins, and never forgot their national sorrow. As Nobel Peace Prize winner Elie Wiesel has written, the Armenian people are rooted firmly "in their collective and immutable memory where death itself is vanquished, because the memory of death is received as a symbol, an instant of eternity."

Their sharing of the Armenian historical experience with non-Armenians has served as a stark reminder for us all of the universality of human evil and the strength of the human spirit, even at the darkest moments. The resilience of the survivors and Armenians the world over have inspired in other peoples feelings of shared sorrow and admiration. We mourn with them, and simultaneously take pride in their ability to overcome a great historical injustice, the consciousness of which never disappears.

Unhappily for them, Armenians have been called upon to be our teachers. From their terrible suffering we have learned that states may not make war upon minority groups, and the international community will neither tolerate nor forget such transgressions. From their ability to transcend the saddest moments of their history, we take heart and recommit ourselves to remembrance, celebration, and vigilance.•

TRIBUTE TO JOE STERNE OF THE BALTIMORE SUN

• Ms. MIKULSKI. Mr. President, this month, Joseph R.L. Sterne will be retiring as editorial page editor of the Baltimore Sun—a job he has held for more than 44 years.

I have known Joe for more than 20 of those years. As editor, he has been one of the best. I cannot remember a time when his name was not at the top of the paper's masthead. I read his editorials and he has read my press releases. I think I liked his better. His editorials were him—they were fair, professional, insightful, instructive, tough and thorough.

I've learned a lot from them. So did Baltimore and so did Maryland—whether it was an observation or suggestion regarding foreign policy or firm recommendation on how to improve Baltimore's housing policy or Federal tax issues.

Joe started his career in 1953 covering the police beat. But he didn't stay there long. He quickly moved on to report on some of the most important moments in American history—from the civil rights movement to the Vietnam war to working in Africa and Germany covering international affairs. That was his true love. But he never forgot that a great hometown paper begins with a great hometown.

His kudos and criticisms spurred all of us to do our best. But then, he asked no less of us than he asked of himself. He is one of the best. I will miss Joe Sterne. Baltimore will miss Joe Sterne. I wish him our best.•

"PEACE! WHERE ART THOU?"

• Mr. INOUYE. Mr. President, I request that the statement entitled "Peace! Where Art Thou?" written by my constituent, Ruben Ortiz-Paez, be printed in the CONGRESSIONAL RECORD. I encourage my colleagues to read this thoughtful essay.

The statement follows:

"PEACE! WHERE ART THOU?"

(By Ruben Ortiz Paez)

At a meeting to discuss World Peace, its Chairman closed the meeting with the following remarks: "After considerable effort, we are still groping like the Blind to come up with a significant dialogue which would contribute to the cause of Peace." After slight applause, he offered to field questions.

A blind man raised his hand and he was recognized. He stood up and this is what he had to say: "Mr. Chairman and Members: I really don't have a question, but if you will bear with me, I do have a few words to say. "The Chairman approved and he continued: "I don't think that it s fair to suggest that we haven't come up with solutions; the best minds in the world are devoted to finding Peace, and so far, they have come up with Zilch!

"Peace has always been desired, but there are leaders among nations who seem to derive Satanic pleasure in obstructing or derailing Peace initiatives! How then in Heaven's name, could Peace be expected to flourish? Here's a splendid suggestion: A sure way, is for us to embrace and spread The charity of Love! For Peace is Love's Godchild, and it will flourish wherever Love and compassion dwell in the Hearts of Men!

"I know that it's difficult to understand; and some would dare to say that it's just a pipe-dream! But not so, if my logic is considered with an open mind; reinforced with the Undeniable Truth, that Love is more contagious than all of the deadly viruses, so far identified by medical science and research!

"Here then, Mr. Chairman, I humbly offer the following, which I hope you may be able to consider as an acceptable contribution to the cause of Peace. It will probably be dismissed as an illusion by the skeptics, due to it's spiritual connotation, but I ask you sir, what other choice do we have?

"It takes just one person who's a 'carrier' to start an epidemic! So what are we waiting for? Let's be the 'carriers' to start an epidemic of Love! It isn t all that difficult, all that it takes is for us to shed our shyness; our fear that our affection could be misunderstood! It will be well worth it, and surely the Prince of Peace, will bless us for it, since his exhortation "Love your neighbor as yourself" means not only the one next door, but all with whom we share the Earth!

"Dear Members: If I can visualize all these things despite my blindness, just try to imagine, the great and wonderful things that you will be able to accomplish with God's gift of sight and optimism, in a world firmly determined to live in Peace, in the fast-approaching New Millennium!

"Thank you for allowing me to express my pent-up emotions and my layman's assessment of such a pressing and complex subject. May God bless you!"

The blind man received a standing ovation and the applause was deafening!•

THE SMALL BUSINESS ADMINISTRATION

• Mr. BUMPERS. Mr. President, On February 3, of this year, Carolyn Stradley testified before the Small Business Committee regarding the problems she had starting a paving company. It was one of the most interesting and compelling statements I have heard since I came to the Senate, and I have heard thousands.

Mr. President, without further elaboration, I ask that Mrs. Stradley's statement be printed in the RECORD for all to see and appreciate.

The statement follows:

TESTIMONY OF CAROLYN A. STRADLEY

Good morning. Thank you for your time today.

My name is Carolyn Stradley, I am the founder and owner of C&S Paving, Inc. in Marietta, Georgia.

I was born in the Appalachian Mountains at home in a two-room shack, without electricity or water. I had never seen indoor plumbing until I went to school.

My mother died when I was only 11 years old and my father, an alcoholic, walked away. For two years I survived in the mountains, then at 13 years old, I moved to Atlanta, sometimes sleeping in the back of cars and bathing at the bus station. When I entered high school, I did so without front teeth. Working at night, going to school in the day time. I married at 15 years old, was kicked out of school at 16 for being pregnant, became a mother at 17, caring for a totally disabled husband at 21 and became a widow at age 26.

I started C&S Paving, Inc. out of necessity, not by choice, from the back of a pickup truck, shoveling asphalt into potholes. But I quickly found out that in 1979 very few people would take a single, 32-year-old woman in the asphalt paving business seriously.

When I tried to purchase equipment and trucks in 1979, the sales people just laughed at me. So, I asked my brother, who was unemployed and only had an 8th grade education to work with me for 25 percent of this new company. It was necessary for us to work 14–16 hours a day, so I asked my brother's wife if she would care for the children and answer the telephone—for another 25 percent of the company.

When the company was first started, I went to the Small Business Administration and asked for an 8–A package, but was told I did not qualify, but I persisted and finally was able to obtain a package after many years of trying. After its costly completion, and several months of waiting C&S Paving was again denied entrance into the program.

However, I did not give up and tried several years later and once again was told that I was not and had not ever been disadvantaged. I saw other people—some third generation company and college graduates—qualify and permitted to negotiate jobs that I was not allowed to bid on. I felt very angry and betrayed. Sadly, it seems to me that the 8(a) Program does not include white females whose circumstances would otherwise qualify them as being disadvantaged. In my case that was totally unfair and an abrogation of Congress' intent for the program.

In 1986, I realized that I could no longer work with my brother because of a total different set of values in business and life. I told him if he would just get my name off the personal guarantees, he could have everything. He could not and demanded $500,000 for his and his wife's shares. My options, as I saw them: murder, suicide, or find a way to buy him out.

I went to several banks before I found one that believed a woman could run an asphalt paving company, however, they would only make the loan if the SBA would guarantee it.

Business was great for the first 6 years into a 10-year loan. However, several of our job sites were hit by two tornadoes and one flood and the most rain that was ever recorded in Georgia.

The small bank that I had been dealing with was purchased in 1993 by a large multistate group. The loan was then "called" at a time when I could not work because of weather—the fact that I had never missed a payment for six years meant absolutely nothing to the bank.

I then requested a meeting with the Small Business Administration. I met with Fred Stone, District Director for the State of Georgia, Ray Gibeau, Chief, Portfolio Management and Janis Burda, Loan Liquidation Specialist. It was at this meeting that I realized that these three people were completely different than anyone I had ever dealt with before at the SBA. They were very professional, understood small business and were willing to go the extra mile.

It was with their help and guidance that C & S Paving was able to restructure the remaining balance of the loan. As a result of SBA's recognition that C & S Paving was a company worth saving, we have grown, prospered and are currently planning to build a new building this year which will enable us to hire about 10 more people this year.

Without SBA's help, I would have lost everything that I had worked my whole life for and over 30 period would have lost their jobs. Therefore, I am living proof that the SBA works for this Nation by helping small business create jobs and economic independence for its citizens. My survival has provided encouragement to many other people, especially women who wish to start their own companies.

From its humble beginning, by the reinvestment of profits back into the Company, C & S Paving was awarded the largest single contract ever let to a female-owned company through open-competitive bids. Other notable projects we have constructed are the running tracks inside the Olympic Stadium and the Georgia Dome.

Additionally, we were honored by President Bush in 1989 at the White House as Second Runner Up for the National Small Business Person of the Year as well as the Small Business Person of the Year Award for 1996 by The Small Business Council of America.

I share all of this with you, hopefully to help you understand the passion I feel towards the Small Business Administration. It is not perfect by any means, but to millions of women of this country, who by no fault of their own, do not have a father, husband, the education or community standing to ask for help—SBA's Women Business Ownership Program is their only glimmer of light and hope.

Today, you can be the vehicle that helps those that seek to help themselves by recognizing the true value that the Small Business Administration has and the difference it has made in so many lives and the tremendous contributions that small business makes to this country's economy and to the world.

This Agency's programs are not a hand out, but truly a hand up. Please allow us to hope.

Hope sees the invisible; feels the intangible and hope achieves the impossible.●

TAKE OUR DAUGHTERS TO WORK DAY

● Ms. SNOWE. Mr. President, I rise today on Take Our Daughters to Work Day, to encourage young women and girls across America to set their sights high, and to reach for their dreams.

Since my childhood, the composition of the work force has changed dramatically, and job opportunities have significantly increased for young women and girls. Today, women comprise 46 percent of the paid labor force, and according to Bureau of Labor and Statistics, by the year 2000, roughly half of new entrants into the labor force will be women.

Despite these gains, studies show that during adolescence, girls often receive less attention in school and suffer from lower expectations than do boys. They also set their future sights lower than their male counterparts. This is reflected in a New York Times/CBS poll, which found that over one third of girls surveyed believed that there are more advantages to being a man than a women. For many girls, low self-esteem can lead them to lose confidence in their abilities, which may prevent them from achieving their fullest potential later in life.

In this day and age, we cannot accept reduced opportunities for girls and women from either an equity standpoint or an economic one. Today, women are equally responsible for the well-being of their families. So it is not just their own futures that are at stake, but the future of their children and their children's children. It is our responsibility to set high standards and provide them with the experiences and role models that will inspire them to be extraordinary leaders of the future.

We need to do far more to challenge our daughters' notions of women's work. While most school-age girls plan to work, they do not plan for careers that could sustain themselves and their families. In 1992, 53.8 million women were employed and only 3.5 million were employed in nontraditional occupations. Further, women working in nontraditional jobs earn 20 to 30 percent more than women in traditionally female jobs. Women remain significantly under-represented in careers requiring math and science skills—women comprise only 11 percent of today's technical work force, and only 17 percent of all doctors are women. Nearly 75 percent of tomorrow's jobs will require the use of computers, but girls comprise less than one-third of students enrolled in computer courses. And a study by the Glass Ceiling Commission found that women occupy only 5 percent of senior-level management of the top Fortune 1000 industrial and 500 service companies. As leaders and as parents, we must do our best to ensure that American girls are prepared to step into those high-wage jobs and management positions that command higher salaries in the work force.

I was honored to endorse again, this year, Take Our Daughters to Work Day, organized by the Maine's Women's Development Institute, in my home State. Girls in Maine and across the Nation will have another opportunity to see first-hand that they have a range of life options. In the past, Take Our Daughters to Work Day has encouraged young girls to reach out and use their creative spirit and I am confident that this special day will prove again to be a rich and rewarding experience for all parents and daughters alike.

Today, millions of parents across the Nation will take their daughters to work. In 1996, in Maine alone, 10,000 Maine girls and 5,000 Maine businesses participated in Take Our Daughters To Work Day. These parents perform a great service by exposing their daughters to new and exciting experiences. They are not only expanding their horizons and helping them to explore opportunities, but teaching them important lessons about goal-setting as well.

Take Our Daughters to Work Day has encouraged a new generation of young girls to envision a world where no goal is impossible.●

TAKE OUR DAUGHTERS TO WORK DAY

● Mrs. MURRAY. Mr. President, thanks to Take Our Daughters to Work Day, young girls from all over the country will be given the opportunity to accompany adults to the workplace. Today, young girls will be given the opportunity to shadow an adult mentor—and gain experience in a work environment. What better way to enable girls to explore their future and gain exposure to a wide range of career options?

The focus of this one day event is to bring awareness to the development and education of young girls. Research suggests that young girls often receive less attention in school and suffer from lower expectations than boys. This difference can affect their self-esteem and self-confidence, particularly during the difficult years of adolescence. Lower expectations and self esteem can later prevent them from achieving their maximum potential. This in turn can hinder their own personal and professional development. Therefore, adolescence is a crucial time period for adults to intervene in the lives of young girls. Adults need to take the time to show girls that they can set high goals and pursue their dreams. Today's events will offer inspiration and encouragement to millions of young girls—and show them that adults are committed to helping them—so they can fully expand their horizons and pursue their dreams.

In 1995, women comprised 46 percent of the paid labor force. The composition of the work force has changed significantly, and opportunities have continued to increase for women. Despite these gains, women's wages, on average, still remain below men's. We cannot accept the gap that still exists between men and women. Even though the gap is narrowing—we must continue to work on this issue. Women still experience barriers to non-traditional career roles. A study by the Glass Ceiling Commission found that women occupy only 5 percent of senior level management of the top Fortune 1000 industrial and 500 service companies. Women only comprise 11 percent of the technical workforce. This needs to change. America's future depends on it. Women need to be encouraged to seize opportunities and explore non-traditional careers. This includes developing skills that will prepare them for high wage jobs and management positions that offer higher salaries in the workforce.

Women are increasingly becoming responsible for the financial well-being of their families. We need to ensure that young girls are prepared for the workforce—and have the opportunity to live up to their full potential. We can only do this if we have a community effort. Today, more than ever—young girls need role models and mentors—so that they can achieve success.●

RECOGNITION OF SERVICE BY MAYOR SMIGLEY

● Mr. SMITH OF OREGON. Mr. President, I would like to take this time to recognize 34 years of public service by Mayor Bill Smigley of Veneta, OR. I personally would like to thank Mayor Smigley for his commitment and hard work and wish him all the best in his retirement.

Mayor Smigley served as city councilman for 18 years and mayor for 16 years, but has also shown a life-long dedication to improving not only his community but the State of Oregon. His service as chairman of Lane Council of Governments and his 16-year contribution to the League of Oregon Cities is a testament of his commitment to making Oregon's future brighter for all of us.

I speak on behalf of many Oregonians across the State who look to Mayor Smigley's public service as a source of inspiration and hope that even in his retirement he will continue to work on future endeavors that will benefit our great State.●

THE 82d ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mrs. FEINSTEIN. Mr. President, today, April 24, marks the 82d anniversary of the beginning of the Armenian Genocide. I rise today to acknowledge and commemorate this terrible chapter in history, to help ensure that it will never be forgotten.

Eighty-two years ago today, one of the darkest chapters in human history began. On April 24, 1915, Ottoman authorities began arresting Armenian political and religious leaders throughout Anatolia. Over the ensuing months and years, some 1.5 million Armenians were killed at the hands of the Ottoman authorities, and hundreds of thousands more were exiled from their homes.

On this 82nd anniversary of the Armenian Genocide, let us renew our commitment never to forget the horror and barbarism of this event.

We must remember, we must speak out, and we must teach the next generation about the systematic persecution and murder of millions of Armenians by the Ottoman government. I know that I am joined by every one of my colleagues, by the Armenian-American community, and by people across the United States in commemorating the Genocide and paying tribute to the victims of this crime against humanity.

As Americans, we are blessed with freedom and security, but that blessing brings with it an important responsibility. We must never allow oppression and persecution to pass without notice or condemnation.

By commemorating the Armenian Genocide, we renew our commitment always to fight for human dignity and freedom, and we send out a message that the world can never allow genocide to be perpetrated again.

Even as we remember the tragedy and honor the dead, we also honor the living. Out of the ashes of their history, Armenians all across the world have clung to their identity and have prospered in new communities. My state of California is fortunate to be home to a community of Armenian-Americans a half-a-million strong. They are a strong and vibrant community whose members participate in every aspect of civic life, and California is the richer for their presence.

The strength and perseverance of the Armenian people is a triumph of the human spirit, which refuses to cede victory to evil. The best retort to the perpetrators of oppression and destruction is rebirth, renewal, and rebuilding. Armenians throughout the world have done just that, and today they do it in their homeland as well. A free and independent Armenia stands today as a living monument to the resilience of a people. I am proud that the United States, through our friendship and assistance, is contributing to the rebuilding and renewal of Armenia.

Let us never forget the victims of the Armenian Genocide; let their deaths not be in vain. We must remember their tragedy to ensure that such crimes can never be repeated. And as we remember Armenia's dark past, we can take some consolation in the knowledge that its future is bright with possibility.●

THE 82ND ANNIVERSARY OF THE ARMENIAN GENOCIDE

● Mr. SARBANES. Mr. President, I rise to join my colleagues in commemorating the 82nd anniversary of the Armenian genocide, the first such tragedy to occur in the twentieth century. Today, as we renew our commitment to the rights and freedoms of all humanity, we also celebrate the reemergence of an independent Armenia.

It is a tribute to the indomitable spirit of the Armenian people that, after centuries of oppression, they have persevered and re-established a free and independent nation—a nation as determined as its citizens. In its short existence, the Republic of Armenia has survived the earthquake of 1988, the dissolution of the Soviet Union and a blockade by its neighbors. Truly, the spirit of the nation reflects the spirit of its people.

Despite these hardships, the young republic has made economic progress.

As the first of the former Soviet republics to record economic growth, Armenia has kept inflation under control and made great advances toward privatization. Now, it is incumbent upon nations like the United States to continue our policy of engagement and assistance, as Armenia continues its efforts toward establishing a democratic society.

The United States has also benefitted from a strong Armenian presence. With their firm resolve and dedication to democracy, the more than one million Armenian Americans have made significant contributions to the cultural, political and economic life of this nation. At the same time, by preserving their Armenian faith and traditions, they have achieved a balance that enriches our diverse and vital American culture.

The tragic events of 1915–1923 contain in them some important moral lessons. We now realize that a quick and decisive response by the international community might have prevented the persecution and death of more than 1.5 million Armenians. Unfortunately, the world's indifference to their plight not only sealed the futures of the Armenian victims, but paved the way for similar tragedies in the years that followed.

It is imperative, Mr. President, that no nation or individual ever forgets the injustices suffered by the Armenians in 1915. Only by striving for human rights and civil liberties for all people can the promises of human dignity be achieved. In that regard, the highest honor we can accord the heroic Armenian people is to continue the struggle for freedom wherever we are, be it America, Armenia, or anywhere else across the globe. By pursuing that mission, hopefully we can prevent such tragedies from happening again.•

ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mrs. BOXER. Mr. President, I rise today to observe the 82d anniversary of the Armenian genocide. It is only by keeping the memory of this dark time alive will we keep it from occurring again.

On April 24, 1915, over 200 Armenian religious, political and intellectual leaders were arrested in Constantinople—now Istanbul—and killed, marking the beginning of an organized campaign to eliminate the Armenian presence from the Ottoman Empire.

Thousands of Armenians were subjected to torture, deportation, slavery and ultimately, murder. In the 8 years between 1915 and 1923, roughly 1.5 million men, women and children lost their lives to this genocide. More than 500,000 were removed from their homeland, many of whom perished in forced marches ending in the deserts of Syria.

The Armenians were able to gain their freedom for a short time in 1918, but in 1920, when the former Soviet Union joined the Turkish attack, they were again overpowered. It was only in 1991, following the breakup of the Soviet Union, that the new Republic of Armenia was born. Today, we pay tribute to the courage and strength of a people who would not know defeat.

Yet, independence has not meant an end to their struggle. There are still those who question the reality of the Armenian slaughter. There are those who have failed to recognize its very existence. But we must not allow the horror of the Armenian genocide to be either diminished or denied.

The pages of history are replete with stories of the atrocities man commits against his fellow man. And upon those pages, this massacre is one of the most vile stains. We must learn the lessons of the past well, and never tire of the fight to end prejudice and discrimination. We must show the world the Armenian people did not suffer in vain.•

COMMEMORATION OF THE ARMENIAN VICTIMS

• Mr. FEINGOLD. Mr. President, I rise today to commemorate the 82d anniversary of the Armenian genocide. Today we remember the Armenians who died during the years 1915 to 1923 at the hands of the Ottoman Empire.

From 1915 to 1923, the Ottoman Turkish government systematically murdered 1.5 million Armenians and drove half a million into exile. On the eve of the first World War, 2.5 million Armenians lived in the Ottoman Empire. Following the brutal Ottoman Turkish campaign, less than 100,000 remained. These Armenians were victims of a policy explicitly intended to isolate, exile, and even extinguish the Armenian population.

As we look at world events today—in Bosnia, in Rwanda, and elsewhere—we see a repetition of what happened in Armenia. In commemorating this day, we remember those who died, and condemn violations of human rights at anytime in the past or the future. We all know that, in the context of world politics, human rights violations are far too common and the response to those violations is often tame at best.

As we meet here today, it is likely that somewhere, a political prisoner is being beaten by the police or armed forces, or by some paramilitary group whose members might include police officers or soldiers. It is likely that a union organizer is being detained or harassed by authorities, that a woman is being raped by government thugs, that a newspaper is being shut down, or that a prisoner has "disappeared." It is equally likely that the people responsible for such outrages will never be held accountable.

As Americans we must keep a vigilant watch on our world so that the horrors that occurred in Armenia 82 years ago might not be repeated again, and again, and again. History means nothing if we do not learn from it. On a day like today, we must remember what we stand for, and ensure that the U.S. continues to be a beacon of strength and hope for the heroes that stand up and survive such atrocities. These deaths should not be in vain.

I am proud to commemorate this important occasion today.•

COMMEMORATION OF THE ARMENIAN GENOCIDE

• Mr. REED. Mr. President, I rise to commemorate the 82d anniversary of the Armenian Genocide.

In the 1930's, someone questioned Adolph Hitler about the possible consequences of his plan for the systematic elimination of the Jews. Hitler seemed to believe that there would be none. He allegedly responded, "Who, after all, today remembers the Armenians?"

One of my constituents, Noyemzar Alexanian, remembers. On a spring morning in 1915, when she was 6 years old, the Kurdish calvary surrounded her village. They rounded up all the men and teen-aged boys, tied their hands with rope, took them to a distant field and stabbed them to death. Her father escaped to a neighboring village but was soon discovered. Noyemzar says she remembers her father being led away while her mother cried for help. This little 6-year-old girl then "watched the white shirt of her father as he was led up a mountainside by the soldiers. The white shirt became a dot, and then it was gone." Noyemzar's father was stabbed to death. Over the next few years, as she was shuttled from the houses of strangers to orphanages, Noyemzar lost her two sisters. But still she did not lose hope. After several years, she and the remaining members of her family escaped to Cuba. She later settled in Rhode Island with her husband, Krikor, another refugee from Armenia. Noyemzar Alenanian is now 88 years old, and every day she remembers.

Mr. President, old and young around the world today remember the Armenian holocaust. We remember that on this date in 1915, the Ottoman Empire and the successor Turkish nationalist regime began a brutal policy of deportation and murder. Over the next 8 years 1.5 million Armenians would be massacred at the hands of the Turks and another 500,000 would have their property confiscated and be driven from their homeland. Engrossed in its own problems at the time, the world did little as the population was devastated.

Despite having already undergone such terrible persecution and hardship, the people of the Armenian Republic still suffer today. The peace talks recently concluded in Moscow regrettably made no progress toward the resolution of the Karabagh conflict. Turkey continues to blockade humanitarian aid to Armenia.

However, the Armenian people look hopefully to the future. Their quest for peace and democracy continues to inspire people around the world. Armenians who have emigrated to other countries, especially those in my home State of Rhode Island, bring their traditions with them. They enrich the culture and contribute much to the society of their new homelands.

The continuing reports of the recent atrocities committed in Bosnia reaffirm the importance of our commitment to always remember the Armenian genocide. As long as hate and intolerance are a part of our world, we must be vigilant. We must stand as witnesses to protect people from persecution for the simple reason that they are different.

I hope to visit Armenia in the near future. I wish to see the treasures of that land firsthand and pay tribute to the indomitable spirit of the people of Armenia. Until that time, I want to ensure the Armenian community that we remember. Menk panav chenk mornar.●

UNANIMOUS CONSENT AGREEMENT—S. 562

Mr. ROBERTS. Mr. President, I ask unanimous consent that at 11:30 a.m., on Friday, April 25, the Banking Committee be discharged from further consideration of S. 562 and the Senate then immediately begin consideration under the following limitation: 1 hour for debate on the bill equally divided in the usual form, there will be no amendments in order to the bill, and following the conclusion or yielding back of time the bill will be read for a third time with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELATING TO JURISDICTION FOR LAWSUITS AGAINST TERRORIST STATES

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1225, which was received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1225) to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

Mr. ROBERTS. Mr. President, I ask unanimous consent the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1225) was deemed read three times and passed.

ORDERS FOR FRIDAY, APRIL 25, 1997

Mr. ROBERTS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Friday, April 25.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I further ask unanimous consent that on Friday, immediately following the prayer, the routine requests through the morning hour be granted and there be then a period of morning business until the hour of 11:30 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator SMITH of Oregon for 30 minutes, Senator DORGAN 30 minutes, Senator DASCHLE or his designee for 30 minutes, Senator THOMAS or his designee for 60 minutes; from 10:30 to 11:30, Senator GRAMS for 10 minutes, Senator KENNEDY for 20 minutes, Senator CONRAD for 10 minutes, Senator WELLSTONE for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROBERTS. Mr. President, for the information of all Senators, tomorrow from 9:30 in the morning until 11:30, the Senate will be in a period of morning business to accommodate a number of Senators wishing to speak.

At 11:30, the Senate will begin consideration of S. 562, the reverse mortgage bill. Under the agreement, there will be 1 hour for debate on that bill. However it is our understanding that no Senator will request a rollcall on passage, therefore, with that in mind, Senators should not expect rollcall votes to occur during Friday's session of the Senate.

On Monday, April 28, the Senate will debate the motion to proceed to S. 543, regarding protections to volunteers. A cloture motion will be filed tomorrow on this issue, which will call for a cloture vote on the motion to proceed to S. 543 on Tuesday of next week. Therefore, the next rollcall vote will occur on Tuesday, April 29, at 2:15 p.m. If cloture is invoked on Tuesday, it is expected that the Senate will proceed to the bill on Tuesday. Therefore, additional votes can be expected to occur on Tuesday on amendments to the volunteer protection bill.

The Senate could also be asked to turn to any other Legislative or Executive Calendar items that may be cleared for action.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. ROBERTS. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:48 p.m., adjourned until Friday, April 25, 1997, at 9:30 a.m.

EXTENSIONS OF REMARKS

INTRODUCTION, BY REQUEST, OF BILLS TO REAUTHORIZE THE PROGRAMS OF THE ECONOMIC DEVELOPMENT ADMINISTRATION AND APPALACHIAN REGIONAL COMMISSION

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. SHUSTER. Mr. Speaker, today I am introducing, by request and with the bipartisan leadership of the Transportation and Infrastructure Committee—Ranking Member OBERSTAR, Public Buildings and Economic Development Subcommittee Chairman KIM, and Ranking Subcommittee Member TRAFICANT—two administration bills to reauthorize the programs of the Economic Development Administration and the Appalachian Regional Commission.

The administration bills form a good starting point for reauthorization and reform of the programs of both of these agencies. In particular, I am pleased to note that the legislation incorporates many of the reforms in the reauthorization bill (H.R. 2145) reported by the Transportation and Infrastructure Committee last Congress.

Both of these agencies enjoy broad, bipartisan support in the House. The Transportation and Infrastructure Committee is prepared to move in an expeditious manner to consider the relevant issues and report reauthorization legislation. It is my expectation that the authorization will be combined into one bill, as has been the custom of the committee.

COMMEMORATING THE 82D ANNIVERSARY OF THE ARMENIAN GENOCIDE

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mrs. KELLY. Mr. Speaker, I am pleased to stand and join with my colleagues in commemorating the 82d anniversary of the Armenian genocide. I would like to thank the other members of the Congressional Caucus on Armenian Issues, and particularly the cochairmen Mr. PORTER and Mr. PALLONE, for their tireless efforts in organizing this fitting tribute.

On April 24, 1915, 82 years ago today, the nightmare in Armenia began. Hundreds of Armenian religious, political, and educational leaders were arrested, exiled, or murdered. These events marked the beginning of the systematic persecution of the Armenian people by the Ottoman Empire, and also launched the first genocide of the 20th century. Over the next 8 years, 1.5 million Armenians were put to death and 500,000 more were exiled from their homes. These atrocities are among the most cruel and inhumane acts that have ever been recorded.

As we reflect today on the horrors that were initiated 82 years ago, I cannot help but be disturbed by those who wish to deny that these deeds occurred. Despite the overwhelming evidence to the contrary—eyewitness accounts, official archives, photographic evidence, diplomatic reports, and testimony of survivors—they reject the claim that genocide, or any other crime for that matter, was perpetrated against Armenians. Well, history tells a different story.

Let me read a quote from Henry Morgenthau, Sr., U.S. Ambassador to the Ottoman Empire at the time: "When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact * * *"

The world knows the truth about this tragic episode in human affairs. We will not allow those who wish to rewrite history to absolve themselves from responsibility for their actions. This evening's event here in the House of Representatives is testament to that fact. I would like to once again thank the organizers of this event and I would like to once again reaffirm my sincere thanks for being given the opportunity to participate in this solemn remembrance.

HONORING RAOUL WALLENBERG AND LILLIAN HOFFMAN

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, today at 10:30 a.m. at the U.S. Holocaust Memorial Museum, the U.S. Postal Service will unveil its new postage stamp honoring Raoul Wallenberg. This is a fitting tribute to a great man whose contributions to humanity deserve to live on in perpetuity.

Raoul Wallenberg was a young Swedish diplomat who risked his own life in rescuing many tens of thousands of Hungarian Jews during World War II. Through great acts of personal bravery, Wallenberg saved many would-be victims of the Nazi executioners by providing Swedish protective passports to thousands of Jews he had never met. He pulled some out of death trains and others from the ranks of death marches.

In one notable incident, Wallenberg, a slightly built 32-year-old, boldly threatened a Nazi general preparing to bomb a Jewish ghetto to the ground. Through this intervention alone, some 70,000 Jews were saved from death. He demonstrated how a strong character and unwavering determination could force even the brutal Nazi occupiers to spare some of the Hungarian Jews who had been marked for death.

Upon the cessation of hostilities in World War II, Wallenberg's trials did not likewise end. Because of his implacable hostility toward oppression, Soviet military officials persecuted him and ultimately arrested him early in 1945. After his incarceration, he disappeared into the Soviet gulag prison camp, never to emerge again. Though the Soviets claimed in 1957 that he had died in 1947 of a heart attack, reliable eyewitnesses report sightings of Wallenberg long after that year. To this day, no one outside of Russia knows what truly happened to Wallenberg, whether he is still alive, or when he may have died.

On this occasion, it is wholly appropriate to also honor the hard work and dedication of the late Lillian Hoffman of Denver, CO, who worked tirelessly to ensure that Wallenberg's contributions to the world lived on. She purchased and donated the bronze bust of Raoul Wallenberg that currently resides in the Capitol rotunda. During her own distinguished lifetime, Lillian spent more than two decades working to further the cause of human rights wherever they were in danger or violated. Continuing the legacy of Raoul Wallenberg, Lillian chaired the Colorado Committee of Concern for Soviet Jewry. In this capacity, Lillian personally assisted numerous people who were persecuted in Russia and the Soviet Union because of their religious beliefs. She helped them obtain exit visas so they could begin new lives in freedom in Israel and the United States. It was one of the most enjoyable experiences of my career knowing and working closely with Lillian for so many years. Her passing, like that of Wallenberg's, was mourned by all freedom and tolerance loving peoples around the world.

So, today it is fitting to salute both Raoul Wallenberg for his humanitarian deeds and Lillian Hoffman for her generosity in donating the bust of Raoul Wallenberg to the people of the United States. In Raoul and Lillian's honor, we must never forget what transpired during that dark chapter in human history, nor the shining acts of personal bravery that guided us through it. By so doing, both Raoul and Lillian will live on through all of us.

HONORING 50 YEARS OF GOVERNMENT SERVICE

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. HOYER. Mr. Speaker, I rise to pay tribute today honoring Mr. Robert E. Waxman, a career civilian with the Department of the Navy.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, for the past 50 years, Bob Waxman has and continues to serve this Nation and the U.S. Navy with his unceasing commitment to excellence. Today, I pause to pay tribute to this great public servant because it is apparent that Bob Waxman has no intentions of slowing down any time in the near future. There are many measures to examine the life and labors of an individual. Some would point to aptitude, attitude, or the extent of achievements accumulated. However, although these are typically the norm, it has been said: "The measure of a man is not intellect or natural talent, but what does it take to make a man quit."

Mr. Speaker, the individual I salute today is an extraordinary leader within our civil service. Robert E. Waxman grew up in Baltimore, MD, and began his illustrious career in the Army Air Corps during World War II, serving 24 months as a flight officer. Bob Waxman first arrived in southern Maryland in June 1949 as a student aid working at the Naval Air Test Center at Patuxent River, MD. After graduating from the University of Maryland in June 1950, he worked briefly for the Army Signal Depot in Baltimore as a laboratory electronics mechanic until accepting a full-time position on January 15, 1951, at the Patuxent River Naval Air Station as an electronic engineer.

By the mid-1950's, Bob Waxman was the chief engineer for the Navy air navigation electronics project, a group of 57 personnel sharing a hangar at the Naval Air Test Center, Patuxent River, MD. In 1958, he was named as the technical director of this organization which grew to become a separate command at Webster Field, St. Inigoes, MD. Incredibly, he still is the head of the same basic organization which has undergone many reorganizations and grown tremendously under his leadership. Today, his entity encompasses 500,000 square feet of administrative and laboratory space on station and another 400,000 square feet off station laboratory. At its peak in 1991 prior to the base realignment and closure process, this organization had 2,861 personnel, of which 353 were civil servants, and the other 2,508 were support contractors. With less than 350 civil servants, his organization grew to a peak business base in fiscal year 1994 of $566 million total obligational authority.

Mr. Speaker, I want to bring this story to the attention of others because it is a tremendous success story of how entrepreneurial civil service managers can be in our Government. Long before U.S. managers in Government and the private sector began embracing the principles of Dr. Edwards Deming and other management gurus, Bob Waxman was applying those techniques touted today as necessary for success. Empowering employees is a technique that has been a hallmark of Bob Waxman's since he became a manager in the early 1950's driving decisionmaking to the lowest levels of the organization.

His management philosophy drove his organization to grow its business base rapidly even during times when he could not hire additional civil servants, never exceeding 400 civil servants. Through partnering with the private sector, Mr. Waxman continued to accept new customers and new business while delivering excellent service to a very broad and diverse customer base. As a result of the innovative business approaches he has applied, this small Navy organization supports, they today have a long and diverse list of customers including many non-DoD agencies. Bob Waxman's management philosophy should serve as the model for any agency today when the Government is being asked to do more with less.

Mr. Speaker, Bob Waxman is one of the Government's most productive managers. Even today, long after he could have retired and made much more money in the private sector, he continues to lead by example. It would be difficult to find a manager either in the Government or in the private sector who has more energy, enthusiasm, and drive than Bob Waxman. He has always sought to achieve and operate similar to a private business. He has maintained throughout his career that the only way to survive in a competitive environment is to ensure that the maximum amount of each dollar is spent delivering a product to the customer and not for covering unnecessary overhead expenses. As a result, his leadership has been identified as having one of the lowest overhead rates of any Government organization, averaging 20 to 22 percent.

Maintaining a lean operation has enabled Bob Waxman and the St. Inigoes organization to successfully compete against the private sector in the late 1970's for the communications equipment installation for all AEGIS class ships. since the successful bid, they have delivered over 50 ships without ever missing a cost or time schedule and without any claims against them. This outstanding record has resulted in 14 consecutive AEGIS Excellence Awards.

It is obvious that Mr. Waxman is an exemplary manager, but his personal style is also very distinguished. His philosophy has always been the open-door policy and his honest, forthright approach has been instrumental in implementing a practical equal employment opportunity environment with favorable working conditions for all. He has been a mentor to his employees and two of his former department heads became technical directors of other Navy Systems Command field activities.

Mr. Speaker, I am honored to bring to the attention of my colleagues the outstanding achievements and dedication of one of our Government's finest. I have had the distinct honor to have worked with Bob Waxman very closely and have enjoyed his quick wit, tireless dedication, and persistence. I am a great admirer of the tremendous work he continues to do for our great Nation and I ask my colleagues to join me in saluting this truly outstanding public servant today as he celebrates 50 years of service to the U.S. Government.

His career has served as an inspiration to countless managers, both in the public and private sectors. His dedication and love for his job is a rarity today. Not many people can claim to have remained as the manager of an entity for as many years as he has, persevering through several challenging attempts to close it. Through all this, Bob Waxman has accrued over 4,400 hours of sick leave and lives by the motto: "putting in a full, day's work for a full day's pay". Bob Waxman's leadership and loyalty remind us all that it truly is greater to give than receive. His ongoing service and sacrifice continues to renew and remind us all that the human spirit was never intended to be selfish but selfless.

THE JAMES JOYCE RAMBLE: A FINE ARTS RUNNING EVENT

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MOAKLEY. Mr. Speaker, I rise today in support of the James Joyce Ramble, a 10K race held in Dedham, MA, that artfully accomplishes a dual celebration of both Irish literary heritage and athletic prowess. The 14th Ramble will take place on April 27, 1997. This year's event will commemorate the 75th publication anniversary of "Ulysses," James Joyce's vivid portrayal of a typical day in Dublin through the experiences of the main character, Leopold Bloom.

The race not only extols the memory of James Joyce but also donates all proceeds from sponsors and entry fees a very worthy cause, the Dana Farber Cancer Institute in Boston. The funds raised through the Ramble will support the cancer institute's life-saving research, which will bring us one step closer to a cure for this disease that has tragically affected so many of our families and friends.

Not merely a charity event, the race also calls attention to human rights violations in various nations. In the past, each James Joyce Ramble has focused on one particular author whose writings have entreated for respect for human rights. Writers recognized previously include Vaclav Havel of Czechoslovakia, Aung San Suu Kyi of Burma, and Xu Wenli of China. This year the race has been dedicated to Wei Jingsheng, a jailed Chinese author who has used the pen as a powerful tool to decry social and political injustice in his homeland.

Again, I applaud the organizers of the James Joyce Ramble—and wish all the participants a competitive race.

TRIBUTE TO WILLIAM GAITER

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. QUINN. Mr. Speaker, I rise today in memory of Mr. William L. Gaiter.

Mr. Gaiter dedicated his life to building a better community for all. His love for the community was exhibited through his tireless commitment to social change and civil rights for everyone.

As an activist and civil rights leader, Mr. Gaiter was instrumental in improving the quality of education in Buffalo by persuading the Board of Education to establish the BUILD Academy—Build Unity, Independence, Liberty, and Dignity—of which he served as president.

Along with Claudia Sims and Judson Price, Mr. Gaiter organized the first Juneteenth Festival, a western New York celebration of African-American culture.

In addition, Mr. Gaiter served as Erie County's equal employment opportunity coordinator in 1983, and headed the Student Timeout for Academic Renewal [STAR] counseling program.

Mr. Gaiter touched the lives of people both in the United States and beyond. In 1984, as organizer of the Western New York Council for African Relief, Mr. Gaiter selected an African community, and developed cultural, economic, and social ties between it and western New York. He led a delegation to the Senegalese village of Malika to deliver money raised by 47,000 Buffalo schoolchildren. Mr. Gaiter's exceptional life of community service and activism serves as an example of what we should all be about—love, love of God, and love for our fellow man.

Mr. Speaker, today I would like to join with the city of Buffalo, and indeed, our entire western New York community, to honor Mr. Gaiter, a true community leader. I would also like to convey to the Gaiter family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

REMEMBERING CHAD W. SCHUBERT OF DOVER, OH

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. NEY. Mr. Speaker, I rise today to remember Chad W. Schubert of Dover, OH, and to extend my sympathies to his parents, Joe and Kathy Schubert, and to his brother Joey and sister Heather.

Chad passed away following an industrial accident on March 28, 1997. He had volunteered his time and energy on my congressional campaigns, and was always willing to do anything he could to help. Chad showed his dedication to the community and to others through his graduating from Traynor's Police Academy in Canton, OH. I appreciate Chad's integrity and his dedication to his country and to his community.

My thoughts and sympathies are with the Schubert family for the loss of their son and brother. I am certain that these feelings are shared by everyone who was fortunate to have known Chad. I ask my colleagues to join me in remembering Chad Schubert and his family in their prayers. He will be missed.

MICHAEL DEGRANDIS REMEMBERED

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise to note the passing of Michael DeGrandis. Mr. DeGrandis was the dean of community politics in Cleveland. He possessed a keen understanding of the political process and enabled many Clevelanders to make a difference.

Mike was born in Cleveland, where he grew in the Buckeye-Woodland neighborhood. He graduated from Cathedral Latin High School and served in the Army as a radio controller in Okinawa during the Vietnam war.

Mike worked for the city of Cleveland as a housing inspector. He then worked as an examiner with the Ohio auditor's office. Following that, he became an assistant business manager for the Cleveland public schools. Later, he served as an assistant chief deputy for the civil branch of the Cuyahoga County Sheriff's Department.

Mike's political involvement was far reaching. He attended every Democratic convention since 1964, and was a delegate to last summer's convention in Chicago. He was also cohost of a weekly radio show, "Democratic Point of View," on WERE AM/1300. Mike was so involved in the democratic process that he thought to make sure that the last four digits of his home phone number spelled. VOTE.

Mike understood what people cared about. He understood their hopes. He cared that their dreams were foremost in the minds of elected officials.

Mike left his wife, Irene, daughters Nicole and Michelle, and son Michael. We will all miss him greatly.

TRIBUTE TO CRIME VICTIMS

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. McNULTY. Mr. Speaker, this month, the Nation observed Crime Victims' Rights Week, which was geared to the theme: "Let Victims' Rights Ring Across America." This annual observance is a recognition of the victims of criminal acts and an expression of confidence that we will soon have in place all the necessary legislation to ensure justice and assistance for the victims and their families.

It is gratifying to see that this important issue is being addressed by the House and Senate.

As a strong supporter of victims' rights, I take this occasion, Mr. Speaker, to recognize the work of the Capital District Coalition for Crime Victims. This organization represents the collaborative efforts of crime victims, victim advocates, victim service providers, agencies of the justice system, and my constituents in the 21st Congressional District of New York—as well as surrounding districts.

The coalition's mission is to increase public awareness about the effects of crime and victimization, and work for fair and equal treatment of those who have been victims of crime—and their families.

The coalition had its beginnings in 1988. It is chaired by Ms. Patricia Gioia, of Waterford, NY, who is also capital district chapter leader of POMC [Parents of Murdered Children], and other survivors of homicide victims. The coalition cochair is Ms. Flo Derry, coordinator of the Albany County CCVAP [Comprehensive Crime Victim Assistance Program].

This year, a major coalition event was the dedication of the Brick Memorial Walk Way at the New York State Crime Victims Memorial, located directly behind the legislative office building near the Swan and State Streets intersection in Albany. Each brick of the walk way is inscribed with the name of a crime victim.

This walk way will serve as a monument to the victims of criminal acts of violence. It also sends an important message that we shall do all in our power to protect the rights of victims of crime.

HONORING JUANITA WHITE

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DAVIS of Virginia. Mr. Speaker I rise today to honor a leading citizen of the 11th Congressional District, Ms. Juanita White, an active civic leader from the Springdale Civic Association at Bailey's Crossroads, VA. Juanita was born here in Washington, DC, and grew up in Fairfax County, where she has graciously spent her time and energy giving back to our community. Juanita has contributed over 26 years to our county school and park systems, and has always devoted herself to working with the area's children. She served as president of Missions Ministry and also of the Social Seniors of Bailey's Community Center.

Mrs. White has also been active in childrens' activities at the community center, and is a constant volunteer and leader for the Springdale Civic Association. This active and committed spirit is only one of the endearing qualities which will be celebrated by all her family and friends on April 26, 1997, as they gather to applaud her amazing contributions to the northern Virginia area.

I am sure her friends and family as well as all of the citizens in the 11th District of Virginia join me in wishing her well as we all share in the joy of this momentous occasion. I look forward to wishing you many happy birthdays in the future.

TRIBUTE TO COLDWATER CHAPTER OF THE ORDER OF THE EASTERN STAR

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. SMITH of Michigan. Mr. Speaker, today, I would like to recognize the Coldwater Chapter of the Order of the Eastern Star [OES]. This group has contributed to the Branch County community in countless ways. Just one of their notable contributions was hosting a welcome home reception for returning gulf war soldiers, including parades around the county and providing food for all of the veterans and their families. OES also provides generous scholarships to area students every year. These are just a few of the shining examples of the organization's dedication to the betterment of south central Michigan. While it's difficult to surmise all of OES's contributions because of their belief in anonymous charity, the group's existence has been an enormous benefit to the community.

Today, I would like to take the opportunity to do more than just recognize the Coldwater Chapter of the OES for their philanthropic works, I would also like to congratulate them as they celebrate 130 years of existence. It was in 1867 that the first members of the Order of the Eastern Star, Coldwater Chapter No. 1, began official meetings in Branch County. It is now the oldest surviving chapter in the United States, having maintained its traditions since its birth.

The Coldwater Chapter of OES has given years of priceless assistance to Branch County, MI, and it deserves our laurels. Their dedication and selflessness is truly an honor to the State of Michigan and the national Order of the Eastern Star.

SALUTE TO DR. FRANK AND ELSIE WITMAN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Dr. Frank Witman and his wife Elsie for 28 years of outstanding service to the United Methodist Church and the community of Simi Valley, CA.

Dr. Witman, along with his wife Elsie, have dedicated their lives to helping others. Ordained in the United Methodist Church in 1957, Dr. Witman served in several congregations before being appointed pastor in charge of the Simi Valley United Methodist Church in 1969.

His involvement in the community extends beyond the doors of the church. He has been actively involved in Rotary International for over 35 years and has achieved a perfect attendance record. Dr. Witman has been a police chaplain with the Simi Valley Police Department since 1978 and a volunteer chaplain at the Simi Valley Hospital and Care Services since 1983.

In 1992, Dr. Witman began to coteach a weeklong church administration and finance class for students and pastors at the Claremont School of Theology. In addition to his practical experience, Dr. Witman was uniquely qualified to teach the course because of his role as both a member of the board of directors for the United Methodist Federal Credit Union and eventually as its chairman.

After his wife of 44 years, Dr. Witman's second love is his local church. He has served his church and community tirelessly for 28 years. He is an inspiration to all and I wish he and his wife much happiness in their retirement.

A TRIBUTE TO EDWARD CLARK

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. SHUSTER. Mr. Speaker, there are three things that are of the utmost importance to Pennsylvanians: family, religion, and work. I would like to note that amateur wrestling could be added to that category. Wrestling's zealous and fervent following in Pennsylvania is unlike any place else. I rise today, Mr. Speaker, to pay tribute to a Pennsylvanian who has dedicated his life to the sport and its participants, Ed Clark.

He was recently described by a colleague as being, "A beloved and highly competent teacher, coach, and athletic director." Ed Clark graduated from Bedford High School in 1944, having been a district champion wrestler. He entered the U.S. Army and after World War II, matriculated to the Pennsylvania State University where he was a member of the wrestling team. Upon his graduation from Penn State, he returned to his boyhood home of Bedford to begin his teaching career at Bedford High School in 1950. Once there, he rejoined his old high school wrestling team, this time serving in the capacity as an assistant coach to his old mentor, Hall of Fame coach Francis "Whitney" Koontz.

By 1957, Ed Clark had become the head wrestling coach at Bedford, and served in that capacity until 1974. The teams he led as head coach compiled an incredible record of 129 wins versus only 24 losses and 1 tie. His success has contributed greatly to the legacy of Pennsylvania wrestling. Ed Clark coached Bedford to five undefeated seasons, another five seasons with only one loss, won 10 district titles, and never coached a losing team despite having consistently competed against the top teams in the region.

He also found the time to coach football and golf at Bedford High School during his career, while he retired in 1992 after teaching physical education and health for 42 years. Ed Clark's accolades as coach were duly noted when he was recently elected to the Pennsylvania Wrestling Hall of Fame. I would also like to recognize the fact that at a time when the special needs of the physically handicapped were largely ignored, Ed Clark made it a point to make the necessary adjustments and accommodations to meet the needs of those special individuals in his physical education classes.

Mr. Speaker, I will close by thanking Ed Clark for his outstanding service to the area in which he and I live. He is a true community role model and his efforts as a teacher, coach, and mentor are a testament to his firm commitment to those whose lives he has touched.

ARMENIAN GENOCIDE

SPEECH OF

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. HOYER. Mr. Speaker, today we solemnly commemorate the massacre of Armenians in Turkey during and after the First World War. We mourn the dead, and express our condolences to their living descendants. During that terrible tragedy, an estimated 1.5 million people were killed in what historians call the first of this century's state-ordered genocides against a minority group.

While the tragic events leading to the deaths of millions of Armenians occurred at the beginning of this century, their impact on the psyche of the Armenian people, and indeed the entire world are still apparent. The effects of such atrocities on a people are never overcome. Many can still testify to the deportations and massacres of family members and friends. Others can read or view pictures of the abominations, and all Armenians, young and old, live with the knowledge that their people's existence was seriously jeopardized during the last years of the Ottoman Empire.

Mr. Speaker, the world must be reminded over and over of the brutal crimes perpetrated against the Armenian people. Unfortunately, history's lessons are not easily learned and put into practice. This century has been witness to unparalleled human suffering and unmatched human cruelty. The Armenian genocide was the first attempt to wipe out an entire people. The failure to recognize it gave Hitler confidence. Since then, we have seen the killing fields of Pol Pot, the horrors of ethnic cleansing in Bosnia, and the tragedy of Rwanda.

Mr. Speaker, it is imperative that each of us work to ensure that our generation and future generations never again have to bear witness to such inhuman behavior and feel the pain and suffering of an entire people. The crime of genocide must never again be allowed to mar the history of humankind, and today we stand with our Armenian brothers and sisters, not only to remember and share in their grief for those who died, but to celebrate those who are living.

VETERANS' BENEFITS CLAIMS ADJUDICATION

HON. DAN SCHAEFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, as in past Congresses, it is crucial that veterans' issues remain at the top of the agenda. Serving on the House Veterans' Affairs Committee, I am constantly impressed by the bipartisanship that is demonstrated. This is due to the leadership of Chairman BOB STUMP and Democratic Ranking Member LANE EVANS.

One of the most pressing problems that both sides of the aisle are concentrating on is that of adjudication of veterans' benefits claims. The publication of a General Accounting Office report in September 1995, closely followed by issuance of the Veterans' Claims Adjudication Commission's report in December 1996, has brought this issue to the fore. Some of the findings are truly troubling.

As of May 1995, over 450,000 veterans were waiting on decisions for their appeals for pension or compensation claims. A veteran waits, on average, 2½ years for a decision to finally be rendered.

This is unconscionable. When times are tight, an almost 3-year wait for benefits can seem like a lifetime. Especially considering that these benefits were earned through dedicated and oftentimes hazardous service to our country.

What is being done? The House Veterans' Affairs Committee has prepared a schedule to adequately address this issue in the 105th Congress. A full committee hearing to review the Adjudication Commission's report is planned for later this spring. This will allow members of the committee to further investigate the work of the Commission and to debate possible means of rectifying some of the concerns that have been raised.

An active oversight plan is also on the agenda. In fact, the committee has a list of 58 programs, agencies, and issues to follow up on. The goal of oversight is to bring any deficiencies to light so that solutions can be found to ensure that veterans' benefits are not unjustly interrupted, and to guarantee the integrity of all Veterans' Administration Programs.

The House in the 105th Congress has already taken action on H.R. 1090, a bill to allow for revision of veterans' benefits decisions based on clear and unmistakable error. This represents a minor step to ameliorating the negative impact of the backlog in adjudication claims. Cases involving clear and unmistakable errors are few, but any eliminations from the docket will be welcome. I would urge the Members of the Senate to act expeditiously on this matter.

The adjudication process for veterans' benefits claims has been recognized as an area of immediate importance. With continued bipartisan cooperation, the House Veterans' Affairs Committee will be better able to affect a decrease in the backlog of pending cases. I pledge to continue working toward this end.

TRIBUTE TO BURT P. FLICKINGER, JR.

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. QUINN. Mr. Speaker, I rise today in memory of Mr. Burt P. Flickinger, Jr.

Throughout his life, Burt Flickinger tirelessly dedicated himself to the enhancement of our western New York community. A prominent Buffalo businessman who began in his family's business as a floor sweeper, Mr. Flickinger led his company to national prominence as a premiere food supplier and distributor. Insistent on earning his way to the helm of his family's company, Mr. Flickinger served as a division manager, secretary, senior vice president, and eventually president.

Burt Flickinger was No. 1 in his campus school class, attended the Nichols School and Philips Exeter Academy, and graduated magna cum laude from Harvard University.

A true leader in recycling, Mr. Flickinger and his wife demonstrated a strong commitment to protecting our environment. To that end, Mr. Flickinger helped craft New York State's return-deposit recycling bill, created the Beverage Industry Collection and Sorting company [BICS] for food manufacturers and retailers, and initiated a recycling of plastics program for area supermarkets.

In 1988, Mr. Flickinger spearheaded the effort to bring the 1993 World University Games to Buffalo. By accomplishing this difficult task in his typical volunteer basis, Buffalo became the first American city to host this prestigious international event. Built for the games, Buffalo now boasts an impressive 18,000-seat football stadium at the University of Buffalo, a new aquatic center in the town of Tonawanda, and a world-class swimming pool and athletic complex at the Erie Community College City Campus, appropriately named the Burt Flickinger Athletic Center.

Mr. Flickinger also proved instrumental in the preservation and subsequent growth of the Buffalo Philharmonic Orchestra. Heading many major gifts campaigns and serving for several years as chairman of the finance and executive committees, Burt Flickinger almost single-handedly kept the orchestra from bankruptcy.

Another important project to Mr. Flickinger was the Roycroft Revitalization Corp. This nonprofit organization played a vital role in the restoration of one of western New York's most enduring landmarks, the historic Roycroft Inn.

In addition, Burt Flickinger was a four-time president of the Food Industry Council, a founding member of the Food Bank of Western New York, director, treasurer, and a founding member of the Erie Recycling Center, chairman of the New York State Food Merchants Association, and permanent chairman of the Boys Town of Italy of Western New York. In recognition of that extraordinary level of community service, Mr. Flickinger was recognized as the Buffalo News' Outstanding Citizen in 1989, and the 1989 recipient of the University at Buffalo's Distinguished Citizen Award.

On April 21, 1997, the Buffalo community lost one of its greatest men. A man whose dedicated and charitable community service, hard work, commitment to Buffalo's development, personal strength, unparalleled integrity, and vibrant love of life serve as an inspiration to us all.

During a tribute in 1988, John Walsh III, CEO of Walsh Duffield Cos. put it best—"We see Mr. Flickinger as a humble, quiet, forceful, and thoroughly professional servant of his community, and we are educated by his kindness and compelling example of leadership."

Mr. Speaker, today I would like to join with the city of Buffalo, and indeed, our entire western New York community, to honor Mr. Burt P. Flickinger, Jr., who is survived by his wife, Mary Ewing Ryan Flickinger; his brother, Peter; his children, Burt III, Molly Flickinger Ford, and Catherine "Bambi" Flickinger Schweitzer; his stepchildren, Peter Ryan, David Ryan, and Molly Ewert; and his seven grandchildren and two stepgrandchildren for his dedicated service to our western New York community. To that end, I would like to convey to the Flickinger family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

We will all miss Mr. Flickinger very much.

HONORING PHIL NIEKRO ON THE OCCASION OF HIS INDUCTION TO THE BASEBALL HALL OF FAME

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. NEY. Mr. Speaker, I rise today to pay tribute to an outstanding citizen who was raised in Ohio's 18th District. The 14th winningest pitcher in the history of major-league baseball, Phil Niekro, has been voted into the Baseball Hall of Fame after a distinguished and celebrated career.

Phil Niekro has shown uncommon dedication and excellence in baseball. He learned the sport, and his famous knuckleball, from his father Phil, Sr., a sandlot player. Phil began his career in 1959 with the Milwaukee Braves' minor league team and moved to the majors full time in 1967.

Phil Niekro's career is one of achievement. On October 8, 1985, Niekro recorded his 300th victory by pitching an 8–0 four hitter for the New York Yankees against Toronto. At 46, he became the oldest major-league pitcher ever to hurl a shut-out. His accomplishments have been recognized through his selection to four All-Star teams during his tenure with the Atlanta Braves. For his fielding talents, Niekro has won five Golden Glove awards.

The Atlanta Braves Career Pitching Records is marked by Phil Niekro's accomplishments. He holds the record for most years at 20 years, most games and most games started at 740 games and 635 games respectively. He also has the most strikeouts of any other Atlanta Braves pitcher and the most wins of any right-handed pitcher.

I am honored to represent the birthplace and hometown of Phil Niekro. His considerable talent and stellar career are sources of pride for the residents of Ohio's 18th district. I share their pride, and ask my colleagues to join me in congratulating Phil Niekro on his induction to the Baseball Hall of Fame and to wish him continued success.

ON THE 50TH WEDDING ANNIVERSARY OF MILDRED AND JOHN BURDA

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the enduring commitment of two people to each other on the 50th wedding anniversary of Mildred and John Burda of Ohio.

Both Mildred and John are native Ohioans; Mildred hailed from Canton, and John from Cleveland. They married in 1947, raised a family, built careers and nurtured their love for each other in the Cleveland area. John studied nights and mornings to earn his associate's degree at John Carroll University and Mildred typed his papers. John worked his way up the ladder at Cleveland Electric Illuminating, starting as a lineman and rising to supervising foreman after 40 years. Mildred raised their four children. When the youngest graduated high school, Mildred went to work as a bookkeeper at the Church of the Sacred Heart, where she worked for 15 years.

As recalled by their children, Mildred and John were always supportive of and affectionate with each other. When their young friends would come over for Mildred's chop suey, they would be treated to Mildred and John, holding hands as if they had just returned from their first date.

In retirement, both are active. They are engaged with their community as members of their parish council. They travel widely visiting children around the country. They also cross-country ski in Cleveland's snowy winters, cycle and walk.

Their enduring love for each other is a gift to all who know them. After 50 years, both Mildred and John are sure that if they had their lives to do over again, they would spend them with each other.

ARMENIAN GENOCIDE

SPEECH OF

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. MOAKLEY. Mr. Speaker, I rise today to pay tribute to the millions of victims of the Armenian Genocide of 1915–23.

Although to some it may seem a long time ago, those 8 years witnessed one of this century's darkest chapters. Before planning the final solution in Nazi Germany, Adolf Hitler said, "who remembers the Armenians?" Today's remembrance is testimony to their bravery and our memories.

On April 24, 1915, Turkish officials rounded up and murdered over 200 Armenian intellectuals in Constantinople. During the following 8 years, Armenians living under Ottoman rule suffered the losses of their homes, their property, and eventually, their lives.

By 1923, only one in three Armenians had survived the genocide; 1.5 million Armenians were killed and half a million were deported. But to this day, the Turkish Government denies the genocide took place on Turkish soil.

Mr. Speaker, I would like to add my name to the list of those who will not forget the genocide and will work to make sure that future generations remember as well.

Thank you, Mr. Speaker.

CONGRESS MUST DEBATE THE FED'S DECISION TO CUT BACK ON GROWTH

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, I believe Congress is delinquent in paying too little attention to the most significant set of public policy decisions now being made in this country: namely the decision by Chairman Alan Greenspan and the rest of the Federal Open Market Committee to increase interest rates because they believe that this country has been growing too fast economically, and that we must therefore cut back on growth and job creation so as to avoid any possible increase in inflation. I should note that they maintain this even though by their own admission there is no sign of inflation currently, and even though many of them, including Chairman Greenspan, have been unduly pessimistic in the past about the impact of reduced unemployment on inflation.

Twenty-five of the twenty-six Democratic and Independent members of the Banking Committee have urged the chairman of the committee to convene a full committee hearing on the important issues raised by the Fed's decision. He has declined. I have now turned to my Republican colleagues to ask them to join in this request for a hearing. Under committee rules, if 4 of the 30 Republicans were to join us, we would have the requisite number to require that a hearing be held.

It seems to many of us essential that we convene public hearings in the Congress in which Mr. Greenspan and his colleagues can defend their decision, and in which representatives of business, organized labor, citizens groups, and others can voice their agreement or disagreement. The scope of the issues involved here was recently made very clear in a cogent article Lester Thurow, former dean of the MIT Sloan School of Management, and currently a professor of economics at the school. Because this is the single most important set of decisions now being made about the American economy, and therefore about such related issues as how we can reduce the budget deficit to zero in a socially responsible way, how we can absorb hundreds of thousands of welfare recipients into the economy, and how we can accommodate growing internationalization of our economy without increased inequity. I am inserting Professor Thurow's article here:

> Alan Greenspan's move to higher interest rates in March was in and of itself unimportant—after all what can a one-quarter of 1 percent increase in interest rates do to an economy as big as that of the United States. The real issue isn't the increase but Greenspan's history. He believes in salami tactics. In 1994 and 1995 he raised interest rates 7 times in 12 months. Each increase was small, but in the end those 7 increases doubled interest rates.
>
> Based upon his history, financial markets know Greenspan does not like big jumps in interest rates and a small rate increase is apt to signal that a sequence of small increases has begun and that in the end those small increases will end up being a big jump in rates. Given this belief, it is not surprising the stock market started to fall in the aftermath of Greenspan's announcement.
>
> But the issues are far more important than the ups and downs of Wall Street. Greenspan has indirectly signaled he believes that the bottom two-thirds of the American work force should continue to get the small annual real wage reductions that they have gotten over the past quarter of a century—reductions that now amount to a 20 percent fall in real wages over the past 23 years. In the most recent year for which we have complete data, 1995, real wages once again fell for both fully employed male and female workers. Median family income rose slightly, but only because both men and women worked more hours per year.
>
> In a market economy, wages rise for only one reason—demand has to be rising faster than supply. In the past 16 years, a 2.6 percent growth rate has led to falling wages. If the economy continues on that pace, no one should expect anything different to occur in the future. Nothing has happened to change demand; nothing has happened to change supply. Yet this is precisely what Greenspan is suggesting should happen with this recent hike in interest rates.
>
> In his view the American economy must be limited to a 2 to 2½ percent rate of growth on the grounds that this is all the economy can achieve without rekindling inflation. In this environment, the pattern of falling wages for the bottom two thirds of the American work force has to continue. Americans cannot break out of this pattern without a different growth path.
>
> The bottom part of the American work force also needs to be reskilled and re-educated, but these programs cannot work without faster growth. With today's growth rate, real wages are falling for males at all educational levels and for women at all educational levels except those with university degrees. With today's growth rates, there is no shortage of skilled workers. To increase the supply of skilled workers and do nothing about demand would simply reduce wages faster.
>
> If inflation were visible, perhaps one could justify drafting the bottom two thirds of the American work force to be "Inflation fighters for the U.S. of A." It would not be fair (why should they suffer all of the costs of stopping inflation), but perhaps it might be necessary. But there is no sign of inflation in any of the indexes. Greenspan and the Fed can point to none—and they do not even try to do so. Greenspan has also testified to Congress that he believes the Boskin Commission is right and that today's price indexes include at least 1.1 percentage points of exaggeration. With this correction, the lack of inflation becomes even stronger.
>
> Nor is there any data showing that higher wages are about to lead to higher prices. The preliminary data for 1996 show a small gain in average real wages—0.2 percent—but 1996's productivity gain was five times as big. There is no economic theory under which such small wage gains far below the rate of growth of productivity can be labeled inflationary. Yet Greenspan is saying with his interest rate hike that those 1996 wage increases are too large.
>
> Only the modern Delphic Oracle, Greenspan and the Federal Reserve Board Open Market Committee, can see the inflation in our future. Only they can see why most Americans must prepare for a future of falling wages and diminishing expectations. Ordinary mortals who must rely on real world data cannot see what they see, but then we are only mortals—not gods.
>
> To put it bluntly and simply, such decisions ought to be unacceptable in a democracy. Decisions to lower the real wages for a majority of American voters must be decided in a democratic context. It is popular to talk about maintaining the independence of central bankers from the influence of politics, but that only makes sense if the central bankers are making sensible decisions that can be supported with hard real world data. When they ask us to believe them simply because they are wiser than we are and can see things that we cannot see, they are going beyond the appropriate bounds of any government agency in a democracy.

HONORING 100 YEARS OF EXCELLENCE—JOHNSON SENIOR HIGH SCHOOL, ST. PAUL, MN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. VENTO. Mr. Speaker, I rise today to celebrate the 100-year anniversary of my alma mater, Johnson Senior High School in St. Paul, MN along with the graduating class of 1997. I am proud to be an alumnus of Johnson High School, the "spirit of the East Side," as it's referred to in St. Paul. Johnson High School has been a respected institution of learning in St. Paul for the past century.

Over the years, the staff and teachers of Johnson High School have shared the gift of learning with countless thousands of students, hundreds of whom are immigrants and new Americans. Johnson High School has continued to generate pride and a sense of belonging in each new generation. The mission of Johnson High School is to be relentless in promoting education for the common good. Certainly, my interest in public service was encouraged and guided by the educators at Johnson High as well as the St. Paul community.

Johnson High School has had a close association with the community and maintains a thriving identity throughout the neighborhoods of St. Paul's East Side where many of Johnson's sons and daughters still reside, work, and participate. The success of current students at Johnson in both scholastic and athletic achievements continues to reflect a positive learning experience. This year's wrestling team was a runner-up in State competition and the Johnson team was the top academically of all State wrestling teams.

Johnson High School has had many distinguished graduates throughout the Nation and the world. Warren E. Burger, Chief Justice of the U.S. Supreme Court and Wendell Anderson, former U.S. Senator and former Governor of the State of Minnesota are both Johnson alumni. Countless other graduates have made unique contributions to the city of St. Paul, the State of Minnesota, and to the Nation as a whole.

Johnson High School has earned the right to be recognized for the contribution it has made. I am sure my colleagues will join me and thousands of Johnson alumni, in sharing the excitement of 100 years of history. May 17, 1997, Johnson High School Centennial Day, will be proclaimed and celebrated throughout St. Paul.

MEDICARE ANTI-FRAUD AMENDMENTS ACT OF 1997

HON. KAREN L. THURMAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mrs. THURMAN. Mr. Speaker, today, I am pleased to join with the ranking member of the Health Subcommittee, Mr. STARK, and Messrs. SHAW and DAVIS in introducing the Medicare Anti-Fraud Amendments Act of 1997. We are offering this legislation to weed out unscrupulous providers in Medicare. This bill will not only protect beneficiaries and respectable providers, but also prevent the funneling of needed health care dollars into the hands of health care scam artists.

In the State of Florida, we have had tremendous success in fighting fraud in the Medicaid Program by requiring service providers such as Durable Medical Equipment suppliers, private transportation companies, non-physician-owned clinics, and home health agencies, to post a $50,000 surety bond in order to participate in Medicaid. The bonding requirement is no obstacle to legitimate providers, but presents a serious roadblock to Medicaid scam artists. Through the bond requirement, Florida has decreased the number of DME providers 62 percent, from 4,146 to 1,565 and home health agencies have decreased 41 percent from 738 to 441; these reductions have had no impact on patient care. In fact, the surety bond requirement helped Florida to identify 49 DME providers who were using post office box numbers to bilk the Medicaid Program.

The problems Florida has identified are not unique to Medicaid. Medicare can clearly benefit from Florida's experience. Our bill requires Medicare to institute the same bonding requirement, a $50,000 surety bond for DME providers, private transportation companies, clinics that furnish nonphysician services, and home health agencies. In addition, it requires providers to disclose all officers, directors, physicians, and principal partners owning 5 percent or more of the service.

Every Medicare dollar gained by fraudulent providers is a dollar lost for our senior citizens. We must end these scams, and surety bonds are an essential step in this fight.

INTRODUCTION OF EUROPEAN SECURITY ACT OF 1997, H.R. 1431

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. GILMAN. Mr. Speaker, I am pleased to introduce today the European Security Act of 1997, H.R. 1431.

The purpose of this bill is twofold. First, it is designed to carry forward the work we began 2 years ago in the Contract With America advancing two of our top national security priorities: NATO enlargement and ballistic missile defense.

Second, it is intended to show that, contrary to the conventional wisdom, both of these important objectives can be achieved without disrupting relations with Russia.

NATO enlargement is a project near and dear to my heart. This is the fourth bill I have introduced on the subject in as many years, and I am pleased to say that the three previous ones were all enacted into law. I hope that our record of congressional support bodes well for the bill we are introducing today.

I believe that the work we have done in Congress has brought the administration and NATO to where they are today on enlargement. The Atlantic Alliance will begin the first round of enlargement this July. The countries we focused on in last year's NATO enlargement legislation—Poland, Hungary, the Czech Republic, and Slovenia—are considered the front runners for selection in July.

The bill I am introducing today identifies two problems with the way NATO enlargement is proceeding.

First, we are concerned about the countries that may be left out of the first round of enlargemont. We think it is critical that such countries not be left in any security vacuum. These countries must be reassured that they will not be forgotten; that the door to NATO will remain open to them.

Second, we worry that in the rush to mollify Russia, concessions may be made that could jeopardize European security and the integrity and effectiveness of NATO. We are concerned, for example, that new NATO members could be relegated to second-class status. We worry that concessions might be made that could make it impossible for NATO to defend these countries effectively. We must not allow NATO's decision-making structure to be compromised.

To reassure the countries that are not currently front runners for admission, this bill directs the President to designate additional countries to receive NATO enlargement assistance under the NATO Participation Act. Such designation would give them the same status under United States law as Poland, Hungary, the Czech Republic, and Slovenia. The bill gives the President 180 days in which to do this.

The bill goes on to express the sense of Congress that Romania, Estonia, Latvia, and Lithuania would make good NATO members and should be invited to join as soon as they satisfy all relevant criteria.

Regarding Russia, the bill spells out concessions that we would consider unacceptable. But then it goes on to recognize that, in principle, we should go about enlarging NATO in a manner sensitive to Russia's interests. Accordingly, we approve in concept such undertakings as the NATO-Russia Charter and adaptation of the Conventional Armed Forces in Europe [CFE] Treaty.

To make clear that the purpose of NATO enlargement is not to emasculate Russia—as many in Moscow appear to believe—this bill provides the President the legal authority he has requested to implement the so-called CFE Flank Agreement.

We do this because we know of no better way to demonstrate to Russia that our objective is not renewed military confrontation between our countries, but friendship. We genuinely believe that NATO enlargement will enhance the security of all countries in Europe, including Russia.

With regard to ballistic missile defense, we also try to demonstrate that our objectives can be achieved in a manner that enhances Russia's security as much as our own. To this end, the bill authorizes a program of ballistic missile defense cooperation with Russia to be carried out by the Department of Defense. This program is authorized to include United States-Russian cooperation regarding early warning of ballistic missile launches from such rogue states as Iran and North Korea, and cooperative research, development, testing, and production of technology and systems for ballistic missile defense.

In addition, the bill includes provisions designed to protect the constitutional prerogative of Congress to approve arms control agreements with Russia bearing on ballistic missile defense.

I look forward to working with my colleagues and the administration toward the prompt enactment of this measure.

KILDEE HONORS JUDGE KENNETH SIEGEL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. KILDEE. Mr. Speaker, I rise today to pay tribute to a longtime friend, and lifelong community leader, Judge Kenneth Siegel. On Saturday, April 26, 1997 the Greater Flint Branch of the American Civil Liberties Union will honor Judge Siegel as the "Baltus Civil Libertarian of the Year."

Kenneth Siegel has spent his entire life working on behalf of people who are the most vulnerable in our society. He has spoken out for children and young people, he has helped protect senior citizens, and he made sure that low-income people had equal access and representation in the judicial system.

Kenny Siegel has also consistently defended students rights to protest. When schools try to enforce policies despite student opposition, Kenny Siegel has upheld the student's first amendment rights. It is Ken's deep love and understanding of our country's Constitution that led him to defend the rights of those who are easily forgotten.

Mr. Speaker, Judge Siegel has always tried to ensure that justice was fair for all Americans. That is why every person who appeared before him was treated with dignity and respect. But I believe what always made Kenny such a special judge and person was the time he spent in the community, visiting the churches, meeting with people of all economic, ethnic, and racial backgrounds.

Mr. Speaker, I ask my colleagues in the U.S. House of Representatives to join me in honoring my dear friend Judge Kenneth M. Siegel. He has made my hometown of Flint, MI, a better place to live, and he has made me, a better person.

THE 1997 J.C. PENNEY GOLDEN RULE AWARD

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Ms. PRYCE. Mr. Speaker, today I rise to pay tribute to the outstanding philanthropic efforts of the 17 semifinalists for the 1997 J.C. Penney Golden Rule Award. I am proud to represent these people and organizations in Congress, for their commitment and devotion to the central Ohio community is truly exemplary.

The Golden Rule Award ceremony publicly honors local volunteer efforts, and is presented in more than 200 markets in 45 States. The 1997 semifinalists have proven themselves to be amply deserving of this recognition, having demonstrated continued, selfless sacrifice to the Columbus, OH, area. They serve as a model to us all.

America's generosity both at home and abroad in unsurpassed on this planet. Regrettably, however, the day-to-day volunteer efforts of so many Americans go regularly unnoticed. We take for granted their generous work with the poor, the elderly, the sick, and the neglected. But their unheralded and noble deeds are duly noted by those they help, often providing a bit of hope during times of great distress.

At a time when our Nation demands that government become smaller and spend less, the importance of volunteerism and community service grows profoundly. These semifinalists prove once again that the most important work done in our country is not done within the beltway, but within the shelters, pantries, and soup kitchens of our local communities. We must never lose sight of the fact that Americans' innate sense of sacrifice continues regardless of what may transpire in Washington.

I proudly salute the following people and organizations for their inspiring work, and join with my colleagues in congratulating them for this most deserving recognition.

Ms. Carla L. Bailey; Columbus Firefighters' Local Union No. 67; The Dublin Women's Club; Upper Arlington City School District, Habitat for Humanity; Hospice at Riverside and Grant—Grant Inpatient Volunteers; Lee Ann Igoe; Louverture Jones, Jr.; Al and Betty Justus—Central Ohio Radio Reading Service; Linda Stern Kass—Columbus Montessori Education Center; The Liebert Corp.; Sam Morris; Physicians Free Clinic; Darrell Wayne Scott; Kathleen Straub; Helene F. Thomas; Thompson, Hine & Flory LLP; and Claire L. Waters.

HONORING THE BEST OF RESTON AWARD WINNERS FOR 1997

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the individuals and businesses who are this years winners of the Best of Reston Awards. These awards are made annually by the Reston Chamber of Commerce and Reston Interfaith. The Best of Reston Community Service Award was created to recognize companies, organizations, and individuals who have made outstanding contributions to community service, and/or who have improved the lives of people in need in Reston, VA.

Blooms Flowershop for continuous and generous support to the community including sponsoring the Random Act of Kindness Day where thousands of roses were distributed throughout the community. Blooms also provides arrangements to the elderly and to nonprofit groups for events. Owners Karen Weinberg and Gail Dobberfuhl will receive the award on behalf of the business.

Lawrence Cohn owner of Lakeside Pharmacy, who for 25 years, has reached out to those in need. Typical of an old-fashioned pharmacy, Cohn provides a friendly ear, advice and encouragement to his customers. Rising above the call of duty, Cohn has administered eye drops to those unable to do so for themselves, delivered medicine, supplied groceries at the pharmacy, provided jobs for teenagers, and given prescriptions to those at the Embry Rucker Shelter.

Grant Hill of the Detroit Pistons basketball team. Hill is a role model to young Restonians on and off the court. He is involved in several projects benefiting others. These projects include the Medical Care for Children Partnership, the Grant Hill Basketball Tournament and the Grant Hill chocolate bars. The basketball tournament benefits children's hospitals nationally while the chocolate bars benefit the Technology 2000 program at South Lakes High School.

INOVA Health System is named for its diversity of programs involving the community including the mall walkers, Sneakers and Speakers program, community health screenings, partnership with Reston Interfaith, Life with Cancer program, and support of the Special Olympics. More than 200 INOVA employees have volunteered their time for programs including Christmas in April, Volunteerfest, Safe Kids coalition, food drives, Fairfax Fair, the International Children's Festival, the Reston Festival, and the Northern Virginia Fine Arts Festival sponsored by GRACE. INOVA's president is Knox Singleton.

Carolyn Lavallee a chemistry teacher at South Lakes, was chosen for her commitment to education and public service. Her involvement covers a range of activities from leading Girl Scouts, advising youth, and coordinating the Wetlands project in conjunction with Reston Association.

The Samway Family for their commitment to cancer research. The family created the Kathryn Fox Samway Outback Steakhouse Memorial Golf Tournament which, in the past 4 years, has raised close to $1 million donated to Fairfax Hospital, National Cancer Institute, and the Dana-Farber Cancer Institute.

Thomas Wilkins for being a man if all seasons having served as an active member of the NAACP, the President of the Reston Association (RA), active in Meals-on-Wheels, offering services as a tutor in public schools, served on the Stonegate Advisory Board, assisted children attend college and served as a founding board member for the Medical Care for Children Partnership. Tom also has served as a member of my staff when I was chairman of the County Board of Supervisors.

Constance L. Pettinger is awarded the Distinguished Community Service Award for 15 years at Reston Interfaith. Her work in helping the homeless, the hungry, and the needy has been an inspiration to all of us who know her.

Mr. Speaker, I know my colleagues join me in honoring the Best of Reston Award winners for all of their hard work in making Reston, VA, an outstanding place to live and work. Their daily heroics deserve recognition and gratitude from a grateful community.

THE FEDERAL REGULATORY BURDEN

HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mrs. KELLY. Mr. Speaker, I rise this evening to discuss the burden that Federal regulations place on the American economy, especially our small businesses. While we are all familiar with this problem, and commend the steps taken during the 104th Congress to make improvements, we are a long way from providing our Nation's small business owners with the relief they need from overregulation.

We all know that the regulatory burden that the Federal Government places on the economy is huge. Exactly how huge is difficult to say. One of the most recent studies that we have available to us is a November, 1995 report to the U.S. Small Business Administration by Thomas Hopkins of the Rochester Institute of Technology. Dr. Hopkins found that the total cost of complying with the regulatory burden is now approaching a figure as high as $700 billion per year.

I find this figure to be troubling, particularly because regulatory compliance costs disproportionately impact small businesses, those that financially are least able to meet Federal regulatory requirements. Consider the following statistics: in 1992, the average small firm with fewer than 20 employees paid roughly $5,500 per employee to comply with Federal regulations. By contrast, firms with more than 500 or more employees spent on average a much smaller $3,000 per employee. This is a large gap that most small businesses have a difficult time bridging. While these are only statistics, they are representative of the very real impact that regulations have on our Nation's small business.

To make matters worse, Federal regulation of small businesses often lacks a sound scientific foundation, or put more simply, just doesn't make sense. Let me give you an example. I recently received a letter from a constituent of mine who operates a small biotechnology company in New York. He took great care to make his laboratories as safe as possible for both himself and his colleagues, and made every effort to comply with all existing regulations. One particular safety feature that he included in his laboratories were eyewash stations that included eye-wash bottles. These are squeezable plastic bottles that contain a buffer solution to neutralize either acid or base should it inadvertently get into someone's eyes. These bottles are also portable so that they could quickly be brought to an incapacitated victim should an accident occur.

One day, his laboratory was inspected by the Occupational Safety and Health Administration [OSHA], which fined him for not having eyewash fountains in the laboratory. Now an eyewash fountain is a fixed piece of plumbing attached to a sink. In order to use it, the employee must be able to stand on two feet and bend over to the sink. It cannot be moved, and cannot be brought to an immobilized, prone victim. I think that most people would agree that this type of fountain is far less useful than a portable eyewash bottle with a buffer solution. However, OSHA felt otherwise. They seem to believe that strict adherence to some arcane regulation, regardless of its cost or practicality, is more important than the goal of protecting people's eyes, something that my constituent was obviously trying to do.

This is just one of countless examples that I could cite that represent the absurdity of our regulatory system. I chair the Regulatory Reform and Paperwork Reduction Subcommittee of the House Small Business Committee. Last week, we held a joint hearing that looked at the use of sound science in Federal agency rulemaking. We heard testimony from distinguished scholars who indicated that Federal agencies often initiate the development of new regulations without a solid foundation of scientific evidence to support their decisions. When this occurs, the small business owners of America are left holding the bag.

The next logical question is: What can be done about this? To its credit, Congress has already done something. Last year, the Congress passed the Small Business Regulatory Enforcement Fairness Act, better known as SBREFA. This was truly landmark legislation that should help improve the regulatory process. Contained within this legislation is an often overlooked authority that allows Congress to disapprove new regulations before they take effect. This process, commonly referred to as the Congressional Review Act, gives the legislative branch a direct role in the regulatory formation process. While on its own it may not mean foolish regulations like the one my constituent has to deal with will no longer exist. However, it does mean that Congress can at least attempt to prevent new regulations of questionable substance from taking effect in the future.

The problem, however, is that Congress has not exercised its new authority under the Congressional Review Act. Since this authority became effective on March 29, 1996, roughly 3,600 new regulations have gone into effect, including 61 major rules. However, only a handful of resolutions of disapproval have been introduced, and the House of Representatives has yet to even consider one such resolution.

Why has Congress been so reluctant to use this authority? It is my opinion that Congress has been slow to take advantage of the Congressional Review Act because it lacks accurate and reliable data with which it can challenge the information of the promulgating agency. In many cases, new rules are highly complex and technical in nature. Members have neither the time nor the expertise to assess the information that the agency is using to base its regulatory decisions upon. Until Congress has access to reliable nonpartisan information, it is my belief that the Congressional Review Act will remain a paper tiger, with no real effect on improving the quality and number of regulations that are implemented.

To help in this process, I am developing legislation that should provide Members of Congress with timely and useful information with which they can assess the actions taken by the promulgating agency. All too often a regulatory agency either ignores or half-heartedly meets the regulatory analyses that it is mandated by statute to conduct. This must stop. With accurate and reliable information, Members will have a credible, factual basis on which to judge whether a specific regulation is needed or is consistent with congressional intent.

We all agree and support having a clean environment and safe workplaces, and I want to be clear that I fully support the need for strong safeguards for our environment and the American worker. However, we must ensure that the ways in which we achieve these goals are based on sound science and take into account the legitimate concerns of the small businesses that will be regulated. It is my sincere hope that Congress can in fact become more active under the Congressional Review Act, and put an end to some of the irrational regulations that Federal agencies continue to develop.

TRIBUTE TO REV. MILTON BRUNSON

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I take this opportunity to comment on the life and legacy of a great musician, tremendous clergyman, dedicated community leader, and a wonderful American, the late Reverend Milton Brunson, who passed away on Tuesday, April 1, 1997. I share the words of his wife Joanne that "Reverend Brunson touched so many people's lives it's hard to imagine".

On April 25, 1997, Reverend Brunson would have celebrated the 49th anniversary of the Thompson Community Singers, which he helped to found in 1948. At the age of 18, while a senior at McKinley High School and director of the Gospel Chorus at St. Stephens A.M.E. Church, Reverend Brunson teamed up with Dorothy Mercer Chandler to found the Thompson Community Singers. Ms. Chandler, a gifted organist in her own right, worked closely with Reverend Brunson to keep the group together for 49 years, performing across the United States and throughout the world. The Thompson Singers performed at the Chicago Gospel Festival, the Apollo Theater, Madison Square Garden in New York, and on stages in England, Italy, and other foreign countries.

On several occasions, the Thompson Singers produced the No. 1 religious recording, and, in fact, won a Grammy Award. Under the leadership of Reverend Brunson, nearly 1,000 individuals were members of the Thompson Singers; also known as the Tommies. Jesse Dixon Mays, Ricky Dillard, Deloris Stamps, Ethel Holloway, and Angela Spivey, were just a few of the famous vocalists who performed with the Tommies.

In 1992, the Thompson Community Singers, directed by Tyrone Black received the Stellar Awards for Choir of the Year, Song of the Year for "My Mind's Made Up", and writer of the year, Darius Brooks. In 1995, Reverend Brunson and the Tommies won a Grammy Award for the recording "Through God's Eyes."

After several years of singing and choir directing, Reverend Brunson accepted a call to the ministry and built up the Christ Tabernacle Baptist Church located at 854 North Central Street in Chicago, IL. Under the direction of Reverend Brunson, Christ Tabernacle went from its humble beginnings to a major religious institution, with over 2,000 actively participating members.

Rev. Milton Brunson will always be remembered as a legend and a legacy. We thank him for his contributions and we wish the best for his wife Jo Ann, daughters, Donna Louise, Sanita Monique, son Kevin, and sisters, brother, and grandchildren. A talented individual, a dedicated and inspiring leader, a wise teacher, and a great American was the Reverend Milton Brunson.

PAYING TRIBUTE TO TONY ZALE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a truly remarkable man, Mr. Tony Zale. Tony passed away on March 20, 1997, in Portage, IN, at the age of 83. He was a man well known for his accomplishments as a champion boxer, contributions to his community, and devotion to his friends and family.

Tony was a champion boxer, fittingly remembered as "the Man of Steel" for both his steel-like ability to withstand and deliver powerful blows in the boxing ring, and his association with a city priding itself on its massive steel production. A native of Gary, IN, Tony began his successful boxing career in 1934 upon leaving his job as a steelworker at age 21. After experiencing a string of losses early in his career, Tony Zale first displayed his extraordinary desire to achieve when he returned to steel work at U.S. Steel in 1935. Willingly accepting the most physically challenging jobs in the mill, Tony returned to boxing in 1937 with a renewed confidence and a physique so muscular it was renowned to be "metallic." Shortly thereafter, Mr. Zale's ambition of becoming a champion boxer was fulfilled when he defeated the National Boxing Association champion in July 1940. In 1941, Tony earned universal recognition as a world titleholder as he defeated World Middleweight Champion, Georgie Abrams. When returning from his service with the U.S. Navy in 1945, Tony faced his most dangerous challenger, Rocky Graziano, for what would be the first of three brutal matches. Winning the first match, losing the second, and then regaining his title in the third, Tony Zale forever marked his place in history as a champion boxer during the epic Zale-Graziano fights. When Tony retired from boxing in 1948, he left the profession with the accomplishment of fighting and beating every contender in the middleweight division during his championship reign from 1941 through 1948. During the 1950's Tony Zale was inducted into the World Boxing Hall of Fame.

Tony put forth the same effort and dedication bettering the community in which he lived as he did during his boxing career. After retiring from boxing, Tony coached at the Chicago Park District youth boxing program, where he taught children the fundamentals of boxing, as well as the fundamentals of living a good, clean life. Tony was a man devoted to teaching children the importance of education, and a coach remembered for his willingness to offer guidance both inside and outside of the ring. Other community service initiatives in which he participated include serving as a Catholic Youth Organization boxing coach, promoting youth boxing tournaments, and visiting with polio patients. Tony Zale was honored for his efforts in October 1990, when President George Bush presented him with the Presidential Citizen's Medal.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in paying tribute to Mr. Tony Zale. His children, Mary Medeiros and Theresa Gassis, grandchildren, and nieces and nephews, can all be proud of his professional accomplishments, as well as his commitment to improving the quality of life for the residents of Indiana's First Congressional District. Tony Zale will always be remembered as a true leader and will remain a role model for generations to come.

CONGRATULATIONS TO CAMP PENDLETON

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. PACKARD. Mr. Speaker, I proudly rise today to recognize Gen. Claude Reinke and the men and women of Marine Corps Base Camp Pendleton in my district in Oceanside, CA, for their dedicated effort toward environmental conservation.

I have admired General Reinke and his leadership ability and enjoyed the close working relationship we have shared for many years.

Today, Camp Pendleton is being honored by the Department of Defense as the 1996 Environmental Security Award winner in the natural resources conservation category. This award recognizes Camp Pendleton for its "outstanding accomplishments in the conservation of natural resources * * * and ensuring their continued availability for future generations.

Camp Pendleton, the largest military facility land wise was praised for the advancement in the ecosystem management of the 119,000 acres that encompasses the base. Among other aspects, Camp Pendleton's officials were especially noted for an enhancement program of two near extinct species present on the base.

It is my pleasure to also recognize Susan Gibson, an environmental program manager at Camp Pendleton, who is being individually recognized for her role in initiating "significant progress in avoiding and controlling air, water, land and noise pollution."

Mr. Speaker, as one of only six installations to ever win this award twice, I believe Camp Pendleton's men and women are to be commended for their effort and hard work toward environmental safety concerns and congratulated for winning this award.

TRIBUTE TO LINDA L. CROUSHORE, ED.D., CELEBRATING THE 10TH ANNIVERSARY OF THE MON VALLEY EDUCATION CONSORTIUM

HON. MIKE DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. DOYLE. Mr. Speaker, I rise today to honor Dr. Linda Croushore and to recognize her years of outstanding leadership at the Mon Valley Education Consortium. Dr. Croushore's vision of public education has been the source of positive change for the students and communities of the Mon Valley.

Under the direction of Dr. Croushore, the Mon Valley Education Consortium has more than lived up to its name by launching innovative projects that engage our children in the learning process while building partnerships among the 20 school districts they serve and the surrounding region. Clearly, Dr. Croushore's belief that every community has the capacity to respond through collaborative action has been proven to be true as evidenced through the countless number of success stories the consortium has helped to write over the past 10 years.

Since its inception in 1987, the Mon Valley Education Consortium has grown considerably, but its core commitment to providing every child with a quality education through the leadership, and support of many, has steadfastly remained. While not always an easy task, creating consensus from within has been a hallmark of Dr. Croushore's guidance. More than words can convey, Dr. Croushore's actions illustrate that improving our public schools is not an option, but a necessity.

I am pleased to consider Linda a friend, and know that I am not alone in having an enormous amount of respect for her. Congratulations and thank you for your significant achievements on behalf of quality public education, and most of all for your indefatigable spirit.

INTRODUCTION OF LEGISLATION TO PROVIDE A PERMANENT EXTENSION OF THE TRANSITION RULE FOR CERTAIN PUBLICLY TRADED PARTNERSHIPS

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. HOUGHTON. Mr. Speaker, I am joined by my colleagues, including Mr. KLECZKA, Mr. CRANE, Mrs. KENNELLY, Mr. BUNNING, Mr. NEAL, and Mr. HERGER, in introducing legislation to permanently extend the 10-year grandfather for publicly traded partnerships [PTP's]. This legislation applies to those PTP's that were in existence at the time the Omnibus Budget Reconciliation Act of 1987 was passed.

Publicly traded partnerships were first created in the early 1980's for the purpose of combining the traditional limited partnership form with the ability to still have the partnership units freely traded on an established securities market or are readily tradable on a secondary market.

Section 7704, which was enacted as part of the Omnibus Budget Reconciliation Act of 1987, provides that certain publicly traded partnerships shall be taxed as corporations. However, the 1987 act completely exempted certain types of PTP's from the reach of section 7704. To be an exempt PTP, 90 percent or more of the partnerships gross income must be qualifying income. In other words, income derived from resources such as timber, oil and gas, minerals and real estate. Further, an exempt PTP need not have been in existence in 1987 when section 7704 was enacted. In addition, other PTP's in existence when section 7704 was enacted were grandfathered, but only for 10 years, through 1997. Our bill would extend this grandfather provision permanently.

I can foresee that some people might view this proposal as special interest legislation. I strongly disagree. Had we chosen in 1987 to provide a permanent grandfather for existing PTP's, no one would have batted an eye. Instead, a permanent grandfather in 1987 would have been an appropriate decision for Congress to make based on the extent to which PTP's relied on the law that was in effect when they were created. The fact that the decision was initially made in 1987 should not stop us from revisiting the issue so long as the original decision has not yet taken effect.

We in Congress are called on to make decisions about appropriate transition relief in virtually every tax bill. Indeed, these types of decisions are ones that are particularly suited for the Members of Congress to make, since they generally involve the balancing of competing interests rather than technicalities of tax law.

Our proposal is different only because it is separate in time from the 1987 act. On the other hand, the proposal is generic in scope, applying to any PTP fitting the criteria. We believe that it is fair, before the 10-year grandfather expires, to determine whether the previous decision was proper or whether a permanent rule is a better choice.

Generally, Congress does not place time limits on grandfather provisions, other than what might be called project-specific provisions. The reasoning behind this policy is that if taxpayers were justified in relying on the law in effect at the time the taxpayer took action, then the taxpayers deserve relief from the change in the law, not just for a limited period but as long as the taxpayer's circumstances do not change.

REASONS FOR A PERMANENT GRANDFATHER

Some may wonder why these PTP's should be permanently grandfathered. After all, if they were taking advantage of so large a loophole that Congress had to shut it down, why should they benefit merely because they got in under the wire?

The truth is that these PTP's did not take advantage of an egregious loophole. PTP's are structured no differently from other types of limited partnerships. They merely combined that basic limited partnership structure with the ability for the units to be readily traded. The problem was thus not a loophole in the Tax Code that needed to be closed retroactively.

These PTP's relied on the law in effect before passage of the 1987 act, and that reliance was completely reasonable. The first proposal directed toward PTP's surfaced in 1984, but President Reagan chose not to forward it to Congress in his tax reform recommendations and we did not independently take up the idea in 1986. It was only when Treasury proposed section 7704 in mid-1987 as part of a list of acceptable revenue raisers that the proposal received any official endorsement. By that time, most of the affected PTP's were already in existence.

This raises what I believe is the most important issue in this debate: fairness to the PTP's and, more important, their owners. The process of converting from a corporation to a PTP is a costly and time-consuming one, easily taking over 1 year. The conversion process involved consultation with investment bankers, appraisals, planning by corporate finance, securities and tax lawyers, multiple filings with the SEC and State securities agencies, proxy statements and shareholder votes, etc. This process would not have been started or completed had there been any reasonable prospect that a change in the tax law would have applied retroactively or after a limited period of time.

To make matters worse, many of these same costs will be incurred once again if the 10-year grandfather is not made permanent. Grandfathered PTP's will be forced to convert to corporate form on January 1998. To do so, however, will require lengthy planning, and the same investment banking advice, appraisals, and attorney fees. The need for extensive, advance planning makes it essential that the matter be resolved this year.

More important, is the effect that loss of the grandfather will have on PTP investors. It is a virtual certainty that the value of PTP units will be affected adversely if the grandfather expires. Thus, the investor will suffer the most. Who are these investors? Most are average, middle-class taxpayers who have invested in PTP units because of their high yield, many before the 1987 act was passed.

We do not achieve any tax policy goal by honoring the 10-year grandfather. That goal was fully achieved by making section 7704 apply prospectively. Instead, all we would accomplish by retaining the 10-year grandfather would be harm to these PTP's and their investors. There is no doubt what our decision should be.

In conclusion, I want to note the diversity of the PTP's that would benefit from permanent extension of the grandfather. The PTP's affected are involved in a wide variety of industries, from motels and restaurants to chemicals, financial advising and macadamia nuts. Undoubtedly, these businesses operate in many of our districts. Of course, our districts are the homes to the individual investors in these PTP's. The most recent court indicates that there are well over 300,000 individual investors.

The 10-year grandfather hangs like a sword of Damocles over each one of these PTP's. We in Congress have the ability to remove that sword and there is no reason why we should not do so. We urge our colleagues to join with us to support this bill.

THE KINSHIP CARE ACT OF 1997

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mrs. MORELLA. Mr. Speaker, I rise to introduce a bill to encourage kinship care families, families in which adult relatives are the preferred placement options for children separated from their parents.

Last year I introduced similar legislation, and I am pleased to report that a portion of it was incorporated as part of welfare reform—States must now consider relatives who are willing and able to care for minor children before placing them in other foster care situations.

The legislation I am introducing today would go one step further by giving States the flexibility to create a new type of foster care—kinship care—as a demonstration project. It would authorize States to examine and test how their child protection system could incorporate safe, cost-effective kinship care placements. States would have increased flexibility to waive portions of the IV–E foster care program in order to provide services and payments to kinship-care placements. It would help families to rely on their own family members as resources when a child is legally separated from his or her parents.

We clearly need this legislation. From 1985 to 1990, the number of children in foster care increased by 47 percent, while the number of foster families decreased by 27 percent. Furthermore, when a child must be removed from his or her parents, placing the child with a caring relative helps keep the family together and limits disruption to the child's life. Ironically, relatives who want to care for the child often find themselves burdened with legal and bureaucratic paperwork and regulation, and they lack the support services available to regular foster care families.

By giving States the flexibility to create a new type of foster care—kinship care—support services and payments could be made to kinship care placements. States would transfer custody of the child to the adult relative and then would have the flexibility to make some payments and provide services to these children under the IV–E program. Kinship care could be considered a long-term placement option for the States.

In order to be considered an eligible family for kinship care placements under this bill, certain criteria must be met. The child must be removed from the home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child, the child would otherwise be place in foster care, and that there are adult relatives willing to provide safe and appropriate care for the child.

This legislation is revenue neutral because States would incorporate kinship care into their child welfare system. States would evaluate their kinship care system for outcomes for children and families, safety of the children, and cost savings. At the end of 4 years, the Secretary of Health and Human Services would evaluate the State kinship care demonstrations and recommend legislative changes based on their evaluations.

This legislation would also require States to provide relative caregivers with notice of, and an opportunity to be heard in, any dispositional hearing or administrative review held when considering the health and safety of a related child.

Mr. Speaker, I have heard from grandparents who desperately want to provide their grandchildren a loving, supportive, and safe home. Because of burdensome regulations, these children end up in the expensive foster care system. Grandparent groups around the country support this legislation, I met with many of them today. I strongly urge my colleagues to cosponsor this bill and urge its swift passage.

HONORING PASTOR RODERICK MITCHELL

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to honor Pastor Roderick Mitchell, one of my constituents who has had an invaluable role in the lives of many families in the Mississippi Delta.

Pastor Mitchell grew up in a troubled household and was forced to spend much of his childhood protecting his mother and younger siblings from his abusive father. He never forgot those mornings he passed crouching, hiding miserably in the cotton fields surrounding his home.

Pastor Mitchell now divides his time between his ministry in Cleveland, MS and his many initiatives to speak out against spousal violence, sexual assault, and child abuse. In 1995 he established a desperately needed rape crises program in his church that has evolved into a community-based organization, the Exodus Center for Life, which provides services to all victims of crime. Pastor Mitchell is perhaps best known for his educational programs that use puppets to teach children in Headstart programs about child abuse and also give information about date rape and domestic violence to youths in school. He has implemented a violence prevention program for teenagers called Preparing our Sons for Manhood, and he also serves as a counselor in Men Against Spousal Harm [MASH], a treatment program for batterers in the Mississippi Delta.

One of Pastor Mitchell's colleagues summed up his efforts recently, saying, "his experience as a victim of domestic violence and his deep belief in the power of education transcend cultural and denominational barriers, reaching all crime victims, young and old, as well as at-risk youth with inspirational messages that help to heal and prevent crime."

Mr. Speaker, Mississippi and this Nation owe a debt of gratitude to Pastor Mitchell. If we are ever to transcend the cycle of violence, hatred, and anger that plagues America, we will need to follow this shining example of selfless determination. I honor Pastor Mitchell, and I thank him for his work.

TRIBUTE TO THE CENTENNIAL OF ALLENHURST, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. PALLONE. Mr. Speaker, on April 26, 1997, the Borough of Allenhurst, NJ, will celebrate the 100th anniversary of the founding of their community. A reenactment of the first meeting of the board of commissioners will take place at the Allenhurst Beach Club on Saturday at 3 p.m. The celebration of the borough's centennial will continue with a variety of community events throughout the rest of the year.

Mr. Speaker, 100 years ago, in April 1897, the Borough of Allenhurst had the first meeting of its board of commissioners. Of course, this was not the beginning of the history of life in the area as we now call Allenhurst. A Scotsman named Gawen Drummond bought the land for native Americans. The land was for many years part of the Allen Farm, and there were two hotels, the Allen Hotel and the Crow's Nest. In 1896 the Coast Land Office was built at the corner of Page and Corlies Avenues, and in the next 20 months 58 cottages were constructed. The Coast Land Company placed ads in New York and Philadelphia newspapers extolling the borough's wise exclusiveness. The following year, the borough was incorporated.

Mr. Speaker, a lot has changed in Allenhurst, NJ, and America since the founding of Allenhurst. One hundred years ago, Grover Cleveland was President, San Francisco had a massive earthquake, the Spanish-American War was being fought, the first World Series was held and construction of the Panama Canal began. But much has remained the same: The beauty of the ocean and beaches of the Jersey Shore and the deep sense of community pride felt by the residents of Allenhurst.

On April 26 at 3 p.m., the minutes of the original meeting will be read. Mayor Coyne and Commissioners Ruocco and McCarthy will be dressed in 1896-style costumes. Mr. Speaker, I want to congratulate the borough officials and all the residents of this beautiful oceanfront community on this historic occasion and look forward to working with them to make the next 100 years every bit as good as the first century.

ARMENIAN GENOCIDE

SPEECH OF

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. TOWNS. Mr. Speaker, as we approach a new millennium we cannot forget the launching of the April 24, 1915 pogrom of some 200 Armenian religious, political and intellectual leaders from Constantinople [Istanbul]. For 8 years, 1.5 million Armenians suffered grave repudiation by the government of the "Young Turk Committee." This unfortunate history must be memorialized and remembered such that the world can understand that this tragedy represents the first example of genocide in the 20th century. This observation is not made lightly; but the facts about the destruction of the Armenian people cannot be ignored.

As Armenians and people of conscience throughout the world commemorate April 24, we must accurately depict history to ensure that it is never repeated. Continuing to deny the truth about an important part of world history creates the view that it was just an "unfortunate incident" and nothing else. This inaccuracy can be nothing further from the truth and allows for similar atrocities to occur.

Mr. Chairman, on this day I urge all of my colleagues to remember the horrible events that occurred in the early part of this century. May they never be repeated again.

LEE HIGH SCHOOL'S SINGING LANCERS TOP THE CHARTS IN ATLANTA COMPETITION

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. HYDE. Mr. Speaker, the spotlight at the April Fiesta-Val Music competition held in Atlanta, GA was focused on the Choirs of Lee High School.

The performance given by the 20-member Madrigal Choir earned them a superior rating by the judges, placing Lee first in their division. Achieving a superior rating over their 15 competitors, the Fiesta-Val Champion Trophy was presented to Lee Madrigals for reaching the highest numerical score of any choir in their division.

The next group to be called into the winners' spotlight was Lee's Ladies' Chamber Choir. The chamber choir gave another outstanding performance before the panel of judges who rated this choir superior. The Concert Choir was the next to be honored with an excellent rating for their performance.

Noteworthy is the selection of Lee's Singing Lancers as the Fiesta-Val's recipient of the 1997 Grand Champion trophy. To receive this distinctive recognition as overall champions, the Singing Lancers marked the highest combined scores of all choirs competing in the festival.

The awards cited above have become a tradition for Lee's choral program through the hard work and dedication of its director, Mr. Lindsey Florence. Were it not for this outstanding director, the students may never have reached this plateau in their high school music experience. This remarkable contribution was recognized when the festival sponsors presented Mr. Lindsey Florence with the coveted Award of Distinction in recognition of his notable contribution to musical excellence.

Congratulations to the director, Mr. Florence, and his wonderful students: Shely Abbott, Matt Aberant, Denise Absher, Karen Albers, Jessica Alonzo, Alex Arndt, Mary Assad, Nicki Baugher, Ashley Bush, Nicki Clark, Amy Cole, Cindy Craig, Elizabeth Crego, Rachel Cully, Abigail Dosch, Kelly Drier, Mary Fitzgerald, Heather Flemming, John Goff, Craig Goheen, Brian Gresham, Rachel Griffin, Kristen Hampton, James Hare, Brandon Henrich, April Holloman, J.P. Javier Wong, Erlend Johnson, Kim Johnson, Mary Kim, Peter Laver, Mike Lazear, Corrine Leahey, Darcie Lee, Dan Lee, Ruth Leeds, Chrisina Lewis, Anna Lipari, Courtney Mallon, Tara McCabe, Caroline McClaugherty, Heather McDonald, Darin McMillion, Dave McMullin, Abby Meyer, Jamie Michaud, Michelle Montvai, Carrie Moore, Shawn Newman, Ty Oxley, Vanessa Pannell, Alicia Peretti, Corey Perrine, Jessica Piansky, Sara Poh, Alicia Powell, Anna Ramdeo, David Reynolds, Terri Richards, Miranda Romero, Julie Saholsky, Beth Silvola, Leslie Simpson, Justin Smallwood, Julie Stoops, J.R. Stratton, Damara Thompson, Nhien To, Kristin Unger, Melissa Wilkerson, and Audrey Wright.

PERSONAL EXPLANATION

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. RAHALL. Mr. Speaker, on Wednesday, April 23, 1997, I was unavoidably detained and missed rollcall votes Nos. 86 and 87. Had I been present and voting, I would have voted "yes" on each of the amendments to H.R. 400 as offered by Mr. CAMPBELL of California.

RETIREMENT OF CAPT. CHARLES CONNOR, U.S. NAVY

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. SKELTON. Mr. Speaker, over the past 25 years, Capt. Charles D. Connor has been a leading force in the Navy's public affairs community. His efforts, through a wide variety of assignments, played an integral role in articulating the Navy story, and ensuring public support for our policies and programs.

His early public affairs assignments, including U.S.S. *John F. Kennedy,* Armed Forces Bicentennial Program, Navy Recruiting Region Pacific Northwest, Navy Public Affairs Office Midwest, and Navy Recruiting Command laid the groundwork for stellar performance in the most challenging and influential billets in the PAO community.

In the late 1980's, Captain Connor went on to lead the public affairs efforts of the U.S. Third Fleet, following that success with 3 years at U.S. Space Command. His most recent assignments put him truly at the top of his field, where his broad professional expertise has been of incalculable benefit to the U.S. Navy.

As public affairs director of U.S. Navy European Headquarters, 1992–1994, Captain Connor, created, planned and executed the commemoration of the 50th Anniversary of the Normandy Invasion, the centerpiece of which was the globally televised Presidential embarkation aboard Navy ships. This special event successfully underlined the fact that American power projection relies on a forward-based Navy, a vital communication objective which was brilliantly conceived and implemented. His efforts were personally commended by the White House.

As the Deputy Chief of Information, 1994–1995, Captain Connor directed national and international Navy public affairs programs, managing global day-to-day media, community and internal relations operations involving hundreds of people and a multimillion dollar budget. He also created the first standardized manual on the operation of nine regional public affairs offices and introduced digital photography transmission to media, producing significant savings in processing costs.

Captain Connor's outstanding public affairs acumen culminated in his assignment as public affairs officer for the Secretary of the Navy in 1995. During a time of great change and volatility due to downsizing, he spearheaded the Secretary's communications program targeting both internal and external audiences. His efforts resulted in a greater understanding of and advocacy for the Secretary's initiatives, both within the Navy and externally through the news media.

He is a strategic thinker who is action-oriented. Captain Connor's professional excellence, diligence, and loyalty have made him a great asset to the U.S. Navy. I take this opportunity to wish him well upon his retirement from the Navy and for continued success. He has truly been a role model for public affairs officers who follow him.

MAKING A DIFFERENCE IN SAN BERNARDINO COUNTY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of thousands of committed citizens in California's 40th Congressional District. San Bernardino County, the largest county in the continental United States make a difference on October 26, 1996, with an ambitious project entitled, "Community Cleanup: Our Fight Against Blight." For this ambitious undertaking, the San Bernardino Make a Difference Day project was recently chosen as one of the top 10 national winners by USA Weekend Magazine and a panel of celebrity judges. This tremendous effort will be recognized at a luncheon on May 1 recognizing outstanding achievements during national Make a Difference Day.

The San Bernardino Make a Difference project was launched at a time when the local newspaper, the San Bernardino County Sun, ran a series of well-written articles addressing the issue of blight in the local community. The result was a countywide effort undertaken on national Make a Difference Day. The remarkable effort to undertake a community cleanup was spearheaded by the city of San Bernardino and Mayor Tom Minor in a collaborative effort with Norcal/San Bernardino, San Bernardino County, Arrowhead United Way, the Volunteer Center, and the San Bernardino Area Chamber of Commerce. Twenty-four cities in San Bernardino County embraced the concept with proclamations and letters of support from local mayors. Twenty-two community newspapers and five radio stations promoted the project with public service announcements and press releases. To encourage citizen participation, 16 country landfills were open free of charge to residents on October 26. The result was more than 3.5 thousand tons of trash, including 5,000 tires, deposited at county landfills.

In addition to the many county residents who participated, about 130 volunteers worked on 10 other related projects. Paul Chaney, a private business owner, with the assistance of other volunteers from the Children's Fund and the Volunteer Center, picked up trash along a 2-mile stretch of Little Mountain. Employees of Raintree Insurance Co. and a youth group from the Nazarene Church painted graffiti in various sections of San Bernardino. While a Girl Scout troop cleaned up a local creek and filed a commercial dump truck, members of Los Padrinos cleaned, trimmed, weeded, and hauled away trash for elderly citizens. Thirteen neighborhood association groups in San Bernardino also picked up trash and painted graffiti in and around their neighborhoods.

Mr. Speaker, this remarkable effort is 1 of 11 chosen from over one million participants nationwide joining in national Make a Difference Day. The many fine people of San Bernardino County have made a difference, and will continue to make a difference, to improve the quality of life for our citizens. I am extremely proud of this effort and it is only fitting that House of Representatives recognize this achievement today.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. BALLENGER. Mr. Speaker, had I been present for rollcall votes 86, 87, 88, and 89 on Wednesday, April 23, I would have voted "yea."

TRIBUTE TO WILLIAM BAKER

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. FARR of California. Mr. Speaker, I rise today to pay tribute to a man who has made it his professional mission to serve the State of California and its 32 million people. William Baker, whose career has spanned more than three decades, will be retiring this year as vice president of university and external relations for the University of California system.

Ever since starting work for UC some 33 years ago, Bill has been a steady force, helping to guide the university through its most formative years. Now with nine campuses, five teaching hospitals, and the three national laboratories it manages for the Federal Government, UC's $10 billion budget is larger than that of many States. Bill has been instrumental in maintaining the university's prominence as one of the top university systems in the country. I speak from personal knowledge, when I say that Bill Baker is an influential voice for education on Capitol Hill.

A fourth-generation Californian and a native of Berkeley, Bill is a 1958 civil engineering graduate of the University of California, Berkeley. It was as an undergraduate that he began his university career as a mail clerk under former UC President Robert Gordon Sproul. Bill went on to become a licensed civil engineer and worked as a State engineer on the restoration of the San Francisco-Oakland Bay Bridge.

Bill returned to university service in 1964 as an associate engineer in UC's systemwide office. In 1974, he was named director for capital improvements planning and budgeting, and was named assistant vice president for budget, analysis, and planning and special assistant to the president on April 1, 1979. He was named vice president for budget and university relations by former President David Gardner on October 1, 1983. Bill assumed his current title in 1993.

Besides his professional pursuits, Bill has found time to give even more back to the people of both his State and country. Active in numerous national and State associations supporting higher education, he also participates on a State and national level as a mediator and arbitrator in the construction industry. Bill is a member of the board of directors of the California Council on Science and Technology, which I created with Bill's leadership, and of the American Arbitration Association. He is also a member of the American Society of Civil Engineers.

Mr. Speaker, I could go on and on about Bill Baker. To me, he embodies the very best in public service. Committed and compassionate, Bill has demonstrated every day and in every way that the best way to advance the public good is by doing good for the public. We are fortunate to have been touched by his works. He is a "true blue."

HONORING GIRL SCOUT GOLD AWARD RECIPIENTS

HON. RAY LaHOOD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. LAHOOD. Mr. Speaker, today I would like to salute five outstanding young women from the 18th district of Illinois who will be honored with the Girl Scout Gold Award by Kickapoo Council of Girl Scouts in Peoria on May 4, 1997. The Girl Scout Gold Award is the highest achievement award in U.S. Girl Scouting, symbolizing outstanding achievements in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12. The recipients of this award at this time are Angela Hess of Girl Scout Troop No. 301, Renee Hinnen of Girl Scout Troop No. 4, Rebecca Roth of Girl Scout Troop No. 345, Katy Rodgers of Girl Scout Troop No. 257, and Amy Hale of Girl Scout Troop No. 357.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the Gold Award, a Girl Scout must earn four interest project patches, the career exploration pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult Girl Scout volunteer.

In the process of earning their Gold Awards, these Girl Scouts made significant contributions to their community. Angela Hess completed her project by working with a local children's hospital in planning activities for the children and then doing the activities with them. Renee Hinnen planned, organized, and implemented the registration, snack time, and lunch time activities for the Isaac Walton League's "Kids in the Woods" program. Rebecca Roth planned and implemented a sports and games day for the purpose of recruiting others to become Girl Scouts. Katy Rodgers taught dance to underprivileged children who cannot afford lessons, and Amy Hale organized a reference library at her church, and designed study sheets for Sunday school teachers and youth group leaders. I believe these young women should receive the public recognition due them for their efforts and their service to their communities and country.

IN HONOR OF THE URBAN LEAGUE OF HUDSON COUNTY, INC.'S 19TH ANNUAL EQUAL OPPORTUNITY DAY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a remarkable organization, the Urban League of Hudson County, Inc. as it celebrates the 19th anniversary of its Equal Opportunity Day. This annual event, which serves to reaffirm the laudable mission of providing equal opportunity to community members, will be celebrated on April 24, 1997 at the Meadowlands Hilton Hotel in Secaucus.

The Urban League of Hudson County, Inc.'s role as a pre-eminent community institution began over a quarter century ago during a turbulent time in the Nation's history. In 1971, we had just come through a decade when the movement toward civil rights took its toll on the urban leaders of our society: Martin Luther King, Jr., Medgar Evers, and Malcolm X. Shabazz, all assassinated in their prime. The mission of this new organization was to continue these leaders' legacy and to help ensure equal opportunity for all members of our American family. Since its inception, the Urban League of Hudson County, Inc. has endeavored to provide positive family images to which others could aspire.

Today, Americans living in urban areas are portrayed too often with violence and in economic distress. The Urban League of Hudson County, Inc., under the direction of current president and CEO Elnora Watson, has made tremendous strides in reversing that stereotype through its various programs, such as AmeriCorps, the Adolescent Servicing Center, Adopt-A-Parent, Beginning Alcohol and Addiction Basic Education Studies, Family Development Program, job placement and retention, mentors for youth, Parent Community Mobilization Initiative, and parenting skills workshops. Graduates of these valuable programs will hopefully go on to become productive residents of Hudson County and become beacons of hope for others in their communities.

This year, the Urban League of Hudson County, Inc. will mark the 19th anniversary of its Equal Opportunity Day Dinner. On this momentous occasion, a number of people will be recognized for working tirelessly to dispel the negative images of urban Americans as portrayed by the media. The award recipients for 1997 include: Catherine Easterling Todd, Nantexter Ferguson Sebron, Betty Warren, Mary L. Setzer, Barbara A. Briggs, Patricia Sebron, Kathleen Washington, Pamela O'Neal, Philip Martin Bonaparte, M.D., Blynette Rogers, Patricia Jackson Robertson, Dale Porter, and Blanche McDuffy Smith. Each of these outstanding individuals has made a unique contribution to enhancing the image of the Urban League of Hudson County, Inc.

I ask that my colleagues join me in honoring this special organization. The Urban League of Hudson County, Inc. serves as an example of what can be accomplished when people work toward a common goal. It is an honor to have them providing services to the residents of my district.

TRIBUTE TO THE HONORABLE JOHN T. MYERS

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. HOSTETTLER. Mr. Speaker, I rise today to inform the chamber that on Friday, May 9, the Uniontown Locks and Dam, located on the Ohio River between Indiana and Kentucky, will be renamed the John T. Myers Locks and Dam. Uniontown Locks and Dam is just 2 miles south of the confluence of the Wabash River and the mighty Ohio. As John was born and raised along the Wabash in Covington, IN, I can think of no better honor for an individual who dedicated so much of his life to public service, most of that time devoted to watching over our Nation's vast waterways system.

Representative John Meyers served the people of the Seventh Congressional District of Indiana for 30 years before retiring at the end of the 104th Congress. For most of that distinguished career, the citizens of Indiana were fortunate to have him represent them on the House Appropriations Committee. His leadership on the Energy and Water Development Subcommittee, in particular, helped ensure that our Nation's waterways, which are so vital to our national economy, remained navigable.

On May 9, John's many friends will converge on the Uniontown Locks and Dam site to officially recognize his contribution to inland navigation by renaming and dedicating this facility in his honor. It is a fitting tribute to a man whose visionary leadership has played such a significant role in the development and maintenance of America's rivers, ports and harbors.

ARMENIAN GENOCIDE

SPEECH OF

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 23, 1997

Mr. BERMAN. Mr. Speaker, I rise today in commemoration of the Armenian genocide.

The atrocities committed against the Armenian people in the late 19th century and the early 20th century ranks among the worst such occurrences in human history. As the 19th century drew to a close, authorities in the crumbling Ottoman Empire decided to crack down against a growing movement for Armenian autonomy. After enduring brutal persecution, the Armenians refused to pay the taxes levied by their oppressors. As a result, thousands of innocent civilians lost their lives and thousands more witnessed the destruction of their homes—all because the Ottoman Government wanted to teach them a lesson.

When the Armenians sought to publicize their plight by seizing a government building in Constantinople, government forces instigated a vicious pogrom during which over 50,000 perished. Several years later during the First World War, Armenian service in the Allied cause prompted the Turkish authorities to order the deportation of almost the entire Armenian population from their homeland to two distant provinces of the Turkish Empire, Syria and Palestine. Well over one million died during this long forced march, many thousands at the hands of government soldiers and many more from disease and malnutrition.

It is unfortunate that we have not managed to escape the consequences of these atrocities. The legacy of bitterness is readily observable in central Asia, where memories of past injustice have complicated the search for peace and stability in Nagorno-Karabakh.

As the horror continued, thousands of Armenians came to this country. Many of their heirs now live in my own State of California, where they have established an enviable record of prosperity and service to the United States. California is home to the largest Armenian-American population in the United States. The California State Assembly designated April 24, 1997 as "California Day of Remembrance for the Armenian Genocide of 1915–23, and for the Victims of the Sumgait Pogroms of 1988 and Baku Riots of 1990."

The resolution notes that Armenians in Nagorno Karabagh remain at risk until a peaceful resolution to the Karabagh conflict is reached that guarantees the freedom of security for these people while supporting their right to self-determination.

We join Armenians around the world as we remember the terrible massacres suffered in 1915–23, among one of the worst tragedies to befall a group of people.

Even though this is a day of commemoration for the thousands who perished in the Armenian genocide, we must not forget the great duty of those now living to prepare a better world for generations to come.

INTRODUCTION OF "THE INSULAR FAIR WAGE AND HUMAN RIGHTS ACT OF 1997"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MILLER of California. Mr. Speaker, today I am introducing legislation to address the systematic, persistent, and inexcusable exploitation of men and women in sweatshops in the Commonwealth of the Northern Mariana Islands, a territory of the United States of America.

Despite criticisms from the Congress and Federal agencies, and despite promises by CNMI leaders of sweeping change of aggressive action against abusive employers, these conditions continue today, confirmed by CNMI observers, human rights and religious organizations, and Federal enforcement and oversight agencies. These workers are not free, and are not given the same opportunities and protections every other worker in the United States or its territories is provided. To these workers, the American dream has become a nightmare.

Consumers in the United States and around the world expect that the label "Made in USA" stands for something. American manufacturers know that label signifies compliance with basic worker protection laws and human rights guarantees. But in the CNMI, that made in USA label is used to conceal systematic exploitation.

Last week, President Clinton and garment industry leaders announced a U.S. apparel industry partnership dedicated to eliminating sweatshop working conditions around the world. Those efforts must also focus on our own soil, on the CNMI, where conditions that could not be tolerated anywhere elsewhere in America flourish with the blessings of the local government.

In the CNMI, human rights and the basic rights all American workers are supposed to enjoy are routinely brushed aside in the pursuit of an economic miracle. The CNMI Government is currently spending in excess of $1 million in an unprecedented effort to paint a highly favorable picture of its economy.

But the record indicates this is no economic miracle; it is an economic mirage, built on exploited foreign labor.

Freed from U.S. immigration and minimum wage laws, the CNMI—

Uses its immigration policy to open its borders to a flood of foreign workers—from the Philippines, China, and other Asian countries—that now outnumber the indigenous population.

Maintains a minimum wage of as little as $2.90 an hour for garment workers—and far less for household workers and farmers—despite promises to bring wages to the Federal level.

Ignores employer restrictions against U.S. laws—such as the right to unionize and to receive all wages earned, instead maintaining a bureaucracy that makes it all but impossible for workers to seek redress.

Fails to prosecute aggressively those who mistreat and abuse foreign labor by forcing them into prostitution and other types of involuntary sexual activity, who restrict their expressions of political beliefs, and who deny them the wages they have earned. In fact, many workers have said that speaking out against battery and rape, against unsanitary living barracks, against illegal wage withholdings, long hours or violations of their work contract, can result in prompt deportation and the forfeiture of their wages.

Congress in recent years, on a bipartisan basis, has called upon the CNMI to end these abuses, but with little effect. In fact, the CNMI Government has passed several laws that actually roll back worker protections, and broke a promise to the U.S. Congress to raise its minimum wage across the board, to the Federal level.

This continuing pattern of abuse and indifference to human exploitation demands a rapid response from the Congress and from the Clinton administration. Today, along with several cosponsors, I am introducing legislation to protect the integrity of the "Made in USA" label by only permitting its use when all applicable labor laws are obeyed.

This legislation will increase the minimum wage in the CNMI in stages until it matches the Federal level.

Lastly, this legislation will also bring the CNMI under the Immigration and Naturalization Service which, unlike the CNMI's Government, has the skills and resources to establish credible and enforceable policies that do not sanction the exploitation of men and women.

HOME EDUCATION WEEK

HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. BLUNT. Mr. Speaker, I am pleased today to voice my support along with the Missouri State Senate and the Missouri House of Representatives for home education. The Missouri General Assembly has designated the second week of May as Home Education Week. Missouri has been recognized as a leader nationwide in the home education movement. Home Education Week is a good way to acknowledge those parents in Missouri who have helped to establish a strong foundation for quality home education.

Home education has always been unique because it provides the opportunity for children to be taught by their parents or someone the parents trust. Home educators are able to meet the individual needs of their children by designing educational lessons for each child. They also provide children in home education numerous opportunities to learn through hands-on activities, where they are able to apply what they are learning in real-life settings. The one-on-one interpersonal ties that are developed in home education between a parent and their children establish solid mentoring relationships.

I know of many families in the Seventh District of Missouri that I represent who educate their children through more than just their textbooks. They regularly take field trips and conduct science experiments so that they can apply what they are learning. I know one family who has entered award-winning projects in the Ozark Empire Fair in science and drawing competitions as well as winning awards regionally and statewide in speech contests. The Will Purvis family is one of many southwest Missouri families who are making a visible difference in the education their children through home education.

I want to thank each parent who has made the decision to educate their children at home. This decision requires a great amount of dedication. This dedication requires planning and preparation that involves many extra hours and late nights of preparation. Their dedication results pay off in home-educated students that do well when they compete with their peers nationwide in private and public schools and in higher education. We should continue to support their dedication as they continue to make a visible difference.

IN HONOR OF TERTULIAS DE ANTANO AND ITS FOUNDER LIDIA GIL-RAMOS: MAKING A DIFFERENCE FOR SENIOR CITIZENS IN NORTH HUDSON COUNTY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an exceptional woman, Ms. Lidia Gil-Ramos and the exceptional organization which she founded, Tertulias de Antano. The contributions of Ms. Lidia Gil-Ramos and Tertulias de Antano will be celebrated at the group's 23d Anniversary Dinner Dance to be held at Schutzen Park in North Bergen, NJ, on Sunday, April 27, 1997.

Such a well-respected program, Tertulias de Antano, is the result of the unwavering dedication of its founder Lidia Gil-Ramos. Before arriving in Union City, NJ, in 1965, she taught both elementary school and elderly farm workers in her homeland of Cuba. Education was also a personal passion for Ms. Gil-Ramos. She earned her masters degree from the University of Havana. This extraordinary woman then became director of a large nursing home in San Miguel de los Banos, Matanzas in central Cuba.

Upon arriving in America, Ms. Gil-Ramos found employment as an income maintenance specialist for the Food Stamp Program in Jersey City. Her dedicated service to senior citizens began with the Cuban refugee program in her adopted hometown of Union City. There Ms. Gil-Ramos witnessed the difficult process of adjustment experienced by many Cuban seniors in their new environment. Resolved to make a positive difference in the lives of the senior citizens in the community, Ms. Gil-Ramos instituted the Tertulias de Antano recreational program on October 13, 1974.

Ms. Gil-Ramos is the heart and soul of Tertulias de Antano. This invaluable program dispenses information concerning English-language programs, health care issues, and community events to area seniors. Presently, this uniquely beneficial program is applauded by senior citizens from countries throughout Latin America who have found a new home in Hudson County. Ms. Gil-Ramos' vision and commitment to excellence are evident in the pleasure experienced by senior citizens who have benefited from the services of Tertulias de Antano.

It is an honor to have Ms. Lidia Gil-Ramos and Tertulias de Antano as parts of the community in my district. They are shining examples of what can be accomplished when people work together toward a common goal.

PERSONAL EXPLANATION

HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Ms. DEGETTE. Mr. Speaker, I was unavoidably detained on the evening of Thursday, April 17, 1997, during rollcall vote No. 85. Had I been present, I would have voted "no."

U.S. POSTAL SERVICE ISSUES STAMP TODAY HONORING RAOUL WALLENBERG

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. LANTOS. Mr. Speaker, today at a extremely moving ceremony at the U.S. Holocaust Memorial Museum, a stamp honoring Swedish humanitarian and Holocaust hero Raoul Wallenberg was issued. This is a most appropriate step, and I congratulate the Postal Service for this action. Raoul Wallenberg was responsible for saving as many as 100,000 lives in Budapest, Hungary, in the closing days of World War II.

It is most appropriate that we honor Raoul Wallenberg with a U.S. stamp. In this age devoid of heroes, Wallenberg is the archetype of a hero—one who risked his life day in and day out, to save the lives of tens of thousands of people he did not know, whose religion he did not share.

Mr. Speaker, I want to salute the men and women of the U.S. Postal Service, and Postmaster Gen. Marvin Runyon, for their help and support in recognizing and honoring the legacy of Raoul Wallenberg. The cooperation and assistance for today's ceremony from the U.S. Holocaust Memorial Museum and its staff was invaluable in today's most impressive ceremony.

I want to offer special thanks to a number of individuals who participated in today's ceremony: my colleague, Senator CARL LEVIN ; Miles Lehrman, chairman of the U.S. Holocaust Memorial Council; S. David Fineman, Postal Service Governor; and my granddaughter Chelsea Lantos-Swett. I also want to pay tribute to the efforts of Ilene Munetz Pachman, who energetically pursued her dream of a stamp honoring Raoul Wallenberg, and my wife Annette, who has devoted so much of her life to making known the story of Wallenberg and worked tirelessly for the release of Wallenberg from Soviet prison. We were honored at the Holocaust Museum today with the presence of a number of our colleagues from the Congress, as well as a number of representatives of the diplomatic corps.

Born on August 4, 1912, an heir of a prominent Swedish banking family, Raoul Wallenberg studied architecture at the University of Michigan in the 1930's. In 1944, at the urging of the United States Government's War Refugee Board, he was appointed a Swedish special diplomatic envoy to Hungary. Without regard for his own safety, Wallenberg went to Hungary and worked to save tens of thousands of Jews from Nazi death camps, primarily by issuing Swedish protective passports and establishing safe houses under Swedish diplomatic protection where Jews were able to find some protection from Nazi thugs. Wallenberg also is properly credited with saving as many as 70,000 lives when he stopped the bombing of the Jewish ghetto in Budapest by boldly threatening a Nazi general.

What makes Raoul Wallenberg's incredible heroism so tragic is the fate he suffered following his extraordinary exploits in Budapest. He was arrested by Soviet military officials on January 17, 1945, and disappeared into the shadowy, half-world of the Gulag. It is the ultimate irony that this man, who did so much for so many, suffered such a fate. That tragedy is further compounded by the uncertainty surrounding the ultimate fate of Raoul Wallenberg. In 1957, the Soviet Government issued an official statement that Wallenberg had died in 1947 from a heart attack. The Russian Government reaffirmed again in 1991 that he had died in 1947, but they provided no additional details or other confirming evidence.

Mr. Speaker, the stamp that is being issued today features a profile portrait of Wallenberg on the telephone. In the background, a group of Holocaust survivors looks over his shoulder. A Schutzpass, the protective passport document which he issued in an effort to save the lives of Jews destined for extermination camps, is shown in the upper left corner. Burt Silverman, the designer of the stamp, is an established artist whose work has appeared on the cover of the New Yorker magazine.

In recognition of his heroism, the U.S. Congress has recognized and honored Raoul Wallenberg on a number of occasions in the past, acknowledging the debt of the United States and all humanity to this great man. In 1981 the Congress enacted and President Reagan signed legislation I introduced making Wallenberg an honorary U.S. citizen. Wallenberg was the second individual after Sir Winston Churchill to be recognized by being made an honorary U.S. citizen.

In 1986 in cooperation with our former colleague Bill Lowery of California, we renamed the section of 15th Street, S.W., where the U.S. Holocaust Memorial Museum is now located, as "Raoul Wallenberg Place." In 1994, the Congress approved legislation to place a bust of Raoul Wallenberg on permanent display in the U.S. Capitol.

Whatever Wallenberg's fate, his heroic achievements remain a shining beacon in the darkest moment of human history. This hero of the Holocaust, whose heroism saved tens of thousands of lives, has achieved international recognition, respect, and admiration. People everywhere remember his courageous deeds in Budapest and the incalculable injustice of his incarceration in the Soviet Union. This recognition today—issuing a United States postage stamp in his honor—is only the latest appropriate tribute to this outstanding human being.

My wife Annette and I owe our lives to Raoul Wallenberg, an authentic hero of the Holocaust. In one of the tragic ironies of history, this man who saved tens of thousands disappeared into the Soviet Gulag. His deeds must never be forgotten. The commemorative Wallenberg stamp will help us remember this beacon of hope that shined in history's darkest moment.

INTRODUCTION OF THE DISASTER RELIEF TAX ACT OF 1997

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. HERGER. Mr. Speaker, today I am introducing the Disaster Relief Tax Act of 1997, a bill which will provide important relief to taxpayers affected by a Presidentially declared disaster.

Earlier this year, California experienced the worst flooding in State history. In the Sacramento Valley, levee failures on the Feather River, the Bear River, and the Sutter Bypass caused extensive flooding of over 80,000 acres in residential and agricultural areas. Nine Californians tragically lost their lives in these floods, and some 120,000 others were displaced from their homes. In total, the floods caused more than $1.6 billion in damage. A full 48 of the State's 56 counties were declared Federal disaster areas, including each of the 10 northern California counties that I represent.

Today, the newspapers are filled with more heart-breaking stories of incredible flooding—this time in North Dakota. We are once again reminded how easily lives and communities can be uprooted by the force of nature.

Unfortunately, for Americans who fall victim to such disasters, the problems they face don't necessarily subside with the waters. Inflexible tax law and undue administrative burdens often cause individuals added grief when dealing with the Internal Revenue Service. In the wake of these recent disasters, it is altogether appropriate that the Federal Government do what it can to help provide relief to these taxpayers.

The Internal Revenue Service, through regulations and other guidance, routinely extends many tax-related deadlines for disaster victims. However, many other deadlines are firmly set by law and the IRS is not permitted to extend them through administrative regulations. My bill will authorize the Secretary of the Treasury to extend these tax deadlines for a period of up to 90 days.

Taxpayer actions covered by this legislation include the filing of tax returns, the payment of taxes, and the filing of petitions with the Tax Court. Additionally, my bill would allow taxpayers to retain eligibility for any credits or refunds during the Secretary's prescribed extension period. All rights associated with this eligibility would also be extended, permitting taxpayers to file appropriate claims for these credits and refunds and to bring suit upon these claims.

Mr. Speaker, this problem of inflexible tax laws was highlighted by a recent IRS news release, dated March 12, 1997. In it, the agency announced that it had extended certain deadlines related to pension plans for taxpayers affected by federally declared disasters. However, it also listed a series of deadlines that the agency could not administratively extend because they are firmly set by law. My bill would grant the IRS the appropriate authority to extend any deadlines faced by taxpayers victimized by such disasters.

Mr. Speaker, this legislation also simplifies the process by which taxpayers establish their disaster losses for tax purposes. Often, as a result of a Presidentially declared disaster, individuals seek Federal loans or Federal loan guarantees to help them rebuild their homes or businesses. To obtain these loans or loan guarantees, taxpayers must have their property damage appraised by the Federal Government. Incredibly, however, these taxpayers may have to obtain an additional appraisal to establish the amount of their losses for tax purposes. I believe that this duplication is an unnecessary burden to impose on taxpayers who have already been victimized by disasters. Taxpayers should be allowed to use appraisals performed or authorized by the Federal Emergency Management Agency, the Small Business Administration, or other Government agencies to calculate their disaster losses. My bill explicitly authorizes the IRS to issue regulations or other guidance implementing this change, and I anticipate that this would be done promptly upon enactment.

Mr. Speaker, I believe that the Internal Revenue Service should have the appropriate authority to do what is fair. The Disaster Relief Tax Act of 1997 does just that. Americans who have already been victimized by floods, earthquakes, hurricanes, or other Presidentially declared disasters should not also be victimized by inflexible tax laws and undue administrative burdens. I urge my colleagues to cosponsor this important and much-needed legislation.

AFRICAN GROWTH AND OPPORTUNITY ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. CRANE. Mr. Speaker, I am pleased to join with so many of my colleagues today in reintroducing legislation intended to open a new era of trade and investment relations between the United States and the countries of Sub-Saharan Africa.

For more than three decades, the United States has supported a variety of foreign assistance programs designed to aid the countries of Sub-Saharan Africa. Unfortunately, traditional foreign aid alone will not lead to the level of economic development that we would all like to see on the African continent. In the long run, private sector investment and development must serve as the catalyst for Sub-Saharan African countries to compete in the global marketplace, to become self-reliant, and to raise the standard of living for their people. At present, however, there is no initiative underway to engage the countries in Sub-Saharan Africa as business partners through trade and investment.

I believe that we have an opportunity in the 105th Congress to fill this major gap in U.S. trade policy and in our relations with the region, which consists of a diverse set of 48 countries, many of which have undergone significant political and economic change in recent years. At this time, more than 30 Sub-Saharan African countries have taken steps, under the guidance of bilateral and multilateral donors such as the World Bank and the International Monetary Fund, to create the necessary environment to attract private sector investment. In addition, more than 25 nations in the region have held democratic elections since 1990.

Given the changes that are taking place in Sub-Saharan Africa, I believe that it is appropriate for us to shift our policy toward the region. In particular, we must reach out to the Sub-Saharan African countries which have instituted programs to put their economies on the right track; we want them to succeed in charting a new course for their future. I also must note the reforms underway in Sub-Saharan Africa present many new trade and investment opportunities for United States exporters and workers, particularly in the area of infrastructure development. The legislation I am introducing today is designed to bring our private sectors together by providing the necessary framework to open a mutually beneficial trade and investment dialogue between the United States and Sub-Saharan African countries.

The legislation being reintroduced today, the African Growth and Opportunity Act, calls for the negotiation of free-trade agreements with countries or regions in Sub-Saharan Africa that are taking appropriate steps to reform their economies. To help give momentum to these negotiations, and to focus greater attention on Sub-Saharan Africa by the United States private sector, the bill calls for the creation of a United States-Sub-Saharan Africa trade and economic cooperation forum. This forum will provide regular opportunities for policy leaders and heads of state to meet to discuss issues of mutual interest and to keep the trade negotiations on track.

In addition, the bill would extend the generalized system of preferences [GSP] program, which provides duty-free access to the United States market to imports of eligible items from developing countries, permanently for Sub-Saharan Africa. It also would allow the President to designate countries in the region as eligible for additional GSP benefits on products currently excluded from coverage by the program. Recognizing that textile and apparel products development could result in immediate job creation in Sub-Saharan Africa that would not threaten existing jobs in the United States, the bill also states that the administration should continue its "no quota" policy toward the region on these products.

As I again offer this legislation, I would like to take the opportunity to recognize significant contributions made to this initiative by two of my colleagues on the Ways and Means Committee, Congressman CHARLIE RANGEL and Congressman JIM MCDERMOTT, who worked with me throughout the past Congress to build a consensus. To initiate consideration of the issue by the 105th Congress, I have scheduled a hearing on this legislation in the Ways and Means Trade Subcommittee, which I chair, for Tuesday, April 29. I look forward to listening to the testimony that the subcommittee will receive that day and to continuing to work with my colleagues on a bipartisan basis to move this legislation forward.

IN HONOR OF "LET'S CELEBRATE"—MAKING A DIFFERENCE IN THE LIVES OF JERSEY CITY RESIDENTS FOR 15 YEARS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an extraordinary organization, "Let's Celebrate," which is committed to making a difference in the lives of the residents of Jersey City. Let's Celebrate's contributions will be recognized during festivities to be held at Casino in the Park Restaurant in North Bergen on April 25, 1997.

The mission of Let's Celebrate was born in 1981 when a small group of Jersey City clergy formed a coalition to combat hunger and homelessness. Their efforts decreased hunger and homelessness in Jersey City. This led to the incorporation of Let's Celebrate as a nonprofit organization dedicated to moving people from hunger to wholeness, in 1982. Jersey City residents have become the beneficiaries of the enormous commitment and compassion of the visionaries who founded "Let's Celebrate."

The original mission of Let's Celebrate has been greatly expanded over the past 15 years. The first turn in the road toward self-sufficiency, paved by the efforts of this organization, was the Emergency Food Network, a collection of food pantries focused on meeting the emergency food needs of both individuals and families. Within a short period of time, the need for prepared meals became obvious, due to the number of clients served by Let's Celebrate who did not have access to cooking facilities. Thus, The Square Meal Soup Kitchen was established on December 7, 1983, a day which will long be remembered by those who have since passed through their doors. Initially located at St. John's Reform Church on Fairview Avenue, The Square Meal moved to Christ Church United Methodist in Journal Square, where it remained until July 1991 when it then relocated to its original, and current, home at St. John's Reform Church.

Later, Let's Celebrate's goal to reduce hunger expanded to include job training. With a major grant from United Parcel Service, as well as additional financial support from Philip Morris, the Job Power program was born. This training program in the culinary arts has graduated 85 students ready to be productive members of the work force. In 1995 Let's Celebrate instituted the Housing Plus program to assist individuals with special medical needs. This invaluable program enables clients to receive medical case management along with help on housing issues. Another service provided by Let's Celebrate is the G.E.D. program located at the Square Meal Community Center, providing area residents the opportunity pursue a high school diploma.

It is an honor to have such an exceptional organization working in my district benefitting the underprivileged of Jersey City. Let's Celebrate has helped enhance the meaning of community service.

TRIBUTE TO PYRAMID ACADEMY IN MEMPHIS, TN

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. FORD. Mr. Speaker, I rise to praise the achievements of the students, faculty, and the principal of Pyramid Academy in Memphis, TN. Pyramid Academy is an alternative school serving teen mothers and children with behavioral problems. Most of the students at Pyramid come from a world of obstacles and disadvantages. Many of them have been thrown off track by poor choices or a lack of direction.

As its name symbolizes, however, the Pyramid Academy, is giving these young men and women the building blocks they need to rise to the top. The school administrators transformed the way they educate and rehabilitate their students. They moved away from a punitive approach toward a holistic one, focusing on dropout prevention, personal development, responsible parenting, and achievement. Before this transformation, police walked the halls, and in the words of the principal, the school was nothing more than "a holding tank."

Those who doubt or question the power of placing high expectations and standards on our students, need only look to the example set by Pyramid Academy. As evidence, five young ladies from Pyramid Academy won first place in the African-American Knowledge Bowl, sponsored by the Memphis City Schools. I would like to include the names of the Grand Champion Knowledge Bowl team and ask the House of Representatives to join me in honoring their achievements: Meisha Harris, Tamika Williams, Edwina Jefferson, Cortisa Thomas and Alicia Currie. These young women are sources of inspiration for the House of Representatives. They are my heroes. I would also like to include, in the CONGRESSIONAL RECORD, a newspaper article chronicling their achievement.

[From the Commercial Appeal, Apr. 17, 1997]

ALTERNATIVE SCHOOL PROMOTES ACHIEVEMENT

(By Regina L. Burns)

A 25-year Memphis City Schools educator, John White, is finding that expelled and board-suspended students, along with teen parents, can be motivated to achieve using high expectations instead of the police and corporal punishment.

White, principal at Pyramid Academy for seven years, points to his school's recent championship at the sixth annual African-American Knowledge Bowl as proof of his philosophy.

"It just made me feel so good. I was just bubbling up with joy," proclaimed White, 53, who pushed for the alternative school's name change from Comprehensive Pupil Services Educational Center.

The April 7 competition at the National Civil Rights Museum was sponsored by the Memphis City Schools Adolescent Parenting Mental Health Team, said Sherry Hardy, a school social worker in the Adolescent Parenting Program.

"The schools that participated are involved in our Rites of Passage effort," explained Hardy. The Rites of Passage program is designed to help young African-American men and women with development and responsibilities as they move toward adulthood.

Dr. Theresa Okwumabus, supervising psychologist for the Adolescent Parenting Mental Health Team, initiated the Knowledge Bowl and the Rites of Passage program. She said, "The students interacted in a positive way with other children and experienced success in knowing about their culture and their history."

Five students from Pyramid Academy helped bring home the trophy. They are 11th-grader Edwina Jefferson, ninth-grader Alicia Currie, 12th-grader Mlesha Harris, ninth-grader Cortisa Thomas and 11th-grader Tamika Williams. Their teacher is Erma Sanders, a social studies instructor.

The second-place winner is Chickasaw Junior High. Raineshaven Elementary captured third place. Other finalists were Caldwell Elementary, Ida B. Wells Academy and Whitehaven High school, according to Hardy.

"I'm an advocate for having an alternative school in every school. When I came here, this was a holding tank. We changed the name. We got rid of the police. We don't need the police. I think it sends the wrong message," explained White.

He said his school has its share of difficulties but they are minimal. Each morning students and faculty gather at a "daily briefing."

"We reiterate our expectations on a daily basis. We ask any student who feels like rappin', tappin', singing or cursing to come down front. If anyone has had any difficulty, we have someone for them to talk to," he said.

IT'S TIME FOR BILLBOARDS TO PAY THEIR FAIR SHARE

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing the Billboard Fair Share Act, legislation that would levy a 15 percent tax on the revenue from billboards and direct that money to help pay for our transportation system.

The billboard industry benefits as much as any other industry from our National Highway System. In fact, the industry even charges customers according to the number of cars that pass by the billboard on a given day. Despite its reliance on taxpayer-funded roads, the billboard industry contributes nothing to the construction and maintenance of our Nation's roads. It is time that the billboard industry paid its fair share.

The Billboard Fair Share Act would levy a tax on each billboard of 15 percent of gross revenues generated from the billboard. This is the same amount that billboard companies usually pay a property-owner for the right to construct and maintain the billboard on the property-owner's land. The revenue generated from this tax would be divided between surface transportation and funding for enhancement projects under ISTEA. In both cases, it would be used to improve our national system of roads.

As Congress works to reauthorize ISTEA while balancing the budget, it is important that we ensure that all road users contribute to providing transportation funding. While the billboard industry may not be a traditional road user, it is equally clear that they directly benefit from road construction. In fact, the billboard industry is entirely dependent upon roads.

All highway users must be willing to help build and maintain our Nation's roads. It is time for billboards to pay their fair share.

SUPPORT FUNDING FOR SAN PEDRO CREEK WETLANDS RESTORATION AND FLOOD CONTROL PROJECT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. LANTOS. Mr. Speaker, I rise today in strong support of the President's 1998 budget request for the U.S. Army Corps of Engineers. As you know, the Army Corps of Engineers is responsible for the planning, design, construction, operation, and maintenance of important flood control projects around our Nation. I urge continued support for full funding of the Continuing Authorities Program which will ensure that important flood control projects around our Nation can proceed on schedule. Full funding will also ensure that there will be no delays in construction of projects that have already been started.

Mr. Speaker, I recently presented testimony to the House Appropriations Subcommittee on Energy and Water Development regarding two local issues important to residents of the San Francisco Bay area. I respectfully request that my testimony appear in the RECORD for the benefit of my colleagues in the House.

TESTIMONY OF CONGRESSMAN LANTOS BEFORE THE HOUSE APPROPRIATIONS SUBCOMMITTEE ON ENERGY AND WATER DEVELOPMENT

March 31, 1997

Mr. Chairman, I appreciate the opportunity to present testimony to your Subcommittee as you begin to consider the Energy and Water appropriations bill for fiscal year 1998. We in Congress face difficult challenges and painful choices as we work to reduce the federal budget deficit. I applaud your record in this area and you can count on my continued support of serious efforts to cut wasteful spending. I am delighted to present information regarding two projects important to my community which fall under your Subcommittee's jurisdiction and to urge your continued support for these significant projects.

As you know, the Congressional district that I represent is geographically unique and diverse. My Congressional district comprises the San Francisco Peninsula which is home to the residents of the City of San Francisco and northern and central San Mateo County. The Peninsula is flanked by the Pacific Ocean to the West and by the San Francisco Bay to the east. Steep coastal mountains run up the middle of the Peninsula.

To the east of these mountains are the densely populated cities of San Mateo County which are located along the San Francisco Bay. The Bay front itself consists of the San Francisco International Airport, Candlestick Park, light industry, salt flats and the Port of Redwood City. Residential neighborhoods and commercial areas lie between the Bay front and the mountain ridges. To the west of the mountains, which follow the San Andreas fault, are the coastal communities of San Mateo County, including Pacifica, which lie on the Pacific Ocean.

The City of Pacifica is located a few miles south of the City of San Francisco. It is surrounded by the Central Coast Ranges and by the Pacific Ocean. City limits include three ridge systems and their adjacent valleys and hillsides, set against a coastline of beaches and rugged headlands. San Pedro Creek has the largest drainage area and flows four miles through the narrow San Pedro Valley and the Linda Mar District to the Pacific Ocean. Linda Mar is the most populous of several seaside communities in Pacifica. This area has experienced numerous floods in recent history with flood damage occurring mostly in the lowest reaches of the creek.

San Pedro Creek has historically flooded on a 10-year cycle. The mountains and hills around San Pedro Valley are steep and rainfall and runoff can be rapid and intense. Currently, the lower reaches of the San Pedro Creek channel can contain within its banks, at maximum, an 8- to 10-year runoff event. The last major flooding occurred there in 1982 when more than 300 homes were flooded and more than $5 million of damage occurred.

The City of Pacifica has been working closely with the US Army Corps of Engineers for more than 15 years in developing a flood control project to provide 100 year flood control protection in the Linda Mar Valley. A number of plans were originally proposed, but were stalled due to lack of funding and environmental concerns. Two alternative projects were considered as possible solutions to the flood problem. However, due to environmental concerns and prohibitive mitigation requirements associated with either alternative, a third alternative was developed by the City and residents in the community. This alternative would consist of a diversion structure, an underground bypass channel, a floodwall, and the creation of a wetland-flood basin.

The City and the Corps now propose to restore the tidally-influenced, freshwater wetlands associated with the lower reach of San Pedro Creek to provide flood control in the Linda Mar District of Pacifica. The restoration design as proposed will restore 10.1 acres of one of the rarest wetland types on the Pacific coast of North America. The project will also enhance a significant fisheries resource, i.e., a steelhead (Oncorhynchus mykiss) run, and restore wildlife habitats for migratory waterfowl and other associated wildlife.

Mr. Chairman, the San Pedro Creek Wetlands Restoration and Flood Control Project is truly a local and federal government partnership model. As of March 1997, the federal government has invested over $600,000 toward the development of a solution to flooding problems in the Linda Mar district of the City of Pacifica. The City of Pacifica has contributed $537,000. These funds have been used to complete the planning phases of study for the proposed project. In order to complete the project, a final design phase will be required. This will be followed by acquisition of real estate by the City and construction of the project. The City plans to invest $13 million in real estate acquisition and $475,000 in design and construction. The Federal contribution for design and construction is estimated to be only $4.425 million.

Mr. Chairman, I would like to provide you with an update on the future actions that are necessary to complete this very important and much-needed flood control project. The technical analysis is essentially complete for the San Pedro Creek flood Control feasibility study. Completion of the Environmental impact Statement Report (EIS/R) and main report is contingent upon receipt of the US Fish and Wildlife Service biological opinion regarding the potential impact on the recently listed California red-legged frog. Recent communications with the Fish and Wildlife Service indicated no significant changes to the proposed design will be required. The Feasibility Study and EIS/R is expected to be completed in Spring 1997. It is expected that the initial plans and specifications will be completed in the Summer of 1997. Construction is expected to commence in FY 1998.

Mr. Chairman, during the recent series of devastating storms and floods in the West and in California this winter, residents in Linda Mar received alarming warning notices from the City of Pacifica urging them to prepare to evacuate their homes. Fortunately, residents were spared the heaviest and most devastating rains of these storms and San Pedro Creek did not flood. History tells us, however, that it is only a matter of time until the next flood. It is imperative that we provide funding for flood control before the next significant flood. I urge the full funding of the San Pedro Creek Wetlands Restoration and Flood Control Project.

Mr. Chairman, I would like to address another project in my region over which your Subcommittee has jurisdiction. Although the Port of Redwood City is no longer in my Congressional district (due to redistricting in 1992), the continued success of the Port nonetheless does have an impact on the economy of the region.

As you know, due to the shallow nature of San Francisco Bay, maintenance dredging of the Bay is necessary to ensure safe navigation of ocean-going ships. The Port of Redwood City currently has an authorized depth of 30 feet. It is currently on a 3-year dredging cycle to maintain this authorized depth. The most recent maintenance dredging of Redwood City Harbor was completed in September 1996 to 30 feet. The next maintenance dredging is scheduled for March 1999.

There is concern that the new, larger vessels which call on the Port require more than 30 feet of draft. These vessels are forced to light load and top off at other ports—significantly adding to the cost of calling on the Port. There is concern that this will significantly reduce the commercial viability of the Port. I urge you to support a reconnaissance study to determine the federal interests, costs, benefits and environmental impacts of deepening Redwood City Harbor.

Thank you, Mr. Chairman, for your support and for the opportunity to provide you with information concerning these important projects.

IN HONOR OF LA TRIBUNA NEWSPAPER: CELEBRATING 35 YEARS OF DEDICATED SERVICE TO NEW JERSEY'S HISPANIC COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to recognize a truly special occasion, the 35th anniversary of La Tribuna newspaper. This momentous event in my State's journalism community will be recognized at a gala banquet to be held Friday, April 25, 1997, at the Fiesta Restaurant in Wood-Ridge, NJ.

In 1962, large numbers of Hispanic immigrants began relocating to New Jersey. At that time, few newspapers were being published in their native language. La Tribuna was one of the first news sources committed to keeping the Spanish-speaking community in touch with its government and the rest of the world.

For 35 years, La Tribuna has shone light on daily events affecting the Hispanic community. Part of the foundation of the U.S. Constitution is freedom of the press. La Tribuna brings this ideal to life for the Hispanic community on a weekly basis through the paper's commitment to truth and fairness. Whenever and wherever news happens, La Tribuna is at the forefront of articulating events in a concise, no-nonsense manner.

Under the direction of publisher and editor Ruth Molenaar, La Tribuna has grown to be a well-respected member of New Jersey's news community. The people of my district, and New Jersey are fortunate to have Ms. Molenaar and her staff, including Lionel Rodriguez, providing fair and accurate news coverage. They have been a reliable voice for the Hispanic community for almost two generations.

It is an honor to have La Tribuna operating in my district. Its efforts have helped our Nation's Hispanic community to blossom and flourish. I ask that my colleagues join me in applauding this remarkable organization for all it has done for the Hispanic community.

TRIBUTE TO DAVID BROWN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor David Brown who this week was named Citizen of the Year by the Las Virgenes Homeowners Association. Mr. Brown has been an outspoken advocate in our community for 25 years, and recognition of his good work is long overdue.

Mr. Brown has used his multitude of talents to work in areas as diverse as teaching, writing, publishing, and as a planning commissioner and citizen activist. Fortunately, he has seen fit to use his talents for the greater good of our local community. Dave brings to his work a rare blend of expertise and a tireless spirit of volunteerism. Although he has given freely of his time and resources to many worthy causes, his top priority has always been protection of the Santa Monica Mountains.

His dedication to protect the Santa Monicas is unparalleled. He has played various roles in his effort to protect the mountains, from serving on the Santa Monica Mountains Comprehensive Planning Commission Advisory Committee, the Sierra Club's Santa Monica Mountains Task Force, and the Santa Monica Mountains Trails Council Board. Dave has done extensive work on monthly newsletters which served to defend the mountains from over development.

Mr. Brown has indeed been a lifelong steward of the Santa Monica Mountains, ensuring that this natural sanctuary will be available for generations to come.

HELP CLEAN UP OUR HIGHWAYS

HON. JOHN LEWIS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. LEWIS of Georgia. Mr. Speaker, today I am introducing the Visual Pollution Reduction Act, legislation that would reduce the clutter of billboards along our Nation's roads and highways.

Today, Scenic America released a report entitled "The Highway Beautification Act—A Broken Law." The report detailed how, despite the Highway Beautification Act, the number of billboards along our Nation's highways has continued to grow. Each year 5,000 to 15,000 additional billboards are built. Billboards that do not conform to States and local zoning ordinances continue to clutter our Nation's roads. In addition, State highway departments subsidize the billboard industry by operating permitting programs that lose money and use taxpayer funds to cut down trees to improve billboard visibility.

Billboards destroy the scenic beauty of our countryside and the architectural beauty of our inner cities. Billboards sell liquor and cigarettes to our Nation's children, especially in inner-city neighborhoods and poor communities. Billboards are visual pollution.

For this reason, I am introducing the Visual Pollution Reduction Act. This bill would prohibit new billboards in unzoned, rural areas. It would place a cap, at the current level, on the total number of billboards permitted in a State. And, it would prohibit States from removing trees and other vegetation to make a billboard more visible.

The Highway Beautification Act is broken. We must fix it. I hope that Congress will do the right thing and pass the Visual Pollution Reduction Act. America's highways would be visibly improved.

WEST CHESTER UNIVERSITY'S 125TH ANNIVERSARY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. WELDON of Pennsylvania. Mr. Speaker, I would like to take this opportunity to salute my alma mater, West Chester University, on the occasion of its 125th anniversary. On September 25, 1871, Principal Ezekiel Cook welcomed the first class of students to West Chester University, then known as the West Chester Normal School. Since that first year when the Normal School was made up of only 156 students, the principal, and 11 faculty members, West Chester University has blossomed and expanded as a provider of quality education for today's young people.

Today, more than 10,000 undergraduate students and nearly 2,000 graduate students are enrolled at West Chester University, receiving an affordable quality education. In fact, West Chester University is now the second largest of the institutions that make up Pennsylvania's State system of higher education.

The university offers these students a wide variety of educational opportunities, including degrees in the arts and sciences, teacher training and certification, continuing education classes for adults, and advance study in medicine, law, and education. In fact, I am so convinced of the superior educational offerings of my alma mater that I didn't hesitate when two of my three daughters told me that they wanted to attend West Chester University.

Mr. Speaker, I am proud to be a graduate of this fine institution. I am confident West Chester University will continue to bring a high-quality education experience to the community as well as the entire Delaware Valley. I know my colleagues join me in congratulating West Chester University on 125 years of excellence in education.

IN THE HONOR OF THE 75TH ANNIVERSARY OF THE KIWANIS CLUB OF NORTH HUDSON, INC.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to a truly altruistic organization, the Kiwanis Club of North Hudson, Inc., as it celebrates the 75th anniversary of its charter which was signed on March 1, 1922. This milestone in the history of the North Hudson, New Jersey area will be remembered at a gathering on April 26, 1997 at Louis Restaurant in Union City.

Kiwanis Clubs throughout the United States have a long history of service to their communities. The Kiwanis Club of North Hudson is certainly no exception. Over the past 75 years, the men and women of this organization have endeavored to make the lives of area residents a little brighter through their selfless dedication to those in need. Their commitment to excellence was cemented with the dedication of Kiwanis Plaza on September 27, 1994, located on Bergenline Avenue in Union City.

The Kiwanis Club of North Hudson has made a profound impact on the lives of community members fortunate enough to have benefited from its charitable endeavors. Municipalities throughout the area have seen their residents obtain scholarships and other financial assistance through funds raised by the devoted members of this group. The kind efforts of Kiwanis Club members will long be remembered.

The diamond anniversary of the Kiwanis Club of North Hudson celebrates the extraordinary contributions of the club's living past presidents. A roll of presidents will take place, where all members will be honored for their unique contributions to the history of this exemplary organization.

It is an honor to have a notable organization such as the Kiwanis Club of North Hudson serving the residents of my district. It is a shining example of community service at its best.

DEDICATION OF HERMAN TALMADGE HIGHWAY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. COLLINS. Mr. Speaker, I rise today to pay homage to a former distinguished member of the U.S. Congress. I speak of Herman Eugene Talmadge, U.S. Senator from the State of Georgia, former chairman of the Senate Agriculture Committee and vice chairman of the Senate Finance Committee. On Wednesday, April 23, 1997, I had the honor of delivering the keynote address at the dedication of the Herman Talmadge Highway in Hampton, GA. I wish to enter those remarks into the CONGRESSIONAL RECORD in honor of Senator Herman Talmadge.

U.S. REPRESENTATIVE MAC COLLINS, ON THE DEDICATION OF HERMAN TALMADGE HIGHWAY, HAMPTON, GA, APRIL 23, 1997

It is not only a privilege but a pleasure to be here today with so many of Georgia's past and present leaders to honor a special man. I want to extend a special thank you to Agriculture Commissioner Tommy Irving for acting as our Master of Ceremonies today and also to my good friend Rogers Wade who was responsible for organizing this wonderful event. As many of you know, Rogers was the Chief-of-Staff to our honoree for many years. Rogers took the lessons he learned from him to become one of Georgia's premier governmental specialists.

I also want to recognize my friend Wayne Shackleford. His leadership as Commissioner of Transportation has given Georgia one of the best highway systems in the nation. And last, but certainly not least, I know all of you will join with me in thanking the Honorable Zell Miller, Governor of the Great State of Georgia, for the outstanding job he has done over the past six years.

Governor, the legacy you will leave includes a state that is recognized as a leader in helping people move from welfare rolls to payrolls; a state that provides a better education for our children; and a state that is responsible and accountable to its citizens. For this, we owe you our gratitude.

I know that you, as well as everyone here today, has admired the man we are here to honor. His distinguished career has included serving his nation as a Naval officer during World War II, as Governor, and a United States Senator. The Honorable Herman Talmadge, a son of Georgia. While Herman Talmadge rose to great heights in our nation's government, he never forgot where he came from or whom he represented.

Herman Talmadge has always been the champion of rural America. During his long career as a public servant, he stood for every American who has farmed an acre of land or run the family-owned business found in small towns across rural America. He worked for all Americans who worked with their hands and their backs to earn an honest living and provide a home for their families.

Herman Talmadge knows these people. But more importantly, he genuinely cares for them. He was born and raised in rural McRae, Georgia, where the majority of people made their living by farming, or operating or working for small businesses located around the town square. He lived what many people only talk about today—family values, love of God and Country, community service, and the pride and rewards of work.

His love of politics and the desire to help the people came naturally. His father, Gene Talmadge, was elected Governor of Georgia four times. Following his graduation from the University of Georgia School of Law, a young Herman Talmadge was tapped to run his father's campaign for the United States Senate. Gene Talmadge lost to the incumbent Senator but went on to win his third term as Governor two years later. And his son was right there with him. Herman Talmadge gained valuable hands-on experience and state-wide contacts that would serve him well in the years to come.

Following the campaign, he joined the United States Naval Reserve and was commissioned an ensign. During World War II, his bravery and courage were demonstrated time and again as he requested transfer from state-side duty to the Pacific theater. There, he took part in the invasion of Guadalcanal, the battle of Okinawa and other encounters with the Japanese Fleet. On V–J Day, Lieutenant Commander Herman Talmadge entered Tokyo Bay with the U.S. Navy forces.

After the war, he returned home and managed his father's last campaign. In 1946, the Honorable Gene Talmadge was elected to his fourth term as Governor of Georgia. But prior to taking office, the Governor-elect passed away. The vacancy left by the death of Gene Talmadge resulted in what can only be called an "interesting" political situation in Georgia. Herman Talmadge was elected by the Georgia House of Representatives to fill the term won by his father. But the incumbent Governor and just-elected Lieutenant Governor also claimed the chief Executive's office. Eventually, the State Supreme Court ruled in favor of the Lieutenant Governor.

In 1948, Herman Talmadge left the shadow of his famous father and launched his own political career by running for the office his father had won four times. He campaigned on issues that were the hallmarks of his career in the Governor's office and the United States Senate. When he won, he carried through on his promises to help the rural areas of Georgia.

As the nation's then youngest Governor, Herman Talmadge launched a campaign to modernize his state. He built roads and bridges to link the vast stretches of rural Georgia. He built hospitals in rural areas where there were none before. These facilities brought health care to an entire class of people who had little or no access to medical care. The new Governor deeply believed in education. He built new schools for our children and dedicated a portion of the sales tax to increasing teacher salaries.

But no matter what projects Gov. Herman Talmadge built or what programs he implemented, he did so only if the State of Georgia could afford them and pay for them. He was a deficit hawk long before that term became popular.

In 1956, he won a seat in the United States Senate where he continued his work—only now it was for all Americans. As Chairman of the Senate Agriculture, Forestry and Nutrition Committee, Senator Talmadge was responsible for the passage of many laws that revitalized rural America and greatly improved the quality of life for all our citizens. As his former Senate colleague, Robert Byrd of West Virginia, so eloquently stated in 1980, the legislation crafted by Herman Talmadge is the "blueprint for the entire structure of our agricultural, rural development and nutrition policies."

Senator Talmadge believed that no child or adult should go hungry in a country that produces enough food to feed the world. But he saw poverty and hunger in many areas of our nation. He saw men and women, parents and families fighting to make a living in rural areas that were losing population and business to the cities. He also saw that same hunger and poverty in the faces of those who had migrated to the cities to try and better their lives and the lives of their families.

To combat this tragedy, Senator Talmadge authored legislation to ensure no American would go hungry. He wrote the law establishing the school lunch program. He helped to develop the food stamp program for needy individuals and families. At their inception, Senator Talmadge ensured these programs would help those who needed the help. He also believed that these programs should help those who helped themselves. Herman Talmadge was raised with a strong work ethic and he supported provisions to the law that able-bodied people should work for these benefits. Senator Talmadge did not want federal assistance to become a way of life for any American.

Senator Talmadge created an Agriculture Subcommittee to focus on the problems and opportunities of rural America. Through his leadership, Congress passed legislation that provided low interest loans to local governments for sewers, water treatment plants and health facilities. He also worked to pass legislation providing industrial development loans to local governments which they used as "seed" money to attract industrial projects to rural areas. I would like everyone here to note the fact that these programs were not federal "give-aways." The money provided to local governments and rural communities was paid back to the federal treasury—with interest.

As I have pointed out, Senator Talmadge has always been a guardian of the people's money. As a member of the powerful Senate Finance Committee, he supported legislation to eliminate fraud and abuse in the Federal Medicare and Medicaid programs. Senator Talmadge saw early on the potential costs of these programs to American taxpayers and worked to bring accountability to them.

I think it is appropriate we note that Senator Talmadge firmly believed that the federal government, like its state counterparts, should balance its budget every year. He supported a 1973 Constitutional amendment to prohibit the federal government from spending more than it took in—except in a Congressionally declared national emergency. In

1976, Senator Talmadge introduced a resolution calling for a balanced budget. He said that continued unrestricted spending would bring the nation to bankruptcy.

If Congress had heeded the wisdom of Senator Talmadge and acted upon his budget proposals, America's government and economy would be more financially secure. We who serve in Congress today, are working to enact the legislation proposed by Herman Talmadge over twenty years ago. We are working to balance the federal budget. We are working to save Medicare and Medicaid from the fraud and abuse that drains its precious financial resources. We are working to see that our children and grandchildren can grow up in an America that allows them to achieve their dreams.

Senator Herman Talmadge was a giant among giants in the United States Senate. He counseled Presidents and world leaders. He crafted and helped to pass legislation that has enhanced and enriched the lives of all Americans. And let none of us forget, Herman Talmadge and his colleagues also made our country strong in the face of communist aggression. Their courage in facing that threat allowed the United States to finally win the cold war and make our world a safer place to live.

For three decades, Herman Talmadge served Georgia and America. But he not only served, he led. That is the mark of a great public servant. And while Herman Talmadge achieved great power and success, he tempered it with grace, wisdom, compassion and a love for the people who elected him to high office.

We all owe Senator Talmadge our appreciation and our gratitude for dedicating his life to public service. He touched the lives of every Georgian and millions of Americans. He is truly a special man and he is very special to me. Thank you and God Bless you Senator.

THE WORKERS MEMORIAL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. VISCLOSKY. Mr. Speaker, tomorrow, April 25, 1997, the officers and delegates of the Northwest Indiana Federation of Labor, AFL–CIO, will hold their 23d Annual Labor Awards and Community Service Banquet at the Knights of Columbus Hall in East Chicago, IN. This event honors those individuals who have provided outstanding service to labor and the community. It also serves as the Federation's "Workers Memorial", activity recognizing those who have been seriously injured or killed in the workplace. This event is northwest Indiana's largest labor celebration of the year, involving 45,000 member unionists and their friends. Participants will gather together to celebrate an evening of labor solidarity.

The Federation's highest honor, the 16th Annual President's Award, will be bestowed upon the Honorable Robert A. Pastrick, mayor of the city of East Chicago. This honor is awarded to an individual enhancing the well being of workers throughout northwest Indiana by countless contributions which have furthered the philosophy of the labor movement. In addition, Mr. John Buncich, Lake County sheriff, will be this year's recipient of the annual Service to Labor Award. This award is presented in honor of an individual's dedicated service and support to the labor movement. The Federation's Community Services Award will be presented to Mr. Ed Hiatt for offering both organized labor and the people of northwest Indiana dedicated leadership, compassion and service. Mr. Hiatt assisted with various Federation of Labor projects, including union counseling and the AFL–CIO Christmas Drive.

In addition, two members of the Steelworkers Organization of Active Retirees [SOAR], Mr. John Mayerik, age 89, and Mr. Walter Mackerel, age 96, will be honored with the "Old Warrior" Award. This award is presented in recognition of the recipients' lifelong commitment to the labor movement and the principles which it embodies. Specifically, Mr. Mayerik served as president of Local Union 1014 and staff representative of the United Steelworkers of America. Presently, he is serving as trustee of SOAR Chapter 7–31–14. Mr. Mackerel actively served Local Union 1066, and he was instrumental in establishing and leading the retiree organization in District 7 of the United Steelworkers of America. Both gentlemen have unselfishly devoted their time and effort to assisting both individuals and the communities in which they live for a number of years.

Also, the Federation's Union Label Award will be presented to the United Steelworkers of America, District 7. District 7 will be awarded this honor for demonstrating the true meaning of labor "solidarity" during the Bridgestone Firestone labor struggle. USWA, District 7 has been attributed with providing the leadership and commitment needed to win this fight for labor, as well as revitalizing the entire labor movement in northwest Indiana.

Each year, the Lake and Porter County area United Ways join with the Northwest Indiana Federation of Labor, AFL–CIO, to conduct an 8-week basic union counselor training course. Upon completion of this program, those participating will be qualified to provide the labor community with invaluable information concerning available health and human services assistance. This year's counselor course participants will each receive a certificate of achievement at the awards banquet. They include: Jack Atwood, James Dilbeck, and Bruce Foreman from UAW #2335; William J. Brady and John F. Martinez from Carpenters #1005; David Brock and Andrew Cummins from Boilermakers #524; Duke Deflorio and Mike Winarski from Carpenters #599; James Dilbeck and Bruce Foreman from UAW #2335; Denise Drake, Lillian Garth, and Linda Shedrow from Consumer Credit C.S.; Hilario G. Gonzalez from USWA #1010; Jon L. Iglar and Herbertine Peck from AFSCME #1448; Jack Joyce, Robert Milsap, and Lon C. Powe from USWA #1014; Andrew J. Kremke and Joaquin Lopez from Teamsters #142; Lee Lynk, UAW 3235; Jessica Morris, Community Representative; Thomas Parker from USWA #1066; and Isacc R. Rosado from USWA #2281.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending all of the award recipients chosen by the Northwest Indiana Federation of Labor, AFL–CIO, for their contributions to the labor movement. Their devotion to this cause has made America work.

INTRODUCTION OF TWO MAJOR EDUCATION BILLS

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. CLAY. Mr. Speaker, today I am introducing two major education bills that address both elementary and secondary, and higher education.

Last week I cosponsored President Clinton's Hope Scholarship proposal because I support the President's commitment to help parents finance their kids' education. Admittedly, I have concerns that the President's plan does not provide enough assistance for low-income families.

My view is that the most fair and effective way to improve college access and affordability for low-income families is through strengthening the Pell Grant program. That is why today I will introduce the College Access and Affordability Act of 1997.

As the chart to my immediate right illustrates, the value of Pell Grants has substantially decreased in recent years. In current dollars, the value of the maximum Pell Grant was over $4,000. Sadly, it is only $2,700 today. Our bill increases the maximum Pell Grant through mandatory spending to $3,300 for fiscal year 1998, and $300 a year thereafter, through fiscal year 2002. The net effect of the fiscal year 1998 increase would be that 3.6 million additional students would receive an increase of up to $600, and an additional 215,000 families would become newly eligible for Pell.

My bill contains a number of other very important features including elimination of student loan origination fees, loan forgiveness for students who take teaching jobs in low-income public schools, and extension of special rules afforded historically black colleges and universities with regard to participation in student loan programs, and also included in here is a change to the Pell needs analysis that will help older, independent students and students working their way through college.

My second proposal addresses the growing movement in local communities to recognize that some of our public schools need renewal. Those pushing vouchers are capitalizing on growing parental anxiety about their children's education. As a supporter of public schools, I am not content with just saying no to vouchers. Therefore, the second bill I will introduce today is the Public Schools Renewal and Improvement Act of 1997. Here are some of its key features: A local consortium, composed of the local educational agency and a group of parents, students, representatives of teachers and school employees, community and business leaders and others, may submit a request to the President for a declaration that a major public schools renewal effort is underway in that community.

As part of its request, the consortium must prepare and submit a 3-year locally inspired public schools renewal plan that spells out specific details concerning the consortium's commitment to public school renewal in such areas as parental involvement, training of teachers, administrators and counselors, technology enhancements, school and classroom safety, and truancy and drop-out prevention.

The President, along with the Secretary of Education, may approve the consortium's request for assistance and may direct various types of Federal assistance, including not just dollars, but also equipment, infrastructure improvements, et cetera.

My bill is a 3-year effort and I am requesting $750 million for the first and second years. I intend to pursue passage of both bills at every opportunity, including work on the budget and higher education reauthorization.

THE COLLEGE ACCESS AND AFFORDABILITY ACT OF 1997 BILL SUMMARY

Increases Pell Grants. The bill increases the maximum Pell Grant through mandatory spending to $3,300 for FY 1998, and $300 a year thereafter through FY 2002. The FY 98 increase would make over 3.6 million students eligible to receive an increase of up to $600 and make an additional 215,000 families newly eligible for Pell grants.

The value of Pell grants has substantially decreased in recent years as appropriation levels have lagged behind increases in college costs and authorization levels. Ten years ago, Pell grants covered an average of 55 percent of a student's college costs at a public university. Today, it covers less than 40 percent. The bill will greatly enhance access and affordability to millions of low income students pursuing higher education.

Eliminates Student Fees. Student origination fees are reduced from 3 percent to 2 percent on July 1, 1998; to 1 percent in 2000; to zero after January 1, 2002. The current 1 percent insurance premium is eliminated on July 1, 1998. These savings will provide significant benefits to all students, and will provide additional funds to borrowers up front, at the time the loan funds are needed to pay for the cost of attendance.

Provides Loan Forgiveness for New Teachers. The bill allows new teachers in Title 1 school with a high concentration of poor students (30 percent) to have their Direct or FFEL loans forgiven. Eligible teachers would have 15 percent of their loans forgiven in the first and second years of teaching; 20 percent in the third and fourth year; and 30 percent in the fifth year. The amount of the loan forgiveness is not considered "income" for purposes of the Internal Revenue Code.

Helps Older, Independent Students and Dependent Students. The bill proposes substantial improvements in the way financial need is established for disadvantaged independent students who do not have dependents other than a spouse. The bill increases the living offset (the amount of income allotted for the student's living expenses) for single students (and married students if both are enrolled in college) from $3,000 to $6,000, and $9,000 for married students where one is enrolled. The allowance is adjusted for inflation in future years. The bill also increases the dependent student earning allowance from the current level of $1,750 to $4,200. The current earning allowance is too low and is a disincentive to student employment. The change helps a category of low income students who were adversely affected by the 1992 higher education reauthorization.

Protects Historically Black Colleges and Universities. The bill extends the date (to October 1, 2002) that HBCU's with high default rates are exempted from disqualification in student loan programs. Without the exception, the Department's default prevention policies will have an adverse effect upon 4 year colleges and universities which serve large percentages of minority students.

Reduces Interest Rates for Unsubsidized Loans. The bill reduces the applicable interest rate on all subsidized and unsubsidized FFEL and Direct Loans during in-school, grace, and deferment periods to the same rate as the Department of Education's own borrowing rate, although the interest rates would be capped at the same levels as current law. The change will reduce Federal costs by reducing excess profits to lenders during times when there are few servicing costs associated with subsidized loans, but the highest profit margins.

Guaranty Agencies and Lenders. The bill proposes a number of changes to the FFEL guaranty agency system in recognition that these State and private nonprofit entities are not the ultimate guarantors of FFEL and act only as administrative agents of the Federal government. Because the Federal government is the sole insurer of FFEL loans, the Secretary would undertake the obligation to pay lenders directly using his agents and recall guaranty agency reserves over the next five years, saving some $2.5 billion.

To address structural deficiencies that hamper default prevention activities, guaranty agencies would be authorized to retain no more than 18.5 percent of default collections—comparable to the Department's cost of collections. To further encourage default prevention, lender risk-sharing would be increased from 2 percent to 5 percent.

Direct Lending and FFEL Loan Provisions. The bill allows FFEL borrowers to have the same extended and graduated repayment options currently available only to Direct Loan borrowers. The bill also makes a number of changes that make FFEL consolidation loans more comparable to Direct consolidation loans, thus reducing cost for, and providing greater flexibility to, FFEL borrowers.

PUBLIC SCHOOLS RENEWAL AND IMPROVEMENT ACT

SECTION-BY-SECTION SUMMARY

Sec. 1. Short Title.

Cites the bill as the "Public Schools Renewal and Improvement Act of 1997."

Sec. 2. Findings and Purposes.

Findings—Sets forth a number of Congressional findings, among them:

The fact that many of our nation's public schools need assistance and resources to achieve immediate reform.

Ongoing reform of underachieving schools demonstrates the promise of public school reform when parents, students, teachers, school administrators and business and community leaders join forces.

The Federal government should encourage locally-based, public school reform efforts.

Purpose—The purpose of the bill is to assist local communities that have taken the initiative to renew their public school systems.

Sec. 3. Definitions.

Defines "local schools consortium" to mean the LEA and a group of other stakeholders, including parents, teachers, students, and community and business leaders.

Defines other relevant items.

Sec. 4. Procedure for Assistance Declaration.

A local school's consortium may submit a request to the President seeking Federal aid (dollars and other resources) to complement indigenous 3-year public school reform plans. The plan is submitted through the State's Governor, who must pass the request along to the President within 30 days. The Governor may or may not choose to comment on the request.

The President shall review the request, in consultation with the Secretary of Education. If the President is satisfied that the request meets the requirements and conditions spelled out in the legislation, the President may declare that "a major education renewal effort if underway" in that LEA, and authorize and coordinate a range of Federal assistance. Requires the consortium to submit annual updates and progress reports.

Sec. 5. Plan.

A major component of the request for assistance is a locally-developed public schools renewal plan that must:

(1) Spell out the "adverse conditions" confronting that community's public schools, which conditions must constitute one of the following:

A substantial number of students have been failing to meet certain national or state benchmarks in basic skills.

The schools have severe overcrowding or physical plant conditions that threaten health and safety.

There are substantial shortages in certified teachers, training opportunities and instructional materials.

Schools are located in areas where crime is so prevalent that student achievement suffers.

(2) Provide a host of "assurances" concerning the commitment of the consortium to genuine public school reform, including:

That the consortium developed the plan after extensive consultation with state education officials, teachers, parents, business and community leaders and other public education stakeholders.

That improved parental involvement in the public schools will be addressed.

That there will be regular, objective evaluation of the plan.

That use of funds and other resources provided under the plan will be prioritized to address overcrowding and school infrastructure problems, improved teacher certification and training, readiness for technology, and health and safety concerns.

That the State or local government will match Federal resources (unless the President waives matching requirements).

That funds received will supplement, not supplant, other Federal and non-Federal resources.

Sec. 6. Federal Assistance.

The President may authorize the Department of Education and other Federal agencies to provide personnel, educational equipment and facilities, and other services to an LEA to which the President has made the requisite declaration.

The Secretary of Education may be directed by the President to distribute money and other resources to selected LEAs. The Secretary is required to determine the best way to distribute funds through personnel and procedures applicable to existing Federal elementary and secondary education programs.

General Education Provisions Act (GEPA) provision apply.

Sec. 7. Use of Assistance—Allowable Reforms.

Broadly spells out the kinds of reforms the plan must address in order to receive a Presidential stamp of approval.

School-based reforms—including increased early childhood education, comprehensive parent training, intensive truancy prevention programs, new and alternative schools for dropouts, and enhanced special needs assistance (e.g. ESL students and students with disabilities).

Classroom focused development—including teacher and principal training academies, recruitment programs at area colleges and universities, stronger links between local law enforcement, schools, and parents, and teacher-mentor programs.

Accountability reforms—including higher learning standards and meaningful assessments, monitoring schools and determining how to more effectively employ resources, and promotion and graduation requirements (particularly in the basics).

Sec. 8. Duration of Assistance.

Provides that assistance is available for FY 1998–2000.

Sec. 9. Report.

Requires the Secretary of Education to submit a report to relevant committees of Congress regarding progress under the Act.

Sec. 10. Authorization of Appropriations.

Authorizes $250 million for FY 1998, $500 million for FY 1999, and "such sums" for FY 2000.

Grants the Secretary of Education regulatory authority to determine matching requirements for non-monetary Federal resources.

Grants the Secretary waiver authority with regard to matching requirements.

TRIBUTE TO NATIONAL COMMUNITY THEATER WEEK

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to bring National Community Theater Week, which is being celebrated April 19 to 26, to the attention of my colleagues.

The year 1997 marks the second annual National Community Theater Week. This very special celebration, sponsored by the American Association of Community Theater [AACT] in cooperation with Stage Directions magazine, is being held to recognize the contributions of countless volunteers in thousands of community theaters across the country.

Local events are the core of National Community Theater Week because they bring the most recognition to the performing arts. For this reason, Mr. Speaker, I want to express my sincere appreciation to the staff and volunteers of the Bilingual Center for the Performing Arts for their contributions to the Inland Empire. Without their effort and work, performing arts programs would be affordable to only the wealthy in their community.

Arts and culture are a vital part of human existence and the opportunity to enjoy and appreciate the arts should be open to all of our citizens. As a member of AACT, the Bilingual Center for the Performing Arts strives to raise the level of public consciousness and the value and importance of performing arts to the people of the Inland Empire.

Mr. Speaker, I ask my colleagues to join me in recognizing the hard work that performing artists, not only in the Inland Empire, but across the country have put into National Community Theater Week. Let us help them celebrate the contributions performing arts provide to our society. Congratulations and best wishes to all for a most successful week and a most successful year of performing arts.

SWEATSHOP WORKERS SHOULD NOT BRING DAUGHTERS TO WORK

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Ms. VELÁZQUEZ. Mr. Speaker, today across the country parents took their daughters to work. There is one group of workers, however, that does not celebrate taking their young children to work. I bring to your attention this article that appeared in the New York Times. The article reminds us that sweatshops and child labor are a reality in our country.

Let us give our daughters positive goals to strive for. At the same time, though, let us work together to fight sweatshops and child exploitation.

[From the New York Times, Apr. 23, 1997]

TAKE DAUGHTERS TO WORK? UNION OFFERS ANOTHER IDEA

(By Steven Greenhouse)

Upset that so many New York garment factories still use child labor, the nation's largest clothing union has come up with a novel approach to combat this longstanding problem—it is called Don't Bring Our Daughters to Work Day.

While the union says it applauds the American parents who will take their daughters to work tomorrow to excite them about potential careers, the garment union will spend the day telling thousands of garment workers, many of them struggling immigrants from China, not to take their daughters to work tomorrow, or any other day for that matter.

The campaign seeks to draw attention to the sweatshop conditions by capitalizing on the growing prominence of Take Our Daughters to Work Day. In fliers and educational meetings, the Union of Needletrades, Industrial and Textile Employees is warning garment workers who let their daughters work in garment factories that such child labor is often illegal and dangerous.

"Child labor in the shops is a serious problem, especially in the summer," said Danyun Feng, coordinator of the don't Bring Our Daughters program. "Unfortunately, these children are very easy to exploit, and their wages are usually very low."

The union is pushing this program because it thinks child labor is wrong and hurts youngsters, and it asserts that child labor undercuts union wage scales. It also recognizes that campaigning against such violations could make the union more popular among the Chinese-American workers it is seeking to unionize.

The child labor campaign is concentrated in two Chinese-American neighborhoods where garment factories flourish: Chinatown in Manhattan and Sunset Park in Brooklyn.

"Child labor has been a source of heartache for garment workers past and present," said May Ying Chen, assistant manager of Local 23–25, representing 24,000 New York garment workers.

Ms. Feng said garment workers often tell her that they have little alternative but to take their daughters to work on Saturdays or summer days. They often take 3-year-olds who play next to their sewing machines and frequently take 13-year-olds who are employed at nearby machines.

"They tell us they are low-income families who have to work very hard and need almost everybody in the family to help earn money," Ms. Feng said.

The campaign aims not just to discourage children from working but also to develop ways for children to spend their nonschool days somewhere other than a clothing factory. Last summer, the union funneled some teen-agers into a voter registration drive.

This summer, the union hopes to establish a program in which teen-agers can take courses, care for children and clean neighborhoods.

Union officials feared that the Ms. Foundation for Women, which sponsors the nationwide Take Our Daughters to Work Day, would attack their program for mocking the name of the national effort. But Marie Wilson, president of the Ms. Foundation, said: "I think it's great. When we created this day, it was really to call attention to the conditions in which girls live. This day is all about respecting your daughter, and that's what this program does."

Union officials acknowledge that part of the Don't Bring Our Daughters drive is intended to encourage the children of garment workers to aspire to better-paying, more stimulating careers. The union also wants to make sure children appreciate how hard their parents toil and how bad factory conditions often are.

"Of course, we want our children to get better jobs than we have," said Chung Siu, a garment district seamstress. "They should go to college. We hate these garment shops."

ORGAN DONOR AWARENESS WEEK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today in support of Organ and Tissue Donor Awareness Week. In 1985, Congress set aside this week to promote a greater understanding about the lifesaving benefits of organ donation.

This week is about many things. It is about educating people about the organ donor program. It is about encouraging people to consider organ donations. And, it is about recognizing those people who have given this gift of life.

Last year, 121 people in New Jersey donated organs, making 315 lifesaving transplant operations possible. However, Mr. Speaker, we need to do so much more.

There are more than 51,000 people in the United States awaiting organ transplants, nearly 1,000 residents in my State of New Jersey alone. Tragically, many of these people will die before they are able to receive a transplant due to the shortage of available donor organs.

Mr. Speaker, I am a member of the Congressional Diabetes Caucus. Diabetes is the leading cause of heart disease, stroke, amputations, blindness and kidney disease. It is the single most prevalent chronic illness among children.

Any person living with diabetes knows that there may come a day when they will develop renal disease, which will necessitate a transplant. We must make sure, when there is a need for a kidney transplant or for a cornea transplant to restore sight, that an organ is available.

Each one of us has a unique opportunity to help our fellow citizens. By signing an organ donor card, as I have, we are able to give the most precious of gifts to another human being. It may be the gift of sight; it may be the gift of life.

During this week, I urge all of my colleagues to give very serious consideration to signing an organ donor card.

SENATE—*Friday, April 25, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

God of peace, whose peace cannot be kept unless it is shared, we seek to receive Your peace and communicate peace to others throughout this day.

We confess anything that may be disturbing our peace with You as we begin this day. We know that if we want peace in our hearts, we cannot harbor resentment. We seek forgiveness for any negative criticism, gossip, or destructive innuendoes that we may have spoken. Forgive any way that we may have brought acrimony to our relationships instead of helping to bring peace into any misunderstandings among or between the people around us. You have shown us that being a reconciler is essential for a continued, sustained experience of Your peace. Most of all, we know that lasting peace is a result of Your indwelling spirit, Your presence in our minds and hearts.

Show us how to be communicators of the peace that passes all understanding, bringing healing reconciliation, deeper understanding, and open communication. In the name of the Prince of Peace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

Mr. ENZI. I thank the Chair.

SCHEDULE

Mr. ENZI. On behalf of the majority leader, I will announce the schedule for today's session.

This morning, the Senate will be in a period of morning business until the hour of 11:30 a.m. to accommodate a number of Senators who have requested time to speak. By a previous consent agreement, at 11:30 a.m., the Senate will begin consideration of S. 562, the reverse mortgage bill. It is the understanding of the leadership that no Senator will request a rollcall vote on passage. Therefore, Senators should not expect a rollcall vote to occur during today's session of the Senate.

Following disposition of S. 562, it is the intention of the majority leader to ask the Senate to begin consideration of S. 543, the volunteer protection bill. If there is an objection to proceeding to that bill, it may be necessary for the majority leader to move to proceed to S. 543 and file a cloture motion on the motion to proceed. That cloture vote would occur on Tuesday of next week, and therefore there would be no rollcall votes during Monday's session of the Senate. Consequently, Senators can expect the next rollcall vote to occur on Tuesday, April 29, at 2:15 p.m. As always, Senators will be notified as soon as any agreement is reached and the rollcall vote is scheduled.

I thank my colleagues for their attention.

Mr. ASHCROFT addressed the Chair.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senate is now in a time for morning business.

The Senator from Missouri is recognized.

Mr. ASHCROFT. I thank the Chair.

GOVERNMENT SHUTDOWN PREVENTION ACT

Mr. ASHCROFT. I rise to make brief remarks about an important topic. The topic is the way in which we control our deployment of the resources of the American people. That is just another way of saying it is about spending.

Over and over again, we come to the end of the fiscal year for the Federal Government and we are threatened with the absence of a spending plan. In the absence of a spending plan, we experience what are called Government shutdowns. It is at a time like that, when we have the potential for shutdown because we do not have any spending plan, that people begin to load up the budget with things they want. They know that the threat of a shutdown makes it more likely that things which could not pass muster on their own, which would not really be justified in the cold, hard light of reason and in the inspection and examination of normal debate, would be included.

This is one of the reasons the deficit has become so high; under the pressure of the deadline and potential of a Government shutdown people are able to get spending plans enacted which simply divert resources, waste resources, and spend more resources than we have. It exacerbates the deficit; it hurts the potential of this country; it shows the absence of discipline which is indicative of the irresponsibility of the Congress.

We should not allow that to happen. We should not put ourselves in a situation where we come to the end of the fiscal year and the President can say, if you do not put $10 billion or $11 billion or $14 billion more in the budget, I will veto the spending plan altogether, and we will end up with a shutdown and the American people will be held hostage until you agree to the plan for more spending.

When people are held hostage the debate does not focus on the merits of spending issues, it focuses on the pain of the people who are held hostage without Government services. We desperately need to develop a way in which to handle our budget and appropriations process that does not allow the people to be held hostage by the President at the end of the year. The President should not be able to say, I will veto anything you send unless it has great expansions of programs to which you would not otherwise agree.

It is with that in mind that I rise today to support what will be debated in this Senate, and I hope will be enacted shortly, and that is a continuing resolution. A continuing resolution is the way for us to have a spending plan which will be in place if we do not reach one in the ordinary budget and appropriations process. And it is a way of saying we will continue spending at some ratio of the previous levels, even in the absence of a budget for next year until we come to an agreement.

The real virtue of this is simply that it will allow us to debate issues about spending in the next budget even at the close of a budget year without the potential of the American people being held hostage to a shutdown.

I think that is a wise thing to do. That way we will look at each issue on its merits instead of looking at the pain that might be inflicted upon the country if the President vetoes a budget, shutting down the country and saying unless you do what I say, I am going to keep it shut down and see to it that these people have more injury and more pain.

We have been through that. We had the longest shutdown in history because of disagreements between the Congress and the President.

Now, there is a proclivity to say, well, it was the Congress' fault. Well, the Congress did pass a budget, but the President vetoed that budget. We do not want to be in that position again. So we need to put in place a continuing resolution, to do it now in the dispassionate cool of spring and not at the time at the end of the year when the President can say, well, if you do not do it my way, it is my way or the highway. You just send everything home. The people would be held hostage, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

we would not really debate the issue on its merits.

It is with that in mind I support the effort that is being made by the Senator from Texas [Mrs. HUTCHISON] to provide a basis for a continuing resolution. I think it is the kind of responsible Government that helps us represent the people well and keeps us from inappropriately, improperly spending the resources of taxpayers based upon demands that are made at a time when urgency causes people to make decisions that merit would not justify.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent I be allowed to speak for 15 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank, you Mr. President.

Mr. President, I want to talk today about something that I think will be coming up next week, and that is the supplemental appropriations bill. This will be the first appropriations bill that has come to the floor this year. So I think it is wise for us to set the policy for how we are going to handle appropriations for the full year.

All of us remember 1995 and the time that Government shut down, putting Government employees in a situation of not being quite sure if they would get paid, not being able to work even if they wanted to. We had people who had planned for family vacations who were not able to get into the Washington Monument or the Smithsonian or many of our national parks. As we begin to set the policy for how Congress is going to handle appropriations this year, I think it is most important we set the ground rules to have a functioning Government at a reasonable level so there will not be any fears of a Government shutdown; so that agencies can plan in case some of the appropriations bills are not passed by September 30.

Now, many people know that we have 13 different appropriations bills. Each appropriations bill goes forward for its particular agency or group of agencies. Many times we face the end of the fiscal year when six appropriations bills are passed and signed by the President and maybe seven are not yet finished because there are still negotiations between the President and Congress. There is no question that there are different priorities between the President and Congress in many areas. The defense bill, for instance, is one that usually is the last to pass because there will be a difference on how we prioritize our defense expenditures. It could also happen in the case of other agencies and other appropriations bills.

I think that it is just time that we set the policy. Senator JOHN MCCAIN and I have introduced a bill called the Government Shutdown Prevention Act. We are going to offer this bill to the upcoming supplemental appropriations bill because we think this is the appropriate time and the appropriate place to say this is how we will handle it this year.

This is good government. It is responsible government. We have some very important supplemental appropriations. We are going to, hopefully, be helping the flood victims of North Dakota and other disaster victims that have met with tragedies during the first part of this year. We are going to be making sure that our troops in Bosnia have the funding that they need, without taking so much from our defense budget that our other young men and women are not able to be trained.

So these are important supplemental appropriations. I think it is most important that we also take care of the business of governing, and that we say, right now, there is not going to be a Government shutdown. There is not going to be a disruption in services. We will fund Government at 98 percent of the 1997 spending levels. That 2 percent leaves Congress the ability to do what it is going to do in the negotiations that might occur after September 30 and not spend money that has not actually been appropriated. I think that is most important if we are going to have all the options that Congress should have regardless of whether it has reached an agreement with the President.

Now, all of us hope that we will have an agreement. But we believe it is not in anyone's interest to be up against a September 30 deadline when all of a sudden you have the hammer over people and lives being disrupted all over America. So you do things that are not based on the merits of the argument between spending in one area or spending in another. You do things because you have this artificial hammer hanging over your head, saying people's lives are going to be disrupted. They are not going to be able to get passports, they will not be able to take their vacations. They will not be able to assure that veterans benefits will be paid. Federal employees will not know for sure that they will get paid, although in my wildest imagination I cannot imagine any Congress not paying our Government employees. That is what we are trying to do with the Government Shutdown Prevention Act.

I think it is important we start talking about it now because this will be part of the debate next week. I would like to see this amendment put on in a bipartisan way, unanimously. I would like to see that everyone agrees that this is a reasonable approach.

We have talked to many people about it in Congress, on both sides of the rotunda, trying to come up with the right percentage. Many people wanted to go lower than 98 percent of previous year's funding. Many people were concerned about not having enough of an incentive to continue to negotiate. But I felt that 75 percent was not reasonable. I think we want to make sure that the Government that is going to keep running can run on a reasonable basis. If anyone doesn't think 98 percent is reasonable, welcome to the real world. Is there a family in America that hasn't had to make do with 2 percent less to spend? Is there a small business in America that hasn't made a 2-percent cut in their budget?

So if a Government employee tells me that the agency can't run at the 98-percent level, I would say that they are not qualified to manage their agency. We can save money to make sure that we are planning for the future. And that is another reason why I think we ought to pass this legislation right now. I think we should let our Government agencies know that if there is a disagreement in October, plan now to know that you are going to be able to operate at a 98-percent level. So, you can plan ahead, and if you need to make provisions, you can do it now. I think that is another good reason for us to do it early, rather than waiting until some other appropriations bill comes up to the floor, which might be in June or July. That is not as much planning time. So we are talking about good government. We are talking about responsible governing and trying to handle the issues for which we are responsible as a U.S. Congress in a responsible way.

Now, I think this is something that the Democrats would probably welcome because they have said, on the occasions where the potential for a Government shutdown has come, that they think this is not a responsible way to run a railroad. They have said that in many heated debates. I hope that they will come along and work with us—and I think they will, frankly. I think there are some Democrats who want to support this. Nobody has focused on it a whole lot because we have had the chemical weapons treaty for this week. But as people start to focus on it next week, I hope they will look at this and support it.

So what we are talking about is a safety net, a funding mechanism for fiscal year 1998 that would trigger on October 1, 1997, if any of the 13 appropriations bills have not been agreed to by the President and Congress. This is good government. This is responsible government, and I hope that we can do it in a bipartisan way.

Mr. President, I yield the floor and suggest the absence of a quorum.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Madam President, I want to take the floor this morning to make a few comments in favor of the Government Shutdown Prevention Act, which we hope will be a part of the supplemental appropriations next year, which will be offered next week by Senator McCAIN and Senator HUTCHISON and which, it seems to me, embodies the elements of good government.

We had a pretty contentious discussion in the last Congress about how best to get a balanced budget. It led to a conclusion that no one was happy with. It involved several temporary shutdowns of the Federal Government. We think it is important that that be avoided for the future. Everybody now understands that was not a good result, and the amendment which will be offered by Senator McCAIN and Senator HUTCHISON would prevent that.

It would simply provide 98 percent of the fiscal 1997 appropriations bill level and will be subject to all of the terms and conditions of the prior year's bill, with a specific prohibition on initiating any new projects or activities. To put it another way, if we are unable to reach an agreement, it provides for a reasonable funding level to avoid the Government shutdown.

It seems to me this is something we ought to pass on a bipartisan basis unanimously. Obviously, the American people are not interested in seeing the Government shut down again. They are also interested in seeing us reach bipartisan agreement to balance the budget, which we all hope will happen. But the McCain-Hutchison bill will eliminate the threat of a Government shutdown and leverage the President to garner additional funding for his priorities. It is a good-government proposal. It makes it clear that those on my side who thought the Government shutdown might be good leverage in the past decided that it isn't and that it should not be pursued.

It keeps the pressure an all of us to go forward to enact the appropriations bills, because that is what we would ultimately hope would happen in the course of this year as well. I think, Mr. President, this is clearly something that ought to be coupled with the supplemental appropriations which, presumably, we will be dealing with next week.

So I would like to add my strong support to the efforts of Senator McCAIN and Senator HUTCHISON and commend them for their work on this important issue and suggest that the Senate, hopefully, will pass this unanimously at the appropriate time.

Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I would like to speak on several matters that are at least somewhat related.

CHILDREN OF ST. ANN

Mr. WELLSTONE. First of all, Mr. President, I would like to welcome, so that this would be part of the CONGRESSIONAL RECORD, the really beautiful children of St. Ann Episcopal Church in the South Bronx who came here yesterday for a visit. These are wonderful children. They were written about in Jonathan Kozol's book "Amazing Grace: The Lives of Children in the Conscience of a Nation." I wish to let those children know that it was really wonderful to have them here in the Nation's Capitol and I am sure that someday some of them will serve in the Senate.

SUPPLEMENTAL APPROPRIATIONS

Mr. WELLSTONE. On a second topic that is clearly related to this topic, Mr. President, I had an opportunity to talk to Senator BUMPERS and Senator COCHRAN, who are going to be very key in the appropriations bill, who are working on this supplemental appropriations bill, and I would like to thank them for their effort to really restore adequate funding for the Women, Infants, and Children Program. I think Senator COCHRAN and Senator BUMPERS are very committed to doing it. Both the Washington Post and New York Times had editorials yesterday.

The problem is what we get coming over from the House as opposed to an additional $76 million that the White House now realizes it needs to make sure that 180,000 women and infant children are not falling between the cracks with inadequate care. This has to do with avoiding low birthweight, childhood anemia, this has to do, frankly, with the whole issue of infant mortality. I cannot think of anything more cruel than for us not to fully fund this program. It works. There has not been one study by anybody, anywhere that has made the case that we must not invest in nutrition for our children.

I am really hopeful that when we mark this bill up next week on the Senate side we will get it right and we will not turn our gaze away from the conditions of children. Too many children are malnourished. Too many women who are expecting children are malnourished.

CONFIRMATION OF ALEXIS HERMAN

Mr. WELLSTONE. The third point, Mr. President—and I just have four to make in a short period of time—I come to the floor today to also urge my colleagues to move forward with final confirmation of Alexis Herman as Secretary of Labor. Really, I think it is time to let her go free.

Mr. President, you and I are both on the Senate Labor and Human Resources Committee. By unanimous vote, we passed her out of the committee. She is eminently qualified. We have a lot of work to do. We have a controversial TEAM Act that is going to be before us. We have the bill which we spent a lot of time on, the comptime, flextime bill that has passed out of committee and that is going to come before us. I have been the ranking member on the Subcommittee on Employment and Training. I think Senator DeWINE is doing an excellent job. We are very serious about moving forward with this job training, work force development bill, but we do not have a Secretary of Labor.

Quite frankly, I do not think that people in the Senate should be holding her hostage. They may agree or disagree with a particular Executive order by the President. I do not come here to debate that, although I agree with the President on what he has done. But the point is, it is just absolutely outrageous to hold her hostage, and it is time to free her. It is time to let Alexis Herman, who is eminently well qualified to be Secretary of Labor, become Secretary of Labor.

Please remember, this is a Cabinet-level position connected to the concerns and circumstances of the vast majority of people in this country who are focused on living wage jobs, who are focused on employment conditions, and who are focused on being able to make a decent living for their children, who are focused on economic security for themselves and their families. This is no small position. It is time to let her go forward.

Mr. President, I know that if that does not happen, we will have a major confrontation here in the Senate and I wish we would not have to have it. I hope we do not get to that point, but really it is time to let her free and it is time to no longer hold her hostage.

DISASTER RELIEF

Mr. WELLSTONE. My last point, Mr. President, which is again related—and I see my colleague from North Dakota has now come to the floor—is that one of the things I hope we will do next week—the sooner the better and I hope we will do it right—is, please, colleagues, help all of us out from the States of North Dakota, South Dakota, Minnesota and some other States as well. Many of the people who we truly love have just been devastated by this flooding. It really seems of Biblical proportions. It is unbelievable what has happened.

We are now trying to put together a disaster relief bill to enable people to get back on their own two feet, to be able to rebuild their lives, and to rebuild our communities. The bill that is coming over from the House Appropriations Committee takes us in that direction, but we have to do better on the Senate side. This is, of course, evolving. We do not know the extent of the damage yet. But I ask my colleagues, I plead with my colleagues, please give us all of your support. We are going to have to especially make sure that we get the assistance directly to individuals.

For a lot of our small businesses that have been completely wiped out, completely wiped out—people have just lost their homes—right now we do not have near the direct grant assistance we need, and some of the loan programs just will not help them get back on their feet. All of us are working very hard on this. This is truly an example of there but for the grace of God go I.

Every time there has ever been a disaster relief bill come to the floor of the Senate, I have never hesitated to support it because I always know that this could happen to anybody.

Nobody in South Dakota or North Dakota or Minnesota asked for this. People did not ask for their towns to be under water, did not ask to lose their homes, did not ask to be refugees, and did not ask to have their small businesses wiped out. If there is ever a role for Government, it is to try to help people that really need help.

Mr. President, I just urge all of my colleagues, please, help us out, Democrats and Republicans alike. Please let us do well for the people in our States. This is something that I think really, truly should and must unite all of us together.

Mr. President, with that, I yield the floor.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

Mr. CONRAD. I thank the Presiding Officer.

DISASTERS IN NORTH DAKOTA

Mr. CONRAD. Mr. President, I rise today to again update my colleagues on the extraordinary set of disasters that we have experienced in my home State of North Dakota.

As the President knows, we have had really an extraordinary set of events. First of all, the toughest winter in our history with over 10 feet of snow that fell in North Dakota, the most we have ever had, followed by, in the first week of April, the most powerful winter storm in 50 years that saw nearly 2 feet of snow fall in much of the State. It was accompanied by an ice storm that took down the electrical grid for 80,000 people in my State who were without power for a week.

On top of that, there were 70-mile-an-hour winds that were devastating. Then we followed that with a flood that has been termed a "500-year flood." But we are now told in testimony yesterday the National Oceanographic and Atmospheric Administration indicated it was a 1,000-year flood.

In the midst of all that, the city of Grand Forks, a city of 50,000, is almost entirely evacuated, the largest evacuation of a city that we have seen in the United States in anyone's memory. Virtually the entire city, 95 percent of the city, has been evacuated and have been told they may not be back in their homes for as much as a month.

Truly an extraordinary set of events.

Today, I would like to thank President Clinton for traveling to North Dakota to see the devastation firsthand. I would also like to thank the Cabinet officials who traveled with the President, including Health and Human Services Secretary Donna Shalala. Donna has a twin sister who lives in North Dakota and so has a special interest and concern about our State.

Agriculture Secretary Dan Glickman was there. Housing and Urban Development Secretary Cuomo was there, and Transportation Secretary Slater. I said to Secretary Slater, who has been there three times in the last 3 weeks, that he about qualifies for paying North Dakota income tax he has been there so often. And, of course, the head of FEMA, the Federal Emergency Management Agency, James Lee Witt, has also been there three times in the last 3 weeks. We deeply appreciate the help that he has brought to our State.

Also with us were high officials of the Corps of Engineers, who have waged a valiant fight. Let me just say that they were fighting this flood in 83 spots up and down the Red River Valley. They won many of those battles. We lost a fight in Grand Forks, but I want to make clear it was not because the corps did not wage a valiant and heroic effort. I think everyone in our State would say the Corps of Engineers has just done a superb job.

Mr. President, we now face the difficult task of recovery. We will be considering a disaster supplemental bill in the committee next Tuesday.

I want to just share briefly with my colleagues photographs from Grand Forks and from other parts of eastern North Dakota so people can see for themselves what has happened.

This shows part of downtown Grand Forks. As someone said to me, it looks like Dresden after the firebomb. After the flood completely swamped the city, 90 percent of the town was flooded, a town of 50,000 people. A fire then broke out that burned much of three blocks of downtown Grand Forks.

As you can see, this is one of the buildings that was gutted. Included in buildings that were destroyed were the newspaper, Grand Forks Herald, which has already announced plans to rebuild, and also the largest bank was destroyed. So we have had just one set of extraordinary occurrences after another.

I talked to one man who called me. He said, "Senator, I'm over in Detroit Lakes, MN. My home has been destroyed. I did not have flood insurance because I was outside the 100-year flood plain. Nobody thought there was any threat to us. My business has been destroyed. All of my inventory is gone. I was trying to reach my insurance agent to find out if I had any coverage, but of course I have no idea where he is. He's been evacuated to some other town."

He said, "I tried to call my banker, but my bank burned down. So I have no idea what the status of my accounts are there in terms of what's happened to receipts. I have 80 employees, and I'm responsible for their livelihood. I have no idea where they are. They were evacuated to different towns."

He said, "My wife turned to me when we were considering all this, and she said, 'Well, you know, let's remember what's important. We have our lives. We're healthy. And we can come back.'"

That is the attitude that has pervaded this community. I am just going to say how proud I am of the people who have that attitude—that we are going to rebuild, we are going to come back. But it is not going to be easy, Mr. President.

This picture shows a wider shot of the fire devastation. Here you can see an entire row of buildings that are absolutely gutted. By the way, they have already started the process of tearing down these buildings even though the flood water remains.

This is a picture taken in the residential district. It shows a house that has been floated right off of its foundation. There are thousands and thousands of homes flooded in this community. Ninety percent of the community—I think roughly 12,000 homes—many of them are absolutely destroyed. They are up to their eaves as you fly over much of this community. All you see are rooftops, and many homes have been forced right off their foundations.

The pressure and the current running here looks placid. It looks placid, but in fact there is a very strong current. My colleague, Senator DORGAN, just took a boat tour with the Coast Guard. They told him if anybody falls out of this boat, you are in deep trouble because the current is so strong it will suck you right down. So these are the conditions that people are having to deal with in Grand Forks.

This is another shot down one of the streets leading to the University of North Dakota. You can see these vehicles are completely engulfed in the flood water. As Senator DORGAN said, as he went in this boat, at one point they hit something, and they realized they had gone over a car in this boat as they went through the flood waters. In some places the water is 10 feet deep.

This is a picture of a church and graveyard. This is not in the city. This is out in the country. This shows how widespread the flooding is. This is miles from the city of Grand Forks. Yet you can see on the gravestones how deep the water is. And it is still there.

This is a shot, and the last picture I will show, and it perhaps is a little hard to make out because it is a shot that was taken and provided to us by CBS News. I took a CBS News crew with me on a helicopter tour north of Grand Forks. This is something that is an untold story. The focus, understandably, has been on Grand Forks because of the remarkable set of events there. The untold story, now told by CBS News because they were the first to see it, is what has happened north of Grand Forks. Perhaps it is hard to make out. But what you are seeing here, as far as the eye can see—and we are up in a helicopter; this is a picture taken out of the helicopter—as far as the eye can see, it is water.

It is the most remarkable thing I have ever seen. We were at many places as we flew north from Grand Forks, which is 75 miles from the Canadian border, and we flew within 8 miles of the Canadian border. The entire way the river has expanded—not just river flooding but overland flooding from the extraordinary snowfall. The combination has led to a body of water 30 miles wide. As far as the eye can see, it is water.

You can see, here are some roads that are built-up roads. These are roads that are on raised elevations. You can see where they are flooded as well even though they are 3 to 4 feet above the farmlands. So you can see this water is 3 to 4 feet deep, in some places as much as 8 feet deep, and 30 miles wide. It is simply extraordinary.

Mr. President, I will end the presentation there just to say we will be considering the disaster supplemental next week. I ask my colleagues to help us pass that expeditiously and to provide the assistance that is so desperately needed, not only in North Dakota but neighboring Minnesota and South Dakota as well.

I thank the Chair and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 20 minutes.

Mr. KENNEDY. Mr. President, first of all, I thank our friend and colleague from North Dakota for his excellent presentation. All of the citizens in that part of the country have the extraordinary admiration, I think, of all Americans, certainly my region of the Nation, for their determination and courage and perseverance in facing this extraordinary act of nature.

We just want you to know from our area of the country that we want to cooperate and help and assist and will support your initiatives and other initiatives to try to help and assist the people who in so many instances lost so much but still have not lost their spirit. So we are full of admiration for their inner strength and for their resolution. I think all Americans have been very moved by what has happened out there, and we are eager to try to provide whatever help and assistance we can.

I thank the Senator very much for his statement.

TOBACCO NEGOTIATIONS

Mr. KENNEDY. Mr. President, in the short weeks since negotiations to settle litigation against the tobacco industry began on April 3, 28,000 more Americans have died from smoke-related illnesses and 69,000 children in the United States began smoking. One in three of these children will eventually die prematurely because of their tobacco addiction. That is the magnitude of the harm that cigarettes have caused in just 22 days.

The well-documented history of deceit and misrepresentation by the tobacco companies should make any Member of Congress extremely skeptical about the industry's good faith in these negotiations. No industry in America has a worse reputation than tobacco, and no industry in America has done more to earn such a highly negative image.

The tobacco industry has knowingly peddled an extraordinarily addictive drug to the American public for decades. It has targeted children with massive advertising and marketing schemes designed to hook them on smoking. It has concealed the harmful ingredients in their products. And it has repeatedly lied about its activities to Congress and the Nation.

Just last week, we learned from one of the Liggett documents that the major tobacco companies knew as early as 1958—1958—that smoking caused lung cancer. Given this record of deceit and manipulation, our current skepticism of the industry is clearly warranted.

Research by the Center on Addiction and Substance Abuse at Columbia University has revealed that the harm the cigarette companies have done has extended even beyond the extraordinary death and destruction their product creates directly. Cigarettes are a very significant gateway drug leading to cocaine and heroin addiction. Children who smoke are 12 times more likely to use heroin. Children who smoke are 19 times more likely to use cocaine. Even worse, the younger the children are when they begin smoking, the more likely they are to move on to illegal drugs.

It is not because their executives are suddenly experiencing pangs of conscience over their past behavior that the tobacco companies have initiated these settlement negotiations. The real reason is obvious. Big Tobacco desperately needs a strategy to avoid huge judgments for smoking victims in pending court cases, to evade massive public disclosure in those cases of the industry's scandalous behavior, and to prevent effective new Government regulation of the industry.

The industry sees that the tide is finally turning against tobacco. The combined efforts of the Food and Drug Administration, State attorneys general, public interest litigators, and public health advocates have had a dramatic impact. The Liggett settlement has already exposed some of the industry's darkest secrets to public scrutiny. Each new public survey shows an overwhelming majority of Americans view the industry as evil.

At long last, courts are about to hold tobacco companies financially accountable for decades of injury to individual smokers and the public treasury. We have crossed the Rubicon in the war against tobacco. And the industry knows it. That is why Philip Morris and RJR Nabisco have come to the table seeking a cease-fire. They want to purchase peace at the lowest possible price, with the smallest possible change in their malignant behavior.

That does not mean we should be unwilling to talk. It does mean we should not loosen our grip on the regulatory and litigation steps which have brought the tobacco industry to the negotiation table. We should hold firm to our demands both for fundamental change in the way the tobacco industry operates and for financial compensation from the industry in a magnitude commensurate with the harm its misconduct has caused.

The tobacco industry strategy is now to entice its adversaries into negotiations by making a series of quick concessions—especially their acquiescence in public health regulation. What is striking about their concessions is that most of them are within the power of the Federal Government to impose tomorrow. We do not need industry consent to implement most of these public health protections. All Congress needs is the will to act. What the industry is offering to do is merely call off its lobbyists.

According to those participating in the negotiations, the tobacco industry will agree to abide by the current FDA rule, and will agree in principle to significant further restrictions on their marketing practices. As part of a settlement, the industry has said it is ready to accept the following things:

First, much stronger warnings about the addictiveness and health dangers of smoking on each pack of cigarettes;

Second, full disclosure of cigarette ingredients;

Third, elimination of vending machines sales;

Fourth, additional restrictions on the advertising it can engage in; and

Fifth, expanded FDA jurisdiction over tobacco.

In essence, after years of opposition, the industry has conceded that all of these restrictions are reasonable. These concessions will stand on the public record regardless of the outcome of the talks. The industry cannot credibly return to its former position. It is within Congress' power to enact each of these reforms now—and we should do so. Congress does not need the tobacco industry's consent before we legislate to protect the public health.

What the tobacco industry has not agreed to—and what is essential to the public health—is full authority for the FDA to regulate nicotine as an addictive drug. Such authority would give the FDA the power to order cigarette manufacturers to reduce the level of nicotine in their products.

The evidence strongly suggests that tobacco companies have been deliberately manipulating and strengthening the level of nicotine to make cigarettes more addictive. It is time to reverse the process and reduce nicotine levels. This too is within Congress' power to enact today.

For a generation, the tobacco industry has been remarkably successful in evading such restrictions. No current settlement can anticipate every marketing trick the industry will use in the future.

Therefore, Congress should accept no restriction on the authority of the FDA or State government agencies to impose additional restrictions on the industry as warranted by future events.

If the tobacco industry is sincere in its promise not to target children, it should agree to a results test. Substantial financial penalties should be imposed on the industry each year that tobacco use by minors does not decline by a specific percentage. Industry dollars should be used to fund a national education campaign to publicize the addictiveness of tobacco and the health risks of smoking.

The financial settlement reportedly offered by the tobacco industry—$300 billion over 25 years—sounds enormous at first blush. People hear the $300 billion and don't register the 25 years. They are offering $12 billion a year. That number pales in comparison to the harm the industry causes. According to the Congressional Office of Technology Assessment, cigarettes cost the United States $68 billion a year in health care costs and lost productivity.

Some 419,000 Americans die each year due to smoking-related illnesses. Smokers lose an average of 15 years of their life. At current smoking rates, 10.5 million people will die prematurely due to tobacco during those years. Collectively, they will have lost 157 million years of life. Suddenly the industry's settlement offer does not sound large anymore.

If a financial settlement to compensate for past injuries is ever agreed to, payment should be made from the tobacco companies' profits, including the profits from their nontobacco subsidiaries. That would be the source of payment for any court judgment. It should similarly be the source of payment for any settlement. Compensation should come from the pockets of the wrongdoers.

Any increase in the tax on tobacco products—and I believe there should be a substantial one—should be used to fund needed initiatives to improve the Nation's health. No settlement proposal should seek to limit or cap, either directly or indirectly, Congress' authority to enact future tobacco tax increases. The cost of treating smoking-related diseases and the cost of lost productivity caused by those illnesses amount to $2.59 for each pack of cigarettes sold in the United States. We have a long way to go to recover those costs.

Such a tobacco tax increase should be large enough to discourage children from starting smoking. Higher tobacco taxes are one of the most effective weapons in reducing smoking amongst young people.

For generations, tobacco companies have targeted teenagers for a lifetime of addiction. It is especially appropriate therefore that revenue from a tobacco tax increase should be used to provide affordable health insurance coverage for the Nation's 10 million uninsured children. Senator HATCH and I have proposed a plan to do that, and we intend to do all we can to see that this Congress enacts it.

We also hear that the industry wants blanket immunity from suit for its decades of willful wrongdoing as the price of a settlement. If that is the price, there will be no settlement. It would be unconscionable to deny people poisoned by tobacco their day in court. Each year, millions of Americans learn that they have diseases caused by smoking. In too many cases, it is beyond our power to restore their health. We must never permit the tobacco industry to extinguish their right to justice as well.

The industry's current settlement proposals are utterly inadequate. Whether measured by the scope of regulation to protect the public health or the amount of financial compensation for past wrongs, tobacco company proposals fall far short of a reasonable offer. I am confident that those representing the public interest will never accept such a lopsided settlement. Certainly, no one should think for even a moment that Congress will put its stamp of approval on such an outrageously inadequate plan.

MEDICARE

Mr. THOMAS. Madam President, we want to take some time this morning to talk a little bit about an issue that is very current, is always current, but particularly current because the trustees of Medicare have given their annual report. So we want to take some time and talk a little bit about an issue that all of us are very much interested in. I think, universally, we want to keep health care for the elderly. But the difficulty has been in facing up tc some of the realistic changes that have to be made if, indeed, we are going to continue to have Medicare.

The conflict has always been a political one, frankly, between those who say Medicare is the third rail of politics—touch it and you are dead. So nobody wants to talk about it. At the same time, there is a growing recognition, a growing certainty, that unless you make some changes, this program will not be available for the elderly in years to come. So there will be several of us talking about that.

First, I would like to yield to my friend, a very strong spokesman on this and other issues, the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho [Mr. CRAIG] is recognized.

Mr. CRAIG. Madam President, I thank my colleague from Wyoming for bringing this special order to the floor and to the attention of our colleagues.

For those who are watching this morning, yesterday, the Medicare trustees issued a report that was no surprise but, clearly, once again, reaffirmed to the administration and to the Congress of the United States that there is no good news when it comes to the strength and stability of the Medicare trust funds. What we had hoped for was just news. Knowing that it wasn't going to be good, the question was how bad was the bad news going to be?

Two years ago, the trustees forecasted that the Nation's Medicare Program would be bankrupt, out of money, by the year 2002. Just last year, the trustees revised that prediction, saying bankruptcy would come sooner, in the year 2001. CBO has also predicted that the trustee fund would be broke by 2001, that it would run a deficit. It is now running a deficit. It did for the first time this past year, and it will run a $10 billion deficit this year. In other words, more money is being pulled from the trust fund than is now flowing into the trust fund to make it safe and secure.

So let's face it. Our Medicare system is in critical condition, and it deserves to be treated as a patient with an illness. In this instance, we—the Congress of the United States and the President—are the doctor. Or, another way to say it, Madam President, is we sit on the board. We are the board of trustees, and the President is the chairman of the board.

It is our responsibility to fix the problems that are now very, very clear, and which have been repeated for 5 years in a row by the trustees of Medicare. Two-thirds of these trustees are appointed by the President—this President. It is their job to report to him, as they did yesterday, and to the Congress on the health of Medicare. And they have reported that the health is not good at all. So, for 5 years running, not only have we received these reports, but the administration has received the identical reports.

Last year, recognizing that, we dealt with it. We looked at a 30-year-old health insurance program that provides health insurance coverage for 35 million Americans and said, in that 30-year history, it really hasn't had major overhaul or reform to fit modern health care needs and to fit modern seniors; therefore, we ought to do something about it. And we did.

That reform went in the balanced budget down to the White House, and the President vetoed it. For a year after that we saw television ad after television ad saying that the Congress of the United States had been irresponsible, that somehow they were trying to destroy Medicare as we know it for the stability and the security of our seniors when, in fact, we had offered a variety of modern options that would not only provide seniors with adequate health care and health care coverage but would address the deficit that, once again yesterday the trustees, appointed by this President, said, "Mr. President, Congress, we report to you that this sick patient called 'Medicare' is growing sicker by the day and that it is still a 2001 bankruptcy, but it is not going to be late in 2001 now. It is going to be early in 2001."

My guess is, if we do nothing this year, the trustees will come back next year and say, "Well, it is not going to be early 2001 now. It is going to be late 2000."

What is the point of our discussion here today? The point is that we are prepared, as a Congress of the United States, to work with this President to reform Medicare, to save it, to secure it, to strengthen it, and to modernize it for the senior citizens of this country.

I mentioned 35 million Americans being covered. By the year 2001, it is going to be 38 million Americans. So there is always a growing and greater dependency on this program. It clearly is our responsibility to address it, and to address it in the right and appropriate fashion. That is a bipartisan approach. That is the President and the Congress of the United States sitting at the same table. That is not one party trying to lead over another. I am sorry, the House and the minority leader of the House, it is not a political game anymore. You are not going to get any more mileage by demagoging or by pulling the programs out and sticking them under the general fund and allowing them to increase beyond the rate of private health care in this country.

It is time that we must come together as a group—the board of trustees, those responsible for the strength and security of Medicare—and address it in the appropriate fashion.

THE GOVERNMENT SHUTDOWN PREVENTION ACT

Mr. CRAIG. Madam President, I want to address one other issue briefly. It is going to become one that all of us will be increasingly involved in as this month plays out and as the House works on it. The Senate will soon deal with the supplemental appropriations.

My colleague from Texas, Senator HUTCHISON, has just entered the Chamber. She, I, and the leader all have recognized the importance of this supplemental appropriations. But we also recognize the importance of avoiding the kind of budget battles in the future that allowed the shutdown of Government a couple of years ago.

So the Senator from Texas has introduced what I call—and I believe she calls—a "safety net" funding mechanism for 1998 that will disallow Government shutdowns. We call it a "continuing resolution." We simply say the budget process goes on and the appropriating process goes on, and, while we work out our differences with this administration, let us pass a continuing resolution that is 98 percent of 1997 levels so that we continue to gain our savings toward a balanced budget, but we can turn rationally to the Government itself and say, "We are not going to hold you out as hostage. It is important that we work cooperatively together."

I hope that we will continue to look at this. It is time that we deal with it directly. The bill is clearly about politics as usual, and it would change the whole dynamics of the debate. It would allow us to work in a timely and appropriate fashion on the necessary appropriations bills. Twenty-seven days of Government shutdown in December 1995 and January 1996 furloughed over 800,000 Federal employees. There was a lot of political posturing. But in the end nobody gained, and a good number of people got hurt. The Congress of the United States and the President weren't doing what they should have done.

The Government Shutdown Prevention Act as a continuing resolution coupled with the supplemental will build that very kind of safety net so we can go ahead to continue to work together in a bipartisan manner as we work to resolve our budget differences, strike a budget that is balanced by the year 2002, and deal with the Medicare crisis impending by the reports of the trustees of just this past day.

These are important issues that the Senate of the United States and this President must come together on. I hope we can do that in the next month, especially on supplementals. But I also hope the President recognizes that Medicare really doesn't deserve to be tinkered with nor nibbled around the edges anymore as a way of solving the problem.

We don't need a 1-year or a 2-year fix. We really need a long-term reform approach that strengthens, maintains, and offers a variety of options for the seniors of our country so they can have the understanding that this Congress has dealt with their concerns in a way that should not alarm but assures them a strong and a safe program.

I thank my colleague from Wyoming for establishing this special order. And I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Madam President, thank you very much.

(The remarks of Mr. GRAMS pertaining to the introduction of S. 652 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Madam President, I would like to return to our conversations about Medicare, and I am very pleased to have my fellow Senator from Texas here. Senator GRAMM has been chairman and continues to be chairman of the task force on health care, and I am particularly pleased he has joined us this morning to talk about Medicare and Medicare reform.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Madam President, I thank Senator THOMAS for his leadership today by asking people to come talk about Medicare. I am the chairman of the of the Finance Committee's Health Care Subcommittee, which has jurisdiction over Medicare. I wanted today to come over and talk about Medicare in light of the report issued yesterday afternoon at 4 o'clock which reaffirmed that Medicare is in the red for the first time in its history and that the trust fund which funds the hospital care portion of Medicare will be totally insolvent in 4 years. The cumulative debt that will be imposed on the American people by the existing Medicare program in the next 10 years will rise to $1.567 trillion—that is "trillion" with a "T." Obviously, a lot of people were alarmed by this report. I agree with virtually everything that the Secretary of Health and Human Services, Secretary Shalala, said, except one comment. That one comment was when she sought to reassure people that there was no current crisis in Medicare. Madam President, if this is not a crisis, I would like to know what a crisis looks like.

What I would like to do today, very briefly, is to outline the crisis. I am a firm believer in the old Biblical admonition, you shall know the truth and the truth will make you free. So I want to start with the bad news, because if we do not understand this problem, there is no way we can fix it. Then I would like to conclude with the good news. The good news is that as bad as the problem is, we can fix it. We can strengthen Medicare for existing beneficiaries, and more importantly, we can restructure Medicare to guarantee that it is going to be there for our children and our grandchildren. But we cannot do any of these things if we are not willing to make tough decisions.

Part of the problem we face is that the Medicare has been too politicized with fear. It has been used as a partisan issue. The President has probably been more irresponsible than any public official on this issue. What we are going to have to do—and by "we," I mean all Members of the Senate, but specifically I mean Republicans—is set aside all of the partisanship on Medicare. We are going to have to forget the bitter experience of the last election where the President, in essence, said to the American people, "There is no problem, this is simply Republicans who want to cut your benefits." We can pout about it, but pouting will not solve the problem. What we have to do is to get on with the solution.

Let me try to define the problem. If this sounds overwhelming, it is because the problem is overwhelming.

First, Medicare was enacted in 1965, and when it started, it was to be funded by a 0.7-percent tax on the first $6,300 of earnings of all American workers. That was going to pay for Medicare. In fact, the cost projection for Medicare made in 1965 for the year 1995 was only off by a margin of 100 to 1. In other words, the program turned out to be 100 times more expensive than was originally predicted when Medicare went into effect.

We started with a 0.7-percent tax on the first $6,300 a year you earned to pay for Medicare, but have since raised that tax on a continuing basis. Today it is 2.9 cents out of every dollar of income earned by every American worker. Yet, despite that massive increase in taxes, the Medicare trust fund is still exhausted; it is in the red. The trust fund is not only in the red, but all of the existing assets will be depleted in 4 years.

When you add up the both parts for Medicare, the part that pays for hospitals and the part that pays for doctors, according to the Congressional Budget Office, the nonpartisan accounting branch of the Congress that looks at these numbers, we are looking at roughly $1.6 trillion of debt in Medicare within a decade. That is the crisis.

Unlike a lot of crises that we talk about in Congress, this is not something that is going to happen in sweet by-and-by. This is something that is happening right now.

I have a chart that shows the estimates that are made by HCFA, a part of Health and Human Services and obviously, part of the Clinton administration. This chart shows the financial health of the Medicare trust fund beginning in 1995, where we had a very slight surplus. That now is virtually exhausted, and unless we make dramatic changes in Medicare, this exploding red chart shows what is going to happen in terms of the debt of the Social Security trust fund.

For example, 32 years from today, the debt of Medicare, simply the hospital part of the program, will be over $11.5 trillion. I don't know how to define a trillion dollars, but I have a constituent who knows what a billion dollars is, Ross Perot. I may have a few constituents who know what a million dollars is, and most of us know what a thousand dollars is. But not many of us know what a trillion dollars is.

Let me put it another way. In 32 years, unless we do something, the debt of one-half of the Medicare program will be over twice as big as the whole current national debt. Needless to say, whether you are a Democrat or Republican, liberal or conservative, whether you work for the Urban Institute think tank or whether you work for the Cato conservative think tank, everybody who has looked at this problem with any degree of scientific basis concludes one thing: This is not sustainable. Twenty-five years from now, if we don't change this program, we are going to have to triple the payroll tax in order to pay these benefits.

I want to remind you that the average American family now is paying over 15 cents out of every dollar they earn in payroll taxes and, at the margin of the last dollar they earn, 28 cents out of every dollar in income taxes. If such an explosion in the tax rate at a moment where we have the highest tax rate in American history, as we do today, doesn't frighten you, it should.

What is causing this problem? There are really two causes. The first one is an explosion in Medicare per capita costs. It is easy looking back at 1965—when many of us were not in the Senate and when some of us were in college and not worried about this problem—and criticize people who wrote the Medicare program. But in retrospect, the structure of the system makes no sense. I will give you only one example.

On hospital care, a big component of Medicare critical to our seniors, if you are in a hospital for up to 60 days, you have no copayment. Every penny of the hospital bill, except for a deductible, is paid by the taxpayer, but on the 61st day, you become responsible for a copayment of $190 a day. On the 91st day, it goes up to $380 a day, and on the 150th day, they throw you out in the street. If you have been in a hospital for 61 days, you are sick. If you have been in a hospital 61 days, the presence of a copayment is not going to change your behavior, because you are already very, very ill.

What this irrational structure has done is it has forced our seniors to dig into their pockets and pay between $1,100 and $1,300 for what is called medigap insurance. My mother pays about $1,100 a year for a medigap policy that fills up all these gaps in Medicare so she doesn't have to worry about losing her home if she ends up in the hospital for an extended period of time. But once she has paid for this medigap policy, she then has no copayments and no deductibles on anything other than prescription drugs.

So what we have done is set up a system where the copayments are at the end of the system, inducing people to have great risk, but they do not change anybody's behavior. Instead, force people to spend a lot of money to guarantee against it, but once they spend the money, health care to them is free.

There are a lot of reforms we need in Medicare, but two are obvious to a blind person. No. 1, we need to give our seniors the ability to pick and choose among competing alternatives, not just an HMO in places where one is available. They need to have a whole range of other options that people can choose. The Federal Government needs to do something in Medicare which long ago everybody else started to do, and that is bargain. The Federal Government with Medicare is the largest consumer of health care in America, and it is the only consumer that does not bargain on the basis of price.

The second thing we need to do is reform the current Medicare policy to put the deductibles and copayments up front. I know this sounds extraordinary, but I want to mention it today. As the debate unfolds, I will talk a great deal more about it. We could take the amount that the average senior is now spending on health care, including what they spend on medigap insurance, copayments, deductibles, and pharmaceuticals—which is not covered—and instead have a simple deductible of $1,000 and copayments of 20 percent, with a cap on those copayments of $1,000. Doing this would change the system in a way where the average senior would not be spending 1 penny more than they are currently spending. But by changing the incentive, we could save enough money to pay for pharmaceuticals for all of our seniors. The cost of such a drug benefit is $62 billion over the next 5 years. That is how inefficient the system is.

So we want to defend the benefits and defend the seniors, but we have to be willing to fix a system that is broke. If we do those things, we can stop the explosion of per capita costs, and we can actually improve the system, in my opinion.

That is only part of the problem. The next part of the problem is a demographic time bomb, and let me explain how it came about and how big the problem is and then talk about how we fix it.

When Medicare was written, something extraordinary was going on in America. It was 1965, and what we call the baby boomer generation was just beginning to enter the labor market. This chart I have shows the birth rate in America from 1930 to 1985. It is a pretty extraordinary chart. What happened is that the birth rate was relatively low in the Depression. There was a little spike during the war. But when Americans came home from the war—while economists were worried about whether were we going back into the Depression or what the future was going to look like—Americans decided the future was going to be great. One of the things they started doing was having babies at an unprecedented rate since the colonial period.

In fact, a number of Members of the Senate today were born as part of this baby boom generation.

When Medicare was written, it was the first year a baby boom group had entered the labor market. In fact, these first baby boomers, born in 1946—causing this big spike—came into the labor market the same year that Medicare was written. That year four times as many new workers came into the labor market as had come in just 2 years before, and as far as they could see, it did not look like it was ever going to end.

However, had they actually gone over to the Census Bureau and looked at the data, they would have seen it had already ended. But, when you are spending money and making people happy, you do not want bad news; you want good news. The good news was we were about to have this explosion of new American workers, and so Congress decided that we could fund Medicare by simply using a transfer payment, almost like a chain letter, and I do not intend to be critical. They decided that these workers are so numerous—and wages immediately after the war had grown twice as fast as they had grown in the modern era—that we can simply tax them and begin providing medical benefits for retirees immediately, funding this as a transfer payment.

Now, this system worked great until these baby boomers started to near retirement. This chart is an extraordinary chart because you can see where we are. The people who are retiring today were born in 1932. You can see from this chart the birth rate in 1932—in fact, here it is, 65 years ago. The birth rate in 1932 was relatively low, and in fact this year only 200,000 people are going to retire. This is as good of a year as we are going to get.

In fact, these should be the best years in the history of Medicare. These are really the fat years since there are relatively few retirees and every baby boomer is still in the work force.

Let me just use a story from the Bible. Remember Joseph, Jacob's son, who was the favorite son of his father because he was real smart. His father bought him a multicolored coat. You remember the story. His jealous brothers kidnaped him, hid him in a well and sold him into slavery in Egypt. One day the Pharaoh of Egypt dreamed of seven fat cows and seven skinny cows. The seven skinny cows ate the seven fat cows. Nobody could interpret the dream. Then he hears about Joseph, this guy who can interpret dreams. He sends for Joseph, and he interprets the dream. He explains that there will be 7 years of plenty followed by 7 years of drought. The Pharaoh commissions Joseph to set up stores of grain during the years of plenty. He stores the grain, and then the drought comes, and the people are happy.

Now, today we are in the fat years. We have all these baby boomers still working. We have the lowest number of people retiring that we have had in the recent past or that we will ever have again in the history of the country. Yet in the midst of the fat years we are broke. In the midst of the fat years there is no grain being stored. We have guaranteed benefits to a whole generation of Americans, and we have not set aside a penny to pay for them.

Whereas only 200,000 people are going to retire this year, 15 years from today 1.6 million people are going to retire, and that number is not going to change for 20 years. The impact of that is cataclysmic—cataclysmic.

Now we are beginning see apologists write letters and say, OK, look, people like this guy GRAMM and a lot of other people are saying we have this terrible problem. We are going from 5.9 workers when Medicare started per retiree to 3.9 workers per retiree today to 2.2 workers per retiree by 2030. People who say, don't worry about it might agree that we are about to have this huge number of people retire and claim a benefit for which we cannot pay. But, they say, we can rejoice in the fact there are fewer children, and since the average family spends $110,000 on things for their children before they are 18, we could get them to give us that money so that we could spend it on somebody else. We might be able to solve this problem with additional taxes.

Well, look, here is the problem. We do spend mammoth amounts of money on our children, but we are joyful givers in doing giving to our children. People do not feel the same way about paying taxes. We are pretty efficient in spending money on our children most of the time, yet our Government is not terribly efficient.

That is the problem. I do not care how you try to gloss over it, this is a big problem. Solving this problem is going to cost more money in real, inflation-adjusted dollars than it cost to win World War II.

So what is the good news? The good news is the following. No. 1, today, the average 22-year-old worker, who is paying 2.9 percent of their income into Medicare, and is paying for Social Security benefits, unless we do something and do it quickly, will never get the kind of benefits I would. It would not be possible to get the kind of benefits their parents are getting today. But if they simply took 1.3 percent of their wages and invested that in an annuity that earned a 3.0-percent real rate of return—a pretty conservative rate of return—they would have assets when they retired at 65 big enough to fund a private health policy that would cover everything Medicare covers.

Now, think about it. The average 22-year-old today is paying over twice what they would have to pay if they could simply set aside part of their income to pay for their own retirement health care. In fact, the average 39-year-old worker, if allowed, could put that 2.7 percent into a real investment, instead of giving it to Medicare, and could fund their health care in retirement.

Now, what we are going to have to do to fix Medicare is the following. We are going to have to, first of all, set up a system where young workers can put at least part of what they are paying into Medicare today in a real trust fund that will guarantee them some health care benefits. If we do not do that, we are simply going to have a generation that is going to pay for benefits that they never get.

So the first thing we have to do in dealing with this long-term structural problem is to take at least part of the tax for Medicare being paid by young people and set up a real trust fund for them.

Second, we are going to have to admit that we have an unfunded liability on Medicare of $2.6 trillion. Now, swallow hard and think about that number. That is the number that we owe because we guaranteed these benefits, and we never set aside any money to pay for it.

What we are going to have to do is take part of the premiums of young people and invest them to guarantee their benefits. Over the next 50 years we are going to have to come up with $2.6 trillion to pay off this debt we have. That is a lot of money, but let me tell you, if we set up a transition program, we could do it.

Let me conclude with this point. We are in the midst of a budget debate. You are going to hear in the next few weeks debate on the floor of the Senate about the budget, and you are going to hear people talking about cutting Medicare or politicizing the Consumer Price Index to cut Social Security to pay for balancing the budget or to pay for tax cuts.

We are not going to make money by saving Medicare. We are not going to make money by saving Social Security. Anybody who thinks that by saving Medicare we are going to enable ourselves to spend money on other things simply does not understand the problem. It is going to cost money to save Medicare. It is going to, 20 years later, cost money to save Social Security. And if we want to balance the budget, we are going to have to do it by having less bureaucracy and less Government. Every penny we save in reforming Medicare has to go to save Medicare. If we ultimately, as a result of decisions by economists and not politicians, change the Consumer Price Index and we save money on Social Security, every penny of that money has to go to strengthen Social Security. We cannot let Congress go out and spend it on something else because the problem is already a severe problem, and every day we put it off it gets worse.

Let me conclude with the Fram oil filter argument. If today we decided to fix Medicare and change the system to stop the explosion in per capita cost, then get Medicare benefits purchased by the Government as purchased as efficiently as medical care purchased by the private sector, then we set up a 50-year transition program that allowed us to pay off the money we owe to provide the benefits to current beneficiaries of Medicare, it would cost us about $2.6 trillion, which is about half of the existing Federal national debt. We owe the money we committed. We are going to have to pay it. But if we wait 10 years to do anything, that unfunded liability is going to rise to $3.9 trillion. And if we wait 20 years to do anything, it is going to rise to $6.1 trillion, which is bigger than the current national debt.

So what we have to do in Medicare is this. First, we have to admit that we have a terrible problem, and it really boils down to two things. No. 1, we do not have a system that is efficient and that encourages economy, and we have to change it. No. 2, we have a huge unfunded liability because Congress has guaranteed all these benefits year after year after year. At the very moment when we ought to be piling up big surpluses to pay for these benefits, the system is going broke.

So we have all these guarantees and we have not a penny to pay for them. And we are going to have to pay for them. Nobody is arguing that we forfeit on these commitments we made.

Now, I know, as we get into this debate, there will be people on the floor of the Senate and there will be many professional advocate groups that will say, my goodness, you are talking about these big debts. Don't you realize this is Medicare, and it is wonderful and it is great? That is like when you are trying to call the fire department because the house is on fire, and somebody says, well, it is burning, but isn't it a beautiful house? Isn't it great and don't we want to keep it the way it is? Well, the point is it is on fire.

The second thing we have to do is to come up with a long-term funding mechanism. All these issues can be demagoged. All of them can be very rich politics for somebody who wants to exploit them. But look at the cost of doing that. The cost is dramatically changing the real income of our children and grandchildren.

If we do not deal with Medicare now, if we do not deal with Social Security 15 years from now, we are going to have the first generation in American history that is going to have lower living standards.

I am not saying these problems are easy to deal with. When you guarantee a benefit and you do not set aside money to pay for it, when people start claiming it, there is no easy out. But the point is, there are things we can do. And we have been putting off and putting off and putting off doing something about Medicare. The time has come to start making some tough decisions.

And it seems to me, Mr. President, that on the day when we have just gotten another report from the Social Security trustees and from the Medicare trustees basically saying, "Alert. Medicare is going to be insolvent in 4 years," and it is going to have a cumulative debt for the hospital and physician portions of about $1.6 trillion over the next 10 years, the time has come to do something.

I hope we can do it on a bipartisan basis. As chairman of this subcommittee, whether we have a budget or not, my goal is going to be to try to do something about Medicare. This is not a budget problem. This is not about the deficit. This is about maintaining the viability of a program that is critically important.

As I said yesterday at a press conference, there are a lot of things I am going to do in my life that I do not want to do. But I am never going to pick up the phone and call my 83-year-old mother, and say "Momma, Medicare went broke today. It went broke because Congress didn't want to tell anybody that there was a problem, and we didn't have enough courage to do something about it."

I am going to talk about this problem a lot because 4 years from now all America is going to know about it. And 4 years from now every Member of the Senate who is still here is going to have to answer the question: Where were you when all this happened? Where were you when all this was going on? Why didn't you say something about it? Why didn't you do something about it?

I am going to say a lot about it. I hope to do something about it.

I want to thank the Chair for giving me this opportunity today to come over.

This is a speech that is going to have to be given many, many times. The first reaction, when you get news like this, is denial. I guess it is sort of like going in to see the doctor, and the doctor says, "Well, I hate to tell you this, but you've got a debilitating disease that can ruin your life." I mean, the first thing we all want to do is say, "No. You have messed up this test. This is somebody else's test. This can't be me. I am a guy that works out. I run. I say my prayers. It's not me."

But in my concluding remark, let me say that while this is the doctor saying, "You've got a debilitating disease and it can ruin your life," the important thing is that the doctor also is saying, "but I can cure this disease. I can cure this disease. But the cure involves you changing your lifestyle. You're going to go on a diet."

Now it is up to us. I am ready to do both. And I am confident ultimately Congress will—ultimately we will fix this problem. If we do it now, the burden is going to be heavy but it is going to be bearable. If we delay it we are going to end up ultimately denying some benefits and we are ultimately going to lower the living standards of the next generation. Both those things can be avoided. I hope we can avoid them.

I yield the floor.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Arizona.

Mr. KYL. Mr. President, I want to, first of all, thank Senator GRAMM of Texas for his leadership in dealing with this Medicare funding crisis that faces our country. The comments that he just made ought to illustrate to us why it is incredibly important for the Senate and the House to work very quickly to address the challenge set forth in the report issued yesterday by the President's trustees on Medicare.

As Senator GRAMM pointed out, and I will quote from the trustees' report:

> The Part A Hospital Trust fund will be able to pay for benefits for only about four years [until 2001] and is severely out of financial balance in the long range. The trustees urge enactment of legislation this year to further control program costs and extend the life of the trust fund.

Clearly, Mr. President, the time is upon us. We cannot wait any longer. What I am going to talk about briefly today is the fact that we have some proposals that are very short range and very minor in their improvements, while Senator GRAMM is taking a longer look at the problem here toward the end of fixing it for a long time so that we do not have to keep putting these Band-Aid, short-range approaches into effect.

The primary problem is caused by the aging of the baby-boom generation.

Instead of this generation providing the workers who are supporting, with taxes, a relatively smaller number of people in retirement, those baby boomers are going to be the retirees who need the medical care, and they will not be supported by as large a group of workers as exists today.

The Medicare part A hospital program is already starting to feel this baby-boom bulge. As I said, it is caused by the rapidly aging group of baby boomers turning 65 and becoming eligible for Medicare.

Medicare will hospitalize 200,000 more seniors this year than last year. And the net increase will get larger and larger until it plateaus somewhere between the years 2012 and 2032. During that 20-year period, the system will experience a steady net increase of 1.6 million new seniors per year. Think of that, Mr. President, 1.6 million baby boomers retiring each year for 20 years, creating this huge bulge of retirees that are going to be eligible for Medicare benefits.

And at the same time, during this same period, the relative number of workers is going to be decreasing so the payroll tax revenues will dramatically decline. Without prompt congressional action and Presidential support—it is obvious; and the trustees made this point yesterday—Medicare will soon be unable to fulfill its commitment that our Federal Government has made to our retiree population.

Let me discuss briefly the two plans of the parties. Neither the Republican plan or Democratic plan, frankly, were sufficient last year to deal with this problem.

The Democratic plan relied primarily on provider reimbursement reductions to reduce costs. That means we just pay the hospitals and doctors less money to do the same thing. Well, there is a point beyond which that does not work. Obviously, the hospitals and doctors do not have to treat these patients and they will conclude after a point that it simply is not cost efficient for them to do so and they are not going to do so.

Unfortunately, the Republican plan also relied, to a certain extent, on reductions in reimbursement to providers though less heavily than the Democratic plan.

The Republican plan also had another feature which was good and that was that there had to be some real reform in the system. And competition was the centerpiece of that reform. The idea was that you controlled costs by having increased competition among those who were providing the benefits to the Medicare patients. You create different products—products that have names like PPO's, preferred provider organizations; PSO's, provider sponsored organizations; and Medicare savings accounts, MSA's; to go along with the HMO's, the hospital managed organizations; and others that provide the care to the seniors through different mechanisms, different combinations of hospitals and physicians, sometimes in what are called capitating plans, sometimes in other kinds of plans, but all of which are competing with each other and therefore through that competition costs are kept in line.

The Republican plan also included medical malpractice reform to curb the high costs of defensive medicine practiced by physicians and hospitals as a means of avoiding liability lawsuits.

The Congress and the President have acknowledged the need to slow the rate of increase in Medicare costs. According to the Congressional Budget Office, the President's current proposal would save about $89 billion over 5 years. The Republican plan last year would have saved about $105 billion over the same period, along with the savings attributed to increased competition. But the key point here is that no one contends that either of these plans will achieve long-term solvency. More is needed to save Medicare than just greater reductions to reimbursement providers.

As I said, the overload of the system begins in about the year 2010 when the first wave of this baby-boom generation begins to retire. And the President's plan does not even make it to that year. The President's savings only work to about the year 2007. Then you would have to start all over. The Republican alternative is better but it staves off bankruptcy only until about the year 2012. So clearly, before this baby-bulge meltdown occurs we have to have longer-range reform.

Regardless of the reimbursement to provider reductions or product competition structural reforms something more will have to be done because there just are not enough workers that will support the growing number of retirees.

To put it in perspective, Mr. President, in 1964 there were 3.5 workers for every beneficiary. And the total has grown to 37 million beneficiaries. The Medicare trustees estimate that by the year 2030 when the last baby boomer turns 65 there will be only 2.2 workers per beneficiary. So the current system which functions on a transfer-payments basis made directly from worker to beneficiary is clearly unsustainable. That 2.2 workers cannot possibly pay all of the expenses to run the Federal Government, all of the retirement benefits for Social Security and in addition to that support this growing group of seniors for their health care needs.

It is time to investigate whether an investment-based health care system may be part of the solution to this approaching meltdown. This is the subject that Senator GRAMM was talking about a few minutes ago. His investigation is into several proposals that would ensure the long-term solvency of the Medicare Program.

And one of those proposals would allow workers to create their own medical IRA, an individual retirement account, for medical purposes by redirecting some or all of their payroll tax—it is now 2.9 percent—into a savings account for medical purposes. His idea is that each employee's account would grow over his or her working life and would pay for health care after retirement.

A series of studies have been done here at Texas A&M. And economists there in studying this have reached some interesting conclusions. For example, assuming a real rate of return of 3 percent—a very low rate of return on investment—a 22-year-old person could direct 1.3 percent rather than the current 2.9 percent of their payroll tax into a medical IRA, and at age 65 this person could purchase a policy that would provide roughly the same coverage that Medicare provides today. So you could put much less money that you are earning into this payroll tax and still come out the same place when you retire.

If the real rate of return were the Standard & Poor's average over the last 70 years of 6.5 percent, a 22-year-old would have to invest only 0.4 percent of his or her wages to achieve the same result. So you can see that a real investment in an IRA-type investment by people would provide the same benefit at far less cost if the rate of return were even no better than the average that has existed over the last 70 years.

Obviously, this kind of proposal would have to address some transition costs, the costs of converting from the current system to an investment-based system as well as Medicare's unfunded liability which is estimated today to be $565 billion. Without reform, this amount is projected to reach $3.9 trillion in 10 years, and in 20 years $6 trillion.

Clearly, we cannot allow this system to continue. We are going to go bankrupt taking care of our Medicare population if we do not invoke fundamental reform.

So the Congress and the President, both, must heed the trustees' warning, work together to protect current beneficiaries, while also working to provide a secure retirement for today's workers who are going to need something better than the Medicare system that is in existence today. We are going to need some kind of innovative program, such as that suggested by Senator GRAMM, to enable them to invest a small amount today, which over time will grow to an amount that will take care of them in their retirement years.

Increased Medicare product competition and medical IRA's funded by investing the payroll tax represent two of the many potential components of reform. We need to develop a consensus on these reforms on how to protect the current beneficiaries and the new group of baby boomers. If we begin doing it today, by the time the problem is really upon us, we may have a system in place that will provide this protection. If all we do today is support another short-range solution, we are going to find ourselves in true bankruptcy by the time the baby-boom generation retires.

I commend the efforts of Senator GRAMM of Texas in bringing this to our attention, in bringing innovative solutions to the floor. I hope my colleagues and I will be able over the next several weeks to put this into legislative form so in the long run we will have solved the problem, and future generations here will not have to worry about it the way we have to struggle with it today.

Mr. ROTH. Mr. President, yesterday, the Medicare and Social Security trustees released their annual reports on the actuarial status of both trust funds—a report which is actually due on April 1 of each year. The board of trustees has six members: the Secretaries of Treasury and Labor; the Commissioner of Social Security, and two public trustees appointed by the President.

As expected, there are no surprises in yesterday's reports, and there is no good news.

As most Americans know by now, the Medicare hospital insurance [HI] trust fund is close to bankruptcy. In fact, the trustees' report confirms that the expected bankruptcy date remains just 4 years away—in 2001. The problem is pretty basic—more money is flowing out of the HI trust fund than is flowing in. Trust fund assets are quickly being depleted. In 2001, they're gone.

Although most attention is focused on the impending bankruptcy of the HI trust fund, the trustees report that the supplemental medical insurance [SMI] trust fund (Medicare part B) is also a serious problem. SMI spending is a blank check on the Treasury. Over the past 5 years, SMI spending has grown 14 percent faster than the economy. Without savings in part B, we cannot say we have affectively tackled the problem of fixing Medicare. In the words of the public trustees, part B growth is unsustainable over time.

In bringing about a lasting solution that will protect and preserve the Medicare Program, all the Medicare stakeholders will have a role to play—hospitals, doctors, nursing homes, beneficiaries, and others. The public trustees appointed to represent the public expressed this challenge. They stated that, "Medicare cannot stay exactly as it is and it is misleading to think that any part of the program—beneficiary premiums, providers payments, controls on utilization, covered service or revenues—can be exempt from change."

I agree with the trustees' recommendation that a bipartisan advisory group should be put together to craft a long-term solution to Medicare's fiscal crisis. In fact, in February, with Senator PAT MOYNIHAN, I introduced a bill to address Medicare long-term challenges by establishing a national bipartisan commission on the future of Medicare. This Medicare commission would serve as an essential catalyst to congressional action, consolidating bipartisan support, and ultimately lead to a solution that will preserve and protect the Medicare Program for current beneficiaries, their children, and grandchildren.

Although the financial plight of the Medicare Program is urgent, we must also be mindful of the longer term—but no less serious—problems of Social Security. Beginning about 2012, payroll taxes will no longer cover benefits. We must surely act sooner than later if we are to avoid a crisis in Social Security.

We need to assure the trust in the trust funds remains, not just for today's beneficiaries, but also for tomorrow's. We must ensure that Medicare and Social Security will be there for our children and grandchildren.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. KYL assumed the chair.)

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I want to thank my colleagues for coming this morning to talk about Medicare. I want to take a couple of minutes to sum up and make some comments with respect to my views on Medicare.

First of all, I cannot think of a more important issue to deal with, one that is more difficult to deal with, one that has been put off politically because of the difficulty of dealing with it. But certainly the time has come to which we have to face up to doing it. I think it is likely that we will.

Over the last several years, particularly in the last election, it was used as an election issue. The President and the administration generally said those Republicans simply want to do away with Medicare, want to cut it. That is not the point at all. I think most everyone knew at the time that was not the point at all. Some very unfactual things were said. Now most anyone who has paid any attention at all to the system, to the status, has to say, "Look, we have to make some changes. If we do not make changes we will not have the results we need." And the results we have seen are an increasing challenge to the validity of the program, and the fact that the program will not last over another 4 years.

So the report of the trustees is there—trustees appointed, most of them, by the President—who have laid out the facts, who have said the good news is that it still will expire in 2001, the same year it was said to expire last year. The bad news is that it is no better than it was and we are 1 year closer to it. That report is there. It is projected that the program will go broke in 4 years. This confirms what we have known over a period of time. Now the time has come to do something. We ought to take advantage of this opportunity. We can make some changes. I think both the Senator from Arizona and the Senator from Texas indicated we have a difficult issue, but we can make some changes. The longer we wait, the more difficult it will be to rectify the problem.

We have already begun to move into the area of giving some choice to seniors. I think that is a great idea. If we are going to have choice of managed care, for example, which has brought down the costs in many cases, we have to do something about the payments that are made currently. The payments for Medicare, HMO's in some counties in New York are $750 a month. Those same payments in Wyoming, and in North and South Dakota are $220. We do not have the opportunity in our States to use managed care. Furthermore, those high payments have allowed the benefits in this New York county to be greater than the benefits in Wyoming for a program that has all been financed by the same payments from everyone—2.9 percent. That is unfair. We need to change it. There are aging and disabled persons who depend on it. We need to do something. We need to give some flexibility. We need to be able to use some managed care plans.

We also need to take a long look at fraud and abuse. We had some hearings a couple of years ago, and I am sure things have not changed, where nearly 10 percent of this enormous fund was lost in fraud and abuse. We can do something about that.

Mr. President, I simply again want to thank my friends for coming here. I think we have to focus on this program. The sooner we find some solutions, the less severe any changes will have to be. We can, indeed, do that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

THE CHEMICAL WEAPONS CONVENTION

Mr. KYL. Mr. President, I ask unanimous consent to have printed in the

RECORD various op-ed pieces that relate to yesterday's debate on the Chemical Weapons Convention.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 22, 1997]

ON MY MIND—MATTER OF CHARACTER

(By A.M. Rosenthal)

For collectors' of flips, flops, mistakes and outrages in the conduct of American foreign policy, last week was a treasure trove, pure heaven. For the national interest it was a pure mess.

Three times the Clinton Administration floundered or double-talked itself into loss of credibility—and on three of the more important international issues facing the country: the treaty on banning chemical weapons, the struggle against state-sponsored terrorism and the war on drugs.

The most immediate issue is the treaty prohibiting production, storage and use of chemical weapons.

This should have been a breeze. Americans could normally be counted on to support international outlawing of chemical weapons, which the U.S. has already forsworn. But a lack of candor at home and of political courage with our allies has made it a tossup as to whether it will pass when it comes up for a Senate vote on Thursday.

Written into the treaty are loopholes that are deal breakers for many senators. Article 10 alone would break it for me.

ARTICLE 10 AND OTHER OUTRAGES.

The article mandates that all signatory countries have the right to the "fullest possible exchange" of all materials and information about "protections" against chemical weapons. Those materials and techniques could show terrorist nations how to produce chemical weapons that could evade the defense of their chosen victims. Iran just loves Article 10.

Since the treaty was first proposed in the Reagan Administration, four important facts have become part of international reality.

One: Some of America's friends like Russia and Germany, have sold techniques and components of weapons of mass destruction to countries bitterly hostile to the U.S. Two: Under Presidents Bush and Clinton, the U.S. has not shown the willpower to stop or punish the "friendly" sellers or their customers. Three: China has become a major rogue distributor, to major rogue nations. And four: America has not been able to stop that either.

Article 10 would permit salesmen of death to peddle chemical-weapon materials and techniques entirely legally, by labeling them "defensive."

The answer that the Secretaries of Defense and State gave was that the treaty will go into effect whether the U.S. likes it or not, so we should sign and keep an eye on it from the inside.

There's a far better way. The senate should adopt a proposed amendment making actual U.S. participation conditional on the President obtaining deletion of Article 10 and some other loopholes.

The week's outrage on state-sponsored terrorism sacrifices the right of Americans to get important non-classified information. Washington decided to withhold a white paper about Iranian terrorism it had planned to make public. This came after a German court found Iran guilty of terrorism against Iranian dissidents in Germany, and as information pops up that Iran was involved in the slaughter-bombing of an American military installation in Saudi Arabia.

The white paper was withheld because the State Department does not want to upset European nations that have tried to use "engagement" to persuade Iran to behave sweetly, a policy the U.S. says has failed. Hello? State, are you all there?

Drugs: Mexico now is the major transporter of marijuana and Colombian cocaine into the U.S. The hotshot general who headed Mexico's antidrug effort has been arrested as the secret agent of the drug cartels. The Mexican Government had allowed this traitor to go to Washington for embraces and top-secret briefings with his American counterpart, Gen. Barry McCaffrey, without informing any American that their man was about to be jailed.

Bonded to Mexico by Nafta and the peso bailout, an embarrassed White House decided not to lift Mexico's certification as a country doing its best to fight drugs.

Mr. Clinton plans to visit Mexico next month. Instead of preparing Mexico's public to hear some hard truth about their country's contribution to the drug war, last week the Administration began almost apologetically making nicey-nice to Mexico, to put the visit in the "right light" for Mr. Clinton.

Underlying these fumbles, mistakes and outrages are not simply defects of policy but of character: the inability to face and correct mistakes and the addiction to evasion and denial. As at home, so abroad.

[From the Wall Street Journal, Apr. 24, 1997]

REVIEW & OUTLOOK

CHEMICAL REACTIONS

Before today's vote on the Chemical Weapons Convention, we hope that some Senator will twist his tongue around the 20 chemicals listed nearby and read their names into the record. This list makes two important points about what's wrong with the treaty.

First is that many ordinary chemicals can be put to deadly use. The chemicals on this list can be used in such mundane products as laundry soaps, ink and fumigation agents—or they can be used in lethal weapons. Bear this in mind when you hear the President assert that the CWC will "banish poison gas from the Earth."

The second point is that the CWC not only will permit trade in these 20 potentially deadly chemicals, it will require it. American companies currently are restricted from exporting these dual-use chemicals under the terms of an organization called the Australia Group, which is made up of 29 Western countries committed to ensuring that their exports don't contribute to the spread of chemical weapons.

But Articles X and XI of the CWC require member countries to transfer chemicals and technology to any other member country that asks. This goes a long way toward explaining why the Chemical Manufacturers Association is so loud in its support of the treaty.

Senators who are still considering how to vote might consider whether selling such chemicals to China or Iran or Cuba will help make the world safe from chemical weapons—or make the world a more dangerous place?

Trade in these 20 precursors for chemical weapons agents, now regulated, would be permitted under the Chemical Weapons Convention:

3-Hydroxy-1-methylpiperidine, Potassium fluoride, 2-Chloroethanol, Dimethylamine (DMA), Dimethylamine hydrochloride, Hydrogen fluoride, Methyl benzilate, 3-Quinuclidone, Pinacolone, Potassium cyanide, Potassium bifluoride, Ammonium bifluoride, Sodium fluoride, Sodium bifluoride, Sodium cyanide, Phosphorus pentasulfide, Diisopropylamine (DIPA), Diethylaminoethanol (DEAE), Sodium sulfide, Triethanolamine hydrochloride.

[From The Wall Street Journal, Apr. 22, 1997]

REVIEW & OUTLOOK

LOTT'S MIRRORS

Trent Lott's problem with the impending Senate vote on the chemical weapons treaty vote is not merely that it binds the U.S. to deal with the likes of Cuba and China. The larger question for Republicans is whether they can cope with the Clinton Presidency, a political hall of mirrors invariably reflecting any given reality back into the body politic as something slightly off-center.

So with the chemical weapons treaty. The issue is being represented to the public as a huge vote on foreign policy, which typically means an austere, almost hyper-intellectualized debate free of the usual, grimy domestic constituencies. We should be so lucky.

If that were true, this treaty would already be dead. The Senate today is full of men and women who've never had the opportunity before to vote on one of these arms-control projects. Some of them must be wondering how the subject ever got so mystical. We ourselves have watched arms-control tiltings since the days of Camelot, and we'd like to reassure the younger class of Republican Senators that if they feel there is a certain "lightheadedness" about this effort, their instincts are correct.

President Clinton was panting over the weekend. "There is no such thing as perfect verifiability," he said of the kind of weapons a Japanese cult cooked up in a bathtub. His "bottom line"—will we go from leading the fight against poison gas to joining the company of pariah nations this treaty seeks to isolate?"—sounded like something from an AFL–CIO commercial on Social Security. And of course, even a flawed treaty would be "an advance over no treaty at all."

This is liberal sentimentalism at its worst. It says, Our hearts are in the right place, so let's not let a bunch of operational details get in the way of doing the right thing. Presumably this policy woolly-mindedness, in both domestic and foreign politics, is precisely what the current crop of Republicans came to Washington to stop. And that they did with the welfare reform act.

So why all the drama over this vote?

Mainly because the real drama is in watching Trent Lott figure out which path he should take in leading the Republicans safely through the Clinton hall of mirrors between now and the off-year elections in 1998. Just ahead, there is the budget mirror, the capital-gains mirror, the MFN mirror, the Helsinki mirror and any other issue that might require the Republicans to balance on a tree limb with Bill Clinton.

The case for waving through a terribly flawed chemical weapons treaty is that a grateful Bill Clinton will be inclined to do deals with the GOP on the budget, capital gains and the like. This strategy inevitably casts Trent Lott as the President's errand boy, the Charlie Brown of politics, willing to believe that this time Bill Clinton won't pull the ball like Lucy of the promises—that he won't double-cross Mr. Lott as he did on the CPI adjustment, that he won't sic Bob Rubin on a capital-gains cut the way he did on the balanced budget amendment.

The only reason that Beltway Republicans would consider playing this game again with so unreliable a partner as Bill Clinton is their belief that absent deals of some sort, the Democrats in 1998 will accuse them of obstruction and failure, all the while running TV ads about Republicans and "poison gas."

Until a few weeks ago, the treaty almost certainly would have passed for these reasons. But then the broader interests of the Republican Party stepped forward to be heard. Jack Kemp and Steve Forbes came out against the treaty. Four former GOP Secretaries of Defense—Weinberger, Cheney, Rumsfeld and Schlesinger—testified against it. Grass-roots conservatives such as Grover Norquist and Gary Bauer joined the active opposition.

These people want, as do we, the party's legislative accomplishments to reflect identifiable Republican beliefs. Notwithstanding the participation of Republican Presidents, arms control today is an idea flowing entirely from a Democratic liberal's view of the world. This chemical weapons treaty perfectly reflects that view. It is a state of mind that would regard Senator Lott's objection to sharing chemical-weapons defense technology with Iran as a "killer amendment," and that would solve the Lott objection by promising only to give Iran "emergency medical supplies."

We're about to go through a few days of high Washington drama before the vote as all eyes focus on the "undecideds." This group now includes GOP Senators Hatch, Bennett, Nickels, Hutchison, Abraham, Santorum and of course Majority Leader Lott. We suspect most of this group knows the treaty should fail on its merits. The larger question is what they believe should define the Republican Party—what they see in the mirror, or reflections from the mirrors Bill Clinton puts before them.

[From the Los Angeles Times, Apr. 21, 1997]

KIRKPATRICK: THE THREAT WILL REMAIN

Ratifying the Chemical Weapons Convention will not prevent the manufacture or use of chemical weapons because the convention is neither verifiable nor enforceable. Proponents attempt to dismiss the many loopholes in the treaty with the assertion that nothing is perfect. But perfection is not the question.

Proponents also seek to minimize the fact that the rogue states and countries with the most highly developed programs either have not signed or have not ratified the treaty—Syria, Iraq, North Korea, Libya have not signed at all. Russia, which has the most chemical weapons, has not ratified, and China has not completed the ratification process. Of course, signing will not prevent signatories from breaking their promises not to produce noxious gases, as Russia has recently broken a promise to the United States.

Will U.S. ratification make the world safer? Did the Maginot line make France safer? To the contrary. It created a comforting illusion that lulled France into a false sense of security and facilitated Hitler's conquest.

The world is less dangerous today than during most of my lifetime. I cherish this sense of lessened threat. But we are not so safe that we can afford to create a false sense of security by pretending that we have eliminated the threat of chemical weapons. President Clinton said, "We will have banished poison gas from the Earth." It will not be so. We had better do some hard thinking about how to defend ourselves and the world against the poison gases that have been and will be produced.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

SENIOR CITIZEN HOME EQUITY PROTECTION ACT

The PRESIDING OFFICER. The Banking Committee is discharged from S. 562, and under the previous order the Senate can proceed to consider that bill.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 562) to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

PRIVILEGE OF THE FLOOR

Mr. D'AMATO. Mr. President, I ask unanimous consent that Lehn Benjamin be admitted to the floor for the purposes of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I rise today to support the legislation known as the Senior Citizens Home Equity Protection Act. Now, that is legal jargon for saying that we have a real problem, one that is, on a daily basis, getting worse and worse, one that is exposing our most vulnerable homeowner population—our senior citizens—to very, very serious abuses.

Let me, if I might, just explain to you the problem without going through all of the intricacies of this legislation, which I might add is supported and cosponsored by approximately 25 of my colleagues. The bill's cosponsors are about equally divided, Republicans and Democrats, and include just about the entire Banking Committee.

Who are these people who are being scammed, who are being victimized? They are our parents, our grandparents, our senior citizens. They are elderly homeowners in America who are being induced by some people who masquerade as estate planners. This is not an attack on estate planners. This is not an attack on those financial consultants who give people advice. This is an attempt to stop thieves, con artists and swindlers, masquerading as helpers to the elderly, but who are nothing more than rip-off artists.

What do they do? Congress, through HUD, has initiated a program of reverse mortgages whereby many seniors who are cash poor and who have equity in their homes, people who have paid off their homes, and find themselves without the ability to pay their taxes, to keep up their home, or to take care of their daily needs, people have utilized reverse mortgages whereby they can go to the bank. They might have $100,000 value in their home and may receive a $50,000 mortgage which they may take out on a monthly basis or they may take out the entire amount and thereby budget for themselves their needs.

Now who is a typical borrower of this reverse mortgage plan? What is the profile? They are 76 years old. They are with less means than a typical elderly home owner. Their annual income is $10,400 per annum. One-quarter of them have incomes of less than $7,700. Mr. President, 78 percent of the total income that they have comes from Social Security.

What do the scam artists do? Today, because of the availability of so much credit information and information with respect to the lives of every citizen, they solicit those people who are elderly, who own their own home. Many of them are living alone. Sixty percent of these people that use the HUD reverse mortgage program need to use it because they do not want to be forced to sell their homes and leave their communities. That is where their friends and neighbors and relatives live. Sixty percent are females living alone, 12 percent are males living alone. So, fully over 70 percent are elderly who are living alone.

So they get a profile on these people and they literally go door-to-door and say, "We are in the business of financial consulting. If you would like, we could help you obtain a mortgage, a reverse mortgage, one you do not have to pay back. Only when you eventually sell your home or if you pass away, will the proceeds come due, and we can get you $50,000 or $60,000 or $70,000." For this advice, they often charge these people 10 percent of the mortgage loan amount. Most times they never tell them that there will be any kind of a fee, nor do they advise them that this information is available free, or that HUD will make this available, or send them the information.

So literally, because they know of this program, they are able to go out and take as much as 10 percent for a $50,000 mortgage for information that is available at no cost, and literally do nothing but relieve the people of their money.

Here is, Mr. President, an advertisement. They are not happy just going door-to-door or by telemarketing themselves. They are now franchising, franchising, this kind of thievery. Here is an advertisement called "America's Trust, Inc.—Tap into a totally new market of opportunity. Duplicate the system that allowed us to expand by 400 percent in 60 days." It goes on to say if you want to become one of our door-to-door solicitors or one of our telemarketers, why, you can earn a 3-percent commission, and, by the way, you can do literally dozens of these referrals on a weekly basis and we will give to you a 3-percent commission, because they give them 3 percent and they keep 7 percent. And this poor homeowner is paying money for a service that virtually gives them nothing, but just refers them to a Government program. That is wrong.

Mr. President, that is why we are seeking to pass this legislation that would stop unscrupulous high-pressure middle men from preying on elderly homeowners by exploiting the reverse mortgage program.

I have explained to you what the problem is. The bill will put an immediate stop to the practice of predators taking advantage of senior citizens. HUD's Federal Housing Administration Conversion Mortgage Program, known as HECM, is a reverse mortgage program. It allows seniors age 62 and older to borrow against the equity in their homes. It is a great program; it has assisted approximately 20,000 people. But, again, we find the masquerader coming and preying on the elderly. The average person is 76 years old and has an average income of $10,400. These homeowners are tracked down and enticed to apply for a reverse mortgage and conned into paying thousands of dollars for this service, which HUD provides for free. They are totally unregulated companies, often changing names and locations.

The following are true examples: One 75-year-old woman who resides in southern California read a brochure about reverse mortgages at a senior citizens center. She contacted the so-called information service, one of these scam artists, who met with her and referred her to a lender. The FHA-approved lender then handled the loan for her. She was surprised and shocked to learn that she now had to pay $5,200 to the so-called information service for that referral. That is just wrong.

Another elderly woman, also in California, was called by a telemarketer who persuaded her to apply for the HUD reverse mortgage program. This person called himself an estate planner. She paid the planner $5,500 just for the referral—no other services. She paid a 10-percent fee just for them saying, "Here, call HUD."

Here is another heartbreaking story. A 91-year-old California widow with cataracts was solicited for a reverse mortgage. While she originally refused, she said she was eventually worn down and agreed. Due to her cataracts, she was unable to read the mortgage documents, and nobody explained to her what she was signing, and she ended up paying a 10-percent fee. She states that she would not have applied for the mortgage had she known she would be paying a 10-percent fee.

This is what goes on and on and on. There are stories about people who are literally coerced, because of their age, to invest their mortgage proceeds in annuities they had no real reason to want or need. These practices must be stopped. This bill will provide HUD the ability to issue an immediate interim order, setting rules and regulations so that legitimate estate planners can continue, and those high-jinx artists who are abusing and defrauding—and actually franchising—what is left of senior citizens' assets will be precluded from doing so.

HUD—and I have spoken to Secretary Cuomo who, within an hour of the final passage of this legislation, will enact those rules and regulations that will prevent these scam artists from dealing with FHA-approved lenders. They will no longer be permitted to do that. The lender will be precluded from working with anyone who is receiving these types of commissions. Now, HUD has attempted to do this. The court system has said, no, you must follow proper rulemaking procedures. That is why we are here. That is why it is a situation of some exigency, because every day, every hour, we have more and more seniors who are potentially being victimized. So it is an urgent question of time.

Mr. D'AMATO. Mr. President, I ask unanimous consent that Senator McCAIN and Senator DOMENICI be added as cosponsors to S. 562.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I simply want to say that no one has worked harder in bringing this matter to light and sponsoring this legislation than Senator BRYAN. He has pointed out that there are 12 million elderly homeowners who own their homes free and clear, and what has taken place is that they have become targets of these people who masquerade as estate planners. There are tens of thousands of older homeowners who are house-rich but cash-poor and have successfully utilized this program. But we have to see to it that we keep these scam artists from moving in further. The success of the reverse mortgage program has opened the door to scam artists that are moving into our communities.

To date, fortunately, this has not become a situation that is widespread. Hopefully, we will be educating people by speaking to them today and telling them to watch out. But, more importantly, we should see to it that they have the protections afforded by this legislation. Let me also say that the State of Nevada has many senior citizens who are potential targets. Obviously, the Senator from Nevada is very concerned.

Mr. SARBANES. Mr. President, I strongly support the Senior Citizens Home Equity Protection Act and commend Chairman D'AMATO and Secretary Cuomo for identifying this problem and moving so quickly to develop a solution. The act will give HUD the tools it needs to put an end to the unethical practice of charging senior homeowners what has amounted to millions of dollars for information which HUD provides for free on the Home Equity Conversion Mortgage Program.

The Home Equity Conversion Mortgage Program enables seniors, who have built up equity in their home, to borrow that equity to meet medical costs, make repairs on their homes, or meet their daily living expenses. Working with participating lenders, FHA insures this loan, smoothing the way to complete the transaction. Homeowners receive payments from lenders on a monthly basis, in a lump sum, or as a line of credit. The size of the loan depends on the owner's age, the interest rate, and home's value, but the average size of the loan is $42,465. Lenders recover their loan plus interest from the sale of the home when the owner dies or moves. Typically, the seniors that use this program depend largely on social security, perhaps supplemented by a very modest pension. For them, this program provides an invaluable service.

The initial demonstration program was authorized in the 1987 Home and Community Development Act, which I supported. Many of the roughly 20,000 reverse mortgages made to date have been made to low- and moderate-income seniors who have been able to build up equity in their homes over the years but now live on fixed, restricted incomes. This program enables them to turn a valuable but nonliquid asset into cash payments to supplement their resources. Clearly this is an important program that contributes significantly to the quality of life for our senior citizens. It is unthinkable that this important Federal program and the people it is intended to serve are being exploited by certain estate planning agencies who charge seniors 6–10 percent off the top of this loan—which, on the average $42,000 loan, can amount to over $4,000. This is tantamount to taking away the equity that seniors worked so hard to put into their homes over the years. In fact, HUD reports that some of these operators pressure seniors into taking out their equity in lump sums, just so the estate planner can collect their fee up front. A little over 77 percent of householders age 65 and older are homeowners—or 15.7 million senior Americans. The companies involved in this practice claimed to have done close to a thousand of these deals and have the potential to do much more harm if this is not addressed.

As a Nation we have long encouraged and recognized the value of home ownership—the stability it creates in communities, the asset it becomes to the owner, and the security it provides over time. I have long supported programs that increase home ownership among low- and moderate-income people, such as the Home Investment Partnership Program and affordable housing goals for Government sponsored enterprises, such as Fannie Mae. It is the low- and moderate-income senior homeowners to whom the reverse mortgage program is so important.

In Maryland, we are making a special effort to increase the home ownership rates in low-income communities because there is no better way to start climbing the ladder of economic opportunity. A few weeks ago, HouseBaltimore, a partnership between the city of Baltimore, the Baltimore Empowerment Zone, and Fannie Mae announced that they have increased the number of low- and moderate-income homeowners in the city of Baltimore by 6,000 over the last 3 years. Earlier this month, the city of Baltimore was awarded a home ownership zone grant of over $5 million. The zone will create 322 new home ownership opportunities, 242 newly constructed units, and 80 rehabilitated units. These so-called estate planners undermine these efforts by taking a portion of this valuable asset away from senior Americans.

Again, I want to thank Senator D'AMATO and my colleagues on the Banking Committee for their responsiveness and willingness to undertake this effort, enabling HUD to take swift action and stop this practice. We need to continue to ensure all of our citizens live in decent, safe homes.

Mr. President, one who has worked tirelessly in this matter has been Senator DODD. I yield the floor to my friend and colleague, Senator DODD.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I thank my colleague from New York. Let me begin these brief remarks by commending our colleague, the chairman of the Banking and Housing Committee, Senator D'AMATO, for pushing this as effectively and expeditiously as he has. We know it is hard to get on the agenda here with all the other matters we have to consider. The fact that we are considering this legislation as quickly as we are is a credit to him and also to the leadership of the majority leader, Senator LOTT, and the Democratic leader, Senator DASCHLE. It is noncontroversial because all of our colleagues, I think, recognize what is being done to senior citizens.

Senator D'AMATO has rightfully pointed out the tremendous work done by RICHARD BRYAN, our colleague from Nevada, who has been deeply involved in this issue. Also, Andrew Cuomo, the Secretary of Housing and Urban Development and his staff have done an excellent job on this issue. He has worked hard to prevent scam artists from taking advantage of elderly Americans in these reverse mortgage opportunities. So many people can rightfully sit at the table and take credit for where we are today—about to pass critical legislation that will help our senior citizens.

Mr. President, everyone in this country needs a safe and secure place to live; that is a dream as old as the Republic. In recent years, the Department of Housing and Urban Development has developed a number of innovative programs that are helping many more Americans achieve the dream of home ownership. The National Home Ownership Strategy, a public-private partnership of 62 organizations, has helped to increase home ownership to a rate of 65.6 percent, Mr. President. That is the highest rate in 15 years. As an aside, I am very hopeful that we will continue to work on creative ideas, under the leadership of the chairman of the committee, and others, to increase home ownership in more of our disadvantaged areas. We have subsidized rents for years, and there has been real value in that, in providing decent shelter for people. I would like to see us do more to subsidize equity and ownership. Nothing does more to clean up a street or a neighborhood than people who have an equity interest or financial interest in what happens to the buildings on their block.

I know the chairman and others have expressed a strong interest in this. So maybe we can move even further than we already have, and increase home ownership rates even higher.

The bill we are considering today will help protect homeowners. It will protect senior citizens who have worked hard, struggled to save, and built decent homes for their families. Our senior citizens fought very hard to get their homes. These are people who didn't have the advantages of a lot of new opportunities that banks provide, and that HUD has provided, to get out and make those downpayments on that first home. These are our retired citizens now, who have fought to keep their homes, who held two, three, four jobs to do so, and paid off those mortgages. They are sitting there holding their home free and clear of any debt. And now, as a result of that, financial institutions very creatively are offering the reverse mortgage, which the chairman has talked about, and are saying you can borrow against that equity in order to take care of medical bills, groceries, or heating bills you may have, and other things that come up. It is a very creative idea to be able to reverse a mortgage, in effect, for things that people need.

But what happens, of course, when something like this comes along, there are always the thugs who try to take advantage of people. This is nothing new. They are always out there. They run around and go door to door, literally, Mr. President, where these elderly people live and rip them off, as the chairman pointed out passionately this morning. These are people who have worked hard and done everything right and live alone, in some cases, and their family may be removed and they don't get the kind of advice they should be getting. You can say "caveat emptor, buyer beware; you ought to do a better job." But it is difficult. They are frightened and scared, and some fast-talking salesman comes in with a quick deal and they don't know the difference.

As a result of the chairman's efforts this morning and the unanimous support that I think we are going to have from all of our colleagues here, we are going to slam the door on these scam artists—loan sharks is really what they are. That is simple terminology that most people can understand.

So I am very pleased, Mr. President, to join my colleague from New York, and others, this morning in urging the adoption of this legislation and urging the House, which I hope will move quickly on this, so that we can submit this bill to the President for signature. I know the President strongly supports our efforts here as well.

This is a good example of a Congress working together to take care of a problem that exists in the country. This legislation will provide our elderly citizens, our seniors, with the security of knowing that the reverse mortgage, which they are taking out for their needs, will not cost them more than it should. So I am delighted to be a cosponsor of this. I commend the chairman again, and others, for their work. I thank the Housing and Urban Development Agency, under the leadership of Andrew Cuomo, for being so supportive. I look forward to the passage of this bill, Mr. President.

I thank my colleague and I yield the floor.

Mr. D'AMATO. Mr. President, let me commend Senator DODD for his leadership in this and say to him that, No. 1, it is absolutely imperative that we see to it that our senior citizens are protected. If you stop and look at the numbers that I have indicated to you, 72 percent of all of these seniors live in their homes alone. For the most part, they are widows or widowers. What targets, what inviting targets they are. They are struggling to keep their homes, and these scam artists come along and say, "We have the way for you to do it." Well, there is a way provided by the reverse mortgage program, without being ripped off for $5,000 or $6,000. They are bandits. We are going to make this immoral, horrible practice now illegal. Technically, they have been able to get away with this. This legislation will give to Secretary Cuomo the ability to prevent this. He has said to us that, within 1 hour of Congress giving him that authority, he will exercise that authority. So that is the least we can do.

I ask that Senator HELMS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Let me say that Senator DODD has mentioned something that I think we can do, and that is we will attempt to do two things. First, where we have struggling communities that are working to upgrade themselves, we can and should be able to make the kind of investment that for not much in the way of dollars will lead to revitalization.

I have met with people in the community today from Riverhead, Long Island, where a self-help program is attempting to take some of the old homes, in many cases that have been abandoned, and upgrading them. They are doing this on their own initiative. They are doing this without any Federal funds.

It seems to me that through an enlightened program of revolving credit that we could provide a minimal amount of money—not tens of millions—but in some cases $100,000, or maybe something in the area of several hundreds of thousands of dollars, which communities could use in their own self-help programs to purchase distressed properties, coupled with low-rate mortgages for first-time home buyers. They want to be in a position where they can say to their communities, "Help us rehabilitate these distressed properties" and then provide young people the opportunity of homeownership that otherwise might not be available.

I am looking forward to working with Senator DODD in this area. Sometimes it is a small program in a community that can grow and develop a pride that can bring about increased support for homeownership in that community.

I am looking forward to working to do that. I think the potential is unlimited. We have an obligation to attempt to do that. We don't need big national organizations that sometimes become counterproductive. They are worried about their own image, and they have lost sight of how to help smaller communities help themselves as opposed to Big-Brother Government coming in and saying, "By the way, we can give them some of these tools."

So I share this with you because I was so impressed by Mrs. Stark, whose husband is the local supervisor in the Town of Riverhead, who said "This is what we are doing, Senator." I said, "You know, we should be part of this to try to provide that opportunity."

We are talking about an important subject, protecting the elderly. We have an obligation to see to it that we protect them, but also to give real opportunities to young families as well.

I look forward to working with my friend and colleague on this.

Mr. D'AMATO. Mr. President, I know of no one else in the majority who seeks to speak to this issue. We would yield back all of our time.

Mr. DODD. On behalf, Mr. President, of Senator SARBANES of this side, we yield back this time as well.

The PRESIDING OFFICER. The bill is before the Senate and open to amendment. If there be no amendment to be proposed, the question is on the engrossment and third reading of the resolution.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed as follows:

S. 562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senior Citizen Home Equity Protection Act".

SEC. 2. DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.

Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services.".

SEC. 3. IMPLEMENTATION.

(a) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by section 2 in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under subsection (b).

(b) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by section 2. Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section).

SECTION 2

Mr. MACK. I would like to engage the chairman of the committee in a colloquy to further define the purpose of section 2 of the Senior Citizen Home Equity Protection Act. Section 2 would authorize new disclosure requirements by amending the existing eligibility requirements of HUD's home equity conversion mortgage [HECM] program. The National Housing Act would be amended to ensure that to be eligible for FHA insurance a home equity conversion mortgage shall have been executed by a mortgagor who has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice or other related services.

Is it correct that this section would authorize HUD to require HUD-approved housing counseling agencies and FHA-approved lenders offering the HECM program to ask potential borrowers a series of questions aimed at determining if they have been or are about to be charged unnecessary or excessive fees by a service provider?

Mr. D'AMATO. That is absolutely correct. Questions asked should include: has the prospective reverse mortgage recipient made or signed any agreement or contract authorizing any fees to a third party? Does the homeowner have the intention to or made any commitments to a third party to use the reverse mortgage proceeds to purchase any annuities, life insurance policies, or for other investment purposes? Has the homeowner been referred to the HUD-approved housing counseling agency or FHA-approved lender by a third party broker?

Mr. MACK. Is it also the intent of the legislation that any third party broker should be required to inform the homeowner of the availability of information and assistance regarding the HUD home equity conversion mortgage program at little or no cost from HUD, HUD-approved housing counseling agencies and FHA-approved lenders?

Mr. D'AMATO. Yes, that is the intention. S. 562 also includes a requirement for disclosure to the mortgagor of the costs of all services related to obtaining the HECM loan, including estate planning and financial advice. HUD should implement this disclosure requirement in a reasonable manner. HUD will not be required to mandate disclosure of the costs of services of persons such as attorneys or accountants who are in the business of giving professional advice. For fees not required to be included in the mortgagee's good faith estimate under the Real Estate Settlement Procedures Act, mortgagees should be permitted to rely on inquiries made to the mortgagors to determine if mortgagors have received the necessary disclosure of cost.

Mr. MACK. Would the Senator please describe the implementation requirements of S. 562?

Mr. D'AMATO. I would be pleased to do so. I believe the National Housing Act currently gives HUD the power to protect elderly homeowners seeking home equity conversion mortgage loans, including the authority to regulate or prohibit unnecessary or excessive fees that mortgagors pay to third parties for referrals to HECM lenders and related services. Due to the urgent need to protect elderly homeowners, S.

562 will require HUD initially to implement these provisions through an interim notice in the Federal Register. HUD will also be required to proceed with formal notice and comment rulemaking and issue a final rule within 90 days. If needed to meet the 90-day target, HUD may provide an abbreviated public comment period.

Mr. BRYAN. Mr. President, many of our senior citizens are once again being targeted by scam artists. This time, senior citizens are being charged excessive fees by so-called estate planners who provide information on reverse mortgages and charge 8 percent to 10 percent of the loan.

More than 12 million elderly homeowners own their homes free and clear of mortgages. This implies the availability of a potentially large market for home equity conversion programs. Reverse mortgages, one of the hottest financial products of the 1990's for seniors, allow homeowners to tap into the equity in their homes and use that equity as a source of income. They work much like traditional mortgages, only in reverse. Rather than making a payment to your lender each month, the lender pays the homeowner. Depending on the loan, a reverse mortgage becomes due with interest when the homeowner moves, sells the property, or dies.

The reverse mortgage program provides tens of thousands of older homeowners, who are "house-rich, but cash-poor," the opportunity to turn their home equity into spendable cash to deal with major financial setbacks such as home repairs, significant health costs, or basic living needs. Reports of abusive practices should not diminish the value of this product. Rather, we must find a way to protect senior homeowners from scam artists who prey on the vulnerabilities of elderly Americans.

Mr. President, senior citizens across the country are being charged scandalous fees for information that can be obtained free from HUD. According to HUD, many older Americans who sign contracts with estate planning services and are charged large fees are unaware that the same information is available from HUD at no cost. Generally, estate planners fees range from 6 to 10 percent of the loan amount. This translates into $3,000 to $5,000 for a $50,000 loan or $6,000 to $10,000 for a $100,000 loan.

Pauline and Jim Mitchell both 79 years old from Henderson, NV were forced to spend most of their savings when Pauline's mother—who was stricken with Alzheimers—moved in with the Mitchells for 7 years before she passed away last year. When the Mitchells were approached by a door-to-door salesman about obtaining a reverse mortgage to pay off expenses, they were extremely interested. What they did not know, however, was that it would cost them $4,500. It was not until they received their lump sum check of $31,000, did they realize that $4,500 had been taken out—in addition to the normal closing costs. That represents a 12 percent commission above and beyond closing costs—for a service they could get for free if they had contacted HUD or the lender directly. At most, they should have been charged a few hundred dollars referral fee—not $4,500.

Mickey Kimberlin and her husband James from Las Vegas were charged $4,000 for information about a reverse mortgage. The Kimberlins were interested in obtaining a reverse mortgage to help pay for mounting family medical bills. When they were contacted by a representative of America's Trust Inc. of San Juan Capistrano in California, they did not realize they would be charged 8.5 percent of the loan.

The Senior Citizen Home Equity Protection Act will protect senior citizens receiving a HUD home equity conversion mortgage from further exploitation by these predator lenders. Our legislation will no longer allow scam artists to hide outrageous reverse mortgage fees. Full disclosure of the costs and the ability of HUD to prevent excessive fees are important and necessary steps to take to protect senior citizens seeking reverse mortgages.

Mr. President, I urge my colleagues to join me in supporting this important legislation to protect our Nation's senior citizens.

Mr. GRAMS. Mr. President, I rise today in support of the Senior Citizens Home Equity Protection Act. This bill will help protect low-income seniors from being gouged by people who are charging them massive and unnecessary referral fees when they receive a reverse mortgage through the Federal Home Equity Conversion Mortgage Insurance Demonstration Program.

The Home Equity Conversion Mortgage Insurance Demonstration Program is a Federal program to benefit low- to moderate-income seniors that was authorized by section 417 of the Housing and Community Development Act of 1987.

HECM provides an FHA guarantee for a special type of home equity loan for homeowners who are 62 years of age or older. HECM permits a senior citizen to borrow against the equity of his or her home. The senior receives cash through a reverse mortgage by either: First, a lump sum payment, second, a lifetime guaranteed monthly payment, third, a line of credit, or fourth a combination of monthly payment and line of credit. The HECM loan is repaid after the senior citizen passes away by his or her estate.

Since the program's inception, approximately 20,000 loans have been closed. HECM is a good program, because it permits low-income seniors who are homeowners to be able to conveniently tap into their home equity. The median age of the participants is 76 years old and the median income level is approximately $10,000 a year.

Unfortunately, a few companies are calling up seniors to let them know about the availability of HECM and then charging them a referral fee of 8 to 10 percent of the total loan. This is a scam, as the senior could contact a lender or HUD directly and not have to pay such a fee.

The Senior Citizens Home Equity Protection Act responds to this problem. This bill amends section 255 of the National Housing Act to permit HUD, which manages this Federal program, to define and prohibit excessive referral fees for the HECM program.

I am proud to be a cosponsor of this bill, and I commend Senator D'AMATO for bringing this bill before us today.

Mr. President, I yield the floor.

Ms. MOSELEY-BRAUN. Mr. President, I am an original cosponsor of the Senior Citizen Home Equity Protection Act because I do not believe we can sit idly by while senior citizens are charged excessive and unnecessary fees for seeking to access the equity in their homes. It is an unconscionable practice.

The Senior Citizen Home Equity Protection Act provides basic consumer protections for working people in their senior years who want to obtain a reverse mortgage so that they may live with a level of economic security. Reverse mortgages benefit people who have worked their entire lives, have managed to buy their own homes, but who do not have much extra income to live on after they retire.

Under a reverse mortgage, the owner of the home gives a lender a mortgage on the home. The homeowner receives either a lump sum of money or monthly payments in return. The funds do not have to be repaid until the home is sold or the homeowner dies. The FHA's Home Equity Conversion Mortgage Program guarantees these reverse mortgages.

This is a good program for some seniors and one which the Government supports. Unfortunately, there are some who are taking advantage of seniors and charging them excessive fees to complete the reverse mortgage transactions, including fees of up to 10 percent of the loan amount. The way these scams work is that mortgagors will offer to serve as financial advisors to senior citizens and then charge them exorbitant fees for providing the seniors with public information about the HUD reverse mortgage program.

Those seeking a reverse mortgage generally do not have much income to spare. The average borrower is 76 years old and has an annual income of $10,400. Charging a $10,000 fee for a $100,000 reverse mortgage, as is done, is highway robbery.

The Senior Citizen Home Equity Protection Act is not complicated legislation. There are only two provisions.

The first provision requires that the senior has received "full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services." This will provide seniors with the information they need to make sound judgments concerning the value of the services they are receiving.

The second provision provides that the HUD secretary has the authority to impose restrictions to ensure that a lender does not charge excessive, or unwarranted costs to the borrower for providing a reverse mortgage. This is a basic protection that allows HUD to police the bad actors who are ruining reverse mortgages as an option for too many seniors.

HUD tried to address the problem, but a court ruled that the department had to go through its normal procedure to issue a rule governing fees charged by the advisers. Formal rulemaking can take as long as 6 or 7 months. We do not have 6 or 7 months. Every day seniors face the prospect of losing part of the equity in their homes because these scams are allowed to continue. This legislation will put an end to the scams.

I thank Senator D'AMATO for introducing this bill, I am proud to be an original cosponsor, and I urge all my colleagues to join me in supporting the Senior Home Equity Protection Act so that we can quickly enact this simple but crucial legislation.

Mr. FAIRCLOTH. Mr. President, I felt compelled to speak today on behalf of S. 562 which I support as a cosponsor. It is a good bill and apparently long overdue. This legislation provides protections to homeowners who are receiving reverse mortgages by ensuring that there are no unnecessary or excessive costs charged for obtaining the mortgage.

I state that this bill is apparently overdue because of the horrendous stories we have heard about the elderly being charged outrageous fees simply to find out information about the reverse mortgage program. Because the reverse mortgage program is only available to individuals over 62 years of age, these so-called scam artists are preying on older citizens who typically are cash-poor and in need of additional dollars, sometimes for health care costs or home improvements.

A reverse mortgage is a loan that works backwards. It is beneficial for those who are house-rich but cash-poor. Instead of receiving a lump-sum amount that must be repaid in monthly installments, the homeowner gets to borrow money based on the equity in his home and nothing has to be repaid until the owner moves or dies. When the home is sold, the loan, along with the accrued interest, is repaid from the proceeds.

Some of the estate planning companies who provide information on the reverse mortgage have been charging referral fees of up to 10 percent of the amount of the loan that is eventually taken out by the individual. The exorbitant fees being charged are outrageous. These companies have been preying on our country's older citizens, and this practice must be stopped.

Just a few weeks ago, the Secretary of HUD, Andrew Cuomo, attempting to halt these practices, issued a departmental directive preventing lenders who insure loans through the FHA from dealing with the referral companies. However, just 10 days after the announcement of HUD's directive, a Federal judge here in Washington set the directive aside awaiting further hearing. While some of the mortgage originators have indicated that they have stopped dealing with the estate planning firms by their own initiative, many of us in the Senate want better safeguards.

Senate bill 562 ensures that the practice of charging exorbitant fees in the reverse mortgage program are halted by doing two things. One, the bill requires that all fees and costs associated with the reverse mortgage program be disclosed to the homeowner. Two, the bill gives authority to the Secretary of HUD to ensure that the homeowner does not pay any unnecessary or excessive costs for obtaining the mortgage. This would include any costs of estate planning, financial advice, or other related services. S. 562 does not set prices or products in the reverse mortgage program, it only acts as a safeguard from excessive costs.

I am proud to say that my State is home to the largest servicer of the FHA reverse mortgage. Wendover Funding, a Greensboro based mortgage banker, is the Nation's largest wholesale lender and administrator of these loans. Wendover currently services more than 11,500 reverse mortgages, representing approximately 60 percent of the market. Of these, Wendover has funded more than 400 loans to seniors in North Carolina.

Many believe that FHA's involvement provided much-needed consumer protection to the reverse-mortgage industry. Lenders who make FHA-backed loans have to abide by strict rules on rates and set-up fees and can't charge any hidden fees to make extra money. Unfortunately, some of the estate planning companies who refer the borrowers to the FHA lenders have not had the same restrictions put upon them.

The several unscrupulous companies that have scammed thousands of unnecessary and exorbitant fees from elderly citizens have forced this Congress to act. The protections placed in S. 562 will ensure that senior citizens are no longer taken advantage of when they are looking at this new source of income. Our grandparents, as they face longer years of needed income and want to stay in their homes, will be able to do so and still be protected.

Thank you Mr. President. I urge my colleagues support.

Mr. JOHNSON. Mr. President, I rise today to express my strong support for the Senior Citizen Home Equity Protection Act introduced by Senator D'AMATO, and to thank Chairman D'AMATO for moving so quickly in response to the needs of the Department of Housing and Urban Development in efforts to crack down on the exploitation of our vulnerable low-income senior citizens.

The Senior Citizen Home Equity Protection Act will assure that a homeowner pursuing a HUD home equity conversion mortgage, or reverse mortgage, is not charged unnecessary or excessive costs for obtaining that mortgage. The median age of reverse mortgage applicants is 76 years. Most of these borrowers are very low income, Social Security dependents, typically seeking additional funds for basic needs and medical expenses. Information on the program and the application process is provided by HUD free of charge. Yet, some businesses have been convincing seniors of services and counseling required before reverse mortgages can be secured. Many of these middlemen charge up to 10 percent for services that seniors do not realize are unnecessary.

S. 462 clarifies HUD's authority to appropriately restrict unnecessary or excessive costs related to the origination of a reverse mortgage. I believe it necessary to grant this regulatory authority to end fraudulent business activity so that legitimate business interests can be protected and the loan program can remain a viable alternative for seniors to turn to in the financial marketplace.

My State of South Dakota recently remedied State law to allow for participation in HUD's reverse mortgage program, at the urging of the South Dakota AARP and the South Dakota Bankers Association. While we have been fortunate not to have felt the impact of these deceitful businesses in South Dakota, I am a strong supporter of this legislation to prevent the spread to my State, now that seniors can pursue these reverse mortgages.

Senator D'AMATO worked closely with HUD Secretary Cuomo to ensure that seniors can be protected while the viability of the loan program remains intact, and I urge my colleagues to support the Senior Citizen Home Equity Protection Act.

Mr. D'AMATO. Mr. President, I know of no one else in the majority who seeks to speak to this issue. We would yield back all of our time.

Mr. DODD. On behalf, Mr. President, of Senator SARBANES of this side, we yield back this time as well.

Mr. D'AMATO. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. DODD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

The PRESIDING OFFICER. The Senate, under a previous order, will proceed to morning business with Senators permitted to speak for 5 minutes each, with the following exceptions: Senator SMITH of Oregon for 30 minutes, Senator DORGAN for 30 minutes, Senator DASCHLE, or his designee, for 30 minutes, and Senator WELLSTONE for 10 minutes.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

BREAST CANCER RESEARCH

Mr. D'AMATO. Mr. President, let me speak, if I might, to an issue of critical national importance—an issue that has plagued the people of the State of New York, most particularly those in Long Island. I am talking about Nassau and Suffolk County, the communities of Long Island. A major county is described legally as a county that has more than 250,000 women, for the purposes of compiling these statistics. And they are dreadful statistics because we are talking about the incidence of breast cancer. Long Island has had an unenviable position of being ranked No. 1 in the incidence rates of breast cancer in years gone by.

It is incredible. As a result, the National Institutes of Health has undertaken a very comprehensive study, one of the first of its kind, which says we will look to see what environmental factors may be contributing to these high rates of breast cancer. They are undertaking that study. Some $5 million has been allocated. Mr. President, that $5 million is not enough, even though it is among the most sophisticated studies being undertaken.

Recently, some very real questions have arisen as it relates to what impact there may be as it relates to radioactive materials, radio nuclides, and other materials that may have gained entry into the groundwater system, or that may, as a result of being dispersed in the air, some of these radioactive materials out in Brookhaven, Long Island. What impact has this had, if any?

Indeed, it seems to me, if we were to spend $5 million, that is not an inconsequential sum. But one of the most comprehensive studies undertaken—this is a study that will take over 5 years; not to complete this study, addressing all concerns, as it relates to the high rate of breast cancer on Long Island, would be wrong. The scientific community will not have completed its chore. And part of that is to be able to say to the public we have examined the situation.

Brookhaven National Lab—and it seems we may have an additional responsibility—has been run under the aegis of the Department of Energy. May I say here and now that it has been run abysmally as it relates to the impact of its operation on the community.

Over the years, there has been a litany of abuses of burying of waste materials, hazardous waste, of creating almost a dump site of indifference to the operation of this lab where, indeed, the water tables have been impacted and have actually had radioactive materials—tritium—discharged; and the reports of leaks, and the reports of these discharges have been systematically withheld from the public. The lab has operated with an indifference to public health—"The public be damned" attitude. I commend the Assistant Secretary for Energy, who has come in to look at what can be done to straighten this fiasco out. The scientists have been more concerned with the success of their project than they have in terms of what the operational impact is. You would think some of the world's leading scientists would know that to even pose a threat to contaminate the drinking water, the drinking supply system, is just unconscionable. Yet they have been there with total indifference.

So I mention this because there is a real reason why that study should be expanded. The NIH has done an outstanding job with the funds available. They have not had sufficient funds.

That is why it was last Wednesday I spoke to Senator STEVENS, chairman of the Appropriations Committee. We are going to be undertaking a supplemental appropriations on this floor.

By gosh, let me tell you when we have disasters, we should take care of them. This is a disaster. We should see to it that there are the necessary funds. Not only on Long Island, but we have another facility in Seneca, NY. It is a small community with an incredibly high incidence of breast cancer.

Why do I mention Seneca? There is very direct Government responsibility because we operated a huge storage depot there for all kinds of materials, such as atomic, et cetera. Some of them are still classified and are stored there. It has one of the highest rates of breast cancer in the Nation. They should be included. The people of that community should have a comprehensive study.

I have requested of Senator STEVENS consideration that we increase the NIH funding. We are not talking hundreds of millions. But we are asking, and I have asked him. Hopefully they will include some $15 million so that Long Island's study can be brought to a successful conclusion so that they can monitor the operation as it relates to whether radioactive materials have had any impact on the groundwater and in the incidence of breast cancer and to the health of Long Island.

So whether it be Seneca, or whether it be my colleagues who seek funding from other parts of the country, California, New Jersey, or wherever it might be, the State of Florida, where people would come and say, "We want to know. Are there environmental factors that are contributing to the higher rates?" We should be doing this.

I want to commend Senator STEVENS for his looking at this. I hope that we will all be supportive.

So it is not a question of us appropriating money just so that we can do this for Long Island. I am concerned about that, and Seneca in upstate New York, but, indeed, the people of this Nation.

I can't think of a better allocation of resources than to use this to ascertain with definitiveness with the best science available so the communities can raise their children with a piece of mind that there are hazards that can be avoided and are identified.

I just leave you with one chilling statistic as it relates to the 3 million people who live in Nassau County and Suffolk County. More than half of them are women. Women who live on Long Island for more than 40 years are 70 percent more likely to come down with breast cancer than a woman of comparable age, et cetera, and background who lives there for 20 years. Why? That is why there are so many of us who think there are some very real environmental factors that must be considered.

So I hope that all of my colleagues could support this increase of $15 million, which is a very modest sum, to expand the NIH; and, yes, to earmark for breast cancer research to ascertain what impact the environment may have in causing the higher incidence.

I thank the Chair. I thank my colleagues for being so generous in permitting me the opportunity of making this presentation in morning business.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

PRIVILEGE OF THE FLOOR

Mr. DORGAN. Mr. President, I ask unanimous consent that Andrea Nygren, a fellow of my office, have privilege of the floor during this session.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISASTERS IN NORTH DAKOTA

Mr. DORGAN. Mr. President, I just returned from my home State of North Dakota. And I know my colleague has spoken as well about the challenges that we are facing in North Dakota and in our region as a result of the disasters that have occurred. I wanted to visit with my colleagues and explain to those who watch these proceedings what is happening in this State, and in this region.

North Dakota, as everyone knows who has watched the news in the last couple of weeks, has been dealt about as tough a blow as you can deal a State or region with a series of tough storms, floods, and fires.

It is normally, for those who visit and especially those of us who live there, a State blessed with enormous beauty and with sturdy, determined, and wonderful people. But for much of the past 6 months our State has been hit with some of the worst weather known to man. We have been hit with five to seven major blizzards, and additional minor blizzards, during this winter.

This photograph is of a farmer in North Dakota who stands on flat ground. But as you can see, the snowdrift is somewhere around 15 to 18 feet high on his farm. He sent me the picture just to demonstrate what kind of snow has come to his farm, and what these blizzards and winds have done to him. These nine blizzards that we have seen have dropped 3 years' worth of snow in North Dakota, and in 3 months. Anyone who knows about North Dakota winters knows that we have some pretty difficult days in the winter from time to time.

But when you give us 3 years' worth of snow, over 10 feet of snow in a several-month period, that is an enormous quantity of moisture, and if that was not bad enough, that 3 years' worth of snow this winter arrived after 4 straight years of rainfall that was far above normal. So that snow fell on a ground that was already saturated. So when the spring thaw came, there was nowhere for melting snow to go.

Most Americans have now seen on the front pages of their newspapers and on their television sets and heard on radio news programs the result of all this. Today I want to report to you on some of the things that you may not have seen.

This is an aerial view of Harwood, ND. This is just a few miles north of Fargo, ND. This is land that is in the Red River Valley, some of the most fertile land in our entire country. It is flat as a table top. There is not a hill that you can see anywhere. And you can see what has happened. This city of Harwood, incidentally, is one of the only cities that built a little ring dike and you can see that this city is dry. It is a very small community but the flood is all around it. It gives you some dimension of this flood. I have flown over the flood about three or four times in the last week or so and all you see are miles and miles and miles of water. And you cannot see any evidence of a river. The tiny river, which is the Red River, normally not very substantial at all, has now become a 200-mile lake.

I want to talk to you about the scope of the disaster. There isn't anything that I have seen, and I have seen a fair number of disasters, both in North Dakota and around the country, that compares with it. It is deeper, it is wider and it is longer reaching with longer-term implications than any I have ever seen, and it touches almost everybody and everything. The people who keep statistics on these things tell me that about 20 percent of North Dakotans have been severely affected by this ongoing disaster. The damage to property alone will likely exceed $1 billion and probably run into the several billions of dollars if you include all of the other ancillary problems that will result from this including preventing planting for agricultural crops and more.

Property damage is just one part of the story, and one of the reasons I have come to the Senate Chamber today is to say that even though we have lost a staggering amount of property in these floods, much more than property has been and is being destroyed. This is a challenge to our State and our region's economy that is unlike any other challenge I have ever seen.

It is really a significant blow to an economy of a region in our country. The disaster is, of course, in our cities but it is also on our farms. You have seen the pictures of the cities and you perhaps know that Grand Forks, ND, the second-largest city with 50,000 people, is now virtually a ghost town.

Two days ago, in the City of Grand Forks—and this picture, by the way, is a picture of one of the bridges. None of the bridges are usable in Grand Forks. All of the bridges are closed and most of them are underwater. This is just before this bridge went underwater. But you will see the Red River inundates all of the buildings on all sides of the river.

Two days ago I was in a boat on the main street of Grand Forks, ND, with the water, I would guess, up to a person's neck. I was not out standing in it. I was in a Coast Guard boat. We ran over a car, as a matter of fact, ran over the top of a car and did not know what we hit. We knew we hit something with this Coast Guard boat, and we looked back and saw there was an antenna, a radio antenna of a car sticking out of the water about 2 inches. That is how we knew we hit a car in this boat. Cars are under the water, submerged under the water on the main street of this town. And it demonstrates what this town faces. It is a community of 50,000 people where there is no water, no sewer system, and no electricity in most of the town. Virtually all of the people were evacuated during this flood.

So when you go through this community, you discover a town of 50,000 people with no one home and most of the houses and businesses submerged or with water up to their windows, in some cases up to the eves troughs. Most people have seen pictures of the destruction of this city. And it is only one city, as you know.

We have seen the destruction of the downtown area of Grand Forks, with a fire in the buildings which destroyed nearly a city block. This is a picture of the firemen in Grand Forks who were fighting the fire in waist-deep floods. I talked to the fire chief and to some firemen and almost nowhere will firefighters be confronted with standing in ice-cold water, water up to their waist and their chest, water filled with sewage, water filled with fuel, standing their trying to fight a fire, incidentally, without water in their fire hoses. Some of these valiant firefighters were trying to fight a fire that was destroying an entire city block with fire extinguishers because that was all the tools they had at their disposal.

Well, you have seen the pictures of what occurred in downtown Grand Forks. That is only part of the story. The other part of the story is a picture of North Dakota farms. This is a picture of a North Dakota farm and, of course, it looks like a picture of the Great Lakes. There is, indeed, a barn and a silo, but all of the rest of what is farmland now appears for all other purposes like a lake because it is all underwater.

We have a substantial disaster on our farms. During all of these massive blizzards and the flooding, farmers and ranchers in North Dakota alone have lost over 150,000 head of cattle—150,000 head of livestock dead from these storms.

By itself, that would categorize this winter as a pretty tough winter, but there is much more. The damage to farm buildings, farm homes, barns, and granaries from the most recent blizzard alone is estimated to be about $21 million, according to early estimates.

As you know, about 2½ to 3 weeks ago, just as the spring thaw began to occur and just as calving season began in North Dakota on our farms and ranches, we were hit with a blizzard that dumped up to 20 and in some cases 24 inches of snow on our State, with 50 and 60 mile an hour winds and another whiteout blizzard where people could not see. Of course, now all of that is beginning to melt and it has caused, along with all of the other moisture, the catastrophic flooding in our State.

This is another picture of what is farmland, probably land on which either wheat or sugar beets or potatoes are grown in the Red River Valley. Now, we are at a time of the year when people should be in the fields with tractors and seeders, planting. Instead, their fields are flooded. We have 1.7 million acres under water at this point and much of those 1.7 million acres of flooded farmland will probably not be planted this year at all. That is a very difficult blow to our agricultural economy.

Where oceans of wheat would wave in the wind, we now have oceans of water this spring in the Red River Valley. And when the water does recede, it is still going to take weeks to get into those fields. It is going to be touch and go as to whether much of them will be planted this year.

Those are some statistics and images of the disaster with respect to dead cattle, inundated farm land, ravaged cities.

Much of the disaster is also taking place in our small towns. Towns like Pembina and Drayton, and Harwood and scores like them in North Dakota, all have had to fight these floods in 1997. In fact, in Pembina and Drayton right now as I speak the crest is just beginning. Up in the Pembina area, they are fighting like the devil to try to save their homes. They have been evacuated. They have had to abandon most of the sandbag lines, and it appears that this entire city will have to be completely evacuated, and whatever the flood does to Pembina it does to Pembina. All of us are hoping and praying that that small community is able to get through this, but because of the evacuation we will not know what the fate of Pembina, ND, is until the water is gone.

There is a meeting this weekend that President Clinton is hosting with President Ford and President Bush and Colin Powell and others on the issue of voluntarism. That meeting could probably learn a lot from the last several weeks in North Dakota. The general who heads the Corps of Engineers told me that up and down the Red River Valley, in Wahpeton, Breckenridge, Fargo-Moorhead, and on, he said he has never seen a more aggressive flood fight by people than he has in the Red River Valley this year. Thousands and thousands of people have decided to volunteer their time to be on sandbag lines and to do all of the things that are necessary to help build dikes and try to fight this flood. So what I want to do is talk a little about the people in North Dakota as well, and some of the real heroes in our State that we do not hear quite as much about.

I have described a little about all of these volunteers. I want to talk a little about some of them as well.

I spoke in this Chamber one day some while ago after we had another one of those whiteout blizzards in North Dakota, the kind that came raging in and no one could see their hand in front of their face. That is called a whiteout blizzard, the wind blowing 50 miles an hour and snowing. You cannot see a thing. It is dangerous and takes lives and kills livestock.

I told them about a fellow named Don Halvorson, who is a farmer near Grafton, ND, and a woman named Jan Novak, who was going home from work at 10 in the evening. She drove into this whiteout blizzard outside of Grafton, ND, could not see, and pulled off the road and became stuck. There she was at 10 or 11 at night in a desperate blizzard, temperatures were way below zero with massive winds. And she told me that she prayed and prayed and she worried very much that she may not survive this.

The county sheriff got a call from Jan Novak's husband who said that his wife had not returned home and he was very worried about her being lost in the blizzard. The county sheriff began a search with members of law enforcement and they discovered that they could not search because they could not see anything either. They could not be on the roads because there was no visibility. They began to call the farms up and down the line where she might have driven, and they called a farm that was operated by Don Halvorson and his wife. Don was in bed; it was 3 a.m. They woke him up and asked him if he had seen Jan Novak. He did not know her, of course. But they said she was out in this blizzard and had not been heard from. And he, of course, said, no, he had not seen her, and he went back to bed.

He told me that he laid there but could not sleep, and so at 3:30 a.m. he got back up. He bundled himself up, went out in this whiteout blizzard, got on his tractor that had a cab over it. And in his tractor without visibility beyond his front wheels he went up and down the roads looking for Jan Novak, for 3 hours. And at 6:30 in the morning Jan Novak said she thought at that point she may not get out of this. And her head was bowed and she was praying in her car in the middle of this raging blizzard, and this Don Halvorson drove up in his tractor. She saw the tractor and this fellow who did not know her but could not sleep at 3:30 in the morning because someone was out there, rescued her, saved her life. And she said if you ever think prayers don't matter, when I saw this fellow I didn't know driving this tractor, risking his life in this blizzard to save mine, I now understand about the power of prayer.

You do not hear so much about heroes these days, I suppose, but people like Don Halvorson really deserve to be mentioned because they do things for each other that save lives and make life better. And the only way you can really survive in these tough times is to have people like Don Halvorson and Jan Novak and others who care about each other.

Another hero is Jeff Differdin. He is a Valley City snow plow operator. During the blizzard just 3 weeks ago, Jeff drove his snow plow up and down interstate 94—the interstate had long been closed; nobody could see anything—searching for a car that had been stranded for more than 6 hours. They were worried about the safety of the people in that car.

The visibility was so poor, he learned later that he once had driven within 8 feet of that car but couldn't see it in a whiteout blizzard. He kept looking, kept looking, risked his life and finally found that car and saved all of the occupants.

I was in Mandan, ND, and met the fellows who went out and saved a little boy in the middle of a raging blizzard, with a snowbank 15 feet high over a road. A little boy was suffering a severe and acute medical problem and would have died from it had he not gotten to a hospital, except the problem was he was miles and miles and miles away from the hospital. And between him and the hospital, in a whiteout blizzard, was a 15-foot snowdrift. Two ambulance crews and two road crews of volunteers went looking for that boy. They plowed through from both sides of this 15-foot drift and got him out and got him to a hospital and saved his life. I talked about those folks a while ago on the floor of the Senate as well.

I would also like to talk just for a moment about the 27 members of the Grand Forks Fire Department. I mean, they are real-life, big-size heroes of the last few weeks. That blaze that raged through downtown Grand Forks Saturday and Sunday, a lot of people don't know—they know they fought a blaze, this fire department, under heroic conditions. A lot of people do not know, in those buildings, in the downtown that was destroyed—and here is a picture of the firemen, you can see, fighting the fire in water up to their waists, sewage-infested water, ice cold water. An entire city block burned. I saw that block the other day from a boat, sitting right in front of it. It looks like the pictures of Dresden in World War II. These firemen saved the lives of 20 people, pulled them out of those buildings and fought that fire for 16 hours in contaminated, freezing water, so cold it was causing hypothermia.

They did not have, as some fire departments do, waterproof hip-waders. That is not what they were standing in that water in. They did not have, necessarily, all the right equipment. And they did not have water to fight the fire with. One of those young firemen said to me, "You know, normally water is our ally. When we see a fire, as firefighters, we know what we are going to do. Water is our ally. We were standing in waist deep water and had no water to use." So they improvised. A portable water gun was brought in and mounted on a nearby parking garage, and they fought it with that for a while and with their fire extinguishers. They had to hook up the water gun, groping around in the dark to find a fire hydrant. They plugged it in, and then the water main failed, so they fought the fire with fire extinguishers.

Then they got big crash trucks in from the Grand Forks airport and from the Grand Forks Air Force Base on a flatbed trailer. It was raised up so they could bring it in through the water. One of the Grand Forks Fire Department's own pumper trucks was brought in, hauled by a 5-ton National Guard truck. At that point the firefighters finally began to make some headway, after an entire block of downtown Grand Forks was destroyed.

These folks fought that fire as beams were falling and bricks were falling and crashing into the surging flood water that was raging around them. This flood water that they are in, I must tell you, the current is so incredibly strong that when they go down an intersection and face the current, they have to crab a boat deeply into the intersection, just to get across the intersection. That describes the current, and these folks were standing in that current fighting this fire. Even as they fought this fire by getting some helicopters to come in and dump some fire retardant chemicals on those burning buildings, those firefighters were still there, underneath those helicopters, fighting that fire.

I cannot think of a more difficult set of circumstances in which someone would ever have to fight a fire, but they did, for 16 hours. They limited the loss. Yes, they lost a city block and they lost some other buildings and they have had to fight other fires since, home fires in a city of 50,000 where no one lives and where homes had to be evacuated.

The Grand Forks Fire Chief, Richard Aulich, and 27 members of his department, are people, I think, who an entire nation would say represent the finest in public service and heroism.

The more than 100 workers from the Corps of Engineers, public servants, Federal employees—more than 100 workers from the Corps of Engineers were waging flood fights in 80 locations up and down the Red River Valley.

There were also 11 people in the basement of a building in Grand Forks who kept a telephone service working, a building that was flooded like the rest of town. These 11 people stayed in that building 5 days to keep telephone service working. It was critical for public safety. They are heroes, employees of U.S. West, who kept telephone service for the FAA, for FEMA, for all the emergency workers. They kept it up and operating during that entire flood.

In Fargo, ND, in the middle of the night, Sylvia Hove's son-in-law discovered that the dike in her backyard was leaking and he put in a call to the police department. He flagged down, actually, Fargo Police Officer Lt. John Sanderson, and then Lt. Sanderson radioed for help. At 4 in the morning, Sgt. Wayne Jorgenson and a number others showed up. They had just completed working an exhausting shift. But rather than going home, they rushed to Mrs. Hove's home and they sandbagged furiously at 4:30 in the morning on this ruptured dike and prevented the dike from breaking. Eventually that dike broke and Sylvia lost her home. I know Sylvia Hove. They fought a valiant fight. The point is, at 4:30 in the morning when a leak developed, they put out a call and police officers just finishing their shift rushed to that scene to help sandbag.

There are legions of heroes in North Dakota, fighting this battle even today, whose names we will not know and I cannot give here because they are ordinary people who, in extraordinary times, demonstrated uncommon courage.

I want to mention the men and women at the Grand Forks Air Force Base. I have talked about how much a part they are of the community in Grand Forks. There is no better example of that than what they have done. I was at the Air Force base where they have three hangars where evacuees from the city are living on cots, 1,000 people in each hangar. But more than that, the people who live on the Air Force base have actually gone to the hangers and said, "Come live in our homes," and taken people into their homes. The day before yesterday there was a farmer and his wife from Thompson, ND, 15 miles away, who were standing outside of the hangar. They said, we have come because we know there are evacuees. We have taken one family in and we have room in our home for a second family and we have come to get them and offer them our home. That's the kind of thing that was happening on the Grand Forks Air Force Base.

There are boys and girls from our high schools, junior high schools, senior high schools and colleges, from all over the Red River Valley who have worked their hearts out sandbagging, helping save their towns. There is an 8-year-old girl and her 7-year-old brother who squatted on the ground for 2 hours at "Sandbag Central" in Fargo, holding empty sandbags open as the men and women filled those sandbags.

Two men from back East here, who were going to Montana to take new jobs, heard the radio reports and diverted in North Dakota and showed up in Fargo and said they were there to help fight the floods, and they spent their days sandbagging rather than driving to the next job. There were the women who baby-sat for free and caregivers and others, men and women, who helped other moms and dads with child care to fight the flood; employers who gave workers time off. The North Dakota colleges and universities—incidentally, who have dismissed for the year—made their facilities available for the flood fight.

What is happening here is North Dakotans and others who have come to our State have reached out and responded in this crisis. They have helped sandbag. They have donated money and canned goods and clothes. All of these efforts in their own way are heroic.

As I finish, again, 2 days ago, when I was in Grand Forks, ND, and I took a boat tour of the downtown, a fellow who—President Clinton came to North Dakota on Tuesday. I appreciated it. It was a wonderful thing for him to do and was a real morale booster for people who were terribly tired and fatigued but still facing this crisis. As I came out of this boat the day before yesterday, there was a fellow laying on the grass in Grand Forks. The Coast Guard had just pulled him out. He had been in his home all of these days. When the evacuation order came, he was stubborn. He said, "I am not leaving my home." He was up there in the second floor and would not leave. So for days he was there with no electricity, no water, stuck in his home. He said, "I saw this current going down the street. My home is flooded. I saw this current." He said, "I saw dead cows come past my home. I saw telephone poles. I saw ice jams the size of semi trucks come past my home."

Then he said, "You know, you really need to tell the President what is happening up here."

I said, "Sir, the President was just here yesterday."

He said, "You're kidding me."

Of course, he had been out of radio contact with anybody and had no idea what was happening in his city, because he had been living in the middle of that flood.

The extraordinary spirit, I think, and the steady strength of North Dakotans as they endure and persevere to meet this crisis is something that all Americans will remember.

I want to close just with two requests.

Those who have written to my office and my colleagues' offices asking how they can help—there are many ways they can help. Yesterday, someone sent a letter to my office with a check for $1,000 made out to North Dakota. What he said was 60 years ago, as a young man, this fellow had been helped by a North Dakotan. He said, "I have never forgotten it, so I just want to pay North Dakota. I want to help North Dakota. Please send this to the right place."

This morning as I just left my office, a couple of other envelopes showed up from people around the country saying, "Can you get these to the right place to help North Dakotans?" What a wonderful thing it is.

I will just tell people, the Red Cross is doing wonderful work in our State, and the director of the Red Cross indicates they need help. The Salvation Army is, as always, doing wonderful work. And other charitable organizations that do this kind of relief work do a great deal of work in this kind of crisis. They just do a wonderful job. I encourage people to be supportive of them.

I ask, as the north part of North Dakota now and the Canadian provinces who are, even this morning, evacuating, I believe 15,000 people in Winnipeg, I ask the American people to offer their prayers of strength and hope to the people who are continuing to fight this flood. This region of the country will suffer the consequences of these disasters for some long while. We have met with the President. We visited again yesterday with President Clinton. We have been meeting with appropriators. Congress, on a bipartisan basis, is working on a disaster relief bill we will mark up on Tuesday in the Senate Appropriations Committee, of which I am a member. I think this Congress will do what it has done in all previous disasters, extend the helping hand of our country to say to a region, North Dakota, South Dakota, and Minnesota, "You have been dealt a tough blow, but you are not alone. The rest of the country understands and is prepared to help, is prepared to help you recover and get back on your feet." That is part of the generous spirit of our country, to reach out and help others in times of need.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, I would like to express the common sentiment of the Senate, and that is the great respect and esteem we have for the people of the Northwest in their great trials in this historically unprecedented flooding, and particularly to indicate how hard and tirelessly their Senators are working to make sure the people of America respond to their needs—Senator DORGAN and Senator CONRAD of North Dakota, Senator DASCHLE and Senator JOHNSON of South Dakota, Senator WELLSTONE and Senator GRAMS of Minnesota. So we are all admirers of the great courage of the people of the West.

THE SENIOR CITIZEN HOME EQUITY PROTECTION ACT

Mr. REED. I would like, if I may, to talk about Senate bill 562. I am pleased the Senate took favorable action today. This legislation, the Senior Citizen's Home Equity Protection Act, would protect seniors from unscrupulous market activities of a very small group of business people. We have, throughout the United States and through the auspices of HUD, introduced a program called the reverse mortgage program. This allows seniors who have their house mortgage paid off, they have all the equity in the home, rather than selling the home to confront the costs of being a senior, they are allowed through this program to essentially go to the bank and have a monthly or a lump sum payment in lieu of the equity in their home. This allows many seniors to stay in their homes. It allows them to meet the needs of health care and all the pressing needs of seniors.

What has happened though is that a group of unscrupulous operators have come in, under the guise of estate planning, and now are charging exorbitant fees to inform seniors of this reverse mortgage program, sometimes collecting up to $10,000. What is particularly alarming, indeed, and particularly reprehensible is the fact that all of this information is absolutely free from the HUD office in their locality.

So what this legislation proposes to do—I am so pleased it was favorably responded to this morning—is to give HUD the authority to step in with very, very stern measures to preempt these practices, to move these unscrupulous operators out of the marketplace, and allow seniors to reap the full benefit of the reverse mortgage program.

In my State of Rhode Island, over 500 seniors have taken advantage of the reverse mortgage program. In fact, we had our State program in place before the Federal program was initiated. Much of the effort at the Federal level has been led by the Assistant Secretary for Housing, Nick Retsinas, who is a Rhode Islander and who in fact was a leader in Rhode Island for this program. So we in Rhode Island understand very well the effect and the efficacy of this program.

Our Rhode Island Housing and Mortgage Finance Corporation, RIHMFC, has done a remarkable job promoting these programs and also a remarkable job of policing these programs because we have not seen any evidence in Rhode Island of these scandals. However, throughout the country, as I indicated before, these unscrupulous operators have tried to move in and take advantage of very vulnerable seniors.

We know so many seniors are house rich but cash poor. They have equity in their home but do not have the means to make ends meet each week. This reverse mortgage program should help them. It should not be an opportunity to be taken upon or set upon by unscrupulous operators.

In Rhode Island, for example, the Providence Journal reported a typical story, that of George Tarbox and his wife. Mr. Tarbox and his wife were the perennial house rich and cash poor family. They purchased their home in 1958. They paid off the mortgage, but they were facing very difficult circumstances. They were on a fixed income, like most seniors. And they needed the resources to simply live. The choice between eating and buying medicine is very difficult. The reverse mortgage program allowed them to meet their needs. They were able to pay off their original mortgage. They were able to make their daily expenses. They were able to get the proceeds and resources that they needed to live. And this is just a typical story, a very, very good typical story of the effectiveness of the reverse mortgage program.

Today, with action on S. 562, we are sending a very strong message out to those unscrupulous operators who might try to prey on seniors that we are going to take a tough, tough hard stand. This program is there. It is for seniors. It is not for speculators. It is for seniors. It is not for those who prey on seniors. And it allows seniors to have access, through their home, to the resources they need to lead lives of decency and dignity.

I am so pleased with Senator D'AMATO and Senator MACK for their leadership on this, and for my colleagues who joined in sponsoring this legislation. I hope that it will move quickly through the Congress, the President will sign it, and we will give HUD the tools that it needs to eradicate this detestable practice, and allow the seniors of America to fully enjoy what they have worked so hard for, their homes and the proceeds of their homes.

Thank you very much, Mr. President.

I yield back the balance of my time.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. REED. Mr. President, I do suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

The Senator from New Hampshire is recognized for 30 minutes.

Mr. SMITH of New Hampshire. Mr. President, it is not my intention to use the full 30 minutes, I say to any colleague who may be waiting or intending to speak.

SYMPATHY FOR FLOOD VICTIMS

Mr. SMITH of New Hampshire. Mr. President, first of all, I will comment on the remarks made by the distinguished Senator from North Dakota, Senator DORGAN, during the time that I was in the chair regarding the terrible tragedy of the floods in North Dakota, Minnesota, and the West. He did an outstanding presentation in terms of the extreme acts of heroism that have taken place in that region of the country.

One of the great things about America and the American people is the capacity that they have to reach back in times of great crisis—whether it be war, flood, earthquake, or whatever

—and help their neighbors. Certainly, Senator DORGAN captured in great detail and with a great personal touch that terrible tragedy. Of course, our hearts and prayers are with them as they go through this terrible time.

GOVERNMENT SHUTDOWNS

Mr. SMITH of New Hampshire. Also, Mr. President, I want to comment on a piece of legislation that two of my colleagues, Senator MCCAIN, and the Senator from Texas, Senator HUTCHISON, introduced regarding the prevention of the Government shutdown.

We went through this game, as you know, last year, and wound up having the Government shut down and innocent people, who were doing a good job in their capacity working for the Government, were caught in this whipsaw of conflict between the Congress and the President.

Senator HUTCHISON and Senator MCCAIN have brought forth this amendment, this idea, which essentially will see that that does not happen. I am a bit surprised, given the amount of criticism that we took from the President on the Government shutdown—he gave us most of the blame, although he, I think, deserves equal credit, if you will—at the opposition, stated opposition to this amendment by the President. I hope the President could support a proposal which eliminates the threat of a Government shutdown as we work toward getting a budget agreement.

Basically, it locks in place spending at last year's appropriation levels until we do it, and not shut down the Federal Government. I hope the President will reconsider that and endorse this proposal which I believe will be attached to the supplemental, and see that we do not have a Government shutdown again, and that Congress and the President get together and do what the American people want them to do, which is come to a budget agreement that balances the budget, that really balances the budget by the year 2002—no smoke and mirrors—and that we get entitlement reform, we get some tax relief for the American people, and do it all.

If there is gridlock because we do not get that agreement, then the people who are trying to run the Federal Government, from passing out the Social Security checks to immigration, visas and so forth, that we do not get those people again caught in that conflict.

I commend my colleagues for that and am pleased to be a supporter of it.

TERM LIMITS FOR FEDERAL JUDGES

Mr. SMITH of New Hampshire. Mr. President, earlier this week I introduced a piece of legislation that no doubt will create some discussion, if not controversy, around the country. It involves the term limits for judges—Federal judges.

This is something that, of course, would change the Constitution, so it would be a constitutional amendment. For over 200 years we have had lifetime appointments for judges, so I did not expect to have 100 Senators and all Members of the House, and everybody writing in, all over America, supporting this proposal, as soon as I introduced the proposal.

However, I do hope, as people think about it and carefully consider it, they begin to realize how important I think this change to our Constitution would be. I think, frankly, Jefferson and Hamilton would support the amendment if they were here today, because if they could look back on history and see what has happened in the Federal Judiciary, I think they would agree with me it is time we put term limits on judges.

Senator SHELBY of Alabama has joined me in this effort. We call it Senate Joint Resolution 26. It is a constitutional amendment for term limits for judges. When I introduced the amendment a couple of days ago I did not have the opportunity, because of debate on the Chemical Weapons Convention, I did not have the opportunity to make a few remarks. I want to take this time to do that.

Mr. President, the Framers of our Constitution intended that the judicial branch, which was created by article III in the Constitution, would have a limited role. That was their strong belief, that the role be limited, and that they be an equal partner in the three parts of our Government. They believed in the necessity of judicial restraint, and they recognized, and said so, the danger of judicial activism.

Now, in Federalist No. 48, James Madison wrote that to combine the judicial power with executive and legislative authority would be the very definition of tyranny. Madison's own words—"The very definition of tyranny." To repeat, to combine the judicial power with executive and judicial authority would be the very definition of tyranny.

Thomas Jefferson said, "The very notion that the Supreme Court should have the final word on constitutional questions is a very dangerous doctrine, to consider the judge as the ultimate arbiters of all constitutional questions." He also said, "It is one which would place us under the despotism of an oligarchy," meaning government of the select few. Very interesting that Jefferson and Madison, of all people, would be saying that.

It is interesting to look at the debate as the Constitution was written. Some people like to decide what they think the intent of the Founding Fathers was as we look at these court decisions that have been made over the past couple hundred years, but it is interesting to look at what they said. Sometimes what they said, what they actually said, the Founding Fathers, and what other people think they meant are not one and the same and are totally different.

Another founder, in Federalist No. 78, Alexander Hamilton, argued that the judicial branch "will always be the least dangerous to the political rights of the Constitution. Courts have neither force nor will but merely judgment, and can take no active resolution whatever."

That was Hamilton.

Even as he advocated the ratification of the Constitution, and he was one of the strongest advocates as the Federalist Papers prove, he also issued a warning. The courts, he said, must declare the sense of the law. If they should be disposed—they being the justices, the judges—to exercise will, will, instead of judgment, the consequence would equally be the substitution of their pleasure to that of the legislative body.

So, what a judge's personal view is, what his or her pleasure is in terms of a decision is irrelevant, is not the issue. It is what the best judgment in terms of the interpretation of the Constitution is. Mr. President, 200 years after Alexander Hamilton issued this warning, it is abundantly clear that the abuse of judicial power that he feared has become a reality. If Hamilton were here today, I believe he would be the first to recognize it.

Instead of applying law as they find it in a neutral manner, which is a judge's role, exercising what Hamilton called their judgment, activist judges are in effect substituting their own policy views, in what Hamilton called their will, for the policies established by the people through their elected representatives in the political branches of the Government.

Now, Mr. President, I have been in the Congress for 13 years and I have thought a lot about this. Thirteen years ago I thought about introducing an amendment to do this, but I did not. I sat back and said, Maybe this will change, maybe I am wrong. Maybe Hamilton was wrong. Maybe it is not as bad as I think. The truth of the matter is, it is worse than I thought.

Finally, the last 2 or 3 weeks I finally made up my mind that the time has come, and I think there is a lot of proof to show and to demonstrate that the time has come. Let me give some examples, and this is not meant in any way to impugn the integrity of the three justices that I will mention. They were fine individuals who acted as they saw fit to interpret the Constitution. I want to make a point here. Justices Brennan, Marshall, and Blackmun have all taken their personal opposition to the death penalty and read it into the Constitution.

Now, the Founding Fathers discussed capital punishment as they wrote the Constitution. They mentioned capital punishment in the Constitution. The death penalty is explicitly mentioned and its constitutionality is unquestionable in the due process clauses of both the 5th and 14th amendments to the Constitution. Yet, these three Justices rendered decisions time and time again because of their personal opposition to the death penalty. Whatever anyone's view is of the death penalty is not relevant when a matter comes before the Court, if the intent of the Founders and the Constitution itself says that the death penalty is constitutional. What a personal view is—for or against it—is irrelevant. Yet, decisions were made because of their personal opposition to the death penalty. That is judicial activism.

Evidently taking their cue from Supreme Court Justices who feel free to ignore the plain meaning of the Constitution, judges on the Federal courts of appeals have also engaged in what amounts to legislating from the bench.

More examples:

Two U.S. courts of appeals—the ninth and the second circuits—have discovered in the post-Civil War 14th amendment a heretofore unknown constitutional right to physician-assisted suicide. They have just discovered this.

Now, that is a pretty bizarre reading of the 14th amendment that simply cannot be justified by the language, it cannot be justified by the meaning, and it cannot be justified even by the history of the constitutional provisions in question. Yet, the ninth and second circuits, two U.S. courts of appeals, have discovered that, now, in this post-Civil War 14th amendment, we now have a constitutional right to physician-assisted suicide. Where does it say that in the Constitution? It doesn't matter to these judges whether it says it or not. Likewise, Federal district judges have repeatedly abused their authority by blocking the implementation of entirely constitutional measures enacted through State ballot referenda simply because they disagree with the policy judgments of the voters. Now, again, that is not the role of a Federal judge. Just since 1996, a single Federal district judge, who had been an activist with the ACLU before going on the bench, blocked the implementation of the California civil rights initiative. However you feel about the initiative, for or against, isn't the issue. The California voters passed it in the State. Earlier this month, in reversing the judge's order, the U.S. Court of Appeals made the compelling comment that "A system which permits one judge to block, with a stroke of a pen, what 4,736,180 State residents voted to enact as law, tests the integrity of our constitutional democracy."

Who said that, because a judge is appointed to a court of the Federal Government, they are omnipotent, that they are flawless, that they are perfect? I don't recall that in the Constitution. I don't recall that in the discussions of the Founders. Judges are human beings, and they can be wrong. Consider the Dred Scott case in 1857, if you think judges are perfect. There will be some out there, probably from the American Bar Association, who will notify me over the weekend, or on Monday, that they are, because I am sure they are opposed to this amendment. But in 1857, the Supreme Court Chief Justice Roger Taney was sitting on the Court when a black former slave by the name of Dred Scott tried to bring a case before the Supreme Court for his freedom. Taney wrote the deciding majority decision, and he said Dred Scott couldn't sue in Federal Court because he was "property," not a human being. Now, was that Justice right in that decision? No, he was not right, but he did it and there was no recourse because he was a lifetime appointee.

There are many more examples, Mr. President, of activist judges who have taken control of prisons and school districts. There was the famous Kansas City case, where a judge raised the taxes of the city of Kansas City to pay for school busing. Activist judges have ordered tax increases, and they have created new rules to protect criminal defendants that result in killers, rapists, and other violent criminals being turned loose to continue to prey on society.

Almost every time you hear about some horrible murder, a violent crime against another member of our society, almost every time, if you read below the headline, you will find that this person was out on parole, or was released by a judge and given a second chance. He probably had a difficult childhood, so we have to give him another chance to kill or rape somebody else, or beat somebody else up, or abuse some child. We have to give him a third chance and a fourth chance. Time and time and time again, over the last 30, 40 years, these judges have put these animals back on the street to prey on us and prey on us and prey on us. But they are perfect, these judges—lifetime, no touch; you can't do anything about it. It is time, Mr. President, that we stop it.

Former U.S. Attorney General Edwin Meese estimates that over 100,000 criminal cases each year cannot be successfully prosecuted because of these court-created rules. You can't even prosecute some of these people because of these rules. Judicial activism has become such a severe problem that one of the leaders of the House, Representative Tom DeLay of Texas, has even suggested that we ought to consider using the constitutional power of impeachment to remove activist Federal judges from office.

Now, I understand Congressman DeLay's concern. It is a justifiable concern, but I think there is a better way to do this, which is to limit their terms—limit their terms. That way, after a Federal judge has served 10 years—and that is what my amendment does, limit the term to 10 years—if the President wants to reappoint a judge who does some of these horrible things I have talked about, and that person can get through the Senate confirmation process, good luck. But at least we would have had the opportunity, as the elected representatives of the American people, to say, hold on, this person has made decisions that are ridiculous and we are not going to tolerate it.

The term limits for judges amendment would end the life tenure for judges on the district court, circuit courts, and the Supreme Court—all three levels of the Federal judiciary. They would be nominated by the President, and with the advice and consent of the Senate they would be appointed for 10-year terms. They could be reappointed. The good thing about this proposal, Mr. President, is that no President of the United States would have the opportunity to reappoint a judge because, as we all know, the President's term is limited to two terms, 8 years. He or she could also serve up to an additional 2 years of a President who left office, if that person were the Vice President. So the maximum they could serve would be 9 years and 364 days. Therefore, that same President would not have the opportunity to reappoint a judge.

Now, my amendment does not remove current judges from office—we do have a grandfather clause—but it would get things started, and we would begin to have this opportunity to see some change.

Activist judges are routinely violating the separation of powers by usurping legislative and executive powers. This is a widespread abuse of judicial authority, and it is serious enough to warrant a constitutional response. Term limits for judges would establish a check on the power of activist judges, and no longer could they abuse their authority with impunity. Under the term limits for judges amendment, judges who used their offices by imposing their own policy views, instead of interpreting the laws in good faith, could be passed over for new terms by the President, or rejected for reappointment by the Senate if the President persisted in offering the name up.

The term limits for judges amendment would make the President and the Senate more accountable to the people for their judicial selections. Now, you are going to hear the argument—and probably many listening to me now are already thinking it—that "this is just going to interject politics; politics is now going to be in all the court decisions, and all judges are going to make decisions based on politics so they can be reappointed."

Stop and think about that argument. If a judge is good and if a judge is honest and has integrity and makes a decision in his or her mind based on what is right, under the Constitution, if that's the case—and I would think that all of us would like to think that every judge fits that mold—but if that's the case, then, why would a judge make a different decision if that judge knew they were only going to be there for 10 years or life? What difference does it make? The point is, if they are good and they think it is a right decision under the law, then you make your decision whether you are going to be there 1 day or 100 years. What difference does it make?

The opposite has happened, Mr. President. What has happened now is that judges, knowing that they can't be touched, knowing that they have a lifetime appointment, are now making decisions that are political. They are imposing their will upon the American people, rather than actually judging the Constitution and interpreting the Constitution as the Founding Fathers suggested.

With all due respect to the criticism, the modern-day judiciary is too independent and too unaccountable to the taxpayers and to the people who pay their salaries and pay for their courthouses all over America. They are insulated by life tenure and free, for all intents and purposes, from any threat of impeachment. You have to commit a high crime to be removed from office as a Federal judge; we all know that. Very few judges in history have had that happen.

These activist judges, because of almost impunity, feel free to impose their political will on all of us, without having to answer to anybody. I believe that judges appointed for 10-year terms would be far more likely to follow that law rather than imposing their political will. The best way to go for a judge serving a 10-year term, who would like to serve another 10, would be to follow the law and not his or her own political agenda. Follow the law. That is what we put you on the bench to do, to follow the law. That applies to a conservative judge as well as a liberal judge. No conservative agenda, no liberal agenda. Follow the law. If you follow the law, you will get reappointed. If you don't follow the law and you follow your agenda, you don't.

It is interesting, when you talk to those who oppose this amendment, they are very aggressive in saying, "Well, these judges are fine people and you are impugning the integrity of judges." There will always be—unless Congress changes it—nine slots on the Supreme Court. The world is not going to come to an end if one judge leaves and another takes his or her place. We are not irreplaceable. So that is not a valid argument. It is very bogus. If one judge leaves—or if it is the Supreme Court, one Justice leaves—another judge or Justice takes his or her place.

So what? It doesn't have to be the same person for life making these decisions.

So, Mr. President, I just want to notify my colleagues that I welcome their support. I don't expect the door to be beaten down over the next few days. But I am going to be very, very aggressive and very, very persistent in taking this case to the American people that it is time for a change in our Constitution. No one wants to amend the Constitution unless it is absolutely necessary. But I think if every American citizen would look at what has happened with some of these outrageous judicial decisions by activist judges who have gone far beyond what the intent of the Constitution was, they would recognize that it is time for a change.

Hamilton said it, Madison said it, and Jefferson said it; three pretty distinguished Founding Fathers, if I do say so myself. They warned us. I read for you their quotes. We know how they felt.

I think it is time that we pursue this. I intend to take this case to the American people because I have seen polls on this that indicate that over 85 percent of the American people support term limits for judges. We have term limits for the Presidents. A lot of people favor trying to pass term limits for Members of Congress. Why not term limits for judges? Why does the world come to an end, and why does constitutional democracy of the United States of America come to an end because we don't have lifetime judges? That is ridiculous. The argument is silly.

The Founding Fathers warned us on the possibility of this. And some will say, "OK. Why didn't they put in the Constitution that we have term limits?" Because they could not possibly imagine what judges would have done in the past 200 years.

But I guarantee that if Hamilton, Jefferson, and Madison could vote today they would be voting for this amendment, and they would be supporting this amendment.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, April 24, 1997, the Federal debt stood at $5,343,216,863,246.54. (Five trillion, three hundred forty-three billion, two hundred sixteen million, eight hundred sixty-three thousand, two hundred forty-six dollars and fifty-four cents)

One year ago, April 24, 1996, the Federal debt stood at $5,110,704,000,000. (Five trillion, one hundred ten billion, seven hundred four million)

Five years ago, April 24, 1992, the Federal debt stood at $3,879,889,000,000. (Three trillion, eight hundred seventy-nine billion, eight hundred eighty-nine million)

Ten years ago, April 24, 1987, the Federal debt stood at $2,264,943,000,000. (Two trillion, two hundred sixty-four billion, nine hundred forty-three million)

Twenty-five years ago, April 24, 1972, the Federal debt stood at $427,998,000,000 (Four hundred twenty-seven billion, nine hundred ninety-eight million) which reflects a debt increase of nearly $5 trillion—$4,915,218,863,246.54 (Four trillion, nine hundred fifteen billion, two hundred eighteen million, eight hundred sixty-three thousand, two hundred forty-six dollars and fifty-four cents) during the past 25 years.

FROM RAGS TO RADIO RENOWN

Mr. HATCH. Mr. President, Samuel Johnson said that "Adversity has ever been considered the state in which a man most easily becomes acquainted with himself."

On April 7, Arch L. Madsen, a remarkable broadcast pioneer, died at the age of 83 in Salt Lake City. Arch's contributions to the world of radio and television were made all the more noteworthy by the formidable personal challenges he overcame. In rising above adversity with the help of an extraordinary woman, his wife Peggy, Arch discovered the potential within himself that only she and God knew existed.

The half-century public career of Arch Madsen is a matter of record. He was president of KSL radio and television stations, founder and president of the Bonneville International Corp. media empire, and an influential member of national and international bodies fighting for freedom of speech. He was appointed by President Reagan to the nine-member Board for International Broadcasting overseeing the operations of Radio Free Europe and Radio Liberty. It was Arch's dream that truth carried on airwaves across the Iron Curtain would lead those on the other side finally to throw off the yoke of totalitarianism. He lived to see his dream fulfilled in Europe.

For the inspiring story of Arch's private world we are indebted to his son, Erik H. Madsen, who spoke at the funeral on April 12.

I ask unanimous consent that excerpts from Erik's remarks be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

REMARKS OF ERIK H. MADSEN

I spoke at my mother's funeral, and I thought that was fair. I didn't think that I would be speaking at my father's funeral. But I've always done every reasonable thing that he's asked me to do. And so I'm here at his request.

I am well qualified to speak about him, because I probably knew him as well as anybody still living. I am his oldest child and he was a master of delegation. Therefore I have been his servant, and slave and gofer longer than any other living person. There is a saying that no man is a hero to his valet. But my father was a hero to his gofer. . . .

He used to tell me that when he met my mother, he was a totally defeated and broken man. And I believe that he was.

His physical handicaps have already been mentioned. He had polio at the age of five, and this made him physically weak in general.

He was emotionally scarred. He grew up in almost a frontier situation, on a farm, where he was expected to do the work of a normal person. And often, he had very little power to do it.

He was educationally disadvantaged. He had a high school diploma and two quarters at BYU. But he confessed to me that when he was a senior in high school, they had called him into the office and encouraged him not to seek any further education. Nevertheless, he persisted and went to the BYU. When he was dismissed from the BYU for his inability to pay his tuition, he was again told by the representative of the college that he was really not college material and that he should focus his life on manual labor. However, being extremely weak, he found that focus impossible to pursue.

Because he had been somewhat shunned by his peers and frequently persecuted by them, his skill lay mainly in occasionally clowning. And I think this may have developed later in life into his remarkable flamboyancy. But, he was uncomfortable in society.

And he was destitute. Shortly after my mother met him, he was admitted to the county hospital for malnutrition, because he couldn't earn enough money to buy the food he needed for adequate nutrition. He dressed in worn out overalls—the clothing of a destitute person.

His career aspirations were limited. He knew how to build radio sets. And so, he thought that he might become some kind of low level radio technician.

His religious faith was broken. He believed in God. But he felt so inferior that he didn't think that he would ever be able to do enough to qualify for God's love.

It was in this condition, while he was working as a janitor in one of my mother's father's businesses, that she met him. If we were to meet him today, as he was then, we would think, "This is truly an oddball. He is a nerd. He just doesn't fit into normal society at all. He is one of those physically weak, mentally weak souls, who has come here with a defective mind and a defective body. He's not going to live very long. And it's going to be sad." That's what we would have thought.

No one could understand what my mother saw in him. On their first date, all he could think to do was to talk about how to build radio sets. So, he taught her how to build radio sets. And we still have a drawing on a napkin which she saved from their first date, showing his explanation to her of a radio circuit.

On their second date, he talked about how it might be a good thing for her to look into the LDS church. He told her that he really couldn't get too involved himself because he was not good enough. But he told her that she might get involved, and perhaps find someone else who would be suitable for her to marry in the temple.

My mother saw that if she married my father she would have to give up her family's approval and wealth, which would have provided her with a lifetime of leisure and security. But she said that she saw qualities in him that interested her. He seemed to be a hard worker, to work long and diligently, and she thought she could totally trust him. She believed that he would be faithful to her for his life, that he would be faithful to his marriage vows.

When they were married, things looked bad for them. No one thought their marriage would even last. How could my mother give all this up? And how could my father earn enough to provide for two people, when he couldn't even provide for himself. . . .

There are four themes of my father's life that I would like to briefly illustrate. They were important to his success.

The first theme is about the technician. My father was a man who solved electronic problems. The key to his progress was that first, he never stopped studying about how the physical laws worked, and later about how political, economic and social laws worked. How the world worked. But he always felt outclassed by those with a far better education. And so he had discovered a secret weapon—he would pray. And he would pray like nobody else. He would continuously and obsessively pray until I think he did weary the Lord. And then it was given to him to know the answer, which usually came to him in terms of seeing something. He often saw far beyond that thing, far, far into the future. Not everything that would happen, but just a laserlike view. He usually saw something technical.

An example of this occurred when I was 8 years old and I didn't really think much about it at the time, but I remembered it and I even wrote it down. He had asked me to build a crystal set. And when I finally got it right (because you see he gave me the directions and said build it and left) it worked. And I asked him, "How does it work?" And he said, "The electrons have to run through certain patterns in order to receive the signal. There are patterns inside the crystal which make them do this." And I asked him, "What are the patterns?" And he said, "We don't really know what they are, but they are probably like the patterns we make with our tubes, and resistors, and wires." And then he said something else. He said, "Someday men will put patterns in crystals. They will be far more complex than any patterns we can find in a natural crystal. We'll put whole radio receivers and television receivers into one tiny crystal." And I said, "Why do you think this?" And he said. "I prayed about something a little different from this and then I saw it. It will certainly happen." And I said, "When?" And he said, "Probably in your lifetime, but I'm not really sure. When I see into the future, I can't tell exactly how far I've seen. So, it could be anytime." I forgot about this experience until the transistor was invented and then, I guess what you'd call the computer chip appeared. And I remembered everything he'd said about the crystal.

And so this theme of my father's life is sort of a testimony of the power of prayer, at least to me. And of the reality that God answer prayers and inspires men to see and know things which would normally be invisible and unknowable. This is one of the great gospel truths which enabled my father to succeed. Many people throughout the world have wondered at his vision. It wasn't his vision. I mean, it wasn't his IQ. He received it from a higher source.

The second theme is love. My father attributed all his successes to my mother. We often talked about why this was so. He always said, "When I knew that your mother loved me and believed in me, my view of the world changed. I decided to do everything I could to live up to her love and faith in me. I decided to believe that God loved me too. I decided to love myself, and to be as good as I could be, and to do all the good that I could in this world."

The scriptures indicate that God personifies love. John said "Let us love one another, for love is of God and everyone that loveth is born of God and knoweth God." (1 John 4:7–8).

So, my father learned to know God because of the love of one other person. It's a great example. We all could help each other in this way. My father loved my mother. He loved the Lord and the church and many people of many creeds and nationalities. And many of the honors that have come to him have come because he just reached out to these people.

The third theme is: My father included people. He tried to understand them, communicate with them, and bring them into involvement with all of the good things that he could.

My mother told me a story which illustrates this theme in an unusual way.

At the conclusion of a meeting of the Interamerican Association of Broadcasters in South America, there was a celebration of the achievements and agreements which had been accomplished. The principal participants were broadcasting leaders from Catholic countries. They were all Roman Catholics. They were standing in a circle, and each of them was given a large cup filled with strong, alcoholic drink. Each man in turn proposed a toast and then drank the whole cup. There were no substitute drinks available. As the turn worked its way around to my father, my mother thought, "What can he do but refuse?" It would have been easy for him to say, "I am a member of the Church of Jesus Christ, and we do not consume alcohol." The other participants would certainly have understood. But it would have put a little chill, a little distance between my father and his colleagues. And remember, he wanted to be included and to include them. Instead, when the turn came to him, he proposed a toast just like everyone else. Then he poured a little bit of the drink into his hand and sprinkled it on his head. Then he said, "I baptize myself with our toast." This made perfect sense to all of them because that is the way there were all baptized. They all laughed, and slapped him on the back, and hugged him, and gave him "abrazos" which is what they do.

By seeing life from their Catholic point of view, he had accepted them, and he had accepted their toast, and he had still kept the word of wisdom. So, he had a certain way of including others.

In every business that he managed, he tried to include as many employees in the process of continuing education and training and career advancement as he could. He believed in his own personal growth and he included those he worked with in growth. He offered them opportunities to participate in seminars and conferences, to implement the things that they had learned, and to advance and grow in their careers.

He involved himself and included many others in worthwhile charitable, humanitarian, economic and civic associations.

Even his vigorous efforts to communicate the benefits and blessings of the Church of Jesus Christ of Latter-Day Saints were expressions of his desire not to prove something, but just to include others in one of the very best things in his life.

I suppose that this theme of including others is really just an extension of the theme of love that we talked about before. But it is a special kind of love that we need a lot more of in this world. And my father was a good example for us to follow.

The fourth theme is that of commitment and hard work. My father always gave 100 percent effort. He was always fully committed to that which he believed in. He was an exhausting person. He totally exhausted my mother and all of his children. He exhausted his co-workers.

And, by the way, he was not a physically strong man. It was the power of his spirit that exhausted us all. His spirit picked up his body and carried it around.

A little story illustrates this. When I was away at college, occasionally my father would come through town, and he would invite me to go to lunch or dinner. Once he showed up for lunch with two tired looking younger men who introduced themselves as follows: "I'm John Doe. I'm Mr. Madsen's morning assistant. I work with him from 5 AM to 2 PM". The other said, "I'm Jack Doe. I'm Mr. Madsen's afternoon assistant. I work with him from 2 PM to 11 PM."

Noticing that they looked tired, I asked them how they were holding up. John Doe said that they were trying very hard. They were trying very hard to talk my father into getting a third man. Because they just couldn't keep it up much longer.

No one could ever wonder about my father's commitment. Now this wasn't all good. He was a workaholic. And his life was quite out of balance. It was hard on him. And it was hard on the people around him. But it was the only thing he knew. Remember, he thought he was worthless. And he never thought he had done enough. So he just kept trying to do enough. And no one could ever wonder about his commitment.

It is written in the Book of Revelation: "I know thy works, that thou art neither hot nor cold. I would that thou wert cold or hot. So then, because thou art lukewarm and neither cold nor hot, I will spew thee out of my mouth." (Revelation 3:15,16)

In other words, the Lord will reject the half-hearted worshiper.

My father, Arch Madsen, flamboyant, impetuous, out of balance, and racing almost out of control everyday of his life, lived a life that was hot. It was incandescently hot.

These illustrations show a few of the themes of my father's life. There are many other themes, important ones, which we cannot discuss today. Some examples are:

He was gracious in victory;
He was gracious in defeat;
He was kind to his enemies;

He always looked for blessings and opportunities in the disaster of his life. He tried many things and failed often. In a way, his life could be viewed as a series of tribulations and disaster, which turned into blessing as he struggled with them and as the Lord helped him.

This is not to say that he was perfect. He had glaring weaknesses and flaws. We just don't want to talk about them today.

But these four positive themes we have talked about today communicate to me two testimonies.

The first is a testimony to the love and faith and courage that he had. The love and faith and courage of a week, severely handicapped person. A person who, seeing the hopelessness of his situation, once he knew that he was loved, once he knew that somebody loved him and that God loved him, didn't do the rational thing, the prudent thing. Instead of giving up, he impetuously attacked, and he never stopped.

The second testimony is now amazing it is what the Lord can do through the life of even the humblest, weakest, most handicapped person—if that person will try to live the gospel with all the energy that is in him, each and every day of his life.

In the Doctrine and Covenants it is written, "Behold, the Lord requireth the heart and a willing mind, and the willing and obedient shall eat the good of the land of Zion in these last days (D&C 64:34).

Arch Madsen's life is also a call to repentance to all of us who are lukewarm. Whose hearts are set partly upon righteousness and life and partly upon worldliness and death. The whole world is starving for the life and happiness which only comes from living the gospel.

Will we fully live the gospel, and send out a message of its blessings?

Will we try to communicate it as vigorously as my father did?

The last stanza of the song he loved "To Dream the Impossible Dream," goes like this:

And the world will be better for this,
That one man, scorned and covered with scars,
Still strove with his last ounce of courage,
To reach the unreachable star.

And, in the Book of Revelation it is written: "And he that overcometh, and keepeth my works to the end, to him will I give power. . . . And I will give him the morning star (Revelation 2:26,28) I, Jesus . . . am the bright and morning star (Revelation 22:16).

I believe and I pray that Arch and Peggy Madsen do keep his works to the end, and I feel certain that they will be given the morning star.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:54 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC 1749. A communication from the assistant legal adviser for treaty affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC 1750. A communication from the director of the Office of Regulatory Management and Information, Office of Policy, Planning, and Evaluation, U.S. Environmental Protection Agency, transmitting, pursuant to law, seven rules including a rule entitled "Imidacloprid" (FRL–5599–5, FRL5712–7, 5713–1, 5712–8, 5815–5, 5812–7, 5813–9); to the Committee on Environment and Public Works.

EC 1751. A communication from the chief counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule relative to Yugoslav vessels received on April 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRAMS (for himself and Mr. WELLSTONE):

S. 651. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

By Mr. GRAMS (for himself and Mr. JOHNSON):

S. 652. A bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. SNOWE:

S. 653. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

S. 654. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

S. 655. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid program, and for other purposes; to the Committee on Finance.

By Mr. WARNER (for himself, Mr. Thomas, Mr. Cochran, Mr. Enzi, Mr. Helms, Mr. Hutchinson, Mr. Roth, and Mr. Sessions):

S. 656. A bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. DASCHLE (for himself and Mr. Jeffords):

S. 657. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

By Mr. TORRICELLI (for himself and Mr. Durbin):

S. 658. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

By Mr. GLENN (for himself, Mr. Levin, Mr. Moynihan, Mr. DeWine, Ms. Moseley-Braun, and Mr. Kohl):

S. 659. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the United States Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Environment and Public Works.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAMS (for himself and Mr. Wellstone):

S. 651. A bill to amend the Internal Revenue Code of 1986 to provide that the conducting of certain games of chance shall not be treated as an unrelated trade or business; to the Committee on Finance.

THE UNRELATED BUSINESS INCOME TAX CHARITABLE GAMBLING EXEMPTION ACT OF 1997

Mr. GRAMS. Mr. President, I rise today to introduce S. 651, a bill to amend the Internal Revenue Code to exempt charitable gambling activities from Federal unrelated business income tax [UBIT].

Charitable gambling consists mostly of games such as pull tabs and raffles. The difference between charitable and regular gambling is where and how the profit is spent. Most of the income derived from charitable gambling games are spent in communities to fund activities such as Boy and Girl Scouts, Head Start, and city and school programs.

In fact, charitable gambling and bingo games have become one of the most important sources to provide funding for many activities in communities for people of all ages. In my home State, Minnesota, charitable gambling pumped up $77.5 million in profits into a variety of community and charitable causes in 1995. The beneficiaries include youth recreation and eduction, as well as organizations serving the sick, handicapped, retarded and disabled and many other community programs.

Many charitable gambling games are set up solely for the purpose of raising money for public projects, thus reducing the burden on taxpayers. For example, Minnesota Belle Plaine Friends of the Library charitable gambling was started 4 years ago for the purpose of helping fund a new library in town. Today, they have donated more than $105,000 to the library project.

In 1978, President Carter signed into law a bill that classified bingo income as related business income. As a result, this charitable game is not subject to the Federal UBIT. But the law did not include other forms of charitable gambling. Consequently, the income of these charitable gambling games is taxed under the UBIT.

Taxes take a big bite out of charitable gambling income. It has seriously undermined nonprofit organizations' ability to provide financial assistance for local activities. Here is an example of the revenue loss. Last year, the Minnesota American Legion donated $103,000 to the Cancer Research Center at the University of Minnesota. However, under current law, the income is subject to the UBIT. Only $5,150 of the $103,000 was a deductible contribution, and $97,850 was taxed at rates up to 38 percent.

This is simply not fair. Charitable donations should be encouraged, not penalized, to fund more local initiatives, projects and programs that benefit our communities. That's what the bill is all about.

By Mr. GRAMS (for himself and Mr. Johnson):

S. 652. A bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE DEPOSITORY INSTITUTION DISASTER RELIEF ACT OF 1997

Mr. GRAMS. Mr. President, I want to speak about a subject this morning dealing with the flood situations back in Minnesota, and North Dakota and South Dakota as well.

Mr. President, as you know, over the past several weeks, towns and farms in Minnesota, North Dakota, and South Dakota have been battered by the flood waters of the Red River and Minnesota River. It is impossible to describe the devastation the floods are causing in Minnesota and North Dakota because the enormity of the damage is far, far beyond what anyone has ever had to put into words.

As I made my third trip into the flood disaster area this week, traveling with President Clinton and my colleagues in the Minnesota and North Dakota congressional delegations, I found myself searching for adjectives but finding none that could reflect the loss and heartache inflicted upon our neighbors. Their lives have been shattered. Entire communities—homes, schools, churches, hospitals, libraries—have literally been washed away. Thousands of residents have no home to go home to, so they crowd into shelters, unsure what the river will leave behind when it finally releases its hold. Many cannot sleep because there is so much uncertainty. They cannot bathe because there is no running water. They cannot make plans because there are so many unanswered questions.

At the moment, it does not seem like much of a life. By nature, Minnesotans are a stoic people. In a land where the temperatures can plunge to 30 degrees below zero in mid-winter and soar past a hundred in the summer, we have learned how to get on with life without too much complaining. But for many, the veneer is wearing a little thin. It is hard to be stoic when you have lost your home and your job. It is hard to look forward to tomorrow when all you have got is a cot on the floor of an airplane hanger, where you may be living for weeks.

Mr. President, I am working with the Governor of Minnesota and my fellow Senators in the flood area to assess how to address the needs of these deserving people. Part of our effort will be to get the funds and assistance to rebuild through the supplemental appropriations bill that we will pass next week. Part of it will be the efforts of myself and my staff to listen to the concerns of our constituents, and to make sure they get speedy assistance from the agencies that are administering the State and Federal relief efforts.

I would like to announce this morning that I am opening a new, temporary office in Crookston, with FEMA and other members of our delegation, and my staff will be immediately available to help out in the flood relief projects that are currently underway.

While I will be involved in many efforts to ease the suffering of my constituents, I am here today to introduce—with my colleague from South Dakota, Senator Johnson—the Depository Institution Disaster Relief Act. This bill will complement the other relief efforts by making it easier for farmers, homeowners, small businesses, and local governments to rebuild from the devastation brought by the floods.

The Depository Institution Disaster Relief Act will help speed up the pace of recovery for the flooded farms and towns. Our legislation will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit from the banks and credit unions that serve their communities, by ensuring that there will be no regulatory roadblocks to local lending. It will permit Federal banking and credit union regulators to make temporary exceptions to current laws that act to reduce access to banks and credit unions in disaster areas. It will also permit Federal regulators to provide temporary relief from regulations so that it is easier for flood victims to get loans.

The temporary regulatory relief offered by this bill is strictly limited to those counties in Minnesota, North Dakota, and South Dakota that have been declared Federal disaster areas. Because of its targeted scope and limited duration, it will permit flood victims to rebuild their homes, farms, and businesses without compromising the integrity of our banking system.

When I served in the House of Representatives, I authored similar legislation in 1993 during the Mississippi River flooding. My legislation received bipartisan support, and was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help flooded communities rebuild in 1993, I will ask Chairman STEVENS to include this bill as part of the emergency supplemental that the Senate will likely be considering next week. I urge my colleagues to support my effort.

Mr. President, I ask unanimous consent that a summary of the bill's provisions be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DEPOSITORY INSTITUTION DISASTER RELIEF ACT OF 1997

PURPOSE

Over the past several weeks, towns and farms in Minnesota, North Dakota and South Dakota have been demolished by the flood waters of the Red River of the North. Because of the extreme level of flood damage, President Clinton has declared these areas to be eligible for federal disaster relief pursuant to Section 401 of the Disaster Relief and Emergency Assistance Act.

The Depository Institution Disaster Relief Act ("DIDRA") will significantly speed up the pace of recovery for the flooded farms and towns. DIDRA will permit homeowners, farmers, small-businesses and local governments in the flood disaster areas to have faster access to a larger pool of credit from the banks, thrifts and credit unions that serve their communities. DIDRA will do this by permitting federal financial institution regulators to make temporary exceptions to current laws that (1) hamper the ability of banks, thrifts and credit unions to reopen their doors to depositors, (2) slow down the lending process and (3) reduce the availability of credit.

SUMMARY OF PROVISIONS

Section 1—Title of statute

The bill is called the "Depository Institution Disaster Relief Act of 1997" (DIDRA). This bill contains provisions that are substantially identical to temporary emergency relief legislation that was signed into law in 1992 and 1993.

Section 2(a)—Exceptions to Truth in Lending Act

The Federal Reserve Board may make exceptions to the Truth In Lending Act (TILA) for loans given by a bank, thrift or credit union that is in the disaster area. The exceptions must be made within 180 days of enactment of DIDRA, and may only last a maximum of one year. For example, this permits the Federal Reserve Board to permit consumers to receive the proceeds from their loans 3 days faster by permitting them to sign preprinted forms that waive their 3 day right of rescission period pursuant to Section 125 of TILA (15 U.S.C. 1635).

Section 2(b)—Exceptions to Expedited Funds Availability Act

The Federal Reserve Board may make exceptions to the Expedited Funds Availability Act (EFAA) to any bank, thrift or credit union in the disaster areas, so that they may restart their check processing operations sooner. The exception must be made within 180 days of enactment of DIDRA, and may only last for a maximum of one year. For example, this permits the Federal Reserve Board to let a bank, thrift or credit union restart serving its customers even though the disruption from the flooding makes it need more than one business day to process cash deposits and government checks as required by Section 603 of EFAA (12 U.S.C. 4002).

Section 3—Exception to the Federal Deposit Insurance Act to Permit the Deposit of Insurance Proceeds in Bank Accounts

Farms, businesses and local governments in the flood disaster areas will be receiving large amounts of insurance proceeds. This money will invariably be deposited in banks, thrifts and credit unions for a short duration until the money is used for rebuilding. Unfortunately, the depositing of large amounts of insurance proceeds may cause banks and thrifts to be deemed undercapitalized pursuant to Section 38 of the Federal Deposit Insurance Act (FDIA) (12 U.S.C. 1831o). This could cause credit to dry up in the disaster areas, as Section 38 would automatically require a depository institution to file a capital restoration plan with the FDIC, even if the insurance proceeds were invested in assets creating little additional risk to the depository institution. Section 38 of the FDIA would compel a depository institution to obtain formal approval from the FDIC in order not to be restricted in its lending policies. Section 3 of DIDRA permits the OCC, the Federal Reserve Board, the FDIC and the OTS to subtract insurance proceeds from the depository institution's assets when they calculate whether the depository institution meets the FDIA's minimum leverage standards (i.e., equity capitalization requirements). Any exception that the regulators make to Section 38 of FDIA will expire after 18 months.

Section 4—Authority of Regulators to Act Quickly to Facilitate Recovery in Disaster Areas

Within 180 days after the enactment of DIDRA, a qualifying regulatory agency is given the flexibility to take any actions permitted under its existing statutory authority to facilitate recovery in the disaster area without being delayed or impeded by (1) having to provide a general notice of proposed rule-making in the Federal Register, (2) having to hold a hearing, (3) being restricted by time limits with respect to agency action or (4) having to meet certain publication requirements. However, within 90 days of taking an action, the qualifying regulatory agency must publish in the Federal Register a statement that (1) describes what it did and (2) explains the need for the action.

Section 5—Sense of Congress re: Exceptions to Appraisal Requirements

The Depository Institutions Disaster Relief Act of 1992 (PL 102-485, Oct. 23, 1992) amended the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) to give regulators the authority to waive certain appraisal standards in disaster areas. The waiver of certain appraisal standards for real estate loans in disaster areas will (1) permit homes to be rebuilt faster by expediting the lending process and (2) lower the cost of receiving loans to rebuild such homes. Section 1123 of FIRREA (12 U.S.C. 3353) currently permits the OCC, OTS, FDIC, Federal Reserve Board and NCUA to waive such appraisal standards for 3 years in disaster areas.

Section 5 of DIDRA states that it is the sense of the Congress that these federal regulators should exercise their authority under Section 1123 of FIRREA to temporarily waive such standards.

Section 6—Limitation of DIDRA

DIDRA shall not limit the authority of any federal agency under any other provision of law.

Section 7—Definitions

This section defines certain terms used in DIDRA: (1) appropriate federal banking agency, (2) Board, (3) Federal financial institutions regulatory agency, (4) insured depository institution, (5) leverage limit, and (6) qualifying amount attributable to insurance proceeds.

Mr. GRAMS. Mr. President, we need to assure the people of Minnesota and North Dakota that the Senate stands behind them,. . . . and that the entire Congress and the President stand behind them as well.

I urge swift action on my legislation and the emergency supplemental appropriations, which I expect will have the overwhelming, bipartisan support of my colleagues when it comes to the floor.

Minnesota Governor Arne Carlson and his staff have been here in Washington these past 2 days, working with my staff and that of my colleagues to ensure Federal officials are doing everything in their power to help our residents put their lives back together.

Director James Witt and his team at FEMA have been outstanding. I can say with confidence that everyone here understands the gravity of the situation and the magnitude of the work that remains.

Mr. JOHNSON. Mr. President, today I am proud to be an original sponsor, along with my colleague from Minnesota, Senator GRAMS, of the Depository Institution Relief Act of 1997. This act represents a small measure that we in Congress can undertake to help alleviate some of the suffering caused in South Dakota, North Dakota, and Minnesota by the natural disasters of this past winter and spring.

South Dakotans are a hearty stock, and during my years serving the people of South Dakota, I have repeatedly witnessed their ability to overcome any obstacle Mother Nature throws their way. However, I don't believe I have ever seen South Dakotans rise to the occasion in quite the manner they are right now. I recently toured the disaster areas of South Dakota, North Dakota, and Minnesota with both President Clinton and Vice-President GORE and viewed terrible scenes of cattle stranded in fields, dead cattle across the area, flooded highways, communities lining up to pile sandbags, and people forced to stay in motels because their homes are in such danger. The devastation caused to Grand Forks, ND will not soon be forgotten by those who witnessed nature's awesome fury first-hand. The situation in South Dakota also was far worse than I expected. During my recent tour, I saw a compelling combination of the furor of Mother Nature and the determination of South Dakotans, North Dakotans, and Minnesotans to survive yet another battle with this awesome force. Mother Nature—as only she can do—had changed the rules of the game and given the residents of our region more water than initially anticipated and more than we could safely handle.

But, through it all—through all the heart-wrenching, indiscriminate loss of property, possessions, and livestock—folks in our South Dakota communities have pulled together. The scene in my home State, and across the region, is something that nearly defies description, but clearly will not be forgotten for many years to come. As the flood waters begin to recede, and these hard-working folks begin to rebuild shattered lives, I rise to seek the support of my colleagues in providing certain regulatory relief that will greatly enable this process. As we did in response to previous tragic flooding along the Mississippi River in 1992 and 1993, let us now undertake to do for the residents of South Dakota, North Dakota, and Minnesota through the Depository Institution Disaster Relief Act of 1997.

This act will enable lending institutions—banks, credit unions, and thrifts—to help the people most severely affected by this disaster to begin the arduous process of recovery. The bill permits the regulatory agencies to waive some of the regulations which delay the procedures for helping these people. The major provisions will allow consumers to receive loan proceeds 3 days faster than they ordinarily would, helps lending institutions reopen for business quicker even though the disruption from the flooding may require more than 1 day to process cash deposits and government checks, and loosens capitalization requirements that will be buffeted by the large amounts of insurance deposits that will shortly be flowing through the region. We also call upon Federal regulators to use their ability to waive certain appraisal standards for real estate loans in the disaster areas. These actions will enable the regulating agencies to work with the primary lending institutions to make it easier for the impacted citizens to begin the strenuous and extremely difficult process of recovery.

Mr. President, my region has just suffered a 500-year flood right on the heels of the worst winter in memory. As the valiant residents of South Dakota, North Dakota, and Minnesota begin to rebuild their lives and homes, I urge the Congress to take these minimal steps to help that process.

The Depository Institution Disaster Relief Act of 1997 represents an immediate, concrete step we can and should take in that direction. I urge my colleagues to support our efforts to attach this important disaster relief bill to the supplemental appropriations bill which will be considered by the Senate in the near future.

By Ms. SNOWE:

S. 653. A bill to amend the Internal Revenue Code of 1986 to allow a deduction from gross income for home care and adult day and respite care expenses of individual taxpayers with respect to a dependent of the taxpayer who suffers from Alzheimer's disease or related organic brain disorders; to the Committee on Finance.

ALZHEIMER'S LEGISLATION

By Ms. SNOWE:

S. 654. A bill to amend the Internal Revenue Code of 1986 to make the dependent care credit refundable, and for other purposes; to the Committee on Finance.

DEPENDENT CARE TAX CREDIT LEGISLATION

By Ms. SNOWE:

S. 655. A bill to amend title XIX of the Social Security Act to require States to adopt and enforce certain guardianship laws providing protection and rights to wards and individuals subject to guardianship proceedings as a condition of eligibility for receiving funds under the Medicaid Program, and for other purposes; to the Committee on Finance.

THE GUARDIANSHIP RIGHTS AND RESPONSIBILITIES ACT OF 1997

• Ms. SNOWE. Mr. President, today I introduce a package of three bills which will have a significant impact on the lives of American families.

The first bill I am reintroducing today provides a tax credit for families caring for a relative who suffers from Alzheimer's disease. Today, "Alzheimer's" is a household term. But it was not always so. For many years, victims of Alzheimer's disease and their families struggled in isolation against this illness. However, President Reagan's poignant disclosure in 1994 that Alzheimer's disease was attacking him as he entered the "twilight years" of his life captured the collective heart of our Nation, and brought new attention to this devastating disease. We have come a long way from when I first came to Congress over 18 years ago, when there was not a single piece of legislation devoted to Alzheimer's disease. Thankfully, that has changed.

Alzheimer's disease is now the most expensive uninsured illness in America. The financial costs are staggering. Alzheimer's will consume more of our national wealth—approximately $1.75 trillion—than all other illnesses except cancer and heart disease. The number of Americans affected by Alzheimer's is rising and will continue to rise dramatically, from 4 million today to over 14 million by the middle of the 21st century.

In addition to the significant financial costs related to caring for a family member with Alzheimer's disease, there is also a tremendous emotional cost as well. It is a cost born by the millions of spouses, children, relatives, and friends of Alzheimer's victims who see their loved ones slowly overwhelmed by the disease.

We can, however, lessen both the emotional and financial costs of this disease by passing the bill I am reintroducing today which will provide some relief to Alzheimer's patients and their families. My bill would allow families to deduct the cost of home care and adult day and respite care provided to a dependent suffering from Alzheimer's disease.

The second bill I am reintroducing today will strengthen the dependent care tax credit and restore Congress' original intent to provide the greatest benefit of tax credit to low-income taxpayers. My legislation expands the dependent care tax credit, makes it applicable for respite care expenses, and makes it refundable.

The increase in women entering the work force and the aging population have brought a corresponding increase in the need for both child and elder care. Expenses incurred for such care can significantly strain a family's budget. In 1993, full-time child care costs averaged approximately $4,000. Managing these costs is difficult for many families, but is exceptionally burdensome for those in lower income brackets.

In 1976, Congress enacted the dependent care tax credit to help low- and moderate-income families alleviate the burden of employment-related dependent care. Over the years, the DCTC has provided significant Federal assistance to millions of families with child and adult dependent care expenses.

Under current law, parents can deduct up to $2,400 annually for employment-related child care expenses for one children, and up to $4,800 for two or more children. Parents can deduct an amount equal to 30 percent of their child care expenditures if they have earnings below $10,000, with the percentage decreasing on a sliding scale to 20 percent if their income is above $28,000. The credit is nonrefundable, meaning that an individual can only receive the credit if he or she pays taxes.

Unfortunately, the value of the dependent care tax credit for low- and moderate-income families has eroded in recent years. This is largely due to the lack of inflationary indexing and refundability.

The Tax Reform Act of 1986 provided for inflationary indexing of all the basic provisions of the Internal Revenue Code that determine tax liability except for DCTC. As a result, fewer and fewer families with incomes low enough to take advantage of the maximum credit amount, 30 percent, have any tax liability.

The result is a shift in DCTC benefits away from low-income families and toward moderate-income families. Fewer and fewer low-income family's annual income reach the tax threshold necessary to receive the tax credit; and those low-income individuals who do reach the threshold lose out on the maximum credit available. Therefore, rather than helping low-income families with dependent care expenses, which was Congress' original intent, the DCTC is evolving into assistance for less needy middle-income families.

I believe it is critical to get the DCTC back on track helping those families most in need in our country. If we do not address these issues now, each year increasing tax thresholds will prevent more and more low-income individuals from benefiting from the DCTC.

The legislation I am reintroducing would make the adjustments necessary to restore this important benefit to low-income individuals and families. It indexes the DCTC to inflation, and makes it refundable so that those who do not reach the tax thresholds still receive Federal assistance for their dependent care expenses.

My legislation, however, goes even further to help families struggling with dependent care expenses. Recognizing the realistic costs of dependent care, my bill raises the DCTC sliding scale from 30 to 50 percent of work-related dependent care expenditures for families earning $15,000 or less. The scale would then be reduced by 1 percentage point for each additional $1,000 more of income, down to a credit of 20 percent for persons earning $45,000 or more.

Finally, this legislation expands the definition of dependent care to include respite care, thereby offering relief from this additional expense. A respite care credit would be allowed for up to $1,200 for one qualifying dependent care and $2,400 for two qualifying dependents. The credit for respite care expenses would be available regardless of the caregiver's employment status.

Congress intended the dependent care tax credit to help low- and moderate-income families manage the costs of dependent care assistance which is vital to so many families' economic livelihood. However, each year that we do not address the issues of inflationary indexing and refundability, we deny those very families assistance, and, instead, help families with greater financial means.

The third bill I am reintroducing today is the Guardianship Rights and Responsibilities Act of 1997, which establishes a bill of rights for adults who, because of physical or mental incapacity, become wards of the courts.

Wards are individuals whose legal rights, decisionmaking authority, and possessions have been transferred to the control of a guardian or conservator based on a judgment that the person is no longer capable of handling these affairs. This legal system severely limits an individual's personal autonomy and has considerable problems and widespread abuses. Horror stories abound about guardians who force unnecessary nursing home care, embezzle assets or otherwise abuse their wards.

The Guardianship Rights and Responsibilities Act of 1997 would require States to adopt and enforce laws to provide basic protection and rights to wards as a condition of receiving Federal Medicaid funds. It would assure due process protections such as counsel, the right to be present at their proceedings, and to appeal decisions. Also required would be: Clear and convincing evidence to determine the need for a guardianship; adequate court monitoring; and standards, training, and oversight for guardians.

This legislation will help to protect the most vulnerable elderly and disabled from exploitation, and will help to assure them the highest possible autonomy. I hope my colleagues will join me in supporting these important bills.●

By Mr. WARNER (for himself, Mr. THOMAS, Mr. COCHRAN, Mr. ENZI, Mr. HELMS, Mr. HUTCHINSON, Mr. ROTH, and Mr. SESSIONS):

S. 656. A bill to amend the Fair Labor Standards Act of 1938 to exclude from the definition of employee firefighters and rescue squad workers who perform volunteer services and to prevent employers from requiring employees who are firefighters or rescue squad workers to perform volunteer services, and to allow an employer not to pay overtime compensation to a firefighter or rescue squad worker who performs volunteer services for the employer, and for other purposes; to the Committee on Labor and Human Resources.

THE VOLUNTEER FIREFIGHTER AND RESCUE SQUAD WORKER ACT

Mr. WARNER. Mr. President, I rise today to once again introduce the Volunteer Firefighter and Rescue Squad Worker Act.

The purposes of this legislation, which was S. 324 in the 104th Congress, are to preserve the spirit of volunteerism in our communities and to assist our volunteer firefighters and rescue squad workers in their mission to provide vital life-saving and property protection services in their communities.

Under current law, it is illegal for a firefighter or rescue squad worker to work on a volunteer basis for the same community which employs him or her during the workweek. My bill would amend the Fair Labor Standards Act of 1938 to reflect the realities of the work force of the 1990's by excluding from the definition of "employee" firefighters and rescue squad workers who are performing volunteer services, thus removing the need to pay these volunteers overtime pay for those hours volunteered.

The need for this legislation stems from a 1993 U.S. Department of Labor ruling that a career firefighter cannot serve as a volunteer firefighter within the same county in which he or she is employed. My legislation would allow professional firefighters and rescue squad workers to volunteer their services during off-duty hours and to waive overtime pay. The bill specifically prohibits employers from requiring firefighters and rescue squad workers to volunteer when they would otherwise be entitled to receive overtime compensation, and it requires that any agreement by such employees to waive their right to overtime compensation be put in writing. I have also added new anticoercion language to the bill to specifically define behavior that would be considered coercive.

Historically, volunteer fire and rescue services have played an important role in our communities. Millions of people, at some point in their lives, have depended upon the services of such volunteers to protect life and property. In many cases, it is the professional firefighters and rescue workers who volunteered their expertise and training to their communities as a way of giving something back to their friends and neighbors. The current law, in comparison, does not even allow a firefighter or rescue worker to respond to an emergency without FLSA regulation.

Moreover, many municipalities and counties rely upon volunteer services because they lack the funds to operate a full-time professional and rescue service. I am concerned that until this bill is passed, many of our citizens will lack the level of protection that would voluntarily be provided by these professionals. This problem is especially acute for rural areas where fire and rescue units are less common and more remote.

Mr. President, I thank my colleagues, Senators COCHRAN, ENZI, Helms, Hutchinson, Roth, Sessions, and Thomas, who are cosponsors of this legislation. I hope my other colleagues will support this important legislation to return an important resource to localities to protect the property, and indeed the very lives, of Americans across our great nation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 656

Be it enacted by the Senate and House of representatives of the United States of America in Congress assembled,

SECTION 2. SHORT TITLE.

This Act may be cited as the "Volunteer Firefighter and Rescue Squad Worker Act".

SEC. 2. FIREFIGHTER AND RESCUE SQUAD SERVICES.

Section 3(e)(4) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(e)) is amended by adding at the end the following new subparagraph:

"(C) The term 'employee' does not include a firefighter or a member of a rescue squad during the period in which the firefighter or rescue squad member volunteers to perform firefighting or rescue squad services at a location where the firefighter or member is not then or regularly employed.".

SEC. 3. WAIVER OF OVERTIME COMPENSATION.

The employer of a firefighter or member of a rescue squad shall not be required to pay the firefighter or member overtime compensation under section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) for a period during which the firefighter or member—

(1) volunteered to perform services for the employer; and

(2) signed a legally binding waiver of such compensation.

SEC. 4. LIMITATIONS ON THE PERFORMANCE OF VOLUNTEER SERVICES.

(a) Overtime Compensation Requirement.—Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r) No employer may require (directly or indirectly) an employee who is a firefighter or member of a rescue squad to volunteer the employee's firefighting or rescue squad services during any period in which the employee would be entitled to receive compensation for overtime employment under subsection (a).".

(b) Prohibition Against Coercion.—

(1) In general.—An employer shall not directly or indirectly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce, an employee who is a firefighter or member of a rescue squad for the purpose of requiring the employee to volunteer the employee's firefighting or rescue squad services.

(2) Definition.—In this subsection, the term "intimidate, threaten, or coerce" includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation).

By Mr. DASCHLE (for himself and Mr. Jeffords):

S. 657. A bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation; to the Committee on Armed Services.

THE MILITARY RETIREMENT EQUITY ACT OF 1997

Mr. DASCHLE. Mr. President, current law—grounded in a century-old statute—requires individuals in receipt of disability compensation from the Department of Veterans Affairs, VA, to offset by an equal amount any retired military pay for which they are eligible. The offset requirement discriminates unfairly against disabled career soldiers by requiring them, in effect, to fund their own disability benefits.

To correct this gross inequity, Senator Jeffords and I are introducing legislation today that would eliminate the offset on a graduated scale based on the inverse of the retiree's disability rating.

For example, a veteran who is 80 percent disabled would have to offset his retirement pay by the amount equal to 20 percent of his total VA disability. This compromise would establish the right of a disabled military retiree to receive at least a portion of his earned military retirement.

Current law is problematic because it ignores the proper distinction between military retirement and disability compensation entitlements. Whereas the former is paid to recognize a soldier who has dedicated 20 or more of his or her years to our country's defense, the latter is designed to compensate a veteran for injury incurred in the line of duty. Because the two types of compensation serve two entirely different purposes, receipt of one should not displace receipt of the other.

Concurrent receipt is fundamentally a fairness issue. The present law simply discriminates against career military personnel. Career military retirees are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability pay.

The unequal gap between the compensation received by disabled servicemembers who choose different career paths is patently clear.

Disabled veterans who choose careers in military service will see, upon retirement, their earned retirement benefits reduced proportionate to their receipt of VA disability payments. Conversely, disabled veterans who elect to leave military service and go into either other Federal employment or the private sector will, upon retirement, continue to receive their full disability payments, along with any earned retirement benefits.

This inequity needs to be corrected. Over the past several years, the Congress and the Department of Defense have sought to deal with this issue in a variety of ways. In the past, many attempts to rectify this situation have been accompanied by staggering cost estimates. This legislation represents an effort to ease the offset burden on retired disabled servicemembers while avoiding significant deficit expansion.

It is also supported by veterans service organizations, including the Veterans of Foreign Wars, the Disabled American Veterans, the American Legion, and the Paralyzed Veterans of America. Although these organizations would prefer a complete elimination of the offset, they all welcome this effort as a step in the right direction.

We now have an opportunity to show a measure of our gratitude to all those remarkable men and women who have sacrificed in the name of freedom and democracy.

These dedicated servicemembers deserve our special commendation, both for having suffered while serving our country and for continuing to work in the Armed Forces until retirement. It is time for Congress to reverse the law that prohibits career military personnel who are wounded or injured during service to our country from receiving earned retirement benefits. I hope the Senate will consider this legislation expeditiously and end, at long last, this unfairness by finally passing this bill, or something like it, into law in the near future.

Mr. President, this legislation represents an honest attempt to correct an injustice that has existed for too long. By allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently, with an offset that is inversely related to the degree of disability, we can restore some fairness to Federal retirement policy in a cost-effective manner. Common sense tells us that this is the right thing to do.

I ask unanimous consent that the text of the Military Retirement Equity Act of 1997 be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 657

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Retirement Equity Act of 1997".

SEC. 2. CONCURRENT PAYMENT OF RETIRED PAY AND COMPENSATION.

(a) Limitation on Duplication of Benefits.—Chapter 71 of title 10, United States Code, is amended by adding at the end the following new section:

"§1413. Concurrent payment of retired pay and veterans' disability compensation

"(a) Concurrent Payment.—Subject to subsection (b), a person entitled to retired pay may be paid that pay concurrently with the payment of veterans' disability compensation for a service-connected disability if the person's entitlement to retired pay is based solely on—

"(1) the person's age;

"(2) the length of the person's service in the uniformed services; or

"(3) both the person's age and the length of such service.

"(b) OFFSET OF DISABILITY COMPENSATION.—In the case of a person who is receiving both retired pay and veterans' disability compensation, the amount of retired pay paid such person shall be reduced (but not below zero) based on the rating of the person's disability for veterans' disability compensation purposes as follows:

"(1) If and while the disability is rated 10 percent, by the amount equal to 90 percent of the amount of the disability compensation paid such person.

"(2) If and while the disability is rated 20 percent, by the amount equal to 80 percent of the amount of the disability compensation paid such person.

"(3) If and while the disability is rated 30 percent, by the amount equal to 70 percent of the amount of the disability compensation paid such person.

"(4) If and while the disability is rated 40 percent, by the amount equal to 60 percent of the amount of the disability compensation paid such person.

"(5) If and while the disability is rated 50 percent, by the amount equal to 50 percent of the amount of the disability compensation paid such person.

"(6) If and while the disability is rated 60 percent, by the amount equal to 40 percent of the amount of the disability compensation paid such person.

"(7) If and while the disability is rated 70 percent, by the amount equal to 30 percent of the amount of the disability compensation paid such person.

"(8) If and while the disability is rated 80 percent, by the amount equal to 20 percent of the amount of the disability compensation paid such person.

"(9) If and while the disability is rated 90 percent, by the amount equal to 10 percent of the amount of the disability compensation paid such person.

The retired pay of a person entitled to disability compensation may not be reduced under this subsection if and while the disability of such person is rated as total.

"(c) DEFINITIONS.—In this section:

"(1) RETIRED PAY.—The term 'retired pay' includes retainer pay and emergency officers' retirement pay.

"(2) VETERANS' DISABILITY COMPENSATION.—The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item

"1413. Concurrent payment of retired pay and veterans' disability compensation.".

SEC. 3. EFFECTIVE DATE AND PROHIBITION ON RETROACTIVE BENEFITS.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1997.

(b) RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of this Act for any period before the effective date of this Act.

Mr. JEFFORDS. Mr. President, current law requires retired military personnel individuals in receipt of disability compensation from the Department of Veterans Affairs, VA, to offset any retired military pay for which they become eligible. Today Senator DASCHLE and I are introducing legislation that would gradually eliminate this offset based on the inverse of the retiree's disability rating. This offset requirement unfairly discriminates against career soldiers who become disabled by requiring them to fund their own disability benefits.

As an example, a veteran with 60-percent service-connected disability would have to offset his retirement pay by the amount equal to 60 percent of his total VA disability. This compromise legislation would establish the right of a disabled military retiree to receive at least a portion of his earned military retirement while avoiding an insurmountable cost that, under budget rules, would require an offset in other funding areas of the Department of Defense.

Current law does not take into account the obvious distinction between military retirement and disability compensation entitlements. Military retirement is paid to recognize a soldier who has dedicated 20 or more of his or her years to our country's defense. Disability benefits are intended to compensate a veteran for injury for injury incurred in the lined of duty. Because these two types of compensation serve two different purposes, receipt of one should not prevent a veteran from receiving the other.

Congress has sought to deal with this issue over the years in a number ways—most of these attempts have brought with them unreasonable cost estimates. This legislation would ease the offset burden on retired disabled service members and still avoid significant expansion in the deficit. Also, because career military retirees are the only group of Federal retirees who are required to waive their retirement pay in order to receive VA disability, the need to change current law is especially pressing. Inversely, disabled veterans who elect to leave military service and go into either other Federal employment or the private sector will, upon retirement, continue to receive their full disability payments, along with any earned retirement benefits.

This bill is supported as a step in the right direction by the Nation's veterans service organizations, including the American Legion, Veterans of Foreign Wars, the Disabled American Veterans, and the Paralyzed Veterans of America.

Congress should move quickly to reverse this law prohibiting career military personnel who are wounded or injured during their service from receiving earned retirement benefits. I hope the Senate will act to end this unfairness once and for all by passing legislation to ease the offset. In allowing disabled veterans to receive military retired pay and veterans disability compensation concurrently, with an offset that is inversely related to the degree of disability, we will restore some fairness to Federal retirement policy cost-effectively. Our veterans have earned that and much more.

By Mr. TORRICELLI (for himself and Mr. DURBIN):

S. 658. A bill to amend title 18, United States Code, to prohibit gunrunning, and provide mandatory minimum penalties for crimes related to gunrunning; to the Committee on the Judiciary.

THE GUN KINGPIN PENALTY ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today, along with my colleague from Illinois Senator DURBIN, to introduce the Gun Kingpin Penalty Act of 1997. In introducing this bill, Senator DURBIN and I hope that our colleagues will soon join us in sending a clear and strong signal to gunrunners—your actions will no longer be tolerated.

Mr. President, recent numbers gathered by the Bureau of Alcohol, Tobacco and Firearms clearly demonstrate what many of us already knew all too well—several key North-South highways in this country have become pipelines for merchants of death who deal in illegal firearms.

My own State of New Jersey is proud to have some of the toughest gun control laws in the Nation. But for far too long, the courageous efforts of New Jersey citizens in enacting these tough laws have been weakened by out of State gunrunners who treat our State like their own personal retail outlet.

We learned from the ATF data that in 1996, New Jersey exported fewer guns used in crimes, per capita, than any other State—less than 1 gun per 100,000 residents, or 75 total guns. In contrast, Mississippi exported 29 of these guns per capita last year.

Meanwhile, an incredible number of guns used to commit crimes in New Jersey last year came from out of State—944 guns were imported and used to commit crimes compared to only 75 exported—a net import of 869 illegal guns used to commit crimes against the people of New Jersey. In fact, the top six exporters of illegal guns used to commit crimes in New Jersey supplied 62 pecent of the guns—585—and only one of those six States—North Carolina—has strong gun control laws.

This represents a one way street—guns come from States with lax gun laws straight to States, like New Jersey, with strong laws.

It is clear that New Jersey's strong gun control laws offer criminals little choice but to import their guns from States with weak laws. We must act on a Federal level to send a clear message that this cannot continue and will not be tolerated.

Mr. President, once again this year Senator LAUTENBERG and I have introduced our one-gun-a-month bill, which would go a long way toward preventing bulk sales and massive trafficking in firearms.

But today's bill is the next logical step—hitting illegal traffickers where it hurts with tough mandatory minimum sentences that will get these gunrunners off our streets.

The Gun Kingpin Penalty Act of 1997 would create a new Federal gunrunning offense for any person who, within a 12-month period, transports more than five guns to another State with the intent of transferring all of the weapons to another person. The act would establish mandatory minimum penalties for gunrunning as follows:

A mandatory 3-year minimum sentence for a first offense involving 5 to 50 guns; a mandatory 5-year minimum sentence for second offense involving 5 to 50 guns; and a mandatory 15-year minimum sentence for any offense involving more than 50 guns.

Additionally, the bill contains two blood-on-the-hands provisions, which will significantly increase penalties for a gunrunner who transfers a gun subsequently used to seriously injure or kill another person. A mandatory 10-year minimum sentence is required if one of the smuggled guns is used within 3 years to kill or seriously injure another person. And a mandatory 25-year minimum sentence must be imposed if one of the smuggled guns is used within 3 years to kill or seriously injure another person and more than 50 guns were smuggled.

Finally, our bill adds numerous gunrunning crimes as RICO predicates, and authorizes 200 additional Treasury personnel to enforce the act—Congress must provide law enforcement with the resources to enforce the laws we pass.

The fight against gun violence is a long-term, many-staged process. We succeeded in enacting the Brady bill and the ban on devastating assault weapons. Last year, we told domestic violence offenders that they could no longer own a gun.

And these laws have been effective: 186,000 prohibited individuals have already been denied a handgun due to Brady background checks. Some 70 percent of these people were convicted or indicted felons.

Traces of assault weapons have plummeted since the ban, and prices have gone up. And not a single law enforcement officer has been killed with an assault weapon in over a year.

Mr. President, I will soon be introducing a companion piece to this legislation—the Gun Kingpin Death Penalty Act of 1997. That bill, modeled after the drug kingpin legislation passed by Congress several years ago, will allow for the Federal death penalty if a gunrunning kingpin commits murder in the course of his or her operations. As I said before, this is a many-staged fight, and we can never rest when it comes to gun violence.

This problem will not just go away, and we cannot standby and watch as innocent men, women, and children die at the hands of criminals armed with these guns. I urge my colleagues to support this bill, and I ask that the full text of the legislation be printed in the RECORD following this statement. I yield the floor to my friend from Illinois Senator DURBIN.

Mr. DURBIN. Mr. President, I thank the distinguished Senator from New Jersey and join him today in introducing the Gun Kingpin Penalty Act of 1997.

Mr. President, Interstate 55 runs straight through Mississippi to Memphis and St. Louis before veering northeast into Springfield and Chicago. And, in addition to carrying cars with their passengers and trucks with their cargo, I–55 is a firearm freeway into my home State. Gunrunners ship trunkloads of guns up I–55 for use by criminals.

Two years ago, one of those guns—that probably came into Illinois via I-55—was used to shoot Chicago Police Officer Daniel Doffyn in the head. Officer Doffyn was fresh out of the police academy. He was out on a burglary call, and a Tec–9 from Mississippi killed him.

The legislation Senator TORRICELLI and I introduce today lets everyone know that we are committed to closing down the illegal gunrunning operations that put that Tec–9 into the hands of the man who killed Daniel Doffyn.

And let no one underestimate the deadly impact of gunrunning across State lines. My home State of Illinois has tough gun laws. The local firearms dealers, police, and licensing authorities work hard to make sure that felons cannot go into a store and buy guns. They also work hard to keep the illegal gun market under control.

But we have learned that one State alone cannot overpower the illegal gun market. Earlier this year we obtained data from the Bureau of Alcohol, Tobacco and Firearms detailing the results of their efforts to trace guns used in crimes. We analyzed that data and produced a report. That report concluded that:

First, guns used in crimes are most likely to come from just a few States with relatively weak gun control laws. Of the traceable guns used nationwide in crimes, 16,635 of the 47,068, or 35 percent, were out-of-State guns.

Second, in States with strong gun laws, criminals obtain many of their guns from other States with weaker gun laws.

Third, in States with lax gun laws, criminals obtain the majority of their guns from their home State.

Fourth, the trafficking of guns moves primarily in one direction; from States with weak gun laws to States with tough gun laws.

Fifth, when neighboring States have different levels of gun control laws, the State with lax laws floods its stricter neighbor with guns.

In Illinois we can see how these conclusions play out. Illinois is a net traced-guns importer. In 1996, Illinois accounted for a total of 399 crime guns traced in all the other States combined. However, 1,596 guns from out of State were traced to crimes in Illinois. Thirty-five percent of the guns traced from crimes in Illinois were from out of State. And 10 percent of the guns traced from crimes in Illinois were from Alabama, Mississippi, and Texas. Mississippi is the top supplier of out-of-State guns to Illinois, 306, and Wisconsin, 75. In contrast, Illinois exported only two guns traced to crime in Mississippi.

In Mississppi, 268 guns involved in a crime were traced right back to Mississippi. In contrast, 306 Mississippi guns were traced to crimes in Illinois. Overall, Illinois pays a heavier price for Mississippi's lax gun control laws than Mississippi does.

In contrast to the weak gun law States, Illinois has tough gun laws. That's why per capita, Illinois barely plays a role in the gunrunning business. States with laxer gun control laws are acting as exporters to Illinois. Illinois accounted for 2 percent of the gun exports traced in crimes in other States. In contrast, Texas and Florida accounted for almost 14 percent of those gun exports.

Mr. President, I believe that it is time to shut down the firearms freeway to Illinois. That is why I am happy to sponsor this bill. This measure will let everyone know that we are quite serious about this, that the gunrunning black market is not just a harmless little business venture. People who run trunkloads of guns into another State are doing so for the sole purpose of making money off selling guns to people they know intend to use the gun in crime. This bill provides for a 3-year mandatory minimum for gunrunners. And the penalties will go up with the number of guns. If you run 50 guns, the penalty is 15 years. This legislation also makes gunrunning a RICO or racketeering predicate. With this tool in place, we can shut down entire gunrunning syndicates.

I believe that we should all easily support this measure. It is aimed at taking guns out of the hands of criminals.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 658

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Gun Kingpin Penalty Act".

SEC. 2. PROHIBITION AGAINST GUNRUNNING.

Section 922 of title 18, United States Code, is amended by inserting after subsection (x) the following:

"(y) It shall be unlawful for a person not licensed under section 923 to ship or transport, or conspire to ship or transport, 5 or more firearms from a State into another State during any period of 12 consecutive months, with the intent to transfer all of such firearms to another person who is not so licensed.".

SEC. 3. MANDATORY MINIMUM PENALTIES FOR CRIMES RELATED TO GUNRUNNING.

Section 924 of title 18, United States Code, is amended by adding at the end the following:

"(p)(1)(A)(i) Whoever violates section 922(y) shall, except as otherwise provided in this subsection, be imprisoned not less than 3 years, and may be fined under this title.

"(ii) In the case of a person's second or subsequent violation described in clause (i), the term of imprisonment shall be not less than 5 years.

"(B) If a firearm which is shipped or transported in violation of section 922(y) is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 10 years.

"(C) If more than 50 firearms are the subject of a violation of section 922(y), the term of imprisonment for the violation shall be not less than 15 years.

"(D) If more than 50 firearms are the subject of a violation of section 922(y) and 1 of the firearms is used subsequently by the person to whom shipped or transported, or by any person within 3 years after the shipment or transportation, in an offense in which a person is killed or suffers serious bodily injury, the term of imprisonment for the violation shall be not less than 25 years.

"(2) Notwithstanding any other provision of law, the court shall not impose a probationary sentence or suspend the sentence of a person convicted of a violation of this subsection, nor shall any term of imprisonment imposed on a person under this subsection run concurrently with any other term of imprisonment imposed on the person by a court of the United States.".

SEC. 4. CRIMES RELATED TO GUNRUNNING MADE PREDICATE OFFENSES UNDER RICO.

Section 1961(1)(B) of title 18, United States Code, is amended by inserting "section 922(a)(1)(A) (relating to unlicensed importation, manufacture, or dealing in firearms), section 92(a)(3) (relating to interstate transportation or receipt of firearm), section 922(a)(5) (relating to transfer of firearm to person from another State), or section 922(a)(6) (relating to false statements made in acquisition of firearm or ammunition from licensee), section 922(d) (relating to disposition of firearm of ammunition to a prohibited person), section 922(g) (relating to receipt of firearm or ammunition by a prohibited person), section 922(h) (relating to possession of firearm or ammunition on behalf of a prohibited person), section 922(i) (relating to transportation of stolen firearm or ammunition), section 922(j) (relating to receipt of stolen firearm or ammunition), section 922(k) (relating to transportation or receipt of firearm with altered serial number), section 922(y) (relating to gunrunning), section 924(b) (relating to shipment or receipt of firearm for use in a crime)," before "section 1028".

SEC. 5. ENFORCEMENT.

The Secretary of the Treasury may hire and employ 200 personnel, in addition to any personnel hired and employed by the Department of the Treasury under other law, to enforce the amendments made by this Act, notwithstanding any limitations imposed by or under the Federal Workforce Restructuring Act.

WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA

SUMMARY OF "WAR BETWEEN THE STATES: HOW GUNRUNNERS SMUGGLE WEAPONS ACROSS AMERICA"

This report examines the deadly commerce practiced by interstate gunrunners. These profiteers legally buy weapons in a state with mild gun laws, and then sell them illegally in another state with tough rules.

When these smugglers load up their car trunks with piles of lethal merchandise, they transfer countless weapons from legitimate commerce to the black market—and the guns often end up in criminals' hands.

A handful of states like Mississippi and Florida are typical shopping stops for the nation's gunrunners, who then sell the weapons in states like New York, New Jersey, and Illinois—the losers in this deadly game of firearms smuggling.

The five worst offenders per capita are Mississippi, South Carolina, West Virginia, Nevada, and Kansas.

Several interstate highways are "firearms freeways"—favorite smuggling routes for gunrunners. Illegally transported guns head north up I–95 from Florida, Georgia and South Carolina to New York, New Jersey and Massachusetts, or north from Mississippi along I–55 to Illinois.

This independent analysis of data on 1996 firearms traces makes several trends crystal clear:

1. Gunrunners' bazaars: Guns used in crimes are most likely to come from just a few states with relatively weak gun control laws. Just the top four states—Florida, Texas, South Carolina, and Georgia—account for a quarter of the traces. This trend is even more stark when analyzed based on population: several small states provide far more than their share of guns to criminals, and these states have particularly weak laws.

2. Home sweet home: In states with strong gun laws, criminals obtain the majority of their guns from other states; in states with weaker gun laws, criminals obtain the majority of their guns locally.

3. One-way streets: Illicit traffic along the "firearms freeways" moves only in one direction: from states with less gun control to those with more.

4. Love thy neighbor: When neighboring states have different approaches to firearms regulation, the state with lax laws floods its stricter neighbor with guns that are used in crime.

These clear patterns show the urgent need for a nationwide effort to stop gun smuggling between states. In particular, Congressman Schumer is proposing tough new federal penalties for gunrunning crimes and increased resources for investigations of firearms trafficking.

FINDINGS: GUNRUNNING IS A NATIONAL PROBLEM

The tables that follow this page tell the story of a thriving illegal trade that crisscrosses the nation. The customers for this business are street gangs and murderers, drug dealers and muggers. The salespeople are interstate gunrunners who exploit the discrepancies in different states' gun laws to supply weapons on the black market. And the suppliers are states where gun laws get a failing grade.

Table 1: Guns crossing State lines

Table 1 shows how many guns sold in a particular state were traced to crimes in other states by the federal Bureau of Alcohol, Tobacco, and Firearms in 1996.

The table demonstrates how lopsided these figures are. The two states that provide the most guns to criminals in other states—Florida (1,243) and Texas (1,068)—account for almost 14% of all such traces, and the top four states account for a quarter. A majority of the out-of-state guns (54.2%) come from just the top ten states—more than the other 40 states and Washington, DC combined.

Note that the numbers in Table 1 account for all guns recovered by law enforcement and traced, not all guns used in crimes. In reality, these states are selling far more guns to criminals than indicated on the table.

Table 2: Guns crossing State lines per capita

Table 2 adjusts for population, more clearly demonstrating the link between weak gun laws and the sale of guns used in other states' crimes.

The "export rate" shows how many guns were traced from crimes elsewhere per 100,000 state residents. In other words, for every 100,000 Mississippi residents, 29 guns were sold in Mississippi and traced to crimes in another state. For every 100,000 New Yorkers, 1.19 guns were sent to out-of-state criminals.

Each state was rated on how strongly its rules crack down on gunrunners' easy access to weapons. The ratings of state gun laws are explained more fully in an appendix. Overall, 27 of the states are rated "very weak" because they have no significant restrictions beyond those required under federal regulation, such as the Brady Law. Four of the states were rated "weak," four "moderate," six "strong," and ten "very strong."

By controlling for population, Table 2 underscores the dramatic impact of state gun laws on gun trafficking patterns. None of the top ten states on Table 2 had "strong" or "very strong" ratings. Six of the ten are "very weak."

TABLE 1.—CRIME GUNS CROSSING STATE LINES—1996

[State-by-State breakdown of guns used in out-of-State crimes by place of origination]

Rank	State	Total exports
1	Florida	1,243
2	Texas	1,068
3	South Carolina	992
4	Georgia	939
5	Virginia	924
6	California	828
7	Ohio	823
8	Mississippi	782
9	North Carolina	752
10	Indiana	665
11	Pennsylvania	532
12	Alabama	516
13	Arizona	487
14	Maryland	457
15	Kentucky	428
16	Illinois	399
17	Kansas	364
18	Louisiana	339
19	Tennessee	317
20	West Virginia	286
21	Arkansas	279
22	Oklahoma	262
23	Nevada	230
24	Wisconsin	224
25	Washington	223
26	Colorado	216
27	New York	215
28	Michigan	200
29	Missouri	155
30	New Mexico	152
31	Connecticut	134
32	Oregon	116
33	Minnesota	106
34	Iowa	99
35	Idaho	94
36	Massachusetts	90

TABLE 1.—CRIME GUNS CROSSING STATE LINES—1996—Continued

[State-by-State breakdown of guns used in out-of-State crimes by place of origination]

Rank	State	Total exports
37	New Hampshire	79
38	New Jersey	75
39	Delaware	74
40	Utah	69
41	Alaska	68
42	Maine	62
43	Montana	58
44	Nebraska	54
45	Vermont	45
46	South Dakota	45
47	Wyoming	31
48 (Tie)	District of Columbia	18
	Rhode Island	18
50 (Tie)	North Dakota	15
	Hawaii	15
	U.S. total exports	16,663

Source: Bureau of Alcohol, Tobacco, and Firearms.

TABLE 2.—CRIME GUNS CROSSING STATE LINES—PER CAPITA—1996

[Number of guns used in out-of-State crimes by place of origination per 100,000 residents]

Rank	State	Rating	Export rate
1	Mississippi	VW	29.00
2	South Carolina	M	27.01
3	West Virginia	VW	15.65
4	Nevada	VW	15.03
5	Kansas	VW	14.19
6	Virginia	W	13.96
7	Georgia	VW	13.04
8	Alabama	M	12.13
9	Arizona	VW	11.55
10	Indiana	M	11.45
11	Alaska	VW	11.26
12	Arkansas	VW	11.23
13	Kentucky	VW	11.09
14	North Carolina	VS	10.45
15	Delaware	VW	10.32
16	Maryland	S	9.06
17	New Mexico	VW	9.02
18	Florida	VW	8.65
19	Idaho	VW	8.08
20	Oklahoma	VW	7.99
21	Vermont	VW	7.86
22	Louisiana	VW	7.81
23	Ohio	VW	7.38
24	New Hampshire	W	6.88
25	Montana	VW	6.67
26	Wyoming	VW	6.46
27	South Dakota	VW	6.17
28	Tennessee	W	6.03
29	Colorado	VW	5.76
30	Texas	VW	5.70
31	Maine	VW	5.00
32	Pennsylvania	M	4.41
33	Wisconsin	VW	4.37
34	Washington	W	4.11
35	Connecticut	VS	4.09
36	Oregon	VW	3.69
37	Utah	VW	3.54
38	Iowa	S	3.48
39	Illinois	VS	3.37
40	Nebraska	S	3.30
41	District of Columbia	VS	3.25
42	Missouri	S	2.91
43	California	S	2.62
44	North Dakota	VW	2.34
45	Minnesota	VS	2.30
46	Michigan	VS	2.09
47	Rhode Island	S	1.82
48	Massachusetts	VS	1.48
49	Hawaii	VS	1.26
50	New York	VS	1.19
51	New Jersey	VS	0.94
	U.S. Average		6.33

Rating Legend: VS: Very Strong; S: Strong; M: Moderate; W: Weak; VW: Very Weak.

Source: Bureau of Alcohol, Tobacco and Firearms.

TREND 1: GUNRUNNERS' BAZAARS—STATES WITH WEAK LAWS SUPPLY THE BULK OF CRIME GUNS

Many states with weak gun control laws are giant bazaars for gunrunners—and those with tough laws sell very few guns used in other states' crimes. The medium-sized and large states that dominate the top of Table 1 are responsible for a vast proportion of the guns traced to crimes across the country.

The top two states, Florida and Texas, supplied 14% of the guns traced to crime in other states. These two states along with South Carolina and Georgia account for a quarter of the traces.

A majority of the guns traced across state lines in 1996 (54.2%) came from just the top ten states—more than the other 40 states and Washington, DC combined. Five of these states have gun laws rated "very weak" (Florida, Texas, Georgia, Ohio, and Mississippi).

In contrast, New York, New Jersey, Michigan and Minnesota, four very large states with strong gun laws, accounted for only 3.6% of those out-of-state guns.

Top-ranked Florida dealers sold about as many guns traced to crime in other states (1,243) as did ten other medium-sized or large states combined: New York (215), Michigan (200), Missouri (155), Connecticut (134), Oregon (116), Minnesota (106), Iowa (99), Massachusetts (90), New Jersey (75), and Nebraska (54).

By controlling the data for population, Table 2 demonstrates how weak gun laws attract gunrunners. Analyzing the data on a per capita basis demonstrates that even quite small states can be mother lodes for gunrunners—if their laws are accommodating.

Adjusted for population, Mississippi supplied the most guns traced to other states' crimes. The explanation: except for some limitations on juveniles, Mississippi has no significant gun control laws of its own. Mississippi was closely followed as a gun-providing state by South Carolina, West Virginia, Nevada, and Kansas. Three of these four states have gun control laws just as weak as Mississippi.

On a per capita basis, the fewest out-of-state guns came from New Jersey, New York, Hawaii, Massachusetts, Rhode Island, Michigan and Minnesota. All these states except Rhode Island were rated "very strong;" Rhode Island's laws are "strong."

A gun traced to crime is twenty-five times more likely per capita to come from Mississippi or South Carolina than from New York or New Jersey.

Although New York's population is seven times larger than Mississippi, Mississippi had three times more out-of-state traces than New York.

TREND 2: HOME SWEET HOME—IN STATES WITH LAX LAWS, MORE CRIME GUNS COME FROM IN-STATE

In states with weak gun laws, criminals can shop at their neighborhood gun store. By contrast, criminals in states with tough gun control laws must obtain out-of-state guns on the black market to perpetrate violent crimes.

More than three quarters of the gun traces from crimes in South Carolina, Mississippi, Georgia, Florida, Kansas, Ohio and Texas lead back to dealers in the same state.

Less than one quarter of the guns traced from crimes in New York (23.5%), New Jersey (21.2%) were bought in these states, which have strict laws.

A majority (53%) of the crime guns traced to states with "very strong" laws were purchased out-of-state. There were 13,760 guns traced to crimes in these 10 states (New Jersey, New York, Hawaii, Massachusetts, Michigan, the District of Columbia, Illinois, Connecticut, and North Carolina).

Less than a quarter (23%) of the crime guns traced to states with "very weak" laws were purchased out-of-state. There were 15,046 guns traced to crimes in 26 of these states (data for West Virginia was incomplete and not included in this figure).

TREND 3: ONE-WAY STREETS—"FIREARM FREEWAYS" MOVE IN ONLY ONE DIRECTION

The data shows how gunrunners use major interstate highways as their smuggling routes. It also shows how those routes move primarily in one direction—from states with less stringent gun control to those with stricter rules.

I-95: The Most Travelled Highway in America Extends from Southern Florida to Northernmost Maine:

North Carolina, South Carolina, Georgia, and Florida—the four southernmost states on I-95—were the source of 1,199 guns traced to crimes in the nine northeast states from Pennsylvania to Maine. These same nine northeastern states accounted for a total of just 64 guns traced to the four southeastern states—95% fewer.

702 guns bought in South Carolina, Georgia, or Florida were traced to crimes in New York or New Jersey. On the other hand, just 11 guns bought in New York or New Jersey were traced to crimes in South Carolina, Georgia, or Florida.

Despite distance of 1,200 miles, Florida was the largest supplier of out-of-state guns traced to crimes in Massachusetts (40 gun traces). In contrast, just three guns from Florida crimes came from Massachusetts. Georgia was the second biggest source for Massachusetts, sending 30 guns to the Bay State, while not a single trace from any Georgia crime led back to Massachusetts.

I-55: Beginning in New Orleans, I-55 Runs Alongside the Mississippi River to Jackson, Memphis and St. Louis before Veering East to Springfield and Chicago:

Mississippi is the top supplier of out-of-state guns to Illinois (306) and Wisconsin (75). Illinois and Wisconsin are home to only four guns traced to crime in Mississippi.

Of all the guns traced to Mississippi, there were more linked to crimes hundreds of miles away in Illinois (306) than at home in Mississippi (268).

Louisiana sold 89 guns traced to crimes in Illinois, Michigan, Missouri, and Wisconsin. These four states combined sent just six guns down to Louisiana.

TREND 4: LOVE THY NEIGHBOR—THE BORDERS BETWEEN SOME STATES ARE HOT ZONES FOR GUNRUNNERS

When a state with loose gun laws borders on one with stricter rules, the lax state floods the tough neighbor with firearms.

Kansas: Dealers in Kansas sold 238 guns that were traced to crime in Missouri. Missouri, which has a gun permit requirement rated "strong," sent only three crime guns back across the border to Kansas.

South Carolina: Dealers in South Carolina sold 430 guns that were traced to crimes in North Carolina. North Carolina, which has much stricter gun control laws, is home to only two guns traced to crimes in South Carolina.

Ohio: Ohio is perhaps the gunrunners' favorite northern state, spreading firearms to criminals throughout the region. Ohio sold 235 guns that went north to Michigan criminals, but only 26 traces went the other way from Michigan dealers to Ohio criminals. Similarly, Ohio was the source of 226 guns traced to crimes in Pennsylvania, Maryland, New York, New Jersey and the District. These five jurisdictions were the source of just 24 guns traced to crimes in Ohio.

Indiana: While 306 guns from Indiana were traced to crimes in Illinois, only 41 Illinois guns were traced to crimes in Indiana. Hoosier gun dealers also sold 50 guns traced from Wisconsin (which sent 22 to Indiana) and 77 to Michigan (which sent 17 to Indiana).

NOTES ON SOURCES

This study analyzes the 47,068 guns which the federal Bureau of Alcohol, Tobacco and Firearms (ATF) traced to a final retail purchaser in 1996. ATF traces firearms at the request of law enforcement agencies; not all firearms seized in crimes are traced, and some are traced by local authorities rather than by ATF. ATF supplied raw data at Congressman Charles Schumer's request and did not contribute to the analysis contained in this report.

Of all the traces, 16,663—35%—were used in crimes outside of the state where they were bought. This subset was used for analysis on "out-of-state" guns.

Handgun Control, Inc. provided summaries of state laws on gun control, but bears no responsibility for the rankings. Supplementary information was obtained from law enforcement authorities or government offices in various states.

Population data was based on the 1995 Census as reported in the "Statistical Abstract of the United States."

By Mr. GLENN (for himself, Mr. LEVIN, Mr. MOYNIHAN, Mr. DEWINE, Ms. MOSELEY-BRAUN, and Mr. KOHL):

S. 659. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the U.S. Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Environment and Public Works.

THE GREAT LAKES FISH AND WILDLIFE RESTORATION ACT OF 1997

Mr. GLENN. Mr. President, this week our nation celebrates the 27th anniversary of Earth Day. In 1970, the inaugural year of Earth Day, the Nation's consciousness was raised about the plight of our environment. The Great Lakes were held up as some of the worst examples of human abuse; Lake Erie was given up for dead, the victim of unrestrained pollution and the misuse of its precious natural resources. The Cuyahoga River caught fire and phosphate-based soap suds washed up on shorelines throughout the Nation. The Great Lakes region responded to the alarm with unprecedented vigor.

In 1971 I headed the Governor's Task Force on Environmental Protection in Ohio, a forerunner to today's Ohio EPA. In a spirit of regional cooperation, the surrounding States, Native American Tribes, and Canada entered into collective agreements that recognized the Great Lakes as a set of shared resources within a single ecosystem. Important environmental legislation was designed and implemented to combat pollution and clean up the environment.

Since that time, water quality has improved dramatically and fisheries scientists are witnessing recovery of fish populations in each of the lakes. Lake Erie is experiencing rebounds in lake whitefish populations thought impossible just 10 years ago. This past summer, the Fish and Wildlife Service announced that lake trout populations in Lake Superior are now self-sustaining, needing no further stocking. There are many success stories in the Great Lakes, suggesting the ecological health of our lakes is on the mend, but the job is not yet complete. Degraded habitats, reduced fish and wildlife populations, and the threat from nonindigenous species still imperil the well being of our lakes.

Today my colleague from the House of Representatives, Congressman LA TOURETTE of Ohio, and I will introduce a bill into the House and Senate that will continue the recovery process of the Great Lakes and their associated natural resources. This bill, the Great Lakes Fish and Wildlife Restoration Act of 1997 builds upon the Great Lakes Fish and Wildlife Restoration Act of 1990. The 1990 act authorized the U.S. Fish and Wildlife Service to undertake a comprehensive study to first, assess the status of fishery resources and their habitats and second, to gauge the effectiveness of management strategies used to protect these resources. The study's findings recommend a definite course of action for the continued restoration of the region's natural resources. The full implementation of the strategic plan for management of Great Lakes fisheries and the institution of a comprehensive and standardized ecological monitoring system for all lakes are just 2 of 32 specific recommendations set forth by the study.

The Great Lakes Fish and Wildlife Restoration Act represents a new generation of environmental legislation, one that recognizes the complexity and interrelatedness of ecosystems. This act seeks to address natural resource management in a comprehensive and conscientious manner by building partnerships among the Great Lakes States, United States and Canadian Governments, and Native American tribes. Through regional cooperation, I believe we can address the environmental and economic concerns of the Great Lakes basin and continue the recovery that began some 27 years ago. By supporting this legislation, we in the Congress will be taking the right next step toward responsible stewardship of the Great Lakes as we venture into the new millenium.

* * *

ADDITIONAL COSPONSORS

S. 146

At the request of Mr. ROCKEFELLER, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Pennsylvania [Mr. SPECTER] were added as cosponsors of S. 146, a bill to permit Medicare beneficiaries to enroll with qualified provider-sponsored organizations under title XVIII of the Social Security Act, and for other purposes.

S. 347

At the request of Mr. CLELAND, the name of the Senator from Delaware [Mr. BIDEN] was added as a cosponsor of S. 347, a bill to designate the Federal building located at 100 Alabama Street NW, in Altanta, GA, as the "Sam Nunn Federal Center."

S. 460

At the request of Mr. BOND, the names of the Senator from Texas [Mr. GRAMM], the Senator from Kansas [Mr. ROBERTS], and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 527

At the request of Mr. LAUTENBERG, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 527, a bill to prescribe labels for packages and advertising for tobacco products, to provide for the disclosure of certain information relating to tobacco products, and for other purposes.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New Hampshire [Mr. GREGG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 561

At the request of Mr. SHELBY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 561, a bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, to eliminate certain sentencing inequities for drug offenders, and for other purposes.

S. 562

At the request of Mr. D'AMATO, the names of the Senator from Arizona [Mr. MCCAIN], the Senator from New Mexico [Mr. DOMENICI], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 562, a bill to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

At the request of Mr. COVERDELL, his name was added as a cosponsor of S. 562, supra.

S. 620

At the request of Mr. GREGG, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 620, a bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the names of the Senator from Montana [Mr. BAUCUS], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. BOXER], the Senator from Nevada [Mr. BRYAN], the Senator from West Virginia [Mr. BYRD], the Senator from Louisiana [Mr. BREAUX], the Senator from South Dakota [Mr. DASCHLE], the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DURBIN], the Senator from Georgia [Mr. CLELAND], the Senator from Kentucky [Mr. FORD], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], the Senator from Louisiana [Ms. LANDRIEU], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Vermont [Mr. LEAHY], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Washington [Mrs. MURRAY], the Senator from Rhode Island [Mr. REED], the Senator from Nevada [Mr. REID], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Mr. SARBANES], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Colorado [Mr. ALLARD], the Senator from Utah [Mr. BENNETT], the Senator from Missouri [Mr. BOND], the Senator from Kansas [Mr. BROWNBACK], the Senator from Montana [Mr. BURNS], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Maine [Ms. COLLINS], the Senator from Wyoming [Mr. ENZI], the Senator from Tennessee [Mr. FRIST], the Senator from Minnesota [Mr. GRAMS], the Senator from Iowa [Mr. GRASSLEY], the Senator from New Hampshire [Mr. GREGG], the Senator from Nebraska [Mr. HAGEL], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Texas [Mrs. HUTCHISON], the Senator from Arizona [Mr. MCCAIN], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Oklahoma [Mr. NICKLES], the Senator from Kansas [Mr. ROBERTS], the Senator from Maine [Ms. SNOWE], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Wyoming [Mr. THOMAS], and the Senator from Washington [Mr. GORTON] were added as cosponsors of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week."

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES—SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the time has been changed for the May 1, 1997, hearing scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources to receive testimony on S. 357, a bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument.

The hearing will now take place at 2 p.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC, instead of 9:30 a.m. as previously scheduled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

ADDITIONAL STATEMENTS

RECOGNITION OF THE WE THE PEOPLE . . . COMPETITORS FROM MISSOURI

• Mr. BOND. Mr. President, on April 26-28, 1997, more than 1,200 students from 50 States and the District of Columbia will be in Washington, DC to compete in the national finals of the We the People * * * The Citizen and the Constitution Program. I am proud to announce that the class from Westminster Christian Academy will represent Missouri. These young scholars have worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Missouri are: David Bradsher, Christopher Brown, Russell Bruch, Jessica Cozad, Tony Culella, Josh Darr, Elizabeth Erkmann, Lauren Gray, Joshua Hamer, Matthew Harris, Angela Heirendt, Joshua Hendricks, Sarah Henning, Rachael Higby, Charles Hinderliter, Valerie Hopkins, Shauna Kruse, Nina Langenberg, Taylor Long, Stacey McDowell, Mark Pollitt, Kelly Reed, Jordan Reinwald, Christine Shoemaker, Anna Suh, and Megan Turner.

I shall also recognize their teacher, Ken Boesch, who also serves as district coordinator for the program, and Terry Taylor, the State coordinator, who also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Now in its 10th academic year, this constitutional studies program has had more than 75,000 teachers and 24 million students participate nationwide at both the elementary and secondary school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers. The We the People * * * Program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.•

HONORING R. PAUL NELSON

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a remarkable educator from my home State of Michigan, R. Paul Nelson. Mr. Nelson, the president of Aquinas College in Grand Rapids, MI, is retiring after 28 years of service to the Aquinas College community.

Paul Nelson joined Aquinas College in 1969, where he was responsible for advising and retaining students. In 1975, Mr. Nelson became dean for continuing education, where he implemented innovative programming in adult education. He helped to create Aquinas' Graduate Management Program, which is now the largest masters degree program in western Michigan.

In 1984, Mr. Nelson became vice-president for student development, and he established a model career development program which used both field experience and internships to help students explore and begin to attain their career goals.

In 1990, Paul Nelson was named president of Aquinas College by the board of trustees. In his 7 years at the helm of this vibrant institution, Mr. Nelson brought to life his vision of an Aquinas College which serves as a "faith and values-centered learning community committed to educating the whole person for a life and career of service."

Mr. Nelson has been an accessible leader whose remarkable ability to remember the name of any student he met on campus is well known. His dedication to educating people of all ages and promoting lifelong learning should be a model for all who seek a career in higher education. I have no doubt that his career will be an inspiration for future educators, students and administrators at Aquinas College.

Mr. President, I am honored by the opportunity to recognize the achievements of R. Paul Nelson, and hope my colleagues will join me in extending congratulations and best wishes to him on the occasion of his retirement as president of Aquinas College.●

LOYALTY DAY

● Mr. ASHCROFT. Mr. President, on July 18, 1958, through Joint Resolution 479, the Senate and the House of Representatives designated the first day of May of each year as Loyalty Day. On this special day, Americans celebrate the reaffirmation of their loyalty to the United States of America in recognition of America's unmatched heritage of freedom. I would like to join Americans across the land in this celebration, particularly the fine Americans of Climax Springs VFW Memorial Post 3600 in Climax Springs, MO. Post 3600 will have their 12th annual Loyalty Day parade on May 3, 1997.

On this important day of reaffirming our loyalty to America, we must reflect on what it truly means to be an American. Thomas Jefferson identified the ideals so important to us when he said that all men are "endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness." Even in a time of great national trauma, Abraham Lincoln could echo these sentiments by stating that America is a nation "conceived in liberty and dedicated to the proposition that all men are created equal," and "that this nation under God shall have a new birth of freedom * * * that government of the people, by the people, for the people shall not perish from this Earth."

The fundamental principle in these two statements by these two great Americans is the significance of liberty in the American experience. This historical commitment to freedom, most clearly seen in the lives of those who have fought and died for our country, deserves not only our loyalty but a celebration of that loyalty. That is the essence of Loyalty Day and I urge all Americans throughout this great land to join Climax Springs VFW Post 3600 in the celebration of the freedoms God has blessed us with in America.●

THE CHEMICAL WEAPONS CONVENTION

● Mr. SESSIONS. Mr. President, I supported Senate Executive Resolution 75, a substitute for the resolution of ratification of the Chemical Weapons Convention [CWC] offered by Senator HELMS. I thank my colleagues Senator HELMS, Senator KYL, and Senator BIDEN for their hard work over the last several days and their leadership in bringing the Chemical Weapons Treaty debate to the floor.

I also wish to thank Senator DICK LUGAR for his support as we prepared for this debate. Senator LUGAR's detailed analysis of the many complicated issues of the treaty have been invaluable. Without doubt this treaty is better than when we started.

Mr. President, though new to this body, I am fully aware of the seriousness of the task before us and I appreciate the thorough quality of the debate.

I have studied this treaty and its components. I have reviewed a tremendous amount of associated materials provided me from all quarters.

I, like so many of my colleagues, even at this late moment in the debate, still have outstanding concerns with certain provisions of the Chemical Weapons Convention, most notably the effects articles X and XI will have on our country. Yesterday, the President, in a letter to the majority leader, basically stated that,

> In the event that a state party or states parties to the convention act contrary to the obligations under Article I . . . I would, consistent with Article XVI of the CWC, and in consultation with the Congress, be prepared to withdraw from the treaty.

Mr. President, I am still not sure that the President will act, or at least act decisively, when the situation warrants because our current track record of taking strong action when other nations violate treaties and agreements with us is not good. Let me cite a few examples of what I mean.

The 1972 AMB Treaty. Recently, the President reaffirmed his commitment to the outmoded ABM treaty in Helsinki. This agreement will limit the ability of this Nation to deploy even a limited national missile defense. Is this wise, given the way the Soviets responded to the initial treaty by continuing to work on a new generation of ICBM's and associated warheads? Was not this treaty ironclad? Apparently not. What did we really do in the face of the violations? Nothing.

The Iran-Iraq war. Iraq, according to a conversation I had with former Secretary of Defense under President Carter Jim Schlesinger, Iraq has been and is a signatory to the Geneva Convention which since after World War I has prohibited the use of chemical weapons, yet in the Iran-Iraq war of the eighties, Iraq used poison gas as a way of stemming the human wave attacks of the Iranians. What was the reaction of the United States and of other Western Powers to this blatant violation of the Geneva Convention? "To avert our gaze" might be a way to put it. Stated another way, we stood by and did nothing even though the war was not one of international proportions.

There are other examples as well: Saddam Hussein chose not to employ his chemical weapons against American troops for one reason only. It was because of the reminder that President Bush provided him, rather than our reliance on a treaty.

Oh yes, that reminder was, according to Secretary Baker, that the United States made it very clear that if Iraq used chemical weapons against United States forces, that the American people will demand vengeance, and that we had the means to achieve it. This is an example of where we were finally willing to do what was necessary.

Mr. President that is my point this evening. We are a superpower. We have the means to achieve the ends required by our national interests should it be required. The question then is whether this treaty achieves those ends, or whether this treaty will create a false sense of security; a phantom security that is provided by others whose interests more often than not conflict with our own. I find it difficult to believe that a rogue state with little means at its disposal would be willing to divest itself of such weapons.

Mr. President, in 1987, former Senator Malcolm Wallop explained in his book how arms control can be a delusion. We might stop and consider this point before we vote because former Senator Wallop also reminds us that arms control presents four dangers: the falsehood that security is to be found in the promises of adversaries rather than in one's own prudence and preparedness; the falsehood that one should fear inanimate things—weapons—rather than the evil men and regimes who would use them for bad purposes; the falsehood that armaments are militarily valuable only as bargaining chips in the arms control process; and finally, the falsehood that U.S. strategic superiority is both useless and destabilizing to the world. Mr. President, I believe strongly in this Nation. I believe strongly that our strength lies where it has always been, both in the hearts of Americans, and in our own industry. I am not ashamed to admit I would rather be self-reliant because that means our confidence will be placed in Americans, not in some inspector from an international bureaucracy.

I, Mr. President, am not ashamed to admit that I am proud of the military superiority our Nation enjoys, paid for by American taxpayers, and manifested in the men and women of our Armed Forces. They deserve the best equipment, training, and protection this Nation can provide. It troubles me that while we sit here ready to hand over the security for chemical defense that rightfully belongs here, we are allowing the Department of Defense to reduce its chemical defense program. Finally, Mr. President, I am not ashamed to admit that when our adversaries consider chemical weapons we need to send a message just as strong as the message that America sent to Saddam Hussein—we will respond, and we will do so in an overwhelming and devastating manner. That is a message all state parties can understand. We shouldn't wobble, nor shy away from the responsibility to our citizens. People are responsible for the proliferation of chemical weapons, not pieces of paper, and to this end we are woefully overconfident if we think a simple piece of paper will stop the proliferation of chemical weapons.

Mr. President, the question is truly one of vigilance. Are we better off taking care of ourselves, using our own resources, empowering our own intelligence services to keep abreast of the threats abroad? I think so.

I cannot agree with the proposition, that I read in the Washington Post recently, "That standards and values violated are better than no standards or values at all." America has standards and it certainly has values. We are eliminating our chemical weapons and we must not rely unverifiable and unenforced international norms, which according to former Secretary of Defense Jim Schlesinger "will induce a false sense of security in law-abiding societies."

Mr. President, in closing I want to leave my colleagues with the words of Senator Wallop: "Unverifiable, unenforceable accords do not promote valuable international norms. The difference is that the former threaten to make arms control a sham—an outcome that can translate into incalculable harm to our Nation and its people." We should not enter into a treaty which we know at the start will not be honored. This demeans the treaty process and only increases the likelihood that we will fail in our duty to protect the security of this Nation. I thank the Chair.•

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of S. 543 regarding protections to volunteers.

The PRESIDING OFFICER. Is there objection?

Mr. SMITH of New Hampshire. Mr. President, I object on behalf of my colleagues on the Democratic side.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. SMITH of New Hampshire. Mr. President, I now move to proceed to S. 543 and send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, Robert Bennett, Mike DeWine.

Mr. SMITH of New Hampshire. Mr. President, the leader has asked me to announce for the information of all Senators that this cloture vote on the motion to proceed will occur on Tuesday, April 29.

I now ask unanimous consent that the mandatory quorum under rule XXII be waived and the vote occur at 2:15 on Tuesday, April 29.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. SMITH of New Hampshire. I further ask unanimous consent that if cloture is invoked on Tuesday, immediately following the cloture vote there be 1 hour of debate equally divided between the chairman and ranking member, or their designees, with the vote occurring on the motion to proceed following the conclusion or yielding back of time.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 28

Mr. SMITH of New Hampshire. Mr. President, I now ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 2 p.m. on Monday, April 28.

I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and there then be a period of morning business until the hour of 3:30 p.m., with Senators to speak for up to 5 minutes each, and further, immediately following morning business, the Senate resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SMITH of New Hampshire. Mr. President, for the information of all Senators, following the period of morning business on Monday, the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Under the order previously agreed to, there will be a cloture vote on the motion to proceed to S. 543 at 2:15 p.m. on Tuesday, April 29. There will be no rollcall votes on Monday, April 28. However, the Senate will continue to debate the motion to proceed to the volunteer protection legislation.

ORDER FOR ADJOURNMENT

Mr. SMITH of New Hampshire. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator DASCHLE, the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I thank the Chair.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 657 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DASCHLE. Mr. President, I yield the floor.

ADJOURNMENT UNTIL MONDAY, APRIL 28, 1997, AT 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 2 p.m., Monday, April 28, 1997.

Thereupon, the Senate, at 2:27 p.m., adjourned until Monday, April 28, 1997, at 2 p.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1997:

DEPARTMENT OF COMMERCE

ANDREW J. PINCUS, OF NEW YORK, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF COMMERCE, VICE GINGER EHN LEW.

FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS ONE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

JOHN R. SWALLOW, OF INDIANA

DEPARTMENT OF COMMERCE

JOHN A. HARRIS, OF TEXAS

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS TWO, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

ROBERT L. FARRIS, OF VIRGINIA
TIMOTHY J. SMITH, OF NEW YORK
EDWARD L. YAGI, OF OREGON

WILLIAM ZARIT, OF FLORIDA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS THREE, CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

AGENCY FOR INTERNATIONAL DEVELOPMENT

BEVERLY ANN BUSA, OF CALIFORNIA
ANTHONY S. CHAN, OF NEW YORK
MARY EILEEN DEVITT, OF ILLINOIS
MARK STEVEN NORMAN, OF VIRGINIA
JAMES WALTER RORIE, SR., OF FLORIDA
CAROL SUE SNOWDEN, OF OHIO
KENNETH R. STRANGE, JR., OF VIRGINIA

DEPARTMENT OF AGRICULTURE

SHARYNNE G. NENON, OF VIRGINIA
KATHERINE C. NISHIURA, OF CALIFORNIA
CATHERINE S. OTTE, OF INDIANA
ERIC A. WENBERG, OF WYOMING

DEPARTMENT OF COMMERCE

MARGARET A. HANSON-MUSE, OF MARYLAND
DAVID W. HUNTER, OF FLORIDA
JAMES KOLODITCH, OF NEW JERSEY
MICHAEL A. LALLY, OF THE DISTRICT OF COLUMBIA
ALAN A. LONG, OF VIRGINIA
WILLIAM B. SMITH, JR., OF FLORIDA
RICHARD STEFFENS, OF MARYLAND

UNITED STATES INFORMATION AGENCY

BRUCE A. LOHOF, OF MONTANA

FOR APPOINTMENT AS FOREIGN SERVICE OFFICER OF CLASS THREE, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, EFFECTIVE JULY 12, 1994:

UNITED STATES INFORMATION AGENCY

SUSAN ZIADEH, OF WASHINGTON.

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

DEPARTMENT OF COMMERCE

MICHAEL J. RICHARDSON, OF FLORIDA

UNITED STATES INFORMATION AGENCY

RUTHANN A. AMIRTHANAYAGAM, OF ILLINOIS
TANYA CECELIA ANDERSON, OF PENNSYLVANIA
GRACE MORSE BRUNTON, OF NEVADA
ANGELA BARBANO EMERSON, OF FLORIDA
BONNIE SUE GUTMAN, OF CALIFORNIA
LISA MIRIAM HEILBRONN, OF PENNSYLVANIA
SHEILA M. HOBAN, OF CALIFORNIA
BRUCE PHILLIPP KLEINER, OF IDAHO
MARY ELLEN NOONAN KOENIG, OF MISSOURI
CAROL JEAN LOCKE, OF FLORIDA
ROBIN LYNN YEAGER, OF NEW JERSEY

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF COMMERCE AND THE DEPARTMENT OF STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

RAMIN ASGARD, OF NEW JERSEY
JOHN PAUL ATWELL, OF VIRGINIA
PATRICIA J. AZLIN, OF VIRGINIA
WALLACE ROBERT BAIN, OF OREGON
JAMES A. BAUER, OF NEW YORK
CHRISTOPHER MAURICE BECKER, OF VIRGINIA
GEORGE STANDISH BEEBE, OF VIRGINIA
WILLIAM JOSEPH BISTRANSKY, OF VIRGINIA
MARTHA L. BLOMSTROM, OF MARYLAND
BARBARA D. BREBRICK, OF VIRGINIA
J. GREGORY BRISCOE, OF MARYLAND
EARL A. BROWN, OF VIRGINIA
DEBORAH ANN BRUNNER, OF VIRGINIA
CARLOS RODOLFO BURGOS, OF VIRGINIA
SCOTT A. CARNEAL, OF MARYLAND
JAMES D. CECH, OF VIRGINIA
MATTHEW DAVID CHRIST, OF NEW HAMPSHIRE
JOHN A. CLOUTIER, OF VIRGINIA
MARC A. COLLINS, OF THE DISTRICT OF COLUMBIA
MARK W. CULLINANE, OF TEXAS
THOMAS E. DAVIES, OF VIRGINIA
DOROTHY V. DAVIS, OF VIRGINIA
ELIZABETH R. DAVIS, OF VIRGINIA
MICHAEL F. DEFAZIO, OF VIRGINIA
GREGORY S. D'ELIA, OF NEW YORK
SHIRLEY J. DENNISON, OF VIRGINIA
JOSEPH R. DETRANI, OF VIRGINIA
JENNIFER A. DEWITT, OF WYOMING
DOUGLAS L. DURGIN, OF VIRGINIA
JILL R. ECKELS, OF VIRGINIA
DOUGLAS N. EDGER, OF VIRGINIA
PIROOZ ENGHETA, OF VIRGINIA
STEVEN H. FAGIN, OF NEW JERSEY
SUZANNE M. FLEISCHAUER, OF VIRGINIA
GALE MOORE FOULDS, OF THE DISTRICT OF COLUMBIA
CARL B. FOX, OF CALIFORNIA
MATTHEW L. FREY, OF MARYLAND
GRATTON JON GILES, OF VIRGINIA
MAURICE F. GLORIOSO, OF ALABAMA
JULIE CLAIRE GLUCK, OF THE DISTRICT OF COLUMBIA
MICHAEL J. GOFF, OF VIRGINIA
DEREK L. HAIRSTON, OF VIRGINIA
SUSAN ROBERTA HAKALA, OF VIRGINIA
MARY J. HARBRANT, OF MARYLAND
SCOTT JAMES HATCH, OF VIRGINIA
SUSAN L. HATTON, OF THE DISTRICT OF COLUMBIA
SCOTT EMRIC HOPKINS, OF VIRGINIA
PATRICK HUGHES, OF THE DISTRICT OF COLUMBIA
REBECCA K. HUNT, OF FLORIDA
CHRISTOPHER PATRICK JESTER, OF PENNSYLVANIA
CLAIRE KANESHIRO, OF CALIFORNIA
JARED ALLEN KARTCHNER, OF VIRGINIA
DAVID F. KLINGAMAN, OF VIRGINIA
MICHELE M. KORPAL, OF VIRGINIA
BRUCE ROBERT KRAFT, OF CALIFORNIA
JUDITH LANG, OF MICHIGAN
JOHN MICHAEL LEO, OF VIRGINIA
BRIAN C. LEPAK, OF MARYLAND
BO-MAY LIU, OF MARYLAND
ELIJAH PARISH LOVEJOY, IV, OF CALIFORNIA
DIEN TRUNG LY, OF VIRGINIA
MARTIN A. LYONS, OF VIRGINIA
DAVID EUGENE MANUEL, OF VIRGINIA
HENRY JOSEPH MAU, OF VIRGINIA
GRAHAM D. MAYER, OF VIRGINIA
JENNIFER A. MC CANN, OF VIRGINIA
DARRELL J. MORAN, OF VIRGINIA
CLIFFORD G. MORGENEGG, OF VIRGINIA
STEPHEN K. MORRISON, OF CALIFORNIA
VICTOR MYEV, OF ARIZONA
DWIGHT D. NYSTROM, OF ALABAMA
A. JAMES PANOS, OF CALIFORNIA
TRACI A. PARKS, OF TEXAS
BRUCE FOSTER PARSELL, OF VIRGINIA
STEPHEN E. PAQUETTE, OF VIRGINIA
MARY K. PEREZ, OF CALIFORNIA
GEORGE L. PURVIS, OF VIRGINIA
CHRISTINE J. RAMOS, OF WEST VIRGINIA
MARCO RAVIOLA, OF VIRGINIA
TIMOTHY J. REARDON, OF VIRGINIA
GERALD SCOTT REES, OF VIRGINIA
JOEL MAX ROBINSON, OF VIRGINIA
SHANNON M. ROSS, OF WASHINGTON
LESLIE C. SCHAAR, OF TEXAS
KEARN C. SCHEMM, JR., OF NEW JERSEY
NICOLAS L. SCHWARZENBACH, OF TEXAS
JOSEF CORWIN SHAW, OF VIRGINIA
DAVID MATTHEW SHEMENSKI, OF VIRGINIA
STEPHEN FLETCHER STEGER, OF MISSOURI
MICHAEL A. SULLIVAN, OF TENNESSEE
WILLIAM D. SWANEY, OF VERMONT
INGER ANN TANGBORN, OF WASHINGTON
PETER M. THOMPSON, OF CONNECTICUT
CHRISTOPHER THUMA, OF VIRGINIA
SONYA M. TSIROS, OF FLORIDA
KAOLU TURNER, OF VIRGINIA
ARMANDO ALEXIS URENA, OF VIRGINIA
SCOTT C. UEHLINGER, OF VIRGINIA
WILLIAM REED USHER, III, OF THE DISTRICT OF COLUMBIA
TAMIR GLENN WASER, OF VIRGINIA
STEVEN WEIDMAN, OF THE DISTRICT OF COLUMBIA
NIKOLAI GODET WENZEL, OF VIRGINIA
JAMES C. WILSON, OF VIRGINIA
NEIL P. WISER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION WITHIN THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE OCTOBER 16, 1994:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

DAVID BRYAN DLOUHY, OF TEXAS

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF STATE FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, EFFECTIVE FEBRUARY 16, 1997:

CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

VICTOR A. ABEYTA, OF NEW MEXICO
GEORGE S. DRAGNICH, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE U.S. INFORMATION AGENCY FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED, AND FOR APPOINTMENT AS CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE, AS INDICATED.

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

SUSAN B. ARAMAYO, OF MARYLAND
JOY BOSS, OF TEXAS
ROBERT S. MORRIS, OF CALIFORNIA

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. STEWART E. CRANSTON, 8502.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. WALLACE W. WHALEY, 1451.

THE FOLLOWING AIR FORCE NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be brigadier general

COL. TOMMY L. DANIELS, 1724.

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN W. HANDY, 5379.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. HENRY T. GLISSON, 2048.

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be major general

BRIG. GEN. JAMES W. DARDEN, 9470.
BRIG. GEN. MICHAEL E. DUNLAVEY, 5989.
BRIG. GEN. MICHAEL T. GAW, 4600.
BRIG. GEN. GEORGE O. HILLARD, III, 4458.

To be brigadier general

COL. RICHARD W. HAMMOND, 7849.
COL. JOHN R. TINDALL, JR., 1967.
COL. GARY C. WATTNEM, 0832.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. TERRY L. PAUL, 9262.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE NAVY TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 12203:

To be rear admiral

REAR ADM. (LH) WILLIAM H. BUTLER, 0815.
REAR ADM. (LH) CASEY W. COANE, 8883.
REAR ADM. (LH) WILLIAM E. HERRON, 9271.
REAR ADM. (IH)STEPHEN T. KEITH, 7895.
REAR ADM. (IH)WILLIAM J. LOGAN, 2986.

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 12203 AND 12211:

to be colonel

JAMES A. ADKINS, 8416
RICHARD A. BADDOUR, 8123
EDWARD H. BALLARD, 0250
IVAN T. BEACH, 6930
TERRY G. BLAKEMORE, 7589
REBECCA D. BLOCKER, 9834
JAMES L. BRUCKBAUER, JR., 5526
ANTHONY T. BRYANT, 1619
MARGARET B. BURKE, 6536
RONALD S. CHASTAIN, 5280
JAMES H. CHISMAN, II, 7117
MICHAEL J. CHRISTENSEN, 3336
RODNEY B. COLEMAN, 6261
BOBBY R. CRAWFORD, 8515
PHILLIP L. DAVIDSON, 4990
TIMON W. DAVISON, 3280
SAM GAINES, 2064
JOE T. GAY, 5739
PETER J. GILHAWLEY, 2520
PHILLIP T. GUSTAFSON, 2087
DONALD R. HARMON, 6014
JOSEPH H. HOTTES, 7334
EDWARD J. KELLY, 1182
ANTHONY C. KORVAS, 6755
MARTIN J. LUNCENTI, 5655
ROGER A. MAXFIELD, 0247
ARCHIE M. MEADOR, JR. 2536
TERRY L. MURRAY, 1652
EUGENE C. NEUMAN, 5698

MARK R. PETERS, 2510
ROBERT D. SCHWEITZER, 7577
ROBERT L. STEPHENS, 2826
BARRY F. STOUT, 6282
JAMES W. TANEYHILL, 5851
JEAN R. THIBAULT, 8922
JAMES L. WEBER, 9609
JAMES L. WELCH, 8755
JIMMY G. WELCH, 0674
ROBERT E. WELCH, 2604
WILLIAM R. YOWN, 8592
ABRAHAM P. ZIMELMAN, 6976

HOUSE OF REPRESENTATIVES—*Monday, April 28, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. THORNBERRY].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker.

WASHINGTON, DC,
April 28, 1997.

I hereby designate the Honorable WILLIAM M. "MAC" THORNBERRY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Let us pray using these words from Psalm 51:

Create in me a clean heart, O God, and put a new and right spirit within me. Cast me not away from Thy presence, and take not Thy holy Spirit from me. Restore to me the joy of Thy salvation, and uphold me with a willing spirit. O Lord, open Thou my lips, and my mouth shall show forth Thy praise. Amen.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Missouri [Mr. SKELTON] come forward and lead the House in the Pledge of Allegiance.

Mr. SKELTON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed a bill of the following title, in which concurrence of the House is requested:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, April 25, 1997:

That the Senate passed without amendment H.R. 1225.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, April 25, 1997: H.R. 1225, to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, April 25 at 3:59 p.m. and said to contain a message from the President regarding the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

CONVENTION ON THE PROHIBITION OF THE DEVELOPMENT, PRODUCTION, STOCKPILING AND USE OF CHEMICAL WEAPONS AND ON THEIR DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. Doc. No. 105–77)

The Speaker pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

In connection with Condition (1), Effect of Article XXII, the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

In connection with Condition (7), Continuing Vitality of the Australia Group and National Export Controls: (i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls; (ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States; (iii) the Convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and (iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

In connection with Condition (9), Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on chemicals.

In connection with Condition (15), Assistance Under Article X, the United States shall not provide assistance under paragraph 7(a) of Article X, and, for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961: (i) No assistance under paragraph 7(b) of Article X will be provided to the State Party; and (ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

In connection with Condition (18), Laboratory Sample Analysis, no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

In connection with Condition (26), Riot Control Agents, the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases: (i) the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda); (ii) consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter; and (iii) peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

In connection with Condition (27), Chemical Weapons Destruction, all the following conditions are satisfied: (A) I have agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the convention for the destruction of chemical weapons; (B) the requirement in section 1412 of Public Law 99–145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007; (C) the requirement in Article III(1)(a)(v) of the Convention for a declaration by each State party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article; and (D) I will consult with the Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under Part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act of 1997 (as contained in Public Law 104–208), I determine that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

In connection with Condition (28), Constitutional Protection Against Unreasonable Search and Seizure: (i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized; and (ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

In accordance with Condition (26) on Riot Control Agents, I have certified that the United States is not restricted by the Convention in its use of riot control agents in various peacetime and peacekeeping operations. These are situations in which the United States is not engaged in a use of force of a scope, duration and intensity that would trigger the laws of war with respect to U.S. forces.

In connection with Condition (4)(A), Cost Sharing Arrangements, which calls for a report identifying all cost-sharing arrangements with the Organization, I hereby report that because the Organization is not yet established and will not be until after entry into force of the Convention, as of this date there are no cost-sharing arrangements between the United States and the Organization to identify. However, we will be working with the Organization upon its establishment to develop such arrangements with it and will provide additional information to the Congress in the annual reports contemplated by this Condition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 25, 1997*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

U.S. ARMED FORCES IN BOSNIA PROTECTION ACT OF 1997

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, when it comes to the issue of Bosnia, America has fulfilled her promise. While many Americans, including myself and my colleagues on both sides of the aisle, were opposed to deploying United States troops to Bosnia, we found some comfort in knowing that they were to come home at the end of one year.

Well, Mr. Speaker, as we know, the President has broken his promise and has extended our military mission in Bosnia until at least June of 1998.

Contrary to what some may say, Bosnia is not a vital United States national interest; it is at best a secondary interest. And contrary to the President's own declaration, Bosnia is not at the heart of Europe, it is a geographic fringe of Europe and devoid of any strategic assets. It is, in other words, a regional problem for Europe.

So why then are we spending 6.5 billion U.S. dollars, and why are we placing a division-size unit of troops in harm's way if it is Europe's problem to solve? Well, perhaps it is because administration officials have repeatedly warned that, if United States troops withdraw, the Europeans will withdraw and the mission will collapse.

Frankly, I am troubled by the implication that we are hostages to the Europeans' unwillingness to solve their own regional problems.

The fact of the matter is that the United States troops in Bosnia have been forgotten. The old saying, out of sight, out of mind, applies to our men and women in Bosnia. That is why I am an original cosponsor of H.R. 1172, the U.S. Armed Forces in Bosnia Protection Act.

This bill limits the presence of United States ground troops in Bosnia to the end of 1997 and prevents mission creep. It also requires the administration to report on the steps it is taking to prepare our European allies to take over the mission.

Mr. Speaker, it is time for others to shoulder this military burden, as Uncle Sam already has a $6 trillion national debt problem of his own.

Mr. Speaker, the time has come to bring our troops home. Please join me as a cosponsor of H.R. 1172, the U.S. Armed Forces in Bosnia Protection Act of 1997.

FUTURE OF THE U.S. MILITARY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, today is the first of three speeches I intend to make on the future of the U.S. military. This afternoon I will address the principles that should shape U.S. military strategy in coming years. In the second speech I will discuss whether projected budgets are sufficient to support U.S. strategy. In the final speech, I intend to consider how we are treating our most important resource for protecting national security, our people, the men and women who serve in the Armed Forces and the civilian personnel who support them.

I intend to begin each of these speeches by making a simple point that Congress is responsible for ensuring that U.S. Armed Forces are prepared to preserve and protect the security of the United States. Let me emphasize the key phrase in this statement: Congress is responsible.

Under the Constitution, it is the duty of the Congress, not of the President, let alone of the Secretary of Defense or the Joint Chiefs of Staff, who are not constitutional officers, to determine the size and composition of the Armed Forces. Article I, section 8 of the Constitution, which lists the powers of the Congress, makes this clear. It assigns to Congress the powers to raise and support armies, to provide and maintain a navy and to make rules for the Government and regulation of the land and naval forces.

It falls to the Congress, therefore, to ensure that our military strength is adequate to defend our Nation and our national interests. Indeed, there is no more important duty placed upon us as Members of this institution than to provide for the common defense. It is a duty which we owe not only to our fellow citizens today, but to the Americans of tomorrow.

We have a duty, as well, not to squander, through short-sightedness and neglect, the sacrifices which generations before us have made to grant us the peace and security with which we are blessed. We have a duty to future generations of Americans to pass on to them the legacy of peace, prosperity, and freedom which has been bequeathed to us.

It is the Congress, therefore, which is ultimately responsible for approving a strategy to guide U.S. military policy and, above all, for establishing a proper balance between national strategy and the resources available to carry it out.

Historically, Congress has often failed in this responsibility. In the years since the end of the cold war, many commentators have noted how badly the Nation has handled the aftermath of major conflicts in the 20th century. After World War I, after World War II, and after the war in Vietnam, we allowed our military forces to deteriorate to a degree that cost us dearly in the conflicts that inevitably arose later on.

In fact, such a failure is not unique to this century. A few years ago, I discovered a speech made in 1923 by then-Army Maj. George C. Marshall that discerned a similar, though not quite identical, pattern of failure even earlier in our history.

Major Marshall, of course, later became the most distinguished American soldier and statesman of this century, as Chief of Staff in the Army in World War II, Secretary of State in the early years of the cold war, and Secretary of Defense during the war in Korea.

"From the earliest days of this country," said Marshall in 1923, "the Regular Army was materially increased in strength and drastically reduced with somewhat monotonous regularity." It was perhaps understandable, he said, that there should be a reduction in the size of the military following a war. But, in fact, he discovered the pattern was not quite so simple.

Often, following a war, the size of the Regular Army was increased above what it had been before the conflict, but then, within a very few years, or even a few months, in some cases it was reduced below the pre-war level. In struggling to comprehend this inconsistency, Marshall offered the following explanation:

"It appears that when the war was over, every American's thoughts were centered on the tragedies involved in the lessons just learned. So the Congress, strongly backed by public opinion, determined that we should be adequately prepared for the future, and accordingly enacted a law well devised for this express purpose. However, in a few months, the public mind ran away from the tragedies of the war and reasons therefor and became obsessed with the magnitude of the public debt and the problem of its reduction. Forgetting almost immediately the bitter lesson of unpreparedness, they demanded and secured the reduction of the Army, which their representatives had so recently increased for very evident reasons."

It is this pattern of failure that I fear we may now be repeating. For my own part, I have been debating whether the current era resembles more the period of about 1903 or the period of about 1923. At the turn of the century, the Nation had just won a short, popular war against Spain, after which, support for the Army and Navy ran high. But within a few years, funding for the military was reduced, in part because the world seemed to be comfortably at peace, and many believed that war had become impossible.

Just a few years later, all of Europe was in flames, and by 1917, the United States had declared war on Germany, but without any degree of military preparedness.

☐ 1415

Marshall recalled seeing United States soldiers in France at the end of 1917 marching through the ice and snow "without shoes and with their feet wrapped in gunny-sacks." The allies had to continue to hold the line for more than a year before the United States was prepared to participate in the final battles that brought the Great War to a close.

In 1923, the United States had recently participated in what was then the most horrible war in human history. But the public mind, as Marshall lamented, had already forgotten the lessons of that war and the costs of unpreparedness. The majority in Congress could not foresee circumstances in which the United States would again embroil itself in Europe's conflicts, and support for military expenditures had dissolved. Less than 20 years later, we were engaged in an even more destructive global war, for which we were also terribly unprepared.

Today, in the aftermath of a successful conclusion of the cold war with the USSR, we are well on our way to repeating the same mistake of denuding ourselves militarily. The world is no less turbulent or dangerous than it was during the cold war. Regional threats, along with rising terrorism and the possibility of nuclear and chemical weapons proliferation, should cause us to keep up our guard.

Today, a few of my colleagues frequently challenge me with a question that surely echoed through these Halls in 1903 or 1923. "What is the enemy," I am asked? And with that question, there are many others. Why continue to support more spending for defense when the cold war is over? Why plan for two major regional wars when a second threat did not materialize during the Persian Gulf war? Why continue to pursue expensive, new, advanced weapons when U.S. technology was so dominant in Operation Desert Storm, and when no other nation is spending nearly what we do on military hardware? Why keep a robust force structure and a fair-sized personnel level?

Today, and in the two speeches to follow, I will provide answers to those narrower questions. But to the broader question of what is the enemy, there is no clear and simple answer; as, indeed, there was no clear and simple answer that Marshall could have given in 1923.

For my part, I think any attempt to see into the future is like looking into a kaleidoscope. We never know what new pattern will emerge. We only know that the colors making up the pattern will remain the same. In viewing the future of international affairs, we cannot foresee the new shape of the world, but we know that the colors are those of the human condition, including all the traits of human character and all the circumstances of human life that have ever led to war. Those colors have not changed, and the need to prepare for conflict has not diminished merely because an era of conflict with a particular foe has ended and a new era, of yet uncertain pattern, is emerging.

So to respond to my colleagues who ask, "what is the enemy," I say, true; today we cannot define precisely what the enemy is or will be. We can say, however, that we will fail in our responsibility in this Congress if, once again, we allow the armed forces to be unprepared for the enemies that may emerge.

In fact, as I will argue today, a failure to support a strong military in the present historical circumstances would be even more unfortunate and more unforgivable than in the past for two reasons.

First, today the United States is the only Nation able to protect the peace. In the past we were fortunate that allies were able, often by the narrowest of margins, to hold the line while we belatedly prepared for war. Bismarck once said: "God protects fools, and the United States."

Today, no one else is capable either of preventing conflict from arising in the first place, or of responding decisively if a major threat to the peace does occur. While I trust in God, I believe God has given us the tools we need to keep peace, and it is our task to use them wisely.

Second, and perhaps most importantly, if we fail in our responsibility to maintain U.S. military power, the United States, and, indeed, the world as a whole, may lose an unprecedented opportunity to construct an era of relative peace that could last for many, many years.

Today, our military strength is the foundation of a relatively secure international order in which small conflicts, though endemic and inevitable, will not decisively erode global stability. As such, our military strength is also a means of preventing the growth of one or more new powers that could, in time, constitute a threat to peace and evolve into the enemy we do not now foresee.

Because of this, the very limited investment required to maintain our military strength, though somewhat larger than we are making right now, is disproportionately small compared to the benefits we, and the rest of the world, derive from it.

My fellow Missourian, Harry S Truman, stated this clearly: "We must be prepared to pay the price for peace, or assuredly we will pay the price of war." These two premises, that the United States alone is able to protect the peace, and that adequate, visible U.S. military power may prevent new enemies from arising in the future, are, it seems to me, the cornerstones of a sound strategy for the years to come. These are the premises that will guide my evaluation of the current reassessment of defense policy, called the Quadrennial Defense Review, or QDR, that the Defense Department is due to deliver to the Congress on May 15.

In the remainder of this statement I want to discuss what I have heard of the strategy that is evolving in the process of the Quadrennial Defense Review, the QDR, what I see as its strengths, and how I think it might be improved.

In carrying out this assessment, I will be referring on occasion to a draft of the QDR statement of strategy that was printed recently in a reliable newsletter called "Inside the Army." To be sure, this is not the final draft of this strategy, which is still to be released officially. It remains subject to change. I will refer to it, nonetheless, because it reflects the thinking going on inside the Pentagon to date, and moreover, because I believe it is a good start in defining a military strategy for the future.

That being said, I do not at all agree with the judgment, which appears to be emerging from the QDR, that the new strategy can be supported with a force smaller than the force determined to be necessary by the QDR's predecessor, the Bottom-Up Review of 1993.

The key theme of the new strategy is that U.S. military forces must be able to shape the international security environment in ways favorable to U.S. interests, to respond to the full spectrum of crises when it is in our interest to do so, and to prepare now to meet the challenges of an uncertain future.

So the three elements of the strategy are these: Shape, respond, prepare. To shape requires forward deployment of U.S. forces; various means of defense cooperation with allies, including security assistance; and joint trading with allies and others.

To respond requires the ability to execute the full spectrum of military operations, including showing the flag to deter aggression; conducting multiple, concurrent, small-scale contingency operations; and fighting and winning major theater wars, including the ability to prevail in two nearly simultaneous conflicts.

To prepare requires adequately sized forces for the air, sea, and especially the land; increased investments in weapons modernization; robust efforts to exploit the evolving revolution in military affairs; and investments in research and development that hedge against the evolution of unexpected but potentially dangerous developments in military technology in the future.

Now, there are those who will say of this statement of strategy that it fails because it is not selective enough in defining for what challenges U.S. military forces should prepare. Some have complained that United States military forces are being used too often to respond to crises, like the conflict in Bosnia, that are not directly threatening to United States security. I have sometimes agreed with those complaints.

Others with whom I have not agreed have argued that the United States should give up the Bottom-Up Review strategy of being prepared to prevail in two near-simultaneous regional conflicts, now called major theater wars, and instead prepare for one such conflict plus smaller peace operations.

Still others say we should focus less of our effort on the current challenges to our security and devote much more attention to preparing for potential new threats from a peer or near-peer military competitor in the future.

I think the QDR draft statement of strategy is preferable to any of these alternative views. As against those who would be more selective in identifying commitments, the emerging QDR strategy statements reflects the fact that Presidents have long been able to commit large numbers of U.S. troops to sometimes long-lasting operations abroad pretty much as they see fit.

President Clinton has done so more than others, but he is not alone in asserting his authority as Commander in Chief to undertake major new missions abroad. Since Presidents can define what U.S. interests abroad are vital enough to require the commitment of U.S. forces, then the U.S. military will have to be prepared to carry out an extraordinarily broad range of tasks short of major war.

It would be misleading, for military planning purposes, for a statement of strategy to identify only a narrow range of missions, when, in fact, the military can, at any time, be called on to carry out any imaginable kind of mission while still preparing for major wars.

Indeed, the key flaw of the Bottom-Up Review was that it failed to take account of the demands that would be put on forces by missions other than the requirement to be prepared to fight two nearly simultaneous major regional conflicts.

As against those who would give up the Bottom-Up Review's two-war requirement, that, to me, is a prescription for giving up on being a superpower. If we lack the ability to respond to a second crisis should a first arise, then in every case we would be hesitant in committing our forces to action in the first instance. Would we really respond to Saddam Hussein, for example, at the cost of critically weakening our deterrent posture in Korea? That is a choice we should never have to make.

As to those who would spend less on maintaining current readiness in order to invest in future technology, I do not agree that we are in a "threat trough". On the contrary, the evidence of recent years is that the world after the cold war is more turbulent than ever. We have to be prepared to deal with today's conflicts, or we may be critically weakened by confronting the challenges of the future by failure to preserve the peace today.

So a new statement of strategy that calls for forces able to shape, respond, and prepare seems to me to be a valuable contribution to the debate about U.S. military preparedness. It is a demanding strategy, and under current circumstances, one that will be challenging to fulfill. It is a matter of great concern to me, therefore, that everything I have heard about the rest of the QDR is at odds with the requirements implied by the new statement of strategy.

Earlier this year Secretary Cohen assured the Committee on National Security that the QDR process would be driven by the strategy, not by the budget.

The new strategy, it seems very clear, requires forces perhaps larger and certainly more flexible than the forces required by the Bottom-Up Review. The QDR strategy maintains the requirement to prepare for two major regional conflicts, now called major theater wars, and adds to that requirement the need to shape the environment, respond to lesser crises, and prepare for the future. It cannot be done with less. Yet, the QDR is, by all accounts, looking for cuts in the size of the force structure. Indeed, the draft statement of strategy to which I have been referring hints at reasons for cutting forces, despite the strategy.

One way to cut, it says, would be to rely more on reserves. Another is to rely more on allies. I believe that these are merely transparent excuses for making reductions in forces required by budget constraints and not driven by considerations of strategy. The bulk of reserve forces are already built into war plans in a wholly integrated fashion, and other forces constitute a valuable strategic reserve. To depend on allies to be able to carry out our own strategy is the height of folly. At the very least, dependence on allies may force us to limit our strategic goals or make us hesitant to act.

☐ 1430

Also, it is not clear that we can depend on the allies to provide forces of the quality we maintain in our own forces. We can and should expect the allies to contribute in the event of major conflicts, as they did during the Persian Gulf war, but we cannot afford to assume allied participation in making our own plans. The strategy emerging from the QDR is appropriately broad and demanding. The remainder of the QDR should address frankly what forces and what weapon investment are needed to carry it out.

Mr. Speaker, the time is now for the Congress to learn from the past and not repeat the mistakes of our predecessors, mistakes that allowed unpreparedness and led to battlefield disasters such as the costly defeat at Kasserine Pass in North Africa in World War II and the destruction of Task Force Smith in the Korean war. Such unpreparedness is paid for in the blood and lives of young Americans.

The warning of Major, later General, George C. Marshall in 1923, though not heeded by his generation, should be heard by our generation. This Congress must not fail in this responsibility.

Mr. Speaker, the 1923 Marshall speech follows for the RECORD.

(By Major George C. Marshall, Jr.)

Mr. President and Gentlemen:—

I must ask your indulgence this afternoon because, until General Gignilliat requested me to make this talk the latter part of the morning, I had no expectation of participating in this meeting.

You gentlemen, I am sure, are all interested in the National Defense, and I would like to talk to you for a few minutes regarding the effect of our school histories on this question.

The Army, which is the principal arm we depend upon for the defense of the country, can hardly be called the result of a slow growth. Its history has been a series of ups and downs, a continuing record of vicissitudes, with which you may be somewhat familiar in more recent years, but I cannot believe many people understand or are aware of what has happened in the past, because it seems improbable that what has happened should continue to happen if our citizens were familiar with the facts.

In looking back through the history of the infantry component of the Regular Army, we find that from the earliest days of this country, it was materially increased in strength and drastically reduced with somewhat monotonous regularity. From eighty men immediately after the Revolutionary War, it was increased to sixteen regiments, about as many regiments of infantry as we have today. In 1798, two years later, it was reduced to eight regiments. With the War of 1812, it was increased considerably and then decreased immediately afterwards. I am not talking about the temporary army, but the Regular Army. Another increase came during the Mexican War, about trebling its size; and immediately thereafter came the inevitable reduction. In the early months of the Civil War it was increased from about eight regiments to sixteen. But the odd phase of this policy develops in 1866. Then the war was over, but the infantry was increased to forty-six regiments, and suddenly, but a few years later, reduced to twenty-five regiments, with which we entered the war with Spain. In 1901, this number was increased to thirty. Just before our entry into the World War, Congress provided for sixty-five regiments. Thereafter you cannot get an accurate parallel, because the Congress varied its method. Instead of authorizing regiments, it gave us numbers.

When the World War was over, in the summer of 1920, they gave us 285,000 men. Nine months later this was cut to 175,000. Three months later, came a cut to 150,000; followed six months later by a further cut to 125,000. And just by the skin of our teeth we got through this last Congress without a further cut to 75,000.

The remarkable aspect of this procedure to me, and I think to any one, is that both increases and reductions should have been order after the war was over and all within a brief period of time, which can be measured in months. A decrease following the establishment of peace is readily understood, but the combination of two diametrically opposed policies is difficult to comprehend.

In searching for reasons to explain this inconsistency, it appears that when the war was over every American's thoughts were centered on the tragedies involved in the lessons just learned, the excessive cost of the war in human lives and money. So the Congress, strongly backed by public opinion, determined that we should be adequately prepared for the future, and accordingly enacted a law well devised for this express purpose. However, in a few months, the public mind ran away from the tragedies of the War and the reasons therefor, and became obsessed with the magnitude of the public debt and the problem of its reduction. Forgetting almost immediately the bitter lesson of unpreparedness, they demanded and secured the reduction of the Army, which their representatives had so recently increased for very evident reasons. Now what has occurred but recently has many precedents in the past. There are numerous ramifications of the same general nature, but the astonishing fact is, that we continue to follow a regular cycle in the doing and undoing of measures for the National Defense. We start in the making of adequate provisions and then turn abruptly in the opposite direction and abolish what has just been done.

Careful investigation leads to the belief that this illogical course of action is the result of the inadequacies of our school histories so far as pertains to the record of our wars, and in a measure, to the manner in which history is taught. During the past few months, the War Department has been concerned as to what might properly be done to correct the defects in the school textbooks which are now being published. Naturally, it is a matter that must be handled very carefully. The Department is loathe to take any positive action, because immediately the Army would be open to the criticism of trying to create a militaristic public opinion. Furthermore, criticism of the existing textbooks would probably arouse the hostility of the publishers, and particularly, of the authors.

Following a discussion between General Pershing and a prominent publisher, several of the more recent school histories were submitted to the Historical Section of the War College, and each reviewed by a number of specially qualified officers. When these reviews were assembled and digested, it became apparent that what had been done in the past, was again in the process of repetition. A reading of these reviews convinces one that our military history would probably suffer another repetition.

It is apparent that you can talk about the present National Defense Act as much as you please and of the scheme of military education provided in the Reserve Officers'

Training Corps Units, etc., but we will repeat our errors of the past unless public opinion is enlightened, and public opinion in these matters depends in a large measure on the written word of our histories, except for a few months immediately following such a National calamity as the World War. It is almost purposeless for the War Department to attempt to make an impression on Congress which is not in accord with public opinion.

When a boy goes to school he studies history. Thereafter I believe less than five per cent of the men of the country continue this study. You gentlemen are of a class apart, and if you were not familiar with the important facts of our military history, certainly no other class of men will be. The lasting impression of the American man on what has happened in the past, is absorbed from his school history. I remember studying Barnes' American History, and I still have, I suppose, the same feeling I acquired then regarding the English nation and the British Army, so depicted in Revolutionary days. In the course of my present occupation it has become necessary for me to learn something of the actual facts in the case, which I have found are often strikingly at variance with many of the ideas Mr. Barnes implanted in my mind.

You gentlemen are no doubt familiar with most of these facts, but I believe there are some of them of which even you are not aware. Certainly the average man is in the dark as to the difficulties our military leaders have invariably encountered. Take the history of the Revolutionary War for example; I imagine there are but few men today who have even a vague idea of Washington's troubles in maintaining his Revolutionary Army,—what they actually were and the causes that lay behind them. Virtually the same difficulties continued to arise in the history of our army and with the same basic reason for their recurrence. Is the average boy given an idea of the lessons of these incidents?

What has the American youth been taught of the War of 1812—that it was one of the most ignominious pages in our history,—wonderful on the sea, splendid at New Orleans,—but in almost everything else, a series of glaring failures and humiliating occurrences? Were you given any such idea as this? In the Mexican War the operations of our armies were carried out in very shipshape fashion, thanks to a long period in which to prepare. But I doubt if there are more than a few people who know that after the capture of Vera Cruz, General Scott's army, preparing for its advance to Mexico City, was well nigh emasculated and rendered impotent by the policy of the Government which permitted a large proportion of the Volunteers to secure their discharges and return home. It has been alleged that this course was intended to wreck any political aspirations of General Scott. But it was an American army on foreign soil far from home, that was imperiled in this fashion.

We find almost an exact repetition of this incident in the Philippines in 1809, when the obligation of the Government to return home the state volunteer troops, left a small force of the Regular Army besieged in Manila until fresh quotas of volunteers could be raised in the United States and dispatched seven thousand miles to its support. We do not realize how fraught with the possibility of National tragedy were these occurrences. Think what the result might have been had our opponent been efficient and made us pay the penalty for such a mistaken policy.

Until recently the Civil War formed the major portion of our military background. In your study of the history of that period was your attention drawn to any conclusions? As to why, for example, the North experienced so many difficulties and failures during the early years of the war, and the South was so uniformly successful? There are very definite reasons for this and therefore, lessons to the drawn, but the one time school boy when he casts his vote at the polls, or represents his District in Congress, must as a rule, base his action on false and misleading premises.

Popular American histories of the World War would more than startle the German reader. It is possible that he might think he was reading of some other struggles in which his country had no part. I will venture the assertion that for every boy who comes out of our public schools realizing that over a year elapsed before America's soldiers could make their first attack on the enemy,—for every youth so informed, there will be a thousand whose attention is not called to this, but who can recite the date on which we entered the war. This may seem a small matter, but it will have a definite effect on every paragraph of legislation attempted for the National Defense.

We talk of Valley Forge in Revolutionary days, and do not realize that American soldiers experienced something very like Valley Forge over in France in the fall of 1917. I have seen soldiers of the First Division without shoes and with their feet wrapped in gunny-sacks, marching ten or fifteen kilometers through the ice and snow. You do not have to go back to Washington's army at Valley Forge for a period of hardships experienced, because of unpreparedness. I have seen so many horses of the First Division drop dead on the field from starvation, that we had to terminate the movements in which they engaged. One night I recall Division Headquarters being notified that the troops in an adjacent village were out of rations and the animals were too weak to haul the necessary supplies. The question to be derived was, should the men be marched to the rations and the animals left to die, or would it be possible to secure other transportation. That was in the fall of 1917. It was a small matter but it reflects the general condition of unpreparedness with which we entered the war, and it was only the strength of our Allies who held the enemy at bay for more than a year, that enabled us to fight the victorious battles which ended the war. The small boy learns that we were successful in the end, but he is carefully prevented from discovering how narrow has been the margin of our success. Good luck has always seemed to be with us and the attending circumstances seem to prove Bismarck's saying that "God takes care of the fools in the United States."

Some of these days, now that we are a dominant, if not the dominant power in the world, we may have to make good without Allies or time or fortuitous circumstances to assist us.

There seems to have been a conspiracy to omit the pertinent facts or the lessons of our military history which would prepare the boy to be an intelligent voter or legislator. So long as this is the case, we will continue in a series of the errors I have been describing.

The study of ancient history reveals innumerable occurrences which have that exact parallel in modern times. There must be some lesson to be drawn. For example: General Pershing recently called attention to the fact that while the Peace Conference was sitting in Paris in 1919, building up the Treaty which we did not accept, there were English soldiers at Cologne, American soldiers at Coblenz, and French soldiers at Mayence, and a general reserve at Treves, (General Pershing's own Headquarters). Eighteen hundred years before, during a prolonged peace, Roman Legions were stationed at Cologne, Coblenz and Mayence, with a reserve of ten thousand at Treves. The setting was identical with the recent deployment of the Allied troops along the Rhine. There must be some lesson to be drawn from this repetition of history, that is of much more moment that a recollection of the date of the signing of the Peace Treaty.

The other day I had occasion to look up something regarding Phillip Sheridan, who was one of the five Generals of the Army, of which General Pershing is the most recent, and General Washington was the first. After locating my information, I read a little further and came across, what to me, was a most remarkable coincidence.

General Sheridan after the Civil War was sent abroad to observe the operations of the Prussian Army in the Franco-Prussian War. He joined the Staff of the Emperor William west of Metz on the eve of the Battle of Gravelotte. The day after this fight, riding in the carriage of Bismarck, he drove through Point-a-Mousson. This town was the right flank of the American army in the St. Mihiel operation. Turing west, Bismarck and Sheridan drove on to Commercy and were billeted there for the night. They followed the exact route of the American troops being transferred from the St. Mihiel front to the Meuse-Argonne. From Commercy, Sheridan passed on to Bar-le-Duc, and he describes how he stood on a little portico of that town and watched the Bavarians marching through the Central Place as they turned north towards the Argonne in the great maneuver to corner McHahon's French Army on the Belgian frontier. American troops followed this same route and executed the same turn to the north, and I happened to have watched them pass through the Central Place of Bar-le-Duc. With Bismarck, Sheridan drove north to Clermont, following the principal axis of the advance taken by the American army in September, 1918. After a night's billet in that village, they drove through a series of towns, later to be captured by the Americans from Bismarck's descendants, and billeted in Grandpre at the other tip of the Argonne Forest.

Now comes a more remarkable coincidence. General Sheridan describes how he drove from Grandpre through the Foret de Dieulet into Beaumont, where a French division had on that morning been surprised and captured by the Germans. this was the opening phase of the Battle of Sedan. Our Second Division passed through that identical Forest at night and surprised Germans at roll call in the early morning in the streets of Beaumont.

Accompanying the entourage of the Emperor William, General Sheridan pressed on to Wadelincourt, and from a hilltop nearby looked down across the Meuse at the French Army, cornered but not yet captured, at Sedan. A battalion of the Sixteenth American Infantry on November 7, 1918, pressed forward to that same hill and looked down on the Germans in Sedan. Is not this a remarkable coincidence, and does it not point to the uncertainties of the future and the necessity of being prepared for almost any eventuality?

I hope you will pardon my very disjointed remarks and I deeply appreciate your kind attention. (Applause.)

The President, Dr. Newhall: "Factors Contributing to Morale and Espirit de Corps," by General L.R. Gignilliat.

FEDERAL RESERVE HAS MONOPOLY OVER MONEY AND CREDIT IN UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. PAUL] is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, today I would like to talk about the subject of monopolies. The American people historically have been very much opposed to all monopolies. The one thing that generally is not known is that monopolies only occur with government support. There is no such thing as a free market monopoly. As long as there is free entry into the market, a true monopoly cannot exist.

The particular monopoly I am interested in talking about today is the monopoly over money and credit, and that is our Federal Reserve System.

The Federal Reserve System did not evolve out of the market, it evolved out of many, many pieces of legislation that were passed over the many years by this Congress. Our Founders debated the issue of a central bank and they were opposed to a central bank, but immediately after the Constitutional Convention there was an attempt to have a central bank, and the First Bank of the United States was established. This was repealed as soon as Jefferson was able to do it.

Not too long thereafter the Second National Bank of the United States was established, another attempt at centralized banking, and it was Jackson, who abhorred the powers given to a single bank, that abolished the Second National Bank.

Throughout the 19th century there were attempts made to reestablish the principle of central banking, but it was not until 1913 that our current Federal Reserve System was established. Since that time it has evolved tremendously, to the point now where it is literally a dictatorship over money and credit.

It works in collaboration with the banking system, where not only can the Federal Reserve create money and credit out of thin air and manipulate interest rates, it also works closely with the banks through the fractional reserve banking system that allows the money supply to expand. This is the source of a lot of mischief and a lot of problems, and if we in the Congress could ever get around to understanding this issue, we might be able to do something about the lowering standard of living which many Americans are now suffering from. If we are concerned about repealing the business cycle, we would have to finally understand the Federal Reserve and how they contribute to the business cycle.

Recently it has been in the news that Alan Greenspan had raised interest rates, and he has received a lot of criticism. There were some recent letters written to Greenspan saying that he should not be raising interest rates. That may well be true, but I think the more important thing is, why does he have the power? Why does he have the authority to even be able to manipulate interest rates? That is something that should be left to the market.

Not only is this a monopoly control over money and credit, unfortunately it is a very secret monopoly. Mr. Speaker, I serve on the Committee on Banking and Financial Services and I am on the Subcommittee on Domestic and International Monetary Policy, and I myself cannot attend the open market committee meetings. I have no access to what really goes on. I have no authority to do any oversight. There is no appropriation made for the Federal Reserve.

The recent news revealed that the chief of the janitorial services over at the Federal Reserve makes $163,000 a year, and yet we have no authority over the Federal Reserve because it is a quasi-private organization that is not responding to anything the Congress says. Yes, they come and give us some reports about what they are doing, but because Congress has reneged, they no longer have much to say about what the Federal Reserve does.

This, to me, is pretty important when we think how important money is. If they have the authority to manipulate interest rates, which is the cost of borrowing, which is the price as well as the supply of money, this is an ominous power because we use the money in every single transaction. It is 50 percent of every transaction. Whether it is the purchase of a good or whether it is the selling of our labor, it is denominated in terms of what we call the dollar, which does not have much of a definition anymore, and yet we have reneged on our responsibility to monitor the Fed to determine whether or not this dollar will maintain value.

Things have not always been this bad, and it did not happen automatically in 1913 when the Federal Reserve was established. It took a while. But it is worse now than it has ever been. Matter of fact, a well-known former Chairman of the Federal Reserve, William McChesney Martin, had interesting comments to make about this very issue in 1953. Mr. Martin said this: "Dictated money rates breeds dictated prices all across the board."

Well, it is abhorrent to those who believe in free enterprise and the marketplace. He goes on to say, "This is characteristic of dictatorship. It is regimentation. It is not compatible with our institutions."

So here we have a former Chairman of the Federal Reserve System coming down very hard on the concept of control of money and credit, and yet today it is assumed that the Federal Reserve has this authority. And so often it gravitates into the hands of one individual.

So those who are levying criticism toward the Federal Reserve today are justified, but if it is only to modify policy and not go to the source of the problem, which means why do they have the power in the first place, it is not going to do much good. So we will have to someday restore the integrity of the monetary system, and we have to have more respect for the free market if we ever expect to undertake a reform of a monetary system which has given us a great deal of trouble, and it is bound to give us a lot more trouble as time goes on.

How will this be done? Some argue that the Federal Reserve is private and out of our control. That is not exactly true. It is secret, but it is a creature of Congress. Congress created the Federal Reserve System and Congress has the authority to do oversight, but it refuses and has ignored the responsibility of really monitoring the value of our currency and monitoring this very, very powerful central bank.

There is no doubt in my mind and in the minds of many others that this has to be done. To say that we must just badger a little bit to the Fed and to Mr. Greenspan, and say that interest rates should be lowered or raised or whatever, and tinker with policy, I think that would fall quite short of what needs to be done.

What is the motivation behind a Federal Reserve System and a central bank? Indeed, there is some very interesting motivation because it does not happen accidentally. There is a good reason to have a central bank that has this power to just with a computer create billions of dollars. It is not an accident that Congress more or less closes their eyes to it.

Between 1913 and 1971 there were a lot more restrictions on the Federal Reserve to do what they are doing today, because at that time we were still making a feeble attempt to follow the Constitution. The dollar was defined as the weight of gold. There were restrictions in the amount of new money and credit one could create because of the gold backing of the currency.

Although Americans were not allowed to own gold from the 1930's to 1971, foreigners could. Foreigners could come in and deliver their dollars back onto the United States and say, "Give us $35 an ounce." But that was a fiction, too, because by that time we had created so many new dollars that the market knew that it took more dollars to get one ounce of gold. In the process, we gave up a large portion of our gold that was present in our Treasury.

Why would the Congress allow this and why would they permit it? I think the reason is Congress likes to spend money, and many here like to tax, and they have been taxing. But currently, today, the average American works more than half the time for the Government. If we add up the cost of all the taxes and the cost of regulations, we all work into July just to support our Government, and most Americans are not that satisfied with what they are getting from the Government.

The taxes cannot be raised much more, so they can go out and borrow money. The Congress will spend too much because there is tremendous pressure to spend on all these good things we do; all the welfare programs, and all the military expenditures to police the world and build bases around the world. It takes a lot of money and there is a lot of interest behind that to spend this money.

So, then, they go and spend the money and, lo and behold, there is not enough money to borrow and not enough tax money to go around, so they have to have one more vehicle, and that is the creation of money out of thin air, and this is what they do. They send the Treasury bills or the bonds to the Federal Reserve, and with a computer they can turn a switch and create a billion or $10 billion in a single day and that debases the currency. It diminishes the value of the money and alters interest rates and causes so much mischief that, if people are concerned about the economy or their standard of living or rising costs of living, this is the source of the problem.

So it is not only with the Federal Reserve manipulating the money and the interest rates, but the responsibility falls on the Congress as well because the Federal Reserve serves the interests of the Congress in accommodating the Congress as we here in the Congress spend more than we should.

Before 1971, when there were still restraints on the Federal Reserve, there was not as much deficit spending. Since that time, since the breakdown of the final vestiges of the gold standard in 1971, we have not balanced the budget one single time. So there is definitely a relationship. Now we have a national debt built up to $5.3 trillion, and we keep borrowing more and more.

We have a future obligation to future generations of $17 trillion, and this obligation is developed in conjunction with this idea that money is something we can create out of thin air. Now, if it were only the accommodation for the excess spending that was the problem, and we just had to pay interest to the Federal Reserve, that would be a problem in itself but it would not be the entire problem that we face today and that we face in the future.

As the Federal Reserve manipulates the economy by first lowering interest rates below what they should be and then raising interest rates above what they think they should be, this causes the business cycle. This is the source of the business cycle. So anybody who is concerned about unemployment and downturns in the economy and rising costs of living must eventually address the subject of monetary policy.

□ 1445

As a member of the Committee on Banking and Financial Services, I am determined that we will once again have a serious discussion about what money is all about and why it is so important and why we in the Congress here cannot continue to ignore it and believe that we can endlessly accommodate deficits with the creation of new money. There is no doubt that it hurts the working man more so than the wealthy man. The working man who has a more difficult time adjusting to the rising cost of living is now suffering from a diminished standard of living because real wages are going down.

There are many, many statistics now available to show that the real wage is down. Between 1973 and 1997, the wages of the working man has gone down approximately 20 percent. This has to do with the changes in the economy, but it also has to do with changes in the value of the currency and the wages do not keep up with the cost of living.

The increase in the supply of money is called inflation, even though there are not very many people in the news world or here in the Congress would accept that as a definition, because everybody wants to say that inflation is that which we measure by the Consumer Price Index.

The Consumer Price Index is merely a technique or a vehicle in a feeble attempt to measure the depreciation of our money. It is impossible to measure the money's value by some index like the Consumer Price Index. There are way too many variables because the individual who is in a $20,000 tax bracket buys different things than the individual who is in a $200,000 tax bracket. Wages are variable and the amount of money we borrow, the amount of money we spend on education as well as medicine varies from one individual to another. So this Consumer Price Index which we hang so much on is nothing more than a fiction about what we are trying to do in evaluating and accommodating and adjusting to the depreciating value of the dollar.

The critics of the Fed are numerous, as I said. The recent criticism has erupted because a few weeks ago, after warning of about 3 or 4 months by the Chairman of the Federal Reserve that interest rates were going to go up and, lo and behold, he did. The overnight interest rates that banks pay to borrow money just to adjust their books went up one-fourth of 1 percent. This is very disturbing to the markets. But Alan Greenspan mentioned this for 3 or 4 months. He started talking about the threat to the marketplace and the threat to the stock market back in December. But instead of him being entirely in control as he would pretend to be, actually market interest rates were already rising. Because if we look carefully at the monetary statistics from December up until the time he raised interest rates, he actually was doubling the growth of the money supply.

What does this mean? This means that there were pressures already on rising interest rates, and the way to keep interest rates down is to create more and more money. It is the supply-and-demand effect. So if you have more money, make it more available, interest rates come down. So this was his attempt to keep interest rates down rather than him saying, today we have to have higher interest rates.

But the real problem is why does the Federal Reserve have this much power over interest rates? In a free market, interest rates would be determined by savings. People would be encouraged to work, spend what they want, save the rest. If savings are high, interest rates go down, people then are encouraged to borrow and invest and build businesses. But today we have created an environment that there is no encouragement for savings, for tax reasons and for psychological reasons, very, very little savings in this country. Our country saves less money than probably any country in the world. But that does not eliminate the access to credit. Because if the banks and the businesses need money, the Federal Reserve comes along and they crank out the credit and they lower the interest rates artificially, which then encourages businesspeople and consumers to do things that they would not otherwise do.

This is the expansion or the bubble part of the business cycle, which then sets the stage for the next recession. So people can talk about how to get out of the next recession when the next recession hits and they can talk about what caused it, but the next recession has already been scheduled. It has been scheduled by the expansion of the money supply and the spending and the borrowing and the deficits that we have accumulated here over the last 6 to 8 years. And so, therefore, we can anticipate, and we in the Congress will have to deal with it, we anticipate for the next recession.

But unfortunately, because we do not look at the fundamentals of what we have done and the spending and the deficits, the next stage will be what we have done before. That is, if unemployment is going up, the government has to spend more money, there has to be more unemployment insurance. We cannot let people suffer. So the deficits will go up, revenues will go down and as we spend more money to try to bail ourselves out of the next recession, we will obviously just compound the problems because that is what we have been doing for the past 50 years. We have not solved these problems.

As a matter of fact, what has happened, because we eventually get the economy going again, what we do is we continue to build this huge financial bubble which exists today. It is a much bigger bubble than ever existed in the 1920's, it is international in scope and it is something never experienced in the history of mankind. Yet we have to face up to this, because when that time comes, we have to do the right things.

The 64 Members of Congress recently that signed the letter to Alan Greenspan said, Mr. Greenspan, you should not raise interest rates. Of course I just mentioned that maybe interest rates were rising, anyway, maybe he was accommodating the market pressures. But when 64 Members of Congress write to Greenspan and say do not let interest rates rise, or lower interest rates, what they are really saying is crank out more money, because if there is a greater supply of money, then interest rates will be lower and everybody is going to be happy. That is true, for the short run. On the long run, it causes very serious problems.

Stiglitz, who used to be the chairman of the council of economic advisers, is a very strong critic of Alan Greenspan right now. He said that there are no problems, there is no cliff we are about to go over, do not worry about the future. I do not fault Mr. Greenspan's concern, believe me. I think he knows what is coming and why adjustments have to be made. But his critics are saying, when they talk about do not raise interest rates, what we have to remember is what they are saying to him is make sure there is more inflation, more money, lower interest rates and, of course, that will add to our problems in the future.

Not only do we have Members of Congress telling the Fed what to do, and the former Chairman of the Council of Economic Advisers telling them, many others all have an opinion on what to do, but nobody really asks the question, why are they doing all this in secret and where did they get all this power and why do we tolerate this system of money?

Even the IMF, something I am very much concerned about is the internationalization of our credit system, the IMF now has issued a recent report, but they do not agree with the 64 Members of Congress and they do not agree with the critics who say lower interest rates, create more money. They are saying to our Federal Reserve, you are creating too much money and you are having too much growth. Who ever heard of anything like too much growth? What is wrong with too much growth? Some people think that too much growth causes inflation, which is an absolute fallacy. If there is a lot of growth and a lot of production, prices would come down. Prices go up when the value of the money goes down. But the IMF is saying that should not even be involved in our domestic policy, and they are more involved than ever before, they are telling our Fed, this is good, what you are doing is good, keep raising your interest rates, turn off the economy, have a little slump here.

We do not need that kind of advice from somebody. We have enough problems taking advice from our own people and our own Congress about what has to happen, but we certainly do not need the advice from the IMF telling us that we ought to have more inflation, that we should involve overheating and that for some reason growth is bad. In a free market, sound monetary system, growth is good. If you have sound money and you have economic growth of 6 or 7 or 8 percent a year, you do not have inflation. That does not cause the inflation. It is only the debasement of the money that causes prices to rise.

Why do we hear so much concern about interest rates and price? Well, there is a specific reason for this according to some very sound economic thinkers, and, that is they would like for us here in the Congress to think only about prices, either the price of money, which is the interest rate, or other prices, because so often it leads to the conclusion that, well, maybe what we ought to do is have price controls, which they tried in the early 1970's and it was a total disaster, but this is essentially what we have in medicine today.

We create new credit, the money goes in certain areas, the Government takes this money and channels it into education in medicine, so you have more price inflation. So what do you do? You have price controls. That is what is going on. That is what we are having today in medicine, rationing of health care. That is what managed care is all about. Patients suffer from this because they have less choices, and they do not have as much decisionmaking on what care they are going to get. This is a consequence of Government manipulation of money and credit.

Those who want to perpetuate this system do not want us to think of the real cause, and that is, the real cause is the monetary system. They would like us to think about the symptoms and not the cause, because it is not in the interest of a lot of people, not only not in the interest of the big spenders here in the Congress who love the idea that the Federal Reserve is able to accommodate them on deficits, but there are business and banking interests and international interests and even some military production interests who like the idea that the credit is readily available and that they will be accommodated. The little guy never benefits. The little guy pays the taxes, he suffers from the inflation, he suffers from the unemployment, but there is a special group of people in an inflationary environment that benefits. Today of course there are a lot of people on Wall Street benefiting from this environment.

If this type of system were real good, we would all be very, very prosperous, and if we listened to the Government statistics, we would say there are no problems in this country. But I know differently. A lot of people I talk to, they tell me they are having a lot of problems making ends meet. Sometimes they work two and three jobs to get their bills paid. It is not all feminism that makes women go to work. A lot of women go to work because they have to do it to make ends meet and take care of their families. So there are a lot of problems.

But one key point that I think is important and, that is economic growth. If we have no economic growth and there is no productivity growth, we cannot maintain the standard of living, we cannot have increasing wages. If you do not produce more, you cannot have wages going up.

Unfortunately, that is where we are really hurting in this country. We are living prosperously because we borrow a lot of money, by individuals, by corporations, and our Government borrows a lot from overseas. But we are not producing. Productivity growth in the last 5 years has averaged 0.3 percent. This is very, very low. It is equivalent to what happened before the Industrial Revolution, and it is going to lead to major problems in this country unless we understand why we are not producing as we had in the past. We need to address this if we have any concern about the people who suffer from these consequences.

The economic growth is slow. Predictions are that they, according to the Government statistics, are going to slow even more in time, whether it is the end of this year or next. We will have a recession. Even by some Government statistics now, we are seeing signs that there is a rising price level in some of our commodities. There is belief that these prices will go up and we will be suffering more so, even measured by the Consumer Price Index. This story that is being passed out here in the Halls of Congress and in other places in Washington that we do not have to worry about the Consumer Price Index, it overstates inflation, therefore we can make the adjustment, I do not think that is correct at all. I think the Consumer Price Index probably way underestimates inflation. If you have private sources, there are many people who suffer the cost of living much higher than the 3 or 4 percent that the Government reports. But there are some commodity indices that in the past 2 years have gone up over 50 percent. This is a sign of the consequence of the inflating of the money supply and it is starting to hit, or will hit some of our consumer products, because it is already hitting our commodities.

This idea that if there is a sign that prices are increasing, what we have to do is take it under control and we have to suppress economic growth and raise interest rates, this says something about our policy that shows the lack of understanding. Because if we look at all the recessions that we have had since World War II, in spite of the seriousness of many of these recessions, prices still go up.

The one that we remember most clearly is in the 1970's, where they even coined the word "stagflation." This is not an unheard of economic phenomenon. It is very frequent in many other nations, where you have a lot of inflation and poor economic growth. We have not had a serious problem with that, but it is very likely that that is eventually what we will get, because we have absolutely no backing and no restraint on our monetary system.

□ 1500

When we have an economic and monetary system as we have today, I mention how it encourages Congress to spend beyond its means. It spends too much, it borrows too much, it inflates too much, and it leads to serious long-term problems, that as long as you can borrow again and borrow again, you sort of hide the problems, delay the consequences of the problem and prevent the major correction that eventually comes.

But what have the American people been doing? Well, they have been encouraged by this. They see the credit is available out there. They keep borrowing, living beyond their means. Government lives beyond their means, and individuals live way beyond their means.

But some of the statistics are not very good about what is happening with our consumers, the American citizens. In 1996 personal bankruptcies were up 27 percent. It is at record high; well over a million bankruptcies were filed in 1996. This is a reflection of loose credit policies, but it also is a reflection of a moral attitude.

There was a time in our history where bankruptcy was looked down upon, that we had a moral obligation to do our very best. If we have a bad turn in our businesses, what we did was we notified everybody, we went back to work, and we systematically did our very best to pay off all our debts. There is no incentive for that today. So it is very easy today to see the bankruptcies filed, and they are increasing rapidly. I suspect that they are going to continue to increase even more dramatically.

Credit card delinquencies are at an all time high. They were at 3.72 percent in 1996, and those who are late payments, they are also a historic high, well over 5 percent. So the credit conditions of this country are not very good.

Now what do we see as the signs of things changing to sort of take care of this problem? So far, not too many good things happening. In 1995, the latest year we have measurements for, we find out that credit card issuers, credit card companies, issued 2.7 billion credit cards, preapproved. Preapproved credit cards, 2.7 billion, and it was equivalent to sending every single American between the ages of 18 and 64, 17 preapproved credit cards. Nothing like throwing out the temptation there, and many Americans fall into the temptations. Congress does it. They keep borrowing, and they exist. So the individual keeps borrowing, takes another credit card, rolls them over.

Eventually, though, the banker will call. The banker will call the individual. Who calls the Congress? Who calls a country when it spends beyond its means and it is way past the time when they should be cutting back? The problem that develops then is not so much that the Government, our Government, quits taxing and quits paying the bills. We will always do that. We have control over that because we now have this authority by Federal Reserve to create the money. The checks will always come.

The one thing that we do not have in the Congress and we do not have in the Federal Reserve, and the President does not have, is to guarantee the value of the money, and that is the problem. Today all we hear about is the strength of the dollar, but if you look at the dollar from 1945 on, the dollar is on a downward spiral, and we are on a slight upward blip right now. Ultimately the dollar will be attacked by the marketplace, and it will be more powerful than any of the policy changes that our Federal Reserve might institute.

There is a couple other things that have happened in our financial system that is different than in the other ones. Some would argue with me and say you are concerned about the supply of money and credit. Well, I can show you a statistic measured by M-1, M-2 and M-3, and the money supply is not going up all that rapidly. And this is the case compared to other times, that money supply as measured by the more conventional methods are not—those measurements are not going up as rapidly as they have in the past. But there are other things that can accommodate the lack of expansion of money as measured by, say, M-2 and M-3.

First, if an individual has an incentive not to hold the money and save the money, but spend their money the day they get it, that is called the velocity or the propensity to spend the money, and if you use it more often, it is like having more dollars, and that is one statistic that has gone up dramatically. Between 1993 and 1996 it has gone up 45 percent, so there is more desire to take the money and spend it, and it acts as if there is a lot more money, and we will also put pressure on the marketplace and cause the distortions that can be harmful.

The other thing that we have going that is different than ever before is that because there is no definition of the money, the dollars, no definition of the dollar, we have introduced the notion of all kinds of hedges and all kinds of speculation, and some serve financial and economic interests to do hedging, but because there is no soundness to the currency there is a greater need all the time to hedge and to try to protect against sudden changes. Some of that would be economically driven, but other activity of that sort is driven by speculation.

So in an age when you have tremendous excessive credit, money and credit, you have more speculation. Consumers speculate they spend too much money, a businessman speculates, invests in things he probably should not, but also governments do the same thing. They spend money that they should not have.

But in this area of derivatives, we have things like swaps and futures and options, repos, and the foreign currency market. Right now there is $20, $21 trillion worth of these derivatives floating around out there outside of the measurement by our conventional money supply, which means that this participates in this huge financial bubble that exists around the world.

There is also a measurement that we make on a daily basis which is called through the clearinghouse interbank payment system, and this is all the electronic money that is traded throughout the world every single day, and this again reflects how quickly we are spending our money and how fast we are circulating and how quickly it moves among and through our computers. Today it is estimated that $1.4 trillion is transferred over the wire service.

Now, if there were a sound dollar and it was created only with a proper procedure rather than out of thin air, this would not be as bad, but the fact that this is contributing toward a financial bubble I think is a very, very dangerous condition.

We live in an age called the Information Age; we live in a computer age, and this technology is all very, very helpful to us. As a matter of fact, it has served us in many ways to accommodate this age of the paper money systems of the world. No money is sound today in history in the entire world. So there is what we call the fluctuating currency rates. Every single day, every single minute, the value of the dollar versus the yen, versus the mark, versus the pound is changing instantly.

Now in the old days each currency was defined by a weight of gold. There was less speculation even though under those conditions governments manipulating, and there were periodic times when certain countries would have to devalue. But now the computer system has really been a free market answer to those individuals who like the system, and it does work, it does work to a large degree for a time. But it also allows the system to last longer, and it allows us to create more of this financial bubble.

This is why we have been able to go along with the system of government where we have made commitments to our future generations of $17 trillion; otherwise we could not have made these commitments that would have had to be a correction. We would have had to cut back and live within our means, just as individuals do; they have to live within their means, and they have to live probably less high than they were when they were borrowing all the money. A country will have to do that, too, that has lived way beyond its means, and this is why what we are doing is so dangerous.

The fact that we had these floating exchange rates for years has permitted many of our paper currencies to last a lot longer than they otherwise would have. We in the United States have a dollar which is considered the reserve currency in the world which lends itself to even more problems because the dollar is held in higher esteem and it is considered the reserve that other countries are more willing to hold, and this came out of the World War II because we had essentially all the gold, the dollar was strong, our economy was strong, so the dollar was good as gold. So people took dollars and they would hold them, and they still do that to a large degree today.

So what does that encourage us to do? It encourages here in the Congress and elsewhere to create this debt, and then as the money circulates, we go and we say, oh, we have a lot of credit, we can borrow this money, we will buy foreign products, and that is what we do. We buy a lot of foreign products, and everybody is decrying, you know, this foreign deficit. We owe more money to foreigners and we have a greater foreign deficit than any other country in the world, and it is encouraged because they are willing to take our dollars, and we are willing to spend the money and we are willing to run up these deficits and not worry about the future.

But where do these dollars go? They go into the central banks, they buy our Treasury bills, and they are quite satisfied at the moment. But when they get unsatisfied and dissatisfied with it, they are going to dump these dollars, and they will come back. But the trade deficit is running more than a hundred billion dollars a year, which means we buy more products from overseas than we sell to the tune of a hundred billion dollars.

This in many ways has allowed our Federal Reserve to get off the hook a bit because if we had a $100 billion that nobody wants to loan us and they had to create that new money, that would be very, very damaging to the psychology of our market, and it would be very, very inflationary. So it is still inflationary, but it is delayed. So as long as foreigners will take our dollars and let us buy their goods and we live beyond our means and hold our dollars and we keep creating new money and paying the interest, this thing could go on for a while. But eventually though in all monetary systems which are based on fiat, the creation of money out of thin air, eventually comes to an end, and when it comes to an end, there is the rejection of the dollar, and then the dollars come home, interest rates will go up, inflation will be back with a vengeance, and there will come a time, and nobody knows when that time will come, it will not be because of us in the Congress being very deliberate and very wise to all of a sudden live within our means, but we will be forced to live within our means because those who want to loan the money to us and the value of the money will change, that there will just not be enough wealth.

What promotes all this? Well, what is the grand illusion that allows us to get ourselves into such a situation? Well, the grand illusion of the 20th century, especially in the latter half of the 20th century, has been that prosperity can come from the creation of credit. Now if you think about it, it does not make any sense if you take a Monopoly game and you create more Monopoly money and pass it out, everybody knows it has no value. But we have literally endorsed the concept that if we just print money and pass it out, everybody is going to be wealthy, and because it is government and because it was related to a gold standard and because foreigners will take money, this system continues to work because there is still trust in the money.

But eventually this trust will be lost. The wealth cannot be created by creating new money. Yes, if the Federal Reserve prints more money today and hands it to me, I can go spend it and I can feel wealthier. But in the grand scheme of things, you do not create wealth that way, and that is also the reason why productivity growth is down. We do not create it. We have to have incentives, we have to encourage work and effort. That is the only place you can get wealth.

So our taxes are too high, the regulations are too high, we borrow too much money, interest rates are too high, and we discourage savings all because of this monetary system. So eventually we are going to be required to do something about that to restore trust in the money so we do save money so we work harder. But we have to lower taxes, we have to get rid of regulations, we have to get rid of taxes on capital gains and get rid of taxes on savings and interest and get rid of taxes on inheritance. Then people will have more of an incentive to work rather than just to borrow. So the illusion of wealth today is that which comes from a fiat or paper monetary system.

We need today a very serious debate on what the monetary system ought to be all about. It cannot be a debate which is isolated from the role of government. If we have a role of government which is to run the welfare state, to give anything to anybody who needs something or wants something or claims it is an entitlement or claims it is a right, if that is a system of government that we want to perpetuate, it is going to be very difficult to have any reform. If we continue to believe that this country is the policeman of the world, that we must police the world and build bases overseas at the same time we neglect our own national defense, our own borders, our own bases here at home, but we continue to spend money on places, on Bosnia and Africa, and pay for the defense of Japan and Europe; as long as we accept those ideas, there is no way we can restore any sanity to our budget.

□ 1515

So I am suggesting to my colleagues here in the Congress that what we must do is address the subject of what the role of government ought to be. There should be a precise role for government. That is what the whole idea and issue was of the Constitutional Convention as well as our Revolution. We did not like the role of government that the English and the British had given us, and we here in the United States decided that the role of government ought to be there for the preservation of liberty.

The role of government ought not to be to redistribute wealth, it ought not to be the counterfeiter of the world, to create money out of thin air. It is illegal for you or I to counterfeit money. Why do we allow the Government to counterfeit the money and make it worthless all the time?

As long as we accept that, we are going to have big problems. But there will be a time coming, and I suggest to all of my colleagues that we be ready for it, because it is so serious. Not only is it a serious threat to our physical and economic well-being, the greater threat is the threat to our individual liberty. As conditions worsen, and when we have to face up to our problems, so often the response is, all we need is another government program. And that is still an attitude that I see all the time around here: if we just have a little more tax money.

Already in this very early Congress, we have had tax increases in spite of the rhetoric against taxes. We have been raising taxes. We have increased the amount of regulations. We have done nothing to really address the subject.

That comes from the fact that we never really ask the right questions. What should the role of government be? The Founders, as they concluded after the Revolution, as they wrote the Constitution, it very clearly was stated that the role of government, especially at the Federal level, ought to be there to protect the individual liberties of all individuals, no matter what. But today, we have lost that as a goal and as a target. We concentrate, whether it is a businessman or the person that is receiving welfare benefits, the concentration is on the material benefits that usually come from a free society in a voluntary way. But today, if anybody wants something or they need something or they think they have a right to it, what do they do; they order a political action committee and come to Washington.

I was gone for a few years. I was here in the Congress in 1976, and, after returning, there is one dramatic difference. There are more lobbyists than ever, more commands, more people coming and more people wanting things. I have more demand from the business community than I do from those who are from the poor end of the spectrum. There is a vicious maldistribution of wealth in a society that destroys its money. Inevitably, if a country destroys its money, it destroys its middle class.

This is what is happening in this country already. The poor, middle class individual who is still proud enough not to go on the dole and not to take welfare, that is the individual who suffers the very most; and he is the one that is most threatened by the loss of a job in the next downturn.

Currently right now, Wall Street, are they suffering from this financial bubble that I see? No. If you are in the stock market or the bond market or borrowing overseas, they are doing quite well. People say: You worry too much. There is no inflation. No matter what you say about the money supply and all of these things you talk about, there is no inflation, do not worry about it. Inflation deals with money, not prices.

So as I said earlier, I believe prices are going up much faster than people will admit; but at the same time, the supply of money and credit continues to expand. So we will have to eventually address these problems. I think it will be up to us as Members of Congress to at least make some plans. Because if we do not, if we do not make the plans, I see this as a serious, serious threat to our personal liberties.

Mr. Speaker, it will not be a simple reform that we need. We have to do something more than that. We have to start thinking about what do we need to do to really change the course. Is there anything wrong with addressing the subject of individual liberty? Is there anything wrong with talking about the value and the importance of sound money? I claim there is nothing wrong with that, but there is very little debate. There is very little debate among our committee members and in our committees to address this. It is usually, how do we tide ourselves over? How do we modify this so slight a degree?

But the time will come, the time will come, because we will go bankrupt, because no country has ever done this before. No country can live beyond its means endlessly. No country can spend and inflate and destroy its money. There will be this transfer of wealth. It happened in many, many countries in this century. Of course, one example of the 20th century was the German inflation, and then there has to always be a scapegoat. The middle class suffers the most. Somebody has to be blamed.

Currently today, I see a trend toward those of us who advocate limited government, those who detest big government as becoming the scapegoat saying, oh, you individuals who are against big government, you are the people who cause trouble, you cause unhappiness. That is not the case. People are unhappy. I meet them all the time because they are having a difficult time making it in this day and age. Who knows who the next scapegoat will be, but there will be one.

Mr. Speaker, the middle class in America will have to eventually join in the reforms that we need. The reforms can be all positive. There is nothing wrong with advocating limited government. There is nothing wrong in the American spirit to advocate the Constitution. There is nothing wrong with the American tradition that says work is good. And there is something wrong with a system that endorses and encourages and pushes the idea that we have the right to somebody else's life and somebody else's earnings. I do not believe that is the case. I think that is morally wrong. I do not believe it has been permitted under the Constitution, and it also leads to trouble. If it led to prosperity, it would be a harder argument for me. But if it leads to trouble and it leads to people being undermined in their financial security and in their economic security, then we have to do something else.

I would like to invite those who expressed deep concern about the poor and those who advocate more programs, more welfare programs, I would like to suggest they need to look at monetary policy. They need to look at deficits, and they need to realize that wealth has to be created. And if we truly do care about the poor people in this country, and if we do care about the people trying to build homes, public housing obviously has not worked. We have been doing public houses now and spent nearly $600 billion, and there is no sign that we have done much for the people that we have given public housing to.

We have spent $5 trillion on welfare. There are more homeless than ever. The educational system is worse than ever. Yet we do not really say, well, what should we do differently? Sometimes we will say, well, let us take the management and change the management. Let us take the bureaucrats from Washington and put them in the States. Let us do block grants. Let us make a few minor adjustments and everything is going to be OK, and it will not be.

We will not make it OK until we address the subject of what kind of a society we want to live in. I want to live in a free society. Fortunately for me, as a Member of Congress, and as one who has sworn to uphold the Constitution, this is an easy argument. It should be an easy argument for all of my colleagues who would say, yes, I have sworn to uphold the Constitution, I believe in America, I believe in hard work. But why do you vote for all of these other programs? Why do you vote for all of the deficits? Why are we getting ready to vote for more taxes soon? Why are we voting a supplemental appropriation? Why are we doing these things if we really are serious? I have not yet seen any serious attempt to cut back on spending and cut back on taxes.

Mr. Speaker, someday we will have to do it. The sooner, the better. If we do it in a graceful manner, there is no pain and suffering. The American people will not suffer if we cut their taxes. The American people will not suffer if we lower the amount of regulations. The American people will not suffer if we get out of their lives and not give them 100,000 regulations to follow day in and day out. The American people will not suffer if the Federal Government gets out of the management of education and medicine. That is the day I am waiting for and the day I am working for. Hopefully, I will get other Members of Congress here to join me in this effort to support the concepts and the principles of individual freedom.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. JONES, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. JONES) and to include extraneous matter:)

Mr. FRANK of Massachusetts.

Mr. CLEMENT.

Mr. STOKES.

(The following Members (at the request of Mr. PAUL) and to include extraneous matter:)

Mr. GREENWOOD.

Mr. EHRLICH.

Mr. THOMAS.

Mr. STOKES.

Mr. COYNE.

Mr. CLEMENT in two instances.

Mr. ETHERIDGE.

Mr. FORD.

SENATE BILL REFERRED

A bill of the Senate of the following title as taken from the Speaker's table and, under the rule, referred as follows:

S. 562. An act to amend section 255 of the National Housing Act to prevent the funding of unnecessary or excessive costs for obtaining a home equity conversion mortgage; to the Committee on Banking and Financial Services.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On April 25, 1997:

H.R. 1225. An act to make a technical correction to title 28, United States Code, relating to jurisdiction for lawsuits against terrorist states.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 29, 1997, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2983. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Amendment to Cotton Board Rules and Regulations Regarding Import Assessment Exemptions [CN-96-007] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2984. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms [APHIS Docket No. 95-040-2] (RIN: 0579-AA73) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2985. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Garbage; Disposal by Cruise Ships in Landfills at Alaskan Ports [APHIS Docket No. 93-037-2] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2986. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kaolin; Pesticide Tolerance Exemption [OPP-300477; FRL-5712-8] (RIN: 2070-AB78] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2987. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oxyfluorfen; Pesticide Tolerance for Emergency Exemption [OPP-300478; FRL-5713-1] (RIN: 2070-AB78] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2988. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxycarb; Pesticide Tolerances for Emergency Exemptions [OPP—300476; FRL-5712-7] (RIN: 2070-AB78) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2989. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance [OPP—300468; FRL-5599-5] (RIN: 2070-AB78) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2990. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Amendments to the Regulations for the Nonrecourse Cotton Loan and Loan Deficiency Payment Programs [Workplan Number 97-001] (RIN: 0560-AF12) received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2991. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; State of Louisiana; Approval of the Maintenance Plan for Calcasieu Parish; Redesignation of Calcasieu Parish to Attainment of Ozone [LA-38-1-7322; FRL-5814-3] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2992. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Administration of the North American Numbering Plan Carrier Identification Codes (CIC's); Petition for Rulemaking of VarTec Telecom., Inc. [CC Docket No. 92-237] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2993. A letter from the Acting Associate Managing Director for Performance Evaluations and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992—Rate Regulation; Uniform Rate-Setting Methodology [CS Docket No. 95-174] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2994. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Toll Free Service Access Codes [CC Docket No. 95-155] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2995. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Accounting for Judgments and Other Costs Associated with Litigation [CC Docket No. 93-240] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2996. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Regulatory Treatment of LEC Provision of Interexchange Services Originating in the LEC's Local Exchange Area and Policy and Rules Concerning the Interstate, Interexchange Marketplace [CC Docket No. 96-149 and CC Docket No. 96-61] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2997. A letter from the Associate Managing Director, Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Parts 2 and 15 of the Commission's Rules Regarding Spread Spectrum Transmitters [ET Docket No. 96-8, RM-8435, RM-8608, RM-8609] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2998. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Government Securities Sales Practices [12 CFR Part 368] (RIN: 3064-AB66) received March 21, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2999. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

3000. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "University of the District of Columbia Report of Revenues and Expenditures for the Graduate Program for Academic Years 94-95 and 95-96," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

3001. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Public Availability of Information [Docket No. OST-96-1430] (RIN: 2105-AC58) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3002. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Summer Employment [5 CFR Parts 213 and 338] (RIN: 3206–AG21) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3003. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Administration and General Provisions—Administration [5 CFR Part 831] (RIN: 3206–AH66) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3004. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting notice on leasing systems for the Cook Inlet, sale 149, scheduled to be held in June 1997, pursuant to 43 U.S.C. 1337(a)(8); to the Committee on Resources.

3005. A letter from the Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting a draft of proposed legislation to amend the Wild and Scenic Rivers Act of 1968 to designate portions of 13 river areas, containing some 25 segments, in Arizona as components of the National Wild and Scenic Rivers System, and several supporting documents that provide background information; to the Committee on Resources.

3006. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–169–AD; Amdt. 39–9999; AD 97–09–03] (RIN: 2120–AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3007. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes (Federal Aviation Administration) [Docket No. 97–NM–60–AD] (RIN: 2120–AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3008. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–9–80 Series Airplane and Model MD–88 Airplanes (Federal Aviation Administration) [Docket No. 97–NM–61–AD] (RIN: 2120–AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3009. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–3, –3B, and –3C Series Turbofan Engines (Federal Aviation Administration) [Docket No. 95–ANE–44; Amdt. 39–9989; AD 97–08–01] (RIN: 2120–AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3010. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300, A300–600, A310, and A320 Series Airplanes (Federal Aviation Administration) [Docket No. 95–NM–227–AD; Amdt. 39–9888; AD 97–02–04] (RIN: 2120–AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3011. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–146–AD; Amdt. 39–9953; AD 97–05–09] (RIN: 2120–AA64) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3012. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Prohibition Against Certain Flights Within the Flight Information Region of the Democratic People's Republic of Korea (DPRK) (Federal Aviation Administration) [Docket No. 28831; Special Federal Aviation Regulation (SFAR) No. 79] (RIN: 2120–AG24) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3013. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Bedford, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–17] (RIN: 2120–AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3014. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Mount Pleasant, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–003] (RIN: 2120–AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3015. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Kutztown, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–14] (RIN: 2120–AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3016. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Clearfield, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–13] (RIN: 2120–AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3017. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Meadville, PA (Federal Aviation Administration) [Airspace Docket No. 97–AEA–12] (RIN: 2120–AA66) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3018. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Training and Qualification Requirements for Check Airmen and Flight Instructors: Correction and Editorial Changes (Federal Aviation Administration) [Docket No. 28471; Amendment No. 121–264] (RIN: 2120–AF08) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3019. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Salt Lake City, Utah (Federal Aviation Administration) [Airspace Docket No. 97–ANM–3] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3020. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Atqasuk; AK (Federal Aviation Administration) [Airspace Docket No. 96–AAL–29] (RIN: 2120–AA66) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3021. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A320, A321, A330, and A340 Series Airplanes Equipped with Westland-Sitec Fire Shutoff Valves Having Part Number EO3000 (Federal Aviation Administration) [Docket No. 96–NM–204–AD; Amdt. 39–10000; AD 97–09–04] (RIN: 2120–AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3022. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. T5311, T5313, T5317, and T53 (Military) Series Engines (Federal Aviation Administration) [Docket No. 96–ANE–25; Amdt. 39–9979; AD 97–07–05] (RIN: 2120–AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3023. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Model BAe 125–1000A and Model Hawker 1000 Series Airplanes (Federal Aviation Administration) [Docket No. 96–NM–180–AD] (RIN: 2120–AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3024. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW2000 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97–ANE–14; Amdt. 39–9997; AD 97–09–01] (RIN: 2120–AA64) received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3025. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Action on the Decision in The Edna Louise Dunn Trust v. Commissioner, 86 T.C. 745 (1986) [CC–1997–007] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3026. A letter from the Secretary of Housing and Urban Development, transmitting a draft of proposed legislation entitled "Housing 2020: Multifamily Management Reform Act"; jointly, to the Committees on Banking and Financial Services, Ways and Means, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed Friday, April 25, 1997]

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2. A bill to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes; with an amendment (Rept. 105–76). Referred to the Committee of the Whole House on the State of the Union.

[Filed Monday, April 28, 1997]

Mr. ARCHER: Committee on Ways and Means. H.R. 867. A bill to promote the adoption of children in foster care; with an amendment (Rept. 105–77). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1048. A bill to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; with an amendment (Rept. 105–78 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on House Oversight. House Resolution 129. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress; with an amendment (Rept. 105–79). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1048. Referral to the Committees on the Judiciary and Education and the Workforce extended for a period ending not later than April 29, 1997.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CRANE:

H.R. 1463. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission; to the Committee on Ways and Means.

By Mr. THOMAS (for himself, Mr. Cardin, Mr. Bilirakis, and Mr. Stark):

H.R. 1464. A bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availability of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly [PACE] under the Medicare and Medicaid Programs; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BUNNING of Kentucky:

H.R. 1465. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on certain educational loans; to the Committee on Ways and Means.

By Mr. EHRLICH:

H.R. 1466. A bill to direct the Secretary of Veterans Affairs to transfer certain Fort Howard Park lands to Baltimore County, MD; to the Committee on Veterans' Affairs.

By Mr. NEY:

H.R. 1467. A bill to provide for the continuance of oil and gas operations pursuant to certain existing leases in the Wayne National Forest; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 133: Mr. Condit.

H.R. 218: Mr. Solomon and Mr. Thornberry.

H.R. 279: Mr. Meehan.

H.R. 321: Mr. Paul.

H.R. 322: Mr. Saxton.

H.R. 475: Mr. Kolbe and Mr. Sam Johnson.

H.R. 631: Mr. Manzullo and Mr. Inglis of South Carolina.

H.R. 663: Ms. Christian-Green, Mr. Stark, Mr. Gonzalez, Mr. Owens, Mr. Berman, Mr. Dellums, Ms. Kilpatrick, and Mr. Rothman.

H.R. 867: Ms. Granger, Mr. Fawell, Mr. Blagojevich, and Mr. Fazio of California.

H.R. 919: Mr. Luther.

H.R. 955: Mr. Hulshof, Mr. Blunt, and Mr. Lewis of California.

H.R. 1013: Mr. Bilbray, Mr. Gejdenson, Mr. Cramer, Mr. Greenwood, Mr. Lewis of Georgia, Mr. Brown of California, Mr. Oxley, and Ms. Kaptur.

H.R. 1061: Mr. Moakley.

H.R. 1063: Mr. Kleczka, Mr. Holden, and Mr. Ney.

H.R. 1115: Mr. Dellums, Mr. Kennedy of Rhode Island, Mr. Tierney, Mrs. Clayton, Mr. Davis of Illinois, Mr. Miller of California, Mr. Rangel, Ms. Waters, Mrs. Thurman, and Mr. Thompson.

H.R. 1126: Mr. Dicks and Mr. Gillmor.

H.R. 1161: Mr. Ney, Mr. Talent, Mr. Boswell, and Mr. Walsh.

H.R. 1205: Mr. Gallegly.

H.R. 1329: Mr. Ehlers.

H.R. 1367: Mr. Kind of Wisconsin.

H.R. 1385: Mr. Barrett of Nebraska, Mr. Peterson of Pennsylvania, and Mr. Riggs.

H.R. 1432: Mr. Matsui and Mr. Shays.

H.R. 1450: Ms. Woolsey and Mr. Bonior.

H.J. Res. 66: Mr. Owens, Mr. Conyers, Mr. Underwood, Mr. Jackson, and Mr. Meehan.

H. Con. Res. 55: Mr. Gejdenson, Mr. Cox of California, Mr. Lipinski, Ms. Norton, Mr. Levin, Mr. Berman, Ms. McKinney, Mr. Ackerman, Ms. Rivers, and Mr. Nadler.

SENATE—*Monday, April 28, 1997*

The Senate met at 2 p.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have shown us that living each day as our only day results in living life at full potential. Thank You for the gift of this new day. Help us pull out all the stops and live with enthusiasm. We renew our commitment to excellence in all we do. Our goal is to glorify You in every responsibility and relationship today. Replenish our wells of creativity, vision, and physical strength. Give us hope in life's burdens and peace in our conflicts. Most of all, dear God, help us not to miss the joy. In the name of Him who brings abundant life. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, today, until 3:30 p.m., the Senate will be in a period of morning business to accommodate a number of Senators who have requested time to speak. Following morning business, the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. As announced last week, there will be no rollcall votes during today's session. However, under the previous agreed to order, there will be a cloture vote on the motion to proceed to S. 543 at 2:15 tomorrow. If cloture is invoked, the Senate will continue debate on the motion to proceed for 1 hour, followed by a vote on the motion. Therefore, additional votes may occur during tomorrow's session of the Senate. In fact, I expect that there will be.

Hopefully, the Senate will be able to finish action on the Volunteer Protection Act early this week so we can begin consideration at some point—and it is not clear now whether it would be Wednesday or Thursday; and it will partially depend at least on what happens in the House on the supplemental appropriations bill—but, again, all Senators will be notified of changes in the schedule. And I thank my colleagues for their attention.

THE VOLUNTEER PROTECTION ACT

Mr. LOTT. Mr. President, if I could be heard just briefly on the legislation itself.

You will note that in my opening statement here, the debate is on the motion to proceed. I want the American people to hear that. We basically have the threat of a filibuster from the Democrats on even taking up for consideration the substance of the bill, S. 543.

What is this bill? This bill is the Volunteer Protection Act. I think it is quite a coincidence, highly ironic actually, that there is this meeting now in Philadelphia, the City of Brotherly Love, to encourage voluntarism in America—a worthy goal. And I have been impressed by the participants and by what they have had to say. We need to encourage Americans to volunteer, to be more philanthropic, to contribute what they can, not only of their money but of their time—a worthy goal of America. And while America leads all the rest of the world already in that effort, we can all do more, I am sure.

But now comes this bill and trying to protect volunteers from being sued. In many instances in America, if you volunteer, if you go on a charitable organization's board of directors, if you join some of the volunteer organizations, you run the risk of being sued and being held personally liable.

So in the spirit of the conference going on in Philadelphia, it seems very appropriate to me that the Senate would pass legislation to provide some reasonable modicum of protection against these frivolous lawsuits that discourage people from volunteering, and yet we are being told that we are going to have a filibuster of even proceeding to this bill.

Let me read some of the components of this bill. It says:

> To provide certain protections [not total protections, but certainly protections] to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

It says that:

> The Congress finds and declares that—
>
> (1) the willingness of volunteers to offer their services is deterred [now] by the potential for liability actions against them and organizations they serve;
>
> (2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;
>
> (3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;
>
> (4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is [certainly] an appropriate [action] for [this] Federal legislation;

It goes on and talks about how the threat of lawsuit is limiting volunteers. It is leading to higher costs of private programs as well as public-private cooperation. It then sets out exactly what those limitations are.

If you are actually involved in serious personal misconduct, you still would be subject to liability. But to have some clarification here with regard to when you will be sued, even when you are in effect an innocent bystander in a voluntary capacity, is something that we should do. It is long overdue.

We have known many instances, I am sure, in our own States where these types of lawsuits have been filed. And it is time that we take action. In fact, it goes hand in glove with what is happening in Philadelphia.

So I urge my colleagues that have reservations based on this, if there are concerns by trial lawyers that we can legitimately address, fine. But I do not think we should allow trial lawyers to dictate that we cannot have even the consideration of legislation that would provide some protection for volunteers in America.

Mr. President, again, I urge my colleagues to allow this legislation to go forward. And I hope that our colleagues will be able to vote for a final product by an overwhelming vote.

I yield the floor at this time, Mr. President.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, let me wish the occupant of the Chair a good day.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now go into a period of morning business not to extend beyond 3:30 p.m.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be permitted to speak in morning business for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 660 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that I be allowed to speak as if in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TITLE IX

Mr. REID. Mr. President, several months ago I visited White Pine County High School located in Ely, NV, one of the rural spots of Nevada. I was going to speak to an assembly of high school students. I was in a room waiting to give my presentation. In the room were two young ladies. They were dressed in letter sweaters from White Pine County High School. One of them was named Lauren and the other was Casandra.

While waiting, I struck up a conversation with these two young ladies. I asked them what sports they participated in. One of them ran track. She told me she had won the summer tournament in sprints. The other girl said she participated in softball.

So we carried on our conversation for a short period of time. As I was getting ready to go in, one of the young ladies said, "Senator I don't know what I would do without my sports."

Mr. President, these two young ladies' ability to participate in athletics is as a result of something that the Federal Government has done.

I started a series of speeches last summer on the Senate floor to discuss the good things that happen in Government. We tend to dwell on the negative, rather than the positive aspects of Government. I talked about how proud I was that we have our National Park System with great parks like Yellowstone, Yosemite, Grand Canyon, and the other great entities that are the envy of the world.

I talked about the Federal Emergency Management Agency, what a great job they have done in Nevada, and how proud I was of the work they had done in the State of Nevada during the recent floods. They are, of course, in every newspaper and on every news program because of the work they are doing with the floods of North Dakota and South Dakota right now.

I talked about the Consumer Product Safety Commission, and about the great work they do to make the marketplace safer for us.

I also talked about the great work that 25,000 men and women engage in every summer in fighting forest fires, principally in the Western part of the United States. They do very courageous things, such as jumping out of helicopters with backpacks weighing almost 100 pounds, and rappelling off the back of helicopters.

These are Government programs. We should acknowledge them. The Federal Government has its shortcomings, and I am the first to acknowledge that. But let's not dwell on the shortcomings. Let's talk about some of the good things that happen.

That is the reason I am here today; to talk about one of the programs that the Federal Government initiated that I think is good. I am here to speak about title IX, enacted as part of the Education Act Amendments of 1972, which gives women and girls equal rights in education and in athletics.

Just a couple of months ago we celebrated the 11th annual National Girls and Women in Sports Day. We had all kinds of star female athletes come here to The Mall in Washington to celebrate the accomplishments of women in sports and to commemorate the upcoming anniversary of title IX.

I think this Federal statute is an example of good Government. What we attempted to do in this legislation is level the playing field for all Americans.

Title IX is an example of Government funding providing just such an opportunity in America. We have not reached the goal of equity for men and women in high school and college athletics. But we have come a tremendous way as indicated, in my opinion, by Lauren and Casandra telling me about their enthusiastic participation in rural Nevada athletics.

So as we approach the 25th anniversary of title IX this June we can be proud of the accomplishments made under this law while looking ahead to the goal of equal treatment for men and women in education and in sports.

In 1972, when this law went into effect, about 1 out of every 30 girls in high school played sports. Today it is 1 in 3. Now women account for 34 percent of athletic participants in high school and college sports.

In 1972, just a small amount of money was spent nationwide on athletic scholarships for women—less than $100,000. Today it is approaching $200 million. Fifty-five percent of women participate in high school sports.

A recent USA Today analysis of 303 NCAA Division I schools found that women comprised 37 percent of all athletes at these schools. There has been an increase even since 1992 in girls participating in college athletics. It is up over 20 percent.

It is a great accomplishment to have one of your children graduate from college. I have had that opportunity with my children. But it is also a great thrill to watch your children participate in athletics at the high school level and at the college level. Only one of my children has participated in athletics at the college level. But that was a great thrill for me to watch my young boy play on three national NCAA championship teams on three separate occasions. He played soccer at the University of Virginia, where they were national champions. Girls should have the same opportunity that my son had to play Division I and Division II college athletics.

Nationwide, 7 million women of all ages play soccer. The number of NCAA Division I women's soccer teams has increased from 22 in 1982 to over 200 now. That is a significant increase. Thanks to title IX, more women are going to college, more women are getting scholarships, and more women are playing sports at a competitive level.

I have always been one that supported college athletics. While some criticize competitive athletics in college, I think they are great. Athletics allows people who would never have set foot within a university campus to get an education. They don't always graduate, even though the graduation rates are increasing, but it gives them the opportunity to be someplace where they ordinarily would not be able to go. That is good. It should also allow women the opportunity to go to college because of their athletic abilities. Title IX is helping women get athletic scholarships that they would not have gotten just a few years ago. This is important and good for the country and for education generally.

What are the benefits of sports for women and for girls? Women and girls achieve numerous benefits from participating in athletics. In my opinion, with our society becoming increasingly more sedentary, we need to increase physical activity and athletics for all of our citizens—not just for boys but also for girls.

Getting young ladies involved in sports improves their health and well-being, and increases the likelihood they will stick with athletics and exercise throughout their lives.

In addition to the general health benefits of physical activity, a study conducted at the Harvard University's Graduate School of Public Health showed that young women who participated in college sports were significantly—and I stress that—less likely to contract breast cancer and other reproductive cancers.

There are other benefits. Participation in athletics benefits young women in the same way that it benefits young men. Participation in sports has been found to increase the self-esteem of girls and boys.

Mr. President, one of my older boys played football in high school. I was talking on the telephone to one of my friends who had been a college athlete. He and I played ball together in high school. I was concerned that a boy from my son's team had just gone to the hospital with some football injury. And my friend, who is now a veterinarian, told me, "HARRY, athletics builds character. He may have gone to an emergency room. He is home now. Stick it out. Athletics builds character." That it does.

I believe, for those that I have seen participate in athletics generally, it is a character builder. It should be a character builder not only for young men but also for young women.

I believe, as I said, that athletics increases self-esteem of girls and boys. High school athletes have higher graduation rates than nonathletes. Female athletes also have lower dropout rates than nonathletes.

Studies reveal that girls involved in sports are more likely to aspire to be leaders in their communities. Expanding sports opportunities for women and girls will help more women in their leadership roles and help them to lead successful adult lives. If it is true for men, then it should be true for women.

Further, increased opportunity for women in sports increases exposure for women's athletics, and makes it possible for more women to make a career of sports.

Mr. President, the NCAA women's basketball championship this year was a sellout. The women's—not men's but women's—college basketball championship was a sellout. They played great basketball.

When I go home I love to watch women's softball. Last year UNLV was ranked in the top five of the Nation. It was exciting to watch these young women play fast pitch softball. I am sure, if you brought the men's baseball players over to play these young women in softball, that the men would lose. These young women are good. I like to watch women's basketball too. It is just as entertaining as men's. Title IX has played an important role in providing opportunities for women to excel in athletics.

It is important to stress, however, that the intent of title IX was not to cut men's programs but merely to bring women's programs up to the level that they ought to be. This costs money, and many schools aren't willing to shell out this money. Subsequently, title IX has gotten some negative reaction from schools who have limited funds.

Mr. President, I think it is important to note that schools are trying to comply. For example, the University of Nevada at Las Vegas developed a compliance action plan to make changes and work toward compliance with title IX. They have submitted a plan that will put girls athletics at UNLV on a par with male athletics by the year 2001. Their plan is to increase female athletic participation opportunities—scholarship and nonscholarship—by a minimum of 100 over the next 5 years. They are going to add women's soccer in 1998 and add another women's sport in the year 2001. They are going to provide medical support, training and equipment to meet these additional needs; and provide new funding, up to $4 million over the next 5 years, to meet these gender equity needs.

UNLV doesn't currently meet any of the tests for title IX compliance, but they are working at it to the benefit of Nevada's athletes, and I think to education generally.

Mr. President, compliance with title IX is not unreasonable, nor is it impossible. Seven NCAA Division I schools meet the proportionality test, where the percentage of female athletes is within five points of female undergraduates.

Among the schools in compliance are Dartmouth, Lehigh, the University of Massachusetts, Harvard, and Montana State.

So it is not all of these eastern schools. It can be done, if people try. Obviously, Montana State was interested in complying, and they accomplished that.

Even the most basic efforts that schools make toward compliance with title IX have started a nationwide boom in women's sports.

I talked about basketball. But as more women have entered athletics they have not displaced men. Instead the total number of athletes has increased. There has been an ongoing struggle. We have had case decisions in the U.S. Supreme Court. On Monday, April 21, the Supreme Court declined to review a case filed by Brown University where they wanted to test the Constitutionality of title IX.

The Supreme Court would not even consider the case. As a result of that, we are going forward with more proportionality. We are going to make an even playing field.

Because of these positive outcomes, title IX must be supported and enforced because it is good government. Somewhere out there are future female professional athletes and Olympic gold medalists who may never jump a hurdle or pick up a ball if their families, coaches, and schools do not give them the opportunity and the encouragement to play sports. These girls and women who are the champions of the future must be supported. Title IX is vital to that effort.

CAMPAIGN FINANCE REFORM

Mr. REID. Mr. President, when I came to the Senate about 11 years ago, one of the first things I did was come to the Senate floor and talk about the need for campaign finance reform. I thought it would come very quickly. I could not believe, with all the problems that occurred during that election cycle, including what happened in my election in the State of Nevada 11 years ago, we would not rush to reform the way we elect Senators and Members of the House of Representatives.

The problems were replete, with the Federal Election Commission being really a toothless tiger. They had no money to enforce the rules and the laws that existed. Much to my chagrin and, frankly, much to my surprise, 11 years later we have done nothing, zero. In fact, things have even gotten worse. Why? Because the Supreme Court, among other things, declared that any money that goes to a State party cannot be regulated. So this last cycle, even though we had Federal law to the effect that there would be no corporate money in Federal elections since the early part of this century, the Supreme Court stood that on its head, and suddenly not only do we have the problems we have had with a myriad of people trying to skirt the law, now we have the fact that you can use corporate money in Federal elections.

I think that is wrong. I think it is too bad that we have not done something. That is why I am here today to commend and applaud Senators FEINGOLD and MCCAIN for their courageous work on campaign finance reform. I am a cosponsor of that legislation. I do not agree with every jot and tittle, every line and verse within that legislation, but it is a step in the right direction, and I happily joined in cosponsoring that legislation. Why? Because it is going to do some things—it is going to reform campaign financing significantly and importantly and in a good way. It will require greater disclosure of independent expenditures. I believe independent expenditures is a sore that is festering and is going to wind up tremendously damaging the body politic.

Unnamed people, with money coming from unknown sources, are running campaign ads viciously attacking candidates. That is wrong. That is really un-American.

The McCain-Feingold legislation will require the FEC to provide advance notice to complying candidates if they have been targeted by these independent expenditures or outside organizations.

McCain-Feingold would restrict contributions from people not eligible to vote in Federal elections. It could ban incumbent use of franked mass mailings in the calendar year of an election.

It would increase disclosure and accountability for those who engage in political advertising. And it would strengthen penalties for willful violations of Federal election law. We must do something to make people feel better about the elections.

Elections are 18 months away. Negative ads are already starting around the country. That is wrong. People who say we need to hold more hearings to determine whether or not McCain-Feingold is a good law, I say let us look at what has happened over the past 10 years. Congress has produced almost 6,800 pages of hearings. There have been 3,361 floor speeches. I guess because of this one, it is 3,362 floor speeches. There have been 1,060 pages of committee reports, 113 Senate votes on campaign finance reform, and one bipartisan Federal commission. Certainly this is enough. We have enough information to act responsibly.

Over the next 2 years, Mr. President, Congress will deal with changes to regulations and programs that affect virtually every American, from clean air and water to education programs, matters dealing with crime in the streets, juvenile crime, trying to improve our infrastructure, Medicare, Medicaid, problems dealing with our Nation's elderly. In order to address these concerns credibly, should we not first act to reform the way we are elected? I say yes. I hope that my colleagues join hands in rallying around the McCain-Feingold legislation. It is the best we have to bring debate to the Senate floor and to get something done. I have talked about it for 11 years. It has been a problem even longer than that.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAINE HIGH SCHOOL PARTICIPATES IN "WE THE PEOPLE" PROGRAM

Ms. COLLINS. Mr. President, during this past weekend, 14 students from St. Dominic Regional High School in Lewiston, ME, joined with almost 1,200 other high school students from across the Nation to participate in the national finals for the "We the People" competition, a program designed to help students better understand the history of our Constitution and its Bill of Rights, which are the foundations upon which our system of government rests.

The St. Dominic High School students have been representing the State of Maine during this weekend's activities, which will culminate in a national winner being chosen tonight, at an awards banquet here in Washington. The St. Dominic's team spent a considerable amount of time and energy reaching the national finals this weekend by winning various competitions in Maine in order to earn the honor of representing our State.

The 14 members of our State's outstanding team, who should be individually acknowledged for their efforts in this undertaking, are:

Robyn Adair, Michael Beam, Julie Blanchette, Nicole Bouttenot, Rachel Bouttenot, Martin Bruno, Derek Coulombe, Emma Dore-Hark, Jennifer Elliott, Jonathan LaBonte, Kendra LaRoche, Kathryn Mailhot, Michael Theriault, and Matthew Walton.

Of course, in addition to these outstanding students, I want to acknowledge and recognize the hard work of their teacher, Rosanne Ducey, who deserves her fair share of the credit for the team's success as well. The "We the People" program coordinator for Maine, Pamela Beal, has also contributed a significant amount of her time and effort to help the St. Dominic team reach the national finals.

The "We the People" program, which is administered by the Center for Civic Education, is the most indepth educational program in the country developed specifically to educate high school students about the U.S. Constitution. This past weekend's 3-day national competition re-creates a public hearing in which the student's oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

The "We the People" program has been operating for 10 years now. Since its origination, millions of students nationwide have participated in this program at either the elementary, middle, and/or high school level. This program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives.

Mr. President, I'm pleased to be able to recognize the valuable contribution that the St. Dominic Regional High School team has made to the success of the "We the People" program, and I wish these students and their teachers the very best of luck. I am proud of their accomplishments.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, April 25, 1997, the Federal debt stood at $5,345,392,363,906.29. (Five trillion, three hundred forty-five billion, three hundred ninety-two million, three hundred sixty-three thousand, nine hundred six dollars and twenty-nine cents)

Twenty-five years ago, April 25, 1972, the federal debt stood at $428,301,000,000 (Four hundred twenty-eight billion, three hundred one million) which reflects a debt increase of nearly $5 trillion—$4,917,091,363,906.29 (Four trillion, nine hundred seventeen billion, ninety-one million, three hundred sixty-three thousand and, nine hundred six dollars and twenty-nine cents) during the past 25 years.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Ms. COLLINS). Morning business is now closed.

PRIVILEGE OF THE FLOOR

Mr. ABRAHAM. Madam President, I ask unanimous consent that Elizabeth Kessler, a member of my staff, be granted privilege of the floor for the period of time during which the Volunteer Protection Act is discussed.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

Mr. ABRAHAM. Madam President, this week in Philadelphia, President Clinton is joining former Presidents Bush and Ford, along with former Chairman of the Joint Chiefs of Staff Colin Powell at a summit to promote voluntarism.

I commend any and all efforts to increase charitable activity on the part of Americans. And I find it extremely fitting that this summit is being held in the City of Brotherly Love because charitable activity does more even than providing help and counseling to those in need. Charitable activity helps all Americans by promoting habits and appreciation of benevolent actions—actions aimed at helping those in need because it is the right thing to do.

Charitable activity binds us together as members of the same community. It helps each of us think of our neighbors, and even strangers, as our brothers, deserving of our care and help. By volunteering, Americans bring us together in our towns, cities, States, and indeed our Nation.

America has a vast interstate network of 114,000 operating nonprofit organizations, ranging from schools to hospitals to clinics to food programs.

This network's revenues totaled $388 billion in 1990.

Meanwhile, revenues for the 19,000 support institutions—which raise money to fund operating organizations—came to $29 billion.

And total revenues for religious congregations were $48 billion. That's 465 billion dollars worth of nonprofit activity we enjoyed in 1990 alone.

Nonprofit organizations rely heavily on volunteers, and Americans gladly comply. According to a 1993 report from the Independent Sector, a national coalition of 800 organizations, Americans donated 9.7 billion hours of their time to nonprofit organizations that year.

This volunteer time produced the equivalent of 5.7 million full time volunteers, worth an estimated $112 billion.

But there is trouble in the organizations and among the people who promote voluntary, charitable activity in our country. Unfortunately voluntarism is declining nationwide.

According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993.

Americans also are giving less money. The average household's charitable donation dropped from $978 in 1989 to $880 in 1993.

The decline of giving and volunteering spells danger for our voluntary organizations, for the people who depend on them, and for the social trust that is based on the spirit of association.

This makes gestures, like the summit on voluntarism, important. It also means that we should look for immediate, practical means by which we in government can reduce the burdens that we impose on voluntary, charitable activity.

That is why I am extremely pleased to rise today to join my colleagues, Senator COVERDELL and Senator McCONNELL, in sponsoring the Volunteer Protection Act of 1997, which we are debating on the floor at this time.

I commend Senators COVERDELL and McCONNELL for their leadership in encouraging and supporting the voluntarism that is so important to communities in Michigan and across this country.

This long overdue legislation will provide volunteers and nonprofit organizations with desperately needed relief from abusive lawsuits brought based on the activities of volunteers. Those are precisely the activities that we should be protecting and encouraging.

And one major reason for the decline is America's litigation explosion. Nonprofit organizations are forced to spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits.

Thus, litigation has rendered our nonprofit organizations less effective at helping people, and allowed Americans to retreat more into their private lives, and away from the public, social activity that binds us together as a people.

Last Congress, I spoke on the floor many times concerning the need for litigation reform and describing the litigation abuses that plague our small businesses, our consumers, our schools, and others. I came to Congress as a freshman Senator intending to press for lawsuit reforms, and it is something I have worked very hard on.

I supported the securities litigation reform legislation, which Congress successfully enacted over the President's veto, and I also supported the product liability reform bill, which the President unfortunately killed with his veto.

I also introduced legislation with Senator McCONNELL to provide broader relief in all civil cases, and offered floor amendments that would do the same.

I continue to support broader civil justice reforms and I particularly look forward to considering product liability reform legislation both in the Commerce Committee and on the floor in this session.

But I believe that our voluntary, nonprofit organizations, perhaps more than any other sector of our country, urgently need protection from current lawsuit abuses. I encourage my colleagues to consider the problems facing our community groups and their volunteers, and to support this legislation.

I hope that, given his public support for voluntary activity, President Clinton will support this litigation reform bill, recognize the value of volunteers and nonprofit groups, and give them the protection they need to keep doing their good deeds.

Litigation adds a variety of onerous burdens to our nonprofit organizations. Among the most obvious is increasing insurance costs.

Mr. John Graham, on behalf of the American Society of Association Executives [ASAE], gave testimony last year arguing that liability insurance premiums for associations have increased an average 155 percent in recent years.

Some of our most revered nonprofit institutions have been put at risk by increased liability costs.

Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795 in just 5 years. Many leagues cannot afford this added expense, on top of increasing costs for helmets and other equipment. These leagues operate without insurance or disband altogether, often leaving children with no organized sports in their neighborhood.

What kind of suits add to insurance costs? ASAE reports that one New Jersey umpire was forced by a court to pay a catcher $24,000. Why? Because the catcher was hit in the eye by a softball while playing without a mask. The catcher complained that the umpire should have lent him his.

Organizations that try to escape skyrocketing insurance costs must self-insure, and Andrea Marisi of the Red Cross will describe self-insurance costs only as "huge." The result? "Obviously, we have fewer funds available for providing services than would otherwise be the case."

Outside insurance generally comes with significant deductibles. Charles Kolb of the United Way points out that insurance deductibles for his organization fall into the range of $25,000 to $30,000. When, as has been the case in recent years, the organization is subjected to three or four lawsuits per year, $100,000 or more must be diverted from charitable programs.

And there are even more costs. Mr. Kolb reports that the costs in lost time and money spent on discovery—for example going through files for hours on end to establish who did what when—can run into the thousands of dollars as well.

Further, as the Boy Scouts' William Cople puts it:

> We bear increased costs from risk management programs of many kinds—[including] those to prevent accidents. We have higher legal bills as well. But even more of a problem is the need to find pro-bono help to quell possible lawsuits. The Scouts must spend scarce time, and use up scarce human capital in preventing suits. For example, 5 years ago the General Counsel's office, a pro-bono operation, committed less than 100 hours per year on issues relating to lawsuits. Last year we devoted about 750 hours to that duty.

The Boy Scouts must do less good so that they can defend themselves from lawsuits, and that just doesn't seem quite right.

Frivolous lawsuits also increase costs by discouraging voluntarism. Dottie Lewis of the Southwest Officials Association, which provides officials for scholastic games, observes, "Some of our people got to the point where they were just afraid to work because of the threat of lawsuits."

What makes this fear worse is the knowledge that one need do no harm in order to be liable.

Take for example Powell versus Boy Scouts of America. While on an outing with the Sea Explorers, a scouting unit in the Boy Scouts' Cascade Pacific Council, a youth suffered a tragic, paralyzing injury in a rough game of touch football.

Several adults had volunteered to supervise the outing, but none observed the game. The youth filed a personal injury lawsuit against two of the adult volunteers. The jury found the volunteers liable for some $7 million, which Oregon law reduced to about $4 million—far more than the volunteers could possibly pay.

What is more, as Cople points out, "the jury seemingly held the volunteers to a standard of care requiring them constantly to supervise the youth entrusted to their charge, even for activities which under other circumstances may routinely be permitted without such meticulous oversight."

Clearly, when an injury of this sort occurs, it is a tragic situation. The question is, How should society allocate these responsibilities, and to what extent should a voluntary organization and its volunteers be responsible for the same standard of care as outlined by this jury?

No one can provide the meticulous oversight demanded by the jury. Thus volunteers are left at the mercy of events—and juries—beyond their control.

Such unreasonable standards of care also penalize our nonprofit organizations.

Len Krugel of the Michigan Salvation Army reports that regulations and onerous legal standards often keep his organization from giving troubled youths a second chance.

Because the organization is held responsible for essentially all actions by its employees and volunteers, it can take no risks in hiring.

As Mr. Krugel observes, "If we can't give these kids a second chance, who can?"

Then there is the problem of joint and several liability, in which one defendant is made to pay for all damages even though responsible for only a small portion.

Such findings are a severe burden on the United Way, a national organization that sponsors numerous local nonprofit groups. Although it cannot control local operations, the United Way often finds itself a defendant in suits arising from injuries caused by the local entity.

Such holdings result from juries' desire to find someone with the funds necessary to pay for an innocent party's injuries. But this search for the deep pocket leads to what Ms. Marisi calls a "chilling effect" on Red Cross relations with other nonprofits. And the same is obviously true for other national organizations.

The Red Cross is now less willing to cooperate with smaller, more innovative local agencies that might make it more effective.

Thus nonprofits forbear from doing good because they cannot afford the insurance, they cannot afford the loss of volunteers, they cannot afford the risk of frivolous lawsuits.

The Volunteer Protection Act will address the danger to our nonprofit sector, Madam President.

It will not solve all the problems facing our volunteers and nonprofits.

But it will provide voluntary organizations with critical protection against improper litigation, at the same time that it recognizes the ability of the States to take additional or even alternative protections in some cases.

By setting the standard for the protection of volunteers outright, this bill provides much-needed lawsuit relief immediately to volunteers and nonprofits wherever they may be. Let me briefly describe what this bill does.

The bill protects volunteers from liability unless they cause harm through action that constitutes reckless misconduct, gross negligence, willful or criminal misconduct, or is in conscious, flagrant disregard for the rights and safety of those harmed.

This ensures that where volunteers truly exceed the bounds of appropriate conduct they will be liable. But in the many ridiculous cases I have described, some of them clearly frivolous—where no real wrongdoing occurred—the volunteer will not be forced to face and defend a lawsuit.

In lawsuits based on the actions of a volunteer, the bill limits the punitive damages that can be awarded.

It is unfortunate that charities and volunteers have punitive damages awarded against them in the first place, but they do.

Congressman JOHN PORTER, who is leading the fight for this legislation on the House side, reports that in August 1990, a Chicago jury awarded $12 million to a boy who was injured in a car crash. The negligent party? The estate of the volunteer who gave his life attempting to save the boy.

Under this bill, punitive damages in cases involving the actions of a volunteer could be awarded against a volunteer, nonprofit organization, or Government entity only upon a showing by the claimant that the volunteer's action represented willful or criminal misconduct, or showed a conscious, flagrant disregard for the rights and safety of the individual harmed.

This should ensure that punitive damages, which are intended only to punish a defendant and are not intended to compensate an injured person, will only be available in situations where punishment really is called for because of the egregious conduct of the defendant.

The bill also protects volunteers from excessive liability that they might face through joint and several liability.

Under the doctrine of joint and several liability, a plaintiff can obtain full damages from a defendant who is only slightly at fault. I have spoken many times before about the unfairness that may result from the application of this legal doctrine. The injustice that results to volunteers and nonprofits is often even more acute, because they lack the resources to bear unfair judgments.

This bill strikes a balance by providing that, in cases based on the actions of a volunteer, any defendant that is a volunteer, nonprofit organization, or Government entity will be jointly and severally responsible for the full share of economic damages but will only be responsible for noneconomic damages in proportion to the harm that that defendant caused.

Finally, I would like to speak for a moment about how this legislation preserves important principles of federalism and respects the role of the States.

First, the bill does not preempt State legislation that provides greater protections to volunteers. In this way, it sets up outer protections from which all volunteers will benefit and permits States to do even more.

But second, the bill includes an opt-out provision that permits States, in cases involving only parties from that State, to affirmatively elect to opt out of the protections provided in the Volunteer Protection Act. A State can do so by enacting a statute specifically providing for that. I suspect that no States will elect to do so, but I feel that, as a matter of principle, it is important to include that provision in order to maintain the proper balance of federalism in this legislation.

Madam President, in short, these reforms can help create a system in which plaintiffs sue only when they have good reason—and only those who are responsible for their damages—and in which only those who are responsible must pay.

Such reforms will create an atmosphere in which our fear of one another will be lessened, and our ability to join associations in which we learn to care for one another will be significantly greater. And that, Madam President, will make for a better America. I urge my colleagues on both sides of the aisle to support this important piece of legislation.

We talk often in this Chamber about how to foster a sense of community in America. It is something which many people have a varied perspective on. But it strikes me, Madam President, that nothing can do more to help generate the sense of community than to create an atmosphere in which people stop looking at their neighbors as possible plaintiffs and defendants and start looking at them as friends and neighbors again.

I think we have moved in the wrong direction because of the litigation explosion generated by frivolous lawsuits. I think legislation such as the Volunteer Protection Act will help to redress that balance and put us back on the right course so that the ideals that are being talked about these days in the summit in Philadelphia can truly be realized and effectuated to their maximum possible degree.

For that reason, I am glad to be a cosponsor of this legislation. I look forward to speaking again on it here as the debate continues. I do hope our colleagues will join us in supporting this very important piece of legislation which we might, with some help, get through the Congress in the very near future.

I thank the Chair and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ABRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Madam President, as I noted in my past remarks a moment or so ago, today in Philadelphia, PA, some of the leaders of our country, former Presidents as well as President Clinton and numerous other elected officials and volunteer leaders from around the Nation, are meeting to try to provide incentives to all of us to take a greater and more active role in volunteering in our communities to help our fellow citizens.

In light of that happening, I cannot help but think about a friend of mine who passed away a couple of years ago, former Gov. George Romney of Michigan.

Governor Romney was elected Governor of our State in 1962 and held that job for 6 years, at which time he was asked to join the Cabinet of President Nixon and became Secretary of Housing and Urban Development. Prior to his Government service, he had been the president of American Motors Corp. So he had a distinguished career in both business as well as in the public sector.

When he left Government officially, he then made sort of his principal focus in life the spirit of voluntarism and worked in a variety of ways throughout his remaining 20 years or so of life to try to generate nationwide interest and support for voluntarism. In fact, he started as head of the national organization called Volunteer, I believe, whose job it was to try to provide stimulus for greater volunteer participation.

I recall very vividly in 1991 when Gov. John Engler was elected to his first term in our State. Governor Romney reinvolved himself in the voluntarism activity level in Michigan and helped put together a bipartisan voluntarism commitment in our State that has done many good deeds as a consequence.

He also was active in the Points of Light organization nationally. He was on the board of the nonprofit entity, Points of Light, I believe it is called, and certainly served as an inspiration in both the launching of that as well as its successful development.

I mention him today not just because of the connection to voluntarism that the summit provides but also because it turns out he was perhaps, more than anyone, the inspiration for this summit, having thought of the idea and recommended it, I believe, to Mr. Wofford and others who then moved it forward.

So he was an inspiration both to his Nation and certainly to this U.S. Senator in many ways. But also he should be remembered today on the floor of the Senate, as so many Americans will spend the next day or so focusing on what they can do to help others in their communities. It is people like George Romney who have called our attention to the enormous challenges ahead of us.

So I wish to mention him today to recall his many achievements, his many contributions, and how much I am confident that, were he still alive, he would be involved even today, in Philadelphia, if he could have been, in helping to further the cause for which he had such a great commitment.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, it is my understanding that the Senate is considering S. 543.

The PRESIDING OFFICER. The Senate is on a motion to proceed to that bill, S. 543.

Mr. COVERDELL. Mr. President, I yield myself whatever time is necessary to make my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, today the Senate begins debate on the motion to proceed to S. 543, the Volunteer Protection Act of 1997.

This bill would grant immunity from personal civil liability under certain circumstances to volunteers working for nonprofit organizations in governmental entities. This legislation is intended to encourage more people to step forward and serve their communities as volunteers by removing the fear of unwarranted lawsuits against volunteers.

It is appropriate that we consider this issue today. Yesterday in Philadelphia a remarkable gathering got underway. The President's Summit for America's Future brought together President Clinton, President Bush, President Ford, President Carter, Gen. Colin Powell, and other national leaders in an effort to focus the Nation's attention on the importance of and the need for volunteer service.

The assembled leaders there issued a call to action, asking every American to do more, asking all of us to volunteer our time and efforts in community service.

This is in the best tradition of America. Since before our Nation's founding, charities have helped the poor, counseled the troubled, and by their example taught us to care for our neighbors. They are the key to our survival as a nation. Americans have a proud history of supporting volunteers.

Yet, many who would heed the call of the Philadelphia summit will not do so—not because they lack the desire or the ability to help, but because they, quite frankly and rightly, fear risk of liability in a society that seems too often to resemble a lawsuit lottery.

In a recent Gallup survey of nonprofit volunteers, one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over the threat of liability. Eighteen percent of those surveyed had withheld their leadership services due to fear of liability.

These numbers reflect a chilling effect that causes potential volunteers to suppress their good intentions and their desire to get involved. Nonprofit organizations rely heavily on volunteers. Moreover, the very act of participating in charitable work helps bind Americans together as a people. At a time when there is so much good work that needs to be done, we cannot afford to have good people turn away for fear of a devastating lawsuit.

That is why I introduced the Volunteer Protection Act, along with Senator McCONNELL, who has dedicated long service to this effort and who has been an outstanding leader on the issue, and Senator ABRAHAM, Senator SANTORUM, and Senator ASHCROFT. We have since been joined by a number of our colleagues.

Briefly, Mr. President, our bill provides that no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by a volunteer's negligent acts or omissions on behalf of the organization. To enjoy this protection, the volunteer must be acting within the scope of his or her responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

It is also important to note that the protection from liability does not extend to misconduct involving violent crimes, hate crimes, sex crimes, or civil rights violations. It does not apply where the defendant was under the influence of drugs or alcohol. This ensures that where volunteers truly exceed the bounds of appropriate conduct, they are liable.

The bill is intended to protect volunteers who make simple, honest mistakes. Where behavior is more egregious, no protection is warranted. But in the many ridiculous cases where no such wrongdoing occurs, the volunteer will not face a lawsuit or financial ruin. We want to encourage people to get involved without the fear of losing their home and all the family assets in a lawsuit if an act happens.

Persons injured by a volunteer's simple negligence will still be able to bring suit against the organization itself to compensate for their injuries. As a result, nonprofit organizations will continue to have the duty to properly screen, train, and supervise their volunteers. Nothing in this bill encourages carelessness on anyone's part.

The bill requires clear and convincing evidence of gross negligence before punitive damages may be awarded against a volunteer, nonprofit organization, or governmental entity because of a volunteer's actions. Because punitive damages are intended to punish and deter misconduct, a higher standard is required to trigger those damages. Punitive damages will only be available where the defendant's conduct merits punishment.

This bill also establishes a rule of proportionate liability rather than joint and several liability in suits based on the action of a volunteer. For noneconomic losses, the volunteer, the organization, and others who may be at fault in a given action will be responsible for paying only for their portion of the harm. Any defendant will continue to be jointly and severally liable for economic loss.

We have seen a problem with joint and several liability in which one defendant is made to pay for all damages even though responsible for only a small portion. Such results are a severe burden on the United Way, the national organization sponsoring numerous local nonprofits. Although it cannot control local operations, the United Way often must defend itself in suits arising from injuries caused by the local entity.

These holdings result from juries' desires to find someone with funds to pay for an innocent party's injury but the search for deep pockets produces what a Red Cross spokesperson calls "a chilling effect" on Red Cross relations with other nonprofits. The Red Cross is now less willing to cooperate with smaller more innovative local agencies that might make it more effective.

So, on the issue of joint and several liability, the bill promotes a balance between ensuring full compensation for economic losses, including medical expenses, lost earnings, placement services, and out-of-pocket expenses, among others, and ensuring fairness in not holding volunteers, nonprofit organizations, and government entities responsible for noneconomic harm they do not cause.

Mr. President, in putting this bill together, we were mindful of the concerns about federalism. While the bill will generally preempt State law to the extent that it is inconsistent with the bill, the bill will not preempt any State laws that provide additional protections from liability relating to volunteers, nonprofit organizations, and government entities. This sets an outer limit of volunteer liability while permitting States to provide even greater protections.

We give States flexibility to impose conditions and make exceptions to the granting of liability protection. And we allow States to affirmatively opt out of this law for those cases where both the plaintiff and the defendant are citizens of that State.

Mr. President, the independent sector reports that the percentage of American volunteering dropped from 54 percent in 1989 to 48 percent in 1993. That, I might add, represents thousands upon thousands of volunteers. Obviously, there are a number of relevant factors explaining this decline. But one major reason is America's litigation explosion.

Nonprofits must spend an increasing amount of time and resources preparing for, avoiding, and/or fighting lawsuits. Litigation renders them less effective at helping people, and it scares off the volunteers which they rely on.

Mr. President, in closing, let me just once again remind my colleagues of the historic summit that occurred in Philadelphia yesterday. That summit was designed to remind Americans of something that is so very much unique to our Nation. The world has long studied and wondered and marveled at the American volunteer.

I was fortunate to be the Director of the United States Peace Corps, which has sent about 150,000 volunteers into over 100 countries over the last 35-plus years. So I have had a chance to look right in the eye at this unique quality of the American spirit and can attest to it, and admire it.

Your work is not finished when you leave the country that you have served. When you return to the United States the third goal begins—helping to make America understand the world. To do that we call on the volunteers to step forward again, again, and again.

The United States should do everything within its power to nurture this unique treasure and to make it grow. It is infectious, and it is wonderfully healing.

On my trip from the airport to the Senate Chamber, I was advised that this legislation has been caught in a leveraging dispute, and it is a dispute in which I participated—the Executive order proposed by the administration to very much narrow those eligible for Federal contract work. That dispute will go on for some time, but I cannot think of a worse piece of legislation to be dragged into the dispute. It should not be ensnarled. It should become another demonstration of what Republican and Democrat Presidents said to the Nation in Philadelphia yesterday. I hope the other side would think very carefully about drawing the Volunteer Protection Act, which is an extension of efforts to strengthen the American volunteer, into that dispute.

With that, Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I now send a second cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R. F. Bennett, and Mike DeWine.

Mr. COVERDELL. Mr. President, for the information of all Senators, this cloture vote would occur on Wednesday of this week if cloture is not invoked tomorrow at 2:15. As always, all Senators will be notified as to when they can anticipate this vote on Wednesday, if it is necessary.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 30

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Senate of the United States:

I am gratified that the United States Senate has given its advice and consent to the ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (the "Convention").

During the past several months, the Senate and the Administration, working together, have prepared a resolution of advice and consent to ratification of unusual breadth and scope. The resolution that has now been approved by the Senate by a strong, bipartisan vote of 74–26 contains 28 different Conditions covering virtually every issue of interest and concern. I will implement these provisions. I will, of course, do so without prejudice to my Constitutional authorities, including for the conduct of diplomatic exchanges and the implementation of treaties. A Condition in a resolution of ratification cannot alter the allocation of authority and responsibility under the Constitution.

I note that Condition (2) on Financial Contributions states that no funds may be drawn from the Treasury for payments or assistance under the Convention without statutory authorization and appropriation. I will interpret this Condition in light of the past practice of the Congress as not precluding the utilization of such alternatives as appropriations provisions that serve as a statutory authorization.

I am grateful to Majority Leader Lott, Minority Leader Daschle, and Senators Helms, Biden, Lugar, Levin, McCain and the many others who have devoted so much time and effort to this important ratification effort. It is clear that the practical result of our work together on the Convention will well serve the common interest of advancing the national security of the United States. In this spirit, I look forward to the entry into force of the treaty and express my hope that it will lead to even more important advances in the United States, allied, and international security.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 25, 1997.*

REPORT RELATIVE TO THE CHEMICAL WEAPONS CONVENTION—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 31

Under the authority of the order of the Senate of January 7, 1997, the Secretary of the Senate on April 25, 1997, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Foreign Relations.

To the Congress of the United States:

In accordance with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997, I hereby certify that:

—In connection with Condition (1), Effect of Article XXII, the United States has informed all other States Parties to the Convention that the Senate reserves the right, pursuant to the Constitution of the United States, to give its advice and consent to ratification of the Convention subject to reservations, notwithstanding Article XXII of the Convention.

—In connection with Condition (7), Continuing Vitality of the Australia Group and National Export Controls: (i) nothing in the Convention obligates the United States to accept any modification, change in scope, or weakening of its national export controls; (ii) the United States understands that the maintenance of national restrictions on trade in chemicals and chemical production technology is fully compatible with the provisions of the Convention, including Article XI(2), and solely within the sovereign jurisdiction of the United States; (iii) the convention preserves the right of State Parties, unilaterally or collectively, to maintain or impose export controls on chemicals and related chemical production technology for foreign policy or national security reasons, notwithstanding Article XI(2); and (iv) each Australia Group member, at the highest diplomatic levels, has officially communicated to the United States Government its understanding and agreement that export control and nonproliferation measures which the Australia Group has undertaken are fully compatible with the provisions of the Convention, including Article XI(2), and its commitment to maintain in the future such export controls and nonproliferation measures against non-Australia Group members.

—In connection with Condition (9), Protection of Advanced Biotechnology, the legitimate commercial activities and interests of chemical, biotechnology, and pharmaceutical firms in the United States are not being significantly harmed by the limitations of the Convention on access to, and production of, those chemicals and toxins listed in Schedule 1 of the Annex on chemicals.

—In connection with Condition (15), Assistance Under Article X, the United States shall not provide assistance under paragraph 7(a) of Article X, and, for any State Party the government of which is not eligible for assistance under chapter 2 of part II (relating to military assistance) or chapter 4 of part II (relating to economic support assistance) of the Foreign Assistance Act of 1961: (i) no assistance under paragraph 7(b) of Article X will be provided to the State Party; and (ii) no assistance under paragraph 7(c) of Article X other than medical antidotes and treatment will be provided to the State Party.

—In connection with Condition (18), Laboratory Sample Analysis, no sample collected in the United States pursuant to the Convention will be transferred for analysis to any laboratory outside the territory of the United States.

—In connection with Condition (26), Riot Control Agents, the United States is not restricted by the Convention in its use of riot control agents, including the use against combatants who are parties to a conflict, in any of the following cases: (i) the conduct of peacetime military operations within an area of ongoing armed conflict when the United States is not a party to the conflict (such as recent use of the United States Armed Forces in Somalia, Bosnia, and Rwanda); (ii) consensual peacekeeping operations when the use of force is authorized by the receiving state, including operations pursuant to Chapter VI of the United Nations Charter; and (iii) peacekeeping operations when force is authorized by the Security Council under Chapter VII of the United Nations Charter.

—In connection with Condition (27), Chemical Weapons Destruction, all the following conditions are satisfied: (A) I have agreed to explore alternative technologies for the destruction of the United States stockpile of chemical weapons in order to ensure that the United States has the safest, most effective and environmentally sound plans and programs for meeting its obligations under the convention for the destruction of chemical weapons; (B) the requirement in section 1412 of Public Law 99–145 (50 U.S.C. 1521) for completion of the destruction of the United States stockpile of chemical weapons by December 31, 2004, will be superseded upon the date the Convention enters into force with respect to the United States by the deadline required by the Convention of April 29, 2007; (C) the requirement in Article III(1)(a)(v) of the Convention for a declaration by each State Party not later than 30 days after the date the Convention enters into force with respect to that Party, on general plans of the State Party for destruction of its chemical weapons does not preclude in any way the United States from deciding in the future to employ a technology for the destruction of chemical weapons different than that declared under that Article; and (D) I will consult with the Congress on whether to submit a request to the Executive Council of the Organization for an extension of the deadline for the destruction of chemical weapons under the Convention, as provided under Part IV(A) of the Annex on Implementation and Verification to the Convention, if, as a result of the program of alternative technologies for the destruction of chemical munitions carried out under section 8065 of the Department of Defense Appropriations Act of 1997 (as contained in Public Law 104–208), I determined that alternatives to the incineration of chemical weapons are available that are safer and more environmentally sound but whose use would preclude the United States from meeting the deadlines of the Convention.

—In connection with Condition (28), Constitutional Protection Against Unreasonable Search and Seizure: (i) for any challenge inspection conducted on the territory of the United States pursuant to Article IX, where consent has been withheld, the United States National Authority will first obtain a criminal search warrant based upon probable cause, supported by oath or affirmation, and describing with particularity the place to be searched and the persons or things to be seized, and (ii) for any routine inspection of a declared facility under the Convention that is conducted on an involuntary basis on the territory of the United States, the United States National Authority first will obtain an administrative search warrant from a United States magistrate judge.

In accordance with Condition (26) on Riot Control Agents, I have certified that the United States is not restricted by the Convention in its use of riot control agents in various peacetime and peacekeeping operations. These are situations in which the United States is not engaged in a use of force of a scope, duration and intensity that would trigger the laws of war with respect to U.S. forces.

In connection with Condition (4)(A), Cost Sharing Arrangements, which calls for a report identifying all cost-sharing arrangements with the Organization, I hereby report that because the Organization is not yet established and will not be until after entry into force of the Convention, as of this date there are no cost-sharing arrangements between the United States and the Organization to identify. However, we will be working with the Organization upon its establishment to develop such arrangements with it and will provide additional information to the Congress in the annual reports contemplated by this Condition.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 25, 1997.*

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1752. A communication from the Administrator of the Agricultural Marketing Service, transmitting, pursuant to law, a rule entitled "Onions Grown in South Texas" (FV97-959-1) received on April 23, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1753. A communication from the Acting Administrator of the Farm Service Agency, transmitting, pursuant to law, a rule entitled "Amendments to the Regulations" (RIN0560–AF12) received on April 22, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1754. A communication from the Secretary of Defense, transmitting, pursuant to law, a report on the state of the reserves; to the Committee on Armed Services.

EC–1755. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Nuclear Attack Submarines"; to the Committee on Armed Services.

EC–1756. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule entitled "Exchange Visitor Program" received on April 17, 1997; to the Committee on Foreign Relations.

REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. WARNER, from the Committee on Rules and Administration:

Special Report entitled "Review of Legislative Activity by the Committee on Rule and Administration During the 104th Congress" (Rept. No. 105–14).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCAIN:

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels; to the Committee on Commerce, Science, and Transportation.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. LOTT, Mr. McCAIN, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. WARNER, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. FORD, Mr. GLENN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. ROBB, Mr. SARBANES, and Mr. TORRICELLI):

S. Res. 79. A resolution to commemorate the 1997 National Peace Officers Memorial Day; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 660. A bill to provide for the continuation of higher education through the conveyance of certain public lands in the State of Alaska to the University of Alaska, and for other purposes; to the Committee on Energy and Natural Resources.

UNIVERSITY OF ALASKA LAND GRANT

Mr. MURKOWSKI. Mr. President, in my State of Alaska the University of Alaska is the oldest post-secondary school. The university was chartered prior to statehood and has played a vital role in educating Alaskans as well as students from around the world. The expertise of the university has been in many areas, mining, agriculture, arctic and subarctic sciences.

Additionally, the university has served as an important cornerstone in the history of our State. For example, the university housed the Alaska Constitutional Convention where the fathers of our statehood act carved out the rights and privileges guaranteed to Alaskan citizens. Further, Mr. President, the university is proud of the fact that it began life as the Alaska Agricultural and Mining College. However, Mr. President, what makes the University of Alaska unique is the fact that it is the only land-grant college in the Nation that is virtually landless today.

As some of my colleagues know, one of the oldest and most respected ways of financing America's educational system has been from the land-grant system. This was established in 1785 and the practice gives land to schools and universities for their use in supporting their educational endeavors. in 1862, Congress passed what was then known as the Morrill Act, which created the land-grant colleges and universities as a way to underwrite the cost of higher education to more and more of America's young people. These colleges and universities received land from the Federal Government for facility location, and more importantly as a way to provide for sustaining revenues to those educational institutions.

Mr. President, the University of Alaska received the smallest amount of land of any State, with the exception of Delaware that has a land-grant college. Delaware received about 90,000 acres. Even the land-grant college in Rhode Island received more land from the Federal Government than has the University of Alaska. Rhode Island received 120,000 acres.

In a State the size of Alaska, about 365 million acres, we should logically have one of the best and most fully funded land-grant colleges in the country. Yet, to date, the University of Alaska only has about 111,000 acres. Unfortunately, without the land promised to Alaska under the land-grant allocation system in earlier legislation, the university is unable to share as one of the premier land-grant colleges in this country.

Previous efforts were made in Congress to fix this problem. These efforts date back to 1915, less than 50 years after the passage of the Morrill Act, when Alaska's delegate to Congress, Delegate James Wickersham shepherded a measure through Congress that set aside potentially more than a quarter of a million acres in the Tanana Valley outside Fairbanks for the support of an agriculture college and school of mines.

Following the practice established in the lower 48 States for the other land-grant colleges, Wickersham's bill set aside every section 33 of the unsurveyed Tanana Valley for the Alaska Agriculture College and Schools of Mines.

Alaska's educational future at that time looked favorable. Many Alaskans saw the opportunity to set up an endowment system similar to that set up by the University of Washington in the downtown center of Seattle, WA, where valuable university lands are leased providing funding for the university's maintenance and upkeep as well as some capital projects.

However, in Alaska's case, before the land could be transferred to the Alaska Agricultural College and School of Mines, renamed the University of Alaska in 1935, the land had to be surveyed in order to establish the exact acreage included in the reserve lands.

The section reserved for education could not be transferred to the college until they had been delineated. According to records at the time, it was unlikely given the incredibly slow speed of surveying that the land could be completely surveyed before the end of the current century. Surveying is still an extraordinarily slow process in Alaska's remote and unpopulated terrain.

In all, only 19 section 33's, or approximately 11,211 acres, were ever transferred to the University of Alaska. Of this, 2,250 acres were used for the original campus, and the remainder was left to the discretion of the board of regents to support educational programs and facilities.

Recognizing the difficulties of surveying in Alaska, subsequent legislation was passed in 1929 that simply granted land for the benefit of the university. This grant totaled approximately 100,000 acres, and to this day comprises the bulk of the university's total 111,211 acres of land—less than one-third of what was originally promised. In 1958, the Alaska Statehood Act was passed which extinguished the unfulfilled land grants. The university was thus left with little land with which to support itself and is thus unable to completely fulfill its mission as a land-grant college.

Mr. President, the legislation I am introducing today would redeem the promises made to the university in 1915 and put the university on an even footing with other land-grant colleges in the United States. It provides the university with the land needed to support itself financially and it offers the chance to grow and continue to act as a responsible steward of the land and educator of young Alaskans. It also provides a concrete timetable under which the university must select its land and the Secretary of Interior must act upon those selections.

This legislation also contains significant restrictions on the land that the university can select. The university cannot select land located within a conservation system unit, land validly conveyed to the State or an ANCSA corporation or land used in connection with Federal or military institutions.

Accordingly, Mr. President, under my bill, the university must relinquish extremely valuable inholdings in Alaska once it receives its second-tier State/Federal grant under section 6, of this bill. Therefore, the result of this legislation will mean, specifically, relinquishment of prime university inholdings in such magnificent areas as the Alaska Peninsula and Maritime National Wildlife Refuge, the Kenai Fjords National Park, Wrangell St. Elias National Park and Preserve and Denali Park and Preserve. Mr. President, not only does this bill uphold a decades-old promise to the University of Alaska, it further protects Alaska's unique parks and refuges.

Recognize, Mr. President, my bill requires the State to participate in the process, as well, under an option. Specifically, the bill would grant the university 250,000 acres of Federal land. The university would be eligible to receive another 250,000 acres of Federal land on a matching basis with the State, for a total of 500,000 additional acres. This would be at the option of the legislature, the Governor, and the university's board of regents

Mr. President, the State matching provision is an important component of this legislation. Most agree with the premise that the university was shorted land. However, some believe it is the sole responsibility of the Federal Government to compensate the university with land, while others believe it is solely the responsibility of the State to grant the university land. The legislation I am introducing today offers a compromise, a compromise giving both the State and the Federal Government the opportunity to contribute, as well as provide the Government with valuable inholdings in Federal parks and preserves.

With the passage of this bill, Mr. President, the University of Alaska will finally be able to act fully as a land grant college, and will be able to select lands that can provide the university with stable revenue sources, as well as provide responsible stewardship for the lands.

This is an exciting time for the University of Alaska. The promises that were made 82 years ago could be fulfilled with this legislation, and Alaskans could look forward to a very bright future for the university and the many Alaskans who receive an education there.

I ask unanimous consent, at this time, to have printed in the RECORD the proposed inholdings that the University has which would be deeded over to the Federal Government under this legislation, a history of the university of Alaska's land grant from the time we were designated as a territory, land grant rankings of all the States, as well as a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 660

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the University of Alaska is the successor to and the beneficiary of all Federal grants and conveyances to or for the Alaska Agricultural College and School of Mines;

(2) under the Acts of March 4, 1915, 38 Stat. 1214, and January 21, 1929, 45 Stat. 1091, the United States granted to the Territory of Alaska certain federal land for the University of Alaska;

(3) the Territory was unable to receive most of the land intended to be conveyed by the Act of March 4, 1915, before repeal of that Act by Sec. 6(k) of the Alaska Statehood Act (P.L. 85–508, 72 Stat. 339);

(4) only one other state land grant college in the United States has obtained a smaller land grant from the federal government than the University of Alaska has received, and all land grand colleges in the western states of the United States have obtained substantially larger land grants than the University of Alaska;

(5) an academically strong and financially secure state university system is a cornerstone to the long-term development of a stable population and to a healthy, diverse economy and is in the national interest;

(6) the national interest is served by transferring certain federal lands to the University of Alaska which will be able to use and develop the resources of such lands and by returning certain lands held by the University of Alaska located within certain federal conservation system units to federal ownership;

(7) the University of Alaska holds valid legal title to and is responsible for management of lands transferred by the United States to the Territory and State of Alaska for the University and that an exchange of lands is consistent with and in furtherance of the purposes and terms of, and thus not in violation of, the Federal grant of such lands.

(b) PURPOSES.—The purposes of this act are—

(1) to fulfill the original commitment of Congress to establish the University of Alaska as a land grant university with holdings sufficient to facilitate operation and maintenance of a university system for the inhabitants of the State of Alaska; and

(2) to acquire from the University of Alaska lands it holds within federal Parks, Wildlife Refuges, and Wilderness areas.

SEC. 2. PRIMARY FEDERAL GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth herein, the University is granted and entitled to take up to 250,000 acres of federal lands (or reserved interests in lands) in or adjacent to Alaska as a federal grant. The University may identify and select the specific lands it intends to take pursuant to this grant, and the Secretary of the Interior ("Secretary") shall promptly convey to the University the lands selected, in accordance with the provisions of this Act.

(b)(1) Within 48 months of enactment of this Act, the University of Alaska may submit to the Secretary a list of properties the University has tentatively selected to receive under the conditions of this grant. Such list may be submitted in whole or in part during this period and the University may make interim tentative selections that it may relinquish or change within the 48 month period. The University may submit tentative selections that exceed the amount of the grant except that such selections shall not exceed 275,000 acres at any one time.

(2) All selections shall be in reasonably compact units: *Provided*, That the University may select small tracts of federal land within federal reservations consistent with the limitations in subsection (c) below.

(3) The University may submit tentative selections of federal lands validly selected but not conveyed to the State of Alaska or the corporations organized pursuant to the Alaska Native Claims Settlement Act: *Provided*, That such lands may not be approved or conveyed to the University unless the State of Alaska and or the corporation has relinquished its prior selection.

(4) The University shall make no selections within Conservation System Units as defined in the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101).

(5) Within forty-five (45) days of receipt of a University tentative selection, the Secretary shall publish notice of said selection in the Federal Register. Such notice shall identify lands included in the tentative selection and provide for a period for public comment on the tentative selection not to exceed sixty (60) days.

(6) Within six months of the receipt of a University tentative selection, the Secretary shall notify the University of his acceptance or objection to each tentative selection, including the reasons for any objection. Failure to object within six months shall constitute approval by the Secretary. Any public comments submitted in response to a public notice issued pursuant to paragraph (5) above may be considered by the Secretary: *Provided*, That the Secretary may object to tentative selections of the University if and only if he demonstrates that a conveyance of such to the University—

(A) will have a significant adverse impact on the purposes for which a Conservation System Unit was established; or

(B) will have a significant adverse impact on fulfillment of the Alaska Statehood Act or the Alaska Native Claims Settlement Act. (43 U.S.C. 1601)

(7) The Secretary's acceptance of, or objection to, any tentative selections submitted by the University of Alaska pursuant to Section 2 of this Act or the conveyance of any such selections by tentative approval, patent or other instrument are not major federal actions within the means of section 102 (2)(c) of P.L. 91–190.

(8) The Secretary shall publish notice of any decision to accept or object to a tentative selection in the Federal Register.

(c) The Secretary shall not approve or convey, under this grant,

(1) any federal lands which, at the time of enactment of this Act, are included in a Conservation System Unit;

(2) any federal lands validly selected or top filed pursuant to §906(e) of Public Law No. 96–487 but not conveyed to the ate of Alaska or the corporations pursuant to the Alaska Native Claims Settlement Act; or

(3) any federal lands withdrawn and actually used in connection with the administration of any federal installations and military reservations unless the head of the land holding or occupying agency or entity agrees.

(d) If, following the Secretary's review of tentative selections by the University, the amount of acreage approved by the Secretary for conveyance is less than the full primary grant, the University may select additional lands to satisfy the primary grant.

(e) Upon the University's tentative selection of land—

(1) Such land shall be segregated and unavailable for selection by and conveyance to the State of Alaska or any corporation organized pursuant to the Alaska Native Claims Settlement Act and shall not be otherwise encumbered or disposed of by the United States pending completion of the selection process.

(2) The University shall possess the non-exclusive right to enter onto such lands for the purpose of—

(A) assessing the oil, gas, mineral and other resource potential therein. The University, and its delegatees or agents, shall be permitted to engage in assessment techniques including but not limited to core drilling to assess the metalliferous or other values, and surface geological exploration and seismic exploration for oil and gas: *Provided* That this paragraph shall not be construed as including or allowing exploratory drilling of oil and gas wells; and

(B) exercising due diligence regarding the making of a final selection.

(f) Within one year of the Secretary's approval of a tentative selection, the University may make therefrom a final selection pursuant to this Act. Within six months of such final selection by the University, the Secretary shall issue a tentative approval of such final selection. Such tentative approval shall be deemed to transfer to the University all right, title, and interest of the United States in and to the described selection. Any lakes, rivers and streams contained within such selections shall be meandered and lands submerged thereunder conveyed in accordance with 43 U.S.C. §1631, as amended. Upon completion of a survey of lands included within such tentative approval, the Secretary shall promptly issue patent to such lands. Pending issuance of a patent, the University shall have rights and authorities over tentatively approved lands consistent with those under the Alaska Statehood Act and the Alaska Native Claims Settlement Act, including the right to transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present or future interest in the lands granted pursuant to this Act.

(g) The Secretary of Agriculture, as well as the heads of other federal agencies, shall take such actions as may be necessary to facilitate and expedite the implementation of this Act by the Secretary of the Interior.

SEC. 3. RELINQUISHMENT OF CERTAIN UNIVERSITY OF ALASKA HOLDINGS.

(a) As a condition to receiving the land grant provided by Section 6 of this Act, the University of Alaska shall convey to the Secretary those lands listed in "The University of Alaska's Inholding Reconveyance Document" and dated April 24, 1997.

(b) The University shall begin conveyance of the lands listed in (a) above upon taking title to lands it has selected pursuant to section 6 of this Act and shall convey to the Secretary a percentage amount of land proportional to that which it has received, but in no event shall it be required to convey any lands other than those listed in (a) above to the Secretary. The Secretary shall accept quitclaim deeds from the University for these lands.

SEC. 4. ALIENATION OF LANDS.

Nothwithstanding any other provision of law, the University of Alaska may transfer, assign, exchange, grant, deed, lease or otherwise convey any or all present future interests in the lands granted pursuant to this Act.

SEC. 5. JUDICIAL REVIEW.

The University of Alaska has the right to bring action for, including but not limited to, relief in the nature of mandamus, against the Secretary for violation of this Act or for review of an agency decision under this Act. Such an action can only be brought in the United States District Court for the District of Alaska and within two (2) years of the alleged violation or the final decision-making. For all other entities or persons, decisions of the Secretary shall be final and conclusive.

SEC. 6. STATE MATCHING GRANT.

(a) Notwithstanding any other provision of law, but subject to valid existing rights and the procedures set forth in this Act, the University is granted and shall be entitled to take, in addition to the primary grant provided for in Section 2 herein, up to another 250,000 acres in federal lands (or reserved interests in lands) in or adjacent to Alaska: *Provided* That any additional acres are granted, as specified below, on a matching acre-for-acre basis to the extent that the State of Alaska shall first grant to the University State-owned land in Alaska.

(b) The university may select and the Secretary shall convey lands which the University is entitled to receive pursuant to this State Matching Grant Provisions in minimum increments of 25,000 acres up to the maximum of 250,000 acres.

HISTORY OF THE UNIVERSITY OF ALASKA LAND GRANT

1785—The Ordinance of 1785 established the rectangular survey of New England as the basis of which all land west of Ohio would be subdivided. Land was surveyed into townships composed of 36 sections of 640 acres or one square mile each. The law also established the principle of reserving section 16 of every township "for the maintenance of public schools."

1848—With the Admission of Oregon in 1848, the grant doubled from one section to two sections (16 & 36). Three of the last four states admitted into the union, UT, NM, and AZ each got four sections (2, 16, 32, and 36).

1842—The Morrill Act passed which dedicated lands to states for "agriculture and mechanic arts". The grants were based on population as measured by the size of the delegation with each state receiving approximately 30,000 acres/member.

1915—Alaska Delegate James Wickersham pushed through a measure in Congress which reserved lands for a common school system and an agricultural land grant college in the Tanana Valley. The bill followed the pattern of reserving 2 sections of every township for support of "common schools." (About 20 million acres in AK). Wickersham's bill also set aside every section 33 in the Tanana Valley for support of an agricultural college and school of mines. (Approx. 250,000 acres).

1916—Wickersham introduces first statehood bill "Granting" 11.3 million acres for higher education and 20 million acres for public schools.

1917—Alaska territorial legislature formally incorporates the Alaska Agricultural College and School of Mines (Renamed UA in 1935) as Alaska's land grant institution.

Up to this point no land had every been transferred to University due to fact that all bills required a survey to occur before transfer and AK had never been surveyed.

By the time federal grant would be revoked only 19 section 33's out of a possible 420 had been surveyed and transferred to the University. Ultimately the University received 11,211 acres of section 33's of which 2,250 were he original campus.

1929—Congress passes act "Granting" 100,000 acres for the "exclusive use an benefit" of the Alaska Agriculture College and School of Mines making up the bulk of the University's approx. 111,000 acres.

1936 to 1943—During the 74th, 75th, 76th, 77th, and 78th Congress Alaska Delegate Anthony J. Dimond Introduced five identical bills to extend the 1915 land grant to all section 33's, not just those in the Tanana Valley, for a total land grant of approx. 10 million acres.

1943—Bartlett introduces statehood bill reserving two sections of each township (20m acres) for support of schools and 1 section of every township (10m acres) for higher education. For the most part this formula existed in all statehood bills through 1949. (Exception is a compromise bill between Bartlett and then-Secretary Gardner during mid 40's which never went anywhere).

1950—Since Alaska could not receive title to a specific section of land until it was surveyed in 1950 Congress rejected "in place grants" of specific sections of townships and endorsed the concept of "quantity" grants. This concept was incorporated in all future statehood bills.

All statehood bills during the 50's supported around 103.3 million acres for the state with a typical breakdown as follows:

100m acres—general grant;

.8m—community development grants to be used for expansion of communities; and

3.25m—for "internal improvements as follows

500,000 acres—university;
500,000 acres—teacher's college;
500,000 acres—public buildings;
200,000 acres—schools and asylums (deaf, dumb, and blind);
200,000 acres—penitentiaries;
200,000 acres—mental institutions;
200,000 acres—charitable, penal, and reform institutions; and
250,000 acres—pioneer homes.

1954—UA President Ernest Patty made several requests to DOI for more land including lands in the NPR-A.

1955—University Board Of Regents passes resolution asking Congress to give University authority to select up to 500,000 acres with mineral rights.

1958—With the passage of Statehood the "internal improvement grants"—including the University's 500,000 acres and the 500,000 acres for the University's teacher training programs were consolidated into the 100 million-acre general grant leaving disposition of all 102,550,500 acres at the discretion of the legislature. Statehood also canceled the 1915 education reserve (though it did confirm the University's rights to the few thousand acres of section 33 land that were already reserved and surveyed).

Passage of the Statehood bill virtually ended all discussion of federal land grants.

1959—University attorney, Ed Merdes, wrote Senator Bartlett about impact of Statehood bill on Tanana selections. After extensive research a legislative aide, Joe Josephson wrote Merdes back and said unequivocally that Congressional intent in the statehood bill was for the new state government to address University land grant;

"The theory of the land-grant provisions in the statehood act was they would replace inter alia (among other things) the reservations authorized in 48 U.S.C. 353 and that the state university would petition the sate government to satisfy the needs of the University which previously to statehood were met in part by 48 U.S.C. 353." (Josephson to Merdes, 10 November 1959, Pres Papers)

1959—House Bill No. 176. Of the New Legislature declared the intent to reserve one million acres for the university and declared the legislature's ultimate attempt to reserve 5 million acres "for the purpose of replacing those grants previously allowed under federal law . . . which has been superseded . . . and for the further purpose of establishing a means by which the University may be properly maintained and operated and direct state support thereby reduced."

To much surprise Governor Egan vetoed the bill. His main reason was that this could lead to further earmarking of state land and dollars for other "internal improvements" and that this was not sound administrative procedure. Egan suggested it was much more prudent to appropriate and bond for the University.

1960's—With Governor Egan's opposition to the State grant future bills never received much support in the legislature. With the defeat of Egan in 1966 by Walter Hickel, Hickel promised a new era of Alaska economic development and support for the University. Yet one month later Secretary Udall declared a land freeze in Alaska that virtually brought all state land selections to a halt, and consequently froze the University land grant as well.

1970's—Legally and politically the Alaska land picture grew more complex year-by-year. Within the next 15 years the open public doman in AK would essentially vanish, as the entire state was parceled off among development interests, environmental interests, and native groups with the passage of ANCSA in 1971, construction of TAPS in 74–77, and passage of ANILCA in 1980.

1995—After passing the legislature Governor Knowles vetoed a SB 16 granting the University 350,000 acres of state lands. The Governor declared his support for the concept but wanted assurances that: (1) the University would not select any lands needed by growing communities; (2) oil found on "new" university lands were subject to permanent fund requirements and royalties and bonus payments to the state; and (3) that all environmental and mineral entry laws would apply.

1996—FHM bill introduced in Senate setting up a matching grant provision.

1996—A new bill, SB 250, passed the legislature by a 46–12 vote and was again vetoed by Governor Knowles for many of the same reasons stated in the first veto.

Region and area	UA ID number	Acres	Federal land type
South Central:			
Alaska Peninsula	AP.UL.001	8	AK Peninsula & Maritime National Wildlife Refuge.
......do	AP.UL.001	360	Do.
......do	AP.UL.002	8	Do.
......do	AP.WB.001	622	Do.
......do	AP.WB.002	56	Do.
Nuka Island	HM.NK.001	23	Kenai Fjords National Park.
......do	HM.NK.002	24	Do.
Blackburn Subd.	WR.BB.001	5	Wrangell St. Elias National Park & Preserve

Region and area	UA ID number	Acres	Federal land type
......do	WR.BB.002	17	Do.
......do	WR.BB.003	2	Do.
......do	WR.BB.004	34	Do.
McCarthy Creek Subd	WR.MC.001–071	867	Do.
......do	WR.MY.003	1,304	Do.
......do	WR.MY.004	320	Do.
......do	WR.MY.005	2,240	Do.
......do	WR.MY.006	640	Do.
......do	WR.MY.007	400	Do.
......do	WR.MY.008	372	Do.
......do	WR.MY.009	400	Do.
Strelna	WR.SN.001	400	Do.
......do	WR.SN.002	1,452	Do.
......do	WR.SN.004	424	Do.
Wrangell Glaciers	WR.WG.001	20	Do.
......do	WR.WG.002	136	Do.
......do	WR.WG.003	103	Do.
......do	WR.WG.004	82	Do.
Wrangell St. Elias	Orange Hill	1,600	Do.
Denali	Stampede Mine	71	Denali National Park & Preserve.
Total		11,990	

SUMMARY

Federal Conservation System Unit	Acres
AK Peninsula & Maritime National Wildlife Refuge	1,054
Kenai Fjords National Park	47
Wrangell St. Elias National Park & Preserve	10,818
Denail National Park & Preserve	71
Total acres	11,990

Ranked by the amount of federal land given to Higher Education

1. New Mexico	1,346,546
2. Oklahoma	1,050,000
3. New York	990,000
4. Arizona	849,197
5. Pennsylvania	780,000
6. Ohio	699,120
7. Utah	556,141
8. Illinois	526,080
9. Indiana	436,080
10. Montana	388,721
11. Idaho	386,686
12. Alabama	383,785
13. Missouri	376,080
14. South Dakota	366,080
15. Massachusetts	360,000
16. Mississippi	348,240
17. Washington	336,080
18. North Dakota	336,080
19. Wisconsin	332,160
20. Kentucky	330,000
21. Tennessee	300,000
22. Virginia	300,000
23. Iowa	286,080
24. Michigan	286,080
25. Georgia	270,000
26. North Carolina	270,000
27. Louisiana	256,292
28. Minnesota	212,160
29. Maine	210,000
30. Maryland	210,000
31. New Jersey	210,000
32. California	196,080
33. Arkansas	196,080
34. Florida	182,160
35. Connecticut	180,000
36. South Carolina	180,000
37. Texas	180,000
38. Kansas	151,270
39. New Hampshire	150,000
40. Vermont	150,000
41. West Virginia	150,000
42. Colorado	138,040
43. Oregon	136,165
44. Nevada	136,080
45. Nebraska	136,080
46. Wyoming	136,080
47. Rhode Island	120,000
48. Alaska	112,064
49. Delaware	90,000
50. Hawaii	0
Total	16,707,787
Average	334,156

Ranked by the percentage of the State grant given to Higher Education

	Percent
1. New York	100.00
2. Pennsylvania	100.00
3. Massachusetts	100.00
4. Tennessee	100.00
5. Virginia	100.00
6. Georgia	100.00
7. North Carolina	100.00
8. Maine	100.00
9. Maryland	100.00
10. New Jersey	100.00
11. Connecticut	100.00
12. South Carolina	100.00
13. Texas	100.00
14. New Hampshire	100.00
15. Vermont	100.00
16. West Virginia	100.00
17. Rhode Island	100.00
18. Delaware	100.00
19. Kentucky	93.06
20. Oklahoma	33.92
21. Ohio	25.34
22. Washington	11.04
23. Indiana	10.79
24. South Dakota	10.66
25. North Dakota	10.62
26. New Mexico	10.52
27. Idaho	9.09
28. Illinois	8.44
29. Arizona	8.05
30. Alabama	7.67
31. Utah	7.41
32. Montana	6.52
33. Mississippi	5.71
34. Missouri	5.07
35. Nevada	4.99
36. Nebraska	3.93
37. Iowa	3.55
38. Wisconsin	3.26
39. Wyoming	3.13
40. Colorado	3.09
41. Michigan	2.36
42. Louisiana	2.24
43. California	2.22
44. Kansas	1.94
45. Oregon	1.94
46. Arkansas	1.94
47. Minnesota	1.29
48. Florida	0.75
49. Alaska	0.11
50. Hawaii	0.00
Total	5.09
Average	42.01

Ranked by the amount of federal land given to the States

1. Alaska	104,569,251
2. Florida	24,214,366
3. Minnesota	16,422,051
4. New Mexico	12,794,718
5. Michigan	12,142,846
6. Arkansas	11,936,834
7. Louisiana	11,441,343
8. Arizona	10,543,753
9. Wisconsin	10,179,804
10. California	8,825,508
11. Iowa	8,061,262
12. Kansas	7,794,669
13. Utah	7,501,737
14. Missouri	7,417,022
15. Oregon	7,032,847
16. Illinois	6,234,655
17. Mississippi	6,097,997
18. Montana	5,963,338
19. Alabama	5,006,883
20. Colorado	4,471,604
21. Wyoming	4,342,520
22. Idaho	4,254,448
23. Indiana	4,040,518
24. Nebraska	3,458,711
25. South Dakota	3,435,373
26. North Dakota	3,163,552
27. Oklahoma	3,095,760
28. Washington	3,044,471
29. Ohio	2,758,862
30. Nevada	2,725,226
31. New York	990,000
32. Pennsylvania	780,000
33. Massachusetts	360,000
34. Kentucky	354,607
35. Tennessee	300,000
36. Virginia	300,000
37. Georgia	270,000
38. North Carolina	270,000
39. Maine	210,000
40. Maryland	210,000
41. New Jersey	210,000
42. Connecticut	180,000
43. South Carolina	180,000
44. Texas	180,000
45. New Hampshire	150,000
46. Vermont	150,000
47. West Virginia	150,000
48. Rhode Island	120,000
49. Delaware	90,000
50. Hawaii	0
Total	328,426,536
Average	6,568,531

By Mr. McCAIN:

S. 661. A bill to provide an administrative process for obtaining a waiver of the coastwise trade laws for certain vessels; to the Committee on Commerce, Science, and Transportation.

COASTWISE TRADE VESSEL WAIVERS LEGISLATION

• Mr. McCAIN. Mr. President, I introduce legislation that would provide an administrative process for obtaining a waiver of the coastwise trade laws to allow certain vessels to commercially operate in the coastwise trade. This legislation will improve the responsiveness of the Federal Government in meeting the needs of many vessel-operating small businesses.

The coastwise trade laws require that vessels operating between U.S. ports be built and documented in the United States and owned and operated by U.S. citizens. Today, if a U.S. citizen owner of a foreign-built vessel wants to carry passengers for hire on that vessel in the coastwise trade of the United States, that person must obtain a legislative waiver of the coastwise laws.

Many of my colleagues are familiar with these private relief bills. The legislative process for consolidating these numerous House and Senate bills usually involves including them in the Coast Guard authorization bill for final passage.

While some Members may value the current process as a useful constituent service, it often delays resolution of a constituent's request by a year or more, causing financial hardship for the constituent's business. The potential influence of campaign contributions on such private relief bills is also a concern. The legislative process is slow, inefficient, and potentially unfair. Our constituents would be better served by delegating this waiver authority for noncontroversial requests to an appropriate administrative agency.

My bill would authorize the Secretary of Transportation to administratively waive certain coastwise trade restrictions for vessels that meet the following criteria, which the Commerce Committee currently uses to determine if a waiver is warranted:

First, this waiver authority would apply to foreign-built vessels of at least 3 years of age, and U.S.-built vessels that were rebuilt in foreign countries at least 3 years prior to the effective date of the waiver. The vast majority of the waiver requests considered by the Commerce, Science, and Transportation Committee in the past 3 years were for vessels of at least this age that had originally been used for recreational or other noncoastwise purposes.

Second, this bill would limit the coastwise trade use of vessels obtaining such privileges through this process to service carrying a maximum of 12 passengers for hire. Again, the vast majority of waiver requests considered by the Commerce Committee specified this type of intended use.

Finally, the Secretary would be required to make a determination that the use of the applicant's vessel in the coastwise trade would not adversely affect U.S.-vessel builders or the coastwise trade business of any person who employs U.S.-built vessels in the same trade. An exemption granted under this authority could be revoked if the vessel use substantially changes so as to cause such problems.

Mr. President, during the 104th Congress, 73 of the 119 bills considered by the Commerce Committee were requests for waiver of the coastwise trade laws for special vessels. If my bill is enacted, only a few waiver requests falling outside the above criteria would need to be considered by the Commerce Committee each year, allowing the Committee to focus its attention on more weighty matters.

This bill would not authorize exemption from existing U.S. citizen ownership and crewing requirements. Also, this bill would not apply to vessels used for any purpose other than the carriage of a maximum of 12 passengers for hire. My approach to these waivers is supported by the Passenger Vessel Association, National Association of Charterboat Operators, the Offshore Marine Services Association, the Committee for Private Offshore Rescue and Towing, and the Shipbuilders Council of America.

Mr. President, I ask unanimous consent that letters of support from these organizations be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

PASSENGER VESSEL ASSOCIATION,
Arlington, VA, March 10, 1997.

Mr. JIM SARTUCCI,
Committee on Commerce, Science and Transportation, U.S. Senate, Washington, DC.

DEAR MR. SARTUCCI, in response to your earlier communication regarding Chairman McCain's interest in developing a new process for evaluating proposed waivers from the U.S.-build requirement of the Jones Act or the Passenger Service Act, the Passenger Vessel Association will not object to a proposal which:

Clearly states the vessels in question are limited to those certified to carry 12 or fewer passengers; shifts the burden of proving "no competitive impact" to the waiver applicant; provides that the Maritime Administration (MARAD) shall review the waiver if the vessel for which it was granted is relocated and, if MARAD determines that the vessel in its new location poses a competitive disadvantage to an existing operator, shall revoke the waiver; requires the Maritime Administration to devise a means of widely informing the passenger vessel industry about waiver requests that is separate from a simple Federal Register notice; includes a statement to the effect that the change does not reflect the committee's view on the overall integrity of the Jones Act or the Passenger Service Act.

Thank you for the opportunity to evaluate and comment on this proposed change to the law. If you have any questions, please do not hesitate to let me know.

Sincerely,

JOHN R. GROUNDWATER,
Executive Director.

NATIONAL ASSOCIATION OF
CHARTERBOAT OPERATORS,
Washington, DC, February 20, 1997.

Chairman JOHN MCCAIN,
Senate Commerce, Science, and Transportation Committee, Washington, DC.

DEAR CHAIRMAN MCCAIN: I am writing you in support of the proposed legislative language for documentation of small passenger vessels on behalf of the National Association of Charterboat Operators (NACO), a 4,100 member association representing owners the charter industry. NACO appreciates the opportunity to comment on the proposed legislation.

NACO applauds the Committee for understanding and attempting to correct certain laws governing coastwise trade for vessels. These laws often times produce consequences that very significantly depending on the size and the nature of business of the vessel. NACO is hopeful that this is the first step by the Committee in recognizing that small vessels are consistently and inappropriately grouped with large vessels under the same rules and regulations. As you are aware, this leads to increased regulatory costs and burdens for these small businesses.

This proposed change to title 46 of the U.S. Code will alleviate undue and costly burdens currently placed on small passenger vessels who do not have the manpower or the resources to go through the long and difficult documentation process. This will help to ease these burdens, saving each company time and money.

By creating specific qualifications for documentation, the Committee creates standards for documentation for small passenger vessels which will ease the burden of the Committee from responding to each individual request for documentation and appropriately moves this documentation responsibility to the Department of Transportation while also giving them flexibility in approving documentation.

Although NACO is in full agreement with the language, we are concerned about sections (b)(2) and (c)(B) pertaining to whether employment of the vessel adversely affects U.S. vessel builders or operators of ships. NACO is concerned that the criteria used in determining the adverse affects to shipbuilders and operators in the same trade would be arbitrary.

Again, NACO is in full support of this administrative change to the Jones Act, however, at the same time, the association believes that the Committee should move cautiously when making any sort of revision to the Jones Act.

Thank you for you time and your attention to the need to ease unfair burdens placed on small business. If you need additional comments or information please contact me at (202) 546–6993.

Sincerely,

AMY J. TAYLOR,
Director of Congressional Affairs.

OFFSHORE MARINE
SERVICE ASSOCIATION,
Harahan, LA, February 20, 1997.

Mr. JAMES SARTUCCI,
Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR MR. SARTUCCI: The Offshore Marine Service Association (OMSA) has reviewed the draft language contained in your fax transmission of February 10. We understand and respect Chairman McCain's administrative objective and intention with respect to this legislative initiative. Consequently, speaking strictly for our constituency, OMSA has no absolute objection to the proposal to grant restricted and conditional coastwise trading privileges to certain small foreign built vessels. In actual fact, however, our association's members are not significantly affected, at least directly, by the specific parameters included in this proposed legislation. The PVA, and perhaps others, would appear to be the parties to whom we would normally defer on the specifics of this proposition.

As discussed, our own support is contingent upon retention of the protective covenants and limitations set forth in the proposal presented to us for consideration, viz. in (b)(1), that the vessel be strictly limited to service as a small passenger vessel or an uninspected passenger vessel as those terms are defined in Section 2101 of title 46, United States Code, and in (b)(2) and (c).

Finally, for the record, we ask that you please note that OMSA does have some discomfort with the precedent that could be set by this legislation. We harbor some concern it could conceivably "open the door" to subsequent, additional legislation that would, relatively speaking, more seriously impact the coastwise trade protections afforded to U.S. flag vessels under the Jones Act and the Passenger Vessel Services Act. However, we accept, in good faith, the Chairman's stated objectives and the collateral safeguards that are promised.

OMSA would agree that the U.S. Maritime Administration (MARAD) could be the appropriate government agency within the Department of Transportation to consider and approve applications for the purposes of the proposal.

We thank you for keeping us advised of such proposals and for inviting our views. Please do not hesitate to contact the undersigned, at (504) 734–7622, if you have any questions or wish to discuss this matter in further detail.

Very truly yours,

ROBERT J. ALARIO,
President.

[From the C-Port News, Mar. 1997]

SENATE COMMITTEE PROPOSES CHANGE TO JONES ACT

Congress will soon be proposing a major change to the Jones Act that will allow marine assistance operators to use foreign built vessels and vessels rebuilt outside the United States in their businesses.

The bill, introduced by Senator John McCain (R–AZ), Chairman of the Senate Commerce, Science, and Transportation Committee, allows for the use of a foreign built or rebuilt vessel in commercial coastwise trade when the vessel is over 3 years old and is used as a small or uninspected passenger vessel. Marine assistance towing vessels are classified by the Coast Guard as uninspected passenger vessels, not uninspected towing vessels.

Although the bill will help the marine assistance industry, it also contains two stipulations about which C–PORT is concerned. The bill allows the Secretary of Transportation to revoke the new documentation policy for foreign vessels if it is found to adversely affect U.S. vessel builders or other similar businesses using U.S. built vessels. According to the bill, "the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade as a small passenger vessel or an uninspected passenger vessel for an eligible vessel if the Secretary determines that the employment of the vessel . . . will not adversely affect (1) United States vessel builders; or (2) the coastwise trade business of any person who employs vessels built in the United States in the business."

C–PORT sent the following letter to Chairman McCain to express support for the bill, but also to voice concern over these two stipulations:

"DEAR CHAIRMAN MCCAIN: C–PORT applauds the Committee for understanding and attempting to correct certain laws governing coastwise trade for vessels. These laws often times produce consequences that vary significantly depending on the size and the nature of business of the vessel. C–PORT is hopeful that this is the first step by the Committee in recognizing that small vessels are consistently and inappropriately grouped with large vessels under the same rules and regulations. As you are aware, this leads to increased regulatory costs and burdens for these small businesses.

"This proposed change to title 46 of the U.S. Code will alleviate undue and costly burdens currently placed on small vessels who do not have the manpower or the resources to go through the long and difficult documentation process. This will help to ease these burdens, saving each company time and money.

"By creating specific qualifications for documentation, the Committee creates standards for documentation for small vessels which will ease the burden of the Committee from responding to each individual request for documentation and appropriately moves this documentation responsibility to the Department of Transportation while also giving them flexibility in approving documentation.

"Although C–PORT is in full agreement with the language, we are concerned about sections (b)(2) and (c)(B) pertaining to whether employment of the vessel adversely affects U.S. vessel builders or operators of ships. C–PORT is concerned that the criteria used in determining the adverse affects to shipbuilders and operators in the same trade would be arbitrary.

"Again, C–PORT is in full support of this administrative change to the Jones Act, however, at the same time, the association believes that the Committee should move cautiously when making any sort of revision to the Jones Act.

"Thank you for your time and your attention to the need to ease unfair burdens placed on small business."

C–PORT expects this legislation to easily pass the Senate and the House. We will keep you informed as this measure moves through Congress. If you have any questions contact Amy Taylor (800) 745–6094.

SHIPBUILDERS COUNCIL OF AMERICA,
Alexandria, VA, February 27, 1997.

Mr. JAMES SARTUCCI,
Senate Committee on Commerce, Science, and Transportation, Washington, DC.

DEAR JIM: Thank you for sending the most recent draft of Senator McCain's Jones Act waiver bill. SCA shares your basic objective of reducing the paperwork burden on Committee members and staff while in no way eroding or changing the U.S.-build requirement or any other provisions of the Jones Act.

SCA supports all of the suggested additions to Senator McCain's bill included in a letter of February 25 sent to you and Carl Bentzel by Rolf Marshall of the Maritime Cabotage Task Force (MCTF). Most importantly, these recommended changes will make it undeniably clear that by enacting this bill Congress in no way lessens or modifies the protections granted by cabotage statutes.

Therefore, SCA supports the February 19 draft of the Jones Act waiver bill along with the recommended changes described in the February 25 letter from the MCTF.

On behalf of the members of SCA I want to commend you for your diligence in crafting a new Jones Act waiver process that makes sense administratively while safeguarding the Jones Act.

Cordially,

PENNY L. EASTMAN,
President.●

ADDITIONAL COSPONSORS

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from Montana [Mr. BURNS] and the Senator from Arkansas [Mr. HUTCHINSON] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 261

At the request of Mr. DOMENICI, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 261, a bill to provide for a biennial budget process and a biennial appropriations process and to enhance oversight and the performance of the Federal Government.

S. 281

At the request of Mr. STEVENS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 281, a bill to amend the Internal Revenue Code of 1986 to provide a mechanism for taxpayers to designate $1 of any overpayment of income tax, and to contribute other amounts, for use by the United States Olympic Committee.

S. 314

At the request of Mr. THOMAS, the names of the Senator from North Carolina [Mr. HELMS] and the Senator from Minnesota [Mr. GRAMS] were added as cosponsors of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 318

At the request of Mr. D'AMATO, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 318, a bill to amend the Truth in Lending Act to require automatic cancellation and notice of cancellation rights with respect to private mortgage insurance which is required by a creditor as a condition for entering into a residential mortgage transaction, and for other purposes.

S. 323

At the request of Mr. SHELBY, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 323, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 370

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 370, a bill to amend title

XVIII of the Social Security Act to provide for increased medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 371

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 371, a bill to amend title XVIII of the Social Security Act to provide for increased medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 388

At the request of Mr. LUGAR, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 388, a bill to amend the Food Stamp Act of 1977 to assist States in implementing a program to prevent prisoners from receiving food stamps.

S. 493

At the request of Mr. KYL, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 493, a bill to amend section 1029 of title 18, United States Code, with respect to cellular telephone cloning paraphernalia.

S. 518

At the request of Mr. ABRAHAM, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 518, a bill to control crime by requiring mandatory victim restitution.

S. 525

At the request of Mr. HATCH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. KENNEDY, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

S. 528

At the request of Mr. CAMPBELL, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 543

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 544

At the request of Mr. COVERDELL, the names of the Senator from Wyoming [Mr. ENZI], the Senator from New Hampshire [Mr. GREGG], and the Senator from Alabama [Mr. SESSIONS] were added as cosponsors of S. 544, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

S. 552

At the request of Mr. GREGG, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 552, a bill to amend the Internal Revenue Code of 1986 to preserve family-held forest lands, and for other purposes.

SENATE RESOLUTION 76

At the request of Mr. THURMOND, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of Senate Resolution 76, a resolution proclaiming a nationwide moment of remembrance, to be observed on Memorial Day, May 26, 1997, in order to appropriately honor American patriots lost in the pursuit of peace of liberty around the world.

SENATE RESOLUTION 79—TO COMMEMORATE THE 1997 NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE (for himself, Mr. ABRAHAM, Mr. ASHCROFT, Mr. BROWNBACK, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Ms. COLLINS, Mr. COVERDELL, Mr. CRAIG, Mr. DEWINE, Mr. D'AMATO, Mr. FAIRCLOTH, Mr. GORTON, Mr. GRAMM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HELMS, Mr. HUTCHINSON, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. LOTT, Mr. MCCAIN, Mr. NICKLES, Mr. SESSIONS, Mr. SMITH of New Hampshire, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. WARNER, Mr. AKAKA, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. FEINGOLD, Mr. FORD, Mr. GLENN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KENNEDY, Mr. KOHL, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. MOYNIHAN, Mr. ROCKEFELLER, Mr. ROBB, Mr. SARBANES, and Mr. TORRICELLI) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 79

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 117 peace officers lost their lives in the performance of their duty in 1996, and a total of 13,692 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1997, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1997, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

Mr. KEMPTHORNE. Mr. President, I rise today to submit a Senate resolution designating May 15, 1997, as National Peace Officers Memorial Day.

This is the fourth year in a row I have offered this resolution and I am proud to be joined this year by 55 of my colleagues in honoring the brave men and women who serve this country as peace officers.

NOTICE OF HEARING

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources will be held on Wednesday, April 30, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is equal opportunity in Federal construction. For further information, please call the committee, 202–224–5375.

ADDITIONAL STATEMENTS

THE 82D ANNIVERSARY OF THE ARMENIAN GENOCIDE

• Mr. LEVIN. Mr. President, I rise today to commemorate the 82d anniversary of the Armenian genocide. Each year we remember and honor the victims and pay respect to the survivors we are blessed to have in our midst.

Approximately 1.5 million Armenians were killed under the Turkish Ottoman Empire during a 28-year period which lasted from 1894 to 1921. April 24, 1915, serves as a marking point for the government orchestrated carnage that took place. On this date, over 5,000 Armenians were systematically hunted down and killed in Constantinople, including some 600 Armenian political and intellectual leaders.

History records that the world stood by, although it knew. Our Ambassador to the Ottoman Empire, Henry Morgenthau, telegraphed the following message to the American Secretary of State on June 16, 1915: "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eyewitnesses it appears that a campaign of race extermination is in progress under the pretext of reprisal against rebellion."

Not only did the world stand by while atrocities took place, but it also refused to learn the awful lessons that were taught during this period. One leader who did acknowledge the Armenian genocide was Winston Churchill, who wrote the following in 1929:

> In 1915, the Turkish Government began and carried out the infamous general massacre and deportation of Armenians in Asia Minor . . . the clearance of the race from Asia Minor was about as complete as such an act, on a scale so great, could be. There is no reasonable doubt that this crime was planned and executed for political reasons.

But, for the most part, nations did not learn from history. The world looked away and genocidal horrors revisited the planet.

Each year we vow that the incalculable horrors suffered by the Armenian people will not be in vain. That is surely the highest tribute we can pay to the Armenian victims and a way in which the horror and brutality of their deaths can be given redeeming meaning. I ask my colleagues to join me in remembering the Armenian genocide.•

TRIBUTE TO THE GORHAM HIGH SCHOOL STUDENTS FOR THEIR PARTICIPATION IN THE "WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION" PROGRAM

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 21 students from Gorham High School in Gorham, NH, who were recently selected to compete in the national finals of the "We the People . . . the Citizen and the Constitution" program to be held April 26–28 in Washington, DC. These high school students competed on the State level on February 10 for the opportunity to represent New Hampshire at the national competition, and will be among more than 1,200 students from 49 States and the District of Columbia to participate.

The distinguished members of the team representing New Hampshire are: David Arsenault, Jan Bindas-Tenney, Melissa Borowski, Alyssa Breton, Mire Burrill, Kevin Carpenter, Todd Davis, Rebecca Evans, Brad Fillion, Cindy Gibson, Patrick Gilligan, Sean Griffith, Reid Hartman, Sarah King, Michelle Leveille, Monica McKenzie, Ashley Thompson, Michael Toth, Julie Washburn, Tuuli Winter, and Melanie Wolf.

All 21 New Hampshire students will be tested on the Constitution and Bill of Rights before simulated congressional committees to demonstrate their knowledge of constitutional principles and their relevance to contemporary issues. The competition in Washington will consist of 2 days of hearings; and the 10 finalists, with the highest scores, will compete for the title of national winner on Capitol Hill in a congressional hearing room.

Michael Brosnan, a teacher at Gorham High School, also deserves special recognition for helping these students prepare for the intense constitutional testing. Raymond Kneeland the district coordinator of the "We the People . . . the Citizen and the Constitution" program, Holly Belson, the State coordinator, and Howard Zibel, of the New Hampshire Bar Association, all contributed a significant amount of time and effort to help the students reach the national finals. As a former teacher myself, I applaud all of them on their commitment to enriching the lives of these students.

The "We the People . . . The Citizen and the Constitution" program provides an excellent opportunity for students to gain an informed perspective about the history and principles of our Nation's constitutional government. I wish these young constitutional experts from Gorham High School and their teacher, Michael Brosnan, the best of luck in preparing for the April national finals. We are proud to have them representing New Hampshire, and wish them luck as they prepare to be America's leader in the 21st century.•

[At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.]

TESTIMONY OF MAJ. MICHAEL DONNELLY

• Mr. DODD. Mr. President, Maj. Michael Donnelly of Connecticut flew 44 missions for the Air Force during the Persian Gulf war. He is now afflicted with a neuro-muscular disorder he suspects was caused by chemical exposure in the war. I had the pleasure of meeting with Major Donnelly last week after he testified before the Human Resources Subcommittee of the House Committee on Government Reform and Oversight. His testimony provided a special insight into the plight of some Persian Gulf war veterans who fell ill after returning home.

Mr. President, I ask that his testimony be printed in the RECORD.

The testimony follows:

PREPARED STATEMENT OF MAJ. MICHAEL DONNELLY, U.S. AIR FORCE, RETIRED

Congressman Shays and members of this committee, I want to thank you for giving me the opportunity to testify before you today. My name is Major Michael Donnelly. I am not the enemy.

I was medically retired in October of 1996 after 15 years and 1 month of service as a fighter pilot in the Air Force. At the time Iraq invaded Kuwait, I was stationed at Hahn Air Base in Germany flying F–16s. My unit, the 10 Tactical Fighter Squadron, was attached to the 363rd Tactical Fighter Wing and deployed to Abu Dhabi in the United Arab Emirates on 1 January 1991 in support of Operation Desert Shield and then Desert Storm. My unit redeployed to Germany on the 15th of May 1991.

During the war, I flew 44 combat missions. On those missions I bombed a variety of targets, including strategic targets (airfields, production and storage facilities, missile sites, etc.), tactical targets (troops, battlefield equipment, pontoon bridges, etc.). I also flew Close Air Support, and Combat Air Patrol missions. Never during any of these missions was I warned of the threat of exposure to any chemical or biological weapons. Although we expected and trained for that eventuality, we never employed any of the procedures because we were never told that there was any threat of exposure. Had we been warned, there were steps we could have and would have taken to protect ourselves.

Unlike other veterans who have testified before you, I don't have a specific incident that I can remember during the war that might have caused my illness. However, I can tell you that I flew throughout the entire region of Iraq, Kuwait and much of Saudi Arabia, to include in and around the oil smoke. Evidence now shows that chemical munitions storage areas and production facilities that were bombed by us released clouds of fallout that drifted over our troops through the air, and that's where I was. I know also of other pilots who do remember a specific incident that caused them to later become ill.

So while I cannot point to one event to explain my illness, I come before you today to tell you that I am yet another veteran from the Gulf War with a chronic illness. Upon return from the Gulf, I was reassigned to McDill Air Force Base in Tampa, Florida. It was here that I first started to experience strange health problems. It was nothing you could really pinpoint except to say that I didn't feel as strong as I once had or as coordinated. I felt like I was always fighting a cold or the flu.

By the summer of 1995, I was stationed at Shepperd Air Force Base in Texas. It was here that I believe my illness started and that I began to suspect that it was related to service in the Gulf. During the summer, I was exposed several times to malathion, which is a fairly dilute organophosphate-based pesticide used for mosquito control. The base's policy was to spray with a fogging truck throughout base housing where I lived with my family. I was exposed to the malathion fogging while I was running in the evenings. I would like to point out something I learned later: that organophosphate poison is the chemical basis for all nerve agents—it is a poison that kills just like a pesticide does.

It was immediately after my exposure to malathion that I started to have serious health problems. After this time, every time I ran I would get a schetoma—or blind spot—in front of my eyes and my heart would beat erratically. I started to have heart palpitations, night sweats, sleeplessness, trouble concentrating, trouble remembering, trouble taking a deep breath and frequent urination. I noticed that one cup of coffee would make me extremely jittery. I noticed that one beer would have an unusual intense effect on me. I was extremely tired much of the time. I had to put my head down on my desk to rest while I was working and I had to lie down at home before dinner after work.

It wasn't until December 1995 that I started to have trouble walking and experienced weakness in my right leg. It was then that I decided, right after the holiday season, I would go see the doctor. On the second of January 1996, I went to the flight surgeon at Sheppard Air Force Base. When I finished explaining my symptoms to him and mentioned that I had been in the Gulf War, he immediately started to tell me about the effects of stress. He told me that the other problems—heart palpitations, breathing difficulties, sleeplessness—were probably stress related, but that we needed to look into the weakness in the leg more, and I was referred to a neurologist.

During this first visit with the neurologist was when I first heard the line that I would hear throughout the whole Air Force medical system and that was: "There's no conclusive evidence that there's any link between service in the Gulf and any illness." Each time I heard this line, it was almost as if each person was reading from a script.

If an active duty field grade officer walks into a hospital and says he's sick and that he was in the Gulf War, why does the military not seize this opportunity to investigate whether there is any connection between service in the Gulf and this illness? How can they say they're looking for an answer when they deny it's even possible? How can they say there's no connection when they don't study the individuals who present symptoms that might prove that connection? Instead, he gets "the line," which proves that no one is looking to see whether there is a problem. Only to deny that one exists. Why should I have to call and register for the Gulf War Registry when I'm active duty? I should automatically be put on the list as another person with a chronic illness who served in the Gulf. Again, if they were really looking for a problem, all they have to do is look.

My treatment included several trips to Wilford Hall Medical Center in San Antonio for MRIs, CT scans, muscle tests and multiple blood tests. Each time I mentioned I was a Gulf War veteran, I got "the line." At one point, a doctor in Wilford Hall gave me a three minute dissertation on how my illness absolutely could not be related to my service in the Gulf. One thing I noticed during my four or five visits to Wilford Hall was a room on the neurology ward labeled "Gulf War Syndrome Room." In none of my four or five visits was the door to this room ever open or the light on. I started to realize that because the military medical system would not acknowledge my illness could be related to the Gulf War, I would not get help.

Once I realized that, I began to seek help from civilian doctors, many of whom had already made the connection between service in the Gulf and the high incidents of unusual illnesses among the war's veterans. They had all the proof they needed: the thousands of veterans coming to them desperate for medical treatment. Because the military has not acknowledged this connection, my family and I have been forced to spend over $40,000 of our own money in these efforts. Our search led us to people around the country with the same illnesses who were also Gulf War veterans. In the last twelve months, I have traveled all over this country and even to Germany looking for help.

Incredible as it may seem, the Air Force medical system initially wanted to retire me with 50 percent disability and temporary retirement with a diagnosis of ALS. Only after we hired a lawyer, at our own expense, and went before the medical board, were we able to change that determination to 100 percent and permanent retirement. All the while, I was contending with my declining health and the trauma to my family. I chose to not to fight over whether my illness was combat related, because I'd already seen the stonewalling that was going on and because I wanted to move my family back home. That was my own personal decision, made at a time when I knew I had other and far greater personal battles yet to fight.

Upon my retirement from the Air Force, I found myself worked into the VA medical system. What alternative did I have after my 15 years of service? I guess I'm one of the lucky ones, since I was:

1. still on active duty when I got sick; and
2. given a poor prognosis, which required them to treat me and compensate me. What alternative did they have?

The VA bureaucracy is difficult and slow at best. I am suffering from a fatal illness, where every month matters. I can sit here today and tell you that despite my situation—which you would think would warrant expeditious treatment and action—I ran into a red tape and paperwork nightmare that continues to consume my life today. However, once I finally got to see them, the medical personnel who have treated me have been very kind and understanding, despite the fact that there isn't much they can do. Maybe if we hadn't had six years of cover-up, there would be something they could do.

To this day, no one from the DOD or VA has contacted me personally to involve me in any tests or studies. I myself have found more than nine other Gulf War veterans, some who have already come before you, who are also suffering from ALS, an unusual disease that rarely strikes individuals under the age of 50. In fact, with the ten of us who have ALS—and we are certain there are more out there whom we just haven't found—the incidence of ALS already far exceeds the normal incidence given the number of soldiers who served in the Gulf. Why is there no special emergency study of this outbreak? Why is no one worried about what is obviously a frightening incidence of a terrible neurological illness among such a young and healthy population? One thing I can tell you: this is not stress.

With every other Gulf War veteran we have found who has ALS, the common thread has been subsequent exposure to some kind of strong chemical or pesticide, such as malathion, diazinon, and lindane—which is used to treat head lice in children.

Why aren't the DOD and the VA warning everyone else who served in the Gulf War that they may get sick in the future, just as I got sick four years after I returned to the US. How many other people are out there waiting for that one exposure that will put them over the top? Why is no one putting the word out. A warning could save the lives and health of many individuals, could save them from going through what I am now going through. I'll tell you why, because that would take admitting that something happened in the Gulf War that's making people sick.

I wonder how many flight mishaps or accidents that have happened since the war have involved Gulf War veterans. Those numbers shouldn't be hard to find: the military keeps records on all of that. In fact, I wager that someone out there already knows the answer to that question and hasn't shared it either because of a direct order not to or because the right person has yet to ask.

How many other pilots are still out there—flying—who are not quite feeling right? Just as I flew for four years after I returned from the Gulf, how many other pilots fear for their livelihood and the repercussions they know they would encounter were they to speak up because they know "There's no conclusive evidence that there's any link between service in the Gulf and any illness."

Imagine my dismay when the DOD announces $12 million (a drop in the bucket) to study the Gulf War illnesses and four of those studies are centered around the effects of stress or post-traumatic stress disorder. You would think that the DOD and the VA would have an in-depth knowledge of the effects of stress after all the wars this country has fought. Most of them a lot more "stressful" than the Gulf War. Why aren't they taking our illnesses seriously? I'll tell you why, because that would take admitting that something happened in the Gulf War that's making people sick.

Part of the ongoing cover up has been to trivialize the illnesses that Gulf War veterans are suffering from. In the press and from the VA, you hear about skin rashes and joint aches, about insomnia and fatigue. There is no doubt that these are real symptoms and are debilitating in and of themselves. But what you don't hear about is the high incidence of rare cancers, neurological illnesses such as ALS, and immune-system disorders that are totally debilitating. This is not stress. This is life and death.

Why is it impossible to get the right numbers from the DOD and the VA about how many veterans are sick or have sought treatment? Why is it more important to protect certain high-placed government officials than to care for veterans who are sick? When it comes time to fund the military, budget concerns are usually set aside in the interest of defense and the public good. Well, the national defense issue now is that it's public knowledge that the DOD mistreats people who serve. America will have no one to fight its wars.

The primary goal at this point is not to find out whose fault all of this is. Someday, someone will need to investigate what happened and why. The people responsible for this tragedy should be found out and punished.

The top priority now for all of us is to help veterans and their families get their health and their lives back. Or at least that should be the goal. That should be your goal. All I want is what I brought to the Air Force: my health.

I'm not interested in hearing how surprised General Powell and General Schwartzkopf are about how we were all exposed to chemical weapons, or that the CIA really did know Hussein had these weapons, or that the CIA alerted the DOD to this fact. It's obvious now that there's been a cover up going on all this time as more and more information gets released or discovered. It's time for those people who know something—and they do exist—to come forward. And maybe we can save some lives.

During and after the war, we proclaimed to ourselves and to the world how we learned the lessons of Vietnam and fixed the military. We learned the lessons of Vietnam and we did it right this time. Last week, General Powell stated that we suffered only 149 casualties in the Gulf War. Well, I am here to tell you that the casualty count is still rising. Just like in Vietnam with Agent Orange, it appears that we didn't learn all the lessons. We still mistreat veterans. This country has again turned its back on the people who fight its wars, the individuals to whom it owes the most.

I want to thank you for what you are doing for the veterans who went to war for this country. Many of whom were squeezed out of the military right after the war and now find themselves out on the street, fighting the very institution they fought for. In the military, we have a tradition called the salute and it's used to show admiration and respect for an individual who has earned it. I salute you for what you are doing here. You go a long way in restoring this soldiers waning faith in a country that could so willingly desert it's own.

Remember: I am not the enemy.●

ORDERS FOR TUESDAY, APRIL 29, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m., on Tuesday, April 29. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume the motion to proceed to S. 543, the Volunteer Protection Act, and I further ask unanimous consent that the time from 9:30 to 12:30 be equally divided between Senator COVERDELL and/or his designee, and the ranking member and/or his or her designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I now ask unanimous consent that on Tuesday, the Senate stand in recess from the hours of 12:30 to 2:15 for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, for the information of all Senators, tomorrow morning the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Senators are reminded that there will be a cloture vote at 2:15 on Tuesday on the motion to proceed to S. 543. If cloture is invoked tomorrow, there will be an additional hour of debate to be followed by a vote on the motion to proceed. Senators can therefore expect additional votes during Tuesday's session of the Senate.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:12 p.m., adjourned until Tuesday, April 29, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 28, 1997:

FEDERAL EMERGENCY MANAGEMENT AGENCY

MICHAEL J. ARMSTRONG, OF COLORADO, TO BE AN ASSOCIATE DIRECTOR OF FEDERAL EMERGENCY MANAGEMENT AGENCY, VICE RICHARD THOMAS MOORE, RESIGNED.

FOREIGN SERVICE

EDWARD WILLIAM GNEHM, JR., OF GEORGIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE DIRECTOR GENERAL OF THE FOREIGN SERVICE, VICE ANTHONY CECIL EDEN QUAITON.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 618 AND 628:

To be commander

THOMAS P. YAVORSKI, 1023

To be lieutenant commander

ROBERT J. BARTON III, 1587

IN THE NAVY

THE FOLLOWING-NAMED SUPPLY CORPS OFFICERS FOR REGULAR APPOINTMENT IN THE LINE TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(A):

To be lieutenant commander

CRAIG L. HERRICK, 6072

To be lieutenant

JORGE A. MC CURLEY, 9116
WILLIAM S. SEWELL, JR., 5584

To be lieutenant (junior grade)

JOHNNY E. BOWEN, 9366
JOSEPH M. BYRD, 4055
CHRISTOPHER R. COURTRIGHT, 2343
STORMI J. LOONEY, 1646
STEVEN R. SORCE, 5322
WILLIAM J. STEGNER, 8743
HAYDN A. THOMAS, 4606

To be ensign

BENJAMIN A. SNELL, 0385

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

DAVID J. DAVIS, 7492
CRAIG M. MARCELLO, 7723
RADFORD D. TANKSLEY, 5466

To be commander

BRUCE R. BOYNTON, 2382
JAMES H. GHERARDINI, JR., 5602
JOHN R. HAGUE, 7845

To be lieutenant commander

TIMOTHY G. BATTRELL, 2769
AGNES D. BRADLEYWRIGHT, 3509
JAMES L. CARUSO, 1663
PAUL J. DEMARCO, 6145
ELISE T. GORDON, 1930
EDWARD W. HESSEL, 8121
TIMOTHY R. KENNEDY, 4106
FINSTER L. PAUL, 4182
BRUCE A. STINNETT, 9167
GAIL M. WILKINS, 4899

To be lieutenant

JOY D. ADAMS, 8877
JULIE S. AKIYAMA, 5735
JEFFREY G. ALBANUS, 8310
RACHEL H. ALLEN, 7947
MARK S. ANDERSON, 0528
ELLEN A. ARGO, 0081
WILLIAM A. BALDING, 9030
LEAF A. BALLAST, 9527
LAURA A. BARTON, 9365
BRIAN R. BEHLKE, 5905
KEITH R. BELAU, 7771
JASON P. BERG, 4287
DAVID A. BERGER, 2557
DERRICK M. BILLINGS, 5888
ROGER B. BLAIR, 3414
MARK C. BRUINGTON, 0884
MARY M. BUCHER, 4255
WILLIAM A. BUCKNER, 9070
DELL D. BULL, 7342
TRACY L. BUTTERFIELD, 2866
LLOYD V. CAFRAN, 3306
JOHN D. CASSANI, 1296
JOE R. CHARLTON, 6049
JAMES G. CHRISTENSON, 6872
GEOFFREY M. COAN, 0957
CANDACE L. COLSTON, 5182
ROBERT D. COPENHAVER, 8120
ANDREW P. COVERT, 6509
GERARDO CRUZ, 3446
DAVID A. CULLER, JR., 2830
JENNIFER A. DANIELS, 2528
CASEY W. DANKERS, 3111
WILLIAM A. DAROSA, 7606
TONY F. DEALICANTE, 6962
DAVID P. DELEO, 7666
DAMIAN P. DERIENZO, 6935
MISHELLE M. DETERMAN, 1256
THOMAS C. DISY, 9109
BRETT A. DIXON, 5072
JOHN A. DUVENEZ, 1231
DEMETRI ECONOMOS, 7964
KARL P. EIMERS, 6595
MICHAEL W. ENGEN, 1646
SHARON L. FARLEY, 2330
JOSE J. FERNANDEZ, JR., 2424
MICHAEL S. FERRELL, 6125
MARK G. FICKEL, 2070
WILLIAM S. FINLAYSON, 0874
ROSS A. FONTANA, 6012
KEVIN D. FOSTER, 5778
KEVIN W. GAINEY, 2628
JEANNETTE I. GARCIA, 7035
MICHAEL J. GARDELLA, 6424
STEPHEN G. GARNER, 3530
DENNIS E. GLOVER, 0836
RICARDO A. GONZALEZ, 4406
DOUGLAS J. GOODART, 0374
DEBORA D. GOODMAN, 5281
JEFFREY D. GORDAN, 4296
ROBERT A. GRAMZINSKI, 2299
HERMAN R. GREEN, 9151
PAUL F. GRONEMEYER, 3045
ULFUR T. GUDJONSSON, 2893
FERDINAND G. HAFNER, 4914
CHRISTOPHER S. HAHN, 3291
ALAN F. HAMAMURA, 7745
CYNTHIA E. HANSEN, 9267
GENE A. HAWKS, 2400
ANITA M. HENRY, 6963
THOMAS C. HEROLD, 6141
TIMOTHY E. HIBBETTS, 5457
JAMES M. HILL, 0553
NINA M. HILL, 4140
RONALD L. HILL, 1200
JOHN P. HOWARD, 5377
SCOTT D. ISAACSON, 7427
PETER M. JOHNSON, 6673
KENN K. KANESHIRO, 4670
DAVID M. KENEE, 2733
THOMAS L. KENNEDY, 5425
PAUL C. KIAMOS, 4995
JEAN M. KILKER, 4803
MATTHEW W. KILLMEYER, 1671
CYNTHIA A. KUEHNER, 6731
ELIZABETH D. LASSEK, 4785
ALVA V. LAWRENCE, 1702
JONNA L. LEADFORD, 6288
CARLOS I. LEBRON, 8210
MICHAEL S. LELAND, 6305
DAN C. LEWIS, 0947
DANIEL K. LEWIS, JR., 7965
LOREN P. LOCKE, 9560
PATRICK W. LUEB, 1603
BRENDA K. MALONE, 4433
DONALD C. MANNING, 6919
MICHELLE MARCEAU, 9350
PETER A. MARKS, 0756
DANIEL P. MARTIN, 6347
DON A. MARTIN, 1201
WILLIAM J. MASLANKA III, 8874
WILLIAM B. MATTIMORE I, 9070
MARY A. MCGARET, 8165
MATTHEW K. MCGEE, 1244
EDWARD S. MCGINLEY, 5586
MEGGAN C. MCGRAW, 7277
MARK W. MCMANUS, 5709
JAMES E. MEEKINS, 7354
GORDON E. MODARAI, 7715
MARSHALL R. MONTEVILLE, 9157
LEO J. MURPHY, 5912
MANUEL A. MURPHY, 9625
JODIE M. MUSTIN, 7379
CHRISTIAN A. NELSON, 4359
DAN A. NIGHTINGALE, 1202
DIANNE M. OKONSKY, 8716
CARLOS M. ORTIZ, 5129
MICHAEL J. OSBORN, 8923
ALBERT W. PARULIS, JR., 1027
NANCY J. PATRICK, 4963
KELLY S. PAUL, 2340

DONALD D. PEALER, 6333
LUIS M. PEREZ, 3876
WILLIAM L. PETERSON, 5487
NELIDA L. POLIKS, 0260
STEPHEN M. POLITO, 4410
LINDIE S. POLLOCK, 3592
JAMES M. PRESTON III, 6380
KEVIN T. PRINCE, 4481
BARBARA L. RAGAN, 1192
SCOTT A. RAISON, 6885
LUIS R. RAMIREZ, 2890
JAMES B. RANDALL, 9609
ALLISON F. REYES, 9340
MELISSA A. ROBERTS, 4406
STEPHEN J. ROCHNA, 5798
PAUL R. RUSSO, 4906
BARRY A. RUTBERG, 2694
BRETT G. SAMUEL, 2934
DAVID M. SANDSON, 1873
RUTH M. SANTANA, 2101
MARY D. SCHETZSLE, 4308
CLIFFORD D. SCHMIDT, 3825
EDWARD C. SCHRANK, 8522
KENNETH A. SCHROETER, 1858
MATTHEW T. SECREST, 1485
DOUGLAS D. SENNELLO, 7728
CYNTHIA B. SHAWL, 2514
GREGORY M. SHEAHAN, 6827
PAIGE A. SHERMAN, 3375
LINDA M. SHINN, 4128
DAVID J. SILKEY, 0564
SIMON Y. D. SMITH, 6250
JOHN D. SPENCER, 0640
JONATHAN M. STAHL, 8010
MARK B. STEPHENS, 4374
JOEL D. STEWART, 1211
GEORGE A. STOEBER, 5645
WENDY L. STOUDER, 5634
JACK W. STRICKLAND, 7901
RODEN T. SUMMERS, 9337
MARICRES M. TALLEY, 3199
ELIZABETH M. TANNER, 8597
DENISE H. THOMPSON, 1928
GEORGE A. THOMPSON II, 0790
TERESIA J. THOMPSON, 7840
JANET E. THORLEY, 9293
SCOTT D. TINGLE, 1879
BRIAN P. TRAVERS, 6229
PATRICK S. TRUITT, 3708
LAWRENCE L. TURNER, 9631
ERIC R. VETTER, 2764
ROLLAND P. WATERS, 6945
RICKY J. WATSON, 9774
TERRY D. WEBB, 7335
JOHN T. WILLIAMS III, 0204
KEITH A. WILLIAMS, 1795

To be lieutenant (junior grade)

NEAL D. AGAMAITE, 2535
HEATHER W. AGUSTINES, 3868
MICHAEL J. ALLANSON, 1498
KEITH A. APPLEGATE, 7110
CYNTHIA T. ASHLEY, 5909
JEFFREY A. BAYLESS, 6219
SCOTT A. BELL, 6298
WILLIAM J. BILLINGS, 5067
GREGOR S. BO, 1601
JEFFREY R. BORNEMANN, 3043
KEVIN M. BRAND, 2737
STEVE K. BRUNO, 1465
WILLIAM J. CADE, 9862
DANIEL G. CASE, 8751
EUGENE S. CASH, 7720
KENNETH E. CHRISTOPHER, 4249
JOHN M. CLEARY, 9294
PAUL M. CORNETT, 8817
DANIEL J. CUELLAR, 3461
DANIEL D. DAVIDSON, 1278
MICHELLE DAVIS, 6130
JUSTIN D. DEBORD, 1473
PATRICK M. DENIS, 5431
PAULA D. DUNN, 5301
JONATHAN S. EDWARDS, 7775
MICHAEL L. FABBRICANTE, 7525
DAVID L. FELTON, 4266
ROBERT D. FETHERSTON, 0028
CHRISTOPHER P. FEUQUAY, 4176
TIMOTHY FLEMING, 0789
TIMOTHY N. FOSTER, 7195
JAMES D. FOUNTAIN, 4094
WILLIAM T. FRANKLIN, 6141
KYLE P. FREEMAN, 1390
CHRISTOPHER J. GALLAGHER, 6323
ALIX P. GARDNER, 1382
DENISE M. GECHAS, 9419
DAVID A. GIVEY, 3074
JAMES R. GLENN, 0537
KAREN M. GRIFFITH, 8886
WILLIAM M. GRIMES, 8626
FRANCIS E. HANLEY, 9093
DEBORAH J. HARDESTY, 3442
ROBERT J. HAWKINS, 6535
GREGORY T. HAYNES, 3502
SKILLMAN M.S. HEISS, 6915
CHARLES H. HENRY, 4115
JENNIFER L.A. HUCK, 0037
ROBERT N. HUNOLD, 1346
JOSEPH A. HUTCHINSON, 2135
SHERRI D. JACKSON, 1623
DAVID C. JAMES, 0274
ERIK D. JENSEN, 9142
BRENDA S. JOHNSON, 2727
JEFFREY S. JOHNSON, 9298
LISA K. KENNEMUR, 4339
GLENN A. KILLINGBECK, 0837
AKIL R. KING III, 7704
MICHAEL E. KINGMAN, 6652
CHARLES W. KLEIN, 0936
MICHAEL S. LAMANA, 2057
MATTHEW J. LIPETSKA, 5994
ERIC H. LUBECK, 6034
LUISITO G. MALIGAT, 6248
CLARISSA L. MARTINELLI, 8272
JASON T. MATHIS, 1215
RUSSELL J. MATTSON, 1106
THOMAS P. MATULA, 4072
SHARON E. MAWBY, 3641
GARY L. MCKENNA, 7171
TIMOTHY B. MCMURRY, 6637
LEONORA A. MILAN, 3357
GEOFFREY B. MILLER, 7754
SCOTT T. MOE, 7000
MICHAEL M. MONTOYA, 9596
MONICA MURILLO, 8006
DAVID F. MURREE, 5717
CHRISTOPHER T. NELSON, 3870
LESLIE J. NETTLES, 3610
JOSEPH W. NEWSOME, 2846
KELLY S. NICHOLS, 2563
MARK A. NORRIS, 4995
KATRINA L. OBRYANT, 1668
RHONDA T. ONIANWA, 3844
ADAM D. PALMER, 3757
CHERYL T. PARHAM, 3645
ANGELA R.A. PARYS, 9987
STEPHEN R. PORK, 3582
ELENA M. PREZIOSO, 4630
THOMAS R. PRICE, 5125
CLIFFORD C. PYNE, 1556
KEVIN S. RAFFERTY, 9835
CRAIG M. REMALY, 7597
LAURANCE J. RICHARDS, 5650
MICHAEL J. ROBINSON, 3692
JERRY N. SANDERS, JR., 6178
DAVID F. SARTORI, 4513
JENNIFER SCANLON, 4211
KENDRA L. SCROGGS, 7138
MARIA V.J. SESE, 0503
TIMOTHY M. SIMCOX, 0980
CARL C. SMART, 7825
JASON S. SPILLMAN, 4783
ELIZABETH K. STEPHENS, 9955
PAMELA L. STOUT, 6566
WILLIAM A. SUGGS III, 0087
DANIEL A. THOMPSON, 5750
JANE E. TURNER, 6634
CRISANTITO L. VALENCIA, 5203
JOSEPH S. WALKER, 3185
JUDITH M. WALKER, 2314
DELIA L. WALLACE, 3404
HERLENA O. WASHINGTON, 4395
KEITH D. WASHINGTON, 1605
MARIE M. WATKINS, 0724
SCOTT R. WHALEY, 7233
BYRON C. WIGGINS, 3291
JOSEPH M. WILKINSON, 1590
NANCY V. WILSON, 3988
ERIC W. WOLF, 5947
JASON P. WROTEN, 6032
TERRY D. YARBROUGH, 4284
GEORGES E. YOUNES, 5289

To be ensign

ROBERT E. BEBEREMEYER, 5528
KEVIN R. BIVENS, 3198
CHISTOPHER L. BLANCARD, 0049
TRACY A. BRINES, 0598
MARK S. BUDELIER, 1495
ERICK D. ECK, 0545
BRUCE E. ENLIGH, 2296
IVAN A. FINNEY, 9564
MICHAEL W. FOWLER, 4340
BRIAN G. HARRIS, 9717
STEPHEN E. JOHNSON, 8225
CHRISTOPHER K. LUEDDERS, 4529
BRIAN L. MAZE, 7725
DAVID D. NEAL, 4170
GREGORY E. POOLE, 6088
CHRISTOPHER J. RENNIE, 8344
TRAVIS B. RHOADES, 0713
JAMES E. SCOTT, 6869
RAMON I. SERRANO, 8469
JAMES R. SIMMONS, 8725
JEROD D. SWANSON, 3049
SEAN W. VALLIEU, 7200
KEVIN H. WAGNER, 9323
BENJAMIN J. WALKER, 9135
DUNCAN L. WILLIAMS, 6451
GORDON R. WILLIAMS, 5369
ROBERT L. WING, 9943
COREY D. WOFFORD, 3157
DANIEL F. YOUCH, 8453

I NOMINATE THE FOLLOWING-NAMED LINE OFFICERS FOR REGULAR APPOINTMENT IN THE SUPPLY CORPS TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(B):

To be lieutenant

PAUL G. DAVIS III, 0399
JOHN D. SORACCO, 9320

To be lieutenant (junior grade)

J.S. GLENN, 0839
ROBERT R. WINTERS, 6130

To be ensign

STEVEN A. CASAREZ, 4647
JASON B. FITCH, 7648
LINDA M. GOODE, 5624
MICHAEL C. JOHNSON, 7178
CHRISTOPHER L. KLIPP, 1389
JOHN L. RAMIREZ, 5437

I NOMINATE THE FOLLOWING-NAMED LINE OFFICERS FOR REGULAR APPOINTMENT TO THE CIVIL ENGINEER CORPS TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582(B):

To be lieutenant

RONALD A. BARRETT, JR., 2031
DEREK P. FRASZ, 4380
MARK T. GERONIME, 6849
BRYAN J. GRAPPE, 6423
ROBERT D. JANEZIC, 5933
JASON R. KARLIN, 0861
FRANZ D. MESSNER, 8110
MICHAEL P. OESTEREICHER, 4862
LEY D.A. VANDER, 0020

To be lieutenant (junior grade)

ERNEST J. TRICHE IV, 2266
DARREN C. WU, 88026

To be ensign

TY G. CHRISTIE, 9476
RAYMOND Y. RODRIGUEZ, 6087
MICHAEL A. THORNTON, 2130

I NOMINATE THE FOLLOWING-NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE U.S. NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5589(A)

To be lieutenant

RONALD L. CRANFILL, 9521

To be lieutenant (junior grade)

WILLIAM F. CONROY II, 0636

EXTENSIONS OF REMARKS

A TRIBUTE TO PROF. MARK SARGENT

HON. ROBERT L. EHRLICH, JR.

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. EHRLICH. Mr. Speaker, today I rise to pay tribute to a friend, constituent, lawyer, and academician who has reached a new pinnacle in an already distinguished career, Prof. Mark Sargent.

Professor Sargent will soon be relinquishing his current job at the University of Maryland School of Law, where he teaches and serves as associate dean for academic affairs, to accept the position of dean of the Villanova University Law School. As an attorney, I know many fine lawyers who have distinguished themselves in the courtroom as well as the classroom. Yet Mark is the only attorney I know whose accomplishments earned him a trusteeship over the future of the legal profession itself.

Mark Sargent, a man of great integrity, keen mind, and a scholarly passion for the law, is uniquely qualified to undertake this assignment. Prior to accepting his current assignment at the University of Maryland, Mark held teaching posts at the University of Baltimore Law School; Southern Methodist University Law School; and the Washington College of Law at American University. Mark's teaching style has earned him great praise. He was named the 1994–95 "Teacher of the Year" at the University of Maryland; and received the Spirit of Excellence Award at the University of Baltimore in 1984.

An acknowledged expert on business and securities law, Mark has written, coauthored, or edited dozens of articles which have appeared in legal journals across the Nation. He has also written or cowritten a total of three legal textbooks. In addition to his academic success, Mark has been a fixture in Maryland's legal community, and has chaired numerous committees of the Maryland Bar Association regarding various aspects of business and corporate law.

My respect for Mark Sargent goes beyond his many professional achievements. Early in my career, as a young associate at the Baltimore law firm of Ober, Kaler, Grimes, & Shriver, I met Mark's wife Joan, also an associate, and have been friends with her ever since. Bright and talented in her own right, Joan currently works as a staffer in my district office. Moreover, my wife Kendel, a graduate of the University of Baltimore Law School, is a former student of Mark's.

I wish Mark Godspeed as he assumes his new responsibilities later this year. As much as I will personally miss Mark and Joan, I am happy that this opportunity has presented itself to a man who so richly deserves it. The Maryland legal community's loss is Villanova Law School's gain.

TRIBUTE TO THE MEMORY OF JACKIE ROOSEVELT ROBINSON

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 15, 1997

Mr. STOKES. Mr. Speaker, I am proud to join my colleague, the gentlelady from Florida, Congresswoman CARRIE MEEK, to commemorate an important occasion. Fifty years ago this month, Jackie Robinson broke major league baseball's color barrier. When he made his debut with the Brooklyn Dodgers, Jackie Robinson opened doors closed to African-American athletes. This week, activities are being held across the country to pay tribute to an outstanding individual who changed the course of history. I am honored to join my colleagues and others as we recognize the historic accomplishments of Jackie Robinson.

When he entered the major baseball league, Jackie Robinson carried the hopes and aspirations of the black community on his shoulders. It wasn't an easy road. When they recruited him, it is reported that Robinson signed a contract which included a clause that he turn his cheek to all abuse for 2 years. Jackie Robinson encountered the unrest of his teammates, some of whom wanted to be traded rather than play with Robinson. He was also barred from staying in that team's hotel in St Louis and Philadelphia, and several clubs threatened to boycott games in which Jackie Robinson played. Through it all, Jackie Robinson endured. He changed people and he changed America.

Mr. Speaker, many of us in this Chamber can recall watching Jackie Robinson during his legendary career. As a young man in Cleveland, OH, I recall that Jackie Robinson was a hero and a role model who inspired me to set goals and then achieve them. It is fitting that we recognize the efforts of an individual who started America on a new course in race relations.

A few days ago, President Clinton spoke at Shea Stadium on the significance of Jackie Robinson's life. He said that Jackie Robinson, "changed the face of baseball and the face of America forever." Others recalled the passage from Jackie Robinson's gravestone which reads: "A life is not important except in the impact it has on other lives." I take pride in honoring Jackie Robinson on this important occasion. He is more than a hero and more than a legend in the eyes of all Americans.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. CLEMENT. Mr. Speaker, on rollcall No. 91, I was detained by important events in my State. Had I been present, I would have voted "aye."

BLOOMFIELD CITIZENS COUNCIL AWARDS

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to a number of Pittsburgh residents who will be honored on May 2 with 1997 Bloomfield Citizens Council awards. Every year, the Bloomfield Citizens Council grants these awards to members of the community who have made a significant contribution to the quality of life in Bloomfield.

For 23 years of sharing her musical gifts with the children and adults of Bloomfield, Ginny Plowey has been selected as the 1997 recipient of the Mary Cercone Outstanding Citizen Award.

A Public Safety Award will be bestowed upon city of Pittsburgh Police Officer R. Thomas Jacques for his work in keeping zone 5 safe. I should also note that Officer Jacques was recently married and that he and his wife are currently on their honeymoon. I want to extend my congratulations and best wishes to the happy couple.

A Public Safety Award will also be given to Pittsburgh Police Commander Maurita Bryant for her leadership in protecting the residents of zone 5.

The recipient of the Community Commitment Award this year will be the Bloomfield Community Food Pantry. The Bloomfield Community Food Pantry utilizes the services of between 30 and 40 volunteers to provide a helping hand to more than 100 people in need.

Jack Schimmel, a lifelong resident of Bloomfield, will be honored with the Neighborhood Loyalty Award. He has been active in the Bloomfield Lions organization over the last 24 years, serving as both club secretary and club president during that time. He has also been actively involved in sponsoring and supervising athletics programs for young people in the community.

The Ateleta Beneficial Society and the Bloomfield Liedertafel Singing Society will each receive Heritage Awards this year. The Ateleta Beneficial Society was organized in 1924 by 235 Italian-Americans from the town of Ateleta, Abruzzi, and since that time it has

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

promoted camaraderie and brotherhood. The Bloomfield Liedertafel Singing Society was founded in 1884, and for over 110 years it has preserved and promoted traditional German vocal music, an important component of German culture.

For their creative use of lights to depict a massive Christmas tree, as well as a number of other symbols of the season, Mr. and Mrs. Mike Armenti will receive the Most Creative Christmas Design Award.

Mr. and Mrs. Gary Caldwell will receive an award for Most Charming Decorated Home, receiving an award for the second straight year.

Scott Graham will receive the Keeping Christ in Christmas Award.

Mr. and Mrs. Nick DiGiacomo will receive the Most Festive in Contemporary Style Award for their Christmas light display.

Mr. and Mrs. Michael Magliocco will receive the Most Festive in Traditional Style Award for their Christmas decorations. This will be their second award in as many years.

Mr. and Mrs. Bob Meyers will receive the Award for Most Original Use of Colors. This year, the Meyers' house and yard were decorated with miniature pastel lights.

The entire Weimerskirch family has been selected to receive the Most Creative Use of Christmas Colors Award. Their house and yard were decorated exclusively with red and green light bulbs this year.

And finally, Nancy Hilliard Goldberg will receive the Most Extensive Property Decoration Award for decorating every inch of her block-long property in memory of her late husband, Sam Goldberg.

The individuals receiving this year's Bloomfield Citizens Council awards have all made significant contributions to the quality of life in Bloomfield. They deserve recognition for their efforts.

SALUTING THE ORGANIZERS OF THE THYAGARAJA FESTIVAL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. STOKES. Mr. Speaker, I am honored today to recognize an extraordinary group of citizens in my congressional district. Recently, the music department at Cleveland State University hosted the 1997 Thyagaraja Festival. This 2-week celebration marked the 20th anniversary of the Thyagaraja Festival. This festival enables international musicians from the country of India and other parts of the globe to come and perform in the city of Cleveland. In addition, this event offers those in attendance an opportunity to witness an array of cultural performances. Visitors travel from a majority of the United States from Arizona to California and Connecticut to Alaska. Others came from Hong Kong and India to be a part of these phenomenal activities.

This year, the festival's total attendance was estimated at 12,000; the event included the children's music competition, the Aradhana and luncheon, the ballet, Lakshmi Probhavam, and 18 full-length concerts. The total number of participants is indicative of the tireless effort and dedication put forth by the Cleveland State University Music Department and other volunteers to organize such a spectacular event.

Mr. Speaker, while some countries within our international community are stricken with obstacles such as war and poverty, the Thyagaraja Festival stands as an illustration of our city and Nation's commitment to international unity and appreciation for cultural diversity. Again, I salute the organizers of the 1997 Thyagaraja Festival for creating an opportunity for the city of Cleveland and our great Nation to partake in an attempt to increase multicultural awareness and secure global peace.

PERSONAL EXPLANATION

HON. BOB CLEMENT

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. CLEMENT. Mr. Speaker, on rollcall No. 90, I was detained by important events in my State. Had I been present, I would have voted "no."

INTRODUCTION OF LEGISLATION

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. THOMAS. Mr. Speaker, I am pleased to introduce today, along with Mr. CARDIN, Mr. BILIRAKIS, and Mr. STARK, the Programs of All-inclusive Care for the Elderly [PACE] Act of 1997. Our bill would provide coverage of PACE under the Medicare Program and establish PACE as a Medicaid State option.

As many know, PACE is a quality, cost-effective long-term care program that was pioneered by On Lok Senior Health Services in San Francisco, CA. The PACE program is a fully-capitated acute and long-term health care program in which all covered services are provided through a single organization or a single provider of care, including not only the long-term care services and inpatient hospitalization, but physician services, nurses, physical, occupational and recreational therapists, social workers, dieticians, home health aides and medical equipment suppliers. PACE programs receive capitation payments from Medicare and Medicaid, and in the case of individuals who are not eligible for Medicaid, private individuals. These payments provide payers savings relative to their expenditures in the traditional Medicare, Medicaid, and private payer systems. Finally, PACE programs are unique in that they assume total financial risk and responsibility for all acute and long-term care without limitation.

PACE evolved in response to problems which exist in the current long-term care system, a system that is biased toward institutional care, leads to discontinuity and duplication in the provisions of services, and affords little control over utilization of services and costs. These problems can lead to fragmented care, repeated and lengthy hospital stays, family stress, premature nursing home placement, and impoverishment.

By expanding the availability of community-based long-term care services, tightly integrating all aspects of their enrollee's care, and emphasizing preventive and supportive services, PACE programs have substantially lowered the utilization of high-cost, inpatient services. In turn, dollars that would have been spent on hospital and nursing home care services are used to expand the availability of community-based care which, again reduces the need for higher-cost institutional care. As a result, PACE enrollees are able to remain at home and enjoy a better quality of life.

The PACE Coverage Act of 1997 offers an alternative to traditional long-term care which has been proven effective—both in terms of quality and cost. While we recognize that PACE is not the only solution to problems facing frail, older Americans, it is one solution that has withstood the test of time and the scrutiny which comes with being visible. On Lok, the first of the PACE programs, has been in existence since 1972 and began offering the full spectrum of PACE services in 1983. In 1986, Congress authorized demonstration waivers for up to 10, later 15, organizations seeking to replicate the achievements of On Lok in San Francisco. These programs have accumulated more than six decades of experience. Based on the success of these pioneers, it is time to make PACE programs available to eligible Medicare and Medicaid beneficiaries on a broader scale.

The purpose of our bill is to make this important alternative available across the Nation. It is also urgently needed. As mentioned, 15 demonstration sites were authorized. Far more than that number are now waiting in the wings to serve our frail elderly citizens. By establishing qualified programs as providers, we also will facilitate the ability of the private sector to insure these services and to contract with PACE programs on behalf of individuals who would benefit from this type of care. Again, this, of course, would be voluntary. What we are doing here is providing another significant resource.

As we examine the needs of the elderly, we need to look for ways to move beyond existing programs to make coordinated care networks a permanent competitive options for all beneficiaries, and the PACE model provides a strong foundation for us on which to build.

RECOGNITION OF HAMILTON ELEMENTARY AS ONE OF THE TOP TITLE I SCHOOLS IN THE NATION

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. FORD. Mr. Speaker, I rise to praise Hamilton Elementary School in Memphis, TN. On May 6, the U.S. Department of Education will recognize Hamilton Elementary as one of the top title I schools in the Nation. This is a prestigious award, based on rigorous and competitive process. Schools must compete with tens of thousands of elementary schools from around the United States for this award. The award recognizes a school's ability to help children meet high academic standards and advanced levels of performance. I am extremely proud of the accomplishments of Hamilton Elementary. When we set high education standards, children, parents, teachers, and administrators respond. Hamilton Elementary stands as a model for the entire Nation.

Title I of the Elementary and Secondary Education Act of 1965 is the Nation's largest Federal investment in local schools. It directs approximately $7 billion each year to cover 50,000 schools districts in the United States with high numbers of low-income families and students. With an emphasis on high academic standards and accelerated learning in core subjects, it is transforming schools like Hamilton Elementary. Title I is an investment that will pay dividends for years to come.

Our work, however, is not over. According to the National Assessment of Educational Progress, the Nation's report card, only 28 percent of fourth graders read at a proficient or advanced level. Only 21 percent of eighth graders are proficient in math. On Friday, the Department of Education reported that "education and training are strongly associated with increased productivity, higher rates of employment and higher paying jobs for Americans." At the same time, other industrialized nations are making productivity gains as these countries spend more to train and educate their work force.

Today, more than ever, we owe it to our children to give them the education and skills they need to become productive participants in today's marketplace. High technology companies will shape the next generation of successful businesses in the 21st century. If we do not educate and train our young people to enter these high-skilled, high-wage jobs, our global competitors will pass us. Hamilton Elementary is doing its part and I applaud them for it. I call on my colleagues in the U.S. House of Representatives to join me in honoring their accomplishment.

STUDENTS IN FREE ENTERPRISE

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. GREENWOOD. Mr. Speaker, I rise today to pay tribute to an outstanding organization in Bucks County, the Students in Free Enterprise, located at the Bucks County Community College.

Studnets in Free Enterprise [SIFE] is a nonprofit, international organization including over 400 chapters on the campuses of U.S. colleges and universities. SIFE has continually encouraged the free enterprise system through educational programs since its inception more than 20 years ago by Sam Walton, founder of Wal-Mart. Students in the organization dedicate their time and resources to helping others develop leadership, teamwork and communication skills through learning, practicing, and teaching the principles of free enterprise. SIFE is not only involved with the encouragement of the free enterprise system, but has worked closely with many national and international charitable organizations such as the American Red Cross, the American Lung Association, and the Civil Air Patrol on various projects. The student organization at the Bucks County Community College has also instituted programs such as Reading Empowers and Directs Youth [READY] and Children Are Really Extra Special [CARES] to teach children important computer skills.

The Students in Free Enterprise is a valuable asset to the people of Pennsylvania. In honor of their many charitable and civic contributions, I join my colleagues in the Pennsylvania House of Representatives in recognizing May 20, 1997 as Students in Free Enterprise Day.

I congratulate them on this day as they continue their mission of helping people achieve their dreams through free enterprise education.

MASSACHUSETTS STATE SENATE URGES FAIRNESS FOR LEGAL IMMIGRANTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 28, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, earlier this month the Massachusetts State Senate passed a resolution urging us to reverse the cruel and unwise policy adopted last year in the welfare bill of cutting off basic income support to legal residents of this country who are unable to support themselves.

I thought this was a grave error when it was proposed and worked hard against it. I regretted its passage and signature by the President. And since that time, our worst fears have come true. I've heard from people throughout my district about the terrible social harm that will result from this unjust policy. Russian Jews in the northern part of my district who came to the United States as refugees from Communist anti-Semitism; hardworking elderly Portuguese immigrants who came to this country and worked hard for some time before illness struck them; Indo-Chinese residents who came to the United States because they had been supportive of our efforts during the Vietnam war—these are examples of the decent, hard-working, wholly innocent people who are victims of last year's grave error.

The Massachusetts Legislature is trying to address this, but it is an outrage for this Congress to impose on the States the financial responsibility that ought to rest at the Federal level. States have enough financial problems without being forced to serve as a backup for Federal callousness. Mr. Speaker, the Massachusetts Senate, composed of elected officials who live day to day with this problem and fully understand it, expresses the point very well and I congratulate Senator Linda Melconian for taking the lead on this issue and I ask that the resolution adopted by the Massachusetts Senate be printed here.

RESOLUTIONS URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO RESTORE FEDERALLY FUNDED BENEFITS TO LEGAL IMMIGRANTS RESIDING IN THE UNITED STATES

Whereas, in August of Nineteen Hundred and Ninety-six, the United States Congress enacted the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, so-called; and

Whereas, Congress in said Act forbade use of Federal funds to provide benefits for financially needy immigrants lawfully residing in the United States; and

Whereas, legal immigrants pay taxes and contribute in many ways to the productivity and vitality of our communities; and

Whereas, the United States was founded and built by immigrants; and

Whereas, because Congress has abdicated its financial responsibility, the financial burden of the action by Congress falls unfairly on the States and needy residents of the States; now therefore be it

Resolved, That the Massachusetts Senate respectfully requests that the President and the Congress of the United States restore to the States the authority to provide Federally funded benefits to needy, lawful residents of the United States; and be it further

Resolved, That the Massachusetts Senate respectfully requests that the United States Congress and the President restore to the Commonwealth adequate Federal funding to allow for the provision of benefits for financially needy immigrants lawfully residing in this Commonwealth; and be it further

Resolved, That a copy of these resolutions be transmitted forthwith by the Clerk of the Senate to the President of the United States of America, the Presiding Officer of each branch of the United States Congress, and each member of the Massachusetts Congressional Delegation.

TRIBUTE TO JAMES FARMER, CIVIL RIGHTS FREEDOM FIGHTER

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 24, 1997

Mr. STOKES. Mr. Speaker, the civil rights struggle was a pivotal point in American history. It not only changed the course of our Nation, but how we look at each another today. In the annals of history, names of heroic citizens are sometimes overlooked, as is often the case in turbulent times. It is for this reason that as a member of the Congressional Black Caucus, I am pleased that my colleague, the gentleman from Georgia, Mr. LEWIS, reserved this time today. Mr. Speaker, I rise today to honor one of the few living trailblazers in America's struggle for civil rights, Mr. James L. Farmer.

Mr. Farmer was a founder of the Congress of Racial Equality, or CORE, which was a pioneering organization in nonviolent protest. Through Mr. Farmer's design, execution, and leadership, a form of peaceful protest—known as Freedom Rides—was organized throughout the South as part of the movement that led to desegregation and passage of the Civil Rights Act.

James Farmer grew up in the shadow of segregation in Mississippi. As a child, he felt the weight of racism and knew that he would eventually help bring segregation to its knees. He was right. As the son of a clergyman and the first African-American Ph.D. recipient in Texas, James Farmer grew up steeped in religion and education. He was supposed to follow his father's path to the pulpit, but could not bring himself to preach before a church that was segregated, as his was. But it was during his education at Howard University School of Divinity that he was moved by the teachings of Mohandas Ghandi, and the seed of nonviolent protest was planted firmly in his mind.

In 1942, Mr. Farmer organized sit-ins at segregated lunch counters in Chicago, and it was in that period that CORE was founded. After World War II, Mr. Farmer wanted to test the reality of a U.S. Supreme Court ruling which declared that segregation of interstate buses was indeed unconstitutional in 1947.

Mr. Speaker, it was in 1961 that integrated groups of brave individuals boarded buses to travel throughout the South on what were known as Freedom Rides. These riders were threatened, beaten, and jailed, but they never wavered in their struggle for the equality they knew all Americans were due. Mr. Speaker, these Freedom Rides became a very important component in the struggle for civil rights.

The riders were made up of intrepid and dignified individuals such as my colleague JOHN LEWIS, with whom I am so proud to serve in the U.S. Congress. I want my colleagues to know, however, that the Freedom Rides were the work of Jim Farmer. Mr. Farmer, who still resides nearby outside of Fredericksburg, VA, deserves our deepest gratitude. It is time that we recognize Mr. Farmer as the historic civil rights figure that he is. I sincerely hope that President Clinton will give him this consideration in his selection of Presidential Medal of Freedom recipients, and I thank the gentleman from Georgia [Mr. LEWIS] for taking this special order to honor Jim Farmer. It is entirely fitting and proper that Mr. LEWIS, himself a great civil rights leader, lead us in this special order this evening.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 29, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 30

9:30 a.m.

Commerce, Science, and Transportation
To hold hearings on the nomination of Andrew J. Pincus, of New York, to be General Counsel of the Department of Commerce.
SR-253

Labor and Human Resources
To hold hearings to examine equal opportunity issues in the Federal construction industry.
SD-430

Rules and Administration
To resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office.
SR-301

10:00 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on the structure and modernization of the National Guard.
SD-192

Commerce, Science, and Transportation
To hold hearings to examine the impact of emerging trade issues on the U.S. consumer.
SR-253

Finance
To hold hearings on increasing children's access to health care.
SD-215

Judiciary
To hold hearings to examine the operations of the Department of Justice.
SH-216

10:30 a.m.

Banking, Housing, and Urban Affairs
Securities Subcommittee
To hold oversight hearings on social security investment in the securities markets.
SD-538

2:00 p.m.

Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold hearings on the use of "Telepresence", the enabling technology for telemedicine and distance learning.
SR-253

Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings on fighting crime and violence in the District of Columbia.
SD-342

2:30 p.m.

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

MAY 1

9:00 a.m.

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD-192

9:30 a.m.

Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR-253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine biomedical research priorities.
SD-430

10:00 a.m.

Appropriations
Agriculture, Rural Development, and Related Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Commodity Futures Trading Commission, and the Food and Drug Administration, Department of Health and Human Resources.
SD-124

Armed Services
Readiness Subcommittee
To resume hearings on S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999, focusing on the Department of Defense Depot maintenance privatization initiatives.
SR-222

Banking, Housing, and Urban Affairs
Financial Institutions and Regulatory Relief Subcommittee
To hold oversight hearings on the Office of the Comptroller of the Currency, Department of the Treasury.
SD-538

Foreign Relations
Near Eastern and South Asian Affairs Subcommittee
To hold hearings to examine the extent of religious persecution in the Middle East.
SD-419

Governmental Affairs
To hold hearings on proposals to develop and implement management reforms to provide the Department of Defense with strategies and techniques to increase effectiveness, reduce costs, and minimize risks associated with program and administrative management.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Small Business
To hold hearings on the Small Business Administration's finance programs.
SR-428A

11:30 a.m.

Judiciary
Immigration Subcommittee
To hold oversight hearings on the Immigration and Naturalization Services, focusing on criminal record verification process for citizenship applicants.
SH-216

2:00 p.m.

Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Veterans Affairs.
SD-138

Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on S. 357, to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument.
SD-366

Foreign Relations
To hold hearings on the nomination of Stuart E. Eizenstat, of Maryland, to be

Under Secretary of State for Economic, Business and Agricultural Affairs.
SD–419

Governmental Affairs
International Security, Proliferation and Federal Services Subcommittee
To hold hearings to discuss certain issues with regard to the ABM Treaty, focusing on the national missile defense program.
SD–342

Select on Intelligence
To hold closed hearings on intelligence matters.
SH–219

MAY 2

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for April and the Consumer Price Index.
1334 Longworth Building

MAY 5

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.
SD–366

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

Energy and Natural Resources
To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretaru of Energy.
SD–366

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Joint Committee on Taxation, the Joint Economic Committee, and the Joint Committee on Printing.
S–128, Capitol.

Judiciary
To hold hearings to examine encryption issues in the information age.
SD–226

2:00 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the Newly Independent States.
S–128, Capitol

Judiciary
Youth Violence Subcommittee
To hold hearings to review the programs and mandates of the Office of Juvenile Justice Delinquency Prevention.
SD–226

MAY 7

9:15 a.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services.
SH–216

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs.
SD–406

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues.
SD–124

Judiciary
To hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform.
SD–226

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD–226

MAY 8

9:30 a.m.
Energy and Natural Resources
To hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation.
SH–216

10:00 a.m.
Governmental Affairs
Oversight of Government Management, Restructuring and the District of Columbia Subcommittee
To hold hearings to examine the Government's impact on television programming.
SD–432

Commission on Security and Cooperation in Europe
To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).
SD–538

MAY 14

9:30 a.m.
Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD–366

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.
SD–192

MAY 15

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.
SD–366

MAY 21

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD–192

Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD–226

MAY 22

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.
SH–216

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed "Public Land Management Responsibility and Accoutability Act".
SD–366

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD–192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH–216

SENATE—*Tuesday, April 29, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Lord of all time, keep us from being distracted from what's important today by the tyranny of the urgent. Help us prioritize the demands of this day. Give us the courage to live on what You will show us is on Your agenda. May we deem urgent what glorifies You, brings us into a deeper relationship with You, and serves the needs of people. Our desire is to live with an inner serenity about the pressures of the day. Rather than thrashing about to keep afloat, free us to float uplifted by the blessed buoyancy of Your power. Carry us by the currents of Your spirit. Guide us through the rocks in the river, some of which are hidden beneath the surface.

Lord, we want to be inner-directed people rather than those who are pulled in all directions. Make us so secure in You that we will have strength to discover and do Your will. Give us courage to say, "No" to some things and "Yes" to others on the basis of Your guidance in our minds and hearts.

We press on to this day with our only concern being that we might miss Your best in the busy schedule of the day. So now quiet any dissonance in us, overcome any resistance in our wills, and fill any emptiness in our hearts. Through our Saviour and Lord. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT from Mississippi, is recognized.

Mr. LOTT. Good morning, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, the Senate will resume consideration of the motion to proceed to the consideration of S. 543, the Volunteer Protection Act. Debate on the motion to proceed will continue until 12:30 p.m., with the time equally divided between Senator COVERDELL, or his designee, and the ranking member, or his designee. From 12:30 p.m. to 2:15 p.m., the Senate will be in recess for the weekly policy luncheons. By a previous order, at 2:15 p.m., there will be a cloture vote on the motion to proceed to S. 543, the Volunteer Protection Act. If cloture is invoked, there will be 1 hour of debate, followed by a vote on the motion to proceed. As a reminder, a second cloture motion was filed last night on the motion to proceed to S. 543. Therefore, if cloture is not invoked at 2:15 p.m., there will be a second vote on Wednesday. Hopefully, cloture will be invoked today, and the Senate can begin consideration of this important bill.

I note again, this is debate on the motion to proceed on a bill that seems to me we would certainly want to pass in short order to provide some basic protection for volunteers who serve on boards of charitable organizations, volunteer organizations. That is the spirit of what we have seen in Philadelphia for the last 3 days, and yet, if you volunteer in America, you run the risk of being sued. Maybe we can work out some of the concerns that lawyers may have about this bill. But it seems like it is the fair thing to do.

We have other work we need to do. I am sure Senators would like to turn to the supplemental appropriations bill as soon as possible. We hope that bill will be ready for consideration Wednesday or Thursday, but we have to dispose of the Volunteer Protection Act first. There are other concerns that we think need to be addressed. So we will be working with the minority leader to see if we can come to some agreement on how we can conclude these very important pieces of legislation.

I yield the floor, Mr. President.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER (Mr. HUTCHINSON). Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

Mr. LOTT. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time between 9:30 a.m. and 12:30 p.m. shall be equally divided between the Senator from Georgia [Mr. COVERDELL] or his designee, and the Senator from Vermont [Mr. LEAHY] or his designee. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, just for clarification, we are debating, in essence, whether the other side will allow us to move to the Volunteer Protection Act. That is the beginning of something we describe in the Senate as a filibuster, an attempt to block consideration of the Volunteer Protection Act.

I will take a moment just to describe the cast of characters here. What we have is a community that can perhaps be best described as Little League baseball that is trying to find relief from our current litigious society because they claim and can substantiate that it is having a chilling effect on the volunteer community.

We have a number of legislators—myself, Senators MCCONNELL, ASHCROFT, SANTORUM, and others—who have tried to frame legislation under the Volunteer Protection Act that would protect the unique creature of a volunteer in America. We have some trial attorneys who are apparently objecting to even these limited reforms to protect volunteers and their participation in what makes America so good.

The Volunteer Protection Act of 1997 is a bill, first to describe it in general terms, to provide certain protections to volunteers, nonprofit organizations, and Government entities from lawsuits based on activities of the volunteers. The findings are that potential volunteers are deterred from offering their services by the potential for liability actions against them; that many nonprofit organizations and Government entities that rely on volunteer service are harmed by the withdrawal of volunteers from boards of directors and other service; and that this, therefore, diminishes the contribution of these programs in this most important time in our history, of volunteer activity on behalf of communities and, therefore, our nonprofit organizations have fewer programs and they are experiencing higher costs.

The purpose of the Volunteer Protection Act is to promote the interests of social service programs beneficiaries and taxpayers by sustaining programs that rely on volunteers, by helping those entities, those organizations that encourage voluntarism in America.

This would reform the laws to provide liability protection for volunteers serving nonprofit organizations and Government entities. It would put a limitation on the liability for volunteers. No volunteer of a nonprofit organization or governmental entity would be liable for harm caused by the act or omission of the volunteer. It has certain protections, of course. The volunteer must be acting within the scope of his or her responsibilities in the organization. If required, the volunteer must be properly licensed, certified, or authorized in the State where the harm might have occurred. There is no protection for volunteers if harm caused was willful or criminal misconduct, if it was gross negligence or reckless misconduct.

The legislation does not affect any action brought by the organization itself against a volunteer, and it does not affect the liability of the organization itself for harm caused to any person.

Mr. President, in the area of punitive damages—this is an area of the law that goes beyond just direct costs and deals with punishing someone—punitive damages are awarded to punish or deter misconduct by a defendant, as opposed to compensatory damages awarded to pay the plaintiff for harm that he or she has suffered.

In this legislation, punitive damages may not be awarded against a volunteer, nonprofit organization, or government entity for harm caused by a volunteer without clear and convincing evidence that the harm resulted from willful or criminal misconduct or gross negligence.

No protection for volunteers or organizations for misconduct that constitutes a crime of violence, a hate crime, a crime that involves a sexual offense or a civil rights violation, or where the defendant was under the influence of drugs or alcohol. The legislation offers no defense or protection in these critical areas.

The legislation deals with liability for noneconomic loss. Noneconomic losses are such things as physical and emotional pain or suffering, inconvenience, mental anguish, or injury to reputation, et cetera.

The legislation requires liability for noneconomic losses to be proportionately assigned and paid by each defendant. So it is therefore abolishing joint and several liability where any defendant can be required to pay the whole judgment even if the defendant were only minimally involved or at fault.

The legislation, Mr. President, recognizes the State role in these affairs. It would preempt State law to the extent that State laws are inconsistent with the Volunteer Protection Act. But it does not preempt a State that provides greater protection for volunteers or any category of volunteers performing services for a nonprofit organization or governmental entity or for the organizations themselves.

A State, Mr. President, may elect to have the Volunteer Protection Act not apply in cases where all parties are a citizen of that State. So, in other words, it can elect to opt out from under this national law if it is a circumstance that involves just citizens of their State. To opt out, the State must declare its election to do so in a freestanding bill.

The Volunteer Protection Act would take effect 90 days after the date of enactment, and it applies to any claim filed on or after the effective date regardless of whether the underlying harm or the conduct that caused the harm occurred before the effective date.

Mr. President, you cannot see this, but this is two complete pages of the kinds of institutions that are asking for national policy to protect the natural resource, the Nation's resource, that are represented by the American volunteer. It ranges from the Air Force Association—which reminds me of a vignette, Mr. President, that occurred over the weekend.

I do not know if you can see this jagged scar above my eye here, but in running to get out of the inclement weather in my home State, in the middle of the State, I was jumping into an automobile owned by the U.S. Air Force, and misjudged and hit the corner of the door—it made for a rather interesting moment or two—and the first words from my Air Force companion were, "Gosh, I hope you're not going to sue the Air Force," which I have no intention of doing.

But it sort of reminded me of that. The first organization is the Air Force Association. And there is the American Camping Association, American Diabetes Association, American Hospital Association, American Red Cross, American Symphony Orchestra League, American Society of Association Executives, the B'Nai B'rith International, Big Brothers and Big Sisters, Boys Club, Little League, which I mentioned a moment ago, the Lupus Foundation of America, the National Association of Towns and Townships, the National Council of Jewish Women, the National Crime Prevention Council, the National Easter Seal Society, the National Military Family Association, the National PTA—and the list goes on.

Just to restate the nature of what these organizations are saying and the appeal they are making, it is well documented in a letter to me dated April 22, 1997. I want to read it again. It is directed to me from the office of the president and chief executive officer of the National Little League Baseball, Inc., from their international headquarters in Williamsport, PA.

> Dear Senator COVERDELL: On behalf of the 1,000,000 annual Little League Baseball volunteers, I am writing to express Little League Baseball's support for the "Volunteer Protection Act."
>
> Little League Baseball, played in 6,800 communities in all 50 States, exists today with volunteerism as its foundation strength. Each year this corps of 1,000,000 adult volunteers, mostly mothers and fathers who consider Little League as a healthy activity which strengthens families, give freely of their time to provide an athletic arena in which their children will learn valuable leadership lessons. To let this volunteer spirit erode or be eliminated through frivolous and expensive litigation would be a grave injustice to the present and future generations.
>
> The time is now to reduce the chilling effect of liability exposure for those who [would] donate their time and services to Little League Baseball or any non-profit, charitable institution. If protection from nuisance suits is not provided, every community is at risk of losing those very people whose community service will mold the leaders of tomorrow.
>
> We thank you and your colleagues for giving this important issue the attention it needs.
>
> Sincerely, Stephen D. Keener, President and Chief Executive Officer.

Here is a letter dated April 15, directed to me from Gordon Banks, who is the executive director of the American Industrial Hygiene Association.

> On behalf of the American Industrial Hygiene Association, I am pleased to convey our support for passage of. . .the "Volunteer Protection Act of 1997."
>
> AIHA is the world's largest association of occupational and environmental health professionals. The membership of AIHA, nearly 13,000 members, comes from government, labor, industry, academia and private business. You would be hard-pressed to find a more diverse, professional organization dedicated solely to the prevention of workplace fatalities, injury, and illness. AIHA's goal is to bring "good science" and the benefit of our work place experience to the public policy process directed at worker health and safety.
>
> Enactment of [the Volunteer Protection Act] would be of great benefit to AIHA.

This is testimony of John H. Graham IV, who is the chief executive officer of the American Diabetes Association on behalf of the American Society of Association Executives and the National Coalition for Volunteer Protection. This testimony, Mr. President, was before the House Judiciary Committee on April 23, 1997. This gentleman says that:

> . . .on behalf of the American Society of Association Executives, an organization representing more than 23,500 individuals from more than 11,000 national, state and local trade and professional associations. As a member of the ASAE's board of directors, I can report that these associations are completely dependent upon volunteers who serve on their boards and committees and who perform direct service functions. . ..
>
> The National Coalition for Volunteer Protection continues to coordinate and generate support for the passage of volunteer protection legislation. As of April 18, 1997, this coalition represents more than 300 national, state and local volunteer-dependent groups. These groups collectively utilize tens of millions of volunteers.

He goes on to say:

> We have seen recently that otherwise qualified and willing individuals are withholding their services out of fear of liability and confusion concerning the different volunteer protection laws on the books in many states. These are individuals who would help

> house and feed the homeless, who would treat and support the elderly, and who would clothe and care for the poor.

In his statement he cites a study done in 1988, a Gallop study. He says:

> The study, "The Liability Crisis and the Use of Volunteers by Nonprofit Associations," was released by the Gallop Organization in January 1988. The study was sponsored by the American Society of Association Executives and funded by the Gannett Foundation. The study concentrated on director and officers liability. The results of the study revealed very interesting data on the effect of this crisis on direct service volunteers. According to the study:
>
> Approximately one in ten nonprofit organizations have experienced the resignation of a volunteer due to liability concerns. If this figure were multiplied by the number of nonprofit organizations in America (600,000), then it would mean that 48,000 volunteers would have been lost during the past few years strictly due to liability concerns. Remember: these volunteers resigned. Resignation is a very drastic measure.
>
> One in six volunteers report withholding their services due to fear of exposure to liability suits.

On that point, Mr. President, when we had a press conference in the House several days ago, it was attended by a very famous athlete with the Washington Redskins, Terry Orr, who remembered when he came to play for the Washington Redskins that it was a common practice for the senior members of the team to come to the rookies and say, "We need some help with this Boy's Club or another organization generally dedicated to youth and youthful activities." When it came his turn—he was no longer the rookie—he was going to the rookies and asking for support to get these famous role models before young people right here in the Nation's Capital City. And to his surprise, Mr. President, he was shocked that it was not, as in his day, the response, "Well, where do we go and what Saturday morning is it?" The response was, "What's the liability coverage and what is my risk and what kinds of forms do I have to complete in order to participate?" And, "I'm not sure that I can afford to do this kind of thing."

This is a dramatic change of events and a chilling experience that robs people of all walks of life, indeed, of an opportunity to be helped by the unique volunteer spirit that we know in America.

Mr. President, I see we have been joined by the other side on this issue. As I understand it, we have from 9:30 to 12:30 equally divided. I yield to the other side at this point.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Chair will observe the time between 9:30 and 12:30 is equally divided between the Senator from Georgia and the Senator from Vermont. The Senator from Vermont has 84 minutes remaining on his time. The Senator from Georgia has 64 minutes.

Mr. LEAHY. I thank the Chair.

Mr. President, like many who have volunteered for everything from helping out libraries to volunteering on law enforcement matters, I support the idea of voluntarism, but I oppose the motion to proceed to immediate consideration of S. 543. The merit of this motion seems solely to be the fact that this may be an opportunity to jump aboard the train of the Philadelphia summit on volunteering in America.

I applaud President Clinton, General Powell, President Bush, President Carter, Mrs. Reagan, and others who were at the summit on voluntarism in Pennsylvania. I hope it will encourage people to continue beyond the time of the weekend.

We also have some things we are supposed to do in this body. We are supposed to pass a Federal budget. You and I, Mr. President, are required by law to file our income tax returns by April 15. If we do not, we get a knock on the door from the IRS. We are also, as Members of the Senate and Members of the House, required to pass a budget by April 15. The determination of when we start on a budget resolution is determined by the Republican leadership of the House and the Republican leadership of the Senate. Today is April 29 and they have yet to schedule 12 seconds of debate on the budget that the law requires us to have by April 15.

We have a number of members of the President's Cabinet and subcabinet that we cannot get 18 seconds of debate on, or to vote on them. We have 100 vacancies in the Federal courts. We have only found time—between a number of vacations this year—to confirm two members of the court, even though the Chief Justice has said that the vacancies have created a crisis in the courts of this country.

Now, America's 93 million volunteers, in the spirit of altruism, should get better treatment than to be used as unwilling partners in a partisan publicity stunt as a way to come up with the fact that the Senate is not doing the work the law requires us to do, the responsibility that we dictate we do. Instead, we have this.

Here we are, 2 weeks after the Senate missed its deadline to consider the budget, the legislative schedule again stretches before us as a vast desert of inactivity, but now in the vapor, also like a mirage, coming out of the desert, comes this bill.

Now, why was this particular bill suddenly brought to the floor without any notice, without any hearings, without a committee report? Why was careful scrutiny of this bill avoided by short circuiting the normal process of bringing bills through committee and to the floor of the Senate? Why is this bill being tendered to the Senate and the public like a stowaway, opportunistically cloaked in the camouflage of the week—voluntarism?

Mr. President, the answer is that this is a bill whose flaws would come to light under the scrutiny of our regular order. If we actually had 20 minutes of hearings, if we actually had a committee report, if we actually had a debate, we would find out the flaws.

Now, a commendable bill in the other body, which more precisely and thoughtfully addresses the issue which S. 543 purports to address on liability and volunteer work, has been introduced by Congressman JOHN PORTER. The Porter bill is being publicly examined through committee hearings, as it should be, and it is a better bill for the examination it is receiving.

The events this weekend in Philadelphia and for much of the rest of this week are a tribute to the spirit of American voluntarism. It is a magnifying glass that will help spark intensified efforts by all Americans to be better citizens and better neighbors; citizens who will be more willing to give of themselves to make life better in our communities and our Nation. The events in Philadelphia this week are designed to be nonpartisan and inclusive of the interests of all.

I mentioned those who were there, and I want to express again my gratitude to President George Bush and Barbara Bush for their longstanding leadership in this cause. I remember Mrs. Bush reading to children when they were at the White House and the example that set. It is time to recognize the personal commitment of Jimmy and Rosalynn Carter with Habitat for Humanity. They have gone out and worked and actually built houses for people to live in. They have done work around the world. It is time to heed and welcome the calls to action by national leaders such as Gen. Colin Powell, who, by his own life, set such a fine example to appreciate the vision of President Clinton and our First Lady. We see the President, even with his leg in a cast, hobbling over to set an example of helping.

We should all look forward to the results of the summit, and we should pledge to work in a bipartisan way to consider any recommendations—any recommendations—for legislation that may emerge from this national forum and accept the example of President Clinton and President Bush, of President Carter and Mrs. Reagan, of General Powell and others, to act in a nonpartisan fashion.

By contrast, the motion by the Republican majority to move to immediate consideration of S. 543, a bill rushed into the hop only days ago, reflects none of the spirit and instead actually is a narrow, partisan effort. Again, we find the Senate ignoring its own duties and responsibilities. We find the Senate ignoring the April 15 date, which by law required the leadership to bring forward a budget resolution. We ignored our duties and responsibilities to confirm Alexis Herman as the Secretary of Labor. We have ignored our responsibilities and duties and allowed this lengthening backlog of judicial nominees to the Federal court—now almost 100 vacancies—in order to tell some others what they should be doing and how.

This time, what the majority in this body, the Republican leadership, has targeted are the legislatures of the 50 States. What the Senate is trying to tell the State legislatures is that they do not know how to do their business. Big Daddy is right here in Washington. We will tell you how to do it better. Frankly, that might not go over too well with the legislature in Vermont, and I hope it will not in Kansas, Georgia, or anywhere else. Over the last several years, the States have considered and passed a variety of statutes to provide protections they determined advisable to encourage and protect those who volunteer or work for charitable organizations.

In 1990, President Bush endorsed a model State law to protect volunteers from legal liability, but he did it the right way. President Bush said, "Here is a good law, here is a model law, but we are not going to impose it on the State legislatures. We in Washington are not going to tell the people of Missouri, Georgia, Vermont, Kansas, or anywhere else, how you must do it. We will make the suggestion but your own legislature can make that determination."

Amazingly, for once, the Senate of the United States or the House of Representatives was not trying to tell them what they had to do. They were delighted, and they endorsed it. Since 1990, when President Bush made what I thought was a very sensible call, and one I encourage, State legislatures across the country have moved to protect volunteers through enactment of State laws, not something imposed on them from Washington, but something they designed within their own States. At least 44 of the 50 States have enacted some form of volunteer protection from liability. But even though those 44 have been active, we want to come rushing in, with no hearings, no debate, no discussion, no consideration by the States or anything else of legislation, and we say, "Tough luck, your legislatures do not count. Here we are. We will tell you what to do."

Why does the Senate of the United States need to take up and pass Federal legislation on this subject on an emergency or expedited basis when we cannot even do the work we are supposed to do? We cannot even get the budget here on April 15 like we are required. We cannot confirm judges. We cannot do anything we are supposed to do. Why are we proceeding to a bill that was only introduced days ago? Why are we proceeding without any hearings or committee consideration? Why are we being forced to proceed without the benefit of a committee report, without an opportunity to study the recent actions of our State legislatures? Can we at least look at what legislatures do before we hit them over the head and tell all these States, "You are not smart enough to do this. We are so much smarter than you are."

Do we really want to do that when we have not even had 12 seconds of hearings on this bill? Why is the Republican leadership demanding the Senate consider a law to override the laws of each of our State legislatures designed to protect volunteers and charitable organizations in our States? Why are we being told to just wipe out all the things the State legislatures have done to protect volunteers in their States? The States of Vermont, Georgia, and many others, for example, have already provided protection for directors and officers of nonprofit organizations from civil liability. Do we, in the U.S. Senate, intuitively know better than our State legislatures what is needed?

Do we know whether the better approach is to require indemnification or mandate insurance or provide limited immunity or help properly to structure acceptance of limitations of liabilities so that State law can serve to encourage charitable efforts without leaving innocent citizens to suffer from wrongful conduct without legal recourse? Have we developed any kind of a record—a page, a paragraph, a sentence, one itsy-bitsy tiny word—on which to justify such a legislative judgment or to justify Federal intrusion into areas that are traditionally matters of local concern? Of course not.

For a group whose rhetoric is about reducing the role of the Federal Government and returning power to the States, the Republican Senate seems awfully sure it knows better than anyone else what the States should pass to encourage local volunteers. You go home and give a speech to the local Rotary Club and say, "We want to give the power back to the States. We want the people to make these decisions; however, we know better than you in the long run, so we will pass this." For a group that criticizes others for acting as if Washington has solutions to every local problem, the smell of cherry blossoms seems to have gotten to someone.

I do not know what is wrong with the partial immunity and limited liability laws passed in Georgia, Kentucky, Michigan, Pennsylvania, or Missouri. I have not seen convincing evidence that vast punitive damage judgments exist to a significant factor in voluntarism, yet we are about to enact a Federal law regime to alter State law and State common law traditions in one ill-considered swoop.

At least when we considered Senate Joint Resolution 22, the independent counsel resolution, it was only a patently partisan sense-of-the-Senate resolution. It was inappropriate. It demeaned the Senate. But it did not strip rights from individual Americans.

At least when we considered the substitute for the Taxpayer Browsing Protection Act on April 15 to distract from the Republican leadership's failure to produce a Federal budget by that statutory deadline, we at least had previously considered and passed the National Information Infrastructure Protection Act, we had a GAO report noting the continuing problem of IRS employees snooping into confidential tax records, and we limited our action to a Federal agency.

At least when the Senate discharged the Judiciary Committee from any consideration of S. 495 and engaged in an artificially abbreviated discussion of its provisions in order to get to debate on the Chemical Weapons Convention, it did so knowing that we would have an opportunity to reconsider and correct it in the context of implementing legislation for the chemical weapons treaty, and at least it concerned Federal law, not State law. But this matter is different. It is not a sense-of-the-Senate resolution. It is not about a Federal agency or a Federal law or a Federal law problem. Instead, it is a repudiation of federalism and the primary role of the States in defining liability laws for local activities. It can have serious repercussions. When we just slap down the States like that and say they don't know enough to do these things, so we will do it for you, we ought to at least consider it substantively.

There is a slight procedural twist in S. 543. It is technically not being discharged from the Senate Judiciary Committee because it wasn't referred to the committee at all. On April 9, the same group of Republican sponsors introduced the same bill twice, held it on the Senate calendar and allowed the identical twin to be referred to the Judiciary Committee as S. 544. I guess Chairman HATCH and I did not jump quickly enough for their purposes. They get impatient after less than 3 weeks, and here we are on the floor with this ill-considered legislation and, again, we ignored the statutory date to get important legislation out, like the budget, on April 15.

Now, of course, I did have a chance to read the bill over the weekend. That is a lot bigger opportunity for deliberation than was afforded the Senate when we voted on a substitute version of S. 495 the same afternoon it was offered. So we in the minority are grateful to actually have a chance to do our job.

I want to point to a couple of problems. I wish to alert the Senate to several aspects of the bill. It may not be apparent from the statement of the sponsors. First, this bill is misnamed. It ought to be called the Ku Klux Klan Protection Act. That is as good an example as any of the nonprofit, "volunteer" organizations that will be the principal beneficiaries of premature consideration of this legislation. The bill's definition of "nonprofit organization" is overly broad and unnecessarily so. If we had had a hearing—something that apparently we no longer do in the Senate; we just bring bills to the floor—do you know what we would have found out about this bill, Mr. President? This bill is going to be supported, I assume strongly, by the Ku Klux Klan, because if you look at the web page of the Ku Klux Klan, look what they say on it: "The Knights of the Ku Klux Klan are a noncommercial, nonprofit, volunteer organization." And when we knock down all the State laws by passing this to give immunity, who are we giving immunity to? Noncommercial, nonprofit, volunteer organizations like—oh, I don't know, maybe the Ku Klux Klan. Well, if we had had 20 minutes of hearings on this bill, we might have known that. Isn't this special? In rushing this sucker through, we rush through something that wipes out State laws and imposes our feelings and our judgment to protect noncommercial, nonprofit, volunteer organizations like "the world's oldest, largest, and most professional whites' civil rights organization, the Knights of the Ku Klux Klan."

Mr. President, look at the picture taken off of the web page of the Ku Klux Klan: "The world's oldest, largest, and most professional whites' civil rights organization * * * a noncommercial, nonprofit, volunteer organization." But no matter what kind of laws we might have in Vermont or any other State, this bill would wipe those laws off the books and give them protection.

I am not suggesting for one moment that this is what the sponsors of this legislation want to do. There is not a single one of these sponsors of this legislation that want to do something to protect the Ku Klux Klan. I think we all know that. But what happens, Mr. President, is that we just rush legislation through because it sounds good and fits in for a good political sound bite for the day, and we haven't had any hearings, haven't done any of the work the Senate is supposed to do. This is what happens—something like this comes slipping through. This is why I oppose this moving forward like this.

This bill has been so hastily drafted as to provide legal protection to the Ku Klux Klan and its "volunteer members" as well as to all 501(c)(3) tax-exempt organizations under the Internal Revenue Code and to an untold variety of not-for-profit organizations.

Who is to decide which groups qualify for limited liability under such a definition? Is it a matter for the organization to declare in its purposes, such as when the Ku Klux Klan declares itself to be a "noncommercial, nonprofit, volunteer organization"? Is this a matter for the State courts to decide, or is it a Federal question that will be reserved for Federal courts to determine on a case-by-case basis? Is it a matter for the organization to declare its purpose, such as the Ku Klux Klan does when it designates itself to be a noncommercial, nonprofit, volunteer organization? Do we want Government to decide whether the organization's activities are such that it should be held to be engaged in "civic" or "educational" purposes? Are the State legislatures expected hereafter to pass lists of qualifying or nonqualifying groups or activities? Consistent with the first amendment principles, can Government be directed to make judgments on liability based on the political orientation of the group? Should the group on the left be allowed and a group on the right not be allowed, or vice versa? For that matter, how are State legislatures constitutionally permitted to make case-by-case determinations that avoid the constraints of this Federal preemptive statute, such as required by section 3(b) of S. 543?

I, for one, don't believe victims of hate groups should have to overcome the Federal law immunities that would be created by this bill in order to recover damages done to them. I don't think that somebody who wants to recover damages caused by actions of the Ku Klux Klan against them should have to overcome the prohibitions of this bill. Nor do I believe it is our job to encourage "volunteer" members of the KKK, street gangs, or violent militias, all of which might qualify for not-for-profit and nonprofit organizations under S. 543.

The overly broad definition of nonprofit in S. 543 might also shield many hospitals from legal liability for actions involving a volunteer. If a not-for-profit hospital uses a volunteer to take down patient information during the admittance process, or to wheel a patient down a hallway, should that hospital be shielded later from liability for medical malpractice? Do we really want to close off remedies for medical malpractice because a hospital used a volunteer and, thus, is insulated under this?

I don't know that victims of malpractice in not-for-profit hospitals need to overcome special federally imposed immunity rules to recover for their injuries and pain and suffering. In fact, for that matter, I am unaware of a rush to suits against volunteers or any circumstances that cry out for Federal preemption of State law on this subject. We don't have a mess of suits against volunteers going on around this country, where the States are saying: Please come in and save us from ourselves. You can do our jobs so much better than we can. You know so much better. You people are so much wiser in Washington than we are in the State legislatures. Please save us from ourselves.

I haven't heard a lot of that. Maybe others have, but I haven't.

When we want to encourage voluntarism to help others, we can do so as we did when we considered and passed legislation to encourage doctors to serve in medical clinics to provide medical services to people who would otherwise do without. Now, that actually helps.

Last year, we enacted a targeted bill to encourage the delivery of food to the poor and needy when we passed the Bill Emerson Good Samaritan Act. It provides food banks to people on the front lines in the war against hunger, with sensible liability protection. We thought it out and did it.

But this bill, S. 543, is not so targeted. I do not understand, for example, why the Republican sponsors insist on forcing victims of negligent driving by a volunteer for any nonprofit and not-for-profit activity to carry a heavier burden and be denied compensation for their disfigurement and pain and suffering. A victim of an auto accident does not care—if they are crossing the street and somebody goes barreling through a red light and nails you, when you are lying in traction in the hospital, you don't really care that that driver was speeding because he or she was late to a PTA meeting, or a meeting of some trade association. But if they are going to a PTA meeting and nailed you, you may not be able to recover. But if they are going to a trade association, you can. This might be enough to exempt the volunteer driver under volunteer in the bill.

Many States have excluded motor vehicle injuries from their laws protecting volunteers. The Senators pushing this through to override what the States think, do they really know better than the State legislatures? What makes them think that the potential of a lawsuit for negligent driving is impeding volunteer activity across the Nation? Is it the potential to be liable like any other driver, a liability that I believe all States require a driver to be insured against, which is so affecting national insurance rates, that the Federal Government has to step in and create a Federal immunity? I doubt it.

I will work with people who want to make a better law. We can do it. We ought to work together to correct the excesses of S. 543. I believe that nobody wants to exempt the Ku Klux Klan, but that is what the bill does. Why don't we find a way that we can work on something, as President Bush did when he put together a model law and passed it on to the States and said, here, use your wisdom and determine what you need in your State. That sets a better way.

The real volunteer protection act is H.R. 911, legislation introduced by Congressman PORTER. This actually has tripartisan support—Democrats, Republicans, and Independents—and almost 140 House cosponsors. It is endorsed by the American Heart Association; American Red Cross; Big Brothers/Big Sisters of America; Girl Scout Council USA; Little League; National Easter Seal Society; National PTA; Salvation Army; the United Way; American Diabetes Association; the National Coalition of Volunteer Protection, and a whole lot of others.

That bill seeks to respect State prerogatives and State law, and it says we are not going to just pound you over the head in Washington and say that we know better, no matter what you think; we are so much wiser than your State legislatures on whether to impose Federal immunities, preempting State law. It offers financial incentives for States to enact model language for limiting volunteer liability. That makes a lot more sense to me.

If we can achieve the objective in encouraging and protecting real volunteers in direct contact with those who need help, without Federalizing State law, we ought to consider the benefits of that. I know the Democratic leader, Senator DASCHLE, and I strongly support the Porter bill as a substitute to S. 543.

There is no record that our State courts are glutted with liability cases against volunteers. And there is no record that our State legislatures have fallen down on the job and have been ignoring a crisis that threatens voluntarism in our society. Frankly, Mr. President, I am far more comfortable to have the legislature, the general assembly in Vermont determine what makes a good law for Vermont than I am with a law rushed through the Senate with no hearings, virtually no debate. We don't have a Ku Klux Klan chapter in Vermont. At one time in our history, we did. I don't want anything that is going to encourage them to come back.

Indeed, the Wall Street Journal reported last week, on April 23, 1997: "Voluntarism, a classic American solution to social problems, appears to be on the rise." I think we should tread kind of lightly. The States seem to know what they are doing. They usually do. We should tread lightly before we jump in and give them a slap up alongside the head and take over.

This bill doesn't just apply to volunteers. In fact, immunizing the negligent conduct of volunteers is a small part of the bill. It also creates a regime of governmental entities, nonprofit organizations and not-for-profit organizations that changes the laws in our 50 States whenever a claim for personal injury is based on the action of a volunteer.

It would shield myriad organizations from being liable for damages for failing to properly supervise or train or screen their volunteers.

Suppose you say to the volunteers, take the car and drive down and pick somebody up. Are you screened from liability when they run over somebody? If a group that works with young people fails to investigate reports of sexual abuse by a volunteer and several young girls or young boys suffer abuse, should that organization be immune from sharing the damages for the trauma, suffering and psychological scars these young victims would carry with them the rest of their lives? Is that really a Federal immunity we want to pass? If the Senate wants to immunize them from any liability to those children who might be sexually abused, well, then, let us at least have a hearing on it and make that determination. I, for one, am not willing to give that immunity.

The House Judiciary Committee last week held a hearing on volunteer liability. They considered H.R. 911 as a proposal to provide exemptions from liability for volunteers, not the supervisory organizations. I do not perceive the compelling need to extend liability protection beyond such volunteers as S. 543 insists. We should be encouraging, not discouraging, nonprofit organizations to properly screen and train and supervise their volunteers. We ought to have fair and balanced legislation on this.

As a lifelong Vermonter, I am proud and profoundly appreciative of the thousands of volunteers in Vermont, and millions across the country in all our States, whose selfless acts make the world a better place for all of us. The people who spend their weekends preparing dinners for the homeless and the poor, the parents who organize a car wash to raise money for the local PTA, those filling sandbags in flood-threatened areas—these kinds of acts of voluntarism are an essential part of the American social fabric, the kind of voluntarism I learned from my parents growing up as a boy in Montpelier, VT, as so many of the rest of Americans did. Those who volunteer deserve our thanks and encouragement.

I think if we work together on this and actually have some hearings, we can have broad, strong consensus of Republicans and Democrats to give any needed protection and other helpful encouragement to our volunteers. These really are the heroes of America. These volunteers in service organizations are not asking for a free ride, for a license to behave badly. In fact, I imagine many of them, if they read what is in here, are going to be very offended to have any suggestion that they might want something like this. But S. 543 would encourage free rides and licenses to behave badly. Before we needlessly cut off rights of victims of harmful conduct, we ought to consider whether it is necessary or it is desirable.

I think what we ought to do is send this bill on for its normal hearings in the Judiciary Committee. Lord knows, we are not doing anything there to get judges out, notwithstanding our 100 vacancies. We could take some time to take a look at this piece of legislation. Let us do that, Mr. President. Let us not rush something through just because it is volunteer week. I would hate to think if next week became organ transplant week; we might find ourselves all being marched down to the Capitol physician's office to donate an organ before we had any—maybe then we would actually ask for a hearing if it affected us that way. This affects a lot more than 100 Members of the Senate. It affects 260 million of our American citizens, 260 million Americans who have gone to their State legislatures and assume their State legislatures know what they are doing. We are saying to those 260 million Americans, "You do not need your State legislatures. You have us." Well, I do not want us to make this decision without any kind of a hearing.

Mr. President, I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, in a moment I am going to yield to my distinguished colleague from Missouri, but I want to make a couple of comments regarding the remarks of the Senator from Vermont. I have long worked with the Senator from Vermont on issues relating to voluntarism in the Peace Corps when I was director. But I have to say to him that evoking the Ku Klux Klan is something I would not have expected from him. It is demeaning. It is an inaccurate portrayal of the legislation. There is regional arrogance in the context of the Senator's statement, and I do not appreciate it.

I will read to the Senator the exact sections of the bill.

> Section 4(f). Exceptions to Limitations on Liability. The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply to any misconduct that—
>
> (1) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;
>
> (2) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));
>
> (3) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;
>
> (4) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or
>
> (5) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

I refer the Senator to:

Section 6(4) Nonprofit Organization. The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under 501(a) of such code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare or health purposes.

Mr. LEAHY. Will the Senator yield for a question on that point?

Mr. COVERDELL. I do not yield just yet.

Mr. President, I might also say that the organizations to which the Senator from Vermont alluded, Little League and others, are supporting this legislation before the Senate, or hope to if we can get it before the Senate, if we can get it over the cloture and the filibuster that is being conducted by the other side. These organizations hardly constitute a force in our society of evil or ill repute.

Mr. President, I would like to yield at this time my time to the Senator from Missouri.

Mr. LEAHY. Will the Senator yield for a question on my time?

Mr. COVERDELL. I do not yield at this time.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I am pleased to have this opportunity to address this problem. It is a problem that challenges the capacity of individuals in our culture to share with each other and to help one another. The fact that there are proposals that relate to this, in addition to this proposal, from a wide variety of perspectives, demonstrates that this is not an effort to address something that is not a problem.

Let me just give you a couple of examples of how this problem has manifested itself and what are the effects. First of all, I will give you some of the general effects. The Gallup organization conducted a survey entitled: "The Liability Crisis and the Use of Volunteers of Nonprofit Associations." What did the Gallup organization find? Approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. One in six volunteers was reported to have withheld services due to a fear of exposure to liability suits.

Now, the question is, do we need more volunteers in our culture or do we need less? Our current system is stopping 18 percent of volunteers from doing some volunteer activity and resulting in 10 percent of the organizations having people resign from their boards of directors.

I might also indicate that mention has been made that some of the States have provided some protection for volunteers. I find it ironic that about half of all the States which provide protection do so only for the guy on the board of directors or the person at the top of the organization setting policy. The person who is the silk stocking guy in the boardroom gets protected, but the fellow out there on the field, the Little League coach, is the guy against whom the big judgment is rendered.

Our question has to be, are we going to tie the hands of the person who is actually going to deliver the help while we provide some cocoon of protection to the fellow in the boardroom? Or are we going to say to the average citizen, you can afford to get involved in your community without putting your house on the line, without jeopardizing your children's college education. You can afford to help the Little League because we are not going to make it so that you will be sued when someone does not catch a fly ball. You might laugh and say, wait a second, getting sued because a child doesn't catch a fly ball? I wish it were not so true.

Let me refer you to a 1982 case, and this is one of the first cases that started the run of liability cases against volunteers. In Runnemede, NJ, a Little League coach volunteer was sued because he repositioned his Little League shortstop to the outfield, and in the outfield the Little League shortstop misjudged a fly ball and sustained an eye injury.

A suit was filed on the allegation that the 10-year-old youngster was "a born shortstop" but not an outfielder, and the courts found the volunteer coach negligent. Over the next 5 years, liability rates for Little League baseball in that area went up 10 times—1,000 percent.

Here is another example. We are talking about real people, real folks who get up in the morning early, work hard all day, sometimes take time off their jobs to go out and volunteer to help the kids of America, some of the kids without moms or dads or who do not have time to help children, kids who need positive role models, and here is what we do to them. A boy in a scouting unit with the Boy Scouts of the Cascade Pacific Council—a national problem, Runnemede, NJ, on the one side of the country, Cascade Pacific Council on the other side. A Boy Scout suffers a paralyzing injury while playing in a touch football game. I remember being a Boy Scout. Touch football was as mild as the supervisors could possibly make it. We wanted to play tackle football or flag football, but touch football was a part of the curriculum we had to play.

A boy gets injured. What in the world happens when the volunteers are found personally liable for $7 million? What would a $7 million judgment do to your capacity to send your kids to college if you were the volunteer? What would it do to your capacity to have the kind of life you wanted? We are not making it difficult for volunteers; in many instances, we are saying to them, you cannot volunteer.

Frankly, this is not something any of us intend. This is not a partisan issue. This is an issue of compassion. It is an issue about the character of America. When Alexis de Tocqueville came to America—and they are having a wonderful series on de Tocqueville on C-SPAN; they are following his steps that he took across America 150 years ago—he talked about the greatness of this country, and he said greatness in America is not governmental. Greatness is not a matter of the law of this country. It is a matter of the people of this country. America is great because the people are good. But that was at a time when there was such a thing known as charitable immunity, when charities were simply held totally immune, so that if people were going to charities to get help, they got what help they could, and if a mistake was made or an injury, that is the way it was.

Now, we are not asking that it be restored to that condition. But we are saying that, when a volunteer, someone who is giving of her time or of his time, when they are giving that time generously and they are trying to help the Boy Scouts, they should not end up with a $7 million judgment.

I should add a correction. In that case, the judgment was reduced to $4 million by the courts. That would have been a great comfort to me and my family. We would not come any closer to paying a $4 million judgment than we would a $7 million judgment. The system, though, rewards those who try to help the youngsters with that kind of legal liability. The system is broken in that respect. If we want America to be great, it will be not because we have a governmental program that will fix everything. But we, at least, need to release the energy available in the American culture that comes from volunteers.

I indicate, as well, that the bill, which is being filibustered by the other side, is not a bill that relieves organizations of all their responsibility. This is a bill that relieves the volunteer of responsibility for economic damages that are suffered by individuals who are injured through simple negligence. Economic damages still can be recovered against the organization, but the fellow who works all day and works hard to keep his family together and sometimes takes a little time away from his family to help the rest of the world should not find himself looking down the barrel of a $4 million judgment because he has been a good Scout leader. And unfortunately that has happened too frequently.

Here is another example. From the Richmond Times-Dispatch, November 4, 1995. A Red Cross volunteer in Virginia "was driving a woman to a medical facility for routine care." I have volunteered for the Red Cross, done Meals on Wheels and things like that.

"The Red Cross-owned car was involved in a collision and the passenger was injured. She later died from causes unrelated to the crash. But the administrator of the woman's estate sought judgment against the volunteer and alleged that he negligently operated the vehicle."

We should not have people being hauled into court on things like that. The fact is that these volunteers are being asked to defend themselves.

Here is an interesting fact from the Washington Times, a May 2, 1995, article.

"A Legal System That Fails the Test of Charity," was the headline. "A Washington, DC, area Girl Scout council reports that it must sell 87,000 boxes of Girl Scout cookies each year just to pay for liability insurance." The first 87,000 boxes of cookies do not provide any help to any girls, do not provide any assistance, do not provide any of the reinforcement that these kids, without many of the benefits that you and I enjoyed as children, need. The first 87,000 boxes of cookies have to go to carry the liability insurance.

"We have no diving boards at our camps," the executive director said. "We will never own horses. And, many local schools will no longer provide meeting space for our volunteers," because of the liability crisis as it relates to volunteers.

Here is an interesting item from the Washington Times, May 1995. "A Legal System That Fails the Test of Charity," again.

> The Junior League in Evanston, IL, discovered a few years ago that, to set up a shelter for battered women, they would have had to go without liability insurance for three years. No directors would serve under these conditions, and the plans for the shelter were shelved.

We need people to drive people to the hospital for the Red Cross. We need the Junior League to help sponsor shelters for battered women. We need Boy Scout volunteers that will not operate under the threat of $4 million judgments against them and the assets of their families. We need Little League volunteers who have the ability to ask the kid to play left field instead of shortstop, in spite of the claims of the child's parents that the child is a born shortstop and not an outfielder.

We simply have to create an environment in this country where we do not rely on the Government for everything. And, in that context, we have to free up the energy of the goodness of the American people and not ask them to operate under the threat of judgments that would deprive them of their homes, their families' well-being, and their capacity to send their children to college.

Americans are sacrificial people. They are willing to give you the proverbial shirts off their backs. But we should not make it a situation where, if they give you the shirt and you do not like the shirt, you can sue them and take their house and deprive their kids of an opportunity to go to college. That is too much. It is too much to ask of these generous volunteers. And our system of Government simply needs to provide a little protection, a framework in which people can operate in decency and can beneficially extend themselves, one to another. The idea that somehow America is automatically good and the Government can handle all this stuff is a bankrupt concept. We understood that in the debate last year over welfare reform. We saw the kind of miserable response that has come from this culture to welfare. We were intensifying problems. The problem was growing rather than slowing.

If anything is going to help us recover, it will be our understanding that we can help each other. But we will have a hard time helping each other if we make it a condition of volunteering that you put your family's well-being on the line and you look down the barrel of that $4 million cannon every time you want to go and help a few Boy Scouts. That is why I think it is so important to have a discussion of these issues and to act on these issues. It is high time we do so. It is a matter in discussion in this country and has been a matter of public debate. This is not a surprise.

There are bills on the issue of voluntarism in both the House and Senate. Frankly, S. 543, Senator COVERDELL's legislation, is outstanding legislation designed to relieve the volunteer of liability. This bill does not relieve organizations of liability for economic damages. I find it troublesome to have it suggested that this bill is designed in some way to relieve the Ku Klux Klan from consequences against the organization for criminal acts, or acts that would somehow disparage the civil rights or dignity of Americans. It is simply not so.

I wonder if there are not any good arguments against this legislation when the only arguments that come up against it are arguments which do not hold water and which are designed to go to the most base emotions within us.

When we are talking about making it possible for Americans to help other Americans, it is particularly troublesome that in order to disrupt this discussion we try to talk about Americans hating other Americans. We should be careful never to do anything to promote hate. It would be a terrible thing if we allowed those who suggested that we were doing that to impair our ability to provide a framework in which people could promote love and care and concern. One of the real values of volunteer activity is what it communicates. When you get something from the Government you do it because you are entitled to it, so you take it. But when you get something from your neighbor you know that he or she cares for you and loves you. And that mutual sense of concern is what builds community. It is what binds us together; it is not what tears us apart. We are talking about providing a context for people to demonstrate a sense of community.

Two hundred years ago John Donne said it as eloquently as anyone has ever said it in his sonnet, on the fact that no man is an island. He said, "No man is an island." He started out saying we are all in this thing together. We are not by ourselves. And he ends his sonnet:

> . . . never send to know for whom the bell tolls; it tolls for thee.

And, in America, we have that sense. It is unique to America. It is what makes America what she is and what she will be in the future. And it is not that we want to try to promote organizations that would teach us to hate one another. This bill is designed and crafted and drafted to promote opportunities for people who want to demonstrate that they care for each other and respect one another.

The hyperlitigious nature of our civil justice system is creating a barrier, though, between the desire of Americans to help others and their ability to do so. It is empirically established. The data is there: The resignations from the boards of directors; the reluctance of volunteers to do what they wanted to volunteer to do; one out of six volunteers say they withhold services; the absence of programs that can no longer be offered; the program for battered women in Evanston that the Junior League wanted to have. You do not have diving boards at the camp. You do not have horses at the camp.

We must free this energy in America, this impetus that says I love you and I care for you and I would like to be active in helping you but I cannot afford to risk everything I own and have, and my children's education, to do so. I would like for that desire to be fostered and lifted up, and we ought to fan that ember of hope for America and we should not douse it.

So I believe we need the Volunteer Protection Act of 1997. I am proud to join as a cosponsor of this legislation. It will reinstate reason. It will reinstate rationality. It will reinstate certainty and fairness in a judicial system with regard to voluntarism. And I am grateful for that. The Volunteer Protection Act of 1997 covers nonprofit organizations which are defined as those organizations having a 501(c)(3) status, or nonprofit entities that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. And, if any organization is involved in criminal activity, any protection for the volunteer in that endeavor is gone.

The volunteers are relieved of liability for simple acts of negligence, but it does not relieve the volunteer organization from liability for economic damages. This bill establishes a standard for punitive damages so there could not be outrageous levels of damages without high standards of proof. And it eliminates joint and several liability for noneconomic damages. Economic damages are those that you actually have in a monetary sense: The hospital bills, the lost wages and the like. In those settings, there is no limitation on the ability of an injured individual to go against the organization.

This bill does say that the volunteer should not be held responsible unless she engages in criminal activity or acted in a willful and wanton way. And if that is the case, the volunteer is not protected at all, because we are not interested in protecting willful or wanton activity or criminal activity. We are trying to allow people to say to their communities and to their fellow citizens that we care enough to love you and to share ourselves with you but we do not think we ought to have to risk the entirety of our family or the well-being of our family to do so.

With that in mind, I am pleased to support this legislation. I think, when the President of the United States asks us to engage in volunteering, he calls us to the very best that is in us. He calls us to the character of America, to rekindle a spirit of community which could be lost. He needs to call us, though, in a context which makes our response reasonable and possible. Simply, we are trying to develop a framework for reasonable participation by volunteers, protecting them and their families from a litigious system which has found Scout leaders saddled with $4 million judgments because of a touch football game; which has found a Little League coach staring down the barrel of judgments because he shifted a boy from shortstop to left field; which has found people in court because they were good enough to drive a sick citizen in their community to the hospital.

I do not think that is the kind of community in which we want to live. We want to live in a place that puts reasonable limits on the exposure and risk to people who are actually giving of themselves so they can afford to extend their charity to others without destroying the future of their own families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, could I inquire as to the time remaining on both sides?

The PRESIDING OFFICER. The Senator from Georgia has 39 minutes remaining. The Senator from Vermont has 51 minutes remaining.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I have listened to the comments of my friends and colleagues on the other side. I wish to recount for the body parts of a conversation I had with the distinguished Senator from Georgia, my good friend, Mr. COVERDELL, during the time when the other Senator was speaking.

I had the pleasure of working with Senator COVERDELL when he was in a position where he had to go not only around this country, but around the world seeking volunteers and help in some of the most important aspects of life. So I do not question his commitment to voluntarism. He has lived it and done it.

My concern, as I expressed to the distinguished Senator from Georgia, is that this bill came to the floor immediately in this fashion with no hearings. I should note for the RECORD, so there will be no confusion on that, that this is not the decision of the Senator from Georgia or the decision of the Senator from Vermont as to when the bill would come to the floor. That has to be done by the Republican leadership, and I have expressed my concern to the Republican leadership in the past, and will again in the future, that bills cannot come to the floor in that fashion, bills with significant repercussions, with no hearings.

Frankly, I took exactly the same position during the times I served here when the Democrats were in the majority and would determine what bills would come on the floor. I have been very consistent throughout my career in the Senate. If you have a significant matter, something that is going to affect all of us, take time to discuss it before it comes to the floor. We pass resolutions and sense-of-the-Senate resolutions all the time that say, "on the one hand" this, "on the other hand" that, "God bless America." Those can move through quickly. But this is a bill, at least the analysis that I have of it and the analysis of totally nonpartisan lawyers who have discussed it with me, which would, in effect, replace State laws.

I think that the 50 States of the United States should expect no less of the U.S. Senate. If we are going to fetch them a smack up alongside the head and knock their legislative work in the trash can, we ought to at least have a hearing about it and discuss what is involved in it.

I am perfectly willing to work with the Senator from Georgia and others—as he knows we have worked together on so many issues in the past—on a voluntarism bill, on the question, as I did and others did, with former President Bush on volunteers, but in the normal course of events, with discussion. I hope we will not proceed to this bill today, not to kill the bill, not to kill the act, but to send it back, to at least go through the normal process where we actually have hearings.

I have discussed the Ku Klux Klan and others. The Ku Klux Klan has had what I think is a vicious and long history in most States. It did in my State of Vermont during the time my parents were younger, and they saw directly the effect of the hate of the Ku Klux Klan. The church where my parents were married and where they were buried—one of them just a year from this coming Monday—the church where I was baptized had the cross of the Ku Klux Klan burned on its front steps. So I know the sense that they have, the sense that my mother of an immigrant family recounted to me of how she felt about that, the fear that was driven in to people who spoke a different language, as my mother and her family did, who practiced a religion very much in the minority in Vermont at that time.

None of us in this body, Republican or Democrat, wants to encourage in any way racism or the kind of things that the Ku Klux Klan and many other organizations similar throughout this country stand for. There are exceptions on limits and liabilities, those who have been found to violate Federal and States civil rights laws, and so on.

It is still too broad. If the Ku Klux Klan marches down a street carrying signs, they are not going to be convicted of international terrorism or a hate crime on that, but under the definition in here, they may still well qualify, under their definition, which is under section 6(4)(B):

> . . . any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

Because it does not state who is making these kinds of determinations.

Again, Mr. President, let me make it very clear what my concerns are about this bill. One, it is a major piece of legislation that is on the floor with no hearings, none whatsoever. I understand it is the majority leader who makes that determination, not the Senator from Georgia who was called to be here on the floor and discuss this matter. But we should not have that procedure. We did it once on a major piece of legislation, raising actually worldwide implications on terrorism, a week ago with a bill, a huge bill that everybody voted on, either for or against. I doubt there were three Senators who could honestly say when they walked off the floor of the Senate that they had read the bill, because it was presented to us hours, some of us minutes, before we voted on it. But it affected everything from our international relations to our use of antiterrorism legislation, major criminal codes, treaties and everything else—a very thick bill—and we voted on it. I voted against it because it raised enough of a red flag, even though there were parts of the bill that were verbatim from parts of legislation I had written.

I suppose imitation is the sincerest form of flattery, but not when it is slapped together and handed to you to vote on matters that have major implications, and we whip it through. In fact, I encouraged the press actually to ask Senators who voted on it if they either read it or knew what was in it. To my knowledge, nobody was asked that question. It would have been interesting to hear the answers, because we all knew the answer. Nobody had.

Now we have a similar piece of legislation brought up, hurried, no hearings, and pass it, even though it is going to override the efforts of our State legislatures. I have heard so many speeches given about "give the power back to the States; let the States make the decisions. So much wisdom resides in the States." Why do we say we are the ones who know what is best for the States? Why not let the State legislatures have the ability to make some of these decisions? And then when we are given that chance, we say, "Not you, not you, State legislature, not this particular one." Actually, this other one, this other one, this other one—actually, not any of the 50 legislatures are smart enough to do the work that the U.S. Senate can do without hearings, without debates and without any kind of a markup on a piece of legislation on the day we come back to work.

Well, Mr. President, those who vote to go forward with this bill, I ask this question of them; maybe their State legislatures, maybe their State press could ask this question: Of those who vote to go forward with this, are you willing to go back to your State legislature and say that on a piece of legislation that overrides their work, you are willing to vote to do that, even though there have been no hearings on this bill, even though there has been no debate in committee, even though there is no report saying what it does? You are willing to on an act of faith, because the Republican leadership said we have to do this this week, because we have nothing else to do, you are willing to override the efforts of your State legislature? I wonder how many Senators are willing to go back home and say that. I am not. I have too much respect for the Vermont Legislature to do that. I think our general assembly can make this determination.

So I encourage my friend from Georgia, and others, maybe we can sit down together and try to put together a good piece of legislation, as the Congressman from Illinois, Mr. PORTER, has done in the other body, to find a way to do this without trampling on our States.

I understand there is some concern in the Republican leadership knowing that all Americans had to file their taxes on April 15 because the law requires it, but the Republican leadership in the House and the Senate did not bring forth a budget on April 15, as the law also requires. Maybe we should talk about other things, and with the sterling example of the President and Mrs. Clinton, of President and Mrs. Bush, of President and Mrs. Carter or President Ford or Mrs. Reagan and others, General Powell, who went to Philadelphia, why not just jump on this bandwagon because, politically, who can be against some idea of protecting volunteers? That is not the issue.

The issue is, do we draw it so broadly that we bring in organizations like the Ku Klux Klan that every single one of us in this body oppose? Do we draw it so broadly that we just knock down our State legislatures and say, "You're immaterial because we 100 Members of the Senate, in our collective wisdom, know a lot more than you do?" Do we draw it so broadly that we do not think of the rights of all individuals, not just a volunteer organization, but the rights of all individuals? Do we give blanket immunity to organizations we do not intend to, like hospitals and others?

These are questions that should be asked if we have a hearing, but these are the questions that will never be answered if we continue with what I find a very, very disturbing trend in this country to rush major pieces of legislation to the floor with no hearings, no debate and then just ask us to vote on it, especially when we do not have time to fulfill the backlog in the Senate Judiciary on judges. Chief Justice Rehnquist said we have a real crisis because we have about 100 vacancies in the Federal courts, and yet we have only filled two of those in 4 months.

We have taken several vacations, but we have not had time to fill more than two. We have almost a zero population growth in the Federal judiciary. We have not found time to have a minute of debate on the budget, even though the law requires it by April 15. We have a number of other Cabinet officials, from Alexis Herman on, to be blocked. But suddenly we have time to rush forward something that just slaps down our 50 State legislatures, tells them they do not know enough, certainly do not know as much as we do. And we are rushing through with no hearings and no debate. I think we should find a better way to do it.

Mr. President, I reserve the remainder of my time.

I suggest the absence of a quorum. I am sorry, I see the Senator from Georgia on his feet. I did not realize that. I reserve the remainder of my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. I am going to yield in a moment up to 10 minutes to the Senator from Alabama, but I would just make two or three very quick points.

No. 1, I believe the issues before us have been thoroughly debated over the last decade. This is not a piece of new legislation. No one in this body is surprised by any of the language in it.

No. 2, this language preempts the assertion that the other side has made that it would have protections for an organization like the Ku Klux Klan. That is just not so, as has been stated by myself and the Senator from Missouri.

No. 3, yes, it is an adjunct to the summit in Philadelphia. Here we had a bipartisan expression of Republican and Democrat Presidents calling on America to reinforce voluntarism, and it is an appropriate response. Yes, this is linked to that summit. It would be highly appropriate to respond aggressively to freeing up the American volunteer from a cloud hanging over his or her head.

Mr. President, I now yield up to 10 minutes to the Senator from Alabama.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Thank you, Mr. President.

I take the floor today to offer my support as a cosponsor of S. 543, the Volunteer Protection Act of 1997.

As this week's volunteer summit clearly shows, there is a need throughout America for the kinds of services that are offered by selfless volunteers who are applying their time, their skills, and their labor toward bettering the lives of others.

Regrettably, however, the fear of lawsuits has become so pervasive that many people fail to follow through on their charitable impulses, or the charities themselves decide not to take on activities because of the fear of litigation. The legislation being discussed today will go a long way toward removing this artificial barrier to individual service.

I would also like to congratulate the drafters of the bill, Senator COVERDELL in particular, for recognizing the need to take this corrective action. In my own experience as a member of various boards and commissions for charitable organizations, I have witnessed firsthand the difficulties these organizations face in recruiting volunteers to undertake worthwhile activities. Fear of lawsuits is one of these reasons.

I remind my colleagues that there was a time in American tort law when the doctrine of charitable immunity would have isolated many of the individuals subjected to lawsuits today from this type of liability. This doctrine was based in large part on the public policy premise that a society is bettered in the long run not by creating barriers to volunteer activity but, instead, by encouraging volunteer action. In recent years, this fundamental policy principle has been undermined.

I think it is time for this body to begin to address this problem. Few people will deny the need for unpaid, selfless volunteers in our society. These highly motivated individuals often will tackle problems that would have been impractical for anyone else, including the Government, to take on. In its purest form, every individual action taken by a volunteer in one area allows scarce resources to be used somewhere else. The efficient use of volunteers allows us to have more bang for our charitable buck.

These efficiencies and cost savings are being undermined, however, in higher insurance premiums and legal fees. Senators ABRAHAM, COVERDELL, and McCONNELL pointed out this fact recently in a newspaper article. In their article they cite the example of a Little League baseball league that had its liability premiums go from $75 to $795 in just 5 years.

I have been involved in Little League baseball. My son has played, and I have coached. I know how hard those individuals work to sell hamburgers and hot dogs and peanuts to make money to buy ball caps and uniforms. These kinds of insurance rates are really detrimental to the public spirit in America—and the rate increases are driven by lawsuits.

I believe that this bill will strengthen the role of both volunteers and nonprofit organizations. It restores common sense to the way our courts treat volunteers by protecting them from tort liability for simple acts of negligence. It also retains penalties for egregious activities such as sexual abuse and hate crimes and civil rights violations. Individuals who commit these kinds of acts will still be subject to lawsuits.

It will not protect people who have done acts under the influence of drugs or alcohol, so that volunteers who commit illegal acts or improper acts under the influence of alcohol will still be liable. And, although the individual volunteer may not be liable for compensatory damages, the organizations who are utilizing the volunteer's services would remain liabile to compensate injured parties who have been wronged.

I support this bill's limitation on punitive damages. Under this bill punitive damages may not be awarded unless a claimant demonstrates through clear and convincing evidence—it is not impossible evidence; just clear and convincing evidence—that the harm arising from the actions of a volunteer was the result of conduct that was either willful or criminal in nature or that showed a genuine indifference to the safety of others.

By raising the legal bar for the award of punitive damages, we will accomplish two goals. We will help ensure that only the conduct that truly deserves such a penalty will be punished and we will reduce the amount of punitive damages awarded, thereby freeing up resources to be used for more productive purposes.

The bill's elimination of joint and several liability for noneconomic losses, such as pain and suffering, will advance these goals as well.

Let me say this, Mr. President. There has been a suggestion that the Ku Klux Klan would be covered under this bill. I do not believe that is correct. I do not believe the Klan would be covered by the definition of a charitable organization under this bill. I certainly would not want it to be covered. But in any case, in any circumstance, actions that are willful and unlawful would remain, under this bill, subject to lawsuits and punitive damages.

I had the opportunity, as U.S. attorney, to be involved in prosecuting a number of Klan members for an illegal action. It resulted in the death of a young black man for no other reason than because of his race. One of those individuals is serving life without parole and another one is on death row today. As U.S. attorney, just last year, that death sentence was upheld by the Eleventh Circuit Court of Appeals. I expect, as months go by, that he will be brought forward to execution, as he should be.

Arising out of that case, under the leadership of one of America's most capable lawyers, Morris Dees, a civil lawsuit was filed against the Klan. It resulted in the winning of that lawsuit because of the Klan's policies that encouraged violence. That organization itself was held responsible for the criminal actions of its members. As a result of that action, the Klan headquarters was forfeited and sold for the benefit of the family that suffered death in that case.

I will just say this, Mr. President. That lawsuit would not be prohibited by this bill, because it was illegal and a part of a hate crime. The activities that gave rise to that lawsuit are exempted from the protections offered by this bill. Those kinds of lawsuits would continue. It is disturbing to me to see individuals take this floor and suggest that a bill designed to protect people's charitable impulses, to allow them to participate freely in helping other people without fear of being sued, that that would somehow be a bill designed to protect that despicable organization, the Ku Klux Klan. I think that it is unfortunate that that suggestion has been made. It is not true and is not a legitimate basis to object to this bill.

Finally, I support the bill's respect for federalism. The inclusion of the State opt-out provision in this bill recognizes the role of individual States in setting the statutory boundaries of their own tort laws when citizens of the same State are the only parties to an action. States can opt out of this if they choose. It does not mandate that they concur in these activities.

So again, I would like to encourage my colleagues to support this bill. It is good legislation which will serve to reinvigorate the volunteer spirit that has been a traditional component of the American character.

There have been a number of shows and studies and reports done on Alexis de Tocqueville and his travels throughout America. One of the things he was most struck by was the volunteer community spirit of America. That is a good spirit. The President, former President Bush, Gen. Colin Powell, and others recognized that just this weekend. We need to make sure that the laws of this country are supportive and conducive to the volunteer spirit. I think we have lost some of that protection. It needs to be restored.

I congratulate Senators COVERDELL, ABRAHAM, and McCONNELL for their efforts. I look forward to having the opportunity to vote for this bill's final passage.

Thank you, Mr. President.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. I want to thank the Senator from Alabama for his outstanding remarks, and I appreciate his support of the measure, particularly in light of his experience. I commend him for his involvement in this important concept to help promote volunteering and to help foster and encourage the better impulses we have to help each other. That is what this bill is about.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from North Dakota.

Mr. DORGAN. My understanding is there are 36 minutes left on the time controlled by Senator LEAHY.

The PRESIDING OFFICER. That is correct.

Mr. DORGAN. Mr. President, I ask unanimous consent that the time be allocated as follows: That I be allowed to speak for 14 minutes; the Senator from the State of Washington, Senator MURRAY, for 14 minutes; the Senator from Massachusetts, Senator KENNEDY, for 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DISASTER IN THE NORTHERN GREAT PLAINS

Mr. DORGAN. Mr. President, I come to the floor today once again to talk about the disaster that has occurred in the northern Great Plains, specifically South Dakota, Minnesota, and North Dakota, and to talk just a bit about the need for us to proceed with a disaster appropriations bill.

Mr. President, this poster is of a North Dakota farmer standing in front of a 20-foot snowbank. This happens to be level ground. You could not tell that much by what the poster looks like. Three years of snow falling in 3 months in North Dakota, capped by the worst blizzard in 50 years, which in many parts of the State added 2 more feet of snow. That created a set of conditions that resulted in the disastrous flooding that now occurs.

This is a farmer standing in his yard, backgrounded by a 20-foot snowbank. Unless you are there and have seen it, have seen the 40- and 50-mile-an-hour winds with 60 and 80 below windchills that have created this kind of situation, you really do not understand how it results in this. This is the Wahpeton-Breckenridge area, right on the border of the Red River. You will see the downtown area, and you will see that the downtown is completely under water.

This is a picture just north of Fargo, ND, which gives a sense that in an area as flat as a table top, the Red River Valley, the flood waters expanded to cover virtually everything. This little city of Harwood built a ring dike, and you will see that this tiny town of Harwood is not inundated, but you will see the rest of the Red River Valley is flooded. As the rivers course through Fargo, first Wahpeton, then Fargo, and on up to Grand Forks, you see now a picture of downtown Grand Forks, ND, with a fireman up to his waist in water. This is a downtown street. He is fighting a fire that consumed an entire city block. Firefighters, experiencing hypothermia, in ice-cold sewage-infested water—because the sewers backed up throughout the city, and the system collapsed—were trying to fight a fire without equipment. A firemen named Randy said, "Normally, when we fight a fire, water is our ally. In this case, we did not have water to pump." They tried to fight fires in multistory buildings, standing up to their waist in water in some cases, with fire extinguishers. What a valiant and heroric effort they made. But of course this city was inundated.

I and some others have been in the downtown area of this city in a boat. One boat I was in, operated by the Coast Guard, ran into a car—ran over the hood of the car. The only thing you could see of the car was 2 inches of the radio antenna sticking above the water. That is how we knew the boat hit a car on a downtown street so deep with the water.

The reason I come to the floor to show you these pictures and to tell you about the people of my region is that it is important, as we have done in every other disaster—earthquakes, floods, fire, and tornadoes—to extend a helping hand by the American people to this region to say we know what is happening to you and we want to help you. You are not alone. The rest of the country extends a helping hand to try to help you through this crisis.

It is not about buildings and snowbanks. It is about little boys, about grandpas and grandmas, about wage earners, working couples. A little boy, 7 years old, sitting in front of an airplane hangar at the Grand Forks Air Force Base, lost his home, and was looking at the ground dejected when I came to him and visited the shelter where thousands of people had been evacuated. The little boy knew his home was under water and he had nowhere to go. Not much hope. Eyes filled with tears. An older woman named Vi, a wonderful woman, a wonderful woman, on the phone when I met her, calling FEMA for help. Her eyes were filled with tears talking about what she had lost. So many others who have lost so much. Everything they have built, everything they have invested in, everything they have saved, inundated and devastated by a flood that came and stayed.

This region is just now finally beginning to start thinking about rebuilding. I was on the phone half an hour ago with a fellow who just got into his home and is pumping out his basement and trying to assess the damage.

Now, we have an opportunity in this Congress to pass a bill called a disaster supplemental appropriations bill. We have done that in the past. I, from North Dakota, have been pleased to vote for and support disaster supplemental appropriations for people who have been victims of earthquakes, floods, fires and tornadoes across this country because I think we need to say to them, "We offer hope, we want to help."

Let me say, as the Appropriations Committee begins this process, I am enormously grateful for the chairman and the ranking member of that committee, Senator STEVENS and Senator BYRD, and so many other members of the committee who have worked diligently on this issue and worked with us and cooperated in a manner that one can only hope for. Thanks to them, thanks for the wonderful work they have done in order to put together a supplemental appropriations bill. We need to do much more because we do not know the entire extent of the damages. In the coming days, we will continue to work to do much more, to add money for the community development block grants, EDA and others, so we continue to appreciate very much the cooperation of the chairman and the ranking members and others on a bipartisan basis.

Mr. President, I am worried now because we were told this morning that there are some who want to add four very controversial amendments having nothing at all to do with floods, fires, winter storms, and disaster. They want to add four very controversial amendments to this disaster supplemental bill. When President Clinton came to North Dakota last week, one of the things he said is, "Let us pass a disaster supplemental bill, let the Federal Government extend a helping hand, and let us make sure that no one in Congress is tempted to add extraneous or unrelated amendments that would hold it up." Well, I worry now, because what we were told this morning is that there are those who want to add four amendments, all very controversial, all of them or any of which could trip up this bill. Those people, with tears in their eyes but hope in their hearts because they feel that we are going to extend a helping hand, do not, do not, do not deserve to have anyone meddle with this kind of legislation.

Let us, all of us, decide when disaster strikes, when tragedy visits any region of this country, any group of Americans, that we must rise as one to say, "Let us help. You are not alone. Let us be there with you." That is what this bill is.

Again, I started by saying I so much appreciate the cooperation of the chairman of the Appropriations Committee, Senator STEVENS, the ranking member, Senator BYRD, and so many others, especially the staff and others, who worked so hard on this kind of legislation. Our job now is to get it up, out, and moving and get it to the President and get it signed and get the help moving to these folks in this region of the country to say to them, "We want to help you rebuild. We want to help in your recovery. We want to help you rebuild your dreams, your hopes. We want to help your family recover." That is our responsibility. That is our requirement. Let us not, any of us, let us not be tempted to decide that this is an opportunity to meddle with some kind of amendment that has nothing to do, at all, with disaster and tragedy.

I, today, call on all of my colleagues, each and every one of my colleagues, to decide this disaster supplemental bill ought to be passed, we ought to pass it soon, and we ought to get it signed into law to offer help and hope to those people who have suffered so much. If there are those who have other agendas, there is time, plenty of time, to address those agendas—the next day, next week, the next month. There is plenty of opportunity to bring any idea, any amendment, any agenda they have, to the floor of the Senate. But do not load this supplemental appropriations bill with extraneous and unrelated controversial amendments that will either stop or slow down the help that we intend to send on the way to the victims of this disaster.

I hope in these coming hours, as we talk through the issues that were discussed this morning, proposed amendments to the supplemental appropriations bill, I hope that all of us in this Chamber will come to the same result: Passing a disaster appropriations bill, a supplemental bill, to respond to this disaster is critically important. It ought to be done and done now, without anyone in this Chamber using it as an opportunity to advance an agenda that has nothing to do with the disaster supplemental bill. I call on my colleagues for that level of cooperation. I thank all of them for their help. The people I represent in this region of the country will be enormously grateful for what this Congress will do in extending a helping hand to people who have suffered so much.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

WASHINGTON STATE AND CHINA

Mrs. MURRAY. Mr. President, I rise to discuss an issue of tremendous importance to Washington State and the Nation. The issue is China and specifically, my trip to both Hong Kong and Beijing over the recent Easter recess.

My trip to Hong Kong and China was an opportunity for me to discuss candidly the issues to be confronted by the United States Senate; most-favored-nation trade status for China, the World Trade Organization, Hong Kong's reversion to Chinese sovereignty, the trade imbalance between the United States and China, my personal concerns on human rights, and numerous other issues.

Additionally, I took this trip intent on raising the profile of Washington State in both Hong Kong and China. In the early 1950's, Senator Warren Magnusson of the State of Washington whose seat I now occupy was the first United States Senator to promote closer ties between the United States and China.

Since that time, Washington State has led the way in advancing United States-China relations for both the American and Chinese people. No other State in the country is as engaged and involved in China as my State. We have strong trade and cultural ties to China and indeed to all of Asia.

Washington State's involvement in China is much deeper than trade and economics; educators and students, lawyers and judges, adoptive families, religious organizations, military personnel, and many others in my State have relationships across the Pacific with counterparts in China.

Several Washington cities including Tacoma, Seattle, Kent, and Spokane all have growing sister city relationships with cities or counties in China. Washingtonians are going to great lengths to foster change in China; participating in local elections, providing resources to counter cultural biases against young girls, and working with the Chinese to create a commercial and a civil legal system for that country.

A diverse group of Washington State interests traveled with me to China at their own expense. This group included representatives from agriculture, aviation, high technology, retail, financial services, heavy machinery, and ports.

In Hong Kong, we met with officials from the United States Consulate, the American Chamber of Commerce, the Hong Kong Government and others. On the street and in official meetings, I sought to determine the mood of the people of this British Colony as it speeds toward its new status as a Special Administrative Region of China.

Certainly there are concerns about the transition; concerns that we require the careful oversight of the United States and others who care about the Hong Kong way of life. I also found much optimism among Hong Kong's people and its leaders; a certain confidence that the people of Hong Kong will take it upon themselves to preserve the prosperous and beautiful enclave that they created from barren rock and the surrounding waters.

I particularly enjoyed a meeting with Ms. Sophie Leung, an appointed member of the Provisional Legislature that will replace the current Legislative Council following the transition. Though I question China's decision to replace the current democratically elected legislature, I was heartened by Ms. Leung's passion for Hong Kong, her background as a civic activist, and her intention to support and participate in upcoming direct elections. Ms. Leung is also a part-time resident of Washington State. Interestingly, a number of the leaders selected to govern Hong Kong following the transition are actually American citizens.

Like many in this body, I am following closely the transition and China's handling of the new Special Administrative Region. A heavy handed approach to the transition by the Chinese side will be disastrous for Hong Kong; disastrous for the mainland whose development is largely funded by and through Hong Kong; and disastrous for Pacific oriented States like Washington which utilize Hong Kong as a gateway to China and other parts of Asia.

Mindful of the threats to Hong Kong, it is important for all who want to influence change in China to recognize that Hong Kong's transition may be our best opportunity to further influence the mainland in such important areas like the rule of law, respect for individual rights, and the many democratic principles that we cherish in the United States.

As I traveled from Hong Kong to Beijing for additional discussions, I couldn't help but wonder which side would have a greater impact following the transition; 1.2 billion Chinese scattered throughout an area the size of the United States or 6 million Hong Kong capitalists occupying land that is similar in size to the Puget Sound area in Washington State.

In Beijing, I met with China's Vice Premier, Chinese Trade Ministry officials, and Chinese leaders involved in financial services, transportation, agriculture, electronics, and aviation.

United States Ambassador Jim Sasser, our former Senate colleague, was particularly gracious and giving of his time and experiences in China to me and the Washington State delegation. Ambassador Sasser hosted a dinner for me and the Washington delegation, and our group was delighted to be joined for the evening by former Speaker Tom Foley. At my suggestion, Ambassador Sasser invited a number of prominent Chinese women known for their advocacy work within China on issues relating to women and children.

In my meeting with Vice Premier Li Lanqing, I focussed on the trade imbalance between the United States and China, my concerns and those of my constituents on human rights, and the importance of China abiding by its commitments on Hong Kong.

Washington State exports to China grew by almost 40 percent in 1996 but overall United States exports to China did not grow at a rate comparable to the growth of China's exports to the United States.

I stressed to the Vice Premier my hope that the Chinese side would soon agree to allow the International Red Cross access to Chinese prisons and reinforced with him that the United States would continue to push for improvements in human rights. A commitment to human rights is part of our moral fabric; and I was encouraged by Vice Premier's acknowledgment of U.S. interest in this issue and of his offer to engage in a dialog on this issue.

Hong Kong's transition will clearly be the international event of 1997. The Chinese are well aware of this; I reminded the Chinese that the United States is watching closely; Taiwan is watching; indeed all of the world is watching China's handling of the Hong Kong transition.

In China, I had the opportunity to raise a number of other issues of importance to my State and my constituents. I encouraged the Chinese to increase access to their markets for Washington State goods with particular emphasis on resolving the TCK smut issue which keeps Northwest wheat out of China's marketplace and tariff reductions which would allow our horticultural producers to export significant volumes of apples, cherries, and pears to China.

The Chinese have made progress in combating piracy of intellectual property rights; I reminded them of ongoing problems and our continued interest in stopping both the production and export of pirated United States technology.

With the People's Bank of China, we discussed the importance of allowing more United States banks and insurance companies the opportunity to operate in China. This will provide new opportunities for small- and medium-sized firms seeking export to China.

We also discussed many other important issues including the growth of the Internet in China, the competitive advantages of Washington's ports and transportation infrastructure, the future energy needs of China, food security issues including China's ability to feed its people, problems associated with large, unproductive state-owned enterprises, and growth patterns in coastal and rural parts of China.

Numerous other high-profile congressional delegations also traveled throughout China and to Hong Kong during the recess. Vice President GORE visited the region with stops in Beijing and Shanghai. Several of my Senate colleagues including Senators LIEBERMAN, MACK, and JEFFORDS traveled to China during the recess as did Speaker GINGRICH and a large number of House Members. United States policy makers are visiting China and Hong Kong in record numbers. Close to 100 Members of Congress have visited China in the last few months. And more will follow as the Hong Kong return to Chinese sovereignty is now less than 100 days away.

I returned from my first visit to China convinced of the importance of engaging the Chinese, with heightened awareness of the difficult issues in the United States-China relationship, and very encouraged by the congressional interest in Asia and China. And I am certain Washington State will continue to be the bellwether State in gauging both the rewards and the pitfalls of the important United States-China relationship.

Already there is significant interest in the Nation's Capital in China. It is my hope that this interest will manifest itself in a genuine debate about good U.S. policy rather than good partisan politics. I certainly intend to represent forcefully the interests of my State and our country with a voice for good U.S. policy in the coming months.

I yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I believe that, under the previous agreement, I was going to have 8 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. I understood that the other side has some 22 minutes left.

The PRESIDING OFFICER. They have 26 minutes.

Mr. KENNEDY. That would bring us to the hour of 12:30. I have consulted with the floor manager of the legislation.

I ask unanimous consent that the recess time be extended from 12:30 until 12:40 and that the time therein be divided equally between the manager and Senator LEAHY.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I ask unanimous consent that I be recognized then for 7 minutes and that Senator HARKIN and Senator WELLSTONE each be recognized for 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE CONFIRMATION OF ALEXIS M. HERMAN FOR SECRETARY OF LABOR

Mr. KENNEDY. Mr. President, I continue to be concerned about the failure of the Senate to act on the nomination of Alexis Herman to be the Secretary of Labor. President Clinton announced his intention to nominate Ms. Herman on December 20 last year, over 4 months ago. Her papers were officially received by the Senate Committee on Labor and Human Resources in early January.

During the Labor Committee's review of the nomination, Ms. Herman answered over 150 written questions from committee members. She dealt thoroughly with all the questions put to her at a lengthy Labor Committee hearing on March 18. The committee voted unanimously to confirm Ms. Herman on April 10. Senate confirmation was expected soon after that.

Instead, Ms. Herman's nomination has become a hostage in an exercise of political extortion that discredits the Senate. Those who are holding this nomination hostage admit that they are postponing a vote on Ms. Herman for reasons that have nothing to do with her qualifications for office. They object to President Clinton's intention to issue an Executive order on labor issues which they oppose. The proposed Executive order would direct Federal agencies to consider the use of so-called project labor agreements [PLA's] on Federal construction projects.

Such agreements have been used on large-scale construction projects, in the public and private sectors, for decades. Examples of Federal projects carried out under PLA's include the Grand Coulee Dam in the 1930's; atomic energy plants in the 1940's; Cape Kennedy in the 1960's; and today, the Boston Harbor cleanup project.

In the private sector, too, PLA's have been used on many projects across the Nation, including the construction of Disney World in Florida, the Toyota plant in Georgetown, KY, the trans-Alaska pipeline in Alaska, and the Saturn auto plant in Tennessee.

State governments use PLA's as well. Governor Pataki of New York issued an Executive order similar to President Clinton's proposal in January 1997. The Governors of Nevada and New Jersey recently issued similar orders.

What PLA's do is require contractors to comply with the terms of labor agreements for the duration of the project. The advantages of PLA's are numerous. Projects are more likely to be completed on time, because a skilled labor supply is always available. There are fewer cost overruns, because workplace disputes can be quickly resolved through grievance and arbitration procedures, instead of by strikes or lockouts.

Projects built under PLA's have lower accident rates, because contractors can hire highly skilled and well-trained employees. Productivity increases as well, because of the higher skills of workers.

Opponents of PLA's claim that such agreements unfairly deny contracts and jobs to nonunion firms and individuals. That charge is false.

Nonunion contractors can and do bid on jobs where PLA's are in effect. In the Boston Harbor project, 40 percent of the subcontractors—over 100 firms—are nonunion. Similarly, on the Idaho National Engineering Labs PLA, with the Department of Energy, 30 percent of the subcontractors were nonunion.

Nonunion workers can and do work on sites where PLA's are in place. Unions are required by law to refer nonmembers to jobs on the same basis as union members.

The NLRB vigorously enforces this provision of the labor laws. Unions know how to comply, and do comply. In the 21 so-called right-to-work States, no worker can be required to give financial support to a union. In the other 29 States, if the particular contract provides it, workers can be required to pay a fee to the union while workers are employed at the job site. However, no employee can be forced to join the union, or to pay for union activities that are not related to collective bargaining.

In all of these ways, PLA's are beneficial to project owners and workers alike.

Further, it is clear that President Clinton has the authority to issue an Executive order dealing with Federal procurement practices. President Bush did just that in October 1992, when he issued an Executive order prohibiting Federal agencies from requiring PLA's on Federal construction projects. Republican attacks on President Clinton's power to issue an order directing the consideration of such agreements are hypocritical at best.

President Clinton won the 1996 election. He is entitled to use his Presidential powers as he sees fit. It is unconscionable that Republican leaders in the Senate are holding Alexis Herman hostage to their antiworker bias. President Clinton has every right to issue his Executive order on Federal construction projects. The Herman nomination has nothing to do with that issue. Republicans should end this shameful tactic and let the Senate vote.

The Senate cannot faithfully discharge its constitutional responsibility to conform nominees if the process grinds to a halt for reasons that are obviously extraneous. The time has come to end this unjustified delay. It is long past time for the Senate to vote on Alexis Herman's nomination.

When a vote is taken, I am confident that Alexis Herman will be confirmed by the Senate and she will serve with distinction as our Labor Secretary. Ms. Herman's entire life has been dedicated to building coalitions and bringing people together, regardless of differences in race, class, or gender. She comes from a family of trail-blazers, and her own life, too, has been an extraordinary and inspirational story of commitment and achievement.

From childhood, her parents taught her the importance of helping others. Her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

Alexis also learned at home about the importance of standing up for your rights and participating in the political process. When she was only 5, her father faced down some members of the Ku Klux Klan who stopped the family car on Christmas Eve. In the 1940's, her father sued for the right to obtain an absentee ballot to vote in Mobile. Later, he was elected a Wardman of Mobile's 10th Ward, one of the first African-Americans elected in Alabama since Reconstruction.

In the early 1960's, her hometown of Mobile was still segregated. As a high school sophomore, unable to reconcile her Catholic faith with the segregation in the parochial schools, she confronted the Bishop of Mobile. His response was to suspend her from school. Undaunted, she continued to press for change. The following year, the first African-Americans were admitted to the white Catholic schools in Mobile.

After graduating from Xavier University, in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's black citizens from achieving their full potential. Working with the AFL–CIO and Catholic Social Services, she undertook a project to find work for unemployed, unskilled young men in Mobile's housing projects.

In the 1970's, with Professor Ray Marshall of the University of Texas, she began a pilot project in Atlanta to place African-American women in white collar positions. With grants from the Ford Foundation and the Department of Labor, she established and managed this highly successful program. As a result of her leadership, the first African-American women were hired in white collar jobs at Coca Cola and Delta Airlines. The pilot project was so successful that it was extended to 10 cities.

Alexis Herman then added public service to her many achievements in the community and private enterprise. In 1977, when Ray Marshall became Secretary of Labor under President Carter, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked hard and well on expanding employment and training opportunities for women, and co-chaired a Presidential task force to promote business ownership by women.

After returning to the private sector, she worked as a consultant for businesses seeking to hire, train, and keep minority employees. Once again, she demonstrated her life-long determination to extend opportunities to those who had long been denied jobs, careers, and, most important, hope.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them. Few would deny that over the past 4 years, she fulfilled these difficult and important responsibilities with remarkable skill and success.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has shown an extraordinary gift for bringing people together in a cooperative spirit. That skill will serve her well as Secretary of Labor.

Alexis knows from her own life and first-hand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. I'm confident she'll do an outstanding job as Secretary of Labor. I urge the Senate to act quickly to approve her nomination, and I look forward to working closely with her in the years ahead.

Ms. MOSELEY-BRAUN addressed the Chair.

Mr. COVERDELL. Mr. President, may I ask the Senator from Illinois how much time will she be using?

Ms. MOSELEY-BRAUN. No more than 3 minutes. It is very brief.

The PRESIDING OFFICER. All of the time of the Democratic side has been allocated.

Mr. KENNEDY. Mr. President, I believe we had 6 minutes that had been assigned to Senator WELLSTONE and Senator HARKIN.

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I ask unanimous consent to have that 6-minute allocation changed and that the 6 minutes be evenly divided between all three speakers, and I will yield 2 minutes to the Senator from Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois is recognized.

Ms. MOSELEY-BRAUN. Mr. President, my message is very simple, following on the statement of the Senator from Massachusetts. That is, I call on the Senate to free Alexis Herman and liberate the Department of Labor. The fact is that her nomination is being held up for reasons that have nothing to do with her qualifications for office, or, more to the point, the need of the American people to have a captain of a ship, if you will, at the Department of Labor.

It is being held up because of some unrelated political issues and, quite frankly, it demeans and, I think, embarrasses some in the U.S. Senate to have this high-profile and important nominee held hostage for no reason.

So my message, in keeping with the message of the Senator from Massachusetts—and I associate myself with his remarks—is that I call upon the Members of the Senate to consider that Mrs. Herman's qualifications are exemplary. She has the leadership skills to lead this Department of Labor in the 21st century, to lead our country in addressing the needs of working men and women, as well as the transition that our business community is currently undergoing. I very much hope that our Members will come together to let this nomination go—free Alexis Herman and liberate the Department of Labor.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield one of my minutes to the Senator from Connecticut and tell him that he owes me a big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on this. I would like to make note of the fact, with the Philadelphia Conference going on, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed and give us a chair at that Cabinet table for the millions of people who do not have a voice at the table representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the issue of the nomination of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action. Do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday majority issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa for 2 minutes.

Mr. HARKIN. I thank the President.

Mr. President, I would like to make a brief comment about Alexis Herman. Recall that Ms. Herman was unanimously reported out of this committee. We should not be holding her hostage over an unrelated policy dispute—a disagreement with the President over project labor agreements. I hope that whatever one's views are on project labor agreements that her nomination can move forward.

The Secretary of Labor serves as the spokesperson for working families in this country. We are considering several pieces of legislation that will affect working families and it is important that the Secretary of Labor be at the table as these changes in our work places are being considered. Ms. Herman must be allowed to assume her responsibilities as Secretary of Labor without further delay. I think it is unfortunate that our colleagues continue to deny the Senate even a vote on this important member of the President's Cabinet.

Now, let us be clear on the proposed Executive order regarding project labor agreements [PLA's]. The Executive order only directs Federal agencies to consider using PLA's, it does not require them to do so. The Federal Government's interest in PLA's is to help ensure that public sector projects are completed efficiently, economically, and safely.

PLA's set wages, working conditions, and dispute-resolution procedures for the duration of the project. This makes it easier for agencies to avoid cost-overruns and delays, while ensuring high quality work and safety at the worksite. They guarantee that the project will be completed on time, without strikes or lockouts. I find it incredible that the majority is so offended by this commonsense initiative.

There is nothing new about project labor agreements—the Federal Government has used them on Federal projects since the 1930's. Examples include the Grand Coulee Dam, the Cape Canaveral Space Center, and the Nevada test site. Project labor agreements have been a very effective tool for Federal, State and local governments when faced with a major public works projects. PLA's have helped bring management and labor together to work out arrangements in terms of things like wages, benefits, and working conditions in return for a promise of no work stoppages or strikes.

Contrary to what has been said about project labor agreements, non-union contractors and nonunion workers would not be prohibited from working on Federal projects—they simply would have to abide by the terms of the project labor agreement for that particular project.

Republican Governors Christine Todd Whitman of New Jersey and George Pataki of New York issued similar executive orders authorizing state agencies to use project labor agreements. Also, State and local governments regularly use PLA's.

One notable example is the giant sewage treatment system now being built for metropolitan Boston as part of a court ordered clean up of Boston Harbor. Forty percent of the contractors on the Boston Harbor project are non-union. Furthermore, the projected cost of the project was $6.1 billion, the present estimate for completion is $3.4 billion. The Boston Harbor project is on schedule for completion by the year 2000 and safety, measured in lost time due to workplace injuries is below the industry average. During the 7 years of work on this project, there have been approximately 20 million hours worked without lost time due to strike or lockout. This is quite a record of success.

Lastly, contrary to the claim that President Clinton's proposed Executive order (EO) exceeds his constitutional authority, this action is legitimate and typical of actions taken by other Presidents with clear constitutional and statutory authority. For decades, presidents of both political parties have exercised their authority to issue executive orders to implement changes in Government contracting policies. Furthermore, when President Bush issued an Executive order in 1992 to prohibit Federal agencies and Federal contractors from entering into project labor agreements, there was no similar outcry.

The Executive order on PLA's and the upcoming regulations on procurement reform are not a pay off to labor. They are sound policies that will make government operate more efficiently. The Federal Government should consider using project labor agreements when they increase efficiency, stability, and save taxpayer money.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes of our allotted time to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, let me start by thanking my friend and colleague from Georgia, Senator COVERDELL, for his leadership on this important issue this year.

As the principal cosponsor of this bill in the previous Congresses, I am excited about the fact it is on the agenda and has an excellent chance of becoming law.

My wife Elaine, who many of my colleagues know is former head of the United Way of America, was up at the volunteer conference yesterday in Philadelphia and there is no question that the timing of this could not be better. I commend my colleague from Georgia and the majority leader for scheduling this important piece of legislation during the volunteer conference, obviously making it easier for more and more Americans to contribute their time to others. It is something that ought to be a high priority in America in 1997.

Unfortunately, volunteer service has become a high-risk venture. Our sue happy legal culture has ensnarled those selfless individuals who help worthy organizations and institutions through volunteer service. They try to do good and end up risking their fortunes. These lawsuits are proof that no good deed goes unpunished. In order to relieve volunteers from this unnecessary and unfair burden of liability, I am pleased to join in the reintroduction of the Volunteer Protection Act. I am particularly happy it is being considered today.

The litigation craze is hurting the spirit of voluntarism that is an integral part of our American society. From school chaperons to Girl Scout and Boy Scout troop leaders to Big Brothers and Big Sisters, volunteers, as we all know, perform invaluable services for our society. At no time is this value more evident than right now where organizations like the Red Cross are making such a big difference for the victims in flood ravaged North Dakota, just like they did for the folks in my home State of Kentucky during the floods there earlier this year.

So how do we thank the volunteers? All too often we drag them into court and subject them to needless and unfair lawsuits. The end result: too many people pointing fingers and too few offering a helping hand. Even Little League volunteers face major league liabilities.

In February 1995, Dr. Creighton Hale, the CEO of Little League Baseball, wrote in the Wall Street Journal that Little League had in fact turned into "litigation league." He pointed out that in one instance two youngsters collided in the outfield, picked themselves up, dusted themselves off, and then sued the coach. In another case, a woman won a cash settlement when she was struck by a ball that a player failed to catch. Incidentally, the player was her own daughter.

It is sometimes difficult to quantify exactly how much of an organization's time and money is spent on liability protection. But the Girl Scouts have been able to put it into terms we can all understand. The executive director of the Girl Scout Council of Washington, here in the District of Columbia, said in a February 1995 letter that "locally, we must sell 87,000 boxes of Girl Scout cookies each year to pay our liability insurance."

Very simply, this bill protects volunteers who act within the scope of their responsibilities—within the scope of their responsibilities—who are properly licensed or certified where necessary, and some places require that, and, third, who do not act in a willful, criminal or grossly negligent fashion.

We are not trying to insulate from liability those who may act in a wanton way. Let me emphasize this bill does not create immunity for the organizations themselves or for volunteers who act, as I said, in a willful or grossly negligent manner.

Let me also point out that our bill clearly spells out that there is no protection for individuals who commit hate crimes or violent crimes or who violate the civil rights of others. So the opponents of the volunteer protection bill who claim that this is a KKK bill are simply engaging in fear mongering and demagoguery at its worst. This is a bill about protecting our volunteers. That is what it is about, nothing more and nothing less. This bill creates a minimum standard for volunteer protection and then allows the States to add further refinements and protections to that standard.

In short, the bill gives States flexibility. It strikes a balance between the federalism interests on the one hand and the need to protect volunteers from unfair and unnecessary litigation on the other. Specifically, any of the following State law provisions would be—I say would be—consistent with our bill.

First, a requirement that the organization or entity be accountable for the actions of its volunteers in the same way that an employer is liable for the acts of its employees.

Second, an exemption from liability protection in the event that the volunteer is using a motor vehicle or similar instrument.

Third, a requirement that liability protection applies only if the nonprofit organization or Government entity provides a financially secure source of recovery such as an insurance policy for those who suffer harm.

Fourth, a requirement that the organization or entity adhere to risk management procedures including the training of volunteers.

Now, none of those would be inconsistent with our bill should they be the standards adopted by a given State. The bottom line: liability problems for volunteers is a national problem that deserves a national solution—a national problem that cries out for a national solution. My state of Kentucky just experienced devastating floods. During those floods, we also experienced an outpouring of compassion from volunteers all across the country. The volunteers were not just from Kentucky. They were from Ohio, Indiana, Illinois, just to name a few States from which people came to help us out in Kentucky. If a Red Cross volunteer from Ohio wants to cross the bridge and come into northern Kentucky and help on our flood relief, they cannot just put on their coat and boots and go to Kentucky. They need to do some legal research first. They need to do a survey of Kentucky and Ohio law to see if volunteers are protected and to what extent they are protected. Voluntarism is obviously a national issue and volunteers regularly and repeatedly cross State lines to help their neighbors.

That is why, among other reasons, this is a national problem calling out for a national solution. I urge my colleagues to move forward on this bill. The volunteer summit in Philadelphia is a testament to our country's strong efforts in this regard. And we think that clearly this is the time for action.

Today, in the cooperative spirit of the President's summit, I would ask our colleagues to set aside our differences on other issues like labor issues. I also would respectfully ask my colleagues not to try to suggest that this bill is about anything other than what it is about. It is not about the Ku Klux Klan. It is about protecting American volunteers.

I am amazed, I might say further, Mr. President, how one day we are criticized for moving too slowly and the next day we are criticized for moving too fast. It is pretty difficult here to figure out exactly what avoids criticism. These criticisms appear to be nothing more than attempts to divert this legislation which is obviously good for volunteers and good for our country.

Let me just summarize. What we are talking about here is a national problem crying out for a national solution to make it more possible for American volunteers to go to the assistance of their neighbors. We are bringing this bill up in the middle of the national summit in Philadelphia to encourage voluntarism and some are saying we are moving too fast. This bill has been around for quite a while. I offered a measure similar to this in 1991, I believe it was. It got about 31 votes. But times have changed. There is a growing awareness that legal reform of a variety of different sorts is important to our country, and we are starting in this area with the volunteer protection bill because it is timely, it is important, and this is obviously the time to move forward.

So let me conclude by thanking my good friend from Georgia for his leadership on this important issue. I hope we will soon be past the motion to proceed and well onto sending this legislation down to the President for signature.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I am going to consume about 1 minute, so I would ask the Chair to keep an eye on the clock for me so that I leave time for my colleague from Minnesota.

The PRESIDING OFFICER. At the current time, all the Democratic time has been divided between Senator HARKIN and Senator WELLSTONE.

Mr. WELLSTONE. How much time do I have?

The PRESIDING OFFICER. Each Senator has 2 minutes.

Mr. WELLSTONE. I will yield 1 of my minutes to the Senator from Connecticut and tell him that he owes me big time forever.

Mr. DODD. I owe him 1½ minutes, a minute with interest.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. As a former Peace Corps volunteer and someone who was a Big Brother and served on the national board of Big Brothers, I commend the effort to focus attention on the Philadelphia conference. I would like to make note of the fact, we are 6 months almost to the day since election day and still there is a chair vacant around the Cabinet table, that of the Secretary of Labor. This is a critically important issue to millions of people, a substantive issue that must be addressed immediately. My hope is that the leadership would see to it this week that we would vote. Vote against Alexis Herman if people wish but give her the opportunity to be confirmed or not confirmed. Give us a chair at that Cabinet table for the millions of people representing management and labor. So I urge that the leadership move on this issue. We brought up this issue. I understand that. But the confirmation of the Secretary of Labor 6 months after the election is long overdue.

I thank my colleague for yielding.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, this is blatant politics at its worst. Alexis Herman was voted unanimously out of the Labor and Human Resources Committee. She is eminently well qualified. This is an extremely important position to working people, to working families. We have a lot of important legislation before us—the TEAM Act, comptime, flextime. We are supposed to be focusing on living wage jobs and educational opportunities for our citizens. The Secretary of Labor is a critical position. She should not be held hostage. If the majority party does not like an action taken by the administration, then oppose that action, but do not hold Alexis Herman hostage. Free her. Let her become Secretary of Labor and let her serve working families all across this country.

Mr. President, I am pleased to go on but I think I used up my minute.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield 1 minute of our time to the distinguished Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Senator from Georgia.

I actually think that I was able to do this in a minute. Again, I think that it really behooves the Senate to move forward on this nomination. I do not think the Senate looks good as an institution. I think people really do not like this kind of inside politics where a particular party—in this case it is the majority party—does not agree with a particular policy or particular action taken by the President or the executive branch and then chooses to hold someone else, in this particular case Alexis Herman, hostage. It is not the way we should be conducting our business. It is not fair to her, an eminently well qualified candidate to serve our country and, quite frankly, it is not fair to families all across Minnesota and all across the Nation that are focused on good jobs, education, and safe workplaces. These are workaday issues. This is the Secretary of Labor—6 months without a Secretary of Labor. Again, do not hold her hostage. Free her and let us move forward. If my colleagues want to vote against her, vote against her, but she deserves a vote in this Chamber.

I thank my colleague from Georgia for his graciousness.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, how much time remains on our side?

The PRESIDING OFFICER. The Senator has 19 minutes and 40 seconds.

Mr. COVERDELL. Mr. President, I yield myself up to 5 minutes of my own time.

Mr. President, of course, the matter before the Senate is the Volunteer Protection Act which we had hoped would be a response to an historic bipartisan summit on voluntarism. The Volunteer Protection Act is designed to stop a circumstance developing in our country where volunteers are frightened to participate in the 600,000 volunteer organizations for fear that by participating they will have put their family and their family's assets at risk.

In the American Bar Association's section of business law recently a very balanced article occurs about the subject. It says:

> An analysis of the laws around the Nation uncovers two important facts.

This is not exactly a partisan outfit.

> Many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Prior to 1980, the number of significant lawsuits filed against volunteers might have been counted on one hand—

Prior to 1980, lawsuits directed at volunteers could be counted on one hand—

> with fingers left over. But that all changed in the mid 1980's as several suits against volunteers attracted national media attention. Besides accounts of lawsuits against coaches, one of the most frequently publicized cases involved a California mountain rescue team which evacuated a climber who had injured his spine in a fall. The man later sued for $12 million alleging that rescuers' negligence had caused him to become paralyzed. With stories like this getting big play, volunteers were suddenly worrying about the possibility of personal liability.

In other words, stepping forward, being a good Samaritan, and then having your family's assets all at risk.

To meet the cost of higher insurance premiums, some nonprofit organizations cut back on services, that is, less attention to helping the elderly, the poor, and the children of our Nation. Others went without insurance, increasing the risk that an injured party would sue the organization's volunteers in search of a deep pocket.

As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned. Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion-dollar claim cast a deep shadow—and this is the point. This is not a 300-page bill. This bill is 12 pages long, double spaced. This is not rocket science law. This does not require 15 years of hearings. This bill is very simple. It begins to protect the volunteer from simple mistakes or errors or omissions, not from gross negligence. It does not protect hate organizations. It is disappointing, to say the least, that an attempt to respond to four Presidents, two Republican and two Democrat, calling on America to step forward, and trying to aid and abet that by a very narrowly focused proposition that says when they do step forward, they are not stepping forward in front of a gun; they are free to step forward and volunteer without being unnaturally and unduly threatened from frivolous lawsuits or from an effort to seek a deep pocket.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mr. COVERDELL. In that I have consumed these 5 minutes in an effort to protect those coming to speak, I suggest the absence of a quorum. As I understand it, that will be equally divided, but it will fall on our time when theirs has expired.

The PRESIDING OFFICER. It will come out of the time of the Senator from Georgia.

Mr. COVERDELL. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I see I have been joined by the distinguished senior Senator from Texas. In an effort to leave him as much of the remainder of the time—how much time remains?

The PRESIDING OFFICER. There is 12 minutes, 45 seconds.

Mr. COVERDELL. Twelve minutes remaining, and I yield as much time as necessary to the Senator from Texas.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mr. GRAMM. Mr. President, there has been an extended debate here this morning about many different issues, about confirmation of Presidential nominees and about the protection of hate groups. What I would like to do is to get back to the point of this bill, to get back to a definition of what we are trying to achieve, what kind of safeguards we have in the bill, and to explain why it is critically important that we support this legislation.

The distinguished Senator from Georgia and those who have cosponsored his bill—and I am proud to be one of them—believe in voluntarism. We believe that there is no Government substitute for people being engaged in and trying to participate in the activities of their own communities. We do not believe there is any Government program that can substitute for genuine volunteers.

The President, numerous past Presidents, and General Powell are engaged at this very moment in trying to promote voluntarism. I see the bill of the Senator from Georgia as being a complement to that effort.

First, let me try to define the problem. When I was coaching little league football 25 years ago, I never thought about the fact that I might be liable had some player who was playing for me been hurt. I never thought about the liability implications because 25 years ago, at least in the very active central Texas league I coached in for 3 years, to my knowledge we never had a lawsuit filed against any volunteer.

The problem is that the world has changed dramatically in the last 25 years. It is now commonplace for volunteers who are trying to help people, for no pay, taking time away from their businesses, their professions and their families, to end up being attacked in a lawsuit. Furthermore, the volunteer frequently has very little, if any, involvement in the incident, has very little responsibility for the harm that has been alleged, and yet is often the only one with deep pockets.

Let me just give an example that I think is pretty easy to envision. Assume you have a volunteer working at a boys and girls club. Let us assume that the volunteer is working at the front entrance, checking people in as they come in to participate in the activities. This volunteer is critically important because, in trying to conserve the money we raise for the boys and girls club, we can hold down our costs if we can use volunteers.

The problem that Senator COVERDELL is trying to deal with is the following: You have a volunteer working at the front door checking people in. You have a professional staff person working in the back of the facility, say the weight room, who might not be providing sufficient supervision and as a result some young person who is lifting weights, drops the weights on his leg, breaks his leg, and sues.

The professional employee at the boys club probably does not have deep pockets. The boys club of Bryan-College Station, where I am from, is not a rich organization. But the volunteer, working in the front, who by definition of being a volunteer is able to give their time voluntarily might have substantial assets. Under Texas law, they could be held liable. In this situation, you might end up having a volunteer, who never went into the weight room and who simply was there helping check people in, be the only one with deep pockets. Some knowledgeable and aggressive lawyer could end up suing the volunteer for something they had nothing to do with.

Here is what the Coverdell bill does, and it does it very simply. No. 1, it recognizes the contributions that volunteers make and defines the reason we want to encourage voluntarism. Then it sets out some very simple principles about liability. That is, it relieves volunteers from liability for harm caused if: No. 1, the volunteer was acting within the scope of their responsibility; No. 2, if a license or training was required for the job the volunteer was doing and the volunteer indeed had the license or the required training; and, No. 3, if the harm was not caused by willful or criminal misconduct or gross negligence.

So, it sets out some simple commonsense criteria which requires that volunteers meet the training requirements and to be carrying out their function for which they volunteered in a responsible manner. The bill also bars the awarding of punitive damages against a volunteer and, in a very important provision of the law, it sets out proportional liability for noneconomic damages. Under this bill, if you have a volunteer who has deep pockets and who is simply checking people in at the front of the building, and has nothing to do with what is going on in other parts of the building, then if a lawsuit should be filed, they could be liable only for an amount proportionate to their involvement in causing the harm.

In addition, there are many safeguards in this bill which have been discussed at some length in this debate. States have the ability to opt out of this if they choose to do so. I do not believe they will choose to do this because basically what we are trying to do in this bill is to encourage voluntarism by limiting liability, by assuring people that if they are willing to put up their time and their talent and their money to help other people, and if they are willing to volunteer to try to help their community, as long as they do their job in a reasonable and responsible manner, then they are not going to end up being dragged into a courtroom.

I want to address one part of the opposition to this bill. This is a very tiny step, in my opinion, in the right direction toward legal liability reform. This is a tiny step in the direction of beginning to do something about runaway litigation in America. I believe that the opposition to this bill really springs from those who do not want any limits on legal liability. I would just simply ask my colleagues to look at the limited nature of this bill, to look at the fact that America is a great beneficiary from volunteer activity by our citizens, and that one thing that has tended to happen as Government has done more and more is that volunteers have been crowded out into doing less and less in our communities. I believe that we are all losers for that decline in voluntarism.

People who, 25 years ago, routinely volunteered to do things, now, in some cases, fear to do them because of legal liability. Two weeks ago I visited a school, a charter school in Texas, called the Dallas CAN Academy. This was the first charter school in my State. It is run almost exclusively by volunteers.

It has a very small professional staff which runs a mentoring program where business and professional people come in and serve as mentors to kids who have dropped out of school because they have had some sort of problem.

These kids have come back to this special charter school and, with the mentoring program, in about 80 percent of the cases are able to graduate from high school—and a not insignificant number of them end up going on to college. The secret of this program is voluntarism.

This little program in Dallas, TX, pays $15,000 a year in liability insurance to protect its volunteers. That is $15,000 a year that could go to helping kids. That is $15,000 a year that might make it possible for 15, 20, 30, or 50 more kids to graduate from high school and to have an opportunity to get on the playing field of life.

What the Coverdell bill will do is, by setting standards of reason and responsibility, it will dramatically reduce the liability cost of this charter school. It will make it easier to get people to coach youth soccer and little league. It will get more people involved, and I can say as a person who was very actively involved in volunteering in youth sports when I was a college professor, that the volunteer gets more out of it than the people who are the beneficiaries of voluntarism.

We are trying to make it possible for millions of Americans to help tens of millions of Americans, but the benefits do not just go to the people who are the targets of this voluntarism, the benefits go to the people who volunteer as well. The Coverdell bill tries to limit a real impediment to voluntarism. The legal costs of people being liable for things they did not cause is driving away hundreds of thousands of volunteers.

I want to congratulate Senator COVERDELL. This is a very important bill, and I hope our colleagues will not let this whole political issue of legal liability and the interests of lawyers versus people who are sued interfere with what is a straightforward, reasonable, and limited bill. I strongly urge that this bill be adopted.

Mr. COVERDELL. Mr. President, I thank the Senator from Texas once again for making a very cogent statement on this piece of important legislation. I thank him for coming to the floor.

How much time is remaining?

The PRESIDING OFFICER. One minute.

Mr. COVERDELL. I yield the balance of my time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas has 1 minute.

Mrs. HUTCHISON. I ask unanimous consent to have 5 minutes in morning business rather than taking from Senator COVERDELL's time. So if the Senator wants to finish on his bill for a minute, then I would like to ask unanimous consent for 5 minutes.

Mr. COVERDELL. I yield back my time.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent to have 5 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

WELFARE REFORM AND WAIVER REQUEST FOR TEXAS

Mrs. HUTCHISON. Mr. President, I want to talk today about welfare reform. Now you may say, "My goodness, why are you talking about welfare reform? We passed that last year."

It is true, Congress passed welfare reform last year. We said to the States, "We want you to run your own programs. We're going to send you less money so that you will have the ability to be more efficient and make up for the dollars that we are not sending you from the Federal Government by efficiencies in your State programs."

We said to the States, "We're going to cut the strings. You're not going to have to come to Washington every time you turn around. And that will give you the ability to enact the programs that your States need to operate in a more efficient way."

Mr. President, you would have thought that everyone would have said, "Hallelujah, we are going full steam ahead." Well, Mr. President, the States said, "Hallelujah, we're going full steam ahead." The problem is, this administration is thwarting the attempts of State after State to do the job we asked them to do.

Mr. President, today the State of Texas has been waiting for 170 days, 5 months, for a clearance to run its welfare program in a more efficient way. The Governor of Texas has said it is costing our State $10 million a month because they are waiting for Federal approval so that they can go out and get bids. Public sector, private sector, whoever gives the best bid for the taxpayers of Texas and America, would be able to bid on consolidating the administrative offices for welfare services so that a welfare recipient would be able to go in to one place and get whatever they needed for their particular needs at that particular time. They may be able to get food stamps, AFDC, Medicaid, disaster assistance, community care, in-home and family support. All of these things would be in one place.

The State of Texas is looking for public-private partnerships. They are looking to the public sector and the private sector to say, come in and bid on these programs. The State of Texas believes they can save 10 to 40 percent of the $550 million they now spend to administer these programs. That is $200 million a year for the taxpayers of Texas and the taxpayers of America.

Mr. President, I talked to the Secretary of HHS. I said, "What more can Texas do?" She was very forthright. She said, "Texas has done everything it was supposed to do. Everything is set. It is on the President's desk."

Mr. President, why is the President making this decision in the first place? I am afraid it is because a political aspect to this has emerged. And that is, some of the unions do not want the ability for our State to go out and get bids on public-private partnerships.

Mr. President, I am all for unions being able to have free market access and free ability to go out and get jobs. But when a union says, "We don't want you to be able to do things more efficiently because we might not be able to compete," I am saying that is wrong. It is time for the President of the United States to do what Congress said was the law of the land and which he signed into law, which he agreed to do, and that is let the States run the welfare programs. Part of the way welfare reform is going to work is for the States to be able to do the job more efficiently without strings from Washington. It saves taxpayer dollars for all Americans and for the States that are trying to do their job better.

Mr. President, we have a dilemma here. Congress has acted, and the President has signed the bill. He has agreed with Congress that it is in everyone's best interest for the States to run their own programs. The proposal of the State of Texas is along the lines of what many other States are looking at. Wisconsin, Arizona, and other States are looking at these kinds of efficiencies.

Mr. President, I hope they will be able to do this. I hope so, because Congress has spoken and the President has spoken, and we have said the same thing: "Be more efficient. Use taxpayer dollars more wisely." What is the holdup?

I ask President Clinton, what is the holdup? We have a reasonable proposal. It is innovative. It meets the needs of Texans. Why not approve it? Five months and Texas has lost $10 million for every month this has not been able to go forward.

Mr. President, this is an emergency for my State. Our legislature has 1 more month of its session. We must act if the President is not willing to do the job. So I am announcing that I am going to try to do this congressionally if the President does not act or if the President turns down the reasonable request by the State of Texas. Because, Mr. President, the President of the United States cannot thwart the will of Congress when he has signed a bill. When it is the law of the land, he cannot go around it with regulations, with Executive orders, thumbing his nose at what the law is. He was a Governor. The President of the United States understands how important it is for States to be able to have the ability to run their own programs.

I am going to ask today the President of the United States to approve the waiver request for the State of Texas which has been sitting on his desk for 5 months. If he is unwilling to do that, I am serving notice that I will do everything in my power to congressionally require this approval.

The second choice is not the best. I would rather work with the President to do what is right here. But we are beginning to see a pattern: Wisconsin coming in, asking for legislative relief; Oregon coming in, asking for legislative relief. That is not the way to do it. But the buck stops here. Congress passed the law. If the administration is going to thwart the law of the land, Congress must act.

We must take these waivers one at a time and make these decisions. I would prefer that the President and the administration do what is right and do what is their responsibility to do and grant these waivers. If they do not, however, it is the responsibility of Congress to step in and say, this was our intent and it is the law of the land.

Mr. President, Texas is losing $10 million a month; $50 million to date. It is not right. We are doing in Texas what Congress told us to do. There should be no barrier to doing that. I ask the President today, grant the waiver. That is the proper way to work with Congress and with the States and it is in everyone's best interest.

Thank you, Mr. President.

I yield the floor.

RECESS UNTIL 2:15 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:18 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. COATS].

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the hour of 2:15 having arrived, the clerk will report the motion to invoke cloture.

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:
>
> Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, Robert Bennett, Mike DeWine.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

The yeas and nays resulted—yeas 53, nays 46, as follows:

[Rollcall Vote No. 52 Leg.]

YEAS—53

Abraham
Allard
Ashcroft
Bennett
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Shelby
Torricelli
Wellstone
Wyden

NOT VOTING—1

Bond

The PRESIDING OFFICER. On this vote the yeas are 53, the nays are 46. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I have said earlier today I do not think this is an appropriate response to the bipartisan appeal from Philadelphia, to be filibustering very narrow legislation to help volunteers respond to the call by four former Presidents and a former Chief of Staff. But there will be plenty of time to talk about that. I know that the senior Senator from Texas has 5 minutes on another matter. So I ask unanimous consent that he be allowed up to 5 minutes to cover that, and then we will return to the motion to proceed.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Texas will be recognized for 5 minutes.

Mr. GRAMM. Mr. President, let me join my colleague in expressing my disappointment that at the very moment where we have our former Presidents urging voluntarism, the Senate, on a partisan vote, is blocking our effort to remove legal liability constraints that limit the willingness of people to volunteer. So I am very disappointed that we did not get the job done, and I trust that this will not be the end of this bill.

TEXAS WAIVER FOR WELFARE SERVICES CONSOLIDATION

Mr. GRAMM. Mr. President, I wanted to raise an issue today and in the process urge the administration to move ahead and grant a waiver to the State of Texas to consolidate their office whereby they provide access to services like AFDC, food stamps, WIC, Medicaid, and other public service programs.

In an effort to innovate and save money, the State of Texas, under the leadership of our Governor, has come up with the idea of allowing public/private partnerships, such as EDS and the Texas Department of Human Services and Lockheed/Martin and the Texas Workforce Commission, to bid for the opportunity to move toward a more efficient provision of welfare services in out State.

The bottom line is the State of Texas has put together a proposal to use private technology with the public sector to unify the eligibility and application processes for a number of welfare benefits. The State of Texas can save $200 million a year in State taxpayer funds that can be used for education or for public assistance or for law enforcement, and they have asked the administration to sign off on a waiver to let the State adopt this procedure, saving $200 million, and the President has steadfastly refused to grant a waiver. Over and over and over again, we are seeing delays from the White House.

If the White House does not move ahead and grant this waiver so that Texas can operate its AFDC and Medicaid programs efficiently, then Senator HUTCHISON and I are going to have to move on the floor of the Senate to pass a law to mandate that this waiver be granted.

It is outrageous for the President to continue to give speeches about welfare reform, to talk about giving States the ability to innovate and to try new methods to provide better services and to save costs, save money, and then turn right around and refuse to grant a waiver that would dramatically improve the efficiency of the system in Texas that would make it easier for people who are truly needy to get assistance.

What is the issue? By moving to a public/private partnership and saving

$200 million, some State bureaucrats and the unions who represent them are afraid they might lose their jobs. Even though Texas could save $200 million and even though millions of beneficiaries would benefit from greater efficiency, the President is afraid to take on a special-interest group by granting this waiver. In this case the special-interest group is organized labor.

This is exactly the kind of activity we encouraged in our welfare reform bill which passed on a bipartisan basis. This is exactly what the President says every time he speaks on welfare reform. The State of Texas is trying to be efficient and save money, and they cannot get the White House to say yes or no.

Basically, what I am saying to the White House today is this: say yes or no, and get on with making the decision. If you are not going to allow the State of Texas to carry out the mandate of welfare reform, if you are not going to allow them to save money, if you are not going to allow them to operate their programs efficiently, then the Congress is going to have to act to grant this waiver.

It makes absolutely no sense for the administration to refuse to say yes or no. This is a clear-cut question: Is the power of special interests within the White House so dominating and so overwhelming that when a State tries to operate under the new welfare reform bill, when a State tries to save $200 million annually of the taxpayers' money, and when a State tries to improve services by bringing the private sector into the process, it is prevented from doing so? Should we let one special interest keep all those good things from happening? That is the question that the President is going to have to answer in deciding whether to grant this waiver. I want to urge the President to grant the waiver and to do it soon.

I yield the floor. I thank the Senator from Georgia for yielding the time.

Mr. REED addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I ask unanimous consent to proceed for 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REED. I thank the Chair.

NOMINATION OF ALEXIS HERMAN

Mr. REED. Mr. President, I rise today to speak on an issue that is important to many Rhode Islanders and I believe touches on the credibility of this body. I would like to add my voice to the voice of many of my colleagues in support of Alexis Herman as the Secretary of Labor. The appointment of Alexis Herman was approved by the Labor and Human Resources Committee unanimously on April 10, almost 3 weeks ago. This unanimous vote came after an appropriately arduous examination of Ms. Herman's record. She spent months successfully completing a far-reaching questionnaire submitted by the majority. She subsequently came before the committee and spent hours testifying as to her past accomplishments and her vision for the Department of Labor. She completed these tasks successfully, and a full vote of the Senate was originally scheduled for April 16.

Yet, that vote has now been placed on indefinite hold. I believe this reflects poorly on this body. We have asked Ms. Herman to defend her record and outline her agenda for the Department of Labor. She has done that. Indeed, she has performed that task well enough to gain the unanimous support of our committee. We now owe her the courtesy of consideration by the full Senate. Not only do we owe this courtesy to Ms. Herman, but we have a duty to hard-working men and women in this country to have their interests adequately represented in the Cabinet of the President of the United States. Every day policy decisions affecting workers go unaddressed because there is no Secretary.

While some may take financial stability for granted in today's economy, we in Rhode Island certainly do not. The Department of Labor has played a consistent and productive role in helping Rhode Island to cope with the economic challenges that it faces. We need a Secretary of Labor to help us continue in these efforts.

Economically, Rhode Island has been hard hit by changing economic conditions and defense downsizing.

In the late 1980's and early 1990's we lost over 10 percent of our manufacturing jobs due mostly to defense downsizing but also to changes in the economy. These effects continue to plague our economy. Thankfully, the Department of Labor, under the leadership of then Secretary Reich, was there consistently to provide assistance in lessening the burden of this impact on working Rhode Islanders. For example, in December of 1995, Rhode Island's largest grocery store, Almacs, declared bankruptcy immediately before Christmas. This bankruptcy resulted in Rhode Island's single largest layoff, over 2,000 workers, immediately before the 1995 holidays. The private sector committed what they could, volunteering food, holiday gifts and job placement services, but the former employees faced severe hardship.

Then the Department of Labor stepped in to assist. They provided a total of $4.3 million to retrain 90 percent of the former Almacs workers who did not find employment in other grocery stores. This assistance came about because I was able to directly share the hardship of my constituents with the Secretary of Labor. Indeed, because the Congress had shut down the Federal Government at that time, several additional hurdles had to be overcome to help the people from Almacs.

Thankfully, because of the work of the Secretary, those hurdles were overcome and my constituents were provided the services they desperately needed and, indeed, deserved.

Just as in 1995, I am afraid that we are again confronted with a callous disregard for the working people of this country. They deserve a Secretary of Labor. Ms. Herman deserves a vote. Let us get on with this process. If you will, vote against her, but give her the opportunity to have her case heard here on the floor of the Senate and the decision made, not by inaction, but by the votes of the men and women of this body.

I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just for clarification, before the Senate is a motion to proceed to S. 543. I would like to clarify for my colleagues, given the scope of the legislation, the importance of it, and timeliness of it, I am not eager to turn the aftermath of this cloture vote into a time that we substitute for morning business. I hope the remarks—and we, of course, sanctioned the previous remarks of the Senator from Texas and the Senator from Rhode Island—but I would be inclined to object to remarks for the next hour or so, not relating to the subject before the Senate.

Mr. President, I might continue then, for a moment. The time for this debate ran out before our lunch recess. I was commenting on an article, a very balanced article that appeared in the ABA section of Business Law, with regard to what the Voluntary Protection Act is trying to accomplish. I had just read this point, that "As publicity about lawsuits and the insurance crunch raised volunteers' apprehension, their willingness to serve waned."

The point is, we have documented evidence that a growing number of citizens in our country who have traditionally engaged in something that is uniquely American, it truly is—and I might add that as a former Director of the U.S. Peace Corps I had a chance to witness this and listen to it and hear it reiterated around the world—that voluntarism, as we describe it in America, is unique and it is an invaluable treasure for American people.

Here we have a situation that developed in the 1980's, where, suddenly, lawsuits directed at a volunteer, in search of more financial means or whatever, became highly publicized.

So, obviously, it made a good Samaritan, somebody trying to step forward, someone trying to be a good American, nevertheless conscious of his or her prudent responsibility to protect their family, to protect the assets and the valuables that were there for the security of their family. As much as they wanted to volunteer, they had to suddenly be aware of, "Is this a threat to my own family?"

I mentioned earlier this morning Terry Orr, who played for the Washington Redskins, was in the Capitol the other day and recounted the experience of joining the team and of senior players immediately taking him and putting him in the breach, so to speak, of voluntarism. It is something he wanted to do. Then, as his career grew and he matured in it, he turned to the rookies coming behind him and said: "Look, this is important work for the youth of the Capitol city." And he was struck by the response.

The response was, "What is my liability? Am I putting my family at risk here?" It was a whole new sequence or reaction to asking for volunteers. That is what this sentence means, "As publicity about the lawsuits and insurance crunch raised volunteers' apprehension, their willingness to serve waned."

This 12-page piece of legislation—this is not a 1,500-page bill. This is not overhaul of Medicare. It is 12 pages. Its effort is directed at putting some protective buffer around people who want to step forward and be volunteers and reduce the level of fear that they would have with regard to the welfare of their own family.

It goes on to say, "Even though reports of actual judgments against volunteers remain scarce, the specter of a multimillion dollar claim casts a deep shadow." So what is being said here is you do not have to have a lot of judgments. You do not have to have a litany of cases that go against volunteers. You only have to have the specter or possibility of the risk to be public, and suddenly the volunteers are very, very cautious about what they do and what they do not do.

"Several surveys conducted during this period revealed that many organizations suffered board resignations"—which is what we alluded to earlier today—"and volunteer recruitment difficulties"—which I just talked about in the case of Washington Redskin player Terry Orr. "The lawyer on the board, a nonprofit's staff role, was often the first to resign." I have experienced this myself. My guess is the President has experienced this issue.

I told this story earlier today—over the weekend, I was down at Robins Air Force base and it was raining badly. So we were trying to get from the aircraft to the car. I misjudged where the corner of the car door was, which is what has caused this mark across my forehead. As I got on in the car, the Air Force Colonel say, "Gosh, I hope you are not going to sue the Air Force." Which is just—it permeates our society, the question of fear of lawsuits.

> Faced with the prospect of charitable organizations closing their doors and potential volunteers staying home, legislators sought to offer protective warmth from the chill of potential liability. On the national level, U.S. Representative John Porter, Illinois, dramatized the problem.

This is the point I want to make. This morning the other side talked about how suddenly this new idea was thrust on the Senate. It had not had the appropriate length of debate or hearings and that sort of thing. Like this is a new idea that has been around. Listen to this:

"On the national level, U.S. Representative JOHN PORTER, Republican, Illinois, dramatized the problem in 1985"—Let's see, now, that is 12 years ago—"by assigning bill number 911 to his proposed Volunteer Protection Act." Eleven years ago, and Lord knows how many thousands of volunteers who have not shown up in the 12 years, or how many hundreds of thousands of dollars have been spent in an effort to try to respond to this that therefore did not go to help a child, an elderly person, a sick person, a person that has suffered from one of these floods that we have been talking about earlier today? Who knows how many people have not volunteered for that board or went out and coached Little League Baseball? Good grief, 1985, for a very narrowly defined effort to protect this unique quality in American government—or in American life, the volunteer.

"His proposal," Mr. PORTER's, "was a Federal bill designed to spur State adoption of volunteer protection laws. As has been mentioned by the other side, in 1990, President Bush released a model act and called for State-by-State adoption. By then, though, each State legislator had already addressed the matter at least once and few were eager to tackle it again."

The other side tried to allude to a lapse on our side of our role in federalism. They were suggesting we had forgotten our interest in State management of issues. But, as Senator MCCONNELL said when he came to the floor, this is a national issue. It has State ramifications, but it is a national issue. These hundreds of organizations, some of which I cited this morning that are supporting the Volunteer Protection Act, are national organizations and they are looking for national relief. They are interactive across State borders. They are dealing with organizations who represent multistate jurisdictions. Then it goes on to say, this article: "The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the nonprofit risk management center compiled them in a publication."

The article draws on that analysis. Mr. President, the Volunteer Protection Act does recognize the role of the States. And in those cases in which all the parties are of a single State, the State has the option and authority to opt out of this legislation if the case is at all related to citizens of the same State.

It also allows the States laws that are more protective of the volunteers to stay, in effect, without change or preemption. But this article itself points very directly at the difficulties faced by the patchwork nature of volunteer protection laws as they exist today.

Mr. President, I am going to yield the floor. I see the Senator from Indiana has arrived and would like to comment on the legislation.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Indiana.

Mr. COATS. Mr. President, I thank the Senator from Georgia for yielding and, more important, thank him for his leadership on this issue. I listened, as the Presiding Officer for the past hour, to his remarks about the irony of the voluntarism conference taking place in Philadelphia at the same time the U.S. Senate is attempting to secure approval to go ahead and debate—not vote on but just debate—the passage of legislation that will make voluntarism more acceptable to the American people and provide an incentive for people to volunteer.

I had the privilege of being designated as a delegate to that summit conference in Philadelphia, and as a delegate attended various meetings, shared time with the President and former Presidents who were there, along with Colin Powell, and Ray Chambers, and others who were instrumental in putting that together.

The whole thrust of the meeting, the whole thrust of the summit, the factor that drew all of our current living Presidents to this summit, was the idea that we needed to stimulate and do whatever we could to encourage Americans to take a more active role in solving some of the problems that our families face and in contributing their time and their resources on a volunteer basis to help particularly those in need.

The thrust was directed toward children, children that were falling into what we describe as an at-risk category, children without fathers at home, children without the opportunities that many children in America enjoy.

The goal—2 million children reached by the year 2000—is an ambitious goal, one which will require considerable commitment on the part of the American people. Yet a number of organizations were there that pledged their commitment to reach that goal, a number of corporations pledging their efforts to ensure and help their employees participate in reaching that goal, whether it is mentoring a fatherless child in an organization like Big Brothers/Big Sisters or working through Boys Clubs, Girls Clubs, Boy Scouts, Girl Scouts, various literacy programs, teaching a child to read, juvenile delinquency, drug abuse, teen pregnancy, all of these human problems that require not the hand of big Government—we have tried that, and it has been wanting—but involves the personal commitment on the part of individuals working with those children.

One of the most encouraging things about that summit was that there was a widespread recognition on the part of people from both parties, different points on the ideological spectrum and political spectrum. There was a consensus that big Government was not the solution, that our, in many cases well-motivated, efforts in the past to reach out through the mechanism of Government to address these human needs had not succeeded, and that while no one felt comfortable with simply absolving ourselves of all responsibility, hoping that the so-called free marketplace of social interaction and community support would fill the gaps, clearly there was a consensus that the solution did not lie in more funding for various Government agencies, more Government involvement, but the solution lay in individuals making commitments to help kids in need, to help organizations in their communities that were helping children in need. And this was a very uplifting occasion.

As I said, our former Presidents and our current President was there. We had Republicans and Democrats speaking from the platform, organizations that are doing extraordinary work today in our communities all across America. But the bottom line was, in order to accomplish the task ahead, we need more volunteers. We need more people to commit time to join up with a child in need or a family in need or an organization that is there to serve those people in need. We need to recognize those who are already making those sacrifices in volunteering, and we need to encourage more to do it.

Anyone who has been involved in volunteer work understands that the benefit exceeds the sacrifice, if we can even label it a sacrifice; that the recipient of the volunteer's efforts obviously is supported and helped; but the rewards, not money rewards, but the intangible rewards that come to the volunteer are very, very significant.

So out of all of this, I am confident, we have come to a time when there is a renewed interest in supporting our neighbor, supporting those in need, providing effective compassion, expanding the role of volunteer community organizations and charitable organizations, expanding the role of the church and encouraging its work in dealing with some of these problems.

But one of the key impediments to that involvement of voluntarism that we are trying to encourage has been what I would call almost a tax on voluntarism. That tax is the result of lawsuits, many of which are frivolous, that have been filed against organizations or against boards of directors of organizations or of volunteers. It is a discouragement and a disincentive for individuals to volunteer.

The Senator from Georgia referenced that. The first response to a bump on the head or a trip on a step is, "I hope you're not going to sue us," because we seem to be in a pattern of litigation in what has been described as the world's most litigious society. It seems that for many the first thought is, "How can I collect? Who can I sue?" Well, it is one thing if individuals are covered by insurance policies; it is another if they either are not covered or those insurance policy premiums have risen to the point where organizations are finding it difficult to pay the premium.

Over just the past few years, liability premiums for volunteer associations have risen 155 percent. So organizations like Little League and Big Brothers/Big Sisters, Girl Scouts, Boy Scouts, volunteer fire departments, and all the myriad number of volunteer associations and groups that provide so much important help to people in this country are finding themselves squeezed, squeezed by higher liability premiums, squeezed from their ability to attract people to serve on their boards, to attract volunteers to work in the work of the agency.

We need to recognize that every dollar that is devoted to increased liability premiums means that it is a dollar less that goes to meet the needs that the organization or the individual is attempting to address.

Congress has attempted to address this in piecemeal fashion. I was proud to lead the effort last year to pass the bill that provided liability protection for doctors and nurses that volunteered their time to those in poverty that did not have insurance. Senator SANTORUM passed a bill that provided restaurants that donate food to homeless shelters, food banks and soup kitchens some protection from liability.

But essentially what we are talking about here today is a bill that would expand the scope of liability protection to the numerous agencies and literally hundreds of thousands of volunteers who are not now covered or who find that the premiums are prohibitive for liability coverage.

Of course, there are protections in the bill here. We are not excusing people from negligence. We are not excusing people for willful injuries or criminal misconduct. If a suit is warranted, the suit can be brought. But what we are saying is that there ought to be some protection against frivolous lawsuits, there ought to be some protection against honest mistakes, there ought to be limitations on liability to those who actually bear the responsibility for the injury, and not this, what we call joint and several liability, that flows to every member of the organization, every member of the board which allows lawyers to simply find the deepest pockets or the richest pockets to sue, and so if one member of a board commits an act which warrants an action against that individual, all members of the board find themselves involved in the lawsuit.

As I said, liability insurance can be purchased, but the rising cost of that has been prohibitive, and it drains dollars away from the central purpose of that organization. In many cases we have people who are not covered by insurance, yet they want to volunteer their time.

Mr. President, just a little bit ago—I think it was just a week or so ago—Lynn Swann, who is a former member of the Pittsburgh Steelers and is in the National Football League Hall of Fame, testified before the House on the impact of increasing insurance premiums and the problem of liability coverage for Big Brothers/Big Sisters.

Lynn Swann is a national spokesperson for Big Brothers/Big Sisters of America. I had the privilege of serving on that national board with Lynn. He has dedicated an extraordinary amount of time and effort to promoting the concept of mentoring and promoting Big Brothers/Big Sisters as an organization that has been established now for nearly 100 years in mentoring children on a one-on-one basis.

Lynn testified before the House indicating that the inability to pass liability coverage for volunteers was providing a disincentive to attracting volunteers to be Big Brothers or Big Sisters. Currently, there are 100,000 individuals in this country who have volunteered their time on a consistent basis—not a one-time only, but a consistent basis—to mentor and be a Big Brother or Big Sister to a child from a fatherless family, to a child who needs someone to come alongside, to be with them, to help them with homework or just to listen to them on the phone or to incorporate them in some of their daily activities, to be a friend, to be a Big Brother, to be a Big Sister.

But there are 40,000 young people on the waiting list because we do not have enough Big Brothers, Big Sisters to match those on the waiting list. One of the reasons is that agencies have not been able to attract enough people because people are concerned about frivolous lawsuits or liability actions taken against them that they know they are probably going to have to pay or settle to some extent just to keep from having to spend 2 or 3 or 4 years in court dragged out through an expensive legal process.

So we go back to the original point. At a time when this Nation's attention is focused on the concept of voluntarism and how it can support those genuinely in need, how it can provide help for children at a time when former Democrat and Republican Presidents and our current President are meeting in Philadelphia to promote and encourage and ask and plead with individuals and corporations and businesses and entities in America to do more, the U.S. Senate is voting to not allow debate on a strictly—I guess it was strictly a partisan vote. There was a clear division between the Republicans and Democrats on this issue. They were voting to not even allow debate and amendments to go forward to move to final passage of this particular legislation.

So on the one hand, our Nation's attention is focused on the plea of President Clinton, former President Bush, former President Ford, and former President Carter to get more involved, to volunteer, to support agencies that are reaching out to children in need, calling for 2 million additional volunteers by the year 2000.

Yet at the very same time the U.S. Senate is saying, no, we are not going to remove impediments to voluntarism, we are not going to adopt sensible measures to protect those who give voluntarily of their time to serve the needs of our communities and serve the needs of our fellow citizens, we are not going to do anything to take away any barriers that might be in place that are identified as limiting the size and the scope of the volunteer effort.

It is just such a disconnect, just such an irony that our President is in Philadelphia urging us to become more involved in that spirit of voluntarism that I was privileged to experience in Philadelphia over the last 2 days, and that it is now clouded over with a deep, dark cloud that basically says, no, we are going to protect the lawyers, we are going to give the lawyers more protection than we are going to give the volunteers, we are going to make somebody who volunteers for Girl Scouts or Boy Scouts or Big Brothers/Big Sisters or any of a number of organizations and wants to give their time to the board, we are going to say that you are jointly and severally liable, if somebody on that board makes a mistake, we are going after the guy with deep pockets, we are going after the guy with all the money.

So good people who want to give their time and effort to volunteer organizations and volunteer help find themselves restricted and limited because they may not have control over an individual on a board that does something that brings a lawsuit, that allows every member of that board to be swept up in that lawsuit.

We are providing a disincentive to those citizens and volunteers who want to give of their time, who want to provide the support that children need in this country by saying, "Do not forget about the lawsuit liability. Watch out for the trial lawyers."

We are losing people, 40,000 young people on the waiting list for a Big Brother or Big Sister, and we cannot reach out to volunteers with any assurance that they will be protected from sometimes some of the most frivolous, meaningless, but yet effective lawsuits filed against them.

Are we foreclosing the right of someone to go after criminal misconduct or willful actions? Absolutely not. That protection is provided in the legislation that we are debating. What we are trying to do is make it easier for people to be good neighbors, to be good citizens. What we are trying to do is to provide a recognition that as Government necessarily scales back its effort at providing help for humans in need—which has been an extraordinary effort. I am not questioning the motivation of those who attempted it. It just simply has not produced results.

There is a recognition across the spectrum now between Democrats and Republicans that we need to find better alternatives, that we need to support the role of the church, we need to encourage the role of the church, parish, and synagogue, of charity, of volunteer charity organizations, of volunteer associations, of PTA's, of all of the groups that are working now in our community—including the Salvation Army, on and on it goes—who want to do more but need help to do more. They need our involvement, No. 1. They need our funds, No. 2. But No. 3, the least we can do is remove an impediment to voluntarism when someone's lawyer says better not be involved with that group because, as you know, while it is purely a voluntary act, if something happens to some member of the board, this whole board can be sued. Every one of you will find your name on a summons. Every one of you will find your name as defendants in a lawsuit. Every one of you will have to pony up for money to pay the attorneys. These guys will squeeze us for years until we settle, and maybe there is no liability at all, but we cannot afford the time. We cannot afford the ultimate money. So we will simply put a settlement out and everybody has to kick in. So people are discouraged from exercising some of their best instincts.

This legislation makes a great deal of sense. I hope my colleagues who did not support the cloture motion, the motion to allow us to go ahead and proceed with this legislation, I hope they will weigh that action against what is taking place in Philadelphia. I hope they will take the opportunity, as I just did in our reading room back here, to go and look at the stories and pictures in a whole number of newspapers from across the country—the Los Angeles Times, the Boston Globe, the St. Louis Post-Dispatch, the Chicago Tribune, and on and on it goes, USA Today—on the front page of every paper out there. A lead item on all the news stories last night was the Philadelphia summit, the President's gathering, organizations pledging, individuals committing to a new spirit of voluntarism that, hopefully, will sweep across this country, hopefully will reach out to those 40,000 kids and Big Brothers and Big Sisters that are waiting for a match that can change their life, that can make a difference in their lives. For all those who want to expand the board, expand the participation and expand the number of volunteers, I hope they will go and read the headlines and look at the pictures. I hope they will look at the pictures of the kid waiting for the Big Brother/Big Sister match, for the involvement of organizations that can help their family, for the encouragement of groups like Habitat for Humanity and others that are making some an extraordinary difference in our world today. We want to do more. We want to do better. We want to expand that effort.

What is stopping us? The trial lawyers—the trial lawyers who will not even let us go ahead and debate the bill and vote on the bill. A cloture motion has to be filed to prevent a filibuster. Because of a strict party-line vote, which escapes me why every member of the other party feels it necessary to prevent this at the same time their President is urging, in an eloquent address—one of the best addresses I ever heard President Clinton give. I am not often standing at the lectern praising the President, but it was an extraordinary address to the thousands that were gathered yesterday in Philadelphia. It was a plea for support.

Here we are trying to provide one measure of support to remove one disincentive to voluntarism, to serving on a board of directors. As I said, I am on the national board of Big Brothers and Big Sisters. We have discussed this. Lynn Swann comes down and testifies and says we can put more kids together with more mentors, but one of the things that is holding us back is the liability we expose volunteers to and the extraordinary increase in insurance premiums over the past several years because of all these lawsuits. So every dollar that Big Brothers and Big Sisters worked so hard to achieve to provide a match between a Big Brother, Big Sister and a little brother and a little sister, every dollar that has to go to pay the increased liability premiums is a dollar that cannot go to provide for a match or support a match.

I hope my colleagues will reconsider and allow us to go forward with this. If it needs to be amended, we should amend it. If it needs to be modified, we should modify it. But do not stop it from even being discussed, debated, and voted on, particularly at a time when our President and our former Presidents and our Nation is saying, "We want to do more. We need to do more. We must do more." We should not throw a bucket of cold water on what I think is a noble effort, a necessary effort, to address some of the basic human needs in this country.

Mr. President, I appreciate the generosity of the Senator from Georgia in allowing me to address the Senate. I again commend him for his efforts, and hope that when we get to the next cloture vote we can do better than we did today.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

First of all, let me just say to my colleague from Indiana that I really appreciate much of what he said, and I also appreciate his passion. I do not know anybody more committed to this whole idea of volunteer citizen action and helping people. I deeply respect him for it.

Mr. President, I think that one of the things I want people to know who are watching this debate is that there are some other things going on in the Senate right now that are extremely important. This piece of legislation, I think, can be debated and people can deal with the substance of it, but at the moment, just speaking for Minnesota, and I know there are other Senators that feel very strongly about this in the Dakotas, we have a disaster relief bill we are trying to get through the Senate.

Mr. President, I think one of the stumbling blocks right now—and I am really sorry that my colleague from Georgia is faced with this, because I think it has nothing to do with him at all—with the disaster relief bill, on the one hand you have people like Chairman STEVENS of the Appropriations Committee pushing hard to help. I am sure of that. But you now have a proposal—and I am not sure who exactly is playing this game, and it is a game—to attach a continuing resolution on to a disaster relief bill. Mr. President, I think that is the problem we are faced with.

The whole issue of liability, the whole question of what kind of tort reform there might be in relation to nonprofits and citizen volunteer efforts is important. We should get to that legislation. We should vote it up or down. I am pleased to debate it. But at the moment I say that I think the business of the Senate and the House is to get the assistance to people who have really been faced with a real disaster in their lives. People in Grand Forks and East Grand Forks, everybody that lived in the city had to vacate. People are not going to be able to get back on their own two feet. They will not be able to repair their homes. They will not be able to start their businesses again. This is a life-or-death issue. I do not think I am being melodramatic. We were so hopeful there would be action.

Again, I thank Chairman STEVENS for his work, and certainly Senator BYRD for his work, but now we have a development which, essentially, led to the committee today essentially having to call off its business. It is this proposal that comes from somebody, or somebodies, to attach a continuing resolution.

Now, for people who are listening to this debate and wondering what is that all about, let me just be clear about it. What this continuing resolution would do is, it would essentially attach on to a disaster relief bill 98 percent of this budget, although if you look to next year, it amounts to a 7-percent cut. In other words, rather than having up-or-down votes on appropriations bills, having an honest debate about what our priorities are or are not, some people would like to play this game of attaching on to what was supposed to be a disaster relief bill to provide assistance to families who were waiting for this assistance, who are hoping for this assistance, who are paying for this assistance, now we have this new effort which would put into effect cuts in the Pell grant program—I will not even go through all the statistics—work-study program, education for disadvantaged children, literacy programs, National Institutes of Health programs, Head Start, senior nutrition, the list goes on.

Mr. President, in all due respect, I do not know whose proposal this is, but I think it is a cowardly way—and I am pleased to debate anybody who wants to debate me—it is a cowardly way of loading junk on to a disaster relief bill.

Mr. President, again, I give all the credit in the world to people like Senator STEVENS, who is in there pitching for us, but I do not know who decided to do this, but it is really crass. Mr. President, the President has already said that he would veto such a piece of legislation because, as President of the United States of America, he cannot go back on a commitment he has made to people, the commitment he has made to Pell grants and higher education, the commitment he has made to Head Start, the commitment he made to nutrition programs for senior citizens, he cannot put, through the back door, cuts in those programs.

I make a plea, and I would like to have a discussion with my colleague from South Dakota about this. I would like to make a strong plea to colleagues. Please join the efforts of Senators like Senator STEVENS, who is in there pitching for us. Please understand there are people in the Dakotas and Minnesota who are really praying for help, who believe we will come through for them, who believe we will be able to help their families, who believe we will be able to help them get on their own two feet so they have a chance to rebuild their lives. Please do not attach this junk on to what is supposed to be a disaster relief bill. The business of the Congress right now ought to be to pass this disaster relief bill and get the assistance to people who need it.

I just ask my colleagues, the Senator from North Dakota and the Senator from South Dakota, what you are hearing from your own States?

Mr. DORGAN. Well, if the Senator from Minnesota would yield for a question. Mr. President, I spoke earlier this morning, and it is not my intention to upset anybody who might have another agenda, except to say that the most significant agenda at the moment is to deal with a lot of folks who have been put flat on their backs by an act of God they didn't expect or request—by floods, fires, and blizzards. In the State of North Dakota, for example, in Grand Forks, ND, an entire city evacuated. I was in the middle of a town in a boat, a town of 50,000 people in which nobody lived. Water was up to the eaves trough in some of the houses. You could barely see the tip of the roof. It was the most remarkable thing I have ever seen. It was a most devastating circumstance—except for loss of life. Thank God, we didn't have much loss of life.

Family after family are losing their homes, their personal property. Many of them lost everything they had. But they haven't lost hope. Part of the hope is that we will do what is necessary to extend a helping hand to folks, to say that you are not alone, the rest of the country cares about you. As we have done with others around this country, in fires, floods, tornadoes, earthquakes, and other disasters, we have said here is some significant help to get you on your feet and help rebuild and recover and give you some hope.

To the Senator from Minnesota, I ask this: We have had tens of thousands of people in North Dakota displaced as a result of the floods, and the resulting fires as well. I assume that the similar circumstance exists—in East Grand Forks, the entire city was evacuated. I know the Senator has some numbers on evacuations. But is it not the case that Minnesota, South Dakota, and North Dakota probably suffered the most significant natural disaster we have had in the history of our three States?

Mr. WELLSTONE. I say to my colleague—and I am pleased to take questions from both of my colleagues—he is quite right. It is a nightmare. It is something that nobody ever could have predicted, and everybody had to be evacuated from East Grand Forks. In other towns, like Breckenridge or Ada, not everybody in the town had to leave, but in Ada, the school is destroyed and has to be rebuilt. People had to be evacuated from a nursing home. There was a tremendous amount of damage. The community center was essentially destroyed. In Breckenridge, I met small business people who said, "We need start-up grant assistance."

Again, I say to my colleagues, I understand the importance of this piece of legislation that is on the floor. But at this point in time, I think the first priority ought to be to get this disaster relief to people. I believe we operate by the rule, Mr. President—I always have as a Senator—that it is "there but for the grace of God go I." I have always voted for disaster assistance for other States because I know something like this could happen to people in Minnesota. We count on people being there with us. I don't want this to be something that is symbolic. We need to get assistance to people—not 100 percent replacement, but at least something to help them get back on their own two feet.

Mr. JOHNSON. Will the Senator yield for a question?

Mr. WELLSTONE. I am pleased to.

Mr. JOHNSON. First, the Senator from Minnesota has done yeoman work in trying to bring relief to the tremendous, catastrophic disaster that has taken place in Minnesota, North Dakota, and South Dakota over the recent months. We have 125,000 people rendered homeless in those States currently. I have visited all three States, and I have seen families, even those who can get back into their homes, who have no sewage, have no water, the roads are broken up. They are doing dishes in campers and using port-o-johns that are temporarily installed in the front yard, and sandbags are everywhere. It is chaos in so many of these areas. Livestock have been lost, equipment has been lost, buildings have collapsed under the weight of snow, culverts are out of place, bridges are down. The loss is a mess through this part of the northern Great Plains. It has been a disaster that has visited 22 States, although the Senator and I are most familiar with the problems, obviously, of Minnesota, North Dakota, and South Dakota. We have tremendous urgency for assistance, as this country has always done during times of this level of distress.

It appears that if extraneous language is added to this disaster legislation, for which there is broad-based bipartisan support, that will jeopardize the passage of the legislation and, even if it were to pass, would subject it to a veto and we would be back to square one. Timeliness will have been lost and we will have delayed the level of assistance that is so badly needed on an urgent basis.

I ask the Senator from Minnesota, does it appear to the Senator that among the most egregious things trying to be added or forced on to this legislation are proposals that, while they are referred to as a 98-percent CR, which to many people would sound reasonably innocuous, but the real consequence of that would be, would it not, over the coming year that we would in fact see college aid cut by $1.8 billion, 400,000 students would lose Pell grants, 52,000 children would be cut from Head Start, we would have to end the Crop Insurance Program—one of the very vehicles that is being used to provide some level of relief for the farmers and ranchers who have been badly hit by this disaster—200,000 veterans would lose medical care, 700,000 mothers and infants per month would lose Women, Infants and Children Nutrition Program services, Indian health services would be cut, there would be 500 fewer air traffic controllers and 173 fewer security officers hired for purposes of air security. Is it not correct that not only would we have to buy into this, but I would have to ask the Senator from Minnesota, procedurally, is it not also correct that we would not be permitted a vote up or down and there would be no debate on policy initiatives of such enormous consequence if we were to allow this kind of extraneous language onto the emergency legislation that we so badly need to pass immediately?

Mr. WELLSTONE. Well, Mr. President, in response to my colleague from South Dakota, first of all, he is quite correct about what this continuing resolution would mean in personal terms for people in our States. Actually, if you look at a 98-percent cut—we can see where other cuts have taken place. As a matter of fact—and my colleague outlined some of the figures—let's translate it into personal terms one more time. I do not believe that people in South Dakota or Minnesota or others across the country are interested in reductions in financial aid and Pell grants so that higher education can be more affordable. I do not believe that. We have been reading about and talking about the very early years being so important in the development of the brain, that we have to make sure children at a very young age have adequate nutrition. Do you know what? We can't play symbolic politics with children's lives. If we are going to be espousing that, we better make the investment. I don't think people want to see cuts in nutrition programs for children.

Mr. JOHNSON. If the Senator will yield, would the Senator agree that there is an appropriate time and place for a debate about whether Head Start should be continued or whether crop insurance should be continued or nutrition programs should be continued and at what level, and that the timeliness of that debate ought to be in the context of the appropriations process, rather than doing an end-run on the normal process and tying it to this badly needed legislation?

Mr. WELLSTONE. I say to my colleague from South Dakota that that is precisely the case. I was simply trying to make the argument that I believe these cuts are not acceptable to people in the country, and this is not an intellectually honest or policy-honest way of doing it. We can have the debate on all these appropriations bills and we can have up-or-down votes and be accountable. I think this is a very cowardly way—and that is a pretty strong word to use—or a back-door approach to try to make cuts in some of these programs that are so important to the lives of the people we represent, and it is just adding junk onto what should be a straight disaster relief bill.

Let's not play around with the lives of the people in the 22 affected States. I invite any of my colleagues, I say to my colleague from South Dakota, before you do something like this—and, again, I know Chairman STEVENS has tried to be in there pitching for the people in our States—before you play this kind of game, come on out and look into the faces and eyes of some of the people. They are like refugees. The people in our States are like refugees. They are homeless and are trying to get back home and are trying to repair their homes. They are trying to move back into their homes with their children. Why play this kind of game with their lives? Let's bring this disaster relief bill before the Senate, and let's get the assistance out there to people who need it.

If my colleagues then want to propose reductions in Pell grants and nutrition programs for senior citizens and reductions in the Women, Infants, and Children Program, and in all of the veterans benefits, go ahead and do it. We will debate it all. But this is an effort to essentially close off debate, not be accountable. I say to my colleague from South Dakota, the political part of it that I think is worst of all is those who are playing this game—and I hope it is very few, so they will back off—know the President will veto it. He would have no other choice. But then people are still waiting back in our States.

So we urge our colleagues to please not go forward with this proposal. I cannot say anything more important right now. I say to my colleagues from Georgia and Wyoming, it is not the debate you and I will really soon finish up. But I know if you were out here and it was your States, you would be saying the same thing. Please, just get a disaster relief bill through, and then whatever you want to add or debate by way of priorities on the budget, or wherever you want to cut, or whatever, we can debate that. But don't do it on a disaster relief bill. Please don't add this continuing resolution onto a disaster relief bill. Please don't junk it up. Leave it the way it is. Let's try to get the best possible assistance program through the Senate and the

House. Let's try to get relief to these people.

These people are really down. But in our States we have seen the worst of times bring out the best in people. It is just amazing. We were talking about volunteer efforts. It is amazing the number of people who were sandbagging and who have taken strangers into their homes, and the number of people who have done food drives, and the number of people who are helping in every possible way. But it is really hard; it is really hard when you have been flooded out of your home, when you have had to leave your community. We need to give these people some hope now. The best way to give them hope is to try to get some of this assistance to the people.

The reason I speak with some indignation is that I thought we were going to be able to move forward. I hoped we would be able to move forward Thursday in the Appropriations Committee. There are two different issues. No. 1, we have to make sure we have categories of assistance that provide the help to individual people. We have to have the flexibility and we have to give enough money to help people get on their own two feet to rebuild their lives. No. 2, we have the threat of adding a continuing resolution, which is a huge mistake. It is playing games with disaster relief. It is playing games with the agony of people. It is playing games with the pain of people. It is playing games with families in our States. It is profoundly mistaken, it is profoundly wrong, and I hope whoever is thinking about doing this will please not do it.

Mr. President, I thank my colleague from Georgia for letting me speak.

I yield the floor.

Mr. COVERDELL. Mr. President, I want to make it clear that the proposal that is before the Senate is a motion to proceed to S. 543, which is the Volunteer Protection Act. I will work right off the comment of my colleague from Minnesota that we should not be playing politics or symbolism for something that is as central and fundamental as trying to respond to people in need. The very volunteers he talks about, this legislation applies to them. In fact, the Senator from Kentucky earlier today referred to the problems involved with his floods. As you know, my State suffered a 500-year-level flood from Hurricane Alberto, 200 miles long and 200 miles wide, as it marched throughout the State. I hearken to the point that the Senator made, that sometimes the worst of times produces the best in people. I don't think anyone has ever been through any of these that have not seen, with great admiration, the spontaneous response of neighbor to neighbor, American to American.

The legislation before us ought to be managed, in my judgment, in about 2 to 4 hours. It is 12 pages long. Its concepts have been before the Senate for 12 years. Yet, we are in a filibuster over whether to even be able to debate legislation that, certifiably, is directed at the very people the Senator from Minnesota is talking about, and that is the thousands upon thousands of volunteers from his State and from other States. That is another key point. I know right now—I don't know the number—that there are thousands of volunteers in your State and others' that don't live there. They have come from other States, which is the very point that we have been making. The context of parameters around the protection of good people just trying to respond is a national issue.

Mr. WELLSTONE. If the Senator will yield for a question, I want to ask this question of the Senator because I have to leave soon. I didn't want to walk out because he makes a very important point. Would the Senator agree with me that it would be best if we could come together as two parties and work out these disagreements when it comes to what is going to be on the disaster relief bill or when it comes to Alexis Herman or judicial appointments, that we can work out an agreement and stop basically leveraging different pieces of legislation? I don't agree with the Senator on some substantive grounds. But I am sorry the Senator is caught up in this. I mean that sincerely. Would he agree with me that we really have to come together and work these things out? Because I understand the Senator's conviction about this particular piece of legislation, but I also hope that the Senator will understand my conviction about the mistakes of now adding a continuing resolution and trying to put into effect all sorts of budget cuts onto a bill that should be a disaster relief bill. Does the Senator agree that we need to get away from all of this?

Mr. COVERDELL. I think there has been great discussion in this 105th Congress, I say to my colleague from Minnesota, about a bipartisan effort. That does require a give and take. Right now, it would appear that in several quadrants that is difficult to achieve. I have served in the legislative body an extended period of time, and I think what the Senator points to is always the laudable goal and what all of its Members should reach for. I am sure the Senator from Minnesota will agree. I am not surprised that, from time to time, very powerful interests and emotions cause these kinds of strenuous areas. I commend the Senator for being attentive to the needs of his State. It is exactly what he should be doing. I have been there myself. I hope that as we move through the week, the resolution of the issue which he addresses can be accorded. I appreciate the interest in the legislation.

Mr. WELLSTONE. I thank the Senator from Georgia. I say that I am interested. I don't agree with him, but I understand exactly why he wants to move forward.

Mr. COVERDELL. I understand your caveat.

Mr. President, we have been joined by the Senator from Pennsylvania, who, I might say, has been at the forefront of a concept called the "renewal alliance." Even before this legislation was put together, the Senator from Pennsylvania and others—and I have been pleased to be a small part—have been engaged nationally, not just in Pennsylvania, in reaching out, just as this summit did in Philadelphia, and tapping the compassion of the American volunteer on all levels to confront some of the most difficult problems with which our country is beset. It is entirely appropriate, and I am very pleased that he would take time to come to the floor and talk about what the Volunteer Protection Act means and does for the very effort that he and these other Senators are pursuing.

I yield the floor to the Senator from Pennsylvania.

Mr. SANTORUM addressed the Chair.

The PRESIDING OFFICER (Mr. SMITH of New Hampshire). The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. I thank the Chair. I thank the distinguished Senator from Georgia for his kind words and congratulate him on many counts. No. 1, for this piece of legislation. And while this piece of legislation has been around in various forms for quite some time, one thing it never had on its side was PAUL COVERDELL in a leadership role.

One thing I found out about this place is things happen when people have the energy, the enthusiasm, a good plan, a good game plan and a willingness to work hard to bring the issue to the fore, and PAUL COVERDELL does that with every issue I have ever seen him engage in. He has taken this issue and plucked it out of obscurity and driven it to the front here at a very appropriate time.

And so the Senator's sense of timing is magnificent in bringing it up here at a time when many of us, who just yesterday were in Philadelphia at the volunteer summit, were very moved by what was going on there, excited about the opportunity. I had a tremendous opportunity personally to have a good, long talk with Harris Wofford, who, as you know, I succeeded in the Senate. We had a really delightful conversation about how this is a project that, while we may be apart on very many things, we can find common ground on and work together on. In fact, we worked together a lot on the summit, to make sure that a lot of the small organizations, small charitable organizations and nonprofits were included. We understood the significant role that they play in the nonprofit community of

America, the volunteer community of America.

So we saw a lot of coming together—right, left, Republican, Democrat—in Philadelphia. It was a wonderful experience. Bringing this bill to the floor was a hope, I guess, on the Senator's part, and certainly on mine, that we would see that spirit continue in the new Capitol of the United States, not where it all started in Philadelphia.

It is unfortunate that we had a failure with this cloture motion today just to move to the bill. I think it is in some ways disturbing. We have in a sense solidarity going on on a subject that is at the core of who we are as America. I think we had a coming together, an understanding of the need for all of us to go beyond ourselves and look to each other and look at our brothers and our sisters and our neighbors, at their needs and the needs of our communities in fulfilling the promise of America. That was so clear in Philadelphia and yet becomes somewhat murky and cloudy here on the Senate floor, of all places, where it should be critically clear that is in fact the prerequisite to success in America.

It is disturbing, but I am confident, as I am sure the Senator from Georgia is, with continued effort we will bring to the American public, as we try to do this afternoon and hopefully will do in the next several days, the importance of this particular piece of legislation in making what is going on in Philadelphia a reality.

I heard the Senator from Georgia, the Senator from Indiana, the Senator from Kentucky, and others talk here about the importance of this legislation to so many nonprofit organizations all across this country. I could speak for Pennsylvania because that is where I have done the majority of visiting nonprofit organizations that serve the needs of communities, the team mission in the city of Chester in Delaware County, where I was just a few weeks ago, and I asked about the issue of the costs associated with liability insurance.

The director there told me that his costs have skyrocketed in the last few years and now he is paying tens of thousands of dollars for liability coverage for his board, just a nonprofit board of well-meaning people in the city of Chester who want to serve in a capacity of helping, promote, organize, run, operate a mission in the city of Chester which has gone under some very tough times over the last several years. They are expending thousands and thousands of dollars on liability coverage to protect themselves and their board members, and they have trouble getting board members and, frankly, have trouble sometimes, as I have heard from many other shelters and many other places, getting people to make a commitment, whether it is a volunteer commitment, whether it is a commitment of resources of some sort, whether it is equipment or loaning people a car or other things. They are scared to death of getting sued; we have become so litigious as a society.

The Senator from Georgia has come forward with a great idea of saying let us at least focus on something that is noncontroversial, the human capital involved in serving our fellow citizens, the volunteer, whether it is the volunteer board member or the volunteer out there, big brother or sister or someone else. I would think of all the proposals that we have put forward—in fact, just last year we put forward a proposal in the same kind of genre. We had a bill which was called the Emerson Good Samaritan Food Bank, named after Bill Emerson, a late Congressman from Missouri, who was a tremendous champion for hunger in America, for feeding of the children of America. Shortly before he died last year, the bill passed in the House, and I was privileged enough to carry that bill here to the Senate and finally pass it on the last day, but I will tell you it took weeks, maybe even months—my memory is a little faded right now, but maybe even months—to get that bill which passed unanimously in the House even to be voted on here on the Senate floor. One Senator or another kept putting holds on this bill.

This bill was very simple. It said if you give food to a food bank, we are going to raise the standard from negligence to gross negligence. A lot of States have done similar kinds of measures, some have not. This was a voluntary thing. We had a statute on the book—it was not a statute, but it was a suggestion to States with language to do this. It was not a law that required them to raise the standard from negligence to gross negligence. The special interests lobby that has been debated here often on the Senate floor today found one Senator after another to block it, to try to amend it, to gut it, to do everything they could. And finally several of us got together and said certain things aren't going to happen around here that did not happen before we left, that if it did not get through, we were going to get up on the floor and start exposing Members of the Senate who were putting holds on this bill and tell them, you want to feed the hungry but you do not want to allow those who process food and who sell food, whether it is in restaurants or grocery stores, to give it, because surveys showed 90 percent of the people, companies, organizations that refused to give food to food banks refused because they were afraid of legal liability, yet not one person had ever been sued, not one person had ever been sued or taken $1 out of any lawyer's mouth. And yet they still held the bill up.

Well, now we are talking about areas that people actually do get sued, and so we have the special interests out in force to stop this piece of legislation. And they were successful in convincing enough Members on the other side of the aisle to do just that. I think that is unfortunate.

This issue goes beyond the issue of just voluntarism in its broadest sense. I think you have to understand—and again this has been highlighted in Philadelphia but I think needs to be highlighted here—the importance of voluntarism and community organizations, what DAN COATS refers to as the mediating institutions in our society, those that are the buffer between the individual and the Government, those just in free association to help each other out in our own communities to solve our problems and to be that sort of close-knit group that really makes things happen on a local level. Those mediating institutions, those nonprofit groups, those civic associations are so important for our survival as a country.

We are a great country for a lot of reasons, but I can tell you that most people do not think we are a great country because we are the greatest superpower, we are the greatest economic power, we have the greatest, most powerful Government. Most people come to this country because they want to get out of a country that has a powerful government that dictates to them. They come to this country because they want to freely associate and raise their family and have the freedom to work where they want and solve their own problems in a community setting. Voluntarism is key to making that happen.

It is so important for us as a society to recognize, to lift up the volunteer as really the unique thing about America, the unique thing. The unique instrument by which we govern ourselves is that small organization that solves most of the problems in our community. Not the big Government, but those small, local organizations with the volunteer participating that solves the problem but does even something more. It brings out the best in the individual, the volunteer.

Most of the people here volunteer for one thing or another in their lives. How many people, when they volunteered, left that assignment, that mission, that duty, and as they are walking out say, "You know, I helped somebody. But, you know, I got more out of it, I am sure, than that person that I helped got out of it."

See, voluntarism is not just about helping somebody else. It is about understanding more about yourself, it is about broadening your own horizons. It is about a real fundamental understanding of what your purpose is as an individual in our society. So, to the extent that we put barriers up to people experiencing that growth, their own personal growth, as well as a barrier to meeting real human needs, we are all—

those who need the help and those who are not participating in helping—both lose. And what we have seen, and you have heard all the numbers and all the statistics—you have seen how this problem, this barrier, is a real barrier. This is not something that we cooked up and said, "Gee, let us just throw something out here to really honk off the other side." This is a real barrier.

We heard Lynn Swann talk about it from Big Brothers and Sisters. We heard Terry Orr, former Washington Redskin, talk about it from Little League. And Senator COVERDELL has read letter after letter at hearings, and others—we know the volunteer organizations tell us, plead with us to give them some breaks here. They need this relief if they are going to serve their duty, their mission, as well as ennoble the people who volunteer, get us to connect with each other.

One of the great things, and reasons I am so excited about the Project for American Renewal and the Civil Society Project that Senator COATS and Senator COVERDELL and Senator ASHCROFT and Senator ABRAHAM have been working on here in the Senate, and Congressmen WATTS and TALENT—I want to mention Senator HUTCHISON, who has been very involved—and Congressman PITTS—I could go on. But the most exciting thing, in focusing in on trying to empower the local communities, the nonprofit organizations, to do more, is—yes, they do it better. No question. They are more caring, more compassionate. They do it better, they do it cheaper, much more efficiently. They are volunteers. They have people who do this because of real motivation, inner motivation—in many cases spiritual—but true, true inner compassion, not because it is a paycheck. Not to say those who do it because it is a paycheck do not have compassion. But that volunteer spirit just comes through and people understand it. That is important.

But the most important thing that it does in my opinion is it reconnects us. One of the things I really fear about our society is we are becoming less and less connected to each other. You know, you can sit in front of a computer terminal right now and basically live your entire life without having to move. You don't have to go outside. You don't have to know who your neighbors are, or the people down the street, or go to church. You can do it all through television or through your computer.

So we end up, as a society, that people—I am all for individualism. I think individualism is great. But, you know, we hear so much about individual rights and individual freedoms and all that stuff, we forget about the responsibility that we have to each other and our neighbors. This is a way to begin.

All these things are in Senator COVERDELL's legislation. I have introduced several pieces of legislation along the same lines that I hope someday we can bring up. I have not brought them up on this bill because I think this is so important that we move this forward, but we have other pieces of legislation I have introduced to encourage people to participate, to connect again, to get outside of that door. There are people who need you and, whether you know it or not, you need them.

To the extent we, here, in the U.S. Senate can remove a barrier, can say: Look, don't be afraid of helping. Don't be afraid of asserting yourself. Don't be afraid that someone, Big Brother or big lawyer is over your shoulder, looking down at you, analyzing everything you say and do. Go out there and follow your heart, do what you know is right for your community and for the kids. The summit focuses so much on kids. A lot of the folks we are going to be helping are kids or the elderly—people in need.

So, what Senator COVERDELL is doing, what we are trying to do with the Renewal Alliance, is to empower those local groups to bring down the barriers that stop them from serving more people, to bring down the barriers that are almost in front of people's doors so they do not go out and minister to the needs of their neighbors much less—I should not even say that. In some cases they do not even bother to know who their neighbors are. They just do not want to get involved. "There are all sorts of things that can happen to me if I get involved."

We have to be a country that stops thinking like that. Look, I am not suggesting people do not have legal rights, that if they are harmed they should not have rights and recourses. And we preserve that in this legislation. We are saying, if you are grossly negligent or you are reckless in your conduct, you can be sued. And the organization, no matter whether the conduct was negligent or grossly negligent, could still be sued. It is just the individual volunteer, if they happen to do something maybe they should not have, or said—I said something I should not have. I did not mean any harm. It was not reckless, but I just threw a baseball at somebody and the kid didn't look.

Hopefully, I will not get sued. I did not mean to hit the kid. But, believe it or not, people get sued for that. It is those kinds of actions, those kinds of lawsuits that have such a chilling effect on the human nature that is so typically American, to give, to go out and meet the needs of the people.

So, I congratulate, again, the Senator from Georgia for his tremendous leadership. I cannot say enough, that this bill is where it is today and we are moving forward with this, because of his energy, his enthusiasm, his vision in moving this forward. I stand ready to help him every step of the way to make this happen. I think this is important in bringing down those barriers. It is important in building a better, more civil, more responsible, more compassionate, more connected society. To the extent we can make some little contribution here in the U.S. Senate, we should do so and we should do so immediately.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. If the Senator will yield for a moment; earlier this morning there was discussion, almost because we are Republicans, about the national application of the act. And of course we have explained the national proportions of it, that volunteers are mobile. They are going into Minnesota and North Dakota right now. These organizations have national application.

The Senator mentioned the Emerson Act. For a point of clarification, that legislation, which you struggled through and you were fighting the same kind of forces that we are here, had national application.

Mr. SANTORUM. That is correct; it was.

Mr. COVERDELL. In other words, we have established the precedent in this area.

Mr. SANTORUM. In the past year, I might add, we passed it by unanimous consent; without an opposing voice, in the end, to getting this legislation passed. It had national application. The reason is it was clearly understood that these products travel, just like volunteers do, over State lines. There are companies that are multinational, not only multistate but multinational companies that produce goods, food products. If there was a chilling effect on one side, they would probably have a uniform policy against it. So we understood the nature of the goods involved and, obviously, Members on the other side of the aisle understood it also and went along on a unanimous vote and it was signed by the President.

So, it is now law. I can tell you from the experience that I have had, talking to those at the soup kitchens and food banks, contributions are up. And I am somewhat surprised, because most of the places I go to, oddly enough, do not even know we passed the law. Most of those at the soup kitchens and food banks do not even know they can now tell the grocery store or restaurant or pizza parlor, that maybe has some extra pizza there at the end of the day or whatever, that they can ship it over here and you do not have to worry about a serious legal liability.

It has gone up. It is just by some of the folks who happened to pick it up. I just suggest, for, hopefully, those listening here, and for those Senators in particular listening, we did something in Pennsylvania as a result of that just recently, where we sent a letter out to all the different food banks and soup kitchens in my State to inform them of the legislation, to encourage them. And, in fact, I even offered to write the different grocery stores, food processors, and the like in my State, to encourage them.

We have a duty here, as leaders in our community, to try to effectuate that change. But, it was a long answer to the Senator's question, but I do so because I want to emphasize, not only did this pass bipartisanly, signed by the President, but it has already had a positive impact even in the first 2 months, the proportions of which I don't think we know yet because I don't think the information has been disseminated to all the parties who could benefit from this knowledge.

Mr. COVERDELL. The reason I asked the question was, first, to deal with the question brought up this morning about the importance of national policy with regard to—I mean, the summit was not about volunteers in Pennsylvania. The summit was about volunteers in America. This legislation is designed to protect volunteers in America.

I will close with this and yield to the Senator from Missouri. Imagine, if you would, Senator, what will happen when Little League Baseball and United Way and the American Red Cross can stand up and say, "come on, volunteers. We have removed a major impediment for you to come forward."

Given your example, you can imagine. We will be freeing up America to get back to what it has always done so well, volunteering, and responding to that eloquent address you heard in Philadelphia from President Clinton.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Mr. President, I commend the Senator from Pennsylvania and the Senator from Georgia for talking about very important things that relate to the way in which we will operate as a nation, whether we sink or swim, whether we survive or succumb in the next century. I do not think Washington is the answer to the problems of this country. I don't think it is Wall Street. I think it is Main Street. It is how we respond to issues as people, what the character of America is.

I believe we have the right character in this country. It is historically understood; it has been recognized by people around the world. Other countries don't solve problems the way Americans do, and, frankly, they don't solve them as well as we do. They reserve to Government, to the heavy hand of bureaucracy, so many things that we just like to roll up our sleeves and attend to ourselves.

We have to be careful that our system of resolving disputes does not impair our capacity to release the energy and the creativity of the problem-solving nature of the American people.

Over the last 30 or 40 or 50 years, we have seen a constant creep of Government and of rules about dispute resolution that has made it harder and harder for individual citizens to be involved in doing good, which is really the character of this great country.

Alexis de Tocqueville, whose ride through America 150 years ago is being celebrated by C-SPAN this year—as a matter of fact, they are duplicating it—put it this way: America was great because her people were good. It wasn't because we had the corridors of the bureaucracy in Washington well populated, or it wasn't because the Congress was a particularly strong or effective body. It was because people were good. He talked about the fact that people formed associations and formed groups and alliances for almost every purpose in this country because free people, when they see a need, meet the need. That is what we want America to be.

We have had so many problems recently where we found that our system for litigation has made it hard for people to solve problems. As a matter of fact, the Gallup organization conducted a poll in which it found that one out of every 10 charities surveyed said they have had trouble with litigation and it has caused people to refuse to serve on their boards of directors and the like.

Frankly, a number of States responded to that poll, and they enacted protection for the people who are on the board of directors of the Red Cross, or the board of directors of the United Way. That was an appropriate thing to do to protect those individuals. But the average neighbor of mine is not on the board of directors of the Red Cross. My average neighbor and my own activity have more often been just in the volunteering capacity, doing the work, driving the Meals on Wheels. I have driven Meals on Wheels routes over and over again. I wasn't on the board of directors.

It strikes me that it is appropriate to protect the folks on the board of directors, but how about the volunteer? It is OK to protect the silk-stocking folks in the boardroom, but how about the person on the front line? How about the coach of the Little League, one of the cases I previously mentioned, that was shocking to the conscience of the American people. As a matter of fact, it still almost strikes me as being humorous, the case in Runnemede, NJ, 15 years ago.

The coach sent the kid from shortstop to left field. The mom protested: "He's a born shortstop, not a left fielder." A fly ball came. The kid missed it, the ball hit him in the eye, and the coach got sued.

Mr. President, we cannot have the value of male role models —and we need them desperately in our cities and our communities —and the discipline and sense of teamwork that sports provide to help people develop and have a situation where a mom can say, "Well, my son plays only shortstop and not left field, and if you put him in left field, you'll be the victim of a lawsuit."

I have also talked about the fellow who was the Scout leader in the Northwest, with the Cascade Pacific Council, and the boys who were playing touch football. I suppose they must have proven he was negligent for allowing the boys to play touch football. I don't think our Scoutmaster could ever get us ratcheted down below flag football. We wanted to play tackle football. Here the restraint had been exercised to play touch football, and the scoutmaster ends up with a $7 million judgment against him, because he cared enough about the young people of his community to volunteer. Yes, the courts did reduce the judgment from $7 million to $4 million. Well, for most folks, $4 million isn't much better than $7 million.

It reminds me of the first time I got sued. I called my wife Janet. I said, "Good news and bad news."

She said, "What is the bad news?"

I said, "We've been sued."

She said, "What is the good news?"

I said, "Well, it is for $65 million."

It wouldn't make much difference if it was for $650, we didn't have it.

The point is, you have folks willing to volunteer, to extend themselves, to reach out and say, "We care for those beyond our own circle," and this is what makes America America. American communities are not defined by boundary lines and streets. They are not defined by geography and statute books. They are not defined in the property records. American communities are defined in the hearts of Americans because they are groups of people who love each other. That is probably a word some people would blanch at, someone saying on the floor of the Senate that we love each other. But that is what we mean when we say, "I'll help your son or daughter be a part of the team or scout troop," or "I'll help them be a part of the soccer team. I love this community, and I'm willing to invest myself in it."

What is the price tag for investing yourself in a community now? We have a legal system that may make the price tag your own children's college education, or your car, or your house. A $4 million judgment for being a Scout leader and for somehow not stopping a touch football game among boys? That is a pretty stiff price tag to pay.

I am reminded of the case in Evanston, IL. The Junior League wanted to set up a shelter for battered women. No insurance company would insure them. What happened? The shelter didn't happen. The insurance company said, "You have to run the shelter for 3 years before we will extend coverage. Because of the litigious nature of our society and everybody suing everybody, even the people you are trying to help turn around and sue you, and since our court allows it, we won't insure you until you have had 3 years of experience showing us you can run the shelter and what the risks will be."

We are still waiting for the 3 years of experience, but we don't have the shelter. We are out of whack, and we need to readjust this. We need to put it back in a framework where ordinary citizens can offer themselves. This isn't something that is localized or just a tiny fraction of the country. It is all across the United States of America.

Here is a statement from the president of the United Way of San Francisco. I believe this was a couple of years ago:

> As fear of lawsuits drives away volunteers, it does more than threaten or lower the number of people available to charity. It threatens to bureaucratize organizations known for their hands-on approach. It would replace the personal touch with the impersonal touch of organizations afraid to be different.

Here is an interesting article, entitled "A Thousand Points of Fright?" Not a thousand points of light. We do need for people to be points of light. I didn't think a thousand points of light was corny. I thought it was the character of America. I thought it reflected what is great about this country, the fact that we care for each other, we literally love each other enough to put aside some of our own ambitions, to set aside some of our own time to make some sacrifices. But should we make the sacrifice the ultimate sacrifice? Should we make it so that you have to risk everything that you and your family stand for?

The article says:

> Lawsuit fears are dampening enthusiasm for volunteers, and the White House is beginning to take notice.

I am grateful the White House is beginning to take notice. I was in Philadelphia on Sunday and on Monday, and I commend the President. I think inspiring us to be the very best we can be and to help each other in this culture is inspiring us to be what we ought to be as Americans. But it takes more than inspiration, especially in the context of litigation, where we might face the potential that we would make it impossible to provide for our own families, to see to it that our children have what they need, just because we cared enough about our community to do something special, something extra.

The proposal before us says if you want to volunteer, we will provide an opportunity for you to do so in a context of reasonability. It simply says you are not going to be responsible for harm while you are delivering those services in a reasonable way. It does not relieve the organizations of responsibility. It just says that the volunteer himself or herself will not have to give up his or her family's potential in the next weeks, months, years, or decade or so, or whatever it is that would result from an extraordinary judgment.

Over and over again, whether it is the "A Thousand Points of Fright?" article, whether it is the president of the United Way of San Francisco, whether it is the story about Runnemede, NJ, and the Little League or the story about the Cascade Pacific Council and the Scoutmaster with the $4 million judgment, we know there is a problem, and we ought to do something about it.

We know there have been some things done, mostly to protect people in the board rooms and on the foundation governing bodies. But what happens to the average American who is not on the board but just a person who cares enough to give some of his own time or her own time, the most valuable thing?

Perhaps more, in terms of the children of America—and the conference in Philadelphia focused on children—the thing that we lack the most is not money. The thing we lack the most for children is relationships. The Government has been spreading a lot of money around for a long time, but the kids are without role models, they are without relationships, they are without the opportunity to learn from adults. I think it is time for us to begin to provide a context in which that relationship can reappear, and that is what this bill is all about.

This bill relieves volunteers of liability for acts which they would conduct in the course of doing what they were asked to do by charitable organizations. As it relates to the charitable organizations themselves, it establishes rules that would limit the kinds of cases in which there would be punitive damages and limits certain kinds of joint and several liability which provides a basis and a context in which we can expect to elicit far more help for people who need help in America.

It seems to me that that is something we ought to pursue, and I think it is consistent with what the business of this body, representing the people of America, ought to talk about.

So I am pleased to commend Senator COVERDELL of Georgia for submitting this outstanding legislation, and I hope, as we work to make it an avenue for helping people help each other, that we will do the kind of job which will allow us to look back with gratitude on people who are able to help one another without the threat of a legal system making it impossible for them to serve.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, what is the parliamentary status at the moment?

The PRESIDING OFFICER. The question before the Senate is the motion to proceed.

Mr. KERRY. I thank the Chair. I will speak for a few moments on the motion to proceed.

Mr. President, I would like to comment, if I can—I was sitting here actually thinking about some other remarks—but I want to comment on the remarks of the distinguished Senator regarding voluntarism and sort of the special spirit of America that we talk about, which many of our colleagues in the Senate fall back on as a place to suggest we can deal with a lot of these problems of children.

I heard my colleague say that it is really not a problem of money, it is not a problem of resources; what we need is this special spirit, we need to tap into this spirit.

Mr. President, I am all for tapping into that special spirit, but I have to tell you, in too many communities that I visited, it is also a question of resources.

I mean, I went to the middle school in Charlestown the other day with the drug czar and asked a bunch of kids in the middle school, aged 10 to 14 years old, what time they leave school. They said, "Well, we leave school at 1:30 or 2 o'clock in the afternoon." And then I asked them, "Well, how many of you are home alone with nothing to do, with nobody at home, no parent between the hours of 2 o'clock and 6 or 7 in the evening?" And 50 percent of the hands went up, Mr. President.

I then asked, "Well, how many of you have access to an afterschool program, Boys or Girls Club, parenting, or some sort of program?" Well, they did not. More than 50 percent of the very same kids who had to go to a home that had nobody home raised their hands.

You know, we can talk about the special spirit of America, and we can talk at great length about the capacity to be able to tap into voluntarism. But first of all, volunteers have to be organized. Volunteers have to be trained. I mean, volunteers cannot just show up one day and say, "Hey, I'm qualified to take care of a kid who is an infant or a toddler or kids in the middle school" and not know how to show up at the school, not know what to do, not even know if there is a program for them. Somebody has to work through that process.

In a lot of communities we are lucky enough to have some entities that try to do that. But I can show you a lot of communities where, despite the fact that they have the entities that are trying to do that, they are just absolutely overwhelmed by their lack of private resources and private commitment and private individuals to be able to reach out and grab these lives and bring them back from the precipice.

I do not want the Government doing it. I am not suggesting that we are better off having some big Government program come down and do this for those things. But I am suggesting that unless you empower some of those entities at the local level with the resources necessary, this is all one great farce. It is a masquerade.

In Brockton, MA, we have 22,000 kids under the age of 18. We have a converted armory in Brockton that is their Boys and Girls Club. I have been there many times talking to their peer leaders who tell me that for the 2,000 kids who get access to it, it is very helpful. But then you ask the question, the really pregnant question, what happens to the 20,000 kids who do not get access to it? And the answer is, they are hanging around the streets.

So, you know, I mean, does anybody in America believe that voluntarism is going to rescue a generation where almost four-fifths are out there, outside of access to these kinds of entities? And to make matters worse, I can take you to school district after school district where they have shut the library or it is part time, where they no longer have a sports program, they no longer have arts and music, and they no longer have even some remedial programs for some of these kids. I can take you to schools where they Xerox materials because they do not have books.

So we can talk about sort of, you know, all this, quote, "thousands of points of light" and other kinds of things. But the fact is—I am going to say a lot more about this in the next days—the fact is, there are some fundamental responsibilities that we have to try to deal with on these things, and we are not living up to those responsibilities. I would like to empower the YWCA, the YMCA, the Boys Club, the YouthBuild, City Year, and thousands of organizations and entities out there.

But, Mr. President, we cannot meet the demand. And not one of them have sufficient resources—not one of them. You can go to YouthBuild in Boston and find 80-some kids coming out of the court program, coming out of gangs, coming off the streets, the very thing they are talking about. Some adult is finally coming into their life to give them some kind of affirmation, some kind of self-esteem for the first time in their lives, but it is happening because of a dollar that has been decided to be spent here. And for the 80 kids who are in the program, I will show you 400 who are not. So you can decide, you know, how you are going to decide telling which 400 get what, which 80 get what.

For all the rhetoric in this country, the bottom line is, Mr. President, we are not living up to our obligations in order to provide the fundamentals of child development and child growth. And that is the great debate for this country.

We have one child every 8 seconds who drops out of school.

We have one child every 10 seconds who is reported neglected or abused.

We have one child every 34 seconds born low weight.

We have one child every 2½ minutes arrested.

We have one child every, I think, 2 hours or 2½ hours shot by gunfire.

And we have one child every 4 hours who commits suicide.

And what do we do? Well, we kind of are talking about it. We have this big thing going on in Philadelphia that will heighten some participation, I have no doubt. Some additional people will come and take part in some additional alternatives.

But there is no way we will sufficiently rescue a generation where 33 percent of the children of this country are currently born out of wedlock. It will take a massive intervention in the lives of rural and urban dispossessed and disenfranchised in order to help pull that back from the brink. The alternative is, we can wait 10, 15, or 20 years and pay $55,000 per prison cell, or $25,000 per drug treatment program, or deal with the disabilities that come from children who do not get to see a doctor when they have asthma when they are young so they wind up with permanent disabilities here or any of the permanent disabilities that come from the lack of medical attention.

And 10 million kids in America have no medical care whatsoever. We are talking about children.

Half the kids who have no medical care who have asthma never see a doctor.

A third of the kids who have an eye infection or ear infection never see a doctor.

And we are the only industrial country on the face of this planet that treats its children this way. Notwithstanding the fact that we have seen the gross domestic product of this Nation double since 1969, we have seen child poverty increase by 50 percent.

So as we go on in this debate, Mr. President, I intend to come to this floor and make certain that we deal with the realities of what are happening to the children of this country. I cannot think of anything more important. And I think this is an important part of the debate.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. GRAMS. I want to take a little bit of time this afternoon to talk about voluntarism, the subject we are debating on the floor this afternoon, and to add to that a discussion about the supplemental disaster appropriations bill that we will hopefully take up this week, dealing with the flood waters of northwest Minnesota and northern North and South Dakota.

I think it is a shame a bill that is so plain and so simple and so necessary as the Volunteer Protection Act of 1997, or S. 543, has been stopped from coming to the floor of this Senate for debate. I think it is kind of ironic when you look at what has been going on in Philadelphia over the weekend, the talk of voluntarism.

You do not have to attend a conference in Philadelphia to find voluntarism, Mr. President. If you want to discuss that subject, you need to look no further than those Minnesota communities that have been so devastated by flood waters. In the Midwest we consider ourselves independent. We proudly celebrate our differences, yet we also take great pride in knowing that when our communities call on us, that we are very quick to come together. We have seen that happen so many times during the flooding.

I have heard some of my colleagues talk against this bill on voluntarism and how really we need a program of training because you have to have people trained in order to come in and perform adequate or good volunteer work. That might be true in some cases, but that does not get to the heart or the point of this bill. There is not much time to do on-the-job training when there is an accident, when somebody is caught in a burning car, when they have fallen off a bridge, or another disaster has befallen them such as the flooding of Minnesota.

In Moorhead, the dedication of our young people impressed me as they worked alongside their parents and neighbors in filling sandbags against the rising waters. They did not get training for that ahead of time. That was on-the-job training, something they had to do at the time. In East Grand Forks, an army of volunteers fed the hungry, found shelter for the homeless, and comforted thousands more as the Red River swallowed an entire community. People have been evacuated from their homes, people were moved out of nursing homes and hospitals. This was all done on an emergency basis, by volunteers who offered their help and their time. Again, they do not have time for training. They react to the situation that is needed.

In Ada, Mr. President, when the easiest thing in the world would have been to give up what seemed to be a hopeless battle against the rising river, nobody gave up. Over and over again, I witnessed simple acts of fellowship, demonstrations of stewardship, and above all, voluntarism, neighbors helping neighbors, and was reminded of the spirit that brought us together as communities and that will keep these communities together, I believe in the future.

Voluntarism is a lofty goal and it usually shows itself in times of emergency, but you cannot just pass it by mere legislation. The anguish that rose every day with the flood waters has not been confined to those communities along the Red River or the Minnesota River. That pain has been felt in every corner of my State, and Minnesotans have responded with a tremendous outpouring of not only sympathy, but real, tangible offers of help. The volunteers were there when we needed them. The telephones at the Red Cross and the Salvation Army have been ringing constantly as people asked where can they send donations. Thousands have called the State's emergency operation center to sign up as volunteers for the long weeks of cleanup to come. Scout troops are also pitching in, churches are taking up special offerings, schools and families from parts of the State not touched by the floods have offered to host students without homes and teachers without classrooms. That is the spirit of voluntarism that Americans are capable of.

Mr. President, I have come to the floor to argue and to urge my colleagues to support the supplemental disaster appropriation, again, that we hope to take up yet this week in the Senate. The breadth of the flooding in Minnesota and the Dakotas has been difficult to comprehend. If you have not been there, if I had not seen it, I would not have believed that a pair of raging rivers could produce such widespread devastation. The cost has been enormous, both in the financial costs which may run well over $1 billion just on the Minnesota side, and the emotional and personal costs to our fellow Minnesotans, many of whom watched their homes, farms, businesses, and basically their possessions just literally washed away.

I inspected the flood damage last week with President Clinton and also the week before with Vice President GORE. Without hesitation, they all assured me that the taxpayers of this Nation would stand with the people of Minnesota today and they would be there and remain with us until every family that had lost a home would have a home, and every life that had been turned upside down would somehow be righted again. Again, we cannot make everybody whole, but we need to be able to be there with whatever help and assistance we can afford. Senate majority leader TRENT LOTT made a similar pledge last Friday when he met with Governor Carlson of Minnesota and myself to talk about the promises that Washington has made, and promises we will make sure it lives up to.

It is imperative we bring the disaster aid legislation to the floor and we pass it this week. There are thousands upon thousands of Americans who are depending on us to meet our responsibilities and also to deliver the aid that we have promised.

To avoid Government's possible disruptions in future funding, we should also have a good Government contingency plan in place to make sure that the Government has the ability to continue supporting in the areas that it can, with aid and other supports. This is the way to ensure that the needs of our flood victims in Minnesota will be met now and will be met in the near future and in the long run. After all, the aid we are promising, the aid that we will debate this week on the floor, $488 million that the President has requested for the Midwest flooding and the Red River Basin will only be 20 percent or 25 percent of what the long-term aid and dollars are going to be.

If we do not reach agreement that we will be able to keep the Government running to assure that the Government will be there in October, in November, they could be without the Government assistance they are depending on. This is good Government. It would help to take politics out of the process, because if we cannot come to terms on a budget agreement down the road, we cannot afford to have our flood relief efforts halted because of that.

Now, this is not playing games with the flood victims, as we have heard the charges here on the floor today. It would cost no money. We are not asking for additional money. We want to put in place a process, and this should have been there last year, it should have been there 2 years ago, and it should be there next year if it is needed, this is not playing games with any of the flood victims, with their families, or their possessions or their future. This is to help guarantee that the aid and the help and the supplies will be there.

It is an effort to take politics out of the process, because if the budget debate that we have this year does not result in a total budget, we do not want any part of this Government to shut down. We want to make sure that the Government is up and running and that nobody—no Government service, no Government program, no Government employee, no people relying on those type of services—will be held hostage.

I am right now disturbed by the political gamesmanship that is already being played, talking about this, going on, while our constituents are out there waiting for aid, emergency aid, short-term funds and long-term, that we need to pass this bill immediately this week. It is the responsible thing to do, again, because the disaster aid today nor the Federal services, and again the programs and employees that we should keep funding, must not be held political hostage in the near future. So we have to make sure that we pass some reasonable and some good Government contingency plans along with this. I hope it is part of this bill. I hope it has overwhelming support to ensure that these obligations are met.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Michigan.

Mr. ABRAHAM. I take a few minutes to talk about the Volunteer Protection Act and to respond to some of what I considered to be unjustified criticisms of the act which we have heard on the floor in recent hours.

As I mentioned yesterday when we began this debate, the Volunteer Protection Act will give our volunteers and nonprofit organizations who rely on volunteers some much needed relief from frivolous lawsuits that are filed based on the actions of volunteers.

All too often, while we ought to be protecting and encouraging volunteers—which President Clinton, Colin Powell, former President Bush, and others have done such a commendable job of encouraging in Philadelphia this week—we are, instead, permitting them to be subjected to baseless, abusive and unwarranted lawsuits. I spoke about many such lawsuits yesterday. I have also heard about others from community groups, nonprofit organizations, and volunteers in Michigan, and about various excesses along these lines.

Today, I respond to those who criticized this desperately needed legislation and to talk about some specific provisions of the bill which would address any concerns that might have been raised with respect to volunteer protection legislation.

Perhaps most disturbing to me is that some opponents of this legislation tried to characterize it by claiming it would protect white supremacist groups and other hate groups. That charge is entirely unfounded. It represents an attempt by those who oppose all civil justice reform to distort this legislation.

I have to ask, Mr. President, how people could reach this conclusion. Frankly, I have to say that I find it offensive, as an advocate of this legislation, to have anybody suggest that we would permit such legislation to be brought to this floor.

First, by its own limiting terms, this bill covers not-for-profit organizations that are organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes. Not every not-for-profit organization is organized for the public benefit and operated primarily for charitable purposes. I think it is clear that hate groups, even where they are not-for-profit organizations, are not organized for the public benefit and operated for charitable or civic purposes. Accordingly, they would not be subject to the limitations in this bill.

Second, the bill goes even further than that to ensure that hate groups will not be covered. The bill explicitly excludes from its coverage cases in which the misconduct constitutes a hate crime or in which the misconduct constitutes a civil rights violation. Thus, even if the defendant was associated with a group that was found to be a not-for-profit organization covered by the bill, there would be no limitation on the liability of the individual or the organization for hate crimes or civil rights violations.

Given the careful drafting of these provisions, it is simply a blatant mischaracterization to suggest that this bill would protect the Ku Klux Klan, hate groups, white supremacist groups, or any other horrible organization. Frankly, I find it very disturbing to even have this legislation associated with such hateful groups. Those groups would not be sheltered from liability, and any suggestion that they would, I think, is just plain wrong.

I also say, Mr. President, that using the kind of logic that could somehow link this legislation to such groups would allow us to say that if we provide benefits under Medicaid to people who belong to hate groups, we are trying to consciously subsidize white supremacist or hate group members. You could do that with any legislation. But we have gone the extra mile in this legislation to try to preclude those who are involved in hateful activity from being in any way protected by it.

I also want to respond to another criticism of this legislation. It has been suggested that we should leave this area to the States. I agree wholeheartedly that the States should be involved in offering legal shelter to voluntary and charitable activities. The Volunteer Protection Act has in fact been carefully drafted by Senators COVERDELL, MCCONNELL, myself, and others to ensure that we permit the States to do so and that we strike the right balance of federalism.

For example, in order to permit States to provide their own protections to volunteers, section 3 of the bill clearly provides that the Volunteer Protection Act will not preempt any State law that provides additional protections from liability relating to volunteers or nonprofit organizations. Thus, while the bill will set a standard in States without volunteer protections, it will permit the States to do more.

Section 4(e) of the bill further provides that a number of State laws concerning the responsibilities of volunteers and concerning liability for the actions of volunteers will not be construed as inconsistent with the act. I would like my colleagues to consider those limitations.

First, a State law that requires a nonprofit organization or Government entity to adhere to risk management or training procedures will not be inconsistent with the Volunteer Protection Act.

Second, State laws that make the organization or entity liable for the acts of the volunteer to the same extent that an employer is liable for the acts of its employees will continue to have full effect.

Third, any State law that makes a limitation of liability inapplicable if the volunteer was operating a motor vehicle, vessel, or aircraft will also continue in force.

Fourth, also continuing to have effect will be any State law making liability limits inapplicable in civil actions brought by State or local government officials pursuant to State law. That provision ensures that State and local officials will be permitted to enforce State law.

Fifth, the bill specifies that State laws will not be affected where they make a liability limitation applicable only if the nonprofit or Government entity provides a secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. That means that, in any example that opponents of this bill bring up and in any other case that occurs, the States will have the power to ensure that any injured parties will be compensated for those injuries.

I urge my colleagues to keep these points in mind as we debate the motion to proceed and when we get to the final point of actually considering the bill.

The Volunteer Protection Act, I also add, Mr. President, includes one other significant protection to ensure the proper respect for federalism. That is the State opt-out provision.

This bill explicitly provides that a State may opt out of the provisions of this bill in State court cases involving parties from the State. Under the opt-out provision, a State may elect to forego the volunteer protections in the bill, provided that a State enacts legislation in accordance with the State's constitutional and legislative processes. That legislation must cite the opt-out provision in the Federal legislation, clearly state an election to opt out, and contain no other provisions.

This ensures that States will opt out when they really do intend to do so and that volunteers will not be deprived of volunteer protections without the appropriate consideration of the issue by the State.

As I have stated before, I do not believe that any State will opt out of the provisions of this legislation, and I know of no State that intends to do so. Rather, the provision was included by the drafters, by those of us who support the legislation, as a matter of principle out of respect for the States.

Mr. President, I feel very strongly about litigation abuses in this country, and very strongly about fostering charitable and volunteer activities. President Clinton, General Powell, and others involved in the summit in Philadelphia are absolutely correct that we need to encourage the sense of community and charity that makes us so great as a nation.

I encourage my colleagues to consider this legislation in all its detail. It has been crafted very carefully by those of us who developed the Senate bill. We sought to strike just the right balance with the States and to offer protection only to the many worthy activities that should be protected, while at the same time protecting the rights of those who are victims. I commend Senators COVERDELL and MCCONNELL, as I have from the beginning, for their efforts, in the hope that we can proceed to the consideration and passage of this bill.

Mr. President, I will close by saying, as I did yesterday, that we often talk in this country about the extent to which the sense of community that binds us together has eroded in recent years. I think that is the case, and it is why so many of our constituents ask us to try to take action to rebuild the fabric that binds us together. I think the sense of community in America breaks down in no small measure because we have stopped looking at one another as neighbors and friends and we look at each other as potential plaintiffs and defendants. I believe this would not be any greater a case than when it comes to the activities of charitable organizations, whom we seek to address with the Volunteer Protection Act. If we do not take action to try to give volunteer organizations a greater opportunity to do their good deeds, I think we really will have set back efforts to build a stronger American community.

For that reason, I sincerely hope our colleagues will join us in supporting this legislation.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from Michigan for his many contributions—not just the comments today, but the many contributions he has made on behalf of the act and on behalf of the outreach I spoke of earlier to involve citizens, and the renewal alliance, and all of the other work he has done. I appreciate him being here.

Before he leaves, I want to thank him also for specifically referring to the suggestion, which I characterized as "very disappointing" this morning, that this legislation somehow gave undue protections to the Ku Klux Klan. I thought introducing that in an attempt to make some legitimate criticism of this legislation was inappropriate. I am appreciative that you would come with your legal background and point out, as I have tried to do—perhaps not as effectively as you have—how totally inaccurate that assertion was. I appreciate that.

Mr. President, if I might take a moment, we are discussing a proposal to bring the Volunteer Protection Act before the Senate. We are trying to get to the point where we can consider the legislation, and there is a filibuster being conducted to prohibit it.

It has been said all day long that it is of the utmost irony that the party of the President, who spoke so eloquently yesterday in Philadelphia on behalf of voluntarism, is consciously engaged in obstructing and preventing even the debate—we are not to the point of voting—about the Volunteer Protection

Act, whose sole purpose is to make it more possible for volunteers to respond to the request of President Clinton, President Bush, President Carter, and President Ford for America to step forward.

Mr. President, just to read from a press release, it says:

> Together with President Clinton, former Presidents, 30 Governors, 100 mayors, participated in a conference on volunteering. General Powell said, "As many as 15 million young Americans need mentoring to help them overcome the adversities they face. They are at risk of growing up unskilled, unlearned, or even worse, unloved." General Powell said, standing outside Independence Hall, the birthplace of this Republic, "They are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all."

Mr. President, we have heard from Little League Baseball, from the Red Cross, from boys clubs and girls clubs, from United Way, from former athletes who provide excellent role models for our young people. Just 2 weeks ago, Terry Orr of the Washington Redskins, standing before the world, said that he cannot get volunteers to do the very work that General Powell is alluding to here with inner-city kids, without first confronting a barrage of questions from the volunteer he is trying to recruit, the current rookies, without having to confront that rookie's attorney to determine how much risk is the volunteer going to face, how much threat is there to the assets of that volunteer's family.

This legislation before the Senate, being filibustered before the Senate—and just another word on that. We have heard all day long about the holding up of the nomination of Alexis Herman. We have heard about the supplemental bill. We have heard about everything except allowing us to move forward with a 12-page bill that very simply makes it possible for a volunteer not to be free of willful or reckless activity or gross negligence but to be free of making just a mistake or omission in the act of being a volunteer—12 pages long. You would think we were rewriting the Constitution of the United States.

It was suggested, well, this was brought up just because of the volunteer summit. Right. That is exactly why it is on the calendar today, so that there can be a congressional response to the call of the Nation's leaders, so that Americans can respond to the call of America's leaders. And I just find it unconscionable on two points, that we had an extended presentation which somehow would allege the authors of this legislation were protecting the Ku Klux Klan of all things. And I think a reading of any learned attorney would agree with the presentation by the Senator from Michigan that the legislation is carefully drafted. There would not be any protection to that kind of organization. And then that we would be confronted with a filibuster to keep us from trying to help fulfill the dreams and wishes of the summit and reinforce America's commitment to voluntarism.

CLOTURE MOTION

Mr. COVERDELL. With that, Mr. President, I regretfully—I say regretfully—send a cloture motion to the desk and ask for the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:
>
> Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Rod Grams, Craig Thomas, Jesse Helms, Wayne Allard, Pete Domenici, Slade Gorton, Pat Roberts, Ted Stevens, and Olympia Snowe.

CLOTURE MOTION

Mr. COVERDELL. Mr. President, I send a second cloture motion to the desk and ask the clerk to report.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

> CLOTURE MOTION
>
> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:
>
> Trent Lott, Paul Coverdell, Larry Craig, John Ashcroft, John McCain, Tim Hutchinson, Phil Gramm, Pete Domenici, Wayne Allard, Slade Gorton, Pat Roberts, Ted Stevens, Ben Campbell, Olympia Snowe, Mike Enzi, and Spencer Abraham.

Mr. COVERDELL. Mr. President, of course, the purpose of these motions is to try to break the filibuster.

Mr. President, for the information of all Senators, in light of the failed cloture vote that occurred today, on the motion to proceed to the Volunteer Protection Act, I have just filed two additional cloture motions which call for the cloture votes to occur on Thursday of this week. Senators should be aware that a second cloture vote on this issue will occur on Wednesday of this week. Assuming our Democratic colleagues choose to continue to filibuster the motion to proceed to the Volunteer Protection Act and the second cloture vote fails on Wednesday, April 30, then these two additional votes would be necessary on Thursday. As always, the leader will notify the body when these votes have been scheduled during Thursday's session of the Senate.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO PATRICIA GRAY

Mr. KERRY. Mr. President, every one of us here in the Senate are very privileged to be able to do what we do at the request of the citizens of our State and with their trust. And we often get a lot of credit and occasional brickbats for it. But the truth is, none of us could do what we do without the capacity of able staff. We are all blessed with that. It is the way that we succeed, knowing what we know when we vote or being able to pursue some legislation that we pursue.

I have been particularly blessed to have an individual work on my staff since I arrived in the U.S. Senate, a person who came as my scheduler when I arrived in 1985, and who, until this day, was my scheduler. When I arrived here 12 years ago as a new Senator and began to assemble a staff, I was extraordinarily lucky to be introduced to a person by the name of Patricia Gray, Pat Gray as she is known to those who have worked with her here in the Senate.

She came to me as a professional's professional, Mr. President. She had come to Washington a number of years before having been initiated into public service by one of the all-time great Senators, Paul Douglas of Illinois. After arriving in Washington, she worked for Senator Douglas, for Senator Hubert Humphrey, for the Democratic Congressional Campaign Committee, for a host of Democratic Presidential campaigns over the years, and for some other congressional offices.

She took important time off during her career at various points to give birth to and to raise two sons, and worked in both nonprofit and for-profit private sector organizations.

A complete recitation of her extraordinary career would require a separate speech. But let me just say that it was my extraordinary good fortune 12 years ago to have Pat Gray be willing to take a place in my office and help to create order out of chaos.

I realize there are a lot of people on the outside who might wonder, not having worked in close proximity to someone in public life, or even somebody as a high private official, why somebody would need sort of a full-time professional scheduler, and in the case of some offices I suppose more than one person. But literally, as all my colleagues know, it is a very special talent to be able to make people feel good who you have to say no to. And you have to say no.

It is a very special talent to be able to balance the scores of invitations with the schedule here, which we can never quite determine, to be able to balance the when and if as a Senator—you might be able to appear—without making people feel somehow that you are either indifferent or lack caring with respect to their concerns or desire to have you come. And we, all of us, receive hundreds of invitations, not only by the week, but by the days sometimes.

It is extraordinarily hard to contend with the need to balance 5 or 10 committee meetings in the course of a week, overlapping with votes that occur whenever they might occur, and to keep all of the people happy who you are trying to balance as that schedule changes. I really cannot think of a tougher job, while simultaneously trying to enhance an individual Senator's ability to be able to meet their legislative agenda, not to mention as all of us struggle so much with a personal life, our home agendas. So the absence of that very, very special talent is literally the absence of order and capacity in a Senate office.

For these past 12 years, Pat has applied her remarkable storehouse of information that she brought with her to Washington about the Congress, about life here, about those who animate both this city and this institution. She readily acquired the same degree of sophisticated knowledge about my State of Massachusetts and those who animate our State and our politics and our lives. And she learned my preferences and patterns in personal and family needs and incorporated those into the schedule process. That is a very potent package, Mr. President. It is one for which many elected officials, for that competence, would give their right arm and leg in an effort to find that kind of person.

But I want to emphasize something. She brought a great deal more to the job than simply her capacity to be able to run the schedule. It is a special skill and it is a special knowledge. But I would like to just very quickly mention a couple of other very special traits.

First, she, among many people—and I have been blessed to have scores of people who have worked for me since I have been in the Senate—has a deep constitutional commitment to the principle that anything worth doing at all is worth doing well. No matter how long it took, no matter how early she had to come in in order to make it work, no matter what the complexity of the scheduling matter of which I or other staff members were depending on her to see us through, she saw it through.

I cannot begin to relate the number of days, Mr. President, on which when I arrived in the office—and I often arrive early—I found Pat there, the first person in the office and often, I might say, the last person to leave on the same day.

When I was flying out of Washington to Boston or elsewhere in the country, she was at her phone until she knew the plane had taken off, until she knew there was no delay, no cancellation, no crisis to rearrange. All who dealt with her and those who work in my office and those who work in other Senate or House offices or elsewhere in government, constituents in Massachusetts, and all others, knew her to be an utterly and remarkably dependable person.

It was her responsibility to make certain people understood. And because it was her responsibility, they did understand that they could depend on her. That is a very special brand of devotion, and I would respectfully suggest different probably from a lot of the mores that currently circulate at large in our country.

I also want to underscore that she did not just stumble into government by accident. This was not a place where she had to find a job. This was not a place where she wound up because she did not have the talent to find any kind of work anywhere else. This was a place that she worked for more than a quarter of a century with a purpose because she believed devoutly in the ability of this place to make a difference in the lives of other people and in the ability of the democratic government, and more importantly, the fundamental responsibility of a democratic government to serve people.

Unlike those who hold the philosophy that government is just somehow inherently incapable of ever helping somebody, she believes intently that bureaucracy aside, government has the ability, well delivered, efficient, and well thought out, to be able to help people to do things for themselves, not to do things for them. I think that she also shares a deep belief that corporately good things can happen that improve the quality of life that individuals sometimes simply cannot do on their own.

She believes that government has, just as individuals have, a very special obligation to those who do not share the good fortune that others enjoy, and she particularly always shared and I think her work for Hubert Humphrey and Muriel Humphrey and Paul Douglas, and I hope she will feel for me, were part of her commitment to the impoverished, the illiterate, sick, elderly, the disabled, and those for whom life is hard in many ways, that others never know or know only in mild terms.

This foundation energized Pat Gray, and I think over all the years they gave her a stamina and the ability to persevere even when others would have thrown up their hands and walked away. It led her to spend her entire career in public service, when she really could have chosen a dozen other courses.

Recently, and to my benefit, Mr. President, that commitment caused her to remain at her post even after she was entitled to full retirement benefits. Her dedication to improving government, to making it work better, for the benefit of those who need and depend on its wide variety of services, is visible to everybody who ever came in contact with her. She knows that every person who works in government, regardless of his or her specific position or responsibility is a part of the whole, and therefore the effect of the whole, and she has been determined that her contribution would be measured as positive.

Finally, Mr. President, Pat has been nothing if she has not been tenacious. Surrender is simply not a word in her lexicon. If she believes it is her duty to accomplish something, all of us in my office, or in offices around her—including I might say, at peril several times learned—it is best not to inadvertently be standing between her and her goal. When it came to keeping that schedule, despite the uncontrollable interruptions, despite all the forces that tugged at it, no one could have mustered or demonstrated greater energy or commitment than she did.

It is a blessing, Mr. President, at the right time, after a lifetime of work, to leave the workplace for the pleasures of her retirement. But that time has now arrived for Pat. So, no longer every week will she have to leave her husband Ken, himself a veteran of public service with Senator Douglas, Senator and Vice President Humphrey, Senator Stevenson, Senator Tydings, several Presidential campaigns, and a number of other posts, who has been retired for a couple of years, no longer will she have to leave him in their home on the side of Old Rag Mountain in the Blue Ridge in order to commute here for long days in the office and short nights in an Arlington apartment. No longer will she be unable to join him in Colorado at their mountain cabin for the few weeks of the summer that she gets, as she did forgo on occasion because of the Senate schedule. Ultimately her friends, her family, and above all, her garden that she cherishes will be the winners for this moment.

In my office, we will take a very, very special pleasure in knowing that she will be enjoying this well-earned time so much. After her many years of contribution to the U.S. Senate and to the country and to my State and to my office personally, we wish her, as I know everyone who has come in contact with her in the Senate and in Washington does, we wish her well. She has made her mark and we should all wish that we could live a life as clearly committed and devoted as hers.

I ask unanimous consent that a letter from Muriel Humphrey be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL *29, 1997.*

DEAR PAT: How I wish I could be with you on this very special occasion. However, although I cannot be with you personally, I am pleased to have this opportunity to express to you my hearty congratulations and sincere best wishes as you retire after many years of dedicated public service.

Pat, I want you to know how grateful I am to you for all you have done for Hubert and me. We could always depend on your expertise, your loyalty, your friendship and support throughout the years, and that meant a great deal to us. You contributed substantially to whatever success we enjoyed and you were there to encourage us in times of struggle and challenge. You are truly a part of the Humphrey family!

It is certainly appropriate that your many friends and colleagues gather to honor you on this special occasion. I add my voice to theirs in wishing you all the very best for a long, happy and fulfilling retirement.

Again, Pat, congratulations!

Warm regards,

MURIEL HUMPHREY BROWN.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 28, 1997, the Federal debt stood at $5,347,125,099,434.10. (Five trillion, three hundred forty-seven billion, one hundred twenty-five million, ninety-nine thousand, four hundred thirty-four dollars and ten cents.)

Five years ago, April 28, 1992, the Federal debt stood at $3,884,477,000,000. (Three trillion, eight hundred eighty-four billion, four hundred seventy-seven million.)

Ten years ago, April 28, 1987, the Federal debt stood at $2,265,888,000,000. (Two trillion, two hundred sixty-five billion, eight hundred eighty-eight million.)

Fifteen years ago, April 28, 1982, the Federal debt stood at $1,062,161,000,000. (One trillion, sixty-two billion, one hundred sixty-one million.)

Twenty-five years ago, April 28, 1972, the Federal debt stood at $425,304,000,000 (four hundred twenty-five billion, three hundred four million), which reflects a debt increase of nearly $5 trillion—$4,921,821,099,434.10 (four trillion, nine hundred twenty-one billion, eight hundred twenty-one million, ninety-nine thousand, four hundred thirty-four dollars and ten cents), during the past 25 years.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-1757. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing recordkeeping and reporting by political committees; to the Committee on Rules and Administration.

EC-1758. A communication from the Assistant Attorney General, Office of Justice Programs, transmitting, pursuant to law, a rule entitled "Grants Program to Indian Tribes" received on April 24, 1997; to the Committee on Indian Affairs.

EC-1759. A communication from the Acting Inspector General of the U.S. Environmental Protection Agency, transmitting, pursuant to law, the annual Superfund report for fiscal year 1996; to the Committee on Environment and Public Works.

EC-1760. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 96-07; to the Committee on Appropriations.

EC-1761. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions deferrals dated April 1, 1997; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on the Budget, to the Committee on Appropriations, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Energy and Natural Resources, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on the Judiciary, and to the Committee on Governmental Affairs.

EC-1762. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the certification of a proposed issuance of an export license; to the Committee on Foreign Relations.

EC-1763. A communication from the Secretary of Defense, transmitting, a draft of proposed legislation to establish a small business loan program; to the Committee on Veterans' Affairs.

EC-1764. A communication from the Director of the Office of Regulations Management, Department of Veterans' Affairs, transmitting, pursuant to law, a rule entitled "Compensation for Certain Undiagnosed Illnesses" (RIN2900-AI77) received on April 28, 1997; to the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 662. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel VORTICE; to the Committee on Commerce, Science, and Transportation.

By Mr. KERREY:

S. 663. A bill to enhance taxpayer value in auctions conducted by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. CLELAND, Mr. INOUYE, Mr. GLENN, Mr. DODD, Mr. WELLSTONE, Mr. KERRY, Mr. SARBANES, Mr. DASCHLE, and Mr. REID):

S. 664. A bill to establish tutoring assistance programs to help children learn to read well; to the Committee on Labor and Human Resources.

By Mr. KERREY:

S. 665. A bill to monitor the progress of the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

By Mr. LAUTENBERG:

S. 666. A bill to amend title 18, United States Code, with respect to States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERREY:

S. 663. A bill to enhance taxpayer value in auctions conducted by the Federal Communications Commission; to the Committee on Commerce, Science, and Transportation.

THE RESERVE PRICE ACT

Mr. KERREY. Mr. President, for most Americans a buck doesn't go very far. A dollar will not buy a cup of coffee at Starbucks, it will not buy a comic book at the 7-11, it will not buy a package of batteries at the True Value store, or even a gallon of gas at the Amoco station. But, at the FCC, a buck will buy a radio license to serve the city of St. Louis.

On Friday, the FCC completed an auction of radio spectrum which should cause every American taxpayer to be concerned. This action yielded less than 1 percent of the amount anticipated. Rather than raising $1.8 billion as the Congress had expected, the FCC brought in only $13.6 million.

Perhaps worse of all, several licenses were awarded to bidders for the incredible sum of $1. That's well below the bargain basement. Mike Mills of the Washington Post aptly observed that a sign should be put in front of the FCC auction headquarters advertising "everything for a buck." One bidder won four licenses at a dollar a piece. Those licenses combined would allow services to reach 15 million people. Another bidder won the right to serve St. Louis, one of the largest cities in America for $1. It is as if we had returned to the days of license lotteries. That's one heck of a way to stretch a dollar.

Radio spectrum is a national asset. It must be prudently managed. The taxpayers count on the Federal Communications Commission to allocate spectrum among and between various uses to assure that the public interest is served and to assure that those uses do not interfere with each other.

In 1993, the Congress enacted legislation which revolutionized the way radio frequencies are allocated. After years of debate, the Congress took the step to authorized the Federal Communications Commission to use auctions to allocate licenses for radio spectrum. It was built on the premise that investors would pay for the right to offer new wireless communications services.

Prior to 1993, licenses were awarded by lottery or by a comparative application process. In both cases, license winners would often sell their licenses soon after acquiring them to others for substantial sums.

To cut out the middle man and give taxpayers a return from the valuable rights they were awarding, the Congress ordered the FCC to conduct auctions to award radio spectrum licenses.

In general, this approach has worked very well. It has proven to be an efficient means of allocating scarce resources and it has reaped billions of dollars of deficit reduction for the American taxpayer.

Unfortunately, something went wrong in this last auction. One problem was that the auction rules did not establish a minimum bid or a reserve price. That's how some lucky bidders won valuable licenses for a buck.

Mr. President, I offer legislation today which will help ensure that taxpayers are protected in future FCC auctions. The importance of this legislation is heightened by the increasing congressional reliance on spectrum auctions in telecommunications and budget policy. The President's budget alone relies on $36 billion of revenues from spectrum auctions.

The Reserve Price Act requires the FCC to set a minimum price for each unit auctioned. If no one bids the minimum, then what is not sold will be reevaluated and placed in the next scheduled auction. With a reserve price system, taxpayers will be guaranteed that national assets are not sold for a song.

The Chairman of the FCC reportedly said that the reason for the disappointing return from Friday's auction was the "the Congress got to greedy" with spectrum revenues. Perhaps, this auction was rushed. But with reserve prices, even a rushed auction would not have to be a disastrous auction.

I urge my colleagues to review and support the Reserve Price Act. The American taxpayer deserves as much.

I also ask unanimous consent that the text of the Reserve Price Act and a copy of Mike Mills' Washington Post article entitled "Latest License Action Disappoints FCC" be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.663

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Reserve Price Act".

SEC. 2. RESERVE PRICE.

In any auction conducted or supervised by the Federal Communications Commission (hereinafter the Commission) for any license, permit or right which has value, a reasonable reserve price shall be set by the Commission for each unit in the auction. The reserve price shall establish a minimum bid for the unit to be auctioned. If no bid is received above the reserve price for a unit, the unit shall be retained. The Commission shall reassess the reserve price for that unit and place the unit in the next scheduled or next appropriate auction.

[From the Washington Post, Apr. 26, 1997]

LATEST LICENSE AUCTION DISAPPOINTS FCC

TOTAL COMES UP SHORT OF EXPECTATIONS IN BARGAIN-BASEMENT BIDDING

(By Mike Mills)

They might as well have changed the sign at the FCC Auction headquarters to "Everything for a Buck."

Congress had expected the Federal Communications Commission to pull in about $1.8 billion in its latest auction of a slice of the airwaves, this one for companies that want to offer wireless voice and data services. But when the bidding stopped yesterday, the FCC found it had raised less than 1 percent of that amount, only $13.6 million.

It was by far the most disappointing yield to date in the auction program. In other bidding since the program began in July 1994, winners have pledged about $23 billion to the Treasury Department, far higher than initial projections.

The FCC blamed yesterday's poor showing on Congress, saying it didn't give the agency or the industry enough time to prepare for the latest auction. But the low bids also might be a sign that the market for airwave licenses is becoming glutted, some analysts said.

Either way, bargain-basement prices awaited the handful of communications companies that cared to participate. McLeod Inc. of Cedar Rapids, Iowa, actually bid $1 each for four licenses in the Midwest covering areas with a 15 million population—and won. Nobody countered its bid in 29 rounds.

"It was a fortunate opportunity," said Bryce Nemitz, McLeod's vice president of corporate relations. "There wasn't any way for us to gauge the true value of those licenses, so we bid the minimum." The company plans to use the licenses for wireless utility meter reading, he said.

According to FCC Chairman Reed E. Hundt, Congress got too greedy last summer when it passed a law ordering the FCC to quickly auction this chunk of frequencies by April 15, and to make sure the money got to the Treasury by Sept. 30.

The deadline gave the industry little time to prepare, Hundt said. Equipment makers had no idea what the frequencies could be used for. Potential bidders had difficulty raising bidding money in capital markets.

"We were right when we told the industries and Congress there wasn't enough lead time for this auction," Hundt said.

But there were other problems. In February the FCC announced restrictions that limited users of those frequencies from offering certain mobile services because they might interfere with a new satellite-based radio service. And earlier this week, the FCC also said the new license owners would have to accept other restrictions to avoid interference with other services.

Those limitations might have curbed interest in bidding, but they didn't seem to bother the winners. BellSouth Corp. was the top bidder, spending $6 million for 22 licenses. It plans to offer wireless television service using the licenses.

Other firms aren't sure how they'll use the licenses. "It just got rushed to the market so soon that people just didn't have time to get themselves together," said Thomas Sullivan of TeleCorp, which won a St. Louis license for $1 and two others for $60,000.

For Congress, the $1.786 billion shortfall won't directly affect any spending programs. But it will be a factor when bean-counters next tally up the budget deficit, sources at the Congressional Budget Office said.

Some analysts suggest the auctions are a sign that the auction process may be running out of steam. Some bidders who paid surprisingly huge sums for wireless telephone licenses earlier last year are now having big troubles raising the money to pay for them. That spooked investors in a subsequent auction last year for similar licenses, in which bidding fell below expectations.

The broadcasting lobby, which has so far successfully avoided auctions of TV and radio licenses, and the results make their case for killing the auction program.

"These sub-par receipts confirm what we have been saying for months," said Dennis Wharton, spokesman for the National Association of Broadcasters. "Spectrum auctions have clearly reached a point of diminishing returns."

By Mr. KENNEDY (for himself, Mrs. MURRAY, Ms. MIKULSKI, Mr. LEVIN, Mr. CLELAND, Mr. INOUYE, Mr. GLENN, Mr. DODD, Mr. WELLSTONE, Mr. KERRY, Mr. SARBANES, Mr. DASCHLE, and Mr. RIED):

S. 664. A bill to establish tutoring assistance programs to help children learn to read well; to the Committee on Labor and Human Resources.

THE AMERICA READS CHALLENGE ACT

Mr. KENNEDY. Mr. President, it is a privilege to introduce President Clinton's America Reads Challenge Act. Today is the closing day of the President's summit for America's future. The summit's organizers and participants have sent a clear call about the importance of volunteerism and community involvement. The America Reads Challenge Act responds to that call and will provide volunteer tutors to help all children read well by the end of the third grade.

Reading is a fundamental skill for learning, but too many children have trouble learning how to read. If students don't learn to read in the early elementary school years, it is virtually impossible for them to keep up later. According to one study, 40 percent of fourth grade students don't attain the basic level of reading, and 70 percent don't attain the proficient level.

Research shows that reading skills are developed not only in the home and in the classroom, but also in communities and libraries. Sustained, quality reading experiences outside the regular school day and during the summer can raise reading levels when combined with high quality instruction. Only 30 minutes a day of reading aloud with an adult can enable a child to make real gains in reading. Adults also serve as role models for young children.

The America Reads Challenge Act is intended to help all students learn to read—and read well—by the end of the third grade. It would provide Parents as First Teachers challenge grants. Recognizing that parents are the best first teachers, it supports programs and activities that help parents increase the reading skills of their children.

In addition, the act will provide America's Reading Corps grants to States and communities to help them establish or enhance literacy tutor programs. Some 25,000 reading specialists and tutor coordinators, including 11,000 AmeriCorps members, will participate in programs to mobilize 1 million volunteers to tutor 3 million children.

The America Reads Challenge Act will provide $1.7 billion over the next 5 years to the Department of Education. It will also authorize the appropriation of $200 million a year from fiscal year 1998 through fiscal year 2002 to the Corporation for National Service. The act also builds on efforts of pre-school and elementary school programs, such as Head Start and title I, to help improve children's basic skills.

I strongly support President Clinton's America Reads Challenge Act, and I hope it will receive the broad bipartisan support it deserves. Every child can learn to read, and every child deserves a chance to learn how to do it. No child should be left out or left behind.

Ms. MIKULSKI. Mr. President, I join my colleagues Senators KENNEDY and MURRAY in cosponsoring this important new initiative.

The goal of this legislation is to launch a campaign to ensure that every child in our Nation can read independently by the end of the third grade. I believe that this is a worthwhile goal, which will have a wide-ranging impact on our Nation.

We need to help our young children learn to read. It's the responsibility not only of parents but of schools, communities, civic groups, libraries, and business leaders. Some 40 percent of all children are now reading below the accepted level on national reading assessments.

This is a national crisis. Tens of thousands of students cannot read at the basic level. If students can't read well by the third grade, their chances for later success fall dramatically. These same students are likely to drop out of school; they will have problems with delinquency; and they will have fewer job options.

I believe that the America Reads initiative will go a long way in providing much needed resources to parents, schools, and State and local communities to help our children learn to read.

This bill would establish a corps of 1 million volunteer tutors and give States additional resources to hire 30,000 reading specialists to coordinate the corps volunteer tutors who will work with teachers, principals, and librarians to help children succeed in reading.

I support mobilizing thousands of volunteers, but I also believe that the training and screening must be adequate, especially when we place anyone in our Nation's classrooms. These are issues that my colleagues and I will be addressing.

We also want to help parents. This bill establishes Parents as First Teachers challenge grants, which invests in success by supporting effective and proven local efforts that assist parents who request help to better work with their children.

The President has also called upon colleges and universities across the country to dedicate half of their new work study funds to support 100,000 college students to serve as reading tutors. Already hundreds of colleges and universities across the country have pledged to have their work study students help children learn to read. In my State of Maryland, Anne Arundel Community College, Bowie State University, Frostburg State University, and the University of Maryland at College Park have all committed to the America Reads initiative.

We also want accountability. This legislation will use the improvements in the National Assessment of Educational Progress [NAEP] to provide an annual measure of the reading performance of 4th graders and their progress toward meeting the reading challenge.

Both the Corporation for National Service and the Department of Education will oversee and manage this program. The Corporation for National Service has the expertise to pull together the AmeriCorps volunteers and has the infrastructure in place to help mobilize the volunteers. The Department of Education has the knowledge and resources to really make this program accountable.

I support utilizing the resources that we already have in place with AmeriCorps. I know that thousands of AmeriCorps volunteers across the country are already in the schools tutoring children. In Maryland, AmeriCorps volunteers are already in public schools tutoring and mentoring students.

And, companies too are leading the way with innovative methods of teaching our children to read. Sylvan Learning Center, which is headquartered in my State of Maryland, is a company that has been having great success with its methods to help children learn to read. Sylvan operates tutoring centers across the country. The centers have produced measurable results with children. The centers are community-based facilities. The student to teacher ratio never exceeds 3:1. Sylvan's approach consists of individualized instruction, variety, a creative motivational system, and parent and teacher involvement. It is an approach that works and can be one of the models that we use for the America Reads Program.

Why does this approach work? Because specialists can tailor a program to meet an individual student's needs. In many overcrowded classrooms across our country, it's simply impossible for a teacher in charge of 30 or 40 students to give one student who's having problems extra attention.

I don't believe that America Reads is a substitute for in-school instruction nor is it a substitute for parental involvement.

What we're talking about providing is individualized after school, weekend, and summer reading tutoring for nearly 3 million children a year from kindergarten through third grade [K–3] who want and need extra help. This will supplement the learning that is taking place during classroom hours. What's more important is that this tutoring will take place at no cost to parents and students.

I know that there has been criticism about having a literacy program directly aimed at children in K–3. I have to disagree with this criticism. Schools cannot do it alone. Many public schools simply do not have the resources to give students the one-on-one attention they need.

We have to launch a large-scale effort to tackle our Nation's youth literacy problem. I believe we need to mobilize and train volunteers to come into the schools to help our children learn to read. I believe we need to hire reading specialists to help our Nation's children. Teachers cannot do it alone. And parents need our help.

When 40 percent of our Nation's children cannot read on level by the third grade, we must ask ourselves as a nation what we're doing wrong and how we can correct it. This is a widespread problem that crosses gender, racial, and religious lines.

As the Nation begins to enter the 21st century, we cannot have our young people—our future—lagging behind in basic skills. This affects our Nation as a whole. It affects our Nation's productivity. It affects our work force. When these children become adults, they will not have the basic skills needed to survive.

Reading is an ongoing activity. And, if we want our children to succeed, if we want to promote work force readiness, and if we want to raise academic standards in our schools, then we have to reach our children in their early stages of development.

I hear from teachers, administrators, and counselors in my State about the dismal crisis in public schools. Many children come to school from impoverished backgrounds. Many children come to school either abused themselves or the witness to domestic abuse in the home. With all of these obstacles, it's even more difficult for teachers to teach and for students to learn to read.

That's why I am supporting this bold, new initiative. The idea is to use the resources that our Nation already has—libraries, volunteers, students, businesses, and civic organizations—to help our most precious resource—our youth. I urge my colleagues to support this legislation.

By Mr. KERREY:

S. 665. A bill to monitor the progress of the Telecommunications Act of 1996; to the Committee on Commerce, Science, and Transportation.

THE TELECOMMUNICATIONS ACT PROGRESS REPORT ACT

• Mr. KERREY. Mr. President, the Department of Justice has approved the merger of the Bell Atlantic and Nynex Corporations. While this is a matter within the discretion and jurisdiction of the Department, I rise to express my concern and disappointment with this decision.

With this merger, two strong potential competitors with two vibrant, rich markets have combined.

Bell Atlantic/Nynex will control more than 25 percent of all access lines in the United States and would serve 26 million customers. The merger is the second largest in U.S. history and the new company will rank among the 25 largest U.S. companies.

A little more than a year ago, the Congress enacted landmark legislation to open telecommunications markets to competition, preserve and advance universal service and spur private investment in telecommunication infrastructure. Over the last year, the Federal Communications Commission has worked overtime to implement the new law. It has been a daunting task.

While the FCC struggles with implementation of the new law, it is important to remember that a key part of that legislation did not rely on regulation, it relied on the marketplace. The idea was to unleash pent up competitive forces among and between telecommunications companies.

This transaction replaces the urge to compete with the urge to merge.

To unshackle the restraints of the modified final judgment which controlled the break up of AT&T, the Congress gave regional Bell operating companies instant access to long-distance markets outside of their local service regions and access to long-distance markets inside their regions when they opened their markets to local competition as measured by the bill's competitive checklist.

In addition to responding to the lure of long-distance markets, regional Bell operating companies and other local exchange carriers were expected to covet each other's markets. The attraction of serving markets like New York City, Baltimore, and Washington, DC, with local and long distance products was to be a key catalyst for breaking down barriers to competition. Who knows better what is needed to compete for local exchange customers in a new market better than another local exchange company?

With this transaction, local competition and long-distance competition is lost. In addition, potential internet, video and broad-band competition has disappeared.

The promise of the new law was that competition, not consolidation would bring new services at lower prices to consumers. Where competition failed to advance service and restrain prices, universal service support would assure that telephone rates and services were comparable in rural and urban areas.

When large telecommunications companies combine, they not only eliminate the potential of competition with each other in each other's markets, but they create a market power which may be capable of resisting competition from others. They also create the possibility of an unequal bargaining power when they compete with or deal with small, independent and new carriers.

A strong role for the Department of Justice was my No. 1 cause when the full Senate considered the Telecommunications Act. I supported final passage of the law because the conference committee bolstered the Department's authority as compared to the Senate version of the bill. The legislation relied on the existing, strong antitrust powers of the Department of Justice. It also removed the FCC's ability to bypass Department of Justice antitrust review.

As we measure progress against promise, it is vitally important that the Congress have sufficient information to assure that those powers are sufficient to promote competition, affordable prices and universal service.

Mr. President, I am introducing legislation today to monitor the progress of the Telecommunications Act of 1996. This bill instructs the National Telecommunications and Information Administration, in consultation with the Federal Communications Commission, the Department of Justice, other executive branch agencies and State regulatory utility commissions to issue an annual report to the Congress on telecommunications services in America.

The report would review available information and consider at a minimum the level of competition, the provision of universal service in telecommunications markets, mergers among telecommunications providers and their effect, employment in the American telecommunications industry and the affordability of residential rates for telecommunications services. The report will also make legislative and policy recommendations to the Congress and the President.

Mr. President, I believe that if properly implemented, the Telecommunications Act of 1996 can deliver on its promises of competition, affordable rates, universal service, jobs, and investment. I am not prepared to recommend major change to the 1996 law, but I am prepared to argue for a higher level of competitive vigilance by this Congress and the executive branch.•

By Mr. LAUTENBERG:

S. 666. A bill to amend title 18, United States Code, with respect to States that do not give full faith and credit to the protective orders of other States; to the Committee on the Judiciary.

FULL FAITH AND CREDIT FOR PROTECTIVE ORDERS ISSUED IN OTHER STATES LEGISLATION

• Mr. LAUTENBERG. Mr. President, today I am introducing legislation that will help ensure that States live up to their responsibility to give full faith and credit to protective orders issued in other States.

In the 1994 Crime Act, as part of the Violence Against Women Act, Congress passed a provision requiring States to enforce the protection orders issued in sister States.

What this means, Mr. President, is that if a woman has secured a protective order against her husband in New Jersey, and then goes to Pennsylvania to stay with her parents and her husband follows her, Pennsylvania is obligated to enforce the New Jersey protective order.

This is common sense, it will protect the lives and well-being of countless threatened women, and is the law. However, for some reason States have been disregarding their legal obligation to enforce these orders.

Mr. President, it seems that the only way to get the States to live up to this obligation is to threaten some of their Federal funding.

Accordingly, the bill I am introducing today allows the Attorney General to withhold 10 percent of all formula Byrne grant crime fighting funds given to a State if it is failing to enforce out-of-State protective orders. Although I believe that these funds are an important crime prevention and crime fighting tool, it has become clear that there must be some mechanism to ensure that States live up to their responsibilities to victims of domestic abuse.

Mr. President, violence against women is one of our country's most heinous and pressing crimes. Every 12 seconds a woman is battered. About 10 times more women are victimized annually by domestic violence than are diagnosed with breast cancer. These figures reflect only reported crimes—the actual incidence rates are even higher.

According to the FBI, domestic violence is the single most common source of injury among women ages 15 to 44, more common than auto accidents, muggings, and rape by a stranger combined.

Protective orders are an important device in combating domestic violence, and protecting women who have already been battered from further harm. But they are only effective if they are enforced.

So, Mr. President, I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 666

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FULL FAITH AND CREDIT GIVEN TO PROTECTIVE ORDERS.

Section 2265 of title 18, United States Code, is amended by adding at the end the following:

"(d) FORMULA GRANT REDUCTION FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—Beginning with the second fiscal year commencing after the date of enactment of this subsection, and in each fiscal year thereafter, if a State is not in compliance with subsections (a) and (b), the Attorney General shall reduce by 10 percent the amount that the State would otherwise receive for that fiscal year under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.).

"(2) REDISTRIBUTION OF AMOUNTS.—In any fiscal year, the total amount remaining for distribution under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.) by operation of paragraph (1), shall be distributed on a pro rata basis among States that—

"(A) are eligible to receive a grant under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3751 et seq.); and

"(B) are in compliance with subsections (a) and (b) of this section.".●

ADDITIONAL COSPONSORS

S. 28

At the request of Mr. THURMOND, the names of the Senator from Idaho [Mr. KEMPTHORNE], and the Senator from Nebraska [Mr. HAGEL] were added as cosponsors of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 61

At the request of Mr. LOTT, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from California [Mrs. BOXER], and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 75

At the request of Mr. KYL, the name of the Senator from Kansas [Mr. ROBERTS] was added as a cosponsor of S. 75, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Wyoming [Mr. ENZI] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 375

At the request of Mr. MCCAIN, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 375, a bill to amend title II of the Social Security Act to restore the link between the maximum amount of earnings by blind individuals permitted without demonstrating ability to engage in substantial gainful activity and the exempt amount permitted in determining excess earnings under the earnings test.

S. 387

At the request of Mr. HATCH, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 394

At the request of Mr. HATCH, the names of the Senator from Florida [Mr. MACK], the Senator from Louisiana [Mr. BREAUX], and the Senator from Vermont [Mr. JEFFORDS] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 404

At the request of Mr. BOND, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 404, a bill to modify the budget process to provide for seperate budget treatment of the dedicated tax revenues deposited in the Highway Trust Fund.

S. 405

At the request of Mr. HATCH, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 528

At the request of Mr. CAMPBELL, the names of the Senator from Colorado [Mr. ALLARD] and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 528, a bill to require the display of the POW/MIA flag on various occasions and in various locations.

S. 618

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. WARNER], the Senator from Virginia [Mr. ROBB], the Senator from Maryland [Ms. MIKULSKI], and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of S. 618, a bill to amend the Federal Water Pollution Control Act to assist in the restoration of the Chesapeake Bay, and for other purposes.

S. 619

At the request of Mr. SARBANES, the names of the Senator from Virginia [Mr. ROBB], the Senator from Pennsylvania [Mr. SANTORUM], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of S. 619, a bill to establish a Chesapeake Bay Gateways and Watertrails Network, and for other purposes.

S. 648

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 648, a bill to establish legal standards and procedures for product liability litigation, and for other purposes.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from Georgia [Mr. COVERDELL], the Senator from Wyoming [Mr. ENZI], the Senator from Louisiana [Ms. LANDRIEU], the Senator from Alaska [Mr. MURKOWSKI], the Senator from West Virginia [Mr. ROCKEFELLER], and the Senator from Maryland [Mr. SARBANES] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 51

At the request of Mrs. FEINSTEIN, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of Senate Resolution 51, a resolution to express the sense of the Senate regarding the outstanding achievements of NetDay.

SENATE RESOLUTION 64

At the request of Mr. ROBB, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of Senate Resolution 64, a resolution to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week".

SENATE RESOLUTION 78

At the request of Mr. BURNS, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. TORRICELLI], the Senator from Idaho [Mr. CRAIG], the Senator from South Carolina [Mr. THURMOND], the Senator from North Dakota [Mr. CONRAD], the Senator from South Dakota [Mr. DASCHLE], the Senator from Kansas [Mr. ROBERTS], the Senator from Pennsylvania [Mr. SPECTER], the Senator from Colorado [Mr. ALLARD], the Senator from New Mexico [Mr. DOMENICI], the Senator from South Dakota [Mr. JOHNSON], the Senator from Hawaii [Mr. INOUYE], the Senator from Wyoming [Mr. ENZI], the Senator from Texas [Mrs. HUTCHISON], the Senator from Tennessee [Mr. FRIST], the Senator from New Hampshire [Mr. GREGG], the Senator from Nebraska [Mr. HAGEL], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Maryland [Ms. MIKULSKI], the Senator from Kansas [Mr. BROWNBACK], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 78, a resolution to designate April 30, 1997, as "National Erase the Hate and Eliminate Racism Day."

At the request of Mr. DURBIN, his name was added as a cosponsor of Senate Resolution 78, supra.

NOTICE OF HEARING

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Thursday, May 1, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Biomedical Research Priorities: Who Should Decide?". For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, April 29, 1997, to conduct a hearing on S. 621, the Public Utility Holding Company Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 29, 1997, at 2:30 p.m. on air bag safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, April 29, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 10:00 a.m. The purpose of this oversight hearing is to receive testimony from the General Accounting Office on their evaluation of the development of the Draft Tongass Land Management Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 1997, at 10 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Indian Affairs be authorized to meet during the session of the Senate on Tuesday, April 29, 1997 at 9:30 a.m. in room 485 of the Russell Senate Building to conduct a business meeting on S. 459, a bill to amend the Native American Programs Act of 1974 to be followed by an Oversight Hearing on P.L. 102–575, the San Carlos Water Rights Settlement Act of 1992.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 29, 1997 at 3 p.m. to hold a hearing on the nomination of Joel I. Klein to be an assistant attorney general.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on National Endowments for the Arts and Humanities, during the session of the Senate on Tuesday, April 29, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Tuesday, April 29, at 2 p.m., hearing room (SD–406), on ozone and particulate matter standards proposed by the Environmental Protection Agency.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO DR. ROLLAND C. LOWE

• Mrs. FEINSTEIN. Mr. President, today I commend Dr. Rolland C. Lowe, the new president of the California Medical Association. Dr. Lowe is the first Asian-American elected president in the organization's 147-year history.

Dr. Lowe started his distinguished career at the University of California at Berkeley, where he attended undergraduate school. After completing his undergraduate work, he studied medicine at the University of California at San Francisco. He completed a medical internship at San Francisco General Hospital and a surgical residency at UCSF.

Dr. Lowe has been a trailblazer for many years. In 1982, he was elected the first Asian-American president of the San Francisco Medical Society. For the past three decades, Dr. Lowe has been a distinguished member of the medical community. Since 1965, Dr. Lowe has served on the clinical faculty at UCSF and has practiced medicine in San Francisco's Chinatown. Dr. Lowe is a former chair of the board of trustees at Chinese Hospital in San Francisco and he continues to participate as an active board member. At Chinese Hospital, Dr. Lowe also served as the chief of surgery and the chief of staff. He has worked hard to provide low-income immigrants with high quality health care.

Dr. Lowe has a long history with not only the medical community, but with the California Medical Association as well. He has been active in the CMA for many years, and has served on the board of trustees of the CMA since 1987, chairing it from 1994 to his election. He has been a tireless advocate of better health care for the Chinese American community.

Dr. Lowe's goal as president of the California Medical Association is to get physicians more involved in their communities. He has said, "In able to be good patient advocates, doctors need to understand their community." In this era of managed care, Dr. Lowe's commitment to re-establishing a personal relationship between doctor and patient is especially commendable. Looking at Dr. Lowe's history of service tells us that he is the right man to accomplish this goal. He has devoted his energies not just to medicine, but more broadly to his community. He has worked to provide decent housing for the elderly in San Francisco, through redevelopment of the old International Hotel for use as a senior housing and community center. Dr. Lowe is the founder and Chair of the Lawrence Choy Lowe Memorial Fund, which is a charitable and civic foundation in Chinatown. He has also served in many community organizations and foundations.

My fellow colleagues, please join me today in honoring my long standing friend, Dr. Lowe. He is a valuable asset to his community and to the State of California. His example of providing high quality health care and his dedication to his community deserve our admiration and our respect.•

TRIBUTE TO THE TOWN OF NOTTINGHAM ON ITS 275TH ANNIVERSARY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the town of Nottingham on its 275th anniversary. On May 10, 1997, at the 275th anniversary celebration, the Nottingham Historical Society and the anniversary committee will be reading the Royal Charter of May 10, 1722, which founded the town of Nottingham.

When the charter was formally issued in 1722, there were 132 persons who were allowed to draw lots of land to establish the town. Now, Nottingham is a quaint New England town of 3,002 people, still dedicated to the Yankee ingenuity that formed the town in colonial times.

Nottingham was at the forefront of America's industrial history. In 1727, the townspeople decided to build the first sawmill on the Tuckaway River which was the beginning of 17 water powered mills for the purpose of sawing lumber, grinding grain, and fulling, a process of cleansing and working up a nap on rough, woolen homespun cloth.

The rugged land was too rocky for the planting of crops and the land had to be cleared to allow the family's provisions to be raised, and to provide winter food for the livestock. Charcoal was produced for sale in the seacoast towns like this one; it was used as the fuel in the furnaces for making iron and for heating and cooking in city fireplaces. The ironmills along the two-mile streak—also known as New Portsmouth—required large amounts of charcoal, too, for building furnaces and making iron. The name of today's Smoke Street still indicates how much charcoal was produced in the former Summer Street of the 1700's.

In spite of the hardships of nature in the cold northeast, Nottingham started to grow. By the late 1760's the Nottingham Square included a school house, a church, a meeting house, and a store. Landowners were building homes which were substantial. The Butler Inn, for example, and many other colonial and federal style homes remain in good condition today.

Nottingham also has a place of honor in our Nation's military history. Gen. Henry Dearborn led Nottingham in the march of the Minutemen to the Battle of Bunker Hill in the American Revolution. Three other brave Revolutionary War generals, Joseph Cilley, Thomas Bartlett and Henry Butler, remained in Nottingham to become leading citizens and many of their descendants are still actively involved in the improvement of Nottingham today.

During the Civil War, Nottingham residents provided many able-bodied men to fight and supplied the Union Armies with food and clothing. From the Civil War to the gulf war, many members of Nottingham's families have served their country proudly and honorably in all branches of our Nation's services.

Nottingham's residents today serve in professional, semiprofessional, trade, and service occupations. Though individualistic, these townspeople are family-oriented and prudent. They always strive for the betterment of their community and are willing to contribute their time and talents on behalf of their neighbors.•

I congratulate all the dedicated and patriotic residents of Nottingham on this historic milestone and wish them an enjoyable year of celebration and remembrance. They all should be very proud of the town's heritage and 275 years of distinguished history. I send them my best wishes for continued success and prosperity. Happy Birthday, Nottingham.

RABBI IRWIN GRONER AND ADAM CARDINAL MAIDA

• Mr. LEVIN. Mr. President, I rise today to pay tribute to two notable religious leaders from my home State of Michigan, Rabbi Irwin Groner and Adam Cardinal Maida. Rabbi Groner and Cardinal Maida are the recipients of the 1997 Dove Award, sponsored by the Ecumenical Institute for Jewish-Christian Studies.

The Dove Award was created in 1994 to recognize Christian and Jewish religious leaders who work to promote closer relationships between the two communities. I have worked closely with both men throughout my career, and have been grateful for their advice, guidance, and friendship.

Rabbi Groner leads Congregation Shaarey Zedek in Southfield, MI. An internationally recognized spiritual leader, Rabbi Groner serves as the president of the Michigan Board of rabbis and is a member of the board of governors of the Jewish Federation of Metropolitan Detroit and the Rabbinic Cabinet of the United Jewish Appeal. His writings on spiritual and social issues are published monthly in the Jewish News and appear regularly in periodicals of the Conservative Jewish Movement. From 1990 to 1992, Rabbi Groner served as the president of the Rabbinical Assembly, an international association of 1200 conservative rabbis. He was the first clergyman to be named to the Judicial Tenure Commission of Michigan.

Adam Cardinal Maida arrived in Detroit in 1990 as archbishop of the Archdiocese of Detroit. In 1990, he was elevated to the College of Cardinals by Pope John Paul II. Cardinal Maida has put commitment to youth into action by joining Baptist, Episcopalian, and Lutheran leaders in creating cornerstone schools, which offer interdenominational educational programs to children in Detroit. Cardinal Maida has continually attempted to break down the walls which exist in our society, emphasizing the importance of voluntarism, reaching out to Detroit's Hispanic community and working with political leaders to craft solutions to a number of social problems.

In 1992, Rabbi Groner, Cardinal Maida, and Episcopal Bishop R. Stewart Wood founded the Religious Leaders Forum, which encourages Christian, Jewish, and Muslim leaders to share their views on issues of concern. Activities like this have not only provided Rabbi Groner and Cardinal Maida with opportunities to work together, but they have cemented a personal friendship as well. Together, they are building bridges for people of the Christian and Jewish faiths to cross.

It is a real honor to recognize the achievements .of these remarkable men. I know my colleagues join me in congratulating Rabbi Irwin Groner and Adam Cardinal Maida as they receive the 1997 Dove Award from the Ecumenical Institute.•

TRIBUTE TO DR. PAUL KAMINSKI

• Mr. LIEBERMAN. Mr. President, for the past 2½ years, members of the Senate Committee on Armed Services have been privileged to work with Dr. Paul G. Kaminski, who is serving as the Under Secretary of Defense for Acquisition and Technology. Dr. Kaminski has led the Department of Defense through the most significant reform of the Nation's defense acquisition system in 50 years. I believe it is appropriate for the Senate to recognize the outstanding service rendered the Nation by Dr. Kaminski on the occasion of his retirement from Federal service later this spring.

During his tenure as the Defense Acquisition Executive, Dr. Kaminski established the broad outlines of the technologies and systems that will form the cutting edge of this Nation's defense capabilities well into the next century. His scientific counsel and leadership were instrumental in charting a course ahead for a system of systems including this Nation's national security space systems, heavy bomber force, air mobility force, ballistic and cruise missile defense, tactical air forces, and attack submarine fleet.

Dr. Kaminski ushered in a new era—a renaissance—in armaments cooperation with our friends and allies around the world. His vision, foresight and diplomacy have provided this Nation and our international partners with a broad spectrum of collaborative efforts and opportunities that include cooperation with Germany and Italy to develop a medium extended air defense system; cooperation with France, Germany, Italy, and Spain to develop, produce, and field an interoperable multifunctional information distribution system; and cooperation with the United Kingdom, Norway, and the Netherlands on the development of a revolutionary new joint strike fighter.

As steward of the Nation's defense acquisition system, Dr. Kaminski has guided the defense acquisition establishment through a period of revolutionary change and reform. He has changed the way our acquisition system supports America's soldiers, sailors, airmen, and marines. Through establishment of integrated product teams—composed of war fighters, testers, trainers, doctrine writers, acquirers, and their industry contractors—Dr. Kaminski has dramatically improved the way weapon systems are developed, produced, and fielded. Perhaps Dr. Kaminski's greatest accomplishment is the pride and professionalism he has reinvigorated in the acquisition work force supporting our war fighters. The American people can take comfort in the fact that the U.S. defense acquisition work force is the very finest in the world. Our people are willing to think "out-of-the-box" and pushing hard to be better.

Dr. Kaminski has been responsible for initiating a wholesale re-engineering of the DOD logistics system. He recognized that for the revolution in U.S. military affairs to proceed—the DOD needed a new, compatible logistics support concept. His approach was to substitute information and fast transportation for inventory. As a result of his leadership and vision, logistics response times have improved significantly and inventories have been reduced dramatically.•

His reputation is well known in Congress—to those who have worked directly with him and even many who have not. He is highly respected as an individual of integrity, vision, scientific brilliance, and that rare trait of objectivity about what he is involved in. His work will continue to have a very profound and lasting impact upon the Nation's security for many years to come. The Nation owes a debt of gratitude to Dr. Kaminski. It has been my distinct pleasure to be associated with this exceptional public servant in conjunction with my duties on the Armed Services Committee. I wish him well and anticipate that his coming years in the private sector will further contribute to the security of this Nation. My best wishes to Paul, his lovely wife Julia, and his two children Laura and Garrett, as they mark this special milestone.

SENIOR CITIZENS HOME EQUITY PROTECTION ACT

• Mr. KERRY. Mr. President, last Friday, April 25, the Senate passed by voice vote the Senior Citizens Home Equity Protection Act which will enable the Department of Housing and Urban Development to protect seniors against aggressive and unethical practices by firms who charge senior homeowners exorbitant fees for obtaining a home equity conversion mortgage. I was not able on that day to voice my support for this legislation, and I want to do so today. I commend Senator D'AMATO and the other cosponsors of this legislation for their swift and timely action on this important piece of legislation. I also want to thank Secretary Cuomo for bringing the problem which this legislation addresses to our attention.

The FHA home equity conversion mortgage program, implemented in 1989, has given 20,000 senior homeowners the opportunity to turn the valuable equity in their homes into direct cash payments. This borrowed equity can be used to satisfy any number of needs, and in the case of seniors, escalating medical costs colliding with fixed-incomes often make additional financial resources a necessity. Seniors who obtain reverse mortgages have median incomes of only $10,400. The ability of low-income seniors to access their home equity and increase their incomes is essential for enabling many seniors to continue living in their own homes.

This legislation is necessary to protect vulnerable seniors who have been unscrupulously targeted by certain estate planning services who charge fees of 6 to 10 percent of the cost of the reverse mortgage loan. Many homeowners are simply unaware that the process of receiving a reverse mortgage through the Department of Housing and Urban Development is actually free. HUD recently revealed that seniors have been bilked for thousands of dollars by unregulated companies that have taken a Federal program intended to serve one of our most vulnerable populations and used it for exploitation and financial gain. S. 562 will provide important safeguards for seniors by requiring that the mortgagor receives full disclosure of any costs pertaining to the origination of a reverse mortgage. Additionally, the Secretary of HUD will be empowered to impose restrictions and prohibit firms from charging excessive fees.

Again, I would like to extend my appreciation to Senator D'AMATO and the rest of my colleagues for their swift action that will ensure senior homeowners will be no longer be victimized by exploitive reverse mortgage tactics.•

ORDERS FOR WEDNESDAY, APRIL 30, 1997

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Wednesday, April 30.

I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately resume the motion to proceed to S. 543, the Volunteer Protection Act.

I further ask unanimous consent the time from 10 o'clock to 11:15 be equally divided between Senator COVERDELL or his designee and the ranking member or his designee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. I now ask unanimous consent that on Wednesday, at 11:15, the Senate proceed to vote on cloture on the motion to proceed to S. 543 and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. For the information of all Senators, tomorrow morning the Senate will resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. Senators are reminded that there will be a cloture vote at 11:15 on Wednesday on the motion to proceed to S. 543. The Senate could also be asked to turn to other Legislative or Executive Calendar items. Therefore, votes can be anticipated during the entire day on Wednesday.

ORDER FOR RECESS

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order following the remarks of Senator MOSELEY-BRAUN of Illinois.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. Without objection, the call of the quorum is dispensed with.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 o'clock tomorrow morning.

Thereupon, at 5:23 p.m., the Senate adjourned until Wednesday, April 30, 1997, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 29, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. BLILEY].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 29, 1997.

I hereby designate the Honorable TOM BLILEY to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

NUCLEAR WASTE CLEANUP COSTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Nevada [Mr. GIBBONS] is recognized during morning hour debates for 1 minute.

Mr. GIBBONS. Mr. Speaker, can this Nation afford the cost of cleaning up a nuclear waste accident? A 1975 DOE contractor report concluded that a severe accident involving rail casks could and would result in the release of radioactive materials sufficient to contaminate a 42-square-mile area. If it occurred in a rural area, the estimated cleanup cost of such an accident would range from $176 million to $19.4 billion, and would require up to 460 days. Cleanup after a similar accident in a typical urban area would be considerably more expensive and time consuming, perhaps $9.5 billion just to raze and rebuild the most heavily contaminated square mile. Realize these figures cannot include the intangible cost of a single human life or the disastrous effect it could have on the future of our children.

Much more detailed studies are necessary to safeguard against accidents and their cleanup costs before we decide to ship nuclear waste through our districts. Think about it. Could our cities, local communities and States afford these horrific impacts? Remember that safety and science equals a sound solution.

FEDERAL RESERVE RAISING OF INTEREST RATES HAS MAJOR IMPACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997 the gentleman from Massachusetts [Mr. FRANK] is recognized during morning hour debates for 5 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I am about to engage in an exercise which is clearly second best. The Federal Reserve Open Market Committee a couple of weeks ago decided that we were creating too many jobs too rapidly in America and, fearing that this would be destabilizing, they raised interest rates. The Federal Reserve Open Market Committee will meet again in May and July, and there is a very real prospect that they may do this again.

No single set of specific decisions taken, I believe, by anybody in the government so far this year or for the next few months, will have the impact on our economy that these decisions have had. Yet, they will be going largely undebated in this Congress because the Committee on Banking and Financial Services, which has under our rules jurisdiction over this matter, has refused to have a hearing.

Specifically, the gentleman from Iowa [Mr. LEACH], the chairman of the committee, has refused a request from all but one of the non-Republican members. Twenty-four of the Democrats and the one Independent have written to him and said, please, this is an essential issue, let us have a hearing. The chairman says to have a hearing, to have a hearing on whether or not they should continue to raise interest rates to choke off growth would be second-guessing the Fed and tampering with its independence.

I wish we could have that hearing, and I hope that the chairman will reconsider, and maybe some of the majority Members will join us. But until that time, we have no other option but this. I say that because I am about to engage in a one-sided debate with Mr. Laurance Meyer, who is a member of the Board of Governors of the Federal Reserve. I would much prefer to have Mr. Meyer in before us in a hearing room so we can engage in a two-sided debate. The chairman of the Committee on Banking and Financial Services has denied us that opportunity.

What I want to point out, however, is what now appears to me frankly the equivalent of a smoking gun in our understanding of why the Federal Reserve System decided consciously and deliberately to increase unemployment in America. Remember, that was their view. Unemployment, they said, at 5.2 percent was too low. They believed they needed to get it back up. I think 5.5 is their target.

But here is what Mr. Meyer says; he acknowledges that there was no evidence yet of inflation. He acknowledges that there was no excess utilization, there was nothing that led him now to see inflation. He thinks that it may appear in 6 months to a year, and that is why he wanted to cut it off. But acknowledging that he may have acted unnecessarily, he gives this justification; and this I think is central to this debate, and it is why so many of us want a hearing. He says: This involved comparing the relative costs of two potential policy mistakes, tightening when such a move turned out to be inappropriate or failing to tighten when a tightening would have been appropriate.

In other words, he says the better mistake to make, if you had to make a mistake, obviously you do not want to, but we all recognize uncertainty, better we should tighten when it is inappropriate.

Why? And here is what bothers so many of us about this decision. We are not talking hard economics here. We are talking values. We are talking social policy, and it is not a decision the Federal Reserve ought to be allowed to make without full debate. He says: If the Fed tightens and it turns out to have been unnecessary, the result would be utilization rates turn out lower than desired and inflation lower than what otherwise would have been the case.

In the context of the prevailing 7-year low of the unemployment rate, that translates into a higher, but still modest, unemployment rate, and further progress toward price stability, a central legislative mandate. He then says: This may not be the best solution. I would prefer trend growth and full employment. But then he says: But the alternative outcome just described is not a bad result. Indeed, it would be a preferred result for those who favor a more rapid convergence of price stability.

Think about what Mr. Meyer has said. An increase in the unemployment

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

rate is not a bad result, he says. It is not his preferred result, but it is not a bad result. That is hundreds of thousands or more unemployed Americans. That is a step that makes it much harder to absorb welfare recipients. When a Federal agency says that an increase in unemployment is not the preferred, but it is not a bad result, that is a serious problem.

He then goes on to acknowledge that this would be a preferred result for those who favor a more rapid convergence to price stability. In other words, he is acknowledging that some of his fellow members of the Open Market Committee, unlike him, not only do not think this is a bad result, they think this is a good result. We have here an acknowledgment from one of the Federal Reserve Board governors in a speech that really was meant, I think, as the official explanation that he does not think an increase in unemployment is a bad result, and that he acknowledges that many of his colleagues in fact think this is the preferred result. They have decided that a little bit of inflation is too much and, if we can get to zero inflation with higher unemployment, that is not a bad result. Congress must debate this policy.

REFORMING THE UNITED NATIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. STEARNS] is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to speak about a topic of much importance: Reforming and improving the United Nations. I think the time has come to look at this important agency and make some changes. We should not continue the status quo any longer.

In 1996, 134,281 tickets were issued by the New York City police to the United Nations diplomatic and consular vehicles. Almost all of those were unpaid. The Nation of Russia itself accounted for 31,000 unpaid tickets. Foreign United Nations officials have more of their salaries and pensions paid by the American taxpayers than from their own country.

There is sort of a elitism that is existing at the United Nations. And Americans are fed up with the elaborate spending without some kind of accountability at the United Nations. That is why I sponsored legislation, House Resolution 21, that expresses the sense of the House of Representatives that unless the United Nations adopts certain reforms, the United States should withhold financial support for the United Nations and its specialized agency until certain prudent things are done.

Now, let me tell you what this is about. I believe, first of all, we should have a comprehensive, independent audit of the United Nations and its specialized agencies. No. 2, an audit of its functions to determine if these functions can be carried out more efficiently by other organizations, or perhaps within the private sector. Prompt and complete implementation of the audit recommendations and the possible termination of New York City as a permanent headquarters of the United Nations should also be considered.

Mr. Speaker, perhaps we could rotate the location of the United Nations and allow it to go to other countries. Other nations could provide the headquarters. Implementing a rotation system like I have suggested could create a more efficient operation, I believe and allow other countries to help with the overhead costs. Prior approval by the primary donor member countries for peacekeeping operations is something we should have some control of. We now need a more careful definition and a more effective execution of the United Nations peacekeeping operations in itself.

Last, Mr. Speaker, a lot of Americans are concerned that the United Nations is going to implement a tax on the Internet, or perhaps a tax on worldwide banking transfers. We should clarify, completely clarify, for the American people that absolutely no taxing power or the right to raise revenues directly on the American people can be implemented by the United Nations.

My legislation is only the start of changing and improving the United Nations. I believe the time has come. The time is now. I believe even the leadership of the United Nations would agree with some of my ideas. The people of our country chose to change the party in power in the U.S. Congress for the first time in 40 years in 1994. I believe the overriding reason for the historic change was that the American people wanted a smaller, more responsive, and more efficient Federal Government. They wanted Congress to reevaluate every level and every aspect of our Federal Government, and I think the American people want the same thing done at the United Nations.

Another fundamental area that Americans wanted reevaluated of course is our overall national foreign policy. The world has dramatically changed with the downfall of the Soviet Union and the Warsaw Pact, but our foreign policy has failed to react properly to this change. There are different threats today in the world. The United Nations has created a response to horrors of the two world wars, but that has changed.

We now see a world that is overwhelmingly democratic, or implementing democratic change, and a world that is embracing free markets. It was the perseverance of the American people and the American leadership in combating the evils of communism that led to these changes. I think we provided to the world the American model of government and economics. Why not have the United Nations provide a new model, a new pattern, in diplomacy and fiscal responsibility. The United Nations should meet the new demands of the world today and set this pattern by reforming itself.

Outside of legitimate concerns with some terrorist nations and North Korean, Iraq, and the threat of programs from Communist China, the world has been working. It is working to solve problems on a day-to-day basis. It is obvious to me and to many Americans that we need a new pattern for the United Nations, less bureaucratic, more efficient, more fiscally responsible; like we are trying to do here in Congress. A permanent United Nations based in New York City may not be in the best interests of creating a new U.N. model. The American people, the American taxpayers, simply cannot subsidize a group of elite diplomats indefinitely without reform.

So, I urge my colleagues to cosponsor my House Resolution 21. It makes sense. The time is now.

JUVENILE CRIME

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from North Carolina [Mr. ETHERIDGE] is recognized during morning hour debates for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, I rise today to speak on an issue that is important to all of us. On Sunday, April 13, 20-year-old Kevin Pridgen stood outside a neighbor's house on Glenn Road in Durham, NC, in my district, just visiting like many folks do on Sunday afternoon. In an instant, after he had been there just briefly, after 15 rounds were fired by an assault rifle, Kevin Pridgen lay in critical condition with a gunshot wound to the stomach, a victim of a drive-by shooting two doors from his own home.

The alleged shooter in this terrible crime is reported to have been a 17-year-old juvenile whom police arrested and charged with assault with intent to kill. Sadly, episodes like this outrageous crime are no longer rare events but are increasingly part of the everyday routine in communities all across this country.

Over the past several weeks I have taken the opportunity to meet with police officials in Durham and across my district to discuss these disturbing trends. Our brave law enforcement officers put their lives on the line every day in service to the public interest.

They described to me the frightening details, the dangers they and the general public face with sharply increasing rates of violent juvenile crime. North

Carolina's finest tell me that the juveniles involved in these crimes are younger than ever, while the seriousness of their crimes has never been worse.

Statistics tell us that, despite the fact that overall violent crime in America is on the decline, youth violence is increasing. In fact, the latest numbers in my State show that overall violent crime is down by 5 percent, but youth violent crime is up by 6 percent.

According to the criminal justice experts, they have projected that the demographic changes will increase the problems of violent crime of young people in record numbers in the coming decade.

□ 1245

We must act now to protect our citizens today and address the long-term problems that are to come. I met with law enforcement officials across my district, sheriffs, police chiefs, small-town cops, juvenile detention officials and youth service providers. The message I received from these officials and from ordinary citizens comes through loud and clear: We must take aggressive action to stem the growing tide of violent juvenile crime, we must crack down on the most egregious offenders, and we must equip local law enforcement and youth services to meet the variety of challenges of our juvenile justice system. We must support Boys' and Girls' Clubs, YMCA's and other efforts to give our young people a positive alternative to the bleak choice of the streets. We must have a balanced approach of tough and smart efforts to deal with the complex and growing problem.

Mr. Speaker, the American people desperately need leadership from this Congress on serious issues like juvenile crime. The voters of North Carolina sent me to the people's House to help provide that leadership. I call on my colleagues to join on a bipartisan basis to fulfill that mission, in the name of Kevin Pridgen and all our citizens who look to us for leadership to address the urgent issues that confront us in America.

TEXAS WELFARE REFORM

The SPEAKER pro tempore [Mr. BLILEY]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas, Mr. SAM JOHNSON, is recognized during morning hour debates for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, let us get the facts straight on Texas welfare reform. In the spring of 1995, the Texas legislature passed State welfare reform. In July of 1996, Texas tried to implement its welfare reform and sent a proposal to Health and Human Services. In April this year, 1997, still no answer from HHS. And guess who is holding it up? The President of the United States.

The State of Texas simply wants to enter into a public-private partnership to streamline, integrate and consolidate its welfare system into a one-stop center. This will not only help welfare recipients, but save taxpayer dollars. It is a forward-looking proposal that would take 21 different State and Federal programs and combine them into one.

No longer would welfare recipients have to go from agency to agency to sign up and receive benefits. It is one-stop shopping to receive all the help they need. It has been estimated that this would save Texas taxpayers over $10 million a month, or $120 million a year. That is enough money to provide additional health care to an additional 150,000 children in Texas each year.

Welfare reform in Texas has been stalled out because the President has been taken hostage by the labor unions. Labor bigwigs see any type of reform as antiunion regardless of whether it helps children or not.

The President appears to be losing support for his delay from his own Cabinet members. An April 4 memo to the President from the Secretary of Health and Human Services, the Secretary of Agriculture, and the President's head of domestic policy states,

> We must give Texas an answer immediately. The State has engaged in good-faith discussions with various agencies for 9 months.

It is now 10 months. It has been nearly a month since that memo, and still no answer. The reason the unions are holding the President hostage are illustrated in this memo. There is a chart at the bottom that lists three options. The first is the Texas proposal. The second is "the union proposal." And the third is the proposed administration compromise.

I was not aware and I am sure most Americans are not aware that welfare reform signed by President Clinton called for union approval of State welfare proposals. Since when do unions get to submit proposals on State welfare programs? I guess since they spent millions of dollars helping the President get reelected maybe.

It has also been reported that the Secretary of HHS was ready to release a letter of approval to Texas but was stopped short by the President. The request is now reportedly sitting on the Vice President's desk. What in the world is it doing there? We are all concerned that the administration is not worried about our children or how the program will help them; they are worried about the political relationship with the unions.

I think we all took the President at his word during the signing ceremony for the welfare reform bill last year when he said, "After I sign my name to this bill, welfare will no longer be a political issue."

What happened to that promise? If the administration puts the union's political agenda above the real concerns of the citizens of Texas, we will not hesitate to go forward with legislation to give Texas the approval it deserves.

Mr. Speaker, it is time for the President to do what is right. Many States are watching so they can make the same kind of commonsense changes to their welfare systems. The President should grant approval immediately so Texas and all of America can make welfare reform real and help the children and needy families in America.

INVESTIGATION OF ILLEGAL FUND-RAISING ACTIVITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana [Mr. BURTON] is recognized during morning hour debates for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I come to the floor today to discuss with my colleagues serious issues which have come up in the investigation that Congress has launched into illegal fund-raising activities.

In the past few days, the White House has blurred the issues by claiming to have fully complied with our request for relevant documents. This is just not true, Mr. Speaker. The Committee on Government Reform and Oversight has not received all subpoenaed records, and the White House counsel has indicated that the President will be asserting executive privilege over an unspecified amount of documents.

The American people have a right to know. After weeks of seemingly good-faith negotiations with the White House lawyers in which the committee prioritized its request, the White House refuses to provide all documents to the committee. For weeks the White House counsel said documents would be forthcoming once a document protocol was adopted, yet the committee's April 10 adoption of a document protocol was met with continued White House resistance.

The White House proposed an alternative document protocol essentially putting control of subpoenaed documents into the hands of the White House that is being investigated. We are today involved in investigating allegations of illegalities of a very serious nature which must be addressed without delay:

Did the Clinton administration sell foreign influence overseas in return for campaign contributions? The American people have a right to know.

Was America's national security put in jeopardy by foreign money that may have found its way into the Democratic National Committee's campaign coffers? The American people have a right to know. Did foreign governments funnel foreign funds into the 1996 campaign to influence the outcome? The American people have a right to know.

How did a cast of characters, such as John Huang, Charlie Trie, Chinese arms dealer Wang Jun, purported Russian mob figure Grigory Loutchansky, and convicted drug dealer Jorge Cabrera gain access to the highest levels of our Government? The American people have a right to know.

Were there unlawful disclosures of classified information to unauthorized Democratic National Committee employees as the CIA inspector general is now investigating? The American people have a right to know.

I was optimistic after my first meeting with White House counsel Charles Ruff in February that the White House's actions during the last Congress of delaying and withholding documents in the Whitewater, FBI files, and the Travelgate investigations would not be repeated. Yet, now, 6 months into this investigation and a month after the deadline for compliance with the committee's March 4 subpoena, the President is repeating the same dilatory tactics of the past.

Many of the subpoenaed documents which the White House has failed to produce pertain to close friends that the President has appointed to high Government positions, such as Webster Hubbell, John Huang, and Mark Middleton. These people have taken the fifth amendment to our committee. Other documents pertain to individuals who have fled the country, such as former Little Rock restaurant owner, Charlie Trie, another Presidential appointee.

Last week we sent the White House two narrowly targeted subpoenas for documents dealing only with John Huang and the Riady family, nothing else. These documents were first requested by the committee over 6 months ago. Mr. Huang is being investigated for alleged illegal activities involving foreign governments and interests while a Federal employee at the Department of Commerce and his DNC fund-raising practices. Of the $3.4 million Huang raised for the DNC campaign during the last election, the DNC has pledged to return nearly half of that.

These two subpoenas were a real test case of whether the White House was going to cooperate with Congress or not. The deadline was yesterday, and the White House has not produced the documents. My staff has spent hours working with the White House to respond to its concerns.

Mr. Speaker, I would like to enter into the RECORD the chronology of the Government Reform and Oversight Committee's efforts to get the White House to turn over the documents regarding John Huang, which has been going on since last October. My predecessor, Chairman Clinger, issued the first request for Mr. Huang's documents on October 3, 1996. Six months, numerous letter requests, and three subpoenas later, the committee has yet to receive all the documents from the White House pertaining to John Huang.

Now we still need to obtain more documents that are outstanding and past due that are related to Charlie Trie, Webster Hubbell, and others. These documents are also being withheld and are important records we will be pursuing in the coming days.

Mr. Speaker, the major purpose of a congressional investigation is to illuminate the facts and not hide them. Congressional investigations are by their nature far different from a judicial inquiry where a grand jury conducts all matters secretly. Public disclosure of the facts is the essence and in large part the purpose of congressional oversight. The American people have a right to know the facts in these matters. The President committed to provide all documents. I hope that all Members, both Democrat and Republican, will join me in asking the President to keep his word and comply with our lawful subpoenas and produce all documents to our committee.

The document referred to is as follows:

GOVERNMENT REFORM AND OVERSIGHT CHRONOLOGY OF WHITE HOUSE DOCUMENT/SUBPOENA REQUESTS 1996–97

October 31, 1996—Then Chairman Clinger requested "all records regarding Mr. Huang's activities" including Huang's involvement in trade or foreign policy matters, all of Huang's White House meetings and explanation for Huang's fund-raising activities.

November 13, 1996—Chairman Clinger renewed his request for documents pertaining to John Huang.

November 1996–January 1997—Former White House Counsel Jack Quinn sent out memos to collect documents pertaining to John Huang, Charlie Trie and other key players connected with the illegal fund-raising allegations. White House made limited production of documents pertaining to these individuals.

January 15, 1997—Chairman Burton did a letter request to the White House for records pertaining to John Huang, Charlie Trie, Pauline Kanchanalak, and others. The due date for this request was January 30, 1997.

February 6, 1997—Chuck Ruff met with Chairman Burton and informed him that the President was going to be fully cooperative in providing documents and the President wouldn't claim executive privilege.

February-March 1997—Limited document productions are made and much of information provided was previously provided or already made public. Substantive documents were produced in connection with certain Senate nominations.

March 4, 1997—Chairman Burton issued a subpoena to the White House due on March 24, 1997 for documents pertaining to John Huang, the Riadys, Charlie Trie, Webster Hubbell and others.

March 19, 1997—White House Special Counsel Lanny Breuer wrote to the Committee Chief Counsel: "I was heartened when you expressed an understanding that the White House anticipated making its production after the Committee had adopted governing protocols."

March 28, 1997—White House Special Counsel Breuer again wrote: ". . .the White House anticipated making its production after the Committee had adopted governing protocols."

April 10, 1997—Committee adopts a document protocol for the handling and storage of documents.

April 15, 1997—White House Counsel's office informed Committee that documents would not be provided despite the adoption of the document protocol. Documents pertaining to categories 1–8 of the subpoena were gathered at this point but the White House does not want to turn them over and refused to provide a privilege log outlining the documents that will be withheld. (Only limited production of non-sensitive documents was made).

April 16, 1997—White House Counsel attorneys and Committee attorneys met to discuss obtaining the outstanding documents. The White House objected to turning over "sensitive documents" and refused to commit to providing a privilege log.

April 18, 1997—After extensive discussions with the White House and the minority staff, the Committee sent a detailed letter to the White House prioritizing the March 4, 1997 subpoena. The Committee was told at this time that items 1–8 of the subpoena were gathered. Other priority items were identified pertaining to Webster Hubbell and Mark Middleton and were requested by April 28, 1997.

April 23, 1997—White House Counsel met with Chairman Burton to discuss documents that the White House had not produced. Charles Ruff committed to providing a privilege log for documents the President was going to withhold. Ruff was served at that meeting with two subpoenas specifically requesting all documents pertaining to John Huang and James Riady. (These subpoenas were a subset of previously subpoenaed records and were due to the Committee at noon on April 28, 1997.)

April 28, 1997—White House failed to provide documents pertaining to John Huang, the Riadys or Webster Hubbell and did not provide a privilege log detailing withheld documents, nor a letter from the President asserting privilege.

BALANCING THE BUDGET SHOULD BE OUR FIRST PRIORITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Maine [Mr. BALDACCI] is recognized during morning hour debates for 5 minutes.

Mr. BALDACCI. Mr. Speaker, we have been from the beginning of time, seems like, trying to balance our budget, trying to work on problems that impact on American lives, trying to make sure that children have health care, that working families can be able to educate their children, provide health care, and be able to provide an opportunity for their futures.

We have many people within our State that have to go elsewhere because they cannot find the economic opportunities in our State. But this continual haranguing as it deals with this partisan fundraising as far as the political activities that are going on is derailing us from what our most important mission ought to be, which is to balance the Federal budget, to secure it for future generations, not just our generation, but our grandchildren's generation and thereafter.

But the continual sniping and partisanship that has been displayed by the House chairman of the committee doing the investigation is doing a disservice to all Americans who are trying to provide for their families.

I would encourage Members on the other side of the aisle, as we try to seek a balanced budget and try to do it in a bipartisan fashion, that these kinds of outrages and outbursts do not serve anybody's interest, especially the public's interest. And when I go home every weekend, the people in Maine are not asking me about the political fundraising that is going on at the White House or in Washington, they are asking me what am I doing to make college more easily accessible to them and their families so that they do not have to go to the poor farm.

In our State it has gone from 75 percent of the loan being a grant to 75 percent of the loan being a loan, so they get indebted and they do not go on to college.

□ 1300

We have got a lot of young people who cannot endure those expenses. We have got working families that are trying to make do on the minimum wage, but they cannot provide health care for their families. Those are the issues that are important to Americans. Those are the issues that are important to Maine people and those are the issues that we as Members of Congress that were elected to serve our people and be a voice for our people ought to be addressing.

I would encourage Members on the other side of the aisle and those that are interested in a bipartisan fashion to stop all this political partisan sniping and to focus on these issues so that we can really tell the people of America and Maine some of the more important things that are going on and what we are working on and that we truly are putting their interest, the public interest, before the Democratic or the Republican interest, the public interest, because that ultimately is the oath of office that we are sworn to.

These continuing partisan snipes and outbursts serve nobody's purpose. All they do is further polarize parties so it makes it that much harder to get together. In order for us to work with a Democratic President and a Republican Congress, we are going to need to reach across the aisle. So these continuing outbursts and investigations and partisan sniping is not going to serve anybody's interest. They may help partisan political interests, but that really is not the interests for which we are here and elected to serve.

So while our time is here, we have to remember that famous quote, that we are not extraordinary people doing ordinary things. We are ordinary people trying to do extraordinary things. In order to do it, we have to continue to remember that it is being done for the public interest, not for the Democratic interest, not for the Republican interest, but the public interest.

I would encourage and implore my colleagues on the Republican side to work together with me to balance the budget and put the interests of the people first, not the interests of their party.

ON THE BUDGET

The SPEAKER pro tempore (Mr. BURTON of Indiana). Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. BLILEY] is recognized during morning hour debates for 1 minute.

Mr. BLILEY. Mr. Speaker, I would say to the gentleman from Maine who preceded me in the well that I appreciate his remarks. It is time that we get moving on the budget and that we reach agreement.

But I would suggest firmly that he address his comments to his leadership in both bodies who have criticized the President recently for his willingness to work with the Republicans and to reach compromise. I think that would be more productive.

TODAY'S APPOINTMENTS BY PRESIDENT CLINTON TO NATIONAL GAMBLING IMPACT STUDY COMMISSION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. WOLF] is recognized during morning hour debates for 5 minutes.

Mr. WOLF. Mr. Speaker, today we just heard that the President made his appointments to the National Gambling Impact Study Commission. I would like to make a comment about it.

Today's appointments to the National Gambling Impact Study Commission by President Clinton, in my opinion, tilt the balance of the commission in favor of the gambling industry. The purpose of the commission is to conduct a study of gambling and provide America's communities with objective information so that they may make their own decisions about gambling.

The President personally told me that he supported the commission and appreciated its goals. In a letter to Senator Simon, the President wrote, and I quote, Senator Simon, former Senator from the State of Illinois who retired last year, he said:

> I deeply appreciate your efforts to draw attention to the growth of the gambling industry and its consequences. I have long shared your view about the need to consider carefully all of the effects of gambling, and I support the establishment of a commission for this purpose.

But that was before the casinos and the gambling interests began contributing to last year's elections. Today's appointments reaffirm how America feels about this administration. It appears to be for sale to the highest bidder and in cases like this is fundamentally corrupt.

The President of the United States today failed the American people. Today the President ignored all the problems related to gambling such as crime and corruption and cannibalization of business and the breakup of so many families.

The President turned his back on all those desperate Americans addicted to gambling who cheat, steal, or lie to fuel their habit. The President today willfully overlooked the suicides and the family dissolution that comes with gambling.

This is a sad day, I think, for America because the President's actions confirm the worst fears in that this administration has made a bad appointment and has, I think, poorly served the American people.

RECESS

The SPEAKER pro tempore (Mr. BLILEY). Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 5 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for all of those people whose attitude toward their lives and the lives of others, and indeed to Your whole creation, is an inspiration to us and to all who meet them or know them. We are grateful that Your gifts of faith and hope and love inspire people not only to talk about the opportunities and responsibilities of daily living, but whose lives are full of doing those good works and deeds that benefit people and strengthen our society. Bless them, O God, and bless all people whose constructive spirit helps them and us better understand and appreciate the hopes and the fears of each day. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Kentucky [Mrs. NORTHUP] come forward and lead the House in the Pledge of Allegiance.

Mrs. NORTHUP led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ONE MORE SPECIAL INTEREST RIP-OFF

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Question: How many Federal directors does it take to run the National Sheep Industry Improvement Center? Answer: Nine.

Now, if this sounds like a bad joke, it is, and once again the joke is on the American taxpayer, because this sheep center is going to cost American taxpayers at least $20 million, maybe $50 million, and it is run by the very industries that it benefits.

Now, what is it supposed to do? Typical mumbo-jumbo. Listen: Promote strategic development activities and collaborative efforts; to maximize the impact of Federal assistance to strengthen and enhance the production and marketing; infrastructure development and on and on. Well, it gets my goat, that is for sure.

This is one more special interest rip-off that uses taxpayer dollars to do what corporate America should do for itself, and so the taxpayers keep getting fleeced.

Mr. Speaker, I am introducing a bill to eliminate this bad program. Let us end this ridiculous bit of shear nonsense.

AMERICA'S UNINSURED CHILDREN

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Mother's Day is fast approaching and there has been no committee action to date on passing legislation to cover America's uninsured children. Last week, the House Committee on Appropriations failed to pass an amendment to fully meet the President's funding request for the Women, Infants, and Children's Program.

According to the nonpartisan Center on Budget and Public Priorities, 180,000 participants will be cut off from this vital nutrition program by this September as a result of Republican actions. Even though the General Accounting Office has reported that each dollar invested in the prenatal component of WIC averts over $3.5 of Medicaid and other spending, Republicans felt that this prevention program did not warrant their full support.

Last week's vote on the Committee on Appropriations sends the wrong message to the American people. We should be working to ensure that our children are healthy and expand insurance options instead of rejecting proven preventive programs. Maybe the Republican leaders will surprise us by passing children's health care legislation through the committee process before Mother's Day. Democrats are waiting for Republican leaders to join us in helping our Nation's children.

CREATING A BETTER AMERICA

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, now is the time for Congress to focus on our agenda. That agenda is aimed quite simply at creating a better America for ourselves and our children, creating a better tomorrow.

Mr. Speaker, that is exactly what generations of Americans have done for the past 200 years. Today, however, we must recognize two obstacles to the American success story. The first is the juvenile justice system that is broken. The second is a legal system that actually threatens volunteerism with absurd lawsuits.

Let us think about, Mr. Speaker, kids being safe, where every mother expects her government to provide a minimum of security for her children. As for the second, volunteerism, helping our kids in Little League, helping the poor and the elderly, volunteering our time at our churches, volunteerism is as American as apple pie.

But lawsuits and manipulation of the legal system threaten these activities everywhere. Let us start by passing reform of the juvenile justice system and volunteer protection legislation now.

HARSH NEW WELFARE LAW

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, in 94 days the new welfare law will rip apart the social safety net for hundreds of thousands of elderly, disabled, and vulnerable legal immigrants. But today, consider one such immigrant, just one, a woman in my district in Chicago.

Sophia is a 91-year-old Polish immigrant. She is in poor health and has little means of support besides her supplemental Social Security. During World War II, Sophia, then still in Poland, hid as many as a dozen Jews in her home, saved them from certain death at the hands of the Nazis.

Because of her compassion and courage, Sophia received a unique distinction from the Government of Israel. She received and was recognized as a righteous person because she had given others the chance to survive. Now Sophia has received a notice from our Government telling her that she is unworthy of Federal assistance, cutting off her only means of survival.

We have 94 days to restore benefits to legal immigrants like Sophia, to restore a sense of fairness and logic to the welfare debate, to restore the principles of compassion and justice. America should be proud to have immigrants like Sophia and ashamed of our harsh new welfare law.

COMMONSENSE FOREIGN POLICY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, America gives billions to Russia. With American cash, Russia builds missiles. Russia then sells those missiles to China, and China, who gets about $45 billion in trade giveaways from Uncle Sam, then sells those Russian-made missiles to Iran.

Now, Iran, with those Russian made missiles sold to them by China, threatens the Mideast. So Uncle Sam, who is concerned about Iran threatening the Mideast because of those Russian-made missiles sold to them by China that were financed by American cash, sends more troops and sends more dollars. Beam me up.

Now, if that is not enough to tax your rubles, check this out. Boris just signed a deal with those Chinese dictators that makes NATO look like the neighborhood crime watch.

Mr. Speaker, this is not foreign policy. This is foreign stupidity. I think a little common sense would go a lot further than all of these think tank experts and their advice.

WE MUST SAVE MEDICARE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I may sound like a broken record, but just 1 year ago I stood here in this well and said we must save Medicare. I said we cannot let this program that helps so many senior citizens in our country go belly up. Yet as much as many things change, they sure seem to stay the same.

Medicare is still on the road to ruin and now we only have 4 years, 4 years before it is bankrupt. In fact, because of the President's inaction, it is now 2001. At that time Medicare will be $23.4 billion in the hole.

Perhaps the President may have had too much on his mind with all of those fundraising distractions last year. But now the campaign is over, and it is time to worry about our seniors who need a healthy Medicare to survive.

So I would ask my friends, particularly those on the other side of the aisle, to join in this time to help us fight, stop the games, stop the demagoging. It will not help your campaigns to put our seniors at risk. Let us save Medicare.

HOUSE MUST ACT NOW

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, as a member of the House Committee on the Judiciary and Subcommittee on Crime, I rise today to say to America, hatreds, no, terrorists, yes. The Republic of Texas this past weekend and the last couple of days held hostage two innocent Americans, two individuals who were guilty of nothing other than rejecting their terrorist activities.

Over 800 militia exist across the Nation. It does us no good to not respond to these unchecked fringe groups, violating the civil rights and constitutional rights of Americans.

This House must act now. Among the legislative inertia, we must respond to militia that are organized across this Nation to unseat this Government in a violent way. We must now have immediate hearings dealing with these types of groups. We must pass my House Resolution that indicates and asks for vigorous enforcement of U.S. laws against such militia and we must update the database. We cannot stand for these kinds of attacks on the constitutional and civil rights of Americans.

COMMONSENSE REFORMS TO REBUILD AMERICA

(Mr. NEUMANN asked and was given permission to address the House for 1 minute.)

Mr. NEUMANN. Mr. Speaker, what American does not dream of creating a better life for himself, his family and his children. What American does not dream of living in a community where children are safe, the rights of all are respected and people feel a sense of belonging to that same community.

Mr. Speaker, I ask you what American who achieves success does not feel an obligation to give something back to his community and make a contribution to those who helped him get there. What American does not feel a duty to help those in need, a moral imperative to help those who face hardships, misfortunes, and struggles in their life.

Mr. Speaker, Americans have these dreams, feel these obligations and think about these challenges. The Republican agenda is aimed at addressing these very American ways of thinking about our society. It is an agenda aimed at commonsense reforms that will allow people to pursue their dreams, build strong families in safe communities, and create a better America for future generations. That is our agenda. It is time for this Congress to move forward and quickly act to implement that agenda.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SNOWBARGER). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

WELFARE REFORM TECHNICAL CORRECTIONS ACT OF 1997

Mr. SHAW. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1048) to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

The Clerk read as follows:

H.R. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Welfare Reform Technical Corrections Act of 1997".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES

Sec. 101. Amendment of the Social Security Act.
Sec. 102. Eligible States; State plan.
Sec. 103. Grants to States.
Sec. 104. Use of grants.
Sec. 105. Mandatory work requirements.
Sec. 106. Prohibitions; requirements.
Sec. 107. Penalties.
Sec. 108. Data collection and reporting.
Sec. 109. Direct funding and administration by Indian Tribes.
Sec. 110. Research, evaluations, and national studies.
Sec. 111. Report on data processing.
Sec. 112. Study on alternative outcomes measures.
Sec. 113. Limitation on payments to the territories.
Sec. 114. Conforming amendments to the Social Security Act.
Sec. 115. Other conforming amendments.
Sec. 116. Modifications to the job opportunities for certain low-income individuals program.
Sec. 117. Denial of assistance and benefits for drug-related convictions.
Sec. 118. Transition rule.
Sec. 119. Effective dates.

TITLE II—SUPPLEMENTAL SECURITY INCOME

Subtitle A—Conforming and Technical Amendments

Sec. 201. Conforming and technical amendments relating to eligibility restrictions
Sec. 202. Conforming and technical amendments relating to benefits for disabled children.
Sec. 203. Additional technical amendments to title II.
Sec. 204. Additional technical amendments to title XVI.
Sec. 205. Additional technical amendments relating to titles II and XVI.
Sec. 206. Effective dates.

Subtitle B—Additional Amendments

Sec. 211. Technical amendments relating to drug addicts and alcoholics.
Sec. 212. Extension of disability insurance program demonstration project authority.
Sec. 213. Perfecting amendments related to withholding from social security benefits.
Sec. 214. Treatment of prisoners.
Sec. 215. Social Security Advisory Board personnel.

TITLE III—CHILD SUPPORT

Sec. 301. State obligation to provide child support enforcement services.
Sec. 302. Distribution of collected support.
Sec. 303. Civil penalties relating to State directory of new hires.
Sec. 304. Federal Parent Locator Service.
Sec. 305. Access to registry data for research purposes.
Sec. 306. Collection and use of social security numbers for use in child support enforcement.
Sec. 307. Adoption of uniform State laws.
Sec. 308. State laws providing expedited procedures.
Sec. 309. Voluntary paternity acknowledgement.
Sec. 310. Calculation of paternity establishment percentage.
Sec. 311. Means available for provision of technical assistance and operation of Federal Parent Locator Service.
Sec. 312. Authority to collect support from Federal employees.
Sec. 313. Definition of support order.
Sec. 314. State law authorizing suspension of licenses.
Sec. 315. International support enforcement.
Sec. 316. Child support enforcement for Indian Tribes.
Sec. 317. Continuation of rules for distribution of support in the case of a title IV–E child.
Sec. 318. Good cause in foster care and food stamp cases.
Sec. 319. Date of collection of support.
Sec. 320. Administrative enforcement in interstate cases.
Sec. 321. Work orders for arrearages.
Sec. 322. Additional technical State plan amendments.
Sec. 323. Federal Case Registry of Child Support Orders.
Sec. 324. Full faith and credit for child support orders.
Sec. 325. Development costs of automated systems.
Sec. 326. Additional technical amendments.
Sec. 327. Effective date.

TITLE IV—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

Subtitle A—Eligibility for Federal, State, and Local Benefits

Sec. 401. Alien eligibility for Federal benefits: limited application to medicare and benefits under the Railroad Retirement Act.
Sec. 402. Exceptions to benefit limitations: corrections to reference concerning aliens whose deportation is withheld.
Sec. 403. Veterans exception: application of minimum active duty service requirement; extension to unremarried surviving spouse; expanded definition of veteran.
Sec. 404. Correction of reference concerning Cuban and Haitian entrants.
Sec. 405. Notification concerning aliens not lawfully present: correction of terminology.
Sec. 406. Freely associated states: contracts and licenses.
Sec. 407. Congressional statement regarding benefits for Hmong and other highland Lao veterans.

Subtitle B—General Provisions

Sec. 411. Determination of treatment of battered aliens as qualified aliens; inclusion of alien child of battered parent as qualified alien.
Sec. 412. Verification of eligibility for benefits.
Sec. 413. Qualifying quarters: disclosure of quarters of coverage information; correction to assure that crediting applies to all quarters earned by parents before child is 18.
Sec. 414. Statutory construction: benefit eligibility limitations applicable only with respect to aliens present in United States.

Subtitle C—Miscellaneous Clerical and Technical Amendments; Effective Date

Sec. 421. Correcting miscellaneous clerical and technical errors.
Sec. 422. Effective date.

TITLE V—CHILD PROTECTION

Sec. 501. Conforming and technical amendments relating to child protection.
Sec. 502. Additional technical amendments relating to child protection.
Sec. 503. Effective date.

TITLE VI—CHILD CARE

Sec. 601. Conforming and technical amendments relating to child care.
Sec. 602. Additional conforming and technical amendments.
Sec. 603. Repeals.
Sec. 604. Effective dates.

TITLE VII—ERISA AMENDMENTS RELATING TO MEDICAL CHILD SUPPORT ORDERS

Sec. 701. Amendments relating to section 303 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
Sec. 702. Amendment relating to section 381 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.
Sec. 703. Amendments relating to section 382 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE I—BLOCK GRANTS FOR TEMPORARY ASSISTANCE TO NEEDY FAMILIES

SEC. 101. AMENDMENT OF THE SOCIAL SECURITY ACT.

Except as otherwise expressly provided, wherever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Social Security Act, and if the section or other provision is of part A of title IV of such Act, the reference shall be considered to be made to the section or other provision as amended by section 103, and as in effect pursuant to section 116, of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

SEC. 102. ELIGIBLE STATES; STATE PLAN.

(a) LATER DEADLINE FOR SUBMISSION OF STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended by striking "2-year period immediately preceding" and inserting "27-month period ending with the close of the 1st quarter of".

(b) CLARIFICATION OF SCOPE OF WORK PROVISIONS.—Section 402(a)(1)(A)(ii) (42 U.S.C. 602(a)(1)(A)(ii)) is amended by inserting ", consistent with section 407(e)(2)" before the period.

(c) CORRECTION OF CROSS-REFERENCE.—Section 402(a)(1)(A)(v) (42 U.S.C. 602(a)(1)(A)(v)) is amended by striking "403(a)(2)(B)" and inserting "403(a)(2)(C)(iii)".

(d) NOTIFICATION OF PLAN AMENDMENTS.—Section 402 (42 U.S.C. 602) is amended—

(1) by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following:

"(b) PLAN AMENDMENTS.—Within 30 days after a State amends a plan submitted pursuant to subsection (a), the State shall notify the Secretary of the amendment."; and

(2) in subsection (c) (as so redesignated), by inserting "or plan amendment" after "plan".

SEC. 103. GRANTS TO STATES.

(a) BONUS FOR DECREASE IN ILLEGITIMACY MODIFIED TO TAKE ACCOUNT OF CERTAIN TERRITORIES.—

(1) IN GENERAL.—Section 403(a)(2)(B) (42 U.S.C. 603(a)(2)(B)) is amended to read as follows:

"(B) AMOUNT OF GRANT.—

"(i) IN GENERAL.—If, for a bonus year, none of the eligible States is Guam, the Virgin Islands, or American Samoa, then the amount of the grant shall be—

"(I) $20,000,000 if there are 5 eligible States; or

"(II) $25,000,000 if there are fewer than 5 eligible States.

"(ii) AMOUNT IF CERTAIN TERRITORIES ARE ELIGIBLE.—If, for a bonus year, Guam, the Virgin Islands, or American Samoa is an eligible State, then the amount of the grant shall be—

"(I) in the case of such a territory, 25 percent of the mandatory ceiling amount (as defined in section 1108(c)(4)) with respect to the territory; and

"(II) in the case of a State that is not such a territory—

"(aa) if there are 5 eligible States other than such territories, $20,000,000, minus ⅕ of the total amount of the grants payable under this paragraph to such territories for the bonus year; or

"(bb) if there are fewer than 5 such eligible States, $25,000,000, or such lesser amount as may be necessary to ensure that the total amount of grants payable under this paragraph for the bonus year does not exceed $100,000,000.".

(2) CERTAIN TERRITORIES TO BE IGNORED IN RANKING OTHER STATES.—Section 403(a)(2)(C)(i)(I)(aa) (42 U.S.C. 603(a)(2)(C)(i)(I)(aa)) is amended by adding at the end the following: "In the case of a State that is not a territory specified in subparagraph (B), the comparative magnitude of the decrease for the State shall be determined without regard to the magnitude of the corresponding decrease for any such territory.".

(b) COMPUTATION OF BONUS BASED ON RATIOS OF OUT-OF-WEDLOCK BIRTHS TO ALL BIRTHS INSTEAD OF NUMBERS OF OUT-OF-WEDLOCK BIRTHS.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended—

(1) in the paragraph heading, by inserting "RATIO" before the period;

(2) in subparagraph (A), by striking all that follows "bonus year" and inserting a period; and

(3) in subparagraph (C)—

(A) in clause (i)—

(i) in subclause (I)(aa)—

(I) by striking "number of out-of-wedlock births that occurred in the State during" and inserting "illegitimacy ratio of the State for"; and

(II) by striking "number of such births that occurred during" and inserting "illegitimacy ratio of the State for"; and

(ii) in subclause (II)(aa)—

(I) by striking "number of out-of-wedlock births that occurred in" each place such term appears and inserting "illegitimacy ratio of"; and

(II) by striking "calculate the number of out-of-wedlock births" and inserting "calculate the illegitimacy ratio"; and

(B) by adding at the end the following:

"(iii) ILLEGITIMACY RATIO.—The term 'illegitimacy ratio' means, with respect to a State and a period—

"(I) the number of out-of-wedlock births to mothers residing in the State that occurred during the period; divided by

"(II) the number of births to mothers residing in the State that occurred during the period.".

(c) USE OF CALENDAR YEAR DATA INSTEAD OF FISCAL YEAR DATA IN CALCULATING BONUS FOR DECREASE IN ILLEGITIMACY RATIO.—Section 403(a)(2)(C) (42 U.S.C. 603(a)(2)(C)) is amended—

(1) in clause (i)—

(A) in subclause (I)(bb)—

(i) by striking "the fiscal year" and inserting "the calendar year for which the most recent data are available"; and

(ii) by striking "fiscal year 1995" and inserting "calendar year 1995";

(B) in subclause (II), by striking "fiscal" each place such term appears and inserting "calendar"; and

(2) in clause (ii), by striking "fiscal years" and inserting "calendar years".

(d) CORRECTION OF HEADING.—Section 403(a)(3)(C)(ii) (42 U.S.C. 603(a)(3)(C)(ii)) is amended in the heading by striking "1997" and inserting "1998".

(e) CLARIFICATION OF CONTINGENCY FUND PROVISION.—Section 403(b) (42 U.S.C. 603(b)) is amended—

(1) in paragraph (6), by striking "(5)" and inserting "(4)";

(2) by striking paragraph (4) and redesignating paragraphs (5) and (6) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (5) the following:

"(6) ANNUAL RECONCILIATION.—

"(A) IN GENERAL.—Notwithstanding paragraph (3), if the Secretary makes a payment to a State under this subsection in a fiscal year, then the State shall remit to the Secretary, within 1 year after the end of the first subsequent period of 3 consecutive months for which the State is not a needy State, an amount equal to the amount (if any) by which—

"(i) the total amount paid to the State under paragraph (3) of this subsection in the fiscal year; exceeds

"(ii) the product of—

"(I) the Federal medical assistance percentage for the State (as defined in section 1905(b), as such section was in effect on September 30, 1995);

"(II) the State's reimbursable expenditures for the fiscal year; and

"(III) 1/12 times the number of months during the fiscal year for which the Secretary made a payment to the State under such paragraph (3).

"(B) Definitions.—As used in subparagraph (A):

"(i) Reimbursable expenditures.—The term 'reimbursable expenditures' means, with respect to a State and a fiscal year, the amount (if any) by which—

"(I) countable State expenditures for the fiscal year; exceeds

"(II) historic State expenditures (as defined in section 409(a)(7)(B)(iii)), excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994.

"(ii) Countable state expenditures.—The term 'countable expenditures' means, with respect to a State and a fiscal year—

"(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i) (other than the expenditures described in subclause (I)(bb) of such section)) under the State program funded under this part for the fiscal year; plus

"(II) any amount paid to the State under paragraph (3) during the fiscal year that is expended by the State under the State program funded under this part.".

(f) Administration of Contingency Fund Transferred to the Secretary of HHS.—Section 403(b)(7) (42 U.S.C. 603(b)(7)) is amended to read as follows:

"(7) State defined.—As used in this subsection, the term 'State' means each of the 50 States and the District of Columbia.".

SEC. 104. USE OF GRANTS.

Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by inserting ", or (at the option of the State) August 21, 1996" before the period.

SEC. 105. MANDATORY WORK REQUIREMENTS.

(a) Family With a Disabled Parent Not Treated as a 2-Parent Family.—Section 407(b)(2) (42 U.S.C. 607(b)(2)) is amended by adding at the end the following:

"(C) Family with a disabled parent not treated as a 2-parent family.—A family that includes a disabled parent shall not be considered a 2-parent family for purposes of subsections (a) and (b) of this section.".

(b) Correction of Heading.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended in the heading by inserting "and not resulting from changes in state eligibility criteria" before the period.

(c) State Option To Include Individuals Receiving Assistance Under a Tribal Work Program in Participation Rate Calculation.—Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended—

(1) in the heading, by inserting "or tribal work program" before the period; and

(2) by inserting "or under a tribal work program to which funds are provided under this part" before the period.

(d) Sharing of 35-Hour Work Requirement Between Parents in 2-Parent Families.—Section 407(c)(1)(B) (42 U.S.C. 607(c)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking "is" and inserting "and the other parent in the family are"; and

(B) by inserting "a total of" before "at least"; and

(2) in clause (ii)—

(A) by striking "individual's spouse is" and inserting "individual and the other parent in the family are";

(B) by inserting "for a total of at least 55 hours per week" before "during the month"; and

(C) by striking "20" and inserting "50".

(e) Clarification of Effort Required in Work Activities.—Section 407(c)(1)(B) (42 U.S.C. 607(c)(1)(B)) is amended by striking "making progress" each place such term appears and inserting "participating".

(f) Additional Condition Under Which 12 Weeks of Job Search May Count as Work.—Section 407(c)(2)(A)(i) (42 U.S.C. 607(c)(2)(A)(i)) is amended by inserting "or the State is a needy State (within the meaning of section 403(b)(6))" after "United States".

(g) Caretaker Relative of Child Under Age 6 Deemed To Be Meeting Work Requirements if Engaged in Work for 20 Hours Per Week.—Section 407(c)(2)(B) (42 U.S.C. 607(c)(2)(B)) is amended—

(1) in the heading, by inserting "or relative" after "parent" each place such term appears; and

(2) by striking "in a 1-parent family who is the parent" and inserting "who is the only parent or caretaker relative in the family".

(h) Extension to Married Teens of Rule That Receipt of Sufficient Education Is Enough To Meet Work Participation Requirements.—Section 407(c)(2)(C) (42 U.S.C. 607(c)(2)(C)) is amended—

(1) in the heading, by striking "Teen head of household" and inserting "Single teen head of household or married teen"; and

(2) by striking "a single" and inserting "married or a".

(i) Clarification of Number of Hours of Participation in Education Directly Related to Employment That Are Required in Order for Single Teen Head of Household or Married Teen To Be Deemed To Be Engaged in Work.—Section 407(c)(2)(C)(ii) (42 U.S.C. 607(c)(2)(C)(ii)) is amended by striking "at least" and all that follows through "subsection" and inserting "an average of at least 20 hours per week during the month".

(j) Clarification of Refusal To Work for Purposes of Work Penalties for Individuals.—Section 407(e)(2) (42 U.S.C. 607(e)(2)) is amended by striking "work" and inserting "engage in work required in accordance with this section".

SEC. 106. PROHIBITIONS; REQUIREMENTS.

(a) Elimination of Redundant Language; Clarification of Home Residence Requirement.—Section 408(a)(1) (42 U.S.C. 608(a)(1)) is amended to read as follows:

"(1) No assistance for families without a minor child.—A State to which a grant is made under section 403 shall not use any part of the grant to provide assistance to a family, unless the family includes a minor child who resides with the family (consistent with paragraph (10)) or a pregnant individual.".

(b) Clarification of Terminology.—Section 408(a)(3) (42 U.S.C. 608(a)(3)) is amended—

(1) by striking "leaves" the 1st, 3rd, and 4th places such term appears and inserting "ceases to receive assistance under"; and

(2) by striking "the date the family leaves the program" the 2nd place such term appears and inserting "such date".

(c) Elimination of Space.—Section 408(a)(5)(A)(ii) (42 U.S.C. 608(a)(5)(A)(ii)) is amended by striking "described.— For" and inserting "described.—For".

(d) Corrections to 5-Year Limit on Assistance.—

(1) Clarification of limitation on hardship exemption.—Section 408(a)(7)(C)(ii) (42 U.S.C. 608(a)(7)(C)(ii)) is amended—

(A) by striking "The number" and inserting "The average monthly number"; and

(B) by inserting "during the fiscal year or the immediately preceding fiscal year (but not both), as the State may elect" before the period.

(2) Residence exception made more uniform and easier to administer.—Section 408(a)(7)(D) (42 U.S.C. 608(a)(7)(D)) is amended to read as follows:

"(D) Disregard of months of assistance received by adult while living in indian country or an alaskan native village with 50 percent unemployment.—

"(i) In general.—In determining the number of months for which an adult has received assistance under a State or tribal program funded under this part, the State or tribe shall disregard any month during which the adult lived in Indian country or an Alaskan Native village if the most reliable data available with respect to the month (or a period including the month) indicate that at least 50 percent of the adults living in Indian country or in the village were not employed.

"(ii) Indian country defined.—As used in clause (i), the term 'Indian country' has the meaning given such term in section 1151 of title 18, United States Code.".

(e) Reinstatement of Deeming and Other Rules Applicable to Aliens Who Entered the United States Under Affidavits of Support Formerly Used.—Section 408 (42 U.S.C. 608) is amended by striking subsection (d) and inserting the following:

"(d) Special Rules Relating to Treatment of Certain Aliens.—For special rules relating to the treatment of certain aliens, see title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

"(e) Special Rules Relating to the Treatment of Non-213A Aliens.—The following rules shall apply if a State elects to take the income or resources of any sponsor of a non-213A alien into account in determining whether the alien is eligible for assistance under the State program funded under this part, or in determining the amount or types of such assistance to be provided to the alien:

"(1) Deeming of sponsor's income and resources.—For a period of 3 years after a non-213A alien enters the United States:

"(A) Income deeming rule.—The income of any sponsor of the alien and of any spouse of the sponsor is deemed to be income of the alien, to the extent that the total amount of the income exceeds the sum of—

"(i) the lesser of—

"(I) 20 percent of the total of any amounts received by the sponsor or any such spouse in the month as wages or salary or as net earnings from self-employment, plus the full amount of any costs incurred by the sponsor and any such spouse in producing self-employment income in such month; or

"(II) $175;

"(ii) the cash needs standard established by the State for purposes of determining eligibility for assistance under the State program funded under this part for a family of the same size and composition as the sponsor and any other individuals living in the same household as the sponsor who are claimed by the sponsor as dependents for purposes of determining the sponsor's Federal personal income tax liability but whose needs are not taken into account in determining whether the sponsor's family has met the cash needs standard;

"(iii) any amounts paid by the sponsor or any such spouse to individuals not living in the household who are claimed by the sponsor as dependents for purposes of determining the sponsor's Federal personal income tax liability; and

"(iv) any payments of alimony or child support with respect to individuals not living in the household.

"(B) RESOURCE DEEMING RULE.—The resources of a sponsor of the alien and of any spouse of the sponsor are deemed to be resources of the alien to the extent that the aggregate value of the resources exceeds $1,500.

"(C) SPONSORS OF MULTIPLE NON-213A ALIENS.—If a person is a sponsor of 2 or more non-213A aliens who are living in the same home, the income and resources of the sponsor and any spouse of the sponsor that would be deemed income and resources of any such alien under subparagraph (A) shall be divided into a number of equal shares equal to the number of such aliens, and the State shall deem the income and resources of each such alien to include 1 such share.

"(2) INELIGIBILITY OF NON-213A ALIENS SPONSORED BY AGENCIES; EXCEPTION.—A non-213A alien whose sponsor is or was a public or private agency shall be ineligible for assistance under a State program funded under this part, during a period of 3 years after the alien enters the United States, unless the State agency administering the program determines that the sponsor either no longer exists or has become unable to meet the alien's needs.

"(3) INFORMATION PROVISIONS.—

"(A) DUTIES OF NON-213A ALIENS.—A non-213A alien, as a condition of eligibility for assistance under a State program funded under this part during the period of 3 years after the alien enters the United States, shall be required to provide to the State agency administering the program—

"(i) such information and documentation with respect to the alien's sponsor as may be necessary in order for the State agency to make any determination required under this subsection, and to obtain any cooperation from the sponsor necessary for any such determination; and

"(ii) such information and documentation as the State agency may request and which the alien or the alien's sponsor provided in support of the alien's immigration application.

"(B) DUTIES OF FEDERAL AGENCIES.—The Secretary shall enter into agreements with the Secretary of State and the Attorney General under which any information available to them and required in order to make any determination under this subsection will be provided by them to the Secretary (who may, in turn, make the information available, upon request, to a concerned State agency).

"(4) NON-213A ALIEN DEFINED.—An alien is a non-213A alien for purposes of this subsection if the affidavit of support or similar agreement with respect to the alien that was executed by the sponsor of the alien's entry into the United States was executed other than pursuant to section 213A of the Immigration and Nationality Act.

"(5) INAPPLICABILITY TO ALIEN MINOR SPONSORED BY A PARENT.—This subsection shall not apply to an alien who is a minor child if the sponsor of the alien or any spouse of the sponsor is a parent of the alien.

"(6) INAPPLICABILITY TO CERTAIN CATEGORIES OF ALIENS.—This subsection shall not apply to an alien who is—

"(A) admitted to the United States as a refugee under section 207 of the Immigration and Nationality Act;

"(B) paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year; or

"(C) granted political asylum by the Attorney General under section 208 of such Act.".

SEC. 107. PENALTIES.

(a) STATES GIVEN MORE TIME TO FILE QUARTERLY REPORTS.—Section 409(a)(2)(A) (42 U.S.C. 609(a)(2)(A)) is amended by striking "1 month" and inserting "45 days".

(b) TREATMENT OF SUPPORT PAYMENTS PASSED THROUGH TO FAMILIES AS QUALIFIED STATE EXPENDITURES.—Section 409(a)(7)(B)(i)(I)(aa) (42 U.S.C. 609(a)(7)(B)(i)(I)(aa)) is amended by inserting ", including any amount collected by the State as support pursuant to a plan approved under part D, on behalf of a family receiving assistance under the State program funded under this part, that is distributed to the family under section 457(a)(1)(B) and disregarded in determining the eligibility of the family for, and the amount of, such assistance" before the period.

(c) DISREGARD OF EXPENDITURES MADE TO REPLACE PENALTY GRANT REDUCTIONS.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by redesignating subclause (III) as subclause (IV) and by inserting after subclause (II) the following:

"(III) EXCLUSION OF AMOUNTS EXPENDED TO REPLACE PENALTY GRANT REDUCTIONS.—Such term does not include any amount expended in order to comply with paragraph (12).".

(d) TREATMENT OF FAMILIES OF CERTAIN ALIENS AS ELIGIBLE FAMILIES.—Section 409(a)(7)(B)(i)(IV) (42 U.S.C. 609(a)(7)(B)(i)(IV)), as so redesignated by subsection (c) of this section, is amended—

(1) by striking "and families" and inserting "families"; and

(2) by striking "Act or section 402" and inserting "Act, and families of aliens lawfully present in the United States that would be eligible for such assistance but for the application of title IV".

(e) ELIMINATION OF MEANINGLESS LANGUAGE.—Section 409(a)(7)(B)(ii) (42 U.S.C. 609(a)(7)(B)(ii)) is amended by striking "reduced (if appropriate) in accordance with subparagraph (C)(ii)".

(f) CLARIFICATION OF SOURCE OF DATA TO BE USED IN DETERMINING HISTORIC STATE EXPENDITURES.—Section 409(a)(7)(B) (42 U.S.C. 609(a)(7)(B)) is amended by adding at the end the following:

"(v) SOURCE OF DATA.—In determining expenditures by a State for fiscal years 1994 and 1995, the Secretary shall use information which was reported by the State on ACF Form 231 or (in the case of expenditures under part F) ACF Form 331, available as of the dates specified in clauses (ii) and (iii) of section 403(a)(1)(D).".

(g) CLARIFICATION OF EXPENDITURES TO BE EXCLUDED IN DETERMINING HISTORIC STATE EXPENDITURES.—Section 409(a)(7)(B)(iv) (42 U.S.C. 609(a)(7)(B)(iv)) is amended—

(1) in subclause (IV), by striking "under Federal programs";

(2) by striking subclause (III) and redesignating subclause (IV) as subclause (III); and

(3) in the 2nd sentence—

(A) by striking "(IV)" and inserting "(III)";

(B) by striking "an amount equal to"; and

(C) by striking "that equal" and inserting "that equals".

(h) CONFORMING TITLE IV–A PENALTIES TO TITLE IV–D PERFORMANCE-BASED STANDARDS.—Section 409(a)(8) (42 U.S.C. 609(a)(8)) is amended to read as follows:

"(8) NONCOMPLIANCE OF STATE CHILD SUPPORT ENFORCEMENT PROGRAM WITH REQUIREMENTS OF PART D.—

"(A) IN GENERAL.—If the Secretary finds, with respect to a State's program under part D, in a fiscal year beginning on or after October 1, 1997—

"(i)(I) on the basis of data submitted by a State pursuant to section 454(15)(B), or on the basis of the results of a review conducted under section 452(a)(4), that the State program failed to achieve the paternity establishment percentages (as defined in section 452(g)(2)), or to meet other performance measures that may be established by the Secretary;

"(II) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C)(i) that the State data submitted pursuant to section 454(15)(B) is incomplete or unreliable; or

"(III) on the basis of the results of an audit or audits conducted under section 452(a)(4)(C) that a State failed to substantially comply with 1 or more of the requirements of part D; and

"(ii) that, with respect to the succeeding fiscal year—

"(I) the State failed to take sufficient corrective action to achieve the appropriate performance levels or compliance as described in subparagraph (A)(i); or

"(II) the data submitted by the State pursuant to section 454(15)(B) is incomplete or unreliable;

the amounts otherwise payable to the State under this part for quarters following the end of such succeeding fiscal year, prior to quarters following the end of the first quarter throughout which the State program has achieved the paternity establishment percentages or other performance measures as described in subparagraph (A)(i)(I), or is in substantial compliance with 1 or more of the requirements of part D as described in subparagraph (A)(i)(III), as appropriate, shall be reduced by the percentage specified in subparagraph (B).

"(B) AMOUNT OF REDUCTIONS.—The reductions required under subparagraph (A) shall be—

"(i) not less than 1 nor more than 2 percent;

"(ii) not less than 2 nor more than 3 percent, if the finding is the 2nd consecutive finding made pursuant to subparagraph (A); or

"(iii) not less than 3 nor more than 5 percent, if the finding is the 3rd or a subsequent consecutive such finding.

"(C) DISREGARD OF NONCOMPLIANCE WHICH IS OF A TECHNICAL NATURE.—For purposes of this section and section 452(a)(4), a State determined as a result of an audit—

"(i) to have failed to have substantially complied with 1 or more of the requirements of part D shall be determined to have achieved substantial compliance only if the Secretary determines that the extent of the noncompliance is of a technical nature which does not adversely affect the performance of the State's program under part D; or

"(ii) to have submitted incomplete or unreliable data pursuant to section 454(15)(B) shall be determined to have submitted adequate data only if the Secretary determines that the extent of the incompleteness or unreliability of the data is of a technical nature which does not adversely affect the determination of the level of the State's paternity establishment percentages (as defined under section 452(g)(2)) or other performance measures that may be established by the Secretary.".

(i) Correction of Reference to 5-Year Limit on Assistance.—Section 409(a)(9) (42 U.S.C. 609(a)(9)) is amended by striking "408(a)(1)(B)" and inserting "408(a)(7)".

(j) Correction of Errors in Penalty for Failure To Meet Maintenance of Effort Requirement Applicable to the Contingency Fund.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking "the expenditures under the State program funded under this part for the fiscal year (excluding any amounts made available by the Federal Government)" and inserting "the qualified State expenditures (as defined in paragraph (7)(B)(i) (other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part for the fiscal year";

(2) by inserting "excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994," after "(as defined in paragraph (7)(B)(iii) of this subsection),"; and

(3) by inserting "that the State has not remitted under section 403(b)(6)" before the period.

(k) Penalty for State Failure to Expend Additional State funds to Replace Grant Reductions.—Section 409(a)(12) (42 U.S.C. 609(a)(12)) is amended—

(1) in the heading—

(A) by striking "Failure" and inserting "Requirement"; and

(B) by striking "REDUCTIONS" and inserting "REDUCTIONS; PENALTY FOR FAILURE TO DO SO"; and

(2) by inserting ", and if the State fails to do so, the Secretary may reduce the grant payable to the State under section 403(a)(1) for the fiscal year that follows such succeeding fiscal year by an amount equal to not more than 2 percent of the State family assistance grant" before the period.

(l) Elimination of Certain Reasonable Cause Exceptions.—Section 409(b)(2) (42 U.S.C. 609(b)(2)) is amended by striking "(7) or (8)" and inserting "(6), (7), (8), (10), or (12)".

(m) Clarification of What It Means To Correct a Violation.—Section 409(c) (42 U.S.C. 609(c)) is amended—

(1) in each of subparagraphs (A) and (B) of paragraph (1), by inserting "or discontinue, as appropriate," after "correct";

(2) in paragraph (2)—

(A) in the heading, by inserting "OR DISCONTINUING" after "CORRECTING"; and

(B) by inserting "or discontinues, as appropriate" after "corrects"; and

(3) in paragraph (3)—

(A) in the heading, by inserting "OR DISCONTINUE" after "CORRECT"; and

(B) by inserting "or discontinue, as appropriate," before "the violation".

(n) Certain Penalties Not Avoidable Through Corrective Compliance Plans.—Section 409(c)(4) (42 U.S.C. 609(c)(4)) is amended to read as follows:

"(4) Inapplicability to certain penalties.—This subsection shall not apply to the imposition of a penalty against a State under paragraph (6), (7), (8), (10), or (12) of subsection (a).".

SEC. 108. DATA COLLECTION AND REPORTING.

Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by striking clause (ii) and inserting the following:

"(ii) Whether a child receiving such assistance or an adult in the family is receiving—

"(I) disability insurance benefits under section 223;

"(II) benefits based on disability under section 202;

"(III) aid under a State plan approved under title XIV (as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972));

"(IV) aid or assistance under a State plan approved under title XVI (as in effect without regard to such amendment) by reason of being permanently and totally disabled; or

"(V) supplemental security income benefits under title XVI (as in effect pursuant to such amendment) by reason of disability.";

(ii) in clause (iv), by striking "youngest child in" and inserting "head of";

(iii) in each of clauses (vii) and (viii), by striking "status" and inserting "level"; and

(iv) by adding at the end the following:

"(xvii) With respect to each individual in the family who has not attained 20 years of age, whether the individual is a parent of a child in the family."; and

(B) in subparagraph (B)—

(i) in the heading, by striking "ESTIMATES" and inserting "SAMPLES"; and

(ii) in clause (i), by striking "an estimate which is obtained" and inserting "disaggregated case record information on a sample of families selected"; and

(2) by redesignating paragraph (6) as paragraph (7) and inserting after paragraph (5) the following:

"(6) Report on families receiving assistance.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and individuals receiving assistance under the State program funded under this part (including the number of 2-parent and 1-parent families), and the total dollar value of such assistance received by all families.".

SEC. 109. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) Prorating of Tribal Family Assistance Grants.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by inserting "which shall be reduced for a fiscal year, on a pro rata basis for each quarter, in the case of a tribal family assistance plan approved during a fiscal year for which the plan is to be in effect," before "and shall".

(b) Tribal Option To Operate Work Activities Program.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking "The Secretary" and all that follows through "2002" and inserting "For each of fiscal years 1997, 1998, 1999, 2000, 2001, and 2002, the Secretary shall pay to each eligible Indian tribe that proposes to operate a program described in subparagraph (C)".

(c) Discretion of Tribes To Select Population To Be Served by Tribal Work Activities Program.—Section 412(a)(2)(C) (42 U.S.C. 612(a)(2)(C)) is amended by striking "members of the Indian tribe" and inserting "such population and such service area or areas as the tribe specifies".

(d) Reduction of Appropriation for Tribal Work Activities Programs.—Section 412(a)(2)(D) (42 U.S.C. 612(a)(2)(D)) is amended by striking "$7,638,474" and inserting "$7,633,287".

(e) Availability of Corrective Compliance Plans to Indian Tribes.—Section 412(f)(1) (42 U.S.C. 612(f)(1)) is amended by striking "and (b)" and inserting "(b), and (c)".

(f) Eligibility of Tribes for Federal Loans for Welfare Programs.—Section 412 (42 U.S.C. 612) is amended by redesignating subsections (f), (g), and (h) as subsections (g), (h), and (i), respectively, and by inserting after subsection (e) the following:

"(f) Eligibility for Federal Loans.—Section 406 shall apply to an Indian tribe with an approved tribal assistance plan in the same manner as such section applies to a State, except that section 406(c) shall be applied by substituting 'section 412(a)' for 'section 403(a)'.".

SEC. 110. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) Research.—

(1) Methods.—Section 413(a) (42 U.S.C. 613(a)) is amended by inserting ", directly or through grants, contracts, or interagency agreements," before "shall conduct".

(2) Correction of cross reference.—Section 413(a) (42 U.S.C. 613(a)) is amended by striking "409" and inserting "407".

(b) Correction of Erroneously Indented Paragraph.—Section 413(e)(1) (42 U.S.C. 613(e)(1)) is amended to read as follows:

"(1) In general.—The Secretary shall annually rank States to which grants are made under section 403 based on the following ranking factors:

"(A) Absolute out-of-wedlock ratios.—The ratio represented by—

"(i) the total number of out-of-wedlock births in families receiving assistance under the State program under this part in the State for the most recent year for which information is available; over

"(ii) the total number of births in families receiving assistance under the State program under this part in the State for the year.

"(B) Net changes in the out-of-wedlock ratio.—The difference between the ratio described in subparagraph (A) with respect to a State for the most recent year for which such information is available and the ratio with respect to the State for the immediately preceding year.".

(c) Funding of Prior Authorized Demonstrations.—Section 413(h)(1)(D) (42 U.S.C. 613(h)(1)(D)) is amended by striking "September 30, 1995" and inserting "August 22, 1996".

(d) Child Poverty Reports.—

(1) Delayed due date for initial report.—Section 413(i)(1) (42 U.S.C. 613(i)(1)) is amended by striking "90 days after the date of the enactment of this part" and inserting "November 30, 1997".

(2) Modification of factors to be used in establishing methodology for use in determining child poverty rates.—Section 413(i)(5) (42 U.S.C. 613(i)(5)) is amended by striking "the county-by-county" and inserting ", to the extent available, county-by-county".

SEC. 111. REPORT ON DATA PROCESSING.

Section 106(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2164) is amended by striking "(whether in effect before or after October 1, 1995)".

SEC. 112. STUDY ON ALTERNATIVE OUTCOMES MEASURES.

Section 107(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2164) is amended by striking "409(a)(7)(C)" and inserting "408(a)(7)(C)".

SEC. 113. LIMITATION ON PAYMENTS TO THE TERRITORIES.

(a) Certain Payments To Be Disregarded in Determining Limitation.—Section 1108(a) (42 U.S.C. 1308) is amended to read as follows:

"(a) Limitation on Total Payments to Each Territory.—

"(1) In general.—Notwithstanding any other provision of this Act (except for paragraph (2) of this subsection), the total amount certified by the Secretary of Health and Human Services under titles I, X, XIV, and XVI, under parts A and E of title IV, and under subsection (b) of this section, for payment to any territory for a fiscal year shall not exceed the ceiling amount for the territory for the fiscal year.

"(2) Certain payments disregarded.—Paragraph (1) of this subsection shall be applied without regard to any payment made under section 403(a)(2), 403(a)(4), 406, or 413(f).".

(b) Certain Child Care and Social Services Expenditures by Territories Treated as IV–A Expenditures for Purposes of Matching Grant.—Section 1108(b)(1)(A) (42 U.S.C. 1308(b)(1)(A)) is amended by inserting ", including any amount paid to the State under part A of title IV that is transferred in accordance with section 404(d) and expended under the program to which transferred" before the semicolon.

(c) Elimination of Duplicative Maintenance of Effort Requirement.—Section 1108 (42 U.S.C. 1308) is amended by striking subsection (e).

SEC. 114. CONFORMING AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) Amendments to Part D of Title IV.—

(1) Corrections to determination of paternity establishment percentages.—Section 452 (42 U.S.C. 652) is amended—

(A) in subsection (d)(3)(A), by striking all that follows "for purposes of" and inserting "section 409(a)(8), to achieve the paternity establishment percentages (as defined under section 452(g)(2)) and other performance measures that may be established by the Secretary, and to submit data under section 454(15)(B) that is complete and reliable, and to substantially comply with the requirements of this part; and"; and

(B) in subsection (g)(1), by striking "section 403(h)" and inserting "section 409(a)(8)".

(2) Elimination of obsolete language.—Section 108(c)(8)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2165) is amended by inserting "and all that follows through 'the best interests of such child to do so'" before "and inserting".

(3) Insertion of language inadvertently omitted.—Section 108(c)(13) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2166) is amended by inserting "and inserting 'pursuant to section 408(a)(3)'" before the period.

(4) Elimination of obsolete cross reference.—Section 464(a)(1) (42 U.S.C. 664(a)(1)) is amended by striking "section 402(a)(26)" and inserting "section 408(a)(3)".

(b) Amendments to Part E of Title IV.—Each of the following is amended by striking "June 1, 1995" each place such term appears and inserting "July 16, 1996":

(1) Section 472(a) (42 U.S.C. 672(a)).

(2) Section 472(h) (42 U.S.C. 672(h)).

(3) Section 473(a)(2) (42 U.S.C. 673(a)(2)).

(4) Section 473(b) (42 U.S.C. 673(b)).

SEC. 115. OTHER CONFORMING AMENDMENTS.

(a) Elimination of Amendments Included Inadvertently.—Section 110(l) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2173) is amended—

(1) by adding "and" at the end of paragraph (6); and

(2) by striking paragraph (7) and redesignating paragraph (8) as paragraph (7).

(b) Correction of Citation.—Section 109(f) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2177) is amended by striking "93–186" and inserting "93–86".

(c) Correction of Internal Cross Reference.—Section 103(a)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112) is amended by striking "603(b)(2)" and inserting "603(b)".

SEC. 116. MODIFICATIONS TO THE JOB OPPORTUNITIES FOR CERTAIN LOW-INCOME INDIVIDUALS PROGRAM.

Section 112(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2177) is amended in each of subparagraphs (A) and (B) by inserting "under" after "funded".

SEC. 117. DENIAL OF ASSISTANCE AND BENEFITS FOR DRUG-RELATED CONVICTIONS.

(a) Extension of Certain Requirements Coordinated With Delayed Effective Date for Successor Provisions.—Section 115(d)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2181) is amended by striking "convictions" and inserting "a conviction if the conviction is for conduct".

(b) Immediate Effectiveness of Provisions Relating to Research, Evaluations, and National Studies.—Section 116(a) of such Act (Public Law 104–193; 110 Stat. 2181) is amended by adding at the end the following:

"(6) Research, evaluations, and national studies.—Section 413 of the Social Security Act, as added by the amendment made by section 103(a) of this Act, shall take effect on the date of the enactment of this Act.".

SEC. 118. TRANSITION RULE.

Section 116 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2181) is amended—

(1) in subsection (a)(2), by inserting "(but subject to subsection (b)(1)(A)(ii))" after "this section"; and

(2) in subsection (b)(1)(A)(ii), by striking "June 30, 1997" and inserting "the later of June 30, 1997, or the day before the date described in subsection (a)(2)(B) of this section".

SEC. 119. EFFECTIVE DATES.

(a) Amendments to Part A of Title IV of the Social Security Act.—The amendments made by this title to a provision of part A of title IV of the Social Security Act shall take effect as if the amendments had been included in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section became law.

(b) Amendments to Parts D and E of Title IV of the Social Security Act.—The amendments made by section 114 of this Act shall take effect as if the amendments had been included in section 108 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section 108 became law.

(c) Amendments to Other Amendatory Provisions.—The amendments made by section 115(a) of this Act shall take effect as if the amendments had been included in section 110 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 at the time such section 110 became law.

(d) Amendments to Freestanding Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.—The amendments made by this title to a provision of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 that, as of July 1, 1997, will not have become part of another statute shall take effect as if the amendments had been included in the provision at the time the provision became law.

TITLE II—SUPPLEMENTAL SECURITY INCOME

Subtitle A—Conforming and Technical Amendments

SEC. 201. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO ELIGIBILITY RESTRICTIONS

(a) Denial of SSI Benefits for Fugitive Felons and Probation and Parole Violators.—Section 1611(e)(6) of the Social Security Act (42 U.S.C. 1382(e)(6)) is amended by inserting "and section 1106(c) of this Act" after "of 1986".

(b) Treatment of Prisoners.—Section 1611(e)(1)(I)(i)(II) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(II)) is amended by striking "inmate of the institution" and all that follows through "this subparagraph" and inserting "individual who receives in the month preceding the first month throughout which such individual is an inmate of the jail, prison, penal institution, or correctional facility that furnishes information respecting such individual pursuant to subclause (I), or is confined in the institution (that so furnishes such information) as described in section 202(x)(1)(A)(ii), a benefit under this title for such preceding month, and who is determined by the Commissioner to be ineligible for benefits under this title by reason of confinement based on the information provided by such institution".

(c) Correction of Reference.—Section 1611(e)(1)(I)(i)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(i)(I)) is amended by striking "paragraph (1)" and inserting "this paragraph".

SEC. 202. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO BENEFITS FOR DISABLED CHILDREN.

(a) Eligibility Redeterminations for Current Recipients.—Section 211(d)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 1382c note) is amended by striking "1 year" and inserting "18 months".

(b) Eligibility Redeterminations and Continuing Disability Reviews.—

(1) Disability eligibility redeterminations required for SSI recipients who attain 18 years of age.—Section 1614(a)(3)(H)(iii) of the Social Security Act (42 U.S.C. 1382c(a)(3)(H)(iii)) is amended by striking subclauses (I) and (II) and all that follows and inserting the following:

"(I) by applying the criteria used in determining initial eligibility for individuals who are age 18 or older; and

"(II) either during the 1-year period beginning on the individual's 18th birthday or, in lieu of a continuing disability review, whenever the Commissioner determines that an individual's case is subject to a redetermination under this clause.

With respect to any redetermination under this clause, paragraph (4) shall not apply.".

(2) Continuing disability review required for low birth weight babies.—Section 1614(a)(3)(H)(iv) of the Social Security Act (42 U.S.C. 1382c(a)(3)(H)(iv)) is amended—

(A) in subclause (I), by striking "Not" and inserting "Except as provided in subclause (VI), not"; and

(B) by adding at the end the following:

"(VI) Subclause (I) shall not apply in the case of an individual described in that subclause who, at the time of the individual's initial disability determination, the Commissioner determines has an impairment that is not expected to improve within 12 months after the birth of that individual, and who the Commissioner schedules for a continuing disability review at a date that is after the individual attains 1 year of age.".

(c) ADDITIONAL ACCOUNTABILITY REQUIREMENTS.—Section 1631(a)(2)(F) of the Social Security Act (42 U.S.C. 1383(a)(2)(F)) is amended—

(1) in clause (ii)(III)(bb), by striking "the total amount" and all that follows through "1613(c)" and inserting "in any case in which the individual knowingly misapplies benefits from such an account, the Commissioner shall reduce future benefits payable to such individual (or to such individual and his spouse) by an amount equal to the total amount of such benefits so misapplied"; and

(2) by striking clause (iii) and inserting the following:

"(iii) The representative payee may deposit into the account established under clause (i) any other funds representing past due benefits under this title to the eligible individual, provided that the amount of such past due benefits is equal to or exceeds the maximum monthly benefit payable under this title to an eligible individual (including State supplementary payments made by the Commissioner pursuant to an agreement under section 1616 or section 212(b) of Public Law 93-66).".

(d) REDUCTION IN CASH BENEFITS PAYABLE TO INSTITUTIONALIZED INDIVIDUALS WHOSE MEDICAL COSTS ARE COVERED BY PRIVATE INSURANCE.—Section 1611(e) of the Social Security Act (42 U.S.C. 1382(e)) is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by striking "hospital, extended care facility, nursing home, or intermediate care facility" and inserting "medical treatment facility";

(B) in clause (ii)—

(i) in the matter preceding subclause (I), by striking "hospital, home or"; and

(ii) in subclause (I), by striking "hospital, home, or";

(C) in clause (iii), by striking "hospital, home, or"; and

(D) in the matter following clause (iii), by striking "hospital, extended care facility, nursing home, or intermediate care facility which is a 'medical institution or nursing facility' within the meaning of section 1917(c)" and inserting "medical treatment facility that provides services described in section 1917(c)(1)(C)";

(2) in paragraph (1)(E)—

(A) in clause (i)(II), by striking "hospital, extended care facility, nursing home, or intermediate care facility" and inserting "medical treatment facility"; and

(B) in clause (iii), by striking "hospital, extended care facility, nursing home, or intermediate care facility" and inserting "medical treatment facility";

(3) in paragraph (1)(G), in the matter preceding clause (i)—

(A) by striking "or which is a hospital, extended care facility, nursing home, or intermediate care" and inserting "or is in a medical treatment"; and

(B) by inserting "or, in the case of an individual who is a child under the age of 18, under any health insurance policy issued by a private provider of such insurance" after "title XIX"; and

(4) in paragraph (3)—

(A) by striking "same hospital, home, or facility" and inserting "same medical treatment facility"; and

(B) by striking "same such hospital, home, or facility" and inserting "same such facility".

(e) CORRECTION OF U.S.C. CITATION.—Section 211(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2189) is amended by striking "1382(a)(4)" and inserting "1382c(a)(4)".

SEC. 203. ADDITIONAL TECHNICAL AMENDMENTS TO TITLE II.

Title II of the Social Security Act (42 U.S.C. 401 et seq.) is amended—

(1) in section 205(j)(4)(B)(i), by adding "and" at the end; and

(2) in section 215(i)(2)(D), by striking "He" and inserting "The Commissioner of Social Security".

SEC. 204. ADDITIONAL TECHNICAL AMENDMENTS TO TITLE XVI.

Section 1615(d) of the Social Security Act (42 U.S.C. 1382d(d)) is amended—

(1) in the first sentence, by inserting a comma after "subsection (a)(1)"; and

(2) in the last sentence, by striking "him" and inserting "the Commissioner".

SEC. 205. ADDITIONAL TECHNICAL AMENDMENTS RELATING TO TITLES II AND XVI.

Section 1110(a)(3) of the Social Security Act (42 U.S.C. 1310(a)(3)) is amended—

(1) by inserting "(or the Commissioner, with respect to any jointly financed cooperative agreement or grant concerning titles II or XVI)" after "Secretary" the first place it appears; and

(2) by inserting "(or the Commissioner, as applicable)" after "Secretary" the second place it appears.

SEC. 206. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this subtitle shall take effect as if included in the enactment of title II of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193; 110 Stat. 2185).

(b) EXCEPTION.—The amendments made by section 205 shall take effect as if included in the enactment of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103-296; 108 Stat. 1464).

Subtitle B—Additional Amendments

SEC. 211. TECHNICAL AMENDMENTS RELATING TO DRUG ADDICTS AND ALCOHOLICS.

(a) CLARIFICATIONS RELATING TO THE EFFECTIVE DATE OF THE DENIAL OF DISABILITY BENEFITS TO DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO DISABILITY BENEFITS UNDER TITLE II.—Section 105(a)(5) of the Contract with America Advancement Act of 1996 (Public Law 104-121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by adding at the end the following new subparagraphs:

"(D) For purposes of this paragraph, an individual's claim, with respect to benefits under title II of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner of Social Security does not perform the entitlement redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such entitlement redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's entitlement is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 223(f) of the Social Security Act shall not apply to such redetermination.".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME DISABILITY BENEFITS UNDER TITLE XVI.—Section 105(b)(5) of such Act (Public Law 104-121; 110 Stat. 853) is amended—

(A) in subparagraph (A), by striking "by the Commissioner of Social Security" and "by the Commissioner"; and

(B) by redesignating subparagraph (D) as subparagraph (F) and by inserting after subparagraph (C) the following new subparagraphs:

"(D) For purposes of this paragraph, an individual's claim, with respect to supplemental security income benefits under title XVI of the Social Security Act based on disability, which has been denied in whole before the date of the enactment of this Act, may not be considered to be finally adjudicated before such date if, on or after such date—

"(i) there is pending a request for either administrative or judicial review with respect to such claim, or

"(ii) there is pending, with respect to such claim, a readjudication by the Commissioner of Social Security pursuant to relief in a class action or implementation by the Commissioner of a court remand order.

"(E) Notwithstanding the provisions of this paragraph, with respect to any individual for whom the Commissioner does not perform the eligibility redetermination before the date prescribed in subparagraph (C), the Commissioner shall perform such eligibility redetermination in lieu of a continuing disability review whenever the Commissioner determines that the individual's eligibility is subject to redetermination based on the preceding provisions of this paragraph, and the provisions of section 1614(a)(4) of the Social Security Act shall not apply to such redetermination.".

(b) CORRECTIONS TO EFFECTIVE DATE OF PROVISIONS CONCERNING REPRESENTATIVE PAYEES AND TREATMENT REFERRALS OF DRUG ADDICTS AND ALCOHOLICS.—

(1) AMENDMENTS RELATING TO TITLE II DISABILITY BENEFICIARIES.—Section 105(a)(5)(B) of such Act (Public Law 104-121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose entitlement to benefits is based upon an entitlement redetermination made pursuant to subparagraph (C).".

(2) AMENDMENTS RELATING TO SUPPLEMENTAL SECURITY INCOME RECIPIENTS.—Section 105(b)(5)(B) of such Act (Public Law 104-121; 110 Stat. 853) is amended to read as follows:

"(B) The amendments made by paragraphs (2) and (3) shall take effect on July 1, 1996, with respect to any individual—

"(i) whose claim for benefits is finally adjudicated on or after the date of the enactment of this Act, or

"(ii) whose eligibility for benefits is based upon an eligibility redetermination made pursuant to subparagraph (C).".

(c) REPEAL OF OBSOLETE REPORTING REQUIREMENTS.—Subsections (a)(3)(B) and (b)(3)(B)(ii) of section 201 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497, 1504) are repealed.

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsections (a) and (b) shall take effect as if included in the enactment of section 105 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 852 et seq.).

(2) REPEALS.—The repeals made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 212. EXTENSION OF DISABILITY INSURANCE PROGRAM DEMONSTRATION PROJECT AUTHORITY.

(a) IN GENERAL.—Section 505 of the Social Security Disability Amendments of 1980 (Public Law 96–265; 94 Stat. 473), as amended by section 12101 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Public Law 99–272; 100 Stat. 282), section 10103 of the Omnibus Budget Reconciliation Act of 1989 (Public Law 101–239; 103 Stat. 2472), section 5120(f) of the Omnibus Budget Reconciliation Act of 1990 (Public Law 101–508; 104 Stat. 1388–282), and section 315 of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1531), is further amended—

(1) in paragraph (1) of subsection (a), by adding at the end the following new sentence: "The Commissioner may expand the scope of any such experiment or demonstration project to include any group of applicants for benefits under such program with impairments which may reasonably be presumed to be disabling for purposes of such experiment or demonstration project, and may limit any such experiment or demonstration project to any such group of applicants, subject to the terms of such experiment or demonstration project which shall define the extent of any such presumption.";

(2) in paragraph (3) of subsection (a), by striking "June 10, 1996" and inserting "June 10, 1999";

(3) in paragraph (4) of subsection (a), by inserting "and on or before October 1, 1998," after "1995,"; and

(4) in subsection (c), by striking "October 1, 1996" and inserting "October 1, 1999".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 213. PERFECTING AMENDMENTS RELATED TO WITHHOLDING FROM SOCIAL SECURITY BENEFITS.

(a) INAPPLICABILITY OF ASSIGNMENT PROHIBITION.—Section 207 of the Social Security Act (42 U.S.C. 407) is amended by adding at the end the following new subsection:

"(c) Nothing in this section shall be construed to prohibit withholding taxes from any benefit under this title, if such withholding is done pursuant to a request made in accordance with section 3402(p)(1) of the Internal Revenue Code of 1986 by the person entitled to such benefit or such persons' representative payee.".

(b) PROPER ALLOCATION OF COSTS OF WITHHOLDING BETWEEN THE TRUST FUNDS AND THE GENERAL FUND.—Section 201(g) of such Act (42 U.S.C. 401(g)) is amended—

(1) by inserting before the period in paragraph (1)(A)(ii) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(2) by inserting before the period at the end of paragraph (1)(A) the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(3) in paragraph (1)(B)(i)(I), by striking "subparagraph (A))," and inserting "subparagraph (A)) and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee,";

(4) in paragraph (1)(C)(iii), by inserting before the period the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee";

(5) in paragraph (1)(D), by inserting after "section 232" the following: "and the functions of the Social Security Administration in connection with the withholding of taxes from benefits as described in section 207(c)"; and

(6) in paragraph (4), by inserting after the first sentence the following: "The Board of Trustees of such Trust Funds shall prescribe before January 1, 1998, the method of determining the costs which should be borne by the general fund in the Treasury of carrying out the functions of the Social Security Administration in connection with the withholding of taxes from benefits, as described in section 207(c), pursuant to requests by persons entitled to such benefits or such persons' representative payee.".

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall apply to benefits paid on or after the first day of the second month beginning after the month in which this Act is enacted.

SEC. 214. TREATMENT OF PRISONERS.

(a) IMPLEMENTATION OF PROHIBITION AGAINST PAYMENT OF TITLE II BENEFITS TO PRISONERS.—

(1) IN GENERAL.—Section 202(x)(3) of the Social Security Act (42 U.S.C. 402(x)(3)) is amended—

(A) by inserting "(A)" after "(3)"; and

(B) by adding at the end the following new subparagraph:

"(B)(i) The Commissioner shall enter into an agreement, with any interested State or local institution comprising a jail, prison, penal institution, correctional facility, or other institution a purpose of which is to confine individuals as described in paragraph (1)(A), under which—

"(I) the institution shall provide to the Commissioner, on a monthly basis and in a manner specified by the Commissioner, the names, social security account numbers, dates of birth, confinement commencement dates, and, to the extent available to the institution, such other identifying information concerning the individuals confined in the institution as the Commissioner may require for the purpose of carrying out paragraph (1); and

"(II) the Commissioner shall pay to the institution, with respect to information described in subclause (I) concerning each individual who is confined therein as described in paragraph (1)(A), who receives a benefit under this title for the month preceding the first month of such confinement, and whose benefit under this title is determined by the Commissioner to be not payable by reason of confinement based on the information provided by the institution, $400 (subject to reduction under clause (ii)) if the institution furnishes the information to the Commissioner within 30 days after the date such individual's confinement in such institution begins, or $200 (subject to reduction under clause (ii)) if the institution furnishes the information after 30 days after such date but within 90 days after such date.

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 1611(e)(1)(I).

"(iii) There is authorized to be transferred from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund, as appropriate, such sums as may be necessary to enable the Commissioner to make payments to institutions required by clause (i)(II).

"(iv) The Commissioner is authorized to provide, on a reimbursable basis, information obtained pursuant to agreements entered into under clause (i) to any agency administering a Federal or federally-assisted cash, food, or medical assistance program for eligibility purposes.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(b) ELIMINATION OF TITLE II REQUIREMENT THAT CONFINEMENT STEM FROM CRIME PUNISHABLE BY IMPRISONMENT FOR MORE THAN 1 YEAR.—

(1) IN GENERAL.—Section 202(x)(1)(A) of such Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in the matter preceding clause (i), by striking "during" and inserting "throughout";

(B) in clause (i), by striking "an offense punishable by imprisonment for more than 1 year (regardless of the actual sentence imposed)" and inserting "a criminal offense"; and

(C) in clause (ii)(I), by striking "an offense punishable by imprisonment for more than 1 year" and inserting "a criminal offense".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to individuals whose period of confinement in an institution commences on or after the first day of the fourth month beginning after the month in which this Act is enacted.

(c) INCLUSION OF TITLE II ISSUES IN STUDY AND REPORT REQUIREMENTS RELATING TO PRISONERS.—

(1) IN GENERAL.—Section 203(b)(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) is amended—

(A) in subparagraph (A), by striking "section 1611(e)(1)" and inserting "sections 202(x) and 1611(e)(1)"; and

(B) in subparagraph (B), by striking "section 1611(e)(1)(I)" and inserting "section 202(x)(3)(B) or 1611(e)(1)(I)".

(2) CONFORMING AMENDMENT.—Section 203(c) of such Act is amended by striking "section 1611(e)(1)(I)" and all that follows and inserting the following: "sections 202(x)(3)(B) and 1611(e)(1)(I) of the Social Security Act.".

(3) APPLICATION.—The amendments made by paragraph (1) shall apply as if included in the enactment of section 203(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193). The amendment made by paragraph (2)

shall apply as if included in the enactment of section 203(c) of such Act.

(d) CONFORMING TITLE XVI AMENDMENTS.—

(1) FIFTY PERCENT REDUCTION IN TITLE XVI PAYMENT IN CASE INVOLVING COMPARABLE TITLE II PAYMENT.—Section 1611(e)(1)(I) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)), as amended by section 201(b) of this Act, is amended further—

(A) in clause (i)(II), by inserting "(subject to reduction under clause (ii))" after "$400" and after "$200";

(B) by redesignating clauses (ii) and (iii) as clauses (iii) and (iv) respectively; and

(C) by inserting after clause (i) the following new clause:

"(ii) The dollar amounts specified in clause (i)(II) shall be reduced by 50 percent if the Commissioner is also required to make a payment to the institution with respect to the same individual under an agreement entered into under section 202(x)(3)(B).".

(2) EXPANSION OF CATEGORIES OF INSTITUTIONS ELIGIBLE TO ENTER INTO AGREEMENTS WITH THE COMMISSIONER.—Section 1611(e)(1)(I)(i) of such Act (42 U.S.C. 1382(e)(1)(I)(i)) is amended in the matter preceding subclause (I) by striking "institution" and all that follows through "section 202(x)(1)(A)," and inserting "institution comprising a jail, prison, penal institution, or correctional facility, or with any other interested State or local institution a purpose of which is to confine individuals as described in section 202(x)(1)(A)(ii),".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect as if included in the enactment of section 203(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2186). The reference to section 202(x)(1)(A)(ii) of the Social Security Act in section 1611(e)(1)(I)(i) of such Act as amended by paragraph (2) shall be deemed a reference to such section 202(x)(1)(A)(ii) as amended by subsection (b)(1)(C).

(e) EXEMPTION FROM COMPUTER MATCHING REQUIREMENTS.—

(1) IN GENERAL.—Section 552a(a)(8)(B) of title 5, United States Code, is amended—

(A) by striking "or" at the end of clause (v) and inserting a semicolon;

(B) by inserting "or" at the end of clause (vi); and

(C) by inserting after clause (vi) the following new clause:

"(vii) matches performed pursuant to section 202(x), 205(j), 1611(e)(1), or 1631(a)(2) of the Social Security Act;".

(2) CONFORMING AMENDMENT.—Section 1611(e)(1)(I)(iii) of the Social Security Act (42 U.S.C. 1382(e)(1)(I)(iii)), as so redesignated by subsection (d)(1)(B) of this section, is amended—

(A) by striking "(I) The provisions" and all that follows through "(II) The Commissioner" and inserting "The Commissioner"; and

(B) by inserting "agency administering a" before "Federal or federally–assisted".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of the enactment of this Act.

(f) CONTINUED DENIAL OF BENEFITS TO SEX OFFENDERS REMAINING CONFINED TO PUBLIC INSTITUTIONS UPON COMPLETION OF PRISON TERM.—

(1) IN GENERAL.—Section 202(x)(1)(A) of the Social Security Act (42 U.S.C. 402(x)(1)(A)) is amended—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii)(IV), by striking the period and inserting ", or"; and

(C) by adding at the end the following new clause:

"(iii) immediately upon completion of confinement as described in clause (i) pursuant to conviction of a criminal offense an element of which is sexual activity, is confined by court order in an institution at public expense pursuant to a finding that the individual is a sexually dangerous person or a sexual predator or a similar finding.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to benefits for months ending after the date of the enactment of this Act.

SEC. 215. SOCIAL SECURITY ADVISORY BOARD PERSONNEL.

(a) IN GENERAL.—Section 703(i) of the Social Security Act (42 U.S.C. 903(i)) is amended—

(1) in the first sentence, by striking ", and three" and all that follows through "Board,"; and

(2) in the last sentence, by striking "clerical".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 108 of the Contract with America Advancement Act of 1996 (Public Law 104–121; 110 Stat. 857).

TITLE III—CHILD SUPPORT

SEC. 301. STATE OBLIGATION TO PROVIDE CHILD SUPPORT ENFORCEMENT SERVICES.

(a) INDIVIDUALS SUBJECT TO FEE FOR CHILD SUPPORT ENFORCEMENT SERVICES.—Section 454(6)(B) of the Social Security Act (42 U.S.C. 654(6)(B)) is amended by striking "individuals not receiving assistance under any State program funded under part A, which" and inserting "an individual, other than an individual receiving assistance under a State program funded under part A or E, or under a State plan approved under title XIX, or who is required by the State to cooperate with the State agency administering the program under this part pursuant to subsection (l) or (m) of section 6 of the Food Stamp Act of 1977, and".

(b) CORRECTION OF REFERENCE.—Section 464(a)(2)(A) of the Social Security Act (42 U.S.C. 654(a)(2)(A)) is amended in the first sentence by striking "section 454(6)" and inserting "section 454(4)(A)(ii)".

SEC. 302. DISTRIBUTION OF COLLECTED SUPPORT.

(a) CONTINUATION OF ASSIGNMENTS.—Section 457(b) of the Social Security Act (42 U.S.C. 657(b)) is amended—

(1) by striking "which were assigned" and inserting "assigned"; and

(2) by striking "and which were in effect" and all that follows and inserting "and in effect on September 30, 1997 (or such earlier date, on or after August 22, 1996, as the State may choose), shall remain assigned after such date.".

(b) STATE OPTION FOR APPLICABILITY.—

(1) IN GENERAL.—Section 457(a) of the Social Security Act (42 U.S.C. 657(a)) is amended by adding at the end the following:

"(6) STATE OPTION FOR APPLICABILITY.—Notwithstanding any other provision of this subsection, a State may elect to apply the rules described in clauses (i)(II), (ii)(II), and (v) of paragraph (2)(B) to support arrearages collected on and after October 1, 1998, and, if the State makes such an election, shall apply the provisions of this section, as in effect and applied on the day before the date of enactment of section 302 of the Personal Responsibility and Work Opportunity Act of 1996 (Public Law 104–193, 110 Stat. 2200), other than subsection (b)(1) (as so in effect), to amounts collected before October 1, 1998.".

(2) CONFORMING AMENDMENTS.—Section 408(a)(3)(A) of the Social Security Act (42 U.S.C. 608(a)(3)(A)) is amended—

(A) in clause (i), by inserting "(I)" after "(i)";

(B) in clause (ii)—

(i) by striking "(ii)" and inserting "(II)"; and

(ii) by striking the period and inserting "; or"; and

(C) by adding at the end, the following:

"(ii) if the State elects to distribute collections under section 457(a)(6), the date the family ceases to receive assistance under the program, if the assignment is executed on or after October 1, 1998.".

(c) DISTRIBUTION OF COLLECTIONS WITH RESPECT TO FAMILIES RECEIVING ASSISTANCE.—Section 457(a)(1) of the Social Security Act (42 U.S.C. 657(a)(1)) is amended by adding at the end the following flush language:

"In no event shall the total of the amounts paid to the Federal Government and retained by the State exceed the total of the amounts that have been paid to the family as assistance by the State.".

(d) FAMILIES UNDER CERTAIN AGREEMENTS.—Section 457(a)(4) of the Social Security Act (42 U.S.C. 657(a)(4)) is amended to read as follows:

"(4) FAMILIES UNDER CERTAIN AGREEMENTS.—In the case of an amount collected for a family in accordance with a cooperative agreement under section 454(33), distribute the amount so collected pursuant to the terms of the agreement.".

(e) STUDY AND REPORT.—Section 457(a)(5) of the Social Security Act (42 U.S.C. 657(a)(5)) is amended by striking "1998" and inserting "1999".

(f) CORRECTIONS OF REFERENCES.—Section 457(a)(2)(B) of the Social Security Act (42 U.S.C. 657(a)(2)(B)) is amended—

(1) in clauses (i)(I) and (ii)(I)—

(A) by striking "(other than subsection (b)(1))" each place it appears; and

(B) by inserting "(other than subsection (b)(1) (as so in effect))" after "1996" each place it appears; and

(2) in clause (ii)(II), by striking "paragraph (4)" and inserting "paragraph (5)".

(g) CORRECTION OF TERRITORIAL MATCH.—Section 457(c)(3)(A) of the Social Security Act (42 U.S.C. 657(c)(3)(A)) is amended by striking "the Federal medical assistance percentage (as defined in section 1118)" and inserting "75 percent".

(h) DEFINITIONS.—

(1) FEDERAL SHARE.—Section 457(c)(2) of the Social Security Act (42 U.S.C. 657(c)(2)) is amended by striking "collected" the second place it appears and inserting "distributed".

(2) FEDERAL MEDICAL ASSISTANCE PERCENTAGE.—Section 457(c)(3)(B) of the Social Security Act (42 U.S.C. 657(c)(3)(B)) is amended by striking "as in effect on September 30, 1996" and inserting "as such section was in effect on September 30, 1995".

(i) CONFORMING AMENDMENTS.—

(1) Section 464(a)(2)(A) of the Social Security Act (42 U.S.C. 664(a)(2)(A)) is amended, in the penultimate sentence, by inserting "in accordance with section 457" after "owed".

(2) Section 466(a)(3)(B) of the Social Security Act (42 U.S.C. 666(a)(3)(B)) is amended by striking "457(b)(4) or (d)(3)" and inserting "457".

SEC. 303. CIVIL PENALTIES RELATING TO STATE DIRECTORY OF NEW HIRES.

Section 453A of the Social Security Act (42 U.S.C. 653a) is amended—

(1) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "shall be less than" and inserting "shall not exceed"; and

(B) in paragraph (1), by striking "$25" and inserting "$25 per failure to meet the requirements of this section with respect to a newly hired employee"; and

(2) in subsection (g)(2)(B), by striking "extracts" and all that follows through "Labor" and inserting "information".

SEC. 304. FEDERAL PARENT LOCATOR SERVICE.

(a) In General.—Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)—

(A) by inserting "(1)" after "(a)"; and

(B) by striking "to obtain" and all that follows through the period and inserting "for the purposes specified in paragraphs (2) and (3).

"(2) For the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, the Federal Parent Locator Service shall obtain and transmit to any authorized person specified in subsection (c)—

"(A) information on, or facilitating the discovery of, the location of any individual—

"(i) who is under an obligation to pay child support;

"(ii) against whom such an obligation is sought; or

"(iii) to whom such an obligation is owed, including the individual's social security number (or numbers), most recent address, and the name, address, and employer identification number of the individual's employer;

"(B) information on the individual's wages (or other income) from, and benefits of, employment (including rights to or enrollment in group health care coverage); and

"(C) information on the type, status, location, and amount of any assets of, or debts owed by or to, any such individual.

"(3) For the purpose of enforcing any Federal or State law with respect to the unlawful taking or restraint of a child, or making or enforcing a child custody or visitation determination, as defined in section 463(d)(1), the Federal Parent Locator Service shall be used to obtain and transmit the information specified in section 463(c) to the authorized persons specified in section 463(d)(2).";

(2) by striking subsection (b) and inserting the following:

"(b)(1) Upon request, filed in accordance with subsection (d), of any authorized person, as defined in subsection (c) for the information described in subsection (a)(2), or of any authorized person, as defined in section 463(d)(2) for the information described in section 463(c), the Secretary shall, notwithstanding any other provision of law, provide through the Federal Parent Locator Service such information to such person, if such information—

"(A) is contained in any files or records maintained by the Secretary or by the Department of Health and Human Services; or

"(B) is not contained in such files or records, but can be obtained by the Secretary, under the authority conferred by subsection (e), from any other department, agency, or instrumentality of the United States or of any State,

and is not prohibited from disclosure under paragraph (2).

"(2) No information shall be disclosed to any person if the disclosure of such information would contravene the national policy or security interests of the United States or the confidentiality of census data. The Secretary shall give priority to requests made by any authorized person described in subsection (c)(1). No information shall be disclosed to any person if the State has notified the Secretary that the State has reasonable evidence of domestic violence or child abuse and the disclosure of such information could be harmful to the custodial parent or the child of such parent, provided that—

"(A) in response to a request from an authorized person (as defined in subsection (c) and section 463(d)(2)), the Secretary shall advise the authorized person that the Secretary has been notified that there is reasonable evidence of domestic violence or child abuse and that information can only be disclosed to a court or an agent of a court pursuant to subparagraph (B); and

"(B) information may be disclosed to a court or an agent of a court described in subsection (c)(2) or section 463(d)(2)(B), if—

"(i) upon receipt of information from the Secretary, the court determines whether disclosure to any other person of that information could be harmful to the parent or the child; and

"(ii) if the court determines that disclosure of such information to any other person could be harmful, the court and its agents shall not make any such disclosure.

"(3) Information received or transmitted pursuant to this section shall be subject to the safeguard provisions contained in section 454(26)."; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "or to seek to enforce orders providing child custody or visitation rights"; and

(B) in paragraph (2)—

(i) by inserting "or to serve as the initiating court in an action to seek an order" after "issue an order"; and

(ii) by striking "or to issue an order against a resident parent for child custody or visitation rights".

(b) Use of the Federal Parent Locator Service.—Section 463 of the Social Security Act (42 U.S.C. 663) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking "any State which is able and willing to do so," and inserting "every State"; and

(ii) by striking "such State" and inserting "each State"; and

(B) in paragraph (2), by inserting "or visitation" after "custody";

(2) in subsection (b)(2), by inserting "or visitation" after "custody";

(3) in subsection (d)—

(A) in paragraph (1), by inserting "or visitation" after "custody"; and

(B) in subparagraphs (A) and (B) of paragraph (2), by inserting "or visitation" after "custody" each place it appears;

(4) in subsection (f)(2), by inserting "or visitation" after "custody"; and

(5) by striking "noncustodial" each place it appears.

SEC. 305. ACCESS TO REGISTRY DATA FOR RESEARCH PURPOSES.

(a) In General.—Section 453(j)(5) of the Social Security Act (42 U.S.C. 653(j)(5)) is amended by inserting "data in each component of the Federal Parent Locator Service maintained under this section and to" before "information".

(b) Conforming Amendments.—Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (j)(3)(B), by striking "registries" and inserting "components"; and

(2) in subsection (k)(2), by striking "subsection (j)(3)" and inserting "section 453A(g)(2)".

SEC. 306. COLLECTION AND USE OF SOCIAL SECURITY NUMBERS FOR USE IN CHILD SUPPORT ENFORCEMENT.

Section 466(a)(13) of the Social Security Act (42 U.S.C. 666(a)(13)) is amended—

(1) in subparagraph (A)—

(A) by striking "commercial"; and

(B) by inserting "recreational license," after "occupational license,"; and

(2) in the matter following subparagraph (C), by inserting "to be used on the face of the document while the social security number is kept on file at the agency" after "other than the social security number".

SEC. 307. ADOPTION OF UNIFORM STATE LAWS.

Section 466(f) of the Social Security Act (42 U.S.C. 666(f)) is amended by striking "together" and all that follows and inserting "and as in effect on August 22, 1996, including any amendments officially adopted as of such date by the National Conference of Commissioners on Uniform State Laws.".

SEC. 308. STATE LAWS PROVIDING EXPEDITED PROCEDURES.

Section 466(c) of the Social Security Act (42 U.S.C. 666(c)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (E), by inserting ", part E," after "part A"; and

(B) in subparagraph (G), by inserting "any current support obligation and" after "to satisfy"; and

(2) in paragraph (2)(A)—

(A) in clause (i), by striking "the tribunal and"; and

(B) in clause (ii)—

(i) by striking "tribunal may" and inserting "court or administrative agency of competent jurisdiction shall"; and

(ii) by striking "filed with the tribunal" and inserting "filed with the State case registry".

SEC. 309. VOLUNTARY PATERNITY ACKNOWLEDGEMENT.

Section 466(a)(5)(C)(i) of the Social Security Act (42 U.S.C. 666(a)(5)(C)(i)) is amended by inserting ", or through the use of video or audio equipment," after "orally".

SEC. 310. CALCULATION OF PATERNITY ESTABLISHMENT PERCENTAGE.

Section 452(g)(2) of the Social Security Act (42 U.S.C. 652(g)(2)) is amended, in the matter following subparagraph (C), by striking "subparagraph (A)" and inserting "subparagraphs (A) and (B)".

SEC. 311. MEANS AVAILABLE FOR PROVISION OF TECHNICAL ASSISTANCE AND OPERATION OF FEDERAL PARENT LOCATOR SERVICE.

(a) Technical Assistance.—Section 452(j) of the Social Security Act (42 U.S.C. 652(j)), is amended, in the matter preceding paragraph (1), by striking "to cover costs incurred by the Secretary" and inserting "which shall be available for use by the Secretary, either directly or through grants, contracts, or interagency agreements,".

(b) Operation of Federal Parent Locator Service.—

(1) Means available.—Section 453(o) of the Social Security Act (42 U.S.C. 653(o)) is amended—

(A) in the heading, by striking "Recovery of Costs" and inserting "Use of Set-Aside Funds"; and

(B) by striking "to cover costs incurred by the Secretary" and inserting "which shall be available for use by the Secretary, either directly or through grants, contracts, or interagency agreements,".

(2) Availability of funds.—Section 453(o) of the Social Security Act (42 U.S.C. 653(o)) is amended by adding at the end the following: "Amounts appropriated under this subsection for each of fiscal years 1997 through 2001 shall remain available until expended.".

SEC. 312. AUTHORITY TO COLLECT SUPPORT FROM FEDERAL EMPLOYEES.

(a) Response to Notice or Process.—Section 459(c)(2)(C) of the Social Security Act (42 U.S.C. 659(c)(2)(C)) is amended by striking "respond to the order, process, or interrogatory" and inserting "withhold available sums in response to the order or process, or answer the interrogatory".

(b) Moneys Subject to Process.—Section 459(h)(1) of the Social Security Act (42 U.S.C. 659(h)(1)) is amended—

(1) in the matter preceding subparagraph (A) and in subparagraph (A)(i), by striking "paid or" each place it appears;

(2) in subparagraph (A)—

(A) in clause (ii)(V), by striking "and" at the end;

(B) in clause (iii)—

(i) by inserting "or payable" after "paid"; and

(ii) by striking "but" and inserting "; and"; and

(C) by inserting after clause (iii), the following:

"(iv) benefits paid or payable under the Railroad Retirement System, but"; and

(3) in subparagraph (B)—

(A) in clause (i), by striking "or" at the end;

(B) in clause (ii), by striking the period and inserting "; or"; and

(C) by adding at the end the following:

"(iii) of periodic benefits under title 38, United States Code, except as provided in subparagraph (A)(ii)(V).".

(c) Conforming Amendment.—Section 454(19)(B)(ii) of the Social Security Act (42 U.S.C. 654(19)(B)(ii)) is amended by striking "section 462(e)" and inserting "section 459(i)(5)".

SEC. 313. DEFINITION OF SUPPORT ORDER.

Section 453(p) of the Social Security Act (42 U.S.C. 653(p)), is amended by striking "a child and" and inserting "of".

SEC. 314. STATE LAW AUTHORIZING SUSPENSION OF LICENSES.

Section 466(a)(16) of the Social Security Act (42 U.S.C. 666(a)(16)) is amended by inserting "and sporting" after "recreational".

SEC. 315. INTERNATIONAL SUPPORT ENFORCEMENT.

Section 454(32)(A) of the Social Security Act (42 U.S.C. 654(32)(A)) is amended by striking "section 459A(d)(2)" and inserting "section 459A(d)".

SEC. 316. CHILD SUPPORT ENFORCEMENT FOR INDIAN TRIBES.

(a) Cooperative Agreements by Indian Tribes and States for Child Support Enforcement.—Section 454(33) of the Social Security Act (42 U.S.C. 654(33)) is amended—

(1) by striking "and enforce support orders, and" and inserting "or enforce support orders, or";

(2) by striking "guidelines established by such tribe or organization" and inserting "guidelines established or adopted by such tribe or organization";

(3) by striking "funding collected" and inserting "collections"; and

(4) by striking "such funding" and inserting "such collections".

(b) Correction of Subsection Designation.—Section 455 of the Social Security Act (42 U.S.C. 655), is amended by redesignating subsection (b), as added by section 375(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193, 110 Stat. 2256), as subsection (f).

(c) Direct Grants to Tribes.—Section 455(f) of the Social Security Act (42 U.S.C. 655(f)), as redesignated by subsection (b), is amended to read as follows:

"(f) The Secretary may make direct payments under this part to an Indian tribe or tribal organization that demonstrates to the satisfaction of the Secretary that it has the capacity to operate a child support enforcement program meeting the objectives of this part, including establishment of paternity, establishment, modification, and enforcement of support orders, and location of absent parents. The Secretary shall promulgate regulations establishing the requirements which must be met by an Indian tribe or tribal organization to be eligible for a grant under this subsection.".

SEC. 317. CONTINUATION OF RULES FOR DISTRIBUTION OF SUPPORT IN THE CASE OF A TITLE IV–E CHILD.

Section 457 of the Social Security Act (42 U.S.C. 657) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking "subsection (e)" and inserting "subsections (e) and (f)"; and

(2) by adding at the end, the following:

"(f) Notwithstanding the preceding provisions of this section, amounts collected by a State as child support for months in any period on behalf of a child for whom a public agency is making foster care maintenance payments under part E—

"(1) shall be retained by the State to the extent necessary to reimburse it for the foster care maintenance payments made with respect to the child during such period (with appropriate reimbursement of the Federal Government to the extent of its participation in the financing);

"(2) shall be paid to the public agency responsible for supervising the placement of the child to the extent that the amounts collected exceed the foster care maintenance payments made with respect to the child during such period but not the amounts required by a court or administrative order to be paid as support on behalf of the child during such period; and the responsible agency may use the payments in the manner it determines will serve the best interests of the child, including setting such payments aside for the child's future needs or making all or a part thereof available to the person responsible for meeting the child's day-to-day needs; and

"(3) shall be retained by the State, if any portion of the amounts collected remains after making the payments required under paragraphs (1) and (2), to the extent that such portion is necessary to reimburse the State (with appropriate reimbursement to the Federal Government to the extent of its participation in the financing) for any past foster care maintenance payments (or payments of assistance under the State program funded under part A) which were made with respect to the child (and with respect to which past collections have not previously been retained);

and any balance shall be paid to the State agency responsible for supervising the placement of the child, for use by such agency in accordance with paragraph (2).".

SEC. 318. GOOD CAUSE IN FOSTER CARE AND FOOD STAMP CASES.

(a) State Plan.—Section 454(4)(A)(i) of the Social Security Act (42 U.S.C. 654(4)(A)(i)) is amended—

(1) by striking "or" before "(III)"; and

(2) by inserting "or (IV) cooperation is required pursuant to section 6(*l*)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2015(*l*)(1))," after "title XIX,".

(b) Conforming Amendments.—Section 454(29) of the Social Security Act (42 U.S.C. 654(29)) is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by striking "part A of this title or the State program under title XIX" and inserting "part A, the State program under part E, the State program under title XIX, or the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)),"; and

(B) by striking clauses (i) and (ii) and all that follows through the semicolon and inserting the following:

"(i) in the case of the State program funded under part A, the State program under part E, or the State program under title XIX shall, at the option of the State, be defined, taking into account the best interests of the child, and applied in each case, by the State agency administering such program; and

"(ii) in the case of the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), shall be defined and applied in each case under that program in accordance with section 6(*l*)(2) of the Food Stamp Act of 1977 (7 U.S.C. 2015(*l*)(2));";

(2) in subparagraph (D), by striking "or the State program under title XIX" and inserting "the State program under part E, the State program under title XIX, or the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h))"; and

(3) in subparagraph (E), by striking "individual," and all that follows through "XIX," and inserting "individual and the State agency administering the State program funded under part A, the State agency administering the State program under part E, the State agency administering the State program under title XIX, or the State agency administering the food stamp program, as defined under section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)),".

SEC. 319. DATE OF COLLECTION OF SUPPORT.

Section 454B(c)(1) of the Social Security Act (42 U.S.C. 654B(c)(1)) is amended by adding at the end the following: "The date of collection for amounts collected and distributed under this part is the date of receipt by the State disbursement unit, except that if current support is withheld by an employer in the month when due and is received by the State disbursement unit in a month other than the month when due, the date of withholding may be deemed to be the date of collection.".

SEC. 320. ADMINISTRATIVE ENFORCEMENT IN INTERSTATE CASES.

(a) Procedures.—Section 466(a)(14) of the Social Security Act (42 U.S.C. 666(a)(14)) is amended to read as follows:

"(14) High-volume, automated administrative enforcement in interstate cases.—

"(A) In general.—Procedures under which—

"(i) the State shall use high-volume automated administrative enforcement, to the same extent as used for intrastate cases, in response to a request made by another State to enforce support orders, and shall promptly report the results of such enforcement procedure to the requesting State;

"(ii) the State may, by electronic or other means, transmit to another State a request for assistance in enforcing support orders through high-volume, automated administrative enforcement, which request—

"(I) shall include such information as will enable the State to which the request is transmitted to compare the information about the cases to the information in the data bases of the State; and

"(II) shall constitute a certification by the requesting State—

"(aa) of the amount of support under an order the payment of which is in arrears; and

"(bb) that the requesting State has complied with all procedural due process requirements applicable to each case;

"(iii) if the State provides assistance to another State pursuant to this paragraph with respect to a case, neither State shall consider the case to be transferred to the caseload of such other State; and

"(iv) the State shall maintain records of—

"(I) the number of such requests for assistance received by the State;

"(II) the number of cases for which the State collected support in response to such a request; and

"(III) the amount of such collected support.

"(B) HIGH-VOLUME AUTOMATED ADMINISTRATIVE ENFORCEMENT.—In this part, the term 'high-volume automated administrative enforcement' means the use of automatic data processing to search various State data bases, including license records, employment service data, and State new hire registries, to determine whether information is available regarding a parent who owes a child support obligation.".

(b) INCENTIVE PAYMENTS.—Section 458(d) of the Social Security Act (42 U.S.C. 658(d)) is amended by inserting ", including amounts collected under section 466(a)(14)," after "another State".

SEC. 321. WORK ORDERS FOR ARREARAGES.

Section 466(a)(15) of the Social Security Act (42 U.S.C. 666(a)(15)) is amended to read as follows:

"(15) PROCEDURES TO ENSURE THAT PERSONS OWING OVERDUE SUPPORT WORK OR HAVE A PLAN FOR PAYMENT OF SUCH SUPPORT.—Procedures under which the State has the authority, in any case in which an individual owes overdue support with respect to a child receiving assistance under a State program funded under part A, to issue an order or to request that a court or an administrative process established pursuant to State law issue an order that requires the individual to—

"(A) pay such support in accordance with a plan approved by the court, or, at the option of the State, a plan approved by the State agency administering the State program under this part; or

"(B) if the individual is subject to such a plan and is not incapacitated, participate in such work activities (as defined in section 407(d)) as the court, or, at the option of the State, the State agency administering the State program under this part, deems appropriate.".

SEC. 322. ADDITIONAL TECHNICAL STATE PLAN AMENDMENTS.

Section 454 of the Social Security Act (42 U.S.C. 654) is amended—

(1) in paragraph (8)—

(A) in the matter preceding subparagraph (A)—

(i) by striking "noncustodial"; and

(ii) by inserting ", for the purpose of establishing parentage, establishing, setting the amount of, modifying, or enforcing child support obligations, or making or enforcing a child custody or visitation determination, as defined in section 463(d)(1)" after "provide that";

(B) in subparagraph (A), by striking the comma and inserting a semicolon;

(C) in subparagraph (B), by striking the semicolon and inserting a comma; and

(D) by inserting after subparagraph (B), the following flush language:

"and shall, subject to the privacy safeguards required under paragraph (26), disclose only the information described in sections 453 and 463 to the authorized persons specified in such sections for the purposes specified in such sections;";

(2) in paragraph (17)—

(A) by striking "in the case of a State which has" and inserting "provide that the State will have"; and

(B) by inserting "and" after "section 453,"; and

(3) in paragraph (26)—

(A) in the matter preceding subparagraph (A), by striking "will";

(B) in subparagraph (A)—

(i) by inserting ", modify," after "establish", the second place it appears; and

(ii) by inserting ", or to make or enforce a child custody determination" after "support";

(C) in subparagraph (B)—

(i) by inserting "or the child" after "1 party";

(ii) by inserting "or the child" after "former party"; and

(iii) by striking "and" at the end;

(D) in subparagraph (C)—

(i) by inserting "or the child" after "1 party";

(ii) by striking "another party" and inserting "another person";

(iii) by inserting "to that person" after "release of the information"; and

(iv) by striking "former party" and inserting "party or the child"; and

(E) by adding at the end the following:

"(D) in cases in which the prohibitions under subparagraphs (B) and (C) apply, the requirement to notify the Secretary, for purposes of section 453(b)(2), that the State has reasonable evidence of domestic violence or child abuse against a party or the child and that the disclosure of such information could be harmful to the party or the child; and

"(E) procedures providing that when the Secretary discloses information about a parent or child to a State court or an agent of a State court described in section 453(c)(2) or 463(d)(2)(B), and advises that court or agent that the Secretary has been notified that there is reasonable evidence of domestic violence or child abuse pursuant to section 453(b)(2), the court shall determine whether disclosure to any other person of information received from the Secretary could be harmful to the parent or child and, if the court determines that disclosure to any other person could be harmful, the court and its agents shall not make any such disclosure;".

SEC. 323. FEDERAL CASE REGISTRY OF CHILD SUPPORT ORDERS.

Section 453(h) of the Social Security Act (42 U.S.C. 653(h)) is amended—

(1) in paragraph (1), by inserting "and order" after "with respect to each case"; and

(2) in paragraph (2)—

(A) in the heading, by inserting "AND ORDER" after "CASE";

(B) by inserting "or an order" after "with respect to a case" and

(C) by inserting "or order" after "and the State or States which have the case".

SEC. 324. FULL FAITH AND CREDIT FOR CHILD SUPPORT ORDERS.

Section 1738B(f) of title 28, United States Code, is amended—

(1) in paragraph (4), by striking "a court may" and all that follows and inserting "a court having jurisdiction over the parties shall issue a child support order, which must be recognized."; and

(2) in paragraph (5), by inserting "under subsection (d)" after "jurisdiction".

SEC. 325. DEVELOPMENT COSTS OF AUTOMATED SYSTEMS.

(a) DEFINITION OF STATE.—Section 455(a)(3)(B) of the Social Security Act (42 U.S.C. 655(a)(3)(B)) is amended—

(1) in clause (i)—

(A) by inserting "or system described in clause (iii)" after "each State"; and

(B) by inserting "or system" after "the State"; and

(2) by adding at the end the following:

"(iii) For purposes of clause (i), a system described in this clause is a system that has been approved by the Secretary to receive enhanced funding pursuant to the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2343) for the purpose of developing a system that meets the requirements of sections 454(16) (as in effect on and after September 30, 1995) and 454A, including systems that have received funding for such purpose pursuant to a waiver under section 1115(a).".

(b) TEMPORARY LIMITATION ON PAYMENTS.—Section 344(b)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (42 U.S.C. 655 note) is amended—

(1) in subparagraph (B)—

(A) by inserting "or a system described in subparagraph (C)" after "to a State"; and

(B) by inserting "or system" after "for the State"; and

(2) in subparagraph (C), by striking "Act," and all that follows and inserting "Act, and among systems that have been approved by the Secretary to receive enhanced funding pursuant to the Family Support Act of 1988 (Public Law 100–485; 102 Stat. 2343) for the purpose of developing a system that meets the requirements of sections 454(16) (as in effect on and after September 30, 1995) and 454A, including systems that have received funding for such purpose pursuant to a waiver under section 1115(a), which shall take into account—

"(i) the relative size of such State and system caseloads under part D of title IV of the Social Security Act; and

"(ii) the level of automation needed to meet the automated data processing requirements of such part.".

SEC. 326. ADDITIONAL TECHNICAL AMENDMENTS.

(a) ELIMINATION OF SURPLUSAGE.—Section 466(c)(1)(F) of the Social Security Act (42 U.S.C. 666(c)(1)(F)) is amended by striking "of section 466".

(b) CORRECTION OF AMBIGUOUS AMENDMENT.—Section 344(a)(1)(F) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2234) is amended by inserting "the first place such term appears" before "and all that follows".

(c) CORRECTION OF ERRONEOUSLY DRAFTED PROVISION.—Section 215 of the Department of Health and Human Services Appropriations Act, 1997, (as contained in section 101(e) of the Omnibus Consolidated Appropriations Act, 1997) is amended to read as follows:

"SEC. 215. Sections 452(j) and 453(o) of the Social Security Act (42 U.S.C. 652(j) and 653(o)), as amended by section 345 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2237) are each amended by striking 'section 457(a)' and inserting 'a plan approved under this part'. Amounts available under such sections 452(j) and 453(o) shall be calculated as though the amendments made by this section were effective October 1, 1995.".

(d) ELIMINATION OF SURPLUSAGE.—Section 456(a)(2)(B) of the Social Security Act (42 U.S.C. 656(a)(2)(B)) is amended by striking ", and" and inserting a period.

(e) CORRECTION OF DATE.—Section 466(a)(1)(B) of the Social Security Act (42 U.S.C. 666(a)(1)(B)) is amended by striking "October 1, 1996" and inserting "January 1, 1994".

SEC. 327. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this title shall take effect as if included in the enactment of title III of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2105).

(b) EXCEPTION.—The amendments made by section 302(b)(2) shall take effect as if the amendments had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

TITLE IV—RESTRICTING WELFARE AND PUBLIC BENEFITS FOR ALIENS

Subtitle A—Eligibility for Federal Benefits

SEC. 401. ALIEN ELIGIBILITY FOR FEDERAL BENEFITS: LIMITED APPLICATION TO MEDICARE AND BENEFITS UNDER THE RAILROAD RETIREMENT ACT.

(a) LIMITED APPLICATION TO MEDICARE.—Section 401(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)) is amended by adding at the end the following:

"(3) Subsection (a) shall not apply to any benefit payable under title XVIII of the Social Security Act (relating to the medicare program) to an alien who is lawfully present in the United States as determined by the Attorney General and, with respect to benefits payable under part A of such title, who was authorized to be employed with respect to any wages attributable to employment which are counted for purposes of eligibility for such benefits.".

(b) LIMITED APPLICATION TO BENEFITS UNDER THE RAILROAD RETIREMENT ACT.—Section 401(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(b)) (as amended by subsection (a)) is amended by inserting at the end the following:

"(4) Subsection (a) shall not apply to any benefit payable under the Railroad Retirement Act of 1974 or the Railroad Unemployment Insurance Act to an alien who is lawfully present in the United States as determined by the Attorney General or to an alien residing outside the United States.".

SEC. 402. EXCEPTIONS TO BENEFIT LIMITATIONS: CORRECTIONS TO REFERENCE CONCERNING ALIENS WHOSE DEPORTATION IS WITHHELD.

Sections 402(a)(2)(A)(iii), 402(b)(2)(A)(iii), 403(b)(1)(C), 412(b)(1)(C), and 431(b)(5) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(A)(iii), 1612(b)(2)(A)(iii), 1613(b)(1)(C), 1622(b)(1)(C), and 1641(b)(5)) are each amended by striking "section 243(h) of such Act" each place it appears and inserting "section 243(h) of such Act (as in effect immediately before the effective date of section 307 of division C of Public Law 104–208) or section 241(b)(3) of such Act (as amended by section 305(a) of division C of Public Law 104–208)".

SEC. 403. VETERANS EXCEPTION: APPLICATION OF MINIMUM ACTIVE DUTY SERVICE REQUIREMENT; EXTENSION TO UNREMARRIED SURVIVING SPOUSE; EXPANDED DEFINITION OF VETERAN.

(a) APPLICATION OF MINIMUM ACTIVE DUTY SERVICE REQUIREMENT.—Sections 402(a)(2)(C)(i), 402(b)(2)(C)(i), 403(b)(2)(A), and 412(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(C)(i), 1612(b)(2)(C)(i), 1613(b)(2)(A), and 1622(b)(3)(A)) are each amended by inserting "and who fulfills the minimum active-duty service requirements of section 5303A(d) of title 38, United States Code" after "alienage".

(b) EXCEPTION APPLICABLE TO UNREMARRIED SURVIVING SPOUSE.—Section 402(a)(2)(C)(iii), 402(b)(2)(C)(iii), 403(b)(2)(C), and 412(b)(3)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(C)(iii), 1612(b)(2)(C)(iii), 1613(b)(2)(C), and 1622(b)(3)(C)) are each amended by inserting before the period "or the unremarried surviving spouse of an individual described in clause (i) or (ii) who is deceased if the marriage fulfills the requirements of section 1304 of title 38, United States Code".

(c) EXPANDED DEFINITION OF VETERAN.—Sections 402(a)(2)(C)(i), 402(b)(2)(C)(i), 403(b)(2)(A), and 412(b)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(C)(i), 1612(b)(2)(C)(i), 1613(b)(2)(A), and 1622(b)(3)(A)) are each amended by inserting ", 1101, or 1301, or as described in section 107" after "section 101".

SEC. 404. CORRECTION OF REFERENCE CONCERNING CUBAN AND HAITIAN ENTRANTS.

Section 403(d) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1613(d)) is amended—

(1) by striking "section 501 of the Refugee" and insert "section 501(a) of the Refugee"; and

(2) by striking "section 501(e)(2)" and inserting "section 501(e)".

SEC. 405. NOTIFICATION CONCERNING ALIENS NOT LAWFULLY PRESENT: CORRECTION OF TERMINOLOGY.

Section 1631(e)(9) of the Social Security Act (42 U.S.C. 1383(e)(9)) and section 27 of the United States Housing Act of 1937, as added by section 404 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, are each amended by striking "unlawfully in the United States" each place it appears and inserting "not lawfully present in the United States".

SEC. 406. FREELY ASSOCIATED STATES: CONTRACTS AND LICENSES.

Sections 401(c)(2)(A) and 411(c)(2)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1611(c)(2)(A) and 1621(c)(2)(A)) are each amended by inserting before the semicolon at the end ", or to a citizen of a freely associated state, if section 141 of the applicable compact of free association approved in Public Law 99–239 or 99–658 (or a successor provision) is in effect".

SEC. 407. CONGRESSIONAL STATEMENT REGARDING BENEFITS FOR HMONG AND OTHER HIGHLAND LAO VETERANS.

(a) FINDINGS.—The Congress makes the following findings:

(1) Hmong and other Highland Lao tribal peoples were recruited, armed, trained, and funded for military operations by the United States Department of Defense, Central Intelligence Agency, Department of State, and Agency for International Development to further United States national security interests during the Vietnam conflict.

(2) Hmong and other Highland Lao tribal forces sacrificed their own lives and saved the lives of American military personnel by rescuing downed American pilots and aircrews and by engaging and successfully fighting North Vietnamese troops.

(3) Thousands of Hmong and other Highland Lao veterans who fought in special guerilla units on behalf of the United States during the Vietnam conflict, along with their families, have been lawfully admitted to the United States in recent years.

(4) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193), the new national welfare reform law, restricts certain welfare benefits for noncitizens of the United States and the exceptions for noncitizen veterans of the Armed Forces of the United States do not extend to Hmong veterans of the Vietnam conflict era, making Hmong veterans and their families receiving certain welfare benefits subject to restrictions despite their military service on behalf of the United States.

(b) CONGRESSIONAL STATEMENT.—It is the sense of the Congress that Hmong and other Highland Lao veterans who fought on behalf of the Armed Forces of the United States during the Vietnam conflict and have lawfully been admitted to the United States for permanent residence should be considered veterans for purposes of continuing certain welfare benefits consistent with the exceptions provided other noncitizen veterans under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

Subtitle B—General Provisions

SEC. 411. DETERMINATION OF TREATMENT OF BATTERED ALIENS AS QUALIFIED ALIENS; INCLUSION OF ALIEN CHILD OF BATTERED PARENT AS QUALIFIED ALIEN.

(a) DETERMINATION OF STATUS BY AGENCY PROVIDING BENEFITS.—Section 431 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641) is amended in subsections (c)(1)(A) and (c)(2)(A) by striking "Attorney General, which opinion is not subject to review by any court)" each place it appears and inserting "agency providing such benefits)".

(b) GUIDANCE ISSUED BY ATTORNEY GENERAL.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended by adding at the end the following new undesignated paragraph:

"After consultation with the Secretaries of Health and Human Services, Agriculture, and Housing and Urban Development, the Commissioner of Social Security, and with the heads of such Federal agencies administering benefits as the Attorney General considers appropriate, the Attorney General shall issue guidance (in the Attorney General's sole and unreviewable discretion) for purposes of this subsection and section 421(f), concerning the meaning of the terms 'battery' and 'extreme cruelty', and the standards and methods to be used for determining whether a substantial connection exists between battery or cruelty suffered and an individual's need for benefits under a specific Federal, State, or local program.".

(c) INCLUSION OF ALIEN CHILD OF BATTERED PARENT AS QUALIFIED ALIEN.—Section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)) is amended—

(1) at the end of paragraph (1)(B)(iv) by striking "or";

(2) at the end of paragraph (2)(B) by striking the period and inserting "; or"; and

(3) by inserting after paragraph (2)(B) and before the last sentence of such subsection the following new paragraph:

"(3) an alien child who—

"(A) resides in the same household as a parent who has been battered or subjected to extreme cruelty in the United States by that parent's spouse or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to such battery or cruelty, but only if (in the opinion of the agency providing such benefits) there is a substantial connection between such battery or cruelty and the need for the benefits to be provided; and

"(B) who meets the requirement of subparagraph (B) of paragraph (1).".

(d) Inclusion of Alien Child of Battered Parent Under Special Rule for Attribution of Income.—Section 421(f)(1)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1631(f)(1)(A)) is amended—

(1) at the end of clause (i) by striking "or"; and

(2) by striking "and the battery or cruelty described in clause (i) or (ii)" and inserting "or (iii) the alien is a child whose parent (who resides in the same household as the alien child) has been battered or subjected to extreme cruelty in the United States by that parent's spouse, or by a member of the spouse's family residing in the same household as the parent and the spouse consented to, or acquiesced in, such battery or cruelty, and the battery or cruelty described in clause (i), (ii), or (iii)".

SEC. 412. VERIFICATION OF ELIGIBILITY FOR BENEFITS.

(a) Regulations and Guidance.—Section 432(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1642(a)) is amended—

(1) by inserting at the end of paragraph (1) the following: "Not later than 90 days after the date of the enactment of the Welfare Reform Technical Corrections Act of 1997, the Attorney General of the United States, after consultation with the Secretary of Health and Human Services, shall issue interim verification guidance."; and

(2) by adding after paragraph (2) the following new paragraph:

"(3) Not later than 90 days after the date of the enactment of the Welfare Reform Technical Corrections Act of 1997, the Attorney General shall promulgate regulations which set forth the procedures by which a State or local government can verify whether an alien applying for a State or local public benefit is a qualified alien, a nonimmigrant under the Immigration and Nationality Act, or an alien paroled into the United States under section 212(d)(5) of the Immigration and Nationality Act for less than 1 year, for purposes of determining whether the alien is ineligible for benefits under section 411 of this Act.".

(b) Disclosure of Information for Verification.—Section 384(b) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (division C of Public Law 104–208) is amended by adding after paragraph (4) the following new paragraph:

"(5) The Attorney General is authorized to disclose information, to Federal, State, and local public and private agencies providing benefits, to be used solely in making determinations of eligibility for benefits pursuant to section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.".

SEC. 413. QUALIFYING QUARTERS: DISCLOSURE OF QUARTERS OF COVERAGE INFORMATION; CORRECTION TO ASSURE THAT CREDITING APPLIES TO ALL QUARTERS EARNED BY PARENTS BEFORE CHILD IS 18.

(a) Disclosure of Quarters of Coverage Information.—Section 435 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1645) is amended by adding at the end the following: "Notwithstanding section 6103 of the Internal Revenue Code of 1986, the Commissioner of Social Security is authorized to disclose quarters of coverage information concerning an alien and an alien's spouse or parents to a government agency for the purposes of this title.".

(b) Correction to Assure That Crediting Applies to All Quarters Earned by Parents Before Child is 18.—Section 435(1) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1645(1)) is amended by striking "while the alien was under age 18," and inserting "before the date on which the alien attains age 18,".

SEC. 414. STATUTORY CONSTRUCTION: BENEFIT ELIGIBILITY LIMITATIONS APPLICABLE ONLY WITH RESPECT TO ALIENS PRESENT IN THE UNITED STATES.

Section 433 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1643) is amended—

(1) by redesignated subsections (b) and (c) as subsections (c) and (d); and

(2) by adding after subsection (a) the following new subsection:

"(b) Benefit Eligibility Limitations Applicable Only With Respect to Aliens Present in the United States.—Notwithstanding any other provision of this title, the limitations on eligibility for benefits under this title shall not apply to eligibility for benefits of aliens who are not residing, or present, in the United States with respect to—

"(1) wages, pensions, annuities, and other earned payments to which an alien is entitled resulting from employment by, or on behalf of, a Federal, State, or local government agency which was not prohibited during the period of such employment or service under section 274A or other applicable provision of the Immigration and Nationality Act; or

"(2) benefits under laws administered by the Secretary of Veterans Affairs.".

Subtitle C—Miscellaneous Clerical and Technical Amendments; Effective Date

SEC. 421. CORRECTING MISCELLANEOUS CLERICAL AND TECHNICAL ERRORS.

(a) Information Reporting Under Title IV of the Social Security Act.—Effective July 1, 1997, section 408 of the Social Security Act (42 U.S.C. 608), as amended by section 103, and as in effect pursuant to section 116, of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, and as amended by section 106(e) of this Act, is amended by adding at the end the following new subsection:

"(f) State Required To Provide Certain Information.—Each State to which a grant is made under section 403 shall, at least 4 times annually and upon request of the Immigration and Naturalization Service, furnish the Immigration and Naturalization Service with the name and address of, and other identifying information on, any individual who the State knows is not lawfully present in the United States.".

(b) Miscellaneous Clerical and Technical Corrections.—

(1) Section 411(c)(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1621(c)(3)) is amended by striking "4001(c)" and inserting "401(c)".

(2) Section 422(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1632(a)) is amended by striking "benefits (as defined in section 412(c))," and inserting "benefits,".

(3) Section 412(b)(1)(C) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1622(b)(1)(C)) is amended by striking "with-holding" and inserting "withholding".

(4) The subtitle heading for subtitle D of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended to read as follows:

"Subtitle D—General Provisions".

(5) The subtitle heading for subtitle F of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 is amended to read as follows:

"Subtitle F—Earned Income Credit Denied to Unauthorized Employees".

(6) Section 431(c)(2)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(2)(B)) is amended by striking "clause (ii) of subparagraph (A)" and inserting "subparagraph (B) of paragraph (1)".

(7) Section 431(c)(1)(B) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(c)(1)(B)) is amended—

(A) in clause (iii) by striking ", or" and inserting "(as in effect prior to April 1, 1997),"; and

(B) by adding after clause (iv) the following new clause:

"(v) cancellation of removal pursuant to section 240A(b)(2) of such Act;".

SEC. 422. EFFECTIVE DATE.

Except as otherwise provided, the amendments made by this title shall be effective as if included in the enactment of title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

TITLE V—CHILD PROTECTION

SEC. 501. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO CHILD PROTECTION.

(a) Methods Permitted for Conduct of Study of Child Welfare.—Section 429A(a) of the Social Security Act (42 U.S.C. 628b(a)) is amended by inserting "(directly, or by grant, contract, or interagency agreement)" after "conduct".

(b) Redesignation of Paragraph.—Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) by striking "and" at the end of paragraph (17);

(2) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and"; and

(3) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

SEC. 502. ADDITIONAL TECHNICAL AMENDMENTS RELATING TO CHILD PROTECTION.

(a) Part B Amendments.—

(1) In general.—Part B of title IV of the Social Security Act (42 U.S.C. 620-635) is amended—

(A) in section 422(b)—

(i) by striking the period at the end of the paragraph (9) (as added by section 554(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(ii) by redesignating paragraph (10) as paragraph (11); and

(iii) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(B) in sections 424(b) and 425(a), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(C) by transferring section 429A (as added by section 503 of the Personal Responsibility and Work Opportunity Reconciliation Act of

1996 (Public Law 104–193; 110 Stat. 2277)) to the end of subpart 1.

(2) Clarification of Conflicting Amendments.—Section 204(a)(2) of the Social Security Act Amendments of 1994 (Public Law 103–432; 108 Stat. 4456) is amended by inserting "(as added by such section 202(a))" before "and inserting".

(b) Part E Amendments.—Section 472(d) of the Social Security Act (42 U.S.C. 672(d)) is amended by striking "422(b)(9)" and inserting "422(b)(10)".

SEC. 503. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in the enactment of title V of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2277).

TITLE VI—CHILD CARE

SEC. 601. CONFORMING AND TECHNICAL AMENDMENTS RELATING TO CHILD CARE.

(a) Funding.—Section 418(a) of the Social Security Act (42 U.S.C. 618(a)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by inserting "the greater of" after "equal to";

(B) in subparagraph (A)—

(i) by striking "the sum of";

(ii) by striking "amounts expended" and inserting "expenditures"; and

(iii) by striking "section—" and all that follows and inserting "subsections (g) and (i) of section 402 (as in effect before October 1, 1995); or";

(C) in subparagraph (B)—

(i) by striking "sections" and inserting "subsections"; and

(ii) by striking the semicolon at the end and inserting a period; and

(D) in the matter following subparagraph (B), by striking "whichever is greater."; and

(2) in paragraph (2)—

(A) by striking subparagraph (B) and inserting the following:

"(B) Allotments to States.—The total amount available for payments to States under this paragraph, as determined under subparagraph (A), shall be allotted among the States based on the formula used for determining the amount of Federal payments to each State under section 403(n) (as in effect before October 1, 1995).";

(B) by striking subparagraph (C) and inserting the following:

"(C) Federal Matching of State Expenditures Exceeding Historical Expenditures.—The Secretary shall pay to each eligible State for a fiscal year an amount equal to the lesser of the State's allotment under subparagraph (B) or the Federal medical assistance percentage for the State for the fiscal year (as defined in section 1905(b), as such section was in effect on September 30, 1995) of so much of the State's expenditures for child care in that fiscal year as exceed the total amount of expenditures by the State (including expenditures from amounts made available from Federal funds) in fiscal year 1994 or 1995 (whichever is greater) for the programs described in paragraph (1)(A)."; and

(C) in subparagraph (D)(i)—

(i) by striking "amounts under any grant awarded" and inserting "any amounts allotted"; and

(ii) by striking "the grant is made" and inserting "such amounts are allotted".

(b) Data Used To Determine Historic State Expenditures.—Section 418(a) of the Social Security Act (42 U.S.C. 618(a)), is amended by adding at the end the following:

"(5) Data Used to Determine State and Federal Shares of Expenditures.—In making the determinations concerning expenditures required under paragraphs (1) and (2)(C), the Secretary shall use information that was reported by the State on ACF Form 231 and available as of the applicable dates specified in clauses (i)(I), (ii), and (iii)(III) of section 403(a)(1)(D).".

(c) Definition of State.—Section 418(d) of the Social Security Act (42 U.S.C. 618(d)) is amended by striking "or" and inserting "and".

SEC. 602. ADDITIONAL CONFORMING AND TECHNICAL AMENDMENTS.

The Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858 et seq.) is amended—

(1) in section 658E(c)(2)(E)(ii), by striking "tribal organization" and inserting "tribal organizations";

(2) in section 658K(a)—

(A) in paragraph (1)—

(i) in subparagraph (B)—

(I) by striking clause (iv) and inserting the following:

"(iv) whether the head of the family unit is a single parent;";

(II) in clause (v)—

(aa) in the matter preceding subclause (I), by striking "including the amount obtained from (and separately identified)—" and inserting "including—"; and

(bb) by striking subclause (II) and inserting the following:

"(II) cash or other assistance under—

"(aa) the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

"(bb) a State program for which State spending is counted toward the maintenance of effort requirement under section 409(a)(7) of the Social Security Act (42 U.S.C. 609(a)(7));"; and

(III) in clause (x), by striking "week" and inserting "month"; and

(ii) by striking subparagraph (D) and inserting the following:

"(D) Use of Samples.—

"(i) Authority.—A State may comply with the requirement to collect the information described in subparagraph (B) through the use of disaggregated case record information on a sample of families selected through the use of scientifically acceptable sampling methods approved by the Secretary.

"(ii) Sampling and Other Methods.—The Secretary shall provide the States with such case sampling plans and data collection procedures as the Secretary deems necessary to produce statistically valid samples of the information described in subparagraph (B). The Secretary may develop and implement procedures for verifying the quality of data submitted by the States."; and

(B) in paragraph (2)—

(i) in the heading, by striking "Biannual" and inserting "Annual"; and

(ii) by striking "6" and inserting "12";

(3) in section 658L, by striking "1997" and inserting "1998";

(4) in section 658O(c)(6)(C), by striking "(A)" and inserting "(B)"; and

(5) in section 658P(13), by striking "or" and inserting "and".

SEC. 603. REPEALS.

(a) Child Development Associate Scholarship Assistance Act of 1985.—Title VI of the Human Services Reauthorization Act of 1986 (42 U.S.C. 10901–10905) is repealed.

(b) State Dependent Care Development Grants Act.—Subchapter E of chapter 8 of subtitle A of title VI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9871–9877) is repealed.

(c) Programs of National Significance.—Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended—

(1) in section 10413(a), by striking paragraph (4);

(2) in section 10963(b)(2), by striking subparagraph (G); and

(3) in section 10974(a)(6), by striking subparagraph (G).

(d) Native Hawaiian Family-Based Education Centers.—Section 9205 of the Native Hawaiian Education Act (20 U.S.C. 7905) is repealed.

SEC. 604. EFFECTIVE DATES.

(a) In General.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect as if included in the enactment of title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278).

(b) Exceptions.—The amendment made by section 601(a)(2)(B) and the repeal made by section 603(d) shall each take effect on October 1, 1997.

TITLE VII—ERISA AMENDMENTS RELATING TO MEDICAL CHILD SUPPORT ORDERS

SEC. 701. AMENDMENTS RELATING TO SECTION 303 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Privacy Safeguards for Medical Child Support Orders.—Section 609(a)(3)(A) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)(A)) is amended by adding at the end the following: "except that, to the extent provided in the order, the name and mailing address of an official of a State or a political subdivision thereof may be substituted for the mailing address of any such alternate recipient,".

(b) Payment to State Official Treated as Satisfaction of Plan's Obligation.—Section 609(a) of such Act (29 U.S.C. 1169(a)) is amended by adding at the end the following new paragraph:

"(9) Payment to State Official Treated as Satisfaction of Plan's Obligation to Make Payment to Alternate Recipient.—Payment of benefits by a group health plan to an official of a State or a political subdivision thereof who is named in a qualified medical child support order in lieu of the alternate recipient, pursuant to paragraph (3)(A), shall be treated, for purposes of this title, as payment of benefits to the alternate recipient.".

(c) Effective Date.—The amendments made by this section shall be apply with respect to medical child support orders issued on or after the date of the enactment of this Act.

SEC. 702. AMENDMENT RELATING TO SECTION 381 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) Clarification of Effect of Administrative Notices.—Section 609(a)(2)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(2)(B)) is amended by adding at the end the following new sentence: "For purposes of this subparagraph, an administrative notice which is issued pursuant to an administrative process referred to in subclause (II) of the preceding sentence and which has the effect of an order described in clause (i) or (ii) of the preceding sentence shall be treated as such an order.".

(b) Effective Date.—The amendment made by this section shall be effective as if included in the enactment of section 381 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2257).

SEC. 703. AMENDMENTS RELATING TO SECTION 382 OF THE PERSONAL RESPONSIBILITY AND WORK OPPORTUNITY RECONCILIATION ACT OF 1996.

(a) ELIMINATION OF REQUIREMENT THAT ORDERS SPECIFY AFFECTED PLANS.—Section 609(a)(3) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1169(a)(3)) is amended—

(1) in subparagraph (C), by striking ", and" and inserting a period; and

(2) by striking subparagraph (D).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to medical child support orders issued on or after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from Michigan [Mr. LEVIN] each will control 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased today to rise in support of H.R. 1048, the Welfare Reform Technical Corrections Act of 1997. Last year Congress passed and the President signed a new welfare law that substantially reformed the Nation's welfare policy, including Federal programs providing cash welfare, child care, child support and disability payments and welfare for noncitizens. That comprehensive legislation also included a provision requiring the Secretary of Health and Human Services and the Commissioner of Social Security to submit to Congress a detailed proposal for making technical corrections and conforming amendments to this law. The goal was to produce legislation that would facilitate the implementation of the new national welfare reform policy in the simplest, most sensible way. Thus we have the bill before us today.

My motion also includes a minor change since the Committee on Ways and Means acted. This change is necessary to address the concerns of appropriations and budget committees with section 214 of the bill regarding payments to the prisoners.

I understand that the minority is fully advised of this amendment and has no objection to that.

There is little in this bill that is flashy or that rises above the truly technical. In fact, most changes would either correct or clarify the law by changing cross-references or correcting grammatical or format errors. Nonetheless, this is an important legislative product for several reasons:

First, it is the result of cooperation between the administration, the Congress and the States. Most provisions of this bill stem from requests made by the administration and the States who are charged with swiftly and efficiently implementing the new welfare programs in accordance with new Federal law.

Second, this bill is thoroughly bipartisan. One of the basic ground rules used in crafting this bill is that if any side, House Republicans, House Democrats, Senate Republicans, Senate Democrats or the Clinton administration, objected to a provision, it would not be included in this bill. As a result, both the subcommittee and the full committee voted in favor of this legislation unanimously. I suspect that we will have a similar vote here on the floor today.

Finally, this effort shows that all sides want to make welfare reform work. Either side could have derailed the process at any time along the way, and this so-far-friendly process could still be halted in the Senate. But for today the interests of making the new law work have won out over partisanship and grandstanding.

Mr. Speaker, let me say a word about what is not in this bill, and it is not in this bill by design. This bill is not a vehicle to reopen the debate over fundamental welfare reform changes. These issues are settled, and all parties crafting this legislation accepted that fact at least for the moment. This legislation makes many changes that will allow welfare reform to work better, which is everybody's goal. While the changes made here are quite minor, this bill represents Congress at its best, fostering cooperation with the States, working in a bipartisan fashion and producing changes that make Government more efficient in its services to the people that we all serve.

I urge all Members to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LEVIN. Mr. Speaker, I yield myself such time as I may consume.

Today we are considering the Welfare Reform Technical Corrections Act of 1997. This legislation will correct technical problems that impact implementation of the Personal Responsibility and Work Opportunity Reconciliation Act.

Last year's bill carried out significant changes in the structure of our Nation's welfare system. As we all know, it is inevitable when we pass comprehensive legislation that we must go back and correct technical errors. The basis of this bill began with a list of recommended corrections submitted by the administration early in the year. From the outset, the process of formulating this bill was always open. States, municipalities and advocacy groups contributed extensively to the process to ensure that this bill clears up any ambiguities due to drafting errors or oversight.

By agreement among Republicans and Democrats on the committee, as mentioned by the distinguished chairman of the subcommittee, this bill only addresses strictly technical problems which have been identified since the bill's passage. Each of the measures in this bill is technical in nature and does not change the substance of the new law. If a proposed change was considered substantive or controversial by either Republicans or Democrats, it was not included in this legislation.

For example, the bill clarifies that Social Security benefits are denied to prison inmates and prohibits them from receiving Old Age Disability Insurance benefits. The bill also clarifies the sharing of the 35-hour work requirement and the provision for child care in cases of two-parent families who must work a combined 35 hours plus 20 hours, or 55 hours, per week to be counted toward meeting the work requirement.

Another example, the bill also extends until February 22, 1998, the deadline for the Social Security Administration to determine the eligibility of children for certain benefits and gives States an additional 3 months to submit their biennial welfare plans.

The noncontroversial nature of these corrections is reflected in the committee vote. The Welfare Reform Technical Corrections Act passed the Committee on Ways and Means unanimously, 33 to zero. All Members, those who voted for the Personal Responsibility and Work Opportunity Act and those who did not, supported this technical corrections legislation.

There are still substantive issues regarding the Personal Responsibility and Work Opportunity Reconciliation Act which very much need bipartisan attention. I would cite as examples disability benefits for elderly legal immigrants and certain food stamp benefits. Negotiations on these matters are taking place within the context of budget discussions. This bill was not the intended vehicle for these outstanding concerns.

This bill represents the culmination of a long process. I would like to thank the gentleman from Florida [Mr. SHAW], chairman of the Subcommittee on Human Resources, for the manner in which this bill was handled from beginning to end.

The staff also did an exemplary job in working together to keep the bill technical in nature, and the staff on both sides of the aisle is here with us this afternoon.

Finally, the administration should be commended for the stellar job done in assembling the technical corrections that form the basis of this bill, specifically the Department of Health and Human Services and the Social Security Administration.

Throughout this process, we have put aside our differences and focused on crafting a truly technical bill. In this spirit, as was true in the Committee on Ways and Means by unanimous vote, I urge my colleagues on both sides of the aisle to support this necessary technical correction legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SHAW. Mr. Speaker, I yield 3 minutes to the gentleman from Texas [Mr. DeLay].

Mr. DeLAY. Mr. Speaker, I rise in support of this important legislation and I commend the gentleman from Texas [Mr. Archer] and the gentleman from Florida [Mr. Shaw] for bringing it to the floor.

Last year, when the Congress passed comprehensive welfare reform, the United States took a giant step in the right direction. By providing incentives for able-bodied Americans to leave welfare and move to private sector employment, we have given these Americans a chance to realize the American dream. But, Mr. Speaker, the administration has not received the message.

The hallmark of our welfare reform law is flexibility. Give the States the ability to design their own systems to give people a hand up, not just a handout, and the States will be more successful than the Federal Government has been in bringing and making welfare work for the American people. This has proven to be the case in State after State, places like Wisconsin and Michigan.

My home State of Texas wants to have that chance to help its people in ways unique to Texas. Texas has petitioned the Federal Government to approve its innovative welfare reform proposal. This proposal includes commonsense ideas such as one-stop benefits centers so that people who are on welfare do not have to waste time traveling from one center to another to collect benefits. This is a commonsense proposal and would save the American taxpayers millions of dollars while giving the welfare recipients more time to look for a job.

Unfortunately, the administration has refused to give Texas the flexibility it needs to implement this program. Texas has met every requirement asked of it by the Federal Government since last July when it first started the approval process. Still, the administration has not granted full approval. Without that approval, Texas cannot implement its program of getting people off of welfare and putting them to work.

So, Mr. Speaker, I urge the administration to stop stonewalling and give Texas a chance to move ahead with real welfare reform. What is good for the rest of the country should be good for the great State of Texas.

Mr. LEVIN. Mr. Speaker, I yield myself 30 seconds.

Let me just say in response to the gentleman from Texas [Mr. DeLay] that this matter is really not within the purview of this technical corrections bill. The administration is considering this matter and is taking time to make sure that it arrives at an appropriate answer.

Mr. Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut [Mrs. Kennelly].

Mrs. KENNELLY of Connecticut. Mr. Speaker, I thank the gentleman from Florida [Mr. Shaw] and the gentleman from Michigan [Mr. Levin] for their hard work. I know that there are some who might say there is more interesting work than technical corrections but nothing is more important across this country to people who really do not know exactly what is said in the statute and, therefore, have to interpret it and live by it. So I really thank these gentlemen for the hard work that they have done so that people could understand exactly what is expected of them and they can carry out their duties as they should.

I also as a ranking Democrat on the Subcommittee on Social Security am pleased to rise in support of this bill that has been so well crafted. The legislation includes several technical and miscellaneous changes related to Social Security. These changes clarify certain effective dates, extend demonstration project authority and improve the law which denies Social Security benefits to prisoners.

Mr. Speaker, some years ago we passed legislation denying Social Security benefits to incarcerated criminals. However, for some reason it has been difficult to get local jails and other institutions to notify the Federal Government they have custody of such inmates. As a result, the law's implementation has been somewhat spotty.

This legislation would provide a financial incentive for such reporting. I am hopeful that such an incentive will be effective in stopping benefits payments in a timely fashion.

☐ 1430

Another provision of this bill would facilitate the implementation of voluntary tax withholding of Social Security benefits. The technical correction would remove an impediment to an already enacted law permitting this withholding. The law should have been effective in January of this year but the Social Security Act prohibits assignment of Social Security benefits.

Today's technical correction will eliminate the inconsistency between those two laws and allow the voluntary withholding to go forward. Many people have contacted many Members of the Congress urging swift enactment of this technical correction, and this will clarify exactly what can happen.

I expect we will find many beneficiaries who are anxious to utilize this option. I urge my colleagues to vote for this bill. I really thank the gentleman from Florida [Mr. Shaw] and the gentleman from Michigan [Mr. Levin] for the time and effort they have given to bringing this to the floor, and I am very glad to associate myself with it.

Mr. LEVIN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. Meehan].

Mr. MEEHAN. Mr. Speaker, I thank my colleague, the gentleman from Michigan [Mr. Levin], for yielding me the time and I rise today in support of H.R. 1048, the Welfare Reform Technical Corrections Act.

Incorporated in this bipartisan legislation is a provision that statutorily denies Social Security benefits to a group of individuals who have been convicted of serious sex crimes. This provision is based on H.R. 237, a bill that I drafted in response to an exposé by investigative reporter Joe Bergantino of WBZ in Boston.

Mr. Chairman, in 1994 Congress amended the Social Security Act to close a host of loopholes which enabled prisoners and other dangerous individuals to receive Social Security benefits while incarcerated. Congress' intent was clear: Social Security benefits were denied on the grounds that these dangerous individuals sentenced to cost-free living in government institutions should not receive additional benefits.

This was not a punitive action, Mr. Speaker, but a simple recognition that in an era of limited resources, prisoners and other dangerous individuals should not be able to double dip.

By and large, the law succeeded. However, it had one glaring loophole. In at least 7 States, including the Commonwealth of Massachusetts, there have been a number of sexual offenders who have been committed civilly to various institutions, usually upon completion of a criminal sentence. These individuals are currently eligible for Social Security benefits because they do not technically fit into a specific classification under the 1994 law.

In Massachusetts, at Bridgewater Treatment Center, for example, there are about 20 men there, hardened sexual offenders, who receive more than $10,000 a month in benefits.

It is an outrage that some of the most dangerous criminals in society continue to receive payments at a cost to hard-working Americans. Today, by passing this bill, we can close a huge loophole that has been long overdue and send a message to prisoners still collecting Social Security benefits. The message is: Your benefits are denied.

I want to thank my colleagues on the Committee on Ways and Means, particularly the gentleman from Massachusetts, Mr. Richard Neal, and the gentlewoman from Connecticut, Mrs. Barbara Kennelly, for their work on this legislation, and I strongly urge support of H.R. 1048.

Mr. LEVIN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHAW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleague from Michigan for his tremendous work and cooperation. This could have developed into a circus, knowing of some of the controversies within welfare reform, but the Members all chose to be very professional and see this go through and go through in a very smooth way.

I would also like to thank the staff of the administration as well as the minority and the majority here in the House. To craft a technical corrections bill of this size is quite a job, and quite a laborious job to come through the legislation and find things that need adjustment, fine-tuning and correction, and take care of that. For that I am very appreciative to all of our staffs for having done so.

I also appreciate the cooperation we received from the Committee on Education and the Workforce, from the gentleman from Pennsylvania [Mr. GOODLING], and the gentleman from Arizona [Mr. STUMP], of the Committee on Veterans' Affairs, in cooperating in their jurisdiction within this bill.

Mr. Speaker, I include for the RECORD at this time a letter from the gentleman from Pennsylvania and the gentleman from Arizona as well.

COMMITTEE ON EDUCATION
AND THE WORKFORCE,
Washington, DC, April 25, 1997.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am writing regarding H.R. 1048, the Welfare Reform Technical Corrections Act of 1997 and have no objection to this bill being scheduled for consideration. The bill was introduced by Rep. Clay Shaw and was referred additionally to the Committee on Education and the Workforce. The Committee on Ways and Means ordered the bill favorably reported on April 23, 1997. While the bill includes amendments that affect programs within the jurisdiction of this Committee, specifically the Mandatory Work Requirements of Title I and the Child Care Provisions of Title VI, I do not intend to call a full Committee meeting to consider this bill; however, the Committee does hold an interest in preserving its jurisdiction with respect to issues raised in the bill and its jurisdictional prerogatives in future legislation should the provisions of this bill be considered in a conference with the Senate.

Additionally, I would indicate that I am currently working with Chairman Archer to include a technical amendment to the Employment Retirement Income Security Act (ERISA), during Floor consideration; this amendment is solely within the jurisdiction of the Committee on Education and the Workforce.

I thank you for your attention to this matter and look forward to swift passage of H.R. 1048.

Sincerely,

BILL GOODLING,
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 28, 1997.

Hon. BILL ARCHER,
Chairman, Committee on Ways and Means,
Washington, DC.

DEAR BILL: Thanks for working with me and the Department of Veterans Affairs to straighten out the few problems which had arisen with the payment of veterans benefits and the operation of the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA). I understand that the Welfare Reform Technical Corrections Act of 1997 addresses all of our concerns about the possible interruption of payment of veterans benefits as a result of technical defects in the Act. We very much appreciate your staff's willingness to get these issues worked out.

Sincerely,

BOB STUMP,
Chairman.

Mr. GOODLING. Mr. Speaker, I am pleased to support H.R. 1048, the Welfare Reform Technical Corrections Act of 1997. This legislation makes a number of technical and clarifying amendments to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996—the welfare reform law—that Congress passed and President Clinton signed last year.

I want to emphasize that these amendments are technical and clarifying in nature and do not change or undercut the important reforms of welfare that we made last year.

A number of the provisions in H.R. 1048 fall within the jurisdiction of the Committee on Education and the Workforce. Our committee has worked very closely with the Ways and Means Committee in putting this bill together, and I want to thank Chairman Archer and Chairman Shaw and their staffs for working with us in this process and accommodating our concerns along the way.

I want to particularly highlight provisions that fall within the jurisdiction of the Committee on Education and the Workforce regarding mandatory work requirements in section 105, child care provisions in title VI, and ERISA amendments relating to medical child support orders in title VII.

In the area of mandatory work requirements, H.R. 1048 makes the following technical and clarifying changes:

First, it allows States to count 2-parent families in which one parent is disabled as a 1-parent family for purposes of calculating the State work participation rate.

Second, it clarifies that States may exclude persons covered by a tribal work program from their calculation of work participation rates.

Third, it allows States flexibility in counting the ours of work by each parent in 2-parent families.

Fourth, it amends the conditions under which States may count up to 12 weeks of job search as meeting work participation requirements to better reflect the type of economic conditions that were intended by that provision of the welfare reform law.

Fifth, it addresses the work participation rate requirements for caretaker relatives for children under age 6 and makes those requirements consistent with those for parents.

Sixth, it clarifies language regarding the qualifying number of hours for teenage head of households.

In the area of child care, H.R. 1048 makes a number of drafting clarifications to the funding allocation language of the welfare reform law. In addition, H.R. 1048 repeals the authorization for four narrowly targeted child care programs which we had intended to repeal as part of the welfare reform law, and as part of the consolidation of child care programs in that law. Because of the rules of the Senate, the provisions to repeal these programs were dropped from last year's welfare reform law, but are now included in this bill.

Finally, title VII of H.R. 1048 contains four changes to the Employee Retirement Income Security Act [ERISA], each of which relate to medical child support orders.

Section 701(a) allows the name and mailing address of an official of a State or political subdivision to be substituted for the mailing address of an "alternate recipient" who is the custodial parent of a child covered under an ERISA group health plan. Section 701(b) allows an ERISA group health plan to make payment of benefits to an official of a State or political subdivision who is named in a qualified medical child support order. Together, these two provisions will facilitate the payment of benefits to the appropriate party and maintain confidentiality of information, particularly in the case of child abuse.

Section 702 clarifies that an administrative notice which is issued in an administrative process in connection with a qualified medical child support order shall have the same effect as the order itself. This will facilitate the payment of benefits to the appropriate party on a timely basis and without having to seek a new court order.

Section 703 deletes a requirement that a qualified medical child support order must contain the name of every plan to which the order applies. This will facilitate the time application of such an order when coverage changes from plan to plan.

Mr. Speaker, I believe that these are all good changes which help clarify the welfare reform law and will help the States implement that very important law. I urge my colleagues to join in support of this legislation.

Mr. DOOLEY of California. Mr. Speaker, as the House debates H.R. 1048, I rise today to express my continuing concern regarding the negative impact of the welfare reform bill on the Hmong veterans who served along with our soldiers during the Vietnam war. I am pleased that the bill before us today recognizes the importance of this issue. However, the sense of Congress language does not go far enough to address the real need facing the Hmong community. I believe that every possible effort must be made to restore the benefits that were promised to these veterans.

I agree that reform of the welfare system was necessary as a means to facilitate the transition from welfare to work and to encourage greater self-sufficiency for able-bodied adults. However, the legislation enacted last year will adversely affect the Hmong people of Laos who deserve special consideration because they cooperated and sacrificed for our Government and its Armed Forces during the Vietnam war.

Because of a provision in the welfare reform law, legal residents, with a few exceptions, are ineligible to receive SSI. As a result, many of the elderly and disabled Hmong veterans and their dependents will be discontinued from the SSI program by August 22, 1997.

During the Vietnam war, many of the Hmong people worked for our intelligence and Special Forces groups. It is wrong to abandon these men and women who served as valuable allies to us during the Southeast Asian conflict.

Though not classified as veterans by our Government, the Hmong of Laos were engaged in covert operations directed by the Central Intelligence Agency. Since many served in non-uniformed units, it remains uncertain if "veteran" status can be proved. these Special Forces teams aided our efforts tremendously during the Southeast Asian conflict, but, at great cost and personal loss to themselves. Many of the Hmong lost their lives. They suffered innumerable casualties, and lost their homeland to Communist forces. After the war, the Hmong were forced to live in refugee camps, many in substandard conditions, and were later brought to our country as political refugees.

The process of assimilation to the United States has been especially difficult for the Hmong. One major setback for many, is that their command of the English language is insufficient to successfully complete the naturalization process. This is partly because, up until the 1950's, the Hmong did not have a written language, which has made learning to speak, read, and write the English language extremely difficult. Further, the English-learning process has been stymied by the high rate of illiteracy among the Hmong in their own native language. Educational opportunities in their homeland, for the majority of the Hmong who were brought to the United States as political refugees, were seriously undermined as a result of the war-ravaged years in Laos.

Aside from limited educational and work opportunities in the United States, the Hmong must overcome many other obstacles during their assimilation and adjustment process. First, many Hmong who survived the war are afflicted with physically-disabling conditions and mental disabilities such as post-traumatic stress syndrome. Second, they must adjust to a set of very different cultural practices and norms. Finally, the Hmong are subject to discrimination and prejudice in their new environment.

Mr. Speaker, today we are taking a first step toward restoring benefits to this deserving group. It is imperative that we follow through on the statement in the bill today and ensure further legislative action is taken. I am committed to working with the committee to develop a workable solution to this problem. The Hmong, who sacrificed much to fight by our Nation's side during the Vietnam war, should not be forgotten.

WAXAO XIONG

HMONG, AGE 70

Waxao served as a U.S. recruited soldier in the Luangprabang area of Laos beginning in 1964. Because of his leadership in the war, he was a special target of the communists in Laos. He ran for his life, narrowly escaping capture, but leaving behind his wife, mother and father in Laos. In 1987 he received a special reward for his exemplary military service in partnership with the United States.

Now he says he wants very much to be a citizen of the United States, especially because he was a leader in fighting against the communists for the U.S. "I want to work to help this country, but I don't speak English. I went to adult school for one year. Now I am studying in English and citizenship classes in my apartment complex, but learning is so slow. I do not know how I can pass the test."

LOR VANG

HMONG, AGE 74

Lor was once a well respected mayor of his village in Laos. Although Lor and his family had little formal education, he nevertheless owned and worked their own land. During the Vietnam War four of his six children and his parents were killed. Following the war he lived for 13 years in two refugee camps in Thailand and arrived in the United States in 1989 at age 66.

Now, through tears, he grieves his losses and wonders how American friends can assist him now. In Laos he was able to support his family, but arriving in the U.S. with no skills and no knowledge of English made him totally dependent on others. "The U.S. has been very good. But I had little education in Laos, and it is hard to learn English here. Because I can't pass the citizenship test, I am thinking about killing myself."

PAO DOUA VANG

HMONG, AGE 79

Pao Doua Vang served as a soldier allied with the United States in Laos during the Vietnam War from 1960–1975. His two sons served in the military as well, including one son who was only 13 when he was killed in battle. Pao was shot in the head by Communist soldiers and lost most of his hearing due to this injury. He also has a metal plate in his head from a bomb blast (although he does not remember the blast). He arrived in the United States in 1983 with his wife and daughters to live with his sister-in-law.

Due to the death of his mother and father when he was very young, Pao never had an opportunity to go to school. Through tears Pao says, "I have lost hope in my old country. Now America is my country and hope. My children are citizens. I want to be a citizen too—but I have failed the English part of the test. If I am not a citizen, I have no future. Please help. My family is doing all they can, but they have their own problems and not very much money. Please don't let welfare reform happen to me."

Mr. STENHOLM. Mr. Speaker, I rise in support of this bill. The welfare reform legislation enacted last year was a major step in the right direction of improving the welfare system, but all of us who supported this bill knew that it wasn't perfect and that we needed to continue to strengthen this bill. I want to commend Chairman Shaw for his sincere commitment to doing the hard work necessary to make sure welfare reform legislation works the way that we intended.

One of the key features of the welfare reform bill was the principle that States should be allowed to try innovative approaches to improve the welfare system. In that vein, I would like to take this opportunity to encourage the administration to approve the waiver allowing Texas to proceed with soliciting bids for the Texas Integrated Enrollment System.

The Texas Integrated Enrollment System would allow private vendors to compete with public agencies for a contract to develop and operate an integrated enrollment system. The Texas Legislature determined that a private contractor, working in partnership with a public agency, might be able to make the transition to a integrated process more efficiently than the current structure and achieve savings that could be used to assist needy individuals more directly.

I don't know if that assumption is correct. Some of my colleagues have raised valid concerns about the impact that privatization would have on the welfare system. I have some reservations myself about whether privatizing the welfare eligibility system makes sense. But we are not debating whether or not privatization is a good idea. All we are debating—or at least all we should be debating—is whether Texas should be allowed to explore the options of allowing private contractors to administer a part of the welfare system. It is not possible for anyone to know what impact privatization will have until the bids are submitted. I would say to those who oppose privatization as well as those who support privatization: Let's wait and see what proposals are made for privatization before we jump to a conclusion either way.

Injecting some competition into this process will produce a welfare system that is better for welfare recipients and taxpayers. I would hope that those who oppose privatization will put their energy into improving the current system instead of trying to prevent any competition.

Approving the Texas waiver request does not necessarily mean that Texas will privatize any part of the welfare system. The Federal Government still must approve any contract with a private company before any privatization can become final. We should wait until we see the proposals from private companies before we decide whether or not privatization makes sense. We can't honestly debate the merits of privatization until we know the facts about what privatization will mean.

If the bids by private contractors don't adequately address the concerns that have been raised about the impact that privatization will have on individuals applying for assistance and on the current employees, or if the public sector can demonstrate that they can administer welfare programs more efficiently and effectively than any of the private contractors, I will be the first to argue that we shouldn't go forward with privatization.

I regret that this issue has become so politicized. I would urge all parties involved to cool our rhetoric and try to work together to find a way to allow Texas to explore this option while providing safeguards against the concerns we all share. I know Governor Bush and Commissioner McKinney are committed to finding a constructive solution, and believe that the administration is willing to work with them as well. I hope that they will continue their dialog to find a solution that will allow Texas to move forward with this proposal.

Mr. VENTO. Mr. Speaker, I rise today in support of the move to make technical corrections to the welfare reform law, H.R. 1048. Although I was hopeful that the measure would include provisions to exempt Hmong veterans from benefit restrictions, I am pleased that the sense of Congress was included in the amendments offered. This sense of Congress would recognize the service of thousands of Hmong and other Highland Lao veterans who fought in special guerrilla units on behalf of the United States during the Vietnam war. I would also state that Congress should approve legislation for the purpose of continuing certain welfare benefits for these Hmong and Highland Lao veterans and their families based on their service to the United States.

I believe that we must go further than this sense of Congress language to recognize the service of the Lao Hmong, however, this is an important step in the process of honoring the sacrifice of the Hmong patriots. The Hmong stood by the United States at a crucial time in our history; now we have an opportunity to repay that loyalty. Many of those who survived and made it to the United States are separated from other family members and are having a difficult time adjusting to life here.

I worked to include language in this bill that would make the treatment of Hmong veterans commensurate with that of other aliens who served in United States regular military forces. While this provision was not included, I am encouraged that this sense of Congress has bipartisan support and expresses a shared intent to amend this matter and am hopeful that this issue will be resolved in the near future to avert the August 1997 deadline. The loss of benefits to these legal immigrants that can't pass an English language test is unfair and works a special hardship on the Hmong, refugees and asylees nationally.

Mr. RADANOVICH. Mr. Speaker, I am pleased that the House of Representatives approved the passage of H.R. 1048, the Welfare Technical Corrections Act of 1997, which I supported. The bill makes a number of technical corrections to the 104th Congress' historic welfare reform bill.

I want to draw particular attention to section 407 of the bill. This section provides for:

> . . . the sense of the Congress that Hmong and other Highland Lao veterans who fought on behalf of the Armed Forces of the United States during the Vietnam conflict and have lawfully been admitted to the United States for permanent residence should be considered veterans for purposes of continuing certain welfare benefits consistent with the exceptions provided other noncitizen veterans under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

The Hmong share a unique historic link with the United States and our objectives in the Vietnam war. It is because of their valiant service that these people deserve our concentrated attention. I want to thank Human Resources Subcommittee Chairman SHAW, Congressman KLECZKA, Congressman RAMSTAD, and the remaining members of the Ways and Means Committee for including this important language in the bill. I am pleased that my communication with the committee has in some measure contributed to raising awareness about the Hmong and their unique situation.

GENERAL LEAVE

Mr. SHAW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on H.R. 1048.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. SHAW. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. SHAW] that the House suspend the rules and pass the bill, H.R. 1048, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ADVISING MEMBERSHIP OF ISRAELI PRIME MINISTER NETANYAHU ADDRESS ON HOUSE CABLE TV

(Mr. GILMAN asked and was given permission to address the House for 1 minute.)

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to inform my colleagues of arrangements I have made for them to be able to view a major speech of Israeli Prime Minister Netanyahu on House cable channel 25.

Recently the Israeli Prime Minister addressed the membership of Voices United for Israel, an organization dedicated to a secure Israel, comprised of more than 200 Christian and Jewish organizations representing 40 million people across our Nation. Based on the attendance of that event, it is obvious that support for a strong United States-Israeli relationship can be found throughout our Nation.

Accordingly, I have arranged for the Prime Minister's remarks to be broadcast on our House cable channeling, channel 25, this Wednesday, April 30, and Thursday, May 1, at both 10 a.m. and 2 p.m. on both days, and have sent out a "Dear Colleague" letter to each Member of the House advising them of this event.

Mr. Speaker, I hope our Members and their staff will take the opportunity to view this important speech. It was well received and I highly recommend it.

EXPIRING CONSERVATION RESERVE PROGRAM CONTRACTS

Mr. SMITH of Oregon. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1342) to provide for a 1-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts, as amended.

The Clerk read as follows:

H.R. 1342

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONE-YEAR ENROLLMENT OF LAND COVERED BY EXPIRING CONSERVATION RESERVE PROGRAM CONTRACTS.

(a) ELIGIBLE FARM LANDS.—This section applies with respect to a farm containing land covered by a conservation reserve program contract expiring during fiscal year 1997 if—

(1) the farm had a crop acreage base for wheat, oats, or barley at the time the conservation reserve program contract was executed;

(2) the farm is located in an area in which fall-seeded crops are regularly planted, as determined by the Secretary of Agriculture;

(3) the owner of the farm (or the operator with the consent of the owner) submitted, during the enrollment period that ended on March 28, 1997, an eligible bid to enroll all or part of the land covered by the expiring contract in the conservation reserve established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.); and

(4) the land designated in the bid satisfies the eligibility criteria in effect for enrollment of land in the conservation reserve.

(b) ONE-YEAR ENROLLMENT AUTHORIZED.—

(1) AUTHORITY OF OWNER OR OPERATOR.—Except as provided in subsection (g), the owner or operator of a farm described in subsection (a) may enroll in the conservation reserve for a one-year term to begin on October 1, 1997, the land covered by the expiring conservation reserve program contract and included in the owner's or operator's enrollment bid (as described in subsection (a)(3)) if—

(A) the owner or operator notifies the Secretary in writing, during the special notification period required under paragraph (2), that the owner or operator desires to enroll the land in the conservation reserve for one year under this section; and

(B) the Secretary does not accept, before October 1, 1997, the owner's or operator's enrollment bid (as described in subsection (a)(3)) to enroll the land in a long-term conservation reserve program contract.

(2) SPECIAL NOTIFICATION PERIOD.—Promptly upon the enactment of this Act, the Secretary shall provide a special period for owners and operators of farms described in subsection (a) to permit the owners and operators to provide the notification required under paragraph (1)(A) to enter into one-year conservation reserve program contracts under this section.

(c) RENTAL RATE.—The rental rate for a one-year conservation reserve program contract under subsection (b) shall be equal to the amount of the bid (as described in subsection (a)(3)) that the owner or operator submitted with respect to the land to be covered by the one-year contract.

(d) EFFECT OF ONE-YEAR CONTRACT ON SUBSEQUENT ENROLLMENT.—If an owner or operator who enrolls eligible farm land in a one-year conservation reserve program contract under subsection (b) submits a bid to enroll the same land in the conservation reserve under a long-term conservation reserve program contract that would commence on October 1, 1998, and the Secretary accepts the bid and enters into a long-term conservation reserve program contract with the owner or operator, then the one-year contract shall be considered to be the first year of that long-term conservation reserve program contract.

(e) MAXIMUM ENROLLMENT.—The maximum number of acres in the conservation reserve during fiscal year 1998, including land enrolled by the Secretary under one-year conservation reserve program contracts under subsection (b), may not exceed 30,000,000 acres.

(f) APPLICATION OF CONSERVATION RESERVE LAWS.—Except as specifically provided in this section, the terms and conditions of subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) shall apply with respect to one-year conservation reserve program contracts authorized by this section.

(g) EFFECT OF COMPLETION OF 15TH ENROLLMENT.—If, as of the date of the enactment of this Act, the Secretary has already acted on the bids submitted during the enrollment period that ended on March 28, 1997, to enroll land in the conservation reserve, either by accepting or rejection the bids then the authority provided by this section for special one-year conservation reserve program contracts shall not take effect.

SEC. 2. SPECIAL EARLY TERMINATION AUTHORITY FOR CERTAIN CONSERVATION RESERVE PROGRAM CONTRACTS EXPIRING IN 1997.

(a) EARLY TERMINATION AUTHORITY.—A farm owner or operator described in subsection (b) who is a party to a conservation reserve program contract expiring during fiscal year 1997 may terminate the contract at any time after June 30, 1997. Notwithstanding section 1235(e) of the Food Security Act of 1985 (16 U.S.C. 3835(e)), the termination shall take effect immediately upon submission of notice of the termination to the Secretary of Agriculture and shall not result in a reduction in the amount of the rental payment due under the conservation reserve program contract for fiscal year 1997.

(B) ELIGIBLE OWNERS AND OPERATORS.—A farm owner or operator referred to in subsection (a) is a farm owner or operator with respect to whom one of the following circumstances apply:

(1) Nether the owner, operator, nor any other eligible person submitted, during the enrollment period that ended on March 28, 1997, an eligible bid to enroll all or part of the land covered by the expiring conservation reserve established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

(2) An eligible bid was submitted during the enrollment period to enroll all or part of the land covered by the expiring contract in the conservation reserve, but the Secretary of Agriculture rejected the bid and the owner or operator did not notify the Secretary, in the manner provided in section 1(b), that the owner or operator desired a one-year contract under section 1.

(c) CONSERVATION RESERVE PROGRAM CONTRACT DEFINED.—In this section, the term "conservation reserve program" means a contract entered into under subchapter B of Chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) for enrollment of farm acreage in the conservation reserve established under such subchapter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon [Mr. SMITH] and the gentleman from Texas [Mr. STENHOLM] each will control 20 minutes.

The Chair recognizes the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today the House considers H.R. 1342, a bill reported by the Committee on Agriculture on April 17 by voice vote.

This bill will provide a one-time legislative remedy to a problem that many of us have seen coming for many months, and that is a specific timing problem for winter crop producers whose current CRP contracts will expire this September.

Members of the Committee on Agriculture, the gentleman from Virginia, Mr. MORAN, who introduced the bill in February seeking to solve this matter, the gentlemen from Texas, Mr. COMBEST and Mr. STENHOLM, and many others in a bipartisan effort have been working diligently to find the correct fix for this problem. We believe H.R. 1342 is a limited remedy to a very real problem that many landowners are now facing.

As a matter of information, this bill is different from the committee bill adopted in that if the Secretary awards CRP contracts prior to enactment, this bill is void. If the bill is enacted prior to any Secretarial announcement, then eligible landowners will be offered a 1-year contract.

Many farmers who needed to know some time ago whether or not they were going to get another CRP contract, will not know in time and will not be able to plant a winter crop of wheat, barley, or oats. And, by the way, through CBO we understand that the loss to farmers is somewhere in the neighborhood of $600 million for a lost crop.

For those of my colleagues who may not know, producers do not just hop on the tractor and put a crop in the ground. Farmers with the major part of their operations currently in CRP need significant time for securing seed, fertilizer, pesticides and, yes, even a bank loan.

Those of us from arid areas of the country know that precious soil moisture is being consumed now by required CRP cover crop. That cover crop should have been removed some time ago in many of the areas of the country to save moisture for the coming winter crop planting.

As Deputy Secretary of Agriculture Richard Rominger pointed out to the Committee on Agriculture during hearings last year, the benefits of CRP to the U.S. environmental areas are substantial and quantifiable: 2.4 million acres planted in trees and 8,500 miles of filter strips along water bodies, 1.7 million acres of wildlife practices and more than 30 million acres of lands devoted to grass cover.

The Natural Resources Conservation Service estimates CRP contracts have saved nearly 700 million tons of soil annually. By any terms, the CRP has been a Federal policy success; from an environmental standpoint and from any budgetary standpoint. CBO now identifies this bill, if passed, to save $75 million.

Of course, the problem is here. Most of these producers cannot and will not gamble on waiting for the USDA to make a decision. Of course, should that occur, all the conservation benefits over the past 10 years will be lost. The huge blocks of land which conservationists have identified as bringing back our native bird populations in the Great Plains will be broken up into smaller segments, far less beneficial to wildlife. Miles of filter strips buffering water courses will be torn up. Millions of acres of grasslands will be returned to annual production. I do not believe we should let that happen.

Again, this bill seeks a technical fix that will allow winter crop producers to know if they have a CRP contract for the coming year. If they are eligible under the terms of the CRP bid process that concluded March 28, they would receive a contract at rental rates offered for this new enrollment.

If the Secretary awards them a contract later, this spring or early summer, then they will be provided a new 10-year contract. On the other hand, if they are not awarded a contract, the 1-year contract provided in this bill will expire next year, giving the landowner plenty of time to seed a crop in 1998.

This bill does not harm the current CRP program. There are no changes made in eligibility criteria or overall standards for entry or early exit. We believe landowners who have made a credible bid will be considered by the Secretary under the terms of the new rental rates and the new environmental benefits index.

As I said earlier, this bill is a technical remedy to a specific problem. Remember, this bill saves $75 million to the taxpayers, if enacted. Without it, farmers will lose $600 million. It is farmer friendly, it is budget friendly, and it is environmentally friendly. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. STENHOLM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1342.

Mr. Speaker, it has become apparent from meeting with farmers and discussing the situation with the chairman, that farmers in winter wheat States who have expiring Conservation Reserve Program [CRP] contracts will probably not have adequate time to react should those contracts not be reenrolled in the CRP.

In other words, these particular producers will not be able to prepare the ground and begin to summer fallow their acreage in time to ensure adequate moisture for fall planting. I am supporting the chairman's efforts to help these producers who were caught in a timing crunch through no fault of their own.

I would have preferred that we would have completed the farm bill in a reasonable time so that we wouldn't be in this position today. We have a large number of acres expiring in 1 year because a great deal of them received a 1-year extension due to the fact that the farm bill was not completed in 1995. Now the USDA is under tremendous pressure to make quick decisions on how many acres of the nearly 26 million bid into the program should be accepted.

There seems to be some question of fact as to how much time these farmers need to prepare their land. In addition, USDA has several concerns in regard to how this bill will affect the 15th sign-up. In any event, if USDA maintains its schedule to announce the results of the 15th sign-up, then this bill will become moot.

I look forward to working with the Department to ensure the integrity of the new CRP remains intact. That is why I am supporting the chairman's legislation. This is a small fix for a major problem for a specific group of producers.

We also give some flexibility to producers such as those in Mr. Peterson's district who are going to have very limited options should there be remaining effects from this spring's flooding or a repeat during planting season next year. By allowing landowners who were not eligible to rebid existing contracts or whose bids to reenroll were not accepted to early out of their contracts, we are giving them maximum flexibility to ensure they will be prepared for planting in the spring of 1998.

Again, I rise in support of the chairman's legislation, and urge my colleagues to support the passage of H.R. 1342.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield 2 minutes to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Speaker, I rise in opposition to this bill, and I rise reluctantly because my good friend, the gentleman from Oregon [Mr. SMITH], knows that we are both interested in the same things, but this bill would prevent new environmentally sensitive land from being enrolled in the Conservation Reserve Program. Instead, it would allow farmers who have highly productive land currently in the program the opportunity to collect a Federal check for not producing for 1 more year. Those farmers who have land that they could enroll in the program, that would have very positive environmental benefits on the nearby communities by being in the program, would be shut out for another year.

I suggest if we want to do right by conservation programs and the environment, we should vote "no" on this bill. This bill goes backward in efforts to protect our environment, not forward. I must, with all due respect to my friend from Oregon, oppose the bill.

Mr. STENHOLM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SMITH of Oregon. Mr. Speaker, I yield myself such time as I may consume.

In closing, let me reiterate again, as I mentioned in my statement, that this bill saves the taxpayers money. This is for farmers in America. Without this bill, farmers could lose $600 million in crops. This is environmentally friendly, as I have stated.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise today in support of H.R. 1342. I do not intend to take a lot of time on this issue. However, I would like to share the Nebraska wheat growers support for this bill with my colleagues.

For quite a while, Nebraska's wheat growers have been concerned USDA would not decide which bids to accept into CRP until it was too late for fall-seeded crops. My wheat growers would have faced the difficult decision of planting on land that has the possibility of being enrolled in CRP, or waiting for USDA's decision which could be negative.

The bill will allow winter crop producers to know now that they can be enrolled in CRP for the coming crop year. This will solve a minor, but very serious timing problem.

H.R. 1342 makes this situation a little easier for all winter wheat growers. I'm pleased to support the 1-year CRP option for fall-seeded crops, and I urge my colleagues to support H.R. 1342.

Mr. MORAN of Kansas. Mr. Speaker I rise today in support of H.R. 1342, a bill to provide technical corrections for the Conservation Reserve program. I would like to first thank the chairman of the Agriculture Committee for bringing this legislation before the House of Representatives.

For those of us with producers caught by the timing of these new CRP regulations, this bill offers a sensible method of returning the ground to production agriculture and protecting the conservation benefits of the program for as long as possible. H.R. 1342 is a narrow solution to a real problem.

At a hearing on February 26, 1997, held by the Subcommittee on Forestry, Resource Conservation and Research, I shared my concerns on the timing of the new CRP regulations. On February 27, I introduced legislation, H.R. 861, that shares much in common with the bill before this Chamber. H.R. 1342 allows producers whose land is not accepted to extend their contract for up to 1 additional year at the owner's new bid. For producers in winter wheat country, this bill allows for a reasonable transition of land back into production.

Under the current CRP enrollment situation established by the USDA, producers are faced with the option of losing 11 years of production in a 10-year program or being told to tear up the ground prior to being notified of a CRP decision and then trying to receive cost-share funds to replant the land back into grass if that land was indeed accepted. Neither one of these situations made sense to Kansans whose land is in the program or to this Member of Congress.

The Conservation Reserve program is an extremely important, popular, and effective program for the people of the first district of Kansas and across the country. Nationwide, over 30 million acres of environmentally sensitive land have been enrolled in this important program. The benefits of this program are readily seen through reduced runoff and soil erosion, improved wildlife habitat, and better air quality by reducing wind erosion. These benefits are important and I am optimistic that through the efforts of this legislation, the conservation benefits can be extended and maintained.

Again, Mr. Speaker, I urge my colleagues to support H.R. 1342 and take a positive step in supporting one of this Nation's most successful conservation programs.

Mr. HILL. Mr. Speaker, I rise in support of H.R. 1342, a bill to allow farmland in winter wheat and fall-planted crops to remain in a conservation program for one more year.

This temporary measure would provide certainty to Montana farmers and ranchers whose Conservation Reserve Program contracts are expiring in September.

Frankly, I am very concerned about the situation Montana farmers face. They are caught between the rules of nature and those of the Department of Agriculture. Nature tells them there is a time for preparing their land and the Department tells them to wait.

In last year's farm bill, we asked producers to manage risk; to produce for markets. The Department's delay makes that impossible. Clearly, the situation calls for correction.

The Congressional Budget Office indicates that the bill saves $75 million next year. Enacting this bill would also prevent the potential loss of $600 million in income for farmers nationwide. That's how much is at stake if farmers are unable to produce a viable crop while they wait for the Department's decision.

As I said earlier this year, Montana farmers need certainty. They need to know; should they prepare land for planting fall crops or for establishing a cover suitable for long-term enrollment in the Conservation Reserve Program.

If they aren't accepted in the Conservation Reserve Program, they're caught between nature's seasons and the Department's process. We can't change nature, but we can change the rules to help not hinder our farm families.

Mr. Speaker, my friends and neighbors look to Congress for help. And, that's what this bill would deliver. I agree with Chairman BOB SMITH and I'm a cosponsor of this important legislation. I urge Members to support this legislation. It's good for the environment, good for the farmer, and good for the taxpayer.

Mr. SMITH of Oregon. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

□ 1445

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1342, as amended.

The question was taken.

Mr. SKEEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SMITH of Oregon. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

AWARDING CONGRESSIONAL GOLD MEDAL TO FRANK SINATRA

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 279) to award a congressional gold medal to Francis Albert Sinatra.

The Clerk read as follows:

H.R. 279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, to Francis Albert "Frank" Sinatra a gold medal of appropriate design, in recognition of his accomplishments as an entertainer and humanitarian, which include—

(1) having a career in the entertainment industry spanning 5 decades where he produced, directed, or appeared in more than 50 motion pictures, recorded thousands of songs with annual sales numbering in the millions, and won many major awards in American popular entertainment including 7 Grammys, a Peabody, an Emmy and a Best Supporting Actor Oscar; and

(2) earning the Life Achievement Award of the NAACP, the Academy of Motion Picture Arts and Sciences' Jean Hersholt Humanitarian Award, and the Presidential Medal of Freedom for his humanitarian and social justice efforts.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

(c) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated not to exceed $30,000 to carry out this section.

SEC. 2. DUPLICATE MEDALS.

(a) STRIKING AND SALE.—The Secretary of the Treasury may strike and sell duplicates in bronze of the gold medal struck pursuant to section 1 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

(b) REIMBURSEMENT OF APPROPRIATION.—The appropriation used to carry out section 1 shall be reimbursed out of the proceeds of sales under subsection (a).

SEC. 3. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] each will control 20 minutes.

The Chair recognizes the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

This afternoon, I rise in support of H.R. 279, the bill to award a Congressional Gold Medal to Francis Albert Sinatra, a man who is perhaps better known to many Americans as Old Blue Eyes, the Chairman of the Board, or simply the Voice.

Mr. Speaker, the standard for a Congressional Gold Medal is that the recipient must be someone who has performed an achievement that has an impact on American history and culture that is likely to be recognized as a major achievement in the recipient's field long after the achievement itself. Frank Sinatra's career in music and entertainment clearly meets and exceeds this standard.

Frank Sinatra is perhaps the greatest singer of popular American music of this century. His career spans over 6 decades. Sinatra's style, phrasing, timing and of course his voice have influenced and set the standard for American singers since World War II. In my home State of Delaware and across the country, there are radio stations that for years have devoted weekly shows of 3 hours or more to the music of Frank Sinatra.

There are few musicians or singers whose music can inspire and sustain that type of long-term interest and enthusiasm. From his big band days with the Harry James and Tommy Dorsey orchestras to his seminal work on the Capitol label with the Nelson Riddle orchestra in the 1950's, Frank Sinatra became the preeminent American popular singer.

He made the swinging Sinatra style of the 1960's and the 1970's the standard and continued to gain new fans in the 1980's and 1990's. Frank Sinatra helped define what Americans listen to and what people all over the world consider to be American music. From his own contemporaries to rock musicians today, everyone recognizes the impact Frank Sinatra has had on American popular music and culture.

Mr. Speaker, this legislation did not materialize overnight. It represents the hard work of a number of Members, particularly the gentleman from New York [Mr. SERRANO], the sponsor, with bipartisan help from his colleagues the gentleman from New York [Mr. KING], the gentleman from California [Mr. BONO], and others. The gentleman from New York [Mr. SERRANO] has been a longtime advocate of a Congressional Gold Medal for Frank Sinatra.

This legislation has not received any special treatment. I told the gentleman from New York [Mr. SERRANO] that it must demonstrate broad support by getting 290 cosponsors in the House. To their credit, the gentleman from New York [Mr. SERRANO], the gentleman from New York [Mr. KING], the gentleman from California [Mr. BONO], and other Members went to work to develop the support necessary to give Frank Sinatra the highest civilian honor this Congress can award. The bill has 302 cosponsors, including bipartisan support from Members of the House leadership, and the gentleman from California [Mr. HORN] wants to be a sponsor, too. He just asked me.

Mr. Speaker, before the ranking member of the subcommittee is recognized, I urge the House to show its high hopes, think of a summer wind, say I get a kick out of you and make 1997 a very good year by awarding this gold medal to the man who did it my way. I urge the immediate adoption of H.R. 279.

Mr. Speaker, I reserve the balance of my time.

Mr. FLAKE. Mr. Speaker, I yield myself such time as I may consume.

First of all, let me thank the gentleman from Delaware [Mr. CASTLE] for expediting getting this bill to the floor. As always, the gentleman has been most gracious with his time and flexibility to allow us to bring this bill out today. I also wish to congratulate the gentleman from New York [Mr. SERRANO] for his sponsorship, his diligence, his tenacity. I am grateful that the gentleman has expedited this bill coming, furthermore, because the gentleman from New York [Mr. SERRANO] has driven me crazy trying to make sure that at the point that he had his 290 signatures we would be willing to bring it to the floor.

So I think this is a great day for us and a great day for the Sinatra family, Frank especially, and a great day for the gentleman from New York [Mr. SERRANO] and the leadership that he has provided.

I do not intend to take much time. Several Members have comments and remarks about Mr. Sinatra to make. But let me just say that although Mr. Sinatra is from Hoboken, NJ, he has always identified with the State and city of New York. Everyone knows his rendition of "New York, New York."

Few, however, realize his accomplishments as a complete entertainer. He has won an Emmy, Grammy, Peabody, and an Oscar. He has also been honored with the Presidential Medal of Freedom, the Academy of Motion Pictures, Arts and Sciences Humanitarian Award and a Lifetime Achievement Award from the NAACP.

Other Members will undoubtedly comment on the more personal reflections about Mr. Sinatra, but from my viewpoint he is an American icon. His influence is still felt today as it was when he first entered into the entertainment field, and he represents an entire generation of complete and gifted entertainers that the younger generations would do well to emulate.

With that, Mr. Speaker, I will close and extend my support for unanimous passage of this great honor and look forward to giving whatever support is necessary in assuring that Frank Sinatra is given his just and proper due as an American citizen and as one who has contributed so much to us.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SERRANO], the sponsor of the bill.

Mr. SERRANO. I thank the gentleman from New York for yielding me this time.

Mr. Speaker, let me first of all thank the gentleman from Delaware [Mr. CASTLE], the gentleman from New York [Mr. KING], and the gentleman from California [Mr. BONO], the leadership of both Houses, the gentleman from New York [Mr. QUINN], and the gentleman from New York [Mr. FLAKE] for giving me the support necessary to bring this bill to the floor and certainly the 303 cosponsors to sign on to this bill.

I guess the best way to begin is the way I most like to start when I talk to people about Frank Sinatra. When my father came back from the Army after World War II, he brought home with him to Puerto Rico a set of 78 RPM records. It was my introduction to the English language, and it was my introduction to the voice of Frank Sinatra. I immediately fell in love with both. The English language I try to perfect on a daily basis, and the Frank Sinatra singing I was smart enough not to try to imitate. But throughout all of these 40 odd years, the love affair between Mr. Sinatra's talent and this person born in Puerto Rico and raised in the Bronx has been something that as I step back today even I find extraordinary.

I own 290 Sinatra records, LP's, hundreds of CD's and tapes, pictures, books, over 30 films, on video of course. My e-mail address is Frank 2 even though my name is JOSE, and one can hear Mr. Sinatra on my answering machine. I have been influenced by his singing to the point which I suspect is the reason why I am a New Yorker who says Tuesday rather than Tuesday because Mr. Sinatra would have never sung Tuesday. His language and his style was used by many to perfect their English.

I do not remember the last day that I have not listened to a Sinatra record. I do not remember the last time that I passed up a radio station that was playing his music. His music to me is no different than his music to so many other people. It serves this incurable romantic with the ability to listen to the best music the world has ever heard. Whether it was a swinging ballad or a sad, tear-jerking ballad, Sinatra did it his way and did it better than anyone else.

In the other language that I operate in, from Julio Iglesias to local singers like Danny Rivera, when you talk to them, they all tell you that the master of them all is and has been Frank Sinatra. Who stays at the top of their game for 60 years? We have had a couple of people here who stayed past 50, and we knew what a record they set. Longevity for him has been something to really look at. But then there is Frank Sinatra the humanitarian, Frank Sinatra the American citizen, the one who raised money for so many different organizations, the one who sold war bonds at the beginning of his career and, may I say, this bill mandates that the Mint will sell replicas of this medal to the public, and I suspect that at the end of the career Sinatra once again will be part of pulling a lot of money into the Treasury.

For me personally, this is a very important day, because it is my way of saying thank you. It is my way of saying thank you to this individual who brought so much joy to the world through his singing and through his talent. It is my way, also, of saying thank you for not being afraid in a society that is pretty tough to cry in public, for, you see, Mr. Sinatra in his love songs cried on a daily basis, and we Americans are not supposed to cry.

My father once told me, in Spanish, that the English language had taken a bad rap, that some people had suggested that it was not a romantic language, and my father Jose, I will never forget this, said to me, but if the language is sung and spoken properly, it is as romantic as Spanish, French, or Italian. Well, my father was right. And Mr. Sinatra was the living example and is the living example of the fact that English is indeed a romantic language.

He is watching us today on TV at this very moment. His family is all watching the proceedings of the House. He has received the Presidential Medal of Freedom. He has received the NAACP Lifetime Achievement Award. He has received an Oscar for humanitarian work in addition to an Oscar for costarring in a movie. He has received every possible award you can receive in this country, in Israel and France, in Italy, in Brazil, all over the world.

But today as the people's representative, we are all saying that we are a grateful Nation. We say thank you, Frank Sinatra, thank you for singing, thank you for performing, thank you for being you.

I say personally, thank you, Frank Sinatra, for proving that my father was right. English indeed is a beautiful and romantic language and you showed the world how to do it right.

Mr. FLAKE. Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

To my friend, the gentleman from New York [Mr. SERRANO], we have some time over here and if I could, if the Speaker would allow us to yield time to him to sing whatever he would like of Frank Sinatra's works. I even have a tape that my chief of staff said was his best, "Only the Lonely." We could put that on and the gentleman could sing for a while. We would appreciate that.

Mr. FLAKE. If the gentleman will yield, I think the gentleman ought to be made to sing it in Spanish and in English. I think that would be great for us.

Mr. CASTLE. Mr. Speaker, the gentleman from New York [Mr. SERRANO] has done an admirable job on this legislation. It is not easy to get 300 signatures of the Members of Congress to anything, for all that matters. We did sort of crack the whip on it, he has worked on it a long time, and I do congratulate him. This is a great day for him as well as the Sinatra family.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. KING].

□ 1500

Mr. KING. Mr. Speaker, I thank the gentleman from Delaware [Mr. CASTLE] for yielding this time to me, and I thank him for the tremendous job he has done in moving this to the floor, and of course the distinguished ranking member, my neighbor in the next-door community of Queens, NY [Mr. FLAKE] for always being such a worthy advocate of so many good causes, and most importantly of course we have to commend and congratulate the gentleman from Bronx, NY [Mr. SERRANO] for all he has done. And I fully concur with the gentleman from New York [Mr. FLAKE] in that the other gentleman from New York [Mr. SERRANO] drove us all crazy in getting this done. There was not a day that went by that he was not on the floor working it, making sure that I was working and making sure that the gentleman from California [Mr. BONO] was working, making sure that everything was in order to make sure that this was done and done properly. I just want to thank the gentleman from New York, [Mr. SERRANO] for once again showing the tremendous leadership that he shows on so many of the issues and, of course, to commend the gentleman from California [Mr. BONO] for his work, and also Senator D'AMATO, who has attained the passage of similar legislation in the U.S. Senate.

Mr. Speaker, Frank Sinatra is truly an American legend. Frank Sinatra, as much as anyone ever, deserves this gold medal which is being voted to him today. Frank Sinatra, as the gentleman from New York [Mr. SERRANO] has pointed out, was and is an amazing singer, a person who was able to touch the hearts of so many millions of Americans generation after generation. He was also an outstanding actor. He also, though, probably most importantly personified what it means to be an American. Frank Sinatra gave of himself to so many philanthropic causes and charitable causes, helped out so many people which most people do not even know about, always there, a helping hand, a person willing to help out and a person who fought his way up, a person who climbed out of poverty, a person who worked his way up all the way to the top to the very pinnacle of success, but never ever forgot where he came from.

Mr. Speaker, as the gentleman from New York [Mr. SERRANO] said, Frank Sinatra certainly did do it his way, and today this is a most fitting tribute to him and to his family for all that he has meant to so many generations of Americans. I know my father, my uncles and my mother and all of us always cherished the voice of Frank Sinatra and cherished what Frank Sinatra meant to so many people. And as a New Yorker, without any reflection on Chicago or whatever, I would say that "New York, New York" is the national anthem of New York. It was sung by Frank Sinatra and in many ways personifies the spirit of New York.

So I am very proud to be joining with all of my colleagues today in supporting this legislation, and again I want to thank my friends, the gentleman from New York [Mr. SERRANO] and the gentleman from Delaware [Mr. CASTLE] and the gentleman from New York [Mr. FLAKE] for their help, and I certainly urge the adoption of this resolution.

Mr. MENENDEZ. Mr. Speaker, I want to thank the sponsors of this resolution awarding the Congressional Gold Medal to Frank Sinatra. This honor is special for me since my congressional district is the birth place of the "Chairman of the Board."

Frank Sinatra has been the idol of generations of Americans from the 1930's onward. His unique voice has touched Americans of all races and nationalities. In addition to his talents as a singer, he has had a distinguished acting career, including earning an Academy Award for Best Supporting Actor in 1953 for his performance in "From Here to Eternity."

His countless musical hits will inspire Americans for generations. Although his accomplishments in the field of entertainment are legendary, he has also donated his time and effort to charitable and philanthropic work for organizations such as the Red Cross and the National Multiple Sclerosis Society among others.

With these accomplishments, he has distinguished himself as a great American. He serves as a notable example of the worthwhile contributions Italian-Americans have made to the Nation. From the Hoboken Four to Hoboken's No. 1, it is only fitting to honor Frank Sinatra, Hoboken's favorite son, with the Congressional Gold Medal.

Mr. McGOVERN. Mr. Speaker, I stand before the House today to encourage each and every one of my colleagues to join me in recognizing the talents, accomplishments, and legacy of one Francis Albert Sinatra.

The world has been paying tribute to Frank Sinatra for more than 50 years, and I dare say will continue for another 550, so rather than try to top all the accolades that have already been heaped on this great artist, I will simply offer some thoughts on the impact Frank Sinatra has made on me and on the rich and diverse community that is the 3rd Congressional District of Massachusetts.

Mr. Speaker, I have had the great fortune to attend a number of Frank Sinatra's live performances at The Centrum in Worcester, MA. To walk into that great hall and see the wonderful diversity of Sinatra lovers is testament to the impact this man has had on American culture. White, Black, young, old and in-between, Democrats and Republicans, we were all brought together by the common thread of our love and appreciation for the music of Frank Sinatra.

Mr. Speaker, on a personal level, I owe much to the "Chairman of the Board." It is a fact, Mr. Speaker, that I first wooed my wife with the lyrics of a popular Sinatra ballad, "I've Got the World on a String." And I dare say, millions of my fellow Americans can track the progress of their romances through the lyrics and croonings of "Old Blue Eyes."

Sinatra is romance, Mr. Speaker, Sinatra is love. Just listen to the titles of some of Frank's love songs: "Almost Like Being in Love;" At Long Last Love;" "Can I Steal a Little Love;" "Don't Take Your Love From Me;" Everybody Loves Somebody;" "Falling in Love With Love;" "I Can't Believe That You're in Love With Me;" "I Fall In Love Too Easily;" "I Love Paris;" "I Love You;" "I Wish I Were In Love Again;" "I Would Be In Love Anyway;" "Let's Fall In Love;" "The Look of Love;" "Love's Been Good to Me;" "Love Walked In;" "Love and Marriage;" "Lover;" "Melody of Love;" "The One I Love Belongs to Somebody Else;" "Our Love is Here to Stay;" "This Love of Mine;" "This Was My Love;" "To Love and Be Loved;" and one of my favorites, "What is This Thing Called Love?"

Frank Sinatra did not invent American popular music; and he certainly was not alone among the many great artists, composers, arrangers, and musicians who—together—comprise the foundation of this most American of music forms. However, Mr. Speaker, it was Frank Sinatra who defined American popular music—from the moment he first appeared on the stage during the years of the Roosevelt administration—through the years of Mitch Miller, Elvis, the Beatles, heavy metal, disco, punk, rap, new wave, grunge, and everything in between. Sinatra endures, Mr. Speaker, because his music, his grace, his presence and his message are worth enduring.

Say what you like, Mr. Speaker, but when our children, and our children's children look back on this great century—the American century—the paramount cultural icon of the period will be Francis Albert Sinatra.

His voice, his style, his artistry, his class, all qualify him for this tribute today. As Frank's daughter, Nancy, put it: "He is a man with a public image built partly on fact and largely on myth. He is a man who embraces consistency, yet embodies contradiction. A man who treats the room to caviar and champagne and himself to a sandwich and Coca-Cola." Well, Mr. Speaker, it is time for this body to treat Frank Sinatra to some caviar and champagne. It is time to recognize the man and his music. Frank, God bless you, thank you, and on behalf of all of your friends and fans in the 3rd Congressional District of Massachusetts, thank you for sharing your many gifts with us.

Mr. FLAKE. Mr. Speaker, we have no further speakers and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I encourage the passage of the legislation, and I, too, yield back the balance of our time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Delaware [Mr. CASTLE] that the House suspend the rules and pass the bill, H.R. 279.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services be discharged from further consideration of the Senate bill (S. 305) to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

The Clerk read the the Senate bill, as follows:

S. 305

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) Francis Albert "Frank" Sinatra has touched the lives of millions around the world and across generations through his outstanding career in entertainment, which has spanned more than 5 decades;

(2) Frank Sinatra has significantly contributed to the entertainment industry through his endeavors as a producer, director, actor, and gifted vocalist;

(3) the humanitarian contributions of Frank Sinatra have been recognized in the forms of a Life-time Achievement Award from the NAACP, the Jean Hersholt Humanitarian Award from the Academy of Motion Picture Arts and Sciences, the Presidential Medal of Freedom Award, and the George Foster Peabody Award; and

(4) the entertainment accomplishments of Frank Sinatra, including the release of more than 50 albums and appearances in more than 60 films, have been recognized in the forms of the Screen Actors Guild Award, the Kennedy Center Honors, 8 Grammy Awards from the National Academy of Recording Arts and Sciences, 2 Academy Awards from the Academy of Motion Picture Arts and Sciences, and an Emmy Award.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The President is authorized to present, on behalf of the Congress, a gold medal of appropriate design to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and numerous humanitarian activities.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

SEC. 4. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 3 shall be deposited in the Numismatic Public Enterprise Fund.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 279) was laid on the table.

AUTHORIZING TRANSFER TO STATES OF SURPLUS PERSONAL PROPERTY FOR DONATION TO NONPROFIT PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS

Mr. HORN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 680) to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessaries to impoverished families and individuals, as amended.

The Clerk read as follows:

H.R. 680

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRANSFER OF SURPLUS PERSONAL PROPERTY FOR DONATION TO PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS.

Section 203(j)(3)(B) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(j)(3)(B)) is amended by inserting after "homeless individuals" the following: ", providers of assistance to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act),".

SEC. 2. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING OR HOUSING ASSISTANCE FOR LOW-INCOME INDIVIDUALS OR FAMILIES.

(a) IN GENERAL.—Section 203(k) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k)) is amended by adding at the end the following new paragraph:

"(6)(A) Under such regulations as the Administrator may prescribe, the Administrator may, in the discretion of the Administrator, assign to the Secretary of Housing and Urban Development for disposal such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for providing housing or housing assistance for low-income individuals or families.

"(B) Subject to the disapproval of the Administrator within 30 days after notice to the Administrator by the Secretary of Housing and Urban Development of a proposed transfer of property for the purpose of providing such housing or housing assistance, the Secretary, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, may sell or lease such property for that purpose to any State, any political subdivision or instrumentality of a State, or any nonprofit organization that exists for the primary purpose of providing housing or housing assistance for low-income individuals or families.

"(C) The Administrator shall disapprove a proposed transfer of property under this paragraph unless the Administrator determines that the property will be used for low-income housing opportunities through the construction, rehabilitation, or refurbishment of self-help housing, under terms that require that—

"(i) any individual or family receiving housing or housing assistance constructed, rehabilitated, or refurbished through use of the property shall contribute a significant amount of labor toward the construction, rehabilitation, or refurbishment; and

"(ii) dwellings constructed, rehabilitated, or refurbished through use of the property shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below prevailing market prices.

"(D)(i) In fixing the sale or lease value of property to be disposed of under this paragraph, the Secretary of Housing and Urban Development shall take into consideration and discount the value with respect to any benefit which has accrued or may accrue to the United States from the use of such property by any such State, political subdivision, instrumentality, or nonprofit organization.

"(ii) The amount of the discount under clause (i) shall be 75 percent of the market value of the property except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified.".

(b) CONFORMING AMENDMENTS.—Section 203(k)(4) of such Act (40 U.S.C. 484(k)(4)) is amended—

(1) in subparagraph (C), by striking "or" after the semicolon;

(2) in subparagraph (D), by striking the period at the end and inserting "; or"; and

(3) by inserting after subparagraph (D) the following:

"(E) the Secretary of Housing and Urban Development, through such officers or employees of the Department of Housing and Urban Development as the Secretary may designate, in the case of property transferred under paragraph (6),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] each will control 20 minutes.

The Chair recognizes the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 680, originally introduced by the gentleman from Indiana [Mr. HAMILTON], is a bill for the transfer of surplus personal property for donation to providers of necessities to impoverished families and individuals. This bill would authorize the transfer of surplus personal property to organizations that provide assistance to impoverished individuals. Currently Federal agencies declare about $6 billion per year in excess Federal personal property. The property is screened by other Federal agencies to determine whether the property is needed by another Federal user. The remaining property is declared surplus and donated to State and local governments, law enforcement agencies, and other eligible groups. Agencies then sell the remaining property, generally the oldest and most obsolete property, generating very little in proceeds, about $8 million annually.

H.R. 680 would expand the list of entities eligible to receive surplus property by authorizing the donation of surplus property to charities that provide services to poor families. These groups would be eligible for the property on the same basis as State and local government agencies. This is especially important because State and local governments and charitable organizations are assuming an even greater role in social programs as Federal assistance policies are implemented. Private charities such as food banks and Habitat for Humanity are a major source of support for the poor. The administrator of General Services may establish under this legislation restrictions on resale as necessary to insure that any property transferred is used to promote the public purpose of assisting poor families.

A volunteer conference known as the President's Summit for America's Future is currently being held in Philadelphia. This worthy goal of community voluntarism will be assisted by the passage of H.R. 680.

In addition, H.R. 680 would make available surplus Federal real estate to self-help housing groups such as Habitat For Humanity. This would promote home ownership by providing a public benefit discount to such organizations.

It is not intended that real property transferred under this act shall be used for any purpose other than providing for the construction, rehabilitation, or refurbishment of housing for occupation by low-income individuals who provided some portion of the labor associated with the housing. Congress does not intend to authorize the transfer of real property under this section for subsequent sale by any self-help housing organization except to the owner-occupant. The administrator of General Services shall condition the donation of this real property upon several requirements: First, that the housing be occupied by the owner-occupant rather than any rental tenant of the owner for a period to be established by the administrator; and second, that the self-help housing organization limit the sale until after such reasonable period of time as the administrator considers necessary to promote home ownership while protecting the Federal financial interests. Through a contract or mortgage, the administrator shall require that the self-help housing organization ensure that any sale by the owner-occupant prior to the end of a 5-year period causes the property to revert to the self-help housing group.

Additionally, the administrator of the General Services Administration may require by contract or mortgage the owner-occupant to repay any assistance given by the Federal Government or the self-help housing organization if the property is sold within a longer period of time determined by the administrator. It is expected that the administrator would phase out this requirement after a period of 30 years. Assistance under this authority is deemed to be the difference between the estimated fair market value and the amount which the self-help housing organization paid; that is, the public benefit discount.

Additionally, Congress expects that the public benefit discount shall be 75 percent of the estimated fair market value of the property in order to get at least a 25-percent return for the taxpayers who initially purchased the property. In setting the amount of the public benefit discount, the administrator should determine whether the amount of discount would interfere with or substantially defeat the intent of this act.

I look forward to the passage of H.R. 680, and, Mr. Speaker, I now yield to the gentlewoman from New York [Mrs. MALONEY], the ranking Democrat on the Subcommittee on Government, Management, Information, and Technology of the Committee on Government Reform and Oversight that developed this legislation in consultation with the gentleman from Indiana [Mr. HAMILTON].

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 680.

Mr. Speaker, we all know that one person's junk can be another person's jewel. That is why the Federal Government must, like any other well run organization, offer those goods, that it can no longer use, to people who need them.

Current law limits the Federal Government's ability to give. It allows donations only to homeless people. That is an admirable start. H.R. 680, as amended, extends the giving arm of government to people who may not have lost their homes but are needy. The change will allow food banks and other organizations to better serve those people who, according to local standards, are living in poverty.

In New York City, I am assured that organizations such as City Harvest, the Phoenix House, Day Top Village and local branches of the Salvation Army, where the real war on poverty is waged, will be better off with passage of this amendment.

In addition, we all know that land is one of America's most precious resources. When the Federal Government finds itself with more than it needs, it has a moral responsibility to use it to help others.

H.R. 680, as amended by the gentleman from Ohio [Mr. BOEHNER], would also allow the donation of Federal surplus land to nonprofit groups such as the Habitat for Humanity, which provides homes for low-income families. People will only have to contribute a significant amount of good old-fashioned sweat equity instead of dollars to the actual building of the home in order to qualify. Of course, all local building codes must be met. These provisions preserve the GSA central role in the disposal process and have been very carefully crafted to prevent abuse.

My thanks to the gentleman from California [Mr. HORN] for seriously considering the concerns of the minority and incorporating them in the manager's amendment; the gentleman from Indiana [Mr. HAMILTON], the author of this bill, also deserves all our thanks for his efforts to achieve this clearly needed change to help the impoverished; and also the gentleman from Ohio [Mr. BOEHNER].

Mr. Speaker, I reserve the balance of my time.

Mr. HORN. Mr. Speaker, I thank the gentlewoman for her kind comments. She has been instrumental in developing most of the legislation that comes out of our subcommittee.

Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. BOEHNER] who has had a major hand in developing this legislation.

Mr. BOEHNER. Mr. Speaker, I would like to congratulate my colleagues who serve on the Committee on Government Reform and Oversight for their work in moving this bill, and in particular the gentleman from California [Mr. HORN] and the gentlewoman from New York [Mrs. MALONEY] for the work that they have done in putting this package together, particularly the manager's amendment, to help deal with those who are in need in our society.

As we all know, President Clinton is in Philadelphia in an effort to promote volunteerism throughout the Nation, and I commend him for doing so. I think it is particularly appropriate today that we are considering H.R. 680. This legislation removes obstacles to volunteerism and literally puts tools in the hands of real people who want to make a difference in their own neighborhoods.

While current law allows Federal agencies to use surplus property to help low-income families, it prohibits private volunteer groups such as Habitat for Humanity from doing so. I learned about this firsthand in my own community when the Voice of America found surplus property in my district. The local community, putting together a plan to use that property, wanted to include a section for a local Habitat for Humanity group and were told clearly by GSA that they could not do so and were prevented from doing so by Federal law.

If our goal is to make it easier for individuals to do for themselves what Government cannot, then this simply does not make sense.

□ 1515

Habitat for Humanity and other volunteer groups like it have proved that they often do a better job than Government in helping low income families, but in this case Washington has not let them. H.R. 680 will finally solve this problem by simply adding private volunteer groups like Habitat to the list of community organizations that qualify for land that the Federal Government no longer needs. By giving these groups access to the land and tools that they need, they will be able to make a difference in their communities. I think we take a positive first step toward helping ordinary Americans answer the President's bipartisan call to community service. I hope that the President and others will join us in this important effort.

Mrs. MALONEY of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to add that as we speak, as we are on this floor, the President and former presidents are holding a bipartisan conference on volunteerism. This legislation is a concrete tool that will help not-for-profits and private volunteer organizations really participate more in volunteer efforts by enabling them to gain surplus property, both land and other surplus property, to meet needs for the poor in our country. It is an important piece of legislation. It is creative, it does not cost taxpayers one cent, and yet it will help many, many people.

I congratulate my colleagues for working on this, particularly the gentleman from Indiana [Mr. HAMILTON], the original sponsor, and the gentleman from Ohio [Mr. BOEHNER], for the meaningful amendment which he added.

Mr. Speaker, I yield back the balance of my time.

Mr. HORN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think as most would agree from their comments, this is a very innovative, progressive piece of legislation, one that is bipartisan in nature, which will meet needs all over this country and help provide home ownership for a lot of our citizens who are at the poverty level in this country and cannot afford access to housing.

Mr. Speaker, I look forward to the passage of this legislation.

Mr. DOYLE. Mr. Speaker, I rise today to express my support for H.R. 680, which would give more community organizations the ability to draw resources from the Federal Surplus Program.

Families across the Nation donate unwanted but usable items to organizations such as Good Will and the Salvation Army who, in turn, distribute them to families in need. The Federal Government also donates excess personal property, through the Federal Surplus Program. Usable items such as office equipment, vehicles, furniture, clothing, and other supplies are transferred to the States, who serve as collection points and distribute the items to community organizations who assist needy families and individuals.

However, current law limits the Government's donations through this initiative by restricting which organizations can receive the property. Subsequently, many organizations that could benefit from this program cannot participate. While the organizations currently taking advantage of this program are deserving of this benefit, so are many other entities that work to improve the safety and well-being of poor families in our communities. I would like to reiterate that this legislation does not give any organization or category of organizations priority to the donated items. It simply gives additional organizations the opportunity to participate in the Federal Surplus Program.

Throughout Allegheny County in my home State of Pennsylvania, there are organizations dedicated to helping those who are less fortunate, but they do not fit into categories currently eligible to participate in the Federal Surplus Program. For example, the Twin Rivers and Pittsburgh affiliates of Habitat for Humanity build affordable housing for families with low incomes. Constitution equipment has been available through the Federal Surplus Program in the past, which could go a long way in helping these groups serve more families. However, under current law, Habitat affiliates are not eligible to receive such items. Additionally, food banks, such as the Hunger Services Network, the Lutheran Service Society, and the Greater Pittsburgh Community Food Bank, which provide vital nutritional support to so many families and individuals, would become eligible for the program if this legislation were passed.

Many organizations, in addition to those I have mentioned today, would be helped by the passage of this important measure. For all of these organizations, and the individuals and families they serve, it is my hope that the 105th Congress can approve this legislation, and it is enacted into law.

Mr. HAMILTON. Mr. Speaker and Members of the House. I rise today to express my strong support for H.R. 680, a bill I introduced that would amend the Federal Property Act to make Federal surplus personal property available for donation to nonprofit, tax-exempt organizations that serve the poor.

I would like to take this opportunity, first, to thank Congressman STEPHEN HORN, chairman of the Subcommittee on Government Management; Congresswoman CAROLYN MALONEY, ranking Democrat on the subcommittee; Congressman DAN BURTON, chairman of the Government Reform and Oversight Committee; and Congressman HENRY WAXMAN, ranking Democrat on the full committee. I appreciate their support for and prompt consideration of H.R. 680 this year.

I also would like to thank Congressman JOHN BOEHNER for his leadership on this measure. His amendment relating to surplus real property has improved the bill, and I appreciate his involvement.

I introduced this bill in previous Congresses and again this year to fill a significant gap in the donation program for Federal surplus property. The House approved an identical measure in the 103d Congress, and I am pleased the House is considering the measure again today.

In 1976 Congress authorized the General Services Administration [GSA] to transfer surplus personal property to States so that it could be donated for public purposes. States established surplus property agencies to serve as central collection and distribution points for eligible recipients, including public entities and certain nonprofit, tax-exempt organizations, such as schools, hospitals, and groups whose sole mission is providing services to the homeless.

This program has been successful in States throughout the country. Personal property made available through the program has included tools, office machines and supplies, furniture, appliances, medical supplies, clothing, construction equipment, communications equipment, and vehicles.

There is, however, a major gap in the existing program. Under current law, surplus property cannot be made available for donation to many nonprofit organizations that serve the poor. Habitat for Humanity and good banks, for example, do provide services to the homeless, but this is not their exclusive mission. They also provide services to needy individuals who are not homeless, and, consequently, are ineligible for the donation program.

Making Federal surplus property available to these organizations would greatly assist them in aiding the poor. It would help the food banks that provide food to shelters, soup kitchens, and food pantries, as well as groups that recycle building materials for use in the repair and construction of homes for low-income families.

H.R. 680 would amend current law to make these organizations eligible for the Federal Surplus Program. The proposed change in law would not give these organizations preference, but just make them one of many eligible nonprofit entities.

H.R. 680 is not controversial. The House approved an identical bill—H.R. 2461—in the 103d Congress with bipartisan support. The CBO concluded at the time that the bill would result in no cost to the Federal Government or State and local governments. GSA supports this proposal. Senator LUGAR has introduced an identical bill in the other body this year.

Federal, State, and local governments have been looking to nonprofits to assume more responsibility for providing needed services to the poor, particularly in an era of budget constraints. H.R. 680 will help nonprofits provide those services more effectively by granting them access to donated Federal surplus property.

I strongly support H.R. 680, and urge my colleagues to approve the measure.

Mr. HORN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore Mr. SNOWBARGER. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 680, as amended. The question was taken.

Mr. HORN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXTENDING THE ELECTRIC AND MAGNETIC FIELDS RESEARCH PROGRAM

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 363) to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program, as amended.

The Clerk read as follows:

H.R. 363

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENTS.

Section 2118 of the Energy Policy Act of 1992 (42 U.S.C. 13478) is amended—

(1) in subsections (c)(5), (e)(5), (g)(3)(B), (j)(1), and (l) by striking "1997" each place it appears and inserting in lieu thereof "1998"; and

(2) in subsection (j)(1), by striking "$65,000,000" and inserting in lieu thereof $46,000,000".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 363 extends for a period of 1 year the Department of Energy's authorization to conduct research on electric and magnetic fields. In 1992 it became clear to Congress that there was a need for more research and more coordination within this particular area and more public dissemination of the information, mainly on the health effects of EMF, and thus the 5-year DOE-EMF RAPID program was authorized.

Since its creation, the RAPID program has added a great deal to our understanding on the effects of EMF. Unfortunately, however, the authorization to conduct the 5-year EMF RAPID program will expire before the program is scheduled to conclude. At the subcommittee hearing we learned this is not because the program is behind schedule, but because money was not appropriated for the program until after the first year's authorization had already passed. We want to now extend that authorization for one year to get this concluded in a logical manner.

Importantly, this program has been cost effective. Industry stakeholders have matched the Government dollar for dollar in funding this particular program. This has allowed the Government to do more with less, a concept which both Republicans and Democrats certainly can support. In fact, when the program is concluded, it is expected to cost nearly $20 million less than what was originally contemplated. The cost to the Federal Government of extending this program another year is $4.5 million.

Mr. Speaker, I would urge my colleagues to support H.R. 363.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Texas asked and was given permission to revise and extend his remarks.)

Mr. HALL of Texas. Mr. Speaker, I rise today in strong support of H.R. 363. It is a bill to reauthorize the Electric and Magnetic Fields Research and Public Information Dissemination Program. This important 5-year program, this very important 5-year program was first authorized by Congress in 1992 in response to public concerns about the possible adverse health effects of exposure to electric and magnetic fields.

The program first received appropriations in fiscal year 1994 rather than 1993, yet the authorization will expire at the end of this year. Now, this reauthorization for fiscal year 1998 is necessary to complete the fifth and final year of funding and to fulfill the program's original objectives. These objectives are to determine whether or not exposure to electric and magnetic fields affects human health, to conduct research with respect to technologies to mitigate any adverse human health effects, and to disseminate this information to the public.

Without this funding, the risk assessment portion of the program would be completed without the research due to be provided in mid-1997. More importantly though than that, the National Institute of Environmental and Health Sciences, which is conducting this program jointly with the Department of Energy, will have to produce risk assessment through a closed process rather than through the public process currently planned.

The program's cost will be much less than originally projected. It was authorized at $65 million over the 5-year period, but it is now projected to cost nearly $20 million less than originally estimated, about $46 million. Fifty percent of the funding comes from non-Federal sources, including electric utilities, electrical equipment manufacturers and realtors. The cost to the Federal Government will be $23 million over the 5-year period. Supporters of the reauthorization include the American Public Power Association, Edison Electric Institute, National Electrical Manufacturers Association, and the National Rural Electric Cooperative Association, among others.

Mr. Speaker, the program's research is on target and will be successfully completed by 1998, at which time the final report will be issued concerning potential health effects of exposure to electric and magnetic fields. Our citizens are depending on us to give them complete and accurate information, and the credibility of the final report would be compromised without this 5th and final year of funding.

Mr. Speaker, I ask my colleagues to vote yes on H.R. 363 so that this important program can achieve the objectives that Congress intended and provide the public with the information they deserve to have.

Mr. Speaker, I reserve the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER], the chairman of the full Committee on Science.

Mr. SENSENBRENNER. Mr. Speaker, I rise today in support of H.R. 363 to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination Program.

This bipartisan bill is designed to fulfill the intent of legislation enacted in 1992 to conduct a 5-year research and public information dissemination program on the health effects of electric and magnetic fields.

Section 2118 of the Energy Policy Act of 1992 directed the Secretary of Energy to establish a 5-year, cost-shared program, the EMF RAPID Program, starting on October 1, 1992, and expiring on December 31, 1997. The EMF RAPID Program objectives are: To determine whether or not exposure to EMF produced by the generation, transmission, and use of electric energy affects human health; to carry out research and development and demonstration with respect to technologies to mitigate any adverse human health effects; to provide for the dissemination of scientifically valid information to the public.

Under the act, the Department of Energy and the Department of Health and Human Services National Environmental Health Sciences Institute are jointly responsible for directing the program. DOE has responsibility for research, development, and demonstration of technologies to improve the measurement and characterization of EMF and for assessing and managing exposure to EMF, while NIEHS has sole responsibility for research on possible human health effects of EMF. EPACT also authorized $65 million for the period encompassing fiscal years 1993 through 1997. At least 50 percent of the total authorized funding must come from non-Federal sources, and before the Federal funds can be expended in any fiscal year, they must be matched by non-Federal contributions. In addition, not more than $1 million annually may be spent for the collection, compilation, publication, and dissemination of scientifically valid information.

The act also established two advisory committees to help guide the program: The Electric and Magnetic Fields Interagency Committee, composed of 9 members, and the National Electric and Magnetic Fields Advisory Committee, a 10-member body.

Finally, EPACT establishes a number of reporting requirements, including the following: By March 31, 1997, the director of NIEHS is to report to the Congress and to the agency his or her findings and conclusions on the extent to which exposure to EMF affects human health.

Not later than September 30, 1997, the committee, in consultation with the other committee, is to report to the Secretary and to Congress on its findings and conclusions on the effects, if any, of EMF on human health and remedial actions, if any, that may be needed to minimize any such health effects.

Periodically, the National Academy of Sciences is to submit reports to both committees that evaluate the research activities under the program and to make recommendations to promote the effective transfer of information derived from such research projects.

Although the act authorized the EMF RAPID Program to begin in fiscal year 1993, no funds were appropriated because the 1993 energy and water development appropriation bill was enacted before EPACT. Consequently, the first year of available appropriations was fiscal year 1994. In 1996, DOE submitted legislation to extend the EPACT authority for the EMF Rapid Program through 1998, and former Committee on Science Chairman Walker introduced this proposal in the last Congress. However, the last Congress adjourned sine die without taking action on the measure.

The President's fiscal year 1998 budget contains $8 million in funding for the fifth and final year of the EMF RAPID Program and completion of the DOE long-term commitment to EMF research. The Department continues to believe the 1-year extension is appropriate in the interest of completing the work contemplated by EPACT, and the DOE and non-Federal participants testified at a hearing conducted by the Committee on Science's Subcommittee on Energy and Environment that a total authorization of $46 million will be sufficient to complete the 5-year effort.

As amended by the Science Committee, H.R. 363 amends section 2118 of the Energy Policy Act of 1992 by extending by 1 year: First, the EMF RAPID Program, the Electric and Magnetic Fields Interagency Committee, and the National Electric and Magnetic Fields Advisory Committee to December 31, 1998; second, the Environmental Health Sciences' report to the EMFIAC and to Congress is extended by 1 year, to March 31, 1998; and third, the deadline of the EMFIAC's final report to the Secretary of Energy and to Congress is extended by 1 year, to September 30, 1998.

Finally, the bill, as amended, reduces the EMF RAPID Program 5-year authorization from $65 to $46 million, consistent with the testimony by DOE and the non-Federal participants on the funding requirements needed to complete the program.

In closing, I wish to thank the gentleman from California [Mr. CALVERT], the chairman of the Subcommittee on Energy and Environment of the Committee on Science, and the gentleman from Indiana [Mr. ROEMER], the subcommittee's ranking member, for their hard work on this legislation. I would also like to thank the Committee on Science's ranking member, the gentleman from California [Mr. BROWN], for his bipartisan support.

I also want to commend the efforts of the gentleman from Virginia, [Mr. BLILEY], chairman of the Committee on Commerce; the gentleman from Michigan, [Mr. DINGELL], the ranking member of the Committee on Commerce; the gentleman from Colorado, [Mr. DAN SCHAEFER], chairman of the Committee on Commerce's Subcommittee on Energy and Power, the gentleman from Texas, [Mr. HALL], the subcommittee's ranking member; and also the gentleman. from New York [Mr. TOWNS], the bill's author, for their work on this legislation.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. BROWN], the ranking member on the Committee on Science, and a very venerable former chairman of Science, Space, and Technology.

Mr. BROWN of California. Mr. Speaker, what did the gentleman call me venerable?

Mr. Speaker, I rise in support of H.R. 363, which provides a 1-year extension with no extra funding to the electromagnetic field and health effects research and development bill and information dissemination program with the Department of Energy.

□ 1530

As we heard from testimony before the Subcommittee on Energy and Environment of the Committee on Science on March 19 of this year, this 5-year program seeks to clarify the risks to public health posed by electromagnetic fields.

Mr. Speaker, in an effort to be brief, I would just point out that other speakers have already indicated the adverse effects of terminating this program 1 year before it is completed. I certainly join in my own feelings with regard to that.

The issue of health effects of electromagnetic fields, such as those created by high voltage electric lines, was a very highly emotional and politically potent issue a number of years ago, and it was this increasing public concern that led to the original enactment of this legislation. Families that live near such high voltage lines have wondered whether their children are at greater risk for contracting leukemia or a host of other maladies, and there has been research conducted, some of it in other countries, in Europe, for example, which lent credence to the possibility that such might be the case.

The issue, therefore, had to be put to rest with an authoritative and complete research program which would deal with that issue, and that is what this program has done. It has accomplished its goal so far well under budget and ahead of schedule, and we think it deserves to move ahead to completion.

I am also glad to say that the Committee on Science has been able to move expeditiously on this bill in a bipartisan manner, and this is due in large part to the efforts of the subcommittee chairman, the gentleman from California [Mr. CALVERT], and to the ranking member of the subcommittee, the gentleman from Indiana [Mr. ROEMER], as well as to the efforts of the full committee chairman, the gentleman from Wisconsin [Mr. SENSENBRENNER], whose efforts as chairman I have commended on previous occasions and I will continue to do so.

I have enjoyed working with each of them as well as other members of the committee and they enjoy my highest respect.

Mr. HALL of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Speaker, I want to thank the gentleman from Colorado [Mr. SCHAEFER] and the gentleman from Texas [Mr. HALL] and the Committee on Science. I know that they have made a special effort to move this bill as an early priority. Since the authorization expires at the end of 1997, the program will terminate after 4 years instead of the 5-year period originally envisioned.

The need for the extension is plain and very clear. It will ensure that the original program's objectives set by Congress are met and enhance the credibility of the RAPID final report regarding potential human health aspects of exposure to electric and magnetic fields.

During consideration of H.R. 363, the Committee on Commerce received testimony from industry stakeholders who all agreed that a 1-year extension was necessary to complete the risk assessment through an open, public workshop approach that was originally planned by the National Institutes of Environmental Health Sciences.

Upon completion of the 5-year study, a final report to Congress on the electromagnetic field effects, if any, on human health will be submitted. The report will allow the Federal Government to confidently speak to the American people with one voice on this very important issue. Anything less than a 1-year extension would render the study incomplete and jeopardize the credibility developed over the last 4 years with EMF issue stakeholders and the public as well.

The RAPID Program has been very successful to date. In addition to the research initiated, the program has distributed 180,000 copies of questions and answers about electric and magnetic fields associated with the use of electric power to the public. Additionally, RAPID has published EMF in the work force and EMF InfoLine, managed by the Environmental Protection Agency and funded by the RAPID Program. It has also responded to the thousands of calls from the general public.

The program conducts research jointly with the Department of Energy and the National Institute of Environmental Health Sciences and is funded equally by the annual appropriations and matching contributions from the electric utilities, electrical equipment manufacturers, and realtors.

This 1-year extension has the support of the administration, Congress and the industry stakeholders such as the Edison Electric Institute, the American Public Power Association, the National Rural Electric Cooperative Association, and the National Electrical Manufacturers Association.

Mr. Speaker, I would like to again thank all of the participants in making this possible. I would like to thank the subcommittee chairman, and of course the ranking member as well, and all of the staff that worked very hard to move this legislation very quickly.

Mr. HALL of Texas. Mr. Speaker, I yield back the balance of my time.

Mr. ROEMER. Mr. Speaker, I rise in support of H.R. 363, which provides a 1-year extension, with no extra funding, to the electromagnetic fields and health effects R&D and information-dissemination program at the Department of Energy. As we heard in March 19, 1997, in testimony before the Subcommittee on Energy and Environment, this 5-year program seeks to clarify the risks to public health posed by electromagnetic fields.

The authorization for this program currently ends in 1997—5 years after passage of the Energy Policy Act of 1992. However, with this termination date, the program will have actually had only 4 years to complete its tasks, because, through no fault of its own, the program began a year late due to the logistics of the budget cycle.

If the program were to terminate at the end of fiscal year 1997, important tasks assigned to the program by the Energy Policy Act of 1992 would go undone. With a 1-year extension, however, these essential functions will be completed and presented to the public in a concise manner.

As many Members are well aware, the issue of the health effects of exposure to electromagnetic fields, such as those created by electric high wires, have been controversial and emotional issues. Families that live near such wires have wondered whether their children are at greater risk for contracting leukemia or a host of other maladies. And, unfortunately as is often the case with research, the answers have been a long time coming, and have wrought their own controversies at times.

As directed by the Energy Policy Act of 1992, the Department of Energy has nevertheless pursued a complete airing of the issues in an open process that solicits public opinion and lets any expert challenge the results of their work. Learning from past mistakes, the Energy Policy Act required that the data and final analysis be shared in order to gain the trust and confidence of the public. Without this openness, the study would be just another Government study over which opposing factions bicker.

In fact, just such a closed study was recently completed by the National Academy of Sciences, and it found no credible evidence for a significant public health threat due to exposure to electromagnetic fields. While I fully respect the work of the academy and this study did reassure many of us, skeptics remain concerned with these results and their views also need to be considered in a public forum.

As promised in the Energy Policy Act, the EMF program at DOE will provide such a forum and analyze the opinions of skeptics and mainstream researchers alike. I look forward to the results of this work, and I think that it is an important step in public understanding of these health risks.

I am also glad to say that the Committee on Science has been able to move expeditiously on this bill in a bipartisan manner. This is due, in large part, to the efforts of the subcommittee chairman, Mr. CALVERT, and the full committee chairman and ranking member, Mr. SENSENBRENNER and Mr. BROWN. I have enjoyed working with each of them, as well as the other members of the committee, and they enjoy my highest respect.

Mr. CALVERT. Mr. Speaker, I thank the chairman of the Commerce Committee for yielding me this time.

I also thank the chairman of the Committee on Science and the ranking member, Mr. BROWN, for their support in expediting passage of this bill.

As Chairman SENSENBRENNER has pointed out, this bill will allow the Electric and Magnetic Fields research program to complete its original 5-year authorization. At the same time, we will save the taxpayers money by reducing the authorization some $19 million to the $46-million-agreed-upon budget for the program. I should add that 50 percent of this budget is cost-shared by industry.

Mr. Speaker, at the time of the markup of this bill in the Energy and Environment Subcommittee, the distinguished vice-chairman of the full Science Committee, Mr. EHLERS, made the point that all the research to date on this issue has failed to find a significant link between electric and magnetic fields and serious health problems. I agree and I doubt that will change.

Nevertheless, this program was agreed to by both Government and industry to put to rest public concern and, once started, I think it's worth finishing.

Finally, I want to particularly thank my friend from Indiana, our ranking minority member of the subcommittee, Mr. ROEMER, for cosponsoring this bill and working closely with us to expedite the process. Mr. Speaker, this bill has strong bipartisan support and I urge its passage. I yield back the balance of my time.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 363, as amended.

The question was taken.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 363, the bill just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

PERMISSION TO INSERT EXTRANEOUS MATERIAL DURING CONSIDERATION OF H.R. 1271, FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997, IN THE COMMITTEE OF THE WHOLE TODAY

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent during the debate on the bill H.R. 1271, the Federal Aviation Administration Research, Engineering, and Development Authorization Act of 1997, that I be able to insert extraneous material into the RECORD, specifically, an exchange of correspondence between the gentleman from Pennsylvania [Mr. SHUSTER] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 125 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1271.

□ 1539

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, with Mr. STEARNS in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from Tennessee [Mr. GORDON] each will control 30 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 1271 authorizes the FAA to carry out its research, engineering, and development program for fiscal years 1998, 1999, and 2000. The objective of the RE&D program is to develop and validate the technology and knowledge required for the FAA to ensure the safety, efficiency, and security of our national air transportation system. Advances developed through the RE&D program are helping transform the FAA into a modern air traffic management system capable of meeting the increased aviation demands of the coming century.

I would like to thank the Chair of the Subcommittee on Technology, the gentlewoman from Maryland [Mrs. MORELLA], and the ranking member of the subcommittee, the gentleman from Tennessee [Mr. GORDON], for the hard work they have done in crafting H.R. 1271. The legislation was reported out of the Committee on Science with strong bipartisan support.

Overall, H.R. 1271 authorizes $217 million in fiscal year 1998, $224 million in fiscal year 1999, and $231 million in fiscal year 2000 for the FAA to carry out the critical projects and activities of the FAA RE&D program, including research and development in the areas of capacity management, navigation, weather, aircraft safety, systems security, and human factors.

While including some increases for critical FAA research activities such as weather and computer security, H.R. 1271 does not provide a blank check to the FAA. The legislation contains language that restricts noncompetitive research grants and prohibits funding of lobbying activities.

Further, as chairman of the House Science Committee, I plan to work in a bipartisan fashion with the ranking member, the gentleman from California [Mr. BROWN], and other members of the committee to provide responsible FAA oversight that protects our Nation's investment in aviation research and development. I have also notified the FAA that the Committee on Science intends to take an active role this year in the development of the agency's overall strategic plan as required by the Results Act.

At this point, I insert into the RECORD an exchange of correspondence between the gentleman from Pennsylvania [Mr. SHUSTER] and myself relative to jurisdictional concerns that will be addressed in a few minutes by an amendment that the subcommittee chair, the gentlewoman from Maryland [Mrs. MORELLA] will propose.

The correspondence referred to follows:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON SCIENCE,
Washington, DC, April 23, 1997.

Hon. BUD SHUSTER,
Chairman, House Committee on Transportation and Infrastructure, House of Representatives, Washington, DC.

DEAR BUD: On April 16, 1997, the House Committee on Science marked up and reported out H.R. 1271, FAA Research, Engineering, and Development Authorization Act of 1997.

Traditionally, provisions in this bill have been incorporated into the FAA Authorization Acts when considered on the House Floor, indicating your substantive interest in the research components of the FAA.

Because of our Committee's desire to expeditiously consider H.R. 1271, it is my understanding that you will not object to its consideration by the House.

I acknowledge that H.R. 1271 in no way impacts the traditional jurisdictional lines under which the Committee on Science and the Committee on Transportation and Infrastructure have operated for years. Under the Rules of the House, the Science Committee only has jurisdiction over civil aviation research and development funded through the Research, Engineering, and Development account. The Committee on Transportation and Infrastructure has jurisdiction over FAA's other functions. Historically, the Transportation and Infrastructure Committee has had exclusive jurisdiction over the Facilities and Equipment account. H.R. 1271 is not intended to change that.

I appreciate your willingness to work with us to expedite the consideration of H.R. 1271. I look forward to continuing to work with you on these issues.

Sincerely,
F. JAMES SENSENBRENNER, Jr.,
Chairman.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1997.

Hon. F. JAMES SENSENBRENNER, Jr.,
Chairman, Committee on Science,
Rayburn Building, Washington, DC.

DEAR JIM: Thank you for your letter of April 23, 1997 concerning H.R. 1271, the FAA Research, Engineering, and Development Act of 1997 which your Committee has reported out. This legislation authorizes funding for FAA's R&D programs for fiscal years 1998–2000.

As you correctly point out, the Transportation and Infrastructure Committee has traditionally taken a great deal of interest in the research components of FAA. This letter is to confirm that because of your willingness to accommodate our concerns about the bill and because of your desire to take the bill to the Floor expeditiously, I have no objections to its consideration. Also, I appreciate your acknowledgment that the bill in no way impacts the traditional jurisdictional lines under which our Committees have operated, especially with regard to the Transportation and Infrastructure Committee's exclusive jurisdiction over the Facilities and Equipment Account.

Finally, I would ask that a copy of our exchange of letters on this matter be placed in the Record during consideration of the bill on the Floor. Thank you for your cooperation and assistance on this matter.

With warm personal regards, I am
Sincerely,
BUD SHUSTER,
Chairman.

Mr. Chairman, I strongly urge my colleagues to support H.R. 1271, which continues to demonstrate our Nation's commitment to aviation research and development. H.R. 1271 will enable our country to continue to lead the world in developing and implementing new aviation technologies that make aviation more efficient while improving safety.

Mr. Chairman, I reserve the balance of my time.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of H.R. 1271, the FAA Research, Engineering, and Development Act of 1997. H.R. 1271 is a product of a bipartisan process to strengthen the research and development activities of the FAA.

Chairman SENSENBRENNER and Subcommittee Chairman MORELLA and I are in complete agreement that the FAA's R&D programs will be the key to increasing the capacity and efficiency of the airspace system while ensuring its safety and security.

H.R. 1271 reverses the downward trend in the FAA's Research, Engineering and Development Account, which has declined by 20 percent in the last 2 years. The fiscal year 1998 funding levels are at the President's request in 6 of the 10 accounts. The remaining four accounts are funded at a higher level than the President's request. These funding increases also improve research in such areas as noise abatement and weather prediction, areas identified by outside advisory panels that need increased support.

Finally, I would like to thank Chairman MORELLA for her support of my proposal establishing a competitive research grants program for primarily undergraduate institutions. This program will support research relevant to FAA's technology needs and, perhaps more importantly, will help develop the technical expertise to address FAA's future technological requirements. I urge my colleagues to support H.R. 1271.

Mr. Chairman, I reserve the balance of my time.

□ 1545

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I wish to engage in a colloquy with the chairman.

It is my understanding that because H.R. 1271 would authorize $672 million over the next 3 fiscal years for the Federal Aviation Administration's research, engineering and development programs, some of the functions of the FAA technical center in Pomona, NJ, are within that authorization.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. LOBIONDO. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman is correct. The FAA does conduct some of the research projects and activities authorized by this legislation at the technical center in New Jersey.

Mr. LOBIONDO. Mr. Chairman, as the gentleman may be aware, this facility, located in the congressional district which I represent, is the FAA's premier research and development center. Perhaps the gentleman is also aware that this facility has performed and is performing cutting-edge research and testing in the areas of advanced air traffic control and navigation technology, airport security, fire safety technology and runway safety and pavement durability systems.

Mr. Chairman, I should note for the RECORD that the Hughes Technical Center maintains and operates the only configuration managed lab in the world capable of testing new equipment and systems without disrupting or compromising the safety of air traffic. In other words, these labs allow the FAA to test all equipment and systems in an environment that is identical to the actual air traffic control facilities so we know how the equipment will work together and otherwise function with existing systems before it is fielded.

This work and capability is largely responsible for the unparalleled record of aviation safety in this country.

For purposes of clarification, Mr. Chairman, I ask the gentleman if there is anything in the bill to require consolidation of the functions and activities of the Hughes Technical Center with any other Federal Aviation Administration facility?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will continue to yield, H.R. 1271 does not include language to require the consolidation of any technical centers.

Mr. LoBIONDO. Mr. Chairman, I thank the chairman of the Committee on Science and the staff of the Subcommittee on Technology for the opportunity to clarify for the RECORD the impact of H.R. 1271 on the Hughes Technical Center.

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. EWING] for purposes of a colloquy.

Mr. EWING. Mr. Chairman, I wish to engage in a colloquy with the esteemed chairman of the Committee on Science.

The Center of Excellence for Airport Pavement Research at the University of Illinois Champaign-Urbana is a unique partnership between the University of Illinois, the FAA and the aviation industry. The state-of-the-art pavement research that takes place at this center will create economical and reliable new pavement design to accommodate all aircraft, including heavier next generation aircraft. The improved materials and construction methods tested at this facility are of crucial importance to the future of the Nation's airport runways and facilities.

Mr. Chairman, it is my understanding that the airport technology account of H.R. 1271 is authorized at $5,458,000, more than double the fiscal year 1997 enacted level of $2,654,000. Is this a correct statement?

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. EWING. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, the gentleman from Illinois is correct. H.R. 1271 fully funds the administration's request for the airport technology account at $5,468,000 for fiscal year 1998.

Mr. EWING. Mr. Chairman, would it also be correct to state that there is nothing in the airport technology section of the FAA Research, Engineering and Development Authorization Act of 1997 that would preclude the FAA from fully funding the Center of Excellence for Airport Pavement Research at the University of Illinois Urbana-Champaign?

Mr. SENSENBRENNER. Mr. Chairman, if the gentleman will continue to yield, again, the gentleman is correct.

Mr. EWING. Mr. Chairman, I thank the gentleman.

Mr. GORDON. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I thank the gentleman from Tennessee for yielding me the time.

I support the provisions of H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997. The gentlewoman from Maryland [Mrs. MORELLA], working with the ranking member, the gentleman from Tennessee [Mr. GORDON], has developed legislation which strengthens the RE&D activity of FAA.

H.R. 1271 takes steps to reverse the downward trend in FAA's research, engineering and development account, which has decreased 20 percent during the last 2 years. These increases will allow additional research in areas which have been identified as needing increased support by the National Research Council and other outside advisory bodies, including the research just referred to by the previous speaker.

Mr. Chairman, as a result of active bipartisan cooperation on this bill, the Committee on Science has developed a strong and effective piece of legislation, and I urge my colleagues to support it.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA], chair of the Subcommittee on Technology.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me the time, the chairman of the Committee on Science.

First, I want to compliment the gentleman from Wisconsin [Mr. SENSENBRENNER] for the Committee on Science's remarkable accomplishment of reporting out all 10 of the civilian science authorizations in such a timely and fair manner. Of course our committee's ranking member, the gentleman from California [Mr. BROWN], deserves his share of credit for his cooperation in this endeavor.

As chair of the Subcommittee on Technology, I am certainly pleased to support H.R. 1271, the FAA Research, Engineering, and Development Act of 1997. It has been a pleasure working on this bill with the ranking member, the gentleman from Tennessee [Mr. GORDON]. It is indeed bipartisan legislation. It authorizes the FAA to conduct research, engineering, and development projects and activities over the next 3 fiscal years to improve the national aviation system by increasing efficiency and safety.

The Federal Aviation Administration has developed a national aviation system that universally is recognized as the safest and most technologically advanced system in the world. Each day the aviation system supports 1.5 million passengers. The agency's research, engineering, and development programs have produced many of the advances in aviation that have taken us from an era of vacuum tube radios and beacon lights to the satellite based communications, navigation, and surveillance systems of today.

H.R. 1271 recognizes the critical role RE&D programs play in the FAA's mission to provide safe and efficient air travel by authorizing $217 million in fiscal year 1998, $224 million in fiscal year 1999, and $231 million in fiscal year 2000 for the programs.

In fiscal year 1998, the legislation restores funding for the capacity and air traffic management account to the fiscal year 1997 enacted level primarily to safeguard sensitive computer and information system data from unauthorized disclosure. The weather account is authorized above the request to reflect recommendations by the FAA RE&D Advisory Committee and the National Academy of Sciences that the FAA assign a higher priority to weather research projects and activities.

The environment and energy account is authorized above the request to bolster research activities helping the FAA to meet its goal of reducing aircraft noise, 80 percent, by the year 2000. The innovative cooperative research account is authorized above the request to establish a new undergraduate research grants program. Finally the authorization fully funds the fiscal year 1998 budget request for both aircraft safety and security projects and activities.

Mr. Chairman, I am pleased to offer this legislation which demonstrates our continued strong commitment to aviation research and development. It was crafted in a bipartisan fashion, is cosponsored by the ranking member of the Subcommittee on Technology, the gentleman from Tennessee [Mr. GORDON], along with the gentleman from California [Mr. BROWN], the gentleman from Michigan [Mr. EHLERS], the gentleman from Virginia [Mr. DAVIS], and the gentlewoman from Texas [Ms. JACKSON-LEE].

I encourage all my colleagues to join me in supporting H.R. 1271. I want to offer my thanks also to the committee staff on both sides of the aisle working on this bill, particularly Jim Wilson on the minority staff and Michael Quear, and on the majority staff my wholehearted thanks to Richard Russell and to Jeff Grove.

Mr. GORDON. Mr. Chairman, I yield myself such time as I may consume.

As we bring this bill to a conclusion, let me just briefly say thanks to the chairman, the gentlewoman from Maryland [Mrs. MORELLA] for her sincere effort to bring this bill as well as other bills to the floor in a bipartisan manner with good cooperation. I concur with her accolades for the staff. Mike Quear particularly, with the minority, has done an excellent job for us.

And let me also say that the Committee on Science now, through no fault of its own, was the last committee to organize yet the first committee to present all of its authorizing bills to the floor with virtual unanimous support. If not unprecedented, it is at least very rare, and much congratulations should go to our chairman, the gentleman from Wisconsin

[Mr. SENSENBRENNER], for the really no nonsense bipartisan approach he has taken. It has translated down to the staff, to the subcommittee chairs and ranking members as well as the rest of the members. I am pleased to be a part of this team. I think it is good legislation for the country.

On a personal note, I get enough fighting during elections. I get enough squabbling here on other types of issues. I did not come to Washington, I did not run for Congress to squabble about a lot of petty issues. I came here to try to work together to get things done for this country. I think this committee, with the leadership of the gentleman from Wisconsin [Mr. SENSENBRENNER] and the gentleman from California [Mr. BROWN] really has shown how that can work. I thank them for their cooperation. I look forward to continuing this partnership.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Tennessee for his good words. I think it shows that, when we confine our arguments to genuine disputes over policy, which are fairly narrow on the Committee on Science, rather than arguing over procedure or perceived or real unfairness, we can get a lot accomplished in a very short period of time. The fact that this is the 6th of the 10 authorization bills to come up, all of which have been relatively noncontroversial, I think is proof of that.

The other four bills are of shared jurisdiction with other committees, and the Committee on Science will be working with the chairs and the leadership of the other committees in order to eliminate the jurisdictional problems so that we can complete the job as expeditiously as possible.

Mr. SKAGGS. Mr. Chairman, I commend the chairman of the Science Committee, Mr. SENSENBRENNER, and its ranking member, Mr. BROWN of California, as well as the subcommittee chairman, Mrs. MORELLA, and its ranking member, Mr. GORDON, for working together to produce this important legislation. The committee has set a good example, not just on this bill but also on the other science authorization bills that it has recently reported.

One modest but crucial element of H.R. 1271 is the authorization for the Federal Aviation Administration's Aviation Weather Research Program. There are more than 500 weather-related aviation accidents in the United States each year, and billions of dollars are lost due to weather delays. Although we may never be able to get those figures down to zero, we know that the FAA's research efforts are playing a critical role in limiting such accidents and losses.

Weather-related research has indeed been instrumental in improving aviation safety and efficiency. This research is designed to protect airplane passengers and the rest of the aviation community against weather-related hazards such as thunderstorms, in-flight icing, turbulence, ceiling and visibility problems, and ground conditions that cause de-icing problems.

While the FAA conducts its weather research in close coordination with other agencies such as the National Oceanic and Atmospheric Administration [NOAA] and the National Weather Service, much of the work is done at federally funded research centers.

The National Center for Atmospheric Research [NCAR] in Boulder, CO, performs substantial research for the FAA. One such item of NCAR research allows researchers from NCAR and NOAA to fly research aircraft through high winds to study the kind of mountain-area turbulence that may have caused the tragic accident near Colorado Springs in 1991.

FAA funding of NCAR and other research centers has resulted in the development of the Terminal Doppler Weather Radar, which alerts air traffic controllers to dangerous wind shear and microbursts. TDWR is operating or scheduled for deployment at some 50 airports around the country. This is a technology that will reduce the loss of life and property. It is just one example of the value of FAA's funding of weather-related research.

The Aviation Weather Research Program authorized by H.R. 1271 is modest when measured by its cost, but it is extraordinarily valuable and cost-effective. Perhaps we should expand the program in the near future, but in the meantime I commend the Science Committee for recognizing the significance of the program in this legislation.

Mr. SENSENBRENNER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment and, pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "FAA Research, Engineering, and Development Authorization Act of 1997".

Mr. SENSENBRENNER. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. AUTHORIZATION OF APPROPRIATIONS

Section 48102(a) of title 49, United States Code, is amended—

(1) by striking "and" at the end of paragraph (2)(J);

(2) by striking the period at the end of paragraph (3)(J) and inserting in lieu thereof a semicolon; and

(3) by adding at the end the following:

"(4) for fiscal year 1998, $217,406,000, including—

"(A) $75,550,000 for system development and infrastructure projects and activities;

"(B) $19,614,000 for capacity and air traffic management technology projects and activities;

"(C) $15,132,000 for communications, navigation, and surveillance projects and activities;

"(D) $9,982,000 for weather projects and activities;

"(E) $5,458,000 for airport technology projects and activities;

"(F) $26,625,000 for aircraft safety technology projects and activities;

"(G) $49,895,000 for system security technology projects and activities;

"(H) $10,737,000 for human factors and aviation medicine projects and activities;

"(I) $3,291,000 for environment and energy projects and activities; and

"(J) $1,122,000 for innovative/cooperative research projects and activities;

"(5) for fiscal year 1999, $224,000,000; and

"(6) for fiscal year 2000, $231,000,000.".

SEC. 3. BUDGET DESIGNATION FOR RESEARCH AND DEVELOPMENT ACTIVITIES.

Section 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(g) DESIGNATION OF ACTIVITIES.—(1) The amounts appropriated under subsection (a) are for the support of all research and development activities carried out by the Federal Aviation Administration that fall within the categories of basic research, applied research, and development, including the design and development of prototypes, in accordance with the classifications of the Office of Management and Budget Circular A–11 (Budget Formulation/Submission Process).

"(2) The President's annual budget request for the Federal Aviation Administration shall include all research and development activities within a single budget category. All of the activities carried out by the Administration within the categories of basic research, applied research, and development, as classified by the Office of Management and Budget Circular A–11, shall be placed in this single budget category.".

SEC. 4. NATIONAL AVIATION RESEARCH PLAN.

Section 44501(c)(2)(B) of title 49, United States Code, is amended—

(1) by striking "and" at the end of clause (iii);

(2) by striking the period at the end of clause (iv) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new clause:

"(v) highlight the research and development technology transfer activities that promote technology sharing among government, industry, and academia through the Stevenson-Wydler Technology Innovation Act of 1980.".

SEC. 5. RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.

(a) PROGRAM.—Section 48102 of title 49, United States Code, is amended by adding at the end the following new subsection:

"(h) RESEARCH GRANTS PROGRAM INVOLVING UNDERGRADUATE STUDENTS.—

"(1) ESTABLISHMENT.—The Administrator of the Federal Aviation Administration shall establish a program for awarding grants to researchers at primarily undergraduate institutions who involve undergraduate students in their research on subjects of relevance to the Federal

Aviation Administration. Grants may be awarded under this subsection for—

"(A) research projects to be carried out at primarily undergraduate institutions; or

"(B) research projects that combine research at primarily undergraduate institutions with other research supported by the Federal Aviation Administration.

"(2) NOTICE OF CRITERIA.—Within 6 months after the date of the enactment of the FAA Research, Engineering, and Development Authorization Act of 1997, the Administrator of the Federal Aviation Administration shall establish and publish in the Federal Register criteria for the submittal of proposals for a grant under this subsection, and for the awarding of such grants.

"(3) PRINCIPAL CRITERIA.—The principal criteria for the awarding of grants under this subsection shall be—

"(A) the relevance of the proposed research to technical research needs identified by the Federal Aviation Administration;

"(B) the scientific and technical merit of the proposed research; and

"(C) the potential for participation by undergraduate students in the proposed research.

"(4) COMPETITIVE, MERIT-BASED EVALUATION.—Grants shall be awarded under this subsection on the basis of evaluation of proposals through a competitive, merit-based process.".

"(b) AUTHORIZATION OF APPROPRIATIONS.—Section 48102(a) of title 49, United States Code, as amended by this Act, is further amended—

"(1) by inserting ", of which $500,000 shall be for carrying out the grant program established under subsection (h)" after "projects and activities" in paragraph (4)(J);

"(2) by inserting ", of which $500,000 shall be for carrying out the grant program established under subsection (h)" after "$224,000,000" in paragraph (5); and

(3) by inserting ", of which $500,000 shall be for carrying out the grant program established under subsection (h)" after "$231,000,000" in paragraph (6).

SEC. 6. LIMITATIONS.

(a) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by the amendments made by this Act shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

(b) LIMITATION ON APPROPRIATIONS.—No sums are authorized to be appropriated to the Administrator of the Federal Aviation Administration for fiscal years 1998, 1999, and 2000 for the Federal Aviation Administration Research, Engineering, and Development account, unless such sums are specifically authorized to be appropriated by the amendments made by this Act.

(c) ELIGIBILITY FOR AWARDS.—

(1) IN GENERAL.—The Administrator of the Federal Aviation Administration shall exclude from consideration for grant agreements made by that Administration after fiscal year 1997 any person who received funds, other than those described in paragraph (2), appropriated for a fiscal year after fiscal year 1997, under a grant agreement from any Federal funding source for a project that was not subjected to a competitive, merit-based award process. Any exclusion from consideration pursuant to this subsection shall be effective for a period of 5 years after the person receives such Federal funds.

(2) EXCEPTION.—Paragraph (1) shall not apply to the receipt of Federal funds by a person due to the membership of that person in a class specified by law for which assistance is awarded to members of the class according to a formula provided by law.

(3) DEFINITION.—For purposes of this subsection, the term "grant agreement" means a legal instrument whose principal purpose is to transfer a thing of value to the recipient to carry out a public purpose of support or stimulation authorized by a law of the United States, and does not include the acquisition (by purchase, lease, or barter) of property or services for the direct benefit or use of the United States Government. Such term does not include a cooperative agreement (as such term is used in section 6305 of title 31, United States Code) or a cooperative research and development agreement (as such term is defined in section 12(d)(1) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d)(1))).

SEC. 7. NOTICE.

(a) NOTICE OF REPROGRAMMING.—If any funds authorized by the amendments made by this Act are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) NOTICE OF REORGANIZATION.—The Administrator of the Federal Aviation Administration shall provide notice to the Committees on Science, Transportation and Infrastructure, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the Federal Aviation Administration for which funds are authorized by this Act.

SEC. 8. SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM.

With the year 2000 fast approaching, it is the sense of Congress that the Federal Aviation Administration should—

(1) give high priority to correcting all 2-digit date-related problems in its computer systems to ensure that those systems continue to operate effectively in the year 2000 and beyond;

(2) assess immediately the extent of the risk to the operations of the Federal Aviation Administration posed by the problems referred to in paragraph (1), and plan and budget for achieving Year 2000 compliance for all of its mission-critical systems; and

(3) develop contingency plans for those systems that the Federal Aviation Administration is unable to correct in time.

SEC. 9. BUY AMERICAN.

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to the amendments made by this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under the amendments made by this Act, it is the sense of Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(c) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under the amendments made by this Act, the Administrator of the Federal Aviation Administration shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA: Page 8, line 4, before "after" insert "from the Research, Engineering, and Development account".

Mrs. MORELLA. Mr. Chairman, my amendment simply clarifies that the limitations in section 6 apply only to grants funded through the research, engineering and development account.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I thank the gentlewoman for yielding to me.

Mr. Chairman, I am pleased to support the amendment on behalf of the committee leadership. Let me say that this amendment was for the sole purpose of alleviating the concerns of the Committee on Transportation and Infrastructure that our legislation does not infringe upon their jurisdiction whatsoever.

Mr. GORDON. Mr. Chairman, I move to strike the last word. Let me just quickly concur that the minority has been consulted on this amendment, and we also concur with its passage.

□ 1600

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA].

The amendment was agreed to:

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 5, line 11, after "institutions" insert ", including primarily undergraduate Historically Black Colleges and Universities and Hispanic Serving Institutions,".

Ms. JACKSON-LEE of Texas. Mr. Chairman, I too would like to add my appreciation, first of all, to the chairman of the Committee on Science and the ranking member for their cooperative spirit throughout the time of both our hearings and markup sessions.

Let me acknowledge as well the chairperson of this subcommittee, the gentlewoman from Maryland, Mrs. MORELLA, and the ranking member, the gentleman from Tennessee, BART GORDON, for cooperating with me on this amendment and assisting my staff.

Mr. Chairman, I want to also thank the staff members as well.

I invite my colleagues to join with me in encouraging research by undergraduate students at our Nation's historic black colleges and universities and Hispanic serving institutions. As many may know, the majority of our HBCU's and Hispanic serving institutions are primarily undergraduate institutions.

First of all, this legislation is good legislation and I applaud the work of the committee. Particularly in light of Pan Am 103, the ValuJet crash in Florida, and TWA 800, safety issues and research issues regarding flight safety for our consumers are extremely important. This is a good bill.

This amendment, however, affects section 5 of the bill dealing with research grants involving undergraduate students by simply including the words "Historically Black Colleges and Universities and Hispanic Serving Institutions" after undergraduate institutions. Section 5 targets researchers at primarily undergraduate institutions, which most of our institutions are.

I must add that I am pleased to note that under this subsection grants are awarded based on the evaluation of proposals through a competitive merit-based process. The ranking member, the gentleman from Tennessee, Mr. BART GORDON, was successful in including this overall undergraduate section in the bill, and this is a good section.

This bill authorizes a total of $672 million over 3 years, through fiscal year 2000, for the FAA's research, engineering, and development program; $217 million for fiscal year 1998, $224 million for fiscal year 1999, and $213 million for fiscal year 2000. Section 5 of the bill authorizes $500,000 for overall undergraduate student research grants.

Let me emphasize that this particular amendment, by the CBO estimates alone, does not add any cost to this legislation at all.

Mr. SENSENBRENNER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, I appreciate the gentlewoman's interest in this issue and commend her for offering this amendment.

Although the language in H.R. 1271 in no way restricts the FAA's ability to award research grants to historically black colleges and universities and Hispanic serving institutions, we will accept her amendment to clarify that point that the FAA has the authority to make such grants, and I support the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the chairperson very much.

Might I just, as I conclude, and before I offer some time to the ranking member, say that according to the President's Board of Advisers on Historically Black Colleges and Universities our minority universities are often an untapped resource for research, technological, and analytical competence. Although many HBCU's are underfunded in laboratory equipment, HBCU's and Hispanic serving institutions have an overwhelming success rate in producing the Nation's top minority mathematicians, scientists, and physicians.

And let me simply say that when we are called by name, we will most likely respond. This amendment does that. It does clarify and allows for minority universities to recognize their involvement in this important area. It also will help, I hope, to increase the numbers of applications and, therefore, grants so that we can be, of course, in the loop.

This is a good amendment because it is inclusive and it states to our population that we want all people involved in this very important research.

Mr. Chairman, I rise in order to amend H.R. 1271—the Federal Aviation Administration Research and Engineering, and Development programs for fiscal years 1988 through 2000.

I invite my colleagues to join with me in encouraging research by undergraduate students at our Nation's historically black colleges and universities and Hispanic serving institutions. As many may know, the majority of our HBCU's and Hispanic serving institutions are primarily undergraduate institutions.

This amendment to H.R. 1271, affects section 5 of the bill; research grants program involving undergraduate students, by simply including the words "historically black colleges and universities and Hispanic serving institutions" after the "undergraduate institutions" language of the bill.

Section 5 targets researchers at primarily undergraduate institutions that involve undergraduate students in their research on subjects of relevance to the Federal Aviation Administration.

I must add that I am pleased to note that under this subsection, grants are awarded based on the evaluation of proposals through a competitive, merit based process. My good colleague, BART GORDON of Tennessee, was successful in including this overall undergraduate section in the bill.

This bill, authorizes a total of $672 million over 3 years, through fiscal year 2000, for the FAA's research, engineering, and development program; $217 million for fiscal year 1998, $224 for fiscal year 1999, and $213 million for fiscal year 2000. Section 5 of the bill authorizes $500,000 for the overall undergraduate student research grants.

There is no doubt that there is an overwhelming need for research dollars to be awarded to historically black colleges and universities, as well as Hispanic serving institutions. For the FAA, the numbers speak for themselves.

In 1996, the Federal Aviation Administration awarded a total of $15 million to institutions of higher education for research and development activities. Of that total $15 million amount for 1996, only $120,000 was awarded to historically black colleges and universities, and $130,000 was awarded to Hispanic serving institutions. That is less than 1 percent.

For fiscal year 1997, of the $10 million awarded to institutions of higher education, the overall amount awarded to minority institutions doubled, but where no less impressive. Of the $10 million, $260,000 was awarded to HBCU's and $200,000 was awarded to Hispanic serving institutions. This is a sad and telling story on the state of research and development within our minority universities and colleges.

This is why this amendment is necessary. It is a good first step in reaching out to minority institutions that can and must compete in the research and development arena.

My amendment serves to unquestionably reflect that undergraduate students at minority institutions should aggressively compete for grant awards within the FAA. This amendment seeks to promote minority university awareness of research opportunities.

According to the President's board of advisors on historically black colleges and universities, our minority universities are often an untapped resource for research, technological, and analytical competence. Although many HBCU's are underfunded in laboratory equipment, HBCU's have an overwhelming success rate in producing the Nation's top black mathematicians, scientists, and physicians.

Mr. Chairman, when you are called by name, you are more likely to respond. This amendment does just that. It calls minority universities by name in an effort to highlight and bring to the attention of the FAA the fact that HBCU's and Hispanic serving institutions are alive and well and should be included in the research efforts of the FAA. It aids our minority institutions and others in understanding that minority universities and undergraduate students should effectively compete for research opportunities with the Federal Government.

Hispanic serving institutions are colleges and universities that educate mostly Hispanic students. I am proud to announce that my new district, the 18th Congressional District, includes a good portion of the heights in Houston, TX. In the heights are people of all racial and ethic backgrounds including Hispanics. Many of the residents of the heights attend both HBCU's and Hispanic serving institutions as well as majority colleges and universities. I am proud to be a representative of each.

Mr. Chairman, while some may correctly state and understand that the classification of undergraduate students should include historically black colleges and universities as well as Hispanic serving institutions, it is important to note that there are some in our country who do not appreciate this view. Consequently, our minority universities are often overlooked or forgotten.

My amendment allows undergraduate students at HBCU's and Hispanic serving institutions to definitively know that they too can participate in research that benefits the FAA and compete for research and development dollars that will help build a better America.

For these reasons, I ask that my colleagues support my amendment to H.R. 1271.

Mr. GORDON. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Tennessee.

Mr. GORDON. Mr. Chairman, I rise in support of the gentlewoman's amendment and offer my compliments for her bringing this amendment, her diligent efforts to bring this before us, and again point out that, again by CBO's scoring, this will add no cost to the Federal budget.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Mr. HINOJOSA. Mr. Chairman, I move to strike the last word, and I rise in support of the gentlewoman's amendment to the H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997.

This amendment serves to highlight Hispanic serving and minority institutions' participation in the undergraduate FAA research grants program established by the bill.

There is no doubt that an overwhelming need exists for more research dollars to be awarded to these institutions. In 1996 they received less than 1 percent of available funds. That is simply not satisfactory. I encourage all my colleagues to today address and rectify this problem and to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GOSS) having assumed the chair, Mr. STEARNS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1271) to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes, pursuant to House Resolution 125, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. GOSS). Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, further proceedings on this question will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until approximately 5 p.m.

Accordingly (at 4 o'clock and 8 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. GILLMOR] at 5 p.m.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, 1997

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight, Tuesday, April 29, 1997 to file a privileged report on a bill making emergency supplemental appropriations for recovery from natural disasters and for overseas peacekeeping efforts for the fiscal year ending September 30, 1997, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, all points of order are reserved on the bill.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to clause 5, rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained, and then on passage of the bill, H.R. 1271, the FAA Research, Engineering, and Development Authorization Act of 1997.

Votes will be taken in the following order:

H.R. 1342, by the yeas and nays;
H.R. 680, by the yeas and nays;
H.R. 363 by the yeas and nays;
H.R. 1271, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

EXPIRING CONSERVATION RESERVE PROGRAM CONTRACTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1342, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon [Mr. SMITH] that the House suspend the rules and pass the bill, H.R. 1342, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 325, nays 92, answered "present" 1, not voting 15, as follows:

[Roll No. 92]

YEAS—325

Abercrombie
Ackerman
Aderholt
Allen
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Deal
DeFazio
DeGette
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Luther
Manton
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Minge
Mink
Molinari
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts

Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Tiahrt
Towns
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—92

Archer
Barrett (WI)
Becerra
Bonior
Boucher
Brown (FL)
Brown (OH)
Cardin
Carson
Clay
Clement
Conyers
Coyne
Davis (IL)
Davis (VA)
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Dixon
Dooley
Eshoo
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Gejdenson
Gephardt
Gordon
Hall (OH)
Harman
Hinchey
Jackson (IL)
Johnson, Sam
Kaptur
Kennedy (MA)
Kennelly
Kilpatrick
Kind (WI)
Kucinich
Levin
Lewis (CA)
Lewis (GA)
Livingston
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
Meehan
Millender-McDonald
Miller (CA)
Moakley
Moran (VA)
Nadler
Neal
Owens
Pallone
Pastor
Payne
Pelosi
Rangel
Rivers
Roybal-Allard
Sanchez
Sanders
Schumer
Serrano
Sherman
Skeen
Stabenow
Stark
Strickland
Taylor (MS)
Thurman
Tierney
Torres
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weygand

ANSWERED "PRESENT"—1

Ensign

NOT VOTING—15

Andrews
Berman
Capps
Engel
Gallegly
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
McKinney
Mollohan
Schiff
Yates

□ 1727

Messrs. DeLAY, TAYLOR of Mississippi, FORD, SCHUMER, McDERMOTT, BARRETT of Wisconsin, WAXMAN, WATT of North Carolina, Ms. VELÁZQUEZ, Mr. BROWN of Ohio, Ms. ESHOO, Mr. LEVIN, Ms. PELOSI, Mr. STRICKLAND, and Ms. RIVERS changed their vote from "yea" to "nay."

Messrs. JEFFERSON, HOYER, SCARBOROUGH, and DAVIS of Florida changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 695.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New York?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motions to suspend the rules on which the Chair has postponed further proceedings.

AUTHORIZING TRANSFER TO STATES OF SURPLUS PERSONAL PROPERTY FOR DONATION TO NONPROFIT PROVIDERS OF NECESSARIES TO IMPOVERISHED FAMILIES AND INDIVIDUALS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 680 as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. HORN] that the House suspend the rules and pass the bill, H.R. 680, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were— yeas 418, nays 0, not voting 15, as follows:

[Roll No. 93]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus

Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—15

Andrews
Berman
Capps
Engel
Ensign
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
McKinney
Mollohan
Schiff
Yates

☐ 1738

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.".

A motion to reconsider was laid on the table.

EXTENDING THE ELECTRIC AND MAGNETIC FIELDS RESEARCH PROGRAM

The SPEAKER pro tempore (Mr. GILLMOR). The pending business is the question of suspending the rules and passing the bill, H.R. 363, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 363, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 387, nays 35, not voting 11, as follows:

[Roll No. 94]

YEAS—387

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coburn
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—35

Blunt
Cannon
Coble
Collins
Cox
Duncan
Ehlers
Ensign
Foley
Hefley
Hulshof
Johnson (WI)
Johnson, Sam
Jones
Kingston
Linder
Manzullo
Neumann
Norwood
Pappas
Paul
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Schaffer, Bob
Shadegg
Snowbarger
Solomon
Souder
Stump
Talent
Tiahrt
Watts (OK)

NOT VOTING—11

Andrews
Engel
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
Mollohan
Schiff
Yates

☐ 1747

Messrs. SCARBOROUGH, FOLEY, DUNCAN, and JONES changed their vote from "yea" to "nay."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

FAA RESEARCH, ENGINEERING, AND DEVELOPMENT AUTHORIZATION ACT OF 1997

The SPEAKER pro tempore (Mr. GILLMOR). The pending business is the question of the passage of the bill, H.R. 1271, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 7, not voting 12, as follows:

[Roll No. 95]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker

Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—7

Blunt
Hulshof
Neumann
Paul
Royce
Sanford
Schaffer, Bob

NOT VOTING—12

Andrews
Engel
Green
Hefner
Herger
Hoekstra
Lantos
Matsui
Mollohan
Schiff
Spratt
Yates

□ 1758

Mr. ROYCE changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1031

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of the bill, H.R. 1031, the American Community Renewal Act.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

PERMISSION FOR COMMITTEE ON BANKING AND FINANCIAL SERVICES TO FILE SUPPLEMENTAL REPORT ON H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LEACH. Mr. Speaker, I ask unanimous consent that the Committee on Banking and Financial Services may file a supplemental report, Part II, to the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, Report No. 105-76.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

□ 1800

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 680.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

PASS PRODUCT LIABILITY REFORM

(Mrs. NORTHUP asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mrs. NORTHUP. Mr. Speaker, a couple of weeks ago, a number of female trial lawyers approached Members of Congress to press the message that product liability reform is bad for women

As the House Committee on Commerce begins to hold hearings on product liability reform tomorrow, I want to enter into the RECORD information and documents that show not only is that message false, but it is being organized by the Association of Trial Lawyers of America, a group that strongly opposes even modest product liability reform.

In fact, Mr. Speaker, there is no group that is more harmed by the current product liability laws than women. This is true for two reasons. First of all, in terms of health, the fear of lawsuits has halted research and kept products off the market that would give many women better opportunities and remedies, things like contraceptives, breast reconstruction, and other products that are badly needed for women's health.

Second, the majority of newly created small businesses today, for the first time, are women owned. There is no group that is more impacted by product liability than small business owners. So this system is a threat to women who are beginning small businesses.

Mr. Speaker, I hope for these reasons that we will soon be able to consider and pass product liability reform.

HOW PRODUCT LIABILITY REFORM HELPS WOMEN

Federal product liability reform legislation includes modest reforms on key issues of product liability. These reforms will help to solve some of the problems inherent in our current liability system. The reforms apply across the board and do not impact any one group—especially women. Women will benefit in many ways from the enactment of these fair and well-reasoned reforms.

FEDERAL PRODUCT LIABILITY REFORM WILL REDUCE GENDER BIAS IN RESEARCH AND PRODUCT INNOVATION

Women in America have been deprived of a drug (Bendectin) approved everywhere in the world to prevent morning sickness because of a liability system out of control.

Contraceptive research is often put on hold due to liability concerns. The Committee for Contraceptive Development, jointly staffed and administered by the National Research Council and the Institute of Medicine, notes that only one major U.S. pharmaceutical company still invests in contraceptive research due to liability concerns. The Committee cited a hostile legal climate as the reason contraceptive manufacturers are abandoning this market.

Reports published in the New England Journal of Medicine (July 22, 1993) concluded that manufacturers' liability concerns are contributing to the exclusion of women from clinical studies.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that "liability concerns are stifling research and development of products for women."

PRODUCT LIABILITY REFORM WILL HELP WOMEN IN BUSINESS

Women-owned businesses increased by almost 58 percent from 1982–1987 and currently account for 30 percent of all U.S. firms. The U.S. Small Business Administration predicts that women will own 40 percent of all small businesses by the year 2000.

Small businesswomen will run up against the same insurance and liability pressures that face all small businesses. Federal product liability reform legislation will help ease those barriers to commerce and competition.

In Senate Commerce Committee testimony, Schutt Sporting Group CEO Julie Nimmons—one of two remaining U.S. manufacturers of football helmets—stated: "our employees hold their breath every time a case goes to the jury, because a runaway award could mean the end of our company."

In House testimony, Livernois Engineering Co. President Norma Wallis stated that her company and the entire U.S. machine tool industry as a whole "is made less competitive by the product liability system."

VICTIMS OF DES WILL BE HELPED, NOT HURT BY FEDERAL PRODUCT LIABILITY REFORM

In over 20 years of litigation, punitive damages have never been awarded in a DES case. In fact, because DES manufacturers have not been shown to have acted in conscious or flagrant disregard of public safety, no judge has even put the question of punitive damages before a jury in a DES case. Consequently, the punitive damages reforms will not have an adverse effect on DES plaintiffs.

On the other hand, DES victims who discovered their injuries after expiration of their state's statute of limitation would have court house doors opened to them. Under the proposed federal legislation, a woman would have up to two years to file a lawsuit after she discovers or should have discovered both the injury and its cause. Because many effects of pharmaceuticals used by women may not be readily apparent, this provision is especially important in preserving the rights of women to recovery for injuries.

THE PROPOSED BILL DOES NOT DISCRIMINATE AGAINST WOMEN

Federal product liability reform legislation follows a provision of California law on the topic of joint liability. The provision was voted into California law by over 60 percent of those voting in 1986. It has been argued by opponents that the provision is "anti-women" because their economic damages may be lower than men and, for that reason, they depend on noneconomic or so-called "pain and suffering" damages. However, there has been absolutely no showing in California, a large and litigious state, that the California approach discriminates against any sex or any group. In fact, noted California trial attorney Suzelle Smith has testified that the California law is fair and has worked well for consumers. The California Supreme Court has upheld the California law on equal protection grounds under the California and the United States Constitutions. Nebraska enacted the same reform in 1991 after carefully studying various joint liability reform alternatives.

Several states have enacted limits on punitive damages and those laws have never been challenged by women's groups because they do not discriminate. The proportionality requirement in the proposed federal legislation is similarly gender-neutral.

Phyllis Greenberger, Executive Director of the Society for the Advancement of Women's Health Research, testified before the Senate Commerce Committee in the 104th Congress that U.S. companies are shying away from the contraceptive market because of the unpredictable nature of litigation combined with the enormous cost and limited availability of liability insurance.

INCREASE FUNDING FOR PELL GRANTS

(Mr. McGOVERN asked and was given permission to address the House for 1 minute and to include extraneous material.)

Mr. McGOVERN. Mr. Speaker, I rise today to applaud the 12 national organizations who recently wrote this Congress endorsing H.R. 744, a bill I introduced in February to increase Federal funding and eligibility for Pell grants.

The McGovern bill increases the maximum Pell grant from its present level of $2,700 to $5,000, which brings the award to the level in which it was created adjusted for inflation. My bill permits more students from modest income families to access higher education and allows more middle-income families with multiple children in college to qualify for financial aid.

☐ 1415

I would also like to commend over 40 of my House colleagues from both sides of the aisle who have signed on as cosponsors of H.R. 744. As the drive to pass this bill continues to gain momentum, I am confident that many more of my colleagues will join the effort to make college more affordable for working families across this Nation. In today's competitive global economy, education is the key to America's success. My bill will help lead the way toward a stronger economy and a brighter future for our children. Let us pass it today.

I include for the RECORD a letter signed by more than 12 major national organizations urging passage of the McGovern-Pell-Grant bill.

APRIL 21, 1997.

DEAR REPRESENTATIVE: We write to express our strong support for HR 744, The Affordable Higher Education Through Pell Grants Act. By restoring much of the value of Pell grants, HR 744's passage and funding offers this Congress its best opportunity to narrow the college participation gap between low-income students and students from affluent families. This gap threatens not just the well-being of the individual students who, due to high cost, will be denied access to higher education and the opportunities that it offers; it also jeopardizes our collective future as a democracy that promotes upward mobility through education and effort.

The gap in college participation rates between the poor and the well-off is growing. Between 1980 and 1993 the gap in the college-going rate of students in the lowest income quartile and of students in the three higher income quartiles grew by 12 percent. Thus, 18 and 19 year olds from families with incomes in the top income quartile are now three times as likely to be enrolled in college as those in the bottom quartile. Similar gaps can be found in graduation rates. While nearly 48% of the young adults raised in families in the highest socio-economic quartile obtain BA's, only 7% of those from families in the lowest socio-economic quartile do.

A major cause of the growth in the gap is the soaring cost of higher education coupled with the deteriorating value of the primary form of assistance to low-income students—Pell grants.

Between 1980 and 1994 the cost of tuition, room and board at public postsecondary institutions jumped by 44%. Over approximately the same period, Pell grants lost about 50% of their purchasing power. In FY 1979 the maximum Pell grant covered 77.4% of the average cost of a public university; by FY 1997 the maximum Pell grant covered only 33.2% of those costs.

The unchecked growth of the college participation gap will lock hundreds of thousands of students out of college and into limited lives at the margins of our society. And it will cost our nation dearly. Individuals with only a high school diploma earn only half what college graduates earn, are three times more likely to be unemployed, and are five times more likely to live in poverty than are college graduates. Unless narrowed, the growing gap will make college access a destructive wedge, further dividing income groups, rather than the bridge to greater prosperity and productivity that it has been for so many Americans.

Passage of HR 744 alone is not enough to close the college participation gap, but it will certainly narrow it. Carefully constructed progressive tax policies in addition to HR 744 could narrow the gap even more. However, passage of HR 744 must be the first priority of those who wish to increase access to higher education and narrow the college participation gap.

HR 744 is a modest, common sense step toward closing the gap. We urge you to cosponsor this legislation and to work actively for its passage.

Sincerely,

The American Jewish Committee, The Center for Law and Education, The

Education Trust, The Mexican American Legal Defense and Education Fund, The NAACP, The National Association of Social Workers, The National Council of Educational Opportunity Associations (NCEOA), The National Council of Jewish Women, The National Council of La Raza, The National Puerto Rican Coalition, Inc., The Rainbow/Push Coalition, The US Student Association.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE TRUSTEES' REPORT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, last week four Cabinet-level members of the Clinton administration and the rest of the Medicare trustees released their annual report on the future of the Medicare Program, something of great interest to a great many Americans, and unfortunately the forecast is very bleak. The condition of the part A trust fund has gone from serious to critical, with only a few years left before flatlining altogether in this very important entitlement program. It is time for the White House to get its act together.

Mr. Speaker, 2 years ago, for the first time in the history of the program, the trust fund paid out more in expenses than it received in revenues. That was a pretty good indicator something was wrong. Last year the program lost $25 million a day every day and $9 billion over the course of the year, another indicator something might be wrong. This year that figure will climb to at least $40 million a day lost and almost $14.5 billion for the whole year. We are on the fast track to bankruptcy, with only a small window of opportunity to avoid a serious disaster in Medicare part A which so many Americans depend on.

While this projection is undisputed, the call to action from the White House has not been forthcoming. Yes, the President has moved toward us in terms of raw numbers, but he has avoided making the tough choices necessary to truly reform and improve Medicare. In fact, the President's prescription involves no heavy lifting at all. It just ambushes the American taxpayer down the road with higher taxes. Where have we heard that before? By switching the home health portion of Medicare to Part B without a corresponding increase in the premium to pay for it, this administration has signaled that its intention is not to save the program but, rather, to continue to play politics with the numbers and raise taxes.

But there is good news, and that is why I am here. The good news is that we can save Medicare as this Congress has done recently. But it is not going to happen with accounting gimmicks, misguided customer providers, or vetoes from the White House. Instead we should take a hard look at what is driving the soaring costs and address them head on.

We need medical malpractice reform to assure that our precious resources are not being wasted on defensive medicine. A Stanford study found that States that have passed some kind of tort reform, like my home State of Florida, have seen incredible savings in even the most complicated medical areas. The study confirms what many of us already knew, excessive litigation serves the trial lawyers primarily, not our senior citizens.

We can and must increase the number of options available in the Medicare Program. Every senior should have choices to go beyond the fee for service or an HMO, options that include things like provider-sponsored networks and medical savings accounts. Individual choice should be the hallmark of any reform plan.

Of course, we should always keep our eye on the fraud and abuse that still plagues our system, regrettably. In the last Congress we instituted tougher penalties for those who cheat the system, and we should pursue identified ways to do more of that. Representative QUINN's legislation to establish an inspector general for the program I think is a fine first step. I hope that we will continue to deter and punish those who drain our Medicare resources by cheating.

Mr. Speaker, the campaign is over. The demagoguery, the distortions, the cynical misdirections might have served a political purpose in the last Presidential campaign, but they did not do anything to save the Medicare trust fund. The effect dramatically of it in this year's report has been to exacerbate the problem. As the trustees note, and again there are Cabinet members among them, "it is misleading to think that any part of the program can be exempt from change." We have to fix it.

It is time we heed the trustees' warnings. It is time for structural reform that saves Medicare not merely until the next election, but well into the next century because a great many Americans are counting on it.

Mr. Speaker, I served on the Kerrey commission. We talked about the entitlement, the well-being of the entitlement programs in our country, and we discovered that we were on unsustainable trendlines, and this is just the first of others that are going to follow unless we have reform of our entitlement programs.

I am proud that Congress did its job. We passed the strength of the Medicare Act bill in the last Congress. The Senate passed it. President Clinton vetoed it. Since that veto we have lost almost $20 billion in revenues in trust fund part A. This adds up to real money, but more important, it adds up to real anxiety for our senior citizens.

It is time we heard from the White House on this program. The Cabinet members have spoken, the committee has spoken, Congress has spoken. Will the President speak?

EXPRESSING PROFOUND GRATITUDE OF THE PEOPLE OF NORTH DAKOTA FOR OUTPOURING OF SUPPORT FROM THE COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, as North Dakota's sole Member of this body, I rise on behalf of the people of North Dakota to express the profound gratitude that we feel toward the outpouring of support demonstrated in this Chamber and across the country as North Dakotans deal with the unprecedented disasters that have afflicted our State, most particularly the city of Grand Forks.

The city of Grand Forks, a city of 50,000, has established a benchmark in terms of flooding disasters for a community of this size. Never before have we seen a city of 50,000 so completely inundated, so completely devastated by a flooding river. The river in this case, the Red River of the North, which flows normally at 16 feet, maybe 15 feet on a summer afternoon, flood stage: 28 feet; the flooding waters of 54 feet in depth ultimately reached the dikes and inundated this city. It was the flood of record. They are now saying a flood of 1,000-year-event dimensions.

As if the resulting inundation citywide was not bad enough, fire broke out in the downtown business district, and as so many watched in the television footage of the event, a fire department who normally has water as its best ally in fighting flames was rendered powerless by the fact that they could not even get at the hydrants because they were literally under the flooding Red River water that was coursing through the streets of the town.

Now as we deal with the aftermath of this unprecedented disaster, we have seen an outpouring of support from across this country that has truly touched us and gives us a great deal of assistance and moral support as well as financial support in moving forward to pick up the pieces and rebuild this community.

Examples that have occurred just in my own experience include a 7-year-old boy, who in his car noted that he was

2 years old when Hurricane Andrew devastated their family's home, brought by a box of food supplies for me to take to the people of Grand Forks. The shoe shop located in the base of the Longworth House Office Building has devoted 10 percent of its proceeds for 2 weeks on shoe repair to assisting the people of Grand Forks. Phil Jackson, famous coach of the Chicago Bulls basketball team; I am proud to say North Dakota native, graduate of the University of North Dakota, and he was a star for the Fighting Sioux basketball team, has agreed to cut a public service announcement which will inform people across the country of how they might help the people of Grand Forks recover from this disaster.

Now, Mr. Speaker, at a time when the outpouring across the country has been so significant, I also want to let my colleagues know about the outpouring that has occurred across both parties within this Chamber at a time when people, I think, are very cynical in terms of whether we have a political system that can quit its partisan bickering long enough to respond to problems. We have seen exactly that occur within the past week.

Five days after the dikes were breached, the President of the United States was there to encourage and comfort the flood victims with promises of additional assistance. Six days later the White House brings up to the Hill a supplemental assistance package. Six days after the dikes breached, Chairman BOB LIVINGSTON, the majority chairman of the Committee on Appropriations, had additional assistance inserted into the disaster supplemental bill being considered by the appropriations body. Not enough, not configured exactly how we want, but, as he indicated, more needs to be done, this is a work in process, the first crack we had in Congress to help the people of Grand Forks. Thanks to the gentleman from Louisiana [Mr. LIVINGSTON] they were assisted in action by his committee.

A day later, the Speaker devoted a Friday evening that otherwise had been scheduled for familytime to come to North Dakota to see the devastation. I was very pleased to travel along with Speaker GINGRICH, as well as the gentleman from South Dakota [Mr. THUNE], the gentleman from Minnesota [Mr. GUTKNECHT], and the gentleman from Minnesota [Mr. RAMSTAD], to visit with the people of Grand Forks and East Grand Forks and see the extent of the devastation. I am extraordinarily grateful to the Speaker and know that his presence in our area meant an awful lot to people as they deal with the unpleasant dimension of pumping out basements, assessing whether homes can be saved, and trying to pick up the pieces of their businesses.

On Monday, just 2 days later, majority leader DICK ARMEY also came to North Dakota, bringing with him a number of our colleagues including the gentleman from California [Mr. ROGAN], the gentleman from California [Mr. KIM], the gentleman from New York [Mr. LAZIO], the gentleman from Indiana [Mr. SOUDER], the gentlewoman from Kentucky [Mrs. NORTHUP], and the gentleman from Minnesota [Mr. Sabo].

□ 1815

Again, both political parties, heavy representation from the majority leaders of this body, as well as the majority Members of this body, coming to our area to extend their concern and see how they could help.

The people of North Dakota will never forget the conscientious extending of the hand of help and concern that occurred this week, and I am very proud to serve in this Chamber with the Members of both political parties that have shown how deeply they care and how much they want to help.

RENAMING THE DUBLIN, GEORGIA FEDERAL COURTHOUSE IN HONOR OF FORMER U.S. REPRESENTATIVE ROY ROWLAND

The SPEAKER pro tempore (Mr. ROGERS). Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker and fellow Members of the House, we find ourselves today in a period of great debate as to what constitutes bipartisanship. I believe now that true bipartisanship is honorable compromise for the good of the country.

If we search for real-life models of honorable compromise, we can find no better example than the former Democratic Member from my home State of Georgia that I have brought back to the floor of the people's House for this occasion.

Congressman Roy Rowland of Dublin, GA, began a lifetime of public service long before coming to the House of Representatives. Roy Rowland spent his youth developing a keen sense of duty and honor as an Eagle Scout.

Fresh out of high school, Roy entered the U.S. Army to fight in World War II as a sergeant in command of a machine-gun crew in the European theater. He was a member of United States Forces that liberated German concentration camps, where he learned firsthand the horrifying final results of intolerance.

Roy left the Army at the end of the war with a Bronze Star for service in combat and returned to educational pursuits. He graduated from the Medical College of Georgia in 1952 and continued what was to become a lifetime of public service by providing health care to the people of Dublin, GA, as a family practice physician.

Roy not only provided health care to Georgia families, he served them in the State legislature from 1976 until 1982. And in 1983, Roy's dedication to serving his country brought him to the U.S. House of Representatives. In his freshman year, Congressman Rowland introduced and succeeded in passing legislation that stopped the illegal use of quaaludes through fraudulent prescription sales.

In the early 1980's, the abuse of quaaludes had reached epidemic proportions, and the drug was fast on its way to becoming the illegal drug of choice on the streets. Today that problem is history because of the work of Roy Rowland. Congressman Rowland's efforts were not Republican or Democratic in nature. They addressed a pressing concern for all Americans and garnered true bipartisan support.

When debate over the AIDS crisis was still locked in a state of misinformation and confusion and fragmentation, Roy Rowland stepped forward in this House with his experience as a medical professional to provide the leadership this body needed to move ahead.

Congressman Rowland introduced and passed into law legislation that created the National Commission on AIDS, which provided America with the plain scientific facts so necessary to establish sound public health policy to combat this killer disease.

When the battle over health care reform was at its peak in the 103d Congress, Roy Rowland once again led the way in finding solutions to America's problems that were outside the realm of partisanship. He succeeded in drafting health care reform legislation through a group of five Republicans and five Democrats that provided coverage for 92 percent of the American public.

The Rowland bill did not pass during that time of heated debate and multiple proposals, but the blueprint that Roy left us is one that should be carefully examined when we face contentious issues in the future.

In his 12 years of service here in the House, Roy set a standard for standing firm on conviction without resorting to partisan attacks. He fought like a tiger on the floor but never had an enemy on either side of the aisle. In his reelection campaigns, he was frequently personally attacked but never, never responded in kind.

Today I am introducing legislation that will honor and preserve the legacy of service that Doctor and Congressman Roy Rowland has left for us to follow. This bill would redesignate the Dublin Federal Courthouse in Dublin, GA, as the J. Roy Rowland Federal Courthouse in order that the example Roy Rowland set through a lifetime of service should not be forgotten.

In the spirit of true bipartisanship that our former colleague exemplified, I ask for support for this legislation.

WOMEN, INFANTS, AND CHILDREN PROGRAM SHOULD NOT BE CUT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, as I have been moving around in the last few days and I have looked to see that the Sun was shining, I was under the impression that we were embarking upon a new season, the beginning of spring, and that we would see fresh ideas, that we would see coming to life new feelings of inclusiveness. But then I had a rude awakening.

I was awakened when the House Committee on Appropriations voted to cut the WIC Program, a program that is designed to benefit women, infants, and children; a program that is designed to provide nutrition, nutritional aid, to women, infants, and children; individuals who in many instances are disadvantaged, in many instances do not have the basic resources to meet the food requirements to grow up healthy, to have a healthy body, to have a healthy mind.

Oftentimes they do not have the resources that will put them on an even playing field with all the other members of our society, and it is hard for me to imagine how one could cut or how a group could cut something as important, something as basic, something that is so greatly needed as a program to provide food for individuals in need.

I would hope that as spring continues to emerge, that there might be a rebirth of ideas and there might be another way of looking at things; there might be another way of looking at the priorities of our Nation, the priorities that would say every person, no matter who he or she might be, would have an opportunity to grow up, to live in a country, to live in a society, the most technologically proficient Nation of the world, the wealthiest Nation of the world, which should be able to make sure that its neediest citizens are provided basic food.

So I would urge that as we move ahead, that the Members of this body would look differently at this issue than we saw the Committee on Appropriations look, and that the Members of this body would recognize that unless all of us can be healthy, it really reduces the health of each one of us; that unless all of us who need food can be fed, it reduces the feeling of each one of us; and that unless America, this Nation, can demonstrate that it understands how to look after the needs of its old, the needs of its young, and the needs of those who oftentimes cannot care for themselves, then we would never experience the potential greatness that this Nation has, we will never become the America that we can be.

UTAH LAND GRAB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, today in the Subcommittee on National Parks we heard testimony which should be disturbing to all Americans. In fact, we heard Senator ORRIN HATCH testify that in 20 years in the Senate, he had never seen such an arrogant abuse of power.

He was referring to the sneak attack by the Federal Government just before the last election to lock up 1.7 million acres in the State of Utah to produce what is called a national monument. This monument would be in the Escalante-Grand Staircase section of southern Utah. However, there are several reasons why this particular land grab has been questioned like no other in U.S. history.

First, it was done with no public discussion or hearings of any type, no vote by the Congress, the Utah State legislature, or the people of Utah. In fact, the Governor of Utah testified at our hearing that the first notice any Utah public official had was when they read about it 9 days beforehand in the Washington Post.

This raises the second serious question, the secrecy, the coverup. Not only were high ranking officials not notified, but Senator BENNETT testified that he now has administration documents which say that it cannot be emphasized enough that public disclosure would have stopped the designation because such an outcry would have been created. It almost makes you wonder if we have people running our Government today who want to run things in the secret, shadowy way of the former Soviet Union or other dictatorships.

Third, this 1.7 million acres contains the largest deposit of clean, low-sulfur coal in the world. Senator HATCH testified the coal alone is worth over $1 trillion. Who has the second largest deposit? The Lippo Group from Indonesia, who just happened to make some large campaign contributions to the Democrats about the time this land was locked up.

In one small rural county in Utah, this means the loss of 900 jobs. Not only does it mean jobs lost, but it means higher prices for every individual and company which uses coal in this country. Environmental extremists, who almost always come from wealthy or upper-income backgrounds, are really destroying jobs and driving up prices all over this country. Rich environmentalists who have enough money to be insulated from the harm they do are really hurting the poor and working people of this country.

Unfortunately, many in the environmental movement have become the new radicals, the new socialists of this day. They are advocating an unprecedented expansion of Federal power and, in many cases, are achieving it to the great detriment of all but a few elitists at the top.

This national monument in Utah is just another of many examples. The size of this power play is enormous; 1.7 million acres is three times the size of the Great Smoky Mountains National Park, the most heavily visited national park in this country.

Why should people in other parts of the country be concerned about this? Well, it will have a tremendous ripple effect in our overall economy. Why should people all over this country be concerned? Well, because of the secrecy, the political wheeling and dealing, the arrogance, the extremism of this whole thing. But, perhaps even more importantly, if they do this in one place, they will do it in another. If they get away with this in Utah, they will do it in your State too. If people do not speak out, it will happen again and again and again.

Already the Federal Government owns about 30 percent of the land in this Nation. State and local governments and quasi-governmental agencies own another 20 percent. So many restrictions are being placed on Federal land, and now even on private land, that this is now becoming a very serious problem.

Parents and grandparents wonder why their college-graduate children and grandchildren cannot find good jobs. We are ending up with the best educated waiters and waitresses in the world. One big reason is that some of these extremists do not want us to dig for any coal, drill for any oil, or cut any trees.

If we do not get a little moderation and balance back into our environmental policies, we will absolutely destroy our standard of living. Unfortunately, we cannot turn our entire Nation into a giant tourist attraction. Tourism is an industry filled with minimum wage jobs. Do we really want a nation made up of rich environmentalists, well-paid government bureaucrats, and almost everybody else working for minimum wage or very-low-paying jobs?

□ 1830

This Utah land grab is based on a 91-year-old law called the Antiquities Act. Supporters say apple pie and motherhood, things like this law have stood the test of time, and that it was used to protect and set aside the Grand Canyon and other great national treasures. Well, we have an entirely different situation today than we had 90 years ago or even 20 or 30 years ago.

The amount of land owned or controlled by Government has exploded in recent years. We have almost 10 times as much land in wilderness areas as just a little over 20 years ago. If this is still to be a free country a few years from now, if we are going to preserve this Nation as a Democratic republic where the people have control and where major government actions are not done in secret, then the Utah land deal should be reversed.

DEADLINE LOOMS FOR GOP LEADERS TO ACT ON CHILDREN'S HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as my colleagues probably know, over 10 million American children are without health insurance, and Democrats have been aware of this growing problem for some time. Unfortunately, the Republican leadership has been full of inaction. Since the beginning of the 105th Republican-controlled Congress, an additional 372,900 children have lost private health coverage, according to the Children's Defense Fund. Essentially this has been due to inaction by the Republican leadership.

But at the same time, Republicans in the House Committee on Appropriations voted down an amendment last week that fully met the President's funding request for women, infant, and children, the WIC Program. This nutrition program has been cited as one of the most successful Federal programs, and I have to say that I have witnessed this firsthand. I have been in some of the places where people have signed up for the WIC Program. It has been responsible for reducing low birth weight, infant mortality and anemia, while improving the diets of mothers and children.

The WIC Program has a proven track record in providing preventive health care benefits. According to the General Accounting Office, each dollar invested in the prenatal component of WIC averts $3.50 of Medicaid and other spending.

Instead, the Republicans have voted to cut 180,000 participants of this program by this September. Some States like California, for example, are already directing health clinics to deny WIC benefits to children.

Mr. Speaker, I consider these cuts in the WIC Program to be unacceptable. Democrats support the President's funding request for WIC because we understand the value of early intervention and prevention in health care. It would appear that the Republican leadership does not.

The WIC Program that the Democrats are concerned about is just basically another example of how we can address, through preventive measures, children's health care. When we talk about the problem of children's health care and the number of uninsured growing, at least if we were involved in trying to support and back up the WIC Program, we would be able to say that we were doing something and continuing to do at least a decent job with preventive care for children.

It is relatively inexpensive, and I have said this many times on the House floor, to provide health care for children, and there are many approaches to achieving this. Many legislative proposals are circulating that reduce the number of uninsured children and assist families in providing for their children's health care needs.

I have introduced legislation that mirrors the Hatch-Kennedy proposal by providing block grants to the States to help families afford coverage for their children. Under this proposal, States would have the flexibility to administer the program and use innovative methods unique to their particular State. The only requirement is that children's health care plans must be comparable to Medicaid, meaning the inclusion of important and cost-saving preventive benefits.

I have to say that the Kennedy-Hatch proposal is only one option that is being offered by Democrats or others on a bipartisan basis. There are many others to choose from, singularly or in combination. But instead of talking about these proposals, the Republican leadership barely acknowledges the problem of uninsured children and appears to be stonewalling against it.

I think a good start for the Republican leadership would be to support full funding for WIC when it comes to the House floor for a vote. Their next move should be to move children's health care legislation through the committee process by Mother's Day, as Democrats have urged.

Congress should be expanding health care options for children, not making matters worse by cutting children's nutrition programs. I just hope, and I urge that my Republican colleagues will join with us to make sure that the WIC Program is adequately funded. At least that would be a beginning to dealing with the issue of preventive care for children, and then we can at least show that there is support, I believe, on a bipartisan basis ultimately for passing a piece of legislation that will cover all, if not most, of the 10 million children that are now uninsured.

PROGRESS REPORT ON WOMEN'S HEALTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Maryland [Mrs. MORELLA] is recognized for 60 minutes as the designee of the majority leader.

Mrs. MORELLA. Mr. Speaker, I am really very pleased to sponsor tonight's special order on women's health with my colleagues NANCY JOHNSON, LOUISE SLAUGHTER, and ELEANOR HOLMES NORTON, and so many of our colleagues who are here this evening.

The Congressional Caucus for Women's Issues has spent a number of years attempting to address the neglected women's health research at the National Institutes of Health. The caucus asked the General Accounting Office in 1989 to investigate the NIH policy regarding the inclusion of women in clinical studies.

Women had been routinely excluded from many studies, such as the Physicians' Health Study which studied the effects of aspirin on heart disease of 22,000 male physicians. Another study, the Multiple Risk Factor Inventory Trial, a 15-year project studying the risk factors for cardiovascular disease, included 13,000 men and no women.

In 1990, the GAO reported that the NIH had made quote, little progress in implementing a 4-year-old policy to encourage the inclusion of women in research study populations. The caucus in 1990 introduced omnibus legislation, the Women's Health Equity Act, which included the establishment of an Office of Research on Women's Health and the requirement that women and minorities be included wherever appropriate in research studies funded by NIH.

Well, in the fall of 1990, at a meeting with many caucus members, NIH announced the formation of the Office of Research on Women's Health, to ensure that greater resources were devoted to diseases primarily affecting women and to ensure that women were included in clinical trials. Since 1990, great progress has been made in funding for women's health concerns, particularly breast, ovarian, and cervical cancer, osteoporosis, and the women's health initiative.

While I focus my remarks tonight on HIV AIDS, osteoporosis, and domestic violence, there are so many issues critical to women's health that will not be mentioned tonight but are still high priorities for all of us.

Since 1990 I have been the sponsor of legislation to address women and AIDS issues. Women are the fastest growing group of people with HIV, and AIDS is the third leading cause of death in women ages 25 to 44. While the overall number of AIDS deaths declined last year, the death rate for women actually increased by 3 percent, resulting in a record 20 percent of reported AIDS cases in adults.

Low-income women and women of color are being hit the hardest by this epidemic. African-American and Latino women represent 75 percent of all U.S. women diagnosed with AIDS.

NIH is currently working to develop a microbicide. This is a chemical method of protection against HIV and STD infection, which is sexually transmitted disease infection, with an emphasis on methods that women can afford, control without the cooperation and knowledge of their male partners, and use without excessive difficulty.

We must acknowledge the issues of low self-esteem, economic dependency, fear of domestic violence, and other factors which are barriers to empowering women to negotiate safer sex practices. Research on a safe and effective microbicide must be a priority for our research and prevention agendas, and we must also work to answer the full range of questions important to understanding HIV in women, including adequate funding for the women's interagency HIV study, the natural history study of HIV in women.

In order to address these priorities for women, I will be introducing my women and AIDS research bill next week, and I hope my colleagues here tonight will join me as original cosponsors.

The gentlewoman from California [Ms. PELOSI] and I have also introduced H.R. 1219, a comprehensive HIV prevention bill which includes the provisions of my bill from the last Congress to address the need for more targeted prevention programs for women. Our bill authorizes funding for family planning providers, community health centers, substance abuse treatment programs, and other providers who already serve low-income women to provide community-based HIV programs. Our bill also creates a new program to address concerns about HIV for rape victims.

In my work focusing on the needs of women in the HIV epidemic, the effectiveness of community-based prevention programs has been demonstrated time and time again. Providers with a history of service to women's communities understand that prevention efforts must acknowledge and respond to the issues of low self-esteem, economic dependency, fear of domestic violence, and other factors which are barriers to empowering women. I urge my colleagues to cosponsor this legislation.

Now on to osteoporosis. Mr. Speaker, it is a major public health threat for 28 million Americans who either have or are at risk for the disease. One out of every 2 women and 1 in 8 men over age 50 will have an osteoporosis-related fracture.

A woman's risk of hip fracture is equal to her combined risk of breast, uterine, and ovarian cancer. Often a hip fracture marks the end of independent living. Many enter nursing homes and a large percentage die within 1 year following the fracture. The costs incurred due to the 1.5 million annual fractures are staggering at $13.8 billion, or $38 million a day. Osteoporotic fractures cost the Medicare Program 3 percent of its overall cost.

I have reintroduced H.R. 1002 along with the gentlewoman from Connecticut [Mrs. JOHNSON], the gentlewoman from New York [Mrs. LOWEY] and the gentlewoman from Texas [Ms. EDDIE BERNICE JOHNSON] to standardize Medicare coverage for bone mass measurement tests for the diagnosis of osteoporosis. Without bone density tests, up to 40 percent of women with low bone mass could be missed at a time when we now have drugs that promise to reduce fractures by 50 percent.

At this time, Medicare leaves the decision to cover bone density tests to local Medicare insurance carriers, and the definition of who is qualified to receive a bone mass measurement varies from carrier to carrier. H.R. 1002 would standardize Medicare coverage in order to avoid some of the 1.5 million fractures caused annually by osteoporosis. Since these tests are already covered by every carrier, the cost to the Medicare Program will not be substantial. As a matter of fact, with Congresswoman JOHNSON, we just met with representatives of the Congressional Budget Office to talk about that.

With regard to domestic violence, we have made great progress, yes, in training law enforcement personnel about domestic violence and funding battered women's shelters and starting up the national domestic violence hotline. I want to say that our speaker this evening has been certainly very cooperative and generous in the funding of the Violence Against Women Act.

But one area where we have room for improvement is in the training of our health care professionals, doctors, dentists, nurses, and emergency personnel who are also in the frontlines in the fight against domestic violence. Many health professionals are unaware or unsure about the symptoms, treatment, and the means of preventing domestic violence, and many unknowingly send victims home with abusive husbands and boyfriends.

That is why I have introduced the Domestic Violence Identification and Referral Act, which is H.R. 884, which will amend the Public Health Service Act to give a preference in awarding Federal grants to those schools, medical, dental, nursing, and allied professionals that provide significant training in identifying, treating, and referring victims of domestic violence.

The gentleman from Vermont [Mr. SANDERS] and I have introduced the Victims of Abuse Insurance Protection Act, H.R. 1117, that would outlaw discrimination in all forms of insurance: Health, life, homeowners, auto, and liability. Although the Kennedy–Kassebaum health care reform bill included language prohibiting insurers from denying coverage to victims of domestic violence, companies can still charge domestic violence victims prohibitively higher rates; in effect, ban them from affordable health insurance coverage.

□ 1845

H.R. 1117 would also protect the confidentiality of victims records. I urge my colleagues to join us in cosponsoring these bills.

There is more we could say, but I have many of my distinguished colleagues, and I appreciate their being here, who do also want to speak.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Connecticut [Mrs. JOHNSON].

MORE ON WOMEN'S HEALTH

The SPEAKER pro tempore [Mr. ROGERS]. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Connecticut [Mrs. JOHNSON] is recognized for the balance of the time as the designee of the majority leader.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from New York [Ms. SLAUGHTER], my colleague in this special order.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, there are a wide range of both triumphs and shortcomings in women's health that could be discussed this evening. On the one hand, a woman's life expectancy has increased from 48 years in 1900 to 79 years today. But on the other hand, many devastating women's health disorders still remain a mystery and research is desperately needed to find effective diagnostics, treatments, cures and preventive medicine.

Women are now regularly included in clinical studies after having been excluded for decades. There is now an Office of Women's Health at the Public Health Service with corresponding offices at other agencies like NIH, the CDC, FDA, and the Health Resources and Services Administration and the Agency for Health Care Policy and Research.

Breast cancer survival rates are up for women for the first time ever. And genes have been identified that are linked to early onset breast and cervical cancers as well as a number of other disorders that affect women like Alzheimer's disease. Estrogen replacement therapy has provided relief for millions of women from the harsher symptoms of menopause as well as osteoporosis and other age-related disorders.

The NIH is conducting major women's health initiative designed to study and to track women health in a large population over decades. This research will yield invaluable information about the normal aging process and its pitfalls for women. All of those things have happened since 1990, as my colleague, the gentlewoman from Maryland [Mrs. MORELLA] pointed out, when we first set up the Office of Women's Health.

But there are some shortcomings still in the health of women in the country. They suffer from a variety of gender-specific disorders that we do not really understand yet and which, in many cases, are receiving insufficient attention from the medical and research establishments.

Each year breast cancer strikes 182,000 American women and kills 44,000. We still do not know why breast cancer occurs, how to cure it or how to prevent it. We do not even know whether is for different ages and groups of cancer types and the mammography machine which we have had for the past number of years is all we still have. We need to do more.

About 12,000 babies are born each year with fetal alcohol syndrome, a disorder that is completely preventable if women just abstain from alcohol during pregnancy, and yet we have just learned that the rate of pregnant women drinking alcohol is on the increase, showing a great need for education. About 4,000 pregnancies are affected by disorders like spina bifida or hydrocephalus, which are almost totally preventable if the woman consumes adequate levels of folic acid. Again, another need for education.

One-quarter million women die each ear of heart attacks and strokes. Many of them could have reduced their risk by making dietary changes, quitting smoking, getting more exercise and, I might add, getting the kind of medical care that they need. Some of the bills that the gentlewoman from Maryland [Mrs. MORELLA] mentioned are very important, and I am sure all of us will sponsor and work for them very hard, because there are a number of things that we need to do to move along the issue of women's health.

One bill that I have introduced is the genetic information nondiscrimination bill, because I want to make sure that as the human genome mapping continues that no one man, woman or child in America is discriminated against when it comes to health insurance. Our bill just says that the insurance company cannot cancel, deny, refuse to renew or change the terms or the premiums or the condition of health insurance coverage based on genetic information.

And most importantly, it says that your genetic information belongs to you. And without your specific written concept, no one may use it.

H.R. 306, the bill number, has 96 cosponsors and has been endorsed by over 60 respected health organizations, included the American Cancer Society, the American Heart Association, the National Breast Cancer Coalition, and the Jewish Women's Community.

Congress should not be forcing women into making the Hobson's choice between learning valuable genetic information that they must have and their risk of losing their insurance or remaining ignorant and keeping the coverage.

We will also be introducing information on education efforts for DES or diethylstilbestrol, which was given to pregnant women during the 1970's so that they could have a healthy, bouncing baby. DES was given to pregnant women in the United States long after the Department of Agriculture had denied its use for cattle because they knew that it caused reproductive damage. Yet women in the country continued to be damaged.

We are seeing that their children and again into a second generation now have often been damaged by DES, and we need to have more of an understanding about DES and similar synthetic estrogens because amazing impacts and discoveries are being made on the effects of estrogen on women's health. It also authorizes a national education effort to identify DES-exposed women and their children and their grandchildren and educate them about the continuing health needs and the risks.

I have also introduced an Eating Disorders Prevention and Education Act, which I think is terribly important. We are very concerned about young women who are very unlikely to have a good diet because of their concern about their weight. Girls as young as 8 are dieting. This is a national disgrace that interferes with their normal development and their continued health. We have to make sure that young women understand that milk and dairy products will not make them fat but will indeed help to give them the calcium to lay down a good bone mass.

In conclusion, women's health should not be taking a back seat anymore. We compose over half the Nation's population and a large number of us are workers and taxpayers. And we want some of our taxpayer dollars to be used in the health of women in the country. We want to make sure that we continue to be part of the clinical trials. We do not want to be left out anymore.

As the great statesman Benjamin Disraeli said, The health of the people is really the foundation upon which all their happiness and all their powers as a state depend.

We should remember those words.

I would also like to quote Hippocrates, who once wrote, "Healing is a matter of time, but it is sometimes also a matter of opportunity."

Today we have more opportunities than ever to heal the diseases and the disorders that affect human beings. We must grasp these opportunities and act.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I would first like to recognize and acknowledge the wonderful support that all of the women Members of Congress have received from the gentlewoman from Connecticut [Mrs. JOHNSON] and the Delegate from the District of Columbia [Ms. NORTON]. They have done a spectacular job of leading the charge on behalf of women in the United States, and we congratulate them for their leadership not only on women's health care that we are discussing tonight but on a myriad of issues as well.

I would like to briefly address the problem of women's health care as it relates in my community to Hispanic women. Hispanic women are of particular importance to the health care system not only as recipients of care themselves but as the member of the family most likely to deal with health care providers on behalf of children and the elderly. The health care system must learn how to deliver medical care to women that are in tune with their cultural realities.

It must be pointed out that Hispanic women are part of one of the fastest growing populations in the United States and, as such, deserve special attention by those who deliver health care. There are already 27 million people of Hispanic origin in our country, and in my area of south Florida there are nearly 1 million Hispanics. A doctor who is unaware of the cultural framework of her patient will find her job that much harder. A doctor is unaware of how cancer is viewed by some Hispanic women, for example, and may have trouble arriving at the correct diagnosis and then have to deal with the complications that follow delayed detection.

The Hispanic female population is not monolithic. The differences run the gamut from different countries of origin to different regions of those countries, from different educational levels to various lengths of time in this country. It is important that we address the health care needs and the concerns of Hispanic women and to develop plans that will work in harmony with our cultural traditions.

Hispanic women, for example, are less likely to enjoy the full benefits of our Nation's health care system. Part of this stems from the fact that 22 percent of Hispanic women are uninsured as compared to 13 percent of non-Hispanic women. As a result of underinsurance and for various cultural reasons, many Hispanic women are unlikely to receive preventative health care. For example, 39 percent of Hispanic women did not have a pap smear last year as opposed to 27 percent of the general female population who also did not have a pap smear. And 46 percent of Hispanic women did not undergo a pelvic exam last year as compared to 30 percent of the general female population who did not have such an exam.

Mr. Speaker, to eliminate this disparity in preventative care, we need to develop a comprehensive strategy to educate both the medical profession as well as the underserved Hispanic women to deal with medical and cultural realities. I urge the medical profession, our government and the entire spectrum of health care providers to focus on this rapidly growing population and find new ways to reach out and provide preventative care. I congratulate once again the gentlewoman from Connecticut [Mrs. JOHNSON] and the gentlewoman from the District of Columbia [Ms. NORTON] for leading the charge on behalf of all women everywhere.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I am proud to be here today as a member of the Congressional Women's Caucus to talk about women's health. As we in Congress look for ways to improve the health of our children and the long-term well-being of our Nation, women's health is the place to start.

Last week President Clinton held a conference on early childhood development. We saw new scientific research from that conference that showed us that a child's future brain development depends greatly on his or her first years of life. We know that nurtured and healthy babies become children who are educated and adults who are productive.

But, Mr. Speaker, we must take it one step further. If we are going to have healthy children, we must have healthy mothers. A healthy mom is one who has access to proper nutrition and prenatal care. The WIC program, the special supplemental nutrition program for women, infants, and children, has provided critical nutritional assistance to needy pregnant women and, later, their children for the last 23 years. And now it is time for us to renew our commitment to this important program.

Mr. Speaker, WIC works. Pregnant women on Medicaid who participate in WIC have improved dietary intake and weight gain. They are more likely to receive prenatal care. Mothers on WIC have children with better learning abilities and higher rates of immunization. And WIC reduces both the number of low birth weight babies and the infant mortality rate.

Mr. Speaker, WIC works. It works because it is cost-effective. By providing nutritional assistance to pregnant women and their babies, we can prevent more serious and costly health problems associated with premature and low birth weight babies.

Studies have found that for each dollar spent on pregnant women in the WIC program, we save up to $3.50 in Medicaid, SSI, and other program expenditures.

But like so many other programs that help women and children, WIC is in danger. Congress underfunded WIC last year, so this year hundreds of thousands of poor women and children risk being thrown out of the program.

Just last week, Mr. Speaker, the Committee on Appropriations denied the administration's request for $78 million in supplemental appropriations. Instead, the committee appropriated only half of this amount, leaving 180,000 poor women and children at risk of losing nutritional assistance.

Mr. Speaker, it is simply outrageous that the budget axe is poised above pregnant women, mothers and infants.

□ 1900

Next week the House will vote on the supplemental appropriations bill. We must restore this cruel cut. And as we shape next year's budget, let us not forget the success of the WIC Program. It is time to expand WIC to include all eligible women and children; all of those who are not now covered in the program.

Above all, Mr. Speaker, we must renew our commitment to the WIC Program and to the women, infants, and children that it serves. If we want a healthy America, we must have healthy mothers and then we will have healthy, productive children. Now is the time to act. Later may be too late.

Mr. Speaker, I thank my colleague from Connecticut for having this event tonight.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentlewoman.

It is a great pleasure to have so many women here on the floor of the House to participate in this special order on women's health, and I want to recognize now my colleague from New York, SUE KELLY.

Mrs. KELLY. First, Mr. Speaker, I want to recognize the gentlewoman from Connecticut, NANCY JOHNSON, and the gentlewoman from the District of Columbia, ELEANOR NORTON, for creating a true bipartisan group concerned and focused on women's health.

Mr. Speaker, I want to take a few moments to discuss the Women's Health and Cancer Rights Act, H.R. 616. This legislation, which I introduced in February, along with my colleagues, the gentlewoman from New York, Ms. MOLINARI, and the gentleman from New Jersey, FRANK LOBIONDO, is a comprehensive measure that focuses on women and breast cancer; those who fear it, those who live with it, and in memory of those who have died as a result of it.

As we all have heard, through new reports or personal experience, some women who must undergo mastectomies, lumpectomies or lymph node dissections for the treatment of breast cancer are rushed through their recovery from these procedures on an outpatient basis at the insistence of their health plan or insurance company in order to cut costs. Other insurance companies cut costs by denying coverage for reconstructive surgery because they have deemed such procedures as cosmetic. Ironically, they do not deny reconstructive surgery for an ear lost to cancer.

The Women's Health and Cancer Rights Act guarantees coverage for inpatient hospital care following a mastectomy, lumpectomy or lymph node dissection based on a doctor's judgment, and requires coverage for breast reconstructive procedures, including symmetrical reconstruction.

In addition, this bill requires coverage of second opinions when any cancer tests come back either negative or positive, giving patients the benefit of a second opinion. This important provision will not only help ensure that false negatives are detected but also give men and women greater peace of mind.

Several key organizations have endorsed this legislation, organizations that agree we have a responsibility to protect the doctor-patient relationship, ensuring that the medical needs of patients are fully addressed. In fact, I would like to thank the American Cancer Society, the American Medical Association, the National Breast Cancer Coalition, the Center for Patient Advocacy, the Susan G. Komen Foundation, and many, many others for their support of this bill.

Some critics claim this measure is nothing more than a mandate leading to government-controlled health care. Usually those critics believe that all health care should be individually based and should utilize medical savings accounts and other initiatives that maximize individual control over cost. I agree with these ideas, but they are not in place.

There is also a misconception that this legislation requires 48 hours of inpatient care. It does not. The length of stay under this bill is simply determined by the physician and the patient, as it should be.

Developing a system of health care which maximizes an individual's control over the health care available is the goal that I in particular strongly support, and so do these organizations. Such a system uses free market principles to ensure that the health care we receive is of the highest quality.

However, I realize that while this is a goal we strive for, we are not there yet. Most Americans do not have access to multiple health care plans from which to choose. Until they have this choice, it is going to be necessary for Congress to enact targeted reforms, such as the Women's Health and Cancer Rights Act, reforms that safeguard quality care while at the same time avoiding overly broad regulations and mandates.

I am for market-based health care, but I am not willing to stand by idly while approximately 44,000 women die of breast cancer every year. They will this year, they did last year. This is a figure which is comparable to the number of men and women who died in all of the Vietnam war.

Mr. Speaker, the Women's Health and Cancer Rights Act aims to give women with breast cancer a fighting chance and the dignity to endure the fight.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield to the gentlewoman from Florida, my colleague, Congresswoman MEEK.

Mrs. MEEK of Florida. Mr. Speaker, I thank my cochair, the gentlewoman from Connecticut, NANCY JOHNSON. It is also my privilege, Mr. Speaker, to thank the Women's Caucus for having us here today to discuss important facets of women's health.

In our focus today on issues of concern in women's health, I want to shine the spotlight on a very silent national killer of women, lupus, L-U-P-U-S. A lot of people have never heard of that term, but it is a silent killer of women.

Lupus is a serious, complex inflammatory autoimmune disease. It affects women nine times more often than men. Between 1.4 to 2 million Americans have been diagnosed with this terrible disease called lupus. Many more cases go undiagnosed, since the symptoms of this disease come and go. Lupus also mimics many other illnesses.

Although lupus may occur at any age and in either sex, 90 percent of those affected are women. During the childbearing years, lupus strikes women 10 to 15 times more often than men. In addition, lupus is more prevalent in African-Americans, Latinos, Native Americans and Asians. There is a disproportionate effect upon African-American women.

Among African-American women, the disease occurs with three times the frequency of occurrence in white women. An estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease. So it attacks women in their prime of life, this terrible disease that people have trouble remembering the name of, lupus, L-U-P-U-S.

What exactly is lupus and how does it affect those who suffer from it? Lupus causes inflammation of various parts of the body, especially the skin, joints, blood and kidneys. Many women many times think they have arthritis or some kind of rheumatism.

Our body's immune system normally protects the body against viruses, bacteria and other foreign materials. However, in one who is suffering from lupus, the immune system loses its ability to tell the difference between foreign substances and its own cells and tissues. The immune system then makes antibodies that turns them against itself. So the immune system, which is supposed to be a protector, becomes the attacker in the instance of lupus.

Many victims of this disease in the early years suffer debilitating pain, particularly in the joints. They suffer fatigue. Many of them do not know what is wrong with them. Doctors have a lot of trouble diagnosing this disease. It is very hard for a woman in her prime years to maintain employment and to lead a normal life if she has lupus.

Although lupus can range in severity from mild to life-threatening, it can be fatal if not detected and treated early. Thousands of women die each year, Mr. Speaker, and many of them who are stricken do not have the financial means for treatment which can help control this terrible disease called lupus.

Lupus is not infectious. It is not rare. It is not cancerous. It is also not well known. Lupus is not well known. In fact, it is more prevalent than AIDS, sickle cell anemia, cerebral palsy, multiple sclerosis and cystic fibrosis combined.

Perhaps the most discouraging aspect of lupus for sufferers, family members and friends is the fact that there is yet no cure for lupus. That is why research is needed so badly for this disease which catches women in the prime years of their life.

Lupus is devastating not only to the victims but to family members as well. They must watch helplessly while the victim slowly and painfully succumbs to this terrible disease. I know this from firsthand experience, Mr. Speaker, having lost a sister and a very close friend to this disease, lupus.

Because of my involvement in various lupus organizations, I have also heard firsthand the heartbreaking stories of other women and their families across this Nation. I recently received a letter from a mother of a 42-year-old woman who had heard of the lupus bill that I introduced in the 104th Congress. This woman, who I will call Jane, was finally diagnosed with lupus in 1993 after repeatedly being tested for AIDS, repeatedly being treated for arthritis, bursitis, allergies, and other ailments.

Although Jane was fortunate to encounter a doctor who specialized in disease control during a near death hospital stay, the aftermath of this discovery has been devastating. Since beginning treatment for lupus, both of Jane's hips have deteriorated to the extent that she is on crutches and is waiting for total hip replacement. This young woman.

Her medication and doctor visits cost over $900 per month. Jane is a chemist. She was laid off last year when the company she worked for downsized and was bought out by another company which denied her medical insurance coverage because she has lupus. Many times, Mr. Speaker, the medication for lupus works against the system as badly as lupus itself.

Jane now receives Social Security benefits of only a fraction of her former $30,000 per year salary and is unable to meet her debts, buy food and pay for medication. Jane wants to work and she wants to get well, but she is no longer able to care for herself. Her mother and other family members must bear the hardship which this terrible disease, lupus, which is not well-known, has brought on Jane's life.

This is not an isolated situation. Many cases are worse, because the women who are victims of lupus have no family many times or friends to turn to for support.

Something must be done, and I appeal to our appropriations panels and also to authorizing committees and to the Women's Caucus. If they have a very strong interest in women's health, something must be done on a national level to help lupus patients.

To that end, Mr. Speaker, I have introduced H.R. 1111. It is a bipartisan bill, the Lupus Research and Care Amendments of 1997 to the Public Health Service Act. My bill has two main focuses.

First, the bill authorizes expanded and intensified research activities at the National Institutes of Health and other national research institutes and agencies. We must find a cure for lupus. This will provide for increased resources to determine reasons why so many women get lupus, especially African-American women, Latinos and Asians.

The bill also covers research on the causes of the disease, its frequency, and the differences among sexes, racial, and ethnic groups.

My bill also provides funding for the development of improved screening techniques, clinical research and development on new treatments, and information and education for health care professionals and the public.

The amount allocated to lupus research by NIH in fiscal year 1997 amounted to $34 million. We are very happy about that, but that $34 million is less than one-half of 1 percent of the National Institutes of Health budget. My bill proposes raising this allocation to $50 million more for fiscal year 1998. And the Women's Caucus is supporting this because, after all, one of their most major emphasis is on women's health.

The second part of my bill calls for the establishment of a grant program to provide for projects to set up, operate and coordinate effective and cost-effective systems for getting essential services to lupus sufferers and their families.

Mr. Speaker, American women are at high risk for this deadly and debilitating disease. Increased professional awareness and improved diagnostic techniques and evaluation methods can contribute to early diagnosis and treatment of lupus. We must step up this research to find a cure and treatment for this silent killer and for this silent disease.

Mr. Speaker, I urge my colleagues to join the Women's Caucus in saving the lives and advancing the health of American women by not only cosponsoring my bill, the Lupus Research and Care Amendments of 1997, but to support and step up the emphasis on research and development of all of these killers of women.

□ 1915

Mrs. JOHNSON of Connecticut. Mr. Speaker, in view of the fact that we have quite a few speakers, I am going to limit my remarks rather more than I had intended. I do want to thank my colleagues from both sides of the aisle for their participation tonight. It is impressive, the work that Congress has done in the area of women's health in recent years, and much of it has been the direct result of the focus on that issue that the bipartisan caucus of women Members of Congress has generated.

I want to talk briefly tonight about two things. I want to talk about Medicare and women's health, and I want to talk about smoking and women's health.

It is true, and terrible, that Medicare is an illness program. It provides health care after you get ill. Medicare by law is not a preventive health program, and that is something that I believe this Congress is going to address. We have been holding hearings on preventive health, we have been generating information about which preventive tests are important to both women and men on Medicare, and I believe this year we are going to finally pass a package of preventive health services that will improve Medicare dramatically and meet the needs of both men and women far more effectively than the current program.

For women, it will mean annual mammograms. It will also mean passage of a bill I introduced recently reauthorizing the Mammogram Quality Standards Act, which will assure that those mammograms will continue to be done by well-trained people with high quality equipment, read and interpreted by able physicians. It will also, I hope, mean that we will have national standards for testing bone density to help women prevent osteoporosis and all of the crippling fragility that results from loss of bone density.

It will also mean, I hope, that we will pass a bill that the gentlewoman from New York [Ms. SLAUGHTER] has introduced this year, and she spoke about it earlier, that will guarantee that women who have had genetic indicators that they are inclined to get breast cancer or some other disease will not be discriminated against by insurers.

We made a giant step forward on this subject last year when an amendment I introduced passed and was part of the Medicare legislation of the last Congress that said that women could not be discriminated against because they had genetic tests indicating a tendency toward cancer. That was an important step, but the more extensive bill that my colleague the gentlewoman from New York [Ms. SLAUGHTER] has introduced goes on to the issues of privacy, ownership of your medical data that are terribly, terribly important as we move into the new era of genetic science and health.

Lastly, I believe that we will this year pass inclusion of women in clinical trials. It is indeed the Congresswomen's caucus that first passed legislation assuring that the National Institutes of Health would include women in all of their health research trials.

It is truly remarkable that we ran the first long-term trial looking at heart disease on a population entirely of males, and so we came out of that multi-year project knowing a lot about heart disease in men and knowing literally nothing about the course of that disease in women, only to find out later that the course of that disease in women is really quite different, as we have found out in HIV and a number of other areas. It is not only unfair to our seniors that they do not have access to some of the remarkable treatments available through our cancer clinical trials program, but it is also a disadvantage to the Nation not to know how those medications that are being tested, those procedures that are being tested affect both men and women in their senior years. This Nation needs far better health research data than our current clinical trials program provides, and it is my hope that in this session we will see Medicare expanded to provide coverage for cancer treatments in clinical trials.

Let me talk briefly also about smoking, because smoking is really the most preventable cause of death and disability and tobacco use studies have indicated is far more detrimental to women than to men. Women are far more susceptible than men to tobacco-related disease. Lung cancer has surpassed breast cancer as the leading cause of cancer death among women. Recent research suggests that women may be more susceptible than men to the development of lung cancer. Several recent reports also provide strong evidence of an association between smoking and osteoporosis. In addition, research shows a dangerous link between smoking and the use of oral contraceptives.

So while tobacco use directly increases a person's risk of lung cancer, heart disease, stroke and diseases of the blood vessels, it holds many additional perils for women. Furthermore, each day 3,000 kids become regular smokers. That is more than 1 million a year. One third of them will die from tobacco-related disease. While smoking is declining in adults, teenage girls are the fastest growing group of smokers.

Smoking by mothers during pregnancy can adversely affect the supply of oxygen and nutrients to the fetus and has been shown to increase the risk of low birth weight, miscarriage, still birth, premature birth and death in the first few weeks of life. Maternal smoking during and after pregnancy has been estimated to be responsible for one-quarter of the risk of sudden infant death syndrome, or crib death, and parents who smoke around their children put them at increased risk for developing bronchitis, pneumonia, ear infections and asthma. Children exposed to smoke may also be at increased risk for cancer in their adult years. Smoking does cause illness. It causes illness in adults, illness in children, and it is particularly lethal to women.

Let me conclude by saying that this is a Congress that not only will address some important women's health issues, it is also, I believe, the Congress that will move forward on providing coverage for children whose parents work for employers who do not provide insurance or for some other reason are without insurance. It is a crime for this Nation to leave children uncovered for simple diseases like ear infections, much less their parents exposed to the paralyzing catastrophic costs of the hospitalization of a child without coverage.

Mr. Speaker, I yield to my friend and a new Member of Congress the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. I thank the gentlewoman from Connecticut for yielding.

Mr. Speaker, as the first female physician to serve in this body, I find a special cause in women's health and I would like to thank my colleagues in the Congressional Caucus on Women's Issues and our chairs, the gentlewoman from the District of Columbia [Ms. NORTON] and the gentlewoman from Connecticut [Mrs. JOHNSON], and my colleague the gentlewoman from Maryland [Mrs. MORELLA] for organizing this special order.

Mr. Speaker, women make up more than 50 percent of our Nation's population. Further, we are the primary caregivers for our husbands, children and aging parents. Consequently, we as a country have a great stake in the health of our women. To paraphrase a well-known saying, as the health of women goes, so goes the health of our country.

Traditionally, the issue of women's health had not been a political or a legislative priority. However, because of the insistence of women from different walks of life that our stories be heard, that our statistics be included in research, that the problems which specifically affect us be studied and addressed, and because of the leadership of the Caucus on Women's Issues, thank God this is changing.

There are many important issues, such as AIDS, heart disease, cancer, diabetes and violence, each in themselves deserving of our focus. However, today I choose to address one of the root causes underlying some of the dire statistics that diseases such as these represent, problems such as poverty, poor or inadequate education, lack of opportunity and limited access to health care. Central to all of these is the issue of women's access to health insurance.

According to the Institute for Women's Policy Research, 12 million women of working age between the ages of 18 and 64 have no insurance of any kind. As a result, many of these women have little or no access to our health care delivery system which is predicated on having insurance or Medicaid. The Institute for Women's Policy Research further says that women traditionally obtain health insurance indirectly through their husband's jobs. But more of these women are falling through the cracks as more men have jobs that do not provide health insurance and, in addition, many women do not marry, are divorced, widowed or have a spouse that has retired or lost his job. Studies also show that only 37 percent of women have access to insurance through their own jobs. Five million young women under age 30 have no insurance whatsoever, even though 70 percent of all births are to women in this age group. Single mothers are also more likely to be uninsured despite the presence of Medicaid.

It is a sad reality that even today for women, health insurance and as a consequence health care is available only to those who can afford to pay. With this in mind, it is imperative that we take a hard look at the needs of women with regard to health insurance. In this Congress, the cause of children's health care will be addressed, but we cannot stop there. Rich or poor, we as women must know that our needs and the needs of our families will be met when illness, accident or old age befalls us.

Mr. Speaker, quality health care should not be an option. It must be an available choice, not only for women but for all the people of this Nation. Universal health coverage and universal access to health care for all must remain our goal.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I yield back the balance of my time.

WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, I want to thank the gentlewoman from Connecticut [Mrs. JOHNSON] for her work with me as co-chair of the Caucus and for helping to organize this very important special order which has gone so well with its great variety.

Mr. Speaker, I yield to the gentlewoman from California [Ms. SANCHEZ].

Ms. SANCHEZ. Mr. Speaker, I rise today to discuss a serious problem that affects all our communities, but which is rarely addressed, that of teen pregnancy. Teen pregnancy burdens us all. When teenage girls give birth, their future prospects decline dramatically. Teen mothers are less likely to complete school, they are more likely to be single mothers, and they are more likely to depend on welfare and government support. Teen pregnancy is not only a serious problem, it is a growing problem. Over half a million teenage girls become pregnant each year in our country. California has the highest amount of teen births. It was over 70,000 last year. Four thousand of those teens are young girls from Orange County, my county. My home town of Anaheim has seen the highest number of teen births for all of Orange County.

□ 1930

That is why I am so concerned about the young women in my district, and I call upon my colleagues to take a thoughtful look at teen pregnancy in their communities.

The United States has the highest rate of teen pregnancy in the industrialized world. Is this because our kids are more sexually active? No; it is because other nations treat teen pregnancy as a public health issue. We define it as a moral or social problem. Let us treat teen pregnancy like the health problem which it is, and let us practice preventive medicine. Reducing teen pregnancy will then prevent abortion and reduce high school dropout rates and the number of women who depend on welfare.

Teen pregnancy is preventable. It is a possible but challenging task. We need a multifaceted approach in our communities, one that addresses not only reproductive health and abstinence but also self-esteem and responsible decisionmaking. Kids need role models, and they need to have the opportunity to be involved in extracurricular activities.

That is why I will be joining the efforts of local organizations in my communities to help combat the rising rate of teen pregnancy in Orange County. I encourage all of my colleagues to take a local approach to solving a national problem.

Ms. NORTON. Mr. Speaker, I yield to the gentlewoman from California [Mrs. TAUSCHER].

Mrs. TAUSCHER. Mr. Speaker, I thank the gentlewoman from the District of Columbia for yielding to me.

Mr. Speaker, I rise today to speak about a subject of great importance to the women and families of the 10th Congressional District of California which I am honored to represent. That subject is the need for vital funding for research into the causes, treatments, and cures for breast cancer through the National Cancer Institute of the National Institutes of Health. This is an issue I have been focusing on for many years. In 1992 I was honored to be a founding board member of the Breast Cancer Fund in San Francisco, and I really believe that this is a very important issue for American women to be paying attention to.

Mr. Speaker, this year the President is requesting $338.9 million for the National Cancer Institute's breast cancer program, and I urge all the Members of Congress to support this needed funding. Later this spring, the National Breast Cancer Coalition will be presenting Congress and the President with 2.6 million signatures from the constituents from all over America, urging us to work together to support 2.6 billion for cancer research between now and the year 2000. I believe this is a powerful statement about the commitment of the people of the Nation to fighting this disease. The increase in funding this year will allow the National Institutes of Health to continue its work in basic research, prevention, treatment, and community outreach as well as to initiate any studies.

Mr. Speaker, I remain committed to working with my colleagues, the President, and the National Cancer Institute to defeat this killer of American women.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for her remarks.

Mr. Speaker, it is no accident that we have focused on women's health. This is the 20th anniversary of the women's congressional caucus. In those 20 years we have probably had our greatest success by focusing on women's health. So we come forward this evening in order to press again this issue.

The women's caucus and women members and other members have essentially over the past 20 years made what can only be called great discoveries when it comes to neglected women's health issues. The inclusion of women in clinical trials, for example, was a historic step forward.

During the 105th Congress the congressional women's caucus is going to have a legislative agenda which we will be publicizing in the next several weeks. The reason for that legislative agenda is to measure ourselves and to measure this Congress against real goals. Had we not done that, then the gains we have made, for example with respect to women's conditions like osteoporosis or cervical cancer, simply could not have been made. When we began to work on research in cervical cancer, for example, it was a dreaded disease. Once you got it, nobody knew what to do about it, and now half the cases can be caught and cured.

We might well get the most out of this special order if we could get the agreement of the House and the Senate to pass what I can only call an easy bill. That would be the Mammography Quality Standards Reauthorization Act, or H.R. 1289, that has, of course, been mentioned in this special order this evening, but I mention it as we close out the evening because it is a fitting bill to be the first significant bill affecting women, women's health, passed this year. It is simply a reauthorization of a bill that would assure that mammograms are performed under safe circumstances and conditions. It is fitting also because we have just gone through the storm with the doubt and uncertainty that was there over mammography for women in their forties that has been cleared up. We now know that women in their forties should have mammograms at least every other year, if not every year. We come forward this evening, therefore, to remind ourselves not only of what we have accomplished in 20 years bringing women's concerns to the House, but to vigilantly keep ourselves focused on what is yet to be done.

WOMEN'S HEALTH ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. ROEMER] is recognized for 5 minutes.

Mr. ROEMER. Mr. Speaker, I would just like to hopefully wrap up this very successful special order on women's health issues and congratulate my classmate, the gentlewoman from the District of Columbia [Ms. NORTON], and the gentlewoman from Connecticut [Mrs. JOHNSON] for a very, very successful hour of discussion on very critical matters of women's health.

I would like to be the last speaker on that particular issue and talk about an issue that is very important to me as a Congressman, as a father, as a taxpayer, as somebody that believes in a woman's health issue known as the WIC Program.

What is the WIC Program? It is the Women, Infants and Children Program, and it is a program that has always enjoyed wide bipartisan support. Republicans and Democrats alike have supported this program because it accomplishes some very important things.

First, it reduces low birth weight in babies. Second, it reduces the infant mortality rates, death rates for babies born prematurely. Third, it reduces child anemia. And last, it has been directly linked to improving cognitive development for children.

Now why am I as a Member of Congress concerned about this? I am concerned, Mr. Speaker, because milk prices have increased this year and last, and the caseload experience and the caseload numbers have increased in the WIC Programs in an alarming rate. So the White House has very, very wisely asked for a $76 million increase to take care of this increase in milk prices and caseload.

Mr. Speaker, just recently in a Committee on Appropriations markup, the Republicans cut this $76 million increase in half, cut $36 million out of the WIC Program. Now at a time, Mr. Speaker, when we are learning from Newsweek and Time Magazine, on the front covers of these magazines, that everything we can do when that child is in the womb, the fetus, or when that child is between 1 and 5 is critical to help these children to learn and grow and that this is the most critical time for a child to maybe pick up a new language and learn intellectual skills and cognitive development.

We are talking about cutting this program by $36 million. What does a $36 million cut result in?

It results in 180,000 children not getting access to this good program. One hundred and eighty thousand children. Now I do not think that is smart.

I support balancing the budget, and I am willing to cut a space station that does not work, I am willing to cut Star Wars in half, but I am not willing to cut children and women out of the WIC Program. Why? The General Accounting Office has said not only is this the best thing for children and young mothers, but for every dollar we invest in the WIC Program, we save $3.50 on Social Security disability payments and on Medicaid and on other government programs.

So, if we cut $36 million and cut 180,000 children out of this program, we are probably going to cost the taxpayer $120 million later on down the line in increased costs.

So I strongly urge this body to adopt an amendment and put this $36 million back into the WIC Program this week when we consider the emergency supplemental program and continue to do what the White House urged us to do last week in their conference on early childhood development. Let us invest in our children. Let us not just talk about an America that puts their children and their families first. Let us put our money where our mouth is. Let us make sure that the WIC Program is adequately funded.

Mr. Speaker, I would just say in conclusion that I am strongly committed to this program, I am strongly committed to making sure that our children have access, all children across America, and I would just say that I am honored to be the last speaker on this special order on women's health and delighted that it went so well.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise tonight to speak about an issue of vital importance to the women of this Nation—breast cancer. As a woman and a mother, I feel that there are few issues as important as the breast cancer epidemic facing our Nation.

As you may know, breast cancer is the most commonly diagnosed cancer in American women today. An estimated 2.6 million women in the United States are living with breast cancer. Currently, there are 1.8 million women in this country who have been diagnosed with breast cancer and 1 million more who do not yet know that they have the disease. It was estimated that in 1996, 184,300 new cases of breast cancer would be diagnosed and 44,300 women would die from the disease. Breast cancer costs this country more than $6 billion each year in medical expenses and lost productivity.

These statistics are powerful indeed, but they cannot possibly capture the heartbreak of this disease which impacts not only the women who are diagnosed, but their husbands, children, and families.

Sadly, the death rate from breast cancer has not been reduced in more than 50 years. One out of four women with breast cancer dies within the first 5 years; 40 percent die within 10 years of diagnosis. Furthermore, the incidence of breast cancer among American women is rising each year. One out of eight women in the United States will develop breast cancer in her lifetime—a risk that was one in fourteen in 1960. For women ages 30 to 34, the incidence rate tripled between 1973 and 1987; the rate quadrupled for women ages 35 to 39 during the same period.

I am particularly concerned about studies which have found that African-American women are twice as likely as white women to have their breast cancer diagnosed at a later stage, after it has already spread to the lymph nodes. One study by the Agency for Health Care Policy and Research found that African-American women were significantly more likely than white women to have never had a mammogram or to have had no mammogram in the 3-year period before development of symptoms or diagnosis. Mammography was protective against later-stage diagnosis in white women but not in black women.

We have made progress in the past few years by bringing this issue to the Nation's attention. Events such as Breast Cancer Awareness Month are crucial to sustaining this attention. There is, however, more to be done.

It is clear that more research and testing needs to be done in this area. We also need to increase education and outreach efforts to reach those women who are not getting mammograms and physical exams.

We cannot allow these negative trends in women's health to continue. We owe it to our daughters, sisters, mothers, and grandmothers to do more. Money for research must be increased and must focus on the detection, treatment, and prevention of this devastating disease.

Mr. BARRETT of Wisconsin. Mr. Speaker, as history has proven, research for women's health issues has consistently been underfunded. I rise today to recognize yet another case of injustice concerning women's health. Currently there are 10 million U.S. citizens suffering from temporomandibular jaw disorder, (TMD). This disorder targets women; nearly 90 percent of TMD patients are female. TMD is a very painful condition that can lead to severe dysfunction of the muscles that control chewing.

Complicating the disorder even further, in 1973, medical devices containing silicone were approved to replace part of the jaw in an irreversible surgery. This procedure, although not adequately researched, was aggressively marketed by alloplastic device suppliers. Approximately 150,000 women with TMD received implants between 1973 and 1990. Today, these implants have proven disastrous.

In 1989, nearly 20 years after they went on the market, the FDA declared alloplastic implants unsafe. The medical complications caused by the sharding of the silicone in TMD implants over time has resulted in bone and tissue deterioration as the alloplastic particles travel throughout the body. Bone loss in some cases has resulted in holes in the skull leading to the brain. Many women have been left disfigured; lacking bone structure and/or muscular control. The magnitude of suffering undergone by TMD patients with implants can only be categorized as a medical catastrophe.

Compounding the issue, there is currently no procedure to treat women with silicone implants other than removal. In the case of TMD, however, the implants often cannot be removed because there are no good alternative materials and the ramus of the jaw cannot be replaced. Women who have undergone alloplastic surgery now require life-long dependency on medical technology. It is not uncommon to find patients with 15, 20, 30 or more surgeries on their TM joint. This only exasperates the emotional and financial complications that accompany the disorder. I quote from Stan Mendenhall's article in Orthopedic Network News:

> One woman had over five surgeries on her joints and was unable to find a dentist in three states who would treat her and is now suicidal. A 30-year old woman must now be cared for by her parents after 32 surgeries and $300,000 in medical expenses. Another patient received a bill from an oral surgeon in excess of $30,000 for a procedure which was a revision for a previous surgery and will, at best, only provide temporary relief from constant pain. One physician wrote on behalf of one of his patients who had applied for social security disability payments: "As Leigh's physician, I've witnessed her decline throughout 7 of her surgeries and seen her travel all the avenues of TMJ surgery. Instead of improving after each method, she has developed more daily pain. Unfortunately the surgeries that she has had, I feel, have probably left her joint in much worse shape. Her depression has now reached a dangerously high level in which she describes herself as having nothing left, having no hopes, no dreams. She states only that she hopes her life will be short in duration so that she will not have to exist in the constant painful state that she is in."

The silicone TMD implants, so hastily marketed, have victimized women with TMD.

To make matters worse, women suffering from TMD have a hard time finding a health insurance program that will carry them. Because there is not a clear diagnosis of TMD and treatment is often considered experimental, health insurance companies refuse to underwrite patients. Without the proper research, there will never be proper diagnosis and without proper diagnosis, there will never be proper coverage.

This is very unfair. These women have been served a great injustice and have no where to turn. Women suffering from TMD are paying the price for someone else's mistakes. Should TMD victims have to pay the consequences for devices that the FDA approved and their doctors recommended? Should patients have to pay for high-cost long-term medical bills because the government has not properly funded basic research? Temporomandibular joint disorder is a medical tragedy and it is time to do something about it.

The question we must ask now is—how do we help these women that have been treated so unjustly?

I urge the Congressional Caucus for Women's Issues to take up the cause of women suffering from TMD and help them in finding a solution to this tragedy. We must better define TMD and properly fund research to find effective treatment for people who have TMD implants. We must encourage the National Institute of Health to make TMD research a higher priority. We can no longer tolerate the lack of concern for these women.

Ms. MILLENDER-McDONALD. Mr. Speaker, the high number of minority women infected with the HIV virus reflects their reduced access to health care which is associated with disadvantaged socio-economic status, cultural or language barriers that may limit access to prevention information as well as differences in HIV risk behaviors.

Among minority women, the most prevalent modes of contacting HIV are injecting drug use, 37 percent, and heterosexual contact, almost 38 percent.

Rates of heterosexual anal and oral intercourse in minority youths are comparable with estimated rates in adults.

In the inner-city community, there are often greater perceived notions that sex is not as good if a condom is used. Frequently women do not encourage their sexual partners to use condoms for fear of retribution. Their low-income status makes them feel more dependent upon their partners and they do not want to risk losing them insisting on safe sex.

Minority youths have a higher tendency to engage in sex with multiple partners, therefore creating higher risks for HIV infection. Minority communities are in need of better efforts to promote condom use and discourage multiple partners.

AIDS rates are highest among Blacks and Hispanics.

AIDS rates among Blacks are six times greater than among whites, and two times greater than among Hispanics.

In 1995, racial and/or ethnic minorities accounted for over 77 percent of AIDS cases among adolescent and adult females, and over 84 percent of AIDS cases among children.

By the year 2000, between 72,000 and 100,000 children and teens will have lost their mothers to HIV/AIDS. The cities that will be the hardest hit are Los Angeles, Washington, DC, Newark, New York City, Miami, and San Juan.

Ms. WATERS. Mr. Speaker, first I would like to thank Representative CONNIE MORELLA and Representative LOUISE SLAUGHTER and Members of the Congressional Caucus for Women's Issues for the opportunity to participate in this special order on women's health.

I come before you today to speak on an issue of great importance to all women, and in particular women of color, that has yet to reach prominence on the national agenda. I am speaking of heart diseases.

Cardiovascular diseases—which include heart attacks, strokes, and high blood pressure—are the No. 1 cause of death and disability among American women, yet most Americans aren't even aware of the risks facing women.

I want to talk with you about a bill to do something about this—the Women's Cardiovascular Diseases Research and Prevention Act—that I am introducing which aims to prevent and aggressively treat heart diseases among women and educate the public and health professionals alike about the grave risks of these diseases to women.

Although most people believe cancer, specifically breast cancer, is the No. 1 women's health risk, in reality five times as many women die from cardiovascular diseases than die from breast cancer. The threat is so great in fact, that 479,000 women die each year from heart disease—almost double the number of deaths from all forms of cancer combined.

And heart disease strikes broadly, affecting one in five women in the Nation. Even more ominous is the unusually silent approach of this killer. Amazingly, nearly two-thirds of women who died suddenly of heart attack had no prior history of heart disease, and no risk was detected.

Public health experts have drawn many links between the difficulties poor and working women face and increased risk of disease. Cardiovascular diseases are no exception to these health effects of inequality.

Furthermore, cardiovascular diseases strike African-American women particular hard. African-American women die of heart attacks at twice the rate of other women, and die from strokes at a 33-percent higher rate that white women.

The risk factors that increase likelihood of cardiovascular diseases are also greater for African-American women than white women, including a higher incidence of diabetes, higher percentage with elevated cholesterol levels, less physical activity, and a greater rate of obesity.

These factors—often stemming from stress and struggle of trying to make ends meet—are commonly known with health care professionals—yet these factors and the deadly cardiovascular diseases that result are almost invisible in the policy debates and public discussions of our Nation's health and welfare.

That is why I urge you to join me in supporting the Women's Cardiovascular Diseases Research and Prevention Act. We who know better must create the kind of pressure, through broad education and study that will put this issue at the center of our public health initiatives, not stuck on the fringes, while striking, literally, at the heart of the women in America.

This bill aims to lay the critical foundation for the research and public education that is needed to turn around this largely silent killer of America's women. The bill authorizes $140 million to the National Heart, Lung, and Blood Institute of the National Institutes of Health to expand studies on heart diseases to include women and conduct outreach that will reach women. This authorization will start to make up for the many years in which women and minorities have been greatly underrepresented in heart and stroke research.

Currently, most if not all, diagnostic equipment and treatments are based on studies limited to men. The results of this research bias has meant many health care professionals remain unaware of the varied and often subtle symptoms of heart diseases women may have, like dizziness, breathlessness, and arm pain.

This bill will provide those responsible for detecting and treating women with the knowledge necessary to combat these diseases among women.

This bill seeks to use the results of this research as well, spreading this knowledge beyond the hospitals and laboratories. This bill would establish targeted outreach programs for women and health care providers alike to educate all of us on the common symptoms of and risk factors contributing to cardiovascular diseases among women.

The Women's Cardiovascular Diseases Research and Prevention Act can be a crucial first step in getting timely diagnosis, effective treatment and broad, effective prevention measures for the leading killer of American women. I look forward to working with the members of the Congressional Caucus of Women's Issues, and all other interested Members of Congress to pass this legislation. Again, I would like to thank you for the opportunity to speak to you today.

GENERAL LEAVE

Mr. ROEMER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of this special order this evening.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Ms. PRYCE of Ohio (during the special order of the gentlewoman from Maryland, Mrs. MORELLA) from the Committee on Rules, submitted a privileged report (Rept. No. 105–81) on the resolution (H. Res. 133) providing for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 867, ADOPTION PROMOTION ACT OF 1997

Ms. PRYCE of Ohio (during the special order of the gentlewoman from Maryland, Mrs. MORELLA) from the Committee on Rules, submitted a privileged report (Rept. No. 105–82) on the resolution (H. Res. 134) providing for consideration of the bill (H.R. 867) to promote the adoption of children in foster care, which was referred to the House Calendar and ordered to be printed.

THE NORTH AMERICAN FREE TRADE AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I will insert in the RECORD the statement by the gentleman from California [Mr. MILLER] under the remarks of this special order.

Mr. Speaker, I would also say to my friend and colleagues that I am joined this evening by a distinguished colleague of mine from the State of Vermont who has been a champion on fair trade in this country, BERNIE SANDERS. If I could, I would like to make a few brief remarks and then yield to my friend from Vermont, [Mr. SANDERS] or whomever else would like to engage in this debate.

Mr. Speaker, we have been meeting here on a weekly basis to talk about the effects of the North American Free Trade Agreement. Let me just begin by saying after 3 years, actually 40 months, we are now able to look closely at the effects of the North American Free Trade Agreement, and I would recommend to my colleagues an editorial today in the New York Times because this editorial really shows us how the issues of trade and protecting the environment are really inseparably linked. We are going to talk about the environment a little bit, and then we are going to get to some other issues with respect to corporations. The editorial discussed the environmental challenges that the Nation of Chile is facing.

Mr. Speaker, I insert in the RECORD a copy of that editorial that was in the New York Times this morning.

The article referred to is as follows:

SLIGHTING NATURE IN CHILE

When Augusto Pinochet stepped down as President in 1990, Chile's people hoped that democracy would bring an improvement in the country's environment. The dictatorship had listened mainly to its friends in industry, and Chileans hoped that a new government would heed conservationists and public health advocates. What they did not count on was that in Chile, like most developing countries eager to attract foreign investment, the desire for growth outweighed environmental concerns.

As a result, air and water pollution remain serious threats to public health. Chile is also destroying irreplaceable natural resources through logging of old-growth forests and overfishing.

Chile has some tough environmental laws but, as in other Latin nations, they are not well enforced—in part because of the desire for growth. Chile is justifiably proud of a decade of growth at more than 5 percent, much of it from exports from mining, forest products and fishing, which damage the environment unless carefully regulated.

These extractive industries exercise great political influence. Moreover, unlike their American and European counterparts, business leaders in Chile see no particular public relations value in supporting environmental causes. The Chilean industrialists' group has even hinted that it will organize a boycott of "Oro Verde," a prime-time soap opera with an environmental theme.

Businesses commission the required environmental impact statements, and the government board that evaluates them often cannot afford to hire experts to do a thorough job. On several occasions when the board has rejected major investment proposals, political commissions have allowed the projects to proceed. President Eduardo Frei has often said he will not let environmental concerns stand in the way of growth.

Chile's environmental groups are small and rely heavily on volunteers. But they have helped raise public awareness of environmental issues to the point where politicians cannot risk ignoring them. And they have mounted successful court challenges. Chile's supreme court just blocked a major logging project by an American company, declaring that Chile's basic environmental law was too vague. New regulations were quickly passed.

The court is surely on the right track. No one has calculated the yearly cost of environmental damage to Chileans' health and resources, but the figure is probably greater than the annual increase in Chile's economy. Other Latin nations have found profit in protecting the environment. That would be a natural step for Chile, whose responsible Government and strong regulatory structure have helped make it an economic model in the third world.

The linkage of trade and the environment is an issue that we will need to address in the coming weeks and the months ahead as a proposal for granting fast track negotiation authority for the Congress, the proposal that the administration wants. As the editorial shows us, we must realize that sacrificing the environment for growth will not be sustainable in the long run, while it may appear to be sustainable in the short run, and if we simply expand NAFTA to include other nations without including strong environmental standards, we will lock into place a trade agreement that will eventually include environmental degradation. Corporations should be held to the same high standards of the environment no matter where they operate, but under the agreement that we passed during this debate 40 months ago, under NAFTA, corporations are not held accountable. If they exploit the environment or if we find that a nation's environmental laws are not being enforced, all we can do is consult, just consult. There is no fines, there is no sanctions, there is just talk.

□ 1945

And that is not right. The last 3 years of experience we have had with NAFTA shows us that this system does not work. And it is true that our border areas with Mexico was an environmental mess before NAFTA went into effect. We were told that, once we pass NAFTA, the problems on the border would get better. Instead they have gotten worse.

Mr. Speaker, the border area has grown rapidly. It is known as the maquiladora area. It is an area along the California, New Mexico, Texas, Arizona border with Mexico. Its workforce has expanded by 45 percent. But with the population growth and the increase in manufacturing, not even the old environmental and health problems have been fixed. Families along the border continue to live near and bathe in water from rivers in a region that the American Medical Association has called a cesspool of infectious disease.

Not a single meaningful grant has come out of the North American Development Bank, which was put together as an answer to try to resolve some of these problems. Our colleague, the gentleman from California [Mr. TORRES], had this language adopted and has worked very hard, but folks have dragged their feet.

So what we try to do is create an institution that will help finance border cleanup projects, but neither our Government nor the Mexican Government has shown a serious commitment to it. The Sierra Club guesstimates that it would cost about $20 billion, that is billion with a B, to clean up the serious environmental problems along the Mexican border. But at that rate, the bill is just going to grow. It is not going to get any smaller. And it is no longer that contaminated strawberries from Mexico could get into our school lunch program.

Mr. Speaker, in Michigan we had a serious problem with our school lunch program and the strawberries. We see these conditions happening because of the open border. Most people probably know the story about the contaminated strawberries that came from Mexico about a month ago. Students in Michigan started to get sick, and they were coming down with hepatitis A. All told, 179 young people became sick, and more than 11,000 students in Michigan and California had to get shots. Why? Because these strawberries, which were grown in Mexico, illegally got into our school lunch program.

Now, no one will ever be able to say for sure how these berries became contaminated, but let me tell you the evidence seems clear to show that the plant in San Diego where the berries were processed had no evidence of contamination during a routine inspection conducted there at the same time that the berries in question were processed. And it is well known that there is significant pollution in the irrigation and drinking water of Mexico.

In fact, listen to this figure, 17 percent of Mexican children have contracted a hepatitis virus from contaminated drinking water, 17 percent. Now since NAFTA has gone into effect, fresh strawberry imports from Mexico have more than doubled, with only 1 percent of food coming in from Mexico getting inspected. And of this tiny portion of food that gets inspected, fully one-third of it fails inspection over dangerous pesticides. So what you have along the border in Texas, you have got 11,000 trucks coming across the border every single day. They call it a wave line because just one out of every 200 get inspected. And of those that get inspected of this tiny portion, one-third fail the test for dangerous pesticides.

Mr. Speaker, 99 percent of the food that comes across the border is not inspected. As a Nation we have seen food inspection decrease dramatically over the years in the name of free trade and deregulation. So it is not surprising that 33 million Americans become ill every year as a result of eating contaminated food.

So, Mr. Speaker, the proponents of NAFTA told us that our food standards and food safety would be harmonized upward if we passed the NAFTA. What does that mean, harmonized upward? It means that their standards would increase to meet the high level of standards that we generally have here in the United States. But, well, they were wrong. Uninspected food is surging in from Mexico at an unprecedented rate. And we know that some of it is not safe and at the very least we should require imported foods to be inspected.

But we must also strengthen the food safety requirements in our trade agreements. Now, free trade is not just about tariff rates and investment protection and intellectual property. It is an issue that affects us every day in ways that we do not even realize. We must begin to recognize the fact that the issue of human health must have a place in our trade agreement.

As the debate on the fast track proceeds, we must make sure that human health and environmental protection are recognized as trade issues. We must give these issues the same standing as we give to corporate investment and intellectual property.

Now I have just about a minute to make two more points, then I am going to yield to my colleagues, who have been so patient here. I want to talk about NAFTA's corporate bonanza. It is astonishing what some of these corporations have done.

In February of this year, a group called Public Citizens did a study to look at the record of companies who had promised to create jobs if NAFTA was passed; and they tracked all the job promises, and they found that 90 percent of these companies broke their promises, 90 percent. They did not create jobs in America as a result of NAFTA.

I want to show you this chart here, NAFTA's corporate bonanzas are good for profits, bad for workers. This new study points out just last week they tracked 28 named corporations that spent millions of dollars to pass NAFTA. They came here and lobbied, told us what a great deal it was, how it was going to create jobs. Their record is one of greed and profit at the expense of workers on both sides of the border. And 12 of these corporations laid off a total of over 7,000 workers and shipped those jobs to Mexico. These are the companies that promised to create jobs in America if we passed NAFTA.

The sad thing is that all of this has paid off for these companies. They shipped our jobs over there. The main NAFTA boosters have seen their profits go up nearly 300 percent since NAFTA, compared to 59 percent for the top 500 U.S. firms since 1973. So they are making these profits by plowing over the rights of workers. And when they get down there, they do not pay, you know, they reestablish these jobs in Mexico, they do not pay them anything.

Mr. Speaker, during the NAFTA debate, workers were getting paid a dollar an hour. They were making a few dollars a day. Now they are making 70 cents an hour. I was down there just about a month and a half ago and workers were making $5 and $6 a day working in modern facilities, working very hard, very productive, but with no environmental safety standards, nobody to really bargain and organize for them, no unions to represent them. And they are making $5 and $6 a day, and their wages have dropped 40 percent.

So where is all the money going? Where is it going? Well, it is going to the corporations. You see, six of these corporations bust the unions by threatening to move jobs to Mexico. And you know the story goes on and on and on.

So it is with great sadness that we have to come to the floor and talk about these issues, because it is very clear from the record that NAFTA has not lived up to the promises that were made by the corporations or those that were concerned about the environment.

So at this point I yield to my friend from Vermont, Mr. SANDERS, who has been vigilant, very watchful and determined that, before we move on and do any other trade deals, we have got to correct the ones we are engaged in. I yield to my friend.

Mr. SANDERS. I thank the gentleman very much for yielding, and it is a pleasure to work with my colleague who has helped lead the anti-NAFTA effort for many years and has demanded a sensible trade policy which represents the needs of workers, as well as corporate America. It is nice to be here with the gentleman from Ohio, [Mr. KUCINICH], who is also joining that fight in a very strong way.

I remember some 4 years ago the gentleman from Michigan, [Mr. BONIOR] came to the State of Vermont and addressed a rally in Montpelier in

Vermont, where we had 300 or 400 Vermonters who were out protesting NAFTA; and the sad truth is that much of what he and I said on that day, much of what he and I predicted would happen has in fact occurred.

NAFTA is part of a disastrous trade policy, which is resulting in record-breaking trade deficits, which is costing us millions of decent-paying jobs. I wish very, very much, as important as the national deficit is, that the Congress would pay half as much attention to the trade deficit, which is costing us millions of jobs and which is lowering the wages of workers from one end of this country to the other.

The essence of our current disastrous trade policy is not very hard to comprehend. You do not have to have a Ph.D. in economics to understand that it is impossible and wrong for American workers to be competing against very desperate people in Mexico and other parts of the world, who, because of the economic conditions in their own country, are forced to work for 50 cents an hour or 70 cents an hour.

One of the interesting developments in recent weeks, I do not know if my colleague has seen it, is the front page of Business Week. Their cover story reported that CEOs last year earned 54 percent more than the preceding year. In other words, the compensation for CEOs in this country of the major corporations went up by 54 percent, while workers are struggling with 2 or 3 percent increases in their incomes.

Now, these very same people who are now averaging over $5 million a year are precisely the same people who told us how great the NAFTA would be. Well, I suppose that they are right. NAFTA has been very good for them, but it has been a disaster for the average American worker.

What we know is not only that hundreds of thousands of decent-paying jobs have disappeared from this country, as corporation after corporation has said, why should I pay an American worker $10, $15, $20 an hour when I can get a desperate person in Mexico to work for 50 cents an hour or a dollar an hour. Not only have they done that, but in addition to that, they are moving jobs all over the world.

I was interested in this last week to read, if it were not so sad, it really would be funny, where Nike, which seems to have the inclination to move to that country in the world which is now paying the lowest wages, they have now gravitated to Vietnam. And my colleagues may have seen in the paper that in Vietnam there is now a demonstration that they are paying below what they even promised the Vietnamese workers, which I would imagine is 20 cents or so an hour.

So what we are seeing is these corporations who used to hire American workers at decent wages are now running to Mexico, to other Latin American countries, they are going to China, they are going to Vietnam, where they are hiring people for abysmally low wages. And that is part of our current trade policy.

I think I speak for the vast majority of the people in this country who say that what we have got to have is a fair trade policy which represents the interest of the vast majority of our people and not just corporate America, rather than a so-called free trade policy, which forces American workers to compete against desperate people throughout the entire world.

Mr. Speaker, one of the issues that concerns me terribly much is that every day that I turn on the television and I listen to the radio and I read the newspapers, I keep hearing about how great the economy is. I am sure the economy must be great for somebody, but it is not great for the vast majority of the people in my own State of Vermont.

The fact of the matter is that while the wealthiest people in this country are doing phenomenally well, while CEOs now earn over 200 times what their workers earn, the middle class continues to shrink and most of the new jobs that are being created are low-wage jobs, many of them part time, many of them temporary, many of them without benefits.

Mr. BONIOR. Would the gentleman yield on that point?

Mr. SANDERS. I sure would.

Mr. BONIOR. Because I want to elaborate a little about the disparity between those at the top and the average worker in this country. In 1960, the difference between what a CEO earned and the average worker was about 12 to 1. In 1974, that increased to about 35 to 1. And as you have just correctly pointed out, now it is 209 to 1.

The average worker in America today, the 80 percent of people who pack a lunch and go to work and make this country work, their wages for the last 20 years have basically been frozen, their real wages. They are not going anywhere. It is the top 20 percent that are doing very, very well; and the very top are doing exceedingly well. But they are not moving anywhere. They are frozen.

If you have one of these people who have worked all your life at a company or part of your life at a company and they decided they are going to Mexico and your job is gone, those people are able to get jobs again but about at two-thirds of the wages that they had formerly been earning, at about two-thirds of the salaries that they were making. That is what is going on, there is an incredible downward pressure on wages.

There was a study done by Cornell University for the Department of Labor, which the Department of Labor, by the way, suppressed; and you will understand why when I tell you what was in the study. They found that 62 percent, 62 percent of corporations in America today were using Mexico and other countries that pay low wages as a hedge against raising wages or keeping wages flat in this country.

□ 2000

They would tell their workers, listen, you want an increase in wages or salary, you are not going to get it. You are going to stay where you are, you are going to take a cut in health benefits or pension benefits, and if you do not we are going south. We are going to Mexico. Sixty-two percent of the companies are doing that.

So I thank my friend for raising that point, because it speaks to the increasing disparity we have in economic reality in this country.

Mr. SANDERS. Let me just say a few words and then I am going to yield to the gentleman from Ohio, [Mr. KUCINICH]. As the gentleman from Michigan [Mr. BONIOR] knows, 23 years ago the United States led the world in terms of the wages and benefits our workers received. Today, as a result of a number of factors, not least of which is our absurd trade policy, we are now in 13th place as a result in terms of wages and benefits. The fact of the matter is that the average American today is working longer hours for lower wages and they need that extra time in order to compensate for the decline in their income.

Clearly, there is something very wrong when from one end of this country to the other, we are seeing the loss of good paying manufacturing jobs and the substitution of those jobs in the service industry which pays people $6 an hour, $7 an hour, and often does not have benefits.

So I think that probably the most important issue that this Congress should be debating is to demand in one way or another, and I have some thoughts on it, you and Mr. KUCINICH have thoughts on it, in one way or another we have got to tell corporate America who have made their money in this country that they have got to begin reinvesting in Vermont, in Michigan, in Ohio, back into the United States of America, put people to work at decent wages, rather than running all over the world to hire desperately poor people at starvation wages.

I am happy to yield to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, it is a pleasure to join my colleagues on this issue which the gentleman from Vermont [Mr. SANDERS] has led the country on in examining and exposing the deficiencies in the NAFTA agreement.

I come from a district in Cleveland, OH, which was really built with the labor of steelworkers, auto workers, people in machine shops. It is a blue collar town in many ways. It was part of that great industrial strength of America that helped sustain this country through two world wars and really made America preeminent among industrial powers in the world.

I have seen the changes that have taken place in Cleveland and throughout Ohio since NAFTA, and it is not a pretty sight. The State of Ohio alone has lost many jobs. As a matter of fact, I was able to secure a list of jobs which I have here, and I would just like to read some of the cities which have lost specific plant to Mexico since NAFTA. When I read this list I would like my colleagues to keep in mind that these are not cold, sterile statistics: Franklin Disposables which lost 50 jobs to Mexico, Dayton Rich Products which lost 146 jobs to Mexico, Green Goodyear Tire and Rubber Company lost 60 jobs.

In each case, the statistics have behind them a story of a family whose breadwinner could no longer produce and sustain a family. I have a story of a young person who lost out on an educational opportunity because the money was not there to sustain it. There is a story of a family which worked a lifetime to have a home and, suddenly, holding on to that home is impossible; a story of medical bills that cannot be met; a story of a dream that is shattered, a dream that is deferred, a dream that is denied.

We in the Congress have a responsibility to come forward with information and to show that in Greenville, OH, for example, 180 people were laid off from Allied Signal. Those people made air filters, oil filters and spark plugs.

Mr. Speaker, that is one snapshot because we have a $39 billion trade deficit because of NAFTA, and much of it, three-quarters of it is in the automotive related sector, so multiply one family, one dream times thousands and thousands across this country and we have a sea change occurring in this country, and the American dream is changing.

This country was built with steel, automotive, aerospace. Basic industries provided the muscle for America, gave us might, helped to preserve this country and protect our democratic values, and any change which undermines those industries undermines, I contend, our basic democratic principles and traditions, because if we do not have the ability to produce steel, if we do not have the ability to have a strong automotive industry, if we cannot be strong and secure in our aerospace, we undermine our national security.

Of course the greatest security we have, as we all know, is a job, and NAFTA has cost this country thousands upon thousands of jobs. As a matter of fact, the Trade Adjustment Assistance Act, as the gentleman from Michigan [Mr. BONIOR] probably knows, because we were talking about this last week, the last count was 118,000 jobs.

Mr. BONIOR. And that is a conservative estimate. If you use the formula that the proponents of NAFTA gave us in terms of creation of jobs, if we use that very formula we have lost about 600,000 jobs as a result of NAFTA. And of course we know many, many people just do not apply for trade adjustment assistance.

Mr. KUCINICH. Mr. Speaker, the gentleman is correct, and the Trade Economic Policy Institute estimates that, in fact, jobs were lost or never created because they were created in another country due to NAFTA.

Now, the next question is, What kind of jobs are being created. We know we are losing manufacturing jobs which are good paying jobs, which have enabled people to have a decent life, live in nice neighborhoods.

Mr. BONIOR. Sure, buy a home, send your kid to college, take a nice vacation, be able to retire with dignity with good health care.

Mr. KUCINICH. One needs to be making a good wage to do that, but what is happening is that this transition in our economy, while it is wiping out good paying manufacturing jobs, it is creating jobs, according to the Department of Labor, among the top 20 occupations having the largest numerical increase in the next decade in the United States: Cashiers, now cashiers are very important, very important jobs. Janitors, retail sales clerks, waiters and waitresses. Those are all important jobs and those are our constituents. But in order to sustain those jobs, in order to sustain this economy, we have to do it with manufacturing and we have to keep creating new industries, and we are not doing that.

Mr. BONIOR. Mr. Speaker I yield to my friend from New York [Mr. OWENS] to respond to the gentleman.

Mr. OWENS. Mr. Speaker, as the ranking member of the Subcommittee on Workforce Protections of the Committee on Education and the Workforce, I want to go beyond what has been said here so far and say that what we have in motion here is that NAFTA has been giving an incentive to the corporate powers to wipe out the American work force as we know it. American labor shall not exist in 10 years as we know it if they are able to continue as they are moving.

The incentive to make more and more profits on the backs of cheap labor has led to a situation where it has been concluded by corporate power that they have to wipe out the American labor movement. Working conditions and environmental conditions are just as important as wages in these considerations with respect to cheap labor costs, and they want a situation where they are in a position to dictate not only the low wages, but also the working conditions and to be free of any environmental regulations.

As the ranking member of the Subcommittee on Workforce Protections, what I have noticed is that all of the talk in this particular session of Congress about bipartisan cooperation and civility does not apply to anything related to organized labor. We have seen an assault start in this Congress on labor, unprecedented.

Several hearings have been held on the right of labor unions to use their money for political education, and they have gone out to where it hurts a great deal in terms of how they can spend their own funds and they are challenging their ability to make decisions as a majority, that if one member of any union objects to his money being used some way, his money should be segregated from the rest and the majority rules as to how funds are spent cannot apply. That is one way to cripple unions.

Another way is, of course, to come after the Fair Labor Standards Act. A lot of people think that the comp time bill is related to families, giving people an opportunity to have time off, but the comp time bill is all about the Fair Labor Standards Act as a major weapon of labor. If you get into the heart and soul of the Fair Labor Standards Act, you have to cripple unions.

OSHA continues to be under attack. We just had a hearing on methylene chloride, a substance which causes cancer, causes pneumonia. Clearly every study has shown it to be more dangerous than they previously understood it to be, and OSHA regulations after 10 years are being resisted, and they will take the business of methylene chloride, all the businesses that need it will take it overseas.

Airplanes, for example, have to use it in order to take the paint off when they check the body of airplanes to see if they are still sound and that is probably the largest use of methylene chloride. It is a huge business. They are threatening to take it to places overseas if we have the regulations installed by OSHA, just as they are threatening, of course, on any other environmental condition we set which safeguards the health of workers.

So we have an attempt by corporate power to create a new class of workers, something between servants and peasants, in order to maximize their profits. They will come back and they will bring the jobs back once they do that. But NAFTA, GATT, allows them to make huge profits and use the cheapest labor in the world to make those profits and acquire the power necessary to destroy the labor force and the organized labor in this country.

Mr. BONIOR. Mr. Speaker, it is a good point the gentleman makes.

I yield to the gentleman from Vermont [Mr. SANDERS] to answer it, and then I want to comment on it, because it is a very good point.

Mr. SANDERS. Let me just pick up on the gentleman's point, and that is essentially, if you have desperate people in Mexico who are making 50 cents an hour, who are living in shacks, whose kids may be begging out on the street, who are forced to work under the most horrendous conditions imaginable, what corporate America is saying is hey, if we can get people to work in those conditions over there, we can drive wages and working conditions down here, because what we say to the American worker is, hey, if you do not like what you are getting today, we are going to go over there.

I just got a letter today from a corporate entity in the State of Vermont who told us about how high the wages are in Vermont, he could go elsewhere and so forth and so on. So I think it is not only a labor issue, it is an environmental issue, it is a union issue, and that is what our entire trade policy is about.

It is the race to the bottom, it is saying to American workers, there are people in China, Mexico, throughout the world who are prepared to work for almost nothing, and we are going to lower your wages and lower your working conditions, lower the environmental standards that you work under, lower and lower and lower. Not raise the other people's, but lower ours until we have an equalized work force around the world. A very, very dangerous trend, which as the gentleman indicated, is wiping out the middle class and creating pathetically low-wage jobs.

Mr. BONIOR. Mr. Speaker, years ago there was a large middle class like we have today, people struggled the same way, they did not have good wages here, they did not have any benefits. But they got together and they believed that they had certain inalienable rights, and among them were the rights to organize, the right to assemble, the right to collective bargaining and the right to strike. And that is how the movement got started, because of the abuse of the labor movement in this country. It was only through the labor movement that we built this expansive middle class in this country.

I saw something the other day, I was driving to work and I saw a banner over a bridge that said, let me recall the exact words, "The labor movement, the people who brought you the weekend." And I thought to myself, that is really creative. There could have been a lot of things up there. The people that brought you a livable wage, the people that brought you safety protection, that brought you health care, that brought you Social Security, that brought you Medicare, that brought you compensation if you got laid off. I mean all of these things could have been up there on that banner. The gentleman is absolutely right.

Mr. OWENS. The Fair Labor Standards Act, that is how the weekend came.

Mr. BONIOR. That is right. What is going on is they are trying to break labor in this country today, the corporations, and they are doing it through a variety of different ways. There are hundreds of law firms in this country that specialize in nothing else but busting unions in America. That is how they make their living.

I just came back from a very interesting discussion. I came from the Methodist Building across the street, and I was listening to a group of people talk about the K-Mart strike that occurred in Greensboro, NC, in 1993.

□ 2015

A lot of workers wanted to form a union in Greensboro, NC. They were prevented from forming a union. They got together and they signed cards. And the majority of them wanted a union. And the union would not negotiate a contract. And they got the whole community involved that this was the right thing to do. It was the moral thing to do. People wanted to be represented and they needed to be represented. But the corporation, the multinational corporation, which, by the way, is located very close to my district, about 2 or 3 miles outside my district, they would not recognize them.

So what happened and what has to happen today in America and in Mexico and in other places is that you have got to get the community involved to get people organized again so they can stand up for those basic inalienable rights of being able to assemble, to collective bargaining and the right to earn their own bread.

And they did that down in Greensboro. They got the churches together. They got the progressive people in the business communities and they said, This is wrong. These people decided they wanted to come together for a decent wage and decent working conditions, and they ought to be recognized. Through a 3-year struggle they finally did it.

But even more importantly, they formed a sense of community out of that process and that is now being used to work on education issues and a whole variety of other issues. We have gotten off the track a little bit.

Mr. OWENS. Mr. Speaker, I think that is very much on track. That process is being endangered now. If you wipe out the ability to organize and you wipe out unions, who have the resources and the know-how to organize, then you are going to shut off that whole process.

There is an article in the February issue of Atlantic Monthly by a very successful capitalist named George Soros where he is saying capitalism is out of control and capitalism is going to destroy itself because there is so much great abuse of power. It is going to end the open society, what I call the society of checks and balances. Institutions like organized labor become a check on the power of corporations. Corporations are running rampant over everybody so the process of being able to organize is going to be wiped out.

Mr. BONIOR. There is no countervailing force today like there used to be. Unions and government used to provide a balancing against runaway greed.

Mr. SANDERS. Mr. Speaker, let me pick up on that point, if I could. Let us examine that point for a second.

In terms of distribution of wealth in America, you have the richest 1 percent now owning 42 percent of the wealth, which is more than the bottom 90 percent. One of the problems that all of us have is in dealing with the media. In terms of getting information out to people, one of the reasons that half the people in America no longer bother to vote is they are not getting information that is relevant to their lives. Who owns the media? When we talk about NAFTA, I remember this very clearly, it was quite unbelievable, poll after poll showed that the country was pretty evenly divided. Some were for NAFTA; some were anti-NAFTA.

We went through every single major newspaper in the United States of America, every single one of them. Were they evenly divided? Were they two-to-one pro-NAFTA? Every single one of them was pro-NAFTA, as was virtually every corporation in America. So you see who owns the media, we are seeing in terms of contributions to both political parties. Not an accident that you have this trade policy. This is a trade policy that works well for corporate America. It hurts the working people.

Where does the money come from to fund the parties? It comes from the wealthy people. And we see the results of that in terms of our trade policy. In almost every aspect of our lives we are seeing a greater and greater concentration of wealth and power. And in many ways I must say this country is beginning to look more like an oligarchy than it is like a democracy.

Mr. OWENS. Every new NAFTA, every new GATT adds to that corporate power. It allows them to make higher and higher profits, 59 percent since 1993. That is light stuff compared to what is going on now, I am sure, in terms of the stock market still booming. They get more and more wealth to use to oppress the people who are, the overwhelming majority in America who do not have a voice. Like the gentleman said, they own the media. They snuff out open society. They snuff out the checks and balances. And they are going to snuff out the consumer, the consumer market that is the driving engine for capitalism. As Soros puts it, they are going to destroy themselves if there is no check and balance on them.

Mr. BONIOR. When you have people like Soros and the Goldsmith fellow from Europe, these are very wealthy and prosperous and well-known capitalists in the world starting to speak out like maybe we are going too far here, when you have that kind of voice starting to be heard, then you know something is really out of whack.

When the people at the very top start to say, wait a minute, maybe we are piling up too much greed here by getting 294 percent profit increases since 1993.

I want to make one other quick point here and that is with respect to labor unions. Then I will yield to the gentleman from Ohio.

When labor unions were at their peak in this country, when 35 percent of the American people in the work force belonged to a labor union, they would produce 90 percent. I will give you the figure. Late 1950's, they were producing 90 percent in productivity. They were getting about 99 percent back in wages.

In about 1974, they were getting about half of what they were getting in wages in what they were producing. And then in the 1980's, it was about a third of what they were getting back in terms of wages from what they were producing in productivity. So as labor's numbers started to decline in terms of representing people in this country, from 35 percent in the 1950's down to the present, I think 14, 15 percent, their take, workers' take in terms of what they took home was less and less of what they produced in terms of proportion.

And that is one of the tragedies of this equation that has now allowed the corporate folks in America to move with impunity down to places like Mexico and exploit workers down there at 70 cents an hour.

Mr. Speaker, I yield to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Speaker, when you think about the history of the growth, the economic growth in this country, which permitted the rise of the middle class, which permitted people to go from $10 to $15 to even $20 an hour, it is really somewhat of a miracle that America sustained this. And then comes trade agreements like NAFTA and people start to see those jobs slip away.

And the question arises, why would someone pay $20 an hour, let us say, as opposed to 91 cents an hour, as some workers in Mexico, are making for basically doing the same work that someone who had a job that paid $20 an hour did prior to that job leaving?

The reason why you pay that amount is, in order to maintain a democracy, you have to make sure people have a lot of choices, and they have to have a good income. And that income gives them the ability to be free economically. Because let us face it, if you do not have economic freedom, your political freedom is compromised.

Mr. OWENS. And consumer spending is still two-thirds of our economy. We are going to wipe out consumer spending.

Mr. BONIOR. There was a piece written by Stanley Sheinbaum, a friend of mine who lives in California, in his quarterly that publishes entitled, who is going to buy the goods. He kind of lays it all out. If we keep driving wages down, downward pressure on wages, at some point in this process, we are not going to have and our families are not going to have the wherewithal to make the purchases that make the engine of this country run.

Mr. KUCINICH. In 1997 in January, the Economic Development Corporation of Tijuana was advertising that they would pay wages and benefits together of 91 cents an hour in maquiladora areas. Those are the kinds of jobs that are moving to Mexico from areas like Ohio, manufacturing jobs.

The problem is, though, if you are making 91 cents an hour, you are not buying a new home that costs $60,000, $70,000. You are not buying a new car that costs $18,000 to $20,000. You are not purchasing an education for your child if you are making 91 cents an hour.

The wage level promotes economic activity in this country that sustains the type of society we have. If we were to turn that around and say, what happens if you make 50 cents in some cases or 91 cents an hour, you cannot aspire to those kinds of things which we in this country have come to expect as what we call the American way of life.

And the great thing about this country is that we think we can reach even higher. Once we reach a certain niche, we are going to reach a little bit higher. We get there, we reach a little higher. Now we are finding we cannot do that because the jobs are starting to go away and out of this country.

My colleagues raised the issue earlier, the gentleman from Michigan [Mr. BONIOR] and the gentleman from New York [Mr.OWENS] and the gentleman from Vermont [Mr. SANDERS], all raised the issue of the attack that is going on on working people due to NAFTA, how people are being threatened, look, if you start organizing, we are going to move your jobs, your jobs are gone. I got a hold of a Cornell University report which I am sure you are familiar with.

Mr. BONIOR. That is the one I referred to, the Labor Department, Cornell did for the Labor Department. They suppressed it by the way. The Labor Department would not let it out, and it finally came out.

Mr. KUCINICH. Mr. Speaker, I know the gentleman has seen it because this is close to his district. And as I read it, I was shocked when I saw the kinds of tactics that were used. Would it please the gentleman, could I read this into the RECORD. This is a very interesting report from Cornell. Here is the kind of things that they found out:

In our follow up interviews with organizers in campaigns where plant closing threats occurred, we learned that specific unambiguous threats ranged from attaching shipping labels to equipment throughout the plant with a Mexican address, to posting maps of North America with an arrow pointing from the current plant site to Mexico, to a letter stating the company will have to shut down if the union wins the election.

This is just part of the kinds of things that were put. They gave the example of the ITT automotive plant in Michigan where the company parked 13 flatbed tractor trailers loaded with shrink-wrapped production equipment in front of the plant for the duration of an organizing campaign that had a hot pink sign on it which read, Mexico transfer job.

Now, think about that. That is just one example. How can people then try to aspire to a higher wage? How can people hope for better benefits? How can they get their health benefits improved? How can they hope that they will have more time to spend with their families? They cannot, because they are held captive by this.

That is one of the reasons why I appreciate, Mr. Speaker, having an opportunity to participate in this debate with these gentlemen and in this discussion of the importance of this issue to the American people, because it has real effects. I started off this discussion, I have a list of dozens of cities that are losing the life blood of the community because of this trade agreement.

Mr. SANDERS. I think, picking up on the point of the gentleman from Ohio [Mr. KUCINICH], that the truth of the matter is the average American worker is scared to death.

Mr. BONIOR. Very scared.

Mr. SANDERS. People are scared to death precisely because of what the gentleman is saying. Because if they stand up for their rights, their company is going to say, we do not need you anymore. We are going to Mexico; we are going to China.

Ultimately I think, after all of this discussion, after all of what is said and done, it seems to me our challenge is a very simple one. It is to tell corporate America that they no longer have the right to run all over the world and throw American workers out on the street and then be able to bring their products back into this country duty free. You do not have to be a genius to know that you would make a lot more money paying a Mexican kid or a Chinese young lady 20 or 30 cents an hour than paying an American worker a living wage. And the problem is, we have allowed them to do that. We have allowed them to run all over the world. And the end result is what the chart of the gentleman from Michigan [Mr. BONIOR] tells us, corporate profits are soaring.

The end result is what Business Week told us two weeks ago, that the top

CEO's in this country saw an increase in their compensation last year of 54 percent, and they now earn 209 times what the average American worker earns. I had not realized that one person is worth 209 times more than another person, that their children are worth 209 times more than the children of a worker. It is obscene. It is wrong.

Mr. KUCINICH. Mr. Speaker, it is possible that many Americans for years and years have understood and even accepted those kinds of disparities as long as they had jobs. We all expect that the bosses and the people that head the corporations are going to make more money. What is happening now, though, is that the salaries are going up for the officers, and I am all for people making good salary, but the workers are losing their jobs.

Mr. BONIOR. They are losing jobs and finding other jobs that pay considerably less.

What happens when that occurs? That starts a cycle. Well, you work overtime or you work two jobs or you work three jobs, and that cycle produces a situation where you are not home at night to see your son or your daughter's soccer game. You are not there for the PTA meeting. All those other social maladies that we all talk about and we all wrestle with and struggle with around here occur. And it is a vicious cycle. It starts with wages often.

Mr. KUCINICH. It goes to family values and democratic values which underpin our ability to celebrate family values.

Mr. OWENS. Mr. Speaker, the gentleman from Vermont [Mr. SANDERS] was implying before that the challenge to us is to stop them from making products in other countries with the cheapest possible labor and then bringing them back here to sell them duty free. That option is gone already. NAFTA is like the international law. GATT is international law. You cannot stop them anymore from bringing those products back. We will be violating the treaties that we have already agreed to.

□ 2030

Mr. SANDERS. That is why we have to repeal those pieces of legislation.

Mr. OWENS. That is the task before us, to repeal those pieces of legislation; also to do everything possible to get laws in place which will not allow them to keep beating down the work force, to wipe out organized labor.

There are a lot of things we can do right now to stop this. Our own tax laws allow the CEO's of American corporations to earn these obscene salaries. By the way, they earn the highest salaries in the world.

Mr. SANDERS. By far.

Mr. OWENS. The Japanese CEO's, the German CEO's, and other CEO's around the world are not earning those kinds of salaries.

Mr. BONIOR. Not even close.

Mr. OWENS. And if we had some tax laws with the people who are making the profits, instead of the present situation where individuals and families are paying 44 percent of the income tax in this country while corporations are paying a little more than 11 percent, there are a lot of things we could do to help to begin to bring some sense back into American capitalism.

It was capitalism that worked before. It worked. Henry Ford recognized it when he said, "I really need these people to make more money to buy my cars."

Mr. BONIOR. So he paid them 5 bucks an hour.

Mr. OWENS. That was the basic principle that ought to be the bedrock of American capitalism, and they are throwing it away because we are not producing workers that can buy the products any more.

Mr. KUCINICH. I remember a time when a label that said "made in America" was something you could not help but see no matter where you went, and now it is difficult when you shop for goods and check for a label to find things that are made in this country. Again, if they are made in America, somebody has made them, they had a job, and they were supporting a family.

And I want to stay on that because, to me, the essence of supporting the Democratic tradition in America is to make sure that people have jobs.

I take issue with our friends over at the Fed. In a Democratic society, I do not think there is any such thing as a certain amount of unemployment necessary to the functioning of the economy. The fact of the matter is that in a Democratic society, if we want to maintain that democracy, we have to make sure people have a chance to participate through their jobs and with a decent wage level.

That is what NAFTA has affected. There is a myth. People talk about the benefits of NAFTA. We have heard people say that exports to Mexico have increased. That is true, but what they do not tell us is that the imports have increased at a higher rate so, therefore, the trade deficit grows and the job loss continues.

We will hear people say that the Mexican workers have a better life. Well, that is not necessarily true. Because what has happened, and this will surprise many people, people think that it is the Mexican workers that are benefiting. Not necessarily true. In 1994, before the peso collapsed, real hourly wages were 30 percent lower than in 1980, in Mexico. After the peso fell, the wages fell another 25 percent.

I know that the gentleman from Michigan has tracked this. Listen to this. The earnings in the maquiladora sector are only 60 percent of the former manufacturing sector. So the Mexican workers are being attacked as well.

Mr. BONIOR. I was down in Mexico, in Tijuana, on the border, in the maquiladora area about 6 weeks ago, and I had the chance to talk with workers, visit their villages and their colonia. They work at very modern facilities. The Hyundai Company from Korea and Samsung from Korea and Panasonic. These are new plants, efficient.

These workers are good workers, they work hard, but they get paid $5 a day. 5 bucks a day. And they live in just very terrible conditions. Their housing is not good. They live, as I said earlier, in situations where the water that they bathe in and drink is contaminated. The American Medical Association called it a cesspool of infectious disease.

These corporations do nothing about establishing any type of a tax base to improve the environment, to improve wages or health conditions. I talked to one leader of a colonia, that is a village, where most of the people worked at this factory, and he told me that a lot of his friends and relatives in this village were losing fingers and hands because the line was going so fast. Enough to alarm people. It was not just one or two.

So since there was no real union representation, they decided to shut the place down for a couple of hours one day to protest. Of course, he was fired as the leader. He eventually ended up in jail when he tried to form an independent union.

That is what these people are up against. They cannot buck an indifferent government and a corporate mentality that just does not want to deal with this at all. That is the hedge. That is the wedge, I should say, which our workers are competing against. It is this drive to the lowest standard, as the gentleman from Vermont has said. What we need to do is raise their standard up to our level.

Mr. KUCINICH. And that is something that certainly fast track must be challenged to do, but it does not do that. It does not provide for the kinds of worker and environmental protections which we need to see established so that we do not find our standards under attack.

Mr. BONIOR. These trade agreements have all kinds of wonderful protection for property. Intellectual properties, CD's, all this type of stuff. We have an agreement with Mexico where we can go to jail if we do that, if we pirate the stuff. When it comes to properties, there are sanctions and they are tough. But when it comes to people and the environment, there is nothing on the books to protect them.

Mr. KUCINICH. The importance of us taking a stand on this cannot be repeated enough, because I remember when I was first starting my career, back in the city of Cleveland, and as all politicians do, I went through a crowd and shook hands, and I remember some of the older men in particular who worked in the assembly lines. I would shake hands, but occasionally someone would come up and they would be missing fingers or part of their hand was gone or part of an arm was gone, or maybe they lost sight of an eye because a piece of steel went into it or something at work.

We realized in this country over a period of decades that it was important to maintain certain safe working conditions and America helped set world standards for that. We were the ones, because of the standards we set, which gave workers everywhere a chance to be better protected on the job and, therefore, also help industry become more efficient because they were not losing the services of workers who were performing needed work and did not want to interrupt it through injury. So through a whole series of laws, occupational safety acts and through acts that dealt with safety in the workplace and environmental laws, we were able to guarantee that workers would have a little bit of protection on the job.

Now, what happens if we do not keep that standard up there, that standard starts to slip? Then we are back to the days where people are not safe in the workplace.

Mr. SANDERS. If I can interrupt for a moment, it is not a question of is it happening. It is happening. Let us not be naive about this. What is going on now is the standard of living of the average American worker is in serious decline. The gap between the rich and the poor is growing wider. The control of the political parties is growing sharper by the very wealthy.

Ultimately, I think as a nation, we have to ask ourselves how much is enough? When does it end? How much do they want: 209 times more than the workers, 500 times more than their workers? Will we hear a movement here to bring back slavery? When does it end?

We have people in this country, in my State, that are not working one job, they are working two jobs and three jobs, as the gentleman from Michigan said. I have met a husband and wife who hardly ever see each other. They are both working three part-time jobs. When does it end?

This is a wealthy country. This is a great country. But we need policy so that we redevelop our manufacturing sector; we create decent paying jobs in this country. With all of the new technology, the working hours should go down, should they not? With all these new machines, people should be producing more.

Mr. BONIOR. And working less.

Mr. SANDERS. And working less. Yet what is happening? Just the opposite is happening. And what is the end result? The end result is corporate profits soar, CEO salaries soar, and distribution of wealth becomes more and more unfair.

Mr. OWENS. We had a capitalism that worked for both the owners and the managers and the corporations and the workers. We had a capitalism that worked. Common sense will tell us that the present measures that are being undertaken, the abuses by the corporate powers, are going to destroy that capitalism.

I think one appeal we can make to the American people and the American voters is to say enough is enough. We will put some chains on the abilities of corporations to dictate how our economy is run.

We need to begin right away to make the necessary laws, to stop the tremendous abuse of power that is taking place. We need to exercise common sense and say we will not take conditions like the present post office is about to negotiate for a single source for the postal uniforms. We should say to the post office, "No, we demand those uniforms be made in this country. Do not go all over the world for these things." The policeman, the post office man, whatever uniforms are being made, we should demand that they be made in this country.

There are a lot of other common sense arrangements that we should start demanding now before we move to try to repeal NAFTA and GATT and some of these other laws. We must wake up because the hour is quite late.

Mr. BONIOR. The tragedy about all these trade issues, to me, is that we are moving backwards to the 19th century. We are establishing wages and working standards and human rights standards that are over 100 years old and that our mothers and our fathers and our ancestors and grandparents fought very hard to change.

People struggled hard to get a livable wage in this country, to get the right to organize, the right to strike, the right to collective bargaining, to establish a lot of the things in the environment that were important to us. And we are just kind of giving it all away because we are moving to this lower standard. We are moving to a lower standard.

This is the most important fight I have been involved with since I have been in elected political life, and it is up to us, I think, to try to demonstrate and to show our colleagues and the country that we are in a very, very serious slide unless we develop some moral force and a countervailing force to this runaway greed.

The capitalist system is what we have, and it works well when it works together with workers and the community. But when workers and the community are not part of the equation, what we see is what we find in our society today, and I do not think many people like it.

So I thank my colleagues for joining me this evening. I guess our time is just about up, and I appreciate their efforts. If they have a last word or two, I would be delighted to entertain it.

Mr. SANDERS. I thank the gentleman for organizing this special order. We are fighting for our lives, we are fighting for our parents, we are fighting for our kids, and I would hope the American people would get actively involved in this struggle.

Mr. MILLER of California. Mr. Speaker, after 3 years, we need to ask the question: Has NAFTA been fair to the American people? Would its expansion be fair to workers and the environment? Would it be fair to American consumers? Based on the past 3 years, we'd have to say, "no."

The basic premise of free trade—that the manufacturer who makes the best product at the cheapest price wins—does not constitute fair trade unless consumers know what they are buying. Otherwise, that cheap price may mask dreadful working conditions, inadequate pay, exploitation of children or environmental practices that, were they known, would cause American consumers to make other purchase decisions: To avoid Mexican tomatoes sprayed with pesticides banned in the United States; to refuse to purchase vegetables picked by children who work in the fields instead of going to school; to reject tuna harvested by slaughtering thousands of dolphins.

Most of us remember the TV commercials "Look for the union label." Americans took that message to heart, and many shop specifically for products labeled "Made in USA." Even in those cases where consumers purchase imported goods, however, they have a right—and some would argue an obligation—to know the conditions under which merchandise has been manufactured, and to avoid purchasing products manufactured under conditions considered abhorrent in this country.

NAFTA is premised on the notion that consumers, not governments, should make decisions about what to purchase. But consumers cannot make those choices unless they are provided full information about the products offered to them. And make no mistake: When we purchase products manufactured under shocking conditions, we are encouraging those conditions to persist with our dollars.

It seems like a simple premise: American consumers have a right to know what they're buying.

Who can argue with it? The United States is the most sought-after market in the world. Americans purchase more food, more clothing, more cars, and more toys than anyone else in the world. It would follow that we'd like to choose our purchases wisely. What manufacturer or retailer wouldn't support the consumers' "right to know"?

The sad truth is, many manufacturers do not support that right, and neither do some high in our own government who should know better.

Two weeks ago, while the parents of Michigan schoolchildren were still reeling from an outbreak of hepatitis traced to Mexican strawberries, Members of Congress from California and Florida introduced legislation to require that the country of origin be clearly labeled for all fresh fruits and vegetables sold in the United States.

Who could disagree? Consumers should know whether their strawberries came from

Mexico or California, or whether their tomatoes were grown in Florida or Chile. But amazingly, it's not at all that simple—because importers and many retailers—and some in our own government—don't want the American people to know where their purchases come from, and they certainly don't want you to know how they were grown or made. Because they know—and the polls indicate—that, given accurate information about the effects of a product on the environment, children, women, or worker rights, most consumers will purchase responsibly.

Does all this sound melodramatic? Let's look at the facts.

Right now, retailers and importers—led by the American Frozen Food Institute—are vehemently opposing requirements to label frozen foods with the country of origin on the front of the package, where consumers can see it clearly at the time of purchase. In fact, Canada has already filed a protest against such labeling. Why? Because other countries believe clear, easy-to-read, conspicuous labels are a "nontariff trade barrier." In other words, American consumers may choose not to purchase an imported item.

Nontariff trade barriers are trade-speak for anything that might help American consumers to choose American-made or American-grown goods over foreign products. And under the rules of free trade, nontariff trade barriers are illegal. In fact, under the rules of free trade as imposed by NAFTA, anything that restricts trade in any way is illegal—and that includes information labels on where and how your purchase was made, harvested, or grown.

If Mexico has its way, and we expand NAFTA to other Latin American nations, American consumers will be unable to determine where the next load of hepatitis-infected strawberries came from, and they'll no longer be able to assure their children that their tuna fish sandwich wasn't caught at Flipper's expense.

Within the next few weeks, Congress will be voting on a bill that will change the meaning of the famous Dolphin-Safe label found on every can of tuna in this country for the past 7 years. Dolphins will be chased with helicopters and high-speed boats, caught in nets, seriously injured, mothers separated from their calves—and as long as no dolphins are observed to die, that tuna will be labeled "safe" for dolphins.

Why?

Because Mexico insists on it. Mexico is well aware that American consumers will not choose to purchase tuna caught by harming dolphins; therefore, to gain a large share of the U.S. tuna market, they are lobbying to dupe American consumers into purchasing tuna labeled with a redefined "Dolphin Safe" label.

The Administration, supporting this change, offers a thin defense for their capitulation to Mexico: the Administration asserts that no studies have been conducted to indicate that the capture method was not safe for dolphins. Applying this view to other products would result in the application of a "Child Safe" label to toys provided that no studies have been conducted to prove them harmful to children. This is a sweeping and damaging precedent for other U.S. labeling laws designed to protect and inform American consumers.

This is where NAFTA has brought us.

Now, I do not pretend that these problems exist only in other nations. Just last week, I joined with human rights and labor groups to release a report documenting the systematic exploitation of foreign workers—mostly young women—in the sweatshops and other manufacturing industries located in our own territory of the Northern Mariana Islands. My legislation would compel that territory to meet Federal standards for minimum wage and immigration, and would deny manufacturers there the right to continue to use the "Made in USA" label on their products unless they were manufactured in full compliance with our own labor laws.

I conducted that investigation and introduced that bill for the same reasons that motivate me on NAFTA and international trade: American consumers should not inadvertently promote and support, with their dollars, the exploitation of workers, or the rape of the environment, or other practices that we will not tolerate in this country and should not subsidize in the name of "free trade." The trade may be free, but the workers sure aren't.

Let's face the fact that there are nations and there are businesses that rely on the exploitation of children, women, or the environment to attract investment in their country. And let's face the fact that these nations rely on the rules and rhetoric of the free trade game to pull all of us down to the lowest common denominator. The American people should be outraged.

UNION JOBS LOST DUE TO CUTS IN DEFENSE SPENDING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes.

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise this evening to focus on several major concerns of mine. But let me say at the outset before beginning my discussions that I am of the other party from the gentlemen who just appeared in the well and spoke against NAFTA, but I as a Republican opposed NAFTA, voted against NAFTA, and even more than that, appealed the ruling of the Chair on the bailout of Mexico which the President and the Speaker and the majority leader all had agreed should not come to a floor vote in this House and which we were not given privy to vote on.

I think the loss of jobs in this country because of the North American Free Trade Agreement is very pronounced. It has certainly hurt the northeastern Midwestern area, the rust belt area, and it is something that continues.

I would grant that the white collar industries have benefited from NAFTA, but by and large our manufacturing industry has, in fact, lost.

But, Mr. Speaker, let me kind of move into the topic that I want to focus on tonight, because from the broadest possible context it, too, deals with the jobs issue, and for those Members who may be in their offices listening to the discussion of NAFTA, perhaps there is another segment of the job loss that was not even discussed over the past hour. That relates to the 1 million union men and women who lost their jobs over the past 5 years, Mr. Speaker, as this President cut defense spending to a level that we have not seen since before World War II.

Now, we do not hear any talk coming out of the AFL–CIO leadership on this issue, and we do not hear much talk coming out of the mainstream side of the opposition on this issue, because they have largely not been supportive of stabilizing our defense industrial base. But let us talk about that impact, Mr. Speaker, as I start off my 1-hour session this evening.

Over the past 5 years, under this administration, over 1 million American workers have lost their jobs, workers who worked for large defense companies, small machine shops, subcontractors, and because of the cuts that this Congress and this administration have imposed, largely through an administration totally unsupportive of adequate defense spending, 1 million union workers have become unemployed.

□ 2045

These are not the fat cat CEO's that we heard about being discussed during the previous hour. These are UAW workers, these are IUE workers, these are machinists workers, these are the building trades workers who do in fact the bulk of our construction work at our military sites around the country that are required under Davis-Bacon prevailing wage laws to be given a priority in terms of the jobs that are provided through our military construction budget.

We have not heard the AFL–CIO issue a peep about the loss of these 1 million jobs nationwide. Yet these workers too, Mr. Speaker, were paying their union dues, these workers too were out there concerned about their families and being able to feed their kids, but nothing came out of the AFL–CIO or this administration to protect those workers and the loss of their jobs.

I will grant, Mr. Speaker, that it is a different world today. I would argue that one could make the case that it is actually more destabilized today than it was when we in fact had Communist domination of the former Soviet Union. Then there are those, Mr. Speaker, who would say we are spending so much more on the military today that it is outlandish, that it is outrageous.

Let me take a moment, Mr. Speaker, and talk about defense spending, because I think we have to put things into perspective. For those of our constituents who are thinking that we are spending so much more money on the military today, let me do a very simple and basic comparison. There are two basic ways that a country can compare its level of defense spending or its level of Federal spending in any particular given area. The first is what percentage of our gross national product as a nation is being used to fund our military.

Let us take a period of time when we were at relative peace. The 1960's, when John Kennedy was President, we were at peace. It was after the Korean war and yet it was before the Vietnam war. We were not involved in a major international conflict. During those Kennedy years, Mr. Speaker, we were spending 9 percent of our gross national product on the defense budget. In fact, 52 cents of every Federal dollar coming into Washington went back to pay for the military, 52 cents of every Federal dollar. That was during John Kennedy's era.

What about today? In today's budget, Mr. Speaker, we are spending less than 3 percent of our gross national product on the military, and we are spending 16 cents of the Federal tax dollar coming into Washington on the military. Anyone who would compare numbers I think would admit that is a substantial decrease in the total amount of Federal revenues that we are spending on the military. As we have drawn down that military, we have in fact drawn down a significant number of jobs. But there are those who say, well, out of that 16 cents that we are spending of the Federal tax dollar on the military, it is providing so much money for these big corporations.

Let us look at that issue, also, Mr. Speaker, because back when John Kennedy was the President, we did not have an all-volunteer military. Kids were drafted out of high school, 17, 18, 19 years of age. They were drafted and they served for far less than the minimum wage. In fact, it was 10, 15 cents an hour. They were required to serve their country for a period of 2 years. Today, Mr. Speaker, we no longer pay people peanuts to serve in the military. We have an All-Volunteer Force. Our kids in the service today, Mr. Speaker, in fact our men and women, are very well educated, many of them have college degrees, they have technical training. In fact most of them have families. They have spouses, they have children.

So, therefore, Mr. Speaker, to support the new military we have today, a much larger percentage of that 16 cents goes to pay for education, health care costs, housing costs, benefits and all of those quality of life issues that are important for our new military. So even though we are only spending 16 cents of the Federal tax dollar on the military today as opposed to 52 cents when John Kennedy was President, a much larger portion of that 16 cents goes for the quality of life for the men and women who serve in the military.

So when we talk about the defense budget, Mr. Speaker, we need to put things into perspective. When someone says there have been massive increases in defense spending, go tell that to the unemployed UAW worker who lost his or her job 2 years ago. Go tell that to the machinist who lost his or her job 3 years ago, or go tell it to the union member from the IUE who was displaced because his company was consolidated with another major defense company, or tell it to one of the building trades members who had their basic industry sold down the river because we have cut back so far in terms of military construction projects. The cutbacks in defense spending have been real, they have been substantive and they have caused a significant amount of turmoil in the lives of American people, not just a few hundred, not just a few thousand, but over 1 million men and women out of work. That does not include the cutbacks in the Pentagon itself. What I am talking about are the union workers across this country who have negatively been impacted by the cutbacks in defense spending.

What can we do about this, Mr. Speaker? The President is driving all of this debate from the bully pulpit at the White House, and I want to end my comments later on this evening talking about how the President is using the bully pulpit to convey the wrong message to America and to our people. But let me talk about some options that we in the Congress are in fact pursuing. The President has some options in terms of defense spending, and I would support any one of these options.

First of all, he could raise the top line in terms of the amount of money that we spend on the military, and I would vote for that and I would support it. I do not want a massive increase, but I do want a stable funding level, because the reason we have a strong military is not just to respond in wars but to deter aggression. There has never been a nation that has been attacked or taken down because it was too strong, and so a stable funding base for the military is the key number one priority that we should work for.

I would support the President if he asked me to vote for additional money for the military, as this Congress provided in each of the last 2 years. But the President has not yet said he would do that. There is a second alternative, Mr. Speaker, for the President. He could decrease the amount of money coming out of the Defense Department's budget for environmental mitigation. Most people do not realize this, Mr. Speaker, but as we have cut defense spending to 16 cents of the Federal tax dollar collected in Washington, we are currently spending $12 billion of that money not for guns and missiles, not for the salaries of our troops and not for the CEOs of the defense companies; we are spending $12 billion of that DOD money for what is called environmental remediation. In fact, much of that money is going to lawyers who are suing each other over how clean we are going to leave a former military site.

What is especially troubling to me, Mr. Speaker, as someone who takes great pride in my pro-environmental voting record is that we have gone too far in this area. What was at one point in time a military base where the children of military personnel lived and played on the playgrounds and went to the schools on that base, as soon as that base has been closed through the base closing process, then we are told that that facility is unacceptable, that it is a danger, it is a toxic site. It was okay when the kids of those military personnel were there, but now all of a sudden it is being closed, we have to take extreme measures because that complex is no longer safe for human beings to be around.

We do have to clean up sites, Mr. Speaker. Everyone acknowledges that. But $12 billion out of the DOD budget this year is too much of a price to pay when we have other needs that are currently not being met.

So I have said to this President publicly that I will support him if he will work to help us reduce the amount of environmental spending coming out of the DOD bill. That would provide some support for these workers that we have heard about tonight who have been displaced from their jobs.

There is a third alternative, also, Mr. Speaker, that I would support, and that is the need for this President to do more than just commit our troops around the world in terms of peacekeeping operations or stabilization operations. There was a huge debate on the floor of this House about whether or not we should commit to the President's decision to put our troops into Bosnia. The debate was not about whether or not we support America's need as the world leader to go into Bosnia with our allies. That was not the concern of most of our colleagues. The debate, Mr. Speaker, was why should the United States put 36,000 troops in the theater of operation of Bosnia when the Germans right next door are only committing 4,000 troops or perhaps the Japanese, who cannot provide troops, are not putting enough in the way of dollars in to support that operation?

The problem in this Congress, Mr. Speaker, is that this administration has an internationalist foreign policy with an isolationist defense budget. There have been more deployments by this President in the last 5 years than in the previous 50 years, more deployments in the last 5 years than in the previous 50 years. Every time this President deploys our troops to Haiti, to Bosnia, to Somalia, to Macedonia, the taxpayers foot the bill. Where does that money come from? Since the President did not plan for any of those deployments, he goes into the defense budget and he robs the accounts to pay for the weapons systems that then cause these union workers to lose their jobs.

That is unfair, Mr. Speaker, and so the third alternative for this President is to say that he will work with us so that when he commits to deploy our troops that he is willing to go out and get the support of our allies to help pay for that deployment. That is what President Bush did in Desert Storm. In fact, in Desert Storm the total cost of that operation was around $52 billion. The amount of money that we collected from our allies to help pay for that was around $54 billion. It was entirely funded by those people who benefited from our presence. That is not the case in Bosnia, and that is not the case in Haiti.

In fact, we are going to be asked to vote in a few short days on a supplemental appropriations bill to provide more money for Bosnia. It is not again a question of paying our fair share, it is a question of why should the U.S. pay the brunt of this cost alone, especially when it has not been programmed in the defense budget and is simply robbing other programs that are important to the security of our kids as they serve around the world on the deployments made by this President.

In fact, Mr. Speaker, we need to send a signal that while America will be a vital partner in helping to stabilize these regional conflicts, America cannot and should not go it alone in terms of funding these operations. We should not be the only entity in the world that picks up the tab.

In fact, we found out in Haiti that we not only were paying for our troops, we were paying for the housing and food costs of other troops, in one case about 1,000 troops from Bangladesh. We found out in Bosnia that we were paying the housing and food costs of troops coming from other European and Scandinavian countries.

Mr. Speaker, that is not what is in the best interests of our country, and that is not helping us maintain our defense industrial base and also these jobs that my colleagues talked about over the past hour that have been lost not just because of a free trade agreement like NAFTA, which I opposed, but also because of the unprecedented cuts in defense spending.

There are some things this Congress is doing separate from this administration that I think we can be proud of, and I want to talk about those for a moment. We are looking at every possible opportunity to see where we can take the money that we are spending on the Defense Department and use that to help us solve other problems. In fact, Mr. Speaker, tomorrow we will have 2,000 of the Nation's emergency responders come to Washington. Many of them are already here this evening in their hotel rooms, perhaps watching our program this evening. They are coming to Washington because tomorrow evening we will have the Ninth Annual Congressional Fire and Emergency Services Caucus dinner.

This dinner, Mr. Speaker, brings leaders from every State, from every large city and small community of those people who day in and day out respond to our disasters, not just fires. These are the men and women who respond to the Murrah office building in Oklahoma City, to the World Trade Center that was bombed, to the recent floods in North Dakota and the Midwest floods that occurred, to the Long Island wildlands fires, the California forest fires, the hurricanes in Florida and the Carolinas and the earthquakes in California. These are the men and women who day in and day out respond to every disaster this country has. They represent 1.2 million men and women in 32,000 organized departments across this Nation, in every county and every city. They are here tomorrow so that we can celebrate who they are and what they do.

In fact, Mr. Speaker, you will be our keynote speaker tomorrow evening and you will follow the speakers we have had in the past. Last year we had Vice President AL GORE and we had Senate Majority Leader Bob Dole. The year before that we had President Clinton, and the year before that we had President Clinton. In previous years to President Clinton, we had President Bush, we had Vice President Quayle, we had Ron Howard and the entire cast of "Backdraft" the year that it was unveiled. It is our way of showing our thanks to these men and women who respond to our disasters day in and day out in this country.

Mr. Speaker, 85 percent of these people are volunteers. They are not paid for what they do. It is kind of interesting, we just had the volunteerism summit in Philadelphia and up until I raised a lot of stink with the administration the volunteers were not even invited to participate in that event. They are the only group of volunteers that I know of each year in America that lose 80 to 100 of their people, who lose their lives in the course of performing their volunteer activities, because that is how many fire and emergency services personnel are killed each year. On average between 100 and 120 and on average between 80 and 100 of them are volunteer fire and EMS personnel. They will all be here tomorrow as we talk about how we can assist them.

What does that have to do with the defense bill? Our military is our international defender. It is the group of people who protect us overseas. The fire and EMS people are our domestic defender. But there are many lessons that could be learned one to the other. So as a major part of our day tomorrow, Mr. Speaker, we are going to focus on that interaction, an interaction that began years ago that we continue today.

□ 2100

In fact, in the morning we will have a 1½ hour session where I have the leading research and development people from the Army, the Navy, the Air Force and the Marines and the Department of Defense and DARPA coming in, showcasing new technology that we are developing for terrorist incidents that can be made available for fire and EMS people in every city in the country. We are going to be showcasing resources. We are going to be showcasing training so that these men and women who are first responders in this country to every disaster will have the best possible tools and resources as they approach these situations on a day-to-day basis.

As 12:45, Mr. Speaker, here in the Capitol, actually outside the Rayburn Office Building, we will showcase the new Marine Corps capability to deal with chemical and biological incidents. We will simulate a gas attack on one of the office buildings, and our Marine Corps special response team that was initiated in Congress last year will be deployed from Camp LeJeune, and they will come up and they will showcase the way they would handle an incident of this type in any city in America.

Now that is a beginning of a process of bringing together our military with those domestic responders who have to meet these needs on a daily basis in our cities and our towns. So what are we doing with the military? As we face the threat of terrorism in our cities and our towns, we are beginning to bring together the local emergency response personnel with the professionals and the Defense Department so that they can learn from one another, so that they have access to the resources that will allow them to respond to these situations wherever and whenever they might occur.

In fact, we will also be announcing, Mr. Speaker, tomorrow a new series of legislative initiatives to assist the fire service. We will announce the fact that the Federal Communication Commission has decided to set aside the megahertz that are necessary to protect the communications capability of our emergency responders to the 21st century. We will be announcing a plan to allow the use of community development block grant monies, up to 25 percent to be used by local counties and cities to assist in fire and emergency planning and response. We will be announcing an effort to establish a national low-interest loan program not to give money away, but to provide low-cost financing assistance so that local fire and EMS personnel can have the money available to them at a discounted rate to buy the equipment and the materials that we are going to showcase that are being developed through our military today.

We are also going to announce efforts to establish an expedited process for excess Federal property so that local fire and EMS personnel across the country can get access to that surplus Defense Department material when it first becomes available. We are also going to be announcing the establishment of an effort to have in place a national urban search and rescue training center and a national chemical biological training center. And finally, Mr. Speaker, we will be announcing plans to complete a study as to what it would take to connect to the Internet all of our emergency response institutions in America, all 32,000 of them.

The point here is, Mr. Speaker, that, yes, we are cutting back on the Defense Department's budget, but we are looking at every possible opportunity to showcase defense technology to be used and applied in our inner cities, to be used and applied in our small communities so that where we have training and where we have preparation taking place that can benefit and help us and we have disasters, that is in fact taking place on a regular ongoing basis. That is saving the taxpayers money, and it is making the best possible usage of our Defense Department investment.

There is another area, Mr. Speaker, that we are also working on that is giving us a great return as we look to find ways to improve the investment in our Defense Department. In fact, last year in a series of hearings that I chaired as a chairman of the Research and Development Subcommittee, I found out that we had nine separate Federal agencies that were responsible for studying the oceans through oceanographic efforts, nine separate Federal agencies. I learned through our hearings, Mr. Speaker, one hearing in Washington, one up in Rhode Island and one out in California, that these agencies were not coordinating their effort, that each of them was doing oceanographic work, but none of them were sharing information and technology in a real-time way.

I also learned, Mr. Speaker, that the largest funding for oceanographic work is done by the Navy. The Navy does this because it is important for our Navy to understand the mapping of the ocean floor. It is important for our Navy to understand sonar for transmitting data and information through the oceans. It is important for our Navy to understand literal waters. And so in convening these hearings we found out the Navy, in fact, through the Office of the Oceanographer, is leading the country in terms of research in the oceans. Yet we found out that we are missing a golden opportunity, because while the Navy was leading that effort dollarwise, much of that data that is not sensitive was not being transmitted to NOAA or to NASA or to the Fish and Wildlife Service or to other Federal agencies that have similar responsibilities in understanding the ocean ecosystem and understanding why fishing stocks are declining around the world and understanding why coral reefs are being hampered and hurt or understand why we are having extensive pollution of the waters of the world.

So with that in mind, last year Congressman PATRICK KENNEDY and I introduced the Oceans Partnership Act that for the first time would bring together all nine Federal agencies working with the Department of Defense and the Navy. Senator LOTT worked the bill on the Senate side, and the bottom line is, Mr. Speaker, that bill is now law. The President signed that into law when he signed into law the Defense Authorization Act, and this year we now have a new oceans partnership arrangement. All nine Federal agencies are together under a steering committee chaired by the Secretary of the Navy so that now in this country, through our Federal Government, not only is the military doing what it needs to do to understand the oceans, but wherever and whenever possible they are sharing that technology and data with the environmental movement and with our environmental agencies so that we maximize the return on the taxpayers' dollars.

The bottom line is we get more benefit for that. The taxpayers get more out of their dollar. It is not just for the military, for the hard cold facts of what it needs to understand to go to war or to prepare for war, but it also provides us with the resources to better understand and deal with the environment.

With that in mind, Mr. Speaker, in this city on May 19 and 20 and 21 I am pleased to announce that we will be hosting the world's largest ever conference on the oceans entitled "Oceans and Security." This 3-day conference is being co-hosted by ACOPS, the Advisory Council on Protecting the Seas of which I am the U.S. vice president, COERI which is the Council of Oceanographic and Educational Research Institutions, which represents every major oceanographic and marine science institution in America from Scripts to Woods Hole, and GLOBE which is an organization entitled Global Legislators for a Balanced Environment where legislators from the Japanese Diet, the Russian Duma, the U.S. Congress and the European Parliament come together at least twice a year on common environmental agendas. These three groups are all coming to Washington, and on those 3 days in the House Office Building, the Longworth Building, and in the Senate Office Building and on this Hill, we will have 300 delegates representing 45 nations who are coming here to focus for 3 days on how we can cooperate on oceans and security.

Now when we talk about security, we are not just talking about military security. We are talking about food security, we are talking about environmental security, we are talking about research and defense and economic security.

So for those 3 days we will have high-level delegations from China, from Russia, from the South American countries, Central American countries, European countries, the Middle East, Canada and Mexico, all coming together to focus on how we can cooperate, how our militaries can cooperate and how we, as nations, can cooperate to protect the oceans. In the end it will be a better investment of the American taxpayers' dollars to further assist us in understanding what we can do collectively with the world community to protect the oceans of the world and provide the security in the four areas that I have mentioned tonight.

In fact, Mr. Speaker, Vice President GORE will give the speech on Tuesday evening of the conference right here in Statuary Hall, and on Monday evening at what promises to be one of the most historical events in this city, Woods Hole Laboratory is bringing the newest oceanographic research ship, paid for by U.S. tax dollars through the Navy, to Washington where it will be unveiled in Alexandria. The ship will be tied up here for 3 days, we will be erecting tents, and on those 3 days, especially on Monday evening, we will unveil the Atlantis. We will take Members of Congress and the foreign delegates on board the ship, we will have on board the deep-diving submersible Alvin, we will showcase the technologies that we are working on to better understand and protect the world's oceans.

The bottom line of these 3 days, Mr. Speaker, is that you and Senator LOTT who will both be keynote speakers of the conference, Vice President GORE representing both parties, about 40 Members of Congress representing both parties, and representatives of 45 nations will come together to talk about how we can cooperate on understanding the oceans of the world, and, Mr. Speaker, the facilitator is the Department of Defense; again, Mr. Speaker, the primary purpose being to provide our security, but showing that we in fact can benefit in a number of areas from that investment that we are making in terms of the military.

Now in each of these cases, Mr. Speaker, in the antiterrorism cooperation that we will showcase tomorrow on the Hill and later in May in the environmental context that we will showcase at the oceans conference, this Congress is taking the lead in showing that, yes, we want to find ways to better spend our DOD money. But, Mr. Speaker, we cannot continue to have a course that takes us in a direction of cutting back so dramatically the defense resources for this Nation as we have seen over the past 5 years.

Mr. Speaker, let me shift for a moment and talk about that spending. I mentioned terrorism is one of our top priorities, and it is. Members on both sides of the aisle feel very strongly that we have to do more to protect our cities and our towns from the threat of a terrorist attack, and we are going to show some of that technology and that cooperation tomorrow. But, Mr. Speaker, one of the second biggest threats that many of us feel that we face is from the proliferation of weapons of mass destruction and especially the proliferation of missiles.

Mr. Speaker, if there has been one area where this Congress has disagreed more fundamentally with the President then any other area, it has been the area of missile defense. Over the past 2 years, Mr. Speaker, I have seen unprecedented votes in this body in disagreement with this President on missile defense spending. In fact, 2 years ago we plused up in our defense bill $1 billion over what the President requested in our missile defense accounts. We did the same thing last year. In the 11 years that I have been here, Mr. Speaker, I have never seen a defense bill, and I do not think we have ever had one in recent history where 301 Members of Congress voted in the affirmative, not just Republicans, but most of our Democrat colleagues, to support a defense bill that made a statement to this administration, and that statement was a very simple one. It was:

Mr. President, you are not focusing enough on the threat that is there and emerging in terms of missile proliferation, and you need to understand that.

Now, Mr. Speaker, that is an important point that I want to focus on because this President has been driving the debate nationwide that says that we do not need to focus on defense, the world is so much more safer today, There is no longer a threat to the security of the American people. While I do not want to go to the other extreme, Mr. Speaker, and create some kind of a Cold War mentality, because I think that is equally wrong, the President is doing this country a terrible disservice. One hundred forty-five times the President has made speeches where he has included the following phrase. In fact, three of those speeches were right up at the podium right in front of where you stand, Mr. Speaker. In three State of the Union speeches, our President has made this statement. Looking at the American people through national television, he said:

You can sleep well tonight because for the first time in the last 50 years there are no Russian missiles pointed at your children.

Mr. Speaker, as the Commander in Chief, the President knows he cannot prove that. We have had testimony in our House committees. In fact, the chief of Russian targeting for Russia has testified on national TV that they will not allow us to have access to their targeting processes, just as we will not allow the Russians to have access to ours. But on 145 occasions, three times from the well of this Chamber, the Commander in Chief of this country has said you can sleep well, there are no missiles pointed at our children. Yet, Mr. Speaker, he cannot verify that. He cannot prove it. And, Mr. Speaker, furthermore, if he could prove it, which he cannot, and which his generals including General Shalikashvili have said on the record he cannot prove; if he could prove it, all of our experts on the record have said that you can retarget a long-range ICBM in less than 10 seconds.

□ 2115

But do you see, Mr. Speaker, the point is not so much that particular issue, but when the President makes that speech 145 times, 3 times in front of a national audience, on college campuses, in front of national groups, he uses the bully pulpit to create the perception that there is no longer a threat to the American people or allies. And that is so deadly wrong, Mr. Speaker, because it drives the American people into believing that we have a false sense of security. And once again, I do not want to re-create the cold war, but I want the President to be honest in his assessment of what the threat is worldwide. And that is not an honest assessment, Mr. Speaker, at least not according to the key generals who run the Pentagon.

When the President makes that speech, he drives all of our constituents into believing that we are doing a disservice when we want to stabilize defense spending, that we are doing the American taxpayers a disservice when we want to protect programs that provide those jobs my colleagues talked about that were lost over the past 5 years. We do not want to dramatically increase defense spending; we want to stabilize it.

Mr. Speaker, there is currently a major struggle going on between this Congress and both Members of the Democrat and Republican Parties and this President over how fast and how quickly we should deploy missile defense systems. Now this administration has come out publicly, Mr. Speaker, and they said they are for theater missile defenses.

In fact, Mr. Speaker, their new projections are that we will not have a new system in place until at the earliest 2004. Let me recount the importance of this for my colleagues, Mr. Speaker. In 1991, we had the largest loss of life that this country has experienced in recent years in one military incident, when our young, brave soldiers were killed in that desert in Saudi Arabia by that low-quality Scud missile. They were killed because we had no system that could warn them or take out that one Scud missile.

When those 28 kids were killed, many of them from my home State of Pennsylvania, Congress was in a state of shock. Congress said, why do we not have a system in place? So the Congress, in a bipartisan move, passed the Missile Defense Act of 1991. Now that act was, rather simply, Mr. Speaker, it said two things: First of all, that the Defense Department shall deploy a highly effective theater missile defense system as soon as possible to protect our troops.

The second part of that act said that by the year 1996, America should deploy a national missile defense system. Well, Mr. Speaker, 1996 came and went. We are now in 1997. We are still fighting that battle even though it was the law of the land.

Let me tell you what the most recent projections are. The administration is now telling us that they will be lucky to field our first highly effective theater missile defense system in the year 2004. What that means, Mr. Speaker, is, if the administration is right, and they are now hedging on that date, that it will have taken us 13 years from the date those kids were killed in Saudi Arabia until we have a system deployed that can prevent a future killing of our kids from a low-quality Scud missile.

Now the missile defense organization, the Pentagon tells us they probably cannot even make 2004, that is probably too optimistic. Now is the threat greater today than it was in 1991? Unfortunately, Mr. Speaker, it is our intelligence community that told us a few years ago not to worry, there were no emerging threats coming forward that we have to worry about, we will handle the Scud missiles that are used, we will take them out, even though we did not take out all the Iraqi launchers both during and after the invasion of Kuwait and our response to that invasion.

But let me tell you, Mr. Speaker, about some very troubling events that have occurred over the past several weeks. First of all, the media has been reporting that Iran has now deployed a version of a Russian rocket called a Katyusha rocket that has a range of around 800 to 900 kilometers, which means it could hit Israel and many of our key allies in that part of the world. That was a development that many of us were not expecting, according to what our intelligence committee told us.

Even more troubling, Mr. Speaker, are the press accounts that are coming out from Japanese sources and some United States sources that tell us that the newest missile coming out of North Korea, the No Dong missile, that we were told would not be deployed probably until the turn of the century, is now in fact either deployed or ready to be deployed by North Korea after just one test.

What does that mean, Mr. Speaker? That means every one of our 70-some-thousand kids, when I say kids I mean our troops, that are currently stationed in South Korea and Japan and in Okinawa are within the range of that missile that we know can go as far as 1,300 kilometers.

That means, Mr. Speaker, that we now have a risk either today or very shortly that we cannot defend against because we have not taken the aggressive steps that this Congress mandated to deploy a theater missile defense system quickly, and we are going to have to wait until, at the earliest, 2004 to have that highly effective system in place.

Mr. Speaker, that is the heart of the debate over defense spending in this Congress between this Congress and this administration. Now we are also concerned, Mr. Speaker, because the administration does not want to work with us on a national missile defense system. They told us last year they were pursuing a three-plus-three system, 3 years of development and 3 years to deploy a system that would protect America's mainland.

The American people and my constituents back home cannot believe and cannot imagine that America, with all of its might, has no system today that can defend our country against an accidental launch of a long-range ICBM coming from Russia or China or any other rogue nation. You said that is not true currently, we have to have that capability. And I say no.

As the chairman of the Subcommittee on Military Research and Development, I will tell you point-blank, we have no system or capability today to take out any incoming missile. Now the administration would say we do not need it, we have treaties. The ABM Treaty, Mr. Speaker, only applies to the United States and to Russia. Even though the administration is trying to expand it to include other former Russian states, it does not apply to them. So it does not apply to North Korea, to China, it does not apply to the rogue nations that are trying to get missiles that said they would use them if they had them against us; it only applies to us and Russia.

So, therefore, Mr. Speaker, we cannot rely on the ABM Treaty. We need a physical capability to defend our country. Do we need a massive system that the media has trivialized in the past that would protect our entire country. We are not talking about that. We are talking about a very limited system that could protect us perhaps against five incoming missiles, that is all.

Two years ago we pulled provisions in the defense bill to require that kind of system to be deployed by the year 2003, and the administration would not buy that. And today we are now looking at a situation we probably will not have a national missile defense capability until perhaps 2005. That is totally unacceptable, Mr. Speaker.

Why do I say it is unacceptable? Am I fearful that the Russians are going to attack us? No, I am not. I worked with Russia perhaps as much as any Member of this body, and you know that, Mr. Speaker. In fact, I will be taking a delegation of our colleagues, bipartisan delegation to Moscow in May of this year for the second time I have been there this year. It will be my 9th or 10th trip. I share the new initiative with the Russian duma. My counterpart is the deputy speaker Mr. Shokhin. I want Russia to succeed.

I am not concerned about Russia attacking us. But Mr. Speaker, as we all know, Russia is an unstable country today. Many of their military has not been paid for months. In fact, they are trying to sell off their hardware and technology. The evidence of the further reliance on their strategic weapons is such that, because their conventional military is suffering and because the Russians are fearful, they rely much more on their offensive strategic weapons than ever before in their history.

Now what does that mean? That means a higher potential for risk of an accidental launch. Is there evidence of that? Just 2 years ago, Mr. Speaker, in January, the Russians have been notified by the Norwegians that Norway was going to launch a weather rocket to do some weather monitoring. The Russians were told in advance this was going to take place. The Russians, however, are so paranoid because of their conventional force breakdown; and, so, relying on their strategic force that when this weather rocket went off from Norway, the Russian defensive alert system put the entire country on an alert that would have caused within 60 seconds an offensive response.

They admitted on the record in Moscow media and media all over the world, Boris Yeltsin admitted that it was one of the first times in recent years that the black box carried around by the President of Russia himself was activated in response to a weather rocket that they had notified the Russians they were going to launch in advance.

That meant Russia was within 60 seconds of activating that response that all of us fear would have happened one day. Would it have been deliberate? No. But those are the kinds of concerns that we have in this country.

Now there is also an attempt to sell a mobile version of Russia's most sophisticated rocket, called the SS–25, that can be hauled in the back of a trailer. They have over 400 of these launchers in Russia. How long is it going to take before one of those launchers gets in the hands of a Third World nation and then we have a threat that is not covered by the ABM Treaty that we have to be prepared to respond to?

Those are the issues that we face, Mr. Speaker, and those are the issues that dominate our defense debate this year. Over the next several weeks, we will be moving into markup of the 1998 defense authorization bill. We are being very up front with the administration, Mr. Speaker; we do not want business as usual.

Over the past 6 years, this administration has decimated the defense of our country, it has caused the loss of over a million jobs. We, in the Congress, have tried to make up for that. Each of the past 2 years, Democrats and Republicans alike joined together and plussed up $10 billion 1 year and $5 billion in the other year to put money back into programs that our service chiefs said they could not live without. That is going to be the same battle this year, Mr. Speaker.

It is not about parochial issues of weapon systems in Members' directs because 98 percent of the funds that we put in the defense addition last year and years before were items requested by other chiefs. In fact, General Shalikashvili briefed Secretary Perry last year, said to the Secretary, we need $60 billion just to buy replacement equipment for the military. We never saw that briefing in Congress.

When Secretary Perry came in and briefed us in the House and the Senate, when he had Shalikashvili sitting next to him, unable to tell what he was really thinking or said, Secretary Perry said, we could live with $40 or $45 billion.

What does that mean? That means 1 billion people have been cast out of their positions in this country all over America. But more important, it meant, Mr. Speaker, that we are jeopardizing the lives of our young soldiers.

What do I mean by that, Mr. Speaker? I can tell you, as we slip programs out, as this administration does day after day after day, we drive up the cost of those programs and we make it so that they will not be into full production for 5, 10, or 15 years down the road. That is the battle we are facing this year.

The administration wants to keep all these major programs alive. They want to build three new tactical aviation programs. They want to build the F–22, the joint strike fighter, the F18F. They want to build a new attack submarine. They want to build another aircraft carrier. They want to build the arsenal ship. They want to build the Comanche, the V–22. They want to build the battlefield master program of the 21st century. And they want to do all of this with a budget that is impossible to meet the needs of the military today.

What we are saying this year, Mr. Speaker, is you cannot do that. This

President and this administration has got to say no to some programs. If they are not going to raise top-line defense numbers, if they are not going to cut into the vertical costs, if they are not going to help us get our allies to pay for the cost of our operations when we deploy our troops around the world, then they have got to cut some systems; they cannot keep treading water because we are holding companies' and workers' lives outside there thinking that some day down the road some new administration is going to rapidly increase defense spending.

That is where the debate is coming down this year. We are doing our part, Mr. Speaker. We are trying to show ways where we can use defense activities to help us in other areas. I said two of them tonight, in the environmental area and in the area of terrorism. But that is still not enough, Mr. Speaker.

We are in an impossible situation; and I would ask our colleagues, as we approach a debate on the defense bill, to understand that we are at a historical crossroads. If we are not going to find other ways to free up some money out of that 16 cents that we spent in this year's Federal tax dollar, then we have got to cut some programs and cause more people to lose their jobs or we have got to transfer more people out of the military because this administration will not address any one of the three areas that I talked about that would help us deal with this budget problem that we are facing this year. Cut the deployment rate or get our allies to pick up more of the cost of it. Cut the environmental costs or raise the top-line number.

□ 2130

If you do not do any of those three things, then you have no choice but to cut the troop strength, the end strength, which I know they do not want to do, or cut some big ticket programs. When you cut big ticket programs, I hope all of those AFL-CIO members out there who listened to the hour before me talk about NAFTA's impact will remember the 1 million brothers and sisters of theirs who were laid off over the past 5 years in defense plant after defense plant around this country. These were not people making 15 cents, these were people who were middle income Americans. These were UAW workers, machinist workers, IUE workers, building trades workers, all of them today who are out of a job.

The hypocrisy of this administration, Mr. Speaker, scares me. But I want to say to this administration, because Members of both parties in this Congress have been trying to tell the story of what the threat is and what we must do to meet the need that is provided to us as a threat, how we must provide the dollar commitment to our troops to fund these priorities that are identified as being critical to our military and also look for opportunities to share technology.

Now I talked about what the impact is when we cut these programs. Well, let me give one example. The workhorse of the Marine Corps is the CH–46 helicopter. It has been the workhorse of the Marine Corps since the Vietnam War. We should have replaced the CH–46 10 years ago. We have now slipped the replacement program to a point where it is going to cost us $5 billion extra dollars. We are going to be flying CH–46 helicopters when they are 55 years old. Now, what does that mean to a Marine?

Well, Mr. Speaker, if the constituents that we serve have young sons who are flying Marine helicopters, they need to understand that those young kids flying those 46s during a combat situation have to carry 18 troops. Oh, by the way, they cannot train carrying 18 troops, they only can carry 6 to 8 because of the age of the aircraft.

Those young pilots, when they fly this CH–46 in a combat situation, have to be able to do evasive maneuvering. But Mr. Speaker, those young pilots cannot train doing evasive maneuvering because of the age of the aircraft.

Mr. Speaker, those young pilots have to be able to fly at night in combat situations. But Mr. Speaker, because of the age of the aircraft, they have to put masking tape over the instrumentation panel so they can fly during evening hours.

What does that mean? That means we have more accidents with CH–46s. That means we have more kids killed and more kids injured. So by slipping these programs out, Mr. Speaker, we are not talking about CEOs of companies, we are not even talking about jobs. We are talking about threatening the lives of those people who are there to protect our country and our allies. That is the worst possible decision that we could make, to delay a program that directly affects the life of a young person serving our military.

Mr. Speaker, I would urge my colleagues to pay attention to the debate this year on the defense bill. I would encourage my colleagues tomorrow to come out and show their enthusiastic support for the 1.2 million men and women who serve this is country as our domestic defenders, to look at some of the ways that we are involving the military in helping us deal with terrorism incidents. I would encourage our colleagues to come out on May 19, 20 and 21, the largest oceans conference ever, against showcasing our militaries taking a lead in helping to understand environmental problems.

I would also encourage our colleagues, Mr. Speaker, to get real. The defense spending in this country is at a critical crossroads. We must provide the support against this administration making further cuts in our defense budget. We must provide the bipartisan support we have had over the past 2 years to stand up and say no. Not because it is right for jobs, even though it is, and not because it is right for companies, even though it is, but because it is right for the kids who serve this Nation and who put their lives on the line every day.

A SPECIAL TRIBUTE TO KAHUKU HIGH SCHOOL'S 100TH ANNIVERSARY CELEBRATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Somoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, it is a real pleasure and a distinct personal honor for me to prepare this special order of the House to inform my colleagues of a very special occasion that will take place this week on the campus of one of Hawaii's smallest public high schools. Small in number maybe, Mr. Speaker, but dynamic in terms of the quality of its academics, its ethnic social mix, and a high school marching band that has won top awards throughout the State of Hawaii for years. The band even marched at the Rose Bowl and was rated among the top high school bands in the Nation; and yes, its athletic program is also among the best in the State of Hawaii.

Mr. Speaker, the high school I am referring to is none other than the pride of the North Shore on the Island of Oahu, Kahuku High School. As they say among the locals in Hawaii, "Imua Kohuku High School on your 100th birthday."

Mr. Speaker, the Hawaiian word "Kahuku" has a special meaning among the ancient Hawaiians. The first four letters, "Kahu", means guardian, or royal keepers or protectors. The last two letters "ku" are in reference to an ancient Hawaiian god named Ku.

According to ancient Hawaiian tradition, the god Ku was a member of the godhead of three gods, and their names were Kane, Ku, and Lono. Those three gods were all powerful. They created the heavens and the earth and, yes, from red earth they made man in their express image, and they even breathed into his nostrils and man became a living soul.

Mr. Speaker, if one wants to give specific meaning to the word, Kahuku, after which the location and high school are named, it means one is a guardian of the god Ku. Rightly so, Mr. Speaker, because not far from Kahuku is another place called Laie, which according to Hawaiian tradition was an ancient city of refuge, a special place of sanctuary where offenders may escape to seek refuge and be reinstated by the priests who preside over the sanctuary.

Mr. Speaker, I wanted to share this portion of Kahuku's history because I suspect many people are not aware of its meaning and its significance as far as ancient legends are concerned.

As far as the record is known, the first classes ever held at what was unofficially known as Kahuku school began in 1893. The classes were held under shaded trees or in someone's yard. The school was first organized by a Hawaiian lady named Mrs. Hookana.

Four years later in 1897, and this time with an appropriation of only $984 provided by the republic, or then the sovereign nation of Hawaii, a one-room schoolhouse was built. An enrollment of 36 students was noted and a Mr. Brightwell served as the first principal.

By the 1920s the school had grown and was educating children from the Campbell and Laie plantations, plus a pineapple camp known as the Hawaiian Pineapple Company. During this period the school moved to its present location.

In 1939, the high school was added and the school was renamed Kahuku High and Elementary School. The next year, the first senior class graduated 16 students and they took home the school's first yearbook, the Ke Koolau.

In the 1940's the Laie area was still almost exclusively plantation, and the area from which it drew its students had grown considerably. The list of plantations and other activities reads like who's who in the North Shore during the 1940's. Attending Kahuku during this period were the children from the Marconi Wireless Station, the Paumalu Pineapple Camp, Waialee-a Hawaiian settlement, and several camps of the Kahuku Sugar Mill.

The Kahuku athletes became known as the Red Raiders because they wore red uniforms donated by Iolani High School in 1950. Prior to this time the unofficial nickname was the Ramberiers. Through the 1940's Kahuku had developed sufficiently and there was competing in sports events against other high schools on the North Shore and the Windward sections of the Island of Oahu, and it won its first football championship in 1947. This was the first in a long line of championships that began the development of many championship players as well.

In 1988, Kahuku High and Elementary School became the Kahuku High and Intermediate School, and the elementary level was separated.

Today, Kahuku High School has only about 1,100 high school students from grades 9 through 12. Supporting the students are its 136 faculty members, four administrators and the supportive staff of 42. The school has developed into an athletic powerhouse and students from other parts of the island travel to Kahuku just to participate in their academic, social and sports programs. This is considered a considerable achievement, given the diversity of the school's population.

From the well-to-do residents of the famous Sunset Beach and the neighboring golf course communities to the low-income housing development on the North Shore and everything in-between, there is ethnic and economic diversity at Kahuku. Unlike some areas, this diversity has been the strength of Kahuku. As one of the last undeveloped areas of the island of Oahu, the North Shore has experienced significant growth in recent years, and this has challenged State planners and the State board of education. For the most part, the area is not as sufficient or as affluent as the southern portion of the island, and for that reason the adults and the children are supposedly less sophisticated than the more populated areas of the State. This diversity, however, Mr. Speaker, has given Kahuku its own charm and uniqueness.

Mr. Speaker, music is one of the many areas in which Kahuku has excelled. Mr. Michael Payton started the band as a musical instructor in 1968 with only 10 members. With his retirement in 1995, the band has grown to 100-plus members and won many State and national awards.

In 1980, the Kahuku High School marching band was rated among one of the top 10 marching bands in the Nation by the National Band Association. In 1983 the marching band won a Class A championship in the Florida Citrus Bowl and were the Class A champions and overall sweepstakes winner in the Parade and Field Show Competition.

In 1991, Kahuku's marching band won international fame as they won first place in the international division of the Midosuji Parade in Osaka, Japan.

Both in 1981 and 1984 the band was one of four featured bands in the Pasadena Tournament of Roses Band Festival and marched in the world famous Tournament of Roses parade.

Among the dignitaries the band has performed for were the late Emperor Hirohito in Japan, former President George Bush, and Governors John BURNS, George Ariyoshi and John Waihee of the State of Hawaii.

The list of accomplishments of Kahuku students is too long to repeat here, Mr. Speaker, but I am appending a partial list at the end of this statement. I do want to note, however, that the list includes 13 scholastic State championships and nine athletic State championships. There are also 76 other athletic championship titles, a record difficult to match by any small school of this size. In the last 10 years there have been 2 State winners, 11 runners-up, and 41 finalists in the Sterling Scholar Awards.

Recent awards received by the administration and faculty of Kahuku include the Milken and Crystal Apple Awards for Contributions to Education awarded to the principal, Mrs. Lea Albert, and social studies teacher, Mrs. Linda Smith. Music teacher Beth Kammerer has been chosen as the 1997 State Teacher of the Year by the Department of Education and the Polynesian Cultural Center.

Mr. Speaker, one graduate of Kahuku high school who recently made the national news is Chris Naeole. Chris is a 6 foot, 4 inch, 310-pound offensive guard from Kahuku High School where he played football. Chris went on to the University of Colorado where he played for four years. Last week Chris was the tenth player chosen in the first round of this year's NFL draft. Selected by the New Orleans Saints, Chris is one in a line of many professional football players who have graduated from Kahuku High School.

Another professional football player of note is Junior Ah You, who made all-State in football, basketball and track while at Kahuku high school. Junior played professional football for the Montreal Alouettes for over 10 years and made all-pro status for several years as defensive end. Earlier this year Junior was admitted to the Canadian Football League's Hall of Fame.

The football legacy of Kahuku High School is legendary, Mr. Speaker,. Generation after generation of many families have played football in this school and the family names are enshrined in local record books. Among these notable family names are: Thompson, Reed, Ka'anana, Santiago, Fonoimoana, Compoc, Kaaihue, Akiyama, Tollefson, Leota, Maiava, Ah You, Nawahine, Broad, Enos, Barros, Kaahawaii, Caneda, Suzuki, Furuto, Oyawa, Anae, Lolotai, Tatum, Kim, Harrington, Finari, Funaki, Tupou, Taylor, Finai, Atuaia, Tufaga, Niumatalolo and others.

Mr. Speaker, while the list goes on, I would like to recognize a few more of Kahuku high school's graduates that have done well and have contributed substantially to the communities in Hawaii as well as to our Nation.

We have Mr. Leo Tanoai Reed, a former Kahuku High School graduate and a graduate of Colorado State University, who served formerly with the elite force of the Honolulu police department. Mr. Reed is currently serving as the national director for the Teamsters Union relative to transportation issues affecting the entire motion picture industry in the United States.

□ 2145

There are approximately 72 unions that are involved with the motion picture industry, and Leo Reed plays a very important and key role relating to contract disputes and in important negotiations on behalf of some 4,000 union members whose jobs depend on the movie industry.

Mr. Speaker, Kahuku also proudly claims the important contributions made by Dr. Lokelani Lindsey who not only serves as an educator but as an administrator and trustee of perhaps the most prestigious trust foundation in the State of Hawaii; namely, the board of trustees of the Bernice Panwahi Bishop Foundation. This foundation provides funding and administration of Kamehameha Schools which serve specifically the educational needs of students of native Hawaiian ancestry. Dr. Lindsey's educational background and profession as an educator will go a long way to assist her native Hawaiian people while serving as a trustee of the Bishop Trust Estate.

Mr. Speaker, another Kahuku High School graduate who has made his mark in the area of the culinary arts is none other than Mr. Sam Choy, Jr. Known throughout the State of Hawaii as one of the top chefs in the hotel industry but who now has a very successful restaurant business in the State of Hawaii.

Mr. Speaker, a couple of Kahuku graduates have also served with distinction in State administrations. There was Mr. Sus Ono, who for many years served as the right-hand man for former Governor George Ariyoshi. Mr. Ono also later served as a leading member of Governor Ariyoshi's cabinet.

Currently under the administration of Governor Ben Cayetano, another Kahuku graduate, Mr. Earl Anyai is the State's chief financial officer and treasurer.

Mr. Kamaki Kanahele, another Kahuku graduate, a former member of the board of trustees of the Office of Hawaiian Affairs, currently is the statewide chairman of the State Council of Hawaiian Homestead Associations, a consortium of Hawaiian groups put to serve the needs of some 30,000 native Hawaiians in the State of Hawaii.

Mr. Speaker, Kahuku has also had its fair share of graduates who are in their given professions in the fields of law, medicine, engineering, education, and many other fields of endeavor.

Kahuku has also sent its share of her sons and daughters in the fields of battle to defend America against its enemies. Many were wounded and some never returned. And as a Vietnam veteran, Mr. Speaker, I pay a special tribute to the thousands of Kahuku graduates who served honorably in the armed services of our Nation.

Mr. Speaker, as you may have guessed, I, too, am a graduate of Kahuku High School. The education I received while at Kahuku, even though it was many years ago, gave me the foundation to go to college and law school. Having seen this school rise from plantation school to a State powerhouse has given me great pride, and it is with pleasure and an honor that I stand here today on the floor of the U.S. House of Representatives and say, I salute you, Kahuku High School. You have provided sound educational guidance for the last century. You have fought many battles, but I know your past will serve you well as we move forward.

You have provided inspiration to thousands of us as generation after generation returns to you asking for help in meeting the educational, economic and social needs of Hawaii and our Nation.

Mr. Speaker, I end my remarks with the words to a very simple song that is always in the minds and hearts of all Kahuku graduates. The words to the song go like this:

In old Kahuku stands our alma mater
Where the salt winds blow day after day
Where her doors flung wide for our sons and daughters true.
While the flag of freedom proudly waves above
Hail Kahuku, hail our alma mater
Hail to our colors red and white.
We will cherish, love and honor thee. All hail Kahuku, hail.

Mr. Speaker, I include the following for the Record:

KAHUKU HIGH SCHOOL ATHLETIC CHAMPIONSHIPS

Football OIA champions: 1947, 1958, 1959, 1969, 1972, 1989, 1993, 1994, & 1995.

Football East/West Conference Champions: 1971, 1972, 1982, 1984, 1986, 1989, 1990, and 1992.

Boys OIA Volleyball Champions: 1995.

Boys Volleyball East Champions: 1992.

Girls Volleyball OIA Champions: 1992 & 1993.

Girls Volleyball East Champions: 1982, 1984, 1985, 1992 & 1993.

Girls Basketball State Champions: 1983.

Girls Basketball OIA Champions: 1980, 1983, 1984, & 1985.

Girls Basketball East Champions: 1980, 1983, 1984, 1985 & 1991.

Boys Basketball East Champions: 1987.

Wrestling State Champions: 1969, 1983, & 1985.

Wrestling State Runner-ups: 1981, 1982, 1988, 1990–1992.

Wrestling OIA Champions: 1983, 1985, 1987, 1988, 1990, 1991, & 1992.

Wrestling OIA Dual Meet OIA Champions: 1993.

Wrestling East Champions: 1979, 1980, 1984, 1985, 1987–1992.

Golf State Champions: 1969, 1972, 1973, 1976.

Golf OIA Champions: 1971, 1978, 1993, & 1994.

Golf East Champions: 1974, 1978, 1988, 1993, & 1994.

Girls Tennis OIA Champions: 1994.

Judo East Champions: 1989, 1990, & 1991.

Boys Swimming Varsity East Champion: 1995, 1997.

Water Polo Public School State Champions: undefeated.

KAHUKU HIGH SCHOOL SCHOLASTIC CHAMPIONSHIPS

Citizen Bee State Champion: 1993.

American Legion State Champion: 1991 & 1993.

We the People State Champions: 1993 & 1994.

History Day State Winners: 1994.

State JV Debate Champions: 1993 & 1994.

SLEP (ESLL) State Speech Champions: 1991–1994.

Spelling Bee State Champions: 1991.

KAHUKU HIGH SCHOOL BAND ACCOMPLISHMENTS

The Kahuku High School Learning Center "Red Raider" Marching Band and Color Guard was under the direction of Mr. Michael J. Payton. Mr. Payton was a graduate of the University of Hawaii, Manoa. Mr. Payton retired June 1995, having taught at Kahuku High and Intermediate School for the past 27 years. He was the Coordinator and Director of the Kahuku High School's Performing Arts Learning Center Program, focusing on marching band and color guard, and he was the Director of the Annual All-State Marching Band Camp.

Mr. Payton had been the backbone of the marching band program at Kahuku. He established and built a band from an existing band of ten (10) members in 1968 to a superior award winning band of a hundred plus (100+) members.

The Kahuku High School Marching Band, under Mr. Payton's direction for 27 years, has always won superior ratings at local and national competitions. In 1980, the Kahuku High School Marching Band was rated as one of the top ten (10) marching bands in the nation by the National Band Association. In 1983, the Kahuku High School Marching Band won the Class A Championship at the Florida Citrus Bowl Band Competition. In 1986, the Kahuku Band attended the Sea World Holiday Bowl Band Competition and was the Class A Champions and Overall Sweepstakes Winner in the Parade and Field Show Competition.

In 1991, the Kahuku High School Marching Band won International Fame as they won 1st Place: International Division at the Midosuji Parade in Osaka, Japan.

Both in January, 1981, and in January, 1993, the band was one of the four featured bands at the Pasadena Tournament of Roses Band Fest and marched in the world famous Tournament of Roses Parade.

The Kahuku High School Marching Band has played for many important dignitaries. Among these important people are: Emperor Hirohito, President Bush, Governor Burns, Governor Ariyoshi, and Governor Waihee of Hawaii.

BAND

1976:

Aloha Week Parade Hon, HI—1st Division-Highest Scores.

King Kam Parade Hon, HI—1st Division-Highest Scores.

S. Pacific Bi-Centennial Parade—Hawaii's Bi-Centennial Band.

Int'l. Lions Convention—Brazil's Honor Band; State Band.

Kauai Island Concert—Guest Band.

OIA Marching Band Festival—1st Division-Highest Scores.

1980:

Rated by National Band Assoc.—One of Top 10 Marching Bands in USA.

Selected to the 1981 Pasadena Tournament of Roses Parade—Guest Band.

1983:

Aloha Week Parade—1st Division.

Kam Tournament of Bands—Overall Sweepstakes Award. All Caption Awards. Annual Pahu Award.

Citrus Bowl Band Competition—1st Place Overall Trophy Class A. Outstanding Rifle Corp. Drum Major Award.

Citrus Bowl 1983—Bowl Pre-Game Guest Band. Citrus Bowl Parade Participant.

Disney World (FL)—Guest Band.

Epcot Center—Guest Band.

Knott's Berry Farm—Guest Band.

Magic Mountain—Guest Band.

Disneyland (CA)—Guest Band.

Arlington Nat'l. Cemetary—1st Hawaiian Band to participate in wreath laying ceremony at Tomb of Unknown Soldiers (D.C.)

1986:

San Diego Holiday Bowl—1st Division Rating. 1st Place: Parade Competition. 1st Place: Field Show Competition. 1st Place: Drum Major. 1st Place: Percussion. 1st Place: Color Guard.

1989:

Florida Citrus Bowl Band Competition—1st Place: Percussion. 1st Place: Drum Major. 1st Place: Color Guard. Superior & 1st Division Rating. Class A Field Show Champion.

1990:

USA President Bush-Hawaii Visit—Only High School Band invited to perform for President of USA.

1991:

Midosuji Parade—Osaka, Japan—1st Place Winner Int'l. Division.

1993:

Tournament of Roses Parade—Pasadena, CA—One of four (4) marching bands to participate in Band Fest at Pasadena City College.

1994:

CBS Thanksgiving Day American Parade—Featured Band and Dancers on national television.

Oceanic Cable Television—Featured band during school pride advertisement.

Holiday Bowl Parade—2nd Place.

1996:

Holiday Bowl Field Competition—1st Place—Category 2. Grand Champion Overall.

ABOUT THE BUDGET

The SPEAKER pro tempore (Mr. SUNUNU). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, I appreciate the opportunity to address the House tonight. I want to speak about the budget.

Before I do so, I want to speak about the big bust over there at the Department of Justice. I am referring, of course, to finally, on Thursday, April 24, I am getting this out of the Savannah Morning News, that the Florida couple, who illegally recorded a conversation of Members of Congress and then passed it on to other Members of Congress finally got, finally pleaded guilty to Federal charges, which is, they actually had already said that they were guilty, Mr. Speaker, back in January, but our good old Department of Justice, who has been very busy with all kinds of other things, just now decided to lower the boom and deal with the Martins.

I will read a little bit of that article:

> A Florida couple agreed Wednesday to plead guilty to Federal criminal charges of intercepting a cellular phone call between House Speaker Newt Gingrich and other Republican leaders last December.
>
> Identical one-count criminal informations were filed in U.S. District Court in Jacksonville, Florida against John and Alice Martin of Fort White, Florida.
>
> The Martins signed agreements with prosecutors to plead guilty and those were filed in court along with the charges. The Martins admitted in the agreements that they intentionally intercepted the telephone conversation and agreed to cooperate with the Justice Department's continuing investigation of the case.
>
> Justice officials, who requested anonymity* * * *

That is interesting, Mr. Speaker, because I guess when they were interviewed on the phone they were not on the cellular phone or anonymity would be irrelevant, would it not, but they said the investigation is continuing on how a transcript of the conversation ended up in the New York Times and later the Atlanta Journal-Constitution and Roll Call, a Capitol Hill newspaper.

I wonder, Mr. Speaker, how did the Martins get that tape from Florida, from their car, which they were just innocently driving along, how did they get that tape to the Atlanta Constitution and the New York Times? It does make one wonder, does it not?

But good old Justice Department, I guarantee you, they will crack this case probably in 10 years. No, maybe in 5 years, because these people said they will cooperate. So I am very optimistic about our Justice Department and, who knows, maybe they got some consultants from the FBI telling them how not to botch an investigation.

But never mind that, Mr. Speaker. Let me speak tonight on the budget, because that is a very, very big matter and one that affects all of our children, all of our present generations and future generations.

I have, and I wish I could tell you who gave this to me, but it is a document entitled Seven Reasons to Balance the Budget. The annual budget is $1.6 trillion. The Government spends about $4.4 billion a day, about $183 million an hour, $3 million a minute, or $50,736 every second.

Mr. Speaker, I am afraid that in the time that I have been at the microphone that the Government has already spent probably about $250,000 just in terms of our $1.6 trillion annual budget.

Now, if the spending patterns do not change, anyone born after 1993 will have a lifetime tax rate of 84 percent. This is compared with those born in 1940, who will have a lifetime tax average of 31 percent. That means that during the period of time that you are alive, if you were born in 1940, you will pay about 31 percent total taxes. But our children, the babies of today, the kids in nursery schools and kindergartens, right now will pay about 84 percent.

I think that is so important, Mr. Speaker, because as the President talks about let us do something for children, I would say, let us start by not shackling them with an 84 percent tax burden.

Reason No. 3, every dollar of taxes raised since World War II, Congress has spent over $1.59 of it. So for every dollar paid in taxes since World War II, on an average, we in Washington have spent $1.59. Reason No. 4, it takes nearly 9 American families to support one Federal bureaucrat in Washington, DC, executive branch staff members cost an average of $52,000 a year, while an average family pays $6,100 in taxes. So that is good math and good to think about.

Reason No. 5, in 1994, every American paid an average of $800 in taxes just to service interest on the national debt.

Now, I think this is real important, Mr. Speaker, because people do not understand that when you pay taxes, some of your tax dollars go just to pay the bondholders, those who hold the notes on the national debt. So let us say $800 per person, multiply that times 4. The average family of four, average family is, therefore, paying over $3,000 in interest each year on the national debt. That is $3,000. That probably would pay for 3 or 4 months of groceries. It would probably pay for 6 months of car payments. It would pay for maybe a half a year at a State college or university. Three thousand dollars would even pay for 3 or 4 months of home mortgage. That is a lot of money. Yet the American taxpayers are paying that in interest on the national debt.

Reason No. 6, a child born today will pay $187,000 over his or her lifetime just in interest on the national debt.

Reason No. 7, in the year 2000, the national debt is projected to be $6.8 trillion. That is $26,000 or $104,000 for a family of four.

Mr. Speaker, it is past time to get very, very serious on balancing the budget and paying down the debt.

Now, we have some plans. There is a Republican plan that is going on, and we have been negotiating, the gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget, has been negotiating on this for really since January, trying to get somewhere with the President. There is the President's plan.

The President's plan has a few flaws in it. I will hold this up, Mr. Speaker. I think everybody can see it. What is wrong with the Clinton plan to balance the budget?

Well, for one thing, in the year 2002, it does not balance the budget. It has a deficit of $69 billion. So, A, what is wrong with the President's plan? It does not balance the budget.

B, what else is wrong with it? Ninety-eight percent of the deficit reduction is in the last 2 years.

Mr. Speaker, I am not the first one to say it, many people have said it, but that is the equivalent of saying you are going to go on a diet to lose 30 pounds over 6 months, but you are not going to lose any weight the first 5 months. You are going to take it all off in the 6th month. It just does not work. Washington has never followed through on promises made very far in the future.

Under the Bush tax deal, as you will recall, in the 1990's, which was, I think, actually probably what did the Bush administration in, the plan was to raise taxes now and cut spending later.

Well, Members of Congress were pretty eager to raise taxes, but when it came time to do the spending cuts, where was Congress? They said, well, that agreement was not made by us. It was made by a previous Congress, and we will not follow through on it.

No. 3, letter C, whatever way you want to do it, what is wrong with the Clinton budget? It increases the 1998 deficit by $24 billion compared to doing nothing. So in other words, Mr. Speaker, if we do not do anything at all in terms of passing a budget, we are better off than we are under the Clinton proposal. So I think the Clinton proposal should not be seriously considered.

Now, that will not mean that the media will not seriously consider it, because anything that comes out of Pennsylvania Avenue they accept as truth and absolute so they will be talking about how good it is and how sensible it is. They will cleverly overlook these three facts that I have gone over here tonight.

But let us put it in perspective. Balancing the budget is a moral imperative, not an accounting exercise. Balancing the budget is about your children; it is about my children.

Mr. Speaker, I think you have small children. I have a 6-year-old; I have an 8-year-old. I would love to leave Washington one day saying they are going to have a better future with less debt because Members came to Washington during the 105th Congress with the idea of cutting the budget and reducing the size of Washington. We chose children over bureaucrats. We chose home town America over Washington, DC.

Now, the President opposed the balanced budget amendment. Okay. Philosophical difference. He did not want the balanced budget amendment. I can understand. We have the right to disagree here.

But that being the case, as he stood on the floor of the House and said, you do not need a balanced budget amendment to balance the budget, he was correct on that. But he needed one, because he has yet to produce a balanced budget.

One of the other things, though, that this thing points out is, this about families.

Let me give you some more numbers, Mr. Speaker. If we have a balanced budget, interest rates will drop. If interest rates drop as much as 2 percent, that means that on a 5-year family car loan at 9.75 percent interest, $15,000 car, that average family would save $900.

In terms of a college education loan, if a college student borrows $11,000 at 8 percent, it will save $217 in interest.

□ 2200

In terms of a 30-year home mortgage, if it drops 2 percent, over a 30-year period of time on a $75,000 house, Americans would save $37,000 in interest and payments. For a 6-month $350,000 farm operating loan at 10 percent, it would save about $17,000.

These are real numbers, Mr. Speaker, and these are things that will help Americans. But I want to throw out one more interesting statistic about the national debt. A 1-day increase in the national debt of $2.2 billion is enough to buy McDonald's Big Mac extra value meals for every person in the United States and every person in Mexico.

Now, I do not know if we should recommend that to everybody in the country, but the fact is that is a heck of a lot of hamburgers, Mr. Speaker, and yet another way to look at it.

I do not see balancing the budget as partisan politics. It is about good government and it is about our children. It is about dreams and aspirations of future generations of Americans. It is about the fact that year after year the American dream gets eroded by a large runaway bureaucracy that comes up with more rules and more micromanagement in order to justify their own existence.

I think the questions are these: Is the Federal Government too big? Does it spend too much? Who can spend money the best, the folks back home or the bureaucrats in Washington? Are we getting our money's worth out of Washington right now? Are we getting our money's worth of tax dollars? If we had a choice, would we purchase this government? Could we tell a friend about it? Is it fair for the government to take over one-third of our hard-earned income each year?

I do not think it is fair, Mr. Speaker. I think it is time right now to get spending under control and try to bring sanity back to Washington.

There are a lot of other topics that I want to talk about, Mr. Speaker, but I think what I may do is just end tonight on the budget, because I want to focus just on the importance of it.

There is a budget right now, introduced by our colleague, the gentleman from Wisconsin, Mr. MARK NEUMANN, and it takes Social Security out of the formula. Two important things I would say the Neumann budget does. Number one, it takes Social Security out of it.

People do not realize this right now, but Social Security has a $65 billion surplus. That money is thrown into the pot with the rest of the general spending, the rest of the budget, and it makes the deficit look smaller than it is. The Neumann budget says, no, sir, that $65 billion is stand-alone, it goes only in the Social Security trust fund, it goes only for Social Security purposes, and it should not be used for deficit reduction and general spending.

That is one thing the Neumann budget does and I think that is very important for our grandparents and other folks on Social Security.

The second thing it does, which is equally important for those of us fathers, is it pays off the national debt by the year 2023. So a child born today, at 25, 26 years old, they will live in America without a national debt. If we can do that, the jobs that will be created are incredible.

In fact, Mr. Speaker, I had a list of some of these benefits that I may submit for the RECORD, Mr. Speaker. But I believe that we can achieve a balanced budget. I believe that we can pay down the national debt. I believe, again, it is a moral imperative. It is not a matter of common sense only but a matter of survival and doing what is right for our children.

With that, Mr. Speaker, I urge my colleagues and friends here in Washington to vote for a balanced budget, work for the balanced budget amendment, make some tough decisions in terms of government spending reductions, and let us walk out of here with our heads held high, not worrying about the next election but only concerned about the next generation.

Mr. Speaker, I include for the RECORD the article to which I earlier referred.

FLORIDA COUPLE TO PLEAD GUILTY TO TAPING GOP LEADERS' CELL PHONE CALL

(By Michael J. Sniffen)

WASHINGTON.—A Florida couple agreed Wednesday to plead guilty to federal criminal charges of intercepting a cellular telephone call between House Speaker Newt Gingrich and other Republican leaders last December.

Identical one-count criminal information were filed in U.S. District Court in Jacksonville, Fla., against John and Alice Martin of Fort White, Fla.

The Martins signed agreements with prosecutors to plead guilty and those were filed in court along with the charges. The Martins admitted in the agreements that they intentionally intercepted the telephone conversation and agreed to cooperate with the Justice Department's continuing investigation of the case.

Justice officials, who requested anonymity, said the investigation is continuing here into how a transcript of the conversation ended up in The New York Times, and later in The Atlanta Journal-Constitution and Roll Call, a Capitol Hill newspaper.

The call—between Gingrich, House Majority Leader Dick Armey of Texas, Rep. John Boehner of Ohio, Rep. Bill Paxon of New York and others—took place last Dec. 21 as the House ethics committee was about to announce a settlement of its investigation of complaints against Gingrich. The publication of the text set off an uproar on Capitol Hill.

Rep. Jim McDermott of Washington, the ranking Democrat on the ethics committee, said the call breached Gingrich's agreement with the committee that the Speaker would not orchestrate a response to his ethical wrongdoing.

Republicans said the transcript, to the contrary, showed that Gingrich was following the agreement and they demanded an investigation of the call's interception.

The Martins each face a maximum penalty of a $5,000 fine with no prison term. The government made no promises on what sentence it might recommend.

Alice Martin, reached at her home in Fort White, Fla, refused to comment Wednesday evening and referred questions to the couple's attorney. "I can't say anything about that," she said.

Boehner said the Martins "should not be patsies in this, set up to take the fall for more politically influential people."

Anyone "who knowingly accepted the tape and passed it along to the press is also guilty," said Boehner, who when the call was intercepted was in Florida taking part in the conversation on a cellular telephone.

The Martins said they gave the tape to McDermott. In the ensuing furor over the tape's contents and its disclosure, which also could be a crime, McDermott removed himself from the ethics panel's investigation of Gingrich. A Republican also stepped aside to keep the panel at an even party balance.

"The Martins were charged with the most serious violation possible based on the applicable federal law and the circumstances surrounding the interception of the telephone call," said Charles R. Wilson, U.S. attorney for the middle district of Florida. "If the Martins are ever convicted of an illegal interception again, they would face a maximum penalty of five years imprisonment, a $250,000 fine or both."

Because it was a first offense and because the interception was of the radio portion of a cellular call; and because there was no evidence that it was done for commercial or private financial gain or for an illegal purpose such as aiding in blackmail, the offense is classified as an infraction, the Justice Department said.

John and Alice Martin heard the conversation on the Radio Shack scanner in their car while on a Christmas shopping trip. Once they realized the conversation they were picking up was of Gingrich discussing the Republican response to his admitted ethics violations, they recorded it on a hand-held machine. They said it struck them as historic.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GREEN (at the request of Mr. GEPHARDT), for today, on account of personal business.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT), for today through May 1, on account of official business.

Mr. YATES (at the request of Mr. GEPHARDT), for today, on account of back pain.

Mr. HOEKSTRA (at the request of Mr. ARMEY), for today, on account of a death in the family.

Mr. HERGER (at the request of Mr. ARMEY), for today and the balance of the week, on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. POMEROY) to revise and extend their remarks and include extraneous material:)

Mr. POMEROY, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. ROEMER, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day, today and on April 30 and May 1.

Mr. NORWOOD, for 5 minutes, today.

Mr. METCALF, for 5 minutes each day, today and on April 30.

Mr. GUTKNECHT, for 5 minutes, on April 30.

Mr. DUNCAN, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. POMEROY) and to include extraneous matter:)

Mr. FRANK of Massachusetts.
Mr. BERRY.
Mr. TORRES.
Mr. DAVIS of Illinois.
Mr. LEVIN.
Mr. LAFALCE.
Mr. ORTIZ.
Mr. BONIOR.
Mr. SCHUMER.
Mr. KANJORSKI.
Mr. PASCRELL.
Mr. LIPINSKI.
Mr. DOYLE.
Mr. HINCHEY.
Mr. YATES.
Mr. FROST.
Mr. HOYER.
Mr. BROWN of California.
Mr. MENENDEZ.
Mr. VISCLOSKY.
Ms. STABENOW.
Mr. WEYGAND.

(The following Members (at the request of Mr. DUNCAN) and to include extraneous matter:)

Mr. WALSH in two instances.
Mr. WELLER.
Mr. GEKAS in two instances.
Mr. PACKARD.
Mrs. ROUKEMA.
Mr. SOLOMON in three instances.
Mr. SUNUNU.
Mr. PORTER.
Mr. RIGGS.
Mr. BUNNING.
Mr. KOLBE in three instances.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mr. QUINN.
Mr. GILMAN.
Mr. BARR of Georgia.
Mr. FARR of California.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 5 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 30, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3027. A communication from the President of the United States, transmitting his requests for fiscal year 1997 supplemental appropriations totaling $8,605,000 for the Forest Service of the Department of Agriculture and appropriations totaling $19,700,000 for the Department of Energy for activities associated with tritium remediation, and two fiscal year 1998 budget amendments involving the Department of Transportation's Maritime Security Program and the John F. Kennedy Assassination Records Review Board, pursuant to 31 U.S.C. 1107 (H. Doc. No. 105–78); to the Committee on Appropriations and ordered to be printed.

3028. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's "Major" final rule—Addition of Facilities in Certain Industry Sectors: Revised Interpretation of Otherwise Use; Toxic Release Inventory Reporting; Community Right-to-Know [OPPTS–400104D; FRL–5578–3] (RIN: 2070–AC71) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3029. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Current Good Manufacturing Practice for Finished Pharmaceuticals; Positron Emission Tomography [Docket No. 94N–0421] (RIN: 0910–AA45) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3030. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Drug Labeling; Sodium Labeling for Over-the-Counter Drugs; Partial Delay of Effective Date [Docket No. 90N–0309] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3031. A letter from the Director, U.S. Trade and Development Agency, transmitting a copy of the Agency's annual audit, pursuant to 22 U.S.C. 2421(e)(2); to the Committee on International Relations.

3032. A letter from the Acting Comptroller General, General Accounting Office, transmitting a list of all reports issued or released in March 1997, pursuant to 31 U.S.C. 719(h); to the Committee on Government Reform and Oversight.

3033. A letter from the Secretary of the Interior, transmitting the biennial report on the quality of water in the Colorado River Basin (Progress Report No. 18, January 1997), pursuant to 43 U.S.C. 1596; to the Committee on Resources.

3034. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; High Seas Salmon Fishery Off Alaska [Docket No. 970326069–7069–01; I.D. 022597F] (RIN: 0648–AJ38) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3035. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod Fishery Category by Vessels Using Trawl Gear in Bycatch Limitation Zone 1 [Docket No. 961107312–7021–02; I.D. 042297C] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3036. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Shortraker and Rougheye Rockfish in the Aleutian Islands Subarea [Docket No. 961107312–7021–02; I.D. 042197A] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3037. A letter from the Acting Assistant Secretary (Tax Policy), Department of the Treasury, transmitting a draft of proposed legislation to amend the "Statistical Use" subsection of the Internal Revenue Code; to the Committee on Ways and Means.

3038. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighter Average Interest Rate Update [Notice 97–27] received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3039. A letter from the Executive Director, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting a copy of a letter that the D.C. Financial Responsibility and Management Assistance Authority sent the President requesting an additional appropriation of $52,379,000 for fiscal year 1997, pursuant to Public Law 104–8, section 207(a); jointly, to the Committees on Government Reform and Oversight and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 2. A bill to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 105–76, Pt. 2).

Mr. SMITH of Oregon: Committee on Agriculture. H.R. 1342. A bill to provide for a 1-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts; with an amendment (Rept. 105–80). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 133. Resolution providing for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 105–81). Referred to the House Calendar.

Ms. PRYCE of Ohio: Committee on Rules. House Resolution 134. Resolution providing for consideration of the bill (H.R. 867) to promote the adoption of children in foster care (Rept. 105–82). Referred to the House Calendar.

Mr. LIVINGSTON: Committee on Appropriations. H.R. 1469. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes (Rept. 105–83). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LEVIN:

H.R. 1468. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to modify provisions restricting welfare and public benefits for aliens; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KASICH (for himself, Mr. OBEY, Mr. INGLIS of South Carolina, Mrs. THURMAN, Mr. DREIER, Mr. BOYD, Mr. SMITH of Michigan, Mr. ROYCE, Mr. HOBSON, Mr. ISTOOK, Mr. LARGENT, Mr. MILLER of Florida, Mr. PAUL, Mr. PORTMAN, Mr. SALMON, Mr. SHADEGG, and Mr. GOSS):

H.R. 1470. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, and the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACKERMAN:

H.R. 1471. A bill to direct the Secretary of Transportation to determine the feasibility of placing bar codes on passenger motor vehicles to facilitate the tracing of stolen vehicles, and for other purposes; to the Committee on Commerce.

H.R. 1472. A bill to amend the Employment Retirement Income Security Act of 1974 and the Public Health Service Act to require group health plans and group and individual health insurance coverage to pay interest on clean claims that are not paid within 30 days; to the Committee on Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLAGOJEVICH:

H.R. 1473. A bill to amend title 18, United States Code, to prohibit, with certain exceptions, the transfer of a handgun to, or the possession of a handgun by, an individual who has not attained 21 years of age; to the Committee on the Judiciary.

By Mr. BROWN of California (for himself, Mr. FILNER, Ms. LOFGREN, Mr. DELLUMS, Mr. TORRES, and Mr. CAPPS):

H.R. 1474. A bill to amend section 255 of the National Housing Act to prohibit the charging of unreasonable and excessive fees in connection with equity conversion mortgages for elderly homeowners, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. CHABOT:

H.R. 1475. A bill to eliminate the National Sheep Industry Improvement Center and to transfer funds available for the Center to the general fund of the Treasury to reduce the deficit; to the Committee on Agriculture.

By Mr. DIAZ-BALART:

H.R. 1476. A bill to settle certain Miccosukee Indian land takings claims within the State of Florida; to the Committee on Resources.

By Mr. DICKS (for himself, Mr. ADAM SMITH of Washington, Mr. BLUMENAUER, Mr. MCDERMOTT, and Ms. FURSE):

H.R. 1477. A bill to amend the Wild and Scenic Rivers Act to designate a portion of the Columbia River as a recreational river, and for other purposes; to the Committee on Resources.

By Ms. ESHOO (for herself, Ms. STABENOW, Mr. FROST, Ms. LOFGREN, Mr. BOUCHER, Mr. CANADY of Florida, Mr. BROWN of California, Mr. DELLUMS, Ms. PELOSI, Mr. FILNER, Ms. RIVERS, Mrs. LOWEY, Mrs. MALONEY of New York, Mr. LAMPSON, Mr. STUPAK, Mr. BONIOR, Mr. SANDLIN, Mr. FORD, Mr. TURNER, Ms. KILPATRICK, Mr. CLEMENT, Mr. UNDERWOOD, Mrs. THURMAN, Mr. DOYLE, Mr. MOAKLEY, Mr. LEWIS of Georgia, Mr. FATTAH, Mr. WEYGAND, Mr. MCGOVERN, Mr. RANGEL, Mr. UPTON, Mrs. EMERSON, Mr. LEVIN, Mrs. KENNELLY of Connecticut, and Ms. HOOLEY of Oregon):

H.R. 1478: A bill to amend the Internal Revenue Code of 1986 to allow companies to donate computer equipment and software, and training related thereto, to elementary and secondary schools for use in their educational programs, and for other purposes; to the Committee on Ways and Means.

By Mr. HASTINGS of Florida:

H.R. 1479. A bill to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. HOYER (for himself, Ms. DELAURO, Mr. FATTAH, and Mr. WEYGAND):

H.R. 1480. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by coordinating Federal financial assistance programs and promoting local flexibility; to the Committee on Government Reform and Oversight.

By Mr. LATOURETTE (for himself, Mr. OBERSTAR, Mr. EHLERS, Mr. DINGELL, Mr. ENGLISH of Pennsylvania, Mr. STUPAK, Mr. QUINN, Mr. DAVIS of Illinois, Mr. OXLEY, Ms. RIVERS, Ms. KAPTUR, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. KILDEE, Mr. EVANS, Mr. WELLER, Mr. KUCINICH, Mr. JOHNSON of Wisconsin, and Mr. LAFALCE):

H.R. 1481. A bill to amend the Great Lakes Fish and Wildlife Restoration Act of 1990 to provide for implementation of recommendations of the U.S. Fish and Wildlife Service contained in the Great Lakes Fishery Restoration Study Report; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself and Ms. SLAUGHTER):

H.R. 1482. A bill to amend title 10, United States Code, to increase whistleblower protections for members of the Armed Forces; to the Committee on National Security.

By Mr. MENENDEZ:

H.R. 1483. A bill to amend title 49, United States Code, to make nonmilitary government aircraft subject to safety regulation by the Department of Transportation; to the Committee on Transportation and Infrastructure.

By Mr. NORWOOD (for himself, Mr. BARR of Georgia, Mr. COLLINS, Mr. CHAMBLISS, Mr. KINGSTON, Mr. DEAL of Georgia, Mr. LINDER, Mr. LEWIS of Georgia, and Mr. BISHOP):

H.R. 1484. A bill to redesignate the Dublin Federal courthouse building located in Dublin, GA, as the "J. Roy Rowland Federal Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. RIGGS (for himself, Mr. RAMSTAD, Mr. CUNNINGHAM, Mr. McKEON, Mr. PORTER, Mr. CAMPBELL, and Mr. BILBRAY):

H.R. 1485. A bill to provide that the provision of the Fair Labor Standards Act of 1938 on the accounting of tips in determining the wage of tipped employees shall preempt any State or local provision precluding a tip credit or requiring a tip credit less than the tip credit provided under such act; to the Committee on Education and the Workforce.

By Mr. GILMAN:

H.R. 1486. A bill to consolidate international affairs agencies, to reform foreign assistance programs, to authorize appropriations for foreign assistance programs and for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. RIGGS:

H.J. Res. 74. Joint resolution proposing an amendment to the Constitution of the United States to provide 8-year terms of offices for judges of Federal courts other than the Supreme Court; to the Committee on the Judiciary.

By Mr. RAHALL (for himself, Mr. CONYERS, Mr. JOHN, and Mr. DINGELL):

H. Con. Res. 68. Concurrent resolution expressing the sense of the Congress regarding the territorial integrity, unity, sovereignty, and full independence of Lebanon; to the Committee on International Relations.

By Mr. WEYGAND (for himself, Mr. McGOVERN, Mr. BLAGOJEVICH, Mr. MOAKLEY, Ms. DELAURO, Mr. FRANK of Massachusetts, Mr. DELAHUNT, Mr. TIERNEY, Mr. KUCINICH, Mr. STARK, Mr. STRICKLAND, Mrs. McCARTHY of New York, Mr. BLUMENAUER, Ms. DEGETTE, Mr. ETHERIDGE, Mr. BOSWELL, Mr. SANDLIN, Mr. LAMPSON, Mr. ROTHMAN, and Mr. PASCRELL):

H. Res. 135. Resolution to amend the Rules of the House of Representatives to permit disabled individuals who have access to the House floor to bring supporting services; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 14: Mr. CRAPO, Mr. BISHOP, and Mr. BURTON of Indiana.

H.R. 15: Ms. DEGETTE.

H.R. 54: Mr. TAYLOR of North Carolina, Mr. RADANOVICH, and Mr. SKELTON.

H.R. 96: Mr. KLINK, Mr. McINTYRE, Mr. HUTCHINSON, and Mr. TURNER.

H.R. 122: Mr. SCARBOROUGH, Mr. DELAY, Mr. RILEY, and Mr. MANZULLO.

H.R. 176: Mr. HILLIARD and Mrs. MORELLA.

H.R. 177: Mrs. KELLY.

H.R. 183: Mr. WEYGAND.

H.R. 191: Mrs. MALONEY of New York, Mr. OWENS, Mr. YATES, Mr. LEWIS of Georgia, and Mr. HINCHEY.

H.R. 216: Mr. RAHALL.

H.R. 299: Mr. BLUMENAUER.

H.R. 306: Mr. SCHUMER and Mr. MEEHAN.

H.R. 339: Mr. HAYWORTH.

H.R. 367: Mr. CAMP and Mr. CHRISTENSEN.

H.R. 383: Ms. SLAUGHTER.

H.R. 446: Mr. DUNCAN.

H.R. 521: Mr. GOODE.

H.R. 530: Mr. SHAYS and Mr. McCRERY.

H.R. 616: Mr. GORDON, Mr. TRAFICANT, Mrs. MYRICK, Mr. FALEOMAVAEGA, Mr. DAVIS of Illinois, Mr. QUINN, Mr. KILDEE, Mr. McINTYRE, Mr. SUNUNU, Mr. WATT of North Carolina, Mr. BARRETT of Wisconsin, Mr. BALDACCI, Ms. RIVERS, Mr. LAMPSON, Mr. RANGEL, Mrs. MEEK of Florida, Mr. PASCRELL, Mr. HOLDEN, Mr. RAHALL, and Mrs. LOWEY.

H.R. 650: Mr. LARGENT, Mr. BEREUTER, and Mr. BLAGOJEVICH.

H.R. 674: Mr. DIAZ-BALART and Mr. GREEN.

H.R. 681: Mr. McKEON, Ms. LOFGREN, Ms. WATERS, Mr. DIXON, Mr. CALVERT, and Mr. CUNNINGHAM.

H.R. 689: Mr. KUCINICH and Ms. LOFGREN.

H.R. 725: Mr. LUCAS of Oklahoma and Mr. HASTERT.

H.R. 740: Mr. FAWELL.

H.R. 768: Mr. SANDLIN, Mr. LEWIS of California, Mr. TRAFICANT, Mr. UPTON, and Mr. HOBSON.

H.R. 777: Mr. LEWIS of Georgia, Mr. CALVERT, Mr. RANGEL, Ms. CHRISTIAN-GREEN, Mr. FAZIO of California, Ms. McKINNEY, Ms. KILPATRICK, Mr. DELLUMS, Mr. WATTS of Oklahoma, and Mr. HILLIARD.

H.R. 789: Mr. TAYLOR of North Carolina, and Mr. BEREUTER.

H.R. 806: Mr. HINOJOSA, Mrs. MALONEY of New York, Ms. LOFGREN, and Mr. FALEOMAVAEGA.

H.R. 815: Ms. HARMAN, Mr. ROGERS, Mr. BECERRA, Mr. HOLDEN, Mr. MALONEY of Connecticut, and Mr. HOYER.

H.R. 863: Mr. UNDERWOOD, Mr. YATES, Mr. LIPINSKI, Mr. DAVIS of Illinois, Mr. KIND of Wisconsin, Mr. DELAHUNT, Mr. McGOVERN, and Mr. WEYGAND.

H.R. 873: Mr. RUSH.

H.R. 875: Mr. FROST, Mr. LEWIS of Georgia, and Mr. COOKSEY.

H.R. 890: Mr. PAYNE and Mr. ADAM SMITH of Washington.

H.R. 920: Mr. HILLIARD, Mr. MEEHAN, and Mr. HINCHEY.

H.R. 928: Mr. HILLEARY, Mr. CUNNINGHAM, Mr. SNOWBARGER, Mr. RIGGS, Mr. HOSTETTLER, Mr. SCARBOROUGH, Mr. BONILLA, Mr. BEREUTER, and Mr. FOX of Pennsylvania.

H.R. 947: Mr. RILEY.

H.R. 956: Mr. WAXMAN.

H.R. 972: Mr. LUTHER.

H.R. 977: Mr. KUCINICH, Mr. LEWIS of California, and Mr. OXLEY.

H.R. 988: Mr. GUTIERREZ and Mr. HINCHEY.

H.R. 1002: Mr. MORAN of Virginia, Mr. BISHOP, Ms. KILPATRICK, and Mr. MENENDEZ.

H.R. 1015: Mr. MILLER of California, Ms. WOOLSEY, Mr. NADLER, Mrs. MINK of Hawaii, Mr. WEYGAND, and Mr. RUSH.

H.R. 1018: Mr. DELLUMS and Mr. EHLERS.

H.R. 1023: Mr. PASCRELL, Mr. COOK, Mr. BAESLER, Mr. DAVIS of Florida, Mr. CAMP, Mr. CHAMBLISS, Mr. LEWIS of California, Mr. JOHN, Mrs. McCARTHY of New York, Mr. MICA, Mr. GILLMOR, Mr. WELDON of Florida, Mr. MORAN of Virginia, Mr. INGLIS of South Carolina, and Mr. MURTHA.

H.R. 1042: Mr. HASTERT, Ms. CHRISTIAN-GREEN, Mr. FROST, Mr. RUSH, Mr. JACKSON, Mr. HYDE, Mr. MANZULLO, Mr. LAHOOD, and Mr. SHIMKUS.

H.R. 1080: Mr. FRELINGHUYSEN.

H.R. 1125: Mr. McINTYRE and Mr. SHAYS.

H.R. 1130: Mrs. MEEK of Florida, Mr. VENTO, Mr. HINCHEY, Mr. MATSUI, Mr. OBERSTAR, and Mr. RAHALL.

H.R. 1134: Mr. BEREUTER.

H.R. 1140: Mr. ALLEN and Mr. SAM JOHNSON.

H.R. 1156: Mr. PASCRELL.

H.R. 1169: Mr. BILBRAY and Mrs. MORELLA.

H.R. 1178: Mr. HINOJOSA.

H.R. 1202: Mr. CAMPBELL, Ms. PRYCE of Ohio, Mr. DELLUMS, Ms. FURSE, Mr. GALLEGLY, Mr. NADLER, Mr. ACKERMAN, and Mr. WAXMAN.

H.R. 1228: Mr. OWENS.

H.R. 1232: Mr. SOLOMON, Mr. DEUTSCH, Ms. RIVERS, Mr. KUCINICH, and Mr. BOYD.

H.R. 1234: Mr. PAYNE, Mr. FILNER, Ms. WATERS, Ms. NORTON, Mr. WATT of North Carolina, Mr. FORD, Mr. LEWIS of Georgia, and Ms. CHRISTIAN-GREEN.

H.R. 1260: Mr. TORRES, Ms. VELÁZQUEZ, Mr. MORAN of Virginia, Mr. GREEN, Mr. OXLEY, Mr. DELAY, Mr. RANGEL, Mr. MEEHAN, Mr. BISHOP, Mr. GREENWOOD, Mr. LEVIN, Mr. BILBRAY, Mr. CUMMINGS, Mr. WYNN, Mr. MOAKLEY, and Mr. MATSUI.

H.R. 1270: Mr. SOLOMON, Mr. PAXON, Ms. STABENOW, and Mr. WHITE.

H.R. 1283: Mr. DAVIS of Virginia, Mr. DOOLITTLE, Mr. EHLERS, Mr. SHADEGG, Mr. GILLMOR, Mr. FAWELL, Ms. DUNN of Washington, Mr. COLLINS, and Mr. McINTOSH.

H.R. 1288: Mr. FALEOMAVAEGA and Ms. SLAUGHTER.

H.R. 1321: Mr. HAMILTON, Mr. BEREUTER, and Mr. MEEHAN.

H.R. 1322: Mr. CONDIT, Ms. MOLINARI, and Mr. SAXTON.

H.R. 1323: Ms. LOFGREN and Ms. SLAUGHTER.

H.R. 1342: Mr. NETHERCUTT, Mr. HILL, Mr. MORAN of Kansas, Mr. BARRETT of Nebraska, Mr. BOB SCHAFFER, Mr. CHAMBLISS, Mr. LUCAS of Oklahoma, Mr. THUNE, Mr. COMBEST, and Mrs. CHENOWETH.

H.R. 1349: Ms. LOFGREN, Mr. FILNER, and Mr. RUSH.

H.R. 1360: Ms. MOLINARI, Ms. LOFGREN, and Mr. STARK.

H.R. 1369: Mr. ENGLISH of Pennsylvania, Mr. SMITH of New Jersey, Mr. FROST, and Mr. WHITFIELD.

H.R. 1375: Mr. BISHOP, Mr. MASCARA, Mr. EHLERS, and Mr. McCOLLUM.

H.R. 1376: Mr. TORRES, Mr. MANTON, Mr. MENENDEZ, Mr. RUSH, and Mr. BARRETT of Wisconsin.

H.R. 1378: Mr. NORWOOD, Mr. DOOLITTLE, Mr. GRAHAM, Mr. RIGGS, Mr. BALLENGER, Mr. DICKEY, Mr. SNOWBARGER, Mr. SKEEN, Mr. CALLAHAN, Mrs. NORTHUP, Mr. BONO, Mr. ROHRABACHER, Mr. PAUL, Mr. GREENWOOD, Mr. SESSIONS, Mr. WHITE, Mr. GIBBONS, Mr. BRYANT, Mr. EVERETT, Mr. DAVIS of Virginia, Mr. COOK, Mr. BUNNING of Kentucky, Mr. WAMP, Mrs. FOWLER, Mr. GOSS, Mr. CHAMBLISS, Mr. McINTOSH, Mr. LATHAM, Mr. DUNCAN, Mr. LUCAS of Oklahoma, and Mr. BLUNT.

H.R. 1438: Mr. LUTHER, Ms. RIVERS, Ms. LOFGREN, Mrs. MORELLA, and Mr. PETRI.

H.R. 1450: Ms. KAPTUR.

H.R. 1456: Mr. COMBEST.

H.J. Res. 54: Mr. McGOVERN and Mr. MOAKLEY.

H.J. Res. 71: Mr. Condit, Ms. Molinari, and Mr. Saxton.

H. Con. Res. 13: Mr. English of Pennsylvania, Mrs. Thurman, Mr. LaFalce, Mr. Deutsch, Mr. Weldon of Pennsylvania, Mrs. Johnson of Connecticut, Mr. Capps, Mr. Duncan, Mr. Sisisky, Mr. Barcia of Michigan, Mr. Blagojevich, and Mr. Lampson.

H. Con. Res. 23: Mr. Watt of North Carolina.

H. Con. Res. 40: Mr. Price of North Carolina and Mr. Blumenauer.

H. Con. Res. 52: Mr. Baldacci, Mr. Ney, Mr. Hilliard, Mr. Adam Smith of Washington, Mr. Forbes, Mr. Bentsen, Ms. Lofgren, and Mr. Green.

H. Con. Res. 65: Mr. Dicks, Mr. Allen, Ms. Lofgren, and Mr. Adam Smith of Washington.

H. Res. 38: Mr. Miller of California, Mr. Ehrlich, Mrs. Maloney of New York, Mr. Goodlatte, Mr. Reyes, Mrs. Kennelly of Connecticut, Mr. Maloney of Connecticut, Mr. Davis of Illinois, Mr. Moakley, Mr. Weygand, Ms. Millender-McDonald, Mr. Payne, Mr. Neal of Massachusetts, Mr. Hinojosa, and Mr. Kildee.

H. Res. 39: Mr. Kucinich.

H. Res. 96: Mr. Waxman, Mrs. Mink of Hawaii, Ms. Furse, Mr. Shays, Mrs. Morella, Mr. Allen, and Mr. Evans.

H. Res. 131: Ms. Woolsey, Mr. Filner, Mr. Martinez, Mr. Matsui, Ms. Christian-Green, Mr. Frost, and Ms. Slaughter.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 695: Mr. Solomon.

H.R. 1031: Mrs. Clayton.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

Offered By: Ms. DeGette

Amendment No. 1: Page 71, line 19, before the semicolon insert "and including child care services for public housing residents".

H.R. 2

Offered By: Mr. DeLay

Amendment No. 2: Page 99, after line 11, insert the following new subsection:

(e) Time Limitation on Occupancy by Families Receiving Welfare Assistance.—

(1) 2-year limitation.—Each public housing agency shall limit the duration of occupancy in a public housing dwelling unit of any family that includes an individual who, as an adult, receives assistance under any welfare program (or programs) for 24 consecutive months occurring after the effective date of this Act, to such 24 consecutive months.

(2) Treatment of temporary stoppage of assistance.—For purposes of paragraph (1), nonconsecutive months in which an individual receives assistance under a welfare program shall be treated as being consecutive if such months are separated by a period of 6 months or less during which the individual does not receive such assistance.

(3) Inapplicability to PHA's without waiting lists.—The provisions of paragraph (1) shall not apply to any public housing agency that, upon the conclusion of the 24-month period referred to in such paragraph for any family, does not have any eligible families on a waiting list for occupancy in such public housing who are without units because of a lack of available units.

(4) Exceptions for working, elderly, and disabled families.—The provisions of paragraph (1) shall not apply to—

(A) any family that contains an adult member who, during the 24-month period referred to in such paragraph, obtains employment; except that, if at any time during the 12-month period beginning upon the commencement of such employment, the family does not contain an adult member who has employment, the provisions of paragraph (1) shall apply and the nonconsecutive months during which the family did not contain an employed member shall be treated for purposes of such paragraph as being consecutive;

(B) any elderly family; or

(C) any disabled family.

(5) Preferences for families moving to find employment.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(6) Definitions.—For purposes of this subsection, the following definitions shall apply:

(A) Welfare program.—The term "welfare program" means a program for aid or assistance under a State program funded under part A of title IV of the Social Security Act (as in effect before or after the effective date of the amendments made by section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

(B) Employment.—The term "employment" means employment in a position that—

(i) is not a job training or work program required under a welfare program; and

(ii) involves an average of 20 or more hours of work per week.

H.R. 2

Offered By: Mr. Frank

Amendment No. 3: Page 35, after line 23, insert the following new subsection:

(h) Effectiveness Only If Funded.—

(1) Applicability of requirements only in years funded.—Subject only to paragraph (2) and notwithstanding any other provision of this section, this section shall be effective for any fiscal year only if amounts are or have been provided in appropriation Acts for such fiscal year specifically for covering all costs of public housing agencies of entering into, monitoring, and enforcing agreements under this section and other costs arising from such agreements. There are authorized to be appropriated for each fiscal year such sums as may be necessary for providing assistance to public housing agencies to cover such costs.

(2) Effect of failure to fund.—If, for any fiscal year, the amounts required under paragraph (1) are not provided, this section shall be applied for such fiscal year as follows:

(A) Substitution of option for requirements.—The following substitutions shall apply:

(i) Substitute "may" for "shall" in each of the following places:

(I) The first place such term appears in subsection (a)(1).

(II) In subsection (b)(1).

(III) The first place such term appears in subsection (d)(1).

(IV) In subsection (e).

(ii) In subsection (a)(2), substitute "Any" for "The".

(iii) In subsection (a)(3), substitute "any requirement" for "the requirement".

(iv) In subsection (b)(2), substitute "any target date" for "the target date".

(v) In the second sentence of subsection (d)(1), substitute "any such agreement" for "the agreement".

(vi) In subsection (d)(2)—

(I) in the matter preceding subparagraph (A), substitute "Any" for "An";

(II) in subparagraph (B), substitute "any requirements" for "the requirements"; and

(III) in subparagraph (C), substitute "Any" for "The".

(vii) In subsection (e)—

(I) in paragraph (1), substitute "any requirement" for "the requirement"; and

(II) in paragraph (2), substitute "any conditions" for "the conditions".

(B) Treatment of contracts.—If a public housing agency so chooses (in the sole discretion of the agency), any requirement under subsection (a) or (b) that is contained in any community work and family self-sufficiency contract under subsection (d) previously entered into by the agency or in any provision previously incorporated pursuant to subsection (e) into any lease for public housing of the agency or housing assisted under title III by the agency shall be treated, for such fiscal year, as not having any force or effect.

H.R. 2

Offered By: Mr. Frank

Amendment No. 4: Page 89, after line 13, insert the following:

(e) Operating Fund Amounts.—For each of fiscal years 1998, 1999, 2000, 2001, and 2002, the Congress shall provide for the allocations from the operating fund for grants such amounts as are necessary to enable public housing agencies to fully serve family, elderly, and disabled households with the range of income levels reflected in their local housing management plans and permissible under this Act, based on public policy and not on the need to generate revenue. Such amount shall not, for any fiscal year, be less than—

(1) for any fiscal year described in subsection (b)(2), the full amount for all public housing agencies determined in accordance with the performance funding system under section 9 of the United States Housing Act of 1937, as in effect upon the date of the enactment of this Act, as revised pursuant to subparagraphs (C) and (D) of subsection (d)(1); or

(2) for any fiscal year described in subsection (b)(1), the full amount for all public housing agencies determined under subsection 204(b)(1).

The minimum amount required, under paragraph (1) or (2) shall not be reduced for any fiscal year by estimates of the Department of Housing and Urban Development of cost reductions or of increases in income that have not been realized in advance of the fiscal year.

H.R. 2

Offered By: Mr. Frank

Amendment No. 5: Page 102, strike line 1 and all that follows through line 7 on page 104, and insert the following:

SEC. 225. FAMILY RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(b) MINIMUM RENTAL AMOUNT.—Each public housing agency shall require

Page 105, strike line 21 and all that follows through line 19 on page 106.

Page 107, strike ", except that" on line 2 and all that follows through line 5, and insert a period.

H.R. 2

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 6: Page 170, line 24, after "agency" insert "or other state and local government entities"

H.R. 2

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 7: Page 287, after line 15, insert the following:

(6) TENANT RENTS.—

(A) IN GENERAL.—An owner of qualified housing may provide, with respect to such housing, that, notwithstanding section 3(a)(1) of the United States Housing Act of 1937, the rent paid by tenants of assisted dwelling units in such housing shall be the lower of the amount provided under such section 3(a)(1) or 60 percent of the fair market rental established pursuant to section 8(c)(1) of such Act for the area and size of dwelling unit occupied by the tenant. Upon the request of an owner, the Secretary may provide for rent limitations under this paragraph for qualified housing that are higher or lower than 60 percent of the fair market rental on the basis of the Secretary's finding that such variations are necessary to carry out the provisions of this paragraph and are consistent with the purposes of this paragraph.

(B) QUALIFIED HOUSING.—For purposes of this subparagraph, the term "qualified housing" means housing for which—

(i) section 8 project-based assistance is provided; and

(ii) not more than 15 percent of the tenants have rents, at the time the owner first limits rents pursuant to subparagraph (A), in an amount exceeding the maximum amount provided pursuant to the limitation under subparagraph (A).

(C) LIMITATION BASED ON TENANTS INCOMES.—If, at any time, in a housing project for which section 8 project-based assistance is provided, more than 40 percent of the tenants would be paying a rent limited by 60 percent of the fair market rental, any rent limitation applicable under this paragraph to such project shall not thereafter apply to any tenant not subject at such time to the rent limitation, until the percentage of tenants in the project eligible for such limited rent decreases to below 40 percent.

(D) INAPPLICABILITY TO ELDERLY-ONLY PROJECTS.—The provisions of this paragraph shall not apply with respect to any housing project that is designated for occupancy only by elderly families.

Page 287, line 16, strike "(6)" and insert "(7)".

H.R. 2

OFFERED BY: MR. JACKSON OF ILLINOIS

AMENDMENT NO. 8: Page 25, line 25, strike the second comma and all that follows through the comma in line 3 on page 26.

Page 27, after line 10, insert the following:

(4) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the community work requirement under paragraph (1).

Page 33, line 14, before the comma insert "(except to the extent that this section specifically limits any authority to evict or terminate assistance)".

H.R. 2

OFFERED BY: MR. JACKSON OF ILLINOIS

AMENDMENT NO. 9: Page 27, line 7, strike "or".

Page 27, line 10, strike the period and insert "; or".

Page 27, after line 10, insert the following:

(E) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(i) children who are 6 years of age or under;

(ii) elderly persons; or

(iii) persons with disabilities.

Page 29, line 3, strike "or".

Page 29, line 6, strike the period and insert "; or".

Page 29, after line 6, insert the following:

(5) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(A) children who are 6 years of age or under;

(B) elderly persons; or

(C) persons with disabilities.

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

(AMENDMENT IN THE NATURE OF A SUBSTITUTE)

AMENDMENT NO. 10: Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Public Housing Management Reform Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows—

Sec. 1. Short title and table of contents.
Sec. 2. Findings and purposes.

TITLE I—PUBLIC HOUSING AND RENT REFORMS

Sec. 101. Establishment of capital and operating funds.
Sec. 102. Determination of rental amounts for residents.
Sec. 103. Minimum rents for public housing and section 8.
Sec. 104. Public housing ceiling rents.
Sec. 105. Disallowance of earned income from public housing and section 8 rent and family contribution determinations.
Sec. 106. Public housing homeownership.
Sec. 107. Public housing agency plan.
Sec. 108. PHMAP indicators for small PHA's.
Sec. 109. PHMAP self-sufficiency indicator.
Sec. 110. Expansion of powers for dealing with PHA's.
Sec. 111. Public housing site-based waiting lists.
Sec. 112. Community service requirements for public housing and section 8 programs.
Sec. 113. Comprehensive improvement assistance program streamlining.
Sec. 114. Flexibility for PHA funding.
Sec. 115. Replacement housing resources.
Sec. 116. Repeal of one-for-one replacement housing requirement.
Sec. 117. Demolition, site revitalization, replacement housing, and tenant-based assistance grants for developments.
Sec. 118. Performance evaluation board.
Sec. 119. Economic development and supportive services for public housing residents.
Sec. 120. Penalty for slow expenditure of modernization funds.
Sec. 121. Designation of PHA's as troubled.
Sec. 122. Volunteer services under the 1937 Act.
Sec. 123. Authorization of appropriations for operation safe home program.

TITLE II—SECTION 8 STREAMLINING

Sec. 201. Permanent repeal of Federal preferences.
Sec. 202. Income targeting for public housing and section 8 programs.
Sec. 203. Merger of tenant-based assistance programs.
Sec. 204. Section 8 administrative fees.
Sec. 205. Section 8 homeownership.
Sec. 206. Welfare to work certificates.
Sec. 207. Effect of failure to comply with public assistance requirements.
Sec. 208. Streamlining section 8 tenant-based assistance.
Sec. 209. Nondiscrimination against certificate and voucher holders.
Sec. 210. Recapture and reuse of ACC project reserves under tenant-based assistance program.
Sec. 211. Expanding the coverage of the Public and Assisted Housing Drug Elimination Act of 1990.
Sec. 212. Study regarding rental assistance.

TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

Sec. 301. Screening of applicants.
Sec. 302. Termination of tenancy and assistance.
Sec. 303. Lease requirements.
Sec. 304. Availability of criminal records for public housing tenant screening and eviction.
Sec. 305. Definitions.
Sec. 306. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) we have a shared national interest in creating safe, decent and affordable housing because, for all Americans, housing is an essential building block toward holding a job, getting an education, participating in the community, and helping fulfill our national goals;

(2) the American people recognized this shared national interest in 1937, when we created a public housing program dedicated to meeting these needs while creating more hope and opportunity for the American people;

(3) for 60 years America's public housing system has provided safe, decent, and affordable housing for millions of low-income families, who have used public housing as a stepping stone toward greater stability, independence, and homeownership;

(4) today, more than 3,300 local public housing agencies—95 percent of all housing agencies throughout America—are providing a good place for families to live and fulfilling their historic mission;

(5) yet, for all our progress as a nation, today, only one out of four Americans who needs housing assistance receives it;

(6) at the same time, approximately 15 percent of the people who live in public housing nationwide live in housing with management designated as "troubled";

(7) for numerous developments at these troubled public housing agencies and elsewhere, families face a overwhelming mix of crime, drug trafficking, unemployment, and despair, where there is little hope for a better future or a better life;

(8) the past 60 years have resulted in a system where outdated rules and excessive government regulation are limiting our ability to propose innovative solutions and solve problems, not only at the relatively few local public housing agencies designated as troubled, but at the 3,300 that are working well;

(9) obstacles faced by those agencies that are working well—multiple reports and cumbersome regulations—make a compelling case for deregulation and for concentration by the Department of Housing and Urban Development on fulfillment of the program's basic mission;

(10) all told, the Department has drifted from its original mission, creating bureaucratic processes that encumber the people and organizations it is supposed to serve;

(11) under a framework enacted by Congress, the Department has begun major reforms to address these problems, with dramatic results;

(12) public housing agencies have begun to demolish and replace the worst public housing, reduce crime, promote resident self-sufficiency, upgrade management, and end the isolation of public housing developments from the working world;

(13) the Department has also recognized that for public housing to work better, the Department needs to work better, and has begun a major overhaul of its organization, streamlining operations, improving management, building stronger partnerships with state and local agencies and improving its ability to take enforcement actions where necessary to assure that its programs serve their intended purposes; and

(14) for these dramatic reforms to succeed, permanent legislation is now needed to continue the transformation of public housing agencies, strip away outdated rules, provide necessary enforcement tools, and empower the Department and local agencies to meet the needs of America's families.

(b) Purpose.—It is the purpose of this Act—

(1) to completely overhaul the framework and rules that were put in place to govern public housing 60 years ago;

(2) to revolutionize the way public housing serves its clients, fits in the community, builds opportunity, and prepares families for a better life;

(3) to reaffirm America's historic commitment to safe, decent, and affordable housing and to remove the obstacles to meeting that goal;

(4) to continue the complete and total overhaul of management of the Department;

(5) to dramatically deregulate and reorganize the Federal Government's management and oversight of America's public housing;

(6) to ensure that local public housing agencies spend more time delivering vital services to residents and less time complying with unessential regulations or filing unessential reports;

(7) to achieve greater accountability of taxpayer funds by empowering the Federal Government to take firmer, quicker, and more effective actions to improve the management of troubled local housing authorities and to crack down on poor performance;

(8) to preserve public housing as a rental resource for low-income Americans, while breaking down the extreme social isolation of public housing from mainstream America;

(9) to provide for revitalization of severely distressed public housing, or its replacement with replacement housing or tenant-based assistance;

(10) to integrate public housing reform with welfare reform so that welfare recipients—many of whom are public housing residents—can better chart a path to independence and self-sufficiency;

(11) to anchor in a permanent statute needed changes that will result in the continued transformation of the public housing and tenant-based assistance programs—including deregulating well-performing housing agencies, ensuring accountability to the public, providing sanctions for poor performers, and providing additional management tools;

(12) to streamline and simplify the tenant-based Section 8 program and to make this program workable for providing homeownership; and

(13) through these comprehensive measures, to reform the United States Housing Act of 1937 and the programs thereunder.

TITLE I—PUBLIC HOUSING AND RENT REFORMS

SEC. 101. ESTABLISHMENT OF CAPITAL AND OPERATING FUNDS.

(a) Capital Fund.—Section 14(a) of the United States Housing Act of 1937 is amended—

(1) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively;

(2) by inserting the paragraph designation "(2)" before "It is the purpose"; and

(3) by inserting the following new paragraph (1) immediately after the subsection designation "(a)":

"(1) The Secretary shall establish a Capital Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section.".

(b) Operating Fund.—Section 9(a) of the United States Housing Act of 1937 is amended by striking "Sec. 9. (a)(1)(A) In addition to" and inserting the following:

"Sec. 9. (a) The Secretary shall establish an Operating Fund under this section for the purpose of making assistance available to public housing agencies in accordance with this section.

"(1)(A) In addition to".

SEC. 102. DETERMINATION OF RENTAL AMOUNTS FOR RESIDENTS OF PUBLIC HOUSING.

(a) In General.—Section 3 of the United States Housing Act of 1937 is amended—

(1) in subsection (a)(1), by revising subparagraph (A) to read as follows:

"(A)(i) if the family is assisted under section 8 of this Act, 30 percent of the family's monthly adjusted income; or

"(ii) if the family resides in public housing, an amount established by the public housing agency not to exceed 30 percent of the family's monthly adjusted income;"; and

(2) in subsection (b)(5)—

(A) after the semicolon following subparagraph (F), by inserting "and";

(B) in subparagraph (G), by striking "; and" and inserting a period; and

(C) by striking subparagraph (H).

(b) Revised Operating Subsidy Formula.—The Secretary, in consultation with interested parties, shall establish a revised formula for allocating operating assistance under section 9 of the United States Housing Act of 1937, which formula may include such factors as:

(1) standards for the costs of operation and reasonable projections of income, taking into account the character and location of the public housing project and characteristics of the families served, or the costs of providing comparable services as determined with criteria or a formula representing the operations of a prototype well-managed public housing project;

(2) the number of public housing dwelling units owned and operated by the public housing agency, the percentage of those units that are occupied by very low-income families, and, if applicable, the reduction in the number of public housing units as a result of any conversion to a system of tenant-based assistance;

(3) the degree of household poverty served by a public housing agency;

(4) the extent to which the public housing agency provides programs and activities designed to promote the economic self-sufficiency and management skills of public housing tenants;

(5) the number of dwelling units owned and operated by the public housing agency that are chronically vacant and the amount of assistance appropriate for those units;

(6) the costs of the public housing agency associated with anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(7) the ability of the public housing agency to effectively administer the Operating Fund distribution of the public housing agency;

(8) incentives to public housing agencies for good management;

(9) standards for the costs of operation of assisted housing compared to unassisted housing; and

(10) an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families; such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title; in addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (A) 100 percent of the total amount of the operating amounts for which the agency is eligible under this section, and (B) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(c) Transition Provision.—Prior to the establishment and implementation of an operating subsidy formula under subsection (b), if a public housing agency establishes a rental amount that is less than 30 percent of the family's monthly adjusted income pursuant to section 3(a)(1)(A)(ii) of the United States Housing Act of 1937, as amended by subsection (a)(1), the Secretary shall not take into account any reduction of or increase in the public housing agency's per unit dwelling rental income resulting from the use of such rental amount when calculating the contributions under section 9 of the United

States Housing Act of 1937 for the public housing agency for the operation of the public housing.

SEC. 103. MINIMUM RENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

The second sentence of section 3(a)(1) of the United States Housing Act of 1937 is amended—

(1) at the end of subparagraph (B), by striking "or";

(2) in subsection (C), by striking the period and inserting "; or"; and

(3) by inserting the following at the end:

"(D) $25.

Where establishing the rent or family contribution based on subparagraph (D) would otherwise result in undue hardship (as defined by the Secretary or the public housing agency) for one or more categories of affected families described in the next sentence, the Secretary or the public housing agency may exempt one or more such categories from the requirements of this paragraph and may require a lower minimum monthly rental contribution for one or more such categories. The categories of families described in this sentence shall include families subject to situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other families subject to such situations as may be determined by the Secretary or the agency. Where the rent or contribution of a family would otherwise be based on subparagraph (D) and a member of the family is an immigrant lawfully admitted for permanent residence (as those terms are defined in sections 101(a)(15) and 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) and 8 U.S.C. 1101(a)(20)) who would have been entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, notwithstanding any other provision of this section, a public housing agency shall exempt the family from the requirements of this paragraph.".

SEC. 104. PUBLIC HOUSING CEILING RENTS.

(a) Section 3(a)(2)(A) of the United States Housing Act of 1937, as amended by section 402(b)(1) of The Balanced Budget Downpayment Act, I, is amended to read as follows:

"(A) adopt ceiling rents that reflect the reasonable market value of the housing, but that are not less than—

"(i) for housing other than housing predominantly for elderly or disabled families (or both), 75 percent of the monthly cost to operate the housing of the agency;

"(ii) for housing predominantly for elderly or disabled families (or both), 100 percent of the monthly cost to operate the housing of the agency; and

"(iii) the monthly cost to make a deposit to a replacement reserve (in the sole discretion of the public housing agency); and".

(b) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(b) of that Act shall remain in effect after fiscal year 1997.

SEC. 105. DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.

(a) IN GENERAL.—Section 3 of the United States Housing Act of 1937 is amended—

(1) by striking the undesignated paragraph at the end of subsection (c)(3) (as added by section 515(b) of Public Law 101-625); and

(2) by adding at the end the following new subsection:

"(d) DISALLOWANCE OF EARNED INCOME FROM PUBLIC HOUSING AND SECTION 8 RENT AND FAMILY CONTRIBUTION DETERMINATIONS.—

"(1) IN GENERAL.—Notwithstanding any other provision of law, the rent payable under subsection (a) by, the family contribution determined in accordance with subsection (a) for, a family—

"(A) that—

"(i) occupies a unit in a public housing project; or

"(ii) receives assistance under section 8; and

"(B) whose income increases as a result of employment of a member of the family who was previously unemployed for one or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training program);may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

"(2) PHASE-IN OF RATE INCREASES.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1)(b) shall be phased in over a subsequent 3-year period.

"(3) OVERALL LIMITATION.—Rent payable under subsection (a) shall not exceed the amount determined under subsection (a).".

(b) APPLICABILITY OF AMENDMENT.—

(1) PUBLIC HOUSING.—Notwithstanding the amendment made by subsection (a), any tenant of public housing participating in the program under the authority contained in the undesignated paragraph at the end of the section 3(c)(3) of the United States Housing Act of 1937, as that paragraph existed on the day before the date of enactment this Act, shall be governed by that authority after that date.

(2) SECTION 8.—The amendments made by subsection (a) shall apply to tenant-based assistance provided by a public housing agency under section 8 of the United States Housing Act of 1937 on and after October 1, 1998, but shall apply only to the extent approved in appropriation Acts.

SEC. 106. PUBLIC HOUSING HOMEOWNERSHIP.

Section 5(h) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by striking "lower income tenants," and inserting the following: "low-income tenants, or to any organization serving as a conduit for sales to such tenants,"; and

(2) by adding the following two sentences at the end: "In the case of purchase by an entity that is an organization serving as a conduit for sales to such tenants, the entity shall sell the units to low-income families within five years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.".

SEC. 107. PUBLIC HOUSING AGENCY PLAN.

The United States Housing Act of 1937 is amended by inserting after section 5 the following new section:

"SEC. 5A. PUBLIC HOUSING AGENCY PLAN.

"(a) CONTENTS OF PLAN.—(1) Each public housing agency shall submit to the Secretary a public housing agency plan that shall consist of the following parts, as applicable—

"(A) A statement of the housing needs of low-income and very low-income families residing in the community served by the public housing agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

"(B) The procedures for outreach efforts (including efforts that are planned and that have been executed) to homeless families and to entities providing assistance to homeless families, in the jurisdiction of the public housing agency.

"(C) For assistance under section 14, a 5-year comprehensive plan, as described in section 14(e)(1).

"(D) For assistance under section 14, the annual statement, as required under section 14(e)(3).

"(E) An annual description of the public housing agency's plans for the following activities—

"(i) demolition and disposition under section 18;

"(ii) homeownership under section 5(h); and

"(iii) designated housing under section 7.

"(F) An annual submission by the public housing agency consisting of the following information—

"(i) tenant selection admission and assignment policies, including any admission preferences;

"(ii) rent policies, including income and rent calculation methodology, minimum rents, ceiling rents, and income exclusions, disregards, or deductions;

"(iii) any cooperation agreements between the public housing agency and State welfare and employment agencies to target services to public housing residents (public housing agencies shall use best efforts to enter into such agreements); and

"(iv) anti-crime and security plans, including—

"(I) a strategic plan for addressing crime on or affecting the sites owned by the agency, which shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents, shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located, shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities;

"(II) a statement of activities in furtherance of the strategic plan to be carried out with assistance under the Public and Assisted Housing Drug Elimination Act of 1990;

"(III) performance criteria regarding the effective use of such assistance; and

"(IV) any plans for the provision of anti-crime assistance to be provided by the local government in addition to the assistance otherwise required to be provided by the agreement for local cooperation under section 5(e)(2) or other applicable law.

Where a public housing agency has no changes to report in any of the information required under this subparagraph since the previous annual submission, the public agency shall only state in its annual submission that it has made no changes. If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the strategic crime plan for the agency under clause (iv)(I), or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

"(G) Other appropriate information that the Secretary requires for each public housing agency that is—

"(i) at risk of being designated as troubled under section 6(j); or

"(ii) designated as troubled under section 6(j).

"(H) Other information required by the Secretary in connection with the provision of assistance under section 9.

"(I) An annual certification by the public housing agency that it has met the citizen participation requirements under subsection (b).

"(J) An annual certification by the public housing agency that it will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, and title II of the Americans with Disabilities Act of 1990, and will affirmatively further fair housing.

"(K) An annual certification by the public housing agency that the public housing agency plan is consistent with the approved Consolidated Plan for the locality.

"(2) The Secretary may provide for more frequent submissions where the public housing agency proposes to amend any parts of the public housing agency plan.

"(b) CITIZEN PARTICIPATION REQUIREMENTS.—In developing the public housing agency plan under subsection (a), each public housing agency shall consult with appropriate local government officials and with tenants of the housing projects, which shall include at least one public hearing that shall be held prior to the adoption of the plan, and afford tenants and interested parties an opportunity to summarize their priorities and concerns, to ensure their due consideration in the planning process of the public housing agency.

"(c) PERFORMANCE REPORTS.—The Secretary shall require the public housing agency to submit any information that the Secretary determines is appropriate or necessary to assess the management performance of public housing agencies and resident management corporations under section 6(j) and to monitor assistance provided under this Act. To the maximum extent feasible, the Secretary shall require such information in one report, as part of the annual submission of the agency under subsection (a).

"(d) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—After submission by a public housing agency of a public housing agency plan under subsection (a), the Secretary shall determine whether the plan complies with the requirements under this section. The Secretary may determine that a plan does not comply with the requirements under this section only if—

"(1) the plan is incomplete in significant matters required under this section;

"(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

"(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

"(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

"(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

"(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

"(7) the plan is inconsistent with the requirements of this Act.

"(e) WAIVER AUTHORITY.—The Secretary may waive, or specify alternative requirements for, any requirements under this section that the Secretary determines are burdensome or unnecessary for public housing agencies that only administer tenant-based assistance and do not own or operate public housing.".

SEC. 108. PHMAP INDICATORS FOR SMALL PHA'S.

Section 6(j)(1) of the United States Housing Act of 1937 is amended by—

(1) redesignating subparagraphs (A) through (I) as clauses (i) through (ix);

(2) redesignating clauses (1), (2), and (3) in clause (ix), as redesignated by paragraph (1), as subclauses (I), (II), and (III) respectively;

(3) in the fourth sentence, inserting immediately before clause (i), as redesignated, the following new subparagraph:

"(A) For public housing agencies that own or operate 250 or more public housing dwelling units—"; and

(4) adding the following new subparagraph at the end:

"(B) For public housing agencies that own and operate fewer than 250 public housing dwelling units—

"(i) The number and percentage of vacancies within an agency's inventory, including the progress that an agency has made within the previous 3 years to reduce such vacancies.

"(ii) The percentage of rents uncollected.

"(iii) The ability of the agency to produce and use accurate and timely records of monthly income and expenses and to maintain at least a 3-month reserve.

"(iv) The annual inspection of occupied units and the agency's ability to respond to maintenance work orders.

"(v) Any one additional factor that the Secretary may determine to be appropriate.".

SEC. 109. PHMAP SELF-SUFFICIENCY INDICATOR.

Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by section 108 of this Act, is amended at the end by adding the following new clause:

"(x) The extent to which the agency coordinates and promotes participation by families in programs that assist them to achieve self-sufficiency.".

SEC. 110. EXPANSION OF POWERS FOR DEALING WITH PHA'S IN SUBSTANTIAL DEFAULT.

(a) IN GENERAL.—Section 6(j)(3) of the United States Housing Act of 1937 is amended—

(1) in subparagraph (A)—

(A) by amending clause (i) to read as follows:

"(i) solicit competitive proposals from other public housing agencies and private housing management agents which, in the discretion of the Secretary, may be selected by existing public housing residents through administrative procedures established by the Secretary; if appropriate, these proposals shall provide for such agents to manage all, or part, of the housing administered by the public housing agency or all or part of the other programs of the agency;";

(B) by redesignating clause (iv) as clause (v) and amending it to read as follows:

"(v) require the agency to make other arrangements acceptable to the Secretary and in the best interests of the public housing residents and families assisted under section 8 for managing all, or part, of the public housing administered by the agency or of the programs of the agency."; and

(C) by inserting a new clause (iv) after clause (iii) to read as follows:

"(iv) take possession of all or part of the public housing agency, including all or part of any project or program of the agency, including any project or program under any other provision of this title; and"; and

(2) by striking subparagraphs (B) through (D) and inserting in lieu thereof the following:

"(B)(i) If a public housing agency is identified as troubled under this subsection, the Secretary shall notify the agency of the troubled status of the agency.

"(ii) Upon the expiration of the 1-year period beginning on the later of the date on which the agency receives notice from the Secretary of the troubled status of the agency under clause (i) and the date of enactment of the Public Housing Management Reform Act of 1997, the Secretary shall—

"(I) in the case of a troubled public housing agency with 1,250 or more units, petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(II) in the case of a troubled public housing agency with fewer than 1,250 units, either—

"(aa) petition for the appointment of a receiver pursuant to subparagraph (A)(ii); or

"(bb) appoint, on a competitive or noncompetitive basis, an individual or entity as an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), provided the Secretary has taken possession of all or part of the public housing agency (including all or part of any project or program of the agency) pursuant to subparagraph (A)(iv).

"(C) If a receiver is appointed pursuant to subparagraph (A)(ii), in addition to the powers accorded by the court appointing the receiver, the receiver—

"(i) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the receiver determines that reasonable efforts to renegotiate such contract have failed;

"(ii) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(iii) if determined to be appropriate by the Secretary, may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(iv) if determined to be appropriate by the Secretary, may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies; and

"(v) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the receiver's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default.

"(D)(i) If the Secretary takes possession of all or part of the public housing agency, including all or part of any project or program of the agency, pursuant to subparagraph (A)(iv), the Secretary—

"(I) may abrogate any contract to which the United States or an agency of the United States is not a party that, in the written determination of the Secretary (which shall include the basis for such determination), substantially impedes correction of the substantial default, but only after the Secretary determines that reasonable efforts to renegotiate such contract have failed;

"(II) may demolish and dispose of all or part of the assets of the public housing agency (including all or part of any project of the agency) in accordance with section 18, including disposition by transfer of properties to resident-supported nonprofit entities;

"(III) may seek the establishment, as permitted by applicable State and local law, of one or more new public housing agencies;

"(IV) may seek consolidation of all or part of the agency (including all or part of any project or program of the agency), as permitted by applicable State and local laws, into other well-managed public housing agencies with the consent of such well-managed agencies;

"(V) shall not be required to comply with any State or local law relating to civil service requirements, employee rights (except civil rights), procurement, or financial or administrative controls that, in the Secretary's written determination (which shall include the basis for such determination), substantially impedes correction of the substantial default; and

"(VI) shall, without any action by a district court of the United States, have such additional authority as a district court of the United States would have the authority to confer upon a receiver to achieve the purposes of the receivership.

"(ii) If the Secretary, pursuant to subparagraph (B)(ii)(II)(bb), appoints an administrative receiver to assume the responsibilities of the Secretary for the administration of all or part of the public housing agency (including all or part of any project or program of the agency), the Secretary may delegate to the administrative receiver any or all of the powers given the Secretary by this subparagraph, as the Secretary determines to be appropriate.

"(iii) Regardless of any delegation under this subparagraph, an administrative receiver may not seek the establishment of one or more new public housing agencies pursuant to clause (i)(III) or the consolidation of all or part of an agency into other well-managed agencies pursuant to clause (i)(IV), unless the Secretary first approves an application by the administrative receiver to authorize such action.

"(E) The Secretary may make available to receivers and other entities selected or appointed pursuant to this paragraph such assistance as the Secretary determines in the discretion of the Secretary is necessary and available to remedy the substantial deterioration of living conditions in individual public housing developments or other related emergencies that endanger the health, safety, and welfare of public housing residents or families assisted under section 8. A decision made by the Secretary under this paragraph is not subject to review in any court of the United States, or in any court of any State, territory, or possession of the United States.

"(F) In any proceeding under subparagraph (A)(ii), upon a determination that a substantial default has occurred, and without regard to the availability of alternative remedies, the court shall appoint a receiver to conduct the affairs of all or part of the public housing agency in a manner consistent with this Act and in accordance with such further terms and conditions as the court may provide. The receiver appointed may be another public housing agency, a private management corporation, or any other person or appropriate entity. The court shall have power to grant appropriate temporary or preliminary relief pending final disposition of the petition by the Secretary.

"(G) The appointment of a receiver pursuant to this paragraph may be terminated, upon the petition of any party, when the court determines that all defaults have been cured or the public housing agency is capable again of discharging its duties.

"(H) If the Secretary (or an administrative receiver appointed by the Secretary) takes possession of a public housing agency (including all or part of any project or program of the agency), or if a receiver is appointed by a court, the Secretary or receiver shall be deemed to be acting not in the official capacity of that person or entity, but rather in the capacity of the public housing agency, and any liability incurred, regardless of whether the incident giving rise to that liability occurred while the Secretary or receiver was in possession of all or part of the public housing agency (including all or part of any project or program of the agency), shall be the liability of the public housing agency.".

(b) EFFECTIVENESS.—The provisions of, and duties and authorities conferred or confirmed by, subsection (a) shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

(c) TECHNICAL CORRECTION REGARDING APPLICABILITY TO SECTION 8.—Section 8(h) of the United States Housing Act of 1937 is amended by inserting after "6" the following: "(except as provided in section 6(j)(3))".

SEC. 111. PUBLIC HOUSING SITE-BASED WAITING LISTS.

Section 6 of the United States Housing Act of 1937, as amended by section 306(a)(2) of this Act, is amended by inserting the following new subsection at the end:

"(q) A public housing agency may establish, in accordance with guidelines established by the Secretary, procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures must comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.".

SEC. 112. COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

Section 12 of the United States Housing Act of 1937 is amended by adding at the end the following new subsection:

"(c) COMMUNITY SERVICE REQUIREMENTS FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.—

"(1) IN GENERAL.—A public housing agency shall encourage each adult member of each family residing in public housing or assisted under section 8 to participate, for not less than 8 hours per month, in community service activities (not to include any political activity) within the community in which that adult resides.

"(2) EXEMPTIONS.—The requirement in paragraph (1) shall not apply to any adult who is—

"(A) at least 62 years of age;

"(B) a person with disabilities who is unable, as determined in accordance with guidelines established by the Secretary, to comply with this subsection;

"(C) working at least 20 hours per week, a student, receiving vocational training, or otherwise meeting work, training, or educational requirements of a public assistance program other than the program specified in subparagraph (E);

"(D) a single parent, grandparent, or the spouse of an otherwise exempt individual, who is the primary caretaker of one or more—

"(i) children who are 6 years of age or younger;

"(ii) persons who are at least 62 years of age; or

"(iii) persons with disabilities; or

"(E) in a family receiving assistance under the Temporary Assistance for Needy Families program under part A of title IV of the Social Security Act.".

SEC. 113. COMPREHENSIVE IMPROVEMENT ASSISTANCE PROGRAM STREAMLINING.

(a) Section 14(d) of the United States Housing Act of 1937 is amended to read as follows:

"(d) No assistance may be made available under subsection (b) to a public housing agency that owns or operates fewer than 250 public housing units unless the agency has submitted a comprehensive plan in accordance with subsection (e)(1) and the Secretary has approved it in accordance with subsection (e)(2). The assistance shall be allocated to individual agencies on the basis of a formula established by the Secretary.".

(b) Section 14 (f)(1) is repealed.

(c) Section 14 (g) is amended by striking "(d)(3)" and inserting "(d)".

(d) Section 14(h) is repealed.

(e) Section 14(i) is repealed.

(f) Section 14(k)(1) is amended by striking "$75,000,000" and inserting "$100,000,000".

SEC. 114. FLEXIBILITY FOR PHA FUNDING.

(a) EXPANSION OF USES OF FUNDING.—Section 14(q)(1) of the United States Housing Act of 1937 is amended—

(1) in the first sentence, by inserting after "section 5," the following "by section 24,";

(2) in the first sentence, by inserting after "public housing agency,", the following: "except for the provision of tenant-based assistance,"; and

(3) by inserting at the end the following: "Notwithstanding the foregoing, (i) a public housing agency that owns or operates fewer than 250 units may use modernization assistance provided under section 14, development assistance provided under section 5(a), and operating subsidy provided under section 9, for any eligible activity authorized by this

Act or by applicable appropriations Acts for a public housing agency, except for assistance under section 8, and (ii) any agency determined to be a troubled agency under section 6(j) may use amounts not appropriated under section 9 for any operating subsidy purpose authorized in section 9 only with the approval of the Secretary and provided that the housing is maintained and operated in a safe and sanitary condition.".

(b) MIXED-FINANCE DEVELOPMENT.—Section 14(q)(2) of such Act is amended to read as follows:

"(2) MIXED FINANCE PUBLIC HOUSING.—

"(A) AUTHORITY.—The Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of capital and operating assistance provided under section 5, 14, or 9, assistance for demolition, site revitalization, or replacement housing provided under section 24, or assistance under applicable appropriation Acts for a public housing agency, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to subparagraph (C) by the Secretary.

"(B) MIXED-FINANCE HOUSING DEVELOPMENTS.—

"(i) For purposes of this paragraph, the term 'mixed-finance housing' means low-income housing or mixed-income housing for which the financing for development or revitalization is provided, in part, from entities other than the public housing agency.

"(ii) A mixed-finance housing development shall be produced or revitalized, and owned—

"(I) by a public housing agency or by an entity affiliated with a public housing agency;

"(II) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

"(III) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

"(IV) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This clause may not be construed to require development or revitalization, and ownership, by the same entity.

"(C) MIXED-FINANCE HOUSING PLAN.—The Secretary may approve a plan for development or revitalization of mixed-finance housing under this paragraph only if the Secretary determines that—

"(i) the public housing agency has the ability, or has provided for an entity under subparagraph (B)(ii) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

"(ii) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

"(iii) the plan provides for use of amounts provided under subparagraph (A) by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for development or revitalization of the development; and

"(iv) the plan complies with any other criteria that the Secretary may establish.

"(D) RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.—With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from the Operating or Capital Fund are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

"(E) CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.—In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of capital and operating assistance received by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

"(i) upon the expiration of the 18-month period beginning upon the approval of the plan under subparagraph (C) for the mixed-finance housing development, the agency does not have binding commitments for development or revitalization, or a construction contract, for such development;

"(ii) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the annual contributions contract for the agency; or

"(iii) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under clause (i) or (ii) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such clause.".

(c) CONFORMING AMENDMENTS.—Section 14(q) of such Act is amended—

(1) in paragraph (3), by striking "mixed income" and inserting "mixed-finance"; and

(2) in paragraph (4), by striking "mixed-income project" and inserting "mixed-finance development".

(d) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937, as amended by this section, shall be effective with respect to any assistance provided to the public housing agency under sections 5 and 14 of the United States Housing Act of 1937 and applicable appropriations Acts for a public housing agency.

SEC. 115. REPLACEMENT HOUSING RESOURCES.

(a) OPERATING FUND.—Section 9(a)(3)(B) of the United States Housing Act of 1937 is amended—

(1) at the end of clause (iv), by striking "and";

(2) at the end of clause (v), by striking the period and inserting "; and"; and

(3) by inserting at the end the following:

"(vi) where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the public housing agency receives under this section; notwithstanding this requirement, the Secretary shall provide assistance under this section in accordance with the provisions of section 14(q)(2) (relating to mixed-finance public housing).".

(b) COMPREHENSIVE GRANT PROGRAM.—Section 14(k)(2)(D)(ii) of such Act is amended to read as follows:

"(ii) Where an existing unit under a contract is demolished or disposed of, the Secretary shall adjust the amount the agency receives under the formula. Notwithstanding the preceding sentence, for the five-year period after demolition or disposition, the Secretary may provide for no adjustment, or a partial adjustment, of the amount the agency receives under the formula and shall require the agency to use any additional amount received as a result of this sentence for replacement housing or physical improvements necessary to preserve viable public housing.".

SEC. 116. REPEAL OF ONE-FOR-ONE REPLACEMENT HOUSING REQUIREMENT.

Section 1002(d) of Public Law 104-19 is amended by striking "and on or before September 30, 1997".

SEC. 117. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

Section 24 of the United States Housing Act of 1937 is amended—

(1) by amending the heading to read as follows: "**DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND TENANT-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS**";

(2) by amending subsections (a) through (c) to read as follows:

"(a) PURPOSE.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

"(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing through the demolition of obsolete public housing developments (or portions thereof);

"(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood;

"(3) providing housing that will avoid or decrease the concentration of very low-income families; and

"(4) providing tenant-based assistance in accordance with the provisions of section 8 for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

"(b) GRANT AUTHORITY.—The Secretary may make grants available to public housing agencies as provided in this section.

"(c) CONTRIBUTION REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements the amount of assistance provided under this section (other than amounts provided for demolition or tenant-based assistance) with an amount of funds from sources other than this Act equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.";

(3) by amending subsection (d)(1) to read as follows:

"(1) IN GENERAL.—The Secretary may make grants under this subsection to applicants for the purpose of carrying out demolition, revitalization, and replacement programs for severely distressed public housing under this section. The Secretary may make a grant for the revitalization or replacement of public housing only if the agency demonstrates that the neighborhood is or will be a viable residential community, as defined by the Secretary, after completion of the work assisted under this section and any other neighborhood improvements planned by the State or local government or otherwise to be provided. The Secretary may approve grants providing assistance for one eligible activity or a combination of eligible activities under this section, including assistance only for demolition and assistance only for tenant-based assistance in accordance with the provisions of section 8.";

(4) in subsection (d)(2)(B)—

(A) by striking "the redesign" and inserting "the abatement of environmental hazards, demolition, redesign"; and

(B) by striking "is located" and inserting "is or was located";

(5) in subsection (d)(2), by redesignating subparagraphs (C) through (I) as subparagraphs (D) through (J), respectively, and inserting the following new subparagraph after subparagraph (B):

"(C) replacement housing, which shall consist of public housing, homeownership units as permitted under the HOPE VI program (as previously authorized in appropriations Acts), tenant-based assistance in accordance with the provisions of section 8, or a combination;";

(6)(A) in subsection (G), as redesignated by paragraph (5), by inserting before the semicolon the following: "and any necessary supportive services, except that not more than 15 percent of any grant under this subsection may be used for such purposes.";

(B) by inserting "and" at the end of subsection (H), as redesignated by paragraph (4); and

(C) by striking the semicolon at the end of subsection (I), as redesignated by paragraph (4), and all that follows up to the period;

(7) in paragraph (3), by striking the second sentence;

(8) by amending subsection (d)(4) to read as follows:

"(4) SELECTION CRITERIA.—

"(A) APPLICATIONS FOR DEMOLITION.—The Secretary shall establish selection criteria for applications that request assistance only for demolition, which shall include—

"(i) the need for demolition, taking into account the effect of the distressed development on the public housing agency and the community;

"(ii) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

"(iii) the extent of involvement of residents and State and local governments in determining the need for demolition; and

"(iv) such other factors as the Secretary determines appropriate.

"(B) APPLICATIONS FOR DEMOLITION, REVITALIZATION, AND REPLACEMENT.—The Secretary shall establish selection criteria for applications that request assistance for a combination of eligible activities, which shall include—

"(i) the relationship of the grant to the comprehensive plan for the locality;

"(ii) the extent to which the grant will result in a viable development which will foster the economic and social integration of public housing residents and the extent to which the development will enhance the community;

"(iii) the capability and record of the applicant public housing agency, its development team, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

"(iv) the extent to which the public housing agency is not able to undertake such activities without a grant under this section;

"(v) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development;

"(vi) the amount of funds and other resources to be leveraged by the grant; and

"(vii) such other factors as the Secretary determines appropriate."

"(C) APPLICATIONS FOR TENANT-BASED ASSISTANCE.—Notwithstanding any other provision of this subsection, the Secretary may allocate tenant-based assistance under this section on a non-competitive basis in connection with the demolition or disposition of public housing.";

(9) by amending subsection (e) to read as follows:

"(e) LONG TERM VIABILITY.—The Secretary may waive or revise rules established under this Act governing the development, management, and operation of public housing units, to permit a public housing agency to undertake measures that enhance the long-term viability of a severely distressed public housing project revitalized under this section; except that the Secretary may not waive or revise the rent limitation under section 3(a)(1)(A) or the targeting requirements under section 16(a).";

(10) in subsection (f)—

(A) by striking "OTHER" and all that follows through "(1)";

(B) by striking paragraph (2); and

(C) by redesignating subparagraphs (A) and (B) as paragraphs (1) and (2);

(11) by striking subsections (g) and (i) and redesignating subsection (h) as subsection (j);

(12) by inserting the following new subsections after subsection (f):

"(g) ADMINISTRATION BY OTHER ENTITIES.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purposes of this section.

"(h) TIMELY EXPENDITURES.—

"(1) WITHDRAWAL OF FUNDING.—If a grantee under this section or under the HOPE VI program does not sign the primary construction contract for the work included in the grant agreement within 18 months from the date of the grant agreement, the Secretary shall withdraw any grant amounts under the grant agreement which have not been obligated by the grantee. The Secretary shall redistribute any withdrawn amounts to one or more applicants eligible for assistance under this section. The Secretary may grant an extension of up to one additional year from the date of enactment of this Act if the 18-month period has expired as of the date of enactment, for delays caused by factors beyond the control of the grantee.

"(2) COMPLETION.—A grant agreement under this section shall provide for interim checkpoints and for completion of physical activities within four years of execution, and the Secretary shall enforce these requirements through default remedies up to and including withdrawal of funding. The Secretary may, however, provide for a longer timeframe, but only when necessary due to factors beyond the control of the grantee.

"(3) INAPPLICABILITY.—This subsection shall not apply to grants for tenant-based assistance under section 8.

"(i) INAPPLICABILITY OF SECTION 18.—Section 18 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.";

(13) by amending subsection (j)(1), as redesignated by paragraph (11)—

(A) in subparagraph (C), by inserting after "nonprofit organization," the following: "private program manager, a partner in a mixed-finance development,";

(B) at the end of subparagraph (B), after the semicolon, by inserting "and"; and

(C) at the end of subparagraph (C), by striking "; and" and all that follows up to the period;

(14) by amending subsection (j)(5), as redesignated by paragraph (11)—

(A) in subparagraph (A)—

(i) by striking "(i)";

(ii) by striking clauses (ii) through (iv); and

(iii) by inserting after "physical plant of the project" the following: ", where such distress cannot be remedied through assistance under section 14 because of inadequacy of available funding";

(B) by amending subparagraph (A), as amended by subparagraph (A) of this paragraph (14), by striking "appropriately" and inserting "inappropriately"; and

(C) by amending subparagraph (B) to read as follows:

"(B) that was a project as described in subparagraph (A) that has been demolished, but for which the Secretary has not provided replacement housing assistance (other than tenant-based assistance).";

(15) by inserting at the end of subsection (j), as redesignated by paragraph (11), the following new paragraph:

"(6) SUPPORTIVE SERVICES.—The term 'supportive services' includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities."; and

(16) by inserting the following new subsection at the end:

"(k) TECHNICAL ASSISTANCE AND PROGRAM OVERSIGHT.—Of the amount appropriated for any fiscal year for grants under this section, the Secretary may use up to 2.5 percent for technical assistance, program oversight, and fellowships for on-site public housing agency assistance and supplemental education. Technical assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and may include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents. The Secretary may use amounts under this paragraph for program oversight to contract with private program and construction management entities to assure that development activities are carried out in a timely and cost-effective manner.".

SEC. 118. PERFORMANCE EVALUATION BOARD.

(a) ESTABLISHMENT.—There is hereby established a performance evaluation board to assist the Secretary of Housing and Urban Development in improving and monitoring the system for evaluation of public housing authority performance, including by studying and making recommendations to the Secretary on the most effective, efficient and productive method or methods of evaluating the performance of public housing agencies, consistent with the overall goal of improving management of the public housing program.

(b) MEMBERSHIP.—

(1) IN GENERAL.—The board shall be composed of at least seven members with relevant experience who shall be appointed by the Secretary as soon as practicable, but not later than 90 days after enactment of this Act.

(2) APPOINTMENTS.—In appointing members of the board, the Secretary shall assure that each of the background areas set forth in paragraph (3) are represented.

(3) BACKGROUNDS.—Background areas to be represented are—

(A) major public housing organizations;

(B) public housing resident organizations;

(C) real estate management, finance, or development entities; and

(D) units of general local government.

(c) BOARD PROCEDURES.—

(1) CHAIRPERSON.—The Secretary shall appoint a chairperson from among members of the board.

(2) QUORUM.—A majority of the members of the board shall constitute a quorum for the transaction of business.

(3) VOTING.—Each member of the board shall be entitled to one vote, which shall be equal to the vote of each other member of the board.

(4) PROHIBITION OF ADDITIONAL PAY.—Members of the board shall serve without compensation, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of their duties as members of the board.

(d) POWERS.—

(1) HEARINGS.—The board may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the board determines appropriate.

(2) ASSISTANCE FROM FEDERAL AGENCIES.—.

(A) INFORMATION.—The board may request from any agency of the United States, and such agency is authorized to provide, such data and information as the board may require for carrying out its functions.

(B) STAFF SUPPORT.—Upon request of the chairperson of the board, to assist the board in carrying out its duties under this section, the Secretary may—

(i) provide an executive secretariat;

(ii) assign by detail or otherwise any of the personnel of the Department of Housing and Urban Development; and

(iii) obtain by personal services contracts or otherwise any technical or other assistance needed to carry out this section.

(e) ADVISORY COMMITTEE.—The board shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

(f) FUNCTIONS.—The board shall, as needed—

(1) examine and assess the need for further modifications to or replacement of the Public Housing Management Assessment program, established by the Secretary under section 6(j) of the United States Housing Act of 1937;

(2) examine and assess models used in other industries or public programs to assess the performance of recipients of assistance, including accreditation systems, and the applicability of those models to public housing;

(3) develop (either itself, or through another body) standards for professional competency for the public housing industry, including methods of assessing the qualifications of employees of public housing authorities, such as systems for certifying the qualifications of employees;

(4) develop a system for increasing the use of on-site physical inspections of public housing developments; and

(5) develop a system for increasing the use of independent audits, as part of the overall system for evaluating the performance of public housing agencies.

(g) REPORTS.—

(1) Not later than the expiration of the three-month period beginning upon the appointment of the seventh member of the board, and one year from such appointment, the board shall issue interim reports to the Secretary on its activities. The board shall make its final report and recommendations one year after its second interim report is issued. The final report shall include findings and recommendations of the board based upon the functions carried out under this section.

(2) After the board issues its final report, it may be convened by its chair, upon the request of the Secretary, to review implementation of the performance evaluation system and for other purposes.

(h) TERM.—The duration of the board shall be seven years.

(i) FUNDING.—The Secretary is authorized to use any amounts appropriated under the head Preserving Existing Housing Investment, or predecessor or successor appropriation accounts, without regard to any earmarks of funding, to carry out this section.

SEC. 119. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.

The United States Housing Act of 1937 is amended by adding the following new section after section 27:

"SEC. 28. ECONOMIC DEVELOPMENT AND SUPPORTIVE SERVICES FOR PUBLIC HOUSING RESIDENTS.

"(a) IN GENERAL.—To the extent provided in advance in appropriations Acts, the Secretary shall make grants for the purposes of providing a program of supportive services and resident self-sufficiency activities to enable residents of public housing to become economically self-sufficient and to assist elderly persons and persons with disabilities to maintain independent living, to the following eligible applicants:

"(1) public housing agencies;

"(2) resident councils;

"(3) resident management corporations or other eligible resident entities defined by the Secretary;

"(4) other applicants, as determined by the Secretary; and

"(5) any partnership of eligible applicants.

"(b) ELIGIBLE ACTIVITIES.—Grantees under this section may use grants for the provision of supportive service, economic development, and self-sufficiency activities conducted primarily for public housing residents in a manner that is easily accessible to those residents. Such activities shall include—

"(1) the provision of service coordinators and case managers;

"(2) the provision of services related to work readiness, including education, job training and counseling, job search skills, business development training and planning, tutoring, mentoring, adult literacy, computer access, personal and family counseling, health screening, work readiness health services, transportation, and child care;

"(3) economic and job development, including employer linkages and job placement, and the start-up of resident microenterprises, community credit unions, and revolving loan funds, including the licensing, bonding and insurance needed to operate such enterprises;

"(4) resident management activities, including related training and technical assistance; and

"(5) other activities designed to improve the self-sufficiency of residents, as may be determined in the sole discretion of the Secretary.

"(c) FUNDING DISTRIBUTION.—

"(1) IN GENERAL.—After reserving such amounts as the Secretary determines to be necessary for technical assistance and clearinghouse services under subsection (d), the Secretary shall distribute any remaining amounts made available under this section on a competitive basis. The Secretary may set a cap on the maximum grant amount permitted under this section, and may limit applications for grants under this section to selected applicants or categories of applicants.

"(2) SELECTION CRITERIA.—The Secretary shall establish selection criteria for applications that request assistance for one or more eligible activities under this section, which shall include—

"(A) the demonstrated capacity of the applicant to carry out a program of supportive services or resident empowerment activities;

"(B) the amount of funds and other resources to be leveraged by the grant;

"(C) the extent to which the grant will result in a quality program of supportive services or resident empowerment activities;

"(D) the extent to which any job training and placement services to be provided are coordinated with the provision of such services under the Job Training Partnership Act and the Wagner-Peyser Act; and

"(E) such other factors as the Secretary determines appropriate.

"(3) MATCHING REQUIREMENT.—The Secretary may not make any grant under this section to any applicant unless the applicant supplements every dollar provided under this subsection with an amount of funds from sources other than this section equal to at least twice the amount provided under this subsection, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided. Of the supplemental funds furnished by the applicant, not more than 50 percent may be in the form of in-kind services or administrative costs provided.

"(d) FUNDING FOR TECHNICAL ASSISTANCE.—The Secretary may set aside a portion of the amounts appropriated under this section, to be provided directly or indirectly by grants, contracts, or cooperative agreements, for technical assistance, which may include training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies, and to residents and to other eligible grantees, and for clearinghouse services in furtherance of the goals and activities of this section.

"(e) CONTRACT ADMINISTRATORS.—The Secretary may require resident councils, resident management corporations, or other eligible entities defined by the Secretary to utilize public housing agencies or other qualified organizations as contract administrators with respect to grants provided under this section.".

SEC. 120. PENALTY FOR SLOW EXPENDITURE OF MODERNIZATION FUNDS.

Section 14(k)(5) of the United States Housing Act of 1937 is amended to read as follows:

"(5)(A) A public housing agency shall obligate any assistance received under this section within 18 months of the date funds become available to the agency for obligation. The Secretary may extend this time period by no more than one year if an agency's failure to obligate such assistance in a timely manner is attributable to events beyond the control of the agency. The Secretary may also provide an exception for de minimis amounts to be obligated with the next year's funding; an agency that owns or administers fewer than 250 public housing units, to the extent necessary to permit the agency to accumulate sufficient funding to undertake activities; and any agency, to the extent necessary to permit the agency to accumulate sufficient funding to provide replacement housing.

"(B) A public housing agency shall not be awarded assistance under this section for any month in a year in which it has funds unobligated, in violation of subparagraph (A). During such a year, the Secretary shall withhold all assistance which would otherwise be provided to the agency. If the agency cures its default during the year, it shall be provided with the share attributable to the months remaining in the year. Any funds not so provided to the agency shall be provided to high-performing agencies as determined under section 6(j).

"(C) If the Secretary has consented, before the date of enactment of the Public Housing Management Reform Act of 1997, to an obligation period for any agency longer than provided under this paragraph, an agency which obligates its funds within such extended period shall not be considered to be in violation of subparagraph (A). Notwithstanding any prior consent of the Secretary, however, all funds appropriated in fiscal year 1995 and prior years shall be fully obligated by the end of fiscal year 1998, and all funds appropriated in fiscal years 1996 and 1997 shall be fully obligated by the end of fiscal year 1999.

"(D) A public housing agency shall spend any assistance received under this section within four years (plus the period of any extension approved by the Secretary under subparagraph (A)) of the date funds become available to the agency for obligation. The Secretary shall enforce this requirement through default remedies up to and including withdrawal of the funding. Any obligation entered into by an agency shall be subject to the right of the Secretary to recapture the amounts for violation by the agency of the requirements of this subparagraph.".

SEC. 121. DESIGNATION OF PHA'S AS TROUBLED.

(a) Section 6(j)(1)(A) of the United States Housing Act of 1937, as amended by sections 108 and 109, is further amended—

(1) in subparagraph (A), by inserting the following after clause (x):

"(xi) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary."; and

(2) in subparagraph (B)—

(A) by redesignating clause (v) as clause (vi); and

(B) by inserting the following after clause (iv):

"(v) Whether the agency is providing acceptable basic housing conditions, as determined by the Secretary.".

(b) Section 6(j)(2)(A)(i) of such Act is amended by inserting the following after the first sentence: "Such procedures shall provide that an agency that does not provide acceptable basic housing conditions shall be designated a troubled public housing agency.".

(c) Section 6(j)(2)(A)(i) of such Act is amended in the first sentence—

(1) by inserting before "the performance indicators" the subclause designation "(I)"; and

(2) by inserting before the period the following: "; or (II) such other evaluation system as is determined by the Secretary to assess the condition of the public housing agency or resident management corporation, which system may be in addition to or in lieu of the performance indicators established under paragraph (1)".

SEC. 122. VOLUNTEER SERVICES UNDER THE 1937 ACT.

(a) In General.—Section 12(b) of the United States Housing Act of 1937 is amended by striking "that—" and all that follows up to the period and inserting "who performs volunteer services in accordance with the requirements of the Community Improvement Volunteer Act of 1994".

(b) CIVA Amendment.—Section 7305 of the Community Improvement Volunteer Act of 1994 is amended—

(1) in paragraph (5), by striking "and" after the semicolon;

(2) in paragraph (6), by striking the period and inserting "; and"; and

(3) by inserting the following paragraph after paragraph (6):

"(7) the United States Housing Act of 1937.".

SEC. 123. AUTHORIZATION OF APPROPRIATIONS FOR OPERATION SAFE HOME PROGRAM.

There are authorized to be appropriated to carry out the Operation Safe Home program $20,000,000 for fiscal year 1998 and such sums as may be necessary for fiscal years 1999, 2000, 2001, and 2002.

TITLE II—SECTION 8 STREAMLINING AND OTHER PROGRAM IMPROVEMENTS

SEC. 201. PERMANENT REPEAL OF FEDERAL PREFERENCES.

(a) Notwithstanding section 402(f) of The Balanced Budget Downpayment Act, I, the amendments made by section 402(d) of that Act shall remain in effect after fiscal year 1997, except that the amendments made by sections 402(d)(3) and 402(d)(6)(A)(iii), (iv), and (vi) of such Act shall remain in effect as amended by sections 203 and 116 of this Act, and section 402(d)(6)(v) shall be repealed by the amendments made to section 16 of the United States Housing Act of 1937 by section 202 of this Act.

(b) Section 6(c)(4)(A) of the United States Housing Act of 1937, as amended by section 402(d)(1) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

(c) Section 8(d)(1)(A) of the United States Housing Act of 1937, as amended by section 402(d)(2) of The Balanced Budget Downpayment Act, I, is amended by striking "is" and all that follows through "Act" and inserting the following: "shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment under this subparagraph, under section 5A(b), and under the requirements of the approved Consolidated Plan for the locality".

SEC. 202. INCOME TARGETING FOR PUBLIC HOUSING AND SECTION 8 PROGRAMS.

(a) Section 16 of the United States Housing Act of 1937 is amended by revising the heading and subsections (a) through (c) to read as follows:

"SEC. 16. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

"(a) Public Housing.—

"(1) Program requirement.—Of the public housing units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area; except that, for any fiscal year, the Secretary may reduce to 80 percent the percentage under this subparagraph for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that such reduction would be used for, and would result in, the enhancement of the long-term viability of the housing developments of the agency.

"(2) Development requirement.—At least 40 percent of the units in each public housing development shall be occupied by families with incomes which are less than 30 percent of the median income for the area, except that no family may be required to move to achieve compliance with this requirement.

"(b) Section 8 Assistance.—

"(1) Tenant-based, moderate rehabilitation, and project-based certificate assistance.—In any fiscal year of a public housing agency, at least 75 percent of all families who initially receive tenant-based assistance from the agency, assistance under the moderate rehabilitation program of the agency, or assistance under the project-based certificate program of the agency shall be families whose incomes do not exceed 30 percent of the median income for the area.

"(2) Project-based assistance.—Of the dwelling units in a project receiving section 8 assistance, other than assistance described in paragraph (1), that are made available for occupancy by eligible families in any year (as determined by the Secretary)—

"(A) at least 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

"(B) at least 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area.

"(c) Definition of Area Median Income.—The term 'area median income', as used in subsections (a) and (b), refers to the median income of an area, as determined by the Secretary, with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsections (a) and (b) if the Secretary determines that such variations are necessary because of unusually high or low family incomes.".

(b) Section 16 of the United States Housing Act of 1937, as amended by this section, is further amended by inserting the following new heading after subsection designation (d): "Applicability.—".

SEC. 203. MERGER OF TENANT-BASED ASSISTANCE PROGRAMS.

(a) Section 8(o) of the United States Housing Act of 1937 is amended to read as follows:

"(o) Rental Certificates.—(1) A public housing agency may only enter into contracts for tenant-based rental assistance under this Act pursuant to this subsection. The Secretary may provide rental assistance using a payment standard in accordance with this subsection. The payment standard shall be used to determine the monthly assistance which may be paid for any family.

"(2)(A) The payment standard may not exceed the FMR/exception rent limit. The payment standard may not be less than 80 percent of the FMR/exception rent limit.

"(B) The term 'FMR/exception rent limit' means the section 8 existing housing fair market rent published by HUD in accordance with subsection (c)(1) or any exception rent approved by HUD for a designated part of the fair market rent area. HUD may approve an exception rent of up to 120 percent of the published fair market rent.

"(3)(A) For assistance under this subsection provided by a public housing agency on and after October 1, 1998, to the extent approved in appropriations Acts, the monthly assistance payment for any family that moves to another unit in another complex or moves to a single family dwelling shall be the amount determined by subtracting the family contribution as determined in accordance with section 3(a) from the applicable payment standard, except that such monthly assistance payment shall not exceed the amount by which the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering) exceeds 10 percent of the family's monthly income.

"(B) For any family not covered by subparagraph (A), the monthly assistance payment for the family shall be determined by subtracting the family contribution as determined in accordance with section 3(a) from the lower of the applicable payment standard and the rent for the dwelling unit (including the amount allowed for utilities in the case of a unit with separate utility metering).

"(4) Assistance payments may be made only for:

"(A) a family determined to be a very low-income family at the time the family initially receives assistance, or

"(B) another low-income family in circumstances determined by the Secretary.

"(5) If a family vacates a dwelling unit before the expiration of a lease term, no assistance payment may be made with respect to the unit after the month during which the unit was vacated.

"(6) The Secretary shall require that:

"(A) the public housing agency shall inspect the unit before any assistance payment may be made to determine that the unit meets housing quality standards for decent, safe, and sanitary housing established by the Secretary for the purpose of this section, and

"(B) the public housing agency shall make annual or more frequent inspections during the contract term. No assistance payment may be made for a dwelling unit which fails to meet such quality standards.

"(7) The rent for units assisted under this subsection shall be reasonable in comparison with rents charged for comparable units in the private unassisted market. A public housing agency shall review all rents for units under consideration by families assisted under this subsection (and all rent increases for units under lease by families assisted under this subsection) to determine whether the rent (or rent increase) requested by an owner is reasonable. If a public housing agency determines that the rent (or rent increase) for a unit is not reasonable, the agency may not approve a lease for such unit.

"(8) Except as provided in paragraph (2) of this subsection, section 8(c) of this Act does not apply to assistance under this subsection.".

(b) In Section 3(a)(1) of the United States Housing Act of 1937, the second sentence is revised as follows:

(1) by striking "or paying rent under section 8(c)(3)(B)"; and

(2) by striking "the highest of the following amounts, rounded to the nearest dollar:" and inserting "and the family contribution for a family assisted under section 8(o) or 8(y) shall be the highest of the following amounts, rounded to the next dollar:".

(c) Section 8(b) of the United States Housing Act is amended—

(1) by striking "Rental Certificates and Other Existing Housing Programs.—" and inserting "(1)"; and

(2) by striking the second sentence.

(d) Section 8 of the United States Housing Act of 1937 is amended—

(1) by striking subsection (c)(3)(B);

(2) in subsection (d)(2), by striking subparagraphs (A), (B), (C), (D) and (E); and by redesignating subparagraphs (F), (G) and (H) as subparagraphs (A), (B) and (C) respectively;

(3) in subsection (f)(6), as redesignated by section 306(b)(2) of this Act, by striking "under subsection (b) or (o)"; and

(4) by striking subsection (j).

SEC. 204. SECTION 8 ADMINISTRATIVE FEES.

(a) Section 202(a)(1)(A) of the Departments of Veterans Affairs and Housing and Urban Development, Independent Agencies Appropriations Act, 1997 is amended by—

(1) striking "7.5 percent" and inserting "7.65 percent";

(2) striking "a program of" and inserting "one or more such programs totaling"; and

(3) inserting before the final period, "of such total units".

(b) The amendments made by this section shall be effective as of October 1, 1997.

SEC. 205. SECTION 8 HOMEOWNERSHIP.

(a) AMENDMENTS TO SECTION 8(y).—Section 8(y) of the United States Housing Act of 1937 is amended—

(1) in paragraph (1), by striking "A family receiving" through "if the family" and inserting the following: "A public housing agency providing tenant-based assistance on behalf of an eligible family under this section may provide assistance for an eligible family that purchases a dwelling unit (including a unit under a lease-purchase agreement) that will be owned by one or more members of the family, and will be occupied by the family, if the family";

(2) in paragraph (1)(A), by inserting before the semicolon the following: ", or owns or is acquiring shares in a cooperative";

(3) in paragraph (1), by amending paragraph (B) to read as follows:

"(B)(i) in the case of disabled families and elderly families, demonstrates that the family has income from employment or other sources, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary; and

"(ii) in the case of other families, demonstrates that the family has income from employment, as determined in accordance with requirements of the Secretary, in such amount as may be established by the Secretary;";

(4) in paragraph (1)(C), by striking "except as" and inserting "except in the case of disabled families and elderly families and as otherwise";

(5) in paragraph (1), by inserting at the end the following: "The Secretary or the public housing agency may target assistance under this subsection for program purposes, such as to families assisted in connection with the FHA multifamily demonstration under section 212 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997.";

(6) by amending paragraph (2) to read as follows:

"(2) DETERMINATION OF AMOUNT OF ASSISTANCE.—The monthly assistance payment for any family shall be the amount determined by subtracting the family contribution as determined under section 3(a) of this Act from the lower of:

"(A) the applicable payment standard, or

"(B) the monthly homeownership expenses, as determined in accordance with requirements established by the Secretary, of the family.";

(7) by redesignating paragraphs (6), (7), and (8), as paragraphs (9), (10), and (11), respectively;

(8) by striking paragraphs (3), (4), and (5) and inserting the following after paragraph (2):

"(3) INSPECTIONS AND CONTRACT CONDITIONS.—Each contract for the purchase of a unit to be assisted under this section shall provide for pre-purchase inspection of the unit by an independent professional and shall require that any cost of necessary repairs shall be paid by the seller. The requirement under section 8(o)(5)(B) for annual inspections of the unit shall not apply to units assisted under this section.

"(4) DOWNPAYMENT REQUIREMENT.—Each public housing agency providing assistance under this subsection shall require that each assisted family make a significant contribution, from its own resources, determined in accordance with guidelines established by the Secretary, to cover all or a portion of the downpayment required in connection with the purchase, which may include credit for work by one or more family members to improve the dwelling ("sweat equity").

"(5) RESERVE FOR REPLACEMENTS.—The Secretary shall require each family to pay an amount equal to one percent of the monthly amount payable by the family for principal and interest on its acquisition loan into a reserve for repairs and replacements for five years after the date of purchase. Any amounts remaining in the reserve after five years shall be paid to the family.

"(6) APPLICATION OF NET PROCEEDS UPON SALE.—The Secretary shall require that the net proceeds upon sale by a family of a unit owned by the family while it received assistance under this subsection shall be divided between the public housing agency and the family. The Secretary shall establish guidelines for determining the amount to be received by the family and the amount to be received by the agency, which shall take into account the relative amount of assistance provided on behalf of the family in comparison with the amount paid by the family from its own resources. The Secretary shall require the agency to use any amounts received under this paragraph to provide assistance under subsection (o) or this subsection.

"(7) LIMITATION ON SIZE OF PROGRAM.—A public housing agency may permit no more than 10 percent of the families receiving tenant-based assistance provided by the agency to use the assistance for homeownership under this subsection. The Secretary may permit no more than 5 percent of all families receiving tenant-based assistance to use the assistance for homeownership under this subsection.

"(8) OTHER PROGRAM REQUIREMENTS.—The Secretary may establish such other requirements and limitations the Secretary determines to be appropriate in connection with the provision of assistance under this section, which may include limiting the term of assistance for a family. The Secretary may modify the requirements of this subsection where necessary to make appropriate adaptations for lease-purchase agreements. The Secretary shall establish performance measures and procedures to monitor the provision of assistance under this subsection in relation to the purpose of providing homeownership opportunities for eligible families.";

(9) in paragraph (10)(A)), as redesignated by paragraph (7) of this section, is amended—

(A) by striking "dwelling, (ii)" and inserting "dwelling, and (ii)"; and

(B) by striking ", (iii)" and all that follows up to the period; and

(10) by inserting after paragraph (11), as redesignated by paragraph (7) of this section, the following:

"(12) SUNSET.—The authority to provide assistance to additional families under this subsection shall terminate on September 30, 2002. The Secretary shall then prepare a report evaluating the effectiveness of homeownership assistance under this subsection.".

(b) FAMILY SELF-SUFFICIENCY ESCROW.—Section 23(d)(3) of the United States Housing Act of 1937 is repealed.

SEC. 206. WELFARE TO WORK CERTIFICATES.

(a) To the extent of amounts approved in appropriations Acts, the Secretary may provide funding for welfare to work certificates in accordance with this section. "Certificates" means tenant-based rental assistance in accordance with section 8(o) of the United States Housing Act of 1937.

(b) Funding under this section shall be used for a demonstration linking use of such certificate assistance with welfare reform initiatives to help families make the transition from welfare to work, and for technical assistance in connection with such demonstration.

(c) Funding may only be awarded upon joint application by a public housing agency and a State or local welfare agency. Allocation of demonstration funding is not subject to section 213 of the Housing and Community Development Act of 1974.

(d) Assistance provided under this section shall not be taken into account in determining the size of the family self-sufficiency program of a public housing agency under section 23 of the United States Housing Act of 1937.

(e) For purposes of the demonstration, the Secretary may waive, or specify alternative requirements for, requirements established by or under this Act concerning the certificate program, including requirements concerning the amount of assistance, the family contribution, and the rent payable by the family.

SEC. 207. EFFECT OF FAILURE TO COMPLY WITH PUBLIC ASSISTANCE REQUIREMENTS.

Section 3(a) of the United States Housing Act of 1937, as amended by section 103, is amended by inserting the following after paragraph (3):

"(4)(A) If the welfare or public assistance benefits of a covered family, as defined in subparagraph (G)(i), are reduced under a Federal, State, or local law regarding such an assistance program because any member of the family willfully failed to comply with program conditions requiring participation in a self-sufficiency program or requiring work activities as defined in subparagraphs (G)(ii) and (iii), the family may not, for the duration of the reduction, have the amount of rent or family contribution determined under this subsection reduced as the result of any decrease in the income of the family (to the extent that the decrease in income is the result of the benefits reduction).

"(B) If the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding the welfare or public assistance program because any member of the family willfully failed to comply with the self-sufficiency or work activities requirements, the portion of the amount of any increase in the earned income of the family occurring after such reduction up to the amount of the reduction for noncompliance shall not result in an increase in the amount of rent or family contribution determined under this subsection during the period the family would otherwise be eligible for welfare or public assistance benefits under the program.

"(C) Any covered family residing in public housing that is affected by the operation of this paragraph shall have the right to review the determination under this paragraph through the administrative grievance procedures established pursuant to section 6(k) for the public housing agency.

"(D) Subparagraph (A) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family receives written notification from the relevant welfare or public assistance agency specifying that the benefits of the family have been reduced because of noncompliance with self-sufficiency program requirements and the level of such reduction.

"(E) Subparagraph (A) shall not apply in any case in which the benefits of a family are reduced because the welfare or public assistance program to which the Federal, State, or local law relates limits the period during which benefits may be provided under the program.

"(F) This paragraph may not be construed to authorize any public housing agency to limit the duration of tenancy in a public housing dwelling unit or of tenant-based assistance.

"(G) For purposes of this section—

"(i) The term 'covered family' means a family that—

"(I) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in a self-sufficiency program or work activities; and

"(II) resides in a public housing dwelling unit or receives assistance under section 8.

"(ii) The term 'self-sufficiency program' means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, money or household management, apprenticeship, or other activities.

"(iii) The term 'work activities' means—

"(I) unsubsidized employment;

"(II) subsidized private sector employment;

"(III) subsidized public sector employment;

"(IV) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;

"(V) on-the job training;

"(VI) job search and job readiness assistance;

"(VII) community service programs;

"(VIII) vocational education training (not to exceed 12 months with respect to any individual;

"(IX) job skills training directly related to employment;

"(X) education directly related to employment, in the case of a recipient who has not received a high school diploma or certificate of high school equivalency;

"(XI) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and

"(XII) the provision of child care services to an individual who is participating in a community service program.".

SEC. 208. STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE.

(a) REPEAL OF TAKE-ONE, TAKE-ALL REQUIREMENT.—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for tenant-based assistance)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract for tenant-based assistance under this section".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) REPEAL.—Section 203 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 is hereby repealed.

SEC. 209. NONDISCRIMINATION AGAINST CERTIFICATE AND VOUCHER HOLDERS.

In the case of any multifamily rental housing that is receiving, or (except for insurance referred to in paragraph (4)) has received within two years before the effective date of this section, the benefit of Federal assistance from an agency of the United States, the owner shall not refuse to lease a reasonable number of units to families under the tenant-based assistance program under section 8 of the United States Housing Act of 1937 because of the status of the prospective tenants as families under that program. The Secretary shall establish reasonable time periods for applying the requirement of this section, taking into account the total amount of the assistance and the relative share of the assistance compared to the total cost of financing, developing, rehabilitating, or otherwise assisting a project. Federal assistance for purposes of this subsection shall mean—

(1) project-based assistance under the United States Housing Act of 1937;

(2) assistance under title I of the Housing and Community Development Act of 1974;

(3) assistance under title II of the Cranston-Gonzalez National Affordable Housing Act;

(4) mortgage insurance under the National Housing Act;

(5) low-income housing tax credits under section 42 of the Internal Revenue Code of 1986;

(6) assistance under title IV of the Stewart B. McKinney Homeless Assistance Act; and

(7) assistance under any other programs designated by the Secretary of Housing and Urban Development.

SEC. 210. RECAPTURE AND REUSE OF ACC PROJECT RESERVES UNDER TENANT-BASED ASSISTANCE PROGRAM.

Section 8(d) of the United States Housing Act of 1937 is amended by inserting at the end the following new paragraph:

"(5) To the extent that the Secretary determines that the amount in the ACC reserve account under a contract with a public housing agency for tenant-based assistance under this section is in excess of the amount needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to amend or renew such contracts with any agency.".

SEC. 211. EXPANDING THE COVERAGE OF THE PUBLIC AND ASSISTED HOUSING DRUG ELIMINATION ACT OF 1990.

(a) Short Title, Purposes, and Authority To Make Grants.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11901 et seq.) is amended by striking the chapter heading and all that follows through section 5123 and inserting the following:

"CHAPTER 2—COMMUNITY PARTNERSHIPS AGAINST CRIME

"SEC. 5121. SHORT TITLE.

"This chapter may be cited as the 'Community Partnerships Against Crime Act of 1997'.

"SEC. 5122. PURPOSES.

"The purposes of this chapter are to—

"(1) improve the quality of life for the vast majority of law-abiding public housing residents by reducing the levels of fear, violence, and crime in their communities;

"(2) broaden the scope of the Public and Assisted Housing Drug Elimination Act of 1990 to apply to all types of crime, and not simply crime that is drug-related; and

"(3) reduce crime and disorder in and around public housing through the expansion of community-oriented policing activities and problem solving.

"SEC. 5123. AUTHORITY TO MAKE GRANTS.

"The Secretary of Housing and Urban Development may make grants in accordance with the provisions of this chapter for use in eliminating crime in and around public housing and other federally assisted low-income housing projects to (1) public housing agencies, and (2) private, for-profit and nonprofit owners of federally assisted low-income housing.".

(b) Eligible Activities.—

(1) In general.—Section 5124(a) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(a)) is amended—

(A) in the matter preceding paragraph (1), by inserting "and around" after "used in";

(B) in paragraph (3), by inserting before the semicolon the following: ", including fencing, lighting, locking, and surveillance systems";

(C) in paragraph (4), by striking subparagraph (A) and inserting the following new subparagraph:

"(A) to investigate crime; and";

(D) in paragraph (6)—

(i) by striking "in and around public or other federally assisted low-income housing projects"; and

(ii) by striking "and" after the semicolon; and

(E) by striking paragraph (7) and inserting the following new paragraphs:

"(7) providing funding to nonprofit public housing resident management corporations and resident councils to develop security and crime prevention programs involving site residents;

"(8) the employment or utilization of one or more individuals, including law enforcement officers, made available by contract or other cooperative arrangement with State or local law enforcement agencies, to engage in community- and problem-oriented policing involving interaction with members of the community in proactive crime control and prevention activities;

"(9) programs and activities for or involving youth, including training, education, recreation and sports, career planning, and entrepreneurship and employment activities and after school and cultural programs; and

"(10) service programs for residents that address the contributing factors of crime, including programs for job training, education, drug and alcohol treatment, and other appropriate social services.".

(2) Other PHA-owned housing.—Section 5124(b) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11903(b)) is amended—

(A) in the matter preceding paragraph (1)—

(i) by striking "drug-related crime in" and inserting "crime in and around"; and

(ii) by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (10)"; and

(B) in paragraph (2), by striking "drug-related" and inserting "criminal".

(c) Grant Procedures.—Section 5125 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11904) is amended to read as follows:

"SEC. 5125. GRANT PROCEDURES.

"(a) PHA's With 250 or More Units.—

"(1) Grants.—In each fiscal year, the Secretary shall make a grant under this chapter from any amounts available under section 5131(b)(1) for the fiscal year to each of the following public housing agencies:

"(A) New applicants.—Each public housing agency that owns or operates 250 or more public housing dwelling units and has—

"(i) submitted an application to the Secretary for a grant for such fiscal year, which includes a 5-year crime deterrence and reduction plan under paragraph (2); and

"(ii) had such application and plan approved by the Secretary.

"(B) Renewals.—Each public housing agency that owns or operates 250 or more public housing dwelling units and for which—

"(i) a grant was made under this chapter for the preceding Federal fiscal year;

"(ii) the term of the 5-year crime deterrence and reduction plan applicable to such grant includes the fiscal year for which the grant under this subsection is to be made; and

"(iii) the Secretary has determined, pursuant to a performance review under paragraph (4), that during the preceding fiscal year the agency has substantially fulfilled the requirements under subparagraphs (A) and (B) of paragraph (4).

Notwithstanding subparagraphs (A) and (B), the Secretary may make a grant under this chapter to a public housing agency that owns or operates 250 or more public housing dwelling units only if the agency includes in the application for the grant information that demonstrates, to the satisfaction of the Secretary, that the agency has a need for the grant amounts based on generally recognized crime statistics showing that (I) the crime rate for the public housing developments of the agency (or the immediate neighborhoods in which such developments are located) is higher than the crime rate for the jurisdiction in which the agency operates, (II) the crime rate for the developments (or such neighborhoods) is increasing over a period of sufficient duration to indicate a general trend, or (III) the operation of the program under this chapter substantially contributes to the reduction of crime.

"(2) 5-year crime deterrence and reduction plan.—Each application for a grant under this subsection shall contain a 5-year crime deterrence and reduction plan. The plan shall be developed with the participation of residents and appropriate law enforcement officials. The plan shall describe, for the public housing agency submitting the plan—

"(A) the nature of the crime problem in public housing owned or operated by the public housing agency;

"(B) the building or buildings of the public housing agency affected by the crime problem;

"(C) the impact of the crime problem on residents of such building or buildings; and

"(D) the actions to be taken during the term of the plan to reduce and deter such crime, which shall include actions involving residents, law enforcement, and service providers.

The term of a plan shall be the period consisting of 5 consecutive fiscal years, which begins with the first fiscal year for which funding under this chapter is provided to carry out the plan.

"(3) Amount.—In any fiscal year, the amount of the grant for a public housing agency receiving a grant pursuant to paragraph (1) shall be the amount that bears the same ratio to the total amount made available under section 5131(b)(1) as the total number of public dwelling units owned or operated by such agency bears to the total number of dwelling units owned or operated by all public housing agencies that own or operate 250 or more public housing dwelling units that are approved for such fiscal year.

"(4) Performance review.—For each fiscal year, the Secretary shall conduct a performance review of the activities carried out by each public housing agency receiving a grant pursuant to this subsection to determine whether the agency—

"(A) has carried out such activities in a timely manner and in accordance with its 5-year crime deterrence and reduction plan; and

"(B) has a continuing capacity to carry out such plan in a timely manner.

"(5) Submission of applications.—The Secretary shall establish such deadlines and requirements for submission of applications under this subsection.

"(6) Review and determination.—The Secretary shall review each application submitted under this subsection upon submission and shall approve the application unless the application and the 5-year crime deterrence and reduction plan are inconsistent with the purposes of this chapter or any requirements established by the Secretary or the information in the application or plan is not substantially complete. Upon approving or determining not to approve an application and plan submitted under this subsection, the Secretary shall notify the public housing agency submitting the application and plan of such approval or disapproval.

"(7) Disapproval of applications.—If the Secretary notifies an agency that the application and plan of the agency is not approved, not later than the expiration of the

15-day period beginning upon such notice of disapproval, the Secretary shall also notify the agency, in writing, of the reasons for the disapproval, the actions that the agency could take to comply with the criteria for approval, and the deadlines for such actions.

"(8) Failure to approve or disapprove.—If the Secretary fails to notify an agency of approval or disapproval of an application and plan submitted under this subsection before the expiration of the 60-day period beginning upon the submission of the plan or fails to provide notice under paragraph (7) within the 15-day period under such paragraph to an agency whose application has been disapproved, the application and plan shall be considered to have been approved for purposes of this section.

"(b) PHA's With Fewer Than 250 Units and Owners of Federally Assisted Low-Income Housing.—

"(1) Applications and plans.—To be eligible to receive a grant under this chapter, a public housing agency that owns or operates fewer than 250 public housing dwelling units or an owner of federally assisted low-income housing shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require. The application shall include a plan for addressing the problem of crime in and around the housing for which the application is submitted, describing in detail activities to be conducted during the fiscal year for which the grant is requested.

"(2) Grants for PHA's with fewer than 250 units.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(2), make grants under this chapter to public housing agencies that own or operate fewer than 250 public housing dwelling units and have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraph (4).

"(3) Grants for federally assisted low-income housing.—In each fiscal year the Secretary may, to the extent amounts are available under section 5131(b)(3), make grants under this chapter to owners of federally assisted low-income housing that have submitted applications under paragraph (1) that the Secretary has approved pursuant to the criteria under paragraphs (4) and (5).

"(4) Criteria for approval of applications.—The Secretary shall determine whether to approve each application under this subsection on the basis of—

"(A) the extent of the crime problem in and around the housing for which the application is made;

"(B) the quality of the plan to address the crime problem in the housing for which the application is made;

"(C) the capability of the applicant to carry out the plan; and

"(D) the extent to which the tenants of the housing, the local government, local community-based nonprofit organizations, local tenant organizations representing residents of neighboring projects that are owned or assisted by the Secretary, and the local community support and participate in the design and implementation of the activities proposed to be funded under the application.

In each fiscal year, the Secretary may give preference to applications under this subsection for housing made by applicants who received a grant for such housing for the preceding fiscal year under this subsection or under the provisions of this chapter as in effect immediately before the date of the enactment of the Housing Opportunity and Responsibility Act of 1997.

"(5) Additional criteria for federally assisted low-income housing.—In addition to the selection criteria under paragraph (4), the Secretary may establish other criteria for evaluating applications submitted by owners of federally assisted low-income housing, except that such additional criteria shall be designed only to reflect—

"(A) relevant differences between the financial resources and other characteristics of public housing agencies and owners of federally assisted low-income housing; or

"(B) relevant differences between the problem of crime in public housing administered by such authorities and the problem of crime in federally assisted low-income housing.".

(d) Definitions.—Section 5126 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11905) is amended—

(1) by striking paragraphs (1) and (2);

(2) in paragraph (4)(A), by striking "section" before "221(d)(4)";

(3) by redesignating paragraphs (3) and (4) (as so amended) as paragraphs (1) and (2), respectively; and

(4) by adding at the end the following new paragraph:

"(3) Public housing agency.—The term 'public housing agency' has the meaning given the term in section 3 of the United States Housing Act of 1937.".

(e) Implementation.—Section 5127 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11906) is amended by striking "Cranston-Gonzalez National Affordable Housing Act" and inserting "Public Housing Management Reform Act of 1997".

(f) Reports.—Section 5128 of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11907) is amended—

(1) by striking "drug-related crime in" and inserting "crime in and around"; and

(2) by striking "described in section 5125(a)" and inserting "for the grantee submitted under subsection (a) or (b) of section 5125, as applicable".

(g) Funding and Program Sunset.—Chapter 2 of subtitle C of title V of the Anti-Drug Abuse Act of 1988 is amended by striking section 5130 (42 U.S.C. 11909) and inserting the following new section:

"SEC. 5130. FUNDING.

"(a) Authorization of Appropriations.—There are authorized to be appropriated to carry out this chapter $290,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

"(b) Allocation.—Of any amounts available, or that the Secretary is authorized to use, to carry out this chapter in any fiscal year—

"(1) 85 percent shall be available only for assistance pursuant to section 5125(a) to public housing agencies that own or operate 250 or more public housing dwelling units;

"(2) 10 percent shall be available only for assistance pursuant to section 5125(b)(2) to public housing agencies that own or operate fewer than 250 public housing dwelling units; and

"(3) 5 percent shall be available only for assistance to federally assisted low-income housing pursuant to section 5125(b)(3).

"(c) Retention of Proceeds of Asset Forfeitures by Inspector General.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law affecting the crediting of collections, the proceeds of forfeiture proceedings and funds transferred to the Office of Inspector General of the Department of Housing and Urban Development, as a participating agency, from the Department of Justice Assets Forfeiture Fund or the Department of the Treasury Forfeiture Fund, as an equitable share from the forfeiture of property in investigations in which the Office of Inspector General participates, shall be deposited to the credit of the Office of Inspector General for Operation Safe Home activities authorized under the Inspector General Act of 1978, as amended, to remain available until expended.".

(h) Conforming Amendments.—The table of contents in section 5001 of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4295) is amended—

(1) by striking the item relating to the heading for chapter 2 of subtitle C of title V and inserting the following:

"Chapter 2—Community Partnerships Against Crime";

(2) by striking the item relating to section 5122 and inserting the following new item:

"Sec. 5122. Purposes.";

(3) by striking the item relating to section 5125 and inserting the following new item:

"Sec. 5125. Grant procedures.";

and

(4) by striking the item relating to section 5130 and inserting the following new item:

"Sec. 5130. Funding.".

(i) Treatment of NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a public housing agency within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c)).

(j) Effective Date.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 212. STUDY REGARDING RENTAL ASSISTANCE.

The Secretary shall conduct a nationwide study of the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to section 601(c) and 602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such program reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance program in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

TITLE III—"ONE-STRIKE AND YOU'RE OUT" OCCUPANCY PROVISIONS

SEC. 301. SCREENING OF APPLICANTS.

(a) INELIGIBILITY BECAUSE OF PAST EVICTIONS.—Any household or member of a household evicted from federally assisted housing (as defined in section 305) by reason of drug-related criminal activity (as defined in section 305) or for other serious violations of the terms or conditions of the lease shall not be eligible for federally assisted housing—

(1) in the case of eviction by reason of drug-related criminal activity, for a period of not less than three years from the date of the eviction unless the evicted member of the household successfully completes a rehabilitation program; and

(2) for other evictions, for a reasonable period of time as determined by the public housing agency or owner of the federally assisted housing, as applicable.

The requirements of paragraphs (1) and (2) may be waived if the circumstances leading to eviction no longer exist.

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, or both, as determined by the Secretary, shall establish standards that prohibit admission to the program or admission to federally assisted housing for any household with a member—

(1) who the public housing agency or the owner determines is engaging in the illegal use of a controlled substance; or

(2) with respect to whom the public housing agency or the owner determines that it has reasonable cause to believe that such household member's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol would interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(c) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to subsection (b)(2), to deny admission to the program or to federally assisted housing to any household based on a pattern of illegal use of a controlled substance or a pattern of abuse of alcohol by a household member, a public housing agency or an owner may consider whether such household member—

(1) has successfully completed an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(2) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(3) is participating in an accredited drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(d) AUTHORITY TO DENY ADMISSION TO THE PROGRAM OR TO FEDERALLY ASSISTED HOUSING FOR CERTAIN CRIMINAL OFFENDERS.—In addition to the provisions of subsections (a) and (b) and in addition to any other authority to screen applicants, in selecting among applicants for admission to the program or to federally assisted housing, if the public housing agency or owner of such housing, as applicable, determines that an applicant or any member of the applicant's household is or was, during a reasonable time preceding the date when the applicant household would otherwise be selected for admission, engaged in any drug-related or violent criminal activity or other criminal activity which would adversely affect the health, safety, or right to peaceful enjoyment of the premises by other residents, the owner or public housing agency may—

(1) deny such applicant admission to the program or to federally assisted housing; and

(2) after expiration of the reasonable period beginning upon such activity, require the applicant, as a condition of admission to the program or to federally assisted housing, to submit to the owner or public housing agency evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in such criminal activity for which denial was made under this subsection have not engaged in any such criminal activity during such reasonable time.

(e) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.——A public housing agency may require, as a condition of providing admission to the public housing program, that each adult member of the household provide a signed, written authorization for the public housing agency to obtain records described in section 304 regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

SEC. 302. TERMINATION OF TENANCY AND ASSISTANCE.

(a) TERMINATION OF TENANCY AND ASSISTANCE FOR ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—Notwithstanding any other provision of law, a public housing agency or an owner of federally assisted housing, as applicable, shall establish standards or lease provisions for continued assistance or occupancy in federally assisted housing that allow a public housing agency or the owner, as applicable, to terminate the tenancy or assistance for any household with a member—

(1) who the public housing agency or owner determines is engaging in the illegal use of a controlled substance; or

(2) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the public housing agency or owner to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents.

(b) TERMINATION OF ASSISTANCE FOR SERIOUS LEASE VIOLATION.—Notwithstanding any other provision of law, the public housing agency must terminate tenant-based assistance for all household members if the household is evicted from assisted housing for serious violation of the lease.

SEC. 303. LEASE REQUIREMENTS.

In addition to any other applicable lease requirements, each lease for a dwelling unit in federally assisted housing shall provide that—

(1) the owner may not terminate the tenancy except for serious or repeated violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

(2) grounds for termination of tenancy shall include any activity, engaged in by the tenant, any member of the tenant's household, any guest, or any other person under the control of any member of the household, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the public housing agency, owner or other manager of the housing,

(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

(C) is drug-related or violent criminal activity on or off the premises.

SEC. 304. AVAILABILITY OF CRIMINAL RECORDS FOR PUBLIC HOUSING TENANT SCREENING AND EVICTION.

(a) IN GENERAL.—

(1) PROVISION OF INFORMATION.—Notwithstanding any other provision of law other than paragraphs (2) and (3), upon the request of a public housing agency, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the public housing agency information regarding the criminal conviction records of an adult applicant for, or tenants of, the public housing for purposes of applicant screening, lease enforcement, and eviction, but only if the public housing agency requests such information and presents to such Center, department, or agency a written authorization, signed by such applicant, for the release of such information to such public housing agency.

(2) EXCEPTION.—A law enforcement agency described in paragraph (1) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

(b) CONFIDENTIALITY.—A public housing agency receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the public housing agency and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. However, for judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to any public housing agency is used, and confidentiality of such information is maintained, as required under this section.

(c) OPPORTUNITY TO DISPUTE.—Before an adverse action is taken with regard to assistance for public housing on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

(d) FEE.—A public housing agency may be charged a reasonable fee for information provided under subsection (a).

(e) RECORDS MANAGEMENT.—Each public housing agency that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the agency is—

(1) maintained confidentially;

(2) not misused or improperly disseminated; and

(3) destroyed in a timely fashion, once the purpose for which the record was requested has been accomplished.

(f) PENALTY.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, public housing pursuant to the authority under this section under false pretenses, or any person who knowingly or willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000.

The term "person" as used in this subsection shall include an officer, employee, or authorized representative of any public housing agency.

(g) Civil Action.—Any applicant for, or resident of, public housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any public housing agency, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any public housing agency responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

(h) Definition of Adult.—For purposes of this section, the term "adult" means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

SEC. 305. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) Federally assisted housing.—The term "federally assisted housing" means a unit in—

(A) public housing under the United States Housing Act of 1937;

(B) housing assisted under section 8 of the United States Housing Act of 1937 including both tenant-based assistance and project-based assistance;

(C) housing that is assisted under section 202 of the Housing Act of 1959 (as amended by section 801 of the Cranston-Gonzalez National Affordable Housing Act);

(D) housing that is assisted under section 202 of the Housing Act of 1959, as such section existed before enactment of the Cranston-Gonzalez National Affordable Housing Act;

(E) housing that is assisted under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(F) housing financed by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(G) housing with a mortgage insured, assisted, or held by the Secretary or a State or State agency under section 236 of the National Housing Act; and

(H) for purposes only of subsections 301(c), 301(d), 303, and 304, housing assisted under section 515 of the Housing Act of 1949.

(2) Drug-related criminal activity.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)).

(3) Owner.—The term "owner" means, with respect to federally assisted housing, the entity or private person, including a cooperative or public housing agency, that has the legal right to lease or sublease dwelling units in such housing.

SEC. 306. CONFORMING AMENDMENTS.

(a) Consolidation of Public Housing One Strike Provisions.—Section 6 of the United States Housing Act of 1937 is amended—

(1) by striking subsections (l)(4) and (l)(5) and the last sentence of subsection (l), and redesignating paragraphs (6) and (7) as paragraphs (4) and (5);

(2) by striking subsection (q); and

(3) by striking subsection (r).

(b) Consolidation of Section 8 One Strike Provisions.—Section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) is amended—

(1) by striking subsections (d)(1)(B)(ii) and (d)(1)(B)(iii), and redesignating clauses (iv) and (v) as clauses (ii) and (iii); and

(2) by striking subsection (f)(5) and redesignating paragraphs (6) and (7) as paragraphs (5) and (6), respectively.

(c) Consolidation of One Strike Eligibility Provisions.—Section 16 of the United States Housing Act of 1937 is amended by striking subsection (e).

TITLE IV—TREATMENT OF AMOUNTS

SEC. 401. REQUIREMENT OF APPROPRIATIONS.

Notwithstanding any other provision of this Act, any provision of this Act or of any amendment made by this Act that otherwise provides amounts or makes amounts available shall be effective only to the extent or in such amounts as are or have been provided in advance in appropriation Acts.

H.R. 2

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 11: Page 96, strike line 1 and all that follows through page 97, line 22, and insert the following:

(c) Income Mix.—

(1) PHA-wide requirement.—Of the public housing dwelling units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the area median income; and

(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the area median income.

(2) Prohibition of concentration of low-income families.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) Area median income.—For purposes of this subsection, the term "area median income" means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in this subsection if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

H.R. 2

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 12: Page 174, line 20, insert **"VERY"** before **"LOW-INCOME"**.

Page 175, line 11, insert "very" before "low-income".

Page 187, line 5, insert "Very" before "Low-Income".

Page 187, line 10, insert "very" before "low-income".

Page 187, strike lines 13 through 22 and insert the following:

(b) Income Targeting.—

(1) PHA-wide requirement.—Of all the families who initially receive housing assistance under this title from a public housing agency in any fiscal year of the agency, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income.

(2) Area median income.—For purposes of this subsection, the term "area median income" means the median income of an area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in subsection (a) if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Page 205, line 7, insert "very" before "low-income".

Page 205, line 24, insert "very" before "low-".

Page 211, line 6, insert "very" before "low-income".

Page 214, line 1, insert "very" before "low-income".

H.R. 2

Offered By: Mr. Kennedy of Massachusetts

Amendment No. 13: Page 220, strike line 12 and all that follows through line 12 on page 237 (and redesignate subsequent provisions and any references to such provisions, and conform the table of contents, accordingly).

H.R. 2

Offered By: Mr. Klink

Amendment No. 14: Page 335, after line 6, insert the following new section:

SEC. 709. CONSULTATION WITH LOCAL GOVERNMENTS.

The Department of Housing and Urban Development Act (42 U.S.C. 3531 et seq.) is amended by inserting after section 12 the following new section:

"consultation with local governments regarding low-income housing assistance for multifamily housing projects

"Sec. 13. (a) In General.—After the completion of any selection process regarding low-income housing assistance, but before making any new commitment or obligation for low-income housing assistance for a multifamily housing project selected for such assistance, the Secretary shall—

"(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the housing to be assisted is located (or to be located) of such commitment or obligation; and

"(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the assisted housing project (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the assisted housing project.

This section may not be construed to authorize the release of any covered selection information during any selection process which is otherwise prohibited under section 12.

"(b) Definitions.—For purposes of this section, the following definitions shall apply:

"(1) Covered selection information.—The term 'covered selection information' has the meaning given such term in section 12(e).

"(2) LOW-INCOME HOUSING ASSISTANCE.—The term 'low-income housing assistance' means any grant, loan, subsidy, guarantee, insurance, or other financial assistance for new or existing housing provided under a program administered by the Secretary, under which occupancy or ownership of some or all of the dwelling units in the housing assisted is limited, restricted, or determined (pursuant to the laws or regulations relating to such assistance) based on the income of the individual or family occupying or purchasing the unit.

"(3) MULTIFAMILY HOUSING PROJECT.—The term 'multifamily housing project' means a property that consists of 5 or more dwelling units.

"(4) NEW.—The term 'new', when used in reference to the commitment or obligation of low-income housing assistance for a multifamily housing project, means that, at the time such commitment or obligation is made—

"(A) such project is not receiving such low-income housing assistance and is not subject to a contract or agreement under the program for such low-income housing assistance; and

"(B) such commitment or obligation is not made pursuant to the renewal of a previous contract, obligation, or commitment for such assistance for such project.

"(5) SELECTION PROCESS.—The term 'selection process' has the meaning given such term in section 12(e).

"(6) UNIT OF GENERAL LOCAL GOVERNMENT.—The term 'unit of general local government' means any city, town, township, county, parish, village, or other general purpose political subdivision of a State.".

H.R. 2

OFFERED BY: MR. LAZIO

AMENDMENT NO. 15 Page 78, line 22, after "used" insert ", to the extent or in such amounts as are or have been provided in advance in appropriations Acts,".

Page 79, after line 19, insert the following new subsection:

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph(1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

Page 116, line 6, after "used" insert ", to the extent or in such amounts as are or have been provided in advance in appropriations Acts,".

Page 137, line 14, strike "for financial assistance under this title" and insert "under section 282(1) for use under the capital fund".

Page 164, after line 16, insert the following:

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading "PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus Consolidated Rescission and Appropriations Act of 1996 (Public Law 104–134; 100 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

Page 170, line 24, strike "bond issued by the agency" and insert "bonds issued by the agency or any State or local governmental agency".

Page 171, strike lines 5 though 10 and insert the following:

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

Page 173, line 24, strike "and" and all that follows through line 2 on page 174, and insert a period.

Page 184, strikes line 7 and 8 and insert the following:

assistance under this title, such sums as may be necessary for each of fiscal years 1998, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), and for replacement needs for public housing under title II.

Page 184, line 22, after "227" insert the following: "or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992".

Page 224, strike lines 21 through 25 and insert the following:

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

Page 228, line 18, strike "section" and insert "title".

Page 228, after line 25, insert the following:

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

Page 233, line 7, after the period insert the following: "Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.".

Page 320, line 13, strike the period and insert "; or".

Page 320, after line 13, insert the following:

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

Page 335, after line 6, insert the following new section:

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.".

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) Regulations.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section.)

H.R. 2

Offered By: Mr. McCollum

Amendment No. 16: Page 327, strike lines 23 through 25, and insert the following new title after section VII.

SECTION VIII. OCCUPANCY STANDARDS

(a) National Standard Prohibited.—The Secretary shall not directly or indirectly establish a national occupancy standard.

(b) State Standard.—If a State establishes an occupancy standard, such standard shall be presumed reasonable for the purpose of determining familial status discrimination in residential rental dwellings.

(c) Absence of State Standard.—If a State fails to establish an occupancy standard, an occupancy standard that is established by a housing provider and that is not in contravention of the guidance enunciated in the Memorandum from the General Counsel of the Department of Housing and Urban Development to all regional counsel, of March 20, 1991, shall be presumed reasonable for the purpose of determining familial status discrimination, except that for purposes of this section, the paragraph on page 4 of such memorandum under the heading "State and local law" shall not apply.

(d) Definitions.—

(1) Occupancy standard.—

(A) In general.—Except as provided in subparagraph (B), the term "occupancy standard" means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can manage in a dwelling for any 1 or more of the following purposes:

(i) Providing a decent home and services for each resident.

(ii) Enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident.

(iii) Avoiding undue physical deterioration of the dwelling and property.

(B) Exception.—The term "occupancy standard" does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(2) Infant.—The term "infant" means a child who—

(A) is less than 6 months old; and

(B) sleeps in the same bedroom as the child's parent, guardian, legal custodian, or person applying for that status with respect to that child.

(e) Inapplicability.—

(1) Purposeful discrimination.—This section does not apply to any purposeful discrimination on the basis of race, color, religion, sex, familial status, handicap, or national origin.

(2) Discrimination on the basis of handicap.—Nothing in this section shall be construed to affect the decision of the United States Supreme Court set forth in City of Edmonds, WA v. Oxford House, Inc. (115 S. Ct. 1776 (1995)).

H.R. 2

Offered By: Mr. McCollum

Amendment No. 17: Page 327, strike lines 23 through 25, and insert the following:

(a) National Standard Prohibited.—The Secretary shall not directly or indirectly establish a national occupancy standard.

(b) State Standard.—If a State establishes an occupancy standard, such standard shall be presumed reasonable for the purpose of determining familial status discrimination in residential rental dwelling.

(c) Absence of State Standard.—If a State fails to establish an occupancy standard, an occupancy standard of 2 persons per bedroom plus infants that is established by a housing provider shall be presumed reasonable for the purpose of determining familial status discrimination in residential rental dwellings.

(d) Definitions.—

(1) Occupancy standard.—

(A) In general.—Except as provided in subparagraph (B), the term "occupancy standard" means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can manage in a dwelling for any 1 or more of the following purposes:

(i) Providing a decent home and services for each resident.

(ii) Enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident.

(iii) Avoiding undue physical deterioration of the dwelling and property.

(B) Exception.—The term "occupancy standard" does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(2) Infant.—The term "infant" means a child who—

(A) is less than 6 months old; and

(B) sleeps in the same bedroom as the child's parent, guardian, legal custodian, or person applying for that status with respect to that child.

(e) Inapplicability.—

(1) Purposeful discrimination.—This section does not apply to any purposeful discrimination on the basis of race, color, religion, sex, familial status, handicap, or national origin.

(2) Discrimination on the basis of handicap.—Nothing in this section shall be construed to affect the decision of the United States Supreme Court set forth in City of Edmonds, WA v. Oxford House, Inc. (115 S. Ct 1776 (1995)).

H.R. 2

Offered By: Mr. Nadler

Amendment No. 18: Page 184, strike lines 5 through 8 and insert the following:

(a) In General.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

H.R. 2

Offered By: Mr. Schumer

Amendment No. 19: Page 184, strike lines 5 through 8 and insert the following:

(a) In General.—There is authorized to be appropriated for providing public housing agencies with housing assistance under this title for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(1) such sums as may be necessary to renew any contracts for choice-based assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the repeal under section 601(b) of this Act) that expire during such fiscal year, only for use for such purpose; and

(2) $305,000,000, only for use for incremental assistance under this title.

H.R. 2

Offered By: Mr. Traficant

Amendment No. 20: Page 332, after line 2, insert the following:

SEC. 706. REGIONAL COOPERATION UNDER CDBG ECONOMIC DEVELOPMENT INITIATIVE.

Section 108(q)(4) (42 U.S.C. 5308(q)(4)) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "and" after the semicolon in subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and".

H.R. 2

Offered By: Mr. Traficant

Amendment No. 21: Page 335, after line 6, insert the following new section:

SEC. 709. HOUSING COUNSELING.

(a) Extension of Emergency Homeownership Counseling.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1999".

(b) Extension of Prepurchase and Foreclosure Prevention Counseling Demonstration.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(d)(12)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1999".

(c) Notification of Delinquency on Veterans Home Loans.—

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) Notification—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).".

H.R. 2

Offered By: Mr. Vento

Amendment No. 22: Page 40, line 19, strike "and".

Page 40, line 19, insert the following new subparagraph:

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

Page 40, line 20, strike "(G)" and insert "(H)".

H.R. 2

Offered By: Mr. Vento

Amendment No. 23: Page 104, line 24, insert after "program" the following:

", including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

H.R. 2

Offered By: Mr. Vento

Amendment No. 24: Page 193, line 21, insert after "program" the following:
", including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

H.R. 2

Offered By: Mr. Vento

Amendment No. 25: Page 244, strike line 1 and all that follows through line 8 on page 254, and insert the following:

Subtitle C—Public Housing Management Assessment Program

H.R. 2

Offered By: Ms. Waters

Amendment No. 26: Page 57, strike lines 14 through 22 and insert the following:

(b) Exclusion From Administrative Procedure of Grievances Concerning Evictions From Public Housing Involving Health, Safety, or Peaceful Enjoyment.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises.

H.R. 2

Offered By: Mr. Watt of North Carolina

Amendment No. 27: Page 25, line 21, strike "**COMMUNITY WORK AND**".

Page 25, strike line 23 and all that follows through page 27, line 10.

Page 32, line 2, strike "subsection (a) and".

Page 33, line 3, strike "Community Work and".

Page 33, line 6, strike "community work and".

Page 33, strike line 23 and all that follows through page 34, line 2.

Page 34, strike lines 23 and 24.

H.R. 867

Offered By: Mr. Burton

Amendment No. 1: In section 475(5)(E) of the Social Security Act, as proposed to be added by section 3(a) of the bill—

(1) add "or" at the end of clause (i);

(2) strike "; or" at the end of clause (ii) and insert a period followed by close quotation marks and a period; and

(3) strike clause (iii).

H.R. 867

Offered by: Ms. Jackson-Lee of Texas

Amendment No. 2: Add at any appropriate place the following:

"In making adoptive or foster parent placements, the state or appropriate entity shall make efforts to ensure that such prospective adoptive or foster parent is sensitive to the child's ethnic background."

H.R. 867

Offered by: Ms. Jackson-Lee of Texas

Amendment No. 3: Add at any appropriate place the following:

SEC. PRIORITY IN PROVIDING SUBSTANCE ABUSE TREATMENT

Section 1927 of the Public Health Service Act (42 U.S.C. 300x-27) is amended—

(1) in the heading, by inserting "**AND CARETAKER PARENTS**" AFTER "**WOMEN**", and

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by inserting "and all caretaker parents who are referred for treatment by the State or local child welfare agency" after "referred for"; and

(ii) by striking "is given" and inserting "are given"; and

(B) in paragraph (2)—

(i) by striking "such women" and inserting "such pregnant women and caretaker parents"; and

(ii) by striking "the women" and inserting "the pregnant women and caretaker parents".

H.R. 867

Offered By: Ms. Jackson-Lee of Texas

Amendment No. 4: Add at any appropriate place the following:

SEC. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(20) provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a child-care institution before the foster care or adoptive parent, or the child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including rape, sexual or other assault, or homicide, approval shall be granted; and

"(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.".

H.R. 867

Offered By: Mrs. Morella

Amendment No. 5: At the end of the bill, add the following:

SEC. KINSHIP CARE DEMONSTRATION PROJECTS.

(a) In General.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

"(a) Purpose.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

"(b) Demonstration Authority.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

"(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;

"(2) would otherwise be placed in foster care; and

"(3) has adult relatives willing to provide safe and appropriate care for the child.

"(c) Kinship Care Defined.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of the child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

"(d) Project Requirements.—In my demonstration project authorized to be conducted under this section, the State—

"(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

"(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

"(e) Waiver Authority.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

"(1) any provision of section 422(b)(10), section 479, or this section; or

"(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

"(f) Payments to States; Cost Neutrality.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

"(g) Use of Funds.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

"(h) Duration of Project.—A demonstration project under this section may be conducted for not more than 5 years.

"(i) Application.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

"(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

"(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project, the safety and stability of the children and families who participated in the project will be protected;

"(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

"(4) an estimate of the savings to the State of the proposed project;

"(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

"(6) a description of the proposed evaluation design; and

"(7) such additional information as the Secretary may require.

"(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

"(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

"(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

"(B) any other information that the Secretary may require;

"(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

"(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

"(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.".

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 544(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(3) in section 471(a)—

(A) by striking "and" at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and"; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

H.R. 867

OFFERED BY: MR. TIAHRT

AMENDMENT NO. 6: Strike the matter proposed to be added by section 3(a)(3) of the bill and insert the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State during 12 of the most recent 18 months, and a child in such foster care who has not attained 13 years of age (or such greater age as the State may establish) and with respect whom reasonable efforts of the type described in section 471(a)(15)(A)(i) are discontinued or not made, the State shall seek to terminate all parental rights with respect to the child, unless—

"(i) at the option of the State, the child is being cared for by a relative; or

"(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.".

EXTENSIONS OF REMARKS

TRANSFER OF SURPLUS FEDERAL PROPERTY TO PRIVATE CHARITIES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PACKARD. Mr. Speaker, it is ludicrous to prevent nonprofit groups from making use of surplus Federal property simply because they do not serve educational or public health purposes. Local charities, such as food banks, are being penalized because their sole purpose is to assist low-income individuals. Current law excludes these groups from making use of much needed supplies, clothing, and equipment, which would otherwise go unused. Big-government bureaucracy is hindering nonprofit groups from giving back to the community.

I applaud Representative HAMILTON and the Government Reform and Oversight Committee for their work to assist families by amending existing law to allow for the donation of surplus Federal property to local charities that aid low-income families and individuals. More impoverished families than ever before will have access to the resources they need to get back on their feet. I whole-heartedly support this legislation.

Recently, I became a member of the Renewal Alliance, a group of Representatives and Senators working to highlight community efforts to end poverty, repair broken families, and solve a host of other problems. I believe that for every challenge our Nation faces, there is a solution, not in Washington, but locally. This bill sends a strong message to our constituents that we believe in our community organizations and want to see them succeed in their efforts to help those in need.

Nonprofit groups in our communities are in desperate need of materials and equipment to repair homes, store food items and deliver goods and services to those less fortunate. This bill will aid food banks and charitable groups all across the Nation in their efforts to give back to the community and provide low-income individuals with the helping hand they need. We need to make it easier for our nonprofit groups to feed and house those most in despair. This bill does just that. I am proud to support this legislation.

TRIBUTE TO DR. AUGUSTINE L. PERROTTA

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, I rise today in honor of Dr. Augustine L. Perrotta, of Bloomfield Hills, MI. On April 27, 1997, Dr. Perrotta was named "Italian-American of the Year" by the Italian Study Group of Troy, MI.

Each year, the study group honors prominent Italian-American members of our community who demonstrate outstanding service, activism, and leadership.

Dr. Perrotta's recognition is well deserved. As the eldest of three children, Dr. Perrotta was thrust into a position of tremendous responsibility, due to the death of his father at an early age. He worked through college and attended medical school on scholarships, where he was valedictorian of his graduating class.

As a practicing oncologist and hematologist for the past 25 years in the Detroit area, Dr. Perrotta has combined his commitment to the medical profession with his love for his Italian heritage. He is active in two Italian-American physicians' organizations, was recently named a "Top Doc" in his field by Detroit Monthly magazine, and serves as chairman of the Department of Medicine at Bi-County Community Hospital.

Mr. Speaker, I ask my colleagues to join me in recognizing Dr. Perrotta's accomplishments and contributions to our community. On this very special occasion, I extend my very best wishes to him and his wife, Dorothy, and their three children: Augustine, Grace, and Michael.

THE CHRISTIAN BROTHERS ACADEMY BOYS BASKETBALL TEAM WINS THE NEW YORK STATE CLASS C CHAMPIONSHIP TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Christian Brother's Academy boys basketball team for winning the New York State Class C championship game on Saturday, March 16th.

While this is the Brother's first State championship in basketball, this is the third State title in athletics that the academy has won in the past year. The other titles are for baseball and soccer.

Senior Jeff Segar, who also plays varsity football and baseball, scored 22 of the team's final 66 points and was honored as the tournament's most valuable player. Junior Sal Lampuri was responsible for 15 of the team's total points and was named to the all-tournament team.

Our central New York community is proud of the hard work and dedication displayed by the members of the 1996–97 Christian Brother's Academy boys basketball team, and all the young athletes who competed in this year's tournament.

Members of the team include: Sean Anderson, Joseph Leone, Jeff Segar, Salvatore Lampuri, Jon Law, Michael McKeon, Gregory Orlicz, Bryan Sacco, Robert Schalk, Jonathan Wolf, David Paulus, trainer Randolph Kinn, assistant coach Edward Leone, and coach "Buddy" Wleklinski.

Congratulations to all for this impressive achievement.

IN HONOR OF DR. FERMAN B. MOODY

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. GEKAS. Mr. Speaker, I rise today to pay tribute to one of Pennsylvania's finest, Dr. Ferman B. Moody, of Harrisburg, who is the recipient of a Distinguished Service Award from the National Association of State Directors of Vocational Technical Education Consortium.

Dr. Moody has been a vocational student, teacher, college professor, administrator, director, lecturer, and leader. The Commonwealth of Virginia recognized his ability 35 years ago by naming him Vocational Agriculture Teacher of the Year. In the succeeding years, he has distinguished himself professionally, from his work at the University of Virginia and Virginia State University to his work in Pennsylvania. For 7 years now he has served as the State director of Vocational Education of Pennsylvania, our Nation's fifth largest State.

Among his most outstanding achievements: the implementation of the comprehensive tech prep program in Pennsylvania, in 352 schools and 44 postsecondary institutions which serve more than 90,000 students. He has also overseen the activation of the High Schools That Work Program, one of America's largest efforts in this area, serving more than 61 schools and over 10,000 students. Dr. Moody also received the H.O. Sargent Award from National FAA for leadership in cultural diversity gains, influence in national membership, and headquarters operations.

The list of Dr. Moody's accomplishments could certainly fill a full chapter. Indeed, there are probably not enough words to describe the levels of his dedication, perseverance, and hard work. We are gratified to have him as a leader in Pennsylvania. But Ferman Moody has demonstrated to all of us that he is a leader in vocational education across our great nation.

Mr. Speaker, I ask all of my colleagues in joining me to congratulate Dr. Moody on this wonderful recognition. Thank you, Dr. Moody, for all that you have done for generations of students who should be forever grateful to your abilities and leadership.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

TRIBUTE TO BESSIE McBRIDE

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BERRY. Mr. Speaker, I rise today to pay tribute to an exceptional woman, Bessie McBride, who will be celebrating her retirement on Saturday, May 3, 1997. Mrs. McBride is being recognized for her dedication and commitment to the Jonesboro Public School District. Forty years of educating and inspiring the children of Arkansas is a great accomplishment and I commend her for her service.

Mrs. McBride was a graduate of Arkansas State University and has been honored with numerous awards throughout her career. She has received the Arkansas Outstanding Cooperating Teacher Award, the Outstanding Elementary Teachers of America Award, the Outstanding Leaders in Elementary and Secondary Education Award and in 1996 was chosen the Jonesboro Public School District's Outstanding Teacher of the Year. I stand here today on behalf of friends, family, past students, fellow teachers, and Mrs. McBride's community, to say a heartfelt thank you for a job well done.

A TRIBUTE TO THE HONORABLE CRUZ M. BUSTAMANTE, SPEAKER OF THE CALIFORNIA STATE ASSEMBLY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize my good friend and speaker of the California State Assembly, the Honorable Cruz M. Bustamante, of Fresno, CA. On Friday, April 25, 1997, Speaker Bustamante was honored at a reception hosted by the Hispanic Outreach Taskforce of Whittier, CA.

Cruz, first elected to the assembly in 1993, represents the people of the 31st Assembly District. During his tenure in the assembly, Cruz has served as a member of the Committee on Appropriations, Budget, and Higher Education. Also, Cruz has served on the Resources Subcommittee on the Assembly Budget Committee, the Joint Legislative Budget Committee, the Select Committee on California-Mexico Affairs, California Wine Production and Economy, and International Trade.

Now serving his third term, Cruz was elected speaker of the California State Assembly on December 2, 1996. This is a historical benchmark in California's rich history. Cruz, as speaker, is the first Latino to hold this office.

Cruz has worked diligently to serve the residents of the 31st Assembly District and, as speaker, the people of California. He recently navigated legislation through the assembly that will hold the tobacco industry accountable to the California State attorney general for State costs for treating tobacco-related illnesses. He is working on legislation to reform California's juvenile justice system and provide grants for the successful juvenile boot camp model. During his career, he has been a champion of farm worker housing and continues an aggressive push for the siting of a University of California campus in Merced County. As a strong advocate for our youth and education, Speaker Bustamante tours the State encouraging children to stay in school and shares his experience that led to his own success through his "You can Too" Program.

The oldest of six children, Cruz was born in Dinuba, CA. His parents, Dominga and Cruz Bustamante, Jr., a retired barber, raised their family in the rural communities of Tulare and Fresno Counties.

In 1970, he graduated from Tranquility High School and pursued a college degree at Fresno City College and the California State University, Fresno [CSUF], where he studied Public Administration. Following a summer internship in Washington, DC, with Congressman B.F. Sisk, Cruz developed a keen interest in public service. He served on both the student senate and the board of the Fresno State College Association at CSUF.

In 1977, Cruz began his career in public service at the Fresno Employment and Training Commission. He soon became program director for the Summer Youth Employment Training Program, which employed over 3,000 Central valley teenagers each summer. Later, he joined the staff of Congressman Richard Lehman of Fresno, CA. From 1988 until January 1993, Cruz served as district administrative assistant to former Assemblyman Bruce Bronzan.

A strong believer in community service, Cruz has served on numerous local boards and commissions, including Fresno United Way Allocation Committee, Burroughs Elementary School Site Committee, City of Fresno Citizens Advisory Committee, and the Roosevelt Plan Implementation Committee.

He is married to the former Arcelia De La Pena. They have three daughters, Leticia, Sonia, and Marisa, a grandson, David, and a granddaughter, Lauren.

Mr. Speaker, it is with pride that I ask my colleagues to join me and the Hispanic Outreach Taskforce in recognizing the Honorable Cruz M. Bustamante for his outstanding and invaluable service to people of the State of California.

TREATING LEGAL IMMIGRANTS FAIRLY

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, in less than 100 days many thousands of elderly and disabled legal immigrants in our country will lose their only source of financial support unless Congress acts.

This is not about welfare reform; it is about community responsibility. It is not about moving young parents from welfare to work, but about elderly people who cannot work. It is not about people who came here illegally, but people who came here under our laws.

They now find themselves disabled, most often by age and illness: Asian-Americans caught up in the Vietnam war, often fighting on our side; Arab-Americans many of whom fled the land of Sadam Hussein; People who, despite in numerous cases having defended their native land against the Nazi invaders, left because of Soviet persecution against Jewish families; and Hispanic-Americans dislocated by war or in pursuit of family reunification.

When President Clinton signed the Personal Responsibility and Work Opportunity Reconciliation Act he made it completely clear that he would propose legislation this year to correct the provisions on legal immigrants; today I am introducing a bill similar to the President's proposal.

As a nation of immigrants, we must face up to this issue, as the faces of these elderly legal immigrants come more and more into focus for all the Nation to see.

THE WESTHILL HIGH SCHOOL BOYS BASKETBALL TEAM WINS THE NEW YORK STATE CLASS B PUBLIC SCHOOL TITLE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating the Westhill High School boys basketball team for winning the New York State Class B Championship game on March 16, 1997.

Until this season, the Warriors had played basketball in the class C division. This year, hard work and the help of coach Todd Widrick made it possible for the team to go undefeated in its first season of competition in the class B division. Senior David Lemm scored 30 of the team's final 64 points and was honored as the tournament's most valuable player. Juniors Scott Ungerer and Chuck Cassidy were also honored by being named to the all-tournament team.

Our central New York community is proud of the teamwork and dedication displayed by these and all the young athletes who competed in the tournament. I congratulate all of the members of the Westhill Varsity basketball team for their victory. Team members include: Bryan Sidoni, Mike Nicholson, Scott Adydan, Brian Gehm, Marc Herron, Mike Wojenski, Jordan Weismore, Brennan Binsack, Ryan Vossetig, David Lemm, Scott Ungerer, Chuck Cassidy, and coaches Tim Allen, Carlton Green, and Todd Widrick.

Congratulations to all on their impressive accomplishment.

ENFORCEMENT OF U.S. IMMIGRATION AND NATIONALITY LAWS IN PUERTO RICO

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. GEKAS. Mr. Speaker, ever since I was stationed in Puerto Rico during my service in the U.S. Army from 1953 to 1955, I have harbored warm sentiments about the people I met, the beauty of the place, and the society of the island, as well as about its special bond with the mainland United States.

I arrived there shortly after the U.S. Congress and the Puerto Rican people had authorized the local constitution under which the island has existed up to the present. I was never certain that the status under the new constitution was well-defined, or how the people regarded themselves as a result.

For example, the Puerto Rican soldiers with whom I served expressed loyalty to the United States, and never felt that having U.S. nationality and citizenship meant that they had lost their status as citizens of Puerto Rico. In the same way that soldiers from Texas or Maine still saw themselves as citizens of their States, Puerto Ricans did not lose their identity as Puerto Ricans.

That is how it has been and always should be for the people of the States of the Union, as well as the U.S. citizens in the territories until Congress and the residents decide about permanent union. Still, I am concerned that 45 years after I served in Puerto Rico—which remains the largest and most populous unincorporated territory—the decision on a permanent political status has not been reached. Even though economic, social, and cultural integration has advanced well, the question of full membership in the Union needs an answer one way or the other.

As the end of a century within the U.S. political system approaches, Puerto Rico's future is full of promise. The local government is instituting bold market-oriented reforms and downsizing government as private sector led development expands and unemployment drops to historic lows. In addition, in November of 1996 the voters returned to office leadership committed to working with Congress to resolve the question of the territory's political status, and thereby create certainty about the future which is critical to even further economic success.

Because Congress in 1995–96 clarified issues of law and policy which had been shrouded in ambiguity for many years, the people were empowered with information and ideas about their options for the future. In turn, the candidates in the 1996 elections last November were able to present the voters with clear choices regarding Federal-territorial policy issues. The status-quo candidates lost by historic margins in last year's election, demonstrating the people know how to send a clear message to both the Federal and territorial governments when the issues and the choices are well-defined.

It seems quite clear that the people of Puerto Rico want equal political standing under a form of full self-government. Who can blame people who have been within the U.S. political system for 100 years for wanting constitutionally guaranteed citizenship, with the ability to pass their nationality to the next generation without fear that it could be terminated by a future Congress? That is why they voted for leaders who told them the truth about the fact that they can not achieve that result under unincorporated territory status because the current form of political union with the United States itself is not permanent.

Indeed, under the territorial clause Congress has the discretionary power to end the conferral of U.S. citizenship for persons born in Puerto Rico starting tomorrow if it so chooses. Of course, no one expects the Congress without any compelling reason to return to the pre-1917 days of the Foraker Act when birth in Puerto Rico did not result in U.S. citizenship, nor does any one expect Congress unilaterally to change Puerto Rico's status without considering the wishes of the people. But that is not the point, is it? The people of Puerto Rico want a status with rights that are guaranteed, not permissive.

As a body politic and at the level of political culture, the U.S. citizens of Puerto Rico have taken possession of the concept of limited government, and they recognize that permanent territorial clause status is not the goal of American constitutionalism. Disenfranchisement can not be enhanced so that it becomes an acceptable permanent status.

In this context, the question of citizenship becomes critical. The background paper which I am submitting for the RECORD today addresses a highly publicized citizenship case in Puerto Rico, and how it has been handled by the local and Federal authorities. I am concerned about the impact this case could have on the status of 3.8 million U.S. citizens residing in Puerto Rico who demonstrate every time they go to the polls that they cherish their U.S. nationality with patriotic pride. Congress must follow further developments in this case in an informed manner, and ensure that the administration's Puerto Rico task force manages this issue more effectively from this point forward.

THE EFFECT OF RENUNCIATION OF NATIONALITY AND CITIZENSHIP IN THE CASE OF PERSONS BORN IN PUERTO RICO

Question: Does a person who renounces U.S. nationality and citizenship acquired by birth in Puerto Rico thereafter have separate nationality and citizenship of Puerto Rico?

Answer: No. Presently there is no separate Puerto Rican nationality or nationality-based citizenship in the legal, political or constitutional sense. The People of Puerto Rico have a distinct cultural heritage, which can be sustained through U.S. nationality and citizenship or through separate nationality and citizenship. Which path is taken will depend on where national sovereignty rests when the self-determination process for Puerto Rico is completed in favor of either statehood or separate nationhood. As long as Puerto Rico remains under the present form of commonwealth status the nationality and nationality-based citizenship of persons born there will be defined and regulated in accordance with the provisions of the U.S. Constitution and federal law applicable to Puerto Rico as determined by Congress.

Explanation: The question arises from the case of Mr. Juan Mari Bras. He is a resident of Puerto Rico and lawyer by profession, but he is most well-known as a publicity-seeking member of a small socialist political faction in Puerto Rico which views U.S. sovereignty, nationality and citizenship in Puerto Rico as illegal and repressive. Mari Bras had U.S. nationality and statutory citizenship based on birth in Puerto Rico in 1927, until he went to the U.S. Embassy in Caracas, Venezuela July 11, 1994 and renounced allegiance to the United States and terminated his U.S. nationality in accordance with 8 U.S.C. 1481(a)(5).

It is standard U.S. embassy and INS procedure for a person who renounces U.S. nationality to be allowed to return to the U.S. pending certification of loss of nationality by the U.S. State Department as required by federal statute. However, in a high-profile media campaign and legal actions challenging the enforcement of U.S. citizenship laws in Puerto Rico, Mari Bras and his supporters have used his re-entry to this country after renunciation of its citizenship as the basis for a propaganda campaign asserting the existence of separate Puerto Rican nationality.

With regard to this claim of a separate Puerto Rican nationality, it is necessary to note that under Article IX of the Treaty of Paris the nationality of persons born in Puerto Rico is that of the United States, and the citizenship status of such persons is determined by Congress in the exercise of its territorial clause powers (U.S. Const. article IV, section 3, clause 2). Consistent with both the federal and local constitutions, current federal law defines nationality and citizenship of the residents of Puerto Rico as Congress has deemed necessary. See, 8 U.S.C. 1402; 48 U.S.C. 733a.

In the case of Gonzales v. Williams, 192 U.S. 1 (1904), the U.S. Supreme Court stated that under the Treaty of Paris the ". . . nationality of the island became American . . ." Then, quoting Article IX of the treaty the court stated that those inhabitants of Puerto Rico who did not elect continued allegiance to Spain were held ". . . to have adopted the nationality of the territory in which they reside." Article IX of the treaty goes on to state that ". . . the civil rights and political status of the native inhabitants . . . shall be determined by the Congress."

Thus, Congress, has clear authority and responsibility to define a form of territorial citizenship under the umbrella of U.S. nationality as it deems appropriate. Under Section 7 of the Foraker Act of 1900 (31 Stat. 77), Congress conferred the status of "citizen of Puerto Rico" for persons born in the territory. Under Section 5 of the 1917 Jones Act (39 Stat. 961), Congress extended statutory U.S. citizenship to those born in Puerto Rico.

Under the Jones Act arrangement, retention of "citizen of Puerto Rico" status was an option foreclosed to all who did not exercise it in 1917. In addition, the statutory citizenship extended by Congress was not permanently guaranteed and conferred less-then-equal legal and political rights compared to those born or residing in the states of the union due to the limited application of the federal constitution in an unincorporated territory. Downes v. Bidwell, 182 U.S. 244 (1901); Dorr v. United States, 195 U.S. 138 (1904); Balzac v. People of Puerto Rico, 258 U.S. 298 (1922); Rogers v. Belei, 401 U.S. 815 (1971).

Of course, states, territories and even counties or cities can exercise local jurisdiction to confer purely local "citizenship" under local laws. As discussed below in some detail, under territorial law Puerto Rico still recognizes a "citizen of the Commonwealth of Puerto Rico" status in the exercise of local jurisdiction, but this is not a nationality-based form of citizenship. See, Const. Commonwealth of Puerto Rico, Art. IX, Sec. 5; 1 LPRA Sec. 7.

Pursuant to the territorial clause and article I, Section 8 of the U.S. Constitution, the nationality and any derivative nationality-based citizenship status of persons born in Puerto Rico is determined exclusively by applicable federal statute—currently 8 U.S.C. 1402, as noted above. Thus, there is no separate or dual Puerto Rican nationality or "citizenship" as that term is used in the context of the domestic and international law of nationality and immigration applicable to Puerto Rico, including all provisions of the Immigration and Nationality Act.

Consequently, Mari Bras is subject to the provisions of Federal immigration and nationality law with respect to his nationality, including 8 U.S.C. 1481(a)(5) as it relates to renunciation of U.S. nationality. Because Mari Bras repudiated allegiance to the U.S. (the nation which currently is recognized under international law and constitutionally as exercising lawful sovereignty in the place where he was born), it was a fairly routine matter for the Department of State to determine that he lost U.S. nationality. As a result, on November 22, 1995, the U.S. Department of State certified his loss of U.S. nationality and citizenship.

The federal court case Davis v. District Director, INS, 481 F. Supp. 1178 (1979) correctly establishes that when a person loses U.S. nationality all forms of citizenship, including local citizenship conferred by any political subdivision of the nation, are lost as well. In that case the court properly held that "citizenship" of the state of Maine did not entitle the former U.S. citizen renunciant to enter the United States, except upon compliance with alien entry requirements.

The court in that case also ruled that Article 15 of the Universal Declaration of Human Rights as well as other non-binding and non-self-executing international conventions do not supersede 8 U.S.C. 1481—the U.S. law under which renunciation of this country's nationality and citizenship is, in the words of the court, "* * *a natural and inherent right of all people."

In addition to the preceding legal context, the State Department's certification of his loss of nationality and citizenship was based on the fact that Mari Bras signed a statement of understanding at the time the oath of renunciation was administered establishing that he fully understood the legal consequences of his actions, and that the loss of nationality and citizenship was voluntary and intentional. Thereupon, as he had expressly acknowledged in writing in the statement of understanding, Mari Bras became a stateless alien due to the lack of any other recognized nationality.

It was obvious from the propaganda campaign and legal disputes that commenced immediately upon the return of Mari Bras to Puerto Rico, however, that this was not a case of an eccentric person relinquishing U.S. nationality for abstract philosophical reasons or as a symbolic expression of opposition to the United States. As explained below, this was part of an orchestrated effort to create a conflict between federal and local law. The objective was to undermine the current political status of Puerto Rico and establish a de facto separate sovereignty and nationality for persons born in Puerto Rico without going through a democratic political process of self-determination or constitutional change to accomplish that result.

In December of 1995 and March of 1996 there were press reports in Puerto Rico and major mainland newspapers about Mari Bras and other "copy cat" renunciants traveling into and out of Puerto Rico on fake "Puerto Rican passports" issued by advocates of separate nationality for persons born in Puerto Rico. The press also quoted INS officials who stated that these cases were being studied, but due to an apparent lack of policy guidance nothing was done by U.S. authorities to discourage the use of phony passports by current or even former citizens, or to accurately inform the public regarding the consequences of renunciation of U.S. nationality and citizenship.

To its credit, on February 13, 1996, the U.S. Department of State responded to an inquiry from the government of Puerto Rico with a statement establishing that Mari Bras is a stateless alien. Even then, the responsible federal agencies authorities did not choose in the case of Mari Bras to enforce the laws enacted to protect the borders and the sovereignty of the United States, as well as federal local laws restricting or regulating voting, certain financial transactions, and employment applicable to illegal aliens in the United States. In part, this may have been due to an incorrect reading of the applicable statue by local INS officers, who reportedly were under the mistaken belief a person who renounces must leave the U.S. before the loss of citizenship becomes effective.

However, in May of 1996 it was reported in the press that Mari Bras would travel to Cuba. Soon after, photographs appeared in the press of Mari Bras being embraced in the arms of Fidel Castro on June 28, 1996, at the thirtieth anniversary of an office in Havana which supports anti-U.S. activities in Puerto Rico. It was after that event that he was allowed to enter the U.S. once again, even though he had no legal right or moral justification for seeking re-admission to this nation.

In press report after press report in late 1995 and early 1996 the more grandiose dimensions of the Mari Bras scheme were explained in great detail. According to Mari Bras and his supporters, in addition to establishing that international travel is possible using birth certificates and phony travel documents (even after renouncing citizenship), the plan was to establish a legal premise for the assertion of separate nationality-based "citizenship" for persons born in Puerto Rico. This was to be accomplished openly through relinquishment of U.S. citizenship and subsequent exercise of the right to vote in local elections conducted under Puerto Rico law.

In furtherance of this objective, Mari Bras confirmed his voter registration in March of 1996 after he had lost U.S. nationality and citizenship. However, his voter eligibility was challenged by U.S. citizens born in Puerto Rico who were qualified to vote under the Puerto Rico elections statute. Like similar statues in every other state and territory, the Puerto Rican election law requires U.S. citizenship in order to vote in local elections, and on that basis the qualification of Mari Bras to vote was challenged.

The case to protect the voting rights of U.S. citizens in Puerto Rico was brought before the local election board, from which it was passed to the territorial trial court on procedural grounds. At that point the election officials of the Commonwealth of Puerto Rico joined in the legal action to uphold the local statute requiring U.S. citizenship to vote.

Unfortunately, the trial judge—in an opinion that seems to express separatist political sentiment more than it interprets law—ruled that it was unconstitutional for the Legislature of Puerto Rico to enact a statute requiring U.S. citizenship to vote. The judge concluded that this somehow discriminates unfairly against people born in Puerto Rico who renounce U.S. citizenship. It is reported that after this singular contribution to Puerto Rico jurisprudence the trial judge retired.

The case is now before the Supreme Court of Puerto Rico. If the Supreme Court of Puerto Rico does not dispose of the case in a manner consistent with the Puerto Rico Federal Relations Act as approved by Congress and the voters of Puerto Rico in 1952, including the federal law under which the nationality and citizenship of persons born in Puerto Rico under U.S. sovereignty is determined and regulated, then the federal courts and/or Congress will have to resolve the problem and restore rule of law.

Once the loss of citizenship was certified, the INS agents in Puerto Rico should have given appropriate instructions, so that Mari Bras would not be leading political rallies and conducting seminars in Puerto Rico and New York in which he demands that the U.S. flag be lowered before he speaks. Instead of abusing the rights of a citizenship he has forsaken in service to his ideology, Mari Bras should be finding out just how good permanent living is in Cuba under the regime of his comrade Fidel Castro.

Similarly, even though support for the Puerto Rican independence movement in local elections in Puerto Rico consistently is somewhere between 3% and 4%, independence is a valid future status option for the territory. It does not help the independence movement to allow a person who is being used by Fidel Castro to subvert the rule of law in Puerto Rico and in the name of independence to make a mockery of U.S. nationality and citizenship.

Mari Bras has enjoyed a long period of freedom to use the ordered system of liberty that other Puerto Ricans have died to protect to bring about through juridical gimmicks a result in Puerto Rico that he apparently believes he will never be able to bring about through the voting process.

Perhaps his loss of U.S. nationality and citizenship should not have been certified due to the fact that Mari Bras intended to retain nationality and citizenship of an area that is within the sovereignty of the United States. How can a person renounce the nationality of a country and at the same time claim the nationality of territory under the sovereignty of that country? If he genuinely is laboring under the mistaken belief that there is a separate Puerto Rican nationality, should the State Department have concluded that he did not meet the intentionality test of 8 U.S.C. 1481(a)(5)?

In this regard, however, the Congressional Research Service has concluded that "Although Puerto Rican residents who renounce U.S. citizenship might argue that they intended to renounce U.S. citizenship only if they actually acquired Puerto Rican citizenship, Davis and other cases indicate that courts have not found that such conditions and qualifications in the motives of the renouncer are separate from and invalidate the basic intent to relinquish U.S. citizenship." CRS Memorandum, "The Nature of U.S. Citizenship for Puerto Ricans," American Law Division, March 26, 1996.

The Mari Bras theory that a U.S. citizenship requirement for voting violates natural law and the rights of man fails not due to some over-reaching federal mandate, but as a result of the principles set forth in the Preamble and citizenship-related provisions of the Constitution of Puerto Rico as approved by the voters in 1952. The local constitution states: "We consider as determining factors in our life our citizenship of the United States of America and our aspiration continually to enrich our democratic heritage in the individual and collective employment of its rights and privileges . . ."

The Preamble goes on to identify as an additional "determining factor" in the life of Puerto Rico ". . . our loyalty to the principles of the Federal Constitution . . ."

This is important for many reasons, including the fact that it recognizes the requirement set forth in Section 3 of P.L. 600 (48 U.S.C. 731d) of compatibility between local constitutionally implemented measures and the federal constitution and laws.

As noted already, in the case of Davis v. District Director, INS, 481 F. Supp. 1178 (1979), referred to in the CRS analysis cited above, the court ruled that citizenship of the state of Maine did not entitle the former U.S. citizen who had made himself an alien by renunciation to remain in the U.S. even if he agreed to reside only in Maine. Rather, the court ruled that the alien must get a visa and petition for permanent resident alien status or be subject to exclusion. So it apparently will be in the Mari Bras case.

Of course, the INS has better things to do than hunt down and depot any of the approximately 100 ideological extremists who renounce their citizenship for similar reasons each year, especially when one thinks about the millions of other more serious illegal alien cases. However, if Mari Bras keeps going to Cuba to aid and abet the totalitarian collectivist regime there, the day may come when he finds the door to his homeland closed. If he ends up back in the country from which his return travel originated, it will be his own doing.

TRIBUTE TO GIRL SCOUT'S GOLD AWARD CEREMONY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BONIOR. Mr. Speaker, today I would like to salute a group of outstanding young women who have been honored with Girl Scout Gold Awards by Michigan Waterways Girl Scout Council in Port Huron, MI. They will be honored on May 4, 1997, for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12.

Girl Scouts of the U.S.A., an organization serving 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to Senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as design and implement a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl and an adult volunteer.

As a member of the Michigan Waterways Girl Scout Council, the following girls will receive their Gold Awards: Angela Campbell, Jamie Welser, Nicole Kwiatowski, Lisa Welsch, Leah Spresser, Joyce Schocke, Jennifer Schlegel, Heather McClellan, Theresa Walding, Halleé Vincent, Deborah Fields, Cari Malone, and Marylynn Lepien. They have all completed their public service projects and I believe they should receive the public recognition due for their significant service to their community and their country.

A SUCCESS STORY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, one thing that we do not do often enough is to go back to predictions that are made about legislation by both supporters and opponents and see whether these predictions have been born out. One somewhat controversial bill we passed recently was the General Aviation Revitalization Act of 1994, which altered liability law regarding aircraft. That legislation was strongly resisted by many who do not think we should not make any change in the product liability system in this country. I joined with the leading House proponent of the bill, the then Representative from Kansas who is now the Secretary of Agriculture. With his leadership role, despite opposition from some within the Judiciary Committee, we eventually passed the bill which became the General Aviation Revitalization Act, which the President signed into law in August 1994. I think it is reasonable to note that the consequences of that bill as of now have been entirely favorable. Thousands of new jobs have been created in the aircraft manufacturing industry, including a renewal of manufacturing of single engine aircraft. I am also not aware of any danger to aircraft safety that anyone can point to as a consequence of that act. While obviously we will continue to monitor the results of this, I think it is important to note that to date, 2½ years after its passage, the results of the enactment to this bill has been no decrease in safety, while we have seen a significant increase in economic activity of a productive sort. The General Aviation Revitalization Act of 1994 has to date vindicated the views of those of us who pressed for it and I think it is important to note that.

TRIBUTE TO HIS EMINENCE ADAM CARDINAL MAIDA AND RABBI IRWIN GRONER

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, on May 5, 1997, the Ecumenical Institute for Jewish-Christian Studies will present its Dove Award to two outstanding religious and community leaders, His Eminence Adam Cardinal Maida and Rabbi Irwin Groner.

All of the citizens of Michigan are blessed to have in our active presence Cardinal Maida and Rabbi Groner. Through their individual endeavors and their friendship and collaborative efforts, they have enriched the entire State in many ways and deepened goodwill.

They were instrumental in the establishment of the Religious Leaders Forum, which has stimulated dialog between the Christian, Jewish, and Muslim communities. Each has encouraged the spread of voluntarism to touch the lives of those beyond their own communities. They have been outspoken on society's need to attack bigotry and racism, wherever either might appear in our midst.

Of course, for both Cardinal Maida and Rabbi Groner, the wellspring of their ecumenical work has been their deep spiritual commitment to their faith. Since his appointment by his Holiness John Paul II to be archbishop of Detroit on June 12, 1990, Cardinal Maida has maintained a focus, during a period of relative prosperity for citizens living within the diocese, on the less fortunate, whether children without health care or otherwise at risk, retired priests or the seriously ill.

Rabbi Groner is the spiritual leader of Congregation Shaarey Zedek, a religious home for my family over many decades. He has been preeminent in the conservative Jewish movement in our Nation, through his writings and sermons and his executive positions on various boards.

In this day and age without global conflict but with persistent conflict and violence in daily life, it is rewarding for us all that these two distinguished people of peace are awarded for their work by the Ecumenical Institute. As one privileged to know them both, it is my honor to be able to ask today all of my colleagues to join in expressing congratulations and wishing to Cardinal Maida and Rabbi Groner many more years of service to their parishioners and to the public at large.

A TRIBUTE TO DOLORES COLUCCI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Ms. Dolores Colucci of Clifton, NJ who is being honored by the Clifton Optimist Club.

A lifelong resident of Clifton, Dolores is one of seven children born to Dorothy and William Straub, a treadmill producer and a former airplane parts manufacturer. Her parents always advocated wholesome activity for youth, a legacy which Dolores does everything possible to continue.

A former student of Pope Pius XII High School in Passaic, Dolores decided to pursue a career in education. She graduated from Montclair State College with a bachelor's degree in education and thereafter began teaching in local schools, and subsequently obtained a master's degree in guidance and counseling from Kean College.

Dolores became involved with the local area youth in 1974, when she was a volunteer for the Girls' Club of Clifton. Two years later she became the club's executive director, and led the organization for 10 years. When the Girls' Club merged with the Boys' Club, Dolores became the new club's executive director.

As the executive director of the Boys' and Girls' Club, Dolores maintains a very busy schedule as she offers her services to many other community organizations including the Civic Affairs Committee of the North Jersey

Regional Chamber of Commerce, the Clifton Inter-Agency Council, the Clifton Education Advisory Board, the Recreation Task Force, and the Strategic Planning Committee of the Clifton Board of Education.

In addition to her civic involvements, Dolores is also actively involved with projects for Zonta International, an organization for business and professional women, and religious programs at her parish, Saint Philip the Apostle Roman Catholic Church.

Dolores has been recognized numerous times for her work with youth and was honored in 1989 as Outstanding Executive by the New Jersey Area Council of Boys' and Girls' Clubs as well as being named Agency Executive of the Year in 1993 by the United Way of Passaic County.

Dolores always prioritized family. She and recently deceased husband Thomas proudly raised three children: Anne Sibilski, a kindergarten teacher at School 12 in Clifton; Thomas, a manager of a fitness store in Paramus; and Daniel, a sixth-grader at Woodrow Wilson Middle School.

Mr. Speaker, I ask that you join me, our colleagues, Dolores' family and friends, the youth of the Boys' and Girls' Club of Clifton, and the city of Clifton in recognizing the outstanding and invaluable service to the community of the Boys' and Girls' Club 1997 Youth of Year, Dolores Colucci.

TRIBUTE TO MS. AURELIA PUCINSKI, CLERK OF THE COOK COUNTY CIRCUIT COURT

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding public official and close personal friend of mine on a very special occasion, her 50th birthday.

Ms. Aurelia Pucinski, clerk of the Cook County, Illinois Circuit Court, celebrated her birthday recently with a surprise party thrown by her friends and colleagues, as well as her husband, Jim Keithley, and their three children, Rebecca, Annie, and Jimmy.

Clerk Pucinski has been one of the most popular elected officials in Cook County since her election as a delegate to the 1980 Democratic National Convention. She is currently in her third term as clerk where she administers the world's largest unified trial court system, which handles more than 18 million cases each year.

She has literally guided the clerk's office into the 21st century with improved computer systems and other technological advancements to make the office more efficient and more responsive to the needs of law enforcement officers and attorneys and all citizens.

She has saved tens of millions of dollars for taxpayers during her tenure by reducing staff and overtime, through interest earned on investments and deposits, and returned unclaimed bond money. Clerk Pucinski is also the first county official to institute a code of ethics and internal ethics board.

A testament to Clerk Pucinski's integrity can be found in the fact that during her first campaign for office in 1988, she proposed a 40-point plan to improve the office. She has implemented all those promises.

Clerk Pucinski is an outstanding public official, but perhaps more important, she is an outstanding human being and a wonderful wife, mother, and daughter. I have known her for more than 20 years, when I served on the Chicago City Council with her father, Alderman Roman Pucinski, a revered and respected public official who was a huge influence on his daughter. She remains devoted to her father as well as all of her family members, despite the demands and responsibilities of her office.

Mr. Speaker, I wish my dear friend, Aurelia Pucinski, a happy birthday and of course, many, many more.

TRIBUTE TO REVEREND EUGENE RAWLINGS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. DAVIS of Illinois. Mr. Speaker, Members of the U.S. House of Representatives, I take this opportunity to comment upon the life and the work of the late Rev. Eugene Rawlings, who passed away on Tuesday, April 1, 1997.

Reverend Rawlings was born February 17, 1906, and spent his early years in Lucy, TN, where he attended school and received his early religious training. He graduated from the SA Owens College in Memphis, TN, and received an associate of arts degree in religious education from the McKinley Theological Seminary in Jackson, MS. In 1931, he married Ms. Caldonia Stevens and they have one daughter, Eugenia.

In 1954, Reverend Rawlings migrated to Chicago, IL, where he spent the rest of his life organizing churches, pastoring, teaching, and being a community activist. He was an outstanding lecturer and orator, as he taught at the Chicago Baptist Institute, the Ministers Union of Chicago and vicinity, the Westside Ministers Conference, and Bethany Hospital.

Reverend Rawlings was a great civic, social, and political activist, as evidenced by his position as a Master Mason, organizer for the Westside waste management environment safety project, Block Club treasurer, and planning committee for the Community Bank of Lawndale.

Rev. Eugene Rawlings was certainly an outstanding clergyman, civic leader, and humanitarian. We wish his wife Odessa, daughters Evangelist Eugenia Thomas, Pat Merriweather, and Francis Morris and other members of the family all the best, as they revere the life of this great American.

LOUIS FREEH IS A GOOD MAN

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, FBI Director Louis Freeh is a good man in a thankless job.

There is a tendency in this town, especially during the last 4 years, to go beyond answering one's opponent or critic to the point of destroying him utterly, his name, his reputation, and his livelihood. We can't let that happen to Director Freeh.

Among the other disturbing trends is that of politicizing agencies of the Federal Government and then using them to reward friend and punish enemies. Director Freeh has done everything possible to spare his agency this fate, and this, in the opinion of many, has made his a marked man.

This is unfortunate, because Director Freeh is, again in the opinion of many, one of the best directors in modern FBI history, and it would be a tragedy if his independence and integrity were to be his undoing.

Mr. Speaker, we cannot let that happen. And I would call on Senators from the other body to recognize Director Freeh's merits and to protect him from attempts to undermine him.

I submit, for the RECORD, a recent Wall Street Journal editorial which eloquently states the case for Director Freeh.

FBI LEADERSHIP

With news swirling about the Federal Bureau of Investigation, it might be an apt time to review the last change of leadership there. It took place, you probably do not recall, on the most tempestuous weekend of the Clinton Presidency.

FBI Director William Sessions, under fire over expense accounts and the deportment of his wife, had already tendered his resignation, pending a replacement. But on Saturday, July 17, 1993, he was told to resign immediately or be fired. Bearing the message was Attorney General Janet Reno, Deputy Attorney General Philip Heymann, White House Counsel Bernard Nussbaum and now notorious Associate Attorney General Webster Hubbell. On the way out of the meeting, Mr. Sessions stumbled on the curb and broke his elbow. His replacement, former FBI agent and New York Judge Louis Freeh, was announced the following Tuesday morning.

"It had taken strenuous argument from Nussbaum to persuade Clinton not to name his old friend and fellow Rhodes Scholar Richard Stearns to the post," James B. Stewart reports in his book "Blood Sport." Mr. Stearns is a judge on the Massachusetts Superior Court, and that fateful Monday our own columns had reviewed his résumé: "Judge Stearns and President Clinton were war protesters together as Rhodes Scholars at Oxford. Judge Stearns was also a deputy campaign manager in George McGovern's 1972 presidential race, as well as national director of delegates in Sen. Edward Kennedy's 1980 presidential nomination bid."

The same editorial said, "Judge Freeh is fine with us," but raised the question of why Mr. Sessions should be summarily fired if a replacement was ready. It started, "So the gang that pulled the great travel office caper is now hell-bent on firing the head of the FBI." In the event, the Freeh appointment was well received, not least, Mr. Stewart relates, because he was not a personal friend of Bill Clinton."

The appointment was announced simultaneously with the Supreme Court nomination of Ruth Bader Ginsburg. "We've just hit two home runs for the President," Mr. Nussbaum said to his deputy Vincent Foster. Mr. Foster had declined a Monday night Presidential invitation to a meeting to appoint an independent counsel in the campaign contribution scandal; the following day her Inspector

General issued a scathing report on the mess at the FBI laboratory. And Senator Charles Grassley said the report shows the FBI "needs better leadership."

Senator, wake up. With the country in the middle of an ongoing Presidential scandal, the top ranks of the Justice Department are vacant—except for Ms. Reno herself, who battles Parkinson's Disease. We have an acting CIA head, and lame-duck Secret Service Director. Mr. Clinton is on his fifth White House Counsel. The last law enforcement soldier holding the line in Washington doesn't need carping from Republican Senators; he needs air cover.

The IG report on the lab, where problems clearly started well before the current director, is only the latest incoming fire. In the Washington Post's Sunday edition, for example, Mr. Freeh is accused of losing the confidence of his agents. An example: He told them they couldn't question Richard Jewell under a ruse, but had to give him a Miranda warning; therefore the Jewell imbroglio was the Director's fault, agents say. A somewhat less unflattering Newsweek profile repeats this complaint, while saying Mr. Freeh has thought of resigning.

Under Mr. Freeh the bureau has of course made mistakes, most spectacularly in sharing with the White House drafts of former agent Gary Aldrich's book when it was submitted for clearance. But more recently Mr. Freeh stood up to White House requests for intelligence on Chinese contributions. And most importantly of all, he dispatched top agent I.C. Smith to Little Rock, leading to a new vigor in probing corruption there.

It has to be understood, as well, that any FBI Director needs a perimeter defense, and also a few colleagues with personal loyalty. Veteran law enforcement officials elsewhere relate tales of FBI officials denying help that had merely been promised by "the front office," or that talking to the director "is not talking to the FBI." The carping at Mr. Freeh has to be understood in its full context. Not only that the current White House is a corrosive force on all law enforcement agencies; but also that do director since J. Edgar Hoover has succeeded in establishing effective control of the bureau.

Yes, obviously the FBI has leadership problems. The solution, in the hands of Senator Grassley and other members of the Judiciary Committee, lies in making sure its leader has authority commensurate with his responsibility.

TRIBUTE TO CANTOR NORMAN ROSE

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LEVIN. Mr. Speaker, I rise to honor Cantor Norman Rose who is celebrating his 40th year in the Cantorate and his 25th year as Cantor of Temple Emanu-El in Oak Park, MI.

Born in New York and inspired by his father, a tenor who sang in choirs, young Norman was raised in a home where music was a constant force.

He received a scholarship to the prestigious Curtis School of Music in Philadelphia, and studied there until World War II. The 15th Air Force called him to duty in Italy where he served over 50 missions as a radio operator and gunner.

At the conclusion of the war, Norman Rose obtained his BA and MA degrees in music from the Eastman School of Music in Rochester, and in 1949 he received 1 of 10 scholarships to the renowned La Scala Opera House in Milan, Italy. These scholarships were La Scala's way of saying thank you to the Americans for having totally restored their opera house that had been bombed during the war.

In 1952, Norman Rose entered the newly opened Hebrew Union College of Sacred Music where he was invested as Cantor.

Cantor Rose has served Temple Emanu-El for the past 25 years and has brought music and music appreciation to all its members—young and old. His warmth, his dedication, and his friendship have been deeply appreciated by all his congregants, and especially by the young boys and girls whom he prepares for their Bar/Bat Mitzvah.

Mr. Speaker, I ask my colleagues to join me in recognizing Cantor Rose's accomplishments and years of service to his congregation. We wish him and his wife, Euni, many more years of joyful participation at Temple Emanu-El, and good health and happiness along the way.

TRIBUTE TO JUSTICE JAMES H. COLEMAN, JR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention James H. Coleman, Jr., justice of the New Jersey Supreme Court, who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Justice Coleman is the first African-American to serve on the New Jersey Supreme Court. He was nominated by Governor Christine Todd Whitman on October 3, 1994, and was sworn in by Chief Justice Robert N. Wilentz on December 16, 1994. At the time of his nomination, Justice Coleman was serving as a presiding judge of the Appellate Division of Superior Court.

Justice Coleman began his judicial career in May 1973, when he was appointed a judge of the Union County Court. He served in that capacity until December 1978, when he became a Superior Court judge. In March 1981, he was elevated by Chief Justice Wilentz to the Appellate Division in May 1987.

Justice Coleman was born in Lawrenceville, VA, on May 4, 1933. He graduated in 1952 from the James S. Russell High School in Lawrenceville. He is a 1956 cum laude graduate of Virginia State University and received his law degree in 1959 from Howard University School of Law, Washington, DC. He was admitted to the bar in New Jersey the following year and in 1963, was admitted to practice before the U.S. Supreme Court.

Justice Coleman served in the U.S. Army Reserve and was discharged in February 1962. He was engaged in the private practice of law from July 1960 until February 1970, with offices in Elizabeth and Roselle. He joined the former New Jersey State Department of Labor and Industry in July 1960 as an assistant to the director of the Division of Workers' Compensation; consultant to the New Jersey Rehabilitation Commission; counsel for and manager of the New Jersey subsequent injury fund; and referee of formal hearings in the Division of Workers' Compensation.

In July 1964, Justice Coleman was appointed a judge of the New Jersey Workers' Compensation Court and served there until his appointment to the Union County Court. He and his wife, Sophia, are the parents of two children: Kairon Michelle Mullins, born in 1963; and James H. Coleman, III, born in 1965.

Mr. Speaker, I ask that you join me, our colleagues, Justice Coleman's family and friends, and the State of New Jersey, in recognizing the outstanding and invaluable contributions to the community of Justice James H. Coleman, Jr.

HONORING DR. JOHN E. MURPHY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KOLBE. Mr. Speaker, I rise today to honor and celebrate one of Arizona's finest pharmacists and professors, Dr. John E. Murphy. In particular, I am proud to announce that Dr. Murphy has been voted president-elect of the American Society of Health-System Pharmacists [ASHP] and will be installed at the society's 54th annual meeting in Minneapolis this June.

ASHP is the 30,000-member national professional association representing pharmacists who practice in hospitals, health maintenance organizations, long-term care facilities, home-care agencies, and other components of health care systems. The society has extensive publishing and educational programs designed to help members improve their delivery of pharmaceutical care, and it is a national accrediting organization for pharmacy residency and pharmacy technician training programs.

A resident of my congressional district, Dr. Murphy is professor and head of the Department of Pharmacy Practice and Science at the University of Arizona College of Pharmacy. He earned his bachelor of science and Phar.D. degrees at the University of Florida and later served as a member of the faculty and as director of residencies at Mercer University School of Pharmacy in Georgia. His extensive involvement with ASHP includes having served as an ASHP board member, chair of the ASHP Pharmacokinetics Specialty Practice Group, and member of the ASHP Information Network for Students. In addition, he has been the president of the Georgia Society of Hospital Pharmacists and has participated on many committees of the Georgia and Arizona societies.

As Dr. Murphy has said, "Dramatic changes in health care delivery are creating exciting opportunities for pharmacists." I am confident that he will guide ASHP with strong and innovative leadership for the sake of all Americans receiving pharmaceutical care. I congratulate Dr. Murphy and wish him well as he takes on his new position with ASHP.

TRIBUTE TO JOHN MOONEY ON HIS RECEIPT OF THE MEDAILLE DU JUBILE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to an outstanding individual who represents the hundreds of thousands of Americans who participated in the battle that was the beginning of the end of Nazi Germany; the invasion of Normandy.

Mr. John Mooney of Chicago, who served in the 2d Armored Cavalry Division was part of the wave of brave Allied soldiers that stormed the beaches and cliffs overlooking the English Channel on June 6, 1944. Even after the Allies established a beachhead, it took more than 2 months of fierce fighting before the risk of the Germans reversing the invasion had ended.

During the last 3 years, Mr. Mooney and thousands of his comrades have been honored by the Regional Council of Normandy with the Medaille du Jubile, a decoration commemorating the 50th anniversary of the battle of Normandy and the beginning of the liberation of Europe.

Mr. Speaker, I would like to remind our fellow Members and all freedom loving people in America and the world of the debt of gratitude we owe John Mooney and the heroic soldiers, sailors, and airmen whose efforts at Normandy marked the beginning of the end of Nazi tyranny.

PROVIDING HOPE AND OPPORTUNITY

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Restoration Ministries, a nonprofit community and faith based organization located in the south suburbs of Chicago, IL. This organization provides hope and opportunity in a way unmatched by any other.

Tonight they celebrate their 10th anniversary. They began in 1987 with the grand opening of Harvey House in South Holland, IL. The organization, founded by just two churches, now boasts an expanded membership of many churches and local businesses.

Their commitment to impact lives in ways that will help restore hope to the people and bring lasting change to the community should be given the highest commendation.

The mission of Restoration Ministries is to pull together the resources of individuals, churches, organizations, the private sector, and the government to assist every segment of the population from infants to senior citizens.

On a day when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring this organization is both timely and appropriate.

Restoration Ministries is an organization that has greatly benefited and enlightened our community. Their commitment, hard work, and dedication deserves the highest acclaim not only today but every day.

TRIBUTE TO KELLY L. GEORGE, WEST VIRGINIA MOTHER OF THE YEAR

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RAHALL. Mr. Speaker, I rise to pay tribute to a most wonderful friend of mine, Kelly L. George, who was recently selected as West Virginia's Mother of the Year by American Mothers, Inc. Kelly George is deserving of this great honor.

I wholeheartedly congratulate Kelly for being so honored by the American Mothers, as well as by the West Virginia State Senate which adopted a Resolution of Congratulation on behalf of this remarkable woman.

Kelly was educated in the public schools of Cabell County, WV, where she grew up, and where she attended Marshall University in Huntington, and later completed studies at Cambridge School of Radio and Television and the Drake School of Drama in New York.

Currently, Kelly is a legislative analyst, and she is active in the political process both State and Federal. She is a strong advocate of education and the arts.

Kelly was named West Virginia's Mother of the Year, and the major reason for that is she has raised five successful young adult children, Vincent, Victor, Valerie, Von, and Vanessa. Her children have followed in her footsteps, constantly endeavoring to reach high academic accomplishments and achievements, with each having adopted Kelly's spiritual foundations for building inner strength as well as the basis for strong family values.

Outside the role of mother, Kelly has volunteered her time for civic organizations, is a life member of the General Federation of women's Clubs and the National Committee of State Garden Clubs. She serves as international chair for the Pilot International World Association, is on the Thomas Hospital Board of Trustees, is a Kanawha County Parks and Recreation Commissioner, and is the chairman of the Board of WV Board of Risk and Insurance Management. She is also a historian and author.

Later this spring, kelly will travel to Scottsdale, AZ, to meet with the delegation of other State winners where she will receive this most prestigious award.

Again, my sincere and heartfelt congratulations to a good friend, Kelly George, as she receives the praise of her friends, her colleagues, her neighbors, and her wonderful family for having become West Virginia's Mother of the Year, 1997–98.

TRIBUTE TO MARY TUBITO VALASTRO PINTO L'ITALICO'S ITALIAN COMMUNITY 1997 WOMAN OF THE YEAR

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention L'Italico's Italian Community 1997 Woman of the Year, Mary Tubito Valastro Pinto of Little Ferry, NJ.

Born on April 17, 1948, in the ancient and historic city of Altamura, Bari, Italy, Mary was the third of eight children born to Nicholas and Maddalena Tubito.

At the age of 6, when Mary heard of the news of her family's decision to emigrate to the United States, she was very excited and since then she has constantly shown her devotion, admiration, and loyalty to her new homeland.

The Tubito family settled in the city of Hoboken, NJ, where Mary attended Public School No. 3 and Demarest Junior High School.

At an early age, Mary learned the benefits of hard work and commitment to family, from her father, who worked as a longshoreman, and from her mother, who, she helped with household chores, before and after school. With little time for play, Mary read religious books, and derived example and inspiration from the lives of the saints, enriching both her faith and character for life.

When she was only 12 years old, Mary met her future husband, Bartolo "Buddy" Valastro, who, impressed with her beauty and energy, asked Mary to be his partner for life.

Upon accepting this proposal, the couple first purchased Carlo's Bakery in Hoboken, in 1964, and then married in Our Lady of Grade Church on July 24, 1965.

Mary and Buddy, with the caring help of Buddy's mother, Grace, steadily built a successful business with dedication and vision. In addition to starting a successful business, Mary and Buddy also found time to start a family, eventually being blessed with five children: Grace Faugno, June 30, 1966; Maddalena Castano, August 15, 1967; Mary, September 30, 1969; Lisa, December 31, 1974; and Buddy, Jr., March 3, 1977. All are associated with the family's baking business.

In June 1989, Mary and Buddy acquired the former Shoening's Bakery, which turned out to be a successful business decision. The original Carlo's Bakery found a new home on Washington and First Street and has since become the mecca of quality for miles around, adding to the exciting renaissance of the historic "Mile Square City."

The period immediately following the relocation of Carlo's Bakery marked the golden age in the life of the Valastro family. Business was flourishing, the children had matured into fine, young adults, and the three daughters married; grandchildren were born.

On March 21, 1994, tragedy struck the family when cancer claimed the life of Buddy, who passed away at the young age of 54. Mary however, managed to overcome this tragedy, and as a testament to her faith, she rallied her family and employees in uncommon leadership and continued the successful operation of the business. She later met and married Giovanni Pinto, an educator, a professor of modern languages, publisher of L'Italico, and father of one daughter, Julianne (age 11). Mary is the proud grandmother of three: Robert Faugno, age 4; Mary Castano, age 3; and Bartolina Faugno, age 1.

Mary and Giovanni Pinto reside in Little Ferry, NJ, and are wonderful examples of the real possibility of the American Dream.

Mr. Speaker, I ask that you join me, our colleagues, Mary's family and friends, and the city of Hoboken, in recognizing Mary Tubito Valastro Pinto's outstanding and invaluable contributions to the community.

U.S. SECURITY WAS SOLD TO SUPPORT PRESIDENT CLINTON'S REELECTION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, the American people are becoming increasingly concerned about certain aspects of the scandals surrounding the White House.

In a recent letter to me, an attorney from our 22d District, Mr. Robert W. Linville of Old Chatham, put it in words which, if universally shared, suggested the concerns of many Americans. He suggested that U.S. security was sold to support President Clinton's reelection. He based his concerns on a recent article in the New York Times, which I place in today's RECORD.

OFFICIALS SAY CHINA ILLEGALLY SENT U.S. EQUIPMENT TO MILITARY PLANT

(By Jeff Gerth)

WASHINGTON, APRIL 22.—A Federal criminal inquiry has uncovered new evidence, including American satellite photos, suggesting that a state-owned Chinese company had all along intended to divert American machine equipment to a military plant that builds missiles and fighter aircraft, intelligence officials say.

The equipment, bought in 1994 by one of China's most powerful state-owned corporations, Catic, was supposed to be used solely for civilian purposes.

Now, as a year-old inquiry accumulates more evidence of a diversion, the Clinton Administration is faced with the question of how to proceed if it is proved that Catic knowingly misled American officials. Administration officials say the next step could be filing charges against the company.

The new evidence also raises questions about the Administration's approval of the sale in the first place, officials said.

The Administration preliminarily approved Catic's purchase of machine equipment from the McDonnell Douglas Corporation in late August 1994; the equipment was supposed to be used in Beijing to make civilian jetliners. The approval came about the time Commerce Secretary Ronald H. Brown left for China, where he helped persuade Chinese officials to keep their commitment to spend $1 billion on jetliners from McDonnell Douglas.

But Pentagon critics of the sale had earlier said they believed that the Chinese wanted the sensitive equipment, which included giant machine tools to shape and bend large aircraft parts, to improve their military capability, Administration officials said. At the time, the Chinese press had reported a Chinese Government plan to cut jetliner production in half, which would have reduced the civilian need for the American equipment.

In the end, some equipment sent from the United States wound up 800 miles from Beijing, at a military complex of the Nanchang Aircraft Company. The satellite photos recently uncovered show that a plant was being built in Nanchang to house a giant stretch press, a major piece of American equipment, even as Catic was telling American officials that the equipment would go to a civilian machining center in Beijing, intelligence officials said.

American officials said other documents in the case suggested that Nanchang had been the intended destination from the start. Nanchang officials, for instance, inspected some of the equipment at a McDonnell Douglas plant in Ohio 1993, before the deal was signed, and then packed up the equipment in late 1994 as it was being shipped to China, the officials said. The plan to build the Beijing machining center, the supposed destination for the equipment, was abandoned before the license was issued.

All that raises some diplomatically sensitive questions.

"We ought to send the Chinese the message that they can't divert our technology with impunity, and an indictment of Catic might even get the Chinese to talk to us seriously about proliferation," said Gary Milhollin, the director of the Wisconsin Project on Nuclear Arms Control, which has tracked the procurement activities of Catic in the United States.

Catic and its lawyers declined to answer any questions about the grand jury investigation, which, one witness said, is still in the early stages of taking testimony. Catic is based in Beijing, outside the reach of the grand jury, but records from its subsidiary in Southern California have been subpoenaed, Administration officials said.

A spokesman for McDonnell Douglas, Larry McCracken, said, "At this point, since these matters are being looked at by the United States Attorney's Office, we have no comment other than to say that McDonnell Douglas has not done anything illegal."

McDonnell Douglas, an aerospace company based in St. Louis that has agreed to merge with its longtime competitor, the Boeing Company, discovered the diversion in Nanchang in early 1995 and reported it promptly to Commerce Department officials. Commerce Department officials say the unusual conditions they attached at the last minute to the approval for the license enabled them to have the diverted equipment placed under tighter supervision at a civilian location in China.

But that took almost a year. By then, the criminal inquiry by the United States Attorney's Office in Washington and the United States Customs Service had begun. In late spring of 1996, several weeks after the grand jury had subpoenaed records from McDonnell Douglas, a company official tried to obtain the sensitive satellite photos of the Nanchang military site, intelligence officials said.

The request was eventually denied, but the question of why the company official sought the photos has become part of the investigation, intelligence officials said.

The decision to approve the export of the machine equipment pitted national security concerns against economic interests and, in the end, the latter prevailed.

"For the Administration, this has been a difficult decision, weighting jobs against counterproliferation," said Adm. Bill Center, who represented the Joint Chiefs of Staff in 1994 in deliberations within the Government about the proposed sale.

Admiral Center said, "The Joint Chiefs of Staff initially opposed the sale on national security grounds." But after considerable discussion, led by White House officials, "all of us concluded that if McDonnell Douglas didn't sell it, others would, and we wouldn't accomplish anything by saying no."

Secretary Brown, who died in a plane crash in Croatia last year, intended to raise the issue of economic and security trade-offs when he visited China in 1994. A draft of one of his speeches said, "Sales of sensitive technologies have been made despite public and political opposition."

Some sales to China may wind up being examined as part of the various inquiries into possible ties between the Chinese and the Clinton Administration.

The House Government Reform and Oversight Committee, the principal panel looking at campaign finances, has requested the use of Customs investigators who have specialized in export diversion cases, Congressional and Administration officials said.

CONGRATULATIONS TO THE TUCSON METROPOLITAN CHAMBER OF COMMERCE

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KOLBE. Mr. Speaker, the Tucson Metropolitan Chamber of Commerce was founded as the Tucson Grocer's Association on October 31, 1896, by six civic-minded businessmen with the purpose to unite the business interests of Tucson, or of Tucson trade, and oppose anything tending to their injury. Since that time, the chamber has evolved into the largest Chamber of Commerce in Arizona, representing over 3,000 businesses and 75,000 employees.

Over the past 100 years, the chamber has worked steadfastly to further the interests of Tucson and Arizona. I would like to take this opportunity to mention some of their achievements.

The chamber worked faithfully to help Arizona achieve statehood. When a lavish reception for the Senate Committee exploring statehood apparently failed to impress, chamber leaders traveled to Washington to press the case personally.

In the early part of this century, the chamber organized and financed the first municipal airport in the United States and later helped establish what was to become Davis-Monthan Air Force Base. Sixty-seven years later, the chamber was also among the organizations working to successfully keep Davis-Monthan open as a security asset for the entire Nation.

In response to the growing need for the treatment of tubercular patients, particularly veterans of World War I, the chamber sent representatives to Washington to lobby for a veterans hospital and then raised the money from its own membership to pay for the building supplies. The chamber also borrowed the money to purchase the land where the current veterans hospital is established.

The chamber spearheaded and often financed infrastructure projects for the development of the community including schools, roads, and water projects.

The chamber donated the land to lure the U.S. Magnetic Laboratory to the desert, beginning a trend that has resulted in Tucson becoming a world recognized center for optics.

Since its inception, the chamber has been active in encouraging trade with our southern neighbor, Mexico. The organization lobbied Mexico City directly in the late 1800's, to establish a customs house, and it recently lobbied our State Department to successfully retain the U.S. consulate in Hermosillo—a critical link for trade and services for both countries.

The Tucson Metropolitan Chamber of Commerce continues to benefit southern Arizona in many other ways. I would like to take this opportunity to congratulate the chamber on its first 100 years of work and wish the organization well in achieving its goals for the next century.

THE ARMENIAN GENOCIDE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LIPINSKI. Mr. Speaker, I rise today on behalf of the Armenian community in my district to mark the 82d anniversary of an unspeakable tragedy. I am referring to the genocide which claimed the lives of 1.5 million Armenians by the Ottoman Empire. Because this story has been held silent for so long, I am proud to take a few minutes to honor the victims of the genocide.

The Armenian genocide was the culmination of a long effort by the Ottoman Turks to destroy the Armenian people. During the decades preceding the First World War, the Ottoman Government tried repeatedly to achieve this goal. In 1895, 300,000 Armenian lives were claimed. In 1909, another 30,000 died before the Western powers intervened to stop the violence. This tragedy remains unrecorded in Turkish history today.

World War I provided the means for the Turkish Government to once again set out to destroy the Armenian community. With Europe and the United States occupied in war, the Ottoman Empire was able to carry out their designs without any intervention. Beginning the crusade on April 24, 1915, the genocide claimed the lives of Armenian leaders and lasted until 1923.

It is estimated that 1.5 million Armenians died at the hands of the Ottoman Empire—half of the world's Armenian population at that time. By 1923 the Turks had successfully erased nearly all the remnants of the Armenian culture which had existed on the homeland for 3,000 years.

As we take a look at the tragedy today, we see the memory of the victims insulted by those who say the genocide did not happen. A well-funded propaganda campaign forces the Armenian community to prove and reprove the facts of the genocide. This is itself a tragedy for people who would rather devote their energy to commemorating the past and rebuilding the future.

I stand here today to say that the genocide did happen. Nobody can erase the painful memories of the Armenian community. Nobody can deny the graphic photos and historical references. And nobody can claim that Armenians live where their ancestors thrived 80 years ago.

It is our responsibility and duty to keep the memories of the genocide alive. A world that forgets these tragedies is a world that will see them repeated again and again. This story, and others like it, must be talked about so all know the truth.

We must also honor the victims of this brutal massacre. We cannot right the terrible injustices that have been inflicted on the Armenian community, nor can we ever completely heal the wounds. But by properly commemorating this tragedy, Armenians will be reassured that the world has not forgotten the misery of those years. Only then will Armenians begin to receive the justice they deserve.

INTRODUCTION OF THE COMPUTER DONATION INCENTIVE ACT

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. STABENOW. Mr. Speaker, I rise today with Congresswoman ANNA ESHOO as lead cosponsor of the Computer Donation Incentive Act. This legislation will provide enhanced tax incentives to corporations that donate computers, software, and computer training to public schools and to organizations that support individuals with disabilities.

One of my top priorities in representing the Eighth District of Michigan is to ensure that every school has the latest technology in their classrooms. To accomplish this important goal, we cannot look to Government alone to provide support; rather, we need to encourage partnerships and community investment. I am leading this legislation because I believe our communities, businesses and local governments need to work together if we are going to retool our schools for the 21st century.

Under current law, computer donations from computer manufacturers to private schools, colleges, and universities qualify for an enhanced tax deduction, similar donations to public schools do not. I believe this law needs to be changed.

Having a daughter in the public school system and a son who graduated from a public school, I am deeply committed to strengthening our public schools. I believe that we all have a stake in guaranteeing the best possible public schools in every neighborhood, in every community, and in our country. The Computer Donation Incentive Act amends the Internal Revenue Code of 1986 to give all companies the enhanced tax deduction when donating to public schools.

Second, it is not only important that our public schools receive computers, but that our teachers receive the training they need, as well. This legislation also designates up to 8 hours of computer training as a charitable contribution.

In my district, I have been leading efforts such as NetDay and the passage of the Computer Donation Incentive Act because I believe that it is imperative that our students stay competitive in the computer-literate work force of the global market. The Computer Donation Incentive Act will go a long way in encouraging more companies to invest in schools and their communities.

Mr. Speaker, I am thankful for Congresswoman ESHOO's leadership on this issue and I am very proud to be able to work with her as lead cosponsor on passage of this legislation. I am equally pleased with the bipartisan list of original cosponsors that have endorsed this legislation. As a new Member of Congress, I am heartened by this cooperative spirit and I encourage all of my colleagues in the House of Representatives to join us in passing the Computer Donation Incentive Act.

TRIBUTE TO MARTIN G. PICILLO, ESQ.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Martin G. Picillo, Esq. of Berkeley Heights, NJ, who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Martin is a graduate of Georgetown University School of Foreign Service and Georgetown University Law Center. Currently, he is a trial attorney and senior partner at the law firm of Picillo Caruso in West Orange. On April 7, 1997, Martin assumed the presidency of the Essex County Bar Association which is the largest county bar association in the State. In addition to his distinguished law career, Martin is also the cofounder of New Jersey Awareness Day, and has been very active in numerous local and national bar associations.

He has been a member of the Benevolent and Protective Order of Elks, Lodge No. 179 in Orange, NJ since 1961, and is active in a number of Italian-American organizations including UNICO National, the largest Italian-American service organization in the country. Within the organization, Martin has held numerous offices including national president. Presently, he is president of NIACA, conference of presidents of major Italian-American organizations. An active member of the city of Orange, Martin has been a member and attorney for several boards, has served as deputy commissioner of the Department of Public Affairs, and has served as presiding judge of the municipal court. In addition to this impressive list of civil contributions, Martin has also served as president of the Parent-Teacher Guild and as an elected member of the Parish Council of Our Lady of the Valley Church.

Mr. Speaker, I ask that you join me, our colleagues, and Martin's family and friends, in recognizing the outstanding and invaluable contribution to the community of Martin G. Picillo.

COMMENDING NEWTON MINOW

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. YATES. Mr. Speaker, I would like to take this opportunity to introduce an old and dear friend to you and my colleagues in the House, the Honorable Newton N. Minow. In days past Newton was the law partner of the greatest two-time loser in American politics, the late Gov. Adlai Stevenson of Illinois. During the early 1960's Newt was head of the Federal communications Commission [FCC] and in describing the marvels of television coined the phrase "a vast wasteland." He is currently a partner in the Chicago law firm of Sidley & Austin. Two weeks past, this next Wednesday, April 16, the Economic Club had the good fortune to share in Newt's wisdom and wit.

I enjoyed Newt's speech so much that I requested he send me a copy so I could bring it to the attention of my colleagues. Mr. Speaker, I would like to insert Mr. Minow's speech into the CONGRESSIONAL RECORD.

I commend Newton Minow for his past contributions to public service and I urge my colleagues to read the following statement.

The speech follows:

ECONOIC CLUB SPEECH

Campaign spending is as old as the republic. When George Washington ran for the Virginia House of Burgesses in 1757, his total campaign expenditures, in the form of "good cheer," came to "28 gallons of rum, 50 gallons of rum punch, 34 gallons of wine, 36 gallons of beer, and 2 gallons of cider royal."

Today, the era of good cheer is gone. For four decades now, campaign expenditures have been driven relentlessly upward by one thing: television. In 1960, in what would be the first presidential campaign to make wide use of television, Democrats and Republicans together spent $14.2 million on radio and television commercials. In 1996, candidates for federal office spent more than 128 times that amount on television and radio commercials, an estimated $1.8 billion.

After the presidential campaign scandals of 1972, Congress tried in 1974 to end the suitcases of cash which sloshed around campaigns in return for favors. But as we now know—and continue to learn—the 1974 campaign reform law has failed to solve the problem.

In the 1996 federal elections, the campaign finance laws were bent beyond recognition. We learned about the availability of the Lincoln bedroom to major contributors; the President's meeting with a convicted stock swindler, a Chinese arms merchant, and others of dubious background and intention; the Vice President's raising campaign cash at a Buddhist temple; and the Republicans soliciting "season ticket holders," donors of $250,000 who hoped for special treatment for their special interests, including access to important government officials. And don't forget Congressional censure of Newt Gingrich for mixing campaign cash with his television program. The only bipartisan agreement in Washington these days is on one proposition: "Show me the money!"

Strict limits on campaign contributions imposed by the 1974 Act were washed away this year in a flood of "soft money," donations not limited by law because of the foolish fiction that such money was not used to support or oppose particular candidates. Together, the two parties collected $88 million in soft money in 1992; last year they multiplied this by three—to $263.5 million.

Interest groups ranging from the AFL–CIO to the U.S. Chamber of Commerce bathed in another form of soft money, which they used to broadcast so-called "issue" commercials. Theoretically, at least, issue commercials are not supposed to advance or oppose anyone's candidacy, and so are exempt from the 1974 law's requirement of full disclosure of who contributes money and how that money gets spent.

How did this happen? Dick Morris claims the credit for himself. After the 1994 Republican Congressional victory, Morris developed the Democrats' 1995 and 1996 campaign strategy: take control of the airwaves early, before the Republicans could pick their candidate—and never let up. To pursue this strategy, the Democratic National Committee and the Clinton-Gore campaign spent an estimated $1 million to $2 million per week.

On October 13, 1995, President Clinton signed the Federal elections Commission vow that in return for public financing, he would spend no more than $37 million in privately raised funds during the upcoming primary season. That same morning, a White House coffee for large donors to the Democratic National Committee began what would soon become a habit. The money raised from that event and others like it eventually allowed the DNC to spend an additional $44 million for television ads. Because so many of those commercials were issue ads, federal contribution caps did not apply. Donors to the cause, including corporations and labor unions, both of which are barred by law from giving money directly to a candidate, spent freely, without accountability.

The Republicans did even more. By election day, the Republican National Committee had raised more money than the DNC. The Party solicited record contributions from telecommunications, tobacco and pharmaceutical companies, enough to pay for $18 million in television advertising between May 1996 and the GOP convention in August. They, too, pursued the "issue advertisement" strategy. One of the RNC's more controversial issue advertisements was a 60-second spot with 56 seconds of biographical material about Senator Dole and 4 seconds of issues. The RNC insisted this was not a plug for Dole and so was within the federal election guidelines.

Not only did Democrats and Republicans take advantage of the law, so did countless organizations with a cause and the ability to finance it. Millions of dollars in cash swept through House and Senate elections in the states, turning campaigns into ideological contests with little or no relevance to local voters. Some candidates for Congress discovered ads for the first time on radio and television—as many as 300 a day in their districts, either attacking or favoring them—but had no idea where the ads had come from, or who had paid for them.

Former Israeli Prime Minister Shimon Peres once said that "television has a good side and a bad side. The good side," Peres said, "is that television makes dictatorship impossible. The bad side is that it makes democracy unbearable."

Tonight, I suggest we amend Mr. Peres' observation, in two respects. First, television does not necessarily make democracy unbearable. At its best, television makes democracy stronger by opening the workings of government to the public. In our own country, whether television's cameras are on the floor of Congress, in a courtroom in Los Angeles, or at a Presidential Debate, they provide unique opportunities for the public to see and to understand how their government works—and, just as importantly, where it fails.

At its worst, however, television can become a tool of dictatorship. In any country that suffers a coup, the nation's television and radio broadcast facilities are the very first institutions to come under siege. Rulers and rebels alike know that whoever controls the airwaves controls the country.

In our country, we have allowed television, the greatest instrument of communication in history, to create for us a different kind of dictatorship—a dictatorship of the dollar. In the 1996 elections, total expenditures on all federal races came to approximately $2.1 billion, of which $1.8 billion was spent to buy broadcast TV time! Thus, almost $9 out of $10 went to buy time on radio and television. Fund-raising, not governing, became the principal business of our elected officials. Our best public officials are leaving public service, sick and tired of the current system. Al Hunt in The Wall Street Journal quotes a model of integrity, Democratic Congressman Lee Hamilton (Chairman of the House Foreign Affairs Committee) when he announced this year that he would not run for re-election. "My colleagues talk about money constantly. The conversation today among members of Congress is so frequently on the topic of money: money, money, money and the money chase. Gosh, I don't think I ever heard it when I first came here."

The rest of the world looks with horror at our national campaigns. They are too long, they are too negative, they constantly make personal attacks on the opposition, they are exercises in deception, they turn the voters off and away from the voting booth. In 1996, fewer than half the nation's registered voters even bothered to go to the polls, the second lowest turnout since 1824.

By allowing unlimited political advertising on television and radio, the United States stands almost alone in the world. Only three countries do not require some form of free broadcast time for candidates in national election campaigns. They are Malaysia, Taiwan and the United States. Thomas Jefferson, James Madison, and Benjamin Franklin would be horrified to learn how we have abused the democratic process they bequeathed to us. Television authorities in Great Britain, France, the Netherlands and Japan ban political advertising from the airwaves entirely. In England, the law prohibits advertisements by any person or organization that is "wholly or mainly of a . . . political nature" or "directed towards any political end." Instead, British law provides free television time to political parties to air their own programs on important public issues.

Most of the world's democratic nations which do allow candidates to buy advertising time—such as Australia, Canada, Germany and Sweden—also provide free time to candidates and their parties. Unlike our own country, these democracies do not believe the only way to provide political broadcast time is to sell it.

As you know, there are many proposals in Congress and elsewhere to "reform" campaign finance. Most proposals focus on the supply side of the problem: on who gives the money, how much they can give, and for what purpose. There are proposals to limit contributions, to prohibit "soft money," to prohibit contributions from labor unions and corporations, to raise the limit on individual contributions, to curb spending on behalf of candidates by independent organizations, to prohibit PACS, to encourage candidates voluntarily to limit spending, to speed up disclosure of contributors and their contributions, to use public money to pay for campaigns, and to amend the Constitution of the United States. Former Senator Howard Baker suggests that if you can't vote for a candidate, you can't contribute to the candidate.

There are a lot of good ideas—and some bad ideas—being discussed and debated. I do not favor limiting individual contributions, but I do favor immediate public disclosure of contributions, even before checks are cashed. I favor ending "soft money", PACs, contributions from unions and corporations, and ending phony outside expenditures unless they are truly independent and not developed in concert with candidates and their campaigns. But dealing only with the supply side of the equation will not work so long as demand exists. I agree with a young journalist from Chicago, Newsweek's Jonathan Alter, who writes, "money in politics is like water running downhill; it will always find its way. . . ."

So, this evening, my focus is exclusively on the demand side of the equation—which has received little attention in the current debates. And I will focus—ruthlessly focus—on one specific public policy decision that our country will soon make on the relationship of television and political campaigns.

Let us focus on four words: "public interest" and "digital television." You've been hearing a lot about digital television lately—but not much about the public interest.

Last year, Congress passed and the President signed the 1996 Telecommunications Act. Under the new law, broadcasters are eligible to receive new digital television channels. Congress directed that, unlike other telecommunications service providers, broadcasters do not have to pay for their new channels. They get them free. Digital transmission will allow broadcasters to offer multiple channels instead of one, and if they wish, to use those extra channels for services such as data transmission, paging services or pay-per-view movies. Estimates of the value of these new digital channels ranges from $30 billion to $70 billion.

Why should broadcasters receive this spectrum, these digital channels, free? This was the question former Senator Majority Leader Bob Dole put to his colleagues on the Senate floor last year before the law was passed. Senator Dole said:

"Spectrum is just as much a national resource as our nation's forests. That means it belongs to every American equally. No more, no less. If someone wants to use our resources, then we should be fairly compensated."

Last month, former Senator Dole wrote in the *New York Times:* "We don't give away trees to newspaper publishers. Why should we give away more airwaves to broadcasters?" Senator Dole wants broadcasters to pay for spectrum, just like everybody else. Why should we give away a national resource that could be worth as much as $70 billion?

Senator John McCain, Republican Chairman of the Senate Commerce Committee, said the spectrum is "the most valuable asset that I know of in America today. Perhaps in the world today." Congress, however, rejected that advice, and decided to give the spectrum away for free. The Federal Communications Commission began to award digital spectrum assignments to broadcasters on April 3rd. However, under the law, including recent emphasis in the 1996 Telecommunications Act, the FCC made it plain that those receiving digital channels are obligated to serve the public interest. So the question before us is this: What should be the public interest obligations of digital broadcasters?

On March 11, President Clinton announced that he will soon appoint a Presidential Commission to advise him, the Congress, and the Federal Communications Commission on this question. Should broadcasters have specific public-service obligations in return for their use of a big slice of the publicly owned spectrum—property now known to be worth many billions of dollars?

I have been deeply involved in these issues for many years. In 1969, I served as chairman of a bi-partisan Commission for the Twentieth Century Fund on Campaign Costs in the Electronic Era. Over the decades, I have testified in Congress many times on these issues, and written extensively on them.

Based on that experience, I suggest the time has come to do some thinking outside the box, outside conventional approaches, and outside the Beltway.

We can begin by examining the British system of using broadcasting in political campaigns in the public interest. The British system is simple and direct. Political parties are granted, by law, free time on radio and television in the three or four week period before the election. The parties have complete freedom to make their cases; smaller parties receive time on an equitable basis. This year, for the first time, there will also be debates between the leaders of the political parties. There is no sale or purchase of broadcast time—no money is involved. The campaign is mercifully short, and the voters are well informed. Indeed, because the campaign programs are simulcast on all channels, there is ample political discussion for the voters.

We should connect the dots: digital television and public interest. We should condition the awarding of digital broadcast licenses on a broadcaster's commitment to provide free time and not sell time.

People who understand television well—and make their living from it—like this idea. Don Hewitt (producer of 60 Minutes on CBS) and Reuven Frank (former President of NBC News) advocate an end to buying and selling political commercials. Barry Diller (formerly of ABC and Fox Television) favors specified free time for candidates during campaigns as part of campaign reform.

There are, of course, many other important policy questions about free time. I have addressed Presidential elections only, not Congressional elections, not primaries, not state and local elections. This is to focus our analysis on the basic principle: No citizen has a constitutional right to buy or sell our natural resources—land, minerals, water, trees or broadcast spectrum—without Congressional approval. Just as Congress has the authority to clean up our natural environment, it has the authority under our Constitution to clean up the current political broadcasting mess we have inflicted on our republic. Once that principle is established, we can analyze and debate many other vital questions about how to apply that fundamental concept fairly to our political process.

What about the First Amendment? The First Amendment is the highest value and treasure in our life. As Judge Learned Hand said so well, "We have staked upon it our all."

First, there is the issue of whether Congress can constitutionally require broadcasters to give free time contemplated by this approach. In resolving that issue, let us listen again to Senator McCain—a courageous man who suffered four years of torture as a war prisoner in Vietnam—four years to reflect on democracy and freedom. Here's Senator McCain:

"Let me go back to the First Amendment thing. What the broadcasters fail to see, in my view, is that they agree to act in the public interest when they use an asset that is owned by the American public. That's what makes them different from a newspaper or a magazine. I have never been one who believes in government intervention, but I also believe you that when you agree to act in the public interest—and no one forced them to do that—you are then obligated to carry out some of those obligations. . . . If I want to start a newspaper, I buy a printing press and [get] a bunch of people and we start selling newspapers on the street. If I want to start a television station, I've got to get a broadcasting license. And that broadcasting license entails my use of something that's owned by the American public. So I reject the thesis that the broadcasters have no obligation. And if you believe that there is no obligation, then they shouldn't sign the statement that says they agree to act in the public interest. Don't sign it, OK?"

Senator McCain has accurately described the public trustee concept for broadcasting, found to be constitutional by the Supreme Court repeatedly, in 1943, 1969, 1993, and again on March 31 this year. Indeed, the issue here is not free time, but the voters' time. Professor Cass Sunstein, the distinguished and respected First Amendment scholar at the University of Chicago Law School, writes: "Requiring free air time for candidates, given constitutional history and aspirations, is fully consistent with the basic goals of the First Amendment. The free speech principle is, above all, about democratic self-government."

Then there is the second issue. Could Congress at the same time lawfully say to the candidates, "You have been given a generous, free opportunity to reach the electorate over the most powerful medium, broadcasting, to say, without interference, whatever you want. As a condition of accepting that offer, you will not buy further time on this medium. For experience has shown that with such purchases comes the drive to raise great sums of money, with all its abuses and detriments to sound governance."

I believe Congress could do these things, and that they would be constitutional because, in the current language of the Supreme Court, such a law would be "content neutral." As Justice Stevens emphasized, as long as the law does not regulate the content of speech rather than the structure of the market, the law is consistent with the First Amendment. I believe Congress could go even further and constitutionally prohibit broadcasters from selling time for political purposes. Congress has already passed the Equal Time law and a law guaranteeing candidates the right to buy time at the broadcasters' lowest rate. Both have been held constitutional by the courts. Banning cigarette commercials on television has been held constitutional in light of the danger to health and broadcasters' public interest obligations. Congress should debate whether our current system of buying and selling broadcast time is a grave danger to our national health. I would happily see these reforms tested at the Supreme Court.

Three years from now, we will have entered a new millennium and a new presidential campaign season. By then, we will also be into the era of new digital television. Almost fifty years ago, E.B. White saw a flickering, experimental television demonstration and wrote, "We shall stand or fall by television—of that I am sure . . . I believe television is going to be the test of the modern world, and that in this new opportunity to see beyond the range of our vision, we shall discover either a new and unbearable disturbance to the general peace, or a saving radiance in the sky."

Instead of a saving radiance in the sky, we now have a colossal irony. Politicians sell access to something *we* own: the government. Broadcasters sell access something *we* own: the public airways. Both do so, they tell us, in our name. By creating this system of selling and buying access, we have a campaign system that makes good people do bad things and bad people do worse things, a system that we do not want, that corrupts and trivializes public discourse, and that we have the power and the duty—a last chance—to change.

Will we change? I leave you with a story President Kennedy told a week before he was killed. The story was about French Marshal Louis Lyautey, who walked one morning through his garden with his gardener. He stopped at a certain point and asked the gardener to plant a tree there the next morning. The gardener said, "But the tree will not bloom for one hundred years!" The Marshal looked at the gardener and replied, "in that case, you had better plant it this afternoon."

READ IT AND HEED IT

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SOLOMON. Mr. Speaker, the parallels between Watergate and Whitewater are ominous.

As a recent Wall Street Journal editorial warns us, the words "obstruction of justice" are now looming on the Whitewater horizon. It was that offense, that abuse of the power of the Presidency, that brought down Richard Nixon.

The same editorial notes that the Whitewater scandal is now much more advanced than Watergate was when President Nixon was re-elected in the 1972 landslide. And so it is.

When the words "obstruction of justice" are used, can the word "impeachment" be far behind? I take no pleasure in contemplating such a step, Mr. Speaker, but feel dutybound to place the Wall Street Journal editorial in the RECORD, and urge all Members to read it and heed it.

WHITEWATER AND WATERGATE

"Obstruction of justice," the term Independent Counsel Kenneth Starr invoked in extending the Whitewater grand jury in Little Rock, resonates with themes from the Watergate epic a generation ago. When the House Judiciary Committee voted up the bill of impeachment that led to Richard Nixon's resignation, count one was obstruction.

Watergate was not about a two-bit burglary, that is, but about the abuse of the powers of the Presidency. The committee charged that the President, "in violation of his constitutional duty to take care that the laws be faithfully executed, has prevented, obstructed, and impeded the administration of justice." Seeking to cover up the initial misdeed, President Nixon and his highest aides dug themselves ever deeper into a legal morass that led the President to disgrace and the aides to jail. The final "smoking gun" tape recorded the President issuing instructions to induce the CIA to get the FBI to call off its investigation of the burglary by claiming bogus national security concerns. With this revelation, the President's last support vanished and he left office.

Mr. Starr's filings this week ring similar chords, talking of "extensive evidence of possible obstruction of the administration of justice," of resistance to subpoenas, of "grand jury litigation under seal" over privileges and documents, of *in camera* citations to the court. It called for further investigation of "perjury, obstruction of the administration of justice, concealment and destruction of evidence, and intimidation of witnesses."

These parallels are all the more ironic because Hillary Rodham Clinton served on the legal staff of the Watergate Committee. Former White House Counsel Bernard Nussbaum also worked for the House Watergate Committee, while on the minority counsel to the Senate investigation was Senator Fred Thompson, now heading the Senate inquiry into the Clinton campaign contributions scandal.

Rep. Bob Barr makes some sport at Mrs. Clinton's expense alongside by citing the 1974 staff memo on grounds for impeachment. The Georgia Republican has written Judiciary Chairman Henry Hyde to officially request the start of an impeachment inquiry. Rep. Hyde has said he's started staff studies "just staying ahead of the curve" and not for serious action "unless we have what really amounts to a smoking gun."

Rep. Barr, a former U.S. Attorney, makes the legal case that in Whitewater and the campaign funds scandal we are dealing with potential impeachment material. Even as a legal case, or course, there remains no small matter of proof. Were the payments to Webb Hubble really hush money, for example, and were the Rose Law Firm billing records intentionally withheld while under subpoena? And to what extent was Bill Clinton personally involved—in Watergate phraseology, "what did the President know and when did he know it?"

While Mr. Starr is obviously digging in these fields, we have no reason to believe he's reached the mother lode. The Watergate impeachment case, after all, was built on the testimony of John Dean, Mr. Nixon's White House Counsel. Even then, it had to be cinched by tape recordings. Mr. Starr can't even get the cooperation of Susan McDougal. The Arkansas Democrat-Gazette, recently on an anti-Clinton roll, cites Webb Hubbell's Camp David visit while editorializing, "If only Richard Nixon had been less stiff, he might still be jollying John Dean into silence—and Watergate would have stayed the name of another Washington apartment complex."

Writing recently in The New York Times, Watergate survivor Leonard Garment also remarked that President Clinton "seems infinitely elastic, positive and resilient." By contrast President Nixon's morose defensiveness was shaped by his "prize collection of emotional scars" from the Alger Hiss case. Even more important "Mr. Clinton has not been a central participant and target in a debate as polarizing as the conflict over the Vietnam War." President Nixon's resignation, and the impeachment of President Andrew Johnson, came at already impassioned turns in the nation's history. Today's mixture of contentment and cynicism insulates a President from scandal.

In a recent Watergate symposium, Mr. Garment also made the point that we should not expect Presidents to have normal personalities. "The presidential gene," he said, "is filled with sociopathic qualities—brilliant, erratic, lying, cheating, expert at mendacity, generous, loony, driven by a sense of mission. A very unusual person. Nixon was one of the strangest of this strange group."

No President is likely to meet the clinical definition of a sociopath; what psychiatrists call an "anti-social personality," a complete obliviousness to the normal rules of society, is evident in early adolescence and will lead to jail rather than high office. Sociopaths, the textbooks tell us, are seemingly intelligent and typically charming, though not good at sustaining personal or sexual relationships. They lie remarkably well, feel no guilt or remorse, and are skillful at blaming their problems on others. A most striking feature is, as one text puts it, "He often demonstrates a lack of anxiety or tension that can be grossly incongruous with the situation."

Childhood symptoms are essential to this clinical diagnosis, and Bill Clinton's experience in Hope and Hot Springs, while troubled, supports no such speculation. Yet clearly he has "the presidential gene," perhaps even more so than Richard Nixon. And this catalog of traits is ideally suited to, say, finding some way to overcome seemingly impossible election odds, or withstanding the onslaught of scandal. As Mr. Garment summarizes the present outlook, "The country is in for a year or more of dizzy, distracting prime-time scandal politics. But I wouldn't hold my breath waiting for the ultimate political cataclysm."

While we take this as the most likely outcome, our judgment is that in fact Mr. Clinton is guilty of essentially the same things over which Mr. Nixon was hounded from office—abusing his office to cover up criminal activity by himself and his accomplices, and misleading the public with a campaign of lies about it. From the first days of his Administration, with the firing of all sitting U.S. Attorneys and Webb Hubbell's intervention in a corruption trial, we have seen a succession of efforts to subvert the administration of justice. The head of the FBI was fired, and days afterward a high official died of a gunshot wound, and the investigation ended without crime scene photos or autopsy X-rays. Honorable Democrats like Phillip Heymann have fled the Justice Department, leaving it today nearly vacant; White House Counsel have committed serial resignation. Yet Mr. Clinton remains President and still commands respect in the polls. Handled with enough audacity, it seems, the Presidency is a powerful office after all.

There is even a school of thought, implicit in talk about "more important" work for the nation, that the coverup should succeed. Yet as we look back on Watergate, the nation went through a highly beneficial, even necessary learning experience. Whitewater carries a similar stake, simply put: learning how our government operates, whether laws are being faithfully executed. With sunshine, citizens can make their own judgments, and have plenty of opportunity to express them, starting with the 1998 mid-term elections.

But it is essential that the investigators—Mr. Starr, the FBI, Senator Thompson, Rep. Dan Burton and newly vigilant members of the press—get moral support against the deterrent attacks to which they've uniformly been subjected.

Whitewater did not prevent Mr. Clinton's re-election, though the scandal was much more advanced than Watergate was during Mr. Nixon's 1972 landslide. When President Nixon left we wrote that he had so severely damaged his own credibility he could no longer govern. We do not know how Whitewater will finally end, but we are starting to wonder whether we ultimately understood Watergate.

LET LEBANON BE LEBANON: GIVE BACK ITS TERRITORIAL INTEGRITY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RAHALL. Mr. Speaker, as I did in the 104th Congress, I rise again today to introduce a House concurrent resolution expressing the sense of the Congress regarding the territorial integrity, unity, sovereignty, and full independence of Lebanon.

You may ask what that means, and you may ask why it is prudent or necessary to introduce such a resolution once again. I will tell you.

As a Lebanese-American Member of Congress, I am aware of recent events in the Middle East which may have slowed the peace process there to a point where it can no longer be revived. I have seen resolutions introduced in the House calling upon Syria to get its armed forces out of Lebanon—as though Syria is the only occupying force that needs to get itself out of Lebanon; as though Syria is to blame for every single averse thing that has happened to Lebanon in recent years.

Mr. Speaker, Syria is no angel—but Syria isn't the only problem Lebanon has, or that the Middle East has, for that matter. We all know that to be true.

I visited Lebanon recently, as well as a number of other nation-states in the gulf and Middle East region, and I was amazed at the consistency of their belief that we may have seen the end of the Middle East peace talks. They are gravely disappointed over the Israeli Prime Minister's provocative act to start building settlements in Har Homa, and the fact that the United States vetoed two United Nations Security Council resolutions condemning that provocative act.

The leaders I met with nearly unanimously stated that the United States has lost sight of its role as an honest broker in the Middle East peace talks, have lost sight of the fact that the Arab States are friends of the United States. They said their patience was being worn very thin.

The biggest problem, as always, appears to be that everyone views Lebanon as some kind of bargaining chip, or pawn, to be used by Israel and Syria, and then anyone else who seem to have an ax to grind in the region. It doesn't necessarily mean the ax to grind has anything to do with Lebanon directly, it is just that Lebanon sits directly in the path of Israel and Syria and so axes are ground at Lebanon's expense.

The last major episode of ax-grinding in Lebanon was called Operation Grapes of Wrath. And the axes were turned into shells and rockets and so-called precision weaponry that allegedly could penetrate buildings in the middle of the city of Beirut and search out a floor with a window that supposedly was concealing Hizbollah, without harming the innocent mothers and children also living in that building. But the precision weapons turned out not to be so precise, and more than 100 Lebanese civilians were killed, 400,000 were displaced and many left homeless, injured, and suffering.

This resolution is for Lebanon and about Lebanon. It isn't about Israel or Syria—except that all non-Lebanese forces are asked to get out of Lebanon. It is an idea whose time has come.

Another idea whose time has come is that the United States Government—the Congress—the President of the United States—need to reformulate their policy toward Lebanon and they need to reaffirm their support for a country that has long been friendly toward the United States.

Not only do they need to reformulate a policy, the policy needs to be implemented.

Lebanon has a Government, and it has an army, and it is rebuilding and it is getting stronger and more secure every day. It is time that the United States Government began looking at and considering Lebanon as the master of its own house—the captain of its own ship—and understand that the United States Government should negotiate directly with Lebanon's Government on issues concerning Lebanon and its future.

There is no need for the President, the Congress, or anyone else to look toward Syria to the north, or toward Israel in the south—as neither has a right to decide Lebanon's future.

As a matter of fact, our Government needs to look backwards 18 years ago—and recall the United Nations Security Council's Resolution 425 which calls for the withdrawal forthwith of Israeli forces from Lebanon and for which the United States representative to the U.N. voted.

The Taif agreement regarding Syria did not go far enough because it did not call for withdrawal. It did call for a redeployment of Syrian forces to the entrance of the Bekaa Valley and the disarmament of all militia in Lebanon, both of which Syria has ignored.

And so, Mr. Speaker, I introduce this concurrent resolution, again. The resolution has changed somewhat from the one introduced in the last Congress. It commends the President for hosting the "Friends of Lebanon" conference this past December, and urges him to take further steps to assist Lebanon's reconstruction.

By this resolution I and my colleagues who cosponsor with me call for the withdrawal of all non-Lebanese forces from Lebanon so that she will no longer serve as the preferred battleground for her neighbors.

It tells the President that he need not wait upon the reconvening of the official Middle East peace talks, or the finalization of a comprehensive peace accord with all nation states in the region—to help Lebanon get non-Lebanese forces out of Lebanon.

The resolution calls upon the President to negotiate directly with officials of the Government of Lebanon on issues pertaining to Lebanon. To negotiate directly means just that—without any middlemen.

In closing Mr. Speaker, I submit this resolution to the House, calling also upon Lebanon to assert more independence to assure the international community that Lebanon has the political will and the military capability to guarantee security along her borders, for herself and her neighbors, and to disarm all militia upon the withdrawal of all non-Lebanese forces from Lebanon.

This new Lebanon resolution also commends the Lebanese Government for its determination to hold municipal elections for the first time since 1963, and finally, Mr. Speaker, the resolution calls upon Lebanon, with democracy being a part of its national character, to respect freedom of the press, human rights, judicial due process, political freedom, the right of association and freedom of assembly.

It is my genuine hope that the President will use the guidelines set forth in this resolution to formulate a new United States policy toward Lebanon, and let Lebanon be Lebanon.

THE SUCCESS OF ANGEL CHARITY

HON. JIM KOLBE

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KOLBE. Mr. Speaker, our forebearers believed it was their duty to work together for the common good so that each might have the opportunity to enjoy the full fruits of liberty. Tucson's own Angel Charity for Children epitomizes that commitment to the principle of personal compassion that has made America great. Truly, there can be no greater reward than the satisfaction that comes from helping our neighbors in need to help themselves.

For 15 years, Angel Charity volunteers have identified and met the critical needs of children, and their families, in our community. Goodness knows there has been no shortage of worthwhile projects that have needed Angel Charity's support. To this charity's credit, it has purposefully sought out a different organization each year for which to raise funds.

And Angel Charity's gifts keep on giving. By concentrating on brick-and-mortar projects, the organization has enabled beneficiaries to concentrate their resources on programs that meet the physical, emotional, and developmental needs of children. The increased public exposure each beneficiary receives through association with Angel Charity is incalculable.

The fact that Angel Charity has raised more than $9 million to date for Tucson's children is truly astounding. Their success is testimony to the truth that those who give freely are twice blessed.

TRIBUTE TO JOHN SENESKY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention John Senesky of Belleville, NJ, in honor of his outstanding achievements in football.

A resident of Belleville since 1958, John was a star football player at Belleville High School, from which he graduated in 1964. In 1968, after graduating from Montclair State College, John became a coach for the Belleville High School football team. Eventually he became the head varsity football coach, and he has held that position for more than 20 seasons.

John has coached nine Belleville teams to championship records, and has coached four teams to the State playoffs—1979, 1980, 1982, and 1984. One of his proudest moments came when he coached the 1980 team to the State finals against West Essex at Giants Stadium. The Buccaneers beat Morris Knolls in the sectional semifinals the same year by a score of 14–7.

John has nurtured many young athletes, specifically numerous All-County and All-State players. The most notable was Dave Grant, who later went on to play football for the University of West Virginia, the Cincinnati Bengals, and the Green Bay Packers. He was a major contributor in leading the Bengals to Super Bowl XXIII in 1989.

Today, John remains actively involved with the Fellowship of Christian Athletes [FCA], providing many Belleville football players and township youth with positive insights.

John is happily married to his wife, Carmela, and the couple have two sons: Daniel, 27, who is married to the former Lorraine Narvett, and Michael, 25.

Mr. Speaker, I ask that you join me, our colleagues, John's family and friends, and the township of Belleville in recognizing the outstanding and invaluable service to the community of John Senesky.

BROOKLYN DODGERS FAN CLUB HAILS JACKIE ROBINSON

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SCHUMER. Mr. Speaker, I recently joined all of my colleagues from Brooklyn to introduce legislation that will salute the historic achievements of Jackie Robinson by awarding him a congressional medal of honor. As you know, this year marks the 50th anniversary of Robinson breaking baseball's color barrier. I believe that the following statement made by Dr. Ronald L. Gabriel, founder and president of the Brooklyn Dodgers Fan Club, provides a fitting testimonial to the achievements of one of America's true heroes:

> This month we celebrate the 50th anniversary of what may well be the most underrecognized achievement in this Nation's history. It occurred at Ebbets Field in Brooklyn, on April 15, 1947. Jackie Robinson, carefully selected by Brooklyn Dodgers President Branch Rickey to become this social pioneer, broke baseball's color barrier.
>
> And what he did, and how he did it, would impact millions of lives—individually and collectively—throughout our society. For challenging the caste system in baseball compelled millions of decent Americans to confront the reality of racial prejudice heretofore ignored. Yes, the consequences of what Robinson and Rickey achieved spread far beyond baseball, beyond sports, and beyond politics—going to the very core and substance of our culture.
>
> Baseball had been called the national pastime for decades—but until Jack Roosevelt Robinson came along, it was not truly a national game. In 1947, the entire borough of Brooklyn was to play a part in this unfolding drama. Or, as Roger Kahn said "up to then, everything was white, and only the grass was green."
>
> Much like Dr. Martin Luther King, Jr., Jackie Robinson also had a dream—and he expressed it so eloquently in his final public appearance at the 1972 World Series—namely, that one day minorities will stand side by side, along with whites, not only on the playing fields of America, but also on the third base coaching lines, in the managerial ranks, and even among the executives and ownership of our biggest and most productive organizations.
>
> So let us here, highly resolve, that Jack Roosevelt Robinson did not live or die in vain—and that his dream shall be carried out throughout our great Nation—because it is right.

I urge my colleagues to commemorate the achievements of Jackie Robinson by cosponsoring H.R. 1335 to support the award of a Congressional Gold Medal in his honor.

THANK YOU, RICHARD W. CARLSON

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PORTER. Mr. Speaker, public broadcasting recently learned that it will lose one of its ablest and most effective leaders—Richard W. Carlson, the president and CEO of the Corporation for Public Broadcasting [CPB].

Mr. Carlson, who also has served our country as an ambassador and as director of the Voice of America, has informed the CPB board of directors that he will resign no later than June 30 to pursue other interests.

Although he only intended to stay at the helm of CPB for 3 years, he has wound up staying for 5. In my judgment, his extended tenure has been to public broadcasting's great benefit.

Since 1992, Richard Carlson has represented public broadcasting's interests with considerable skill and evenhandedness. He has been articulate and straightforward in his dealings with members on both sides of the aisle. And while he has been a forceful advocate for CPB and the work it does, he also has distinguished himself by being a voice of moderation and common sense when dealing with some complex and, at times, rather emotional issues.

In a time of budget constraints and reduced Federal funding for many programs, Richard Carlson has spoken candidly to his own constituents, the stations, about the pressing need for consolidation, greater efficiencies and new sources of revenue that will help reduce the system's dependence on annual appropriations for the Congress. He deserves credit for his candor and leadership in delivering that tough message to public broadcasting stations.

I would like to thank Dick Carlson for his service to public broadcasting. I wish him well and I know that he will be missed.

THE RESOUNDING VOICE OF CHARLIE HAYES

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. OWENS. Mr. Speaker, a few weeks ago we paid tribute to our recently deceased colleague, Representative Charlie Hayes. I spoke at that time about Charlie's congressional history. He was not merely an advocate for workers and organized labor; Charlie was a worker who rose through the ranks to become a powerful union leader. As a young organizer he placed his life on the line many times. As a Congressman Charlie gave his soul and his voice to the cause of working families in every possible way. His booming voice on the floor of the House was more than merely symbolic. Charlie Hayes' call for "Regular Order" was also a call for justice for workers.

REGULAR ORDER!

Regular Order
Is loudly proclaimed
Within heaven's sacred border
Charlie Hayes has gone home
Not even the highest celestial dome
Can smother his big bold voice
No choice is left for management
Charlie will organize the angels
A new prize will be the union shop
By order of the Boss on Top
Charlie's work will be certified
Recognition granted to all who died
In the hell of the sweatshop world
To honor our tough holy hero
Let union flags unfurl
In vain desperate workers
Seek to summon him with pages
Congressman Hayes now rests
In the womb of the ages
Listen within heaven's border
Hear the commanding bass
Boom out the workers' demand for
REGULAR ORDER!

NO ONE EVER SAYS WE DON'T HAVE MONEY FOR NATIONAL DEFENSE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. FARR. Mr. Speaker, yesterday I hosted a reception for the exhibition "A Matriot's Dream: Health Care For All". It is a collection of photographs and poetry that combine to educate the viewer on the plight of those who do not have access to health care.

I was honored to be able to help bring this exhibition to Congress. Unfortunately, most Members were not in D.C. at that time and many staff did not stay for the reception. Thankfully, though, it will remain in D.C. for the entire month of May. I highly recommend all my colleagues make an effort to see the exhibition. This is a moving exhibition that I believe will serve only to increase everyone's desire to help those without health care. I believe it makes a compelling case for universal health care, even to the most dogged opponents.

The photographer, Kira Carrillo Corser, quit her job at PBS more than six years ago to start her own photography business. Having been healthy all her life, she decided to wait a year before getting health care, which was going to cost her more than five times what she was paying while at PBS. Murphy's Law, six months later she found out that she had ovarian cancer. At that point, no insurance company would take her as a client because she had a "pre-existing condition". Only through the assistance of friends and family was she able to get the treatment necessary to survive the cancer.

Kira and her colleague, Frances Payne Adler, had worked together on past exhibits before and decided to focus on the necessity for universal access to health care.

A few of the photographs in the exhibit show Kira's struggle with the cancer and lack of health care coverage. The other photographs are a graphic representation of the plight of others who are living without health care.

The poet, Frances Payne Adler, developed the following definition for "matriot" which she chose for the title of her poem and the name of the exhibition. Matriot: 1) One who loves his/her country; 2) One who loves and protects the people of his or her country; 3) One who perceives national defense as health, education, and shelter of all people in his or her country.

I am inserting the signature poem for the exhibition:

MATRIOT

(By Helen Vandevere, born 1904)

There's not much that's important at my age except making the world a better place.
What would *I* do?
I say we damn well better get out on the streets again.
Everyone has to put their hand to the wheel and get out and get off their butt like in the sixties. We had compassion then, and we've lost it. It breaks my heart.
I've lived through two depressions. Two of them. Everyone at that time was just sick about the way things were, just like now, only it's worse
I see everything falling apart—
People, starving on the streets.
children, beaten in their homes.
Sick people without health care.
Imagine this, in a country that spends so much on the war machine.
I'd spend the money on health instead.
I'd see that children are born healthy and make sure they stayed that way.
All children no matter what age.
I'd clean the air, the water. I'd take away all that polluting shit they put on vegetables.
I'd promote the use of sun, sea, and wind for natural energy. I'd save the forests, especially the redwoods. I'd ban firearms.
I'd take away every nuclear device man to man.
No more wars, ever. Now we're talking health.
How are we going to pay for all this?
No one ever says we don't have enough money to go to war. No one ever says we don't have money for national defense.
This is national defense.

For those of you who wish to see the exhibit from your home or office, it is available on line at http://www.monterey.edu/events/matriot

---

TRIBUTE TO THOMAS S. BELLAVIA, M.D.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Dr. Thomas S. Bellavia who is being honored by the New Jersey State Opera for his support of the arts and their organization.

Thomas is a graduate of New York University and the University of Rome, where he earned his medical degree and holds teaching appointments at the University of Medicine and Dentistry of New Jersey, the Hackensack Medical Center. He is also an associate professor at Robert Wood Johnson Medical School.

Thomas attended the U.S. Army Field Medical School at Fort Sam Houston in 1968 and served as a major in the U.S. Army Medical Corps. An active member of the medical community, Thomas has been involved with numerous local, State, and national professional societies. He has served on the Governor's Committee on Cost Containment, as vice-chairman of the Medical Assistance Advisory Council to the State of New Jersey Board of Human Services, and as a member of the Department of Health and Human Service's Managed Care Task Force among other positions.

In addition to his distinguished professional achievements, Thomas has served as a jail physician at the Bergen County Jail and at the school and sports physician for Becton Regional High School, Rutherford High School, St. Joseph's School, and the New Jersey Sports and Exposition Authority. He has been the recipient of many awards including the Civilian Service Award from the Bergen County Policeman's Benevolent Association, the Humanitarian of the Year Award from the Boys Town of Italy, and Lo Stivale D'Oro. Thomas is also the founder and current president of the Italian-American Political Action Committee and has been awarded the Cavaliere delle Stato from the Italian Government in April 1995.

Mr. Speaker, I ask that you join me, our colleagues, and Thomas' family and friends, in recognizing the outstanding and invaluable service to the community of Dr. Thomas S. Bellavia.

HONORING SGT. LESTER R. STONE, JR.

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. HINCHEY. Mr. Speaker, I want to pay tribute today to a man who gave his life defending our Nation.

Sgt. Lester R. Stone, Jr., distinguished himself on March 3, 1969, while serving as squad leader of the 1st Platoon, Company B, 1st Battalion, 20th Infantry, 11th Infantry Brigade, 23d Infantry Division. On this date, the 1st Platoon as on a combat patrol mission just west of Landing Zone, when it came under intense automatic weapons and grenade fire from a well-concealed company-size force of North Vietnamese regulars.

Observing the platoon machinegunner fall critically wounded, Sergeant Stone rushed into the open area to the side of his injured comrade. Utilizing the machinegun, Sergeant Stone remained in the exposed area to provide cover fire for the wounded soldier who was being pulled to safety by another member of the platoon. With enemy fire impacting all around him, Sergeant Stone had a malfunction in the machinegun, preventing him from firing the weapon automatically. Displaying extraordinary courage under the most adverse conditions, Sergeant Stone repaired the weapon and continued to place on the enemy positions effective suppressive fire which enabled the rescue to be completed.

In a desperate attempt to overrun his position, an enemy force left its cover and charged Sergeant Stone. Disregarding the danger involved, Sergeant Stone rose to his knees and began placing intense fire on the enemy at point-blank range, killing six of the enemy before falling mortally wounded. His actions of unsurpassed valor were a source of inspiration to his entire unit, and he was responsible for saving the lives of a number of his fellow soldiers. His actions were in keeping with the highest traditions of the military profession and reflect great credit on him, his unit, and the U.S. Army.

To fully recognize Sergeant Stone's heroism and bravery, I would like to ask my colleagues to join me in asking the U.S. Department of Veterans Affairs to name the new veterans outpatient clinic at the Binghamton Psychiatric Center after Sergeant Stone. I can think of no more fitting or appropriate gesture to memorialize Sgt. Lester R. Stone, Jr., and his contributions to our Nation's freedom.

GIRL SCOUT GOLD AWARD

HON. JOHN E. SUNUNU

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SUNUNU. Mr. Speaker, today I would like to salute an outstanding group of young women who have been honored with the Girl Scout Gold Award by the Swift Water Girl Scout Council in Manchester, NH. Tracie Young, Gayle Willis, Danielle Sylvain, Kerry

Silva, Meghan Shuteran, Meredith Roman, Tracy Rockwell, Katrina Reneouf, Elizabeth Perry, Anne Perry, Emily Paquette, Syma Mirza, Theresa Lacroix, Aimee LeShane, Elizabeth Lenaghan, Michelle LaPlant, Patricia Haycock, Kierstn Harrow, Jaclyn Haley, Carrie Green, Aja Goldberg, Kerri Cobuccio, Jennifer Buonomano, Emily Bennison, and Lauren Williams-Barnard, are being honored on June 8, 1997, for earning the highest achievement award in U.S. Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning, and personal development. The award can be earned by girls aged 14–17, or in grades 9–12.

Girl Scouts of the U.S.A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Gold Awards to senior Girl Scouts since the inception of the program in 1980. To receive the award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, as well as have designed and implemented a Girl Scout Gold Award project. A plan for fulfilling these requirements is created by the senior Girl Scout and is carried out through close cooperation between the candidate and an adult Girl Scout volunteer.

As members of the Swift Water Girl Scout Council, these young women began working toward the Girl Scout Gold Award in 1995. They completed their projects in the area of community service and leadership and I believe that they should receive the public recognition due to them for this significant service to their community and to their country.

TRIBUTE TO THE 14TH ANNUAL MANAGEMENT WEEK IN TEXAS

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. FROST. Mr. Speaker, I rise today to recognize the Lockheed Martin Fort Worth Management Association and to honor the members of the National Management Association who, during the week of June 2 to 7, 1997, will honor Texas managers and promote our American Competitive Enterprise System during the 14th annual Management Week in Texas.

Management Week in Texas is designed to recognize the profession of management and to appreciate the contribution and dedication the thousands of managers, in Texas, offer in support of the American free-enterprise system. Public recognition of management as a profession through Management Week in Texas helps to inspire young people to choose management as a career and encourages those with management responsibility to take pride in their work.

Management Week in Texas is a part of the national Management Week in America which has been held since 1978. Both the local and national management weeks are sponsored by members of the National Management Association, which is committed to upholding and promoting the ideals of solid, effective management in diverse areas of society.

I congratulate the Lockheed Martin Fort Worth Management Association for their work in honoring Management Week in Texas, and their commitment to continually improving management and business productivity throughout our State and Nation.

IN HONOR OF REV. THOMAS BOYD OF THE SALEM MISSIONARY BAPTIST CHURCH OF BROOKLYN, NY

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SCHUMER. Mr. Speaker, it is with profound pleasure that I congratulate today an exemplary community and religious leader, Rev. Thomas Boyd of the Salem Missionary Baptist Church. He has devoted 50 years of his life to the church, 37 of those to the Salem Missionary Baptist Church alone.

Reverend Boyd has been an invaluable spiritual leader. he plays a vitally important role in the community to the many who over the years have come to depend on his warm heart and kind words. His dedication and service to the church is testament to what a commitment, in this case to the faith, requires of us all. His leadership is inspirational and extends well beyond the reaches of his congregation. As public servants we should draw from his example and strive to emulate this level of commitment.

I ask my colleagues to join me in extending a hearty congratulations to Reverend Boyd for his 50 years of religious service. And also to the Salem Missionary Baptist Church, for providing him a base from which to build a spiritual home for the people of Brooklyn.

TRIBUTE TO LOUIS R. MARCHESE

HON. SIDNEY R. YATES

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. YATES. Mr. Speaker, on Sunday, February 9, 1997, Mr. Louis R. Marchese, 65, died at his home in Arlington Heights, IL. I rise today to pay tribute to this fine man.

A prominent lawyer in Illinois, with an extensive background in contract and distribution law, Lou was a senior partner with the Chicago law firm of Halfpenny, Hahn, Roche & Marchese. He was nationally recognized for his expertise in association law, antitrust law, contract law, trade regulation, employment law, product liability, interstate taxation, and government regulatory law. In addition to his significant legal contributions, Lou also lectured at the Executive Development Centers of the University of Illinois, Northwestern University, University of Maryland, and the University of Alabama at Birmingham. He is the author of several books and articles related to his legal work and experience, including: Partners for Profit, How to Meet the Union Organizer's Challenge, and Formalizing the Manufacturer/Wholesaler Relationship, to mention only a few.

In his younger days, he was greatly involved in the drafting of the 25th amendment to the Constitution of these United States. He was admitted to argue cases before the Supreme Court and he worked with a number of administration's on trade regulation, product liability, and Government regulatory law.

Lou was a member of the Chicago Bar Association, the American Trial Lawyers Association, and the legal section of the American Society of Association Executives and is only one of two individuals outside of the automotive field to be elected to the Automotive Hall of Fame. He received his law degree from the DePaul University School of Law in Chicago and was an Army veteran of the Korean war.

Of Lou's many, many accomplishment's, none were more important to him than his family and friends. Lou truly loved his family and friends. His sense of humor and commanding, yet reassuring, voice will be missed by all those whose lives he touched.

Mr. Speaker, it is my understanding that the reception line at his wake was out the door and that it continued that way throughout the day. The real tribute to Lou's life is that so many of his family, friends, and business associates waited in that never ending line to pay their respects and pass along condolences to Marge and the children.

His son, Steven, the fourth of five children, is my talented and effective legislative director. Lou and Marge took great price in the fact that they were able to help all five of their children graduate from college and begin their lives with a solid foundation of family, friends, and education.

Besides Steven, Lou is survived by his wife of 36 years, Margaret, or as he liked to call her, his "Margie Babe"; daughters, Anne Griffith (John), Mary Ellen Baker (Bob) and Meg Marchese; son, John (Julie); his mother, Anna; brother, Jerry; and six grandchildren, Hayden and Quinn (Baker), Emily and Claire (Griffith), and Joey and Jimmy (Marchese).

Lou and Marge practiced family values long before it became politically correct to do so. And I am proud to know Marge and honored to have known such an outstanding gentleman in Lou Marchese. The legal field lost one of its rarest jewels on Sunday. I want to take this opportunity to express my deepest sympathies to Marge and the children in their time of sorrow.

TRIBUTE TO RABBI GOLDMAN

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Rabbi Goldman of Temple Sharey Tefilo-Israel of South Orange, NJ.

Rabbi Goldman has been the rabbi of Temple Sharey Tefilo-Israel for more than 12 years. He received his doctorate of ministry from Colgate College and his doctorate of divinity from Hebrew Union College and has served as a rabbi since 1966.

Rabbi Goldman has always worked toward the fulfillment of his beliefs. An activist in the crusade for civil rights, Rabbi Goldman was imprisoned for his social activism as he marched side by side with the late Reverend Dr. Martin Luther King, Jr. He also made his mark as a speech writer, contributing inspired prose for both the late Senator Robert Kennedy and President Carter.

Beyond his oratory abilities, which he used both in government service and from the pulpit, Rabbi Goldman has a doctorate in family therapy and is a clinical member of the Association of Marriage and Family Therapists. He is also a member of the American Association of Sex Educators, Counselors and Therapists and a clinical member of the American Association of Hypnotherapists.

Rabbi Goldman has served on the executive board of the National Jewish Relations Advisory Council [NJRAC] and is a board member of the African-American/Jewish Coalition. He is a member of the BioEthics Committee at Beth Israel Hospital in Newark. On April 16, 1997, Rabbi Goldman will be a panelist for the Nationwide Bereavement Teleconference, hosted by Cokie Roberts. He originated and facilitates their HEAL—Handling Emotions After a Loss—group.

He is listed in Who's Who in Religion, the International Who's Who of Intellectuals, Who's Who in World Jewry, Who's Who in the World, and Who's Who in America. The rabbi is also listed in Community Leaders of America.

Rabbi Goldman is happily married to his wife Judi. Their children Harlan, Darren, and Jordan Heiber, and Joel, Karen, and Steve Goldman, Steve's wife, Dee Dee and their granddaughter, Sarah are all a source of pride and joy.

Mr. Speaker, I ask that you join me, our colleagues, Rabbi Goldman's family and friends, and the congregation of Temple Sharey Tefilo-Israel in recognizing the outstanding and invaluable service to the community of Rabbi Goldman.

IN RECOGNITION OF THE VOLUNTEERS OF NEWTON MEMORIAL HOSPITAL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to mark the celebration of National Service and Volunteer Week and to offer my special thanks to the volunteers of Newton Memorial Hospital in Newton, NJ. Thousands of people from all walks of life have shared both their expertise and compassion with patients and patients' families over the years. Volunteers who support and supplement the professional staffs are an integral part of the success of Newton Memorial Hospital. Their services are exceptional by any standard of measurement.

There are nearly 400 adult and junior volunteers working throughout the hospital, giving more than 52,000 hours of their time each year. These are impressive numbers for such a relatively small community. No price tag can be placed on their services. But at even the lowest estimate, their services would amount to more than $264,000 a year if these dedicated individuals had to be paid. Volunteers provide cheerful visits to patients, often bringing them reading materials or snacks. Volunteers staff the food, gift and thrift shops, help with patient charts, serve meals, assist in admitting and discharging patients and read and write letters to patients.

We should pause to recognize the invaluable contribution volunteers make to our hospitals, schools and other organizations throughout our communities. President Clinton said it well in his proclamation declaring National Service and Volunteer Week:

> Volunteerism is a vital force in American life, helping build a stronger sense of community and citizenship and engaging Americans to meet the obligations we all share. Whether tutoring children, mentoring teens, renovating housing, restoring public parks, responding to natural disasters, or caring for aging parents and grandparents, those who serve and volunteer strengthen our communities for America's future.
>
> Citizen service reflects one of the most basic convictions of our democracy: that we are all responsible for one another. It is a very American idea that we meet our challenges not through big government or as isolated individuals, but as members of a true community, with all of us working together.

We in Sussex County join with all Americans as we take pride in knowing our tradition of service is being preserved and expanded. As we recognize the devoted service of our Nation's citizens, we must continue to foster the spirit of volunteerism. Working together, we can respond to our shared problems and build a better future for the generations to come.

National Service and Volunteer Week is a time to celebrate the American spirit of service and volunteerism and a time to encourage citizens to use their individual talents to serve the common good. During this week and throughout the year, let us salute all of those here at Newton Memorial Hospital who devote their time, talents, and energy to improving our communities and servicing Sussex County.

COMMANDER IN CHIEF'S INSTALLATION EXCELLENCE AWARD

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. ORTIZ. Mr. Speaker, I rise today to join the U.S. Navy in commending Naval Station Ingleside, located on the Bay of Corpus Christi, TX, for recently being recognized as the Navy's best base and winning a Presidential tribute for that honor. NSI was chosen from 135 installations around the world for the Commander in Chief's Installation Excellence Award, and I am very proud.

This recognition is all the more impressive considering the distance this base has covered since its groundbreaking and its first days of operations in 1992. NSI was conceived, and building begun, during the waning years of the cold war in the mid 1980's. When operations began in 1992, the brand new state-of-the-art base had only 500 sailors and NSI was a prominent candidate for base closure, appearing on the base closure list in 1991 and 1993.

Since that time, the can-do spirit of the leadership at the base and the unwavering support of the south Texas community have led the Navy to consolidate its mine warfare mission at NSI, and no one has looked back since. By the end of 1996, NSI had more than 4,000 sailors with a payroll of $60 million, making it one of the fastest growing military posts in the Navy.

The advent of the Persian Gulf war in 1991 had a great deal to do with focusing the Navy's energies on ensuring that we were prepared to deal with shallow and deep water mines, much like the sort favored by Iraq's Saddam Hussein. By consolidating the mine warfare command in one location at NSI, the Navy saved money while expanding the program.

The Commander in Chief's Installation Excellence Award honors the command best accomplishing their mission, increasing productivity, and enhancing the quality of life for their force. Ingleside's outstanding efforts in innovation and imaginative leadership, retention of personnel, equal employment opportunity, community relations, energy conservation and pollution prevention were responsible for this award.

NSI's commander, Capt. Donald Peters, is a creative, dynamic leader. Captain Peters' philosophy of efficiency and innovation prompted him to streamline the base administrative staff. The move saved $2 million the first year Captain Peters put it in place, and $1.5 million the following year.

I offer all the men and women at Naval Station Ingleside my heartiest congratulations for their outstanding work, and I ask my colleagues to join me in commending NSI for a job well done.

HONORING ELIZABETH O'DONNELL

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. LAFALCE. Mr. Speaker, earlier today, I had the distinct pleasure of meeting with Elizabeth O'Donnell, a constituent from Kenmore, NY, and one of three national winners of the Sporting Goods Manufacturing Association Heroes Award. The prestigious honor is bestowed upon outstanding individuals who have demonstrated a humanitarian spirit and have made a unique and lasting contribution to athletics.

In 1976, Ms. O'Donnell founded the Skating Association for the Blind and Handicapped [SABAH]. Through Elizabeth's tireless efforts, thousands of blind, deaf, and physically and mentally challenged people in western New York have taken to the ice and learned to Skate. Indeed, SABAH currently has an enrollment of over 750 skaters a week, who are instructed by 30 volunteer teachers.

The skating lessons culminate in the annual SABAH Ice Show, featuring Elizabeth's students. The show has grown from a presentation for about 800 friends and supporters to a performance attracting crowds of more than 10,000.

Through her teaching, Elizabeth has brought tremendous joy to thousands of participants, and through them, tens of thousands of family members and friends. Because of her commitment, Elizabeth was recognized by President Bush as one of the Nation's 580 "points of light" for attacking social problems through volunteer community service.

As a fellow resident of Kenmore, NY, I am proud to have among my neighbors Elizabeth O'Donnell. She is truly an inspiration to all of us. Mr. Speaker, I ask my colleagues to join me in congratulating Ms. O'Donnell on receiving this well-deserved award, and thanking her for her dedication to improving the lives of thousands of others.

MANNY GORDON HONORED

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to an icon from my district in northeastern Pennsylvania, Mr. Manny Gordon. This month Manny will be honored by the board of the Pennsylvania State University Wilkes-Barre campus for his years of service to the community and the university. I am pleased to have been asked to participate in this tribute to Manny.

Mr. Speaker, Manny Gordon has had a long and distinguished career. His work protecting the environment is legendary in northeastern Pennsylvania. He served the State Bureau of forestry for 44 years, retiring nearly 20 years ago in 1979. For many of those years he was the district forester supervising more than 1.2 million acres of Pennsylvania's beautiful forest. His years of dedicated conservation and public relations won him many awards during his tenure. Included is the coveted Forester of the Year award from the Society of American Foresters, and the Merit of Honor from the Daughters of the American Revolution. He was also named a distinguished Pennsylvanian by the William Penn Chapter of the Philadelphia Chamber of Commerce.

Having served as an Army sergeant in Europe in World War II, Manny was in charge of 28 POW forester camps in Argonne and Ardennes France, and began his career in forestry. Following the war Manny served as the commander of Post 25 of the Veterans of Foreign Wars in Scranton PA.

Mr. Speaker, his years of service to northeaster Pennsylvania as a forester left Manny with a deep and abiding love of the environment. In the 20 years since his retirement, Manny has been highly regarded as an outdoors advocate and environmental champion.

Manny has had a very successful and distinguished career. Of all his achievements he is probably best know for his famous public service spots on radio and television highlighting Pennsylvania's great outdoors. His famous motto of "Enjoy, Enjoy" has brought the beauty of Pennsylvania's natural resources to thousands of people.

Mr. Speaker, I am pleased and proud to join with the board of directors of the Wilkes-Barre campus of Penn State University and the entire community by paying tribute to this beloved public figure, Mr. Manny Gordon.

THE 75TH ANNIVERSARY OF ST. MARY'S KNIGHTS OF COLUMBUS COUNCIL 2346

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 75th anniversary of St. Mary's Knights of Columbus Council 2346 of Nutley, NJ.

Founded in 1922, St. Mary's Council 2346 Knights of Columbus will be celebrating their 75th anniversary on Saturday, April 19, 1997. Under the leadership of Grand Knight Robert McDowall and Deputy Grand Knight Joseph French, the Nutley Knights currently have more than 365 members.

Each year the Knights sponsor several contests, among them being poster and essay contests, for Nutley schoolchildren, many of whom have gone on to win statewide awards. The Knights also sponsor a free-throw basketball contest and provide scholarship funds for deserving students.

Over the years, the Knights have become well known for their outstanding and invaluable service to the community which includes their participation in local blood bank drives and several charitable efforts. In the past few years, their canister drives to help retarded children have raised more than $10,000 a year to help local organizations such as special young adults and the JFK Boy Scout Troop 159. Also, the Knights have conducted a used clothing drive to aid the poor people of Appalachia, an event which has resulted in the shipping of several truckloads of clothing for these needy people.

Mr. Speaker, I ask that you join me, our colleagues, St. Mary's Knights of Columbus Council 2346, and the township of Nutley in celebrating the momentous occasion of the 75th anniversary of St. Mary's Knights of Columbus.

IN HONOR OF THE NEW YORK STATE NURSES ASSOCIATION

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SCHUMER. Mr. Speaker, I wish to pay tribute to the New York State Nurses Association [NYSNA] today as they begin celebrating Nurses' Week, May 5 through May 9, by way of a CONGRESSIONAL RECORD statement.

Nurses across America will be taking this time to educate the general public about the important roles nurses play in today's health care debate. In the battle to protect the high level of care and delivery of service we have enjoyed in this country, nurses are at the forefront. I commend them for having effectively become the patients' most outspoken and effective advocates as this debate rages on.

Let us rise today and honor these working men and women whom we have come to rely upon for the three C's: care, compassion, and courage, in our time of most need. A long awaited, deeply felt, and much deserved thank you.

DR. CAMILLE COSBY ON VIOLENCE

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. WATERS. Mr. Speaker, violence is tearing apart the fabric of our society. It affects us collectively. But it affects many individuals, as well. Our challenge must be to eradicate violence from this Nation, and all its associated hardships for children, families, and communities.

Few people are not aware of the terrible tragedy which beset the family of Bill and Camille Cosby. Their son Ennis was tragically killed in a senseless act of violence earlier this year.

Dr. Camille Cosby made the following remarks, related to her experience at a ceremony which I attended recently, and which moved me greatly. I strongly urge my colleagues to read them and contemplate their meaning for us all.

> Violence is not funny. Violence has been sensationalized and glorified in movies, television, radio and the print media. Violence is not entertainment. Violence is excessive proliferation of guns and illegal drugs. Violence is profit driven. Violence is greed. Violence feeds on low self-esteem.
>
> Violence can evolve from repetitive, indecent, and crude racial, sexual, and religious distortions that can shape hateful attitudes about one another. Those images are seen, heard, and read by the world's people everyday. America, you and the world have lost the truth with few exceptions.
>
> I am appealing to you, the public, to not support, with your dollars, any media or other entities which honor needless violence.
>
> Thank you, thank you the world's people, for your thousands and thousands of letters of concern and prayers. My family and I are deeply appreciative that you have expressed respect and praise for our beautiful son, Ennis. And my dear essence family, I thank you for this prestigious award.

THE MARKET ACCESS PROGRAM IS NOT CORPORATE WELFARE

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. RIGGS. Mr. Speaker, I would like to take this opportunity to speak on a topic that is embroiled in heated rhetoric and misinformation.

Last week the Committee on Agriculture held a hearing to examine the effectiveness of agriculture export programs, including the Market Access Program [MAP].

This issue is once again in the public spotlight due to an "NBC Nightly News" piece broadcast last week, on their weekly "Fleecing of America" segment. Such attacks are part of an annual barrage of rhetoric and misinformation targeting one of the few public-private partnerships that works, and works well.

As you know, the congressional district I represent includes the Napa Valley, widely regarded as the prime growing region of the U.S. wine industry. The U.S. wine industry produces an award-winning, high-value product that competes with the best in the world.

However, the agriculture sector in the United States, and specifically wine, continues to face unfair trading practices by foreign competitors. Domestic agriculture industries must compete with lower wages and heavily subsidized industries in Europe, East Asia, and other emerging global regions. The European Union alone subsidizes its wine industry by over $2 billion.

Now there are colleagues of mine who label the MAP as just another form of corporate welfare. Nothing more could be further from the truth. The MAP is an invaluable resource for American agriculture to compete against massively subsidized foreign agriculture exports. What is more, it is a resource that allows America's small farmers to compete in highly restrictive foreign markets. In fact, the MAP is pro-trade, pro-growth, and pro-jobs.

Critics of the program continue to ignore the fact that in 1995, the Agriculture Subcommittee on Appropriations reformed the MAP to restrict branded promotions to trade associations, grower cooperatives, and small businesses. The primary emphasis of the MAP is toward the small family farmer. A sizable number of the so-called large corporations receiving MAP money are actually grower cooperatives.

The purpose of the MAP is to move high-value American grown agriculture products overseas, to knock down trade barriers, and to create and protect American jobs. A recent study by the University of Arizona showed that for every dollar of MAP funds spent overseas promoting American wine there was a return of $7.44.

What is more, the five largest wine recipients of MAP funds purchase 90 percent of their grapes from independent grape growers. In past years, of the approximately 101 wineries that received matching funds through the Market Access Program, approximately 89 of them were small businesses.

Oftentimes, the only way American wine can break into an overseas market is through the active promotion of labels such as Gallo, Robert Mondavi, and Kendall Jackson. Once realizing the superb quality of the product, the foreign consumer will then sample more obscure labels based upon their previous experience. This is a basic lesson in advertising and how an industry promotes its products.

In the world marketplace, competition is fierce. Every year, American jobs become more dependent on foreign trade. Efforts to dismantle our leading export promotion program are penny wise and pound foolish. To retreat in the international marketplace is shortsighted and counterintuitive. We must actively engage our trading partners and open up emerging markets to our agriculture goods. Don't be fooled by the rhetoric. Do what is right for America and protect our jobs by supporting exports.

INTRODUCTION OF THE COMPUTER DONATION INCENTIVE ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. ESHOO. Mr. Speaker, I rise today to introduce the Computer Donation Incentive Act, which would provide greater tax incentives for corporate donations of computers, software, and related training for educational purposes. Specifically, the legislation would give an enhanced tax deduction to companies for such donations to public elementary and secondary schools, libraries, recreational centers, and other governmental entities. It also would provide an enhanced tax break to nonprofit and government organizations that provide computer training to people with disabilities.

I am pleased to have worked closely with my colleague from Michigan, Representative DEBBIE STABENOW, in developing this initiative.

Bringing our classrooms into the 21st century is a tremendously expensive undertaking that cannot be accomplished by government alone. We need to encourage greater public-private partnerships for upgrading the technology in our schools to make them world class centers for excellence in education.

In Silicon Valley, private efforts, like Challenge 2000 and net day, have emerged because our high tech industry recognizes that a computer-literate work force is needed to keep companies competitive in the global market. And while some businesses have been donating computer hardware to schools for several years, they have only recently begun to recognize that teachers need to be trained to use that equipment if they hope to employ it properly in the classroom. The Computer Donation Incentive Act will go a long way to encourage more companies to invest in our schools, our people, and their own future success.

Under current law, computer donations from manufacturers to public schools qualify for a normal tax deduction worth the cost of making the equipment. At the same time, donations to private schools, colleges, and universities qualify for an enhanced tax deduction worth approximately the production cost of the equipment plus half of the profit that the manufacturer would have received if the equipment had been sold on the market.

The Computer Donation Incentive Act would make the enhanced tax deduction available for computer hardware and software donations to public K–12 schools, libraries, recreational centers, other government entities, and qualified organizations that provide computer training to people with disabilities. It would also offer the enhanced deduction to nonmanufacturers that make charitable computer contributions within 3 years of the date that computers are purchased. Further, companies could claim the enhanced tax deduction for donations of up to 8 hours of teacher training associated with hardware and software donations.

Other features of the legislation include: An enhanced tax deduction for computer contributions to nonprofit organizations that repair and refurbish equipment that is subsequently donated to public schools, other qualifying government organizations, and groups that provide computer training to people with disabilities; an enhanced tax deduction for donations of digital augmentative speech devices; a sense of Congress provision that one of the main purposes of the legislation is to encourage computer donations to schools serving low income communities; and a General Accounting Office study to be conducted before 1999 on the effectiveness of the legislation.

Mr. Speaker, I urge my colleagues to help encourage companies to make a positive difference in our public schools, libraries, and recreation centers by supporting the Computer Donation Incentive Act.

THE ARMENIAN GENOCIDE

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. COSTELLO. Mr. Speaker, I rise today to commemorate the 82d anniversary of the Armenian genocide. On April 24, 1915, the people of Armenia were subjected to long-term, organized deprivation and relocation. Eighty-two years later, we mark this date to remember the beginning of this systematic elimination of Armenian civilians, which lasted for over 7 years. By 1923, 1.5 million Armenians had been massacred and 500,000 more deported.

Many Armenian-Americans reside in my congressional district, and each year they mark this date with solemn commemoration. It is a day to reflect on the loss of property, freedom and dignity of those Armenians who were deported or killed under the Ottoman empire. We honor their memory and vow that such deprivation will never happen again.

Mr. Speaker, we also mark this date to celebrate the contributions of millions of Armenians and the Armenian-Americans since that awful time. As we continue to strengthen our bonds with the Armenian people, we must continue to be vigilant about remaining a strong friend of Armenian democracy through United States foreign policy. The Clinton administration's recent decision to waive the Humanitarian Aid Corridor Act does not bode well for long-term stabilization in this region. It is important for those of us in the Congress to continue to speak out in favor of Armenian human rights and free trade.

I urge my colleagues to join me in commemorating this solemn anniversary.

TRIBUTE TO MAYOR DOUGLAS H. PALMER

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Hon. Douglas H. Palmer, who on July 1, 1990, became the first African-American mayor of the city of Trenton, NJ.

Mayor Palmer was born on October 19, 1951, and was raised in his family home on Edgewood Avenue in Trenton. He attended the public schools of Trenton during his formative years and graduated from Bordentown Military Institute. Bordentown, NJ. Mayor Palmer then went on to graduate from Hampton University in Hampton, VA, where he received a bachelor of science degree in business management in 1973. While in college, he played football and baseball and was named to the all-conference baseball team in 1970, 1971, and 1972.

Since becoming mayor of Trenton, Mayor Palmer has made tremendous strides in rebuilding his beloved hometown, including implementing changes and improvements in every area of city government. He has orchestrated plans that have increased affordable housing, expanded recreational programs, improved health care—especially for the children, the elderly, and the poor—and created numerous economic development projects.

Mayor Palmer has also demonstrated leadership in the area of health care, including securing grant funding and luring the State's top medical school, the University of Medicine and Dentistry, NJ, to Trenton in order to start the State's first comprehensive drug treatment, research, and educational facility. He has also established Trenton Loves Children [TLC], the city's first comprehensive program for inner-city children that ensures all preschoolers will receive free immunization against childhood diseases.

Also Mayor Palmer has worked to bring the Family Development Program [FDP] to Trenton. This welfare program involves both the business and educational communities and seeks to provide complete individual job training, education, and placement assistance for welfare recipients. In its first year of operation, FDP has been extremely successful and is considered a model welfare reform initiative for the Nation.

Mayor Palmer's most prized accomplishment, however, must be making Trenton home to the country's first federally funded Weed and Seed antidrug program. Weed and Seed helps rebuild inner-city communities by weeding out drugs and other unlawful elements of crime-ridden areas and seeding in positive aspects of community life such as after-school safe haven sites for neighborhood children. The program has been called a model for the country and has attracted visits by such dignitaries as former Vice President Dan Quayle and former U.S. Attorney General William Barr.

Mr. Speaker, I ask that you join me, our colleagues, Mayor Palmer's family and friends, and the city of Trenton in recognizing the outstanding and invaluable service to the community of Mayor Douglas H. Palmer.

FAMILY SERVICES IMPROVEMENT ACT OF 1997

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. HOYER. Mr. Speaker, as a Member of the Appropriations Committee, I am particularly concerned that our tax dollars be spent efficiently and effectively. Congress has created hundreds of programs that help communities and families deal with numerous issues related to joblessness, homelessness, poor health, and education. We created each of these programs with its own rules and regulations to deal with specific problems. In some areas where local needs do not perfectly fit the problems covered by these programs, services for children and families are vastly inadequate. In other areas, services overlap and duplicate each other. Multiple programs may point multiple case workers toward a single family, but each individual case worker only handles one aspect of that family's needs. I believe the time is long overdue for Congress to deal with this problem. We must coordinate our categorical programs to provide more effective and efficient help to children and families.

Imagine a single mom who is trying to get off welfare. She gets up in the morning and helps her two children, ages 4 and 7, get ready for school. Together, they walk down the street to the bus stop. All three of them get on the bus together and go to school. Mom drops the 4-year-old off at Head Start, takes the 7-year-old to second grade, and goes down the hall to her own computer literacy and graduate equivalency degree classes.

When the family needs immunizations or health screenings, they can go to the school-based clinic. There is also a social services office at the school. The social services coordinator can help the family find housing, food, and health care. There is also a job placement coordinator down the hall to help mom find a job when she finishes her classes.

At the end of the day, the family goes home from school together. Mom cooks a meal she learned about in her nutrition course taught by the school nurse. She gives her children jobs in the kitchen recommended by the parent education coordinator.

The kinds like going to school. They know it's important, because mom goes to school, too. Mom talks to their teachers every day and knows if there is a problem in the classroom. If one of the kids is sick, mom is at school to take care of them. Instead of spending her day traveling from school to GED classes to computer training to social service office after social service office, mom can focus on her most important tasks: caring for her children and learning marketable skills so she can find a job and support her family.

Unfortunately, this model of coordinated, one-stop programs to help children and families move off of government assistance is rare. Last fall, I pretended that I was a welfare parent for a day. I needed help with child support enforcement, housing, school registration, child care, and heating my home through the winter. Even though caseworkers expedited my applications, I spent more than 2 hours driving across southern Maryland collecting several hundred pages of application forms.

Our service system is too disconnected. There are literally scores of different programs in separate parts of each community. Caseworkers spend far too much time dealing with redtape and paperwork, multiple eligibility criteria, application processes, and service requirements. These workers may not know about each other or talk to each other, even when they are helping the same families.

We have asked families to get back on their feet so they can take care of themselves and their children but our maze of Federal rules, regulations, and systems makes it more difficult for community programs to assist families in doing this. We must help these families help themselves by reinventing a system of coordinated, one-stop programs.

This is why I am reintroducing the Family Services Improvement Act. The bill takes important steps to correct these problems. It seeks to eliminate Federal redtape and unnecessary regulation. It will give local programs the flexibility they need to address local problems. It will create incentives for program coordination which will serve children and families better while making more efficient use of our resources. It will shift Federal attention to outcomes so we can make sure that we are getting real results for our taxpayer dollar. Our taxpayers, and our children, deserve nothing less.

INTRODUCTION OF THE HUD REVERSE MORTGAGE PROGRAM PROTECTION ACT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BROWN of California. Mr. Speaker, I rise today, along with five Members of the California Congressional Delegation, to introduce the HUD Reverse Mortgage Program Protection Act, a bill to prohibit the charging of unreasonable and excessive fees in connection with equity conversion mortgages for senior homeowners.

Many senior homeowners, especially in California, have recently been victimized by estate planning companies that charge thousands of dollars each for information about the Home Equity Conversion Mortgage administered by the Department of Housing and Urban Development [HUD]. Home equity conversion mortgages, commonly known as reverse mortgages, allow senior homeowners—62 and over—to turn their home equity into spendable cash without having to make monthly interest or principal payments. About 45,000 reverse mortgages have been closed in recent years, the bulk of them through the HUD Reverse Mortgage Program.

Senior homeowners interested in a reverse mortgage are asked to sign an agreement permitting the estate planning company to take 8 to 10 percent off the top of the lump-sum payment as its commission. The company who refers the senior to lender active in the HUD program can pocket an average of $5,000 to $8,000 for a referral. These fees are exorbitant, especially because most, if not all, of the services performed for the 8 to 10 percent fee are obtainable free or at a minimal cost from a HUD-approved nonprofit counseling entity.

Unfortunately, as a result of the full court lobbying initiated by the alleged estate planning company, a preliminary injunction has been issued barring HUD from enforcing its directive to crack down on companies victimizing our Nation's senior homeowners. to reinforce HUD's existing authority to properly regulate the estate planning industry, my California colleagues and I are pleased to introduce the HUD Reverse Mortgage Program Protection Act.

Mr. Speaker, we should not allow senior homeowners to be robbed of thousands of dollars in an instant by smooth-talking scam artists. My legislation will reinforce HUD's existing authority to protect senior homeowners from being charged thousands of dollars for information about reverse mortgages they could get from the Government for free. For the purpose of consumer education, the bill has a provision to require HUD to launch a major effort to make more senior homeowners aware of the reverse mortgage program and increase public access to HUD-approved entities that provide counseling, information and referral services. The bill also has a provision that would allow HUD to continue its Reverse Mortgage Program beyond its scheduled expiration in the year 2000.

We should not tolerate those estate planning companies muggings of our parents and grandparents, who have made mortgage payments for decades. I urge my colleagues to join me in supporting the passage of this legislation to help protect senior homeowners from being charged excessive and unreasonable fees for reverse mortgage information available from the Government for free.

THE INTRODUCTION OF THE SINGLE STANDARD OF AVIATION SAFETY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. MENENDEZ. Mr. Speaker, in the wake of a Department of Agriculture inspector general report which uncovered serious wrongdoing in the Forest Service leading to the deaths of 14 pilots, we must take action. This is a shocking and outrageous waste of life. I have introduced the Single Standard of Aviation Safety Act to get to the bottom of this scandal and root out these unsafe aviation practices.

It was only 2 years ago that the National Transportation Safety Board was given authority to investigate accidents involving "public use" aircraft like those used by the Forest Service. Prior to NTSB independent review many of these accidents were never properly investigated and may have been preventable. It appears there has been deliberate and methodical disregard for the safety of these pilots. It is time to shine a light on the practices of public agencies to insure safety. I am confident that a thorough airing of these highly unsafe practices will spell an end to blatant disregard for safety issues by any public agency.

The exemption for public aircraft is an unsafe relic of the past. There is no reason to allow public aircraft to operate under a lesser standard of safety than is required of the private sector—except cost. Cost is not a compelling reason to rationalize the loss of human life. We have lost physicians, firefighters, and most notoriously Secretary of Commerce Ron Brown in public aircraft which did not meet minimum FAA standards for safety. Accidents will happen with the many, difficult and dangerous tasks we ask our public servants to face. We should not ask anyone who must place themselves in harm's way to face the unforeseeable peril in the use of aircraft that do not represent the common standard of aviation safety. I know that public agencies are facing unprecedented budget reductions buy flying is an expensive undertaking and the temptation to cut corners has never been greater. We do not allow the private sector to take safety shortcuts. Public entities must respect the same standards in protecting their passengers. I urge prompt action on the Single Standard of Aviation Safety Act.

THE CRIMINAL SERVITUDE ACT OF 1997

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BUNNING. Mr. Speaker, I commend to my colleagues' attention a "bill" that was drafted by a high school advanced placement government class at Lloyd High School in Erlanger, KY in my congressional district. I ask that it be made part of the RECORD.

I know that the students worked hard on the "Criminal Servitude Act of 1997", and I think that their final "bill" mirrors the predominant attitude toward crime in our country today. In fact, several of their recommendations, including the elimination of amenities for prisoners and increasing the scrutiny of the whereabouts of released sex offenders, are issues that this body has debated on more than one occasion in recent years.

Promoting awareness of current events and civic involvement is one of the most important aspects of Members' responsibilities as public servants, and it always pleases me to see young Kentuckians wrestling with the issues of the day and trying to understand exactly how their Government works.

Again, I commend this "bill" to my colleagues. It is an example of what conscientious young people can do when they set their minds to a task.

Be it enacted by the Senate and House of Representatives of The United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Criminal Servitude Act of 1997".

SEC. 2. PUBLIC HUMILIATION FOR CRIMES.

PART A

All local, national, and international media organizations/individuals may print, broadcast, etc., names and/or pictures of persons convicted of felonies or misdemeanors as a means of socially deterring crime through the use of "stigma".

PART B

All nonviolent[1] criminals (excluding those with physical disabilities) will spend an eight hour work day six days per week performing laborious community service for the duration of the term of the individual's incarceration. The exact nature of the tasks to be performed will be given at the time of the individual's sentencing. Prisoners will be exempt from work on designated holidays.

PART C

All violent criminals will spend eight hour work days six days per week performing extremely laborious community service for the duration of the term of the individual's incarceration. The exact nature of the tasks to be performed will be given at the time of the individual's sentencing. Prisoners will be exempt from work on designated holidays.

PART D

Prisoners will wear the orange prison garb with first and last names printed on the front and back of their uniform and will be forced to wear this during all community service hours.

PART E

Second time juvenile offenders will perform their second terms of community service in standard prision garb in accordance with Part D with the exception that their names will not be printed on their uniform.

PART F

Local and national TV networks will be given the opportunity and encouraged to air the results of city and national trials displaying mugshots and descriptions of offenders and crimes.

Subsection 1, to Part F. The presence of released or paroled sex offenders in a community will be a matter of public record and therefore subject to media scrutiny.

SEC. 3. CAPITOL PUNISHMENT.

This section hereby makes legal, but not mandatory, capitol punishment in all states.

SEC. 4. CONFINEMENT COMMODITIES.

The government of the United States will no longer provide funds for all those unnecessary commodities in jails, prisons, penitentiaries, etc. These commodities include air conditioning,[2] cable TV,[3] excessive recreation[4] and all other benefits that they would otherwise not be guaranteed, such as books, beds, toilettes, etc.

SEC. 5. APPEALS.

No more than three appeals may be made by any convicted person.

SEC. 6. TERMS.

Any person sentenced to serve time in a jail, prison, penitentiary, asylum, etc., must serve their entire sentence. There is no longer parole.

SEC. 7. DRUG OFFENDER.

Repeated users of any all drugs including household items and inhalant will undergo mandatory drug rehabilitation. The facilities in which the rehab will take place will be old jails and prisons. Unnecessary commodities will be forbidden as Section 4 states.

Appropriation for Section 7. If additional funds are needed, they will be deducted from confiscated drug moneys.

SEC. 8. THE INSANITY PLEA.

All those persons who plead guilty by means of insanity will be examined by two court appointed doctors of psychiatry.[5] If found guilty by insanity they will be sentenced according to their crime as if they had not been insane. However, instead of serving their sentence in jail, it will be served in an asylum. They will serve their entire sentence as Section 6 requires. If a person is "cured" of their insanity before their sentence is up they may exhaust their three appeals. If all three fail, they will have to work for their asylum until the remainder of their sentence has been served. The "cured" will be paid minimum wages for their services.

---

[1] "Violent" includes child molestation, child neglect, child abuse, and the torture and starvation of all domestic animals.

[2] Fans will be provided.

[3] In some instances, i.e., maximum security prisons, TV altogether will not be funded.

[4] Excessive receration includes more than two of any basic piece of "free weight" machinery. All weightlifting machinery will not have "free weights" instead, all weight machines will be automated.

[5] Mandatory hours and/or cases will be necessary for all psychiatrists to earn and to maintain their practicing license.

DESIGNATING HANFORD REACH AS WILD & SCENIC

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. DICKS. Mr. Speaker, I am pleased to introduce legislation today to designate a portion of the Columbia River, known as the Hanford Reach, as a wild and scenic corridor. I am pleased to have several of my Northwest colleagues join me as original co-sponsors of this important legislation.

The area known as Hanford Reach is in critical need of protection through designation within the wild and scenic rivers system. First of all, Hanford Reach is a major spawning ground for Fall Chinook salmon within the main stem of the Columbia River, and as such is important to salmon recovery for the entire Columbia River system. The Reach's free flowing status provides excellent habitat for the Fall Chinook, as well as for runs of steelhead trout and sturgeon. As the Northwest continues to seek effective solutions for the immediate protection and restoration of wild salmon runs, the protection of Hanford Reach provides a meaningful and cost-effective contribution toward an overall long-term strategy for salmon habitat protection.

Hanford Reach must also be protected because of its abundance of other ecological and cultural treasures. The area proposed for wild and scenic designation also serves as habitat for bald eagles, wintering, and migrating waterfowl, deer, elk, and significant other wildlife. It also supports a variety of rare, threatened, and endangered plants and animals. This area of the Columbia River Basin also has significant religious and cultural significance to several Indian tribes, with more than 150 archeological sites identified along the Hanford Reach corridor, including some dating back as far as 10,000 years.

The Hanford Reach also contains the area known as the White Bluffs and adjacent shoreline areas that are an archeologically significant paleontological resource, and are rich with fossil remains from the Pliocene period. The unique cliffs of the White Bluffs provide dramatic scenery and rare habitat. Because of such historically and ecologically significant splendor, the 50-mile section of river representing the Hanford Reach corridor also provides an abundance of recreational opportunities and will serve as a long-term economic stimulus for nearby communities. It will afford visitors opportunities to hunt, boat, fish, hike, kayak, waterski, and birdwatch, as well as the opportunity to enjoy the relative solitude of an unspoiled and environmentally rich area.

I urge my colleagues support for this critical environmental legislation.

TRIBUTE TO CHARLES E. McDOUGALD

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. QUINN. Mr. Speaker, I rise today in memory of Officer Charles E. McDougald.

On April 9, 1997, our Buffalo community suffered a tragic loss. One of the brave men and women who serve our city as police officers was senselessly murdered. That officer, Charles E. "Skip" McDougald, will not soon be forgotten.

Officer McDougald's 8½ year career with the Buffalo Police Department was one full of integrity, genuine concern for the community as a whole, exemplary service, bravery, and professionalism. A recipient of the mayor's Award of Merit on two occasion for bravery and heroism, Skip McDougald was a vital component of our city's police department. In addition to the mayor's awards, Officer McDougald was also honored as a Police Benevolent Association Officer of the Month.

In recognition of his commitment to our community's protection, valor, bravery, and dedicated service to the Buffalo Police Department, Officer McDougald was awarded the prestigious Buffalo Police Department Medal of Honor posthumously, the first time the high honor has been bestowed upon an officer in 25 years.

But Skip McDougald's service to our community doesn't end there. In addition to his work as a police officer, he served as a substitute English teacher for the city school system. In every aspect, Officer McDougald dedicated his life to helping people—especially children. That dedication to public service will be his greatest legacy.

Mr. Speaker, today I would like to join with the city of Buffalo, the Buffalo Police Department, the Buffalo Police Benevolent Association, our entire western New York community, and indeed, a grateful nation, to honor Officer Charles E. McDougald, who is survived by his wife, Sylvia; his four children, Jovan, Diane, Chad, and Jennifer; and his partner, Officer Michael N. Martinez in recognition of his brave and devoted service.

To that end, I would like to convey to the McDougald family my deepest sympathies, and ask my colleagues in the House of Representatives to join with me in a moment of silence.

IN GRATITUDE AND RESPECT TO DR. RAFFY AND VICKI HOVANESSIAN

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. VISCLOSKY. Mr. Speaker, art is the expression of the human spirit throughout its greatest moments of tragedy and triumph. The people of the Republic of Armenia have survived some of modern history's most horrific acts of genocide and repression, yet their spirit survives and their art celebrates that survival.

Two residents of Indiana's First Congressional District, Dr. Raffy and Vicki Hovanessian of Munster, IN, are national leaders in private humanitarian efforts that distinguish the United States and enrich our relationships with modern nations, such as Armenia. Mrs. Hovanessian has recently focused her efforts on the organization of a month-long art show, entitled "Dreams and Visions," which begins tomorrow, April 30, at the Westin Hotel in Chicago, IL. The show will celebrate the talent and resilience of contemporary Armenian artists. Artists, whose works will be exhibited, include: Achot Achot, Garen Andreassian, Caren Arakelian, Arevig Arevshadian, Manuel Baghdassarian, Samuel Baghdassarian, Ashod Bayandour, Mardin Bedrossian, Arman Grigorian, Reuben Gregorian, Sardis Hamalbashian, Samuel Hampartsoumian, Ara Hovsepian, Hovannes Markarian, Garine Matsakian, Arax Nergararian, Arthur Sarkissian, Ararat Sarkissian, Gagig Tchartchan, and Felix Yeghiazarian.

Under the auspices of the Fund for Armenian Relief, the humanitarian aid agency of the Diocese of the Armenian Church, the above-mentioned artists will directly benefit from the proceeds of this show. The proceeds will provide an opportunity for the artists of the Republic of Armenia to participate in the Documenta at Kassel, Germany, in June of this year. The Documenta is an international art show held every five years.

The art show planned by Mrs. Hovanessian is entitled "Dreams and Visions," since the contemporary works symbolize the aspirations of the people of Armenia as viewed through the spectacular imaginative prisms of these artists' talents, as well as show their hopeful vision for a new era of peace in our time. Their art illustrates the unquenchable, creative human capacity for reconciliation and rebuilding.

The art show will demonstrate, in an exemplary manner, the solidarity of the Armenian people for their country and its culture, which is passing through one of its most decisive and crucial periods in history. Currently, Armenia is experiencing the effects of emancipation from the oppressive rule under the Soviet Union and entry into the democratic system of a free and independent republic. Culture is surely one of the most effective ways of enhancing and promoting this positive and radical change in the centuries old life of the Armenian people.

Over the years, the Hovanessians have devoted countless hours and resources toward a variety of charitable works, both in the United States and Armenia, with the goal of improving the quality of life for native Armenians, as well as Armenian-Americans. One of the notable causes for which they have worked is the Saint Neresses Seminary in New Rochelle, NY, which sponsors an exchange program between the United States and Armenia for new seminarians. The Hovanessians have aided in raising $1 million for Saint Neresses. In addition, under the auspices of His Holiness Karekin I, Catholicos of All Armenians and Supreme Patriarch of the Armenian Church, Dr. and Mrs. Hovanessian have recently been appointed by the Armenian Church and government to chair museum exhibitions commemorating the 1700th anniversary of Armenians' acceptance of Christianity.

Mr. Speaker, it is my distinct honor to convey the gratitude and respect I and others have for the leadership of Dr. Raffy and Vicki Hovanessian in devoting themselves to contemporary artistic expression in Armenia and other notable humanitarian causes.

BRIAN JASON LEAHY EARNS EAGLE SCOUT

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. WEYGAND. Mr. Speaker, it gives me great pleasure to pay tribute to an exceptional young man, Mr. Brian Jason Leahy, who has devoted much hard earned effort to achieving the Boy Scout's highest rank of Eagle Scout. This award reflects great initiative, determination and hard work.

Brian began his journey at the age of 7 as a Cub Scout, where he attained the highest award, the Arrow of Light. After 11 years of service, Jason received his Eagle Scout badge by designing and building a campsite for a children's summer camp. The children participating in the program can now benefit from an outdoor recreational camping experience.

Active in his community, Brian has served in several leadership positions in scouting, has taught religious classes, and has volunteered as a kindergarten aid at a local elementary school.

Brian is an example of the best of America's youth, those dedicated to improving life in their community and who strive to reach their highest potential.

The 18-year-old son of Thomas and Virginia Leahy, Brian resides in Rhode Island, where he is a student at Cranston East High School. I am sure his parents are extremely proud of their son's achievements. I have confidence that the Boy Scouts have prepared him to face life's challenges with great determination and character. On behalf of the people of Rhode Island, I would like to thank Brian for his service to the community and wish him great success in the future.

A TRIBUTE TO MARCO CANGIALOSI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Marco Cangialosi who is being honored by the Italian-American Police Officer's Association of New Jersey with the organization's Citizenship Award.

Marco was born in Marineo, Palermo, Italy on September 23, 1933.

In 1957, Marco came to the United States and immediately started working for a window manufacturing company. Five years later, after much hard work and many long hours, he and his brother opened a business of their own, Dor-Win Manufacturing. Widely known, Dor-Win offers a complete line of vinyl windows and doors.

Marco married Angelina Guie in 1963, and has two daughters: Sarah, married to Fred Calderone; and Rosalba, married to Sal Scaravilli. He is also the proud grandfather of four grandchildren; Liana, Sal, Jr., Chiara, and Jack.

In 1964, Marco became an American citizen and dedicated himself to helping others and his beloved adopted country. He has continued to give of himself ever since.

Over the years, Marco has founded and been involved in many community and social events. He continues to contribute much of his time, effort, and money to numerous Italian-American organizations. Through his dedication and tireless efforts, Marco has achieved many distinguished awards and citations including the 1980 Kiwanis Club Man of the Year, the Humanitarian Award from the Italian Tribune in 1984. He was honored in the Columbus Day Parade, and received a silver medal from the Italian Ambassador for being voted one of the Top Ten Italian-American Citizens in the United States in 1986. His highest honor came when he received the title of Commendatore from the Republic of Italy in 1991.

Marco's continued efforts to help others has become his way of life. His honor and sincerity has made him many friends and he has gained the respect of all who have had the pleasure of meeting him. Marco has proven that through hard work and dedication, the American dream can be realized.

Mr. Speaker, I ask that you join me, our colleagues, Marco's family and friends, and the Italian-American Police Officer's Association of New Jersey in recognizing the outstanding and invaluable service to the community of Marco Cangialosi.

SENATE—*Wednesday, April 30, 1997*

The Senate met at 10 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, thank You for enabling us to be creative thinkers. We know that beyond our education and experience there are solutions to problems we will not think of without Your special gift of knowledge. We remember times when we have received this supernatural gift. You revealed answers to problems that we could not have achieved with our own analysis. We prayed faithfully and waited patiently and then the startling "ah-ha!" dawned on us. You gave us insights we could never have grasped by ourselves. By divine inspiration, You helped us know what was happening beneath the surface of perplexities. You allowed us to see what You see. We gave You the credit and the glory.

Now, as we begin this day, once again we confess how much we need this gift of knowledge. Unresolved problems have a way of piling up. Please use us to discover and communicate Your answers. Thank You for transforming our imaginations so they can be holy riverbeds through which You can pour Your creative ideas. Help us picture reality from Your perspective and then claim what You want. We look forward to an inspired day. Through our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately resume consideration of the motion to proceed to S. 543, the Volunteer Protection Act. By previous order, at 11:15 a.m. the Senate will vote on the second cloture motion to proceed to this bill, S. 543. As a reminder to all Senators, if that cloture vote fails, two additional cloture motions were filed last night and would be voted on, on Thursday. It is still my hope that the Senate will be allowed to move forward and begin consideration of this important legislation. In addition, the Senate could also be asked to turn to any other Legislative or Executive Calendar items that may be cleared.

VOLUNTEER PROTECTION ACT

Mr. LOTT. Mr. President, on this legislation, again, I want to emphasize to the American people that we are being prevented from even debating the real merits of this very important legislation, which would give some degree of protection to volunteers from being sued when they are not even remotely involved in what may have caused a lawsuit. If they are involved in some excessive action or some misconduct, they would still be subject to lawsuits, but this would give some degree of protection to volunteers.

I cannot help but again point out the fact that, at a time when there is this great conference in Philadelphia, the City of Brotherly Love, talking about voluntarism in America, how important it is to be involved with Little League, to be involved with reading, to be involved with the Boys and Girls Club, the Red Cross, the Salvation Army—be involved. Here, when we say, "Yes, but one of the problems is that you run the risk of being sued; if your good will causes you to be involved as a volunteer you could wind up having legal action against you and we want to provide some protection against that"—the Democrats are filibustering the motion to proceed to the bill.

That is very curious. They say maybe it is related to other issues that have not been brought up. But the fact of the matter is, this is very clear. It is a very clear choice. Is the Senate going to go on record of supporting volunteers and giving them some reasonable protection against frivolous lawsuits, or are we going to side with the plaintiffs' lawyers who want to be able to sue everybody, anytime, anywhere they want to, even volunteers? We are going to have to choose.

So I want to serve notice to the Senate we are going to vote on this issue over and over and over, and we will not go to other legislation until this Volunteer Protection Act is passed.

You know, if there is going to be a lot of whining about we cannot do other things—this is important, fundamental legislation that tells an awful lot about whether we are honest about wanting to encourage volunteers and be helpful to volunteers in America.

I would like to address some questions to the distinguished Senator from Georgia, who has done such outstanding work on this legislation. I commend him for being prepared to come to the floor of the Senate and point out what is actually in the bill. I put down some of the ridiculous allegations that I have heard against the bill yesterday, about who might be covered by this. You have stood here and you have answered the questions. You have told the truth about what is in the bill. You have been prepared to work out problems that might exist, although it does not look to me like anybody is really very serious about addressing concerns they may or may not have. So, I thank you on behalf of the volunteers of America for volunteering to stand here in the Senate and do battle for them. You have done a great job. I have heard a lot of other good speeches from our colleagues out here in the Senate, Senator ASHCROFT—I encourage others to come over and engage in this debate.

But would you answer for me this question? First of all, is this going to protect volunteers who are involved in misconduct in any way from legitimate lawsuits?

Mr. COVERDELL. First of all, I thank the leader for focusing on this important measure this morning. I think you have pointed out what to me has been a startling irony, that the administration is calling on thousands of Americans to step forward and then sends a team down here to trip them if they do.

The answer to the question is absolutely not. First of all, it is only 12 pages long and it is very precise. If you are involved with misconduct, reckless conduct, gross negligence, driving under the influence, a hate crime, a sex crime, a civil rights crime—this legislation offers you no protection. What it does is it deals with the volunteer who steps forward and makes a simple mistake or omission in the act of being that volunteer. It would grant protections, limited protections to a volunteer in that circumstance.

It was suggested yesterday that organizations who promote hate would somehow find a shield in this measure. That was disappointing. I did not think that had a real place in the debate. Nevertheless, it was brought up and it is absolutely incorrect. No organization—they specifically alluded to the Ku Klux Klan—given the definition of an organization here, there is not a jury or a judge in America that would find that definition to include the Ku Klux Klan.

Mr. LOTT. If the Senator from Georgia will yield, it is pretty clear and narrowly defined, as I read it. It would be applicable to volunteers or any category of volunteers in the performance of services for a nonprofit organization or governmental entity; and (2) nonprofit organizations or governmental entities. That is pretty narrow in its applicability.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

But let me ask you, are you telling me that there are examples in America where individuals who get involved with the Salvation Army or get involved with Little League Baseball literally are being sued?

Mr. COVERDELL. Absolutely. It is not so much a case of the judgments. It is a case of the threat of the suit and what it can do to you. The best example is listed here where a man who is part of a rescue team rescued an individual who had fallen off a ledge and was paralyzed. The person who was rescued by that rescue team sued the rescuers for $12 million.

It was ultimately thrown out of court. But it has had a chilling effect on people. You come forward, you want to volunteer, but you don't want to put your family's business or assets at risk for doing that.

Mr. LOTT. Who is opposed to this legislation? What is the reason for opposing it? I cannot understand it.

Mr. COVERDELL. Let us look at the lineup here. I read a letter yesterday I have from Little League Baseball. You have the United Way, the Red Cross, the Navy League, the Air Force Association, the American Society of Association Executives. Who is on the other side here? What is the cast? It is those among the trial attorneys who simply cannot abide that there be any reform at all, including volunteers, from the protection of these kind of suits. That is never mentioned. But that is where the opposition is.

We had a case from Senator SANTORUM who, in the last Congress, finally got the Emerson bill passed, which protected people who were giving food to homeless and starving people. It took the entire session and it was finally passed by unanimous consent in the waning hours of the last Congress—the same opponents.

So here we are, trying to make it possible for Americans to respond to four Presidents: Clinton, Bush, Carter, and Ford; and here they are trying to block it.

Mr. LOTT. I thank you again for your effort. I am hoping we will begin to see a break in the stonewall against the motion to proceed to the bill today and that we will have some Democrats join in getting cloture so we can go on and finish our discussion of the bill and get to a final vote. I think that will happen because I think all of us really want to encourage voluntarism and I think this legislation will help that all across America.

Then we can go on, either later on this week or next week, to take up some nominations that are pending on the Executive Calendar and be prepared on Monday to go to the supplemental appropriations bill. It is our intent to move forward with that legislation. There is a lot of complaining now that there may be some amendments in committee or amendments offered on the floor. What's new? This is the U.S. Senate. Any Senator, he or she, can offer an amendment. We can debate it. And there are those who say, "If you offer certain amendments or if there are certain things in the bill, we are going to filibuster those items and hold up the bill," and then they say we are holding up the bill.

I am saying now the Appropriations Committee will do its job today or tomorrow and report out the supplemental appropriations bill, hopefully in a way that will pay for the cost of the bill, for the most part. And then we will be prepared to begin on Monday and I will be prepared to have the final vote Tuesday or Wednesday. If we have to, we will file cloture to try to cut off a filibuster on items that may or may not be in the bill. And we hope to be able to complete it Wednesday or Thursday of next week.

With that, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SMITH of Oregon). Under the previous order the leadership time is reserved.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of the motion to proceed to S. 543, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

The Senate resumed consideration of the motion to proceed.

The PRESIDING OFFICER. The time between 10 a.m. and 11:15 a.m. shall be divided equally between the Senator from Georgia [Mr. COVERDELL] or his designee, and the Senator from Vermont [Mr. LEAHY] or his designee. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I did not expect the majority leader to invest the time, which I very much appreciate his having done, to frame the nature of the situation we have here. But, just to restate it for those who may be listening, in response to the summit on voluntarism, we have brought to the Senate floor a very specific proposal, legislation, to make it easier for Americans to volunteer. We have moved to bring it before the Senate and the other side is filibustering that motion in order to prevent our taking action on this Volunteer Protection Act.

As I said in response to the leader, this is legislation that has been before the Congress in one form or another for almost 12 years, and has been consistently rebutted by the hierarchy of the Trial Lawyers Association. It is 12 pages long and it gives modest protection to volunteers who step forward in the 600,000 organizations across our land who try to promote the interests of those in need, whether they are children, the elderly, the illiterate, the wounded, or those who have been affected by the very flood we are talking about in the Midwest.

We have appeal after appeal from organization after organization requesting the legislation. They are having volunteer members of their boards of directors resign, because while they want to help, they do not envision taking all their family business and all their family assets and putting them in a lottery, so they resign.

When the organization asks for a mother or father to step forward and coach Little League Baseball, they hesitate, because they have read about these illogical but, nevertheless, real lawsuits against volunteers. Often, the organization has no assets at all, but one of the volunteers does. And so the suit goes straight to the individual who has accumulated, for whatever reason, some resources, some wealth. They are at particular risk because they have what is called deep pockets. They are chilled from coming forward. Often these people are very talented, high capacity, but they are chilled away; they are cautioned away.

I told the story several times on the floor of Terry Orr of the Washington Redskins. When he came to play for the ball club, senior team members brought him immediately in to help with the inner-city problems, with the children, which he did. Then he matured, and he took on the responsibility and went to the rookies. What did he hear? "Well, wait a minute." First question, "What is the liability? How much at risk am I?" He found himself talking to attorneys, and he could not bring the same energy and resource that he had seen when he first came to the team.

This is a rather new phenomenon. This has not been a part of American life until recently; in fact, until the 1980's. Lawsuits directed at volunteers, you could not count them on a hand, but in the eighties, several celebrated cases suddenly made the volunteer a new target. Throughout the eighties, we saw the number of Americans who were willing to volunteer shrink. We have seen the financial resources that have to be invested in protecting the volunteers grow, at the expense of the programs for which they were designed. For example, the Washington, DC, Girl Scouts have to sell 87,000 boxes of cookies to pay the premium for the protection of the volunteers—not to help the Girl Scouts, but to pay the premium to protect the volunteers. And we have seen volunteers leave the scene, resignation after resignation.

This legislation, this very narrow and targeted piece of legislation, protects those volunteers, makes it easier for them to answer the call of the Presidents at the summit and will reduce the overall expenditure of the organizations trying to do good service and good work in our Nation.

I might add that voluntarism, as I said yesterday, is uniquely American. It is a quality that has been noted by every nation about the American people. It really is near the heart and soul of who we are. It does not happen this way in most countries in the world. As the President knows, I was Director of the U.S. Peace Corps, and I had a chance to see it right up close. It is an American miracle, and it ought to be protected and cherished and nourished in every way that it can. I find it the irony of ironies that after that summit, we introduce this legislation and we are caught in a filibuster from the other side to keep this from being acted on.

Mr. President, I see that I have been joined by my colleague from Wyoming, and I know that he has wanted to speak on this. I yield such time as he might need to speak on this proposal.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, thank you. I thank the Senator from Georgia for this important piece of legislation. I rise to join my colleagues and friends in supporting the Volunteer Protection Act of 1997. This bill aims to protect one of the bulwarks of our democratic Government, and that is America's volunteers. That is the foundation of the United States. That is a principle that we have been working on for a long time. We seem to be losing a little of the momentum that our forefathers had in the area of voluntarism, and part of that has to come out of fear.

Earlier this week, I had the opportunity to preside over the Senate for several hours. During that time, I was amazed at the direction of this particular debate. While my Republican colleagues have been working to achieve meaningful legal protection for volunteers, one Democrat after another has paraded on to the Senate floor to discuss matters absolutely unrelated to protecting volunteers from frivolous litigation. I have heard speeches on the budget, on flood relief, on Medicare and on Alexis Herman, just to name a few. But I have not heard any meaningful discussion by my colleagues across the aisle on protecting America's volunteers.

It is time that we get serious about helping our Nation's volunteers, and this is not going to happen by wandering into these other various and sundry tangents.

I heard the debate on the budget. The budget is not this debate. The budget is still being negotiated, and I understand that is going well, but it is not possible for us to debate the budget on the floor right now. It is not being held up by this piece of legislation, which should only take a little while to debate and pass.

I heard them talk about the supplemental budget, and a portion of that, of course, is emergency relief, and it is important. It is important in my State as well as for the people who have debated this. But that is not before this body either. That is in committee, and the issues that have been raised on that are not ones that are being affected by this debate.

I have heard discussions on Medicare and Alexis Herman. Alexis Herman may be more at the center of this delay than anything else that has been brought up.

Right now, there is a hearing taking place on a bill that will solve the Executive order. Hopefully, that bill will get a quick hearing—it appears to be—and it will be brought over here and will undo any misconceptions that there might be on the Alexis Herman situation, which appears to be a basis of a major Presidential change since the hearings were held in committee.

Those hearings were held, but the President has changed the momentum of his policy with labor since the time of those hearings, but that is not a part of this debate either. We have not had any debate from the other side of the aisle about protecting our volunteers. Instead, we have had a filibuster on a motion to proceed. This is not even the bill itself, this is just the motion to proceed. I assume we will have another filibuster when we get to the bill itself.

This is a country of the people, by the people, and for the people. We are a volunteer country, or we used to be. We are becoming a country of mercenaries. We are beginning to pay people to volunteer. Can they truly be called a volunteer if they are paid to do that? And if we begin to pay and pay constantly, will we ever have true volunteers?

We talk about the momentum of volunteers, and that has been a long and proud tradition in the United States. Volunteer organizations represent a distinctly American manner of living, living out the golden rule by strengthening our neighborhoods, our schools, and our churches.

When I was mayor of Gillette, we had tremendous growth, more than doubled in size, and we needed everything basic that a community could possibly have. That included mostly water and sewer and streets. We did not have money for parks that the people moving there wanted. We got an intern from the University of Wyoming to sit down with any group that wanted a park, and he would design a park for them. The catch was they had to build it, and they did. We built seven parks in one summer with volunteers. These were young people who were moving into a boom community. If they had known about liability, I do not know that they would have participated.

I spent 10 years as a soccer coach. I am not sure today I would be a soccer coach. I don't think I could take the liability. I have worked with Boy Scouts. It has become such a litigious society that the Boy Scouts now have requirements that any time there is a boy working on a project, there have to be two adults around, and that is to prevent lawsuits. The Boy Scouts used to have annual Christmas tree sales in Gillette. When I went to serve with my son selling Christmas trees, I had to have another adult along, because of our litigious society. That definitely discourages volunteers.

Volunteer organizations have strengthened and nourished the lives of our citizens and influenced every facet of our culture. A brief reflection on the myriad of volunteers and volunteer organizations that serve our fellow citizens should remind us of their tremendous value. The volunteers of the Salvation Army help feed and clothe the less fortunate and provide Christmas gifts for thousands of children every year. Meals on Wheels has for years provided more meals and conversation to many of our Nation's homebound. Habitat for Humanity has helped revitalize our inner cities by providing privately owned houses for the Nation's poor. Mother Theresa's Missionaries of Charity cares for thousands of dying AIDS patients and unwed mothers in the poorest neighborhoods across the country.

I could go on and on with the Jaycees, Lions Clubs, the Kiwanis, the Rotary and the Optimists. The Boy Scouts and the Girl Scouts help instill in children the virtues of responsibility and enterprise, while Little League and youth soccer leagues teach children the values of team cooperation and hard work.

Volunteers in these organizations, and countless others, have given generously of themselves in order to help their neighbors and better their communities. Unfortunately, even these volunteers have fallen prey to our suit-happy legal system. Lawsuits, in recent years, have resulted in enormous verdicts against volunteers and nonprofit organizations. Too often these suits are for what most of us would consider frivolous claims that penalize volunteers who are simply doing their jobs.

The threat of costly litigation and large verdicts have frightened many good citizens away from giving their time and energy to volunteer organizations. It is time to curb that trend. The Volunteer Protection Act would relieve a volunteer from liability if the volunteer is acting within the scope and responsibility and if the volunteer is properly licensed, certified and authorized by the State in which the harm occurred, if such authorization is required.

It also limits punitive damages that may be awarded against volunteers and nonprofit organizations for the actions of the volunteers. This bill does not protect volunteers from liability for actions which are willful or criminal or which involve gross negligence. As such, this bill strikes a healthy balance. It provides broad protection for volunteers who are performing their duties, while still allowing people to recover against volunteers who cause harm from acts that are willful, criminal or grossly negligent.

Mr. President, it is time to restore some sanity to our tort system. Let's begin by protecting our Nation's volunteers from the slings and arrows of outrageous litigation. I urge my colleagues to join me in supporting the Volunteer Act.

As we were growing up, we were taught to do what is right, to do our best, to treat others as we wanted to be treated, to take the common courtesy of asking others what they need to have done, and in America, we not only ask what they need to have done, but people follow up on that, not to the degree that we could, not to the degree that we used to.

My mother always taught me that service is the price that you pay for the space that you take up on this Earth. The service concept in this Nation is a foundation that we have to continue to promote, and our system of litigation has taken that away from us. Let us restore service and voluntarism in this country and give some protection.

I yield the remainder of my time.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. How much time remains on the Democratic side?

The PRESIDING OFFICER. Thirty-one minutes.

Mr. BINGAMAN. I yield myself such time as I will consume out of that 31 minutes.

Mr. President, when I hear the debate here on the floor, it strikes me that anyone who is watching or listening to this debate must think that we are talking past each other. It must appear that we do not seem to be able to engage on any one subject. One Senator comes to the floor and talks about voluntarism, the need to protect volunteers from liability; another Senator talks about Alexis Herman, the President's nominee for Secretary of Labor and the need to get that nomination confirmed. People cannot understand why we are not talking about the same thing.

Let me just give my perspective of where we are.

On the Democratic side, the position that many of us are taking is that we should not be going ahead with business as usual in the Senate on the last day of April unless we can get the majority to agree to allow a vote on the President's Cabinet nominee. We are getting fairly far into this year.

The President, several months ago, nominated Alexis Herman to be the Secretary of Labor. In the Labor and Human Resources Committee we voted unanimously to recommend to the full Senate that she be confirmed for that position. Just in the last couple of weeks we have been told that vote will not be taken on the Senate floor, we will not have a chance to vote for her confirmation because some on the Republican side disagree with the President's Executive order on another issue related to project labor agreements. He issued an Executive order on that subject which they did not agree with.

Mr. President, I strongly support the nomination of Alexis Herman to be our Secretary of Labor. Our committee, the Labor Committee, did report that nomination to the full Senate for consideration. We did so unanimously. This was not a Democratic vote and Republicans opposed. It was a unanimous vote. Unfortunately, we have not been able to go ahead and take that vote on the Senate floor.

When I tried to put this in some perspective—I have served here in the Senate with three different Presidents in the White House. President Reagan, when he was in the White House—of course, much of the time that he was there the Republicans controlled the Senate, so an issue like this never arose. But there were 2 years during which he was President when the Democrats controlled the Senate. I am not aware of any occasion where we refused to allow a vote on one of his nominations because we disagreed with one of the policies that President Reagan was pursuing. We certainly disagreed with many of his policies, but I cannot recall any occasion where we refused to go ahead and permit a vote on one of his nominees in order to gain leverage and force him to change a policy.

The same thing with President Bush. When President Bush was in office, of course the Democrats controlled the Senate during that time, and he nominated his Cabinet members. I do not recall any effort on the Democratic side to refuse to allow a vote on those Cabinet members. I think everyone agreed that the election was over, the President had the right to choose his own Cabinet, and that we in the Senate could object to some of those Cabinet individuals and we could vote no on their nomination, but we certainly would not deny the President the right to a vote on those Cabinet members.

So I see what is happening here with Alexis Herman's nomination as sort of unprecedented, clearly unprecedented in the time that I have been here in the Senate in the last 14 years.

I understand that some of my colleagues are opposed to the administration's plans to issue an Executive order on project labor agreements. I know that many of my colleagues may have fundamental disagreements about the appropriateness of that Executive order. This is, in my view, simply not adequate grounds for refusing to go ahead and have a vote on his Cabinet nominee.

I personally support the administration's proposal on project labor agreements for a variety of reasons. And we can have that debate when the issue comes up. As my friend from Wyoming, my colleague from Wyoming, indicates, there is a bill being considered. Fine. Let us get a piece of legislation out here. Let us have a vote on it. Let us do whatever and send it to the President, and perhaps we can persuade him to sign something if we can get agreement on something that seems reasonable.

But the Executive order on project labor agreements has nothing to do with whether or not the President should be able to appoint his own Cabinet. We should allow him to do that. We should certainly allow a vote on the Senate floor on those Cabinet nominees. If the majority wants to turn down a nomination in order to make some point, clearly that is a course they can pursue. But to deny a vote on the Senate floor in order to try to register a complaint about the President's policy, I think, is improper.

Ms. Herman presented herself extremely well to the Labor Committee. She honestly and fully answered all questions put to her. I think she won over several Senators who might have thought, going into that hearing, that they might not support her. She will be a strong advocate for working families. She will work hard, I am persuaded, to help our country prepare for the next century. Her record of public service, her record of caring about people on issues that come before the Department of Labor, which is unquestioned, her commitment to serving her country are the reasons why all of us, as I said on the Democratic and Republican side, in the committee joined to send her nomination to the floor.

I know that if we get a vote on the Senate floor, it will be an overwhelming vote of support for this nominee because all of the Senators I have talked to believe she would be a good Secretary of Labor.

The working families of this country deserve to have someone in that position which is a very important position at this time in our history. It is getting late in the legislative year. We need to go ahead and allow the President to put his own nominee in there so that he can proceed with his agenda.

I say there will be many opportunities over the course of this year and next year throughout the 105th Congress where we will debate issues such as project labor agreements here on the Senate floor. I think that is entirely as it should be. But I do not think it is appropriate for us to proceed with business as usual on the Senate floor while refusing to allow a vote on the President's nominee for Secretary of Labor.

So that is the basis for my objection to proceeding on this bill that is pending before the Senate today. I think it is a credible piece of legislation which should be debated and should be seriously considered by the Senate. But it should be seriously considered by the Senate in a circumstance where we are allowing the executive branch and allowing the President to go ahead and name his Cabinet. It is too late in the year for us to be playing the kind of cynical game that is going on here in denying a vote for this Secretary of Labor.

So I urge my colleagues to join on a bipartisan basis to bring that nomination to the floor and have that vote and then proceed to consideration of this other legislation and then proceed to the consideration of a great deal of other legislation that we should be getting on with.

I think it is clear that the Senate is rudderless at this point. We have very little on the Senate agenda. We look ahead to the next 2 or 3 weeks, and I do not see a great deal of constructive activity going forward here unless there is much more in the planning than I am aware of. But I do think the ast we can do is to go ahead and get one important nomination up and vote on it at the soonest date possible.

Mr. President, I yield the floor and reserve the remainder of our time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. How much time remains on both sides?

The PRESIDING OFFICER. There are 14 minutes on the Republican side and 21 minutes on the Democratic side.

NATIONAL ERASE THE HATE AND ELIMINATE RACISM DAY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 78 and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

A resolution (S. Res. 78) to designate April 30, 1997, as "National Erase the Hate and Eliminate Racism Day."

There being no objection, the Senate proceeded to consider the resolution.

Ms. MIKULSKI. Mr. President, I rise today in support of Senate Resolution 78, which would designate April 30, 1997 as "National Erase the Hate and Eliminate Racism Day." I am proud to be a cosponsor and am pleased we have acted today to pass this resolution.

While I believe it is important to set aside a day for special focus on fighting hatred and bigotry, this cannot be a 1 day event. That is why this resolution calls on every American to practice tolerance and to take a strong stand against hate crimes and violence in their communities each and every day.

I commend my colleagues, Senators BAUCUS and BURNS, for introducing this important legislation. This legislation will bring awareness to what is an unsettling trend in this country—the increasing incidents of hate crimes and the growing occurrences of discrimination.

I am greatly disturbed that hate crimes are on the rise. We saw evidence of that rise in the burning of African-American churches around the country, which apparently was motivated by racism. We saw it in the bombing of the Federal building in Oklahoma City, which was reportedly motivated by anti-government hatred.

We've read and seen reports in the media about hate crimes. We've witnessed the violent attacks against individuals because of their race, gender, sexual orientation or their beliefs. It's evident in the increasing number of individuals in this country who have joined fringe groups like militias and other hate groups. We've also seen it in the growing anti-immigrant sentiment in our country. As the granddaughter of immigrants, I find this particularly repugnant.

I recently met with a group of Asian-Pacific-American community leaders from my State of Maryland. They shared with me very compelling stories about discrimination that is faced each and every day by Asian-Pacific-Americans. Unfortunately, I hear this all too often when I meet with minority groups.

Asian-Pacific-Americans in Maryland are concerned about their right to participate in the democratic process. They shared with me their fears that their right to engage in campaign electoral activities is being questioned, simply because of a few cases of alleged campaign fundraising abuses purportedly committed by members of the Asian-Pacific-American community.

I have seen reports that indicate hate-motivated attacks on Asian-Pacific-Americans have grown more than 38 percent since 1993. I find that appalling. Violence against Asian-Pacific-Americans, as with other minority groups, is bred by stereotypes, discrimination, and tensions in communities.

I am concerned about what is happening in our country. It's inconceivable that more than 30 years after the passage of the Civil Rights Act of 1964, we are still grappling with racism in this country.

This plague of hatred has spread and reached our youth. A young African-American boy in Chicago was brutally attacked recently by a group of white teenagers. What happened in Chicago is one of the most brutal acts we have witnessed in recent years. It is even more appalling that the perpetrators were young teenagers.

We need to educate our youth on tolerance. We need to teach them not to hate and not to discriminate. We need to start this process early.

My State of Maryland is becoming more ethnically diverse. I meet with minority groups in my State often and they share the same concerns. They are concerned about the climate of hate in our society. They fear discrimination in schools and in the work force. And most importantly, they are concerned about their children and their children's future. If this plague of hate continues in our country, what kind of future are we ensuring for our most precious resource—our children?

We have to change the negative attitudes and perceptions in this country about minorities. We have to eliminate the persistence of violent hate crimes against racial, ethnic, and religious groups.

To succeed in making our society free of hate, racism, and discrimination, we have to take a stand that we will not tolerate random acts of hate, subtle and overt racism, and widespread discrimination. I am committed to doing my part. This is a commitment that has to be made by everyone.

I believe that this resolution will send the message that we will no longer tolerate hate and discrimination in this country. I urge my colleagues to support this resolution.

Mr. ABRAHAM. Mr. President, I rise today to offer my support as a cosponsor to Senate Resolution 78. This resolution designates April 30, 1997, as National Erase the Hate Day." I support this resolution because it not only designates a day to focus on solutions to hate crimes, but also calls upon all nations, States, neighborhoods, and communities to take a stand against these hate crimes.

As I have stated many times, ours is a nation of immigrants consisting of people from various racial, ethnic, and religious ancestries. People came here from around the world to become part of a nation of independence, opportunity and freedom. There should be no tolerance or acceptance of any crimes—especially those crimes which target their victims simply because of their race, ethnicity, or religious background.

The Leadership Conference on Civil Rights has published the first comprehensive summary of hate crimes in America. Their publication, Cause for Concern, Hate Crimes in America, provides a number of examples of hate crimes that have resulted in injury or even death to innocent people solely on account of their racial and other makeup.

For example, on June 11, 1995, arsonists burned down the home of a Latino family in the Antelope Valley, CA, city of Palmdale. They spray painted "white power" and "your family dies" on the walls.

In August of 1992, a 19 year old Vietnamese American pre-med student in Coral Springs, FL, was beaten to death by a mob of white youths who called him "chink" and "Vietcong."

And, in Oklahoma City, following the bombing of the Federal office building, an Iraqi refugee in her mid-twenties miscarried her near-term baby after an April 20 attack on her home. Unknown assailants pounded on the door of her home, broke windows, and screamed anti-Islamic epithets.

Mr. President, there is no room in our country for these kinds of crimes. We must not allow them to continue. We currently have Federal laws against hate crimes. Further, the Leadership Conference on Civil Rights reports that 47 States and the District of Columbia have passed their own hate crime laws. Among other things, these laws ban vandalism against religious institutions such as churches, synagogues, and mosques.

It is my sincere hope that this resolution will inspire more people to stand up against all hate crimes in all their forms.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 78) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 78

Whereas the term "hate crime" means an offense in which one or more individuals, commits an offense (such as an assault or battery (simple or aggravated), theft, criminal trespass, damage to property, mob action, disorderly conduct, or telephone harassment) by reason of the race, color, creed, religion, ancestry, gender, sexual orientation, physical or mental disability, or national origin of another individual or group of individuals;

Whereas there are almost 8,000 hate crimes reported to the Department of Justice each year, and the number of hate crimes reported increases each year;

Whereas hate crimes have no place in a civilized society that is dedicated to freedom and independence, as is the United States;

Whereas the people of the United States must lead and set the example for the world in protecting the rights of all people;

Whereas the people of the United States should take personal responsibility for and action against hatred and hate crimes;

Whereas the Members of Congress, as representatives of the people of the United States, must take personal responsibility for and action against hatred and hate crimes;

Whereas the laws against hate crimes, which have been passed by Congress and signed by the President, must be supported and implemented by the people of the United States and by Federal, State, and local law enforcement officials and other public servants: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 30, 1997, as "National Erase the Hate and Eliminate Racism Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and throughout the world to recognize the importance of using each day as an opportunity to take a stand against hate crimes and violence in their nations, states, neighborhoods, and communities.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum and ask unanimous consent that the time be equally divided on both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the bill.

Mr. COVERDELL. Mr. President, I yield up to 5 minutes to my good colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I rise in support of this legislation. There is—and the public knows this better than we do—a lot of legislation we debate on the floor of this body that might make sense in Washington, but does not make sense outside of Washington. We spend a lot of time debating legislation that does not make a difference in people's lives. This bill, S. 543, not only expresses American common sense—at least from my part of the country, Midwestern common sense—but it also says no to Washington nonsense.

This bill gives me an opportunity, at the same time, to compliment the Senator from Georgia for the outstanding work that he is doing in this area.

Debate of legislation that solidly promotes voluntarism is an example of Congress spending some of its time to get something done where there is a real reward. It is an example of the taxpayers' money well spent, to pay us to write legislation that will encourage Americans to do what we have a tradition of doing in this country—volunteering.

I am sure Alexis de Tocqueville has been quoted on the floor of the Senate often during the debate of this bill. One observation that the French nobleman made when he came to this country in the 1830's to study our new system of government, was the American tradition of voluntarism that he saw in our churches and in our volunteer societies—or as he termed them "societies of cooperation." He believed that one of the wonderful and unique aspects of our society was that neighbor helps neighbor. Yet, now our society has impediments to this tradition of voluntarism, to this neighbor helping neighbor.

Our good friend from Georgia has a solution that restores the voluntarism that de Tocqueville observed. This very important legislation will remove one impediment to voluntarism in America. This bill will lessen the threat of a lawsuit for volunteers and their organizations. So here we are today discussing some legislation that is common sense. We are wisely spending our time and energy debating legislation that would provide to the taxpayer, in volunteer hours, more return on the taxpayers' dollars than anything we do.

I come here to support the Volunteer Protection Act of 1997 and to compliment Senator COVERDELL. This legislation has two important benefits. First, it promotes voluntarism. It promotes voluntarism at the time of the big volunteer crusade in Philadelphia. Praise the Lord for the people that were involved in that because that was a very worthwhile project and it was bipartisan. The Congress can do something through this legislation that will help that effort as well. So this legislation promotes voluntarism, and it also enacts much needed tort reform.

Volunteers are vital to the health and welfare of our communities, States, and our Nation. We all rely on the kindness of friends and strangers. Volunteers are often these people, whether we see them or not, who bring meals to the homebound; who clean up trash along our highways; who respond to natural disasters. I will point out just a few recent examples.

The United Way of Central Iowa rallied 2,500 volunteers—nearly twice as many as in 1995—to complete 97 projects. Among these volunteers was a troop of Brownies who baked brownies for the children and families at the local Ronald McDonald House.

At the American Red Cross homeless shelter in Rockford, VT, 47 volunteers, including 15 shelter residents, painted and cleaned the shelter, dug a new pathway in its yard, and picked up litter in the neighborhood.

The George Washington High School swim team in Danville, VA, gave an hour of free swimming lessons to 60 nonswimmers in grades 2 through 4.

In Detroit, MI, kids from University CAMP and Detroit Country Day School painted, cleaned, and removed graffiti and boarded up vacant homes.

The Men's Club of Oakland Methodist Church in Maryville, TN, installed carpeting and built a wheelchair ramp for a needy family whose 8-year-old daughter is in a wheelchair.

These are only a few of the volunteers whose efforts have come to my attention. This is just a sampling of what volunteers give to our communities. We have an obligation to these volunteers and to their organizations beyond the casual "thank you." If they are going to make these efforts, we must do everything in our power to enable and encourage them. We owe it to them to make their burden lighter and their jobs easier. We owe it to the organizations to make it as easy as possible for them to recruit volunteers. We must lower the risk incurred by volunteers and their organizations.

This bill lowers the risk. It limits potential liability for volunteers and their organizations. It is only fitting that we pass this legislation for all of the volunteers and their organizations who put forth the sweat and the labor to accomplish so many good deeds. It is simply fair and equitable. That is what this legislation is all about.

I am a senior member of the Senate Judiciary Committee and chairman of the subcommittee with jurisdiction over this issue. I can tell you from my experience in this position that this is badly needed reform. The purpose of our civil court system is to establish liability and to compensate the injured. It does not always accomplish this now. I believe that our court system needs reform, including punitive damage reform. Punitive damages are an unpredictable risk for companies and volunteer organizations. They are sometimes a windfall to those less injured, while the truly injured do not receive the same financial amount. Our court system should not be a lottery but, instead, should award all who are similarly injured with similar compensation. Likewise, those punished should be punished equally for similar transgressions.

This bill does not accomplish all of the needed reforms for the system. However, it is a solid first step. It will give the volunteer community some certainty of the risks that it faces. It does not relieve anyone of liability for conduct that is criminal, grossly negligent or reckless. It continues to hold those who intentionally commit wrongdoing liable for such acts. It is a good, fair bill that will boost the volunteer community and volunteers.

So I strongly urge all my colleagues on both sides of the aisle to think of the volunteers that they know, the people represented by the President and ex-Presidents and by Colin Powell in Philadelphia, the people they have met along the way, as well, and perhaps even volunteers who personally helped them. That is what this bill is all about. It is about volunteers and not about trial lawyers.

As everyone on this floor knows, the highly paid trial lawyers have set out to stop this bill. Of course, too many in this body, particularly a large majority on the other side of the aisle, are doing the trial lawyers' bidding, as you can see from the opposition to this bill. The trial lawyers want to stop this bill because it will cost them money. It will reduce their legal fees in most cases when they are suing a volunteer or volunteer organization. But this bill is not and should not be about trial lawyers and not about trial lawyers' compensation. This is a bill about what America is about, about volunteering and about volunteers. It is about the people who do things that they do not even want to be thanked for; it is about selfless people who give of their time and give it freely to those in need.

It is to these people that we owe something. That is what the Philadelphia conference was all about. We owe it to the volunteers to make their jobs easier. That is what this bill does. I ask my colleagues to put volunteers ahead of trial lawyers and to support this bill.

I yield the floor.

Mr. COVERDELL. Mr. President, I thank my colleague from Iowa for his long work in this area of legal reform and for his comments here today. They were particularly thoughtful.

How much time remains?

The PRESIDING OFFICER. One minute, twenty seconds.

Mr. COVERDELL. Mr. President, a very brief rebuttal to the argument we just heard from the Senator from New Mexico. He said the holding of this Cabinet nominee was unprecedented. I cannot speak to that one way or another. I have only been here 4 years, but I can say that the actions of his President, our President, are also unprecedented. An Executive order that totally rewrites labor law and obviates the Constitution is unprecedented and has no standing, in my judgment, in this debate—none.

I think the Senator from Iowa said it eloquently. This is one we do for the volunteers.

Mr. LEAHY. Mr. President, as I said yesterday, I believe that the goal of encouraging voluntarism is a laudable one. I stand ready to work with others on a bipartisan or nonpartisan approach to doing so. This bill, S. 543, is not the answer and appears not even to ask the right question. It is flawed and would benefit from attention through the normal legislative process of hearing, public comment, review, committee consideration, amendment and report, and Senate action. Instead, the majority is trying to force this bill through the Senate to catch the train of press coverage on the Presidents' summit on America's future.

The contrast between what has taken place in Philadelphia and here in Washington could not be more stark. In Philadelphia, thousands of volunteers and activists are joining with leaders who have served as Presidents from both major political parties, First Ladies, involved celebrities, and corporate sponsors. The summit may well spark a renewed dedication among the millions of Americans to get involved to make a difference.

Ours is a tradition rich in neighbor helping neighbor and citizen service. The honest involvement of so many and the commitment to improve the lives and futures of 15 million children is extraordinary.

By contrast, this week the Republican controlled Senate simply cannot abide the nonpartisan events in Philadelphia. I do not know whether it is the involvement of Gen. Colin Powell, Nancy Reagan, George and Barbara Bush, or President Clinton and Mrs. Clinton that is driving the Republican leadership bonkers, but something has. Is it not possible that something happening outside of Washington can have meaning to millions of Americans without congressional Republicans having to insert themselves for partisan gain. I asked yesterday why we are being forced to take up the ill-considered S. 543. The answer is because the Republican leadership says so. Otherwise, they might miss out on claiming credit in connection with this week's activities in Philadelphia. I guess in their minds nothing happens that does not involve their political agenda. Voluntarism should not be about politics. The summit was not partisan and about politics. Unfortunately, this heavyhanded effort is purely partisan.

I suggest that the 130 cosponsors of all political persuasion who have joined in the approach outlined by H.R. 911 may have a better idea. It is much less of the Federal Government knows best approach that is embodied in S. 543. Indeed, I suspect that sometime soon the Republican majority will try to snuff out this alternative approach to the excesses of S. 543. The House bill is too acceptable an alternative, too widely supported to be tolerated in these partisan times. Only a bill with a pure Republican pedigree will be tolerated in this 105th Congress. How quickly the Republican leadership has forgotten the lessons of legislating through bipartisan cooperation for the good of the country.

Why is the Federal incursion into State law and local volunteer activity needed? Why is this bill the top priority for Congress? Why has the majority leader threatened to shut down the Senate until this particular bill is passed and devoted an entire week to it? Well, the bill purports to protect volunteers from "liability abuses." Voluntarism is at an all-time high according to the Wall Street Journal—and that was before the summit in Philadelphia. This morning the principal sponsor of the bill and the majority leader clarified that it is not so much that judgments are being awarded against volunteers or volunteer organizations but that there is a threat of suit. If that is so then why are we being forced to adopt broad-based Federal standards, which by the way will not prevent the filing of lawsuits but only provide a series of Federal law defenses based on factual proof after hearings?

Why not, instead, encourage the States in their efforts to allow or require indemnification of volunteers for the costs of suit? That is what Georgia and Vermont and many other States have already done.

Where are the outrageous jury awards against charitable organizations that threaten voluntarism in America? This morning the proponents of this legislation admit that they do not exist. Nonetheless, purportedly in the interests of the beneficiaries of their services, we are being asked to adopt a Federal standard other than the exercise of due care that such activities otherwise might be held to under 200 years of State law development even though the behaviors we are discussing will affect the most vulnerable among us.

I ask unanimous consent to have printed in the RECORD the statement of administration policy received from the administration.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, April 29, 1997.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

S. 543—Volunteer Protection Act of 1997—(Coverdell (R) Georgia and 10 cosponsors)

Although the Administration strongly supports national and community service and volunteerism, it opposes S. 543.

The President has a deep commitment to volunteer and service activities and supports efforts to encourage Americans to engage in these activities. The Administration will work with Congress on proposals that, while respecting state law, help provide reasonable liability protection to volunteers involved in the delivery of needed services.

S. 543 is not such a bill. Without any hearings demonstrating the inadequacy of state law in this area, S. 543 effects a sweeping preemption of state law in cases involving "non-profit organizations" and "volunteers." The over-broad definitions in the bill—which might apply to hate groups, street gangs, or violent militia—make this takeover of state law potentially troubling.

As with broader tort reform measures, the Administration is also troubled by the legislation's one-way preemption—state laws would be preempted if they favor plaintiffs, but not if they favor defendants—and by Section 5 of the Bill, which would totally abolish joint-and-several liability for noneconomic damages (e.g., pain and suffering). This provision would unfairly discriminate against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. Noneconomic damages are as important to victims as economic damages and must not be relegated to second-class status.

Mr. LEAHY. Mr. President, the statement notes the President's deep commitment to volunteer and service activities, indeed his AmeriCorps initiation and participation at the summit are both noteworthy examples of his commitment. The statement notes as I have the overbroad definitions in the bill and its unnecessary takeover of State law, among other serious problems.

The principal sponsor came to the floor this morning to say that the Ku Klux Klan is not included within the bill's definition of nonprofit organizations that would be covered by its provisions. Unfortunately, he did not say why. Wishing does not change the words of the bill.

To my colleagues who believe S. 543 could not immunize the Ku Klux Klan from liability, let me refer you to a letter to me from Morris Dees of the Southern Poverty Law Center. As many of us know, this organization has been on the front lines in the battle against hate groups like the KKK. The Southern Poverty Law Center is acutely aware, probably more so that most of my colleagues, of the hateful acts perpetrated by groups like the KKK. Yet the Senate is considering a bill that would potentially bestow liability immunity upon the KKK.

I know that every one of my colleagues violently opposes the KKK and would not support liability protection for them, but because we have not been given adequate time to consider this bill, flawed provisions like this overbroad definition remain.

The definition of nonprofit organizations includes the Government and not-for-profit organizations. Not-for-profit organizations appear to be self-defined to include any organization "conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes."

Who decides which groups qualify for limited liability under this definition and what happens when groups like the KKK declare themselves a noncommercial, nonprofit volunteer organization?

The Southern Poverty Law Center realizes this and opposes S. 543 because they know the Senate bill before us would make it more difficult to prosecute hate groups like the KKK. To quote Morris Dees, the highly respected director of the Southern Poverty Law Center:

> We strongly urge you to withdraw this legislation and vote against any law that limits the ability of our civil justice system to punish those people and organizations that inflict unspeakable injuries on our friends, neighbors, family members and communities. Please, do not help protect white supremacists, neo-Nazi organizations, violence-prone militia groups and others who commit hate crimes.

Mr. President, I don't know about my colleagues, but when Morris Dees speaks, I think we should pause and listen. I ask unanimous consent that Mr. Dees' letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SOUTHERN
POVERTY LAW CENTER,
Montgomery, AL, April 29, 1997.

Sen. PATRICK J. LEAHY,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEAHY: The Southern Poverty Law Center opposes Senate Bill 543, legislation that would make it more difficult to sue non-profit organizations. Because the bill broadly covers all non-profit organizations, it would protect white supremacists, neo-Nazi and violent militia groups. These are the types of organizations the Southern Poverty Law Center has crippled over the past ten years through the use of both federal and state tort laws.

Senate Bill 543 raises the standard of care and the standard of proof in punitive damages cases, making it harder for the victims of hate activity and racial attacks to punish wrongdoers. For example, it would allow punitive damages against non-profit organizations or its volunteers if their misconduct constituted "willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed." However, misconduct that constitutes "gross neligence" or "recklessness" would be exempt from such damages. In other words, if a cross burning were legally held on Ku Klux Klan property and a larger fire ensued, spreading to a neighbor's home and killing the neighbor, the KKK would be immune from punitive damages if its conduct constituted "recklessness" or "gross negligence."

The bill does contain a number of narrow exceptions for volunteers, including misconduct that constitutes a crime of violence, hate crime, sexual offense or civil rights violation. However, these kinds of misconduct are only exempt from the bill's restrictions if the defendant was first convicted in a criminal court. Our cases against Klan and White Aryan Resistance leaders would not have fallen under Senate Bill 543's exemptions, since these individuals had no prior criminal convictions. Moreover, the $12.5 million judgment we obtained against the White Aryan Resistance, which put this group out of business, consisted mostly of punitive damages which may have been subject to Senate Bill 543's limitations.

Important questions relating to a non-profit organization's responsibility and conduct are liability issues judges and juries should decide, not Congress. We strongly support your opposition to this legislation that would limit the ability of our civil justice system to punish those people and organizations that inflict unspeakable injuries on our friends, neighbors, family members and communities. Thank you for not helping to protect white supremacists, neo-Nazi organizations, violence-prone militia groups and others who commit hate crimes.

Sincerely,

MORRIS DEES.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I wanted to come to the floor prior to the vote to respond briefly to the distinguished majority leader. We have had the good fortune to work together on a number of issues, and I am disappointed that at least to date on this matter we have not been able to find common agreement.

I am disappointed with his announcement that we would not be taking up additional legislation, which I assume he meant even the emergency supplemental disaster assistance legislation until we dispose of this bill. I have expressed my concerns already about the need to expedite consideration of disaster help to 23 States who are waiting for us to respond quickly.

The situation all through the country, but especially in the upper Midwest, is very severe. There are thousands of people who are homeless today as a result of the floods and natural disasters that they have had to face, thousands of people without businesses, thousands of people without homes, and thousands of people without schools. These thousands of people, hopefully, will be able to get through in spite of these difficulties and who still have hope that we can respond as quickly as possible.

I do not know who the anonymous donor was, but apparently an anonymous donor has agreed to provide $2,000 to every person living in Grand Forks and East Grand Forks to help them get through these difficulties. We estimate that is at least a $10 million contribution. Well, if somebody, anonymously, can do that, it seems to me that this Congress can also respond—obviously, without anonymity—but as quickly and as effectively as this donor has.

So I hope that we can move this. I hope we are not going to subject this to extraneous legislation and I hope that, regardless of whether we agree or disagree on this particular bill, we recognize the urgency with which we have to deal with this issue and come to grips with it and respond, as we have in other emergency situations.

We ought to recognize that it is not Democrats or Republicans who are going to suffer the consequences of delay; it is farmers, businesses, children, hospitals, and so many people who await our decision—not by the week or the day, but by the hour. So we don't have much opportunity. South Dakota was hit, Mississippi was hit, North Dakota was hit—23 States. So we all know the dramatic repercussions that natural disasters can have, and we know how critical it is that we respond as quickly as possible.

On this particular piece of legislation, I have a great respect for the distinguished Senator from Georgia. I differ with him on this particular bill, in part, because I, frankly, think there is a better way to do it. Congressman PORTER, Senator LEAHY, and others have worked on legislation that would allow us to deal with the legitimate circumstances presented by the distinguished Senator from Georgia, but in a way that also protects individuals who may be physically abused or sexually abused, or who may be victims of circumstance and have no recourse if this legislation were to pass. We want to be sure that we can provide a meaningful way with which to provide the balance, I guess, between the need of victims to address problems and the need for volunteer organizations to be protected from lawsuits that, in many cases, are frivolous. So we are seeking balance here. I think we can provide better balance in the Porter-Leahy legislation.

The majority leader came to the floor this morning and put a new urgency on this bill that I had not heard before. If there was such urgency, it is somewhat surprising to me that our Republican colleagues did not see fit to move it through the legislative process with the same degree of urgency. Why didn't we hold hearings immediately upon the introduction of the bill? Why didn't we have a markup in the committee if it was so urgent? Why hasn't there been more discussion? And why wasn't the Democratic leader consulted about the urgency and the nature of this legislation weeks ago, to say this week we are going to take this up because it is urgent? No one said anything to me about urgency. I first heard about urgency today. I am puzzled by the urgency that we have now attributed to this legislation, given the record.

So I hope, Mr. President, that we can figure out a way to compromise on this legislation in a way that would allow us to expeditiously move this process along. Regardless of circumstance, I hope that we will not hold hostage the emergency disaster legislation in an effort to leverage passage of this bill. We can do better than that. There ought to be ways with which to work this out, as we have found the ability to work out so many other somewhat controversial and, at times, complicated pieces of legislation. Two weeks ago, we got a unanimous consent agreement that was four pages long. If we can pass a unanimous consent agreement that is that complex, taking us four pages, on a treaty as controversial as chemical weapons was just last week, it seems to me that we ought to take something for which there ought to be broad-based interest and support and find a way to compromise this in a way that allows us to move it along.

Quite clearly, there is another matter involved here. The papers addressed it this morning. We are equally troubled by the fact that Ms. Herman has been subjected to an amazing array of practices that I hope will cease. She has had her hearing. She has been investigated, reinvestigated, and subjected to an array of questions. She has been brought in for special meetings and special explanations. She has been the subject of a great deal of rumor, innuendo, and media outlets across the country. She has presented herself in a way that I think is as professional as any I have ever seen. The President deserves the right to have his advisers, to have his Cabinet working with him. Once we have decided that she is qualified—and I guess that based upon the unanimity with which she was approved in the committee, there is a bipartisan recognition of her qualifications—that should be it. She has dispelled all the questions. She has responded as affirmatively as she knows how to do. The President has made public his choice. What is there left that must be done to advance her nomination?

We have tried to negotiate. We have tried in as many ways as possible to work through this. We are left with no recourse but to oppose cloture so long as we can't get some understanding of what there is left to do in the case of the nomination of Alexis Herman to be Secretary of Labor. So we want to move that, too. We want to find a way to resolve that impediment as well. It is not our desire to hold things up. But when we bypass the committees and then don't take up legislation or nominations that certainly warrant consideration on the Senate floor in an expeditious manner, whether it is the emergency supplemental or the nomination of a Labor Secretary who has been confirmed now for some time by the committee itself, then the question comes, what options do we have left?

At least the volunteer bill gets a cloture vote. Maybe we ought to subject Ms. Herman to a vote, and if there is a certain degree of opposition to that, we can have a cloture vote on her nomination. But we don't even get that. So this isn't the way I hoped we could achieve more meaningful bipartisanship on a whole array of issues. I hope we can do that on all of the bills I mentioned and all of the nominations still pending on the Executive Calendar.

I might say, Mr. President—on the number of nominations—the other day when I looked, there were four pages of them on the Senate Calendar. I see now on page 11, "Nominations Placed on the Secretary's Desk," are now such that we have virtually 11 pages of them, of people that await confirmation, await a decision by the Senate, people whose lives are affected by delay, just as my disaster victims are affected by delay.

The question is, how much longer will they wait? What is it they must wait for? Is it a concern about their qualifications? Is it a concern about something in their background? Is it simply an unwillingness on the part of the majority to deal with the business that we have available to us, which we must address? Every President has the right to make nominations and to make decisions with regard to the personnel in his or her administration. That is the least we can afford this administration, but more importantly, the least we ought to be able to afford those people whose names are on these 11 pages.

So let's get on with the business and let's move ahead. Let's find a compromise on this bill. Let's confirm Ms. Herman. And above and beyond everything else, let's make absolutely certain that we pass the disaster bill as quickly as possible.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 11:15 a.m. having arrived, the clerk will report the motion to invoke cloture.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 543, a bill to provide protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers:

Senators Trent Lott, Paul Coverdell, Connie Mack, Slade Gorton, Don Nickles, Spencer Abraham, Larry E. Craig, Michael Enzi, Craig Thomas, Phil Gramm, Dan Coats, Rick Santorum, Mitch McConnell, Orrin Hatch, R.F. Bennett, and Mike DeWine.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 543, the Volunteer Protection Act, shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The yeas and nays resulted—yeas 55, nays 44, as follows:

[Rollcall Vote No. 53 Leg.]

YEAS—55

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Chafee
Coats
Cochran
Collins
Coverdell
Craig
D'Amato
DeWine
Domenici
Enzi
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kempthorne
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Smith, Bob (NH)
Smith, Gordon (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Shelby
Torricelli
Wellstone
Wyden

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote the yeas are 55, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I also ask that I may be allowed to speak in morning business for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMBERS OF THE MINNESOTA NATIONAL GUARD DESERVE OUR THANKS

Mr. GRAMS. Mr. President, as we discuss the topic of voluntarism, I rise today to acknowledge a group of individuals who are making a very big difference, a tremendous difference as the people of Minnesota are fighting the floodwaters that have paralyzed so much of our State.

The men and women of the Minnesota National Guard have stepped up these last several weeks and served with distinction under what have been very deplorable conditions. Battling a rising river is back-breaking work in itself. It is nearly impossible when combined with the ice and the extreme cold produced by a blizzard. Yet those are the conditions that the Guard endured as they worked side by side with the residents of Minnesota's flood devastated communities.

Well over 2,000 National Guard troops have been called up to assist in both preventing flood damage and cleaning up when the waters finally begin to recede. These are men and women who have full-time jobs and lives outside the Guard and take time away from their other responsibilities to fulfill an obligation they feel to Minnesota and its communities. Many of the mayors and elected officials within the declared disaster area told me that the Guard has been such an integral part of their flood response efforts that they cannot imagine being without their assistance. The National Guard have always been instrumental in so many ways, in so many communities, that it is nearly impossible to list every activity in which they have been involved.

Now, as the flood waters began to rise, they helped with the sandbagging that saved so many homes and buildings. They went door to door, urging residents to leave before the waters forced them to go. They put their engineering expertise to work, finding ways to ward off the flooding. And when it came time to evacuate, the National Guard played a key role moving Minnesotans to safety, whether by helicopter or truck, and helped evacuate nursing homes and hospitals. When all the residents were gone, they were there to guard the deserted towns and kept away sightseers and potential looters. The Guard's water purification units and electrical generators have been invaluable during the flooding.

The members of the Minnesota National Guard have served with little sleep and under the worst of conditions, but they have continually exceeded our expectations and they deserve a great deal of the credit for leading us through this time of crisis. Without the Guard, I think it is safe to say that a great many more lives would have been lost and a great deal more property would have been damaged. They have earned the respect and the deep gratitude of all Minnesotans and I salute them for standing with us and I thank them for their service.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Mr. President, just before the vote, the minority leader was speaking. Of course he addressed many matters not related to the legislation before us, but he did allude to it.

I appreciate the kind remarks that he made and that perhaps there could be work done to arrive at an agreement which both sides—at least he could agree with. But he specifically alluded to the situation where you would not want to have a volunteer involved with a sexual harassment or sexual crime.

I really do hope—this is not a long piece of legislation. It is 12 pages. I wish the staffs and Members would read it. I want to read this brief section, to respond to his comment:

> EXCEPTIONS TO LIMITATIONS ON LIABILITY.—The limitations on the liability of a volunteer, nonprofit organization, or governmental entity under this section shall not apply [Note. No protection. There is no protection to the volunteer] to any misconduct that—
>
> (1) constitutes a crime of violence . . . (2) constitutes a hate crime . . . (3) involves a sexual offense. . . .

So the very point to which the minority leader felt that he could not agree is not a difference between us. There may be others, but this is not, because a volunteer, involved in that type of activity, is not protected.

Mr. President, I might point out, too, the announcement that this legislation would be before the Senate was published in the calendar issued by the majority leader to everybody, including the minority leader, some time back. It specifically said that on Monday, April 28, this is the legislation that would be before us. We are now up to 55 votes to break this filibuster. I guess I could be somewhat relieved. At the rate we are going we will only need five more cloture votes and we will actually be able to proceed to the congressional response to the President's summit on voluntarism. We have heard a lot about gridlock, about not being able to do anything, and this is a very visible example right here on the Senate floor of the obstacle and hurdle, the gridlock that is preventing us from proceeding to a very good piece of legislation. It has broad support all across the country. It would help volunteers step forward and participate and respond to the President's request. But we are being blocked by a Democrat filibuster to prevent our proceeding to S. 543, the Volunteer Protection Act.

I would like to take a moment or two, here, to talk about the responses to the limited debate from the other side about the bill. Most of the debate has been about other subjects.

Mr. DORGAN. Mr. President, I wonder if the Senator will yield?

Mr. COVERDELL. I will be glad to yield.

Mr. DORGAN. I appreciate the courtesy of the Senator for yielding. One of the reasons for the discussion about the other subjects is especially the gravity of the disaster that has occurred in the States of Minnesota, South Dakota, and North Dakota. A number of us wanted to address the issue. We face a markup this afternoon, and hope very much that can occur without extraneous amendments and we wanted to discuss that a bit. I appreciate very much the courtesy.

I wonder if the Senator might indicate to me when we might be able to get some time?

Mr. COVERDELL. Of course we are on S. 543, as you know.

Mr. DORGAN. I understand.

Mr. COVERDELL. I would say I would need maybe another 10 or 15 minutes on this matter before yielding to the other side.

Let me also say, in deference, having experienced this sort of natural disaster in my own State, I can appreciate the deep concern of the Senator about it. It is my understanding that the supplemental is being marked up this afternoon. To have listened to the debate yesterday, you would have thought it was already out of committee, though. That is a proposal that is still in committee. This is a matter that is before the Senate.

We have heard that voluntarism is healthier than ever, we have millions of volunteers, and we do not need a bill to encourage voluntarism. That is simply not the case, clearly not the case. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991 and 48 percent in 1993. So, from 1989, the number of Americans willing to volunteer has dropped 54, to 51, to 48. There may be any number of factors involved. I commend the President and ex-Presidents for trying to step forward and call on Americans to reverse the trend.

If they want to reverse the trend, they are going to have to deal with this subject. They are going to have to make it not a threat to be a volunteer. They are going to have to create a condition that the volunteer, in addition to being asked to come forward and provide the public service, is not at the same time saying, "And I am going to take my family's home and bank account and put them on a Russian roulette lottery wheel to see if they are going to be at risk."

The Gallup organization studied voluntarism and found, in a study titled, "Liability Crisis and the Use of Volunteers of Nonprofit Associations," that approximately 1 in 10 nonprofit organizations has experienced the resignation of a volunteer due to liability concerns. The only way we are going to turn that around is to pass S. 543, and to do it quickly. All the work of General Powell and the Presidents and the 30 Governors and 100 mayors in Philadelphia—that is a beautiful visual, and inspirational, but, unless we do something pragmatic like protecting these volunteers, you are not going to get the response that you are looking for.

The Gallup organization also found that one in six volunteers reported withholding services due to a fear of exposure to liability suits. That is the point I made about, you step forward to volunteer but you are also putting at risk your home, your assets, your savings accounts. That is a little bit more to ask of a volunteer than I think they will find to be acceptable.

One in seven nonprofit agencies have eliminated one or more of their valuable programs because of exposure to lawsuits. So, there are a number of conditions at play here. Not only do the organizations have to invest more of their dollars into insurance costs to try to protect the volunteers—and of course when it goes to insurance it is not buying swimming lessons, it is not feeding the hungry, it does not pay for medicine or assistance that goes to an elderly person. It goes to an insurance company to protect the volunteer, as best they can, from a lawyer in a lawsuit.

So, it is diverting resources away from the purposes of the charity. It says, "We have heard that there is no evidence of a national crisis involving a flood of lawsuits and huge damage awards against volunteers of nonprofit organizations."

First, volunteers and organizations sued are not interested in publicizing the fact. They would just as soon it not be heard. So you really don't have a true sense of the magnitude of these lawsuits. Second, many cases are settled out of court. So there is no judgment entered. Again, insurance companies are not interested in publicizing or providing data on their settlements.

Mr. President, I am told we have several Senators who are seeking time on various matters. I am going to ask unanimous consent, see if I can get this right, that we would next turn to Senator DORGAN for 10 minutes, go to Senator MCCAIN for 10 minutes, Senator CONRAD for 10 minutes and Senator HUTCHISON for 10 minutes.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

The Senator from North Dakota.

THE DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. DORGAN. Mr. President, I know there is discussion this morning, again, about a meeting of the Senate Appropriations Committee this afternoon, now scheduled for 2 o'clock, to deal with the disaster supplemental appropriations bill. I come to the floor only to urge, as I did yesterday, that the committee consider the disaster appropriations bill and the issues in that bill without adding additional extraneous amendments or matters that are unrelated to the bill.

I do not want to or intend to debate other issues. There are people who have amendments, I am sure, that they feel strongly about—amendments on various bills. But I encourage them very strongly to find other places to offer amendments if they feel they need to offer amendments.

We have several amendments that I understand have been noticed that have nothing at all to do with the disaster supplemental bill. They are extraneous, unrelated issues that people want to put on this piece of legislation because, I suppose, they believe this kind of legislation will ultimately be signed by the President. But, to add extraneous or unrelated matters to this supplemental appropriations bill that is to be passed to respond to a disaster, only will increase the amount of time it takes to enact this bill. It will jeopardize the passage, I suspect, if they are very controversial amendments. And, in my judgment, that is not what we should do on this disaster bill.

So, I encourage my colleagues today, as we go to a markup, to join all of us in working to pass a bill that is free of extraneous or unrelated amendments that would cause problems for the bill.

I want, as I did yesterday, to commend Senator STEVENS and Senator BYRD and all of the others on the committee who, in a bipartisan way, have worked very hard with us to respond to a disaster that occurred in our part of the country.

In many ways, facing the kind of disaster that was faced in North and South Dakota and Minnesota brings out the best in people. It was really heartwarming to have seen during this disaster the thousands and thousands of people, many of them young people—high school and college students—and folks in their senior years, show up at sandbag lines to stack sandbags to build dikes to fight the river.

It is an extraordinary thing to see what people have done, the acts of heroism that have occurred so frequently, especially up in the Red River Valley, in this flood fight and the fight against the fire and the fight to overcome the effects of the massive blizzards.

The victims of all of this are the tens of thousands of people who were displaced. The city of Grand Forks is a city of nearly 50,000 people with no one living there, streets inundated with water. The only traffic in Grand Forks was by three or four Coast Guard boats taking people up and down and some law enforcement people on the outside of the city trying to make certain that there was order. But other than that, this was a city inundated and a city evacuated.

Of all the wonderful things people have done—and there are so many—I noticed last evening that an unidentified woman from California decided that she wanted to make a personal donation of $2,000 per household in Grand Forks, ND, to those men and women who have suffered damages to their homes. What a wonderful thing for someone to do. That will cost millions of dollars. An anonymous donor says, “I want to step up here and help.” What a wonderful thing to do.

Part of what is needed to be done, as well, is the Federal Government to understand that that region cannot recover by itself. It needs a helping hand by the Government to say to our region, “You're not alone. The rest of the people in this country want to help,” as we have done so often in other parts of the country in floods, fires, tornadoes, and earthquakes.

In order for the Federal Government to provide that assistance, we must pass a disaster supplemental appropriations bill. We should, in my judgment, do that without any extraneous amendments that are unrelated to the bill. I encourage all those who are inclined to want to add amendments to try to find a way to bring those issues to the floor at a different time. I am not here to suggest that the ideas that will be offered have no merit, that they are inappropriate ideas to be discussing or debating. I am not suggesting that at all. I just ask that we stick with what we should be doing; that is, understanding the people who have had such a heavy burden placed on them, in many cases losing everything they have, being evacuated from their homes, the people who I saw in shelters with tears in their eyes, worried about tomorrow, about whether there will be hope, whether there will be opportunity again, whether there will be help for them and their families, their children, and their parents. I just hope we can pass a piece of legislation that is without extraneous amendments that offers that kind of help.

The Senator from Arizona is on the floor. I want to say to him that I don't judge ideas that others are attempting to offer anywhere. They may have merit. I just urge everyone to take a look at the importance of this bill and see if we can't find other places to debate these ideas. I think the men and women of the Senate are men and women of enormous good will. We always try to do the right thing.

I said yesterday and want to say again, Senator STEVENS, Senator BYRD, and others have done a remarkable job in working with us to try to develop a package of assistance to that region that will be enormously helpful and enormously beneficial. I hope at the end of the day, at the end of this week, we will have moved something through this committee to the floor of the Senate to be scheduled early next week that can then be accepted by the House and be signed by the President and will extend the helping hand of the Federal Government to a lot of folks who have been hit very, very hard.

I do not intend to have a debate with anybody about the merits of this or that issue. I only come to say that this is very important, vitally important, to our region of the country, and I urge in the strongest possible terms that the Congress be allowed to pass this supplemental disaster appropriations bill without extraneous amendments attached to it.

Mr. President, I yield the floor.

Ms. MIKULSKI. Mr. President, like all of us here today, I want to extend my sympathies to the communities and families of the upper Midwest who have experienced the terrible flooding over the past several weeks.

It brings back vivid memories of the flooding that hit western Maryland last year and I know all Marylanders join me in extending our thoughts and prayers to everyone in the Midwest.

Like many of my colleagues, I was hoping for quick consideration of this important legislation so we could speed relief to disaster victims. They are counting on us to help them get back on their feet—to help them rebuild their homes and businesses.

I am so disappointed that what should have been a speedy, nonpartisan targeted relief bill has turned into another nasty partisan battle.

I am greatly concerned about the many extraneous provisions that have been wedged into this bill. The provisions are designed to inflame and divide us and to provoke a veto from the President.

They make it so much more difficult to get assistance to the people in flood ravaged communities who are counting on us. I am particularly alarmed by the inclusion in this package of what is artfully called the Shutdown Prevention Act.

Nobody knows the pain of a Government shutdown better than me and the Marylanders I represent. When the last shutdown occurred, I visited Government agencies that had to remain open.

I saw the frustration on the faces of the workers and the financial hardship it caused for all Federal employees.

I do not want another shutdown and will do everything I can to prevent it. But, the revised bill now provides for a permanent continuing resolution which is nothing more than a partisan trick.

It is designed to lock in deep cuts to important programs under the cover of preventing a Government shutdown. I am opposed to this provision and urge my colleagues to oppose it.

In addition, I am disturbed by the way in which we have chosen to pay for this bill. This bill takes $3.6 billion in unobligated funds from HUD's section 8 public housing program to pay for FEMA's disaster relief fund.

I do not believe we should be robbing Peter to pay Paul.

Eventually, Peter will be broke.

The projected budget problems with regard to the section 8 program are well known.

In fiscal year 1998, section 8 renewals will cost $10.2 billion. That is a $7 billion increase over the fiscal year 1997 funding level.

We will need the unobligated funds to pay for the section 8 renewals in fiscal year 1998. We should not be raiding the program to pay for disaster funding.

I am pleased that of the $5.8 billion in unobligated section 8 funds, $2.2 billion will be saved to cover fiscal year 1998 section 8 renewal costs. However, as the budget estimates show, we will need every dollar we can find to cover the huge increase in section 8 costs next year.

The VA/HUD Subcommittee cannot serve as the ATM machine for the rest of the committee. If we are going to pay for emergency disasters, one subcommittee should not bear a disproportionate share of the burden.

We must find a new way to pay for emergency supplemental appropriations bills. These disasters are not going to end.

We could be facing even more expensive disasters in the near future. Are we going to continually robe the VA/HUD account to pay for these bills?

I believe we need a new system or a new arrangement to deal with these type of disasters—a new system that is off-budget.

I wanted to support this bill because it is so important to the families and communities who need help. However, the changes that were added at the last minute make it impossible for me to do so. I hope in the future we can avoid partisan fights over disaster relief bills and find a more equitable way to pay for them.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I, of course, like all Americans, extend my deep and profound sympathy and pledge of assistance to those who have been ravaged by these natural disasters which are unprecedented in some parts of the country. But I am, frankly, very surprised that the Senator from North Dakota, and others, would not want to also prevent a man-made disaster that took place 2 years ago.

I ask the Senator from North Dakota if he realizes, if the Government were to shut down again, whether those people would be able to get that assistance? The answer is no, I say to the Senator from North Dakota, and it is foolishness—it is foolishness—not to understand that when there are manmade disasters, it affects people just as badly as natural disasters do.

I say to the Senator from North Dakota, I am sorry he is not concerned about the people of Arizona, the hundreds of families who were put out of work and lost their livelihood the last time the Government was shut down, the thousands of families who didn't work for the Federal Government, who were never repaid—never ever repaid—when the Secretary of the Interior, my fellow Arizonan, in his wisdom decided to shut down the Grand Canyon for the first time in 76 years.

Mr. President, I am astounded at the arguments that are made against this amendment that Senator HUTCHISON and I and those of us on this side of the aisle are supportive of to prevent the effects of a manmade disaster which happened 2 years ago, which every American decried, which every American thought was terrible, the hundreds of millions of dollars that were lost, the people who were trying to apply for Medicare benefits, the people who were trying to apply for Social Security, the other aspects of Government services that they lost, like getting a passport so they could get back from school in Europe or take a vacation—all of the Government services that we were deprived of. Yet my colleagues on the other side of the aisle have the unmitigated gall to call this an extraneous provision.

I don't know where the Senator from North Dakota was—and I am sorry he left the floor—3 years ago when the California emergency earthquake supplemental contained language inserted by then Majority Leader Mitchell that dealt with the investigation of potato diseases.

I didn't see the Senator from North Dakota on the floor when Senator BYRD put language in the bill that funded employees at the fingerprint lab in West Virginia. You know, it is a long way from West Virginia to California, Mr. President, and that language required $20 million to be expended to hire 500 employees to remain available, to be expended without regard to any other law—without regard to any other law. That was put in the California emergency earthquake supplemental.

Where were my colleagues on the other side of the aisle when all of these extraneous provisions were put in, which is a habit around here which I have decried and taken the floor in opposition to time after time.

Mr. President, this is crazy, this is just crazy, and do you know why they are doing it? Because they want to be able to threaten the shutdown of the Government so they can achieve one of two things: one, an enormous political advantage like they gained 2 years ago when, over Christmas, we saw pictures of Federal workers sitting around empty Christmas trees; or what they were able to do last year, and that is to basically blackmail the Congress into spending around $9 billion more than had been budgeted for. That is the kind of leverage they want to maintain.

Do you know what, Mr. President? I understand political leverage, I think I understand it fairly well after a few years around here, but I am not prepared to do it at the expense of the lives and welfare of the American people, and clearly those on the other side are willing to do that. I view that as gross and crass and cynical and the worst aspect of this kind of process that we are engaged in here.

We are trying to prevent the shutdown of the Federal Government, which affects the lives of millions of Americans, perhaps 250 million, and for the Senator from North Dakota, who I am glad came back to the floor, to say that this is an extraneous amendment when it has been a habit in the Congress to put extraneous information—where was the Senator from North Dakota when Senator BYRD put on the amendment that required $20 million in the hiring of 500 employees in West Virginia on the California earthquake disaster bill? Where was the Senator from North Dakota when then Majority Leader Mitchell put in the California emergency earthquake supplemental an investigation of potato diseases?

I hope the American people know better than to accept these bogus arguments when we are trying to prevent a manmade disaster.

I repeat, again, to the Senator from North Dakota, I am concerned about the people of North Dakota. I want to get them money as quickly as possible, but I am deeply disturbed he doesn't care about the people who live around the Grand Canyon who, if the Government shut down, would be out of work and not get the money back. It happened in my State. I don't know what happened in North Dakota when we shut down the Government. I know what happened in Arizona. I know what happened in Texas. I know what happened all over the country. I was flooded with calls and letters and messages: "What are you idiots doing in Washington shutting down the Government?"

I do not want it to happen again. It cannot happen again. This is a big issue; this is an important issue. I am going to object and come to this floor every time someone from the other side of the aisle says this is extraneous and the President is going to veto it. If the President wants to veto it, fine. The President of the United States then will be responsible the next time the Government shuts down—don't blame us—and my colleagues on the other side of the aisle, too, who don't support preventing the Government from being shut down. That is where the responsibility will lie.

The President may veto it. It may come back. We may cave. We have done that before. If we do, the record will be clear, I say to my colleague from North Dakota. I really appreciate, again, his concern about extraneous amendments. I hope he joins me the next time a supplemental bill comes to the floor and we will propose amendments together to take out those extraneous amendments, because he wasn't there on the other times that I have been on the floor when there have been extraneous amendments on a supplemental appropriations bill.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, thank you. I commend my colleague, the Senator from Arizona, for his commitment to trying to do what is right. We are supposed to learn from our mistakes, and I think everyone believes that it was a mistake that we had a Government shutdown. It is not anything anyone intended, but to say that we would allow ourselves to go forward into a disaster like that again would be saying you cannot learn a lesson of history.

We are learning the lesson of history. We know what it was like when veterans were not sure they would get their benefits because this administration refused to say that veterans benefits were essential payments, and they really lived in fear that those benefits that they earned would not be there. Not to mention all of the other Federal employees who wanted to come to work but could not by law do it and were not sure if the money to pay their mortgages would be there.

Mr. President, let's talk about the timing. This is the first bill out of the Appropriations Committee. It is a supplemental bill asked for by the President to cover some of the unforeseen expenses. But there are other things in the bill as well, Mr. President. I don't think the Senator from North Dakota can just pick and choose which things are essential. We have to look at good government, and we have to look at our responsibility. Part of our responsibility is seeing that the victims in North Dakota, who have suffered greatly—and we all understand that. I grew up on the gulf coast and have lived through hurricanes and have seen people not have homes. I, of all people, understand disaster. We are going to do the right thing, and part of doing the right thing is we are going to take up raises for the District of Columbia police officers. We are going to take up U.N. dues. That is part of this bill, in addition to disaster relief and taking care of our soldiers and their requirements in Bosnia.

So this is the time that we are able to address how we will appropriate this year. What we are saying is, we are not going to shut down Government. This may work to the benefit of the President; it may work to the benefit of Congress. We do not really know. But what we are saying is, we are not going to shut down Government. We are going to allow the negotiations that occur on September 30, that are still occurring to continue to occur based on the merits without any artificial hammers over anyone's head, not the President, not Congress.

That is the only responsible way we know how to deal with these disagreements. So we are saying, come September 30, we will fund at present levels minus 2-percent because in fact that 2-percent going into the next fiscal year is appropriating money that we have not yet decided how to appropriate. We did not say 75 percent. We are not looking at Draconian cuts here. We are looking at staying with the budget resolution that we passed out of this Congress and sticking to it.

The budget resolution says that we would have $541 billion for the next year in the budget plan that marches toward the year 2002 in a responsible approach to cutting the rate of growth of spending.

The President's request for the 1998 budget that we are discussing was actually somewhat under that. So how someone can say we are actually cutting the President's budget is really hard to understand because we are actually over what the President said he wanted for the 1998 year; we are over that by $3 billion.

So what has happened here is the President has come in and asked for $25 billion more; and we are being accused of cutting the $25 billion-add that he has put on to his own budget submitted last year.

So, Mr. President, this is a lot of rigmarole to say that we are not trying to do the responsible thing. We are doing it in the first bill that comes out of the Appropriations Committee to set the process for this next year. And the process is going to be that if we do not have agreements by September 30, which we hope we do, but if we do not, that we are going to continue at present levels minus 2 percent. If any agency of State or Federal Government cannot operate on a 2-percent cut, ask them to call any small business, ask them to call any family that has had trouble making ends meet to see if they would be able to budget a 2-percent cut. If 2 percent is a Draconian cut, it is time these people came into the real world, the real world of taxpayers trying to make ends meet.

So we are saying, everyone will be on notice that if we do not have an agreement for a particular appropriations bill, we will continue funding, there will not be a shutdown, and if you cannot cut 2 percent out of your budget with 6 months' notice then you really do not deserve to be running the Federal Government.

Second, Mr. President, I think it is very important when we are addressing the issue of responsible governing that we say we are going to cover disaster victims and we are going to do it in a timely way.

If the President says that a 2-percent cut in present spending is something that would make him veto the bill, then the President should answer to the victims of North Dakota, the President should answer to the soldiers in Bosnia. Because 2 percent from what we are spending today, if we do not have an agreement, I think is quite responsible.

We are not talking Draconian cuts. We are talking responsible Government. In fact, you know we had hoped to have total bipartisan support for this. We thought from all the things that were said when the Government was shut down that we would have a huge Democrat-Republican alliance to say, let us address it now. Let us give everyone notice so that everyone can plan.

In fact, I will quote from Senator DASCHLE, December 30, 1995, talking about the Government shutdown:

> The Government remains shut because some Members . . . want it shut. It is Government by gimmick, and it is wrong.

Mrs. BOXER. Would the Senator yield?

Mrs. HUTCHISON. We are addressing the concerns raised by Senator DASCHLE. And those concerns are addressed so that we will not have Government by gimmick, so that we will have responsible Government, so that everyone will know what the rules are, and so that we will be able to negotiate in good faith on appropriations that have not been finished by September 30.

Mrs. BOXER. Will the Senator yield for a brief question on the shutdown issue?

Mrs. HUTCHISON. Yes.

Mrs. BOXER. Does the Senator know how many times in the 200-year history of America the U.S. Government has shut down for an extended period of time?

Mrs. HUTCHISON. I would appreciate hearing from the Senator from California on that.

Mrs. BOXER. It only happened one time when this Congress was put in the hands of her party. And I would just like to say to my friend, who is my friend—and we do work on other things together; I am very happy about that—that on this matter it is tragic—tragic. And I wish you would go to North Dakota or maybe come to California where 120,000 people had to be evacuated from their homes. That we are putting a budget fight on an emergency supplemental—emergency—we do not have a budget.

Mrs. HUTCHISON. We are not having a budget fight. We are talking about responsible Government.

Mrs. BOXER. If we can meet on the——

The PRESIDING OFFICER. The Senator from Texas has the time.

Mrs. BOXER. I would just say, if we did this work we would not have this problem.

The PRESIDING OFFICER. The Senator from Texas has her time.

Mrs. HUTCHISON. I have seen victims of floods. And I am glad the Senator from California suggested it because I have seen the victims of flood. I live on the gulf coast. I have lived through hurricanes. I have seen my own home flooded. I have seen neighbors who have not had homes to live in, who stayed in our home because of the water. I know what it is like to see a tornado tear up an entire city in Dallas County.

But you know something? This is trying to do the responsible thing. If the President decides to veto a bill because we are trying to stop the Government by gimmick that Senator DASCHLE accused us of doing—and the Senator from California points out that we have only had a shutdown for an extended period of time one time. And I am saying, we have learned from history.

The President vetoed the bills back in 1995, but he blamed it on Congress. So Congress is saying, let us do the responsible thing. Let us make sure that we do not have a Government shutdown. If it is our fault, then we are trying to correct it, we are trying to do the right thing. And it is not a budget fight. It is the first bill out of the Appropriations Committee. And we are trying to set a process that would allow us to meet the needs of the victims of North Dakota, the soldiers in Bosnia, pay U.N. dues, raise the salaries of D.C. police, and make sure that everyone is on notice that we are not going to have Government by gimmick, we are going to have Government by responsible people, and we are going to set the parameters right now which it is in our prerogative to do.

I yield the floor.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you.

I will be very brief.

Mr. President, I served in the House of Representatives for 10 years, and I served on the Budget Committee for 6 years during that time. I now serve on the Budget Committee and happen to be on the Appropriations Committee as well. And since the Senator from Texas wants to learn from history, let me share some history with her.

In all those years on the Budget Committee—it is actually 11 in all; 6 in the House, 5 in the Senate—I have never seen the majority party, whether it was Republican or Democrat, not put forward a budget. I have never seen such a dereliction of duty. I miss my Budget Committee chairman. I want to send him a card: "Looking forward to seeing you."

I like working with Chairman PETE DOMENICI. We do not even meet anymore, Mr. President. We are not doing our work. And now on an emergency supplemental bill, where the people who have been suffering are counting on us, we move a piece of legislation on to that bill that has nothing to do with a natural disaster, that has to do with a budgetary fight which is an admission of surrender by the people who are offering it that they cannot play by the rules of the game, by the laws of this Congress which say you must have a budget on the floor by April 15.

And then to come to the floor and criticize the Senator from North Dakota, who has been working, as I have, with our Republican friends, with our Democratic friends, to craft an emergency bill that is fiscally responsible, that meets the needs of people, to have my friend from North Dakota attacked as not being empathetic to the needs of this country, to me, is beyond repair.

We have two jobs to do today. We have to pass an emergency supplemental appropriations to help the people of California, to help the people of North Dakota, indeed, to help the people of 22 States who have suffered, who have lost their homes, their businesses, who were evacuated—we have to do that—and we have to do it fast. We have to help our farmers, our small businesspeople.

I do not think I will ever forget the vision of that city in North Dakota that is a ghost town. It just looked like something out of a picture out of World War II—burning buildings sitting in water. And we are putting our budget battle on to this emergency bill. And I just have to say, I am so surprised that this has occurred. It did not happen on the House side.

Our chairman, Chairman STEVENS, called off the hearing—the markup—after telling us that he was prepared to go forward with a clean bill but others wanted this added. In respect to his colleagues, of course, he did the right thing, called off the markup.

So I hope we can come together as Democrats and Republicans. That is what the people want us to do. And let us do our job. Let us get these people the help they need.

There are other amendments now on there, environmental amendments that totally eviscerate environmental laws that should not be part of this bill.

There is a labor fight going on about how much you pay workers at construction projects. That has now gotten on to this emergency bill.

We have procedures here. We have processes here to deal with these other matters. So I am hoping we do two things today: We pass a clean bill in the committee, and we are going to go to that markup at 2 o'clock; and, second, we ask our colleagues on the Budget Committee, "Put your budget on the table before you try to resort to across-the-board cuts."

And I want to correct the record on this point. My friend from Texas made a point that in actuality this continuing resolution is going to be a level of spending higher than the President suggested. Now, this may be true for the overall number, but I can assure my friend, he has an initiative in education, he has an initiative in children's health, he has an initiative to clean up Superfund sites, he has an initiative on crime. This President has initiatives in his budget. So if you just go ahead and say, well, we have decided to forget about our free markup budget, and throw in the towel, and put this solution down on the table——

Mrs. HUTCHISON. Will the Senator yield?

Mrs. BOXER. Put this 2-percent solution on the table and indicate to the President that there will not be severe cuts in education, the environment, in crime, in health research, that is simply not true.

As a matter of fact, our analysis that we have done thus far—and we are still working on it—shows in some cases a 7-, 8-, 9-percent reduction that will result in young people not having Pell grants, kids not getting into Head Start, Superfund sites being delayed, veterans benefits being delayed, if that 2-percent solution goes forward. I hope we can have that debate another day.

I am happy to yield for a question.

Mrs. HUTCHISON. I think the Senator is saying I was correct, then, that we are increasing over the President's own budget that he put forward last year.

The Senator is making the point that there are new expenditures that you would like to make. I ask the Senator from California if she does not think it would be more responsible if the President would keep his word, keep to the $539 million that he asked for last year for this year, and set the priorities.

Mrs. BOXER. Let me answer your first question. If you want a second question, I will answer your second question. Let me answer your first question.

Mrs. HUTCHISON. You let me ask the question.

Mrs. BOXER. You asked me a question.

The PRESIDING OFFICER. The Senator from California has the time.

Mrs. HUTCHISON. It will be delayed if there is a Government shutdown, but not with a 2-percent cut.

Mrs. BOXER. I am delighted to yield as long as you want, but I do not want to forget your first question.

You asked me, did I not think it would be more responsible for the President to stick to last year's budget? No, absolutely not. Maybe the Senator has forgotten, we had an election, and this President won. Do you know what the election was about? It was about how much you ought to cut Medicare, how much you ought to spend on the environment, how much you ought to spend on education, how many more cops we should put on the beat. We had the election and the American people chose this President.

I am answering your question.

Mrs. HUTCHISON. Will the Senator yield?

Mrs. BOXER. I need to finish my answer, Mr. President, and then I will be happy to yield again.

Mrs. HUTCHISON. The President——

The PRESIDING OFFICER. If we could have some order. The California Senator has the floor.

Mrs. BOXER. Let me finish. The Senator is asking what is responsible.

It would be irresponsible for this President to back down on what he said he would do for the American people. I know there are some of my colleagues who do not agree with this President, who do not want to spend more on education, who do not want to spend more cleaning up the environment, who want to cut more out of Medicare, who would like to give tax breaks to the very wealthiest.

That is a fair debate, I say to my friend. This is a debate about budget priorities.

What I think would be responsible for this President is to stick with the promises he made in his campaign to the American people.

The second thing I think would be responsible for us is to keep this emergency supplemental appropriation clean of this budget battle. I think the American people can see in the debate between the Senator from Texas and myself, in the remarks that were made by the Senator from Arizona, that the budget battle is a very heartfelt battle. As a matter of fact, it differentiates the parties. So what is responsible for this President, it seems to me, is to get this emergency supplemental to the people, clean of these other amendments, and what is responsible for this U.S. Senate is to produce a budget and do our work.>Mr. President, I am thoroughly convinced if we do that, we do not need a 2-percent gimmick. We can have a real budget debate and a real balanced budget for the people of this country.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I yield to myself the 10 minutes allocated previously.

Mr. President, the only thing that matters to me at the end of the day is, has the Congress proceeded to enact the disaster supplemental bill? And will the disaster supplemental, as enacted, be free of provisions that would otherwise engender a Presidential veto? Will the Congress get its work done on the disaster supplemental bill? That is all I came to talk about and all I intend to talk about.

There was a demonstration here on the floor by those who say, well, if you do not support our amendment, whatever our amendment is, you do not care about Government shutdowns. What a load of nonsense. I will not respond to all of this, but just to say this: I did not come to the floor to criticize anybody and I will not respond as I am tempted to do. I came here asking only one thing: That when the Senate Committee marks up its bill at 2 o'clock, that we mark up a supplemental disaster appropriations bill without attaching amendments that are unrelated to the bill.

One Member came and took great offense to that and ranted about the fact that I or others do not support efforts to stop Government shutdowns, and so on. I have no idea how people learn these techniques—the technique of misstating your opponent's position and going on and debating them. That is an old debating technique that some memorize. It does not serve a particular interest to me.

I am very happy to work with all Members of the Senate in finding ways to avoid any Government shutdown, at any time. I have never supported a Government shutdown. I am happy to work with anybody at any time to avoid a Government shutdown. I do not want someone coming to the floor to ascribe motives I do not have. My motive was for one purpose today, and that is to encourage all Members of the Senate to understand this disaster supplemental has the word "disaster" attached to it because some parts of the country are suffering a disaster. We want, at the end of the day, to pass a bill that extends a helping hand to those folks.

Now, I understand everybody else has 800 objections to it, and they have different agendas. We have in our caucus, people who have agendas, they want to bring things to attach to this bill. They are saying, "This is the first appropriations bill. We want to attach something to it." My position to them was exactly the same. It does not matter what party you are in. I have told members of our caucus, "I do not want you to attach things to this bill." I will tell them that today if somebody says they want to do it.

Leave this bill alone. This bill affects 22 States. It affects people who have been driven from their homes who need help. We do not need people to come to the floor pointing and shouting about who supports Government shutdowns in September or October. Who is willing to help pass a disaster bill in April and May? That is the question.

I get sorely tempted some days to come and respond in kind to some of the things I hear. But my Scandinavian heritage overcomes that urge from time to time, and it will again today. My response would be in a more personal way to those with whom I take offense when they suggest somehow that those of us who want to see a disaster bill passed without interference have an agenda that does not care about the rest of the country and Government shutdowns. People know better than that. We should have reasonable and thoughtful debates here in the Senate. We should not do that sort of thing.

The agenda of the Senate, it seems to me, in the Appropriations Committee this afternoon, is how does this country respond to a series of disasters. That is what I care about. There are other issues that others care about. That is fine. We should talk about the issues. But I would feel the same way, I guess, if it was your disaster. I would want your people to get the help they deserve. And I have done that on earthquakes, fires, floods, and tornadoes all around the country in all the years I have been here.

My hope is, without ascribing ill motives to anyone in the Senate, that we can just decide to work together. I have said three times, and let me say again, Senator STEVENS is a wonderful chairman of that committee and he has been enormously helpful, I think doing a terrific job, as are other members of that Appropriations Committee, Senator BYRD and others, in difficult circumstances, putting together a disaster relief bill that extends a helping hand to people who desperately need help in this time.

Mr. President, my hope is that when we convene at 2 o'clock, we will proceed through this bill and probably be able to talk some people out of offering amendments that might load this bill down and not allow it to get passed on an expeditious basis. My hope is perhaps at the end of next week all of us, Republicans and Democrats alike who care about this, can join the President in a bill-signing ceremony that says we did what we were supposed to do. We did what was necessary. This Government extended a helping hand to people who were down and out, flat on their back, who needed help, and that there were not intramural political games being played here, there and everywhere that would delay and do the things that people so often and too often now expect of the Congress.

I understand sometimes why the American people look at this process and become profoundly disappointed—profoundly disappointed—because almost everything that happens is someone thumping their chest saying, "I am the one that will save the Republic." The fact is, what saves the Republic is the good will of men and women working together on common problems in this country in a sensible, thoughtful way. I hope that we will begin doing that and continue to do that not just on this bill but on bills that affect all of America and all of Americans. That is my hope.

I yield the floor.

VOLUNTEER PROTECTION ACT OF 1977—MOTION TO PROCEED

The Senate continued with consideration of the bill.

The PRESIDING OFFICER. The pending question is the motion to proceed to S. 543.

The Senator from Idaho.

Mr. CRAIG. I came to the floor to speak to that piece of legislation, but also to speak to the supplemental and the current situation the Senate finds itself in at this moment.

Senator DORGAN has spoken passionately, as he should, about a concern for the citizens of his State and that their needs are responded to because of the devastating floods that are ongoing in his State. For that, this Senate will respond.

I now have the privilege of serving on the Appropriations Committee, and I must tell you that it is my intent to support a supplemental appropriation that has disaster relief in it—for the citizens of North Dakota, yes, but also for the citizens of Midvale, ID, my hometown.

In early January of this year, the national television cameras did not sweep across the 4 feet of water that surged through my hometown, that displaced 40 residents, destroyed homes, took the one small general store and put it out of business. I flew over it a few days later in a helicopter to see utter devastation like I had never seen before and like my friends and neighbors had never witnessed. I remembered looking at the files of the local newspaper and the flood of 1950 when I was a small child in that community. This, of course, was even worse. This was, without doubt, the 100-year flood.

Now, what I found out at that time—and I have great praise for FEMA and the Army Corps of Engineers and others—is that they did respond and they responded immediately. The citizens of Midvale were cared for within the limitations of the law and prescriptive to their needs. I am pleased about that and played a small role in helping them.

What I also find out is that the citizens of North Dakota are being cared for at this moment. There is adequate money at this moment to deal with the immediate needs. They are being cared for. Will there be necessary moneys for the future needs of rebuilding and repair? No. That is what the supplemental is all about. There is adequate time for a responsible and reasoned debate on what we do about the expenditures of our Government.

I am going to support a continuing resolution tied to the supplemental appropriation. Why? Because I do not like the budget process gamed. I do not like a President, who owns a bully pulpit, to veto and then stand on that pulpit, when it was his pen that brought the Government to a halt, turning and saying, "Look at those folks up on the Hill. They did not give me what I wanted, so I am shutting the Government down." He says, "They did not give me what I wanted, so they are shutting the Government down," and he got away with it. The American people said, "Oh my goodness, isn't that terrible. Congress should not have done that."

Congress did not intend to do that. Congress will not do that again. That is why we have considered amongst ourselves the importance of putting together a supplemental with a continuing resolution that has a level of expenditure of 98 percent of the 1997 fiscal year level. That is right and it is responsible.

Now, I am on the Appropriations Committee. Yes, I am a freshman. I understand that. Does it take away my power and my leverage on the committee? I really do not think so. All appropriators want to produce and pass the 13 appropriations bills that will constitute the new budget for fiscal year 1998. Why? Because it is good policy. The President has some new programs, and he will get them. We have some new programs that we want and some spending reduction levels that we want and a tax package that we want that we think are important for the American people, and we will get there and the budget will be balanced.

But what the CR gives us is the room to operate and to say to our Government employees, you will not be put at risk and we will not allow you to be gamed. I have a sense there is a little gaming going on now about the need and the urgency.

Let me make myself clear. It is my understanding, based on an immediate review of the budgets of FEMA and the Army Corps of Engineers and other areas, that they have money to deal with the immediate situation, and it has been dealt with. Every citizen in this country that turned on the national news saw Federal employees and Federal people on the ground in North Dakota helping, and they are there today and will be there tomorrow. What is important is that we deal with this issue and deal with it in a responsible and timely way. Will there be add-ons to the supplemental? Yes, there will be.

Mr. COVERDELL. Will the Senator yield?

Mr. CRAIG. I am happy to yield.

Mr. COVERDELL. I am not on the Appropriations Committee. Let me say this just for clarification here. The supplemental is a vehicle by which we can help the flood; it is not a disaster supplemental.

Mr. CRAIG. That is correct.

Mr. COVERDELL. In other words, this has been in the process since before the emergency, so it is going to probably deal with Bosnia. I am just guessing, as I am not on the committee. Do you not have something dealing with our troops overseas in this matter?

Mr. CRAIG. The President, as the Commander in Chief, has the latitude within the law to spend beyond the limits of the budget when we have troops in foreign lands. The Food and Foraging Act allows for the President to do that. That case has occurred in Bosnia. What the supplemental offers is some reprogramming of dollars within the defense budget to pay for expenditures that have already been let in the area of Defense. So it is not just flood money. It is clearly reprogramming money for the Department of Defense and for our troops stationed in Bosnia.

Mr. COVERDELL. My point is this. When we have a disaster, we typically use whatever vehicle is moving to deal with it. For example, in the great 500-year flood that we experienced several years ago in Georgia as a result of Alberto—and I believe we all understand the sense of urgency that comes from any Member of the body who represents that kind of a condition—for the long-term relief, I, along with my colleague at the time, Senator Nunn, were addressing it on a series of appropriations bills. So this disaster is being addressed on this appropriation vehicle, but it is not a bill for the disaster. It is the process in which we are engaged that we are using to help the disaster.

Now, this is my last question, and then I will let the Senator proceed with his remarks. The Senator very astutely made the point that the emergency brings out our emergency resources. In our case, FEMA was there immediately. A coordinated center was set up for relief, water was flown in, and the National Guard was dispatched throughout the southwestern quadrant of the State. What we were dealing with in appropriations was the long-term build-back, which takes a long time.

I just find it ironic, the one thing that you have to have to protect the long-term build-back is that the system does not shut down. So, for me, the idea of putting a disaster protection in the supplemental that assures that the long-term relief will not come to a stop suddenly because of politics is a pretty good idea. Would the Senator agree with that?

Mr. CRAIG. Well, I agree with that, of course. As you know, our budgets operate on a fiscal year basis. My guess is that, come October 1, 1997, when the 1998 budget begins, there will be Federal agencies on the ground in North Dakota negotiating contracts with private contractors to rebuild or restore facilities in those devastated areas. They will be, at that moment, negotiating. If the Government shuts down for any given time, all negotiations have to stop, all transactions have to stop. That is reality. The Government isn't functioning.

As we found out in the last shutdown, it is a very clear shutdown—cease and desist, turn out the lights, go home—except for only essential employees who, by definition of their employment, might stay on location for the security of the buildings and operations of the facilities. That is reality.

So I think the point the Senator from Georgia makes is a very clear and important point. Now, with these disasters ongoing and impending, the reality of continuation is very, very important. I have money in this supplemental for Idaho. It could be called disaster money. It goes to my hometown of Midvale and Washington County and Payette County and Jerome County. I have 13 counties in Idaho that have been declared disasters. We have flooding going on in my State as we speak.

Senator DORGAN mentioned he didn't want any add-ons. Let me tell you of an amendment I am going to try to put on. It deals directly with disaster, and it is an add-on. When a disaster strikes and there is an immediate event and an emergency situation and there needs to be build-back of dikes to protect private property and private life, we have a problem. The problem is that the Endangered Species Act can step in, and external agencies like the U.S. Fish and Wildlife Services and National Marine Fisheries can oftentimes come in like they have in California during the incidents in January of this year. There was a special area designated by the Assistant Secretary to allow the waivers to take place because it had to be an Executive waiver. In St. Marys in north Idaho, a flood event that occurred in 1996 was in the midst of being repaired. At that time, there were over 400 homes in that community under water. As I flew over in a helicopter, just the rooftops were sticking out. The dikes had blown. Now they are repairing them. The U.S. Fish and Wildlife Service stepped in and said, "We don't think you are following the Endangered Species Act. Stop." That order went out about a month and a half ago. There is no more dike building going on in St. Marys in Benewah County in north Idaho. The water is rising as we speak and the dike is not complete. This is all about habitat for osprey eagles and has nothing to do with human life and property.

My little amendment says that during the time of a declared emergency—in this instance, I am simply saying 1996 and 1997—the Endangered Species Act doesn't pertain during the time of emergency and emergency repairs to follow. I am sure that that will be the case along the Red River in North Dakota and other areas that we will have to deal with. That is an add-on, and I am sure the Senator from North Dakota would want that. There can be others that can be argued to be direct and specific as it relates to the supplemental.

Mr. President, I came to the floor to suggest that this Senate deserves to debate and to vote upon S. 543. I find it amazing that, in this system of Government by laws that we all support and believe in, we have found ourselves so encumbered by laws that we can no longer volunteer, or you can't give freely of your time without liability or without risk of liability, or to work in a voluntary organization, and that organization has to take out insurance to protect themselves so that they are exempt from lawsuit. We used to deal with that as a free and open society. We had a doctrine of charitable immunity. In other words, we said, if you are giving to charity and you are giving in a voluntary and charitable way, you are immune from litigation. Well, that no longer exists. Most States abrogated charitable immunity by imposing full liability for damages without adequate consideration of whether unique characteristics of charitable organizations and volunteers warranted some other arrangement.

I find it amazing that we are being blocked by the party of the President, who has just done a very admirable thing in Philadelphia about voluntarism, to launch a national voluntarism program across this country, which I suspect 100 percent of the Senate believes in, along with the huge majority of the American people. We are now at a standstill on legislation to protect those who would come out in response to our President and to General Powell and to past Presidents and to a nation which really does believe that the way to save our cities of America is not just a Federal program, but to incorporate the cause and caring of citizens of our country that give of their time in a voluntary way.

I hope that we can pass this legislation. It is literally being filibustered at this moment. Are there extenuating circumstances? Yes, there are. We all know that. It is too bad we can't move on with this legislation and deal with it. But I will tell the Senator this. I mentioned it to him several times on the floor in, I think, appropriate and just ways. We will convene the Appropriations Committee this afternoon, we will mark up a supplemental, and it will have some emergency dollars in it and some defense reprogramming. It will have a CR in it, I believe, and it will probably have other issues in it that Senators, bipartisan Senators, Democrats and Republicans, will find necessary to put in the supplemental.

I yield to the Senator.

Mr. DORGAN. Mr. President, let me say that the amendment you described a few moments ago—I understand that there is some controversy about it, but it is perfectly appropriate. Your amendment deals with the disaster. I read it last evening at home, and I certainly would not intend to be critical of somebody who is offering amendments that deal with the bill. I want you to understand that. My concern is amendments that really don't have any relationship to this bill but which people want to get passed. I heard you describe it and use my name. I have no problem with that amendment being offered because it relates to this bill.

Mr. CRAIG. I thank the Senator for saying so. I said it in the context that it is an add-on. You are right. I think it is appropriate and I think it will have bipartisan support. We are all for the Endangered Species Act, and we want to make sure our Government agencies function and operate in a way that their activities do not damage or threaten endangered species. But in a time of a flood incident or emergency, to invoke a bureaucracy and withhold the ability to immediately get out there and solve that problem and protect private property and human life is really beyond me. Yet, we find ourselves in that circumstance. My amendment will deal with that.

With those comments, I hope we can move in a timely fashion to deal with S. 543. I hope that, with the work of the Appropriations Committee this afternoon, we can have a supplemental come to the floor that deals with disaster relief, that deals with reprogramming of defense dollars. It is going to deal with a lot of other issues. It is not the disaster bill. It should not be said that it is. It is an appropriation bill dealing with supplemental needs, most of them requested by the President and sent to the Congress. We are responding to the administration, in most instances, by dealing with those things that the President feels are necessary and that the majority of the Congress would agree with.

I yield the floor.

Mr. COVERDELL. Mr. President, about an hour ago, to facilitate remarks on the subject we have been hearing about for the last hour, I stepped aside from the explanation of what is really before the Senate, which is S. 543. I see the Senator from Illinois here. I do have some rather extended comments to make about S. 543. So I might ask what would be required by the Senator who has come to the Senate floor? I have been trying to accord the various interests here.

Mr. DURBIN. I thank the Senator. I wanted to address my remarks to the issue concerning the disaster assistance and the continuing resolution.

Mr. COVERDELL. How much time would the Senator need?

Mr. DURBIN. Since I am new to this Chamber, it will be brief.

Mr. COVERDELL. I will yield the floor so that you might make your remarks.

The PRESIDING OFFICER. The pending business is S. 543.

Mr. DURBIN. Mr. President, it may be of interest to note why we are here and what we are talking about. Nominally, we are here to consider Senate bill 543, an important piece of legislation and one which I cosponsored in a slightly different form as a Member of the House of Representatives. I commend the Senator for offering this. I think it is an important piece of legislation. I hope that we can have real debate on it and consider some amendments and enact legislation to certainly achieve the goals. They are worthy goals. People who volunteer to help organizations should not risk or fear liability for their acts, unless, of course, they are guilty of something which is wanton or criminal in nature. I think the Senator offers a good piece of legislation. I would like to see some changes, and I hope we reach that point.

The reason why we are not considering it, the reason why the Democrats have voted on two successive days to continue this debate has nothing to do with the bill directly. It relates to the appointment of a person to serve as Secretary of Labor. We feel this has been delayed for the wrong reasons. We hope the Republican majority will move on Ms. Herman's nomination very quickly. Unfortunately, your bill has become a captive in this negotiation.

The other measure that came up here today is one I would like to address for a moment, one that I feel an affinity to, the question of disaster assistance. In 1993, in my congressional district, in downstate Illinois, we were literally inundated by the Illinois and Mississippi Rivers, and it was awful. I feel very badly for families that are victimized by disasters. But I will tell you. Some disasters come and go very, very quickly. In the dead of night a tornado rips through a town, and by the next morning people are picking up the pieces, clearing the rubble, and planning for rebuilding. A fire rips through an area and people the next day are talking about demolition and reconstruction. But a flood lingers and lingers. Mr. President, 125,000 Americans are now homeless in North Dakota and Minnesota because of this flood. The pictures that I have seen make my experience in downstate Illinois almost pale in comparison. That is something I thought I would never see because the flood that we experienced was devastating.

It is really sad, though, as we consider the response of this Nation through our Government to this disaster, that we have seen other issues extraneous to the issue at hand really take center stage. I hope that the Appropriations Committee will think about the families that have been hurt, businesses destroyed, and the farms inundated when they markup this afternoon. Give us a clean disaster bill that will help these families. There are important issues to debate. But save those for another day. Let's really come to the rescue of the families of this Nation. Let's show compassion for these families.

I daresay there isn't a Senator in this body who could go up to North Dakota to one of shelters where these homeless people are now waiting and say, "You have to understand. We can't help you out until we have a momentous debate on another issue." That would be a hard sell. I wouldn't want to have to do it. I hope that Members who have been spared in their own States and districts from this kind of disaster will try to commiserate with those of us who have been through it. It is time to think about those families, and this issue that is tying us up as to whether or not we will endure another Government shutdown. I pray that we will not. The decision about 2 years ago by the Republican majority to send a bill that they knew would be vetoed leading to the shutdown of the Government is a sad experience. I think all involved in that understand that today, and they want to avoid that in the future. That is a goal that I share.

I don't agree with the approach that is being used because the continuing resolution bill is a complete abdication of responsibility by the Members of the Senate. It was only a few weeks ago that Members came to this floor, and in very convincing and pious tones talked about amending the Constitution of the United States to require the Senate and the House to meet their obligation and their responsibility to balance the budget. We were about to amend the Constitution of the United States because we take that issue so seriously. It failed by one vote.

Despite all of the fervor and all of the commitment, where are we today? The Republican majority in the House and Senate has failed to meet its statutory obligation to produce a budget resolution which is a blueprint on how you will reach a balanced budget. That was supposed to have been done by April 15. Yet here we are weeks later without a budget resolution. Negotiations continue.

So now the proposal is that we will amend or add to the disaster bill this blueprint for balancing the budget. Excuse me. The people in North Dakota whose homes have been flooded, whose kids who are out of school sitting in homeless shelters, people who are drinking water out of cans because you can't use the water system—they are gone—folks that do not know what has happened to articles in their lives that have meant so much to them—it is a little hard to explain to them that we have a more important thing to worry about than the roof over their heads or the food that they are going to eat. We have, instead, to worry about this continuous debate about balancing the budget.

If the goal is to avoid shutting down the Government, I am about to offer a solution. It is one that I guarantee you will make certain that the Federal Government never shuts down again. It has two parts to it. The first part is this: No budget, no pay. If Members of House of Representatives fail to enact a budget, if Members of the Senate fail to enact a budget, they don't get paid. That will focus the attention of this Chamber and the House on getting its business done in a hurry.

There is a second part. I call this "no dessert until you clean your plate." Have you ever heard of that one? You did while you were growing up. Mom and dad used to tell you that one all the time.

It is very simple. It merely says that the last appropriations bill to be enacted, the last spending bill to be enacted, would be the spending bill that covers this Chamber and the House of Representatives. So, if we fail to appropriate the money for the Department of Justice, or the Department of State, we know that the House and the Senate will not continue in business. "No dessert until you clean your plate." Pass the spending bills for all the agencies of Government, and make ours the last one. And until all the others are enacted we cannot enact our own.

I will guarantee you all of the volumes of debate that we will hear about balancing the budget may lead to a good conclusion and a good ending—that we will finally see Members who have their paychecks on line, and who will realize that the operations of the House and Senate are on the line, decide, "Yes, we had better pass the appropriations bill. Yes, we had better enact a balanced budget instead of a constitutional amendment, and get down to the business of passing bills."

It is sad that this Appropriations Committee in the Senate will come back this afternoon and amend this disaster bill, and embroil these poor people—125,000 homeless people who have lost their homes because of this flood—in the middle of this political debate. They really deserve better. America deserves better.

We are a caring people. And the people in this Chamber—men and women alike, Democrats and Republicans—are caring people as well. Let us not sacrifice what is good about America, and what we are so proud of in the name of a political debate. Let us get down to the business of helping the flood victims, and then let us get down to the business of balancing the budget.

I thank my colleague for yielding this time. I am sure we will return to this bill in earnest very soon, and his patience will be rewarded.

I yield back my time.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I appreciate the brevity of my colleague from Illinois. I will make a couple of comments about his remarks, and then return to S. 543.

First, as he properly stated regarding S. 543, I was pleased to hear that he felt good about the legislation, that it has gotten caught up in the debate about the supplemental budget and about the nomination of Alexis Herman. But I would point out to the Senator from Illinois that we have been on S. 543 since Monday and have been blocked from action on it. And the supplemental legislation—which deals with Bosnia, which deals with the disaster, which deals with the multitude of issues—is not out of committee. And there is no reason whatsoever for it to be used as some political obstacle to block legislation that would help American volunteers respond to the President's request to step forward.

I point out that S. 543 has been on the floor since Monday afternoon, and that we have been blocked from going to the legislation by a filibuster. And they have evoked the fact something about the supplemental and whether we are in a debate over a continuing resolution or not. It is not even out of committee. So, obviously, it cannot be used as any leverage against S. 543.

With regard to the President's nomination of Alexis Herman to be Secretary of Labor, and the fact that that matter has not been brought to the floor, I don't believe that issue—which I will talk about in a second—should be used to deal with this very targeted, narrow legislation in response to the summit in Philadelphia.

What you have there is an individual who went through the committee process, and purportedly handled her business there very well, but as the future spokesperson for the administration on labor failed to mention that the administration was contemplating a massive change in labor law; and that they were contemplating doing it not by bringing legislation to the House and the Senate but by making the change occur by decree—an Executive order issued by the President—that would exclude about 80 percent of the American work force from eligibility on a labor contract. That didn't come up in the hearing. That is not an insignificant policy. It is even in the minds of many a constitutional confrontation.

We don't govern by decree in America—nor edict. The President cannot write the law. He can veto it, but he cannot write it. That is a huge issue. And the majority said, "Wait a minute. We want to talk more about that." And we are going to. It is likely to be extensive. That is what that nomination is entrapped about—the idea that the President would rewrite law that has been in place for 60 years, and bypass the Congress.

That disagreement, purportedly, according to the other side, is the reason that we should take no further action on S. 543, a 12-page bill, double-spaced bill, whose simple goal is to protect American volunteers from being undue legal targets.

Prior to 1980, this was not a problem in our country. You can count on two fingers the number of lawsuits that have been targeted at volunteers. But in the 1980's there were several celebrated cases. And, all a sudden, there was a rush. "Well, here is a new resource that we can sue." Often the volunteer organization has very limited resources. But maybe one of the volunteers owns a home, or maybe it is worth a quarter of a million dollars. "We will go after that." This legislation says no. You can't do that. It has to be proportionate.

There was a case discussed yesterday where a volunteer was sitting at the reception desk at a gym. A child in the gym dropped a weight and broke his or her leg. The volunteer agency that organized this recreation didn't have anything. But guess what? The volunteer answering the phone did. Who did they sue? Right—the volunteer answering the phone who had nothing to do with anything other than being a good-spirited American. When that news gets around town, how many people are going to go answer the phone? Not many.

That is what we are trying to protect here in this legislation—that the volunteer could only be held liable for that which she was responsible, which was zero. A 12-page bill, double-spaced with a very narrow focus to that, tries to help fulfill the call of Presidents Clinton, Bush, Carter, and Ford: America, step up, renew our volunteer spirit, renew what is so unique about it, and reinvigorate your desire to come forward.

If they do not protect those families and their assets, their homes, their checking accounts, that is asking more than they are going to get. Volunteers are willing to step forward, but it is another thing to say step forward and place everything you have in place to manage your family, you put that in a legal lottery, which is why there have been 48,000 resignations in the last several years, which is why voluntarism has dropped from 54 percent to 48 percent and going down, which is why charitable organizations do not have as much in resources to spend on their work because they are spending it on insurance, and which is why there is this chilling cloud. As more and more Americans realize they are not just volunteering to help someone in need, they are placing all their own property at risk, as everyone learns that, their first priority is to protect their own family.

S. 543 comes to this problem in a very balanced and appropriate manner. Now, I have discovered that even though this is only 12 pages long, double spaced—and I know we always talk about how much of the actual legislation is read. It is pretty obvious this has not been read by a number of the Members because of the comments they have made. Yesterday we heard that it would protect the Ku Klux Klan, of all things. I suggested that it be read. I will read the provision that deals with that. It is the definition of a nonprofit organization, what is one. It is this. It is "any organization described in section 501(c)(3)"—that has to be an educational effort—"of the Internal Revenue Code of 1986 and is exempt from tax under section 501(a)."

That means the Internal Revenue Service has to certify that it is an appropriate organization. I have been through that myself. It takes a long time. They ask a lot of questions. It would be "any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes," period.

That is the kind of organization this legislation provides some protection for. Why do I say some? Because it does not protect the organization or the volunteer for willful misconduct.

In other words, let us say the volunteer was driving, carrying children and was inebriated—drunk. No protection. Let us say the volunteer was involved in a hate crime or a sexual offense or a civil rights matter. No protection. This is designed to deal with the volunteer at the Little League who is just carrying out his or her job as a volunteer and somebody trips or slips or falls. We all know what that means. It would give them some protection from liability.

So this legislation, as narrow as it is, would cut a wide swath and open the door for a large number of Americans to do what they naturally want to do anyway; it is a part of who we are, and that is to step forward and volunteer and answer the call of four Presidents and General Powell. It is being filibustered and has been since Monday at about 2 o'clock—with the exception of the managing Member on the other side, virtually none of the other side's debate has had anything to do with this at all but extraneous matters—for which we have now had two cloture votes, and the majority leader has said we are going to have two more because we are going to do something about voluntarism in America.

It does not have anything to do with the supplemental, and it does not have anything to do with our argument over labor law. Those are both very, very powerful issues and ought to be dealt with in the appropriate venue. It is a little bit like taking a sledgehammer to deal with an ant. This is a good Samaritan act, and the fact that we are now sitting here at 1:20 on Wednesday for these 12 pages, double spaced, is a rather remarkable comment on goodwill—or the lack of it.

Now, Mr. President, I would like to cover questions that have been raised, not so much by the other side but by others, about what we need to do on voluntarism. Some people have suggested that we do not need to do much, if anything, that voluntarism is healthier than ever.

That is simply not true. I am going to repeat this. According to the Independent Sector report, the percentage of Americans volunteering dropped from 54 percent in 1989 to 51 percent in 1991, and then 48 percent in 1993—a clear pattern. Fear of litigation alone does not explain the decline, but it is one factor we can address.

I was glad to see the Presidents and General Powell calling on America to reinvigorate itself. I was once the Director of the U.S. Peace Corps, and I feel I have some personal knowledge. I had a chance to be right up close to the American spirit. It is unique and it is a treasured value, a treasured piece of the American spirit. Anything that interrupts it or gets in the way, anything that chills it, discourages it, we ought to be attentive to. Historically and contemporarily, voluntarism as it occurs in the United States is fairly unique around the world even. It has been written about, and it is true. It began with our very beginning. As Americans moved all across the country to the West, over and over again was that coming together and that volunteer spirit to help one another build this great Nation. It would be like being concerned about protecting our national monuments, protecting our national treasures, our parks.

Voluntarism is an American national treasure of immense proportions. I used to try, with my mental calculator, to figure out the value that the Peace Corps volunteers had contributed to the world and to the United States, and it is in the billions—billions. I assume there are people who have tried to do that here domestically, but it would be very difficult to calculate because there is so much of it we do not even know about—the person who walks across the street to take a warm meal to an invalid, or that special hand that is held out to a child lost in a train station. If you stop and think about it and become a little more observant, you will not be able to get through a single day in America when you will not see some manifestation of this treasure, and it requires and deserves our attention. I frankly think it deserves a lot more attention than it has received in the last 72 hours here.

The Gallop organization studied voluntarism and found, in a study titled "Liability Crisis and the Use of Volunteers of Nonprofit Associations," that 1 in 10 nonprofit organizations has experienced the resignation of a volunteer from a board or some function in the organization. They have stepped aside. That is even worse. That just shows you the degree of fear we have here. It is not that they did not step forward or there was something in their mind that said, "I do not know whether I should do it because I could get sued." This is a person who already agreed to do it and became so intimidated that they quit. They resigned from the board. They left. I would venture to say there is not a Member of this body who has not experienced and thought about this very thing, if they would all think back. Because they are in public life, they are more visible, and so they have thought, do I really want to do this? Does this put me at more risk, or my family? I bet every Member of this Congress of the United States has had their thinking modified because of fear of a legal challenge.

One in seven nonprofit agencies has eliminated one or more of their valuable programs because of exposure to lawsuits. So here we have the organization that is eliminating its services—we are not going to do that anymore; we are not going to teach people how to swim. That is a dangerous environment. We are not going to do the same kind of camping programs because you are in the outdoors and it is harder to control. Or the story we heard from my colleague from Wyoming where the Boy Scouts cannot have a volunteer with a child now. They have to have two. They cannot have one adult and a child alone for fear there will be an allegation and a lawsuit.

This is a very worrisome development—fairly new, mid-1980's, last 10 years, this chilling cloud that is growing and growing.

Look at these statistics. One in five volunteers are more concerned about serving in volunteer organizations due to the increased liability threat. One in five. That is 20 percent, and it is going to grow unless we do something like S. 543. And 18 percent of those surveyed had withheld their leadership services due to fear of liability.

That is the point I was making about the Members of Congress. It would be interesting if we could document it, if everybody would think back and say, well, was there a board I left? I can think of one. Was there a board on which I refused to serve? I guarantee you that the vast majority, if not all, have changed or made a different decision about assistance because of the fear of liability.

And 49 percent reported seeing fewer people willing to serve on nonprofit organizations. That is like the story I told about Washington Redskin Terry Orr when he took over trying to recruit team members to help in the inner city here in Washington. They had to fight to get him, because he was concerned about liability.

Mr. President, "72 percent reported volunteers becoming cautious in what they say or do, relating to their volunteer work." That is a point that has not been talked about much here. But, clearly, people make different decisions when they are fearful of liability and they begin, even if they are a volunteer, not being as effective a volunteer. The kind of duty they will accept, the kind of thing they might or might not do, begins to be less effective. One of the reasons I have always argued against programs that say they are volunteer, but for which there is a large sum of money paid, which is actually a payment relationship, is that the unique chemistry that creates the American volunteer is altered; the free spirit of it, the nature of it is not the same if the volunteer is forced to be there.

Some have suggested that we ought to mandate voluntary service. The minute you mandate it you cannot use the word "volunteer" anymore. That is drafted, and that person interacts with the children or elderly people they are serving in a completely different way than when it is self-sought.

I was with a man the other day in middle Georgia. He volunteers a great deal of his time teaching youngsters how to fly and be involved in the Civil Air Patrol. He has spent several thousands of his own dollars to help these young men and women. He was driving me to my destination and, as we approached, he said: But it's all worth it when I see their faces, when I see the excitement in their faces. That is voluntarism and that is a special chemistry. The point I am making here is, when you introduce this fear, this chilling fear about what you can and cannot do and how liable you are, you change the entire chemistry of this volunteer that I have called an American treasure.

Another thing I have heard from time to time is, "There is no evidence of a national crisis involving a flood of lawsuits." It is not the number of judgments we are worried about here. We do not know all of them because many of them are settled. Institutions do not like to talk about this. It only invites more. So you really cannot get a total picture of what is happening in this arena. But you only have to have one of these celebrated cases to change the behavior of millions of Americans. So it is not a question of how much has happened. The fact is that it has happened and therefore the insurance companies have modified their premiums manyfold.

There is one example of a Little League whose premium for protection in this arena was $75. It went to $775. You multiply that all across the land. It is the fact that it is a phenomenon that is occurring more readily, volunteers are a target, premiums are up, and volunteers step back.

We have heard some on the floor say persons injured by volunteer negligence will not be protected. In other words, there is not a redress for the first person who was injured, the young fellow who broke his leg when he dropped the weight. Under this legislation, anyone injured by this simple negligence, that is conduct that is not reckless, wanton, intentional, or criminal, of a volunteer, can still seek recovery from the organization. In other words, the organization would still have a liability, but not the volunteer who is just there as a good Samaritan. It would be the organization. The volunteer who came there as a good Samaritan, who just happened to have resources more than maybe the organization, is not set aside as a target. Which is appropriate.

Of course, as I have said repeatedly on the floor, and I hope some on the other side would listen to this, that when the volunteer's conduct is reckless, wanton, intentional, or criminal, then nothing in this legislation changes the terms of recovering the damages. In other words, there is no shield, there is no protection for a volunteer who was engaged in reckless, wanton, intentional, or criminal activity.

A question has been raised, why should a volunteer who causes harm to a child through negligence be immune from suit?

It is not the intention of the bill to cause volunteers to act carelessly with children, or any that they are helping, or those that are entrusted to their care. The truth is that simple, honest mistakes and accidents happen in life. They just do. The organization still remains potentially liable for the actions of its volunteers, and will still encourage due care by its volunteers. In fact, the legislation specifically says that if it is the practice to certify licensure, train the volunteer, the volunteer organization, the charitable institution, is still responsible for carrying that activity out. Otherwise they do, indeed, increase their liability.

We believe, in fact, that the organization will often be in a better position to pay than the volunteers would be anyway. Volunteers themselves can be people of limited means or not, just as those who are served by charitable volunteers are often people of limited resources. We have heard that no independent study suggests federally imposed tort immunity, legal immunity, will increase the number, frequency, or quality of volunteers. As I have said over and over here, every one of us has met someone like this. If it was ourselves, we looked at ourselves in the mirror. Who has not expressed fear of liability in volunteering?

This is not rocket science. It is pretty straightforward. We have a situation where the current system is chilling the impact of volunteers—reducing their ability to come forward, causing them to leave, causing them to alter the way in which they carry out their work.

I hesitate to bring this up again, but I guess I have to because the other side has alluded to it, particularly yesterday, where it was suggested that organizations such as the Ku Klux Klan might gain lawsuit immunity from S. 543. As I have read here, now, at least three times and probably, given the circumstance, will do so three more, the bill specifically excludes from its protection suits based on misconduct that includes violent crime, hate crimes, sex crimes, or civil rights violations. It also does not apply where the defendant was under the influence of drugs or alcohol. The bill only provides limited immunity for the simple negligence of volunteers in carrying out their volunteer duties for a nonprofit organization, organized for public benefit, and primarily carrying out charitable, civic, educational, religious, welfare, or health purposes. And, as I have said, it includes volunteers for 501(c)(3) organizations, which are educational organizations that must be certified and approved by the Internal Revenue Service.

Some have said, if this bill is passed it will not reduce the liability insurance rates of nonprofit organizations at all. In fact, insurance rates for nonprofit organizations could go up. The primary objective of the bill is to encourage more volunteers. Insurance ramifications are secondary. The primary purpose, I repeat, of this legislation, S. 543, is to encourage more Americans—in your State, Mr. President, and in mine, and in every State of the Union—to come forward and reinforce the meaning of voluntarism in our country. While we can look at nonprofits' insurance rates as a measure of the problem, reducing the insurance rates of nonprofit organizations is not the bill's main goal. I personally believe that you will see a reduction in the rates because it stands to reason that, if the liability is circumscribed, made smaller, that the rates will ultimately reflect that. And that those sums of money, instead of being used for insurance premiums, can be used to buy meals, give rides, teach, provide meals, and otherwise give aid and assistance to Americans in need.

We have heard this objection, and this has been mentioned on the floor: "We do not need a Federal law. We should leave it to each State to decide how to protect volunteers." It was, I think, very well stated yesterday when Senator MCCONNELL, from Kentucky, pointed out the national nature of voluntarism. Many of the Nation's most preeminent volunteer organizations are national in scope. We do not have to spend much time thinking about it—the American Red Cross, the United Way, Little League International—and the list goes on. These are national organizations and their activities interact with all the States and volunteers. Their activities cross State lines. We have a classic example. We have been talking about it today. There is no telling how many volunteers are in the Midwest and how many of them come from somewhere else in the country. Many of them do.

I experienced a flood of these proportions in our State several years ago and people came from everywhere and volunteered and pitched in. They made sandbags, they helped clean out the mess, the mud. And, as has been characterized, a flood takes a long time to get straight. In fact, I think I could sadly say that many of the communities that have been confronted with this flooding in the Midwest will never be the same. Their character will be altered forever. It takes a while to appreciate the scope of what massive flooding can do. The point here is that the volunteers move across State lines a lot, and the organizations that recruit them are national organizations.

The decline of voluntarism is of national concern, else why would we have three former Presidents and the President all gathered together with 30 Governors and 100 mayors? They were not in Philadelphia to encourage voluntarism just in Philadelphia. They recognize that this is a national problem, and as I mentioned a little earlier, it is also a national treasure. Voluntarism, and what it means to America, is a piece of our national mystique, just as our national parks and our national monuments, and it needs national attention.

Having said that, the legislation does acknowledge the State role. First, if the State takes greater safeguards in the national bill, the national bill does not preempt those safeguards that go beyond the scope of the national bill.

If everybody involved in the legal action is a citizen of the same State, the State, by legislative action, may opt out from under S. 543 and only State law would apply, where all the defendants and plaintiffs were of that State. But, as I said, if it is a case that involves volunteers or activities among States, the Federal law would prevail.

I have said the national groups can cross State lines, but even local groups operate across State lines. How often is the camping trip to the next State, the neighbor State, or to the beach or to the mountains, to a lake—somewhere else? A lot of volunteer activity occurs across multiple State lines.

A Boy Scout troop in Georgia may go to an outing in Tennessee or North Carolina, Alabama, or Florida. This would be the case in every State. I remember when I was an Explorer Scout. A lot of the activities occurred somewhere else, outside the home State.

In emergency situations and disasters, which I have alluded to, such as hurricanes and floods in the upper Midwest States, volunteers come from many States, and under pretty difficult situations, too, which has not been talked about. Volunteers are often confronted with situations and circumstances that are abnormal, such as working in a disaster, where accidents are more prone. If you think back, most of the accidents that you have had in your own home were usually during inclement weather, you were doing something that was a little out of the norm. You were more prone to a mistake or accident. Volunteers are often embroiled in that very kind of situation where you are more likely to have a mistake made, which would be another argument for S. 543.

There is so much volunteer activity that is directed at a circumstance or phenomenon that is out of the norm—a fire, a calamity of some sort in the community, and people make more mistakes in that environment because they are in places with which they are not familiar and they are confronting circumstances they do not deal with on a daily basis, which is yet another argument, frankly, that has not been chronicled. But it just occurred to me as another reason why S. 543 would be so pertinent.

State laws are a hodgepodge of Good Samaritan laws and, in some cases, provide little protection at all. On that point, I want to read from the "ABA Section of Business Law," a recent article that deals with this subject pretty well. It talks about the fact that in the eighties, this began to become a major problem. Prior to that, it was not. Then it talks about the States all trying to deal with this. It goes on to say:

> The blame falls largely on the patchwork nature of volunteer protection laws, which vary tremendously throughout the United States. To facilitate analysis and comparison, the Nonprofit Risk Management Center compiled them in a publication, State Liability Laws for Charitable Organizations and Volunteers. This article—

The one I am quoting—

> draws on that analysis.
>
> Each of the laws grants volunteers partial immunity. The extent of that immunity, and the conditions required for it to apply, vary not only across the states, but even within some states depending on the type of volunteer and the nature of the organization the volunteer serves. The common feature of the statutes is that unless volunteers' conduct fails to satisfy whatever standard the law specifies, they cannot be held personally liable.

Which is, of course, the goal we are after in S. 543.

> The variations result from differences in circumstances that impelled legislatures to act, effectiveness of the volunteer-protection proponents, and the sensitivity of legislatures to the prospect of injured parties being denied recovery.

The point here is that this article chronicles in a very thoughtful way that the current situation is unmanageable, when you have national organizations, volunteers crossing State borders, activity in the various States and none of the two States being the same. Therefore, this has accomplished very little in terms of the chilling impact on volunteers. They do not know what risks they face and, therefore, they are stepping back from volunteering.

Charities, especially small charities, do not have the resources to determine the difference in State laws affecting them. Amen. There is absolutely no way. Of course, as you know, Mr. President, with the outburst of lawmaking here and across the States, it is almost impossible for any citizen to understand the complexities of the law today. Just talk to them about the IRS, that one alone. But here the charities do not have the resources to understand what they are confronted with in all the different States, and if the charity does not, the volunteer certainly does not. The volunteer is really the hapless wanderer as that volunteer travels from this State to that State, and their liability threat is changing each time they go to a new location. There is absolutely no way for them to unravel it.

Therefore, concluding on this point, the national interest requires some uniformity. It does not prohibit the State from exceeding it, and it does not prohibit the State—in fact, it gives them an option to come out from under it, if all the parties of the case are from that State.

Some say this bill preempts State law, violating principles of federalism. This is the activity we have just been talking about. The bill respects federalism concerns by allowing States to opt out of its provisions for those cases in which all parties are citizens of the State. It leaves in place State laws that are not inconsistent with its provisions and allows States to pass stronger volunteer protections if they wish.

The bill also leaves in place existing State laws on vicarious liability requiring a financially secure source of recovery, requiring risk management procedures and other State requirements.

Mr. President, I am going to conclude my remarks in just a few minutes. It is my understanding that Senator D'AMATO is going to be in the Chamber at 2 o'clock for a matter that he will choose to discuss. I want to reiterate, S. 543 is a 12-page, double-spaced, clean-cut bill that helps Americans respond to the President's call to volunteer. It has nothing to do with the significant labor dispute on policy between the Congress trying to protect its rights of the third branch, and the President trying to change labor law by Executive order. It has nothing to do with that whatsoever. Nor does it have anything to do with the controversy or debate over the supplemental on Bosnia, disaster, and other matters. That legislation is still in committee and not before the Senate. What is before the Senate is S. 543. Its sole purpose is to make it easier for an American to volunteer and protect the unique treasure that voluntarism represents for the United States.

We have, I believe, two cloture votes set for tomorrow. So given the circumstances, I suspect we will come back to this legislation. I suggest the absence of a quorum pending the arrival of the Senator from New York.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each, with the exception of Senator D'AMATO for up to 60 minutes.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SWISS SUPPORT FOR REQUEST TO PUBLISH ACCOUNT NAMES

Mr. D'AMATO. Mr. President, yesterday I received a very important and a very encouraging letter from Ambassador Thomas Borer. Ambassador Borer is the special representative that the Swiss have appointed to handle the very perplexing and very troublesome question as it relates to the assets of Holocaust victims during and after World War II, particularly those as they related to the accounts that were opened in Swiss banks.

Let me read this letter. It is a short one, but a very important one. It is from the Embassy of Switzerland, addressed to Senator D'AMATO as chairman of the Banking Committee, Washington, DC:

> DEAR MR. CHAIRMAN: I am referring to your letter of March 20, 1997 and my reply of March 27, 1997 regarding the question of publishing the names of dormant account holders from the Holocaust era.
>
> Please find enclosed [a] copy of the letter of the Chairman of the Swiss Bankers Association to the Chairman of the Swiss Federal Banking Commission dated April 28, 1997. In this letter the SBA expresses its unequivocal support for this idea.

I am going to place this letter in the RECORD.

Mr. President, I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF SWITZERLAND,
Washington, DC, April 28.

Hon. ALFONSE D'AMATO,
Chairman of the Senate Banking Committee, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am referring to your letter of March 20, 1997 and my reply of March 27, 1997 regarding the question of publishing the names of dormant account holders from the Holocaust era.

Please find enclosed copy of the letter of the Chairman of the Swiss Bankers Association to the Chairman of the Swiss Federal Banking Commission dated April 28, 1997. In this letter the SBA expresses its unequivocal support for this idea.

Sincerely yours,
THOMAS G. BORER,
Ambassador.

Mr. D'AMATO. Mr. President, let me tell you what this is about. I did write to Ambassador Borer. I spoke to him on March 20. And I indicated to the Ambassador that I thought that it was awfully important that the Swiss Bankers Association, that the Swiss Government do something to demonstrate tangibly an effort of good faith, that would be very important, that there are many accounts—we do not know exactly how many; but certainly they go into the hundreds, and they may go into more—that have been dormant since 1945, that it made little sense to wait years until the Swiss completed their investigation for the release of these names, that even if it took legislation—and I explained to him that it had been advised to me that there was a good possibility that it might not even take legislation—that the names of these accounts—those are dormant accounts that were opened prior to 1945 and that have been dormant since that point in time—that the need for secrecy certainly no longer existed, but that there was a need to connect the families and the heirs today who might have claim to those accounts, to their heirs, to their families.

It is not just a question of money. It is a question of doing what is right, because unfortunately for 50-plus years people have been denied, heirs have been denied. They have had to go through a tortuous process, that in many cases it is just impossible to ascertain what moneys may or may not have been left to them, and that by the publication of the names in some registry, in some total form—something that is being done in many countries, in many States in our country where there is a dormant account, the names of the people are actually published so that people who may have claims can come forth.

I wrote to him, and I will just quote you part.

I am writing to you to impress upon you the need for the passage of legislation which would allow for the publication of names of dormant accounts presently held in Swiss banks. I feel that this change would go a long way towards solving this enormously difficult and complicated problem and would equally be seen as a productive step which I am sure would be warmly received.

I am pleased to tell you that the Ambassador reported to me yesterday, yesterday morning, that the Swiss Bankers Association unequivocally supports the concept of public disclosure of the names of the account holders in this very special and limited situation of the dormant accounts now being investigated as it relates to the Holocaust and those dormant assets.

I believe, Mr. President, that this is important.

Mr. President, I ask unanimous consent that the letter from me to Ambassador Borer and a letter from the Swiss Bankers Association be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 20, 1997.

Ambassador THOMAS G. BORER,
Federal Department of Foreign Affairs, Bern, Switzerland.

DEAR AMBASSADOR BORER: I am writing to you in connection with the on-going inquiry by the Senate Banking Committee into the fate of assets held by Swiss banks belonging to victims of the Holocaust. As you are aware, among the issues which the Committee has focused its attention on has been the status of dormant accounts which may still exist in Swiss banks. My concern is that the present status of Swiss law inhibits any effective way to ensure the return of these assets to their rightful owners.

Presently, both the Volcker Commission and the New York State Banking Department are conducting inquiries designed to locate and identify dormant accounts. This of course is in addition to the 1996 survey undertaken by the Swiss Bankers Association and any internal reviews being conducted by the banks themselves. The problem lies in the bank secrecy provisions of the Swiss Federal Banking Law which preclude any effective way to contact the rightful owners of any dormant accounts uncovered through these efforts. For example, if a dormant account belonging to a Holocaust victim is located and that account holder did not name a beneficiary when the account was opened, there is no mechanism in place by which the heirs of that Holocaust victim could receive that which is rightfully theirs. The only way he would be in a position to make a claim to those assets would be if he knew of the existence of the account and the name of the bank in which it is located. Obviously, if the rightful heirs possessed such information, the account would have been claimed long ago. In cases where the account holder did name a beneficiary, it appears that less than diligent steps were taken to locate these beneficiaries. This was made abundantly clear in the case of the 53 accounts turned over to the Polish Government pursuant to the Swiss-Polish Agreement of 1949. Notwithstanding the fact that the Swiss government classified these assets as heirless and turned them over to the Polish government, the recent publication of the names this year led to the location of several heirs within days of the publication.

Although much reliance has been placed upon the role Mr. Hanspeter Hani, the Ombudsman, the fact is that little faith is placed in his office given the results of his searches thus far, as well as the enormous restrictions on what he can do. Although he accepts a fee of one hundred francs, he merely screens the claims and circulates a portion of these names to the banks. Clearly this is not the most effective way to connect dormant accounts with their rightful owners and indeed, the numbers speak for themselves. Despite the fact that well over one thousand claims have been filed with his office, less than one percent have resulted in the return of assets to a claimant. The very justification given by the Swiss Bankers Association for charging the one hundred franc fee was to discourage false claims, this leads to the inescapable conclusion that the claims received by his office are indeed legitimate, but nevertheless, virtually all claims have been rejected. The failure of Mr. Hani's office is but one indicator of the barriers set up by Swiss law which prevent an effective notification system to the owners or heirs of dormant accounts.

I am writing to you to impress upon you the need for the passage of legislation which would allow for the publication of names of dormant accounts presently held in Swiss banks. I feel that this change would go a long way towards solving this enormously difficult and complicated problem and would equally be seen as a productive step which I am sure would be warmly received.

Although I am cognizant of the precedent setting concerns of lifting the bank secrecy laws, I'm sure we all agree, the fate of assets placed in Switzerland during the Second World War is a unique situation calling for a unique response. The fact is, these accounts were opened over fifty years ago, so it is hard to imagine that present or potential customers of Swiss banks would be concerned about the publication of this limited group of names. What happened during the Second World War was unparalleled in the history of modern civilization and accordingly exceptional measures are called for.

The Volcker Commission will soon begin its review and additional dormant accounts will almost certainly be found. Is it really necessary to wait between two and five years for the Commission to complete its work before a decision can be made on how to handle these accounts? Clearly a more effective solution would be to allow for the publication of the account names as they are found so that efforts to locate the rightful owners can begin immediately. New York State presently has such a mechanism in place whereby banks publish the names of dormant accounts which are present on their books. This publication is done through major newspapers and if any owners or potential heirs believe that they are entitled to the contents of a published account, a claim is filed with the bank, which then reviews the claimant's documentation to ensure that it is legitimate. If nobody comes to claim the money, it is turned over to the Office of the Comptroller of the State of New York which handles any future claims and relieves the bank of further liability. It is a fairly simple system which has been in existence for over fifty years and frankly I am not aware of any criticism or problems with it.

I think we all agree that the manner by which dormant accounts existing in Swiss Banks are to be handled is an issue which will have to be addressed. There is simply no justification for maintaining the veil of secrecy over these accounts. I firmly believe that the only effective way to ensure that the assets are returned to their rightful owners is to publish the names of the dormant accounts holders and that it be done as they are uncovered rather than years from now.

If you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

ALFONSE M. D'AMATO,
U.S. Senator.

SWISS BANKERS ASSOCIATION,
April 28, 1997.

Dr. KURT HAURI,
Chairman, Swiss Federal Banking Commission, Bern.

Re: Publication of names of Holocaust-related dormant account-holders

DEAR DR. HAURI: In recent weeks, it has been proposed that the names of the holders of accounts opened before 1945 that have been identified as dormant, be disclosed publicly for the purpose of advancing the efforts of the Swiss banks, the Swiss Government, Jewish organizations and others to assist Holocaust victims and their heirs locate their assets. You expressed support for such a proposal on April 22, 1997. As you know, the recent initiative by the Swiss Bankers Association ("SBA") resulted in the identification of dormant accounts that include accounts that may have belonged to victims of the Holocaust. The Independent Committee of Eminent Persons (the "Volcker Committee") is currently in the process of identifying all dormant assets held by Swiss banks that could have belonged to Holocaust victims.

I am writing to express the SBA's unequivocal support for the concept of public disclosure of the names of account holders in the very special and limited circumstances presented by Holocaust-related dormant assets. It is our hope that, working with the Federal Banking Commission, the Swiss Government and other interested parties, including the Volcker Commission, a mechanism will be implemented soon that will permit such disclosure consistent with Swiss law and sound banking practices.

When such mechanism is put in place, the names of account holders can be disseminated throughout the world. Public disclosure of the names of account holders Holocaust-related dormant assets is a position that is fully supported by the three largest members of the SBA, Credit Suisse, Swiss Bank Corporation and Union Bank of Switzerland. Each of these institutions have committed to sharing in the costs required to globally publicize a list of account holders names.

We look forward to discussing this matter with you in the very near future.

Yours sincerely,

DR. GEORG F. KRAYER,
Chairman.
J.P. CHAPUIS,
Delegate.

Mr. D'AMATO. Mr. President, the chairman of the Swiss Bankers Association in his letter stated:

> I am writing to express the SBA's unequivocal support for the concept of public disclosure of the names of account holders in the very special and limited circumstances presented by Holocaust-related dormant assets.

This announcement is a major breakthrough because, for the first time, the Swiss bankers will be providing account names on a timely basis. We will not have to wait for the completion of the Volcker Commission and its report. That investigation may take a period of years to be completed. Why should the heirs and those people be deprived of a much more expeditious manner to come forward and to establish the right to those accounts?

It is about time this has taken place because this question is one that has existed for over 50 years. I am pleased that we are making progress. I look forward to continuing in the efforts of attempting to see that justice is done, not only as it relates to the dormant accounts, but also on the question of the disposition of other assets and also in terms of the accountability of assets, of huge amounts of gold and other matters that were, I believe, surreptitiously and illegally transferred by the Nazis with the aid and assistance of some who claimed neutrality.

But the point of the matter is that this is a significant breakthrough. I want to thank Ambassador Borer. I think he is to be commended because this is a significant departure and one that is long overdue from the past policies that said, "Oh, no; these are secret accounts. They have been opened up that way," and then requiring people to go through incredibly difficult, if not impossible, proofs, requiring them to come up with sums of money that in many cases people just do not have. The question of having people, in the past, turned back because they did not have a death certificate of a family member who died in the death camps—that kind of thing has taken place repeatedly over the years.

It certainly did not bode well for the fiduciary responsibility that the banks held up. They were the beacon and the repository of people's money, that they could rest at ease that their families would be protected and the assets protected. Indeed, the veil of silence worked to enrich others at the expense of the legitimate heirs.

So, for the ambassador to be able to bring about this sea change—this is a sea change, this is a significant breakthrough. I look forward to continuing to work in this area to see to it that the publication of these names takes place as quickly as possible so that there can be this feeling of closure that many are looking for. It is not just the money. It is a question of justice that people are seeking.

Mr. President, I am heartened today by this very significant action that the Swiss Bankers Association have pledged. I look forward to working with the ambassador and the other representatives of the Swiss Government in seeing to it that this matter is dealt with sooner, rather than later. This is the commitment that they have made. This is a very prestigious, very important group. I hope this can be carried out, again, within a matter of days or weeks. Mr. President, 52 years is too long to have waited for this to take place. But better now than never. It still is, hopefully, the harbinger of better things to come in terms of clearing up and getting down to the roots of what has taken place.

I commend the ambassador for this and say that I am very heartened because I think this is a tangible success. I also say to the World Jewish Congress and Edgar Bronfman and Israel Singer, they are to be commended for never losing faith in continuing their effort. Without their persistence, we never would have reached the point where we now have a proposal to put $4.7 billion forward in a humanitarian fund to be administered by a number of organizations in countries that will play a part in determining those people who are most in need. That fund would be administered over a period of some 15 years. Without the World Jewish Congress and its leadership, its perseverance, we never would have achieved the results I am speaking to today. That is, the publication of the names of those people who had dormant accounts, going back to 1945, nor would we have achieved the setting up of this humanitarian fund to aid those who are elderly and most in need.

I thank the Chair and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as if in morning business for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. FEINGOLD pertaining to the introduction of S. Res. 80 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, April 29, 1997, the Federal debt stood at $5,348,144,848,321.78. (Five trillion, three hundred forty-eight billion, one hundred forty-four million, eight hundred forty-eight thousand, three hundred twenty-one dollars and seventy-eight cents)

Five years ago, April 29, 1992, the Federal debt stood at $3,887,187,000,000. (Three trillion, eight hundred eighty-seven billion, one hundred eighty-seven million)

Ten years ago, April 29, 1987, the Federal debt stood at $2,266,610,000,000. (Two trillion, two hundred sixty-six billion, six hundred ten million)

Fifteen years ago, April 29, 1972, the Federal debt stood at $1,063,005,000,000. (One trillion, sixty-three billion, five million) which reflects a debt increase of more than $4 trillion—

$4,285,139,848,321.78 (Four trillion, two hundred eighty-five billion, one hundred thirty-nine million, eight hundred forty-eight thousand, three hundred twenty-one dollars and seventy-eight cents) during the past 15 years.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER (Ms. COLLINS). The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, if I might inquire as to the matter of business before the Senate?

The PRESIDING OFFICER. The Senate is in a period for the transaction of morning business at this time.

Mr. COVERDELL. Madam President, I ask unanimous consent that we dispense with the period of morning business and return to S. 543.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOLUNTEER PROTECTION ACT OF 1997—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. COVERDELL. Madam President, I guess only those who have just tuned in would be aware of the fact that we have been discussing an attempt since Monday afternoon, from Monday afternoon until Wednesday at 3 p.m., to allow the Senate to proceed to S. 543. The other side has decided to filibuster this legislation and has now twice blocked our attempts to end debate and move on to the bill. Although we are getting closer, we might say, well, maybe if there are five more votes like the one today, we will finally end the debate; the bill being a very narrow, specific proposal that tries to respond to the call of the President and three former Presidents to encourage voluntarism in America.

To revisit for a moment what was going on in Philadelphia, it was Gen. Colin Powell who said that "the multiple crises confronting children in America have the potential to explode our society." I am going to reread the quote of General Powell.

> "The multiple crises confronting children have the potential to explode our society," as General Powell called on his fellow Americans to make an extraordinary personal commitment to serve as mentors to at-risk youth.

Earlier today I pointed out that volunteers being called on today are often called on to participate in situations that are less than normal environments; that the potential for volatility and miscommunication and misunderstanding is very high.

S. 543 has perhaps more importance today than it did over a decade ago when it was first envisioned in this Congress because it gives the volunteer a shield, a modest shield I might add, from certain kinds of liability. It does not protect the volunteer from willful or wanton misconduct. For example, if a volunteer were driving an automobile and inebriated, there would be no protection whatsoever. But for the everyday routine activity, it would protect the volunteers.

Here we have General Powell saying to his fellow Americans, make an extraordinary personal commitment to serve as mentors to at-risk youth. And here we are having spent 3 days trying to pass one modest proposal to help those volunteers step forward and we are systematically choked and throttled. What a great response to General Powell and to the Nation, calling on Americans to come forward and then we have a boot on their neck right here in the Nation's Capitol in this Chamber.

It goes on to say:

> Together with President Clinton, former Presidents Bush, Carter, Ford, 30 Governors and 100 mayors participating in a conference on volunteering—

Conference on volunteering—

> Powell said that as many as 15 million young Americans need mentors to help them overcome the adversities they face.

Well, by logical conclusion, that means we have to have many millions of Americans to come forward to take care of just this audience—15 million young Americans need mentoring. That does not include the senior citizens who need mentoring, who need Meals on Wheels, who need somebody to come by and visit in the evening. That does not include the young people who are involved in youthful sports like Little League baseball or Pop Warner football. That does not include the Americans that would travel to the Midwest to assist in filling sandbags, who would help clean out the muck and debris that will follow this flood.

In other words, it requires millions upon millions of Americans to step forward. And yet a cursory review of the data demonstrates conclusively that because of legal threats, the number of volunteers is dropping. It is going in the wrong direction in terms of what General Powell and Presidents Clinton and Bush are asking. There are not more Americans stepping forward; there are less. And a principal reason there are less is that they do not mind volunteering, but they do mind putting their entire family's assets—their checking accounts, their home, their business—in a legal lottery.

I told the story this morning of the situation where a charity, a nonprofit, had a gym for youth to use after school and a youngster broke his arm when he dropped the weights. The organization did not have any resources to speak of, but the volunteer receptionist did. Guess who got sued. Right, the volunteer receptionist. Those kinds of things get around, and before long you have more and more Americans saying, "I want to volunteer, but I don't want to jeopardize my family."

> General Powell said these children are at risk of growing up physically or psychologically abused. They are at risk of growing up addicted to the pathologies and the poisons of the street. They are at risk of bringing children into the world before they themselves have grown up. They are at risk of never growing up at all.

Madam President, I have been joined by two of my most esteemed colleagues, Senator ASHCROFT of Missouri and Senator THOMAS of Wyoming. I am going to call on Senator ASHCROFT to make a few remarks, but I would just like to remind the Senator and close on this point, that not only are we asking American volunteers in the summit to step forward in greater numbers but—and this is a key point we have not talked enough about—we are asking them to be volunteers in very difficult environments—in poisonous streets, dangerous streets, where communications are difficult. In other words, where the threat of being liable for an error or mistake is probably many more times multiplied. This is not just asking volunteers to go on a fishing trip. We are asking volunteers to go into some very tough situations which only complicates and calls further on this Senate, this Congress to do something to give them some relief from the threat of everything they own being up for grabs.

With that, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. I am deeply grateful for this opportunity to respond to the final point of the Senator from Georgia, who has pointed out that we need volunteers among the most needy and among the most deprived individuals in our culture, and those most needy and deprived individuals are the riskiest people to help.

I cite this article which I hold in my hand on civil justice: "A Thousand Points of Fright?"—f-r-i-g-h-t, not l-i-g-h-t. It is a scholarly work by David Webber. He writes that "lawsuit fears are dampening the enthusiasm of volunteers." And he says, "And the White House is beginning to take notice," which is constructive. I commend the White House. I commend the President for mobilizing the Presidents, to have the Presidents' summit on voluntarism.

But one of the interesting things that the governmental relations director for the National PTA says is that "we are just more conscious than ever before of litigious possibilities. The bad thing has been the chilling effect on activities we can sponsor, especially for high-risk kids—kids with handicaps—and child care programs."

What he has basically said is exactly what the Senator from Georgia was speaking of; that in the highest risk situations we have a chilling effect not only on volunteers but on programs, where you begin to see the withdrawals of programs, the programs that do not go into effect, the programs that do not exist, opportunities that are never capitalized on because of this sort of chill that comes from the litigious, as he calls it, possibilities.

I must admit that frequently these possibilities do not result in a lawsuit with a verdict against the volunteer, but if you work as a volunteer and you are sued, it could cost you $10,000 just to defend the suit—$10,000. And, of course, you could have a judgment against you just as the Boy Scout leader from the Cascade Pacific Council had a verdict of $4 million against him, because you let the boys play touch football, or the Little League coach who, because he shifted the player from shortstop to left field, gets a judgment against him. I mean these volunteers obviously are going to think about what happens to their family. How can my kids go to school? I would love to help the world, but I have to protect my family.

That would be a response you would have to commend in individuals, and yet it is not something we want in America. We do not want to have to choose between helping the world or protecting our families. We want to be able to say to a volunteer, you can do both. The genius of America is that we do not have to be selfish in order to protect our families. The genius of America is that we have always been able to help each other, while we have protected our families.

The kinds of lawsuits that we have seen are just incredible. A 14-year-old boy was sliding into home plate head first when he collided with the catcher. The catcher had blocked the plate as instructed. Catchers are always instructed to block the plate. In the rules of baseball, it is the only position where you are entitled to stand in front of the plate without the ball. But the catcher had blocked the plate and, unfortunately, there was a neck injury. Although plaintiff came to the league sliding head first, and that was the way he liked to play baseball, the volunteer coaches were found negligent for not being able to adjust the way the child slided—slid. I sound like Dizzy Dean, who used to say "slud into second." But volunteer coaches were held negligent for not instructing the player on proper sliding techniques and failing to warn of the danger created by sliding into home plate head first. Of course, the player obviously watched major league player after major league player, role models all—and they should be, many of them great folks—sliding in head first.

I wonder about asking people to volunteer to coach these children, so many of them without dads in their own homes, so many of them at-risk kids, doing their best to provide them enthusiasm for their sport, and restraints so as to protect themselves. And, when there is an injury, having that kind of lawsuit. So many of our volunteers are around sports—you wonder about the kind of lawsuits that surround sports.

Here is one that really stunned me. It was a part-time official who was asked to officiate in a crucial Big Ten basketball game. At the last second he called a foul that gave one of the teams a victory. He called them like he saw them. It switched the victory. A souvenir company that had anticipated the victory by the other team sued the official, challenging his call with a $175,000 negligence suit claiming he had wrongfully harmed the souvenir company's ability to sell their souvenirs. The official won the lawsuit. So let us just lay that to rest, the official won the lawsuit. But only after a 2-year court battle that went all the way to the Iowa Supreme Court.

Do you know what it takes, in terms of resources, to take a court battle to the supreme court of one of our States? I mean, it takes more than it takes to send a kid to college. It takes more than it takes to have family vacations. It takes more than it takes for some families to buy a home. It certainly takes more than it takes even for the wealthiest families, almost, to have a downpayment on a home. We ask people to volunteer in these kinds of settings. It seems to me we ought to have some protection for them.

Here is another one that caught my eye. I should not say "caught my eye," because this is about a person who was hit in the eye, a catcher in a softball game. He was playing without a mask. The umpire had a mask. The catcher got hit in the eye. He sued the umpire because the umpire had not given him his mask. The catcher walked away with a $24,000 settlement.

We are asking people to volunteer. I think the President is doing the right thing. There is absolutely no question in my mind that he is calling America to greatness, a greatness that reflects the character of the fact that we care for each other. That is what America is all about. It is what sent de Tocqueville back to France, 150 years ago, exclaiming about the virtue of America. He said it was not to be found in the corridors of the bureaucracy or the Halls of the Congress. He said it was to be found in the people. He said America is great because America is good.

We want the goodness of America to be reflected again in this country. We want the capacity of people to identify with each other, to love each other—literally love each other enough to say I am not just content to work with my own kids, I am going to work with the kids in the neighborhood and some kids who are not as fortunate as mine. Maybe they are kids who have lost their mom or dad, for one reason or another. That kind of tragedy has touched my family and it has touched most of the people in this country, and we want the loving character of American citizens to be available and we do not want it to be inhibited. We do not want it to be so you cannot volunteer.

I think about those women in Evanston, IL, who wanted to set up the home for battered women. They could not get insurance because of the litigation potential. All the insurance companies said you have to operate for 3 years without insurance before we can determine whether or not we will insure you. So nobody could risk their own family in order to help other people. They did not want their own homes to be taken in order to provide a home for someone else. So we end up not having that extension of compassion in our culture.

I do not think there is any President who has more successfully said to the people in this country, "I feel your pain." He says it with sincerity, and I believe he does. He has a great capacity to empathize. And he has called this country to feel it, to feel the opportunity and respond to the opportunity to help one another. And we have a great opportunity to say we are going to take a big roadblock out of the way.

I started out by referring to this article, "A Thousand Points of Fright?", saying the most difficult to help are the riskiest to help. And they need help badly. We have this barrier standing in the way. We have gone through examples. I guess we could tell stories about these lawsuits until the cows came home—at least that's a phrase my aunt used to use—but the truth of the matter is, this is important. It was important enough for the four previous Presidents of the United States to join the current President of the United States and one of the greatest military heroes of our age, to join the whole effort and to galvanize public opinion to try to say we need volunteers.

It is a little bit confounding, to think there are those in this body who want to stop us from considering—who do not even want us to have a chance to debate and vote on an issue like giving volunteers this kind of break.

I do not know how anybody could say we want to make sure that a person who volunteers has the potential to be sued and harassed. I notice that a former Attorney General of the United States, Dick Thornburgh, wrote an opinion piece for one of our major newspapers. He said: "If you are sued, the average cost to defend yourself—" in a case not involving a car, car cases cost a lot of money, usually—"is $7,500." There isn't anybody who can afford that and that is the average cost. That includes the cases that are dismissed.

I think it is time for us to say we want more volunteers, we want to cooperate with the President, we want America to be what America has the character to be. It is time for us to respond to the people. We need to respond to the people by inviting them to have the kind of caring compassion reflected in voluntarism. It is the least we can do to pull the roadblocks out of their way and make a clear path for Americans to care for each other.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Madam President, I appreciate very much the remarks by the Senator from Missouri. As usual they are most eloquent and inspirational and on target. I appreciate very much his coming to the floor and sharing his views on S. 543, of which he is a principal cosponsor.

Madam President, I return to the point I was making a moment ago about what the Nation was being implored to do by General Powell and the President. Most of these initial quotes are from General Powell. He points out that President Clinton appointed General Powell as general chairman of the President's Summit for America's Future and the former Chairman of the Joint Chiefs of Staff pledged to ensure that "promises made during the celebrity-packed event are fulfilled long after the hoopla is over."

Madam President, the hoopla is over. It is time, frankly, for all of these officials to send a message here, I think, that we need to take this affirmative step. It is a perfect affirmative step for us to take, following the glorious visuals, and get down to the real grassroots practicals, which are the protection, as framed in S. 543, of volunteers, so that they are able to respond to the hoopla. Down in my part of the country, they say this is now where "the rubber hits the road." It is no longer the glory of the balloons and television. We are talking about the real, practical efforts that have to take place on the ground to make it possible for volunteers to renew America's volunteer spirit.

> The President went on to say to General Powell: "This may be your most important mission and I thank you for reenlisting." The few thousand delegates from across the Nation who were seated on the lawn outside the historic structure, rose to their feet in applause.

It is obvious that the inspirational moment was infectious. How often have we witnessed a gathering like this, raising the expectations, lifting the heart, bringing a nation to its feet—an exhilarating moment, only to find 3 months later or 6 months later that the issue disappeared with the last hand clap, that all the expectations that were being sought were forgotten after everybody got back on the plane, got back home. We do not want that to be the legacy of this summit. Congress ought to step forward, not only on the proposal that I and others have offered here, which alleviates, and creates a shield, protects the volunteers, makes it possible for them to answer this call and to be a piece of this applause, to be an extension of this applause.

There are many things we ought to do to expand voluntarism in America, and make it easier and more readily doable. But an absolute must, as a beginning, Madam President, is that we remove the chill and legal intimidation that has caused a dramatic drop in the number of Americans who will answer the call, that have left doubt in volunteers about what they do. Even if they answer the call, the way they respond to their activity is changed and altered by this legal chill that hangs over voluntarism in America.

It goes on to say:

> By encouraging volunteering, the President is trying to promote positive change in American society at a time when the Congress and bipartisan emphasis on balancing the Federal budget make it politically difficult, if not impossible, to create new Government programs to address the country's pressing social problems.

This is an appropriate response. This is exactly correct. America's financial predicament does not allow us to do some of the things we have done in the past, and America must call on its citizens to help fill the gaps.

This is not a new experience for America. America was founded in times of austere circumstances for most Americans, and it was in that era that the concept of American voluntarism was born. So we are not creating a new phenomenon here; we are simply returning to our roots.

Everybody remembers—we have either seen it or read about it—the volunteer coming to the aid of a family that was damaged by some accident or problem in the rural area of our country—the barn building, the coming together in any kind of need to help families, community members. As I said earlier, this is as much a part of America's treasure as its Capitol, as its monuments, as its parks. Voluntarism is a unique feature of American life, and it ought to be nurtured and protected, just as we do the other American treasures, like the way we care for this Capitol. This is the Capitol of the United States, the capital of the free world, and it is an expression of who we are as a people, and we care for it. We should be every bit as attentive to our concern about the treasure that voluntarism makes for America.

There is no way to ever calculate the value of what American voluntarism has meant to our country in any given year. It is billions upon billions of dollars that are freely given and invested to help the country be a better place. But I think the connection that the President makes between the need for voluntarism and the financial predicament the country faces is correct.

This is a difficult time. This is a time of shrinking resources. Our generation of Americans has to confront decisions that were made over the last three decades that have left our generation to deal with over $5 trillion worth of debt and to deal with promises that, unmanaged, will consume 100 percent of the U.S. Treasury within 8 years.

Let me repeat that. Our basic entitlement programs already consume over 50 percent of the U.S. Treasury, which is a dramatic increase from when I arrived just 4 years ago. It is spiraling upward. So it is absolutely correct for the President to make a linkage between the financial condition of the country and the need to reach out and get Americans to do things on their own accord that the Government can no longer do—maybe one can argue never should have done in the first place. I am sure part of the reason voluntarism has been weakened is because there has been a message that has been reverberating around the country for about 25 years that the final resolution of all of our community ills ought to be the Government. I think we are learning that that is not, and has never been, the case.

The final resolution of many of our ills rests with the people themselves. A key component of that is the American spirit and the American willingness to volunteer.

The President goes on and says:

> The era of big Government may be over, but the era of big challenges for our country is not.

I think every American would agree with that.

"So we need an era of big citizenship," the President said in Philadelphia. "We need an era of big citizenship."

I certainly agree with that, and I think every Member of Congress would agree with that. But while the Government may not be able to do some of the things it used to do, the Government certainly should not be an impediment to big citizenship. The Government ought not to be throttling attempts to make it easier to be a forthcoming citizen.

Frankly, I don't think the Government should be engaged in a filibuster that prevents our moving legislation that would make it dramatically and clearly easier to be a part of the era of big citizenship.

General Powell, who has experience orchestrating successful operations, has made it his own personal crusade to recruit an army of millions of volunteers around the country. He has committed himself to being able to certify by the year 2000 that the 2 million children lacking mentoring, safe places to play and learn, health care, marketable skills, and a good education will have those needs met.

Once again, he alludes to the point that I have mentioned several times this afternoon. Safe places to play begs the question that many of them do not have safe places to play today. They are dangerous places, and being dangerous, they are more likely to be places in which accidents and mistakes and misunderstandings occur. In other words, this is not your normal playground. This may be a rough-edge community which you are asking the volunteer to enter, to subject themselves.

A more dangerous place means it is fraught with the potential of legal action. So we are asking these millions of volunteers not only to come forward, but to come forward into environments that are less predictable and, therefore, create a greater risk for the volunteer.

I mentioned earlier today, Madam President, that the need for this legislation is fairly new; that we did not have a problem of volunteers being sued until we got into the eighties. Suddenly they became targets, and once you get something like that started, it feeds on itself, and it has. So the lawsuits have grown, and the threat has grown.

Now we are saying, in this environment where litigation is more prevalent, on top of that, we want you to go into a more difficult environment. Well, there is an incongruity here. As a result of this exchange, one of my first acts will be to communicate to General Powell that we need his help to convince this Congress that they need to remove barriers so that he can get his 2 million volunteers to come forward.

Madam President, the hour is now 20 till 4. We have now been on this since 2 o'clock last Monday, this 12-page bill, double spaced, and we continue to be prohibited from actually going to the debate. We will revisit this, but for the moment, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. FAIRCLOTH). Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider Executive Calendar No. 70, the nomination of Alexis Herman to be Secretary of Labor. I further ask that there be 30 minutes of debate on the nomination to be equally divided between the chairman and ranking minority manager; I further ask unanimous consent that immediately following the expiration or yielding back of the time, the Senate proceed to a vote on the confirmation of the nomination, and immediately following the vote the President be notified of the Senate's action, and the Senate then return to legislative session.

Mr. DASCHLE. Mr. President, reserving the right to object, and I only do so to commend the distinguished majority leader for his work in bringing us to this point. This has been the subject of extraordinary discussion and negotiation. It would not have been possible were it not for his cooperation and the work by several Senators, including the distinguished chairman of the Labor Committee and the ranking member, who are on the floor at this time. I thank the majority leader for his effort, and I appreciate very much the work to bring us to this point.

I have no objection.

Mr. LOTT. Mr. President, before the Chair rules on the unanimous-consent request, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ASHCROFT). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I renew my request for a unanimous-consent agreement that we proceed to Calendar No. 70, the nomination of Alexis Herman to be Secretary of Labor.

The PRESIDING OFFICER. Is there objection to the request?

Hearing no objection, it is so ordered.

Mr. LOTT. Mr. President, I do want to thank the distinguished Democratic leader for his comments. He knows quite well that there had been concerns, initially, about this nominee. I have been satisfied that she is qualified for the job. But I didn't know all the details of allegations or problems that had been identified. The committee, under the leadership of the chairman, took their time, they looked into the potential problems and allegations, and they finally took a vote. I believe it was a unanimous voice vote. Members of the committee had adequate time to look into these potential problems. I think the nominee has assured Senators that her conduct is going to be very circumspect as Secretary of Labor. I am satisfied that she will do that and that she will work with the Congress and the Senate, on both sides of the aisle, and will do a good job as Secretary of Labor.

Now, the second problem, of course, has been the idea that there would be an Executive order with regard to Federal union contracting. There has been a considerable amount of concern, as the Senator knows, about this being done through Executive order. We feel that should be done by the Congress with recommendations and time for consideration. But we have worked out an understanding with the administration of how this matter will be handled. Based on their assurances, which we feel they will honor, we felt it was appropriate to proceed with this nominee.

I want to say, again, that the nominee was not the problem over the last few weeks. The problem was an understanding about how labor law should be changed. I think we have reached a point where we can enter into this agreement. I thank the assistant majority leader, DON NICKLES, for his effort. He is knowledgeable in this area. He has been aggressive in trying to identify the problem and trying to find a solution. I did have a chance to discuss this last night with the President. He has had an opportunity to discuss it with representatives from the White House, and I feel that an amicable arrangement has been reached.

I yield the floor.

Mr. DASCHLE. Mr. President, I thank the majority leader for his explanation and for his description of the current set of circumstances. We have known now for some time that the delay in confirming Ms. Herman had little to do with her qualifications or the degree to which there was support on the Senate floor. It had to do with the dispute over Federal contracting.

I am pleased that the dispute has ended and that we find some applicable resolution to that issue. I have not seen the details of that particular agreement, but I am very pleased that, at long last, Ms. Herman will have the opportunity to serve in her new capacity as Secretary of Labor. We look forward to working with her, and it is my expectation that there will be an overwhelming vote this afternoon on her behalf.

We look forward to beginning as early as next week to see her in office and working closely with us on an array of very important matters to be taken up in the next 2 years.

I yield the floor.

The PRESIDING OFFICER (Mr. FAIRCLOTH). The nomination will be stated.

The legislative clerk read the nomination of Alexis M. Herman, of Alabama, to be Secretary of Labor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today before the Senate to recommend that we approve the nomination of Ms. Alexis M. Herman to serve as Secretary of Labor.

Ms. Herman's career has been filled with many firsts. In 1977, Ms. Herman was appointed by President Jimmy Carter to be the first African-American woman to lead the Women's Bureau. Twenty years later, Ms. Herman is poised to become the first African-American woman to serve as Secretary of Labor.

To be appointed and confirmed as the Secretary of Labor is one of the greatest honors that our Nation can bestow upon an individual. It is an honor, however, that comes with a heavy burden of responsibility. Individuals who hold this office become stewards of the public trust and bear a great responsibility to the working men and women of America. It is my hope and my sincere expectation that Alexis Herman will preserve this trust and serve our country ably and effectively as Secretary of Labor.

Ms. Herman will take the helm of the Department of Labor at a critical juncture in its history. The passage of welfare reform has made the strengthening of our job-training programs more important than ever. People must be able to obtain skills that will lead to secure jobs. Workers are entitled to fair pay in a safe environment. And while a great deal of attention is being focused on the future of the Social Security system, it is incumbent upon us to ensure the stability and expand the reach of the private pension system as well. I have devoted my career to these issues and I look forward to working with Ms. Herman to strengthen the Department of Labor's education and training programs and improve the quality of life of working men and women.

It is because of my belief in and support for the mission of the Department that I have done my best to thoroughly review the background of this nominee. The pace may have seemed slow to some people but I was convinced then, as I am now, that it is better to take the time to do this job properly.

Our efforts were complicated by ongoing revelations of White House fundraising activities and by the announcement that the Office of Public Liaison, which the nominee was heading, was, and continues to be, the subject of an investigation by the Office of Special Counsel. But our efforts are now complete and the committee recommends that the Senate confirm Ms. Herman as Secretary of Labor.

Ms. Herman brings a unique set of skills and experience to the position of Secretary of Labor. In the mid-1970's she administered a pioneering program in Atlanta that helped minority women obtain white collar jobs. From 1977 until 1981, she served as the Director of the Women's Bureau under President Jimmy Carter. In this capacity she led the Department of Labor's efforts to identify and address the needs of working women across the country.

Over the years, Ms. Herman has earned a reputation for her ability to build coalitions and work effectively with groups holding disparate and divergent political views. It is my hope that these skills will be used to seriously address our Nation's workplace and work force development needs as we prepare for the 21st century.

We have an ambitious legislative agenda for this year—already the committee has reported S. 4, the Family Friendly Workplace Act, and S. 295, the Teamwork for Employees and Managers Act of 1997. These bills represent critical responses to the vast changes in the American workplace—changes that are unrecognized in a body of labor law unchanged since the Great Depression. Employers and employees should be working with, not against, each other whether it's figuring out a problem on the shop floor or in an employee's schedule.

Over the next few months we will develop legislation to better integrate education and job training programs and we will begin to explore ways to improve the security and soundness of the private pension system. These legislative initiatives will have profound implications for the economic competitiveness of our Nation and for the quality of life of American workers. We will only succeed in these efforts if we have leadership from the Secretary and a firm commitment to avoid partisan politics in the interest of addressing critical national needs.

I believe that Ms. Herman will be a full partner in these endeavors and that she will join us in our effort to improve the quality of life of working men and women. I look forward to working with her in her new capacity as Secretary of Labor.

I reserve the remainder of my time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, as I understand it, we have 15 minutes. Am I correct?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I yield myself 7 minutes at this time.

Mr. President, first of all, I want to extend our appreciation to the majority and minority leaders for working out this agreement where within the hour the Senate will go on record by an overwhelming vote in behalf of an outstanding nominee for Secretary of Labor. I am grateful to them for working out this agreement.

I thank especially the chairman of our committee, Senator JEFFORDS, for the way that he has handled this nomination. Nominations come and nominations go. But the fairness and thoroughness with which he handled this nominee I think reflects extremely well, not only on our committee but on the institution as a whole. It was exhaustive. It was extensive. It was probing. It was searching, as any review should be. And at the end of the day we were able to see the result of this very thorough review in the unanimous vote by the committee. That is the way that it should be done.

All of us in this body, and I think all Americans, will be grateful for the fact that we will have a Secretary of Labor who will be at the President's elbow and will speak for working men and women in this country. But at this time, all of us in the Senate should know the outstanding job that she has done.

Mr. President, I am delighted that we have freed ourselves from the position that was taken by some Members here on the floor who differed with the President's authority to issue an executive order encouraging the use of project labor agreements on Federal construction sites.

I think, if we look back over the history of project labor agreements, we would see that they have been effective, they have worked, and they have saved resources. These are voluntary agreements. The Supreme Court has upheld their use on public sector construction sites. Clearly the President is justified in urging the use of those kinds of agreements when they are appropriate.

This morning in the Labor Committee, we heard the outstanding testimony of John Dunlop, who is the former Secretary of Labor, under a Republican administration, who, as the architect of many project labor agreements, reviewed in some detail just how they work, how they function, and the reasons for them. He made a very powerful and convincing case for project labor agreements. But now we have worked out a satisfactory way in which the President will issue a memorandum on that issue which will encourage these project labor agreements to go forward where they are appropriate. And now we are moving ahead with the nominee.

So I would also like to commend Senator JEFFORDS for outlining the challenges that are going to be there for the Secretary. When I arrived in the Senate, men and women were working down at the Fall River Shipyard, building ships in Quincy, MA. They worked there with a high school diploma. They had a good job, and a good income. Their father generally had worked at the Fall River Shipyard, and even their grandfathers worked there and built some of the best ships we had in World War II, and many outstanding commercial ships as well. It is an entirely different labor market today. Everyone who enters it will have seven different jobs over the period of their lifetime at least.

The importance of having a well-trained and skilled work force is an enormous challenge for our country. We are looking forward to working with the members of our committee to try to play our role in making sure that we are going to see that those kinds of opportunities are going to be available to workers in the future.

I would like to take, Mr. President, the remaining moments here today just to speak about this really extraordinary nominee.

I see my colleague and friend, the good Senator from Illinois, has joined us, who has been such a strong supporter of the nominee, and will speak. My friend, Senator WELLSTONE, will speak as well.

If we are looking at a success story, we are looking at the life of Alexis Herman. If we are looking for personal resolution, determination, and personal moral courage and physical courage, we are looking at the history of Alexis Herman who, with her mother—who taught her to read at a very early age, in Mobile, AL—traveled as her mother was involved in one of the early literacy programs. She attended a Catholic school in Mobile, AL, that was segregated, and brought the truth to power when she challenged that school to integrate. The school resisted those entreaties. And, finally, a year later they admitted blacks into that school as a result of the determination and perserverance of this extraordinary young woman. She traveled and worked to try to bring African-American women into the workforce in many of the institutions and companies of this country with great, great success.

Her life has been one of service. She has been an outstanding assistant to the President of the United States with outreach programs, trying to work to make sure that the message that was going to be coming from the White House was going to be an all-inclusive message, and one that was going to move the country along together and not at the expense of any individuals or any groups.

She served with great distinction under Ray Marshall, who was Secretary of Labor under President Carter. And Ray Marshall is one of the country's most thoughtful leaders on all of the issues affecting the training of workers and upgrading their skills. And his support—his clear, eloquent comments about the work that Alexis Herman did when she worked with Ray Marshall constitute one of the most outstanding tributes that I have ever heard about any worker in any Cabinet position.

So the President of the United States has nominated her to be the Secretary of Labor. We will, I think, have an extraordinary person, one who can bring innovation and creativity, one who can reach out to working families; one who has special insights into the challenges that are out there for workers in a changing world.

Alexis Herman exemplifies many of our most important national values. She leads by example, and has a distinguished history of bringing others along. She grew up poor in the segregated South, and she succeeded through talent, energy, and commitment. She has had a lifelong commitment to the principle of helping others to help themselves.

As I mentioned, her mother, who once was Alabama's Teacher of the Year, brought Alexis with her as she taught reading to children and adults. Alexis' first summer job was teaching reading at an inner-city housing project.

After graduating from Xavier University in New Orleans, she returned to Mobile as a social worker. She counseled delinquent youths, helped place children in foster homes, and worked to assist families in dealing with issues such as teenage pregnancy.

She saw that lack of skills and opportunities were keeping many of Mobile's black citizens from achieving their full potential.

Alexis then spent several years running a pilot program in Atlanta to place African-American women in white collar positions. Included in the hundreds of letters the committee received in support of Ms. Herman's nomination were a number of letters from African-American female executives who credited Alexis with starting them on their careers. One woman who is now a vice president at the American Cancer Society wrote that she recalled that Alexis "advised the wisdom of getting my foot in the door first and foremost. From there, she said the rest would be up to me."

Another letter noted that the pilot project Alexis ran placed more African-American women in management positions in Atlanta during its first year in operation than the U.S. Employment Service had placed in its entire history in the city.

As I mentioned, in 1977, when Ray Marshall became Secretary of Labor in President Carter's administration, he asked her to become head of the Department's Women's Bureau—the youngest Director ever. She worked on expanding opportunities for women in skilled trades, helped displaced homemakers obtain the tools necessary to succeed in the workplace, and cochaired a Presidential task force to promote business ownership by women.

When President Clinton took office in 1993, he named Alexis Herman to a senior White House position as Assistant to the President and Director of the Office of Public Liaison. In this capacity, she identified the concerns of individuals and families across the country on the issues, and communicated the President's priorities to them.

In the many weeks since her nomination to be Secretary of Labor was announced last December, attempts have been made to generate controversy about various aspects of her career. However, Ms. Herman has responded to all the inquiries fully and completely. She received the unanimous support of the Labor Committee, and I anticipate that she will receive broad bipartisan support by the full Senate.

All her life, as a young student, as a career woman, as a community leader and in public service, Alexis Herman has advanced America's ideals. Hard work, dedication to excellence and commitment to leadership are the hallmarks of her character. Her entire career is a profile in courage.

She knows from her own life and firsthand experience the very real obstacles that too many Americans still face in trying to achieve the American dream. Most important, she is dedicated to the cause of improving the lives of all working families. She'll do an outstanding job as Secretary of Labor, and I look forward to working closely with her in the years ahead.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. KENNEDY. I yield 4 minutes to the Senator from Illinois, and the remaining time to the Senator from Minnesota.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, very much, Mr. President. I thank the Senator from Massachusetts, Senator KENNEDY, very much, and the Senator from Vermont, Senator JEFFORDS, for their efforts in bringing this nomination to the floor.

Yesterday, I came to the floor and asked that Alexis Herman be freed and that the Department of Labor be liberated so that they could get on with the business of the American people, the American working people. And that is what has happened here.

So we are rejoicing this afternoon that, indeed, this nomination has reached consensus. There has been closure and agreement by leadership and by the Members of this Senate to have a vote on Alexis Herman's confirmation.

I am so very pleased and grateful to the leadership, and, again, Senator KENNEDY and Senator JEFFORDS for making it so.

Mr. President, I strongly support the confirmation of Alexis Herman as Secretary of Labor. She has been a friend of mine and I know that she will be an outstanding Secretary of Labor. Her commitment to improving the condition of America's working people is second to none.

Over the past 4 years, we have witnessed major improvements in our economy. Now we must continue the work to make our economy and our workforce better than we have ever known. We need someone to help lead us in that direction. I cannot think of a person who is more skilled and more knowledgeable and who is better suited for that task than Alexis Herman.

Alexis Herman has long dedicated her efforts to putting all Americans to work. Early in her career, Alexis Herman implemented a program that provided targeted training to potential employees. This program helped to ensure that potential employees possessed the skills required to meet employer's needs. Through the work of Alexis Herman, companies across America had access to employees who had specialized skills, and workers had access to jobs because they were trained for jobs that actually existed.

Alexis Herman continued her efforts to expand workplace opportunities as head of the Women's Bureau of the Department of Labor under President Carter. At the Women's Bureau, she not only expanded job opportunities by training women for the workforce, including training in nontraditional jobs, but also expanded job opportunities by training women to become business owners with a workforce of their own.

During her tenure at the Women's Bureau Alexis Herman focused her efforts on moving women from welfare to work. Especially important and relevant in light of last year's welfare bill is Alexis Herman's experience and skills in the area of creating job training and placement opportunities for welfare recipients and low-skill workers. If we are going to put over a million people to work in the coming years, we are going to need Alexis Herman's practical experience.

Alexis Herman's commitment to diversity will make a difference in the steps our Nation takes to enhance our workforce. Any time we retreat from providing equal opportunities to all of our citizens, we risk weakening our greatest asset: our workers. With her vast experience in increasing diversity in the workplace, Alexis Herman will ensure that no talent goes untapped.

Alexis Herman knows the value of diversity. As public liaison for President Clinton, Ms. Herman worked with Americans across the country—Americans with diverse backgrounds and concerns.

During Ms. Herman's testimony before the Labor Committee, she stated that she had five goals for the Labor Department in the next 4 years: lifelong learning and skills development; welfare to work; retirement security; safe and equal opportunity workplaces; and balancing work and family. These goals reflect her life's work to date. These goals also describe a course for the future that we can all support. These goals reflect America's agenda.

Training our workforce for the 21st century, providing for a secure retirement for the Nation's expanding elderly population, and recognizing the importance of family for America's workforce are clearly national priorities. Alexis Herman understands that to reach these goals we must work together.

One of her greatest strengths is that she has formed partnerships with both business and labor in her many years working on employment issues. She understands the kind of investment that business must make in human capital in order to improve productivity, increase profits, and to create jobs. She understands how difficult it is for small businesses to start up and how important those businesses are to our economy as a whole. She understands that people want to work but that they need the opportunity to be trained so that they can become productive members of the workforce. And, finally, Alexis Herman understands that we are all in this together.

Former Secretary Reich was an advocate for working people, an asset to the business community and a tireless servant for America's families. He has my deepest thanks and my highest admiration for the work he did as Secretary of Labor. But I know that Alexis Herman is capable and up to the task in front of her, that even though she has big shoes to fill, I know she is more than capable of meeting the challenge and finishing the task. There can be no better candidate for Secretary of Labor than Alexis Herman. Her confirmation, as Senator KENNEDY pointed out, will, indeed, make history. As Secretary of Labor she will make a difference, however, in the lives of millions of Americans and workers throughout the world.

I urge my colleagues to confirm Alexis Herman as the next Secretary of Labor.

I thank the Chair and I yield the floor.

Mr. JEFFORDS. Mr. President, I yield 2 minutes to the able majority whip.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Oklahoma.

Mr. NICKLES. I thank the Chair. I thank my colleague from Vermont for his leadership and also for having the hearing today that discussed project labor agreements.

I told my friend from Massachusetts that I did not have a problem with Alexis Herman being Secretary of Labor as much as I had a real problem with what I perceive to be legislation by Executive order.

There was proposed to be an Executive order dealing with project labor agreements that, as it was read by me and many other people, basically would have excluded nonunion companies from bidding on over $200 million of work per year. I think that requires legislation, and if Congress wants to legislate that, certainly Congress has the right to legislate that. I told the White House my hope and desire would be that if they want to legislate, to find someone to introduce that legislation, we would take it up in the legislative process.

So I have had for the past few weeks objected to considering this nomination, trying to get the White House to back off from that order. I might inform our colleagues—somebody said, well, what caused this change of events? The White House has now agreed not to issue the Executive order, and I appreciate that. They have said that they were going to issue a memorandum from the President to the executive agencies, and that is certainly within their right. The memorandum does not have the force and effect of law.

My purpose was to make sure that the administration did not try to legislate by Executive order. We now have a letter from Erskine Bowles that I will just read.

> This is to confirm the administration's intention to issue a Presidential memorandum encouraging executive departments and agencies to consider utilizing project labor agreements in Federal Government construction projects. The President believes that such agreements are desirable in circumstances where they promote efficient and high quality contract performance and labor/management stability.

It is also our understanding, as I say, very frankly, they are not going to do it by Executive order. So that is the reason why I am withdrawing my objection and have no objection to the Senate voting on the nomination of Alexis Herman to be the next Labor Secretary.

So I appreciate the cooperation of the White House and think this is the proper way to proceed. If they wish to legislate on project labor agreements, certainly they have the right to introduce that legislation and we will consider it in due process.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. I inquire as to the remainder of time.

The PRESIDING OFFICER. There are 6½ minutes on the Republican side and 3½ on the Democrat side.

Mr. JEFFORDS. I yield the Senator from Pennsylvania 6 minutes.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Pennsylvania.

Mr. SPECTER. I thank my distinguished colleague from Vermont for yielding me time. I have sought recognition to support the nomination of Ms. Alexis M. Herman for Secretary of Labor, and I am glad to see we are finally moving to the confirmation process here because we need a Secretary of Labor in place to move ahead on the budget process and the appropriations process.

I serve as chairman of the appropriations subcommittee which has jurisdiction over the Department of Labor. It has an $11 billion budget, and obviously we have not been able to hear from the Secretary of Labor so far because we have not had a Secretary of Labor.

When Ms. Herman's status was held up early on, I met with her and had a long talk with her back in early February. I found that she had a good academic background and had a good work record. Some questions had been raised on a number of items, but it was my sense at that time that she was entitled to a hearing by the Labor Committee.

I am delighted that Senator JEFFORDS and the committee have held that hearing and have reported her nomination out favorably so that we are now in a position to move ahead and to confirm her today. It is my sense that she will receive an overwhelming vote of support, perhaps even a unanimous vote. That remains to be seen.

Apparently she will not receive a unanimous vote, from a signal from the Presiding Officer, and that is within the discretion of every Senator, to vote as he or she sees fit. I do express a concern about the nexus or the linkage of Ms. Herman to the Executive order and to other collateral matters. I have been around here long enough to understand that that is not an unusual proceeding, but it is my hope that we can decide these matters on the merits one by one. But whatever one's position might be in that connection, we at least are reaching the point where we will have a vote at 5 o'clock today on Alexis Herman to see whether or not, up or down, she is qualified, in the view of the Senate, to be the next Secretary of Labor.

I might say that there is considerable concern about the treatment of Ms. Herman in my home State of Pennsylvania. We had a remarkable event over last Sunday, Monday, and Tuesday, April 27, 28, and 29, in Philadelphia on the volunteer summit. We had four Presidents—quite an impressive showing. Somebody in the holding room said, "Mr. President" and everyone turned his head. Some who were not present turned their head, including Vice President GORE and maybe some others.

But there was another summit, a citizen summit some blocks away in a square in Philadelphia—Philadelphia is famous for its squares—and a number of people who appeared at the Presidents' volunteer summit also appeared at the citizen summit. Mayor Rendell, who presided over the summit for Philadelphia and did an excellent job, appeared in both places as did Rev. Jesse Jackson, Congressman FATTAH, and I as well. When I was at the citizen summit there was a lot of concern as to what was going to happen to Ms. Alexis Herman in the line of fair play, whether she was going to be treated fairly and appropriately.

So I am glad to see our process has worked. I think Ms. Herman is qualified to be Secretary of Labor based on her academic record, her work experience, her general demeanor and general qualifications, and the appropriate committee has taken up the issues which were raised as question marks and has answered them to the satisfaction of the committee. I look forward to voting for her and look forward to her confirmation, even if it is not unanimous, but I make this prediction, that it will probably be in the 90's.

I thank the Chair and yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, whatever interpretation Senators want to make about project labor agreements—I am not here to debate that now—I think that really what we ought to focus on is the vote we are about to take. And whatever interpretation Senators want to make about how we reached agreement, I am not here to debate that.

I thank Senator JEFFORDS and Senator KENNEDY for their fine leadership. I do know this. Senator SPECTER I think was quite correct in his remarks. I think there has been concern around the country about the treatment of Alexis Herman, making sure there was fair treatment. Clearly we are going to have a vote, and I think it is going to be an overwhelmingly positive vote. Above and beyond Ms. Herman, I think the issue is this position. It has been 6 long months. The Secretary of Labor position is so important to the lives of so many families all across the Nation—Minnesota, North Carolina, Massachusetts, Vermont, and beyond. Bob Reich was a great Secretary of Labor—a great Secretary of Labor—and I think the reason he became beloved to so many people in the country was that he was such a forceable and outspoken advocate and he was talking about living standards for people, about educational opportunities, about job training, about jobs at decent wages, and about parents being able to support their children. The Secretary of Labor is the most important position we have in the Cabinet when it comes to these critical issues, these bread and butter economic issues, whether or not we fulfill our national vow of equality of opportunity, which is all about decent jobs and decent educational opportunities.

I hope that there will be an overwhelming—and I think there will be—vote in support of Alexis Herman. I think, as Senator KENNEDY said, her own journey is inspiring. I think in many ways for an eloquent African-American woman to be Secretary of Labor, with all of the skill she brings to this position and with all the leadership that she can provide on behalf of working families, it is an inspiring story. I think this is an enormous victory not just for one person and not just for people in the African-American community, but really for the country. So I hope we will have a very strong vote for her.

I thank the chair of our committee, Senator JEFFORDS, and I thank Senator KENNEDY and thank in advance all the Senators who I think will vote for her.

I thank the Chair.

Mr. DASCHLE. Mr. President, I am glad we are finally going to consider President Clinton's nominee for Secretary of Labor, Alexis Herman. She deserves a swift confirmation by the United States Senate.

Ms. Herman's contributions during her career in public service and in the private sector are truly impressive and make her uniquely qualified to serve as Secretary of Labor.

Ms. Herman's commitment to bettering the working and living conditions of her fellow Americans began early in her life, with the support and encouragement of her family. Born in segregated Mobile, Alabama, Ms. Herman grew up in a family dedicated to the struggle for civil rights. Her father, a mortician, sued the Democratic Party to make it more inclusive and became one of Alabama's first black party officials.

After graduating from Louisiana's Xavier University, Herman went back home to Mobile to help desegregate her Catholic high school. She also worked in Pascagoula, MS, the hometown of Senator LOTT, helping unskilled workers get jobs in the shipyards.

Ms. Herman came to Washington in 1977 to work in the Labor Department with Secretary Ray Marshall, where she headed the women's bureau. After working for Secretary Marshall, Ms. Herman entered the private sector, forming her own consulting firm to advise businesses on marketing and minority hiring.

In 1988, Herman joined the Rev. Jesse Jackson's second Presidential campaign, where she met Ron Brown.

With Ron Brown, Ms. Herman worked on President Clinton's 1992 campaign, and was chief executive officer of the Democrats' 1992 convention in New York. After President Clinton was elected in 1992, she became head of the White House public liaison office.

Alexis Herman combines graciousness with toughness in a way that allows her to bring diverse groups together and build consensus, promote understanding, and resolve conflicts. It is no surprise that, as they have gotten to know her, more and more individuals, and more and more organizations and institutions, have come to support her nomination. She has strong support from a broad political spectrum, including the business, labor, and civil rights communities, all of whom she has served during her impressive career.

It is a testament to her success in building bridges between communities, helping working people, and remaining true to her principles that the people back home have not forgotten her. The Alabama Legislature passed a resolution urging her confirmation, and many Alabamians came to Washington for her hearing.

Alexis Herman has demonstrated her abilities to serve as Labor Secretary over the course of her impressive career. I look forward to working with her upon her confirmation, which, I trust, will be accomplished today.

The PRESIDING OFFICER. Who yields time?

Mr. JEFFORDS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Vermont has 1 minute 50 seconds.

Mr. JEFFORDS. Is there any time remaining on the minority side?

The PRESIDING OFFICER. The Senator has 52 seconds.

Mr. KENNEDY. Mr. President, I would like to use the last minute to thank a number of our staff. They have worked exceedingly hard during the course of this nomination. We are enormously grateful to them: Mark Childress, Jeff Huang, Brian Lee, Susan Green, Stephanie Williams, and Nick Littlefield. I know that Senator JEFFORDS will recognize his own staff, but we want to thank as well Mark Powden very much, and Scott Giles. They worked very closely with Todd Stern at the White House, and all of them deserve great thanks. They were of enormous help and assistance not only to Alexis Herman but to all the members of the committee, and we are grateful as always for their skill and their commitment to this institution.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. JEFFORDS. Mr. President, I first of all want to thank the majority leader and majority whip for the expeditious way they have handled the resolution with respect to the Executive order. I know they dedicated the time necessary to make sure this got done as efficiently and as effectively as possible so we could move this nomination along.

I also want to thank the members of my committee, especially the Senator from Massachusetts [Mr. KENNEDY] for the way they controlled themselves and were able to, after a rather extensive amount of time required to fully review the nominee's record, bring this nomination before the body today. And of course, as Senator KENNEDY mentioned, I cannot tell anyone how hard the staff worked on this particular nomination, probably harder than any other nomination at least in my memory, especially Ted Verheggen and Scott Giles of the majority as well as the minority staff, especially Mark Childress, whom Senator KENNEDY mentioned. This took undue hours of committee staff time as well as members to review all of the material that was available.

I am pleased now that we have brought this to a conclusion. I would point out that the Labor Committee was unanimous in its vote with respect to nominee, and I urge all Members to support a woman who I know will bring real credit to the office of the Secretary of Labor.

Mr. President, I yield back the remainder of time and ask for the yeas and nays on the nomination.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Alexis M. Herman to be Secretary of Labor. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] and the Senator from New York [Mr. MOYNIHAN] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "aye".

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 85, nays 13, as follows:

[Rollcall Vote No. 54 Ex.]

YEAS—85

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hollings
Hutchinson
Hutchison
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Reed
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—13

Allard
Campbell
Craig
Faircloth
Gramm
Hagel
Helms
Inhofe
Lugar
Roberts
Smith (NH)
Thomas
Thompson

NOT VOTING—2

Inouye
Moynihan

The nomination was confirmed.

Mr. JEFFORDS. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I am delighted that this unconscionable delay has ended and Alexis Herman has, at long last, been confirmed as Secretary of Labor. It was a mistake for the Republican leadership to hold her nomination hostage on a separate labor issue.

The compromise on that issue is entirely satisfactory. President Clinton gave up nothing substantial. Project labor agreements will be considered and given important new emphasis by all Federal agencies on appropriate Federal construction projects.

I look forward to working closely with Secretary Herman on the wide range of issues important to working families and communities across America.

The big winners today are these working families. Alexis Herman will do an excellent job speaking for them.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Ohio.

ANOTHER AVOIDABLE TRAGEDY

Mr. DEWINE. Mr. President, last Saturday's Washington Post told the story of a devastating, but avoidable, tragedy. It is the story of a little 5-year-old boy in Montgomery County, MD, who was locked in his bedroom for 22 hours a day, tied to his bed with a cat leash. This little boy's mouth was taped shut, his hands and his feet were bound together. Little Richard Holmes suffered the kind of abuse that no child in this country, or anywhere, ought to suffer.

That there are 3 million reports of child abuse in America every year is a tragedy, but there is an even deeper tragedy in cases like that of Richard Holmes. It is the tragedy of a system that tries too hard to keep some families together when they are families in name only.

According to the story in the Washington Post, Richard's grandmother and his aunt complained to Montgomery County child protection services that Richard was being abused. They made this complaint last year, describing to county officials how Richard was returning home from visits to his father famished and with bite marks—bite marks—on his arms. Their complaints were ignored. In fact, they were accused of being troublemakers. Richard's father and his girlfriend are now in prison on child abuse charges. This is not new territory for Richard's father, who was sentenced to 2 years probation back in 1992 after his neglect of Richard came to the court's attention the first time.

Mr. President, what on Earth was this little child, this little boy, doing back in his father's custody? It is easy to fault the child protection services to say that they should have done more, and they should have. What I would like to stress today is that those of us in the U.S. Senate should do more.

As I have discussed on this floor on numerous occasions, too often child protective services feel themselves hemmed in by a misinterpretation of a law that was passed by this Congress in 1980. Under the Federal Child Welfare Act, for a State to be eligible for Federal matching funds for foster care expenditures, the State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide "that in each case, reasonable efforts will be made (A) prior to the placement of a child in foster care, to prevent or eliminate the need for removal of the child from his home, and (B) to make it possible for the child to return to his home."

In other words, no matter what the particular circumstances of a household may be, the State must make reasonable efforts to keep that family together and to put it back together after it falls apart.

There is strong evidence to suggest that in practice, throughout the 50 States, reasonable efforts have become extraordinary efforts, efforts to keep families together sometimes at all costs and sometimes to the detriment of these children.

I believe that the sad story of Richard Holmes is a very eloquent case in point. So is the story of a little Ohio girl named Jenny Lynn. She is only 3 years old, and she has already been in eight foster homes. Let me repeat that, 3 years old and this poor child has already been in eight foster homes. One set of foster parents after another have given her up because they are not likely to ever be awarded permanent custody, not likely ever to be able to adopt her. She now reacts with panic, understandably, whenever she sees trash bags. You see, every time she is moved, her clothes, her possessions are moved in trash bags. Now when she sees trash bags, she is afraid that she is being moved once again.

Why, Mr. President, is she being moved? Why is this little 3-year-old being moved time and time again? Because the county, Mr. President, is still trying to reunify her family in this case, still trying to reunify her with her parents. The problem is, nobody knows where her parents are. Meanwhile, she will continue—I guess until they are found—to be shuttled back and forth, back and forth, from foster home to foster home.

This child, this little 3-year-old, is being deprived of what all children deserve: Stability, love, loving parents, a home. She is being deprived of her childhood.

Mr. President, you do not need to be an expert on child development to know that that kind of childhood will not help Jenny Lynn grow up to be a happy adult. Frankly, the whole situation is absurd. And I believe we need to do everything we can to make this kind of nightmare occur less frequently in this country.

Today, our friends in the House of Representatives passed legislation—the Camp-Kennelly bill—that will help us avoid this kind of tragedy. Mr. President, the Senate should do likewise. I have been working on similar legislation here in the Senate, legislation sponsored by Senator CHAFEE, Senator ROCKEFELLER, and other Members of this body, legislation to make it plain that the health and safety of children is and ought to be the primary concern of child protective services.

Mr. President, we are building a bipartisan consensus in support of this idea. The case of Richard Holmes ought to remind us that there are a lot of kids out there who need our help. We should not delay any longer.

Again, Mr. President, the action of the House of Representatives today is great news. I look forward to moving our bill on the Senate floor, the Chafee-Rockefeller bill, which among other provisions contains this "reasonable efforts" language to clarify what we all really know and what we all believe and what I am sure Congress meant in 1980, and that is, while we should always try to reunify families, the best interests of the child, the safety of the child, the welfare of the child always—always—must be of paramount concern.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING APRIL 25

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending April 25, the U.S. imported 7,983,000 barrels of oil each day, 69,000 barrels less than the 8,052,000 imported during the same week a year ago.

While this is one of the few weeks that Americans imported less oil than the same week a year ago, Americans still relied on foreign oil for 55.5 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 7,983,000 barrels a day.

ERASE THE HATE DAY

Mr. BAUCUS. Mr. President, I rise today to commend the Senate for passing a piece of legislation this morning that designates today, National Erase the Hate and Eliminate Racism Day. The legislation we passed this morning also calls on President Clinton to issue a proclamation urging all Americans to use each day as an opportunity to take a stand against racism and hate.

In 1964, Mike Mansfield of Montana, then majority leader of the U.S. Senate, ushered through this body the landmark Civil Rights Act. His national foresight and courage in those years was widely praised in the press and by his peers. As one colleague said upon Senator Mansfield's retirement, "The distinguished majority leader votes his convictions and lets the chips fall where they will."

In the last several years, however, Montanans of a different generation have come under the microscope of less favorable scrutiny. The reputation of Montana as a State of forward-thinkers and tolerant individuals was marred by the standoff between the FBI and the so-called Freemen outside Jordan, and a series of hate crimes in some of our cities.

Make no mistake, it is important for the media and others to focus on these events, whether they occur in Montana or elsewhere. But equally, if we are to learn from them, then we also need to listen to the stories of hope, of the people who are willing to stand up to bigots and hate groups.

Because those stories are happening all the time in Montana. Whether it is a community like Billings that stands up to a group of skinheads, or a Missoula high school class that devotes an entire project to studying the Holocaust.

It was in this spirit and with the strong support of the YWCA of America, the Anti-Defamation League, and the USA Network, that I cosponsored the legislation that designated today as National Erase the Hate and Eliminate Racism Day.

There is no doubt that we have come a long way as a nation. But with 8,000 hate crimes reported to the U.S. Department of Justice each year, it is clear we still have much more work to do.

In addition to taking a day to recognize the importance of the fight, we must continue to support groups like the Northwest Coalition Against Malicious Harassment, the Montana Human Rights Network, the Leadership Conference on Civil Rights, and the many other groups and individuals who continue this work every day.

In fact, many of those involved in this arena are now urging President Clinton to convene a White House conference on the issue. They have my strong support in their request. Surely, what we can do to encourage voluntarism, we must do to end hate.

I know a simple Senate resolution, or even a national conference, will not end the problems we still have. A piece of paper alone cannot teach a child that hate is wrong. But I do believe a piece of paper can make people think. A conference will not end intolerance. But it can make people talk about hate crimes. Designating today as a day to address these important problems is a first step and it can light a spark of hope in people's hearts and minds.

Again, perhaps our predecessor in the Senate, Mr. Mansfield, when speaking about the task in 1964, said it best when he noted,

> What we do here in the . . . Congress will not, of itself, correct these faults, but we can and must join the wisdom—the collective wisdom of this body—to the efforts of others in this Nation to face up to them for what they are—a serious erosion of the fundamental rock upon which the unity of the Nation stands.

Tolerance and respect are our nation's bedrock. Today we can join together to renew the fight for a better America. And if we continue to look at the good, courageous, decent things our neighbors are doing, the sparks of hope we light just might catch fire, in Montana and all across the country.

MESSAGES FROM THE HOUSE

At 2:49 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program.

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families.

H.R. 1048. An act to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes.

H.R. 1342. An act to provide for a one-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts.

The message also announced that the House has passed the following bill, without amendment:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R 363. An act to amend section 2118 of the Energy Policy Act of 1992 to extend the Electric and Magnetic Fields Research and Public Information Dissemination program; to the Committee on Energy and Natural Resources.

H.R. 680. An act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer of surplus personal property to States for donation to nonprofit providers of necessaries to impoverished families and individuals, and to authorize the transfer of surplus real property to States, political subdivisions and instrumentalities of States, and nonprofit organizations for providing housing or housing assistance for low-income individuals or families; to the Committee on Governmental Affairs.

H.R. 1048. An act to make technical amendments relating to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996; to the Committee on Finance.

H.R. 1271. An act to authorize the Federal Aviation Administration's research, engineering, and development programs for fiscal years 1998 through 2000, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1342. An act to provide for a one-year enrollment in the conservation reserve of land covered by expiring conservation reserve program contracts; to the Committee on Agriculture, Nutrition, and Forestry.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1765. A communication from the Chairman of the U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, the report on abnormal occurrences for fiscal year 1996; to the Committee on Environment and Public Works.

EC–1766. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, a rule (FRL5814–3) received on April 29, 1997; to the Committee on Environment and Public Works.

EC–1767. A communication from the Federal Co-Chairman of the Appalachian Regional Commission, transmitting, a draft of proposed legislation entitled "The Appalachian Regional Development Act Amendments of 1997"; to the Committee on Environment and Public Works.

EC–1768. A communication from the Director of the Office of Regulatory Management and Information, U.S. Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule entitled "Approval and Promulgation of Redesignation" (FRL5578–3, 5818–8, 5815–2) received on April 29, 1997; to the Committee on Environment and Public Works.

EC–1769. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report concerning direct spending or receipts legislation within five days of enactment; to the Committee on the Budget.

EC–1770. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations governing recordkeeping and reporting by political committees; to the Committee on Rules and Administration.

EC–1771. A communication from the Vice Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations relative to civil monetary penalties; to the Committee on Rules and Administration.

EC–1772. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, two rules including a rule entitled "Garbage" (RIN0579–AA73) received on April 25, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1773. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule entitled "Amendment to Cotton Board Rules" received on April 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1774. A communication from the Acting Under Secretary of Agriculture for Food, Nutrition, and Consumer Services, transmitting, pursuant to law, a rule entitled "Child Nutrition" (RIN0584–AC07) received on April 29, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. THURMOND, from the Committee on Armed Services, without amendment:

S. 7. A bill to establish a United States policy for the deployment of a national missile defense system, and for other purposes (Rept. No. 105–15).

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 672. An original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes (Rept. No. 105–16).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MACK (for himself, Mr. LEVIN, Mr. NICKLES, Mr. THURMOND, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. KYL, Mr. MCCAIN, Mr. ABRAHAM, and Mr. DEWINE):

S. 667. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 668. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

By Mr. COVERDELL (for himself and Mr. CLELAND):

S. 669. A bill to provide for the acquisition of the Plains Railroad Depot at the Jimmy Carter National Historic Site; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, and Mr. DURBIN):

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 671. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. STEVENS:

S. 672. An original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. BREAUX (for himself and Mr. HATCH):

S. 673. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Finance.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. BREAUX, Ms. COLLINS, Ms. SNOWE, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. D'AMATO, Mr. BRYAN, Mr. BAUCUS, Mr. ROBB, Mr. HUTCHINSON, Mr. INOUYE, Mr. SPECTER, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Mr. MOYNIHAN):

S. 674. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. Res. 80. A resolution expressing the sense of the Senate regarding Department of Defense plans to carry out three new tactical fighter aircraft programs concurrently; to the Committee on Armed Services.

By Mr. CAMPBELL:

S. Res. 81. A resolution expressing the sense of the Senate regarding the political and economic importance of the Denver Summit of Eight and commending the State of Colorado for its outstanding efforts toward ensuring the success of this historic event; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MACK (for himself, Mr. LEVIN, Mr. NICKLES, Mr. THURMOND, Mr. GRAHAM, Mr. INHOFE, Mr. COATS, Mr. KYL, Mr. MCCAIN, Mr. ABRAHAM, and Mr. DEWINE):

S. 667. A bill to empower States with authority for most taxing and spending for highway programs and mass transit programs, and for other purposes; to the Committee on Finance.

THE TRANSPORTATION EMPOWERMENT ACT

• Mr. MACK. Mr. President, today I am introducing bipartisan legislation which would allow States to keep almost all of their gas tax revenues for their own transportation projects without interference from Washington.

The Transportation Empowerment Act—which being re-introduced in the House by Representative JOHN KASICH—would replace the current law governing the Federal highways program, the Intermodal Surface Transportation Efficiency Act [ISTEA].

Under ISTEA, Washington currently collects about $25 billion each year in dedicated transportation taxes, skims money off the top for demonstration projects, skims more off the top to fund its highway bureaucracy, runs the remainder through a maze of formulas, and then returns what's left to the States to fund their transportation programs.

However, this circle of waste, has shortchanged our Nation's transportation infrastructure. Today, notwithstanding the tremendous growth in spending, our Nation's transportation investment backlog is estimated to be at least $200 billion. This backlog includes the following deficiencies: 25 percent of our highways are in poor/mediocre condition; 24 to 28 percent of bridges are structurally deficient/functionally obsolete; 24 percent of rail transit facilities are in substandard/poor condition; and 20 to 24 percent of transit buses need to be replaced.

The fact is that our country is getting less from our transportation dollars. Part of the reason for this is reflected in the growth of administrative costs. These costs, as a function of Federal highway construction dollars, have risen from 7 percent in 1956 to over 21 percent today.

The history of the Federal program has shown us that the current system [ISTEA] of collecting and distributing gas tax dollars needed by States to implement their own transportation needs is too inefficient, too costly, and too bureaucratic. Washington simply can't meet the challenges facing the Nation's infrastructure.

Simply put: The era of big Government is over. And in this era, the highway system is a perfect example of a program that ought to be returned to the States. It's a simple formula for success—less Washington, more roads. In fact, transportation economists and State officials estimate that if States weren't hamstrung by Washington's arcane formulas and mandates, they could get 20 percent more highways and transit systems for every dollar collected.

I have introduced the Transportation Empowerment Act because I believe we can better serve our Nation's transportation needs primarily through State run transportation programs, without Federal micromanagement and without laundering gas tax dollars through Washington.

KEY PROVISIONS OF THE TRANSPORTATION EMPOWERMENT ACT

The legislation continues a streamlined "core" Federal program. This core Federal transportation program will include the maintenance of the current Interstate System, Federal lands programs—Indian reservation roads, public lands, parkways and park roads—highway safety programs and emergency disaster relief. Also included is continued general fund support for transit programs.

The bill authorizes States to establish multistate compacts for planning, financing, and establishing safety and construction standards, and encourages innovative approaches on the part of the States, such as use of infrastructure banks and privitization. The bill repeals the requirement that States repay Federal grants associated with transportation infrastructure which is slated for privatization.

The legislation provides a 4-year transition period, beginning in fiscal year 1998, during which time the existing 14 cents gas tax dedicated to transportation purposes would remain in place. After funding the new streamlined core program and paying off outstanding bills, the remainder is returned to States in a block grant.

At the end of the transition period, beginning in fiscal year 2002, the Federal gas tax would be reduced to 2 cents—that amount necessary to fund the core Federal programs.

Under the bill each State would be free to replace the Federal gas tax and to keep those dollars within the State to use as each sees fit.

The bottom line is this—for far too long Washington has had a stranglehold on States' transportation needs. It's time for Washington to let go and re-empower the States to make their own decisions.

More information about the Transportation Empowerment Act is available via the Internet at www.senate.gov/?mack/tea2.html.●

By Mr. MURKOWSKI:

S. 668. A bill to increase economic benefits to the United States from the activities of cruise ships visiting Alaska; to the Committee on Commerce, Science, and Transportation.

BENEFITS FROM CRUISE SHIPS VISITING ALASKA LEGISLATION

Mr. MURKOWSKI. Today, Mr. President, I am reintroducing a very important measure—one that will unlock and open a door that Congress has kept barred for over 100 years.

Opening that door will create a path to thousands of new jobs, to hundreds of millions of dollars in new economic activity, and to millions in new Federal, State, and local government revenues. Furthermore, Mr. President, that door can be opened with no adverse impact on any existing U.S. industry, labor interest, or on the environment, and it will cost the Government virtually nothing.

There's no magic to this; in fact, it's a very simple matter. My bill merely allows U.S. ports to compete for the growing cruise ship trade to Alaska, and encourages the development of an all-Alaska cruise business, as well.

The bill amends the Passenger Service Act to allow foreign cruise ships to operate from U.S. ports to Alaska, and between Alaska ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of "cruise ship" designed to exclude any foreign-flag vessels that could conceivably compete in the same market as U.S.-flag tour boats or ferries. Finally, it provides a mechanism to guarantee that if a U.S. vessel ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers.

Mr. President, this is a straightforward approach to a vexing problem, and it deserves the support of this body.

Let's look at the facts. U.S. ports currently are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of 1886, which bars foreign vessels from carrying passengers on one-way voyages between U.S. ports. However, it isn't 1886 anymore. These days, no one is building any U.S. passenger ships of this type, and no one has built one in over 40 years.

Because there are no U.S. vessels in this important trade, the only real effect of the Passenger Service Act is to force all the vessels sailing to Alaska to base their operations in a foreign port instead of a U.S. city.

Mr. President, what we have here is an act of Congress prohibiting U.S. cities from competing for thousands of jobs and hundreds of millions in business dollars. That is worse than absurd—in light of our ever-popular election-year promises to help the economy, it belongs in Letterman's "Top Ten Reasons Why Congress Doesn't Know What It's Doing."

How, Mr. President, can anyone argue with a straight face for the continuation of a policy that fails utterly to benefit any identifiable American interest, while actively discouraging economic growth.

Mr. President, this is not the first time I have introduced this legislation. When I began, Alaska-bound cruise passengers totaled about 200,000 per year. By last year, 445,000 people—most of them American citizens—were making that voyage. This year's traffic may exceed 500,000 people. Almost all those passengers are sailing to and from Vancouver, British Columbia—not because Vancouver is necessarily a better port, but because our own foolish policy demands it.

The cash flow generated by this trade is enormous. Most passengers fly in or out of Seattle-Tacoma International Airport in Washington State, but because of the law, they spend little time there. Instead, they spend their pre- and post-sailing time in a Vancouver hotel, at Vancouver restaurants and in Vancouver gift shops. And when their vessel sails, it sails with food, fuel, general supplies, repair and maintenance needs taken care of by Vancouver vendors.

According to some estimates the city of Vancouver receives benefits of well over $200 million per year. Others provide more modest estimates, such as a comprehensive study by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million. If that business had taken place inside the United States, it would have been worth additional Federal, State and local tax revenues of approximately $60 million.

In addition to the opportunities now being shunted to Vancouver, we are also missing an opportunity to create entirely new jobs and income through the potential to develop new cruising routes between Alaska ports. The city of Ketchikan, AK, was told a few years ago that two relatively small cruise ships were very interested in establishing short cruises within southeast Alaska. I'm told such a business could have contributed $2 million or more to that small community's economy, and created dozens of new jobs. But, because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the United States most spectacular places, and yet we force them to go to another country to do it. We are throwing away both money and jobs—and getting nothing whatsoever in return.

Why is this allowed to happen? The answer is simple—but it is not rational. Although the current law is actually a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit, Mr. President, that is not the case.

For some inexplicable reason, paranoia runs deep among those who oppose this bill. They seem to feel that amending the Passenger Service Act so that it makes sense for the United States would create a threat to Jones Act vessels hauling freight between U.S. ports. Mr. President, there simply is no connection whatsoever between the two. I have repeatedly made clear that I have no intention of using this bill to create cracks in the Jones Act.

This bill would actually enhance—not impede—opportunities for U.S. workers. Both shipyard workers and longshoremen—not to mention hotel and restaurant workers and many others—would have a great deal to gain from this legislation, and the bill has been carefully written to prevent the loss of any existing jobs in other trades.

Finally, let me dispose of any suggestion that this bill might harm smaller U.S. tour or excursion boats. The industry featuring these smaller vessels is thriving, but it simply doesn't cater to the same client base as large cruise ships. For one thing, the tour boats operating in Alaska are all much smaller. The smallest foreign-flag vessel eligible under this limit is Carnival Cruise Line's *Windstar*, which is a 5,700-ton ship with overnight accomodations for 159 passengers. By contrast, although the largest U.S. vessel in the Alaska trade is rated to carry 138 passengers, she is less than 100 gross deadweight tons.

The fact of the matter is that there is no significant competition between the two types of vessel, because the passengers inclined to one are not likely to be inclined to the other. The larger vessels offer unmatched luxury and personal service, on-board shopping, entertainment, etc. The smaller vessels offer more flexible routes and the ability to get closer to many of Alaska's extraordinary natural attractions.

In the spirit of full disclosure, Mr. President, let me acknowledge that there is one operating U.S. vessel that doesn't fit the mold: the *Constitution*, an aging 30,000-ton vessel operating only in Hawaii. This is the only ocean-capable U.S. ship that might fit the definition of "cruise vessel." I have searched for other U.S. vessels that meet or exceed the 5,000-ton limit in the bill, and the only ones I have found that even approach it are the *Delta Queen* and the *Mississippi Queen*, both of which are approximately 3,360 tons, and both of which are 19th century-style riverboats that are entirely unsuitable for any open-ocean itinerary such as the Alaska trade.

Mr. President, I cannot claim that this legislation would immediately lead to increased earnings for U.S. ports. I can only say that it would allow them to compete fairly, instead of being anchored by a rule that is actively harmful to U.S. interests. It is, as I said at the beginning of this statement, only a way to open the door.

We've heard a lot of talk about growing the economy and creating jobs during the last few years. But we all know, Mr. President, that such changes are easier to talk about than they are to accomplish. Well, Mr. President, here is a bill that opens the door to thousands of jobs and hundreds of millions of new dollars, and does it without one red cent of taxpayer money. It's been 110 years since the current law was enacted, and it's time for a change.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds the following:

(1) It is in the interest of the United States—

(A) to maximize economic return from the growing trade in cruise ships sailings to and from Alaska by encouraging the use of United States labor, supplies, berthing and repair facilities, and other services, and

(B) to encourage the growth of new enterprises including the transportation of passengers on luxury cruise ships between ports in Alaska.

(2) In promoting additional economic benefits to the United States from the cruise ship industry, there is a need to ensure that existing employment and economic activity associated with the Alaska Marine Highway System, United States-flag tour boats operating from Alaskan ports, and similar United States enterprises are protected from adverse impact.

(3) Cruise ship sailings to Alaska comprise a vital and growing segment of the United States travel industry. Since 1989, the number of tourists coming to Alaska via cruise ships has increased by 86 percent. With almost 500,000 passengers per year, Alaska has become the third most popular cruise destination in the world, after the Caribbean and Europe.

(4) The cruise ship industry is expected to grow at a rate of 15 percent per year over the next several years. In 1996, 7 new cruise ships having a combined capacity to carry over 13,000 passengers entered the market.

(5) The only United States-flag ocean cruise ship in service is an aging vessel operating cruises only between the Hawaiian Islands. No United States-flag cruise ships are presently available to enter the Alaskan trade. Thus, all cruise ships carrying passengers to and from Alaskan destinations are foreign-flag vessels which are precluded, under current law, from carrying passengers between United States ports.

(6) The City of Vancouver, British Columbia receives substantial economic benefit by providing services to cruise ships in the Alaskan trade. In 1996, there were 487 Alaska-related voyages, with over 445,000 passengers, up from 389,000 in 1995. Most of the voyages stopped in Vancouver. Vancouver has benefited from the cruise ship industry through the direct and indirect employment of almost 2,500 people, and through revenues from goods and services of approximately $120,000,000 a year.

(7) The transfer of cruise ship-based economic activity from Vancouver, British Columbia to United States ports could yield additional Federal revenues of nearly $100,000,000 a year and additional State and local government revenues of approximately $30,000,000.

SEC. 2. FOREIGN-FLAG CRUISE VESSELS.

(a) DEFINITIONS.—For the purposes of this section:

(1) CRUISE VESSEL.—The term "cruise vessel" means a vessel of greater than 5,000 deadweight tons which provides a full range of luxury accommodations, entertainment, dining, and other services for its passengers.

(2) FOREIGN-FLAG CRUISE VESSEL.—The term "foreign-flag cruise vessel" does not apply to a vessel which—

(A) regularly carries for hire both passengers and vehicles or other cargo, or

(B) serves residents of their ports of call in Alaska or other ports in the United States as a common or frequently used means of transportation between United States ports.

(b) WAIVER.—Notwithstanding the provisions of section 8 of the Act of June 19, 1886 (46 U.S.C. 289) or any other provision of law, passengers may be transported in foreign-flag cruise vessels between ports in Alaska and between ports in Alaska and other ports on the west coast of the contiguous States, except as otherwise provided by this section.

(c) COASTWISE TRADE.—Upon a showing satisfactory to the Secretary of Transportation, by the owner or charterer of a United States-flag cruise vessel, that service aboard such vessel qualified to engage in the coastwise trade is being offered or advertised pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation (46 App. U.S.C. 817(e)) for service in the coastwise trade between ports in Alaska or between ports in Alaska and other ports on the west coast of the contiguous States, or both, the Secretary shall notify the owner or charterer of one or more foreign-flag cruise vessels transporting passengers under authority of this section, if any, that the Secretary shall, within 1 year from the date of notification, terminate such service. Coastwise privileges granted to any owner or charterer of a foreign-flag cruise vessel under this section shall expire on the 365th day following receipt of the Secretary's notification.

(d) NOTIFICATION.—Notifications issued by the Secretary under subsection (c) shall be issued to the owners or charterers of foreign-flag cruise vessels—

(1) in the reverse order in which foreign-flag cruise vessels entered the coastwise service pursuant to this section determined by the date of each vessel's first coastwise sailing; and

(2) in the minimum number needed to ensure that the passenger-carrying capacity thereby removed from coastwise service exceeds the passenger-carrying capacity of the United States-flag cruise vessel which is entering the service.

(e) TERMINATION.—If, at the expiration of the 365-day period specified in subsection (c), the United States-flag cruise vessel that has offered or advertised service pursuant to a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation has not entered the coastwise passenger trade between ports in Alaska or between ports in Alaska and other ports on the west coast of the contiguous States, then the termination of service required by subsection (c) shall not take effect until 180 days following the entry into the trade by the United States-flag cruise vessel.

(f) DISCLAIMER.—Nothing in this section shall be construed as affecting or otherwise modifying the authority contained in the Act of June 30, 1961 (46 U.S.C. 289b) authorizing the transportation of passengers and merchandise in Canadian vessels between ports in Alaska and the United States.

By Mr. ABRAHAM (for himself, Mr. KENNEDY, Mr. HATCH, Mr. DEWINE, and Mr. DURBIN):

S. 670. A bill to amend the Immigration and Nationality Technical Corrections Act of 1994 to eliminate the special transition rule for issuance of a certificate of citizenship for certain children born outside the United States; to the Committee on the Judiciary.

TECHNICAL CORRECTIONS LEGISLATION CONCERNING CHILDREN BORN OVERSEAS

Mr. ABRAHAM. Mr. President, I rise to introduce on behalf of myself, Senator KENNEDY, Senator HATCH, Senator DEWINE, and Senator DURBIN, a short, technical bill to correct a drafting error in last year's immigration bill that could wrongly deny U.S. citizenship to certain children born overseas to a U.S.-citizen parent.

To explain the problem addressed by this bill, some background is in order. Prior to 1986, a minor child, born abroad to a U.S.-citizen parent, was eligible for U.S. citizenship if the child's U.S. citizen-parent had physically resided in the United States for at least 10 years prior to the child's birth. The 1986 Immigration bill shortened this residency period to 5 years for children born after its effective date, but perhaps inadvertently retained the 10-year requirement for children born before that date.

This double standard yielded anomalous results: In families where the U.S.-citizen parent had resided in the United States for more than 5 years but less than 10, a younger child—born in, say, 1987—would be eligible for U.S. citizenship, while that child's older sibling—born in, say, 1985—would not be.

To eliminate this disparity, the Immigration and Nationality Technical Corrections Act of 1994 amended the relevant provision of the Immigration and Nationality Act to establish a uniform 5-year residency requirement, without regard to the date of the child's birth.

A provision in last year's immigration bill, however, effectively repealed the 1994 amendment described above, thus restoring the prior double standard. There was, of course, no policy basis for this change, and no one has claimed ownership of it. The change appears to have simply been a drafting error in a purely technical section of last year's bill.

This error needs to be corrected without delay. Once a child turns 18, he is no longer eligible to become a U.S. citizen under the Immigration and Nationality Act provision that was affected by the drafting error. Thus, children who turn 18 before this error is corrected will be permanently ineligible to become U.S. citizens under the provision at issue. The longer this error goes uncorrected, the greater the number of children who will be harmed by it.

I therefore hope this bill can be passed without delay or controversy, and I will be working with my colleagues on both sides of the aisle to that end.

By Mr. WELLSTONE (for himself and Mrs. MURRAY):

S. 671. A bill to clarify the family violence option under the temporary assistance to needy families program; to the Committee on Finance.

THE FAMILY VIOLENCE OPTION II ACT OF 1997

Mr. WELLSTONE. Mr. President, today I am pleased to be introducing the Family Violence Option II, a bill to clarify the Wellstone/Murray Family violence option Act contained in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Last summer, Senator MURRAY and I introduced the family violence amendment to the welfare bill to give States the flexibility to identify victims and survivors of domestic abuse and, if necessary, to provide more time to remove the domestic violence barrier so that victims would be able to move into the workforce. Our provision was changed to a State option, but that did not change the intent of the legislation.

States helping battered women should not be penalized for not having the requisite number of women at work in a given month if domestic violence is the reason. Most importantly, battered women should not be competing with the myriad people with disabilities that prevent them from working. Abuse victims and survivors may simply need a little more time. That is why the family violence option allows States to grant temporary waivers, not exemptions.

Many States have adopted the family violence option, others, some version of it, but most have had great difficulty figuring out what taking the option would mean. Senator MURRAY and I want to make sure States that take domestic abuse into account when setting work goals will not pay a price. Therefore, this bill makes it clear that victims of domestic abuse will not be counted in the 20 percent hardship exemption and States who grant temporary waivers of work requirements to abuse survivors will not be penalized if they fail to meet their work requirements.

Evidence continues to emerge about the high number of incidents of domestic abuse or a history of abuse among welfare recipients. Most recently, a joint study from the Taylor Institute in Chicago and the University of Michigan confirmed that large numbers of women on AFDC are survivors or current victims. Four recent studies—conducted by Passaic County, NJ, Univ. of Massachusetts, Northwestern University, and the Better Homes Fund in Worcester, MA—document that at least 14 percent—Passaic County, NJ—and as high as 32 percent—Worcester, MA—of women on AFDC were currently being abused. The numbers were more than twice those percentages for a history of abuse.

Given the extent of this problem, it is imperative that States be able to work at a more individualized pace, not a one-size-fits-all approach. I would like to share a story about a woman from Minnesota who has used the safety net of public assistance to free herself and her children from violence, obtain job skills and training, and become self-supporting.

Edith is a woman who has defied the odds. She had her first child at the age of 16. By the time she was in her early twenties, she had become an intravenous drug user, had three more children, and was in an extremely violent relationship. Edith's abuser beat her routinely and savagely, sending her to the emergency room again and again. As Edith says, "Finally, I realized that to save my life and my mental stability, I had to get away." She waited until her abuser had passed out and carefully pried the car keys from his hand and fled Gary, IN, with her young sons.

Edith fled to Minnesota because she had family there. Within months her abuser found her, forcing her to flee to a battered women's shelter. Edith quickly realized that if she was ever going to be able to support her children, she would need to get the educational and job training that she desperately needed. It was at that point that Edith contacted Cornerstone's Transitional Housing Program. Cornerstone is a successful women's advocacy program in Bloomington, MN.

Edith and her children came into the program in 1992. Utilizing educational and vocational resources, Edith entered a vocational program for electricians. While in Cornerstone's Transitional Housing Program, Edith was able to address the many issues that had resulted from her battering, including parenting, bad credit, and chemical dependency, just to name a few. With support of the program staff, Edith completed the apprenticeship and graduated from the Cornerstone program.

I am proud to tell you that Edith will become a licensed electrician this summer. She has just purchased her first home and has set a new goal to become a contractor. Edith would tell you that had she not been given the time and the opportunity to participate in a transitional housing program specifically for battered women, she could not have accomplished all of her goals.

We need to insure that women like Edith have the support system in place to escape abusive situations, make the transition to work, and then stay working. When women can support themselves and their children they can stay away from abusive partners and keep themselves and their families safe. I urge my colleagues to support this important legislation.

Mr. President I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 671

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) the intent of Congress is amending part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) in section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112) was to allow States to take into account the effects of the epidemic of domestic violence in establishing their welfare programs, by giving States the flexibility to grant individual, temporary waivers for good cause to victims of domestic violence who meet the criteria set forth in section 402(a)(7)(B) of the Social Security Act (42 U.S.C. 601(a)(7)(B));

(2) the allowance of waivers under such sections was not intended to be limited by other, separate, and independent provisions of part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and

(3) under section 402(a)(7)(A)(iii) of such Act (42 U.S.C. 602(a)(7)(A)(iii)), requirements under the temporary assistance for needy families program under part A of title IV of such Act may, for good cause, be waived for so long as necessary.

SEC. 2. CLARIFICATION OF WAIVER PROVISIONS RELATING TO VICTIMS OF DOMESTIC VIOLENCE.

(a) IN GENERAL.—Section 402(a)(7) of the Social Security Act (42 U.S.C. 602(a)(7)) is amended by adding at the end the following:

"(C) NO NUMERICAL LIMITS.—In implementing this paragraph, a State shall not be subject to any numerical limitation in the granting of good cause waivers under subparagraph (A)(iii).

"(D) WAIVERED INDIVIDUALS NOT INCLUDED FOR PURPOSES OF CERTAIN OTHER PROVISIONS OF THIS PART.—Any individual to whom a good cause waiver of compliance with this Act has been granted in accordance with subparagraph (A)(iii) shall not be included for purposes of determining a State's compliance with the participation rate requirements set forth in section 407, for purposes of applying the limitation described in section 408(a)(7)(C)(ii), or for purposes of determining whether to impose a penalty under paragraph (3), (5), or (9) of section 409(a).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect as if it had been included in the enactment of section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2112).

By Mr. BREAUX (for himself and Mr. HATCH):

S. 673. A bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans; to the Committee on Finance.

THE ESOP PROMOTION ACT OF 1997

Mr. BREAUX. Mr. President, I rise today to introduce a measure that will enhance employee ownership in businesses across America. The ESOP Promotion Act of 1997, which I introduce today with my colleague, Senator HATCH of Utah, will facilitate employee ownership and retirement savings and enhance the opportunities for America's entrepreneurs to gain improved access to capital. This legislation would both improve and update a number of obsolete operating rules for employee stock ownership programs and would implement the full intent of Congress, which last year passed legislation designed to make ESOP's available to Subchapter S corporations.

The ESOP Promotion Act benefits the owners and workers in the 2 million S corporations which exist in every industry in every State across America. As the country's principal corporate vehicle for entrepreneurs and family business startups, S corporations have long been engines of economic growth. Unfortunately, the restrictions placed on these businesses have also resulted, more recently, in reduced capital access for S corporations. For an S corporation which had hit the limit on the number of allowable shareholders or the amount of personal debt that its owners could assume to keep the company in business, there has been a burdensome capital crunch affecting not only these companies directly, but hindering the ability of our entire national economy to realize its growth potential.

Last year, as part of the Small Business Job Protection Act of 1997, Congress enabled S corporations to have ESOP's. I was proud to be a cosponsor of that measure, which by allowing S corporation ESOP's did two additional, critical things: it gave S corporations a new way to access funds without putting any new burdens on the Federal tax base, and it gave millions of workers a way to participate directly in the success and growth of the businesses which employed them.

But despite the success we marked in 1996, the many S corporations which now want to build ESOP's cannot. The reason: there continues to be a number of largely technical hurdles in the Tax Code that make it difficult, if not impossible, to establish and sustain these employee ownership programs.

One example of such a hurdle, is that, under current law, if an S corporation's ESOP distributes stock to its employee participants, and even one employee rolls over his stock into an entity that is not a permissible S corporation shareholder—say, an IRA account—then the company's Subchapter S election will be entirely invalidated. This, of course, is a risk that no S corporation is willing to take, and while the problem seems minor and technical on its face, no S corporation will establish an ESOP under these conditions.

Another example of a technical disincentive is that, while S corporations were established in the 1950's as pass-through companies which pay a single layer of taxes, the S corporation ESOP would have to pay two layers of tax—one when the S corporation distributes stock to the ESOP, and the other when the ESOP distributes stock or cash to its participants. The second layer of tax was certainly not envisioned by Congress when we permitted S corporations to have ESOP's last year. Unfortunately, in its current form, this technicality means that an S corporation ESOP participant would pay a nearly 70 percent greater tax on his share of income than he would if he owned the company's stock directly. As such, S corporation ESOP's are not yet viable for employees, though we certainly intended that they would be when we established them.

The legislation that we are introducing eliminates these and other technical problems by establishing parity between ESOP's sponsored by S corporations and those sponsored by C corporations; ensuring S corporation ESOP participants that they are subject to only one layer of taxation; and permitting employees to sell certain stock to an ESOP and defer tax on gain.

In addition to the important S corporation measures in the legislation, the ESOP Promotion Act would improve the retirement savings opportunities for American workers. The bill would give employees the option to direct employers to retain dividends paid on employer stock in the ESOP/401(k) plan for reinvestment in the employer stock. Employees could then defer income taxes on the dividends and allow them to grow tax-free in their ESOP/401(k) plan until retirement.

The bill would also correct an inequity to workers in the current tax law which provides an incentive for employers to pay the dividends to employees in cash, rather than to reinvest them in the ESOP/401(k) plan. Employers currently receive a tax deduction for dividends paid on stock held in the ESOP/401(k) plan only if the dividends are passed through to plan participants or are used to pay off an ESOP loan. The ESOP Promotion Act would provide employers with the tax deduction they currently receive on dividends paid on employer stock that is passed through to plan participants, if the dividends instead remain in the plan for reinvestment. This reinvestment opportunity for employees will enhance their retirement savings and facilitate employee ownership.

Congress now has a responsibility for finishing the task we began last year—one that, perhaps, many of us believed we had completed—when we agreed that S corporations should have ESOP's and enacted a law to that effect. Our bill completes the task by making ESOP's useful and desirable for the millions of workers in S corporations, while ensuring that they are suitable for the companies that wish to sponsor ESOP's. Clearly when Congress enacted the S corporation ESOP provision, we expected that it would be functional by its effective date, which is January 1, 1998. I hope that my colleagues will support our legislation, and ensure that our intent is fully implemented by the end of this year.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 673

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "ESOP Promotion Act of 1997".

SEC. 2. PROVISIONS RELATING TO S CORPORATIONS ESTABLISHING EMPLOYEE STOCK OWNERSHIP PLANS.

(a) REPEAL OF PROVISION MAKING CERTAIN ESOP BENEFITS INAPPLICABLE TO S CORPORATIONS.—Section 1316(d) of the Small Business Job Protection Act of 1996 is repealed, and the Internal Revenue Code of 1986 shall be applied and administered as if the amendments made by such section had not been enacted.

(b) REPEAL OF APPLICATION OF UNRELATED BUSINESS INCOME TAX.—Section 512(e) of the Internal Revenue Code of 1986 is amended—

(1) by striking "described in section 1361(c)(7)" in paragraph (1) and inserting "described in section 501(c)(3) and exempt from taxation under section 501(a)", and

(2) by inserting "CHARITABLE ORGANIZATIONS HOLDING STOCK IN" after "APPLICABLE TO" in the heading.

(c) ESOPS ALLOWED TO DISTRIBUTE CASH RATHER THAN STOCK.—

(1) IN GENERAL.—Section 409(h)(2) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(8) PLAN MAINTAINED BY S CORPORATION.—In the case of a plan established and maintained by an S corporation which otherwise meets the requirements of this subsection or section 4975(e)(7), such plan shall not be treated as failing to meet the requirements of this subsection or section 401(a) merely because it does not permit a participant to exercise the right described in paragraph (1)(A) if such plan provides that the participant entitled to a distribution from the plan shall have a right to receive the distribution in cash."

(2) CONFORMING AMENDMENTS.—Section 409(h)(2) of such Code is amended—

(A) by striking "A plan" and inserting:

"(A) IN GENERAL.—A plan", and

(B) by striking "In the case of an employer" and inserting:

"(B) PLANS RESTRICTED BY CHARTER OR BYLAWS.—In the case of an employer".

(d) EXEMPTIONS FROM PROHIBITED TRANSACTION RULES AVAILABLE TO ESOPS AND SHAREHOLDER EMPLOYEES.—The last sentence of section 408(d) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1108(d)) is amended by striking all that precedes "a participant or beneficiary" and inserting "For purposes of this subsection,".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

SEC. 3. AMENDMENTS RELATED TO SECTION 1042.

(a) EXTENSION OF SECTION 1042 PRINCIPLES TO STOCK RECEIVED AS COMPENSATION FOR SERVICES.—

(1) IN GENERAL.—Section 83 of the Internal Revenue Code of 1986 (relating to property transferred in connection with performance of services) is amended by adding at the end the following new subsection:

"(i) EXCEPTION FOR TRANSFERS OF QUALIFIED SECURITIES SOLD TO EMPLOYEE STOCK OWNERSHIP PLANS.—

"(1) EXCLUSION FROM INCOME.—Subsections (a) and (b) shall not apply to, and no amount shall be includible in gross income with respect to, the transfer of any qualified security (as defined in section 1042(c)(1)) in connection with the performance of services if, and to the extent that, within 60 days after the event which would cause the recognition of income pursuant to subsection (a) or (b) but for this subsection, the transferee sells such qualified security to an employee stock ownership plan (as defined in section 4975(e)(7)) and the requirements of section 1042(a) are met with respect to such sale.

"(2) NO DEDUCTION BY EMPLOYER.—Notwithstanding the provisions of subsection (h), the person for whom the services were performed in connection with which any qualified security is transferred shall not be entitled to a deduction with respect to such transfer if, and to the extent that, paragraph (1) applies to such transfer."

(2) CONFORMING AMENDMENTS.—

(A) Section 424(c)(1) of such Code is amended by striking "or" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting ", or", and by adding at the end the following new subparagraph:

"(D) a sale to which section 1042 applies."

(B) Section 1042(a) of such Code is amended—

(i) by striking "which would be recognized as long-term capital gain" from the first sentence thereof, and

(ii) by adding at the end the following new sentence: "Any gain which is recognized after the application of the preceding sentence shall be treated as ordinary income to the extent of the lesser of the amount of such gain or the amount which would have been treated as ordinary income but for this section."

(C) Section 1042(b)(4) of such Code is amended by adding at the end the following new sentence: "The requirements of the preceding sentence shall not apply to qualified securities received by the taxpayer in a transfer to which section 83 or 422 applied (or to which section 422 or 424 (as in effect on the day before the date of enactment of the Revenue Reconciliation Act of 1990) applied)."

(D) Section 1042(c)(1)(B) of such Code is amended to read as follows:

"(B) were not received by the taxpayer in—

"(i) a distribution from a plan described in section 401(a), or

"(ii) a transfer pursuant to a right to acquire stock to which section 423 applied."

(E) The first sentence of section 1042(d) of such Code is amended to read as follows: "The basis of the taxpayer in qualified replacement property purchased by the taxpayer during the replacement period shall be reduced by the amount of gain not recognized by virtue of such purchase, taking into account the application of subsection (a) and, if applicable, the application of section 83(i) or section 424(c)(1)(D)."

(F) Section 1042(e)(1) of such Code is amended to read as follows:

"(1) IN GENERAL.—If a taxpayer disposes of any qualified replacement property, then, notwithstanding any other provision of this title, gain (if any) shall be recognized to the extent of the gain which was not recognized by reason of the acquisition by such taxpayer of such qualified replacement property, taking into account the application of subsection (a) and, if applicable, the application of section 83(i) or 424(c)(1)(D). Such gain shall be treated as ordinary income to the extent of the excess (if any) of the amount which would have been treated as ordinary income but for the application of such sections over the amount treated as ordinary income under the last sentence of subsection (a)."

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to sales of qualified securities on or after the date of the enactment of this Act.

(b) MODIFICATION TO 25-PERCENT SHAREHOLDER RULE.—

(1) IN GENERAL.—Section 409(n)(1)(B) of such Code is amended to read as follows:

"(B) for the benefit of any other person who owns (after the application of section 318(a)) more than 25 percent of—

"(i) the total combined voting power of all classes of stock of the corporation which issued such employer securities or of any corporation which is a member of the same controlled group of corporations (within the meaning of subsection (l)(4)) as such corporation, or

"(ii) the total value of all classes of stock of any such corporation."

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

SEC. 4. ESOP DIVIDENDS MAY BE REINVESTED WITHOUT LOSS OF DIVIDEND DEDUCTION.

(a) IN GENERAL.—Section 404(k)(2)(A) of the Internal Revenue Code of 1986 (defining applicable dividends) is amended by striking "or" at the end of clause (ii), by redesignating clause (iii) as clause (iv), and by inserting after clause (ii) the following new clause:

"(iii) is, at the election of such participants or their beneficiaries—

"(I) payable as provided in clause (i) or (ii), or

"(II) paid to the plan and reinvested in employer securities, or".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1997.

By Mr. CHAFEE (for himself, Mr. ROCKEFELLER, Mr. JEFFORDS, Mr. BREAUX, Ms. COLLINS, Ms. SNOWE, Mr. BINGAMAN, Mr. HATCH, Mr. KENNEDY, Mr. KERREY, Mr. DODD, Mr. KERRY, Mr. D'AMATO, Mr. BRYAN, Mr. BAUCUS, Mr. ROBB, Mr. HUTCHINSON, Mr. INOUYE, Mr. SPECTER, Mr. DASCHLE, Ms. MOSELEY-BRAUN, and Mr. MOYNIHAN):

S. 674. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Finance.

CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY (CHIPS) ACT

Mr. CHAFEE. Mr. President, I am very pleased today to introduce legislation to provide health insurance for millions of children who are not currently covered. Before I talk about the bill, let me take a moment to thank all of the members of the bipartisan coalition who have worked so hard to put this legislation together. Senator ROCKEFELLER, the lead Democratic cosponsor and my colleague on the Finance Committee, deserves very special mention in this regard. Senator ROCKEFELLER has worked for many, many years on these issues and I am personally grateful for all his leadership and hard work in this endeavor. He is a true hero when it comes to America's children.

There are currently 10 million children in this country who do not have health insurance. Many of these children live in families where one or both parents are working but do not have employee coverage and earn too much to qualify for Medicaid. Others, though eligible, simply fall through the cracks, while still others lose eligibility because of age-based restrictions. This is a tragic problem and our proposal tries to provide real solutions.

The Chafee-Rockefeller proposal offers the States additional Federal matching funds if they choose to provide Medicaid coverage to all children up to 150 percent of the Federal poverty level. It is a completely voluntary program—we hope that all States will participate, but we leave that decision to the Governors. States, like Rhode Island, that are already providing coverage at these levels will immediately begin to get additional Federal matching funds once they have provided the

1-year continuous coverage. Our bill also provides grant funds for States to use for outreach to the 3 million children who are eligible for Medicaid but not enrolled.

I believe that the Medicaid Program is the best avenue to reach these uninsured children. Expansions in the Medicaid Program over the years have done wonders in increasing coverage for children and pregnant women. We also have to keep an eye on cost, and Medicaid is an inexpensive way to cover children—while half of Medicaid beneficiaries are children, children only account for 15 percent of overall Medicaid spending. And Medicaid is a program that already exists, so we don't have to create a new program or a new bureaucracy. In short, Medicaid works and works well.

By encouraging States to provide Medicaid coverage to all children under 18 up to 150 percent of poverty, our proposal also tries to fix one of the program's problems: under the current Medicaid program a child's eligibility depends not only on family income, but also on age.

Let me illustrate this for you: a 6-year-old girl lives in a family of four whose annual income is $21,000. That little girl gets Medicaid because Federal law requires that all children 6 and under be covered up to 133 percent of the Federal poverty level. On her seventh birthday, that little girl doesn't get much of a birthday present—she loses her Medicaid coverage because Federal law only requires that children between the ages of 7 and 13 be covered up to 100 percent of poverty, and her family's income level is slightly above that level. Her 4-year-old brother, however, keeps his Medicaid coverage, at least for the next 2 years. How bizarre that there are two children in the same family and one gets coverage because he's under 6 and the other doesn't because she's older than 6. Our proposal would give States the option to continue Medicaid coverage for both children until they are 18.

So, I am very pleased to introduce this legislation today along with this distinguished bipartisan group of Senators. I look forward to working together toward the goal of getting critical health care coverage to these children.

Mr. ROCKEFELLER. Mr. President, I am extremely pleased and proud to be introducing legislation today with my colleague from Rhode Island, Senator CHAFEE. As my colleagues in the Senate already know, Senator CHAFEE has long been a leader in the area of health care, especially when it comes to the health care of children. I am also extremely pleased to be introducing this bill with the help of Senator BREAUX and the newest member of the Finance Committee, Senator JEFFORDS. We are excited to be joined by so many of our colleagues on the Finance Committee, Senators MOYNIHAN, D'AMATO, BAUCUS, HATCH, BRYAN, KERREY, and MOSELEY-BRAUN, and with so many of our other colleagues who have joined us as original cosponsors, including Senators COLLINS, BINGAMAN, SNOWE, KENNEDY, KERRY, DODD, ROBB, HUTCHINSON, INOUYE, DASCHLE, and SPECTER.

Mr. President, our legislation already enjoys broad bipartisan support because it meets a serious need and it meets that need in a very cost-effective manner. Our legislation builds on an existing program and employs an approach that the Finance Committee has used repeatedly over the past decade to expand health coverage to children and pregnant women. Our legislation is, therefore, not new, original, or terribly innovative. But, we know it works.

For me personally, this legislation fulfills another part of my promise to work tirelessly to turn the recommendations of the National Commission on Children, which I was honored to chair, into reality. That blue ribbon panel of children's leaders from many fields, representing a wide spectrum of views, successfully developed a unanimous report to recommend an action plan to give America's children a real shot at becoming productive, healthy citizens. During our deliberations, we recognized that ensuring basic health care for children should be one of the country's highest priorities. The bill we are introducing today challenges Congress to make the commitment to this basic objective that is so vital for the entire country's future.

Our legislation is complementary to many of the other children health bills that have been already proposed this year. That is one reason why I am also a cosponsor of other health bills that have been introduced by Senators HATCH and KENNEDY and Senator DASCHLE. These bills are not competing bills. They all seek to expand the number of children with health insurance and they could all easily fit together to meet a large, and I am sad to report, a growing need in this country.

A total of 10 million children in the United States do not have health insurance and as a result, the vast majority of them do not get necessary health care. Numerous studies have shown that uninsured children do not receive basic preventive care and immunizations. They are less likely to see a doctor for both acute and chronic illnesses and are more likely to delay seeking necessary care. Uninsured sick newborns receive fewer services in the hospital than those with health coverage. Children without insurance are less likely to have a regular source of medical care. This means that these children miss out on getting properly screened for problems that could be easily treated early or that need to be monitored on a routine basis. According to the American Academy of Pediatrics, having a regular source of medical care could reduce per-child health care costs by 22 percent.

Those are the facts. But let us not forget the emotional turmoil a parent goes through trying to figure out when, or if, to get an earache treated or a rash checked out. Imagine how hard it must be for a mother and father to decide to wait just one more day in hopes that a troubling symptom will disappear only to have those symptoms worsen in the middle of the night. Some families don't even allow their children to play sports for fear of an injury. Having millions of families and children in these types of situations is just plain wrong, and we must try to help.

Mr. President, the vast majority of uninsured children live in families where a parent works. Unfortunately, many of these families are unable to afford coverage offered by their employer when it is offered. In too many instances working parents don't even have that option. The trends for job-based insurance are very disturbing. Between 1987 and 1995 the percentage of children with job-based insurance declined from 67 to 59 percent. But this downward trend is not new. Between 1977 and 1987 job-based insurance declined by 5 percent. Every minute that goes by another child loses his or her private health insurance.

Mr. President, our bill is very simple. We encourage States to expand coverage for children by offering them an enhanced Federal match. Under our bill, the States would be eligible to receive a 30-percent increase in their current Federal matching rate if they choose to expand coverage for pregnant women, infants, and children up to 150 percent of poverty. We cap the Federal match at 90 percent so that all States would be required to contribute some additional funding. Under our bill, Rhode Island would be eligible to receive an enhanced Federal match rate of 70 percent up from 54 percent. West Virginia would be eligible to receive a 90 percent Federal match, up from 72 percent.

Our legislation targets those families earning less than one-and-one-half times the poverty level or about $24,000 a year for a family of four. Only a quarter of families at or below this income level have job-based insurance. By comparison, 81 percent of families earning wages above 150 percent of poverty have job-based insurance. The concern of replacing private insurance with public coverage—the so-called crowding out effect—is minimized when so little job-based coverage even exists for families at these income levels.

Under current law, Medicaid eligibility varies based on a child's age and a family's income level. Our legislation aims to establish uniform level of eligibility. I recently heard from a West

Virginia mother desperate for health insurance for her 1-year-old. She and her husband work and earn about $22,000 a year. When their daughter turned 1, she lost her Medicaid coverage. She qualified for Medicaid when she was an infant but because Medicaid's income standard for eligibility is different for a 1-year-old she no longer qualified after her first birthday. The mother's employer offered health insurance, but at a cost of $289 a month or $3,500 a year. They could not afford to buy it. This mother was absolutely desperate for assistance because she knew her daughter needed immunizations and other well child care services.

Mr. President, our legislation seeks to end instances of children losing their Medicaid coverage just because they have a birthday. Our legislation seeks to end instances of children in the same family having to meet different income standards.

We do this not by mandating States to expand their Medicaid Program. We believe that by providing additional Federal money States will be able to move beyond their current eligibility levels. Our legislation would also allow those States that have already exceeded 150 percent of poverty to receive an enhanced Federal match. This match would be for those children they are already covering between 100 percent and 150 percent of poverty. We did not think it was fair to penalize those States who have already tried to improve coverage for children.

A key way to expand the number of children enrolled in Medicaid is to guarantee eligibility for 12 months. Some 3 million children are currently eligible but not enrolled in the Medicaid Program. Some of these children qualify for a few months of Medicaid coverage. But because of slight changes in their parents' income, they lose coverage over the course of the year. Our bill would require States to guarantee 12 months of eligibility for all children on Medicaid as a condition of receiving an enhanced Federal match.

Expansions of Medicaid in the late 1980's resulted in a decreased number of low birthweight babies, improved access to health care, a decline in infant mortality rates, and millions more children in working families with health insurance. We can build on these successes with this legislation. I look forward to working with my colleagues in the Senate and in the House in advancing this bill. I am excited at our opportunity to meet a very real and vital need of millions of America's children.

Mr. JEFFORDS. Mr. President, the children of America need our help. Nearly 10 million children have no health insurance. Many of these children live in families with working parents who simply do not make enough money to afford health insurance.

In order to help address this national problem, I am pleased to cosponsor, with many of my good friends and colleagues, the Children's Health Insurance Provides Security [CHIPS] Act. The CHIPS Act will provide Federal financial incentives to encourage States to provide uniform Medicaid coverage up to 150 percent of poverty for children of all ages.

The Medicaid Program provides health care for poor children and pregnant women. My home State of Vermont, through its Dr. Dynasaur program, uses Medicaid and is now ranked second best in the Nation in providing health insurance coverage for children under 18 years of age.

We felt it was important to improve our existing Medicaid system, a system which is already in place and currently provides health coverage to 16 million low-income children. Three million additional children are eligible to receive Medicaid benefits, but they are just not enrolled. We should fix that problem. We also feel that it is important to provide incentives to expand Medicaid coverage nationally to the children of families who are at 150 percent of the Federal poverty level—the working poor. This legislation builds upon the good work done in Vermont, and many other States, in ensuring that our children have access to health care.

Our bill encourages States to expand current Medicaid eligibility for children and pregnant women to 150 percent of the Federal poverty level by increasing the amount of money that the Federal Government contributes to the Medicaid Program. States that elect to participate in the program will need to guarantee that all children are covered to at least 100 percent of the Federal poverty level and that all children are provided with 12 months of continuous medical coverage.

The bill also provides grant money for outreach programs. States may design their own outreach programs based on their special needs and specific populations. We will help by simplifying the application process for Medicaid and other Federal programs for which these children qualify. One third of all uninsured children are eligible but not enrolled in Medicaid. Our bill, by emphasizing outreach and administrative simplification, will help get many of these children enrolled in the Medicaid Program.

We must commit our efforts to giving children the best possible start in life. As a recent report entitled "the Social Well-Being of Vermonters" indicates, the foundations we lay for our young children will affect their later success in all areas of life. A healthy start begins with a healthy pregnancy and early, comprehensive prenatal care. Our legislation will give many children the health insurance coverage they need and, by doing so, help ensure a solid foundation for our country's future.

ADDITIONAL COSPONSORS

S. 71

At the request of Mr. DASCHLE, the name of the Senator from Virginia [Mr. ROBB] was added as a cosponsor of S. 71, a bill to amend the Fair Labor Standards Act of 1938 and the Civil Rights Act of 1964 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 82

At the request of Mr. KOHL, the names of the Senator from Utah [Mr. HATCH], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 82, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 191

At the request of Mr. HELMS, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 328

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 328, a bill to amend the National Labor Relations Act to protect employer rights, and for other purposes.

S. 351

At the request of Mrs. MURRAY, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 351, a bill to provide for teacher technology training.

S. 358

At the request of Mr. DEWINE, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from Maine [Ms. SNOWE], the Senator from California [Mrs. BOXER], the Senator from Maine [Ms. COLLINS], the Senator from South Dakota [Mr. JOHNSON], and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 432

At the request of Mr. ABRAHAM, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 432, a bill to amend the Internal Revenue Code of 1986 to allow the designation of renewal communities, and for other purposes.

S. 484

At the request of Mr. DEWINE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 484, a bill to amend the Public Health Service Act to provide for the establishment of a pediatric research initiative.

S. 525

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 525, a bill to amend the Public Health Service Act to provide access to health care insurance coverage for children.

S. 526

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 526, a bill to amend the Internal Revenue Code of 1986 to increase the excise taxes on tobacco products for the purpose of offsetting the Federal budgetary costs associated with the Child Health Insurance and Lower Deficit Act.

At the request of Mr. HATCH, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 526, supra.

S. 606

At the request of Mr. HUTCHINSON, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Wyoming [Mr. THOMAS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 606, a bill to prohibit discrimination in contracting on federally funded projects on the basis of certain labor policies of potential contractors.

S. 625

At the request of Mr. MCCONNELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 625, a bill to provide for competition between forms of motor vehicle insurance, to permit an owner of a motor vehicle to choose the most appropriate form of insurance for that person, to guarantee affordable premiums, to provide for more adequate and timely compensation for accident victims, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SMITH, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution proposing a constitutional amendment to establish limited judicial terms of office.

SENATE RESOLUTION 15

At the request of Mr. MACK, the name of the Senator from Nevada [Mr. REID] was added as a cosponsor of Senate Resolution 15, a resolution expressing the sense of the Senate that the Federal commitment to biomedical research should be increased substantially over the next 5 years.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Oklahoma [Mr. NICKLES], and the Senator from Montana [Mr. BURNS] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week."

SENATE RESOLUTION 78

At the request of Mr. BURNS, the names of the Senator from Colorado [Mr. CAMPBELL], the Senator from Oregon [Mr. WYDEN], the Senator from California [Mrs. FEINSTEIN], the Senator from Hawaii [Mr. AKAKA], the Senator from Virginia [Mr. ROBB], the Senator from Washington [Mrs. MURRAY], the Senator from Maine [Ms. SNOWE], and the Senator from California [Mrs. BOXER] were added as cosponsors of Senate Resolution 78, a resolution to designate April 30, 1997, as "National Erase the Hate and Eliminate Racism Day."

SENATE RESOLUTION 80—REGARDING TACTICAL FIGHTER AIRCRAFT PROGRAMS

Mr. FEINGOLD (for himself and Mr. KOHL) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 80

Whereas the Department of Defense has proposed to modernize the United States tactical fighter aircraft force through three tactical fighter procurement programs, including the F/A–18 E/F aircraft program of the Navy, the F–22 aircraft program of the Air Force, and the Joint Strike Fighter aircraft program for the Navy, Air Force, and Marine Corps;

Whereas the General Accounting Office, the Congressional Budget Office, the Chairman of the Joint Chiefs of Staff, the Under Secretary of Defense for Acquisition and Technology, and several Members of Congress have publicly stated that, given the current Department of Defense budget for procurement, the Department of Defense's plan to buy over 4,400 F/A–18 E/F aircraft, F–22 aircraft, and Joint Strike Fighter aircraft at a total program cost in excess of $350,000,000,000 is not affordable;

Whereas the Congressional Budget Office estimates that current tactical aircraft plan of the Department of Defense could cost as much as $14,000,000,000 to $18,000,000,000 per fiscal year over the period of fiscal years 2002 through 2020, not considering inflation, compared to current tactical aircraft funding of about $2,800,000,000 per fiscal year;

Whereas the Pentagon's current acquisition strategy would require at least a 54.9 percent increase in annual procurement spending over the next five years, rising from $44,100,000,000 in fiscal year 1997 to $68,300,000,000 in fiscal year 2002;

Whereas the F/A–18 E/F, F–22, and the Joint Strike Fighter tactical fighter programs will be competing for a limited amount of procurement funding with numerous other aircraft acquisition programs, including the Comanche helicopter program, the V–22 Osprey aircraft program, and the C–17 aircraft program, as well as for the necessary replacement of other aging aircraft such as the KC–135, the C–5A, the F–117, and the EA–6B aircraft; and

Whereas history shows that projection of the Department of Defense regarding the number of aircraft that it will procure, the rates at which those aircraft will be produced, and the cost of those aircraft are rarely achieved, and in fact frequently experience significant cost growth on the order of 20 to 40 percent: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that the United States cannot afford to carry out all three of the F/A–18 E/F aircraft program, the F–22 aircraft program, and the Joint Strike Fighter aircraft program at the proposed acquisition levels;

(2) the Department of Defense should reexamine its spending priorities using more realistic assumptions of future spending levels; and

(3) the Department of Defense should develop an alternative acquisition strategy that would provide the United States with an effective, affordable tactical fighter force structure.

Mr. FEINGOLD. Mr. President, on behalf of myself and my senior colleague, Senator KOHL of Wisconsin, I rise today to submit a resolution calling for the restoration of fiscal responsibility to the Department of Defense's plan to modernize and upgrade our tactical fighter force.

The resolution I am submitting today, focuses on the Pentagon's current acquisition strategy for three new tactical fighter programs; the Air Force's F–22 Raptor, the Navy's F/A–18 E/F SuperHornet, and the multi-service joint strike fighter. Numerous experts, including the Congressional Budget Office and the General Accounting Office, have concluded that given our current fiscal constraint and likely spending parameters, the current acquisition strategy is unrealistic, unwise, and untenable.

The administration's fiscal year 1998 proposal for defense spending provides $250 billion in budget authority. According to projections provided by the Joint Chiefs of Staff, the overall DOD budget is expected to rise after fiscal year 1998 until reaching a plateau of $277.5 billion. That is pretty amazing.

Amazingly, while all other areas of Government are cutting back, the Pentagon is anticipating a $27 billion peacetime increase over the next 5 years.

The overall defense budget is comprised of several individual budgets, including, among others, those for military personnel, operations and maintenance, military construction, and, of course, procurement, which relates to the purchasing of new aircraft, weapons systems, and technology.

It is the procurement budget that I would like to focus on for a moment. The Pentagon's current procurement funding level for new weapons systems, ships, and aircraft in fiscal year 1997 is just over $44 billion.

But under the Defense Department's current acquisition plan, in order to achieve the projected purchasing levels of new aircraft and ships, procurement funding will have to rise 55 percent, 55 percent Mr. President, over the next 5 years, until it reaches a level of $68.3 billion.

Every other title within the Pentagon's budget request—whether we are talking about quality of life issues for service personnel or spending on research and development—every other title remains relatively stagnant over the next 5 years.

No other program within the Pentagon's budget is receiving the sort of dramatic increase the procurement budget is slated to receive.

The need for additional procurement dollars—24 billion of them—is the result of the Pentagon's planned purchase of some 4,440 new tactical fighter airplanes at a total price tag of at least $350 billion according to the Congressional Budget Office.

The Defense Department argues that our fighter force is in need of modernization and that as a percentage of the overall defense budget, procurement spending is within historical norms.

It is true, Mr. President, that the Pentagon's projections place our level of aircraft acquisition at or slightly below where we were in the 1980's, in terms of as a percentage of the overall defense budget.

But this omits the fact that the defense budget was an entirely different creature in the 1980's than it is today. Thus, when the Pentagon argues that the piece of the pie they are asking for today in terms of procurement spending is roughly the same as it was in the 1980's, we must recognize that the size of the whole pie was profoundly greater than it is today.

The procurement budget itself is comprised of a number of weapons systems and technology programs, but the Pentagon's acquisition strategy is dominated by the three tactical fighter aircraft proposals currently on the table.

This strategy includes three separate programs, all very expensive, all the subject of questions raised by budgetary and aviation experts, and all scheduled to move forward at unrealistic procurement levels.

We begin with the Navy's F/A–18 E/F SuperHornet program. This aircraft is the followup to the F/A–18 C/D, currently employed by both the Navy and the Marine Corps.

The F/A–18 is an all-weather, multimission strike fighter, and the Navy currently has about 580 in its inventory. Although the C/D performed remarkably well in the gulf war and has the capability of achieving most of the Navy's requirements with some retrofitting, the Pentagon is currently asking for 1,000 of the expensive E/F airplanes, at a projected cost of about $42 million per airplane. The F/A–18 E/F program has a cumulative cost of at least $67 billion and up to $89 billion according to the General Accounting Office.

The second program belongs to the Air Force. It is the F–22 Raptor, a stealthy fighter intended to provide air superiority but at a extraordinary cost. This aircraft, which one Navy official referred to as "gold-plated," will cost at least $71 million per airplane, with some estimates reaching over $100 million per aircraft. In all, the F–22 program, slated to provide some 440 airplanes to the Air Force, will cost at least $70 billion.

The final program is one which is truly still in infancy. The joint strike fighter, formally the Joint Advanced Strike Technology [JAST] Program, is actually still on the drawing board with two major contractors, Boeing and Lockheed Martin, dueling for what is expected to be at least a $219 billion contract—$219 billion, Mr. President. That is some contract. And given the Pentagon's porous record keeping its aviation programs on schedule and on target, the costs of this program will likely surpass the initial $219 billion figure. The JSF is intended to be a joint-service, multipurpose aircraft tailored to each of the service's individual needs. The Navy variant will have carrier landing and takeoff capabilities. The Marine Corps variant will have short takeoff and vertical-landing capability. In all, the Pentagon expects to purchase 3,000 joint strike fighters over a 25-year period from 2005 through 2030. The Air Force would purchase about two-thirds of these planes, the Marine Corps about 640, and the Navy the remaining 300.

The JSF program has thus far received mixed reviews. On one hand is the Pentagon's contention that these aircraft will be affordable because of commonality of components and high-volume production of an airplane capable of meeting each of the three services' differing operational requirements. On the other hand is the Pentagon's track record and the countless aviation programs that have promised so much in terms of cost savings and have delivered so little. In fact, the General Accounting Office estimates that the Pentagon's projections with respect to aircraft procurement typically have cost overruns of 20 to 40 percent.

This, Mr. President, provides an overview of the Pentagon's current acquisition strategy with respect to tactical fighter aircraft. And although the resolution I am submitting today focuses on tactical fighters, it is important to mention a few of the other programs on the Defense Department's wish list, as these programs will also be drawing on a limited procurement budget over the next few years.

There is the V–22 Osprey—a tilt-rotor aircraft to be used for troop and cargo transport, amphibious assault, and special operations—being built primarily for the Marine Corps and Navy. This is a $46.6 billion program expected to produce some 523 aircraft.

There is the Comanche reconnaissance and attack helicopter for the Army. The Pentagon expects to purchase close to 1,300 of these helicopters at a total price tag of $25 billion. And the Air Force is asking for 80 C–17 cargo and transport airplanes, at a procurement cost of over $18 billion.

That Mr. President, is just the portion of the procurement budget related to aviation spending.

The Navy, for example, is looking to increase the procurement of their surface ships, starting with another aircraft carrier, CVN–77, and 17 of the DDG–51 *Arleigh Burke* destroyers, as well as four new attack submarines. And in fiscal year 1999 the Navy would like to begin procurement of the new *San Antonio*-class amphibious landing ships for our Marine expeditionary forces.

Mr. President, in recent months a number of respected experts on military spending have warned the Department of Defense of an impending fiscal disaster.

The Congressional Budget Office, the General Accounting Office, Members of Congress on both sides of the aisle—even high-ranking Pentagon officials—have all forewarned that the Defense Department will not receive the procurement funding level it has projected and will not be able to sustain these tactical fighter purchases at their planned acquisition levels.

Unless we take a step back right now, in 1997, we will undoubtably have what some have dubbed a train wreck, or maybe more appropriately, a shipwreck, in the next few years.

I understand that many of my colleagues are either strong proponents or opponents of one or more of these individual fighter programs. The resolution I am submitting today does not target any one program for termination—it does not even suggest that one of the programs should be discontinued. The language in this resolution merely states that we do not have now, nor will we have, the necessary available funding to move forward with the purchasing of the number of fighter planes the Pentagon currently has scheduled and given that, the Pentagon should present to the Congress a more realistic acquisition strategy to take us into the next century.

In just 2 weeks or so, on May 15, the Pentagon is scheduled to deliver a reassessment of our strategic blueprint for our Armed Forces, known as the quadrennial defense review, or the QDR.

This is the first such reassessment since the 1993 Bottom-Up Review, and represents a collaborative effort on the part of the Secretary of Defense, the Joint Chiefs of Staff, and the individual services to conduct a comprehensive review of our inventories and projected needs.

The upcoming QDR presents the Pentagon a timely opportunity to reexamine its spending priorities and make a reasoned determination about what our tactical fighter force will realistically look like over the next 20 years. I am hopeful that the Pentagon will use this opportunity to present an acquisition strategy to the Congress that is affordable, tenable, and consistent with the goal of Congress to achieve a balanced Federal budget in the coming years.

If not, I intend to offer the resolution I am submitting today, or a variant of it, as an amendment to the budget resolution or other legislation as part of an effort to force the Defense Department to understand the gravity of this situation. I hope such a step proves to be unnecessary.

SENATE RESOLUTION 81—RELATIVE TO THE DENVER SUMMIT OF EIGHT

Mr. CAMPBELL submitted the following resolution; which was submitted to the Committee on the Judiciary.

S. RES. 81

Whereas this is the first Economic Summit to be held in the United States since the 1990 Economic Summit was held in Houston, Texas;

Whereas on May 29, 1996, the State of Colorado was announced as the host of the Group of Seven Economic Summit, to be held on June 20 through 22, 1997;

Whereas the Economic Summit is an annual meeting that brings together the leaders of the world's 7 most economically successful democracies: Canada, France, Germany, Great Britain, Italy, Japan, and the United States;

Whereas this is the first Economic Summit to include the transitioning economy of Russia, which has resulted in a new reference to the Economic Summit as the Denver Summit of Eight;

Whereas the central location of Denver among the summit members, with Europe to the east, Japan to the west, and central Canada to the north, enables the residents of Colorado to serve as a central pillar supporting the international bridge of friendship and prosperity;

Whereas the selection of the State of Colorado and the Denver metropolitan region as the host of the Summit of Eight reflects the region's growing economic importance in the international community;

Whereas Colorado has distinguished itself as an ideal site for the Summit of Eight because of its leading industries of telecommunications, aerospace, biotechnology, high technology, health care, education, agriculture, recreation, and tourism;

Whereas Colorado's dedicated law enforcement officers, firefighters, emergency medical technicians, and other public servants are able and committed to provide vital support to the Summit of Eight; and

Whereas the Summit of Eight promises to be 1 of the more significant summits of recent years, with results that will benefit the larger world community, including progress toward relieving international debt, supporting the economic development of Russia and the Ukraine, paving the way to increased efficiencies in international commercial transactions by reducing the regulatory barriers to electronic banking, and minimizing destabilizing factors in the world's financial markets: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its appreciation to the citizens of Colorado and the Denver metropolitan region for hosting the Summit of Eight; and

(2) accords recognition of the hospitality to be provided by the people of Colorado and the Denver metropolitan region.

Mr. CAMPBELL. Mr. President, today I submit a resolution expressing the sense of the Senate to recognize the historic importance of the Denver summit of eight, and the contributions made by my home State of Colorado and many Coloradans in hosting this historic summit.

This meeting marks a historic change in the G–7 summit. For the first time in the 23-year history of these economic summits, Russia has been asked to participate to an unprecedented degree. At the Denver summit of eight, Russia will participate as a member, rather than as a passive observer who in the past were only allowed to engage in a post-summit dialog with the G–7.

In this important substantive and symbolic step, President Yeltsin will join with the leaders of the seven leading industrialized nations of Canada, France, Germany, Great Britain, Italy, Japan, and the United States to discuss monetary and economic policy.

After this significant development was announced at the recent United States-Russia summit, the name of the meeting was changed from G–7 to the Denver summit of eight.

As Coloradans, we are proud to have such a distinguished group of leaders coming to our State. And, as an honorary chairman, along with Senator ALLARD and Congresswoman DEGETTE, I am proud that Colorado was chosen to host this historically important meeting.

The Denver area is symbolically important for being centrally located between our European partners to the east, our Japanese partner to the west, and the Canadian partner to the north. Furthermore, the thriving industries in Colorado and the robust economy of the Denver area reflect the growing economic importance of Colorado in the international arena.

The Denver area is a recognized leader in aerospace, telecommunications, biotechnology, high technology, health care, education, recreation, and tourism. We are proud to share these achievements with the rest of the global community.

I would also like to commend those dedicated Coloradans who serve as law enforcement officials, emergency medical technicians, firefighters, and health care providers, as well as the countless volunteers, who will provide invaluable services and contributions in support of the summit. Given the importance of this meeting, they have been working hard on their preparations to help ensure that the summit will proceed smoothly. This summit would not be possible without their donations of time, hospitality, and commitment.

I urge my colleagues to support passage of this resolution.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 30, 1997, at 9:30 a.m. on the nomination of Andrew Pincus to be General Counsel of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on April 30, 1997, at 10 a.m. on emerging trade issues on the U.S. consumer.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. D'AMATO. Mr. President, the Finance Committee requests unanimous consent to conduct a hearing on Wednesday, April 30, 1997, beginning at 9:45 p.m. in room 215 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. D'AMATO. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, April 30, 1997, at 2 p.m. for a hearing on fighting crime and violence in the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, at 10 a.m. to hold a hearing on Department of Justice oversight.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on equal opportunity in Federal construction, during the session of the Senate on Wednesday, April 30, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, beginning at 9:30 a.m. until business is completed, to hold a hearing to consider revisions to title 44.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Science, Technology, and Space Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, April 30, 1997, at 2 p.m. on telepresence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Subcommittee on Securities of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, April 30, 1997, to conduct an oversight hearing on Social Security investment in the securities markets.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNIZING THE 20-YEAR ANNIVERSARY OF SEATTLE SLEW'S TRIPLE CROWN

• Mr. McCONNELL. Mr. President, I rise today to pay tribute to a true Kentucky legend. Triple Crown winners have a special place in every thoroughbred racing fan's heart, especially those of us who are lucky enough to have enjoyed their successes.

The last favorite to win the derby and the only undefeated triple crown champion in history, Seattle Slew came into the famed mile and a quarter race full of promise. Overcoming a disastrous start, the big bay righted himself and headed for the front where he would remain for the rest of the race, securing the first of the three jewels he would collect during the spring of 1977.

A mere 11 horses in history have won the triple crown, with only 3 accomplishing the feat since 1948. Select company indeed. If horse racing is the sport of kings then Seattle Slew is truly one of its emperors.

Some may think the champion stallion now lives the "Life of Riley" at Robert and Alice Clay's Three Chimneys Farm in Midway, KY. But, Seattle Slew did not stop setting records when his racing days were behind him, a fact I know the Clay family is eternally grateful for. He has sired dozens of champions who have racked up almost $50 million in career earnings.

The world recognizes that Three Chimneys is known for its champions, but even among the daunting lineup stabled in Midway, Seattle Slew stands out.

So, here's to the Clays, Three Chimneys, and most importantly one of the great legends in sport, Seattle Slew. As I grow older, 20 years seems like a very brief time, but it has been more than long enough for this great stallion to leave his indelible mark on the sport and those who love him.

Mr. President, I ask that an article from the April 27 Lexington Herald Leader be printed in the RECORD.

The article follows:

[From the Lexington Herald-Leader, Apr. 27, 1997]

A CHAMPION ENDURES

(By Mark Story)

He had no reason to be a champion.

In a sport where pedigree is everything, Seattle Slew was a commoner, the son of an unproven, unknown sire (Bold Reasoning) who would die not long after Slew's birth.

He was born deformed, "turned out in front," which meant at least one of his legs was not correctly aligned to the rest of his body.

In his first year of life, he was so awkward his handlers nicknamed him "Baby Huey" after the accident-prone cartoon character.

Only by a freak of nature could such a horse aspire to greatness.

But in the world of racing, freaks do occur.

Twenty years ago this spring, Seattle Slew stamped himself with racing immortality.

Overcoming one obstacle after another, he became the only horse ever to win the Triple Crown—the Kentucky Derby, the Preakness and the Belmont—with an unbeaten record.

Then, after almost dying from a mysterious viral illness, he returned to the track as a 4-year-old and re-established his legend, defeating 1978 Triple Crown champion Affirmed along the way.

As a sire, Slew has also attained greatness, producing champions such as 1984 Derby winner Swale, Slew o' Gold and Capote. The legendary Cigar is a Seattle Slew grandson, as is Pulpit, one of the favorites for this year's Derby.

At 23, Slew shows little sign of slowing down. He continues to be a productive sire, commanding a $100,000 stud fee while standing at Three Chimneys Farm.

Not a bad life's work for a freak.

"This horse is all heart, every bit heart," said Mickey Taylor, one of Slew's owners during his racing days and his syndicate manager now. "He tried his best at everything we ever asked him to do. And he had the talent to do about anything we asked."

AN OBSTACLE COURSE

For Seattle Slew, nothing ever came easily.

His trip through the Triple Crown was an epic tale of problems overcome.

Derby obstacle. Sent off as the 1–2 favorite by a Derby crowd of 124,038, he very nearly lost the race in the starting gate.

Fractious in the gate, Slew was caught flat-footed when it opened. He nearly reared coming out of the gate, came very close to making a sideways start and alarmingly near to throwing jockey Jean Cruguet.

Before he ever started running, he was five lengths behind the field.

In the Churchill Downs owner's boxes, Mickey Taylor put down his binoculars.

"I wished we were anyplace else in the world at that moment," he said last week. "I thought we were cooked."

On the track, Cruguet didn't feel much better. But the French jockey made a snap decision. He asked Slew for everything he had. "It was do or die," Cruguet said last week. "It was easy to decide for me: We had to go."

And go Slew did.

Flying toward the front, he bulled through horses and, miraculously, was within a head of the leader, For The Moment, after a quarter mile.

More miraculously, Slew did not tire after his sprint to the front. He won by 1¾ lengths over Run Dusty Run.

The win was sweet vindication for Slew trainer Billy Turner. Early on, Turner had decided never to ask Seattle Slew to do too much in training. He was afraid if he worked him too hard, the horse's natural inclination toward speed would become dominant and Slew would never develop the stamina required to run Classic distances.

This was a courageous, disciplined training decision—and one widely second-guessed in the weeks leading up to the '77 Derby. The joke was that Turner was "walking Slew up to the Derby."

It took guts to stay with it.

"This was a very fast horse," Cruguet said. "A lot of people would have burnt him up. Billy did a very good job getting him to stretch out and run distances."

Preakness obstacle. But speed was the problem in the Preakness. A talented, fresh speed horse, Cormorant, would try Slew at Pimlico after skipping the Derby.

Cormorant's connections were so confident they showed up in Baltimore sporting "Slew Who?" T-shirts.

Then Cormorant drew the inside post position, the place to be on a Pimlico track with tight turns and a bias toward speed.

In the race, Cormorant beat Slew to the front and to the rail. He then held his spot, forcing Seattle Slew to race him around the track on the outside.

So Cruguet and Slew dug in. They hooked Cormorant in a withering speed duel, running the fastest mile (1:34⅘) in Preakness history.

Cormorant wilted; Slew didn't, and finished the race 1½ lengths ahead of Iron Constitution.

Belmont obstacle. In the Belmont, the problem was supposed to be distance. Many thought Slew was not bred to run 1½ miles. But that turned out to be a breeze; the problem was traffic—not horses on the track, but cars parked around the track. There were so many that Seattle Slew could not get to the track.

When he finally made it, the race was almost an anticlimax. Slew controlled the pace from the front and easily defeated Run Dusty Run by 4 lengths.

The 10th Triple Crown winner, Slew was the only one who was undefeated at the time he won.

OFF-THE-TRACK WOES

Seattle Slew's racing brilliance was nearly matched by the turbulence that would engulf his owners and handlers over the years.

At the time of the Kentucky Derby, Karen Taylor, Mickey's wife, was listed as the owner.

A former flight attendant, Karen Taylor became a media darling in the spring of 1977 for her unassuming ways. "I live in a mobile home and I drive a pickup truck," she said then, "but I've got a hell of a horse."

But by the time the horse ran in the Belmont, it had become public that the ownership of Seattle Slew was more complex.

It turned out the horse was actually owned through a corporation (Wooden Horse Investments Inc.) by the pension and profit-sharing plans of Dr. James Hill and a logging company owned by Mickey Taylor, Karen's husband.

Hill, at the time a New York-based veterinarian, had helped the Taylors pick out Seattle Slew at the 1975 Fasig-Tipton yearling sale.

As an act of friendship, they say now, the Taylors eventually made Hill a half-owner in Seattle Slew.

New York racing officials looked askance at Slew's ownership structure.

In court documents from a subsequent lawsuit, Taylor and Hill maintained that ownership of Seattle Slew was set up as it was for tax reasons.

But in New York, it was against the rules for a practicing veterinarian to have ownership in a horse. The rationale was that it created at least the appearance of a conflict of interest if a vet were treating horses who might race against a horse he owned.

On August 25 of '77, New York racing officials suspended Hill for 30 days. He called the suspension unjust, but did not appeal.

For the "Slew Crew," as the horse's connnections were called, the trouble was just beginning.

After the Belmont, trainer Turner announced that Slew would be taking several months off from training. He even had the racing shoes taken off the horse's hooves.

But in a controversial decision, the owners overruled him and decided to race Seattle Slew in the $300,000 Swaps Stakes at Hollywood Park in July.

The race was a disaster.

Sent off as the 1-5 favorite, Slew never fired and was humiliated, finishing a badly beaten fourth, 16 lengths behind winner J.O. Tobin.

To this day, the Taylors maintain that Turner signed off on shipping Slew west, but the trainer was widely quoted after the race saying that was untrue. In one interview, he called it "the dumbest thing I ever heard."

"After the Belmont, (Seattle Slew) was dead," Cruguet said, ". . . The owners, they thought he was a machine."

Cruguet said he knew after a quarter mile that he was on a beaten horse. "This horse had never lost," Cruguet said. "It was not a good feeling."

From that day on, things were never the same for the original "Slew Crew."

By December of 1977, the owners had fired Turner. The sides could never heal the breach over the decision to ship west.

Eventually, Turner would sue the owners, claiming they reneged on a promise to give him a lucrative lifetime breeding share in Seattle Slew.

Shortly after Turner was fired, Seattle Slew almost died.

For four days in January of '78, the horse ran a fever. For a time, he refused to eat or drink. His bodily functions ceased. A low white blood cell count suggested a serious infection.

His owners were distraught. Karen Taylor would cradle the ill horse's head on her lap, and sing him lullabies.

"Ninety-nine percent of horses would have died," Mickey Taylor said. Slew didn't. In fact, he recovered and returned to the track to win five of seven races as a 4-year-old (both losses were in photo finishes). He added to his legacy by defeating Affirmed and was 1978's Champion Older Horse.

What almost killed Slew? Mickey Taylor said he knows, but will not reveal it until Seattle Slew's career at stud is finished. He did say the horse was not poisoned.

But even after Seattle Slew's racing career ended, the turmoil among his "Crew" did not. By 1992, the owners were suing each other.

Once, Hill and Taylor had been so close that Hill said they did not need a contract to do business: "A handshake with a man I trust" was enough, he said.

In 1992, Hill filed suit against Taylor, claiming that Taylor had, among other things, siphoned money from their corporation, used corporation money to buy houses for family members and hired and overpaid his relatives.

In November of '93, a jury in Lexington found for Hill and awarded him $4.4 million.

Now, the Taylors said they do not speak with the Hills.

"There really isn't much there to be said," Karen Taylor said.

'IT'S ALMOST LIKE HE KNOWS'

Today, Seattle Slew occupies a 16 16 stall in the main stallion barn at Three Chimneys Farm.

Among those quartered with him are two of his sons, Slew O' Gold and Capote as well as such well-known horses as Arazi and Wild Again.

Even at 23, Slew boasts the top stud fee at the farm ($100,000). "He's one of the most potent horses we have," said Three Chimneys Stallion Manager Wes Lanter.

As a sire, Slew has emerged as clearly superior to the other two modern Triple Crown winners, Secretariat and Affirmed.

"It's not even close," said William Munn, a thoroughbred pedigree expert based in Fort Lauderdale, Fla.

Seattle Slew has had success on both sides of his line. He sired another Kentucky Derby winner, Swale (1984) and another Horse of the year, A.P. Indy (1992). On the other side, Cigar, who tied Citation's North American record with 16 straight wins, was the son of a Seattle Slew mare.

Though there are no guarantees in the world of horse health, farm officials think Slew has a good chance to live into his 30s.

Many of Seattle Slew's days start about 7 a.m., when he is saddled and ridden around the all-weather track at Three Chimneys, where he has stood at stud since 1985.

(Continuing his knack for finding off-the-track turmoil, Seattle Slew began his stallion career at the ill-fated Spendthrift Farm, which collapsed financially in 1988).

It is fairly unusual for horses standing at stud to be ridden, but Three Chimneys rides all its stallions.

"We think it keeps them healthy, and we think it keeps them happy," said Farm Manager Dan Rosenberg.

The man who knows Slew better than anyone, his groom of 15 years, Tom Wade, says Slew hasn't changed much over the years. He has a touch of arthritis and his back has drooped just a bit. "But he's a fit horse," Wade said. "You can look at him and see that."

Now, as the 20th anniversary of his Triple Crown approaches, Judy DeHaan, the exercise rider at Three Chimneys, has noticed something funny about Slew.

"It's almost like he knows," she said. "He's gotten a little spring in his step again. Lately, it's like 'Hold on Judy. We're gonna go.'

"Even at 23, on his good days, he's still got it."●

PAYMENT OF LEGAL OBLIGATIONS TO THE UNITED NATIONS

● Mr. WELLSTONE. Mr. President, I rise today to join with over 1,400 of my constituents from Minnesota who have signed a petition calling for the payment of all of the United States' legal obligations to the United Nations by the immediate payment of all dues in arrears. I agree with my constituents that it is embarrassing that the United States, the richest and most powerful nation on Earth, expects the United Nations to provide peacekeeping and humanitarian aid in response to the world's conflicts but does not honor its financial responsibility to the United Nations.

With several billion dollars of uncollected dues, the United Nations is now in dire straits. Consequently, it must borrow from scarce funds allocated for peacekeeping operations simply to pay staff salaries and to meet its other financial obligations.

Of the unpaid dues approximately half are owed by the United States. Rather than providing other U.N. members with an example of international responsibility, our Nation is doing just the opposite. This makes the United Nations increasingly incapable of carrying out numerous tasks that are clearly in our Nation's interest but that we ourselves are either unable or unwilling to perform.

I ask that the cover letter sent to me by the Minnesota Alliance of Peacemakers and the World Federalists Association with the petitions on this important issue be printed in the RECORD.

The cover letter follows:

WORLD FEDERALIST ASSOCIATION,
MINNESOTA CHAPTER,
Minneapolis, MN, April 19, 1997.

Hon. PAUL WELLSTONE,
U.S. Senate
Washington, DC.

DEAR SENATOR WELLSTONE: We, the undersigned representatives of the Minnesota Alliance of Peacemakers and of the Minnesota Chapter of the World Federalist Association, are honored by your willingness to meet with us in respect to some matters that bear closely on your duties as a member of the Senate Foreign Relations Committee. That assignment is, in our view, among the most important that any member of the Senate could receive, given the complex and increasing political, economic, and ecological interdependencies within our ever-shrinking planet.

While the world looks to the United States for leadership in this period of transition to a new post-Cold War era, we believe that, it would like to see such leadership exercised within the context of the United Nations System. However, as you are well aware, the viability of that system has been seriously jeopardized because of the non-payment or late payment of dues by many member nations. The principal debtor, by far, is the

United States. This country's failure to meet its legal obligations as a UN member sets a deplorable example for others and is not a proper way to exercise leadership. Rather, it tarnishes the good name of the United States in the international community and diminishes our effectiveness in world affairs. For this reason, among others, we submit to you copies of petitions signed by 1417 Minnesotans calling on the United States to pay its current and back dues to the UN promptly and in full. The collection of these signatures is the result of a local drive by the Minnesota Chapter and a recent national drive by the national organization of the World Federalists Association, on the occasion of the 50th anniversary of the United Nations. This initiative is consistent with one of the accompanying policy positions adopted by the Minnesota Alliance of Peacemakers on November 12, 1996. A copy of those proposals has already been forwarded to your office. The Alliance, be it noted, is a coalition of twenty-seven peace and justice organizations whose combined membership approaches 10,000 concerned and politically active citizens.

We hope and trust that you will weigh our views carefully in the respective proceedings of the Senate Foreign Relations Committee and wish you much success and courage in the all important arena of foreign policy.

Respectfully yours,

The Rev. Lyle Christianson, President, Minnesota Alliance of Peacemakers; Elsie Evans, Board Member, National World Federalists Assoc.; Evangelos Kalambokidis, Board Member, World Federalists Assoc. National & MN Chapter; Mary White, Vice President, Minnesota Alliance of Peacemakers; and Joseph E. Schwartzberg, President, World Federalists Assoc./MN Chapter.●

PLYMOUTH CHURCH OF BROOKLYN, NY

● Mr. MOYNIHAN. Mr. President, founded in 1847, Plymouth Church of Brooklyn, NY, has made significant contributions to the Nation. The church building, designated in 1963 by the U.S. Department of the Interior as a national historic landmark, was known as the "Grand Central Depot of the Underground Railroad" because of the antislavery activities of Rev. Henry Ward Beecher and the congregation.

Reverend Beecher was familiar with the horrors of slavery auctions from his own observation and from experiences of members of his family, including his sister Harriet Beecher Stowe who wrote "Uncle Tom's Cabin." Thus, on several occasions between 1848 and 1860, he conducted well-publicized mock slave auctions at Plymouth Church with the results that the congregation secured the freedom of the slaves and he demonstrated to the Nation the barbarity of selling people who had been created, according to the Bible, "in the image of God." These auctions helped create a pro-abolitionist consensus in the North.

In February of 1860, Abraham Lincoln, then relatively unknown east of the Appalachians, was invited to speak at Plymouth Church. At the last moment, the location of the speech was changed to Cooper Union where Lincoln made an address which introduced him to the eastern United States which, in turn, led to his nomination for the Presidency less than 3 months later. Lincoln worshiped at Plymouth Church on two occasions, the only times he attended church services in New York State.

Following the end of the Civil War, the congregation of Plymouth Church supported the position that women and black men should have the right to vote. Even after the 15th amendment to the Constitution gave newly emancipated black men the right to vote, Plymouth Church continued to advocate for the right of women to vote. Reverend Beecher was the only man ever to serve as president of the American Suffrage Society.

Reverend Beecher left an impact on other areas of American cultural life. He was among the first religious leaders in the United States to embrace Darwin's theory of evolution and Spencer's theories of social evolution. He was an early advocate of Jewish-Christian dialog and of giving public standing to Judaism as a major American faith group.

Because the church was for many years the largest and best known public building in Brooklyn, many notable persons have spoken there, including Wendell Phillips, Frederick Douglass, Booker T. Washington, Clara Barton, and the Reverend Dr. Martin Luther King, Jr. Mark Twain, who described Plymouth Church's 1867 grand tour of Europe and the Holy Land in his book "Innocents Abroad," also spoke there.

In 1934, Plymouth Church and neighboring Church of the Pilgrims merged to form Plymouth Church of the Pilgrims. On May 4 of this year, Plymouth Church of the Pilgrims will celebrate the 150th anniversary of the founding of Plymouth Church and the commencement of the ministry of Rev. Henry Ward Beecher. I wish to add my congratulations to the Reverend Sharon Power Blackburn; Frank Decker, president of the Plymouth Council; and the entire congregation of Plymouth Church of the Pilgrims on this most important occasion.●

HONORING THE MICHIGAN FDR MEMORIAL COMMITTEE

● Mr. LEVIN. Mr. President, I rise today to welcome the members and guests of the Michigan FDR Memorial Committee, who will be arriving in Washington for the May 2, 1997, dedication of the new memorial to our Nation's 32d President.

Franklin Delano Roosevelt infused millions of Americans with a spirit of hope during the Great Depression and World War II. Fifty-two years after his death, President Roosevelt continues to be an inspiration to so many people, including an organization from my home State of Michigan. The members of the Michigan FDR Committee used their time and talents to raise money to send a group of students and senior citizens from Michigan to Washington for the dedication of the Roosevelt Memorial.

The officers of the Michigan FDR Memorial Committee who are leading this delegation are Gerald T. Harris, Kathleen Jansen, Ken Pittaway, Meena Narula, Susan Purdy, Colleen Harris, Dennis Nauss, Cherie Maleyko, Jean Kearney and Charlie Brown. Guests of the committee are Heather Avery, Erik Bardram, Dan Browning, Jennifer Burss, Becki Cadarette, Mrs. D. Cadarette, Jill Carouso, Mary Jane Condon, Joe Cook, Sherrie Goble, Edna Heck, Paul Kuplicki, Jr., Heather Lotter, Rocco Marcola, Shona Narula, Vijay Narula, Deon Pearson, Stephen Rafter, Nehal Raval, Linda Shariak, Mario Smith, Barb Strojny and Cynthia Vlachos.

The presence of the Michigan FDR Memorial Committee delegation at the dedication ceremonies for the memorial is most welcome, and I encourage our colleagues to join me in welcoming them to Washington.●

EDITH PRATT "PATTY" MASTERSON

● Mr. ROBB. Mr. President, I rise today to note the passing of Edith Pratt "Patty" Masterson. She died Sunday, April 20, 1997, at the age of 75.

Ms. Masterson was very active in Virginia politics, and her contributions to Virginia were noted in the Virginia Pilot newspaper in Norfolk. I ask that a February 16, 1997, article from the Virginia Pilot be included in the RECORD.

As the article indicates, for the past 6 years Ms. Masterson was active in public life as the chief lobbyist for Virginians Against Handgun Violence. Her most prominent victory with that organization was the passage of the one gun per month law in Virginia in 1992. Gun violence is a scourge that threatens the lives of our young people, and simply for her efforts to end gun violence, Ms. Masterson deserved recognition and high praise.

But Ms. Masterson's lengthy and remarkable public life, which began more than half a century ago, also deserves recognition. In the 1940's Ms. Masterson became the first woman to argue a case before the South Carolina Supreme Court, and she won her case. She also raised five children and later she went on to teach for 35 years. John Casteen, now the president of the University of Virginia, stated Ms. Masterson was the "best teacher I've ever seen." Ms. Masterson's participation in a variety of civic and educational organizations continued during her last years, and in 1991 she was named Hampton Roads Pioneer Woman of the Year.

Mr. President, I commend to this body and the American people the life and public service of Ms. Edith Pratt Masterson.

The article follows:

[From the Virginian-Pilot and the Ledger-Star, Feb. 16, 1997.]

PATTY MASTERSON: A VIRGINIA-MADE ACTIVIST

(By Margaret Edds)

The volume is thick as a phone book and appropriately covered in red. "Only in Virginia—1996," the title reads, calling to mind the state's proud promotional slogan, "Made in Virginia."

But the handiwork recorded in this fresh-off-the-copying-machine document is no cause for civic pride. The 200-page compilation is of 1996 Virginia newspaper clippings that feature guns and bloodshed. The sampling of Virginia murders, woundings, accidents and suicides is representative but incomplete.

Pages contain up to five clippings each, gathered by volunteers across the state. Virginians Against Handgun Violence oversaw the project. The League of Women Voters helped. The Center to Prevent Handgun Violence in Washington contributed. It is a chilling work.

"When it was clear last year that we were going to have absolutely nothing (in terms of gun-control legislation), it occurred to me that if you could clip all the events involving bloodshed by firearms, not the burglaries or the robberies, it might make an impression," said Patty Masterson, a retired Norfolk Academy English teacher who conceived the volume and last week helped distribute it around Capitol Square.

She was right. The page-after-page drumbeat of tragedy is first startling, then compelling, then exhausting. One of the women who provided clippings from the Richmond area recently quit. It was too disspiriting an exercise, she said.

This is the sixth winter since Masterson, then newly retired from the classroom, adopted the cause of handgun control and moved from Virginia Beach to a Richmond hotel room for a two-month vigil. As a volunteer lobbyist for Virginians Against Handgun Violence, she has become a fixture in the legislative halls, brightening committee rooms with her white hair, knit sweaters and welcoming smile.

In this role, Masterson has brought to bear all the skills that have sustained her through an adventurous 74 years—creativity, passion, good sense. The combination helped make her one of the first female attorneys in South Carolina, a Navy wife and enthusiastic mother of five, a popular teacher for 35 years and the force behind a series of seminars on how children learn.

But those characteristics have yet to penetrate the mass consciousness in the Virginia General Assembly. Masterson's most thrilling moments in Richmond were among her first. In the 1992 session, with then-Gov. L. Douglas Wilder leading the charge, lawmakers limited over-the-counter handgun sales to one per person per month.

"We did nothing to create it," Masterson said recently of the law, "but we had the fun of surfing in with it." Since then, Masterson and her gun-control colleagues have learned both the importance of having a governor in your corner and the frustration of going up against a lobby as entrenched as the National Rifle Association. Last year, all of the major legislation they supported died. This year, two of the three bills Masterson cared most about were not even heard in committee.

Her response, like a schoolmarm with a class of sluggards, has been to search for new ways to make lawmakers sit up and take notice. "Only in Virginia" is one result. Masterson believes anyone who takes time to peruse its headlines—"Father Shot on Way Home," "Boy, 5, Shoots Mother With Father's Rifle," "¿¿'My Only Son,' Mother says after Slaying,"—must be moved to act.

Her commitment does not blind her to the limitations of gun control. "Even if the sale of handguns to civilians were stopped here and now, we'd still have problems because of the millions of handguns out there," Masterson acknowledged. But she also recognizes the consequences of inaction. "It can only get worse if we do nothing."

Not surprisingly, the shootings that Masterson most deplores are those involving domestic violence and children who accidentially set off guns. Such deaths or woundings "seem so unnecessary," she said. "To me, they are products of a proliferation of handguns."

At a minimum, she believes, gun sales should be limited to storefront transactions or—with private sales—to law-enforcement offices; purchasers should be required to take gun-safety courses, and trigger-locks should be required on guns.

As a student of human development, she also believes that society should do much more to guard against the eruption of violence. Gun-control advocates are "dealing with the tippity, tippity, tip of the iceberg," she said. Those working with preschool education and domestic relationships are closer to the core of the problem.

Legislative victories or no, what keeps her going is "a passion for living, for learning, learning, learning," she said. It's an attitude that qualifies Masterson as a state treasure, Made In Virginia.●

CYBER-CHATS

● Mr. LEAHY. Mr. President, over a year ago, I began having online computer chats with students from around my home State of Vermont. These chats have been a lot of fun and very informative. The questions that the students have asked me reflect not only their interest in government and current events, but also the advantages that they have in terms of access to knowledge via the information superhighway.

Just 3 or 4 years ago, I could not have imagined coming back from a vote on the Senate floor, sitting down in front of my computer and having a conversation with a group of young Vermonters over 500 miles away. The advances in technology have amazed me, but so have the understanding students have about technology and what it means for all of our futures.

Students' questions have ranged from my legislation to protect the privacy of our online communications to United States policy toward Iraq to how to get them out of their next period math test. While I will never be able to help a student skip a math test, these discussions have convinced me of the thirst of our children for the opportunities these technologies represent and our responsibility as leaders to help provide them.

Last week, I had the unique opportunity to chat with students from one of the Nation's oldest running one-room schoolhouses in Granville, VT. I ask that the transcript from this chat be printed in the RECORD as testimony of the wonders of Internet technology and, more important, of our Nation's youth.

I also want to thank Shannon Roland, the teacher at Granville, for her work in preparing these exceptional students. She should be commended for bringing their education outside of and beyond the walls of a one-room schoolhouse.

The transcript follows:

ONEROOM 1. Glad to be here. I am now surrounded by 17 beautiful first through fourth graders, aged 7 to 10. AP and Channel 22 are also here. Hello Senator.

PATRICK L. I wish I could be there with you in person but we are all excited in Washington to be doing this.

ONEROOM 1. We are too. Jack has a question for you. Have you ever seen a land mine?

PATRICK L. I am not the world's best typist so I apologize if I make some mistakes.

ONEROOM 1. That's fine. We're learning too.

PATRICK L. I have seen landmines all over the world and have two deactivated ones on my desk. They are horrible weapons that should all be banned. They kill mostly children and innocent civilians.

ONEROOM 1. Brian wonders if you've ever seen the Granville School web page.

PATRICK L. Love the picture of the school on the front. Who is the student?

ONEROOM 1. That's a picture of Benny. He's going to be a bug scientist. Dylan asks, where do you live?

PATRICK L. I live on a tree farm that belonged to my parents in Middlesex, Vermont. I drive down route 100 often.

PATRICK L. I also have a house in the Washington area where I live when the Senate is in session.

ONEROOM 1. Brooke wonders if you might stop by our school sometime.

PATRICK L. I would like to drop by sometime. Unfortunately we are often in session while you are in school and you are out when I get home to Vermont for the weekend. After seeing your web page I am especially eager to drop by.

ONEROOM 1. We'll be going to school on Memorial Day if you're around. We've had lots of snowdays. Harlie wonders if you know any of the children who were killed by landmines.

PATRICK L. I have visited a lot of hospitals around the world where we use the Leahy War Victims Fund. My wife is a registered nurse and I have watched her help with some of the children who have been injured. It is a real tragedy and it has to stop.

ONEROOM 1. We agree. Benny (the boy in the picture) wonders what you do in your free time.

PATRICK L. Benny I try to cross country ski around my farm during the winter and hike there during the summer when I am home. I am also an avid photographer and bring a camera with me almost everywhere I go even to meetings at the White House.

Patrick L. Benny you look great in the photo!

Oneroom 1. We like to cross country ski. In fact, we had lessons here all winter. Sammi wonders if you have ever been to a one room schoolhouse. We think you would like to meet our teacher because she's really nice. [Picture].

Patrick L. I think you are very fortunate to have Shannon as your teacher. I have not been in a one room schoolhouse since I was a child but it seems to me you are getting a better education than a lot of very large schoolhouses.

Oneroom 1. We think so too. We're going to Boston to the museum and the aquarium for our school field trip. Jasmine wonders when you started being a senator.

Patrick L. The field trip sounds great. I did one like that when I was 12 and still remember it. Jasmine I became a Senator when I was 34. That was in 1975.

Oneroom 1. Erica asks, have you ever lost a law you wanted?

Patrick L. Many times, Erica, I will push for legislation that doesn't pass the first time around but we keep working until it does. One example is the Northeast Dairy Compact. At first it failed but finally passed and will help the dairy farmers in Vermont.

Oneroom 1. Christopher is also concerned about landmines. He wonders where most of them are.

Patrick L. Most of the landmines, Christopher, are in Africa.

Oneroom 1. Dylan says that it scared him too. Brooke says her favorite book is "Anne of Green Gables." Sammi wonders if you can make a link from your site to our web page.

Oneroom 1. Brian wonders if that's your wife skating with you in the picture on your web page.

Patrick L. Sammi we will link it with the transcript and a couple drawing. Dylan I know what you mean and Brooke I liked that one too and read it to my children when they were young.

Oneroom 1. All of the children say thank you for taking the time to do this. This is cool to talk back and forth like this. And it's neat the way we can send questions and have you answer them. Thank you very much. We have to go to recess now.

Patrick L. Brian that is my wife Marcelle with me and it was taken on one of the fields at our farm in Middlesex—just a ways up route 100.

Patrick L. Thanks—wish I could go to recess with you but instead will head to the Senate floor. I am very proud of all of you and thank you!•

AVOID FURTHER BLOODSHED, NEGOTIATE PEACE IN ZAIRE

• Mr. BIDEN. Mr. President, Zaire must seize the current moment to avoid further bloodshed and negotiate a peaceful resolution to its current crisis. A tentative agreement for a meeting on Friday between President Mobutu Sese Seko and rebel Alliance leader Laurent Kabila has been reached. This meeting is critical to avoid further loss of human life in Zaire. I applaud Ambassador Richardson's presence in Zaire and fully support his important and courageous efforts to facilitate a peaceful settlement to the current political turmoil.

The current crisis in Zaire has reached a critical fork in the road. In one direction lies the peaceful path of democracy and economic reform. In the other, the well-worn road of violence, bloodshed, and political instability. President Mobutu Sese Seko and rebel Alliance leader Laurent Kabila at this moment hold the fate of their country in their hands.

I strongly encourage President Mobutu and Mr. Kabila to earnestly engage in a critical dialog on the future of Zaire. I urge them to put the interests of Zaire and their countrymen first, and resolve the current political crisis without further unnecessary loss of life.

I have been deeply troubled by recent reports of wide-spread human rights abuses and mass killings of refugees and displaced persons in rebel-controlled Zaire. There are numerous accounts of desperately ill and malnourished women and children being indiscriminately slaughtered and maimed.

Recently 55,000 refugees have inexplicably disappeared from a refugee camp outside Kisangani. Of these refugees, some 9,000, including 2,500 severely malnourished children, had only days earlier been deemed medically unfit to travel by visiting relief workers.

After a week of repeatedly denying the United Nations to care for and repatriate refugees in rebel-controlled territory, today's news reports indicate the rebel Alliance is once again allowing the United Nations to care for the sick and the dying. Refusal to have given access to the United Nations over the past week, resulting in the maltreatment of refugees and displaced persons has been nothing short of deplorable.

I call upon Mr. Kabila to put a permanent end to the bloodletting of innocents in Eastern Zaire. All impediments to humanitarian relief efforts in Zaire must be permanently removed.

The United Nations must be permitted continued full access to these refugees and allowed to repatriate them to Rwanda without interference. Furthermore, the slaughter of those refugees suspected of responsibility for the 1994 Rwandan genocide must cease, as it is neither justifiable nor defensible. These people must be returned to Rwanda where they can stand trial in an appropriate court of law and rightly be held accountable for their crimes.

It is time for President Mobutu and Mr. Kabila to signal their willingness to set Zaire on the path to peace and democracy. Zaire is a country of enormous potential that has suffered untold tragedies. Failure to seize this critical opportunity to negotiate peace in Zaire will only set that country woefully back.

The fighting in Zaire must stop. The crisis in the country cannot be resolved by force. Replacement of the Mobutu regime with yet another authoritarian regime is a recipe of further political instability. I strongly urge both President Mobutu and Mr. Kabila to seize the current opportunity to avoid further bloodshed and choose the constructive path of peace and democracy in Zaire.•

AMENDING TITLES XVIII AND XIX OF THE SOCIAL SECURITY ACT

Mr. DEWINE. Mr. President, I ask unanimous consent that the Finance Committee be discharged from further consideration of H.R. 968, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 968) to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 968) was deemed read the third time and passed.

EXTENDING THE TERM OF APPOINTMENT OF CERTAIN MEMBERS OF THE PROSPECTIVE PAYMENT ASSESSMENT COMMISSION AND THE PHYSICIAN PAYMENT REVIEW COMMISSION

Mr. DEWINE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 1001, which was received from the House.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1001) to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. DEWINE. Mr. President, I ask unanimous consent that the bill be considered read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1001) was deemed read the third time and passed.

ORDERS FOR THURSDAY, MAY 1, 1997

Mr. DEWINE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10:30 a.m., on Thursday, May 1. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then immediately begin consideration of S. 543, the Volunteer Protection Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DEWINE. Mr. President, for the information of all Senators, tomorrow morning the Senate will begin consideration of the bill, S. 543, the Volunteer Protection Act. It is the understanding of the majority leader that there are a few amendments which are expected to be offered to this bill. Therefore, Senators can anticipate votes throughout Thursday's session of the Senate.

Mr. President, it is the hope of the majority leader that the Senate will be able to complete action on this important legislation tomorrow. Also, there is the possibility that the Senate could consider items on the Executive Calendar. Therefore, additional votes could occur other than votes on the Volunteer Protection Act during tomorrow's session.

In addition, if the Appropriations Committee completes action on the supplemental appropriations bill tomorrow, it is the intention of the majority leader that the Senate proceed to consideration of the supplemental on Monday.

ADJOURNMENT UNTIL 10:30 A.M. TOMORROW

Mr. DEWINE. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:42 p.m., adjourned until Thursday, May 1, 1997, at 10:30 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 30, 1997:

DEPARTMENT OF LABOR

ALEXIS M. HERMAN, OF ALABAMA, TO BE SECRETARY OF LABOR.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Wednesday, April 30, 1997*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

In all the troubled moments in an unsteady world when we think of the promises of a better day tempered with the tensions between nations and peoples, we look to Your presence in our lives, O gracious God, and ask for Your blessing upon us. When we seek direction, we know where we can go; when we seek solace we know where to find comfort; when we seek encouragement, we know that You will inspire and support. May Your peace, O God, that passes all human understanding, be with us and remain with us now and evermore. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland [Mr. HOYER] come forward and lead the House in the Pledge of Allegiance.

Mr. HOYER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

NUCLEAR WASTE TECHNICAL REVIEW BOARD MUST ADDRESS ENVIRONMENTAL AND SAFETY CONCERNS

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, almost 10 years ago the Nuclear Waste Technical Review Board was created by Congress to determine the most suitable site for storing nuclear waste. This board was made up of the most prominent members of the scientific community, not one of whom hails from Nevada.

What recommendation did this board make? Well, in their March 1996 report they concluded that there was absolutely no compelling technical or safety reason to remove spent fuel from its current location to a central facility. This expert, nonpartisan review board made this determination based on irrefutable, unbiased, scientific research.

What legitimate excuse, then, could justify the moving of nuclear waste from on-site storage, placing the health, welfare, and safety of many citizens in jeopardy? There are still many environmental and safety concerns that must be addressed before we move forward and mandate an unsafe permanent or interim nuclear waste storage facility at Yucca Mountain.

WIC PROGRAM A GREAT FEDERAL GOVERNMENT SUCCESS STORY

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, last week my Republican colleagues voted against the President's request for $76 million for the WIC Program. That is women, infants, and children. Our friends on the other side of the aisle will tell us that they voted to increase spending on women, infants, and children, but their so-called increase will force 180,000 women and children to be removed from the WIC Program.

WIC is one of the Government's greatest success stories, and every dollar that we invest in the program saves the Government $3.50 in other costs. If this bill passes without the additional $38 million that it needs, we will be hurting some of the most vulnerable members of our society: pregnant women and young children.

This is about values. This is about throwing 180,000 women and children off of a food program. It will deny youngsters food.

Last year my colleagues on the other side of the aisle tried to cut the school lunch program. Now they are going after WIC. It is wrong. This is the richest Nation in the world. We should not be taking food out of the mouths of children. I urge my Republican colleagues to rethink their actions.

SUPPORT H.R. 659

(Mr. BURR of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURR of North Carolina. Mr. Speaker, sometimes the Government makes a mistake and, yes, even agencies make mistakes. But the test of effective government is how quickly an institution can correct their errors.

In 1990, in a case of mistaken identity, the Environmental Protection Agency listed a chemical called ethylene glycol monobutyl ether, or EGBE, on its hazardous air pollutant list under the Clean Air Act amendments. This chemical is considered not harmful to the ozone and, according to scientific studies, does not harm the environment.

The listing of this nontoxic substance will trigger regulations costing each can manufacturer about $5 million to comply, and the EPA's hands are tied. Currently the agency lacks the statutory authority to fix this problem.

I introduced H.R. 659, which would delist the chemical and remedy this solution. We should never sacrifice jobs for regulations that are not backed by good science.

Now, some extremists say the 71 Members who are cosponsors of this measure want to weaken the Clean Air Act and the Community Right to Know Act by delisting this nontoxic chemical. Quite frankly, this is not an environmental issue, but an authority issue. I urge my colleagues to get the facts and prevent lobbyists from clouding the issue before us.

FAMILY SERVICES IMPROVEMENT ACT

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, I rise today in strong support of the Family Services Improvement Act, H.R. 1480, which I reintroduced yesterday.

Mr. Speaker, I ask my colleagues to imagine, if they will, a single mom who is trying to get off welfare. Mom drops her 4-year-old off at Head Start, takes her 7-year-old to second grade and goes to her own graduate equivalency degree classes, all in the same school.

When the family needs immunizations or health screenings, they can go to the school-based clinic. The social services coordinator at the school can help the family find housing, food, and health care. There is also a job placement coordinator to help mom find a job when she finishes her classes.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Unfortunately, my colleagues, as you well know, this model of coordinated, one-stop programs to help children and families move off Government assistance is rare.

The Family Services Improvement Act will create incentives for establishing coordinated one-stop programs. It will make the programs we promote more effective and efficient and more available. I urge the support of my colleagues for this important legislation.

WE MUST ACT NOW TO REFORM MEDICARE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, I realize that the administration is far too busy with all of their lawyers trying to figure out a way to handle all the campaign laws they overlooked to show some leadership on the Medicare issue. I know that would be asking too much. So while the administration is busy with all of their lawyers, this Congress must lead the way on Medicare.

The Medicare trustees released their annual report to the American people last week. The trust fund is going bankrupt, probably in only 4 years. The report confirms what Republicans have been saying about Medicare for the last 2 years. The trustees state that failure to fund Medicare will result in certain bankruptcy in the year 2001. None of this is new. Every single Member of Congress has known this for several years.

I call on those who are more interested in saving Medicare from bankruptcy than in playing politics with seniors to join in our effort to reform Medicare. We must act now.

IRS HAS GONE HOG WILD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, in San Diego, Mindy, the potbellied pig, dialed 911. Authorities cannot figure out what caused this devious swine to perpetrate such a dirty deed. They asked, did Mindy accidentally fall out of bed? Was Mindy calling Pizza Hut, or was Mindy the potbellied pig simply love sick, calling for Mr. Good Pig?

Mr. Speaker, the truth is, Mindy dialed 911 to tell Congress to get the snouts of the IRS out of the assets of the American people.

Mr. Speaker, I agree with Mindy the potbellied pig, this is hog sense. The IRS has gone hog wild. Pass H.R. 367 and change the burden of proof in the Tax Code and treat taxpayers like every other citizen under the Constitution.

I yield back the balance of this hog sense business.

AMERICANS DESERVE EARLIER TAX FREEDOM DAY

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, today the tax burden on working Americans is as high as it has ever been. We are asking our families to pay up to nearly 40 percent of their income in taxes. Tax Freedom Day, that is the day when we start working for ourselves and our families, is later and later every year. This year it is May 9, 2 days later than last year, the latest ever.

Yet, many of my friends on the other side of the aisle do not feel our taxes are high enough. But if they would listen to the American people, they would find they are wrong. We can do something about it as well. We can provide a family with a $500 per child tax credit, cut capital gains, remove estate taxes.

The facts are clear. The American people are overtaxed and it is time to provide relief. Reaching an agreement for working families is not going to be easy, but we owe it; we owe it to the American people. Let us all do our part to make Tax Freedom Day occur earlier, urge the President to live up to his campaign promises, and join our efforts to help working Americans loosen the noose of the current tax burden.

HARSH NEW WELFARE LAW

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, in 93 days a harsh new welfare law will wipe out assistance to legal immigrants. Yesterday I told my colleagues about one such immigrant from my district. Today let me tell my colleagues about another. Her name is Adela.

If my colleagues voted for welfare reform so they could teach people about the importance of hard work, they did not have to bother in Adela's case. After coming to the United States, Adela worked for 8 years in a factory on Chicago's northwest side. In fact, she worked well past the age at which most Americans would have called it quits and would have retired. But the company moved out of town, closed its doors down.

Adela, now 74 years old and in poor health, has been served notice that her years of hard working, playing by the rules and paying taxes is not enough. She got her pink slip. Now it is a computer printed form letter telling her that her only means of support, Social Security, is about to be taken away from her on August 22.

Do legal immigrants like Adela need to learn the value of hard work? No. Congress needs to learn the value of hard-working immigrants who have made America what it is today. I suggest to any Member that he look back to see what his grandparents look like or great grandparents looked like.

COMMEMORATING REMEMBRANCE DAY

(Mr. MANZULLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MANZULLO. Mr. Speaker, I am honored to be able to take this opportunity to commemorate the more than 8 million people, 6 million of whom were Jewish, who a little more than half a century ago were brutally, deliberately and systematically exterminated in a state-sponsored effort to annihilate their religious, cultural, and ethnic existence. All across the United States, Americans are commemorating Remembrance Day for those who were exterminated in the death camps of Nazi Germany.

I unite with those from around the country, including my constituents of the Jewish Federation of Greater Rockford, IL, to recognize those who risked their lives and those who died trying to intervene and save those who were targets of systematic extermination.

The Jewish Federation of Greater Rockford is commemorating Remembrance Day by paying tribute to the "Righteous Gentiles," those non-Jews who risked death to help save the lives of Jews and others from Hitler's killing machine. These courageous people acted out of a conviction that they simply could not stand by and witness so great a crime perpetrated against fellow human beings. We are privileged to have one of those surviving Righteous Gentiles, Irene Opdyke, addressing the Jewish Federation of Greater Rockford, IL.

COMMUNITY ENVIRONMENTAL HEALTH ACT

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Speaker, in our Nation's inner cities, minority communities are being victimized by toxic polluters, creating an environmental crisis, a health crisis, and a civil rights crisis in this country.

In my district in New York there are over 2000 industrial facilities, a radioactive storage yard and a huge sewage treatment plant. The effect of this pollution is discriminatory. The children in my district are dying of cancer, suffering from asthma, and have toxic levels of lead.

Study after study has shown that minority communities bear the brunt of toxic pollution in this country. Today I introduced the Community Environmental Equity Act, which will apply title VI of the Civil Rights Act to toxic polluters. I urge you all to cosponsor this important legislation. It is time to realize that we cannot have social justice until we first have environmental justice.

□ 1115

A CALL FOR BIPARTISAN MEDICARE REFORM

(Mr. NEUMANN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEUMANN. Mr. Speaker, the Medicare trustees released their report last week and issued a warning that the Medicare System will be bankrupt in 4 years. When I tell seniors back in my district of that and when I tell my own mom and dad of this, they ask me, how can this be? They say, my husband and I contributed into the system every year since 1965. How could the system be going bankrupt?

Perhaps the best response would be that you should ask those who created the system why they created a system that has brought us to this point. But that aside, the answer lies in the fact that Medicare is a pay-as-you-go system. Your contributions do not go into a fund for your use. The contributions you made during your working years go to support those who are ahead of you, those who have already retired. When you retire, money from the current workers, not money from your contributions, will pay your benefits.

So where do we go from here? We need to sit down and in a bipartisan manner decide how to reform the system and make it solvent. There is no other choice for our seniors in America today.

AN 11TH COMMANDMENT FOR CONGRESS: WE SHALL START TO WORK NOW ON ISSUES THAT ACTUALLY MATTER TO THE AMERICAN PEOPLE

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, recently I voted in favor of a resolution supporting the Ten Commandments. I voted in favor of a resolution to study the economy of American Samoa. I voted for a resolution banning Federal funding for physician-assisted suicide, even though assisted suicide is not legal at all. In fact, let me firmly assert, I am against Federal funding for any activities that are not yet legal.

But is it not time, Mr. Speaker, that we started working on issues that are more important to people, things like making student loans more available and affordable, or providing health care for the 10 million American children without it? We should be working to make our streets safer. And what about our crumbling schools, many of which were built before World War II? When will we address the long-term health of Medicare and Social Security?

Why does this Congress not agree to an 11th Commandment: We shall start to work now on issues that actually matter to the American people.

LET US WORK TOGETHER TO SAVE MEDICARE

(Mr. ROGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROGAN. Mr. Speaker, I was raised by my grandparents, and then by a great-aunt who lived on her Social Security. They relied upon Medicare for health care. Mr. Speaker, when I ran for Congress last year as a Republican, one of the things that was important to me in my campaign was to make sure that Medicare was preserved and protected for future generations, as well as for this generation of seniors. We Republicans campaigned to save Medicare, while our opponents accused us of trying to destroy Medicare instead of trying to save it.

Last week, the President's own Medicare Trustees came forward with a report that validated every single thing Republicans said last year about Medicare. There is one lesson I have learned, Mr. Speaker, during the campaign of last year: It does not take courage to scare seniors about Medicare. It does take courage to save it for this generation of seniors and for all of those who will rely upon it in the future.

I hope now we can put the partisan nonsense and scare tactics aside, and work together to save a worthy program.

THE WIC PROGRAM IS MORE IMPORTANT THAN ESTATE TAXES

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, important new research has indicated that the first 3 years of a child's life are absolutely critical. They determine his future life successes, brain development, and the likelihood of becoming a productive citizen. That is why I find it strange that my Republican colleagues would eliminate 180,000 American women and children from the WIC Program.

The WIC Program is an important nutrition program to help poor people have adequate nutrition. We are not talking about estate taxes, and no, we are not talking about capital gains taxes, we are simply talking about healthy food, milk, vegetables, fruits, the things Members would like for their family.

We as Americans ought to practice true family values, and that means putting our funds behind a program that has proven to be successful. That is the WIC Program. The WIC Program can guarantee that every young child in America gets a healthy start. That is the first step in leading a productive life.

I cannot understand why they think estate taxes are so important but do not think a healthy meal is equally important.

SUPPORT THE $500-PER-CHILD TAX RELIEF AND OPPOSE THE WOMEN AND CHILDREN FUND

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, we just heard that the Republicans were trying to eliminate people on women and children fund. We have opposed increasing the number. Let me tell the Members the reason why. In Kansas right now, a family of four making $28,000 a year is eligible to receive benefits from the women and children fund. This is 180,000 people who would receive about $300 per year if they did qualify for the WIC Program.

However, if Members would just give them a little relief in their tax structure, like a $500-per-child tax credit, they would actually get more money. Instead of getting $600 per year for those two children, they would actually get $1,000 per year. It would be money they could control.

The difference in philosophies here is that the other side of the aisle would like to control how people run their lives and what they have to do with their money, but the Republicans trust people. They want them to have more of their own money to meet the needs that their children have, because who best would understand what a child needs, other than its parents?

So I would support the $500 per child tax relief and oppose the women and children fund.

CONGRESSIONAL BLACK CAUCUS OPPOSES A SUPPLEMENTAL APPROPRIATIONS BILL WHICH THROWS WOMEN AND CHILDREN OFF WIC

(Ms. WATERS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. WATERS. Mr. Speaker, I rise today on behalf of the Congressional Black Caucus to voice the strongest possible opposition to the supplemental appropriations bill voted out of committee last week. If passed, this bill would throw 180,000 women and their children off the vital special supplemental food program for women, infants, and children known as WIC. The WIC program is widely regarded as the single most successful social program the Federal Government runs, allowing hundreds of thousands of women and children to avoid the disaster of hunger.

The administration requested $76 million just to maintain the current level of WIC participation for 360,000 women and children, but the Republicans cut this bare-bones minimum request in half, slashing the request to $38 million. This is a terrible and vicious attack by the Republican majority on nearly 200,000 caring mothers and their precious children.

This supplemental appropriations bill must provide the minimum $76 million needed to keep these families from hunger.

DEMOCRATS CONFUSED ON WIC FUNDING PROPOSAL

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, it appears that the Democrats are confused again. There is nothing unusual there. But on the WIC program, I do not know if they have read the bill. Had they read the bill, they would know that WIC is fully funded at $3.7 billion, a historic all time high for WIC, funded by the Republican majority in Congress. I will send them a copy of the bill if they want it. Where their confusion lies is that they are using 1994 census records when they say that WIC is not fully funded.

At least in my part of the country, it is 1997. We do not have 1996 records but we do have 1995 records, and they confirm that WIC is fully funded. Democrats, there is no reason, even for political purposes, to use 1994 records.

Second, there is a $100 million carryover of unused WIC funds right now, $100 million in unused funds sitting in reserve for WIC.

Third, the President of the United States has said welfare is down 15 percent. If welfare is down, why do Democrats insist on an emergency basis on increasing welfare funding? Again, Mr. Speaker, the Democrats are confused. What else is new?

HIGHER EDUCATION AND TRAINING MEAN HIGHER ACHIEVEMENT AND BETTER JOBS

(Mr. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORD. Mr. Speaker, on April 24 the U.S. Department of Education released a study that has serious implications for the state of our economy and for the welfare of all Americans. The study found that education and training are strongly associated with higher productivity and higher paying jobs. College graduates, according to the study, earn 50 percent more than high school graduates, and twice more than that of high school dropouts.

Workers who improve their skills through job training have higher earnings, as do those who have a record of higher academic achievement. One of the more disturbing findings, Mr. Speaker, is that the leading productivity the United States has enjoyed for decades may be slipping because we are not doing a good enough job in educating our children, we are not equipping them with the tools they need to be viable job holders in the global marketplace.

Today it is more important than ever that we provide our people with the skills they need to keep America competitive going into the next century. When "A Nation at Risk" was released in 1983, it sent a wake-up call to the Nation. At every level of government, we renewed our commitment to education to conquer the rising tide of mediocrity and education that threatened our national and economic security.

Today, Mr. Speaker, we have a choice. We can turn our backs on our human capital or invest in our future and inspire our young people for the challenges they and all people will face in this next century.

DISASTER AWAITING THE SPACE COAST

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, a medical colleague of mine, Dr. Vince Griffith, came up here with his daughter, Stacey, to testify before the Committee on Transportation and Infrastructure about a tragic accident on Florida's Highway U.S. 192 that robbed them of a wife and mother.

Dr. Griffith awoke the next day in the hospital with his daughter next to him. Stacey's intestine was ruptured and her spine was snapped. His wife had died of massive internal injuries. This brave father and daughter joined Robert Lay, who supervises Brevard County's Emergency Management Office, in telling the panel how important it was to widen U.S. 192.

Mr. Lay talked about the disaster awaiting the space coast if a major hurricane strikes and U.S. 192 is turned into a parking lot trapping tens of thousands of fleeing residents. I am grateful to all of these witnesses, but I am especially proud of Stacey Griffith, who is partially paralyzed and overcame her own fear to testify before Congress. I congratulate them and thank them for the hard work they are doing on behalf of the people of the space coast.

REDUCTION OF TOP RATE ON CAPITAL GAINS TAX

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, as I listen to my colleagues on both sides of the aisle talk about very important programs designed to help those who are truly in need, I am going to mention something that actually could, I believe, do probably more than any of those things that have been talked about to help those who are truly in need; and, yes, it is a reduction of the top rate on the capital gains tax.

Now we had a study done not too long ago by the Institute on Policy Innovation, which found that if we could reduce that top rate, as H.R. 14 does, our bill that we introduced on the opening day, to 14 percent, we could, in fact, increase the average take-home pay for a family by $1,500 a year.

Now so often people have in the past talked about this capital gains tax rate reduction as being nothing but a tax cut for the rich. But people are finally realizing that if we could allow those literally millions of American families who own mutual funds or other appreciated assets to see a reduction on that top rate, it would, in fact, improve the standard of living for all Americans.

ADOPTION PROMOTION ACT OF 1997

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 134 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 134

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 867) to promote the adoption of children in foster care. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI or section 303(a) or 308(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the

Committee on Ways and Means. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Ways and Means now printed in the bill, modified as specified in the report of the Committee on Rules accompanying this resolution. Each section of the committee amendment in the nature of a substitute, as modified, shall be considered as read. Points of order against the committee amendment in the nature of a substitute, as modified, for failure to comply with clause 7 of rule XVI or section 303(a) or 306 of the Congressional Budget Act of 1974 are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute, as modified. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1130

The SPEAKER pro tempore (Mr. HOBSON). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE of Ohio. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Dayton, OH [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE of Ohio. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio? >There was no objection.

Ms. PRYCE of Ohio. Mr. Speaker, House Resolution 134 is an open rule providing for the consideration of H.R. 867, the Adoption Promotion Act of 1997. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means.

The rule makes in order an amendment in the nature of a substitute from the Committee on Ways and Means as an original bill for the purpose of amendment, modified as specified in the report accompanying this rule. The modification simply amends the committee's bill so as to avoid including appropriations language in an authorizing bill. The rule also provides a limited but very necessary number of waivers to facilitate the orderly consideration of the bill.

Furthermore, the Chairman of the Committee of the Whole may accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and such amendments shall be considered as read.

Finally, the rule provides for one motion to recommit with or without instructions, as is the right of the minority.

Mr. Speaker, let me stress for our colleagues that this is more than just an open rule. In fact it is a wide-open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time as long as it is consistent with the normal rules of the House.

The bipartisan support this bill enjoys is clear evidence that building stable families by promoting adoption is a goal that both political parties can and should agree upon.

Mr. Speaker, it should come as no surprise to my colleagues that the issue of adoption is very special to me. As an adoptive parent myself, I know firsthand that adopting a child can be one of life's most fulfilling experiences.

Every child in America deserves a family and a home filled with love and security, free from abuse or neglect or the threat of violence. The sad truth is that today many children do not enjoy that basic human right, and I am afraid it is these very children who are paying a very dear price, victimized by a foster care system that was enacted with the best of intentions but which is failing to look out for their best interests.

Why are a child's early years so important? New research tells us that the first years of life are critical to a child's development. We know that 90 percent of the brain's growth takes place during the first 3 years. So science is revealing what mothers have known always from the beginning of time, that early life experiences help determine the way a child thinks, learns and behaves for the rest of his or her life.

That is why it is so crucial for parents and care givers to raise children in a healthy, happy environment. The first years of life do indeed last forever.

So here we are today, Mr. Speaker, determined to change the rules of the game so that more children will have a better start. One way we can accomplish that aim is to speed up the adoption process, especially for foster children who have been abused or neglected.

While Government cannot legislate love and compassion, it can provide the leadership and the tools necessary to encourage the development of healthy, nurturing families. For example, last year Congress enacted legislation that created valuable new tax incentives designed to foster and facilitate adoptions.

In many respects, H.R. 867 addresses what might be referred to as the other side of the adoption coin. With last year's legislation we tried to ease the financial strain for hopeful parents. This bill addresses the frustrating problem of how to promote adoption of foster children who through no fault of their own are unable to return to their natural parents and who have languished for far too long in the foster care system. It is time to stop the revolving door of foster care that sends children from home to home to home with little or no hope that they will live with the same families from one month to another.

Mr. Speaker, the most important change we can make is to elevate the rights of children because too often a foster child's best interests are abandoned while courts and welfare agencies drag their feet. To correct this injustice, H.R. 867 places the safety and well-being of children above efforts by the State to reunite them with biological parents who have abused or neglected them.

As the legislation itself clearly spells out, a foster child's health and safety shall be of paramount concern in any effort by the State to preserve or reunify a child's family.

Under current law, there are no financial incentives to move children from foster care to adoption, so States continue to receive Federal subsidies as long as children stay in foster care. This is crazy, Mr. Speaker. We have created a system that in effect pays States to keep kids locked in foster care at the expense of adoption.

It is too bad that we have to use cash as an incentive. We would think the joy of giving a foster child a permanent home would be incentive enough. But this bill will establish a positive incentive to reduce the foster care case load.

Mr. Speaker, the facts support the need for this legislation. Of the nearly half million kids in foster care, only 17,000 entered permanent adoptive homes. What is more astonishing is that during each of past 10 years more children have entered the foster care system than have left it. This is simply not acceptable, and we need to take action today to change it.

The changes called for in H.R. 867 offer workable solutions to some of the most pressing concerns, and I applaud the work of my colleagues, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY].

I also want to commend the many, many conscientious foster care parents who have opened their doors and their hearts to foster children. I am hopeful that many of those responsible couples will have a chance to make their love permanent as a result of this legislation.

As I said before, Congress and the Federal Government cannot legislate compassion and love for all of the Nation's children, but we can take reasonable steps to promote family stability and give children, especially foster children, a fighting chance to see the loving homes that they deserve. Children simply deserve better than a here today, gone tomorrow life in multiple foster homes.

In the last Congress we reformed welfare so that low income mothers and their families would not be trapped in the never-ending cycle of dependency. We need to do the same thing with the foster care program that keeps thousands of innocent children trapped in a broken system that too often places their young lives in danger of repeated neglect and abuse.

Mr. Speaker, this legislation enjoys strong bipartisan support. Like the rule before us, it was reported without any amendment by voice vote. Since being reported, several worthwhile amendments have come up and this open rule will certainly allow the House to discuss any concerns or improvements that Members may wish to discuss.

I urge my colleagues to vote yes on the rule and yes on the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

(Mr. HALL of Ohio asked and was given permission to revise and extend his remarks.)

Mr. HALL of Ohio. Mr. Speaker, I want to thank my colleague, the gentlewoman from Ohio [Ms. PRYCE] for yielding me the time.

This is an open rule. It is a fair rule. It will allow complete debate on H.R. 867.

The bill will continue a series of bills approved by Congress to encourage the adoption of children. This bill aims to speed up the adoption process of children in foster homes. In my own State of Ohio, there are 17,000 children in foster care. Of these, nearly 1,800 are awaiting adoption. This bill is intended to help these children and others like them all across the country find permanent homes more quickly.

The bill also gives States greater flexibility to separate children from their families when their parents are clearly abusive. And in my own community of Dayton, OH, we have witnessed tragic consequences of requiring family unification even when it obviously was not in the best interest of the child.

Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have their opportunity to offer amendments. The rule under consideration waives a number of points of order on the bill, including the 3-day availability of committee reports. It also waives points of order on the Committee on Ways and Means substitute.

The process for consideration of the bill has been completely open, and it has been bipartisan with strong support from both sides of the aisle. Therefore, the Committee on Rules recommended the waivers by unanimous vote so that the needed bill can move forward quickly.

Mr. Speaker, I urge adoption of this open rule and the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER], my colleague on the Committee on Rules.

Mr. DREIER. Mr. Speaker, I rise in strong support of this rule, and I do so to compliment my friend from Columbus, OH for the leadership role that she has shown on this issue of adoption which is very important.

This legislation, as has been said by both of my friends from Ohio, is designed to encourage adoption. There is a pressing need out there, and I believe that this legislation will go a long way toward creating the kind of incentive that is necessary.

I also believe that it is very good that we are doing this under the open amendment process, because I understand that there are proposals that some Members who do not sit on the Committee on Ways and Means have that they wish to offer. And it is our hope that they will be able to work those out, and we will be able to continue to move ahead with bipartisan passage of this legislation.

I would simply like to urge my colleagues to support the rule and to again congratulate the gentlewoman from Ohio [Ms. PRYCE] for the stellar leadership that she has shown on this and a wide range of other issues.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY], and I say thank you to the gentlewoman and the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Ohio [Ms. PRYCE] for so much good work on an important piece of legislation.

Mrs. KENNELLY of Connecticut. Mr. Speaker this rule brings to the floor something that I think we all knew was important. We enjoyed working on this issue and its result—that good things can happen when both sides of the aisle work together to try to solve one of our Nation's problems. And I could not think of anything better happening than finding safe, and loving, and permanent homes for abused children.

The conflict between the rights of parents and the needs of children is perennial and will remain a central dilemma in the field of child protection. Realizing this, almost a year ago, the gentleman from Michigan [Mr. CAMP], and I began to talk about drafting legislation to protect children and promote adoption. We, and our staffs, worked on a bill together, and throughout the process we sought advice from a wide range of individuals from across the country, from individuals who had joined with groups with varying points of view, some absolutely adamant in protecting the rights of parents, some absolutely adamant in protecting the rights of children. We heard from all sides of the issue.

We also worked with the Clinton administration, which has been making child adoption an increasingly important situation and a top priority.

So I will speak later on the aspects of the bill, but I would like to say something regarding the rule.

Mr. Speaker, I urge Members to support this rule. But I also want them to realize that although this is an open rule, any Member, of course, can offer an amendment, this bill has been crafted to address the careful balance between parents' rights and children's safety.

Many Members interested and very knowledgeable in child welfare have agreed to hold amendments so that today's legislation could bring forth a basis for a continuing process concerning the rights of parents and the safety of children. I look forward to working with these Members, and working again with the gentleman from Michigan [Mr. CAMP] so that in fact this whole situation of further protections for children can grow.

But today the legislation we have before us and the rule brings to us is a careful balance between many, many, many hours of work. Of course, there will be amendments, but I do hope that amendments that break this balance will not come forward. We have so must to do. This is so important. We do not want to have this bill in jeopardy.

Ms. PRYCE of Ohio. Mr. Speaker, I yield such time as he might consume to the gentleman from Florida [Mr. SHAW], subcommittee chair of this important legislation.

□ 1145

Mr. SHAW. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, there is one technical change in the Camp-Kennelly bill that was reported by the committee, and I thought it my duty to come to the floor and briefly explain this under the rule.

This change simply removes language that was inadvertently included in the committee bill, that appropriated money for adoption incentive payments, and substitutes language that authorizes spending on the payments. Because the incentive payments are so important to increasing adoptions, and because this provision actually saves taxpayers' dollars, both the Committee on the Budget and the Committee on Appropriations graciously agreed to help us write language that would, if appropriations are made in any year, adjust both the budget resolution and the statutory budget caps to accommodate the additional spending.

Thus, the amended bill does not appropriate money, but the new provision does make it easy for the appropriators to provide the money for the adoption incentive payments. Giving States the incentive payments of $4,000 for each additional adoption will save both State and Federal tax dollars.

I want to personally thank the chairman and the staffs of the Committee on the Budget and the Committee on Appropriations for their help with this important provision.

I would also like to tell the Members of the House, in responding to some of the comments made by our colleague, the gentlewoman from Connecticut [Mrs. KENNELLY] one of the authors of this bill, that we on this side, even though this is an open rule, recognize the bipartisan effort that went into building this bill and also recognize the tremendous importance and impact this bill is going to have upon some of the most fragile among us, and that is unadopted kids that are lingering in foster care.

Because of that, Mr. Speaker, we are trying to work out compromises on many of the amendments that are being offered or contemplated to be offered, to see if we might reach a bipartisan solution on acceptance of those amendments without putting the House to votes that could possibly tilt the scales away from the bipartisan bill that has been so carefully crafted by the gentleman from Michigan [Mr. CAMP], and the gentlewoman from Connecticut.

Because of that, I would anticipate that if there are any amendments in dispute, that the committee would, in all probability, object to those amendments. Even though we might see that they have merit that should require us to consider them, and even though we personally might think it might be a better bill, we feel the bipartisanship that has been brought to this bill to the floor today should survive the day and that we should report out a bill that should get the unanimous support of the entire House.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I have a little Buy American amendment, and the gentleman from New York [Mr. RANGEL], he said we really do not need to buy American kids in this, but I want to explain it.

The Traficant amendment has been passed on to many things, and it says simply, it is a sense of Congress that when funds are expended pursuant to the passage of these acts and these laws, that when they expend that money, that the Congress notifies them, wherever possible, to try to buy American-made products. It does not tie their hands. And they should give us a report at the end of the year as to how much was foreign-made so we can get some computerization on what is our procurement around here.

I want to say this to the Congress. We are at this point, the delegation from Massachusetts, looking into the fact that our currency, the paper that our currency is printed on, will be made in Great Britain. And the Crane Co. of Massachusetts, who has produced the paper that our currency has been printed on, will come to us from overseas. We have military troops in Chinese boots.

We have gotten to the point where we have lost sight of our procurement. I once passed an amendment on a defense bill, I would say to the gentlewoman from Ohio, that if a foreign country does not allow American companies to bid, they should not be allowed to bid on our defense contracts. And both sides of the aisle fought it and then they finally passed it.

I think it is time to say that wherever possible when we are spending taxpayer dollars that we try to buy American-made goods. It does not tie their hands. Taxpayers pay the freight coming down the track, they have the jobs, they pay the taxes. It seems to work.

It is noncontroversial, but for those who have some doubts, it is germane and it deals with any funds made available pursuant to the passage of this act that would be used for procurement purchases.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. PRYCE of Ohio. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in many ways foster care has become a black hole for America's most needy and vulnerable and precious children. They get sucked into it through no fault of their own and they end up spending years bouncing from one foster care family to another, with little or no hope of settling down to enjoy a stable, loving home environment. Today we can begin to offer these children a small ray of hope by agreeing to this open rule and by passing the Adoption Promotion Act.

Mr. Speaker, we just need to change the model. We do not need the latest poll or focus group to know that it takes a family to build a stronger America. By protecting the safety and well-being of children, we can ensure that the neediest and the most neglected and the most abused foster children are given a real chance, a fighting chance, to enjoy safe and permanent homes.

Mr. Speaker, on behalf of the thousands of foster kids living in America today, I urge my colleagues to support this fair, open rule and to vote for the Adoption Promotion Act.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 134 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 867.

□ 1152

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 867) to promote the adoption of children in foster care, with Mr. ROGAN in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. SHAW] and the gentleman from New York [Mr. RANGEL] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Camp-Kennelly bill that we bring to the floor today is of vital importance to many thousands of the Nation's most unfortunate children. These children are the abused, the neglected, the abandoned. To take these children out of harm's way, State government removes these children from their families and places them in foster care.

Five hundred thousand. That is right, one-half of 1 million. That is how many children are languishing in foster care as we debate this bill today. The major goal of Federal and State policy must remain what it has been since the passage of the vital Adoption Assistance and Child Welfare Act of 1980, and that is to move these children to permanent placements as quickly as possible.

But today there is a new consensus throughout the Nation: Too many children are in foster care because too few children are adopted. The bill we debate today will change that. I have no doubt that if we pass this bill, within 5 years the number of adoptions in the United States will increase substantially and the number of children languishing in foster care will at last decline.

This bill does three big things to promote adoption:

First, Federal statutes now put too much emphasis on providing all kinds of services to rehabilitate troubled families. Let me be clear about this. I firmly believe that services for troubled families are important. Nothing is more important to children than their families. Thus, if their family has problems, government could and should reach out a helping hand. But not ten hands.

If families will not or cannot change within a reasonable period of time, we must, in the interest of the children, be willing to terminate parental rights and move expeditiously toward adoption. So the big thing this bill does is to push the pendulum of government concern back in the direction of the children.

We do this by allowing States to define what we call aggravated circumstances that allow them to dispense with services for the family and get on with the business of finding an adoptive home for the child. In the case of parents who have murdered another child or lost custody of other children, States are required to dispense with the services for the family and to move quickly to terminate parental rights and get the child adopted.

The second big thing this bill does is require States to move to terminate parental rights and find an adoptive family if children under 10 have been in foster care for 18 of the past 24 months. There is at present no national consensus on the maximum time children should spend in foster care. As a result, some States keep children in foster care for an average of 3 years. The average stay in foster care across all States is around 2 years.

Think of that: 2 years, 24 months, 104 weeks, 730 days. For a 4-year-old child, that is half of his or her life. This must stop. Camp-Kennelly will take us a giant step toward creating a national understanding that if families cannot be rehabilitated within 18 months, the State must move to adoption.

These first two provisions of this bill place administrative requirements on the States, but the third big provision of this bill takes a different approach. Camp-Kennelly will reward States for increasing adoptions.

If we want more of something, we simply subsidize it. So let us pay States to do the right thing. Instead of just subsidizing foster care, as we do now, Camp-Kennelly will pay the States $4,000 for every child adopted above the prior year's levels.

Will this approach work? Both the Congressional Budget Office and the Office of Management and Budget say it will. Not only will the provision increase the number of adoptions, but it will actually save money. Members of Congress will seldom have the opportunity to vote for a bill that both does the right thing for children and saves taxpayers dollars at the same time.

I am quite proud of this bill, and I am proud of my subcommittee and the sponsors who have put this bill together. It will help children. It will increase adoption. It will improve the reputation of government for effectiveness and efficiency, and it will save the taxpayers money.

I would like to share with the Congress part of the testimony that was given before my subcommittee. A woman caseworker who had been involved in many, many adoptions told us of the first words that a child had after meeting her new parents, and this is a child who was less than 3 years old, a 2-year-old child. The first words she said in meeting her new adoptive parents were "Where have you been?"

"Where have you been?" Can any of us imagine those words coming out of a 2-year-old child thirsting for a family? I say to the Congress, "Where have you been?" It is time for us to pass this bill, and I urge all the Members to vote "yes" on this vital piece of legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. RANGEL. Mr. Chairman, let me join with my colleague from Florida in complimenting the legislators on the committee that worked on this very sensitive piece of legislation.

It is so difficult for us in the Congress to attempt to regulate or legislate things that concern love and emotion and separation of mother and child, and that is why it is so important that those people, who mean well but want to fine-tune this, might do well to believe that the Congress cannot, as they have said so often, make one size fit all according to Federal standards.

I think all of us agree that when it comes to a child that is living in a dangerous or an abandoned situation, that we all want to do what is in the best interest of the child.

□ 1200

We do not have all of the answers here in Washington, even though we Democrats are accused of trying to provide all of them. But one thing is clear, that the facts and circumstances surrounding the condition and the welfare of that child is closer to the State than it is Washington, DC. So I do hope that those who have particular problems or have seen it back in their home State might concentrate on trying to change those provisions at home and kind of leave the work that the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] have put together in a very well balanced way.

It just seems to me that they have taken in consideration the very, very difficult decisions that have to be made even by social workers. When is the time that a child should be adopted? When is the mother's rights terminated? Is there an area of rehabilitation? All we know is that this bill would at least allow the resources for these very sensitive questions to be addressed in the proper way. All we can do is hope the best that we can that we have facilitated in taking children out of harm's way into loving homes and thereby making a stronger and more productive country as these youngsters grow up to be productive.

Mr. Chairman, the gentleman from Florida [Mr. SHAW] has every reason to be proud, and those that have really not spent that much time discussing this, I hope that they might allow this legislation to go through as it is drafted and to make certain that their considerations are brought to the local communities in which they serve, because situations that we have in New York may not prevail in Los Angeles or in other parts of the United States, and I really want to protect the work that has gone into this legislation.

Mr. Chairman, I ask unanimous consent that the time remaining be turned over to the gentlewoman from Connecticut [Mrs. KENNELLY], the drafter of the bill, on our side at least, the co-drafter, and that she be given the opportunity to yield the remainder of the time that we have on this side.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. CAMP], whose name appears first on this bill.

Mr. CAMP. Mr. Chairman, I want to thank the chairman of the subcommittee for yielding me this time and also for his leadership on this issue.

Today the Congress has an historic opportunity to improve our child welfare system with respect to adoption. Under the fine leadership of the gentleman from Texas [Mr. ARCHER] and the gentleman from Florida [Mr. SHAW], past Congresses have already made two important changes, providing a $5,000 tax credit for adoption expenses and eliminating racial preferences for adoption. We now have the chance to build on this outstanding record.

The legislation before us today will help reduce the amount of time that children spend in foster care and increase the time they spend in permanent loving homes. I want to thank the gentleman from Texas [Mr. ARCHER], the chairman of the full committee, the gentleman from Florida [Mr. SHAW], the chairman of the subcommittee, the gentleman from New York [Mr. RANGEL], ranking member of the full committee, and the gentleman from Michigan [Mr. LEVIN], ranking member of the subcommittee, for their support.

Nearly 500,000 children currently reside in foster care and thousands more join them each year. These children can spend up to 3 years in foster care, and since 1982 the number of children in foster care has increased by 89 percent. For a young child, that is, far, far too long. For too many children foster care has become a permanent solution to their problems instead of a temporary answer. These children wait for permanent loving homes while many parents wait to adopt children.

The names and stories are too familiar: Children returned to homes only to face continued abuse, and child advocates torn between their desire to reunite the family and their duty to ensure the child's health and safety. Children deserve a compassionate but effective system that works on their behalf, not one that subjects them to continued abuse.

The legislation before us today strikes the appropriate balance between parental rights and child safety. The bill calls upon States to continue efforts to reunite the family, but also realizes that in some cases reunification is not in the child's best interest. In these cases, States are encouraged to follow concurrent planning in order to ensure the child spends as little time in foster care as possible.

The bipartisan legislation before us today was drafted, debated and adopted with the full participation and support of my colleagues on the other side of the aisle. It was approved by the Committee on Ways and Means by voice vote and enjoyed strong bipartisan support. In addition, we have held hearings, received much public comment and received broad-based support for these reforms.

Mr. Chairman, the children of this Nation deserve a fighting chance. This legislation puts the system in their corner and makes sure that our children grow up in a permanent loving home. I also want to thank the gentlewoman from Connecticut [Mrs. KENNELLY], the cosponsor of this bill, for her leadership, her strong support and her advocacy for this issue.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I too would like to thank the gentleman from Florida [Mr. SHAW] and the gentleman from Texas [Mr. ARCHER], the gentleman from Michigan [Mr. LEVIN], ranking member on the subcommittee, and I also want to say what a delight it has been to work with the gentleman from Michigan [Mr. CAMP].

Mr. Chairman, every day in America 3 children, 3 innocent, precious children, die from abuse or neglect, and every day in America 500,000 children wait in foster care for a permanent home. These statistics say to us we certainly are not doing the best that we can do by our children.

Today I do not suggest that the legislation before us will eliminate child abuse for every child, though I wish I could say that, or guarantee a permanent home for every child in foster care. It will not. But I do believe this legislation represents a significant step forward in providing protection and permanency for our Nation's abused and all too often forgotten children.

I also believe the bill represents what bipartisan cooperation can accomplish. The tension between the rights of parents and the needs of children will be a perennial debate when we talk about child welfare. Realizing this, the gentleman from Michigan [Mr. CAMP] and I began almost a year ago, reaching out, listening, talking, meeting. Our staffs spent hundreds of hours trying to look at this question and see where we could jump start it so we could address some of the concerns that we have at this very time, thinking there has been some misunderstanding between the Federal Government and the State governments in making sure that everything was done to protect children. And so we ended up with this piece of legislation before us today.

The bill has two basic goals: Preventing children from being returned to unsafe homes, and finding safe and loving and permanent homes for children who cannot be reunified with their families. To accomplish this goal, our legislation revises the current Federal requirement that States make reasonable efforts to reunify abused children with their families. Early on in the 1980's we wrote legislation in this body and in the other body saying every reasonable effort should be made to return a child to the family. And in the States, those who were working very hard to bring this about did not know where to end that. It was not clear. In short, we are clarifying that reunifying a family is not reasonable when it presents a clear and undeniable danger to a child.

The legislation provides States with examples of situations where reasonable efforts are unreasonable efforts, such as when a child has been abandoned, when a child has been tortured, where a sibling of that child has been murdered, where there has been chronic physical abuse, where there has been sexual abuse.

Let me say that in the best of all worlds, we all agree that the best place for a child is with his or her parents. But we must also recognize there are times when a child's safety is threatened by living at home. Every one of us in this body can turn to and refer to headlines in their papers, the terrible, heartbreaking case with little Emily in Michigan, other cases across these United States, headlines telling us the very worst can happen. This legislation is not only a reaction to these kinds of situations; this legislation is on the floor today so these situations will not make headlines, that that quiet child locked in that terrible situation will not be forced to stay there or will not be returned to that situation.

But it is not enough to really prevent children from returning to dangerous homes. We must also do more to find permanent homes for children who cannot return to their birth families. Our foster care system, and I want to make it very clear, Mr. Chairman, is an extremely valuable safety net, but it should not be in any way a way of life for children.

Unfortunately, not only have the number of children in foster care homes almost doubled in the last 12 years; what we are seeing is younger and younger children going into that system. However, let me say today that foster care has provided that safety net for those children and in 1995 half the children adopted were adopted by their loving foster care parents.

In this legislation we propose four solutions to this problem. First, we call on States to pursue reasonable efforts to place children for adoption when reunifying families is not possible. Second, we propose expediting the review of foster children by requiring a permanency hearing after 12 months, not waiting for 18 months. Third, for younger children who have spent the last 18 months in foster care, we require the States to consider terminating parental rights so a child can be freed for adoption. But, of course, the courts would still have the final word on whether termination is the best solution. And finally, we advocate giving States financial incentives if they increase the number of children leaving foster care for adoption.

Our legislation would provide $4,000 for every additional child that is adopted, and $6,000 for every hard-to-care-for child in the foster care system.

Mr. Chairman, some may say this bill does not go far enough in one direction. Others say we certainly have not put enough financial assets into it. I fully acknowledge that the child welfare system could use more resources. However, I think we will find a wide consensus from the left, from the right and all of us in between that the legislation before us will help protect children and promote adoption.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAW. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York [Mrs. KELLY].

Mrs. KELLY. Mr. Chairman, I rise today in support of the Adoption Promotion Act, H.R. 867, and I ask that all Members do the same.

Quite simply, this measure represents Congress' commitment to children. According to the Children's Defense Fund, in 1995, 3.1 million children were reported abused or neglected and 818 children died as a result of abuse and neglect. Furthermore, that same year over 1.8 million youths were arrested for various crimes, over 100,000 of which were violent crimes.

At issue here is America's future. We are failing our children if we do not provide them with positive role models. While foster care and those who assist in that care are doing a world of good, it will go to waste without some sense of stability for the child. We should be embracing and assisting those families that are willing to care for this country's most precious resource, our children. That is what this bill is all about. I urge my colleagues to support H.R. 867.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Michigan [Mr. LEVIN], the ranking member of the subcommittee that brought forth this bill.

Mr. LEVIN. Mr. Chairman, I very much support this bill and am glad to rise in support of it. It is a common sense proposal that hopefully will bring to fruition the goal of a permanent home for kids in foster care.

This is a balanced, activist approach. Right now there is stagnation. Kids stagnate or sometimes just move from place to place while they are stagnating. Family reunification is the primary goal, but a recognition that in some circumstances this is not workable and beneficial for the child. In some circumstances, such as abandonment, chronic abuse or sexual abuse, efforts to keep the family together, those efforts do not serve the interest of the child.

So there is a redefinition of the requirement of reasonable effort to make sure that the child's interest is primary.

□ 1215

The bill also requires more frequent status reviews for children in foster care, and it gives foster parents the opportunity to be heard at the hearings.

I want to thank, if I might, and express on behalf of so many the appreciation to the gentleman from Michigan [Mr. CAMP] and to the gentlewoman from Connecticut [Mrs. KENNELLY] for their work and the efforts of the chairman, the gentleman from Florida [Mr. SHAW]. I hope we will keep our eye on the ball here and not go overboard one way or the other, but keep a balanced position here. That is what will keep in mind the key goal, the interest of the child. Making termination of the parental interest occur too soon will not help the child. On the other hand, going the other way is not going to help the kid.

Also we have to remember the importance of the services that are necessary to help these children and the parents; to delete the provisions in this bill that relate to those services would also be a mistake. This has been carefully crafted, and I hope we will maintain it.

Mr. SHAW. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, last year I was very pleased to have played a part in making sure that the adoption credit was passed. This credit helped make adoption more affordable for numerous parents who could not afford adoption costs.

However, it is evident that costs are not the only problem of adopting. In fact, it is the very system that was created to help children either be reunited with their families or be adopted that has turned out to be the problem.

In the last decade child welfare has grown into an enormous bureaucratic system that is biased toward preserving the family at any cost. Consequently, foster care has become a way of life for thousands of children while agencies continue to try and, quote, fix the problem.

Mr. Chairman, I would like to commend my dear colleagues, the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for all their hard work on the Adoption Promotion Act of 1997.

For years, foster care has been a black hole for thousands of America's children. The current system has failed to help the very children it was intended to help. Today it is estimated that over 500,000 children are in foster care while 50 to 80,000 are legally free to be adopted. The average child is in foster care for 3 years, while 1 in 10 children remain in State care for longer than 7½ years.

The time is right to make some fundamental changes to the child welfare system because too many children are simply wasting away. This is a responsible bill that seeks to speed up the adoption process, in particular for those children that have been abused or neglected.

This bill represents an important philosophical shift from the Federal policy that makes every effort to reunite children with their biological families to one that defines when reasonable efforts shall not be made and determines when those children shall be placed in permanent, loving, adoptive homes. I strongly believe that this legislation moves in the right direction by defining reasonable efforts, placing timelines on permanency decisions and filing for parental termination and providing incentives to States to hasten adoption. However, I believe that there are ways that we can strengthen and improve the bill so that it thinks of what is best for the children and for their well-being.

Mr. Chairman, we finally have the opportunity to help thousands of children, and we should ensure it is an effective bill. Originally the gentleman from Kansas [Mr. TIAHRT] and myself were hoping to introduce two separate amendments; however, instead Mr. TIAHRT and I will be speaking about one separate amendment. Before that amendment is debated, I would like to discuss one of the amendments we are not dropping that I believe deserves thorough discussion and consideration in the future. This amendment, once it is determined that a child shall not be returned to his home and parental rights are to be terminated, the State shall place the child with a family who is qualified and willing to adopt. If the State has failed to find an adoptive home within 90 days, then the State must contract out with a private agency to find a family within 90 days. After that child is with the preadoptive family for 4 months, the family would have the right to petition for an expedited hearing to terminate parental rights and adopt the child.

Mr. Chairman, I believe that this arrangement would greatly expedite the movement of children that are free to be adopted into permanent homes. Currently States often take months to find parents in spite of thousands of parents waiting to adopt. Groups such as Adopt a Special Kid, the Dave Thomas Foundation, Institute for Justice, Adopt a Network, and Children with AIDS say they have hundreds of parents waiting to adopt a child.

Private agencies have proven to do a much better job because they have the experience and are not bogged down by numerous other demands and the financial disincentives to adopt a child and they have one mission, to get the child into a loving adoptive home. For example, Michigan has a successful program with the private sector, is involved in placement of the child into a permanent home, and adoptions in the State have doubled, and adoptions of African-American children are up 121 percent.

Kansas, which has contracted out most of its services to private agencies, has all children, regardless of age, in permanent placement at the end of 1 year. According to Patrick Fagan of the Heritage Foundation, private adoption services are more efficient and more effective than State agencies where adoption is concerned, as illustrated by the track record of Detroit's home for African-American children.

Mr. Chairman, there is a desperate need to get kids into permanent and loving homes. Children are waiting too long for a permanent home. According to a report by Dr. Carol Beevan, children wait an average of 2½ years for courts to terminate parental rights. Each month, each day that a child spends in care, is extremely detrimental to his or her mental and physical development and also has great cost to our society in the forms of welfare numbers, out-of-wedlock children, and problems with the criminal justice system.

Mr. Chairman, I appreciate the opportunity to discuss this proposal with my colleagues. While it will not be voted on by the House today, I would hope that we can work with the Committee on Ways and Means, the gentleman from Michigan [Mr. CAMP], the gentlewoman from Connecticut [Mrs. KENNELLY] and other interested parties to see if it can be discussed at the conference or in future hearings.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2½ minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Chairman, I want to salute the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. SHAW] for their hard work on this very important bill that I am an original cosponsor of. So often with legislation around this body, we scratch the surface of trying to solve problems. This bill goes to the heart and soul and potentially will save thousands of lives of our Nation's children.

Right now, Mr. Chairman, we have two major problems in our foster care system. Because of the 1980 law, oftentimes, and this has been documented over and over and over and over in a compelling series by the Chicago Tribune on children, that we would reunite our children with their families only to find catastrophe to happen later on that week or that month when that child was abused again or hung in a bathroom and killed, and because of that 1980 law, reunification became something that was done in too many terrible instances resulting in catastrophic consequences for that child. This bill helps address that problem.

The second problem is now we have too many children languishing in foster care situations. Five hundred thousand children in this Nation are in foster care. We need to develop a way to get them through a fairly judicious and compassionate yet efficient adoptive process. This bill helps do that.

Yesterday on the front page of the New York Times, and I would ask that this article be entered into the RECORD, we find that families are finding ways to make sure that they protect their children, when in this article, as it articulately details, that the caseworkers had to sit out in front of a house for 10 hours to make sure that those people were not the kind of people that should have that child back. Please read the article in the RECORD.

The article referred to is as follows:

PRIORITY ON SAFETY IS KEEPING MORE CHILDREN IN FOSTER CARE

(By Peter T. Kilborn)

RICHMOND.—Years after their drug-addicted mother walked out, a Juvenile Court judge in July 1996 decided to award custody of three children—ages 10, 6 and 4—to the grandmother of two of them.

The grandmother, whose son fathered two of the children, seemed to have everything going for her. She had a new house, a prominent lawyer and the power of her appeal to keep the family intact.

But city caseworkers were skeptical, and the decision was appealed. What they did next reflects a monumental change in the way cities are dealing with children from troubled homes.

"We hired a private investigator to watch her house," said Hunter Fisher, a lawyer who is manager of human services for the Richmond Department of Social Services. "And in court, we introduced 10 hours of tape showing a hundred people entering and exiting each of two nights. Children were coming and going, too."

Since most of the traffic occurred in the middle of the night, the city convinced an appellate court that the house was being used for illicit activities, including drug dealing, and the children remained in foster care.

Overturning the long-held premise that keeping families together is the best policy, child-welfare officials here and across the country have been doing everything possible to delay or avoid the return of neglectful families. The result is that more children are spending longer periods in foster care. And that, in turn, is contributing to what is already one of the biggest problems facing the child-welfare system: a ballooning foster care population.

Since 1985, this population has almost doubled—to 500,000 children from 276,000—as an epidemic of crack cocaine use and other drug and alcohol abuse has torn families apart. The children stay in foster homes for three years, on average, as overwhelmed caseworkers try to help the parents with the problems that made them abusive or neglectful.

PRIORITY ON SAFETY MEANS A SURGE IN FOSTER CARE

In fiscally tight times, the Federal cost of such support, which the states match, has leaped to $3.3 billion annually from $546 million, in large part because of the soaring cost of treating children born with a variety of ailments because of parental addictions.

Concern over costs, and the welfare of the children, has led to a push for more and faster adoptions—most often by foster parents themselves—and for permanent placements in foster homes when adoptions cannot be arranged.

This year, two bills racing through Congress with wide bipartisan support would urge juvenile courts to make children's safety, rather than family preservation, their paramount concern. The bills would offer states money for increasing the number of adoptions from foster care. That would mean being quicker to terminate parental rights and would free children for adoption when preserving the family would pose a greater risk to children's safety.

The shift in Federal policy began last year, when Congress approved a $5,000 tax credit for each child adopted by a family with an income below $115,000. It also removed most barriers to interracial adoptions, making it easier for black children to be adopted by white families.

A GROWING NEED FOR ADOPTIONS FOR FOSTER CHILDREN

Late in 1996, President Clinton ordered the Department of Health and Human Services to find ways to double the number of adoptions of foster children, now 27,000 a year, by 2002.

But some child-welfare experts say these changes—the move away from keeping families intact and the push for foster care and adoption—may go too far in the other direction.

"There has been a backlash against family preservation," said Susan J. Notkin, director of children's programs for the Edna McConnell Clark Foundation in New York. "If you have a child at risk, you have an obligation to do something. But I believe many children are removed because we have not taken the time to determine what the parents need."

Providing families with intensive services, including therapy and drug-abuse treatment, is also much cheaper than putting a child into foster care, Ms. Notkin said.

Adoption is not an easy answer, either. Children who have suffered abuse and neglect often need professional help, wherever they live, and many potential adoptive parents are reluctant to take them on.

All the hopes, scars and frustrations of children from abusive homes and the parents who take them in are on display in Vickie and Tim Ladd's five-bedroom brick ranch house, with a pool, a trampoline, a swing set and a basketball hoop in a tranquil development just south of Richmond.

As their three foster children recounted their earliest memories, it was easy to see why they no longer resided with their biological parents.

"There was a lot of drinking," said Dawn, 17. "My stepfather would attack me so I'd run away."

Her foster brother, Lonnie, 14, sweaty after jumping on the backyard trampoline, said that when he was 8 and 9, he would slip out into the night to look for his mother in bars.

In a heart-shaped frame in her room, Stephanie, 13, wiry and a little fidgety, has a picture of her mother, who went to jail briefly for beating her.

"She'd bring up her fist and hit me on the side of the head," she said, mimicking the whack. "I have A.D.H.D.," she said. "That's attention deficit hyperactivity disorder. I take medicine. It calms me down."

Calm, direct and settled after three years here, Dawn has recaptured two lost years of school, is on the honor roll and starts community college in the fall.

"I draw," Lonnie said, "I'm going to be a comic artist."

Stephanie said no child of hers would need foster care. "After I get married," she said, "I want one kid. Just one. I want a girl, but whatever God gives me, I'll deal with it. I'm going to be strict but not too strict. She's going to have a curfew."

The prospects are not so clear for two children the Ladds have adopted, Steven, 13, and Jason, 14.

When the Ladds took him in at age 4, Steven had been sexually molested in another foster home. "He never forgot," Ms. Ladd said.

Jason came to them at 2, two years after the Ladds had married and were told that they could not have children of their own.

"He had been severely beaten," Ms. Ladd said. "He had broken bones. He had mental retardation and fetal alcohol syndrome.

"He's a beautiful child," she said, picking up a framed photograph.

But in November, Jason had to be moved into a group home for children with behavioral problems. After 14 years of marriage, Ms. Ladd had become pregnant with Zachary, and Jason was beating her.

In communities like Richmond, with many abused and neglected children like these, the big issue for child-welfare officials is not so much adoption or family preservation, but the immense and rising costs of caring for the children. Officials say they are overworked, understaffed and underfinanced.

The Richmond Department of Social Services has 35 caseworkers dealing with 870 foster children, about twice the number it says it can readily serve. Staffing levels like this in many cities have led to a lack of oversight and failures to prevent abuse by foster parents themselves, critics of the foster care system say.

"The crunch of children backed up in foster care is more a statement of how damaged these children are than of the willingness of people to adopt," said Michael A. Evans, director of the department. "There are people who are willing to adopt healthy children. But crack mothers don't have healthy children."

Frederick Pond, the manager of Virginia's adoption and foster care services, said hopes in Washington for any increase in the number of adoptions of troubled and abused children were way too optimistic unless the Government took on some costs and responsibilities.

The State of Virginia, for instance, offers one of every three adoptive parents the same $262 to $388 per child it gives foster parents each month. And some parents get subsidies for their children's therapy.

Even then, Mr. Pond predicted, more and more adoptive parents will return their children to the state because of problems.

Life has been tough, but satisfying, for Denise and Beauregard Evans, the foster parents of Pamela, Lakisha and Kenneth. The children have been with them since soon after their births, and they hope to adopt them.

The Evanses are rearing 10 children, including 4 of their own, in a split-level house on a cul-de-sac with a driveway cluttered with children's plastic vehicles. Still in their 30's, they have sheltered 129 children for months or years.

All but their own four, who range in age from 1 to 17, have various disabilities, including retardation, speech impediments and hyperactivity. One was born to a girl who was 12. Another needed a blood transfusion at birth and weeks in a hospital to start purging the crack cocaine from her body.

After school, the Evanses' house is a warren of children doing homework and playing. Kenneth is in a tent in the living room with a floor full of plastic balls. He was born addicted to cocaine, Ms. Evans said. "He's a little delayed for a child his age," she said. "Lakisha too."

After the custody battle in the courts, Ms. Evans said, the girls needed therapy. But Pamela seems settled now. Shy and skinny, with straight, long black hair, she is in the fourth grade and said she liked spelling and math.

But she remembers her visits with relatives in the past.

"They were on drugs," she said. "They'd act weird. I'd go and look at TV in the other room."

Mr. Chairman, let me just conclude by saying this bill is revenue neutral, it is compassionate, it will move thousands of children through the foster care system to loving families, and instead of just having one option of going to another country to adopt, which is a great option, let us provide more Americans both options, to go to another country such as China, Korea, Argentina, but also to adopt through a more efficient yet compassionate system here at home.

Mr. SHAW. Mr. Chairman, I yield the balance of my time to the gentleman from Michigan [Mr. CAMP], the prime sponsor of the bill, and I ask unanimous consent that he be allowed to yield time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, first of all I would like to say that I think this is a tremendous step in the right direction, and I want to congratulate the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for this great effort on moving us in the right direction in moving kids out of a situation where they are trapped in a system and wanting to get into the arms of loving parents who would provide for them, and also I would like to congratulate the gentleman from Florida [Mr. SHAW], subcommittee chairman, and the gentleman from Texas [Mr. ARCHER], chairman of the full committee, too, because this is long overdue.

There are very dire circumstances that occur once in a while in the State of Kansas. We had one young man who at the age of 14 had been in 130 foster care homes. He had been trapped in a system for 11 years because the State would not give up on trying to rehabilitate his parents, and they pursued one service after the other, one counseling session after the other, and it became a focus on the parents rather than a focus on the child.

I think that this legislation moves us to a positive situation where we are promoting the fact that we are going to focus on children now and that we are going to allow parents the opportunity to get their lives in order and become good parents because I truly do believe the best situation is when we have children in the loving home of their birth parents. But occasionally we are unable to do that. People get hung up on drugs, their lives are ruined by crime, and it is at times best for children to move into a situation where they are adopted. Adoptive homes have very positive records. Children have adjusted very well to new parents and live very successful lives and contribute greatly to our society, and I think that is the goal of this bill: trying to focus on the children and move them on.

Mr. Chairman, I do have a couple of exceptions that I will discuss fully, but I think that this bill is such a magnificent step in the right direction that regardless of what happens today that we are going to do a wonderful thing for the children in this country.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the gentlewoman for yielding this time to me, and I commend her and the gentleman from Michigan [Mr. CAMP] for their wonderful work in bringing this legislation together and to the floor today for our consideration. I believe this is extraordinarily important legislation and addresses in an overdue, albeit ultimately very important way, I think, the pendulum that the State, that we have to deal with, as we wrestle with dysfunctional families and the children of those families.

The 1980 Child Welfare Act clearly made the priority reunification of families. Obviously that is a critical goal and one that is appropriately sought out through our child welfare processes. But it certainly is not the only priority or necessarily the overriding priority. I think the overriding priority has to be the best interest of the child, what is in the best interests of the children of these families, and I think sometimes under the 1980 legislation that has been relegated to a secondary status. We can all agree that there ought to be no higher priority than the health and safety of children, the children of these families.

□ 1230

So, as this act before us does, putting that as the clear priority, overriding the unification of families, if there is even an issue that the health or safety of the child might be threatened by reunification is a very important step to take.

A little more difficult, and I think one that the bill addresses in a balanced and thoughtful fashion, is how long do we give the process time to work before we give up on reunification and pursue full speed ahead on getting the child placed in a permanent family arrangement. The shorter timeframes which this bill would move forward, I also think, are terribly important. We have unacceptable circumstances of children languishing in foster homes, or maybe a series of foster homes, while social workers patiently try to work with parents who just have not been able to grow up and deal responsibly with their parental responsibilities.

There comes a time when the child is hurt from this attention to reunification, and that is not acceptable. The child's interests have to be paramount, and I believe the shorter timeframes will help us in this regard.

Let me tell my colleagues just a for-instance that happened to me. I was watching a lovely little boy, about 18 months, wander around a shop, and I was speaking with him, about the age of my son. I spoke with who I thought was the mother of this child. She indicated that she was in fact a foster mother. She had had this boy from the time he was 6 months old; she had had him 1 year.

There was no question from the interaction between the child and the mother that the child thought that this woman was his mother, and yet they were in this indeterminate foster care status while they waited for unification.

We cannot let these things languish. As I wrap up, I support this legislation, commend its sponsors. Let us put interests of the children first, as advanced by this legislation.

Mr. CAMP. Mr. Chairman, I yield 2 minutes to the gentlewoman from Kentucky [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Chairman, I think on the floor today when we think about how much time we spend discussing building roads, building schools, building businesses, it is really wonderful to take a day and talk about building families.

Families with children are created in two ways. The children come by birth and they come by adoption. In our family, my husband and I have six children. Two of those children, our third child and our fifth child, are hard-to-place children that came to our family years ago. They have brought such wonderful gifts to this family. They have brought such diversity, diversity of talents, diversity of interests, and diversity of race.

It is a team of six children that are full of life, full of noise, full of interests. I wish those two children that have brought such a wonderful presence to our home could be with us here today and that I could introduce my colleagues to them.

Twenty-one years ago, when my husband and I adopted the first of those two children, we had a lot of love and energy. We had a ready-made family. We had no money. So it was quite a decision, quite a strain, to make the decision that we could, in fact, adopt that child.

The bill that is before us today will give to families across this country the opportunity to have the wonderful gifts that adopted children bring to families. In fact, it makes me very emotional to think of the special blessings that will come to so many families because of this bill.

There will be no building that we can do in this Chamber any time that will be more important than the building of families that are part of this bill.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I thank the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], and I thank the gentleman from Michigan [Mr. CAMP] as well on the Republican side. This is clearly a bipartisan, nonpartisan bill.

My colleagues before me have spoken on the priority, the premise, the focus that was articulated in 1980, and that was that we ought to unify families. My wife, who supervised early childhood education in Prince George's County, and I talked about this because of a case that was reported in the Washington Post of a young man named Dooney Waters. He was a young man who lived in a crack house. He was a young man who was not fed for days at a time. He was a young man whose bedroom was unavailable to him because it was being used to light up.

There is a recent story that my colleagues may have read, those of them who serve here, about a 5-year-old in Montgomery County, reunited with his father after his father had physically abused him. Judges with whom I have talked have been concerned about the premise of the Federal statute which said that we must reunite unless we can make an extraordinary finding to mitigate against that conclusion.

Previous speakers have said, the premise must be, and this bill adopts that premise and furthers that premise, the best interests of the child. There is no excuse for society to return or to allow a helpless, defenseless child to be subjected to abuse by those who society believes ought to be that child's major protector. This bill accelerates a process of placing the child in a safe and nurturing home.

I am very pleased to rise in support of this legislation for all the Dooney Waters of this country and for our future, which will be made better by making children safer.

Mr. Chairman, I rise today in support on H.R. 867, the Adoption Promotion Act.

Our child welfare system too often protects parents' rights rather than children's rights. Severe child abuse quadrupled between 1986 and 1993. Thirty-nine percent of the children who died of abuse or neglect between 1989 and 1991 were known to agencies before they died. Monday's Montgomery Journal reported that hundreds of children in Montgomery County will be reunited with parents who abused them. Putting a child back in their parent's home can be deadly.

You may remember a child named Dooney Waters. The Washington Post ran a series of stories on him in 1989. Dooney was raised in a crack house in Prince Georges County, MD. Dooney spent days at a time hiding behind his bed. All he ate were sandwiches his teachers sent. The bathrooms in Dooney's house did not work. Dooney was burned by boiling water and his hand was singed by a can used to heat crack cocaine. Dooney begged his teachers to take him home with them. Prince Georges County Social Services investigated Dooney's case, but did nothing. Eventually, Dooney's father removed him from the crack house.

H.R. 867 speeds up the adoption process for children who have been abused and neglected. The bill requires expedited terminated of parental rights in chronic cases of abuse or neglect, such as Dooney's.

Mr. Chairman, America must strengthen its commitment to the child victims of neglectful parents: both custodial and noncustodial. We made a number of improvements to child support enforcement in last year's welfare reform law. We can do even more. Soon I will introduce legislation to strengthen Federal criminal penalties for noncustodial parents who neglect their child support obligations. In the meantime, I urge my colleagues to remember Dooney Waters and support the Adoption Promotion Act today.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentlewoman from Connecticut for yielding me this time.

With an abbreviated time frame, let me simply applaud the work of the committee and the leadership on this legislation, because this is pro-children. I would hope that, as we proceed with this general debate, we will have an opportunity at a later time when I will be discussing on the floor of the House a sense of Congress, to add discussion regarding protection for the children under this act, and that would include background checks for foster parents and adoptive parents.

It would also include the issue of dealing with early drug treatment for any parents who may have that problem who have our children in their care. Certainly I would argue that, though, no cultural difference should be a prohibition for adoption for foster care but a cultural sensitivity to those who are adopting the foster care of our children.

The most important thing that this legislation does is that it supports moving our children to a loving home. For that reason, I support this legislation.

Mr. Chairman, I would like to thank and commend my colleague, BARBARA KENNELLY, for the exemplary work that she has done in bringing this much needed legislation to the floor.

I know that Congresswoman KENNELLY shares my passion and commitment to our Nation's children and has worked diligently to bring this legislation before the full House for consideration.

In 1995, 494,000 of our Nation's children lived in the foster care system. According to the American Public Welfare Association

[APWA], about 450,000 children live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year.

In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and a 123 percent increase from 1983 and the number still continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434. Approximately one half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children. According to the National Council for Adoption [NCFA], African-American children constitute about 40 percent of the children awaiting adoption in the foster care system.

These children need and deserve the comfort, love, and protection of a family, therefore it is right that this Congress should do all that is within its power to assist them in this need.

There are a few issues, however, that I would like to raise. In the Senate, Senators CHAFEE and ROCKEFELLER have offered S. 511, legislation very similar to that we have before us today. There are a number of provisions in that bill that I think are very important.

The Senate version of this legislation has requirements for criminal records checks for prospective foster and adoptive parents and group care staff. This provision will go a long way to ensure that adoptive parents are prepared and suitable parents for children.

Today we will case votes to influence the lives and fortunes of our Nation's most vulnerable citizens—our children.

They cannot vote and they do not have resources to influence this or any political process, but each of us have a special place in our lives for children. I would like to request on their behalf that we ensure that adoptive children are offered the extra protection of substance abuse treatment for their adoptive parents or caretaker parents.

During the screening process foster care or adoption parents and caretakers should be and must be carefully screened, but we should also provide resources should the problem of substance abuse become evident after a child has been placed.

This measure's inclusion in the final version of this legislation would ensure that the prospective adoptive parents were sensitive to the child's ethnic or racial background as a requirement for adoption.

An area that I believe is of utmost importance is the preparation of foster or adoptive parents for the reception of a child from a different race or culture.

The real differences that separate people in our society can be the building blocks for bringing them together. If we aid the adoptive parents to instill a foundation which is prosharing and pro-caring regarding the diversity of the new family unit then we can aid these families in developing a strong support system for their adopted child.

If a child is Italian, Native American, Greek, Polish, African-American, Asian, Indian, or Hispanic, or many of the other diverse cultures or peoples that make up our great Nation, their culture is rich with history and customs that the child should not be robbed of through adoption or foster care.

It is extremely important that adoptive parents are sensitive to the cultural backgrounds of the children they adopt.

In no way should the racial or ethnic identity of the parents prohibit adoption, but developing an understanding of the child's heritage will contribute toward the overall development and stability of the child in later life.

H.R. 867 is a major step in the right direction and I look forward to working with my colleagues on this issue in the furtherance of legislation that is pro-child and pro-family.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in support of the Adoption Promotion Act, and I want to commend my colleagues, the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Michigan [Mr. CAMP], for their unyielding efforts to ensure that all of our children have a chance to settle into a loving, and into a permanent home.

Every child deserves the chance to grow up healthy and happy, ready to learn and to be able to succeed in life. Every day, children are growing, not only physically, but emotionally and intellectually. These years are too precious and too important to spend in abusive or unstable care.

But in today's foster care system, it can take years before a child is adopted and settled into a permanent and caring home.

This bill accelerates the process for adoption proceedings. It makes sure that foster children who come from a life of abuse can be removed from these situations into a loving and a caring environment. Finally, it helps States to help children and families by providing financial assistance to increase the number of adoptions.

The bill takes an important step toward balancing the rights of parents with the rights of children to loving and caring and stable homes. We need the bill now. Our children cannot wait. I urge my colleagues to vote for the Adoption Promotion Act.

Mr. CAMP. Mr. Chairman, I yield 30 seconds to my colleague, the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time.

Michigan has been aggressively pursuing better rules and regulations and laws under the guidance of our Lt. Gov. Connie Binsfeld, to work in this area of making adoption laws more practical, more realistic, and more helpful for those children that need it. I would like to commend my colleague from Michigan, Mr. CAMP, for working and passing this exceptional legislation that is going to help not only the State of Michigan but all of our States and all of our children in this country.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I thank the gentlewoman [Mrs. KENNELLY] for yielding me this time.

I would just like to say over the years I have been here there has not been a more aggressive advocate for children than the gentlewoman from Connecticut [Mrs. KENNELLY], and I want to compliment her today on the achievement of bringing this bill to the floor. I want to compliment the gentleman from Michigan [Mr. CAMP] who has also done a fine job, and also the gentleman from Florida [Mr. SHAW] who has worked previously to try and help children all through our country.

Two things concern me. Many people back in our district back in the Youngstown area have gone overseas and spent $30 to $40,000 to adopt a child from Russia or other countries. I think that we must do everything possible to promote the adoption of our own children, American children.

Now, my amendment that I am offering to this bill today is pretty consistent with my focus here. And to make sure that everybody understands it, it is not a buy-American-child amendment. It just states, for any funds ultimately expended to procure products and goods pursuant to this act, that the Congress recommends, not mandates, that they buy American-made goods so our kids would have a home where the parent is getting a paycheck who could then pay taxes to keep this train coming down the track. That is simply what it is. It gives us a handle on the type of procurement we got. It does not mandate that we buy American kids.

Mr. Chairman, I would say this. We have had an awful lot of Americans going overseas expending thousands and thousands of dollars to adopt kids from foreign countries. All efforts must be made, and I commend the gentlewoman from Connecticut [Mrs. KENNELLY], the gentleman from Michigan [Mr. CAMP], the gentleman from Florida [Mr. SHAW], and the gentleman from New York [Mr. RANGEL], for making that possible here today.

Mr. CAMP. Mr. Chairman, I reserve the balance of my time.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I have no further speakers, but before I yield back the balance of my time, I would like to just quote from a few letters that the committee and the gentleman from Florida [Mr. SHAW] received in reference to this bill.

For example, Secretary of Health and Human Services Donna Shalala wrote, "This legislation would further the President's effort to ensure the safety, permanency and well-being of children in the child welfare system and we strongly support the enactment."

Further, the Children's Defense Fund has said, "The bill takes some important steps to keep children safe and to provide them with permanent homes."

Finally, the Heritage Foundation declares: "This bipartisan legislation is a responsible attempt to speed up the adoption process for children who have been abused and have been neglected."

I hope that this broad spectrum of support shows that we have made every effort to listen to those who have spent so much time in the child welfare area.

Ms. HARMAN. Mr. Chairman, I rise today in strong support of H.R. 867, the Adoption Promotion Act of 1997, and I commend my colleagues DAVE CAMP and BARBARA KENNELLY for their work in fashioning this important bipartisan legislation.

This bill is designed to fix some very troubling problems in our Nation's adoption and foster-care programs by striking a balance between the goals of keeping families intact where possible, and, when necessary, moving kids quickly into permanent, loving homes.

Under current law, States are required to make reasonable efforts both to keep maltreated children from being unnecessarily removed from their families, and, if children are removed, to reunify them with their families.

Keeping families intact when possible, is preferable. But in the absence of clear laws or regulations defining reasonable efforts, there has been considerable confusion about when to bypass or discontinue such efforts, and place a child up for adoption. In other words, the reasonable efforts provision has sometimes served to keep kids in foster homes, instead of in permanent adoptive homes, longer than necessary.

H.R. 867 represents a well-crafted refinement of current law. Under its provisions, States would no longer be required to attempt reunification of families in cases where aggravated circumstances such as chronic or sexual abuse exist. The bill also creates a clear timetable with binding time limits for the initiation of adoption proceedings once a child has been placed in foster care. In an important clarification, the bill provides foster parents the opportunity to be heard at child placement hearings. Finally, the bill creates a set of incentives for States to successfully place children in permanent adoptive homes.

Mr. Chairman, as the mother of four children, I feel very strongly that a stable, permanent, loving family is vital to a child's development. This bill will remove an obstacle between kids and adoptive parents, and help move kids into a long-term nurturing environment. I can think of few issues more important, and I urge my colleagues to support passage.

Mr. CARDIN. Mr. Chairman, I rise today in support of this legislation promotion adoption for the children of this Nation who most desperately require our care and protection.

The neglected or abused children whom we are seeking to assist today are tragic cases and our hearts go out to them. Reflecting the importance of this bill and the concern we all have for these innocent children, the cooperative, bipartisan procedures with which the Ways and Means Committee handled this bill could be a model for Congress. My colleagues, Representatives CAMP and KENNELLY who shaped this bill, Chairmen ARCHER and SHAW, and Mr. RANGEL are all to be congratulated.

This bill strikes a balance as the Government steps into these most difficult, tragic family situations to separate children permanently from abusive and/or neglectful parents. We all want to see these children moved through foster care into loving, adoptive families as quickly as possible.

At the same time, through the timely provision of social services—whether substance abuse treatment, counseling, or other means of support—many families may be reunified successfully. This bill provides a chance for States to investigate often complex family circumstances and attempt corrective actions through support services, but limits their time so that children do not spend their youths moving between foster homes.

There will be debate today as to whether we have found the correct balance between reunifying families, and providing permanent, loving homes to our most troubled children—but we all share the same goals.

I urge my colleagues to join me in support of this bill.

Mr. PACKARD. Mr. Chairman, it pains me to know that our children in foster care are being reunited with abusive families. Our current broken system places more importance on returning children to the natural parents, despite circumstances such as abandonment and chronic physical or sexual abuse, over placing these chidren in strong, loving families. This is not right. The Adoption Promotion Act will correct this inequity. It is the right thing to do for America's foster children.

Today, there are over 500,000 children in custody of various State foster-care programs. However, fewer than 50,000 children per year move from foster care into permanent homes. Less than 10 percent of our foster children are adopted each year, not for lack of adoptive families, but because Washington bureaucracy is preventing these families from making foster children a permanent part of thier life.

Mr. Chairman, the adoption process needs to be swift and efficient. The Adoption Promotion Act will amend current law to expedite the movement of children into permanent and loving homes. It will make the interests of the child the primary concern. We need to ensure that foster children are placed in loving homes and not with abusive families.

The strength of our Nation is based on strong families. This bipartisan legislation empowers those who know the best way to move children from foster care into loving, stable families. Returning these children to abusive families strips these children of the hopes and dreams they have for themselves. This bill will place more children in loving homes and give them the fighting chance that they so deserve.

Mr. Chairman, by streamlining the adoption process and cutting the Washington bureaucracy, we will take the first steps toward increasing the number of happy and healthy children with good families and promising futures. America's foster children deserve the very best and this legislation will help them to reach their goals. I am proud to support the Adoption Promotion Act.

Mrs. MINK of Hawaii. I rise in opposition to the enactment of H.R. 867 because I object to the removal of the safeguards which now protect the rights of parents whose children have been placed in foster care.

I agree that we all can recite a litany of cases of children who have been abused, and neglected by parents and for whom expedited adoption is fully justified.

Still since the enactment of the most punitive bill ever to pass Congress in the name of welfare reform, we all know that there will be parents who will lose their cash benefits and be unable to feed and house their small children. State child welfare agencies will move to take custody of these unfortunate children because the parents no longer have any funds to provide for them and are not able to find work. Because of the welfare law children will undoubtedly be found living in abandoned car bodies, and other unhealthful conditions without running water or heat or cooking facilities. Under these circumstances, as predictable, State child welfare agencies will be compelled to move these children from their parents and place them in foster homes.

Poverty, I do not believe is a justifiable reason for terminating parental rights over their children.

The temporary best interests of the child may be to move him or her into a foster home. But, I do not believe, that move justifies the national Government to establish adoption as a penalty due to poverty of the parents.

If conditions of adoption exist, it should be left to the States to make these determinations. A Congress that has repeatedly argued States rights should not abandon that principle and enact legislation whose title in section 3 provides: States required to initiate or join proceedings to terminate parental rights for certain children in foster care, entering foster care after October 1, 1997.

The committee report states, "in the case of children under age of 10 who have been in foster care at least 18 of the past 24 months, the bill requires States to move toward terminating parental rights under most circumstances."

Prior to the enactment of the welfare reform this bill might have been supportable.

But in combination with the welfare reform bill enacted last August 1996, I find that circumstances of poverty and lack of work, could not under H.R. 867 become the sole basis for the termination of parental rights. This offends my fundamental beliefs about the inherent rights of parents and the inalienable rights of children to the love and protection of their natural parents which should not be terminated except when there is serious debilitating circumstances such as drug abuse, physical brutality, torture, and sexual abuse.

Reading the bill and committee report provides no assurance that the rights of poor parents are protected.

It is easy enough to state that adoption will be in the best interests of the child, who will have a better home to live in and a higher quality material environment than the one from which they came. This however ignores that basic undifferentiable family value of the love of a parent.

I cannot vote for a bill that takes welfare reform one step closer to the final penalty of poverty: The loss of one's children by edict of the Government.

First you take their money away. Then you force them into desperate conditions of poverty. Then you deem them unfit to raise their children and you remove them from the home and place them in foster homes. Then after 18 months you put the children up for adoption.

Whose family values do we stand for?

Mr. KUCINICH. Mr. Chairman, I rise today to address the issue of international adoption. Though I will not be offering any amendments to the Adoption Promotion Act, I hope to work with the sponsors of this bill, Representatives DAVID CAMP and BARBARA KENNELLY, to address an issue brought to my attention by two of my constituents, David and Carolyn Steigman.

Mr. and Mrs. Steigman of Bay Village, Ohio, adopted their daughter, Rayna, from India. But the Internal Revenue Service has ruled that only Social Security numbers can be used for proof when taking tax credits for dependent children. This ruling is unfair to families that adopt children from outside of this country since children do not arrive here with a Social Security number.

Depending on the State of residence, the delay in obtaining a Social Security number can be anywhere from 2 to 3 years. Meanwhile, these families—which have gone to considerable length and expense to provide a home for a needy child—are unable to take advantage of the tax credits for adoption expenses that the President and Congress have enacted.

I hope to work with the sponsors of the Adoption Promotion Act, Representatives CAMP and KENNELLY, to address the issue of international adoption; specifically, to consider the idea raised by Mr. and Mrs. Steigman to allow adoption and guardianship papers to be used as adequate proof for the purposes of taking tax exemptions.

Mr. Chairman. I include my constituents' letter and a letter to the IRS for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington DC, April 30, 1997.

MS. MARGARET MILNER RICHARDSON,
Commissioner, Internal Revenue Service,
Washington, DC.

DEAR MS. RICHARDSON: An unintended consequence of a recent Internal Revenue Service ruling has come to my attention by two of my constituents, David and Carolyn Steigman.

The IRS has recently ruled that only a Social Security number can be used to take tax exemptions for children. This ruling has become an undue burden on families that want to adopt a child from a foreign country since children from a foreign country do not arrive here with a Social Security number. Depending upon the state, adoptive parents have to wait a period of time before they can file for a domestic adoption. Once the family has filed, they have to wait for a court date. Once the domestic adoption is approved, the family must apply to the Internal Revenue Service for their child's citizenship. All of this red tape could potentially add up to several years before a Social Security number is given.

As Mr. and Mrs. Steigman point out in their letter, it seems ironic that at the same time the President and Congress have passed tax credits for adoption expenses, the IRS is throwing up barriers to the tax credits that adoptive families are legally entitled to. And considering that adoption and guardianship papers are legal documents, it seems reasonable that this problem could be addressed by accepting this documentation as proof of a dependent child for the purposes of taking tax credits.

I appreciate your consideration in this matter.

Sincerely,

DENNIS J. KUCINICH,
Member of Congress.

DAVID AND CAROLYN STEIGMAN,
Bay Village, OH.

CONGRESSMAN DENNIS J. KUCINICH,
Cleveland, OH.

DEAR CONGRESSMAN KUCINICH: We are writing to bring to your attention a situation which we believe is unfair and unlawful. It involves a serious financial hardship that the IRS has recently decided to impose on the families of children adopted from foreign countries.

Specifically, the IRS has now decided that it will disallow any exemption for a child without a social security number. No other proof regarding your dependent child is acceptable. If a child is from a foreign country they, of course, do not have a social security number. In many cases, such as children being adopted from India, obtaining one is not a quick or easy matter.

Adoptive parents have legal guardianship (and therefore, under federal law, are entitled to a tax exemption) when the child enters the home. Ohio law requires that the family wait at least six months before they can even file for a domestic adoption. After filing, the family must wait for an available court appointment. After the domestic adoption is approved by the court, the parents must apply to INS for their child's citizenship. The naturalization process can take another four to six months. After citizenship is granted, they can apply for a social security number. If everything goes smoothly, the process takes about 18 months. If it doesn't, which is very possible, the wait can be much longer.

The IRS has stated that after the social security number has been obtained, the adopting family may file amended returns to get the exemptions. But in the case of a family adopting a sibling group of two, that means the IRS will be holding on to thousands of the family's dollars for two years or more.

Foreign adoptions are very expensive. We had to take out a second mortgage on our home to adopt our daughter, Rayna. This new policy hits adoptive families at the end of the process, when they can least afford it.

It seems ironic that at the same time the President and Congress have passed generous tax credits for adoption expenses, the IRS is trying to withhold or delay tax exemptions that adoptive parents are legally entitled to.

In February, when we filed our federal tax return, we did not yet have Rayna's social security number. We have enclosed a copy of the letter sent to us by the IRS, denying the exemption. We are fortunate—we have recently received her social security number, and are now filing an amended return. If all goes well, we will "only" be short $750 for three or four months, plus the cost of our tax preparer filing an amended return. Families just now adopting foreign children may lose much more, especially if they have adopted more than one child.

Anything you can do to get the IRS to change this illegal new policy that runs counter to the intent of both Congress and the Administration will be greatly appreciated by ourselves and adoptive families throughout the country.

Sincerely,

DAVID AND CAROLYN STEIGMAN.

Mr. PAUL. Mr. Chairman, unfortunately for this country, few Members of the 105th Congress have received word that the era of big government is over. While I rise today in opposition to passage of H.R. 867, The Adoption Promotion Act, I could be referring to any number of bills already passed by this Congress.

As a medical doctor, I share with other Members of Congress the strong distaste for the needless suffering of helpless, displaced, and orphaned children. As a U.S. Congressman, I remain committed to returning the Federal Government to its proper constitutional role. Fortuitously, these two convictions are not incongruous.

This country's founders recognized the genius of separating power amongst Federal, State, and local governments as a means to protect the rights of citizens, maximize individual liberty, and make government most responsive to those persons who might most responsibly influence it. This constitutionally mandated separation of powers strictly limited the role of the Federal Government and, at the same time, anticipated that matters of family law would be dealt with at the State or local level.

Legislating in direct opposition to these constitutional principles, H.R. 867 would impose additional and numerous Federal mandates upon the States; appropriate $138 million over the next 5 years to be paid to States that obediently follow Federal mandates; and further expand the duties of the Health and Human Services Department to include monitoring the performance of States in matters of family law.

Even as a practical matter, I remain convinced that the best interests of children are optimally served to redirecting tax dollars—which under this legislation would be sent to Washington in an attempt to nationalize child adoption procedures and standards—to private charities or State and local child advocacy organizations.

For each of these reasons, I oppose passage of H.R. 867, the Adoption Promotion Act.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I yield back the balance of my time.

Mr. CAMP. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill, modified as specified in House Report 105–82, shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered as having been read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Adoption Promotion Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Clarification of the reasonable efforts requirement.
Sec. 3. States required to initiate or join proceedings to terminate parental rights for certain children in foster care.
Sec. 4. Adoption incentive payments.
Sec. 5. Earlier status reviews and permanency hearings.
Sec. 6. Notice of reviews and hearings; opportunity to be heard.
Sec. 7. Documentation of reasonable efforts to adopt.
Sec. 8. Kinship care.
Sec. 9. Use of the Federal Parent Locator Service for child welfare services.
Sec. 10. Performance of States in protecting children.
Sec. 11. Authority to approve more child protection demonstration projects.
Sec. 12. Technical assistance.
Sec. 13. Coordination of substance abuse and child protection services.
Sec. 14. Clarification of eligible population for independent living services.
Sec. 15. Effective date.

Mr. CAMP. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified by House Report 105–82, is as follows:

SEC. 2. CLARIFICATION OF THE REASONABLE EFFORTS REQUIREMENT.

(a) IN GENERAL.—Section 471(a)(15) of the Social Security Act (42 U.S.C. 671(a)(15)) is amended to read as follows:

"(15)(A) provides that—

"(i) except as provided in clauses (ii) and (iii), reasonable efforts shall be made—

"(I) before a child is placed in foster care, to prevent or eliminate the need to remove the child from the child's home; and

"(II) to make it possible for the child to return home;

"(ii) if continuation of reasonable efforts of the type described in clause (i) is determined to be inconsistent with the permanency plan for the child, reasonable efforts of the type required by clause (iii)(II) shall be made;

"(iii) if a court of competent jurisdiction has determined that the child has been subjected to aggravated circumstances (as defined by State law, which definition may include abandonment, torture, chronic abuse, and sexual abuse) or parental conduct described in section 106(b)(2)(A)(xii) of the Child Abuse Prevention and Treatment Act, or that the parental rights of a parent with respect to a sibling of the child have been terminated involuntarily—

"(I) reasonable efforts of the type described in clause (i) shall not be required to be made with respect to any parent of the child who has been involved in subjecting the child to such circumstances or such conduct, or whose parental rights with respect to a sibling of the child have been terminated involuntarily; and

"(II) if reasonable efforts of the type described in clause (i) are not made or are discontinued, reasonable efforts shall be made to place the child for adoption, with a legal guardian, or (if adoption or legal guardianship is determined not to be appropriate for the child) in some other planned, permanent living arrangement; and

"(iv) reasonable efforts of the type described in clause (iii)(II) may be made concurrently with reasonable efforts of the type described in clause (i); and

"(B) in determining the reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety shall be of paramount concern;".

(b) CONFORMING AMENDMENT.—Section 472(a)(1) of such Act (42 U.S.C. 672(a)(1)) is amended by inserting "for a child" before "have been made".

SEC. 3. STATES REQUIRED TO INITIATE OR JOIN PROCEEDINGS TO TERMINATE PARENTAL RIGHTS FOR CERTAIN CHILDREN IN FOSTER CARE.

(a) IN GENERAL.—Section 475(5) of the Social Security Act (42 U.S.C. 675(5)) is amended—

(1) by striking "and" at the end of subparagraph (C);

(2) by striking the period at the end of subparagraph (D) and inserting "; and"; and

(3) by adding at the end the following:

"(E) in the case of a child who has not attained 10 years of age and has been in foster care under the responsibility of the State for 18 months of the most recent 24 months, the State shall file a petition to terminate the parental rights of the child's parents (or, if such a petition has been filed by another party, seek to be joined as a party to the petition), unless—

"(i) at the option of the State, the child is being cared for by a relative;

"(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child; or

"(iii) the State has not provided to the family of the child such services as the State deems appropriate, if reasonable efforts of the type described in section 471(a)(15)(A)(i) are required to be made with respect to the child.".

(b) LIMITATION ON APPLICABILITY.—The amendments made by subsection (a) shall apply only to children entering foster care on or after October 1, 1997.

SEC. 4. ADOPTION INCENTIVE PAYMENTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 473 the following:

"SEC. 473A. ADOPTION INCENTIVE PAYMENTS.

"(a) GRANT AUTHORITY.—Subject to the availability of such amounts as may be provided in appropriations Acts, the Secretary shall make a grant to each State that is an incentive-eligible State for a fiscal year in an amount equal to the adoption incentive payment payable to the State for the fiscal year under this section, which shall be payable in the immediately succeeding fiscal year.

"(b) INCENTIVE-ELIGIBLE STATE.—A State is an incentive-eligible State for a fiscal year if—

"(1) the State has a plan approved under this part for the fiscal year;

"(2) the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year;

"(3) the State is in compliance with subsection (c) for the fiscal year; and

"(4) the fiscal year is any of fiscal years 1998 through 2002.

"(c) DATA REQUIREMENTS.—

"(1) IN GENERAL.—A State is in compliance with this subsection for a fiscal year if the State has provided to the Secretary the data described in paragraph (2) for fiscal year 1997 (or, if later, the fiscal year that precedes the 1st fiscal year for which the State seeks a grant under this section) and for each succeeding fiscal year.

"(2) DETERMINATION OF NUMBERS OF ADOPTIONS.—

"(A) DETERMINATIONS BASED ON AFCARS DATA.—Except as provided in subparagraph (B), the Secretary shall determine the numbers of foster child adoptions and of special needs adoptions in a State during each of fiscal years 1997 through 2002, for purposes of this section, on the basis of data meeting the requirements of the system established pursuant to section 479, as reported by the State in May of the fiscal year and in November of the succeeding fiscal year, and approved by the Secretary by April 1 of the succeeding fiscal year.

"(B) ALTERNATIVE DATA SOURCES PERMITTED FOR FISCAL YEAR 1997.—For purposes of the determination described in subparagraph (A) for fiscal year 1997, the Secretary may use data from a source or sources other than that specified in subparagraph (A) that the Secretary finds to be of equivalent completeness and reliability, as reported by a State by November 30, 1997, and approved by the Secretary by March 1, 1998.

"(3) NO WAIVER OF AFCARS REQUIREMENTS.—This section shall not be construed to alter or affect any requirement of section 479 or any regulation prescribed under such section with respect to reporting of data by States, or to waive any penalty for failure to comply with the requirements.

"(d) ADOPTION INCENTIVE PAYMENT.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the adoption incentive payment payable to a State for a fiscal year under this section shall be equal to the sum of—

"(A) $4,000, multiplied by amount (if any) by which the number of foster child adoptions in the State during the fiscal year exceeds the base number of foster child adoptions for the State for the fiscal year; and

"(B) $2,000, multiplied by the amount (if any) by which the number of special needs adoptions in the State during the fiscal year exceeds the base number of special needs adoptions for the State for the fiscal year.

"(2) PRO RATA ADJUSTMENT IF INSUFFICIENT FUNDS AVAILABLE.—If the total amount of adoption incentive payments otherwise payable under this section for a fiscal year exceeds $15,000,000, the amount of the adoption incentive payment payable to each State under this section for the fiscal year shall be—

"(A) the amount of the adoption incentive payment that would otherwise be payable to the State under this section for the fiscal year; multiplied by

"(B) the percentage represented by $15,000,000, divided by the total amount of adoption incentive payments otherwise payable under this section for the fiscal year.

"(e) 2-YEAR AVAILABILITY OF INCENTIVE PAYMENTS.—Payments to a State under this section in a fiscal year shall remain available for use by the State through the end of the succeeding fiscal year.

"(f) LIMITATIONS ON USE OF INCENTIVE PAYMENTS.—A State shall not expend an amount paid to the State under this section except to provide to children or families any service (including post adoption services) that may be provided under part B or E. Amounts expended by a State in accordance with the preceding

sentence shall be disregarded in determining State expenditures for purposes of Federal matching payments under section 474.

"(g) DEFINITIONS.—As used in this section:

"(1) FOSTER CHILD ADOPTION.—The term 'foster child adoption' means the final adoption of a child who, at the time of adoptive placement, was in foster care under the supervision of the State.

"(2) SPECIAL NEEDS ADOPTION.—The term 'special needs adoption' means the final adoption of a child for whom an adoption assistance agreement is in effect under section 473.

"(3) BASE NUMBER OF FOSTER CHILD ADOPTIONS.—The term 'base number of foster child adoptions for a State' means, with respect to a fiscal year, the largest number of foster child adoptions in the State in fiscal year 1997 (or, if later, the 1st fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

"(4) BASE NUMBER OF SPECIAL NEEDS ADOPTIONS.—The term 'base number of special needs adoptions for a State' means, with respect to a fiscal year, the largest number of special needs adoptions in the State in fiscal year 1997 (or, if later, the 1st fiscal year for which the State has furnished to the Secretary the data described in subsection (c)(2)) or in any succeeding fiscal year preceding the fiscal year.

"(h) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—For grants under this section, there are authorized to be appropriated to the Secretary $15,000,000 for each of fiscal years 1999 through 2003.

"(2) AVAILABILITY.—Amounts appropriated under paragraph (1) are authorized to remain available until expended, but not after fiscal year 2003.".

(b) DISCRETIONARY CAP ADJUSTMENT FOR ADOPTION INCENTIVE PAYMENTS.—

(1) SECTION 251 AMENDMENT.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new subparagraph:

"(I) ADOPTION INCENTIVE PAYMENTS.—Whenever a bill or joint resolution making appropriations for fiscal year 1999, 2000, 2001, or 2002 is enacted that specifies an amount for adoption incentive payments for the Department of Health and Human Services—

"(i) the adjustments for new budget authority shall be the amounts of new budget authority provided in that measure for adoption incentive payments, but not to exceed $15,000,000; and

"(ii) the adjustment for outlays shall be the additional outlays flowing from such amount.".

(2) SECTION 606 AMENDMENT.—Section 606 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(f) ADOPTION INCENTIVE PAYMENTS ADJUSTMENT.—

"(1) IN GENERAL.—(A)(i) When the Committee on Appropriations reports an appropriation measure for fiscal year 1999, 2000, 2001, 2002, or 2003 that specifies an amount for adoption incentive payments for the Department of Health and Human Services, or when a conference committee submits a conference report thereon, the chairman of the Committee on the Budget of the Senate or House of Representatives (whichever is appropriate) shall—

"(I) make adjustments for the amounts of new budget authority provided by that appropriation measure for such payments, which shall be the amount of new budget authority provided in that measure for adoption incentive payments, but not to exceed $15,000,000; and

"(II) make adjustment for outlays, which shall be in an amount equal to the additional outlays flowing from such amount.

"(ii) If the adjustments referred to in the preceding sentence are made for an appropriations measure that is not enacted into law, then the chairman of the Committee on the Budget of the House of Representatives shall, as soon as practicable, reverse those adjustments.

"(iii) The chairman of the Committee on the Budget of the House of Representatives shall submit any adjustments made under this subparagraph to the House of Representatives and have such adjustments published in the Congressional Record.

"(B) The adjustments referred to in this paragraph consist of adjustments to—

"(i) the discretionary spending limits for that fiscal year as set forth in the most recently adopted concurrent resolution on the budget;

"(ii) the allocations to the Committees on Appropriations of the Senate and the House of Representatives for that fiscal year under sections 302(a) and 602(a); and

"(iii) the appropriate budgetary aggregates for that fiscal year in the most recently adopted concurrent resolution on the budget.

"(C) The adjusted discretionary spending limits, allocations, and aggregates under this paragraph shall be considered the appropriate limits, allocations, and aggregates for purposes of congressional enforcement of this Act and concurrent budget resolutions under this Act.

"(2) REPORTING REVISED SUBALLOCATIONS.—Following the adjustments made under paragraph (1), the Committees on Appropriations of the Senate and the House of Representatives may report appropriately revised suballocations pursuant to sections 302(b) and 602(b) of this Act to carry out this subsection.

"(3) DEFINITION.—As used in this section, the term 'adoption incentive payments' shall have the same meaning as provided in section 251(b)(2)(I) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

SEC. 5. EARLIER STATUS REVIEWS AND PERMANENCY HEARINGS.

Section 475(5)(C) of the Social Security Act (42 U.S.C. 675(5)(C)) is amended—

(1) by striking "eighteen months after" and inserting "12 months after";

(2) by striking "dispositional" and inserting "permanency"; and

(3) by striking "future status of" and all that follows through "long-term basis)" and inserting "permanency plan for the child (including whether (and, if applicable, when) the child will be returned to the parent, the child will be placed for adoption and the State will file a petition to terminate the parental rights of the parent, a legal guardian will be appointed for the child, or the child will be placed in some other planned, permanent living arrangement, including in the custody of another fit and willing relative)".

SEC. 6. NOTICE OF REVIEWS AND HEARINGS; OPPORTUNITY TO BE HEARD.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by section 3 of this Act, is amended—

(1) by striking "and" at the end of subparagraph (D);

(2) by striking the period at the end of subparagraph (E) and inserting "; and"; and

(3) by adding at the end the following:

"(F) the foster parents (if any) of a child and any relative providing care for the child are provided with notice of, and an opportunity to be heard in, any review or hearing to be held with respect to the child, except that this subparagraph shall not be construed to make any foster parent a party to such a review or hearing.".

SEC. 7. DOCUMENTATION OF REASONABLE EFFORTS TO ADOPT.

Section 475(5) of the Social Security Act (42 U.S.C. 675(5)), as amended by sections 3 and 6 of this Act, is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) in the case of a child with respect to whom the State's goal is adoption or placement in another permanent home, the steps taken by the State agency to find an adoptive family or other permanent living arrangement for the child, to place the child with an adoptive family, a legal guardian, or in another planned permanent living arrangement (including in the custody of another fit and willing relative), and to finalize the adoption or legal guardianship are documented, and such documentation shall include documentation of child specific recruitment efforts such as the use of State, regional, and national adoption information exchanges, including electronic information exchange systems.".

SEC. 8. KINSHIP CARE.

(a) REPORT.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall—

(A) not later than March 1, 1998, convene the advisory panel provided for in subsection (b)(1) and prepare and submit to the advisory panel an initial report on the extent to which children in foster care are placed in the care of a relative (in this section referred to as "kinship care"); and

(B) not later than November 1, 1998, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a final report on the matter described in subparagraph (A), which shall—

(i) be based on the comments submitted by the advisory panel pursuant to subsection (b)(2) and other information and considerations; and

(ii) include the policy recommendations of the Secretary with respect to the matter.

(2) REQUIRED CONTENTS.—Each report required by paragraph (1) shall—

(A) include, to the extent available for each State, information on—

(i) the policy of the State regarding kinship care;

(ii) the characteristics of the kinship care providers (including age, income, ethnicity, and race);

(iii) the characteristics of the household of such providers (such as number of other persons in the household and family composition);

(iv) how much access to the child is afforded to the parent from whom the child has been removed;

(v) the cost of, and source of funds for, kinship care (including any subsidies such as medicaid and cash assistance);

(vi) the goal for a permanent living arrangement for the child and the actions being taken by the State to achieve the goal;

(vii) the services being provided to the parent from whom the child has been removed; and

(viii) the services being provided to the kinship care provider; and

(B) specifically note the circumstances or conditions under which children enter kinship care.

(b) ADVISORY PANEL.—

(1) ESTABLISHMENT.—The Secretary of Health and Human Services, in consultation with the Chairman of the Committee on Ways and Means of the House of Representatives and the Chairman of the Committee on Finance of the Senate, shall convene an advisory panel which shall include parents, foster parents, former foster children, State and local public officials responsible for administering child welfare programs, private persons involved in the delivery of child welfare services, representatives of tribal governments and tribal courts, judges, and academic experts.

(2) DUTIES.—The advisory panel convened pursuant to paragraph (1) shall review the report prepared pursuant to subsection (a), and, not later than July 1, 1998, submit to the Secretary comments on the report.

SEC. 9. USE OF THE FEDERAL PARENT LOCATOR SERVICE FOR CHILD WELFARE SERVICES.

Section 453 of the Social Security Act (42 U.S.C. 653) is amended—

(1) in subsection (a)—

(A) by striking "or enforcing child custody or visitation orders" and inserting "or making or enforcing child custody or visitation orders"; and

(B) in paragraph (1)—

(i) by striking the comma at the end of subparagraph (C) and inserting "; or"; and

(ii) by inserting after subparagraph (C) the following:

"(D) who has or may have parental rights with respect to a child,"; and

(2) in subsection (c)—

(A) by striking the period at the end of paragraph (3) and inserting "; and"; and

(B) by adding at the end the following:

"(4) a State agency that is administering a program operated under a State plan under subpart 1 of part B, or a State plan approved under subpart 2 of part B or under part E.".

SEC. 10. PERFORMANCE OF STATES IN PROTECTING CHILDREN.

The Secretary of Health and Human Services, in consultation with the American Public Welfare Association, the National Governors' Association, and persons or organizations devoted to child advocacy, shall—

(1) develop a set of outcome measures (including length of stay in foster care, number of foster care placements, and number of adoptions) that can be used to assess the performance of States in operating child protection and child welfare programs pursuant to parts B and E of title IV of the Social Security Act to ensure the safety of children;

(2) to the maximum extent possible, the outcome measures should be developed from data available from the Adoption and Foster Care Analysis and Reporting System;

(3) develop a system for rating the performance of States with respect to the outcome measures, and provide to the States an explanation of the rating system and how scores are determined under the rating system;

(4) prescribe such regulations as may be necessary to ensure that States provide to the Secretary the data necessary to determine State performance with respect to each outcome measure, as a condition of the State receiving funds under part E of title IV of the Social Security Act;

(5) on May 1, 1999, and annually thereafter, prepare and submit to the Congress a report on the performance of each State on each outcome measure, which shall examine the reasons for high performance and low performance and, where possible, make recommendations as to how State performance could be improved.

SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTECTION DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (42 U.S.C. 1320a–9(a)) is amended by striking "10" and inserting "15".

SEC. 12. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—The Secretary of Health and Human Services may, directly or through grants or contracts, provide technical assistance to assist States and local communities to reach their targets for increased numbers of adoptions and, to the extent that adoption is not possible, alternative permanent placements, for children in foster care.

(b) LIMITATIONS.—The technical assistance provided under subsection (a) shall support the goal of encouraging more adoptions out of the foster care system, when adoptions promote the best interests of children, and shall include the following:

(1) The development of best practice guidelines for expediting termination of parental rights.

(2) Models to encourage the use of concurrent planning.

(3) The development of specialized units and expertise in moving children toward adoption as a permanency goal.

(4) The development of risk assessment tools to facilitate early identification of the children who will be at risk of harm if returned home.

(5) Models to encourage the fast tracking of children who have not attained 1 year of age into pre-adoptive placements.

(6) Development of programs that place children into pre-adoptive families without waiting for termination of parental rights.

(c) LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there are authorized to be appropriated to the Secretary of Health and Human Services not to exceed $10,000,000 for each of fiscal years 1998 through 2000.

SEC. 13. COORDINATION OF SUBSTANCE ABUSE AND CHILD PROTECTION SERVICES.

Within 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services, based on information from the Substance Abuse and Mental Health Services Administration and the Administration for Children and Families in the Department of Health of Human Services, shall prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report which describes the extent and scope of the problem of substance abuse in the child welfare population, the types of services provided to such population, and the outcomes resulting from the provision of such services to such population. The report shall include recommendations for any legislation that may be needed to improve coordination in providing such services to such population.

SEC. 14. CLARIFICATION OF ELIGIBLE POPULATION FOR INDEPENDENT LIVING SERVICES.

Section 477(a)(2)(A) of the Social Security Act (42 U.S.C. 677(a)(2)(A)) is amended by inserting "(including children with respect to whom such payments are no longer being made because the child has accumulated assets, not to exceed $5,000, which are otherwise regarded as resources for purposes of determining eligibility for benefits under this part)" before the comma.

SEC. 15. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on October 1, 1997.

(b) DELAY PERMITTED IF STATE LEGISLATION REQUIRED.—In the case of a State plan under part B or E of title IV of the Social Security Act which the Secretary of Health and Human Services determines requires State legislation (other than legislation appropriating funds) in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the State plan shall not be regarded as failing to comply with the requirements of such part solely on the basis of the failure of the plan to meet such additional requirements before the 1st day of the 1st calendar quarter beginning after the close of the 1st regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of such session shall be deemed to be a separate regular session of the State legislature.

The CHAIRMAN. Are there any amendments?

AMENDMENT NO. 6 OFFERED BY MR. TIAHRT

Mr. TIAHRT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TIAHRT:

Strike the matter proposed to be added by section 3(a)(3) of the bill and insert the following:

"(E) in the case of a child who has been in foster care under the responsibility of the State during 12 of the most recent 18 months, and a child in such foster care who has not attained 13 years of age (or such greater age as the State may establish) and with respect whom reasonable efforts of the type described in section 471(a)(15)(A)(i) are discontinued or not made, the State shall seek to terminate all parental rights with respect to the child, unless—

"(i) at the option of the State, the child is being cared for by a relative; or

"(ii) a State court or State agency has documented a compelling reason for determining that filing such a petition would not be in the best interests of the child.".

□ 1245

Mr. TIAHRT. Mr. Chairman, I have an amendment that is what I would consider a positive addition to the bill that we have before us. I will explain briefly what the amendment does, and I would like others to have a chance to express their concerns with the bill. Then I will withdraw the amendment.

Mr. Chairman, the first thing that I would like to address that the bill does is that it reduces a timeframe for the State to seek to terminate parental rights from 18 to 12 months.

The reason that we had made this determination, as I said earlier in the debate, is that some children languish in foster care and the State is unable to come to that conclusion, whether they should stay with their birth parents or move into an adoptive home.

There are others who agree with this philosophy. In Patrick Fagan's article of July 27, 1995, published in the Heritage Foundation's report, he also recommends that a 12-month timeline for education of long-term parental status be included.

Justin Matlick also reminds us that 12 months should be the ceiling on final reunification decisions in his Pacific Research Institute study titled "Fifteen Years of Failure: An Assessment of California's Child Welfare System."

In Conna Craig's Policy Review article entitled "What I Need Is A Mom," she recommends that biological parents receive no more than 12 months to prove their fitness to resume custody. Incidentally, she is president of the Institute for Children in Boston, MA.

Also, the Kellogg Foundation in their Families for Kids programs has stated at a hearing before the Subcommittee on Human Resources of the Committee on Ways and Means, on February 27 of this year, that benchmarks for progress is 1 year for permanent replacement.

One year to permanency has emerged as the driver of reform. That is why, Mr. Chairman, we had moved to try to get 12 months.

Mr. Chairman, I understand that there is some consideration given in the report language that the intent of the legislation, it says under the reason for change that the committee fully expects that final permanency decisions will be at 12 months. But yet the language says 18 months, which is an improvement. But the 12 months right now today, without any incentive, 70 percent of the children are moved into that decision that they will move to an adoptive home out of the biological parents' home.

Mr. Chairman, I think it is the design that both a man and a woman be the parents of children. I think it is easiest in that situation. After having a teenaged daughter, I think I really came to that conclusion, because it does take two to really balance out the raising of a child. However, in some situations it is impossible for that two-parent situation to exist, and in compelling reasons, they should be moved into adoption.

I think that decision should be made at 12 months, because it is not up to the State to determine whether this parent is going to rehabilitate themselves. That has to be something that is done by the individual.

The second part of this legislation or this amendment to the legislation removes an exception which would allow States to avoid seeking to terminate parental rights, because the way the language reads it says, "* * * unless the State has not provided to the family of the child such services as the State deems appropriate."

In an article written by Conna Craig in Policy Review in the summer of 1995, she said, "Public agencies are paid for the number of children they prevent from being adopted." What I would like to see, Mr. Chairman, is what has occurred in Kansas. In Kansas they have removed the financial incentive for State agencies to keep kids locked into the system. They have gone to a flat fee for adoptive services, and contract out to private agencies. In the first 3 months of this year they have seen a 67-percent increase in the amount of adoptions that have occurred in Kansas. I think that is a dramatic improvement.

I have these two concerns, Mr. Chairman, that I have put into this amendment. I would like others to talk about these principles. This is what I consider a loophole that I hope States can close. It is a loophole big enough for a bus to drive through. I am concerned that that bus will be filled by children going back into foster care when they could be moving into an adoptive home.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I agree with the author of the amendment that the current child welfare system sometimes errs on the side of the parent without significant regard for a child's safety. Obviously, that is one of the reasons why the gentleman from Michigan [Mr. CAMP] and I did introduce this bill. However, I feel that the legislation before us makes it clear that a child's safety has to be the paramount concern, and it requires States to move more quickly in finding permanent homes for children. But if the current system sometimes overemphasizes family reunification, the Tiahrt amendment would swing, I feel, the pendulum too far the other way by not giving States enough opportunity to restore families.

However, as we have talked today, I really look forward to working with the gentleman from Kansas [Mr. TIAHRT] and with the gentleman from Michigan [Mr. CAMP] to see if we can resolve this. I understand that he has these concerns, and I think it is very important that we look at them, but I do not think today is the time. I thank the gentleman from Kansas for his consideration.

Mr. CAMP. Mr. Chairman, I would state that I would like to work with the gentleman from Kansas to address his concerns.

Mr. Chairman, I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to acknowledge the interest of my colleagues, the gentleman from Kansas [Mr. TIAHRT], in this issue, the work that he has put in, and the concern that he holds. I am pleased that he has withdrawn his amendment.

Mr. Chairman, I think this Congress has to be very mindful, and I think the underlying bill is mindful of what it means to terminate a parent's right to their own child, what it means to the parent and what it means to the child, and what lifelong repercussions that decision has.

Having worked hard on permanency placement the many years that I was in the State Senate in Connecticut, and on foster care and adoption issues since that time, I agree with my colleague, the gentlewoman from Connecticut, and those who worked so hard on this bill, that we are leaving children in abusive situations far too long. We are not dealing honestly with the fact that parents are acting so remarkably irresponsibly toward their children that we have to have a law that can act more promptly and terminate rights more aggressively to protect children.

I do also urge, however, that we be mindful as we make a change, of the nature of termination decisions and of their ramifications for both adults and children over decades.

So I strongly support the underlying structure of the bill, which does force States to make a permanent plan by 12 months, and to initiate termination proceedings at 18 months. I would urge States to move forward in those cases where they see rehabilitation is not going to be possible.

However, I think it is incumbent upon us both to recognize the complexity of pressures on families in America today, the need for appropriate services, and yet, the need for protection of the child and for abrogation of parental rights when adults do not take their responsibilities seriously and do not aggressively involve themselves in fixing the problems in their families that so deeply affect their children.

Mr. Chairman, I am glad the gentleman withdrew his amendment. I support the underlying structure of this bill. I think it is truly a very significant step forward, but it is a balanced, thoughtful step, and I support the bill strongly, and commend both the gentleman from Michigan [Mr. CAMP] and the gentlewoman from Connecticut [Mrs. KENNELLY] for their leadership in writing this legislation.

It took a lot of courage, frankly, to begin rethinking what reasonable means. It is true that reasonable has become unreasonable for the circumstances that many of our children face. The Members have rebalanced that and repositioned us to fight for our children and their lives, while also looking at families and their interests.

Mr. CAMP. Mr. Chairman, I yield to the gentleman from Minnesota [Mr. RAMSTAD], a fellow member of the Committee on Ways and Means.

Mr. RAMSTAD. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would like to also thank my colleagues, the gentleman from Michigan, Mr. DAVE CAMP, and the gentlewoman from Connecticut, Mrs. BARBARA KENNELLY, for their leadership on this bill. No child should be denied the opportunity to grow up in a loving environment. That is why I strongly support their legislation.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CAMP] has expired.

(By unanimous consent, Mr. CAMP was allowed to proceed for 1 additional minute.)

Mr. RAMSTAD. Mr. Chairman, if the gentleman will continue to yield, my own family has been blessed through adoption. I am the proud uncle of three beautiful adoptive children. I cannot imagine my life without them or my four adopted cousins. There is nothing more important than for a child to grow up in a loving home. I know there are 500,000 children in foster care, many of them awaiting adoption by a loving family. So something must be done to reform the system.

Last year we gave States and localities more authority to run social programs than they have had in 50 years. That is why I was concerned about the amendment offered by my colleague, the gentleman from Kansas [Mr. TIAHRT] and my colleague, the gentleman from Indiana [Mr. BURTON], and I am very, very pleased that they withdrew the amendment.

I understand that the authors of this amendment were trying to help children get into loving, adoptive homes as soon as possible, but I wanted to point out that nothing in this legislation prohibits the State from freeing children for adoption before 18 months. State agencies and courts need flexibility to ensure the most appropriate response can be developed for each individual child.

This amendment would have established an absolute trigger that I believe is unrealistic. So we need to let those who know best, those who administer programs at the State and local levels, have the flexibility to do their job and the authority to do what is best for children.

I thank my colleagues for withdrawing this amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I understand that there is controversy over whether we go to 12 months or 18 months. When I was a boy, I was in a welfare agency home, a foster, and a setting of the type we are discussing today; and I can tell my colleagues I met a lot of young people that had been in that system for years and it had a very debilitating impact on their lives. I know some of them ended up in jail.

Those are things that we need to take into consideration. The longer a child is in the foster care system, the more likely he or she is going to be a burden on society. Some of the statistics the gentleman from Kansas [Mr. TIAHRT] did not mention in his statement, but he told me of a foster child who had been in over 100 foster homes. Now we can imagine what that does to the child's psyche. It has got to have a very devastating impact.

Each year 15,000 children graduate from foster care with no permanent home. Fifteen thousand. What does that do to those kids? The ACLU reports, and I do not quote them very often, but the ACLU reports that among these graduates, 40 percent, 40 percent become dependent on AFDC, 46 percent dropped out of school, 51 percent were unemployed, and 60 percent of the women had out-of-wedlock births within 2 years from graduating from foster care.

The Bureau of Justice reports that former foster children are nearly 30 times more likely to be incarcerated than individuals who never spent any time in foster care. So the problem is we want to get them out of there as quickly as possible.

I agree that severing parental rights is a very important thing to consider. I mean, we do not want to do it lightly. But within a year, it seems to me that that is time enough to make a case as to whether or not a child should stay in that home. If the child is not going to be going back into their home, to keep them in foster care beyond that time period causes some serious problems for the child.

So while I do not want to belabor the point, the gentleman from Kansas [Mr. TIAHRT] is obviously going to withdraw his amendment, I hope in conference my colleagues will give these arguments some serious consideration. I think we are all after the same thing. We want to do what is best for the child because it has an impact on society that is very, very great. It involves AFDC. It involves crime. It involves children born out of wedlock. So all of these things need to be taken into consideration and what is best for the child.

If the gentleman from Kansas [Mr. TIAHRT] wants me to yield, I am happy to yield to the gentleman from Kansas.

Mr. TIAHRT. Mr. Chairman, I thank the gentleman from Indiana for yielding. I know there is some concern, it is a very big decision to move children away from their birth parents into an adoptive situation. I do not think the States should take it lightly or we should take it lightly. But in some situations, as the gentleman from Indiana has pointed out so adeptly, we have some parents that just choose not to be good parents by their very actions. The way the system is, there is no incentive to move them unless the States take initiative, like Kansas has, to move them into a situation.

I am reminded of a young girl named Halie, who was 2 years old, who refused to eat her dinner and her parents tied her to an electric heater; and once she got caught into that system, they went through every different family service available, and she did not get out of foster care until she was 18 years old, 16 years caught into the system.

We must provide incentives to move these children out of this kind of situation into adoptive homes when the parents, by their very actions, choose not to be good parents.

□ 1300

Mr. SHAW. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, before the gentleman withdraws his amendment, I want to compliment the gentleman from Kansas for a most thoughtful amendment and really addressing the subject which is the heart of this bill. That is, how long are we going to allow the children to stay in foster care?

I would point out to the House that there is report language in the bill that I feel will pretty much accomplish what the gentleman from Kansas is after. As chairman of the subcommittee, we will be monitoring this whole matter very, very closely. We are going to see that the intent of this bill is met and that we are, indeed, getting these kids out of foster care and into an adoptive setting and into permanent homes.

Again, I compliment the gentleman for bringing this to the attention of the House. I think it underscores what we are trying to do.

Mr. TIAHRT. Mr. Chairman, with the fine statements made by the subcommittee chairman, the gentleman from Florida [Mr. SHAW], I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kansas?

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

At the end of the bill, add the following:

SEC. . PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.

(a) IN GENERAL.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available under this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available under this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, I have explained several times the amendment. The amendment basically states that any funds that are made available pursuant to the passage of this act, that in the expenditure of those funds, wherever practicable, they be expended to buy American-made goods and products and that the amendment basically states that a notice of the intent of Congress, wherever the expenditure of funds are made to buy American-made products wherever possible, shall be given when any of those funds in fact are released.

I would appreciate the support of the amendment.

Mr. Chairman, I yield to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY], coauthor of the amendment, and compliment her for her fine work.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I thank the gentleman for putting forth this amendment. I will support it.

Mr. CAMP. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentleman for yielding to me. I would concur with the gentlewoman from Connecticut. We also do not object to the amendment.

Mr. TRAFICANT. Mr. Chairman, I would like to say again that I want to compliment the gentlewoman from Connecticut [Mrs. KENNELLY], who has steadfastly been a fighter on behalf of children over the years. I want to thank her on behalf of children in my district and thank the gentleman from Michigan [Mr. CAMP] for his efforts and to the chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MORELLA:

At the end of the bill, add the following:

SEC. . KINSHIP CARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

"(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

"(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

"(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child:

"(2) would otherwise be placed in foster care; and

"(3) has adult relatives willing to provide safe and appropriate care for the child.

"(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of that child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

"(d) PROJECT REQUIREMENTS.—In my demonstration project authorized to be conducted under this section, the State—

"(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

"(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

"(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

"(1) any provision of section 422(b)(10), section 479, or this section; or

"(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

"(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

"(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

"(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

"(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

"(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

"(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project; the safety and stability of the children and families who participated in the project will be protected;

"(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

"(4) an estimate of the savings to the State of the proposed project;

"(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

"(6) a description of the proposed evaluation design; and

"(7) such additional information as the Secretary may require.

"(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

"(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

"(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

"(B) any other information that the Secretary may require;

"(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

"(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

"(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.".

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended—

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 544(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(3) in section 471(a)—

(A) by striking "and" at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and"; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

Mrs. MORELLA. Mr. Chairman, I offer an amendment to the Adoption Promotion Act of 1997.

This amendment would encourage kinship care families, which are families in which adult relatives are the preferred placement options for children separated from their parents.

My amendment would give all States the flexibility to create a new type of foster care, kinship care, as a demonstration project whereby they could examine and test how their child protection system could incorporate safe, cost-effective kinship care placements.

States would have increased flexibility to waive portions of the IV-E foster care program in order to provide services and payments to kinship care placements. Without these payments, many grandparents simply cannot afford to care for their grandchildren.

We clearly need this legislation. Increasingly grandparents are being called upon to raise grandchildren of all ages. Between 1986 and 1990, the number of foster care children under the care of relatives jumped from 18 percent to 31 percent. Between 1985 and 1990, the number of children in foster care increased by 47 percent while the number of foster families decreased by 27 percent. Furthermore, when a child must be removed from his or her parents, placing the child with a caring relative helps keep the family together and limits disruption to the child's life.

The overwhelming majority of grandparents raising children must do so on limited incomes. Ironically, relatives who want to care for the child often find themselves burdened with legal and bureaucratic paperwork and regulation, and they lack the support services available to regular foster care families.

Kinship care could be considered a long-term placement option for the States. In order to be considered an eligible family for kinship care placements under this bill, certain criteria must be met. The child must be removed from the home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child, the child would otherwise be placed in foster care and that there are adult relatives willing to provide safe and appropriate care for the child.

CBO examined this amendment and it is revenue neutral, because States would incorporate kinship care into their child welfare system. States would evaluate their kinship care system for outcomes for children and families, safety of the children, and cost savings.

At the end of 4 years the Secretary of Health and Human Services would evaluate the State kinship care demonstrations and recommend legislative changes based on their evaluations. My State of Maryland is one of the four States that already has a kinship care waiver and the reports have been quite positive.

I have heard from grandparents who desperately want to provide their grandchildren a loving, supportive and safe home, and I am sure that my colleagues have. Because of burdensome regulations, these children end up in the expensive foster care system. This amendment would allow any State, by going through the waiver process, to help families to rely on their own family members as resources when a child is legally separated from his or her parents.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

I do not oppose the amendment but there are some additional considerations that should be taken into account. The committee has been very concerned about kinship care for several years. In many cases kinship care is an excellent response to a child's situation. But kinship care does come with great cost and there is reason to wonder if kinship care placements are always the best for children. We need more information about the reasons for kinship care, the characteristics of the kinship settings in which children are placed, and the impact those settings have on children's development.

To get more information, we ask for a study in this legislation. Demonstrations of the type the gentlewoman from Maryland [Mrs. MORELLA] is seeking also have the potential to provide valuable information. The committee bill authorizes 5 new waiver demonstration projects, and why do we not require that at least one of those be addressed to kinship care?

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I take this opportunity to compliment the gentlewoman from Maryland on her work in this area in this body and the work she has done in her own State of Maryland. I also would like to compliment her because she personally in her life has understood the importance of family in these types of situations, as she provided a loving home for her nieces and nephews. I want to compliment her for taking this work in her own life and her own family out into the United States of America.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. CAMP. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman from Connecticut [Mrs. KENNELLY] for her very kind words and for the work that she has done on this committee, and the gentleman from Michigan [Mr. CAMP] for the wonderful work he has done.

I do want to announce that as of a week and a half ago I became a grandmother for the 15th time, so I can understand certainly grandparents who really want to have an involvement in bringing up and a need to bring up their children's children.

I want to, in light of what the gentleman from Michigan [Mr. CAMP] has said, I will ask unanimous consent to withdraw my amendment and to offer a new amendment that would add language to section 11 to require that at least one of the five new waiver demonstrations be addressed to kinship care.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mr. CAMP. Mr. Chairman, I move to strike the last word, and I yield to the gentlewoman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank the gentleman for yielding to me.

I thank the gentlewoman from Maryland [Mrs. MORELLA] for withdrawing her amendment and bringing forward an amendment to dedicate one of the demonstration projects in the bill to kinship care. There are six States that have Federal waivers to demonstrate innovative approaches to providing child welfare services, including through kinship care. Indeed, there has been a lot of work on this matter and in many States and some creative programs developed which deserve the attention of the committee.

I also would like to call attention to another matter that is related to that brought up by this amendment. That is the option of independent living programs as a kind of placement for older children who have been in foster care for many years. My colleague, the gentleman from Indiana [Mr. BURTON], talked about the scarring that bouncing from foster care home to foster care home can leave on a young person, and indeed that scarring is deep and debilitating and can destroy their opportunity to pursue life in a way that would realize their abilities and their dreams.

Nonetheless there are many children in the system at this time. He pointed to 15,000, but there are many children in the system at this time who have been in foster care for many years who have bounced from home to home. Some of these children are finding a new opportunity in what we call the independent living program that provides a stipend, guidance, education, and helps these young people at a high school age learn to live on their own and enjoy the support of one another as they make that transition from high school into the work force. We need to extend this program. We need to recognize it, I think, with the same validity that we recognize foster care placements or even adoptive placements and give it the kind of support and investment that it deserves.

In many instances as they look at kinship care and the opportunities that it provides within the foster care and adoption system, I would urge that they look also at the independent living program as another alternative to adoption and/or reunification because it is for many adolescents the best option and deserves our support. I yield back to the author of the bill.

Mr. CAMP. I thank the gentlewoman for her comments.

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA:

Section 11 is amended to read as follows:

SEC. 11. AUTHORITY TO APPROVE MORE CHILD PROTECTION DEMONSTRATION PROJECTS.

Section 1130(a) of the Social Security Act (12 U.S.C. 1820a–9(a)) is amended—

(1) by striking "10" and inserting "15"; and

(2) by adding at the end the following: "At least 1 of the demonstration projects approved on or after October 1, 1997, shall address kinship care.".

Mrs. MORELLA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Chairman, my explanation is shorter than the language of reading the amendment. It is a new amendment that would simply add language to section 11 that would require that at least one of the 5 new waiver demonstrations be addressed to kinship care.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Maryland [Mrs. MORELLA].

The amendment was agreed to.

□ 1315

AMENDMENT OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. EDDIE BERNICE JOHNSON of Texas:

At the end of section 12(b), add the following:

(7) Assistance in establishing outreach programs to help States better identify and recruit minority families to adopt children.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer this amendment, and I will pull it down at the end of the discussion, to add a section that allows the development of programs for outreach for informing special minority families about the opportunities to adopt. Very, very frequently this information is not known and many times they do not know where to get it to see about adoption.

When I was growing up, which was a long time ago, my parents brought in three extra children. We never got them adopted. I am a second child, and after me they did not have another child for 8 years, and after that another one after another 8 years. But in the meantime, between these births, we had at least three children in the home and never formally adopted them.

When I became an adult and had one child and could not have another child, I wanted to adopt but I did not have the information, was not quite sure what it meant, and so we went to an orphan home and brought a young child home each weekend. If I had had access to information that would inform and allay fears and say what some of the expectations are, adoptions could have taken place.

I think there are a number of minorities in that position, that really want to adopt but are a little fearful, not quite sure how to get started, and this just adds another development onto the six that simply allows the development of programs that would do outreach. It could be in the form of a brochure or an 800 number or any other type of outreach activity, such as radio announcements.

Mr. Chairman, I simply wanted to call that to Members' attention.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. Mr. Chairman, I agree that we should do more to help minority families adopt children. I commend the gentlewoman for the amendment that she was going to put forth and for her willingness to withdraw the amendment.

It has been understood today that the bill we have before us will provide a statute, a basis on which we can continue to improve the foster care and permanent adoption situation in these United States, and I look forward to working with the gentlewoman from Texas on her amendment, which then can be part of a future bill that addresses this very important situation. And I thank the gentlewoman for her understanding today.

Mr. CAMP. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I would again echo the comments of my colleague from Connecticut and appreciate the gentlewoman's willingness to withdraw the amendment and look forward to working with her regarding her efforts in this matter.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman, and allow me to thank the author of this legislation and the gentlewoman from Connecticut [Mrs. KENNELLY] for bringing this piece of legislation forward.

It is the best piece of legislation I have seen that addresses adoptions. I appreciate it.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Add at any appropriate place the following:

SEC. CRIMINAL RECORDS CHECKS FOR PROSPECTIVE FOSTER AND ADOPTIVE PARENTS AND GROUP CARE STAFF

Section 471(a) of the Social Security Act (42 U.S.C. 671(a)) is amended—

(1) in paragraph (18), by striking "and" at the end;

(2) in paragraph (19), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(20) at the option of the State, provides procedures for criminal records checks and checks of a State's child abuse registry for any prospective foster parent or adoptive parent, and any employee of a child-care institution before the foster care or adoptive parent, or the child-care institution may be finally approved for placement of a child on whose behalf foster care maintenance payments or adoption assistance payments are to be made under the State plan under this part, including procedures requiring that—

"(A) in any case in which a criminal record check reveals a criminal conviction for child abuse or neglect, or spousal abuse, a criminal conviction for crimes against children, or a criminal conviction for a crime involving violence, including rape, sexual or other assault, or homicide, approval shall not be granted; and

"(B) in any case in which a criminal record check reveals a criminal conviction for a felony or misdemeanor not involving violence, or a check of any State child abuse registry indicates that a substantiated report of abuse or neglect exists, final approval may be granted only after consideration of the nature of the offense or incident, the length of time that has elapsed since the commission of the offense or the occurrence of the incident, the individual's life experiences during the period since the commission of the offense or the occurrence of the incident, and any risk to the child.".

Ms. JACKSON-LEE of Texas (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, first of all let me thank the gentleman from Michigan [Mr. CAMP] certainly for the persistence on legislation that is so extremely crucial to putting our children first.

Let me acknowledge also the ongoing and continuous leadership of the gentlewoman from Connecticut [Mrs.

KENNELLY] on this issue that has been an abiding issue with her for many, many years.

I am very pleased and appreciate very much the staff of both Members working with me, as a member of the House Committee on the Judiciary, on an issue that we see in other forms, and that is to assist this process of protecting our children by providing for criminal record checks for prospective foster and adoptive parents and group care staff.

It is well known that adoption is only surpassed by the Government's recognition and sanction of marriage as a publicly recognized function of Government and the procreation of families in our society. In fact, in 1994, 442,218 of our Nation's children lived in the foster care system. In 1994, 3.1 million cases of abused and neglected children were reported in the United States, and an estimated 1 million cases were confirmed.

In 1993, the data indicated 49 percent of the children abused were neglected, 24 percent were physically abused, 14 percent were sexually abused, 5 percent suffered emotional mistreatment, and 2 percent suffered medical neglect. This legislation in and of itself will thwart some of these tragic occurrences. In 1993 an average of five children died each day, another 140,000 were seriously injured and many were disabled for life.

Having, however, chaired the Foster Parent Retention and Recruitment Committee for Harris County in Texas, I know the good people that are foster parents and the good people who seek to adopt. This is not an amendment that speaks to them, but it does speak to the safety of our children.

According to the American Public Welfare Association, 450,000 live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year. Certainly this major legislation today will help diminish that number. However, we want to make sure that these caretakers have the kinds of background checks that will ensure the safety of our children.

Let me conclude by saying in my home State of Texas the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb.

This amendment, which is by State option and therefore does not incur any additional cost to this legislation, will allow States to have the option to check the backgrounds of the individuals who will be the caretakers for our most precious resources in the United States.

Mr. Chairman, I ask my colleagues to support this amendment, and I thank the ranking member, and I thank the chairlady of the particular subcommittee, I am giving her that title because that is what she is to me, the gentlewoman from Connecticut, but I thank the chairperson, the gentleman from Michigan [Mr. CAMP] for his kindness.

Mr. Chairman, I rise today to speak in favor of the institution of adoption.

Adoption is only surpassed by the Government's recognition and sanction of marriage as a publicly recognized function of Government and the procreation of families in our society.

The work that Congresswoman BARBARA KENNELLY has done in bringing H.R. 867 to the floor, only highlights the well established role that Government has in the facilitation of adoptions in this country.

In 1995, 494,000 of our Nation's children lived in the foster care system.

As we work to address the need to find and place these children with parents and families who will love and care for them, we must be sure to address the need to protect these children from unforseen dangers.

Requiring criminal records checks for prospective foster and adoptive parents and group care staff will go a long way to ensure that adoptive parents are prepared and suitable parents.

Adoption is not a right in our society, but an honor. The children in foster care or who are being placed for adoption, deserve the extra care that can be demonstrated by conducting criminal background checks on perspective parents.

In 1994, 3.1 million cases of abused and neglected children were reported in the United States, and an estimated 1 million cases were confirmed.

The 1993 data indicated that 49 percent of the children were neglected, 24 percent were physically abused, 14 percent were sexually abused, 5 percent suffered emotional mistreatment, and 2 percent suffered medical neglect.

In 1993 an average of 5 children died each day, and another 140,000 were seriously injured while many were disabled for life.

This amendment would ensure that prospective adoptive parents were suitable caregivers and safe adoptive parents for children.

According to the American Public Welfare Association [APWA], about 450,000 children live in foster care at any given moment, and as many as 600,000 children live in foster care during the course of any given year.

In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434. Approximately one-half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children.

I hope that my colleagues can support this effort to strengthen a very strong measure to open the avenue of adoption and placement of children who are in need of families.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. I agree with the gentlewoman from Texas, Mr. Chairman, and as she states, she wants to make sure that troubled children get into foster homes, and I would like to join with her. As I have said earlier today, we cannot emphasize enough the number of people who are involved in foster care and the very good jobs they are doing, but they more than anybody else want to make sure that every foster care home is a safe home.

I do want to thank the gentlewoman from Texas, and I also want to thank the Committee on the Judiciary, and I will take this opportunity to thank the gentleman from Massachusetts, Mr. [WILLIAM DELAHUNT], for his work on an amendment which also will be looked at in the future.

I appreciate the concern and the involvement of other Members of this body who wanted amendments but made it possible for us to keep this very, very important balance today, to have a new beginning in looking at foster care and the protection of children.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank all those that have worked with me on this amendment.

Mr. SHAW. Mr. Chairman, I rise in support of the amendment, but I want to address this question to the author of the amendment:

As I understand the printed amendment, the typed amendment has been modified to provide that this is at the option of the State; is that correct?

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Absolutely.

Mr. SHAW. Mr. Chairman, reclaiming my time, I bring that up only because the House now has rulings pertaining to unfunded mandates. And even though I think this is a very good amendment, and one that adds to the bill, I just wanted to be sure that we did not fall into that trap.

I compliment the gentlewoman for her amendment and urge its support.

Mr. CAMP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wanted to comment on this amendment and the fact that it is critical that foster homes be safe for children. States already have the discretion to conduct background checks and licensing of foster parents, and many States do conduct background checks for people who work with children.

I want to point out for the RECORD that the amendment is permissive. It is at the option of the State. But if it were not, if it were mandatory, the cost to the State, according to the General Accounting Office, is about $20 for each check; and States could be, if this were mandatory, required to spend hundreds or thousands of dollars because of this amendment.

I know that activities are ongoing through Federal, State and local law enforcement agencies to improve the quality of the data they receive in these background checks, but I think the change that was made is a positive one and I would, for the RECORD, state that I support the amendment.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

I rise to address a question to the gentleman from Michigan relating to elderly caregivers. I need to ask the question as to whether or not there is protection for older caregivers who have retired or who are disabled and taking care of minor children where they might need aid to dependent children.

What provision do we find anywhere in the law that protects them from having the 2-year limit on aid to dependent children?

Mr. CAMP. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Michigan.

Mr. CAMP. Mr. Chairman, I thank the gentlewoman for yielding.

States already, in the first year, would be able to exempt 75 percent of their case load from the work requirement and would be able to make the decision as to which individuals, if it is grandparents or elderly caregivers, would be able to be exempt from that work requirement.

When the work requirement is fully implemented, it will still be 50 percent of the case load that States will be able to make the decision to exempt. They have the authority to do that now. Even under the 5-year time limit, which is a separate part of the welfare bill, States would be able to exempt up to 20 percent of their case load from the time limit requirement. So it is going to be up to States to make that decision on which individuals.

I appreciate the gentlewoman's bringing this to the floor and expressing her concern to the House over this issue, but there are provisions in the bill giving quite a bit of discretion with the State government to make those decisions.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, reclaiming my time, I think that explanation really takes care of my concern that there will not be 50 or 75 percent. So I think that will be enough percentage to allow them to be protected.

I thank the gentleman for that response.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MRS. MALONEY OF NEW YORK

Mrs. MALONEY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MALONEY of New York:

At the end of the bill, add the following (and conform the table of contents accordingly):

SEC. 16. STANDBY GUARDIANSHIP.

It is the sense of the Congress that the States should have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

(1) the death of the parent;

(2) the mental incapacity of the parent; or

(3) the physical debilitation and consent of the parent.

Mrs. MALONEY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mrs. MALONEY of New York. Mr. Chairman, this sense of Congress resolution addresses the needs of 85,000 to 125,000 children who will be left motherless by AIDS by the end of this decade. The tragedy is enormous, but even worse, many of these children will be forced into foster care homes at the most vulnerable moment of their lives simply because most State laws prevent parents from naming guardians for their children in advance of their death.

☐ 1330

As the Journal of the American Medical Association noted in December 1992, "Every State should review its existing guardianship laws, many of which leave children in legal limbo at the time of a parent's death, even when a guardian has been named in the parent's will."

Standby guardianship laws would require just such a review by closing legal gaps which have failed vulnerable children and their families and allowing parents to choose standby guardians without giving up their parental rights. Using a simple process, standby guardians can be pre-approved by the courts and take on the responsibility of caring for their charges immediately upon the death or incapacitation of the ill parent.

This sense of Congress, if enacted into law, could save States and the Federal Government money by reducing the amount of time children spend in the incredibly expensive and sometimes destructive foster care system. But very importantly it provides peace of mind to desperate parents by resolving custody issues while they can have their input into the future of their children and, most importantly, it will keep children out of foster care and move them into permanent homes with their parents' input.

AIDS is now the leading cause of death among women aged 15 to 44. By the end of this century, current studies estimate that as many as 125,000 children will be orphaned by AIDS. I think these numbers indicate clearly that the scope of this problem is nationwide and the need for standby guardianship laws is growing.

It is now time for this issue to be addressed at a national level. This sense of Congress resolution is a start.

The resolution would recommend that all States amend their custody laws to allow for standby guardianship designation. Custody issues remain the province of each individual State. Standby guardianship is a timely concept for a difficult time. Standby guardianship laws present a unique opportunity to act proactively against a growing problem in child welfare. That is why I am urging all of my colleagues to support this bipartisan sense of Congress. I hope that it will be supported.

I would like to compliment the gentlewoman from Connecticut [Mrs. KENNELLY] and the gentleman from Michigan [Mr. CAMP] for their very important work on this bill.

Mrs. KENNELLY of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from Connecticut.

Mrs. KENNELLY of Connecticut. I thank the gentlewoman for yielding.

Mr. Chairman, I agree we need to remove legal barriers that might prevent children from going to a caring guardian when a parent dies. I therefore support the sense of Congress on urging States to adopt standby guardians and thank the gentlewoman from New York [Mrs. MALONEY] for her work.

Mrs. JOHNSON of Connecticut. Mr. Chairman, will the gentlewoman yield?

Mrs. MALONEY of New York. I yield to the gentlewoman from Connecticut.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I commend the gentlewoman from New York [Mrs. MALONEY]. This is a very important sense of Congress. It is imperative that States recognize the seriousness of the problem of AIDS, women and children, 125,000 children to be orphaned by AIDS. Indeed we need to know that, we need to deal with that and States need to modernize their laws to address this issue.

The 50 States at this time do deal with guardianship as well as custody issues in different fashions. Sometimes radically different mechanisms are used to govern these difficult situations. Therefore, it is hard at this time to write a Federal statute, even if it were desirable, to deal with such delicate and personal situations. But it is important to recognize the criticalness of these arrangements and the forethought that must be given where death of a parent is a real, tragic possibility.

I am sure that the gentleman from Michigan [Mr. CAMP] and his subcommittee will oversee the response of the States to this sense of Congress, because if they do not move forward with modernizing their guardianship statutes, then indeed we will have to look how do we do this from Washington, DC. These are very delicate arrangements, they are hard to develop, they need forethought, they need a good structure of law to protect the interests of the children and other family members. I think it is better done from the State, but we must oversee that this does happen from Washington.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the last word.

Again, Mr. Chairman, I would like to thank the gentlewoman from New York [Mrs. MALONEY] and the gentlewoman from Connecticut [Mrs. JOHNSON] and would like to join them in this sense-of-Congress resolution on this very important issue and again thank the gentlewoman from Connecticut [Mrs. Kennelly], the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. SHAW] for their leadership on the overall issue of the protection of our children.

I rise today in support of the sense-of-Congress resolution allowing parents to choose standby guardians for their children in advance of their death. This is an important and compassionate piece of legislation. If I might add a personal anecdote as a practicing lawyer in the family courts of Texas, this is a rising crisis that we face. It is a great tragedy in the life of a small child to lose a parent through illness. AIDS is certainly a nationwide epidemic and confronting young parents on a daily basis.

Often the child is too young to understand anything other than the fact that the person who has been the center of their world, their caretaker, is gone. It is at this time in their lives that children most need a caring and supportive environment. Unfortunately, this is too often a time when a young child is taken from his home and placed in a foster family. In many cases, this is because State law prevented the child's parents from naming a guardian for their child in advance of their death.

In speaking to the gentlewoman from New York [Mrs. MALONEY], it was evident that in many jurisdictions this happens far too frequently, and it certainly happens frequently in the crisis that occurs when loved ones are stricken with AIDS.

This legislation will provide a caring guardian for the child upon the death of that child's parents. In so doing, it will ease the child's trauma at their parent's death by allowing the child's guardian to establish a relationship before the parent's death and to be there while that child is grieving.

Standby guardianship will also allow the parent the comfort and knowledge of providing a safe future for their children. It must be terribly painful to experience for a parent to leave their young child behind. We can help to ease that pain by letting the parent be an active participant in resolving the custody of their children.

According to the Journal of the American Medical Association, noted in December 1992, many States "leave children in legal limbo at the time of a parent's death, even when a guardian has been named in that parent's will."

So we see that that is not a solution. I therefore encourage my colleagues to support this sense of Congress resolution.

As I close, Mr. Chairman, let me also state that I look forward to working with the gentlewoman from Connecticut [Mrs. KENNELLY], with the gentleman from Michigan [Mr. CAMP], and the gentleman from Florida [Mr. Shaw], along with the Congressional Children's Caucus, on issues to provide for treatment for those parents, foster parents, adoptive parents who tragically may have had a bout with drug abuse, and also then to as well ensure that we look favorably at making sure that diversity in this country is received in the adoptive process and that the child's cultural background be part of our sensitivity.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. MALONEY].

The amendment was agreed to.

Mr. SHAW. Mr. Chairman, I move to strike the last word.

Mr. Chairman, people who are observing this meeting today probably think they have the wrong parliamentary body when they see the great agreement that this House has risen to by unanimously supporting this and by working out the various amendments. This did not come by happenstance, I would like to say, however. It came from very close work from the Democrat and the Republican side of the aisle, with the gentleman from Michigan [Mr. CAMP] taking the reins for the Republican side and the gentlewoman from Connecticut [Mrs. KENNELLY] the Democrat side.

It shows, I think, when you find that there is a problem out there and you decide that we are not going to be running down the road on a partisan horse trying to press our will upon each other, what we can do. It also, I think, shows the tremendous amount of good staff work that we have had going into this bill.

I would like to compliment the staffs on both sides of the aisle. I would particularly like to point out Dr. Cassie Bevan for the tremendous work that she has done on this bill. She has a reputation of herself, a well-deserved reputation. She has done many writings and is recognized as an expert on this particular subject nationwide. We are very fortunate, I think, to have staff with particularly background information. We have seen this with other bills that have been passed, and I recognize other members of the staff on both sides of the aisle in being able to bring bills to the floor, being able to dig through the process and be sure that what we pass here is a good product, but this particularly with the Camp-Kennelly bill. We are going to be able to pass a bill today that is really going to help the most fragile among us, and those are the kids that are lingering in foster care, which is a national tragedy.

Again, we have 500,000 children across this country who are hungering for a home and a life-style and some structure in their life. This is a tremendous step forward, and I think that it is one of the finest hours of this Congress. I compliment all of the people who were involved in putting this bill together, and I urge its adoption.

The CHAIRMAN. Are there any further amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified, as amended.

The committee amendment in the nature of a substitute, as modified, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mrs. MORELLA) having assumed the chair, Mr. ROGAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 867) to promote the adoption of children in foster care, pursuant to House Resolution 134, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 5, not voting 12, as follows:

[Roll No. 96]

YEAS—416

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers

Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman

Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce

LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver

Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster

Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—5

Campbell
Manzullo

McIntosh
Mink

Paul

NOT VOTING—12

Allen
Bonior
Engel
English

Green
Herger
John
Lewis (GA)

Porter
Schiff
Stump
Wexler

□ 1404

Mr. JACKSON of Illinois and Mr. EVANS changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I was unavoidably detained during the rollcall vote on H.R. 867, the Adoption Promotion Act of 1997. If I had been present, it was my intention to vote "aye" because I strongly support the legislation.

PERSONAL EXPLANATION

Mr. GREEN. Mr. Speaker, I was unavoidably detained in my district both yesterday and this morning. On rollcall votes 92, 93, 94, 95, and 96, if I had been present, I would have voted "aye" on 92, "aye" on 93, "aye" on 94, "aye" on 95, and "aye" on 96.

GENERAL LEAVE

Mr. CAMP. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 867, the bill just passed.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentleman from Michigan?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 867, ADOPTION PROMOTION ACT OF 1997

Mr. CAMP. Madam Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 867, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. DREIER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 133 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 133

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state the Union for consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(l)(6) of rule XI of clause 7(b) or rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Banking and Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record of April 29, 1997, pursuant to clause 6 of rule XXIII, if offered by Representative Lazio of New York or his designee. That amendment shall be considered as read, shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against that amendment are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business: *Provided*, That the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendment thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. YOUNG of Florida). The gentleman from California [Mr. DREIER] is recognized for 1 hour.

(Mr. DREIER asked and was given permission to revise and extend his remarks and include extraneous material in the RECORD.)

Mr. DREIER. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from South Boston, MA [Mr. MOAKLEY], my very good friend and the ranking minority member. Pending that, I yield myself such time as I may consume. Let me say that all time that I will be yielding will be for debate purposes only.

Mr. Speaker, in the tradition of past housing rules, this rule provides an open rule for the consideration of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. However, the rule does waive points of order against consideration of the bill for failure to comply with House rules regarding the 3-day availability of committee reports or CBO cost estimates.

The main committee report has been available for 3 days, but because it did not include a CBO cost estimate, a supplemental report containing that estimate was filed yesterday, thus requiring these waivers.

The rule makes in order an amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be read by title. It contains a minor waiver of points of order for appropriating in a legislative bill, but I understand that the Committee on Appropriations is not opposed to the waiver, Mr. Speaker.

The rule further makes in order an amendment by the gentleman from New York [Mr. LAZIO] before other amendments are considered, which will be considered as read, shall be debatable for 10 minutes, equally divided between the proponent and an opponent, and shall not be subject to a demand for the division of the question. All points of order against the Lazio amendment are waived.

If adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment, thus ensuring an open amendment process.

Finally, the rule strongly encourages preprinting of amendments in the RECORD, and allows the Chair to postpone votes and reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule also provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is a bona fide open rule. Over the years I have had the great honor of referring to the former chairman of the Committee on Banking and Financial Services [Mr. GONZALEZ], who is sitting right here on the floor now, as Mr. Open Rule because of his strong commitment to major housing bills and bringing them under an open amendment process.

It is a distinction that, after 2 years of experience, I am now transferring from Chairman GONZALEZ to the current chairman of the Subcommittee on Housing and Community Opportunity, the gentleman from New York [Mr. LAZIO], and I know that the gentleman from Texas [Mr. GONZALEZ] would strongly support me in that action. While an open rule on a bill of this nature will be time-consuming and contentious, it is essential that we proceed in this nature.

Housing policy must be seen in the context of broader welfare policy. Members have strong feelings about the impact of Federal housing programs on low-income families and how these programs should be reformed. An open rule will allow all issues to be debated and will strengthen public confidence in whatever program changes we collectively decide to move ahead with in the House.

Quite frankly, Mr. Speaker, the changes called for in the bill are long overdue. Our public housing programs are a failure, and those failures have been known to us now for nearly two decades. Yet, until now, Congress has failed to offer effective solutions to addressing the housing and economic needs of poverty-level families.

Instead, we have continued to spend hundreds of billions of dollars on costly and inefficient public housing programs that encourage waste, fraud and abuse, while destroying urban communities and relegating tenants to second class status in Third World living conditions.

□ 1415

Mr. Speaker, H.R. 2 will improve housing conditions and economic opportunity for tenants by substantially deregulating public housing and giving authorities the flexibility they need to operate efficiently and effectively.

While H.R. 2 does not fundamentally alter the Federal Government's intrusion into the housing market, nor does it reduce the size of the HUD's bureaucracy, it will go a long way toward reforming our failed public housing programs. For that I applaud the chairman, the gentleman from New York [Mr. LAZIO], for his successful efforts in bringing this bill forward.

I look forward to working with him to bring about similar reforms to the remainder of HUD's bureaucracy so we can enhance local control, reduce administrative overhead and cost burdens, maximize the direct flow of housing assistance, and promote our ultimate objective, which is the achievement of economic self-sufficiency for our low-income families.

Mr. Speaker, H.R. 2 is a good bill that deserves our support. A similar bill passed the House 1 week short of a year ago. More important, this rule provides for an open amendment process, as I have said, that will allow all of the policy issues that we will be considering to come forward with a free debate.

Mr. Speaker, I urge support of the rule, and I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am very pleased to see this open rule come to the floor. It is a welcome change, and I urge my colleagues to support the rule. This rule waives points of order against failure to allow Members 3 days to review the committee report. This is the fourth time, Mr. Speaker, in the last few weeks that the committee has waived this rule. I hope that this trend would stop very soon, because Members really need time to review the bills before they actually come to the floor.

This bill, Mr. Speaker, is another matter entirely. This bill takes public housing away from the poor and hands it over to the people who can afford better. It replaces our housing programs with block grants. It entices richer tenants into public housing and pushes poorer tenants into homelessness.

Mr. Speaker, that is not what public housing is all about. Public housing is about giving families a chance to live on their own, no matter how much money they make. It is about reducing the number of homeless children and helping low-income parents give their children the kinds of lives they deserve.

Mr. Speaker, a long time ago, when I was a young boy growing up in South Boston, I lived in the first public housing ever built in the country: the Old Harbor Village, which is today called the Mary Ellen McCormack. Back then my family's moving into the project was upward mobility for me. There was no stigma, there was no crime in public housing. The Old Harbor Village was part of the community in every sense of the word. In fact, up until then, it was probably the nicest place we ever lived.

Growing up in the projects, you had a strong sense of community, a strong sense of pride, and everybody looked after everybody else. You lived for the guy upstairs, downstairs, and over the back fence. We were all treated as citizens and not subjects, and when a person is respected, they respond accordingly.

Mr. Speaker, there is no doubt about it, public housing has slipped a long way since then. It has slipped a long way since I was a tenant. But that is no reason not to try to get it back where it was. That is no reason to change Federal housing from a program that is targeted to the poorest of the poor to a program for everyone else. That is what the bill will do, Mr. Speaker. This bill takes housing away from those in most need, and pushes them further towards the fringes of society. It will widen the already enormous gulf between the rich and poor in this country at a time when the American children need all the help we can give them, no matter how much money their parents make.

Mr. Speaker, there are some good ideas in this bill. There are some provisions for flexibility and for administrative reforms that we badly need, but the rest of the bill just goes too far. My Democratic colleagues will propose a bill to improve our housing program by implementing ideas that everybody agrees to. But the Democratic substitute eliminates that risky block grant program which takes funding away from housing and does absolutely nothing to ensure that the funding will be available to operate and maintain the current units. The Democratic bill keeps public housing on the side of poor people. The Democratic bill keeps public housing on the side of the children.

Mr. Speaker, I urge my colleagues to support this open rule and oppose the bill. Public housing should be a leg up for those who need it, and not for everyone else.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from Columbus, OH [Ms. PRYCE], a valued member of the Committee on Rules.

Ms. PRYCE of Ohio. Mr. Speaker, I thank the distinguished vice chairman of the committee, the gentleman from California [Mr. DREIER] for yielding me this time.

Mr. Speaker, I rise to express my support for both this open rule and the Housing Opportunity Responsibility Act. First, I want to commend the chairman, the gentleman from New York [Mr. LAZIO], and the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services for crafting legislation that follows our basic principles of, No. 1, making the American dream of affordable housing more attainable; No. 2, empowering individuals to improve their lives; No. 3, returning more decisionmaking authority to States and localities where it belongs.

Mr. Speaker, H.R. 2 does all of these things, fundamentally changing the public housing in section 8 rental assistance programs and allowing the Federal Government to support local communities in their decisions.

Under this bill, the emphasis is placed on providing the most service for the least cost, and tailoring Federal assistance to fit local needs, so the limited Federal resources are invested in ways that are likely to achieve the greatest return.

Fundamental to the bill is the belief that those who receive Federal assistance share a responsibility and an obligation to pursue self-sufficiency. H.R. 2 would remove disincentives to work, while linking continued Federal assistance to a modest amount of community service each month.

While I support this legislation, I am concerned that H.R. 2 falls short of fully addressing the issue of national occupancy standards. This year I cosponsored legislation introduced by the gentleman from Florida [Mr. McCOLLUM] to give States the authority to set their own occupancy standards. In the absence of State law, it would allow of a standard of two persons per bedroom plus infants. As I understand it, the so-called McCollum language was originally included, but was later scaled back significantly during the markup.

In my view, the housing bill offers us the perfect and appropriate opportunity to give States the flexibility and authority to set their own standards and to implement a reasonable standard in their place when States fail to take action.

A major housing reform bill like H.R. 2 should take advantage of the experience and expertise of those who deal with these issues on a daily basis. I hope this might be addressed at some point in the process.

Mr. Speaker, promoting safe, clean, and healthy housing is central to the American dream, especially for low-income persons. I believe this legislation is critical to reducing the concentration of power at the Federal level that has stifled innovation and kept local housing authorities out of the decisionmaking process. I urge support of the bill and the rule.

Mr. MOAKLEY. Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield 3 minutes to the gentleman from Surfside Beach, TX [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I appreciate very much the gentleman's yielding time to me.

Mr. Speaker, I am very pleased to be able to support this rule coming to the floor, and pleased that it is an open rule. We will have a chance to debate housing. I think it is a very important debate. We have had this debate going on now for several weeks in the Subcommittee on Housing and Community Opportunity. Unfortunately, as far as I am concerned, the debate has not keyed in on the real important issue of whether or not public housing is a good idea.

This particular piece of legislation does very little more than juggle the bureaucrats in hopes that it will do some good. Public housing started in 1937 with the U.S. Housing Act, and we have been living with public housing ever since. In 1965 HUD was created, and since that time, we have spent literally hundreds of billions of dollars.

We have no evidence of any sort to show that public housing is a good idea. It causes a great deal of problems and actually takes housing away from many, many poor people. But it costs a lot of money and costs a lot of hardship to a lot of people. The principle of public housing is what needs to be debated. Hopefully, in the general debate and in the debate over the amendments, we will be able to direct a debate in that area.

One thing that I think our side, the side that I represent, that is the free market and the constitutional approach to housing, we have, I would grant you, done a very poor job in presenting the views on how poor people get houses in a free society. Since we have had 30 years of experience and there is proof now that it leads to corruption and drug-ridden public housing projects that do not last very long and it costs too much money, we ourselves who present the market view have not done a good job, emphasizing lower tax, less regulation and growth economy, sound monetary policy, low interest rates; this is what will eventually give housing to the poor people.

But I think it is very important that we not construe anybody who opposes this bill as being one that has endorsed the notion or rejects the idea.

Mr. Speaker, the one other point that I would like to make is one of the arguments in favor of this bill is that it is going to be saving some money in the bureaucratic process. But if this is the case, one must look very closely at the CBO figures, because last year the HUD budget took $25-plus billion. This year, with this wonderful new program, we will be asking, according to CBO, $30.4 billion, an increase of about $5 billion. And this is not the end, it is just the beginning. So this is an expansion of the spending on public housing.

By the year 2002, it goes up to $36 billion. So the best I can tell is we were working on the fringes, we are not dealing with the real issues, we are not dealing with the principle of whether or not public housing is a good program.

I, for one, think we can do a lot more for the poor people. There are more homeless now, after spending nearly $600 billion over these last 20 years, than we had before. So I am on record for saying we must do more but we can do more by looking more carefully at the market.

Mr. DREIER. Mr. Speaker, we have a couple Members who are very enthusiastic in expressing their desire to speak, but I am having a challenging time to educate them right now; and I do not know if my friend, the gentleman from South Boston, MA [Mr. MOAKLEY] has anyone.

Mr. MOAKLEY. Mr. Speaker, if it makes the gentleman from California [Mr. DREIER] feel any better, after we pass the rule, I would be glad to listen to their conversation seated here in the Chamber.

Mr. DREIER. Mr. Speaker, I urge an "aye" vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield back the balance of my time.

Mr. DREIER. Mr. Speaker, I urge strong support of this rule, which will allow for a free and fair debate under an open amendment process.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2.

The Chair designates the gentleman from Virginia [Mr. GOODLATTE] as Chairman of the Committee of the Whole, and requests the gentleman from Illinois [Mr. LAHOOD] to assume the chair temporarily.

□ 1430

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program, and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. LAHOOD (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Iowa [Mr. LEACH] and the gentleman from Texas [Mr. GONZALEZ] each will control 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

I rise today in support of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. I want to thank the gentleman from New York [Mr. LAZIO] for his extraordinary leadership on this bill as well as the constructive commentary of the gentleman from Massachusetts [Mr. KENNEDY], who is the ranking member on the subcommittee, as well as the distinguished ranking member of the full committee, the gentleman from Texas [Mr. GONZALEZ].

H.R. 2 is the product of numerous hearings that were held by the Committee on Banking and Financial Services as well as 4 days of markup which included more than 70 amendments, with some 20 amendments from the minority side adopted.

H.R. 2 was reported by the committee by a vote of 28 to 19. In the last Congress, a similar bill, H.R. 2406, was reported out of the committee and passed the full House by a bipartisan vote of 315 to 107.

Reforming our Nation's public housing programs, regardless of one's philosophical beliefs, is a priority both for the Congress and the administration. The committee was encouraged when Secretary Cuomo appeared before the Subcommittee on Housing and Community Opportunity on March 6 and stated that he will work night and day to enact historic public housing reform legislation. Likewise, the committee has been committed to working with Secretary Cuomo to reform rather than eviscerate HUD and the programs under its jurisdiction. Members may recall that 2½ years ago many in the administration and some in this body favored elimination of HUD. The Committee on Banking and Financial Services prefers to maintain a credible public housing commitment, recognizing that moneys are short and that disappointments in some areas may be significant.

Nevertheless, we believe that reform and rehabilitation are preferable to stultification and decay.

Virtually all interested parties agree that the current public housing system does not serve the tenants of public housing well, nor does it efficiently or effectively utilize taxpayer dollars that are appropriated for public housing programs.

Quite simply, H.R. 2 is as much about improving the lives of low-income families and individuals as it is about fiscal responsibility and Government accountability.

H.R. 2 replaces outdated laws and programs with a new empowering approach for communities designed to be relevant to the 21st century. Along with welfare reform efforts, this bill is a critical step on the path to revitalizing empowerment programs that were crafted decades ago in a different social, legal, and economic environment.

Without question, there are a number of important issues where the majority and minority part ways on philosophical grounds. These issues were debated and considered in an open forum at the Committee on Banking and Financial Services, and I am pleased that the rule for this bill provides for the same opportunity in the full House.

While I do not wish to review all the issues where there are disagreements at this time, I would like to briefly touch upon one issue where there appears to be an inconsistency within the ranks on the congressional minority and the Democratic administration. H.R. 2 provides that each adult member of a family residing in a public or assisted housing project contribute not less than 8 hours per month in community service activities. Individuals who would be exempt from this requirement include the disabled, the elderly, persons who are employed and others who are otherwise physically impaired from performing such services.

Also, the provision is structured so as not to duplicate community work requirements under local welfare reform efforts.

This provision is generally based upon the long held American precept that those who receive assistance from a community should give back to that community in some way. Some of our Democratic colleagues argue that this provision is punitive and demeaning. Yet it is worth noting that the administration's public housing bill that was provided by Secretary Cuomo and introduced by the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] by request included the same provision to require 8 hours of community service. Also, the public housing bill that passed the House in the last Congress by a resounding 315 to 107 vote, which was submitted by former HUD Secretary Henry Cisneros, included the same community service requirements to which our colleagues on the other side are now raising objections.

It is true there could be a slight administrative cost increase in this work component, but it would be our hope that this cost could in part be borne by those asked to fulfill a work commitment. In the larger picture, the bill is deregulation oriented with the CBO estimating administrative savings of $100 million over 5 years.

As for funding, this bill matches the administration request for fiscal year 1998 and is consistent with the fiscal year 1997 enacted levels. In other words, our approach represents a freeze on spending with greater administrative discretion allowed at the housing authority level.

Given efforts to balance the budget, this bill represents an administration congressional consensus. The minority is correct that the bill moves to more mixed income housing with housing authorities, at their strong request, allowed to provide housing to the near poor as well as the poor. While all poor currently in housing are legislatively protected, it must be understood that there are many aspects of current public housing programs which have been judged by experts as well as the public as a failure. To concentrate the very poor alone in public housing, particularly high-rise housing, is to condemn them in many instances to poverty segregation.

Single dimension, lowest income housing simply has not worked. For the sake of decent standards of housing for the poor, more local discretion is needed.

Mr. Chairman, I urge consideration of this reform approach as common sense.

Mr. Chairman, I reserve the balance of my time.

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I first want to begin my remarks by complimenting the gentleman from Massachusetts for his superb leadership that he has demonstrated in housing issues. He knows the subject matter, which is complex, very well. Equally important, though, he does deeply and sincerely care about the people who depend on public housing. He seeks to create a positive reform and works tirelessly on behalf of people who have few advocates and really no political resources.

He is a model of decency and compassion. I salute his courage, his energy, his imaginative efforts, all of which reflects great credit to him, the people that he represents and serves, and this House.

The bill before us, H.R. 2, can best be described as a series of good slogans but unworkable or undesirable policies. The bill before us is no more likely to be enacted than last year's failed effort, which it very closely resembles, incidentally. We will offer a substitute that makes, I believe, far more sense and which deserves the support of our Members.

I will predict that in the final analysis, any bill that is enacted will look very much like the substitute that we will offer.

H.R. 2 creates strong incentives for local housing authorities to stop renting available units to those who are in the greatest need of them. Under the bill, housing authorities will henceforth rent units only to people who can afford to pay more. The reason for this is simple: The Congress has cut operating subsidies far below what the housing authorities need, so the only way to keep public housing units from falling into ruin is to rent fewer units to the poorest class of applicants.

To be perfectly frank, this bill abandons those who are in the greatest need and for whom this whole thing was intended in the beginning.

I sincerely believe, as I have all along, that it is possible to maintain sound housing authorities without taking the radical and callous steps provided in H.R. 2. The substitute that we will offer will target housing assistance in what I believe is a sensible and humane way.

H.R. 2 imposes huge new bureaucratic burdens on local housing agencies but provides no money for these schemes. The authors of H.R. 2 apparently believe that residents of public housing are defective or derelict and in need of social engineering. Therefore, they require that tenants sign and adhere to a personal improvement contract. If these agreements are to have any meaning or effect, they will need to be individually and expertly designed. The tenants would have to be carefully monitored, and there would have to be resources available to carry out the various components of the self-improvement plan.

But there is no money provided in this bill for any of this, nor is it clear how the housing authorities are supposed to do a better job for free than schools and social welfare agencies can do with actual money.

Likewise, the bill requires public housing residents to do at least 2 hours a week of community service. No doubt this is a well-intended thing, but, again, the bill provides no money to carry out this mandatory public service. Somebody will have to provide and create and keep the records to be sure that the residents do the required work. Somebody will have to check to be sure the work is being done, and somebody will have to be sure that the work is actually beneficial to the community.

Without some kind of administrative support, this mandatory work scheme will collapse in a welter of confusion and fakery.

These prescriptions on H.R. 2 make fine slogans but they are unworkable. There is no money for them. They are not in any way integrated with any other program or policy. They ignore the complex reality of life at the bottom of the heap. The sad reality is that H.R. 2 represents a further and a much faster retreat from efforts to provide decent and affordable housing to the millions who desperately need help. Those most in need of help will be turned away. And those who get help will pay more for it.

I have highlighted only a few of this bill's defects. There are, of course, many more. I urge my colleagues to study the Democratic substitute. They will find that it is sensible and workable. The Democratic substitute is a realistic, good-faith effort to reproduce a bill that both parties can and should be able to agree on. I urge support of the substitute.

Mr. Chairman, I yield the balance of my time to the distinguished gentleman from Massachusetts [Mr. KENNEDY], ranking member of the Subcommittee on Housing and Community Development, and I ask unanimous consent that he be allowed to control the time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. LEACH. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. LAZIO], and I ask unanimous consent that he be allowed to control the time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the next several days we will be discussing two different visions for the American community. One vision will be a portrait of the failed past. Imagine in this portrait mile after mile of 20-story projects stained by age, crumbling from neglect, isolated from jobs and business. The entry doors to the buildings are wide open, security locks punched out. Inside only the red light of an exit sign illuminates the hallway revealing an accumulation of debris. Outside after dark, the court yard is silent, and moms and dads trapped in their apartments instruct their children to stay away from windows for fear of stray bullets. Such a portrait is an all too familiar picture of life in public housing. It exists even here in our Nation's Capital.

There is another vision of the American community. This vision is one filled with neighbors working together to create an environment where children can grow up safely, surrounded by working role models and with the hope that one day, one day they can climb their own economic ladder to success.

□ 1445

Mr. Chairman, during the next several days, some here will talk of efforts to deprive our most vulnerable populations of affordable housing opportunities. Some will express outrage at involvement in community while ignoring the reciprocal relationships that exist throughout the rest of society. Mr. Chairman, it is fair to ask where these defenders were when communities and neighborhoods were falling into disrepair and neglect in their very own backyards.

With this bill, Mr. Chairman, we end the practice of looking the other way in the name of compassion when we see failure. To condemn another generation to a life without hope, a life without any sense of community, a life without the rewards of individual achievement or success, to defend this status quo mocks compassion and it is unacceptable.

Mr. Chairman, we are at a critical point in the debate over how we define the relationship of the Federal Government with local communities and neighborhoods. We begin today to end the cruel process of rewarding failure and punishing success. We cannot and we will not force children to grow up in an environment of violent crime where they are isolated from the economic and social opportunities of mainstream America.

And let me be clear. This legislation, this debate, is not about money. Our efforts over the next several days, no matter what we do, cannot alter the fiscal realities of the world. Money has not solved the problems of Chicago, of New Orleans, of San Francisco. It is the system itself that is broken.

Let us commit today on the floor to refuse to accept as legitimate the thinking that money is the answer to everything. But within those parameters let me strongly suggest that with the implementation of these reforms, we will begin to be able to serve an even greater number of low-income Americans than we do today.

And so we begin. H.R. 2, the Housing Opportunity and Responsibility Act is, I believe, the embodiment of three central themes.

First, it removes Federal rules that punish working families in public housing. It removes rent requirements that discourage work and encourage the breakup of families. Families with the opportunity to earn more income are able to enjoy the full rewards of their efforts, and vulnerable residents are protected from harmful increases in rent.

This bill permanently eliminates regulations that have concentrated the poorest families in the very worst housing, and this is the second theme. Decades of warehousing poor families in high-rise projects have destroyed neighborhoods and condemned generations to live in a world much different than that which many Americans enjoy.

Our legislation allows for the creation of mixed-income environments where working people who serve as role models live alongside unemployed families. Instead of stark isolation from the economics of society, families become engaged in the activities of their neighborhoods, afforded a sense of accountability and responsibility for their own lives. And we are able to accomplish this without, and I repeat, without shutting out the poorest of American families from affordable housing opportunities.

Third, this legislation is about demanding accountability and performance from the thousands of housing authorities across the country. For those housing authorities that have chronically failed in their mission to provide affordable housing to low-income families, we contract out the management of the agency, take over the authority, or petition for a court-appointed receiver.

For too many years we have preserved and defended environments where drugs, rape, and murder proliferate throughout our neighborhoods. Today we say no more. We ask this: Should we allow this way of life to continue for our Nation's poor, or should low-income families expect no less than any one of us here expects in terms of the basic values of life: an opportunity to improve our own lives, a home where our children are safe and grow up learning the rewards of success.

Last year, Mr. Chairman, this House moved dramatically into the future by adopting, by an overwhelming majority, a housing overhaul that captured many of the reforms that are in the bill before us today. Last year's bill was supported by almost 100 Democratic Members and virtually all Republicans who saw the desperate need to break with the status quo and embrace positive reform.

Mr. Chairman, this legislation is less about shelter than it is about the creation of an environment where we can begin to successfully address poverty. Instead of a world of broken doors, broken windows, broken promises and broken dreams, we say to families in public housing, "We respect you, and we will provide you with the opportunities and incentives to succeed." And in return, we expect responsibility and a contribution to the binding fabric of society. This is a fair deal.

Our goal is plain. We work to build a Nation of communities where every neighbor and every neighborhood can rise above the expectations of mediocrity and isolation to success. We promote civic responsibility that emphasizes we rather than me, an affirmation of rights, and the assumption of responsibility. Our efforts in this Chamber will seek inspiration for honesty and hard work and reflect the timeless values of discipline and respect.

I would like to thank the chairman of the Committee on Banking and Financial Services, the distinguished gentleman from Iowa [Mr. LEACH], for his guidance, for his help and for his support, as well as thank all the members of the committee who have participated in the consideration of this bill.

I would also like to thank the majority leader who scheduled this time and allowed this bill to come to the floor in an expeditious manner, and I wanted to thank my good friend whom I greatly appreciate, the gentleman from Massachusetts [Mr. KENNEDY], the ranking Democratic member of the Subcommittee on Housing and Community Opportunity, for his constructive additions to this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me return the compliment to my good friend from New York, Mr. LAZIO, who has worked very hard on trying to fashion the bill. I believe very strongly that it is time for the Congress of the United States to get a bill passed. The question is which bill we get passed.

We heard a lot of talk and rhetoric about the fact that one view on how we ought to deal with public housing is to continue the policies of the past, and another view, which is a new vision of the future. I do not believe that that is, in fact, an accurate representation of the Democratic view as a continuation of the policies of the past.

Everyone is very clear that we need real reforms of public housing, of assisted housing in this country, and that we need to give HUD and local housing authorities a great deal of additional flexibility. Those are contained in the Democratic view on how we should handle housing issues.

Before we get into the guts of the bill, I would like to personally acknowledge and thank the former chairman of this committee, who was chairman of the Housing Committee in the Congress of the United States for perhaps longer than any other Member in the history of this country, someone who has dedicated his life to assisting the poorest people in our country and helping them attain decent and affordable shelter, who knows perhaps more than any other Member ever has about the issues pertaining to housing policy in this country. I would like to acknowledge the contributions of our great former chairman, the gentleman from Texas, HENRY B. GONZALEZ.

I also want to thank the gentleman from Ohio [Mr. LEACH], for the leadership that he has shown in trying to make certain that this bill has had the open and honest debate that I think did occur, although perhaps the votes ultimately fell short by one or two on a number of very important issues at the full committee level.

Let me take a brief moment to also thank the wonderful contributions of the staff of this committee in Nancy Libson, Armando Falcon, Angie Garcia, Rick Maurano, Eric Olsen, and, of course, Kelsay Meek, who has guided us through so many of these fights in the past. I want to thank them very much for the efforts they have made, as well.

Mr. Chairman, when we look at the housing policies of this country, there is no question that we need change. We have not had a new housing bill in this Congress in over 6 years. It is time we get a housing bill and it is time we get a fair housing bill. It is time we get a housing bill that recognizes that we need to do an awful lot to change the way housing works in this country.

There are 3,400 public housing authorities in the United States of America. Over 100 of those 3,400 are in trouble, and we ought to take action and give the Secretary the authority to move in and take over those badly run housing authorities and do so immediately. In addition, within well-run housing authorities, we ought to give the Secretary the flexibility of moving in and taking control of badly run housing projects within well-run housing authorities.

What we ought not to do is condemn the entire public housing of our country simply because it has become fashionable for politicians to identify some God-awful monstrosity where we have warehoused the poorest of the poor, never provided the necessary subsidies to, in fact, take care of those poor people, then walk in front of these awful buildings and say, "Gosh, this is a terrible condemnation of the Lyndon Johnson Democratic commitment to the poor and it obviously does not work."

So what is the basic solution that we have come to in the Congress of the United States to deal with this problem? Our solution is very simple. Our solution says what we ought to do is we ought to cut funding. So we have cut the funding that goes to public housing in this country and that goes to HUD from about $28 billion to about $19 or $20 billion, a 25-percent cut across the board in housing spending.

Now, if that is supposed to solve our housing problems, it is going to be news to a lot of the poor people that live in that housing. It will be news to a lot of the housing authorities that have to take care of those poor people.

So what does the housing authority do? The housing authority, in order to stay solvent itself, says our only solution, obviously, is to throw out the very poor people that we are taking care of and to try to jack up the rents that we are going to receive that will stick to our back pocket by taking in wealthier individuals, by raising rents on those people that are currently paying and thereby allowing the housing authority to stay solvent.

Well, that is not accomplishment and, by God, we might end up with nicer public housing, but the price of that nicer public housing will have been very simply to throw more and more poor people out on the street. Now, we never hear from them. They do not vote. They do not participate in American society in too great a number. But it is unconscionable, it is unconscionable that the Congress of the United States, in view of its solutions or attempts to find solutions to our Nation's housing policy, is to simply throw more poor people out on the street and say that they do not count, we do not care, but as long as we can stand up before the American people and say, "Gosh, we have gotten rid of all this bad public housing," we have a victory.

It is a hollow victory. It is a victory that is defined by ignoring the victim. At a certain point we have to reach inside ourselves, within our own consciences, and say to ourselves that we believe that our Nation's commitment to housing the poor is fundamental. It is fundamental to the basic principles that are laid out in our Constitution and in our Bill of Rights. It is what makes us the envy of the rest of the world. It is our commitment to compassion and to caring for others.

That is what I believe is really at work in this housing bill. It is an abandonment of that commitment.

Now, we have seen additional approaches. We have seen where, obviously, we have cut the funding in the budget by 25 percent. We are now saying that in terms of the number of poor people that are going to be targeted to live in public and assisted housing, where 75 percent of those individuals today live with incomes below 30 percent of the median income, we are going to raise that to 80 percent of the median income.

Eighty percent of the median income in many of the cities of this country are incomes of $40,000 a year or more. Now what will we do? Will we solve the housing problem by taking in people that are earning $40,000 a year into public and assisted housing, and that will solve the housing problems of the very poor?

It will not solve the housing problems of the very poor. It will make us look good as legislators because we are going to eliminate the very awful public housing dinosaurs that ought to be eliminated in both the Republican as well as in the Democratic bills.

We have this ridiculous mandatory work requirement. All I say is, listen, if we are going to establish a new policy in this country that anybody that gets a Federal benefit ought to contribute and volunteer in terms of America's future, I say that is great. Let us start with the oil and gas industry. Let us ask those boys, when they get a big tax write-off on their oil and gas leases, let us ask them to do a little volunteering.

Let us start with the people that invest in project-based section 8's. Let us say to every investor that makes money off of the HUD programs, let us see them volunteer as well.

Why do we just pick on the poor? Why do we just target these instances of saying we are going to wag our finger at the very poor and say they are the problem in America. They are not the problem in America. We spend less money helping poor people than any other account of the Government.

I would just say to my fellow Members of Congress that whether it is the personal improvement program or the accreditation boards or even the block grant process, these are not real reforms to getting at changing the public housing policies of this country. These are window dressing that enable us to stand up and make fancy dancy speeches to make us look like we have changed policy, when we have done nothing but get at the very poor by saying to them that we are no longer going to make them eligible for these programs. We will throw them out on the street and leave them to rot so we can look good before the American people.

That is the truth of what is behind the Republican bill, and that is why I offer the Democratic substitute and look forward to gaining support for that over the next few days.

Mr. Chairman, I reserve the balance of my time.

□ 1500

Mr. LAZIO of New York. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. Leach].

Mr. LEACH. Mr. Chairman, I would just like to make 3 quick points to clarify the Record. One, no one for reasons of poverty alone will be eliminated from public housing, only for violations of terms of the lease, such as criminal behavior.

Second, the money in this bill is precisely the same as the administration requested. Third, we have to be very careful about this, but experience has shown, verified by experts as well as public consensus, that to concentrate the very poor alone in public housing is to condemn them to a kind of poverty segregation. Single dimension, lowest income housing simply has not worked anywhere in America, particularly high-rise housing.

Finally, I would say that to object to reform is to endorse the status quo. This of all Federal programs is one in which there is virtual consensus that the failure rate has been very high.

Mr. KENNEDY of Massachusetts. I yield myself 30 seconds to respond, Mr. Chairman.

First and foremost, when we raise the eligibility standards and we create an incentive by the public housing authorities to go out and take wealthier people in because more money sticks to the local housing authority, we do in fact displace poor people. That is the net result of the policies that my colleagues are pursuing.

Second, it is nice to say that we ought to have mixed income communities. It was my amendment at the full committee level that allowed us to do that under this legislation. It was opposed by the chairman of the committee. We end up in a negotiation achieving an accommodation on that issue, but I am glad to see that the chairman now supports that.

I would just say to the gentleman that in no way am I suggesting that we continue the status quo. I suggested in my opening remarks that we need to change dramatically those that live in public housing, but we cannot do it by simply turning our back on the poor, and you are right in pointing out the administration's funding levels are far too low for this bill as well.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 30 seconds.

We are going to hear in this Chamber the same litany of things, that we are throwing the poor out. There are no poor people who are going to be thrown out because of this bill. The half of the Democratic Caucus that opposed this bill the last time may oppose it again this time, but they are doing exactly what the gentleman from Iowa said they were going to do, which is to defend the status quo, the super concentrations of poverty that destroy jobs, destroy hope, and destroy opportunity. Why anybody would stand for that and align themselves and associate themselves with that level of failure is beyond this Member. That is exactly what we are fighting against.

Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LaHood) having assumed the chair, Mr. Goodlatte, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

MAKING IN ORDER ADDITIONAL TIME FOR GENERAL DEBATE ON H.R. 2, HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that there be an additional 20 minutes of general debate on H.R. 2, equally divided between myself and the gentleman from Massachusetts [Mr. Kennedy], at the request of the minority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

□ 1505

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. Goodlatte in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, 30½ minutes remained in general debate.

Pursuant to the order of the House of today, each side will control an additional 10 minutes. Therefore, the gentleman from New York [Mr. Lazio] has 26 minutes remaining, and the gentleman from Massachusetts [Mr. Kennedy] has 24½ minutes remaining.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 5 minutes to the gentleman from New York [Mr. LaFalce].

Mr. LaFALCE. Mr. Chairman, I rise in opposition to H.R. 2. I know that the bill is extremely well intentioned. I have the highest professional respect and personal regard for its principal author, but I do think that this legislation will in fact undermine both our Nation's 60-year commitment to assisting the very poor and also the effective administration of our public housing programs.

The issue before us today has been miscast. It is not whether you are for reform or the status quo. That is a false dichotomy that the majority has attempted to perpetrate. We are all for reforming this present situation. We all believe that reforms are necessary. In fact, reform of every program must in fact be a constant. But what kind of reform? Reform is just another word for change. We can have good changes or bad changes. We happen to think that the changes you have proposed are very, very bad.

We are proposing a substitute to the status quo, significant reform, significant change. And so the battle is not as you have tried to cast it between your bill and the status quo. The battle is between the substitute that we offer and your main bill.

I believe the substitute we offer will make the changes in a manner consistent with the core values and purposes of public housing. I believe that the changes you propose will divert public housing resources to serve a broader political agenda.

I have serious concerns about many, many aspects of H.R. 2. First, the fact that it summarily repeals the 1937 Housing Act, on which Federal housing programs have been based for 60 years with little, if any, attention to the disruption this may cause for current housing assistance and the litigation that may well ensue because of it. I further see no reason, as H.R. 2 proposes to burden public housing authorities and staff and residents with new work, immigration and welfare reform responsibilities, all of which are unfunded, all of which are unenforceable, all of which are in my judgment discriminatory.

The gentleman from Massachusetts [Mr. KENNEDY] makes a good point. If we are going to have these work requirements, why not for the investors in oil shelters? Why not for the investors in section 8? Why not for those who receive public subsidies through the Tax Code? No, we discriminate.

I also strongly oppose the abrupt change in public housing admission and income targeting requirements.

They will permit diversion of the best public housing facilities for mixed income housing and the warehousing of very poor families into the worst public projects.

In addition, I must strongly oppose those provisions that could further politicize public housing administration. These include providing huge unfettered block grants of most remaining housing assistance to local mayors rather than independent housing authorities, withdrawing needed CDBG funding from cities that have troubled housing authorities, and allowing Governors to allocate capital improvement funding among smaller public housing authorities within their States. Each of these proposals offers the potential for the diversion of scarce housing funds for political objectives rather than the needs of our poorest families.

I would hope that we can proceed in a bipartisan manner. That is not what happened in the reporting of the bill. Most amendments were adopted or rejected on partisan grounds. I think it is only possible to achieve a housing bill, and we have not seen a housing bill passed in over 6 years now, if we proceed in a bipartisan fashion. Hopefully at some point in time we will come to that realization.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

I just found it curious, Mr. Chairman, that there is a discussion about alternatives now when this bill is on the floor and ready for action, the son of status quo that is now being discussed or the status quo substitute that is being discussed that even negates the reforms that the Clinton administration would put forward. It appears that there are some Members in this body that are clinging on desperately to the failure that exists in certain areas. I think again that mocks compassion. What we need to do is create environments where people can make it.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. NEY], the distinguished vice chairman of the Subcommittee on Housing and Community Opportunity.

Mr. NEY. I thank the gentleman from New York [Mr. LAZIO] for yielding me this time.

Mr. Chairman, I guess we have heard it all today. The people I assume we are saying are investors make money. The people who are building projects, the people who are building housing should in fact, I guess, volunteer some time also? So I am assuming that the union working people that work for those companies should also volunteer time because they are working on the projects? Is that what we are saying? Is this some type of great philosophy we have today? We are talking about the residents.

I have got plenty of residents in my district who would like to put in a little time, 2 hours a week, to feel productive, to do something toward the housing that in fact the Government is cooperating with them to provide some living situations for their family. That is all we are talking about. To stretch this out to who builds it and maybe the workers for that company should in fact put in some volunteer time, that is not what this is about. This debate is occurring today because let me tell you what the U.S. Government did from 1937 forward, when the poor of this country, the people that needed some housing, needed some assistance, came to their Government and said, "Help me. I need some help for my family."

The Government looked at those individuals and said, "OK, we're going to put you all in one category, we're going to consider you all the same, we'll build something called a project, then we'll create a bureaucracy to oversee that project. We won't try to help you out in neighborhoods. We'll just take you to a high-rise. We'll warehouse you. We'll make it effectively easy for drug dealers and thieves to have a captive audience to get at your families."

That was the philosophy. I think we should have had the attitude in 1937 to put people in neighborhoods, just like we were raised, in neighborhoods with rich and with poor, and with middle-class working Americans.

We will probably, Mr. Chairman, see some pictures shown on this floor today of some nice housing community projects, and there are some in the country. Let us look at the realities. In October 1994 in Chicago, IL, a 5-year-old boy was tossed to his death from a 14th floor window at the Ida B. Wells public housing project by two other young boys.

Mr. Chairman, there are other nightmare stories, and there are some good housing units and projects in this country but it is time for a change. It is a big difference of how we are going to approach helping people that need help from their Government. The way we are going to do it is to give more flexibility to be able to tell drug dealers that they are not going to come into these projects, to be able to defend families that are living there, to have a voucher system to try to eventually have people go into neighborhoods and for the Government to cooperate with them, for the Government to help them, for the Government to help them up the economic ladder. But there are nightmare stories. All is not good in paradise across the United States in these projects. We need to help the people of this country.

□ 1515

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. KILPATRICK], a good friend and a new member of the committee and a wonderful contributor.

Ms. KILPATRICK. Mr. Chairman, first let me say that we are in change and want change on both sides of the aisle in public housing. We all agree that something needs to happen and that there needs to be changes made.

I have to point out that prior to 1992 there was very little investment on the Federal side in public housing around our country, and that is why much of the decay that we see today exists. H.R. 2 in its present form does not address those needs. There is not a single line in this legislation that provides more funding for the building of more housing, affordable housing, for poor people. There is not a single line in this legislation that provides the demolition of unsafe and unsanitary housing. There is no requirement to serve the poor in public housing or beyond. This legislation, Mr. Chairman, is not in the interests of our country, and it is certainly not in the interests of poor people. As has been mentioned, the homeless population will grow. Currently there exists a grievance procedure, for those who are in public housing for minor infractions, to go before a committee of their peers to address those concerns as has been eliminated in H.R. 2, and now these people must go right to court with little resources, with the public defenders office overburdened.

H.R. 2 in its present form will not create what we want in America. It will not allow for the poorest of the poor to have decent housing, for those children of those poor people to have adequate housing and a decent education. It should not be called and is called the Housing Opportunities and Responsibility Act. If it were that in fact, we would be addressing some of the evils, some of the concerns of this American society that we live in.

Unfortunately, H.R. 2 does not do that. We have got to go to the drawing board. We offered several amendments in full committee to try to address some of these needs to make a way so these poor people could have safe and decent housing. We, too, want complexes, and this is a picture that has now been moved. Decent housing complexes all over America, all of them are not infested. Some of them are, and we need to weed them out. This legislation in its current form does not address much of that.

We want good public housing, we want to take care of the people in

America who are the poor and the poorest and have the least effect, but this legislation does not do it.

Mr. Chairman, I ask my colleagues to vote down H.R. 2 in its present form.

Mr. LAZIO of New York. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Louisiana [Mr. BAKER], an active member of the Committee on Banking and Financial Services.

Mr. BAKER. Mr. Chairman, this really goes back to the debate of 1937 when under the leadership of President Roosevelt, the Housing Act was adopted. But even beyond that vision that the President had, there was the Civilian Conservation Corps which was enacted during a very difficult and economic period of our country. The act set up a $30-a-month stipend for young men. Interestingly enough, no women could go to work for the CCC. And if they had a family, of the $30, $25 automatically went back to the family, while $5 stayed with the worker who lived in tents while they labored in national forests to preserve our great heritage. No one viewed that program as degradation or that it created shame or that it demeaned the esteem of man, and yet we look back with great pride at the days of CCC as an innovative and bold program.

Today we find our current housing circumstance in much the same as our Nation in 1937. We indeed face a crisis, not as a result of a cataclysmic event, but erosion-like, slow process of erosion where our building inventory has gradually deteriorated. Unfortunately it has ruined a great deal more than just structures. It has taken the character and spirit of our people.

How so? Through the best of intentions we set out to help people, to give them food and shelter and what was necessary to survive. But children grow up. Where there is no dad, mom cannot read, she does not go to school, there is no job for dad if he were there, and the only free enterprise in the neighborhood one can see is the drug dealer trying to protect his market share. Some might call that slavery today, because when one goes in they simply do not come out.

But today we hear the same voices, the voices fighting to preserve this system, the dehumanizing system that manufactures kids who know nothing of the world's opportunities and even have disdain for everything that would make them successful. These same voices defend the warehousing of people like used tires and care little about their avenue to escape. Maybe I do not understand, but as a father I know placing in the hands of my own children the things that they need is the most satisfying thing in life. There is much to achieve in life, but no goal is more worthy than caring for one's own.

So what is our plan to cure the problems of our fellow man? Simply not to build a retirement community where the Government assures one has a place to stay for life, but to build an opportunity. Few Americans resent helping one another, but we do expect those individuals who receive that bounty to do something for themselves.

The Welfare Reform Act, which a majority of my friends on the other side of the aisle voted for last year, requires 20 hours of work a week. This act simply proposes to require 2 hours of work per week. This proposal exempts those who are disabled and those who are elderly, those who happen to be subject to the Welfare Reform Act, and interestingly enough those who have a job. But it then is only 2 hours per week.

Why is this important? Because this is a process to enable a person to gather the skills they need to go out and work in the workplace with the strange idea that money is the cure to poverty.

We are not going to guarantee the world will change if this is passed, but let me read the words of President Roosevelt. The country needs, and unless I mistake its temper, the country demands bold persistent experimentation. It is common sense to take a method and try. If it fails, admit it frankly and try another, but above all try something.

No doubt Roosevelt had a grand vision when the 1937 act was passed, but if he stood here today, he would no doubt be deeply troubled by what he sees. He would not stand for despair, degradation and poverty, and he would not stand for it today, and neither will I.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from Ohio [Mr. NEY] and that he may be able to yield such blocks of time as he may deem necessary.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I want to congratulate the gentleman from Massachusetts [Mr. KENNEDY] for his leadership in this area.

Let me just make a few brief points. No. 1, at a time when this U.S. Congress provides $125 billion a year in corporate welfare tax breaks and subsidies to large multinational corporations who do not need them, at a time when we are spending billions on B–2 bombers that we do not need, at a time in which we are giving huge tax breaks to the richest people in America who do not need them, I am not impressed by a policy which over the last 4 years has cut back on public housing by 25 percent. We seem to always have funds available to help the wealthy and corporate America, but when it comes to the need of working people and low-income people, suddenly it is on their backs that we are asked to balance the budget.

The economic facts are very clear. Just the other day we read in the papers that the CEO's of major corporations now make 207 times what their workers make, while the new jobs that are being created are low-wage jobs keeping people in poverty after 40 hours of work. In my State of Vermont and throughout the country there are millions of people who are working 40 hours a week, and then they are being asked to pay 40, 50, 60 percent of their limited incomes for housing. There is a housing crisis in this country, and the way to solve the housing crisis is not to cut back on funding and not build more affordable housing.

Now my friends here say on the Republican side we do not want to warehouse people. OK, do not warehouse them. Then why do they cut back on section 8 funding so that we can spread people out throughout the community? There are many types of models for affordable housing other than public housing projects, but they do not support those. So those are just words; that is not reality.

Now in terms of public housing we hear these horror stories, and I really think that that is not a nice thing to say. Sure there are problems, some serious problems within the projects, but to give grotesque examples of what one family does is to cast aspersions on all of the people who live in public housing.

So let me tell my colleagues I was mayor of the city of Burlington. We have public housing, and it serves its purpose well. It provides safe, affordable, clean housing for hundreds and hundreds of people, and it helps people. It allows them to get a footing in their lives.

I resent the fact that we talk about horror stories from public housing. Do my colleagues know what? Rich people kill their kids, too. It is not just poor people. Furthermore, in terms of this work requirement, one of the points that was made during the discussion in committee was that we have a home interest mortgage deduction which allows multi-multimillionaires to deduct the interest up to a million dollars on the mansions, on the fancy houses that they are living in. So we have a public policy which provides a tax break for multimillionaires who own mansions.

Now that is an interesting housing policy when at exactly the same time we are cutting back on housing for working people and poor people, and I think the suggestion was made that if we got to have a work requirement for poor people who get a subsidy, what about the millionaires who get a subsidy?

Mr. NEY. Mr. Chairman, I would like to inquire how much time is left for the debate.

The CHAIRMAN. The gentleman from Ohio [Mr. NEY] has 19 minutes remaining, and the gentleman from Massachusetts [Mr. KENNEDY] has 15 minutes remaining.

Mr. NEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, I would like to begin by commending the gentleman from New York [Mr. LAZIO] and the gentleman from Iowa [Mr. LEACH] and their staffs for hard work on this legislation and for their commitment to improving the future of the residents of public housing. In particular I would also like to thank Chairman LAZIO for addressing my recommendations to improving H.R. 2, especially my concern that the performance of well-run housing authorities be taken into consideration in determining the formula allocation.

Mr. Chairman, if housing authorities are going to be able to best serve the interests of their residents, they will need flexibility in managing Federal funds. Most important, we need community-based solutions.

On the one hand, public housing officials must aim to rid residents in overcoming poverty and unemployment. At the same time they must work to preserve the interests of the elderly and disabled who rely on safe and well-managed housing. H.R. 2, the Housing Opportunity and Responsibility Act, is a big step in the right direction in empowering housing authorities to meet these diverse needs.

H.R. 2 would empower local authorities by deregulating Federal public and assisted housing programs and substantially increasing local control over those programs and decisions about who benefits from them. This bill will allow well-run housing authorities, such as the ones we have in the State of Delaware, the authority to develop creative ownership programs that allow for more flexible solutions for residents and communities. The bill deregulates and decontrols housing authorities to create environments that are fiscally sound and physically safe, and eliminates the disincentive to work.

This bill also addresses the financial crisis plaguing the Nation's most distressed authorities by providing the new management structures and effective Federal and State partnerships. The long term success of public housing will depend upon the housing authorities' ability to work with local governments and community organizations to better allocate the Federal resources available for community and economic development.

I support this legislation and look forward to the continuing debate on the floor. I hope we can come closer to a meeting of the minds with respect to it because I happen to think it is as important as anything that we can in Congress this year do other than balancing the budget, and I thank the sponsor again for the yielding of the time.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from New York [Ms. VELÁZQUEZ].

Ms. VELÁZQUEZ. Mr. Chairman, I rise today in fierce opposition to H.R. 2, the so-called Housing Opportunity and Responsibility Act of 1997. Let me just say that the only thing accurate about that title is the date.

Although reform is necessary to meet today's public housing needs, H.R. 2 is not the answer. Sixty years ago the Housing Act of 1937 began our commitment to provide safe, clean, affordable housing for our Nation's poorest families. This bill abolishes that law and abandons that commitment.

H.R. 2's provisions read like a litany of injustice. One of its harshest proposals chips away at the cornerstone of public housing, targeting on their income, targeting on this bill. It will take years before public housing authorities will have to accept families earning less than $10,000 a year. These are the very families public housing was created to serve.

Mr. Chairman, there are over 5 million families that do not have access to decent and affordable housing, yet H.R. 2 pours salt on the wounds of the poor by setting minimum rents between $25 and $50. That may not sound like much, but it will force many poor families to choose between food and shelter for their children.

As if the targeting and minimum rent provisions were not heartless enough, H.R. 2 also imposes a time limit on how long tenants may remain in public housing. Once this limit is reached, families will be evicted even if they still are living in poverty.

□ 1530

Coupled with the welfare reform laws passed last year, families will be forced out into the street. It is hard to believe, but the list continues.

Instead of providing opportunities for job creation, this legislation will also force the poor into unpaid community service. How can we expect people to make the transition from welfare to work if we force them into unpaid labor? We should be creating real jobs with living wages, not threatening families with eviction.

Mr. Chairman, we must reform public housing, but we must do so in a fair and reasonable way. We must make safe, affordable housing available to those in need, and we must provide real economic opportunities so that public housing can help families become self-sufficient.

Last year, the Republicans called our Nation's public housing system the last bastion of socialism. If H.R. 2 becomes law, we may recall our new system the first bastion of heartlessness.

Mr. NEY. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. SNOWBARGER].

Mr. SNOWBARGER. Mr. Chairman, I thank the gentleman for yielding me this time.

I rise in support of H.R. 2, the Housing Opportunity and Responsibility Act. H.R. 2 provides comprehensive overhaul of the currently troubled public housing system. It eliminates the disincentives to work, increases accountability of public housing accountability authorities and balances the privileges and responsibilities of residents. In particular, I am supportive of the community work and self-sufficiency requirements that are central components to the bill.

H.R. 2 requires that public housing residents spend 8 hours each month volunteering in their community. Their assistance is an invaluable resource in ensuring that public housing communities are safe, clean, and healthy places to live. Furthermore, residents must set a target date for obtaining self-sufficiency and moving out of public housing.

Mr. Chairman, several weeks ago I visited the Olathe Salvation Army Family Lodge in my district. The lodge currently provides housing for 11 families who in exchange for their housing participate in a self-sufficiency program. The lodge has an 82 percent success rate in residents finding permanent private sector housing. This high success rate is attributed to the work requirements built into the program. I believe this type of success is a model for public housing authorities across America.

I urge my colleagues to support H.R. 2 and the community work requirements.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from Chicago, IL [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first begin by congratulating the gentleman from Iowa [Mr. LEACH], the gentleman from Texas [Mr. GONZALEZ] and the gentleman from New York [Mr. LAZIO] for working together on this bill.

Mr. Chairman, I rise today in opposition to H.R. 2, a bill which I fear will add to the millions of Americans who are currently homeless, at risk of being homeless, or suffering under severe housing conditions.

If H.R. 2 is passed in the form it was reported out of the Committee on Banking and Financial Services, it will, in essence, destroy the last remnant of the social safety net constructed to protect our Nation's most vulnerable citizens. While we all agree that comprehensive reform of our public and assisted housing system is of paramount importance, this bill, unfortunately, is not the vehicle to meet the needs of our Nation's housing needs. In fact, H.R. 2 will make worse an already bad condition.

H.R. 2 will fundamentally repeal the underlying premise and principle of the Housing Act of 1937, legislation which encompassed President Franklin Delano Roosevelt's righteous position that safe, sanitary, and adequate housing is a human right and not a privilege. The abandonment of this 60-year commitment is a travesty for this technologically advanced industrial country, which is considered to be an economic superpower among nations.

Mr. Chairman, I intend to offer amendments to this bill which will enable us to protect against one of its more onerous and demeaning consequences: the community work provisions of section 105, which I might add are uniformly opposed by virtually every housing authority in the Nation because in the first year alone it will cost $65 million and create the contradictory requirement of mandated volunteerism, an oxymoron. By requiring public housing residents to perform 8 hours of community work on top of the rent that they already pay or risk eviction from public housing, we are imposing a burden on low-income recipients of housing assistance that we do not likewise impose on middle and upper class recipients of housing subsidies like the millions of Americans who receive the benefit of a homeowner deduction each year. My amendments will ensure that H.R. 2 does not force tenants from their homes if they fail to meet this requirement.

Mr. Chairman, if we mandate volunteerism in exchange for government assistance in the form of public housing, why not require the same for those who receive any form of Federal assistance, foreign subsidies, corporate welfare, Social Security, Medicare, Medicaid, WIC, food stamps, mortgage deductions or mining rights.

Mr. Chairman, H.R. 2 vilifies public housing residents solely because they are poor. In the final analysis, we measure ourselves as a society by how we treat the least of these and the most vulnerable.

Mr. Chairman, I rise in opposition to H.R. 2, a bill which I fear will add to the millions of Americans who are currently homeless, at risk of being homeless, or suffering under severe housing conditions. If H.R. 2 is passed in the form it was reported out of the Banking Committee, it will, in essence, destroy the last remnant of the social safety net constructed to protect our Nation's most vulnerable citizens.

While we all agree that comprehensive reform of our public and assisted housing system is of paramount importance to this nation, this bill unfortunately is not the vehicle to meet the magnitude of our housing needs. In fact, H.R. 2 will only make worse an already bad situation.

H.R. 2 will fundamentally repeal the underlying premise and principle of the Housing Act of 1937—legislation which encompassed FDR's righteous position that safe, santiary, and adequate housing is a human right and not a privilege. The abandonment of this 60-year commitment is a travesty for this technologically advanced industrial country which is considered to be an economic superpower among nations.

Without a firm commitment to this principle, we will never attain our stated objective of adequately housing our citizens, as is demonstrated by our history. In the late 1960's a White House conference on housing and urban issues called for 26 million new housing starts over the next 10 years in order to meet the housing needs of our Nation. That goal translated into 2.6 million housing starts each year, with 600,000 of those starts to be federally subsidized each year. The Nation has never even approximated that goal, and currently, the figure is only slightly over 1.5 million new housing starts annually.

We know that we face an affordable housing crisis in this Nation—5.3 million Americans live under worst case housing needs scenarios—that is they are forced to pay more than 50 percent of their income in rent and/or live under deplorable conditions. H.R. 2 will exacerbate this crisis through making public housing available to higher income residents who can pay higher rents at the expense of thousands of low income families.

When we talk about our priorities of enabling mixed income communities—which I believe is a laudable goal under ideal circumstances—we must be sure not to pull the housing safety net out from underneath the poorest and most vulnerable Americans. Over the course of this debate, we will speak at length about the dangerous targeting provisions in this bill which set aside only 35 percent of public housing units for those earning below 30 percent of area median income, leaving the remainder of units to house people who earn up to 80 percent of the area median income. In Chicago, that means 65 percent of all public housing units could be set aside for people earning $44,650. Should we be displacing full-time minimum wage workers to make room for professionals who can better afford to find housing in the private market? Even at this point, this is a false debate.

Let me be clear. When we target low-income tenants as those with incomes under 30 percent of the median income, in a large metropolitan area like Chicago we are talking about those who earn $16,312. This is $5,000 more than a full-time minimum wage worker earns in a year, and nearly $10,000 more than a welfare recipient. People who will necessarily be displaced by the proposed income-mix equation, will include vast numbers of the working poor. As a result, low wage workers and Americans who we are ostensibly encouraging to successfully make the transition from welfare to work will either be forced into homelessness or to forgo basic human necessities like health care, groceries, and clothing in order to find alternative shelter.

We must be vigilant in our efforts to ensure that just at the time that we are requiring the most from the most vulnerable among us, we do not remove the stability and security of adequate housing—an essential resource as people attempt to move from welfare to work. When we considered this legislation in the last Congress, welfare reform had not yet been enacted; 70 percent of the residents of the Chicago Housing Authority receive public assistance and half of all residents are children. If there are not enough jobs to meet the welfare-to-work requirements, the potentially devastating implications of this bill are magnified.

Mr. Speaker, I intend to offer amendments to this bill which will enable us to protect against one of its more onerous and demeaning consequences. The community work provisions of section 105—which, I might add, are uniformly opposed by virtually every public housing authority in the Nation because in the first year alone, it will cost them $65 in the first year alone—create the contradictory requirement of "mandated volunteerism." By requiring public housing residents to perform 8 hours of community work on top of the rent they pay or risk eviction from public housing, we are imposing a burden on low-income recipients of housing assistance that we do not likewise impose upon middle and upper class recipients of housing subsidies, like the millions of Americans who receive the benefit of homeownership deductions each year. My amendments will leave the section intact, yet will ensure that H.R. 2 does not force tenants from their homes if they fail to meet this requirement.

In light of the Colin Powell summit elevating a sound concept, "volunteerism," why refer to such a "mandated condition" as "voluntary." Why give volunteerism a bad name? Why not call it what it is, a mandatory condition for living in public housing? The second concern is practical. While section 105 of H.R. 2 is technically legal, where will the poor go if they are evicted from public housing? Will they join the ranks of a growing homeless community on the streets of America? Will they move in with friends or relatives, adding to those already living in overcrowded and unsafe circumstances? What are the real alternatives of the poor if they are evicted from public housing?

If we mandate volunteerism in exchange for Government assistance in the form of public housing, why not require the same from those who receive any form of federal assistance, farm subsidies, corporate welfare, Social Security, Medicare, Medicaid, WIC, Food Stamps, mortgage deductions, or mining rights? Why do we require this only from the poor living in public housing? Are public housing residents being denied equal protection under the law?

Mr. Chairman, H.R. 2 vilifies public housing residents because they find themselves in the unfortunate predicament of being poor. In the final analysis, we are measured as a society by the way that we treat our most vulnerable. Let us not require the most from those who are in the most in need. I urge a "no" vote on this mean-spirited and dangerous bill.

Mr. NEY. Mr. Chairman, I ask unanimous consent to yield the balance of my time to the gentleman from New York [Mr. LAZIO] and that he may be able to yield blocks of time.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, I just want to make sure that we clarify a point. This bill, according to the Congressional Budget Office, saves $100 million in administrative expenses. It is a net saver. That includes the community service requirement. So any statement to the contrary is not accurate and does not reflect the Congressional Budget Office figures.

Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from Utah [Mr. COOK].

Mr. COOK. Mr. Chairman, I thank the gentleman for giving me a minute to rise in strong support of H.R. 2. Salt Lake City, Utah's capital and the largest city in my district, has a public commitment to mixing middle-income and low-income housing. Last year the city set aside $300,000 of its own money to provide developers with incentives to mix housing. City officials have been flooded with phone calls from interested developers. Soon, the city will select a middle-class development that will designate 20 percent of its projects for low-income families. I believe mixed income housing is the only way to avoid inner-city blight.

But my district can only select one or two developments for this approach because we could not find any Federal program that supported this creative approach. I say to my colleagues, this housing bill helps adopt such a creative approach. This housing bill can help preserve the dignity of their impoverished residents, the integrity of their neighborhoods, and perhaps most important of all, provide opportunities to poor young people who have for too long been isolated from the opportunities that middle-income children enjoy, opportunities that could at last break the cycle of poverty that threatens to cripple this country.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 30 seconds for clarification purposes.

I would just like to say that the chairman of the Committee on Banking and Financial Services asked me to file a report yesterday that suggests that the cost of this work requirement would be $65 million the first year, would be $35 million each additional year. The 100 million dollars' worth of savings that is accounted for by the chairman of the Subcommittee on Housing and Community Opportunity, the 100 million dollars' worth of savings is accounted for by virtue of the fact that we are raising the income levels on the poor people in these housing projects, thereby collecting additional rents, thereby confirming the contention of the Democratic position that this bill is fundamentally flawed because we take richer people instead of poorer people into public housing.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I rise in opposition to this bill. I am appalled at some of the representations of my colleagues from the other side of the aisle accusing us of wanting to protect the status quo. We do not like homelessness. We do not like poverty. We do not like substandard housing. We are trying to change the plight of poor people in this Nation.

Yes, we need to do something about troubled housing, but this is not the answer. Let us talk about how troubled housing became troubled housing. Not because of the attacks on the poor that were made here today but, rather, because we have had public housing with poor people concentrated in locations with no services, we have had poor people piled on top of each other in some of these city locations. There are no clinics in many of these, no child care, no job training, and guess what? Many of the local police departments do not even want to provide police services.

We are trying to correct this situation. We have had public housing with no investment for rehabilitation, no money to fix up those places. Yet we have those who stand on the floor, attack the poor, people who have two and three houses, people who live not only in Washington, DC, but houses spread perhaps all over the Nation, people who come here and talk about forcing people to do some kind of community service work, people who are getting a large paycheck. Nowhere in the contract with the people are we forced to even have to come to work, and many do not. How we can stand here and talk about forcing people to work and disrespecting the poorest of the poor, and talking about having them somehow give their time, it is not volunteering, it is forced servitude.

This bill is not worth the paper it is written on. This is a bill that does nothing for the poor. This is a bill that follows the direction of the Republicans of this House cutting HUD by over 25 percent, cutting housing by some 20 percent. We cannot support this bill. We tried to make it better with amendments. We were beaten back in committee with many of the amendments we attempted to make in order to make it a better bill.

What we have at this particular time is targeting in ways that will cause the poorest of the poor to be driven from the only housing they can afford. With welfare reform, with people with less income to purchase housing for their children, for their families, they will join the homeless on the streets of America, one of America's greatest shames.

We have Republicans on the other side of the aisle who say they care about children. Where do they think children live? Where do they think poor children live? Where do they think they are going to go when they are driven out of this housing, the only housing that they can afford?

I ask my colleagues to reject this legislation. Again, it is worse than the bill that we had last year.

Mr. LAZIO of New York. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from the great State of Maryland [Mr. EHRLICH], a member of the Committee on Banking and Financial Services.

Mr. EHRLICH. Mr. Chairman, I rise in support of H.R. 2, and I commend the gentleman from New York [Mr. LAZIO], the chairman, for his great work again this year as he did before in the 104th Congress.

Mr. Chairman, this bill represents a bold step forward with respect to our housing policy at the Federal level. But that is not why I am getting up this afternoon. I am getting up because of some of the things I hear from the other side of the aisle.

This is not about good or bad, Mr. Chairman. It is not about who cares about the poor and who does not care about the poor; it is not about class welfare and who is middle class and what parents you came from or if you have a trust fund or not. It is about a profound philosophical difference between the parties in this town.

I see my friend from Baltimore sitting over there, he is going to speak in a minute. We served in the Maryland legislature together and we did not agree on much. We are friends. We both have a common motivation, which is to help people. We have a philosophical difference on how we get there, and that is what this debate is all about. No one is good or bad, regardless of how they come down on the philosophical side of this issue. It is about self-sufficiency and self-help, and opportunity and responsibility and accountability. It is about accountability and responsibility and how we get there.

On this side of the aisle, we think a work requirement is good for people. Some folks disagree. We all come to this in good faith.

H.R. 2 removes disincentives to work, it creates pride where pride should be, it creates healthy environments to live it, and it is consistent with the Republican philosophy that local communities should be able to propose and implement local solutions.

I understand there are folks in this town, folks over there, friends of mine, who do not share that philosophical orientation. I think they have had a lot of time to be in power. We think on this side of the aisle their solutions have not worked. We all bring good faith, Mr. Chairman.

□ 1545

Mr. Chairman, I will be glad to talk to my friend, the gentleman from Baltimore, and my friend on the third floor of the Cannon House Office Building later on this as well.

I want to commend the subcommittee, I want to commend the full committee, and I want to commend the opposition. This is a good debate. It certainly shows the different beliefs that we, each of us respectively, bring to this very important issue for the American people.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in opposition to H.R. 2, the Housing Opportunity and Responsibility Act. Simply stated, the bill fails to help those whom public and assisted housing was created to serve. I urge my colleagues to oppose the bill and support the Kennedy substitute to ensure that local housing authorities serve Americans with the greatest housing needs.

Mr. Chairman, there is bipartisan consensus that public housing needs to improve. We all agree that public housing must be safer and work better. We all agree that HUD must be streamlined and refocused. But true reform, true reform, would not abandon our Nation's most vulnerable citizens, and that is what this bill does.

Not only does this bill fail in its most basic mission, helping the poorest of the poor, but it also creates new obstacles to finding shelter. The bill institutes mandated voluntarism for residents of public housing. This bill requires forced labor in exchange for subsidized shelter, a requirement that does not exist for any other Federal assistance.

The only acceptable use of forced labor is as a punishment for a crime, and it is not a crime to be poor. We do not require the CEO's of the major lumber companies to volunteer in exchange for subsidizing their logging on public lands. We do not require tobacco farmers to volunteer in exchange for Federal crop insurance. We do not force flood victims to volunteer when we help them to rebuild their communities. Public and assisted housing residents are not criminals. They hold jobs. They raise families. Many participate in residential and community activities.

H.R. 2 is bad policy. My colleague earlier talked about who is bad and who is good. The individuals are not bad or good, but there is good policy and there is bad policy. This is bad policy. It provides assistance to families with the means already available to them to find housing. It takes shelter away from the poorest of the poor. It adds mandates on local housing authorities. Be assured, this bill would keep children and elderly individuals out of public and assisted housing. Please oppose H.R. 2 and support the Kennedy substitute.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, it was mentioned earlier that we have two visions about the housing program. Unfortunately, I see so little difference between these two visions. One, I see that the bureaucracy is centralized, spending a lot of money and not doing a very good job. The other vision is that if we decentralized bureaucracy and spent even more money, that somehow or another we will improve the public housing of America.

However, I do want to challenge the statements here that all of a sudden something is being cut, because the way I read the figures, actually we are increasing the amount of money. That should satisfy some opposition, but it would not satisfy me if we are spending more money. We are supposed to be spending less money. But according to the CBO figures, we spent $25 billion last year on HUD funds, most of it going into public housing, and this year the proposal is that there will be $30 billion. As we look at these figures on out, by the time we get to the year 2002 we are up to $36 billion.

So there are no cuts. There is a 20-percent increase this year. So I do not see how these funds are being slashed. I would like to see the funds cut and spent a different way. I think private enterprise is a much better way to build houses. There is no proof that this 30-year experimentation of $600 billion has been worth anything. We have spent $5 trillion on the war on poverty, and rightfully so. There are a lot of people complaining there is still a lot of poverty, still a lot of homeless, still a lot of people not getting medical care. I think that is true, but I think it represents the total failure of the welfare state.

It is coming to an end. Unfortunately, no matter how well intended, and the gentleman from New York [Mr. LAZIO] has done tremendous work, and has worked very hard to improve this situation, I wish I could share his optimism. There is no reason, Mr. Chairman, to be optimistic about this bill, if it is passed or not passed. We have to address the subject of how we deal with this problem.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Washington [Mr. METCALF], who also heads the housing caucus in the House of Representatives.

Mr. METCALF. Mr. Chairman, I rise in support of H.R. 2. H.R. 2 will fundamentally change public housing throughout this Nation. For too long Washington, DC, has regulated public housing authorities, tying the hands of local housing authorities with Federal preferences and excessive regulations. Today we are taking steps to deregulate, to decentralize public housing, to give local housing agencies greater flexibility and control, and reduce the concentration of the poorest families in the worst housing projects.

H.R. 2 will reward well-run public housing authorities, but will not tolerate chronically bad public housing authorities that have used taxpayers' dollars irresponsibly. This is not just a quick fix or an extreme solution, it is a real solution that will end public housing as we know it, and begin a new era of greater personal responsibility for residents and local responsibility for communities.

Without these changes now, our public housing stock will continue to deteriorate. I want to thank the chairman, the gentleman from Iowa [Mr. LEACH], and the subcommittee chairman, the gentleman from New York [Mr. LAZIO] for their work on passing a public housing bill that works.

Transforming public housing evokes strong emotions from both sides of the aisle. Throughout this debate Members will hear about the need for compassion. Our problem is that we have measured compassion by how much money we have thrown at the problem. That does not do it. We need to fix the problem at the core, and begin helping those people in public housing move up the economic ladder.

I am fortunate to live in a district with good public housing agencies that will continue to serve those who need affordable housing. Whether it is the Everett Housing Authority or the Island County Housing Authority, they express the same message: Give us greater flexibility and less Federal interference. That is what we intend to do with this bill.

Mr. Chairman, I ask my colleagues to support commonsense legislation.

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, I rise in support of the legislation that is at issue here today. Almost any bill, even if we did not read it, did not analyze it, or did not look at the provisions, but recognized that the committee that worked on it was attempting to improve the current situation in housing, would be acceptable if it is placed against the last 40 years of non-success.

Every single legislative congressional district in our country has a public housing unit. Almost every single one is failing to meet the stated purpose of the housing needs of the people that it is intended to serve.

There are excellent public housing authorities that have done their job and have provided the needed help for housing inhabitants in every single one of the districts, but the housing authorities themselves have constantly badgered us Members of the Congress to bring about improvements, some of which are included in this bill. We must help the housing authorities help the poor in the housing arena.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I was wondering if the gentleman from New York [Mr. LAZIO] has extra time, would he yield to a question from the gentleman from Pennsylvania [Mr. GEKAS]?

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman, if he would yield, that we started out with the same amount of time. I tried to accommodate by giving the gentleman an extra 10 minutes. We have several Members who are on their way and will need the time when they get in the Chamber. So if we have extra time at the end, I would be happy to try to yield to the gentleman.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from the great State of Maryland [Mr. CUMMINGS], a fellow who I think represents my older sister.

Mr. CUMMINGS. Mr. Chairman, for as long as I have been an elected official, my guiding principle has been to empower people to serve as a link that brings the resources of government to the people. It is because of these principles that I voted against last year's version of this bill.

This year's bill, H.R. 2, is not much better. It would repeal the United States Housing Act of 1937, which has provided the underpinning for the Department of Housing and Urban Development's basic purpose for more than 60 years.

Rather than improving upon the 1937 Housing Act, this year's bill abandons the basic tenets of the original bill to provide every American with safe, sanitary, and affordable housing. Abandoning these basic goals would be a disservice to every American who is struggling to provide adequately for his or her family.

Housing is essential if families are to be safe and if those responsible for food and shelter are to seek and find permanent employment. The Housing Opportunity and Responsibility Act lacks compassion. I believe that, in its current form, this bill will force thousands of needy persons onto the streets and leave many more teetering on the brink of homelessness. This measure will force our poorest citizens to pay increased rents to live in public housing units, while it allows individuals with higher incomes to receive increased governmental benefits.

The bill's income targeting provisions also are tilted too far in favor of higher-income families. This will exacerbate the shortage of affordable housing for every low-income family. Our Nation is already experiencing a shortage of affordable housing for low-income families.

More than 5.6 million low-income families currently pay more than 50 percent of their income for rent. We have lost 43 percent of this Nation's affordable housing supply over the last two decades. This bill in its current form will only make the problem worse by reducing the main source of housing affordable to very poor, namely public and assisted housing.

Additional resources must be provided to increase the number of housing units available to the poor. Otherwise, local housing authorities will charge higher rents to attract higher-income tenants. This will result in lower-income tenants being pushed into homelessness.

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. PAXON] a member of the Committee on Commerce.

Mr. PAXON. Mr. Chairman, I rise today in strong support of H.R. 2, the Housing Opportunity and Responsibility Act, which I believe addresses the last bastion of our failed experiment with the welfare state by ending our tragically broken Federal public housing system.

The public housing system created by decades of Federal micromanagement has actually harmed those it was meant to help by penalizing work and family unity and championing never-ending bureaucracy. H.R. 2 will encourage self-sufficiency, ending the rent provisions which have illogically and disasterously penalized public housing tenants for working and at the same time encouraging community involvement and responsibility by requiring 8 hours a month of community service for unemployed individuals receiving housing assistance.

I believe this legislation will create a healthier environment in public housing by admitting more working families into housing and stop the Federal Government from artificially sustaining communities mired in hopelessness and devoid of opportunity. I encourage all my colleagues to support H.R. 2, and I commend the gentleman from New York [Mr. LAZIO] for his leadership in this legislative initiative.

The CHAIRMAN. The time of the gentleman from New York [Mr. PAXON] has expired.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would ask if the gentleman from New York [Mr. LAZIO] has any more speakers?

Mr. LAZIO of New York. Mr. Chairman, I would say we have additional speakers out of the Chamber but on the way.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman be willing to yield to me an extra 30 seconds to respond to some of the points that have been made by the gentleman from New York [Mr. LAZIO]?

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman, again, we started out with equal time. We could debate this out, but we have x amount of time. I think we are going to be needing that time for our Members who are not yet in the Chamber.

Mr. KENNEDY of Massachusetts. Mr. Chairman, as long as the Chairman of the committee would understand that this particular amount of time is coming out of the time of the gentleman from New York [Mr. LAZIO], I would be happy.

The CHAIRMAN. The Chair does not understand that. The gentleman has not yielded the time.

□ 1600

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member of the Subcommittee on Housing and Community Opportunity for yielding me the time.

I want to make it clear what this debate tomorrow will not be about, because it really has surprised me what the general debate has tried to posture as an issue.

We worked very hard in the Committee on Banking and Financial Services to try to make this a better bill. And what this debate will not be about is a choice between whether we are in favor of reform or the status quo. The bill itself can be improved. And to posture this bill as the only version of reform that anybody can support and the alternative is that we are supporting the status quo is just a very, very, very bad thing to do, and I hope my colleagues on the other side will not do it.

Second, this debate is not about flexibility because, while all of us support more flexibility for local housing authorities, time after time after time in this bill we are taking away flexibility from local housing authorities by mandating that they do a number of different things, not the least of which is to require occupants in public housing to volunteer. Now, how we require somebody to volunteer and call it volunteerism, I simply do not understand.

What this debate is about is how the Republicans would like to posture the poorest people in this country against those who are also working poor or the near poor, as I will call them, because that is the dilemma that this bill will put all of us in.

What they want to do is to put more and more working poor in public housing, and that will be at the expense of the most poor people in this country and will deprive them of housing. And we are providing no funds for any additional housing under this bill.

This is a paternalistic, inflexible, so-called reform bill. I ask my colleagues to oppose it if it is not amended in this process.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I will say, once again, the same voices in defense of what we have now, the status quo, are opposing this bill. We had 100 Democrats who stood up last year for change and reform to recognize the failure of the system. What we have here again is defense of what exists, the failure that exists in many of our communities, the poverty, the superconcentration of poverty in the very backyards of some of the Members who are speaking out against this bill. I will tell my colleagues it is an outrage in this Chamber to talk about community service as something that is to be mocked or denigrated.

I ask, where were the voices in this Chamber when we asked for people who got medical scholarships to give their service to low income areas? Where were the voices in this Chamber to oppose the President's AmeriCorps program because the only way somebody could get education is to expect them to give back to community service.

I would say to this Chamber, where is the compassion for people who are just as poor who cannot get into public housing but have got to work 40 or 50 or 60 hours just to make ends meet?

Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. JONES], a distinguished member of the Committee on Banking and Financial Services.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. JONES. Mr. Chairman, no, I will not yield to the gentleman from North Carolina.

Mr. JONES. Mr. Chairman, for 60 years this country has essentially run its public housing program the same way year after year. For 60 years public housing has gotten worse and worse. People living in public housing should have a right to live in clean and safe conditions, and taxpayers should have a right to know that their money is being well invested. For that to happen, we must make changes. This bill will eliminate the 60-year-old law which has given us rundown and unsafe public housing projects. It will give more local control, and it will require more responsibility from public housing residents.

Mr. Chairman, for too long we have concentrated the poorest families in the worst housing. For too long we have punished public housing residents who work. We have had generations of children who have grown up in public housing complexes and never seen a parent or anyone else get up and go to work.

They have only lived in projects that are covered with graffiti, overgrown with weeds and littered with empty wine bottles. The only business people they have ever known are drug dealers, prostitutes and food stamp hustlers.

Mr. Chairman, that is wrong. With this bill we will begin to change the reality of life for poor children across America. For the first time in many of their lives, they will live in communities with people who work and who take responsibility for their behavior. They will live in public housing complexes that are held accountable.

Mr. Chairman, this bill may not be perfect, but it makes the right changes in the right direction, and changing the way we conduct our public housing policy is the first step to getting positive results. I urge my colleagues to vote in favor of the bill.

Mr. LAZIO of New York. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. LAZIO of New York. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] has 2½ minutes remaining.

Mr. LAZIO of New York. Mr. Chairman, I yield myself the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. Mr. Chairman, I will not yield.

I say, at the outset, again, that both sides have equal amounts of time. Both sides need to manage it correctly.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield on that issue?

Mr. LAZIO of New York. Mr. Chairman, I will not yield to the gentleman. I gave the gentleman an extra 20 minutes to try and work out his time problems.

I would say to the Chamber this is about whether we are going to embrace and accept and keep and look the other way when we see failure. It is about whether we are going to continue to punish people who are working. It is about whether we are going to side with the drug dealers, with the criminals, with the abusers of the system or whether we are going to side with the decent families, with the people that want to live in peaceful enjoyment in public housing. It is about whether we are screening, and let me say something, Mr. Chairman. We are going to hear about the so-called substitute, the phantom substitute. This has been a group, the Members that are going to vote for the substitute are the same Members who have been fighting change and reform for 30 years. They are the same Members who have fought against the administration in an effort to try and take down buildings because it was a Republican Congress that gave the administration the authority for the first time to demolish vacant hulks of despair in our Nation's cities.

This is an opportunity for us to stand up with the working people, the working poor in urban areas to say, we are not going to cower, we are not going to be intimidated, we are going to stand firm for what we believe in, for the principles of work and responsibility and decency. We believe in those things. We are going to reward and incentivize people to live by the rules.

As for the people who do not live by the rules, for the people who continue to be disruptive, for the system that continues to fail, for the housing authorities that continue to waste money and to force their families to live in despair, we are going to say, that era is now over. We stand for excellence, for success. We expect no less. We expect to get value for our dollar.

I do not know where it was written, Mr. Chairman, just because we were using public dollars, that somehow we should tolerate waste, that we should look the other way when there was failure, that we should not expect the same level of competence of excellence, value that we expect when we use our own private dollars. Yet there are Members in this Chamber that say that the only thing we need now is more public dollars. Baloney. Because in Chicago, in New Orleans, in the worst housing authorities in the country, they have been taken over with money left in the bank. That money has not even been spent, tens of millions of dollars unspent while people live with broken windows, broken doors, crime infested complexes. That is the outrage. That is what lacks compassion.

Mrs. MALONEY of New York. Mr. Chairman, the purpose of my comments is to clarify the purpose of section 622 of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. I think it is important that the record on this legislation reflect the considerable thought and sensitivity to the needs and concerns of residents, owners, and managers alike that accompanied the decision to include this provision in the bill. This is the third Congress in which I have worked to secure for residents of public housing the opportunity to own pets; last year, by a vote of almost 8 to 1, the House adopted an amendment based on a bill that my colleague from New York, Ms. MOLINARI, and I had introduced. I wish to thank Mr. LAZIO, my colleague from New York and the chairman of the Housing Subcommittee, for his efforts to include an expanded version of that amendment in the housing reform legislation.

For many years, residents of federally assisted housing designated for senior citizens and disabled persons have been allowed to own common household pets, such as dogs, cats, and birds. This has worked extremely well; even the Department of Housing and Urban Development has had to admit that the problems it forecast have never come to pass. Building on that success, section 622 will extend that privilege to residents of most other forms of federally assisted rental housing. It is not intended that this provision will in any way subject elderly or disabled persons who now own pets under current law to additional fees or requirements, nor will it change the terms of or otherwise jeopardize the continued ownership of those pets.

One of the purposes of H.R. 2 is to renew American neighborhoods, or, as one hearing witness put it, to create caring, cohesive communities. Pet ownership adds much to the quality of life of both families and communities. Those persons who can demonstrate that they can be responsible pet-owning tenants should not be denied that opportunity simply because their incomes limit their housing options.

At the same time, those of us who have argued for pet ownership privileges for residents of federally assisted rental housing recognize that owners and managers of that housing have an enormous responsibility to provide safe, clean, and healthy homes for their tenants and are thus rightly concerned that they have the authority to regulate the conditions of pet ownership. H.R. 2 provides that authority. Housing owners may establish pet policies appropriate to their properties. For instance, tenants wishing to keep pets may be charged a nominal fee and pet deposit. Without making the cumulative financial burden prohibitive, such a mechanism would help to defray the added expense of administering a pet policy and to cover any property damage their pets may cause.

Furthermore, it is reasonable to ask pet owners to demonstrate that they can comply with the pet ownership requirements of their housing complex and also to limit the number of animals any one resident may own or keep. Integral components of responsible pet ownership policies in federally assisted rental housing include the spaying or neutering of dogs and cats and providing pets with proper nutrition and appropriate veterinary care. It is important to emphasize, however, that residents should not be required to subject their pets to an inhumane procedure, such as debarking or declawing, as a condition for ownership.

In keeping with another of H.R. 2's goals; that is, to increase community control within the public housing program, owners and managers of federally assisted rental housing should find ways to delegate to the residents themselves the maximum possible amount of responsibility for implementing the pet policy in a given housing complex. H.R. 2 recognizes the importance of tenant participation; much like the resident councils provided for in section 234, pet committees would enable residents to take an active role in implementing a responsible pet ownership program and ensure fair consideration and a careful balancing of the needs of everyone in the complex: The housing manager, maintenance staff, and pet owners, and nonpet owners alike. Housing owners and managers would do well to emulate the components of the highly successful program in Massachusetts, developed to ease the introduction of pet ownership into State-assisted public housing. In addition to pet committees, these elements include reasonable tenant and management obligations.

Experience offers ample evidence that no-pets-allowed policies fail to keep animals out of housing complexes; they also fail to offer any constructive avenues for addressing the problems that arise. Instead, by welcoming responsible pet owners under a system based on the Massachusetts model, the owners, managers, and tenants of federally assisted rental housing complexes will be able to implement section 622 successfully.

Mr. VENTO. Mr. Chairman, I rise in opposition to H.R. 2. Although pragmatically I would like to support a public and assisted housing reauthorization bill, this bill takes the positive ideas of reform and distorts them beyond recognition. H.R. 2 starts by repealing the pivotal underpinning of all Federal housing law—the 1937 Housing Act—for the symbolism and the sake of looking like reform. This key law is referred to in approximately 650 laws. It is a foundation that should not be casually tossed aside.

But that, Mr. Chairman, is from the dry pages of statute. In the real world, H.R. 2 will toss aside the underhoused in this country in much the same way.

The basis for these reforms has been in the works in Congress since 1993. That's right. Democrats put forth a bipartisan bill in 1994 that providef for mixed income developments, restructured rents, and more flexibility for Public Housing Authorities [PHA's]. Democrats support reforming and restructuring public and assisted housing. But not at the expense of the very people it was designed to serve.

The Republican majority, however, has chosen to solve the problems of public and assisted housing not by addressing need and the population that most needs housing, but by redefining who will be served. As if it were not bad enough that the 104th Congress—the last Congress—HUD's funding, cutting HUD's baseline by some 25 percent, this bill will now renege on who we are going to serve with the ever shrinking HUD budget. More mixing of income in public housing is great. However, given the extent of the housing crisis that exists in this country, we must be judicious in our policies so that we serve those with the greatest needs. H.R. 2 retreats from the problem, wrapped in the rhetoric of reform and local control.

Mr. Chairman, this Congress may be illuminated with photos and stories of some bad public housing developments once again during this debate. Despite the rhetoric, Democrats do not support keeping bad public housing bad. This is ludicrous. It is misleading and dishonest.

I, for one, am proud of the work and results of the public housing agency in St. Paul and the others in my district. Much of it is being renewed from a 40-year contract. The majority of public housing is good, even excellent, anchoring neighborhoods and providing affordable housing opportunities for low-income people. In fact, in my area, it is the private multifamily units that represent the greatest problem and challenge. Much of public housing is housing like those shown in the photo and illustrations being presented. It is good, safe, decent and clean housing.

Most PHA's are effectively managing their units with decreasing funds. Most continue to be innovative and creative with the resources they have and the partnerships they build. For their sake and the sake of current and future tenants, we must preserve and protect the taxpayers' $90 billion public investment in public housing stock. Indeed, I would argue that because of the extraordinary need for permanent housing, we should be talking about increasing this affordable housing resource.

Currently, 1.4 million units of public housing serve only 25 percent of the people eligible for assistance. Yet analysis shows that more than 5.3 million American families are paying 50 percent or more of their income for rental housing. Over 3,300 public housing agencies in community after community in this Nation are serving those with great housing needs and serving them well.

Unfortunately, the 75 troubled public housing authorities are the highest profile and tend to be employed by some to shape a negative public perception of public housing. No one, Mr. Chairman, no one wants to permit these units to persist, nor the hardship visited upon the families who reside in such projects to continue. Under then-Secretary Cisneros, the situation in many of these cities suffering with poor housing management had begun to change dramatically. Now, Secretary Cuomo is following through with a "can do" HUD. However, Congress should not legislate as if all 3,400 PHA's share the same problems. While 75 PHA's are troubled and require vigilant financial and management oversight, 3,325 PHA's should not be subjected to punitive cumbersome rules and policy.

Over the past few years, policymakers have struggled with the budget deficit. HUD has not shared the political clout enjoyed by other agencies like DOD or NASA. Democratic members of the Banking Committee have strongly fought for additional funding, yet, we have had to face the budget realities. That has forced us to try to balance the goal of providing quality housing for low-income tenants with less funding, to fix deteriorating housing stock; to provide new opportunities such as home ownership; and to provide services to make the housing successful.

Public housing needs to continue its mission to provide decent, safe, and sanitary housing that is affordable to very-low and low-income tenants. However, as policymakers, we have recognized the wisdom of mixing tenant incomes and encouraging working families to live in public housing to provide role models and stable communities. We must also improve management and allow more local control of the resources while maintaining our Federal interest.

However, H.R. 2 twists the mission of public housing, creates new bureaucracies, provides for new and onerous micromanagement of PHA's and residents, adds punitive CDBG sanctions that will, in the end, further harm low-income communities, and symbolically throws out the fundamental housing law of 1937. In the name of reform, H.R. 2 goes on to basically assure that public housing will not continue to assist those with less. The measure before us insures public housing's success by abandoning the challenge and the mission of serving even a portion of the poorest of the poor.

Mr. Chairman, I have several amendments that I will offer throughout the course of the floor debate. I hope to reduce some of the duplicative bureaucracy that this bill creates by offering an amendment to strike the new accreditation board but keeping the study of ways to make public housing authorities more effective, better managers. I also have an amendment to assure that we link the homeless assistance provider community with the plans being developed by the PHA's. The answer to much of homelessness is permanent housing. And, finally, Mr. Chairman, I have refined amendments that I offered in committee to assure that legal immigrants negatively affected by the welfare reform law will not face a double whammy the first of every month, when they would be required to pay minimum rents of up to $50.

Mr. Chairman, I urge my colleagues to vote for the Kennedy substitute that preserves our promise to provide decent, safe, and sanitary housing options to our Nation's poor and should that amendment not prevail, to vote against H.R. 2 on final passage.

Mrs. KELLY. Mr. Chairman, today I rise to call for all of my colleagues from both sides of the aisle to join me in strong support for H.R. 2, the Housing Opportunity and Responsibility Act of 1997. I would like to thank Chairman LAZIO and all of the members of the House Committee on Banking for their hard work on H.R. 2 which we passed with a bipartisan vote last week.

H.R. 2 is a piece of well thought out, comprehensive legislation that will make a real difference in public housing in America. We have based this legislation upon simple goals that will move our public housing programs in a strong new direction to empower the residents.

These goals are:

First, personal responsibility that extends to a mutual obligation between the provider and the recipient. One of the ways we accomplish this is through 8 hours a month work requirements for residents, exempting the elderly, the disabled, the employed, those who are in school or are receiving training, and those who are already involved in a welfare reform program.

Second, retention of protections for the residents. One way this is accomplished is through the exclusion of income for the first few months of a new job and the income of minors from the determination of a resident's income level.

Third, removal of disincentives to work and empowerment of the individual and family tenant through choices that I believe will lead them to economic independence. One of the ways we do this is by giving residents a choice between a flat rent or a percentage of their income.

I would like to emphasize that everyone has the same, shared objective: clean, safe, affordable housing that empowers the have-nots in our society to become people who can realize their own American dream. We all want to realize this goal, but we just have different ideas on how to get us there. So, if we all keep this vitally important objective in mind, we will be able to move forward in a unified effort to make sure that the benefits of this legislation become a reality.

Mr. RILEY. Mr. Chairman, I rise today in strong support of H.R. 2, the Housing Opportunity and Responsibility Act of 1997. As a member of the Banking Committee, I would like to take this opportunity to commend the gentleman from New York for his leadership and his successful efforts in bringing this important legislation to the floor.

Families in this country have found themselves caught in a housing system designed as a short-term solution that, instead, has become a long-term problem. The Depression-era United States Housing Act of 1937 has evolved into creating a centralized housing program that is both very complex and ineffective in serving the needs of the distinct communities across the United States. It was never the intent of the Federal Government to have 57 percent of the residents of public housing to stay there for at least 5 years.

The cookie-cutter housing policy created by bureaucrats in Washington does not always successfully serve rural communities like the ones I represent in the Third District of Alabama. H.R. 2 will return the housing policy decisionmaking to the local level through the deregulation of the well-run public housing authorities.

Under this legislation, local communities and their PHA's will have the flexibility to create mixed-income environment by admitting low-income families, as opposed to only very-low-income families. Mr. Speaker, we are talking about helping working families who simply cannot afford housing without some temporary assistance.

Not only will the Federal Government help these working families by allowing income mixing, it will create an environment where a working resident may be looked upon as a role model and inspire another neighbor to seek employment. This will allow us to break the cycle of dependency on the Federal Government which has trapped so many of the residents of public housing.

I urge my colleagues to support the Housing Opportunity and Responsibility Act of 1997 so that we can, once and for all, turn the Federal housing program into a temporary assistance program instead of a permanent solution.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 2. As a member of the House Banking Committee and its Subcommittee on Housing and Community Development, this Member has actively participated in the drafting and consideration of this legislation. The gentleman from New York, RICK LAZIO should be complemented for the hard work and perseverance he has shown over the past 3 years as chairman of the Housing Subcommittee. His leadership has allowed this bill to come to the floor today and he should be commended.

too long, the Nation's public housing programs have been run by a centralized bureaucracy with little to no input by local officials. H.R. 2 provides a new paradigm for the provision of Federal public housing programs. Rather than centralizing decisionmaking in Washington, the bill provides greater flexibility for local elected officials to work with public housing agencies to determine the housing needs of the community and decide the best way to meet these needs. Further, many of the Federal mandates which have been added over the years are eliminated. This again is in the spirit of moving control out of Washington. Additionally, the bill makes positive changes in the current policy of warehousing the poorest of the poor in inadequate housing by promoting mixed-income communities.

Finally, Mr. Chairman, this Member would like to read from the declaration of policy contained in H.R. 2, which clearly states the goals the bill sets, specifically:

> "(1) the Federal government has a responsibility to promote the general welfare of the nation by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control; by working to ensure a thriving national economy and a strong private housing market; and by developing effective partnerships amount the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities. (2) The Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods. (3) The Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly. (4) Housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty. (5) It is a goal of our Nation that all citizens have decent and affordable housing and our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector."

Again, this Member rises in support of H.R. 2 and urges his colleagues to join him in supporting this important legislation.

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 2, the Housing and Responsibility Act of 1997 and commend its sponsor, the distinguished gentleman from New York [Mr. LAZIO] for all of his diligent work in bringing this important legislation to the floor. This bill will allow for greater community control and involvement over various housing programs. Ultimately, programs run by local officials who understand the needs of their communities, will be directed toward those individuals who need assistance the most.

In addition, I thank the committee for including language to correct the improper median income calculation for Westchester and Rockland Counties. Currently, the median incomes of Westchester and Rockland Counties are calculated by the Department of Housing and Urban Development as a part of the primary metropolitan statistical area which includes the income data from New York City. For this reason, HUD is listing the median income of these two counties as being far less than they truly are.

Since HUD's income levels are used in calculating eligibility for almost all State and Federal housing programs, these inaccurate statistics have drastically reduced the access of both Rockland and Westchester County residents to many needed programs. A myriad of programs have artificially low income caps, thus residents, financial institutions, realtors, and builders from these two counties are at a severe disadvantage in relation to their counterparts in neighboring counties.

Mr. Chairman, I thank the committee and Chairman LAZIO for their great work in reforming the U.S. Housing Act of 1937 and attending to this extremely important local need. Accordingly, I urge my colleagues to support H.R. 2.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore, (Mr. BOB SCHAFFER of Colorado) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the U.S. Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE RESOLUTION 129, COMMITTEE FUNDING RESOLUTION

Mr. LINDER, from the Committee on Rules, submitted a privileged report (Rept. No. 105–84) on the resolution (H. Res. 136) providing for consideration of the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress, which was referred to the House Calendar and ordered to be printed.

ELECTION OF MEMBER TO COMMITTEE ON HOUSE OVERSIGHT

Mr. BARRETT of Nebraska. Mr. Speaker, by direction of the Republican conference, I offer a privileged resolution (H. Res. 137) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 137

Resolved, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives: Committee on House Oversight: Mr. Mica.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1615

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

INTRODUCTION OF "APPREHENSION OF TAINTED MONEY" BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. GEKAS] is recognized for 5 minutes.

Mr. GEKAS. Mr. Speaker, today I have introduced a special piece of legislation that goes to the heart of campaign finance reform about which we hear so much.

How many will recall that during the election and immediately following there were revelations of moneys being contributed to the Democratic National Committee, and then a decision made by the Democratic National Committee to return the funds to X, Y, and Z because the Democratic National Committee determined that they were illegally contributed?

Now, the question arises, does this money go back to the people who may have violated the law in making the contribution to the Democratic National Committee?

We have a situation, for instance, of a drug dealer who took thousands of dollars from profits made in the drug business and used that money to make a $20,000 contribution to the Democratic National Committee. Now we hear announcement by the Democratic National Committee that it will return that money.

Well, is that not wonderful. That money will be returned to a drug dealer to be reused, perhaps, in the drug business or to make some other kind of contribution. Who knows what.

I have introduced a bill here today which we call the ATM bill, believe it or not. Apprehension of Tainted Money. ATM. What does it do? It says that if, indeed, a national committee, the Republican committee or the Democrat committee, should receive contributions and they are questionable donations, questionable contributions, where the committee believes it may come from a tainted source, a criminal source, some illegal contributor, then instead of returning it back for further possible illegal spending, my bill would call for this money to go to the Federal Elections Commission in an escrow account, and the Federal Elections Commission then would investigate the source of this contribution.

If it is determined that indeed this is drug money or illegal money or some other tainted source of money, then the Federal Government, our Government, can latch onto this money and use it for fines and penalties against those people who violated the law in that instance. In this way we would be preventing the possibility of impacting on our election system by foreign sources and illegal sources.

At the same time, if indeed those contributions have been illegal, we could use that money to help defray the expense of the investigation and the prosecution and the restitution that must be made by the wrongdoers.

We believe that it fills a large gap in the election process and in the question of who can contribute what to what entity. We have strong laws on the books right at this moment, as we speak, but we fail in many instances to enforce the law. We fail to bring wrongdoers to justice in the hundreds of different ways that they can violate the election laws and the criminal laws of our Nation.

We believe that this could be a gigantic step towards signaling to the American people that we will not countenance violation of the criminal laws or violation of the election laws.

Every day the news brings us more revelations—and more lurid details—about the lengths to which some people went during the 1996 election to gain victory for their candidates. Unfortunately, the lengths to which many parties went were beyond the bounds of the law.

Though the investigations into campaign finance law violations have only barely begun, and, to be sure, only scratched the surface, we know very well about some egregious violations of the law involving very large amounts of money. Many more cases are rife with impropriety and unethical behavior, even if illegality has not yet been proven.

Let me address just a few: Mr. Johnny Chung, described as a "hustler" by a member of the National Security Council, made donations to the Democratic Party numerous times. Among these was a $50,000 check handed over to Margaret Williams on the White House grounds during one of his 51 visits. The Democratic National Committee has announced it will return contributions totaling $366,000 from Johnny Chung because it cannot verify the source of this money.

Mr. Charles Yah Lin Trie raised and contributed more than $½ million to the Democratic National Committee. This money has been linked to funds transferred to him from the Bank of China, which is operated by the Chinese Government. The Democratic National Committee has returned $187,000 that Mr. Trie contributed and plans to return another $458,000 that he helped raise from others.

In November, 1995, Mr. Jorge Cabrera wrote a check for $20,000 to the Democratic

National Committee from an account that included proceeds from smuggling cocaine into the United States. Within 2 weeks, he met with Vice President GORE. He also attended a White House Christmas reception hosted by the First Lady. The Democratic National Committee returned his contribution almost a year later and he is now serving time in a Miami prison.

Mr. Speaker, these are just three examples, but they serve to illustrate a situation that is intolerable. The Democratic National Committee has given, and plans to give, huge sums of money back to the drug dealers, international hustlers, and foreign agents who broke the law in giving that money in the first place.

The penalty being suffered by Mr. Johnny Chung, Mr. Charlie Trie, and Mr. Jorge Cabrera is to have mountains of tainted money given back to them to use as they wish.

Mr. Speaker, these people are criminals. The American people, and particularly the people I represent, will not stand for it when the law allows them to be rewarded with hundreds of thousands of dollars in cash.

Mr. Speaker, I am introducing a bill today to remedy this extraordinary situation. The Apprehension of Tainted Money Act would require political committees that intend to return certain contributions to transfer those contributions to the Federal Election Commission.

The Commission would establish an interest-bearing escrow account, deposit returned contributions in it, and notify the Attorney General. The Commission and the Attorney General would be able to apply this money toward any fine or penalty imposed against the contributor under Federal election or criminal law. In addition, if a fine or penalty is imposed, the Commission or Attorney General could use deposited funds to cover the costs incurred in investigating the contribution. If the contributor were cleared, if the Commission and Attorney General failed to act, or if some portion of the money was used, the remaining contribution would be returned.

Mr. Speaker, my bill would prevent the Johnny Chungs, the Charlie Tries, and the Jorge Cabreras from getting their dirty money back and spending it—or making it disappear—before Federal officials have a chance to investigate them and apply appropriate fines and penalties.

Let me make one other point that I think is very important: We are seeing that, in many instances, the tainted money is being returned after an election has intervened. This means that money from an unknown, possible illegal source has been used by a campaign to influence an election. Anyone with a healthy skepticism and sense of watchfulness about our Government could not help but want to investigate whether there has been collusion between questionable campaign contributors and the individuals and parties to whom they gave. This makes the apprehension of tainted money bill all the more important.

I urge my colleagues in the House to join me in passing this legislation and getting it before the President for signature. There can be no time lost, because each returned contribution gives undue benefit to some of our Nation's most pernicious lawbreakers.

Let me briefly describe the bill in some more detail: The Apprehension of Tainted Money Act adds a new section to the Federal Election Campaign Act. the new section provides the following:

When a political committee intends to return a contribution of more than $500, it must transfer the contribution to the Federal Election Commission [Commission] and ask the Commission to return it. This requirement does not apply to contributions returned within the times set by Commission rules for return or reattribution of contributions, but it does apply to contributions that a political committee discovers to be illegal after the Commission's deadline for return of illegal and nonreattributable contributions.

The Commission must establish an interest-bearing escrow account, deposit returned contributions in it, and notify the Attorney General when it receives such contributions. Interest from the funds placed in the escrow account shall be used to cover administrative costs of the account, all excess going to the U.S. Treasury.

The Commission must consider the return of the contribution in determining whether it has reason to believe that election laws have been violated.

The Commission or the Attorney General may apply returned contributions toward any fine or penalty imposed against the contributor under Federal election or criminal law. If a fine or penalty is imposed, the Commission or Attorney General may use deposited funds to cover the costs incurred in investigating the contribution.

The Commission must return the contribution if: First, the Commission and Attorney General certify that the contribution is not the subject of an investigation; second, the contribution will not be applied to any fine, penalty, or charge for cost of investigation, or the portion to be used has been subtracted from the returnable amount; or third, for any 120-day period, neither the Commission nor the Attorney General have pursued an investigation of the contribution.

The act applies from the date it is enacted, whether or not the Commission or Attorney General have issued regulations. Notwithstanding the Administrative Procedures Act, the Commission and Attorney General must issue final regulations within 30 days of the enactment of the act.

RIGHT WELFARE REFORM'S WRONGS BEFORE IT IS TOO LATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I want to tell all my colleagues a brief story that we here in Congress have helped write with the passage of what we called the Welfare Reform bill last year. Members of this body have written a story with a tragic ending, but it is not too late to change it.

This is the story of Marta Molina and her 24 classmates at the San Diego Center for the Blind. All are long-time legal residents of this Nation whose supplemental security income will end in a few months unless there is legislative relief or they are naturalized as citizens.

Marta, who is 44 years old, is the mother of two grown children she raised by herself following a divorce 10 years ago. She and others in her English and life skills class began studying for the citizenship test well before welfare reform was enacted. After evaluating Marta's degenerative blindness, cataracts and cataract surgery, her physician asked the INS to give Marta extra study time. Because of the rigid mandates of welfare reform, she has no more time.

Marta's situation is serious, but the predicament of some of her other classmates is even worse. They are on dialysis and they can possibly die if their Medicare ends. The INS, which should not be in the position of correcting welfare reform's cruel and arbitrary cutoff of legal immigrants' benefits, including the blind, frail, and elderly, was asked to ease the naturalization process for some of these immigrants, but the INS's new rules will not help these blind students.

The rules, which do exempt disabled immigrants from the English and civics test, provide no relief for the blind, according to the INS authorities, because their vision impairment does not prevent them from studying and taking a test. These inflexible rules do not take into account that a disability like blindness makes it very difficult to master English and civics under a strict time limit.

These students of the San Diego Center for the Blind say they are terrified, living in fear of these inflexible policies that even do not comply with the Americans with Disabilities Act. They say people are called at INS offices by a number flashing on a screen which they cannot see, and that test preparation material is not available in Braille or on tape. This situation demands our immediate intervention.

When this body passed welfare reform last year, I am sure those who voted for it did not intend to jeopardize the lives and peace of mind of thousands of long-time legal residents with disabilities. But now that the law's unintended consequences have been brought to our attention in story after story, we must correct these wrongs. We must act to exempt the blind, frail, and elderly legal residents from the unintended effects of welfare reform, and we must give these residents the amount of time necessary to take the naturalization test.

It goes without saying that our own INS office employees should be sensitive to and comply with the dictates of the Americans with Disabilities Act.

Mr. Speaker, it is up to us to act now. We must write a new ending, one that averts senseless and most certainly lethal suffering.

THE NATIONAL PRAYER BREAKFAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. BARRETT] is recognized for 5 minutes.

Mr. BARRETT of Nebraska. Mr. Speaker, earlier this year I had the distinct pleasure and the great honor of chairing the 45th annual National Prayer Breakfast here in Washington.

Now, this is an annual event that is hosted by the Senate prayer group and the House prayer group, and it represents an effort by many thousands of people to come together once a year here in our Nation's Capital in prayerful reflection. The breakfast was initially founded as an opportunity for Members of Congress to express spiritual support for the President, for the leaders of our Nation and, of course, for each other.

This year more than 4,000 people came to the breakfast from all 50 States and from over 140 countries. The personal contacts we all had from across the Nation, from around the world, were something that were impressions that will last a lifetime.

Mr. Speaker, on behalf of my colleagues on the congressional committee that planned this most recent breakfast, I provide a copy of the transcript of that breakfast to be inserted in the RECORD so that everyone might read the uplifting and inspirational messages we heard that day.

THE NATIONAL PRAYER BREAKFAST, THE WASHINGTON HILTON, THURSDAY, FEBRUARY 6, 1997

Representative BILL BARRETT: It's a special privilege for me to be able to welcome each and ever one of you here this morning to the 45th annual National Prayer Breakfast, especially our friends from around the world, as well as those of you who are attending the prayer breakfast for the first time. God created us at different times and in different places, and with the flesh of a hundred different hues, but he did set us forth with a very common purpose; to love the Lord, our God, and to love our neighbor as ourself.

We're gathered here today from six continents. I don't believe the Antarctica delegation has arrived yet. Ladies and gentlemen, there are nearly 170 countries represented here today—all 50 states are represented here today—here in this ballroom and in auxiliary rooms in which people who could not get into the ballroom are seated, viewing this on television.

We have nearly 4,000 people gathered for the 45th annual prayer breakfast. There are literally hundreds and hundreds of Republicans and Democrats, liberals and conservatives, people from all professions, all fields of service. We have laborers, we have prison parolees here, we have street people here. We have people of considerable wealth; we have people with little material wealth. There are people from all levels of society, all backgrounds, religiously and politically. There is represented here today truly a cross-section or our world.

Who we are is not the important point. The point is that we all come together to let each other know that we care. We come here to humbly beseech guidance; to further the building of humankind, recognizing and acknowledging the reliance that each of us has on Divine Providence. What a happy time it is that so many have chosen to join us this morning in the spirit of Jesus of Nazareth and to share this time together.

From the reports that we hear, read and observe, it's probably difficult to believe that members of Congress can ever agree with one another or find it possible to be perfectly united in mind and thought, as St. Paul admonished us to do. But it's my pleasant duty to bring to you greetings from the House of Representatives' Prayer Breakfast.

One of the most meaningful experiences for me since I've been a member of Congress has been to attend that prayer breakfast, in which we gather every Thursday morning in the Capitol at 8:00, in a time of fellowship and prayer with our colleagues. On these mornings, 40 to 50 Democrats and Republicans, without guests, with the exception of an occasional parliamentarian from another nation who is a member of a prayer group in that nation, or perhaps a parliamentarian who wants to come and observe our prayer breakfast, with the thought in mind of going back to his or her country and establishing a similar prayer breakfast. We meet simply to find fellowship in the spirit of Christ and to share burdens with each other.

We leave our differences outside the door. Labels remain outside the door. We get to know each other on a basis of something that transcends the labels that often divide us during the rest of the week. As a result, many special and many unlikely friendships have been born and even nurtured during that time together.

Our speaker each week—one week a Republican, one week a Democrat—is always a member of Congress, but no necessarily a member of our prayer group. We hear from that person, in which they share with us something that they want to talk about—perhaps some of the trauma in their life, some of the problems, some of the joys, some of the satisfactions, some of the triumphs. We've had some wonderful messages and, with each one, inspiration, better understanding and, of course, close friendships. And because of the seeds that were planted by the House and the Senate fellowship groups 45 years ago the National Prayer Breakfast, this prayer breakfast, has grown to include people from so many countries that we have to wonder today if we should perhaps rename the National Prayer Breakfast to "the International Prayer Breakfast."

So on behalf of both the Senate and the House prayer groups, who are hosting this breakfast, we thank you for sharing with us. We also acknowledge the hundreds of groups that are meeting simultaneously around the world as we meet here together at this particular moment—meeting around the world to praise the Lord.

Many of you know that Billy Graham has been a steadfast member of this national prayer group—I believe he has missed only three National Prayer Breakfasts in 45 years. Dr. Graham had hoped to be with us today, but his health prevents it. And I'd like to share with you a message that I received from Dr. Graham.

"I hear constantly the impact that the Prayer Breakfast is having throughout the world. Since this is one of the few times I have every missed being at a breakfast since its beginning, I will certainly be in prayer that God will make this gathering one of the most significant prayer breakfasts we've ever had. Give my warmest greetings and affection to all of those in attendance, especially the president, Mrs. Clinton, the vice president, and Mrs. Gore.

"With warmest affection in Christ, I am cordially yours, Billy Graham."

The gentleman from Missouri, the minority leader of the House of Representatives, the Honorable Richard Gephardt, will now read from the Old Testament.

Representative GEPHARDT: Our Old Testament reading this morning is from Psalms. "Make a joyful shout to the Lord, all your lands. Serve the Lord with gladness. Come before His presence with singing. Know that the Lord He is God. It is He who has made us, and not we ourselves. We are His people, and the sheep of His pasture. Enter into His gates with thanksgiving, and into His courts with praise. Be thankful to Him, and bless His name for the Lord is good. His mercy is everlasting, and His truth endures to all generations."

Representative BARRETT: Thank you, Mr. Minority Leader.

It's a tradition of the National Prayer Breakfast that a person of very special talent is chosen to present a solo at our breakfast. This morning we are thrilled to be able to present a young opera star of unparalleled prospect, a mezzo-soprano who has made a number of important debuts both here and in Europe. Please welcome Ms. Denyce Graves.

(Ms. Graves sings "Swing Low, Sweet Chariot" and "Every Time I Feel the Spirit")

Representative BARRETT: What a thrill, right? Thank you, Ms. Graves.

The Scripture from the New Testament will be brought to us by the speaker of the House of Representatives, the gentleman from Georgia, the Honorable Newt Gingrich.

Speaker NEWT GINGRICH (R–GA): Let me just say that I think all of our hearts, I hope, were touched by Ms. Graves just now. It was truly a wonderful moment.

I'm going to read from John 3, verses 12 to 21.

"If I have told you earthly things, and ye believe not, how shall ye believe if I tell you of heavenly things? And no man has ascended up to heaven but He that came down from heaven, even the Son of Man, which is in heaven. And as Moses lifted up the serpent in the wilderness, even so must the Son of Man be lifted up; that whosoever believeth in Him should not perish, but have eternal life. For God so loved the world that He gave His only begotten Son, that whosoever believeth in Him should not perish, but have everlasting life. For God sent not His Son into the world to condemn the world, but that the world through Him might be saved. He that believeth on Him is not condemned, but he that believeth not is condemned already, because he hath not believed in the name of the only begotten Son of God. And this is the condemnation: that light is come unto the world, and men loved darkness rather than light, because their deeds were evil. For everyone that doeth evil hateth the light, neither cometh to the light, lest his deeds should be reproved. But he that doeth truth cometh in the light, that his deeds made be made manifest, that they wrought in God."

Representive BARRETT: Thank you, Mr. Speaker, for that reading from the New Testament.

Vice President Al Gore was a very faithful member of the House prayer group when he was a member of the House. And when he entered the Senate, he became a very faithful member of the prayer group as well. And as a result, the Senate prayer group has asked him to represent them in delivering remarks of the Senate. And it's encouraging to know, Mr. Vice President, that one of our own can occasionally succeed.

It is with great pleasure that I present to you the vice president of the United States, Mr. Albert Gore Jr.

Vice President GORE: Thank you. Thank you very much, Bill.

Mr. President and Mrs. Clinton and Mr. Speaker; leader Gephardt, other distinguished guests at the head table; and senators, congressmen; heads of state from other countries; thank you very much for your attendance; distinguished guests, ladies and gentlemen, including those in the overflow room, we're so proud that you are here. And among those at the head table, allow me just a brief personal word.

Dr. Ben Carson—I had nothing to do with the invitation to Dr. Carson to be the main speaker this year. But after Tipper and I found out that he was going to be our speaker, we recalled that when one of our children was seriously injured and in Johns Hopkins Hospital, he was part of the medical team that consulted with us. We are among the thousands of families who are grateful to you and the others healers among us, Dr. Carson. It was a pleasure to meet your sons, Murray, Den, and Royce, in the other room.

Bill said that I was invited to bring greetings from the Senate prayer breakfast group because I was a faithful member of it. The truth is that with my travels on behalf of the president and the White House schedule, they invited me to give greetings on their behalf so that I will definitely become a faithful member of the Senate prayer breakfast. I know what they're doing. And it's true that my schedule has taken me away from it. But your ploy is going to work.

May I also refer to the many thousands of prayer groups around the United States that are represented by many of you here, and around the world. I want to acknowledge a group represented here—the Religious Partnership for the Environment. I am proud to have had a chance to meet frequently with them.

Since we met here last year, something has happened that I wanted to briefly comment upon: Churches were burned, synagogues and other houses of worship were burned, and a great outpouring of national concern took place.

Many wondered, "How could we respond to this?" I know the president gathered spiritual leaders from various denominations to talk about this issue. The House and the Senate took action. There was no dissent. I forget the vote in the House, but it was 100 to nothing in the Senate. It's rare that you get a vote of that kind. And the country began to come together to respond to this challenge.

Churches were rebuilt. Some of them that had been burned to the ground left the congregations just devastated. I remember visiting one, looking at the ashes covering the timbers, and the congregation expressed its determination to come back together and rebuild.

On August 19th, the president and the first lady, Tipper, and I went to a church that had been burned in Tennessee and joined in rebuilding the church. When we got there, we learned that there had been two churches burned—one with a white congregation, one with a black congregation. When the church with a white congregation burned, the first donation to rebuild it came from the black congregation just two miles away. About a year later, when the church with the black congregation burned, the first donation to rebuild it came from the church with the white congregation. On that day when we gathered with hammers and nails and paint brushes to rebuild it, all of the community leaders came. The African American pastor of this congregation made note of the fact that some of the county leaders who were present were individuals he had never met before, and the members of the white congregation who came had never met their counterparts, in many cases, before. He cited a verse from Genesis 50: "Man intended it for evil, but God intended it for good." The president spoke and said, "You can burn the building, but you cannot burn out the faith."

I was reminded of the examples in the Bible of fires that burned but do not consume. In Exodus Chapter 3, Moses is confronted with a burning bush. "Though the bush was on fire, it did not burn up." Moses thought, " 'I will go over and see this strange sight, why the bush does not burn up.' God called to him from within the bush: 'Moses!' And Moses said, 'Here I am.' "

In the book of Daniel, Chapter 3, verse 19, Nebuchadnezzar orders his furnace heated up seven times hotter than usual, and commanded some of the strongest soldiers in his army to tie up Shadrach, Meshach, and Abednego, and throw them into the blazing furnace. They had refused, of course, to bow down to graven images and idols. And when they were thrown into the furnace—you know the story well—the soldiers were burned. But Nebuchadnezzar looks into the flames, and in amazement asked his advisers, "Weren't there three men that we tied up and threw into the fire?" They replied "Certainly, o king." He said "Look, I see four men walking around in the fire, unbound and unharmed. And the fourth looks like a son of the gods."

The three were taken out, and they saw that the fire had not harmed their bodies, nor was a hair of their head singed. Their robes were not scorched, and there was no smell of fire on them.

In response to such challenges, we are called to be present with those who are persecuted.

Finally, when we saw the rebuilt church brought—the image of it brought in the photograph when this minister revisited the White House earlier this year, I was reminded of the famous chapter in Ezekiel 37, when Ezekiel is placed in the valley.

"And I saw a great many bones on the floor of the valley, bones that were very dry. And the Lord asked me, 'Son of man, can these bones live?' And then he said to me, 'Prophesy to these bones, and say to them, "Dry bones, hear the word of the Lord," ' So I prophesied as I was commanded. And as I was prophesying, there was a noise, a rattling sound, and the bones came together, bone to bone. Tendons and flesh appeared on them, and skin covered them. But there was no breath in them. And then he said to me: 'Prophesy to the breath. Prophesy, son of Man. And say to it, "This is what the sovereign Lord says, 'Come from the four winds, oh breath, and breathe into these slain that they may live.'" ' So I prophesied as he commanded me, and breath entered them. They came to life and stood up on their feet a vast army."

These houses of worship have been lifted back up, and the breath of the Spirit has been breathed into them. May the same thing happen to our hurting nation.

Representative BARRETT: Thank you, Mr. Vice President.

To deliver our prayer for the national and international leaders, I would like to recognize the senator from Indiana Senator Dan Coats, who is a very faithful member of the Senate prayer breakfast. It's my pleasure to introduce the senator for the most basic purpose of this breakfast, to let our leaders know that we are praying for them.

Senator DAN COATS (R-IN): Please bow your heads with me in prayer and join your hearts with me in prayer.

Our Lord and our God, we have set aside this day of prayer to acknowledge you and you alone, as the God of men and nations; to thank you for your loving kindness toward each of us, and to humbly ask for wisdom and discernment as we seek to serve the people of our land. We ask for your mercy and divine forgiveness for our sins, for we often rely on our ways and not on yours.

We are divided by barriers of anger and suspicion. We are shamed by the commonplace violence in our nation. We have failed to protect the innocence of our children, and we have left them to moral confusion and early despair. We have misunderstood both the cause and the cure of our troubles. We see social and political problems; You see our failures of love and duty and commitment. We talk of politics and laws; You weigh the desires of our hearts. We propose solutions for others; You ask us to examine ourselves.

Lord, each of us in some way has set out to change our society. But now, today, we humbly ask you to change each of us. We are thankful, Lord, that Your mercy does not depend on our merit. We are grateful that the Gospel is a story of failure forgiven.

Lord, we pray for the leaders You have brought to this room. Preserve us from the pride of power. Guard us from self-interest and selfish ambition. May we build careers of honorable service, obeying Your command to do justice, to seek mercy, and to walk humbly with You.

We pray above all for inward surrender to Your guidance, hearts transformed by an encounter with the living God, and lives marked with Your meaning. We pray these things in the confidence and comfort given by Jesus Christ. Amen.

Representative BARRETT: Thank you so much, Senator Coats, for those words.

It's now my pleasure to present to you our featured speaker at this prayer breakfast, Dr. Benjamin Carson, who is director of pediatric neurosurgery at Johns Hopkins University. Dr. Carson is well renowned in his field—most notably, perhaps, the 1987 separation of the Binder twins in Germany, which of course were attached at the head.

Dr. Carson has led a life of struggle as well as triumph, and I know that you're going to find his remarks both interesting and very inspiring. He brings us his love for children. He's a living example of caring and compassion. Please welcome Dr. Ben Carson.

Dr. BENJAMIN CARSON: Thank you very much. It's a real pleasure and an honor to be here before so many distinguished people. I don't feel that I really belong here under these circumstances. But the nice thing is, when it comes to love that is inspired by Jesus Christ, we're all equal. And it makes you feel good. You begin to realize that He's the one who empowers us to do whatever we do and to go wherever we go.

I want to give you some little vignettes from my own life and how my relationship with God developed. Let me set my stopwatch here because I understand that if I go overtime, the Secret Service will take me away.

I always wanted to be a missionary doctor. I used to listen to the mission stories in church, and they frequently featured missionary doctors—people who, at great personal expense, would go to foreign lands and bring not only physical but mental and spiritual healing to people. It seemed like the most noble thing a person could do. I harbored that dream from the time I was 8 years old until I was 13, at which time, having grown up in dire poverty, I decided I'd rather be rich. So at that point, missionary doctor was out and I decided I wanted to be a psychiatrist. Now I didn't know any psychiatrists, but on television, they seemed like very rich people. They lived in these big fancy mansions and drove Jaguars and had these big plush offices, and all they had to do is talk to crazy people all day. It seemed like I was doing that anyway, so I said, "This should work out quite well," and started reading Psychology Today. I was the local shrink. I majored in psychology in college, did advanced psych when I went to medical school.

But that's when I started meeting a bunch of psychiatrists. Now, some of my best friends are psychiatrists. Actually, on a serious note, some of the smartest people I know really are psychiatrists and I'm a little bit miffed, as a medical professional, as to why the insurance companies and HMOs are giving psychiatrists such a hard time. I hope we'll do something about that.

I discovered that I wasn't going to be a psychiatrist and I had to stop and ask myself "What are you really good at?" I discovered I had a lot of eye-hand coordination, the ability to think in three dimensions. I was a very careful person, never knocked things over and said "oops!" and I enjoyed the brain. So I put all that together and that's how I came up with neurosurgery.

If you had seen me as a youngster, and someone had told you that I was going to grow up to be a neurosurgeon, much less chief of pediatric neurosurgery at Johns Hopkins, you would have laughed until you died, because there was unanimous agreement amongst my classmates, my teachers, and myself that I was the dumbest person in the world. I was always the first one to sit down in a spelling bee, got big goose eggs on everything that dealt with academics.

I remember one time we were taking this math quiz, and I had a major philosophical disagreement with my math teacher who seemed to think it was important to know your time tables. As far as I was concerned, why waste my time learning those when I could look them up on the back of the notebook? So you can imagine what kind of grades I got in math. But that particular day I'd been having a discussion with some of my classmates about lack of intellectual agility, one might say. In fact, they were saying I was the dumbest person in the world, and I was disputing that. We had a math quiz that day. I had about thirty questions. And in those days you would pass your test to the person behind you, and they would correct it as the teacher called out the answers, give it back to you. The teacher would call your name out loud and you would report your score out loud.

Well, I had gotten my usual zero. But, on this particular day, having had those discussions, I was looking for a way to hide that fact from my classmates, so I schemed and I said, "When the teacher calls my name, I'm going to mumble. And maybe she will misinterpret what I said."

So when she called my name, I said, "Nnngn." And she said: "Nine?" Benjamin, you got nine right? Oh, this is wonderful. This is the greatest day of my life. I told you you could do it if you just applied yourself." She ranted and raved for about five minutes. Finally, the girl behind me couldn't take it any longer. She stood up and said, "He said none." Of course the kids roared with laughter, and the teacher sat down quite embarrassed. If I could have disappeared into thin air, never to be heard from again in the history of the world, I would gladly have done so, but I couldn't.

The thing that really hurt was when I got my report card at mid-term, and my poor mother saw it, and she was just distraught. There I was failing almost every subject, and there she was, working two or three jobs at a time as a single parent, trying to raise her young sons in inner-city Detroit, realizing what a difficult time she had because of her lack of education, having had only a third-grade education herself. Then there I was going down the same path; my brother also doing quite poorly.

She did not know what to do, and she prayed and asked God to give her wisdom. What could she do to get her young sons to understand the importance of intellectual development so that they could have control of their own lives? And you know something? God gave her the wisdom, at least in her opinion. My brother and I didn't think it was all that wise because it was to turn off the TV set and let us watch only two or three TV programs during the week. With all that spare time, we read two books apiece from the Detroit Public Library and submit to her written book reports which she couldn't read, but we didn't know that. So she had pulled a fast one on us.

I was in no way enthusiastic about this program. All my friends were outside having a good time, and there I was, inside, reading. A lot of times parents come to me today, and they say: "How was your mother able to get you and your brother to turn off the TV and read? I can't get my children to do that." I have to chuckle and I say, "Back in those days, the parents were in charge of the house. They didn't have to get permission from the kids how to run it."

Interestingly enough, because of the reading—always reading, I learned how to spell, so I wasn't the first one to sit down in a spelling bee. I learned grammar and syntax because I had to put those words together. I learned to use my imagination because I had to take those sentences and make them into concepts. Within the space of a year and a half, I went from the bottom of the class to the top of the class, much to the consternation of all those people who called me "dummy." The same ones were coming to me now and saying, "Hey, Benny, how do you work this math problem?" I would say, "Sit at my feet, youngster, while I instruct you." I was perhaps a little obnoxious but it sure did feel good to do that.

The fact of the matter is, what am I talking about? I'm talking about a person's image and self-concept. When I was in the fifth grade, I thought I was dumb, and I acted like a dumb person, and I achieved like a dumb person. When I was in the seventh grade, I thought I was smart, and I acted and achieved accordingly. Does that say a lot about the human brain, about the potential that our Creator has given us?

Think about it. There is no computer on Earth that comes close to the capacity of the normal human brain. How many people here remember your home telephone number? Okay, that's pretty good for a bunch of people in Washington. What did your brain have to do for you to react to that question? First of all, the sound waves had to leave my lips, travel through the air into your external auditory meatus, travel down to your tympanic membrane, set up a vibratory force, which traveled across the ossicles of your middle ear to the oval and round windows, setting up a vibratory force in the endolymph, which mechanically distorted the microcilia, converting mechanical energy to electrical energy, which traveled across the cochlear nerve to the cochlear nucleus at the pontomedullary junction, from there to the superior olivary nucleus—wait a minute, we've got a ways to go—ascending bilaterally up the brain stem to the lateral lemniscus, to the inferior colliculus and the media janicular nuclei, across the thalamic radiations to the posterior temporal lobes to begin the auditory process; from there to the frontal lobes, coming down the tract of Vicq d' Azyr, retrieving the memory from the medial hippocampal structures of the mammary bodies, back to the frontal lobes to start the motor response at the Betz cell level, coming down the corticospinal tract, across the internal capsule into the cerebral peduncle, descending down to the cervicomedullary decussation into the spinal cord gray matter, synapsing, going out to the neuro-muscular junction, stimulating the nerve in the muscle so you could raise your hand. Due to our limited time, I didn't want to get into the complexities. But the fact of that matter is, you could do that, and you barely had to think about it. Can you imagine what the human brain is capable of if people actually put some time and thought into things?

This is the thing that is so disturbing to me. When I see surveys about how our young people are doing in school vis-a-vis other industrialized nations—notwithstanding the outstanding individuals that the president pointed out the other day in the State of the Union address. That's the exception and not the rule. We have to change that as we enter the information age. We have to change the tremendous emphasis on sports and entertainment, and life-styles of the rich and famous. Because there are other great nations that went that pathway: Egypt, Greece, Rome. They were all at the pinnacle, just like the U.S.A., and then they forgot about the things that made them great, and they became enamored of the things that weren't so important. Where are they today? Some people think that that can't happen here, but it can. We have a real obligation to do something to change that.

You would think that having realized that, life was going to be wonderful for me. But it wasn't. You see, I had this problem with my temper. I was one of those people who thought I had a lot of rights. Have you ever met anybody like that? It's like when you're driving in your car and somebody gets in your lane—the one you own and paid for and you begin to dictate to them how they should be driving? Well, this was me. I thought I had a lot of rights.

I remember one time a kid hit me with a pebble. It didn't hurt. I was so incensed, I grabbed a big rock and I threw it at him and broke his glasses, almost put his eye out. Another time, a kid was trying to close my locker at school. I didn't want it closed, and I hit him in the head. Unfortunately, I had my lock in my hand and put a three-inch gash in his forehead. Another time, my mother was trying to get me to wear something. I didn't want to wear it. I picked up a hammer and tried to hit her in the head with it. Other than that, I was a pretty good kid.

But it all sort of culminated one day when another kid did something I didn't like. I had a large camping knife and I tried to stab him in the abdomen. Fortunately, under his clothing, he had a large metal belt buckle and the blade struck it with such force that it broke, and he fled in terror and I ran to the bathroom and started thinking about my life.

A few years ago, I was in San Quentin—as a speaker—and I was looking out over those hardened faces, and realizing that, except for the grace of God and our Lord and Savior, I could easily have ended up in a place like that myself. Sometimes it does us good to think about that when we believe how high and mighty we are, that except for certain circumstances, things might have been quite different for us.

We need to learn how to be compassionate and how to put ourselves in other people's places. As I was in that bathroom, thinking about my life, having turned things around academically, I realized that with that temper there was no possibility of me ever achieving my dream of becoming a physician. I fell on my knees and I began to pray. I said: "Lord, I cannot control this temper." I said: "It's up to you. I am giving it over to you."

I picked up my Bible. I started reading from the Book of Proverbs. There were so many verses in there about anger, the trouble that people get into: "If you deliver an angry man, you're going to have to keep doing it"; Proverbs, 19:19. "Like a city that is broken down and without walls is the man who cannot control his temper"; Proverbs, 25:28. Also verses about how God admired people who could control their temper; Proverbs, 16:32: "Mightier is the man who can control his temper than the man who can conquer a city." It seemed like, verse after verse, chapter after chapter, they were all written for me. After three hours in that bathroom, I came out of there, and the temper was gone. I've never had another problem with it since that day.

I knew that it was our Lord and Savior, Jesus Christ, who did that for me. I began to understand that we have not only a heavenly Father, but I adopted God as my earthly Father; somebody that I could go to, somebody who was a nice guy; somebody who didn't force himself upon you but someone who, if you allowed him to be in your life and to control your life, would make it something special, something wonderful, would give you perspective and understanding; the ability to look at things from other people's points of view, rather than castigating people who disagree with you putting them in a corner and throwing stones at them, like so many people are prone to do. I think the more highly civilized a society is, the less likely they are to do that; the more likely they are to be able to engage in intelligent conversation, discussing their differences and arriving at common solutions.

There is a segment of our society that I am particularly concerned about; who seem to be affected by the things that I've talked about; the temper, the outrage, the lack of intellectual development. It's the young black males in our society in America. We've all heard the young black male in this society is an endangered species. Why do people say that? Because there are more young black males in jail than there are in college.

And you know the interesting thing? My good friend Wintley Phipps told me that 90 to 95 percent of those people in prison grew up in homes without fathers. Does that tell us something? Something about what we need to be doing as a society in terms of reaching out and providing appropriate role models for individuals?

Why do we have this dismal situation occurring? Some people say: "I am not a black male, so it doesn't affect me. It's not my problem." I beg to differ with you because all of our ancestors came to this country in different boats. But we're all in the same boat now. And if part of the boat sinks, eventually the rest of it goes down, too. We have to understand that.

The interesting thing is that young black males never had to become that way. Those of you who are in education know that young black males in the kindergarten, first grade, second grade, are as good a students as anybody else. Then something happens along the way. What happens? They start reading in American history about this great nation of ours and they discover that there's nobody in there who looks like them who did anything of significance. They say, "Well, maybe next year, when I take world history." Then they discover there's nobody who looks like them who did anything of significance. then they come home and they turn their TV on, and they say, "Oh! There I am. Playing football and basketball and baseball, and rapping in these baggy pants that look like you could fly in them, and acting a fool on some sitcomedy."

You begin to develop certain self-images, certain concepts: "That's how I'm going to make it. I'm going to become the next Michael Jordan." The media doesn't tell them that only seven in one million will make it as a starter in the NBA; that only one in ten thousand make it in any lasting way in sports and entertainment.

We need to emphasize the right things. I wish we had a program that came on television every day, called "Lifestyles of the Formerly Rich and Famous," so that they could find out what happens to many of these people, because it's not as glamorous as we make it out to be. We need to emphasize the intellect.

But, they don't have that emphasis. And then they find out later on that they're not going to be a sports star or in entertainment. What's left? Up drives this big black BMW with tinted glass, out steps this tall gentleman, jewels and furs and women, and he says "Wouldn't you like to have some of what I have? That society sold you a bill of goods. Let me show you how you get it." Hence, we have people who do some things that none of us can imagine that a human being would do, because they feel betrayed by society.

That's part of it, part of the sociology. That's not all of it, but it's part of it. It's something that should give us pause, but it never had to happen. Any of us could have taken that young man at age 6, and walked down the streets of Washington, D.C., and given him a lesson that would have thrilled his heart, a black history lesson that could have started by pointing to his shoes and saying "It was Jan Matzlinger, a black man, who invented the automatic shoe-lasting machine which revolutionized the shoe industry throughout the world." Step on that clean street, they can tell him about Charles Brooks, who invented the automatic street-sweeper. Down that clean street comes one of those big refrigerated trucks and you can tell him about Frederick Jones, who invented the refrigeration system for trucks, later adopted for airplanes and trains and boats. It stops at the red light, and you can tell him about Garrett Morgan, a black man who invented the stop sign, the stop signal, and also invented the gas mask, saved lots of lives during the war.

You can tell him about Henrietta Bradbury, a black woman who invented the underwater cannon, made it possible to launch torpedoes from submarines. And a black woman is walking down the street—a black man did not invent her—but you can take that opportunity to talk about Madame C.J. Walker, a black woman who invented cosmetic products for women of dark complexion, was the first woman of any nationality in this nation to become a millionairess on her own efforts.

You walk past the hospital, and you can talk about Charles Drew and his contributions to blood banking, blood plasma, and Daniel Hale Williams, the first successful open heart surgeon. You look up at the surgical light, Thomas Edison—you didn't know he was black, did you? He wasn't, but his right-hand man, Lewis Lattimer, was. Lewis Lattimer came up with the filament that made the light bulb work, pioneered research in fluorescent lighting, diagrammed the telephone for Alexander Graham Bell. People don't even know who Lewis Lattimer was.

You walk by the railroad tracks: Andrew Beard, automatic railroad car coupler, helped spur on the industrial revolution. Elijah McCoy had so many great inventions, like the automatic lubricating machine for engines, that people were saying when something big in the industrial era came up, "Is that a McCoy? Is that the real McCoy?" You got racist people like David Duke running around talking about "the real McCoy," don't even know who they're paying homage to.

And I'm just scratching the surface. I'm barely scratching the surface.

Here's what's interesting: I can take that same walk down the street for any group, any ethnic group in this nation, and point out tremendous contributions, because the fact of the matter is we have all made enormous contributions to this nation. That's how this nation got to be number one faster than any other nation in the history of the world, because we have people here from every place, from all corners of the earth. This is not a problem, this is a good thing.

Think about it. How many people here would want to go to the National Zoo and pay money to get in there if every animal was a Thompson's Gazelle? It wouldn't be that interesting would it? How many people would go downtown Baltimore to the National Aquarium, pay to get in there, if every fish were a goldfish? How many people want a bouquet of flowers if every one was identical? And how many people would want to get up in the morning, if everybody looked exactly like you? Think about it. In some cases, it would be a disaster.

I think we should praise our Heavenly Father for giving us diversity, and please, let's not let those people with small minds make that into a problem. We don't have to do that.

Let me close quickly by saying I really feel that we have to get this into our young people, this idea about our diversity being our strength, this ideal about developing ourselves intellectually. What if everybody in this room, with all your influence, wrote a letter to Kellogg's and General Mills, when you went home, and said, put on your cereal boxes Nobel Prize winners and people of intellect instead of just people who use sports and entertainment, and our young people could read about them when they were eating their cereal in the morning.

Just those kinds of things will make a big difference. It helped me to have a very rapid rise in my career, and it came up with my philosophy for success in life: Think big.

The "T" is for talent, which God gave to everybody—not just the ability to sing and dance and throw a ball. Don't get me wrong; I love sports and entertainment. I love sports stars and entertainers, but it's not the most important thing. Intellect—we need to develop that. We need to emphasize it.

Honesty—lead a clean and honest life. You won't have to worry about skeletons in the closet coming back to haunt you just when you don't want to see them. If you always tell the truth, you don't have to try to remember what you said three months ago. What a difference that makes.

The "I" is for insight, which comes from listening to people who have already gone where you're trying to go. Solomon, the wisest man who ever lived, said, "Wise is the person who can learn from someone else's triumphs and mistakes." He said, "The person who cannot is a fool."

The "N" is for nice. Be nice to people, because once they get over their suspicion of why you're being nice, they'll be nice to you. If you're not nice, try it for just one week. Try for one week not saying something bad about anybody and being nice to everybody. You'll see it makes a big difference, and you won't go back.

The "K" is for knowledge, which is the thing that makes you into a more valuable person.

You ask—do I have a big house? Yes. Do I have many cars? Yes. I grew up in Detroit. I like cars. Do I have a lot of things that "Lifestyles of the Rich and Famous" thinks are important? Yes, I do, but they're not important. Guess what: If somebody comes and takes all those things away from me today, it's no big deal. Why? Because I can get them all right back with what's up here—at least I could before managed care. That's what Solomon was talking about when he said gold is nice, silver is nice, rubies are nice, but to be cherished far above those: knowledge, wisdom, and understanding, because he knew with knowledge, wisdom, and understanding, you could get all the gold and silver and rubies you wanted. More importantly, he knew, with knowledge, wisdom, and understanding, you would come to understand that they—gold and silver and rubies—aren't important, that the important thing is developing your God-given talents to the point where you become valuable to the people around you.

The "B" is for books. I've already talked about the importance of reading.

I want you to know that my mother did eventually teach herself how to read. She finished high school. She went on to college. And in 1994 she got an honorary doctorate degree. It's never too late. It's never too late.

The second "I" is for in-depth learning, learning for the sake of knowledge and understanding, as opposed to superficial learners who cram, cram, cram before an exam, sometimes do okay, and three weeks later know nothing. I am sure no one here knows anyone like that.

The "G," the most important letter for for God. Don't ever get too big for God, and don't be ashamed of a relationship with God. We live in a country where some people say that you're not supposed to talk about God in public; that somehow, that's a violation of the separation of Church and State; what a bunch of hogwash! Do they know that Thomas Jefferson had 190 religious volumes in his library? Do they know that the preamble to our Constitution talks about certain inalienable rights that our Creator endowed us with? Have they ever said the Pledge of Allegiance to that flag, which says we are one nation under God? In every courtroom in our land, on the wall, it says, "In God, we trust"; every coin in our pocket, every bill in our wallet says, "In God, we trust."

So tell me something, if it's in our Constitution, it's in our pledge, it's in our courts, and it's on our money, but we're not supposed to talk about it, what is that? That's schizophrenia. does that not explain some of the things going on in our society today?

We've got to get it across to our young people that it's okay to be nice to people, to care about your fellow man, to develop your God-given talents to their utmost; to have values and principles in their lives. If we do that, I believe we in this country can lead the world to the type of civilization that this world should know. We should not be castigating each other; we should be loving each other. We should follow the example of our Lord, Jesus Christ. We should make sure that in all things we honor him. The way we honor him is by honoring each other.

Thank you, and good luck.

Representative BARRETT: Thanks. Dr. Carson, thank you so much for those words, for that inspirational message. We're grateful to you.

Ladies and gentlemen, it is now my great privilege and high honor to introduce to you William Jefferson Clinton, the president of the United States.

President CLINTON: Thank you very much.

Congressman Barrett, I want to thank you for making it possible for me to follow Dr. Carson. That business about worrying about whether the Secret Service would take you away if you talked too long—if that were true, I wouldn't be here today; I'd be long gone.

That biochemical description—I've got a real problem; I can't remember my home phone number anymore.

Senator Akaka, Mr. Speaker, Congressman Gephardt, to all the members of Congress and the governors who are here, and our leaders and visitors from other lands, and ministers and citizens from the United States, I've had a wonderful day today.

I would like not to pour cold water on the day, but just as you go through the day, I would like to ask all of you to remember the heartbreaking loss that our friends in Israel have sustained in the last couple of days, with 73 of their finest young soldiers dying in that horrible accident in the air.

I would like to also say that, like all of you, I was very elevated by this experience, as I always am. I thought Dr. Carson was wonderful. I thought the Scriptures were well-chosen. I appreciate all the people who work on the prayer breakfast so much.

I would like to just say a couple of things very briefly.

In my Inaugural Address and again in my State of the Union, I've quoted Isaiah 58:12, which Reverend Robert Schuller sent to me a few days before I started my second term, to remind us that we should all be repairers of the breach. It's a very moving thing. Basically, the political press here read it in the proper way. They said that Clinton wants the Republicans and Democrats to make nice to each other and do constructive things. But then I got to thinking about who is it that's in the breach. Who has fallen between the cracks? If we repaired the breach, who would we be lifting out of the hole? Very briefly, I'd like to just mention three things, and to ask you not only to pray for these three groups of people but also to do something about it.

I don't know about you, but whenever I hear somebody like Dr. Carson speak, I can clap better than anybody in the audience; then the next day when I get up and try to live by what he said I was supposed to do, it turns out to be harder than it was to clap. So I would like to ask you to think about who is in the breach if we're supposed to be repairers of the breach.

The first group of people that are in the breach are the poor in America. They're different than they used to be. When I was a boy, most poor people were old. In 1995, we learned last year, we had the lowest rate of poverty among older Americans in the history of the country. We have succeeded in taking them out of poverty, virtually, all of them. We should be proud of that, and grateful. Today almost all the poor are young. Very young people without much education. A lot of mothers like Dr. Carson's mother, struggling, doing the best they can to raise their kids.

We just passed this welfare reform bill, which I signed and voted for because I believed it, and we did it because we believed that the welfare system had gone from being a system that helped the poor to help themselves to move off welfare to a system that trapped people because the family unit has changed and there are so many single parents out there having children, and there isn't the stigma on it there used to be. A lot of people now seem to be stuck on that system from generation to generation. So we changed it.

We didn't change it; we tore it down; we threw it away. We said there's no longer a national guarantee that you can always get a check from the government just because you're poor and you've got little babies in your home. Now, the kids can have health care and we'll give them food, but you don't get an income check every month. You've got to go to work if you're able to.

So the people that are in the breach are the people that we say have to go to work, who want to go to work, who can go to work. You have to help us repair the breach. Two and a quarter million people moved off of welfare rolls in the last four years. A million of them, more or less, were adults who went to work; the others were their children, a million out of 11 million new jobs created. In the next four years, there's more or less 10 million more people left on welfare; about 3½ million adults, maybe 4 (million), most of them able-bodied. All of them are supposed to lose their benefits, if they're able-bodied, after two years unless they go to work. Where are they going to get the jobs? You're going to have to give them; private employers and churches, community nonprofits.

I see the governor of Michigan, the governor of North Dakota here. They can actually take the welfare check and give it to you now as an employment or a training subsidy or to help you deal with transportation or child care or whatever. But you better hire them. If you don't, this whole thing will be a fraud, and we will not have repaired the breach. All that we dreamed of doing, which is to create more Dr. Carsons out of those children of welfare recipients, will go down the drain because we come to places like this and clap for people like him, and then we get up tomorrow morning, and we don't repair the breach and do what we're supposed to do. I need you to help us.

The second people who have fallen between the cracks are people around the world who are in trouble that we could help without troubling ourselves very much. I am proud of what our country has done in Bosnia and the Balkans—you should be too—in the Middle East and Haiti; to help our neighbors in Mexico. The impulses of the American people are generous. I want to thank the speaker for supporting me when only 15 percent of the American people thought we were right when we tried to help our friends in Mexico. Thank goodness they proved us right, Mr. Speaker; otherwise, we might be out on the south 40 somewhere today.

But still our county has this idea that somehow it demeans us to pay our dues to the United Nations or to participate in the World Bank, or there's lots of things more important than that; or just to give Secretary Albright this year the basic tools of diplomacy. this is an interdependent world. We can get a long way with having the finest defense in the world, but we also have to help people become what they can be. So I ask you to think about that.

We're not talking about spending a lot of money here. It's only 1 percent of our budget. But we can't walk away from our obligations to the rest of the world. We can be a model for the rest of the world, but we also know that we have to model the behavior we advocate, which is to give a helping hand when we can.

The third people who are in the breach and in a deep hole and need to be lifted up are the politicians. We need your help. Some members of the press, they're in that breach with us, too. They need your help. This is funny, but I'm serious now. I want you to laugh today and wake up and be serious tomorrow.

This town is ripped with people who are self-righteous, sanctimonious, and hypocritical. All of us are that way sometime. I plead guilty from time to time. We also tend to get—we spend an enormous amount of time here in Washington trying to get even. It doesn't matter who started it.

I remember when I came here one time, I got so mad at our friends in the Congress and the Republican Party because they were real mean to me over something. I went back to the White House and I asked somebody who'd been there a while in Washington, I said, "Now, why in the world did they do that?" They said, "It's payback time." I said, "What do you mean?" They said, "Well, they think the Democrats in Congress did this to the Republican Presidents." I said, "I didn't even live here then. Why are they paying me back?" They said, "Oh, you don't understand. You just got to pay back." So then pretty soon I was behaving that way. I'd wake up in the morning, my heart was getting a little hard. I thought "Now, who can I get even with?"

You think—this happens to you, doesn't it? Who can I get even with? Sometimes you can't get even with the people that really did it to you, so you just go find somebody else because you got to get even with somebody. Pretty soon everybody's involved in this great act.

You know how cynical the press is about the politicians. They think we're all—whatever they think. What you should know is that the politicians have now become just as cynical about the press, because cynicism breeds cynicism. We are in a world of hurt. We need help. We are in the breach. We are in the hole here.

This country has the most astonishing opportunity we have ever had. We happen to be faced with this time of great change and challenge. We're going into this enormous new world. Instead of going into it hobbled with economic distress or foreign pressures, we are free of any threat to our existence and our economy is booming. It's like somebody said, "Here's this brave new world, and I'm going to let you prepare for it and walk into it in the best shape you've ever been in." Instead of doing that, half of us want to sit down and the other half of us want to get into a fight with each other. We are in the breach. We need you to help us get out of it.

The United States is better than that; we owe more than that to our people, to our future, and to the world. We owe more than that to our heritage, to everybody from George Washington on that made us what we are today. Cynicism and all this negative stuff—it's just sort of a cheap excuse for not doing your best with your life. It's not a very pleasant way to live, frankly—not even any fun.

I try to tell everybody around the White House all the time, I have concluded a few things in my life, and one of them is that you don't ever get even. The harder you try, the more frustrated you're going to be, because nobody ever gets even. And when you do, you're not really happy. You don't feel fulfilled.

So I ask you to pray for us.

I went to church last Sunday where Hillary and I always go, at the Foundry Methodist Church. The pastor gave a sermon on Romans 12:16–21, and a few other verses. But I'm going to quote the relevant chapters: "Do not be wise in your own estimation." It's hard to find anybody here that can fit that. "Never pay back evil for evil to anyone. If possible, so far as it depends upon you, be at peace with all men. Never take your own vengeance. If your enemy is hungry, feed him. If he is thirsty, give him a drink. Do not be overcome by evil, but overcome evil with good."

Pray for the people in public office, that we can rid ourselves of this toxic atmosphere of cynicism and embrace with joy and gratitude this phenomenal opportunity and responsibility before us.

Do not forget people in the rest of the world who depend upon the United States for more than exhortation. And most of all, remember that in every scripture of every faith, there are hundreds and hundreds and hundreds of admonitions not to forget those among us who are poor. They are no longer entitled to a handout, but they surely deserve—and we are ordered to give them—a hand up.

Thank you, and God bless you all.

Representative BARRETT: Thank you, Mr. President, for those words. And thank you for, again, scheduling the prayer breakfast. We're grateful to you for taking the time to be with us, as I believe all of your predecessors for 45 years have spent time at this National Prayer Breakfast. Thank you so much.

Senator Daniel Akaka from Hawaii has been a dedicated member of the Senate prayer-breakfast group and the House prayer-breakfast group, as well. He's renowned on Capitol Hill as a man of kindness and a man of great faith. He'll also serve, incidentally, as the chairman of next year's prayer breakfast. Please recognize Senator Dan Akaka to lead us in our closing hymn.

Senator DANIEL AKAKA (D–HI): Thank you very much, Bill. May I ask all of us to stand, please; open our hearts, and raise our voices to the Lord.

(Senator Akaka leads in singing of "Amazing Grace.")

Representative BARRETT: Thank you so much, Senator.

I would like to, at this time—to deliver our closing prayer—to recognize a man who has distinguished himself both in public and private life, the governor of the state of North Dakota, the Honorable Edward Shafer.

Governor EDWARD T. SHAFER (R–ND): As we gather here this morning in Washington, DC, I am reminded of greatness. This is a great city, and we are here as great leaders. We are leaders of great governments and nations, leaders in great business and industry. We are here as leaders of our faith.

But we gather here not in greatness, but in humbleness, and to give thanks. To remember that it is only through the grace of our Almighty God that we serve our fellow man.

On this occasion, I hear again the words of Abraham Lincoln. He said "I have been driven many times to my knees by the overpowering conviction that I had nowhere else to go. My own wisdom and that about me seemed insufficient for the day."

Mr. President, First Lady Hillary, Congressman Barrett, Mr. Vice President, Mr. Speaker, all distinguished guests, let us open our hearts and minds and bow our heads in prayer.

God Almighty, Lord of all mercy, we your servants from around the world thank you for your goodness and loving kindness. As our lives burst with meaningful events, large and small, help us remember patience and compassion. We cannot live by scoring who wins or who loses, or by getting even or paying back. Let us live as neighbors looking out for one another, as friends caring for each other, and as family loving one and all.

Encourage us to respect, honor and serve each other. Help us remember it is not the words from our mouths but the actions we take that will command your final judgment.

As we depart from this special occasion, we pray that you will give each of us your directions for the decisions that lie before us, that we might govern wisely and lead well those who are in our care. May we have insight and wisdom in our search for justice, mercy and peace.

I pray these things in Jesus' name. Amen.

Representative BARRETT: Thank you, governor. This will draw to a close the 45th Annual National Prayer Breakfast. We again thank you for your presence, and we ask that you go wherever with God's love.

IT IS TIME TO BRING OUR TROOPS HOME FROM BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I was not in favor of sending troops to Bosnia and I will admit that. I was fearful of getting bogged down. It is an awful lot easier to get into a situation like that than it is to extricate oneself after getting there. I think it is time to bring our troops home from Bosnia just as soon as we can.

When President Clinton first sent troops to that country, he promised the Congress they would be brought home by December 20, 1996. Today is April 29, 1997, more than 4 months past the deadline. Our troops are still there. The President now says that the troops will be pulled out by June 1998. The big question is why. Why do they need to stay there another 1½ years?

Does anyone remember the original mission? I admit it is kind of hard to remember, because the President never really spelled it out, but it is generally agreed that the mission was to keep the warring factions separate and to maintain peace in the region. These goals have been accomplished, thanks to the dedication and professionalism of the men and women of our Armed Forces.

As I mentioned, the President has now promised that the troops will be pulled out by June 1998. He cannot blame us for being a little skeptical even about that. His record of breaking promises does not inspire a lot of confidence.

The estimated cost of the Bosnia excursion has ballooned from just under $2 billion to over $6 billion. And, remember, this is off budget. This is money that gets spent anyway and it is off budget.

I am an original cosponsor of a new bill, H.R. 1172, the U.S. Armed Forces in Bosnia Protection Act of 1997. The bill commits the United States to leave Bosnia by September of this year, September 30, allowing for a 90-day extension beyond that if the President requests it and the Congress approves it. That would mean that the troops would be out by December 31, 1997, 1 year later than the original deadline.

This is eminently doable, at a huge cost savings, and in the best interest of America and in the best interest of the American troops now in Bosnia. At the very least, we must make the President stick to his June 1998 deadline. But by passing this bill, we can get them out 6 months ahead of that and just be a year later than the original promise.

Unless Congress takes action, I think that troops will just stay in Bosnia and stay and stay and stay. I think we must pass H.R. 1172 to end what could become a never-ending mission. It is time to be responsible to the people we sent there. Remember, these are the best combat troops in the world and we send them there on guard duty, on police duty, and that sort of thing. That is not what they are about.

We need to be loyal to them and pass this legislation and bring the troops home from Bosnia at least by the end of this year, by December of this year.

CHILD CARE FUNDS DROPPED FROM WELFARE REFORM ACT

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN] is recognized for 5 minutes.

Ms. CHRISTIAN-GREEN. Mr. Speaker, yesterday the House passed H.R. 1048, to make technical corrections to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, otherwise known as the Welfare Reform Act. While I support H.R. 1048, I rise today to express my strong disappointment about the fact that a Clinton administration proposal to set aside one-half of 1 percent of mandatory child care funds for allotment among the territories was dropped from the bill during the markup in the Committee on Ways and Means because the Congressional Budget Office scored the provision as having a cost to the Federal Treasury.

I am disappointed, Mr. Speaker, because when the Welfare Reform Act was enacted, no mandatory child care funds were provided for over 4 million U.S. citizens residing in the United States non-State areas, even though residents of my district and the other territories have been operating child care programs under section 402(g) of the Social Security Act.

Mr. Speaker, welfare reform is intended to promote self-sufficiency through work. As a result, securing adequate child care funding will be one of our more pressing needs if we are to be successful in our goal of moving former welfare mothers from dependency into our work force.

During the markup of H.R. 1048, the gentleman from Florida [Mr. SHAW], chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, stated that there were several provisions that would be dropped from the bill because they were scored as having a cost and not purely technical in nature. The chairman went further to state that his subcommittee will go back and take a look at those issues that were left out of the bill as it came out of the subcommittee markup.

It is my intention, Mr. Speaker, to work with the gentleman from Florida [Mr. SHAW], the chairman, and the gentleman from Michigan [Mr. LEVIN], the ranking member, to ensure that low-income parents in the U.S. territories receive adequate child care to enable them to be able to go to work to support their families.

PATHWAY FOR OUR CHILDREN'S FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, today more than ever our children need us to stand up for them. As a parent and as a grandparent, I simply want to pave a path to the future for our young people. Unfortunately, there are those who want to keep them trapped in the past. There could be no more urgent time than this moment in history to make a difference for our children.

Consider this. Every 5 hours, a child dies from abuse or neglect. There is a connection with the fact that every 32 seconds a baby is born into poverty. From the dawn of life to the dusk of life, from birth to early death, far too many of our children are behind when born, live wretched lives and die before they truly have a chance to live.

We can stop this vicious, downward spiral. We can move our children from under the dark cloud of planning their funerals to the bright sunshine of planning their futures.

That is why I am here, Mr. Speaker, to stand up for WIC, to stand up for the nutritional needs of our country's poorest women and children. This is a time when so many of our children are at their lowest and worst point, and we need to call upon our highest and best effort as a nation.

During this Congress, there are those of us who have carried the commitment to children and we have been able to do so because we have fought for it. We carried our fight on a foundation of faith and belief that our fight for children was a fight for our Nation's future, and through this we have made some gains. The fight goes on.

More than 2,600 babies will be born into poverty this day and each day. We want to make a pathway for our children's future. There are those who would want to keep them trapped in the past. We will win the fight because we dare to fight. That is why we are here, Mr. Speaker, to fight the majority that want to cut the heart of our WIC program, a program that nourished over 7.4 million women and children in the year 1996; to fight the majority, as they have cut $38 billion out of the WIC supplemental, necessary funding for the one government program regarded by experts to be the single most successful social program run by the Federal Government.

Over 180,000 hungry women and children will be dropped from the WIC program, which has proven to be a successful weapon against low birth weight, infant mortality, and childhood anemia. GAO stated in 1992, for each $1 invested in the prenatal portion of WIC, the Federal Government saves at least $3.50 in Medicaid, SSI, and other relevant Federal programs.

I implore the Speaker to fully fund the WIC program at the administration requested level of $78 million and to give 180,000 American women, infants, and children the nutritional help that they need. We need to move people out of poverty, not into poverty. The President has said we need a lean but not a mean Government. It should not mean cutting nutrition programs which are essential to the well-being of millions of our citizens, people who in many instances cannot fend for themselves and need assistance for their basic existence. They are not asking for much, just a little substance to help them through the day, WIC and other nutritional programs, which in many cases provide the only food that many of our Nation's poor receive daily.

We are all aware that poor nutrition breeds poor development in children. I come from a rural area, a very poor district. Making cuts in this nutritional program will certainly be adverse to my district and to many of my constituents. Let us stop picking on children. Let us stop picking on the poor. Let us make some cuts, surely, but let us make them to the people who can afford them, not to taking food out of the mouths of pregnant and nursing women, infants, and children.

DEMOCRATIC EDUCATION AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the Democrats' education agenda. Before I get into some of the details, however, I wanted to briefly touch on the evolution of our plan to expand and improve the Nation's education system. I think it is particularly important to keep the history behind our plan in mind as negotiations over the budget continue the next few days or the next few weeks.

The Democratic Party has historically been the champion and defender of education in this country. The 104th Congress, in fact, illustrated this observation in very stark terms. Upon taking the majority for the first time in some 40 years, Republican leaders immediately set out to dismantle Federal education programs. Led by Speaker GINGRICH and primarily the freshman Republicans who were elected for the first time in the 104th Congress, the GOP proposed the largest education cuts in history.

A look at the record shows that on August 4, 1995, the Gingrich Congress christened its attack on education when 213 House Republicans voted for the largest education cuts in history, voting to slash education programs by 15 percent, or $3.6 billion. These cuts across the full spectrum of education were particularly heavy on student loan programs. But the proposed cuts left no stone unturned. They targeted Title I, Safe and Drug-Free Schools, Goals 2000, Head Start, vocational and adult education, as well as student loans. Two times the GOP shut down the Federal Government because the President and congressional Democrats refused to allow the extremist Republican agenda to move forward. As we all know now in the face of mounting pressure from the American public, Republicans eventually relented and restored most of the billions of dollars that they were trying to cut in education programs.

Democrats on the other hand did not just fight to prevent Republicans from gutting education programs, we developed positive plans to improve and expand Federal education. That is basically where we are today, trying to convince the Republican majority to incorporate our education agenda in their budget plans.

One of the most important aspects of the Democrats' education program which I would like to dwell on for a few minutes is higher education, and particularly expanding access to college by making it more affordable for middle-class and lower income Americans to attend college. We are essentially trying to accomplish this goal through a combination of scholarships, grants and tax breaks. The President in his State of the Union Address talked about the HOPE scholarship program which has probably received the most attention in terms of higher education programs. This is based on a plan in Georgia and basically what the HOPE scholarship program offers is refundable tax credits of up to $1,500 to students in their first 2 years of college who maintain B averages and stay off drugs. Our agenda also includes a $10,000 tax deduction for families with college expenses for every year that they have such expenses. All told, taking the tax credits and the tax deductions for postsecondary tuition and the fees, it would provide $36 billion of tax relief for working families and students over the next 5 years.

Another component of this higher education agenda that is extremely important is the proposed increase in the Pell grant program. Mr. Speaker, I have to say that the Pell grant program is really the cornerstone, or has been the cornerstone, for a number of years of the Federal student aid program. It provides a means for students who would otherwise be unable to pay for college to get a college education. The plan that the President proposed in his State of the Union Address and that he is now pushing in his budget is in fact the largest increase ever in the Pell grant program which would provide $40 billion of assistance to needy students over the next 5 years.

I just wanted to stress the importance of Pell grants and just bring it back to my home State of New Jersey if I could for a minute. At Rutgers University, which is in my home district and is the largest State university in New Jersey, approximately 20,000 students at Rutgers received Federal assistance in the 1996–97 academic year. Of that 20,000 students, 8,498 received Pell grants. In other words, close to half of all students who receive Federal aid at Rutgers to help pay their tuition costs are getting it through the Pell grant program.

As we can see, Mr. Speaker, tax breaks and increases in the current programs are the foundations of our higher education agenda, but I want to stress that they are not the only elements. We are also proposing cuts in student loan origination fees that would save $2.6 billion over the next 5 years. We would continue our programming of injecting competition by expanding the direct lending program. In other words, rather than have the student loan industry, the banks and financial institutions, provide the loans, or as an alternative through competition, we would let the colleges and universities provide the loans directly. Our plan also includes a proposal to provide tax incentives to employers who provide tuition assistance to their employees, to expand those opportunities for higher education as well.

I have to stress that most of these higher education proposals were developed by Democrats in the spring and summer of last year. The American public, I think, has essentially sent a very unequivocal message about education and even about these proposals. They have indicated that we need assistance in meeting the runaway costs of a college education, and I think people in general are eager to see these Democratic proposals become law. I know that in my own district when I talk to my constituents about what they would like to see us do on the Federal level, education and particularly higher education is one of the major priorities. It is my hope that the Republican leadership learns from its mistakes during last year's budget battle and includes some of these Democratic proposals in this year's plan.

Working families, students and average Americans, I think, are counting on Congress to help. We are simply waiting for the Republicans to agree to help us make life a little easier and a little better for the average American.

Mr. ETHERIDGE. Mr. Speaker, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from North Carolina.

Mr. ETHERIDGE. Mr. Speaker, I want to thank the gentleman from New Jersey [Mr. PALLONE] for organizing this special order on education. I believe it is one of the most important issues that we will cover in this session of the 105th Congress. Having spent a number of years at the State level as a legislator and the last 8 as superintendent of schools for the State of North Carolina, I know a lot about what we should do and a number of the things we should not do.

□ 1645

I happen to, as I said to some of my colleagues the other day, being the first member of my family to have had the opportunity to graduate from college, I happen to believe that everyone should have that opportunity, and today we see that college is becoming more and more difficult for more and more people as the cost of higher education continues to rise and the opportunity tends to be farther and farther away for those young people who have the greatest needs.

I guess I might say that one of the reasons I got into politics and really into education, and I think both of them have some of the same things, was an opportunity to help people and really to help young people. I have had the opportunity to work, in the few short months I have been a Member of this Congress, with some outstanding members of the Democratic caucus, working on education, talking about those things that I think are important, and I think it is an issue that people on both sides of the aisle this year can come together on.

Secretary Riley will be speaking with us and has spoken with us on a number of occasions, and I think the President deserves a great deal of credit for putting education at the top of his agenda in 1997. It is one of those issues that everyone can rally behind.

Mr. Speaker, it is the issue that businesses are talking about, parents are talking about, everyone in the State and national level is beginning to focus on. We are talking about raising and having higher standards, that students do need to work harder and be responsible.

Earlier this year my home State of North Carolina earned the distinction which I am quite proud of, and I have called it to the attention of my colleagues before, and I want to do it again today because the National Assessment of Education Progress released the data, and it is called NAEP and it is probably one of the more reliable standards in which students are measured across the country. And our fourth graders in mathematics gained three times the national average of growth in their mathematics scores, and our eighth graders doubled it, and North Carolina was ranked as one of only three States in the Nation to receive exemplary status by the Secretary of Education.

Mr. Speaker, these are the kinds of things we are going to have to do for all children all across this country, set high standards, work with them, provide the resources, help our teachers, help our parents so that they can reach those standards.

As we look to the new century technology is changing the way we work, we learn and the way we live. Here in this body we vote electronically. In our offices we have TV's and electronic machinery and computers. Every modern business office has a computer on their desk, and many are hooked into the Internet, and as we approach the 21st century it is a shame that we have classrooms that have no computers, let alone access to the Internet, and too few schools even have telephones that are accessible by the teachers.

I have said many times as we talk about high technology there are many teachers who just like to have a telephone where they call a parent when they need them, when they have a problem in the classroom, and they have to go down to the office or stand in line for another phone. That is not acceptable in a nation that has the resources that we have, and we are asking our children to meet those standards. We can do better, and I trust that this Congress will do it.

My district has high-technology firms because of the Research Triangle, an area that we are proud of in North Carolina, and it reaches all the way out to the heartland of our State, where we literally have high-technology firms in a field right next to tobacco. Now, that is a tremendous contrast in the Nation and in the State, but we must win in both those areas. We must win with our agricultural interests, and we certainly must win with our high-technology interests.

High technology in North Carolina is now the second leading industry in our State. It is bigger than furniture, it is bigger than agriculture in terms of the number of people directly employed, with over 100,000 people, and in 1995 the average wage base for people working in technology in North Carolina was $42,166. Those are the best jobs around, the best paying jobs, and people must have the skills to fill those jobs, and just because a new industry moves in and provides that technology and those job opportunities, you do not automatically gain those skills. Those skills are required over a time, and they are acquired with education, and it starts long before a child shows up at the public schoolhouse door.

We have to start earlier providing opportunities for enrichment for our children so that when they come to school they are ready to learn. We must invest in our children, get them ready to learn. According to a recent Rutgers University study, every dollar, every single dollar that we invest in early childhood education returns us $7, $7. What a tremendous return. That is a great investment, and yet we hear people talking about the expense of this and the expense of that. That is an investment with tremendous dividends for all of us.

And then we have the standards of excellence, as I talked about a few moments ago, in math and reading, the basic foundations that we build everything else on, in my opinion, in public education. We have to have those standards of excellence so parents can know that their children are learning. They know after we adopt those rigorous standards, as we have done in North Carolina, we also need to do the same thing at the national level for every single child in this country so that we know the standards are there and the children are meeting them.

But, more importantly, we no longer deal in an economy that is within the borders of the United States. We do not compete even with just the people at our borders to the north and south. We have an international economy, and money moves, and so do jobs, and we must have an educated citizenry if we are going to have access to the jobs of the 21st century. And as we do that, my colleagues, we must rebuild the crumbling infrastructure of our schools.

Mr. Speaker, it is appalling to me that we will build prisons nicer than the schools we send our children to every day. I have seen multimillion-dollar prisons next door to crummy, crumbling, decaying public schools, and then we have the gall to tell our children that education is important. They can see the difference in where we put our money. Certainly, we need places to put people who need to be incarcerated. I am all for that.

Last year in North Carolina I used that speech so many times, Mr. Speaker, that we put a $1.8 billion bond issue on the ballot in our State, the largest bond issue in the history of our State, and to the credit of the business community in our State, the parents, and everyone else, it was on the ballot from November of last year, and it passed by the largest margin that any bond issue has ever passed in our State. The people said enough is enough. We had roughly almost 6,000 trailers where children were going to every day, and even with those trailers they were working toward excellence in academics. So we have to get our infrastructure in order not only in our State but across this country. And I commend the President for proposing resources in this budget to help provide for the process of beginning to deal with that crumbling infrastructure. Certainly it is not enough money, but at least the $5 billion investment, if we turn it into bonds, will provide about $20 billion in this country to help with it.

Let me turn to one other issue that, as we talk about education, we cannot talk about it just in education without talking in other areas, and it is an area in a number of States we need to look at. It certainly may be right outside some of our purview, but I read an article recently that there are 63,000 geriatric inmates in our Nation's prisons. Those are inmates that are there because they committed a heinous crime, but they are so old we do not have them anywhere else, and they cost on average; according to the National Criminal Justice Commission, these elderly prisoners cost on average $69,000 per inmate to incarcerate: $69,000. We need to find a better way to deal with those elderly inmates than to spend $69,000 a year when our children have tremendous needs. We are spending it in the wrong place. We need to spend it in preschool, and we need to spend it in our educational system.

Some reports estimate it costs taxpayers seven times as much to incarcerate as it does to educate. Now granted we have got people we need to lock up and keep there, but we need to look at where we are putting our priorities.

Let me touch on one other issue, if I may, in this whole area of education because all of it is important, and when we talk about investment I happen to believe education is an investment. It is an investment in our future, it is an investment in this country's future, and it is really not an expenditure because it pays rich dividends. We do need to spend money on technology, but we need to make sure as we spend those dollars, and this is true in every State, and this becomes as much a State responsibility, I guess, Mr. Speaker, as anything else. Our teachers need to understand technology and be able to use it because, if we put it in the classrooms without them understanding it, it will not be used the way it should be used.

I have said that time and time again. I recommended in our State several years ago that we give every teacher a laptop and let her take it home—him or her—and they learn to use it. Now some have done it, and it works because then it becomes integrated with their lessons and it gets used. No question that young people can adapt to technology much quicker than some of us 35 years of age. We have a little bit of a difficult time dealing with it. We do not want folks to see that we really do not understand it that well. But it is important and imperative, I think, that we provide Internet to our schools. It would be great if it were in every classroom, but certainly will not have that access in schools so that that information is readily available to the children who live in some of the poorest areas of this country, as well as those who live in the more affluent areas, because we are all part of one Nation, the United States of America, as we are of our individual States, and any child deprived of that opportunity, in my opinion all of us lose when that happens.

And we need to help families who are struggling to pay for college. Today we have so many young people who are bright, who want to go to school, and if they borrow the money that is required for them to get through college, they come out with such a debt, and we are working on something, we have introduced a bill. As a matter of fact, the gentleman from North Carolina [Mr. PRICE] and I introduced House bill 553 called the Education Affordability Act which will provide for some student—allows the interest on the student loans to be deducted just like we do on the home loans. It seems to me that if we can allow the deductibility on a second home at the beach, at a minimum we can allow for that investment in a young person and their family makes in their children's education; and I want to again commend the President for his proposal to help those struggling families who are really reaching out and trying to help their children get an education because they realize, and there are many young people today who will be the first in their families to graduate from college, and there are many who may be the second generation that because of the level of income of their families are going to have a difficult time. The President has proposed the HOPE scholarship for those who work hard and do well academically. They ought to have that opportunity and a $1,500 tax credit expansion of the Pell grants.

I talked today, Mr. Speaker, with a college president of a university where he said if there is one thing I could do for these young people and others we are recruiting, give us Pell grant moneys, raise that level because the cost has gone up and we have not kept up with inflation over the years.

□ 1700

Also, we ought to allow parents who have saved and been frugal to reach into their IRA's without penalty and apply those dollars to their children's educational opportunities. They saved that money for an investment. What better investment can you make than an investment in your child's future, in their education that will allow them to provide for their families in the years to come?

We have to remember, and I remember growing up, people talked about education as if it were a destination: "I received a high school diploma," or "I graduated from X college with a degree," or "I have a Masters or a Ph.D." Today, we cannot talk in terms of education as a destination. It is a journey that lasts all of our lives. It is lifelong learning, and it starts when a child is born and it is never-ending until we cease to draw our last breath.

If we are going to be involved in the economy of the 21st century, and it really does not matter whether we work for a high-tech firm in Silicon Valley or the Research Triangle Park in North Carolina, or if we work in the tobacco fields of eastern North Carolina or the wheat fields in the Midwest, the technology of the jobs that we do, whether it be in textiles or wherever, requires education, education, education, and business firms in this country understand it. They have been investing for a long time.

We all need to get together and make it an effort where we do not just talk about it. Preschool education, K through 12 education, university education, education on the job, it is an education of lifelong learning, and we need to work together so that we can make it happen. It is a journey, it is not a destination.

I thank the gentleman for these moments, and let me thank the gentleman for organizing this time.

Mr. PALLONE. Mr. Speaker, I want to thank the gentleman from North Carolina [Mr. ETHERIDGE] for participating in this special order.

The gentleman mentioned a number of things that I thought were really important. I just want to reiterate, if I could, two things that the gentleman mentioned, because I think they are so true.

One is the juxtaposition, if you will, of the amount of money that we spend on prisons versus education. Of course, we all know we have to have prisons and the Federal Government, of course, has been providing funding to build more prisons. But the bottom line is that I think that our whole reason why we think education is such a priority is because it builds a foundation for the future and is essentially preventive.

People that are well educated, it is less likely that they are going to have to be committing crime or going to prison. If we leverage the amount of money that we would spend, for example, on school construction and compare that to what would have to be spent on prison construction down the road, clearly there is no comparison. That is why it makes sense to spend Federal dollars on school construction and renovation.

I yield to the gentleman again.

Mr. ETHERIDGE. Mr. Speaker, I think the point the gentleman is making, talking about an expenditure versus an investment, is a good one. Any good businessman wants to invest, any person does. Certainly when we invest in our children, the point the gentleman made about as young people get an education, we break a lot of cycles when the educational opportunity is there, because what we have done is enriched the next generation, allowing them to earn more money, obviously. They are better able to look after their children and the members of their family. They are less likely to follow a life of crime, and they are able to move up in society into the middle class.

As we move people into the middle class, all of us benefit. So the gentleman is absolutely right. As we enrich and broaden that base, that is how we become a richer and a fuller Nation. We have done that over generations as a result of education.

Mr. PALLONE. Mr. Speaker, the other thing the gentleman mentions is the emphasis on early childhood education. I guess in the last couple of weeks we have heard a lot about that in the media. I think the President, and Mrs. Clinton in particular, have been going around the country talking about the need for early childhood education. The First Lady was actually at Princeton University in my State, I believe just a couple of days ago.

Reading some of this material that has been coming out over the last few weeks, it is just amazing to me. I have two small children, one is 2 and the other is 3½, and I have listened to what some of the educators are saying and I can just see how true it is, that we need to spend more time. A lot of it of course is just the family, that the family spends time reading to their children or spending time with their kids, but also in terms of resources as well, on very early childhood education, because so much happens in those formative years.

That is why I think programs like Head Start, which really do not even start that early, but start fairly early, and that has been a very successful program. One of the things that we have been talking about as part of the Democratic agenda is expanding Head Start and early childhood education, because it is so crucial.

I yield to the gentleman.

Mr. ETHERIDGE. The gentleman's point is well made. They are now talking about that more has been learned in the development of the brain in the last 5 years than in the last 30, 35 years, and we are beginning to realize that zero to age 3 is such an important period for our children. But even with that, if we look at Head Start and the young people who need to be there, we are still serving less than half of the young people that need to be served in that area.

I was in Durham just 2 weeks ago, and they served somewhere in the neighborhood of over 700 children in an old abandoned school that they moved out of several years ago, but they have moved into it and done a lot of work. Certainly they need new facilities. But if one meets with those children and sees what is happening in their lives, and I visited twice in the last 10 days and met with the children, the bright eyes and the flow of enthusiasm.

I have often said to folks, if you really want to see where we are headed in this country, go into a classroom of little folks, 5-, 6-, 7-year-olds, and ask them if they can dance and ask them to raise their hand, they will all raise their hands. If you ask them if they can sing, they will all raise their hands. Ask them anything, they will agree, they can do it.

Then wait as they get older, into high school, and ask that same question, and they have qualifiers. I only slow dance, I can only sing this, et cetera.

What I am saying is that we have the opportunity I think in 1997 in this Congress to link up all of these folks who are reaching out there, the business community and others, with the President's leadership, and make a difference as we move to the 21st century like we have never made in this country before, and provide a springboard for democracy to be here for our grandchildren and our great-grandchildren, if we do the right things in providing educational opportunities for our children.

Mr. PALLONE. Mr. Speaker, I would like to yield now to the gentlewoman from Texas [Ms. JACKSON-LEE], who I know has been involved again with these education issues and promoting the need for the Federal Government to do more on education.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PALLONE] for his leadership and raising the importance of this issue; and I thank the gentleman from North Carolina [Mr. ETHERIDGE], my colleague and friend, who made some very valid points.

It was interesting to hear him speak about his visits to his respective schools in his district. I too can attest to the fact that if you want to see America's promise, as has been discussed over these last couple of days, then you need to be in your schools throughout this Nation.

How sad, in contrast to my visits. This past week I visited Turner Elementary, Cullin Middle School, and Pole Middle School, and will be visiting some others in my return to the district in the next couple of days. But there certainly was an excitement and a brightness in those children's eyes.

We happen to have been visiting them and presenting them trees to plant. This month, of course, is the month that we celebrate Earth Day. It is a time to emphasize our environment. It happens to be beautiful outside today, at least in Washington, DC, and it is important to instill in children the reality of education, the real necessity of a tree and how you plant a tree. So I was very delighted to be able to go and meet with my students in my district and present to them in fact seedlings from Martin Luther King trees in Selma, AL.

But I say that to point out that that joyous occasion was in sharp contrast to our Nation's Capital and the announcement of the closing of some 5 to 10 schools in Washington, DC.

This is not to say or to have someone who might hear my voice, "Well, that is Washington, DC." No, that is a statement on education, that here we have in America in 1997 schools being closed because there are not sufficient enough dollars for their upkeep and the teachers and the educational programs.

If I might just diverge for a moment, because I think all of this is intertwined, and the gentleman has been a leader on the issues dealing with Medicare and Medicaid. Many times we think that these are not issues that sort of impact on each other, and in particular, the women and infant children program that we have just discovered Republicans voted to eliminate some 130,000 women and children. That is a nutrition program. That is the early beginning of giving children the support basis that they need to begin the learning process.

On the WIC program, as related to us by Robert Greenstein, executive director of the Center for Budget and Policy Priorities, the WIC program is currently regarded by researchers as the single most successful social program the Federal Government runs, with an impressive array of medical evidence showing the program reduces low birth rate, infant mortality, and child anemia, all leading to the kind of healthy child we would like to have, taking them toward the educational system. I just wanted to add that because then that mounts, if you will, that creates additional problems.

If we are to be serious about education, we must begin at the early stages. So I think it is extremely important that we look at WIC, because WIC ultimately impacts Head Start. We must, as the President enunciated in his State of the Union, we must come up to the bar, if you will, ante up and recognize that in fact Head Start, a healthy child coming into Head Start really sets the tone for the kind of vehicle, what that child will be, what you can put into that child, giving that child the kind of educational start that he needs. I hope that we will not overlook the value of Head Start.

So I wanted to sort of take education from the very stage of birth, bring it to Head Start and then begin a very brief discussion on some crises that I see, and how it is important for this to be bipartisan and for Republicans to join us in emphasizing that this not be an education President or education Congress, but an education Nation that reinforces our commitment.

We talk about tax cuts. I think I heard someone discuss the other day on the floor of the House, it was a Republican colleague, the percentage of increase in college tuition is unbelievable, unbelievable for the working family in terms of that cost that we have seen occur in our college increases, and not just our private institutions at the top level of rating but across the board.

Therefore, bringing it to our attention that the HOPE scholarship is an important part of what we should be looking at to allow people to get their first step in the door, the first 2 years of college, help those working families counter some of these increases in college tuition. Pell Grants, that have been over the years a mainstay for many of our young people who are today now leaders in the Nation's Capital, leaders in industry, they should be on the front of our burner in terms of continuing.

As I went to our different schools, I do not think there is one of us that cannot find an aging school in our district. Now we have talked and talked about school repair and school construction. I tell my colleagues, we have a problem. Schools are crumbling across the Nation. It is extremely important that we get down to the business of addressing school infrastructure.

The President announced a program in his State of the Union. I am sorry that we are still, now April going into May, have not really attacked this problem head on. Would it not be shameful for our children and teachers to return in the fall to crumbling schools? This is something that we need to address almost immediately.

I have heard the gentleman from New Jersey [Mr. PALLONE] raise this question and this issue about school infrastructure. I am told that over 60 percent of U.S. public elementary and secondary school facilities need major repairs. The gentleman from North Carolina [Mr. ETHERIDGE] started citing different regions. That means in Alaska, in the Silicon Valley, that means in Houston, TX; in parts of New Jersey, it means in parts of Pennsylvania; it means down in the deep South, Alabama, Mississippi, and Georgia; it means in the Midwest. Wherever we go, there is not a you problem, your problem, not my problem; it is an us problem.

□ 1715

The average school nationwide needs $1.7 million to repair and upgrade its facilities to an acceptable overall condition. Last fall I had one of my schools collapse, so the children had to be dispersed. One of the ceilings collapsed. They had to be dispersed through other schools.

Do we understand what it means to have a neighborhood school, and the feeling of community; even in times when our children have been bussed there is a sense of community and familiarity with the school you go to. How distracting to have you dispersed throughout other schools when your school is not functioning.

I think we need to put at the top of our responsibility educational infrastructure. Then we need to be assured that our teachers have the right kind of training, that our reading teachers have the right kind of training for them, so we need to provide dollars for programs that would enhance the Opportunity to Learn Program, to enhance those standards.

I think it is likewise important, coming from the community that I have, to not taint bilingual education in a negative fashion. We have been successful with bilingual education. What that simply means is to allow those students who come in speaking only their language to be able to be taught while they are learning the English language.

Can we simply understand what bilingual education is? It has worked in Texas, and I think it is extremely important that we not abandon that because of misconstruing and characterizing bilingual education in the context of English only. That is a tragedy and a shame and a sham on what it actually is.

Let me also say that we have seen such progress with our work with individuals with disabilities, from President Bush signing, and the Democratic Congress then, the Americans with Disabilities Act, and the work that has transpired with helping those with disabilities reach their full promise. Let us not, in this educational effort, abandon those individuals and not provide them with the resources that they need to in fact become independent, to transition from dependence into independence.

We have a crisis in education. There are a myriad of things that we need to confront. I believe that we will get nowhere by holding hostage the budget, by refusing to recognize that there will have to be some major sacrifices. The defense spending has to be closely looked at, because we will not have a Nation, in essence, to defend. We will not have the kind of qualified men and women rising up to join the Armed Forces, with their intellect, without providing the basic necessities of education.

Then I would like to say that out of education comes training for dislocated workers, and most of all our young people. How do we get young people to see the advantage of staying in school? We fully fund the summer youth program, the jobs program that I have heard some of my Republican colleagues call a babysitting job. It is not. It translates academics, education, to our young high school students to understanding what work is all about, going on these summer jobs and being able to get the gratification of translating book knowledge into work knowledge.

The summer jobs program has been an eye-opener. It has been a divine intervention, if you will, for those individuals that want to give up, that come from neighborhoods that might not encourage perseverance. The summer jobs program has changed lives.

I tell this story frequently, when I was in local government participating in the summer youth program, hiring one of those students and having them call me to say that they did not have the proper clothing to wear downtown to an office building; and telling that youngster, regardless of what you wear, come down to this office, let us work with you; and seeing that youngster go on to greater and bigger things because they were able to be exposed in an office setting and develop the confidence and the appreciation for work.

I would simply say to the gentleman who has organized this very vital special order that hopefully that will be the lightning rod to get us moving on supporting education for our Nation, and in fact in restoring the WIC funding to not deprive 180,000 women and children from that first start, and then of course making it so very, very crucial and such a very, very strong commitment to educating our youngsters.

I might inquire of the gentleman from New Jersey, we make a good pair, because he is on the East Coast, far to the east of me, and I am here in Texas, and it would be certainly presumptuous to suggest that all my problems are the gentleman's problems. I tend to think they are the Nation's problems.

Must we not confront this infrastructure crisis in our country that so many preceding the gentleman, and I remember the gentleman from Illinois, Mr. DICK DURBIN, I remember Senator CAROL MOSELEY-BRAUN on the other side has been a leader on this issue, Cleo Fields, who used to be in this body, so many have spoken about this issue.

When will we address this question of infrastructure, for our children to be in safe and secure places of learning? Is that a problem in New Jersey, or is that a problem that is a national problem?

Mr. PALLONE. Mr. Speaker, I would say to the gentlewoman, there is no question that it is a national problem. I know in my district in New Jersey we have a variety of schools, inner-city older schools, growing communities that are operating with portable classrooms because they cannot find the funding to build new schools. In the last few years in many of the communities in New Jersey there has been an expansion, a huge expansion in school enrollment. I guess there is sort of a new baby boom that is coming along now. The school districts simply cannot afford to spend the money on renovations or new construction.

I do not know that we actually brought it out tonight, but the gentlewoman and I are certainly aware, as well as the gentleman from Massachusetts, that the President has called for this $5 billion to be spent over the next 4 years to help pay for up to half the interest that local school districts incur on school construction bonds, or for other forms of assistance that will spur new State and local infrastructure investment. Basically this financing assistance, this $5 billion, can help to spur $20 billion in new resources for school modernization, a 25 percent increase above current levels over the next 4 years.

What we are saying basically is that we want the Federal Government to get involved with the school infrastructure, which they have really not been in a significant way, and even though $5 billion may not sound like a lot over 5 years, it can really be leveraged with what the State and local governments can do to make a difference to address some of these needs. But it is clearly national, it is not just in New Jersey or Texas, it is all over, and there is plenty of information from the General Accounting Office to verify that.

Mr. Speaker, I notice the gentleman came on the floor, and I would like to yield some time to the gentleman from Massachusetts.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would be happy to. That would certainly be a sparkplug for getting the infrastructure built. I think the President is certainly on track on these leadership issues. I am delighted to see the gentleman from Massachusetts has joined us on this issue.

Mr. PALLONE. I want to thank the gentlewoman for being here.

I yield to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I want to thank the gentleman from Massachusetts for organizing this special order on education. As the gentleman knows, no other issue before this country, in my opinion, is as important as the education of our children.

Like a number of my colleagues, a couple of weeks ago I attended the conference at the White House on early childhood development. As the gentleman knows, this conference focused on new scientific research that confirms what many parents have suspected for a long time, that those very first few years of a child's life are critical to that child's social and intellectual and emotional development. I think the President and the First Lady deserve enormous credit for taking a lead on this issue, and raising awareness on this issue.

I have taken to this well many times to speak of my support for improving the scope and quality of American education. But we must never forget, as I said, that a child starts learning long before they enter the first classroom. If one believes, as I do, that education is truly the key to this Nation's economic future, we must begin early.

I would just like to highlight the fact that I have joined with the gentlewoman from Connecticut, Ms. ROSA DELAURO, and the gentleman from Maryland, Mr. STENY HOYER, in introducing a bill that kind of addresses some of the concerns that were raised at that White House Conference on Early Childhood Development. The bill specifically would increase funding for Head Start and the Early Start Programs. It would also expand the Family and Medical Leave Act, and it would provide competitive State grants for child care and family support services.

I think it is vital and it is crucial that this Congress address this issue of early childhood development. Again, anybody who attended that conference at the White House could not help but be moved by the testimony from scientists and academics and parents who talk specifically about how important some of these programs are.

Earlier today I joined with a number of my colleagues at a gathering that was entitled a "Head Start Day Hearing" in the U.S. Congress. I sat down and had lunch with a bunch of Head Start kids. I am convinced more than ever that this is a very important program and deserves the support of this institution. But supporting those kinds of programs I think is vital if we truly are serious about education.

Mr. Speaker, I might add one more issue that I think is very important for this Congress to address. That is the issue of expanding the amount that we grant currently for Pell grants and the eligibility. The cost of higher education continues to go up, and yet State and Federal grants continue to go down. The way people right now tend to finance their education is almost exclusively on loans. The idea of providing more money for Pell grants, I think this is the time to do it. I think parents would appreciate that kind of movement. Certainly college presidents and those associated with various universities and colleges would appreciate it.

I get concerned when it appears that many people who would like to go to college do not go to college simply because they cannot afford to go to college. I think anybody in this country who wants a college education should be able to get one, regardless of where they are in terms of economic status.

If we are truly serious about building that bridge into the 21st century that the President talks so eloquently about, if we truly want this Nation to continue to be the economic superpower in the next century, then education is the key. Education really is the key to almost everything: Economic stability, economic development, as well as dealing with so many of the social and economic problems that we talk about often on this floor.

I want to commend the gentleman from New Jersey for organizing this special order, and I will certainly join with him and the President in the initiatives that he has outlined here today.

Mr. PALLONE. Mr. Speaker, I appreciate the gentleman's comments. I just wanted to mention, if I could, and develop a couple of things the gentleman has mentioned. When he talked about the Pell grants, one of the things we need to stress, and the gentleman did so, is that the Democratic education initiative does put a lot of emphasis on the need to expand the Pell grants, as does the President's.

I think a lot of the media focus or attention has been on the HOPE scholarships and the tuition tax credits, but I think we all understand that if we do not expand Pell grants then the neediest, if you will, of students that really depend on Pell grants in order to finance their college education will not be able to continue.

Throughout this debate about whether to provide tax credits versus scholarships or Pell grants, we just need to continue to focus on the fact that if we do not expand these Pell grant programs, then the needier students will not be able to go to college, because I know that the cost of tuitions and fees has gone up so much, and that Pell grants basically have not kept up with it, even though the Democrats have continued to stress the need to expand those Pell grant programs.

Mr. MCGOVERN. Mr. Speaker, I appreciate the gentleman's comments. I would just point out that the bill that I have introduced would actually increase the maximum Pell grant award to $5,000 from a current level of $2,700, bringing the award to the level at which it was created, adjusted for inflation. I think this is the kind of bold measure the American people would appreciate.

I applaud the President for adding or increasing the amount of Pell grants in his proposal. I think we could even do better, quite frankly. I think Pell grants, from when I talk to parents, when I travel throughout my district, grant money is something they would very much appreciate. I would also say it is a wise investment of our Federal resources.

After World War II we had something called the G.I. bill of rights, which educated a whole generation of veterans coming back from World War II. I do not think anybody today would argue that that program was misguided or not a proper use of Federal resources. One of the reasons why this country is as powerful as it is today, and continues to be an economic superpower, is because of the fact that we made a commitment to education. We need to make a similar commitment now to education for this new generation, and I think Pell grants is one way to do that.

Mr. PALLONE. I agree, and I thank the gentleman for his comments and for the legislation he has introduced.

Mr. Speaker, I yield to the gentleman from New York [Mr. OWENS].

Mr. OWENS. I, too, want to commend the gentleman for this special order on education, Mr. Speaker. I have been listening and heard us cover a lot of territory, as is the case with the President's comprehensive program, this little booklet that came out, "A Call to Action for American Education," which ranges all the way from early childhood education to higher education and lifelong learning.

That is as it should be. I have served on the Committee on Education, and the name has changed lately, but it has been the education committee, basically, for the 15 years that I have been here.

□ 1730

This is a time for great rejoicing among people who care about education, and that includes the overwhelming majority of Americans. Most Americans care about education. Most Americans, every adult American, thinks he or she is an expert on education, too. That is part of the problem and also part of the strength of trying to bring about improvement in our schools. Everybody cares, and I think we ought to hunker down and understand that we have a President that is ready to take a comprehensive approach, he is ready to cover the whole spectrum, and that in covering that spectrum, he has made a quite a number of commitments.

I think when we add up the commitments over the next 5 years, we are talking about $50 billion at a time when everybody is afraid of being accused of being a tax-and-spend liberal. The commitment is there for education because it is absolutely necessary.

I commend the President and I commend everybody involved. I am very optimistic about the bipartisan spirit that is available to help push this education agenda. I think it is real. I think that both Republicans and Democrats want to see education improved in some significant way as we go into the 21st century.

I just want to take this opportunity to talk about one piece of this comprehensive approach. It is a piece that is bound to generate a considerable amount of controversy. It is a large amount of money. It involves expenditure for public works. And already I fear that we have some divisiveness setting in, even among Democrats, and disagreement on the construction part of the package.

Construction a lot of people feel should be left up to the States and the local areas and the Federal Government should not even get involved. But I am here to tell you, we have a real emergency. In our big cities, we have a great emergency with respect to the basics of providing a safe place, a conducive place for young people to study, a safe and conducive environment for study. That ought to be the first and most basic thing that we are concerned with, just to have them have a place to sit with decent lighting, with enough comfort to be able to concentrate on their studies, with no fear of asbestos contamination, no fear of lead poisoning.

It is amazing how old some of our schools are in the big cities. This is a plea for the construction component. It is a plea for us to be very broad-minded and understand that a proposal for $5 billion at the Federal level, with the hope that it will stimulate additional money at the State and the local level, is not an extreme proposal at all.

Let me just give an example of New York City, which many people will say, well, New York City should take care of its own needs. But that has not been the case. And why penalize children. We had a bond initiative that passed, I am happy to report, on the environment. And in that initiative it talked about providing money to rehabilitate some schools' boilers in New York, boilers that were still using coal, were still burning coal in a city that has one of the highest asthma rates in the country.

The asthma rate, number of children with asthma, is a scandal. Coal burning in schools is not the only contributor. There are other factors. But that is one we should eliminate. Now I am a public official in New York, and I thought, great, this bond issue talks about putting gas burning boilers in 39 schools to eliminate the coal burning boilers; and I thought, well, that is wonderful and that solved the problem.

In a little more digging, I found we do not have 39 schools that have coal burners, we have 200 and some schools, almost 300 schools that still have coal burners. I know when we start throwing statistics, people outside of New York get dizzy. We have approximately 1,000 schools. One-third of those schools are still burning coal, one-third.

That is a shock to me. So I am sure it is hard to understand when you get outside of New York that New York City has one-third of its schools still burning coal. We have schools that have asbestos problems to the point where we cannot wire the schools. If you start boring holes, the costs go up astronomically because when asbestos is present, you have to have a certified contractor, you have to have a place for that contractor to store the asbestos, and it is very costly to transport it and store it and we run into all kinds of problems with our net day because of the physical condition of the schools.

We need a massive program to renovate churches and schools to make them safe. We need a program just to build new schools because some are so old that you cannot do anything with them. It is more efficient to just tear the schools down and build new schools.

Now this is the big city of New York that has this problem. I am here to talk about it. I assure you it does not take much imagination to know that Chicago, St. Louis, Los Angeles, the problem exists in most of our big city districts. Large numbers of young people, we have a million students in New York City, and as of last September, 91,000 of those students did not have a place to sit.

So I thank the gentleman and I just wanted to highlight, we are moving into the process now where we are going to talk in detail about this comprehensive agenda of the President. Construction is on the agenda. I understand certain proposals have been made that a certain percentage of the money go to inner city districts. Some people are worried about too much going into inner city districts. It cannot be too much. The problem is grave. The problem is an emergency.

If we are going to do anything about young children, the first thing we should do is think about safe places that are conducive to learning. Physical facilities are basic, and I hope they get a lot of support from the President's construction program in his comprehensive education program.

Mr. PALLONE. I want to thank the gentleman from New York [Mr. OWENS], and I again assure him that what he is talking about in New York City is throughout the country. We had some statistics about the General Accounting Office that says one-third of the Nation's schools needs major repair, outright replacement, 60 percent need work on major building features, sagging roof, cracked foundation, 46 percent lack even the basic electrical wiring to support computers, modems and modern communication technology.

My colleague talked about the magnitude in New York, but it is true throughout the country. I think that is why the school construction program the President is talking about has so much appeal because it really affects every district, every congressional district in this country, as do so many of these proposals the Democrats have put forward on education.

So I am just hopeful that our colleagues on the other side, the Republican leaders, who are in the majority, take heed of this because I think there is no question that education is a priority and that there is a lot more that can be done on the Federal level, and we as Democrats have put forward those proposals and we would like to have our Republican colleagues join us in passing those in this Congress before we adjourn. So thank you again, I appreciate the gentleman's comments.

THE AFRICAN GROWTH AND OPPORTUNITY ACT

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Louisiana [Mr. JEFFERSON] is recognized for 5 minutes.

Mr. JEFFERSON. Mr. Speaker, I rise today in support of H.R. 1432, the African Growth and Opportunity Act, on which the Trade Subcommittee of Ways and Means Committee conducted hearings yesterday. I am a proud coauthor and original cosponsor of this important and historic legislation which will start the process of bringing African and United States economic interests together in the global marketplace.

The African Growth and Opportunity Act has been coauthored and received in an enthusiastic bipartisan spirit, led by our distinguished chairman of the Subcommittee on Trade, PHIL CRANE, as well as Congressmen RANGEL, MCDERMOTT, HOUGHTON, MATSUI and many others.

Yesterday we heard declarations of support from the Clinton administration, Speaker GINGRICH, former House Secretary Jack Kemp, former Mayor Dinkins and a host of other trade, investment, development, and diplomatic officials for this landmark legislation. It was, Mr. Speaker, an exciting day and exhibited the great inspiring unity the Congress is capable of when it puts aside party and strife and employs the talents of all of us to deal with national and international issues.

Mr. Speaker, the African Growth and Opportunity Act would establish as U.S. policy the path from developmental assistance to economic self-reliance through trade and investment for African countries committed to economic reform, market incentives, and private sector growth.

In addition, H.R. 1432 will establish several new initiatives to promote trade and investment in Africa, a few of which I will briefly outline. First, H.R. 1432 would direct the President to develop a plan for trade agreements to establish a United States/sub-Saharan Africa free trade area by the year 2020.

Second, H.R. 1432 would establish a United States/Africa economic forum to facilitate annual high-level discussions of bilateral and multilateral trade and investment policies modeled on the highly successful APEC forum that has worked so well to spur U.S. trade and investment in Asia.

Third, it directs OPIC to create a $150 equity fund and $500 million infrastructure fund for Africa, which will help lay the groundwork for private sector development. And fourth, H.R. 1432 proposes a market access initiative which would redirect an enhanced generalized system of preferences program to qualifying African countries, assisting the least competitive countries in Africa to access United States markets.

Mr. Speaker, I believe this legislation is important for four principal reasons. First, the development of a trade policy with sub-Saharan Africa is important because the United States does not currently have a trade policy with this part of the world. So while many Asian and Latin American economies have flourished as a result of the influx of private investment and international trade, Africa has been almost exclusively relegated to developmental assistance.

Thirty years ago, the standards of living of Korea and Ghana were nearly equal. Today, Korea is a vibrant, industrial powerhouse, while Ghana is still a nation very much in economic transition. While there are numerous reasons to explain this difference, the critical distinction between Asia's and Africa's development has been Western investment and trade.

H.R. 1432 places our Government's imprimatur on trade and investment in Africa, a crucial catalyst for attracting further private sector investment in the region and on the continent.

Second, this bill lays the groundwork for enhanced private sector and infrastructure development in Africa, which will improve standards of living for the people of sub-Saharan Africa. Mr. Speaker, this is in the interest of our country, the United States.

Africa represents 10 percent of the world's population and possesses enormous untapped natural and human resources. Amid a dizzying array of mining, petroleum, and agricultural resources are an industrious and entrepreneurial people who yearn to compete in the global marketplace and represent an important future market for U.S. exports and thus for the creation of U.S. jobs.

But right now, many people in sub-Saharan Africa lack the basics: telephone and electricity service; clean running water; and essential medical technologies. Fortunately, we can help, and H.R. 1432 takes a giant step, through infrastructure development, free trade agreements, and market access initiatives, toward improving the standard of living for millions in sub-Saharan Africa.

It would promote foreign, direct investment in Africa through the two funds that I mentioned earlier. These funds are vital to Africa's development because of the 1,160 privately financed infrastructure projects around the world, only 6 percent occurred in Africa. And between 1984 and 1994, only 2 percent of the world's foreign investment was made in Africa.

Mr. Speaker, I urge all of my colleagues, Democrat and Republican, to support the African Growth and Opportunity Act, a bill that is good for America, good for Africa, and good for the cause of international economic development.

GENERAL LEAVE

Mr. HOEKSTRA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 2.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

EDUCATION EXCELLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, tonight I am joined by a number of my colleagues to talk about what my other colleagues were talking about in the previous hour, and that is education. And rather than going through a long introduction, I want to start right off with a quote that the President of the United States made on March 27, 1996. This was in a response to the Governors Summit on Education: Education Excellence. And the President said, and I cannot agree with him more, "We cannot ask the American people to spend more on education until we do a better job with the money we have got now."

This is the President of the United States about a year ago. That remark, along with some of the debate in Congress in 1996, led the committee that I chair, the Subcommittee on Oversight and Investigations, to begin a project, which we call education at a crossroads, to ask and to find out what are we accomplishing and achieving with the money that we are spending today.

We started with a very basic question. We said, how many education programs are there?

□ 1745

Went to the Education Department because, of course, in Washington we coordinate all of the education programs through one department. Wrong. We found out that they go through 39 different agencies. We have over 760 different programs, and we are spending over or in the neighborhood of $100 billion per year on education today.

That is a very appropriate question to ask. It is the question that we must answer before we expand the 760. Actually, I think as we have worked on this, it is now over 780 programs, we now have to take a look at the 780 programs, the $100 billion that we are spending, the 39 different agencies that this money is flowing through, because the focus here should not be on an education bureaucracy. Our focus needs to be on the kids. Before we have 10 new programs with $50 billion of more spending, we need to take a look at whether and where this money is going and whether we are having an impact with it or not. We do not want to pour $50 billion through a broken system.

Mr. Speaker, I have got some of my colleagues with me tonight to talk about this very issue. I would like to have one of my colleagues from Pennsylvania just briefly explain to us, we will have a dialogue, more of a dialogue tonight so that we can build off each other's comments about what is going on in education because we all have our own perspectives and our own learning about what is going on and we have got six of us here tonight. We will be able to share perspectives and learn from each other.

Tomorrow my colleague from Pennsylvania is going to be introducing or announcing a resolution that I think gets at the very issue about doing some important work to find out the kind of impact that we are having with the dollars today.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. PITTS].

Mr. PITTS. Mr. Speaker, I would like to speak really on behalf of millions of students, teachers, administrators and many Members of Congress to discuss one of the most important components of our American society, and that is our education system. I would like to talk about what can and should become an American initiative, sending more dollars to our Nation's classrooms.

Every citizen of this Nation agrees that children deserve an opportunity to excel. But this opportunity is inhibited when teachers and administrators are hampered by paperwork, time constraints and financial hindrances just to apply for Federal education grants. Tomorrow, as my colleague said, I will introduce a resolution entitled the dollars to the classroom resolution, calling for the Department of Education to provide more elementary and secondary dollars to the classrooms of our Nation's children.

My resolution calls for a change in the way we spend our Federal education dollars. For too long, Americans' hard-earned tax dollars have gone to bureaucracy and have churned through the Washington labyrinth instead of rightfully being placed into the classrooms, into the hands of someone who knows the name of your child.

Of the $15.4 billion which goes to elementary and secondary programs, in the Federal Department of Education, the classroom may be lucky to see 65 percent. That means about $5.4 billion is lost in the abyss of department studies, publications and grant administration.

To apply for a Department of Education grant, it takes nearly 216 steps, an average of 21 weeks. That is over 5 months of work for someone on the local level just to apply for a Federal grant.

Mr. HOEKSTRA. Mr. Speaker, is that 21 weeks before they may ever get an answer from the Education Department as to whether they are going to receive a grant?

Mr. PITTS. Mr. Speaker, that is correct.

Mr. HOEKSTRA. Mr. Speaker, it is my understanding that the Education Department very recently highlighted this as a significant accomplishment, getting it down to 21 weeks and 216 steps. I think until the Vice President became involved in this process, it took 26 weeks and over 400 steps. But this is what the Education Department calls significant progress and moving towards education excellence by shortening the process of finding out whether a school district is actually going to have a grant accepted after they go through 216 steps and after 21 weeks.

Mr. PITTS. That is correct.

Mr. HOEKSTRA. Mr. Speaker, that is improvement. It may be improvement, but it is still not very good.

Mr. PITTS. As a former classroom teacher myself, I know that it would not be very encouraging to me to have to spend hours upon hours to apply for something that I had no guarantee of receiving.

But I think Americans would rather see their tax dollars at work providing more teachers, teacher aides, purchasing materials, supplies, updated software, calculators, textbooks, and even seeing the American classroom connected to the Internet brought into the new information age. The classroom is where the action is. The classroom is where knowledge grows and learning takes place.

This dollars to the classroom initiative would call upon the Federal Department of Education and State and local agencies to see that 95 cents of every Federal dollar would get to the local school district. And of those Federal dollars that get to the local school district, 95 cents of every Federal dollar would get into the classroom, into the hands of someone that knows your child's name. If this actually happened, roughly $1,800 more could be available in each classroom across the United States.

We heard the quote from President Clinton that we cannot ask Americans to spend more on education until we do a better job with the money that we have got now. And for $10 to purchase flash cards, a student could practice her timetables with a friend. For $50 for a globe or a set of maps, children improve their geography, their knowledge of nations across the seas. For $1,500, we can buy a computer with enough desk top space and Internet access to allow every student access to a vast amount of information available at their fingertips.

So this really is about kids, about practical ways to see that they benefit from Federal education tax dollars. I think for the sake of our Nation's kids, we should all put our children first.

Mr. HOEKSTRA. Mr. Speaker, the gentleman has taken kind of a revolutionary approach. He is focusing getting dollars to the classroom, getting them to the kids, getting them to the teachers, to the local administration where they can actually make an impact.

The other visual that we use frequently here, this is a picture of Washington, DC. I know my colleague is a freshman but I know that he is very well aware that when we walk across this street over here and we walk to the Capitol to vote, we call it Independence Avenue. That is what the street is called. But along this road are what, all of the bureaucracies that now are controlling so much of what goes on in our local neighborhoods. We think we ought to rename the street Dependence Avenue until we change that culture.

What would the gentleman's legislation, what kind of impact would it have on the people that work here on Dependence Avenue?

Mr. PITTS. Mr. Speaker, it would limit the amount of money they could take of our Federal education dollars that we put in the budget and consume on the bureaucracy. As we know, most funding for our local schools comes from the State and local levels, only about 7 percent comes from the Federal Government. But we need to be more efficient as to how we utilize those Federal dollars. This would in effect drive those dollars through the bureaucracy, Federal, State bureaucracy into the classroom. It would deny them access to that.

Mr. HOEKSTRA. I think what many of us have seen as we have met with school administrators and around in our districts, we constantly hear that these buildings and these people here in Washington, all with good intentions but who control about 7 percent of the flow of the dollars to our local classrooms, generate 50 percent of the paperwork. For every dollar that we give them, they keep somewhere in the neighborhood of 30 to 40 cents and they send 60 to 70 cents to our kids.

What we are saying is we agree with the President. We ought to take a look at where the dollars are going, and before we pour another dollar into this building and only get 60 cents out, we ought to see exactly the bang that we are getting. If we can get that up to 90 cents, we do not have to increase taxes, the tax burden; we will just be helping our kids.

I know that my colleague from Kentucky would like to participate, and I yield to the gentlewoman from Kentucky [Mrs. Northup].

Mrs. NORTHUP. Mr. Speaker, I would. I have been very interested in education myself as a mother of six children, as a member of the Kentucky State legislature, on the education and the Committee on Appropriations. I have had a long-standing involvement with the education. Kentucky had the courage and worked very hard in 1990, enacted in fact one of the largest taxes in their history in order to fund their schools. It is often pointed to as the example of school reform that we ought to look to on the Federal level.

Mr. HOEKSTRA. Mr. Speaker, the gentlewoman actually believes school reform can happen at the local and the State level better than at the Federal level.

Mrs. NORTHUP. Actually the whole key to Kentucky's education reform act is that children learn one child at a time, one classroom at a time, one school at a time, and one district at a time. The closer the effective education occurs and the decisions are made to that child and that teacher and that classroom, the more effective schools will be and the more effective the learning decisions that are made will be.

Mr. Speaker, I particularly was interested in the President's America Reads program. First of all, one of the first weeks of the Committee on Appropriations on education, we had before us the National Institutes of Health. This is the research arm that the Federal Government spends so many billions of dollars on. They have done a great deal of research in the last couple of years on how children read and what the problems are with reading. They have come to the conclusion that children who have trouble learning to read, there are some children that will learn in any system, but children who have trouble need intensive phonics instruction. And yet this America Reads, one of the problems is we have so many teachers who have not come through a phonics-based system. So retraining them is a big issue.

This America Reads program is almost as though the people that originated this idea did not read our own government's research. It is out of context of any phonics. It is out of context of understanding that very structured phonics is the way these children can best learn.

They, in particular, found that if you mix it with whole language or not stylized instruction that it confuses the child so we are not only wasting money we are chancing that we are going to undo the very thing that our research shows is the most effective way of teaching children to read.

Mr. HOEKSTRA. Mr. Speaker, we have also had the opportunity to go around the country and have hearings. One of the first hearings we had was in California, where we had a number of the chief administrators from a lot of the colleges in California come and testify.

What they told us is, do not cut remedial education. You are sitting there and you are thinking, this is higher ed, what are we teaching remedial education at higher ed for?

And so we asked and we said, what are you teaching? They said, well, 25 percent of the students that we get coming into our universities, 25 percent, one out of four, cannot read or write at an eighth grade level.

It is kind of like, the President is proposing America Reads, which is the tutors and all of that, and the, you take, you peal away a little bit in California and what you found is they left phonics, they went to whole language. Did not work. Got a generation of kids now that are scoring some of the lowest scores in the country. Nobody is taking a look at what is going on in the classroom where the kids are spending 6 to 8 hours per day, and we should be focusing on them.

The message of the college administrators was, get back into the classroom. Do not ask for more remedial education money. Your job is to get back into the classroom and find out why those teachers that you have trained are giving such disappointing results with the kids that they are teaching all day. It is kind of like, get to the basics, get dollars in the classroom and local control.

Mrs. NORTHUP. I think it goes back to the theme, Mr. Speaker, that the gentleman talked about, about why spend more of our tax dollars if we cannot make effective the tax dollars we already spend on education.

Mr. Speaker, I believe that Americans are committed to education, and I believe that they care deeply about children learning, particularly learning to read. So let us look at the proven ways. Let us leave education where it can be changed, according to the research, and that is with local control and local efforts.

Let us not add a program that is unproven, untested, where the research shows there essentially would be no effect on kids learning.

Mr. HOEKSTRA. Let us listen to the President and understand what works and what does not before we add any new programs and ask the American taxpayer to spend more money.

Mr. Speaker, I yield to the gentleman from Georgia [Mr. NORWOOD] who may have a comment.

Mr. NORWOOD. Mr. Speaker, I thank the gentleman.

We are in the process of a lot of things going on at once and there are a couple of things that I felt would be important for me to say to the gentleman.

Number one, I am very pleased with the gentleman's Crossroads at Education program, because I know that the gentleman is trying to find out and we are as a committee trying to find out what works and what does not.

Secondly, I would like to thank the gentleman for providing us the opportunity to have a hearing on this just last week in Milledgeville, GA. I know that the gentleman could not be there because of a death in his family, but I wanted to come, on behalf of the people of Georgia, and my colleague, the gentleman from Georgia [Mr. DEAL], who was also there, and say that people I talked to in Georgia said thanks.

☐ 1800

This is the first time in their memory or their knowledge that Congress has ever had an education hearing in Georgia. It is the first time they know of, that anybody from Congress ever came and asked them what they think.

We were talking to some people who are very, very involved in education in Georgia, and I wanted to come and tell the gentleman a few things they have said during the hearing so that the gentleman is able to respond to them.

Our superintendent, our State superintendent of schools, for example, said, and I quote, "The most frequent message I have heard is that no one can make better decisions about local education than parents, teachers, and students in the local communities." Now this is our State school superintendent.

She goes on to say, and I quote, "Administrators in Washington will never meet the needs of individual children. I cast my vote for returning as many dollars directly to the local schools as we are able to do."

Now, I think what we are doing is trying to have an adult conversation about improving education. Everybody in the 10th District of Georgia believes in that. We all believe that that is the future for the 21st century, but we all do not necessarily agree on how to get there.

Mr. HOEKSTRA. If the gentleman will yield, I think the gentleman clearly points out that we all do care about education.

We have developed a kind of a monthly brochure or briefer here which we call A Tale of Two Visions, because there are at least two very different beliefs on how to move education forward in our country. I think we believe that moving decision-making and dollars back to the children, back to the parents, and back to the teachers is the way to go.

There is another whole group of people here in Washington that believe in moving more power, authority, money into the buildings here in Washington, so that they can issue rules and regulations on "how to" to the local levels, and saying that parents and teachers and principals can be good teachers and good principals and good parents by reading manuals and saying this is what Washington wants you to do.

That is not the vision that we have in mind, and I do not think that is the vision the gentleman heard in Georgia.

Mr. NORWOOD. No, I did not. But we are in the discovery process. We are trying to hear from all sides and everybody to determine what kind of recommendations we might make to Congress.

In the 104th Congress, or certainly in 1996, we basically did not reform education. We are still number 13 on the planet in math. We will not win in the 21st century if we continue to do that. We still have at least 50 percent of the children who are graduating with a high school degree that are illiterate or cannot read their diploma. We will not win with China if we continue to do that.

It does not help, in this time when we are trying to discover what to do and hear all sides, when groups of people stand up and politicize and demagogue the issue. That is why nothing happened in the last Congress.

Let me just point out that during our hearing, the very time we were having a hearing trying to discover what works and what does not, we had a gentleman from Texas sending news releases down into our district saying, "Oh, we cannot do any of that because they want to simply shut down the Department of Education." That does not lead to an intelligent dialogue that will lead to solutions where we can reform education and improve our lot in this country.

Mr. HOEKSTRA. I thank the gentleman for his comments. He points out some statistics that tell us we need a meaningful dialogue on education because our kids are not getting the kind of results that we would like them to be achieving and the kind of results that we need for them to be able to be successful in a world economy.

I think my colleague from Colorado had a few statistics of his own, and we will get to our colleague from North Carolina, because I know what he wants to talk about and we will get there. But I think my colleague from Colorado had some statistics, again, that talk about the less than satisfactory results we are getting out of our educational system today.

Mr. BOB SCHAFFER of Colorado. Mr. Chairman, I thank the gentleman. The gentleman from Georgia mentioned where we rank nationally with respect to mathematics. Actually, that number has been upgraded, or renewed. I should not say upgraded, because it was not like that at all.

The Third International Mathematics and Science Study came out recently. This is a comparison of how our students here in the United States compare with 41 other industrialized countries. This is the same report our President, right up here at the top podium during the State of the Union address, referred to and spoke of our great need to improve by it.

I want to tell my colleagues what this says because it is quite disturbing, and I do not think many Americans have any idea where we are headed as a country.

In this international comparison, again this is the third time this has been done, 41 industrialized countries, out of those 41 countries in mathematics we rank 28th. In science we do a little better. In science the United States ranks 17th.

Now, let me just read some of the names of the countries that outperform us in math and science. First, there is Denmark, Norway; there is Sweden, Israel, Thailand, Belgium, Australia, Russia, Hungary. Hungary is at No. 14. Remember, we are at No. 28. Bulgaria, Austria, Slovenia outperform us in math. Slovakia. The Czech Republic is No. 6 in math. Again, we are at 28 out of 41 countries. Belgium, Hong Kong, Japan, South Korea. The No. 1 country performing in mathematics for their elementary aged students is Singapore.

In science, again I mentioned we are a little bit better. Slovakia is still better than us. Belgium is better than us. Hungary, Austria, Slovenia, Bulgaria, South Korea, Japan, Czech Republic. And again number one in science is Singapore. Of course, this is the land of caning, which I do not know if there is any correlation between one and the other, but it seems with respect to academic performance caning may work.

I do want to, in all seriousness, though, talk about what Secretary Riley, the Secretary of Education, had said when he observed this report. Very similar to what our President had mentioned as well. He says the content of U.S. 8th grade mathematics classes is not as challenging as that of other countries and topic coverage is not as focused.

He also observed one explanation for our poor performance internationally may be that most U.S. mathematics teachers report familiarity with reform recommendations, although only a few apply the key points in their classrooms.

And the final point the Secretary mentioned, and again I quote from his observations on this report, evidence suggests that the United States teachers do not receive as much practical training and daily support as their colleagues in Japan and Germany and other countries as well.

I tend to agree, frankly, with the gentlewoman from Kentucky in her observation that if we want to be serious about improving these numbers, the last place we want to look is to Washington, DC, and to our Government here in Washington to try to do something about these numbers.

We should do something in support of our States, and that is focus on the freedom to teach and the liberty to learn. I have to tell my colleagues that when my State board of education members came to visit me just a few weeks ago and came to my office, their No. 1 plea to me as a Member of Congress was for the Federal Government to leave Colorado alone, to let Colorado educate their children on their own terms, to let Colorado begin to design programs that try to turn these numbers around.

We have this picture up here that the gentleman showed earlier. If one wants to see what happens when the Federal Government takes over an educational system, look right there. Because in only one spot in this country does the Federal Government have direct and constitutional authority to manage the education system in a community, and it is Washington, DC, which I would submit and challenge anyone to defy the real result that this is one of the worst places in the country when it comes to educating children.

Children are trapped in this city, Washington, DC, in an educational system that treats every child as though they are identically the same. This is the city that many of us, if we read the newspapers just a couple weeks ago, we saw the headline stories of the teacher who put nine 4th grade children in a room off to the side of a classroom where these children, unobserved and uncontrolled by the teacher, forgotten there for all intents and purposes for over a half-hour, began playing some kind of game where they disrobed and began to have sex. These are 4th grade children.

I would again suggest that if we want to see this activity taking place throughout the country, just put the Federal Government in control of school districts. But the advice I get from the people who really care about children, who really know what works, they say that the Federal Government needs to play less and less of a role in how we manage our local schools. We need to focus on the freedom to teach and the liberty to learn, and treating teachers like professionals and parents like customers, and that is how we will turn these appalling numbers around and improve these statistics internationally.

Mr. NORWOOD. Mr. Chairman, if the gentleman will show the other poster, please. We know we have about 760 educational programs spread over 39 agencies in Washington that spend over $100 billion a year on education. Yet the gentleman has just read out some statistics in math and science and reading that frankly scare me to death.

Now, does my colleague agree with the President that we cannot ask the American people to spend more money on education?

Mr. BOB SCHAFFER of Colorado. I am sorry, Mr. Chairman, can the gentleman repeat his question?

Mr. NORWOOD. The question is, does the gentleman agree with the President when he says since we do spend

$120 billion a year over 760 programs, over 39 different agencies of Government, does the gentleman agree with the President that we cannot ask the American people to spend more money on education, in view of the numbers and statistics that the gentleman just read a few minutes ago?

Mr. BOB SCHAFFER of Colorado. I would agree wholeheartedly. In fact, the other portion of that report has another graph showing that the amount of money we spend in the United States has no bearing whatsoever on our ability to teach better; that, in fact, the more and more we spend, the worse we seem to do when compared to national standards.

Here is the quote from the report. We spend, on average, about $6,500 per pupil. That is nationally. Only one country spends more than we do, and that is Switzerland. Yet these countries that outperform us, Hungary, the Czech Republic, South Korea, Japan, England, France, Denmark, Germany, and so on, all spend fewer dollars per pupil than we do here in the United States, yet we rank so poorly in comparison with those countries.

Mr. NORWOOD. Well, how should we rank before we start saying that the American people should spend more money on education? Should we come in second in math before we do the rest of what the President says?

We are not going to ask the American people to spend more money on education until we do better with the money we are spending now. So should we be second in math or third in math around the globe? Where should the cutoff point be?

Mr. HOEKSTRA. If the gentleman will yield, I do not think anybody in this Chamber will be satisfied until we score No. 1. The evidence our colleague from Colorado has pointed out shows the issue is not money. We are spending more than most people around the globe and we are getting mediocre, unacceptable results.

So the answer is not to pour more money into the system, but it is taking a look at where the money is going and taking a look at the system and how we make the system more effective.

I want to yield to my other colleague from Georgia, and I appreciate his being here. This is wonderful tonight.

Mr. DEAL of Georgia. First of all I want to join with my colleague from Georgia, Mr. NORWOOD, in his compliments to the gentleman from Michigan, Mr. HOEKSTRA, for holding the hearing in Georgia. We do regret the gentleman was unable to be there with us, but we appreciate his scheduling this Special Order.

I want to share with my colleagues some of the comments, as my colleague from Georgia began doing a few minutes ago, as we listen to people at every level of the delivery system in our State.

Even though we have a lot of progress to be made in Georgia, there are many things we are indeed proud of. One is we have a HOPE scholarship program. And unlike the fact that the President is borrowing and adopting the name of it for his proposal, the uniqueness of ours is that we have a funding source that is separate and distinct from the taxpayers' normal revenue stream. The lottery proceeds from our State fund it and it is a very successful program. Would it not be nice if there could be an alternative funding source to fund the President's proposal?

I want to say to the gentleman that both my parents were public school teachers. They were classroom teachers. My wife is presently a 6th grade middle school teacher in our home county. So I have a genetic as well as a spousal bias toward where I think education dollars should flow, and that is to the classroom.

There are three things that stood out in my mind as to what we heard last week. The first is that our schools are faced with greater social problems than they have ever been faced with before, and in order to overcome those social problems we need greater parental support as well as parental participation.

The second thing was that discipline is a major problem in our school system, and all of us want to do what will help rather than what will hurt. As the gentleman knows, we are considering in the reauthorization of the IDEA program the issue of removing some of the Federal impediments to discipline that have put mandates and restraints that interfere with teachers and administrators in terms of discipline.

Third is the flexibility in the use of Federal funds, the ability to design programs that meet local needs rather than having to meet a Federal mandate.

□ 1815

Let me share just a few quotes with the gentleman of people who have made some observations about it. One was from Dr. Craig Dowling, a principal of an elementary school down in Valdosta, GA, when he said, "Federal programs come with guidelines and strings that choke school improvement. Guidelines for a program such as Title I may help a school in Atlanta or Washington, DC, and totally disturb a school in south Georgia or the central plains."

In terms of flexibility, I think the chairman of our State school board said it best, Mr. Johnny Isakson. He said this: "There are far too many dollars scattered in far too many programs managed by far too many agencies."

Mr. HOEKSTRA. Does the gentleman mean 39 agencies dealing with education is too many in Washington?

Mr. DEAL of Georgia. I am afraid so. Mr. Isakson is a businessman and he looks at it from that point of view. He said, if the dollars spent could be concentrated, there would be less disturbance and that more of the money would actually flow into education and out of administration.

Let me give a classic example that we heard from, from a lady who was a director of an adult literacy services center in Dublin, GA. She said this, speaking of the grant process. In other words, when applying for a Federal grant for education, this is what she observed: "The process is cumbersome and labor intensive. Writing the 1997 proposal consumed nearly two months of the literacy director's time. Measuring accountability in terms of performance rather than volume of paperwork is the best solution to the problem."

We heard some very common sense, practical observations from people who have hands-on daily experience in delivering education to children in the classroom.

Once again, I thank the gentleman for affording us this opportunity, and I thank the gentleman for allowing me to share these comments today.

Mr. HOEKSTRA. I thank my colleague from Georgia. I do express my regrets that I was unable to be at the hearing. I think the gentleman has got some wonderful testimony. I find it interesting. It has been one of the most exciting projects I have worked on because we have been able to go around the country. We have been in California, we have been in Arizona, we were in Georgia, we are going to New York, we have done some things in Michigan, Milwaukee, Chicago, and we are learning about what is working on education. From what my colleague has told me, I did not catch the full impact, there are some that are blasting or taking some pot shots at a discovery process, finding out what is working when we obviously know that what we are doing today is not working, but there are some that are taking a real critical look at that.

Mr. NORWOOD. If the gentleman will yield, if we do not stop doing that, if we do not stop politicizing this issue, we are never going to get to the point where we can resolve the problem. I would point out that the gentleman from Georgia [Mr. DEAL] mentioned a constituent of mine in Dublin, GA. She is from my district and I was very proud of her for her commentary, but I also want to remind the gentleman that Dr. Dowling from Valdosta, GA, yes, he is a principal of a school but he is also a father of five or six children, and one of his quotes that has stuck with me since the day we were down there is that he said, and I quote, "I firmly believe that school improvement can only be achieved in the classroom."

I think many of us come to this discovery process with that bias. It is true. I believe that we ought to send back the responsibility for education, not just the classroom but the parents and the teachers. I will conclude to go to another meeting, Mr. Speaker, but one of the very fine things that was said in our hearing was said by Mr. Kelly McCutchen, executive director of the Georgia Public Policy Foundation. I think he almost sums the whole thing up in this quote: "Education in America is the constitutional responsibility of the States, the social responsibility of communities, and the moral responsibility of families and except when the civil rights of individuals are menaced, the Federal Government should never impede the capacity of families, communities and States to decide how best to provide education for their children."

I do not know of a better statement that sums up exactly how I feel about it.

QUOTATIONS FOR SPECIAL ORDERS, APRIL 30 FROM GEORGIA CROSSROADS HEARING

QUOTATIONS

Dr. Linda Shrenko, State Superintendent: "The most frequent message I have heard is that no one can make better decisions about local education than the parents, teachers, and students in those local communities."

Dr. Linda Shrenko, State Superintendent: "Administrators from Washington will never meet the needs of individual children * * * I cast my vote for returning as many dollars directly to local schools as we are able. * * *"

Mr. Kelly McCutchen, Executive Director, Georgia Public Policy Foundation: (quoting Chester Finn) "Education in America is the 'constitutional responsibility of the states, the social responsibility of communities, and the moral responsibility of families' and 'except when the civil rights of individuals are menaced * * * [the federal government should] never impede the capacity of families, communities and states to decide how best to provide education to their children.'"

Dr. Craig Dowling, Principal, West Gordon Elementary School, Valdosta, GA: "I firmly believe that school improvement can only be achieved in the classroom."

Dr. Craig Dowling, Principal, West Gordon Elementary School, Valdosta, GA: "[Federal programs] come with guidelines and strings that choke school improvement * * * Guidelines for a program such as Title I may help a school in Atlanta or Washington, D.C., and totally disturb a school in south Georgia or the central plains."

Dr. Craig Dowling, Principal, West Gordon Elementary School, Valdosta, GA: "Welfare sets up a downward spiral of hopelessness and despair where children rarely see an adult working * * * social issues can not be resolved through our schools."

Dr. Laura Frederick, Assistant Professor, Georgia State University: "What's wasted in schools is time, money, and a great deal of student potential when we adopt unproven instructional programs because they should good, because the publisher is offering free supplementary materials with the purchase of the programs, or because the sales representatives are wining and dining the textbook selection committee."

Mr. Johnny Isakson, Chairman, State Board of Education: "There are far too many dollars scattered in far too many programs managed by far too many agencies. If the dollars spent could be concentrated, the management less disbursed, then more of the money would actually flow into education and out of administration."

Mr. Johnny Isakson, Chairman of the State Board of Education: (speaking about Mr. Clinton's suggestion of increased federal funding of school construction) "While this is a laudable recommendation, it really should be the responsibility of local boards of education and their taxpayers to fund and pay for the school facilities improvements they want . . . On March 17th, 63 Georgia public school systems ratified local option sales taxes which, over the next five years, will raise $3.5 billion for school construction."

Ms. Dahlia Wren, Director, Adult Literacy Services, Heart of Georgia Technical Institute, Dublin, GA: (speaking of the federal grant process) "The process is cumbersome and labor intensive. . . Writing the [1997] proposal consumed nearly two months of the literacy director's time . . . measuring accountability in terms of performance rather than volume of paperwork is the best solution to the problem."

ANECDOTES

Dr. Linda Schrenko, Georgia State Superintendent of Schools: Dr. Shrenko reported that Georgia taxpayers send 35 billion dollars to Washington. They receive back 454 million dollars for education. This is less than a 1.3% return on their tax dollar for education.

Mr. John Roddy, Director of Federal Programs for Georgia: Mr. Roddy reported a conversation he had with a researcher who had done a study evaluating the effectiveness of the Safe and Drug-Free Schools federal program. According to Mr. Roddy, the researcher reported that children who had not received the Safe and Drug-Free Schools training actually had a lower incidence of drug use than the children who did receive the training.

Dr. Elizabeth Lyons, Principal, C.W. Hill Elementary School, Atlanta, GA: Dr. Lyons described a reading program, "Readaerobics," that she and her staff developed in response to their students' poor achievements in reading. The program is conducted on Saturday mornings to teach basic phonics skills in a fun way. Parents are required to donate one Saturday morning each month in order for their children to participate, so parental involvement is mandatory. J.C. Penney's has taken note of the program and is offering its financial support to the Readaerobics program.

Mr. Buster Evans, Superintendent, Bleckley County School District, Cochran, GA: Mr. Evans told of a school system that turned around its students' poor reading achievements with the implementation of two complimentary reading programs.

Mr. HOEKSTRA. I thank the vice chairman of the subcommittee for participating and sharing those comments with me and chairing the hearing in Georgia last week.

Mr. THUNE. Mr. Speaker, will the gentleman yield?

Mr. HOEKSTRA. I yield to the gentleman from South Dakota.

Mr. THUNE. I thank my friend from Michigan for addressing what in my view is a critical subject to many of us in this body. One of our Founding Fathers, James Madison, once said that knowledge shall forever govern ignorance. I do not think there are many of us who are more concerned or there is any subject that is more of a priority for many of the Members of this body than coming up with a system that provides the absolute highest quality education at the least possible cost. I commend my friend for the great work that he has done in drawing attention to this important issue all over our country.

Mr. HOEKSTRA. I am not sure that we are even talking about the lowest possible cost. I think everybody here is willing to take a look. If we were getting exemplary results, we would not go through a cost reduction effort, and that is not the focus here, is saving a penny. The problem that we are facing today is the results that our kids are getting is not good enough and that is the number one priority.

Mr. THUNE. The gentleman is exactly right. I think that is the thing that sometimes gets lost in all this discussion because it becomes a discussion about dollars and cents. Ultimately I think what we are talking about here is quality. Are we getting results? Are we getting the best possible bang for the dollars that we are investing?

I would submit that in my State of South Dakota, and I grew up in a small town, went to a small school, and am the product of the investment, the energies that a lot of people, teachers and administrators poured into me that were very dedicated and very committed, and I would look to our State and my two little girls, who are 10 and 7, who were attending a public school system in South Dakota as well. We are getting a wonderful education there. We now have them in a public school system out here.

I have a very personal concern in this issue and where we are going with it. I would say that if we look at the statistics around the country and the dollars that are put into per pupil cost in different States and the performance that we get, and my State of South Dakota I think is a good example because we rank 45th in the amount of per pupil spending and yet on SAT performance we rank seventh in the country. There are a number of other states, Utah again is a good case in point, the numbers that I have in front of me, which is 50th in terms of total cost and yet ranks second in SAT performance. I think when we talk about this issue, we cannot talk about it in terms of necessarily an equation between more money and better quality. That clearly is the case.

What I would suggest is that I have observed the education of my two little girls, that there is no better laboratory I think to instill knowledge and to instill values in our kids today, but one of the things, missing ingredients is that we have along the way, I think, tried to become so conscious of the governmental involvement that the parents have stepped out of the equation in many cases, and we do need in my judgement to put more controls in the hands of parents, school boards, administrators and teachers, and we will get a better quality product if we are willing to do that.

As I was growing up in a small school system, I on occasion, my third grade teacher daily used to read to us Laura Ingalls Wilder books, I do not know whether the gentleman is familiar with her or not but she is someone who grew up on the prairies of the Midwest and spent much of her growing-up years in South Dakota. My 9-year-old, 10-year-old now, is currently reading those same books. One evening as she was reading it I mentioned to her, "Brittany, did you know that Laura Ingalls Wilder spent a great deal of her growing up time right in the State of South Dakota, in your home State?"

She said, "I know, Dad, she was a conservative, committed to smaller government and a better future."

I thought, they are also very impressionable. It is clear to me she had listened to some of the speeches I had made along the way. The point being that when Laurel Ingalls Wilder was growing up, it was a time at which we had a pioneer spirit, we were an independent self-sufficient people and we did not look to big government for solutions to a lot of our problems.

I think at the heart of this debate and this issue is the fact that we need to focus that attention back on what we can do to put that power, that control, that authority, that decisionmaking in the hands of people at the local level. If in fact we will shift that model in that direction, we will get the kind of results and the quality and the performance that I think the gentleman has talked about and have drawn attention to throughout this country.

I thank the gentleman for his good work and look forward to being a part of this dialogue in what we can do to make ours the model and really the example around the world of the highest quality education that we can possibly have.

Mr. HOEKSTRA. I thank the gentleman for his comments. We really are going through a process where we are identifying what is working. We actually have developed what we call lessons in education. Some of the lessons we have learned as we have had hearings around the country are: Parents care the most about their children's education. They actually know the name of the teacher like the student does versus the bureaucrat that may be here in Washington.

Good intentions do not equal good policy. We have seen that in Washington. Every time there appears to be a problem, we create a new program. The end result is 760 programs, 39 agencies.

More does not always equal better. More money through the same failed system is not going to improve results.

Education must be child-centered.

Lesson No. 5. When we spend more, we create more tax burden. Somebody has to come up with the dollars. It is our responsibility to make sure that we are getting the kind of results that we need.

Mr. Speaker, I am going to move to my colleague from North Carolina. I cannot imagine what he wants to talk about, but he has been sitting there so patiently. I believe he may want to talk about one of the President's proposals.

Mr. BALLENGER. The gentleman and I attended a hearing in Oklahoma. What I wanted to bring up, and we have discussed it here in one way or another, but the idea of spending money wisely. I am here to express a concern which our Democrat friends mentioned earlier on the condition of the public schools today.

A recent "Prime Time Live" segment by Diane Sawyer documented the deteriorating buildings and inadequate structures used to house our children. To combat this appalling situation, President Clinton has proposed a $5 billion mandatory appropriation to guarantee the interest payments for the construction and renovation of elementary and secondary schools.

That sounds like motherhood, apple pie, and the greatest thing since sliced bread. But one of the problems that the gentleman and I both know is that once the first dollar of Federal money is accepted, then there is a little thing called the Davis-Bacon law that goes into effect. What is the Davis-Bacon law? What it does is it mandates that you pay higher wages for construction.

Mr. HOEKSTRA. My colleague from Kentucky may want to jump in. The gentleman may want to just explain the hearing that we went to in Oklahoma.

Mr. BALLENGER. Strangely enough, we had heard that there were strange things going on in Oklahoma. Luckily for us, the Secretary of Labor out there had investigated the actual operation of the Davis-Bacon law as far as Oklahoma was concerned.

Mr. HOEKSTRA. What does Davis-Bacon do? Maybe our colleague from Kentucky can explain exactly what Davis-Bacon does because it is important that people understand this concept. Then we can go back into what we found about paving machines doing concrete and all of these kinds of things.

Mrs. NORTHUP. It is important, and it is important because I think the American people would be interested in how their tax dollars are spent.

What the Federal Government says is that any school that is built with a dollar of Federal money, that certain provisions in the bidding process have to take place. One of those provisions is that extraordinarily high wages have to be paid, higher wages than most of the taxpayers will ever earn. What this does is push up the cost of construction 11 to 20 percent.

This makes no sense. We are talking about the desperate need to build more schools. What you do is you give the schools the opportunity to help offset some of their interest payments, but by doing that, they incur 11 to 20 percent higher costs in building every single school.

Mr. HOEKSTRA. My colleague from North Carolina can explain exactly how this happens. The process is we try here in Washington, some people, the gentleman and I have been to the building, I am not sure I can find it on here, but I think it is somewhere in this neighborhood over here. There is a person in a building over here, and a group of about 60, 80 people that are trying to determine pay rates for 40, 50 job categories in every county in America.

What did we find in Oklahoma?

Mr. BALLENGER. For instance, a wage survey submitted to the Department of Labor, this is in Oklahoma, showed a $20 million renovation occurred at the University of Oklahoma football stadium involving 28 workers. In reality no work was done on the football stadium. Twenty million dollars sent in in the report to say they had done this work and it never happened.

Mr. HOEKSTRA. The report was sent in, so on the report they outlined the wage scales that are paid or were paid to these workers on this project and for any Federal project or any project that had Federal dollars on it, these were going to be the wages that were going to be paid.

So this was bogus information coming into Washington from the State of Oklahoma, and for any project now being constructed in Oklahoma that is the wage rate that was going to have to be paid. They tried to do the same thing in Kentucky.

Mr. BALLENGER. Let me give another one. The case showed that 7 asphalt machines, extremely large machines, as big as trucks, were used to pave a parking lot for an Internal Revenue Service building in Oklahoma. Workers supposedly were paid $15 an hour. In reality, the parking lot had only room for 30 cars and it was made of concrete. There was no way that you could use asphalt paving on it. The Department of Labor said that the wages instead of being $15 an hour should have been $8 an hour if it had occurred. But it did not happen.

□ 1830

Mr. HOEKSTRA. So with the process the gentleman from North Carolina has outlined, fraudulent data coming in is what can lead to excessive costs for further Federal projects.

Mrs. NORTHUP. Actually there are two problems here. One is the fraudulent data. When you have a building in Washington, DC that is trying to determine construction projects and costs in Oklahoma, what you are doing is removing the two so far apart that you make fraud a very easy, very easily an occurrence. But furthermore, even if you have no fraud, what you have are extraordinarily high wage rates in places like Kentucky, places where if you were an individual, if you were a taxpayer, if you were going to construct something, you would never pay those construction wages. You would never pay those same level of construction wages.

I might say that in Kentucky, when I looked over those wage scales, there were $28 an hour, $26 an hour. We are a poor State. You know, we have people that are working for minimum wage, that are working as hairdressers, that are working in gas stations, that are driving school buses, that are working on the assembly line at Ford Motor Co. None of those people make $28 an hour. And for them to pay their taxes and have their taxes pay people to build schools for their children at extraordinarily high wage rates is an absolute abuse of their tax dollars.

Mr. HOEKSTRA. The gentleman from North Carolina will explain why that will happen with the school construction now.

I thought we were helping the schools to get more bang for their buck.

Mr. BALLENGER. Well, the truth of the matter is you know as well as I do that if you add this additional labor cost—I mean suppose the President is going to guarantee your interest rate on your bonds that you have. North Carolina sold a billion, $200 million worth of bonds. My own county sold $50 million worth of bonds. Thank goodness I think they are in such financial shape that they will not be desiring of using this thing, but if they were, and those bonds cost 6 percent, and the labor costs were 10 percent higher, you have lost 4 percent because you use Federal assistance.

It is unbelievable.

Mrs. NORTHUP. I want to just remind you though that even though North Carolina may not incur the higher school costs and may not borrow out of this $5 billion, this $5 billion represents the tax dollars they have paid to Washington, and they are just going to lose it for some State that does not have the foresight to be able to afford this.

Mr. BALLENGER. If I might, I would like to quote from the Wall Street Journal one statement here. An inspector general's report has blown this whistle on the Davis-Bacon Act, and that 1931 law by which the Labor Department drives up the cost of federally subsidized construction by requiring what are in effect union wages. A Federal audit of 800 wage survey forms used to calculate the local prevailing or union wage found that nearly two out of three forms contained significant errors and that deliberate misreporting activity may exist.

It is an ideal situation for fraud and abuse, and there is an indictment out in Oklahoma for one of the fellows that our hearing brought to the light of the law enforcement.

Mr. HOEKSTRA. If any of my colleagues could maybe answer the question. I mean if Washington does not set the wages for these projects, how would we actually find out the wages?

Mrs. NORTHUP. The best way to build a school for our children is for each school district to do it as they do it right now. They say, what do we need? We need this many classrooms, we need these certain specifications, and they put it out for an open bid process, and then all the companies that build can bid on those bid processes, and the taxpayers know they get the best price for the school they are going to build. That is what they deserve for the sacrifice they pay in their taxes, and that is the best way, close to home, to make sure that each school is built in accordance to specifications and at the cheapest price.

Mr. HOEKSTRA. It is kind of interesting what the woman has outlined. It is that would make the people in this building feel very uncomfortable because they do not believe that competitive bidding actually works in the construction industry. Even though we build huge buildings, construction projects, and we use it every day, for some reason the Federal Government does not believe that competitive bidding would work for us.

Mrs. NORTHUP. Mr. Speaker, I would just like to challenge the Department of Education and the President to rethink their proposal. Since they believe that schools construction is so important, since they believe the need is so great that we cannot afford it, I am going to ask them to resubmit their proposal and take out the Davis-Bacon provision, say that they will be excepted from this so that those projects that they say we need so badly will be built, there will be an opportunity for more schools for our children, and they can prove how dedicated they are to our kids by removing this very costly provision.

Mr. HOEKSTRA. If we put in the prevailing wage provision without the people here in Washington determining the wages, we will lose, I say to the gentleman from North Carolina [Mr. BALLENGER], anywhere from 10 to 20 percent, maybe more of the purchasing power. So this $5 billion, and it is going—I mean we will lose more than that because this is just a partial contribution to these projects, but the whole project will then be subject to Davis or to the prevailing wage law.

My colleague from Colorado.

Mr. BOB SCHAFFER of Colorado. That is the perfect point that I think the American people need to understand in this particular proposal because what the $5 billion that the Clinton administration wants us to believe is going to go toward school construction is only a fraction of the total cost of the project.

What I mean by that is that $5 billion is targeted toward buying down the interest that a school district would incur in financing a construction project. But even though a tiny fraction of the dollars that would be available to those school districts seems small, the fact that it is Federal funds and has a Davis-Bacon Act attached to them, when those funds are commingled with the State or local dollars that are involved in a project, it really spoils the buying power of all of the dollars that should be going toward bricks and mortar to build viable schools and schools that promote learning for our children.

But instead what the Clinton administration design is, is to have a greater portion, the 11, 20, 30 percent I have heard in many cases depending on what area of the country; to have that percentage of the dollars go away from construction, away from children, and toward some other purpose.

Now that other purpose may be useful to some people, but it is not useful to children. It is not useful to our goals to try to educate children, and this is the real conflict and vision, I think, between our Republican vision for schooling and the Democrat vision of schooling where we really want to get those dollars to kids. We really want to put them toward learning, not toward some union satisfaction that is a payback on a political promise.

Mr. BALLENGER. The saddest thing of all is the only people that will have to use this are the poorest school districts in the country. In other words, they do not have the taxing power to back up the bond issues they could sell, so they are going to have to use this 5 percent underwriting of their interest to sell the bonds which means the poorest people in the country will get the worst deal on building schools.

Mr. HOEKSTRA. The poorest districts in the country will end up paying a premium for all of their construction costs and will actually end up, may end up, getting less bang for their dollar than if they had never gotten involved with the Federal Government in the first place. But sometimes the stuff looks just so enticing, and it makes great rhetoric.

I think the gentleman from Colorado is absolutely right. We are not talking about the quality of education. We are talking about designing the best system of getting the financial resources to the child and to the classroom and the school construction program, and as with many of the other programs, one of our colleagues pointed out earlier, some of these programs take 21 weeks, not some, most of them on the average take 21 weeks, 216 steps, and even then you get an inflated price.

Mrs. NORTHUP. Mr. Speaker, I think it is important to realize that there will be a lot of rhetoric about this. I know that I have heard the debate that what you get is more efficiency when you use higher-price labor, but the true effect is if you got more efficiency, those companies that used the $28-an-hour workers would be able to bid on the job and get it without prevailing wage. If you actually save money by using higher price labor, then you could come in with lower bids, you would win the bid contract. So I think that you are going to hear some misinformation.

The other question is that if you do not set those wages high, that you are going to take advantage of people who are very poor. The truth is the people who are very poor, the people who have modest incomes, middle-income America, are going to subsidize with their tax dollars extraordinarily high pay rates for those people that work on the schools. It is not the workers who are talking advantage of on the schools, but all the other workers in our States and across this country that are going to pay higher taxes in order to get school projects they could get at a cheaper price.

Mr. BALLENGER. Suppose all the money they could save went into buying computers. This is capital outlay, the same deal. In other words, the money that they have to spend on higher construction costs could go into computers, all kinds of equipment that would make the school a better place.

Mr. HOEKSTRA. This is all about using the taxpayers' dollars more effectively.

Mr. BALLENGER. Right.

Mr. HOEKSTRA. My colleague from Colorado.

Mr. BOB SCHAFFER of Colorado. I wanted to just give you one more example on this Davis-Bacon Act and what the impact is on public projects and construction projects.

I returned from a couple weeks in, over the Easter break, doing town meetings throughout eastern Colorado; I went to a town called Trinidad which is in the southern part of Colorado, and the mayor, a Democrat I might add, came to me, and he talked about the Davis-Bacon Act as the No. 1 problem they are facing in Trinidad, CO. And they want to repair their library there, repair the library, not replace it, just repair it. In the process of repairing their town library they accepted $17,500 of Federal funds that they received in a rural redevelopment and construction grant, which was a small portion of the overall costs of this repair project. They concluded that by the time they calculated the cost of accepting $17,000 of Federal funds, costs attributable directly to the Davis-Bacon Act, that they would have been better off to replace the entire building than to make the small repairs that they had in mind.

Now I ask you to think about that when President Clinton and the Democrats come here and talk about this $5 billion as though it somehow is going to help our children and help our schools, and I assure you it will not. Before we came here tonight, one of our friends on the other side of the aisle, Democrat side of the aisle, said would it not be trying to paint a bleak picture for our children, said would it not be a shame if the children and the teachers returned this fall to crumbling schools.

Let me ask a more direct question: Would it not be a shame if those children and teachers returned in the fall to crumbling schools that are still crumbling, even after spending $5 billion of Federal funds? Our States, as a matter of fact, are better off unencumbered by Federal intrusion in the efforts of trying to repair schools and taking care of children. That is where our confidence ought to be placed, not here in Washington.

Mr. BALLENGER. We thank the kind gentleman. I would like to congratulate you on first of all your hearings throughout the country, but second of all, bringing this to, I hope, our TV audience to let them better understand what this is all about.

Mr. HOEKSTRA. I thank my colleagues for participating tonight. We are going to continue this dialogue on education. It is a very important one. We are going to continue hearings. This President in many cases has the same vision of quality education for our children, the best educated kids in the world. We share that vision. I think where we separate and go down different paths is he believes the answer perhaps too often lies here in Washington where we believe the answer lies with parents, with teachers and a local classroom.

I thank my colleagues for being here tonight.

BIPARTISAN COOPERATION IN THE AREA OF EDUCATION

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, first I would like to applaud the fact that we have been discussing education now for more than 2 hours and that both parties have chosen to talk about education tonight. It is an indication of the kind of priority that we have set here in Washington on education, both parties.

As I said earlier this afternoon, we are in a situation now where something wonderful is going to happen in the 105th Congress as a result of the bipartisan cooperation, which I think is very sincere and very real. We have a problem, however, that there are people holding on to the past, the recent past, the past of the 104th Congress. They really understand that there is a new environment for the discussion of education issues as a new political environment, and they discovered that political environment last year during the 104th Congress.

The Contract With America made an onslaught on Federal participation in education. The Contract With America came forward and proposed to eliminate, eradicate, the Department of Education. They proposed to cut school lunches, they proposed to cut Head Start, they proposed to cut Title I.

I do not want to dwell too much on that unfortunate, very uncomfortable situation of the 104th Congress, but it is important to set all discussion within the context of the great triumph accomplished by the common sense of the American people. The common sense of the voters triumphed over all of the proposals of the Republican majority for education, the proposals that would have rolled us backwards. They even proposed a total of cuts that would have amounted to about $4 billion at the beginning of the 104th Congress. The Republican majority made those proposals and moved that way; it shut down the government. Let us not forget that the government was shut down because the President and the White House refused to go along with drastic extreme proposals for cuts in areas like education.

□ 1845

Let me just conclude this recapitulation of the 104th Congress by saying that I want to pay tribute to and give credit to those leaders in the Republican majority who decided to turn it all around. They did a 360 degree turn. They listened to the common sense being expressed by the American people. They listened to the voters. They listened.

They watched the polls which showed that the American voters ranked education as a high priority, and they have consistently been doing so for some time. They listened and at the last minute, faced with the possibility that their negative positions on education might very much impact on their reelection possibilities, they did a 360 degree turnaround. I applaud the fact that they were not so ideologically entrenched, so philosophically dogmatic that they could not make the turn. Given the necessity of getting reelected, they decided to make the turn.

I applaud the fact that the gentleman from Pennsylvania [Mr. GOODLING], chairman of the Committee on Education and the Workforce, who is a former school principal, teacher, school superintendent, been around a long time, been on the Committee on Education and the Workforce for a long time, he was there with his insight, his experience, his wisdom. So when the turnaround took place, the chairman can tell them where to intelligently make the changes.

The turnaround, which was a 360 degree turnaround, instead of cutting education by $4 billion, they increased education by $4 billion, and the gentleman from Pennsylvania [Mr. GOODLING] helped to guide them in making those increases in Head Start, in title I, in Pell grants. You name it, the positive increases in education were made, and I applaud the majority for responding to the common sense of the American people.

Given the fact that the common sense of the American people has been discovered as a reality politically, we can expect no one in any leadership position in either party, certainly not in the Republican Party which saw the folly of their ways, to openly be against improvements in public education. They would not openly attack the effort to improve education.

What we can expect, though, and have to be prepared for, and it may very much slow down the effort, confuse the effort, is guerrilla warfare, ambushes, Trojan horses, people who pretend that they care about education coming into the walls, into the compound and sabotaging. People who say they care about education, but they think, or they propose that the Federal Government not get involved. Federal Government involvement is minuscule even at the height of involvement, even if we follow the President's proposals, and the President has made a extensive approach here. The President does propose that we not play around with education.

Mr. Speaker, this is a call for action for American education of the 21st century. It covers education from early childhood to lifelong learning, right through graduate school, Pell grants, and undergraduate school. It is comprehensive. It talks about construction, it talks about standards in the classroom, telecommunications. It is a comprehensive approach. Certainly President Clinton has earned the title of education President merely for making proposals.

It is for us, the Members of the legislature, the Members of Congress, the House and the Senate, to follow through on these proposals and not to sabotage them, not to confuse the situation with misinformation or disinformation such as some of which we have heard in the previous hour. There are people who say that we should not go forward with Federal involvement because the Federal Government has too many programs, seven hundred programs.

Well, Mr. Speaker, I am in favor of streamlining and improving Federal involvement in education, but I will not take the irrational position that the number of programs is somehow a barometer of whether the programs are effective or efficient. If we did that, we would shut down half of the Defense Department.

The Defense Department has far more than 700 programs or 700 weapons systems. If we look at the defense budget and really go through it, there is probably nothing in the world that in some manner is not in the defense budget, where they do not approach some problem of human concern in the defense budget. They approach reading and counseling, a whole lot of other things other than weapons systems. And then they have numerous weapons systems, which if we were into the fallacy of measuring effectiveness and efficiency by numbers, we would say shut down some of these weapons systems, because automatically to have too many is to have an ineffective defense.

Mr. Speaker, that is an irrational approach. If we are going to streamline the way the Federal Government approaches education, let us not begin by making irrational proposals about the number is too great and therefore we should wage war on the numbers.

What has happened with that irrational approach is that small has become evil and big has been too big to contain. So a lot of small programs that were very meaningful and very efficient and effective were cut out, and big programs were left, just because the size was so great that the people who wanted to wage war on a number of programs did not bother to touch them.

Some small programs related to libraries, related to foreign language, literature and libraries, made a lot of sense. They had networks that cut across all the libraries of the country, and for a very tiny amount of money we were building up the inventory of books in foreign languages, which was significant. That was cut out, so small that it was deemed one of those programs, automatically, if they are that small and we have too many programs and numbers mean so much in view of education, then automatically let the small programs go. That is not a rational approach.

I hope as we go forward in the spirit of bipartisan cooperation we will cease using these kinds of irrational barometers and measurements and that we be honest about, let us evaluate each program, let us evaluate each approach on the basis of what works. The previous speakers talked about what works, what really works. Let us take that criteria and talk about what really works.

Mr. Speaker, we are going to have a hearing I understand next week in New York City, and the discussion is about what works. That committee will have a discussion of a program proposed by the mayor of New York City. Mayor Giuliani has gone out to get parochial and private schools to accept children from public schools as a result of the overcrowding in public schools that took place, that was highlighted. It has been there for some time, but it was highlighted last fall when we had 91,000 children in New York City who did not have a place to sit in school on opening day. To what degree that exists right now, I cannot tell you. We have been trying to find out. And there is a wall of obscurity that has been deliberately promulgated which prevents us from really knowing, have they solved the problem of overcrowding? Did they move children around to empty schools or schools that have less than capacity? How did they solve the problem of 91,000 children in school on opening day not having a place to sit? How did they solve the problem? We still do not know.

What we do know is the mayor took the initiative and said, I will find places for 1,000 children in parochial and private schools; I will raise the money from private sources.

So every day in the paper we have new articles about the 1,000 children, the fact that the corporations and the private sector have come forward and provided the tuition money, the fact that they have a lottery, the number of children that the parents have applied to put their children in the program, and the last count was close to 20,000. They have 1,000 slots. Close to 20,000 have applied, so they are going to have a computerized lottery system to select. All of this is very exciting, and I congratulate the mayor for doing something concrete about a problem.

Mr. Speaker, we are going to help place 1,000 youngsters. The only question that we have to ask is, what happens to the other 90,000? There are 90,000 youngsters that we still have not placed. The 1,000, we hope that they will find secure places in the parochial and private schools. And we want to express our thanks to the private entrepreneurs and various people who put up the money to pay the tuition. We want to congratulate the parents who were lucky in the lottery; 1,000 out of 20,000, and the number may still be drawn. I do not know when the cutoff point was. In that lottery, though, we will have 19,000 losers. But we congratulate and bless and wish the best of luck to those 1,000 who do go forward.

This is a good idea. Private industry, let us do more, let us place more children. Mr. Speaker, there are a few questions that we can ask to show that this is not the answer to the problem. New York City has 1 million students; 91,000 had no place to sit as of last September. How do we solve the problem? Do they have the capacity in the parochial schools to take all 90,000? I do not think so. Are we going to be able to raise the tuition for all 91,000? Is the private sector that generous? Are we going to get the money for 91,000? I do not think so.

I do not think that is the solution to the problem. The solution to the problem lies in a plan to rebuild and renovate and build new schools in New York City, the kind of plan that was proposed by the previous chancellor of the New York City school system. We do not have a superintendent; because we are so big, we have a chancellor. The chancellor presides over 32 community school districts in New York City.

The chancellor of the last system proposed a plan over, I think, 5 or 7 years to renovate, rebuild, build new schools. The present mayor ran him out of town, ridiculed him and made all kinds of roadblocks. So, the man with the plan to take care of the problem was run out of town.

The solution now becomes, instead, placing children in private and parochial schools, and we are way behind if all we can do is place 1,000 of the 91,000.

So we have to be careful. In the present atmosphere, everybody wants to jump on the bandwagon. The voters have spoken. Education is a priority issue. The voters have awakened and they want to say: Well, Mr. Speaker, we spent the money necessary for defense, we spent the money to contain the evil empire, billions and billions. We went from a horse and buggy Defense Department after World War I to a multibillion-dollar Defense Department before the end of the Cold War.

We were spending money on a scale which is impossible almost for most voters to comprehend. Mr. Speaker, $3.5 billion for an aircraft is beyond the comprehension of most people; $2 billion for a submarine, beyond the comprehension. We take the cost of one submarine, and we can solve the problem of New York City for the next 20 years of buildings.

We can do a great deal with $2 billion in terms of construction, renovation, taking care of asbestos problems in some schools, lead poisoning problems in some other schools, boilers that still burn coal. We have one-third of the city schools almost that still burn coal, polluting the environment and contributing to the high asthma rate in New York City. A large number of young people have asthma, larger than most big cities.

So be careful, beware. The Trojan horses are within the walls. They say that they are in favor of improving education; they say that they want to support the effort to revitalize and guarantee that every young person in America has a decent school, but the old attitudes that existed in the 104th Congress are still underneath the surface. There is an underground movement. There are guerrilla actions, there are ambushes that are going to take place, and we have to beware.

Let me just pause for a moment to talk about what it means to have a Nation committed to go forward in every way possible to improve our education system from the cradle to the grave.

□ 1900

We are creating a learning society. Before these were kind of loose terms thrown around, but we are really creating a learning society. President Clinton talks about a learning society, a lifelong learning society, where you learn from the time you are a baby all the way to the time you die.

This comprehensive approach dealing with adult literacy and adult education, the Call for Action for American Education, understands that that is the kind of society we want to create. As we go into the 21st century we ought to be able to spend less for defense and less for weapons systems, and spend more to guarantee that there is a maximum opportunity for every person in America to be all that they can be. That is a sentimental, hokey slogan, you say, from the Armed Forces' public relations campaign, but it is pretty good. I will accept it.

Mr. Speaker, let us try to guarantee that the opportunity for every American will be there to be all that they can be, to strive for excellence in every way, starting with the kid who was in preschool, preschool age, through kindergarten, Head Start, right up to high school, college. Let us dedicate ourselves to the proposition that in this great country of ours, we are going to give every person an opportunity to be all they can be.

One part of this process ought to be to let us glamourize education and excellence more. Let us give more credits and more incentives to our students to be champions in the arena of education, in the arena of academics. We have a few national contests, the Westinghouse Science Contest and a few other well-known contests that reach out and embrace a small group of youngsters. We need more. We need to have academics elevated to the level of sports, so young people fulfill themselves and attain some kind of recognition among their peers and among adults by participating in activities which improve their minds.

A healthy body, of course, is a premium. We want to encourage healthy bodies. We still have a problem in America with people who do not exercise enough. We have a problem of obesity. Exhibition No. 1 is standing here. We do not want to denigrate sports, we do not want to denigrate physical activity, but we do want to exalt academic activity, intellectual activity.

I am here to pay tribute to a project, one of these 700-some projects in Federal education that was talked about before. I want to pay tribute to that for exalting the academic achievements of students. It is called "We the People * * * The Citizen and the Constitution." "We the People * * * The Citizen and the Constitution" is a national competition that is organized to encourage young people to learn more about our Constitution and our Government and how it works.

This was initiated, by the way, during the celebration of the centennial; not the centennial, the 20th anniversary of the bicentennial—the 200th anniversary of the Constitution. It was one of the activities initiated. Now it is continued by the Center for Civic Education.

The Center for Civic Education is part of the operation of one of our education centers funded by the Federal Government. I want to applaud them and congratulate them for this. They were not always involved. This started out as an ad hoc sort of thing just for the celebration of the Bicentennial. Now it has been institutionalized. I want to congratulate the Center for Civic Education for carrying it forward.

They have now been doing this for quite a long time. I do not remember whether it is 10 years or more. Each year in each State, or first in each locality—I will use New York City as an example, New York City has a competition among the schools. Other areas of the State have competitions. The winners of those competitions go to some central place in the State and they compete for the State championship. This happens all over the country, in all 50 States. The State champions then are invited to Washington in the spring, and they compete among themselves for the national championship.

The competition is all about who knows the Constitution, the Government, and its operations the best. What they do here, let me just read some background. The top high schools or the winners in the country come here and they participate in national finals on the Constitution and the Bill of Rights, and more than 1,250 outstanding high school students from 50 States came this spring. There were 50 States and the District of Columbia to participate.

This has been going on for some time now. I think we have had the participation of something like 24 million students totally, at the local level as well as at the national level; in every locality, every State, they get a lot of participation.

This year, of course, they came on April 25 and 26, and after 2 days of intense examination of their knowledge of the Constitution the field was reduced from 51 teams to 10 teams, the top 10 teams. The first two rounds of competitive hearings were held April 26 and 27, at the J.W. Marriott Hotel here in Washington, and the combined scores of each team determined the 10 teams to compete Monday in the championship round on Capitol Hill. They were right here a few days ago, Monday, in this Capitol, in the Rayburn Building, competing for the final championship, 10 different teams.

In the competitions, students demonstrate their knowledge of the Constitution and Bill of Rights before simulated congressional committees composed of constitutional scholars, lawyers, journalists, and government leaders. Students compete as classes after completing a comprehensive course of study on the Constitution to qualify for the competition. The national finalists had won congressional district and State competitions in order to advance to this point. Then after the day's competition here on Capitol Hill they announced the winners last Monday night.

I want to pay tribute to the winners of the contest. First I will pay tribute to the top 10 schools. This is the kind of activity that you will not get on television. The championship games are broadcast for college and at the local levels you have championship games broadcast for high schools and sports. Students who are good in sports always get attention. They get trophies, and there is a trophy case in every high school. We would like to replicate that and have academic and intellectual activities given the same status.

So I take my hat off, and I want to congratulate the top 10 schools in America. Lincoln High School in Portland, OR was one of those top 10; East Kent High School from Kentwood, MI; Clara Barton High School from Brooklyn, NY, in my own district; East High School, from Denver, CO; Castle High School from Newburgh, IN; Maine South High School from Park Ridge, IL; East Brunswick High School from East Brunswick, NJ; Tahoma High School from Kent, WA; Arcadia High School from Arcadia, CA; and Our Lady of Lourdes Academy from Miami, FL. These are the top 10 schools in the competition on "We the People * * * The Citizen and the Constitution," a competition designed to test the students' knowledge of both the Constitution and the Bill of Rights.

So I salute all of the top 10, and I would like to pay additional tribute to the top four. The top winner was Our Lady of Lourdes Academy, Miami, FL. They came in first this year, first place. The second winner was Arcadia High School from Arcadia, CA. Congratulations, Arcadia. Congratulations, Our Lady of Lourdes.

Then No. 3 was Tahoma High School of Kent, WA. Congratulations to Tahoma High School. No. 4 was Clara Barton High School of Brooklyn, NY, from the 11th Congressional District. I want to congratulate the members of the team from Clara Barton High School in my district in Brooklyn. My hat goes off to them. This is the second time they came in fourth in the contest. This is, I think, the sixth time that they have made it to the national finals as State champions, so something great is going on at Clara Barton High School.

I want to congratulate the students who participated. This was one of the largest classes. The rules require that the participants in this contest be a whole class, and that the class be under the instructor, the coach, for the whole year. So it is a class in social studies or history or some related matter that comes as a class.

What happened at Clara Barton High School this year is that because of their past reputation, because they had come and won fourth place before, because they had consistently won the State championships, the teacher, the coach who heads the class, was inundated with requests to get into his class. So we are talking about 40 students, one of the largest classes. It was the largest class to come to the contest, all 40 students.

New York City has an overcrowded situation, but high school teachers do not have to take 40 students. Mr. Casey, Leo Casey, was the teacher, Dr. Leo Casey. He agreed to take 40 students because of the overwhelming demand to get into his class.

These students have not been celebrated as sports heroes. They are not entertainment celebrities. But the tradition that has been established at Clara Barton High School is such that the winning tradition in the intellectual academic arena has led to students clamoring to get in. So Dr. Casey accepted 40 students, and those 40 students, that was the largest team here in Washington.

I want to read the names of the students. I am going to take the time to do it because I think this is part of the process of creating an environment in America where education is exalted, where academic and intellectual activities are raised to a new level, our students are inspired and given incentives to strive for excellence. These are students who strive for excellence in the area of understanding the Bill of Rights and the Constitution.

They are: Nicole Aljoe, Munira Basir, Letricia Bennett, Michelle Bennett, Katherine Bernard, Slahudin Bholai, Dafina Westbrook-Broady, Keusha Carrington, Shakira Chang, Calvin Coleman, Dean Douglas, Nirva Dube, Iesha Etheridge, Jonathan Ewars, Migdalia Feliberty, Sean Forde, Sharkara Godet, Oslen Grant, Moshesh Harris, Rochelin Herold, Christopher Hubbard, Sonia Hurble, Tiffany Jefferson, Generva John, Anthony Marin, Anisah Miley, Travis Moorer, Calistia Nanton, Franchelica Nunez, Damian O'Connor, Ayo Ogun, Emmanuel Onasile, Tamara Osbourne, Charlene Palmerm, Carolina Perez, Natalie Pierre, Raquel Rivera, Tanisha Simpson, Camille Sinclair, Vysaisha Singh, Vijay Sookedo, Sharon St. Hill, Karrien Stone, Naquida Taylor, and Andrea Telford.

These are all students, and I think the Members might have surmised from reading the names that they come from very diverse backgrounds. It was the most diverse team to appear at the national contest.

I might point out that in the 11th Congressional District, my congressional district, when the census was taken in 1990, 150,000 people listed themselves as being noncitizens, 150,000 out of a total 582,000. So I have one of the highest noncitizen populations of all the congressional districts. The 150,000 came forward and indicated they were not citizens, so they were legal immigrants. I assure the Members, the illegal immigrants did not come forward. So we have 150,000 of the 1990 legal immigrants.

The diversity of my district is reflected in the names of these children. My district has Cambodians, there are Chinese, there are Pakistani, there are a whole array of people from all of the islands of the Caribbean; we have Haitians. It is a wonderful mixture, a rainbow mixture of America in my district.

Generally, Mr. Speaker, there is an income level that is lower than average. Not all of these children are poor, but the great majority come from low-income homes who go to Clara Barton High School. I want to congratulate them on their magnificent achievement.

I want to congratulate Mrs. Florence Smith, a former high school teacher, who served as the volunteer coordinator for my office. The 11th Congressional District coordinator is Florence Smith. By the way, she resigned, retired from school one year, and the next year she became the coordinator for my 11th Congressional District, and she has been there since then; about 8 years with Florence Smith, who does not receive a penny for her services.

If Members want to talk about volunteer services in harmony with the great conference that was held in Philadelphia this past weekend, here is an example of the kind of volunteers that we have in America. People who retire and who, in some cases, spend more time in activities after retirement than they did when they were working.

Congratulations to all the people who made it happen. In my congressional district, the Clara Barton High School team is sponsored not only by my office but by the Central Brooklyn Martin Luther King Commission. In fact, the money that was raised to first send this team to the capital at Albany was gathered by the Central Brooklyn Martin Luther King Commission. Money that has been raised in the past years before the funding level went up nationally to get them to Washington, the great sponsor and mentors of the Clara Barton High School team have been the members of the Central Brooklyn Martin Luther King commission.

□ 1915

We have some other organizations that have also become sponsors. Children's Times is a publication on education. Thomas Jones and his wife, Mr. and Mrs. Jones, have been very instrumental in encouraging the young people at Clara Barton High School and in raising money to make certain that they were able to go to Albany and come to Washington.

So it is a kind of growing group activity. They still have difficulties raising funds to get to Washington. I want to call on the bar associations of Brooklyn, the bar associations of Manhattan and New York, and all the lawyers who know what the Constitution is all about, judges' organizations, I would like to call on you.

Some judges come to practice with the youngsters. They come to my office on a Saturday morning about twice a year just before the contest and judges come and sit with them, go through the process and coach them in terms of how they handle tricky questions in the legal system related to the Constitution and the Bill of Rights. So it is a group enterprise of great magnitude. I congratulate the winners, the champions from Clara Barton High School in Brooklyn.

It is one of those activities that we should see more of. The old-fashioned spelling bees and the science fairs and a number of incentives to have children participate more in academic activities which develop their minds is an absolute necessity and must go forward.

Again, this is one of those 700-some Federal programs that have been ridiculed by the previous discussion. The Center for Civic Education does a great job. And I would not want it to arbitrarily be denied funding because it happens to be one of many programs. That is an irrational approach. That is an approach taken by people who really have not quite come around 100 percent to the understanding of the need for education to become America's No. 1 priority.

Our national security is all tied up with what we do with education. Our national security, certainly defense and our defense posture and our military services still have a great deal to do with national security. I am not denigrating that, but in a world which is more and more an economically competitive world, in a world where there is great competition for ideas, our No. 1 resource are our people and the education of those people must be our No. 1 agenda.

I congratulate the American voters. The American people understand that. They understood it long before the Members of Congress were willing to admit it, but now the Members of Congress have been forced by the insistence of the electorate to admit that education must be our No. 1 priority.

Political necessity has dictated it. What we have to worry about now is a people who are not sincere who, because of political necessity, they give lip service to their support for education. We have to worry about the Potemkin village effect. Does anybody know what a Potemkin village is?

There was a general named Potemkin in Russia who took Catherine the Great, who was his empress, on a tour to show her how magnificent a village that he was in charge of was; and in that village they had fronts. The houses were beautiful, but they had nothing behind them. They were all linked together. So Catherine the Great could not see behind them. And Potemkin's village was a beautiful village, but it was nothing but facades.

The danger is that there are some people that would want us to go to the American people with a Potemkin village in terms of educational improvement. They are satisfied to just get the headlines, make it appear that we have gone forward, but really not do the job.

It is a big job that we face. It is a big undertaking. And unless you are willing to follow the leadership of the President and take a comprehensive approach, comprehensive, a call for action for American education, this is a comprehensive approach. It starts with preschool education. It goes to Head Start.

Preschool education and Head Start have been given a great intellectual and philosophical boost by the recent conference that was held at the White House on early childhood education and learning. Several magazines have run some articles on the brain of young children, how the brain develops.

It seems now that there are no detractors. And nobody opposes, nobody questions the theory now that the brain of a young child is the most valuable thing on Earth. It has potential that has seldom been tapped. They can learn so much more than we teach them. They can be developed in so many more constructive ways than we know. We should focus maximum attention on what happens to young children.

The brain is affected by how often they are squeezed, by how often they are cuddled. The brain is affected. The brain is affected by whether they are yelled at or whispered to. The brain is affected by the number of times their cries do not get a response. The brain is affected by the way you hold their hands and encourage them to grip the hand. It is affected by the way you move to help their eyesight develop. These are things that all the scientists agree on that great things happen to the brain just by the proper nurturing.

Recently we had scientists that affirm that this is happening positively. Recently we had several studies that show what happens if it is negative, if you do not take care of children when they are very young, what the results are.

The Romanian children that came from the Romanian orphanages have been cited several times in several studies from some of the Soviet and other Middle Eastern orphans. People saw these beautiful little children who had no mothers and fathers. They were being kept in pens and being thrown into big rooms where the adults only came around to feed them. And they were physically beautiful children and needing some help and attention in the hearts of many American parents who did not have children, and some who had children, who wanted to help so they added some of these children. They have gone and adopted children.

We had a heart-breaking example on television, I think, last night a news story about a family that adopted two Russian youngsters, fraternal twins, and what that family went through as a result of the damage that those young people had already suffered. You could not reverse it. Their brains had been affected in ways that could not be changed. So they are very anti-social. They have been ignored so long until they can form no attachments to human beings. They really are very suspicious, very hostile. They have things that they do that are incomprehensible.

The mother and the father tried for a long time. The father then died from pancreatic cancer, and now the mother just is overwhelmed. She cannot get help anywhere. She tried to place them in a residential school and found that the school saw them as being too difficult, they could not keep them.

It is not that she is not trying as hard as possible. It is an almost impossible task to raise such children in a normal situation, because the scientists have confirmed that your brain actually atrophies, it gets smaller, it dries up as a result of in childhood not being treated a certain way.

They have a study where they took some of these children from Romania, mainly Romanian, there is a thorough study done on the Romanian children, they took them through CAT scans and these various devices that can actually look at the brain and they showed the diagrams on television where the brain had shrunk and where it was irreversible. Certain parts of the brain shrinks, they cannot respond normally. They are damaged children.

On the other hand, there is a percentage that, no matter what happened to them, they survive, a small percentage. You might say the old argument that people often make, well, I went through poverty, I went through despair, but I came out all right. A certain percentage of the human race can be classified as almost super people; and no matter what group you are looking at, a certain percentage is going to overcome whatever conditions you put in front of them, a small percentage.

The overwhelming number of people respond to stimuli, and the brain is affected. So that nation which understands the importance of handling its young people with the maximum amount of nurturing and care; that is, the nation which first commits the most resources to young people, will certainly be in a position to not only save a lot of money later on in terms of the social dislocations that people who are damaged perpetuate, but in terms of the benefits of alive minds capable of learning, alive minds that have been expanded and they can absorb new information and new changes in technology very rapidly.

If you treat the minds of the young people a certain way, they have those kinds of minds and they have the mental and emotional attitudes, which are also constructive. Because people have always responded to them in a positive way, they respond to other people in a positive way. Their ability to work on teams, their ability to work and relate to their peers, all of this is affected.

We have concrete, scientific evidence which documents this. More important than genetic, the old debate of inheritance versus conditioning, environment versus the inheritance, that old debate can be put to rest. The inheritance does count. The genes you get do set up possibilities.

The greatest problem is in the way those genes are handled in the early years of life. You can take some weak genes and improve on them, actually, if children are nurtured a certain way and treated in a certain way. You can take some beautiful genes, strongest genes, and you can destroy them. They will atrophy, they will shrink, dry up in terms of the brain, and you will have a set of behaviors that has nothing to do with the genetics that they inherit, the condition is there.

So what we put into Head Start, the dollars we spent for Head Start are the dollars we could get the greatest benefit from. If Head Start programs are going to degenerate and if we are going to put them on tight funding and say, yes, we subscribe to the principle that early childhood education ought to be supported, but we will not appropriate money so you can really have teachers who know, child-care specialists who know how to handle children and you just put them out there and you get welfare recipients, as has been proposed in some cities, you take people who are on welfare and you force them to go to work in child-care centers. Nothing could be worse than to have a person taking care of children who does not want to take care of them. Nothing could be worse than to have a person taking care of children who will be hostile to them because they feel they are being forced to do something they do not want to do.

So do not put people who are on welfare to work in child-care centers unless they want to go and receive training as to how to raise children, unless they are mothers already that have gone through the process already and understand how to nurture the children. And do not do it in a happenstance way so that maybe they know it, maybe they do not.

It pays to screen the people who are taking care of children in day-care offices and Head Start, anywhere else. Let us not try to solve our welfare jobs problem by using children as unfortunate guinea pigs. That is one lesson we ought to learn. Education funding for early childhood, education for Head Start should be adequate funding.

What is adequate funding? You can determine whether or not the ingredients are there by looking at the situation and setting up a set of rules that either the place is safe or it is not safe. The day-care center or the Head Start center, either the place is conducive to learning, with enough light, enough air, or it is not. There are standards that can determine what is adequate.

When it comes to personnel, you can determine whether the person has experience, training and they are able to deal with the job that they are assigned to do with respect to children. The dietician in the kitchen, they can determine whether they really know what they are doing, are they going to put too much salt in the food. All these things are doable. We can do them, but we have to have adequate funding to guarantee that they get done.

What I am saying is that the Potemkin village approach to say we are for education, we are for early childhood education, but say what is too much money, Head Start should not spend too much money, what is so much money? Let us determine what is adequate.

Which brings me to my final discussion for today. If you have bipartisan cooperation here in the House and they really want to go forward to improve education in America, then there is a set of standards which must be reexamined. I invite the voters, the citizens who are listening, to apply their common sense.

I spoke to a group in Cleveland called PS–21, a group of people who are dedicated to the proposition they want to have the most improved schools in University Heights, Cleveland Heights, they want to have the best possible schools. One of the ways that they are trying to accomplish this is to make sure that local citizens, leaders, teachers, people concerned about education and parents have a maximum discussion of what it takes to make good schools.

□ 1930

A series of forums that they have had last year and this year, they are going to go all the way to the year 2000 because they are getting ready, they are remolding their schools to be the best possible schools as they go into the 21 century. So that is why they call it PS 21.

We had a good discussion, and I talked to them about the micro level, at the citizens level, out there in the schools, the PTA's, people on the firing line, teachers. We have to have this kind of dialoguing to make certain we get the maximum benefits from what is happening at the macro level. The macro level is what President Clinton is proposing. The macro level are Federal programs. Macro level is what Congress will do when it acts on President Clinton's proposal.

The macro level involves such things as the vote that is going to be taken next week on the discount to schools for telecommunications services. The Federal Communications Commission acting on a mandate given to them by Congress will vote on a proposal to provide telecommunications services to schools and libraries across the country at a discount rate of between 20 percent and 90 percent. The poorest schools will get up to 90 percent discount on telecommunications services, and any school in the merit system will get at least a 20 percent discount on telecommunications services.

And by telecommunication services, I mean a whole range of things, including telephones. Most of our schools in New York do not have but a few telephones because they are charged the business rate for telephones. If telephones are put into this universal fund for telecommunications that is now going to be voted on by the FCC, then we will at least have more telephones in schools. But online services for computers, computer hardware, the wiring of the school, all of these things can be paid for at this discount rate that the telecommunications industries will have to pay for.

They have a fund called a universal fund that the money goes into, and at this point it is a $2.5 billion fund per year, $2.5 billion per year indefinitely. It is not a short-term proposition. So this is a macro activity we ought to all understand, to relate to this macro activity. At the local level you have to have schools that can be wired.

If a school has an asbestos problem in New York, you cannot even get to the first step and take advantage of the universal fund that is going to be established by the Federal Communications Commission. We had Net Day across the country, various States, localities. We have Net Day. We had another Net Day episode in New York last week, and on Net Day volunteers go to help wire schools. For Net Day, the standard is that you should wire five classrooms and the school library, and you have completed a Net Day responsibility.

Well, Net Day in New York has been a gross failure. You have 1,000 schools and only a handful have been wired because the asbestos problem is there. You cannot bore holes and confront the fact that there is asbestos that must be taken care of. So at the micro level, unless we find a way to solve the problem of asbestos, we will not be able to take advantage of the macro programs. We will not be able to get part of that universal fund.

The President has proposed and we have in effect the literacy challenge fund. We have the technology learning grant program. These are already under way. We cannot take advantage of those in the schools that do not have the iniative to deal with the local problems that allow them to link up with these problems. That is why it becomes so important to deal with construction before you deal with anything else.

They cannot go into the 21st century and take advantage of the educational technology that is being developed. Computerized learning, videos, all kinds of things are being developed to supplement the teacher in the classroom. There is no substitute for the teacher in the classroom, by the way. Recent studies have shown that no matter what you do, the quality of the teacher in the classroom determines whether or not children will get an adequate education or superior education.

So the quality of the teacher we have to take as one of the constants. But around that they can have their performance enhanced. Teachers can do so much better no matter what kind of teacher they are if they have enhancement and can use the Internet, the videos, the educational television, computerized learning. All that is available and we should make a maximum opportunity to use it.

Mr. Speaker, we need what we call opportunity-to-learn standards in our great discussion of how to improve education in America. We need to focus on opportunity-to-learn standards. We know about the standards for curriculums. The President has pushed that and I agree with curriculum standards. We know about testing standards where we are going to have tests that are similar enough from one State to another to be able to compare the performance of States, schools within States and performance of States with each other, and have some idea of what is happening in America overall with respect to adequate and excellent education. What the set of standards that we have not agreed on, we did agree on, and it was reversed. And the great horror story of the 104th Congress, they turned around everything except one, in one area they went backwards at a rapid rate.

We had opportunity-to-learn standards written into the legislation. The Goals 2000 Educate America Act had three sets of standards. They are the curriculum standards. They had the testing standards. And through a long debate, we members of the Education Committee had gotten the opportunity-to-learn standards.

Opportunity-to-learn standards are exactly what they say. If you are going to have a curriculum that is a great curriculum, if you are going to have testing, you are testing the children to see if they measure up and can learn that curriculum, one thing else has to happen. You have to have a guarantee that the students have an opportunity to learn by seeing to it that they have the right books so that they can measure up to the standards, pass tests, guarantee that they have a safe place to study, a safe place to learn.

That is part of the opportunity to learn. Guarantee that they have qualified teachers, people who know what they are doing. At one point we had a survey in New York City and found that two-thirds of the teachers who were teaching math and science in public schools in New York City had not majored in math and science in college. In junior high school, if you have teachers teaching math and science who did not major in science in college, you have a problem. Opportunity-to-learn standards would say that the standard is that no State, no locality should permit a situation where children do not have an opportunity to learn because the teachers are not qualified.

Opportunity to learn means that, if you are going to teach science, the school ought to have a science laboratory. It means that the science laboratory ought to have adequate supplies. Opportunity to learn means that you have books in the library which enhance the textbooks which are not 30 years old.

We have a problem with history books, social studies books being 30 years old in some of the libraries in New York City. So opportunity to learn and the agreement to accept opportunity-to-learn standards is one of those barometers by which we can measure whether people are sincere about improving education in America. One of those barometers to flesh out the Trojan horses and the underground operatives and the people trying to ambush the effort is to ask them, how do you feel about opportunity to learn?

One of the first tests of opportunity-to-learn standards is, will you support the President's construction initiatives because at least every child should be in a building that is safe, in a building that is warm. In a building that does not burn coal and put pollutants in the air for children to breathe to get contaminated with all kinds of harmful substances. A building that is safe, a building that has decent lighting, a building that has decent ventilation, a building that is adequate so that you do not have what is happening in New York City. Again, schools will tell you because the board of education and the bureaucrats have told them that they do not have an overcrowding problem. We had a little test, the Central Brooklyn Martin Luther King Commission, which is my advisory committee on education, they sent people to school to see if they have solved their overcrowding problem.

Principals said, we have no problem, slightly over capacity. They were lying. The next question I told them to ask was, how many lunch periods do you have? How many lunch periods do you have? That is a telltale sign of an overcrowded school. We have numerous schools that have three lunch periods. Children start eating at 10:30. They do not stop until 2:30.

We have discovered one school that has five lunch periods. I said, if you have five lunch periods, when does the first group eat lunch? At 9:45. Is it not child abuse to make a child eat lunch at 9:45? Is there not something wrong nutritionally, physiologically with making a child eat lunch at 9:45 in the morning?

The principal who told me this has been living with it so long she was not embarrassed. She said, we let them have a snack later on if they get hungry. The last group that eats, we let them have a snack in the morning because they get hungry before we finally get to them. Five lunch periods, from 9:45 up to nearly 2, they are eating in relay teams. It is overcrowded. The capacity has been exceeded.

You should not do that to children. No matter what they do to lie about the statistics and tell us, once we asked the question, how many lunch periods do you have, we have a telltale sign it is overcrowded.

We can go around and see with our own eyes that children have classes in storerooms, sometimes in the hallway, two or three classes are in the auditorium. We can see that the overcrowding is there, even when the bureaucrats do not admit it.

We still have the problem, 91,000 children did not have a seat in New York City when school started last fall, and large numbers still do not have seats and nobody is willing to admit it. So opportunity to learn means that the construction initiative of President Clinton should go forward because at schools like the schools in New York and the schools in numerous other cities that are overcrowded, that do have unsafe environments, lead poisoning, asbestos, all kinds of problems which affect the health of children. Those schools are transformed into the best schools that America can make.

The President is only proposing a small program that will set off the process, stimulate the State to put in money, stimulate the localities to spend money. And we must understand that. The great emergency for opportunity to learn is the construction of school buildings in our inner cities.

The $5 billion fund that the President is proposing should be given. The first proportion that they are proposing, up to 50 percent, I understand there were a lot of objections from Members of Congress. Members of Congress, I plead to them to open their eyes and look at the evidence.

The greatest problem is now in the inner-city communities. Children do not have an opportunity to learn because they are denied the basics of a decent place to sit, a safe place to sit, and a place free of toxic substances and a place which is ventilated properly and lighted properly. It is that basic.

Opportunity to learn means much more. But let us at least start with the President's construction initiative. We will follow through. The President is proposing training for teachers, suppliers. The President is proposing a number of items that become very important.

The incentive of having young people in elementary, secondary schools know that they can go to college, if they apply themselves to their studies in elementary and secondary school, that is also important. It is a continuum from early childhood, from the cradle and how you handle a baby when you pick them up and nuture them all the way to lifelong learning of retired people who can still contribute to the society by volunteering, by helping to mentor, by trying to improve our society in a number of ways.

In the process, we should also make certain that we build into our popular culture, build into our popular culture incentives that glamorize academic activities, that glamorize intellectual activities.

I will close by saluting the Clara Barton High School championship team from my district for their performance in the contest to show their knowledge of the Constitution and the Bill of Rights. I congratulate all the schools and all the youngsters across America who are champions in the area of intellectual and academic activities.

ISSUES FACING THE 105TH CONGRESS

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for 60 minutes.

Mr. KINGSTON. Mr. Speaker, it is a great pleasure to be with you tonight and discuss the many issues that are facing the 105th Congress.

One of the things that we will be voting on very soon is the supplemental appropriations bill. That is a fancy word for a bill designed to send aid to the folks who have been victims of flooding in the Midwest. It also funds the continuation of troops in Bosnia.

There are a lot of us who want to get our troops home from Bosnia. But at this point we still need to fund the ones that are there, and we need to have the debate about getting them home also. But the two purposes of this funding bill are emergency for the flood victims and emergency for Bosnia.

Politics is politics, and we cannot pass a bill around here without something totally unrelated being attached to it. That is always going to be the case, and that is the case with this bill that we are considering. One of the nonemergency items which many people in this House have supported is increased funding for WIC, which is the Women, Infants and Children Program. It is a milk formula program, and the program does a lot of good.

□ 1945

We have identified in our society that if we make sure that a pregnant woman has a proper diet, that the chances of the baby being born without medical complications is much greater; and, similarly, in the first couple of years of the life of the child, if the child is getting proper nutrition and proper diet, then the child experiences far fewer health care problems, which in terms of budget are more expensive. So it is an ounce of prevention.

Now, the Democrats and some of the liberals in the media, the New York Times, the L.A. Times, are actually accusing us of cutting WIC. Now, I am on the Committee on Appropriations, Mr. Speaker, and I am thinking, what is going on? No one has even brought WIC up.

Here is what the Democrats are saying. They, in this flood bill, want to increase WIC funding $78 million. In the spirit of compromise, the Republicans on the committee said, listen, we are not certain that this needs to be increased, but $38 million is a compromise, it cuts it in half. The Democrats still said we are cutting it.

Now, again, how do we cut what we are increasing? It is the same mentality, Mr. Speaker, that we heard last year from the President and many, many of the liberal members of the Democratic Party in Washington, that when we increased Medicare funding from $190 to $270 billion, that was a cut. When we increased student loans from $26 to $41 billion, that was a cut. And when we increased the school lunch program 4.5 percent, that was a cut according to liberal mathematics.

It is not the case in elementary school math classes all over the country, but somehow a lot of people got to Congress without ever taking math courses.

Now, what the Democrats are obviously confused over, and I think very purposely in some cases playing games on, is that three points on WIC. I want to make sure Members realize, A, No. 1, there is a $100 million carryover from WIC. It is somewhat of an escrow account because we cannot estimate how many children and mothers will be participating in the program.

But right now we are sitting on a $100 million escrow account. It is sitting there. It has not been depleted. It is unused. That is very, very important when we are talking about we have to do something in an emergency flood bill. That is A.

B, welfare rolls have gone down 15 percent. Now, if we have 15 percent of the national population getting off public assistance, why is it that the President wants to increase a welfare program on an emergency flood bill? It does not make sense. We cannot brag about how well welfare reform is working on the one hand and then on the other hand increase welfare benefits.

No. 3. The Democrat liberals who are pushing to increase WIC funding at this time are using 1994 census data. Now, 1994 was 2½ years ago, and here we have a situation where those are the numbers they are using. But, Mr. Speaker, if we look at 1995 census data, we see that it is being fully funded. Conveniently, the liberals who are pushing for this WIC increase are forgetting the fact that there is new census data available from 1995 which shows full participation.

Mr. Speaker, I really wish in the U.S. Congress, and in the political arena, people would start talking truth and cut out the politics. What is happening here is the same old crowd who were scaring our grandmothers last year, scaring students, and scaring the school kids regarding their lunch programs, they are trying to work them up into a frenzy again, saying that Republicans are picking on little children and mammas, which is hardly the case.

But just to remind my colleagues, Mr. Speaker, listen to some of the charges made by Members of Congress in the past. The gentleman from Michigan [Mr. LEVIN], CONGRESSIONAL RECORD of March 23, 1995: "You are abusive in getting at abuse. You are harsh. You use a meat axe against handicapped children and their parents." I cannot believe that kind of extreme language.

Here is another one: "They want to make sure that our children, who need preventive health care, do not have, and they are looking to close the nursing homes." That was the gentlewoman from Texas, [Ms. JACKSON-LEE], CONGRESSIONAL RECORD, May 9, 1996.

Here is a quote from the President of the United States, Washington Times, February 25, 1995: "What they", meaning Republicans, "what they want to do is make war on the kids of this country."

Now, Mr. Speaker, this is ridiculous extremist talk designed to incite, maliciously to deceive. Here are some more.

Leon Panetta, White House Budget Director, USA Today, February 23, 1995: "What they are trying to do is literally take meals away from kids. The Republicans are trying to run over our kids."

Here is another quote. There are so many of them, Mr. Speaker, I do not know which ones to pull out. "It is the most callous, cold-hearted and mean-spirited attack on this country's children I have ever seen in my life." Representative COLLINS, CONGRESSIONAL RECORD March 21, 1995.

Here is a good one. The Vice President of the United States. I guess this is—well, I think the Vice President has his own problems at this point, but here is what the Vice President suggested: "Republicans are genetically defective." This is a pretty serious thing. Frankly, it is a little sick and I hesitate to bring it up.

This is a quote. Vice President AL GORE, October 30, 1994: "Ollie North is banking on the fact that he can raise enough money from the extreme right wing, the extra chromosome right wing, to defeat Senator ROBB." Oh man, what dignity coming from the Vice President of the United States.

Here is another one, March 23, 1995. Representative GREEN, CONGRESSIONAL RECORD: "We are talking about stopping children from having a hot lunch."

Here is another one. The gentlewoman from Connecticut [Ms. DELAURO], May 9, 1996: "And they are sincere in wanting to do harm to working men and women in this country."

Here is a great one. Mr. MILLER, CONGRESSIONAL RECORD, August 3, 1995: "It is a glorious day if you are a fascist. It is a glorious day."

Here is another one, the gentleman from Illinois, Mr. RUSH, CONGRESSIONAL RECORD, October 3, 1995: "The bloodsuckers in this Congress are lead by Count Dracula."

One more. Senator LEAHY, CONGRESSIONAL RECORD, February 24, 1995: "This assault on America's children will be stopped."

Mr. Speaker, this is the kind of extreme garbage we have to hear on the floor of the House. And it is one thing for the Speaker and myself, as a Member of the Congress, to have to listen to such charges, because, after all, it is somewhat what our job is about, but to go out to school kids, to go out to the elderly, to go out to the moms and dads and say this kind of thing, I cannot imagine. I could not do that, Mr. Speaker.

Certainly there are times when I get furious with the other side. I know the Speaker feels the same way. But I do not remember ever saying that a Member of the other side was going to use a meat cleaver on kids or wanting to put harm on American working men and women. What kind of low level has public debate in America sunk to when people are allowed to use such extreme rhetoric and get away with it?

Mr. Speaker, this is not a matter of winning a debate, this is a matter of public decency. We are the leaders in this country. We should act at a higher standard than mud wrestlers at the local bar. And yet this is what some of the Members of Congress seem to think is the right tactic.

Well, Mr. Speaker, we are not cutting WIC. And if my colleagues listen to the cries about cuts in the past, we can see it is the same old game.

Here is what has happened. When we passed welfare reform, and in doing so we scaled back a number of programs, we also increased the funding in other programs such as child care, such as parent support, tracking down deadbeat dads. And now, because these programs have been reformed, many people are getting off welfare.

But many of the poverty brokers in government circles are doing everything they can to try to get around these reforms. They are saying, "Oh, well, now we have a politically target rich environment for going after new programs and trying to raise the government involvement in folks' lives." Right about when they are about to get independent, the government poverty broker bureaucrats are rushing back in there and saying, "Wait a minute, I found some gray area in this law. You do not have to get independent, even if you are a 25-year-old able-bodied male."

I am sick and tired of single women in my district with two kids, working a job, raising children and paying taxes and having to come home after a 60-hour week and supporting some 25-year-old male who is too lazy to work. It is time that we say to folks that they have got to get to work. Some of them just got to get out of the wagon and help pull it. I think it is very, very important.

Mr. Speaker, we went a long way in the last Congress to change a lot of things. Welfare reform was only part of it. But, in addition, we passed the line item veto so that the President of the United States could zap fat out of the budget. We passed security reform litigation. We passed a tough gift ban. We passed lobbyist registration, the first time in 50 years. We passed products liability reform.

We ended farm subsidies and gave farmers the freedom to farm so that they would have more flexibility in deciding which crops to plant and when to plant them.

We passed the Paperwork Reduction Act so that businesses that do commerce with the Federal Government would not have to fight so much redtape.

We stopped the practice of unfunded mandates, and this is the practice of the Federal Government saying to the local county commissions that they have to provide certain services, that they have to increase the taxes in their county to pay for it because the Federal Government is not going to help them. In other words, we were micromanaging counties all over the United States right here out of Washington, DC.

We cut congressional staff by one-third. We reduced our own operating budget by $67 million. And for the first time in history, we passed the Shays Act, which put the U.S. Congress under the same workplace laws as the private sector.

These were all very, very important reforms. And, in addition, the debate now, Mr. Speaker, is not whether we should balance the budget but how to balance the budget. We have been working on balancing the budget and making some progress, but we are doing that without cutting important programs such as Medicare.

I have with me the gentleman from Connecticut [Mr. SHAYS], who has been a leader in protecting and preserving Medicare, and I would now yield to the gentleman from Connecticut.

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding. It is amazing to be here in May and to think that we may be close to an agreement with the White House on a 5-year effort to get our financial house in order and balance the Federal budget. But it is very distressing when we still hear the rhetoric that when spending goes up we are still having a cut.

I just think something I would like at least to do would be to revisit what did not happen last year, because I do not want people to think it is going to happen this year.

What did not happen last year is we did not cut Medicare, we slowed its growth. We did not cut Medicaid, which is health care for the poor and nursing care for the elderly poor.

Mr. KINGSTON. In fact, if the gentleman would yield, as I recall the numbers, we went from $89 billion to over $140 billion for health care for the poor, or Medicaid.

Mr. SHAYS. Medicaid. That is correct. And we did not cut the School Lunch Program, we slowed its growth slightly, but allowed for more discretion in how it is spent.

And I want to get back to each of those. We did not cut the Student Loan Program. It went up quite significantly.

I would just go backward from the issues I mentioned. The Student Loan Program, when we passed our plan and sent it, the President was spending $24 billion. And in the 7th year of the plan, under our plan, it would have spent $36 billion. Only in Washington when we spend 50 percent more do people call it a cut, but it was called a cut.

Now, it is true that it would have gone to $40 billion in terms of tax money. There was $4 billion that we did not spend. But the $4 billion we did not spend was actually money that we said that the banks would pay instead of the taxpayers. The banks would cover more of the bad debt and the banks would cover more of the administrative costs.

So the irony is when our plan was defeated, the taxpayers now have to pay $4 billion more and we saved the banks, who would still have made a good income from participating in the Student Loan Program.

□ 2000

That was one example, going from $24 billion to $36 billion.

Mr. KINGSTON. Is it not true that run by the Government the student loan program lost $1 billion, but run by the private sector it did not lose any of the money?

Mr. SHAYS. We have a certain part we call the direct student loan, which is in essence run by the government. The government was saying that this program was cheaper than to have the banks do it. But what they forgot to do was to compute in the cost of the government administering the program. So it did look cheaper until the GAO and the Inspector General said, wait a second, you better take a look at this, because this program is going to cost you more.

Also I need to say that when you had the institutions deciding who would get the loans, particularly with the proprietary schools, they were giving out loans under the direct student loan, actually giving out the government loans to students who would participate but some of them not pay it back because frankly in some of the proprietary school programs they were in, they were not going to have employment when they were done.

This is just to establish the fact that under the student loan program, which some of my constituents thought was being cut, it went from $24 billion to $36 billion and we saved the taxpayers $4 billion, and the banks would have had to pay more. It is funny that sometimes the Republicans are associated with wanting to protect the industry, the banks, and the banks were the ones that were going to have to step up to the plate and make up that difference.

I think I was most outraged when I first heard it of the school lunch program, because the thought that we would, we Republicans, would cut the school lunch program, I thought was probably one of the dumbest things I could imagine. When I heard, saw the President come before the students and have them be set up as the prop for the national media and they seemed quite concerned, probably mostly because there was so much attention and here was the President of the United States, it is a pretty big deal, but to think he would have used the students as a prop to tell people something that frankly was not accurate. What was not accurate is we were not cutting the student lunch program, we were not destroying it as he described, we were not eliminating the program. We were saying instead of it growing 5.2 percent more a year, it would grow at 4.5 percent a year, that we would grow in spending from $5.1 billion in the seventh year to $6.9 billion in the seventh year. Only in Washington again when you go from $5.1 billion to $6.9 billion would people call it a cut. But they did.

But what we did do, which was very important, is, I do not know if everyone in the country knows, I did not know as a Member of Congress, I had been here 8 years at the time, that every student in the country, rich or poor, is subsidized 30 cents. My daughter is subsidized 30 cents. I make a decent income, a very good income as a Member of Congress. My wife is a teacher. Yet my daughter was subsidized 30 cents in a suburban school that is quite wealthy. What we were saying under our plan, we were allowing local governments and State governments to design the plan better so that they could reallocate the money from the wealthy kids in the wealthy communities and spend more in the urban areas. So when the President suggested that maybe my students in Bridgeport or Norwalk or Stamford might have less, they actually in my judgment would have had a lot more, the kids that needed it.

The gentleman gave the numbers on Medicaid, health care for the poor. But the one that clearly I felt most enthusiastic about was our plan on Medicare, health care for the elderly.

Mr. KINGSTON. If the gentleman will pause a minute to go back to why touch Medicare. It is the political equivalent of messing with dynamite with a lit fuse. Politically, you always take the path of least resistance. If you can avoid a controversial issue, you do. Why would we touch this lit dynamite on Medicare?

Mr. SHAYS. We wanted very candidly to preserve the program and to save it from bankruptcy.

Mr. KINGSTON. Who said it was going bankrupt? I want to make sure. Let us go back to April 3, 1995, the Medicare trustees report.

Mr. SHAYS. The board of trustees of the Hospital Insurance Trust Fund, they are the group that oversees the Medicare Trust Fund. People in this country pay Medicare in two ways, health care for the elderly. One is they put money aside in the trust fund. That is the trust fund I allude to. If they are hired by an employer, they pay 1.45 percent of their income into this trust fund. If they are self-employed, they pay double, 2.9 percent. This money goes in the trust fund to be there when they are older and it pays all Medicare Part A, which is the hospital costs of a senior. Then you have Medicare Part B, which is paid in part by the individual in a premium, but most of it is paid for by the government in direct taxes coming out of the tax income each year.

But the trust fund, we were told, was going bankrupt, and not by an organization separate from the administration; the administration was telling us. President Clinton's appointees, 5 of the 7 people who sit on this board were his appointees, they said it was going to go bankrupt by the year 2002. They said that 2 years ago. Last year they said it would go bankrupt by the year 2001. After he vetoed the bill they pointed that out. So it was now going to go bankrupt a year earlier. And last week they just reaffirmed that the trust fund will run out of money by the year 2001. So you could say, well, we are playing with dynamite. I do not consider it a game, and the gentleman does not either. What we were doing is to make sure we step up to the plate and save this program.

Mr. KINGSTON. This is what we are paid and elected to do and that is to act in a responsible manner and as the report indicated the other day, I believe, Medicare today is losing $36 million each and every day.

Mr. SHAYS. It is really incredible to think that right now the trust fund has in the balance $112 billion. That will go down in 1998, the next year, to $92 billion. When you figure that loss on a daily basis, each day that passes the trust fund is losing $35 million. That is in the year we are in now. Next year it is going to lose $55 million each day. And the next year after that, in 1999, it is going to lose $78 million each and every day.

This is according to the President's trustees of this fund, the people who have the fiduciary responsibility to protect it as we do. They have shared this information with us. They have told us the problem. It is up to us to come up with a solution. Then they have said in the year 2000, it will lose about $103 million a day, and it will be bankrupt in 2001, because it will be losing $134 million each and every day.

We came up with a plan 2 years ago that we will continue to advocate and promote that did not increase the copayments for seniors, did not increase the deductible for seniors, it did not increase the premium for seniors. What it did do was allow seniors for the first time to choose to have a private medical plan. In having the private medical plan, they could get into this plan and the only way they would be interested in doing it is if they got more than they get under the traditional Medicare fee-for-service plan that we have now.

By getting into a managed care plan, the managed care plans would have had to offer them more than they get now, because what they get now is pretty nice. But they still have to pay the MediGap under existing, they still have a premium to pay. But some of the managed care programs were going to give eye care, dental care, a rebate on the copayment of the deductible, and in some cases pay the premium and the MediGap.

If a senior did not like the managed care plan, we allowed them under the bill that the President vetoed to get out of the plan each and every month for the next 24 months. In other words, if they were in it for 3 months and did not like it, they could leave. If they were in it for a month and did not like it, they could leave.

Mr. KINGSTON. The first election to get into it was up to them because automatically they would be reenrolled in traditional Medicare.

Mr. SHAYS. Right. They were not required to take this. The only way they would have gotten into it, it is not like some of the telephone plans where you all of a sudden found yourself under a new long distance carrier. You stayed under the plan you were. But what would have happened in my judgment is some of their neighbors would have gotten into the managed care plan, they would have pointed out how they were getting eye care, dental care, prescription drug assistance that they were not getting under the traditional Medicare plan and people would have said, well, I want that too, and they would have joined.

The reason why the managed care plans could save money is there is so much waste and fraud and abuse in government oversight of health care that the managed care plans could oversee it better and they would still have made money, they would have saved money, through all the waste that exists. Yet they would have been able to give more than the senior would have now. We also allowed for medical savings accounts. We did not require people to participate. But if someone wanted to put money, the government would have actually given a senior a certain payment, $2,000 or $3,000 a year, we would have given the senior that money, they could have put it in the account. If they spent less than $3,000, they would have actually saved money. If they spent more, they would have had to pay for it on their own. The only requirement is that they would have had to get a $10,000 catastrophic plan, so that if they really had serious health problems, there would be an insurance program for them.

Mr. KINGSTON. But what would happen is for seniors who were in good health and decided they could take whatever smaller bills that were manageable, they would pay that out of that escrow account, keeping half of whatever they saved.

Mr. SHAYS. And it was tax-free.

Mr. KINGSTON. Tax-free. Yet they would be covered for the million-dollar claim.

Mr. SHAYS. That is why when the gentleman says, the traditional view is that we are playing with dynamite, I was proud to go to my constituents and tell them. This is a plan I had worked on with the gentleman and others for literally years. We now in the majority had a chance to finally begin to implement it.

Mr. KINGSTON. The only thing about Medicare that is dynamite is when it is misconstrued intentionally for political gain. I have never seen people who just maliciously go out there and lie to the American seniors. I think it is an insult to the generation who fought for freedom and liberty in World War II and my dad and your dad and moms. I just think it is totally sick for people to go out and lie to grandparents, but that is what happened, and Medicare, being Medicare, politics being politics, that is probably going to happen again.

Mr. SHAYS. I think that more and more people began to understand what was happening, but it required a lot of work to make sure people did understand.

One last point we should make on the Medicare plan that I thought was really ingenious and I thought would save a lot of money. We were providing in our legislation language that allowed a senior if they found a mistake in their bill to get a percent of what they found. For instance, I have had some seniors who have talked about bills that they saw. First off the bills sometimes are not sent to the senior. Under our legislation we would have required the seniors to have a copy of their bill. We would have required the bills to be put in simple language that an individual could understand. If you had a chest x-ray, you say that. If you had a visit from the doctor, you make clear the visit from the doctor and how long it was and what it was for. Then a senior could say, "I never had that visit with the doctor, and the $300 charge is not a valid one." We would have given a senior, we had not written the regulation, that would have been up to the administration, but they could have determined that, say, 10 or 20 percent of the savings would have gone to the senior. Some seniors would have found that they would have made money. But in the process, they would have saved us literally hundreds of millions of dollars.

Mr. KINGSTON. That is exactly right. I do not think it is always fraud. I think a lot of it is just sloppiness and negligence. There is a story, I am sorry I cannot cite the person but she received a bill for an autopsy, went to a doctor and said, "I never had an autopsy," and they said, "Yes, you did. Here is the bill." She said, "No, I did not have an autopsy. It's me, I'm alive."

They said, "Okay. Well, you had an MRI." She said, "No, I did not have an MRI."

They said, "Well, you had a mastectomy." "No, I've never had a mastectomy, either. I know with certainty that none of the above were received."

Mr. SHAYS. I had a senior who in one meeting, she gave me a stack of envelopes that must have been about 3 inches tall, many, many envelopes. They were all bills that she received. She received them all the same week. She simply said, why could they not have been put in one envelope? Some of them were duplicative. It was a pretty extraordinary thing.

I will say to the gentleman that another person stood up at this meeting and said, "You understand I am a man." I said, "Sure, you look like a man. You look like a senior."

He said, "Well, I was charged for giving birth." He said, "That is not possible but I was charged that."

I notice, and the gentleman is in charge of this floor, but if I could have the honor of introducing my colleague the gentlewoman from Connecticut [Mrs. JOHNSON].

Mr. KINGSTON. If the gentleman will wait one second before he does that. What we need to do is we need to have a contest for the most ridiculous and absurd Medicare story, and let us all go out there and find those crazy stories. I just think it is so ridiculous, that this system is so broken that live people are being billed for autopsies, men are being billed for women-only type procedures. We need to change it and we need to protect and preserve it. I am going give the gentleman the pleasure of introducing his colleague from Connecticut, the leader on the Committee on Ways and Means.

Mr. SHAYS. I might say to the gentleman before I introduce her that one of the reasons we have these abuses is the way that Medicare pays the bill is the bills are submitted and paid for and then after the fact, they are reviewed, basically 1 percent of the billings and 4 percent of the total billing costs. The money has already been paid out. Then they are asking the money to be returned. It is a crazy system.

I am going to introduce the gentlewoman from Connecticut [Mrs. JOHNSON]. We are talking about the fact that our trustees have pointed out that Medicare is losing $35 million a day and that next year it is going to lose $55 million and the year after $78 million and the year after that, each day, $103 million, the year after that, in the fifth year of our plan, what we want to prevent from happening, in losing $134 million. Yet under our plan last year which the gentlewoman played the central role in, she made sure that we spent 60 percent more on Medicare under the life of the plan, and on a per-person basis, 50 percent more.

□ 2015

You know the gentleman from Georgia [Mr. KINGSTON] and I were just marveling at the fact that only in Washington when you spend 50 percent more per beneficiary would someone call it a cut. I just welcome you. You are the leader in the health care field in the Committee on Ways and Means, you are my colleague in Connecticut, and it is just really great to have you join us.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I thank the gentleman. I am proud to be with you tonight, and I appreciate your gathering for this special order. It is such an important program, Medicare is. It is critical to our seniors, but it is just as important to their children and grandchildren. It is one of the pillars of retirement security. If we cannot guarantee our seniors some level of financial security and health security, then we are not the great and free Nation that I believe we are.

I just want to say a couple of things, picking up on what you were talking about. First of all, I wish we were here tonight talking about how we had slowed the deficit that is developing in Medicare, that this year we were not going to see as big a debt in Medicare as we had last year, and we could have done that. We had a good plan if we could have passed it. If we could have had people listen deliberately to discussion about the problems and the solutions, we would be here tonight cheering the turnaround in Medicare and the preservation of Medicare for our seniors and our children.

Mr. SHAYS. The fact was we passed the legislation if it could have been signed into law by the President.

Mrs. JOHNSON of Connecticut. That is true, and one of the provisions in that legislation goes to the heart of what you were saying. It allowed seniors to report things they had been charged for wrongly and share in the savings. Remember they would have gotten half the cost of that delivery that the gentleman was billed for in savings, and the government would have gotten the other half of the savings. So it would have created, in a sense, an enforcement police the size of the entire senior population in America, and frankly that would have been a great thing.

Mr. KINGSTON. It certainly would have paid for some of the medical expenses out of pocket.

Mrs. JOHNSON of Connecticut. You bet, you bet. It would have been good for the seniors, good for the program, good for the government because it would have created the right partnership between the government, the seniors of America and the providers of health care in our country who are without doubt the best.

But I also want to point to a couple of other things that were in our bill last year because some of them actually the Congress passed and the public did not have a chance to understand that, one of the provisions in the medicare formula.

Mr. SHAYS. When you say we passed, we passed it the first time. You mean the one that was signed into law by the President.

Mrs. JOHNSON of Connecticut. That is right. There were a few other provisions that we were able to get into other bills a second time, and the President did sign, and one of those was an aggressive attack on Medicare fraud.

Now I am the chairman of the Ways and Means subcommittee that does oversight, so we oversee all of the programs that are under the jurisdiction of the Committee on Ways and Means, but one of them is Medicare, and we had our high-risk program hearing; that is, the highest risk of fraud programs under our jurisdiction, and one of them was Medicare. Medicare is one of the programs in our Nation that has an extraordinarily high risk of fraud and a high volume of fraud. The inspector general said $20 billion of our expenditures in Medicare every year are fraudulent, paying for health care you did not get or did not need.

So it is a very big problem, and I am proud to say that last year we did get passed a new antifraud program that will put regional people out in every regional office looking at nothing but Medicare fraud.

Mr. KINGSTON. Now if the gentlewoman would yield for 10 seconds, $26 billion in fraud in Medicare and Medicaid together. That is twice the annual budget of the entire State of Georgia. I am not sure what your budget is in Connecticut, but you can run the State of Georgia tax-free for 2 years just on what the Medicare and Medicaid fraud is.

Mrs. JOHNSON of Connecticut. That is truly stunning, that is truly stunning, and people ought to try to imagine in their minds what $26 billion would buy if it were spent right.

You know Medicare is an outmoded benefit package. It does not cover prevention. It only helps you after you get sick. If we had $26 billion that is spent on fraud to use for preventive benefits, would it not be a wonderful thing for the seniors of America?

Well, I am proud to say that we passed a bill that put $800 million into fraud inspectors in the regions, and those people are now, most of them are hired. That program will be completely in place in the next few months, and next year when we stand here at least I hope we will have better numbers and we will be able to demonstrate that the Republicans put in place a very strong antifraud effort in Medicare.

But I do regret that the President vetoed the bill that would have let every senior in America be part of making Medicare honest.

Mr. SHAYS. I think that we could point out that there are times that we have big disagreements with the administration, but this dealing with the fraud area, that was one area where we had some cooperation and we wanted to build on the cooperation we had with the White House. In that bill that passed on health care reform which dealt with the whole issue of portability, in that bill that you make reference to, section 2 which dealt with fraud, we also made health care fraud a Federal offense for public and private sector, and the reason why we did that was that we found that those that wanted to cheat the system were sometimes going from one State to another, and if the public sector was being more aggressive, it went into the private sector. So we put it all in one package so they could not escape and we could follow them, and in some instances we are talking about some organizations cheating the system not $10 million but literally hundreds of millions of dollars.

So we are proud of the fact that that is something we did and grateful that the President agreed that it was something that he could sign.

Mrs. JOHNSON of Connecticut. I am also pleased that the President is working with us this year on another very important part of the Medicare reform bill that will be good for seniors but also good for all Americans of every age. In the Medicare reform bill we had written a provision that allowed hospitals and doctors to develop their own networks so they could compete with insurance companies. That would give us competition in the managed care market between insurance company plans where there are stockholders involved and you have to have a return on your investment and provider sponsored networks where the physicians and the hospitals actually are the means of delivering care, and therefore, hopefully, the decision about quality of care would be kept very close to the provider, to the doctor and the patient, to the hospital and the patient, to the provider and the senior citizen. And we know this will not only be good for seniors to have these provider-sponsored organizations, but they will be good for people of every age to have managed care systems in which the ownership and the responsibility is right anchored with the people who know the most about health care and the quality.

Mr. SHAYS. It is kind of amazing to think that existing law does not allow hospitals and doctors to compete with the insurance industry in this very, you know, important effort of providing the best health care, and one thing I want to express some gratitude for:

The President did veto our Medicare reform legislation. It was the election year, and it got caught up in that, sadly. But the bill that he submitted in terms of how it is what he wanted to budget on Medicare, a lot of the parts to the legislation were really taken out of our bill that he vetoed. Just in making reference to the very example you are talking now, allowing the private sector to compete with the insurance industry.

Mrs. JOHNSON of Connecticut. That is right, and our goal was to ensure that seniors would have the choice of health care plans that offered, for instance, prescription drug coverage, that offered better preventive benefits, that better covered the deductibles and copayments in Medicare, and because we wanted seniors to have those choices we wrote provisions in the Medicare reform law that allowed the development of hospital and physician networks, and you know, as one who represents an area of the country that has a lot of small towns and small hospitals, I can tell you that allowing the development of these provider-sponsored networks is key to the survival of these smaller hospitals and the medical community around them.

So I am pleased that this year the administration is back before the Subcommittee on Health of the Committee on Ways and Means on which I serve. They are saying that we need to do this, they are going to work with us this year, and I believe we are going to improve the health care system and the choices not just for senior citizens but for all Americans, and that is in everybody's interest.

So I am pleased that this year we will improve the benefits under Medicare. We will also slow the growth in costs through the kind of progressive change that is possible through good governments and good choices.

Mr. KINGSTON. We will protect Medicare not just for the next election but for the next generation, and so that not only will your mom and dad and grandparents be able to use it, but you and I will be able to use it, and our children and their children. I think that is very important.

I think this is all part of commonsense government. We need common sense in public policy, we need common sense in spending, and we need common sense in health care policy, and one of the issues that we have thought—we hope we are on the eve of a breakthrough in the budget.

The gentleman from Connecticut [Mr. SHAYS] had mentioned earlier tonight, as a distinguished member of the Committee on the Budget, that negotiations have been going on since January on the budget to try to craft a bipartisan agreement so that we can save the fiscal character of our Government for the generations to come, long after the three of us have left Congress.

Let me yield to [Mr. SHAYS] as a member.

Mr. SHAYS. You know, I just would want to say that as we talk, people like the gentleman from Ohio, Mr. KASICH, budget chairman in the House, and PETE DOMENICI in the Senate are meeting with representatives from the minority in this Congress as well as the White House, and one thing that is quite clear in this Congress is that it is still a Republican controlled Congress, be it only by a margin of 10 votes, and the White House is a Democrat White House, but we all have to be Americans first and Republicans and Democrats second, and I just hope and pray that the talks that have taken place with the White House are yielding fruit. I think they are.

I know what our ultimate objective is. We want to balance the Federal budget and get our country's financial house in order. We want to save our trust funds, particularly Medicare, not just for future generations, but for the generations that exist now, and we want to transform this caretaking social and corporate and agricultural welfare state into what some call caring opportunity society. I think that we are not just trying to transform social welfare in which the gentlewoman from Connecticut was so active, but we are looking to end welfare for corporations and we are looking to end welfare in the farming industry.

And the gentleman from Georgia [Mr. KINGSTON] was so on target in pointing out that with the freedom to farm bill we are allowing the energies of the farmers to not be encumbered by lots of Government intervention and welfare payments.

Mrs. JOHNSON of Connecticut. You know I am very proud of this Congress and the way we are working together. I know the press has reported primarily controversy around campaign practices of the White House and the last election and some other things, but underneath that we are doing the people's business, and the negotiations around the budget that have gone on have been frank, serious talks about how do we through common sense reach the goal of a balanced budget and return fiscal sanity to this Nation.

Just today on the House floor, I guess it was yesterday on the House floor, we passed an adoption and foster care reform bill so that children will not get caught in abusive homes and they will not get lost in our foster care system, and we did that bipartisanly, both parties working together, both parties here on the floor talking about the ways in which this bill would help children in America, some of our concerns about that bill as well, and today had a long debate about housing, public housing policy, and we will bring forward in the next few days a bill by bipartisan vote.

Mr. SHAYS. It is interesting, if the gentlewoman would yield, probably not many people know what we did with foster care and adoption because there was not this rancorous battle between Republicans and Democrats.

□ 2030

So it does not always get the attention of the media, but it was excellent legislation that will do a lot of good.

Mrs. JOHNSON of Connecticut. Mr. Speaker, that is why I wanted to bring that up, because we do a lot of real thoughtful work here about the problems in our lives and certainly abused children is a very big problem in the communities that we represent, and we took a giant step toward protecting children just yesterday. It will move to the Senate now, and then to a conference committee, and in several months it will move to the President's desk and children and families will do better in America because of a thoughtful, bipartisan and common sense Congress.

Mr. KINGSTON. Mr. Speaker, that is why I think it is so important that we look, always look at the big picture. Mr. Speaker, there is an expression I heard. I wish I could attribute it, I cannot; a second time tonight that I cannot attribute a good quote, but it was that idealism is ignorance easy.

So often people come to us and they have one side of an issue and they have the solution and it fits just perfectly on the bumper sticker. But our job as legislators is to sit there and listen to both sides of the issue. We realize we may be elected by 51 percent of the people, but we represent 100 percent of the people. In fact, we are represented from Connecticut, but not just to represent Connecticut. We all have to look out for the United States of America, and in doing so, in that framework, sometimes it is very difficult.

But, Mr. Speaker, if we can balance that budget, interest rates, according to Federal Reserve Chairman Alan Greenspan, we can reduce interest rates. A 2-percent reduction of interest rates on a $75,000 home mortgage over a 30-year period of time saves American families $37,000. On a $15,000 car loan, it saves American families $900. On a student loan over a 10-year period of time of $11,000, it could save as much as $2,100.

Balancing the budget is real. It is not an academic exercise. Balancing the budget is about people, it is not about numbers. I know that the gentlewoman from Connecticut [Mrs. JOHNSON] has been on the Committee on Ways and Means, and the gentleman from Connecticut [Mr. SHAYS] being on the Committee on the Budget, we spend hours and hours crunching numbers and talking in strange jargon about CBO and OMB and most of these things that most of us do not understand and do not know that we want to. But we do know the old expression that when your intake exceeds your upkeep, then your input is going to be your downfall.

Mr. SHAYS. Mr. Speaker, I am not going to ask the gentleman from Georgia [Mr. KINGSTON] to repeat that.

Mr. KINGSTON. I am not sure I got it right anyhow, but the fact is, it gets down to this: If you bring in a dollar, you should never, ever spend more than a dollar. And we have since World War II been spending $1.59 on every dollar that we bring in.

Now, that has not been the case in the last 3 years, but the fact is, you cannot go on forever defying gravity. The children in America need to live in a world where the budget is balanced and where Congress is not spending more money than we bring in.

Mr. SHAYS. Mr. Speaker, the gentleman mentioned the children of the world, and I would love the indulgence of my colleagues just to thank the participants of the summit that was in Philadelphia. I had the opportunity to go to the summit, and I have to tell my colleagues that it was very moving to see Mrs. Reagan there on behalf of her husband, President Reagan, to see Jerry Ford and Jimmy Carter and George Bush and our President, Bill Clinton, all focused in a common effort to direct the public's attention on the need to really respond to our children.

I know that there is some controversy in terms of say AmeriCorps, which some on my side of the aisle might disagree with. I certainly am a strong supporter; others raise questions. But as a former Peace Corps volunteer, I just found it extraordinary that we had Republican and Democrat Presidents all saying that this matters so much to them that they were willing to devote a sizable amount of their time. More importantly, to have Colin Powell basically take this on as really a lifetime effort.

This is in my judgment, I would want to say on the floor of the House for the record, I am absolutely convinced that people will look back and say that something very wonderful happened in this country about drawing the public's attention to our kids.

Mr. Speaker, we have been told by some who say that politicians are elected by adults to represent the kids, and I really believe that. Here we had four Presidents and a First Lady; we had Colin Powell, a distinguished citizen, who basically said that he is going to devote his life to making sure that Americans realize the need of helping our kids. He is doing it by example, our Presidents are doing it by example, and this is something that he is asking all Americans to focus on and think about.

In my city of Bridgeport that I represent, I would contrast it to the city say right next door, the community of Fairfield. I was in a parade, in a Fourth of July parade, and near the beginning of the parade in Fairfield and you march along and there are just literally tens of thousands of people along the march, and you get to the reviewing stand. And an hour and 20 minutes later I said, "When is this going to end?" And he looked at me and said, "It is going to go on for a while."

And what was it? This was a wonderful parade of Boy Scouts and Girl Scouts and Indian Guides and Indian Princes and soccer teams and volleyball teams and bands. I thought, the challenge for some children in our country is deciding what they do not do, they have so many options.

Then I thought, right next door in the city of Bridgeport I know the children do not have that same option. After school there is really nothing for them to do. We are really asking in this summit for Americans to adopt a child, to be a mentor, and to help them. Not Government.

I will just say one thing. One of the absurdities that took place in the summit was a group that marched in opposition to the summit because they said it was wrong for us to think that volunteers should be doing these things, that it was government's responsibility. I wanted them to think of what was the very basis of our strength as a country, the active participation of citizens.

President Clinton I think pointed out something that I found was very stirring. We were at the site of the founding of our country, and I remember as he gave his speech as the other Presidents had given theirs, he said that when Jefferson left after the conclusion of the Constitution, a woman asked Jefferson whether this was going to be a monarchy or a republic. And Mr. Jefferson said to her, "It is a republic if you can keep it."

Then the President talked about a more perfect union. He said even in that Constitution we had slaves. In that Constitution, the gentlewoman from Connecticut [Mrs. JOHNSON] could not vote. I would just point out that we are making this a more perfect Union. I think the task for us now is to really alert the American public for the need to not depend on government. The era of big government is over, but the era of big problems still remains.

I was stirred by this, and I hope other Americans were, that this is going to be a citizen government helping our kids, giving them activity, giving them a framework, giving them discipline, helping them see mentors that are somebody other than someone selling drugs and leading a bleak future.

So I appreciate the indulgence of my colleagues, but it was stirring, and I really believe that if we can use that summit and the bipartisanship that existed there and throw these politics out the window a bit, we will be a more perfect Union.

Mrs. JOHNSON of Connecticut. Mr. Speaker, I certainly am proud of my hometown of New Britain, CT. Last Saturday we had Christmas in April and I and many, many other people from the town turned out.

Mr. SHAYS. Mr. Speaker, the gentlewoman might want to explain Christmas in April. People of all walks of life, some brought their children, and we painted and repaired inside and out.

Mrs. JOHNSON of Connecticut. Christmas in April, it is a way the community gives the gift of Christmas to families who need help.

I had the privilege of working at the home of an elderly couple who for decades have helped lead and care for veterans of this Nation's wars. They have done so much for others, and it was so nice to be a part of a team of 19 or 20 that painted rooms inside and painted things outside, that cleaned up the yard, that replaced a ceiling. I mean it was just wonderful. It was a gift to people who have given all of their lives and who now in their elder years need some help with that kind of work.

And in New Britain, Connecticut, volunteers painted, repaired and upgraded the homes of 40 families. Some of them elderly, some of them single parents with young children, some of them just people who for one reason or another needed help with those kinds of chores, and some brought their children, just so their children could see that working together we are a powerful force, we Americans, and Government can never replace that energy, that faith, that love, that hope.

I am proud to be a part of a government that understands that people are the power and is working to assure that Government partners those powerful people and shares with them their vision of hope, opportunity, and justice for all. That is I think what we are talking about and why we have been so concerned with Medicare, preserving Medicare, strengthening Medicare, protecting Medicare for our seniors, but also fixing it so it better serves not only our seniors but their kids as they retire and our grandchildren when they retire.

It is very nice to be with you gentlemen tonight. I am sorry that I have to excuse myself because I have some calls that I have to make.

Mr. KINGSTON. We thank the gentlewoman for joining us, and we thank the gentlewoman on behalf of all Americans, particularly seniors, for all that you are doing to help protect and preserve Medicare.

Mr. SHAYS, if the gentleman is going to stay, I wanted to touch base a little bit on some of these tax issues.

Mr. SHAYS. I would love that.

Mr. KINGSTON. Let me ask you this: We have been talking about balancing the budget. Is it consistent or inconsistent to talk about cutting taxes and balancing the budget?

Mr. SHAYS. Oh, it is definitely consistent.

Mr. KINGSTON. Consistent with a "C".

Mr. SHAYS. And important, for a variety of reasons. First off, we need to recognize that when you increase some taxes you actually get less revenue because in a dynamic model people respond. They say taxes are higher and they find ways to avoid paying them by doing other things. If you have a luxury tax on boats, they simply decide not to buy boats, as we found in our 1990 budget agreement when we increased the tax on boats and people stopped buying them.

So you have a dynamic model. Sometimes with lower taxes you get more revenue. We would find that to be true specifically with the capital gains exemption.

Imagine a farmer out West whose neighbor wants to sell land and they want to buy the land, but the neighbor does not sell, and why does the neighbor not sell? Because they would realize such a large capital gain, they do not want to pay 28 percent of that gain to the Government. It might be what is their retirement, it might be what pays for their child's college tuition, and so they simply do not sell.

What you have is, you do not have a transaction taking place, whereas if we lowered the capital gains you would find, in fact, that there would be greater transactions and more revenue. So one of the things that we hope happens is that there is, in fact, a capital gains exemption.

We also hope that there would be a reduction in the tax that people pay on inheritance so that they do not have to sell the farm or sell the business.

So we believe that it is consistent, and I would also say to the gentleman that we would pay for our tax cuts. So if you want a smaller Government, as I do and as the gentleman does, you make the Government smaller and you return the money back to the people to spend as they want and create economic activity which also brings in more revenue.

Mr. KINGSTON. Mr. Speaker, I think the gentleman has answered that very eloquently. The bottom line is, we American people can spend our money better than bureaucrats in Washington can. Let American people keep more of their own savings. They will create jobs, more people go to work, less people are on public assistance. When less people are on public assistance, again, more people working and paying in, revenues do go up. I think Presidents Kennedy and Reagan have both proven that and I think we need to prove that again in this session of Congress.

Mr. SHAYS. And I think we will.

Mr. KINGSTON. I thank the gentleman for being with us tonight and for all of his hard work for the folks in Connecticut and all over the country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. PORTER (at the request of Mr. ARMEY) for today, on account of medical reasons.

Mr. PASCRELL (at the request of Mr. GEPHARDT) for Thursday, May 1, on account of the death of a friend.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. GREEN) to revise and extend their remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.
Mr. JEFFERSON, for 5 minutes, today.
Ms. CHRISTIAN-GREEN, for 5 minutes, today.
Mr. WEYGAND, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.

(The following Members (at the request of Mr. BARRETT of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. NEUMANN, for 5 minutes, today.
Mr. GEKAS, for 5 minutes, today.
Mr. BARRETT of Nebraska, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. GREEN) and to include extraneous matter:)

Mrs. MALONEY of New York.
Mr. MCGOVERN.
Mr. PAYNE.
Mr. LAFALCE.
Mr. HAMILTON.
Mr. MILLER of California.
Mr. FRANK of Massachusetts.
Mr. PASCRELL.
Mr. SCOTT.
Mr. KUCINICH.
Mr. BORSKI.
Mr. CAPPS.
Mr. BENTSEN.
Mr. BERRY.
Mr. SHERMAN.
Mr. BARRETT of Wisconsin.

(The following Members (at the request of Mr. BARRETT of Nebraska) and to include extraneous matter:)

Mr. SOLOMON.
Mr. FOX of Pennsylvania.
Mr. RAMSTAD.
Mr. WELLER.

(The following Members (at the request of Mr. KINGSTON) and to include extraneous matter:)

Mrs. MORELLA in two instances.
Ms. KAPTUR.
Mr. STARK.
Mr. CAPPS.
Mr. FILNER.
Mr. MCCOLLUM.
Mr. TOWNS.
Ms. WOOLSEY.
Mr. PORTMAN.
Mr. HASTINGS.
Mr. THOMPSON.
Mr. PORTER.

ADJOURNMENT

Mr. KINGSTON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Thursday, May 1, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3040. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision of New Source Performance Standards for the Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities [FRL–5811–1] (RIN: 2060–AH16) received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3041. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan for North Dakota; Revisions to the Air Pollution Control Rules [ND8–1–7233a & ND–001–0001a; FRL–5812–3] received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3042. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—OMB Approval Number Under the Paperwork Reduction Act; Regulation of Fuels and Fuel Additives; Gasoline Deposit Control Additive Regulation [FRL–5811–6] received April 29, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Commerce.

3043. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 2a51–1 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3044. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 2a51–2 [Release No. IC–22597, International Series Release No. 1071, File No. S7–30–96] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3045. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Privately Offered Investment Companies, Rule 2a51–3 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3046. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 3c–1 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3047. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 3c–5 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3048. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's "Major" final rule—Privately Offered Investment Companies, Rule 3c–6 [Release No. IC–22597, International Release No. 1071, File No. S7–30–95] (RIN: 3235–AH09) received April 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3049. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–44–97), pursuant to 22 U.S.C. 2276(c); to the Committee on International Relations.

3050. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled "Patterns of Global Terrorism: 1996," pursuant to 22 U.S.C. 2656f; to the Committee on International Relations.

3051. A letter from the Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Chesapeake Bay Stock Assessments to Encourage Research Projects for Improvement in the Stock Conditions of the Chesapeake Bay Fisheries [Docket No. 9703221061–7061–01; I.D. 042297B] (RIN: 0648–ZA28) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3052. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Compensation for Certain Undiagnosed Illnesses [38 CFR Part 3] (RIN: 2900–AI77) received April 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORT OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LINDER: Committee on Rules. House Resolution 136. Resolution providing for consideration of the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress (Rept. 105–84). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CAMPBELL (for himself, Mr. FAWELL, Mr. FARR of California, Ms. WOOLSEY, Mr. STARK, Mr. LEWIS of Georgia, and Mr. PETERSON of Minnesota):

H.R. 1487. A bill to provide off-budget treatment for one-half of the receipts and disbursements of the land and water conservation fund, and to provide that the amount appropriated from the fund for a fiscal year for Federal purposes may not exceed the amount appropriated for that fiscal year for financial assistance to the States for State purposes; to the Committee on the Budget, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTLE (for himself, Mr. FLAKE, Mr. LEACH, and Mr. GONZALEZ) (all by request):

H.R. 1488. A bill to authorize U.S. participation in various international financial institutions; to the Committee on Banking and Financial Services.

By Mr. CONDIT (for himself, Mr. FAZIO of California, and Mr. HERGER):

H.R. 1489. A bill to establish permanent authority for the provision of assistance to small orchardists to replace or rehabilitate trees and vineyards damaged by damaging weather and related conditions and to appropriate funds to provide such assistance; to the Committee on Agriculture.

By Mr. COOKSEY:

H.R. 1490. A bill to amend the Internal Revenue Code of 1986 to reduce the capital gains tax on individuals and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. DINGELL (for himself, Mrs. ROUKEMA, Mr. BROWN of Ohio, Mr. WAXMAN, Mr. BERRY, Ms. DEGETTE, Ms. FURSE, Mr. GREEN, Mr. LAFALCE, Mr. MATSUI, Mr. PALLONE, Mr. PASCRELL, Mr. STRICKLAND, Mr. STUPAK, and Mr. TOWNS):

H.R. 1491. A bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs; to the Committee on Commerce.

By Mr. GALLEGLY (for himself, Mr. BEREUTER, Mr. BUNNING of Kentucky, Mr. CONDIT, Mr. DAVIS of Virginia, Mr. EHRLICH, Mr. FOLEY, Mr. GIBBONS, Mr. HAYWORTH, Mr. HORN, Ms. MOLINARI, Mr. PACKARD, Mr. ROYCE, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. STEARNS, and Mr. TRAFICANT):

H.R. 1492. A bill to amend rule 11 of the Federal Rules of Civil Procedure regarding representations made to courts by or on behalf of, and court sanctions applicable with respect to, prisoners; to the Committee on the Judiciary.

By Mr. GALLEGLY (for himself, Mr. ROYCE, Mr. PACKARD, Mr. COX of California, Mr. ROHRABACHER, Mr. CUNNINGHAM, Mr. RIGGS, Mr. CALVERT, Mr. KIM, and Mr. BILBRAY):

H.R. 1493. A bill to require the Attorney General to establish a program in local prisons to identify, prior to arraignment, criminal aliens and aliens who are unlawfully present in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GEKAS:

H.R. 1494. A bill to amend the Federal Election Campaign Act of 1971 to require the Federal Election Commission to establish and administer an escrow account for certain campaign contributions that a political committee intends to return to the contributor, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LAFALCE (for himself, Mr. SISISKY, Mr. FLAKE, Mr. POSHARD, Ms. VELÁZQUEZ, Mr. BALDACCI, Mr. JACKSON, Ms. MILLENDER-MCDONALD, Mr. WEYGAND, Mr. DAVIS of Illinois, Mrs. MCCARTHY of New York, and Mr. PASCRELL):

H.R. 1495. A bill to amend section 29 of the Small Business Act, and for other purposes; to the Committee on Small Business.

By Mr. MCCOLLUM (for himself, Ms. DUNN, Mrs. JOHNSON of Connecticut, Mr. BOEHNER, Mr. KNOLLENBERG, Mr. FROST, Mr. BACHUS, Mr. EWING, Mrs. KELLY, Mr. WALSH, Mr. SNOWBARGER, Mr. COOKSEY, Mrs. NORTHUP, Mr. GREEN, Ms. GRANGER, Mr. RYUN, Mr. WELDON of Florida, and Mr. WHITE):

H.R. 1496. A bill to amend the Internal Revenue Code of 1986 to provide greater equity in savings opportunities for families with children, and for other purposes; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Mr. Yates, Mr. Shays, Mr. Farr of California, Ms. Christian-Green, Mr. Frost, Mr. DeFazio, Mrs. Maloney of New York, Mr. Coyne, Mr. Underwood, Mr. Dellums, Ms. Slaughter, Mr. Calvert, Mr. Flake, Mr. Torres, Mr. Petri, Mr. Filner, Ms. Rivers, Mr. Clay, Mr. Barrett of Wisconsin, Mrs. Clayton, Ms. Woolsey, and Mr. Lewis of Georgia):

H.R. 1497. A bill to extend the authority of the National Peace Garden to establish a commemorative work on Federal lands; to the Committee on Resources.

By Mrs. MINK of Hawaii (for herself, Mr. Abercrombie, Mr. Brown of California, Mr. Clay, Mrs. Clayton, Ms. DeGette, Mr. Dellums, Mr. Faleomavaega, Mr. Farr of California, Mr. Foglietta, Mr. Hilliard, Ms. Kilpatrick, Mr. Owens, Ms. Pelosi, Mr. Rush, Mr. Sanders, Ms. Waters, Ms. Woolsey, and Mr. Torres):

H.R. 1498. A bill to amend the Internal Revenue Code of 1986 to treat a portion of welfare benefits which are contingent on employment as earned income for purposes of the earned income credit, and for other purposes; to the Committee on Ways and Means.

By Ms. MOLINARI:

H.R. 1499. A bill to make certain administrative reforms relating to the Federal Railroad Administration and to make further improvements to the laws governing railroad safety; to the Committee on Transportation and Infrastructure.

By Mr. HINCHEY (for himself, Mr. Ackerman, Mr. Andrews, Mr. Barrett of Wisconsin, Mr. Berman, Mr. Bonior, Mr. Brown of California, Mr. Brown of Ohio, Mr. Campbell, Mr. Capps, Mr. Clay, Mr. Clyburn, Mr. Conyers, Mr. Coyne, Mr. DeFazio, Ms. DeGette, Ms. DeLauro, Mr. Dellums, Mr. Deutsch, Mr. Dicks, Mr. Dixon, Mr. Engel, Ms. Eshoo, Mr. Evans, Mr. Farr of California, Mr. Fawell, Mr. Fazio of California, Mr. Filner, Mr. Flake, Mr. Frank of Massachusetts, Ms. Furse, Mr. Gejdenson, Mr. Gonzalez, Mr. Gutierrez, Mr. Hastings of Florida, Mr. Holden, Ms. Hooley of Oregon, Mr. Jackson, Ms. Jackson-Lee, Mr. Kennedy of Massachusetts, Mr. Kennedy of Rhode Island, Mrs. Kennelly of Connecticut, Mr. Kleczka, Mr. Klug, Mr. LaFalce, Mr. Lampson, Mr. Lantos, Mr. LaTourette, Mr. Leach, Mr. Lewis of Georgia, Mr. Lipinski, Ms. Lofgren, Mrs. Lowey, Mrs. Maloney of New York, Mr. Markey, Mr. Martinez, Mr. McDermott, Mr. McGovern, Mr. McHale, Ms. McKinney, Mr. McNulty, Mr. Meehan, Mrs. Meek of Florida, Mr. Menendez, Mr. Miller of California, Mrs. Mink of Hawaii, Mr. Moran of Virginia, Mr. Murtha, Mr. Nadler, Mr. Neal of Massachusetts, Ms. Norton, Mr. Olver, Mr. Owens, Mr. Pallone, Mr. Pastor, Mr. Payne, Mr. Porter, Mr. Rangel, Ms. Rivers, Ms. Roybal-Allard, Mr. Rush, Mr. Sabo, Mr. Sanders, Mr. Sawyer, Mr. Schumer, Mr. Serrano, Mr. Shays, Mr. Sherman, Mr. Skaggs, Ms. Slaughter, Mr. Spratt, Mr. Stark, Mr. Stokes, Mrs. Tauscher, Mr. Thompson, Mr. Tierney, Mr. Torres, Mr. Towns, Ms. Velázquez, Mr. Vento, Ms. Waters, Mr. Watt of North Carolina, Mr. Waxman, and Mr. Yates):

H.R. 1500. A bill to designate certain Federal lands in the State of Utah as wilderness, and for other purposes; to the Committee on Resources.

By Ms. MOLINARI:

H.R. 1501. A bill to strengthen Federal law with respect to the prohibitions against and penalties for acts which sabotage or otherwise threaten the safety of rail transportation and mass transit; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. POSHARD:

H.R. 1502. A bill to designate the U.S. courthouse located at 301 West Main Street in Benton, IL, as the "James L. Foreman United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. SOUDER (for himself, Mrs. Emerson, and Mr. Packard):

H.R. 1503. A bill to provide uniform standards for the awarding of compensatory and punitive damages in a civil action against a volunteer or volunteer service organization, and for other purposes; to the Committee on the Judiciary.

By Mr. SPRATT (for himself, Mr. Coble, Mr. Baesler, Mr. Ballenger, Mr. Bishop, Mr. Bonior, Mr. Boucher, Mr. Burr of North Carolina, Mr. Cardin, Mr. Chambliss, Mrs. Clayton, Mr. Clyburn, Mr. Combest, Mr. Cramer, Mr. Deal of Georgia, Mr. DeFazio, Mr. Evans, Mr. Everett, Mr. Filner, Mr. Goode, Mr. Graham, Mr. Hefner, Mr. Hilleary, Mr. Holden, Mr. Houghton, Mr. Inglis of South Carolina, Ms. Eddie Bernice Johnson of Texas, Mr. Jones, Mr. Levin, Mr. Lewis of Georgia, Mr. Manton, Mr. McHale, Mr. McIntyre, Mrs. Myrick, Mr. Norwood, Mr. Olver, Mr. Pickering, Mr. Riley, Ms. Slaughter, Mr. Solomon, Mr. Spence, Mr. Taylor of North Carolina, Mrs. Thurman, Mr. Torres, Mr. Towns, Mr. Traficant, and Mr. Weller:

H.R. 1504. A bill to ensure the competitiveness of the U.S. textile and apparel industry; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Serrano, Mr. Dellums, Mr. Kleczka, Mr. Underwood, Mr. Frank of Massachusetts, Ms. Christian-Green, Ms. Pelosi, Mr. Hall of Ohio, Ms. Ros-Lehtinen, Mr. Berman, Mr. Waxman, Mr. Cramer, Mr. Ehrlich, Mrs. Clayton, Mr. Rangel, Mr. Gonzalez, Mr. Moakley, Mr. Frost, Mr. Ackerman, and Mr. Spence):

H.R. 1505. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. Clay, Mr. Rangel, Mr. Gonzalez, Ms. Kilpatrick, Ms. Eddie Bernice Johnson of Texas, Ms. Pelosi, Mr. Manton, Mr. Hinchey, Mrs. Mink of Hawaii, Mrs. Meek of Florida, Ms. Millender-McDonald, Mr. Flake, Ms. McKinney, Mr. Towns, Mr. Dellums, Mr. Thompson, Mrs. Clayton, Mr. Serrano, Mr. Gutierrez, Mr. Filner, Mr. Clyburn, Mrs. Maloney of New York, Mr. Payne, Ms. Furse, Ms. Waters, Mr. Cummings, Mr. Pallone, Mr. Pastor, Mr. Owens, Mr. Davis of Illinois, Mr. Engel, Mr. Hilliard, Mr. Rush, Mr. Meehan, Mr. Dixon, Mr. Barrett of Wisconsin, Mr. Kennedy of Massachusetts, Mr. Stark, Mr. Jackson, Mr. Bonior, Ms. Roybal-Allard, Ms. Woolsey, and Mr. Jefferson):

H.R. 1506. A bill to amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances; to the Committee on Commerce.

By Mr. WALSH (for himself, Mrs. Roukema, Mr. Hall of Ohio, Mrs. Clayton, Mrs. Morella, Mr. Wolf, Mr. Oberstar, Mr. Quinn, Mr. Leach, Ms. Norton, Mrs. Thurman, and Ms. Waters):

H.R. 1507. A bill to amend the Food Stamp Act of 1977 to modify certain eligibility disqualifications, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

Mr. STUMP (for himself, Mr. Abercrombie, Mr. Armey, Mr. Bachus, Mr. Baker, Mr. Ballenger, Mr. Barr of Georgia, Mr. Bartlett of Maryland, Mr. Bateman, Mr. Bilirakis, Mr. Bliley, Mr. Boehlert, Mr. Brown of California, Mr. Burton of Indiana, Mr. Buyer, Mr. Callahan, Mr. Calvert, Mr. Camp, Mr. Chabot, Mr. Chambliss, Mr. Christensen, Mr. Coble, Mr. Collins, Mr. Cook, Mr. Cooksey, Mr. Cox of California, Mr. Cramer, Mr. Crane, Mr. Crapo, Mrs. Cubin, Mr. Cunningham, Mr. DeLay, Mr. Dickey, Mr. Dingell, Mr. Doolittle, Mr. Dreier, Ms. Dunn, Mr. Edwards, Mrs. Emerson, Mr. English of Pennsylvania, Mr. Ensign, Mr. Evans, Mr. Everett, Mr. Ewing, Mrs. Fowler, Mr. Fox of Pennsylvania, Mr. Gibbons, Mr. Gilman, Mr. Gingrich, Mr. Goodling, Mr. Goss, Mr. Hall of Texas, Mr. Hansen, Mr. Hastert, Mr. Hayworth, Mr. Hefley, Mr. Hefner, Mr. Hilleary, Mr. Horn, Mr. Houghton, Mr. Hunter, Mr. Hutchinson, Mr. Hyde, Mrs. Johnson of Connecticut, Mr. Sam Johnson of Texas, Mr. Jones, Ms. Kaptur, Mr. Kasich, Mr. Kennedy of Massachusetts, Mr. Kim, Mr. Knollenberg, Mr. Kolbe, Mr. LaHood, Mr. Largent, Mr. Lazio of New York, Mr. Lewis of Kentucky, Mr. Livingston, Mr. McHugh, Mr. McInnis, Mr. McKeon, Mr. McNulty, Mr. Metcalf, Mr. Mica, Mr. Moakley, Mr. Moran of Kansas, Mr. Murtha, Mr. Ney, Mr. Packard, Mr. Pappas, Mr. Paul, Mr. Pombo, Ms. Pryce of Ohio, Mr. Quinn, Mr. Regula, Mr. Riggs, Mr. Rogers, Mr. Rohrabacher, Mr. Salmon, Mr. Dan Schaefer of Colorado, Mr. Shadegg, Mr. Shays, Mr. Shimkus, Mr. Skeen, Mr. Skelton, Mr. Smith of Michigan, Mr. Snyder, Mr. Solomon, Mr. Spence, Mr. Stearns, Mr. Stenholm, Mr. Tanner, Mr. Tauzin, Mr. Taylor of North Carolina, Mr. Taylor of Mississippi, Mr. Thomas, Mrs. Thurman, Mr. Watkins, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weller, Mr. Wicker, Mr. Wolf, and Mr. Young of Florida):

H.J. Res. 75. Joint resolution to confer status as an honorary veteran of the U.S. Armed Forces on Leslie Townes (Bob) Hope; to the Committee on Veterans' Affairs.

By Mr. DUNCAN (for himself, Mr. Bryant, Mr. Wamp, Mr. Hilleary, and Mr. Tanner):

H. Con. Res. 69. Concurrent resolution expressing the sense of the Congress with respect to the establishment of waivers in State medical licensing laws regarding the provision of health care to indigent individuals; to the Committee on Commerce.

By Mr. BARRETT of Nebraska:

H. Res. 137. Resolution designating majority membership on certain standing committees of the House; considered and agreed to.

By Mrs. MALONEY of New York (for herself, Mr. Horn, Mr. Cummings, Ms. Furse, Mr. Dellums, Mr. Lantos, Mr. Frost, Ms. DeLauro, Mr. Towns, Mr. Gutierrez, Mr. Manton, Mr. Lewis of Georgia, Mr. Filner, Mr. Hastings of Florida, Mr. Owens, Ms. Carson, Mr. Hoyer, Mr. Clay, and Mr. Portman):

H. Res. 138. Resolution expressing the resolve of Congress to take an active role in eliminating racism; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 51: Mr. Watts of Oklahoma, Mr. Doyle, Mr. Hefley, Mr. Barcia, Mr. Calvert, Mr. Norwood, Mr. Stupak, Mr. Green, Mr. Mascara, Mr. Peterson of Minnesota, Mr. McIntyre, and Mr. Goode.

H.R. 108: Mr. Engel, Mr. Barrett of Wisconsin, and Mr. Taylor of Mississippi.

H.R. 135: Mr. Bishop, Ms. Harman, Mr. Baldacci, Mr. Brown of California, Mr. Deutsch, Mr. Bentsen, Mr. Etheridge, Mr. Flake, Mr. Hastings of Florida, Mr. Hilliard, Mr. Hoyer, Mr. Johnson of Wisconsin, Mr. Roemer, Mr. Sawyer, Mr. Sherman, Mr. Strickland, Mr. Wynn, and Mr. Jefferson.

H.R. 143: Mr. Barcia, Mr. Riggs, Mr. Horn, Mr. Meehan, and Mr. Ehlers.

H.R. 145: Mr. Maloney of Connecticut, Mr. Lampson, Mr. Clyburn, Ms. Woolsey, Mr. Bishop, Mr. Collins, Mr. Klink, Mr. McHale, and Mr. Torres.

H.R. 165: Mr. Goode.

H.R. 198: Mr. Owens and Mr. Stump.

H.R. 235: Mr. Watts of Oklahoma, Mr. Evans, Mr. McGovern, Mrs. Kelly, Mrs. Meek of Florida, and Mr. Capps.

H.R. 306: Mrs. Johnson of Connecticut.

H.R. 347: Mr. Hefley.

H.R. 409: Mrs. McCarthy of New York, Mr. Deal of Georgia, Mr. Hulshof, Mr. Canady of Florida, Mr. Rothman, Mr. Goodlatte, Mr. Mica, Mr. Smith of New Jersey, and Mr. Barrett of Wisconsin.

H.R. 420: Mr. Fattah, Mr. Price of North Carolina, and Mr. Kucinich.

H.R. 443: Mr. Gonzalez.

H.R. 475: Mr. Goode and Mr. Rahall.

H.R. 536: Mr. Kucinich.

H.R. 551: Mr. Dellums.

H.R. 574: Mr. Filner.

H.R. 586: Mr. Bass, Mr. Bishop, and Mr. Romero-Barceló.

H.R. 622: Mr. Weldon of Florida.

H.R. 659: Mr. Boucher, Mr. Bonilla, and Ms. Kaptur.

H.R. 687: Mr. Brown of Ohio, Ms. Christian-Green, and Mr. Markey.

H.R. 689: Mr. Martinez and Mr. Faleomavaega.

H.R. 710: Mr. Farr of California and Mr. Martinez.

H.R. 716: Mr. Bliley.

H.R. 722: Mr. Latham, Mr. Smith of New Jersey, Mr. Bereuter, Mr. Hobson, Mr. Ney, Mr. Wolf, and Mr. Stump.

H.R. 731: Mr. Boucher.

H.R. 744: Mr. Lewis of Georgia, Mr. Gutierrez, Mr. Fazio of California, Mr. Moakley, and Mr. Blagojevich.

H.R. 755: Mr. McIntyre, Mr. Rush, and Ms. DeLauro.

H.R. 794: Mr. Meehan and Mr. Dellums.

H.R. 816: Mr. Poshard.

H.R. 855: Ms. Jackson-Lee.

H.R. 896: Mr. Kucinich.

H.R. 899: Mr. Lewis of Georgia, Mr. Rush, Mr. Weygand, and Mr. Hinchey.

H.R. 922: Mr. Canady of Florida.

H.R. 953: Mr. Gutknecht.

H.R. 956: Mr. Fazio of California.

H.R. 965: Mr. Peterson of Pennsylvania.

H.R. 971: Mr. Manton.

H.R. 981: Mr. Porter.

H.R. 983: Ms. DeLauro.

H.R. 991: Mr. English of Pennsylvania.

H.R. 1038: Mr. Frost and Ms. Lofgren.

H.R. 1049: Mr. Miller of California.

H.R. 1104: Mr. Filner, Mr. Becerra, Mr. Boswell, Mr. Rangel, Mr. Nadler, and Mr. Menendez.

H.R. 1146: Mr. Barr of Georgia.

H.R. 1161: Mr. Gibbons and Mr. Rush.

H.R. 1166: Ms. DeLauro, Mr. Neal of Massachusetts, Mr. Waxman, Ms. Furse, Ms. Stabenow, Mr. Manton, Ms. Norton, Mr. Meehan, Mr. Ackerman, Mr. Pickett, Mr. Cramer, Mr. Metcalf, Mr. Clement, Mr. Torres, Mr. Allen, Mr. Walsh, and Mr. Pastor.

H.R. 1172: Mr. Aderholt, Mr. Archer, Mr. Bachus, Mr. Ballenger, Mr. Barrett of Nebraska, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bateman, Mr. Bilbray, Mr. Bonilla, Mr. Bono, Mr. Bunning of Kentucky, Mr. Burr of North Carolina, Mr. Calvert, Mr. Campbell, Mr. Canady of Florida, Mr. Cannon, Mr. Chabot, Mrs. Chenoweth, Mr. Coble, Mr. Cook, Mr. Cooksey, Mr. Crane, Mrs. Cubin, Ms. Danner, Mr. DeLay, Mr. Dickey, Ms. Dunn, Mrs. Emerson, Mr. Everett, Mr. Ewing, Mr. Foley, Mr. Gallegly, Mr. Gibbons, Mr. Hall of Texas, Mr. Hayworth, Mr. Hostettler, Mr. Hulshof, Mr. Hunter, Mr. Istook, Mr. Sam Johnson, Mrs. Kelly, Mr. Kim, Mr. Knollenberg, Mr. Latham, Mr. Lewis of Kentucky, Mr. McKeon, Mr. Manzullo, Mr. Mica, Mr. Ney, Mr. Norwood, Mr. Packard, Mr. Pappas, Mr. Paul, Mr. Peterson of Minnesota, Mr. Peterson of Pennsylvania, Mr. Pitts, Mr. Pombo, Mr. Ramstad, Mr. Rohrabacher, Mr. Royce, Mr. Ryun, Mr. Salmon, Mr. Sanford, Mr. Shadegg, Mr. Shimkus, Mr. Skeen, Mrs. Linda Smith of Washington, Mr. Snowbarger, Mr. Souder, Mr. Stump, Mr. Taylor of Mississippi, Mr. Thomas, Mr. Tierney, Mr. Watts of Oklahoma, Mr. Weldon of Florida, Mr. Weller, Mr. Whitfield, and Mr. Young of Alaska.

H.R. 1174: Mr. Oberstar, Mr. Cunningham, Mr. Costello, Mr. Blumenauer, and Mr. McGovern.

H.R. 1189: Mr. Boyd, Mr. Hinojosa, and Mr. LaHood.

H.R. 1193: Mr. Packard, Mr. Wicker, and Mr. Smith of Michigan.

H.R. 1215: Mr. Olver, Mr. Frank of Massachusetts, and Mr. Reyes.

H.R. 1231: Mr. Goode.

H.R. 1245: Mr. Faleomavaega and Ms. Kilpatrick.

H.R. 1246: Mr. Faleomavaega.

H.R. 1306: Ms. Hooley of Oregon, Mr. Pastor, Mr. Riley, Mr. LaTourette, Mr. Lazio of New York, Mrs. Emerson, Mr. Bereuter, Mrs. Morella, and Mr. Schumer.

H.R. 1321: Mr. Davis of Florida.

H.R. 1327: Mr. Talent, Mr. Latham, Mr. Solomon, Ms. Molinari, and Mr. Hulshof.

H.R. 1335: Mr. Ackerman, Mr. Barrett of Wisconsin, Mr. Boehlert, Mr. Bonior, Ms. Brown of Florida, Mr. Clay, Mrs. Clayton, Mr. Clyburn, Mr. Conyers, Mr. Cummings, Mr. Cunningham, Mr. Davis of Virginia, Mr. DeFazio, Mr. Dellums, Mr. Deutsch, Mr. Engel, Mr. Filner, Mr. Forbes, Mr. Frank of Massachusetts, Mr. Frost, Mr. Hall of Ohio, Mr. Hastings of Florida, Mr. Hayworth, Mr. Hilliard, Mr. Hinchey, Ms. Jackson-Lee, Mr. King of New York, Mrs. Lowey, Mr. McGovern, Mr. Manton, Mrs. Meek of Florida, Ms. Millender-McDonald, Ms. Norton, Mr. Payne, Mr. Quinn, Mr. Rush, Mr. Sabo, Mr. Adam Smith of Washington, Mr. Souder, Mr. Walsh, Mr. Watts of Oklahoma, and Mr. Wynn.

H.R. 1346: Mr. Upton, Mr. Ehlers, and Mr. Ney.

H.R. 1355: Mr. McCollum and Mr. Rush.

H.R. 1360: Mr. Livingston.

H.R. 1366: Mr. Barrett of Wisconsin.

H.R. 1367: Ms. Furse.

H.R. 1407: Mr. Gibbons.

H.R. 1415: Mr. Green, Mr. Watts of Oklahoma, Mr. Kleczka, Mr. McIntosh, Mr. Jones, and Mr. Stark.

H.R. 1437: Mr. Manton, Mr. Rush, Mr. Kennedy of Rhode Island, Ms. Slaughter, Mr. Sanders, and Mr. Borski.

H.R. 1438: Mr. Markey, Mr. Lampson, and Ms. Pelosi.

H.R. 1450: Mr. Tierney.

H.R. 1451: Mr. Hastings of Florida, Mr. Davis of Virginia, Mr. Frank of Massachusetts, Mr. Frost, Mr. Hilliard, and Mr. Filner.

H.R. 1475: Mr. Neumann.

H.J. Res. 54: Mr. Bentsen and Mr. Etheridge.

H.J. Res. 65: Ms. Kilpatrick, Mr. McGovern, and Mr. Rush.

H. Con. Res. 13: Mr. Clyburn, Mr. Baker, Mr. Ensign, Mr. Dickey, and Mr. Wise.

H. Con. Res. 60: Mr. Gonzalez, Mr. Rothman, Mr. Doolittle, Mr. Hastings of Washington, Mr. Manzullo, Mr. Sawyer, Mr. Turner, Mr. Weldon of Florida, Mr. Baker, Mr. Sherman, Mr. Boyd, Mr. Bishop, Mrs. Morella, Mr. Norwood, Mr. Ryun, Mrs. Linda Smith of Washington, Mr. Smith of Michigan, Mr. Upton, Mr. Scarborough, Mr. Flake, Mr. Shaw, Mr. Ensign, Mrs. Myrick, Mr. Shimkus, Ms. Norton, Mr. Fazio of California, Ms. DeGette, Mr. Borski, Mr. Bilbray, Mrs. Fowler, Mr. Adam Smith of Washington, Mr. Schiff, Mr. Tauzin, Mr. Ballenger, Mr. Costello, Ms. Lofgren, and Mr. Mascara.

H. Res. 37: Ms. Stabenow and Ms. Brown of Florida.

H. Res. 61: Ms. Rivers, Mr. Hastings of Washington, Mr. Kolbe, and Mr. Capps.

H. Res. 83: Mr. Filner, Mr. Kucinich, Mr. Hilliard, and Mr. Frost.

H. Res. 103: Mr. FALEOMAVAEGA.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. ENSIGN

AMENDMENT NO. 28: Page 333, after line 2, insert the following new section:

SEC. 708. TREATMENT OF PHA REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 29: Page 25, strike line 21 and all that follows through page 31, line 18, and insert the following:

SEC. 105. ECONOMIC SELF-SUFFICIENCY ACTIVITIES

(a) COOPERATION AGREEMENTS.—

(1) REQUIREMENT.—A public housing

Page 32, line 1, strike "facilitate" and all that follows through "may" on line 5.

Page 32, strike line 8 and insert the following:

(2) CONTENTS.—A public housing agency

Page 32, line 10, strike "paragraph" and insert "section".

Page 32, strike line 22 and insert the following:

(3) CONFIDENTIALITY.—This section

Page 33, strike line 3 and all that follows through "(f)" on page 35, line 3, and insert "(b)".

Page 35, strike lines 15 through 23.

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 30: Page 99, strike line 12 and all that follows through line 25 on page 99, and insert the following:

SEC. 223. PREFERENCES FOR OCCUPANCY.

(a) IN GENERAL.—Except for projects or portions of projects designated for occupancy pursuant to section 227 with respect to which the Secretary has determined that application of this section would result in excessive delays in meeting the housing needs of such families, each public housing agency shall establish a system for making dwelling units in public housing available for occupancy that—

(1) for not less than 50 percent of the units that are made available for occupancy in a given fiscal year, gives preference to families that occupy substandard housing (including families that are homeless or living in a shelter for homeless families), are paying more than 50 percent of family income for rent, or are involuntarily displaced (including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978) at the same time they are seeking assistance under this Act; and

(2) for any remaining units to be made available for occupancy, gives preference in accordance with a system of preferences established by the public housing agency in writing and after public hearing to respond to local housing needs and priorities, which may include—

(A) assisting very low-income families who either reside in transitional housing assisted under title IV of the Stewart B. McKinney Homeless Assistance Act, or participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

(B) assisting families identified by local public agencies involved in providing for the welfare of children as having a lack of adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with his or her family;

(C) assisting youth, upon discharge from foster care, in cases in which return to the family or extended family or adoption is not available;

(D) assisting families that include one or more adult members who are employed; and

(E) achieving other objectives of national housing policy as affirmed by the Congress.

Page 100, line (1) strike "(c)" and insert "(b)".

Page 100, line 4, after "preferences" insert "under subsection (a)(2)".

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 31: Page 120, line 2, strike "and".

Page 120, line 23, strike the period and insert a semicolon.

Page 120, after line 23, insert the following:

(3) in subsections (c)(1)(A) and (d)(1)(A), by striking "make their best efforts," each place it appears and inserting "to the maximum extent that is possible and";

(4) in subsection (c)(1)(A), by striking "to give" and inserting "give"; and

(5) in subsection (d)(1)(A), by striking "to award" and inserting "award".

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 32: Page 188, strike line 13 and all that follows through line 3 on page 189, and insert the following:

(d) PREFERENCES FOR ASSISTANCE.—

(1) IN GENERAL.—Each public housing agency that receives amounts under this title shall establish a system for making housing assistance available on behalf of eligible families that—

(A) for not less than 90 percent of such families, gives preference to families that occupy substandard housing (including families that are homeless or living in a shelter for homeless families), are paying more than 50 percent of family income for rent, or are involuntarily displaced (including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978) at the time they are seeking assistance under this title; except that any family otherwise eligible for assistance under this title may not be denied preference for assistance (or delayed or otherwise adversely affected in the provision of such assistance) solely because the family resides in public housing; and

(B) for any remaining assistance in any 1-year period, gives preference to families who qualify under a system of local preferences established by the public housing agency in writing and after public hearing to respond to local housing needs and priorities, which may include—

(i) assisting very low-income families who either reside in transitional housing assisted under title IV of the Stewart B. McKinney Homeless Assistance Act, or participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

(ii) assisting families identified by local public agencies involved in providing for the welfare of children as having a lack of adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with his or her family;

(iii) assisting youth, upon discharge from foster care, in cases in which return to the family or extended family or adoption is not available;

(iv) assisting families that include one or more adult members who are employed; and

(v) achieving other objectives of national housing policy as affirmed by the Congress.

Page 189, line 4, strike "(3)" and insert "(2)".

Page 189, line 8, after "preferences" insert "under paragraph (1)(B)".

H.R. 2

OFFERED BY: MRS. JOHNSON OF CONNECTICUT

AMENDMENT NO. 33: Page 316, after line 19, insert the following new subsection:

(c) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public housing for any household that includes any individual who is a sexually violent predator.

(2) Sexually violent predator.—For purposes of this subsection, the term "sexually violent predator" means an individual who—

(A) is a sexually violent predator (as such term is defined in section 170101(a)(3) of such Act); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) or 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of such Act.

Page 316, line 20, strike "(c)" and insert "(d)".

Page 316, lines 21 and 22, strike "and (b)" and insert ", (b), and (c)".

Page 317, line 22, strike "(d)" and insert "(e)".

Page 318, line 13, strike "(e)" and insert "(f)".

Page 321, line 9, after "Children" insert "and sexually violent predators".

Page 321, line 11, after the comma insert "the Federal Bureau of Investigation,".

Page 321, line 15, insert a comma before "and".

Page 321, line 18, after "under" insert the following:"the national database established pursuant to section 170102 of such Act or".

Page 321, line 19, after "program" insert ", as applicable,".

Page 323, line 12, after "criminal record" insert "(including on the basis that an individual is a sexually violent predator, pursuant to section 641(c))".

Page 323, line 21, strike "641(d)" and insert "641(e)".

H.R. 2

Offered By: Mr. Knollenberg

Amendment No. 34: Page 25, after line 20, insert the following new subsection:

(e) Availability of Income Matching Information.—

(1) Disclosure to pha.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department of disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) Applicability to families receiving public housing or choice-based housing assistance.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title III (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act)).

(3) Protection of applicants and participants.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(ii) by adding at the end the following new paragraph:

"(4) only in the case of an applicant or participant that is a member of a family described in section 104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement."; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before "or" the first place it appears the following: ", pursuant to section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,"; and

(II) by inserting "or 104(e)(1)" after "such section 303(i)"; and (ii) in paragraph (3)—

(I) in subparagraph (A), by inserting ", section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997," after "Social Security Act"; and

(II) in subparagraph (A), by inserting "or agreement, as applicable," after "consent";

(III) in subparagraph (B), by inserting "section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997," after "Social Security Act,"; and

(IV) in subparagraph (B), by inserting "such section 104(e)(1)," after "such section 303(i)," each place it appears.

H.R. 2

Offered By: Mr. Knollenberg

Amendment No. 35. At the end of the bill, add the following new title:

TITLE VIII—ACCESS TO AND DISCLOSURE OF INFORMATION

SEC. 801. REINSTITUTION OF REQUIREMENTS REGARDING HUD ACCESS TO CERTAIN INFORMATION OF STATE AGENCIES.

(a) In General.—Subsection (i) of section 303 of the Social Security Act (42 U.S.C. 503(i)) is amended by striking paragraph (5).

(b) Effective Date.—The amendment made by this section shall apply to requests for information made after the date of the enactment of this Act.

SEC. 802. DISCLOSURE OF INFORMATION BY HUD TO PUBLIC HOUSING AGENCIES.

(a) In General.—Paragraph (7) of section 6103(l) of the Internal Revenue Code of 1986 (relating to confidentiality and disclosure of returns and return information) is amended by adding at the end the following new subparagraph:

"(E) Return information from department of housing and urban development.—

"(i) In General.—The Secretary of Housing and Urban Development may, upon written request by any public housing agency administering a program described in subparagraph (D)(ix), disclose return information from returns which have been disclosed to the Department of Housing and Urban Development under this paragraph to such public housing agency.

"(ii) Restriction on disclosure.—The Secretary of Housing and Urban Development shall disclose return information under this subparagraph only for purposes of, and to the extent necessary in, determining eligibility for, or the correct amount of, benefits under a program referred to in subparagraph (D)(ix).

"(iii) Public housing agency.—For purposes of this paragraph, the term 'public housing agency' has the meaning given such term by section 3(b) of the United States Housing Act of 1937."

(b) Repeal of Termination Regarding Housing Assistance Programs.—Subparagraph (D) of section 6103(l)(7) of such Code is amended by striking the last sentence.

(c) Conforming Amendment.—Clause (ix) of section 6103(l)(7)(D) of such Code is amended—

(1) by inserting "(or, for purposes of subparagraph (E), by a public housing agency)" after "Secretary of Housing and Urban Development", and

(2) by inserting "or a public housing agency" after "Department of Housing and Urban Development" the second place that it appears.

(d) Effective Date.—The amendments made by this section shall apply to requests for information made after the date of the enactment of this Act.

SEC. 803. CONSENT TO DISCLOSE INFORMATION AND PROTECTIONS AGAINST IMPROPER USE OF INFORMATION

Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(1) in subsection (b)(3)—

(A) by inserting after "participant" the following: ", and authorizing the Secretary to release information pursuant to section 6103(l)(7)(E) of such Act with respect to such applicant or participant,"; and

(B) by inserting "or public housing agency (as applicable)" before "verifying"; and

(2) in subsection (c)—

(A) in paragraph (2)(A), in the matter preceding clause (i)—

(i) by striking "section 6103(l)(7)(D)(ix)" and inserting "subparagraph (D)(ix) or (E) of section 6103(l)(7)";

(ii) by striking "or the Secretary of the Treasury" and inserting ", the Secretary of the Treasury, or the Secretary of Housing and Urban Development"; and

(iii) by inserting "or section 6103(l)(7)(E)" after "such section 303(i)"; and

(B) in paragraph (3), by striking "section 6103(l)(7)(D)(ix)" each place it appears and inserting "subparagraph (D)(ix) or (E) of section 6103(l)(7)".

Offered By: Mr. Moran of Virginia

Amendment No. 36: Page 99, after line 11, insert the following new subsection:

(e) Optional Time Limitation on Occupancy by Families Receiving Welfare Assistance for PHA's With Waiting Lists of 1 Year or Longer.—

(1) 5-year limitation.—A public housing agency described in paragraph (2) may, at

the option of the agency and on an agency-wide basis, limit the duration of occupancy in a public housing dwelling unit of each family that includes an individual who, as an adult, receives assistance under any welfare program (or programs) for 60 consecutive months occurring after the effective date of this Act, to such 60 consecutive months.

(2) Applicability only to PHA's with waiting lists of 1 year or longer.—A public housing agency described in this paragraph is an agency that, upon the conclusion of the 60-month period referred to in paragraph (1) for any family, has a waiting list for occupancy in public housing dwelling units that contains a sufficient number of families such that the last family on such lists who will be provided a public housing dwelling unit will be provided the unit 1 year or more from such date (based on the turnover rate for public housing dwelling units of the agency).

(3) Treatment of temporary stoppage of assistance.—For purposes of paragraph (1), nonconsecutive months in which an individual receives assistance under a welfare program shall be treated as being consecutive if such months are separated by a period of 6 months or less during which the individual does not receive such assistance.

(4) Exceptions for working, elderly, and disabled families.—The provisions of paragraph (1) shall not apply to—

(A) any family that contains an adult member who, during the 60-month period referred to in such paragraph, obtains employment; except that, if at any time during the 12-month period beginning upon the commencement of such employment, the family does not contain an adult member who has employment, the provisions of paragraph (1) shall apply and the nonconsecutive months during which the family did not contain an employed member shall be treated for purposes of such paragraph as being consecutive;

(B) any elderly family; or

(C) any disabled family.

(5) Preferences for families moving to find employment.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(6) Definitions.—For purposes of this subsection, the following definitions shall apply:

(A) Welfare program.—The term "welfare program" means a program for aid or assistance under a State program funded under part A of title IV of the Social Security Act (as in effect before or after the effective date of the amendments made by section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

(B) Employment.—The term "employment" means employment in a position that—

(i) is not a job training or work program required under a welfare program; and

(ii) involves an average of 20 or more hours of work per week.

H.R. 2

Offered By: Mr. Smith of Michigan

Amendment No. 37: Page 16, line 2, strike "counseling" and all that follows through "(F)" on line 9, and insert the following:

other programs and services as determined by the public housing agency, and (D)

Offered By: Mr. Smith of Michigan

Amendment No. 38: Page 43, line 19 strike "of any" and all that follows through line 19, and insert the following:

of—

(A) any homeownership programs of the agency under subtitle D of title II or section 329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

Offered By: Mr. Smith of Michigan

Amendment No. 39: Page 56, strike lines 14 through 18, and insert the following:

Pet ownership policy shall be established by the public housing agency. When establishing such policy, the public housing agency shall consider the positive effects of pet ownership.

Offered By: Mr. Smith of Michigan

Amendment No. 40: Page 294, strike line 5 and all that follows through page 297, line 4.

Offered By: Mr. Smith of Michigan

Amendment No. 41: Page 294, strike line 6 and all that follows through page 297, line 4, and insert the following:

Section 227 of the Housing and Urban-Rural Recovery Act of 1983 (12 U.S.C. 1701r—1) is hereby repealed.

H.R. 2

Offered By: Mr. Traficant

Amendment No. 42: Page 331, strike lines 11 through 15 and insert the following:

SEC. 705. ASSISTANCE UNDER HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974.

The Housing and Community Development Act of 1974 is amended—

(1) in section 108(q)(4) (42 U.S.C. 5308(q)(4))—

(A) by striking "and" after the semicolon in subparagraph (C);

(B) by redesignating subparagraph (D) as subparagraph (E); and

(C) by inserting after subparagraph (C) the following:

"(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and"; and

(2) in section 105 (42 U.S.C. 5305), by adding at the end the following new subsection:

H.R. 2

Offered By: Ms. Velázquez

Amendment No. 43: Page 104, lines 12 and 13, strike "not less than $25 nor more than $50" and insert "not more than $25".

Page 105, line 6, before the period insert "or the Secretary".

H.R. 2

Offered By: Ms. Velázquez

Amendment No. 44: Page 193, strike lines 4 and 5 and insert the following:

(B) shall be not more than $25; and

Page 194, line 3, before the period insert "or the Secretary".

H.R. 867

Offered By: Ms. Eddie Bernice Johnson of Texas

Amendment No. 7: At the end of section 12(b), add the following:

(7) Assistance in establishing outreach programs to help States better identify and recruit minority families to adopt children.

EXTENSIONS OF REMARKS

RECIPE FOR AMERICA

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. ARMEY. Mr. Speaker, I rise today to commend the students of Mrs. De Merchant's class of Abraham Lincoln Elementary School in Corona del Mar, CA. Each of the 30 children submitted their personal "Recipe for America." Their words and ideas testify to the simple and untarnished hope upon which our country was founded. Their belief and pursuit of American principles and their persistent optimism, despite the various vices of today's society, serves as a reminder to each of us to continue to uphold the truth and fight for justice and freedom. May we be found faithful as we seek to ensure the future for our country's greatest asset—our children.

RECIPE FOR AMERICA

(By Priscilla Swenson)

Defrost four gallons of exquisite, bright, and cheerful beach weather. Add some rushing rivers flowing with icy cool water. Add a pinch of flourishing fruited plains with one cup of liberty. Stir in some family traditions. Season it with soldier high, luscious green pines. Don't forget to mash all violence and unjust treatment. Make sure to marinate and sprinkle many cups of justice. Churn some freedom. Serve with many rights and unbeatable fairness. And that is my recipe for America!

THE RECIPE FOR THE UNITED STATES OF AMERICA'S PURPLE MOUNTAIN MAJESTIES

(By Geoffrey Simmon)

1. Blend in a pound of the wonderful and magnificent Washington Monument which is made out of two types of stone.
2. Add in a cup of honest and truthful justice of the Supreme Court.
3. Pour a gallon of the salty and fresh water which mixes in the Chesapeake Bay.
4. Stir in two hundred twenty three years of wonderful sports, ideas, technology, liberty, freedom and government.
5. Thaw and throw out the years of rotten gangs, violence, anger and pollution.

MY RECIPE FOR THE UNITED STATES

(By Breanne Ogden)

Combine the massive heads of Mount Rushmore.
Separate the violence from peace.
Stir the emerald green Statue of Liberty.
Pinch some freedom into a bowl.
Add two cups of Palm Springs heat.
Mix in some endangered animals safety.
Pound some justice into the stew of poor people.
Fry some snow capped mountains.
Chop the massive pine trees of Redwood Forest.
Serve with the magical vibrant colors of crystal covered beaches.
And that's my recipe for the United States!

U.S.A.

(By Jeffrey Ogle)

First blend in some liberty.
Defrost some snowcapped Mts.
Add some tasty blue waterfalls.
Crust and dry some canyons.
Shape some land and glaciers.
Add a tablespoon of freedom.
Throw in a quart of peace.
Pour in oceans and lakes.

RECIPE FOR THE UNITED STATES OF AMERICA

(By Brittany Grech)

Mix two ounces of surfing in tubed waves.
Add three tablespoons of swimming with tropical fish in clear, coral bottomed seas.
Combine snow capped mountains and a pinch of skiing.
Stir in cups full of fresh air and a pint of skydivers.
Fry a rollerblader on the sidewalks by the hot sandy shore.
Spread California's exquisite beach weather.
Blend all the above ingredients gently together.
Frost with the freedoms of speech and religion, a responsible government and a secret ballot.
Sprinkle this with presidential elections.
Place it by beautiful tropical rainbows to cool.
Serve with appropriate laws.

RECIPE FOR U.S.A.

(By Steve Hinton)

Stir 7 pints of tradition.
Add a teaspoon of justice.
Flip the lush green valleys.
Preheat the secret ballot.
BBQ Mauna Kea.
Churn a gallon of misty waterfalls,
Slice rainbowed canyons.
Mold a lot of wildlife.
Drop some sliced onions on Mammoth.
Measure the pledge.
And Presto You Have America!

MY RECIPE FOR AMERICA THE BEAUTIFUL

(By John Carpenter)

1. Defrost Washington's glistening, fun filled, snowy mountains.
2. Boil it for 1 hr. with 2 cups of forgiveness.
3. Smash violence and melt it with Hawaii's dazzling sunsets.
4. Pour in 1 gallon clear, gushing waterfalls.
5. Mix in a pint of pureness.
6. Blend in a quart of glistening, shimmering, morning dew drops landing on the tip of the Statue of Liberty's crown.
7. Add a pinch of Ellis Island.
8. Beat in the shocked gasps of the pocket filled, terribly greedy, beer drinking, Las Vegas gamblers.
9. Heat up a batch of family tradition.
10. Baste it with love and laughter.

MY RECIPE FOR AMERICA

(By Katie Lange)

Mix some liberty in with peace.
Sprinkle some fairness in.
Stir freedom together.
Add everyone treated equally.
Pour some running free, babbling, stony brooks.
Throw out violence.
Blend in justice.
Pick 999 blackberries and 1,000 raspberries.
Then wash them.
Boil them.
Pour the whole recipe in a cup.
Add some fun.
Flip Mt. Rushmore over.
Block out war.
Mix dark clouds with rain.
Pick some green valleys.
Pop in some firecrackers.
Mix forests together.
And that's my recipe for the U.S.A.!

AMERICA THE BEAUTIFUL

(By Aaron Israel)

Simmer a dozen snow-capped mountains;
Stir a pound of hiking;
Churn a cup of freedom of speech;
Boil a dozen theme park trips;
Mash an ounce of deep canyons;
Chop a quart of education;
Sizzle a pint of bike riding;
Add a teaspoon of beautiful;
Marinate a half teaspoon of law;
Baste a gallon of boating.
Presto, you have America!

MY RECIPE FOR THE U.S.A.

(By Brittany C.)

Mix some liberty.
Add one cup of green valleys.
A pinch of ocean.
A quart of freedom.
Plus a tblsp. of justice.
Crack the violence and keep the peace.
Add three pinches of waterfall.
And an ounce of rainbow.
A cup of patience.
A tsp. of adventure.
Blend an ounce of inventions.
Don't forget to broil two cups of opportunity.
Two ounces of intelligence.
And last, but not least, one bottle of fair laws.
Stir until a thick paste.
Now bake for two hundred years.
Sprinkle some Bill of Rights.
And enjoy.

MY RECIPE FOR THE USA

(By Carsten Ball)

Mix some Blueberries.
Pick out the seeds of the juicy, tasty desert red Strawberry.
Crunch the yummy, yummy Cherry's.
Pluck out the huge black seeds of the tasty Watermelon.
Wash the beautiful, shiny Apples.
Taste the better than ever Cantaloupe.
Smell the luscious, sour Tangerine.
See the blinding, winding Lemon.
Smash the messy, slippery white seeds out of the Oranges.
Squash the soft and mushy Bananas between your teeth.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Recipe for the U.S.A.

(By Sean Pham)

Mix a cup of justice.

Blend in two ounces of snowcapped mountains.

Mash all of the violence.

Add a dozen trips down the rocky, ridged, steep Grand Canyon.

Pour one pint of the Bill of Rights.

Dip a tablespoon of clear, rushing rivers.

Bake in one pound of surfing on the sunny, sandy beaches.

Combine the soaring bald eagles.

Stir in two cups of Las Vegas flashing lights.

Baste three pounds of technology.

My U.S.A. Recipe

(By Sylvia Nguyen)

1. Stir up liberty and justice.
2. Mix a cup of civil rights.
3. Add a pinch of a secret voting ballot.
4. Combine warm sandy beaches with majestic snow-capped mountains.
5. Add a teaspoon of abundant agriculture and farming.
6. Roast sports competition and mash out violence.
7. Measure an ounce of a variety of different cultures and new ideas.
8. Blend evergreen trees of all kinds and flip up ideas for inventions.
9. Slice a pound of ethnic customs and season with peace and friendliness.
10. Barbecue fair weather and opportunity and what do you have?

America!

Recipe for America

(By Spencer Stepnicka)

1. Put in a pound of the Statue of Liberty.
2. Stir in a pint of peace.
3. Add in some deep canyon.
4. Smash fighting.
5. Mash in the red and white stripes and stars.
6. Fry in freedom.
7. Simmer in the law.
8. Blend in the Great Lakes.
9. Defrost technology.
10. Add in Hawaii's active volcanoes.
11. Bake.
12. Eat.

Recipe for the United States of America

(By Brittany Bailey)

1. Defrost snow topped mountains.
2. Stir fresh pine valleys.
3. Blend in fairness.
4. Sprinkle in justice.
5. Pour in salted beach water.
6. Add freedom.
7. Pinch in delicious grape vineyards.
8. Put in the Statue of Liberty.
9. Boil in icy slopes.
10. Cook for 1 hour and a ½ half.

To Make a U.S. Pie

(By Chris Wimer)

Roast the crowded, law lacking, over populated, smog filled city of L.A.

Sizzle the best, outrageous, action packed, high performing movies of Universal, Fox, WB and HBO.

Add a great, wonderful, gold filled land of a new world, and bake for 505 years.

Squash the plump, delicious, juice filled oranges of Florida.

Taste the enormous historical sky scraping Lady Liberty.

Recipe for America

(By Matt Busch)

Add a tablespoon of liberty.

Mix some family tradition.

Roast a pound of freedom.

Throw out a platter of violence.

Stir a cup of justice.

Blend all the wonderful national parks.

Mash all the horrible greed.

Combine truth and righteousness.

Simmer a pot of the wonderful animals.

Taste the wholesome American air.

Bake it all together and you've got America.

Recipe for the USA

(By Marissa Mandala)

Mix in a gallon of freedom.

Add an ounce of culture and liberty.

Throw in a cup of shinning waterfalls.

Add a teaspoon of colorful rainbows.

Toss in a tablespoon of sports and oceans.

Sprinkle in one dozen green forests.

Blend in a pound of green valleys.

Throw out fifteen gallons of violence.

Mix in a tablespoon of sandy beaches.

Blend in four cups of furry animals.

Loss in one gallon of bike races.

Add one ounce of traditions.

Mix in one pound of Sedona's bright red rocks.

Then stir and bake for one hour.

Recipe for America

(By Armand Lapuz)

First put in a bit of rap.

Then chop up a few thousand feet of the moist Grand Canyon.

Then sprinkle a few bits of laws and sunny beach swimming.

After that you have to mix a bit of religious freedom and mix it up with the cool Yosemite Falls and then you have America!

Recipe for America

(By Jamie Steele)

All you need to do is . . .

1. Put in one ounce of justice.
2. Mix in 4 pints of Shamu Whales.
3. Slowly dip in soft fluffy kittens.
4. Stir in 6 cups of imagination.
5. Blend in 10 pounds of happiness.
6. Sprinkle on 4 cups of flowers.
7. Shake in 5 tablespoons of peace.
8. Defrost 1 bowl of love.
9. Baste with 1 ounce of art, health, and fame.
10. Mix in 4 cups of education and friendship.
11. Churn 3 bowls of sports and technology.
12. Bake in one cup of weather and dolls.
13. And top with a pinch of fun!

Recipe for America

(By Mike Caponera)

Pour in a cup of Hawaii's gigantic killer waves.

Mix in a pound of justice.

Stir in a gallon of Wyoming's colorful exploding geysers.

Taste a teaspoon of skydiving.

Throw in two dozen prowling mountain lions.

Stuff in Mount Rushmore's pale white faces.

Dip in Palm Springs scorching heat.

Drop in five pounds of skiing.

Boil a pint of intense football.

Mash in two oz. of Oregon's wacky blizzards.

Fry in half a pound of the fierce Grizzly bears.

Sizzle five quarts of Las Vegas' bright dazzling lights.

Sip an oz. of freedom.

Season three lbs. of opportunity.

Marinate two lbs. of the proud Lady Liberty.

Sprinkle four drops of the dazzling orange sunsets.

Push in one oz. of the green tree filled valleys.

Defrost two tablespoons of exciting scuba diving.

My Recipe for America

(By Ryan Vieth)

First add allot of freedom of speech.

Combine the Bill of Rights.

Mix in America's fairness.

Defrost America's new rules.

Squash the bad fighting.

Thaw the Rocky Mountains.

Fry together.

Separate the bad people from the good.

Show the Statute of Liberty.

Crack badness.

Mash crime.

And you have the U.S.A.

My Recipe for America

(By Jenni Geoffroy)

Mix in a gallon of Sedona's algae, rocky, bumpy, speedy, fascinating falls.

Add in 500% Las Vegas' noisy, fun and confusing casinos.

Season frowns, make them smiles.

Take pollution and throw it out!

Take a pinch of helping hands.

Get rid of gangs.

Mix in dozens of immigrants.

Sprinkle in the joy of storytelling and reading.

Take Abe Lincoln and put him in.

Add liberty and freedom.

A Recipe for America

(By Kelly Smith)

All you need to do is . . .

Mix an ounce of love.

Stuff a cup of caring.

Blend of pound of right.

Chop a gallon of fairness.

Flame a blend of voting.

Add a pinch of order.

Pour a dip of peace.

Simmer a slice of happiness.

Measure an opening of spirits.

Pinch in a lick of luck.

Then you chop, stir, mix and blend it all together, and out comes a little bit of everyone.

My Recipe for the United States of America

(By Brian Lewandowski)

1. Add in all the trash compacted cities.
2. Blend in all sports and skateboarding.
3. Crack in all Violence and boil some Freedom.
4. Stir in Liberty and Peace for 2,000,000 years.
5. Chop up all Crime and add more peace.
6. Pour in all nice and smooth rivers and oceans.
7. Combine all the wonderful States.
8. Shake in one tablespoon of Justice and Rights.
9. Mix some intelligence and smartness.
10. And you get America.

RECIPE FOR AMERICA'S FRUITED PLAINS

(By Billy Morrow)

1. Defrost Park City's freezing cold over crowded ski slopes.
2. Put a pinch of liberty and stir for 200 years.
3. Chop up 20 of Washington's ruby red apples and add.
4. Add two cups of hiking trips in the Grand Canyon.
5. Separate the peace and the violence (Throw the violence away.)
6. Boil for 30 minutes.
7. Add one cup of great gray gravel from Mount Rushmore.
8. Put in a refrigerator for 1 day.
9. Presto you have American fruited plains.
10. Put on a plate and enjoy.

RECIPE FOR AMERICA

(By Eddie Bedrosian)

Mix together Armenian food and a good Die-Hard movie.

Blend in snowmobiling and roller blading at Sierra Summit.

Measure the learning from working with Grandpa on payroll and with Oregon Trail.

Add cool summer beaches and sizzling summer deserts.

Stir in a U.S. Supreme Court gavel and good citizenship.

Simmer in electric cars and stricter highway safety.

Season with the wiping out of cancer.

Separate drug dealers from beepers.

Combine justice and criminals.

Enjoy—a safe and fun America!

MY RECIPE FOR U.S.A.

(By Alex)

Preheat the oven at 1,000 degrees.

Mix a ton of friends and family.

Blend in happiness and freedom.

Put hunger and violence in the garbage disposal.

Poor in some justice and liberty.

Mix for 500 minutes slowly

Put a teaspoon of fair laws.

One pinch of world peace.

Add in horses, dogs, cats and animals.

Put 6 pints of freedom of religion.

Preheat a tablespoon of mountain climbing.

Combine a ton of independence.

Bake for 200 years and season.

Get a big cookie cutter and cut it out.

Now you have America!

RECIPE FOR AMERICA

(By Michelle Matus)

1. Preheat oven at 450.
2. Thaw a cup of freedom in a bowl.
3. Mix in one quart of all different cultures.
4. Add an ounce of working laws.
5. Sprinkle in some justice.
6. Blend in a cup of lush green forests and valleys.
7. Defrost the monumental Lady Liberty.
8. Squash violence and throw it out.
9. Melt in a tablespoon of peace.
10. Measure a gallon of intelligence.
11. Pour in a dozen boxes of happiness.
12. Mash two pints of exercise and put it in the bowl.
13. Put in a pound of sleep.
14. Stir in a pinch of traditions.
15. Combine a quart of beauty.
16. Knead in a quart of beautiful valleys and cool waterfalls.
17. Churn in a cup of patience.
18. Put in an ounce of adventure.
19. Broil 10 minutes with opportunity.
20. Bake 200 years and baste with different religions every 15 years.
21. Cool mixture for 10 years and presto, you have America.

RECIPE FOR THE U.S.A.

(By George Fujimuro)

1. Take a cup of freedom and stir 221 years.
2. Separate war and peace and dump war.
3. Add ¼ justice.
4. Add ¼ freedom.
5. Add ¼ liberty.
6. Add ¼ working man.
7. Crack the dawning of inventions.
8. Add the wonders of America.
9. Devastate the violence.
10. Heat often.

Walla—you've got the United States of America.

HONORING GEORGE McGOVERN ON HIS 75TH BIRTHDAY

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. McGOVERN. Mr. Speaker, on April 8, 1997, a remarkable event took place at the U.S. National Archives: a day-long symposium was held on the career of former Senator George McGovern on the occasion of his 75th birthday. The symposium reviewed the times and events that surrounded Senator McGovern's life and his role in shaping contemporary history. It brought together such diverse commentators and speakers as Arthur Schlesinger, Jr., Al Neuharth, Townsend Hoopes, Frank Mankewiecz, Mary McGrory, Hunter Thompson, Daniel Ellsberg, Lindy Boggs, Bob Dole and TOM DASCHLE.

My life and my career has been shaped by the commitment and integrity of this remarkable man from Avon, SD. He was born on July 19, 1922, the son of a Methodist clergyman. As a pilot of a B–24 bomber in the European theater during World War II, he flew 35 missions and was decorated with the Distinguished Flying Cross. After the War, he returned home and earned a Ph.D. in history and government at Northwestern University and served as professor of history at Dakota Wesleyan University.

Few of these facts are remembered today because the Senator from South Dakota, elected to the House of Representatives in 1956 and to the U.S. Senate in 1962, and the Democratic Party 1972 Presidential candidate, is known for his integrity and the stands he took on such issues as combating hunger, opposing the war in Vietnam, promoting disarmament, and working diligently on behalf of peace. But his early religious life, his experiences during World War II, and his discipline as an academic, and his devotion to his family were ever the touchstones of his spiritual life and values.

Mr. Speaker, I would like to enter into the RECORD a copy of the remarks made by Senator EDWARD M. KENNEDY during the April 8 symposium, along with the program of speakers and topics that describe the life of George McGovern and his place in American history.

SENATOR KENNEDY'S REMARKS AT THE GEORGE MCGOVERN 75TH BIRTHDAY SYMPOSIUM, NATIONAL ARCHIVES, APRIL 8, 1997

I want to thank Douglas Brinkley for that generous introduction. Doug has done great work as Director of Dwight D. Eisenhower Center at the University of New Orleans.

I also want to thank John Carlin for that warm introduction. John has done an exceptional job as Archivist of The United States. We are all grateful that our nation's records and history and legacy are in his and the entire staff at the National Archives' capable hands.

It's a very special privilege to join in honoring a very special friend on his 7th birthday.

George McGovern and I came to the Senate the same year, and we've been great friends ever since.

In 1961, President Kennedy named George as the director of Food for Peace. The program had been relegated to secondary status for years, but Jack was determined to make it a priority. George was the perfect choice to do it.

His first major project was the widespread starvation in Brazil. George went there, saw it first hand, and did something about it. He arranged for 60 million pounds of powdered milk for a child feeding program and 30,000 tons of other commodities. The powdered milk alone fed two million people a day for an entire year.

Under George, Food for Peace expanded its efforts to all parts of the world. The people of Afghanistan, the Congo, Korea, Indonesia, and Colombia all became the beneficiaries of this New Frontier initiative. In Peru, a million school children were fed daily by U.S. commodities. In India, vast shiploads of wheat, rice, corn, and soybeans were sent to help alleviate that nation's suffering.

Returning from India in 1962, George came through Rome and met Pope Paul the 23rd. The Pope said, "When you meet your Maker and He asks, 'Have you fed the hungry, given drink to the thirsty, and cared for the lonely?' You can answer, 'Yes' ".

As a Senator, George never stopped being a tireless crusader against hunger. As Chairman of the Committee on Nutrition, he made an enormous difference. In the Nixon years, when the White House attacked him for using the issue for political purposes, he had the perfect answer—"Hunger knows no politics." The strong school lunch program we have in place today is there because of George McGovern.

Two years ago, as you may recall, some "know-nothings" in Congress tried to slash George's program. They were routed by a firestorm of criticism, and a new verb entered the dictionary. "Watch out," they said. "We don't want to get 'school-lunched' ever again." So they tried to slash Medicare and education instead—with similar results. When George McGovern plants something, it stays planted.

And then, of course, there was Vietnam. Before almost anyone else in the Senate, George McGovern spoke out against the failure of our policy. By 1965, he had seen enough. He knew that the ongoing crisis in Vietnam was the result of Vietnam's internal problems, and was no military threat to the United States. He called for an end to the widespread carpet bombings that were producing negligible military results but were having a devastating effect on the lives of millions of innocent Vietnamese civilians.

The war was the issue, and it was natural that George would run for President in 1972. A watershed election became the Watergate election and in the eyes of history, George emerged as the true winner—even if he wasn't the Electoral College winner. But I still have my bumper sticker that says, "Don't blame me—I'm from Massachusetts."

Few Americans have contributed more to their fellow citizens and their country than George McGovern. Few Americans have done more to improve the lot of the hungry and the poor than George McGovern. And few Americans have held our country to a higher standard or contributed more than George McGovern.

For a memorable four-years from 1964 to 1968, George and I and Robert Kennedy were all serving together in the Senate. In a sense, we were three brothers again.

As Bobby once said, "There is no one I feel more genuine about and about the importance of their contribution, than George McGovern. Of all my colleagues in the United States Senate, the person who has the most feeling and does things in the most genuine way is George McGovern. He is so highly admired by all his colleagues, not just for his ability but because of the kind of man he is. That is truer of him than of any man in the United States Senate." That says it all about our friend.

Finally, I still remember the night—July 13—or was it the 14th, 1972, 3 A.M., Miami, Florida, the Democratic Convention. I had the privilege of introducing George, and I brought along a little tape to play here.

We love you George—I still think you'd have won, if you'd given your acceptance speech about six hours earlier that night.

GEORGE MCGOVERN 75TH BIRTHDAY SYMPOSIUM

(National Archives Theater, Washington, DC, April 8, 1997)

8:15–9:00 Registration in the National Archives Theater Lobby. Coffee.

9:00–10:00 Welcome: John Carlin, Archivist of the United States, Douglas Brinkley, Director, Eisenhower Center for American Studies, University of New Orleans.

Morning Address: Hon. Edward M. Kennedy

Remarks: Arthur Schlesinger, Jr., Stephen Ambrose

Musical Birthday Welcome: David Amram

10:00–11:30 McGovern and South Dakota Politics—Moderator: Jack Ewing, President, Dakota Wesleyan University; Jon K. Lauck, University of Iowa—McGovern and the New Deal Order: South Dakota Politics 1953–1962; Comment: Al Neuharth, founder of Freedom Forum.

10:30–11:00 McGovern and Food and Peace—Moderator: Rodney Leonard, Executive Director, Community Nutrition Institute; Thomas Knock, Southern Methodist University—McGovern and Food for Peace; Comment: Harvey Sloane.

11:00–12:30 McGovern and the Vietnam War—Moderator: Arthur Schlesinger, Jr., Robert Mann, author The Walls of Jericho—McGovern and the Tragedy of Vietnam; Larry Berman, University of California, Davis—McGovern, Johnson, and Vietnam; H.W. Brands, Texas A&M—George McGovern and Lyndon Johnson; Comments: Townsend Hoopes.

12:30–2:00 Lunch

2:00–2:30 McGovern and the Anti-War Movement—Moderator: Verne Newton, Director, Franklin D. Roosevelt Library; Randall Woods, University of Arkansas—McGovern and the Anti-War Movement.

2:30–4:15 McGovern and the 1972 Campaign—Moderator: Douglas Brinkley; Steve Ward, American University—McGovern and the Promise of a New Democrat: Reform and Electoral Politics in the Democratic Party, 1968–1970; Frank Mankewiecz, vice chairman, Hill & Knowlton—The Road to '72; Discussion: Morris Dees, Mary McGrory, Stanley Kaplan, Robert M. Shrum, John Holum, and Hunter S. Thompson.

4:15–4:30 Break

4:30–5:30 McGovern and Congress—Moderator: William VandenHeuvel, Director, The Franklin and Eleanor Roosevelt Institute; Hon. Lindy Boggs, Hon. John Culver, Hon. Thomas Daschle, Hon. Jim McGovern, Hon. Paul Wellstone.

5:30 Conclusion.

RAILROAD AND TRANSIT SABOTAGE PREVENTION ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Ms. MOLINARI. Mr. Speaker, today I am introducing H.R. —, the Railroad and Transit Sabotage Prevention Act of 1995. A very serious train accident in Arizona in 1995, which is believed to be the result of sabotage, exposed the need for closing the gaps in Federal law concerning criminal penalties for sabotage and other forms of deliberate endangerment in rail and transit operations.

This bill would make interference with or deliberate mimicking of a rail signal a criminal offense, which would bring the rail statutes in line with existing laws prohibiting interference with aviation signals and communications. Penalties would include severe fines and up to 20 years imprisonment.

The bill would also include mass transit operations for the first time in Federal criminal laws prohibiting sabotage of rail operations. This makes applicable to transit crimes the existing rail penalties of up to 10 years imprisonment and severe fines, with life imprisonment or the death penalty available if the sabotage causes a death.

In addition, the bill makes willfully causing the release of hazardous materials in transportation subject to severe fines and up to 20 years imprisonment, with life imprisonment or death penalty available if the release causes a death. Most of the Nation's hazardous materials—essential to many industrial processes—move by rail. The consequences of an accident are horrendous, including severe environmental damage and threat to human health and safety. These new criminal penalties will strengthen the arsenal of law enforcement authorities in dealing with deliberate and malicious acts which result in the release of toxic materials.

Furthermore, the bill also makes it a Federal crime to carry firearms or explosives aboard a passenger train or into a rail passenger facility without appropriate permission. Penalties include severe fines and up to 20 years imprisonment. This brings sanctions for arms and explosives threats to rail transportation in line with laws addressing arms and explosives aboard ships. The bill includes exemptions for weapons of law enforcement and armed forces personnel.

HONORING WORLD CHAMPION TRIATHELETE JUDY FLANNERY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to pay tribute to the late Judy Flannery, 57, who was killed tragically April 2 when a car, driven by an unlicensed 16-year-old boy, struck her as she was riding her bicycle in Seneca, MD. Flannery was a biochemist retired from the National Institutes of Health and a weekly volunteer at the local soup kitchen, So Others Might Eat. The role she most cherished, according to her husband Dennis, was that of mom to her five children, ages 22 to 31.

While Maryland mourns the loss of Mrs. Flannery, the sporting world mourns the loss of one of its greats for Judy Flannery was a legend in the sport of triathlon. Triathlon is a grueling sport requiring arduous training in the three disciplines of swimming, bicycling, and running and Judy was one of its best. She didn't begin running until the age of 38. Soon she was racing and winning. Three times she completed the Hawaii Ironman Triathlon, a Herculean test consisting of a 2.4-mile ocean swim, a 112-mile bicycle ride, and a 26.2-mile marathon run, all through the sweltering lava fields of the Hawaiian Islands.

Four times she was crowned world champion in her age group. Six times she was named national champion. In 1996, she was the oldest woman ever to be named Masters Female Triathlete of the Year. She also defended her world triathlon title and added to it the world duathlon—bicycling and running—championship.

This spring, Judy was training to join three friends in the 3,000-mile Race Across America, a cross-country bicycle ride from Irvine, CA, to Savannah, GA. She organized the group's ride to raise money to combat domestic abuse. Now, the women will ride wearing pink armbands in her memory and the money they raise also will go to combat drunk driving.

For women across the country and around the world, Judy was a beacon that radiated the message: you can do it! Judy took particular joy in bringing novices into the sport of triathlon. She freely gave advice and coached and counseled women much younger than she, coaxing them to reach high for their athletic stars.

Judy worked hard to establish the USAT Women's Commission within USA-Triathlon, the national governing foundation of the sport, to ensure women their rightful place in the sport. As chair of the commission, she saw to it that the women were nurtured and encouraged to participate. She was particularly pleased that triathlon will be, for the first time, an Olympic sport in Sydney, Australia, in 2000 and that the women's triathlon is to be the opening event.

Six hundred friends, family members, and triathletes gathered recently in Bethesda for a memorial service for Flannery. A lone bicyclist led the procession of cars from Our Lady of Lourdes Catholic Church, where Judy, Dennis, and their children celebrated life's passages, to the Gate of Heaven Cemetery where Judy was laid to rest.

I extend my sympathy to Judy's family and friends and to the world and women of triathlon where I know she will be missed but not forgotten.

A TRIBUTE TO MICHAEL J. MADONNA

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention Michael J. Madonna, who is being honored by Italian-American Police Officer's Association of New Jersey.

Michael has served as a member of the Oakland police department since 1966 and was elected to the position of State delegate for P.B.A. Local 164 in 1968. He has climbed through the ranks of the Police Benevolence Association ever since.

He became president of the local 164 and was a past trustee of the Bergen County Conference. In 1974, Michael was elected to the State executive board and since 1984, has served as the P.B.A.'s representative to the New Jersey Police Training Commission. Currently, he is serving as the vice-chairman of the Police Training Commission.

In addition to these positions, Michael has served and is currently serving the following State committees: Capital Expenditures; Convention, chairman; Collective Bargaining; Federal Legislation; Golf; Legislative; Local Presidents, chairman; New Delegates; Organization, chairman; and Special Police. In 1996, Michael was voted in as president of the New Jersey State P.B.A.

Mr. Speaker, I ask that you join me, our colleagues, Michael's family and friends, and the Italian-American Police Officer's Association of New Jersey in recognizing the outstanding and invaluable service to the community of Michael J. Madonna.

IN HONOR OF ANTHONY BAMONTE

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to a gentleman from my district, Mr. Anthony Bamonte, who is this year's honoree at The Board of Directors of School Settlement Association's 37th Annual Testimonial Dinner Dance.

Anthony Bamonte was born in 1940 in the Williamsburg section of Brooklyn. As a child, he attended Williamsburg's public schools; later, his many artistic talents steered him to the Industrial Arts High School and his interest in business led him further to the New York Technical College, where he took courses in hotel and restaurant management.

Mr. Bamonte has put his restaurant management knowledge to good use over the years running his family's business, Bamonte's Restaurant on Withers Street. Bamonte's, a Williamsburg landmark, was founded by Mr. Bamonte's grandparents in 1900 and has since been passed down from generation to generation. Mr. Bamonte and his sister Anita are the third generation running the family business. His three daughters, Laura, Lisa, and Nicole, are the fourth generation of Bamontes to continue the family tradition.

Throughout his life, Mr. Bamonte has devoted himself to his family and his restaurant, yet has still reserved valuable time for his community. Among his various civic duties, Mr. Bamonte is a member of School Board District 14, a participant in the American Cancer Society's Culinary Classic and the host of an annual fundraiser at Bamonte's for Our Lady of Mt. Carmel Academy.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Anthony Bamonte on this special evening. I am honored to have such a great family man, businessman, and community leader in my district.

COMMENDING THE PINE-RICHLAND MIDDLE SCHOOL FOR THEIR VOLUNTEERISM

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. KLINK. Mr. Speaker, I rise today to commend the students and faculty of the Pine-Richland Middle School for their efforts in assisting the homeless people in and around the Pittsburgh area. This week they will be honored by the Points of Light Foundation and the USA Weekend Magazine for their inspiring volunteer work.

Pine-Richland's project is a shining example of the impact of volunteerism on a community. I would like to recognize the efforts of Dr. Susan Frantz and Mrs. Aleta Lardin, the teachers who coordinated the project, as well as all of the students who volunteered their time to assist homeless members of our community.

As part of the Sixth Annual USA Weekend Make A Difference Day, the students oversaw every aspect of a food and clothing drive to benefit Pittsburgh's homeless. They collected enough food, clothing, and toiletry items for over 200 individual provision bags and over 100 brown bag lunches to be distributed to the city of Pittsburgh's homeless population. Additionally, students personally delivered most food items, toiletries, and warm clothing.

In his address to the attendees of the Presidential Summit for America's Future, President Clinton issued a call to action to all Americans "to serve our children, and to help teach them to serve—not as a substitute for government, but to meet our major challenges as one community, working together." The students of Pine-Richland Middle School have issued and answered their own call and have served the homeless of Pittsburgh well.

While there are no Government statistics that measure the impact of public service on the morale, psyche, or character of this Nation, I am certain that Pine-Richland has set a benchmark for service that we would all do well to strive to achieve.

So my fellow colleagues, it is with great pleasure that I urge you to join me in commending the efforts of the students and teachers of the Pine-Richland Middle School. They have demonstrated a commitment to service that their family, friends, community, and the entire Fourth Congressional District can be proud of.

KINDNESS POLICE PROGRAM IN RUTLAND, MA

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. MCGOVERN. Mr. Speaker, the Kindness Police Program, founded and directed by Mirna Raya, took place at the Naquag Elementary School in Rutland, MA, as a prelude to the National Acts of Kindness Week. Third grade students were given mock police badges and citation pads with instructions to ticket people they knew and trusted if the children caught them committing an act of kindness. During the 3-week period, 329 citations of kindness were written by the children. I would like to recognize the following teachers, administrators and third-grade students who participated in the Kindness Police Program and commend them for teaching the value of kindness toward others:

Students Timothy Auger, Trevor Brown, Jessica Carpenter, Jedidiah Daviau, Emmett Dickman, John Donahue III, Cayleigh Eckhardt, Caitlin Gagne, Eric Gennert, Brendan Godin, Jeffrey Ham, Caitlin Harvey, Ryan Lamoureux, Brian LeDuc, Christopher Lizewski, Kelleen Lynch, Patrick Massey, Corie Merhib, Katlyn Metterville, Michael Metzmaker, Kevin Moore, Lindsay Myers, Lindsey Powers, Carolyn Purington, Paige Raymond, Jonathan Rocha, Tiffany Thompson, Jeffrey Tod, and their class teacher Patricia Scales.

Students Justine Almstrom, Amanda Bastarache, James Bedard, Kristen Cammuso, Samantha Campbell, Kevin Capite, Julie Circosta, Joshua Cruz, Krystal-Lee Gleason, Kimberly Haines, Roy Hatstat, Alyssa Hutchins, Michael Laxer, Courtney Macaruso, Angela Marzo, Kelley McGuiness, Joshua Nicholson, Evan Oliveri, Edward Panaccione, Sean Raya, Bryan Riley, Kelly Robbins, Tyler Russell, Alyssa Sandstrom, Stephanie Santoro, and their class teacher Linda Harris.

Students Shanna Anderson, Michelle Belanger, Stephanie Brooks, Whitney Costello, Erica Degaetano, Ross Ducharme, Alexandra Esteves, Lisa Farrow, Christina Gerolomo, Johnathan Goguen, James Hogan, Jennifer Hussey, Katelyn Kane, James Keller, Samantha King, Brandon Mackay, Allen Miller, William Morrow, Stephanie O'Brien, Robert Piccinino Jr., Timothy Quill, Lynn Russo, Rachael Starbard, Daniel Wilde, and their class teacher Anna Hagberg.

Students Brian Alisch, Daniel Arioli, Daniel Belsito, Timothy Canale, Kevin Carlson, Elizabeth Carville, Casey Chapman, Gillian Costello, Katherine DeForge, Steven French, Meghan Hennessey, Julie Katzenberg, Anthony Kewley, Thomas Lawless, Derrick

Leroux, Christopher McKenna, Nicole Nunnari, Timothy Olson, Anthony Queeney Jr., Patrick Regele, Katie Richey, Ian Soderberg, Kera Stewart, Danielle Vozzella, Amanda Whitner, and their class teacher Gail Pryce.

Naquag Elementary School principal Judith Daniel, assistant principal John Bebas, guidance counselor Thomas Olson, and Mr. Chester Leonard.

FEDERAL RAILROAD ADMINISTRATION PERFORMANCE AND PERSONNEL ENFORCEMENT ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Ms. MOLINARI. Mr. Speaker, I am introducing H.R. —, the Federal Railroad Administration Performance and Personnel Enforcement Act. The bill will provide for institutional reforms at the Federal Railroad Administration and other improvements to the rail safety statutes aimed at promoting a safer, more secure railroad network. I would like to emphasize that the railroad system is essentially safe today, thanks to the substantial gains in safety that have been achieved since the late 1970's. In 1978, the train accident rate was nearly 15 accidents per million train-miles, or 3.9 times what it was in 1995. Railroads are safe when compared to other modes of transportation as well. About 40,000 people are killed each year on the Nation's highways, compared to about 600 fatalities that are attributed to railroad operations.

Yet rail travel is becoming increasingly complex, and we must ensure that our safety requirements keep up with today's operational realities. Traffic on the mainlines continues to grow, and the increased mix of freight, intercity passenger and commuter traffic on the same corridors poses new challenges for ensuring safety.

During the 104th Congress, I sponsored three hearings on the issue of rail safety. These hearings focused on the issues of human factors and grade crossing safety, equipment and technology in rail safety, and advanced train control technology.—This last hearing was held jointly with the Technology Subcommittee of the Science Committee.

I believe that the hearings showed that reform is needed at the Federal Railroad Administration. While I applaud the efforts of the FRA in the last couple of years to improve the rulemaking process, I am still concerned about the rulemakings that are overdue. And in another area of concern, the Hours of Service Act, FRA and rail labor and management have all been guilty of foot-dragging in establishing pilot projects that were supposed to form the basis of changes to the act during the next authorization cycle. A report was due on January 1, 1997 on the results of the pilot projects that still has not been submitted. This is unacceptable and I believe that my bill, through a combination of institutional reforms that will force FRA to be more accountable in carrying out congressional mandates, and improvements to the rail safety statutes will help ensure safety on the Nation's railroads.

RECOGNITION OF ANNE BOLGIANO

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mrs. MORELLA. Mr. Speaker, today I rise to honor a pioneering constituent and friend, Mrs. Anne Bolgiano. Anne Bolgiano has had a distinguished academic and professional career as a mathematician. Over 40 years ago Anne began her career as a research analyst at the National Security Agency. She performed independent and advanced research on codes and code breaking, working as a guardian of our national security during the early and tenuous stages of the cold war. It was at this time that she began her work on the Federal Government's first computer, ENIAC. Anne Bolgiano is an exceptional talent who advanced through the ranks as quickly as the pay schedule allowed. She was among the Nation's first computer programmers and is a true role model for all female scientists. In addition, Anne is a member of the Sigma Four Society, which admits only those people who score in the 99.99th percentile on their IQ tests. Anne Bolgiano was a true pioneer in the field of technology. She is a wonderful mother, friend, and woman who has done much for this country. Anne Bolgiano should be proud of her many accomplishments, and it is my pleasure to recognize her contributions to this Nation. Shakespeare wrote: "I count myself in nothing else so happy as in a soul remembering my dear friends." Thank you, Anne Bolgiano, my dear friend.

THE HOLY ROSARY YOUNG MEN'S CLUB 70TH ANNIVERSARY

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of the 70th anniversary of the Holy Rosary Young Men's Club of Passaic, NJ.

The Holy Rosary Young Men's Club was incorporated in 1927 as an organization where young men of the Holy Rosary Roman Catholic Church could participate in social, athletic, civic, and fraternal activities. Since its inception, the Young Men's Club has been a leader in all of these activities. Its athletic teams have gained area renown, boasting the city and area championship baseball teams of the 1920's, 1930's, and 1940's, and continuing with its championship basketball teams of the 1950's and 1960's which played to capacity crowds at local arenas. Bowling and softball are also club mainstays.

The Young Men's Club has always been at the forefront of many civic endeavors as well. They conducted parish food and clothing drives during World War II and during other times of need. With many of its members going on to elected office, the Young Men's Club still plays a pivotal role in civic and political affairs in the community.

On every Palm Sunday for the past seventy years, the Young Men's Club sponsors its annual communion breakfast in the parish auditorium, an event which is considered by many visitors and dignitaries to be the most outstanding communion breakfast of the year. Additionally, the club sponsors a Thanksgiving social and a fun-filled beefsteak dinner at club headquarters.

The Young Men's Club contributes to the vibrancy of Holy Rosary Church and is integral to the lifeblood of the city of Passaic.

Mr. Speaker, I ask that you join me, our colleagues, members of the Young Men's Club, and the city of Passaic in honoring the momentous occasion of the 70th anniversary of the Holy Rosary Young Men's Club of Passaic.

IN HONOR OF MONSIGNOR DAVID L. CASSATO

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to Monsignor David Cassato who is celebrating the 25th anniversary of his ordination. The Monsignor has presided over Our Lady of Mount Carmel, located in the Williamsburg and Greenpoint sections of Brooklyn, for close to 12 years, while remaining a tireless advocate for his parish and the surrounding community.

Monsignor Cassato's dedication to New York City's Catholic communities began at Saint Rita's in Long Island City. At Saint Rita's, Monsignor Cassato, then a pastor, spent 13 years developing a diversified youth program, a drop-in center for teenagers, a summer camp program for youngsters, a retreat program for young adults, activities for senior citizens, and regular visits to aged shut-ins in the parish.

When he moved to Our Lady of Mount Carmel after 13 years of service at Saint Rita's, Monsignor Cassato continued his focus on the development of outstanding parish programs. He immediately began to revitalize the good will and enthusiasm of his parishioners and went above and beyond his credo: "To put an upward tone to the parish, to restore a sense of happiness, joy and enthusiasm for the church and our faith." The Monsignor's parishioners speak fondly of him and often mention his personal touches, such as always remembering each of his parishioner's names.

On Monday, April 26, 1988, Pope John Paul II made Father Cassato a Domestic Prelate of Honor "Monsignor."

Monsignor Cassato's commitment to the Williamsburg and Greenpoint communities does not end with his parish. He plays an active role on several community, neighborhood and senior center boards, as well as with many secular organizations.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to Monsignor David Cassato. I am honored to have such a great man and leader in my district.

TRIBUTE TO FLORENCE JOHNSON

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. FILNER. Mr. Speaker and colleagues, I rise today to pay tribute to a great educator and community leader—Florence Johnson—who passed away last week in San Diego, CA.

Florence Johnson was the founding principal of the San Diego School of Creative and Performing Arts, a public magnet school in my hometown of San Diego. I worked closely with her during my time as member and president of the San Diego School Board. Known for her dedication to her school and students, Mrs. Johnson led the school to become one of the most popular and innovative in San Diego, with a waiting list of over 4,000 students—more than twice its enrollment.

Florence Johnson attended San Diego public schools as a child and obtained her Bachelors and Masters degrees from San Diego State University. She went on to develop a career dedicated to, as she put it, "the education of the whole child." She put this philosophy into practice with her school's innovative curriculum featuring a special emphasis on the arts. From the school's inception in 1978, thousands of students have passed through its gates. Florence Johnson looked at every one of those students with hope and used her skills as an educator to ensure that each student had the opportunity to succeed. She never gave up on a single student and told them, "I'm not going to let you fail."

Florence Johnson actively shared her talents with others throughout her career. She established Project CHOICE, a career education program, and helped introduce it throughout the State of California. She was the author of many educational resource materials. She also worked to ensure that our next generation of teachers shared her dedication to their students, in the teacher education program at Point Loma Nazarene College.

Mrs. Johnson volunteered for the San Diego County Adoption Agency. She also taught piano, directed the choir at her church, and was a member of the Rhythm Aire Players, a local theater group.

We are all saddened by her passing and will remember her as a skilled educator and advocate for her students. My thoughts and prayers go out to her husband, Jim, and her family and friends. Having dedicated a successful career to helping and inspiring others, Florence Johnson is an inspiration to our entire community.

A SALUTE TO EDWARD J. PARISH: RETIRING PRESIDENT OF THE CLERMONT COUNTY CHAMBER OF COMMERCE

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. PORTMAN. Mr. Speaker, I rise today to recognize a friend and a prominent southwest Ohioan, Edward J. Parish, who has served as president of the Clermont County Chamber of Commerce for the past 18 years. As he retires this year, we thank him for the extraordinary leadership and service he has given to the Clermont County community.

After earning both a bachelor's and a master's degree in engineering at the University of Michigan, where he was a member of Tau Beta Pi and a Donovan Scholar, Mr. Parish joined the Ingersoll-Rand Co. as a sales engineer; 35 years later, he retired from Ingersoll-Rand as executive vice president and director of the company. Then his second career of community service to Clermont County began.

Under his leadership, Clermont County has achieved remarkable success in attracting and sustaining businesses and promoting economic development.

Mr. Parish has also made tremendous contributions to the overall economic development of southwest Ohio through his involvement in other organizations, including the Cincinnati Consortium of Educational Resources, the Private Industry Council, the Community Chest United Fund, the Clermont/Warren Consortium, the Cincinnati Foundation, the Clermont College Advisory Board and the Greater Cincinnati Chamber Blue Chip Economic Development Committee.

Mr. Parish has given generously of his time and talent and we are grateful for his many years of service and leadership. All of us in southwest Ohio congratulate him on his retirement and recognize him for his many accomplishments.

PERSONAL EXPLANATION

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. CAPPS. Mr. Speaker, yesterday when returning from my district, I was unavoidably detained and missed two votes: Rollcall vote No. 92, a bill to extend expiring Conservation Reserve Program contracts for 1 year (H.R. 1342), and rollcall vote No. 93, a bill to authorize the transfer to States of surplus personal property for donation to nonprofits (H.R. 680).

Had I been here I would have voted "aye" on both measures.

RECOGNITION OF WASHINGTON EPISCOPAL SCHOOL

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to salute the excellence of a small private school in my district, Washington Episcopal. As a former English professor and mother of a talented actor I have a great love of the theater. I am a strong supporter of the arts and know how important it is to expose young people to the performing arts as early as possible. Washington Episcopal School has done much to fulfill this vital role by introducing many young people to the arts in my district.

For these efforts Washington Episcopal School was recently awarded the National Blue Ribbon Award for Excellence in Education. Washington Episcopal is an elementary and middle school with classes for children ages 3–13 years old. The school upholds the academic goals I cherish. In particular, they have a strong performing arts curriculum, putting on school plays, musicals and other productions beginning in nursery school and continuing through the eighth grade. In addition, Washington Episcopal offers a drama summer camp program that concludes each summer session with the performance of a musical.

The school is building a new performing arts center that will enable them to further strengthen their performing arts curriculum. Please join with me in acknowledging and praising learning environments that encourage children to explore the world of drama and playwrights. I want to commend Washington Episcopal School for their outstanding accomplishments and leadership in the performing arts arena and wish them the best of luck in the future.

HONORING THE ROYER FAMILY ON THE 10TH ANNIVERSARY OF THEIR CAFE IN ROUND TOP

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. BENTSEN. Mr. Speaker, I rise to honor the Royer family on the 10th anniversary of the establishment of Royers' Round Top Cafe in Round Top, TX, which will be celebrated on May 3, 1997.

On this anniversary, we recognize the commitment, perseverance, imagination, and success of the Royer family—Bud, Karen, Tara, Micah, Todd, and J.B. Their cafe has become a regional landmark and a source of good food and good cheer for locals and travelers in Texas.

Ten years ago, the Royer family took over a small cafe in Round Top, population 81. They faced many challenges, including difficult economic times in Texas in the late 1980's, a market that is isolated and small, and a business that is known for its challenges and difficulty getting established. As a result of incredible perseverance, a total family commitment, and salesmanship without equal, Royers' Cafe and Bud, the head of the family, have become regional celebrities.

I congratulate the Royer family and wish them continued success. They epitomize the American dream and are an inspiration to all of us.

A TRIBUTE TO DAVID MANIACI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention, David Maniaci of Allendale, NJ, who is being honored by the

Italian-American Police Officer's Association of New Jersey.

David was born on May 24, 1963, at Saint Joseph's Hospital in Paterson to Anna and the late Nicholas Maniaci and was raised in North Haledon. He is a graduate of Neumann Preparatory High School and Saint Joseph's University in Philadelphia. David majored in food marketing and earned a bachelor of science degree in 1985.

While a young high school student working part time at the local Foodtown, David met his wife, Nancy, who was also a student and parttime worker. They have been married for more than 8 years and have two children: Alexa, age 7 and Nicholas, age 5.

David is president and CEO of Nicholas Markets, Inc., a family-owned business that was started in North Haledon by his father, Nicholas, in 1943. Nicholas Markets owns and operates 10 Super Foodtowns and 2 Grand Opening Liquor Stores in Passaic, Essex, Sussex, Middlesex, and Union Counties.

David is a member of the Foodtown Board of Directors, and the New Jersey Food Council Board of Directors. He also is a member of the Passaic County Police Chief Association and the Passaic County 200 Club.

David also serves many civic organizations as well, including the Boy Scouts of America, where he is a member of the board of directors, the Fidelians of America, and the Hawthorne Lions Club, where he serves as treasurer. He also helped establish the Nicholas Maniaci Scholarship Fund for St. Paul's Roman Catholic School in Prospect Park and has worked on various projects which assist handicapped members of the community.

Mr. Speaker, I ask that you join me, our colleagues, David's family and friends, the Italian-American Police Officer's Association, and the citizens of North Jersey in recognizing the outstanding and invaluable service to the community of David Maniaci.

TRIBUTE TO MAGNOLIA VIRGINIA WRIGHT BYNUM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. TOWNS. Mr. Speaker, I am immensely pleased to acknowledge the retirement of Virginia Bynum and to introduce her to my House colleagues. Like me, Ms. Bynum graduated from North Carolina A&T State University and received her M.S. in Education from New York University.

Ms. Bynum's career was a reflection of her commitment to her community and to providing educational opportunities to those who desired it. Her first job was with the Macedonia High School in Blackville, SC, where she taught courses in business education. For more than 30 years, Ms. Bynum has taught business education for the Jersey City, NJ school system and has been the Dean of Students for 21 years.

Building upon her career successes, Ms. Bynum is a member of numerous professional organizations and the recipient of a wide array of community service awards. Always yearning to assist others, Ms. Bynum has served as a special assistant for the 10th Congressional District and is New York liaison for North Carolina A&T. This month, she will retire as cochairperson of the Cornerstone Day Care Center. I am honored to recognize her numerous and noteworthy achievements.

TRIBUTE TO GILBERT GRAY

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Mr. Gilbert Gray. The death of Mr. Gray on April 9, 1997, was a sad day for all of us who knew him. He will be greatly missed, both as a dedicated civil rights activist and, as a generous and caring individual.

Born to a Texas farming family, he moved to California with his wife, Alice, in 1945. When the shipyard where he was employed was closed, he worked as a janitor at night, and attended barber school and played semipro baseball during the day. For the next 27 years, he worked as a military barber at Bay Area bases.

When the Grays moved to Santa Rosa, CA in 1952 to raise their nine children, it was a segregated town. Mr. Gray devoted tremendous time and energy to making the community, and the country, a better place for all Americans by fighting for equal rights. After attending his first NAACP convention, where he met Martin Luther King, Jr., he cofounded the Sonoma County NAACP chapter. He coordinated numerous events to protest injustices occurring to African-Americans across the Nation. When a local saloon refused to serve African-Americans, he organized a successful sit-in to protest.

Gilbert Gray continually extended himself for the good of the community. He was instrumental in establishing the Community Baptist Church in Santa Rosa. He also was a member of the Marin City Council and very active in the northern California Democratic Party. Along with his wife, Alice, he established the Gilbert and Alice Gray Foundation, a nonprofit organization that provides funds for students who excel academically or at a vocational skill. Despite the many awards and honors he received, his proudest moments were spent telling stories about his children earning college degrees.

Mr. Speaker, it is with great sadness that I acknowledge the loss of Gilbert Gray. He was a tremendous asset to his community. The commitment Mr. Gray exhibited toward civil rights was admired by all who knew him. I extend my deepest sympathies to his wife, Alice, and their family. I, personally, will miss this wonderful man.

PERMANENT CROP LOSS EMERGENCY ASSISTANCE ACT OF 1997

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. CONDIT. Mr. Speaker, one of the greatest impacts to the California agricultural community was the loss to permanent crops as the result of damage from this winter's flooding. Approximately, 5,600 acres of orchards and vineyards in Stanislaus, Sacramento, Sutter, and Yuba Counties of California were completely destroyed or severely damaged. In these areas, in addition to suffering losses in this crop year, farmers will be faced with the high cost of replanting orchards and vineyards, and will have to wait years before a crop can be harvested.

In order to address this problem, I am introducing legislation today titled, "The Permanent Crop Loss Emergency Assistance Act of 1997," which would authorize USDA's Farm Service's Agency to provide assistance to affected farmers. This program will provide assistance to farmers whose orchards and vineyards have suffered mortality as a result of the 1997 floods, including removing and disposing trees, preparing the land for replanting, the cost of planting stock, and actual planting of the orchard or vineyard. The program is similar to the Tree Replacement Program contained in the 1990 farm bill. This bill contains an appropriation of $9 million, based upon estimates by the California department of food and agriculture.

The purpose of introducing this legislation is to provide support for the inclusion of this program in the emergency supplemental appropriations bill which will provide the requisite authority and funding for this program.

INCREASING SAVINGS FOR WOMEN

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. McCOLLUM. Mr. Speaker, today I take great pride in introducing the Women's Investment and Savings Equity Act of 1997, the Wise bill. Joining me in this effort is my colleague from Washington, Ms. JENNIFER DUNN.

The old proverb "a penny saved is a penny earned" has more truth today than people realize. Savings is not only a critical part of Americans' retirement security, but our long-term economic growth depends largely on what we save today. After all, the economy cannot grow unless there's an adequate supply of capital to invest. Money saved for retirement, whether it is through savings accounts, IRA's or employer-sponsored pensions, is a primary source of private investment capital.

Unfortunately, today's punitive, complex Tax Code encourages consumption while savings and investment are generally discouraged. Low savings rates means reduced growth potential. It also means a lower quality of life when the retirement years arrive.

In an effort to stimulate savings, the Wise bill would make some much needed changes to our Tax Code as it pertains to savings for parents, especially women. Right now, many middle-class homemakers have difficulty establishing a tax-preferred individual retirement account [IRA] if their spouse has access to an employer-sponsored pension. Furthermore, parents who take unpaid maternity or paternity leave have no way of making up pension contributions once they return to the work force. Finally, many parents realize that it may not be possible for both parents to work while raising a child. Even if both do, there may not be enough money to make pension contributions.

The lack of savings opportunities I have just described would be removed if we enacted the Wise bill. First, the bill would allow any nonworking spouse to establish a tax-preferred IRA, regardless of whether the working spouse has access to an employer-sponsored pension. This would allow many middle-class people, especially women, to establish secure retirement savings accounts.

Second, the Wise bill would allow those coming off of unpaid maternity or paternity leave to make up contributions to their employer-sponsored pension, for example, 401(k), that they would have been able to make had they not been on leave. The legislation would allow the person 3 years to make up the missed contributions.

Third, the Wise bill would allow parents who do not make contributions to their pension while raising a child, regardless of whether the parent has left the work force or if they simply cannot make a contribution due to other expenses, to make up those contributions at a later date. After all, piano lessons will sometimes come before retirement savings. For example, if a parent does not make contributions for 13 years while raising a child, he or she will have 13 years to make up the contributions. The make-up contributions will be equal to the lesser of what the parent could have otherwise contributed, of 120 percent of the contribution limit minus what is being contributed that year. For example, a $50,000 earner with a 401(k) allowing for a 5-percent deferral, $2,500, as defined by the employer could contribute his or her normal $2,500 plus another $2,500 if it is a make-up year. The added $2,500 is the lesser of the plan limit, $2,500, or 120 percent of the legal limit, $11,400, minus $2,500, the contribution already being made. The legal limit of a 401(k) is $9,500.

These reforms are needed to remove the inequities that parents, especially women, face when it comes to savings for retirement. This would clearly spur additional personal savings. More savings equals an increase in retirement income, a reduction in dependence on entitlements and much needed economic growth. For all these reasons, it is imperative that we make retirement savings more attractive and easier for parents who face unique financial strains. The Wise bill does just that. I urge my colleagues to support this needed reform.

THE CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY ACT OF 1997

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. BERRY. Mr. Speaker, I rise today to offer my strong support for legislation introduced today by Representative DINGELL, myself, Representative ROUKEMA and others. Our bill, the Children's Health Insurance Provides Security or "CHIPS" Act, will help America's children get the preventive health care they need to become healthy adults.

Over 10 million children in this country—a country where over 1 million children a year are being born into poverty—are currently without health insurance. If parents can't afford to purchase health insurance, and cannot afford to pay health bills, those bills do not go away. No, Mr. Speaker, we all pay for the uninsured.

Arkansas recognizes that uninsured children need to receive coverage. Recently, our State enacted a law that is very similar to the legislation we introduced today. In Arkansas, children in families up to 200 percent of the Federal poverty level will have affordable, accessible health insurance.

Arkansas has proved that we can solve the problem of uninsured children in a fiscally responsible manner, as part of a balanced budget. Arkansas is required by State constitution to balance its budget each year, and yet it has set aside $11 billion to provide health insurance by expanding its Medicaid program.

The legislation we introduced today is an investment in America's future. It is preventive medicine. Think about it—we can provide health insurance for children for only $700 a year. That's equal to the cost of just one day in the hospital for a child. Or, we can ignore this opportunity to invest in prevention and end up spending hundreds or thousands of dollars down the road when a child is hospitalized.

I am proud to be part of this effort today, and I believe that this measure should be an integral part of balanced budgets offered by both Democrats and Republicans this year. This legislation has bipartisan, bicameral support and I urge my colleagues to include its provisions in our Nation's budget.

A TRIBUTE TO DORRIE THURMAN

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. DAVIS of Illinois. Mr. Speaker, today I take this opportunity to pay tribute to a great American who gave consistently of herself for the betterment of her community, her city, and her country.

Dorrie Thurman was a community activist in Chicago's Uptown neighborhood where she worked for many years on behalf of the poor and disadvantaged members of our society. She was a member of several welfare rights organizations and eventually became president of The Voice of the People, an affordable housing development corporation.

Dorrie was a strong proponent of the philosophy that "you cannot lead where you don't go and you cannot teach what you don't know." Therefore, she lived in a building owned and operated by The Voice of the People.

The Chicago Tribune wrote, "in her heyday, little Dorrie Thurman was a community leader in Uptown; the kind of big-hearted activist who once sprouted in Chicago like wildflowers in a vacant lot."

Ms. Thurman leaves a great legacy of involvement, determination, and belief that people can make a difference. Her vibrancy, spirit, and willingness to give of herself made her a unique person who will always live as a part of the history of Uptown and as a part of the history of the advocacy for poor people throughout America.

HUMAN RIGHTS ABUSES IN U.S. TERRITORY

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. MILLER of California. Mr. Speaker, over two dozen Members of Congress have joined in introducing H.R. 1450, urgently needed legislation to stop the inexcusable pattern of labor and human rights abuses in the United States Commonwealth of the Northern Mariana Islands [CNMI]. The full extent of those systematic abuses was detailed in the report released last week by the Democratic staff of the Committee on Resources, Economic Miracle or Economic Mirage: The Human Cost of Development in the Commonwealth of the Northern Mariana Islands.

Prominent human rights and religious groups including Human Rights Watch, the Asia Pacific Center for Justice and Peace, and the United States Catholic Conference, as well as national labor organizations, are unified in their support of the Insular Fair Wage and Human Rights Act of 1997. This bill would mandate needed reforms in the CNMI's minimum wage and immigration policies. H.R. 1450 sends a strong message to the CNMI Government that these continued abuses will not be tolerated on United States soil.

I welcome the following April 28, 1997 editorial from the Honolulu Star-Bulletin in support of this important legislation. The editorial accurately refers to reports that mistreatment of CNMI laborers has been well documented for years, and the CNMI Government has been unwilling to provide satisfactory protections to these thousands of guests to the United States.

This editorial as well as the strong support of the Hawaii congressional delegation and the many organizations in Hawaii including the Filipino Coalition for Solidarity, the United Filipino Council of Hawaii, the Oahu Filipino Community Council, the Aloha Medical Mission, and the Hotel and Restaurant Employees Union, Local 5, is critical to achieve reform in the CNMI.

The Department of the Interior has urged Congress to take swift action on this issue. It is my hope that the administration, the Congress, and the strong coalition of interest groups will be successful in bringing about reform in the CNMI this session of Congress.

[From the Honolulu Star-Bulletin, April 28, 1997]

CONGRESS SHOULD ACT ON NORTHERN MARIANAS

Patience with the Northern Marianas government is running out in Washington. A group of Democratic members of the House of Representatives, including Hawaii's members, is seeking expansion of federal control of the islands to deal with abuses of foreign labor. These reportedly include forced prostitution, drug activity and labor practices likened to slavery.

Rep. George Miller, D-Calif., has introduced a bill to raise the minimum wage in the Northern Marianas to the federal level, institute federal control over immigration and require garment manufacturers to comply with federal labor laws. Hawaii Reps. Neil Abercrombie and Patsy Mink are among the 25 co-sponsors.

The Northern Marianas were formerly part of the Trust Territory of the Pacific Islands. They became a U.S. commonwealth in 1976 after the people approved that status in a plebiscite. As a commonwealth, the islands have limited autonomy but are still under U.S. control.

Complaints about employer mistreatment of foreign labor have been heard for years. Two years ago an official of the Interior Department's Office of Territorial and International Affairs told a meeting organized by Hawaii Filipino leaders that the reported violations of human rights in the Northern Marianas "have no place in a place that flies the U.S. flag." The official spoke in Honolulu en route back to Washington from an inspection trip to Saipan, capital of the Northern Marianas.

Miller charges that the human-rights violations continue in the islands despite criticism by Congress and federal agencies. He says, "These workers are not free." His bill has the support of Filipino organizations in Hawaii. Filipinos comprise the largest group of foreign workers in the islands, but there are also workers from China, South Korea and Japan.

A bill to federalize the Northern Marianas' minimum wage passed the Senate last year but died in the House. Miller's bill is worthy of support in view of the inability of the commonwealth government to deal with the problem. These abuses need not and should not be tolerated because the Northern Marianas have commonwealth status.

HONORING THE VICTIMS OF THE ARMENIAN GENOCIDE

HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. WEYGAND. Mr. Speaker, on behalf of the Armenian community in Rhode Island, I would like to take the opportunity to recognize and commemorate the Congressional observance of the 82d anniversary of the Armenian Genocide, a solemn, yet historically significant event.

We honor today the 1.5 million victims, who were massacred at the hands of the Ottoman Turks, and express our condolences to their descendants. The world has chosen to ignore this tragedy and because we must ensure that history does not repeat itself, we need to properly acknowledge the horrors of the Armenian Genocide.

The Armenian Genocide was launched when efforts led by the Ottoman Empire led to the eradication and destruction of the Armenian people. As a result, over 300,000 people died in 1895 and 30,000 in 1909 before the West eventually interceded. The tumultuous events of World War I allowed the Turks to launch their next assault on the Armenian community. The period of 1915–23 marks one of the darkest periods of modern times—the first example of genocide in the 20th century. On April 24, 1915, 200 intellectuals, political and religious leaders from Constantinople were executed by Turkish officials. Throughout an 8-year period, Armenians were driven from their homes, forced to endure death marches, starved, and executed in mass numbers.

To this day, the Turkish Government does not recognize any of these occurrences and denies responsibility for the eradication of almost the entire Armenian population living in Turkey.

I gather here today with my fellow colleagues and the Armenian community to proclaim that the genocide did indeed happen. Unfortunately, we cannot change the past, but we can all work together to ensure that these injustices never occur again in the course of humanity. By honoring the victims of the Armenian Genocide and sharing the grief of their families, we can begin to heal the many wounds.

I would like to end with this thought from former President Theodore Roosevelt, who in 1915 stated:

> . . . the Armenian massacre was the greatest crime of the war and the failure to deal radically with the horror means that all talk of guaranteeing future peace of the world is mischievous nonsense.

TRIBUTE TO EUNICE FLANDERS CARY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues in the House of Representatives to join me in paying tribute to a very special person who has truly made a difference in the lives of others, Eunice Flanders Cary of East Orange, NJ.

Mrs. Cary is being honored for her efforts in providing foster care to African-American youngsters for more than 50 years. During the earlier years of her life, she volunteered to serve her community and did so until she retired more than 2 years ago.

Eunice Flanders Cary is a native of New Jersey who has lived most of her life in Vauxhall. She raised three children—Jean Hopkins, Bernice Sanders, and a son, George Cary, now deceased. Mrs. Cary has six grandchildren and seven great-grandchildren.

In 1968, Mrs. Cary opened the first Emergency Shelter for Foster Children in Essex county. During this period, Mrs. Cary provided a home for 84 boys, giving guidance and love to each. Many have found rewarding positions in their adult lives as fireman, bank managers, bus drivers, and businessmen. Although retired, she still has one of her boys, who is now 82, residing with her.

Mrs. Cary is a member of Bethlehem Chapter No. 41, Order of the Eastern Star, PHA East Orange, where she has served as treasurer for 28 years and also served as past matron of her chapter. In addition, she is a member of Ruth Court No. 5, past most ancient matron heroines of Jericho and Rose of Sharon Court No. 4, Order of Cyrenes, PHA.

In 1978, Mrs. Cary was honored by the Life Members guild of the National Council of Negro Women for being a foster mother to homeless boys. She is a life member of the National Council of Negro Women, Section of the Oranges.

Mrs. Cary has been a member of Messiah Baptist Church in East Orange since 1945 and has been a member of the Church's flower guild for 41 years. Her community involvement includes working with United Way and the Bureau of Toys Services.

Mr. Speaker, we in New Jersey are very proud of this wonderful woman and we are grateful for all that she has done for our community. Please join me in sending congratulations and best wishes to Mrs. Cary as we celebrate her many years of distinguished community service.

HONORING ABINGTON FRIENDS SCHOOL

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor an outstanding school which began educating our youth even before our Founding Fathers brought forth this great Nation. Founded in 1697, Abington Friends School has the distinction of being the oldest primary and secondary education institution in the United States to operate continuously at the same location and under the same administration.

Abington Friends School is an independent, coeducational, college preparatory day school, founded by and administered under the care of the Abington Monthly Meeting of the Religious Society of Friends—The Quakers.

Mr. Speaker, Abington Friends School has been dedicated to teaching the values of peace, community service and commitment to society for three centuries—long before this week's Presidents' Summit for America's Future in Philadelphia attempted to deliver the same message.

It is a basic Quaker tenet that all conflicts can be resolved peacefully. The strength and success of Abington Friends School is that while certain elements have remained the same throughout the past 300 years, the school has shown the ability to adapt to the changing times while still providing a quality education and remaining true to their motto—"Commitment, Community, Character."

In 1697, John Barnes, a wealthy tailor, donated 120 acres of his estate and 150 pounds in currency to construct a meetinghouse and school. The school was the first educational institution in the Abington area and the first classes were conducted in the Meetinghouse.

To put the history of Abington Friends School in perspective, a chronicler once noted that "when the marching troops of General Washington and General Howe kicked up the dust of Old York Road in 1777, it was not the first pupils of the schools who watched with alternating emotions from the hedgerows, but the grandchildren of those first scholars." The school's address—Washington Lane—is a tie and a tribute to that past.

From the beginning, Abington Friends School was ahead of its time, starting as a coeducational school. George Boone, uncle of Daniel Boone, was the popular headmaster from 1716 to 1720. The current caretaker's building next to the Meetinghouse served as the school beginning in 1784. Boys met on the first floor; girls on the second. The present School Store is believed to have been built between 1690 and 1710. The building was either a farmer's residence or a storage cottage.

Over the last 15 years, seventh-grade students have been involved in an archaeological dig around the store and have uncovered 10,000 artifacts many of which are on display at the school. Among the finds are Colonial artifacts that give credence to the fact that Washington's troops did pass by the school and may have even stopped there.

Abington Friends School was also a leader in the movement to abolish slavery in the United States. Benjamin Lay who lived across the street from the grounds during the 1700's was a Quaker and an ardent abolitionist. He made his distaste for slavery known to the Friends. One day, he detained some students on their way home from school and told the distraught mother: "How do you think those poor mothers in Africa feel when their children are torn from them, never to be returned again?" This family freed their slaves. By 1760, there were black students at Abington Friends. This was 16 years before the Quakers abolished slavery in their ranks and the outset of the American Revolution; 100 years before the American Civil War and 200 years before integration and the Civil Rights Movement. In fact, the earliest school picture from 1869 shows black students.

The abolitionist fervor carried on 100 years later. Lucretia Mott, a local Quaker woman and frequent attender of Abington Monthly Meeting from 1857–1880, often spoke to students about her experiences as a conductor on the Underground Railroad. In fact, it is likely that the Meeting and school may have been a stop on the Underground Railroad. Today, third-grade students culminate their study of the Underground Railroad by participating in a simulation on the grounds around the Meetinghouse. It is fitting that civil rights pioneer Rosa Parks appeared at Abington Friends this past October.

Abington Friends School operated as a boarding school from 1887–1914 when a Quaker minister, Edith Atlee, saw the need for secondary education. The result was a school from kindergarten through 12th grade. After the close of the boarding school, the high school was eliminated. In the mid 1920's ninth grade was added. Due to the increase of public schools in the area by the early 20th century, enrollment at Abington Friends began to drop, particularly among boys. In 1931, Abington Friends became an all-girls college preparatory school. Boys were readmitted in 1966 with the first co-ed graduation in more than 40 years occurring in 1975.

In 1959, the school committee which establishes policy for the school directed Headmaster Howard Bartram to "expand the number of students and teachers whose racial, religious and cultural backgrounds would help us better understand the world in which we live."

The school continues to actively pursue students of various backgrounds. There are students from Bolivia, Bosnia, England, Israel and the Ukraine and faculty from Ghana and Sweden. This adds a rich international and diverse flavor to the school. A student-run multicultural organization plans such celebrations as Black History Month, Chinese New Year, and a December program which recognizes all the different cultural holiday. A lower school Spanish program exposes students to the values of being multilingual and teaches them to have respect for other cultures.

While Abington Friends School celebrates three centuries of education, it is prepared for the 21st century. Students use computers to access information on the Internet, to write or compose art or to communicate with students in other cities, states and countries. Strong arts, theater, music and athletic programs enable students to find that they have talents in multiple disciplines.

From the first September nearly 300 years ago, Abington Friends School has been a special place for children. Quakers and non-Quakers and children of all races, nations and economic backgrounds have received rigorous academic training in an environment which empowers them to create, question, challenge and explore. Students are taught the value of peaceful conflict resolution and are required to perform community service. With these powerful guiding principles, Abington Friends School has been able to help children grow into productive, responsible adults committed to improving their communities and the world.

Mr. Speaker, I would like to honor the students, faculty, administrators, and parents of Abington Friends School as they celebrate their rich history, the dedication to the community, their commitment to peaceful resolution of conflict and their respect for all members of the human family without regard to race, color, creed or social standing. I praise their efforts to raise generation after generation of American children dedicated to working for the common good and I wish them prayers and good wishes for the next 300 years and beyond.

Mr. Speaker, I yield back the balance of my time.

TRIBUTE TO THE LATE HON. CHARLES ARTHUR HAYES

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Ms. KAPTUR. Mr. Speaker, I wish to extend the deepest sympathies of our community to the family and friends of Congressman Charles Arthur Hayes of Chicago, IL, who served in this body from September 1983 through December 1992.

It was my distinct pleasure to know and work with this indefatigable man we called Charlie, including a visit to his central city Chicago district. During that tour, we walked from public housing development to public housing development, trying to envision a better and different future for the people—especially the children—living there.

He knew every nook and cranny of his town. While we explored his neighborhoods, he talked about his early life, how upon graduation he had sought to work in Chicago but was denied because he was a man of color. He eventually joined the United Food and Commercial Workers Union and spent his life as a tireless and vocal advocate for the working people of our Nation—and for those who wish to work but are denied access.

Through his life, he helped America move forward. As a staunch ally of Martin Luther King, Jr., and civil rights advocates, he changed the laws of our land to meet the Nation's promise that "All people are created equal."

We shall miss you, Charlie. I still look for you in the corridors of Congress, and still hear your voice. Very few citizens with a background like yours achieve election to this Chamber. You brought a set of experiences and a world view that need greater voice. Rest in peace, faithful servant. In your life, you made a difference.

WOMEN'S BUSINESS DEVELOPMENT PROGRAM

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. LAFALCE. Mr. Speaker, today I am introducing legislation to authorize permanently a very successful, low-cost, community-based program to train and counsel current and potential women business owners. This program was created as part of the Women's Business Ownership Act of 1988, which I authored. Mr. Speaker, women entrepreneurs are an increasingly significant part of the U.S. economy. They account for approximately one-third of all U.S. businesses and are starting businesses at twice the rate of men. Masked by these impressive statistics, however, is the fact that women encounter numerous obstacles trying to start, maintain or expand a business—obstacles which must be eliminated if we are ever to realize the full potential of this dynamic sector of our economy.

While all small businesses have common challenges—access to capital, for example—

there are particular problems faced by women. In 1988, the Committee on Small Business first heard testimony from dozens of women business owners on this issue. One area which was repeatedly cited was a need for business training to teach women financial, management and technical skills. The women's business training program, which is the subject of today's legislation, thus was established as a pilot program to see if it could help fill the training void. I can report to you today that it has exceeded our hopes for it.

As befitting a program administered by the Small Business Administration, this program takes a very entrepreneurial and business-like approach to fostering and assisting women entrepreneurs. Organizations experienced in business counseling and training may submit to the SBA proposals for Federal funding to start a training center. The process is very competitive as Federal funds for the program are limited and must be matched by non-Federal assistance according to a specified formula. I can assure you that such terms weed out all but those who are the most committed to assisting women entrepreneurs and are the most likely to be able to keep their centers operational over the long term.

Nine years after getting off the ground, there are currently 54 training sites—19 of which are currently receiving Federal funding—in 28 States and the District of Columbia. Contributing to the program's success is the fact that this program does not require a one-size-fits-all approach. Each center tailors its style and curriculum to the particular needs of the community—be it rural, urban, low income, or linguistically or culturally diverse.

With the centers flexible enough to base everything from hours of operation to class offerings on community needs, the sites have understandably been highly responsive to low-income women and those seeking to get off welfare. We all know the intensive assistance that must be given to women who are likely to be entering the business world for the first time. Having spoken to the directors of many of the women's business centers about their programs, I can attest to their commitment to working with these women; to making available the necessarily broad array of business and skills courses; and to providing them a learning atmosphere that is supportive enough to bolster them in their decision to make the transition from welfare, yet realistic enough to prepare them for the responsibilities of owning a business.

More than 55,000 women have sought and benefited from the training and counseling in business management, marketing, financial and technical assistance offered by the centers. The centers have directly led to business startups, expansions, and job creation. Equally important, the program has also prevented business failures.

Mr. Speaker, I could spend hours giving concrete examples of the accomplishments of this program and describing the experienced and talented people who put enormous time and energy into running their sites. I will, however, take just a minute to give a few examples of how creatively this program has responded to the needs of its clientele and the realities of the economy and business world they seek to be part of:

The Washington, DC and Los Angeles sites are working on a pilot program with the Department of Defense to provide business training to military spouses, who often cannot develop a career because of the frequent moves required by military life. The training is focusing on portable businesses—ranging from computers to hair care services—that the military spouse can move when the family changes duty stations. This pilot program will take place in Norfolk and San Diego.

All of the women's business centers—including those no longer receiving Federal moneys—are linked on a women's business intranet, which will lead shortly to an Internet training site. Based at the Dallas business center, the computer training site will make available to any woman with a computer business training, mentoring, counseling, etc. This program and its potential so impressed IBM that it has partnered with the Small Business Administration's Office of Women's Business Ownership to give them 240 computers for the sites to teach women how to use computers for business purposes such as developing a business plan.

The Milwaukee program has set up in a nearby office building a coffee business called Coffee with a Conscience. The training center rotates potential businesswomen as "owners" of the coffee cart, giving them firsthand experience in the fundamentals of owning a business, including bookkeeping, ordering supplies, and working with customers, and also gives them an opportunity to answer threshold questions such as whether they want to put in the time that owning a business demands.

The Center for Women and Enterprise in Massachusetts last year was given $150,000 by the Bank of Boston toward the center's private matching fund requirements. Since then, one of the center's clients has won a Small Business Innovation and Research award, which is a highly competitive Federal grant given to small businesses which have technologically innovative and commercially feasible products to develop.

Mr. Speaker, this program has since its inception received broad bipartisan support in both Houses of Congress. It does what we want most Federal programs to do: runs on a shoestring, produces concrete results, reaches and benefits a wide array of individuals, involves only a small amount of Federal financial aid to any one recipient location, and requires no bureaucracy to run it. This program works and it puts people to work. I urge all Members to support this bill and I look forward to its quick passage.

TRIBUTE TO MICHAEL J. KOVACS

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. WELLER. Mr. Speaker, I rise today to honor the work and dedication of Michael J. Kovacs. Mr. Kovacs has worked tirelessly for over 15 years to educate the people in the south suburban communities of Chicago.

Mr. Kovacs has chosen to give back to his community by volunteering his time and valuable skills to the local cable industry. Over the years, in cooperation with Steve Klinhert and Kenny White of Continental Cablevision, Kovacs has reached out to local schools, churches, VFW's, chambers of commerce, and local elected officials with his film-making skills in an effort to keep the community informed on important issues in their area.

Michael Kovac's commitment to providing service to his community deserves the highest commendation. His impact on Chicago's south suburban community is not only deserving of congressional recognition, but should also serve as a model for others to follow.

At a time when our Nation's leaders are asking the people of this country to make serving their community a core value of citizenship, honoring Michael Kovacs is both timely and appropriate.

I urge this body to identify and recognize others in their communities whose actions have so greatly benefited and enlighted America's communities.

NATIONAL WRITE YOUR CONGRESSMAN

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. RAMSTAD. Mr. Speaker, new technologies like electronic mail and the Internet have helped bring people closer than ever to the events in Congress. But one of the most instrumental groups in keeping people in touch with their representative, National Write Your Congressman, relies on technology that is as old as this country itself—the U.S. Postal Service.

National Write Your Congressman was founded in Dallas, TX, in 1958. For nearly 40 years, this important organization has helped constituents voice their opinions with monthly mailings that present both sides of controversial issues. Constituents are then asked to mark a ballot in favor of or against a legislative proposal, and return the ballot to their Representative. National Write Your Congressman conducts frequent polls of its membership and informs Representatives of their results. They also keep Representatives' voting records on file, and frequently update their membership on the performance of the men and women who represent them.

I am particularly grateful to LeRoy and Erika Larson of Burnsville, MN, in my congressional district, who visited my office this week.

LeRoy and Erika's tireless efforts on behalf of National Write Your Congressman have enabled my Minnesota constituents to voice their opinion on legislation that directly affects their lives. At the same time, they have been proactive participants in the education of our citizenry, which helps build a more responsible America.

Mr. Speaker, I want to thank National Write Your Congressman for their ongoing efforts to inform citizens of our activities in Washington and to inform us of our constituents' concerns. They are truly helping empower the people of this country and returning the government to the people it was created to serve.

MAJORITY OF HOUSE DEMOCRATS URGE INCLUSION OF MILITARY SPENDING IN BUDGET CUTS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, with the budget negotiations going forward, many of us are disturbed by the apparent assumption that military spending should be continued at its current level while significant reductions are imposed on a wide range of important nonmilitary programs. Health care, environmental cleanup, education, job training, community development, transportation, international economic assistance—all of these are put seriously at risk by a decision to exempt military spending from any significant budget discipline.

While Democratic Members are naturally interested in supporting the President at this critical time, significantly more than half of the Democratic Caucus recently agreed to a letter which we sent to the President last Friday voicing our strong objections to important aspects of the budget negotiations as they have been reported.

To date, 111 of the Democratic Members of the House, along with our Independent colleague, have signed on to the letter in which we have told the President that "we strongly believe that a budget compromise must begin seriously the process of moving funds from the Pentagon and related agencies to the civilian side if we are to balance the budget while avoiding devastating cuts over the next 5 years in important nonmilitary programs."

The goal of reducing the deficit to zero by the year 2002 is very widely shared. The debate is not over whether or not to balance the budget, but whether to do so in a socially responsible way, which meets our obligation to deal with important social and economic problems to the extend that we can, or whether to do it in a way that will exacerbate these problems. Members of the House do not casually write to the President to voice strong objections to efforts to resolve our budget difficulty, and I believe that the fact that so many of us have felt compelled to do so at this time is a point that should be noted here. It is precisely because many of us hope to see a budget compromise reached that we can support that we are making clear what we believe to be the essential elements of such a compromise in this way. Mr. Speaker, I ask that the text of the letter and the list of signers as of noon on Monday be printed here.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1997.

Hon. WILLIAM J. CLINTON,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: We wish to make clear our strong objections to any budget proposal which would maintain the current high level of military spending while reducing severely in real terms both discretionary spending on all non-military functions, and funding for Medicare and Medicaid. You have correctly noted the importance of adequate funding support for education, the environment and job training. We believe that there are other important priorities that must receive adequate funding support in the years ahead as well. Unfortunately, the action of the Republican majority in adding $17 billion to the Pentagon's budget over the past two years has already greatly exacerbated the difficulties we face in providing adequate funds for many of these programs, within the context of a balanced budget by the year 2002. And we are concerned that current proposals from the Republican leadership seek to make this bad situation even worse.

Many of us have been active in past years in seeking significantly greater contributions from our wealthy European, Asian and Middle Eastern allies in contributing to common defense concerns. We have also opposed the development or procurement of extremely expensive weapons which had originally been designed for use in the context of the military competition with a heavily armed Soviet Union. And we believe that there has been an unwillingness on the part of the congressional majority to hold the military and intelligence agencies to the same level of scrutiny as is applied to domestic agencies when it comes to insisting on efficiency and accurate accounting.

We therefore strongly urge you to resist efforts to continue to the pattern of a higher than necessary level of military spending at the expense of the non-military functions of the federal government, including those aspects of foreign policy which have also suffered from inadequate funding in past years. It is our responsibility to inform you that we strongly believe that a budget compromise must begin seriously the process of moving funds from the Pentagon and related agencies to the civilian side if we are to balance the budget while avoiding devastating cuts over the next five years in important nonmilitary programs.

We of course share your view that America must remain the strongest nation in the world, and be well able within a significant margin of safety to meet genuine national security needs. But we believe that the current military budget significantly exceeds what is required in this regard, while important health, public safety, environmental, educational and other functions of the federal government will suffer greatly if Republican priorities are followed. And of course the suffering in this case does not fall abstractly on "programs", but rather on the American people who are the intended beneficiaries of this programmatic activity.

The following Members have signed onto the letter to the President.

Gary Ackerman, Tom Barrett, Xavier Becerra, Howard Berman, Rod Blagojevich, Earl Blumenauer, David Bonior, George Brown, Sherrod Brown, Walter Capps, Julia Carson, Donna Christian-Green, William Clay, Eva Clayton, John Conyers, Elijah Cummings, Danny Davis, Jim Davis, Peter DeFazio, Diana DeGette, William Delahunt, Ronald Dellums, Peter Deutsch, Julian Dixon, Lloyd Doggett.

Eliot Engel, Anna Eshoo, Lane Evans, Sam Farr, Chakah Fattah, Bob Filner, Floyd Flake, Thomas Foglietta, Harold Ford, Jr., Barney Frank, Elizabeth Furse, Gene Green, Luis Gutierrez, Maurice Hinchey, Darlene Hooley, Jesse Jackson, Jr., Sheila Jackson-Lee, Marcy Kaptur, Joseph P. Kennedy, II, Dale Kildee, Carolyn Kilpatrick, Ron Kind, Dennis Kucinich.

John LaFalce, Nick Lampson, Tom Lantos, Sander Levin, John Lewis, William Lipinski, Zoe Lofgren, Nita Lowey, Bill Luther, Carolyn Maloney, Thomas Manton, Edward Markey, Matthew Martinez, Carolyn McCarthy, Karen McCarthy, Jim McDermott, James P. McGovern, Cynthia McKinney, Martin Meehan, Juanita Millender-McDonald.

George Miller, David Minge, Patsy Mink, John Joseph Moakley, Jim Moran, Jerrold Nadler, Richard Neal, Eleanor Holmes Norton, James Oberstar, David Obey, John Olver, Major Owens, Frank Pallone, Bill Pascrell, Jr., Ed Pastor, Donald Payne, Nancy Pelosi, Charles Rangel, Lynn Rivers, Steven Rothman.

Lucille Roybal-Allard, Bobby L. Rush, Loretta Sanchez, Bernard Sanders, Charles Schumer, Jose Serrano, David Skaggs, Louise Slaughter, Deborah Stabenow, Fortney "Pete" Stark, Louis Stokes, Ted Strickland, Bart Stupak, John Tierney, Esteban Torres, Edolphus Towns, Nydia Velázquez, Bruce Vento, Maxine Waters, Melvin Watt, Henry Waxman, Robert Wexler, Bob Wise, Lynn Woolsey, Albert Wynn, Sidney Yates.

225TH ANNIVERSARY OF ALL SAINTS' EPISCOPAL CHURCH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. BORSKI. Mr. Speaker, I rise today in honor of the 225th anniversary of All Saints' Episcopal Church. All Saints' Church was founded in 1772, in the rural area of Torresdale, now known as Northeast Philadelphia. Dr. William Smith, the church's first rector, cooperated with previously established Swedish missionaries to organize All Saints'.

As we honor the anniversary of All Saints' Church, it also serves as a reminder of the history of our Nation. The congregation of All Saints' has been a part of that great history. This parish has seen and experienced all of the great and troubled moments that have made this Nation what it is today. The members of this church have been participants in the very events that have shaped this country.

This past weekend the city of Philadelphia was the forum for a national summit on volunteerism, and the central role that it plays in the success of our nation. All Saints' is an example of the virtues discussed at this summit, and should be commended for its efforts. The early precedent of cooperation and involvement set in place by its founders, has continued throughout the history of the church. A spirit of warmth and service emanates from this group of parishioners. All Saints' is an example of community goodwill, and has served as a unifying force for members of the district.

Under the direction of Dr. Chinn, the current pastor, the church has developed programs to help those less fortunate. Members of the congregation prepare and deliver meals for the elderly and families who are struggling in their current situations. In times of crisis and need, help is always forthcoming in family oriented programs of service and volunteerism. Through the donation of hymnals and vestments, All Saints' also serves those churches within the religious community who are less fortunate.

All Saints' Episcopal Church should be a reminder to us that history and good will isn't just what we read in textbooks or hear about in other areas. It is evident in our communities and neighborhoods. It is living and breathing right in our midst. All Saints' has a place in the great past of the city of Philadelphia, and it will continue to shape and mold both the neighborhood and the people who reside there.

On their 225th anniversary, I would like to congratulate All Saints' Episcopal Church on a long standing ideal of service and community centered action. I wish them luck in their future endeavors, and thank them for 225 years of unwavering commitment to the people of Philadelphia.

DRIVE TO RATIFY FLAG PROTECTION AMENDMENT CONTINUES

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. SOLOMON. Mr. Speaker, earlier today, I testified before the House Judiciary Subcommittee on the Constitution in support of House Joint Resolution 54, the flag protection amendment. As of today, this joint resolution has 274 cosponsors, two dozen more than we had in the 104th Congress when we overwhelmingly approved similar proposal by a vote of 312 to 120. It is my fervent hope and expectation that this amendment will come to the House floor for a vote before Flag Day, June 14. I urge any supporters who have not yet cosponsored the joint resolution, to do so now, and I respectfully request that my remarks from the subcommittee hearing be printed here.

Thank you very much Chairman Canady and panel members for inviting me here today to testify on the Flag Protection Amendment.

I also want to commend Mr. Canady and the over 270 other cosponsors of this joint resolution. And let me add this: with such good people on my side, I cannot wait to represent this amendment, first on the House floor, and then to the states for ratification.

But first, with your indulgence Mr. Chairman, I would like to tell you why I think this amendment is so important.

It is important for many reasons. First of all, the overwhelming majority of Americans support this amendment.

In Congress, it has won the support of members from both sides of the aisle, in both chambers. The presence of my good friend Bill Lipinski next to me today is proof of that.

And finally, and this may be even more important, I am joined by constitutional scholars in saying this amendment actually strengthens our First Amendment freedoms.

I emphasize that, Mr. Chairman because some Americans have raised questions about our fundamental freedoms of speech and expression. I have the same concerns they do, and they deserve some straight answers.

Now, I am not going to spend too much time paying tribute to the flag. I am sure it's safe to say that respect for the flag is something everyone in this room shares.

Americans have always felt that way about their flag, and that's why there is so much precedent for what we're doing here today.

Some critics might say that the Supreme Court has spoken on this matter, and that's that! Well, not quite.

In the history of the Supreme Court, few members guarded the First Amendment so jealously as Justice Hugo Black and Chief Justice Earl Warren. Both stated forcefully that there is no First Amendment problem with banning flag desecration.

And they also believed that nothing in the Constitution prevented individual states from enacting laws to prohibit the physical desecration of the American flag!

What we seek today is not an amendment to ban flag desecration but an amendment to allow Congress to make that decision.

Some of you may point out that this amendment differs from the one I offered in the last Congress. You are right. In the 104th Congress, the House overwhelmingly voted 312 to 120 to allow Congress and the States to prohibit the physical desecration of the American flag.

Unfortunately, that amendment fell three votes short in the Senate. While I support enabling both Congress and the States to prohibit flag desecration, a few members expressed their concern that giving the States this power could lead to 50 very diverse laws on the topic. While I do not have those concerns myself, I worked with this amendment's cosponsors and the members of the Citizens Flag Alliance to rewrite the Amendment to address those concerns and only empower Congress to prohibit flag desecration.

It is entirely appropriate to draft the amendment in this way. It is after all, the American flag—our nation's flag—that we are discussing. The federal government should be the one to make laws protecting it. I know this will relieve many of those who raised this concern in the past.

And physical desecration does not only include flag burning, it also includes the outrageous acts of people defecating on the flag—that's right, actually treating our flag like it was nothing more than toilet paper. You will hear a witness testify more about that later.

One vote—I repeat, one vote—in a 5 to 4 decision turned the Court's back on the tradition of Justice Black and Chief Justice Warren, and all of a sudden flag-burning became "expression" protected by the First Amendment. But the very analysis of that slim majority did not support that conclusion.

The Court said that the government cannot prohibit the expression of any idea just because society finds that idea offensive or disagreeable.

But the Texas state law overturned in that 1989 decision did not suppress any idea at all.

Look at it this way. What idea does burning a flag communicate? What idea does defecating on the flag communicate? What thought does it express? Obviously, none!

Under that Texas statute, and others like it, no one was required to worship the flag or was prevented from speaking about the flag, or even prevented from insulting the flag verbally. It only said they could not physically desecrate the flag.

After all, everyone understands that no "right" is absolute. We cannot yell "fire" in a crowded theater. We cannot holler obscenities on the corner of a residential neighborhood and not get arrested for disturbing the peace.

And if I don't like someone, I can say so, but I cannot express my dislike by punching him in the nose. When my dislike goes from thoughts, or words, to action, well, then I have crossed the line the Supreme Court itself has drawn in the sand over and over again.

The finest constitutional minds in the country—including Judge Robert Bork and legal scholars Stephen B. Presser and Richard D. Parker—tell us that this is not a First Amendment issue.

They will tell you that for any society to survive, there has to be some common basic rules of civility and respect which we all can live with. Every viable society has to be able to say: "This you shall not do. We, as a community, find this conduct highly offensive!"

The only other alternative is chaos and fragmentation. This is true even in a society as pluralistic and diverse as ours. In such a society, it is all the more important to protect the most important symbol of unity we have. And what's more important than Old Glory? Our flag and all it represents make us Americans.

You know, not long ago, we celebrated the 50th anniversary of Iwo Jima, and we all know that the Marines did not run a copy of the Constitution up a pole on Mount Suribachi. When some tragedy occurs, we do not fly the Presidential Seal at half-mast from our federal buildings. We do not salute the Liberty Bell.

And so it's been across the world. Whether it's been Manila, or Paris, or Kuwait City, whenever American troops have liberated cities from oppressors, they have been greeted by grateful people waving—not the Constitution, not the Presidential Seal, not Big Macs or blue jeans—but the American flag.

And that love of the flag certainly is not dead in our own country. Eighty percent of the American people want this amendment. Over 100 national civic, fraternal and veterans organizations have been working since 1989 for its ratification.

Furthermore, forty-nine (49) states have asked Congress to pass this amendment. That's 11 more than the 38 needed to ratify it! When was the last time any amendment (regardless of whether or not it was ratified) garnered such broad-based support.

Mr. Chairman, I am pleased that consensus and reasoned arguments are going to enact this amendment, as opposed to the passions and politics of the moment. The grass-roots movement which has gathered steam over the past eight years is a testament to this.

For those who worry how ratifying this amendment would lead our nation down a slippery slope, I can assure you that the very difficult process which our Founding Fathers created to amend the Constitution will prevent a floodgate of amendments from happening, just as it has blocked frivolous amendments for more than 200 years.

And so, to sum up—We are not banning desecration of the flag. We're only giving Congress the right to do so, a right that it really always had up until the past eight years.

Not only does our amendment enhance rather than threaten the First Amendment, but burning the flag is not speech or expression, it is a hateful tantrum. And defecating on a flag is even worse.

Finally, the American people—and the constituents of every member in this room—want us to pass this amendment. So let's do it.

IN MEMORY OF MIKE ROYKO

HON. JOHN EDWARD PORTER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. PORTER. Mr. Speaker, when Mike Royko passed away this week, America lost more than a syndicated newspaper columnist. We lost one of the greatest writers and most consistent voices of reason in modern journalism. This loss is especially hard for Chicago, a city where he was born, whose people he loved, and who loved him right back. At the time of his death, Mike was also a resident of Winnetka in my congressional district, and I am very proud to have represented a journalist of his caliber.

For an entire generation of newspaper readers, Mike Royko captured the daily wonders and absurdities of life like no one else. From his early days at the former Daily News to his work at the Chicago Sun-Times and then the Chicago Tribune, Mike made millions of faithful readers laugh, cry, and most of all, think. He wrote with an understated eloquence that touched us and made us confront the most difficult issues of our time.

Mike was especially quick to expose the foibles of elected officials and the ridiculous excesses of bureaucracy. But while the targets of his columns would gnash their teeth, they had to admit that, more often than not, Royko was right on target. He was keeping the politicians and the bureaucrats honest. And in those rare instances when he made an error, Mike was the first to correct it.

Back in 1994, I became incensed about the treatment of Hyde Park restaurant owner Hans Morsbach, who was being unfairly charged with discriminatory hiring practices by the Equal Employment Opportunity Commission. I decided to address this matter in the House, went down to the floor, and talked about this crazy situation at the EEOC.

Well, my comments were brought to Mike Royko's attention—who had been writing about the Morsbach case—and the very next day he devoted his column to my floor statement. Being included in Mike's column is one of the great honors of my career in public service * * * especially since I was fortunate enough not to be the target of his razor-sharp wit.

Throughout Chicago and the Nation, there are many, many people who knew and worked with Mike over the years who are paying tribute to him. One of the most fascinating comments, which I understand was shared on a Chicago radio show recently, was about the richness and enduring insight of Mike's writing. The observation was something like this: 100 years from now, if a student wants to understand what life was like in America during the latter half of the 20th century, there is only one thing he or she has to do—read Mike Royko's columns.

Mr. Speaker, Mike Royko set standards for all journalists to admire and a legacy of work that will long endure. I know that I speak for many when I say that when I read the Chicago Tribune from now on, there will be a void on page 3 that can never be filled.

Thanks for all you added to our daily lives, Mike. We will miss you more than words can say.

A TRIBUTE TO "VOICES FROM VIETNAM"

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, on February 28, 1968, reconnaissance Sgt. Marvin Acker of Middleton, WI, wrote to his fiancee from the steamy, jungles of Hue and Phu Bai of North Vietnam. Acker wrote:

> I've seen how easy it is to die. So very, very easy. One second you're alive and the next second you're dead. I can't wait until I'm home again where there's peace and not half as many worries as there are here.

Sergeant Acker is one of more than 57,000 Wisconsin residents who put their lives on the line and served their Nation with distinction and honor in Southeast Asia during the Vietnam conflict. The emotions, thoughts, and observations of these brave men and women have recently been chronicled in one of the most important works to be published in recent memory: "Voices from Vietnam."

Published by the State Historical Society of Wisconsin, "Voices from Vietnam" is a bold and comprehensive project which chronicles the Vietnam war from the broad perspective of more than 230 Wisconsin veterans and their families. With their assistance, an incredible 12,000 letters were donated to the Historical Society for this ambitious effort. The book covers the Vietnam experience from scores of sources, from those who were on the frontlines fighting the Viet Cong, to those who were held captive in the infamous Hanoi Hilton.

Through their letters, their harrowing experiences are brought to life.

Lt. Frederic Flom of Menasha spent 6½ years enslaved in the Hanoi Hilton after his plane was shot down over North Vietnam. During this time, Lieutenant Flom kept a diary written on 27 tiny cigarette wrappers which he kept hidden from prison guards. He wrote of "tiny dark rooms with no windows * * * ungodly hot during the summer and bitter cold in the winter." Lieutenant Flom had the good fortune to return home alive, after surviving torture, rats, and starvation, but others were not so lucky.

John K. Marshall was born in Green Bay and enlisted in the Marine Corps in December 1967, while still a senior in high school. The year 1968 was tragic for this heroic marine. John wrote to his parents after receiving his first purple heart award during a mortar attack, "you know if you get three purple hearts you get out of Vietnam." Less than 6 days later, John received another purple heart during another firefight with the VC. Then, 2 months later on November 14, 1968, John wrote to his mother and father, "I had a dream last night that some VC were coming towards me and I got shot up pretty bad but lived and got a third purple heart." Three days later, young John was killed in action and his parents were mailed his third purple heart which was awarded posthumously.

Some of the letters, however, reveal a lighter side of the Vietnam experience of which we seldom hear. Larry Kammholz, a Milwaukee native and commander of the 736th Medical Detachment at Moc Hoa, wrote to his wife and asked her to mail cans of Schlitz, Pabst, and Miller, along with Wisconsin cheeses and sausage, so Wisconsin troops could throw a party for Illinois soldiers. Peter Ponti of Madison wrote to his Aunt Agnes from a USO show that "Raquel Welch is just as beautiful in person as she is in the movies."

And Larry Bueter of Antigo and Sheboygan who served as a draftsman near Da Nang wrote to his family to describe a Christmas celebration thousands of miles away from home:

> We then observed a 5 minute silent prayer to usher in Christmas Day after which we all took communion then returned to our seats and sang "Silent Night," to finish the service. It was really an experience, and one I won't ever forget.

I want to acknowledge the outstanding work of the Wisconsin State Historical Society for realizing this tremendous project to its greatest potential. My good friend and former Wisconsin State Senate colleague Bob Jauch of Poplar, WI, who served in Vietnam, was instrumental in recognizing the need to publish this book, and secured the necessary funding through the State to make "Voices from Vietnam" a reality. I would also like to acknowledge Michael Stevens who did a remarkable job of editing the book. I especially want to thank John Koeppen, a Milwaukee native now residing in Racine whose story appears in "Voices from Vietnam," for presenting me with a personal copy of this outstanding work. I urge all of my colleagues to contact me to learn more about "Voices from Vietnam."

Of Wisconsin's heroic patriots, 1,239 never returned to the Dairy State and it is in their memory that "Voices from Vietnam" is dedicated. Indeed, the book is a fitting tribute to their deeds, their actions, and their unfailing courage.

A TRIBUTE TO DONALD VINCENT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. KUCINICH. Mr. Speaker, Donald Vincent is a native American Indian. He is a member of the Pima Tribe located in the Phoenix, AZ, area.

He was born on July 25, 1931, in Phoenix, AZ. He attended the local schools and graduated from high school in 1949.

He entered the U.S. Army in 1950 and was stationed in Korea. After being awarded the Korean Presidential Medal, he was discharged January 13, 1953.

Don and his lively wife Bernice have been married for 43 years. They moved their family to the Cleveland, OH, area in 1960. They are the proud parents of five children, three sons and two daughters. They also have three grandchildren and one great-grandchild.

Don joined the Veterans of Foreign Wars, Fred A. Bloetscher Post No. 868, located at 2054 Fulton Road, Cleveland, OH, in 1969 where he is an active member. He served his post as commander from 1990 until 1992 and again from 1994 until 1996. Don also served as membership chairman in district and inspector in Cuyahoga County Council.

Don started through the chairs in Cuyahoga County Council in 1995 as junior vice-commander and advanced through the chairs to become Cuyahoga County commander for the 1996–1997 term.

Don retired January 31, 1997 after being employed at Loc-Tite Corporation in Warrensville Heights for 27 years. He currently resides in Cleveland, OH.

SALUTE TO MS. MARGARET McGLOWN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. THOMPSON. Mr. Speaker, I rise today to honor one of my constituents, Ms. Margaret McGlown. Ms. McGlown has contributed greatly to insuring her community's place in the future.

Ms. McGlown, along with 32 of her sorority sisters from Zeta Phi Beta Sorority, Inc., have adopted 35 students from J.W. Stampley Elementary School in Clarksdale, MS. She has implemented an intensive mentoring program called HOPE [Helping Other People Emerge]. Under this program, Ms. McGlown has been able to provide a better world for these less fortunate students who otherwise would not have this opportunity. She is an outstanding individual who is helping to shape the minds of our youth so that they may be prepared for the future.

Today, Ms. McGlown will be honored for her accomplishments by USA Weekend, the third largest magazine in the country. Her project is one of only 11 chosen from 1,042,467 entrants nationwide on USA Weekend's Make A Difference Day.

Ms. McGlown has thoroughly demonstrated her commitment to strengthening the minds of our youth. Her enthusiasm and service are special qualities that make her an individual from whom we can all learn a valuable lesson. Mr. Speaker, I urge you to join me in congratulating Ms. Margaret McGlown and the Zeta Phi Beta Sorority for their outstanding service to the Clarksdale, MS community.

McINTOSH FAMILY BECOMES AMERICAN CITIZENS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise to speak on a matter of great personal importance—yesterday was a very bittersweet day in the lives of some of my constituents. Sadly, Mr. Speaker, 3 years ago a bright, young man who had interned in my office died a tragic and most untimely death. Robert McIntosh, a rising sophomore at the University of Florida, was on a camping trip with friends in the summer of 1994 when he was swept over a waterfall near Seattle. Robert was one of the most thoughtful and hardworking young men I have ever had the pleasure of working with. He, like his parents and siblings, was born in Jamaica and came to the United States to pursue the American dream.

Mr. Speaker, I am proud to report that yesterday Tomas and Marilyn McIntosh—Robert's father and mother—became American citizens. Robert's brother and sister, Thomas and Natalie, also became citizens yesterday. The McIntoshs' wish was to have their children become Americans and live out the American dream. Tragically, there was one member of the McIntosh family who will never get that opportunity. Robert has been missed and thought about by me and all of those of us who cared for him since the day of his death. I come to the House floor today because yesterday should have been one of the happiest days in the lives of the McIntoshs. Yet, it was bittersweet and that is unfortunate.

Mr. Speaker, I wish to congratulate four of the newest citizens of our country and also to let them know that their son's spirit continues to inspire all of us who knew him.

THE CHILD HEALTH INSURANCE PROVIDES SECURITY ACT

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. DINGELL. Mr. Speaker, children are the future of our Nation. It is important that we give them a healthy start to their lives. Unfortunately, many children are not given the opportunity to grow up healthy because they cannot get access to a doctor because their parents cannot afford insurance.

The bill that I am introducing in the House today on behalf of my 14 cosponsors—the Child Health Insurance Provides Security [CHIPS] Act—provides a strong inducement for States to provide health coverage for more children. Medicaid already covers one-third of our Nation's children. It therefore makes great sense to build on this existing program that has been so successful in providing access to health care services for children for 30 years.

This legislation gives States the option to expand coverage for children in families with incomes up to 150 percent of the Federal poverty level—or $24,000 per year for a family of four—and provides incentives for them to do so by increasing their Federal Medicaid assistance percentage by 30 percent. For the working poor this means that the variations in eligibility within existing families will be leveled out. This will reduce the number of families who have children of different ages, some eligible for Medicaid and some not. Children also can be made eligible for 1 full year at a time, thus protecting them from losing their health care coverage because of changes in family income.

Outreach is another important aspect of children's health care coverage. An estimated 3 million children today are eligible to receive services through the Medicaid Program but are not enrolled. In order to encourage States to step up their efforts to identify and enroll children in health insurance programs, we have included $25 million per year in grant money to improve and increase outreach efforts by the States.

This bill is not a mandate. States are not required to take advantage of any of these options. We are providing a number of vehicles that States can use to help improve access to health insurance for their children. The CHIPS Act also does not penalize States that already cover children up to 150 percent FPL. States which have moved beyond the 150 percent FPL are eligible for the 30 percent enhanced match if they implement the 12 month continuous eligibility provision.

Also, the Child Health Insurance Provides Security Act does not preclude other approaches to expanding health insurance coverage for children. This bill complements approaches like the Hatch-Kennedy or the Daschle bills. CHIPS sets a floor below which no child should fall, and other approaches could fit nicely on top of CHIPS.

I invite my colleagues in the House to join me and the other cosponsors in this bipartisan effort to provide health insurance security for our Nation's most vulnerable population: Children. A strong bipartisan group of Senators supports CHIPS. I hope that my colleagues on both sides of the aisle in the House will come together behind this sensible proposal that will expand access for children to health insurance.

THE PRESENTATION OF THE NAVY CROSS TO ROBERT JONES

HON. ROBERT C. SCOTT

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. SCOTT. Mr. Speaker, I rise today to help celebrate today's presentation of the Navy Cross to Mr. Robert Jones. Earlier today, the Secretary of the Navy presented this medal, the highest honor the Navy bestows, to Mr. Jones for the heroism he demonstrated while under fire during combat in the Pacific in October 1944.

Yes, Mr. Speaker, the heroism of Petty Officer Jones remained unrecognized by his Nation for over 50 years, simply because of the color of his skin. But in a moving ceremony in the Capitol this afternoon, the record was at long last set straight. Secretary Dalton spoke of Mr. Jones' "uncommon valor and selfless sacrifice." He added that Robert Jones "stood firm, took a stand, and stared death in the face. He is truly a Navy hero." I could not agree more.

On that fateful day in 1944, a Japanese dive bomber attacked the U.S.S. *Intrepid.* Petty Officer Jones manned one of the ship's guns and began firing on the incoming plane. Even when it because obvious that the bomber was headed straight for a crash into his gun position, Jones remained at his post, firing his weapon until the plane actually hit. Although Mr. Jones was severely burned, many other sailors aboard his ship can probably be thankful that their lives were spared entirely, thanks only to this one sailor's heroism.

Heroism is rarely something that we plan in advance, and many of us probably wonder if we even have the right stuff necessary to become a hero in the first place. Robert Jones indeed had the stuff that heroes are made of. And while some may be saddened that it has us so long to recognize formally his acts of courage, we can nevertheless take complete pride today in seeing the record set straight, and in seeing a patriot and native son of the Commonwealth of Virginia receive the admiration and thanks of a grateful Nation. Today we salute Robert Jones and share in his pride.

TRIBUTE TO DAVID BROWN

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to honor David Brown who was recently named "Citizen of the Year" by the Las Virgenes Homeowners Association. Mr. Brown has been an outspoken advocate in our community for 25 years, and recognition of his good work is long overdue.

Mr. Brown has used his multitude of talents to work in areas as diverse as teaching, writing, publishing, and as a planning commissioner and citizen activist. Fortunately, he has seen fit to use his talents for the greater good of our local community. Dave brings to his work a rare blend of expertise and a tireless spirit of voluntarism. Although he has given freely of his time and resources to many worthy causes, his top priority has always been protection of the Santa Monica Mountains.

His dedication to protect the Santa Monicas is unparalleled. He has played various roles in his effort to protect the mountains, by serving on the Santa Monica Mountains Comprehensive Planning Commission Advisory Committee, the Sierra Club's Santa Monica Mountains Task Force and the Santa Monica Mountains Trails Council Board. Dave has done extensive work on monthly newsletters which served to defend the mountains from over development.

Mr. Brown has indeed been a lifelong steward of the Santa Monica Mountains, ensuring that this natural sanctuary will be available for generations to come.

MEMPHIS TEACHER MAKES NATIONAL HONOR ROLL OF SCIENCE TEACHERS

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. FORD. Mr. Speaker, I rise today to pay tribute to Carl Leon Lamon, a teacher at Douglas Elementary School in Memphis, TN. Mr. Lamon has been named to the 1997 Honor Roll of Teachers by the Association of Science-Technology Centers [ASTC]. ASTC is a nonprofit organization with over 400 science museums in 40 countries.

This is a prestigious award that is given to only 51 teachers picked from teachers in the United States and 10 other countries. Winning teachers have demonstrated an exceptional degree of creativity and dedication. They go above and beyond the call of duty to inspire, motivate, and stimulate their students to achieve in science and technology.

Mr. Speaker, there is a tremendous need to educate more of our young people in science and math. The United States has held a position of world leadership in scientific research and development since World War II. It has made us the economic, political, and military leader of the 20th century. But if we expect to maintain this leadership role, we must continue our commitment to science and math.

According to the U.S. Department of Education's National Center for Education Statistics, high school graduates in 1992 were more likely to take science courses at the level of biology or higher than their counterparts in 1982. Part of the reason for this improvement is the dedication of teachers such as Mr. Lamon. He is making science an interesting, fun and fulfilling learning experience for hundreds of elementary school students in Memphis. Many of these students will take advanced science and math courses in high school and will be prepared for a successful post-secondary academic experience. Again, I salute Carl Leon Lamon and ask my colleagues in the House of Representatives to join me in honoring this impressive achievement.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. STARK. Mr. Speaker, today our colleagues Mr. SERRANO, Mr. DELLUMS, Mr. KLECZKA, Mr. UNDERWOOD, Mr. FRANK, Ms. CHRISTIAN-GREEN, Ms. PELOSI, Mr. HALL of Ohio, Ms. ROS-LEHTINEN, Mr. BERMAN, Mr. WAXMAN, Mr. CRAMER, Mr. EHRLICH, Ms. CLAYTON, Mr. RANGEL, Mr. GONZALEZ, Mr. MOAKLEY, Mr. FROST, Mr. ACKERMAN, Mr. SPENCE, and I take great pride in reintroducing the Gift of Life Congressional Medal Act of 1997. The enactment of this legislation, which doesn't cost taxpayers a penny, will not only honor the individual organ donor and their loved ones, but will also heighten the awareness of the organ shortage, ultimately resulting in more organ donation.

There is a major undersupply of available and suitable organ donors.

Currently, there are 50,000 individuals waiting for an organ transplant in the United States. The number of people on the list has more than doubled since 1990 and a new name is added to the national patient waiting list approximately every 18 minutes. Despite the numerous problems that organ donation programs have faced and conquered over the years, a major problem still exists.

The demand for organs will continue to grow with the improvement of medical technologies. Without expanded efforts to increase the supply of organ donation, the supply of suitable organs will continue to lag behind the need.

For the many would-be organ recipients, the consequence of shortage is death. It is clear that expanded efforts are necessary in order to increase the number of organ donors.

According to some researchers, it may be possible to increase by 80 percent the number of organ donations in the United States through incentive programs and public education. A congressional medal recognizing donors and their families can play a very important and effective role in our efforts to encourage such donation.

Our proposed Gift of Life Medal Program will be administered by the regional organ procurement organizations [OPO's] and managed by the entity administering the Organ Procurement and Transplantation Network. Once the decision to donate an organ has been made, the donor or the family member of the donor will be asked by the regional OPO whether participation in the Gift of Life Medal Program is desired.

The OPO will give each donor or family member the option of receiving a Gift of Life Medal, recognizing that some may not want to participate. If requested, a public presentation will be made to honor the donor. A presentation by a local official, community leader, or Member of Congress would be a tremendous opportunity to increase the awareness concerning the desperate need for organ donation.

Every action has been taken to insure that the issuance of the Gift of Life Medals results in no net cost to the Government. In addition, I am proud to report that the legislation has the strong support of the United Network for Organ Sharing [UNOS] and the Coalition on Donation.

Any one of us, or any member of our families, could need a life saving transplant tomorrow. We would then be placed on a waiting list to await our turn, or our death.

So, I ask that our colleagues help bring an end to waiting lists and recognize the enormous faith and courage displayed by organ donors and their families. Please join us as cosponsors of the Gift of Life Congressional Medal Act of 1997. These donors offer others a second chance by providing the most precious gift imaginable, the gift of life.

TAX REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington report for Wednesday, April 30, 1997, into the CONGRESSIONAL RECORD:

TAX REFORM

There is a great deal of discussion in Washington today on fundamental tax reform. The current tax system is widely perceived as too complicated and rigged for those who can hire experts to find the loopholes. Many believe that fundamental reform could sharply increase economic growth by encouraging more saving and investment, and there is considerable debate over whether the current tax system collects either too much or too little revenue. Many Hoosiers favor scrapping the current system and replacing it with something much simpler and fairer.

DIFFERENT APPROACHES

There are several different approaches to reform.

RETAIL SALES TAX

One proposal is to replace the income tax with a national retail sales tax. If all consumption were taxed, a national sales tax of about 15% would be needed to generate the same revenue as the current system. But in the 45 states that have retail sales taxes today there are large exemptions for education, medical care, food, and housing. If these were also exempted in a federal sales tax, the tax base would be sharply reduced and the rate would have to exceed 30%. Yet such high rate would be unpopular with consumers and could encourage evasion by retail businesses. Also, the tax would claim a larger share of the incomes of the poor than the rich, since lower-income households spend a large proportion of their income on food and basic necessities.

VALUE-ADDED TAX

A second approach is the value-added tax. Instead of being levied on the retail sale, this tax is collected from all businesses on the difference between their sales proceeds and their purchases from other businesses. Because it is collected at many levels, evasion has proven manageable in the more than 50 countries around the world that have value-added taxes. A drawback is that it too shifts tax burdens from the rich to the poor. There is also considerable uncertainty about its impact on the U.S. trade balance because such a tax would boost the price of our products.

FLAT TAX

A third approach is a flat tax, which imposes a single income tax rate on businesses and households while eliminating virtually all the deductions in the current system. Businesses would be allowed deductions for wage payments and pension contributions, and exemptions would basically spare low-income families from paying taxes. There are many variations of this proposed tax but one of the more popular would require a flat rate of about 21% to replace the income taxes we now have.

CONSUMED-INCOME TAX

A fourth approach is a consumed-income tax which combines a consumption tax on families and a value-added tax on businesses. Families would be able to deduct all of their net savings and investments, thereby receiving an unlimited savings allowance. This tax would be progressive, with lower rates for those with lower income. Such a tax would encourage saving and investment, but it raises major administrative problems. There would powerful incentives to conceal assets, and policing such evasion would be very difficult.

SIMPLIFIED INCOME TAX

A final proposal would simplify the current income tax system, building on the 1986 tax reform which eliminated various deductions and exemptions in order to cut tax rates. Versions of this proposal would end individual deductions for state and local taxes and charitable contributions, and would end corporate tax breaks for pension contributions and health insurance. This broadening of the base would allow lower rates, such as a maximum rate of 34%, compared to almost 40% under current law.

ASSESSMENT

Each of these proposals raises difficult questions about what base to tax, what deductions to permit, and what rates to levy. Major tax reform inevitably redistributes tax burdens among taxpayers and changes the value of taxpayer assets. For example, the elimination of the homeowner deductions for mortgage interest and property taxes could cut the value of housing by 15–20%. Current tax law encourages employers to provide health insurance to their employees by exempting insurance premiums from personal income and payroll taxes. But health insurance under several of these plans would become taxable, and that could boost its cost by as much as 20%. Current tax law also promotes giving through the charitable contributions deduction, and proposals to eliminate it fuel intense concern among charitable organizations.

The impact of tax reform on income inequity must be carefully watched. In recent years, the gap between upper-income and lower-income Americans has widened significantly. Many of these proposals could increase that gap. In addition, current law permits the deduction of state and local income and property taxes. Eliminating these deductions would undercut the notion that people should not have to pay taxes on other taxes they've already paid—a very popular concept. The point simply is that all of these proposals for fundamental tax reform would make major changes on the tax burdens of the poor, the strength of charitable organizations, the popularity of home ownership, the continuation of health insurance coverage, and many other similar concepts that have widespread popular support.

Underlying all the talk about fundamental tax reform is the impact on economic growth. Although some of the proposals have positive features, I don't think anyone knows exactly how fundamental tax reform would affect the economy's growth rate. Most of the proposals have never been tried before in the form proposed and they would each entail huge changes far and above any previous modification of the tax code.

CONCLUSION

The more I examine fundamental changes in the tax code the less attractive they become. I am increasingly interested in proposals to broaden the base and reduce the deductions, credits, and other sheltering devices in order to reduce overall tax rates, simplify the system, and provide better incentives for work and investment. Incremental reform along these lines would avoid the wrenching upheavals and the windfall redistributions that might accompany more radical change. I am certainly not interested in proposals that would increase our budget deficits.

(Material for this newsletter taken from "Setting National Priorities" by Brookings Institution.)

ANNUAL CONGRESSIONAL ARTS COMPETITION PARTICIPANTS HONORED

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, once again, I come to the floor to recognize the great success of strong local school systems working with dedicated parents and teachers in raising young men and women. I rise today to congratulate and honor 48 outstanding high school artists from the 11th Congressional District of New Jersey. Each of these talented students participated in the Annual Congressional Arts Competition. "An Artistic Discovery." They are honored at a reception and exhibit last Friday evening, and their works were exceptional.

Mr. Speaker, I would like to list each of them, their high school, and their contest entries, for the official RECORD.

STUDENT, HIGH SCHOOL, AND NAME OF ENTRY

Leandro Flaherty, Bayley-Ellard—"to be advised".
Michelle Mechanic, Bayley-Ellard—"Pantheon With a Side of Rice".
Charlene Accinni, Boonton—"Untitled".
Stephanie Rartell, Boonton—"Untitled".
Kelly Ricciardi, Boonton—"Curiosity".
Larissa Schaffnit, Boonton—"Larissa".
Travis Lett, Chatham—"Troubled Town".
Jim Newton, Chatham—"Monkey in the Rain".
Melissa Quinn, Chatham—"Still Life of a Pitcher".
Kim Tucker, Chatham—"Glimpse Through the Window".
James Hughes, Kinnelon—"Co-op".
Alejandra Madriz, Kinnelon—"Creation".
Will Mowry, Kinnelon—"Untitled".
Kristen Pelio, Kinnelon—"Made for Mod".
Carlos Avilez, Lenape Valley Regional—"Faith".
Katherine Brueckner, Madison—"Nature's Quilt".
Steve Fleming, Madison—"Mountain Lodge".
Pamela Schwartz, Madison—"Dark Garden".
Sunnie Kim, Livingston—"Submerged".
Guilianna Ruiz, Livingston—"Lost".
Laura Cummings, Millburn—"Joe".
Michelle Jacobs, Millburn—"Sequence".
Yana Kimelblat, Millburn—"A Vision".
Natalie Tarashehanska, Millburn—"Untitled".
David Cheng, Montville—"Subway Riders".
Spencer Chi, Montville—"Dawn of Spring".
Chris Jonas, Montville—"Garden State Cowboy".
Jillian Lin, Montville—"Autumn Stone".
Susan Petrarca, Morris Hills—"Euphoria".
Leo Redmond, IV, Morris Hills—"Blue Still Life".
Alan Schenkler, Morris Hills—"Revelation".
Brian Watkins, Morris Hills—"Rocky River".
Patrick Leavy, Morristown—"Suburban Landscape".
Michael Castellana, Mount Olive—"Accidental Resemblance".
Kerrie Dempsey, Mount Olive—"Diaphanous".
Michale Montenat, Mount Olive—"Cold Light".
Nick Gonzalez, Pequannock—"The Scitzophraenic".
Erin Marsh, Pequannock—"Golden Reflections".
Courtney Rankin, Pequannock—"Still Life in Shadow".
Laura Sido, Pequannock—"Lobster Buoys".
Jennifer Carberry, Randolph—"Strike".
Hope Dector, Randolph—"Self-Portrait".
Mary Katherine Flaherty, Randolph—"The Tree".
Garrett Ricciardi, Randolph—"Untitled #1".

We had more students participate this year than any other, 48 in all. That is a tremendous response and we'd very much like to build on that for next year's competition.

This year, Mr. Speaker, the winner of "An Artistic Discovery" was Mary Katherine

Flaherty from Randolph High School for her work entitled, "The Tree." Second place went to Patrick Leavy from Morristown High School for "Suburban Landscape." And third place went to Travis Lett of Chatham High School for "Troubled Town."

Each year the winner of the competition will have an opportunity to travel to Washington, DC, to meet Congressional leaders and to mount his or her art work in a special corridor of the U.S. Capitol with winners from across the country. Every time a vote is called, I get a chance to walk through that corridor and am reminded of the vast talents of our young men and women.

Of course, it's always difficult to select a winner, and this year was not different. The judges had an extremely hard time with the awards process, and as usual, they wished that they could declare every entry a winner.

Indeed, all of these young artists are winners, and we should be proud of their achievements so early in life.

PROGRESS REPORT ON WOMEN'S HEALTH

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. STOKES. Speaker, I want to thank our distinguished colleagues, Congresswoman CONNIE MORELLA and Congresswoman LOUISE SLAUGHTER, for reserving this special order. I take pride in joining my colleagues as we engage in vital dialog on women's health.

Women's health is one of the most important issues facing this Congress and our Nation. As a member of the Appropriations Subcommittee which funds health programs, I can say that substantial progress has been made. As a result of our efforts on the House Appropriations Subcommittee on Labor, Health and Human Services, and Education, we have been able to increase funding for important health initiatives such as the Ryan White AIDS Programs, the CDC Breast and Cervical Cancer Early Detection Program, and the Maternal and Child Health Block Grant. We have also been able to direct increased Federal research dollars to the National Cancer Institute, the National Heart, Lung and Blood Institute, and the National Institute of Allergy and Infectious Disease. Yet, while we recognize that much as been accomplished, we must remain committed to the challenges that lie ahead.

Mr. Speaker, I am also proud to join this special order in my capacity as chairman of the Congressional Black Caucus Health Braintrust. Since its founding in 1971, the Congressional Black Caucus [CBC] has play a crucial role in addressing the health challenges which impact the African-American community. When the CBC Health Braintrust convened last fall, a special panel closely examined issues regarding the health status of African-American women.

If you look at the statistics, you will discover that African-American women suffer disproportionately from many chronic and debilitating diseases. For example, African-American women are more likely than white women to die of breast cancer. This is in spite of the fact that they experience a lower rate of incidence of this disease than their white counterparts. According to the American Cancer Society, breast cancer mortality for African-American women was 31.2 per 100,000 compared to 26.0 per 100,000 for white women.

Cardiovascular diseases have ravaged our Nation's minority communities as well. African-American women are more likely than nonminorities to die of such diseases before age 45 and even later in life. In fact, studies show that African-American women between ages 35 and 47, are 38 percent more likely to die of a heart attack than white women.

Another disease taking its toll on the lives of African-American women is AIDS. In a recent report, the Centers for Disease Control and Prevention noted that, between 1990 and 1994, the incidence of AIDS rose fastest among African-American women. In spite of a reported sharp decline in U.S. AIDS mortality during those years, the number of new AIDS cases in African-American women nearly doubled. During 1996, 59 percent of all AIDS cases in women were reported in African-American women compared to 21 percent in white women.

Additionally, African-American college-educated women are three times more likely than the general population to give birth to a low birthweight baby. Infants born to this group of mothers have an 80-percent higher risk of dying during their first year of life than infants born to white college graduates.

In Congress, we must support legislative initiatives that address the startling disparity that exists in the health and number of excess deaths of African-American women and other minorities. We should support research efforts aimed at improving the health status of all Americans, and we must work to increase every American's access to affordable health care services.

Support of these efforts will send a signal to the American people that we are serious about establishing a level playing field for the provision of accessible and affordable health care. Such support will also serve as evidence of our commitment to effectively address the issues of disease incidence, prevalence, morbidity, and mortality that compromise the lives and health status of all women. By promoting these efforts we will show all women across the Nation that we are dedicated to providing the resources needed to find ways to improve the quality of life for those who suffer from disease and to finding viable methods of cure.

Mr. Speaker, I am pleased to have an opportunity to participate in this special order. I would like to again thank my colleagues for bringing this important issue to the House floor.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 1, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 2

9:30 a.m.
Joint Economic
To hold hearings to examine the employment-unemployment situation for April and the Consumer Price Index.
1334 Longworth Building

MAY 5

2:30 p.m.
Energy and Natural Resources
To hold hearings on S. 430, to amend the Act of June 20, 1910, to protect the permanent trust funds of the State of New Mexico from erosion due to inflation and modify the basis on which distributions are made from those funds.
SD–366

MAY 6

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the National Aeronautics and Space Administration.
SD–138

Energy and Natural Resources
To hold hearings on the nomination of Elizabeth Anne Moler, of Virginia, to be Deputy Secretary of Energy.
SD–366

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine public health issues, focusing on Centers for Disease Control project grants for preventable health services.
SD–430

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Joint Committee on Taxation, the Joint Economic Committee, and the Joint Committee on Printing.
S–128, Capitol

Judiciary
To hold hearings to examine encryption issues in the information age.
SD–226

Select on Intelligence
To hold hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence.
SH–216

2:00 p.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on Russia and the Newly Independent States.

S–128, Capitol

Judiciary

Youth Violence Subcommittee

To hold hearings to review the programs and mandates of the Office of Juvenile Justice Delinquency Prevention.

SD–226

MAY 7

9:15 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services.

SH–216

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs.

SD–406

Labor and Human Resources

Business meeting to consider the proposed Individuals with Disabilities Education Act Amendments of 1997, and consider pending nominations.

SD–430

Small Business

To hold hearings on the Small Business Administration's finance programs.

SR–428A

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues.

SD–124

Judiciary

To hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform.

SD–226

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD–226

Select on Intelligence

To hold closed hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence.

SH–219

MAY 8

9:30 a.m.

Energy and Natural Resources

To hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation.

SH–216

Rules and Administration

To resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office.

SR–301

10:00 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the Government's impact on television programming.

SD–342

Commission on Security and Cooperation in Europe

To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).

SD–538

MAY 13

9:30 a.m.

Indian Affairs

To hold oversight hearings on the implementation of the Indian Employment, Training and Related Services Demonstration Act of 1992 (P.L. 102–477).

SR–485

MAY 14

9:30 a.m.

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.

SD–192

MAY 15

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.

SD–366

MAY 20

9:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.

SD–124

MAY 21

9:30 a.m.

Indian Affairs

To hold oversight hearings on programs designed to assist Native American veterans.

SR–485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.

SD–192

Judiciary

To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.

SD–226

MAY 22

9:30 a.m.

Energy and Natural Resources

To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.

SH–216

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold a workshop on the proposed "Public Land Management Responsibility and Accoutability Act".

SD–366

JUNE 4

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

JUNE 11

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

JUNE 12

9:30 a.m.

Energy and Natural Resources

To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.

SH–216

CANCELLATIONS

MAY 1

2:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH–219

SENATE—*Thursday, May 1, 1997*

The Senate met at 10:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word Sovereign, we echo Washington, Jefferson, Madison, and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one nation under You, God, and we place our trust in You.

You have promised that if Your people will humble themselves, seek Your face, and pray, You will answer and heal our land. Lord, as believers in You, we are Your people. You have called us to be salt in any bland neglect of our spiritual heritage and light in the darkness of what contradicts Your vision for our Nation. Give us courage to be accountable to You and Your Commandments. We repent for the pride, selfishness, and prejustice that often contradict your justice and righteousness in our society.

Lord of new beginnings, our Nation needs a great spiritual awakening. May this day of prayer be the beginning of that awakening with each of us in this Senate. We urgently ask that our honesty about the needs of our Nation and our humble confession of our spiritual hunger for You may sweep across this Nation. Hear the prayers of Your people and continue to bless America. In Your holy name, Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator COVERDELL of Georgia, is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, for the information of all Senators, this morning the Senate will begin consideration of S. 543, the Volunteer Protection Act. As a reminder, the previously-ordered cloture votes for today are vitiated, and the Senate is now able to begin consideration of this important legislation. It is my understanding that amendments are expected to be offered to this bill. Therefore, Senators can anticipate votes throughout today's session of the Senate. It is the majority leader's hope that the Senate will be able to complete action on the Volunteer Protection Act today.

Also, there is the possibility that the Senate could consider items on the Executive Calendar. Therefore, additional votes could occur other than votes on the Volunteer Protection Act during today's session. In addition, the Appropriations Committee has completed action on the supplemental appropriations bill and it is the majority leader's expectation to begin consideration of that bill next week.

I thank my colleagues for their attention.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the leadership time is reserved.

VOLUNTEER PROTECTION ACT OF 1997

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to consideration of S. 543, which the clerk will report.

The bill clerk read as follows:

A bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on activities of volunteers.

The Senate proceeded to consideration of the bill.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, as the Presiding Officer knows, we have been at this for the better part of the week. I am pleased that the two sides have decided to proceed to the actual legislation and to consider its merits straightforwardly. I was also pleased to be notified this morning that during the summit—and I had not realized this—that occurred, Governors Branstad of Iowa, Whitman of New Jersey, and Wilson of California, issued a public statement in support of the Volunteer Protection Act while in Philadelphia, and called on the President to sign it. I am deeply grateful to these Governors, who have longstanding careers in public service, for stepping forward and calling on the passage of the Volunteer Protection Act.

Mr. President, I thought it would be useful, given the fact that we are now beginning the actual debate, to revisit the general parameters of the Volunteer Protection Act of 1997, which is a bill to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers.

First, Mr. President, I will frame the problem. Prior to 1980, there was virtually no issue for us to consider here. Millions upon millions of Americans over the history of our country have continued to step forward, help their neighbors, help in disasters, help that is grandiose, like fighting off the waters in a flood to something as simple as crossing the street with a spare meal or a good wish for a neighbor.

But something happened in 1980. Suddenly there were several very celebrated lawsuit cases that targeted the volunteer. It changed the whole nature of the environment for voluntarism in America. As we moved on through the 1980's we found a situation where, with increasing frequency, for a variety of reasons, it was the volunteer that was singled out by a plaintiff or a claimant. It could have been that the organization that the individual was contributing to did not have any resources, that the volunteer had accumulated some assets—a home, a checking account, whatever—and so the lawyers for the claimant went to the volunteer.

What has resulted from this? Well, as best we can tell, and you really cannot get the exact data, there have not been a rash of findings against the volunteers. They have been able to defend themselves, by and large. Many of the cases have been thrown out. But there is a chilling pall that has been cast over voluntarism across the land. In other words, we have put a question mark in the mind of an American volunteer. "Well, I want to help this family, I want to travel to North Dakota and help in that flood, but could I be putting my home or my business, or whatever we have accumulated in our family, at risk for having made this decision?" The answer, unfortunately, is yes. So the result is that voluntarism over the last several years since 1989 has been dropping—54 percent to 51 percent to 48 percent, the last number we have seen.

Second, we have had thousands of volunteers who served on boards of colleges and universities and charities and charitable organizations resign because they became fearful they would be the target of these lawsuits. So you not only have people with a question in their mind about coming forward, you actually have caused volunteers to step backward and resign. Some estimates are as many as 50,000 of these kinds of occurrences have taken place.

Now comes the summit, the volunteer summit, in the Presiding Officer's home State, Pennsylvania, in the city of Philadelphia, where the President and three former Presidents and First

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Ladies for six administrations have come forward, 100 mayors, 30 Governors, and called on America to step forward, to relight the fire, to reinvigorate volunteer activity in America. I believe that is a very wholesome thing, a very inspirational thing.

But if you study the remarks, Mr. President, this was more than a call for voluntarism. It is very interesting as you review it. This is fairly well targeted. Children are evoked over and over and were the centerpoint of this call to voluntarism. Furthermore, the call was for voluntarism to occur in difficult environments. We have heard language like the poisonous streets. We are talking about difficult, rough, abnormal environment that you are asking these volunteers to go to. So the specter of the problem is elevating. You are asking them to go into a more troubled center, a more volatile arena, where communication and differences and diversity are great and, therefore, the probability of accident or misstep is higher.

I have been arguing all week that the Congress should respond in a very forceful way by passing the Volunteer Protection Act of 1997 which will make it easier for a volunteer to respond, in the first place; and second, to a troubled place. The Volunteer Protection Act takes the volunteer and provides some shield against being a target of a lawsuit.

I told the story earlier in the week of a charity that ran a gym and a youngster broke a leg by dropping weights. A volunteer, a woman, was the receptionist—not in the gym. She is out answering the phone. She became the legal target. She had virtually nothing to do with the incident other than having been on the premises on the phone. The Volunteer Protection Act would have protected that woman because she had no relation to the incident. If she had been engaged in willful misconduct, if she had been reckless, wanton, if she had been involved in a hate crime or a sex crime or a civil rights crime, this legislation would not protect her, nor should it, and no one wants it to. It deals with simple acts of omission—an accident—that would protect the volunteer.

I want to point out, because in all the chaotic conditions that go on on Capitol Hill, I am not sure everybody has had a chance to read it and understand that no one is protected from willful misconduct or reckless behavior or drunk driving. Mr. President, even if the volunteer is protected, the organization itself, the institution, the nonprofit, is still liable. This is directed, principally for acts of omission, at the volunteer. There are some other protections in the bill for nonprofits that would help the charitable organization, but primarily this legislation would protect the volunteer from simple acts of omission or an accident of that kind.

The second thing it would do, Mr. President, is that it would create proportional responsibility. There is a legal term for that, but I think it is easier to understand when we say proportional responsibility. The case I just cited is a great example. This woman had no responsibility, so she would not be eligible to be a target. What it does here is, it says that you can't go after an individual, a volunteer, who has minimal responsibility or only a small proportion, or none, and cause them to be the target for compensation for the entire event, that there has to be proportional responsibility. That, too, would protect the volunteer.

Mr. President, we have concluded—those of us who have cosponsored the legislation—that the issue is one of national concern and scope. I go back to the summit. They were not there creating volunteers for Philadelphia; they were there calling on the whole Nation to step forward. Volunteer organizations, many of them, are national in scope. You don't have to spend much time thinking about it. They are organizations like the American Red Cross, the United Way, and Little League Baseball. The call for voluntarism is a national call, not a local community call. Many of the volunteers cross State jurisdictions in their activities. There is absolutely no way that many of these charitable organizations—600,000 of them—could in any way understand the myriad of laws that relate to this across the several States. Certainly, a volunteer would have no capacity to do this.

So this law, the Volunteer Protection Act, sets a national standard of protection. But if a State chose to create more protections, that would be their right. Or if the State took an affirmative act to opt out from under this in those cases where all the parties involved are citizens of that State, they could do that as well. So we believe this is an appropriate balance with regard to the interaction between the States and the Federal Government.

Mr. President, I have gone back to this summit time and time again in the discussion, but there is something I noted here this morning that I think is very interesting. There was an article about the summit, and it says:

> Perhaps no one put the challenge more simply or compellingly than former First Lady Nancy Reagan, known during her White House years for her antidrug slogan, "Just say no" . . .

For which, I might add, many of us are greatly indebted.

> Speaking for herself and her husband, ailing former President Ronald Reagan, she implored, "From this day forward, when someone asks you to help a child, just say yes."

Just say yes. How right she is. My plea to the Senate and to the House and to the President is, just make it easier to say yes. Let's try to remove this question mark that is holding volunteers back. Let's try to not call on them to step forward and then leave a system in place that trips them if they do. Let's remove this cloud that causes high-profile public policymakers to not agree to serve on a board. I venture to say, Mr. President, that every Member of Congress has had the question mark I am talking about in their minds at one time or another when they had to make a decision about whether to respond to an organization seeking their support.

Let's try to create an environment where volunteers don't resign from boards but are willing to serve on them. Let's try to create an environment where a volunteer immediately would rush to an accident scene and not put a question in their mind about whether they are putting their assets into a legal lottery. Let's do it in a way that is thoughtful—and I believe we have—and which does not protect somebody from ill doing, which I believe we have. The minority leader and I had a brief discussion with regard to this yesterday evening. I was enumerating the fact that this would not protect reckless conduct. We want to be conscious of a victim of an accident. But we have to do something here to free up America so that it can do what it has always done.

Mr. President, just before I conclude here, I want to reiterate that I believe American voluntarism is as much a part of our culture and life and a treasure of American life as our national monuments, our parks, and this very Capitol itself, because it is unique. There are very few places in the world where voluntarism takes on the components and proportions that it has in America. I was reading this morning that, last year alone, the equivalent value of American voluntarism, which was about 4½ hours a week, was around $200 billion-plus that had been given freely. But that is declining, and that trend should be reversed. We should nurture this American treasure and we should protect it, just as if it were one of the crown jewels of this Nation, like our Capitol.

Mr. President, I wanted to begin the debate by at least framing the reason for the law, a brief description of the law, and a call for the Congress to come forward and reinforce what took place in the historic days of the summit in Philadelphia, PA.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COVERDELL). Without objection, it is so ordered.

Mr. SANTORUM. Mr. President, I rise to congratulate the Presiding Officer, who just spoke, for his stick-to-itiveness in continuing to force this issue here in the U.S. Senate and, finally, accomplishing what we had hoped to accomplish and probably should have accomplished a couple of days ago, which is at least to move to this bill and begin the debate on whether we can, here in the U.S. Senate, do some positive things to the volunteer spirit of America, to see if we can remove some of the barriers that are in place right now that limit the amount of volunteer participation in our society.

I think the present Presiding Officer's remarks about the Philadelphia summit, the spirit created there, the momentum that was created there can only be enhanced. The big concern in Philadelphia, as I talked to so many people, was, "Isn't this wonderful? Don't you feel this great spirit? Don't you feel like we are focused on the right thing and we are pulling the country together, Republican and Democrat alike, liberal or conservative, focusing on a value that we all share?" It is an understanding that is sort of core as an American to understand the significance of participating as a volunteer in your community and the benefit that it gives not only the people you volunteer for but the benefit it gives you. But the big concern I heard over and over again, even from the most enthusiastic supporters of the summit, was, "Can we keep this going? Can this momentum continue? Will much happen after this week? How can we keep this spirit alive and keep this momentum that we have built, the commitments that were made? How can we continue to keep this ball rolling?"

I point right here to the U.S. Senate. This is the best way that I know of to keep the ball rolling, to keep the momentum going. If we follow up this week and maybe early next week with the passage of this legislation, with a strong message to the American public and to the prospective volunteers in America that not only do we think it is a good thing—and everybody says nice things about voluntarism and we talk about the benefits of it and about all of the wonderful things that it accomplishes for your community and for you as an individual—but we can lay down something solid, something tangible for them to say that things are different. It is not just that people are talking about it now, or not that it is an in-vogue thing, but there is a different set of ground rules now to participate and, to me, they are much more favorable. I don't have to look over my shoulder as a Little League coach as to whether I gave the catcher the right mask. I know that was one of the examples that was used over in the House. But I am doing this because I love my community, I love my neighbors, and I want to do something positive to contribute to their lives. I want to do so in a way that I feel that I can really express myself without having to be concerned about the whole troop of lawyers hanging in the wings for somebody who may have some accident in the process of volunteering.

So I think what we are doing here is taking that first step after the summit. This is the first step. People who have given all the great speeches about how important voluntarism is—if they don't follow through with doing something to move this agenda forward then I think we have every right to question the sincerity of the remarks. We have every right to question whether this was in fact a political stunt, and nothing more; that this was an attempt to revive individuals involved in their own public reception and nothing more than that; that it wasn't really real.

This is an opportunity to make the summit in Philadelphia more real in the eyes of the American public, to do something tangibly good for the volunteer in America, and thereby for the needy among us who have such a need and such a desire to deal with their fellow men and neighbors in solving the problems that confront them and their communities.

So I again congratulate the Senator from Georgia for his tremendous drive and enthusiasm and stick-to-itiveness to stand up here—for 3 days now—and fight this battle and refuse to relent.

I know some have said we are holding things hostage. I would suggest that this bill releases hostages all over America who are hostage to litigation fears—who now can go out and participate in their communities, and do the kind of things that will liberate so many other people who are in the need of volunteers, and the organizations with whom they work.

So I again congratulate the Senator from Georgia. I commend him for this.

It sounds like we have accomplished something tremendous. We have. All we have accomplished is that we can now talk about the bill, and we can now debate the bill. We are going to have, I am sure, amendments that will dramatically weaken this and that will take the teeth out of this legislation. Unfortunately, those will be offered on the floor. We have a tough battle ahead of us to be able to stand up to those kinds of weakening amendments, stay the course, and follow through with this responsibly.

I believe it is a very valid piece of legislation that preserves the right of those who are injured and at the same time liberates the volunteer in America to go out and pursue what they know in their hearts is the right thing to do which is to serve their fellow man to a greater good.

I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, thank you very much.

I certainly join my colleague, the Senator from Pennsylvania, in his expression of concern and hope for the outcome of the volunteer summit that has just occurred in Philadelphia. I, too, hope that we can keep the dynamics of that going.

There is no question, though, that one of the blights against voluntarism and giving freely of one's time to the benefit of human kind is what has transpired in this country over the last several decades when we have, in fact, denied the doctrine of charitable immunity; in other words, the ability to go out and give of your time and then by chance you make an accident—or by chance somewhere in the process someone might claim some question of injury—that, all of a sudden, you are liable, the courts take it up, the trial lawyers drag you through the courts, and they put a phenomenal blight on the giving concept that voluntarism is all about.

That is what S. 543 is about—to clearly prescribe what the limits are so that we don't put a legal damper on the kind of energies that are spilling forth from Philadelphia that Colin Powell is trying to once again fire up in this country. It is here. It is already here. It is part of the Judeo-Christian ethic that has made up the great growth of this country over the years.

I want to relate to you a comment that the director of March of Dimes Easter Seals told me right after the Berlin wall came down and Eastern Europe was freeing itself from the shackles of communism that some of it had been under for 70-plus years; most of it for about 45 years. I was with this gentleman one night at a banquet. We were visiting, and we were both seated at the head table.

I said, "What are you doing nowadays besides the work of Easter Seals and March of Dimes?"

He said, "You would be fascinated." He said, "I am spending a lot of time in Eastern Europe with the countries of Eastern Europe."

I said, "Doing what?"

He said, "Teaching them voluntarism."

I said, "Tell me more. What do you mean teaching voluntarism?"

You and I, Mr. President, would have considered that part of our family heritage, part of going to church, part of the extension of the person of the American citizen—voluntarism. What had happened in Eastern Europe and throughout the greater Soviet empire was that government had taken over. Government had become the operative of people. No longer could you give of yourself. It was government that told you what to do, how to do it, what to say, what to think, and all of those kinds of things. Up until that time, I had forgotten, or I guess I had never really concentrated on the root of voluntarism, and what has transpired in our country over the years from the very early days of the barn raising in your State and mine—of neighbors sharing amongst themselves, because there was never enough work force to go around. So I would come over to your farm and help out, and you would come over to my farm and help out. And together, in a sense of community, we would help each other. That was before the days of lots of laws and lots of trial lawyers, and somebody looking around, and, saying "Gee. You have to be liable for that. It is your fault that something happened. And, therefore, we are going to take you to task on that."

Voluntarism has always been a phenomenal force in our country. And it did start from a Judeo-Christian ethic of helping one fellow person. That has been and remains the strength of our country.

I was so pleased when I heard Colin Powell through a series of interviews leading up to the summit in Philadelphia. In fact, I was pleased but a little disappointed one day when Katie Couric in a rather—at least my interpretation—cynical way said, "Well, but, but, but, surely you have to have Government doing some of these things, and, surely, you have to have a Government program. I mean, you have cut welfare, or Congress cut welfare." And, very consistently, Colin Powell said there is a role for Government. Yes. But there is a very clear role for people. Government doesn't nurture the child in the community. We can put food to the child. But we cannot nurture the soul. That is a personal relationship. That is a giving kind of relationship that is only put forth through the volunteer effort of the caring individual.

It was the sense of the Soviet States, if they were truly to become free states again and knowing that government could never provide everything to everybody, that they would have to reignite voluntarism in the voluntary spirit of nearly half a century past. So they were asking large contributive voluntary charitable groups from this country to come across, to extend to them how we did it, and to work with them to rekindle the human spirit in an effort of voluntarism.

That is what Philadelphia is trying to do—not to rekindle because it is clearly here in this country, and it always has been, but to extend it into other areas, urge people to give more of their time, to urge companies to provide time for their employees to go out and participate in the community in a free and giving way, and to knock down some of the barriers that exist in normal life that limit people's ability to contribute to give and to volunteer.

That is what S. 543 is all about—knocking down the percolation of legal barriers that have built up over the years of somebody trying to make somebody liable for something. We know that when you give of your time it is going to put you at risk. You are willing to give less. You back away, and say, "I can't be a part of contributive or voluntary effort if I might be sued." I mean that isn't in the spirit of Americanism. That isn't in the spirit of the raising of the barn in Kansas a century ago. Sure, the wall might have fallen down, and you had to pick it back up and somebody might have been hurt. There was always that risk. But it was always understood that nobody was liable under those circumstances—that you weren't trying to profit from it personally, that you weren't trying to gain from it. You were giving.

That is what this legislation is all about—to recreate at least an understanding that people can give of their time freely without a loss of the immunity they have always had with charitable voluntary efforts.

So I am truly complimentary of the Senator from Georgia for the tremendous effort that he has put behind this. It has come at a very important time. I must say to my colleagues across the aisle. You are filibustering. Get with it. Don't do that. There may be other reasons. But, if it is for this, it is a bad reason. If the trial lawyers of this country are wanting to play games with this, it is the wrong reason. They ought to go somewhere else instead of trying to go at the voluntary spirit of this country, the energy that built our country that made us what we are. It was not Government. It was people giving freely of themselves to other people.

That is what this legislation is about. That is what the nations of the former Soviet Union have had to actually seek from us. Yes. They want our institutions of government because they figure that ours is the best form of government. But they want our people institution. They know that they cannot have government alone, that it will not serve the needs of citizens of Poland, or Czechoslovakia, or one of those nations that was barricaded and imprisoned behind the Iron Curtain.

So they reached out to our great charitable voluntary contributive organizations immediately after the fall of the wall, and said, "Come. Teach us again how you make it work because what we see in America, what we see as the great energy and the spirit of your country, is the blend of government with the blend of the free citizen, both working together for the betterment of humanity and for the betterment of your country."

That is what S. 543 is all about. It isn't about trial lawyers taking people to court. There is plenty of that to go on in the private sector, and in the private economy, but not in the private giving should that be allowed. I am thankful that S. 543 speaks so clearly of that.

I again say to my colleagues on the other side: Get with it. Come on. Stop this filibuster. This is a time to stand together, as former Republican Presidents and former Democratic Presidents and a Democrat President stood together in Philadelphia and said this is Americanism at its best. We should not use Government to tear down voluntarism. We should not use laws to restrict it. Let us use our energies to multiply it for the betterment of our citizens and for mankind.

I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. ASHCROFT. Thank you, Mr. President. I am particularly grateful for the statement of the Senator from Idaho, and for the measure of the Senator from Georgia.

When you try to define America, you can't define America by looking at people and from outward appearance. We are not all of one race or one ethnic origin. We represent every possible assemblage from around the world. We have come here. What we have, together, is not ethnicity nor religious background. It is not racial. What we have is a common commitment to community, a common commitment to what it is America is. It goes beyond politics. It goes beyond where we go to church. It goes beyond where the ancestors on our family tree came from. It simply goes to the heart of how we feel about each other.

No other nation on the face of the Earth has been so characterized by the idea of caring. Look at the great service organizations around the world, such as the Lions Club, which has a specific interest in protecting vision and making sure that people can see. The idea has been exported to the world from the United States of America. Look at the Rotary Club. Rotary clubs literally go around the globe. They have come from the United States of America where we look at the four-way test of rotary, which talks about the betterment of all concerned, which looks at the other side of the coin, which always asks about someone else.

Look at the Kiwanis Club, the slogan of which is "We Build." It has been exported to nation after nation. It has been embraced by cultures all around the globe, but it is something that started in the United States of America. It is something that is so universal and so important to the fabric, to the very tapestry that defines what this Nation is that it crosses party lines just like that.

You have four Presidents of the United States joining together, Republicans and Democrats, in the Presidents' summit on voluntarism, and you have a person who in most societies would be considered to be an individual who knows how to deploy military resources and how to fight and how to hate and how to kill but an American whose heart really is in how to help, Gen. Colin Powell. He is heading up the entire focus again on voluntarism. It is something that is the character of this country. It is what makes us community. Frankly, it is richer than cultures that rely on Government and entitlement for all the things that are done. It is not universal in the world. In lots of places people think that charitable things are wrong, that it should be done by Government, so no one ever owes anyone else.

Well, in America we do not owe each other. We love each other. And the idea of voluntarism is a way that we can extend to each other and build the chords of community that bind us together. The poets from overseas have said it well: Never send to know for whom the bell tolls; it tolls for you.

That is why I have been involved in all kinds of charitable endeavors. I remember even when I was Governor of my home State, when a child was lost close to the State capital 20 or 30 miles away, I walked through the woods during the night with hundreds of other individuals to find the child. We were all kinds of people from all kinds of political persuasion, from all kinds of ckgrounds, yet there we were walking through the woods at night. I remember in the great floods that afflicted Missouri, I filled sandbags next to people I did not know but people whom I loved because I cared for the communities, and I knew that if there were ever a flood at my place, they would be there with a shovel and their children with them, as mine were with me, filling sandbags.

That is what America is about. We would not want to do anything to destroy the capacity of Americans to help each other, to love one another, to participate in community activities, charitable activities where we reach out to one another. How many times did dads, when I was a boy, haul me to the ball game? My father traveled a lot. My father was an itinerant, in some respects, minister at some times during his life and then traveled extensively when he was involved in education, raising money for the college. But you know, there was always some dad from the area who took me to the game.

I will never forget Charles Wilcox. One time after a dusty, hot baseball practice, he took the whole team to the root beer stand, and he walked up to the window and said the most generous thing I have ever heard in my entire life. It almost knocked me over as a boy. He said to the fellow inside the root beer stand, "This is my team. Fill em up." It had never happened to me before and perhaps has not happened to me since. I think soda pop is pretty commonplace these days, but back in the 1950's, when someone walked up to the root beer stand and said, "Fill em up," it was a big thing.

I do not want the Charlie Wilcoxes of this world not to be able to do that anymore. I do not want them so afraid that when they coach the Little League team, they are going to have to put on their family the risk of financial ruin. We have seen the cases, the shear lunacy of cases where the coach is sued because the youngster was moved from shortstop to left field and got hurt when a fly ball hit him in left field. His mom had said he was a born shortstop. Who is going to be the coach if you can get sued when you move someone to left field?

We have seen the ridiculous cases where the youngster insists on sliding in headfirst and then injures himself and the coach is sued because the youngster slides headfirst instead of feet first, in spite of the fact that the youngster has seen all the big leaguers doing it time after time after time. But if that coach is going to lose his home, if his children cannot go to college because he is generous enough to care for someone else, we will certainly have cheated a lot of young people out of a lot of helping hands.

When I was at the summit this last weekend in Philadelphia, each of these Presidents called upon me personally. No, they did not come up to talk to me, but they spoke to me, they spoke to my heart. They said America needs again to have a revival of individuals who are willing to care for each other. I thought to myself, we need to make sure as Members of the Congress that we do what is necessary to make that possible. I think of the Scout volunteers on the west coast who allowed the boys to play touch football. When I was a Scout, we would never settle for touch football, but these must have been very good leaders, interested in the safety of the youngsters. But one got injured and he ended up with a $7 million judgment against two of the volunteers. The appellate courts reduced it to $4 million. I cannot imagine that was much of a consolation to those Scout volunteers.

Most people do not want to have to choose between helping the community and protecting their family. No one really will ever say I will help someone else if I have to sacrifice my family, because we have a very strong commitment to our families in America. It is a cornerstone of what we are. But a similar cornerstone of this house we call the United States of America is helping each other, and we should not put these cornerstones at odds. We should not say to people, in order to help someone else, you have to put your family at risk. That is what we have done with a tort system that has awarded judgments like $4 million against Scout leaders, that has awarded judgments against a Little League coach who moved someone from shortstop to left field.

Let us get serious. The Presidents, past and present, know what America is about. It is in the hearts of Americans across this country. We want to make it possible for people again to extend themselves in a voluntary way without putting their families at risk. That is the long and the short of what we want to do.

I think it is entirely inappropriate for some in this Chamber to stand against us, for those whose President has called us to a summit on voluntarism to say no, we are not going to allow any discussion of that in the Senate, we are not even going to proceed to the bill; we do not want you to have a chance to vote on it. That is what this filibuster by the Democratic Members of this body is achieving right now. It is keeping us from voting on this bill. This is not the bill itself we are talking about. We are talking about the motion to proceed. This is technical gobbledygook of the Senate. But in order to consider a bill, you have to succeed in passing a motion to proceed to the bill, and we are being filibustered on the motion. It is time for all Americans to again enlist in this great enterprise of community which we call America and help each other, and it is time for the Senate, Members of the Congress, to build a framework where we do not ask people to choose between protecting their family and helping other people. We have to say we will make sure your family is protected if you are kind enough and loving enough and caring enough to extend a helping hand, a hand of care, compassion, and love to those in your community.

I have been told we are on the bill now. I am glad to know that we are on the bill. Yesterday we were on a filibuster to the motion to proceed, and I appreciate the correction. I apologize to Members of this body on the other side of the aisle. I would not impair or impugn their motive here. I am glad to be on the bill. I think with that in mind we ought to make sure we all vote in favor of this. This is an outstanding piece of legislation which will stop the irrationality of asking people to choose between protecting their family and helping their neighbor. The history of this country is that we have not only protected our family; we have enriched our families by helping our neighbors because we have been taught one of the most important values of life, that is, that we are not alone, that we live together in community.

I thank the Chair.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, I commend both the Senator from Idaho and the Senator from Missouri for their statements. Senator ASHCROFT is a cosponsor, as is Senator CRAIG, and they both have devoted extensive activity and time and energy to the promotion of this legislation.

Mr. President, I am going to talk a little bit more about the bill and then move to a quorum call. It is my understanding there are several Senators who wish to speak as if they were in morning business. It would be appropriate with us. We have now had a full hour framing S. 543, but I want to just go back to the summit a minute and quote three prominent figures in American life. As First Lady Hillary Rodham Clinton put it in her column last week in the Washington Times:

> Whether through tutoring children, picking up litter on a highway, or providing free legal counsel to a needy client, we all have a chance to help address problems in our communities and enjoy the satisfaction that comes from being good neighbors. What we may not realize is that in the process we are also strengthening our democracy. Democracy depends on citizenship and citizenship depends on people voluntarily contributing their time and performing services that their country needs.

She is absolutely correct. I have always believed, Mr. President, the genesis of the American spirit is that we are a free people, and if you really want to know the roots of voluntarism, because it is uniquely American, it is because we have been free and we have unleashed spirits and thinking and activity which the world has never seen nor compared. What we are talking about here in this legislation is there has evolved in the last decade and a half a constriction, a choke, on that kind of freedom. We have chilled it. What we are seeing is the same kind of thing that happens anytime a government or practice becomes engaged in constriction of freedom and the natural activity of human beings.

We have, unwittingly I believe, had evolve a situation where the volunteer has become a target, and they have become fearful of it, which is a step back from freedom. Fear is one of the first things that happens when people, for whatever reason, begin to lose their freedom. They become fearful and their behavior changes. The explosion of voluntarism in America was born in freedom, and the constriction of it is occurring because they do not feel as free to do it. They fear harm. They fear retribution. They fear consequences. They fear for their families. So they alter their activity, and the Nation and the neighbor suffer. This legislation is designed to remove the fear and come back to the genesis of freedom to make choices, freedom to help the person cross the street or the person suffering from the flood that was described yesterday.

I do not believe our policymakers have really quite understood how serious this is. Everybody is busy with all their activities and their agenda, whether you are the President of the United States or you are running a store or you are the mayor of a local town. No one realized the field changed in the 1980's; the volunteer was not as free to step forward. It happened in the 1980's. So, this legislation is necessary to try to recreate the environment that has so enriched our Nation and our country.

Mr. President, I will take a minute. I have mentioned several times I am the former Director of the U.S. Peace Corps, which is one of America's preeminent institutions of voluntarism. There have been about 150,000, since 1961, who have gone all over the world, and their voluntarism does not stop there. In fact, the original charter of the Peace Corps has a third mission: Go where you are asked to go, be of assistance to the people there—and bring the knowledge of the world back home. So we continue to ask these volunteers to serve when they return, and thousands of them do. Many of their activities are addressed at the very core of the summit call—children.

As you might expect in an institution like that, there is a lot of discussion about voluntarism. There would be discussion, from time to time, about: Should they receive greater compensation? Would that create more volunteers? And you always came up with the same answer, that what we wanted was the volunteer who willingly stepped forward and wanted to do it and there was not another incentive. They were not doing it for a check. They were doing it to serve. Because, when you alter that chemistry, the whole interaction between the volunteer and the beneficiary changes, and you create a completely different kind of interaction.

I mentioned the story yesterday of the fellow who was helping train in the Civil Air Patrol. He even had to spend his own money to do it. But as he got out of the car he turned to me and he said, "But the payback is when I look in their faces, when I see their pride and sense of accomplishment." That is a volunteer.

This issue of legal threat changes the chemistry of the volunteer. It changes the component of the interaction between the volunteer and beneficiary and alters their behavior, sometimes to the point of causing it to cease. This is a very important piece of legislation, and it is about America. It is not very complicated—12 pages. But it is right near and sitting up beside the heart and soul of who we are as a people. We need to get this done.

Mr. President, I yield the floor. I see we have been joined by the distinguished Senator from—Alaska.

The PRESIDING OFFICER. Who seeks time?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. MURKOWSKI. Mr. President, I appreciate my colleague from Georgia recognizing the North Pole.

First, let me say a few words about the effort of my good friend from Georgia in bringing to the attention of this body, as well as to the Nation, the importance of the Volunteer Protection Act. The issue before us is vital; it is a matter defending the noble act of personal sacrifice and contribution for the benefit and good of others. So I commend the Senator for his diligence, the time he spent on the floor, and the effort that has been made. And I look forward to supporting the effort for the Volunteer Protection Act which has been introduced by Senator COVERDELL of Georgia.

Let me just ask my colleagues to bear with me for a moment. As we know, this past week President Clinton and other prominent Americans appeared in Philadelphia. Philadelphia is the city where our American heritage is rooted. What better place to come to for the recognition of voluntarism and what it means to this country, because those who founded our Constitution—our early efforts to formulate the principles of this country—were all volunteers. They were volunteers coming forward and contributing their knowledge, their expertise, their willingness to formulate a nation. So it was certainly appropriate that a summit on voluntarism was held in the city of Philadelphia during the past week. But what did this summit really accomplish?

I am told there were balloons, streamers, speeches, and a lot of good photo ops. But, unfortunately, we have to look at the bottom line and ask what was accomplished? How much was accomplished? It brought the issue to the American people. But, specifically, what did we get out of it? Because I think the summit ignored the fact that, in order for the spirit of voluntarism to flourish, you must, first of all, have real reform in our American judicial system.

What the Senate is basically doing today, and what we have been trying to do for the past 4 days—for the past 4 days—is not put on a highly publicized summit about voluntarism. We are trying to reform a justice system that deters voluntarism.

I am pleased, after several days of procedural delay, we have finally begun debate on this important legislation.

Mr. President, recent congressional findings reveal that our legal liability system deters voluntarism. In fact, according to the testimony given before a congressional committee last year, one in six volunteers withholds his or her services due to the fear of exposure to a lawsuit. That is the system that we have unfortunately devised. If that figure is applied to the number of volunteers in nonprofit organizations alone, we might see as many as 100,000 have had to decline to serve because of the fear of being sued.

America's litigation explosion forces nonprofit organizations to spend an ever-increasing amount of time and resources preparing for and avoiding lawsuits. The American Society of Association Executives testified before Congress last year that the association's liability insurance premiums increased an average of 155 percent; one in eight nonprofit organizations reported an increase of insurance premiums of 300 percent alone. This has put some of our most revered nonprofit organizations at risk.

For example, Dr. Creighton Hale of Little League Baseball reports that the liability rate for a league increased from $75 to $795, in the last 5 years. Because most leagues cannot afford such an expense, many operate without insurance. Some have, unfortunately, been disbanded altogether. The bill before us protects volunteers from liability unless they cause harm through reckless or criminal conduct.

This common sense approach legislation would put an end to tragic liability cases such a 1990 negligence case in which a Chicago jury awarded $12 million to a boy who was injured in a car crash. Who was the negligent party? According to the jury, it was the estate of the volunteer—the estate of the volunteer, who gave his life attempting to save that boy.

Here are just a few other examples of recent outrageous litigation which threatens voluntarism.

In Oregon, a boy on a Boy Scout outing suffered a serious injury while playing tag football. The court dismissed the original lawsuit filed against the Boy Scouts, due to an insufficient nexus between the Boy Scouts and the youth's injury. The injured boy then decided to sue the volunteers who supervised the game. In one of the largest monetary verdicts in Oregon history, the jury found the two volunteers liable for $7 million.

When a 10-year-old boy in New Jersey lost a fly ball in the Sun during Little League practice, the ball dropped and hit the boy in the eye. The boy's coaches were sued for negligence.

In Oklahoma City, a member of an amateur softball league was so angered when he was ejected from a game that he drove away in a fit of rage and crashed his car. So what does the ejected player do? He files a suit against the umpire.

According to William J. Cople, a Washington lawyer who is pro bono counsel for the Boy Scouts of America, "Volunteers have simply been swept away in the hysteria of litigation. * * * Suits are brought for almost anything, under any circumstances." What good comes from these suits? Well, about all you can say is that they keep a lot lawyers in business.

Mr. President, the bill we are debating will help put an end to such unwarranted litigation. This bill creates a system in which plaintiffs sue only for good reason and sue only those who are responsible for the damage. Such common-sense reforms will create an atmosphere which will nurture voluntarism. This legislation will foster the spirit of voluntarism, not just speak about it at a photo op.

For centuries, volunteers in America have fed our hungry, sheltered our homeless, instilled values in our youth. Volunteers are vital, as we know, to our survival as a moral nation. It is time we gave volunteers something in return, and that something is this legislation that will protect them from frivolous and outrageous legal attacks that are the result of a judicial system in desperate need of reform.

Finally, there is something else I believe we should do to encourage the volunteer spirit in America. This is to allow volunteers to get a more realistic tax deduction for their travel costs associated with charitable activities. Later today, I, along with Senator COCHRAN, will be introducing the Charitable Equity Mileage Act of 1997. This bill will increase the standard mileage rate of deduction for charitable use of an automobile from 12 cents a mile to 18 cents a mile. I think this bill should be unanimously supported by my colleagues on both sides of the aisle.

Further, many of our citizens who volunteer for charitable activities do incur expenses for which they are not reimbursed. For example, when an individual uses his or her automobile to deliver a meal to a home-bound elderly individual or to transport children to Scouting activities, the volunteer usually pays the transportation costs out of his or her own pocket with no expectations of reimbursement. I believe the costs associated with charitable transportation services ought to be deductible at a rate which fairly represents the individual's actual costs. This is especially important for volunteers living in rural communities who have to travel long distances to provide community services.

Congress, in 1984, set the standard mileage exemption deduction rate of 12 cents per mile for individuals who use their automobiles in connection with charitable activities. At the time the standard mileage rate for business use of an automobile was 20.5 cents per mile. In the intervening 13 years, the business mileage rate has increased to 30.5 cents per mile, but the charitable rate has remained unchanged at 12 cents per mile because the Treasury Department does not have the authority to adjust the rate. By raising the charitable rate to 18 cents a mile, my legislation, I think, restores the relationship that existed in 1984 between the charitable mileage rate and the business mileage rate. In addition, the legislation authorizes the Secretary of Treasury to increase the charitable mileage rate in the same manner as is currently allowed for business mileage expenses.

All of us agree that, with the changing role of the Federal Government, we need to do more to encourage voluntarism in our country. The Volunteer Protection Act will do that, and so will the legislation that I am introducing. Volunteers who provide transport services should be allowed to deduct such costs at a rate which fairly reflects their true out-of-pocket costs, and this is precisely what the bill does.

I urge my colleagues to join with me in sponsoring this important legislation.

Mr. President, I have a letter of support for my bill from the American Legion. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION,
Washington, DC, April 24, 1997.

Hon. FRANK MURKOWSKI,
Member, U.S. Senate,
Washington, DC.

DEAR SENATOR MURKOWSKI: The American Legion fully supports the "Charitable Travel Equity Act of 1997," to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

Not only does The American Legion applaud the increase in the mileage rate deduction, but more importantly this measure fixes the problem that has not allowed for incremental increases without an act of Congress action. The standard mileage rate deduction for business use of passenger automobiles has increased significantly while no adjustments were made in the charitable use rate. Granting the Secretary the authority to make prescribed adjustments will provide fairness and promote additional volunteerism.

Thank you for your continuous leadership on behalf of America's veterans and their dependents.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Texas.

Mr. GRAMM. Mr. President, I ask unanimous consent to be recognized as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUDGET NEGOTIATIONS

Mr. GRAMM. Mr. President, we have been in the midst of a filibuster where our President and many of our notable leaders around the country have gone to Philadelphia and called for an expansion in voluntarism, something that we all believe in, something that America was built on.

We have a bill on the floor of the Senate now to try to protect volunteers from frivolous lawsuits which threaten the whole process, and we are in the midst, basically, of a stall and a filibuster by our Democratic colleagues in opposition to this bill.

In this lull, I wanted to take the opportunity to come to the floor of the Senate and, for the first time, publicly make a comment on the emerging budget agreement.

Mr. President, I believe that the budget agreement that is now emerging is a good political deal, but it is a bad budget. It is a good political deal because, in a sense, it gives both parties in the negotiation what they want.

The President in this budget negotiation gets what he wants. He gets an ironclad guarantee that the era of big Government is alive and well and guaranteed in Washington, DC. He gets new entitlement programs. He gets the reestablishment of entitlements that we eliminated in welfare reform. He gets more social spending than President Carter and nearly twice as much as in the 1960's under Lyndon Johnson. The President, in this emerging budget agreement, gets the one thing that he cares most about, and that is a guarantee that Government is going to continue to grow and that its presence in the American economy and American society is going to continue to be dominant.

In a sense, Republican Members of Congress get what they want. We get to claim a tax cut. We get to claim that we have delivered on a campaign promise we made to let people keep more of what they earn. There are still negotiations underway as to how big that tax cut is going to be. But the problem is that by politically manipulating the Consumer Price Index, something I will talk more about in a moment, what is happening is that while on one hand we are going to be guaranteeing a cut in taxes in the short run, by manipulating the measure of inflation upon which the Tax Code is built, we are guaranteeing increases in tax rates that will, over time, offset the cut in taxes that we will claim from this budget agreement as a victory.

The President gets what he wants: more Government and a lot of it. Republicans get what they want, and that is a claim of a short-term tax cut. But let me say the American people do not get what they want. The American people get no fiscal restraint. In the end, the American people will not get a balanced budget. In the end, the American people are not going to get a stronger economy from this budget. In the end, the American people are not going to get any lasting tax relief from this budget.

This budget is a great deal for Washington, but it is a bad deal for America. This is the kind of budget that comes about when the two great political parties stop debating ideas and start conspiring against the public, conspiring to promote their interest but not working either together or in contention to promote the public interest.

Let me say a little bit about the Consumer Price Index and about politicizing it.

America is a country where statistics matter. Facts are persistent things. Facts have an impact on what happens in our country, and the measure of inflation affects everything from how much you get in Social Security benefits to how much veterans receive in retirement benefits to how much we pay in taxes to how contracts are negotiated. We have set up an agency which, historically, has acted independently, the Bureau of Labor Statistics, to try to come up with a measure of what inflation is, what consumer prices are.

Obviously, no statistic is perfect. In fact, we have had a debate in economics for 40 years about whether the Consumer Price Index is a good measure of the cost of living. To listen to politicians talk about it in the last 4 or 5 years, there is this unanimous opinion among professional economists that the Consumer Price Index overstates inflation. Let me say that there are only two economists in the Congress, DICK ARMEY and myself, and we both oppose the change in the Consumer Price Index. In fact, economists are split on this subject.

No less an authority than Milton Friedman, Nobel Prize winning economist, perhaps the best known economist on the planet and probably the most able, has concluded that the CPI may well overstate the rise in private prices, but it almost certainly understates the cost of living, which is the measure that we are using it for.

And why does the CPI understate the cost of living? Because it leaves out the No. 1 cost of living for the average working family in America. In fact, it leaves out an involuntary expenditure that is bigger than health care, housing, nutrition, and transportation combined. The Consumer Price Index does not include the cost of Government, does not include taxes and, therefore, through that exclusion, Milton Friedman argues it understates the true cost of living, even though it might understate the rise in the cost of goods and services in the private sector. But whether CPI overstates or understates the Consumer Price Index, we should not have political decisions being made about economic statistics, and I would have to say, obviously, it was inevitable in the Clinton administration that the process of setting statistics was going to become politicized.

We are looking in this negotiation underway at mandating, through an assumption that it will happen in the future, a change in the Consumer Price Index that will raise taxes over a decade by over $100 billion, and it will raise taxes by changing the inflation rate and, therefore, pushing working families more quickly into higher tax brackets and lowering the value of the personal exemption and the dependent exemption, which are critical factors in calculating the taxes of working families.

So the bottom line is, by deciding on a political basis where Members of Congress and the President have decided that we are going to manipulate the Consumer Price Index, we are going through that process to cut Social Security and other benefits over a decade by about $180 billion, and we are going to raise taxes by about $120 billion.

What are we going to do with that money? We are going to spend every penny of it. So Social Security is 15 years away from insolvency, we are going to manipulate the Consumer Price Index and reduce benefits, but we are not going to put those benefits back in to saving the Social Security trust fund.

We have the highest tax rates in American history. No American has ever lived a day where the aggregate tax rate, where you are looking at taxes at all levels of Government, was as high as it is today. Never; not a day. But what we are doing by manipulating our statistics is we are raising taxes on working families, and we are all doing it sort of quasi under the table.

I will offer, when we debate the budget, an amendment which I think is a pretty important amendment. In fact, I am going to call it the CPI Social Security and Tax Equity Improvement Act. What this amendment is going to say very simply is this: That rather than having a bunch of politicians manipulate the Consumer Price Index to try to cut Social Security benefits and raise taxes so we can spend the money, we ought to go ahead, since this has now reached such a political fever pitch to seize this money and squander it will not go away, we should leave it to the experts but dedicate the savings to specific purposes.

So what I am going to propose is two things. In the budget, I am going to say whatever we do to change the Consumer Price Index, that every penny that comes from raising taxes on working families ought to go back to those working families to raise the dependent exemption and the standard deduction first back to the level that existed in 1950 in real dollars. Today, the standard deduction is about $2,550. In current-day inflation adjusted dollars, in 1950, it was $3,800.

So the first thing we would do with these savings that come with increases in taxes from changing the CPI, if Congress does it in the budget, is we would take that money rather than letting Congress spend it, the part that comes from raising taxes we use first to raise the standard deduction up to $3,800 a year, and then we would use it to reduce marginal tax rates. And those parts of savings that come from cutting Social Security benefits, we would put back in the Social Security trust funds, but we would set up real trust funds with it. It would be outside the Treasury Department. It would not count as the internal debt of the Federal Government, because it is the debt of the Federal Government to Social Security beneficiaries. When we pay interest on that debt, it would count as an outlay of the Federal Government. Today, it does not even count as an outlay of the Federal Government when Social Security earns interest. Finally, we would set up a procedure where we could look at having a real trust fund, including real investments.

I also will introduce a bill that will establish an independent commission made up of all living American Nobel Prize winners in economics and have them, in conjunction with the Bureau of Labor Statistics, review for 6 months the Consumer Price Index and make a recommendation to the Commissioner of Labor Statistics. If she decides, based on their recommendations, which will be made public, to change the Consumer Price Index, then under the bill I will introduce, the part of savings that come from raising taxes will go back to families to raise the standard deduction and cut marginal tax rates. The part of savings that come from the Social Security trust fund will go back into it, but into a real trust fund that will be set up outside the Treasury, and it would be capable for the first time in American history of making real investments.

I am not here to criticize our leader or to criticize Senator DOMENICI for their work on these negotiations. We all have to do the best job we can do. We all have to try to achieve what we believe in, and I am sure that if the negotiations are completed along the lines that they have negotiated them, that they will believe they have gotten the best agreement they can get. But I cannot and do not support an agreement where the President gets what he wants, a guarantee of big Government in perpetuity, new entitlement spending, social spending the likes of which we have not seen since the 1960's; Congress gets what it wants, the ability to claim a tax cut, even though by manipulating the measure of inflation, we raise taxes and, over time, offset that tax cut.

The problem is the President gets what he wants politically, Congress gets what Congress wants politically, but the American people do not get what they want politically. They want a real budget; they want fiscal restraint. Nobody can claim that this budget exercises fiscal restraint. Nobody—Democrat, Republican—no one can look at this budget and say that a tough decision has been made, that spending has been controlled. There is no fiscal restraint in this budget.

While we will be able to claim a short-term tax cut, the reality is there is no permanent tax cut when you factor in the change in consumer prices in this budget. We do not guarantee in this budget a balanced budget. In fact, this budget begins by assuming a balanced budget, for all practical purposes. By changing the underlying assumptions in this budget, if we simply went with a spending level set out in discretionary spending in current law, which is $4 billion for next year below what we are spending now—that is the law of the land—and we did nothing else under the assumptions of this budget, for all practical purposes, we would have a balanced budget.

So a balanced budget is not achieved by this budget; it is assumed by this budget. In the end, this budget gives both political parties what they need politically, but it does not give the American people what they need and, as a result, I am not for it. This is a bad deal in the making. It is a deal that is a political deal with political ends. It is a deal that comes about when we move away from the traditional function of our great political parties, which is to contest, which is to present competing ideas and then ultimately allow the superior ideas to prevail. This budget really represents what I am sure will be portrayed in the media as great bipartisanship, but in reality it is the two parties working together to claim political victories for each party without achieving the objective that the American people seek.

So I do not doubt that there will be great support for this budget. When you claim you are balancing the budget, when you can demonstrate that we are creating new entitlements and the largest social spending that we have ever seen since the 1960's, you are going to have a lot of Democrats who are going to support this budget. When you can claim, no matter how temporary it may be—with the procedures in this budget, we will over time raise income taxes—but when you can claim that we are cutting taxes, even for a short period of time, there are going to be some Republicans who find this agreement to their liking.

Finally, there is pressure on us all, and there should be, to find a compromise to balance the budget, to work with the President. But I do not see an effort here to work with the President to solve the problem. I do not see an effort here to work with the President to gain control of spending. Both parties campaigned in the last election on controlling spending. There is no effort here to control spending. In fact, there is a conspiracy here, a bipartisan one, to increase spending. I do not see an effort here to guarantee and lock in a balanced budget. I see an effort here to assume a balanced budget, so I see bipartisanship all right, but it is bipartisanship basically to achieve a political goal for each political party. I do not see bipartisanship to achieve a goal for America.

Let me touch on two final points and then I will yield the floor.

We are going to bring up next week a supplemental appropriations bill. That supplemental appropriations bill, for all practical purposes, raises the deficit $8.4 billion, though there are some offsets in the defense area.

I remember when we had 43 Members of the Senate who were Republicans, and the Democrats tried to bring up a $17 billion so-called economic stimulus package, and we blocked it. We now have 55 Republicans, and yet next week we are going to bring up an $8.4 billion spending bill where virtually every penny of it is going to raise the deficit. We are already spending $22 billion above what we said in our 1996 budget we would be spending on discretionary spending this year.

I intend to offer an amendment next week. That amendment is going to do two things. No. 1, it is going to say every penny we spend this year on emergencies—and I am in favor of disaster relief—but I think it is very instructive that if you look at the number of States we have had floods in, and then you look at the fact that we are giving disaster assistance to 23 States, this disaster is taking on manmade implications made in Washington, and the disaster is not just flooding houses in North and South Dakota and Minnesota, but it is increasingly runaway Government spending at the expense of the taxpayer and at the expense of the deficit.

What I will propose is the amount of money we are going to spend for an emergency this year, spend it, but do an across-the-board cut in other programs to pay for it. Then whatever we spend next year, make it count as part of the budget for next year; in other words, for next year that it be offset against other programs that we might have spent it on.

I know we will have colleagues here who will jump up and say, well, we have people who have been flooded out of their homes. And we do. And we should help them. But shouldn't we pay for it?

What family would not like to say, when Johnny falls down the steps and breaks his arm, "Well, look. We don't have any money. We have planned to go on vacation this year" or "we were going to buy a new refrigerator this year. So we are just going to have to assume that Johnny's arm gets fixed, and it would be nice if somebody would come in from Heaven and just give us the money." But that does not happen in American families. What they have to do is they have to go back and they have to not buy that new refrigerator or they have to not go on vacation.

What I am saying is, help people who have been the victims of natural disaster, but do not create a financial disaster by simply adding it to the deficit. Let us provide disaster assistance, but let us cut other programs that now, with these disasters, we cannot afford.

Let me also note that this is not unexpected. We have had a disaster every year that President Clinton has been in office and we have not had the money to pay for it because we did not write it into our budget. It has averaged about $7 billion a year. There is nothing unexpected. Every year in America we have floods or hurricanes or tornadoes or earthquakes. We know it is going to happen. When we do not write the money in our budget to pay for it, all we are doing is saying, let us borrow the money and just keep spending. My answer is, let us pay for it by cutting other Government programs.

I do not believe, Mr. President, that amendment is going to be adopted. There is no constituency that I can determine in the Congress for controlling spending. But we are going to vote on it. We are going to know where people stand on this issue.

The final point I want to mention is on the so-called CR. We all know that when the Government shut down, people were dislocated. I would have to say that I think the President did an exceptional job politically of exploiting it. I admire him for it. I think we did an inept job of explaining that in fact the President vetoed the bill and shut the Government down.

But in an unusual effort to have good Government, what Republicans are saying on this appropriations bill we are going to vote on next week is, look, before we get into any disputes with the President, let us just agree that if at any point during the year we cannot agree on how much money to spend to keep the Government open, that we will keep it open temporarily at 98 percent of the spending we spent last year, which, by the way, is substantially above the budget that we adopted last year.

Our Democratic colleagues are saying, "Well, no, we can't do that. We can't set out that if we can't reach an agreement we will simply spend 98 percent of last year's level." They are saying that somehow we are trying to impose priorities on the President. What we are trying to do is to guarantee that we do not have a shutdown in Government. I think our proposal is eminently reasonable. And I intend to support it. I do not intend to vote for this supplemental appropriations bill if we do not have this provision to prevent a fiscal disaster written into it.

I think it is time for us to understand that we have an obligation, No. 1, to pay for these bills, and, No. 2, to try to set out some way of gaining control of runaway Federal spending. The problem in Washington is still spending. We are still not controlling it. That is what this debate is about.

I yield the floor.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Vermont.

Mr. LEAHY. Mr. President, as some of my colleagues know, I was considering introducing, as a substitute to the bill by the distinguished Senator from Georgia and others, the bill of the distinguished gentleman from Illinois, Mr. PORTER, as introduced in the other body. I am withholding that because staff from my office and staff of the distinguished Senator from Georgia and others have been talking about some additional amendments to the pending legislation that, if acceptable to all sides, would improve a number of the concerns that the Senator from Vermont has with the pending legislation, concerns I will not go into again here because the Senator from Vermont has discussed them on a number of occasions on the floor.

While I was waiting to make that announcement, though, I could not but hear some comments of the Senator from Texas regarding the budget.

Frankly, I will say to my friend from Texas or anybody else, if they are not happy with the recommendations being made by the White House or Democratic Senators or anything else, the Republican Party has a majority of the Members in the House of Representatives, the Republican Party has a majority of the Members in the Senate of the United States. All they have to do, if they have a budget they prefer to anything the President has, is bring it forward and pass it. They have enough votes to pass it. And the President cannot even veto it; it is a budget resolution. So it is a little bit disingenuous to suggest that somehow the President or anybody else is winning on this.

The Republican Party has the majority of votes in the House and the Senate. A budget resolution cannot be vetoed. All they have to do is pass it. In fact, the law requires that they pass it by April 15—I mean, April 15 of this year, not next year. The law also requires that you and I, Mr. President, file our income taxes by April 15. If we do not, we get a knock on the door from the IRS. Apparently nobody is going to knock on the door when the Congress did not pass a budget resolution by April 15.

But I suggest, before anybody goes tearing too hard after the President or anybody else that may have been negotiating a budget, with all due respect to my friends on the other side of the aisle, if they do not like it, just pass their own. They could have followed the law and passed one by April 15. They did not. I will not chastise them for not obeying the law, even though they want the rest of us to. But just pass it, if you like. You can do it. I will also say, as far as passing an automatic continuing resolution, whoa Nellie, that has nothing to do with cutting budgets. I am perfectly happy to vote for budget cuts. I voted for more successful budget cuts than an awful lot of people in this body, I mean those that actually passed in the Appropriations Committee and elsewhere.

But this idea of some kind of an automatic continuing resolution is just a law that says we do not have to do our work. Now, by the end of September we have to pass 13 appropriations bills. If we all just go off and take another vacation, do not pass them, then this law proposed by the Senator from Texas and others would kick in, and nobody would even know if we were out of town.

I prefer we do our work. Maybe some of the same people, some of the same people who were unable to come up with a budget by April 15, who refused to follow the law to come up with a budget by April 15, want this new wrinkle, this unprecedented wrinkle of basically passing appropriations bills in advance, because if you pass this law, this continuing resolution, we can just go home. Maybe the American people would like that, but I do not think we are meeting our responsibilities. So I think we should stop the gimmicks in the appropriations bills. And this is just one more. It is not an issue of whether you want to cut budgets or not. It is an issue of whether we do our work.

We have had several vacations this year and we confirmed two Federal judges and we are now in the fifth month. There are 100 vacancies. We have had several vacations this year and we are now in May, even though the budget resolution is supposed to be here April 15. I think before we pass any more laws that allow us to escape the responsibility for carrying out our actions in this body, we ought to do what we are supposed to do.

(The remarks of Mr. LEAHY pertaining to the introduction of S. 678 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

VOLUNTEER PROTECTION ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. LEAHY. Mr. President, going back to the matter at hand, all of us support the concept of volunteers working to help. In fact, this country could not make it without volunteers. I think of those volunteers in the recent disastrous floods in the Dakotas who worked 16- and 20-hour days to pack sandbags, sometimes to protect homes and property and businesses of people they did not know and probably never would know. They just showed up, volunteered, and did it.

I think what happens, sometimes we will get hit with a vicious storm in my part of the world, power lines will come down, electricity will be out, and people gather to volunteer and help. I think of some people I have seen in times when I have had the opportunity to volunteer in what we call our Cleanup Day. Cleanup Day in Vermont was begun by a dear friend and former Governor of Vermont, Dean Davis. This is where thousands of Vermonters all over the State go out at this time of year—the snows are gone, we hope—and we will pick up trash all over the State, beautify our roads, our streams.

In fact, I recall when my daughter was the State director, and I went with her and some others. We saw a little piece of metal sticking up in a stream and we decided to pull it, and more of us pulled, and pulled and pulled, and we got a car hooked up and pulled and pulled, and out came a sink—a whole sink. Somebody had tossed it in there. We cleaned it up. I hope that stream was better as a result.

I think of the men and women who work with children in my State, the volunteers who work with the 4-H Club, for example. During my 8 years as a prosecutor in Vermont, I went back through the records of all those who came in our juvenile courts in the county where I was the States attorney or district attorney. We had about a quarter of the population. During 8 years in that juvenile court, we never had a person in there who had been active in 4-H or active in Scouting. Those people worked so hard at it and learned good basic values, but they had a lot of adults who volunteered to help in those operations.

I daresay that every single Member of this body is for volunteers. What I am concerned about in this particular bill is that it was introduced, we never had a hearing, we have never had discussion of some of the problems—and there are some significant legal problems in it—and I think that of late the Senate has been acting that way, just taking up a big piece of legislation and rushing to the floor with it.

I raised a concern that various hate groups might be protected with their volunteers under this bill. The Senator from Georgia, the Senator from Vermont, and all the others both for and against this have a total abhorrence of hate groups. There is not a single Member of this body that will stand for the kind of thing that so many hate groups stand for.

What I have suggested is they should be looked at carefully. How do you make sure that even beyond the prohibitions against hate crimes that are in the bill that we have the prohibitions against immunizing various hate groups? Do we immunize the volunteers, and do we go further and immunize large organizations that might utilize volunteers and might not take the kind of care they should for the people that come in there, absent those volunteers, or absent that immunization?

Let me give an example. If you have a large for-profit hospital, the kind of hospital where some of the administrators and owners of it will make millions of dollars a year, where the daily care of the patients—nurses, nurses aides and others, of course, make a tiny infinitesimal fraction of that—are augmented by people who willingly come in and volunteer in those hospitals, who are not the millionaire administrators, do we want to set it up so the millionaire directors are somehow removed from that because they were wise enough to bring some volunteers in? Now, I do not think anybody wants to do that.

So let us look at this legislation. As I said, I think we could have avoided several days of discussion and cloture votes and everything else if we had just done what we normally do or should do around here, and that is have a hearing on it. I am the ranking member of the Judiciary Committee, and we are not having to take much time for hearings on Federal judges and nominations even though there are 100 vacancies in the Federal courts. We had time to spend the whole day yesterday to beat up on Janet Reno in a hearing. We could have had time to take a couple hours to hold a hearing on this bill and probably corrected the problems and we would have taken up a lot less time of the Senate in the long run.

I found very interesting the hearing with Attorney General Reno. At the end of 7, 8, or 9 hours, whatever it was, I commended her. She had listened to interminable speeches punctuated by an occasional question. She showed equanimity during the speeches, which made up most of the hearing—speeches from Senators—but also answered the occasional questions with candor and integrity. It does not mean everyone will agree with her answers.

She sure showed a streak of independence, a streak that may have bothered some, because she showed a willingness to look into inappropriate activity by Members of Congress as well as just at the White House, a matter that I realize has caused some consternation to some on the Hill, but I think it is only fair. If we look at one end of Pennsylvania Avenue, we should look at the other end. I am sure the distinguished Presiding Officer and others would agree with me in that regard.

Let us go to the bill at hand, let us continue to work together. The Senator from Georgia has been dealing in good faith, and he knows the Senator from Vermont has. We will continue to work and see if we can find something, I hope, very soon.

I see the Senator from Georgia on the floor, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. I thank the Senator from Vermont for his remarks and his interest and dedication to the effort.

I respond to him that, indeed, the effort to try to mesh the concerns on both sides is eagerly being addressed right here at the moment, and there are some positive indications, and I am hopeful that between the Senator from Vermont and his staff and ours and others that are interested in the subject, that we can show some very positive, bipartisan effort here maybe in the next couple of hours or so. Again, I thank him for the effort to create the atmosphere that would allow us to perhaps bring resolution to this matter this afternoon yet.

Mr. President, I also say I think it is fair to note that the issue has been before the Congress in one form or another since 1985. This is the first time that we have really had legislation—that is 12 years. So we are really not dealing with a subject matter for which there is unfamiliarity. We are really trying to hasten the coming together.

There is a propensity in Washington and in the Congress to mull things a bit long. We have had a summit in Philadelphia where we have had the President and three former Presidents, 30 Governors and 100 mayors say, "Now is the time. Now is the time." They have called on over 2 million Americans to step forward. We want them to be able to step forward and not get tripped up. This is exactly the time for us to be addressing this legislation. It has been studied, reviewed, and argued for 12 years. We are down to, as I have said many times, 12 pages. I am very hopeful that people of good faith and good will on both sides can mesh these 12 pages together and, hopefully, by the end of the day, at least in the Senate, we can say yes to the President's call and yes to Nancy Reagan, when she said, "I hope from now on when somebody asks for a helping hand, you just say yes." This helps American volunteers do just what she requested: Just say yes.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. BINGAMAN. Mr. President, I want to speak a little bit about the supplemental appropriations bill, which I gather will be on the floor here probably next week, and this issue which has come to light about the effort to put a so-called continuing resolution onto the supplemental appropriations bill. I want to just try to make sense out of that as best I understand it and describe my recollection of things.

There has been a lot of talk in the last few days about the shutdown of Government that occurred in the last Congress. I was here at that time and I remember the occasion. What was happening, as I recall it, was that the President indicated very clearly in public statements and private statements, in a variety of ways, that he would not sign appropriations bills that contained major cuts in education and some of the funds for enforcement of the environmental laws in particular. Those were areas of great concern to the President. He indicated that he wanted Congress to agree with him to maintain funding in those areas—not necessarily increase it, but at least maintain funding in some of those areas before he would sign those bills.

In spite of those statements to that effect, the majority here in Congress sent those bills to the President and he vetoed them. Accordingly, we had a shutdown of the Government. There was no funding available through that appropriations process for those areas of the Government that were covered by those appropriations bills. So, essentially, what was going on was that the majority in Congress was trying to force-feed the President to accept some proposals and some cuts in funding that he was not willing to accept, and that precipitated a crisis. Some felt strongly. Some in the majority party—the Republican Party—at the time felt strongly enough about it that they were willing to just keep the Government shut down and not send another continuing resolution, not agree to fund Government at the steady State level, but to allow the Government to stay shut down as a way of gaining leverage in those negotiations. I believe it was on the 18th day of, I think, the second shutdown when Senator Dole, the leader in the Senate, finally came to the Senate floor and spoke and said that he believed enough was enough and he himself was going to urge that a continuing resolution be passed in order to go ahead and at least keep the Government funded on a steady-state basis while negotiations between the President and the Congress continued. I came to the floor right after Senator Dole spoke, or I was here at the time he spoke, and I commended him for his decision to break with the House leadership and to go ahead, after 18 days of shutdown, and finally go ahead and fund these departments of the Government. Many of his colleagues here in the Senate followed his lead after that and agreed to go ahead and pass a continuing resolution to fund those areas of the Government.

That was the shutdown, as I recall it. That is a general description of the shutdown that occurred. What we have now is a bill to provide very important funding for a variety of subjects. It is all wrapped into this supplemental appropriation. It is a supplemental, of course, because it is not one of the regular appropriations bills which we do each year. It is a supplemental that comes at an unusual time, and the time that we are dealing with this has been driven, perhaps as much as anything, by the natural disasters that have occurred in particular parts of the country, in North Dakota, South Dakota, Minnesota, and in some other areas as well. There are some other provisions in this supplemental which are also very important. My home State of New Mexico will be able to receive, under this supplemental, $14 million of desperately needed highway funds, which should have been provided to us under last year's bill and which I made a major point about in the last Congress. We had been fighting to get this money for over 6 months. We lost it in the last set of appropriations bills.

This year, we have been able to persuade the appropriators to include it in this supplemental, and I think that is a very important step forward. So there are provisions in this bill that are important to my State highway funds, title I funds, as well as, of course, the provisions that are intended to assist with the disaster relief, which is so needed by many families that have been devastated by the weather and by the floods that they have experienced in recent weeks in these areas of the Midwest. So that is where we are.

The problem has come up that there is an amendment being included in the supplemental appropriation that is another continuing resolution, and it says that essentially if we adopt that amendment, it would say that if the Republican majority in Congress does not send the President an appropriations bill he will sign, an acceptable appropriations bill, in any area, there will be allowed to be continued funding in those areas at a rate of 2 percent less than this current fiscal year. The difficulty with it, of course, is that it again changes the dynamic very greatly against a real compromise occurring between the Executive and the Congress on these very important funding issues.

It says to the President, "Look. Before, you had the ability to veto an appropriations bill which you disagreed with, and then everyone had to go back to the table." Now, if we add this continuing resolution provision to the supplemental, that requirement won't be there anymore because there will be no pressure on the Republican Congress to go back to the table and negotiate further with the President. The President will, if we send an appropriations bill that he determines is unacceptable for whatever reason and he vetoes it, as called for in the Constitution, then there is no pressure on the Republican leaders in Congress to renegotiate. They will have in place at that point a continuing resolution, which will have been part of the supplemental, which says we are going to fund everything, and, by the way, the funding level is going to be 2 percent less than it was in the previous year, or, in the case of areas such as education, it is going to be 7 percent less than he requested for this year. That will be the steady rate, and that will be the continuing situation from now on. So there is no pressure for the compromise that the Constitution contemplates between the executive branch and the legislative branch to occur. I think it is a very ill-advised provision.

I think the President is taking the right position by saying that he will not agree to this kind of continuing resolution being adopted as part of this supplemental. But basically, if the Congress says to the President,

> If you want this relief for these flood victims, if you want this money for highways in New Mexico, if you want this money for Head Start, or for title I, or any of the other provisions in this supplemental, then you have to agree to a spending level that is 2 percent below this current year's level in all of these other areas, unless we are able to send you something else that is preferable at a later date.

This is not an acceptable proposal. I think the President is correct in refusing to agree to it.

We on the Democratic side are correct in refusing to agree to it. What we should do, and what I believe the American people would like us to do, is to go ahead and approve the supplemental appropriations bill, go ahead and appropriate the funds for flood relief, go ahead and appropriate the funds for the additional highway funding, go ahead and appropriate the additional funds for title I. Then we can have a debate, as we go through the rest of this year, on the budget resolution and on the appropriations bills. We can have a debate about what the right level of spending ought to be in each of these other areas.

We should not at the very beginning, before we have a budget resolution, before we have any appropriations bills, have some kind of legal provision that says, unless the President agrees to what the Republican majority in Congress sends him, that he has to settle for a 2-percent cut in all areas: education, environmental protection, and all of the other areas.

That is what this continuing resolution provision would do. It needs to be dropped from the supplemental appropriations bill if we are going to go ahead and pass this supplemental appropriations and have it signed into law. It is very important that it be signed into law, and sooner rather than later.

Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Georgia is recognized.

VOLUNTEER PROTECTION ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. COVERDELL. Mr. President, we are very hopeful, now that we have gotten to S. 543, an accord that deals with the views and concerns of both sides can be reached, but that is not the case as yet and I thought I would take just a moment on something I wanted to acknowledge during the course of the debate.

I found it very interesting that one of the periodicals that came out following the summit in Philadelphia quoted President Clinton and President Bush. I want to share that with the Senate. President Clinton said:

> I am keenly aware of the need for strong, caring adults in a child's life. My mother taught me to see opportunities where others see only challenges. My grandfather took me with him, visiting with neighbors and teaching me about people. My grandmother read aloud to me every day so I would be able to read before going to kindergarten. I want children in every family and community to have the same chance I did.

President Bush said:

> I said it as President and I'll say it again: Someplace in this country every problem that plagues us is being solved through volunteerism, whether it's drug addiction, street crime or teenage pregnancy. Some community, through volunteers, has solved the problem.

Both of these Presidents have pointed, as most of the summit did, to the shortfall that is occurring among and for many of the youth of our Nation, which is again why I think it is so important that S. 543 garner passage here today, because it will free up so much energy to address this problem.

The other point I want to reiterate is that when you read through the statements and the work of General Powell and the others at the summit, they are not only talking about voluntarism but they are talking about voluntarism that occurs in very troubled communities. They use the terms poisonous streets and difficult environments. They are talking about not the everyday idea of an American family. They are talking about people who are products of broken families and very serious difficulties. The issue that I have tried to underscore with regard to S. 543 is that because these areas are so troubled and so difficult, it more than accentuates the need for some protection, legal protection for our volunteers who are willing to go into this area, because they are going into an environment, they are going into a situation that is troubled, volatile, abnormal, prone to difficulties and accidents, and conditions that would elevate the threat of legal ramifications.

So I think it is important that we are not talking out of the summit about some of the more traditional forms of voluntarism, many of which are not surrounded with risk, but this call for 2 million people to step forward in a difficult situation is all the more reason this Congress should take steps to make it easier for those volunteers to step forward.

Mr. President, I see my distinguished colleague from Alaska has come to the floor, and I am glad to yield the floor so that he might make his remarks.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank my friend from Georgia for his vigilance on this matter, trying to ensure that volunteers in this country are not subject to the extreme liabilities associated with their actions which, obviously, benefit all of society. I commend him for his commitment.

Mr. President, I ask unanimous consent I might make a statement as in morning business for about 6 or 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank the Chair.

BENEFITS FROM CRUISE SHIPS VISITING ALASKA LEGISLATION

Mr. MURKOWSKI. Mr. President, yesterday I reintroduced a bill that I introduced some years ago. I think it is a very important measure. It is a measure that will unlock and open a door that Congress has kept barred for over 100 years. By opening this door, we are going to create thousands of new jobs, hundreds of millions of dollars in economic activity, and significant revenue for the Federal and State and local governments. Furthermore, that door can be opened with no adverse impact on any existing U.S. industry, U.S. labor interest, or on the environment. And it will cost the Federal Government nothing.

There is no magic to this. In fact, it is a very simple matter. This bill allows U.S. seaports to compete for the ever-growing cruise ship trade, specifically to my State of Alaska, but all west coast ports, Tacoma, San Francisco, Los Angeles, and so forth, would benefit. Further, it would encourage the development of an all-Alaska cruise business as well.

The bill I propose amends the Passenger Service Act to allow foreign cruise ships to operate from U.S. ports to Alaska and between Alaska ports. However, it also very carefully protects all existing U.S. passenger vessels by using a definition of cruise ship designed to exclude any foreign flag vessel that could conceivably compete in the same market as U.S.-flag tour boats, ferries, vessels that carry cargo, et cetera.

Finally, it provides a mechanism to guarantee that if a U.S. vessel, a cruise vessel, ever enters this trade in the future, steps will be taken to ensure an ample pool of potential passengers. Specifically, it would require that foreign-flag vessels of greater passenger capacity will be required to leave the market upon the entry of any U.S. cruise ship.

People say, don't we have U.S. passenger ships? We have one, just one left: the *Constitution*, that operates off the Hawaiian Islands. The last U.S. passenger ship that was built to cruise ship capability, was the S.S. *United States*, nearly 40 years ago. We are simply not in the cruise passenger business in the United States anymore, but foreign ships from the Caribbean are. They move to Alaska and the west coast of British Columbia in the summer, where they carry passengers between American ports and foreign ports, but cannot carry passengers between U.S. ports. What we are proposing is we simply allow those vessels on the west coast to carry passengers from west coast U.S. ports such as San Francisco and Tacoma, to Alaska, and on intra-Alaska voyages.

This is a straightforward approach to a vexing problem that deserves support by this body.

Let us look at the facts. The U.S. ports currently are precluded—let me emphasize this—U.S. ports are precluded from competing for the Alaska cruise ship trade by the Passenger Service Act of—when? Of 1886. That act bars foreign vessels from carrying passengers on one-way voyages between the U.S. ports. However, it is not 1886 anymore. These days, no one—no one is building any U.S. passenger ship of this type. And no one has built one in over 40 years. The S.S. *United States* was the last one.

Let me again emphasize that it is not 1886 anymore. These days, no one is building any U.S.-flagged, U.S.-crewed, U.S.-built cruise ships of the type that are in the cruise business and sail out of Caribbean ports in the wintertime and out of Vancouver, British Columbia, to Alaska in the summertime.

Because there are no U.S. vessels in this important trade, the only real effect the Passenger Service Act has been to force all vessels sailing to my State of Alaska to base their operations in a foreign port, namely Vancouver, British Columbia.

In essence, Mr. President, what we have here is an act of Congress prohibiting U.S. cities from competing for thousands of jobs, and for hundreds of millions of business dollars. This is absurd. It is worse than absurd. In light of our ever-popular election year promises to keep the economy growing, I suggest it belongs to Letterman's top 10 reasons why Congress oftentimes does not know what it is doing.

Can anyone argue with a straight face for the continuation of a policy that fails utterly to benefit any identifiable American interest, while actively discouraging economic growth?

This is not the first time I have introduced this legislation. When I began the process, Alaska-bound cruise passengers totaled about 200,000 per year. By last year, 445,000 people, most of them American citizens, were making that voyage. This year's traffic may exceed 500,000 people. Almost all of those passengers are sailing to and from Vancouver, British Columbia, not because Vancouver is necessarily a better port, but because our own foolish policy demands it.

I have nothing but admiration for my friends in British Columbia and the city of Vancouver. They have done a fine job. But we are simply spiting ourselves and our own U.S. interests and it is time we looked at this issue rationally. The cash flow generated by this trade is enormous. Most of these passengers fly in and out of Seattle-Tacoma International Airport in Washington State, but because of this law they spend little time there. Instead they spend their pre- and post-sailing time in a Vancouver hotel, in a bus to Vancouver, at a Vancouver restaurant, a Vancouver coffee shop, and when their vessel sails it is loaded with food, fuel, general supplies, repair, maintenance needs taken care of—by Canadian vendors.

There is nothing wrong with that, but this business could be in the United States. According to some of our estimates, the city of Vancouver receives benefits of well over $200 million a year. Others provide more modest estimates, such as a comprehensive study done by the International Council of Cruise Lines, which indicated that in 1992 alone, the Alaska cruise trade generated over 2,400 jobs for the city of Vancouver, plus payments to Canadian vendors and employees of over $119 million.

If that business had taken place in the United States, in U.S. ports such as Tacoma or San Francisco, it would have been worth additional Federal, State and local tax revenues of approximately $60 million.

I note that there is interest now in ports in South Carolina to offer sailings along the eastern seaboard. It is interesting to note also that we have already seen fit to exempt Puerto Rico from the Passenger Service Act, under less onerous restrictions than in this bill, so that foreign vessels are allowed to from the United States to the territory of Puerto Rico. So we have made these exceptions, they can work without destroying the fabric of our life, and there is no justification why this should not also be done for voyages from the west coast to Alaska.

In addition to the opportunities now being shunted to Vancouver, we are also missing an opportunity to create entirely new jobs and increased income flow by developing new cruise routes between Alaska ports.

The city of Ketchikan, AK, was told a few years ago that there were two relatively small cruise lines that were very interested in establishing short cruises within southeastern Alaska, and indeed, were interested in basing their vessels in Ketchikan. I am told such a business could have contributed as much as $2 million or more to that small community's economy and created dozens of new jobs, but because of the current policy, the opportunity simply evaporated.

Why, Mr. President, do we allow this to happen? This is a market almost entirely focused on U.S. citizens going to see one of the most spectacular States of the United States, namely, Alaska, and yet we force them to go to another country, Canada, to do it. We are throwing away both jobs and money and getting nothing in return. Why is this allowed to happen? The answer is simple, but it is not rational.

Although the current law is a job loser, there are those who argue that any change would weaken U.S. maritime interests. I submit that simply is not the case. For some inexplicable reason, paranoia seems to run deep among those who oppose this bill. They seem to feel that, by amending the Passenger Service Act so that it makes sense for the United States and would create jobs, somehow it is a threat to the Jones Act. That is not true. The vessels covered under the Jones Act haul freight, not passengers, between U.S. ports. They are required to be U.S. built, U.S. crewed, and U.S. documented, and because this protects an existing industry, we support that. But the circumstances for freight vessels do not exist for passenger ships.

There is simply no connection whatsoever between the two issues. I have repeatedly made it clear that I have no intention of using this bill to create cracks in the Jones Act. This bill would actually enhance, not impede, opportunities for U.S. workers—shipyard workers and certainly longshoremen, not to mention hotel and restaurant workers, and many others who would have a great deal to gain from this legislation.

The bill has been carefully written to prevent the loss of any existing jobs in other trades. As I have said before, Puerto Rico already enjoys an exemption from the Passenger Service Act. We looked at that exemption—which has worked successfully—and drafted this effort with even more care in mind.

Finally, there can be no suggestion that this bill might harm smaller U.S. tour or excursion vessels built in U.S. yards with U.S. crews. The industry featuring these small vessels is thriving and doing well but simply does not cater to the same clientele and same base as the larger cruise ships. For one thing, the tour boats operating in Alaska are much smaller. The smallest foreign flag vessel eligible under this is Carnival Cruise Lines *Wind Star*, which is about 5,700 gross deadweight tons. It overnights approximately 159 passengers.

By contrast, although the largest U.S. vessel in the Alaska trade is rated at 138 passengers, she is less than 100 gross deadweight tons. This means there is a vast difference between these two vessels. The small U.S. vessels should be protected from foreign competition, and our bill does that, but it does so with the realization that not all markets, and not all passengers, are the same.

The fact of the matter is that there is no significant competition between the two types of vessels, because the passengers inclined to one are not likely to be inclined to the other. The larger passenger vessels offer unmatched luxury, personal service, onboard shopping, entertainment, gaming and so forth. The smaller vessels offer more flexible routes, the ability to get closer to the extraordinary natural attractions along the way and are able to get into the smaller communities.

Now Mr. President, in the spirit of full disclosure, let me acknowledge that there is one operating U.S. vessel that does not fit the mold, as I mentioned earlier. That is the *Constitution*, an aging 30,000-ton vessel operating only in Hawaii. It was a U.S. flag vessel that was built years ago to operate in the United States. It went out of U.S. operation, into foreign flag service, then was refitted. It took action by Congress to allow it to come back into the U.S. trade.

This is the only oceangoing-capable U.S. ship that might fit the description of a cruise vessel, but I question its ability to compete, certainly in the market with the newer cruise vessels. And I repeat, it is the only one. I searched for other U.S. vessels that meet or exceed the 5,000-ton limit in the bill, and the only ones I found that even approach it are the *Delta Queen* and the *Mississippi Queen*, both of which are approximately 3,300 tons and both of which are somewhat like 19th century riverboats. They can operate on the Mississippi and other large rivers, but are entirely unsuitable for any open-ocean itinerary.

I cannot claim this legislation would immediately lead to increased earnings to U.S. ports. There are advantages of operating out of Vancouver—the sailing time to Alaska is shorter, and so forth. But I can say that it would allow U.S. ports—ports like Tacoma and San Francisco—to compete fairly for this lucrative business.

Instead of being anchored by a rule that is actively harmful to U.S. interests, as I said at the beginning, this is only a way to open the door so we can look at what we are losing and look at what we can gain.

We heard a lot of talk about growing the economy and creating jobs during the last years, and we all know that such changes are easy to talk about but difficult to accomplish. Here is a bill that opens up the door to thousands of jobs and hundreds of millions of dollars, and can do it without 1 red cent of the taxpayers' money. Isn't that worth thinking about?

It has been 110 years since the current law was enacted, and it is time for a change.

VOLUNTEER PROTECTION ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, I ask unanimous consent that during the pendency of S. 543, there be 30 minutes for debate, to be equally divided between Senators COVERDELL and LEAHY or their designees, with an additional 15 minutes under the control of Senator MCCONNELL; that there be one amendment in order only, to be offered by Senator COVERDELL, encompassing the managers' agreed-upon language, that there be 40 minutes of debate on the amendment to be equally divided between Senators COVERDELL and LEAHY or their designees, that no other amendments or motions be in order and, following the disposition of the amendment, the bill be advanced to third reading and there be an additional 10 minutes for debate to be equally divided between Senators COVERDELL and LEAHY.

Mr. President, this agreement has been cleared by the ranking minority member.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 53

(Purpose: To provide a complete substitute)

Mr. COVERDELL. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Georgia [Mr. COVERDELL], for himself, Mr. LEAHY, Mr. ASHCROFT, Mr. MCCONNELL and Mr. ABRAHAM, proposes an amendment numbered 53.

Mr. COVERDELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a volunteer shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Mr. COVERDELL. Mr. President, let me explain our disposition. While there is considerable more time in the unanimous consent, it is anticipated that there would be a delegating of time back so we might vote as closely to 2 o'clock as possible. So, I would like to proceed to explain this amendment so we might get this piece done. There are conditions that are affecting certain Members that would require, hopefully, we could vote as close to 2 o'clock as possible.

Mr. President, I want to explain to our colleagues. First, I thank the ranking member, the Senator from Vermont, Senator LEAHY. It has been a long week for both of us. He and his staff and colleagues have worked diligently with this Senator and his staff and colleagues throughout the morning to arrive at the amendment that has just been forwarded to the desk under unanimous consent.

This substitute adds a finding to clarify the Federal role in civil liability matters related to voluntarism. The substitute clarifies the State opt-out section, to ensure the provision does not supersede State requirements for enacting legislation and allows for States to include an effective date. The substitute clarifies the punitive damage protections only relate to cases that are based on the actions of the volunteer and do not supersede more restrictive Federal or State laws.

The substitute would clarify that the specific exemptions in the bill for cases of violent crime, sex offenses, hate crimes, civil rights violations, and DUI, do not restrict the general exemption where the harm was willful or criminal misconduct, gross negligence, reckless misconduct or conscious, flagrant indifference to the rights or safety of the individual harmed.

The substitute clarifies that the joint and several liability limitations for noneconomic damages and the punitive damage limitations only apply to defendants who are volunteers. The substitute clarifies that the volunteer can receive reimbursement for reasonable expenses and still be considered a volunteer.

I and the other authors on our side have concurred with these changes. We still believe the version we submitted, S. 543, was reasoned and balanced, but feel that this is a compromise that gets us to the target we were after—the shield for the volunteer. And in these actions, assuming we receive a favorable vote, we will have responded responsibly and rightfully to the call of the administration, President Clinton, and Presidents Bush, Ford, and Carter, to launch a new era in voluntarism in the United States.

With that brief statement, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I am pleased to learn we have worked out a compromise with the other side on this very important issue. I commend the Senator for his diligence and commitment to proceed with a solution that is going to be in the best interests of voluntarism.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, let me give the disposition of our situation on S. 543. We are trying to communicate to the principal authors so that they might have a chance to make closing comments with regard to the amendment that I have submitted, and we are still endeavoring to try to vote between 2 and 2:15.

While we are waiting for those Senators to arrive, I will talk about what the passage of this bill will mean, an achievement that will be secured in the Senate.

We will have effectively responded to a circumstance that has been developing since the mid-1980's when volunteers suddenly found themselves the targets of lawsuits in the act of volunteering. Prior to that time, very little of this type of legal allegation occurred. We have discovered that voluntarism has been chilled and threatened and pushed back and been less exuberant. Volunteers' behavior is even different when they do volunteer because of the threat of legal consequences.

When we pass this legislation, S. 543, and hopefully ultimately pass it in the House and send it to the President and he signs it, we will have created a protective buffer, a shield for the well-meaning volunteer, the volunteer who experiences a simple accident or omission. We have heard some of the stories on the floor of the Senate. A coach who has a player who inadvertently slides into home head first instead of feet first will not have to spend long nights awake wondering whether, because he was or she was a volunteer, they will lose their home and assets and checking account, et cetera. The principle we will have accomplished is to protect a volunteer from being under assault for that kind of omission.

The second thing we will have achieved is that the volunteer will no longer be looked at as the deep pocket. If they volunteer for an organization that does not have any resources, they may have a home, or something to that effect, and so the suit goes to the volunteer instead of the organization. But now the volunteer cannot be held liable for anything more than their proportional responsibility. So the story we talked about on the floor of the Senate yesterday and today of the woman who was nothing more than a receptionist out front answering a phone while an accident occurred in the gym will no longer be held liable for the fact that something went wrong somewhere else.

So this is very meaningful, as I said a moment ago, a very significant congressional initiative that keeps the legacy of the summit alive and helps fuel the call for new volunteers.

The Senator from Pennsylvania, Senator SANTORUM, said earlier today that one of the concerns of the summit was that it would flame out, that after all the glitz and the visuality of seeing the celebrities and political leaders gathered together, what would keep it going? I think S. 543 will be one response from the Congress, one opportunity to keep the fuel under the idea of more and more Americans stepping forward in a very, very difficult time.

Mr. President, I am hopeful that we will be able to conclude this vote, if at all possible, by at least 2:15.

Mr. HATCH. Mr. President, I am pleased today to announce my strong support for S. 543, the Volunteer Protection Act.

As the excitement surrounding this week's in Philadelphia have so poignantly illustrated, ours is a Nation that has a particular dependence on the volunteer movement. Nonprofit organizations mobilize volunteers by drawing on their members' special talents to meet social or economic needs. Volunteer organizations are currently deeply involved in such activities as alleviating hunger, educating the public about the dangers of drug and alcohol abuse, providing care of the elderly and infirm, providing athletic programs for our Nation's youth, providing opportunity for the poor, building housing for the homeless, promoting literacy and education, finding missing children, teaching fire safety, aiding victims of natural disasters, providing moral education for our youth, and spreading American ideals across the world. In fact, according to a 1990 study by the Hudson Institute, which polled approximately 5,500 associations, volunteer time in America was conservatively estimated to total $3.3 billion per year.

This is nothing new. In his 1835 commentary of our country, the epic "Democracy in America," Alexis de Toqueville noted that America was a nation of joiners. To de Toqueville this was very significant. Nongovernmental charitable, religious, and community organizations combined with the family and other natural social units to form what he termed "intermediary" organizations—organizations that impede the trend toward centralization of virtually all administration in the national government. It is these intermediary groups that are essential in protecting the liberty of the individual and community from the regulatory state.

In recent times, there has been an awareness of the need to strengthen volunteer organizations as a way to buttress the newly rediscovered virtues of limited government. Americans are coming to realize that government should not and cannot be relied on to provide all social services. The gap between American needs and American resources must be filled by the generous efforts of our volunteer corps. But the current litigation nightmare sweeping our Nation is going a long way to hinder the efforts of these important volunteers. This at a time when we must be doing everything possible to encourage the spirit of voluntarism.

Mr. President, I'd like to illustrate for you a couple of reasons why I believe the litigious nature of our society is dampening the spirit of voluntarism. A Gallup study revealed the large extent to which the threat of lawsuits, and the prohibitive cost of liability insurance, have a negative effect on volunteer participation in charitable organizations. The survey found that nearly 20 percent of all nonprofit organizations in the United States have experienced volunteers withholding service or resigning due to fear of liability exposure. This figure represents a very significant portion of the volunteer community. Specifically, 1 in 10 nonprofit organizations have experienced the resignation of a volunteer due to liability concerns. Let's do the math—with approximately 600,000 nonprofit organizations in America, we know that 48,000 volunteers have been lost during the past few years strictly due to liability concerns. Additionally, one in six volunteers report withholding their services due to fear of exposure to liability suits. This means that 100,000 potential American volunteers have declined to serve due to fear of exposure to lawsuits. This is an extraordinary figure.

Additionally, the rate voluntarism has been steadily declining in recent years. The percentage of Americans volunteering dropped from 54 percent in 1989 to 48 percent in 1993. Sadly, charitable donations are also declining, falling roughly $100 per household during this same short period. However, in 1991 alone, Americans spent a hefty $132 billion on the civil justice system. As a result, it is not surprising to note that liability insurance premiums for nonprofit organizations continue to rise.

These figures demonstrate that the on-going litigation craze has seriously damaged the spirit of voluntarism. I would like to document several cases that stand out in particular:

Lawyers for an injured mountain climber sued volunteer rescuers for $12 million on the grounds that their rescue methods were negligent and reckless. Prior to assisting this particular climber, the rescue team successfully and carefully made hundreds of rescues without incident.

In February 1995, Cleighton Hall, then CEO of Little League Baseball, wrote in the Wall Street Journal that Little League had turned into "Litigation League." In one instance, two youngsters collided in the outfield, picked themselves up, dusted themselves off, and sued their coach. In another instance, lawyers won a large cash settlement when their client was struck by a ball that a player failed to catch—that player, strangely enough, was the client's daughter. Finally, trial attorneys for a child in Runnymeade, NJ, filed suit against the youth's coach when he was struck by a flyball in center field.

Finally, a boy in a scouting unit with the Boy Scouts of the Cascade Pacific Council suffered a paralyzing injury in a game of touch football. Several adults volunteered to supervise the trip. The youth's attorneys filed a personal injury suit alleging that the Boy Scouts and the volunteers were negligent for failing to supervise the youth adequately. The jury found that the volunteers were personally liable for $7 million. Oregon law ultimately caused the judgment to be reduced to around $4 million, but few Boy Scout volunteers can afford this kind of judgment.

Anyone who has been a Boy Scout or has volunteered in any capacity knows that certain accidents are impossible to prevent. The basic problem is that the actions of this Nation's greedy trial lawyers are serving to undermine the positive effects of voluntarism. Clearly, Mr. President, the current situation cries out for reform.

The Volunteer Protection Act helps charities and nonprofit organizations serve their communities by giving their volunteers immunity from lawsuits. Volunteers who act in a grossly negligent or incompetent manner are, of course, not be protected under the legislation.

This bill will provide a volunteer protection from litigation in cases where, first, the volunteer was acting within the scope of the volunteer's responsibilities; second, the volunteer was properly licensed, certified, or authorized by the State in which the harm occurred, if such authorization is required; and third, the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer.

The bill also limits punitive damages that may be awarded against volunteers based on harm caused by a volunteer acting within the scope of the volunteer's responsibilities. Punitive damages against any such defendant will be available only where the claimant demonstrates by clear and convincing evidence that the volunteer caused the harm through willful or criminal misconduct.

Finally, while the bill preempts State law to the extent that it is inconsistent with the bill, the bill will not preempt any State laws that provide additional protections from liability relating to volunteers or nonprofit organizations.

Mr. President, this bill is consistent with the overall thrust and punitive damages reforms of my bill, S. 79, the Civil Justice Fairness Act. I am proud to support it as another step in our march toward complete civil justice reform.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Thank you, Mr. President.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I yield up to 10 minutes of my time to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator has 8 minutes left.

Mr. COVERDELL. Mr. President, I yield 5 minutes to the distinguished Senator.

The PRESIDING OFFICER. The Senator from Wyoming has 5 minutes.

Mr. THOMAS. Thank you, Mr. President.

First, let me say how much I have appreciated the efforts of the Senator from Georgia in promoting this legislation, this Volunteer Protection Act of 1997. I think probably most everything about the bill has been said. I am delighted to hear that there has been an agreement. I can hardly imagine that anybody does not agree with the concept of making it easier for people to volunteer, of taking away some of the kinds of threats that have inevitably been there when someone does volunteer to serve. So I am very pleased about that.

I think it is true—and I guess I will probably be saying some of the same things again—it is true that the nature of this society, this democracy, requires that people care. It is a Government of the people and by the people, and designed to be a relatively minimal Government in that it sets a framework for us to do the things that we think should be done, for us to take the leadership to cause our communities to be strong.

The Federal Government clearly has a role. But, you know, the more I am here, Mr. President, and the more I see what I think is the role of the Federal Government, the more I am impressed with the fact that you and I make our communities strong there. And much of that is because we are willing to volunteer. I think it was the Frenchman de Tocqueville who came to examine and to explore and to look into this new idea of democracy. One of the things that he observed and found to be most important was this was a country, this was a society that was doing things together for each other voluntarily. And that still is—that still is—the root, it seems to me, of our society. The role of the Federal Government is minimal in that.

I was pleased with the President and the several Presidents last week who raised the image and raised the visibility of voluntarism. But the fact is, national voluntarism is not really the key. It is in Casper, WY, or Gillette, WY, or Louisville, KY. That is where voluntarism works and that is where it will continue to work.

So I think this bill is something we all should support. I am so delighted that the sponsors have done this, worked on it. I am delighted that we will be able to vote and vote positively on it in a few minutes.

I see some others wishing to speak, Mr. President, so I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I now ask for the yeas and nays on final passage of S. 543.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, this is a very significant bill. I want to commend the Senator from Georgia for his leadership which has brought us to this point this year. As he knows, I introduced similar legislation in 1990 and in 1993 and again in 1995. So I take particular pride in seeing it moved to this point where, hopefully, it will pass the Senate in the next minutes ahead.

This bill really, Mr. President, comes from the grassroots of American voluntarism. This bill sprang from the concerns and complaints of volunteers and national leaders in the volunteer community, thoughts of the men and women who are on the frontlines in our national volunteer efforts.

Just last week over on the House side we heard from Terry Orr, a former Washington Redskins football player. He said when he came into the NFL a few years ago players were asked to volunteer, and they responded, "Just tell me where to go." There was not a moment's hesitation. In today's litigious world, players are asked to volunteer, and they respond, as Terry Orr said, "Do we have coverage?"

Players are afraid to play a benefit ballgame or do any kind of volunteer activity without engaging in extensive discussions with their lawyers. That is today's environment, Mr. President.

Lynn Swann, another famous football player with the Pittsburgh Steelers, is a commentator on one of the networks. He was also at that press conference. He is the immediate past president of Big Brothers/Big Sisters of America. This is what he had to say. He said in the late 1980's the Big Brothers/Big Sisters federation endorsed Federal volunteer protection legislation. According to Lynn Swann, the Big Brothers and Big Sisters organization endorsed the legislation because "a series of high visibility law suits against direct service volunteers had dampened [the] enthusiasm for volunteering in our program."

He went on to say the legislation was necessary because: "We [can] not afford to lose prospective, high quality volunteers due to liability fears."

That was Lynn Swann and Terry Orr, two former professional football players, just expressing their own experience in this highly litigious society in which we live and how it affects the willingness of people to volunteer their time.

William Cople, former pro bono general counsel for the National Capital Area Council of the Boy Scouts of America has written as follows:

> Volunteer service is under assault from an unlikely quarter—the civil justice system.

The civil justice system.

> Like so many others, volunteers and their service organizations have been swept into the courts to face potential liability in civil suits.

Thomas L. Jones of Habitat for Humanity International also testified just this past week that volunteers across the United States have declined service on Habitat for Humanity boards "because of perceived liability responsibility."

Mr. President, the bill before us protects volunteers who serve on the boards of nonprofit organizations.

H.R. 911, a bill over on the House side, however, provides little protection for volunteers who want to serve as officers on nonprofit boards. H.R. 911 defines volunteer so narrowly that it excludes anyone who receives reimbursement for expenses of $300 per year. And H.R. 911 would not—I repeat, not—cover a volunteer who serves in a rape crisis center or a child abuse center and gets reimbursed $30 a month for reasonable expenses, such as transportation costs. In other words, the bill over in the House is simply too narrow.

Our bill allows a volunteer to be fully reimbursed for reasonable expenses.

The opponents of volunteer protection argue that: This legislation is not necessary because there is no comprehensive digest of jury awards against volunteers. That is the argument.

First, let me say I have already cited several examples of outrageous lawsuits and jury verdicts. Second, the fact that jury verdicts are not rendered against volunteers every month is simply not relevant—simply not relevant.

Most lawsuits settle before trial and thus are unreported. The chilling effects of even one case is astounding.

As the Boy Scouts' former general counsel has explained, "a legal judgment entered in a single case can have a multitude of consequences extending far beyond that case itself. This surely is a reason for concern in the case of volunteers to service organizations."

We have heard opponents argue that the bill is too broad and might offer immunity to the Ku Klux Klan or other organizations whose views we all abhor. This argument fails for several reasons.

Organizations are not granted immunity from lawsuits under this bill.

A volunteer is not covered under this bill if the volunteer engages in willful misconduct, specifically including hate crimes or civil rights violations.

It is not at all clear that the KKK would be covered as a nonprofit entity that exists primarily for public benefit and operates primarily for charitable purposes.

Survey of State volunteer protection laws indicates that there are States that define "nonprofit organization" in the same manner as S. 543 or even broader. Yet, no one can come up with any examples from those States where KKK members were immune from lawsuits. The KKK argument is an offensive and bogus bogeyman argument.

Mr. President, also, opponents argue that this is a matter of States rights. I am constantly amazed to hear people make that argument. It is reminiscent of the argument against the civil rights laws in the 1960's where opponents said this really is a States rights matter, not a matter for the Federal Government.

The same argument was made against national voting rights legislation. And a lot of the folks who were the most enthusiastic for that kind of legislation now turn around and start arguing that the States rights is a good argument to not deal with what is clearly a national problem with national implications which needs a national solution.

Opponents also argue that some States have some protections for some volunteers in some circumstances. Well, that is not good enough. That kind of patchwork protection is simply not going to get the job done.

In my State we have some basic protections for volunteers. But these Kentucky protections are of no benefit to a Kentucky volunteer who goes to help his neighbor in one of the seven States which border the Commonwealth of Kentucky.

Volunteers, Mr. President, should not have to hire a lawyer in order to cross State lines to help their neighbor.

Bob Goodwin, president and CEO of the Points of Light Foundation, testified last week that a national solution is necessary because "there is no consistency among our States with regard to volunteer liability statutes, and that lack of consistency has led to confusion in the volunteer community."

Let me quote another leader in the national volunteer movement. John H. Graham, CEO of the American Diabetes Association, also testified last week on behalf of the National Coalition for Volunteer Protection. This is what he had to say:

> We have seen recently that otherwise qualified and willing individuals are withholding their services out of fear of liability and confusion concerning the different volunteer protection laws on the books in many states. These are individuals who would help house and feed the homeless, who would treat and support the elderly, and who would clothe and care for the poor.

So in summary, Mr. President, our national volunteer movement is built upon the idea of loving your neighbor as yourself, of being a good Samaritan, of stopping alongside the road and lending your neighbor a helping hand.

People from my home State of Kentucky understand this concept. Their neighbor is not just the child across the street, but it is the family across the bridge or across the State line.

If the Kentucky Red Cross volunteer wants to cross over into Tennessee or Ohio or Illinois or Indiana or West Virginia or Virginia and help his neighbor recover from a flood, then he should not have to call his lawyer to check on his liability potential in a surrounding State. We must have a uniform minimum standard.

The principles of loving your neighbor, of being a good Samaritan are woven deeply into the fabric of our Nation. We need to find ways to free up this spirit, not to suppress it. We must inspire and encourage people to do good works, not sue and harass and discourage.

Those who say that our volunteers do not need this legislation have obviously not been talking to the people on the frontlines.

My longstanding interest in this issue comes from talking to volunteers like the very ones that I have mentioned here today. However, I must confess, Mr. President, that one particular volunteer leader has had my ear on this issue for quite awhile. That is my wife, Elaine, who is a former Director of the Peace Corps and former president and CEO of the United Way of America. She has been involved in this battle for a long time and understands fully the implications.

So, Mr. President, let me close by again thanking Senator COVERDELL for his leadership, and the others who participated in this. This is an extremely important piece of legislation which I hope will pass the Senate overwhelmingly.

I yield the floor.

Mr. LEAHY. Mr. President, I do wish to thank my friend from Georgia, Mr. COVERDELL. With the Coverdell-Leahy-Ashcroft-McConnell and others substitute, I think this piece of legislation has been substantially improved.

So Members know, we have limited it to individual volunteers. The bill is no longer intended to provide immunity or limitation of liability for organizations. I think it is also important that the original sponsors of the bill agree not to include any limitation on motor vehicle liability, even as it relates to individuals. I think that is important.

I believe this bill has been significantly modified. It is not precisely the bill I would have written, but it is not precisely the bill my friend from Georgia would have written. I think it reflects what is best in the Senate when both sides can give and come out with something that can be better and more acceptable to a broad cross-section of Senators. Most of us do have concerns if we preempt State laws. In this, we have tried as best as possible to preserve State options.

I do not believe the threat of litigation deters Americans from volunteering to help neighbors, and did not deter the hundreds and hundreds who volunteered in floods in the Dakotas or in so many other areas we have seen in recent times. I am glad we have been able to limit the reach of the Federal protections provided, but we will be able to help individual volunteers. They should have some insulation from honest mistakes. We all want volunteers to be able to help whenever they can and worry most about how much stamina they will have to help, and have that be their chief concern.

So we will continue to work on this. Of course, it will have to go through conference, and we will make sure there is no unintended benefit or defenses available to anybody, and that nobody is harmed or left without a remedy.

We have seen an extraordinary week, as I said, in Philadelphia, with the President of the United States, together with past Presidents, the wife of a past President, General Powell, and others, who came together to promote voluntarism. We do not want to do anything to hamper that.

Again, I thank my friend from Georgia. I thank Ed Pagano and Jonathan Lamy on the Judiciary Committee staff, and all the others on both sides of the aisle who worked to make this legislation better.

I am prepared to yield if there is any time left on this side, and am prepared to go to vote on the Coverdell-Leahy substitute.

Mr. COVERDELL. I will take just a few minutes of my time, then do the same as the Senator from Vermont and yield back time and proceed to the vote.

I want to take a moment to thank Senator LEAHY and his staff. It is interesting how life makes people's paths cross each other from time to time. He and I have done so now on various occasions over the last decade. As always, I have found him to be an admirable either adversary or cooperator, but always with well-intentioned and good purpose. I thank him for his attention to this matter and the assistance both here and on those occasions in the past.

I also want to thank Senator McCONNELL. Senator McCONNELL has labored in this area for years and has made contributions to this legislation that are exceedingly significant. I am very grateful for his assistance on this matter, as well as Senators ASHCROFT, SANTORUM, and others.

I want to acknowledge the work of Kyle McSlarrow, Terri Delgadillo, and Dan McGirt on our side who have worked so hard to iron out the differences so we could produce this meaningful piece of legislation.

The hour is 2:05. We said we would vote as near as possible to 2 o'clock. I yield back all time on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 53) was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. There are now 10 minutes equally divided.

Mr. LEAHY. All time is yielded back.

Mr. COVERDELL. We yield back all time on this side.

The PRESIDING OFFICER. The question is on final passage of S. 543 as amended. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 1, as follows:

[Rollcall Vote No. 55 Leg.]

YEAS—99

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—1

Thompson

The bill (S. 543), as amended, was passed.

Mr. COVERDELL. Mr. President, I move to reconsider the vote.

Mr. ABRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COVERDELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 672

Mr. LOTT. Mr. President, I ask unanimous consent that at 1 p.m. on Monday, May 5, the Senate turn to consideration of calendar No. 43, S. 672, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, for the information of all Senators, then there will be no further rollcall votes today nor on Friday. We have a prior agreement with the Democratic leadership that we would not have a session on Friday because of a meeting that they have. We have a similar agreement for Friday of next week because of a meeting that we have.

The Senate will shortly begin debate on the motion to proceed to S. 4, the flextime/comptime bill.

On Monday, at 1 p.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are expected to be offered. Therefore, votes could occur but are not expected prior to 5 p.m. on Monday.

As we work through agreements on amendments, or getting an understanding about amendments, we will let Senators know what time they may expect votes late Monday afternoon, Tuesday, or early.

FAMILY FRIENDLY WORKPLACE ACT—MOTION TO PROCEED

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 32, S. 4, the flextime legislation.

The PRESIDING OFFICER. Is there objection?

Mr. KENNEDY. I object.

Mr. LOTT. Mr. President, in light of that objection, I move to proceed to Calendar No. 32, S. 4, the flextime bill.

The PRESIDING OFFICER. The question is on the motion.

Mr. LOTT. Mr. President, we will have some debate, I believe, and then I will have a further motion.

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

(The remarks of Mr. CONRAD pertaining to the introduction of S. 684 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DISASTER SUPPLEMENTAL APPROPRIATIONS BILL

Mr. CONRAD. Mr. President, I would like to speak for one moment about the disaster supplemental bill.

It is fair to say that my State has been absolutely devastated by this extraordinary set of occurrences. First of all, the greatest snowfall in our State's history—over 10 feet of snow—followed in early April by the most severe winter storm in 50 years. Nearly 2 feet of snow fell in that one blizzard, accompanied by 70-mile-an-hour winds and an ice storm that brought down the electrical grid serving 80,000 people. That was followed by what we are now told was not the 500-year flood but the 1,000-year flood. That was coupled in Grand Forks with a fire that destroyed nearly three city blocks and was only contained because of the heroic efforts of the fire department in Grand Forks.

Mr. President, we have not had in this country a circumstance in which a town of the size of the city of Grand Forks with more than 50,000 people having been evacuated on a mandatory basis. Those people are not able to return to their homes for perhaps as long as a month.

This is a disaster of truly staggering proportion and dimension. Those people need help, and they need it now.

Mr. President, I know there are some who would like to attach amendments that are, in fact, extraneous to disaster relief to that legislation. I ask my colleagues to forbear the temptation to add extraneous matters to this disaster legislation. I know that some feel these amendments are not extraneous. In my own judgment, virtually all of these amendments that have been added have nothing to do with the immediate purpose of the legislation, which is to address the disasters that have been experienced in some 22 States—most recently the States of North Dakota, South Dakota and Minnesota. Some of these amendments really relate to the budget dispute of last year. We are going to have lots of opportunities for budget discussions. This disaster bill is not the time and is not the place for that to be.

The people who have been hurt deserve to be helped, just as we have helped other States impacted by disaster. Over and over, when we have had disaster bills, we have agreed, on a bipartisan basis, to withhold extraneous amendments. I have agreed to do it, even though I, too, have been tempted to offer things that I thought were critically important.

I hope my colleagues will extend that same courtesy to those of us who represent States that have been devastated in the most recent disasters. Our people deserve the same consideration and the same treatment that we have extended to others in similar circumstances.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. CONRAD. I am happy to yield.

Mr. DORGAN. Mr. President, I will be very brief, for a question.

Senator CONRAD talks about the disasters that have precipitated the need for a disaster bill. As a member of the Appropriations Committee in the Senate, I participated yesterday in writing the bill that would come to the floor of the Senate next week.

Included in that legislation are amendments that have really nothing to do with the legislation at all, that are very controversial and could delay or impede the progress of this bill.

I join with my colleague to urge those who I know have other agendas and amendments, which I am sure are important to them, to decide not to offer them to this legislation.

I encourage those who have offered them in the Senate Appropriations Committee to take those amendments out of this bill and allow us to do what we need to do for the victims of these disasters—to extend a helping hand and say to those who have suffered so much that this country understands that you need help, that you are not alone, and this legislation and this Congress, by enacting this legislation, wants to do that and do it quickly.

The Senator from North Dakota, Senator CONRAD, makes a very important point. I associate myself with that point—that between now and next Tuesday, or Wednesday, when we take that legislation to the floor of the Senate, I hope very much that we will see those who have been adding and probably those who might want to add additional amendments to decide not to do that on this very important bill.

Mr. WELLSTONE. Will the Senator yield?

Mr. CONRAD. If I can follow up on Senator DORGAN's comments, then I would be happy to yield further.

Last night I accepted an award on behalf of the Grand Forks Fire Department for the extraordinary heroism they demonstrated when this fire was burning out of control and they were prevented from fighting that fire as they normally would by the flood waters. And yet they took on an extraordinary circumstance; with live wires in the floodwaters, they could not know, as they moved to rescue people who were in those buildings, if they would be electrocuted, and they went forward, they did their jobs, and they rescued more than 20 people. And because of their bravery not a single life was lost. We lost some buildings. We did not lose a single life.

Last night the Firefighters of America gave to me, on behalf of the Grand Forks Fire Department, an award. I might say those firefighters who risked their lives to save others were doing it at the very time their own homes were being destroyed. Forty-three of those firefighters had their homes destroyed while they were saving other people's lives.

I can tell you, those people are wondering, why is it when we have a disaster that impacts our area people want to put on amendments that have nothing to do with disaster relief? They cannot understand it. We did not do that when the shoe was on the other foot. When other States were hit by disaster, we did not offer other amendments. I hope that cooler heads would prevail here and that we would find other vehicles for Senators to offer their amendments that they believe are important but leave the disaster bill clean so the people who are trying to rebuild their lives from an extraordinary set of disasters have a chance to rebuild their lives. That is not too much to ask.

Mr. WELLSTONE. Will the Senator yield for a minute?

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I wish to proceed to the motion to proceed to S. 4. However, I would ask unanimous consent that the Senator DODD be allowed to talk for 2 minutes and 1 minute to——

Mr. CONRAD. Mr. President, I had not yielded the floor.

Mr. JEFFORDS. I believe the Senator gave up the floor.

Mr. CONRAD. No; I had not yielded the floor. I was yielding for a question from my colleague from Minnesota.

Mr. WELLSTONE. I will be brief. Minnesota is one of these States, too, and every day we come here and speak briefly because we just keep trying to pitch away.

Could I ask one question? I think the Senator recognizes I would rather give a statement. I will not. But is it not true that when you talk to people in North Dakota—I certainly find this to be the case in Minnesota—they just do not understand at all how it can be that we just do not get this to them and how there can be this discussion of amendments having to do with budget cuts in education and budgets cuts in any number of other areas?

I say to the Senator, if I could get his attention for a moment, the most difficult thing for me is to try to explain to people how it could be we are at this impasse and that we cannot get the help to people as quickly as possible. In terms of how they live their own lives, people do not understand this kind of discussion about strategy and tactics and they feel as if we are just playing with their lives.

Does the Senator have trouble explaining to people why it is we cannot get this done for them?

Mr. CONRAD. I just say to my colleague by way of a quick answer that in Grand Forks two-thirds of the people are refugees. They cannot be in their own homes. They have been gone now for nearly 2 weeks. They still do not know in many parts of the city when they will return. And when they hear that there are amendments not related to disaster that are slowing down the disaster bill, they are just bewildered by what we are doing here. I must say there are times when I wonder what we are doing here. And again, I just hope that our colleagues would desist from offering amendments that are not disaster related to a disaster bill.

I thank the Chair and yield the floor.

Mr. JEFFORDS addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. I will proceed on the motion to proceed but I would ask unanimous consent that the Senator from Connecticut be allowed to speak for 2 minutes out of order and that upon completion I be able to resume my management of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Connecticut.

DEBTBUSTERS BALANCING THE BUDGET

Mr. DODD. Mr. President, very briefly, I may not even take the 2 minutes. I just wanted to inform my colleagues that about a week ago, Congressman CHRIS SHAYS, of Connecticut, and I hosted a program called Debtbusters with a group of 200 of our constituents. We invited people to come together to sit down in groups and try to balance the Federal budget in 5 years. This is an exercise designed by the Concord Coalition, and it is the first time such an event has been done on a bipartisan basis. I highly recommend it to my colleagues.

It is a fascinating exercise to watch people act as Members of Congress over a period of 2 or 3 hours, faced with the choices that many of us have to make here in Washington as we work toward a balanced budget by the year 2002. It was a tremendously worthwhile exercise. I want to commend the Concord Coalition for organizing it, for putting together the questionnaire. It was not perfect. Anyone who writes questions and makes choices obviously is going to bring some bias to it. But overall I found it to be rather fair and interesting. I would also like to commend the citizens of Connecticut, specifically the citizens of Stamford and the surrounding area, for taking the time out of their weekends to come together and work in such a constructive spirit.

It was curious to see the choices that people made. People, when they sat down and had to work with six or seven or eight other people from their community with many different ideas and issues, were able to compromise and come to conclusions and even give up on things they cared about very, very much. It was instructive. It did not solve the budget problem. But last Saturday I was impressed that, on a gloriously sunny day, people came out and spent the 2 or 3 hours to try and resolve these issues. I thought my colleagues might find it interesting.

As we are about to hopefully reach some sort of budget agreement ourselves, I believe it is worthwhile to appreciate what average citizens are able to do, just as I said, in a few hours on a bright sunny Saturday morning.

Mr. President, I thank my colleague from Vermont for making the time available and I yield back any time I have.

The PRESIDING OFFICER. The Senator from Vermont.

FAMILY FRIENDLY WORKPLACE ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. JEFFORDS. Mr. President, we are now proceeding on the motion to proceed to S. 4, the Family Friendly Workplace Act. First of all, I wish to commend Senator DEWINE, who is the chairman of the subcommittee which very dexterously handled this bill in committee. I would also like to thank Senator ASHCROFT, the original author of the bill, who has done so much to bring, not only the attention of Congress to the problems we are addressing in the Family Friendly Workplace Act, but also helped and assisted in bringing the attention of this body to the problems that are created by the current law.

I am pleased to be on the floor of the Senate today for the opening debate on the motion to proceed to S. 4, the Family Friendly Workplace Act. I would also like to acknowledge the hard work of many other colleagues and the effort that went into S. 4 by the committee who was able to bring out a piece of legislation which I am confident will have the support of the Senate.

I am extremely excited about this legislation because I believe it will positively affect the lives of millions of Americans. Today, there are more working single parents and dual-income families in America than ever before. The Family Friendly Workplace Act represents an important step in providing employees in the private sector greater latitude to balance the conflicting demands of work and family. This legislation provides men and women working in the private sector the opportunity to voluntarily choose compensatory time off in lieu of overtime pay as well as to voluntarily participate in biweekly and flexible credit hour programs. It does so by giving employees the opportunity to choose to take paid leave time instead of cash compensation for overtime worked and to work out more flexible schedules with their employers if it suits their needs. These same options have been available to State, local and Federal employees for some time and they have been enormously popular with these public sector employees.

Mr. President, since this bill was first introduced, it has met with opposition. I believe the opposition stems from the political positions of big labor unions rather than the needs of working men and women. I imagine that S. 4's opponents are concerned, in part, because it is the first piece of legislation in nearly six decades that makes any significant modification to the Fair Labor Standards Act of 1938.

While I understand the concern of S. 4's opponents, I believe that it is misplaced. The Fair Labor Standards Act was, and still is, an important piece of legislation because it provided much needed protection to American workers at the time when their welfare was often disregarded, in the horrible period of the Depression. While the principles behind the Fair Labor Standards Act have not changed, its stringent provisions make it difficult to accommodate the needs of today's work force.

Since the enactment of the Fair Labor Standards Act in 1938, there have been considerable changes in our Nation's economy, labor market conditions and labor-management relations. One of the greatest transformations has been in the composition of the U.S. labor force. More women are working than ever before. According to the Bureau of Labor Statistics, women now account for 46 percent of the labor force. Between 1948 and 1995, women's labor participation rates almost doubled from 33 percent to 59 percent.

The increase of women in the workplace has had a significant impact on the day-to-day activities of the American family. The stay-at-home mom is now the exception rather than the rule. Indeed, in 1995, only 5.2 percent of all American families mirrored the traditional "Ozzie and Harriet" family structure of a wage-earning father, a nonworking mother, and two children. According to the Bureau of Labor Statistics, 62 percent of two-parent families with children have both parents working outside the home.

The makeup of the American work force has changed dramatically, yet few provisions of the FSLA have been updated to reflect these changes. The needs of today's work force are different than the needs of the work force of the 1930's. Although employees are demanding more flexible work schedules and compensation packages, the FSLA and its underlying regulations preclude employers from complying with employee needs.

This need for a change in the existing law was exhibited in a recent poll conducted by Penn & Schoen for the Employment Policy Foundation. The poll indicates that 88 percent of all workers want more flexibility through scheduling and/or the choice of compensatory time. Another national poll revealed that 65 percent of Americans favored changes in the labor law that would allow for more flexible work schedules. It is not surprising that the private sector is demanding change. In a 1985 survey of Federal employees participating with flexible work schedules, 72 percent said that they had more flexibility to spend time with their families, and 74 percent said that having a flexible schedule had improved their morale.

Over the past several years, the committee has heard compelling testimony from workers about the difficulty of balancing work and family responsibilities. For example, Christine Korzendorfer, who works for TRW Systems in Fairfax, VA, testified that she works a lot of overtime hours. Her husband, who is self-employed, also works 7 days a week making caring for their two children a constant struggle. Ms. Korzendorfer said that while the overtime pay is important to her, having extra time off to be with her family is more important. She wants the choice to be able to take comp time off instead of overtime when it best fits her needs and her family's needs.

In addition, the committee heard from Sallie Larsen, vice president, Human Resources and Communication, TRW Systems Integration Group, about TRW employees' frustration with the rigidity of the current law. Ms. Larsen explained that it was important for her business unit to understand their employees' work patterns because the work patterns factored into how TRW bid for new work. To meet the needs of its employees, TRW saw an opportunity to add flexibility for all of its salaried employees and managers in its work scheduling. As a result, TRW invented a program called the Professional Work Schedule which gives salaried employees the ability to participate in 2-week flexing, partial-day time off and additional time off. However, the restrictions of the Fair Labor Standards Act prevented TRW from offering the program to its hourly employees. Ms. Larsen testified that TRW's hourly employees were amazed to learn that it is a 60-year-old law that is substantially unchanged since it was passed that stands in their way of becoming a full member of the team.

When the employees ask, "Why am I treated as a second-class citizen?" TRW explains, "It is the law, not the company's unwillingness to offer the professional work schedule to them."

As I mentioned earlier, employees in the public sector have had this option since 1985, and it has been very popular. Unlike in the public sector, however, S. 4 would prohibit employees from forcing workers to accept comptime off instead of being paid overtime as a condition of employment. That is a change from the public law. In fact, under S. 4, an employee's participation in any flexible work arrangement would be totally voluntary. We have worked hard on the language since its introduction to make this crystal clear and to provide strong penalties against any employer who coerces, intimidates, or threatens a worker into accepting such an agreement.

This is true flexibility for workers and not the heavy hand of the employer. Providing families more flexibility in the workplace to help meet family needs should be a bipartisan goal. In the last year, President Clinton has acknowledged the importance of work force flexibility. For instance, in his recent State of the Union Address the President said, "We should pass flextime so workers can choose to be paid overtime in income, or trade it for time off to be with their families."

Because S. 4 will assist American workers to balance the needs of an evolving work environment and quality family time, I urge all my colleagues to join me in supporting this bill.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think, since this is the Ashcroft legislation, the Senator should be entitled to make the first statement on it.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I urge my colleagues to join us in moving to consideration of S. 4, the Family Friendly Workplace Act. It is an act which would help us accommodate the needs of families by recognizing that there are competing stresses. Most families feel two important stresses in their lives: One, the need to be with their families and to do for their families what their families require; the other is to provide resources, financial resources, for the family. These two stresses have put us in a unique condition, in terms of the way families operate. In the 1930's, when we enacted the Fair Labor Standards Act, it was clear that very few families found both parents as wage earners. As a matter of fact, in the 1930's, only one out of every six women with school-aged children worked outside the home.

We have seen these two stresses—the requirement to spend time with our family and the requirement to provide financial resources in order to support our family—drive both parents in many situations into the workplace so there is this tension that exists in the workplace. It is a tension that relates to how we accommodate our families at the same time we provide the financial resources for our families. That being the case, the sponsors of S. 4 sought to find a way that we could say to families: We understand how important it is to you to get the financial resources to support your children. We understand how much you need to spend time with your children. Finally, we want to say to American families that we understand how important it is that you spend time with your children without sacrificing the financial resources that your family needs. The solution—we thought it best to provide a way for people to be able to work flexible work schedules.

This is not a way for people to take a pay cut or to lose resources. We already have the Family and Medical Leave Act, which allows people to take a pay cut in order to meet a family emergency. But public policy in this country should not require American workers to take a pay cut in order to be a good mom or dad in this country. Most people have the understanding that they want to be able to both meet the financial needs of their family and meet the social needs that are attendant to being a mom or dad. That is what this bill would do.

This bill would simply allow flexible work schedules to be arranged, when the employee and the employer agree—when there is agreement on both parties—it cannot be a coerced agreement. The bill provides specifically, that if there is coercion—either direct or indirect coercion—that there are enhanced, heightened, and substantial penalties involved. Therefore, when there is a voluntary agreement between the employer and employee, the employee in overtime situations can opt to take time-and-a-half off instead of getting time-and-a-half pay. And, where there is an employee who does not get overtime work regularly, and that happens to be most of the hourly workers in the country—the vast majority of citizens do not get overtime work. In those settings, where an employee never has an opportunity to earn overtime compensation, there should be an opportunity for people to say to the boss, "If I work an extra hour this week, calling that flextime, can I take an hour off next week when my son or daughter is going to get an award at the high school and I need to take an extended lunch hour? Can I take some time off next week if I need to go take a group of kids to the soccer game? I will work the hour this week."

Americans really are not aware that that is against the law for hourly workers right now. For an employer to trade with an employee an hour in 1 week, and say you can make it up in the next week, if the hour in the next week puts the person over 40 hours—it simply is illegal to make that up on an hour-for-hour basis. If you want to take the hour off this week and make it up next week, it is now a responsibility of the employer to make it up at a time-and-a-half basis. So you have to pay time and a half. Most employers cannot afford that, so they do not have that kind of flexible working arrangement. It is pretty clear to me that most Americans would like to have the opportunity to swap an hour, sometimes, one week for an hour the next week. Under this bill, if the employer asked, suggested, or even hinted that he wanted an employee to work over 40 hours in a week, the employee would be entitled to overtime pay. In order to bank hours on an hour-for-hour basis, the employee "initiate and request" the ability to work the additional hour.

So, there are a number of components of this bill, all of which are designed to relieve the stress of working families, all of which are designed to give Americans more time with their families. These provisions are designed to do it without forcing you to take the time off without pay. The real challenge we have in our culture is to continue to sustain our families financially but also to continue to sustain our families in their abilities to do the kinds of things they need to do together. What is important to note is that, in addition to the overtime provision, which can be compensated at time and a half, there is also the flextime provision of the bill which attends to workers who are not normally able to get overtime work.

The Census Bureau collects data on a regular basis. Out of their data they collected in 1996, the data revealed that only 4 percent of working women who work on an hourly basis reported that they get regular overtime pay. It would be fine for those women if they could take that overtime and convert it to time-and-a-half off. But let's be serious. If we were only going to address the stresses and tensions that exist in the families of that 4 percent of the work force, we are not really going to do much to improve the lives of very many people. We need to be able to address this tension and this stress that exists in the work force generally. That is why it is important to offer the flex-time parts of this bill, which allow a person to say, "I will work an extra hour this week in return if the boss will let me take that hour off next week, or vice versa."

Those are the kinds of provisions that have been available in the public sector for the last 20 years. In 1978, sponsored by Congresswoman Ferraro, of New York, and Congresswoman Schroeder, of Colorado, we enacted the law in the Federal system which provided for flexibility in employment for Federal workers. The same provisions, which we now are offering before the Senate, ought to be extended to workers around the country in the private sector. What is interesting is that the system has worked so well at the Federal and local level. As a matter of fact, the General Accounting Office wanted to see what the impact of having these kind of work rules was on governmental performance, on morale of workers. When the General Accounting Office surveyed the workers they found out that workers approved or expressed their appreciation for this kind of working arrangement at a 10-to-1 ratio. So, for every 1 worker here who said, "I am not enthusiastic about this, I do not really care for it," 10 workers said they approved it.

Frankly, you cannot get that 10-to-1 ratio of workers to agree that today is Thursday afternoon. That is an overwhelming endorsement. That is a clear statement by workers, the workers themselves—union workers, nonunion workers—that this system works.

One of the features that is allowed in the Federal Government system that would be allowed and available in the private sector under this bill would be the ability of workers and their employers, upon the agreement and voluntary—voluntary consent of both parties, to schedule work over a 2-week period to average 40 hours a week. This was extremely popular in the Federal Government, because it allowed people to work 9 days in the 2-week period instead of 10 days in the 2-week period. Working 9 days in the 2-week period really meant that workers had every other Friday off, so they would work 8 days at 9 hours a day for 72 hours and then the ninth day they would work 8 hours. That took them to 80 hours. Then, with that in mind, having worked 80 hours in the 2-week period, 45 hours in the first 5 days and 35 hours in the next 4 days, those 2 weeks together constituted 80 hours. And each second week, Friday would be off.

The opportunity is apparent, here, in terms of the ability to spend time with your children; the ability to tend to things that can only be done during business hours. This is one of the reasons, when Federal employees are asked about the program, they endorse it overwhelmingly. It is one of the reasons why unions in the Federal arena insist on these provisions, these capacities, these flexibilities. It is one of the reasons why individuals in the work force ought to really have this opportunity in the private sector.

Having worked flawlessly for the last 20 years, increased productivity, built morale, and been endorsed by workers overwhelmingly, it is time for us to say to the work force generally: This is something you should have. Federal workers have it. It is time that ordinary workers in the private sector have it. I should not say "ordinary" because I do not want to suggest that the other workers are extraordinary. The point is, salaried workers have had flexibility for a long time. The boardroom has had flexibility for a long time. The guys who run the company never seem to have difficulty in being able to take time off to see their kids get an award, or even to play a game, or a round of golf, or perhaps link up with some of their friends at a predetermined time for a fishing trip or outing, or to even be volunteers, when it is necessary, to help their communities.

But the hourly individuals are the ones who have faced that challenge. Of course, the people who have felt the squeeze the most, I think, are the moms who have gone into the work force since the 1930's. There are 28.8 million working women who work by the hour in this country and it is time for us to say to them: You should be entitled to some of the same flexibility that people in the boardroom or at the head of the company or the salaried workers of America have had. It is time for us to say to them you should be entitled to some of the same opportunities to work with your family as the people who work for the Federal Government have had. It is time for us to say to them it would be appropriate for you to have the same capacity to volunteer and to help your children in their athletic activities, or academic activities, or extracurricular activities, as the people who work for State and local governments have had.

It is time to give the average worker in the United States of America, that individual who has served, working hard on an hourly basis, these same benefits that have been enjoyed by individuals who have worked on a salaried basis and have worked for the U.S. Government, for State governments, or for local governments.

Some individuals have indicated that perhaps it is enough for us to just address the issue of comptime. I would just suggest, because comptime is available only to workers who work overtime regularly, that we ought to think carefully about limiting the flexible working arrangements that we think ought to be available to American workers to those who are normally endowed with the right to work overtime.

Overtime is not the prerogative of most American workers. Estimates run as high as a third of the workers get regular overtime. The census clearly indicated only 4 percent of the hourly workers who were women in 1996 said they got regular overtime.

What if you would triple that number from 4 percent to, say, 12 percent? You would still only have one woman working by the hour out of eight who received regular overtime. If we are going to provide flexibility to only one out of eight women, it seems to me we have missed the boat; or only two out of eight men, because twice as many men work in jobs that get overtime as women do.

If you take the universe of people who get overtime work, it is a 2-to-1 population in favor of men who have worked in the jobs that historically get overtime.

I do not think it is appropriate for us to try to limit what we do to individuals who have had the good fortune to find themselves in jobs where they would traditionally get overtime, especially when that means that it would only result in maybe one out of eight women in the work force working by the hour, having the flexible options, having the capacity to have an adjustable schedule the way people do in the boardroom, the way people do in State government, the way people do in the Federal Government.

I think it is time for us to say to America generally, "We understand it's tough to balance the competing demands of the homeplace and the workplace. We understand that when you take time off, you don't want to lose money doing so, because you wouldn't be working in the first place if you could afford to lose money by taking time off."

We need to say, "We understand you don't want to take a pay cut to be a good mom or dad."

We need to say, "We understand that you want to be a volunteer and you will need to have flexible working arrangements from time to time."

We want to build a framework that says to them, "If, indeed, those are your aspirations, here is the way you can accomplish them. At least you and your employer can together agree voluntarily that these kinds of things can be done."

I emphasize the word "voluntarily," because that is the way the bill would work. If there is coercion, either direct or indirect coercion, the bill provides for elevated, extraordinarily high penalties. It says, "If you are going to coerce workers, beware, you are going to have a doubling of the penalties you previously had in overtime settings."

Second, in order to provide a further incentive for employers, who are offering compensatory time off options, to not only allow employees to take the time when they need it but also to not see it as a cost savings, the bill provides that if an employee has chosen a comptime option, if at any time the employee changes their mind, the employee only has to say "Nope, I've changed my mind. I would like to have the money back instead of the time and a half off."

So, if someone had originally said, "I'll take time and a half off," thinking that would please the employer in some way, they can reverse that decision. In addition, if he believed he needed to accept the comptime, in lieu of financial compensation, it would be coercion and double current penalties could be assessed.

As an ultimate backup to make sure we don't have any abuse of the workers here, we have a situation built right into the structure of the bill so that at the end of the year, all the time and a half that is there as comptime is automatically paid as time and a half and at time-and-a-half rates.

So what we have here is a clear voluntary situation. You do not have any incentives for any employer to distort the voluntarism. You have employers who really understand that, if they can help employees be good parents, they are going to be better employees and, together, with a happier employer and happier employee, people are going to be able to meet the needs of their family without taking pay cuts. That it is a win-win situation. That is what we targeted. We built protections into the bill and structurally designed the bill, so that compensatory time can be converted quickly and efficiently. It is automatically converted if it is not used by the end of the year and we have provided elevated penalties in the event that there is a problem with any coercion, direct or indirect.

I might add as well, in the event the employer and employee in this measure do not agree to take time off as compensatory time, if there is no agreement on it, we fall back under the 1930's Fair Labor Standards Act. In other words, nothing is done to deprive any worker who wants to live under the terms and conditions of the law as it now exists from working under those conditions.

What we really have is an ability of the worker and the employer to choose to be more flexible and, if either one is dissatisfied, that choice is reflected in the continuation of the status quo: The 40-hour week continues to be in existence; the required payment of overtime at time and a half payment instead of time and a half off continues in existence. So the ultimate security for any worker is that the worker can choose to operate in the same framework of legal protection that worker has at this very time.

This is an attempt to say to the work force, "We know that you are stressed. We know that the demands of your house and the demands of your job are competing, and when they collide, if possible, we would like to give you the option of being able to work it out with your employer and to work it out in a framework of protections that are likely to result in your being able to succeed."

We are doing this, not with some program we have dreamed up, not with some novel, untested, untried set of opportunities. We are doing this with a program that has been in existence now since 1978, almost 20 years, in the Federal Government. We are doing this by proposing for the private sector the kind of flexible working arrangements which have been available in the public sector and which workers in the public sector have endorsed at a 10-to-1 ratio, which workers in the public sector, be they union workers or nonunion workers, are eager to continue, and when contracts are negotiated, there is an insistence that these kinds of provisions continue to be available.

I might just add one other thing about the President and his involvement. The President, in his campaign, called for "flexible work arrangements" for citizens. He used that very language. He used that language again in his State of the Union Message. He talked about "flexible working arrangements." When the President of the United States, President Clinton, came into office, he noticed that there was a small group of executive branch workers who didn't have the privileges that were accorded to the rest of the Government workers regarding flexible working arrangements and compensatory time. When the President made that observation, he did the right thing. The President said to the rest of the workers, "I'm going to extend the benefits of these kinds of working relationships by Executive order to you as Federal workers, because these are the kinds of things which will help you do a good job, they will help us get good work, and they will help you resolve the tension between your family and your workplace."

What was good for the President of the United States in his campaign, what he remarked on favorably in his remarks to the Congress, what he indicated was appropriate by way of Executive order, is good for the American people.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, the Republican leadership is pushing its so-called compensatory time bill, but a better name for it is the Paycheck Reduction Act. The bill has four fatal flaws:

First, it is a pay cut for large numbers of workers who don't deserve that harsh treatment from either Congress or their employers. The bill eliminates the guarantee of pay for overtime work for 65 million employees. The Republicans have openly admitted their pay-cut strategy. When the National Federation of Independent Businesses testified at the Senate Labor Committee hearing on the bill, they said "Small businesses can't afford to pay overtime." That's why they support this legislation.

Vast numbers of today's workers depend on overtime pay to make ends meet. Half of those who earn overtime take home $16,000 a year or less. More than 80 percent earn under $28,000 a year. American workers cannot afford this Republican pay cut.

Second, the bill cuts other benefits. Health and retirement benefits are based on the number of hours worked by employees, and their benefits would be slashed too. Comptime hours do not count as hours worked, so employees will lost health coverage while they are working, and much-needed pension benefits after they retire.

Third, the proposal abolishes the 40-hour week. Employers could require employees to work up to 80 hours in a week without receiving overtime pay. A company could schedule a worker for 60 hours in 1 week, and 20 in the next, all without a penny of overtime pay. This isn't a family-friendly bill—it's a family-enemy bill.

Fourth, the bill provides no employee choice. The employer chooses who works overtime and when an employee can use comptime. The employer can assign all overtime work to employees who will accept comptime instead of overtime pay. Those who need overtime pay to make ends meet will no longer receive it. The bill also lets the employer decide when employees can use the comptime they have earned. If an employee wants to use comptime to take a child to the dentist, or attend a school play, the employer is free to deny the request.

If the Republicans are genuinely interested in helping working Americans deal with family needs, they should support expansion of the Family and Medical Leave Act. That law has been a resounding success since its enactment in 1993. It gives employees up to 12 weeks of unpaid leave a year to care for a newborn or newly-adopted child, or to deal with a serious medical condition of the employee or close relative.

Two proposals to expand the act are now under consideration in Congress. Senator DODD proposes to apply the law to all firms with 25 or more employees, instead of 50 or more employees under current law. This step would enable 15 million more workers to receive this important benefit. Senator MURRAY proposes to offer 24 hours of leave a year for employees to attend parent-teacher conferences and other school events.

Those who support genuine family-friendly policies know that the Family and Medical Leave Act works well for working families. I urge my colleagues to support its expansion and to reject the Republican comptime Trojan horse.

I know there is significant interest in the idea of legislation that would allow an employee to make a genuinely voluntary choice to be compensated for overtime work in time off rather than in pay. But, this is not that bill. Even those of you who support the concept of voluntary comptime should oppose S. 4. S. 4 contains four major provisions, each of which is designed not to help employees, but to allow employers to reduce the amount of money they must pay their workers.

This bill isn't meant to help employees juggle their work and family obligations. Instead, it is designed to help employers cut workers' wages. Forcing employees to accept time off instead of overtime pay is a cut.

While the legislation purports to let employees make the choice between overtime pay and comptime, it does not contain the protections which are necessary to ensure that employees are free to choose and are free from reprisal.

Under S. 4, it is the employer, not the employee, who decides what forms of comptime and flextime will be available at the workplace. There is no freedom of choice for the worker.

There is nothing in this bill which prevents an employer from discriminating against a worker who refuses to take comptime instead of overtime pay. Under S. 4, an employer could lawfully deny all overtime work to those employees who want to be paid and give overtime exclusively to workers who will accept comptime in lieu of pay. There is no freedom of choice for the worker.

The employee may want a particular day off so that she can accompany her child to a special school event or to a medical examination at the pediatrician. However, nothing in this legislation requires the employer to give the employee the day she requests. This bill gives the employer virtually unreviewable discretion to determine when a worker can use her accrued comptime. Here, too, there is no freedom of choice for the worker.

S. 4 contains much more than a badly flawed comptime provision. It contains a section entitled "Biweekly work program" which literally eliminates the 40-hour workweek. The bill substitutes a provision which would allow an employer to work his employees up to 80 hours in a single week without paying a cent of overtime. The employees would not even receive 1½ hours of comptime for each extra hour they worked.

The next new provision is entitled "Flexible credit hours." Under this provision, an employee who works hours that are in excess of the basic work requirement would no longer be entitled to overtime. Instead, the employee would get an equivalent amount of hours off at a later unspecified time. Under existing law, the employee would be paid time and a half for such excess hours. Under comptime, the employee would at least receive 1½ hours of time off for every excess hour worked. However, flexible credit hours purport to offer the employee a new, innovative alternative—work the excess hours but receive only 1 hour off for each excess hour worked. I cannot imagine how any employee could turn down an offer like that. Does anyone in this room honestly believe an employee who was not being coerced would choose to participate in such a plan?

The last feature of this bill appears on page 43. We haven't discussed it and I would urge each of you to take a closer look at it. It applies to salaried employees. Under current law, they do not receive overtime when they work extra hours and their pay cannot be deducted for an absence of less than a full day. S. 4 proposes to change that rule. Salaried employees would still receive no overtime but they could be subject to deductions in their pay if they were absent. In other words, the fact that they could have pay deducted if they missed 5 hours of work in a week can no longer be used to prove that they are hourly employees entitled to overtime if they work 5 hours extra another week. Is that fair? Is that enhancing worker's freedom of choice.

When you analyze what S. 4 would really do for American workers, it should be entitled "The Pay Reduction Act of 1997."

The essence of a genuine comptime bill is the creation of new options for employees, not employers. As you know, President Clinton has endorsed comptime legislation. However, even as a supporter of the principle of comptime, he has stated that he would be compelled to veto S. 4. A letter sent to this committee by the Acting Secretary of Labor at the direction of the White House sets forth the failings of this legislation clearly:

> Any comptime legislation must effectively and satisfactorily address three fundamental principles: real choice for employees; real protection against employer abuse; and preservation of basic worker rights, including the 40-hour work week. President Clinton will veto any bill that does not meet these fundamental principles.
>
> While the President has called for and strongly supports enactment of responsible comptime legislation, he will not sign any bill—including S. 4—that obliterates the principle of time-and-a-half for overtime or that destroys the 40-hour workweek. Workers—not employers—must be able to decide how best to meet the current needs of their family.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, my colleague from Minnesota indicated he was ready to proceed. Let me see if he is ready. For the moment, I suggest the absence of a quorum.

The assistant legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I thank my colleague, Senator DEWINE, for his courtesy.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Anne Wilson, who is interning with us, be granted the privilege of the floor during this debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I will actually be relatively brief for now. We are going to have time for plenty of discussion and debate. In its present form—and I appreciate the words of my colleague from Missouri—this piece of legislation might better be called the Paycheck Reduction Act. I will just go over some bullet points and marshal evidence behind each.

Pay cut eliminates the guarantee of pay for overtime work for 65 million American workers. Mr. President, we passed the Fair Labor Standards Act over half a century ago. It was an important piece of legislation. It represented real progress for working families. The idea was that if you worked over a 40-hour week, you would get paid time and a half. That is an important principle. This piece of legislation essentially turns the clock back over a half a century. In a way it is a nonstarter for that reason alone.

Interestingly enough, we had an amendment when we were marking up the bill in committee which essentially said, at least don't give the employer all the power so that an employer is in a position to say to someone, Look, we will not give you time and a half compensation for overtime work. We will give you flextime. So the employer is in a situation to say to a worker, OK, you worked an hour over; we'll give you a flextime hour—that is hour to hour—but we won't offer flexible compensation at time and a half. That was voted down.

Benefits cut. Health and retirement benefits based on hours worked would be slashed.

Abolishes the 40-hour week. Employee could work up to 80 hours in a week without receiving overtime pay. That is just unbelievable. Everybody should understand this. This is a sacred principle. The reason we passed the Fair Labor Standards Act is that many employees, some the very employees Senator ASHCROFT was discussing, do not have a lot of clout vis-a-vis their employers.

The idea was to have some basic protection, so that if you were working hard to support a family and you worked overtime, you would get paid overtime. That assurance is abolished. Under this legislation, an employee could be working 50 or 60 hours a week or more and not get paid any overtime for that. To move away from the 40-hour week turns the clock back about a half a century.

Finally, No employee choice. Employer chooses who and when. Employer determines who works overtime and when an employee can use comp time. This is, in many ways, one of the most troubling features of this legislation. Please remember, and we had testimony in our subcommittee on this, there are companies that really work well with employees. They have good partnerships, and there are situations where an employee works 4 days a week, 10 hours a day and takes off Friday. That can be done now. You do not need to overturn the Fair Labor Standards Act. You do not need to overturn the 40-hour week. That can be done now.

Or what people can do is work 9 hours a day as opposed to 8 hours and then work half a day on a Friday or on a Monday. That can be done now within the existing framework of labor law.

Or people can go in at 7 and come home at 3 or come in at 10 and go home at 6. There are all sorts of flexible arrangements. Right now, employers can give their employees this flexibility if they so desire. The problem is, a lot of employers do not do that. But it has nothing to do with the basic principle of the 40-hour week, and the principle that if an employee works overtime, he or she should get time and a half pay. This legislation undercuts that.

Mr. President, that hardly represents a step forward for working people in this country. That is why, in its present form, this is the Paycheck Reduction Act. And that is why we are adamantly opposed to it. That is why most people in the country will be opposed to it when they learn all the provisions in the legislation.

This is my last point for today. Mr. President, what is interesting about this is it is all done in the name of choice. But you know, we had some interesting amendments in committee that speak to this question.

I offered an amendment which said we have a Family Medical Leave Act right now which says that there are up to 12 weeks of unpaid leave in the case of sickness of a child or an adult, so why don't we say this: If an employee has banked 10 hours of earned comp time, and she calls her employer and says, "Look, I need that time off because my child is sick," she gets it automatically. The employer does not get to shut her down and say no. If you want to give the employee choice, do not give all the power to the employers. But, Mr. President, that amendment was voted down.

We had another amendment which took some parts of the labor force—for example, garment workers—and said, we have a lot of people right now who, whatever the law of the land says, are not even getting paid minimum wage or earned overtime. We have a lot of examples of forced and unpaid overtime, and we have a whole backload of unfair labor practices. So couldn't we at least exempt some sectors of the work force where we know people are vulnerable and somewhat powerless and, as a matter of fact, have been exploited by some employers? Thank goodness most employers are not that way. But that amendment went down as well.

Mr. President, one other example. We had discussion where we said, wait a minute, we have this backload, we have all sorts of potential for abuse. Can't we at least have a commitment of resources so we have some enforcement?

You are going to need more people within the Department of Labor to enforce this to make sure that people are not forced to work overtime without overtime pay because no matter what you say in theory—about this being voluntary—the vast majority of people who work can tell you right now they do not always have a lot of choices. A whole lot of people put up with really awful working conditions. They put up with unsafe working conditions. They put up with situations that none of us would want to be in. But they do it to put food on the table. So couldn't we at least provide people with some protection? That is not here either.

Mr. President, with all due respect, this bill is hardly giving people more flexibility. That is the way it sounds at first blush. But what really is at issue here is you essentially overturn portions of the Fair Labor Standards Act, you overturn the 40-hour week, you put people in the situation where the employer—and in most situations the employer has the power—is going to say to people, "Hey, we're pleased to give you flextime," or, "We're pleased to give you an hour off, but it's hour for hour, even if you worked overtime. Even if you've banked hours, we're not going to give you time and a half compensation when you want and need it."

Let me tell you, the reason people work is because they need that pay to put food on the table. The reason you have so many families where both people work, both husband and wife, is because they need the income.

I do not think people are interested in seeing their paycheck cut. I do not think people are interested in being put in a situation where they no longer receive time-and-a-half overtime compensation. I do not think people are going to be pleased with a piece of legislation that abolishes the 40-hour week. And I do not think people are going to be pleased with a piece of legislation which sounds great in theory about employee choice, but does not have any of the provisions in it which would really guarantee that that would be a reality.

So, Mr. President, I have a budget meeting, and I apologize, because I like to debate with my colleague from Missouri. I promise him I will be on the floor whenever we get back to this, to hear what he says and go back and forth—and with my good friend from Ohio. These two are my good friends. We do not always agree, but they are two Senators I really do like and respect. I feel badly about speaking and leaving, but only because we have this budget meeting right now. In any case, Mr. President, what I said was so compelling, what I said is irrefutable and irreducible, and I do not think they could possibly respond to it anyway.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. I thank my colleague from Minnesota for the kind comments. I am sorry he is leaving, but he has an important mission on the Budget Committee. I have debated this issue on a number of different occasions in committee. But I must say that he is particularly eloquent today, because I do not even recognize this bill after he finished describing it. It is an entirely different bill than the bill I thought we passed out of committee. And I am sure many of the points that he raised today are going to be points of contention as this debate continues over the next few weeks.

Mr. President, let me first congratulate Senator ASHCROFT and Senator KAY BAILEY HUTCHISON for the great work that they have done to bring this bill to the floor today. In the House, my colleague from Ohio, Congresswoman DEBORAH PRYCE, has done tremendous work on this bill.

This is a bill that I am particularly proud to have been involved in to help bring to the floor today, because I think it will help bring the American workplace into the 21st century and, more importantly, bring the underlying labor law into the 21st century and make both more conducive, more understanding, to the changing nature of American society and of the American workplace, particularly of the American family and how people really live today.

In the hearings that we held in the Senate Labor and Human Resources Committee on this bill several months ago, we heard facts that substantiate the monumental changes that have taken place in American society in this century, particularly in the last 20 to 25 years, changes that make it absolutely essential that we pass this legislation.

Mr. President, today more than 60 percent of married women work outside their home; 75 percent of married women with school-aged children work outside the home; 75 percent of married couples with children have both spouses working.

We compare these statistics, Mr. President, to the situation in 1950: 11 percent in 1950—11 percent—of married mothers with children under the age of 6 worked outside the home. Today, almost 50 percent do—47 percent.

In less than half a century—in my lifetime—we have gone from around 10 percent of these mothers working outside the home to nearly half of them. This is truly a historic social change. I believe the sponsors of this bill in both the House and the Senate believe that it would be a good idea for the dynamics of the American workplace to finally catch up with the dynamics of our society.

It would be a good idea, Mr. President, for our laws to reflect the reality of how people live today. Put simply, Mr. President, there are more single parents and dual income families in our work force today than ever before, and their numbers are growing. In today's society, employees are faced with a difficult task of balancing their obligations to family, to spouse, to children, to work, school, other important things.

Mr. President, it is significant—it is significant—that for many years Federal, State, and local governments have enjoyed the statutory ability to offer their employees a flexible work schedule, thus allowing them an opportunity to spend more time with their families or more time to continue their education.

Mr. President, as our colleagues consider this bill, I ask them to consider how many times they have had a Federal employee, when they have been back to their State, come up to them and say, "I don't like this. I don't like the comptime. I don't like the flexibility that the law gives me today." They have had this, Federal workers have, for several decades. State employees have.

I was Lieutenant Governor of Ohio for 4 years. I do not recall one State employee ever coming up to me and saying, "I don't like the flexibility that we have." In fact, just the contrary. Everyone who has ever talked to me about it has said, "I enjoy it. I like it. It helps my family."

Mr. President, there are actually antiquated Federal laws which are still on the books that are preventing some of the necessary changes in the non-Government workplace. This is what this bill does. It sweeps away some of these old laws that prohibit workers from doing what they want to do.

Let us say, for example, a mother wants to take her daughter to a doctor's appointment. She wants to make up the working hours she missed by stacking them into other work days. Today, Federal law, written by Congress in 1938, says the employer cannot do that. The employer has to say to her, "No. I am prohibited by law from doing this. I want to do it. You want to do it. We are prohibited by law from doing it."

Mr. President, that simply does not make sense as we approach the next century. Workers in this country need more flexibility.

Mr. President, earlier this month the Senate Labor and Human Resources Committee passed this bill, a bill that would reduce some of the stress on America's working families by making the American workplace more family friendly.

As chairman of the Employment and Training Subcommittee, I handled this bill and we held several hearings. The hearings strengthened my conviction that this bill is long overdue.

Senator JEFFORDS, the chairman of the committee, was on the floor a few minutes ago and talked about Christine Korzendorfer, a woman, a mother of several children, who works at TRW. This is what she said, and I quote. She is talking about overtime pay. "Pay is important to me." That is important. "However, the time with my family is more important. If I had the choice,"—if I had the choice—"there are times when I would prefer to take comp time in lieu of overtime. What makes this idea appealing is that I would be able to choose what option best suits my situation."

Mr. President, that pretty well sums it up. Individual choice is really what this is all about. It is the Christine Korzendorfers of this country, the hard-working Americans, who know best what kind of work schedule fits their needs. Giving these workers the freedom of choice is the purpose of this legislation. The bill before us today, S. 4, the Family Friendly Workplace Act, will amend the Fair Labor Standards Act to finally provide employers and employees in the private sector with the same benefits public-sector employees have enjoyed for many, many years.

The bill contains three options for making the workplace more flexible—compensatory time off in lieu of monetary overtime pay, biweekly work schedules, and flexible credit hours.

Participation, Mr. President, is voluntary. Let me stress this again and again. You are going to hear this word from me throughout this debate. It is voluntary. No one has to do it. If the employee does not want to do it, the status quo prevails. The employer has to want to do it, the employee has to want to do it before this law really even kicks in.

Mr. President, I think that most people would be shocked if they knew that current law prohibits, absolutely prohibits, employees and employers from making the types of arrangements and agreements that people in the public sector can do today.

If that law was not in effect today, if that law did not prohibit that type of arrangement, do you think, Mr. President, Members of the Senate, that anyone would come to the Senate floor and offer a bill to do that? Would anyone come to the Senate floor and offer a bill that said the Federal Government is going to step in and tell employees and tell workers in this country that, if you want to make an arrangement with the employer that allows you more flexibility in your life, that allows you to better decide when you are going to work, how you are going to work—does anybody think that bill would pass?

Does anybody think that the Federal Government, if it did not have that law in effect today, that we would want to put that law into effect? The answer obviously is no. I think it tells us something when we look at that answer and look at the question in that way. Such a bill obviously would never pass.

Mr. President, the Fair Labor Standards Act and its underlying regulations simply do not allow private-sector employers to meet the demands of their employees for more flexibility in various forms of compensation. As a result, working families are faced with tremendously difficult decisions.

For example, will a mother sacrifice hard-earned vacation time off to take her child to the doctor or to the hospital? Should she forgo the compensation to make sure her sick child is properly cared for? Should she try to run home for an hour here or 20 minutes there? Can a single parent afford to leave work early to attend a teacher conference, to help chaperone a class trip? Will a single parent ever find the time to pursue greatly needed continued education? These are the options that this bill will give.

I see, Mr. President, my colleague from Texas is on the floor. She has worked long and hard to bring this bill to the floor. I congratulate her for her great work. I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, thank you.

I want to thank Senators JEFFORDS and DEWINE and Senator ASHCROFT for their commitment to this bill. They have followed it through all the way from the beginning—Senator ASHCROFT, as the key sponsor, and Senators DEWINE and JEFFORDS, as the chairman of the subcommittee and full committee that shepherded this bill through because they believed so much in what this bill can do for the more than 60 million workers in this country, including 28 million women, who are paid by the hour.

I was just listening to what Senator DEWINE was saying, and I have to say, step back a minute and think about the fact that the Federal Government is saying to the hourly employees of this country, "You cannot go in and ask your employer to take off at 3 o'clock on Friday and work until 7 o'clock on Monday." You cannot do that because the Federal law says your employer cannot offer you that option. So if your child is playing in a soccer game or a football game on Friday afternoon at 3 o'clock, which many schools across our country do have in their schedules, you cannot go in and get that opportunity to see your child, because the Federal Government says you cannot do it.

Now, if you were a Federal employee you could do it because Federal employees have that option. If you are a salaried employee, you could do it. It is hourly employees who are not able to say, "I want to work two extra hours on Monday so I can take off at 3 o'clock on Friday."

Mr. President, all this bill does is give the same option to hourly employees that every Federal employee and every salaried employee has in our country. It is just amazing to me we did not do this years ago. It was only Senator ASHCROFT who came in and said, "Why have we not done this?" Many of us were not even fully aware of the impact our out of date labor laws were having on Americans' modern lifestyles.

What are our modern lifestyles? Mr. President, over two-thirds of the women who have school-age children in this country are working outside the home. When the Fair Labor Standards Act was passed, we had a lot of moms that could and that chose to stay home. Today, there are 58.2 million women in the workforce, and roughly half—28 million—are paid by the hour. The other half are salaried employees or self-employed. The biggest stress factor they have in their lives is the inability to find the time in the average day to do the things they need and want to do for themselves and their families. Working mothers and their children want to be able to share more of life's activities—to be able to go to the PTA meeting, the soccer game, the football game, and still be able to make a full-time salary and make ends meet at the end of the month.

The Family Friendly Workplace Act will enable those working mothers to do just that. Senator ASHCROFT and I have made sure that these people who are working hourly are not going to lose their salaries because they do have budgets. They have to meet the mortgage payment. They have to meet the car payment or the rent payment. They simply cannot afford to take time off without pay, as the President and some Members of Congress have called for.

That is the beauty of this bill. It allows the employee to be paid, while adding flexibility to their work week.

Another aspect that Americans like so much about this bill is it would allow an hourly employee to say, "I would like to work 9 hour days and take every other Friday off work, with pay." Federal employees have this option. Salaried employees have this flexibility.

Mr. President, I think it is important to keep in mind that these scheduling options are all voluntary. There is nothing that requires an employer or an employee to choose any of these options. If any employee is asked to work overtime, that employee keeps the right to say "Great, I want time-and-a-half pay," end of story. But if the employee says, "I want to take time-and-a-half in paid time off and not outright pay now," or "I would like to go ahead and work the extra hours and bank that time so that when my child's soccer game is scheduled" that employee will have that option, in cooperation with the employer.

And because this added flexibility and free time for employees has been proven to boost morale and improve productivity, giving hourly employees these added freedoms becomes a win-win situation for employee and employer alike. In short, this bill makes imminent sense. My only surprise is that we did not update this antiquated labor law earlier.

I commend Senator ASHCROFT, I commend Senator DEWINE, and I commend Senator JEFFORDS for helping us get this bill to the floor so that we will be able to finally say to the 28 million women that are hourly wage working women and the 30 million hourly wage working men in America, "You now have the same freedom to schedule time to spend with your loved ones that the rest of the workforce enjoys." For the Federal Government to stand in the way of those two individuals and say, "No, you cannot do this because Big Brother Federal Government in Washington said 30 years ago when there were not very many working moms in the workplace, in a whole different era, that you could not do it." Mr. President, we must enter in to the 1990's and update our labor laws to address the needs of the struggling hourly wage families in this country." We are going to let the marketplace work and we are going to take one source of stress off the hourly employee in this country who wants to spend time at home with their children, time catching up on errands, or just time relaxing with loved ones and friends.

That is what the Family Friendly Workplace Act does. That is why I am happy to be a cosponsor with Senator ASHCROFT, and give the 28 million women and 60 million working Americans in this country the same scheduling freedom that other employees in this country have had for years. Those Americans who work so hard day in and day out at their jobs, then have that extra burden of having to work when they come home. Most do not come home from work and sit in a chair and rest. They come home from work and they fix dinner for the kids, they fix lunch for school tomorrow, and then they do homework with the kids or whatever it is that has to be done. Their day is not over at 5 o'clock. From time to time, they need to be able to take entire days or even weeks off from work. The Family Friendly Workplace Act will allow them to save up the hours to do that. Mr. President, we cannot give America's hardworking families any more than 24 hours in the day, but we can do the next best thing by enacting this important legislation.

I thank Senator DEWINE for yielding the floor. I hope we will be able to talk about this for a long time to come because if the Democrats are indeed going to filibuster and keep the Senate from responding to the needs of America's workers who overwhelming support this bill, then I am ready to talk for a long time. This bill means a lot to me and it will mean a lot to the families of our country. If we have to stand on our feet and talk for 2 weeks, count me in.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, let me congratulate my colleague from Texas for not only an excellent statement but for the tremendous work she has done, not just on this bill, but on many pieces of legislation that really reflect how American families live today.

Government, many times, has a hard time keeping up with changes in society. She has worked, for example, on the homemaker IRA bill, another bill that, again, tracks the changes in society and gives families flexibility to allow them to make adjustments in their life, to live their lives the way they want to live them. I congratulate her for her great work and look forward to working on this bill and continuing this debate in the future.

Mr. President, I think one of the points that my colleague from Texas made very well is that this bill—the current law discriminates against hourly workers. We have a situation today where two people can be working together, one is a salaried employee, the other is an hourly employee, and the hourly employee, really because of the way the law is written, because of a quirk of history, legislative history, the hourly employee does not have the same flexibility today that a salaried employee does. The salaried employee can make an arrangement with the employer to shift time, to be gone a Friday afternoon, to work extra some other time, that flexibility is not available to the hourly employee. That is discrimination. That is wrong. That is what this bill is aimed at rectifying.

Mr. President, it is also discrimination to say if you work for the Federal Government or if you work for local government, you have to follow one set of rules and you have many options as far as the time you work. But if you work in the private sector, the Federal Government says, "Oh, no, you do not have that flexibility." That is discrimination. Again, that is what this bill is designed to rectify, change, and stop that discrimination.

S. 4, the Family Friendly Workplace Act, Mr. President, will finally provide the flexibility that today's work force so desperately needs. The act will allow employers and employees to mutually agree, voluntarily, on whether an employee will receive overtime compensation in the form of the traditional time and a half—money; or, that same time and a half as compensatory time off. That choice this bill gives to that employee and that employer.

Employers and employees will be able to mutually agree to biweekly work schedules instead of the traditional workweek. Employers and employees will be able to mutually agree on the use of flexible credit hours. These choices will alleviate the pressures working women, single parents, constantly face today, Mr. President, in their attempt to balance the responsibilities at work with their obligations to their children, their obligations to their family.

The cornerstone to each of these options is this foundation of choice. It is voluntary. It is giving the employee one more tool. Mr. President, I and my colleagues are not alone in recognizing that our work force, our workplaces have changed.

We are not alone in understanding that the Fair Labor Standards Act passed many, many years ago no longer in this respect totally meets workers' needs. We are not alone in understanding that it is time for change.

A 1994 study by the Department of Labor stated that the primary concern of two-thirds of working women with children was the difficulty in balancing work and family. No surprise. A poll taken by Money magazine, just published in this May's issue, states, "Sixty-four percent of the public and 68 percent of women said that if they had a choice between taking cash or time off for working overtime they would definitely choose the time." Let me repeat that. Two-thirds said if they had a choice they would choose the time. It is a question of choice.

The point is, Mr. President, that current law does not give the average American worker—the person who is working in the private sector, the person who is working paid by the hour—does not give them per law that choice, and, in fact, prohibits employers and employees from making that choice; that determination. In that same poll, Mr. President, 82 percent said they would support the Family Friendly Workplace Act.

An article in the Cincinnati Enquirer read, "A little flexibility would be a godsend to good workers who also want to be good parents." The article went on to say, "It could benefit employers, too, who find it easier to recruit and retain productive workers."

An article in the Akron Beacon Journal quoted Ann Morris as saying very simply and for obvious reasons, "In the long run, my time is more important than the extra dollars."

Mr. President, furthermore, the President of our country, President Clinton, has stated on more than one occasion that he understands the need for more flexibility in the workplace and that he favors opportunities for workers, such as compensatory time in lieu of traditional overtime pay, flexible credit hours, and biweekly work schedules. This is what he said at the Democratic National Convention. I quote President Clinton. "We should pass a flextime law that allows employees to take overtime pay and money, or time off, depending on what is better for their family."

In describing his own initiative, this is what President Clinton said:

> This legislative proposal is vital to American workers—offering them a meaningful and flexible opportunity to balance successfully their work and family responsibilities. The legislation will offer workers more choice and flexibility in finding ways to earn the wages they need to support their families while also spending valuable time with their families.

Mr. President, these options have been on trial in the public sector. It is not as if we do not have a wealth of experience in this area. We do have years and years of experience, and thousands and thousands of employees who have benefited from this.

It is always instructive, I think, before Congress to act to look to see what experience we have. I think this has shown, Mr. President, that this is clearly what we need to do because the experience has been in fact good.

This is what President Clinton has to say about this. Let me quote:

> Broad use of flexible work arrangements to enable Federal employees to better balance their work and family responsibilities can increase employee effectiveness and job satisfaction while decreasing turnover rates and absenteeism.

That is the view our President expressed on July 11, 1994. The President recognized that people sometimes have to struggle very hard to balance the demands of work and families.

A couple of years after he made that earlier statement, the President went even further calling on all Federal agencies to develop a plan of action for better implementation of these flexible work schedules. Again I quote:

> I am directing all executive departments and agencies to review their personnel practices and develop a plan of action to utilize the flexible policies already in place . . . flexible hours that will enable employees to schedule their work and meet the needs of their families.

That is from a Presidential memorandum dated June 21, 1996.

Finally, in his State of the Union Address, this is what the President said. "We should pass flextime so workers can choose to be paid overtime and income, or trade it in for time off to be with their families."

This is a quote the Democratic Leadership Council:

> Public policy should support two-parent families by giving them as much flexibility as possible to balance family and income needs. The tools and protection workers need in the information age are different from those required in the industrial era. The Fair Labor Standards Act needs to be modernized. Even with squeezed family budgets, for some workers time off may be as valuable as extra money.

Mr. President, this type of bipartisan support I think provides us with a remarkable opportunity. A Democratic President and Republican and Democratic leaders in Congress are united on an important national issue facing the American workplace. We may never have a better opportunity to pass this legislation.

For the sake of those Americans who are faced daily with the difficult challenge of deciding between their livelihood, their family, their employers, and the American work force as a whole, I urge swift passage of this bill.

I would like, Mr. President, to take just a moment—I am sorry my colleague from Minnesota is not here. He indicated that he was looking forward to continuing this debate. I know he will in the weeks ahead. He had to leave to attend a budget hearing. But I would like to briefly address several comments that he made when he talked about this bill. I rather jokingly, as he was leaving the floor, said to him that the bill he had described was not the bill that I thought we passed out of the committee. Let me explain to my colleagues.

He cited four problems that he saw with this bill. The first was he said it was a pay cut. He said that overtime should be sacred. Mr. President, he is absolutely right. Overtime should be sacred. Overtime is sacred in this bill.

What we are simply saying is that if an employee, because of his or her family situation, or for whatever reason, decides that they would rather take time and a half in time at some other date instead of money, they have the option to do that providing both the employee and employer want to do that. That is all it says. That is flexibility. That is allowing workers who work by the hour to get paid by the hour, to have the same rights Federal workers have, that State workers have, and the same rights that salaried employees have today.

So it preserves the concept of overtime, and time and a half. In fact, with that time and a half it gives it more flexibility. It gives certainly more potential value for the employee because it allows the employee to decide how to take that.

My colleague from Minnesota, Senator WELLSTONE, also said it cuts benefits. It is simply not true. We will have the opportunity to talk about this at length. There has been no evidence brought forward that shows this at all. The facts simply aren't there.

He also said that it abolishes the 40-hour work week. That is not true. It just isn't true. I ask what is wrong with an employee having the option to design his or her biweekly time with the consent of the employer, if they both want to do it? What is wrong with them designing the work week that says the employee will have every second Friday off? Maybe he or she wants to spend time with their family. Maybe they want to volunteer. Maybe they want to go fishing. Maybe they want to go hunting. It is not Government's business.

The current law prohibits employees and employers who do not work for the Federal Government and who work by the hour from being able to make that kind of an arrangement. Is that an attack on the 40-hour workweek? I don't think so. And I don't think the American worker thinks so either.

My colleague talked about enforcement. We listened to the testimony. We listened to the complaints that were made and the criticisms of the bill. And some of them, quite frankly, were justified. No bill is perfect, as it is introduced. We took those criticisms, and altered the bill to try to deal with the constructive criticism from the other side of the aisle.

This is a better bill as it comes to the floor, quite frankly, than it was when we started.

My colleague suggested that they certainly get credit for that. But the enforcement is there. The enforcement is there. It relies on the current enforcement of the Fair Labor Standards Act—enforcement that has been in place. The mechanism is there. And it provides very, very specific and tough penalties if, in fact, an employer in any way tries to coerce an employee, if they in any way try to abuse the privileges that are given employees and employers in this bill.

So I look forward, Mr. President, to having the opportunity to discuss this bill in the future.

I yield to my colleague from New York.

DISPOSITION OF LOOTED ARTWORK

Mr. D'AMATO. Mr. President, when the Banking Committee began the inquiry into Swiss banks, we had no idea where the trail would lead. We know that the Nazis had looted personal belongings of millions from all over Europe—gold, personal matters, bank accounts. But we really did not know how much help—I say "help"—that the Nazis had in disposing of this loot. We are beginning to get some idea. Now we have a better idea.

We know that Swiss banks facilitated the looting of gold from all over Europe. We know that the accounts of great numbers of Holocaust victims were never returned by Swiss banks to their heirs. But we also know that our Nation had similar problems. Other nations had similar problems and participated. France was one of them.

I am shocked to see a December 1995 report which I am holding here from the French Ministry of Justice.

Mr. President, this report details an audit of some of France's most prestigious museums and explains how these museums for over 50 years managed to hide their ownership of almost 2,000 works of art—1,955 works of art, to be precise, art that was looted from the victims of the Holocaust and deposited with these museums during the war, some of them sold on the so-called black market by the Nazis, who stripped Europe, who stripped individuals as they came through with their killing machine and sold the art or deposited it with these museums that knew they were not the true owners who were selling it to them.

Curator after curator cared more about the so-called, to use their words, sanctity of their collections, the museum's collections than for justice of the family from which art work was stolen. This is unconscionable for the museum to be saying, and I quote the museum in Versailles, the curator said, "Each and every one of these works has its proper place in our collections." Do not disturb them. It does not matter that they were stolen. It does not matter that it was their property.

The report also quotes a curator from the Musée d'Orsay as having said that a painting held in his collection by Gustave Courbet, the great painting of the Cliffs at Étretat After a Storm—and here is a photograph of that painting; it is one of the great masterpieces of the world—is one of the masterpieces that we would have to buy at a great price if we did not already have it.

Well, they may have it, but who does it rightfully belong to? Are we saying that the great art museums of the world, and particularly in France, have a right to keep this stolen art work?

Mr. President, this painting sits today in the Musée d'Orsay and the simple matter is that it does not belong to that museum. This painting, along with thousands of others and with other art objects in the French museums, should be immediately turned over to an independent authority to quickly establish its rightful ownership. The French Government has established a commission to study the problem but the true owners should not have to put up with the delays that go along with commissions like this. It has been 50 years, as the report states. The French museums have made little or no attempt to find either the heirs or the owners of these art works. These works have appeared in exhibits numerous times, have been in possession of the most prominent art museums in the world. The process of returning these works of art must be put in the hands of a party that can search for true owners and do so without a worry whether or not they fit neatly into museum collections. After more than 50 years, it is time for justice. And just as we seek that proper accounting from the Swiss bankers, it is time that French museums do the same.

Mr. President, almost 3 weeks ago, I wrote to the French Ambassador, a letter dated April 8, which I will submit for the RECORD and ask unanimous consent that it be printed.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE, COMMITTEE ON BANKING,
HOUSING, AND URBAN AFFAIRS,
Washington, DC, April 8, 1997.

His Excellency FRANCOIS BUJON DE L'ESTANG,
Ambassador, The French Embassy,
Washington, DC.

DEAR AMBASSADOR BUJON DE L'ESTANG: As you are probably aware the Senate Banking Committee, of which I chair, is currently conducting an investigation into the disposition of heirless assets belonging to victims of the Holocaust. One of the subjects of our investigation is the disposition of artwork looted by the Nazis during the Second World War. It is my understanding that there are currently 1,995 pieces of such artwork in storage in Paris. Could you please provide me with a descriptive list of this artwork. Additionally, could you inform me of the steps your country has taken to identify the rightful owners of these works of art and the numerous dormant French bank accounts belonging to victims of the Holocaust. Thank you for your cooperation in this very important matter.

Sincerely,

ALFONSE D'AMATO,
Chairman.

Mr. D'AMATO. My office has been in touch with the French Embassy and has been assured of their cooperation repeatedly. I told them I was going to come to the floor today. We called them. We were assured by the Ambassador's secretary, oh, yes, we are going to get you this information.

This is not a great secret. This Justice Ministry report again goes back to 1995. The quotes that I have given you come from this report in terms of the attitude of the museums.

So whether it is "Cliffs at Étretat" or whatever artwork it is that has been stolen and taken illegally, it is time now for a proper accounting. That is what we seek. We will continue to pursue this matter. I hope that the French Ambassador and the French Government would begin to work with us in accommodating justice.

I thank my friends. I yield the floor.

Mr. KERRY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I ask unanimous consent that I be permitted to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

GROWING INTELLIGENCE BUDGETS

Mr. KERRY. Mr. President, recently our colleague, Senator MOYNIHAN, secured, or maybe not so recently, his FBI file, and it is interesting that in 1961, in a memorandum suggesting a meeting between himself and a then very youthful DANIEL PATRICK MOYNIHAN, J. Edgar Hoover wrote, "I am not going to see this skunk."

Now, the Senator from New York has been called many things, as we all have in the course of our careers, but after considerable amount of reflection I concluded that the only way in which this moniker could stick would clearly be in a way that J. Edgar Hoover did not intend, and that is that the distinguished Senator from New York has long and often been a skunk at the garden party of the intellectually comfortable, challenging our thinking about the status quo.

Most recently, he has brought this very considerable skunk-like presence to the matter of America's intelligence bureaucracy in the post-cold-war era. He has asked why it is that our vast intelligence apparatus, built to sustain America in the long twilight struggle of the cold war continues to grow at an exponential rate? Now that that struggle is over, why is it that our vast intelligence apparatus continues to grow even as Government resources for new and essential priorities fall far short of what is necessary? Why is it that our vast intelligence apparatus continues to roll on even as every other Government bureaucracy is subject to increasing scrutiny and, indeed, to reinvention?

Our colleague's answer is an important one for all of us to reflect on. The answer is secrecy and bureaucracy. It is secrecy that conceals structure, budgets, functions, and critical evaluation from the public, the executive branch and most Members of Congress, including those on appropriate oversight committees. It is bureaucracy, the nature of the self-perpetuating institution like any of our intelligence agencies, that leads to an ongoing redefinition of purpose and ongoing creation of redundant systems and ongoing expansion of scope.

The first component, secrecy, means that the normal active tools of democracy, that is, press scrutiny, public debate, and appropriate oversight from executive and the congressional branches, are absent. And the second component, bureaucracy, means that reform, downsizing, reorganization, and elimination of redundancies cannot come from within because, as the Senator from New York demonstrates, our intelligence apparatus is merely following the norms of all agencies.

This suggests that the intelligence bureaucracy will not, indeed cannot, change until we act on the cultural barriers to reform.

I ask unanimous consent that excerpts of the remarks of our colleague, the senior Senator from New York, at Georgetown University's Marvin H. Bernstein Lecture be printed in the RECORD. I commend this important commentary on the problems of bureaucracy and secrecy to all of my colleagues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SECRECY AS GOVERNMENT REGULATION

(By Senator Daniel Patrick Moynihan)

Marver Bernstein was a scholar of great range and authority, but his primary work concerned government regulation, notably his celebrated editorship of Volume 400 of The Annals: The Government as Regulator. In that tradition, I would like to consider secrecy as a form of government regulation.

If at times my account appears more anecdotal than analytic, I plead that data is the plural of anecdote.

And so we begin of a morning early in January, 1993, when I paid a farewell call at the White House on George Bush, a fine friend and a fine President. As I was leaving the Oval Office, his redoubtable Chief of Staff James A. Baker, III ran into me, and asked if I might wait for him in his office until he had finished some business with the President. I went down the hall, was served coffee, and awaited his pleasure.

In time he returned to his office, went out, and came back with a small stack of what seemed like magazines. Baker wanted to show me what had become of the morning intelligence summary.That is to say, the National Intelligence Daily, or "NID", which the Central Intelligence Agency had begun back in 1951. It used to be ten or twelve pages long, plain cover, Top Secret. Some three hundred copies were printed. The real stuff, Baker now showed me half a dozen national intelligence dailies from half a dozen national intelligence agencies. Some had photographs on the cover, just like the Washington Post. Some were in color, just like the Washington Times. The Chief of Staff explained it was necessary for him to arrive at dawn to read them all, try to keep in mind what he had already read in the press or seen on television, and prepare a summary for POTUS. As Paul C. Light would have it, government had thickened and heightened; someone now had to summarize the summations.

I left musing about this. I had a passing acquaintance with public administration theory, having been patiently instructed by James Q. Wilson and Stephen Hess. I knew Anthony Downs. Had even spoken to Luther C. Gulick as he approached his 100th birthday in a hamlet on the banks of the St. Lawrence River. I was beginning to be familiar with the new "institutional sociologists" such as Paul DiMaggio, Walter Powell, Howard Aldrich. I had read with great profit the works of Suzanne Weaver and Robert A. Katzmann in the M.I.T. series on Regulatory Bureaucracy. And a common theme was emerging. To cite DiMaggio and Powell, "Organizations are still becoming more homogeneous and bureaucracy remains the common organizational form."

Light calls this "isomorphism," In a 1978 lecture drawing on Wilson, and through him on to the 19th century German sociologist Simmel, I had propounded "The Iron Law of Emulation." Organizations in conflict become like one another. (Simmel had noted that the Persians finally figured out it was best to have Greeks fight Greeks.) The

United States Constitution assumed conflict among the three branches of government; I traced conflict techniques among them ranging from office buildings to personal staffs to foreign travel. Now, however, one's attention was directed to conflict techniques employed by agencies within one branch, the Executive.

The intelligence community called out for attention. Perhaps it was the room I had just left, this southwest corner room in the White House. I was there on the early afternoon of November 22, 1963, awaiting news from Dallas. The door burst open; in rushed Hubert H. Humphrey. "What have they done to us?" he gasped. By "they" we all knew; the Texans, the reactionaries. Later in the day one learned a suspect had been arrested; associated with Fair Play for Cuba. At midnight I met the cabinet plane that had been halfway to Japan. I sought out the Treasury official in charge of the Secret Service. We must get custody of Oswald, I pleaded. Else he will never get out of that jail alive.

After Oswald was shot, I went round in the company of John Macy, head of the Civil Service Commission, pleading that an investigation had to look into the jaws of hell, else we would be living with a conspiracy theory the rest of our lives. I carried with me a recently reprinted book of the post-Civil War era which "proved" that the Jesuits assassinated Lincoln:

"Booth was nothing but the tool of the Jesuits. It was Rome who directed his arm, after corrupting his heart and damning his soul."

And, of course, today something like half of all Americans think the CIA was involved in the assassination of President Kennedy. There is even a Hollywood movie to prove it.

Nor can the historians disprove it. The records are sealed. We have an Assassination Records Review Board that lets some things out; not much. Recently, an eminent author wrote to tell me of a meeting with some CIA officials a few years ago in an effort to get some information on how the agency handled the aftermath of the assassination:

"Surely, I said, the agency has an interest in countering such a widely shared conspiracy theory with the truth. I got . . . blank stares."

In his classic study, The Torment of Secrecy, which appeared in 1956, Edward A. Shils defined secrecy as "the compulsory withholding of information, reinforced by the prospect of sanctions for disclosure." But secrets are disclosed all the time, and sanctions for disclosure are rare to the point of being nonexistent. (In the eighty years since the Espionage Act of 1917, only one person has been sent to prison simply for revealing a secret, as against passing material to a foreign power.) In 1995, I was asked to write an introduction to a paperback edition of Shils' work, and came up with the thought that secrecy is a form of government regulation. If this were so, we could look for the patterns those institutional sociologists keep coming up with.

Begin with Max Weber and his chapter, "Bureaucracy" in Wirschaft und Gescllschaft (Economy and Society), published after his death in 1920, but most likely written in part prior to World War I. He writes:

"Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and inventions secret. Bureaucratic administration always tends to be an administration of 'secret sessions' in so far as it can, it hides its knowledge and action from criticism.

"The pure interest of the bureaucracy in power, however, is efficacious far beyond those areas where purely functional interests make for secrecy. The concept of the 'official secret' is the specific invention of bureaucracy, and nothing is so fanatically defended by the bureaucracy as this attitude, which cannot be substantially justified beyond these specifically qualified areas. In facing a parliament, the bureaucracy, out of a sure power instinct, fights every attempt of the parliament to gain knowledge by means of its own experts or from interest groups. The so-called right of parliamentary investigation is one of the means by which parliament seeks such knowledge. Bureaucracy naturally welcomes a poorly informed and hence a powerless parliament—at least in so far as ignorance somehow agrees with the bureaucracy's interests."

The Federal Bureau of Investigation is nearest the "ideal type" of such a bureaucracy, and has the longest experience of the secrecy system that developed in the United States from the moment of our entry into the First World War and the enactment of the Espionage Act of 1917. The system began as a mode of defense against foreign subversion, frequently exploiting the divided loyalties of recent immigrants, and not infrequently stigmatizing an entire class of perfectly loyal citizens. This pattern persisted through the inter-war period, the Second World War, and onto the Cold War. From eminences such as Theodore Roosevelt who in 1917 sounded the warning against "the Hun within," on to the obscenities of the McCarthy era, down to the present when, if I do not mistake, Islamic Americans are going to find themselves under surveillance, as it were.

I offer this proposition. The attempts at subversion were real, but never of truly serious consequence. The one exception was the atomic espionage at Los Alamos. But even that was temporary. Soviet scientists would have developed an atom bomb on their own; as they did a hydrogen bomb. Espionage is intriguing, but data analysis is more rewarding. One thinks of the poster in the headquarters of the Internal Revenue Service. "It Took an Accountant to nail Al Capone." The problem is that in this, as in much else, the American public, and the Congress at time, were led to believe that it took the more secretive FBI.

It happens this is not true, but heaven help anyone who suggested otherwise at mid-century. Or such was my experience. As an aide to Governor Averell Harriman of New York in the 1950s. I became interested in the subject of organized crime after a State Trooper came upon an extraordinary assembly of mob leaders from around the nation that convened in the hamlet of Apalachin in the Southern Tier of New York. I became peripherally involved as a Senate staffer with Robert F. Kennedy, who was pursuing the subject. In July, 1961, I published an article in the Reporter magazine entitled, "The Private Government of Crime," in which I argued that from its roots in prohibition, which was a large scale manufacturing and marketing activity, that there was something that could reasonably be termed organized crime, that it was serious, and that we had not found a way of dealing with it. Why, I asked, did American government have so little success in dealing with this phenomenon? My general thesis was that there was insufficient organizational reward. Almost in passing, I noted that the FBI, which had "not hesitated to take on the toughest problems of national security . . . has successfully stayed away from organized crime." It got you nothing but institutional trouble.

By now I had joined the Kennedy administration as an aide to then-Secretary of Labor Arthur J. Goldberg. In a matter of weeks from the publication of the article, the Department of Labor building on Constitution Avenue was literally raided by G-Men. They hit the Secretary's floor in unison, went door to door, told everyone save the hapless author but including the Secretary himself, that a dangerous person had infiltrated their ranks with the clear implication that he should go. I can't demonstrate this but offer the judgment that at this time in Washington at any other department the person in question would have gone. Hoover had files on everyone, or so it was said. He and Allen Dulles at the CIA were JFK's first announced appointments, rather reappointments.

The Department of Labor was different only insofar as Arthur J. Goldberg was different. On August 2, C.D. "Deke" DeLoach had informed the Secretary that "it would appear to be impossible to deal with Moynihan on a liaison basis in view of his obvious biased opinion regarding the FBI." The Secretary called me in, said: "Pat, you have a problem. Go and explain your point of view to the Director." The next day, DeLoach agreed to see me, but made plain he could barely stand the sight. There is a three-page, single-space memorandum of the meeting in my FBI file, sent to the Director through John Mohr. It concluded:

"Moynihan is an egghead that talks in circles and constantly contradicts himself. He shifts about constantly in his chair and will not look you in the eye. He would be the first so-called "liberal" that would scream if the FBI overstepped its jurisdiction. He is obviously a phony intellectual that one minute will back down and the next minute strike while our back is turned. I think we made numerous points in our interview with him, however, this man is so much up on "cloud nine" it is doubtful that his ego will allow logical interpretation of remarks made by other people."

The Director appended a handwritten notation, "I am not going to see this skunk."

I survived: in part, I think, because the agency had no fall-back position. One raid had always done the trick; no Secretary ever asked that a 34-year-old get in to see the Director.

Organizational maintenance is nowhere more manifest, and at times ruinous, than in matters of national security. Hoover was present at this creation during the war hysteria of 1917 and 1918 and the anti-radical rumpus that followed, including Attorney General A. Mitchell Palmer's celebrated raids. The FBI was on to Communist activities fairly early on, and not about to cede territory. Richard Gid Powers has related the struggle with the Office of Strategic Services during World War II—Hoover wanted to go overseas. There were social tensions, as Powers records. "Oh So Social," for the Office of Strategic Services; "Foreign Born Irish," for the FBI.

However, there is another perspective, perhaps best evoked by the tale of British Foreign Secretary Ernest Bevin, sometime head of the Transport and General Workers Union, on his return from the 1945 Potsdam conference. What, he was asked, were the Soviets like? "Why," he replied, "they're just like the bloody Communists!" By contrast, it is quite possible that Harry S. Truman had never met a Communist until he sat down with Stalin at the same conference. Similarly, Hoover may never have met a Communist in his own circles. It was a matter of regionalism, in what was then a much more regional nation. The clandestine activities of the Communist Party of the United States of America were common knowledge within political and intellectual circumstances of Manhattan in the 1930s. They were a given. Such urbanity, if that is not an offensive phrase, was unknown to the ward politics of Kansas City, and equally to the Protestant churches in young Hoover's Seward Square on Capitol Hill.

In this sense, it was as easy for Harry S. Truman to believe that there were no Communists in government as for J. Edgar Hoover to believe they were everywhere. Neither had any experience with a political community in which some persons were Communists, some had been, some had nuanced differences, some implacable hostility. The world, you might say, of Whittaker Chambers. Or, for that matter, the late Albert Shanker, President of the American Federation of Teachers. His February 1997 obituary records his struggle with Communists in the teachers' unions of New York City in the 1950's. Thus: "The anti-Communist Teachers Guild was a weak group of 2,400 members."

In the tumult and torment that followed World War II, it would appear that at first Hoover tried to "warn" Truman of suspected Communists in or about the American government. We have in the Truman Library a four-page letter of May 29, 1946, from the Director to George E. Allen, then head of the Reconstruction Finance Corporation, and a friend of the President, concerning "high Government officials operating an alleged espionage network in Washington, D.C., on behalf of the Soviet Government." Almost everyone of consequence was implicated. First of all, "Under Secretary of State Dean Acheson," "Former Assistant Secretary of War John J. McCloy," "Bureau of the Budget—Paul H. Appleby." It happens I had a slight acquaintance with McCloy, rather more with Acheson, and was close to Appleby. Anyone with the least sense of the Marxist mindset would instantly understand that such men lived in a wholly different world.

There now commenced a tragedy of large consequence and continued portent. On December 20, 1946, Meredith Gardner of the Army Signal Agency across the Potomac "broke" the first of the coded VENONA dispatches sent mainly by the KGB from New York to Moscow. It was dated December 2, 1944. There were names of the principal nuclear physicists working at Los Alamos. Treason most vile had indeed taken place, was still going on, was indeed occurring, even as Acheson and Newman and Marks and others worked at establishing some kind of international post-war regime to control the bomb. They knew well enough that the bomb would not remain a secret long. Science does not keep secrets. But they did not know that the Soviets had got hold of our plans, and in consequence, would get their own bomb two to three years sooner than otherwise, and hence would want no part of an international regime.

They did not know because J. Edgar Hoover did not tell them.

Army Signals decrypted the cables, leaving it to the FBI to identify the individuals designated by code words. Julius Rosenberg was LIBERAL. Another atomic spy, the 19-year-old Harvard graduate Theodore A. Hall, was MLAD (Russian for "youngster").

The National Security Agency has now made public the VENONA decryptions. We never broke more than perhaps 10 percent of the traffic, such is the impenetrability of one-time pads. But all of a sudden, in 1995, the American public learned what we had known.

The awful truth, however, is that when the President of the United States needed to know this, which is to say Harry S Truman, he was not told.

As best we know, and we never will know until the FBI opens its own files, President Truman was never told of VENONA. Nor it would appear, was Attorney General Tom Clark.

The consequences for American foreign policy were almost wholly negative. The realism about the Soviet Union exemplified by George Kennan, and embodied in the policies of such as Acheson and McCloy, gave way to an agitated anxiety, rhetorically on the part of Republicans, but as a matter of practice and policy on the part of Democrats. A realist view would have seen the Soviet Union as an absurdly overextended colonial colossus which would collapse one day, essentially along ethnic lines. (What, after all, had happened to the other European empires in the second half of the 20th century!) Instead, Democrats, launched an invasion of Cuba, bringing the world close to a nuclear exchange, and leaving an absurd problem with us to this day. Off we went to Vietnam, quite oblivious to the Russian-Chinese hostilities that broke out at the same time. And so on. In 1974, Donald L. Robinson described this as "The Routinization of Crisis Government." After all, regulatory regimes seek routine!

Part of this disorder may be ascribed to the development of a vast culture of secrecy within the American government which hugely interfered with the free flow of information. The Central Intelligence Agency came into being, rather to the annoyance of the FBI which was slow to cooperate with it. (For that matter, it was not until 1952 that the Pentagon felt comfortable enough with the CIA to share the VENONA decryptions.) Scientists such as Frederick Seitz protested secrecy, but with small success. The problem was that the secrecy was secret. No one knew what was in the NID. And so matters of large import were never really debated.

The most important area was that of the Soviet economy. From the mid-1960s on, the intelligence community perceived the Soviets growing at a considerably greater rate than the United States. Inevitably, a "crossover" point would come when the GDP of the USSR would exceed that of the United States. In fairness, in the early years there were outside economists who seemed to agree, notably Samuelson. But this fell off. In the summer of 1990, Michael J. Boskin, then-chairman of the Council of Economic Advisers, testified before the Senate Foreign Relations Committee on this matter. He estimated that Soviet GNP came to "only about one-third of the GNP of the U.S." He volunteered that "as recently as a few years ago, the CIA estimates were at 51 percent." In a question, I noted that the highest published figure was 59%, but that the secret estimates were even higher. It is hard not to conclude that the Agency had simply acquired an institutional interest in the view that the Soviets were gaining on us. We will debate for some time—say a century—whether the arms build-up, begun by President Carter in the Cold War mode, but continued for some time by President Reagan, somehow "bankrupted" the Soviet Union. But the Cold War did end, and the West did prevail. There cannot be too much fault to be found with this outcome. But surely there are lessons.

The first lesson is that a culture of secrecy kept the nation from learning the extent of Communist subversion in the 1930s and 1940s. (Subversion was present from the first. John Reed was a paid Soviet agent. But it didn't much matter until World War II came in sight.) Unlike the anti-German hysteria of the First World War, and the anti-Japanese hysteria of the Second, concern with Communist subversion from the 1930s into the Cold War was entirely appropriate. Even so, the Soviet success was limited, and was waning by the time we began to be aware of it. (The Soviet threat was another matter; an adversary with nuclear weapons, something wholly new to the human condition.) "The American visage began to cloud over," Shils wrote:

"Secrets were to become our chief reliance just when it was becoming more and more evident that the Soviet Union had long maintained an active apparatus for espionage in the United States. For a country which had never previously thought of itself as an object of systematic espionage by foreign powers, it was unsettling."

The larger society, Shils continued, was "facing an unprecedented threat to its continuance." In these circumstances, "The phantasies of apocalyptic visionaries now claimed the respectability of being a reasonable interpretation of the real situation." A culture of secrecy took hold within American government which abetted a form of threat analysis which led to all manner of misadventure.

The permanent crisis perceived in Washington was surely overdone.

I offer what follows somewhat as conjecture, but with a measure of conviction. The Soviet Union never intended to invade Western Europe, or generally speaking, engage in a third World War with the West. The leaders in Moscow were, for a while there at least, Marxist-Leninists. That doctrine decreed that class revolution would come regardless. It had been hoped for in 1919–20, again in 1945–48. It hadn't occurred, but it surely would. In the meantime, build socialists at home. Early in the Cold War the United States developed surveillance techniques, beginning with the U–2 "spy plane" and leading on to satellite imagery of today's National Reconnaissance Office.

I conjecture that this technology, and associated underwater devices, gave us first of all the security of knowing we would get a heads up on any serious Soviet preparations for an attack. Not, perhaps, a spasmodic nuclear strike by a crazed commander but anything approaching mobilization of the sort that said to have triggered World War I. (Once one side starts, the other must start, else a five-day advantage prove decisive, etc., etc.)

Similarly, in time, the Soviets had their own satellites: could track NATO forces, the various U.S. Fleets, our bombers and so forth. We never planned to invade the Soviet Union. We were obsessive about the Western Hemisphere: nothing new since Monroe's time. And seemingly incapable of understanding that when an idea dies in Madrid, it takes two generations for word to reach Managua. But never warlike as regards the Soviet Union itself.

A second lesson is less sanguine. The Cold War has bequeathed us a vast secrecy system, which shows no sign of receding. It has become our characteristic mode of governance in the Executive Branch. Intelligence agencies have proliferated; budgets continue to grow, even as the military subsides. Every day we learn of some new anomaly. As, for example, the Commerce Department employee who took his Top Secret clearance with him to the Democratic National Committee. (Look for the day when it is a mark of institutional prestige to have an honest-to-goodness spy discovered within one's ranks!) In 1995, there were 21,871 "original" Top Secret designations and 374,244 "derivative" designations. Madness.

In the meantime, as old missions fade, the various intelligence agencies seek new ones.

This has been painful to observe. I cannot say I could wish for the return of J. Edgar Hoover, as he thought I was a skunk. But someone needs to learn from Hoover's caution about taking on problematic missions. For example, keep the CIA out of drug trafficking. Stick to terrorism and weapons technology, including, of course, biological weapons. Same for most of the other agencies that now fill up our embassies, turning our ambassadors into room clerks.

And so to sum up. The twentieth century saw the rise of the administrative state. Government regulation has become the norm. However, we have developed not one, but two regulatory regimes. The first is public regulation for which we developed all manner of disclosure, discovery, and due process. This regime is under constant scrutiny. Thus, the 104th Congress enacted the Congressional Review Act which establishes a sweeping procedure whereby Congress, with Presidential approval, can nullify regulations.

There is, however, a second regulatory regime concealed within a vast bureaucratic complex. There is some Congressional oversight: some Presidential control. Do not overestimate either. Not that the public is excluded altogether, save as bureaucracies or bureaucrats think it to their advantage to make some things pubic. As, for example, it being budget time, we find on the front pages the report that:

"The Central Intelligence Agency has severed its ties to about 100 foreign agents because they committed murder, torture and other crimes. . . ."

This is surely a welcome development. Although it could be asked why in the first instance public monies were disbursed to murderers, torturers and sundry criminals.

This second regime is in need of radical change. We have sensed this for some time. But I now submit that change will only come if we recognize it as a bureaucratic regime with recognizable and predictable patterns of self-perpetuation which will never respond to mere episodic indignation.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I yield such time as he may need to the sponsor of the bill, the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

FAMILY FRIENDLY WORKPLACE ACT—MOTION TO PROCEED

The Senate continued with the consideration of the motion to proceed.

Mr. ASHCROFT. Mr. President, I thank you for this opportunity to spend a few more minutes helping those watching understand exactly what significant opportunities we are talking about with the Family Friendly Workplace Act. It is our effort to try to give to people who are on hourly working arrangements the ability to develop flexible working schedules—to do it in the same way as has been possible for Federal workers so situated for the last—well, during the 1970's, 1980's and into this decade of the 1990's.

The attempt to offer the ability to work flexible schedules is a result of people feeling the stress of the job that tugs them away from their families. In order to understand the true nature of workers' stress and the benefit they would gain from flexible work schedules, I would like to read some letters that have been sent to our office. Here is a letter that says:

> DEAR SENATOR ASHCROFT. I'm a 29-year-old working mother. I have a 2-year-old daughter and am pregnant and due in November. I recently heard about your Family Friendly Workplace Act. Under current law where I work does not allow me to have a flexible work schedule. They are not allowed by the law to let us work less than 40 hours one week and then more than 40 hours the next. In my current condition, I need to be able to take off for doctors' appointments. Due to the fact that I have a complication in my pregnancy, I have more appointments than average. If I was able to take off more one week and work more the next, it would be very helpful to me and other mothers in Missouri.

That is perfectly stated. Here is another letter:

> My 2-year-old daughter is healthy but there are some days she needs extra attention and some days that she is sick. Some days she is just 2.

Meaning the terrible 2's, I suppose.

> If I was able to take time I need for some mornings and to make it up at lunch or the next week, it would make my life much easier.

Here is another letter:

> It's been a struggle for me to be able to arrange for doctor appointments, be home when my child is ill and my three children are always sick at different times. Or when my babysitter has been unable to take my children because of illness. Not all of us have spouses or family members who can fill in for us or when we need to be there for our children. My husband works out of town on many occasions and is unable always to be around when needed.
>
> Working parents are not asking for special favors, just a way to be able to meet the demands of both our jobs and families. The Family Friendly Workplace Act would help solve the problem of inflexibility in the workplace. Being able to arrange biweekly work schedules would be very helpful in meeting the needs of our families. I would be able to take the time off for doctors' appointments or to leave a couple hours early one day if the babysitter calls to tell me my child has a fever. Being able to make that time up the next week would certainly take off a lot of the pressure and the stress of taking these last few hours of leave time or potentially being on leave without pay.

Here is an individual working because they need the money. When a little crisis arises, because flextime is not available, they have to leave the office without pay. She goes on to say:

> The option of taking compensatory time in lieu of monetary compensation would also be very valuable to working parents who just need the time off.

Here is another.

> Presently I enjoy flexible schedules. The extra day off [I have] during the week allows me to spend one-on-one quality time with my 5-year old daughter. She will start kindergarten this fall, which makes these girls-only days especially meaningful for both of us. Additionally, I can schedule many doctors' appointments as well as other appointments for me and my children on this day off. This allows me to save my accrued sick or vacation leave for a time when I really need the sick leave or can take a well planned family vacation.
>
> As a supervisor, I currently have the flexibility in my schedule from week to week. However, my staff are not given the same opportunity, although many of them would be able to utilize and benefit from it.

Kind of interesting to me. Here is the supervisor that has the flex capacity, says that the staff ought to have the same thing. This is really the crux of what we are talking about in this bill.

> My staff are not given this same opportunity although many of them would be able to utilize and benefit from it.

She says:

> I am reluctant to exercise this advantage, however, of mine because it seems unfair to me that I have something that my employees do not. I understand that this bill would require that this opportunity be afforded to all employees, not just those in management or supervisory positions.

Here is another letter from a constituent:

> Time with my children is very important and, unfortunately, working outside the home is important, too. My children will only be young once, and missing parts of their development is a very important part that I can never replace. I would like to better balance my family life and my work life. And I think the Family Friendly Workplace Act is an excellent opportunity for working parents.

Here is a letter from a schoolteacher:

> I ask that you support the bill as I think it would be a great benefit to all citizens in this country. As an educator, I feel that this would allow parents time to be in school with their children. Time and time again, parents relate to me that they cannot come to school for conferences or other meetings because they have to work. This bill would allow some flexibility in the workplace.

Another letter. I think this letter is very interesting. This writer used to be a Federal employee and is now working in the private sector. The individual writes:

> I have worked in the Federal Government with a flexible schedule based on 80 hours and enjoyed it."

That means you work an average of 80 hours over 2 weeks.

> Now that I have left the Federal work force, I have questioned why this same opportunity is not available to me in the private sector. As an American, this disappoints me greatly. The Government does not have enough confidence in me to allow me to make a decision to not take overtime pay if I exceed 40 hours a week. By pretending to protect me, they have hurt me. My company cannot pay me overtime, so I

> cannot take time off next week. I would like to see the same benefits that Federal workers have, be offered to the private sector.

Another example is the vacation time, the writer goes on to say:

> What I receive in industry isn't near that what the Federal Government provides. Three-day weekends were great while they lasted—even 4-day weekends allowed the family to get away for a short trip, which is about all we can ever afford anyhow, and I still have discretionary time for kids, doctor visits, and other needs.

Here is a letter from a schoolteacher:

> As an elementary teacher I feel parents need to have time off to help in their child's classroom and attend conferences. The children have the real benefit of this bill, if it passes, because they will know that their parents really do care about them and their progress in school.

We will have an opportunity to debate and discuss this matter fully. I thank the majority leader, TRENT LOTT, for allowing us to have this time this afternoon to bring this bill forward. It is pretty clear that the supplemental appropriations will take precedence over this bill when we reconvene next week and that budget matters will have priority and be the subject of our deliberations. But, because this measure was the next measure to come up after those come before us, the majority leader let us have a start on this important issue this afternoon.

I look forward to the time when these other measures—which are very important and require our attention—will have been settled and we can get back to this all-important issue of allowing workers to have the flexibility to spend time with their families. It is as important as ever to allow workers in the private sector who are paid hourly wages to have the same benefits that Federal Government workers have had since 1978.

So I thank the majority leader for giving us the opportunity to begin this bill now. It will be necessary for us to bring the bill down so we can proceed to other matters. I close by thanking my good friends who have helped in this measure. Perhaps the most responsible for the significant progress we have made is Senator DEWINE of Ohio, in whose subcommittee this bill was heard and whose leadership has resulted in it being one of the first pieces of major legislation brought to the floor during this session of the Congress.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Ohio.

Mr. DeWINE. Mr. President, let me thank my colleague from Missouri for the excellent statement and explanation about his bill and also congratulate him for bringing this bill to the floor. As he stated, we knew as we began the debate today that we would only just get started and that, because of concerns about the budget and other scheduling matters on the floor, we would have to ask to have this bill pulled down temporarily. We will be back on this bill. It is a very important bill to American workers. It is a question of fairness. It is a question of equity. It is a question of really trying to bring our laws up to date to reflect the reality of how people live their lives today, the reality of the American workplace.

It is a bill about eliminating discrimination. The current law, frankly, as we talked about it, does in fact discriminate against hourly workers who are in the private sector who do not have the benefit of working for the Federal Government.

So, at this point I do ask unanimous consent to withdraw the motion to proceed.

The PRESIDING OFFICER. Without objection the motion is withdrawn.

MORNING BUSINESS

Mr. DEWINE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE

Financial Disclosure Reports required by the Ethics in Government Act of 1978, as amended and Senate rule 34 must be filed no later than close of business on Thursday, May 15, 1997. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 13. Any questions regarding the availability of reports should be directed to the Public Records Office. Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics.

THE CULTURAL DECLINE IN AMERICA

Mr. BROWNBACK. Mr. President, I would like to make a few remarks in morning business. Today, as most people recognize, is a national day for prayer. We have also been talking about a very important thing regarding families and a bill that has been put forward to try to help families be able to do their job better.

What I would like to speak about a little bit today is building off of that statement and also off the National Day of Prayer to talk about, overall, the culture of America and what has happened to our Nation, what has happened in our culture. I think it probably would come as no surprise, unfortunately, to most people that our culture is in difficulty and has been having a great deal of problems lately.

I have been looking at and studying this issue for some period of time. Plus, as I travel across my State, as I travel across Kansas, I hear more and more people mentioning how much difficulty they think the culture is in, how much they feel like they are fighting culture just to raise their kids and raise their families. I would like to take the Senate's time for just a few minutes to describe where are we today in this culture. Why do we need things like flexibility for families to be able to be families again? Why do we need to do those things?

Let us look at some of these charts. I apologize ahead of time for how discouraging they are, because they are. As you look at these things—look at this. This is child abuse and neglect reports in America. We are talking, in 1976, about 500,000 of them, which was a lot at that point in time. But consider where we are today: 3 million in 1995 reported, of child abuse and neglect cases reported on an annual basis, 3 million. That is a high percentage of our children being recorded in this. This is a terrible situation and, unfortunately, an indictment of the culture.

Let us look at out-of-wedlock births. This is something that has received a lot of attention overall in our society. Consider where we were in 1960—about 5 percent. And you can go back earlier in time and it stays at about this 3 to 5 percent level. Consider where we are today—30 percent. About one in every three children born in America today is born to a single mom. That is a tough situation. In our inner cities—in the District of Columbia we have here, that figure gets up to nearly 60 to 70 percent.

My wife and I have three children. It is tough enough for two of us to raise them, let alone without flexible time to be able to get off from work, and let alone without being born into a situation where you start out with one parent just at the very outset.

The next chart, violent crimes taking place in our society. Unfortunately, I think everybody knows the situation here, but look at the staggering numbers—staggering numbers. In 1960, we are talking about violent crime offenses—rape per 100,000, we had about between 100 to 200 per 100,000 citizens in the country in 1960. Look at where we are today. We are up at nearly 800 per 100,000 people. Look at that period of time, 1960 to 1993, 33 years, and we go up nearly sevenfold in violent crimes, sevenfold.

My own staff here in Washington, DC, and I have only been here now 4 months, three of them have been burglarized, my own staff here in Washington, DC. This is across the country what is taking place. This is just a horrendous number, if you look at that.

Take a look at this. This one is sad, about the hopelessness of some of our kids in this society. Just think about the concept even of a teenager, somebody who is just looking at getting into life and into what should be the flowering, the spring of his or her life, committing suicide; having, actually, the mental thought that I should end this life. To me that is just—it is almost unthinkable, anyway; abhorrent. What has happened in our culture? These are again per 100,000. We used to have about 3 in 1960. We are up to nearly 12; quadrupled in a 35-year time period, of teens being hopeless. How much more do they reflect the rest of teenagers who have thought about this and decide, well, I am not willing to quite take that step? It has quadrupled in 35 years, in the state of our society.

What about marriages ending in divorce? Do not hear me to say I am perfect or my family is perfect. We have had divorces in our family, too, just like every family in America. But look at the numbers, because they are staggering; they really are. In 1920, about 10 or 11 percent of marriages ended in divorce. Where are we today? Nearly 50 percent; nearly 50 percent. And it affects all families everywhere. It affects my family, too. Look at that.

What does it lead to overall? This is a chart of a Fordham University study on the culture. They have tracked the culture in America since 1970, and they use a whole set of different factors, some of which I would not consider; in others, I would add additional factors. But they overall said the culture, in their objective assessment, has declined from, in 1970, a 73 percent objective number to a 38 percent objective number—in half, the cultural decline in America, in a period—look at the time period we are talking about here—25 years. Is this incredible?

I think on our National Day of Prayer we ought to be praying about the culture. And we ought to be thinking about what we can do ourselves and what we can do corporately in this society.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

A SIGNIFICANT ACCOMPLISHMENT

Mr. STEVENS. Mr. President, there are times when I listen to the remarks of another Senator that I realize the statement being made is most significant. That was my feeling recently as I sat next to the junior Senator from Massachusetts. Senator JOHN KERRY spoke to the national meeting of AIPAC—The America-Israel Political Action Committee—here in Washington, DC. This was a bipartisan meeting of AIPAC members from throughout our Nation.

In a strong worded presentation, Senator KERRY made an appeal for the United States to be a true friend of Israel. I, particularly, agreed with my friend as he forcefully said:

> As a democracy, Israel has both the burden and the glory of a vigorous public square. We as Americans must be the truest and best kind of ally—both forthright enough to say what we think—and steadfast enough to stay the course during the hard passages as well as the easy ones.
>
> Herzl's famous words—"If you will it, it is no dream"—signify the promise and the greatest power of Israel—and the hope, after half a century, that a fair and secure peace is finally within reach. For our part, we must leave here more committed than ever to support Israel in the exacting, essential, and sometimes tense search for that dream. I think its fair to say that the ashes of Holocaust victims were scattered on the wind.
>
> But that wind also carries on it their prayers and purpose—above mountains and sea, across hundreds or thousands of miles, so that the pain of history is redeemed in the land of Israel. It is a sacred place—for them, for their people who live there, and for all the world. So let us now resolve again that the day will never come for Israel when the redemption is put at risk—when any of us would ever have to repeat Schindler's cry and say: We could have done more.

Mr. President, the days seem to be disappearing when a Senator compliments another Senator who sits on the other side of this aisle by making the Senate aware of a significant accomplishment of a colleague. For myself, I would like to restore that tradition.

Senator KERRY's statement was one of the best I have heard. Mr. President, I ask unanimous consent that Senator KERRY's speech to AIPAC be printed in the RECORD. It is one, I believe, all Members of Congress and many citizens of this great Nation of ours should read, contemplate, and discuss.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

SENATOR JOHN F. KERRY—ADDRESS BEFORE AIPAC—WASHINGTON, DC—APRIL 7, 1997

I really want to share with you that I am honored to be here tonight—and I'm privileged to stand up here tonight and represent the Senate in bi-partisan fashion—because I share your cause, and I also want to pay you respect for the way that you fight the battle. The way that you do so literally does honor to our democracy. The letters you write, the phone calls you make, involvement in our campaigns, your willingness to come to Washington, your commitment to, and search for the truth, is the way it is supposed to be, and you set an example for this country.

I was delighted to participate just a few days ago with Steven in Boston in a Washington club event. And I think it renewed in me my sense, in the intimacy and in the exchange, the dialogue, that meetings like that really give a continuing vitality to a fundamental truth that Israel and the United States do share great ideas as well as a great alliance; and security of Israel is indispensable to the security of the United States of America.

But you know, in truth, our two nations really share something much more than that, and I think you know it. As Prime Minister Netanyahu stated so eloquently tonight—and what a privilege it was to be able to listen to the truth that he spoke this evening—Israel and the United States are neither of us just a place in the land, a piece of geography; both of us are founded on a shining vision of human dignity and purpose.

The Jewish people have taught the world much about dignity and purpose because they have preserved their vision through two thousand years of exile and persecution. And they had to outlast history's fiercest fires of hate.

Teresa and I watched *Schindler's List* as 25 million other Americans did a few weeks ago. We were obviously left asking, as anyone in their right mind and conscience would, why—why—why? But I remembered my trip to Israel, as we all do. My first visit to Yad Vashem in Jerusalem. And I will never forget one sight there that stood out above all others—not the documents or the photographs as stark as they are—but a small child's single lonely shoe, which brought home to me the incomprehensibility of the Holocaust expressed on the most human of scales.

Again, as I watched this movie about a handful who entered the Nazi hell and returned, a small remnant who proved that millions did not have to perish, I thought of the words of Elie Wiesel about others who could have acted to prevent, to stop, to oppose this crime of the century: "Not all were guilty," he said, "but all were responsible."

Schindler himself was a rogue and a philistine, whose transformation was heroic—but it was all too rare. Too many of the God-fearing forgot God. And at the end of the movie, after the Nazis have surrendered and Schindler is preparing to escape, he cries that he had not done all he could have done—or early enough. He could have done more—sold a watch, a lapel pin, a car to secure the lives of others. And so many could have done more in Germany and elsewhere—and yes, done more in America, and in the highest places of power in Washington.

And as we know—and I say we, all of us, with connections of any kind with Israel—anti-semitism did not disappear with the ashes of Auschwitz. Over fifty years after the end of World War II, the ancient evil still stalks our time—striking at Jews around the world and at the Jewish people and the Jewish soul of the state of Israel. What Robert Wistrich called the longest hatred continues to reach far and wide. An explosion ruins a peaceful afternoon in a street cafe in Tel Aviv. There are bombings in a Jewish Community Center in Argentina; the rising popularity of the National Front in France; the prevalence of Skinhead violence and murders in Germany; the arson of Warsaw's last synagogue; the anti-Jewish scape-goating and conspiracy of Louis Farrakhan and the militia groups; the Nazi-like images of Jews in the press in Egypt and Syria, and the blatant anti-Jewish hatred of Hamas proclaiming: "We worship God by killing Jews."

These are different sins, but they are rooted in the same anti-Semitic temptation. Some cannot face the truth, or the twisted hates in their own soul, even today in this country, or the rationalizations for the sake of political advantage or profit. As the youth of Europe ask about the Holocaust and challenge their parents about what they did or didn't do, the legacy of collaboration and oppression still emerges from under the rocks of a hidden history. We have just witnessed the end of the myth of Swiss neutrality—and we are beginning to look anew at what happened to the stolen property of Jews in Vichy France and Peronist Argentina.

So the question must be asked: Would active resistance to the Holocaust or the preceding anti-Semitism have made a difference? I am not naive about the brutality with which the Nazis often responded to dissent. But in recent years, from the Philippines to Haiti to South Africa, to the former Soviet union, resistance and dissent—and pressure from the outside—changed the course of events. And it is no excuse for citizens or the Church or other leaders of the world to say that it would not have worked. For the most part, they did not even try—and that is the shame of a century.

So the millions who watched "Schindler's List" must contemplate, then amid the tears and heavy hearts, the deeper lesson that we carry out of this blood-stained century. Speaking out against injustice, acting to end bigotry, raising our collective consciousness and looking honestly into the unsparing heart of conscience, and standing up for what is right and hopeful. This is the collective burden—the collective burden and I say privilege of all of us who live today. It is a collective responsibility that we must meet—in our own country—and for so many of us, in the other country of our hearts—the land of Israel.

So we need AIPAC's unwavering voice on this long and winding road to peace in the Middle East. And the journey is harder now than it was a year ago, harder than it was a month ago, harder than it was a few weeks or days ago because we must remind the world that peace is more just than a piece of paper; it is the replacement of death with life, of danger and violence with the laughter of children whose playgrounds no longer need to be guarded with guns, Arab or Israeli. Oh yes—the peace process has delivered a certain amount to Israel—diplomatic, economic, and political benefits—but again in a simple truth—it has not delivered full or real security. It is not peace when seven Israel girls are murdered at the Jordanian border. It is not peace when three more innocent people are killed on the eve of Purim in Tel Aviv, with fifty more injured—among them many children—cut and bleeding from broken glass and nails embedded into the bomb. It is not peace when people cannot get safely on a bus and arrive home to the embrace and joy of family.

No—that is not peace—but I state emphatically—it is a reason why the peace process must go on—not naively, not in a rush, not on a fragile foundation—but it must go on in a genuine search for real peace—and for the real security which defines peace.

So frankly, we all have to work harder, we have to work harder to make real the peaceful dreams of millions of Israelis and millions of others in the world, who look to part of the world for peace. And all of us cannot continue to be held hostage to Hamas and Hezbollah. We must all of us reject the absurd, dishonest and cruel approach—the propaganda, if you will—from some Palestinians—the attempt by some Arafat advisers—to equate terrorist attacks with Israel's decision to construct new housing in Jerusalem, however controversial that decision may be. It is one thing for the Palestinians and others to hear Prime Minister Netanyahu say it, but I want to say it also: Terrorism is an incontrovertible evil, and an unacceptable response. The idea that every bitter dispute between Israelis and the Palestinians can justify Palestinian violence, or justify Arafat's winking at it, or should warrant the release of yet most Hamas leaders, or could excuse the PLO's failure to rewrite its covenant—all this reflects a moral blindness, a failure of courage that only encourages the cowards, the haters and the killers. As Israel is assailed with almost unrelenting fury and Prime Minister Netanyahu is all but demonized by the world press, the parting cry of Schindler—I could have done more—that cry ought to resonate in this room. Are we speaking up enough against a one-sided enforcement of the Oslo Accords? Are the supporters of Israel who did not support Netanyahu now less willing to rebut inaccuracies and attacks than they were when Rabin and Peres were in office? Did too many people just breath a sign of relief when Israel in a single day carried out the withdrawal from Hebron rather than shouting their support in words, letters and op-eds? Will we demand again and again that Iran, Iraq, and Syria be held accountable for Hezbollah and Hamas? Will we insist, over and over, that our Arab friends must move forward with full diplomatic relations with Israel? Will we make clear that the reinstitution of the Arab boycott of Israel is not only morally repugnant but unacceptable to all Americans?

Let me say to you with humility and respect that this all must happen first of all in AIPAC—or it will not happen at all. Now I know that not everyone in this room completely shared the vision of Rabin or Peres about the peace process. Just as I know that not everyone in this room today shares the vision of Prime Minister Netanyahu. Nor is that diversity of opinion here different from what is going on in Israeli living rooms or in the Knesset. There is a distrust of the process, of Arafat, and there is division over how to proceed—or in some quarters whether to proceed at all. But one thing is clear, you know and we know it, an overwhelming majority of people—there and here—seek, work and pray for peace—not a passing illusion—but the reality of a solid, meaningful, secure and reliable peace. As Americans, we owe it to our Israeli partners to stand with them so that they can negotiate from greater strength—to be an ally beside them, not an ally that undermines them. Israel will and should choose its own leaders, its own policy, its own bargaining position; and the United States cannot and should not dictate the outcome.

Let me state it as plainly as I can: The U.N. Security Council has no right to impose insecurity on Israel. President Clinton was right to veto the Security Council resolution on Har Homa—and the United States can and should veto any other similar, one-sided measures that bring discredit on nations such as France and Russia—whose own anti-Semitic records now rebuke their anti-Israel votes.

And I also say to you that for the parties to move ahead—and I believe they will—for the peace to proceed—and I believe it will—AIPAC must be both vigilant and tireless. Legitimate criticism of Israel should be heard, yes. But malicious charges without foundation have no place in our policy debates—as when a shameless Syria sought to blame Israel for intra-Syrian terrorism in Damascus. Last month, on national television, repeated media questions about Israel's alleged failure to carry out its obligations in Hebron were forcefully rebutted by the State Department's Dennis Ross. But they easily could have been accepted by a less knowledgeable guest. It is critical—and this is your role, and ours, as we listen to you—critical that the American public be kept accurately informed about the obligations of Palestinians—and whether they are being fulfilled. What Prime Minister Netanyahu calls lapses in reciprocity are not side issues, but central ones. Such lapses wouldn't be accepted in our arms reduction talks with Yeltsin, they wouldn't be accepted in our trade negotiations with China. How can they be ignored in the life or death arena of the Middle East? Signed agreements have to mean something. They build confidence. They are the road to future negotiations. And broken commitments—or neglected ones—foretell other betrayals to come. Both parties must be held to the same high standard.

In each of my visits to Israel, I have had the privilege of seeing first-hand the special dangers of the Middle East, and of beginning to comprehend the special nature of the Middle East. On one occasion I became an honorary Israeli Air Force pilot when I was allowed to fly an air force jet from the Ovda Airbase. I want you to know it did not come easily. I was frustrated, at one of those terrible, boring luncheons when you're on those journeys, and this great colonel—he was an ace in the war, several times an ace—was sitting next to me, and I'm a pilot and I love to fly every chance I get. And I kept saying, you're sure Tel Aviv won't let me go flying? And finally I persuaded him to make a last phone call, and he came back to me in the middle of a meal, and said to me, "Senator, I hope you haven't eaten too much. We're going flying."

So I raced down to the tarmac, and they had a helmet and a suit for me, and put me in the front seat. He said "I don't have time to do the run-up with you or anything, but the minute we're off the ground, it's your airplane." And I said, boy this guy is trusting. I didn't even tell him if I'd ever flown a jet before. So we took off into the sky, he gave me the airplane the moment we took off, and the next thing I know, he says point-blank into my helmet, "Senator, you are about to go into Egypt airspace." So I immediately ground the stick in and turned, and within a matter of minutes, this United States Senator came close to violating the airspace of Egypt, Jordan, and Syria. let me tell you something, I learned a magical lesson: The promise of peace must be secure before the promised land is secure on a thin margin of land.

Back on the ground on that first trip, I, like so many of my colleagues, toured the beautiful country from Kibbutz Mizgav Am to Masada to the Golan. I stood in the very shelter in a kibbutz in the north where children were attacked and I looked at launching sites and impact zones for Katousha rockets. And like many visitors, I was enthralled by Tel Aviv, moved by Jerusalem and inspired by standing above Capernum, looking out over the Sea of Galilee, where I was bold enough to read aloud the Sermon on the Mount to those who were traveling with me. And I met people of stunning commitment, who honestly and vigorously debated the issues as I watched and listened intently. I went as a friend by conviction; I returned a friend at the deepest personal level with new connections, new understanding.

Who would have thought so much would have changed since that first journey of 1986. But still the Middle East remains a place of deep and disturbing contradictions. Israel's oldest Arab peace partner—Egypt—has a press obsessed with Nazi-like images of Jews and Israel. At the same time, a Jordanian soldier murders seven Israeli school girls and Jordan's King Hussein pays a personal, poignant, eloquent and historic shiva call on their families.

Through all these contradictions let no one doubt the importance of the road we are on, for the truth is that Hussein's beautiful gesture to a nation all too used to mourning alone is a symbol of real progress. Without Oslo, it would not have happened. It's not that sympathy calls make the peace process worthwhile; it's that bridges between leaders and their people are being built.

Needless to say, there is a very long journey yet ahead of us, and we must march through criticism abroad, and at home, and internally, and in Israel.

As a soldier in Vietnam, who came home to oppose the war, I must say to you that I don't see that kind of criticism as being unpatriotic. For nations like Israel and America that are founded on principles and not just as places, dissent can be the loyalist act of all, and lively debate the living proof of freedom.

As a democracy, Israel has both the burden and the glory of a vigorous public square. We as Americans must be the truest and best kind of ally—both forthright enough to say what we think—and steadfast enough to stay the course during the hard passages as well as the easy ones.

Herzl's famous words—"If you will it, it is no dream"—signify the promise and the greatest power of Israel—and the hope, after half a century, that a fair and secure peace is finally within reach. For our part, we must leave here more committed than ever to support Israel in the exacting, essential, and sometimes tense search for that dream. I think it's fair to say that the ashes of Holocaust victims were scattered on the wind. But that wind also carries on it their prayers and purpose—above mountains and sea, across hundreds or thousands of miles, so that the pain of history is redeemed in the land of Israel. It is a sacred place—for them, for their people who live there, and for all the world. So let us now resolve again that the day will never come for Israel when the redemption is put at risk—when any of us would ever have to repeat Schindler's cry and say: We could have done more.

I might say to you on a personal note that that imperative has been clear since long before the Holocaust. I learned it and I learned how long it has endured in an emotional moment on top of Masada, when I stood on that great plateau where the oath of new soldiers used to be sworn against the desert backdrop and the test of history. I spent several hours with my guide and friend Yadin Roman. On top, we argued, we debated, at his insistence whether or not in fact Josephus Flavius was correct in his account of the siege—whether these really were the last Jews fighting for survival—whether they had escaped since no remains were ever found. And we journeyed back and forth through the possibilities and finally, after our journey through history—which we resolved with a vote in favor of history as recorded—Yadin motioned to me and said come over here and stand with those that we were travelling with, and we stood at the edge of the chasm looking out across the desert, across to the mountains at the other side. And we stood as a group, and altogether, at his command, we shouted across the chasm—across the desert—across the silence—Am Yisrael Chai. And back a slow, echoing voice speaking to us through history came the word Am, Yisrael Chai. Israel lives. The State lives. The people of Israel live. And that is the cause of America, it is the cause of people of conscience all across this planet, and that is why I am proud to be here with you tonight.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

ADOPTION PROMOTION ACT

Mr. DEWINE. Mr. President, I think our friends in the House of Representatives deserve a great deal of praise for what they did yesterday. They passed a bill that would save the lives of many gravely threatened young people in this country. I am referring, of course, to the Adoption Promotion Act of 1997, the Camp-Kennelly legislation, which passed the House by an overwhelming vote of 416 to 5.

For the children in foster care in this country, the average time they spend in foster care is almost 2 years. That is just the average time. These 2 years are often the most important time in that child's development. We need to do everything we can to get these children in safe, stable, permanent, loving adoptive homes.

Why are these children being kept in foster care for so long? I said the average time was 2 years. Sometimes it is 3, 4, 5 years. Sometimes the most important years of their lives are spent in foster care, and sometimes they move from foster home to foster home to foster home. Why do they get shoved from one home to another? Why do they spend so many years in foster care? One reason is that, in some of these cases, the child protective services feel hemmed in by a misinterpretation of a Federal law, a well-intentioned Federal law that this Congress passed in 1980, a law that has done a great deal of good, but a law that contains one provision that I believe has caused a great deal of harm and has caused a great deal of confusion.

Under this 1980 law, the Federal Child Welfare Act, for a State to be eligible for Federal matching funds for foster care expenditures, that State must have a plan for the provision of child welfare services approved by the Secretary of HHS. The State plan must provide, that in each case, reasonable efforts will be made, first, prior to the placement of a child in foster care to prevent or eliminate the need for removal of a child from his home and, second, to make it possible for the child to return to his home.

In other words, Mr. President, no matter what the particular circumstances of a household may be, the State must make reasonable efforts to keep that household, that family together, and then to put it back together if it falls apart.

There is very strong evidence, evidence that I have seen firsthand as I have traveled the State of Ohio and talked to people who are professionals in this field, talked to judges, talked to child services workers, very strong evidence that reasonable efforts have, in some cases, become extraordinary efforts, efforts to keep families together at all costs, efforts to keep families together that are families really in name only. This has resulted in children being put back in abusive homes, put back in situations where no child should have to exist or live.

Every day in this country, three children die of abuse or neglect. Children who are being abused by their parents should simply not be reunified with those parents. That is common sense. The legislation passed yesterday by the House of Representatives makes it clear, by an overwhelming vote, that this is what the House thinks.

Now is the time for the Senate to take action. We have a very good piece of legislation, the Chafee-Rockefeller bill, of which I am honored to be a cosponsor, that has been introduced in this body. It is a piece of legislation that contains many good provisions. One of the provisions it contains is identical language to what the House passed yesterday to simply say what we all know in our heart was intended by the 1980 act, and that is, yes, we should make reasonable efforts to put families back together, we should try to help them, but—but—when those decisions are made at the local, county level or city level, the people who make those decisions must always put safety and the welfare of that child first. The safety of the child must always be paramount. That is good common sense; it is good legislation.

We are halfway there. Now is the time for the U.S. Senate to complete the action and send that bill on to the President. The President has already said that he supports this language, that he supports this concept, that there is, in fact, a problem. The Senate should act very quickly and move on this legislation and really plug this loophole, which has caused a great deal of pain and many problems for our young people in this country today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Missouri.

NATIONAL DAY OF PRAYER

Mr. ASHCROFT. Mr. President, May 1 is a special day in the United States of America. It has been designated and observed as a national day of prayer. Citizens across the country—having recognized that those of us in positions of responsibility need the kind of wisdom to allow us to make good decisions—have today been observing this National Day of Prayer in our behalf. I rise to thank them.

Abraham Lincoln, in the midst of the crisis that perhaps did more to threaten this country and at the same time, more to unify it than any other crisis in history, continued to have a strong commitment and dedication to the concept of prayer when he called upon the Nation to reserve a time for repentance, for introspection, and for prayer.

This Nation has survived great challenges—yet still faces great challenges. I believe that its success in the face of challenge in large measure is due to the fact that people have prayed.

A couple thousand years ago, when the Apostle Paul was writing a letter to his friend Timothy, he advised Timothy to say, "Pray for each other and pray especially for those who are in authority that we may lead quiet and peaceable lives in all Godliness and honesty."

I think that was good advice 2,000 years ago, and it is good advice today.

I rise today, as we close this day in the U.S. Senate, to say to those Americans who have been a part of this observance, referred to as the "National Day of Prayer," thank you for your prayers and, as a matter of fact, I think all America owes a debt of gratitude to those who have carried the well-being and welfare of this country to God in prayer on a regular basis. It is with that in mind that I believe the National Day of Prayer is a strong symbol that we have prayer all year—on a continuing basis so that we might do things that advance the very cause for which I think God sent his Son to the world—that we might live life and live it more abundantly. That is the true position of Government, that we would create conditions under which people could live and live in greater abundance and greater freedom.

So I take this moment to reflect upon those who have cared enough to pray for us and to extend to them my appreciation for what they have done in our behalf.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSION OF GRATITUDE FOR PATTY McNALLY, EXECUTIVE ASSISTANT PROTOCOL OFFICER

Mr. LOTT. Mr. President, I rise today to express the deep gratitude of the Senate to Ms. Patty McNally, Executive Assistant and Protocol Officer in the sergeant at arms' office, who is retiring after more than 20 years of dedicated public service in the Senate.

As the chief protocol staffer in the sergeant at arms office, Patty's responsibilities have included coordinating joint sessions of Congress, swearing-in ceremonies, serving many long hours as the Sergeant at Arms representative on the Joint Congressional Inaugural Committee, and the more somber occasions of state funerals. Patty also was responsible for making the protocol and security arrangements for the numerous visits to the Senate heads of states and other dignitaries from around the world.

In 1987, Patty played an important part in the making of Senate history, as she arranged and coordinated the transportation of the Senate delegation to Philadelphia to participate in a very special joint session of Congress that commemorated the bicentennial of the Constitution.

Mr. President, Patty has made substantial contributions to this institution and in the celebration of democracy. Today, we celebrate her contribution and wish her the very best in her new life with her family and friends, and we will envy the view from her home of the Nubble Light House.

THE STORYTELLER IN STONE

Mr. DASCHLE. Mr. President, this Saturday, May 3, marks the 50th anniversary of sculptor Korczak Ziolkowski's arrival in the Black Hills to accept the invitation of the Lakota to create a memorial to honor the great warrior and chieftain, Crazy Horse. Carving this great monument in the mountain became his life's work, and indeed, the life's work of generations of his family.

He was joined at Thunderhead Mountain by Ruth Ross on June 21, 1947, who is now a dear friend of mine. The two married 3 years later, and together they made a life raising their 10 children and slowly shaping the mountain into the form of Crazy Horse, sitting atop his steed with his arm outstretched toward the homelands of the Lakota. Its scale is difficult to comprehend. His face alone is so large that all four faces carved on Mount Rushmore could fit on its expanse. When it is finished, the sculpture will be taller than both the Washington Monument and the Great Pyramids. These figures are made all the more remarkable by the fact that all of the work at the memorial is privately financed, with no support from Government funds. Although Korczak died in 1982, Ruth and the children have proudly carried on with this vision.

No less remarkable is the extraordinary effort made by the Ziolkowski family to educate thousands about the lives of Crazy Horse and the Lakota people, and to improve the lives of Native Americans around the country. Through the Crazy Horse Memorial Foundation, the family oversees a cultural and educational center offering college courses, a research library, the Indian Museum of North America and educational outreach programs. In addition, the Crazy Horse Memorial Native American Scholarship Program has already awarded a total of $175,000 in educational grants. Ultimately, the family hopes to fulfill Korczak's dream of opening a university and medical center on these grounds.

Korczak liked to call himself a "storyteller in stone," and believed that the monument was a noble offering to a man who led his people in battle at Little Bighorn and died before surrendering himself to a white man's prison. I commend Ruth and all the Ziolkowski family in their 50th year of fulfilling this vision.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, April 30, 1997, the Federal debt stood at $5,353,971,314,439.39. (Five trillion, three hundred fifty-three billion, nine hundred seventy-one million, three hundred fourteen thousand, four hundred thirty-nine dollars and thirty-nine cents)

Five years ago, April 30, 1992, the Federal debt stood at $3,891,974,000,000. (Three trillion, eight hundred ninety-one billion, nine hundred seventy-four million)

Ten years ago, April 30, 1987, the Federal debt stood at $2,268,145,000,000. (Two trillion, two hundred sixty-eight billion, one hundred forty-five million)

Fifteen years ago, April 30, 1972, the Federal debt stood at $1,065,660,000,000 (One trillion, sixty-five billion, six hundred sixty million) which reflects a debt increase of more than $4 trillion—$4,288,311,314,439.39 (Four trillion, two hundred eighty-eight billion, three hundred eleven million, three hundred fourteen thousand, four hundred thirty-nine dollars and thirty-nine cents) during the past 15 years.

RETIREMENT OF PAUL KAMINSKI, UNDER SECRETARY OF DEFENSE FOR ACQUISITION

Mr. LEVIN. Mr. President, next week Dr. Paul Kaminski will step down after an extraordinary 3-year tenure as Under Secretary of Defense for Acquisition. In this short period of time, Dr. Kaminski and his acquisition team at the Pentagon have made dramatic steps to turn our procurement culture around, making it more flexible, more creative, and smarter.

Under Dr. Kaminski's leadership, the Department of Defense has successfully implemented three major pieces of acquisition reform legislation: Federal Acquisition Streamlining Act, the Federal Acquisition Reform Act, and the Information Technology Management Reform Act. Those of us who worked hard to enact this legislation appreciate the energy that Dr. Kaminski and others have dedicated to putting it into practice.

But the turnaround in the procurement culture has required far more than the implementation of new laws. Dr. Kaminski and his team have placed the Department of Defense at the forefront of acquisition reform by doing the hard work to revise and simplify thousands of military specifications, to implement streamlined management practices through integrated process teams and the single process initiative, and to make acquisition reform work where the rubber meets the road in tens of thousands of individual contracts awarded every year.

Under Dr. Kaminski's leadership, the Department of Defense has substantially reduced acquisition lead times, reduced the layers of redtape that have often burdened the acquisition system, accelerated the process of incorporating emerging commercial technologies into weapons systems, and simplified the small purchases through the use of the IMPAC credit card. Most impressive of all, Dr. Kaminski has achieved all of this while skillfully managing a steep reduction in the size of the acquisition work force—the career professionals who have borne the brunt of implementing the new acquisition system.

The Congress and the Nation owe Dr. Kaminski a debt of gratitude for his selfless service to the interests of the taxpayer and the national defense. I know my colleagues join me in wishing Paul all the best in the future.

MESSAGES FROM THE HOUSE

At 10:38 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R 867. An act to promote the adoption of children in foster care.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1775. A communication from the Director of the Defense Finance and Accounting Service, transmitting, pursuant to law, a report relative to the Defense Commissary Agency; to the Committee on Armed Services.

EC–1776. A communication from the Acting Assistant Secretary of Defense, transmitting, pursuant to law, a report relative to the operations and maintenance budgets for fiscal year 1998; to the Committee on Armed Services.

EC–1777. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to the F–22 aircraft program; to the Committee on Armed Services.

EC–1778. A communication from the Director of the Office of the Secretary of Defense, transmitting, pursuant to law, a report relative to cross-servicing and acquisition actions; to the Committee on Armed Services.

EC–1779. A communication from the Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report on the preservation of minority savings institutions for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1780. A communication from the Chairman of the National Credit Union Administration, transmitting, pursuant to law, a report relative to federally insured credit unions; to the Committee on Banking, Housing, and Urban Affairs.

EC–1781. A communication from the Under Secretary of State and the Under Secretary of Commerce, transmitting jointly, pursuant to law, the report on improving export mechanisms and on military assistance for fiscal year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–1782. A communication from the Acting General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, three rules including a rule entitled "Protection and Enhancement of Environmental Quality" (FR2206, 4031, 4070) received on April 25, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1783. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Overflight Payments to North Korea" received on April 7, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1784. A communication from the Chief Counsel of the Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Blocked Persons" received on April 17, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–1785. A communication from the Acting Secretary of Labor, transmitting, pursuant to law, a report relative to the employment rights of veterans; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 79. A resolution to commemorate the 1997 National Peace Officers Memorial Day.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 476. A bill to provide for the establishment of not less than 2,500 Boys and Girls Clubs of America facilities by the year 2000.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation:

Vice Adm. Roger T. Rufe, U.S. Coast Guard, to be Commander, Atlantic area, U.S. Coast Guard, with the grade of vice admiral while so serving.

Kerri-Ann Jones, of Maryland, to be an Associate Director of the Office of Science and Technology Policy.

Jerry M. Melillo, of Massachusetts, to be an Associate Director of the Office of Science and Technology Policy.

Triruvarur R. Lakshmanan, of New Hampshire, to be Director of the Bureau of Transportation Statistics, Department of Transportation, for the term of 4 years. (Reappointment)

Andrew J. Pincus, of New York, to be general counsel of the Department of Commerce.

Kenneth M. Mead, of Virginia, to be inspector general, Department of Transportation.

Rear Adm. James C. Card, U.S. Coast Guard, to be Commander, Pacific area, U.S. Coast Guard, with the grade of vice admiral while so serving.

Mr. McCAIN. Mr. President, for the Committee on Commerce, Science, and Transportation, I report favorably four nominations lists in the Coast Guard, which were printed in full in the CONGRESSIONAL RECORD on January 7, February 5 and 11, 1997, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of January 7, February 5 and 11, 1997, at the end of the Senate proceedings.)

The following cadets of the U.S. Coast Guard Academy for promotion to the grade of ensign:

Kelley Elizabeth Abood
Frances Ann Tirad Bacayo
Zachary Justin Bagdon
Hilary Ann Baine
Matthew Patrick Barker
Ian Adam Bastek
Michael William Batchelder
Joshua David Bauman
Jennifer Lydia Becher
Sean Cornell Bennett
Tracy Desterheld Berg
Heather Lin Bloomquist
Kenneth Jeffrey Boda
Scott Gerald Borgerson
David Leonard Bradley IV
Jacqueline Marie Brunette
Craig Donald Burch
Mechelle Elizabeth Burdick
Jeffrey Christopher Bustria
Belinda I. Cachuela
Michael Joseph Capelli
Willie Lee Carmichael
Scott Stephen Casad
William Bartley Cassels
Robert Carlton Compher
Chad William Cooper
Derek Lane Cromwell
Cornelius Edward Cummings
James Dart
Michael S. Degon
Steven Andrew Deveau
John Thomas Dewey
John Richard Dittmar
Tiffany Pamela Drumm
Jerome Edward Dubay
Damon Christian Edwards
Jeffrey Eldridge
Ranshaan Engrum
Theodore Joseph Erdman
Joann Feigofsky
Sarah Kathleen Felger
Christine Fern
Kevin Bertram Ferrie
Elaine Liza Marie Fitzgerald
Taina Haydee Fonseca
Nicolas Todd Forst
John Peter Fox
Michael Edwin Frawley
Glen James Galman
John Withner Garr
Morgan B. Geiger
David Lee Gibson
Michael J. Goldschmidt
David Vincent Gomez
Michael David Good
Hans Christian Govertsen

Matthew Aaron Green
Timothy Aaron Greten
Charles Michael Guerrero
Tim A. Gunter
Robert Edward Hart
Erin Marlene Healey
Wayne Michael Helge
Jonathan Nils Hellberg
Scott Charles Herman
Shannon Marie Heye
Wesley Karl Hout
Joel Alexander Huggins
Christopher James Husler
David Frederick Hunter
Thea Iacomino
Samuel Johnson II
Daniel Christopher Jones
James Jarrod Jones
Eric James Kampert
Kerry Georgia Karwan
Sean R. Katz
Michael Andrew Keane
Peter Joseph Keel
Jared Ethan King
Bradley James Klimek
Michael Stephen Krause
Damian Joseph Kuczma
Charles Frederick Kuebler
Talisha Lawrence
Christian Anthony Lee
Brian Joseph Lefebvre
David Wesley Leone
John B. Lindahl
Lexia Monique Littlejohn
Orlando Carlos Lovell
Kevin Paul Lynn
Ian Mitchell MacGregor
Kevin Christopher Mahoney
Brian Wade Maier
Edzel Dela Cruz Mangahas
Eric D. Martenson
Jennifer Joy Martin
Eric David Masson
John Francis McCarthy
Christopher Allen McMunn
Camilla Beth Messing
Andrew David Meverden
Timothy George Meyers
Fay Juyoun Miller
Peter James Mitchell
Peter Michael Morehouse
Corey Richard Morrison
Anne Marie Morrissey
Justin Thomas Moyer
Kenneth Tyson Nagie, Jr
Kenneth Eric Nelson
Allison Genevieve Nemec
Pierina Marie Noceti
Francis J. O'Connell
David Joseph Obermeier
Sean James O'Brien
Jason William Olguin
Tiffany Renae Olson
Rebecca Ellen Ore
Timothy Alexander Pasek
Tana Marie Payne
Scott William Peabody
Luke Andes Perciak
Arturo Saldana Perez
Richard Graham Perkins
Justin David Peters
Harper Lee Phillips
Scott Satoshi Phy
Frank Allen Pierce
Christopher Michael Pisares
Krysia Victoria Pohl
Steven Edward Ramassini
Joshua Taylor Ramey
Jaime Stalin Ramos
Travis Jeremy Rasmussen
Gregory Charles Rau
Rodrigo Gunther Rojas
Dustin Main Romey
Matthew A. Rudick
David James Schell
Clint Brian Schlegel
Diana Lane Sharp
David Matthew Sherry
Anna Won-Min Slaven
Amy Leigh Sloan
Shad Sammual Soldano
Gabriel W. Solomon
James William Spitler
John Michael Stone
Raymond L. Swetland
Romualdus Matthias Ten-Berge, Jr.
Bruce A. Thibault
Craig Stuart Toomey
Christopher Andrew Tribolet
Clinton Albert Trocchio
Michael Anthony Turdo
Bryan James Ullmer
Chris Mark Upham
James Allen Valentine
Eva Jayoung VanCamp
Nathan John Veirs
Greg Edward Versaw
Carlito Rodriguez Vicencio
Kevin David Wallace
Stephen Matthew Ward
Tyson Scott Weinert
Tamara Nichole Wilcox
Nathaniel Remington Williams
Nicholas Laurence Wong
Andrew James Wright

The following regular officers of the U.S. Coast Guard for promotion to the grade of rear admiral (lower half):

Thomas J. Barrett
James D. Hull
John F. McGowan
George N. Naccara
Terry M. Cross

The following individual for appointment as a permanent regular commissioned officer in the U.S. Coast Guard in the grade of lieutenant:

Brenda K. Wolter

The following regular officers of the U.S. Coast Guard for appointment to the grade of rear admiral:

Robert C. North
Timothy W. Josiah
Fred L. Ames
Richard M. Larrabee III
John T. Tozzi
Thomas H. Collins
Ernest R. Riutta

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. McCONNELL:

S. 675. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Finance.

By Mr. MURKOWSKI (for himself and Mr. Cochran):

S. 676. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

By Ms. MOSELEY-BRAUN:

S. 677. A bill to amend the Immigration and Nationality Act of 1994, to provide the descendants of the children of female United States citizens born abroad before May 24, 1934, with the same rights to United States citizenship at birth as the descendants of children born of male citizens abroad; to the Committee on the Judiciary.

By Mr. LEAHY:

S. 678. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

By Mr. ROCKEFELLER:

S. 679. A bill for the relief of Ching-hsun and Ching-jou Sun; to the Committee on the Judiciary.

By Ms. SNOWE:

S. 680. A bill to amend the Internal Revenue Code of 1986 to allow a credit for interest paid on loans for higher education, to provide for education savings accounts, and for other purposes; to the Committee on Finance.

By Mr. GRAHAM (for himself and Mr. Mack):

S. 681. A bill to designate the Federal building and United States courthouse located at 300 Northeast First Avenue in Miami, Florida, as the "David W. Dyer Federal Courthouse"; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself and Mr. Ford):

S. 682. A bill to amend title 32, United States Code, to make available not less than $200,000,000 each fiscal year for funding of activities under National Guard drug interdiction and counterdrug activities plans; to the Committee on Armed Services.

By Mr. STEVENS:

S. 683. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CONRAD (for himself, Mr. Daschle, Mr. Dorgan, Mr. Grams, Mr. Johnson, and Mr. Wellstone):

S. 684. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to local educational agencies in cases of certain disasters, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CAMPBELL:

S. 685. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. Hutchinson, and Mr. Torricelli):

S. 686. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on Armed Services.

By Mr. JEFFORDS:

S. 687. A bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (by request):

S. 688. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all students who graduate in the top five percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BROWNBACK (for himself, Mr. Kennedy, Mr. D'Amato, Mr. Stevens, Mr. Hollings, Mr. Helms, Mr. Moynihan, Mr. Cochran, Mr. Dodd, Mr. Warner, Mr. Harkin, Mr. Nickles, Mr. Biden, Mr. Domenici, Mr. Glenn, Mr. Hatch, Mr. Kerry, Mr. Specter, Mr. Breaux, Mr. Gramm, Mr. Lieberman, Mr. Shelby, Mrs. Feinstein, Mr. Jeffords, Ms. Moseley-Braun, Mr. Coats, Mr. Reid, Mr. Mack, Mr. Craig, Mr. Campbell, Mr. Faircloth, Mr. Coverdell, Mr. Kempthorne, Mr. Inhofe, Mr. DeWine, Mr. Santorum, Mr. Ashcroft, Mr. Abraham, Mr. Frist, Mr. Hutchinson, Mr. Smith of Oregon, Ms. Collins, Mr. Enzi, Mr. Roberts, and Mr. Sessions):

S. 689. A bill to authorize the President to award a gold medal on behalf of the Congress to Mother Teresa of Calcutta in recognition of her outstanding and enduring contributions through humanitarian and charitable activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BREAUX (for himself, Mr. Cochran, Mr. Conrad, Mr. Dorgan, Ms. Moseley-Braun, Mr. Reid, Mr. Rockefeller, Mr. Daschle, and Mr. Robb):

S. 690. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare program; to the Committee on Finance.

By Mr. INOUYE (for himself, Mr. Levin, Mr. D'Amato, Mr. Harkin, Mr. Cleland, Mr. Gregg, Mr. Akaka, Mr. Leahy, Mr. Ford, Mrs. Feinstein, Mr. Robb, Mr. Warner, and Mr. Stevens):

S.J. Res. 29. A joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes; considered and passed.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. McCONNELL:

S. 675. A bill to amend the Internal Revenue Code of 1986 to modify the application of the passive loss limitations to equine activities; to the Committee on Finance.

THE EQUINE TAX FAIRNESS ACT OF 1997

Mr. McCONNELL. Mr. President, I rise today to introduce a bill to amend the Internal Revenue Code to modify application of passive loss limitations to horse activities. This week the eyes of the sporting world are focused on the 123d running of the Kentucky Derby at Churchill Downs in Louisville, KY. While it is considered one of the greatest sporting events in the world, the Kentucky Derby is part of a much larger and broader horse industry—one that has a $112 billion economic impact in the United States and supports 1.4 million jobs.

Whether it is owning, breeding, racing, or showing horses—or simply enjoying an afternoon ride along the trail—1 of 35 Americans is touched by the horse industry. There are 6.9 million horses in the U.S. involving more than 7.1 million Americans as horse owners, service providers, employees and volunteers. In Kentucky alone, the horse industry has an impact of $3.4 billion, involving 150,000 horses and 52,900 employees.

What supports the industry—including the job base, the breeding farms, and the revenue stream in the form of $1.9 billion in taxes to all levels of government—is the investment in the horses themselves. The horse industry relies on outside investment to operate, just as other businesses do. Without others willing to buy and breed horses, the 1.4 million jobs supported by this industry are at stake.

Since the Tax Reform Act of 1986, the horse industry has experienced a near-devastating decline with job losses occurring at racetracks, horse farms, and industry suppliers. In addition, hundreds of breeding farms have gone out of business. Most horse owners and breeders believe that the limits on passive losses are a major reason for the decline as well as for the chilled interest of investors in horses. Since the mid-1980's, the number of horses bred and registered has decreased—leading to losses in jobs and revenues for the States.

The 1986 act indicates that in order to satisfy the material participation requirement, a person's involvement must be regular, continuous, and substantial. However, the horse industry is unique, and the passive loss rules are difficult for some to satisfy. Because of the expertise and physical ability that is required, many owners cannot ride, train, breed and show their horses.

The bill I introduce today will alter these requirements to make them fair, workable, and enforceable. I ask unanimous consent that it be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 675

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equine Tax Fairness Act of 1997".

SEC. 2. APPLICATION OF PASSIVE LOSS LIMITATIONS TO EQUINE ACTIVITIES.

(a) Determination of Material Participation.—Subsection (h) of section 469 of the Internal Revenue Code of 1986 (defining material participation) is amended by adding at the end the following new paragraph:

"(6) Treatment of equine activities.—

"(A) In general.—A taxpayer shall be treated as materially participating in an equine activity for a taxable year if—

"(i) the taxpayer's participation in such activity for such year constitutes substantially all of the participation in the activity of all individuals for such year, other than individuals—

"(I) who are not owners of interest in the activity,

"(II) who are retained and compensated directly by the taxpayer, and

"(III) whose activities are subject to the oversight, supervision, and control of the taxpayer, or

"(ii) based on all of the facts and circumstances, the taxpayer participates in the activity on a regular, continuous, and substantial basis during such year, except that for purposes of this clause—

"(I) the taxpayer shall not be required to participate in the activity for any minimum period of time during such year, and

"(II) the performance of services by individuals who are not owners of interests in the activity shall not be considered if such services are routinely provided by individuals specializing in such services and such services are subject to the oversight, supervision, and control of the taxpayer.

"(B) Partners and S corporation shareholders.—Subject to paragraph (2), the determination of whether a partner or S corporation shareholder shall be treated as materially participating in any equine activity of the partnership or S corporation shall be based upon the combined participation of all of the partners or shareholders in the activity.

"(C) Equine activity.—For purposes of this paragraph, the term 'equine activity' means breeding, racing, or showing horses."

(b) Effective Date.—The amendment made by this section shall take effect as if included in the amendments made by section 501 of the Tax Reform Act of 1986.

By Mr. MURKOWSKI (for himself and Mr. Cochran):

S. 676. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles; to the Committee on Finance.

THE CHARITABLE EQUITY MILEAGE ACT OF 1997

Mr. MURKOWSKI. Mr. President, in the past week, we have heard a great deal of discussion regarding voluntarism in America. In Philadelphia, President Clinton has been joined by former President Bush and former Chairman of the Joint Chiefs of Staff, Colin Powell, in what has been styled a voluntarism summit.

On the floor of the Senate, we have been attempting to move legislation, which I believe should not be controversial, that would protect volunteers from fear of legal actions resulting from their efforts. I would hope that the impasse over this bill could be broken and we could move forward on this important bill.

In the spirit of encouraging more volunteer efforts in America, I am today introducing the Charitable Equity Mileage Act of 1997. This bill will increase the standard mileage rate deduction for charitable use of an automobile from 12 cents a mile to 18 cents a mile. I think this bill should be unanimously supported by my colleagues on both sides of the aisle.

Mr. President, many of our citizens who volunteer for charitable activities incur expenses for which they are not reimbursed. For example, when an individual uses his or her automobile to deliver a meal to a homebound elderly individual, or to transport children to Scouting activities, the volunteer usually pays the transportation cost out of pocket with no expectation of reimbursement.

I believe the costs associated with charitable transportation services ought to be deductible at a rate which fairly reflects the individual's actual costs. This is especially important for volunteers living in rural States who have to travel long distances to provide community services.

Congress in 1984 set the standard mileage expense deduction rate of 12 cents per mile for individuals who use their automobiles in connection with charitable activities. At the time, the standard mileage rate for business use of an automobile was 20.5 cents per mile. In the intervening 13 years, the business mileage rate has increased to 30.5 cents per mile but the charitable mileage rate has remained unchanged at 12 cents per mile because Treasury does not have the authority to adjust the rate.

By raising the charitable mileage rate to 18 cents a mile, my legislation restores the ratio that existed in 1984 between the charitable mileage rate and the business mileage rate. In addition, the legislation authorizes the Secretary of the Treasury to increase the charitable mileage rate in the same manner as is currently allowed for business mileage expenses.

All of us agree that with the changing role of the Federal Government, we need to do more to encourage voluntarism in our country. Volunteers who provide transport services should be allowed to deduct such costs at a rate which fairly reflects their true out-of-pocket costs. That is precisely what this bill does and I urge my colleagues to join with me in sponsoring this important legislation.

Mr. President, I have a letter of support for my bill from the American Legion and I ask unanimous consent that this letter be printed in the RECORD.

I further ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 676

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Charitable Travel Equity Act of 1997".

SEC. 2. INCREASE IN STANDARD MILEAGE RATE EXPENSE DEDUCTION FOR CHARITABLE USE OF PASSENGER AUTOMOBILE.

(a) IN GENERAL.—Section 170(i) of the Internal Revenue Code of 1986 (relating to standard mileage rate for use of passenger automobile) is amended to read as follows:

"(i) STANDARD MILEAGE RATE FOR USE OF PASSENGER AUTOMOBILE.—

"(1) GENERAL RULE.—Except as provided in paragraph (2), for purposes of computing the deduction under this section for use of a passenger automobile, the standard mileage rate shall be 18 cents per mile.

"(2) TAXABLE YEARS BEGINNING AFTER 1998.—Not later than December 15 of 1998, and each subsequent calendar year, the Secretary may prescribe an increase in the standard mileage rate allowed under this subsection with respect to taxable years beginning in the succeeding calendar year if the Secretary determines that such increase is necessary to reflect increased costs in the use of passenger automobiles."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1996.

THE AMERICAN LEGION,
Washington, DC, April 24, 1997.

Hon. FRANK MURKOWSKI,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR MURKOWSKI: The American Legion fully supports the "Charitable Travel Equity Act of 1997," to amend the Internal Revenue Code of 1986 to increase the standard mileage rate deduction for charitable use of passenger automobiles.

Not only does The American Legion applaud the increase in the mileage rate deduction, but more importantly this measure fixes the problem that has not allowed for incremental increases without an act of Congress action. The standard mileage rate deduction for business use of passenger automobiles has increased significantly while no adjustments were made in the charitable use rate. Granting the Secretary the authority to make prescribed adjustments will provide fairness and promote additional volunteerism.

Thank you for your continuous leadership on behalf of America's veterans and their dependents.

Sincerely,

STEVE ROBERTSON,
Director, National Legislative Commission.

By Ms. MOSELEY-BRAUN:

S. 677. A bill to amend the Immigration and Nationality Act of 1994, to provide the descendants of the children of female U.S. citizens born abroad before May 24, 1934, with the same rights to U.S. citizenship at birth as the descendants of children born of male citizens abroad; to the Committee on the Judiciary.

THE EQUITY IN TRANSMISSION OF CITIZENSHIP ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I am introducing a bill today that will amend legislation written by my former colleague, the distinguished Senator from Illinois, Paul Simon, and enacted into law. Three years ago, Senator Simon was the leader in enacting the Immigration and Nationality and Technical Corrections Act of 1994. My bill seeks to add a further correction to the Immigration and Nationality Act, so that the spirit and intent of Senator Simon's work is enacted into law.

Prior to 1934, a child born overseas to a U.S. father and a foreign mother was recognized by the United States as a U.S. citizen. However, a child born overseas to a U.S. mother and a foreign father was considered to be a foreign national, not a U.S. citizen. Effectively, therefore, before 1994, U.S. fathers could pass on their citizenship to children born overseas, but U.S. mothers could not. Senator Simon sought to remedy this gender inequality by automatically granting U.S. citizenship to those individuals born overseas to U.S. mothers before 1934. Under his legislation, the Immigration and Nationality and Technical Corrections Act of 1994, the children of American mothers and foreign fathers became U.S. citizens.

His legislation also contained language to address the third generation—the children of these children. It is likely that the grandchildren of the U.S. mothers and foreign fathers would have been U.S. citizens had their children been U.S. citizens. Therefore, the 1994 law also granted U.S. citizenship to these grandchildren.

This provision granting citizenship to the grandchildren, however, contradicted another section of the Immigration and Nationality Act [INA]. INA states that in order to transmit U.S. citizenship from a parent to a child born overseas, the parent must have lived in the United States for 10 years. A U.S. citizen who has a child overseas needs to have lived in the United States over a 10-year period to pass on U.S. citizenship to his or her children. This transmission requirement is gender neutral, and applies to all U.S. citizens who have children overseas.

Senator Simon's law did not specifically waive this transmission requirement for the third generation, although the language of the bill clearly stated that it intended to grant citizenship to the grandchildren of the American mothers. The lawyers at INS have concluded that the transmission requirement must be met in order to pass citizenship onto the grandchildren of the American mothers and foreign fathers. In other words, INS is requiring the third generation to show that the second generation lived in the United States for 10 years in order to pass citizenship to the third generation.

This is impossible given that the second generation was never allowed to live in the United States because they were not citizens until 1994. Thus the provision of the 1994 law granting citizenship to these grandchildren was never implemented.

The purpose of my bill is to waive the transmission requirement for the grandchildren of the American mothers and foreign fathers. The third generation will not have to show that the second generation lived in the United States for 10 years. They will be granted citizenship even though their parents did not live in the United States for 10 years. This bill will help a small number of people who should have been U.S. citizens by birth. It will ensure that the spirit of Senator Simon's legislation is enacted into law. I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity in Transmission of Citizenship Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) since the children born abroad to United States citizen mothers before May 24, 1934, only became entitled to claim United States citizenship, acquired at birth, as of October 25, 1994, with the enactment of Public Law 103-416, they were not legally admissible into the United States as citizens prior to that date; and

(2) therefore, they could not meet the residency requirements to transmit United States citizenship onto their children as the children of male United States citizens could.

SEC. 3. EQUAL TREATMENT OF CHILDREN BORN ABROAD OF FEMALE UNITED STATES CITIZENS IN CONFERRING CITIZENSHIP TO CHILDREN BORN ABROAD.

(a) IN GENERAL.—Section 101 of Public Law 103-416 is amended by amending subsection (d) to read as follows:

"(d) WAIVER OF TRANSMISSION REQUIREMENTS.—The parental physical presence requirement contained in section 301(g) of the

Immigration and Nationality Act shall not apply to any person born before the date of enactment of this Act who claims United States citizenship based on such person's descent from an individual described in section 301(h) of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall be deemed to have become effective as of October 25, 1994.

By Mr. LEAHY:

S. 678. A bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes; to the Committee on the Judiciary.

THE FEDERAL JUDGESHIP ACT OF 1997

Mr. LEAHY. In that regard, today being Law Day I think we should honor the Federal judiciary. We have a political climate where many of my colleagues bash the Federal judiciary on a daily basis and propose legislation that threatens a time-honored independence of the Federal judiciary. I think our Nation's judges deserve our respect, admiration, and support—not our disdain, scorn, and antipathy. Anywhere you go in the world you will find that one of the things that stands out, one of the things admired most about the United States, is the independence of our Federal judiciary.

For the past 200 years, they protected the freedoms and fundamental rights we all take for granted. You could ask, where would our cherished rights like first amendment-protected free speech and the right of religious freedom be without the Federal courts? It is ironic that the right of free speech that the Federal judiciary bashers take for granted in the war against judges has been protected time and time again by those very same judges.

It is our independent judiciary that handed down landmark decisions like Brown versus Board of Education. Without our independent judiciary, how long would African-American children have to suffer deplorable conditions in substandard schools? I remember after Brown versus Board of Education, we had the bumper stickers and billboards, "Impeach Earl Warren," and "Impeach the Supreme Court." Well, only because they were politically independent could they hand down a decision so unpopular at the time, but so recognized today universally as the right decision. I shudder to think where we would be today with Federal judges who are tied to the political whims of the moment. We should talk about where the country would be without independent Federal judges.

The nonpartisan Judicial Conference of the United States has proposed changes in the makeup of our courts. It has been 7 years since Congress last seriously reexamined the caseload of the Federal judiciary.

Mr. President, our judges do an admirable job under tough conditions. They endure constant criticism and heavy caseloads. Contrary to what some of my Republican colleagues have stated, there is a need for more Federal judges.

The Judicial Conference of the United States, the nonpartisan policymaking arm of the judicial branch, believes that the continuing heavy caseload of our courts of appeals and district courts merit additional judges. Overworked judges and heavy caseloads slow down the judicial process, and as we all know, justice delayed is justice denied. Mr. President, we must act now.

Mr. President, on Law Day, a day to commemorate our Nation's legal system and the freedoms it is designed to protect, I introduce the Federal Judgeship Act of 1997. This legislation, identical to the recommendations of the nonpartisan Judicial Conference of the United States, would create 12 additional permanent judgeships and five temporary judgeships for the U.S. Court of Appeals; and 24 additional permanent judgeships and 12 temporary judgeships for the U.S. district courts.

In 1984, Congress passed a bill to address the need for additional judgeships. Six years later, in 1990, Congress again fulfilled its constitutional responsibility and enacted the Federal Judgeship Act of 1990 because of a sharply increasing caseload, particularly for drug-related crimes.

It is now 7 years since Congress last seriously reexamined the caseload of the Federal judiciary and the need for more Federal judges. Let us act now. Let us fulfill our constitutional responsibilities. Let us ensure that justice is not delayed or denied for anyone.

By Mr. ROCKEFELLER:

S. 679. A bill for the relief of Ching-hsun and Ching-jou Sun; to the Committee on the Judiciary.

PRIVATE RELIEF LEGISLATION

Mr. ROCKEFELLER. Mr. President, today, I am introducing a private relief bill that is based on careful reflection and a sincere desire to help a family of importance to me and my State of West Virginia.

This is an effort to assist an individual named Jack Sun who is a prominent international businessman and multinational manager with permanent residence status in the United States. Mr. Sun sought and obtained permanent residence in the United States to enable him to pursue economic business and ties between his native Taiwan and the United States.

Of great significance to West Virginia, in his capacity as Chairman of Taiwan Aerospace Corp., Jack Sun has been instrumental in forging a Taiwan/United States joint venture named Sino Swearingen, Inc., that will build state-of-the-art business jets in my home State of West Virginia. Taiwan Aerospace Corp., and its Taiwanese co-investors have to date committed an amount in excess of $150 million to finance this joint venture. Sino Swearingen, Inc., is expected to employ around 800 people at this West Virginia site when it becomes fully operational.

As someone who knows Jack Sun personally and has worked closely with him to pursue this new investment and jobs opportunity for West Virginia, I know him to be an honorable individual. He is an internationally respected business leader, well known to the American business community. Jack Sun has worked extremely hard to develop and maintain strong personal and business ties in the United States. In addition to his business activities, Jack Sun is active in the cultural and academic life of both Taiwan and the United States. He also sits on the University of Southern California School of Business Administration's CEO board of advisors.

Jack Sun, in his capacity as president of Pacific Electric Wire & Cable Co., Ltd, has, over the past 10 years, directed significant investments into the United States and has created thousands of jobs for Americans. Mr. Sun is the president of Pacific USA Holdings Corp. headquartered in Dallas, TX. Pacific USA Holdings Corp. is a diversified holding company whose business activities encompass commercial banking, home building, mortgage and investment banking, property development, insurance and technology services, to name but a few. Pacific USA Holdings Corp. and its subsidiaries now employ more than 2,000 U.S. workers.

Jack Sun also serves as director of the Iridium project which is an international alliance sponsored by Motorola, Inc., whose purpose is to create a global network of telecommunications systems through the use of low-orbiting satellites.

The purpose of this private bill is to attempt to assist Jack Sun in expediting the completion of the permanent residence process that is well underway through conventional procedures for his two youngest children, Ching-Jou Sun, age 8, and Ching-Hsun Sun, age 6. Jack Sun's three eldest children received their permanent residence status on April 28, 1992.

Regarding this bill, in July, 1995, a petition for alien relative was filed on behalf of ching-jou and Ching-Hsun Sun. The Immigration and Naturalization Service approved the petitions on January 30, 1996. Upon approval of the petitions, the children were assigned a priority date of July 26, 1995.

However, Jack Sun and his attorney have been informed by the Department of State's Bureau of Consular Affairs, that in the preference category for which Ching-Jou and Ching-Hsun Sun have been approved, the number of people approved for issuance of visas far exceeds the number of visas currently available for actual issuance. Consequently, the children have been assigned a priority date that is a place on the waiting list. The National Visa Center states that based upon the current conditions and backlog, the priority date held by Ching-Jou and Ching-Hsun Sun will not be reached for more than 4 years.

Ching-Jou and Ching-Hsun Sun are now in the process of waiting for their green cards which would enable them to live and go to school in the United States with their sisters and brother. To add to the problem, during this waiting period, the children cannot even travel with their father and family in the United States. The children cannot obtain even a visitor's visa because they have already indicated their immigration intent.

Although the petitions were approved on behalf of Ching-Hsun Sun and Ching-Jou Sun, the prolonged continuation of the waiting period has created personal hardships for Jack Sun, and his family. Jack Sun's three oldest children permanently reside in Pasadena, CA. The two oldest daughters presently attend the University of Southern California. Jack Sun simply would like his family to be together as much as possible. This means he wishes to be able to travel with his children to the United States, and to unify his family. Under the present circumstances, the family is split, three children holding permanent residence status and living in the United States, while the two youngest children have to remain in Taiwan during this prolonged waiting period and the potential 6 year delay before achieving visas for permanent residence status.

This forced separation creates a particular hardship because of the ages of the children. The children are not permitted to travel with their father and are separated from their father and siblings for years to come. Jack Sun frequently and extensively travels to the United States to oversee his business operations.

There is simply no further administrative procedure to use to resolve this situation for the Sun family and these two children. They are confronted with an extraordinarily long delay waiting for visas already approved to actually become available. No administrative remedy exists to cure this situation. No further relief is available from the Immigration and Naturalization Service or any other agency. The relevant administrative agencies, including the Immigration and Naturalization Service and the National Visa Center at the State Department, have informed Jack Sun and his attorney that there is no administrative vehicle to expedite conclusion of the permanent residence process.

Therefore, I have decided to seek a legislative remedy for Jack Sun's family. After carrying out all the steps needed to obtain approval for resident status, they face a 6-year waiting period that now condemns a father and children to prolonged periods of separation.

Because of my respect for Jack Sun and deep appreciation for the role he has played in locating a major new source of jobs and opportunity for West Virginians, I am asking Congress to take the legislative action required to relieve a family of undue hardship and separation solely resulting from the grim reality that two children would otherwise have to wait 6 years to get visas they already have been approved for. I believe this is just the example of an extraordinary personal situation that merits congressional assistance and action.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENCE.

Notwithstanding any other provision of law, for purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Ching-hsun Sun and Ching-jou Sun shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act upon payment of the required visa fees.

SEC. 2. REDUCTION OF NUMBER OF AVAILABLE VISAS.

Upon the granting of permanent residence to Ching-hsun Sun and Ching-jou Sun as provided in this Act, the Secretary of State shall instruct the proper officer to reduce by the appropriate number during the current fiscal year the total number of immigrant visas available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)).

By Mr. GRAHAM (for himself and Mr. MACK):

S. 681. A bill to designate the Federal building and U.S. courthouse located at 300 Northeast First Avenue in Miami, FL, as the "David W. Dyer Federal Courthouse"; to the Committee on Environment and Public Works.

DAVID W. DYER FEDERAL COURTHOUSE LEGISLATION

Mr. GRAHAM. Mr. President, today I have the distinct pleasure to introduce legislation that would redesignate the Old Federal Courthouse in Miami, FL, the "David W. Dyer Federal Courthouse."

Residing behind the bench for over 30 years, Judge Dyer distinguished himself as one of the finest jurists in the State of Florida, and his commitment to public service dates back to his service in the U.S. Army during World War II.

In 1961, President John F. Kennedy appointed him to the District Court for the Southern District of Florida. At the time the Southern District included Tampa, Jacksonville, and Miami. The following year the district was pared down and he became the initial chief judge of the reconfigured Southern District. Judge Dyer would continue to serve in this capacity for the next 4 years.

President Lyndon Johnson then appointed him to the U.S. Court of Appeals for the Fifth Circuit in 1966. This marked the first time that anyone from Miami had been honored with the opportunity to serve on the court of appeals. In 1977, Judge Dyer rose to the position of senior judge for the fifth circuit and carried this status over into the Eleventh Circuit Court of Appeals.

During the turbulent 1960's, Judge Dyer participated in a number of civil rights cases. This period was an era when the Federal courts were called to implement the constitutional ideal of equal justice under the law for all Americans. It was a proud time in our legal history and Judge Dyer is part of that legacy. In one such case, he was responsible for the desegregation of the restaurants on the Florida Turnpike.

Judge Dyer served his community in a variety of other capacities. He is a former member of the board of governors and executive committee of the Florida Bar, as well as the board of governors of the Maritime Law Association. He also served as president of the Dade County Bar, the largest in Florida.

Judge Dyer has been an inspirational model for two generations of lawyers. He has shown through his example what integrity of character, sound judgment, and courage of conviction can achieve in implementing our highest ideals.

Mr. President, Judge Dyer spent much of his life working out of the Old Federal Courthouse in Miami. Passage of this legislation to redesignate the building in Judge Dyer's name would be a small, but fitting token of appreciation that America and its judicial system owe Judge Dyer for his years of distinguished service. I urge my colleagues to support me in enacting this measure.

By Mr. HARKIN (for himself and Mr. FORD):

S. 682. A bill to amend title 32, United States Code, to make available not less than $200,000,000 each fiscal year for funding of activities under National Guard drug interdiction and counterdrug activities plans; to the Committee on Armed Services.

NATIONAL GUARD COUNTERDRUG STATE PLAN PROGRAM LEGISLATION

Mr. HARKIN. Mr. President, the National Guard has a history of superb performance in supporting the needs of law enforcement agencies and community antidrug coalitions. Every day the National Guard has nearly 4,000 soldiers and airmen on full-time counter drug duty. Three-hundred and seventy-three in support of the Drug Enforcement Agency [DEA], 625 in support of U.S. Customs, and 3,000 more in support of local, State, and Federal law enforcement agencies in every State in the Nation.

Unfortunately, for the last 5 years, this successful program has been on a budget rollercoaster. For example, funding for the fiscal year 1998 National Guard Counterdrug State plans program will result in a 42-percent cut in the amount actually available to State plans from the fiscal year 1997 level. It is tough to maintain program consistency when the funding level fluctuates each year. Legislation I am introducing today, along with Senator FORD, the co-chairman of the National Guard Caucus, will stabilize funding for the National Guard Counterdrug State plans program at no less than $200 million each fiscal year.

Iowa law enforcement, as well as law enforcement across the United States, relies heavily on the help of the National Guard in their drug fighting efforts. The National Guard provides personnel and equipment to local law enforcement agencies. Guard men and women assist with analytical and technical support so that criminal investigators can be out on the street. The Iowa High Intensity Drug Trafficking Area [HIDTA] task force plans to utilize National Guard support as part of their efforts to fight methamphetamine trafficking in Iowa. Guard men and women also work in partnership with the Community Anti-drug Coalition of America and expect to reach 10 million young people in the country to help educate and motivate them to reject the use of illegal drugs.

As we face unprecedented drug problems in Iowa and across the Nation, it is necessary to maintain consistent funding for the drug fighting efforts of the National Guard. Not only does the National Guard Counterdrug Program free up criminal investigators to fight crime on the streets, it provides an avenue for cooperation that makes enforcement more efficient as well. This program traditionally enjoys bipartisan support and affects law enforcement all across the United States. I encourage my colleagues to support this important legislation.

By Mr. STEVENS:

S. 683. A bill to require the Secretary of the Treasury to mint coins in commemoration of the bicentennial of the Library of Congress; to the Committee on Banking, Housing, and Urban Affairs.

THE LIBRARY OF CONGRESS BICENTENNIAL COMMEMORATIVE ACT OF 1997

Mr. STEVENS. Mr. President, today I am introducing legislation that would authorize the minting of silver $1 coins and gold $5 coins in commemoration of the bicentennial of the Library of Congress. The year 2000 will mark this important event for the Congress and the Nation. Over the past two centuries, the U.S. Congress has built its library into America's library and the greatest repository of recorded knowledge and creativity in the history of the World.

Proceeds from the coin will help the library support bicentennial programs, educational outreach, and other activities including programs with schools and libraries across the Nation.

The Library of Congress' bicentennial merits a U.S. commemorative coin. The library is an institution that has an enduring effect on the Nation's culture and history. As vice chairman of the Joint Committee on the Library, I am pleased to offer this legislation and I welcome and encourage my colleagues to join as cosponsors.

By Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. GRAMS, Mr. JOHNSON, and Mr. WELLSTONE):

S. 684. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide assistance to local educational agencies in cases of certain disasters, and for other purposes; to the Committee on Environment and Public Works.

DISASTER RELIEF LEGISLATION

Mr. CONRAD. Mr. President, last week on several occasions I spoke about the devastating impact of the floods along the Red River Valley on the residents of the communities in North Dakota, South Dakota, and Minnesota.

I note that the current occupant of the chair sent me a very gracious note about the fact that he has relatives in North Dakota. I want to acknowledge his offer to help, which we appreciate very much.

The impact of the floods on small communities and the city of Grand Forks, ND has been extraordinary. In Grand Forks alone, more than 60,000 residents have been evacuated to temporary shelters. Much of downtown Grand Forks has been destroyed by fires, and an estimated 28 to 35 schools and higher education facilities have been severely damaged or destroyed by the floods.

This disaster has left more than 11,000 elementary and secondary students and 10,500 university students without school facilities for classroom instruction. Many of these elementary and secondary students are attending classes in more than 30 school districts across the State. The North Dakota Office of Management and Budget has estimated that damage to local education facilities, as well as the unanticipated costs to provide education services for displaced students around the State, may exceed $250 million.

Mr. President, local school districts and the North Dakota University system will need considerable assistance from the Department of Education and the Federal Emergency Management Agency [FEMA] to fully recover from this terrible disaster. I have been advised that FEMA, under the Robert Stafford Disaster Relief and Emergency Assistance Act, has the authority to provide assistance to local governmental agencies including school districts and the North Dakota University system, for repair of educational facilities.

FEMA, however, does not have authority under the Stafford Act to assist or reimburse a local school district for providing unanticipated educational services to displaced students.

Such emergency educational assistance was available in the past to local school districts from the Department of Education under Impact Aid, section 7—assistance for current school expenditures in cases of certain disasters. This law, unfortunately, was repealed in 1994 during consideration of the Improving America's School Act.

Prior to 1994, for example, school districts affected by natural disasters including Hurricane Andrew—1992—in Dade County, FL, and communities in 7 states impacted by the Midwest floods—1993—were eligible for disaster assistance to meet emergency education operating expenses. In North Dakota, more than 30 school districts throughout the State are assisting 11,000 displaced students from the Grand Forks area. Another 30,000 students in Minnesota are displaced and attending classes in school districts across the State. These school districts are in urgent need of similar emergency assistance.

Mr. President, today I am introducing legislation to restore the authority to provide this emergency education operations assistance for elementary and secondary schools. I am very pleased that Senators DASCHLE, JOHNSON, DORGAN, WELLSTONE, and GRAMS are joining me as cosponsors of this bill.

Under this legislation, FEMA would be authorized in section 403—essential assistance—to provide disaster assistance including transportation, emergency food services, and the costs for providing educational services to students who formerly attended other schools, including private schools, that were damaged or destroyed by disaster. This emergency assistance would also be available to schools funded by the Bureau of Indian Affairs provided the schools are in the area that has been declared a major disaster by the President.

As FEMA currently has the authority to restore educational facilities, I believe the agency is best equipped to respond quickly to the emergency operating needs of school districts affected by disasters. As I noted earlier, school districts in 7 states affected by Midwest floods and Dade County schools impacted by Hurricane Andrew benefited from this emergency assistance in

1992–94. There is no question that school districts in North Dakota, South Dakota, and Minnesota urgently need similar assistance. I intend to offer this legislation as part of the supplemental disaster assistance measure when it reaches the Senate floor. I hope my colleagues will support this urgent need.

By Mr. CAMPBELL:

S. 685. A bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year; to the Committee on Finance.

LEGISLATION TO EXTEND THE WORK OPPORTUNITY TAX CREDIT

Mr. CAMPBELL. Mr. President, today I am introducing legislation which would provide for a 1-year extension of the work opportunity tax credit, authorizing the credit beyond this fiscal year through the end of fiscal year 1998.

My colleagues know well the history behind the work opportunity tax credit. It is the successor to the targeted jobs tax credit which expired 2 years ago and which received some criticism that it was an ineffective incentive mechanism. However, Congress felt that there could be some type of worthwhile incentive which could encourage employers to hire individuals from economically disadvantaged groups, and as a result, the credit was revised, renamed the work opportunity tax credit, and incorporated into the Small Business Job Protection Act (P.L. 104–188), which the Congress passed and the President signed into law last year.

The revised tax credit, with tougher standards, such as in the area of certification and retention requirements, was authorized for 1 fiscal year and is set to expire on September 30, 1997. The legislation I am introducing today would simply provide for an extension of the work opportunity tax credit for 1 additional fiscal year, through September 30, 1998.

There are several reasons for the extension. First, employers now have a tax incentive to hire individuals from targeted economically disadvantaged groups, providing these individuals with jobs and valuable work experience. In the wake of the historic welfare reform legislation which was signed into law last year, I believe this incentive to put people to work is a vital one, and it should be given the opportunity to work.

Second, Congress authorized this credit for 1 year to allow the Department of Labor, the Department of the Treasury, and the Congress to study the costs and benefits of the credit. To date, there are no statistics available. And while we await a more complete set of statistics on how the revised tax credit is performing, I believe the Congress should begin consideration of an extension of this credit to allow more employers to take part in the program and to provide an assurance to employers and potential employees alike that there is an incentive which is available to stimulate job opportunities. The sooner we are able to provide an extension for the credit, the more secure both the employers and the employees who take part in this credit will be.

In addition, authorizing the credit for an additional fiscal year will provide this Congress with a set of statistics available from multiple fiscal years, not just 1, allowing us to better assess the costs and benefits of the WOTC.

I am hopeful that the revised tax credit will prove more successful than its predecessor. I have long been a supporter and advocate for the promotion of job opportunities and job training for at-risk youth and ex-offenders, in particular. Any incentive to put more Americans to work should be given the chance to succeed; 1 year is simply not enough.

With that, I ask this bill be referred to the appropriate committee. During the 105th Congress, a number of tax proposals will be under consideration, and it is my hope that, by introducing this measure, the work opportunity tax credit does not get lost in the shuffle and expire prematurely.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 685

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ONE-YEAR EXTENSION OF WORK OPPORTUNITY TAX CREDIT.

Section 51(c)(4)(B) of the Internal Revenue Code of 1986 (relating to termination) is amended by striking "September 30, 1997" and inserting "September 30, 1998".

By Mr. SARBANES (for himself, Mr. HUTCHINSON, and Mr. TORRICELLI):

S. 686. A bill to establish the National Military Museum Foundation, and for other purposes; to the Committee on Armed Services.

NATIONAL MILITARY MUSEUM FOUNDATION LEGISLATION

Mr. SARBANES. Mr. President, today I am introducing on behalf of myself, Mr. HUTCHINSON, and Mr. TORRICELLI, legislation to create a National Military Museum Foundation. The purpose of this legislation is to encourage and facilitate private sector support in the effort to preserve, interpret, and display the important role the military has played in the history of our Nation. This legislation is, in my judgment, crucial at this particular moment in history, when we are on the verge of jeopardizing two centuries worth of military artifacts and negating the possibility of such collections in the future.

It has been the long-standing tradition of the U.S. Department of War and its successor, the Department of Defense, to preserve our historic military artifacts. Since the days of the revolution to the conflict in Bosnia, Americans have been proud of the role that our military has had in safeguarding our democracy, and we have tried to ensure that future generations will know that role. Over the years we have accumulated a priceless collection of military artifacts from every period of American history and every technological era. The collection includes flags, uniforms, weapons, paintings, and historic records as well as full-size tanks, ships, and aircraft which document history and provide provenance for our Nation and armed services.

In recent years, however, the dedicated individuals who identify, interpret, catalog, and showcase those artifacts have found themselves shortchanged and shorthanded. With financial resources diminishing, not only are we cheating ourselves out of the military treasures currently warehoused out of public sight, but we are in danger of lacking the funds to update our collections with new items.

"A morsel of genuine history," wrote Thomas Jefferson to John Adams in 1817, "is a thing so rare as to be always valuable." Mr. President, today, significant pieces of our military history are being lost, shoved into basements, or subject to decay. With each year also comes less funding, and our artifacts are multiplying at a pace that exceeds the capabilities of those who are trying to preserve them. Since 1990 alone, the services have closed 21 military museums and at least 8 more are expected to close in the next few years.

We cannot let this proceed any further. Military museums are vital to documenting our history, educating our citizenry, and advancing our technology. More than 81 museums in 31 States and the District of Columbia daily instill Americans from veterans to new recruits to elementary school students with a sense of the sacred responsibility that military servicemen bear to defend the values that have made this country great.

Military museums teach our servicemen the history of their units, enhancing their understanding both of the team of which they are a part and the significance of the service they have pledged to perform. And when a museum makes history come alive to young children, those children learn for themselves what this country stands for and the sacrifices that have been made to preserve the freedoms we often take for granted.

Many of our servicemen have learned their military history through these artifacts rather than textbooks, and many of our technological advances have come as a direct result of these artifacts. The ship models and ordinances at U.S. Naval Academy Museum in Annapolis, MD, for example, have been used by the Academy's Departments of Gunnery and Seamanship. It has also been reported that a study of an existing missile system, preserved in an Army museum, saved the Strategic Defense Initiative $25 million in research and analysis costs. These museums serve as laboratories where engineers can learn from the lessons of the past without going through the same trial and error process as their predecessors.

Yet without adequate funding, these benefits will be lost forever. According to a 1994 study conducted by the Advisory Council on Historic Preservation entitled, "Defense Department Compliance with the National Historic Preservation Act," the Department of Defense's management of these resources has been mediocre, with the cause attributed to inadequate staffing and funding.

More than 80 percent of the museums studied said their survival relies heavily on outside funding. When asked about their greatest needs, the response was nearly always staff and money. And those museums that reported sufficient staffing from volunteers nevertheless said that the dearth of funds for restoration and construction paralyzed them from fully utilizing the available labor.

According to the study, money is so tight that brochures and pamphlets are often unaffordable, leaving visitors with no explanations about the objects they have come to see. A young child might be duly impressed by the sight of a stern-faced general, but the historical lesson is greatly diminished if the child is not told the significance of the event portrayed or why the general looked so grim that day.

Perhaps most distressing, the study reported "substantial collections of rare or unique historical military vehicles and equipment that are unmaintained and largely unprotected due to lack of funds and available expertise." In addition, the museums were found to be struggling so much with the care of items already in house, that they were unable to accept new ones. With a new class of military artifacts from the Vietnam and gulf wars soon to be retired, one wonders whether those artifacts will be preserved. If we do not take action to save what we have and acquire what we don't, future generations will see these pockets of negligence as blank pages in the living history books that these museums truly are.

Only a Foundation can address these problems. The alternate solution—to press the services to devote more money to these institutions—is implausible in this budgetary climate. The Secretary of Defense must place his highest priority on the readiness of our forces. Closely allied to that priority is the effort to improve the quality of life for our citizens on active duty. And, as aging equipment faces obsolescence, the Secretary has indicated that the future will bring an increased emphasis on replacing weapons systems. By all realistic assumptions, the amount of funds appropriated for museums is likely to continue downward.

My bill recognizes the growing need for a reliable source of funding aside from Federal appropriations. A National Military Museum Foundation would provide an accessible venue for individuals, corporations, or other private sources to support the preservation of our priceless military artifacts and records. A National Military Museum Foundation could also play an important role in surveying those artifacts that we know to exist. Currently, there is no museum oversight or coordination of museum activities on the DOD level. A wide-ranging Foundation survey would therefore not only eliminate duplication, but would most likely discover gaps in our collections that must filled before it is too late.

Under the proposed legislation, the Secretary of Defense would appoint the Foundation's Board of Directors and provide basic administrative support. To launch the Foundation, the legislation authorizes an initial appropriation of $1 million. It is anticipated that the Foundation would be self sufficient after the first year. This is a small price to pay to save some of our most precious treasures.

This legislation is modeled on legislation that established similar foundations, such as the National Park Foundation and the National Fish and Wildlife Foundation, both of which have succeeded in raising private-sector support for conservation programs. My bill is not intended to supplant existing Federal funding or other foundation efforts that may be underway, but rather to supplement those efforts.

The premise for establishing a national foundation is, in part, to elevate the level of fundraising beyond the local level, supplementing those efforts by seeking donations from potentially large donors. I also want to emphasize the inclusiveness of the Foundation, which will represent all the branches of our armed services.

Mr. President, statistics reveal that foundations established without the mandate of a Federal statute and the backing of an established agency seldom succeed. With ever-diminishing Federal funds, we cannot expect the Department to put our military museums ahead of national security. Truly, an outside source committed to sustaining our museums is imperative. I urge my colleagues to support this important legislation.

By Mr. JEFFORDS:

S. 687. A bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes; to the Committee on Energy and Natural Resources.

THE ELECTRIC SYSTEM PUBLIC BENEFITS PROTECTION ACT OF 1997

Mr. JEFFORDS. Mr. President, America is currently considering an extremely important and contentious issue: Should we restructure the system by which we obtain our electric energy? And if so, how should we go about doing this? Hardly a day goes by in which one cannot find a news article on this subject. Across our Nation, 44 States have taken on the issue of restructuring, either in legislative debate or through the implementation of pilot programs. And even here in Congress, there are a number of proposals, in both the House and Senate, which address the various factors affecting the electric industry.

Advocates on all sides are debating whether the Federal Government should direct States to move to a restructured system, both in terms of how they should do it and when.

There are a number of ideas being offered as to whether utilities should be allowed to recover costs that were incurred under a regulated system, and if so, in what manner and to what degree. Who should bear the burden? The rate payer? The tax payer? The share holder?

Arguments have been made for and against Federal protection of public power, both in terms of market power and fiscal subsidies. Must companies divest according to function? Does a municipality's tax exempt bond authority give it an advantage over the tax deferrals of the utility, or the less-than-cost loans to the cooperative?

Mr. President, we continue to hear a great deal about how the effort to restructure the electric power industry may affect the Nation's economy. What is not being discussed, and what I believe is equally important, is how these changes will affect our society as a whole. How will it impact on the Nation's poor? How will it affect our children's health? How will restructuring affect our environment?

Well, it doesn't have to be an either/or choice. In fact, it can't be. As we move towards a restructured industry, we must consider the issues not only in terms of what they mean to our economy, but also in terms of what they mean to our society. We must secure and enhance the public benefits that until now have been provided by the electric industry's unique structure and regulatory traditions. This can only be achieved by including certain safeguards in any new regulatory structure from the outset, before dramatic changes unravel the gains this industry has made.

I rise today to introduce the Electric System Public Benefits Protection Act of 1997. This bill acknowledges the responsibility we have to our Nation, to its people and to the environment as we reassess the future of the electric power industry. It directly addresses the numerous public benefits we enjoy from our electric power structure, a system that has a unique impact on how we live. And it does this while creating a setting within the electric industry which promotes competition.

Under the system in effect today, electric utilities have been granted franchises in order to serve the public good. In return for a guaranteed return on their investments, the utilities have, to varying degrees of success, implemented many public purpose programs from which we benefit. These initiatives have addressed the need for alternative fuels, assistance to needy and remotely located consumers, energy efficiency projects, and environmental safeguards. While the industry has made significant progress in the past few decades, recent years have seen a steady decline in investments relating to these initiatives. As the electric industry moves closer to competition and deregulation, utilities are becoming less inclined to support public purpose programs without a guaranteed return.

My legislation creates a national electric system public benefits fund to enable and encourage State programs for renewable energy technologies, energy efficiency, low-income assistance, and universal access. It is supported by a broad-based, competitively neutral, systems benefits charge levied as a wires charge on all interconnected generation for sale on the electricity market. Revenues from the fund will be used to match funds raised by the States for the same public purposes and support the continuation and expansion of the benefits we enjoy today.

A study of history divulges two important facts about energy efficiency. The first is that the potential for cost-effective savings from accelerated investments in energy efficiency is very large. Yet trends over the last few years raise serious questions about utilities' commitments to energy efficiency programs. Based on the uncertainty surrounding the change within the industry, many utilities have admitted that they have already cut programs and are planning on reducing or eliminating more. While this uncertainty makes long-term predictions in this area difficult, the Energy Information Administration has projected a 13-percent reduction in direct utility expenditures on energy efficiency programs during the period 1995 until 1999. My bill affords States the opportunity to make necessary investments in efficiency technologies.

The second important fact we have learned is that there exist significant structural and informational market barriers to the deployment of investments in energy efficiency in the absence of targeted programs. My bill will help negotiate these barriers within the industry.

One of the benefits of energy efficiency is that reduced consumption avoids many of the environmental impacts associated with electric generation. The alternative is potentially devastating. In a recent national survey, respondents were advised that changes in how the utility industry operates could lead to further cutbacks in traditional efficiency programs. Seven out of ten Americans, polled across the Nation, stated that they support mandatory investments in energy efficiency, even if it means higher electric rates. They realize that what we invest today may save us billions of dollars during our lifetimes and those of our children.

The loss of public purpose programs will affect one group in particular. For middle class families, the energy crisis of the 1970's is only a memory; for low-income customers, the energy crisis never ended. A recent study in my State of Vermont showed that residential customers in general spend 3.8 percent of their income on energy, while low-income households spend 15 to 20 percent, and in some cases even more. Unaffordable utility costs are a leading cause of loss of housing for low-income families. Yet another study found that visits by individuals from low-income households to emergency rooms increased after periods of severe weather, when those families had to make the choice to heat or eat.

It is also clear that low-income families face greater barriers than other groups of customers to implementing the energy conservation measures I spoke of earlier, measures that would reduce their energy costs. Low-income families are more likely to live in rental property, in which they have neither the right to make major modifications themselves nor the ability to persuade their landlords to make energy conservation investments in their housing. While there are low-income homeowners, their incomes are generally insufficient to fund improvements in energy efficiency. My bill will provide a mechanism to help circumvent many of these barriers.

In considering the impact of restructuring on the Nation's poor, we must also keep in mind that low-income customers are unlikely to be an extremely attractive and highly sought after segment of the electricity market. They are more likely than other customers to have difficulty paying their bills. They are more likely to require payment arrangements and other labor intensive involvement from the utility company. And they are less likely to use large quantities of electricity which might qualify them for volume discounts. We must accept the fact that access to electric power is a necessity in our society. My legislation will help guarantee that everyone has equal access to the benefits of the electric industry. It will target, through the encouragement and development of cooperatives and other market mechanisms, the millions of Americans who are from low-income families, remote rural areas and other groups who lack market power. In short, Mr. President, it ensures that essential services remain affordable and the benefits of competition are available to all utility customers.

We have learned the hard way that the Nation's economic well-being can be put at risk by rapid spikes in world energy prices. Future dislocations could result from fossil fuel supply interruptions or problems associated with nuclear powerplants. History teaches us that a policy of prudent energy diversification is a form of national economic security that is well worth purchasing.

Additionally, renewable energy sources are good for our environment. Every megawatt of electricity generated by a wind turbine displaces another from a fossil fuel source and lessens the environmental impact of the industry.

Yet, the future of renewable energy is in doubt. I would like to direct your attention to this chart. Scientists tell us that, despite the obvious advantages I have cited, the amount of electricity from renewable sources is projected to remain stable at about 2 percent well into the future. My legislation establishes a renewable portfolio standard for all electric generation companies. It begins with 2.5 percent in the year 2000 and slowly grows to 20 percent in the year 2020. These are not arbitrary numbers. They are based on information provided by the electric industry and account for realistic constraints on how fast these sources can develop.

This bill enables States to play an active role in the development and fielding of alternative fuels technology. It recognizes the importance of fuel diversity, and it guarantees that renewable energy sources will play a significant role in this diversification and in providing consumer choice in the restructured industry.

Mr. President, I am particularly concerned about what may be the single greatest market failure of the electric power industry: the protection of our environment. The electric industry accounts for about 3 percent of the Nation's gross domestic product, yet it accounts for up to two-thirds of some of the country's deadliest pollutants. We have worked hard to reduce this problem, and there is no doubt that some success has been achieved. But it is not enough.

Electric powerplants emit 65 percent of the Nation's annual total of sulfur dioxide, an invisible gas that adversely affects our health and environment. Asthmatics are particularly vulnerable to this pollutant. The leading cause of chronic illness in children, cases of this disease are climbing at a sharp rate and are exacerbated by our deteriorating environment.

Sulfur dioxide also is the principal cause of acid rain. This chart illustrates the fact that while the annual emissions of sulfur dioxide are expected to come down slightly in future years, this decline is not sufficient. My bill would cause a dramatic change by the year 2005, decreasing the amount of this deadly gas from electric powerplants by roughly 60 percent.

This next chart reveals the problem this Nation will face in the future as increasing amounts of carbon dioxide are released into the air from the electric industry. Powerplants currently generate close to 40 percent of the nationwide emissions of this pollutant, a gas chiefly responsible for global warming and the creation of a greenhouse effect. The resulting climate change has the potential to inflict devastating damage on our environment for many years, well into the future. Unlike other pollutants, carbon dioxide remains in the atmosphere for decades. If we are to protect our children's future, we must act now. As you can see, my bill, designed to bring the industry back to the 1990 standard, requires a significant 13 percent reduction by the year 2005 and will double that by the year 2015.

This legislation would bring about a major reduction in nitrogen oxide emissions. The electric power industry is the single largest source of this pollutant. Nitrogen oxide emissions are particularly offensive to me as a Vermonter because of the extreme ozone problem they present. There are days now when, standing atop Mount Mansfield, I can not make out the water tower on Mount Elmore, not even 20 miles away. This is disgraceful, and it is a problem faced in many areas across this Nation.

Nitrogen oxides are now blamed for significant health problems as well. Scientists recently discovered that this pollutant may be responsible for increasing levels of cancer cases and breathing disorders. As depicted on this chart, my legislation will mandate a 70 percent reduction in nitrogen oxide emissions from powerplants by the year 2005.

Cognizance of these environmental problems cuts across party lines. A recent poll in the State of Texas shows that 7 out of 10 residents who define themselves as very conservative favor significantly stronger environmental standards. In fact, in the nationwide survey I spoke of earlier, 80 percent of the respondents agreed that we need to act on the problem.

Mr. President, we need to fix the problems attributable to electric power production. But as we move to a restructured industry, we need to fix it in a fair, competitively neutral manner. This bill does just that. Setting a single, nationwide emissions standard for all generators which use combustion devices to produce electricity, it says stop to some of the Nation's dirtiest powerplants. It means we as Americans will no longer tolerate the idea of giving a free ride to those that can't meet the standard. It levels the playing field so that all generators can compete in the market on an equal footing and with the same environmental responsibilities as their competitors.

Finally, we need to give people the information they need to make intelligent choices regarding their electricity. My bill directs the Secretary of Energy to establish a system whereby electric service providers must disclose to the consumer adequate information on generation source, emissions and price. Only when the consumer has the ability to compare can we say we have a truly competitive market.

In closing, I want to emphasize that any restructuring of the Nation's electric power industry must address the economic and the social aspects of the issue. It is not an either/or choice. We must do both.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 687

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electric System Public Benefits Protection Act of 1997".

SEC. 2. FINDINGS.

Congress finds that—

(1) the generation of electricity is unique in its combined influence on the Nation's security, environmental quality, and economic efficiency;

(2) the generation and sale of electricity has a direct and profound impact on interstate commerce;

(3) the Federal Government and the States have a joint responsibility for the maintenance of public purpose programs affected by the national electric system;

(4) notwithstanding the public's interest in and enthusiasm for programs that enhance the environment, encourage the efficient use of resources, and provide for affordable and universal service, the investments in those public purposes by existing means continues to decline;

(5) the Nation's dependence on foreign sources of fossil fuels is contrary to our national security; alternative, sustainable energy sources must be pursued as the Nation moves into the 21st century;

(6) emissions from electric power generating facilities are today the largest industrial source responsible for persistent public health and environmental problems; and

(7) consumers have a right to certain information in order to make objective choices on their electric service providers.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADMINISTRATOR.— The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) BOARD.—The term "Board" means the National Electric System Public Benefits Board established under section 4.

(3) COMMISSION.—The term "Commission" means the Federal Energy Regulatory Commission.

(4) FUND.—The term "Fund" means the National Electric System Public Benefits Fund established by section 5.

(5) RENEWABLE ENERGY.—The term "renewable energy" means electricity generated from wind, organic waste (excluding incinerated municipal solid waste), or biomass or a geothermal, solar thermal, or photovoltaic source.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 4. NATIONAL ELECTRIC SYSTEM PUBLIC BENEFITS BOARD.

(a) ESTABLISHMENT.—The Secretary shall establish a National Electric System Public Benefits Board to carry out the functions and responsibilities described in this section.

(b) MEMBERSHIP.—The Board shall be composed of—

(1) 1 representative of the Commission appointed by the Commission;

(2) 2 representatives of the Secretary appointed by the Secretary;

(3) 2 persons nominated by the national organization representing State regulatory commissioners and appointed by the Secretary;

(4) 1 person nominated by the national organization representing State utility consumer advocates and appointed by the Secretary;

(5) 1 person nominated by the national organization representing State energy offices and appointed by the Secretary;

(6) 1 person nominated by the national organization representing energy assistance directors and appointed by the Secretary; and

(7) 1 representative of the Environmental Protection Agency appointed by the Administrator.

(c) CHAIRPERSON.—The Secretary shall select a member of the Board to serve as Chairperson of the Board.

(d) MANAGER.—

(1) APPOINTMENT.—The Board shall by contract appoint an electric systems public benefits manager for a term of not more than 3 years, which term may be renewed by the Board.

(2) COMPENSATION.—The compensation and other terms and conditions of employment of the manager shall be determined by a contract between the Board and the individual or the other entity appointed as manager.

(3) FUNCTIONS.—The manager shall—

(A) monitor the amounts in the Fund;

(B) receive, review, and make recommendations to the Board regarding applications from States under section 5(b); and

(C) perform such other functions as the Board may require to assist the Board in carrying out its duties under this Act.

SEC. 5. NATIONAL ELECTRIC SYSTEM PUBLIC BENEFITS FUND.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—The Board shall establish an account or accounts at 1 or more financial institutions, which account or accounts shall be known as the "National Electric System Public Benefits Fund", consisting of

amounts deposited in the fund under subsection (c).

(2) Status of fund.—The wires charges collected under subsection (c) and deposited in the Fund—

(A) shall constitute electric system revenues and shall not constitute funds of the United States;

(B) shall be held in trust by the manager of the Fund solely for the purposes stated in subsection (b); and

(C) shall not be available to meet any obligations of the United States.

(b) Use of Fund.—

(1) Funding of public purpose programs.—Amounts in the Fund shall be used by the Board to provide matching funds to States for the support of State public purpose programs relating to—

(A) renewable energy sources;

(B) universal electric service;

(C) affordable electric service;

(D) energy conservation and efficiency; or

(E) research and development in areas described in subparagraphs (A) through (D).

(2) Distribution.—

(A) In general.—Except for amounts needed to pay costs of the Board in carrying out its duties under this section, the Board shall instruct the manager of the Fund to distribute all amounts in the Fund to States to fund public purpose programs under paragraph (1).

(B) Fund share.—

(i) In general.—Subject to clause (iii), the Fund share of a public purpose program funded under paragraph (1) shall be 50 percent.

(ii) Proportionate reduction.—To the extent that the amount of matching funds requested by States exceeds the maximum projected revenues of the Fund, the matching funds distributed to the States shall be reduced by an amount that is proportionate to each State's annual consumption of electricity compared to the Nation's aggregate annual consumption of electricity.

(iii) Additional state funding.—A State may apply funds to public purpose programs in addition to the amount of funds applied for the purpose of matching the Fund share.

(3) Program criteria.—The Board shall recommend eligibility criteria for public benefits programs funded under this section for approval by the Secretary.

(4) Application.—Not later than August 1 of each year beginning in 1999, a State seeking matching funds for the following year shall file with the Board, in such form as the Board may require, an application—

(A) certifying that the funds will be used for an eligible public purpose program; and

(B) stating the amount of State funds earmarked for the program.

(c) Wires Charge.—

(1) Determination of needed funding.—Not later than August 1 of each year, the Board shall determine and inform the Commission of the aggregate amount of wires charges that it will be necessary to have paid into the Fund to pay matching funds to States and pay the operating costs of the Board in the following year.

(2) Imposition of wires charge.—

(A) In general.—Not later than December 15 of each year, the Commission shall impose a nonbypassable, competitively neutral wires charge to be paid directly into the Fund by the operator of the wire on electricity carried through the wire, this electricity to be measured as it exits the busbar at a generation facility, and which impacts on interstate commerce.

(B) Amount.—The wires charge shall be set at a rate equal to the lesser of—

(i) 2 mills per kilowatt-hour; or

(ii) a rate that is estimated to result in the collection of an amount of wires charges that is as nearly as possible equal to the amount of needed funding determined under paragraph (1).

(3) Deposit in the fund.—The wires charge shall be paid by the operator of the wire directly into the Fund at the end of each month during the calendar year for distribution by the electric systems public benefits manager under section 4.

(4) Penalties.—The Commission may assess against a wire operator that fails to pay a wires charge as required by this subsection a civil penalty in an amount equal to not more than the amount of the unpaid wires charge.

(d) Auditing.—

(1) In general.—The Fund shall be audited annually by a firm of independent certified public accountants in accordance with generally accepted auditing standards.

(2) Access to records.—Representatives of the Secretary and the Commission shall have access to all books, accounts, reports, files, and other records pertaining to the Fund as necessary to facilitate and verify the audit.

(3) Reports.—

(A) In general.—A report on each audit shall be submitted to the Secretary, the Commission, and the Secretary of the Treasury, who shall submit the report to the President and Congress not later than 180 days after the close of the fiscal year.

(B) Requirements.—An audit report shall—

(i) set forth the scope of the audit; and

(ii) include—

(I) a statement of assets and liabilities, capital; and surplus or deficit;

(II) a statement of surplus or deficit analysis;

(III) a statement of income and expenses;

(IV) any other information that may be considered necessary to keep the President and Congress informed of the operations and financial condition of the Fund; and

(V) any recommendations with respect to the Fund that the Secretary or the Commission may have.

SEC. 6. RENEWABLE ENERGY PORTFOLIO STANDARDS.

(a) Definition of Generation Facility.—In this section, the term "covered generation facility" means a nonhydroelectric facility that generates electric energy for sale.

(b) Required Renewable Energy.—Of the total amount of electricity sold by covered generation facilities during a calendar year, the amount generated by renewable energy sources shall be not less than—

(1) 2.5 percent in 2000;
(2) 3.0 percent in 2001;
(3) 3.5 percent in 2002;
(4) 4.0 percent in 2003;
(5) 4.5 percent in 2004;
(6) 5.0 percent in 2005;
(7) 6.0 percent in 2006;
(8) 7.0 percent in 2007;
(9) 8.0 percent in 2008;
(10) 9.0 percent in 2009;
(11) 10.0 percent in 2010;
(12) 11.0 percent in 2011;
(13) 12.0 percent in 2012;
(14) 13.0 percent in 2013;
(15) 14.0 percent in 2014;
(16) 15.0 percent in 2015;
(17) 16.0 percent in 2016;
(18) 17.0 percent in 2017;
(19) 18.0 percent in 2018;
(20) 19.0 percent in 2019; and
(21) 20.0 percent in 2020 and each year thereafter.

(c) Renewable Energy Credits.—

(1) Identification of energy sources.—The Commission shall establish standards and procedures under which a covered generation facility shall certify to a purchaser of electricity—

(A) the amount of the electricity that is generated by a renewable energy source; and

(B) the amount of the electricity that is generated by a source other than a renewable energy source.

(2) Issuance of renewable energy credits.—Not later than April 1 of each year, beginning in the year 2001, the Commission shall issue to a covered generation facility 1 renewable energy credit for each megawatt-hour of electricity sold by the covered generation facility in the preceding calendar year that was generated by a renewable source.

(3) Submission of renewable energy credits.—Not later than July 1 of each year, a covered generation facility shall submit credits to the Commission in an amount equal to the total number of megawatt-hours of electricity sold by the covered generation facility in the preceding year multiplied by the applicable renewable energy source requirement under subsection (a).

(4) Use of renewable energy credits.—

(A) Time for use.—A renewable energy credit shall be used for the calendar year for the renewable energy credit is issued.

(B) Permitted uses.—Until July 1 of the year in which a renewable energy credit was issued, a covered generation facility may—

(i) use the renewable energy credit to make a submission to the Commission under paragraph (3); or

(ii) on notice to the Commission, sell or otherwise transfer a renewable energy credit to another covered generation facility.

(d) Recordkeeping.—The Commission shall maintain records of all renewable energy credits issued and all credits sold or exchanged.

(e) Penalties.—The Commission may bring an action in United States district court to impose a civil penalty on any person that fails to comply with subsection (a). A person that fails to comply with a requirement to submit renewable energy credits under subsection (b)(3) shall be subject to a civil penalty of not more than 3 times the estimated national average market value (as determined by the Commission) for the calendar year concerned of that quantity of renewable energy credits.

(f) Public Utility Regulatory Policies Act of 1978.—

(1) Repeal of cogeneration and small power production provision.—Effective January 1, 2000, the Public Utility Regulatory Policies Act of 1978 is amended by striking section 210 (16 U.S.C. 824a–3).

(2) Existing contracts.—The amendment made by paragraph (1) shall not affect the continued validity and enforceability of contracts entered into under section 210 of the Public Utility Regulatory Policies Act of 1978 before the date of enactment of this Act.

(3) Continued jurisdiction.—Notwithstanding the amendment made by paragraph (1), the Commission shall retain jurisdiction to—

(A) ensure the continued status of qualifying small power production facilities under section 210 of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 824a–3); and

(B) continue exemptions granted under subsection (e) of that section before the date of enactment of this Act.

(g) Powers.—The Commission may promulgate such regulations, conduct such investigations, and take such other actions as are necessary or appropriate to implement and obtain compliance with this section and regulations promulgated under this section.

SEC. 7. EMISSIONS STANDARDS AND ALLOCATIONS.

(a) DEFINITIONS.—In this section:

(1) COVERED GENERATION FACILITY.—The term "covered generation facility" means an electric generation facility (other than a nuclear facility) with a nameplate capacity of 15 megawatts or greater that uses a combustion device to generate electricity for sale.

(2) COGENERATION.—The term "cogeneration" means a process of simultaneously generating electricity and thermal energy in which a portion of the energy value of fuel consumed is recovered as heat that is used to meet heating or cooling loads outside the generation facility.

(3) POLLUTANT.—The term "pollutant" means—

(A) nitrogen oxide;

(B) sulfur dioxide;

(C) carbon dioxide;

(D) mercury; or

(E) any other substance that the Administrator may identify by regulation as a substance the emission of which into the air from a combustion device used in the generation of electricity endangers public health or welfare.

(b) NATIONWIDE EMISSIONS STANDARDS.—

(1) SCHEDULE.—Not later than July 1, 1999, the Administrator shall promulgate a final regulation that establishes a schedule of limits on the amount of each pollutant that all covered generation facilities in the aggregate nationwide shall be permitted to emit in each calendar year beginning in calendar year 2000.

(2) LIMIT.—The nationwide emissions standard for calendar year 2005 and each year thereafter established under paragraph (1) shall be not greater than—

(A) for nitrogen oxide, 1,660,000 tons;

(B) for sulfur dioxide, 3,580,000 tons; and

(C) for carbon dioxide, 1,914,000,000 tons.

(3) ADJUSTMENT.—The Administrator may adjust the schedule established under paragraph (1), within the limits established by paragraph (2), if the Administrator determines that an adjustment would be in the best interests of the public health and welfare.

(c) GENERATION PERFORMANCE STANDARD.—

(1) ANNUAL DETERMINATION.—

(A) IN GENERAL.—Not later than October 1 of each year, the Administrator, in consultation with the Commission, shall determine the generation performance standard for nitrogen oxide, sulfur dioxide, and carbon dioxide emissions per megawatt-hour of electric production by covered generation facilities for the next calendar year.

(B) METHOD.—The Administrator shall determine by regulation the method to be used in determining an estimate under subparagraph (A).

(2) FORMULA.—The generation performance standard shall be determined by dividing the annual nationwide emissions standard as established under subsection (b) by the Administrator's estimate of the nationwide megawatt-hour production for the next calendar year by all covered generation facilities.

(d) INDIVIDUAL EMISSIONS ALLOCATION.—The amount of each pollutant that a covered generation facility shall be permitted to emit during a calendar year shall be equal to—

(1) the facility's annual generation of megawatt-hours of electricity multiplied by the generation performance standard as established in subsection (c); plus

(2) the facility's annual generation of thermal energy used to meet heating and cooling loads resulting from the cogeneration process, which shall be expressed by the Administrator in units of measurement that provide a reasonable comparison between energy generated in the form of electricity and energy generated in the form of thermal energy and then multiplied by the generation performance standard as established under subsection (c).

(e) OZONE SEASON.—In determining the individual emissions allocation for a covered generation facility under subsection (d), the amount of nitrogen oxide emitted by covered generation facility and the number of megawatt-hours of electricity generated by the covered generation facility during the period May 1 through September 30 of each year shall each be multiplied by 3.

(f) MONITORING.—

(1) ESTABLISHMENT OF SYSTEM.—The Administrator shall establish a system for the accurate monitoring of the amount of each pollutant that a covered generation facility emits during a year.

(2) REQUIREMENTS.—The monitoring system under paragraph (1) shall require—

(A) installation on each combustion device of a continuous monitoring system for each pollutant; or

(B) use of an alternative mechanism that the Administrator determines will provide data with precision, reliability, accessibility, and timeliness that are equal to or greater than those that would be achieved by a continuous emissions monitoring system.

(g) EMISSIONS CREDITS.—

(1) COMPARISON OF ACTUAL COMBUSTION DEVICE OUTPUTS WITH INDIVIDUAL EMISSION ALLOCATIONS.—At the end of each year, the Administrator shall compare the amount of a pollutant emitted by a generation facility during the year with the individual emissions allocation as established under subsection (d) applicable to the covered generation facility for the year.

(2) ISSUANCE OF EMISSIONS CREDITS.—Not later than April 1 of each year, the Administrator shall issue to a covered generation facility 1 emissions credit for each ton by which the amount of a pollutant emitted by the covered generation facility during the preceding year was less than the individual emissions allocation as established under subsection (d) applicable to the covered generation facility.

(3) SUBMISSION OF EMISSIONS CREDITS.—

(A) IN GENERAL.—Not later than July 1 of each year, a covered generation facility that emitted a greater amount of a pollutant than the individual emissions allocation applicable to the covered generation facility during the preceding year shall submit to the Administrator 1 emissions credit for each ton by which the amount of the pollutant emitted was greater than the individual emissions allocation as established under subsection (d).

(B) PENALTY.—A covered generation facility that is required to submit an emissions credit under subparagraph (A) that fails to submit the emissions credit shall pay to the Administrator a civil penalty in an amount equal to—

(i) $15,000 for each ton of nitrogen oxide emissions in excess of the individual emissions allocation applicable to the facility under subsection (d) for which a nitrogen oxide emissions credit has not been submitted under subparagraph (A);

(ii) $2,500 for each ton of sulfur dioxide emissions in excess of the individual emissions allocation applicable to the facility under subsection (d) for which a sulfur dioxide emissions credit has not been submitted under subparagraph (A); or

(iii) $100 for each ton of carbon dioxide emissions in excess of the individual emissions allocation applicable to the facility under subsection (d) for which a carbon dioxide emissions credit has not been submitted under subparagraph (A).

(C) PENALTY ADJUSTMENT.—The Administrator shall annually adjust the penalty specified in subparagraph (B) for inflation based on the Consumer Price Index.

(4) USE OF EMISSIONS CREDITS.—A covered generation facility may—

(A) retain an emissions credit from year to year for future submission to the Administrator under paragraph (3); or

(B) on notice to the Administrator, sell or otherwise transfer an emissions credit to another person.

(h) POWERS.—The Administrator may promulgate such regulations, conduct such investigations, and take such other actions as are necessary to appropriate to implement and obtain compliance with this section and regulations promulgated under this section.

SEC. 8. DISCLOSURE REQUIREMENTS.

(a) DEFINITIONS.—In this section:

(1) EMISSIONS DATA.—The term "emissions data" means the type and amount of each pollutant (as defined in section 7(a)) emitted by a generation facility in generating electricity.

(2) GENERATION DATA.—The term "generation data" means the type of fuel (such as coal, oil, nuclear energy, or solar power) used by a generation facility to generate electricity.

(b) DISCLOSURE SYSTEM.—The Secretary shall establish a system of disclosure that—

(1) enables retail consumers to knowledgeably compare retail electric service offerings, including comparisons based on generation source portfolios, emissions data, and price terms; and

(2) considers such factors as—

(A) cost of implementation;

(B) confidentiality of information; and

(C) flexibility.

(c) REGULATION.—Not later than March 1, 1999, the Secretary, in consultation with the Board, and with the assistance of a Federal interagency task force that includes representatives of the Commission, the Federal Trade Commission, the Food and Drug Administration, and the Environmental Protection Agency, shall promulgate a regulation prescribing—

(1) the form, content, and frequency of disclosure of emissions data and generation data of electricity by generation facilities to electricity wholesalers or retail companies and by wholesalers to retail companies;

(2) the form, content, and frequency of disclosure of emissions data, generation data, and the price of electricity by retail companies to ultimate consumers; and

(3) the form, content, and frequency of disclosure of emissions data, generation data, and the price of electricity by generation facilities selling directly to ultimate consumers.

(d) ACCESS TO RECORDS.—The Secretary shall have full access to the records of all generation facilities, electricity wholesalers, and retail companies to obtain any information necessary to administer and enforce this section.

(e) FAILURE TO DISCLOSE.—The failure of a retail company to accurately disclose information as required by this section shall be treated as a deceptive act in commerce under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(f) REGULATIONS.—The Secretary may promulgate such regulations, conduct such investigations, and take such other actions as are necessary or appropriate to implement and obtain compliance with this section and regulations promulgated under this section.

By Mr. BIDEN (by request):

S. 688. A bill to amend the Higher Education Act of 1965 to authorize Presidential Honors Scholarships to be awarded to all students who graduate in the top 5 percent of their secondary school graduating class, to promote and recognize high academic achievement in secondary school, and for other purposes; to the Committee on Labor and Human Resources.

THE PRESIDENTIAL HONORS SCHOLARSHIP ACT OF 1997

● Mr. BIDEN. Mr. President, I am pleased today to reintroduce President Clinton's proposal, the Presidential Honors Scholarship Act of 1997. I first introduced this bill on behalf of the administration last September—and I have included a very similar proposal in my own comprehensive higher education legislation, known as the Get Ahead Act. I am honored to have the opportunity to reintroduce this measure for the President, who continues his endless efforts at improving American education and making sure that college is affordable to all Americans.

Most people are probably not familiar with Presidential Honors Scholarships, but I think many people have heard of the idea of merit scholarships. It is pretty simple. Under the bill, all students in public and private schools who graduate in the top 5 percent of their class would be designated as Presidential honors scholars and would receive a $1,000 scholarship to college. The scholarship could be used during their freshman year at the college of their choice, and the scholarship would not be used in determining eligibility for other financial aid.

I strongly support merit scholarships for two reasons. First, we need to start rewarding excellence in educational achievement. Under the leadership of President Clinton, 4 years ago Congress passed legislation that encourages States to set high academic standards for their students. This proposal builds on that idea by rewarding those students who meet those high standards. Students who work hard and succeed ought to be recognized and rewarded.

Second, by providing scholarship moneys, this bill will help thousands of students in paying for the costs of a college education, which, I might add, is becoming more and more difficult for middle-class families. I realize that $1,000 does not go a long way in paying for a public college education, not to mention the costs of a private college. But, it will be of some help, and for those who choose to go to a community college, it will pay for about two-thirds of the cost.

Mr. President, I suspect that we will be debating higher education more than once this year. There is much to be done. We need to provide a tax deduction for the costs of college. We should allow penalty-free withdrawals from Individual Retirement Accounts to pay for college. We should make permanent the employer-provided education tax exclusion. We need to expand the Pell Grant Program. And, we need to reauthorize the Higher Education Act.

In that process, however, let us not forget merit scholarships. It is not the answer, but it is part of the answer. It is a piece of the puzzle. And while some would say that it is a small piece, it plays an important role in being the one piece that rewards those students who reach for excellence.

I look forward to working with my colleagues and with President Clinton in seeing that this proposal becomes law.●

By Mr. BREAUX (for himself, Mr. COCHRAN, Mr. CONRAD, Mr. DORGAN, Ms. MOSELEY-BRAUN, Mr. REID, Mr. ROCKEFELLER, Mr. DASCHLE, and Mr. ROBB):

S. 690. A bill to amend title XVIII of the Social Security Act to improve preventive benefits under the Medicare Program; to the Committee on Finance.

THE COLORECTAL CANCER SCREENING ACT OF 1997

Mr. BREAUX. Mr. President, I rise today to introduce the Colorectal Cancer Screening Act of 1997 with my colleagues Senators COCHRAN, CONRAD, DORGAN, MOSELEY-BRAUN, REID, and ROCKEFELLER.

Let me share some tragic facts about colorectal cancer. According to the American Cancer Society, colorectal cancer is the second most deadly cancer based on the number of annual deaths. While breast cancer primarily afflicts women and prostate cancer is a disease of men, colorectal cancer strikes both men and women of all races, resulting in the high number of patients and the corresponding high number of deaths.

This year alone, 140,000 Americans will be diagnosed with colon cancer and 54,000 Americans will die from the disease. In my own State of Louisiana, 2,200 new cases of colon cancer will be diagnosed this year and it will take the lives of 920 people. Yet, as is the case with most cancers, colon cancer is preventable and curable if detected early.

The tragedy of colorectal cancer is that physicians have proven means to detect colorectal cancer early but these tests must be made available to people on a widespread basis. Death from this terrible disease can be reduced significantly by early detection. We know polyps, the initial presentation of early cancers, if detected early can be treated without major surgery while expensive, major surgery in a hospital is the only successful treatment for more advanced cancers.

While many private health plans are starting to provide coverage for colorectal cancer screening, Medicare—which covers older Americans who are most at risk—does not. The Colorectal Cancer Screening Act of 1997 would make colorectal cancer screening available to Medicare beneficiaries to improve the chance for early detection and diagnosis.

The type and frequency of screening I suggest in my bill are compatible with the recommendations of several large physician groups as well as the American Cancer Society. It covers all the procedures that are currently used today but the type of screening process will depend on the patient's risk factors for colon cancer. Patients at higher risk, for example someone whose parent had colon cancer, receive more aggressive screening than someone with a normal risk for colon cancer.

Mr. President, this legislation is not procedure specific. Although several screening tests for colorectal cancer are currently available, the best method for early detection has not been determined. Some tests are very simple and can be performed by any doctor. Others, such as barium enema and colonoscopy, are technically more difficult and require special equipment and facilities. Some tests only evaluate part of the colon.

My bill basically recognizes that we need to start screening people right away. The Congress should not prevent seniors from getting screened because there is disagreement over which procedures are best. That is a decision best made by doctors, not the Congress. This bill would mandate that seniors on Medicare have access to all the screening methods currently used by doctors. In 2 years, the Secretary of Health and Human Services will report back to Congress on which tests are the best and most cost-effective means of detecting colon cancer. If it is determined that a procedure is being used that is not effective, Medicare will no longer cover it. HHS will also study the needs of African-Americans who are at high risk for colon cancer and have a higher mortality rate. It makes much more sense for the experts in colon cancer, not the Congress, to determine the best, most cost-effective screening techniques all the while making this important service available immediately to Medicare beneficiaries.

This kind of preventive tool is critical in our battle against colon cancer. It will improve the quality of life for Medicare beneficiaries and save Medicare money in the long run by reducing the high costs of treating advanced colorectal cancer.

I encourage my colleagues to join me in supporting passage of this legislation this Congress. I ask unanimous consent that a copy of the bill appear in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 690

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Colorectal Cancer Screening Act of 1997".

SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREENING SERVICES.

(a) COVERAGE.—

(1) IN GENERAL.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended—

(A) in subsection (s)(2)—

(i) by striking "and" at the end of subparagraphs (N) and (O); and

(ii) by inserting after subparagraph (O) the following:

"(P) colorectal cancer screening tests (as defined in subsection (oo)); and"; and

(B) by adding at the end the following:

"Colorectal Cancer Screening Tests

"(oo)(1) The term 'colorectal cancer screening test' means, unless determined otherwise pursuant to section 2(a)(2) of the Colorectal Cancer Screening Act of 1997, any of the following procedures furnished to an individual for the purpose of early detection of colorectal cancer:

"(A) Screening fecal-occult blood test.

"(B) Screening flexible sigmoidoscopy.

"(C) Screening barium enema.

"(D) In the case of an individual at high risk for colorectal cancer, screening colonoscopy or screening barium enema.

"(E) For years beginning after 2002, such other procedures as the Secretary finds appropriate for the purpose of early detection of colorectal cancer, taking into account changes in technology and standards of medical practice, availability, effectiveness, costs, the particular screening needs of racial and ethnic minorities in the United States and such other factors as the Secretary considers appropriate.

"(2) In paragraph (1)(D), an 'individual at high risk for colorectal cancer' is an individual who, because of family history, prior experience of cancer or precursor neoplastic polyps, a history of chronic digestive disease condition (including inflammatory bowel disease, Crohn's Disease, or ulcerative colitis), the presence of any appropriate recognized gene markers for colorectal cancer, or other predisposing factors, faces a high risk for colorectal cancer.".

(2) REVIEW OF COVERAGE OF COLORECTAL CANCER SCREENING TESTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act (and periodically thereafter), the Secretary of Health and Human Services (in this paragraph referred to as the "Secretary") shall review—

(i) the standards of medical practice with regard to colorectal cancer screening tests (as defined in section 1861(oo) of the Social Security Act (42 U.S.C. 1395x(oo))) (as added by paragraph (1) of this section);

(ii) the availability, effectiveness, costs, and cost-effectiveness of colorectal cancer screening tests covered under the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) at the time of such review;

(iii) the particular screening needs of racial and ethnic minorities in the United States; and

(iv) such other factors as the Secretary considers appropriate with regard to the coverage of colorectal cancer screening tests under the medicare program.

(B) DETERMINATION.—If the Secretary determines it appropriate based on the review conducted pursuant to subparagraph (A), the Secretary shall issue and publish a determination that one or more colorectal cancer screening tests described in section 1861(oo) of the Social Security Act (42 U.S.C. 1395x(oo)) (as added by paragraph (1) of this section) shall no longer be covered under that section.

(b) FREQUENCY AND PAYMENT LIMITS.—

(1) IN GENERAL.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by inserting after subsection (c) the following:

"(d) FREQUENCY AND PAYMENT LIMITS FOR COLORECTAL CANCER SCREENING TESTS.—

"(1) SCREENING FECAL-OCCULT BLOOD TESTS.—

"(A) PAYMENT LIMIT.—In establishing fee schedules under section 1833(h) with respect to colorectal cancer screening tests consisting of screening fecal-occult blood tests, except as provided by the Secretary under paragraph (5)(A), the payment amount established for tests performed—

"(i) in 1998 shall not exceed $5; and

"(ii) in a subsequent year, shall not exceed the limit on the payment amount established under this subsection for such tests for the preceding year, adjusted by the applicable adjustment under section 1833(h) for tests performed in such year.

"(B) FREQUENCY LIMIT.—Subject to revision by the Secretary under paragraph (5)(B), no payment may be made under this part for colorectal cancer screening test consisting of a screening fecal-occult blood test—

"(i) if the individual is under 50 years of age; or

"(ii) if the test is performed within the 11 months after a previous screening fecal-occult blood test.

"(2) SCREENING FOR INDIVIDUALS NOT AT HIGH RISK.—Subject to revision by the Secretary under paragraph (5)(B), no payment may be made under this part for a colorectal cancer screening test consisting of a screening flexible sigmoidoscopy or screening barium enema—

"(i) if the individual is under 50 years of age; or

"(ii) if the procedure is performed within the 47 months after a previous screening flexible sigmoidoscopy or screening barium enema.

"(3) SCREENING FOR INDIVIDUALS AT HIGH RISK FOR COLORECTAL CANCER.—Subject to revision by the Secretary under paragraph (5)(B), no payment may be made under this part for a colorectal cancer screening test consisting of a screening colonoscopy or screening barium enema for individuals at high risk for colorectal cancer if the procedure is performed within the 23 months after a previous screening colonoscopy or screening barium enema.

"(4) PAYMENT AMOUNTS FOR CERTAIN COLORECTAL CANCER SCREENING TESTS.—The Secretary shall establish payment amounts under section 1848 with respect each colorectal cancer screening tests described in subparagraphs (B), (C), and (D) of section 1861(oo)(1) that are consistent with payment amounts under such section for similar or related services, except that such payment amount shall be established without regard to section 1848(a)(2)(A).

"(5) REDUCTIONS IN PAYMENT LIMIT AND REVISION OF FREQUENCY.—

"(A) REDUCTIONS IN PAYMENT LIMIT FOR SCREENING FECAL-OCCULT BLOOD TESTS.—The Secretary shall review from time to time the appropriateness of the amount of the payment limit established for screening fecal-occult blood tests under paragraph (1)(A). The Secretary may, with respect to tests performed in a year after 2000, reduce the amount of such limit as it applies nationally or in any area to the amount that the Secretary estimates is required to assure that such tests of an appropriate quality are readily and conveniently available during the year.

"(B) REVISION OF FREQUENCY.—

"(i) REVIEW.—The Secretary shall review periodically the appropriate frequency for performing colorectal cancer screening tests based on age and such other factors as the Secretary believes to be pertinent.

"(ii) REVISION OF FREQUENCY.—The Secretary, taking into consideration the review made under clause (i), may revise from time to time the frequency with which such tests may be paid for under this subsection, but no such revision shall apply to tests performed before January 1, 2001.

"(6) LIMITING CHARGES OF NONPARTICIPATING PHYSICIANS.—

"(A) IN GENERAL.—In the case of a colorectal cancer screening test consisting of a screening flexible sigmoidoscopy or screening barium enema, or a screening colonoscopy or screening barium enema provided to an individual at high risk for colorectal cancer for which payment may be made under this part, if a nonparticipating physician provides the procedure to an individual enrolled under this part, the physician may not charge the individual more than the limiting charge (as defined in section 1848(g)(2)).

"(B) ENFORCEMENT.—If a physician or supplier knowingly and willfully imposes a charge in violation of subparagraph (A), the Secretary may apply sanctions against such physician or supplier in accordance with section 1842(j)(2).".

(c) CONFORMING AMENDMENTS.—

(1) Paragraphs (1)(D) and (2)(D) of section 1833(a) of the Social Security Act (42 U.S.C. 1395l(a)) are each amended by inserting "or section 1834(d)(1)" after "subsection (h)(1)".

(2) Section 1833(h)(1)(A) of the Social Security Act (42 U.S.C. 1395l(h)(1)(A)) is amended by striking "The Secretary" and inserting "Subject to paragraphs (1) and (5)(A) of section 1834(d), the Secretary".

(3) Clauses (i) and (ii) of section 1848(a)(2)(A) of the Social Security Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended by inserting after "a service" the following: "(other than a colorectal cancer screening test consisting of a screening colonoscopy or screening barium enema provided to an individual at high risk for colorectal cancer or a screening flexible sigmoidoscopy or screening barium enema)".

(4) Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "and" at the end;

(ii) in subparagraph (F), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following:

"(G) in the case of colorectal cancer screening tests, which are performed more frequently than is covered under section 1834(d);"; and

(B) in paragraph (7), by striking "paragraph (1)(B) or under paragraph (1)(F)" and inserting "subparagraph (B), (F), or (G) of paragraph (1)".

SEC. 3. EFFECTIVE DATE.

The amendments made by section 2 shall apply to items and services furnished on or after January 1, 1998.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. HATCH, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 65, a bill to amend the Internal Revenue Code of 1986 to ensure that members of tax-exempt organizations are notified of the portion of their dues used for political and lobbying activities, and for other purposes.

S. 293

At the request of Mr. HATCH, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of S. 293, a bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions.

S. 356

At the request of Mr. GRAHAM, the names of the Senator from Hawaii [Mr. INOUYE] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 377

At the request of Mr. BURNS, the name of the Senator from Oregon [Mr. SMITH] was added as a cosponsor of S. 377, a bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes.

S. 385

At the request of Mr. CONRAD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 385, a bill to provide reimbursement under the medicare program for telehealth services, and for other purposes.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Florida [Mr. MACK] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 394

At the request of Mr. HATCH, the names of the Senator from Virginia [Mr. ROBB], and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 609

At the request of Mr. KENNEDY, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

SENATE JOINT RESOLUTION 25

At the request of Mr. COCHRAN, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of Senate Joint Resolution 25, a joint resolution disapproving the rule of the Occupational Safety and Health Administration relating to occupational exposure to methylene chloride.

SENATE RESOLUTION 19

At the request of Mr. MOYNIHAN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Resolution 19, a resolution expressing the sense of the Senate regarding United States opposition to the prison sentence of Tibetan ethnomusicologist Ngawang Choephel by the Government of the People's Republic of China.

SENATE RESOLUTION 79

At the request of Mr. KEMPTHORNE, the names of the Senator from Nevada [Mr. REID] and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Resolution 79, a resolution to commemorate the 1997 National Peace Officers Memorial Day.

AMENDMENTS SUBMITTED

THE VOLUNTEER PROTECTION ACT OF 1997

COVERDELL (AND OTHERS) AMENDMENT NO. 53

Mr. COVERDELL (for himself, Mr. LEAHY, Mr. ASHCROFT, Mr. MCCONNELL, Mr. ABRAHAM, and Mr. SANTORUM) proposed an amendment to the bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) Election of State Regarding Nonapplicability.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) Liability Protection for Volunteers.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) Concerning Responsibility of Volunteers to Organizations and Entities.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) No Effect on Liability of Organization or Entity.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) Exceptions to Volunteer Liability Protection.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially secure source of recovery for individuals who suffer harm as a result of actions taken by a volunteer on behalf of the organization or entity. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) Limitation on Punitive Damages Based on the Actions of Volunteers.—

(1) General rule.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) Construction.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) Exceptions to Limitations on Liability.—

(1) In general.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18) for which the defendant has been convicted in any court;

(B) constitutes a hate crime (as that term is used in the Hate Crime Statistics Act (28 U.S.C. 534 note));

(C) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(D) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(E) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) Rule of construction.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) General Rule.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) Amount of Liability.—

(1) In general.—Each defendant who is a volunteer shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) Percentage of responsibility.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) Economic loss.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) Harm.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) Noneconomic losses.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) Nonprofit organization.—The term "nonprofit organization" means—

(A) any organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code; or

(B) any not-for-profit organization organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes.

(5) State.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) Volunteer.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) In General.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) Application.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

NOTICES OF HEARINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the benefit of Members and the public that the time that the Committee on Energy and Natural Resources has scheduled for a hearing to receive testimony on S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997 has been changed.

The hearing will now take place on Monday, May 5, 1997, at 10:30 a.m. in room SD–366 of the Dirksen Senate Office Building.

Those wishing to testify or submit written statements for the record should contact James Beirne, senior counsel to the committee or Betty Nevitt, staff assistant, or write the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Thursday, May 8, 1997, at 9:30 a.m. to consider revisions to Title 44/GPO.

For further information concerning this hearing, please contact Eric Peterson.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to receive testimony regarding S. 417, a bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002, S. 416, a bill to amend the Energy Policy and Conservation Act to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency, S. 186, a bill to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States, and for other purposes, and the energy security of the United States of America.

The hearing will take place on Tuesday, May 13, 1997, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Karen Hunsicker, counsel or Betty Nevitt, staff assistant.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 1, 1997, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 1, for purposes of conducting a hearing before the Subcommittee on National Parks, Historic Preservation, & Recreation which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 357, a bill to authorize the Bureau of Land Management to manage the Grand Staircase-Escalante National Monument.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, May 1, at 10 a.m. for a hearing on DOD at risk.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Subcommittee on International Security, Proliferation, and Federal Services to meet on Thursday, May 1, 1997 at 2 p.m. for a hearing on "National Missile Defense and the ABM Treaty".

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, May 1, 1997, at 10 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a Public Health and Safety Subcommittee hearing on "Biomedical Research priorities: Who Should Decide?" during the session of the Senate on Thursday, May 1, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND REGULATORY RELIEF

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Financial Institutions and Regulatory Relief of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 1, 1997, to conduct an oversight hearing on the Office of the Comptroller of the Currency.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON IMMIGRATION

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Immigration, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 11:30 a.m. to hold a hearing on "Immigration and Naturalization Service Oversight: The Criminal Record Verification Process for Citizenship Applicants."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 1, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Subcommittee on Readiness of the Committee on Armed Services be authorized to meet at 10 a.m. on Thursday, May 1, 1997, in open session, to receive testimony on Department of Defense depot maintenance privatization initiatives in review of S. 450, the National Defense Authorization Act for Fiscal Years 1998 and 1999.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO MIDDLEBURY COLLEGE

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Middlebury College and its student production of "The Last Supper Restoration." This group of fine arts students will be one of eight participating in this year's American College Theater Festival at the John F. Kennedy Center for Performing Arts from April 14 to April 22, 1997. The production was chosen from among 900 presented on campuses throughout the United States in 1996.

The student playwright, Michael Kanin, was presented with the National Student Playwriting Award and has been recognized for his tremendous efforts by the Association for Theatre in

Higher Education. The students' work is in the finest tradition of Vermont and truly represent the creative spirit of our Green Mountain State.

This accomplishment is testimony to the outstanding education and diverse opportunities provided by a true center of excellence, Middlebury College. Once again, I would like to extend my best wishes and congratulations to the Middlebury College thespians.●

TRIBUTE TO ELIZABETH O'DONNELL

● Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a very special American, Ms. Elizabeth O'Donnell of Kenmore, NY. I am proud to announce that Ms. O'Donnell is one of three winners of the 1996 HEROES Awards from the Sporting Goods Manufacturers Association. This honor is given each year to three individuals who make outstanding and unique humanitarian contributions to local sports programs throughout the United States.

In 1976, Elizabeth O'Donnell abandoned her lifelong dream of professional ice skating to find a more fulfilling challenge. It was at that time that Ms. O'Donnell left the Ice Capades to teach blind and handicapped people of all ages to ice skate. Motivated by her love of the sport and desire to share the freedom of movement, as well as the physical and psychological benefits which accompany skating, Ms. O'Donnell founded the Skating Association for the Blind and Handicapped [SABAH].

In her 20 years as coach, administrator, and president of SABAH, Ms. O'Donnell has taught more than 8,500 physically challenged people to leave behind their wheelchairs and crutches and learn to skate with specially designed walkers and harness systems. A number of Ms. O'Donnell's students have even learned to overcome their disabilities as a result of her coaching techniques.

Ms. O'Donnell's work might best be summarized in the words of Buffalo mayor, Anthony Massielo, the person who nominated her for the 1996 Sporting Goods Manufacturers Association HEROES Award: "For those people who might have known 'sports' as an abstract, Elizabeth has succeeded in translating the joy of achievement and accomplishment, which is so often overlooked in competitive sports, into a triumph of spirit."

Mr. President, I want to give my warmest congratulations to Ms. O'Donnell and to the people whose lives she helps make better. Her 1996 Sporting Goods Manufacturers Association HEROES Award is richly deserved.●

"REBUILDING EVERY BURNED BLACK CHURCH"

● Mr. BUMPERS. Mr. President, the February edition of Delta Airline's Sky magazine contained an article about one of this Nation's finest corporate citizens, the International Paper Co.

IP has donated lumber and building materials to the National Council of Churches in its efforts to rebuild black churches burned by arsonists in recent years. One such church torched in 1994 was Friendship Missionary Baptist in Proctor, Crittenden County, AR.

Last year International Paper stepped in to help this congregation. Today a new Friendship Missionary Baptist Church is under construction.

Mr. President, I want to commend this fine corporate citizen for the role it is playing to reverse the misery and hardship that has been caused by these church burnings.

I commend the article to my colleagues and ask that it be printed in the RECORD.

The article follows:

[From Sky, February 1997]

REBUILDING EVERY BURNED BLACK CHURCH

LED BY CEO JOHN T. DILLON, INTERNATIONAL PAPER HAS GONE INTO "THE BLESSING BUSINESS"

(By Timothy Harper)

On Thanksgiving Day 1994, an arsonist apparently torched the Friendship Missionary Baptist Church in Proctor, Arkansas. It was one of the first in a series of deliberately set fires that spread through predominantly black churches across the South. Many Americans, of every color, were appalled. Not just about race and religion, these were attacks on the ideals of equality and freedom in America. Our concept of what constitutes a civilized society was being violated.

In subsequent months, dozens more black churches were burned, and by the late spring and early summer of 1996, the incidents had become a compelling national story. The FBI began investigating. The National Council of Churches established the Burned Churches Fund. Churches, companies and individuals across the nation made contributions to help congregations rebuild.

Many of the burned churches' congregations were poor, however, and didn't know if they could rebuild, even with donations. Until June 27, 1996, that is. One that date, John T. Dillon, chairman and chief executive officer of International Paper, the world's largest wood products company, quietly told the National Council of Churches that his company would donate lumber and building materials from his company's broad range of construction products.

In his private letter to the Rev. Dr. Joan Brown Campbell, general secretary of the National Council of Churches, Dillon promised to provide as much as was needed to rebuild every church. He put no ceiling on the amount of material to be donated, or the cost. Dillon merely asked the Council, which is overseeing the reconstruction of the churches, to coordinate the effort to make sure that every church got what it needed to rebuild.

Purchase, New York-based International Paper, which had revenues in 1995 of nearly $20 billion and employs about 88,000 people around the world, provides the burned churches with lists of the company's wood and building materials, including beams, flooring, walls, sheeting, siding, shingles, doors and countertops. Churches, with the help of officials from the National Council of Churches, check off what they need and send the list back to International Paper. For churches that were burned to the ground, International Paper is providing up to 100 percent of the materials the company has to offer—and absorbing the costs.

Today, with a shipment of wood and materials from International Paper, a new Friendship Missionary Baptist Church is under construction near Proctor. "It's a wonderful thing," says Charles Eason, a deacon who is helping oversee the rebuilding. "We're just a small rural church, and this donation has made the difference for us. We don't know when we would have been able to rebuild without it."

In a memo to International employees explaining the donation, Dillon noted that many of the company's mills and local branches are is small towns across the South. "Beyond the instant tragedy associated with this wanton destruction, these events strike at the essence of what makes small-town communities so special," Dillon wrote. "For International Paper, small towns and small-town values have long been an important part of our history. The spirit of unity, dedication to purpose and pride in performing well that are so fundamental to these communities have also been indispensable to our company's success. This link, together with the premium we place on corporate citizenship, requires that International Paper respond in this time of need."

The Rev. Albert Pennybacker, who is overseeing the church reconstruction program for the National Council of Churches, says 124 churches were damaged by burnings. Some were rebuilt before the offer from International Paper, but he and International Paper officials estimate that "several dozen" churches ultimately will receive free wood and building materials.

"This is a really remarkable gesture by International Paper, a remarkable commitment," Pennybacker says. "We were overwhelmed by [their] generosity." Beyond making the wood and materials available, he says, International Paper has made an extraordinary, perhaps unprecedented, promise to make deliveries right to the churches.

That is no small or easily fulfilled promise. Since many of the burned churches are in isolated areas, down country lanes or out in the middle of farm fields, on land no one else wanted, those special deliveries are often far off the company's established delivery routes, taking drivers and trucks out of their usual rotations. Moreover, International Paper promised to make deliveries within a few days of receiving orders from the churches, thereby adding many thousands of dollars in staff time and rescheduling headaches to the total cost of the company's donation.

Pennybacker says the National Council of Churches originally guessed that the donated materials would be worth $1 million, but he now believes the cost to International Paper could be $2 million or more—at wholesale prices, not counting the considerable costs of delivery. That means an actual savings of several million dollars for churches that otherwise would have to go out and buy their materials at retail prices.

International Paper, meanwhile, does not seem to care what the contribution will end up costing. "This is an open-ended commitment and, frankly, we're not sure just how much it's going to cost," says Carl Gagliardi, the International Paper executive coordinating the program out of the company's Memphis, Tennessee, office. "This is one of the best things this company has ever done. It's been terrific for morale."

Indeed, when International Paper's rank-and-file employees received Dillon's note outlining the company's commitment to the burned churches, many of them clamored to be part of it. A few weeks later, Pennybacker got a call at his office at the National Council of Churches headquarters in New York. An International Paper representative wanted to come in and drop off some donations from employees. Pennybacker expected "a few thousand dollars, maybe." The executive showed up with a big box and dumped on Pennybacker's desk checks worth $37,787 from employees. He turned over another check for the same amount from International Paper, for a total donation of $75,574, and explained that Dillon had decreed that the company would match workers' individual donations dollar for dollar.

"During the past several weeks, I received several notes from employees who were eager to contribute to the fund and were eloquent in expressing their appreciation for the company's support for the rebuilding of the churches and communities that were victimized," Dillon said in a follow-up companywide note. "I am extremely proud, but unsurprised, by the compassion, community concern and civic responsibility represented by your contributions to the Burned Churches Fund. It is just another indication of why I feel so strongly about the men and women who make International Paper's team so extraordinary."

One aspect of this story is perhaps even more extraordinary: International Paper did not publicize its donation—no corporate news conference, no announcement, not even a press release. Dillon apparently did not want the donation to be seen as a bid for publicity.

The article you are reading would never have been written if the author had not happened to hear about the donation from a Presbyterian minister who has a friend working at the National Council of Churches. When Sky contacted International Paper headquarters, the publicity staff—professionals who are paid well to make sure Dillon and the company look good—agreed to provide copies of Dillon's notes to his company's work force but rebuffed a request to interview the CEO for this article as "not necessary."

Dozens of black congregations across the South, meanwhile, are eager to sing the praises of International Paper. "Oh, good!" Shirley Hines exclaimed when told that Sky was running a story about the International Paper donation. Hines, in charge of the rebuilding committee at Greater Mount Zion Tabernacle Church in Portsmouth, Virginia, says the congregation did not know if the church could be rebuilt after it burned in May 1995; the estimated cost of $340,000 was just too much.

International Paper's donation last autumn of wood, doors, wall paneling and other building supplies, however, took care of three-quarters of the cost of materials and let the congregation celebrate Christmas in its new, rededicated church. "International Paper told us to tell them what we needed. We faxed in a list, and in less than a week it was here. It was unbelievable," Hines says. "If not for International Paper, this church would have had to wait two or three years to reopen, if it ever did."

Hines recalled the dreary day when she, her pastor and several other church members waited in the rain for the first lumber delivery. When the big truck pulled up, she says, they laughed and shouted and cried and danced in the rain, snapping pictures of the forklift unloading the first pallets of wood that would become their new church.

"It made us realize that God is real," she says, "and He is still in the blessing business."•

CONGRESSIONAL RECORD STATEMENT HONORING 40TH ANNIVERSARY OF THE WARREN KIWANIS CLUB

• Mr. LEVIN. Mr. President, I rise today to salute the Kiwanis Club of Warren, MI, for its 40 years of service to the Warren community.

In 1957, a group of concerned businesspeople, professionals, and citizens formed the Kiwanis Club of Warren to help meet the needs in their community which were not being addressed by government or charities. Since its beginning, the Warren Kiwanis has provided numerous services to people in need, including persons with disabilities, senior citizens, and people requiring medical care. The Warren Kiwanis donated a bus to the Salvation Army, funded a fitness trail at a local park for disabled people, and have helped to pay for thousands of operations, utility bills, and ramps for people with disabilities.

The recent Presidents' Summit on Volunteerism drew the Nation's attention to the importance of giving back to our communities. The people of Warren, like those in so many communities throughout the country, are truly fortunate to dedicated Kiwanis Club members as their neighbors.

I hope my colleagues will join me in expressing congratulations and gratitude to the Kiwanis Club of Warren for their 40 years of good works.•

TRIBUTE TO MARGARET MACARTHUR

• Mr. JEFFORDS. Mr. President, I rise today to pay tribute to Margaret MacArthur. Margaret has been selected to appear at the John F. Kennedy Center for Performing Arts on May 1, 1997. She will be appearing as the sole representative of Vermont in an annual celebration which will host artists from across the Nation.

Margaret represents the very best of Vermont. Her talent and hard work have been recognized time and time again. In 1985, she was selected by the New England Art Biennial as a New England living art treasure.

Margaret's repertoire consists almost exclusively of Vermont and other New England folk songs. She embodies the spirit of our Green Mountain State and has successfully shared its heritage, through music, with people throughout the country. Once again, I would like to extend my best wishes and congratulations to Margaret MacArthur.

Mr. President, I ask the following article from the Brattleboro Reformer be printed in the RECORD.

The article follows:

[From the Brattleboro Reformer, Dec. 6, 1996]

LOCAL FOLK ARTIST TO PERFORM AT KENNEDY CENTER

(By Jared Bazzy)

MARLBORO.—Folk singer Margaret MacArthur has been selected to appear at the John F. Kennedy Center for Performing Arts in Washington, D.C., this spring, as part of the Vermont State Day celebration.

U.S. Sen. James M. Jeffords, R-Vt., picked MacArthur to be the lone performer representing the Green Mountain State.

Jeffords, who chairs the Senate Subcommittee on Education, Arts, and Humanities, said Thursday, "Margaret represents what's best about Vermont's history and culture," adding, "This is a wonderful opportunity for visitors from across the nation to hear a true Vermont artist share our heritage."

MacArthur said she was invited a few weeks ago, just after she returned from performing at the Folk Song Society in Washington, D.C.

"But I've never sung at the Kennedy Center for gosh sakes. It's pretty exciting," she said in a telephone interview from her home in Marlboro.

The Kennedy Center annually celebrates all 50 states with a performance by a local artist from each one. MacArthur will perform May 1, 1997.

Accompanying herself at different times on guitar, dulcimer and harp-zither, MacArthur's repertoire consists almost exclusively of Vermont and New England folk songs. She was raised in the Ozarks of Missouri and moved to Vermont in 1948. She spends winters in Arizona. Therefore, she also sings many songs from Missouri, nearby Kentucky and Arizona.

She said that she will certainly take along her harp-zither, which was given to her by the family of Rawsonville farmer Merle Landsman after it was found in his barn.

She said she will perform songs from a collection of 7,000 Vermont songs compiled by Helen Hartness Flanders. Flanders was the wife of the late Sen. Ralph Flanders, and MacArthur enjoys the connection between their lives in Washington D.C. and her performance at the Kennedy Center.

"This will give me a good opportunity to honor her and her collection," she said.

The New England Art Biennial, panel from the University of Massachusetts, Amherst, chose MacArthur in 1985 as a "New England living art treasure." Her recording career spans to the early 1960s, when she recorded "Folksongs of Vermont" on Folkways records. She has since recorded eight more albums, including several with members of her family, who also live in Marlboro.

Recent local performance ventures included the Brattleboro Museum and Art Center, as part of a series on farming in Vermont.

She is currently completing her 10th recording, which is being produced at Sound Design in Brattleboro and is entitled "Them Stars."

MacArthur believes it was her work as artist-in-residence in schools throughout the state that brought her to Jeffords' attention. As a visiting artist, she had children set local folk tales to music which culminated two years ago with the production of "Vermont Heritage Songs."•

CHILDREN'S HEALTH CARE INSURANCE PROVIDES SECURITY [CHIPS] ACT

• Mr. ROBB. Mr. President, I'm pleased to be an original cosponsor of the Children's Health Insurance Provides Security [CHIPS] Act because I support expanding access to health care for children who lack coverage today, and because I believe this bill is both flexible and targeted to children in families least likely to have employer-based coverage and least able to purchase health insurance on their own.

It is my hope that States will find the enhanced Federal Medicaid match included in this bill to be a valuable tool to assist many vulnerable families, particularly families moving from welfare to work. Far too many welfare recipients will, at least initially, move from dependency into hourly jobs with little pay and few, if any, benefits. Children should not lose their health care because their parents work.•

HONORING THE CENTRAL/DELPHI FIRST TEAM

• Mr. LEVIN. Mr. President, I rise today to recognize the achievements of a remarkable group from my home State of Michigan. A team of students from Pontiac Central High School and engineers from Delphi Interior and Lighting Systems won two national awards at the prestigious FIRST [For Inspiration and Recognition of Science and Technology] competition held April 10–12 in Orlando, FL.

The Central/Delphi team received the tournament trophy as a finalist in the robotics competition, and the team also won the competition's highest honor, the Chairman's Award, given to the most comprehensive school-corporate partnership program among the 155 competitors. As Chairman's Award winners, the team will be honored by President Clinton at a Rose Garden reception.

The Central/Delphi FIRST team helps to open young minds to science, mathematics, and technology. Pontiac Central students also have an opportunity to work at Delphi during the summer, which helps them continue learning outside of school and gain valuable on-the-job training. The innovative CADET program, an extension of Central/Delphi FIRST, uses unique activities to promote the fun of math, science and technology to students at seven elementary and junior high schools. As the presenter of the Chairman's Award said, "The judges believe that this team has turned many children on to science and math. Through their strong partnership, FIRST became the avenue for an entire school of talented students to reach personal success."

The success of the Central/Delphi team and the FIRST program in general is a powerful example of what educators and corporations can do to improve opportunities for our young men and women. I commend Delphi Interior and Lighting for their commitment to education. I am proud of the talented students who achieved so much at this prestigious competition. I hope my colleagues will join me in congratulating the young men and women of Pontiac Central High School and the employees of Delphi Interior and Lighting for their achievements at the sixth annual FIRST competition.•

CHEMICAL WEAPONS CONVENTION

• Mr. KYL. Mr. President, everyone agrees that ridding the world of chemical weapons is a noble and worthy goal to pursue. These are weapons that no nation should have in its stockpile—and that includes the United States. By law, the U.S. stockpile will be destroyed whether or not the Chemical Weapons Convention [CWC] is ever ratified by the Senate. Opponents of the Convention support that action.

Notwithstanding agreement on the goals of the CWC, we do not believe that this treaty can ever achieve the goals. It will not accomplish its objective of being global, verifiable, and effective ban on these weapons. Moreover, because of deficiencies in the treaty—which, by its terms, adopting parties must ratify wholesale without amendment—we believe the United States is better off without the CWC than with it. As a result, we could not support ratification absent certain certifications by the President prior to deposit of our instrument of ratification.

Faced with the fact that the treaty is largely unverifiable, some ratification supporters argue that no treaty is 100 percent verifiable, and that, while not perfect, the CWC is better than nothing, especially since chemical weapons are so morally objectionable. Proponents further assert that the CWC is needed because it establishes an international norm that stigmatizes these weapons; that the CWC will bring us some intelligence we do not now have regarding the possession and manufacture of these weapons; and that it will provide trade benefits to U.S. chemical companies. Finally, they argue that we need to be a party to the treaty to protect our interests as details of implementation are worked out by the various parties.

For the sake of argument, even assuming that these relatively modest benefits claimed for the treaty would in fact materialize, we believe these claimed benefits do not outweigh the costs.

Opponents are convinced that the costs of ratifying the CWC outweigh the advanced benefits in several important respects, including the following: First, it would create a United Nations-style bureaucracy, 25 percent of the cost of which must be paid for by U.S. taxpayers. Second, it would put American businesses under a financially burdensome, security-compromising, and quite possibly unconstitutional inspection regime. Third, it would exacerbate the chemical threat we face by undermining existing multilateral trade restrictions, sanctions, and embargoes the United States has placed on rogue countries like Iran and Cuba. Fourth, it would require information sharing that signatory nations, if so inclined, could use to advance their chemical weapons programs. Fifth, the convention would give the Nation with the largest CW stockpile—Russia—an excuse to abrogate the Bilateral Destruction Agreement [BDA] it entered into with the United States to destroy chemical weapons. And this is not hypothetical speculation—there are growing indications Russia does not intend to comply with the BDA, which is much more restrictive than the CWC. Sixth, the prospect of ratification would create—there are already signs that it is creating—a false sense of security that encourages the United States to let its guard down on defending against the use of chemical weapons against American troops. Seventh, it degrades the value of treaties and moral statements because all nations understand it is unenforceable.

The CWC represents hope over reality. It makes people feel good to say they have done something about a class of weapons we all abhor. But signing this piece of paper is not going to solve the problem—and that's the problem. Hard problems can't be wished away with naive hopes and tough talk in the form of yet another international agreement, no matter how many other nations have signed on.

If the United States is to make a unique moral statement as proponents urge, we shouldn't be stampeded into ratifying this treaty "because other nations have." The United States passed on joining the League of Nations even though, as with the CWC, it had promoted the League in the beginning and many other nations had decided to join it. Too often the international community has pronounced itself greatly pleased at solving the latest crisis with yet another treaty like the Kellogg-Briand Pact of 1928 which outlawed war as an instrument of national policy. And too often, as here, disappointment has followed because of the disconnect between the good intentions and the hard reality. To the argument that we will look bad because it was our idea in the first place, opponents say that real respect is rooted in responsible, honest positions; and that U.S. leadership in taking a different approach will be rewarded in the long term.

It is not possible to ban the manufacture and possession of chemical weapons, and we should not delude ourselves into thinking it is possible. What we can do is back up our demand that no one use chemical weapons, with international cooperation based on the will to punish violators so severely that use is deterred. That too is not easy; but, as the use of nuclear weapons has been deterred, so too can the use of chemical weapons be deterred if we have the will.

THE CWC IS NOT GLOBAL

The original goal of the CWC was that it would ban the manufacture and use of chemical weapons by all the nations of the world. Unfortunately, the countries with chemical weapons that we are most concerned about—Iraq, Libya, Syria, and North Korea—have not yet signed the CWC, let alone ratified it. Pakistan, Iran, and Russia also have chemical weapons programs; while they have signed the agreement, they may not ratify. So, the nations that pose the most serious threat may never fall under the CWC's strictures.

Nor is the CWC global in terms of the chemical substances it covers. While it prohibits the possession of many dangerous chemicals, two that it does not prohibit were employed with deadly effect in World War I: phosgene and hydrogen cyanide. But they are too widely used for commercial purposes to be banned, which speaks volumes about this treaty's impracticality.

Nor does the CWC control as many dangerous chemicals as does an export control regime currently employed by 29 industrialized countries. The Australia Group regime already controls trade in 54 chemicals that could be used to develop chemical weapons. Of the 54 chemicals subject to the Group's export controls, 20 are not covered by the CWC. That list of 20 includes potassium fluoride, hydrogen fluoride, potassium cyanide, and sodium cyanide, all used in making chemical weapons.

Finally, there are news reports that Russia has produced a new class of binary nerve agents many times more lethal than any other known chemical agents. These agents are reportedly made from chemicals used for industrial and agricultural purposes and are not covered by the CWC. In February 1997, the Washington Times disclosed that under this program, "the Russians could already produce pilot plant quantities of 55 to 110 tons annually of two new nerve agents—A-232 and A-234. These agents can also reportedly be made from different chemical formulations allowing the agents to be produced in different types of facilities, depending on the raw material and equipment available. For example, one version of an agent can be produced using a common industrial solvent—acetonitrile—and an organic phosphate compound that can be disguised as a pesticide precursor. In another version, soldiers need only add alcohol to a premixed solution to form the final CW agent.

THE CWC IS NOT VERIFIABLE

The second original goal of the convention was that it was to be verifiable. CWC negotiators in Geneva were told by then-Vice President George Bush on April 18, 1984:

> For a chemical weapons ban to work, each party must have confidence that the other parties are abiding by it. . . . No sensible government enters into those international contracts known as treaties unless it can ascertain—or verify—that it is getting what it contracted for.

As it turns out, however, the treaty fails to achieve this primary objective as well. A recently declassified portion of an August 1993 National Intelligence Estimate reads:

> The capability of the intelligence community to monitor compliance with the Chemical Weapons Convention is severely limited and likely to remain so for the rest of the decade. The key provision of the monitoring regime—challenge inspections at undeclared sites—can be thwarted by a nation determined to preserve a small, secret program using the delays and managed access rules allowed by the Convention.

Former Director of the CIA, James Woolsey, said in testimony 2 years ago before the Senate Foreign Relations Committee that:

> The chemical weapons problem is so difficult from an intelligence perspective, that I cannot state that we have high confidence in our ability to detect noncompliance, especially on a small scale.

The problem, of course, is that manufacture of the ingredients used in chemical weapons is so common, so universal, and so easy that the obstacles to verification are enormous. Processes involved in the production of pesticides, for example, are strikingly similar to the processes used to develop weapons like mustard gas. According to a January 1992 report by a team of analysts led by Kathleen Bailey of the Lawrence Livermore National Laboratory.

> Countries which have organophosphorus pesticide plants could convert or divert production toward weapons material without major effort. . . . Competent chemical engineers with diversified experience could design equipment capable of meeting minimum operating objectives. . . . Only a few thousand dollars would be needed for piping and seals, several hundred thousand dollars [would be needed] for specialized equipment.

Not only that, but different processes can be used to produce the same agent. Nations wishing to conceal the development of chemical agents can employ multiple processes. Therefore, unearthing a covert program under the CWC's provisions will be nearly impossible. It just doesn't take much money, much time, much space, or much security to produce chemical weapons.

That adequate verification is illusory under this treaty is now widely acknowledged by technical experts and the U.S. intelligence community alike. Even supporters of the treaty—like former ACDA Director Ken Adelman—confirm that it is not verifiable. In his editorial endorsing the treaty, Mr. Adelman conceded this point up front stating, "Granted, the treaty is virtually unverifiable. And, granted, it doesn't seem right for the Senate to ratify an unverifiable treaty."

We also have the experience of the U.N. team charged with inspecting Saddam Hussein's military establishment as proof of the difficulties of detection when a country is determined to develop these weapons. Even with the most intrusive searches—which hundreds of inspectors have conducted over five years in Iraq—evidence of weapons development has only belatedly been uncovered. It is likely that Iraq will continue to have a CW program and that the U.N. inspectors will continue to miss much of it even with intrusive inspection. The CWC's inspection regime pales in comparison to the regime in Iraq, and the treaty's verification provisions will not enable us to catch cheaters.

Terrorist groups present a special problem because they can buy chemicals locally and manufacture weapons in very small spaces. In 1995, the Aum Shinrikyo cult in Japan produced sarin gas from components bought in Japan, and assembled this noxious agent in a room 8 by 12 feet in size, using legitimately produced chemicals.

In addition to the problems just outlined—of dealing with closed societies like Iraq, of sorting out the military from the commercial manufacture of chemicals, and of detecting CW activities that might take place in the smallest of nooks and crannies—concealment is also facilitated by the treaty itself because it allows ample time for inspected parties to hide what they are doing. Judge William Webster, former Director of the FBI and of the CIA, testified before the Senate Foreign Relations Committee that a facility producing chemical warfare agents could be cleaned up—without any trace of chemicals—in under nine hours. Judge Webster said:

> Because of the equipment needed to produce chemical warfare agents can also be used to produce legitimate industrial chemicals, any pharmaceutical or pesticide plant can be converted to produce these agents. A nation with even a modest chemical industry could use its facilities for part time production of chemical warfare agents. Libyan Leader Quadaffi, in a speech delivered in October, claimed that the facility at Rabta is intended to produce pharmaceutical, not chemical warfare agents. He proposed opening the complex for international inspection. But within fewer than 24 hours, some say 8½ hours, it would be relatively easy for the Libyans to make the site appear to be a pharmaceutical facility. All traces of chemical weapons production could be removed in that amount of time.

Therefore, the treaty fails to satisfy its two principal premises: it is neither global nor verifiable. Proponents concede this point to one degree or another, but argue that, on balance, it is still better than nothing. Opponents believe, to the contrary, that the treaty would actually create more problems than it solves.

WHAT HARM IN APPROVING THE CWC?

Proponents say the deficiencies in the treaty are outweighed by the moral statement it makes in establishing an international norm against the possession of chemical weapons; by the trade benefits it will bring to U.S. chemical companies; and by marginal gains in intelligence if we become a party to the treaty.

MORAL STATEMENT

By definition, to have the influence and weight of a moral statement, an action must be genuine. A treaty that cannot prevent those who sign on to it from cheating, and that, even if cheating were discovered, would not apply meaningful punishment to the violator—such a treaty is essentially hollow. History shows that hollow declarations are worse than none at all. A commitment honored more in the breach than the observance is not a moral statement; it fools no one and it deters no one.

Proponents of ratification argue that at least this treaty would be a tool in the hands of diplomats who would attempt to dissuade cash-strapped countries from selling chemicals to rogue nations to advance their CW programs. But, countries can easily ignore the treaty and export even the more dangerous chemicals because it is so difficult to verify compliance, and because there is no real enforcement mechanism. The CWC will be adhered to by nations that have no intention of doing what it prohibits —with or without the treaty—and will be ignored by those who choose to ignore it—whether or not they are parties. There simply is no effective enforcement—no ability to catch cheaters and no punishment, in any event.

Under Article XII of the CWC, parties caught violating treaty provisions are simply threatened with a restriction or suspension of convention privileges. Those privileges are simply the right to participate in the treaty. At worst, a report will be sent to the U.N. General Assembly and the U.N. Security Council. With no predetermined sanctions in place to deter potential violators, the CWC is doomed to ineffectiveness.

Finally, there already is an international norm against chemical weapons that is both global and verifiable. The 1925 Geneva Protocol outlaws the use—not the mere possession—of chemical weapons. In World War II, the Protocol was enforced by the allied leaders' threat to respond in kind to any chemical attack. But after Iraq used chemical weapons against its Kurdish population and Iranian soldiers in the late 1980's, diplomats met to address this heinous war crime. These diplomats, faced with incontrovertible evidence of an Iraqi abrogation of the Geneva Protocol, were not able to agree on sanctioning Iraq and we could not even agree to list that country by name in a statement condemning the attack. If the world community could not muster the will to punish an obvious violation like that, how are the CWC participants going to summon the will to sanction a mere possessor or manufacturer of these weapons on evidence that may be much less conclusive than the proof of use by Iraq?

Indeed, as in Hans Christian Andersen's fairy tale, the real moral statement may be in exposing the naked truth about this ineffectual document. It could be that, despite all the fine words about the treaty—or the emperor's fine clothes—there is actually nothing here.

Given the United States' preeminent position as the sole remaining superpower after the end of the cold war, we should make a moral statement. We do it by destroying our own stocks—which we are doing; by admitting that the CWC is so flawed that it is not effective in its current form; by working to develop an effective enforcement regime for the Geneva Protocol; and by pushing forward with our bilateral CW destruction efforts with Russia and, perhaps, other nations.

There are many multilateral treaties on the books—such as the Law of the Sea Treaty, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of the Child—that make high moral statements which few pay attention to because the United States has not ratified them. There are currently 48 treaties pending before the Senate. Because of the United States' preeminent position, our unilateral actions often speak louder than anything else. To return to the point I made at the outset: we already have a policy in place. Through Public Law 99–145, the United States is committed to destroying the bulk of its chemical weapons by the year 2004. Through our actions we demonstrate U.S. leadership in ridding the world of chemical weapons.

It matters how we make a moral statement. Papering over a problem with a treaty is not an effective moral statement. If everyone knows going into it that the CWC, despite its moral pretensions, is unverifiable and ineffective, this merely engenders cynicism about international treaties. The outrage that the use of these weapons stirs in us is undermined when we enter a treaty with a nod and a wink.

PUBLIC HARM

The argument that the treaty may not be perfect but at least it does not do any harm is not only an exceedingly weak justification for the treaty, but an inaccurate one. There are significant public and private costs were we to participate in the CWC.

First, it creates a new U.N.-type bureaucracy, a new international organization called the Organization for the Prohibition of Chemical Weapons [OPCW], located in The Hague. The OPCW will oversee implementation of the treaty. Based on studies by the Congressional Office of Technology Assessment [OTA] and the General Accounting Office, total direct costs of the treaty to the U.S. taxpayer could reach $200 million annually. That includes the U.S. obligation to cover one-fourth of the operating budget of the OPCW. This year, the administration is requesting a total of nearly $130 million, of which $52 million is destined for the OPCW in The Hague.

Moreover, Russia has said it will not ratify the CWC unless it is given a significant amount of Western aid to pay for the destruction of its chemical weapons. The figure often mentioned in this context is $3.3 billion. But when Russia realizes the magnitude of the undertaking, this may prove to be a drastic underestimation. After all, destruction of the United States chemical stockpile, which is smaller than that of Russia, will cost us at least $11 billion.

HARM TO PRIVATE INDUSTRY

Ratifying the treaty would harm U.S. industry in basically three ways: First, it imposes a costly new regulatory burden on American industry. Second, it is the first arms-control treaty in history that subjects private companies to inspections by agents of foreign governments, which could well portend a loss of trade secrets. Third, for the first time ever, U.S. citizens will be subject to a treaty that involves the reach of international authorities, raising significant constitutional issues. Unlike any treaty we have ever ratified, the CWC requires prosecution of individual American citizens for treaty violations. Its inspection regime poses a potential threat to the constitutional rights of U.S. citizens.

REGULATORY BURDEN

Every U.S. company that produces, processes, or consumes a scheduled chemical will be subject to new regulatory requirements, including a declaration burden. ACDA estimates that 3,000 to 8,000 companies will be affected, although the OTA estimated in 1992 that 10,000 companies would come under the CWC's strictures.

The treaty entails routine inspections of specified chemical producers. ACDA acknowledges that many industries outside the chemical industry will be required to fill out forms and open their books to international inspectors, including:

Sherwin-Williams Co., Safeway Stores, Inc., Quaker Oats Co., Kraft Foods Ingredients, Maxwell House Coffee Co., Conoco, Inc., Gillette Co., Strohs Brewery, ADM Corn Processing Division, Colgate-Palmolive Co., Xerox

Corp., Castrol, Inc., General Motors Corp., Goodyear Tire & Rubber Co., Simpson Timber Co., Lockheed-Martin Corp., Kaiser Aluminum, and Browning Seed, Inc.

For some companies, especially small- and medium-sized establishments, the production data reporting requirements in the CWC are budget busters. Depending on the types and numbers of controlled chemicals made or used by the company, these records can run $50,000 to $150,000 per year to maintain and report.

The administration provided me with a list of 81 companies in Arizona that could be affected by the treaty because they utilize industrial chemicals limited by it. I contacted 25 of those companies to find out if it knew about the CWC and its ramifications for them. Many company officials were not aware of the treaty, or were aware of it only vaguely. Several reported back with calculations of what compliance would cost them. One Phoenix company estimates an annual cost of $70,000 a year to complete the treaty's reporting requirements. Officials at the company also told me that tracking the production and use of industrial chemicals back to 1946, as the treaty also requires, "would be impossible because such historical data no longer exists." According to a Tucson construction company, the costs don't end there. As its officials wrote to me: "In order to state without reservations that we do or do not have in our possession any of the chemicals or their constituents, we would have to either hire a consultant versed in chemistry or put a chemist on our staff for the assurance and determination of our strict adherence."

Under the treaty, thousands of U.S. companies will be subject to routine inspections. When inspectors show up at its doorstep, one company said, "we would be greatly concerned that such a visit might compromise confidential business information."

POTENTIAL LOSS OF PROPRIETARY INFORMATION

The greatest potential for loss of trade secrets is with the challenge inspections that the treaty allows. These challenges could occur at literally any building on U.S. territory—even a company that does not have a CWC reporting requirement. Sophisticated equipment, such as mass spectrometers, will be used by the international inspectors. They can glean proprietary information, such as the process used to make a biotechnology product. Also, clandestine sampling and data collection by inspectors would be hard to detect and stop.

In 1992, the OTA identified examples of proprietary information that could be compromised:

The formula of a new drug or specialty chemical;

A synthetic route that requires the fewest steps or the cheapest raw materials;

The form, source, composition, and purity of raw materials and solvents;

Subtle changes in pressure or temperature at key steps in the process;

Expansion and marketing plans;

Raw materials and suppliers;

Manufacturing costs;

Prices and sales figures;

Names of technical personnel working on a particular subject; and

Customer lists.

Also according to OTA, the means by which sensitive business information could be acquired by foreign inspectors include the following:

> Manifests and container labels that disclose the nature/purity of the feedstock and the identity of the supplier.
>
> Instrument panels that reveal precise temperature and pressure settings for a production process.
>
> Chemical analysis of residues taken from a valve or seal on the production line.
>
> Visual inspection of piping configurations and instrumentation diagrams that could allow an inspector to deduce flow and process parameters.
>
> Audits of plant records.

Clearly, while it is difficult to assess the potential dollar losses that may be associated with the compromise of proprietary business data, information gleaned from inspections and data declarations literally could be worth millions of dollars to foreign competitors, and U.S. companies have little recourse against frivolous inspections.

Proponents of the treaty note that the Chemical Manufacturers Association (CMA) supports the agreement despite its inspection regime. Opponents note that the CMA represents about 190 of the 3,000 to 8,000 companies likely to be affected by the treaty. Other trade associations representing a larger number of firms, like the Aerospace Industries Association of America [AIA], whose firms collectively are the second largest U.S. exporter of goods and services, the U.S. Business Information Committee, and the Small Business Survival Committee oppose the CWC.

LEGAL ISSUES

The Senate Judiciary Committee hearing held on September 10, 1996, confirmed that there are serious legal difficulties associated with the CWC. The international inspections it requires may result in violations of the constitutional rights of the officers of U.S. firms, specifically their rights under the fifth amendment to the U.S. Constitution. Also, attempts to fix these legal shortcomings by changing the implementing legislation confront the problem of striking a balance between respect for the constitutional rights of American citizens, on the one hand, and the need for international inspectors to be as intrusive as possible, on the other hand. The administration believes the treaty strikes the right balance. I believe the treaty institutionalizes the worst of both worlds: an unverifiable treaty that, nevertheless, also infringes on U.S. citizens' constitutional rights. We get a company in Phoenix spending a lot of money opening up its premises and disclosing corporate information, in exchange for which we have no assurance at all that we can deter someone preparing noxious chemical agents halfway around the world.

As Judge Robert Bork said in a recent letter to Senator HATCH that international inspectors collecting data and analyzing samples "may constitute an illegal seizure" under the takings clause of the fifth amendment. The U.S. Government owes a citizen just compensation, under this amendment, for an illegal seizure of intellectual property.

Participating in the CWC could result in hundreds of millions of dollars lost to companies from industrial espionage undertaken during or as a result of the international inspection of their facilities. The OTA pointed out in a 1993 report that the chemical industry "is one of the top five industries targeted by foreign companies and governments and that the problem of industrial espionage is growing." The OTA explained just how much is at stake for any given company: "Development and testing of a new pesticide," according to the OTA, "takes an average of 10 years and $25 million. Innovation in the pharmaceutical industry is even costlier." A new drug, estimates the OTA, requires an average of 12 years of research and an after-tax investment of roughly $194 million—estimated in 1990 dollars." And please keep in mind these figures do not include the lost revenues due to lost sales.

Incidents of industrial espionage are not uncommon. The OTA study on the CWC also discussed the results of a survey of U.S. companies in which 8 of 11 firms responding reported attempts to misappropriate proprietary business information. The 8 affected companies reported a total of 21 incidents, 6 of which cost the companies $86.25 million.

The CWC does not have a procedure for victimized companies to recover damages, or to punish any foreign inspectors who participated in the theft of proprietary information. In fact, the treaty explicitly prohibits a victimized company from taking legal action against the new international inspection organization. That leaves the U.S. Government to provide indemnity.

A CWC proponent, Professor Barry Kellman of DePaul University, wrote in 1993 that "loss or disclosure of confidential information of the Technical Secretariat—the agency created by the treaty—may have constitutional implications because trade secret owners are entitled to compensation" when there are leaks of proprietary information as a result of government action. So, even treaty proponents say "just compensation" for takings under the U.S. Constitution may well come into play. We have not adequately considered what kind of a compensation commitment we are making through this treaty, and what kind of an obligation we are letting U.S. taxpayers in for if we ratify it.

An Impossible Balance: Proponents acknowledge there may be legal problems with the treaty; however, the U.S. Senate cannot tinker with the treaty language. Article XXII says that "the Articles of this Convention shall not be subject to reservations." Still, proponents claim that the legal problems can be fixed by carefully crafting the implementing legislation. Fixing the treaty in this way seems doubtful at best—at least if the intention is to leave the treaty as anything more than a fragile shell that will fall apart on the first occasion that someone objects to an inspection on U.S. soil. The administration has now agreed to require criminal warrants and a determination of probable cause for every nonvoluntary challenge inspection and to seek administrative search warrants for nonvoluntary routine inspections. How does this square with our international obligation to allow inspections to proceed? Constitutional fixes to the implementing legislation will not be compatible with the CWC's dependence on an intrusive inspection regime. This incompatibility means that we will have entered into a promise we know, under our Constitution, we will not be able to keep.

Rest assured that we will probably be copied—and by nations that may have something to hide. If the United States argues that it can provide constitutional protections with implementing legislation, countries like Iran, China, or Russia, or any other participating nation will be able to point to what we've done and similarly modify their interpretation of the CWC to suit their own objectives.

Nations of laws like the United States will both comply with the CWC and protect constitutional rights, while violators will use constitutional rights to get away with storing or building chemical weapons. A global ban on possessing chemical weapons that respects constitutional rights, therefore, can be violated at will. And, an airtight ban on possessing chemical weapons—if one were possible—cannot protect constitutional rights. Pointing this out is not trying to have it both ways; rather, it is acknowledging the futility of pursuing this kind of solution.

INTELLIGENCE GAINS FROM THE CWC ARE ILLUSORY

Terrorism

A major advantage of this treaty, according to proponents, is that it will provide U.S. intelligence agencies with information they can use to protect American citizens. One of the more extravagant claims of CWC proponents in the administration, in fact, is that participating in the CWC will help us fight terrorism. During his State of the Union Address in February, President Clinton said the CWC would "help us fight terrorism."

His implication departs from the otherwise relatively objective and limited claims made for the treaty. It is unsubstantiated by any analysis or evidence. A declassified section of a Defense Intelligence Agency document of February 1996 states: "Irrespective of whether the CWC enters into force, terrorists will likely look upon CW as a means to gain greater publicity and instill widespread fear. The March 1995 Tokyo subway attack by Aum Shinrikyo would not have been prevented by the CWC."

A CIA report of May 1996, a portion of which has been declassified, makes the same point: "In the case of Aum Shinrikyo, the CWC would not have hindered the cult from procuring the needed chemical compounds used in its production of sarin. Further, the Aum would have escaped the CWC requirement for an end-use certification because it purchased the chemicals within Japan." The CWC does not help deny terrorists easy access to nerve gas and other chemical weapons, among other reasons, because terrorists can simply obtain their chemicals in their own country for ostensibly legitimate purposes—they do not have to import them.

Intelligence regarding nations' CW programs

Nor will participating in what the columnist George Will called "the Chemical Weapons Convention's impressively baroque, but otherwise unimpressive, scheme of inspection and enforcement" add much to our knowledge of other countries' CW programs. Former Deputy CIA Director Richard Kerr said it is true that we will know a lot more about some countries, but only those "that are least likely to develop and use these weapons." We will have gone to a lot of trouble and expense, in other words, to learn that Belgium is not violating the treaty. The costs are simply not worth the benefits we gain.

Our real intelligence payoff, as a general matter, is in intrusive U.S. intelligence collection and sophisticated U.S. analysis, not in a group of international inspectors making spot inspections—looking for the proverbial needle in a haystack—and giving plenty of advance notice to anyone actually suspected of violating this treaty. In fact, the international inspectors themselves, according to former Deputy CIA Director Kerr, will have to rely on U.S. intelligence to be able to do their jobs. This compromises our own sensitive information and our own methods of collecting that information.

Intelligence is difficult to gather in a closed society, and the case of United Nations scrutiny of Iraq, which actually used chemical weapons to kill thousands of Kurdish noncombatants in 1988, teaches a sobering lesson. The team of U.N. inspectors concentrating full-time on Iraq—which would not, of course, be the case with the OPCW inspectors who will have worldwide responsibilities—has uncovered some new developments in Saddam Hussein's chemical weapons program, but even their most thorough and sustained inspections have not found everything. Inspections under the CWC, under far less intensive circumstances, will not hamper a regime determined to have these frightful weapons.

Proponents say over and over again that we are better off inside the treaty than outside, because of the store of data we will get out of the reporting regime and the inspection process. But where will this information come from? Being inside the treaty offers little insight into the actions of potential violators because: First, rogue states outside of the treaty will not be inspected by the OPCW; second, the treaty annex states that the OPCW cannot release to any nation information deemed to be confidential; third, while some OPCW inspectors will no doubt be Americans, the treaty annex on confidentiality states that inspectors are required to sign individual secrecy agreements with the OPCW, therefore they can't give American intelligence agencies any proscribed information. If we play by the rules, just where is this intelligence data going to come from?

Finally, history shows that states are not very likely to call attention to treaty violations that intelligence-gatherers learn about because the diplomatic considerations frequently supersede treaty enforcement. Recall, for example, the phased-array radar station at Krasnoyarsk, in the then-Soviet Union, which violated the Anti-Ballistic Missile Treaty. Our intelligence reports were effectively ignored so as not to force the United States to take action against the Soviet Union for violating the treaty. We thought the higher priority was to maintain good relations with the Soviet Union, which would have become strained if we used our intelligence to expose that nation's violations. Russian violations of the Biological Weapons Convention, moreover, are noted each year in ACDA's Pell report on arms-control compliance, yet nothing is ever done to make Russia comply. Intelligence can be helpful until it reveals treaty violations, then it becomes submerged and subordinated to diplomatic considerations.

CHEMICAL INDUSTRY NOT HARMED BY REJECTING CWC

The third claim made by CWC proponents—based largely on the recommendations of the Chemical Manufacturers Association—is that there is financial harm in not ratifying this agreement. But the CMA's argument that we have to get on board this train or we will miss out, is just not true.

The initial estimate from CMA claims that if the Senate fails to consent to ratification of the CWC, U.S. chemical companies will be subject to trade restrictions, which will place $600 million of annual chemical trade at risk. On the surface, CMA appears to have maintained a consistent estimate of the CWC's impact on U.S. chemical trade since the Senate first considered the treaty last September. Close examination of the facts, however, reveals that CMA's estimate has shrunk considerably over time and appears to overstate any potential negative impact of nonratification.

CMA's initial estimate stated that $600 million of annual U.S. chemical exports would be placed at risk.

When the President of the association met with me in February, he explained that CMA had refined its initial estimate and now believed $600 million in two-way trade would be affected, with only $281 million in annual exports of Schedule 2 chemicals placed at risk.

In a letter to me on March 10, CMA revised its figures yet again, stating that the upper-bound estimate now indicated $227 million in annual U.S. Schedule 2 chemical exports would be jeopardized by nonratification.

The $227 million represents about 0.38 percent of total U.S. chemical exports, indicating that if we accept CMA's figures at face value, over 99.6 percent of U.S. chemical exports will be unaffected by failure to ratify the CWC. Even CMA's revised estimate appears to greatly overstate the impact of nonratification.

More than half of CMA's export estimate is based on exports of one chemical—amiton. Amiton is a pesticide ingredient that is banned in the United States, Europe, Japan, and Canada—America's principal chemical export markets—but is widely exported to African states, a large number of which are not CWC signatories. While we may not be able to ascertain the exact percentage of U.S. amiton trade to non-CWC signatories, such trade likely constitutes the bulk of the overall amiton market and would be unaffected by CWC sanctions.

CMA's upper-bound estimate that $426 million in U.S. chemical imports will be affected is also suspect. Over 50 percent of the import estimate is based on trade in one group of chemicals which CMA admits "may reflect broader chemical families," implying the estimate may include trade in related chemicals not restricted by the CWC. In addition, the U.S. has the most advanced chemical industry in the world. Although short term disruptions might occur if United States firms were unable to import certain chemicals, American industry would almost certainly be capable of producing the same chemicals currently purchased from abroad.

In preparing its estimate, CMA used U.S. Government data on chemical trade and a complex methodology which includes estimates of growth in U.S. trade and worldwide GNP, as well as other factors. CMA did not ask its own member companies—which collectively produce about 90 percent of all chemicals manufactured in the United States—to provide figures on chemical imports and exports. This would have given us a simple, reliable estimate of the actual impact of CWC nonratification. CMA claims its members consider this data to be confidential and would not provide it, although far more detailed accounting will be required under the CWC.

Although CMA has publicly discussed possible business losses from nonratification, none of its member companies have informed their stockholders of any potential adverse impact.

Since the administration pulled the treaty from Senate consideration in September 1996 none of the CMA's 193 members have filed an 8–K form with the Securities and Exchange Commission [SEC], notifying their stockholders of this potential adverse impact and none have discussed it in their annual 10–K filings.

An 8–K filing is required to "* * * report the occurrence of any material events or corporate changes which are of importance to investors or security holders and previously have not been reported by the registrant."

Form 10–K is the annual report most companies file with the SEC and provides a comprehensive overview of the firm's business.

CMA claims none of its companies are legally required to file such forms due to uncertainty over whether the CWC will be ratified and since none of the firms will have more than 10 percent of its sales affected by nonratification. The SEC defines material changes as those that affect at least 10 percent of a company's sales. This admission further undermines their position that nonratification will be extremely detrimental to U.S. chemical companies.

Finally, CMA has not determined the costs to its members for CWC implementation. The increased costs of complying with the treaty's reporting requirements and preparing for inspections are substantial. As I mentioned earlier, one Phoenix company estimates it will cost $70,000 per year to comply with the treaty's reporting requirements. In addition, companies will incur substantial costs to host inspections. The Department of Defense has estimated that the cost of hosting inspections of facilities engaged in highly proprietary activities like the production of advanced composite materials "could be as high as $200,000 to $500,000."

When we add up the costs of complying with the CWC's regulatory burden, the costs of hosting inspections, the costs from the potential loss of confidential business information, and the loss of constitutional protections, its clear that the costs far outweigh the benefits of this treaty.

FOREIGN AND DEFENSE POLICIES HARMED BY THE CWC

To review, then, all three advantages claimed for this treaty—stigmatizing chemical weapons all across the globe, increased intelligence, maintaining our competitive advantage in the chemical trade—are either nonexistent or so slight they hardly matter considering the serious negative consequences of ratifying this treaty. I would now like to briefly address the harm to our foreign and defense postures were we to accept this agreement in its current form.

THE CWC CREATES A FALSE SENSE OF SECURITY

I believe that we run the risk of reducing the priority of U.S. chemical defense programs if we sign on to a weighty moral statement and a complicated—but ineffective—effort to outlaw these objectionable weapons. The Department of Defense allocates less than 1 percent of its budget to chemical and biological weapons defense activities, and yet annual funding for this area has decreased in real terms by over 22 percent since the Persian Gulf conflict, from $792 million in fiscal year 1992 to $619 million requested for fiscal year 1998. With chemical weapons defense programs already underfunded, the Chairman of the Joint Chiefs of Staff, General Shalikashvili, recommended in February 1996 that chemical and biological defense programs be slashed by over $1.5 billion through 2003. This recommendation was made only weeks before General Shalikashvili testified before the Senate Foreign Relations Committee that the Department of Defense [DOD] was committed to a robust chemical defense program. This is the kind of false sense of security induced by signing treaties such as the CWC.

It should seem obvious that ratifying this treaty does not mean we will not face a chemical threat. Because of the proliferation of covert chemical capabilities, U.S. combat operations may expose military forces to lethal chemicals in the future. Any deficiencies in U.S. chemical protective, reconnaissance, and decontamination capabilities will exacerbate the likely casualties.

This is not a theoretical problem. A 1996 GAO study found that deficiencies in U.S. chemical and biological defense training and equipment identified during Operation Desert Storm still remain.

In testimony before the House Committee on National Security Committee, the GAO stated, "The primary cause for deficiencies in chemical and biological weapons preparedness is a lack of emphasis up and down the line of command in DOD." The situation results from the "generally lower priority DOD—especially the Joint Chiefs of Staff and the war-fighting Commanders-in-Chief—assigns chemical and biological defense as evidenced by limited funding, staffing, and mission priority chemical and biological defense activities receive."

If history is any guide, we may well see those vulnerabilities increase. After the Biological Weapons Convention came into force in 1972, the U.S. biological defense program withered, with funding cut by 50 percent—not because defenses were outlawed by that treaty, but because of constant criticism by arms-control advocates who saw them as contrary to the spirit, although not the letter, of the Biological Weapons Convention.

Given the administration's demonstrated lack of emphasis to chemical defenses, we can expect that when financial cuts are required to meet declining budgets, funds for hedging against violations of an allegedly comprehensive treaty will make an attractive target.

TREATY UNDERMINES EXISTING INTERNATIONAL INSTRUMENTS

Saddam Hussein used chemical weapons not only in 1988 against the Kurds, but earlier in the decade against the Iranian population in the Iran-Iraq war. It was in the wake of confirmation of Iraq's use of chemical agents in 1984 that the Australia Group was formed, to try to stop the military use of these substances. The Australia Group regime will be undercut by the more lenient CWC, as I have already indicated. And that is not the only international instrument that will be undercut by this treaty.

U.S.-RUSSIAN BILATERAL DESTRUCTION AGREEMENT

The U.S. approach to the problem posed by Russia—which does not belong to the Australia Group—has been to hammer out a bilateral agreement with that nation. The Bilateral Destruction Agreement of 1990 requires both the United States and Russia to stop producing chemical weapons and to reduce their active stockpiles to no more than 5,000 metric tonnes. The United States has begun to destroy its chemical weapons. Political turmoil in Russia has made ensuring Russian compliance difficult at best. Moscow has not even begun to reduce its stockpile, which is the largest in the world.

Russia has signed the CWC but not yet ratified. Russian officials can now dangle before United States officials the possibility that the Duma will ratify the CWC some day, and in this way justify Moscow's current inaction. Indeed, there are indications that our push to ratify the CWC has moved the Russians toward outright renunciation of the BDA.

Compliance with the BDA begins, of course, with truthful and complete declarations of chemical weapons data. ACDA's 1995 Pell report noted that Russia has refused to accept the BDA's key provisions and has "taken a minimalist approach to declaration requirements and verification costs of CW production facilities that is inconsistent with the CWC." To comply with the 1989 memorandum of understanding with us which led up to the BDA, Russia declared 40,000 metric tonnes of agent. This declaration has prompted challenges of the veracity of Russian reporting.

CIA Director James Woolsey said in June 23, 1994 testimony before the Foreign Relations Committee that the United States had "serious concerns over apparent incompleteness, inconsistency and contradictory aspects of the data" submitted by Russia under the memorandum of understanding. On August 27, 1993, Adm. William Studeman, acting CIA Director, wrote to Senator GLENN that "We cannot confirm that the Russian declaration of 40,000 mt is accurate. In addition, we cannot confirm that the total stockpile is stored only at the seven sites declared by the Soviets."

Reports in the Washington Times (11-8-89) and Washington Post (11-9-89) cite Defense Intelligence Agency estimates that the Soviet/Russian stockpile could be as large as 75,000 tons.

Even more troubling are public reports in the Washington Times and Wall Street Journal that Russia has developed highly lethal binary chemical weapons. Dr. Vil Mirzayanov, former chief of counterintelligence at Russia's State Union Scientific Research Institute for Organic Chemistry and Technology, also published his observations in the October 1995 Stimson Center Report No. 17. Dr. Mirzayanov reported that Russia has produced a new class of binary nerve agents many times more lethal than any other known chemical agents: the so-called novichok agents made from chemicals not covered by the CWC which are used for industrial or agricultural purposes. He further reported that Russia continued development of these highly lethal binary weapons despite signing the BDA in 1990.

Dr. Mirzayanov states:

> First, I witnessed the duplicity of Soviet officials during the CWC negotiations. Although the United States stopped producing and testing chemical weapons and signed an agreement with the Soviet Union to that effect in June 1990, the USSR did not stop work.

In a recent letter to me, Dr. Mirzayanov indicated that, to the best of his knowledge, as many as six novichok CW agents may have been developed. Dr. Mirzayanov feels so strongly about the threat from these new agents that he supports the CWC under the mistaken impression that the treaty will eliminate these weapons. Unfortunately, the chemicals used to make novichok agents are not controlled by the CWC, Russia has not ratified the treaty, and it's unlikely we would be able to detect illicit production of the component chemicals of these agents. Our intelligence community described this problem in a May 1995 national intelligence estimate which concluded that the production of new binary agents like the novichok chemicals, "would be difficult to detect and confirm as a CWC-prohibited activity."

Clinton administration claims that the chemicals used to produce the novichok agents will simply be added to the CWC's list of controlled substances understate the danger and difficulty of this proposition.

Should the United States learn the composition of such agents, it is unlikely we would seek to add these chemicals to the CWC annex since adding the compounds means making public the chemical structure of the agent, thereby undermining efforts to limit the spread of CW expertise and knowledge to rogue states.

In addition, adding a chemical to the CWC annex is a long, convoluted process which could take up to 2 years and require the concurrence of two-thirds of CWC states parties.

Finally, the component chemicals of the novichok agents may be so widely used for commercial purposes—like phosgene, which was used as a CW agent in World War I—that it may not be practical to add them to the lists of controlled chemicals.

The actions of key Russian personnel highlight Russia's lack of commitment to the CWC itself. Lt. Gen. Anatoly Kuntsevich, former chairman of the Russian President's Committee on Conventional Problems of Chemical and Biological Weapons, was arrested on charges of selling military chemicals to Middle East terrorists. Col. Gen. S.V. Petrov openly alluded to the desirability of maintaining a chemical weapons capability in a Russian military journal entitled "Military Thought." Both individuals are high-ranking military signatories to the "U.S.-Russian Work Plan for the Destruction of Russia's Chemical Weapons."

With that as our background, we should be very cautious about expecting Russia, even if its legislature should ratify the CWC, to take a new multilateral commitment on chemical weapons seriously.

PROLIFERATION AMONG PARTICIPANTS IN THE CWC

The CWC's potential to facilitate proliferation is not limited to its pernicious effects on Australia Group controls. It may also undermine existing unilateral United States sanctions against Iran and Cuba. Chemical exports to Iran were embargoed by the

Reagan administration on March 30, 1984. That embargo is still in force, as is the embargo against Fidel Castro declared in 1962. The United States imposed secondary sanctions last year on foreign companies that aid the oil industries of Iran or Libya.

These kinds of embargoes and sanctions are prohibited among the family of nations that decide to join this convention. Article XI of the treaty provides that state parties shall:

> Not maintain among themselves any restrictions, including those in any international agreements, incompatible with the obligations undertaken under this Convention, which would restrict or impede trade and the development and promotion of scientific and technological knowledge in the field of chemistry for industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes.

In other words, if the United States and Iran were to ratify the convention—as Cuba has already done—Teheran would have a powerful claim to override American-led restrictions in the chemical field.

Article XI further specifies that states parties shall:

> Undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited under this Convention.

This provision repeats the mistake made in the Nuclear Nonproliferation Treaty—the so-called Atoms for Peace initiative—under which ostensibly peaceful technology has been provided to nations who then diverted it to proscribed military purposes. Neither a United States trade embargo, nor legislation like the Helms-Burton bill, nor the Australia Group export control regime, nor any other arrangement can interfere with Teheran's or Havana's right to demand access to state-of-the-art chemical manufacturing capabilities.

To those who ask, what's the harm of approving this treaty? I think it is now clear that the answer is, plenty. It does not erect a barrier against CW proliferation; in fact, as just noted, it increases the likelihood of proliferation. In this and all of the other ways I have described, the convention would be very detrimental to the interests of United States and its citizens—especially when compared to the anemic benefits of ratification.

IF NOT THE CWC, THEN WHAT?

Opponents of the CWC are committed to meaningful efforts to prevent the use of chemical weapons. We should start with first principles.

ENFORCING THE 1925 GENEVA PROTOCOL

An effective treaty should be global and verifiable. The 1925 Geneva Protocol is both: it covers all nations of concern to the United States and, because it outlaws the lethal use of chemical weapons, it is inherently verifiable. Victims of use have every reason to expose treaty violations, as the Iranians and the Kurds did. By definition, outlawing use is a more realistic goal than the CWC's goal of outlawing possession of these common substances. What is necessary—for both treaties—is effective enforcement. In World War II, the enforcement of the Geneva Protocol was the allied leaders' threat to retaliate in kind to any chemical attack. The Geneva Protocol was effective during that conflict. But it has not been well enforced outside of the context of a threat of retaliation in kind. Such threats fade in effectiveness as civilized nations grow more and more reluctant to contemplate ever using these abhorrent weapons.

To make the Protocol more than a "no first use" agreement—in other words, to free it of its dependence on a credible threat of retaliation in kind—would require states that are party to it impose strong sanction to any and all violations. This did not happen when Iraq used chemical weapons in the mid-1980's and later in the decade. Diplomats met in 1989 to address the gassing of the Kurds and, faced with incontrovertible proof of an abrogation of the Geneva Protocol, did not sanction Iraq. Many experts believe that the most productive measure to counteract chemical weapons is to develop meaningful international sanctions that could be added to the Geneva Protocol to give it teeth. Had a Geneva Protocol enforcement mechanism been in place and acted upon when Iraq first used its CW arsenal, Iraq's further refinement of a chemical war-fighting capability may have been slowed or even halted before Saddam threatened U.S. soldiers with these same weapons during the gulf war.

This approach offers a significant advantage: it would resolve the verification issue. It is relatively easy to detect use as opposed to possession. It is likely that a nation on the receiving end of a chemical attack would welcome international inspectors to confirm that a violation has occurred and to garner worldwide condemnation of the perpetrator. The second advantage is that, as I earlier indicated, several of the nations we are most worried about—that have not ratified the CWC—have already ratified the Geneva Protocol. I am speaking of Cuba, Iraq, North Korea, and the former Soviet Union.

PRESSING RUSSIA TO UPHOLD ITS EXISTING COMMITMENTS

In addition, the United States must make a high priority holding Russia to its commitments under the 1989 memorandum of understanding and the 1990 bilateral agreement to destroy chemical weapons. The current administration has not been forceful in making clear we expect compliance. Progress made between the two countries on this issue need not be wasted, if we really mean to do something about chemical warfare.

IMPLEMENTING THE CHEMICAL AND BIOLOGICAL WEAPONS THREAT REDUCTION ACT (S.495)

Finally, there are additional steps we can, and should, take. The Senate passed on March 20 the Chemical and Biological Weapons Threat Reduction Act (S. 495). This legislation provides a comprehensive package of domestic and international measures aimed at reducing chemical, as well as biological, weapons threats to the United States, its citizens, its armed forces and those of our allies. It sets forth practical and realistic steps to achieve this objective.

The act fills important gaps in U.S. law by outlawing the entire range of chemical and biological weapons activities. Quite remarkably, the possession of chemical weapons is not today a criminal offense. S. 495 corrects that untenable situation, and sets out still criminal, civil, and other penalties the spectrum of chemical and biological weapons related activities.

The act will also strengthen and reinforce deterrence against the use of chemical and biological weapons. Strong controls on trade in these weapons, as called for in the legislation, will make it more difficult and raise the costs for rogue nations to acquire offensive chemical and biological weapons capabilities. Improvements in U.S. and allied chemical and biological defenses, also mandated by the act, will serve to devalue the potential political and military utility of these weapons by would-be opponents. And the requirement that tough sanctions be imposed against any nation that uses poison gas should reduce the chance that such weapons would be used in the first place.

S. 495 recognizes that we can't go it alone when it comes to dealing with chemical and biological weapons threats. True, some things we can and should do on a unilateral basis. But sensible international action, focused on concrete and achievable measures, must likewise be an essential component of our strategy. The legislation encourages our allies and potential coalition partners to match our efforts and improve their military capabilities against chemical and biological weapons. The legislation also seeks multilateral agreement on enforcement mechanisms for the 1925 Geneva Protocol.

The Chemical and Biological Weapons Threat Reduction Act thus provides a sensible and effective plan that CWC critics and proponents alike should support. By enacting and implementing the act, the United States will lead by example, and will underscore its commitment to bringing together like-minded friends and allies to make unthinkable the resort to chemical or biological weapons.

CONCLUSION

Arms-control treaties, at the end of the day, are not a substitute for defense preparedness. A treaty as flawed as the Chemical Weapons Convention is worth less to our country than the unilateral actions the United States can and must take to ensure the protection and the survival of its citizens. The entry into force of the CWC—with or without American participation—will not bring us a world in which these terrible weapons are no longer manufactured or stockpiled. Nor can we say they will never be used. When words, diplomacy, and international documents signed with the best of intentions fail to protect populations from the threat of attack with these inhuman weapons, every nation falls back upon its ability to preempt or repel such an attack. It would be irresponsible to let down our guard in this respect, for history has shown us that treaties—even well-crafted ones—cannot replace the political and military will that are necessary to oppose acts of aggression.●

IN MEMORY OF OWEN WILLIAMS

● Mr. COVERDELL. Mr. President, too often, it seems good deeds and public service go unrecognized while it is precisely the proprietors of these acts who hold our communities together. I would like to take a moment to recognize one of these proprietors who I call unsung heroes. On Saturday, March 1 of this year, a dear friend and colleague of mine, Owen Williams, and his son, Alfredo, were tragically killed by a drunk driver in my home State of Georgia.

Owen was a true hero in my eyes—bright, devout, and committed to his wife Carolyn and eight children. A former Vietnam combat veteran, Owen was dedicated to his community, his country, and his God.

When I issued a call to action for Georgians to help reduce the rising tide of teen drug use, Owen was one of the first to answer. He served in a volunteer capacity as chairman of the Bibb County Operation Drug Free Georgia Committee and was making great strides in his community with the program.

This Saturday, at our second annual statewide drug summit, which is dedicated to the memory of Owen and Alfredo, I will present the First American Hero Award to Owen's family for the great contributions he made to those around him. It has been said that the mark of a great man is that his deeds touch the lives of others even after he is gone. I know this will be true of Owen. This is a tragic loss, particularly for me, but the work that Owen has done will continue to serve as an inspiration to us all.●

CHILDREN'S HEALTH INSURANCE PROVIDES SECURITY (CHIPS) ACT

● Mr. CHAFEE. Mr. President, yesterday I introduced S. 674 along with Senator ROCKEFELLER and others. I ask that the text of bill S. 674 be printed in the RECORD.

The text of the bill follows:

S. 674

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Health Insurance Provides Security (CHIPS) Act of 1997".

SEC. 2. ENCOURAGING STATES THROUGH INCREASED FEDERAL MEDICAL ASSISTANCE PERCENTAGE (FMAP) TO EXPAND MEDICAID COVERAGE OF CHILDREN AND PREGNANT WOMEN.

(a) INCREASED FMAP FOR MEDICAL ASSISTANCE FOR CERTAIN INDIVIDUALS.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by adding at the end the following new sentence: "Notwithstanding the first sentence of this subsection, in the case of a State plan that meets the conditions described in subsection (t)(1), with respect to expenditures for medical assistance for individuals within an optional coverage group (as defined in subsection (t)(2)) the Federal medical assistance percentage is equal to the enhanced medical assistance percentage described in subsection (t)(3)."; and

(2) by adding at the end the following new subsection:

"(t)(1) The conditions described in this paragraph for a State plan are as follows:

"(A) The plan provides (either through exercise of the option under section 1902(l)(1)(D) or authority under section 1902(r)(2)) for coverage under section 1902(l)(1)(D) of individuals under 19 years of age, regardless of date of birth.

"(B) The plan provides under section 1902(e)(12) for continuous eligibility for a period of 12 months (under subparagraph (A) of such section) of all individuals under 19 years of age who are determined to be eligible for benefits under a State plan approved under this title under section 1902(a)(10)(A).

"(2) For purposes of subsection (b), the term 'optional coverage group' means individuals described in each of the following subparagraphs:

"(A) PREGNANT WOMEN WITH FAMILY INCOME BETWEEN 133 PERCENT AND 150 PERCENT OF POVERTY LINE.—Women described in subparagraph (A) of section 1902(l)(1) whose family income exceeds 133 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

"(B) INFANTS WITH FAMILY INCOME BETWEEN 133 PERCENT AND 150 PERCENT OF POVERTY LINE.—Infants described in subparagraph (B) of section 1902(l)(1) whose family income exceeds 133 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

"(C) CHILDREN UNDER 6 YEARS OF AGE WITH FAMILY INCOME BETWEEN 133 PERCENT AND 150 PERCENT OF POVERTY LINE.—Children described in subparagraph (C) of section 1902(l)(1) whose family income exceeds 133 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

"(D) OLDER CHILDREN WITH FAMILY INCOME BETWEEN 100 PERCENT AND 150 PERCENT OF POVERTY LINE.—Children described in subparagraph (D) of section 1902(l)(1), who are not described in any of subclauses (I) through (III) of section 1902(a)(10)(A)(i), and whose family income exceeds 100 percent, but does not exceed 150 percent, of the poverty line for a family of the size involved.

"(3) The enhanced medical assistance percentage described in this paragraph for a State is equal to the Federal medical assistance percentage (as defined in the first sentence of subsection (b)) for the State increased (but not above 90 percent) by the number of percentage points equal to 30 percent of the number of percentage points by which (A) such Federal medical assistance percentage for the State, is less than (B) 100 percent.".

(b) STATE OPTION TO EXPAND ELIGIBILITY TO 150 PERCENT OF POVERTY LINE FOR CHILDREN OVER 1 YEAR OF AGE.—Section 1902(l)(2) of such Act (42 U.S.C. 1396a(l)(2)) is amended—

(1) in subparagraph (B), by striking "equal to 133 percent" and inserting "a percentage (specified by the State and not less than 133 percent and not more than 150 percent)", and

(2) in subparagraph (C), by striking "equal to 100 percent" and inserting "a percentage (specified by the State and not less than 100 percent and not more than 150 percent)".

(c) CLARIFICATION OF STATE OPTION TO COVER ALL CHILDREN UNDER 19 YEARS OF AGE.—Section 1902(l)(1)(D) of such Act (42 U.S.C. 1396a(l)(1)(D)) is amended by inserting "(or, at the option of a State, after any earlier date)" after "children born after September 30, 1983".

(d) STATE OPTION OF CONTINUOUS ELIGIBILITY FOR 12 MONTHS.—Section 1902(e) of such Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

"(12) At the option of the State, the plan may provide that an individual who is under an age specified by the State (not to exceed 19 years of age) and who is determined to be eligible for benefits under a State plan approved under this title under subsection (a)(10)(A) shall remain eligible for those benefits until the earlier of—

"(A) the end of a period (not to exceed 12 months) following the determination; or

"(B) the time that the individual exceeds that age.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to medical assistance for items and services furnished on or after January 1, 1998.

SEC. 3. EMPLOYER CONTRIBUTIONS TO PREMIUMS.

(a) GENERAL RULE.—Any employer which elects to make employer contributions on behalf of an individual who is an employee of such employer, or who is a dependent of such employee, for health insurance coverage shall not condition, or vary, such contributions with respect to any such individual by reason of such individual's status as an individual eligible for medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(b) ELIMINATION OF CONTRIBUTIONS.—An employer shall not be treated as failing to meet the requirements of subsection (a) if the employer ceases to make employer contributions for health insurance coverage for all its employees.

(c) ENFORCEMENT.—The enforcement provisions applicable to group health insurance coverage under the amendments made by section 101(e)(2) of the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191; 110 Stat. 1952) shall apply with respect to an employer that violates the provisions of this section in the same manner as such provisions apply to employers under such amendments.

SEC. 4. GRANT PROGRAM TO PROMOTE OUTREACH EFFORTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated, for each fiscal year beginning with fiscal year 1998 to the Secretary of Health and Human Services, $25,000,000 for grants to States, localities, and nonprofit entities to promote outreach efforts to enroll eligible children under the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) and related programs.

(b) USE OF FUNDS.—Funds under this section may be used to reimburse States, localities, and nonprofit entities for additional training and administrative costs associated with outreach activities. Such activities include the following:

(1) USE OF A COMMON APPLICATION FORM FOR FEDERAL CHILD ASSISTANCE PROGRAMS.—Implementing use of a single application form (established by the Secretary and based on the model application forms developed under subsections (a) and (b) of section 6506 of the Omnibus Budget Reconciliation Act of 1989 (42 U.S.C. 701 note; 1396a note)) to determine the eligibility of a child or the child's family (as applicable) for assistance or benefits under the medicaid program and under other Federal child assistance programs (such as the temporary assistance for needy families program under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.), the food stamp program, as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), and the State program for foster care maintenance payments and adoption assistance payments under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.)).

(2) EXPANDING OUTSTATIONING OF ELIGIBILITY PERSONNEL.—Providing for the stationing of eligibility workers at sites, such as hospitals and health clinics, at which children receive health care or related services.

(c) APPLICATION, ETC.—Funding shall be made available under this section only upon the approval of an application by a State, locality, or nonprofit entity for such funding and only upon such terms and conditions as the Secretary specifies.

(d) ADMINISTRATION.—The Secretary may administer the grant program under this section through the identifiable administrative unit designated under section 509(a) of the Social Security Act (42 U.S.C. 709(a)) to promote coordination of medicaid and maternal and child health activities and other child health related activities.•

FRANKLIN DELANO ROOSEVELT MEMORIAL DEDICATION

• Mr. LEVIN. Mr. President, tomorrow, May 2, we will dedicate a memorial on the Tidal Basin in West Potomac Park to one of America's greatest Presidents, a towering figure in the history of the 20th century, Franklin Delano Roosevelt.

A memorial to FDR was first proposed in the Congress as early as 1946. The FDR Memorial Commission was finally established, by law, in 1955. It has taken 42 years to complete this effort. I am proud to have served on the Memorial Commission. Tomorrow, will be a great day for Americans, a day to look back and remember FDR, his enormous contribution to all of our lives and the contribution of the generation of Americans who struggled through the depression and valiantly defeated fascism; a day to admire the beauty and to be inspired by the art of this great new addition to our capital city's memorials; and a day to contemplate America's future and the contribution that this memorial will make to the understanding that future generations will have of one of the most critical eras of our history.

This memorial is a expression of what America is all about. It is what America can do to overcome challenges of depression and war. Roosevelt imbued hope and he instilled optimism in a people who were down and out in a depression and then attacked when we were down, by Japan at Pearl Harbor.

Franklin Roosevelt was an inspirational leader because of his optimism in the face of the long odds our Nation faced. He was our voice. He reflected our hopes. He continues to inspire us today because he showed what we can do when we pull together as a people. And, this new memorial will help to keep FDR's legacy inspiring Americans for the centuries ahead.

Roosevelt saw the positive role of Government in the economy, pulling us out of the depression and in times of a world war, when we had to pull together. But he was also willing to experiment. He was not somebody who would hang onto a program if it wasn't working. He believed that Government programs could make a positive difference. And they did for millions. But he also believed that if Government programs were not working that we should either make them work or drop them. This is a model we would do well to keep in mind in the weeks, and the years ahead as Congress grapples with the difficult problems of balancing the needs of people, and the role of Government in addressing those needs with the demands of fiscal responsibility.

The memorial will also honor the memory and contributions of the First Lady who as the eyes and ears of the President traveled hundreds of thousands of miles visiting Americans in every walk of life.

Mr. President, I want to mention a few of my own memories of F.D.R. During the Roosevelt years, I was a young boy, but I can clearly remember the strength of his voice in those fireside chats. And I remember the conversation around the family's dinner table about what a great leader he was.

I remember scouting the streets for discarded empty cigarette packs. This was something kids did. We stripped off the tin foil linings and brought them to school where they were rolled together to create large balls of the metal, which could be recycled for the war effort. This gave us an enormous sense of being a part of the effort and of responding to Roosevelt's call for participation.

And, I remember his dog, Fala. Especially for a young boy Fala was a big part of the Roosevelt persona. That's why, when I noted the fact that his dog, which meant so much to him and to the Nation, which was such a symbol of his warmth and humanity, was left out of the monument, I suggested Fala be represented in the memorial and the commission agreed. So, tomorrow as the statues of Franklin and of Eleanor are unveiled, a little statue of Fala, recognizing his historic role, will also be there as well, helping to connect FDR to future generations of visitors, especially our kids and grandkids.

Mr. President, now I would like to honor the memory of this great American President by reading some of the anecdotes and sentiments of people from Michigan, where he is well remembered by seniors and veterans, and even by many who know him only from film and audio tape, but remembered with reverence and often with at least one tear in the eye.

I have asked my constituents in Michigan to send to me some of their remembrances of FDR. I have received many moving and inspiring stories. I want to share some of those with my colleagues in the Senate today.

MICHIGAN REMEMBERS F.D.R.

Back in the 1920's, my father Alfred Angeli and a number of his friends came over to this country to escape the Fascism and Communism in Italy. They found a new life here in America and they adored Franklin Delano Roosevelt. They had great respect for him for the job he did in creating jobs and putting everybody back to work.

My father and about eight of his friends were very serious in their respect for FDR, and honored him by naming their hunting camp 'Campobello'. It was a very sad day when the great man died. * * * My parents, who are now gone, would be very proud to know they are taking part in this tribute to Mr. Roosevelt.—Mike Angeli, Marquette, Michigan.

About ten years ago, I appeared before the county board to obtain approval for a grant to fund a senior citizens feeding program. The chairman of the board got very upset calling me something like "a big spending-liberal-government interferer * * * (like FDR)". I told him I'm not old enough to have served with President Roosevelt, but that he is an idol of mine and that I was extremely honored to have been put in the same category.—Ron Calery, Chippewa-Mackinac-Luce Community, Action Agency Director, Sault Ste. Marie, Michigan.

When FDR ran, the stock market had crashed and times were tough. There were no jobs and no money. Hoover ran on a platform of "a chicken in every pot", but people wanted a job. Roosevelt won in a landslide, after he said he would put people back to work. He did just that.

Everyone had bills, and few people had the money to pay them. So a situation was created where people could work off their bills. If you had to go to the hospital while on welfare, you worked the bill off with the city by sweeping streets or picking up trash or cleaning the parks. Each time you worked, you would reduce your bill. Though there were years we didn't have two nickels to rub together, we survived.—Arthur Carron, Bark River, Michigan.

FDR literally transformed the country from a feeling of overwhelming despair to hope and confidence. When Roosevelt was elected I was approaching my 16th birthday. On the west side of Detroit in a neighborhood of autoworkers practically everyone was jobless. The giant Ford Rouge plant was working at 25 percent of capacity. Other auto companies and all of the auto supplier companies were in a similar situation. My father and the fathers of all my boyhood friends were unemployed. Men who were really willing and anxious to work. There was a feeling of desperation and hopelessness. Most important of all they lost their sense of dignity when they could not provide for their families. Roosevelt, through the various governmental programs, gave these men hope and a sense of well being they had not experienced for some time.—Doug Fraser, Professor of Labor Studies, Wayne State U., Former President of U.A.W., Northville, Michigan.

Oliver Wendell Holmes once said, "A man's mind stretched by a new idea, will never return to its former dimension." I was one of those fortunate unemployed young men who joined with over three million other destitute kids and signed up with the Civilian Conservation Corps.

It seems that FDR scratched out his C.C.C. idea on a restaurant napkin. This vision was an unprecedented gamble in bringing a bankrupt nation back on its feet. I was one of those three million who was lifted from the depths of despair, each given a chance to earn self-respect, dignity and self-esteem. How does a nation measure a dimension such as that? Just consider the families that these men represented, grateful for the monthly $25.00 and the succor it supplied.

I can testify to that. Sixty-four years ago when men's spirits were tested by want and deprivation, it seems like only yesterday that I walked into that welfare office. I was not afraid of the hunger, but the indignity it caused. I felt not a pain in my stomach, but an ache in my heart. . .I was sworn into the C.C.C. Now, I was accepted, now I could say, "Hello to tomorrow". I became a member of an idea whose time had come. Roosevelt's tree army.—Rev. Bill Fraser, First V.P. National Assoc. of C.C.C. Alumni, Grayling, Michigan.

My mother named me Franklin Delano Garrison in his honor. From the time I was a small child I took a great pride in being named for someone who was a hero to everyone I knew, even though at first I wasn't really sure why. Then I came to understand that my family was eating only because the New Deal was providing some food assistance, and my father was working only because the Works Progress Administration was providing jobs. I came to see for myself the hardships that the Depression had brought to the old, the hungry and the deserted—and to realize that one man had led the nation in providing not only sustenance but also hope where both had been lost.—Franklin Delano Garrison, President, Michigan State AFL-CIO, Lansing, Michigan.

I am very happy that President Roosevelt is finally having a memorial dedicated in his honor. I am 83 years old and lived through the Depression, and know how bad times were. Before the election of President Roosevelt, I worked on welfare for $2.00 a day for an eight hour shift.

With President Roosevelt's election times got better. With the New Deal of the WPA, I got $22.00 a week for a four day six hour shift. I will always be grateful to President Roosevelt for social security, unemployment benefits and being able to unionize for better wages and benefits and to protect jobs. President Roosevelt will always be my idol.—Rudy Gregorich, Painesdale, Michigan.

We members of the Eighth Armored Division had been on the march, without a break, around the clock, for days—sometimes unopposed, in other places, held up by the familiar and bitter last-ditch Nazi resistance.

At last, late one morning, a halt was signaled. We dropped—dirty, hungry, and almost unconscious—and slept, some in the ditches along the road, others stretched out on the rear decks of their tanks, others where they sat in tank turrets, in half tracks, or on truck seats.

Then a startling message started down the line from the lead vehicle, which had a shortwave radio. Men, as they heard it, shook the next man awake and passed it on: President Roosevelt was dead.

In a sense, President Roosevelt was a soldier in that fight—just like us. And like us, this good man was exhausted. He was a casualty of the war. But he had the satisfaction of knowing that he left the field with the battle well in hand.—Jack R. Hendrickson, Ph.D., Birmingham, Michigan.

The year may have been 1932, or 1934, and my mother a widow of some 60 years had been left well-provided for by my father at his death in 1931. But the Great Depression struck the USA and its economy was stagnant, mired down, seemingly unable to extricate itself from the doldrums it found itself caught in . . .

It was a time of calamity, of no one knowing quite what to do. Mother had never experienced this type of emergency in her long life. There was little or no relief in sight. Radio broadcasts were discouraging and gave no hint of the end of the Depression in sight. My sister, married with three little ones, recalls walking three or more miles to obtain government free food and carrying it home, walking as she had come.

The one light on the horizon in the midst of this gloom was the radio program when President Delano Roosevelt, elected a few months previously, would address the people in his famous fireside chats. His voice soothing, deep-textured, commanding confidence as he spoke words of optimism were most welcome by the bewildered public. "We have nothing to fear, except fear itself," he said on one momentous occasion. How the people clung to his words bearing hope that this President of the United States instilled over the air. As someone noted sixty years later, FDR could not raise himself from a chair, but by moral strength was able to lift a great nation out of the Depression in the Thirties! All America hung onto his words, hung on to the confidence he instilled, in their government, in their country, awaiting with patience for the clouds of Depression to lift!—Dr. Marie Heyda, O.P., Grand Rapids Dominicans, Grand Rapids, Michigan.

My younger sister was in the wars and had the honor of meeting President Roosevelt at his summer home.

I feel that FDR was one of the greatest presidents that ever lived. Even though he was so educated, he still was for the average person. He did so much for the people while in office.—Kathryn V. Holden, Saginaw, Michigan.

* * * 1940. I was pregnant * * * and Newman, my husband, was working for Labor's Nonpartisan League in the office of the Philadelphia Joint Board, Amalgamated Clothing Workers of America, 2000 South Street.

Since I was not working and had no child care needs, I was a volunteer in the office, handing out literature at rallies and some house to house visiting in North Philly, in the Kensington area and a bit in South Philly.

Our work culminated in a huge rally for the President in the stadium, shortly before the election. It was raining and my husband and friends did not think I should go. But I did, and it was the most impressive, exciting and largest rally I ever participated in.

My labor came early, and daughter Sharon was born at St. Luke's Hospital November 3, the election was the next day * * * Since I had made no plans for an absentee ballot and there was no way I could get one of those days, I missed my opportunity to vote for the third term of FDR. The only time in my life I have failed to vote in an election either primary or general.—Mildred Jeffrey, Detroit, Michigan.

When the 73rd Congress opened * * * FDR bombarded Congress with bills to stimulate the economy. During his first month in office, he used his authority * * * to establish the Public Works Administration which helped my father while laid off from the railroad for about a year.—Leonard Klemm, Saginaw, Michigan.

President Roosevelt really left a great impact upon our country. He came into office at the time of the Great Depression and did much to relieve the suffering of the people and to restore confidence in our banking system and the Government in general. He won great respect through his fireside chats, radio connection and as the first President to address the nation on national television.—B.L. Little, Saginaw, Michigan.

I had only one personal encounter with President Roosevelt, but it is one I can recall quite vividly even today. * * * FDR had been campaigning for reelection that day in New England, but the end of the day had brought him to New York. By chance we saw his motorcade, which couldn't have been more than two or three cars.

He rode in an open car, and I can still see him waving his hat and smiling as he passed by. He was an inspiration to me then and he continues to inspire me today.—William G. Milliken, Former Michigan Governor, Traverse City, Michigan.

I became aware that President Roosevelt was planning to recruit thousands of youths between ages 18 and 25 to serve in forestry camps throughout the nation to perform tasks, such as planting trees, building roads, erosion control, fighting forest fires, miles of fire trails and telephone lines strung, and other conservation related work.

I had just turned 18 when I heard about the program, and at the time was a barber's apprentice in Cascade, Michigan * * * The Civilian Conservation Corps sounded like the answer to my situation, and I immediately made myself available. * * *

After leaving the C.C.C. camps, I enlisted in the U.S. Navy * * * While assigned to the Sick Officer's Ward, I was attendant to then Secretary of the Navy, Claude Swanson. During that time President Roosevelt visited Swanson twice * * * This was a great honor for me to have the opportunity to stand close to the President of the United States. * * * Following a military career, I became involved in organizing a civilian conservation corps alumni group here in Grand Rapids, Michigan. * * * with the support of the C.C.C. Alumni veterans, was able to convince Governor Blanchard, and the state legislature, to establish a Michigan Civilian Conservation Corps patterned after Roosevelt's depression era C.C.C. program.—Frank Munger, Grand Rapids, Michigan.

My uncle, Billy Rogers, living in Chicago, was one of the many. No job, no money and dependent on the small income of his mother gave him little hope for the future. Thank God for the C.C.C.! They took him in—fed and clothed him, taught him the value of manual labor and gave him a sense of pride. Friendships made in camp endured for many years.

Diligent work and a cheerful attitude earned him the most coveted job in camp: truck driver! After completing his enrollment, he returned to Chicago. Due to his experience, he was eligible to join the Teamsters Union and continued working as an over-the-road truck driver until he retired. All this due to the vision and persistence of one man—F.D.R.!—William Oberschmidt, Saginaw, Michigan.

* * * on April 12, 1945. I was 13 years old at the time and I remember the nuns grieving at school and how sad everyone felt. It's about all anyone talked about or what you heard on the radio.

I don't think I understood the full impact of what Roosevelt had accomplished until I was stationed in the Pacific during the Korean War. I spent time on many of the Pacific Islands where the war took place and it made me realize what he had done to guide us through the second World War * * *—Jack Salter, Royal Oak, Michigan.

As a public official, I have given a lot of thought to the question of leadership. What is leadership and how does it manifest itself in public life? Although the answer to that question is far from clear or simple, it seems to be embodied in the memory of the person I consider our nation's greatest president, Franklin Delano Roosevelt.

My father was one of the millions who found themselves out of work after the Crash of 1929. He directly benefited from President Roosevelt's policies, taking part in the Civilian Conservation Corps. That program helped my dad get back on his feet, giving him, along with millions of others, hope and purpose at a time when both seemed in short supply.

Years later, facing another crisis—World War II—President Roosevelt came to my hometown, Warren, to visit the tank plant that was then producing Sherman Tanks by the thousands. Moved by the sacrifice, commitment and ingenuity of the people of southeast Michigan working to ensure that Naziism was defeated, he dubbed that plant the "Arsenal of Democracy."

Now we in Warren are trying to follow his example, as we work to transform the recently abandoned tank plant into a new kind of arsenal: an arsenal for economic growth. As I go to work each day, I frequently ask myself what President Roosevelt would have done with today's issues. Looking at the future of his Arsenal for Democracy, I believe that FDR would be pleased.—Mark A. Steenbergh, Mayor, City of Warren, Warren, Michigan.

My father subscribed to the Chicago Tribune during the depression since it was the cheapest paper in town at two cents a copy. The Tribune had cartoonist by the name of 'Orr'. His cartoon appeared on the front page of the Tribune and more often than not, his work of art was a slam against President Roosevelt. As it turned out, the subscription was a bad deal for my father, because my mother, being a staunch Democrat and a supporter of FDR, would wait for the mailman and promptly put the paper in the stove.—James F. Sodergren, Marquette County Treasurer, Ishpeming, Michigan.

I was a high school teacher during the Great Depression. According to my memory, the American people had great faith and believed that our President would do what was best for the "common good." We listened carefully and with pride to his fireside chats. * * *

And today, as we drive over miles of paved roads in northern Michigan, we marvel at the lines of majestic evergreens —so beautiful in summer and effective snow-barriers in winter! I relate with pride the work of the C.C.C., that group of younger men who earned their livelihood at that time by beautifying and preserving Michigan's natural environment. Roosevelt's foresight has kept Michigan a wonderful state!—Sister Agnes Thiel, O.P., Grand Rapids Dominicans, Grand Rapids, Michigan.●

HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. BENNETT. Mr. President, I ask unanimous consent that the Commerce Committee be discharged from further consideration of House Concurrent Resolution 61, and that the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A concurrent resolution (H. Con. Res. 61) honoring the lifetime achievements of Jackie Robinson.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 61) was agreed to.

The preamble was agreed to.

AUTHORIZING A PERMANENT ADDITION TO THE FRANKLIN DELANO ROOSEVELT MEMORIAL IN WASHINGTON, DC

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Senate Joint Resolution 29, submitted earlier today by Senator INOUYE.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 29) to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, D.C., and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. INOUYE. Mr. President, at the request of President Clinton, I rise to introduce legislation which directs the Secretary of the Interior to plan for the design and construction of a permanent addition to the Franklin Delano Roosevelt [FDR] Memorial.

The FDR Memorial Commission was organized in 1955 for the purpose of considering and formulating plans for the design, construction, and location of a permanent memorial to President Roosevelt. I have had the distinct pleasure of serving on the Commission for 27 years along with our former colleague, Senator Mark O. Hatfield.

The FDR Memorial will be dedicated on Friday, May 2, 1997. This memorial represents a plan and design that has undergone extensive review and study by the Commission of Fine Arts, the National Park Service, the Department of the Interior, and the Congress. After 23 years, and three design competitions, one of which bestowed a $50,000 award, the final design for the memorial was approved in 1978.

Approximately 2 years ago, after all design plans were approved, all funding appropriated by the Congress, and the construction of the memorial was well underway, the disabled community made a demand that the Commission add another statue of FDR in a wheelchair. In the early days, the children of Franklin and Eleanor Roosevelt made it clear they wanted no statue showing President Roosevelt in a wheelchair. I might add that during the approval process no member of the disabled community came forth to request the Commission amend the design plans for the memorial.

However, in an effort to be sensitive to their concerns yet historically accurate, the Commission agreed to display an exact replica of one of President Roosevelt's wheelchairs in the entry building of the memorial. It was determined that existing wheelchairs are too fragile to be loaned to the memorial. Consequently, Senator Hatfield and I instructed the National Park Service to prepare for display an exact replica of one of President Roosevelt's wheelchairs. A cabinetmaker is building the chair and other wooden parts, a wheelmaker is producing 18-inch rims and tires and a metalsmith is assembling the completed chair.

In addition, in the memorial's entry building there will be a display of mounted photographs of President Roosevelt, including one of the two known photographs of him in a wheelchair. The photograph to be displayed will be 12 inches tall and 9 inches wide. Also included in the memorial is a time line of the major events of FDR's life, carved in granite, which states: "1921 stricken with poliomyelitis—he never again walked unaided."

The Commission tried its best to ensure that the initial wishes of the Roosevelt family were carried out, along with the design plans approved by the Commission of Fine Arts. The Commission has also tried to be sensitive to the concerns of those citizens having to spend their lives in a wheelchair. It is true that the depiction of President Roosevelt in a wheelchair will inspire the tragically afflicted. It may very well be a more honest way to depict President Roosevelt.

Accordingly, at President Clinton's request, I am pleased to introduce this legislation which directs the Secretary of the Interior to plan for the design and construction of a permanent addition to the FDR Memorial, and I thank my colleagues for their support and in the Senate acting expeditiously.

Mr. HARKIN. Mr. President, I am very pleased to join with my good friend and colleague Senator Inouye in introducing legislation submitted by the Clinton administration to require the addition of a statue portraying FDR and his disability. This is an important measure that I hope will be quickly approved.

I have always said that it took a disabled President to lead a disabled nation. President Clinton has taken the right step in improving the FDR Memorial by allowing Americans to view a more complete picture of one of our Nation's greatest Presidents.

I look forward to the long-awaited dedication of the FDR Memorial this Friday. I have long thought this very important new memorial should include a statue depicting FDR in a wheelchair. Contrary to popular belief, President Roosevelt did at times purposely display his disability to inspire wounded veterans, persons with polio, and other groups of Americans. A statue portraying his disability will stand as a reminder to current and future generations of Americans that disability is a natural part of the human experience that in no way diminishes the ability of a person to fully participate in all aspects of American life.

As the author of the Americans With Disabilities Act, I was proud to be joined by leaders of the disability community, former Presidents Bush, Carter, and Ford, a number of Roosevelt's descendants, and many other Americans in calling for a permanent depiction of FDR with his disability at the memorial. Our challenge now is to take the necessary steps to make this additional statue part of the FDR Memorial as soon as possible.

Mr. BENNETT. Mr. President, I ask unanimous consent that the joint resolution be considered read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 29) was deemed read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, is as follows:

S.J. Res. 29

Whereas President Franklin Delano Roosevelt, after contracting poliomyelitis, required the use of a wheelchair for mobility and lived with this condition while leading the United States through some of its most difficult times; and

Whereas President Roosevelt's courage, leadership, and success should serve as an example and inspiration for all Americans: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADDITION TO FRANKLIN DELANO ROOSEVELT MEMORIAL.

(a) Plan.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall plan for the design and construction of an addition of a permanent statue, bas-relief, or other similar structure to the Franklin Delano Roosevelt Memorial in Washington, D.C. (referred to in this Act as the "Memorial"), to provide recognition of the fact that President Roosevelt's leadership in the struggle by the United States for peace, well-being, and human dignity was provided while the President used a wheelchair.

(b) Commission of Fine Arts.—The Secretary shall obtain the approval of the Commission of Fine Arts for the design plan created under subsection (a).

(c) Report.—As soon as practicable, the Secretary shall report to Congress and the President on findings and recommendations for the addition to the Memorial.

(d) Construction.—Beginning on the date that is 120 days after submission of the report to Congress under subsection (c), using only private contributions, the Secretary shall construct the addition according to the plan created under subsection (a).

SEC. 2. POWERS OF THE SECRETARY.

To carry out this Act, the Secretary may—

(1) hold hearings and organize contests; and

(2) request the assistance and advice of members of the disability community, the Commission of Fine Arts, and the National Capital Planning Commission, and the Commissions shall render the assistance and advice requested.

SEC. 3. COMMEMORATIVE WORKS ACT.

Compliance by the Secretary with this joint resolution shall satisfy all requirements for establishing a commemorative work under the Commemorative Works Act (40 U.S.C. 1001 et seq.)

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this joint resolution such sums as may be necessary.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. BENNETT. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of Senate Resolution 64, and the Senate proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 64) to designate the week of May 4, 1997, as "National Correctional Officers and Employees Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BENNETT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the Record.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 64) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. Res. 64

Whereas the operation of correctional facilities represents a crucial component of our criminal justice system;

Whereas correctional personnel play a vital role in protecting the rights of the public to be safeguarded from criminal activity;

Whereas correctional personnel are responsible for the care, custody and dignity of the human beings charged to their care; and

Whereas correctional personnel work under demanding circumstances and face danger in their daily work lives:

Now, therefore, be it

Resolved, That the Senate designate the week of May 4, 1997, as "National Correctional Officers and Employees Week." The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. BENNETT. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on the Executive Calendar: Calendar Nos. 52 through 60, and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, and Navy.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations appear at the appropriate place in the Record, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

NATIONAL SCIENCE FOUNDATION

M.R.C. Greenwood, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

John A. Armstrong, of Massachusetts, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Stanley Vincent Jaskolski, of Ohio, to be a member of the National Science Board, National Sciece Foundation, for a term expiring May 10, 2002.

Jane Lubchenco, of Oregon, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2000.

Richard A. Tapia, of Texas, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Mary K. Gaillard, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Bob H. Suzuki, of California, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Eamon M. Kelly, of Louisiana, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

Vera C. Rubin, of the District of Columbia, to be a member of the National Science Board, National Science Foundation, for a term expiring May 10, 2002.

IN THE AIR FORCE, ARMY, MARINE CORPS, NAVY

Air Force nominations beginning Robert N. Agee, and ending Harry M. Wyatt, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Air Force nominations beginning John L. Bush, and ending David G. Talaba, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 1997.

Air Force nominations beginning Barry S. Abbott, and ending Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 27, 1997.

Air Force nominations beginning Christopher R. Kleinsmith, and ending Steven L. Klyn, which nominations were received by the Senate and appeared in the Congressional Record of March 21, 1997.

Air Force nominations beginning Marilyn S. Abughusson, and ending Jesus E. Zarate, which nominations were received by the Senate and appeared in the Congressional Record of March 21, 1997.

Air Force nominations beginning John M. Barker, and ending Jessica R. Ybanez-morano, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 1997.

Army nominations beginning *William M. Austin, and ending *Kenneth W. Stice, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 1997.

Army nominations beginning Richard H. Agosta, and ending Michael V. Walsh, which nominations were received by the Senate and appeared in the Congressional Record of January 7, 1997.

Army nominations beginning Richard Cooper, and ending Gregory Schannep, which nominations were received by the Senate and appeared in the Congressional Record of January 28, 1997.

Army nominations beginning *Ida F. Agamy, and ending *Scott E. Young, which nominations were received by the Senate and appeared in the Congressional Record of January 30, 1997.

Army nomination of George B. Garrett, which was received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nominations beginning Vincent J. Albanese, and ending Joseph T. Wojtasik, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nominations beginning James M. Caldwell, and ending Paul M. Warner, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nominations beginning Bryant H. Aldstadt, and ending *Jeffrey P. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Army nomination of Larry W. Racster, which was received by the Senate and appeared in the Congressional Record of February 27, 1997.

Army nomination of Douglas R. Yates, which was received by the Senate and appeared in the Congressional Record of March 11, 1997.

Army nominations beginning Harry L. Bryan, Jr., and ending William L. Witham, Jr., which nominations were received by the Senate and appeared in the Congressional Record of March 21, 1997.

Army nomination of *Phuong T. Pierson, which was received by the Senate and appeared in the Congressional Record of March 21, 1997.

Marine Corps nominations beginning Dirk R. Ahle, and ending Philip N. Yff, which nominations were received by the Senate and appeared in the Congressional Record of March 5, 1997.

Marine Corps nomination of Todd H. Griffis, which was received by the Senate and appeared in the Congressional Record of April 7, 1997.

Marine Corps nominations beginning Roy P. Ackley, Jr, and ending Philip J. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record of April 7, 1997.

Marine Corps nominations beginning Robert J. Abblitt, and ending Robert M. Zeisler, which nominations were received by the Senate and appeared in the Congressional Record by April 7, 1997.

Navy nominations beginning Cal D. Astrin, and ending Arthur D. Whittaker, Jr, which nominations were received by the Senate and appeared in the Congressional Record of February 5, 1997.

Navy nominations beginning Jason T. Baltimore, and ending Masko Hasebe, which nominations were received by the Senate and appeared in the Congressional Record of February 25, 1997.

Navy nominations beginning Edward H. Lundquist, and ending John D. O'Boyle, which nominations were received by the Senate and appeared in the Congressional Record of March 11, 1997.

Navy nomination of Jamel B. Weatherspoon, which was received by the Senate and appeared in the Congressional Record of April 7, 1997.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR MONDAY, MAY 5, 1997

Mr. BENNETT. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 12 noon on Monday, May 5. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted and that there then be a period for the transaction of routine morning business until the hour of 1 p.m., with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BENNETT. For the information of all Senators, the Senate will not be in session on Friday of this week in order to accommodate a meeting scheduled for the Democratic Members of the Senate. The Senate will reconvene on Monday at 12 noon. After a period of morning business, at 1 p.m., the Senate will begin consideration of the supplemental appropriations bill. Amendments are expected to be offered on Monday. Therefore, votes could occur, but will not occur prior to the hour of 5 p.m., on Monday. We will notify Members as early as possible on Monday with respect to rollcall votes occurring on that day.

The Senate could also be asked to turn to any other Legislative or Executive Calendar items that can be cleared for action on Monday.

ADJOURNMENT UNTIL MONDAY, MAY 5, 1997

Mr. BENNETT. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:08 p.m., adjourned until Monday, May 5, 1997, at 12 noon.

CONFIRMATIONS

Executive nominations confirmed by the Senate May 1, 1997:

NATIONAL SCIENCE FOUNDATION

M. R. C. GREENWOOD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

JOHN A. ARMSTRONG, OF MASSACHUSETTS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

STANLEY VINCENT JASKOLSKI, OF OHIO, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

JANE LUBCHENCO, OF OREGON, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2000.

RICHARD A. TAPIA, OF TEXAS, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

MARY K. GAILLARD, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

BOB H. SUZUKI, OF CALIFORNIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

EAMON M. KELLY, OF LOUISIANA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

VERA C. RUBIN, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2002.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING ROBERT N. AGEE, AND ENDING HARRY M. WYATT, WHICH NOMINATIONS

WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

AIR FORCE NOMINATIONS BEGINNING JOHN L. BUSH, AND ENDING DAVID G. TALABA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 27, 1997.

AIR FORCE NOMINATIONS BEGINNING BARRY S. ABBOTT, AND ENDING THOMAS F. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 27, 1997.

AIR FORCE NOMINATIONS BEGINNING CHRISTOPHER R. KLEINSMITH, AND ENDING STEVEN L. KLYN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

AIR FORCE NOMINATIONS BEGINNING MARILYN S. ABUGHUSSON, AND ENDING JESUS E. ZARATE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

AIR FORCE NOMINATIONS BEGINNING JOHN M. BARKER, JR., AND ENDING JESSICA R. YBANEZ-MORANO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

IN THE ARMY

ARMY NOMINATIONS BEGINNING *WILLIAM M. AUSTIN, AND ENDING *KENNETH W. STICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

ARMY NOMINATIONS BEGINNING RICHARD H. AGOSTA, AND ENDING MICHAEL V. WALSH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 7, 1997.

ARMY NOMINATIONS BEGINNING RICHARD COOPER, AND ENDING GREGORY SCHANNEP, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 28, 1997.

ARMY NOMINATIONS BEGINNING IDA F. *AGAMY, AND ENDING SCOTT F. *YOUNG, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF JANUARY 30, 1997.

ARMY NOMINATION OF GEORGE B. GARRETT, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATIONS BEGINNING VINCENT J. ALBANESE, AND ENDING JOSEPH T. WOJTASIK, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATIONS BEGINNING JAMES M. CALDWELL, AND ENDING PAUL M. WARNER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATIONS BEGINNING BRYANT H. ALDSTADT, AND ENDING JEFFREY P. *ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

ARMY NOMINATION OF LARRY W. RACSTER, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 27, 1997.

ARMY NOMINATION OF DOUGLAS R. YATES, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1997.

ARMY NOMINATIONS BEGINNING HARRY L. BRYAN, JR., AND ENDING WILLIAM L. WITHAM, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

ARMY NOMINATION OF *PHUONG T. PIERSON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 21, 1997.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DIRK R. AHLE, AND ENDING PHILIP N. YFF, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 5, 1997.

MARINE CORPS NOMINATION OF TODD H. GRIFFIS, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

MARINE CORPS NOMINATIONS BEGINNING ROY P. ACKLEY, JR., AND ENDING PHILIP J. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

MARINE CORPS NOMINATIONS BEGINNING ROBERT J. ABBLITT, AND ENDING ROBERT M. ZEISLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

IN THE NAVY

NAVY NOMINATIONS BEGINNING CAL D. ASTRIN, AND ENDING ARTHUR D. WHITTAKER, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 5, 1997.

NAVY NOMINATIONS BEGINNING JASON T. BALTIMORE, AND ENDING MASKO HASEBE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF FEBRUARY 25, 1997.

NAVY NOMINATIONS BEGINNING EDWARD H. LUNDQUIST, AND ENDING JOHN D. O'BOYLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF MARCH 11, 1997.

NAVY NOMINATION OF JAMEL B. WEATHERSPOON, WHICH WAS RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD OF APRIL 7, 1997.

HOUSE OF REPRESENTATIVES—*Thursday, May 1, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. LATOURETTE].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 1, 1997.

I hereby designate the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Leander Wilkes, Second Baptist Church, Santa Barbara, CA, offered the following prayer:

O Thou, who art all and in all, from whom all right purposes and true judgments proceed, and in whose wisdom all who seek Thee become wise; praised be Thou. We thank Thee that through Thy grace another session is awaiting deliberations. We are mindful that You yet rule in the affairs of all peoples and nations and feel more keenly the need for Thy help.

Vouchsafe Thy guidance throughout the deliberations here, that the noble ends of justice, peace, and goodwill be attained. We pray that Thy blessing may rest upon each heart and a sense of Thy favor that will inspire each towards holier resolves, that Thou may be glorified. O Lord, our God, we trust in Thee. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Ms. DELAURO. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER pro tempore. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. DELAURO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 343, nays 42, not voting 48, as follows:

[Roll No. 97]

YEAS—343

Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Christensen
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Flake
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Minge
Moakley
Molinari
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pappas
Parker
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Young (FL)

NAYS—42

Abercrombie
Borski
Brown (CA)
Capps
Chenoweth
Clay
Clyburn
Costello
DeLauro
Dingell
Dooley
English
Ensign
Fazio
Filner
Fox
Furse
Gephardt
Gillmor
Green
Gutierrez
Hefley
Hilliard
Hinchey
Hulshof
Kilpatrick
Kucinich
Lewis (GA)
LoBiondo
McDermott
McGovern
Pallone
Pickett
Pombo
Ramstad
Sabo
Stark
Taylor (MS)
Thompson
Visclosky
Waters
Weller

NOT VOTING—48

Andrews
Baesler
Barrett (NE)
Bartlett
Bono
Burton
Cardin
Clayton
Condit
Conyers
Crane
Davis (IL)
DeFazio
Ehrlich
Engel
Fattah
Foglietta
Forbes
Gonzalez
Herger
Hutchinson
Istook
Kaptur
Latham
Livingston
Maloney (NY)
McIntosh
Miller (FL)
Mink
Moran (KS)
Nadler
Northup
Nussle
Oberstar
Pascrell
Porter
Riggs
Sanders
Schiff
Souder
Stupak
Tierney
Torres
Watt (NC)
Wexler
Wolf
Yates
Young (AK)

☐ 1022

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BARRETT of Nebraska. Mr. Speaker, on rollcall No. 97, I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. BONO. Mr. Speaker, unfortunately, I was unavoidably detained today and missed rollcall vote No. 97, on agreeing to the Journal. If I had been present, I certainly would have voted "yea" in its support.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore [Mr. LATOURETTE]. Will the gentleman from California [Mr. CALVERT] come forward and lead the House in the Pledge of Allegiance.

Mr. CALVERT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate has passed without amendment bills of the House of the following titles:

H.R. 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

H.R. 1001. An act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

WELCOME TO THE REVEREND LEANDER WILKES

(Mr. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CAPPS. Mr. Speaker, our morning prayer today was offered by the Reverend Leander Wilkes, who lives and works in my hometown, Santa Barbara, CA. He and his wife, Thelma, and their children, Leo, Dierdra, Jamaal, and the late Lucy are admired and respected by all who know them.

On this National Day of Prayer when we are mindful of the abundant blessings of God and are also aware of the manifest challenges we face as a nation, it is appropriate that we take our first signals of the day from a man of such consummate compassion, wisdom, good grace, and youthful optimism.

ANNOUNCEMENT OF PROCEDURE FOR AMENDMENTS ON H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

(Ms. PRYCE of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. The Committee on Rules may meet early next week to grant a rule which may limit the amendments to be offered to H.R. 3, the Juvenile Crime Control Act of 1997. Subject to the approval of the Committee on Rules, this rule may include a provision limiting amendments to those specified in the rule. Any Member who desires to offer an amendment should submit 55 copies and a brief explanation of the amendment by noon on Monday, May 5, to the Committee on Rules at room H–312 in the Capitol.

Amendments should be drafted to the text of the bill as reported from the Committee on the Judiciary. The bill and report are to be filed today, and until such time as the text is available in the document room it will be available in the Committee on the Judiciary. Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces he will entertain five 1-minute speeches on each side.

THE NATIONAL DAY OF PRAYER

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, our Nation's first call to prayer came in 1775 when the Continental Congress asked the Colonies to pray for wisdom in forming a nation. Since then, the call to prayer has continued throughout our history.

In 1952 a joint resolution by Congress, signed by President Truman, declared an annual National Day of Prayer. In 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May.

Today is the National Day of Prayer. We are celebrating in the Cannon Caucus Room all day, from 10 a.m. to 3 p.m. Military chiefs of staff, Cabinet Secretaries, Senators and Representatives are gathering to ask for prayers from the people. The National Day of Prayer belongs to all Americans of all faiths. It stands as a call to us to humbly come before God, seeking his guidance for our leaders and his grace upon us as a people. Please join me today by stopping by the Cannon Caucus Room to celebrate this great event. It is our prayer that during the National Day of Prayer, America will again remember the trust that made this Nation great.

STAND UP FOR LEGAL IMMIGRANTS

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, another day, another story of a senior or a person with a disability who will suffer because this Congress decided to take away vital benefits from legal immigrants. Unfortunately, since we only have 92 days to go, I cannot tell the Members every story.

Today I have time to tell about Cheslaw Matyszcyk. Cheslaw worked in Poland as a Solidarity member, working hard, taking care of his family and being part of the movement that swept away communism. He came to America to provide a better future for his family, and he did. He worked hard every day at Ford Motor Co. until an accident left him disabled and unable to continue in the work force, even though he would give anything, anything to continue to provide for himself and his family. But since 92 days is not enough to tell every story, let me have Cheslaw tell you about himself:

"I am not without hope. I believe in America, and that the government of the United States won't hurt me."

Cheslaw came to our country, gave to our country, and still believes in our country. Let us show him he has a reason to believe, and stand up for legal immigrants.

CONGRESS IS MOVING FORWARD WITH ITS AGENDA WHILE THE WHITE HOUSE DEALS WITH SCANDALS

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, while the White House is fully occupied with an army of lawyers dealing with all the campaign scandals, we here in Congress are moving forward with our agenda.

Our agenda is nothing more than the agenda the American people who elected us asked us to implement. That agenda includes balancing the budget for the first time since 1969. That agenda includes cutting the tax on capital gains so that the economy will produce more jobs and more opportunities, cutting taxes for working families, giving them relief at home.

That agenda includes fundamental Medicare reform so seniors are protected from a system in danger of bankruptcy. That agenda includes smaller government, less bureaucracy, and more control in local communities. That agenda includes a recognition that the fraying of America can only be addressed with a greater respect for traditional American values, and by strengthening the family, not weakening it.

□ 1030

That is our agenda and that is the agenda of the majority of the American people. I ask my colleagues to join me in implementing that agenda.

HANDGUN VIOLENCE

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute.)

Mr. BLAGOJEVICH. Mr. Speaker, years ago parents lived in fear that their children might one day catch polio. Many of our best doctors and scientists put all their energies into finding a cure. Years ago things like measles, tuberculosis and tetanus posed serious threats to the health of our children. These diseases were aggressively researched and solutions were found.

Today there is a new epidemic threatening our children: handgun violence. We know that handgun violence affects more than 10 times as many children as polio ever did. In fact in many States, handgun violence is the leading cause of death among children. But we are fighting handgun violence with only 1 percent of the resources we used to fight polio.

We should confront handgun violence with the same urgency that previous generations brought to the leading health epidemics of their time. Their example should serve as an inspiration. If we could find a vaccine for polio, we can find a solution to handgun violence. A sure way to show our commitment to that effort, I urge my colleagues, is to vote for my bill that would ban handgun possession by anyone under 21.

NATIONAL DAY OF PRAYER

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BARR of Georgia. Mr. Speaker, on this National Day of Prayer, I think it is important for all of us and for the American people to realize that we do, as did our Founding Fathers, derive our powers, derive our sense of what is right and wrong, derive our very sense of the moral fiber of our country not from ourselves, not from within ourselves, but from the hand of God.

I believe that as we move forward and debate the important issues, many of which are very contentious, of a political nature in our country in these days and months ahead, that even if we do disagree and there will be disagreements, at least we assure the American people very honestly that our sense of what we are doing, that the positions that we are reflecting, the position that we state on behalf of our citizens are those that are born of reflective prayer and belief, that these do indeed represent the will of our founder, our true founder, our Lord. I think it is very important to recognize that and to assure Americans that that is indeed the basis on which we act here in this House of Representatives.

CITIZENSHIP USA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Immigration and Naturalization Service admits that up to 180,000 criminals were improperly granted citizenship. The INS now says we made a mistake and allowed applicants to submit copies of their own fingerprints, and the criminals submitted phony prints. Beam me up.

I say it is time to wage a real war on illegal immigration and drugs. Let us transfer some of our military troops falling out of chairs on arm rests, cashing their American paycheck in Tokyo and Frankfurt and put them on our border and stop this business. This is a joke. This program called Citizenship USA has turned into Criminal USA. It does not take Karnak the Magnificent to figure it out.

Congress should fire those incompetent, stumbling, bumbling nincompoops at the Immigration and Naturalization Service. Print this.

I yield back the balance of all illegal immigrants.

VETERANS' CEMETERY PROTECTION ACT OF 1997

(Mr. CALVERT asked and was given permission to address the House for 1 minute.)

Mr. CALVERT. Mr. Speaker, I rise today with my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], in reintroducing the Veterans' Cemetery Protection Act. Whenever a young man or woman decides to enter the military, they do so voluntarily in order to protect our country and guard against the uncertainties of the world. Sometimes they make the ultimate sacrifice. Over 1 million Americans have died fighting in our country's wars. That is why it sickens me when I hear of hooligans desecrating our national cemeteries.

In 1996, Riverside National Cemetery, the second largest cemetery in this country, next only to Arlington, fell prey to vandals who stole bronze markers from 128 graves. On April 19, vandals spray-painted racist and profane words on the cemetery walls of the National Memorial Cemetery of the Pacific in Hawaii. Enough is enough. The Veterans' Cemetery Protection Act would stiffen criminal penalties for theft and malicious vandalism at national cemeteries. I wish to thank the gentleman from Arizona [Mr. STUMP] of the House Committee on Veterans' Affairs, the gentleman from California [Mr. BONO], the gentleman from California [Mr. ROYCE], and many others who have come forward to support this bill.

Being so close to Memorial Day, I invite my colleagues to become original cosponsors of this measure as a small gift to our Nation's veterans.

IN SUPPORT OF THE VETERAN'S CEMETERY PROTECTION ACT

(Mr. ABERCROMBIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ABERCROMBIE. Mr. Speaker, I am very pleased to rise as the cosponsor with the gentleman from California [Mr. CALVERT] today of the bill which he just enumerated. I think many people in the United States and even around the world according to the administrators at Punch Bowl Cemetery have recognized what has taken place. This is beyond vandalism. That is why this bill is coming forward.

I am also grateful to the gentleman from Arizona [Mr. STUMP] and everyone else who has helped us to recognize what needs to be done here. The present legal situation in the United States does not cover this kind of desecration. This is beyond vandalism. I think there is perhaps a demented mentality at work here.

We cannot reward it by reacting in a way that is beyond what the bill calls for. We will look into matters of security. We will look into other legal matters associated with it. But this action must be taken in order to protect monuments, memorials, cemeteries all across the Nation and in fact probably all across the world. I thank the gentleman from California [Mr. CALVERT]. I thank the gentleman from Arizona [Mr. STUMP]. I thank the Democratic Members who are truly making this a bipartisan effort.

ERGONOMICS

(Mr. BONILLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONILLA. Mr. Speaker, I want to give my colleagues a brief course today on a new word called ergonomics. It is confusing because it sounds a little bit like ebonics or economics. Why are we hearing more about it lately? Because OSHA is starting to promulgate and write a rule that will hurt every American small business.

Since ergonomics a tough word to remember, I will spell it out. The E in ergonomics stands for expensive. It will cost small business an arm and a leg to comply.

The R is for redtape and the regulatory nightmare it would create. The G is for grab more power by the big labor unions, and that is their goal. The O is for OSHA, attempting to control every nook and cranny in the workplace.

The N is for no, because no definitive science exists to support such a standard. The O, once again, is for OSHA for overzealous. The M is for the medical experts who do not know what causes ergonomic injuries yet. The I is for if, because if you think this is a bad rule or the EPA-proposed standards were bad, wait until you see this. The C is for common sense and the lack of it in proposing this idea, and the S is for science and the need for a well-respected National Academy of Science report before we promulgate this rule.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE). The Chair would remind all persons seated in the gallery that they are guests of the House, and the rules of the House prohibit either approval or disapproval of the remarks of any speaker.

IN SUPPORT OF PRESIDENT'S REQUEST FOR WIC

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, I would like to respond to a letter printed in this morning's New York Times by my friend and my colleague from the other side of the aisle, the gentleman from Georgia [Mr. KINGSTON]. The gentleman from Georgia [Mr. KINGSTON] writes that the President's request for $76 million in funds for the women, infants and children program is based on old census data.

The statement is simply inaccurate. The $76 million figure is based on numbers submitted from the States to the U.S. Department of Agriculture in early April of this year. These are not House Member numbers. These are not administration numbers. These are the numbers from the united States in this country. These numbers are in fact only a few weeks old. More importantly, these figures indicate that without the full $76 million requested by the President, 360,000 women and children will be removed from the WIC Program.

Does the majority party really want to take milk, cereal, and formula off the breakfast tables of thousands of needy families? I do not think so.

Democrats are united in our opposition to the WIC reductions. I urge my Republican colleagues to join us in voting to restore the full amount of the President's request for WIC.

COMMITTEE FUNDING RESOLUTION

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 136 and ask for its immediate consideration:

The Clerk read the resolution, as follows:

H. RES. 136

Resolved, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the One Hundred Fifth Congress. The resolution shall be considered as read for amendment. The amendment in the nature of a substitute recommended by the Committee on House Oversight now printed in the resolution shall be considered as adopted. The previous question shall be considered as ordered on the resolution, as amended, to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on House Oversight; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 136 is a closed rule providing for consideration of House Resolution 129, a resolution which authorizes funding for committee salaries and expenses for 17 standing committees of the House of Representatives and the Permanent Select Committee on Intelligence for the 105th Congress.

House Resolution 136 provides for consideration of the committee funding resolution without intervention of any point of order. The rule also provides that the amendment in the nature of a substitute recommended by the Committee on House Oversight will be considered as adopted.

This resolution provides 1 hour of debate equally divided and controlled by the chairman of the ranking minority member of the Committee on House Oversight. Finally, the rule provides one motion to recommit, as is the right of the minority.

Mr. Speaker, the process established by this rule for the consideration of House Resolution 129 is not any different than the process established for previous committee funding resolutions. Under clause 4(a) of House rule XI, committee funding resolutions are privileged on the House floor and unamendable.

As the minority knows, it is unnecessary to craft a rule to bring up the committee funding resolution unless there is a need to waive points of order that could legitimately be sustained against the resolution. In this case, such a waiver is necessary to address what is clearly a technical violation of the rules of the House.

Specifically, clause 2(d)(2) of House rule X requires committees to vote to approve their oversight plans for submission to the House Committee on Government Reform and Oversight and the House Oversight Committee by February 15 of the first session of each Congress.

In addition, the rule prohibits consideration of a committee funding resolution if any committee has not submitted plans by February 15. The House rule also prohibits consideration if these plans were not adopted in an open session with a quorum present. It is quite well known to both sides that certain committees were unable to organize before February 15 because the committee assignment process had not been completed by that time. As a result, those particular committees were obviously unable to assemble and vote to approve their oversight plans in a timely manner.

Today, I am pleased to report that each committee has submitted an approved oversight plan to the Government Reform and Oversight Committee and the House Oversight Committee. I want to commend the gentleman from California [Mr. THOMAS], the chairman, for working hard again to produce sufficient funding for House committees to complete their work.

It is clear that he had to balance an assortment of concerns with limited funding at his disposal, and the product of his work under extraordinarily tight fiscal constraints will help guarantee that the available funding is spent where it is needed most.

I urge my colleagues to support the rule so that we may proceed with debate and consideration of the committee funding resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume; and I thank my friend, the gentleman from Georgia [Mr. LINDER], for yielding me the customary half hour.

Mr. Speaker, this rule provides for consideration of the committee funding resolution for this Congress. On March 20, Mr. Speaker, we took up a rule for committee funding along with an enormous slush fund for political investigations; and a majority of my colleagues, in their wisdom, defeated it.

Today's rule provides for an additional 5 percent increase in committee funding, which will bring the total increase in committee funding to 14 percent, an increase that I think is unjustified, particularly, Mr. Speaker, because most of it will be put toward a slush fund and a political investigation of Democrats. But today's bill contains only funding for committees not involved in extra investigations, and for some committees it contains a fair amount of money for the minority.

As the ranking minority member on the Rules Committee, I would like to thank my chairman, the gentleman from New York [Mr. SOLOMON], for his fair treatment of the minority. When I was chairman of the Committee on Rules, we also gave the minority one-third of the committee's salary money; and I appreciate the gentleman from New York [Mr. SOLOMON], the chairman, continuing in this fair tradition.

I would like to encourage other committee chairs to follow the example of the gentleman from New York [Mr. SOLOMON], the chairman, and treat the minority members as fairly as he treats his majority members. The committee's report says that only 8 out of 17 committees follow the one-third allocation of the gentleman from New York [Mr. SOLOMON], the chairman, and I believe all the committees should follow it.

Mr. Speaker, normally our rule would be unnecessary because this resolution would be privileged. But the Republicans instituted a rules change requiring committees to vote on oversight plans and submit those plans to the House Oversight Committee. If committees did not get their plans in on time, their funding resolution would be subject to a point of order.

☐ 1045

Mr. Speaker, today we are seeing yet another Republican rule change, another Republican rule violated, another Republican rule violation waived.

I am not suggesting that the gentleman from California [Mr. THOMAS] is unjustified in asking for the waiver. After all, his committee is being held responsible for other committees' failure to comply with the new Republican House rules. But, Mr. Speaker, this making the rules and this breaking the rules is nothing new. It is another in a long list of Republican rules changes that prove too hard to follow, like the rule requiring a three-fifths vote for tax increases that my Republican colleagues have waived over and over and over and over again.

So let me repeat, Mr. Speaker. The gentleman from California is not responsible for the need for this waiver because of circumstances over which he had no control. His committee, the Committee on House Oversight, was forced to go up to the Committee on Rules and ask for this rule to waive points of order.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. THOMAS. Mr. Speaker, pursuant to House Resolution 136, I call up the resolution (H. Res. 129) providing amounts for the expenses of certain committees of the House of Representatives in the 105th Congress and ask for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 129

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FIFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fifth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,656,162; Committee on Banking and Financial Services, $8,901,617; Committee on the Budget, $9,940,000; Committee on Commerce, $14,576,580; Committee on Education and the Workforce, $10,125,113; Committee on House Oversight, $6,100,946; Permanent Select Committee on Intelligence, $4,815,526; Committee on International Relations, $10,368,358; Committee on the Judiciary, $10,699,572; Committee on National Security, $9,756,708; Committee on Resources, $9,876,550; Committee on Rules, $4,649,102; Committee on Science, $8,677,830; Committee on Small Business, $3,906,941; Committee on Standards of Official Conduct, $2,456,300; Committee on Transportation and Infrastructure, $12,483,000; Committee on Veterans' Affairs, $4,344,160; and Committee on Ways and Means, $11,066,841.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1997, and ending immediately before noon on January 3, 1998.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,791,039; Committee on Banking and Financial Services, $4,363,817; Committee on the Budget, $4,970,000; Committee on Commerce, $7,122,959; Committee on Education and the Workforce, $5,002,127; Committee on House Oversight, $3,093,200; Permanent Select Committee on Intelligence, $2,358,040; Committee on International Relations, $5,145,358; Committee on the Judiciary, $5,054,800; Committee on National Security, $4,729,454; Committee on Resources, $4,800,014; Committee on Rules, $2,306,407; Committee on Science, $4,263,672; Committee on Small Business, $1,936,471; Committee on Standards of Official Conduct, $1,276,300; Committee on Transportation and Infrastructure, $6,141,500; Committee on Veterans' Affairs, $2,084,368; and Committee on Ways and Means, $5,387,934.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,865,123; Committee on Banking and Financial Services, $4,537,800; Committee on the Budget, $4,970,000; Committee on Commerce, $7,453,621; Committee on Education and the Workforce, $5,122,986; Committee on House Oversight, $3,007,746; Permanent Select Committee on Intelligence, $2,457,486; Committee on International Relations, $5,223,000; Committee on the Judiciary, $5,644,772; Committee on National Security, $5,027,254; Committee on Resources, $5,076,536; Committee on Rules, $2,342,695; Committee on Science, $4,414,158; Committee on Small Business, $1,970,470; Committee on Standards of Official Conduct, $1,180,000; Committee on Transportation and Infrastructure, $6,341,500; Committee on Veterans' Affairs, $2,259,792; and Committee on Ways and Means, $5,678,907.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

SEC. 7. OFFSET OF INCREASE IN COMMITTEE EXPENSES.

Any net increase in the aggregate amount of expenses of committees for the One Hundred Fifth Congress over the aggregate amount of funds appropriated for the expenses of committees for the One Hundred Fourth Congress shall be offset by reductions in expenses for other legislative branch activities.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 136, the committee amendment in the nature of a substitute printed in House Resolution 129 is adopted.

The text of the committee amendment in the nature of a substitute is as follows:

Resolved,

SECTION 1. COMMITTEE EXPENSES FOR THE ONE HUNDRED FIFTH CONGRESS.

(a) IN GENERAL.—With respect to the One Hundred Fifth Congress, there shall be paid out of the applicable accounts of the House of Representatives, in accordance with this primary expense resolution, not more than the amount specified in subsection (b) for the expenses (including the expenses of all staff salaries) of each committee named in that subsection.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $7,656,162; Committee on Banking and Financial Services, $8,901,617; Committee on the Budget, $9,940,000;

Committee on Commerce, $14,535,406; Committee on Education and the Workforce, $10,125,113; Committee on House Oversight, $6,050,349; Permanent Select Committee on Intelligence, $4,815,526; Committee on International Relations, $10,368,358; Committee on the Judiciary, $10,604,041; Committee on National Security, $9,721,745; Committee on Resources, $9,876,550; Committee on Rules, $4,649,102; Committee on Science, $8,677,830; Committee on Small Business, $3,906,941; Committee on Standards of Official Conduct, $2,456,300; Committee on Transportation and Infrastructure, $12,184,459; Committee on Veterans' Affairs, $4,344,160; and Committee on Ways and Means, $11,036,907.

SEC. 2. FIRST SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1997, and ending immediately before noon on January 3, 1998.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,791,039; Committee on Banking and Financial Services, $4,363,817; Committee on the Budget, $4,970,000; Committee on Commerce, $7,122,959; Committee on Education and the Workforce, $5,002,127; Committee on House Oversight, $3,042,603; Permanent Select Committee on Intelligence, $2,358,040; Committee on International Relations, $5,145,358; Committee on the Judiciary, $5,054,800; Committee on National Security, $4,719,454; Committee on Resources, $4,800,014; Committee on Rules, $2,306,407; Committee on Science, $4,263,672; Committee on Small Business, $1,936,471; Committee on Standards of Official Conduct, $1,276,300; Committee on Transportation and Infrastructure, $5,992,229; Committee on Veterans' Affairs, $2,084,368; and Committee on Ways and Means, $5,366,700.

SEC. 3. SECOND SESSION LIMITATIONS.

(a) IN GENERAL.—Of the amount provided for in section 1 for each committee named in subsection (b), not more than the amount specified in such subsection shall be available for expenses incurred during the period beginning at noon on January 3, 1998, and ending immediately before noon on January 3, 1999.

(b) COMMITTEES AND AMOUNTS.—The committees and amounts referred to in subsection (a) are: Committee on Agriculture, $3,865,123; Committee on Banking and Financial Services, $4,537,800; Committee on the Budget, $4,970,000; Committee on Commerce, $7,412,447; Committee on Education and the Workforce, $5,122,986; Committee on House Oversight, $3,007,746; Permanent Select Committee on Intelligence, $2,457,486; Committee on International Relations, $5,223,000; Committee on the Judiciary, $5,549,241; Committee on National Security, $5,002,291; Committee on Resources, $5,076,536; Committee on Rules, $2,342,695; Committee on Science, $4,414,158; Committee on Small Business, $1,970,470; Committee on Standards of Official Conduct, $1,180,000; Committee on Transportation and Infrastructure, $6,192,230; Committee on Veterans' Affairs, $2,259,792; and Committee on Ways and Means, $5,670,207.

SEC. 4. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the committee involved, signed by the chairman of such committee, and approved in the manner directed by the Committee on House Oversight.

SEC. 5 REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Oversight.

SEC. 6. ADJUSTMENT AUTHORITY.

The Committee on House Oversight shall have authority to make adjustments in amounts under section 1, if necessary to comply with an order of the President issued under section 254 of the Balanced Budget and Emergency Deficit Control Act of 1985 or to conform to any reduction in appropriations for the purposes of such section 1.

The SPEAKER pro tempore. Under the rule, the gentleman from California [Mr. THOMAS] and the gentleman from Connecticut [Mr. GEJDENSON] each will control 30 minutes.

The Chair recognizes the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

House Resolution 129 is the second installment, if you will, of committee funding for the 105th Congress. If my colleagues will recall, in House Resolution 91, which the House passed a short time ago, we funded one of the standing committees, the Committee on Government Reform and Oversight, and assisted in maximizing the utilization of staff with the creation of a reserve fund. The other committees were maintained at the then-current House rules provision until a second funding resolution could be created. House Resolution 129 is that second funding resolution. It contains funding for 18 standing committees of the 19 and the Permanent Select Committee on Intelligence.

The dollar amounts funding these committees are roughly the same as in House Resolution 91. There are, however, in particular committees, various reductions which equal about $550,000 over the 2-year period of the 105th Congress. The total amount of increase for these committees from the 104th Congress to the 105th Congress is 4 percent. That is 2 percent a year; 1997, 1998.

The committees determine for themselves the distribution of the expenditure between the years, but in the aggregate, the amount of this resolution is a very modest increase of 2 percent a year for the 105th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Our greatest frustration, of course, was not with this portion of committee funding. Many Members on the other side of the aisle, obviously, were upset and I think outraged by the amount of funding and the uncontrolled situation with the gentleman from Indiana [Mr. BURTON] and his committee. In some other matters in this area, frankly, there are some differences on this side, but generally there is not strong disagreement with what the committee is doing.

We are glad to see in general that some of the things that were tried are now being returned to the way they had operated in the past, in a more regular order. This Congress does the people's business, and while great focus is placed on the numerical activity that will occur here on the floor in the budget sense, the real question is how well we are doing our people's business.

There is a frustration there as well, not so much with what is happening in this committee but generally on the floor of the House of Representatives. Issues that need to be addressed, from campaign finance reform to children's health, do not seem to be moving. We are in danger in the budget process of not simply ignoring deadlines, which would sound somewhat arbitrary, but the pressure of tax cuts and other things there that may balloon the deficit in the out years loom once again.

So our concerns here are to make sure that, not just in a budgetary sense but from an operational sense, are we doing the business of the people of this country? Are we trying to improve the standard of living for every working American to make sure they have health care, that their children can get a decent education? That is what the resources that are being discussed today are meant to do. And the real question in my mind is: Is this Congress leading the country in the right direction? There we have a very significant debate.

Mr. Speaker, I reserve the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume and say that I find it somewhat ironic that the gentleman from Connecticut cites a number of issues that he believes are overdue for correction, and he finds himself mentioning campaign finance reform when, in fact, in the 103d Congress the gentleman's party controlled the House, the Senate, and the Presidency, and during that time nothing was presented to the President.

In this particular congressional situation, Republicans have control of the House and the Senate and his party controls the Presidency. Notwithstanding that, we have moved fundamental welfare reform. We are on the verge of announcing a historic budget agreement. And if the gentleman mistakes the lack of movement in the committees for the lack of movement between the House, the Senate, and the administration, I can assure the gentleman that as the final touches are put on a budget package, the committees will be more than busy.

That is one of the reasons we want to move the financing for the committees, so that when they get the budget specifics they will be able to move relatively quickly.

I do think it is important to remind my colleagues and those who are watching and listening that at the beginning of the historic 104th Congress we cut committee staff fully by one-third. We maintain that one-third reduction. We cut by about a third the funding for the committees, and with modest increases we retain that reduction.

So instead of a meaningful comparison between the 104th and the 105th Congress, the most meaningful comparison would be between the 103d and the 105th. And if we compare committee funding under the last Democratic majority Congress and this, the second Republican Congress, we will find that funding has been cut by more than 20 percent.

So although we sometimes get wrapped up on narrow numbers and talk about a modest 4-percent increase for these committees from the 104th to the 105th, we should not lose sight of the fact that there was an enormous reduction both of staff and of the cost of the committees. Major legislation has gone through the committees and, in fact, arrived on the President's desk and was signed.

Not to mention the significant number of changes that were long overdue in the way in which the House has been run, including the first ever audit, the follow-up audit, and now audits becoming rather routine, when, in fact, in the history of the House there had never been a private-public audit before.

So when the gentleman looks for arguments, I find it ironic that he focuses on the fact that while the President and the leaders of the House and the Senate are at this moment working to craft a historic document, he points to the fact that committees are not moving product for the sake of appearing to be busy.

One of the things you will find under this majority in both the House and the Senate is that it is not necessarily quantity that counts, it is the quality of the work that we do that counts most.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

I would like to take my friend up on his discussion of campaign finance reform and say several things:

One, in the two previous Congresses to the Republican majority, the House of Representatives did pass comprehensive campaign finance reform, which I led the effort in in the Congress. Prior to President Clinton's election, President Bush, at the behest of many of the Republican Members in this Congress, vetoed the bill.

In the first term of President Clinton, where we finally had a President who said he would sign campaign finance reform and encouraged us to pass it, and indeed we did pass it in the House, and it violates House rules to mention a particular Senator in the other body, but there was a Senator from Kentucky who is still there who is threatening again to kill finance reform if it ever got out of this institution.

□ 1100

But there is an even more important issue at hand here. When we talk about campaign finance reform, the Republican majority does not believe in spending limits, does not believe in limiting the amount of money in campaigns, and fundamentally we cannot have reform unless we are ready to limit the amount of money in campaigns.

As far as the operations of the House, there are certainly operations in the Clerk's office and in HIR that are not working as well as they were prior to all the reforms. We hope you get there and there are always some bumps in the road in going through this process, but it seems to me there are some things that still need to be fixed here.

Again I think among the most important issues we could be discussing today would be campaign finance reform, and there are a number of very positive proposals out there. I am now working on a $100 spending limit, which I think would really give people confidence that they could be significant players in the political process, no more than $100, a $100 dollar bill would be the limit. We would not have $10,000 or $100,000 contributions. But we cannot discuss that on the floor generally and move on it until the majority gives us a rule or allows us to bring the bill to the floor.

So as happy as we are to see the committee moving, and they made some progress on the disbursement of funds, it seems to me that some of the fundamental issues not only are far from reaching the floor of the House but we find ourselves with a Republican majority not even believing in the basic principles that are necessary to move the debate forward. Are we ready to limit large contributions? Are we ready to limit it to $100 so that every American can participate on a relatively equal level, or do we want to keep those $10,000, $100,000 contributions?

When the Republican majority brought out a campaign finance bill in the last Congress, they took the limits off. They wanted to increase how much wealthy individuals could give to campaigns. If you believe the problem in the American political system is that wealthy people do not have enough access to government, you have been on another planet. What we need to do is find another way to make sure that every American has equal access to the political process, to make sure that we limit even the appearance of things that look bad, and that is why we are hoping to see that kind of bill.

Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. LAMPSON].

Mr. LAMPSON. I thank the gentleman for yielding time.

Mr. Speaker, when the majority party was in the minority, they did complain about the size of government. Now they seek an outrageous increase in the dollars spent on their own personal political fiefdoms. It begs the question of whether the majority's supposed concern about the size of government was a core belief or just political rhetoric, particularly after a promised freeze.

Actions speak louder than words. I know there are uses for those dollars that can benefit working families. I find it difficult to believe that the committees need such an increase in staff. The majority's meager agenda so far in this Congress certainly does not warrant it, and I will vote against House Resolution 129.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. NEY], the vice chairman of the Committee on House Oversight.

Mr. NEY. Mr. Speaker, House Resolution 129 authorizes $149.9 million over 2 years for the basic operation of 18 House committees in the 105th Congress. I think it is important to note today that this is a $46.3 million decrease from the authorized level in the 103d Congress, a 24-percent reduction. Let me repeat that, Mr. Speaker. This is a $46.3 million decrease. This allows the U.S. House to continue officially to operate on behalf of the taxpayers the committees that are established here in Congress, but also due to the great guidance of the gentleman from California [Mr. THOMAS], our chairman, and the members of the committee, we have a fiscally responsible plan that provides a decrease, yet allows us to do our duties and to carry forth the process of the committee.

Historically, Mr. Speaker, I would like to mention this today, the minority party was funded far below the one-third targeted amount that we are trying to achieve in this new Congress. In 1991, the minority party was funded at 19 percent. In 1993, the minority party was funded at 18.5 percent. Beginning in 1994, with the 104th Congress, not only were we able to again decrease the amount of funding to the committees, but we were able to start the process of having the funding begin to rise for the minority on the committee. In 1994, the minority party was funded at 21 percent, and in 1995, the minority party was funded around 29 percent. These are averages, Mr. Speaker, of the entire committee funding.

Let me give just a few details. There are 7 committees that the minority staff is funded at 33 percent or more, far above the 19 percent type of average that we were dealing with in 1993 and 1994. So there are 7 committees that the minority staff is funded at 33 percent or more. There are 7 committees that the minority staff is funded at 25 percent to 32 percent funding. And there is one committee that the minority staff is funded at 20 percent to 24 percent. There are no committees that it is funded less than 20 percent.

Our goal is to have the minority funded at one-third and we are not far from that goal. It has been hard in some cases to achieve it but, frankly, previous to the 104th Congress, the minority was so low in most of the cases that it is tough to build that base back up.

What do we have? We have promises that we have made and promises that we have kept. We promised to cut the committee staff, and we did that. In the 103d Congress, the approximate number of committee staff was 1,645. In the 104th Congress, we reduced it by one-third, to 1,100. This is a good proposal we have today, and I would surely credit the gentleman from California [Mr. THOMAS], the chairman, and the members of the committee for being so responsible and for also conducting the business of the House in a fiscally responsible manner.

Mr. GEJDENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. KILPATRICK], a member of the committee.

Ms. KILPATRICK. Mr. Speaker, I thank my colleague from Connecticut for yielding me this time to address our committee resolution.

I do want to thank the gentleman from California [Mr. THOMAS], the chairman, and our ranking member for the experiences I have enjoyed as we worked through the committee resolution. I am very hopeful that as we move to our implementing of the resolution that the minority in fact will get the one-third that is necessary for us to carry out our business. It is important as I serve in this 105th Congress that we are all able to participate, that we are all able to represent those who have sent us here, and I am really anxious that the committees can get off and get into doing their work. We have got a lot of work ahead of us.

I wish this bill were before us that would solve the problems of campaign finance, but the fact of the matter is it does nothing, it absolutely does nothing to change what we do need, which is, a major overhaul in campaign financing. What it will do is provide committees the monetary assistance they need to carry on the business of their committees.

I am hopeful that as we move into the Congress, we will again address the families first agenda. That will include good housing, adequate education, clean environment, water, air, all those kinds of things, good-paying jobs. I am anxious that this 105th Congress get into those.

Today we will be debating H.R. 2, which is the new housing comprehensive legislation. It has a lot of problems. I hope that as we go into this debate, as we give the committees the moneys they need to do their work, that we remember, the American people want action from this Congress. They want us to provide the leadership that this country needs so that our children can be educated, our seniors can be safe, good jobs return to this country and that the environment is safe.

Again I want to thank the gentleman from California [Mr. THOMAS] for his leadership and the gentleman from Connecticut [Mr. GEJDENSON], our ranking member, for providing us the opportunity. Let us move on with the work of the Congress and do what the people require it to do.

Mr. THOMAS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. EHLERS], a valued member of the Committee on House Oversight.

Mr. EHLERS. I thank the gentleman for yielding me this time.

Mr. Speaker, it is a pleasure to address this topic. It is one that we have spent a good deal of time on in the Committee on House Oversight. As most of the Nation knows, when the Republicans took over the House of Representatives, we put in some drastic budget cutting measures. In fact, we saved $210 million from our congressional budget for the people of the United States of America in the last session. That is the larger cut than we applied across the board to any Federal agency.

In other words, we felt we should lead the way in this Congress and in this committee by cutting our own budget first. We cut committee staff by one-third. I am pleased with the amount of work that we have been able to do in spite of that cut. I have heard the news media saying that the Congress is not doing anything. I do not know where they are. Maybe they are sitting in the coffee shops instead of coming to the committee meetings I am in. I have spent hours and hours in the Committee on Science, of which I am a member. I have spent hours in the Committee on Transportation and Infrastructure, where we are working on the formula for funding ISTEA, the Intermodal Surface Transportation Efficiency Act, which is a major piece of legislation up for reauthorization this year. I just came to the floor to speak while sitting in a hearing in the Subcommittee on Aviation dealing with war risk insurance, something that must be addressed soon. But in the Committee on Science in particular, my schedule has been full, as has been the schedule of every member of the Committee on Science. We have reported out approximately 10 bills for action on the floor, most of which have been taken up on the floor, with one major piece still remaining to be considered. And we have been able to do all this and do quality work after having cut the staffs of our committees by one-third. In other words, we have gotten rid of the fat and we are down to the bone, and we are doing good work with the bone that is left.

In regard to the proposal before us, the committee funding proposal, we are talking about an average 2 percent per year increase, below the cost-of-living increase, below the increase that is being given to all Federal employees and Federal retirees, below the increase that is being given to Social Security recipients. I think it is remarkable that we would cut our staff by one-third in the last session, and have a below-cost-of-living increase in this session, and still be able to do the amount and the quality of work that we have been doing in our committees. They are receiving a lot of careful consideration. The floor action has been less than overwhelming, simply because so much work is being done in committees, but that work will come to the floor very shortly.

I am very pleased to rise in support of this proposal and to recommend that the House adopt what is a fair funding proposal for the committees, one that conservatives and liberals alike should welcome as an example of how we can use the taxpayers' money to get the job done at much less cost than we had before.

Mr. GEJDENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Maine [Mr. ALLEN].

Mr. ALLEN. Mr. Speaker, I rise today in opposition to the committee funding resolution. The majority seeks to increase committee funding by $22 million, or 14 percent over the level that was spent last year. Yet last week the majority cut $38 million from the President's budget request for Women, Infants and Children, one of our most successful programs. That $38 million reduction in the President's request essentially would deny 180,000 women and children the most basic nutrition and health assistance.

These Republican priorities are embarrassing. Twenty-two million more for House committees and investigations, $38 million less than is needed for mothers and infants. Study after study has found that the WIC Program successfully increases low birth weights and reduces infant mortality and child anemia. The first 3 years of a child's life are critically important for a child's intellectual and emotional development. Good nutrition is a strong component of that equation. The GAO reports that each dollar invested in WIC prenatal care saves $3.50 in later expenses in Medicaid. AT&T's CEO Robert Allen called WIC the health care equivalent of a triple A investment. It is. Millions more for House committees and investigations, millions less than is needed for 180,000 women and children. Those are the wrong priorities. That is deplorable.

Mr. Speaker, I urge my colleagues to vote no on the committee funding resolution.

☐ 1115

Mr. GEJDENSON. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. STABENOW].

Ms. STABENOW. Mr. Speaker, I would rise also with grave concern today about the committee funding resolution that is before us. We are in the final discussions, I understand, concerning the budget. Very difficult decisions are having to be made, priorities are having to be set, and when I look at my constituents in the 8th District in Michigan, I want to be able to say that my priority was on the WIC Program that was just discussed by my good friend from Maine on the opportunities for families to send their children to college, making sure that they have technology in their schools and they are prepared for the jobs for the future, have good jobs and that all families have opportunities to cover their children with health care.

Mr. Speaker, my concern is that when we look at this funding resolution in total, we are looking at over a 14-percent increase in the amount of dollars going to fund our own committees. I would agree with my good friend from Michigan that we are working hard in the Committee on Science, we are working hard in a number of committees and reporting bills, but we have been doing just fine reporting those bills and working hard without a 14-percent increase in the committee funding bill.

If I were to ask my constituents whether they would prefer that we hire more staff here at the Capitol or whether or not we provide more opportunities for their children to go to college, I know where the votes would be, I know where my constituents would be telling me to vote, and that is why today I cannot support this kind of a tremendous increase in this bill and I would strongly urge all of my colleagues on both sides of the aisle to take another look at what our real priorities are.

This is not about the internal workings of Congress and increasing employees, increasing staff. If we have to work a little harder, fine. My constituents are working very, very hard every day working hard on behalf of their families, and my priorities are with them.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I find it interesting that the last two speakers who both indicated that they were going to vote against the funding resolution are freshmen and therefore they have had no experience in what the Congress has looked like when their party was in the majority. I appreciate the gentlewoman from Michigan indicating that she is working hard in the Committee on Science, and there is a 14-percent increase. The record shows the Committee on Science has increased 3 percent. It is 3 percent for the 105th Congress; that is 1½ percent a year.

The cost of living, which is certainly not automatic, and although the chairmen will probably vote where it is appropriate for a cost of living for the employees is about 2.3 percent. So it is obvious that the employees working for that committee will not within the budget increase find enough money to cover a COLA.

But what I would really like to remind the freshmen Members on the minority side is that when their party was in the majority the most recent Congress, being the 103d Congress, spent $223 million on staff and the committees. So if they are unwilling to support a $177 million cost for running the committees, I only wish my colleagues had been here in the 103d so they could have castigated their leaders at that time for wanting to spend and, in fact, spending $223 million. We are spending $45 million less than the amount that was spent when the gentlewoman's party was in the majority.

So I understand they have to find some reason to oppose reasonable legislation, but it really does make it difficult when they have no historical perspective because frankly since the Republicans have become the majority in January 1995, if they want to look at the larger picture not in terms of a government program, but in terms of the economy which after all is the engine that makes this system go, the deficit has been cut in half from $203 billion in 1994 to about $70 billion this year. Welfare rolls have been decreased by 20 percent. Violent crime has been reduced by 5 percent. Unemployment has dropped by 10 percent. The poverty rate has declined. And in the stock market, the Dow Jones average has almost doubled. It is not a coincidence that all this has happened since the Republicans became a majority in January 1995.

It is always possible to find one specific reason to choose to vote "no." Actually the more responsible position in the opinion of this gentleman is to look at the aggregate and say what we have done with one-third fewer staff and one-third fewer resources is quite remarkable.

Mr. Speaker, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am just stunned to hear my friend from California endorsing President Clinton's agenda and his successes, and it is so nice to see him recite all the advances that have occurred under this Democratic President.

Now he did not give the President any credit, but we cannot expect him to go that far. But it is at least a refreshing opportunity to hear him point out that under the Democratic leadership of President Clinton we have made tremendous progress from the setting of budget priorities that began with the Democratically-controlled Congress and the President's first day in office, and he has kept us on track. He has prevented some of the egregious kinds of policies that we found in the early Reagan years, which frankly some of this budget debate and the Republican demands seem to want to reinstate tax cuts that will cost the Treasury upwards of $250 billion in the outyears which will once again balloon the deficit. Their solution, of course, is to give the richest another tax break while the poorest and the working poor are once again disadvantaged.

We are happy to see the Republicans recognize the wisdom of President Clinton's budget priority and policies today. We just hope that they would give up on some of their what I would consider foolish economic desires to balloon the deficit in the outyears and thereby again endangering our ability to educate our young, to give them proper health care, and to build the kind of road blocks to economy that we have had under President Clinton's leadership.

There is one other area that I would like to bring us back to, and again as much as I enjoy the discussion here today, I think we ought to have meatier issues before us that have been avoided in this Congress. Campaign finance reform is still without a date to come to this floor. Under President Clinton's first year in office the Democrats brought campaign finance reform to the floor of this House and passed it. We had passed it, as I said earlier, through the House and Senate in the previous Congress, but it was vetoed by President Bush. Then we find ourselves in the next Congress under President Clinton's leadership; it is filibustered to death in the Senate. Now they will not even bring it to the floor.

In the last Congress, when my friend brought a campaign finance reform bill to the floor, it had no spending limit. Ask anybody out there in America did they think the problem in campaigns is there is not enough money in it.

I love my Republican friends. They talk about education; they say, well, we cannot throw money at it. They talk about health care and children in need; they say we cannot throw money at it. When it comes to campaigns, they say we need more money. The Speaker, the gentleman from Georgia [Mr. GINGRICH] says I need more money. When they talk about reform they raise how much wealthy individuals can give. That is not reform. We ought to limit campaign spending. Nobody should be able to give more than a hundred dollars. We ought to do it by law; we cannot do it individually. We have got to find a way to deal with independent expenditures and issue advocacy. We have got to end soft money.

But we cannot do any of that, Mr. Speaker, unless we have an opportunity to bring the bill to the floor.

Mr. Speaker, I reserve the balance of my time.

Mr. Speaker, I yield such time as he may consume to the gentleman from Maryland [Mr. HOYER], a member of the committee and one of our hardest working Members, I might add.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding this time to me.

Mr. Speaker, I want to follow up on what the gentleman said, because the chairman of our committee who works very hard and is very knowledgeable on this institution references the progress that has been made over the last 5 years, and I think that ought not to go without being referenced.

When in 1993 we adopted the economic program of this administration, to a person, to a person, the then-minority party stood and said the adoption of this program will lead effectively to the ruination of America's economy. To a person. The chairman of the Committee on the Budget now, the gentleman from Ohio [Mr. KASICH], stood and said this is going to lead to high unemployment, high inflation and a ruinous economy. The gentleman from Texas [Mr. ARMEY], who tells us repeatedly that he is an economist, said to the President and said on the floor of this House that the adoption of that economic program would lead to disaster for America's future.

Mr. Speaker, it is refreshing and honest to hear in fact the opposite has occurred. The gentleman from California [Mr. THOMAS], a member of the Committee on Ways and Means, has just ticked off where this economy now stands, not because of anything that was adopted in 1995 or 1996. As a matter of fact, the now-majority party laments the fact that the President did not allow them, as a result of vetoes, to enact their program so that they cannot honestly claim credit for the performance of this economy.

And in point of fact, as Alan Greenspan, appointed by George Bush, not by a Democrat, observed, this economy is in the best shape that he has seen it in in over 3 decades. He so testified before the Joint Economic Committee.

Yes, we consider a budget resolution for the committees of this House. As my colleagues know, it is always in my experience somewhat of a political exercise; the majority party points out how fiscally responsible they are being, and very frankly the minority party says, "Well, you're being a little hypocritical." I really do not want to get too engaged in that debate.

Mr. Speaker, I think that this funding resolution is relatively reasonable. I have disagreements with parts of it. Very frankly, I think we are substantially wasting the taxpayers' money, wasting the taxpayers' money by funding this investigation in the Committee on Government Reform and Oversight way over what the U.S. Senate said was necessary to come to grips with the facts, and in fact, unlike the Senate who more honestly wants to look at the generic problem, this study obviously is a partisan attempt to embarrass the President of the United States, not to come to grips with what the facts are, as the U.S. Senate studied much broader in scope and much cheaper in cost.

Then, of course, we have this interesting device, the $7.9 million extra fund. Mr. Speaker, that does a number of things. No. 1, it allows committees to report that they are getting less money than ultimately they may get. No. 2, I would suggest to those who are very concerned about the reforms that have been brought to bear by the Republican revolution in 1995 when they said one of the things the Democrats are doing, my colleagues, is allowing agencies, horrors, to fund committee staff.

Now what did that mean? That meant detailees from various agencies were sent to committees for the purposes of working on substantive issues of which they had knowledge.

Well, lo and behold, the Republican revolution said that was wrong, it was obfuscation, it was hiding the actually costs. And so what did they do? They said we are not going to allow that anymore.

Lo and behold, my colleagues of this House, particularly those who came as freshmen in the revolution; lo and behold, there is $5-plus million in this budget resolution which we do not see. It is not included, it is not computed in the figure. Why? Because we have now changed our policy and we have said well, maybe we will allow detailees to be funded by agencies but to be utilized by committees.

My, my, my. Five million dollars in addition to the $7.9 million that does not show up in the committee budgets.

Now, as I said at the beginning, Mr. Speaker, these funding resolutions can be demagogued on both sides, and are historically.

□ 1130

I do not like to participate in that. I think the gentleman from California [Mr. THOMAS] has tried to come to grips, and from his side of the aisle, there are obviously disagreements within his own caucus. Some say that it ought to be far less and some say it ought to be more. That is the dynamics of funding enterprises where we are trying to come to grips with an administration, an executive department of government that has gotten at least $550 billion, which this Congress has the responsibility of overseeing.

We suggest a budget over two years of about $180 million to do that. I do not think the taxpayer, when they relate that $540 billion or $50 million of discretionary spending in the executive department, is taking that a coequal branch of government has the ability.

I frankly want to tell the gentleman from California [Mr. THOMAS], the chairman of my committee, the Committee on House Oversight, I thought $222 million was an appropriate sum. Was it exactly the right sum? I do not know that, but the fact of the matter is, I did not think it was out of line with this Congress's responsibility to oversee the operations of the executive department, Republican or Democrat.

Our constituents expect us to know what is going on. Our constituents expect us to know what are the proper amounts that we ought to fund. Our constituents expect us to know what the authorizing committees should do in oversight, in exercising the appropriate amount of care and diligence in determining whether the executive agencies are, in fact, operating effectively, honestly, within their budget, and spending the taxpayers' money appropriately.

That was a good investment. We can argue back and forth on the specific dollar amounts. But let us be clear: Irrespective of the amount in this funding resolution, the chairman did in fact point to what is important, and what is important is the policies adopted that have affected the quality of life in America.

In 1993 President Clinton came forth with an economic program, very controversial, and opposed to a person by the now majority party, the then minority party, with the observation that it would lead to disaster. In fact, as the chairman has very appropriately noted, not only has it not led to disaster, it has led to high employment, low unemployment, low inflation, higher working standards, a better dollar; in fact, a dollar that is so strong that perhaps we are going to have to evaluate whether or not we made the economy too strong. I read in this morning's paper, those who have talked about growth over and over and over and talked last Congress about how slow the growth was, I am sure we are glad to see that we had a 5.6 or 5.1, I am not sure which, GDP growth in the last quarter.

I say to my colleagues of this House, whether we adopt this funding resolution, and I presume we are going to, any funding resolution will be controversial. I know that there will be some of my colleagues, rightfully, who will want to make a statement that being penny wise and pound foolish by increasing spending on the operations of the House of Representatives, while at the same time reducing by a factor of $38 million assistance to women, infants, and children, which every side of the argument agrees has a tremendously positive payoff for children and families and for America, is an appropriate debate. And some of my colleagues will want to vote "no" on this, to make that very point that our priorities are skewed.

Mr. Speaker, I want to say that as we do vote on this funding resolution, let us on both sides of the aisle stop demagoguing this institution, stop belittling this institution. This institution has a critically important function to carry out. We are the people's House, elected every two years, closest to the people, to carry out the functions of adopting policy and overseeing its implementation. I think we have done that reasonably well; not perfectly by any stretch of the imagination.

But as we move forward on the debate, which I guess now is going to conclude on this funding resolution, let us understand that under the Democratic administration and the democratically controlled House and Senate, America, in the last five years has seen its deficit come down dramatically to a third of what it was when we took over, and its economy grow substantially to the benefit of its citizens and indeed the world.

Mr. GEJDENSON. Mr. Speaker, I yield myself such time as I may consume.

I will be very brief at this point and just close by saying that, in following up on what my colleague from Maryland said, that what we do here is very important. Our responsibility here is to fight for the men and women back in our districts, many of whom are still going through very difficult times around the country, whether it is floods in one part of the country, or in my part still recovering from the economic pressures of the end of the cold war and reduced defense spending, trying to get through the change from defense to nondefense economic activities.

We do have a serious responsibility here, and I cannot help but be reminded by again what the gentleman from Maryland [Mr. HOYER] said: My parents left the Soviet Union and Nazi Germany to come to this country because of its Democratic institutions.

While we have substantial differences on what we ought to do, new evidence, again as the gentleman from Maryland [Mr. HOYER] said, indicates how incredibly important nutrition and other health activities are in those first several years of life. Those fights are terribly important fights, and while we disagree with them on many of these issues on the other side of the aisle, it is not their honor we question.

We question the policies that will make the country be the strongest, the most productive, and the fairest for all of its citizens, and that really is our job here, as well as making sure that we defend these institutions, not when we are wrong, but from the kind of easy attacks that undermine people's belief in Democratic government.

There are still so many millions and, yes, over 1 billion people on this planet who would give their lives to have the Democratic institutions we have. We ought not squander the trust of the American people as we try to maintain this institution, which more than any other institution on the face of this planet represents the hopes and aspirations of free people everywhere.

Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Frankly, this gentleman from California is confused. I have to tell my colleagues on the other side, they cannot have it both ways. Either we are not doing the job that the people want us to do and we should fund the committees more, or we get criticized because we are funding the committees more because we are not doing the job that we are supposed to do.

The gentleman from Connecticut [Mr. GEJDENSON] wants us to move campaign finance reform. The gentleman from Maryland [Mr. HOYER] gets up and says "the constituents want us to know what is going on."

Well, I think if anybody paid attention at all in the last election, there was a lot going on in the gentleman's party, in his national party and over at the White House, and that if we are going to write meaningful campaign reform, we ought to find out what was going on. But we are criticized because we do not rush to the floor with a solution to whatever the problem is, because we have not had a chance to examine it. But obviously the minority, which has no responsibility in dealing with this, loves to get up and say "We want it both ways."

The gentleman from Maryland [Mr. HOYER] criticized the fact that we have detailees. The problem, I would tell the gentleman, in the 103d Congress was that just one committee had more than 100 detailees. They also had more than 100 staff, and they had more than 100 detailees.

The current policy is to limit the detailees to 10 percent of the staff, and so for that committee the detailees would amount to the munificent number of nine. If they do not see the difference between 100 detailees and 9, then obviously the argument that we have detailees, without telling the whole truth about the kind of outrageous policies that were present in the 103d, means that they want it both ways.

I read a list of achievements since January 1995, not for the last 5 years, not for the last 10 years, not since F.D.R. was President, but only since Republicans have become the majority in the House and the Senate. One of the items I mentioned was the reduction of the welfare rolls by 20 percent. As a matter of fact, the Democratic President signed that bill, but I can assure you that many of the people who have spoken on the other side of the aisle did not vote for that bill. So it is with some degree of pleasure that I can indicate to my colleagues that a Republican House and a Republican Senate and a Democratic Presidency are working together to change America for the better.

I only hope that as this President and this Congress come to an agreement on an historic package which will balance the budget, which will preserve and strengthen Medicare, that my colleagues on the other side of the aisle will join with us, the majority, in supporting their President in making the kinds of budgetary and entitlement and tax changes with which our President agrees.

So I fully understand the frustration of the minority, having been there myself for a number of years, they certainly have the privileges, to have it both ways. They praise on the one hand and condemn on the other. I certainly am more than willing to tell them that if they believe it serves a useful purpose, it is certainly their right to do so, but I would tell this House that House Resolution 129 is a prudent funding package. It is appropriate. It is necessary. I would urge a "yes" vote on House Resolution 129.

Mr. OBERSTAR. Mr. Speaker, I rise in support of House Resolution 129, the committees' funding resolution for the 105th Congress.

I do want to thank and commend the members of the Committee on House Oversight and the Democratic and Republican leadership for their diligence and hard work in bringing forward this resolution today. Striking a happy balance with committee budgets is a difficult and thankless job.

Mr. Speaker, I will vote for this resolution. It is a step in the right direction, allowing our committee to begin recovering from the large budget cuts of 2 years ago.

Historically, the work of the Congress increases in direct proportion to the enormity of the challenges facing this Nation. Getting more work done with less is always one of the greatest of our challenges. The increased funding in the budget for the Committee on Transportation and Infrastructure is fully justified.

The committee is the largest authorizing committee in Congress. When I came to the "Hill" in 1963, the committee had 34 members. In the 104th Congress, we had 61. Today we have 73—a 215-percent increase over 1963, and a 20-percent increase over the 104th Congress. This is a mixed blessing, but definitely an indication of the interest House Members have in the work of our committee. We welcome new Members, but also we need more resources to handle the increased workload.

In the 104th Congress, for the first time one committee—Transportation and Infrastructure—was given jurisdiction over all modes of civil transportation. Our new jurisdiction included the major areas of rail, Coast Guard, and maritime transportation.

Now we can deal more effectively with the broader, intermodal picture which has a host of problems, many of which we hope to address in the reauthorization of ISTEA this session.

Congestion has risen on our highways to a level that costs American businesses $40 billion each year. Americans waste 1.6 million hours every day sitting in traffic.

Airport traffic delays have strained the capacity of 22 of our major airports, and within 10 years 10 more airports will be added to this list unless we modernize.

More of our ports need dredging and expansion to compete in the international marketplace. Our railway system needs to be more integrated and accessible, and our only national passenger rail system needs the recapitalization long promised, but never received.

Transportation policy decisions are very much a key factor to the standard of living for every American. At last count, our national transportation economy accounted for 10.8 percent of our gross domestic product.

Transportation safety continues to be a serious problem. Since 1991, a staggering 200,000 Americans have died and more than 15 million have been seriously injured on our highways at a cost to society of more than $750 million. There has been no appreciable decline in highway fatalities in the past 10 years. Each and every day the equivalent of a major airline crash occurs on our highways in communities across the country. Nine out of 10 Americans want the Federal Government to play a strong leadership role in highway safety, similar to food safety and aviation safety.

Aviation safety, itself, is increasingly a concern. Last month, the National Transportation Safety Board reported that in 1996, 380 people lost their lives in airline accidents, the highest level since 1985.

Rail safety is also a serious problem. In the first 5 months of last year alone, there were 54 serious rail accidents, including 2 in which entire towns were evacuated for 3 weeks, 3 in which poison gas was released, and 1 in which a train carrying 750-pound bombs derailed. Three cases involving runaway trains might have been prevented had the Federal Railroad Administration acted promptly on congressional directives to reform power brake rules.

Safety is not a partisan issue. With added resources our committee can conduct the oversight and produce the legislation needed to reverse the disturbing increase in accidents in 1996.

I have only touched on a sampling of transportation issues from our primary list. In this Congress we also need to be dealing with a number of intricate and technical matters in the areas of water resources, public buildings, and economic development. Obviously, this Congress will be an extremely busy one and we need solid and thorough staff work to support our efforts.

In addition, at a time when the Federal Government is making drastic cutbacks, the need for close congressional oversight increases dramatically. Unfortunately, there are many issues that will receive less, or even no, attention simply because of the limits of our resources.

I can tell you as the ranking Democratic member of the Transportation and Infrastructure Committee, there are countless challenges and frustrations in my job, but few more exasperating than trying to stretch and make do with inadequate resources. My budget, in particular, for Democratic staff on the committee is one-third of the total personnel budget for the committee. At current funding levels, we are unable to fill two vacancies or to grant staff a cost-of-living adjustment. This is not the way to attract and retain quality, expert, and experienced staff needed to accomplish the work before us.

Our committee badly needs the increased funding provided by the budget resolution. It will enhance our ability to make in-depth, informed legislative judgments and to vigorously pursue our oversight responsibilities.

In answering to the American people, I would much rather defend funding we truly need, than try to explain that our job didn't get done for the lack of resources.

There is no doubt we have to pass this resolution, and we should. It represents a good faith effort under very difficult circumstances. Accordingly, I will vote for this resolution.

Mr. THOMAS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 136, the previous question is ordered on the resolution, as amended.

The question is on the resolution, as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEJDENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 157, not voting 14, as follows:

[Roll No. 98]

YEAS—262

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berman
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brady
Brown (CA)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Coble
Coburn
Collins
Combest
Conyers
Cook
Cooksey
Costello
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Dellums
Diaz-Balart
Dicks
Dingell
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Flake
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kildee
Kilpatrick
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manzullo
Martinez
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Metcalf
Mica
Miller (CA)
Miller (FL)
Moakley
Molinari
Mollohan
Morella
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Packard
Parker
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Towns
Traficant
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NAYS—157

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Bentsen
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dixon
Dooley
Doyle
Edwards
Emerson
Engel
Etheridge
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gephardt
Goode
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hulshof
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntosh
McIntyre
McKinney
Meehan
Meek
Menendez
Millender-McDonald
Minge
Mink
Moran (KS)
Moran (VA)
Nadler
Neal
Neumann
Olver

Ortiz
Owens
Pallone
Pappas
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Poshard
Price (NC)
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Serrano
Sherman
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Turner
Velázquez
Vento
Waters
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—14

Andrews
Becerra
Davis (IL)
Fattah
Herger
Istook
Lewis (CA)
Myrick
Oxley
Pascrell
Pombo
Schiff
Stupak
Yates

☐ 1206

Mr. KENNEDY of Rhode Island, Ms. DANNER, Mrs. TAUSCHER, and Messrs. HEFNER, DIXON, LUTHER, CONDIT, BISHOP, and DAVIS of Florida changed their vote from "yea" to "nay."

Messrs. FLAKE, BARTON of Texas, MILLER of California, McHALE, SPRATT, MARTINEZ, and COSTELLO changed their vote from "nay" to "yea."

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the resolution just passed.

The SPEAKER pro tempore (Mr. LaTourette). Is there objection to the request of the gentleman from California?

There was no objection.

RECOGNITION ON RETIREMENT OF TIM SHEANE

(Mr. THOMAS asked and was given permission to address the House for 1 minute.)

Mr. THOMAS. Mr. Speaker, I take this time to recognize someone who ordinarily is never recognized and, in fact, acknowledge that there are a number of people who do their jobs and do them well without which this House could not function.

The particular individual is a gentleman by the name of Tim Sheane, who is in the Legislative Counsel's Office. He is retiring. For more than 20 years he has assisted the then-Committee on House Administration and the now Committee on House Oversight in putting together the legislation necessary to do the people's business.

So on behalf of the members of the committee and the staff who have worked with Tim Sheane for endless hours in producing work product and for those like him, I would like to give the long overdue recognition to him and to all of those who do not normally share the spotlight in doing the people's work.

Mr. GEJDENSON. Mr. Speaker, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Speaker, I would like to join my colleague from California and say that, again, while oftentimes what we see here is the heat that comes off of partisan battles, that many, if not most of the staff, work for all the Members of the Congress.

This is a perfect example, work for the good of the country, done a spectacular job. I would like to join the chairman in his commendation.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

☐ 1210

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. Goodlatte in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, April 30, 1997, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in the Congressional Record on April 29, 1997, if offered by the gentleman from New York [Mr. Lazio] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill for the purpose of further amendment. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the Congressional Record. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

UNFUNDED MANDATE POINT OF ORDER

Mr. WATT of North Carolina. Mr. Chairman, pursuant to section 425 of the Congressional Budget Act and Impoundment Control Act of 1974, I make a point of order against consideration of the committee amendment to the bill, H.R. 2.

Section 425 states that a point of order lies against legislation which either imposes an unfunded mandate in excess of $50 million annually against State or local governments, or does not publish prior to floor consideration a CBO estimate of any unfunded mandates in excess of $50 million annually for State and local entities or in excess of $100 million annually for the private sector.

Sections 105 and 106, on pages 25 through 49 of H.R. 2, contain violations of section 425 of the Congressional Budget and Impoundment Control Act. Therefore, I make a point of order that this measure may not be considered pursuant to section 425.

The CHAIRMAN. The gentleman from North Carolina [Mr. Watt] makes a point of order that the amendment in the nature of a substitute violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the act, the gentleman has met his threshold burden to identify the specific language in the amendment on which he predicates the point of order.

The text of section 105 and section 106 of the amendment, on pages 25 through 49 of the reported bill, is as follows:

Sec. 105. Community Work and Family Self-Sufficiency Requirements.

(a) Community Work Requirement.—

(1) In general.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides,

which may include work performed on locations not owned by the public housing agency).

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(1) an elderly person:

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(1) an elderly person:

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term "covered family" means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title III.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title III.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title III for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title III, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title III. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title III.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under section 226, and into any agreements for the provision of choice-based assistance under title III on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title III, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term "economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeships, or other activities as the Secretary may provide.

SEC. 106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this Act.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with, or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 203 and housing assistance to be provided under title III;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this Act to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 224(c);

(F) the criteria for providing and denying housing assistance under title III to families moving into the jurisdiction of the agency; and

(G) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title III and the system used by the agency to ensure that such rents comply with the requirements of this Act.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 641 and 642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 203(b), to convert to housing assistance under title III or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the agency under subtitle D of title II or section 329 for the agency and the requirements and assistance available under such programs.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 533(c) as at risk of becoming troubled; or

(B) under section 533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment.) If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official of officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections. If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

Under section 426(b)(4) of the act, the gentleman from North Carolina [Mr. WATT] and a Member opposed to the point of order each will control 10 minutes of debate on the point of order.

Pursuant to section 426(b)(3) of the act, after debate on the point of order, the Chair will put the question of consideration, to wit: "Will the Committee now consider the amendment?"

The gentleman from North Carolina [Mr. WATT] is recognized for 10 minutes, and the gentleman from Iowa [Mr. LEACH] who is opposed, will be recognized for 10 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. WATT].

□ 1215

Mr. WATT of North Carolina. Mr. Chairman, my colleagues, especially those on the Republican side, have made a significant point that many of us agree on a bipartisan basis is a valid point; that we should not continuously pass along to State and local governments and entities of State and local governments mandates which mandate that they take certain action without passing along to them the funds to pay for those mandates.

This bill, sections 105 and 106, in combination, pass such a mandate along. Sections 105 and 106, in combination, according to the Congressional Budget Office, impose an unfunded mandate of approximately $65 million.

Section 105, according to the Congressional Budget Office, would require local governments to expend an additional $35 million annually. Section 106 would require local governments and public housing agencies to expend an additional $35 million annually.

These provisions, in combination, should not be passed along to our local housing authorities because we are not funding them. And if we are going to be in compliance with the spirit and letter of the resolutions and rules that we set up to govern ourselves, this bill should not be considered without these provisions being stricken out of the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

First, let me say what the distinguished gentleman from North Carolina is doing is using a process technique to underscore a political point. I understand the gentleman did not receive enough time to discuss this issue yesterday. I would like to simply stress on the time score that we were operating under the rules of the House and we granted, at the request of the gentleman from Massachusetts [Mr. KENNEDY], extra time on each side. I am sorry if the gentleman did not get enough time to discuss this issue but we made every effort to be accommodating to the minority.

On the process point, it should be stressed that it is a norm, when Federal funds are extended, to put conditions and requirements into programs. That is what is being done in this bill, and that is why in the supplemental report filed by the committee we include a CBO estimate. And the CBO, as this body knows, is the general overseer of this circumstance.

The CBO states, and I quote directly, "The bill would impose several new requirements on PHA's. These requirements, which are conditions of receiving assistance from HUD and, thus, are not mandates under the Unfunded Mandates Reform Act of 1995, include establishing and enforcing work requirements and self-sufficiency agreements with residents of public housing."

In further clarification, CBO has informed me today that while H.R. 2 does contain several intergovernmental mandates as defined by the Unfunded Mandates Reform Act, in other parts of the bill, CBO has determined that the cost of those mandates is insignificant and would not exceed the threshold established under the law.

The bill contains other provisions that would have significant budgetary impacts on public housing agencies, such as the one the gentleman from North Carolina is concerned about, but these provisions are conditions of receiving Federal financial assistance and, therefore, would not be considered mandates under the Unfunded Mandates Reform Act of 1995.

On the substantive issue, I think care has to be taken how the community service requirement is described. Like the President's AmeriCorps program, this is a work-for-benefit approach. It is supported by Secretary Cuomo and his predecessor, Secretary Cisneros. The model bills that were submitted to Congress by the administration—one of which was introduced by request with the gentleman from Massachusetts [Mr. KENNEDY] as a cosponsor—included this work requirement.

In terms of section 106 that the gentleman is referring to, this section was also included in Secretary Cuomo's presentation and recommendation to the House Committee on Banking and Financial Services. It was further modified with amendments from the minority side. For example, the requirement that PHA's look at the population base in their areas with a particular eye to the poorest of the poor was a significant minority amendment.

And what the gentleman from North Carolina is attempting to do in this point of order, which I believe does not lie, on a substantive basis, is to knock out a provision recommended by the administration, further modified by the Democratic, not the Republican side, on the House Committee on Banking and Financial Services.

So on process grounds, I would suggest to the gentleman that as indicated by the CBO this amendment does not breach the requirements of the law. On substantive grounds, the gentleman from North Carolina is going against his administration and his party's amendments as adopted in the House Committee on Banking and Financial Services. So as the chairman of the committee, I am befuddled by the approach that is being presented.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself 30 seconds.

Let me make two points. This is not whether this is a Republican bill or a Democratic bill or a Republican amendment. The unfunded mandates requirement applies to both parties. It applies to this Congress. This is the integrity of our House that is at stake.

No. 2, this notion that a public housing authority is not a local government is just defied by the very definitions in the bill itself on page 17, which says that a local housing authority is one authorized by State law to administer choice-based housing. That is a State entity.

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

I want to be very categorical first of all. The CBO, which is the overseer of this program, states that the public housing requirement in terms of the work program is not an unfunded mandate, period. There are other parts of the bill that involve small aspects of or that touch the unfunded mandates act, but they do not reach the threshold. But the requirement the gentleman is referencing in section 105, which is his principal point, is not an unfunded mandate.

With regard to section 106, which the gentleman wants to knock out, I would also point out that this section is largely maintained in the alternative to be offered by the gentleman from Massachusetts. So the gentleman is attempting to knock out a provision that will be in the alternative of the gentleman from Massachusetts, which is supported by the administration, and which is crafted in large measure with the input of his side in the committee.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts, [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, when the Republican chairman of the committee gets up and his basic argument is "The President made me do it," we understand the weakness of his substantive arguments.

The gentleman even said we should be for this because this is the same principle as the AmeriCorps. I understood there was on the other side no great love for AmeriCorps, so I assume all those who are against AmeriCorps would agree with the gentleman from North Carolina [Mr. WATT].

But most damaging is the argument the gentleman is making, and people should understand here how he is narrowing the unfunded mandate piece. What he says is this: An unfunded mandate should be considered only if de novo, out of the blue, we impose a restriction. He acknowledges this will cost the local communities more money, but he says it is a condition and therefore we can impose greater costs on them as a condition of funds.

But understand, these are funds they are now getting and have been getting for a long time. Theoretically, his logical argument is, well, if they do not like the mandate, they can say no to the funds; therefore, it is not an unfunded mandate. But is it realistic to tell local communities that, having built this public housing, having people live in it, having the obligation to maintain it, they can now say no to the funds?

What the gentleman from Iowa is doing is turning the unfunded mandate point into a great "gotcha" for the communities. We give them grants, we establish some programs, and under his interpretation, years later, 20 and 30 years later, having provided for a program where they are locked in, where they are committed, where they have ongoing obligations, we then add a condition, and under the gentleman from Iowa's ruling, any expense, and it is a "gotcha" because we say, hey, if you do not like the condition, give up the money. But of course this is wholly unrealistic, to expect local communities which have now got this ongoing responsibility to residents to give up the money.

So if we reject the point of order, we accept the gentleman from Iowa's interpretation, it is yes, we cannot do a mandate out of the blue. But where there has been an ongoing, long-continuing program, where local communities have been given money to do something, we can ratchet up the conditions, we can impose new conditions, and if they complain it will cost them money, we say, well, they can always give it up.

I do not think that is the spirit of the unfunded mandate.

Mr. LEACH. Mr. Chairman, I yield myself such time as I may consume.

Let me just stress, the gentleman from Massachusetts referenced my interpretation. My interpretation is the interpretation of the CBO, which is the overseer. What the law states is that an exception to the unfunded mandates law are provisions imposing duties as a condition of receiving Federal aid or arising from participation in a Federal program.

What the gentleman from North Carolina is raising is a question of law in terms of a point of order. That point of order clearly, without any equivocation, does not rise.

Now, on the substance of the issue there are differences of judgment, and I am simply making the point that the majority side supports the precept of work for benefit. The President supports the precept of work for benefit. The gentleman may disagree with that precept, that is his philosophical prerogative, but he should not confuse a point of order argument with a substantive argument.

Mr. Chairman, I reserve the balance of my time.

Mr. WATT of North Carolina. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, first and foremost, let me make certain the chairman understands that in no way does our work requirement marry their work requirement. We simply say that we encourage people to do some work if they are going to receive this benefit. It is not a term or condition of the lease. No. 1.

No. 2, the fact is, according to the rules of the House, according to the CRS report, a point of order against an unfunded mandate exists if it meets a $50 million threshold. According to the CBO, this provision is going to cost $65 million.

It is the gentleman's party which created the idea of the unfunded mandate. It is his party that is categorically denying the people of this House and the people of this country the opportunity to challenge this based on the fact that we are going to cost the public housing authorities the money.

Mr. Chairman, the gentleman from New York [Mr. LAZIO] maintains we are going to take this money out of the operating account for public housing. The operating accounts are already underfunded in this bill. That is the ultimate problem.

The gentleman from Iowa's party is unwilling to provide the funding that is necessary to achieve basic affordable housing for the poorest of the people of this country, and now what he is doing is scolding them and telling them they have to work.

I say if the gentleman wants to go after the mining companies and the oil and gas industry and get them to volunteer, go for it and I will be standing there right with him, but he should not point his finger at just the poor.

□ 1230

Mr. LEACH. Mr. Chairman, I would like to ask how much time the two sides have remaining.

The CHAIRMAN. The gentleman from Iowa has 4 minutes remaining, and the gentleman from North Carolina has 4 minutes remaining.

The gentleman from Iowa has the right to close.

Mr. WATT of North Carolina. Mr. Chairman, let me take issue with that. Why does the gentleman from Iowa have the right to close? It is my point of order.

The CHAIRMAN. That has been established by precedent. The manager of the bill has the right to close.

Mr. WATT of North Carolina. He is not managing the bill. The gentleman from New York [Mr. LAZIO] is managing the bill.

The CHAIRMAN. The chairman of the committee is at this point in time managing the bill.

Mr. FRANK of Massachusetts. If the gentleman from North Carolina will yield, maybe it is because he is representing the President on this issue.

The CHAIRMAN. No, that is not correct.

Mr. WATT of North Carolina. Mr. Chairman, I yield myself such time as I may consume.

Let me just clarify what is at issue here. It is not whether we support or do not support the underlying provision in the bill. I have made it clear from day one that I do not support this volunteer requirement. I do not know how you can require somebody to volunteer without compensation. This is not about whether I support or do not support that concept. This is about the rules of the House that we adopted and the law that is in place that says we cannot pass an unfunded mandate down to local governments and not pay for that mandate.

The Congressional Budget Office says that section 105 will cost local public housing authorities $35 million a year. The Congressional Budget Office says section 106 will cost local housing authorities an additional $30 million a year. That is a total of $65 million in additional costs that we are passing along.

The argument seems to be, well, these are not local governments, but if anybody believes that a local housing authority is not a part of the local government, they ought to read the definition on page 17 of this bill. It says that a local housing authority is anyone that is authorized under this act to engage in or assist in the development or operation of low income housing by any State, county, municipality or other governmental body or public entity.

If that does not make the local housing authority a part of the local government, I do not know what does.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. To give the gentleman from Iowa his due, he has an alternative argument, which is once there is a vote of Federal funds to a local government, then the unfunded mandate issue disappears. His argument is that because the local governments have the theoretical right to refuse all public housing funds, any condition we impose on them which increases their cost is not an unfunded mandate.

As I said, that is the great gotcha. What it means is that you can give money to a local government, they incur ongoing operations, and the way they can get around it, the gentleman from Iowa says, is, "It's not an unfunded mandate, you can abandon public housing altogether, and if you don't, we gotcha."

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, let me make it clear that the unfunded mandate rules are neither Republican nor Democrat. They are bipartisan. Every single one of us has gone home and heard our local governments and our State governments say, do not pass along a mandate on us and then not give us the money to comply with it.

The Congressional Budget Office says the combination of sections 105 and 106 of this bill will cost local governments, public housing authorities, an additional $65 million a year. The threshold is $50 million under the law. We are $15 million over the threshold. We can take this provision out, the bill can proceed. It is not going to be the end of this public housing bill. But we do not need to pass an unfunded mandate down to our local governments if we are going to be true to the philosophies that we have said we believe in.

Mr. LEACH. Mr. Chairman, I yield myself the balance of my time.

What the gentleman from North Carolina is engaging in is captious argumentation. Let me explain this as carefully as I can. We have a long tradition in the House of Representatives, in the Congress of the United States, when we expend Federal funds to put requirements on them. Those in most instances are not unfunded mandates. Let me be as precise as possible. We have rules about money going to States form time to time, and we require that civil rights be enforced. That is not an unfunded mandate. That is a requirement for receipt of Federal funds.

The gentleman from North Carolina objects to the work requirement in this bill. He is free at any point in the debate to offer an amendment to strike it, and your side will attempt to do that. But I would simply stress that under the definitions of law provided by the CBO, which is the overseer of this program, this is a requirement for receipt of Federal funds. It is not an unfunded mandate, section 105, which is what the gentleman is principally getting at.

On the substantive side, let me say this. I was very intrigued the other evening. All of us looked at this issue of voluntarism where the President and the former Presidents met in Philadelphia, and I though it made a great deal of sense. Some of the criticism that came out, to the degree there was criticism, related to the fact that it may be a little bit presumptuous for people from the outside to volunteer in internal problems of other people. There was a degree of legitimacy to this argument.

What this bill is saying is that people in poverty should have a work component to also take care of themselves and assist in their community. It is a community service requirement, it is a work-for-benefit program. All of the gentlemen on the other side may object. I would only again stress in this regard two points. First, Secretary Cisneros, Secretary Cuomo, and the majority of the Committee on Banking and Financial Services have brought this to the floor. Second, this country and many people in it believe that reform in these programs is vital, and that people are looking at people getting benefits and not giving anything in return. This is an effort of stressing community service, work for benefit.

With regard to the gentleman's point or order, it is one that is clearly, and I say clearly, without merit. I would urge my colleagues to uphold the committee on a straightforward point of law. We will deal with the substance of the gentleman's issue at later points in time when debate on amendments come forth.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time on this question has expired.

Pursuant to section 426(b)(3) of the Act, the question is, Will the Committee now consider the amendment in the nature of a substitute recommended by the Committee on Banking and Financial Services?

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LEACH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 237, noes 183, not voting 13, as follows:

[Roll No. 99]

AYES—237

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—183

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Andrews
Baesler
Davis (IL)
DeFazio
Herger
Istook
Kaptur
Kennedy (RI)
Olver
Pascrell
Schiff
Stenholm
Stupak

□ 1258

Messrs. MCHALE, ACKERMAN, and KILDEE changed their vote from "aye" to "no."

Mr. GREENWOOD and Mr. CRAMER changed their vote from "no" to "aye."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

□ 1300

AMENDMENT NO. 15 OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 15 offered by Mr. LAZIO of New York:

Page 78, line 22, after "used" insert ", to the extent or in such amounts as are or have been provided in advance in appropriations Acts.".

Page 79, after line 19, insert the following new subsection:

(e) ELIGIBLE ACTIVITIES FOR INCREASED INCOME.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

Page 116, line 6, after "used" insert ", to the extent or in such amounts as are or have been provided in advance in appropriations Acts,".

Page 137, line 14, strike "for financial assistance under this title" and insert "under section 282(1) for use under the capital fund".

Page 164, after line 16, insert the following:

(n) TREATMENT OF PREVIOUS SELECTIONS.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading "PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus consolidated Rescission and Appropriations Act of 1996 (Public Law 104–134; 100 Stat. 1321–269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

Page 170, line 24, strike "bond issued by the agency" and insert, "bonds issued by the agency or any State or local governmental agency".

Page 171, strike lines 5 through 10 and insert the following:

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

Page 173, line 24, strike "and" and all that follows through line 2 on page 174, and insert a period.

Page 184, strikes line 7 and 8 and insert the following:

assistance under this title, such sums as may be necessary for each of fiscal years 1998, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601 (b) of this Act), and for replacement needs for public housing under title II.

Page 184, line 22, after "227" insert the following: "or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992".

Page 224, strike lines 21 through 25 and insert the following:

(c) RENT POLICY.—A participating jurisdiction shall ensure that the rental contributions charged to families assisted with amounts received pursuant to this title—

(1) do not exceed the amount that would be chargeable under title II to such families were such families residing in public housing assisted under such title; or

(2) are established, pursuant to approval by the Secretary of a proposed rent structure included in the application under section 406, at levels that are reasonable and designed to eliminate any disincentives for members of the family to obtain employment and attain economic self-sufficiency.

Page 228, line 18, strike "section" and insert "title".

Page 228, after line 25, insert the following:

(k) COMMUNITY WORK REQUIREMENT.—

(1) APPLICABILITY OF REQUIREMENTS FOR PHA'S.—Except as provided in paragraph (2), participating jurisdictions, families assisted with amounts received pursuant to this title, and dwelling units assisted with amounts received pursuant to this title, shall be subject to the provisions of section 105 to the same extent that such provisions apply with respect to public housing agencies, families residing in public housing dwelling units and families assisted under title III, and public housing dwelling units and dwelling units assisted under title III.

(2) LOCAL COMMUNITY SERVICE ALTERNATIVE.—Paragraph (1) shall not apply to a participating jurisdiction that, pursuant to approval by the Secretary of a proposal included in the application under section 406, is carrying out a local program that is designed to foster community service by families assisted with amounts received pursuant to this title.

(l) INCOME TARGETING.—In providing housing assistance using amounts received pursuant to this title in any fiscal year, a participating jurisdiction shall ensure that the number of families having incomes that do not exceed 30 percent of the area median income that are initially assisted under this title during such fiscal year is not less than substantially the same number of families having such incomes that would be initially assisted in such jurisdiction during such fiscal year under titles II and III pursuant to sections 222(c) and 321(b)).

Page 233, line 7, after the period insert the following: "Upon approving or disapproving an application under this paragraph, the Secretary shall make such determination publicly available in writing together with a written statement of the reasons for such determination.".

Page 320, line 13, strike the period and insert "; or".

Page 320, after line 13, insert the following:

(C) with respect only to activity engaged in by the tenant or any member of the tenant's household, is criminal activity on or off the premises.

Page 335, after line 6, insert the following new section:

SEC. 709. PROTECTION OF SENIOR HOMEOWNERS UNDER REVERSE MORTGAGE PROGRAM.

(a) DISCLOSURE REQUIREMENTS; PROHIBITION OF FUNDING OF UNNECESSARY OR EXCESSIVE COSTS.—Section 255(d) of the National Housing Act (12 U.S.C. 1715z–20(d)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (B), by striking "and" at the end;

(B) by redesignating subparagraph (C) as subparagraph (D); and

(C) by inserting after subparagraph (B) the following:

"(C) has received full disclosure of all costs to the mortgagor for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; and";

(2) in paragraph (9)(F), by striking "and";

(3) in paragraph (10), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(11) have been made with such restrictions as the Secretary determines to be appropriate to ensure that the mortgagor does not fund any unnecessary or excessive costs for obtaining the mortgage, including any costs of estate planning, financial advice, or other related services; such restrictions shall include a requirement that the mortgagee ask the mortgagor about any fees that the mortgagor has incurred in connection with obtaining the mortgage and a requirement that the mortgagee be responsible for ensuring that the disclosures required by subsection (d)(2)(C) are made.".

(b) IMPLEMENTATION.—

(1) NOTICE.—The Secretary of Housing and Urban Development shall, by interim notice, implement the amendments made by subsection (a) in an expeditious manner, as determined by the Secretary. Such notice shall not be effective after the date of the effectiveness of the final regulations issued under paragraph (2) of this subsection.

(2) REGULATIONS.—The Secretary shall, not later than the expiration of the 90-day period beginning on the date of the enactment of this Act, issue final regulations to implement the amendments made by subsection (a). Such regulations shall be issued only after notice and opportunity for public comment pursuant to the provisions of section 553 of title 5, United States Code (notwithstanding subsections (a)(2) and (b)(B) of such section.)

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. LAZIO] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have before us the manager's amendment that speaks to certain technical changes and substantive changes that would improve and in some cases expand the bill before us.

Mr. Chairman, this manager's amendment speaks to certain technical changes and improvements in the bill, including the following: There is a technical correction regarding the fact that housing authorities can use any additional money earned from increases in rental income for more housing activities, including the provision of additional vouchers, to try and make our money stretch as far as it can to serve as many people as we possibly can.

We addressed, among other things, the ability of housing authorities to help direct some of their money toward remodeling activities of buildings where cost-benefit analysis would suggest that HOPE VI funds, one of the HUD grant programs, would be relevant and appropriate. We speak to the elimination of certain duplicative language having to do with Operation Safe Home.

We eliminate in title III precise authorization levels and instead in its place insert such sums as may be necessary to allow for the following new assistance. One is incremental, two would be renewals of tenant-based assistance, and three would be relocation assistance under the disposition of public housing in title II.

The reason for that, Mr. Chairman, would be that we are not certain exactly how much we need to authorize in terms of incremental assistance because we are not sure exactly about what disposition of public housing property might be. Namely, we do not know how many buildings will go down, how many cost-benefit analyses will require choice-based assistance; and so therefore, the more prudent course is not to cap it.

There is a provision in this that speaks to the help for nonelderly disabled who might as a consequence of the provisions of this bill be displaced but would allow them in that case to be qualified and to receive vouchers to allow them to participate in any number of programs outside of the traditional elderly only programs such as 202.

There are protections in this manager's amendment that allow the home rule flexibility grant option to be pursued, including rent protections, the inclusion of the community service requirements, and requiring targeting to lower income persons to ensure that the jurisdiction who chooses this option will continue to assist the same percentage of individuals with incomes under 30 percent of area median income as would have been assisted under H.R. 2 and various other clarifications of language that will provide direction to those people that might pursue that option.

Finally, there is an inclusion in this bill of an effort to try and eliminate the excessive fees that have been charged to senior citizens as a result of the reversed equity bill that has been passed by this House and signed into law. We have unfortunately found in some cases fees as high as $10,000 and more have been charged to seniors for services that would be provided for free by HUD, and that of course preys on the most vulnerable citizens in our society. This provision would permit the Secretary of Housing and Urban Development to promulgate rules and regulations that will ensure that that would not occur.

That is, in sum and substance, where we are with this manager's amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to thank my friend from New York, Mr. LAZIO, for the efforts that he has made to accommodate a number of the issues, some technical in nature, and others I think of greater substance that were included in the manager's amendment, and I support the manager's amendment.

It does not go as far as we would have liked in a number of areas in terms of targeting and particularly with regard to the block grant provisions where I will have further amendments, and there will be other amendments offered later in the bill to deal with some of these issues.

Mr. Chairman, I do want to indicate that Democrats very much support the changes that have been made to deal with the availability of certificates for the disabled and making technical changes to finance the programs so that PHAs can better develop mixed income housing. I think that is of particular note.

Mr. Chairman, there are important changes that I believe, particularly for the Members from New York and other high density areas, that ought to be aware that contained in this manager's amendment is a program that will allow public housing funds to go to mixed income housing development, thereby changing the face of public housing that has so concentrated the very poor in the past.

There are also, as I mentioned, provisions that I do not believe go far enough with regard to block grants. Also, it has a very important provision, to clamp down on the scam artists in the reverse mortgage program where senior citizens and elderly people will not have to pay exorbitant fees to invest in advisors for the privilege of securing disposable income based on the equity of their home. This has been a terrible scam that we have seen take place around the country.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO] my good friend who worked very hard on some aspects of the manager's amendment.

Mr. VENTO. Mr. Chairman, I am very concerned about one of the en bloc amendments.

I want to rise in support of the reverse mortgage amendment which is intended to prevent the abuse of those applying for such mortgage; that is to say that some brokers and agents have, in the process of in fact informing individuals of the availability of a reverse mortgage product have accessed a finders fee on the client which is exorbitant, and consumers need action quickly on this issue.

I would hope that an inclusion in this public housing bill as an expression of support for the reverse mortgage provision in this bill, that it would not subsequently get bogged down in conference, because we know that the difference between the House and the Senate on this bill in the last instance were not able to be bridged. I hope that that is not the case in this instance, as I am sure the subcommittee chairman also is going to work to avoid that. Hopefully, we will be able to pass this very quickly, and with this expression of support and maybe do it on the House suspension calendar.

As far as the other provisions are concerned, I will defer to my colleague and the staff that have worked on these provisions.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself an additional 1 minute.

I want to come back to some of the changes that I think are important that we continue to try to keep in mind with regard to the block grant. I think the block grant provisions that continue to be contained in the bill and in the manager's amendment basically are very inadequate toward dealing with the idea of sending all of this money back to the States, back to the local communities, without having any stipulations as to how the moneys can actually be spent. I am further concerned about some of the provisions that continue to deal with the targeting and the lack of response to the needs of the very, very poor.

I do appreciate, however, as I have said, the flexibility of the gentleman from New York [Mr. LAZIO] on a number of very technical issues that required amendments in the initial part of this bill. He and his staff deserve a lot of credit, Mr. Ventrone and others, for their reasonableness in trying to work out some of these issues, and we thank the gentleman very much for his consideration.

Mr. Chairman, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New Jersey [Mr. FRELINGHUYSEN] a member of the Committee on Appropriations.

Mr. FRELINGHUYSEN. Mr. Chairman, today I rise in support of H.R. 2, particularly the manager's amendment. First, I would like to thank the gentleman from New York [Mr. LAZIO], the chairman, for his hard work in addressing the housing needs for people all across the country and for his keen desire which we all share to empower people so that they live with dignity and true independence.

I am particularly thankful that the chairman has included in his manager's amendment a technical change that I requested to address the housing needs of individuals with disabilities.

Mr. Chairman, last year we worked together to ensure that $50 million was set aside for tenant-based rental assistance for nonelderly disabled families. This successful effort was possible because of our shared commitment to meet the housing needs of people with disabilities. However, in administrating this program, HUD adopted an overly restricted definition of federally funded assisted housing, which restricted access for the very people this setaside was intended for, individuals with disabilities.

This manager's amendment, Mr. Chairman, the amendment of the gentleman from New York [Mr. LAZIO], corrects the situation and I thank him for his assistance.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentleman from New Jersey for his assistance and cooperation. I also wanted to thank again the gentleman from Massachusetts [Mr. KENNEDY] for his cooperation in trying to put this manager's amendment together. Again, it speaks to a number of concerns to provide the flexibility but also to provide the level of protections that we need to ensure that that money is dedicated to low and moderately low-income people.

At the same time, we looked for market-based solutions, competitive solutions to help drive some of our needs or overarching needs for new housing in America. That in fact is one of our goals here, to look for new ways in which we can rechannel the dollars and work as hard as we possibly can to meet the needs of America.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Housing Opportunity and Responsibility Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title and table of contents.
Sec. 2. Declaration of policy to renew American neighborhoods.

TITLE I—GENERAL PROVISIONS

Sec. 101. Statement of purpose.
Sec. 102. Definitions.
Sec. 103. Organization of public housing agencies.
Sec. 104. Determination of adjusted income and median income.
Sec. 105. Community work and family self-sufficiency requirements.
Sec. 106. Local housing management plans.
Sec. 107. Review of plans.
Sec. 108. Reporting requirements.
Sec. 109. Pet ownership.
Sec. 110. Administrative grievance procedure.
Sec. 111. Headquarters reserve fund.
Sec. 112. Labor standards.
Sec. 113. Nondiscrimination.
Sec. 114. Prohibition on use of funds.
Sec. 115. Inapplicability to Indian housing.
Sec. 116. Regulations.

TITLE II—PUBLIC HOUSING

Subtitle A—Block Grants

Sec. 201. Block grant contracts.
Sec. 202. Grant authority, amount, and eligibility.
Sec. 203. Eligible and required activities.
Sec. 204. Determination of grant allocation.
Sec. 205. Sanctions for improper use of amounts.

Subtitle B—Admissions and Occupancy Requirements

Sec. 221. Low-income housing requirement.
Sec. 222. Family eligibility.
Sec. 223. Preferences for occupancy.
Sec. 224. Admission procedures.
Sec. 225. Family choice of rental payment.
Sec. 226. Lease requirements.
Sec. 227. Designated housing for elderly and disabled families.

Subtitle C—Management

Sec. 231. Management procedures.
Sec. 232. Housing quality requirements.
Sec. 233. Employment of residents.
Sec. 234. Resident councils and resident management corporations.
Sec. 235. Management by resident management corporation.
Sec. 236. Transfer of management of certain housing to independent manager at request of residents.
Sec. 237. Resident opportunity program.

Subtitle D—Homeownership

Sec. 251. Resident homeownership programs.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

Sec. 261. Requirements for demolition and disposition of developments.
Sec. 262. Demolition, site revitalization, replacement housing, and choice-based assistance grants for developments.
Sec. 263. Voluntary voucher system for public housing.

Subtitle F—Mixed-Finance Public Housing

Sec. 271. Authority.
Sec. 272. Mixed-finance housing developments.
Sec. 273. Mixed-finance housing plan.
Sec. 274. Rent levels for housing financed with low-income housing tax credit.
Sec. 275. Carry-over of assistance for replaced housing.

Subtitle G—General Provisions

Sec. 281. Payment of non-Federal share.
Sec. 282. Authorization of appropriations for block grants.
Sec. 283. Funding for operation safe home.
Sec. 284. Funding for relocation of victims of domestic violence.

TITLE III—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

Subtitle A—Allocation

Sec. 301. Authority to provide housing assistance amounts.
Sec. 302. Contracts with PHA's.
Sec. 303. Eligibility of PHA's for assistance amounts.
Sec. 304. Allocation of amounts.
Sec. 305. Administrative fees.
Sec. 306. Authorizations of appropriations.
Sec. 307. Conversion of section 8 assistance.
Sec. 308. Recapture and reuse of annual contract project reserves under choice-based housing assistance and section 8 tenant-based assistance programs.

Subtitle B—Choice-Based Housing Assistance for Eligible Families

Sec. 321. Eligible families and preferences for assistance.
Sec. 322. Resident contribution.
Sec. 323. Rental indicators.
Sec. 324. Lease terms.
Sec. 325. Termination of tenancy.
Sec. 326. Eligible owners.
Sec. 327. Selection of dwelling units.
Sec. 328. Eligible dwelling units.
Sec. 329. Homeownership option.
Sec. 330. Assistance for rental of manufactured homes.

Subtitle C—Payment of Housing Assistance on Behalf of Assisted Families

Sec. 351. Housing assistance payments contracts.
Sec. 352. Amount of monthly assistance payment.
Sec. 353. Payment standards.
Sec. 354. Reasonable rents.
Sec. 355. Prohibition of assistance for vacant rental units.

Subtitle D—General and Miscellaneous Provisions

Sec. 371. Definitions.
Sec. 372. Rental assistance fraud recoveries.
Sec. 373. Study regarding geographic concentration of assisted families.
Sec. 374. Study regarding rental assistance.

TITLE IV—HOME RULE FLEXIBLE GRANT OPTION

Sec. 401. Purpose.
Sec. 402. Flexible grant program.
Sec. 403. Covered housing assistance.
Sec. 404. Program requirements.
Sec. 405. Applicability of certain provisions.
Sec. 406. Application.
Sec. 407. Training.
Sec. 408. Accountability.
Sec. 409. Definitions.

TITLE V—ACCOUNTABILITY AND OVERSIGHT OF PUBLIC HOUSING AGENCIES

Subtitle A—Study of Alternative Methods for Evaluating Public Housing Agencies

Sec. 501. In general.
Sec. 502. Purposes.
Sec. 503. Evaluation of various performance evaluation systems.
Sec. 504. Consultation.
Sec. 505. Contract to conduct study.
Sec. 506. Report.
Sec. 507. Funding.
Sec. 508. Effective date.

Subtitle B—Housing Evaluation and Accreditation Board

Sec. 521. Establishment.
Sec. 522. Membership.
Sec. 523. Functions.
Sec. 524. Powers.
Sec. 525. Fees.
Sec. 526. GAO audit.

Subtitle C—Interim Applicability of Public Housing Management Assessment Program

Sec. 531. Interim applicability.
Sec. 532. Management assessment indicators.
Sec. 533. Designation of PHA's.
Sec. 534. On-site inspection of troubled PHA's.
Sec. 535. Administration.

Subtitle D—Accountability and Oversight Standards and Procedures

Sec. 541. Audits.
Sec. 542. Performance agreements for authorities at risk of becoming troubled.
Sec. 543. Performance agreements and CDBG sanctions for troubled PHA's.
Sec. 544. Option to demand conveyance of title to or possession of public housing.
Sec. 545. Removal of ineffective PHA's.
Sec. 546. Mandatory takeover of chronically troubled PHA's.
Sec. 547. Treatment of troubled PHA's.
Sec. 548. Maintenance of records.
Sec. 549. Annual reports regarding troubled PHA's.
Sec. 550. Applicability to resident management corporations.
Sec. 551. Advisory council for Housing Authority of New Orleans.

TITLE VI—REPEALS AND RELATED AMENDMENTS

Subtitle A—Repeals, Effective Date, and Savings Provisions

Sec. 601. Effective date and repeal of United States Housing Act of 1937.
Sec. 602. Other repeals.

Subtitle B—Other Provisions Relating to Public Housing and Rental Assistance Programs

Sec. 621. Allocation of elderly housing amounts.
Sec. 622. Pet ownership.
Sec. 623. Review of drug elimination program contracts.
Sec. 624. Amendments to Public and Assisted Housing Drug Elimination Act of 1990.

Subtitle C—Limitations Relating to Occupancy in Federally Assisted Housing

Sec. 641. Screening of applicants.
Sec. 642. Termination of tenancy and assistance for illegal drug users and alcohol abusers.
Sec. 643. Lease requirements.
Sec. 644. Availability of criminal records for tenant screening and eviction.
Sec. 645. Definitions.

TITLE VII—AFFORDABLE HOUSING AND MISCELLANEOUS PROVISIONS

Sec. 701. Rural housing assistance.

Sec. 702. Treatment of occupancy standards.
Sec. 703. Implementation of plan.
Sec. 704. Income eligibility for HOME and CDBG programs.
Sec. 705. Prohibition of use of CDBG grants for employment relocation activities.
Sec. 706. Use of American products.
Sec. 707. Consultation with affected areas in settlement of litigation.
Sec. 708. Use of assisted housing by aliens.
Sec. 709. Effective date.

The CHAIRMAN. Are there any amendments to section 1?

The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. DECLARATION OF POLICY TO RENEW AMERICAN NEIGHBORHOODS.

The Congress hereby declares that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) the Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

(3) the Federal Government should act where there is a serious need that private citizens or groups cannot or are not addressing responsibly;

(4) housing is a fundamental and necessary component of bringing true opportunity to people and communities in need, but providing physical structures to house low-income families will not by itself pull generations up from poverty;

(5) it is a goal of our Nation that all citizens have decent and affordable housing; and

(6) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments, and by the independent and collective actions of private citizens, organizations, and the private sector.

The CHAIRMAN. Are there any amendments to section 2?

The CHAIRMAN. The Clerk will designate title I.

The text of title I is as follows:

TITLE I—GENERAL PROVISIONS

SEC. 101. STATEMENT OF PURPOSE.

The purpose of this Act is to promote safe, clean, and healthy housing that is affordable to low-income families, and thereby contribute to the supply of affordable housing, by—

(1) deregulating and decontrolling public housing agencies, thereby enabling them to perform as property and asset managers;

(2) providing for more flexible use of Federal assistance to public housing agencies, allowing the authorities to leverage and combine assistance amounts with amounts obtained from other sources;

(3) facilitating mixed income communities;

(4) increasing accountability and rewarding effective management of public housing agencies;

(5) creating incentives and economic opportunities for residents of dwelling units assisted by public housing agencies to work, become self-sufficient, and transition out of public housing and federally assisted dwelling units;

(6) recreating the existing rental assistance voucher program so that the use of vouchers and relationships between landlords and tenants under the program operate in a manner that more closely resembles the private housing market; and

(7) remedying troubled public housing agencies and replacing or revitalizing severely distressed public housing developments.

SEC. 102. DEFINITIONS.

For purposes of this Act, the following definitions shall apply:

(1) ACQUISITION COST.—When used in reference to public housing, the term "acquisition cost" means the amount prudently expended by a public housing agency in acquiring property for a public housing development.

(2) DEVELOPMENT.—The terms "public housing development" and "development" (when used in reference to public housing) mean—

(A) public housing; and

(B) the improvement of any such housing.

(3) DISABLED FAMILY.—The term "disabled family" means a family whose head (or his or her spouse), or whose sole member, is a person with disabilities. Such term includes 2 or more persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(4) DRUG-RELATED CRIMINAL ACTIVITY.—The term "drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as such term is defined in section 102 of the Controlled Substances Act).

(5) EFFECTIVE DATE.—The term "effective date", when used in reference to this Act, means the effective date determined under section 601(a).

(6) ELDERLY FAMILIES AND NEAR ELDERLY FAMILIES.—The terms "elderly family" and "near-elderly family" mean a family whose head (or his or her spouse), or whose sole member, is an elderly person or a near-elderly person, respectively. Such terms include 2 or more elderly persons or near-elderly persons living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(7) ELDERLY PERSON.—The term "elderly person" means a person who is at least 62 years of age.

(8) ELIGIBLE PUBLIC HOUSING AGENCY.—The term "eligible public housing agency" means, with respect to a fiscal year, a public housing agency that is eligible under section 202(d) for a grant under this title.

(9) FAMILY.—The term "family" includes a family with or without children, an elderly family, a near-elderly family, a disabled family, and a single person.

(10) GROUP HOME AND INDEPENDENT LIVING FACILITY.—The terms "group home" and "independent living facility" have the meanings given such terms in section 811(k) of the Cranston-Gonzalez National Affordable Housing Act.

(11) INCOME.—The term "income" means, with respect to a family, income from all sources of each member of the household, as determined in accordance with criteria prescribed by the applicable public housing agency and the Secretary, except that the following amounts shall be excluded:

(A) Any amounts not actually received by the family.

(B) Any amounts that would be eligible for exclusion under section 1613(a)(7) of the Social Security Act.

(12) LOCAL HOUSING MANAGEMENT PLAN.—The term "local housing management plan" means, with respect to any fiscal year, the plan under section 106 of a public housing agency for such fiscal year.

(13) LOW-INCOME FAMILY.—The term "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

(14) LOW-INCOME HOUSING.—The term "low-income housing" means dwellings that comply with the requirements—

(A) under title II for assistance under such title for the dwellings; or

(B) under title III for rental assistance payments under such title for the dwellings.

(15) NEAR-ELDERLY PERSON.—The term "near-elderly person" means a person who is at least 55 years of age.

(16) OPERATION.—When used in reference to public housing, the term "operation" means any or all undertakings appropriate for management, operation, services, maintenance, security (including the cost of security personnel), or financing in connection with a public housing development, including the financing of resident programs and services.

(17) PERSON WITH DISABILITIES.—The term "person with disabilities" means a person who—

(A) has a disability as defined in section 223 of the Social Security Act,

(B) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes his or her ability to live independently, and (iii) is of such a nature that such ability could be improved by more suitable housing conditions, or

(C) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome. Notwithstanding any other provision of law, no individual shall be considered a person with disabilities, for purposes of eligibility for public housing under title II of this Act, solely on the basis of any drug or alcohol dependence. The Secretary shall consult with other appropriate Federal agencies to implement the preceding sentence.

(18) PRODUCTION.—When used in reference to public housing, the term "production" means any or all undertakings necessary for planning, land acquisition, financing, demolition, construction, or equipment, in connection with the construction, acquisition, or rehabilitation of a property for use as a public housing development, including activity in connection with a public housing development that is confined to the reconstruction, remodeling, or repair of existing buildings.

(19) PRODUCTION COST.—When used in reference to public housing, the term "production cost" means the costs incurred by a public housing agency for production of public housing and the necessary financing for production (including the payment of carrying charges and acquisition costs).

(20) PUBLIC HOUSING.—The term "public housing" means housing, and all necessary appurtenances thereto, that—

(A) is low-income housing, low-income dwelling units in mixed-finance housing (as provided in subtitle F), or low-income dwelling units in mixed income housing (as provided in section 221(c)(2)); and

(B)(i) is subject to an annual block grant contract under title II; or

(ii) was subject to an annual block grant contract under title II (or an annual contributions contract under the United States Housing Act of 1937) which is not in effect, but for which occupancy is limited in accordance with the requirements under section 222(a).

(21) PUBLIC HOUSING AGENCY.—The term "public housing agency" is defined in section 103.

(22) RESIDENT COUNCIL.—The term "resident council" means an organization or association that meets the requirements of section 234(a).

(23) RESIDENT MANAGEMENT CORPORATION.—The term "resident management corporation" means a corporation that meets the requirements of section 234(b)(2).

(24) RESIDENT PROGRAM.—The term "resident programs and services" means programs and services for families residing in public housing developments. Such term includes (A) the development and maintenance of resident organizations which participate in the management of public housing developments, (B) the training of residents to manage and operate the public housing development and the utilization of their services in management and operation of the development, (C) counseling on household management, housekeeping, budgeting, money management, homeownership issues, child care, and similar matters, (D) advice regarding resources for job training and placement, education, welfare, health, and other community services, (E) services that are directly related to meeting resident needs and providing a wholesome living environment; and (F) referral to appropriate agencies in the community when necessary for the provision of such services. To the maximum extent available and appropriate, existing public and private agencies in the community shall be used for the provision of such services.

(25) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development.

(26) STATE.—The term "State" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States and Indian tribes.

(27) VERY LOW-INCOME FAMILY.—The term "very low-income family" means a low-income family whose income does not exceed 50 percent of the median family income for the area, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 50 percent of the median for the area on the basis of the public housing agency's findings that such variations are necessary because of unusually high or low family incomes.

SEC. 103. ORGANIZATION OF PUBLIC HOUSING AGENCIES.

(a) REQUIREMENTS.—For purposes of this Act, the terms "public housing agency" and "agency" mean any entity that—

(1) is—

(A) a public housing agency that was authorized under the United States Housing Act of 1937 to engage in or assist in the development or operation of low-income housing;

(B) authorized under this Act to engage in or assist in the development or operation of low-income housing by any State, county, municipality, or other governmental body or public entity;

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pursuant to subtitle D of title V, to manage housing; and

(2) complies with the requirements under subsection (b).

The term does not include any entity that is an Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the effectiveness of the Native American Housing Assistance and Self-Determination Act of 1996) or a tribally designated housing entity, as such term is defined in section 4 of the Native American Housing Assistance and Self-Determination Act of 1996.

(b) GOVERNANCE.—

(1) BOARD OF DIRECTORS.—Each public housing agency shall have a board of directors or other form of governance as prescribed in State or local law. No person may be barred from serving on such board or body because of such person's residency in a public housing development or status as an assisted family under title III.

(2) RESIDENT MEMBERSHIP.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in localities in which a public housing agency is governed by a board of directors or other similar body, the board or body shall include not less than 1 member who is an elected public housing resident member (as such term is defined in paragraph (5)).

(B) EXCEPTIONS.—The requirement in subparagraph (A) with respect to elected public housing resident members shall not apply to—

(i) any State or local governing body that serves as a public housing agency for purposes of this Act and whose responsibilities include substantial activities other than acting as the public housing agency, except that such requirement shall apply to any advisory committee or organization that is established by such governing body and whose responsibilities relate only to the governing body's functions as a public housing agency for purposes of this Act;

(ii) any public housing agency that owns or operates less than 250 public housing dwelling units (including any agency that does not own or operate public housing); or

(iii) any public housing agency in a State that requires the members of the board of directors or other similar body of a public housing agency to be salaried and to serve on a full-time basis.

(3) FULL PARTICIPATION.—No public housing agency may limit or restrict the capacity or offices in which a member of such board or body may serve on such board or body solely because of the member's status as a resident member.

(4) CONFLICTS OF INTEREST.—The Secretary shall establish guidelines to prevent conflicts of interest on the part of members of the board or directors or governing body of a public housing agency.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term "elected public housing resident member" means, with respect to the public housing agency involved, an individual who is a resident member of the board of directors (or other similar governing body of the agency) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the agency; and

(II) have not been convicted of a felony;

(ii) in which only residents of dwelling units of public housing administered by the agency may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term "resident member" means a member of the board of directors or other similar governing body of a public housing agency who is a resident of a public housing dwelling unit owned, administered, or assisted by the agency or is a member of an assisted family (as such term is defined in section 371) assisted by the agency.

(c) ESTABLISHMENT OF POLICIES.—Any rules, regulations, policies, standards, and procedures necessary to implement policies required under section 106 to be included in the local housing management plan for a public housing agency shall be approved by the board of directors or similar governing body of the agency and shall be publicly available for review upon request.

SEC. 104. DETERMINATION OF ADJUSTED INCOME AND MEDIAN INCOME.

(a) ADJUSTED INCOME.—For purposes of this Act, the term "adjusted income" means, with respect to a family, the difference between the income of the members of the family residing in a dwelling unit or the persons on a lease and the amount of any income exclusions for the family under subsections (b) and (c), as determined by the public housing agency.

(b) MANDATORY EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency shall exclude from the annual income of a family the following amounts:

(1) ELDERLY AND DISABLED FAMILIES.—$400 for any elderly or disabled family.

(2) MEDICAL EXPENSES.—The amount by which 3 percent of the annual family income is exceeded by the sum of—

(A) unreimbursed medical expenses of any elderly family;

(B) unreimbursed medical expenses of any nonelderly family, except that this subparagraph shall apply only to the extent approved in appropriation Acts; and

(C) unreimbursed reasonable attendant care and auxiliary apparatus expenses for each handicapped member of the family, to the extent necessary to enable any member of such family (including such handicapped member) to be employed.

(3) CHILD CARE EXPENSES.—Any reasonable child care expenses necessary to enable a member of the family to be employed or to further his or her education.

(4) MINORS, STUDENTS, AND PERSONS WITH DISABILITIES.—$480 for each member of the family residing in the household (other than the head of the household or his or her spouse) who is less than 18 years of age or is attending school or vocational training on a full-time basis, or who is 18 years of age or older and is a person with disabilities.

(5) CHILD SUPPORT PAYMENTS.—Any payment made by a member of the family for the support and maintenance of any child who does not reside in the household, except that the amount excluded under this paragraph may not exceed $480 for each child for whom such payment is made.

(6) EARNED INCOME OF MINORS.—The amount of any earned income of a member of the family who is not—

(A) 18 years of age or older; and

(B) the head of the household (or the spouse of the head of the household).

(c) PERMISSIVE EXCLUSIONS FROM INCOME.—In determining adjusted income, a public housing agency may, in the discretion of the agency, establish exclusions from the annual income of a family. Such exclusions may include the following amounts:

(1) EXCESSIVE TRAVEL EXPENSES.—Excessive travel expenses in an amount not to exceed $25 per family per week, for employment- or education-related travel.

(2) EARNED INCOME.—An amount of any earned income of the family, established at the discretion of the public housing agency, which may be based on—

(A) all earned income of the family,

(B) the amount earned by particular members of the family;

(C) the amount earned by families having certain characteristics; or

(D) the amount earned by families or members during certain periods or from certain sources.

(3) OTHERS.—Such other amounts for other purposes, as the public housing agency may establish.

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

SEC. 105. COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY REQUIREMENTS.

(a) COMMUNITY WORK REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (3), each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family shall contribute not less than 8 hours of work per month (not including political activities) within the community in which the family resides, which may include work performed on locations not owned by the public housing agency).

(2) EMPLOYMENT STATUS AND LIABILITY.—The requirement under paragraph (1) may not be construed to establish any employment relationship between the public housing agency and the member of the family subject to the work requirement under such paragraph or to create any responsibility, duty, or liability on the part of the public housing agency for actions arising out of the work done by the member of the family to comply with the requirement, except to the extent that the member of the family is fulfilling the requirement by working directly for such public housing agency.

(3) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirement under paragraph (1), of each individual who is—

(A) an elderly person;

(B) a person with disabilities;

(C) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(D) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(b) REQUIREMENT REGARDING TARGET DATE FOR TRANSITION OUT OF ASSISTED HOUSING.—

(1) IN GENERAL.—Each public housing agency shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that the family and the agency enter into an agreement (included, pursuant to subsection (d)(2)(C), as a term of an agreement under subsection (d)) establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III.

(2) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the target date established pursuant to paragraph (1).

(3) FACTORS.—In establishing a target date pursuant to paragraph (1) for a family that receives benefits for welfare or public assistance from a State or other public agency under a program that limits the duration during which such benefits may be received, the public housing agency and the family may take into consideration such time limit. This section may not be construed to require any public housing agency to adopt any such time limit on the duration of welfare or public assistance benefits as the target date pursuant to paragraph (1) for a resident.

(4) EXEMPTIONS.—A public housing agency shall provide for the exemption, from the applicability of the requirements under paragraph (1), of each individual who is—

(1) an elderly person;

(2) a person with disabilities;

(3) working, attending school or vocational training, or otherwise complying with work requirements applicable under other public assistance programs (as determined by the agencies or organizations responsible for administering such programs); or

(4) otherwise physically impaired to the extent that they are unable to comply with the requirement, as certified by a doctor.

(c) TREATMENT OF INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS.—

(1) COVERED FAMILY.—For purposes of this subsection, the term "covered family" means a family that (A) receives benefits for welfare or public assistance from a State or other public agency under a program for which the Federal, State, or local law relating to the program requires, as a condition of eligibility for assistance under the program, participation of a member of the family in an economic self-sufficiency program, and (B) resides in a public housing dwelling unit or is provided housing assistance under title III.

(2) DECREASES IN INCOME FOR FAILURE TO COMPLY.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced under a Federal, State, or local law regarding such an assistance program because of any failure of any member of the family to comply with the conditions under the assistance program requiring participation in an economic self-sufficiency program, the amount required to be paid by the family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(3) EFFECT OF FRAUD.—Notwithstanding the provisions of sections 225 and 322 (relating to family rental contributions), if the welfare or public assistance benefits of a covered family are reduced because of an act of fraud by a member of the family under the law or program, the amount required to be paid by the covered family as a monthly contribution toward rent may not be decreased, during the period of the reduction, as a result of any decrease in the income of the family (to the extent that the decrease in income is a result of the benefits reduction).

(4) NOTICE.—Paragraphs (2) and (3) shall not apply to any covered family before the public housing agency providing assistance under this Act on behalf of the family obtains written notification from the relevant welfare or public assistance agency specifying that the family's benefits have been reduced because of noncompliance with economic self-sufficiency program requirements or fraud and the level of such reduction.

(5) OCCUPANCY RIGHTS.—This subsection may not be construed to authorize any public housing agency to establish any time limit on tenancy in a public housing dwelling unit or on receipt of housing assistance under title III.

(6) REVIEW.—Any covered family residing in public housing that is affected by the operation of this subsection shall have the right to review the determination under this subsection through the administrative grievance procedure established pursuant to section 110 for the public housing agency.

(7) COOPERATION AGREEMENTS FOR ECONOMIC SELF-SUFFICIENCY ACTIVITIES.—

(A) REQUIREMENT.—A public housing agency providing public housing dwelling units or housing assistance under title III for covered families shall make its best efforts to enter into such cooperation agreements, with State, local, and other agencies providing assistance to covered families under welfare or public assistance programs, as may be necessary, to provide for such agencies to transfer information to facilitate administration of subsection (a) and paragraphs (2), (3), and (4) of this subsection, and other information regarding rents, income, and assistance that may assist a public housing agency or welfare or public assistance agency in carrying out its functions.

(B) CONTENTS.—A public housing agency shall seek to include in a cooperation agreement under this paragraph requirements and provisions designed to target assistance under welfare and public assistance programs to families residing in public housing developments and receiving choice-based assistance under title III, which may include providing for self-sufficiency services within such housing, providing for services designed to meet the unique employment-related needs of residents of such housing and recipients of such assistance, providing for placement of workfare positions on-site in such housing, and such other elements as may be appropriate.

(C) CONFIDENTIALITY.—This paragraph may not be construed to authorize any release of information that is prohibited by, or in contravention of, any other provision of Federal, State, or local law.

(d) COMMUNITY WORK AND FAMILY SELF-SUFFICIENCY AGREEMENTS.—

(1) IN GENERAL.—A public housing agency shall enter into a community work and family self-sufficiency agreement under this subsection with each adult member and head of household of each family who is to reside in a dwelling unit in public housing of the agency and each family on behalf of whom the agency will provide housing assistance under title III. Under the agreement the family shall agree that, as a condition of occupancy of the public housing dwelling unit or of receiving such housing assistance, the family will comply with the terms of the agreement.

(2) TERMS.—An agreement under this subsection shall include the following:

(A) Terms designed to encourage and facilitate the economic self-sufficiency of the assisted family entering into the agreement and the graduation of the family from assisted housing to unassisted housing.

(B) Notice of the requirements under subsection (a) (relating to community work) and the conditions imposed by, and exemptions from, such requirement.

(C) The target date agreed upon by the family pursuant to subsection (b) for graduation from, termination of tenancy in, or termination of receipt of public housing or housing assistance under title III.

(D) Terms providing for any resources, services, and assistance relating to self-sufficiency that will be made available to the family, including any assistance to be made available pursuant to subsection (c)(7)(B) under a cooperation agreement entered into under subsection (c)(7).

(E) Notice of the provisions of paragraphs (2) through (7) of subsection (c) (relating to effect of changes in income on rent and assisted families rights under such circumstances).

(e) LEASE PROVISIONS.—A public housing agency shall incorporate into leases under sections 226, and into any agreements for the provision of choice-based assistance under title III on behalf of a family—

(1) a provision requiring compliance with the requirement under subsection (a); and

(2) provisions incorporating the conditions under subsection (c).

(f) TREATMENT OF INCOME.—Notwithstanding any other provision of this section, in determining the income or tenancy of a family who resides in public housing or receives housing assistance under title III, a public housing agency shall consider any decrease in the income of a family that results from the reduction of any welfare or public assistance benefits received by the family under any Federal, State, or local law regarding a program for such assistance if the family (or a member thereof, as applicable) has complied with the conditions for receiving such assistance and is unable to obtain employment notwithstanding such compliance.

(g) DEFINITION.—For purposes of this section, the term "economic self-sufficiency program" means any program designed to encourage, assist, train, or facilitate the economic independence of participants and their families or to provide work for participants, including programs for job training, employment counseling, work placement, basic skills training, education, workfare, financial or household management, apprenticeship, or other activities as the Secretary may provide.

SEC. 106. LOCAL HOUSING MANAGEMENT PLANS.

(a) 5-YEAR PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary, once every 5 years, a plan under this subsection for the agency covering a period consisting of 5 fiscal years. Each such plan shall contain, with respect to the 5-year period covered by the plan, the following information:

(1) STATEMENT OF MISSION.—A statement of the mission of the agency for serving the needs of low-income families in the jurisdiction of the agency during such period.

(2) GOALS AND OBJECTIVES.—A statement of the goals and objectives of the agency that will enable the agency to serve the needs identified pursuant to paragraph (1) during such period.

(3) CAPITAL IMPROVEMENT OVERVIEW.—If the agency will provide capital improvements for public housing developments during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the agency to meet its goals, objectives, and mission.

The first 5-year plan under this subsection for a public housing agency shall be submitted for the 5-year period beginning with the first fiscal year for which the agency receives assistance under this Act.

(b) ANNUAL PLAN.—The Secretary shall provide for each public housing agency to submit to the Secretary a local housing management plan under this section for each fiscal year that contains the information required under subsection (d). For each fiscal year after the initial submission of a plan under this section by a public housing agency, the agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year.

(c) PROCEDURES.—The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. Such procedures shall provide that a public housing agency—

(1) shall, in conjunction with the relevant State or unit of general local government, establish procedures to ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act; and

(2) may, at the option of the agency, submit a plan under this section together with, or as part of, the comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the relevant jurisdiction, and for concomitant review of such plans submitted together.

(d) CONTENTS.—An annual local housing management plan under this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this Act is to be made available:

(1) NEEDS.—A statement of the housing needs of low-income and very low-income families residing in the community served by the agency, and of other low-income families on the waiting list of the agency (including the housing needs of elderly families and disabled families), and the means by which the agency intends, to the maximum extent practicable, to address such needs.

(2) FINANCIAL RESOURCES.—A statement of financial resources available for the agency the planned uses of such resources that includes—

(A) a description of the financial resources available to the agency;

(B) the uses to which such resources will be committed, including all proposed eligible and required activities under section 203 and housing assistance to be provided under title III;

(C) an estimate of the costs of operation and the market rental value of each public housing development; and

(D) a specific description, based on population and demographic data, of the unmet affordable housing needs of families in the community served by the agency having incomes not exceeding 30 percent of the area median income and a statement of how the agency will expend grant amounts received under this Act to meet the housing needs of such families.

(3) POPULATION SERVED.—A statement of the policies of the agency governing eligibility, admissions, and occupancy of families with respect to public housing dwelling units and housing assistance under title III, including—

(A) the requirements for eligibility for such units and assistance and the method and procedures by which eligibility and income will be determined and verified;

(B) the requirements for selection and admissions of eligible families for such units and assistance, including any preferences and procedures established by the agency and any outreach efforts;

(C) the procedures for assignment of families admitted to dwelling units owned, leased, managed, operated, or assisted by the agency;

(D) any standards and requirements for occupancy of public housing dwelling units and units assisted under title III, including resident screening policies, standard lease provisions, conditions for continued occupancy, termination of tenancy, eviction, and conditions for termination of housing assistance;

(E) the procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include a system of site-based waiting lists under section 224(c);

(F) the criteria for providing and denying housing assistance under title III to families moving into the jurisdiction of the agency; and

(G) the fair housing policy of the agency.

(4) RENT DETERMINATION.—A statement of the policies of the agency governing rents charged for public housing dwelling units and rental contributions of assisted families under title III and the system used by the agency to ensure that such rents comply with the requirements of this Act.

(5) OPERATION AND MANAGEMENT.—A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned and operated by the agency, and management of the public housing agency and programs of the agency, including—

(A) a description of the manner in which the agency is organized (including any consortia or joint ventures) and staffed to perform the duties and functions of the public housing agency and to administer the operating fund distributions of the agency;

(B) policies relating to the rental of dwelling units, including policies designed to reduce vacancies;

(C) housing quality standards in effect pursuant to sections 232 and 328 and any certifications required under such sections;

(D) emergency and disaster plans for public housing;

(E) priorities and improvements for management of public housing, including initiatives to control costs; and

(F) policies of the agency requiring the loss or termination of housing assistance and tenancy under sections 641 and 642 (relating to occupancy standards for federally assisted housing).

(6) GRIEVANCE PROCEDURE.—A statement of the grievance procedures of the agency under section 110.

(7) CAPITAL IMPROVEMENTS.—With respect to public housing developments owned or operated by the agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the developments.

(8) DEMOLITION AND DISPOSITION.—With respect to public housing developments owned or operated by the agency—

(A) a description of any such housing to be demolished or disposed of under subtitle E of title II; and

(B) a timetable for such demolition or disposition.

(9) DESIGNATION OF HOUSING FOR ELDERLY AND DISABLED FAMILIES.—With respect to public housing developments owned or operated by the agency, a description of any developments (or portions thereof) that the agency has designated or will designate for occupancy by elderly and disabled families in accordance with section 227 and any information required under section 227(d) for such designated developments.

(10) CONVERSION OF PUBLIC HOUSING.—With respect to public housing owned or operated by the agency, a description of any building or buildings that the agency is required, under section 203(b), to convert to housing assistance under title III or that the agency voluntarily converts, an analysis of such buildings required under such section for conversion, and a statement of the amount of grant amounts under title II to be used for rental assistance or other housing assistance.

(11) HOMEOWNERSHIP ACTIVITIES.—A description of any homeownership programs of the

agency under subtitle D of title II or section 329 for the agency and the requirements and assistance available under such programs.

(12) ECONOMIC SELF-SUFFICIENCY AND COORDINATION WITH WELFARE AND OTHER APPROPRIATE AGENCIES.—A description of—

(A) policies relating to services and amenities provided or offered to assisted families, including the provision of service coordinators and services designed for certain populations (such as the elderly and disabled);

(B) how the agency will coordinate with State, local, and other agencies providing assistance to families participating in welfare or public assistance programs;

(C) how the agency will implement and administer section 105; and

(D) any policies, programs, plans, and activities of the agency for the enhancement of the economic and social self-sufficiency of residents assisted by the programs of the agency, including rent structures to encourage self-sufficiency.

(13) SAFETY AND CRIME PREVENTION.—A plan established by the public housing agency, which shall be subject to the following requirements:

(A) SAFETY MEASURES.—The plan shall provide, on a development-by-development basis, for measures to ensure the safety of public housing residents.

(B) ESTABLISHMENT.—The plan shall be established, with respect to each development, in consultation with the police officer or officers in command for the precinct in which the development is located.

(C) CONTENT.—The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted, or to be conducted, by the agency, and provide for coordination between the public housing agency and the appropriate police precincts for carrying out such measures and activities.

(D) SECRETARIAL ACTION.—If the Secretary determines, at any time, that the security needs of a development are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. If after such mediation has occurred and the Secretary determines that the security needs of the development are not adequately addressed, the Secretary may require the public housing agency to submit an amended plan.

(14) ANNUAL AUDIT.—The results of the most recent fiscal year audit of the agency required under section 541(b).

(15) TROUBLED AGENCIES.—Such other additional information as the Secretary may determine to be appropriate for each public housing agency that is designated—

(A) under section 533(c) as at risk of becoming troubled; or

(B) under section 533(a) as troubled.

(16) ASSET MANAGEMENT.—A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(e) CITIZEN PARTICIPATION.—

(1) PUBLICATION OF NOTICE.—Not later than 45 days before the date of a hearing conducted under paragraph (2) by the governing body of a public housing agency, the agency shall—

(A) publish a notice informing the public that the proposed local housing management plan or amendment is available for inspection at the principal office of the public housing agency during normal business hours and make the plan or amendment so available for inspection during such period; and

(B) publish a notice informing the public that a public hearing will be conducted to discuss the local housing management plan and to invite public comment regarding that plan.

(2) PUBLIC HEARING.—Before submitting a plan under this section or a significant amendment under section 107(f) to a plan, a public housing agency shall, at a location that is convenient to residents, conduct a public hearing, as provided in the notice published under paragraph (1), regarding the public housing plan or the amendment of the agency.

(3) CONSIDERATION OF COMMENTS.—A public housing agency shall consider any comments or views made available pursuant to paragraphs (1) and (2) in preparing a final plan or amendment for submission to the Secretary. A summary of such comments or views shall be attached to the plan, amendment, or report submitted.

(4) ADOPTION OF PLAN.—After conducting the public hearing under paragraph (2) and considering public comments in accordance with paragraph (3), the public housing agency shall make any appropriate changes to the local housing management plan or amendment and shall—

(A) adopt the local housing management plan;

(B) submit the plan to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval under subsection (f);

(C) submit the plan to the Secretary in accordance with this section; and

(D) make the submitted plan or amendment publicly available.

(f) LOCAL REVIEW.—The public housing agency shall submit a plan under this subsection to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the public housing agency for review and approval for a 45-day period beginning on the date that the plan is submitted to such local official or officials (which period may run concurrently with any period under subsection (e) for public comment). If the local official or officials responsible under this subsection do not act within 45 days of submission of the plan, the plan shall be considered approved. If the local official or officials responsible under this subsection reject the public housing agency's plan, they shall return the plan with their recommended changes to the agency within 5 days of their disapproval. The agency shall resubmit an updated plan to the local official or officials within 30 days of receiving the objections, If the local official or officials again reject the plan, the resubmitted plan, together with the local official's objections, shall be submitted to the Secretary for approval.

(g) PLANS FOR SMALL PHA'S AND PHA'S ADMINISTERING ONLY RENTAL ASSISTANCE.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to public housing agencies that own or operate less than 250 public housing dwelling units and shall establish requirements for such submission and information applicable to agencies that only administer housing assistance under title III (and do not own or operate public housing). Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such agencies.

SEC. 107. REVIEW OF PLANS.

(a) REVIEW AND NOTICE.—

(1) REVIEW.—The Secretary shall conduct a limited review of each local housing management plan submitted to the Secretary to ensure that the plan is complete and complies with the requirements of section 106. The Secretary shall have the discretion to review a plan to the extent that the Secretary considers review is necessary.

(2) NOTICE.—The Secretary shall notify each public housing agency submitting a plan whether the plan complies with such requirements not later than 75 days after receiving the plan. If the Secretary does not notify the public housing agency, as required under this subsection and subsection (b), the Secretary shall be considered, for purposes of this Act, to have made a determination that the plan complies with the requirements under section 106 and the agency shall be considered to have been notified of compliance upon the expiration of such 75-day period. The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5, United States Code, or an action regarding such compliance under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1883).

(b) NOTICE OF REASONS FOR DETERMINATION OF NONCOMPLIANCE.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 106, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 106.

(c) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan does not comply with the requirements under section 106 only if—

(1) the plan is incomplete in significant matters required under such section;

(2) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(3) the Secretary determines that the plan does not comply with Federal law or violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost;

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the agency;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the agency;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

The Secretary shall determine that a plan does not comply with the requirements under section 106 if the plan does not include the information required under section 106(d)(2)(D).

(d) TREATMENT OF EXISTING PLANS.—Notwithstanding any other provision of this title, a public housing agency shall be considered to have submitted a plan under this section if the agency has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such authorities to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 106.

(e) ACTIONS TO CHANGE PLAN.—A public housing agency that has submitted a plan under section 106 may change actions or policies described in the plan before submission and review of the plan of the agency for the next fiscal year only if—

(1) in the case of costly or nonroutine changes, the agency submits to the Secretary an amendment to the plan under subsection (f)

which is reviewed in accordance with such subsection; or

(2) in the case of inexpensive or routine changes, the agency describes such changes in such local housing management plan for the next fiscal year.

(f) AMENDMENTS TO PLAN.—

(1) IN GENERAL.—During the annual or 5-year period covered by the plan for a public housing agency, the agency may submit to the Secretary any amendments to the plan.

(2) REVIEW.—The Secretary shall conduct a limited review of each proposed amendment submitted under this subsection to determine whether the plan, as amended by the amendment, complies with the requirements of section 106 and notify each public housing agency submitting the amendment whether the plan, as amended, complies with such requirements not later than 30 days after receiving the amendment. If the Secretary determines that a plan, as amended, does not comply with the requirements under section 106, such notice shall indicate the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 106. If the Secretary does not notify the public housing agency as required under this paragraph, the plan, as amended, shall be considered, for purposes of this section, to comply with the requirements under section 106.

(3) STANDARDS FOR DETERMINATION OF NONCOMPLIANCE.—The Secretary may determine that a plan, as amended by a proposed amendment, does not comply with the requirements under section 106 only if—

(A) the plan, as amended, would be subject to a determination of noncompliance in accordance with the provisions of subsection (c);

(B) the Secretary determines that—

(i) the proposed amendment is plainly inconsistent with the activities specified in the plan; or

(ii) there is evidence that challenges, in a substantial manner, any information contained in the amendment; or

(C) the Secretary determines that the plan, as amended, violates the purposes of this Act because it fails to provide housing that will be viable on a long-term basis at a reasonable cost.

(4) AMENDMENTS TO EXTEND TIME OF PERFORMANCE.—Notwithstanding any other provision of this subsection, the Secretary may not determine that any amendment to the plan of a public housing agency that extends the time for performance of activities assisted with amounts provided under this title fails to comply with the requirements under section 106 if the Secretary has not provided the amount of assistance set forth in the plan or has not provided the assistance in a timely manner.

SEC. 108. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each public housing agency shall annually submit to the Secretary, on a date determined by the Secretary, a performance and evaluation report concerning the use of funds made available under this Act. The report of the public housing agency shall include an assessment by the agency of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The public housing agency shall certify that the report was available for review and comment by affected tenants prior to its submission to the Secretary.

(b) REVIEW OF PHA'S.—The Secretary shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each public housing agency receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan; and

(2) has a continuing capacity to carry out its local housing management plan in a timely manner.

(c) RECORDS.—Each public housing agency shall collect, maintain, and submit to the Secretary such data and other program records as the Secretary may require, in such form and in accordance with such schedule as the Secretary may establish.

SEC. 109. PET OWNERSHIP.

Pet ownership in housing assisted under this Act that is federally assisted rental housing (as such term is defined in section 227 of the Housing and Urban-Rural Recovery Act of 1983) shall be governed by the provisions of section 227 of such Act.

SEC. 110. ADMINISTRATIVE GRIEVANCE PROCEDURE.

(a) REQUIREMENTS.—Each public housing agency receiving assistance under this Act shall establish and implement an administrative grievance procedure under which residents of public housing will—

(1) be advised of the specific grounds of any proposed adverse public housing agency action;

(2) have an opportunity for a hearing before an impartial party (including appropriate employees of the public housing agency) upon timely request within a reasonable period of time;

(3) have an opportunity to examine any documents or records or regulations related to the proposed action;

(4) be entitled to be represented by another person of their choice at any hearing;

(5) be entitled to ask questions of witnesses and have others make statements on their behalf; and

(6) be entitled to receive a written decision by the public housing agency on the proposed action.

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING.—A public housing agency shall exclude from its procedure established under subsection (a) any grievance concerning an eviction from or termination of tenancy in public housing in any State which requires that, prior to eviction, a resident be provided a hearing in court which the Secretary determines provides the basic elements of due process.

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any public housing agency to establish or implement an administrative grievance procedure with respect to assisted families under title III.

SEC. 111. HEADQUARTERS RESERVE FUND.

(a) ANNUAL RESERVATION OF AMOUNTS.—Notwithstanding any other provision of law, the Secretary may retain not more than 2 percent of the amounts appropriated to carry out title II for any fiscal year for use in accordance with this section.

(b) USE OF AMOUNTS.—Any amounts that are retained under subsection (a) or appropriated for use under this section shall be available for subsequent allocation to specific areas and communities, and may only be used for the Department of Housing and Urban Development and—

(1) for unforeseen housing needs resulting from natural and other disasters;

(2) for housing needs resulting from emergencies, as determined by the Secretary, other than such disasters;

(3) for housing needs related to a settlement of litigation, including settlement of fair housing litigation; and

(4) for needs related to the Secretary's actions under this Act regarding troubled and at-risk public housing agencies.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

SEC. 112. LABOR STANDARDS.

(a) IN GENERAL.—Any contract for grants, sale, or lease pursuant to this Act relating to public housing shall contain the following provisions:

(1) OPERATION.—A provision requiring that not less than the wages prevailing in the locality, as determined or adopted (subsequent to a determination under applicable State or local law) by the Secretary, shall be paid to all contractors and persons employed in the operation of the low-income housing development involved.

(2) PRODUCTION.—A provision that not less than the wages prevailing in the locality, as predetermined by the Secretary of Labor pursuant to the Davis-Bacon Act (40 U.S.C. 276a–276a–5), shall be paid to all laborers and mechanics employed in the production of the development involved.

The Secretary shall require certification as to compliance with the provisions of this section before making any payment under such contract.

(b) EXCEPTIONS.—Subsection (a) and the provisions relating to wages (pursuant to subsection (a)) in any contract for grants, sale, or lease pursuant to this Act relating to public housing, shall not apply to any individual who—

(1) performs services for which the individual volunteered;

(2)(A) does not receive compensation for such services; or

(B) is paid expenses, reasonable benefits, or a nominal fee for such services; and

(3) is not otherwise employed at any time in the construction work.

SEC. 113. NONDISCRIMINATION.

(a) IN GENERAL.—No person in the United States shall on the grounds of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with amounts made available under this Act. Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 shall also apply to any such program or activity.

(b) CIVIL RIGHTS COMPLIANCE.—Each public housing agency that receives grant amounts under this Act shall use such amounts and carry out its local housing management plan approved under section 107 in conformity with title VI of the Civil Rights Act of 1964, the Fair Housing Act, section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, and the Americans With Disabilities Act of 1990, and shall affirmatively further fair housing.

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, public housing agencies, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

SEC. 115. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles II, III, IV, and V shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority under the United States Housing Act of 1937 or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

SEC. 116. REGULATIONS.

(a) IN GENERAL.—The Secretary may issue any regulations necessary to carry out this Act. This subsection shall take effect on the date of the enactment of this Act.

(b) RULE OF CONSTRUCTION.—Any failure by the Secretary to issue any regulations authorized under subsection (a) shall not affect the effectiveness of any provision of this Act or any amendment made by this Act.

AMENDMENTS OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. Mr. Chairman, I offer several amendments consisting of the amendment of the gentleman from Michigan [Mr. SMITH] which is at the desk and replaces the amendment printed in the RECORD and numbered 37, the amendment of the gentleman from Michigan [Mr. KNOLLENBERG] printed in the RECORD and numbered 34, the amendment of the gentleman from Minnesota [Mr. VENTO] printed in the RECORD and numbered 22, and the amendment of the gentleman from Michigan [Mr. SMITH] printed in the RECORD and numbered 38, and I ask unanimous consent that they be considered en bloc.

I believe, Mr. Chairman, that Members of the minority have the amendments, including the corrected amendment that is at the desk.

☐ 1315

The CHAIRMAN. The Clerk will report amendment No. 37 and designate the remaining amendments.

The Clerk read as follows:

Amendment No. 37 offered by Mr. SMITH of Michigan:

Page 16, line 14, after the period insert the following: "This paragraph may not be construed to require any public housing agency to provide any programs or services for residents.".

The text of amendment No. 34 offered by Mr. KNOLLENBERG is as follows:

Page 25, after line 20, insert the following new subsection:

(e) AVAILABILITY OF INCOME MATCHING INFORMATION.—

(1) DISCLOSURE TO PHA.—A public housing agency shall require any family described in paragraph (2) who receives information regarding income, earnings, wages, or unemployment compensation from the Department of Housing and Urban Development pursuant to income verification procedures of the Department of disclose such information, upon receipt of the information, to the public housing agency that owns or operates the public housing dwelling unit in which such family resides or that provides the housing assistance on behalf of such family, as applicable.

(2) APPLICABILITY TO FAMILIES RECEIVING PUBLIC HOUSING OR CHOICE-BASED HOUSING ASSISTANCE.—A family described in this paragraph is a family that resides in a dwelling unit—

(A) that is a public housing dwelling unit; or

(B) for which housing assistance is provided under title III (or under the program for tenant-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act)).

(3) PROTECTION OF APPLICANTS AND PARTICIPANTS.—Section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (42 U.S.C. 3544) is amended—

(A) in subsection (b)—

(i) in paragraph (2), by striking "and" at the end;

(iii) in paragraph (3), by striking the period at the end and inserting "; and"; and

(ii) by adding at the end the following new paragraph:

"(4) only in the case of an applicant or participant that is a member of a family described in section 104(e)(2) of the Housing Opportunity and Responsibility Act of 1997, sign an agreement under which the applicant or participant agrees to provide to the appropriate public housing agency the information required under such section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 for the sole purpose of the public housing agency verifying income information pertinent to the applicant's or participant's eligibility or level of benefits, and comply with such agreement."; and

(B) in subsection (c)—

(i) in paragraph (2)(A), in the matter preceding clause (I)—

(I) by inserting before "or" the first place it appears the following: ", pursuant to section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997 from the applicant or participant,"; and

(II) by inserting "or 104(e)(I)" after "such section 303(i)"; and (ii) in paragraph (3)—

(I) in subparagraph (A), by inserting ", section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997," after "Social Security Act"; and

(II) in subparagraph (A), by inserting "or agreement, as applicable," after "consent";

(III) in subparagraph (B), by inserting "section 104(e)(1) of the Housing Opportunity and Responsibility Act of 1997," after "Social Security Act,"; and

(IV) in subparagraph (B), by inserting "such section 104(e)(1)," after "such section 303(i)," each place it appears.

The text of amendment No. 22 offered by Mr. VENTO is as follows:

Page 40, line 19, strike "and".

Page 40, line 19, insert the following new subparagraph:

(G) the procedures for coordination with entities providing assistance to homeless families in the jurisdiction of the agency; and

Page 40, line 20, strike "(G)" and insert "(H)".

The text of amendment No. 38 offered by Mr. SMITH of Michigan is as follows:

Page 43, line 19, strike "of any" and all that follows through line 19, and insert the following:

of—

(A) any homeownership programs of the agency under subtitle D of title II or section 329 for the agency;

(B) the requirements and assistance available under the programs described pursuant to subparagraph (A); and

(C) the annual goals of the agency for additional availability of homeownership units.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. KENNEDY of Massachusetts. Reserving the right to object, Mr. Chairman, I rise to say I might withdraw my objection, but I just want to seek some clarification on a couple of these issues that have been raised.

As I understand it, Mr. Chairman, on the Smith amendment No. 37, that is now going to read something to the effect that this paragraph may not be construed to require any public housing agency to provide any program or services for residents.

I just wondered if the chairman of the committee might explain that to us.

Mr. SMITH of Michigan. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Michigan.

Mr. SMITH of Michigan. Mr. Chairman, the language currently does not require the housing authority to perform these functions. However, a lot of my housing authorities feel that the existing language does require them to provide these kinds of services and counseling, so as we talked to the gentleman's counsel and our counsel, they were comfortable with making that more specific, that the PHA's do not have to provide that function.

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, the gentleman and I agree on a number of different issues out here. I cannot say that a requirement that says "This paragraph may not be construed to require any public housing agency to provide any programs or services for residents," that sounds patently ridiculous. What are we talking about here?

That is exactly what public housing is supposed to do. I think we ought to be encouraging public housing agencies to work with tenant organizations in order to make certain that the basic services that are required in order for public housing to work well are in fact included.

I do not know why we would be including language like this. I understand what the gentleman's concerns are, but I do not think that this particular language really gets to the gentleman's concerns.

Mr. SMITH of Michigan. If the gentleman will continue to yield, Mr. Chairman, if the gentleman is not comfortable, I would suggest maybe we move to exclude it, but let me try once more at the explanation.

This is under "Definitions," and it starts on page 15, line 18, of what resident programs are. It is a definition of "resident program." The only other area that "resident programs" is referenced is in a funding provision that says "Included in funding may be these different functions."

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, I understand the concern that the gentleman from Michigan has, but I would like to maybe just ask the chairman of the housing committee, the gentleman from New York [Mr. LAZIO] to engage in a colloquy as well.

I would say to the gentleman, I think this language is far too broad to be actually included in this bill. I would be willing to work with the gentleman between now and the conference to make certain that there could be no misunderstanding, and to perhaps include some language that might get to the concern of the gentleman from Michigan [Mr. SMITH]. But I do not believe this is appropriate language to be included in this bill.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would offer this, if this is acceptable to my friend.

If I could move to have this amendment removed from the en bloc unanimous-consent request, and then I will ask the gentleman from Michigan [Mr. SMITH] to come over and see if we can work out some language. If that is not possible, then we will see what we need to do subsequent to that. But for the time being, what we can do is delete this from the en bloc request.

If this is of some concern to the gentleman, I am happy to try to accommodate that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, on that issue with the dropping of amendment 37 from this en bloc, and with the understanding we will try to work something out, I am happy to withdraw my reservation of objection.

The CHAIRMAN. Does the gentleman from New York [Mr. LAZIO] modify his unanimous-consent request?

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent to withdraw amendment No. 37 from the unanimous-consent request.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that amendment No. 34 offered by the gentleman from Michigan [Mr. KNOLLENBERG], amendment No. 22 offered by the gentleman from Minnesota [Mr. VENTO], and amendment No. 38 offered by gentleman from Michigan [Mr. SMITH] be considered en bloc.

The CHAIRMAN. The Clerk will redesignate the amendments.

The Clerk redesignated amendment No. 34 offered by Mr. KNOLLENBERG, amendment No. 22 offered by Mr. VENTO, and amendment No. 38 offered by Mr. SMITH of Michigan.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I yield back my time.

Mr. KNOLLENBERG. Mr. Chairman, I move to strike the last word.

Mr. Chairman, what I want to do is thank the gentleman from New York [Mr. LAZIO], his staff, and the gentleman from Massachusetts [Mr. KENNEDY] for their willingness and cooperation on the language that was part of the request for the amendments en bloc. I believe that that language will do a great deal to reduce the amount of fraud and abuse that exists when an individual is on public housing and the public housing PHA's are required to report their income.

What I wanted to do today, and I am not going to offer it, I wanted to submit another amendment that would go further. The language in the en bloc amendments did not go far enough, in my judgment, but I believe that another time, another day, we will be able to offer this, because what it does, it strengthens the disclosable income that individuals have that is presented to the housing authority.

I want to work continually with the gentleman from New York [Mr. LAZIO], with the gentleman from Massachusetts [Mr. KENNEDY], and also with the Committee on Ways and Means to present this in a fashion that I believe will be a provision that will strengthen further what it is that we want to do. We want to actually eliminate fraud and abuse. We only have so many dollars to go around. My language that would be presented in a second amendment will make sure that as much money as possible goes to those people who need it.

I think the most important thing is that each dollar that is lost due to fraud and abuse denies money to others. Again, I simply want to thank the chairman, the gentleman from New York [Mr. LAZIO], the staff, and the ranking member, the gentleman from Massachusetts [Mr. KENNEDY] for their cooperation and willingness.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Lazio en bloc amendment.

Mr. Chairman, as Members know, in this bill we provide for a 5-year local housing management plan to be developed. I felt it was important, and I offered a committee amendment in the full committee during the consideration that this include consideration in terms of community planning with regard to the homeless and the type of planning that is being done for the total needs of the community, and the nature of that population in this community planning process.

This rewrite of that amendment has won the support of the subcommittee chairman, and I thank him for that support. The homeless issue is obviously important, now as we move this bill to the Senate, that we look to a future rewrite of the McKinney homeless assistance programs, which I know the subcommittee chairman has introduced. This amendment will be helpful in terms of closing the loop in the housing planning process, I believe, so there is no difference in terms of the plans that are developed necessarily by communities under the McKinney, or under this public housing bill that is before us.

I thank the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] again for their support with this amendment.

As Members know, H.R. 2 creates a requirement in section 106 that PHA's must create a 5-year local housing management plan and annual plans that provide information to show housing needs, what resources are available, the policies of the agency governing eligibility and admissions, et cetera.

I revised an amendment I offered in committee because of concerns raised by the chairman of the Housing Subcommittee. My revised amendment No. 22, has been included in the en bloc amendment.

My amendment seeks to improve the local housing management plans by requiring them to include information explaining the procedures for coordination with the entities that provide assistance to homeless families in the jurisdiction of the agency.

It is a simple amendment that seeks to close the loop in terms of community planning for the very low-income persons who are homeless and may have difficulty participating in the public comment period. It will provide for a method to tie together the homeless planning that we envision in a future rewrite of the McKinney homeless assistance programs.

The amendment will assure that the populations who are the most vulnerable in a community, the homeless, will be taken into account in localities planning for the public housing. This is more important as we begin to see the impacts of welfare reform and changes in the targeting provisions of this bill that may increase the ranks of the homeless.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, briefly, I just want to thank my good friend, the gentleman from Minnesota [Mr. VENTO] for all the work he has done on behalf of homeless families. There is no one in the Congress of the United States who has worked for more years to bring this issue up. He took a great deal of leadership on the original McKinney act, of which those provisions, most of those provisions actually, the gentleman from Minnesota wrote.

He then chaired for many years the homeless committee here in the Congress, and rewrote many of those provisions, and put together, I think, a very, very important block grant proposal that has greatly refined the way those programs operate. He is continuing those efforts today with this provision that tries to make certain we take into account some of the issues pertaining to homelessness when we are dealing with public housing policy.

So I think on behalf of the members of the Committee on Banking and Financial Affairs, and the Subcommittee on Housing and Community Opportunity in particular, we want to thank him for the efforts that he continues to make.

Mr. SMITH of Michigan. Mr. Chairman, I thank my colleagues for supporting and passing my amendment No. 38 in yesterday's Journal that promotes home ownership.

Conventional wisdom in Washington is that low-income families can't afford to own their own homes. Habitat for Humanity and other programs have shown that even families earning $10,000, $15,000, or $20,000 per year can own their own homes. America's families, including those with low incomes, should have the chance to achieve the American Dream.

My amendment encourages public housing agencies to provide assistance for low-income families desiring homeownership. It also directs agencies to establish annual goals for additional homeownership units. This is not a government giveaway program. Each new homeowner would have to save a downpayment, demonstrate the responsibility to be a homeowner, and make timely payments. Housing agencies would work with the community—banks, mortgage originators, realtors, religious institutions, charities, and government agencies—to provide these opportunities.

Owning property and accumulating net worth empowers and motivates the poor. It is a possibility that should be held out to low-income workers who are disciplined and industrious. For the specific language of the amendment, see the CONGRESSIONAL RECORD of April 30 or contact my office at 225–6276.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York [Mr. LAZIO].

The amendments were agreed to.

AMENDMENT NO. 8 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer amendment No. 8.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 8 offered by Mr. JACKSON of Illinois: Page 25, line 25, strike the second comma and all that follows through the comma in line 3 on page 26.
>
> Page 27, after line 10, insert the following:
>
> (4) RIGHTS OF OCCUPANCY.—This subsection may not be construed (nor may any provision of subsection (d) or (e)) to create a right on the part of any public housing agency to evict or terminate assistance for a family solely on the basis of any failure of the family to comply with the community work requirement under paragraph (1).
>
> Page 33, line 14, before the comma insert "(except to the extent that this section specifically limits any authority to evict or terminate assistance)".

Mr. JACKSON of Illinois. Mr. Chairman, I have some serious concerns with section 105 of the bill which mandates uncompensated community work in return for housing assistance. Evicting residents from their homes if they fail to volunteer is not voluntarism. We cannot mandate voluntarism. The concept is obviously a contradiction in terms.

My amendment would keep section 105 basically intact by requiring public housing residents to fulfill community work requirements. The only change that it will make will be to protect residents from eviction for failure to perform volunteer work in exactly the same way the majority did in the manager's amendment with regard to the target date provision.

Let us be absolutely clear about what we are debating with respect to the work requirements in section 105. I believe we should encourage voluntary community service, because it provides an invaluable benefit to the community and to the persons volunteering their time. I believe public housing residents have a responsibility to maintain their communities in proper condition. I believe poor people should work, want to work in living wage jobs.

Section 105 is not about jobs or voluntarism, however. It, in fact, undermines those objectives and undermines the majority's stated goal of fostering personal responsibility. Community service, when it is voluntary, allows residents to take pride and personal responsibility in their efforts. Forced community work, however, brings to mind the type of punishment imposed by a judge for a crime. It is inappropriate to treat residents of housing assistance as if they have committed a crime simply by being poor.

Forced voluntarism, under penalty of eviction, demeans residents by saying they are lazy. It tells them that we do not trust them to take part in their own communities, so we must force them to do so. There is no pride in community service when it is mandated as if residents have done something wrong.

There are many examples of community service which already exist in our public housing communities today. Many committed residents take part in neighborhood watches, in resident councils, and cleanup efforts. In the Chicago Housing Authority, about 800 residents take part in tenant patrols. No one has tried to force them into these efforts until now. We must not take away their sense of pride by telling them that they are merely fulfilling a mandatory work requirement.

Section 105 also undermines job creation for the very people we are trying to empower, and displaces low wage workers. If we want to encourage self-sufficiency, we should assist residents in finding jobs, not force uncompensated labor. If we create a steady flow of millions of hours of free labor, why would PHA's, nursing homes, or other organizations need to hire employees for housekeeping, for groundswork, for maintenance or other low-wage jobs? Labor groups are strongly opposed to this provision because it will displace low-wage labor with thousands of unpaid servants.

□ 1330

It is no accident that this provision requires 8 hours of work, the number of hours in a regular workday. The most disturbing aspect of section 105 is its disparate treatment of the Nation's poor. In this country we hold adequate housing to be a matter of such fundamental dignity that we provide Federal home ownership subsidies to middle- and upper-class income Americans in the amount of $86.6 billion per year. By contrast all Federal low income housing assistance equals roughly only $29 billion per year. We do not mandate community work in return for homeownership deductions. Why do we mandate uncompensated labor upon those hit hardest by our Nation's affordable housing crisis?

The message is that you are middle or upper class and can afford a downpayment, then housing is a right. But if you are poor, then adequate shelter is a privilege that you must repay.

One very important thing that the majority seems to forget is that public housing residents do not receive housing assistance for free. They pay rent. On a full-time minimum wage salary earning less than $11,000 per year, residents may not be able to pay as much for rent as others, but they pay what they can.

Section 105 would threaten them with eviction if they do not perform community work in addition to the rent that they already pay. If we begin mandating community work in return for housing assistance, what is next? Will we require community work in return for farm subsidies, for LIHEAP assistance, for Medicare, for Federal insurance for banks and savings and loans, food stamps or corporate welfare?

The 13th amendment to the U.S. Constitution prohibits involuntary servitude, except as punishment for crime. This amendment was enacted so that no person in this country would be forced to work without compensation unless convicted of a crime.

Being poor and receiving housing assistance, Mr. Chairman, is not a crime. On the contrary, the Housing Act of 1937 established that access to adequate shelter should be a basic human right. H.R. 2 would strip this basic dignity from all Americans and abandon our Nation's commitment to ensuring that poor and working class Americans have shelter.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON of Illinois was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. Mr. Chairman, I would like clarification on just one section of the bill. Page 26, line 1, it appears that this bill makes the 8 hours of work a condition of occupancy. Does this mean that a person can be evicted if they fail to perform the work?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, it does.

Mr. JACKSON of Illinois. Mr. Chairman, are we prepared to put human beings and their families on the street if they fail to satisfy this requirement?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman will continue to yield, as with other conditions of the lease, it is a legally enforceable element of the lease and can be enforced subject to the force of law in any court.

Mr. JACKSON of Illinois. Mr. Chairman, does this mean that only public housing residents are being singled out for this voluntary work requirement?

Mr. LAZIO of New York. Mr. Chairman, I would say the gentleman's characterization of it being a voluntary work requirement, the bill calls it "community service," and that is, in fact, what it is. It applies to all people who receive the benefits of public housing under H.R. 2.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment of the gentleman from Illinois. I think I have made my feelings about this issue of mandated voluntarism well known in the committee. I hope that my colleagues on both sides of the aisle will take this debate seriously and understand exactly how paternalistic this provision is.

There are no parallels that I have been able to find in any other Federal Government laws. This is not a work requirement. Work implies compensation. This is a volunteer mandate. If you are to live in public housing, you are mandated to volunteer, if that is not inconsistent, 8 hours of work per month, 8 hours of voluntarism.

There is not another parallel in the Federal law. We do not require recipients of the benefits of introductions for homeownership to volunteer their time. We do not require anybody to volunteer their time without being compensated for it. There are no parallels to this except an experiment that we had many, many years ago that we should be ashamed of.

As we have previously talked about, local public housing agencies are being mandated to administer, organize, and run these volunteer programs. The total cost to local public housing agencies, according to Congressional Budget Office estimates, will be $35 million per year. That is $35 million per year that local housing authorities could spend on other housing needs. They must now hire somebody to run these programs.

My colleagues on the committee and the proponents of this bill have failed to address the liability issues associated with this provision. If I am an elderly person and I am mandated to go, a poor person, and I am mandated to go out and volunteer time, I am cutting grass in the public square, a piece of glass flies up and cuts me on the leg. Guess what this bill says? It says the housing authority has no liability. Nobody has any liability other than the person that we sent out there and mandated that they do this work. So there is no provision for what happens if somebody gets hurt. We should not be doing this, Mr. Chairman.

I know it sounds like a good idea, as we sit in our ivory towers and we try to make it sound like these people who live in public housing are irresponsible and trifling and do not want to do anything, but that is inconsistent with my experience. The public housing residents are already voluntarily, they do not have to be mandated, they are voluntarily, many of them, keeping up their communities, going to community watch meetings, going to various meetings that they must go to to try to make their lives better. And here we are mandating that they volunteer.

This is a mandated requirement. There is no parallel. I ask my colleagues to take this provision from the bill and pass the amendment of the gentleman from Illinois [Mr. JACKSON].

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Let us first identify what this amendment is not about. This amendment is not about striking the community service portion from the bill. What it is about is striking the provision that allows us to enforce it. Why in the world would we have something in the bill that we consider a requirement, a condition of a leasehold, and then not allow for enforcement?

What that does, Mr. Chairman, is to encourage people to disrespect the rules, the mutual obligations, and the laws that we put in place. We are either for it or not for it.

This is not without precedent. We ask people who get medical school scholarships to contribute a certain amount of time in low-income areas in their practice. I wonder if we tied this to this amendment if this House would still vote for it, if we said people no longer, students no longer need to work low-income areas in exchange for their scholarship money.

This House has adopted the Americorps Program, and many people might say that the people that participate in Americorps could not pursue an education but for the fact that they are asked to do something in return, a sense of reciprocity. We are asking not 18 or 80 hours a month; we are asking 8 hours a month, 2 hours a week in return for rental payment, for an apartment, and in many cases utilities.

We are asking people to contribute in any number of ways, whether it is from sweeping their own halls to removing graffiti to helping with the Neighborhood Watch Program, to helping with the not-for-profit in their own backyard.

Let me tell my colleagues something: When we say this, we are saying we also respect you as tenants, we respect the fact that we think that you can contribute to your community, we think that you have talents, we think that some of the residents may find that they have talents that they had not recognized previously, talents that include teaching other people, helping other people, organizing, managing, working.

This is an effort to reconnect people with civic responsibility, and it is both an unfair and inaccurate representation to compare these things to issues involving deductions in the Tax Code. Because if you do that, you must presume that the Government has the first claim on your money and then you are lucky to get some back.

This is the case of a benefit for people who are not able to get into public housing, and that is the majority of people. We have heard in this Chamber that we are probably meeting the needs of only one-quarter of the population who needs help. And for those three-quarters who are not lucky enough to get into public housing, they are not working 8 hours a month, they are not working 8 hours a week, they are working 30 and 40 and 50 and 60 hours a month simply to pay the rent; and that does not even include the utilities and maintenance costs for the places that they live.

It is entirely reasonable to ask people who have asked for public housing who are receiving a benefit to contribute back to their community and to help themselves. We are not asking people to give to Big Brother in Washington. We are asking people to help their own neighborhood, to start with their own hallway, their own building, their own complex, their own development.

Mr. Chairman, we are exempting people who are elderly from this provision, we are exempting people who are disabled in this provision, we are exempting people who are employed part time or full time from this provision. We are simply asking people to give back who are able-bodied, who are younger or middle-aged and who have the capacity to give something, anything, back to their community.

How that strikes anybody as unreasonable is really beyond me. It is a sense of helping to reconnect America. I hope that we ask more Americans to contribute to their neighborhoods and to their communities. We have almost 1½ million families in America that avail themselves of the benefit of public housing. Probably less than one-third of those would be eligible and ask to participate through this program. But even with that, we are talking about hundreds of thousands of Americans contributing to improve their own community.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think there could be any more classic example of this House, particularly the Republican Party, in equating poverty with a morality. That is what this amendment gets to.

Basically, what is suggested here is that, if you are poor and you are eligible for public housing, you must volunteer or you are going to be thrown out of your house. We have a provision in our bill that asks people to volunteer. I think it is wonderful that we encourage people to volunteer.

☐ 1345

But this provision that is contained in the bill as it sits right now does not ask. As the gentleman from New York [Mr. LAZIO] just said he wants to ask people to volunteer, this does not ask anybody. This says if they do not, they are out.

Now, I have supported provisions in the welfare bill that say that people who accept funds in the form of welfare from their government ought to be expected to work, and if they refuse their job, they should be thrown off welfare. I believe that. But it is news to me that we are going to start down all the programs that we provide and say that as a fundamental moral suggestion that if an individual receives any benefit from the Federal Government they must volunteer.

Is that where we are at today? Because if it is, I might actually support this provision. I would be interested in whether or not we can convince our Republican colleagues to say that anybody that receives any benefit whatsoever from the Federal Government, particularly in terms of equating the amount of money they get in benefits for receiving public housing, that they have to volunteer.

So let us take everybody that invests in project-based section 8. Should we ask all of them, that get a heck of a lot more money than the monthly subsidy that comes to the poor families that are already paying 30 percent of their income in rent, the vast majority of whom are already working, they just do not make enough money to be able to pay the rents that landlords can receive in most of the cities and towns across our country.

It may be news to some people around here, but the truth of the matter is minimum wage jobs simply do not allow people to pay the rents that can be required by the rest of this society without paying 50 or 60 percent of their annual income in rents, so we have housing programs that make up the difference. Now we are saying, listen, if an individual gets that housing program, in addition to everything else they have to go out and volunteer or else we will snap their housing program back.

All I say is, fine, let us go ahead and start with this mandate. Let us start it across the board. Let us go to the oil and gas industry and say to the oil and gas fellows, I used to be one before I came to the Congress, let us say to them, anyone who gets an oil depletion allowance, let us say to them they have to volunteer. Anybody who receives a timber subsidy, let us see if they want to go out and volunteer. Anybody around the Congress of the United States maybe, because we get paid by the Government. Maybe all of us ought to volunteer.

There are a lot of reasons to suggest that voluntarism ought to work and ought to be encouraged in America, but to try to suggest that we are going to do this only for residents of public housing is essentially immoral. It requires not a level of morality to say we are going to choose one particular group that everybody in the country seems to like to beat up on as the fundamental building block of all the moral decay of America.

What we do is we go before some monstrosity of public housing and say look at the disaster. Let us look at the way we treat our poor and then let us scold them for the conditions they live in, and then let us condemn them and say that the reason why they are poor is because they do not work. The reason why they are poor is because they live like animals. The reason why they are poor is because they do not have any sense of righteousness on their behalf in terms of how they treat one another.

So we will come here as a Congress and we will say, we know that they are the evil of America and we are now going to require them to go out and work. I say, listen, fine, let us encourage people to go out and volunteer. Let us encourage people to take ahold of their own destinies and to move themselves out of poverty, but let us not do it in a gratuitous, paternalistic way that ends up condemning the poor and contributing to the notion in this society that somehow the wealthy and powerful have greater morality than the poor and the vulnerable.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words and rise in opposition to the amendment.

First, I think we have to be very careful about semantics. It has been suggested that this is a voluntary mandate. It is not. This is work for benefit. It is a traditional, old-fashioned American precept.

There is a suggestion here that this is a Republican effort; that poverty equals immorality. Extraordinary. An extraordinary observation. And yet, so that we understand what is happening here, this is proposed by the Democratic administration.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. The truth of the matter is the Democratic version does not throw a person out of their house.

Mr. LEACH. Reclaiming my time, Mr. Chairman, the Democratic version is what the gentleman is offering to this bill. The Democratic administration is what I referred to.

I will be very precise. This administration submitted a bill to the Committee on Banking and Financial Services which was introduced by request of the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY]. That bill contained 8 hours of community service as a requirement. That approach was endorsed in the last Congress by Secretary Cisneros.

What we have here is an approach that has been suggested that there are no parallels. The fact of the matter is the AmeriCorps Program might be defined as paid voluntarism. It is a parallel. It is not like this. This is work for benefit.

We have a number of education loan programs where when teachers work, for example, in the math area, their loans are considered written off. The work study programs is a similar analogy. There is a Perkins Loan Program where medical students are required to work in low-income environments. If an individual graduates from a military academy, that person must serve their country. Americans have a long tradition of wanting people that receive benefits to do something in return for those benefits.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished chairman for yielding.

When one volunteers for the military, one receives compensation for that service. When one receives a medical scholarship and then subsequently works in a low-income community, one receives compensation for that. Why are we requiring of poor people in public housing the only compensation that they volunteer?

Mr. LEACH. Reclaiming my time, Mr. Chairman, housing is part of the compensation. It is part of the compensation in the military, it is part of the compensation in other things as well, as well as in certain student environments.

And let me also be very clear. The issue of the minimum wage was raised. As someone who supported the recent raise in the minimum wage, let me say anyone that is working for a minimum wage or higher does not come under this requirement. It is not a part of this circumstance. Anyone that is working is not required to participate in this program.

Let me also say the issue of paternalism has been raised. And I would like to go back to the issue of the week, where we had three Presidents of the United States meet under Colin Powell in Philadelphia to discuss voluntarism—which was largely well received by the American public. But the criticism, to the degree it is rendered, has been is that it is not a bit paternalistic?

So what this is, is not outsiders coming in for community service, it is for insiders to serve their own community in appropriate, thoughtful ways defined at the local level, not by outsiders. That is the reverse of paternalism. It is work for benefit. There is an element of pride, of community service.

Finally, there is an issue of reform here. I know of nothing that implies more of the status quo than the current system. We are trying to get the American public to support housing for poor people. This committee has come forth with a bill at precisely the administration's request for dollars and calling for community service reform as advocated by the administration.

The minority side in this body is objecting. In my judgment, one of the great questions that we have to ask is, Who is philosophically in step? Is it the administration with the Republicans in Congress or is it the minority in this body?

I would say the American people, as I listen to my constituents, as I get phone calls from around the country, as I read my mail, is saying let us put a work requirement to the degree possible in Federal programs. That is what this is.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

This debate has been very fruitful and enlightening, but I want to go back to 1937 when Franklin Delano Roosevelt instituted the legislation that put forth public housing in America. At that time and certainly some 60 years later some Americans are in need of public housing. Some Americans find themselves in need, as they did in 1937, to have the Federal Government assist them in safe, decent housing.

As we debate H.R. 2, and we began this yesterday, I stand here supporting the Jackson amendment. I think the issue is not whether they ought to volunteer. Public housing residents volunteer all the time, as many of us do, in large proportion. Many public housing residents volunteer their time at their site to do wonderful things with their site, with the buildings, with their family. It is happening already.

The objection which the Jackson amendment supports is the mandate. We do not have to mandate poor people to volunteer; they do that. Actually, public assistance people are already required by the welfare bill just passed to volunteer 25 hours. This 8 hours will be on top of that.

What poor people want is a job. They do not want a handout, in spite of what you might think. This is an unfunded mandate. It would be a monster administratively for the public housing authorities even to administer this provision. But I think this Congress does ourselves, America, and poor people a disservice when we assume that they do not want to work, because they do; when we assume that they do not want to volunteer, because they do.

A high percentage of people in public housing are on welfare. They are required, by a law that was passed by this Congress in the 104th and signed by the President, to work, to volunteer 25-plus hours.

So the Jackson amendment should be considered. It should be passed. It should be included as it is not now in H.R. 2. One thing that this Jackson amendment does do is not mandate but continue the voluntarism that public recipients are already doing.

What H.R. 2 does not have in it is a grievance procedure, so that when these people who already have to do the 25 hours, who already now will have to do 8 additional hours, do not have an avenue to even speak to. The grievance procedure has been moved out of H.R. 2. Those people now volunteering 32 hours of their life a month will have to go straight to court or be evicted. Our homeless population will increase.

Mr. Chairman, I support the Jackson amendment.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the distinguished gentlewoman for yielding.

The distinguished chairman of the committee indicated that this was against Colin Powell's summit on voluntarism. Forced, mandated voluntarism is not what was discussed in Philadelphia this past week.

I believe in voluntarism, Democrats believe in voluntarism, and I genuinely believe that Republicans also believe in voluntarism, if that definition means emanating from self-will, from self-definition, one's own choice and consent, and not a Government mandate.

And I want to ask a question of the chairman if he would be so willing. Is the chairman willing to evict people who live in public housing for failure to volunteer 8 hours a month?

Mr. LEACH. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Iowa.

Mr. LEACH. First, Mr. Chairman, let me say to the gentleman I made reference to the weekend's work on voluntarism. I did not say this was part of voluntarism. This is work for benefit.

Ms. KILPATRICK. Mr. Chairman, reclaiming my time, if I might, as lively a debate as we are having today, and I know we will go on and on, let us not forget that poor people want to work. Poor people do volunteer. Let us support the Jackson amendment.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

The amendment offered by the gentleman from Illinois, I think, raises some very interesting ideas. The point being, how do we protect civil liberties once somebody accepts welfare?

□ 1400

This is not unique to just public housing, because in many ways this happens in our public schools. Public schools, we go there, but we still want to protect our civil liberties and we cannot overly dictate, and yet we have rules and regulations. Although I think these points are very important that the gentleman brings up, I am inclined not to support his amendment, but I think they are worth talking about.

First, I think the point about the other recipients of the welfare in the housing program is very important. Last week there was a rumor going around that I might introduce legislation that would repeal all of HUD, which would be a proper, good economic position and a proper constitutional position. I had a lot of phone calls. But none came from the poor people. They all came from the wealthy people, those who were receiving $850 rents for $400 houses, those who get to build the buildings, those who are the contractors and those who do the financing. They are very interested in this program.

I think the gentleman has a very good point. If we are going to punish people receiving welfare or have requirements, put the requirements on the others as well. I think this is very legitimate. But I think the idea of civil liberties, the whole notion here, the definition, has been distorted, because the one thing I think so many people forget, we should have concern about the civil liberties of those in a housing development.

For one, I have seen great danger about the abuse of the fourth amendment when it comes to the tenement houses, where they can go in without the proper issuing of a search warrant. I think that is very, very bad and seems like maybe that would put me over the line and say we should not permit this. Just because they belong, or they are living in Government housing, that should not allow us to say they have sacrificed their protections.

So I think this is important. But there are some civil liberties also of others that we have not discussed at all, because we are talking about the protection of the civil liberties of those who are receiving a house. What about the person who is paying for the house? It is assumed by so many that the wealthy are paying for these houses, but under our very regressive tax system, if we look at the amount of money the poor people pay through FICA, they are the ones who are paying. The wealthy do not pay the taxes.

So the poor individual, the low, middle income, the individual who is capable of still taking care of himself, is hurt the most by what we do here in the Congress. Whether it is public housing or the deficit or our monetary system, these are the individuals who are hurt and are pushed aside. But they are losing their homes because we are pretending to do good to others and provide houses for them. So we should be concerned about their civil liberties as well, but it seems like we forget that.

But this whole notion about work condition, how many people can stay in a room, the search and seizures, I think these are very, very important and should not be ignored. But again we should not ignore the civil liberties of those who had to work and pay for these houses because quite frankly I think we should ask the question.

It is assumed by so many that we have a constitutional, natural right to a house. That is not in the Constitution. We have a right to our liberty, we have a right to our life, we have a right to pursue our happiness, and we ought to have the right to keep what we own. So think of the civil liberties of those who suffer when you take.

I agree that we should think of the benefits accrued to the welfare recipients and what kind of conditions we have, but I think we should think about the benefits accrued to the businessman who really is benefiting from these programs as well.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding. I appreciate the spirit of his critique. I would like to make the argument, however, that my amendment specifically addresses condition of occupancy. Are we prepared to put people who live in public housing, to evict them for failure to volunteer 8 hours a month? I would appreciate the gentleman's answer to that.

Mr. PAUL. Yes; and I have great sympathy for the gentleman. It is just I believe that some conditions do exist in everything we do in Government. You do not go into a public school without conditions. You cannot come in there and be disruptive, or you get thrown out. So if there are conditions, you come in, and the contract is the person who accepts the housing comes in, voluntarily accepting Government housing under the conditions that they will do A, B, and C.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just wonder, given the formulation that the gentleman has made about the responsibilities of individuals and of Government, is it his contention, and would he support an amendment that would suggest that anybody, for instance, that gets benefit from the Eximbank or FmHA, that those individuals have a responsibility as a term and condition of those loans and of those programs to volunteer as well, or is it just the members of public housing?

The CHAIRMAN. The time of the gentleman from Texas [Mr. PAUL] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. PAUL was allowed to proceed for 30 additional seconds.)

Mr. PAUL. Mr. Chairman, I think that would be a very good suggestion. Seeing that I think the Export-Import Bank is welfare for the very wealthy businessman, I think the conditions would be very good.

Mr. KENNEDY of Massachusetts. I would like to perhaps work with the gentleman from Texas [Mr. PAUL] on these kinds of issues.

Mr. PAUL. I will think about that and think about the ramifications, but I certainly will consider it.

Mr. KENNEDY of Massachusetts. Do not back off now.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Let me begin with that point and assure the gentleman from Texas and others that when the Export-Import Bank reauthorization comes up, and I am for the Export-Import Bank, I think it performs an important function, but I think we will offer an amendment to require some community service.

Colin Powell has been invoked. One of the things that my friend the chairman is very good at is the principle of selective invocation. The President alternatively is someone to be scorned and someone whose word is not to be questioned when there is an unpopular issue he wants to hide behind.

Colin Powell specifically criticized the corporate sector. My colleagues may have read he asked to be invited to speak to the boards of directors, where the corporate executives have said voluntary work and contributions are not in the shareholders' interest.

We will offer an amendment, I guarantee to the gentleman, applying this principle, if it is to be mandatory, to the Export-Import Bank. We will not evict them from their homes, their homes are generally too large to find them, the people who live in them, but we will make it a condition.

We should also do it with Farmers Home. We have in this committee jurisdiction over the Farmers Home Program, a very justified and sometimes very comfortable level of subsidy. The gentleman says, no, how can you say we are doing this because of some animus against poor people? How can that be? I should have said, no, it is about urban poor people. When has anyone ever suggested doing this for the Farmers Home Program? A direct benefit. We are not talking now about a tax subsidy, we are not talking about a tax thing.

This committee has jurisdiction over a lot of benefits. One group, the poorest among us, are being singled out. I would also say, people have said, well, they should have jobs. Frankly, one thing that is going to happen, more people in public housing will be unemployed if the Federal Reserve has its way. I wish the chairman would join us in having a hearing on the Federal Reserve System.

The gentleman who just spoke talked about the monetary system. The Federal Reserve Open Market Committee just decided that we have about 450,000 too many jobs in America. It is very clear if you look at them that they thought when unemployment went from 5.5 down to 5.2 that that had exceeded what they thought was the level of jobs and they are moving to increase it.

By the way, when you talk about the very wealthy, they are solicitous there. Mr. Meyer in his speech said that the Fed had to act to "validate the bond market." God forbid there should be low self-esteem on Wall Street. We will step in there. But the cost of validating the bond market is about .3 percent, we can estimate, of unemployment, another 436,000 people thrown out of work, more than that.

I would say to the chairman, let us have a hearing. Many of us, every single Democrat, the Independent member of the Committee on Banking and Financial Services have asked for a hearing. The chairman is refusing to allow us to have a hearing until after two more meetings of the Open Market Committee. These are tied in, these are relevant, I would say to the Parliamentarian anticipatorily, because the more we let the Federal Reserve, without debate, increase unemployment in America, the greater we will exacerbate these conditions.

The fact is that there is one other great example of selective principle on the Republican side here. This is not a mandate, but it is mandatory imposition on every public housing authority in America. Public housing authorities may say, well, you know in our case it would not make sense. The general principle of requiring people to work may be a good one, but in this particular circumstance given the nature of our buildings, given the neighborhood we are in, given the population we have, it would not make sense. What is the Republican answer to a housing authority that says in our special local conditions that would not make sense. The answer is: The Federal Government knows best, shut up and do it.

This is an example of as binding a centrally imposed detailed requirement as you will see. Maybe in my housing authority it should be 6 hours. Maybe it should be 12. No, 8 hours. We are going to tell every housing authority everywhere in the country exactly what they have to do. When it comes in fact to roughing up the poor a little bit, and the gentleman from Iowa is correct, he says he feels in tune philosophically with the American people. Unfortunately I think that is correct. I think public housing has been so mischaracterized and the misunderstanding of what drives people into poverty is so widespread that he may well be philosophically in tune with the American people, but I would rather be philosophically in tune with the fundamental moral principle of decency and compassion and social justice. And to say to the people who get a lot of money through the Export-Import Bank, or housing through the Farmers Home, Godspeed, not a nickel in return. But to the poorest of the poor, you will do 8 hours of work a month whether your housing authority makes sense or not.

I do not think that is a very good idea. I am not sure what the President of the United States thinks about that. If it gives comfort to the chairman of the committee, that instead of having to defend it on the merit he can invoke the President, he is welcome to invoke the President. But I do not think that selective invocation of an administration with which he is often in disagreement helps when we are talking about the violation of fundamental principles of States rights and fairness. I hope the amendment is adopted.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, to the best of my knowledge, there is not one Member of this body who is homeless and not one Member of the Senate who is homeless. Some of us I know stay in our office, which is certainly a Federal benefit because we do not pay rent here in Washington, DC. However, none of us have ever signed a lease term that evicts us as a condition of our Federal subsidy.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

There appears to be quite a bit of confusion over the subject before the House now, Mr. Chairman. It seems we do not recall the actions of this House just last Congress when a majority of Republicans and, yes, a majority of Democrats voted for a proposal which included workfare. Did it require 8 hours a month or 8 hours a year? No, it required some 80 hours of work in order for a recipient to continue to receive Federal benefits. That target not only stays at 80 hours, but it increases to 30 hours a week, or 120 hours, by 2000.

So the precedent for work for benefits received has been adopted by this House, by a majority of Members on both sides. During the course of that debate no one suggested it was demeaning, it was somehow inappropriate public policy but yet it was the right thing to do in order to facilitate transition. What transition? If one walks through public housing today, I would not say all public housing, I think we will agree there are many public housing projects in America today that are well run, that are well kept, where there are not significant problems, but in many of our urban centers, unfortunately one in my own State, in the city of New Orleans, it is not beyond deplorable, it is a bomb site, it is a disaster, it is an embarrassment.

In fact, I am reluctant to say it, but it is true, the U.S. Government has become the world's largest slum landlord. We warehouse people like tires in buildings and we stack them in there with no hope, no future, no prospect for a better tomorrow. Moms who do not have the ability to read, dads who do not have job skills, kids whose only role model is the drug dealer in the courtyard. They have no place to go. There is no future. That is why 13-year-old kids shoot another 13-year-old over tennis shoes, because they do not believe that tomorrow will be any better than today. They are without a sense of direction or hope.

So what are we doing with this wild Republican proposal? Are we mandating things that are unreasonable? No, we are saying to a person who is living in housing provided by the U.S. Government and taxpayers that if you are not already under the workfare requirement of the welfare proposal, if you are not disabled, if you are not elderly and, by the way, if you happen to have a job, you are not subject to this requirement. We are saying to those few people who remain, we would like you to get out of that public housing unit and do something in your community.

Why? Are we invoking some sort of slavery, as some have suggested, on these individuals? No, there is another purpose behind this. It is to let that individual who stayed within the walls of public housing get out into the community and learn what skills are necessary to get a real job. And perhaps some of the work these individuals may do in this volunteer effort may enable them to get employed. Nothing is more dignity building, establishing more esteem, giving a person more hope than to go earn a paycheck and pay for their own child's tennis shoes without the Federal Government having to say, here it is on a plate, we know better, we know how to take care of you.

If I am wrong, let us look back the past 60 years since the 1937 act passed and see what has happened to people who are poor in this country. You tell me that the Federal Government has done its job in providing for the needs of these individuals? I tell you they have not. I tell you it is an embarrassment.

This bill that the gentleman from New York [Mr. LAZIO], the chairman, is bringing forth to this House is not only right, it is an effort to restore dignity to the poor of this country. Working families across this country get up every morning, mom, dad, sometimes the kids go to work. They work 40 hours, 50 hours. They take their little paycheck after FICA, income tax, anything that is left, they pay their house note. What happens if they do not? They get evicted. What happens if they do not buy the kids tennis shoes and blue jeans? Well, it is an embarrassing situation. You have got to take care of those needs. They provide for their children. What they are saying to me is, we do not mind helping people in need. We do not think it is inappropriate for you to use our resources to help a guy when he is down. But do not turn public housing into a permanent retirement village where you can never move on; do not take my money and give it to people who will not make the effort to help themselves or their own families; give them a break, give them an opportunity, but hey, guys, if they do not want to take the first step, there is an end to this process.

Mr. Chairman, that is what the Lazio bill is about.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

□ 1415

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out to the gentleman from Louisiana [Mr. BAKER] that while many of the conditions that he has articulated have in fact evolved in terms of public housing policy, that first and foremost 40 percent of the residents in public housing are senior citizens, there are 3,400 public housing authorities in this country, there are 100 out of the 3,400 that are in trouble. The Democratic version of this bill, RICK, in fact allows the Secretary to take over those badly run housing authorities, it allows the Secretary to take over badly run housing projects within well-run housing projects.

Mr. BAKER. If I may reclaim my time just to respond briefly.

Mr. KENNEDY of Massachusetts. We just have a basic disagreement.

Mr. BAKER. The basic number of people the gentleman cites as far as units are correct, but the vast number of people that are involved are far more significant because of very large, very troubled housing units.

There is one more important part about this legislation that I think is important to observe.

That is, the bill does allow a working person on welfare to keep earnings as opposed to giving it up for rent, a very important part of this legislation.

Mr. KENNEDY of Massachusetts. And that is contained in this version of the bill.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair must remind all Members of the importance of using proper forms of address. By directing remarks to the Chair and thereby refraining from speaking in the second person, Members avoid undue familiarity and thereby maintain that level of formality which properly dignifies the proceedings of the House. The first step in avoiding personalities in debate is to refer to another Member as, quote, the gentleman from Virginia or whatever the appropriate State might be.

Mr. KENNEDY of Massachusetts. Would the Chairman explain why that is so important here?

The CHAIRMAN. The Chair has just read why that is important. This refers to referring to a Member by their first name.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

First of all I want to compliment the gentleman from Illinois [Mr. JACKSON]. He brings to this House an enormous capacity for work. He brings it a sense of decency and dignity and also wisdom beyond his years. So I am very proud to be associated with him.

I support the amendment offered by the gentleman from Illinois [Mr. JACKSON]. In the first place it is absurd to say that community service hours required by H.R. 2 are voluntary. In fact the bill says that unless one does the service they can be evicted from their home. That hardly seems voluntary.

What this amendment does is to say that voluntary service is just that, voluntary. The bill does not, as I said yesterday, provide any money to administer the mandatory service program. It does not provide the housing agencies any money to set up and keep the elaborate records that will be required to verify hours that are worked. It does not provide any money to buy the tools and equipment that might be needed. It provides nothing to pay for the cost of training and supervising workers who may be unwilling or unskilled or maybe both, and it indeed provides nothing to verify whether the effort expended is doing any good. The provision in this bill or the provisions are not only offensive, they are unworkable.

By all means let us encourage people to do constructive work in their community, but it is clear that the only good volunteer is one who is truly a volunteer. Moreover, the very best volunteers are those who are given some training and who are given the support they need to do the job they choose to do. That is what the Jackson amendment is all about. It says encourage community work but do not make it involuntary servitude and do not make the housing agencies do more than they reasonably can.

Under the bill there is no money at all to pay the out-of-pocket cost that community work entails, bus fare, if the work site is away from home, or the orange hats and the vests and flashlights and radios that community patrols need, nor is there any money to do anything else like buy tools or paint or protective gear or insurance for workers who may be doing repairs of some kind or another.

The Jackson amendment recognizes these kinds of reality. It says that community work is good but that good community work cannot be coerced and it cannot be done for free, as the bill assumes.

Mr. Chairman, we should consider the gentleman's views very carefully. There is probably nobody else in America who knows more about voluntary community work than the gentleman from Illinois [Mr. JACKSON] who was born and brought up in the midst of one of America's great community self-help organizations. He knows what it is to be a volunteer, what it takes to organize a volunteer, a truly volunteer effort, and how much is required to create a program that works. He knows the difference between realism and wishful thinking. He knows the difference between a helping hand and a slap in the face.

The bill is a slap in the face. The Jackson amendment speaks to the necessity of giving a sense of dignity and self-worth to people who need to know they count for something.

Mr. Chairman, I support the gentleman from Illinois [Mr. JACKSON].

Mr. LUCAS of Oklahoma. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I sat here and listened to this very interesting and insightful debate coming from a number of points of view, and one of the questions that comes to my mind as I look at the issues addressed since we are so concerned about the 8-hour work requirement, just exactly who does this requirement, who would this requirement apply to? And if I could, Mr. Chairman, I would like to yield to the gentleman from New York [Mr. LAZIO] to respond to a series of questions if that would be all right.

Now, Mr. Chairman, I say to the gentleman from New York, as I understand it, and clarify this to make sure that it is crystal clear in my mind, that in this language in this proposed section 105 there are exemptions for the elderly.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. LUCAS of Oklahoma. I yield to the gentleman from New York.

Mr. LAZIO of New York. It does.

Mr. LUCAS of Oklahoma. That there would not be a requirement that the elderly have to meet this; they would be exempt?

Mr. LAZIO of New York. If the gentleman would continue to yield, the bill does provide for an exemption for all those who are elderly. They would not form the provisions of the 8-hour work requirement per month.

Mr. LUCAS of Oklahoma. Now we also have a section that exempts the disabled; is that correct?

Mr. LAZIO of New York. If the gentleman would yield again, in fact that is the case that all those who suffer with a disability would be exempt from the provisions of H.R. 2 which would require 8 hours of work of community service as a condition of public housing.

Mr. LUCAS of Oklahoma. And those residents who are working or attending school or receiving vocational training; would they not be exempt also?

Mr. LAZIO of New York. If the gentleman will yield once again, in fact the gentleman is correct that in all those circumstances whether one is employed full-time or part-time, whether one is attending school or involved in vocational education, they would be exempt from the provisions of this bill that require 8 hours of community service.

Mr. LUCAS of Oklahoma. What about the physical imparity?

Mr. LAZIO of New York. If the gentleman would yield once again, all those that are physically impaired or have a disability would be exempted under the terms of this provision.

Mr. LUCAS of Oklahoma. So if the gentleman would give me one more response, if we make all of these exemptions for the elderly, the disabled, the working, those receiving additional education, those who are physically impaired, who is left for this to apply to?

Mr. LAZIO of New York. If the gentleman would yield, the provision would apply to all able-bodied adults who are receiving the benefit of public housing and who have the capacity to give back to the community. Those individuals would be asked to contribute no less than 2 hours of community service a week.

Mr. LUCAS of Oklahoma. Mr. Chairman, I thank the gentleman from New York for his insight.

So essentially as I see it the only people that this would apply to would be the able-bodied nonworking. What a concept, requesting that they return a little bit of what has been done for them. What a concept.

Mr. Chairman, I am just amazed, now that I have had this so precisely and so clearly laid out for me, I cannot imagine why there would be any opposition because, after all, we are all good citizens. Whether we live in public housing or nonpublic housing, we all want to do our part for our community, we all want to work our way through this world, so to speak. Having provided these kinds of exceptions, having given the people who need the exceptions the exceptions, clearly those left are the able-bodied working, folks who I am sure want an opportunity to make a difference in their community and in their housing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield for a question?

Mr. LUCAS of Oklahoma. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Is the gentleman aware that the bill does not exempt those persons who are providing for an elderly person or providing for children in public housing? Is the gentleman aware of that?

Mr. LUCAS of Oklahoma. I am not aware of that particular point. I would think that certainly that would qualify within the definition, but not being an expert on the definition, I cannot say that with certainty.

Mr. JACKSON of Illinois. The gentleman should be very well aware that my next amendment to the bill would include that definition which is presently not in section 105, and I would certainly hope that the gentleman would support that.

Mr. LUCAS of Oklahoma. I would gladly look at that next amendment when I am compelled unfortunately and have to vote against this amendment.

I thank the gentleman from Illinois for his input, and I respectfully thank my colleagues for an opportunity to clarify the true nature of this bill.

Ms. DeLAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment of my colleague, the gentleman from Illinois [Mr. JACKSON], to prevent public housing residents from being evicted for failing to comply with the congressional majority's mandated volunteerism provisions. The majority calls the, quote, community work hours, requirements that are contained in H.R. 2 for public housing residents volunteerism. But it is volunteerism only in the most Orwellian sense. The real name for this is forced labor, and as my colleagues before me have pointed out, the overtones of these provisions are profound and frankly disturbing.

Residents of public housing are not criminals. Many work to support their families. They volunteer their time to housing projects and to their community. Forcing an individual to volunteer to avoid being thrown into the streets is hardly likely to provide positive results to the community. This is true if this volunteer requirements take a parent away from child care or efforts to find or to keep a job.

The congressional majority has a history of supporting tax breaks for the wealthiest corporations. Many support subsidies for farmers and loan guarantees for businesses. When in the history of this body have we required a farmer or a CEO of a major corporation to volunteer in return for a subsidy or loan guarantee? In the last session of this Congress we could not even get the congressional majority to close a loophole on those companies that made a fortune in this country and then turned around and gave up there citizenship, went to the Bahamas, went someplace else, denied being a citizen of the United States so that in fact they would not have to pay taxes, and we could not get the congressional majority to close that loophole. What do we do about the tobacco CEOs who lied about the addictive quality of tobacco, who have received billions of dollars in subsidies? What are we going to require of them for having killed people in this country because of tobacco, an addiction?

What we are talking about here? A true public housing volunteerism provision could have been written in any number of ways. It could have required housing authorities to establish outreach programs to encourage volunteerism; it could have provided financial resources to nonprofit organizations to increase volunteerism in public housing. There are many ways to engage people in volunteerism, as we just saw in this last weekend. Instead the majority has chosen to force nearly all public housing residents to volunteer their time, no matter what other commitments? These individuals may have.

The bill does not even contain an exemption, and I am delighted to hear that my colleague, the gentleman from Illinois [Mr. JACKSON], is going to offer that as his next amendment. There is no exemption for the moment for caregivers, single mothers, individuals who care for the elderly, or even individuals who care for a disabled loved one.

Please accept this amendment on this issue. Let us do the right thing by the people who live in public housing in this country.

Mrs. KELLY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to speak to the work benefit program. This is work for the benefit of living in housing which we, the American taxpayers, are subsidizing.

□ 1430

We are also anxious to educate people in the United States of America. One of the benefits of work is an education in how to work. One of the benefits of this program will be an education for people hopefully in how to work at a particular job where they then will be able to earn their salary so that they can pay for their own rent. We need to educate everyone in America to higher and higher levels. That is why I feel so strongly about supporting education.

However, in this instance where we have people who are able bodied and able to work and are able to find a job, but living in public supported housing, by putting them out, by helping them find a job and putting them out into the community where they can work in some place, they can work for the benefit of themselves as well as the fact that they are doing something for their community.

Consider the fact that in a public housing authority, one can work as a part of a floor watch, or one's block watch. Consider what that means. If someone is a part of the block watch for 2 hours a week, will that not help that person feel good? Most volunteers feel much better; they get more out of the voluntarism that they do than what they put in.

This is not voluntarism. This is work for a public benefit. The benefit would be for the person living in the housing authority. I quite frankly think there are so many opportunities that people can have. One can go to one's church and polish the collection plates, or one can work with Girl Scouts. One can do a lot of other things besides having to do things that are in a very limited scope, that have been presented here.

I believe very strongly that this is good, solid legislation. People on welfare who are working would be exempt, and I think that that was not clearly stated. We must understand that those who are working in any capacity would be exempt from this work requirement. It is only those who are able bodied and who do not work who would be out there and we would ask them to give a simple 8 hours a month.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

First of all, I want to commend my good friend and colleague from Illinois [Mr. JACKSON]. I wanted to thank him for his efforts in this regard and for his efforts to uplift the poor people of our country. I also thank the gentleman for realizing and trying to get the word out that the poor too is America.

Mr. Chairman, I rise today in opposition to section 105 of the bill and support the Jackson amendment. I am saddened. It seems that my colleagues on the other side of the aisle have blinders on. I understand that their intent in crafting this bill must have been honorable; however, what this body is doing today is abhorrent to the citizens that are the poorest in our Nation.

I might add, Mr. Chairman, that within 5 blocks of my home there are probably about 2,000 public housing residents. I represented them in my legislative district in the State of Maryland and I represent them now. I would invite the Members who are supporting section 105 to come and visit my district.

There appears to be a presumption that the poor just sit home and do nothing, and that is a major, major problem. Here we are today saying that we will dictate, we will sit here and we will dictate to them what they should be doing. I invite my colleagues to come into my district. I invite Members that supported this bill in committee and who support it today on the floor to visit the Seventh Congressional District, and they will see that these citizens have no other place to go.

My colleagues must understand that public housing is not the greatest place to live. They have no other place to live. This section is telling our poorest citizens that they must volunteer or they are to be evicted. Evicted to go where? Evicted to be set on the street.

I ask my colleagues who support this bill, who will take care of the children when they are volunteering? Or more importantly, will these citizens gain valuable work experience to put on a résumé, to help to find a job and have self-sufficiency? This is not work for benefit, no, this is not work for benefit. It is an edict, an order: Work or live on the street.

This section is placing misguided values on the poorest of the poor. We already have a society of the haves and the have nots and we are underscoring and highlighting this class distinction; a two-tier society. We are blocking the have nots and we are saying that have nots cannot be haves. We are keeping these citizens down and not allowing them to stand upon our shoulders to reach for higher ground and a higher way of life.

In my home State of Maryland, we already require welfare beneficiaries to do certain types of work. Additional regulations will constitute an administrative and bureaucratic nightmare which will place even greater burdens on local housing authorities, instead of allowing them greater flexibility to deal with the pressures they are facing as a result of declining funding. Mandating that poor citizens volunteer is demeaning and it is burdensome on the recipients, and it is also burdensome on our local housing authority.

I urge my colleagues to support the Jackson amendment.

Mr. EHRLICH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to make two points. One is a point I would like to reiterate concerning this really constructive debate that we are having on the floor over the last 2 days which pertains to the philosophical, the real philosophical difference between folks on that side of the aisle and folks on this side of the aisle.

When one really gets down to it, it is all about mutuality of obligation. Some people believe those who take a benefit from the Federal taxpayer have no mutual obligation on the back end, and some do. That is basically what we are discussing with respect to this very minimal work requirement.

With respect to my second point, I want to get back to the facts of actually what the bill says and does, and with that, I would ask the gentleman from New York [Mr. LAZIO], chairman of the subcommittee and my good friend, if he would engage in a short colloquy.

Mr. Chairman, I have before me the transcript of the hearing that we had with Secretary Cuomo on March 6, 1997. Does the gentleman recall that hearing?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, in fact I do remember the fact that the Secretary testified before the committee with respect to H.R. 2.

Mr. EHRLICH. Now, with respect to the substance of this debate, I have a question for the chairman, because I think it is very important that people all over the country understand exactly what we are talking about, and the folks that we are expecting this very minimal work requirement from.

Mr. Chairman, it appears from my reading of the transcript that the chairman, in answer to a question by the gentleman from Texas [Mr. SESSIONS], said that we would require community work for residents not already meeting welfare reform requirements, which is also my view of what the bill says.

Is that not correct, Mr. Chairman?

Mr. LAZIO of New York. If the gentleman would yield, just as was the case with Secretary Cisneros when Secretary Cisneros, an articulate man, very often spoke about the need for community service and community work requirements in public housing, to build that type of social capital, so too is the case with the administration's proposal as submitted to the House, and so too is the position of Secretary Cuomo that a community work requirement is appropriate, is good, is a positive step in terms of public housing reform.

Mr. EHRLICH. Mr. Chairman, a positive step with respect to the building of human capital with respect to these folks, correct?

Mr. LAZIO of New York. If the gentleman would yield further, once again, not pretending to speak for them, but rather for myself, it is a fact that we are talking about the potential of hundreds of thousands of hours that can be contributed, a huge potential to begin to meet the significant challenges facing underserved communities, and it is at our disposal if we just tap into that.

Mr. EHRLICH. Mr. Chairman, I would like to read for the record, and I am sure the chairman would appreciate these words, exactly what the Secretary said. The Secretary, and I quote from page 38 of the transcript: "We would agree with what the bill says, community work for residents who are not already meeting the welfare reform requirements" which is my reading of the bill and the chairman's reading of the bill; is that not correct?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield once again, it is absolutely my reading of the bill. It was in the bill last year, a bill that was supported by nearly 100 Democratic Members who embraced this bill.

Mr. EHRLICH. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO], the chairman of the subcommittee.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. EHRLICH. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I appreciate the gentleman yielding.

Let me just say what is occurring here is an effort to say the Democratic Party does not favor the work requirement, the Republican Party does, and therefore, to somehow socially divide the two political parties in these inner city environments.

The facts are, the administration has supported a work requirement and does, and to be very precise, let me read from the bill that was sent up by Secretary Cuomo, under a section called community service requirements for the public housing and section 8 programs.

The Secretary's bill states: "Notwithstanding any other provision of law, each adult member of each family residing in a public housing or assisted under section 8 shall, without compensation, participate for not less than 8 hours per month in community services activities, not to include any political activity, within the community in which that adult resides."

In other words, the Republican Party has taken great care to work with the administration in producing an approach that is a common sense reform initiative. At this time on the floor of the House, the congressional Democratic Party is objecting.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am deeply troubled by Congress's persistent attacks on America's poorest families. Let me just say this is one of the most mean-spirited provisions. It is an insult to poor people in this country. Here they come again. Today we are lecturing poor people.

My colleagues want poor people to work for human capital. Let us provide them with the tools that they need to become self-sufficient, not by imposing this provision.

We cannot expect families to work and to make the transition from welfare to work if they have no income or a place to live. How do my colleagues think they are going to acquire the tools that they need to become self-sufficient by cleaning toilets and collecting garbage? Is that the way that we are going to provide them with the skills that they need to become self-sufficient?

Let us be honest and serious about it. What we are doing today is victimizing the victims, and I can tell my colleagues, most of them have never been into a public housing development because if they have been, they know that they do volunteer. They know that they are the ones working and without any resources to do their job.

Let us be serious and stop talking about volunteerism. Yes, I will welcome IBM, I will welcome Johnson & Johnson to come to my district and come to the public housing development and provide some of the money that my Republican colleagues are taking away from poor people.

Mr. COOK. Mr. Chairman, I move to strike the requisite number of words.

I am especially supportive of the work requirement for public housing residents. Few can disagree that current Federal housing policy creates disincentives to work, encourages the breakup of families, and has resulted in an undue concentration of poverty in certain neighborhoods. The Housing Opportunity and Responsibility Act addresses the problems with our Nation's public housing projects with commonsense solutions.

One key component of this approach is the work requirement for the public housing residents. The work requirement is not unreasonable. It applies only to able-bodied public housing residents without dependent children. It demands that a resident of public housing, as a condition of receiving Federal assistance, display a commitment to putting themselves on a path to self-sufficiency and economic independence.

As a member of the Subcommittee on Housing and Community Opportunity, I have heard criticisms of this work requirement from my friends on the other side of the aisle.

☐ 1445

They will question why those who receive a tax deduction for the interest paid on their mortgages are not similarly required to work. I see that kind of logic as totally flawed, as evidenced by our decaying public housing projects across America.

The Federal Government has decided that owning one's home is an integral part to a strong and safe America and increases the quality of life in our great country. The Government encourages Americans to own their own home by giving some of the money they pay in taxes back to them. The mortgage interest deduction is very different from a work requirement for recipients of a government program that do not pay taxes or otherwise earn the benefits they are receiving.

The overwhelming majority of my constituents tell me that they are troubled by government handouts. We have seen time and time again that handout programs do not work. Public housing was intended to be a helping hand toward self-sufficiency, not another handout. I urge my colleagues to defeat any attempt to remove the work requirement from this very important piece of legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. JACKSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote, and pending that I make a point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Illinois [Mr. JACKSON] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. JACKSON OF ILLINOIS

Mr. JACKSON of Illinois. Mr. Chairman, I offer amendment No. 9.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. JACKSON of Illinois:

Page 27, line 7, strike "or".

Page 27, line 10, strike the period and insert "; or".

Page 27, after line 10, insert the following:

(E) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(i) children who are 6 years of age or under;

(ii) elderly persons; or

(iii) persons with disabilities.

Page 29, line 3, strike "or".

Page 29, line 6, strike the period and insert "; or".

Page 29, after line 6, insert the following:

(5) a single parent, grandparent, or spouse of an otherwise exempt individual, who is the primary caretaker of 1 or more—

(A) children who are 6 years of age or under;

(B) elderly persons; or

(C) persons with disabilities.

Mr. JACKSON of Illinois. Mr. Chairman, I am joined by the gentleman from Wisconsin in offering this amendment, which addresses what I view to be a glaring oversight by the majority in the crafting of the community work provision of section 105.

While I am firmly opposed to the community work requirement because, as I have stated, I believe it demeans voluntarism and vilifies the poor, I am pleased that H.R. 2 at a minimum exempts the elderly, the disabled, and those individuals who are working, attending school, or receiving vocational training.

I would like to express my appreciation to the majority for their support of my amendment in committee, which clarified that these exemptions occur automatically and do not saddle another burden of proof on individuals who fall into one of these categories.

These exemptions, however, do not go far enough. Under this bill single parents who are not otherwise exempted will be forced to either leave their young children home alone, or pay costly child care or home care fees for fragile seniors or disabled family members. This amendment will exempt from mandatory community work requirement residents who are single parents with children under the age of 6 and grandparents or spouses who are the primary caregivers of dependent children or senior citizens.

Mr. Chairman, it is no wonder that the American public thinks this body is out of touch with reality. How can we not acknowledge that the care of the elderly, the disabled, or young children is a full-time job worthy of respect and appreciation? Who will care for their dependents while these primary caregivers are forced to do community work?

Just yesterday during general debate, a speaker in defense of the bill pointed to the tragic instance in Chicago where a 5-year-old boy was thrown to his death from Ida B. Welles House housing complex by two other children. If we require that single parents who are responsible for supervising young children are forced to leave their homes to perform mandated work hours or face possible eviction, will we not be creating the potential for more of these tragic incidents to occur?

We know that public housing residents will be hard-pressed to pay for costly child care or nursing assistance, and that the waiting list for affordable care may be a couple of years long. Will we expand upon the unfunded mandate that we already have imposed upon public housing authorities by putting them in a position to have to also provide child care?

I believe in voluntarism, but let us not confuse its meaning or its use. We have an all-volunteer armed services. Our young men and women volunteer to join. They are not subscripted into the military. But once they volunteer to serve, they are paid for their service. In fact, they receive a variety of forms of financial compensation, even after they leave the military, such as veterans and educational benefits, points in securing employment, and if their service is long enough, pensions.

Proponents of mandated community work insist that other Federal benefits are tied to community service. Yesterday, the gentleman from New York referred to particular medical school scholarships in exchange for which graduates agree to work in a low-income community for a certain period of time. The difference is that they likewise are paid for their medical work in the community.

I believe poor people should work. They want to work and will work if there are enough jobs paying adequate wages. Poor people do not have to be whipped to work. About 4 years ago, Mr. Chairman, in Chicago, the new Sheraton Hotel advertised the availability of 1,000 jobs. In the middle of a Chicago snowstorm, 10,000 people showed up.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would ask the gentleman, did he have an inquiry of me?

Mr. JACKSON of Illinois. It is my understanding we may have the opportunity to work something out with respect to my amendment.

Mr. LAZIO of New York. Mr. Chairman, what we are trying to do is to submit a proposal that would ensure that a certain percentage of people that might fall into some of these categories could be exempted by the housing authority without it being an across-the-board exemption for all in that category. I do not know if that is something the gentleman is interested in, but if he is, we will continue to pursue that.

Mr. JACKSON of Illinois. Mr. Chairman, I do not understand what the gentleman means by a particular percentage. Either they are a caregiver or someone providing for a 6-year-old-or-under child, or not. The gentleman needs to clarify.

Mr. LAZIO of New York. If the gentleman will continue to yield, Mr. Chairman, what we are trying to do is work on a counterproposal that might meet the concerns of the gentleman and also meet my concerns and that of the Members on my side of the aisle.

Mr. JACKSON of Illinois. Mr. Chairman, continuing, the assumption underlying the goal of self-sufficiency is full employment, but there are currently not enough jobs for a living wage for everyone. If we create the jobs, I believe the people will come.

One of the unintended consequences of section 105 about which I am particularly concerned is that it will effectively displace thousands of low-wage workers who are currently employed by housing authorities. If we mandate millions of hours of uncompensated free labor by housing residents, PHA's, nursing homes, and other facilities can replace paid employees with public housing residents who are performing their 8-hour shifts; that is, 1 full day of uncompensated labor per month to perform maintenance grounds work and other low-wage jobs.

Mr. LAZIO of New York. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I know we are still trying to submit some language to the gentleman from Illinois that he might find acceptable, but on the chance that that is not the case, let me explain to the Members why I have reservations about this portion of the bill.

Even with respect to welfare reform, which requires not 2 hours a week but 20 hours of workfare, there is far more flexibility and no across-the-board exemptions that mirror the type of broad exemption that the gentleman from Illinois is offering in this bill.

Mr. Chairman, I ask again, for those people who are not in public housing, who are just as poor and who labor under just as difficult circumstances, do they find a way, even though they may be caregivers to people, whether they are children or older Americans, do they find a way to discharge those responsibilities and yet also go out there and earn enough money to put a roof over their head and pay for the utilities? The answer, Mr. Chairman, is absolutely yes.

The concern, of course, that I have is for working people who are already outside of the umbrella of public housing, who do not receive the benefit of public housing, who would do a great deal of work in order to put a roof over their head and over that of their family's.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Are we now saying that we do not trust the primary caregivers of senior citizens, or a woman who may be heading a household where there are children under 6 years old?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, what we are saying is that all people who receive the benefit of public housing who are able-bodied and who are not exempted because of age, who are not exempted because of disability, who are not exempted because of education, vocational training, or work will be expected to contribute 2 hours to their own backyard.

Again, that may include helping to sweep the hallway right in front of their apartment, it may include doing something in their apartment, it may include removing graffiti, or ensuring that somebody gets day care in that building. It may include working downtown or it may include, for some people, doing a Neighborhood Watch Program. There is extraordinary flexibility in this program to meet the concerns of people who actually do have some other obligations.

But the idea that only people in public housing have extra obligations diverts from reality. In fact, people who do not live in public housing, who have enormous obligations, who have families, who have needs, who may have parents who need to receive care, who do not receive the benefit of public housing, who do not receive the benefit of having their utilities paid for, are also asked to do something. They are asked to go to work to contribute to their rent. If they do not do that, yes, they are thrown out. That is what happens to people outside of public housing.

To afford special protections to the fortunate few who are accepted in terms of their application for public housing I think undermines some of the basic premises of this bill, which is a sense of mutual obligation and responsibility.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Chairman, this is really a commonsense amendment. The purpose of this amendment, it is really the family values amendment. It says that if we have a single mother at home who has children under the age of 6, or we have a person at home who is responsible for taking care of someone who is physically disabled, that we provide an exemption for it.

Mr. LAZIO of New York. Reclaiming my time, I understand what the amendment is trying to do, but what I am saying is there is no reason why somebody who is a caregiver cannot help out in their own hallway, in their own apartment, if they are not given enough work requirements so they can meet both concerns.

I might add that that flexibility is more than most people on the outside are able to get. Most people who are not beneficiaries of public housing who have to go out there to work are not lucky enough to have the type of flexible work requirement that will allow them to work in their apartment or work in their hall or in their building. They must go and travel to another area, very often. They must leave, they must make accommodations, they must ask family to watch their children or their parents. They find ways to do that.

Yet, we are not willing to ask the same of people in public housing, to give not 20 hours a week, as is called for under the requirements of workfare, but 2 hours a week, 2 hours over 7 days. That is what we are asking, in return for a subsidized apartment unit, and often utilities being paid. That is what is common sense.

That is the very essence of the proposal that has been embraced by both this administration and the past administration, by both Secretary Cisneros and Secretary Cuomo. That is the very provision that was in this bill last year, supported by nearly 100 Members who believe in a commonsense approach to solving some of the Nation's problems.

The idea here is to tap into the huge resource, the huge potential human resource that we have out there, people who can bring talent, people who can do things in their own back yard.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, Mr. Chairman, I just want to make it clear that we are talking about a single parent, a grandparent, or a spouse.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 30 additional seconds.)

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I understand what the gentleman's amendment does. I am telling the gentleman that I cannot accept that amendment, because I believe that people on the outside are asked to actually do more; that there is flexibility in this bill for people who are caregivers to work close to home.

I think there are some in this Chamber who want to gut this entire provision using different means of gutting it. I want to protect this provision. I think this is an important part of the bill. I think people should be asked to contribute to their own community.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support, and am pleased to offer this amendment with my friend, the gentleman from Illinois [Mr. JACKSON].

Mr. Chairman, I come to this issue from a little different perspective. My wife and I have a son who is 4 years old, we have a daughter who is 2 years old, and we have another daughter who is 12 weeks old. I am very well paid. But if you were to tell me or if you were to tell my wife that she has to give 8 hours of community service, to volunteer, my reaction would be, I will tell you what good community service is for a caregiver, either a mother or a father who is alone with a child. The best community service that that person can give is to take care of their child, whether the child is 12 weeks old, 2 years old, or 4 years old. I want that parent to be there to help that child.

I understand why the gentleman from New York is saying, well, if you are an able-bodied person and you do not have kids around the house, or if you are able, we do not want you to lie around on the couch.

We may agree or disagree on the merits of that. But I think all of us recognize that at certain times in a person's life you simply do not have the time to go out and help in community service. I would imagine any mother who is in this Chamber today, if they were told when their baby was 4 months old, we now want you to go give 8 hours a month for community service, would say no, I think I should be with my baby.

□ 1500

They may decide that they have a care giver who shares the responsibilities with them that would allow them to do so. If they could do that, they would do so, they could volunteer. That is the nature and the essence of volunteerism, that a person gives willingly. But to tell a mother of a 3-month-old or a 6-month-old or a 3-year-old, all right, you are a single mother, now you have to leave your child and go out and perform some community service that has been delegated by the Federal Government, to me is exactly the wrong way we should be going. We should be encouraging these people to do the best they can to support their children and to help their children along.

So for me this amendment is a very common sense amendment. It is recognizing that there are times in a person's life where the most important community service they can give is to take care of their children, and to suggest otherwise I think is demeaning to young mothers and young fathers. For some reason we are saying, OK, you have to give 8 hours community service. If community service is so great for these poor people, then let us apply it to everybody.

The gentleman from New York says there are poor people who are now living in public housing that do things beyond what is called on them. That is fine, I applaud them for doing it. I am happy that they are involved in the community. But we do not require them to give 8 hours community service. We do not require millionaires to give 8 hours community service. We do not require anybody to give 8 hours community service except for these people.

At a time when in many States in this country there are work requirements under welfare that are requiring these people to work maybe 20 hours a week in order to get welfare benefits, now we are saying we are going to tack on an additional requirement above and beyond; that I think is moving in the wrong direction.

I think this is a common sense amendment. I think it does go in the right direction. It recognizes that there are people who do think it is important to require people to work, but it also recognizes that if you are a young person, if you are elderly, if you are disabled, that it is really not fair to ask you to perform the service.

I would ask the Members to please support this amendment. Again, I think it is a very common sense amendment. It does not hurt anybody. It is not carrying out an exception that you can drive a truck through. It is just a commonsense exception.

Mr. WELDON of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to address the gentleman's amendment briefly if I may. I am prepared to offer a secondary amendment, a perfecting amendment to his amendment, but I just want to make a few general comments before we get into this. I am coming from this as a person who has lived in government housing.

When I was in college, I got a free dorm room and I got that free dorm room in exchange for working 6 hours a week in the dorm. And I had to do that over and above and on top of my requirements as a college student. I was a biochemistry major, it was a very demanding curriculum. I had to take a lot of courses in chemistry, physics. I also had to work my way through college, so on weekends I had to work. As a matter of fact, I worked the 11 p.m. to 7 a.m. shift on Friday days and Saturday nights at a local hospital. In exchange for that, I got a little room about as big as a walk-in closet.

I think what we are trying to do here with this amendment is ask people to work substantially fewer hours than I had to work. I had to work about 24 hours a month. We are asking people to work 8 hours a month. As a matter of fact, I am going to have an amendment I will introduce later because I think 8 hours is too little. I am going to try to increase that with an amendment to 12 hours.

I think the issue that we are bringing up right now, single moms, kids at home, I think that there is some legitimacy to that. I personally think in these housing authorities that people will be able to work together to say that somebody cannot find 2 hours a week to me is a little hard to swallow.

I am prepared to offer a secondary amendment to the gentleman's amendment, and I have that at the desk right now, that would give the housing authority the authority to exempt up to 20 percent on the grounds that are being brought up. I think that is a very reasonable compromise here to the gentleman's proposal. I think there is some legitimacy to what we are talking about in that there will be, there is some legitimacy to what the gentleman is talking about. I think to have the housing authority given the ability to exempt a certain percentage of people on the grounds that the gentleman is talking about, that they are very burdened with the requirements of their kids, might I just add that I think this requirement ultimately will be good for many of those moms to get out and to actually do some work, contributing to their local community.

I think we need to have some flexibility with the housing authority, and I think the gentleman's proposal should be allowed for a certain percentage. I would ask that the gentleman would consider my amendment. I think if the chairman will accept this and the gentleman will accept it, then we can move on to the other amendments.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, what is magic about exempting 20 percent? Suppose it happens to be 30 or 40 percent in a particular housing project? Is there something magic or special about 20 percent?

Mr. WELDON of Florida. Well, actually it could be 10 percent, it could be 5 percent.

Mr. WATT of North Carolina. What would be magic about that?

Mr. WELDON of Florida. Mr. Chairman, this is something we can revisit in the future. We can get some testimony. I am on the committee with the gentleman.

Mr. WATT of North Carolina. Mr. Chairman, my point is that it will vary from housing community to housing community. It is not going to be 20 percent all across the Nation.

Mr. WELDON of Florida. I think what we are proposing here is a very reasonable solution to the issue at hand. I think we can get testimony in the future on this issue, and if there needs to be more flexibility given to the housing authority, I think we will be able to do that.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO THE AMENDMENT OFFERED BY MR. JACKSON OF ILLINOIS

Mr. WELDON of Florida. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. WELDON of Florida to the amendment offered by Mr. JACKSON of Illinois:

In the amendment, before "a single parent", each place it appears insert "for not more than 20 percent of the total number of families assisted by a public housing agency,".

Mr. WELDON of Florida. Mr. Chairman, I will not consume the entire 5 minutes because I basically, I think, have made my case. I think there will be some situations in the housing authority where it may be appropriate for the housing authority to exempt some residents. My own personal opinion is the vast majority of the people in the housing authority will be able to meet this work requirement because it is ridiculously low. I started out saying, I used to have to work 24 hours a month to get a room the size of a walk-in closet.

We have got people who are getting apartments with several bedrooms, a kitchen. They are getting free electricity, free heat, and the gentleman is saying they cannot work 2 hours a week. Come on. Give me a break. That is one Oprah Winfrey show, that they cannot find somebody to mind their kids for 2 hours within the authority.

Now, there may be some situations where that would arise. I believe my exemption here would give the authority some flexibility to do that.

I just want to comment on one thing. In Florida, we had welfare reform in Florida and in one of the counties in Florida there is a work requirement in the whole State. After 2 years they have to go to work. In one of the counties, they decided to set up a citizens panel to see if they were doing something wrong. They had these citizens review these cases of people being put off of welfare. On every single case they reviewed about 36 cases. They have put every single one of them off because the people were making absolutely no attempt to find a job.

I think what we are doing here with my secondary amendment is we are giving the housing authority some flexibility. If there is a mom in the building who really legitimately cannot break away for 2 hours a week or 8 hours a month, you are talking about one 8-hour shift a month. I think this is a very, very fair and reasonable solution.

I will say it again, I think 8 hours is too low. I have got an amendment I will offer, I think it should be 12 hours or more. I had to work 24 hours a month to get a room the size of a walk-in closet.

Do my colleagues want to know something? In the dormitory I lived in, that was very competitive. All the students in the dorm wanted that. There was very, very vigorous competition for the privilege of getting a room the size of a broom closet in exchange for working 24 hours a month. So I think this perfecting amendment is a reasonable compromise to the concerns of the gentleman from Illinois [Mr. JACKSON].

If his concerns are that he does think that there are some people in the housing authority who will not be able to meet the work requirement, my amendment achieves that desired goal. I personally do not think that is the intent. The intent is to gut this. They do not want any work requirement.

Mr. BARRETT of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Wisconsin.

Mr. BARRETT of Wisconsin. Mr. Chairman, I went to college, worked my way through college as well. I was not a single parent at the time. Was the gentleman from Florida a single parent at the time he was asked to do this work requirement?

Mr. WELDON of Florida. No. I was a college student.

Mr. BARRETT of Wisconsin. OK. I thank the gentleman.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, what does the gentleman from Florida [Mr. WELDON] propose should happen to the other 80 percent under his amendment who do not meet the gentleman's threshold?

Mr. WELDON of Florida. I believe that they will be able to make accommodations and they will be able to meet the work requirement, and I think it will serve the community extremely well. I think there will be enhanced community spirit. I think it will deal with a lot of the problems with vandalism in the housing projects. I think it will help deal with crime in the housing projects.

Mr. JACKSON of Illinois. The gentleman from Florida's specific amendment states before "single parent," the gentleman wants to insert "for not more than 20 percent of the total number of families assisted by a housing agency."

My specific question is, what becomes of the 80 percent in any given public housing agency who meet the threshold, who meet the criteria that we speak of in the amendment but do not meet the gentleman's threshold, which is precisely what the gentleman's amendment proposes to do?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, I think it is absurd to argue that 100 percent are not going to be able to eke out 2 hours a week or 8 hours a month.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. WELDON of Florida. I am happy to yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, why should not 100 percent of people who are primary care givers for children under the age of 6 or elderly persons or persons with disability meet that criteria?

Mr. WELDON of Florida. Mr. Chairman, reclaiming my time, there are some people who will have a legitimate case that they cannot get away. There are some that do not.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the gentleman's amendment for reasons I have already stated but I want to reiterate. This last-minute amendment strikes and allows before "single parents" that a public housing authority can only exempt 20 percent of the total number of families assisted by that public housing agency for a particular amendment that my amendment offers.

We simply provide an exemption for a single parent, a grandparent or a spouse of an otherwise already exempt individual who is the primary caretaker of one or more of the following: children who are 6 years of age or under, elderly persons who obviously cannot care for themselves, and persons with disabilities.

This is a common-sense, family-values amendment; and why the gentleman from Florida [Mr. WELDON] is opposed to this particular amendment as it is stated and written is just unfortunate, Mr. Chairman. I think it speaks to the mean-spiritedness that is certainly surrounding some elements of this bill.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in opposition to this amendment. I think that the gentleman from Illinois [Mr. JACKSON] has a very reasonable approach to this.

The chairman of the committee has indicated that there are a number of exemptions. The only issue here is whether or not a mother with children or a primary care giver ought to be considered to have been doing a public service or volunteer work.

I do not know anybody in this country who has had children who does not think that taking care of those children is the most important volunteer work we can do in the United States of America. It is the future of our country. It takes an enormous amount of energy. It is the kind of values that I think we ought to be sustaining and encouraging in this country.

I am shocked to hear that the Republicans oppose this, and the Republican agenda is now that we no longer consider taking care of children to be volunteer work. What could be more important than taking care of our Nation's children?

If we are going to be considering this in terms of public housing, why should we not be considering that to be qualified? Is it not as well qualified as raking leaves? Is it not as well qualified as going down and cleaning up a playground? I know that the gentleman from Florida [Mr. WELDON], the doctor, feels that people in public housing hang around and watch Oprah Winfrey, as he suggested in his last comments.

□ 1515

But I do not think that is a fair characterization of what goes on in public housing. And all we are trying to suggest is that if someone is the primary caregiver to a family with underage children, then maybe this should be considered a worthy voluntary effort on their part to take up those children.

We pay caregivers across this country. We pay and encourage child care. There was an effort to include child care in the past welfare bill.

I am really kind of taken aback by the fact that this amendment was not accepted by the chairman of the committee. I asked the chairman of the committee if he would accept this provision. It seemed to me to be a very fair and reasonable provision that the gentleman from Illinois had come up with, and in the spirit of working together in a bipartisan way to come up with a reasonable approach to how to deal with these issues that divide us, I thought this was a very reasonable way to move forward.

I guess I am just dumbfounded by the fact the chairman would not have accepted what I think is a very reasonable position. And I would predict that if this bill ever moves to conference and actually gets to a point where we are talking about enacting this and its coming back into law, I would be very shocked to find that this provision was not taken up.

I do not know what the move is here. It seems to me it is fairly straightforward; that anybody that is taking care of children under the age of six ought to be recognized for the contributions they are making not only to that family but to the future of this country.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I thank the gentleman for yielding, and I would point out to the gentleman that part of the work requirement would include child care; if there is a day care center in the project, that working in that child care center would qualify as a work requirement.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, I would point out to the gentleman that maybe he has access to a lot of child care, but most public housing agencies do not have access, and most public housing projects do not have access to child care.

So while that may appear to be an easy solution for the gentleman, it is not, in fact, an easy solution for a lot of the public housing residents we are talking about.

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield again?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, I would say to the gentleman that they would be able with this work requirement to create a child care facility within the housing project.

Mr. KENNEDY of Massachusetts. Taking back my time, Mr. Chairman, the gentleman obviously does not understand some of the costs that are associated with taking up child care.

If the gentleman was here and paid attention to the child care debate, there are all sorts of rules and regulations pertaining to child care and the like. That is not really what the issue is.

The truth of the matter is I think we should be encouraging mothers and families to take care of their children in their own homes and valuing that as a society. They do not have to be dropping them off in a child care center in order to get credit for it. They ought to be getting just as much credit in the family home as they do taking them to a child care center.

I thought that was, as a matter of fact, one of the core values we were trying to encourage in this country, not to go take children off to somebody else's home but to bring them up ourselves. And why is that not an effort? Why is that not a reasonable effort and one that should qualify under the gentleman's notions of volunteerism?

Mr. WELDON of Florida. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Florida.

Mr. WELDON of Florida. Mr. Chairman, the intent here is that it is possible within the constraints the gentleman is describing——

The CHAIRMAN pro tempore (Mr. LAHOOD).

The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

I made no bones about it, I thought it was cavalier, paternalistic, and demeaning to even have a provision that mandates volunteerism, which, in itself, to me, are two internally inconsistent concepts: mandates and volunteerism. Those two things do not even go together.

We are demeaning this institution now, and we have gone from the sublime to the ridiculous. The gentleman comes forward with a completely reasonable amendment that says let us exempt people from this volunteer requirement if they are taking care of a disabled relative or if they are taking care of a child at home, both provisions that are not made in the underlying bill. It is a very, very reasonable amendment that the gentleman from Illinois has raised.

My colleague from Florida comes and says, oh no, we cannot accept that, but we will give the gentleman a 20 percent requirement. This takes us back to yesterday when in the general debate the notion was that anybody who disagreed with anything in this bill was bad.

We have got a perfect bill here, according to my colleagues, and anybody who disagrees with anything in it, regardless of how ridiculous it is, we are going to stand up and defend it at all costs. We will be here all afternoon defending this ridiculous provision in the bill.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would say to the gentleman, as he knows, in the Committee on Banking and Financial Services on which he sits, 65 amendments from the minority side were considered and 29 were passed. So this bill has the strong fingerprints of the minority.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, let me say to the chairman that we have never, ever passed a perfect bill out of this House. Never. I do not care who wrote it, who amended it, regardless of the circumstance, we have never passed a perfect bill out of this House.

And the notion that somehow somebody who comes forward, just because they happen to be on the Democratic side, with a good idea and amends this bill is somehow protecting the status quo or is disingenuous or not being reasonable, is just ridiculous to me. We have never had a perfect bill out of this institution. We never will. And this one is not perfect.

Now, if I accept the chairman's argument, we got to a perfect bill in the Committee on Banking and Financial Services and, therefore, we ought not do anything else on the floor to improve that bill. This is an improvement to the bill. It is something that the Republicans told us in committee that they thought would be covered anyway.

If a person went out to work at a rest home or a nursing home where there are disabled people, then they would qualify as a volunteer. Why can they not do it in the confines of their own house and have it. If they go out and work at a child care center and volunteer, it qualifies. Why could it not qualify if they are volunteering in the confines of their own home?

This is ridiculous, to stand up and try to defend against this reasonable amendment. And now my chairman comes back and says, oh, well, reasonable housing authorities at the local level will let people go outside their door and sweep and they can satisfy their volunteer requirement that way. That is ridiculous.

And when the local housing authorities, who they will not give any discretion under the provisions of this bill, when they go and say, OK, we will let them sweep right outside their door.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. Watt] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Then they will come back and cite the local housing authorities for not complying with the law, because they will say, oh no, we wrote a perfect bill, and how dare they tell the Federal Government that they will not comply with the spirit and the letter of the law.

My colleagues, we have reached a point of ridiculousness here. It is ridiculous partisanship. If this amendment were offered by a Republican on the floor of this House, it would have passed just like that. And the only thing we are defending against is pride here. Partisan pride. That is all we are defending against and we ought to be ashamed of ourselves.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. First, I hope the gentleman recognizes that this side has a lot of respect for the perspective being put forth.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Iowa.

Mr. LEACH. This side has never made a statement this is a perfect bill. We are dealing with each issue on its merits. But I would stress to the gentleman, in terms of partisanship, the provision that we are defending came to us, largely speaking, from the administration and we supported it.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, the administration, I believe, would support the gentleman's amendment to this bill.

Has anybody called the administration? I guess we are going to call the President every time we pass some legislation in this body. We have never done that before and I do not want to start now.

The CHAIRMAN pro tempore. The time of the gentleman from North Carolina [Mr. WATT] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 30 additional seconds.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to point out to the chairman of the full committee that he has cited on a number of occasions the fact this is a Democratic provision. The truth of the matter is, if we go back through the legislative history of this provision, it came from a Senator on the Republican side of the other body who inserted it in a bill 2 years ago that nobody thought was going anywhere.

It is not a proper representation to suggest that this is a provision that came from the Democratic side or from the President of the United States. It is just not proper.

Mr. WATT of North Carolina. Mr. Chairman, reclaiming my time, I will say it should not matter who offered the amendment. It is a good amendment. We should support it. The gentleman from Iowa should consent to it.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

I think it only fair that we lay on the record what is the circumstance in the fairest possible way. The gentleman from Massachusetts may well be right that originally a legislator may have come up with this idea. But the gentleman from Massachusetts, I think, will acknowledge that the bill that was transferred from the Department of Housing and Urban Development under Secretary Cuomo, that was introduced by the gentleman from New York [Mr. LAZIO], and by the gentleman from Massachusetts, [Mr. KENNEDY], contained a community service component of 8 hours of work per month.

And I would ask the gentleman, is it not true that, basically speaking, in the nomenclature and the vocabulary of the House of Representatives, when an executive branch agency or department presents a bill to the U.S. Congress, it is normally considered to be the administration position?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. For purposes of clarification, it is my understanding that the bill that the President, that HUD submitted, does not contain this as a binding agreement. It does not evict someone, and it is not a term of the lease, No. 1. No. 2, it does in fact contain the provisions that the gentleman from Illinois [Mr. JACKSON], is offering.

Mr. LEACH. Reclaiming my time, Mr. Chairman, I will respond directly to the gentleman.

The majority would like to acknowledge that there are certain tightening up circumstances that have occurred in this bill under the committee markup process. But I would like to read to the gentleman precisely the bill submitted by Secretary Cuomo, under section 111, community service requirements for the public housing in section 8 programs. And it reads, and I quote directly, this is the position of the Department of Housing and Urban Development, which is a part of the Clinton administration:

"Notwithstanding any other provision of law, each adult member of each family residing in public housing or assisted under section 8, shall, without compensation, participate for not less than 8 hours per month in community service activities not to include any political activity within the community in which that adult resides."

□ 1530

The reason I stress this, I think it is absolutely fair for any individual Member on either side of this body to disagree with the administration. I think it is absolutely fair to disagree with any provision in this bill. I happen to believe that virtually all American Presidents are more than half right more than half the time, and so I have been criticized for being inconsistent in sometimes supporting a President and sometimes not. That is a matter of individual judgment at a time, and I think the gentleman from Massachusetts [Mr. KENNEDY] and the gentleman from North Carolina [Mr. WATT] are thoroughly within their rights to disagree, even though they are disagreeing with a provision of a bill that they themselves introduced by request, and when you introduce by request, it does not mean that you agree with all subtle points.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding.

My question to the gentleman is, what difference does it make? If the gentleman thinks this is a good idea, and I think everybody does, what difference does it make whether the President sent a bill over that said something different? What difference does it make if you passed a bill out of the committee? If you think it is a good idea, support it.

Mr. LEACH. Let me recapture my time. The gentleman makes a very good point, with this exception. It has been your side of the aisle that is trying to define a partisan differentiation, not simply an issue of judgment. Repeatedly on your side of the aisle, there has been an effort directed at given constituencies in America to try to say the miserable Republicans, or implying the Republicans are attempting to do this to you. All I am suggesting is that this is a judgment that I think the majority of Republicans probably support, a number on your side of the aisle will probably support, and the Executive Branch supports in broad precept. I make this point because it is very important in terms of public policy, if Congress passes a law of this nature, that people in public housing should not then come to think that this is a Republican ax held over their head. It is the judgment of the Congress, a bipartisan kind of judgment of which there are individuals that will differ. But I refuse to hear the suggestion and implication that you as individual Members stand for the complete Democratic Party. You may stand for the majority of the Congressional Democrats, but on this particular issue in broad measure, the Executive Branch differentiates itself from you and is closer to our side.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first I want to go back to the gentleman citing this initial law. I go back to the issue that there was an intention and there is an intention on the Democratic side to encourage individuals to participate in volunteering who receive public housing. There is also a recognition that this should not be a term of the lease. In other words, yes, they shall in fact participate in volunteerism and the like. We do not as Democrats always agree on every provision. The gentleman is correct in pointing out that there is perhaps a broad agreement in this country that what we ought to do is fix up public housing by virtue of abandoning our commitment to the very poor. It is within the rights of those of us within the Democratic Party, and I would hope maybe a few in the Republican Party, that think that it is wrong as policy of this country for us to turn around and abandon the poorest people in this country so that we can say that public housing works simply because we no longer provide them a benefit. I think that that is a moral question, and I think that these are issues that get to the heart of what this country is all about, and I think that these are issues that need to be openly and honestly debated. I think when one particular party happens to agree with that set of policies and there is great division in the other party, that it is perfectly reasonable for us to characterize what is coming out by your own admission as a policy that is generated largely by virtue of what your party has come to stand for. It seems to me that it is eminently reasonable for us to characterize the way your party has acted towards the poorest and most vulnerable as insensitive to their needs. I appreciate the gentleman yielding.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. LEACH. Mr. Chairman, in responding, let me just put this in a little broader background: 2½ years ago, there was a major effort and consideration by this administration to eliminate HUD. That effort received widespread consideration in this body. Our committee, of which the gentleman from North Carolina [Mr. WATT] and the gentleman from Massachusetts [Mr. FRANK] are members, made a collective kind of decision to try to not eliminate public housing but to reform it. The dollars that we have put on the table are precisely the dollars requested by the President of the United States, Mr. Clinton. The reforms are in large measure consistent with the proposals of the Department of Housing and Urban Development. I acknowledge on this issue, and also with regard to this amendment, there are some differentiations. This amendment, for example, addresses a point where the committee may have gone further than the bill that HUD supplied, but we think we are largely consistent. But having said that, the big picture is that we have made a decision to try to reform rather than to allow continued stultification and decay. We believe we are in tune with the American people on the view that when one receives a benefit, to the maximum extent possible, there ought to be something provided back in a public kind of way. That is what we have on the table and what you have every right to individually differentiate yourself with. But in large measure, the approach the Committee on Banking and Financial Services has brought forth is one in which we have worked very closely with HUD. HUD has worked very closely with us, and by HUD, I do not mean it in broad terms, I mean the administration and the Presidency.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would point out to the gentleman that I have been asked by HUD to submit an alternative bill because of the significant differences that exist between HUD and the Republican version of this bill, No. 1.

No. 2, I do believe, as I have said earlier, that there are significant differences between the way we are approaching taking care of the very poor in this country, the kinds of requirements that we are putting only on the poor in this bill with regard to how we are handling the fact that we expect them to volunteer. I am sure the gentleman from Iowa, who has had a very balanced approach to his legislative career, would understand that there are a lot of people in this country that gain great benefits, financial benefits, much more substantial than the families that go into public housing, that are never asked to volunteer at all. I would just like to understand from the gentleman from Iowa why he believes that it is fair to ask people in public housing to submit to this kind of voluntarism but it is not fair to ask people that get other kinds of tax benefits, people that get oil and gas benefits, people that get benefits from the Eximbank, or the Housing Administration.

Mr. LEACH. I think the gentleman makes a fair inquiry. Whether it is exactly apples and oranges, I will put aside. But I would say the effort of the majority side at this time is to enhance and increase the incentive for work and to enhance social obligation. The gentleman's uncle was a great believer in community service, in public service. That is what this bill is designed to enhance at the local level. I do not mean to say I presume that I speak more for the gentleman's uncle than he can.

Mr. KENNEDY of Massachusetts. I appreciate that, Mr. Chairman. I am not going to react to that one. I appreciate the fact that the gentleman has cited, I assume, President Kennedy for his efforts on trying to give people the notion that we all have a responsibility to give back to this country.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. Leach] has again expired.

(On request of Mr. Kennedy of Massachusetts, and by unanimous consent, Mr. Leach was allowed to proceed for 2 additional minutes.)

Mr. KENNEDY of Massachusetts. But I do not believe that President Kennedy or anybody else ever suggested for one moment that that was to be the exclusive provision of the poor, but rather that that ought to be a uniform sense across this country.

The trouble, Mr. Chairman, is that within this bill what we see is an almost mean spiritedness that qualifies only the poor for the programs. If they gain a benefit from the United States, they are forced to give back, or they are thrown out of their homes. This is patently unfair and is an indication that poverty is equated with immorality.

Mr. LEACH. Mr. Chairman, if I could reclaim my time, I say to the gentleman from Massachusetts [Mr. Kennedy], nobody on this side of the aisle said poverty is equated with immorality. That is language that comes from your side and it is a debate technique attempting to put an idea on our side.

The second point, I just think it very important to say, the words mean spirited has been introduced. No one to my knowledge has approached this from a mean-spirited direction. To the degree that any appellation applies, it has to also apply to the administration who submitted this precept. And so if there is either a positive or a pejorative, it has to be considered collective, I am sure shared by some on the gentleman's side of the aisle as it is shared by the administration.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just point out to the gentleman that another gentleman on your side of the aisle suggested that what the poor in public housing do is sit around and watch Oprah Winfrey. I believe, Mr. Chairman, that that has racist characteristics that ought to be dealt with by the gentleman's side. That is a mean-spirited comment.

Mr. LEACH. I did not hear those words. I will look for them in the Record.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Illinois.

The CHAIRMAN pro tempore. The time of the gentleman from Iowa [Mr. Leach] has again expired.

(On request of Mr. Jackson of Illinois, and by unanimous consent, Mr. Leach was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. I thank the gentleman for yielding.

Mr. Chairman, I just want to make one clear observation. My amendment says that a mother with a newborn can be exempted from this particular requirement for caring for her newborn. His amendment specifically says that only 20 percent of those residing in a public housing authority can be exempted for having a newborn. That is the difference between my amendment and his amendment. I say 100 percent of women with newborns under the age of 6 or caring for their children, caring for senior citizens, caring for those that are physically disabled should be exempted. His amendment calls for only 20 percent and no provision whatsoever for how that 20 percent should be determined in a given public housing authority. That, sir, from my position and my perspective, and I say this respectfully, is quite mean spirited.

Mr. LEACH. I think the gentleman makes decent points and they ought to be respected.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Let me begin in a spirit of conciliation. The chairman has several times cited the position of the President. I would ask unanimous consent that we substitute the language submitted in this regard by the administration for the language in the bill.

Mr. WELDON of Florida. Mr. Chairman, I object.

Mr. FRANK of Massachusetts. The gentleman objects. The gentleman has a right to object, but what he cannot do is object to the insertion of the President's language and continue to cite it. I know lawyers sometimes get criticized but they have a very useful term called estoppel. If in fact the gentleman objects as he has just done to using the President's language on this as the legislation, he is estopped from using the President as the justification. So I trust the Republican side having objected to my effort to amend it with the President's language, we will not hear the President again invoked. The President I suppose in this bill as far as you are concerned will be here in spirit even though he cannot be here in language, but I do not think that is an appropriate parliamentary thing. Let us now get that stalking horse out of here.

We are prepared to accept the President's language. Your side apparently is not. If you want to, and it is only one objective, maybe we can work this out. Second, let us now talk about the substance. The fact is, and here is why I subscribe to the language of my friends from North Carolina, Illinois, and Massachusetts, why I believe this does bespeak a meanness toward people in low income. Let me give an analogy. We had a very similar debate about this during the welfare bill. Some of us felt that the language as it applied to legal immigrants, with regard to the exclusion of legal immigrants from a whole variety of programs was mean. We were told, oh, no, that is just soft. The American people want it. The gentleman from Iowa said we are in tune with the American people. You may have been in tune with the American people last year and what have you got, a situation which almost everybody admits is intolerable. We did exactly that last year. We listened to the people who said let us get tough and let us not fool around and we now have 80-year-olds desperate, 80-year-olds committing suicide in some cases. You are going to have to try to fix it. Do not make the mistake again.

Impose on every housing authority, everywhere in America, this obligation. By the way, let us note that using this kind of labor in some cases will cost you more than it will bring in in dollars. We are not talking about something that has any cash value. It is going to be expensive for some housing authorities to administer this.

☐ 1545

What did CBO say it is going to cost? About $30 million, $35 million. For the larger housing authorities, they can probably absorb it. For the smaller ones, it does not. My colleagues underfund the housing authorities and simultaneously impose this requirement on them, and they impose it only on the very poor, only on the unemployed poor.

We can say, "Well, we'll think about it," but nobody has done this for recipients of direct subsidy from the Export-Import Bank, nobody has done this for the people who get farm subsidies, no one has done it for a whole range of other things, and to single out the lowest income group and impose this restriction bespeaks the sense that they are therefore really people of low moral fiber. Why do my colleagues have to force them to do this? Why do they pick out the poorest of the poor and say, if they are not working, we are going to make them do this, because the underlying assumption is these are not people of great moral worth, these are not people who will do it, and please, as I say again, do not, basic principle, do not invoke the President if my colleagues are not prepared to invoke the President. If my colleagues want to accept the President's language, invoke the President for support, but if they object to the President's language, let us not have the President being thrown in that way.

This is a very clear-cut singling out of the poorest of the poor in public housing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I just want to make sure that it is clear, because I get the impression we are getting ready for a vote shortly, this is the amendment that says that 80 percent of mothers in public housing with newborns can be evicted for failure to volunteer.

Mr. FRANK of Massachusetts. Mr. Chairman, the gentleman has clearly not followed this. Yes, we believe in this body that women with their children or fathers with their children should be there and there is some evidence that that is important, but if they are poor enough, then they lose that right to do it all the time, and 8 hours a month in principle may not be that much, but if one does not have child care available to them, 8 hours a month could be a problem, particularly if they have to schedule the 8 hours. There may be some unscheduled problems with the children, and I have to say imposing this restriction on every housing authority, whether they want to do it or not, on everyone in the country, yes, it does to us mean that our colleagues are singling out the poorest of the poor for a harsh treatment.

And I will concede one thing to the gentleman from Iowa. He says this is philosophically in tune with the people. I recognize, given the distorted view of things it comes across, it will be popular, but it is mean, it is not right, and I would hope we would at least make this exemption.

Mr. POSHARD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think citizens in this country ask one thing of their government above all other things. That is a sense of fairness, a sense of justice, a sense of consistency in the way we treat people irrespective of their economic wherewithal or irrespective of their needs.

There is a wonderful line in a poem by Robert Frost, the poem called "Death of the Hired Man." Silas, the old hired man, has come back home. He is still able-bodied, but the gentleman who owned the farm said to the lady he ought to have to earn his way here. He has come back home, and we should not keep him unless he can earn his way.

Now I remember the words of the lady who spoke to her husband, and she said, "You know, home is something you somehow have not to deserve. Home is the place that when you got to go there, they got to take you in."

Now think about that. That is the real argument here. America, out of its goodness, provides a home for a lot of people who are in very difficult circumstances, and what some folks here want to do is say, "Nah, before we provide it, they have to somehow earn it, they have to deserve it." That is not what the heart of America says. That has never been what the heart of America says. America says just what Robert Frost said:

"Home is somehow something you have not to deserve."

That is what we owe our poorest people. We cannot legalize their sense of contribution to the little box where they live. That does not make it right or make it better.

If we want to do something, why do we not direct our efforts to provide more education, more training, more opportunity so people can escape some of these circumstances? That ought to be the real thrust of what we do out of the heart of America.

I have 46,000 families in my district, one of the largest districts in the Nation, that have earned income tax credit qualifiers. I know what people's perception of poverty is in this country. Five percent of those people in the earned income tax credit in my district are black; the rest of them are all white.

Listen. They work really hard. They do not want to stay in these circumstances. They never wanted to be in them to begin with. They want hope. Just go there and talk to them. My colleagues would not get a sense that they are lazy or they want to be there. Most of them already work 20 hours a week for the welfare benefits that they get. That little box they call home is about all they really feel is theirs. Do not demean their ownership. Opportunity, not mandating their innate sense of contribution, is what they need.

None of us, none of us in this country, really deserve the tremendous good that our country gives to all of us. I can think of 100 different categories of people which the Federal Government helps who we do not mandate that they do anything to deserve the help. We build ballparks, race tracks for people who are multimillionaires, and we do not say, "You got to do something to deserve it."

I go through a major airport at least two or three times a week. I do not see many poor people there flying. We pay for that with tax money. I go to our great land grant institutions of higher learning. Ninety percent of the children that are there are children that are from wealthy families or families at least that have a decent wherewithal. They are not poor children. We pay for that with tax dollars. We do not say they have to deserve this.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentleman from Illinois [Mr. POSHARD] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. POSHARD was allowed to proceed for 1 additional minute.)

Mr. POSHARD. Let us not make the poor people of our country feel like they are the only ones who have to deserve the goodness, the heart of our Nation, that they have to prove that they are deserving to live in housing that the rest of us here in this body probably would not live in if it were given to us for free. That is what this is really about. We are changing the ground rules here. We are flying in the face of something very basic and fundamental as Americans, and we ought not to do it unless we are willing to do it across all classes and be consistent for all manner of people and needs.

Mr. SESSIONS. Mr. Speaker, I move to strike the requisite number of words.

Mr. Chairman, the words that have been spoken today on both sides do address the heart of the issue. The heart of the issue is whether we are going to ask those people who are American citizens, those people who live in public housing, whether they are going to participate in an America that is moving forward.

On March 6 of this year, I am the person that engaged Secretary Cuomo on the discussion as it related to H.R. 2, section 105, and that is the discussion that I attempted to engage with the leading housing authority in this country on this specific issue, the issue of how are we going to have people who live in public housing who are not employed but who receive something of substance from the Government, how are we going to enable these people to become a part of the process not only within their own housing unit but within the general community? And I must tell my colleagues that as I talked to Secretary Cuomo the sense that I received was that in the spirit in which we meant it is that we need people to participate in America.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. Mr. Chairman, I will yield to the gentleman in just one moment, because we were there that same day and I would like the gentleman to recount the same things that I heard.

I would like for the RECORD to once again be noted that Secretary Cuomo agreed with this section, and it is specifically my point in rising today that I believe we are asking for participation from those people who live in public units to become a part of that public unit and to make it work.

Lastly my point, and then I will yield, I believe that what we should do is listen to the people who are in the business of public housing about how they see the public policy working, and Secretary Cuomo said he agreed with it. It was a forthright, honest question that I gave to him, and he gave me a forthright honest answer.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I think a lot of the sort of inclinations that the gentleman has I think are reasonable. I think that the real question is whether or not we are going to be evenhanded with this notion of how we expect people to react to this renewed sense of commitment to America, and what I wonder is in this bill there are a lot of landlords that are going to have, they are going to make millions of dollars.

Mr. SESSIONS. That is not the discussion of this bill. That is not the discussion about who is making money and who is not because that is an investment issue.

Mr. KENNEDY of Massachusetts. If the gentleman will continue to yield, I just have a question for him.

There are a lot of landlords that in this bill are going to make millions of dollars this year. They are going to be people that own project-based section 8 housing, people that receive section 8 vouchers, and be all sorts of folks that make money.

Now, I wonder whether or not the gentleman feels that those individuals that are going to make money out of this bill have the same requirement for voluntarism that the people that occupy the public housing do.

Mr. SESSIONS. Mr. Chairman, it should be noted that they have invested that money for the purpose which is for the good of all people. They get up and go to work every day. I would like to say that even though I have what might be considered a full-time job I still take time to volunteer.

Mr. KENNEDY of Massachusetts. If the gentleman would continue to yield, I am not discounting his voluntarism.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to make it clear because I was also a participant in the conversation with Secretary Cuomo on that particular occasion. Secretary Cuomo also made it clear that failure to volunteer was not a binding lease term and he would not support the eviction of an individual for failing to volunteer. And we made a distinction on that occasion between public service in terms of voluntarism; i.e., Boy Scouts and Girl Scouts, a form of volition, and another form punitive in nature, which this bill and this particular section that the gentleman from Florida [Mr. WELDON] has recommended speaks to, and that is that right now 80 percent of mothers in public housing, under Mr. WELDON's amendment, 80 percent of women in public housing who have newborns will subsequently be evicted if, in fact, they do not volunteer, and that is what we are talking about.

Mr. SESSIONS. Mr. Chairman, reclaiming my time, let me ask the gentleman this. The gentleman's amendment evidently talks about children up to the age of 6; is that correct?

Mr. JACKSON of Illinois. I would think that is exactly what my amendment speaks to.

The CHAIRMAN. The time of the gentleman from Texas [Mr. SESSIONS] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. SESSIONS was allowed to proceed for 1 additional minute.)

Mr. SESSIONS. So the question is, is that we should take these women who have babies, children that are under 6, and to exempt them simply because they might have children that they have to take care of?

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman from Texas again yield?

Mr. SESSIONS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. No, my amendment specifically states that a single parent, a grandparent or a spouse of an otherwise already exempt individual who is the primary caretaker of a child under 6, an elderly person or person with disability, that they be exempted from the community work requirement. The gentleman then subsequently proposed an amendment that allows a public housing authority an amendment to my amendment which simply suggests that only 20 percent of people living in public housing should meet this requirement, and that is the specific amendment that we are addressing, and therefore I raise the question about the additional 80 percent that would not be exempted under the gentleman's amendment.

That is specifically what we are talking about. His amendment says that 80 percent of women in public housing who have newborn children must volunteer, leave their child at home or face eviction. That is what his amendment says.

□ 1600

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I appreciate the leadership of the gentleman from Massachusetts [Mr. KENNEDY] and of the gentleman from Illinois [Mr. JACKSON] on this issue in bringing it up for our attention.

I was prepared today to offer an amendment to eliminate totally this aspect of this legislation. I think the amendment of the gentleman from Illinois [Mr. JACKSON] is eminently fair, it is reasonable, and it responds to the concerns that I have heard expressed on behalf of the American people.

I would simply like to ask the gentlemen on the other side of the aisle why they would not accept the Jackson amendment, why they do not believe that this is eminently fair, that they would distinguish those parents, those disabled individuals, those caretakers. First of all, they are representing that they are representing the American people, and that is that America now is caught up in the emotion of volunteerism.

Might I emphasize that volunteerism is just that. I believe in volunteerism. I believe in what the President did over the last weekend when thousands of people came and voluntarily came and voluntarily committed themselves to volunteering. I believe in the schools who are saying, we are not going to give diplomas unless some of our children are engaged in volunteerism as a part of the diploma. I believe in that. Why? Because children are in a learning mode.

So all of us are not to be labeled as fighting against this concept of volunteerism, and the other side of the aisle holds up the moral standard of volunteerism for this Nation.

The question is that my colleagues on the other side of the aisle are forcing individuals who need a roof over their head to be able to say that we have a place to live, to go out and abandon children, to not be able to be the appropriate caretakers. And in actuality, my colleagues are taking from them, without due process.

If we explain to the American people that we are categorizing poor people, taking from them their rights without due process, I think the American people would understand and believe that this side of the aisle with this amendment, this fair amendment, is right. My colleagues are denigrating them, and they are also disrespecting the volunteerism that goes on in housing authorities across this land.

I have almost the largest number of housing units in my district in the State of Texas, public housing units, section 8 vouchers. Those individuals volunteer. I have personally worked with them myself to clean up housing projects, housing developments. I have personally worked with them, personally swept up, personally planted plants with people who live in housing authorities. I have seen no lack of interest in cleaning up their area, no lack of interest in beautification, no lack of interest in volunteerism, begging for the community to come to the housing developments, begging for them to volunteer with us.

This is an outrage. It is an outrage because my colleagues are forcing the 8 hours on individuals that have been claimed, as the Jackson amendment exempts, grandparents, spouses who are primary caretakers for dependent young children, senior citizens or disabled persons.

I cannot understand, and I would ask the gentleman from New York [Mr. LAZIO] as well, why he is not willing to accept this as a faithful compromise to this issue, why the gentleman is not wanting to see us work together to be able to provide this kind of leadership on this issue.

Mr. SESSIONS. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, I thank the gentlewoman for yielding and, in the bipartisanship from the State of Texas, I appreciate her words.

It is our concept and idea that this is a good idea. That is why we are not yielding on this amendment. We think that volunteerism is important. We would like to encourage, where appropriate, each of the people who are in section 8 housing units to get together, those mothers, to band together, to know each other, to get to know who their children are, who those children are and to work together, and then to allow, as a result of this community work, this volunteerism, to allow a mother to go out and to expand her horizons.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman very much, out of the spirit of bipartisanship in the State of Texas. Let me respond to that.

We had the welfare reform package that has indicated to those on welfare, some of whom are in the public housing from welfare to work. We have already set parameters for individuals to transition out of dependency into independence. This issue of volunteerism should be what it is.

The CHAIRMAN pro tempore (Mr. LAHOOD). The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I ask unanimous consent for 1 additional minute.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Texas?

Mr. LAZIO of New York. Mr. Chairman, I am going to object to this. People are waiting in line. Everyone is wanting to have a chance to speak.

Ms. JACKSON-LEE of Texas. Mr. Chairman, the gentleman from New York [Mr. LAZIO] has not answered my question, and he has not objected to more time for all the other speakers, and I would like to get an answer to my question. It certainly seems to be unfair when we engage in this debate to not give appropriate time. There have been unanimous consents before without an objection.

The CHAIRMAN pro tempore. There is an objection.

Ms. JACKSON-LEE of Texas. Let me simply say, Mr. Chairman, the gentleman is misguided and misdirected. I am withdrawing my amendment in support of the amendment of the gentleman from Illinois [Mr. Jackson], and I think my colleagues on the other side of the aisle all need to do the same thing.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think everybody in the Chamber this afternoon wants to resolve a problem that has persisted in this Nation for decades, and that is the problem of poverty, particularly the problem of poverty in public housing.

Someone mentioned that we are about to change the ground rules. I think it is about time to change the ground rules. We are attempting to change the ground rules so that we can cut the cycle of the paralysis of poverty that has existed in public housing for far too long. We are talking about women who have children should not be a part of this particular program of voluntarism.

Well, No. 1, if someone living in public housing with children has a part-time job, it is my understanding that they are exempt from this voluntarism program. However, let us take a look at the women who are not exempted, let us take a look at the women who are not working and who have children. It seems to me that, if we create a structure where these women will have an opportunity to have an exchange, a simple, human exchange with other people for a couple of hours a week, that is a positive thing. If we are to break the cycle of poverty, we need people to have an exchange of information, an honest exchange of information with other people within the community.

Women with children should be offered an opportunity to improve the quality of their life. They will not improve the quality of their life unless they have the chance, created by this structure, to exchange information with other people, and the community, the public housing project, the manager of that project, has the opportunity to create an infinite number of volunteering opportunities, not just one or two. We could even have two women in that project who would volunteer to baby-sit 2 hours a week for their neighbor. That is an opportunity to volunteer.

Let me make one other point. As we discuss this issue, I think a fundamental issue has to be raised here. As we discuss the issue of trying to break the cycle of poverty, which is what has paralyzed people, often for decades, what is the mystery of human initiative? Why do some people seem to be successful and other people are not so successful? It seems to me, the mystery of human initiative is responsibility, dignity, and compassion, and offering the structure, a very flexible structure, so people will have the opportunity to meet other people, to exchange ideas, to listen and learn, to improve the quality of their life, the structure that we are offering here, that the gentleman from New York [Mr. LAZIO] is offering here I think is beginning to resolve or solve that mystery. We are offering people responsibility, we are offering people dignity, and in the process we are offering people compassion.

Now, I want to look at public housing. I have many public housing units in my district. I go from Baltimore city to the rural Eastern Shore, and I can tell my colleagues some housing projects are wonderful and some housing projects no one would want to live there, and no one should live there.

The reasons for that are several. There is a lot of money pumped into public housing projects. I can tell my colleagues just in my district, and we relentlessly pursue this, a lot of that money never reaches the maintenance of the public housing project. It never reaches the problems of drug abuse. It never reaches the problems of recreation. It never reaches the people that we intended that money to be served for. Whose responsibility is that? It is each Member of Congress that needs to get into every housing project in their district and see what some of the problems are.

When we pass this bill, and I hope we pass this bill and I hope this bill is signed into law by the President, it is not the end of it; it is only the beginning of it. We should begin to pursue not only how this volunteerism program works but follow the money trail, because I would say right here on this House floor, Mr. Chairman, that there should not be one housing project in the United States that is managed well that should not be a fine example of how people should live, not only the maintenance, but the education and how people are nurtured.

So I would support the amendment of the gentleman from New York [Mr. LAZIO].

Mr. SANDERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me offer a suggestion as to what I think underlies this. Mr. Chairman, I think that some of our friends over here on this side know that the American people, many American people are very angry and they are very frustrated. The reason is that, despite what we read in the newspapers every day about our, quote unquote, booming economy, what our Republicans friends know, some of our Democratic friends know, is that the ordinary American is working longer hours for lower wages. What our Republican friends know is that most of the new jobs that are being created are low-wage jobs, they are often part-time jobs, they are temporary jobs.

So the average American today is frustrated and is angry, because his or her standard of living is in decline. They look around and they say, well, why am I in worse shape than I was 10 years ago? Why are my kids in worse shape than was the case in the previous generation? And instead of having the courage to look at the real causes of our problems, trying to understand that our jobs now are going to China and to Mexico, trying to deal with the fact that, while the richest people in America have never had it so good, the standard of living of working people is in decline, trying to understand that the minimum wage has not kept pace with inflation for 4 years, trying to really address the frustrations and the angers of the middle class when our Republican friends are saying, we know why they are hurting, and they are hurting because all of their money is going to those poor people.

They are the ones who are taking the tax dollars. They forget to talk about the $125 billion a year that goes in corporate welfare, tax breaks and subsidies for the largest multinational corporations in the country, many of which are taking our jobs to China and Mexico. We do not talk about that. They do not talk about a housing policy through the home interest mortgage reduction program which allows billionaires to get checks from the Government when they deduct the interest on their mortgage from their mansions.

We do not talk about that. But what we say, it is the poor people. And then if we are going to target the poor people, we have to figure out a way to humiliate them.

So what we say is: If you are poor and you live in a housing project, you must work. Now, how do we have a volunteer program when we force somebody to work? I have never heard about that. Now, some people say well, we want to help these poor people. What about creating jobs that actually pay something? Are my colleagues going to work with me for having public works programs and get those people out so they can earn a paycheck? I have not heard that.

What my colleagues are saying is: We want you to work, but we are not going to pay you. We are going to give tremendous power and authority to your supervisor, the administrator at the public housing authority, to tell you what you are going to be volunteering to do.

☐ 1615

I would suggest that what this entire process is really about is scapegoating; is having the middle class and the working people think that their problems are because of the poor, rather than looking at what the wealthy and the powerful are doing.

Mr. Chairman, I would suggest, somebody here before said about upper-income people, you have upper-income people who are getting checks who do not work. We have not heard any suggestion that maybe those people might want to be forced to volunteer in order to get their checks from the government.

I would suggest that this entire policy is one of an effort to humiliate poor people; to get the middle class in opposition to poor people, rather than to really look at what the causes of our problems are.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I thank the gentleman from Illinois [Mr. JACKSON] and the gentleman from Massachusetts [Mr. KENNEDY] for their leadership, and even Chairman LAZIO, and really make a final appeal to my Republican colleagues to withdraw the Weldon amendment; that we all recognize as we negotiate here on this House floor we must do what is best for the American citizens, particularly our weakest citizens, our economically weakest citizens.

Mr. Chairman, I echo and underscore many of the points that have been made by several of my colleagues on both sides of the aisle, particularly those who would suggest to us that we ought to be fair and consistent in how we treat all Americans from an economic perspective.

To mandate to those who happen to be poor, who happen to not be able to write huge checks to our campaigns, who happen to not be as politically strong as some constituencies in this Nation, Mr. Speaker, and I say to my colleagues on both sides of the aisle, we all know that is wrong.

Let us support the Jackson amendment and do what is right for America. If we are indeed sincere and serious about eradicating poverty, or reducing levels of poverty, of giving children and young people a chance in this Nation, let us do the right thing and provide for senior citizens and caretakers to this Nation, who in a sense are providing the grandest form of volunteer service, the tallest and proudest form of public service.

I appeal to my colleagues on both sides of the aisle, do the right thing. Do the American thing. Do the fair thing. Bring a sense of justice or restore a sense of justice to this issue. Treat those who live in public housing authorities like we treat those who receive tax and oil subsidies in this Nation. Treat those who live in public housing authorities like we treat those who receive any type of other subsidy in this Nation.

Let us do the right thing. Let this body restore the confidence that we know we deserve, that we have lost, that has been shattered. Let us do the right thing and treat public housing residents like American citizens.

Mr. SHAYS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Speaker, I have been listening to this debate in my office, absolutely fascinated. I am seeing some people on both sides of the aisle who I absolutely have the most tremendous admiration for. I basically feel I have friends arguing with friends.

But this is a very important debate. It is a debate about an attitude and an approach. I think that we could probably misread some of the motivation on that side of the aisle, and I think they could probably misread some of the motivation on this side. In my view, in the final analysis, it is not what you do for your children but what you have taught them to do for themselves that will make them successful human beings.

I am sincerely not troubled by seeing a 4- or 5-year-old by his or her mother. I think of my dad taking me outside and working at 2 or 3 or 4, just seeing my parents active and doing something. I do not view this in the sense that this is a type of servitude. I view this as opportunity.

If this legislation were to say or this amendment were to say 3 and under, I would be more sympathetic. If it was disabled, I would be more sympathetic. But it is just, to me, a gutting amendment. I do not understand why a 6-year-old or a 5-year-old cannot work by their parent. For me, I just feel that there is some kind of a disconnect that is taking place here.

Democrats have pushed national service, legislation I strongly support; AmeriCorps, which I strongly support. Our side says we do not want the mandate and we do not want this kind of enforced opportunity to volunteer. Now I see the role reversed. It is almost like they are on the other side arguing against this concept of AmeriCorps and our side is arguing for it. For me, this is a logical step.

Mr. Chairman, I had a young woman call me when I was a State legislator and say she wanted to live in Stamford. She had a young child at age 16. She was adamant that she be allowed to live in public housing in Stamford. I said, we do not have any. But she said, it is my right. I said, you have a young child. You are going to receive welfare. You are also going to be provided a place in Bridgeport. Maybe it is not Stamford.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, all of the information that we have from Time this week, the cover of Newsweek, all of the indications are that children between zero and 6, that is when their personalities are formed, it is who they will be.

Are we saying that single parents can no longer——

Mr. SHAYS. Mr. Chairman, reclaiming my time, I would love for a 4- and a 5- and a 6-year-old who is going to be influenced, that they would be influenced by seeing their parent work, and to see them at a gainful activity that is of community service. So I view that as a positive.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, one of the concerns I expressed, and the gentleman should know this, I understand that what the gentleman is suggesting is that they should take the children to work with them when they are doing this volunteer work. One of the serious concerns that we have raised is that there is no liability protection if somebody gets hurt, and that is going to double that concern, because not only can the parent then get hurt and not have coverage, but the child can also get hurt.

Mr. SHAYS. Reclaiming my time, with all due respect, Mr. Chairman, I think we can find 100 reasons why they may not want this. I think it is an approach and an attitude. I view this as opportunity.

I congratulate the gentleman from New York [Mr. RICK LAZIO] for what he is trying to do. I understand the concern. If there was an effort to amend this, I would be speaking for an amendment that said apply to 3 and under and disabilities, but it is just too broad. In my judgment it is a gutting amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I would just like to follow up on the point that my friend, the gentleman from Illinois [Mr. JACKSON], made.

The issue pertaining to the development of youngsters does not have to do with the fact that they are in some kind of an eligible home or some kind of day care center. It has to do with whether or not they are in the loving arms of a parent or a grandparent. That is what all these recent studies show.

What we are trying to suggest——

Mr. SHAYS. Reclaiming my time, Mr. Chairman, to me it is not just being in the loving arms, it is seeing a parent who is setting an example. Sometimes it is in the loving arms, sometimes it is working side by side.

Mr. JACKSON of Illinois. If the gentleman will continue to yield, he said to him; that is the operative word, to the gentleman from Connecticut [Mr. CHRIS SHAYS], to you. But the reality is that the scientific evidence says from zero to 6 they should stay close to their parent.

Mr. SHAYS. Reclaiming my time, the gentleman misses the point. I do think between 1 and 6 is a very important time in a child's life. I think part of that is seeing a parent contributing to society and to their community. I want a young child to see a parent contributing to society.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

We all know what is going on here. We should know what is going on here. It is nothing different from the welfare bashing that we saw in the last Congress. My colleague, the gentleman from Massachusetts [Mr. FRANK] said it really well. They are playing upon a perception here. They are bashing poor people just as they bashed immigrants.

Make no mistake, if the immigrants had been Irish overstays, there would not have been half the impetus to pass that bill and go after immigrants. It was the perception of Hispanic-Americans coming across the southwestern border of this country, the anecdotal mythology about legal immigrants and illegal immigrants. They did not even want to make the distinction between legal immigrants and illegal immigrants.

What I am saying, Mr. Chairman, is they are going to pass a policy here that says make the poor pay, because we know what the poor are. We are talking minorities here. Make the poor pay. OK?

What they should be doing, if they really thought that people, the Federal Government, ought to be getting a little bit of return on its investment, which is what they are trying to cloak this argument as, then why not apply it to every other Federal contract and Federal program that is out there? They and I know why they are not doing it to defense contractors. They and I know why they are not doing it to farmers. They and I know, because that is not the same.

Excuse me, it is not the same? They are receiving taxpayers' money. Why are they not volunteering? Because they know and I know what we are talking about. They are talking about a perception out there of the poor being minorities, and they are thinking, they ought to go out and work, because my taxpayers back home are sick and tired of this welfare state.

It was the same mistake they made with the immigrant, the legal immigrants, because they did not want to make the distinction between legal immigrants and illegal aliens, because they figure they are all immigrants, OK? And we do not want to make the distinction because it would hurt our political cause to be true to what the reality is, because we are playing politics here. That is what we are doing.

We are playing politics, which is a dangerous thing. It is playing politics with prejudice and playing politics in the kind of divide-and-conquer way that these people have been so good at playing politics in the last Congress, and they are continuing to play that same brand of politics in this Congress.

I want to say that I want to support the amendment offered by the gentleman from Illinois [Mr. JACKSON]. I think he is absolutely correct in what he is fighting for here. If we are really caring about having everyone sort of volunteer if they are going to be given some Federal program, then we ought to have it apply to a lot more programs than the ones that they are trying to target here. That is poor people in Federal housing.

I think it is just a clear case of scapegoating, as my friend, the gentleman from Vermont [Mr. SANDERS] said earlier.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I want to rise in support of the Jackson amendment and against the amendment being offered to the Jackson amendment. I think the gentleman raises some important points.

I think we passed welfare reform. The question is, how many more layers of bureaucracy do we need? How many more do we need? Do we need one for food stamps? Do we need a layer of bureaucracy for public housing? Why do we want to turn our public housing agencies into employment? Is that going to be their role with this type of block grant, these new types of mandates?

I think it is really a mistake to go down the path that is being proposed here by the majority in this public housing. But for this fact and some others, I think there have been some changes in this bill for the good. But I think this fact, in terms of this sufficiency contract, is superimposing something from Washington on thousands of local public housing authorities, where we have already programs that deal with JTPA, that deal with welfare reform. We already have those programs in place now.

There was great debate about that in the last Congress. We are obviously trying to clean up some of the problems with that that dealt with the unfair aspects of it, that dealt with legal immigrants. I hope we can do that.

The fact is, why do we not build in what we have in place in terms of the child care, the skills, the education, the counseling and the other services that are necessary? We know that those elements are necessary in terms of health care, in order to move people into the world of work, to let people do what they can for themselves.

But to try and superimpose this on a housing agency, with separate records, proprietary and personal information that has to be dealt with, the recordkeeping. Basically it comes down as a very, very significant problem, a lot of debate. I think it really stands as political symbolism as opposed to a substantive effort to deal with and to try to provide for people, in the world of work, an opportunity.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, there has been a lot of talk here that there has been an attack on the poor. Quite frankly, I do not believe that either side of the aisle is really attacking the poor. Even in this bill, which is supposed to be a radical change in direction on public housing, I find that in the budget we are appropriating $5 billion more, so that is hardly an attack, in an effort to help the poor.

But I do think the poor are suffering. I think there are a lot of people in this country who are suffering. I think the recipients of public housing are suffering. I think those who are paying for it are suffering.

There is a problem much more perceived in the hinterlands of America than we seem to realize. The poor in this country are suffering, but this is a result of the type of policy that we have here in the Congress, the policy of spending too much, the policy of inflating, the policy of destroying the currency. When a Nation destroys its currency, it transfers wealth from the poor and the middle class to the wealthy.

Even in this very bill where we are appropriating more money, it is to the benefit of many wealthy people: the people who build the houses, the people who receive the rents. So there is a transfer. There is a transfer of wealth, but the achievement on public housing policy has never been successful. This is what we are facing today.

But we are also facing the fact that the consequence of a 30- to 50-year welfare state is coming to an end.

□ 1630

This is why the great debate is on. We have this every 30 years. We were much wealthier in 1965 and subsequently spent $5 trillion on a welfare state. Now we are facing a bankruptcy.

The concern for the poor is justified. The poor are suffering. The poor are suffering because they pay the bills. I would like to see the challenge of the welfare for corporate welfare in this very bill itself. There are wealthy beneficiaries from this.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, my amendment specifically calls for the exemption of a mother who has a single child to keep her from being evicted for failure to do 8 hours a month of community service work. If the gentleman would speak to that particular part, we may reach some agreement on this.

Mr. PAUL. Mr. Chairman, I think that is a minor point and something we should be concerned about. But I am also concerned about those individuals who have been evicted from their homes because they have been taxed. The system that we have today works on a regressive tax system.

We talk about the Social Security tax that goes into the general revenues. Those are on individuals that have a greater tax burden than the wealthy. And this is the reason this country is getting poorer. But you are taking money from poor people and giving it to another group of poor people and in the transition, the wealthy get more money. So we do not have a very good system here.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. PAUL. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I hope the gentleman was here when we debated the mandate, the unfunded mandate amendment, and understands that to implement the plan that is in the bill, it is going to cost $65 million a year. The gentleman is aware of that.

Mr. PAUL. Mr. Chairman, I think so. This is the reason I have great concern about most of the details of this bill and also the reason I will be voting against the bill. I think the gentlemen make many good points.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman for supporting our efforts.

Mr. CUMMINGS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first of all, I want to again commend the gentleman from Illinois [Mr. JACKSON] for his efforts. I particularly want to commend him for his concern about the children of the poor.

One of the things I think we must keep in mind is children's personalities. I am the father of a 3-year-old, and I know for a fact that from zero to 6 is a very critical time for a child. If we think about children's development, they develop their personalities; they become who they are. And our children have basically one life to live. And there are no dress rehearsals and this is it. And that is why it is so critical that parents be with children.

Somebody asked a question just a moment ago, why is it not zero to 3? Well, the fact still remains that zero to 3 is a critical period, but most children go to school at 5 to 6. The question becomes, who takes care of those children before they go to school? I think that is extremely important.

Another thing that we have to keep in mind is that taking care of children is a very, very significant job. It takes time. Children need their parents. So the fact is that the Jackson amendment is very, very critical.

If we want to talk about ending the cycle of poverty, one of the greatest ways to end that cycle is to make sure that children are taken care of so that they then form the personalities so that they then grow up so that they then become responsible citizens. And what happens to those children between zero and 6 will go with them for the rest of their lives.

My distinguished colleague from North Carolina on the Democratic side just talked about something that was very critical. He talked about liability. Somebody asked a question, well, why can we not take these children to work with us and do this volunteer work?

First of all, I want to define volunteer. We keep saying volunteer. This is not volunteering. We would not be having this debate if it was volunteering. It is not.

What we are saying to people is that if they do not do a certain thing, we will put them in the street. And that is what is called punishment. If we are connecting what we call volunteering to punishment, it is not volunteering.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, the gentleman makes, I think, the key point in this whole debate. If we want a volunteer program, let us develop a volunteer program. But a volunteer program says, we would like you to volunteer. And we create the circumstances.

That is a good idea. If we want people to work, we have got to pay them. I would hope that my Republican friends, who have talked about the virtue of work and how people's self-enhancement and self-esteem goes up with work, would understand that when most people work they expect a paycheck.

I look forward to an amendment from my Republican friends that says, when we get people to work, we are going to pay them so their kids can see them earning a paycheck.

Mr. CUMMINGS. Mr. Chairman, that goes back to what I am saying. We have to put all of this discussion in some kind of context. We must define what we are doing. I am getting tired of hearing us talk about volunteering when we are not.

Mr. Chairman, I submit that if we are going to stop the cycle of poverty, what we must first do is invest in our children, lift our children up. There is no greater thing that a parent can do than to be beside a child to help form that personality to pass on wonderful ideas, wonderful feelings and give them a sense of self-worth.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. CUMMINGS. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to try and work this out.

I would like to call for a vote very soon on the Weldon amendment, but I want to make it clear that if the Weldon amendment passes, that I want Members to vote against my amendment, because 20 percent does not cover the number of housing residents who will be single mothers with children who will be affected by the Weldon amendment to my amendment, which is very basic, very family-value oriented, and it is very clear and very well worded.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. CUMMINGS] has expired.

Mr. JACKSON of Illinois. Mr. Chairman, I ask unanimous consent that the gentleman from Maryland [Mr. CUMMINGS] be allowed to proceed for 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

Mr. LAZIO of New York. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from Florida [Mr. WELDON].

Mr. WELDON of Florida. Mr. Chairman, I support the efforts of the gentleman from Illinois to bring this issue to a vote.

Let me just say that my intention in offering this amendment was purely one that I felt there was some merits to what the gentleman was talking about. I wanted to give the housing authority the flexibility it needed to accommodate situations that the gentleman is describing.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

I am of the opinion that there is no such thing as 20 percent of a person. There is no such thing as 20 percent of a child.

My amendment is a very common sense amendment. It simply says that single parents, grandparents, or spouses or otherwise exempt individuals who are the primary caretaker of a child under the age of 6, 6 or under, elderly persons or persons with disabilities should be exempt from 8 hours of monthly mandatory service.

Mr. Chairman, the gentleman from Florida [Mr. WELDON] is amending my amendment by saying that only 20 percent of those who meet my qualifications are entitled to be exempt, and I think that is clearly wrong.

I yield back to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I would just point out that this is the type of detail we get into when we begin to require public housing agencies to, in fact, mandate or permit them to mandate certain requirements with regard to work requirements for receiving housing.

My point is that I think I understand that the gentleman from Florida [Mr. WELDON] is trying to do something in the positive sense to try and provide some relief. I think the Jackson amendment really addresses what the issue is. If, in fact, this is a good-faith effort in terms of work, we would obviously incorporate that.

Personally, I have real problems with housing authorities having this responsibility. I do not think it is their role for 3,400 housing authorities to have this particular responsibility, especially when we have counties, we have welfare programs within the States, they are fully developed, it is, in fact, quite a task for them on their own.

This comes across as being punitive. This comes across as punishing people because they are poor, because they are in public housing. Mr. Chairman, I think that that is wrong. I think that, if we are going to put this in place, the least we can do is to deal with women that have children that, in fact, those children need care.

They cannot afford quality day care and child care. In many communities it simply is not available. We increased that amount in the welfare bill last year. I think we are going to have to deal with that if we are serious about welfare reform and seeing it work. To a greater extent, I think it is the right way to go in terms of work requirements under one set of Federal requirements, working with the States, rather than superimposing for every program we have a new type of work requirement.

I think, if anything, it confuses, it undercuts, it works against a sound type of welfare reform. That is what these particular provisions, these so-called self-sufficiency provisions in this bill cause; and I think they ought to be all taken out. But if we are going to have them, at least we should deal with women that have children, single women, or single parents I might say, that have children that are living in public housing that they can receive the assistance.

Mr. McGOVERN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. MCGOVERN] for yielding.

Mr. Chairman, I would like to just get a clarification of where we are on these votes so that the Democratic and Republican Members both understand exactly what we anticipate coming and we can give our best judgment on our side of the aisle what we think the proper votes might be.

So if the gentleman from New York [Mr. LAZIO], the chairman of the Subcommittee on Housing and Community Opportunity, will let me know what he anticipates being the votes and in what order they will come.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, I anticipate that we will have three votes and that they will be in the following order: the Jackson amendment, which we have debated; the Weldon amendment would be the second vote; and the Jackson amendment which we are currently debating would be the third vote that we would have.

Mr. KENNEDY of Massachusetts. So the previously debated Jackson amendment would be the first vote; is that correct?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, the Jackson amendment, as printed in the RECORD as No. 8, would be the first amendment, if that helps out.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will suspend for just one moment.

Amendment No. 8 does what?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, this is the amendment that totally strikes the provision.

Mr. KENNEDY of Massachusetts. So this is the amendment that we previously postponed a vote on; it has nothing to do with the debate that is currently taking place, correct?

Mr. LAZIO of New York. Yes, the gentleman is correct.

Mr. KENNEDY of Massachusetts. OK. So the first vote on the first Jackson amendment has nothing to do with the vote on the provision surrounding whether or not parents have to work who are taking care of their children; that would be the third vote?

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would yield, that is correct. That is my understanding.

Mr. KENNEDY of Massachusetts. And the second vote will be on the Weldon amendment?

Mr. LAZIO of New York. That is correct.

Mr. KENNEDY of Massachusetts. And the third vote will be on the Jackson amendment as potentially amended by the Weldon amendment.

Mr. LAZIO of New York. That is correct.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I want to make it very clear that the Democratic side is strongly in favor of the first Jackson amendment, strongly opposed to the second Weldon amendment, and strongly opposed to the Jackson amendment if, in fact, the Weldon amendment passes.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield for a parliamentary inquiry?

Mr. McGOVERN. I yield to the gentleman from North Carolina.

PARLIAMENTARY INQUIRY

Mr. WATT of North Carolina. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from North Carolina will state his inquiry.

Mr. WATT of North Carolina. Mr. Chairman, it is my understanding that we have been debating the Weldon amendment to the Jackson amendment.

The CHAIRMAN. The gentleman from North Carolina is correct.

Mr. WATT of North Carolina. And that there are Members who still desire to debate the underlying Jackson amendment. When we vote on the Weldon amendment, if we do that today, will that foreclose the possibility of continuing debate on the Jackson underlying amendment?

The CHAIRMAN. The gentleman is correct, there will be continued debate on the Jackson amendment if any Member seeks recognition on that amendment, unless there is a time agreement reached limiting debate between those supporting and opposing the amendment.

□ 1645

Mr. WATT of North Carolina. Further parliamentary inquiry, Mr. Chairman.

If we call for a vote on the Weldon amendment to the Jackson amendment, and that vote is taken, we would still have ongoing debate on the underlying Jackson amendment if there were people who wished to be heard?

The CHAIRMAN. That is possible.

The time of the gentleman from Massachusetts [Mr. McGOVERN] has expired.

The question is on the amendment offered by the gentleman from Florida [Mr. WELDON] to the amendment offered by the gentleman from Illinois [Mr. JACKSON].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Florida [Mr. WELDON] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 8 offered by the gentleman from Illinois [Mr. JACKSON]; an amendment offered by the gentleman from Florida [Mr. WELDON] to amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON]; and a possible recorded vote on amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 8 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 8 offered by the gentleman from Illinois [Mr. JACKSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 251, not voting 22, as follows:

[Roll No. 100]

AYES—160

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blumenauer
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Diaz-Balart
Dixon
Doggett
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Snyder
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—251

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
Deutsch
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaHood
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manzullo
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—22

Andrews
Baker
Barton
Bonilla
Buyer
Coburn
Davis (IL)
DeFazio
DeLay
Dicks
Greenwood
Herger
Hyde
Klug
LaFalce
Largent
Manton
Oberstar
Ortiz
Schiff
Stupak
Walsh

□ 1707

The Clerk announced the following pair:

On this vote:

Mr. Manton for, with Mr. Ortiz against.

Messrs. DAVIS of Virginia, FRELINGHUYSEN, HUNTER, SAXTON, JOHN, ADAM SMITH of Washington, BARTLETT of Maryland, FOLEY, and Mrs. TAUSCHER changed their vote from "aye" to "no."

Mr. MINGE changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to the rule, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. WELDON OF FLORIDA TO AMENDMENT NO. 9 OFFERED BY MR. JACKSON OF ILLINOIS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. WELDON] to amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 153, noes 252, not voting 28, as follows:

[Roll No. 101]

AYES—153

Aderholt
Archer
Armey
Barr
Barrett (NE)
Bateman
Bilbray
Bilirakis
Blunt
Bono
Boucher
Brady
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Chambliss
Christensen
Coble
Collins
Combest
Cooksey
Cramer
Crane
Cubin
Cunningham
Deal
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Edwards
Ehlers
Emerson
Everett
Ewing
Fawell
Foley
Fowler
Frelinghuysen
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goss
Granger
Green
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hill
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Johnson (CT)
Jones
Kelly
Kim
Kingston
Kolbe
Latham
Lazio
Leach
Lewis (KY)
Lucas
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Nethercutt
Ney
Norwood
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Riggs
Rogan
Rogers
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Tauzin
Taylor (MS)
Thomas
Thornberry
Thurman
Towns
Upton
Wamp
Watkins
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

NOES—252

Abercrombie
Ackerman
Allen
Bachus
Baesler
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Bunning
Campbell
Capps
Cardin
Carson
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cook
Costello
Cox
Coyne
Crapo
Cummings
Davis (FL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Dooley
Doolittle
Doyle
Dunn
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gonzalez
Goodling
Gordon
Graham
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Hoyer
Hunter
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Northup
Nussle
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Poshard
Price (NC)
Radanovich
Rahall
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scarborough
Schumer
Scott
Serrano
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Snyder
Solomon
Spratt
Stabenow
Stark
Stokes
Strickland
Talent
Tanner
Tauscher
Taylor (NC)
Thompson
Thune
Tiahrt
Tierney
Torres
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—28

Andrews
Baker
Barton
Bonilla
Brown (OH)
Buyer
Coburn
Danner
Davis (IL)
DeFazio
DeLay
Dicks
Gallegly
Greenwood
Herger
Hyde
Johnson, Sam
Kasich
Klug
LaFalce
Largent
Manton
Oberstar
Ortiz
Schiff
Sensenbrenner
Stupak
Walsh

☐ 1718

The Clerk announced the following pair:

On this vote:

Mr. Greenwood for, with Mr. Manton against.

Ms. DUNN changed her vote from "aye" to "no."

Messrs. WELLER, BRADY, and CRAMER changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that debate be limited prior to the vote to 3 minutes on each side. This has been fully debated, and I think each side wants to clarify their positions and make a summation, and then this will be the last expected recorded vote, as I understand it, of the day.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, could you explain to us the rules? Who has the right to close this debate?

The CHAIRMAN. The gentleman from New York [Mr. LAZIO] as the chairman of the subcommittee has the right to close.

The gentleman from Illinois [Mr. JACKSON] will control 3 minutes, and the gentleman from New York [Mr. LAZIO] will control 3 minutes.

The Chair recognizes the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to reiterate once again how important this particular amendment is. This is the family values amendment that will simply exempt single parents, grandparents, spouses of otherwise already exempt individuals under the bill who are the primary caretakers of one or more children who are under the age of 6, elderly persons, or persons with disabilities.

I do not know what is so difficult about this particular amendment and why it has been such a tremendous source of concern for my colleagues on the other side of the aisle. This amendment is one that when we are no longer in public service we indeed will be able to provide the kind of opportunities, if in fact we have children under the age of 6, that we can spend time with them.

Mr. Chairman, in a housing project in the city of Chicago, because the parents were not home, a 9-year-old child was thrown to his death from the 14th story of a building by a 13- and a 14-year-old. It was clear that the parents were delinquent because they were not present on that particular occasion.

My amendment exempts those primary caretakers for children under the age of 6, those who have senior citizens who are senior citizens, and those who have disabilities from this particular community work requirement. We have an opportunity, Mr. Chairman, to make this particular provision a more humane bill.

And let me just take a moment, if I can, Mr. Chairman, of personal privilege. This is the first time since I have been a Member of this Congress that I have had the opportunity to engage in a dialogue on substantive issues across the aisle with Members of this body. These are the first amendments that I have passed and attempted to pass in this institution, and I would certainly hope that my colleagues would support this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment speaks to the very essence of whether we believe that people should contribute community service in return for a benefit. There are people in America that want to get into public housing but do not have the capacity to get in public housing. Three out of four Americans who are eligible for public housing are still out there working not 8 hours a month or 8 hours a week, but 30 or 40 or 50 hours a week in order to pay for their rent. In many cases they are not just paying for the rent in public housing, we are paying for the utilities as well.

This 8-hour-a-month community service requirement comes to 2 hours a week, 15 minutes a day. Fifteen minutes a day. And we are asking people not to give to Big Brother, we are asking people to give to themselves, to contribute to their own housing, to sweep their own hallway, to remove graffiti in their own building, to make sure that grass is cut or to help with the community watch program or to help to read to the blind or to work with a not-for-profit.

There is broad flexibility as to how they can do this, and if they happen to have somebody that they are caring for in their house, they have the flexibility to do work and to contribute and fulfill this requirement by staying in their own unit or working in their own hallway. This is a flexible, commonsense approach. This defines the difference between those people who want to change the culture of disaster and despair in some public housing complexes around this country and those who are willing to allow the status quo to continue.

We believe in this because we think that people will find tenants who contribute to this system will find that they can do things that they did not imagine they can possibly do. We are tapping into the huge human resources that we have in this country to be able to begin to transform low-income areas because that change is not going to happen in Washington. That change, the real war to beat poverty, is going to happen in the communities, and it is going to be begun by people who live there.

And, yes, we are asking them to give back for this benefit. Yes, we believe in reciprocity. Yes, we believe in responsibility. And, yes, we believe that children should watch it as well.

Now my friend, the gentleman from Florida [Mr. WELDON] had proposed an amendment that would provide a little more flexibility which unfortunately was opposed by this body and by some on the other side. But let me say this is a gutting amendment because in this bill we exempt seniors, we exempt the disabled, we exempt people of vocational training, we exempt people who are being educated, we exempt people in college, we exempt people who are part-time workers, we exempt people who are full-time workers; we just simply ask that people who are able-bodied and can work and can contribute to their own backyard, do something, do anything, but do something to help inspire others and to help improve the quality of life for their own community, and for that reason I ask for a "no" vote on this amendment.

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Jackson amendment. Mr. Chairman, when I was growing up my grandmother insisted that I learn one new word every day. Interestingly, I learned that the word volunteer means "one who enters into or offers himself for a service of his own free will." His own free will, Mr. Chairman. This bill mandates volunteerism. Only Republicans could think of something like this.

Congressman JACKSON's amendment simply prevents residents from being evicted for failure to comply with the community work requirement. As the gentleman from Chicago has already so eloquently expressed, mandated volunteerism just does not make sense. Additionally, it very well could be unconstitutional according to the 13th Amendment to the Constitution.

Mr. Chairman, we place no termination dates or work requirements on middle and upper class recipients of homeowner deductions. Why do we impose such restrictions on those most severely affected by our Nation's affordable housing crisis—especially when they are already required by welfare agencies to work toward self-sufficiency? Frankly, this is absurd.

We don't require community work from other recipients of federal assistance—agricultural subsidies, LIHEAP, corporate welfare, loan guarantees, and the list goes on. Chairman LAZIO points to medical school scholarships which require work in low-income areas. The major difference, however, is that these doctors are paid for their work. They are not forced to work for free.

I ask my colleagues to support Congressman JACKSON's amendment and return volunteer community service to its proper meaning.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Illinois [Mr. JACKSON].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. JACKSON of Illinois. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 181, noes 216, not voting 36, as follows:

[Roll No. 102]

AYES—181

Abercrombie
Ackerman
Allen
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clay
Clayton
Conyers
Costello
Coyne
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaHood
Lampson
Lantos
LaTourette
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)

Murtha
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Snyder
Spratt
Stabenow
Stark
Stokes
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Watts (OK)
Waxman
Wexler
Weygand
Whitfield
Wise
Wolf
Woolsey
Wynn
Yates

NOES—216

Aderholt
Archer
Armey
Bachus
Baesler
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boyd
Brady
Bryant
Burr
Burton
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Clement
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McDade
McHale
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Watkins
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Young (AK)
Young (FL)

NOT VOTING—36

Andrews
Baker
Barton
Bateman
Blumenauer
Bonilla
Bunning
Buyer
Callahan
Christensen
Clyburn
Coburn
Danner
Davis (IL)
DeFazio
DeLay
Dicks
Gallegly
Greenwood
Herger
Hyde
Johnson, Sam
Klug
LaFalce
Largent
Manton
McInnis
Oberstar
Ortiz
Parker
Ros-Lehtinen
Schiff
Sensenbrenner
Stupak
Walsh
Wamp

☐ 1742

The Clerk announced the following pairs:

On this vote:

Mr. Manton for, with Mr. Greenwood against.

Mr. Blumenauer for, with Mr. Ortiz against.

Mr. QUINN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Chairman, due to unforeseen circumstances I was unable to vote during rollcall vote No. 102 on Jackson-Lee amendment No. 9. If I had been present, I would have voted "aye."

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. PEASE) having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. LAFALCE. Mr. Speaker, unfortunately, due to illness, I was unable to be present on Thursday, May 1 for votes on amendments offered by the gentleman from Illinois, Mr. JACKSON, and the gentleman from Florida, Mr. WELDON. Had I been present, I would have voted "aye" on rollcall No. 100, "no" on rollcall No. 101, and "aye" on rollcall No. 102.

☐ 1745

ADJOURNMENT TO MONDAY, MAY 5, 1997

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Florida?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 6, 1997

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 5, 1997, it adjourn to meet at 12:30 p.m. on Tuesday, May 6, 1997, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

WISHING A HAPPY BIRTHDAY TO THE HONORABLE HENRY B. GONZALEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wanted to take this brief moment. It is not often that we have an opportunity to salute a gentleman who has served this body for so many years. I would like to salute the dean of our Texas delegation, a ranking member and former chairman of the House Committee on Banking and Financial Services, the gentleman from Texas, HENRY B. GONZALEZ, U.S. Representative of the 20th Congressional District.

It seems one would question, why now? That is because I want to wish him a very happy birthday on tomorrow. He will have been in this great body since November 4, 1961. That means that he served under the leadership of President John F. Kennedy, President Richard Nixon. He has served, as well, under the leadership of President Lyndon Baines Johnson, Ronald Reagan, George Bush, and certainly, now, William Jefferson Clinton. He has served for 35 years in this Congress as of November 4, 1996.

He has served on the House Committee on Banking and Financial Services from January 1962, and on many of the subcommittees. Since we have the housing bill on the floor of the House, it is certainly important to recognize him as a strong advocate for housing for Americans. It is important to be able to acknowledge that he was a civil rights leader. He was someone who many thought would not make it to the State senate, and certainly would not make it to the U.S. Congress.

Most of all, he is a gentle warrior. He stands tall for the principles he believes in. He is a lover of America, but he is a lover of the least of those in our community. He certainly is a gentle giant on this floor: kind, thoughtful, and respected.

It is my pleasure to wish to him, on behalf of the constituents of the 18th Congressional District, on tomorrow, his birthday, a very, very happy birthday, and to say to him that May 2 is a special day, because that was the day that America had as one of its own born a great American.

So Henry, happy birthday. Happy birthday on behalf of my constituents, and happy birthday on behalf of Texas, and happy birthday on behalf of America. God bless you, HENRY GONZALEZ.

A CLARIFICATION REGARDING THE WORK REQUIREMENT IN THE HOUSING BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. WELDON] is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, I rise this evening to talk a little bit about some of the preceding debate that occurred today on the housing bill. Let me just say, though the debate was frequently very heated and sometimes tempers and passions were quite high, I believe personally that a lot of this is very good. We need to openly debate these issues.

I rise this evening, Mr. Speaker, because I feel there were a number of points being made by the minority which were entirely inaccurate as they pertain to my opinion on this issue of a work requirement in the housing bill, and as they pertain, I believe, to our party, the Republican Party's position on a work requirement in the housing bill.

I have experience living in government housing, living in a dormitory in a State university. It was no bigger than the average walk-in closet. I had to work 24 hours a month for the privilege of having that small dorm room. I believe it is perfectly reasonable to ask somebody who is living in a government-funded apartment to put in 8 hours a month of work time.

Mr. Speaker, in our provision we exempt the elderly, we exempt the disabled, we exempt those people who are going to school, even if it is part-time, even a vocational school, and we exempt people that have full-time jobs and part-time jobs.

The gentleman from Illinois [Mr. JACKSON] had brought forward, I think, a reasonable, well-thought-out amendment to exempt virtually every single mom. Though I feel there was some merit to that, I felt that his amendment was unreasonably broad, but that it would be reasonable to give the housing authorities some flexibility to allow them to exempt some single moms.

Many of the people on our side of the aisle felt that they should be able to eke out somewhere in their week 2 hours a week to devote to community service. Let me just say that I agree with that sentiment. There were sentiments expressed by the minority that this is some sort of mean-spirited attempt to hurt the poor. On the contrary, my motivation in this work requirement is very much one of wanting to help the poor.

I believe by, in exchange for them getting government-funded housing, requiring them to go out and work and thus having them work, we will instill a work ethic in people. We will instill in them a sense of community, and I believe that the children of these people living in public housing will benefit from seeing their parent or parents actually working.

This point was driven home to me so vividly when I met a gentleman when I was campaigning in 1994 who told me about a program that he had taken part in where he went into the housing projects and read to young children, because as many people know, the psychologists have shown that if you read to small children, you can improve their academic performance; that their reading scores will get better when they get older and that they will have just higher academic performance at school.

So he was going in and reading to these little kids, most often children of single moms that did not have a father in the house. I remember him telling something to me one day that just totally broke my heart.

He said that he once asked a group of these kids what they wanted to do when they grew up. I have told this story before on the floor of this House. They did not say "I want to be a fireman, I want to be a doctor, I want to be a teacher." They said, "I want to collect a check." I kid you not, Mr. Speaker. These little 4-and 5- and 6-year-old kids, they knew nothing other than their mom living in the project with them collecting a check, and that is the only thing they knew.

We have what I think is a very reasonable requirement suggested to us by Secretary Cuomo, supported by the administration, to require people who are able-bodied, people who are not disabled, who are not working, who are not going to school, to require them to contribute to the community in the form of community service, in the form of working in the project. I think it is an excellent idea, and it is unfortunate that our intentions are frankly maligned.

Our intention on this side of the aisle, the Republican majority, is to help these people by getting them out into the community and working, whether it is cleaning up, whether it is removing graffiti, whether it is volunteering for child care. I think any of those things is going to help instill a work ethic in people, and it is going to set a good example for their children to be able to see their mom or dad going out and being a part of the local community. I think it will go a long way to helping those communities.

LEGISLATIVE PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. ARMEY] is recognized for 5 minutes.

Mr. ARMEY. Mr. Speaker, I am pleased to announce the schedule for the week of May 5.

We will next meet at 2 p.m. on Monday, May 5 for a pro forma session. There will be no legislative business—and no votes—on that day.

On Tuesday, May 6, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we will not hold any recorded votes before 5 p.m. on Tuesday.

We will first debate—under suspension of the rules—H.R. 1463, an authorization bill for the Customs Service, U.S. Trade Representative, and ITC.

After consideration of the suspension on Tuesday, the House will resume consideration of amendments to H.R. 2, the Housing Opportunity and Responsibility Act of 1997.

On Wednesday, May 7 and Thursday, May 8, the House will consider the following bills, all of which will be subject to rules: H.R. 478, the Flood Prevention and Family Protection Act of 1997; H.R. 3, the Juvenile Crime Control Act of 1997; and the Fiscal Year 1997 Supplemental Appropriations Act.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 6 p.m. on Thursday, May 8.

SELF-DETERMINATION FOR THE KURDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. FILNER] is recognized for 60 minutes as the designee of the minority leader.

Mr. FILNER. Mr. Speaker, I want to focus my colleagues' attention this evening on the plight of the Kurds, an ancient people living in the Middle East in a land that should be a nation called Kurdistan, a proud people numbering some 30 million, perhaps the largest people in the world today lacking in the exercise of their right to self-determination.

The Kurds have resided in their present homelands for thousands of years. Kurdish Guti kings ruled Persia and Mesopotamia over 4,000 years ago. Before that, the Neolithic revolution probably first took place in Kurdistan, around 7000 B.C., 3,500 years before similar developments in Europe.

Some of the earliest towns and villages, as well as other human settlements, have been discovered in Kurdistan. Yet, one of the largest nations in the Middle East is prevented from exercising sovereignty over any part of its own land. It is an international colony, governed over by the states of Turkey, Iraq, Iran, and Syria.

The Kurdish people suffer from ghastly atrocities committed by all four regimes. Over one half of Kurdistan and nearly two-thirds of the Kurdish population are under Turkish control, an occupation legitimized in the 1923 Treaty of Lausanne, which reneged on a promise to Kurds and Armenians in the earlier 1920 Treaty of Sevres. That promise envisioned the creation of a Kurdish state on Kurdish territory in the aftermath of World War I. The Lausanne Treaty legitimized the Turkish massacres against the Armenians which had already taken place and set the stage for a stepped-up campaign of genocide against the Kurds in subsequent years.

Turkish states have been responsible for a long string of ethnic cleansings ever since. Historian James Tashjian has estimated that over 2½ million people perished in a 100-year period between 1822 and 1922.

□ 1800

Among them were Greeks, Nestorians, Maronites, Syrians, Bulgarians, Yezidis, Jacobites, and Armenians. He acknowledged that these figures did not include over 500,000 Kurds murdered, deported, or displaced in the same period.

Between 1925 and 1938, an additional 1 million Kurds were reported slaughtered. Almost the entire Armenian population under Turkish control had previously been exterminated, over 1½ million people.

Today, Turkish Special Komandos actually collect rewards for the severed heads of Kurdish guerrillas and others, casually referring to their victims as Armenians, leaving no doubt as to what is in store for the Kurds and their national aspirations.

"Special action teams," as they are called, color their faces green and white. The paint, as well as 80 percent of Turkey's military hardware and equipment, is furnished by the United States, much of it at the taxpayer's expense.

Today, seven Kurdish members of parliament are in prison in Turkey. Most prominent among them is Leyla Zana, the recipient of the Sakharov Freedom Award. Andrei Sakharov came to the defense of the Kurds in 1989, when he declared, and I quote, "The tragic struggle of the Kurdish people, which has continued for so long, originates in the principle of the right of peoples to self-determination, and for this reason, it is a just struggle."

Human Rights Watch, Helsinki Watch, Amnesty International and a variety of other human rights groups have devoted much attention to Turkish depredations against the Kurds in recent years. They note that over 20,000 people have been killed since 1984, over 3,000 villages destroyed with rampant torture, murder, displacement and imprisonment directed at the Kurdish population.

The repression by the Saddam Hussein regime in Iraq has been more widely publicized. Over 200,000 Kurds were killed in the wake of the Iran-Iraq war, and over 4,000 Kurdish villages have been destroyed over the past three decades by Iraqi forces. Three tons of documents and other materials related to the post-Iran-Iraq war "Anfal" campaign are stored away by the U.S. Government. I call upon the State Department to release them for general inspection by interested parties. I believe they would confirm the crimes against humanity carried out by the Iraqi regime in Kurdistan.

It is imperative that we affirm a human rights linkage with any foreign aid given by the United States and to oppose the furnishing of lethal equipment to those who would use it for repressive purposes. Never again should United States-made chemical weapons be used against the Kurds or against anybody else, as they were at the ancient Kurdish city of Halabia, where over 5,000 Kurdish civilians, mostly women and children, were gassed to death in March 1988.

It is time, Mr. Speaker, to reverse our longstanding policy and recognize the existence of Kurdistan and the rights of its citizens to exercise the prerogatives and liberties which every people without exception should and must enjoy.

We should use our influence to help resolve the Kurds' internal conflict and support their unity in the effort to achieve their inalienable right to self-determination. We must stop looking at whole nations in terms of the profitability of oil companies and as assets to be deployed in big power maneuvering. We must ban the export of chemical weapons. Both Iraq and Turkey have used lethal weapons against the Kurds which were furnished by the United States. Cluster bombs are continuing to be sold to Turkey and continuing to be used in bombing runs against Kurdish villages and areas.

Iran also continues to oppress the Kurds in its territory. The Shah's father, a Fascist sympathizer who was removed from his throne by the Allies in 1941, oversaw what was called the "sedentarization" policies which resulted in the disappearance of many Kurdish and other tribes. Khomeini's regime went after the Kurds almost immediately upon assuming power over Iran in 1979. Leaders of the major Kurdish party resisting Iranian domination have been repeatedly assassinated by agents of the government, often in European settings.

The Kurdish plight at the hands of Iran has received surprisingly little notice in America, given our oft-stated concerns over the human rights violations of that regime.

We must stop viewing freedom for the Kurds as being some kind of threat to stability and instead welcome such freedom.

As was stated by Michael van Walt van Praag, an adviser to the Dalai Lama of Tibet, and again I quote, "The potential for explosive disintegration lurks in all states where the people are prohibited from exercising their right to self-determination. We must move away from our misguided view of stability premised on immediate short-term economic and political considerations to a long-term perspective which will ensure the peaceful coexistence of all peoples. Universal recognition is the cornerstone and, indeed, the sine qua non of a truly peaceful and stable world."

According to Justice William O. Douglas, who visited the Kurds nearly 50 years ago, "The Kurds have a saying: The world is a rose; smell it and pass it to your friends."

The source of such resources as water, oil, gas and agricultural wealth, Kurdistan has much to share with neighboring peoples in the world, once the pall of oppression has been lifted and they can manage their own affairs and control their own resources and their own destiny.

President John F. Kennedy was right when he said that "There can be no doubt that if all nations refrain from interfering in the self-determination of others, the peace would be much more assured."

And Dwight D. Eisenhower underscored the point when he declared that "Any nation's right to a form of government and an economic system of its own choosing is inalienable. Any nation's attempt to dictate to other nations their form of government is indefensible."

We must apply these principles to our dealings with the Kurds and their aspirations. United States military aid to Turkey should be halted pending a review of Turkish policies toward Kurdistan. Kurdish initiatives for peaceful resolution of conflicts related to the occupation of Kurdistan should be supported.

Above all, we must recognize the Kurds as a people with the right to self-determination, a right held sacred by liberty-loving Americans, a right that should be enjoyed by all people in the world.

Mr. Speaker, I hope to speak about this at a later time.

Mr. PALLONE. Mr. Speaker, I rise to join in this effort to focus more attention on the plight of the Kurdish people. I want to thank my colleague from California, Mr. FILNER, for taking this time to discuss the ongoing human tragedy in the mountains of Kurdistan.

About half of the worldwide Kurdish community lives within the borders of the Republic of Turkey, where their treatment is an absolute affront to the basic fundamentals of human rights. At least one-quarter of the population of Turkey is Kurdish. Yet, in Turkey, the Kurds are subjected to a policy of forced assimilation, which is essentially written into the Turkish constitution. To date, 3,124 Kurdish villages have been destroyed, and more than 3 million of their residents have been forced to become refugees, either in Kurdistan or abroad.

While the situation for the Kurdish people in such nations as Iraq, Iran, and Syria is also deplorable, I wish to draw particular attention to the situation in Turkey for some basic reasons. Turkey is, after all, a military ally of the United States, a member of NATO. As such, Turkey has received billions of dollars in military and economic assistance—courtesy of the American taxpayers. In addition, Turkey aspires to participate in other major Western organizations and institutions, such as the European Union.

Mr. Speaker, I believe that most Americans would be frankly appalled to know that a country that has received so much in the way of American largesse is guilty of so many breaches of international law and simple human decency. I have joined with many of my colleagues in denouncing Turkey's illegal blockade of Armenia, its failure to acknowledge responsibility for the Armenian Genocide of 1915–1923, its ongoing illegal occupation of Cyprus, and its threatening military maneuvers in the Aegean Sea. The brutal treatment of the more than 15 million Kurds living within Turkish borders offers a major argument for cutting back on military and economic aid to Turkey, or to at least attach very stringent conditions to the provision of this aid. If Turkey wants the benefits of inclusion in Western institutions that are supposed to be founded on the defense of democracy and human rights, then that country should start living up to the agreements it has signed.

Mr. Speaker, I want to say a few words on behalf of one of the most prominent victims of Turkey's cruel irrational anti-Kurd policies. Mrs. Leyla Zana was elected to a seat in the Turkish Parliament in 1991, representing her hometown of Diyarbakir. She was elected with 84 percent of the total vote. She became the first Kurd to break the ban on the Kurdish language in the Turkish Parliament, for which she was later tried and convicted. She had uttered the following words: "I am taking this [constitutional] oath for the brotherhood of the Turkish and Kurdish peoples."

On May 17, 1993, she and her colleague Ahmet Turk addressed the Helsinki Commission of the United States Congress. This testimony was used against her in the court of law. On March 2, 1994, her constitutional immunity as a member of Parliament was revoked, and she was arrested, taken into custody, tried, in a one-sided mockery of justice, convicted and sentenced to 15 years in prison. Leyla Zana, who is 35 years old and the mother of two children, is in the third year of her 15-year sentence at a prison in Ankara, the Turkish capital.

Leyla Zana's pursuit of democratic change by non-violent means was honored by the European Parliament, which unanimously awarded her the 1995 Sakharov Peace Prize. She has twice been nominated for the Nobel Peace Prize. I know that some of my colleagues are circulating a letter to the President on her behalf, and I hope a majority of the Members of this House will join with the European Parliament in defending the human and civil rights of this brave woman—and, I might remind my colleagues—a fellow Parliamentarian, a fellow-elected official. We owe her our moral support, and to urge our ambassador in Ankara to raise Mrs. Zana's case with the Turkish authorities at the highest levels.

Mr. Speaker, I would like to share with the Members of this Body, and anyone watching us, some of the basic goals of Mrs. Zana and of the repressed Kurdish people of Turkey: The Kurdish identity must be recognized; The use of the Kurdish language in conversation and in writing should be legalized; All cultural rights should be conceded; Kurdish political parties must be given full Constitutional rights; and A general amnesty for all political prisoners must be granted.

Mr. Speaker, we often hear—from our own administration, from other apologists for Turkey—about what a great democracy the Republic of Turkey is. Yet this is how a duly elected representative of that so-called democracy is being treated, for the crime of speaking her language and defending the rights of her people.

Mr. Speaker, this cannot go on. For many years we have witnessed a clear pro-Turkish tilt on the part of the State Department. We often hear about the strategic importance of Turkey, its pivotal location. I don't discount these arguments completely. But we have to balance these factors against some other very important considerations. Turkey continues to spend billions of dollars on obtaining sophisticated weapons systems, not only from the United States, but from France, Russia, and elsewhere. Much of this military hardware is then used to repress and terrorize the Kurdish people, citizens of Turkey who should be extended the protection of their country's armed forces, and not be victimized by those armed forces. Meanwhile, Turkey does not have a strong industrial base and is lacking in infrastructure in many key areas. Why is Turkey, our ally, throwing away so much of its limited resources on sophisticated weapons to use against its Kurdish residents, when it could be investing in better schools, health care and other services that could help put Turkey on a par with the Western nations it seeks to be associated with?

Mr. Speaker, last week I led a special order in this House commemorating the Armenian Genocide of 1915–1923, committed by the Ottoman Turkish Empire. Just yesterday, I joined with members of the Armenian-American community for an observance of the anniversary of the unleashing of the Genocide. In recalling this well-documented part of history, the existence of which Turkey continues to officially deny, we often point out that the importance of remembering the past is to prevent similar tragedies from occurring in the future.

Mr. Speaker, we are currently witnessing a similar tragedy in Kurdistan. True, the Kurdish people have not been slaughtered on the scale that the Armenians were in the early part of this century. To some extent, the greater scrutiny that exists today—through satellite imaging and instantaneous communication—may be playing some role in restraining the Turkish Government. But there is a certain similarity to the pattern: A concerted effort by a Turkish government to wipe out the presence of a nonTurkic people which has lived in the region for centuries.

Mr. Speaker, I would like to close my remarks with a statement from Lord Eric Avebury, the chairman of the Parliamentary Human Rights Group of the British House of Lords, who recently visited Turkish and Iraqi Kurdistan. He cited a quote, dating from AD 84, from the Roman historian Tacitus describing the Roman conquest of Britain: "Ubi solituneinem faciunt, pacem appelant." "They made it a desolation and called it peace." Mr. Speaker, let us resolve not to let the entire land and nation of Kurdistan be made into a desolation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Mr. BERRY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. WELDON of Florida) to revise and extend their remarks and include extraneous material:)

Mr. HANSEN, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. ARMEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous matter:)

Mr. STOKES.
Mr. HAMILTON.
Mr. FRANK of Massachusetts.
Mrs. LOWEY.
Mr. DELLUMS.
Mr. BONIOR.
Mr. COYNE.
Mr. ACKERMAN.
Mr. FOGLIETTA.
Mr. STARK.

Mr. HILLIARD.
Mr. LANTOS.
Mr. EVANS.
Mr. RANGEL.
Mr. PAYNE.
Mr. CAPPS.
Mr. KLECZKA.
Ms. ESHOO.
Mr. TOWNS.
Ms. SANCHEZ.
Mr. DINGELL.
Mr. SHERMAN.
Ms. KAPTUR.
Mr. VISCLOSKY.
Mr. SERRANO.
Mrs. MALONEY of New York.
Mr. MURTHA.

(The following Members (at the request of Mr. WELDON of Florida) and to include extraneous matter:)

Ms. PRYCE of Ohio.
Mr. GILMAN.
Mr. SOLOMON.
Mr. GALLEGLY.
Mr. RADANOVICH.
Mr. RAMSTAD.
Mr. PITTS.
Mr. PACKARD.
Mr. HEFLEY.
Mr. PAUL.
Mr. EHLERS.
Mr. DAVIS of Virginia.
Mrs. ROUKEMA.
Mr. EVERETT.
Mr. WOLF.

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. DREIER.
Mr. FORBES.
Mr. FAWELL.
Mr. GINGRICH.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 7 minutes p.m.), under its previous order, the House adjourned until Monday, May 5, 1997, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3053. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F-0245] received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3054. A letter from the General Counsel, Department of Defense, transmitting a draft of proposed legislation to authorize the transfer of 14 naval vessels to certain foreign countries; to the Committee on International Relations.

3055. A letter from the Director, Peace Corps, transmitting a draft of proposed legislation to amend the Peace Corps Act, and for other purposes, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

3056. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to amend title 4, District of Columbia Code, to reform the pay of members of the U.S. Secret Service Uniformed Division, and for other purposes; to the Committee on Government Reform and Oversight.

3057. A letter from the Federal Co-Chairman, Appalachian Regional Commission, transmitting a draft of proposed legislation that would reauthorize the work of the Appalachian Regional Commission, pursuant to 31 U.S.C. 1110; to the Committee on Transportation and Infrastructure.

3058. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Implementation of Equal Access to Justice Act in Agency Proceedings [Docket No. OST-96-1421] (RIN: 2105-AB73) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3059. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Ticketless Travel: Passenger Notices [Docket No. OST-96-993] (RIN: 2105-AC36) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3060. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Vessel Inspection User Fees (U.S. Coast Guard) [CGD 96-067] (RIN: 2115-AF40) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3061. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone; Potomac River, Point Lookout to Hull Neck (U.S. Coast Guard) [CGD05-97-011] (RIN: 2115-AA97) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3062. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone: Oceanside, CA (U.S. Coast Guard) [COTP San Diego; 97-001] (RIN: 2115-AA97) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3063. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations for Marine Events; Southern Branch, Elizabeth River, Portsmouth, Virginia (U.S. Coast Guard) [CGD 05-97-004] (RIN: 2115-AE46) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3064. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Regulated Navigation Area Regulations; Lower Mississippi River (U.S. Coast Guard) [CGD08-97-008] (RIN: 2115-AE84) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3065. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Regulated Navigation Area; Puget Sound and Adjacent Waters, WA—Regulated Navigation Area (U.S. Coast Guard) [CGD13-97-003] (RIN: 2115-AE84) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3066. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Electrical Engineering Requirements for Merchant Vessels (U.S. Coast Guard) [CGD 94-108] (RIN: 2115-AF24) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3067. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Availability of Interpretations of Hazardous Materials and Pipeline Safety Regulations (Research and Special Programs Administration) [Docket No. RSP-3] (RIN: 2137-AD00) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3068. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Archaeological and Ethnological Material From Canada [T.D. 97-31] (RIN: 1515-AC14) received April 18, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3069. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation entitled the "Surface Transportation Safety Act of 1997"; jointly, to the Committees on Transportation and Infrastructure, Commerce, and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 408. A bill to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes (Rept. 105-74 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 1463. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission; with an amendment (Rept. 105-85). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCCOLLUM: Committee on the Judiciary. H.R. 3. A bill to combat violent youth crime and increase accountability for juvenile criminal offenses; with an amendment (Rept. 105-86). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. PRYCE of Ohio (for herself and Mr. MORAN of Virginia):

H.R. 1508. A bill to reform the multifamily rental assisted housing programs of the Federal Government and maintain the affordability and availability of low-income housing, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAW (for himself, Mr. STARK, Mr. RAMSTAD, Mr. CRANE, Mrs. JOHNSON of Connecticut, Mr. HOUGHTON, Mr. HERGER, Mr. PORTMAN, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. CHRISTENSEN, Mr. RANGEL, Mr. MATSUI, Mrs. KENNELLY of Connecticut, Mr. COYNE, Mr. LEVIN, Mr. MCDERMOTT, Mr. KLECZKA, Mr. LEWIS of Georgia, Mr. JEFFERSON, and Mr. BECERRA):

H.R. 1509. A bill to amend the Internal Revenue Code of 1986 to include liability to pay compensation under workmen's compensation acts within the rules relating to certain personal liability assignments; to the Committee on Ways and Means.

By Mr. SMITH of Texas (for himself, Mr. KENNEDY of Massachusetts, Mr. GREENWOOD, Mr. SPENCE, Mr. GOODLATTE, Mr. DELLUMS, Mr. FORD, Ms. LOFGREN, Mr. HINCHEY, Ms. CHRISTIAN-GREEN, Mrs. MALONEY of New York, Mr. LAFALCE, Mrs. KELLY, Mr. KNOLLENBERG, Mr. CLEMENT, Mr. COLLINS, Mr. CASTLE, Mr. BRADY, Mr. SESSIONS, Ms. GRANGER, Mr. SAM JOHNSON, Mr. BONILLA, Mr. THORNBERRY, Mr. PAUL, and Mr. ARCHER):

H.R. 1510. A bill to exempt agreements relating to voluntary guidelines governing telecast material from the applicability of the antitrust laws; to the Committee on the Judiciary.

By Mr. MCKEON (for himself, Mr. GOODLING, Mr. GREENWOOD, Mr. SMITH of Michigan, Mr. LAFALCE, Mr. ENSIGN, Mr. KLUG, Mrs. KELLY, Mr. LUTHER, Mr. NORWOOD, Mr. PETERSON of Pennsylvania, Mr. GRAHAM, Mr. GORDON, Mr. PETRI, Mr. RIGGS, Mr. DEAL of Georgia, Mrs. ROUKEMA, Mr. BARRETT of Nebraska, Mr. UNDERWOOD, Mr. UPTON, Mr. LEWIS of California, Mr. BONILLA, Mr. HALL of Texas, Mr. SHAYS, Mr. MILLER of Florida, Mr. HORN, Mr. FROST, Mr. CALVERT, Mr. FATTAH, Mr. KASICH, Mr. CLEMENT, Mr. DELAY, and Mr. BOEHNER):

H.R. 1511. A bill to establish a National Commission on the Cost of Higher Education; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H.R. 1512. A bill to amend the Internal Revenue Code of 1986 to provide incentives for public-private educational partnerships for public educational institutions serving disadvantaged students and to provide tax relief to families who are struggling to pay for college; to the Committee on Ways and Means.

By Mr. WELLER (for himself, Mr. LIPINSKI, and Mr. POSHARD):

H.R. 1513. A bill to amend the National Trails System Act to designate the Lincoln National Historic Trail as a component of the National Trails System; to the Committee on Resources.

By Mr. BOUCHER:

H.R. 1514. A bill to restore the exclusion of employees' death benefits from gross income; to the Committee on Ways and Means.

By Mr. FAWELL (for himself, Mr. GOODLING, Mr. HASTERT, Mr. ARMEY, Mr. PICKETT, Mr. LIPINSKI, Mr. MORAN of Virginia, Mr. POSHARD, Mr. TRAFICANT, Mr. MCHALE, Mr. DAVIS of Illinois, Mr. COSTELLO, Mr. ACKERMAN, Mr. FROST, Mr. CONDIT, Mr. HALL of Texas, Mr. STENHOLM, Mr. BOSWELL, Mr. RUSH, Ms. MOLINARI, Mr. PETRI, Mrs. ROUKEMA, Mr. BALLENGER, Mr. HOEKSTRA, Mr. MCKEON, Mr. SAM JOHNSON, Mr. TALENT, Mr. GREENWOOD, Mr. KNOLLENBERG, Mr. RIGGS, Mr. GRAHAM, Mr. SOUDER, Mr. MCINTOSH, Mr. PAUL, Mr. PETERSON of Pennsylvania, Mr. UPTON, Mr. DEAL of Georgia, Mr. HILLEARY, Mr. SCARBOROUGH, Mr. BAKER, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BOEHLERT, Mr. BONILLA, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CAMPBELL, Mr. CANADY of Florida, Mr. COLLINS, Mr. COOKSEY, Mr. COX of California, Mr. CRANE, Mr. CUNNINGHAM, Mr. DICKEY, Ms. DUNN of Washington, Mrs. EMERSON, Mr. ENGLISH of Pennsylvania, Mr. EWING, Mr. FOLEY, Mrs. FOWLER, Mr. FOX of Pennsylvania, Mr. GALLEGLY, Mr. GEKAS, Mr. GILCHREST, Mr. GILMAN, Mr. GOSS, Mr. HERGER, Mr. BEREUTER, Mr. HORN, Mr. HOSTETTLER, Mr. HOUGHTON, Mr. HUNTER, Mr. HYDE, Mr. KIM, Mr. KINGSTON, Mr. KOLBE, Mr. LAHOOD, Mr. LEACH, Mr. LEWIS of California, Mr. LINDER, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MANZULLO, Mr. MILLER of Florida, Mrs. MORELLA, Mrs. MYRICK, Mr. NEUMANN, Mr. NEY, Mr. PACKARD, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. REGULA, Mr. ROYCE, Mr. SAXTON, Mr. DAN SCHAEFER of Colorado, Mr. SCHIFF, Mr. SHAYS, Mr. SHIMKUS, Mr. SMITH of Texas, Mrs. LINDA SMITH of Washington, Mr. SNOWBARGER, Mr. SOLOMON, Mr. SPENCE, Mr. STEARNS, Mr. WALSH, Mr. WAMP, Mr. WATKINS, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WELLER, and Mr. WICKER):

H.R. 1515. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to provide new portability, participation, solvency, and other health insurance protections and freedoms for workers in mobile work force, to increase the purchasing power of employees and employers by removing barriers to the voluntary formation of association health plans, to increase health plan competition providing more affordable choice of coverage, to expand access to health insurance coverage for employees of small employers through open market, and for other purposes; to the Committee on Education and the Workforce.

By Mr. CLAY (for himself, Mr. MILLER of California, Mr. KILDEE, Mr. MARTINEZ, Mr. OWENS, Mrs. MINK of Hawaii, Ms. WOOLSEY, Mr. FATTAH, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND of Wisconsin, Ms. SANCHEZ, Mr. FORD, Mr. BROWN of Ohio, Mr. DAVIS of Illinois, Mr. DINGELL, Mr. ETHERIDGE, Mr. FILNER, Mr. GREEN, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. JEFFERSON, Mr. JOHNSON of Wisconsin, Ms. KAPTUR, Mrs. LOWEY, Mrs. MALONEY of New York, Ms. NORTON, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. REYES, Mr. SAWYER, and Mr. TOWNS):

H.R. 1516. A bill to support local reading programs for children so that all children are able to read well and independently by the end of the third grade; to the Committee on Education and the Workforce.

By Mr. COOKSEY:

H.R. 1517. A bill to amend the Internal Revenue Code of 1986 to reduce the capital gains tax on individuals and to index the basis of assets of individuals for purposes of determining gains and losses; to the Committee on Ways and Means.

By Mr. COSTELLO (for himself and Mr. EWING):

H.R. 1518. A bill to amend the Internal Revenue Code of 1986 to permit farmers to rollover into an individual retirement account the proceeds from the sale of a farm; to the Committee on Ways and Means.

By Mr. DAVIS of Virginia (for himself, Mr. GEJDENSON, Mrs. MEEK of Florida, Mr. MORAN of Virginia, Mr. SCOTT, Mr. TOWNS, Mr. CONYERS, Mr. FAZIO of California, Mr. HERGER, Mr. DEUTSCH, Mr. WOLF, Mr. ROEMER, Mr. STEARNS, Ms. NORTON, Mr. DEAL of Georgia, Mr. CLAY, Mr. DIAZ-BALART, Mr. SISISKY, Mr. WHITFIELD, Mr. YOUNG of Alaska, Mr. TORRES, Mr. CLEMENT, Ms. BROWN of Florida, Mr. PASTOR, Mr. FROST, Mr. HAMILTON, Mr. LEACH, Mr. SANDLIN, Mr. MCCOLLUM, Mr. DUNCAN, Mr. PETRI, Mr. BENTSEN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. ROS-LEHTINEN, Mr. THOMPSON, Mr. SHUSTER, Mr. PICKETT, Mr. BILBRAY, Mr. LAMPSON, Mr. BOUCHER, Mr. BISHOP, Mr. BATEMAN, Mr. BEREUTER, Mr. PORTER, and Mr. MARTINEZ:

H.R. 1519. A bill to provide for the recognition and designation of the official society to administer and coordinate activities in the United States to commemorate and celebrate the achievements of the second millennium and to promote even greater achievements in the millennium to come by endowing an international cross-cultural scholarship fund to further the development and education of the world's future leaders; to the Committee on the Judiciary, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 1520. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Education and the Workforce.

By Mr. GALLEGLY:

H.R. 1521. A bill to amend title 49, United States Code, concerning the treatment of certain aircraft as public aircraft; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.R. 1522. A bill to extend the authorization for the National Historic Preservation Fund, and for other purposes; to the Committee on Resources.

By Mr. HOEKSTRA:

H.R. 1523. A bill to amend the Small Business Act to exempt subcontracts for dredging activities from local buy requirements under the business development program authorized by section 8(a) of that Act; to the Committee on Small Business.

By Mr. HUTCHINSON (for himself, Mr. BALDACCI, Mr. TAYLOR of North Carolina, Mr. COOKSEY, Mr. BOUCHER, Mr. MCGOVERN, Mr. FROST, and Mr. BUNNING of Kentucky):

H.R. 1524. A bill to establish a National Center for Rural Law Enforcement, and for other purposes; to the Committee on the Judiciary.

By Mrs. LOWEY:

H.R. 1525. A bill to assure equitable treatment in health care coverage of prescription drugs; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. QUINN (for himself, Mr. BARCIA of Michigan, Mr. PRICE of North Carolina, Mr. DUNCAN, Mrs. KELLY, Mr. WELLER, Mr. PACKARD, Mr. WEXLER, Mr. DAVIS of Florida, Mr. PICKETT, Mr. KLUG, Mr. KNOLLENBERG, Mr. BUNNING of Kentucky, Mr. BILBRAY, Mr. LAHOOD, Mr. BAESLER, Mr. MENENDEZ, Mr. CUNNINGHAM, Mr. PETERSON of Minnesota, Mr. FOX of Pennsylvania, Mr. WALSH, Mr. GRAHAM, Ms. PRYCE of Ohio, Ms. MOLINARI, Mr. LARGENT, Mr. LATOURETTE, and Mr. NUSSLE):

H.R. 1526. A bill entitled the "Americans For Affordable Housing Act"; to the Committee on Ways and Means.

By Mr. UPTON (for himself, Ms. ESHOO, Mr. GREENWOOD, Mr. TOWNS, and Mr. HALL of Texas):

H.R. 1527. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the classification of and performance standards for devices; to the Committee on Commerce.

By Mr. HINCHEY:

H.J. Res. 76. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes; to the Committee on Resources.

By Mr. VENTO (for himself, Mr. MARTINEZ, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Ms. LOFGREN):

H. Con. Res. 70. Concurrent resolution expressing the sense of the Congress that State and local governments should be encouraged, and have the right, to pass laws and ordinances designed to preserve and protect the safety and well-being of young people; to the Committee on the Judiciary.

By Mr. CUMMINGS (for himself, Mr. HOYER, Mrs. MORELLA, Mr. WYNN, Mr. FILNER, Mr. CARDIN, Mr. FAZIO of California, and Mr. DEFAZIO):

H. Con. Res. 71. Concurring resolution expressing the sense of the Congress that Federal retirement cost-of-living adjustments should not be delayed, and that retirement contributions on the part of Federal agencies and Federal and postal employees should not be increased; to the Committee on Government Reform and Oversight.

By Ms. MCKINNEY (for herself, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. HASTINGS of Florida, Mr. OWENS, Mr. RANGEL, Mr. THOMPSON, Mr. DELLUMS, Mr. CONYERS, Mr. CLYBURN, Mr. HILLIARD, Mr. CLAY, Mr. DIXON, Mr. FATTAH, Mr. STOKES, Mr. TOWNS, Mr. FLAKE, Mr. WYNN, Mr. PAYNE, Mr. DAVIS of Illinois, Mr. BISHOP, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE, Mr. HINCHEY, Mr. SANDERS, and Mr. CUMMINGS):

H. Con. Res. 72. Concurrent resolution postponing the relocation of the statue known as the Portrait Monument to the rotunda of the Capitol; to the Committee on House Oversight.

By Mr. PITTS (for himself, Mr. GRAHAM, Mr. BLUNT, Mr. GOODLING, Mr. HOEKSTRA, Mr. ISTOOK, Mr. RYUN, Mr. HULSHOF, Mr. NORWOOD, Mr. SNOWBARGER, Mr. ENGLISH of Pennsylvania, Mr. SESSIONS, Mr. CHABOT, Mr. SOLOMON, Mr. CHAMBLISS, Mr. KNOLLENBERG, Mr. SAM JOHNSON, Mr. HERGER, and Mr. HAYWORTH):

H. Res. 139. Resolution expressing the sense of the House of Representatives that the Department of Education, States, and local education agencies should spend a greater percentage of Federal education tax dollars in our children's classrooms; to the Committee on Education and the Workforce.

By Mr. RANGEL:

H. Res. 140. Resolution expressing the sense of the House of Representatives that "Sugar" Ray Robinson should be recognized for his athletic achievements and commitment to young people; to the Committee on Government Reform and Oversight.

By Mr. YATES:

H. Res. 141. Resolution waiving clause 2(b) of rule XXII to permit introduction and consideration of a certain bill; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

58. By the SPEAKER: Memorial of the Senate of the Commonwealth of Pennsylvania, relative to Senate Resolution 31 urging the U.S. Environmental Protection Agency to cease operation of the incinerator at the Drake Chemical Superfund site until the serious concerns about onsite decision making, involving the officials of the city of Lock Haven, PA, and the Pennsylvania Department of Environmental Protection in key decisions and the allegations of drug and alcohol abuse, are investigated; to the Committee on Commerce.

59. Also, memorial of the Legislature of the State of Montana, relative to Senate Joint Resolution 9 urging Congress to act in a timely fashion to reauthorize the Federal Surface Transportation Program and to continue to recognize the national interest in the investment in highways that serve and cross rural western States; to the Committee on Transportation and Infrastructure.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII:

MRS. MALONEY OF NEW YORK INTRODUCED A BILL (H.R. 1528) TO AUTHORIZE THE SECRETARY OF TRANSPORTATION TO ISSUE A CERTIFICATE OF DOCUMENTATION WITH APPROPRIATE ENDORSEMENT FOR EMPLOYMENT IN THE COASTWISE TRADE FOR THE VESSEL *Southern Star;* WHICH WAS REFERRED TO THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. DEAL of Georgia and Mr. FOLEY.

H.R. 9: Mr. DAVIS of Illinois.

H.R. 12: Mr. BARRETT of Wisconsin.

H.R. 14: Mrs. LINDA SMITH of Washington and Mr. MARTINEZ.

H.R. 27: Mr. RYUN.

H.R. 58: Mr. ISTOOK, Mr. KUCINICH, Mr. FAWELL, Mr. ROGERS, Mr. RILEY, and Mr. TAYLOR of Mississippi.

H.R. 66: Mr. BACHUS, Mrs. MINK of Hawaii, and Ms. KAPTUR.

H.R. 80: Mr. OLVER, Mr. SOLOMON, Ms. STABENOW, Mr. FOLEY, Mr. PALLONE, Mr. SAWYER, and Mr. TORRES.

H.R. 96: Mr. DICKEY, Mrs. CUBIN, Mr. PARKER, and Mr. MANZULLO.

H.R. 108: Mr. BORSKI and Mr. KLUG.

H.R. 122: Mr. HOSTETTLER, Mr. HASTERT, Mr. HERGER, Mr. SENSENBRENNER, Mr. ROHRABACHER, and Mr. HILLEARY.

H.R. 145: Mr. BARR of Georgia, Mr. BLAGOJEVICH, Mr. MURTHA, Mr. MINGE, Mr. BROWN of Ohio, and Ms. DEGETTE.

H.R. 158: Mr. LATHAM, Mr. MATSUI, Mr. YOUNG of Alaska, Mr. NETHERCUTT, Mr. EHRLICH, and Mr. CRAPO.

H.R. 159: Mr. HOLDEN and Mr. HOUGHTON.

H.R. 176: Mr. KILDEE, Mr. HINCHEY, Mr. LAMPSON, Mr. RYUN, and Mr. ACKERMAN.

H.R. 192: Mr. BISHOP, Mr. COMBEST, Mr. ENGEL, Mr. BARRETT of Nebraska, Mr. PACKARD, Mr. SKELTON, and Mr. ADAM SMITH of Washington.

H.R. 218: Mr. KING of New York, Mr. ENSIGN, Mr. POSHARD, and Mr. TURNER.

H.R. 253: Mr. FAWELL, Mr. DEFAZIO, Mr. LEVIN, and Mr. BARRETT of Wisconsin.

H.R. 284: Mr. DAVIS of Illinois, Mr. OLVER, and Mr. HINCHEY.

H.R. 285: Mr. HINCHEY.

H.R. 286: Mr. HINCHEY.

H.R. 305: Mr. PARKER.

H.R. 335: Mr. BISHOP.

H.R. 339: Mr. SPENCE and Mr. HUTCHINSON.

H.R. 344: Mrs. ROUKEMA.

H.R. 347: Mr. EWING.

H.R. 366: Mr. TOWNS.

H.R. 407: Mr. TOWNS, Mr. MARTINEZ, and Mr. ROTHMAN.

H.R. 414: Mr. BISHOP, Mr. COMBEST, Mr. ALLEN, Mr. WISE, Mr. ENGEL, Mr. PACKARD, and Mr. SKELTON.

H.R. 426: Mr. HILLIARD, Mr. LEWIS of California, Mr. DICKS, Mr. ADAM SMITH of Washington, and Mr. MARTINEZ.

H.R. 453: Mr. YATES, Mr. CAMPBELL, Mr. HYDE, and Mr. ENGEL.

H.R. 455: Mr. DAVIS of Illinois and Mr. ENGEL.

H.R. 459: Mr. BACHUS.

H.R. 465: Mr. HOUGHTON.

H.R. 475: Mr. MARTINEZ.

H.R. 477: Mr. KNOLLENBERG.

H.R. 546: Mr. ENGEL and Mr. TRAFICANT.

H.R. 553: Mr. COSTELLO, Mr. FLAKE, Mr. PALLONE, Mr. SANDERS, Ms. NORTON, Mr. PETERSON of Minnesota, and Mr. MARTINEZ.

H.R. 566: Mr. MARTINEZ.

H.R. 586: Ms. KAPTUR, Mr. SPENCE, and Mr. LIPINSKI.

H.R. 589: Ms. DUNN of Washington, Mr. BARR of Georgia, Mr. WICKER, Mr. Weller, and Mr. STUMP.

H.R. 590: Mr. DAVIS of Illinois, Mr. GEJDENSON, and Mrs. KENNELLY of Connecticut.

H.R. 598: Mr. BRYANT.

H.R. 617: Mr. BAKER, Mr. WALSH, Mr. WATT of North Carolina, Mr. ROTHMAN, and Mr. GONZALEZ.

H.R. 622: Mr. SENSENBRENNER.

H.R. 693: Mr. PAPPAS and Mr. MILLER of Florida.

H.R. 695: Mr. DELAHUNT.

H.R. 699: Mr. RUSH, Mr. RIGGS, Mr. HANSEN, Mr. BILBRAY, Mr. NORWOOD, Mrs. EMERSON, Mr. SHIMKUS, Mr. DEAL of Georgia, Mr. HORN, Mr. GIBBONS, Mr. PICKETT, Mr. DEFAZIO, and Mr. PARKER.

H.R. 715: Mr. HOBSON.

H.R. 774: Mr. PETERSON of Minnesota and Ms. KAPTUR.

H.R. 789: Mr. HILLIARD, Mr. HILL, and Mr. GALLEGLY.

H.R. 840: Mr. EHLERS, and Mr. BARCIA of Michigan.

H.R. 862: Mr. MORAN of Virginia.

H.R. 874: Mr. MARTINEZ.

H.R. 893: Mr. OLVER, Mr. HORN, Mr. THOMPSON, Mr. UNDERWOOD, Ms. DEGETTE, Mr. BOUCHER, Mr. FOX of Pennsylvania, Mr. KLUG, Mr. COYNE, Mr. WAXMAN, Ms. LOFGREN, Mr. GREENWOOD, Mr. SANDERS, Ms. SLAUGHTER, Mr. RUSH, Mr. LAZIO of New York, Mrs. LOWEY, Mr. HOLDEN, Mr. FILNER, Mr. BONIOR, Mrs. CLAYTON, Mr. KLINK, Mr. MORAN of Virginia, Mr. MINGE, Ms. RIVERS, and Mr. CARDIN.

H.R. 894: Mr. OLVER, Mr. WAXMAN, Mr. KLUG, Mr. GREENWOOD, Mr. RUSH, Mr. BONIOR, Mrs. CLAYTON, and Mr. MORAN of Virginia.

H.R. 900: Mr. ROTHMAN, Mr. DAVIS of Illinois, Mr. MENENDEZ, and Mr. LEACH.

H.R. 901: Mr. LINDER and Mr. CHABOT.

H.R. 911: Mr. PETERSON of Pennsylvania, Mr. MCHALE, Mr. BALLENGER, Mrs. LINDA SMITH of Washington, Mr. GIBBONS, Mr. MURTHA, Mr. RYUN, and Mr. KLUG.

H.R. 934: Mr. COBURN, Mr. BACHUS, Mr. POMBO, and Mr. HEFLEY.

H.R. 947: Mr. KLECZKA, Mr. GREENWOOD, and Mr. GILCHREST.

H.R. 956: Mr. PARKER and Mr. HEFLEY.

H.R. 965: Mr. TAUZIN, Mr. BOB SCHAFFER, Mr. SKEEN, Mr. PAUL, Mr. PACKARD, Mr. WICKER, Mr. WHITFIELD, and Mr. OXLEY.

H.R. 979: Mr. BACHUS, Ms. WOOLSEY, Mr. SKELTON, Ms. CARSON, Mr. PETERSON of Pennsylvania, Ms. LOFGREN, Mr. EVERETT, and Mr. CAPPS.

H.R. 993: Mr. PETRI.

H.R. 1009: Mr. MCINTOSH, Mr. WATTS of Oklahoma, and Mr. SPENCE.

H.R. 1010: Mr. HOSTETTLER and Mr. SKEEN.

H.R. 1017: Mr. FARR of California, Mr. JEFFERSON, and Mr. FOGLIETTA.

H.R. 1031: Mrs. KELLY, Mr. CALVERT, Mr. BALLENGER, Mr. NETHERCUTT, and Ms. GRANGER.

H.R. 1046: Mr. POMEROY.

H.R. 1047: Mr. DELAHUNT and Mr. WEXLER.

H.R. 1068: Mr. MCCRERY and Mr. ROHRABACHER.

H.R. 1074: Ms. WATERS, Ms. KILPATRICK, and Mr. MALONEY of Connecticut.

H.R. 1077: Mr. OLVER and Mr. DOYLE.

H.R. 1114: Ms. RIVERS, Mrs. KELLY, Mr. LIPINSKI, Mr. KENNEDY of Rhode Island, Mr. MCDERMOTT, Mr. DICKEY, and Mr. REYES.

H.R. 1126: Mr. WISE and Mr. BALDACCI.

H.R. 1129: Mrs. MINK of Hawaii, Mr. COYNE, Mr. GIBBONS, Mr. FOGLIETTA, Mrs. LOWEY, Mr. GEJDENSON, and Mr. LUCAS of Oklahoma.

H.R. 1140: Mr. HEFNER.

H.R. 1154: Mr. MCINTYRE.

H.R. 1159: Mr. MCDERMOTT, Mr. LAFALCE, Mr. BORSKI, Mrs. CLAYTON, and Mr. SPRATT.

H.R. 1162: Mr. DUNCAN.

H.R. 1169: Ms. KILPATRICK, Mr. DELLUMS, Mr. HILLIARD, Mr. FROST, Ms. LOFGREN, Ms. SLAUGHTER, Mr. BUNNING of Kentucky, and Mr. CUNNINGHAM.

H.R. 1172: Mr. BRADY, Mr. BURTON of Indiana, Mr. COBURN, Mr. COMBEST, Mr. CRAPO, Mr. DEAL of Georgia, Mr. DEFAZIO, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FORBES, Mr. FRANKS of New Jersey, Mr. GANSKE, Mr. HILL, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. KINGSTON, Mr. RIGGS, Mr. RILEY, Mr. ROGAN, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. THUNE, and Mr. UPTON.

H.R. 1176: Mr. FRANKS of New Jersey and Mr. TIERNEY.

H.R. 1218: Mrs. LOWEY.

H.R. 1231: Mr. LEWIS of Georgia.

H.R. 1247: Mr. PARKER, Mr. EHRLICH, and Mr. COOK.

H.R. 1260: Ms. BROWN of Florida, Mr. BAKER, Mr. CLYBURN, Ms. DANNER, Mr. GILCHREST, Mr. ENGEL, Ms. CHRISTIAN-GREEN, Mrs. ROUKEMA, Mr. MCKEON, Mr. PETERSON of Minnesota, Ms. KAPTUR, and Mr. NADLER.

H.R. 1263: Mr. ALLEN, Mr. CAPPS, Ms. WOOLSEY, Mr. ROTHMAN, Mr. KUCINICH, Mr. FALEOMAVAEGA, Mr. TIERNEY, Mr. ACKERMAN, and Mr. GONZALEZ.

H.R. 1289: Ms. DELAURO, Ms. WOOLSEY, Ms. RIVERS, Mrs. MCCARTHY of New York, Mrs. MEEK of Florida, Mr. COOKSEY, and Mr. GREEN.

H.R. 1299: Mr. BISHOP, Mr. WOLF, Mr. NEY, Mr. DICKEY, Mrs. EMERSON, Mr. HUTCHINSON, Mr. SKEEN, Mr. ADAM SMITH of Washington, Mr. RYUN, Mr. LEWIS of Kentucky, Mr. HEFLEY, Mr. ENGLISH of Pennsylvania, and Mr. TAUZIN.

H.R. 1302: Mr. MILLER of California.

H.R. 1315: Mr. CLEMENT and Mr. MCGOVERN.

H.R. 1320: Mr. ABERCROMBIE.

H.R. 1321: Mr. MORAN of Virginia and Mrs. KENNELLY of Connecticut.

H.R. 1323: Mr. LAFALCE.

H.R. 1330: Ms. DANNER and Mr. DOYLE.

H.R. 1333: Mr. KOLBE and Mr. DUNCAN.

H.R. 1340: Mr. LIPINSKI.

H.R. 1349: Ms. NORTON and Ms. WOOLSEY.

H.R. 1350: Mr. PICKETT and Mr. UPTON.

H.R. 1362: Mr. DAVIS of Virginia, Mr. BISHOP, Mr. BEREUTER, Ms. LOFGREN, Mr. SHIMKUS, Mr. ACKERMAN, Mr. PORTER, Mr. TAYLOR of Mississippi, and Mr. HALL of Ohio.

H.R. 1363: Mrs. ROUKEMA.

H.R. 1364: Mr. GILMAN and Mr. CAPPS.

H.R. 1371: Mrs. CUBIN.

H.R. 1375: Mr. NORWOOD and Mr. DOYLE.

H.R. 1379: Mr. YOUNG of Alaska.

H.R. 1395: Mr. RUSH and Ms. CHRISTIAN-GREEN.

H.R. 1396: Mr. MCCOLLUM.

H.R. 1398: Mr. BARCIA of Michigan.

H.R. 1407: Mr. WATTS of Oklahoma.

H.R. 1408: Mr. METCALF.

H.R. 1415: Mr. GORDON, Mrs. CUBIN, Mr. THORNBERRY, Mr. BALDACCI, Ms. MOLINARI, and Mr. MCDERMOTT.

H.R. 1427: Mr. DEUTSCH.

H.R. 1432: Mr. KLUG.

H.R. 1437: Ms. CARSON, Mr. BLUMENAUER, Mr. GILCHREST, and Mr. FOX of Pennsylvania.

H.R. 1438: Mr. PORTER, Mr. CAPPS, and Mr. SENSENBRENNER.

H.R. 1450: Mr. VENTO.

H.R. 1456: Mr. WATTS of Oklahoma, Mr. NEY, and Mr. FROST.

H.R. 1458: Mr. MCINTOSH and Mr. COBURN.

H.R. 1487: Mr. EHLERS.

H.R. 1496: Ms. FURSE, Mr. WATKINS, Mr. BLUNT, Mr. EHRLICH, and Mr. LOBIONDO.

H.R. 1503: Mr. CLEMENT.

H.R. 1507: Mr. CAMPBELL, Mrs. KENNELLY of Connecticut, and Ms. SLAUGHTER.

H.J. Res. 45: Mr. OWENS.

H.J. Res. 54: Mr. MORAN of Virginia.

H.J. Res. 56: Ms. JACKSON-LEE.

H.J. Res. 75: Mr. MCHALE, Mr. GRAHAM, Mr. PARKER, Mr. WAMP, Mrs. CHENOWETH, Mr. SMITH of New Jersey, Mr. NORWOOD, Mr. WELDON of Pennsylvania, Mr. LINDER, Mr. SCARBOROUGH, Mr. PICKERING, Mr. SMITH of Oregon, Mr. NETHERCUTT, Mr. THORNBERRY, Mr. MCCRERY, Mr. BUNNING of Kentucky, Mr. CONDIT, Mr. SISISKY, Mr. SAXTON, Mr. DEAL of Georgia, Mr. PICKETT, Mr. FILNER, Ms. MOLINARI, Mrs. CLAYTON, Mr. PETERSON of Minnesota, Mr. TALENT, Mr. KINGSTON, Mr. HAMILTON, Mr. GEKAS, Mrs. MYRICK, Mr. HOYER, Mr. BLUNT, Mr. DOOLEY of California, Mr. SHAW, Mr. CLEMENT, Mr. EHLERS, Mr. GILCHREST, Ms. GRANGER, Mr. LEWIS of California, Mr. GOODLATTE, and Mr. REYES.

H. Con. Res. 10: Mr. EHLERS, Ms. DELAURO, and Mr. MCDERMOTT.

H. Con. Res. 52: Mr. STARK, Mr. MCDADE, and Mr. BOEHLERT.

H. Con. Res. 53: Mr. CAMPBELL.

H. Con. Res. 65: Mr. KENNEDY of Rhode Island, Mr. PICKETT, Mr. TRAFICANT, Mr. JEFFERSON, Mr. TAYLOR of Mississippi, Mr. WELDON of Pennsylvania, Mr. CLAY, Mr. QUINN, and Mr. CALLAHAN.

H. Res. 27: Mr. COSTELLO.

H. Res. 64: Mr. GOSS.

H. Res. 111: Mr. DAN SCHAEFER of Colorado and Mr. TAUZIN.

H. Res. 119: Mr. MANTON, Mr. ADAM SMITH of Washington, Mrs. JOHNSON of Connecticut, Mr. NADLER, Mr. FRANK of Massachusetts, Mr. BROWN of Ohio, Mr. ROMERO-BARCELO, Mr. FROST, Ms. DEGETTE, Mr. MARKEY, Ms. DELAURO, Mr. DELLUMS, Mr. SCHUMER, Mr. COYNE, Mr. FILNER, Mrs. TAUSCHER, Mr. MEEHAN, Ms. STABENOW, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. BOEHLERT, Mr. GILCHREST, and Mr. GUTIERREZ.

H. Res. 122: Mr. CLEMENT, Mr. BEREUTER, Mr. EHRLICH, Mr. WALSH, and Ms. CHRISTIAN-GREEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MR. HOLDEN

AMENDMENT NO. 45: Conversion of section 8 tenant-based assistance to project-based assistance in the borough of Tamaqua.

SEC. . For the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, the Secretary of Housing and Urban Development shall require the public housing agency to convert the tenant-based assistance under section 8 of the United States Housing Act of 1937 to project-based rental assistance under section 8(d)(2) of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2). The tenant-based assistance covered by the preceding sentence shall be the assistance for families who are residing in the project on the date of enactment of this Act and who initially received their assistance in connection with the conversion of the section 23 leased housing contract for the project to tenant-based assistance under section 8 of such Act.

H.R. 2

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 46: Page 164, strike lines 1 through 4 and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(A) $500,000,000, .which shall be available only for use for activities under paragraphs (1), (2), and (3) of subsection (a); and

(B) such sums as may be necessary, which shall be available only for use for activities under subsection (a)(4).

Page 173, strike lines 8 through 13 and insert the following:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $3,700,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

(5) OPERATING FUND.—For the allocations from the operating fund for grants—

(A) $3,200,000,000 for fiscal year 1998; and

(B) for each of fiscal years 1999, 2000, 2001, and 2002, such sums as may be necessary to provide each eligible public housing agency with the full amount determined under the formula under section 204(c)(2) or 204(d)(1), as applicable, for such agency to cover operating expenses for the agency.

H.R. 2

OFFERED BY: MR. KLINK

AMENDMENT NO. 47: Page 69, line 14, after the period insert the following:

The Secretary shall require that each such agreement for local cooperation shall provide that, notwithstanding any order, judgment, or decree of any court (including any settlement order), before making any amounts provided under a grant under this title available for use for the production of any housing or other property not previously used as public housing, the public housing agency shall—

(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the public housing for which such amounts are to be so used is located (or to be located) of such use; and

(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the public housing to be so assisted (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the public housing.

H.R. 2

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 48: Page 15, line 21, strike "includes" and insert "may include".

H.R. 2

OFFERED BY: MR. TAYLOR OF MISSISSIPPI

AMENDMENT NO. 49: Page 287, after line 15, insert the following new paragraph:

(6) TREATMENT OF COMMON AREAS.—The Secretary may not provide any assistance amounts pursuant to an existing contract for section 8 project-based assistance for a housing project and may not enter into a new or renewal contract for such assistance for a project unless the owner of the project provides consent, to such local law enforcement agencies as the Secretary determines appropriate, for law enforcement officers of such agencies to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

Page 287, line 16, strike "(6)" and insert "(7)".

EXTENSIONS OF REMARKS

EXTENDING STRUCTURED SETTLEMENTS TO WORKERS' COMPENSATION

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SHAW. Mr. Speaker, I am pleased to rise today, along with Mr. RAMSTAD and Mr. STARK and a broad group of my colleagues from the Ways and Means Committee from both sides of the aisle, to introduce this bill to extend structured settlements under section 130 of the Internal Revenue Code to workers' compensation.

I am a great believer in structured settlements. Structured settlements have been widely used in the tort area for many years to compensate tort victims who have suffered serious, long-term, often profoundly disabling injuries. A structured settlement provides the badly injured tort victim with important financial protections.

Under a structured settlement, the injured person receives damages in the form of a stream of periodic payments tailored to his or her specific future medical and basic living needs from a well-capitalized financial institution that assumes the liability from the defendant and funds the obligation with an annuity or U.S. Treasury obligations. Congress has adopted a series of special Internal Revenue Code rules in sections 130 and 104 to promote the use of structured settlements.

Extending these code section 130 structured settlement rules to the workers' compensation area would provide crucial financial security to workers who have suffered serious, long-term physical injuries. A seriously and permanently disabled worker who is to receive a stream of workers' compensation payments over the next 20 or 30 years has the same very real concerns as the tort victim over relying on the uncertain financial prospects of a self-insured employer which may no longer be in business a decade from now or a compensation carrier that is weak and threatens to become more so in the future. In some States structured settlements also would provide a means of resolving workers' compensation disputes that otherwise would be settled with a lump sum that could be prematurely dissipated by the injured worker.

Thus, extending the structured settlement tax rules to workers' compensation is fully consistent with the original purpose of code section 130 and merely adds a parallel class of physical injuries to that already covered by the statute.

The use of structured settlements in workers' compensation would be subject to the oversight of the States workers' compensation referee who would have to approve each section 130 structured settlement on a case-by-case basis as being in the best interest of the injured worker.

The Treasury Department has testified before the Ways and Means Committee in the last Congress that Treasury does not oppose this proposal, reasoning that "[t]here appears to be no policy justification, apart from revenue considerations, for allowing less favorable tax treatment for work-related physical injury claims than other physical injury claims." The Joint Tax Committee estimated in the last Congress that the proposal would cost a total of only $11 million over 5 years.

We look forward to consideration of this important legislation at the earliest possible opportunity.

RECOGNITION OF LUISA SINIPATA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleagues to join me today in commending Ms. Luisa Sinipata, a junior at Mercy High School in Burlingame and the recipient of the Congressional Youth Excellence Award in the 12th Congressional District of California.

Ms. Sinipata's contributions to our community are impressive. She coordinated publicity and entertainment for a recent neighborhood festival. She volunteered as a junior for the University of San Francisco's mock trials and as a child care volunteer at her church. Furthermore, as a member of the Peninsula YMCA Youth and Government Program, she has been an active promoter of San Mateo's teen curfew proposal, as well as an active participant in youth conferences.

In addition to this outstanding record of community service, Luisa has achieved an excellent academic record at Mercy High School. Luisa currently is taking courses in sociology and French at the College of San Mateo, in addition to her regular high school educational program. She has done this while working part time for a local San Mateo business.

Mr. Speaker, I invite my colleagues to join me in commending Ms. Luisa Sinipata for her outstanding service to our community and congratulating her for her academic achievements.

TRIBUTE TO PHILANTHROPIST ALICE PETERS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Alice Peters. Mrs. Peters has demonstrated, time and time again, the ability to raise the spirits of people in the Fresno, CA, community. I want to honor her today for her service to Fresno.

As noted in a recent edition of the Armenian General Benevolent Union [AGBU] magazine, Alice Peters' family moved to Lynn, MA, from Bitlis in 1907. After hearing that more Bitlistsies were residing in the Fresno area, the family moved to Del Rey, a small farming town outside of Fresno. In 1943, she met and married Leon Peters, who was a farmer by day and sold pumps for water at night. Their business grew and became one of the Nation's premier winemaking machinery plants. Eventually, the business grew to be as large as 300 employees before the couple sold it to begin pursuing other interests.

Perhaps even more significant to the region than the wine-making machinery business was the formation of the Leon S. Peters Foundation in 1959. Today, this foundation, with Mrs. Peters as the board chairman, supports many different educational causes in both the Fresno community and the world. Locally, the foundation aids humanitarian endeavors and university scholarships. Foundation guidelines require the money be kept in Fresno to help students locally. Internationally, the foundation sends funding to various organizations throughout Armenia, including supporting scholarships for students studying at the American University of Armenia and funding to assist children at the Nork Children's Center.

Promoting education is not where the work of Alice Peters ends. As one of the leading philanthropists in Fresno, Mrs. Peters was instrumental in starting the Fresno Metropolitan Museum of Art, and also is a principle fundraiser for the Fresno Zoo and the Boy and Girl Scouts of America. Together, Mr. and Mrs. Peters have shaped Fresno from a once small farming town into one of the largest and most thriving cities in California.

Mr. Speaker, as an active member of the Fresno community, Alice Peters has contributed to the growth and cultivation of new ideas and accomplishments of its residents. Together, she and her husband have faced the challenges and enjoyed the successes of the world of business. In turn, they have given back to the community that has become so important in their lives. I ask my colleagues to join me in tribute to a woman who strives each day to make the Fresno community as fulfilling a place for others as it has been for her.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

MORE UNFAIR COMPETITION: SUBSIDIZED BRIBERY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, I would like to insert for the RECORD an article in the International Herald Tribune that outlines Germany's and France's opposition to making foreign bribery a crime.

I think most Americans would be shocked to learn that in Germany and France, not only is bribery of foreign officials not illegal, it qualifies as a tax deduction! Meanwhile, American firms trying to do business abroad operate under our Foreign Corrupt Practices Act, which makes bribery illegal and possibly punishable with a jail sentence.

This is yet another example of the unfair competition our firms face, Mr. Speaker, and we should be resolute in demanding that Germany, France, and other countries change their laws. This is absolutely critical to maintaining our industrial base, including our military industrial base in these times of declining defense budgets.

[From the International Herald Tribune]

FOREIGN BRIBERY SHOULD BE A CRIME

(By Reginald Dale)

WASHINGTON.—An American caught bribing a foreign official for commercial gain will be fined or jailed for violating U.S. law. Europeans who bribe the same official may well qualify for a tax deduction.

U.S. corporations are estimated to be losing contracts worth tens of billions of dollars because of corrupt practices by their competitors. It is hardly surprising that Washington is leading an aggressive campaign to crack down on international bribery and corruption.

What is surprising is that the campaign, dismissed as hopelessly naive and moralistic only a few years ago, is beginning to bear fruit.

At next month's ministerial meeting of the Organization for Economic Cooperation and Development in Paris, Washington hopes other industrial countries will commit themselves to making foreign commercial bribery a criminal offense, as the United States did in 1977.

Many developing and ex-Communist countries back the U.S. stand and are asking the major exporting nations to help them fight corruption.

The main holdouts are two close American allies, Germany and France. These two countries do not dispute that bribery is bad. Many international corporations say corruption is the main obstacle to business in places such as Russia, China and much of Southeast Asia.

Bribery, according to Alan P. Larson, a senior State Department official, denies developing countries access to the most efficient bidders, diverts funds that could have been spent on economic and social development, and corrupts fragile democratic institutions.

Washington is not too worried by the small sums often needed to persuade bureaucrats to do the jobs they are supposed to be doing anyway, such as issuing licenses or visas. The problem is big payments to induce an official to do something illegal—bribing a public employee to secure a contract is against the law all over the world.

Last year, Germany and France subscribed to a nonbinding OECD recommendation to end tax deductions for bribery abroad and agreed "in principle" to make it a criminal offense. The difficulty is persuading them to follow through. The two countries have not ended the tax deductibility, and they say they want to negotiate a binding international convention before criminalizing foreign bribery. Washington wants each OECD member simply to enact its own legislation next year.

France and Germany argue that without a watertight legal convention, other countries will cheat. This argument is "clearly a delaying tactic," says Frank Vogl, vice chairman of Transparency International, an independent group that monitors business corruption. Negotiating an international convention could take years.

But many Europeans also argue that U.S. military and political power gives American businesses an unfair advantage. Americans say their country's leading role just as often sets them at a disadvantage—for example, when Washington puts pressure on China to improve its record on human rights and weapons proliferation and European governments seek commercial favors by keeping quiet.

The two issues are not comparable. A telephone call from President Bill Clinton is not the equivalent of a bribe—nor should it be an excuse for offering one.

The hope must be that European voters, increasingly disgusted by scandal and corruption in their own countries, will press governments to act on an international level. The European Union plans to criminalize bribery within the EU. That will have the bizarre effect of making it a criminal offense for a German, say, to bribe French officials but not Russian ones. Europeans, who pride themselves on their logic, must surely see the absurdity of that.

MEDICARE MEDICATION EVALUATION AND DISPENSING SYSTEM

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. STARK. Mr. Speaker, on March 20, I introduced The Medicare Medication Evaluation and Dispensing System Act of 1997 [MMEDS]—a bill calling for implementation of a computerized information management program to review prescriptions for Medicare beneficiaries both before and after they are dispensed.

A recent study appearing in the American Journal of Public Health provides another reason MMEDS should be passed this Congress. Based on their findings, the authors concluded: "Increased involvement by pharmacists and physicians in systematic drug utiization review is warranted". Overall, the study found inappropriate drug prescribing and utilization among the elderly living in board and care facilities. Depending on the criterion applied, between 20 percent and 25 percent of residents had at least one inappropriate prescription. Approximately a quarter of elderly residents received at least one inappropriate drug.

Board and care facilities provide an alternative to nursing homes for the elderly; the homes usually do not provide nursing care, but assistance with activities of daily living—including drug management. Most board and care homes do not use pharmacists for drug-utilization review and do not computerize prescription drug data in a readily retrievable manner. Thus MMEDS is especially necessary to help bring an end to inappropriate drug prescribing for the elderly living in these facilities.

I would like to insert excerpts from the March, 1997, study on Inappropriate Drug Prescriptions for Elderly Residents of Board and Care Facilities into the CONGRESSIONAL RECORD:

[From the American Journal of Public Health, Mar. 1997]

INAPPROPRIATE DRUG PRESCRIPTIONS FOR ELDERLY RESIDENTS OF BOARD AND CARE FACILITIES

(By Diana L. Spore, PhD, Vincent Mor, PhD, Paul Larrat, PhD, Catherine Hawes, PhD, and Jeffrey Hiris, MA)

INTRODUCTION

Board and care facilities are community-based alternatives to nursing homes, housing elders with physical limitations, cognitive impairment, mental health problems, and chronic physical health conditions. They provide protective oversight, personal care, and assistance with activities of daily living and instrumental activities of daily living in congregate settings. Most facilities do not provide nursing care, but do store drugs and provide assistance with drug-use management in many instances. Board and care homes have been criticized for a lack of medical supervision in drug administration and monitoring, nonexistent drug-management programs, and unskilled staff; however, inappropriate drug use in these settings has been largely unstudied. Use of inappropriate medications can have serious clinical consequences, ranging from adverse drug reactions that affect elders' functional independence and psychosocial well-being to an increased risk of mortality.

Using the largest multistate sample of board and care homes assembled to date, we examine the prevalence and correlates of inappropriate drug prescriptions among elderly residents. Given that on the long-term care continuum, board and care is midway between living in the community without assistance and residing in nursing homes, we apply the Stuck and Beers criteria to derive estimates of rates for presumptively inappropriate drug prescriptions.

RESULTS

Inappropriate Drug Prescriptions

According to the Stuck and modified Stuck criteria, almost 18% of residents were prescribed at least one presumptively inappropriate drug. The most frequently prescribed inappropriate drugs included propoxyphene, long-acting benzodiazepines, dipyridamole, and amitriptyline. Approximately 6.8% of elders were prescribed one or more presumptively inappropriate psychotropics.

Of those elders prescribed a drug included in the modified Stuck criteria, most (82.4%) were prescribed only one of the problematic drugs; 17.6% were prescribed two or three of the medications; and 38.5% were prescribed inappropriate psychotropics. Multiple prescriptions most frequently involved combinations of propoxyphene or a long-acting benzodiazepine with one other inappropriate drug (e.g., propoxyphene with amitriptyline).

According to the Beers criteria, almost 25% of residents had an inappropriate prescription. Of those with inappropriate prescriptions, 83.8% were prescribed an entirely contraindicated drug (regardless of dose); 19.3% were prescribed drugs that were problematic due to high dosages; and 40.5% were prescribed inappropriate psychotropics.

DISCUSSION

Using a large, multistate sample of board and care homes, this study examined the prevalence and correlates of inappropriate drug prescriptions among elderly residents. Almost one in four residents had at least one presumptively inappropriate prescription. Of those elders prescribed any drugs, 20.2% to 27.4% had inappropriate prescriptions. Rates for inappropriate drug prescriptions are high, but lower than what has been reported for nursing home residents and relatively comparable to rates among community-dwelling elders.

Only a minority of elderly board and care residents were prescribed more than one inappropriate medication. However, such combinations can cause additive central nervous system effects—such as confusion, excessive drowsiness, and dry mouth—which tend to be more serious problems in the elderly.

For the most part, board and care homes do not use pharmacists as consultants for drug-utilization review, do not computerize drug data in a readily retrievable manner, and do not routinely maintain comprehensive charts documenting residents' clinical or physical status. Thus, we believed that identifying general characteristics associated with inappropriate drug use might prove useful in future efforts to target residents for whom drug-utilization review may be especially warranted. Residents with a larger number of regularly scheduled prescriptions were more likely than others in the sample to receive at least one inappropriate drug. Thus, the number of prescriptions may serve as a simple indicator for targeting residents at higher risk of inappropriate drug use. Indeed, in other arenas, having five or more prescriptions has been used as one indicator of the need for the services of a consultant pharmacist.

The Health Care Financing Administration recently published a final rule on regulation for drug-utilization review programs for Medicaid-covered prescription drugs. These regulations—which were not targeted specifically for residential care facilities—require that state Medicaid agencies have pharmacist counseling programs to ensure that prescriptions are medically necessary, appropriate, and unlikely to produce adverse side effects. We suggest that state board and care regulations be systematically reviewed with an eye toward incorporating and stimulating the development of pharmacy counseling and drug-utilization review programs that are specific to conditions faced in these facilities.

INTRODUCTION OF THE COMMUNITY RIGHT TO PROTECT CHILDREN RESOLUTION

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. VENTO. Mr. Speaker, today I am introducing the Community Right to Protect Children Resolution, designed to reaffirm the right of State and local governments to pass laws intended to preserve and protect the safety of children.

In response to a series of gun related incidents at county recreation and teen centers, Fairfax County, VA, officials passed legislation, written to apply only in their county, that would have prohibited guns, knives, and other weapons from community recreation and teen centers. This common sense measure aimed at curbing crime in centers designated as safe havens for children to congregate, set the special interests groups in motion. Unable to discriminate between measures designed to protect children and those aimed at restricting gun rights of law abiding citizens, the myopic self interest powers vigorously protested, ultimately convincing Governor Allen to veto the bill. Governor Allen's veto not only struck down a good law, but also severely limited the ability of communities to fight crime and provide weapon free schools and recreation centers on a local level.

I am here today because I believe that the ability of local governments to pass effective laws that strengthen public safety should neither be constrained nor denied. I am, therefore, introducing this important legislation which expresses the sense of Congress that State and local governments should be encouraged and have the right to respond to the needs of their communities by enacting laws and ordinances designed to preserve and protect the well-being of young people, including those that seek to ban the possession of firearms and other weapons in community facilities. The Community Right to Protect Children Resolution seeks to reverse the trend of putting children and public safety concerns second to special interest groups. The Virginia case illustrates the tragic consequences of what happens when the interests of children rank second to those of specialized interests with powerful political connections.

I think that Members on both sides of the aisle will agree with me that when it comes to addressing the unique public safety concerns of our districts, one size does not fit all. Local governments require flexibility—not legal straightjackets that bar their actions to protect children. This resolution recognizes that different problems require different solutions, that what works in rural areas may not be enough for urban areas where crimes committed with guns are more likely to occur. Local and State governments are fighting the crime problem on many fronts, including innovative policing and social programs, but their hands are tied when it comes to enacting any restrictions on guns. Reasonable gun and weapon restrictions, such as the measure passed by Fairfax County, VA, are an essential ingredient in our effort to reduce crime, particularly among juveniles. To suggest otherwise, ignores the incidence and pervasiveness of the problem, notably that nearly 90 percent of homicide victims 15 to 19 years of age were killed with a firearm. Juveniles are both perpetrators and victims of crime committed with firearms. Arrest rates are consistently and substantially higher for young people than for all other age groups. Between 1987 and 1994, annual rates of firearm homicide for youth aged 15 to 19 years of age increased 155 percent, totaling 8,116 deaths in 1994. This amounts to an average of 22 youth homicide victims per day in the United States, earning the United States the dubious distinction of leading the industrialized world in the number and rate of gun-related child homicides.

Strategies that limit the ability of local governments to respond to community needs, ensure that the war on crime will not be fought, much less won. We should be empowering rather than disabling and limiting the ability of local governments to fight crime. We need to ensure that communities have in their arsenal every tool available to curb the growth and incidence of juvenile crime. Federal and State law, and policy must not stand in the way of State and local governments' efforts to protect its citizens. Let us encourage them to accomplish what the Federal Government has limited ability to do—enact reasonable controls over firearms and other weapons that threaten public safety and the well-being of our children in their schools, recreation centers, or other areas in their communities.

WHAT MY FLAG MEANS TO ME

HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. BARR of Georgia. Mr. Speaker, I would like to have the following poem inserted into the CONGRESSIONAL RECORD.

This poem entitled "What My Flag Means To Me" was written by William Watkins, a fifth grader at Alto Park Elementary School in Rome, GA.

WHAT MY FLAG MEANS TO ME

Have you ever stopped to think about our flag, about what it means, and how it came to be? Have you ever through about it's history and what the glorious stripes and stars stand for? To me, the flag stands for freedom and liberty. It stands for pride and peace. It stands for wars that we fought, not only for ourselves, but for other countries and for things we just didn't think were right. Thankfully, my peers and I haven't been through anything like that, through all of that hatred and through all of that fear.

To me, the flag also stands for being our own country. We have our own government and are not ruled by anyone. It means that no matter what color your skin is, whether it is black, white, or red, everyone is treated equally. It means that no one can tell us what church to go to, where to live, how to live, where to go to school, or anything like that. We are our own country.

The beautiful red, white, and blue stars and stripes stand for fifty glorious and magnificent states; each with fitting nicknames like 'The Sunshine State' and 'The Peach State' (which are, by the way, Florida and Georgia). The stripes stand for the thirteen original thriving colonies. When I look at the Flag, I think of everyone who takes a part in making this big beautiful country work. I think about the people who risked their lives to come from Spain, France, Germany, England, and other countries to make this great country.

I hope our country is always safe, self-governmental, and beautiful for today, tomorrow, and on into the future. I also hope that everyone will respect our land forever.

TRIBUTE TO CLOVIS UNIFIED SCHOOL DISTRICT

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Clovis Unified School District [CUSD]. In a joint powers agreement, CUSD and Fresno Unified School District [FUSD] will open a Center for Advanced Research and Technology [CART] in Clovis, CA. An extended branch of the educational system in Clovis, CART will allow students in the community to adequately prepare for the technological challenges of the future.

Scheduled to open in the fall of 1999, CART pilot programs have been slated to begin in the fall of 1997. CART was made possible by a combination of grants and a partnership between local businesses and the educational departments of the community.

As a center striving to meet the employment needs of the community by adequately preparing students to take advantage of post-secondary options, the course work presented at the center will be responsive to the changes in American industry. CART will offer courses that require sophisticated laboratory environments and interdisciplinary curriculum that integrates higher order mathematics, sciences, and technology education. This course work will focus on the intellectual processes of problem solving, analyzing, team building resource allocation, and self-assessment through a cognitive apprenticeship instructional model. The skills taught at CART will be invaluable in both interpersonal and technological growth throughout the students lives.

Striving to educate all segments of the community, high school students and adults will reap the benefits of CART. High school students will spend half of their day at the center receiving laboratory instruction. The State Center Community College District will offer postsecondary classes for students. Additionally, the Central California Business Incubator Program will also be located at the center.

Mr. Speaker, it is a pleasure to welcome this program to my congressional district. I look forward to monitoring the progress that CART makes as it works closely with members of the local community. I ask my colleagues to join me both in supporting the Center for Advanced Research and Technology, and extending best wishes for its future success.

ADOPTION PROMOTION ACT OF 1997

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 30, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 867) to promote the adoption of children in foster care:

Mr. STOKES. Mr. Chairman, I rise today in support of the Adoption Promotion and Stability Act of 1997. I commend my colleague, Congressman CAMP, for bringing the important issue of adoption to the floor.

H.R. 867 would require officials to actively pursue adoptions for children who have languished in foster care for 18 months or more. In addition, this legislation would continue to require States to make "reasonable efforts" to keep families together unless returning a child to his or her family would involve "aggravated circumstances." These circumstances would include cases of chronic abuse, torture, or abandonment.

At the end of 1994, there were an estimated 462,000 children in family foster care, kinship care, or residential care—up 65 percent from only a decade ago. According to the Child Welfare League of America, half of all children who await adoption are minority children; these children typically wait longer for adoptive homes. In Cuyahoga County, of the over 3,000 children in the foster care system, nearly 65 percent are African-American. By actively pursuing adoptions for children who have remained in foster care for more than 18 months, H.R. 867 shares my belief that all children, regardless of age, sex, ethnicity, and physical and emotional health are entitled to a family.

Mr. Chairman, H.R. 867 would also require the Department of Health and Human Services to convene an advisory panel to report to Congress on the issue of kinship care. Currently, there are more than 3 million grandparents raising their grandchildren. According to census figures, in 1990, three times as many grandparents were raising their grandchildren than in 1980—just 10 years prior. In addition, many other relatives including aunts, uncles, and older siblings are left to care for children who are not able or not willing to raise their children. This is an important step in helping to address the rapidly growing issue of kinship care.

Mr. Chairman, the promotion of adoption is one of the most important things we can do to strengthen American families. Adoption enables children, whose parents cannot or will not raise them, to become part of a permanent family. Furthermore, it serves as a second chance for the thousands of children who have been removed from their families because of abuse or neglect.

H.R. 867 represents a positive approach in finding homes for our Nation's needy children. I support this effort to facilitate the adoption of children, and to decrease the time that many of our children languish in the foster care system. Mr. Chairman, I join with my colleagues in support of this legislation.

NATIONAL LAW DAY

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. GILMAN. Mr. Speaker, on Thursday, May 1, 1997, members of the legal profession throughout the lower Hudson Valley region will join with their colleagues in the national observance of Law Day. Law Day serves as an opportunity for all Americans to celebrate our liberties and to reaffirm our commitment to the ideals of justice and equality under the law.

Law Day will be celebrated in my district by the Orange County Bar Association and the Women's Bar Association of Orange and Sullivan Counties in a ceremony at the Orange County Government Center. This year's theme is "Celebrate Your Freedom."

Our Republic was founded on several key principles, many based on the English common law. Yet our Founding Fathers went further than their predecessors in England, and established a written Constitution with a codified Bill of Rights. They also founded a legal system which places the burden of proof on the accuser, not the accused, and in which everyone is entitled to having their day in court.

Moreover, they also established an independent judiciary, a first for the world at that time, which has safeguarded the rights and freedoms of our citizens for over 200 years.

Accordingly, liberty and equality under the law is one of the guiding principles of our Republic. Without any legal system, freedom quickly dissolves into anarchy. Yet, without liberty, the rule of law devolves into mere authoritarianism.

I am pleased to join my colleagues in the legal profession from the 20th Congressional District of New York in celebrating Law Day. This year's celebration reaffirms the fact that the principles upon which our country was founded upon are alive and well.

TRIBUTE TO BERTRAM GROSS

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. DELLUMS. Mr. Speaker, I rise to honor the memory, as well as to celebrate the life of Bertram Gross, who I designated a national treasure in 1995 on behalf of my constituents, for his lifetime of work and dedication to achieve full employment for the people of this Nation, for his writings, and for his teaching.

Among Bertram Gross' many achievements, I have special reason to acknowledge his work as the primary author of the first full employment act introduced in 1945, and passed in 1946, and the second full employment act introduced in 1976 and passed in 1978 by the U.S. Congress. My district and I are particularly indebted to him for his work as the primary author of the third bill, A Living Wage, Jobs for All Act, which was first introduced in 1993, in the 103d Congress, and has been reintroduced in the 104th, as well as in this, the 105th Congress.

Bert was born in 1913 and, when he became a young man in the 1930's in spite of hard-working, supportive parents, and his own capabilities could not find work, like one-half of the American labor force at that time. His personal experience, his knowledge of the misery of so many other Americans provided his earliest social education. These lessons in the fear generated by the destructiveness of joblessness was the marrow, the foundation of his life work.

Like Franklin D. Roosevelt, and Thomas Paine, and William Jefferson, Bert believed profoundly in the dignity of each human being. He fought against the momentum that only those who inherited wealth, or possessed large blocks of capital should have access to the wealth of our society and Nation. Fundamental to this belief was that we all must have the right to work at adequate wages to support ourselves and our children. Bert Gross believed that one of our national legacies was our sense of our basic right to a life of dignity and, that this basic right incorporated a right to work, to adequate housing, food, health care, and education. A legacy that Americans had earned and achieved through the Depression of the thirties and full employment in the forties and that we now appear to have forgotten and lost.

Bert Gross designed A Living Wage, Jobs for All Act, not only as a full employment bill; because the act incorporates basic elements of our economic life and provides specific remedies for many of these ills, this bill can be truly considered a party platform. A platform that is diametrically opposed to the destructiveness of the recent Contract With America.

I designated Bert a national treasure because of the passion that he brought to his life work to have the Nation consider full employment as a fundamental principle. He wrote, talked, cajoled, led, persuaded, and taught all who came into contact with him, with humanity, with humor, with great intelligence and most of the time, with great patience and appreciation for the possession of similar qualities in his students and audience.

In the last 3 years, Bert worked on a daily basis with members of my staff and with my constituents promoting A Living Wage, Jobs for All Act; to hone the bill so that it could be read as prose for a wider readership; to develop strategies to gain support for the ideas reflected in the bill, and to work toward our rediscovery of our lost heritage.

Bertram Gross, being wise, knew he was mortal. For the many of us who benefitted from his work, his wisdom, and his passionate commitment, we can best remember him by continuing the work that he began so magnificently.

TRIBUTE TO S.M. SGT. WILLIS MULCEROY, M. SGT. ELDON RAUCH, AND T. SGT. HENRY ROMEO, JR., 144TH FIGHTER WING DIVISION, FRESNO, CA

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to three outstanding individuals from the 144th Fighter Wing Division in Fresno, CA. These three men exemplify the bravery and consciousness that have earned them the Flight Line Safety Award of Distinction.

On the morning of October 10, 1996, an air carrier was taxiing for takeoff past the ramp of the 144th Fighter Wing. Technical Sergeant Romero heard a loud explosion and noticed what was one of the dual main landing gear tires and what appeared to be a rim fall onto the taxiway. It appeared that the pilots on the aircraft were not aware of the situation and continued toward takeoff. Meanwhile, in maintenance control, S.S.T. Mulceroy also heard the loud explosion of the landing gear tires. He used the flightline radio to direct the expediter toward Sergeant Romero. When Master Sergeant Rauch—the expediter—arrived, Sergeant Romero informed him of the situation and the need to stop the aircraft. Sergeant Rauch immediately used his UHF radio to contact the FAA tower and requested them to stop the airliner—which was quickly making its way towards an active runway. Sergeant Rauch and Sergeant Romero took the expediter truck to the disabled aircraft to assure themselves that the tire had indeed blown. They promptly notified the tower of their findings, and the flight was directed back to the terminal for repair.

Mr. Speaker, had the aircraft not been stopped, it would have taken off with major damage to its right landing gear. The swift action of these three fine men averted a potential major accident and saved the lives of more than 70 people. I commend, S.M. Sgt. Willis Mulceroy, M. Sgt. Eldon Rauch, and T. Sgt. Henry Romero, Jr. for their heroics, and ask my colleagues to join me in congratulating them for their actions. I extend to them my sincerest appreciation for a job well done.

HONORING RABBI MYRON FENSTER

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents and members of the Shelter Rock Jewish Center as they gather at this most renowned synagogue to celebrate the 30th anniversary of Rabbi Myron Fenster as the spiritual leader of the congregation.

Rabbi Fenster was schooled at the Yeshiva of Flatbush, Yeshiva College and Talmudic Academy, and was ordained at the Jewish Theological Seminary of America. He enhanced his training with advanced studies at the University of Arizona and Columbia University's Graduate Department of Philosophy.

Rabbi Fenster's calling has taken him well beyond the borders of the Shelter Rock Jewish Center into positions of responsibility that have ranged from local to international areas. He is past president of the New York Board of Rabbis, and a member of the faculty of the Jewish Theological Seminary of America. He is widely known for his educational and leadership skills, and has served as visiting rabbi of the Moriah Congregation in Haifa, Israel, and as president of Histadruth Ivrith of America.

Rabbi Fenster is a past editor of Conservative Judaism, the quarterly publication of the Rabbinical Assembly of America. He has also chaired the Assembly's Social Justice program. He currently serves as cochairman of the Education Committee of the Long Island Holocaust Commission.

Mr. Speaker, Rabbi Fenster's knowledge and wisdom is in great demand. He has been published in many magazines, periodicals and newspapers including Newsday, the Jerusalem Post, Hadassah Magazine and Midstream. In addition, he has visited Jewish communities throughout the world, in all of the major capitals of Europe and the former Soviet Union. In 1993, he led a rabbinic delegation to the Jewish communities of Morocco.

For the past 30 years, Rabbi Fenster and his wife Ricky have been a most potent force in organizing and uniting the Shelter Rock Jewish Center into a proactive synagogue that has effectively serviced its membership and has, most readily, enhanced, and enriched this great community.

Mr. Speaker, I ask my colleagues in the House of Representatives to rise and join with me in celebrating the 30th anniversary of Rabbi Myron and Ricky Fenster at the Shelter Rock Jewish Center.

INDIANA OPTOMETRIC ASSOCIATION CELEBRATES CENTENNIAL

HON. STEPHEN E. BUYER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. BUYER. Mr. Speaker, in December 1896, a number of opticians from across the State of Indiana met in Indianapolis for the advancement of the profession. A motion was carried to form the Indiana Optical Society. Over the years, the organization has been known by different names, but this was the beginning of the Indiana Optometric Association.

The organization has significantly enhanced the profession by formulating a code of ethics; by seeking a school of optometry—the School of Optometry at Indiana University—and by adopting standards and methods of practice.The organization is a strong advocate of education among its members.

The Indiana Optometric Association also contributes significantly to the welfare of Hoosiers. As early as 1922, it held the first Save Your Vision week. It has participated in industrial vision research programs as well as vision awareness activities in schools and among the general public.

It is my pleasure to congratulate the Indiana Optometric Association for its 100 years of service to the eye health and vision care needs of Hoosiers. I also ask unanimous consent that the resolution passed by the Senate in the Indiana General Assembly be printed in the RECORD.

SENATE CONCURRENT RESOLUTION

A Concurrent Resolution Celebrating the Centennial Anniversary of the Indiana Optometric Association

Whereas, the Indiana Optometric Association (IOA) was founded in 1897 and will be celebrating its Centennial Anniversary during the year 1997, and

Whereas, the IOA is marking 100 years of successful advocacy for the profession of optometry in Indiana, and

Whereas, the IOA has provided 100 years of service in the public interest on behalf of the eye care and eye health of Indiana's citizens, and

Whereas, the IOA was instrumental in the decision of the Indiana General Assembly that established the Indiana University School of Optometry in the early 1950s, and has forged an ongoing professional relationship with the School of Optometry that is a national model, and

Whereas, the IOA commends the Indiana General Assembly for its continuing support of the profession of optometry and the patients it serves, and

Whereas, the IOA has historically distinguished itself as an exemplary professional optometric association in the United States, and

Whereas, the IOA rededicates itself and the profession of optometry to serving the eye health and vision care needs of the citizens of the state of Indiana for the next 100 years,

Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That, on behalf of the people of the State of Indiana, we extend our sincere appreciation to IOA for its dedicated service to the people of the State of Indiana and the profession of optometry.

SECTION 2. That the Secretary of the Senate is directed to transmit a copy of this resolution to the Indian Optometric Association.

THE MEDICAL DEVICE REGULATORY FLEXIBILITY ACT

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. UPTON. Mr. Speaker, during last year's Food and Drug Administration [FDA] reform deliberations, two proposals stuck me as particularly innovative, commonsense approaches to simplifying the regulation of medical devices while fully protecting public health and saving agency resources. Today, with my colleagues Representatives ESHOO, GREENWOOD, TOWNS, and HALL of Texas, I am introducing the Medical Device Regulatory Flexibility Act, legislation incorporating these proposals, to highlight them and ensure that they are central to FDA reform efforts.

First, this legislation would provide the FDA with greater flexibility in classifying devices than current law provides. Under current law, lower risk—class I and class II—new devices may go to market if the FDA finds that they are "substantially equivalent" to ready marketed devices. If the new device is unique and the agency cannot make a determination that it is substantially equivalent to a marketed device, current law requires that the device be automatically classified as a class III—high risk—device, regardless of the actual level of risk posed by the new device. The manufacturer must then either complete costly and time-consuming clinical studies and submit a new device approval application to the agency or must petition the agency for reclassification, which is under current law a complex and time-consuming procedure.

Under my bill, the FDA would be given the statutory flexibility to classify a new device based on the risk posed by the device, at the request of a manufacturer whose device was determined to be "not substantially equivalent" to a marketed device. Under the bill, the FDA would retain full authority for determining the classification of a device. The agency would simply receive a new, risk-based classification option. Since class III devices require the most intensive review, this proposal should free up agency resources to focus on truly high-risk devices.

Second, this legislation will provide the FDA with a much simpler way to recognize device performance standards. Under current law, the FDA has the authority to promulgate standards, but the process for doing so is tortuous. As a result, the agency has rarely used this authority. Under our bill, the agency would retain the authority to promulgate its own standards, but could also recognize national and international performance standards by identifying and listing the standard in the Federal Register. Devise manufacturers would then have the option of certifying to the agency that their products met the standard as a way of fulfilling all or part of the applicable statutory requirements which must be met before devices may be marketed. Devise performance standards form the basis for device regulation in the European Community. Providing U.S. manufacturers with this option would move forward our efforts to harmonize our regulatory systems.

I would welcome additional cosponsors of this commonsense regulatory reform measure. If you would like further information or would like to cosponsor this legislation, please call me or Jane Williams, 5-3761, of my staff.

TRIBUTE TO KENNETH L. KHACHIGIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise to pay tribute to Kenneth L. Khachigian. A legend in the political arena and a jewel in the Armenian community, Khachigian has joined the Junior Achievement of Armenia's [JAA] Honorary Board.

As noted in the Saturday, March 22 edition of the Armenian Mirror-Spectator (see attached), JAA is an economics and business education program that offers Applied Economics classes and the student company experience in Armenia's high schools and institutions of higher learning. The purpose of the program is to introduce students to the free enterprise system, explain how it operates, and define its role in business and the global marketplace. Additionally, JAA familiarizes students with the hands-on basics of running a business, and explains to them the importance of economics to their future.

Khachigian, a native of the Central Valley, has had a distinguished career in American politics. A farmer by nature and an attorney by trade, Khachigian has worked for former Presidents Nixon, Reagan, and Bush. In both campaign and executive roles, Khachigian has been instrumental in formulating and implementing the ideals and goals of the Republican Party. In addition to his advisory roles with Presidents Reagan and Bush, Khachigian played an active role in the successful campaigns of California Governors George Deukmejian and Pete Wilson. Most recently, Khachigian served as National Senior Advisor for the Dole for President campaign. In this position, Khachigian coordinated Senate Majority Leader Dole's Presidential bid in the State of California.

Khachigian has also been active outside the political arena. He has served as a member of the board to the Armenian Assembly of America. He also sat as a Presidential appointee on the National Institute of Justice Advisory Board. From 1986–1992, Khachigian served on the Board of Overseers at the Hoover Institution on War, Revolution and Peace. He currently resides on the Board of California Council for Environmental and Economic Balance.

Mr. Speaker, Ken Khachigian is a pioneer in the area of political advising and consulting. Khachigian's numerous accomplishments have been instrumental in advancing the agenda for a more responsible, independent, and productive America. I ask my colleagues to join me in paying tribute to Ken Khachigian, a man of impeccable character. Ken should be admired not only for his multitude of success in America, but also for his tremendous contribution to—and support for—the Armenian community.

KENNETH KHACHIGIAN JOINS JR. ACHIEVEMENT OF ARMENIA'S BOARD

LOS ANGELES, CA—Presidential campaign advisor and political strategist Kenneth L. Khachigian has recently joined Junior Achievement of Armenia's (JAA) Honorary Board, which also includes former California Governor George Deukmejian and Dr. Mihran Agbabian, President Emeritus of the American University of Armenia. The purpose of this distinguished body is to provide JAA with advice, support and guidance.

"I am particularly pleased to become a member of the Honorary Board of Junior Achievement of Armenia. The remarkable and rapid growth of the group has made it among the most successful non-government programs in Armenia," commented Khachigian, "I have great respect for grassroots organizations which promote education and demonstrate a vision for the future, and Junior Achievement of Armenia is just that organization," he said.

Khachigian's career has been highlighted by numerous achievements. Most recently, he served as National Senior Advisor for the Dole for President campaign. In this post, his top priority was coordinating Senator Dole's presidential campaign in the State of California. As a political strategist and advisor, he has led to victory three U.S. Presidents, including Ronald Reagan and George Bush, and several California State leaders, including Governors Pete Wilson and George Deukmejian. During his career, Khachigian has also served as chief speech-writer to President Reagan, and was a Nixon White House aide.

In addition to his professional activities, Khachigian has served as a Board member of the Armenian Assembly of America, and has sat as a Presidential appointee on the National Institute of Justice Advisory Board. During 1986–1992 he served on the Board of Overseers of the Hoover Institution of War, Revolution and Peace at Stanford University. Currently he sits on the Board of the California Council for Environmental and Economic Balance.

Junior Achievement of Armenia is an economics and business education program offering Applied Economics classes and the student company experience in Armenia's high schools, and institutes of higher learning. The program teachers young people how the free enterprise system operates, the role of business in the global marketplace, the hands-on basics of running a business, and the importance of economics on their future. Junior Achievement of Armenia is a non-profit organization.

READING CAN OPEN MANY DOORS

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mrs. LOWEY. Mr. Speaker, yesterday I joined several of my colleagues in introducing President Clinton's America Reads Challenge Act. This legislation will help mobilize reading specialists and trained volunteers to ensure that every child can read by the end of the third grade.

Today I want to share with the House an essay written by Adam Frankel, the 18-year-old grandson of two of my constituents. Adam writes eloquently about the joys and benefits of reading. As we pledge our efforts to ensure that all children enter fourth grade reading on their own, I thought it might be helpful to hear how one young American uses this gift to learn about the world.

I insert the text of Adam Frankel's essay at this point in the RECORD.

READING CAN OPEN MANY DOORS

(By Adam Frankel

When I hold a book between my hands, I do not feel the paper and I do not see the words. I feel as though I am holding "knowledge" in my hands, and the more complicated the book, the better. That way, it is not just entertaining, but it is something far more enjoyable: challenging and revealing. After reading and understanding a complicated phrase or book, you feel a sense of accomplishment. When I hold in my hands William James and move my eyes slowly across each word, I know I am looking into the mind of James himself. The words he uses to describe things are as much a part of him as his fingerprint.

When writing, your words build up within and explode out onto paper with your own patent on them. A word can be so much more, if it is allowed to be. The difference between a word's various connotations determine the feeling of a character, or description of a scene. The word can even determine the future of a state, depending on whether it is used correctly or not in policy planning.

Walter Lippman once said that he wrote each sentence as if the article were to be judged on that sentence alone. It is this appreciation of the written word that I try to give to everything I read. And what I have chosen to read has largely defined not only my interests at the moment, but even my character and future interests. Reading a biography of Allen Dulles led me to Franklin Delano Roosevelt and a century of wise men. Reading about the Russian Revolution led me, through a limited understanding of Karl Marx, to other political philosophers.

Philosophy opened up great new doors for me that I had previously not known existed. I suddenly found myself fascinated in how different people saw life and how I could attain that higher form of being. Lippmann helped answer that question for me. He wrote that the best way to live life is to keep removed enough from anything that could affect you negatively, so that you could see it in an objective light. From his biography I learned that he was going through an awful marriage at the time he wrote that and was probably developing a plan to deal with it, but it nevertheless affected me greatly.

It taught me to "storm the barricades" if a problem arises rather than "retreat into a monastery." He also taught me to never waste time, but to evaluate any action I take in regard to how it will affect me now, and in the future and whether it is really worth doing.

And so now, I collect as many books as I think are worth collecting, not because I will read them all now, or read all of them later. I collect them because when I look at my bookshelf, I feel I'm looking at my potential, and when you are constantly reminded of your potential, it is hard not to do your best to fulfill it.

Perhaps by reading philosophy, but probably even before that, I have always had a great sense of history, and my future. I sit sometimes on the porch with my father and grandfather in Bermuda or Scarsdale. We sit around, look up at those stars that are so noticeably lacking in New York City and we philosophize:

My grandfather explains the theory of "priming the pump" one minute and then gives lessons from those days when he was living through the Depression. He tells me the story of a speech he submitted for Hubert Humphrey, which opposed the Vietnam War and was firmly rejected by the candidate, who was then vice president.

We all sit around: my grandfather, a testament to history; my father, a testament to intellectualism, and I, a testament to potential. I think of how much they have influenced me and how much I want to be as intelligent and as well read as they are. And then I realize that I have a long way to go; and that through reading the books which I collect, I will slowly chip away at the large block of space between theirs and my intellectual stamina.

I can't wait until college, when required reading will be Nietzsche and Hegel. Hopefully, by then, I'll be able to grasp more of them than I can now. I do know that the pride of my household will always be my library. For, looking into the books' eyes, I see, I know, my future.

SALUTE TO AMBASSADOR ROBERT NESEN

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. GALLEGLY. Mr. Speaker, I would like to recognize Ambassador Robert Nesen for his numerous contributions to the State of California and his country.

In 1942, Mr. Nesen was commissioned in the U.S. Navy, receiving his Navy wings in 1943. He was on active duty until 1946 and after spending 22 years in the Naval Reserve, retired as lieutenant commander in 1967. In 1972, he was awarded the Navy Distinguished Public Service Award, the highest civilian award given by the U.S. Navy.

In 1948, he began his own automobile dealership and continues to be active in that industry. He has served as director and past president of the Motor Car Dealers Association of southern California and in 1991 was inducted into the Automotive Hall of Fame.

Ambassador Nesen has been active in both local and national politics. In 1970, President Nixon appointed Mr. Nesen to the National Reserve Board, East-West Center and in 1972 he was appointed Assistant Secretary of the Navy. In 1981, President Reagan appointed Mr. Nesen Ambassador to Australia and Nauru. He remained in that position until his return to the United States in 1985.

Throughout his distinguished career, Ambassador Nesen has earned the respect of many. He was named "Patriotic Citizen of the Year," receiving the Patrick Henry Patriotism Medallion by the Military Order of World Wars. In 1991, he was given the Path to Dignity Award by the American Parkinson Disease Foundation. And, in 1994 he received the World Citizen Award from the World Affairs Council of Ventura County. The award was presented by Vice President Dan Quayle.

Ambassador Nesen is a model for us all. His unwavering patriotism and dedication to duty are truly an inspiration. I am proud to pay tribute to him today.

RECOGNITION OF BONNIE TAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. LANTOS. Mr. Speaker, I invite my colleague to join me today in commending Ms. Bonnie Tam, a senior at Westmoor High School and the recipient of the Congressional Youth Excellence Award in the 12th Congressional District of California.

Bonnie Tam's scholastic achievements are most impressive. She has maintained a high grade point average while undertaking a challenging class schedule. She has supplemented her regular high school courses by taking classes at the College of San Mateo and at Skyline College. Her academic awards include the Pacific Telesis Employees for Women's Affirmative Action Scholarship, the Bank of America Liberal Arts Award, Golden State Exam Honors for Geometry and American History, Golden State Exam Student Recognition for Biology and Algebra, and a National Merit Letter of Commendation. Ms. Tam has been recognized in the Who's Who of American High School Students.

In addition to her outstanding academic record, Bonnie has a remarkable record of community service. She has volunteered at Seton Medical Center in Daly City and at the Westside Women's HIV Prevention Program in San Francisco. In Westmoor High School, she has been involved in Symphonic Band, the Book Club, German Club, Math Tutoring Club, Newcomer Service Club, and the Gifted and Talented Education Club.

Bonnie will attend the University of California, Berkeley, in the fall where she plans to study business administration, management, or economics.

Mr. Speaker, I invite my colleagues to join me in commending Ms. Bonnie Tam for her outstanding service to our community and in congratulating her for her academic achievements.

TRIBUTE TO VICTOR "TRANSPORT" MAGHAKIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Victor "Transport" Maghakian. A legend of World War II, Maghakian was one of the most decorated and well-respected soldiers of the war.

A native of Chicago, Maghakian moved to San Diego with his family in 1930. Nine years later, he moved to Fresno. He first served in the U.S. Marine Corps in the Philippines and throughout China. His familiarity with foreign bases throughout the Pacific earned him the nickname "Transport." After Pearl Harbor was attacked on December 7, 1941, Maghakian reenlisted in the Marine Corps and was selected to work with the so-called suicide unit of crack soldiers. These tough Marines were known as Carlson's Raiders.

As a gunnery sergeant, Maghakian led his troops through what was believed to be some of the bloodiest fighting in seven South Pacific campaigns. During one mission, Maghakian even made himself a human target so that a sniper, who had wounded one of his buddies, would give up his hiding spot. The enemy was shot, but not before Maghakian was shot himself, wounded by the sniper's gun-fire.

Maghakian's bravery allowed him to continue undaunted through numerous battles. In 1944, during the battle of Eniwetok, he eliminated the last four Japanese soldiers on Mellu Island and went on to rescue a platoon by destroying the enemy flank with grenades. In the battle, he saved the life of a young man who went on to be one of Hollywood's finest actors—Lee Marvin. He also became the first officer to raise the American flag on Tinian Island.

After leaving active duty in 1946, Maghakian retired as a captain, with full honors. He received the Navy Cross, two Silver Stars, a Bronze Star, and two Purple Hearts. He returned to Fresno where he owned and managed the Mid-Valley Beer and Wine Wholesale Distributing Co. and the Victor Mobile Service. Maghakian later joined the State Department as a security officer in Morocco before settling in Las Vegas. He eventually moved back to Fresno where he died in 1977, and was buried at Ararat Cemetery.

Mr. Speaker, Victor "Transport" Maghakian fought for this Nation's freedom with uncommon valor. I ask my colleagues to join me in paying tribute to Victor Maghakian, an American hero.

TRIBUTE TO THE DEDICATION CEREMONY OF IBED'S NEWLY REMODELED FACILITY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. BONIOR. Mr. Speaker, today the International Brotherhood of Electrical Workers proudly dedicates their newly remodeled facility in Detroit, MI. Their building in Detroit is a proud symbol of their dedication to the growth and prosperity of the Greater Detroit metropolitan area and its citizens.

For the past 83 years, the IBEW has provided safe electrical installation and maintenance for those who live in southeastern Michigan. The union has a long and prosperous history of faithfully serving our workers, community, and country. During the war years, Local 58 joined the war effort to maintain industries needed to sustain our arsenal for defense. Many members joined the military and sacrificed their careers and lives to fight for their country.

Within the walls of Local 58's building, union leaders and members have joined together to protect democracy and the rights of workers. Their vision of safe working conditions, fair wages, and job protection began inside those walls. Over the years, contracts have been fought and settled by generations of dedicated union members.

The exterior of the building has been altered but on the inside the same dedication to the rights of the workers remains. I would like to congratulate Local 58 for their contributions to their profession, community, and country.

ICELANDIC FOREIGN MINISTER ON NATO

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, I have just returned from a meeting of the heads of delegations to the North Atlantic Assembly in Reykjavik, Iceland, where Icelandic Foreign Minister Halldor Asgrimsson delivered a remarkable speech on the future of the North Atlantic Alliance.

I am inserting the text of the speech into the CONGRESSIONAL RECORD and commend it to the attention of Members.

SPEECH BY HE HALLDOR ASGRIMSSON, MINISTER FOR FOREIGN AFFAIRS AND EXTERNAL TRADE—APRIL 5, 1997

Ladies and Gentlemen, it is a great pleasure to welcome representatives of the North Atlantic Assembly to Iceland. We are proud to be one of the founding members of NATO, an institution of unrivalled importance to Icelandic, European and, most importantly, Trans-Atlantic security.

Through membership of NATO Iceland shares its fate with its allies. In fact, we like to think of Iceland's membership in NATO as the very embodiment of the Trans-Atlantic link.

To reinforce our security we have since 1951 had a bilateral defense agreement with the United States, pursuant to the North Atlantic Treaty. The defence of Iceland's sovereignty has thereby been based on a credible US military presence and robust reinforcement plans. It is my strong belief that this agreement has been to the mutual benefit of both countries and served to increase allied security as a whole.

The post-cold war era has called for some adjustments in our bilateral defence cooperation as reflected by the changed security environment in Europe and the North Atlantic. This has been achieved by a special understanding, or "Agreed Minute" signed one year ago, which sets the force levels at Keflavik to the bare minimum of what we consider credible defences for this country.

The nature of the threat our Alliance is faced with has changed, but the risks are still there. Russia's Northern fleet is still a force to reckon with, and is of growing importance to Russia's overall military capability and its status as a major power.

I do not wish to issue any gloomy predictions as regards future developments in that great and important country and most sincerely hope to see Russia develop as a prosperous democracy with a strong and lasting partnership with the west. But we have to be aware of the fact that there is still a level of uncertainty about Russia's future course.

The NATO base at Keflavik offers an excellent infrastructure and operational capability to preserve the security functions needed in this part of the world.

The crucial element here is the continuation of one of the basic principles of our Alliance, the indivisibility of security for the member states. This principle becomes all the more important now when we are taking the first steps towards accepting new members.

Ladies and Gentlemen, we have today the opportunity of creating a Europe whole and free, a goal that eluded us for over forty years due to the post war division of Europe, and Cold War rivalry. The profound changes and transformation that started in 1989 continue. Fortunately these have, on the whole, been positive.

Still terrifying events have also occurred of scale and cruelty we thought belonged to Europe's past and the post-cold war era has brought new risks and challenges as well as new opportunities.

I believe there are several collective lessons that can be learned from the events since 1989. One is that peace is not to be taken for granted. Another is that despite overall progress, people in our part of the world are still capable of inflicting pain and suffering on fellow human beings. A third, and fundamental lesson, is that the North Atlantic Alliance and the Trans-Atlantic link remain the base of our collective security now that we take on new security challenges that threaten peace and stability in our region.

1997 will be a landmark year for our alliance. The current issues we commonly face are of profound importance for the emerging new European Security Architecture. These are the internal adaptation of NATO, the enlargement process, the extended outreach to our partners through PfP and the proposed Atlantic Partnership Council, and the strengthening of relations with Russia and Ukraine.

The internal adaptation process is by no means easy. It is important that throughout this transformation we do not lose sight of our primary objective of ensuring credible Allied defense, well into the next millennium. As the Alliance transforms itself, we should take care not to let national aspirations stand in the way of our mutual success.

We have seen the development of the Combined Joint Task Force concept that makes the Alliance better suited to take on new missions like crisis management and conflict prevention. Also, the decision to build and reinforce a European Security and Defense Identity within the Alliance, and not separate from it, is a key factor in the current adaptation. One of the objectives of the current adaptation should be to have European allies properly engaged in the defense structure.

At the same time the Trans-Atlantic link and a strongly visible and credible American presence in Europe and the command structure needs to be maintained. Nothing should be done to undermine that. If we do that, we threaten the very foundation of our Alliance and our common security.

Another key task facing the Alliance is the preparation for new members. At the Summit in July, the decision on which countries to invite to the first post-cold war enlargement of NATO will be made. This will be the fourth time the alliance will enlarge since its foundation.

Since the start of the enlargement process, we have seen decisive action from many of our partners, who have expressed their interest in membership, to fulfill membership criteria. This in itself has had a very positive influence on European security. Many of the countries of Central and Eastern Europe have already concluded, or are about to conclude agreements with their neighbors settling previously unresolved disputes. In this way, NATO enlargement is already proving to be of benefit to European security as a whole.

Enlargement is important to erase the artificial division of Europe and to recognize, through concrete action, that free independent countries have the right to choose their own security arrangements. This right is clearly stated in the OSCE documents and has been confirmed as recently as at the OSCE Lisbon Summit last December. It would be totally unacceptable if certain countries were to be defined as not being eligible for NATO membership. In this context I would like to draw your attention to the case of the Baltic States and ask that their needs and aspirations receive your goodwill and attention.

After the end of the Cold War NATO has engaged in constructive dialogue and cooperation with its former adversaries. In 1991 this took on concrete form with the establishment of the North Atlantic Co-operation Council. In 1994 this co-operation and dialogue was brought to a new level with the initiation of the Partnership for Peace program.

PfP has proved to be one of the most effective security co-operation programs ever, and has brought together all the NATO allies and virtually every European country, regardless of past or present affiliations. The experiences gained through PfP have been vital to the success of the peace operation in Bosnia Herzegovina.

We should enhance PfP and further strengthen co-operation with our partners with the establishment of an Atlantic Partnership Council. This will be especially important in light of the Alliance's enlargement, since unfortunately, the Alliance will not be able to accommodate all countries aspiring for membership in the first round of post-Cold War enlargement.

Again, in this context we must make it crystal clear that the Alliance remains open, and that this first post Cold War enlargement will not be the last. Furthermore, we should ensure that countries that still see membership of NATO as their ultimate goal will be able to co-operate and adapt to the Alliance's mode of operation as far as possible through the enhanced PfP and APC.

As regards those countries that do not seek membership, the APC and enhanced PfP will also provide an opportunity to work constructively with NATO to improve security and stability in Europe as a whole.

This year Iceland has the pleasure to host a robust Partnership for Peace exercise, "Cooperative Safeguard 97," the first exercise within the framework of PfP to be conducted in here in our country.

The scenario for Cooperative Safeguard 97, focusing on natural disaster relief, is extremely important to Iceland. The Icelandic nation has always been at the mercy of the forces of nature, be it earthquakes, volcanic eruptions, avalanches or cruel seas. The exercise gives the domestic agencies and organizations working in this field an excellent opportunity to test their strength in international co-operation. Furthermore it is my strong belief that all participating partnership states will benefit greatly from the type of civil and military co-operation which is the backbone of the exercise.

The importance of Cooperative Safeguard 97 is not confined to its value as a disaster relief exercise. It also has a great political significance as a practical manifestation of the intimate co-operation and friendly relationship that has developed between NATO and non-NATO countries through PfP. Twenty countries will participate. Russian participation in the exercise is especially significant.

Russia, and Ukraine, occupy a special place in Europe and in the outreach of the Alliance to non-members. An independent, democratic and stable Ukraine is in all our interests. Therefore the Alliance is in the process of developing an effective relationship with Ukraine. I hope this new security relationship will be formalized by the time of the Madrid summit.

Our relations with Russia are at the same time going through a rapid transformation. We realize and recognize Russia's difficultly in appreciating Nato's enlargement, but frankly it is not for Russia to decide, veto, or prevent.

We have collectively been working hard to explain to the Russians that enlargement is not directed against the security interests of any country and the Alliance has always been and will continue to be defensive in nature; the Alliance has never had any territorial aspirations. NATO enlargement will happen not because the Alliance wants to expand, but because the countries of Central and Eastern Europe are exercising their sovereign right to choose their own security arrangements.

However, a constructive participation of Russia in European security is of fundamental importance. That is why we must intensify and formalize our relations with Russia through a special charter or agreement. It is very important that our Secretary General has had the full support of all allies in carrying out these discussions and I hope they will soon come to a fruitful conclusion that will be of benefit to the security of NATO, Russia and Europe as a whole.

The goal is to establish far-reaching consultative mechanisms and opportunities for extended co-operation, and even joint action, between Russia and the Alliance. The Alliances' co-operation with Russia in IFOR and SFOR has proved that facing practical problems, NATO and Russia can work together effectively and efficiently for the benefit of European security.

Ladies and Gentleman, I have briefly discussed Iceland and NATO, and some of the most important tasks facing our Alliance in the immediate future. In less than eight years we have witnessed European security changing from confrontation to co-operation, from hostility to partnership. This is however no time for complacency. We need to continuously move forward and stay alert, otherwise we risk loosing what we have already gained. That is why the North Atlantic Alliance will continue to be important, relevant and necessary to ensure that peace and stability will prevail, for current and future generations.

Finally, our Alliance is based on freedom and respect for democratic principles, Iceland has the oldest parliament in the world, founded almost twelve hundred years ago. We attach great importance to the role of parliament and parliamentarians in preserving and enhancing democracy in our country. Likewise, the importance of democratic principles is reflected in your valuable work in the different parliaments of Alliance member states. As we enlarge our Alliance to include the new democracies to our east, we will contribute to the strengthening of freedom and democratic development which is the key to prosperity and progress. Likewise it is of utmost importance that the new democracies themselves make every effort to strengthen the democratic process within as well as respect for those principles through their actions. Strong and viable democratic development is fundamental to European security and stability, and of course the enlargement of NATO.

A TRIBUTE TO THE ROTARY CLUB OF MUGELLO, ITALY, ON THE OCCASION OF ITS 20TH ANNIVERSARY

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to the members of the Rotary Club of Mugello, Italy, who have provided civic and humanitarian services to their community for the past 20 years.

Established in 1977 in the town of Mugello, nestled in the beautiful hills of Tuscany, the club claims as members some of the most prominent business and professional leaders of the Tuscany region. They include: physicians, dentists, architects, engineers, clothing designers, manufacturers, publishers, government officials, cattle ranchers, and businessmen.

The club has strong ties to the city of Philadelphia through Circuit Judge Joseph Bruno and his wife, Kathy: It has also established a twin-club relationship with a Rotary Club in Philadelphia, as well as with clubs in France and Greece. Among its other activities through Rotary International, the Rotary Club of Mugello has established scholarship funds for Italian students to study at graduate schools here in the United States.

The Rotary Club of Mugello, under the leadership of its president, Paolo Collini and its incoming president, Alvaro Baglioni, will soon celebrate 20 years of "Service Above Self," which is the motto of Rotary International and which is particularly fitting in the case of the Mugello Rotarians. In light of their 20 years of service to the community and their continued efforts at international outreach, I ask that my colleagues join me today in honoring the Rotary Club of Mugello, Italy.

TRIBUTE TO GASPER MAGARIAN

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Gasper Magarian. Mr. Magarian, a Fresno, CA attorney, has the distinction of being the oldest practicing attorney in the State of California.

As noted in a recent article from the Armenian General Benevolent Union magazine [AGBU], Magarian's family—like many other Armenian families in Fresno—arrived in America 100 years ago. His family immigrated to Massachusetts to escape the atrocities suffered under Ottoman Turkish persecution. Magarian was born in Billercia, MA, and moved to Fresno in 1904 with his parents. His brothers and sisters were all born after the family moved to Fresno.

His brothers and sisters range in age from 85–94 years old. Magarian, the oldest brother at age 97, is the only sibling still practicing in his current profession. He has voluntarily cut back on the amount of hours that he practices at the law firm of Heyman, Krikorian and Magarian, located in downtown Fresno. The Magarian name on the firm is that of his grandson Mark, but his 62-year-old son Donald—and Magarian himself—later joined in on the firm's ventures. Grandson Mark Magarian calls his grandfather, Gasper, "one of our most valuable assets." Others in the firm speak to the advantage to having someone around with 70 years of legal experience.

Magarian remarks that life for lawyers has changed since his earlier days. Magarian graduated from a local Fresno high school and attended Stanford University in 1919. At the time, there was no tuition at Stanford and incidental fees totaled about $60. Magarian finished law school and was admitted to the California State Bar in 1926. He began to work for a San Francisco law firm, but eventually moved back to Fresno in 1934.

In the first 50 years of his practice, Magarian handled issues ranging from bankruptcy, divorce, land transfers, and criminal cases. Magarian also handled a varied workload of paid cases, while maintaining a pro bono caseload for the middle class and the poor. Throughout his career he has also maintained a close relationship with the Armenian community.

Mr. Speaker, I am honored to have Mr. Magarian practicing law in the 19th congressional district. His love for the legal profession and his perspective on life is both refreshing and inspirational. I congratulate him on his lifetime of accomplishments and ask my colleagues to join me in wishing him every success on his future endeavors.

EXTENDING STRUCTURED SETTLEMENT RULES TO WORKERS COMPENSATION

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RAMSTAD. Mr. Speaker, I am pleased to join today with Mr. SHAW and Mr. STARK and other colleagues on the Ways and Means Committee from both sides of the aisle in introducing legislation to extend structured settlement rules under section 130 of the Internal Revenue Code to workers' compensation.

I am a strong supporter of structured settlements. I have seen firsthand in Minnesota how structured settlements can help victims of severe physical injuries put their lives back together in the wake of a disabling injury, help support their families, and instill some hope for the future.

Structured settlements give crucial financial security to victims and their families by providing an assured stream of payments into the future to cover medical expenses and basic living needs. Structured settlements also save taxpayer dollars by ensuring that injury victims will not be required to seek indigent care.

For all these reasons, Congress has sought to promote the use of structured settlements through specific tax rules that have been enacted in the Internal Revenue Code. Extending the Code section 130 structured settlement rules beyond physical injuries caused by torts to include physical injuries under workers' compensation would provide the same financial protection to victims who have suffered serious, long-term physical injuries in the workplace.

I understand the Treasury Department testified before Ways and Means in the last Congress that it does not oppose this proposal and sees no distinction for purposes of the structured settlement tax rules between physical injuries suffered from torts and physical injuries suffered in the workplace. I also understand the Joint Committee on Taxation estimated in the last Congress that the proposal would produce only a very minimal revenue loss.

I join with my colleagues in urging prompt enactment of this legislation.

HONORING BETSY BEAMF AND EMILY DUTTON

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. EVANS. Mr. Speaker, I rise today to honor Betsy Beamf, of Princeton, IL, and Emily Dutton, of Lewiston, IL. This weekend they will receive the Girl Scouts Gold Award from the Kickapoo Council of Girl Scouts, and I congratulate them on this occasion.

The Girl Scouts Gold Award represents the highest honor in Girl Scouting and recognizes significant achievement in leadership, community service, career planning, and personal development. While Girl Scouting has provided these young adults a supportive setting in which to learn from and work with their peers in a group, Emily and Betsy have earned this award through their own individual commitment of over 50 hours of exceptional service.

Through her performance of plays for local youth, Betsy has fostered a greater appreciation for the world of theater and drama among the children in her community. Emily drew upon her artistic talents to design and create a mural in her school that promotes good sportsmanship. At a time when Americans nationwide have placed a renewed emphasis on community service as a way of improving our society, Emily and Betsy exemplify the kind of dedication and commitment we need from people of all ages.

Mr. Speaker, we as a nation are enriched by the efforts of Betsy and Emily, and the thousands of children like them who give of themselves to benefit their communities each day. I hope that they are proud of themselves, and I am sure that their families take great pride in them. I encourage them to continue to take an active role in the community and wish them every success in the future.

CONGRATULATING HOLLIS CURL

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mr. HILLIARD. Mr. Speaker, I rise today to offer congratulations to one of the finest and most honorable journalists that I have ever had the pleasure to know, M. Hollis Curl of Camden, AL. Mr. Curl has just received the State of Alabama's highest journalism award, the Hector Award.

The Hector Award was given to Mr. Curl for the "Most Outstanding Performance by an Alabamian in Journalism." Mr. Curl is the publisher and editor of the Wilcox Progressive Era, located in Wilcox County, AL. This is not Mr. Curl's first taste of victory. This is the second time he has received this award and he is the only person ever to win it twice.

I am proud to say that I am a friend of Mr. Curl. I am no stranger of his love for journalism, and his quest to improve the community in which he lives. At a time when the President is calling on the Nation to become more active in voluntarism, Mr. Curl has already been a major community volunteer for over 30 years. He serves on the board of his country's hospital; president of the Gas Board for 15 years; led the effort to get his county a 911 emergency line; serves as the Charter Commander of the U.S. Coast Guard Auxiliary, and much, much more.

Above all, due to Mr. Curl's proactive journalism, we were able to work together to restore the ferry-boat service across the Alabama river which was disrupted by the KKK in the 1960's. Because of his due diligence, this too, will soon become reality.

Mr. Speaker. When it comes to talking about Mr. Hollis Curl, words fail me. Obviously, words never fail Hollis, and his second Hector Award says it all. Way to go, Hollis Curl.

THE NATIONAL DAY OF PRAYER

HON. JOEL HEFLEY

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. HEFLEY. Mr. Speaker, our Nation's first call to prayer came in 1775 when the Continental Congress asked the Colonies to pray for wisdom in forming a nation. Since then, the call to prayer has continued throughout our history. In 1952, a joint resolution by Congress, signed by President Truman, declared an annual, National Day of Prayer. In 1988, the law was amended and signed by President Reagan, permanently setting the day as the first Thursday of every May.

Today is the National Day of Prayer.

We are celebrating in the Cannon caucus room all day—from 10 a.m. to 3 p.m. Military Chiefs of Staff, Cabinet Secretaries, Senators, and Representatives are gathering to ask for prayers from the people. You see, the National Day of Prayer belongs to all Americans of all faiths. It stands as a call to us to humbly come before God, seeking His guidance for our leaders and His grace upon us as a people.

Please join me today by stopping by the Cannon caucus room to celebrate this great event. It is our prayer that during this National Day of Prayer, America will again remember the trust that made this Nation great.

DOLLARS TO THE CLASSROOM

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. PITTS. Mr. Speaker, I come before the House today because I believe that one of the greatest challenges that faces our Nation today is the education of our children and grandchildren. Recently, a fifth grade student wrote to me commenting that "people are taking our parents for granted, because they're paying taxes which they assume are to schools, but most of the money doesn't make it to the classroom where it should be." I agree with this student.

Currently, we are failing the school children of America. We are failing their parents as we allow their hard-earned education tax dollars to be funneled through layers of bureaucracy. The problem with our education system today is not how much money we spend, but how we choose to spend it.

While it is unknown exactly what percentage of Federal education dollars reaches the classroom, a recent audit of New York City public schools found that only 43 percent of their local education budget reaches the classroom. Another study found that only 85 percent of funds administered by the U.S. Department of Education for elementary and secondary education reach the school district level. Even if 65 percent of Federal education funds presently reach the classroom, it still means that billions of dollars are not directly spent on children in the classroom.

For these reasons, today I am introducing the Dollars to the Classroom resolution. My Dollars to the Classroom resolution expresses the sense of the U.S. House of Representatives that Department of Education, State education departments, and local education agencies should spend more Federal education tax dollars for our Nation's children—in their classrooms.

For far too long, Americans' hard-earned tax dollars have gone to Federal bureaucrats and have churned through a Washington labyrinth—instead of rightfully being placed in the hands of someone who knows your child's name.

Of the $15.4 billion which goes to elementary and secondary programs in the Federal Department of Education, the classroom may be lucky to see 65 percent of that. That means over $5.4 billion is lost in the abyss of Department studies, publications, and grant administration.

I believe Americans would rather see their dollars at work—providing more teachers and teacher aides, purchasing updated software and state-of-the-art microscopes, and even seeing that every American classroom is connected to the Internet and brought into our new Information Age.

The classroom is where the action is. The classroom is where knowledge grows and the learning takes place. Not in some stuffy Washington office—where miles upon miles of paperwork and publications are produced—and even teachers must pay if they want to benefit.

The Dollars to the Classroom resolution calls on the Department of Education to see that 90 percent of Department of Education elementary and secondary education funds get into the classrooms of this Nation—directly.

If this actually happened roughly $1,800 would be added to each classroom budget across the United States. Even President Clinton has said, "We cannot ask the American people to spend more on education until we do a better job with the money we've got now." As he and Vice President GORE have said, the reinventing of public education begins not in the halls or offices of Washington, but in communities across the country. We must ask the fundamental questions about how dollars which are to go to the public school systems are spent.

Education dollars in the classroom can make a tremendous difference and can enhance a child's learning experience. I would like to share some comments from school children about the Dollars to the Classroom resolution. They have said that, "I support this bill because . . .

> Our books are falling apart, so it is kind of hard to learn with them.
>
> My Social Studies book was new in 1988. Hey, it's 1997, we need to get new books!
>
> I think more of the taxes for education should go to the schools. We really need more money in our classroom because our teacher always has to buy things for our classroom with her own money.
>
> We need to get more teachers so the children can get more education.
>
> We need more money in the schools for things such as books, paper, posters and items (our teacher) needs to teach.
>
> Many chairs are wobbly, the books are torn, in the winter, the classrooms are practically freezing. All of this makes it very difficult to learn. This bill will hopefully improve our learning.
>
> I hope this bill is supported and becomes official. The classrooms in the U.S. need more things and equipment to help the kids.

Yes, let's help the kids. We have a moral responsibility to drastically improve our current education system for our children.

Mr. Speaker, for the sake of our Nation's kids—I call upon all of us to choose to put children first. I urge Members of the House to support the Dollars to the Classroom resolution. I thank the Speaker, and look forward to working with him during the 105th Congress on this important issue.

TRIBUTE TO THE AMERICAN INSTITUTE OF PARLIAMENTARIANS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to the Fresno Chapter of the American Institute of Parliamentarians. The American Institute of Parliamentarians has requested that California Governor Pete Wilson declare the month of April, "Parliamentary Emphasis Month."

Parliamentary procedure provides an accurate, impartial and timely means of arriving at the opinion of those present. The mission statement of the American Institute of Parliamentarians is: to foster, promote, and teach the highest standards of parliamentary procedure in keeping with both the principles of parliamentary law and the adopted parliamentary authority, and in accordance with the accepted system of rules for conducting business in an organizational body.

Among others, America was founded upon the principles of individuals rights, majority rule, and the promotion of a deliberative process for governing and decisionmaking procedures. Our third President, Thomas Jefferson, wrote the first manual on parliamentary practice in this country. Published in 1801, that manual has left an indelible mark on our history. The Rules of Order are an integral part of any properly functioning organization. Whether in the private sector, or at every level of government, the Rules of Order is a guide that continues to be utilized on a daily basis.

Mr. Speaker, I commend the American Institute of Parliamentarians for their adherence to and respect for parliamentary law. I congratulate the American Institute of Parliamentarians as they celebrate Parliamentary Emphasis Month, and ask my colleagues to join me in tribute to Fresno Chapter president James Wilburn, committee co-chair's Paula Garner and Barbara Barstow, and the entire Fresno chapter, as they observe this milestone in their organization. I wish them continued success in this worthy endeavor.

CITIZENSHIP USA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. PACKARD. Mr. Speaker, the Immigration and Naturalization Service [INS] has tested me time and again. Today, my patience has run out. My district in southern California has one of the largest concentrations of illegal aliens. INS claims to be working to remedy this problem. They are failing miserably.

This morning, I learned that the Citizenship USA Program, which is run by the INS, has failed to properly screen nearly 180,000 aliens. These aliens were hastily naturalized without adequate background checks. Many more submitted the fingerprints of another person to avoid triggering a hit by the FBI. How many criminals has the INS allowed to become a U.S. citizen? How many criminal aliens are lurking in our neighborhoods and preying on our children?

Mr. Speaker, yesterday I helped introduce legislation drafted by my colleague, ELTON GALLEGLY. This bill would expand a pilot program currently operating in Anaheim and Ventura Counties, CA, which requires 24-hour presence of INS agents at local jails in 100 counties with the highest concentration of illegal aliens.

Currently, our local law enforcement officials do not have the power to deport these criminal illegal aliens. This bill will place the proper authorities in the hands of our communities in order to send these criminal illegal aliens back over the border for good. In addition, because those who committed crimes are more likely to break the law again, this bill will pick up those who slipped through the cracks of the Citizenship USA Program. It is my hope that the INS will now correct the wrongs they have committed against law-abiding U.S. citizens. The INS must take appropriate action to deport those who are found to have submitted falsified documents to gain U.S. citizenship. It is the right thing to do for the safety of our children and the security of our neighborhoods. We must rid our streets of these criminal aliens.

HOUSE OF REPRESENTATIVES—*Monday, May 5, 1997*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. NETHERCUTT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON DC,
May 5, 1997.

I hereby designate the Honorable GEORGE R. NETHERCUTT, JR. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. Ronald F. Christian, Evangelical Lutheran Church of America, Washington, DC, offered the following prayer:

Gracious God, we offer our gratitude on this day full of grace, for our lives and our health and every good; for the challenge of our work as well as the responsibility of our duty; for our friends and colleagues with whom we may converse.

We seek Your blessing on this day full of grace. Bless all our efforts that can make life more comfortable, good health more possible, and meaningful work more available. Bless all our conversations that they may be encouraging and supportive of each person even when outcomes may differ.

We pray for Your mercy on this day full of grace. Show us all mercy when what we accomplish is less than our capabilities. Show us all mercy when our present goals are short of Your expectations. And, show us all mercy when we choose selfish gain over selfless giving.

These things we do humbly ask in Your name, O God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California [Mr. FILNER] come forward and lead the House in the Pledge of Allegiance.

Mr. FILNER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, the Clerk received the following messages from the Secretary of the Senate on Friday, May 2, 1997: That the Senate passed without amendment H. Con. Res. 61; that the Senate passed S. 543; and that the Senate passed S.J. Res. 29.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, May 2 at 1:00 p.m., and said to contain a message from the President whereby he submits a report on the U.S. comprehensive preparedness program for countering proliferation of weapons of mass destruction.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

REPORT DESCRIBING U.S. READINESS PROGRAM FOR COUNTERING PROLIFERATION OF WEAPONS OF MASS DESTRUCTION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–79)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers without objection, referred to the Committee on National Security and International Relations and ordered to be printed:

To the Congress of the United States:

The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), title XIV, section 1443 (Defense Against Weapons of Mass Destruction), requires the President to transmit a report to the Congress that describes the United States comprehensive readiness program for countering proliferation of weapons of mass destruction. In accordance with this provision, I enclose the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1997.*

THE 50TH WEDDING ANNIVERSARY OF BEVERLY AND BOB LEWIS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, late Saturday afternoon, ABC Sports reported that on August 2, my very dear friends, Beverly and Bob Lewis, will be marking their 50th wedding anniversary. It was not simply because it was their anniversary, but it was the fact that they are the very proud owners of the winner of the Kentucky Derby.

Their horse, Silver Charm, won by a neck. It was great for all of us to see Beverly and Bob Lewis stand there with such enthusiasm. It is difficult to imagine two more wonderful human beings, two people who are more deserving of this. So, as they look toward their 50th wedding anniversary, it is difficult, again, to imagine a better gift, unless it would be the Triple Crown.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IT IS TIME TO TRULY TAKE BACK OUR NEIGHBORHOODS CRIME FIGHTING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker and my colleagues, today I introduced a bill

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

which I call Taking Back Our Neighborhoods Crime Fighting Act. This is to bolster our Nation's crime-fighting efforts and to encourage citizens to get involved in crime prevention. The only way that we can, in fact, lower our crime rates dramatically, citizens involvement.

I am joined by the cochairman and 6 members of the Law Enforcement Caucus. More importantly, this legislation is backed by over 200 police chiefs, sheriffs, district attorneys, community groups and elected officials, including mayors of cities big and small, from across the country who supported this bill in the last Congress.

The Taking Back Our Neighborhoods Crime Fighting Act would give a $50 tax credit to people actively involved in Neighborhood Watch groups and other organizations committed to the reduction of local crime, active involvement in Neighborhood Watch groups.

I am proposing this tax credit because Neighborhood Watch works. It is the most effective crime reduction program available to our communities. Throughout the country, Neighborhood Watch groups have made people feel safer and more secure in their home, parks and streets. It works because Neighborhood Watch establishes relationships amongst neighbors and it established partnerships between neighborhoods and their police officers. Citizens are trained how to watch out for their families, monitor their neighborhoods, how to be observant and reliable witnesses, and how to assist their local police.

Some 64 police chiefs, 12 sheriffs, 17 district attorneys, and 55 mayors around the country firmly believe in Neighborhood Watch and have endorsed the idea of encouraging participation through tax credits.

The mayor of Pittsburgh, PA, Mayor Tom Murphy, said, "One of the ways the City of Pittsburgh encourages community involvement in public safety is through its 300-plus Neighborhood Watch Block Clubs. Linking a Federal tax credit to a citizen's twice-a-year attendance at these anti-crime meetings in which our community-oriented police officers participate will dramatically strengthen this program."

Over the past decade in my Congressional district in San Diego, CA, we pioneered and refined the practice of community-oriented policing and we have seen the difference it makes. I served on the San Diego City Council for 5 years before I came to the Congress, and I worked hand-in-hand with residents to attack crime. We helped establish Neighborhood Watch groups block by block. We went on walking patrols through the streets and created support networks amongst neighbors. We established what we call drug-free zones to keep dealers away from our schools. And we organized a graffiti patrol to clean up our neighborhoods and restore pride in our community.

Most importantly, we worked directly with local police to create innovative crime-fighting strategies. Teams of police officers walked our streets, our schools and our neighborhoods. They got to know the neighborhoods they protected and the people in them. They talked to residents, and residents knew exactly who to call if they saw someone in trouble. They knew the names of the officers. They had their beeper numbers. They had their confidence. And we brought crime rate down.

Efforts all over the country like this have been successful. During the last 3 years in San Diego, we have seen an overall reduction of 36 percent in the crime rate and almost 50 percent decrease in robberies, homicides and burglaries.

Most importantly, those who are involved in Neighborhood Watch, my constituents who work with the local police, feel stronger, they feel empowered, they feel less alienated, they feel a sense of community, and they knew that a difference had been made in their own neighborhoods. But we still have a long way to go to feel safe in our homes and our streets. Encouraging people in Neighborhood Watch group participation will help us protect our families.

San Diego's chief of police, Jerry Sanders, said the success of community policing depends on Neighborhood Watch. As he wrote, "Voluntary citizen participation in neighborhood meetings is paramount to successfully battling crime. Adoption of a tax credit would greatly enhance our efforts," he concluded.

Neighborhood Watch groups have proven to be an effective and economical approach to providing a better and more secure society for ourselves and our children. Giving people in Neighborhood Watch groups a $50 tax break will support the many citizens already involved in crime prevention and encourage more community participation.

I ask my colleagues to support this important piece of legislation. Working together, and only by working together, in participation with our local police, we can truly reclaim our streets.

THE QUADRENNIAL DEFENSE REVIEW: BUDGETS

The SPEAKER pro tempore. Under the Speakers' announced policy of January 7, 1977, the gentleman from Missouri [Mr. SKELTON] is recognized for 60 minutes as the designee of the minority leader.

Mr. SKELTON. Mr. Speaker, in all of this budget business, which has been in the headlines, I found not one word referring to the budget for national security. Thus, this second of three speeches I am making about the future of the U.S. military is not only appropriate, but timely. This afternoon, I will address whether projected defense budgets are sufficient to support the military strategy that is emerging from the Quadrennial Defense Review or QDR the reassessment of defense policy that the Defense Department is due to provide to Congress on May 15. In the first speech, I discussed the principles that should shape U.S. military strategy in coming years. In the final speech, I intend to consider how we are treating our people—the men and women in the Armed Forces and the civilian personnel who support them.

CONSTITUTIONAL ROLE OF CONGRESS

As I remarked in my first speech on these topics, I intend to begin each statement by reiterating a simple point under the Constitution, it is Congress' responsibility to ensure that the size and composition of U.S. military forces are sufficient to provide for the common defense. I referred to article 1, section 8 of the Constitution. Historically, Congress has often failed in this responsibility. As a result, the United States has repeatedly been unprepared for the military challenges it has faced. The price for this unpreparedness has been paid in the blood of young men and women in the Armed Forces. I fear in the future that the price will be even greater. At the very least, I fear, our security will erode because we will no longer have the strength to keep smaller scale conflicts from weakening international stability. And at worst, I fear, major new threats will evolve in the future that would not have developed if we had maintained our strength.

My fellow Missourian, Harry S Truman, made the point clearly: We must be prepared to pay the price for peace, or assuredly we will pay the price of war. I believe that Harry Truman's assessment is no less true now than when he spoke those words. Once again, however, as so often in the past, the U.S. Congress appears unwilling to pay the price of peace. Since the mid-1980's, the Department of Defense budget has declined by 40 percent in real, inflation-adjusted dollars. Funding for weapons procurement has declined even further by 67 percent since 1985. Today we are spending just one-third as much on new weapons as we did in the mid-1980's.

I do not believe that these levels of spending can be tolerated without critically weakening our military capabilities. And yet, there is all too little support for restoring even modest rates of growth in military spending. On the contrary, the budget plan that the administration presented earlier this year projected that defense spending would continue down in fiscal year 1998 and then, essentially, level off in real terms. The budget agreement that was announced last Friday calls for inadequate levels for defense across the board—both in budget authority and budget outlays. Even more importantly, for long-term planning purposes, the Quadrennial Defense Review is being carried out on the assumption that defense budgets will be frozen at about $250 billion per year, in constant prices, as far as the eye can see. The military services have been required to plan, therefore, on the assumption that any real growth in costs will have to be offset by reductions in programs—and, as I will argue shortly, I believe that growth in costs is unlikely to be avoided in the military.

THE PRICE OF PEACE IS SMALL

The reluctance to support modest growth in defense spending is all the more tragic because it is so unnecessary. Looked at from any reasonable, long-term perspective, the price of peace today is extraordinarily small. In 1997, the defense budget amounts to 3.4 percent of gross domestic product. Under the new White House-congressional budget plan, it will decline to 2.7 percent of GDP by 2002. As recently as 1986, defense spending was over 6 percent of GDP, and even at its lowest level in the mid-1970's, it was about 5 percent. As a share of the Federal budget, defense spending has declined even further and faster defense is now 16 percent of the Federal budget, down from 25 percent in the mid-1970's and 1980's, and down from 42 percent as recently as 1970.

Suppose we were to allow military spending to decline to, say, 3 percent of GDP and then grow at no more than 1 or 2 percent in real terms each year thereafter. As I will argue shortly, such very modest real growth in defense spending is necessary to maintain a well-equipped, high-quality, well-trained force. At that level of spending, the defense budget would represent less than half the burden on the economy it did at the end of the cold war, and it would decline over time. This, to me, would be a disproportionately small price to pay for the benefits we derive from having a force that can maintain a significant, visible U.S. military presence abroad, respond to crises across the whole spectrum of conflict, and prepare for advanced technological challenges in the future.

Instead of trying to bolster public and congressional support for so modest a defense burden, however, the administration, supported by the congressional leadership, has decided to try to support its defense strategy with budgets that start out two sizes too small and will become tighter and tighter as the years go by. As I pointed out last week, the strategy that the Defense Department is articulating in the QDR is appropriately broad and demanding. It calls for forces able to shape the international security environment, respond to the full range of challenges to our security, including two concurrent major theater wars, and prepare for potential future threats. This strategy is rightly more ambitious than the strategy that was laid out in the Bottom-Up Review of 1993. The QDR strategy is an improvement because it explicitly takes account of the fact that activities short of major theater war have imposed great strains on our current forces and have to be taken into account in shaping forces for the future.

I do not see how it will be possible to support such a strategy with a force smaller than the force designed to support Les Aspin's Bottom-Up Review—a strategy that sized the force simply to deal with two major regional contingencies. The new strategy, as I said, is rightly more demanding. And yet, by all accounts, in the QDR, the civilian leadership of the Pentagon is mandating reductions in forces in order to find savings with which to finance a very modest increase in funding for weapons modernization.

The reason for this inconsistency between strategy and plans is not far to seek—the QDR is being driven by budgets, not by strategy. Force cuts, probably proportional reductions imposed on each of the services, have to be considered because budgets will not support existing force levels, while allowing any room to increase weapons funding.

Now it would be one thing if the cuts in forces being driven by budgets were a onetime deal. That would be bad enough. My concern is that the effort to maintain even a slightly smaller force with flat budgets will lead to a perpetual cycle of budget shortfalls, cuts in weapons programs, reductions in maintenance and training, and pressures to cut forces yet again. The turbulence in the force that has been such a burden on our people will never end. And, in the long run, we will see a slow, steady, but almost imperceptible erosion in our military capabilities until, eventually, our forces are not present in key regions of the globe, we give up on responding to important threats to the peace, and we encourage others to challenge our eroding strength in key regions of the globe.

THE NEED FOR GROWTH IN DEFENSE BUDGETS

To me, it is terribly ill-advised for the Defense Department to attempt to plan on the basis of flat budgets for the foreseeable future. Indeed, until recently, the Defense Department rightly insisted that modest growth was necessary in the long term. As recently as a year ago, I recall Secretary of Defense Perry telling the National Security Committee how the Defense Department planned to reverse the decline in weapons procurement that I referred to earlier. Funding to recapitalize the force, he said, would come from three sources: First, the four rounds of military base closures that had cost money in the past would soon begin to achieve savings, and the entire increment would be used to boost procurement funding; second, savings from acquisition reform, though not assumed in the budget, would also be allocated to procurement; and, third, modest growth in defense spending that was then projected in Administration plans, would also go for weapons modernization. All three sources, he said, are necessary to recapitalize.

Well, that was just a year ago. Now, the story is, we will recapitalize the force, how? Also with savings from base closures and improved ways of doing business but not with modest increases in the budget. Instead, the Defense Department is being driven to make reductions in force levels in order to meet targets for increasing weapons procurement. But without a resumption of some growth in the future, where will this process end? And how much can we count on savings from infrastructure reductions, outsourcing, inventory cuts and other efficiencies to substitute for the growth in spending that was previously in the plan?

Historically, we have not been able to support a force of a given size with flat defense budgets. A couple of years ago, the Congressional Research Service did a study which simply measured the trend in defense spending relative to the size of the force from fiscal year 1955, just after the Korean war, projected through the year 2000 under the administration plan. It found that defense budgets have, on average, grown by about 1.7 percent per year in real, inflation-adjusted prices per active duty troop.

For defense budget analysts, this is not a surprising finding. Some of you may recall in the late 1970's the debate over whether to increase defense spending by 3 percent per year. The premise was that defense budgets should increase in real terms over time for several reasons. For one thing, in order to keep quality people in the force, the quality of life in the military has to keep pace with the quality of life in the civilian sector. So pay, housing expenditures, facility maintenance accounts and other related activities have to increase with the overall growth of the economy. Second, we have found that modern, advanced weapons grow in cost from one generation to the next. According to a recent report on theater, or tactical fighter, aircraft programs by the Congressional Budget Office, each generation of aircraft typically doubles in price, in real terms, compared to the generation that went before. So budgets should grow to allow the military services to take advantage of evolving technology. Finally, although the services have always hoped that new weapons would be more reliable and cheaper to operate and maintain than the generation that went before, this has never turned out to be the case. Since weapons necessarily are designed to maximize performance, operation and maintenance costs typically grow in real terms.

Now if the Defense Department believes that these long-term trends in the costs of doing business have changed, then they should explain the reasons why. For my part, I cannot see how these trends would be reversed. On the contrary, a number of factors ought to make it more difficult to limit cost growth. We have not, for one thing, been able to reduce the size of the defense infrastructure in proportion to cuts in the size of the force, and I am very doubtful the Congress will approve another round of base closures in the near future. So we have to maintain a relatively large support structure, which drives up costs relative to the size of the force. Second, we are trying, in at least some parts of the force, to use technology to substitute for force size so the capital investments required will be relatively large compared to the size of the force. Moreover, with an all-volunteer force, it is more important than ever that the quality of life be protected. In recent years, we have been skimping on military pay raises; much military housing is in terrible condition and we have only belatedly begun efforts to improve it; we have deferred maintenance of military facilities for many years, and the backlog of requirements will inevitably catch up with us; and we have projected savings in military health care costs that will be extraordinarily difficult to achieve. Finally, requirements that the military comply with environmental regulations and with health and safety norms are increasing costs in the Defense Department as in every other part of the society.

So the requirement that the military services plan on the basis of flat budgets is a prescription for perpetual underfunding of long-term defense requirements and the steady erosion of our military strength. Modest, steady, sustainable rates of real growth in military spending are necessary to maintain a well-equipped, well-trained, high-quality force of a size large enough to carry out the U.S. military strategy and protect U.S. national security.

HOW NOT TO THINK ABOUT DEFENSE SPENDING

Now, for some of my colleagues, that the notion that defense spending should grow over time must seem rather alien. In fact, my conclusion that defense budgets should increase follows straightforwardly from clear thinking about defense. The only proper way to decide how much to spend on defense is, first, to begin by deciding on a military strategy that will ensure our security, second, to determine what size force is needed to support the strategy, and then, finally, to calculate what resources are needed to ensure the quality of the force. But all kinds of other, extraneous arguments about defense spending get in the way of this clear line of thought.

One common argument against defense spending is that potential enemies today appear to spend so much less than the United States. The implication is either that threats are not so great as our planning assumes, or that the U.S. military should be able to maintain its strength with much less money. The flaws in such reasoning are legion. For one thing, potential enemies simply have to be strong in only one area of military capability in order to challenge stability in their own regions. Possible challenges to U.S. security, however, come from so many different directions and in such a wide variety of forms that the United States must maintain strong military capabilities of all types. Second, the U.S. military is not in the business of being barely stronger than the Iraqs of the world. As General Shalikashvili has said repeatedly, we had military dominance in the Persian Gulf war, we liked it, and we want to keep it.

More fundamentally, however, it is not enough for those who want to cut U.S. military spending to cite how much possible enemies spend. Instead, those who call for cuts ought to be able to identify aspects of U.S. military strength that they would give up. If the argument is that North Korea is not as great a threat as U.S. military plans assume, for example, because North Korea spends so little, then let us consider whether to weaken the U.S. military posture in Korea. Looked at that way, however, the argument is harder to sustain. Whatever North Korea spends, our intelligence assessments tell us how threatening their military capabilities are, and anyone who looks closely at the situation is aware of how much damage North Korean forces could wreak even if confronted by strong United States and South Korean troops. Few, therefore, would want to encourage aggression by weakening our deterrent posture in Korea. So an argument based on North Korea, or Iraqi, or Iranian levels of military spending is irrelevant. The only real issue is what are the threats and what U.S. posture is needed to deal with them.

A second common argument for cutting U.S. defense spending is that the United States today is spending about as much on defense in inflation-adjusted dollars as it did, on average, during the cold war. The implication is clear—now that the cold war is over, we should be able to spend less. The flaw in this argument is one I have already discussed. To maintain forces of a given size costs more over time because of the need to improve the quality of life, pursue more advanced technology, and operate more sophisticated weapons. The fact is, we have cut the size of the force substantially since the end of the cold war. In 1987, the active duty force level was about 2.1 million. Today, it is about 1.4 million—about one-third less. A force of that size understandably should cost more than a larger force 25 or 30 years ago—but it is nonetheless substantially smaller and less costly than a force of the size that would be necessary if the cold war had continued.

HOW MUCH IS ENOUGH?

So if those are some of the ways not to think about defense spending, how should we think about it? How much is enough for national defense? Mr. Speaker, 2 years ago, I prepared an alternative defense budget that I believed at the time was adequate to maintain U.S. military strength over the next 5 years. It called for spending about $45 billion more on defense than the administration was projecting at the time. I still think that alternative budget is wise.

Today, however, I want to talk a bit more broadly about the principles that the Congress should apply in fulfilling its responsibility to decide how much is enough.

First, I do not believe that we should cut force levels further. I am disturbed by reports that the QDR may include a decision to reduce total defense end-strength by as much as 144,000 individuals. To me, such reductions would be destructive and dangerous. They would be destructive because they would break faith with the men and women who serve in the Armed Forces. As I noted just a few minutes ago, we have already gone through a defense drawdown that has reduced active duty force levels by about one-third. This drawdown has imposed an immense burden on military personnel. It has meant that people have had to change jobs much more often than would have been necessary if force levels were stable, because people have had to be moved around to replace the larger number of people who were leaving. It has imposed an immense strain on the military education and training system, and often people have started new jobs without complete training. It has made the military personnel system rather brutally competitive—many military personnel have complained to me that the pressure to force people out means that any single mistake will cost a good soldier his or her career.

Military planners have a term of art for all of this—they call it turbulence in the force. In fact, it has meant a good deal of turbulence in peoples lives. In my view, the good people who serve in the Armed Forces have suffered through this turbulence for long enough. For years we have told them that the problems that attended the drawdown would ease once the reductions were over. We told them to hang in and that things would get better. I do not believe it is right to ask these people to go through yet another period of such turbulence. To start another drawdown on top of the one just completed is to break faith with the people who serve.

I also think that we cannot afford to reduce force levels for strategic reasons. All of the services are being strained to the breaking point by the multiple requirements imposed on them by the demands, first, to be trained and ready for major wars and, second, meanwhile, to be engaged in the multiplicity of smaller operations which have proliferated since the end of the cold war. Already the Army is short about 40,000 slots in support positions. This has meant that operations in Haiti or Bosnia, for example, require that support personnel be taken out of units that are not deployed abroad in order to fill out units that are being deployed. The remaining support personnel then have to do twice the work they should. Now we are talking about further thinning Army ranks, which, inevitably will make these shortfalls even worse.

FOUR GUIDING PRINCIPLES

We should be guided by four principles:

First, I do not believe we should reduce force levels further.

The second principle is, increase weapons investments enough to get back to a steady state replacement rate for major items of equipment. A key goal of the QDR, reportedly, is to find funds to increase weapons procurement substantially—the target that has been set for several years is $60 billion a year for procurement. This will require an increase of about one-third from current levels—for the past couple of years, we have spent about $45 billion on procurement. I hope that the QDR will get there—though not at the cost of cuts in the size of the force. I am doubtful, however, that $60 billion a year will be enough.

To explain my doubts, it will take a little arithmetic. Currently, between them, the Air Force and the Navy have about 3,000 fighter aircraft in their inventories—about 2,000 in the Air Force and 1,000 in the Navy. If we assume a 20 year average service life for fighters—which is getting pretty long-in-the tooth—then, on average, we have to buy 150 aircraft a year to maintain a steady-state replacement rate. For the past few years, we have bought about 28-42 fighter aircraft a year. So, by my calculations, we need to increase aircraft procurement by at least 400 percent to get to the right level.

Similarly for the Navy—the Navy now needs a minimum of about 350 battle force ships. If we assume an average service life of 35 years, we need to buy 10 ships a year. Lately we have been buying four or five. So we need to double shipbuilding budgets to get back to a steady state replacement rate.

Add to those increases, the need to increase spending modestly each year in order to exploit new technology. Suffice to say, $60 billion a year won't do it. So the next question is, what are we giving up by not modernizing as fast as we probably should, and how are we going to adjust to the shortfalls? We may be able to keep some equipment going longer by pursuing upgrades instead of new systems. We may be able to limit cost growth between generations of new weapons by careful attention to cost—as the services plan for the Joint Strike Fighter. But all of these adjustments come at a price in reduced military strength. The compromises should be kept to a minimum.

The third principle is that we should not allow military readiness to decline. On this issue, I am skeptical about DOD budget plans that show operation and maintenance costs declining in the future relative to the size of the force. Some savings, to be sure, may be achieved from base closures and other changes in ways of doing business. But it is unrealistic to expect training costs to decline or to plan on reduced maintenance costs of major weapons.

Fourth, and finally, while I do believe that some savings can be achieved by improving DOD business practices, I am very skeptical about claims that very large savings can be achieved. It may be true that there is waste in defense business practices—but waste is not a line item in the budget that can easily be eliminated. I am very concerned that proponents of revolutionary changes in government procurement practices are vastly overstating the savings that can be made.

IN CONCLUSION

Mr. Speaker, these four principles—maintain force levels; increase weapons modernization funding substantially; protect military readiness; do not overstate savings from improved business practices—force me to conclude that currently projected levels of defense spending are not enough. And as the years go by, if defense spending is frozen at the current inadequate level, I fear that we will see the erosion of U.S. military strength and, as a direct result, the slow decline of U.S. global leadership.

MOST-FAVORED-NATION STATUS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Virginia [Mr. WOLF] is recognized for 60 minutes as the designee of the majority leader.

(1430)

Mr. WOLF. Mr. Speaker, President Ronald Reagan was a champion for human rights in the Soviet Union and Eastern Europe. He spoke up in defense of freedom and democracy. He raised the cases of dissidents during the high-level meetings with Soviet officials. He made passionate and eloquent speeches outlining America's values, but he engaged forthrightly and he backed up engagement with action.

We all remember his famous 1983 speech to the National Association of Evangelicals in Orlando, FL. It was then that he called the Soviet Union the Evil Empire. That courageous speech, ridiculed by some as too belligerent, was a decisive moment in American history and a decisive moment in the cold war.

In that speech, President Reagan says, and I quote, he said, it was C.S. Lewis, who, in his unforgettable Screwtape Letters wrote, "the greatest evil is not done now in those sordid 'dens of crime' that Dickens loved to paint. It is not even done in concentration camps and labor camps. In those we see its final result. But it is conceived and ordered, moved, seconded, carried and minuted, in clear, carpeted, warmed and well-lighted offices, by quiet men with white collars and cut fingernails and smooth-shaven cheeks who do not need to raise their voice."

He went on to say that, well, because these quiet men do not raise their voices, because they sometimes speak in soothing tones of brotherhood and peace, because, like other dictators before them, they are always making, quote, their final territorial demand. So some would have us accept them at their word and accommodate ourselves to their aggressive impulses. But if history teaches anything, it teaches that simpleminded appeasement, where wishful thinking about our adversaries is folly, it means the betrayal of our past and the squandering of our freedom.

Mr. Reagan went on to say, while America's military strength is important, let me adhere that I have always maintained that the struggle now going on for the world will never be decided by bombs or rockets, by armies or military might; the real crisis we face today is a spiritual one. At its root it is a test of moral will and faith. I believe we shall rise to the challenge, he said. I believe that communism is another sad, bizarre chapter in human history whose last pages even now are being written.

"I believe this because our source of strength in the quest for human freedom is not material but spiritual, and because it knows no limitations, it must terrify and ultimately triumph over those who would enslave their fellow men."

☐ 1445

I do not know and it would be unfair for me to say how President Reagan would have voted today on most favored nation trading status for China. I do know, however, that he opposed MFN for the Soviet Union while people of faith were being persecuted and human rights were being grossly violated and the Soviet Union was a military threat to the United States. President Reagan engaged with Soviet leaders, but he did not grant them MFN.

Today in China people of faith, particularly those who choose to worship outside government control, are now being persecuted. Catholic priests are in jail, Catholic bishops are in jail, Protestant pastors are in jail, Buddhist monks and nuns are in jail, churches are raided, monasteries in Tibet are raided, and all the key leaders of the democracy movement are jailed, and many others are harassed and closely watched by the Chinese Government.

President Reagan also opposed MFN for the Romanian Ceausescu-led Communist government in Romania, and as we know, he signed the legislation taking away the most-favored-nation trading status, MFN, for Romania in 1987.

These acts, acts like President Reagan took, these acts do not go unnoticed by the world. The Soviet people knew and the Romanian people heard the evil empire speech and the news of revocation of Romania's MFN on the Voice of America, and they knew that someone cared.

In 1989, the gentleman from New Jersey, Mr. CHRIS SMITH, and myself visited Perm Camp 35, the last gulag in the Soviet Union, which was in the Ural Mountains. Many of the political prisoners whom we met with told us they knew of President Reagan's efforts and it gave them hope. Even in one of the darkest places in the Soviet totalitarian system, these prisoners knew of President Reagan's support for human rights and religious freedom. It gave them hope that someone was brave enough to stand up to the dictators. It gave them hope that someone was brave enough to stand up for freedom.

Today, what kind of message are we sending to the men and women in China who are longing and hoping that someone will speak up for them? Bringing democracy to China must start with supporting those who are working for a democratic form, and I believe revoking MFN is the first but not the only step in that process.

I want, as a Republican Member of the House, I want the Republican Party to be faithful to the principles of Lincoln and Reagan and stand up for more than just trade. The GOP should stand up for the rights of people instead of only the rights of business. I support free trade. I have been a voter in this Congress for free trade. But I am concerned that trade has become the sole focus of our foreign policy in China and the quest for dollars stifles all other considerations or attempts to influence change.

The losers are those suffering at the hands of the dictators. The Catholic priests, the Catholic bishops, the Buddhist monks, the evangelical pastors, the people in the house church, the Muslims who are being persecuted in the northwest portion of China, these are the losers suffering at the hands of dictators.

I want today's victims of authoritarianism to hear on Voice of America and Radio Free Asia that the United States is still standing by those principles. Should I ever get the opportunity to visit the prison or the laogai where Wei Jingsheng and Bao Tong and Wang Dan and others who have been arrested, and Bishop Su Chimin, who was beaten by police with a board until it broke in splinters, or Pastor Liu Zhenyiang, nicknamed the "heavenly man" for surviving a 70-day fast in protest for his persecution, where they are being held, if I ever get into those prisons I want them to say, "We knew, we knew that the United States stood for us."

The words of freedom and democracy inherently fly in the face of dictators and cause them to brand all its adherents as nationalist or imperialists, but the words "freedom" and "democracy" are the words that bring hope to the thousands around the world who do not enjoy these precious liberties. We must use every means at our disposal to make them a reality.

Mr. Speaker, I saw a portion of a poll that was taken by the Wall Street Journal and NBC, by the two pollsters Hart and Teeter, one a Democrat and one a Republican. In the May 1 poll that was reported in the Wall Street Journal, this is what the question was. The question was: Should China improve human rights status or lose current trade status?

This, Mr. Speaker, is what the American people said. The American people said, on the question maintain good trade relations, 27 percent; demand human rights policy changes, 67 percent. So 67 to 27 percent, the American people stand on behalf of being tough on human rights.

I knew the American people would stand that way. The question is will the Congress stand that way, and will this administration stand that way. Even if the administration does not stand that way, and the indications are that this administration will not stand that way, the Congress should stand that way. The House of Representatives should stand that way. Unconditional MFN is not working. There is more repression in China today than 3 years ago when President Clinton delinked trade from human rights. Let us cease our wishful thinking that this is the best course.

Let us let the Chinese people who are suffering at the hands of dictators—democracy activists, Christians, Tibetans, Muslims, Buddhists, and others—let them know that the United States stands with them, and let us send a strong message by voting to revoke MFN in the House of Representatives.

MIDDLE-INCOME AMERICANS NEED A CAPITAL GAINS TAX CUT

The SPEAKER pro tempore (Mr. NETHERCUTT). Under the Speaker's announced policy of January 7, 1997, the gentleman from California [Mr. DREIER] is recognized for 50 minutes, the balance of the time, as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I have taken this time out to talk about the historic budget agreement which was completed just this past week and to say that I have some grave concerns about it.

I, of course, wish very much that we had been able to take on the issue of entitlements. I wish we could have taken on the proposal to eliminate some Cabinet-level agencies. Of course, I wish that we could have brought about broader tax cuts to stimulate job creation and economic growth. As my friend, the gentleman from Missouri, said in his remarks a few minutes ago, I wish we could have had better numbers in the area of our national security.

Having said that, Mr. Speaker, I have concluded that this agreement is historic. It is very important for us to proceed with it. Obviously, if we had reelected a Republican Congress and elected a Republican, Bob Dole, as President of the United States, the agreement would look much different than it does today. From my perspective it would look much better than it does today. But it is important that we face the reality of governing.

Last November the American people chose to reelect a Republican Congress for the first time in 68 years, and they also chose to reelect Bill Clinton as President of the United States. So that obviously created the situation where we had to do what we could to come to some sort of consensus. It is for that reason that I believe that while not perfect, and I do not like every aspect of it, this is probably the best agreement that could be struck.

Why? Because it does focus on our principal goals of trying to gain control of this behemoth, the Federal Government, heading us down the road toward a balanced budget and at the same time reducing the tax burden on working Americans. So if we take all those things into consideration, while not enough, they clearly are steps in the right direction.

I am most pleased that an item which I have been focusing on for a number of years and which I introduced on the opening day of the 105th Congress is, I hope, going to be part of the basis from which we move ahead with this budget agreement. I am talking, of course, about reducing the top rate on capital gains.

On the opening day of the 105th Congress, I and several of my colleagues, in fact three Democrats and one other Republican, joined with me introducing H.R. 14. We selected the number H.R. 14 because what we do is we take the top rate that now exists of 28 percent on capital gains and we reduce that to a top rate of 14 percent.

I was joined by Democrats, the gentlewoman from Missouri, KAREN MCCARTHY, the gentleman from Virginia, JIM MORAN, and the gentleman from Texas, RALPH HALL, and my Republican colleague who sits on the Committee on Ways and Means, the gentleman from Pennsylvania, PHIL ENGLISH, and the five of us introduced this measure on the opening day.

I am very happy to report, Mr. Speaker, that with the cosponsorship of my chief colleague, the gentleman from California, MATTHEW "MARTY" MARTINEZ, who represents the same region as I in southern California, we now have over 140 Democrats and Republicans who have joined as cosponsors of H.R. 14.

We have heard lots of figures over the last few days as to exactly where we can go on this reduction of capital gains, and we still have a few naysayers out there who will continue to argue that reducing the top rate on capital is nothing but a tax cut for the rich. But every shred of empirical evidence that we have, Mr. Speaker, proves to the contrary.

In fact, 40 percent of the capital gains realized in this country are realized by Americans who earn less than $50,000 a year. We continue in our office to get letter after letter from people all over the country who are middle-income wage earners writing to us about how important it is to reduce that top rate on capital.

I would like to share just a couple of those letters with my colleagues, Mr. Speaker. First, this letter came from a middle-income family that needs capital gains tax cuts to use the proceeds from the sale of farm property to restore savings that largely had been lost to farm losses.

Let me read parts of this letter, Mr. Speaker:

"We will soon be married 35 years. We have three grown children and a 5-year-old. After 20 years of marriage we had saved enough money to be able to buy a dairy farm we bought for a total of $270,000, and we still had a little over $100,000 in the bank for a rainy day.

"Fifteen years later we owe $160,000 and have $1,500 in the bank. We have used everything that we had saved trying to make that farm work. We have an opportunity now to sell our farm," and I will go through the figures that are here: selling price, $275,000; $25,000 for equipment; $60,000 for 85 head of cattle; and the total of the sale proceeds would be $360,0000.

That debt which they referred to in the letter of $160,000 obviously would have to come off the top, and the estimated capital gains tax is $75,000.

"We can't even pay off our bills and have any left over to buy a place to live with the $125,000 remaining. $75,000 in taxes," this family writes, "that is so unfair. If you can get the rate for capital gains" down to your proposed level, H.R. 14's 14 percent, "at least we would have an additional $37,500 of our hard-earned money back. We need to start again to try and save enough for our golden years and our 5-year-old."

Here is an example, Mr. Speaker, of a family that may be, in the eyes of some, very rich. They are dairy farmers who have struggled, and yet the capital gains tax is going to jeopardize the future of their 5-year-old child and this family's plan for retirement.

Another example of a middle-income family that needs a capital gains tax cut is for a family that is looking to sell rental property to support an 85-year-old mother.

□ 1500

This letter, Mr. Speaker, goes as follows:

> My wife and I, both retired, are responsible for the care and well-being of my 85-year-old mother-in-law. She is a widow, suffers from Alzheimer's disease, needs round-the-clock care and pays a substantial tax on her Social Security income. She has been living on the income from some very modest residential rentals. We are no longer able to operate those rentals profitably and have to sell. If capital gains taxes were indexed and left at the rate they were when the property was purchased, right around 15 percent, she could just barely continue in her current situation. Now, the difference between whether my mother-in-law will be able to get along on the proceeds from her previously purchased assets or be obligated to rely on Medicaid or some other forms of Government assistance will be determined by how much will be taken away from her by the capital gains tax. This is not a rich versus poor proposition. The amount of tax taken from the proceeds of her hard-earned rental property will affect her lifestyle, will affect what other taxpayers will have to contribute to her care, will affect the quality of her retirement years and the retirement years for my wife and for me and my daughter's college options.

So once again, Mr. Speaker, here is a clear example of this not being the rich versus poor or us versus them, class warfare argument. Reducing the top rate on capital gains will in fact have a beneficial impact for middle income wage earners.

But let us look even further than that. As we look at the stated goals of a capital gains tax cut, we know that not just middle income wage earners but top Government officials, including the Chairman of the Federal Reserve Board, have stated that the ideal tax on capital would be zero, not 14 percent, the middle ground that we are offering with H.R. 14, but in fact it would be zero.

In fact, before the Senate Committee on Banking, Housing, and Urban Affairs, Alan Greenspan, Chairman of the Federal Reserve Board, said,

> I think while all taxes impede economic growth to one extent or another, the capital gains tax, in my judgment, is at the far end of the scale and so I argue that the appropriate capital gains tax rate was zero and short of that any cuts, and especially indexing, would, in my judgment, be an act that would be appropriate policy for this Congress to follow.

Mr. Speaker, H.R. 14 not only takes that top rate on capital gains from 28 to 14 percent, but it also does index to ensure that working Americans are not forced into higher income tax brackets as they realize some kind of appreciation on their capital investment because of inflation.

Also I should state that if we look at the priorities that we have in dealing with this issue of capital gains, what is it that we want to do? We want to encourage economic growth. We want to do everything that we possibly can to increase the take-home pay of working Americans, and, of course, we want to balance the Federal budget.

There are some in this Congress and some out there who say you cannot talk about reducing the tax on capital and at the same time be serious about your quest for a balanced budget. We also, as we looked at this balanced budget agreement that has come out over the past several days, have looked at the cost of cutting the top rate on capital gains taxes.

Well, according to the Congressional Budget Office, the projection of the cost, which I do not buy by any means, is about $44 billion. Now, if we look at every bit of empirical evidence that we have had throughout this entire century, every time we have reduced the tax rate on capital what has happened? It has not cost the Treasury anything. It has not cost $44 billion, as the CBO has estimated.

What has happened? We have seen a dramatic increase in the flow of revenues to the Federal Treasury, going all the way back to 1921, when Treasury Secretary Andrew Mellon, in the Warren G. Harding administration, brought about a reduction of the tax on capital.

What happened? We saw a dramatic increase in the flow of revenues to the Treasury through the roaring twenties. We also have to look back at the Kennedy tax cuts. In 1961, there was not a cost to reducing the top rate on capital. What happened was, we saw an increase in the flow of revenues to the Treasury.

More recently, in 1978, the famous Steiger capital gains tax rate reduction, we saw, for the years between 1979, when that rate reduction went into effect, and 1987, when we saw an increase in the capital gains tax, we saw a 500-percent increase in the flow of revenues to the Federal Treasury, from $9 to $50 billion coming in from that period of time. And then we saw, in 1987, a concurrent drop in the flow of revenues to the Treasury when the tax rate on capital gains was increased.

We also have to look at studies that have been done most recently of our package. The Institute for Policy Innovation did a study just a few years ago showing that a rate cut like that that we have in H.R. 14 would bring about a very dramatic increase in the flow of revenues to the Treasury.

In fact, they have stated that they would increase by $211 billion. That obviously is not going to cost anything.

The reason for that increase, Mr. Speaker, is that we have today between $7 and $8 trillion of locked-up capital. There are so many people, like the retirees who wrote me these letters and others, who have said, gosh, with a 28-percent rate on capital gains, I cannot afford to sell this item.

So what happens? There is this lock-in effect. It is projected today that there is between $7 and $8 trillion that is locked in because that tax is so punitive. Once again, 40 percent of those are held by people with incomes of less than $50,000 a year.

We also have to look at the argument that has been going on over the past several days about the need for a broad-based family tax cut. We hear talk regularly about how we have got to help families.

Well, Mr. Speaker, I argue that H.R. 14, putting that top rate at 14 percent, would do more to boost the wages of the average working family than virtually any of the so-called family tax cuts that have already been proposed. Yes, I am not opposing those, but I believe that the capital gains tax cut, which would be permanent, would increase it. In fact, that same study done by the Institute for Policy Innovation found that going to a 14-percent rate on the capital gains tax would boost the average family's take-home pay by $1,500 a year over a 7-year period.

So if we recognize again that what we are trying to do here is increase economic growth, boost the take-home pay of working Americans and at the same time balance the Federal budget, we can in fact, with a capital gains tax rate reduction, do those things.

I mentioned the Federal Reserve Board in that statement. Some have said that tax proposals would, in fact, be received, tax cut proposals would be received less than favorably by the Federal Reserve. Well, those words from the chairman demonstrate that H.R. 14 would be a Fed-friendly tax cut and would not send anything other than a very positive signal.

So as we look at where we are headed now in these budget negotiations, it seems to me, Mr. Speaker, that the fair, the balanced, the middle-road position for us to take would be a top rate of 14 percent on capital gains.

I will say that I am very encouraged by the words that have come from the gentleman from Texas [Mr. ARCHER], chairman of the Committee on Ways and Means, the fact that we have so many Democrats and Republicans joining in this Congress to cosponsor H.R. 14, it signals to me that we can, in fact, have a tremendous benefit, a great win for the American people if, as we proceed with these talks and the final details that the Committee on Ways and Means will report out, that we have a tax that is no higher than 14 percent.

I do not claim that cutting the capital gains tax rate will be a cure-all for all the ailments of society. One might conclude from what I have said that I believe that it is a panacea for every problem that we face. I do not think it is. But if we do look at the goals of ensuring that our children and grandchildren are not going to be saddled with horrendous debt in the future, if we look at our desire to increase the take-home wages for working Americans and if we look at our goal of boosting economic growth to ensure that the United States of America will be able to remain competitive internationally, it seems to me that going from 28 to 14 percent is the right thing to do.

And for my colleagues who have yet to cosponsor H.R. 14, I hope very much that they will respond to the many letters that my Democratic and Republican colleagues and I have sent around and join in cosponsoring this very important legislation.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. FILNER) to revise and extend his remarks and include extraneous material:)

Mr. FILNER, for 5 minutes, today.

(The following Members (at the request of Mr. DREIER) to revise and extend their remarks and include extraneous material:)

Mr. COLLINS, for 5 minutes, on May 16.

Mr. HULSHOF, for 5 minutes each day, on May 6 and 7.

Mr. HAYWORTH, for 5 minutes, on May 6.

Mr. SNOWBARGER, for 5 minutes, on May 6.

Mr. NEY, for 5 minutes, on May 6.

Mr. ROGAN, for 5 minutes, on May 6.

Mr. SUNUNU, for 5 minutes, on May 7.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FILNER) and to include extraneous matter:)

Mr. TOWNS.

Mr. SHERMAN.

Mr. KUCINICH.

(The following Member (at the request of Mr. DREIER) and to include extraneous matter:)

Mr. BONO.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 543. An act to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers; to the Committee on the Judiciary.

S.J. Res. 29. Joint resolution to direct the Secretary of the Interior to design and construct a permanent addition to the Franklin Delano Roosevelt Memorial in Washington, DC, and for other purposes; to the Committee on Resources.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

May 2, 1997:

H.R. 1001. An act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 11 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 6, 1997, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3070. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Karnal Bunt Regulated Areas [Docket No. 96-016-19] (RIN: 0579-AA83) received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3071. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's "Major" final rule—Karnal Bunt; Compensation for the 1995-1996 Crop Season [Docket No. 96-016-17] (RIN: 0579-AA83) received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3072. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Pink Bollworm Regulated Areas [Docket No. 97-023-1] received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3073. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Zoological Park Quarantine of Ruminants and Swine Imported from Countries Where Foot-and-Mouth Disease or Rinderpest Exists [APHIS Docket No. 94–136–2] received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3074. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Genetically Engineered Organisms and Products; Simplification of Requirements and Procedures for Genetically Engineered Organisms [APHIS Docket No. 95–040–4] (RIN: 0579–AA73) received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3075. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Electronic Filing of Disclosure Documents with the Commission [17 CFR Part 4] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3076. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Recordkeeping Reports by Futures Commission Merchants, Clearing Members, Foreign Brokers, and Large Traders [17 CFR Parts 1, 15, 16, and 17] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3077. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imazapyr; Pesticide Tolerances [OPP–300471; FRL–5599–8] (RIN: 2070–AB78) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3078. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the annual report on conditional registration of pesticides during fiscal year 1996, pursuant to 7 U.S.C. 136w–4; to the Committee on Agriculture.

3079. A letter from the Under Secretary of Defense (Comptroller), Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act—Army violation, case No. 96–03, which totaled $489,600, occurred in the fiscal year 1995 operation and maintenance, Army National Guard appropriation, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

3080. A letter from the Director, Defense Finance Accounting Service, Department of Defense, transmitting notification that the Defense Finance and Accounting Service [DFAS] is initiating a cost comparison study of DFAS accounting functions supporting the Defense Commissary Agency [DeCA], pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

3081. A letter from the Acting Assistant Secretary, Department of Defense, transmitting a corrected report to replace the original report numbered EC2882, and printed in the CONGRESSIONAL RECORD dated April 28, 1997; to the Committee on National Security.

3082. A letter from the Secretary of Defense, transmitting the Department's report on the event-based decision making for the F–22 aircraft program for the fiscal year for which the President has submitted a budget, pursuant to section 218 of the National Defense Authorization Act for fiscal year 1997; to the Committee on National Security.

3083. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Hispanic-Serving Institutions Work Study Program [Docket No. FR–4070–F–03] (RIN: 2528–AA06) received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3084. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of H.R. 412, pursuant to Public Law 101–508, section 13101(a) (104 Stat. 1388–582); to the Committee on the Budget.

3085. A letter from the Assistant Secretary, Department of Education, transmitting notice of final priorities and selection criteria—Safe and Drug-Free Schools and Communities National Programs: Federal Activities Grants Program, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3086. A letter from the Assistant Secretary, Department of Education, transmitting notice of final priorities and selection criteria—Safe and Drug-Free Schools and Communities National Programs: Grants to Institutions of Higher Education, pursuant to 20 U.S.C. 1232(f); to the Committee on Education and the Workforce.

3087. A letter from the Chairman, Harry S. Truman Scholarship Foundation, transmitting the Foundation's annual report for 1996, pursuant to 20 U.S.C. 2012(b); to the Committee on Education and the Workforce.

3088. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions—Phase IV: Treatment Standards for Wood Preserving Wastes, Paperwork Reduction and Streamlining, Exemptions from RCRA for Certain Processed Materials; and Miscellaneous Hazardous Waste Provisions [FRL–5816–5] (RIN: 2050–AE05) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3089. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution from Aircraft and Aircraft Engines; Emission Standards and Test Procedures [AMS–FRL–5821–3] (RIN: 2060–AF50) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3090. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendments to the Amateur Service Rules Including Amendments for Examination Credit, Eligibility for a Club Station License, Recognition of the Volunteer Examiner Session Manager, a Special Event Call Sign System, and a Self-Assigned Indicator in the Station Identification [WT Docket No. 95–57, RM–8301, RM–8418, RM–8462] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3091. A letter from the Chairman, Nuclear Regulatory Commission, transmitting the Commission's report entitled "Report to Congress on Abnormal Occurrences, Fiscal Year 1996," for events at licensed nuclear facilities, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

3092. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Definition of "prepared by or on behalf of the issuer" for Purposes of Determining if an Offering Document is Subject to State Regulation [Release No. 33–7418; File Number S7–6–97] (RIN: 3235–AH14) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce

3093. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DTC–32–97), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

3094. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report entitled "Assistance Related to International Terrorism Provided by the U.S. Government to Foreign Countries," pursuant to 22 U.S.C. 2349aa–7(b); to the Committee on International Relations.

3095. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule—Revisions and Clarifications to the Export Administration Regulations (Bureau of Export Administration) [Docket No. 970306044–7044–01] (RIN: 0694–AB56) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3096. A letter from the Chairman, District of Columbia Retirement Board, transmitting the Board's annual report of activities for fiscal year 1996, pursuant to D.C. Code, Section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

3097. A letter from the Chairman, Federal Communications Commission, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3098. A letter from the Executive Director, Federal Labor Relations Authority, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3099. A letter from the Independent Counsel, Office of Independent Counsel, transmitting the fiscal year 1996 annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3100. A letter from the Director, Office of Management and Budget, transmitting a copy of the report, "Agency Compliance with Title II of the Unfunded Mandates Reform Act of 1995," pursuant to 2 U.S.C. 1538; to the Committee on Government Reform and Oversight.

3101. A letter from the General Counsel, Office of Management and Budget, transmitting the Office's final rule—Classification, Downgrading, Declassification and Safeguarding of National Security Information [5 CFR Part 1312] (RIN: 0348–AB34) received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3102. A letter from the Secretary, The Commission on Fine Arts, transmitting the Commission's annual report on the activities of the inspector general for fiscal years 1995 and 1996, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3103. A letter from the Secretary, The Commission on Fine Arts, transmitting the fiscal year annual report under the Federal Managers' Financial Integrity Act [FMFIA] of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform and Oversight.

3104. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations at 11 CFR Part 104 governing recordkeeping and reporting by political committees: best efforts, pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

3105. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Protection and Enhancement of Environmental Quality; Technical and Clarifying Amendments [Docket No. FR–2206–F–04] received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3106. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Final Rule to List the Barton Springs Salamander as Endangered [50 CFR Part 17] (RIN: 1018–AC22) received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3107. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Management Measures to Reduce Seabird Bycatch in the Hook-and-Line Groundfish Fisheries [Docket No. 970226037–7094–02; I.D. 022197F] (RIN: 0648–AJ39) received May 2, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Resources.

3108. A letter from the Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Threatened Fish and Wildlife; Change in Listing Status of Stellar Sea Lions Under the Endangered Species Act [Docket No. 961217358–6358–01; I.D. 041995B] (RIN: 0648–xx77) received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3109. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 042897A] received May 2, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Resources.

3110. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands [Docket No. 961107312–7021–02; I.D. 042897B] received May 2, 1997, pursuant to 5 U.S.C. 801 (a)(1)(A); to the Committee on Resources.

3111. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1996, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

3112. A letter from the Acting General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Revision of HUD's Fair Housing Complaint Processing [Docket No. FR–4031–F–02] (RIN: 2529–AA79) received April 25, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3113. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Grants Program for Indian Tribes (Office of Justice Programs) [OJP No. 1099] (RIN: 1121–AA41) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3114. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—State Criminal Alien Assistance Program (Office of Justice Programs) [OJP (BJA) No. 1010] (RIN: 1121–AA24) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3115. A letter from the Assistant Attorney General, Department of Justice, transmitting the Department's final rule—Young American Medals Program (Office of Justice Programs) [OJP No. 1078] (RIN: 1121–AA37) received April 24, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3116. A letter from the Chairman, U.S. Sentencing Commission, transmitting the Commission's amendments to the sentencing guidelines, policy statements, and commentary, pursuant to 28 U.S.C. 994(p); to the Committee on the Judiciary.

3117. A letter from the Chairman, U.S. Sentencing Commission, transmitting a report and recommendations on cocaine and Federal sentencing policy pursuant to section two of Public Law 104–38, pursuant to Public Law 104–38, section 2(a) (109 Stat. 334); to the Committee on the Judiciary.

3118. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Corson Inlet, Strathmere, New Jersey (U.S. Coast Guard) [CGD05–96–101] (RIN: 2115–AE47) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3119. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Tampa Bay, Florida (U.S. Coast Guard) [COTP Tampa–97–022] (RIN: 2115–AA97) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3120. A letter from the Chairman, Surface Transportation Board, transmitting the Board's final rule—Regulations for the Publication, Posting and Filing of Tariffs for the Transportation of Property by or with a Water Carrier in the Noncontiguous Domestic Trade [STB Ex. Parte No. 618] received April 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3121. A letter from the Acting Secretary of Labor, transmitting the Department's third report on the impact of the Andean Trade Preference Act on U.S. trade and employment from 1994 to 1995, pursuant to Public Law 102–182, section 207 (105 Stat. 1244); to the Committee on Ways and Means.

3122. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-In, First-Out Inventories [Rev. Rul. 97–22] received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3123. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—Tax Forms and Instructions [Rev. Proc. 97–25] received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3124. A letter from the National Director, Tax Forms and Publications Division, Internal Revenue Service, transmitting the Service's final rule—General Rules for Filing and Specifications for the Private Printing of Substitute Forms W–2 and W–3 [Rev. Proc. 97–24] received April 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3125. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Credit for Producing Fuel from a Nonconventional Source, 29 Inflation Adjustment Factor, and 29 Reference Price [Notice 97–28, 1997–18 I.R.B.] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3126. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, transmitting the 22d annual report of the Corporation, which includes the Corporation's financial statements as of September 30, 1996, pursuant to 5 U.S.C. 1308; jointly, to the Committees on Education and Workforce and Ways and Means.

3127. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the President proposes to exercise his authority under section 614(a)(1) of the Foreign Assistance Act of 1961, as amended, the "Act", to provide a contribution to the Korean Peninsula Energy Development Organization [KEDO], pursuant to 22 U.S.C. 2364(a)(1); jointly, to the Committees on International Relations and Appropriations.

3128. A letter from the Attorney General of the United States, transmitting the 1996 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on Intelligence (Permanent Select) and the Judiciary.

3129. A letter from the Fiscal Assistant Secretary, Department of the Treasury, transmitting the Department's March 1997 "Treasury Bulletin," pursuant to 2297(g), and 31 U.S.C. 331(b); jointly, to the Committees on Ways and Means, Commerce, Transportation and Infrastructure, Education and the Workforce, Resources, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 584. A bill for the relief of John Wesley Davis; with an amendment (Rept. 105–87). Referred to the Committee of the Whole House. Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FILNER (for himself, Mr. Stupak, Mr. Frost, Mr. Underwood, Mr. Manton, Mr. Bonior, Mr. Ackerman, Ms. McKinney, Mr. English of Pennsylvania, Mr. Traficant, and Mr. Martinez):

H.R. 1529. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax to individuals who are active participants in neighborhood crime watch organizations which actively involve the community in the reduction of local crime; to the Committee on Ways and Means.

By Ms. JACKSON-LEE (for herself, Ms. McKinney, Mrs. Meek of Florida, Mrs. Tauscher, Ms. Kilpatrick, Mrs. Lowey, Mrs. Morella, Ms. Velázquez, Ms. Millender-McDonald, Mr. Bishop, Mr. Pallone, Mr. Wexler, Ms. Stabenow, Ms. McCarthy of Missouri, Ms. Roybal-Allard, Mr. Bentsen, Ms. DeLauro, Mr. Hinojosa, Mr. Rodriguez, Mr. Reyes, and Mr. Serrano):

H.R. 1530. A bill to schedule Gamma y-hydroxybutyrate in schedule I of the Controlled Substances Act and to schedule Ketamine in schedule II of such Act, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SLAUGHTER:

H.R. 1531. A bill to amend title 28, United States Code, relating to jurisdictional immunities of the Federal Republic of Germany, to grant jurisdiction to the courts of the United States in certain cases involving acts of genocide occurring against certain individuals during World War II in the predecessor states of the Federal Republic of Germany, or in any territories or areas occupied, annexed, or otherwise controlled by those states; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Ms. Kilpatrick and Mr. Engel.

H.R. 350: Mr. Holden, Mr. Lipinski, Mr. Tiahrt, Mr. Whitfield, Ms. Furse, Mr. Pascrell, Mr. Kennedy of Rhode Island, Mr. Schumer, Mr. Brown of Ohio, Mr. Poshard, Mr. Bonior, Mr. Traficant, and Mr. Klink.

H.R. 367: Mr. Engel.

H.R. 445: Mr. Martinez and Mr. Traficant.

H.R. 475: Ms. Kaptur.

H.R. 816: Mr. Barcia of Michigan.

H.R. 896: Mr. Blumenauer.

H.R. 959: Mr. Ramstad, Mr. Barrett of Wisconsin, Mr. Coburn, Mr. Ackerman, Ms. Furse, Ms. Norton, Mr. Meehan, Mr. Martinez, Ms. Pelosi, Mr. Berman, Ms. Lofgren, Mr. Lewis of Georgia, Mr. Thompson, Mr. Lipinski, Mr. Manton, Mr. Kucinich, Ms. Rivers, and Mr. Traficant.

H.R. 1006: Mr. Gibbons.

H.R. 1007: Mr. Riley.

H.R. 1008: Mr. Dellums and Mr. Frank of Massachusetts.

H.R. 1146: Mrs. Chenoweth.

H.R. 1178: Mr. Fazio of California.

H.R. 1232: Mr. Bonior and Mr. Thomas.

H.R. 1283: Mr. Aderholt, Mr. Pombo , Mr. Weldon of Florida, Mr. Crapo, Mr. Porter, Mr. Dan Schaefer of Colorado, Mr. Bartlett of Maryland, and Mr. Cooksey.

H.R. 1437: Mr. Solomon, Mr. Allen, and Mr. Fattah.

H.R. 1450: Mr. Gutierrez, Mr. Jackson, Mr. Fattah, and Mr. Martinez.

H.R. 1492: Mr. Deal of Georgia and Mr. Baker.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 50: Page 152, line 2, strike "and".

Page 152, line 6, strike the period and insert "; and".

Page 152, after line 6, insert the following:

(7) how the agency will comply with the requirement under subsection (k)(3), if applicable.

Page 153, after line 15, insert the following:

(3) REPLACEMENT REQUIREMENT FOR PHA'S WITH LONG WAITING LISTS.—In the case only of public housing agencies having waiting lists for occupancy in public housing that contain 9,000 or more families at the time of demolition or disposition, the agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides an additional safe, clean, healthy, and affordable dwelling unit for each public housing dwelling unit to be demolished or disposed of. Such additional dwelling units may be provided for through acquisition or development of additional public housing dwelling units or as provided under paragraph (1).

H.R. 2

OFFERED BY: MR. MORAN OF VIRGINIA

AMENDMENT NO. 51: Page 99, after line 11, insert the following new subsection:

(e) OPTIONAL TIME LIMITATION ON OCCUPANCY BY FAMILIES FOR PHA'S WITH WAITING LISTS OF 1 YEAR OR LONGER.—

(1) 5-YEAR LIMITATION.—A public housing agency described in paragraph (2) may, at the option of the agency and on an agency-wide basis, limit the duration of occupancy in public housing of each family to 60 consecutive months. Occupancy in public housing occurring before the effective date of this Act shall not count toward such 60 months.

(2) APPLICABILITY ONLY TO PHA'S WITH WAITING LISTS OF 1 YEAR OR LONGER.—A public housing agency described in this paragraph is an agency that, upon the conclusion of the 60-month period referred to in paragraph (1) for any family, has a waiting list for occupancy in public housing dwelling units that contains a sufficient number of families such that the last family on such list who will be provided a public housing dwelling unit will be provided the unit 1 year or more from such date (based on the turnover rate for public housing dwelling units of the agency).

(3) EXCEPTIONS FOR WORKING, ELDERLY, AND DISABLED FAMILIES.—The provisions of paragraph (1) shall not apply to—

(A) any family that contains an adult member who, during the 60-month period referred to in such paragraph, obtains employment; except that, if at any time during the 12-month period beginning upon the commencement of such employment, the family does not contain an adult member who has employment, the provisions of paragraph (1) shall apply and the nonconsecutive months during which the family did not contain an employed member shall be treated for purposes of such paragraph as being consecutive;

(B) any elderly family; or

(C) any disabled family.

(4) PREFERENCES FOR FAMILIES MOVING TO FIND EMPLOYMENT.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(5) PREFERENCES FOR FAMILIES MOVING TO FIND EMPLOYMENT.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) EMPLOYMENT.—The term "employment" means employment in a position that—

(i) is not a job training or work program required under a welfare program; and

(ii) involves an average of 20 or more hours of work per week.

(B) WELFARE PROGRAM.—The term "welfare program" means a program for aid or assistance under a State program funded under part A of title IV of the Social Security Act (as in effect before or after the effective date of the amendments made by section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

SENATE—*Monday, May 5, 1997*

The Senate met at 12:01 p.m., and was called to order by the Honorable PAT ROBERTS, a Senator from the State of Kansas.

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, our purpose is to glorify You by serving our Nation. We want to express energetic earnestness about our work today. Help us to know what You want and then want what we know; to say what we mean, and mean what we say. Give us resoluteness and intentionality. Free us to listen to You so intently that we can speak with intrepidness. Keep us in the battle for truth rather than ego skirmishes over secondary issues. Make us party to Your plans so we can give leadership to our parties, and then help our parties to work together to accomplish Your purposes. Make us one in the earnestness of patriotism.

Before us is a new week filled with more to do than we can accomplish on our own strength. Grant the Senators intellectual, emotional, and volitional strength to envision a week in which what is truly important gets done. Help them expeditiously to move through the supplemental appropriations legislation and amendments listening to each other and making guided decisions. Lift our anchors out of the mud of any combative competition, lift our sails, and remind us that it is Your set of our sails and not the gales that determine where we shall go. In the name of our Lord and Savior. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, May 5, 1997.

To the Senate:

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable PAT ROBERTS, a Senator from the State of Kansas, to perform the duties of the Chair.

STROM THURMOND,
President pro tempore.

Mr. ROBERTS thereupon assumed the chair as Acting President pro tempore.

Mr. MURKOWSKI addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair and wish the occupant a good day.

COMPLIMENTING THE CHAPLAIN

Mr. MURKOWSKI. Mr. President, I compliment the Chaplain for the inspirational message, which I think challenges us all to focus in on the priorities.

SCHEDULE

Mr. MURKOWSKI. Mr. President, on behalf of the leader, for the information of all Senators, today the Senate will begin consideration of Senate bill 672, the supplemental appropriations bill. Amendments are expected to be offered to this bill today. However, there will be no votes during today's session. The majority leader will notify all Members as early as possible with respect to rollcall votes on these amendments which will occur during Tuesday's session of the Senate.

It is the intention of the majority leader that the Senate complete action on this important bill this week. The Senate could also be asked to turn to any other Legislative or Executive Calendar items that can be cleared for action.

As always, the majority leader will notify Senators as soon as any agreements are reached on scheduling votes on the supplemental appropriations bill or on other matters.

I thank my colleagues for their attention.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 1 p.m, with Senators permitted to speak therein for not to exceed 5 minutes each.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 691 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

THE BUDGET AGREEMENT

Mr. WELLSTONE. Mr. President, I rise to speak about the budget agreement. Let me start out with a little bit of context. I will just read a figure from the fine work of the Center on Budget Priorities. In the last Congress, the 104th Congress, more than 93 percent of the budget reductions in entitlement programs came from programs for low-income people.

Mr. President, in the last Congress, we cut about $50 billion in assistance for legal immigrants and also in the major food and nutrition program in this country, the Food Stamp Program. Please remember, Mr. President, that the vast majority of the beneficiaries of the Food Stamp Program are children in working-poor families, on the average, with an income of below $6,500 a year. Those benefits were cut by 20 percent over the next 5 years—a 20-percent cut.

Mr. President, I give that by way of background because now we have a budget agreement, and I suppose it can be argued that an agreement is good because you have people coming together. But the question is: At what cost?

Mr. President, I don't see much of a standard of fairness in this agreement. I suppose, in many ways, my challenge is more to Democrats than to Republicans when I speak here on the floor. I think that when we go through this budget and we look at the cuts in discretionary programs, we will find, again, that, inevitably, the disproportional number of these cuts will be in programs that are most important to the most vulnerable citizens in this country. Many of them are poor children in America. I do know, Mr. President, that the discretionary part of this budget in relation to GDP is the lowest percentage it has been in 40 years.

Mr. President, if I juxtapose what will be further reductions in assistance for some of the most vulnerable citizens in our country on top of what we did in the last Congress, with $85 billion over the first 5 years and another $165 billion over the next 5 years, $250 billion in tax cuts, and then looking from about 2008 to 2017, about an additional $400 billion as you look at the impact of cuts in capital gains tax and estate tax, many of those benefits will flow to the top 1, 2, 3 percent of the population.

I want to just ask my colleagues, and I would like to ask the President: Where is the standard of fairness? Where is the standard of fairness? Where is our soul as a party that has a reputation for being willing to fight for ordinary people, being willing to fight for working people and working families, being willing to fight for opportunities for children.

Mr. President, I think we have to be very careful about what I would call, for use of a better description, symbolic politics. What do I mean by that? I mean, Mr. President, that if you look at this budget and you think back to just a few weeks ago, with the conference at the White House on the development of the brain and the importance of early childhood development and what we must do to make sure that every woman expecting a child has an adequate diet, make sure there is nutrition for children, to make sure that there is health care for children, and to make sure that there is intellectual development and good child care, remembering that one out of every four children in our country are growing up poor in America and one out of every two children of color are growing up poor in America. Mr. President, I don't see in this budget anything that advances the cause of these children. I see only a retreat. Where is the investment? Where is the investment in our children?

Mr. President, we have been focusing on the budget deficit. How about the investment deficit? How about the spiritual deficit? I thought that now that the medical evidence is irrefutable and irreducible and so compelling that if we don't get it right for all of God's children in our country in their early years, they may never come to school ready to learn, and they certainly will not be ready for life. I thought we were going to make investments to make sure they had opportunities.

This budget still doesn't fully fund the Head Start Program. I could explain that when there was a Republican President, President Reagan or President Bush. I have a hard time explaining that with a Democrat President.

On the supplemental, in the Senate and House, we are still in a battle to make sure that we get the WIC funding that we need. We are still not there. Mr. President, I read a foundation report. David Packard, who used to be Undersecretary of Defense with President Reagan, points out that whether it is child care at home, or whether it is center-based child care, or whether you need to do to have more child care at a place of business, however you look at it—and we are not talking about just poor children or low-income families, we are talking about the vast majority of families in our country who are concerned about how to make a decent living and also how to give their children the care they know their children deserve. I think of our own children. Sheila and I have children in their twenties and early thirties. They have children, and I think of their incomes and the cost of child care and how important this is for families. Where is the investment? Where is the investment?

Mr. President, I just suggest that there is something wrong. There is something terribly wrong. There is a quiet crisis in a Nation—our Nation—when we don't do better for our children. We have conferences and say we are for children and we love to have our photos taken next to children, and we don't make the investment. We now know the neuroscience evidence is compelling that children must have good nutrition and health care, and there certainly must be affordable, good child care, however delivered, at the local community level, and we know it is going to require some funding and investment. That is not in this budget agreement. Have we now locked ourselves in, over the next 5, 6 years, to saying we will not make this investment?

Mr. President, I say to my own colleagues—Democrats—in the past month or so, we have beamed back to our homes pictures of dilapidated school buildings. We were going to focus on doing something about too many rotting schools in our Nation. We, as Democrats, were going to take a stand on this, and we should. Mr. President, it is not exactly the right message for children when they go into schools, whether it be in Anacostia, 2 miles from here, or in any of our States in some of our inner city neighborhoods and the buildings are dilapidated, the toilets don't work, the heating doesn't work. We are saying to these children: We don't care about you. We don't give a damn about you.

Mr. President, that is a Federal responsibility. That is infrastructure. And Democrats, we beam these pictures back of these buildings and we are the party of commitment. Well, Mr. President, in this budget agreement, the $5 billion plan for school renovation was knocked out. Now, actually, it would cost much more than that. It was knocked out. It was abandoned. So, to my colleagues, let's not say that we are concerned about rotting school buildings for too many children in America and then sign on to a budget agreement that doesn't invest one cent —one cent—in making sure that these are safe buildings for our children. Let's not do that. That is just symbolic politics. That is symbolic politics at its worst.

Mr. President, we don't even take a baby step toward investment in children and opportunities for children. We don't even make a dent at all. At the same time, we are going to have $250 billion of tax cuts, a large percentage of which benefits those at the very top of the income ladder, at the same time we have done precious little by way of reductions in Pentagon budget, and at the same time this other whole area that apparently we really don't want to go after in any significant degree, called corporate welfare, the loopholes and deductions for a variety of interests in the country, remains almost untouched. What kind of standard of fairness is that?

Mr. President, we have a quiet crisis in a nation that believes we can go forward as a national community with two Americas. We can't do that. There is another America. Unfortunately, that other America includes many children who will never have a chance to reach their full potential if we as a Senate and a House of Representatives do not make some investment in their future. This budget is a budget without a soul when it comes to the concerns and circumstances of these children.

So, Mr. President, when it comes to investment in children and education, I do not believe I am articulating a position that is one that people in the country don't support. I believe people believe that this is the goodness of our country. This is the American dream to make sure that every child has these opportunities. We have set the bar in this budget agreement right here. I want the bar to be set up here. If my colleague, Paul Simon, from Illinois was here today he would say that we can do better. Mr. President, we can do better.

So I am going to come to the floor of the Senate with some amendments. These amendments are going to call for us to do better. These amendments are going to essentially say to the people in the country, "Don't judge us by the words we speak. Judge us by the budgets that we write." These amendments are going to say to colleagues, "Please don't separate the legislative lives you live from the words you speak." And, if you say you are for the children, and you say early childhood development is so important, and you say you are for a quality of opportunity for every child, regardless of color of skin, regardless of rich, or poor, regardless of urban, or rural, then clearly we are going to have to do better. If you say that we should not have these rotting schools in our country—and what all of the local school districts say to us in their plea to us is important and please invest some money in infrastructure, then you have to invest. That has to be in the budget. And, if you say that you understand that these early years are so important, you know it as a father or as a mother, you know it as a grandfather, or a grandmother—we have always known intuitively how important these early years are—and they are important for all children. And children don't do well in school, if they don't have an adequate diet. And children don't do well in school, if they are in pain or discomfort because they haven't been able to receive medical care. And children don't do well in school, if they have not had really good child care that nurtures their development, whether they are at home, or one or both parents are working. And, if you say all of that—and almost all of you do—it is time to invest. Time is not neutral for these children. We keep talking about the children.

So, Mr. President, I am going to introduce a number of amendments to take the bar up here. I might lose, or I might win. But I am going to really fight hard. I would just say to the President "Mr. President,"—I am talking now to the President at the White House, President Clinton—"we can do better."

I don't see the standard of fairness. I don't see an agreement with major tax cuts, and so much revenue lost over the next 10 years and 20 years to the tune of hundreds of billions of dollars benefiting many people who do not even need the assistance, and at the same time a budget agreement that represents a retreat and abandon of too many children in America.

We have had enough conferences. Enough books have been written. Enough pleas have been made. There has been enough blitz. It is time now that we match our words with the deeds. And the deed is to make this investment.

Mr. President, this will be my major priority over the next month to come in the U.S. Senate.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent that I have permission to speak for approximately 5 minutes.

The PRESIDING OFFICER. The Senator is recognized for that purpose.

Mr. THOMAS. Thank you, Mr. President.

FREEDOM FROM GOVERNMENT COMPETITION ACT

Mr. THOMAS. Mr. President, I come to the floor this morning to talk about one of my top priorities for the 105th Congress. That is the Freedom From Government Competition Act.

I am struck by the fact that we are considering now the supplemental appropriations bill and debate on it will last, I am sure, all week. Then next week we will consider the budget which will take at least another week of debate. During these deliberations, we will talk about funding the essentials of Government which, of course, is one of Congress' most important tasks. But, unfortunately, it seems to me that we spend an awful lot of time on the budget and on appropriations and funding the Government in the form it is currently in, and less time than we should talking about the changes that we ought to make in the Government.

So, while I am on the floor today, I want to mention a couple of bills I have sponsored to change the role of the Federal Government. One is the biennial budget. I think we really ought to consider going to a biennial budget in this Congress as we do in many States so that we can deal with the budget once every 2 years. Agencies would do a better job with 2 years of funding because they would have some stability in their funding levels. Certainly we can look at least 2 years ahead in terms of budget, so that Congress has a whole year to talk about some of the reforms that ought to take place; that ought to change in Government.

I am persuaded that without some overt changes, without fundamental changes brought about by the Congress, that Government just continues to go on, just continues to grow, just continues to expand. It is the nature of government.

Quite frankly, according to one of the studies by GAO regarding one agency that I just read this weekend, there is no real accountability in terms of spending. So that accountability in terms of what you do with the money and the results that you have in the Government agencies are largely the responsibilities of the Congress.

Congress does not have time to do that. We spend too much of our time with the budget, too much of our time with appropriations. One of the other things that we ought to do, in my opinion, is to ensure that the Government is not competing with the private sector in areas that are basically commercial in nature that could better be done and could more cheaply be done through outsourcing.

My legislation, the Freedom From Government Competition Act, has the potential to open up a $30 billion market for our Nation's businesses, mostly small businesses, to have an opportunity, by contract, to fulfill the commercial needs of the Federal Government. It would level the playing field for thousands of our Nation's businesses that span the economic spectrum of this whole country, from mundane things to very high tech things, from janitorial services, hospitality and recreation services, to engineering services, laboratories and testing services—those functions that are commercial in nature that are now done by the Government that could better and likely more inexpensively be done in the private sector.

The bill is quite simple, as a matter of fact. It simply says that OMB would take a look at all the activities and functions of Government, would identify those that are commercial in nature, and then create a fair and competitive process to outsource those activities to the private sector. Of course, not only does the bill answer the call of the American people to limit the size of Government and encourage the private sector—but it has a great deal of value in terms of the Federal budget. The taxpayers could save many billions of dollars. The interesting part of this concept is that it has been around for a very long time. For over 40 years we have been dealing with this issue. It has been the Federal Government's policy to contract out for over 40 years. Unfortunately, it has not worked. The evidence is that it has not worked. In fact, I recently ran across an excerpt of a 1954 Congressional Quarterly Almanac that details how the current policy came into existence.

Mr. President, I ask unanimous consent that this article be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Congressional Quarterly Almanac, 1954]

BUSINESS COMPETITION FROM GOVERNMENT

HR 9835—Reported by House Government Operations Committee (H. Rept. 241) July 21, 1954.

Passed by the House, amended, July 24 by voice vote.

Reported by Senate Government Operations Committee, with amendment, Aug. 10 (S. Rept. 2382).

Legislation (HR 9835) aimed at putting an end to government operations which were in competition with private enterprise cleared the House, and it was subsequently reported by the Senate Government Operations Committee. No further action was taken on the measure during the 1954 session.

BACKGROUND

The Intergovernmental Relations Subcommittee of the House Government Operations Committee held hearings in June, 1953, on federal activities in commercial and industrial fields. The hearings, which concentrated on areas where the government might be in competition with private business began June 9 and were concluded June 16.

A list compiled by the Subcommittee noted 86 commercial and industrial activities in the federal government. Among them were: 31 manufacturing items (including coffee roasting, dentures, sleeping bags, aluminum and atomic energy); seven fields of transportation; 26 service activities (including commissaries, power plants, insurance and fish hatcheries); six construction; seven maintenance; and nine miscellaneous activities (research and development to fur sealing);

Testimony

June 9. First witness was Rep. Clarence J. Brown (R. Ohio) who said military commissaries presented a "real threat to free enterprise" because of their competition with private business. Rowland Jones, Jr., representing the American Retail Foundation, said post exchanges were like big department stores except their prices were 25 per cent lower.

In a discussion of whether the Boston Navy Yard's ropewalk, where Navy rope was made, should be retained, the Cordagee Institute, a trade organization, said the mill was unduly competitive with private industry, costly to taxpayers, and private enterprise was capable of filling government needs at reasonable prices.

Rep. Thomas P. O'Neill, Jr., (D. Mass.) said he believed the ropewalk operation should continue. David Himmelfarb, representing employees at the ropewalk, supported retention of the operation.

June 10, Craig R. Sheaffer, Assistant Secretary of Commerce, said his Department would work with the Subcommittee to minimize instances of unfair government competition.

June 11. Witnesses who testified on instances where they said the government was offering unfair completion to private businesses were Robert H. North, International Association of Ice Cream Manufacturers; Hap Holliday, California Retail Grocers; and C.E. Herington, Metal Treating Institute.

Liquor sold on Army posts

June 16. The group was told by Benjamin Josephs, representing the National Retail Liquor Package Stores, Inc., that illegal liquor sales on military posts were cutting in on private businesses, causing big tax losses, misusing government personnel and disrupting distribution of alcoholic beverages.

Clem D. Johnston, a vice president of the Chamber of Commerce of the U.S., called for a complete review and curtailment of the "Defense Department's vast empire of commercial and industrial enterprise." He said that Department was competing with private enterprise "in nearly very segment of our economy."

Thomas B. Crowley of San Francisco, representing West Coast tugboat and marine salvage operators, urged that the Navy be removed from the salvage business. He said private business could do it more efficiently and cheaply.

Wilson takes action

Secretary of Defense Charles E. Wilson Dec. 15, 1953 ordered the military services to discontinue iron and steel processing and other business activities which could be performed satisfactorily by private firms.

Rep. Cecil M. Harden (R. Ind.), chairman of the Intergovernmental Relations Subcommittee, said Dec. 23 the National Coffee Association had recommended that the government close its coffee roasting plants and utilize the services of commercial roasters exclusively. Mrs. Harden said that this step would "save millions of dollars to the government annually."

Defense Department policy

Quoting the directive from Secretary of Defense Wilson which stated that it was the policy of the Department of Defense "not to engage in the operation of industrial or commercial type facilities unless it can be demonstrated that it is necessary for the government itself to perform the required work." Mrs. Harden announced that the first step in putting the directive into effect might be the closing of most of the 61 military plants processing scrap iron.

HOUSE

Committee, Government Operations.

Reports. On Feb. 9, 1954, it filed a report (H. Rept. 1197) in which its Subcommittee on Intergovernmental Relations recommended "vigorous" action to curb governmental operations in commerce and industry.

Eleven Democratic members of the Committee refused to sign the report, objecting in "additional views" to "generalization" and "hazy conclusions" which could make the report "a political document."

The Committee June 16 approved three intermediate reports from the Subcommittee on Intergovernmental Relations regarding its study of the federal government in business competition with private enterprise. The reports dealt with government-owned sawmills, plants for processing ferrous scrap, and the like.

Government steel plant

In the report on iron and steel the Subcommittee said the armed services and Atomic Energy Commission should reevaluate the need for retaining government-owned plants for processing iron and steel scrap, and that no major equipment should be purchased or installed until this was done.

LEGISLATION

Hearings. July 14–19 on three related bills, H.R. 8832, H.R. 9834, and H.R. 9835, dealing with the matter of government business competition with private enterprise.

Testimony, July 14. Witnesses included Reps. Harden, Frank C. Osmers, Jr. (R. N.J.), and Thomas B. Curtis (R. Mo.).

July 15. Witnesses were representatives and officials of taxpayers' associations, small-business groups, retail federations and industry organizations.

July 19. Spokesmen for the Departments of Defense and Commerce and the Budget Bureau testified that federal agencies were placing government contracts and production into competitive free enterprise where possible, particularly activities previously performed by the federal government.

Bill reported

The Committee July 21 reported a bill (H.R. 9835—H. Rept. 2441) designed to get the government out of commercial activities that were in competition with private enterprise.

As reported, the bill carried the following provisions:

Declare it the policy of Congress that the Federal government should not engage "in business-type operations competitive with private enterprise" except when there was a proven necessity for it.

Request the President to make a survey, through the Commerce Department, of government commercial activities with a view to ending those not essential. The President, however, would not be permitted to terminate any activities expressly authorized by Congress.

Provide that the President make an annual report to Congress on these operations.

FLOOR ACTION

The House passed HR 9835 by voice vote July 24 without floor amendments. Rep. William L. Springer (R Ill.) said the nation was "becoming more aware of the inefficiency and high costs—all things considered—of government operation of business-type facilities and services."

SENATE

Committee. Subcommittee on Legislative Program, Government Operations.

Hearing. Aug. 9 on HR 9835.

Testimony. Otis H. Ellis, general counsel of National Oil Jobbers Council, objected to Armed Services post exchanges running gasoline service stations. He said the bill lacked "teeth" but "is at least a start in the right direction."

Other testimony favoring the legislation was received from American Retail Federation, National Associated Businessmen, Inc., and the Investors League of America.

Opposition statements came from three AFL groups: International Association of Machinists, the Metal Trades Council and the American Federation of Government Employees.

Bill reported

The Committee Aug. 10 reported HR 9835 (S. Rept. 2382) with an amendment in the nature of a substitute.

Senate Committee recommendations were to:

State clearly the legislative policy that the federal government "desires to encourage private competitive enterprise to the maximum extent compatible with national security" and that the government shall not engage in business-type operations in competition with private enterprise except where necessary.

Authorize the President to end any commercial competitive federal activity not specifically provided for by law, provided the termination would not impair an essential federal operation, adversely affect the national security, or result in or contribute to monopolization of trade or commerce.

Provide for Commerce Department examination of complaints of federal competition with private enterprise, and action toward eliminating such activities.

Provide for a Presidential survey of federal commercial operations, and submission of an annual report to Congress on the subject.

GROUP STANDS

National Associated Businessmen, Inc., a group seeking to "get government out of business," waged a nationwide campaign for passage of HR 3832, a bill introduced by Rep. Frank C. Osmers, Jr. (R. N.J.) to achieve this objective.

The Chamber of Commerce of the United States announced July 30 it had sent a letter to Sen. Joseph R. McCarthy (R Wis.), chairman of the Senate Government Operations Committee, urging passage of legislation being considered by his group which, the Chamber said, would curb government competition with private business. The letter declared that S. 3794 or a similar House bill (HR 9835) would "help identify government products and services which business and industry can provide fully as well."

Mr. THOMAS. In 1954, the House of Representatives passed a bill numbered H.R. 9835, legislation to require the executive branch to increase its reliance on the private sector—1954. Among the concerns addressed by the bill were manufacturing, construction and service activities of the Federal Government. Final action on the bill was dropped only upon assurance from the Executive Branch that it would implement the policy administratively. Bureau of the Budget Bulletin 55–4 was issued in 1955, prohibiting agencies from carrying on any commercial activities which could be provided by the private sector. Unfortunately, today we face exactly the same problems Congress faced in 1954. The Federal Government continues not only to compete with the private sector by providing its own goods and services but it also competes with the private sector to provide those goods and services for some other unit of Government or to other private sector entities. Of course, that unfair competition kills private-sector jobs, stifles the economy, erodes the tax base, and hurts small business.

One of the top issues the last several times the small business community has held their White House conference—in 1980, 1986, and 1994—was provision for an opportunity to fairly compete. To do that, of course, you have to have a process which takes into account all of the costs for the Federal Government and the private sector and consider other issues like past performance in order to have a fair comparison. It also means over time an agency, if it were going to do a lot of contracting, would change its structure. Instead of being designed to perform these functions and contract out, you would pare the agency down to where its real expertise would be in oversight and supervision of functions that were to be done.

The bill that we have introduced, which I would like to encourage my fellow Senators to consider, codifies the policy that the Government should rely on the private sector for its commercial needs. There are exceptions, of course—inherently governmental functions and exemptions for national security concerns. In addition, the Federal Government, if it can provide a better value to the taxpayer, should do it. But if the private sector can provide a better value to American taxpayers, it should have a chance to do it.

It also provides for OMB to examine these issues and establishes an office of commercial activities within OMB to implement the bill.

Mr. President, I hope that we do consider some of these kinds of changes. The climate is right for action. Congressman DUNCAN, with whom the Senator from Kansas and I both served in the House, has introduced a companion bill. The Senate is already on record in support of this bill. Last year, the Senate voted 59 to 39 in favor of an amendment to the Treasury, Postal appropriations bill that would have prevented unfair Government competition. Unfortunately, it was dropped from the omnibus appropriations bill. It should be a high priority. We ought to be doing some of these things that create fundamental change in the Federal Government. We are going to seek to balance the budget. We will see in the future the benefit of setting those kinds of priorities. If we could save $30 billion annually through this concept, that is a sizable amount of savings which could be transferred to something else or help balance the budget.

In summary, let me say again I think it is a shame we simply go on year after year talking about the same agenda over time, the same kind of Government operation, without taking a look at some of the ways it could be changed. The private sector operates differently, it has to evolve over time. If it does not change, it bows out; it goes out of business.

So there is a compelling reason to make the changes. The Government by its nature—and there is nothing wrong with the people; it is the nature of the beast—does not change unless there are changes forced upon it, and, frankly, programs are developed and they have an advocacy in the country and they just do not change. I think that is our responsibility. It is our responsibility to evaluate the effectiveness, to evaluate not only what is done or how many dollars are spent but results. We are in the process now of implementing a result-oriented law that was passed a couple of years ago, and by this spring each agency is to have a fundamental, systemic plan that measures results. My bill is consistent with that effort.

Mr. President, I urge my fellow Members of the Senate to consider some fundamental changes in the Federal Government which would allow for many of our small businesses to meet its commercial needs and provide a better value to American taxpayers than they are currently getting.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

THE CUSTOMS ENFORCEMENT AND MARKET ACCESS ACT

Mr. BYRD. Mr. President, I am pleased to be an original cosponsor of S. 646, the Customs Enforcement and Market Access Act, introduced by the senior Senator from Kentucky, Mr. FORD. This measure would provide the American textile and apparel industry with clear oversight and enforcement of U.S. trade law, and the means to mobilize the industry's capability to compete in the increasingly competitive global market.

For years, the U.S. textile and apparel sectors have been struggling to overcome the burdens of trade agreements that appear to mercilessly alter the textile and apparel quotas and tariffs systems, without offering the synergies necessary to compete under the new rules. Unfortunately, these burdens are magnified by unfair competition caused by overseas producers who seek to exceed and bypass these same negotiated agreements.

In West Virginia, 2,900 textile and apparel jobs continue to survive, although the State has lost 3,000 of such jobs since 1990. Textile and apparel jobs are predominantly located in the State's more rural counties and are critical to the local economies. Additionally, these workers may not have the assets to relocate or the skills to easily transfer to another manufacturing sector.

I believe that even the strongest supporters of laissez-faire economic ideologies must recognize the wisdom of negotiating trade agreements that avoid vast costs to, and unfair burdens on, particular segments of our economy. I am not advocating some outmoded retreat to protectionism. The United States must advocate open market and, at the same time, promote an equitable and fair trade system in which the American people have faith, in which American industries have a chance to compete, and which will curtail the shipping of American jobs overseas.

In this regard, I believe that the Customs Enforcement and Market Access Act will provide the necessary impetus to remove the current obtrusive trade barriers from the textile and apparel industry, and invigorate the industry's ability to effectively compete in the global market. The bill's market-access provisions provide requirements for vigorous enforcement of trade agreements and for aggressive action against unfair trade practices by establishing a Special 301 authority. I have long been an ardent supporter of Section 301 and Super 301, and I believe that it is essential that the United States Trade Representative have the tools to quickly make unfair trade practice determinations and then diligently monitor and enforce corrective measures.

This measure also allows reasonable federal investment to help the textile and apparel industry modernize and more effectively compete against overseas competitors. I am aware that there are many who doubt that the U.S. textile and apparel industries can re-establish themselves to be competitive global forces and, thus, will oppose this modest investment. I, however, do not doubt the abilities and spirit of these workers, just as I never doubted the ability of this nation's steel workers, who, against enormous odds, have today reclaimed their position as world class producers, following many years of struggle and uncertainty. I ask my colleagues to carefully weigh such a small investment and its possible returns against the billions we expend annually on various corporate welfare schemes for multimillion dollar industries.

Crafting trade policies that balance domestic and international economic objectives is not easy. I hope that my colleagues will join me in supporting the Customs Enforcement and Market Access Act, which I believe accurately assesses the challenges of the global market and adequately provides the tools necessary to improve the competitive position of the U.S. textile and apparel industry.

In behalf of the textile and apparel workers in West Virginia, and the nation, I am proud to be a cosponsor of the Customs Enforcement and Market Access Act. I thank Senator FORD for his leadership in introducing the bill.

FAMILY PEACE DAY

Ms. MOSELEY-BRAUN. Mr. President, I ask my colleagues to join me in recognizing the first-annual Family Peace Day in Chicago, IL.

The goal of Family Peace Day is to focus attention on domestic abuse issues, how to combat domestic violence and build healthy families, to address legal issues and to inform Illinois citizens of the resources available to combat domestic violence.

Family Peace Day is a joint project of the Women's Bar Association of Illinois and the Black Women Lawyers' Association of Greater Chicago, Inc. Chicago Mayor Richard M. Daley, Justice Mary Ann G. McMorrow of the Illinois Supreme Court, Chief Judge Donald O'Connell of the Circuit Court of Cook County, and Cook County Board President John H. Stroger, Jr., are serving as honorary cochairs. Additional supporters include Attorney General James Ryan, Chicago Metropolitan Battered Women's Domestic Violence Network, Chicago Public Schools, Chief Judge Donald O'Connell's Domestic Violence Coordinating Council, Cook County State's Attorney Richard Devine, the Department of Children and Family Services, Illinois Family Violence Coordinating Council, and many legal, judicial, health care, social service and nonprofit organizations, including the American Medical Association, the Archdiocese of Chicago, the Chicago Police Department, the Council for the Jewish Elderly, the John Marshall Law School, the Mujeres Latinas En Accion, and the Peace Museum. I commend these individuals and organizations for working together to help victims of domestic abuse and to teach individuals how to combat domestic violence and build healthy families.

The Family Peace Day activities will begin with a press conference kickoff rally and award presentation to Chicago public school student winners of poetry, prose, and poster contests depicting their vision of a healthy family. There will be an Expo consisting of booths providing the public free legal and medical advice and counseling or referrals from social service providers, health care providers, and attorneys practicing family law. At noon there will be a luncheon awards ceremony at the Palmer House Hilton, sponsored by the Circuit Court of Cook County, to honor those who have made significant contributions to the administration of justice in the areas of domestic violence and abuse.

There can be no more important goal than healthy, safe, and strong families. I am proud that Chicago is taking the lead in holding the first Family Peace Day and I look forward to communities around the country joining in with their own Family Peace Day activities.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the order, morning business is closed.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. The Senate will now proceed to consideration of S. 672, which the clerk will report.

The bill clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the appropriations staff as listed on the request that I send to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The list is as follows:

Majority clerks: Becky Davies, Jim Morhard, Mary Beth Nethercutt, Alex Flint, Robin Cleveland, Bruce Evans, Craig Higgins, Christine Ciccone, Sid Ashworth, Wally Burnett, Tammy Perrin, and Jon Kamarck.

Also, Lisa Sutherland, Dona Pate, Susan Hogan, Jay Kimmitt, Carrie Apostolou, Martha Poindexter, Kevin Linsky, and Paddy Linc.

Mr. STEVENS. Mr. President, this bill covers several subcommittees. It is just easier to do it that way.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, it is my privilege to present to the Senate S. 672, which provides emergency supplemental appropriations for numerous natural disasters and defense overseas contingencies. This is my first opportunity to come before the Senate as chairman of the Appropriations Committee, and I am very proud that this first bill from our committee focuses on assisting our fellow citizens in need. I am humbled to be here with my good friend from West Virginia, the distinguished former majority leader, minority leader, chairman of our Appropriations Committee, and now the ranking member of the Appropriations Committee. I can think of no one I have studied under longer than Senator BYRD. It is a privilege to be here to present this bill with him today.

Our committee reported this bill on Wednesday, and the report has been available since last Thursday for Members. Many of our colleagues will comment later on the terrible events which precipitated this disaster relief bill. They represent the States involved, and I will leave it to them to comment on the specific situations in their own States.

Our committee worked to target spending in this bill to the agencies and accounts that are responding to these crises now. The $5.5 billion provided for emergency relief exceeds the President's request by $2.5 billion. Some of these funds will not be spent this fiscal year. We sought to use the best estimates we could, but in many cases it will be weeks or months until a final assessment of damages can be made in these disaster areas.

As has been widely reported, there are some controversial measures in this bill. I do thank all my colleagues on the Appropriations Committee for their cooperation during the markup last week. One clear conclusion we reached was that not all the funds in this bill will be directed to the most recent disasters. We have witnessed a steady increase in the Presidential disaster recommendations, which have radically increased disaster relief costs. In addition, the President has waived the matching requirement on many of the programs involved, adding to the Federal costs for these disasters. We cannot and will not try to solve this problem on this bill, but it is something I believe must be addressed by Congress. There ought to be a clear understanding and a clear yardstick for disasters, regardless of the area involved.

All new spending in this bill is offset by corresponding rescissions or budget authority or canceling spending authority. This is sort of complicated. For budget scoring purposes, the disaster-related spending will be treated as an emergency. Those outlays will not count against this year's budget limits.

Part of this difference relates to how CBO scores appropriations bills. The Congressional Budget Office has a unique approach. When we appropriated funds for military personnel in September, the Congressional Budget Office scored those outlays—the money would actually be spent under the authorizations that were previously given by Congress—they were scored at 98 percent. Yet, when we rescind those same funds in this bill, the Congressional Budget Office process credits the committee with only 25 percent of the outlays as savings to offset the money spent. It is the same dollar, but we only get a portion of the credit. The moneys have already been spent; that is the problem. The bias of the CBO process makes offsetting outlays a daunting task this late in the fiscal year.

Our committee did not recommend general cuts against agencies to offset these disaster funds, and I urged Members not to propose reductions against the operating accounts of agencies. The disaster relief funds proposed in the bill are not targeted or earmarked for any region of the country. Again, I ask our colleagues to follow the suggestions the Appropriations Committee made and hold to this practice during the consideration of this bill. The needs of all persons and communities impacted by these crises are real and pressing. Mr. President, some of these disasters occurred last year, some this year. I do not believe we should—and I will oppose attempts to—tie the funds of agencies responsible for providing relief to the impacted regions. There is still much unknown about these disasters, as I said before. I do not believe we should second-guess, nor should we micromanage from Congress, relief efforts at this stage. Once more precise recovery plans are developed, we will have an opportunity in the fiscal year 1998 bills, which will be presented later this year, to address some additional specific needs.

The bill also includes $1.8 billion for defense contingency operations. Earlier this year, I went with a delegation of Senators to Bosnia and to Southwest Asia to review United States military operations there. We returned disturbed by the lack of concern about the costs of the operations by our regional commanders. My staff and I have been working since January with the comptroller at the Department of Defense and the Joint Chiefs of Staff to establish procedures and controls to help control and monitor spending for overseas deployments. This committee report before the Senate reduced the funds requested for overseas operations by $100 million. Already, to his great credit, Secretary Cohen has reduced unneeded units in both Bosnia and southwest Asia, and I believe more savings will be achieved during this fiscal year.

In the case of unforeseen emergencies, our bill includes an additional $100 million in reprogramming authority for the Department of Defense. In the past, the administration has increased spending on these overseas operations without any consultation with Congress.

The commanders in the field discussed with the Senators I was with and myself, in January, in Bosnia, in Kuwait, in Saudi Arabia, and in connection with the Bosnia operation in both Hungary and Italy, commitments of 20 to 30 years for procurement for these overseas deployments. They did so without the slightest concern or hesitation about the costs involved. I believe that is a process that should stop. Spending on contingencies does not mean giving military commanders a blank check to commit us to expenditures far into the years to come for deployments which have never been approved by Congress.

In fiscal year 1998, we will take specific steps to ensure fiscal concerns are addressed on all peacekeeping operations. The Department of Defense now refers to missions such as Bosnia and Southwest Asia as, "operations other than war." Unfortunately, some spending practices of the Department, and particularly the regional commanders, assume wartime needs and are driven by wartime needs.

I want to assure the Senate and the Department that our committee will tirelessly work to ensure that any of our forces deployed in the field have everything they need to fight and win and maintain their safety in any conflict. Their deployment, however, cannot be without the participation of Congress. Ultimately we are called upon to pay the bill for such deployments.

We have had some disagreements with regard to this bill. I do not think there has been any question, however, that all concerned wanted to report this bill to the Senate as quickly as possible to meet the needs that I have spoken about. I hope the bill marks the commencement of a long and fruitful partnership among all members of the Appropriations Committee serving during this Congress. I do believe that this bill can be completed by tomorrow evening, or Wednesday at the latest. It will, of course, be our practice to await the passage of the bill in the House before we take final action on this bill. And I do hope all Senators will help us work toward the goal of being prepared to send the bill to conference as soon as the House has sent us their appropriations bill for these disasters.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, as every Senator is aware, over the past winter and now into spring, the Nation has been besieged by numerous natural disasters that have wreaked havoc on hundreds of communities across the country and have affected the lives of hundreds of thousands of our citizens. The damages from these disasters in terms of financial losses run into the billions of dollars. Many people have lost many, if not all, of their worldly possessions, things that they worked for for a lifetime. Not only their homes and personal possessions have been destroyed, but in many cases, entire communities have been wiped out, leaving many citizens with no means of livelihood.

It is only fitting that the President and the Senate should move as quickly as is humanly possible to address the financial costs of these disasters and thereby, hopefully, help to lift the spirits of those who have lost so much.

The bill now before the Senate contains more than $5.5 billion for the various disaster assistance programs throughout the Federal Government to provide relief for the communities and the citizens of those communities who have suffered devastation from these historic natural disasters. The largest single amount, $3.5 billion, will go to the Federal Emergency Management Agency, FEMA, which has a major responsibility in providing disaster relief. In addition, the bill provides $650 million for emergency highway repairs resulting from floods in the western, midwestern, northern plains and mid-Atlantic regions of the Nation between December of 1996 and April of this year. This amount is $359 million more than requested by the administration, but is fully supported by the President since the committee's recommendation covers the most recent estimates of highway damages.

For the emergency conservation program, an appropriation of $77 million is included, together with $161 million for watershed and flood prevention operations. For the Economic Development Administration, the bill contains an appropriation of $54.7 million for emergency grants.

The bill also contains over $500 million for flood control and operations and maintenance accounts of the Corps of Engineers, and $187 million for emergency repairs of national parks, principally at Yosemite National Park. There is an appropriation of $91 million for construction activities of the Fish and Wildlife Service for damages to their resources due to flooding and storms around the country. For the U.S. Forest Service, $68 million is provided for repairs, reconstruction, and restoration of their roads, facilities, fish and wildlife habitats, etc.

Finally, as recommended by the President, the bill contains $100 million for community development block grants, or CDBGs, to assist communities throughout the Nation with their emergency expenses in dealing with the tragic circumstances facing them as a result of these natural disasters.

In all, Mr. President, some 33 States, including my own State of West Virginia, will qualify for these disaster assistance funds.

The bill also contains appropriations totaling over $1.8 billion for continuing operations by the Department of Defense in Bosnia and Southwest Asia, as well as other non-emergency discretionary appropriations, including $58 million for WIC, $31 million for the District of Columbia, and $100 million for payments to the United Nations.

It is important to note that all of the fiscal year 1997 discretionary amounts provided in the bill have been offset by budget authority cuts. The full amounts of emergency appropriations, $5.5 billion, the nearly $1.8 billion in DoD appropriations, and the $273 million in regular, non-DoD supplementals have all been fully offset.

While I do not subscribe to the notion that emergency appropriations for disaster assistance should have to be offset, I congratulate the chairman and the various subcommittee chairmen and ranking members who searched for and found offsets sufficient to fully cover the entire budget authority recommended in this bill.

I understand the administration is also supportive of these offsets, the principal one being a rescission of $3.6 billion from HUD's Section 8 housing program. These funds apparently cannot be obligated this fiscal year and, consequently, can be rescinded without causing undue harm to this program.

The bill also contains a mandatory appropriation of $753 million for veterans' compensation and pensions. This amount is needed to pay for an increased caseload in this area, as well as the cost-of-living adjustment enacted last year for compensation benefits.

Senators should also be aware that the committee recommends an increase in the 1997 highway obligation limit of $933 million. This is some $615 million more than requested by the administration, but it is necessary to ensure that no State receives less Federal-aid highway apportionments than it got in 1996. Finally, the bill advances appropriations of $198 million for title I education funding for fiscal year 1998.

So, in carrying out its responsibilities in providing these desperately needed funds to hundreds of thousands of citizens in a fiscally responsible way, the committee has done well and I congratulate the chairman, Senator STEVENS, as well as the subcommittee chairmen and ranking members, who have primary responsibility over various portions of the bill.

Unfortunately, Mr. President, the bill reported by the committee contains several non-emergency, controversial provisions which, if not removed prior to the bill's being presented to the President, will cause him to veto the bill. There is no question about it, the President will veto S. 672, the pending measure, unless at least some of these objectionable provisions are removed. I have here a letter addressed to me from the Director of the Office of Management and Budget, Franklin D. Raines, which addresses the administration's concerns in a number of areas. Principal among those concerns is the so-called "automatic CR" language contained in title VII of the pending measure. That provision was debated during the committee markup, after which my motion to strike the provision failed on a party-line vote of 13 yeas to 15 nays. I shall have more to say about this title and the reasons why I believe it should be stricken from the bill as the debate unfolds on S. 672.

A number of the other provisions in this bill to which the administration objects were discussed during the committee markup, with several Senators indicating their intentions to offer floor amendments on those provisions. Among those provisions are: one, a provision prohibiting the Department of Commerce from developing a plan for the 2000 decennial census that would use sampling; two, a provision that would waive certain portions of the Endangered Species Act; three, a provision relating to the promulgation of rules on RS2477; and, finally, a provision establishing a block grant to states to assist legal immigrants losing their SSI and Medicaid eligibilities.

Additionally, I understand that there are several other possible controversial floor amendments which may be proposed by various Senators on a variety of issues.

Mr. President, I close by asking, why is it that the majority has chosen this bill, of all bills, to attach certain objectionable amendments which the majority knows are controversial and which will cause a Presidential veto? I am not an advocate of even the constitutional Presidential veto, and, of course, I am adamantly opposed to the line-item veto. But in the case of the constitutional Presidential veto, I am not an advocate of it but I certainly would expect and would hope that the President would veto this bill if the automatic CR provision remains in it when it reaches his desk. What justifiable reason can there be to hold this disaster assistance bill hostage to such riders that have nothing to do with the basic purposes of the bill?

Meanwhile, the hundreds of thousands of victims in 33 States who are suffering from the ravages of the disasters which this bill addresses will possibly have to wait. It suits the political agenda of the majority to have this delay and the confrontation with the President, perhaps, and unless these matters are resolved here, or in conference with the House, we may have to go through the veto process before we will be able to get these funds enacted and out to the people who so desperately need this assistance.

So, I entreat my colleagues to rethink their positions on such controversial, unrelated matters which have no business being included on this bill. It is not too late to resolve these issues in ways that will remove the likelihood that the President will veto this disaster assistance bill.

I, again, congratulate the chairman of the committee, Mr. STEVENS, my long-time friend, the Senator from Alaska, and I congratulate all of the subcommittee chairmen and ranking members. I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, as you know, over the past several weeks, towns and farms in Minnesota, North Dakota and South Dakota have been battered by the floodwaters of the Red River. It is impossible to describe the devastation that the flooded Red River is causing in Minnesota and North Dakota, because the enormity of the damage, so far, is far beyond what anyone has ever put into words.

The lives of those who live in the flooded areas have been shattered. Entire communities—homes, schools, churches, hospitals, libraries—have literally been washed away. Thousands of residents have no home to go to, so they crowd into shelters, unsure yet of what the river will leave behind when it finally releases its hold. Many cannot sleep because there is so much uncertainty. They cannot bathe because there is no running water. They cannot make plans because there are so many unanswered questions.

Mr. President, I have been working with the Governor of Minnesota and my fellow Senators in the flood area to assess how to address the needs of these deserving people. Part of our effort has been to get the funds and assistance to rebuild through the supplemental appropriations bill that will, hopefully, pass today or tomorrow or Wednesday at the latest. Part of it has been to listen to the concerns of our constituents and to make sure that they do get speedy assistance from the agencies that are administering the State and Federal relief efforts.

While I have been involved in many efforts to ease the suffering of my constituents, I am here today to offer as an amendment to the supplemental appropriations bill, along with my colleague from South Dakota, Senator JOHNSON, the Depository Institution Disaster Relief Act. This amendment will complement the other relief efforts by making it easier for farmers, homeowners, small businesses and local governments to rebuild from the devastation that has been brought by the floods.

AMENDMENT NO. 54

(Purpose: To facilitate recovery from the recent flooding across North Dakota, South Dakota, and Minnesota by providing greater flexibility for depository institutions and their regulators, and for other purposes)

Mr. GRAMS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Minnesota [Mr. GRAMS], for himself and Mr. JOHNSON, proposes an amendment numbered 54.

Mr. GRAMS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new title:

TITLE ___—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. ___01. SHORT TITLE.

This title may be cited as the "Depository Institution Disaster Relief Act of 1997".

SEC. ___02. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Truth in Lending Act (15

U.S.C. 1601 et seq.) for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) EXPEDITED FUNDS AVAILABILITY ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) for depository institution offices located within any area referred to in subsection (a) if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) TIME LIMIT ON EXCEPTIONS.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of any determination referred to in subsection (a).

(d) PUBLICATION REQUIRED.—Not later than 60 days after the date of a determination under subsection (a), the Board shall publish in the Federal Register a statement that—

(1) describes the exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. ___03. DEPOSIT OF INSURANCE PROCEEDS.

The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o), an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o)) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

SEC. ___04. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) IN GENERAL.—During the 180-day period beginning on the date of enactment of this Act, a qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(1) PROCEDURE.—Exercise the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) PUBLICATION REQUIREMENTS.—Make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) PUBLICATION REQUIRED.—Not later than 90 days after the date of an action under this section, a qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes the action taken under this section; and

(2) explains the need for the action.

(c) QUALIFYING REGULATORY AGENCY DEFINED.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board;

(2) the Office of the Comptroller of the Currency;

(3) the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Federal Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

SEC. ___05. SENSE OF THE CONGRESS.

It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. ___06. OTHER AUTHORITY NOT AFFECTED.

Nothing in this title limits the authority of any department or agency under any other provision of law.

SEC. ___07. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) APPROPRIATE FEDERAL BANKING AGENCY.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) BOARD.—The term "Board" means the Board of Governors of the Federal Reserve System.

(3) FEDERAL FINANCIAL INSTITUTIONS REGULATORY AGENCY.—The term "Federal financial institutions regulatory agency" has the same meaning as in section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350).

(4) INSURED DEPOSITORY INSTITUTION.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(5) LEVERAGE LIMIT.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

(6) QUALIFYING AMOUNT ATTRIBUTABLE TO INSURANCE PROCEEDS.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in section ___03(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

Mr. GRAMS. Mr. President, the Depository Institution Disaster Relief Act will help speed up the pace of recovery for flooded farms and towns. Our amendment will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit from the banks and credit unions that serve their communities by ensuring that there will be no regulatory roadblocks to local lending. It will permit Federal banking and credit union regulators to make temporary exceptions to current laws that act to reduce access to banks and credit unions in disaster areas. It will also permit Federal regulators to provide temporary relief from regulations so that it will be easier for flood victims to get loans.

The temporary regulatory relief offered by this bill is strictly limited to those counties in Minnesota, North Dakota, and South Dakota that have been declared Federal disaster areas. Because of its targeted scope and limited duration, it will permit flood victims to rebuild their homes, farms, and businesses without compromising the integrity of our banking system.

When I served in the House of Representatives, I authored similar legislation in 1993 during the Mississippi River flooding. My legislation received bipartisan support and was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help flooded communities rebuild in 1993, I am here to urge my colleagues to again support this amendment to the supplemental appropriations bill.

Mr. President, I ask unanimous consent that a summary of this amendment's provisions be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

DEPOSITORY INSTITUTION DISASTER RELIEF ACT OF 1997

Purpose

Over the past several weeks, towns and farms in Minnesota, North Dakota and South Dakota have been demolished by the flood waters of the Red River of the North, its tributaries, and other rivers. Because of the extreme level of flood damage, President Clinton has declared these areas to be eligible for federal disaster relief pursuant to Section 401 of the Disaster Relief and Emergency Assistance Act.

The Depository Institution Disaster Relief Act ("DIDRA") will significantly speed up the pace of recovery for the flooded farms and towns. DIDRA will permit homeowners, farmers, small-businesses and local governments in the flood disaster areas to have faster access to a larger pool of credits from the banks, thrifts and credit unions that serve their communities. DIDRA will do this by permitting federal financial institution regulators to make temporary exceptions to current laws that (1) hamper the ability of banks, thrifts and credit unions to reopen their doors to depositors, (2) slow down the lending process and (3) reduce the availability of credit.

Summary of Provisions

Section 1—Title of statute

The bill is called the "Depository Institution Disaster Relief Act of 1997" (DIDRA). This bill contains provisions that are substantially identical to temporary emergency relief legislation that was signed into law in 1992 and 1993.

Section 2(a)—Exceptions to Truth In Lending Act

The Federal Reserve Board may make exceptions to the Truth In Lending Act (TILA) for loans given by a bank, thrift or credit union that is in the disaster area. The exceptions must be made within 180 days of enactment of DIDRA, and may only last a maximum of one year. For example, this permits the Federal Reserve Board to permit consumers to receive the proceeds from their loans 3 days faster by permitting them to sign preprinted forms that waive their 3 day right of rescission period pursuant to Section 125 of TILA (15 U.S.C. 1635).

Section 2(b)—Exceptions to Expedited Funds Availability Act

The Federal Reserve Board may make exceptions to the Expedited Funds Availability Act (EFAA) to any bank, thrift or credit union in the disaster area, so that they may restart their check processing operations sooner. The exceptions must be made within 180 days of enactment of DIDRA, and may only last for a maximum of one year. For example, this permits the Federal Reserve Board to let a bank, thrift or credit union restart serving its customers even though the disruption from the flooding makes it need more than one business day to process cash deposits and government checks as required by Section 603 of EFAA (12 U.S.C. 4002).

Section 3—Exception to the Federal Deposit Insurance Act to Permit the Deposit of Insurance Proceeds in Bank Accounts

Farms, businesses and local governments in the flood disaster areas will be receiving large amounts of insurance proceeds. This money will invariably be deposited in banks, thrifts and credit unions for a short duration until the money is used for rebuilding. Unfortunately, the depositing of large amounts of insurance proceeds may cause banks and thrifts to be deemed undercapitalized pursuant to Section 38 of the Federal Deposit Insurance (FDIA) (12 U.S.C. 1831o). This could cause credit to dry up in the disaster areas, as Section 38 would automatically require a depository institution to file a capital restoration plan with the FDIC, even if the insurance proceeds were invested in assets creating little additional risk to the depository institution. Section 38 of the FDIA would compel a depository institution to obtain formal approval from the FDIC in order not to be restricted in its lending policies. Section 3 of DIDRA permits the OCC, the Federal Reserve Board, the FDIC and the OTS to subtract insurance proceeds from the depository institution's assets when they calculate whether the depository institution meets the FDIA's minimum leverage standards (i.e., equity capitalization requirements). Any exception that the regulators make to Section 38 of FDIA will expire after 18 months.

Section 4—Authority of Regulators to Act Quickly to Facilitate Recovery in Disaster Areas

Within 180 days after the enactment of DIDRA, a qualifying regulatory agency is given the flexibility to take any actions permitted under its existing statutory authority to facilitate recovery in the disaster area without being delayed or impeded by (1) having to provide a general notice of proposed rule-making in the Federal Register, (2) having to hold a hearing, (3) being restricted by time limits with respect to agency action or (4) having to meet certain publication requirements. However, within 90 days of taking an action, the qualifying regulatory agency must publish in the Federal Register a statement that (1) describes what it did and (2) explains the need for the action.

Section 5—Sense of Congress re: Exceptions to Appraisal Requirements

The Depository Institutions Disaster Relief Act of 1992 (PL 102-485, Oct. 23, 1992) amended the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) to give regulators the authority to waive certain appraisal standards in disaster areas. The waiver of certain appraisal standards for real estate loans in disaster areas will (1) permit homes to be rebuilt faster by expediting the lending process and (2) lower the cost of receiving loans to rebuild such homes. Section 1123 of FIRREA (12 U.S.C. 3353) currently permits the OCC, OTS, FDIC, Federal Reserve Board and NCUA to waive such appraisal standards for 3 years in disaster areas.

Section 5 of DIDRA states that it is the sense of the Congress that these federal regulators should exercise their authority under Section 1123 of FIRREA to temporarily waive such standards.

Section 6—Limitation of DIDRA

DIDRA shall not limit the authority of any federal agency under any other provision of law.

Section 7—Definitions

This section defines certain terms used in DIDRA: (1) appropriate federal banking agency, (2) Board, (3) Federal financial institutions regulatory agency, (4) insured depository institution, (5) leverage limit, and (6) qualifying amount attributable to insurance proceeds.

Mr. GRAMS. Mr. President, the Depository Institution Disaster Relief Act is a carefully crafted amendment. It has been reviewed and approved by the Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, and the Office of the Comptroller of the Currency.

I ask unanimous consent that letters of support from the Treasury Department, the Federal Reserve, and the FDIC be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE TREASURY,
Washington, DC, May 5, 1997.

HON. TIM JOHNSON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSON: Thank you for requesting the Treasury's views on S. 652, the Depository Institution Disaster Relief Act of 1997, which seeks to speed the recovery of areas flooded by the Red River of the North in Minnesota, North Dakota, and South Dakota.

In 1992 and 1993, Congress passed similar legislation in response to natural disasters. Like those bills, S. 652 would permit the federal regulators of banks, savings associations, and credit unions to make temporary exceptions to statutes and regulations that may hamper the reopening of these institutions, slow down the lending process, and reduce the availability of credit. This authority is intended to facilitate providing much needed financial services to disaster victims, and would have no adverse effect on the safety and soundness of depository institutions.

We share Congress's interest in assisting the victims of natural disasters and support the passage of S. 652.

Sincerely,

JOHN D. HAWKE, JR.,
Under Secretary of Domestic Finance.

FEDERAL DEPOSIT INSURANCE CORP.,
Washington, DC, April 29, 1997.

HON. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for inviting the Federal Deposit Insurance Corporation to comment on S. 652, the Depository Institution Disaster Relief Act of 1997 (DIDRA), which would allow the FDIC and other federal financial institution regulatory agencies flexibility in enforcing capital and other standards for financial institutions located or doing substantial business within the flood-affected areas of the Red River of the North.

The FDIC is sensitive to the special needs that accompany natural disasters such as floods, earthquakes, and major storms, and we support the intent of DIDRA to facilitate recovery from such disasters. The federal agencies have been granted and have used similar temporary authority during past disasters.

Certain laws and regulations that are beneficial and protect public policy interests in normal times may hamper an insured institution's ability to respond quickly in providing financial services during disasters. We have learned in the past, when natural disasters affect communities, granting very limited relief from such laws does not affect the safety and soundness of insured institutions. Insured institutions continue to be subject to active supervision and bank management is always expected to act in a prudent manner. It is unlikely that regulated institutions would purposely harm themselves or their customers, or cause a loss to the insurance fund solely due to the kind of temporary relief called for by the legislation. If any institution were to become involved in unacceptable activities, the federal financial institution regulatory agencies have substantial enforcement powers to compel correction.

The FDIC supports S. 652 as a reasonable proposal to assist communities in their recovery from this natural disaster. I appreciate the opportunity to comment on this important issue, and the FDIC stands ready to help in any way it can. Please let me know if you have further questions or concerns.

Sincerely,

RICKI HELFER,
Chairman.

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, DC, April 28, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR: This letter responds to your request for the Board's views on S. 652, "The Depository Institution Disaster Relief Act of 1997," which you introduced to help speed recovery from the recent flooding of the Red River in Minnesota, North Dakota, and South Dakota. The bill would allow the Board to make temporary exceptions to the requirements of the Truth in Lending and Expedited Funds Availability Acts; would allow the federal banking agencies to permit insured institutions to temporarily exclude certain insurance proceeds from their capital calculations; and would allow the agencies to take actions to facilitate recovery without regard to certain procedural requirements, such as those of the Administrative Procedure Act. S. 652 also contains a "Sense of the Congress" resolution calling on the banking agencies to use their existing authority to waive the appraisal requirements of Title XI of FIRREA.

As you know, the proposal closely tracks legislation enacted in 1992 and 1993 in the wake of earlier natural disasters. Based on our experience in administering those similar laws, the Board believes that S. 652 would provide the regulators with useful flexibility that would assist in the disaster-recovery process. Accordingly, the Board supports its enactment.

Thank you for this opportunity to share the Board's views.

Sincerely,

ALAN GREENSPAN,
Chairman.

Mr. GRAMS. Mr. President, this amendment has the support of the chairman of the Senate Banking Committee, Senator ALFONSE D'AMATO, and also the ranking member of that committee, Senator PAUL SARBANES.

I ask unanimous consent that Senators D'AMATO and BENNETT be added as cosponsors to S. 652, the Depository Institution Disaster Relief Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you.

Mr. President, we need to assure the people of Minnesota, North Dakota, and South Dakota that the Senate stands behind them, and the entire Congress and the President should stand behind them as well.

I urge swift action on my amendment to the emergency supplemental appropriations, which I hope will have the overwhelming, bipartisan support of my colleagues when it comes to the floor.

Mr. President, I also ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. GRAMS. Thank you, Mr. President.

I yield the floor.

Mr. JOHNSON addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I rise in strong support of the Depository Institution Disaster Relief Act of 1997 as a noncontroversial and bipartisan amendment to the supplemental appropriations bill being considered on the floor of the Senate today.

I want to particularly extend thanks to Senator STEVENS and Senator BYRD for their assistance on this amendment and support of this amendment, as well as their very timely action on the underlying supplemental appropriations legislation. And thanks to Senator D'AMATO and Senator SARBANES of the Banking Committee for their support as well, and, of course, to Senator GRAMS, my colleague from Minnesota, who has done extraordinary work on this legislation. I am proud to join him as a cosponsor of S. 652.

We have had an incredible series of catastrophic events in the Northern Plains, in Minnesota, North Dakota, and South Dakota. It is absolutely essential that this body move expeditiously to provide as much assistance as possible to get individuals, families, businesses, and local governments back on their feet.

This amendment would give the banking regulators the authority to cut through red tape to expedite the handling of loans and deposits for banks, credit unions, and savings and loans in order to move along the rebuilding of our part of the country as quickly as possible.

This legislation has the support of both FDIC and the Federal Reserve. In our three States we have suffered vitally over these last several months. Hundreds of thousands of livestock have been lost, roads are under water, schools closed, hospitals closed. Family businesses are in tremendous stress right now. It is absolutely essential that we provide every element of assistance we possibly can.

I share Senator GRAMS' belief that this legislation will be one more piece of the puzzle necessary to reach that goal. The predecessor of this legislation was a similar amendment enacted in 1992 and 1993. So this is a step that has been taken in the past when our Nation has been undergoing stressful disaster circumstances.

It is very, very appropriate during this year that we reintroduce this amendment to provide this kind of temporary but very important relief. Again, this amendment is bipartisan. It should be noncontroversial.

I again commend Senator GRAMS for his leadership in bringing this amendment to the floor.

I yield back.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, it is our understanding that this amendment that Senator GRAMS has presented to us continues the precedent that was established by his legislation when he was a Member of the other body in 1993.

We have examined the proposed amendment and have been informed that the Banking Committee of the Senate is in agreement with it. Under the circumstances, I know of no opposition to the amendment on this side of the aisle, and we are prepared to accept it. I do note the Senator has asked for the yeas and nays, but perhaps we can dispose of it today if it is possible.

Mr. BYRD. Mr. President, I know of no objections on this side of the aisle. But I do await a response to my call to a Senator so that I can ascertain whether or not this is indeed the case. Until that time, I shall have to withhold my approval.

Mr. STEVENS. Very well.

Mr. President, I ask unanimous consent that the amendment be temporarily set aside so that the bill will be open for other amendments.

We will await the clearance that Senator BYRD has mentioned. I announce that it will be the policy of the committee to have these votes take place, on any amendments presented today, at a time to be designated by the majority leader, after consultation with the minority leader, tomorrow.

The PRESIDING OFFICER (Mr. KYL). The Senator asks unanimous consent to lay aside this amendment?

Mr. STEVENS. Mr. President, I ask unanimous consent to lay aside the Grams amendment for the time being.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I just want to rise today and talk a little bit about the supplemental bill and the needs that are awaiting in Minnesota, North Dakota, and South Dakota as well. As a Senator whose state has been devastated by the flooding of the Red and Minnesota Rivers, I rise in strong support of the emergency supplemental that is before us. I have personally assessed the destruction on several occasions over the past few weeks. If I had not seen the damage myself, it would have been difficult to comprehend the severe impact the snows and floods have had on my State of Minnesota.

My colleagues know of Minnesota's reputation for snow and cold. We are a hardy people and we pride ourselves on our ability to endure even the worst winters. But when we receive 3 years' worth of snow in a single season —that is more than 10 to 12 feet—even Minnesotans can reach their limit. To make matters worse, we have had to endure several straight years of above-average rainfall. With the arrival of spring this year, there was no place for the snow to go, other than into rivers unable to bear the melt-off.

Many Americans watched the television coverage of Grand Forks, ND, and sympathized with the displaced residents of that community when the flood waters swept into town. They saw the burning buildings which have destroyed nearly a city block, all in a sea of water. But just across the Red River, on the Minnesota side, is East Grand Forks, a town of nearly 10,000 people. Their mayor, Lynn Stauss, whom I have talked to several times over the last few weeks, has had to deal with a town that has no water, has no electricity, and has no sewer system.

When I was last in East Grand Forks, most of its homes and businesses were under water. Now that the waters are receding, assessment of the damage is continuing and, of course, the expenses are mounting. Willem Schrage, a Minnesota Department of Agriculture employee, returned to his home and found his basement backed up with 2 feet of sewage. Actually, he said he is one of the lucky ones, and says, "Things could be worse. At least I still have my home."

As you know, about 3 weeks ago, just as the spring thaw began to swell the rivers, Minnesota and the Dakotas were hit with another blizzard that dumped a couple of additional feet of snow. This contributed greatly to the severe flooding already predicted.

At the time of year when farmers should be out in the fields, planting, they were out helping their neighbors sandbag to try to minimize the damage. Randy Tufton is an example of that. He is the director of the Farm Service Agency in Ada, MN, and wanted to spend his time helping farmers get the advice and financial assistance they need to cope with the floods. But instead, Randy found himself sandbagging his own home for several days. He had to travel by motorboat just to get to his house.

Jerry Larson, a seed potato grower in the town of Climax, is another such example. Instead of planting this year, he is helping another farmer to try to save his home. Many of our farmers will be losing their homes and farm buildings to the floods. While some of them will be able to start planting after the water recedes, many are still unable to do so and may lose their income for this year. We had almost 2 million acres of farmland in our region under water. In the Red River Valley, one of the most fertile areas of the country, this is a crippling blow to our agricultural economy.

Now we are coming to that time of year when high school students should be thinking about their proms and their graduation festivities. Instead, Don Vellenga, who is the superintendent of Ada Borup Public Schools in Ada is now meeting with FEMA officials to discuss replacing the high school, 67 percent of which has been damaged. There will be no prom this year at the high school and there will be no graduation ceremony either. Don Vellenga, by the way, after meeting with FEMA officials about the school during the day, goes home to a house that has 4 feet of standing water in the basement.

In Breckenridge, at Breckenridge Elementary, Jeri Yaggie, president of the school board, is meeting with FEMA officials and wondering if the school will be replaced, as parents ask where their first graders will begin school this fall.

Hospital administrators normally spend their time providing for the care of their patients. Laura Nelson, who is program director of Bridge Medical Services in Ada, is now looking for ways to get the additional money needed to replace the hospital there.

In Moorhead, I was impressed by the dedication of our young people as they worked alongside their parents and their neighbors in filling sandbags against the rising waters. In East Grand Forks, there was an army of volunteers to feed the hungry, who found shelter for the homeless, and comforted thousands more as the Red River was swallowing an entire community. Their determination repeatedly reminded me of the spirit that brought us together as communities and will keep us together as communities.

It was a week ago today, that I spoke about the flooding crisis before a joint session of our Minnesota State Legislature. I was proud to be accompanied by seven Minnesotans who know all too well the struggle it has taken to fight the floods. They were representatives of the towns that have suffered some of the worst damage, and they deserve our appreciation for guiding their communities through this nightmare. I want to take a moment to mention them by name. They were: Mayor Russell Onstad of Ada, Mayor Kal Michels of Breckenridge, Mayor Donald Osborne of Crookston, Mayor Lynn Stauss of East Grand Forks, Mayor David Smiglewski of Granite Falls, Mayor Jim Curtiss of Montevideo, and also City Council President Millie McLeod of Moorhead, who was there for Mayor Lanning at the meeting. They have served their neighbors well during these trying times.

FEMA has done an outstanding job in Minnesota, and I would like to personally thank the staff, from the Director Mr. Witt, all the way down, for their yeoman-like efforts to be on the scenes and to help provide assistance to Minnesotans and those in North and South Dakota.

When I inspected the flood damage with President Clinton, I was assured that the Government would help the people of Minnesota recover from its devastation. A week ago, the majority leader and our floor leader here today, the distinguished chairman of the Appropriations Committee, made similar pledges during meetings with Minnesota Governor Arne Carlson and me.

I would like to thank Senator STEVENS for reporting out the emergency supplemental so rapidly. We all know how difficult it is to determine the exact extent of damage until the cleanup and the rebuilding is underway, but I believe the committee did an outstanding job to address the needs of the 23 States that have suffered disasters over the past few months. The total $5.581 billion for disaster relief is desperately needed.

The $100 million for CDBG, the EDA money, and the assistance provided by USDA, including the livestock indemnity program in the supplemental, are crucial for Minnesota, where losses could add up to more than $1 billion once we have been able to accurately assess our damages.

Governor Carlson expressed his support for the President's requests of $2.3 billion for FEMA and $100 million for CDBG in the supplemental when he was here in Washington as well last week. At the same time, he recognized that once we obtain an accurate accounting, additional relief could be pursued through the 1998 appropriations process, and/or a future supplemental request that would be made by the President.

I am also pleased that the committee included language I supported that would provide more flexibility in the granting of CDBG funds. That language was useful to the State of Minnesota, as you know, after the 1993 Mississippi River flooding and was requested by the State for this year's flood as well. Some have raised concerns that it is too early to fully estimate the extent of the damage and therefore we may find ourselves with inadequate funding in this bill. To address those concerns, I am working with my colleagues from North Dakota, South Dakota, and Minnesota on an amendment that would add additional funding for CDBG and EDA that represents a better estimate of what we believe the damages will be in our three States. The amendment would also include funding for meeting the education needs of displaced students in our States plus several other smaller items that are not covered yet in the bill.

The amendment would be a compromise among the three States and hopefully the appropriators, who believe they have addressed our needs for the remainder of this fiscal year and prefer to consider longer-term rebuilding requests through the regular appropriations process. It would be offset with current budget authority.

Mr. President, earlier I discussed some of the devastation faced by Minnesota farmers, many of whom are still not sure when they can begin planting for this year. I strongly support the efforts by Secretary Glickman to help farmers through authorization of CRP grazing, increasing the Emergency Loan Assistance Program, deferring payments for FSA borrowers, and inclusion of more farm losses under FEMA itself.

Since it is uncertain whether existing agriculture or FEMA programs will address the needs of all Minnesota farmers, I have also asked Secretary Glickman to consider extending the delayed planting deadline for crop insurance, as well. I have requested clarifications on how, or whether, the disaster relief would cover soil erosion and other run-off problems.

I have asked the Secretary to consider using existing authority under CCC to address the grain storage losses of Minnesota farmers, as well as other property losses suffered by farmers who may not currently qualify for the Emergency Loan Assistance Program.

Mr. President, I want to note again that earlier this afternoon I offered my amendment, the Depository Institution Disaster Relief Act of 1997, or more commonly referred to as DIDRA, which would facilitate and increase the availability of credit in the disaster areas of all 23 States.

It is noncontroversial, costs nothing, and is supported by the Banking Committee chairman and ranking member, and my colleague from South Dakota, Senator JOHNSON. I urge support from all of my colleagues.

Mr. President, the funds provided by the emergency supplemental will facilitate the cleanup effort, which has just begun. We know it will take many months and possibly several years. The worst part of a disaster like this is the aftermath, when the extent of the damage finally sinks in to all who have suffered losses. It is a time when we need to reach out to those within the disaster area and let them know they have our full support.

It is gestures like that of the California woman who contributed $2,000 apiece to thousands of suffering flood victims as one we will remember for some time. She is one of many heroes of the floods whose efforts will never be fully recognized.

To ensure that I am thoroughly appraised of every step in the cleanup, I have opened an office in Crookston with FEMA to have staff on location to provide whatever assistance we can to facilitate available relief. I want to assure my constituents that I will not allow them to be forgotten now that the flood waters have receded.

Mr. President, I again want to thank the Senate for its efforts to facilitate this needed relief legislation.

Mr. BYRD. Mr. President, I am advised that Senator MIKULSKI says that if Mr. SARBANES has cleared the Grams-Johnson amendment, she has no objection to it as the ranking member of the VA/HUD subcommittee. Therefore, I know of no objection on this side of the bill. I am ready and willing to accept the amendment.

Mr. STEVENS. Mr. President, the yeas and nays have been ordered, and it is my understanding that the Senator would prefer a vote, and the leadership does prefer we have a vote to start the day off at a specific time tomorrow. Therefore, I ask this amendment now be set aside, to come before the Senate for a rollcall vote at a time specified by the leadership, the majority leader after consultation with the minority leader later today.

The PRESIDING OFFICER. Without objection, the request of the Senator from Alaska is ordered.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent I be allowed to proceed as in morning business for the purpose of introducing a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I thank the Chair.

(The remarks of Mr. REID pertaining to the introduction of S. 692 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 55

(Purpose: To make a technical correction which adjusts the rescission for the Theater High Altitude Area Defense program to the correct fiscal year of appropriations for Research, Development, Test and Evaluation, Defense-Wide)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 55.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 65, line 5, strike the amount "$41,090,000" and insert the amount "$81,090,000"; and

On page 65, line 7, strike the amount "135,000,000" and insert the amount "$95,000,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 55) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we have a list of amendments that we believe are going to be presented to the Senate, about 20 amendments. It was our hope that we will get some of these presented this afternoon and debated at our leisure and voted on tomorrow. I hoped that we might have votes today, but that is not possible.

I urge Members to let us know if they intend to bring any amendments to the floor this afternoon. There are a series that have been suggested that, I believe, could be worked out and would be acceptable to the managers of the bill on both sides. We hope that we can find some business to accomplish this afternoon on this bill. It is a very important bill, one that should not be delayed if it is possible to move forward.

I urge Members to contact us if they intend to offer amendments today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 56

(Purpose: To authorize the Secretary of Defense to enter into a lease of property for the Defense Finance and Accounting Service at Lexington Blue Grass Station, Lexington, Kentucky)

Mr. STEVENS. Mr. President, I send to the desk an amendment proposed to be offered by Senators FORD and MCCONNELL and ask that it receive immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FORD and Mr. MCCONNELL, proposes an amendment numbered 56.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) AUTHORITY TO ENTER INTO LEASE.—Notwithstanding any other provision of law, the Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purposes of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the entity leasing the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other leasee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lessee of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

Mr. STEVENS. Mr. President, this is an amendment pertaining to a building in Kentucky to be leased by the Department of Defense. It has been approved by the Subcommittee on Defense appropriations, Senator INOUYE and myself, and Senator BYRD has cleared this for the minority. I ask that it be accepted.

The PRESIDING OFFICER. The question is agreeing to the amendment.

The amendment (No. 56) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. Mr. President, I move to lay the motion to reconsider on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, it is apparent that no one is prepared to offer an amendment today. There are several complex amendments coming, and I am sad we cannot get some of them discussed today. But in a few minutes I shall present a closing statement on behalf of the majority leader. Meanwhile, I will announce there will be no further action on this bill today.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Utah.

THE BUDGET AGREEMENT

Mr. BENNETT. Mr. President, I have several matters to discuss with the Senate this afternoon. The first one I would like to touch upon has to do with the budget agreement that was reached over the weekend between negotiators on behalf of the Congress and the President of the United States.

There has been a lot of conversation over the weekend on the talk shows about how terrible this agreement is. I have read where Democrats have attacked the agreement on the grounds that President Clinton has caved in to Republican demands. One Democratic commentator, a former staffer to the President, has said this deal guarantees the reelection of a Republican-controlled Congress in 1998. It is just awful.

Then another commentator says this deal demonstrates how badly the Republicans have caved in to the President. It means the President can no longer be attacked for his failure to step up to the responsibility of dealing with taxes in a logical way or of dealing with Medicare in a responsible way. It is just awful.

There are some who say, when both sides say it is just awful, that means it is truly awful. And then there are others who say, no, when both sides agree it is not what they want, it means we have finally arrived at the logical answer, somewhere down the middle.

I think all of this is a little bit shortsighted. I want to stand and commend those who were involved in the negotiations for having accomplished something truly worthwhile. Does it do what I would like it to do in relation to the Tax Code? The answer is, "Clearly not." We need to do far more about our taxes than this deal will do. Does it solve the Medicare problem in a responsible, long-term way? The answer is, "Clearly not." It simply postpones the issue until we will have to deal with Medicare again. This, too, I find disappointing. In both instances we will see the details come up in the Finance Committee, and I hope the Finance Committee, within the parameters of the deal, can fashion resolutions to these problems that are better than the ones that we have seen talked about in the press up until now.

But as we complain, one side and the other, about the deal not being what we would like, we overlook what I think is a truly significant accomplishment. For the first time in my watching of this process, either as a Member of the Senate or as an observer from the outside, we have a budget deal that does not depend upon smoke and mirrors for its budget figures to be reliable. We have a budget deal that does not say we will postpone all of the hard decisions to the fourth and fifth or sixth years. Instead, it says we will start to face the realities of what is happening around us right now. That is a very significant thing.

The second thing I would like to comment on with respect to this deal was given reference to in this morning's Wall Street Journal in their editorial. They said the real hero of these budget negotiations is neither the administration nor the Congress, but the American economy. The reason we were able to finally arrive at a conclusion that seemed to satisfy temporarily both sides is because the economy is doing so well that the projections indicate that we will have more tax revenue than the earlier projections would have shown. I want to dwell on that for a moment. I gave a major speech on the floor a week or so ago in which I tried to get across the importance of the overall growth of the economy in our budget discussions. We talk about the budget as if everything is a sum zero game, that is, if we take it away from here, you must give it someplace else, and everything adds up to a single sum.

That is not the case. The economy is like a business, constantly growing, constantly changing. I made the point in that previous speech that a sound business executive running a $1.7 trillion corporation would not have the simple choice of either raising prices or cutting spending. We hear the discussion on the floor so often that those are our only two choices in Government. We can either raise tax rates, which is the same thing as raising prices for a business, or we can cut spending, when, in fact, every business executive knows there are times when you can raise your prices and get away with it, and there are times when you should cut your prices in order to increase your market share. There are times when you do need to cut spending if it is wasteful or improper, but there are other times, when you are investing in the future, where you need to increase spending. This budget, for the first time in many years, seems to go down those roads.

There are some areas where we are cutting tax rates, as we should—cutting prices, if you will—to increase our market share and make the economy healthier. There are other places where we do need to cut some spending, and some places where we need to increase some spending. That is what upsets so many of my colleagues on the right side of the aisle. They treat all Government spending as if it is, per se, evil, and any single dollar they can cut out of the budget they assume is good.

They remind me a little of an executive I knew in a company who was under heavy pressure to start to produce profits in his division. He responded to that pressure, and pretty soon the profits started to come in. His boss thought he was a hero. He said, "Well, I did it by cutting spending."

It was a year or so later that we discovered in that company what kind of spending he had cut. He had cut routine maintenance, and the physical plant over which he had responsibility was literally falling apart because the routine maintenance had not been done. He was a temporary hero by cutting spending, but, long term, he damaged the business and did damage to the interests of the shareholders.

Our Nation's infrastructure has some significant problems. The air transport problems are very obvious to all. The highway problems are fairly significant and obvious. We need to be doing something about that. This budget allows us to have some of that, yes, increased spending in areas where it makes some sense. Why? Again, because the economy is doing so well.

I have been on this floor when some of my friends have berated Alan Greenspan and said what a terrible job he is doing at the Fed because he has controlled the money supply in a way that they do not like. Can we now suggest it may well be that the current growth of the economy stems from wise stewardship at the Fed, and that, indeed, the reason we can afford some of these increased spending activities called for in this budget come from an intelligent management of the economy long term. Can we also suggest that this has come from an attitude at the Federal Reserve Board that says we must put price stability above all else and it will pay long-term dividends? Maybe it is those dividends we are beginning to cash in on in this budget deal.

There is another thought I would like to leave with you, Mr. President, in terms of the economy and how well it is doing. I have spoken on this floor before about my experience as a business executive during what many people called the decade of greed, the 1980's, when we took a small company, so small it had four full-time employees, and saw it grow to the point, when I left prior to my run for the Senate, when it had 700 employees. I have commented it was the tax policies that were pursued in those years, pursued primarily by President Ronald Reagan, that made it possible for us to grow that company. But we were attacked because it was the decade of greed, and, yes, indeed, we did do well.

I would like to point out that that company that grew in that period from 4 employees to 700, now has over 3,000. The momentum that was set in place in the 1980's is carrying forward into the 1990's, and it is that company and others like it that are providing the income taxes that make it possible for us to have this kind of a budget deal.

So, as we look at the whole thing, let us understand that there are many things about it that I do not like. There are many things about it that many of the rest of us do not like. But the reason we were able to get this degree of agreement comes from the strength of the economy, and the one lesson we should learn, as we look at this budget agreement, is simply this: As important as anything else we do around here are those things that we do that will cause the economy to grow at a more rapid rate. Whether it is increasing taxes in a certain area or decreasing tax rates in another area, whether it is increasing spending on things like infrastructure and other investments, or whether it is decreasing spending on areas where there is a degree of waste and fraud, all of these things need to be done with the primary goal of seeing that the economy will increase in size.

As it does, a number of things happen. The demand on our social spending goes down. There is no better welfare project in the world than a job, and a booming economy creates more jobs for more people. And we see it in terms of the impact on Government. We should pay attention to those kinds of things.

Mr. President, I will have more to say on this as the budget process goes forward, but, while the weekend talk shows were still ringing in our ears, I wanted to make this general statement.

Mr. President, I ask unanimous consent that I be allowed to continue as in morning business, on another subject, for up to another 5 minutes.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. BENNETT. I thank the Chair.

(The remarks of Mr. BENNETT pertaining to the introduction of Senate Resolution 82 are located in today's RECORD under "Submissions of Concurrent and Senate Resolutions.")

Mr. BENNETT. I thank the Chair for his time and attention and yield the floor.

MORNING BUSINESS

Mr. BENNETT. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Noticing the absence of a Senator who wishes to take advantage of that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DEWINE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DEWINE. Mr. President, I ask unanimous consent to proceed for the next 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REASONABLE EFFORTS

Mr. DEWINE. Mr. President, I want to call the attention of everyone in the Senate to a very important article that appeared in yesterday's Washington Post Magazine. The article profiles a woman by the name of Diane Hendel. Diane Hendel was the foster mother of twins who had been abandoned by their natural mother. In telling Diane Hendel's story, this article paints a devastating portrait of the foster care system, the foster care system not just in the District of Columbia, but the foster care system across this country.

It is Diane Hendel's story, and it is told from her point of view. But much more important, it is really the story of these two children, these twins, and what our foster care system did and is doing to them. It tells the story of these two children who were abandoned with serious physical problems, and it tells the story of the foster mother, Diane Hendel, who for 2½ years nurtured them, loved them, kept them going, became their mother.

Then this article tells the story of a foster care system bent on family reunification, that when these little children were 3½ years of age, that system decided the natural mother, who had abandoned them, was now the person that they should go to. It tells the horrifying and sad story of these little 3½-year-old children being taken away from the only mother that they ever really knew, to their new mother. All in the name of family reunification.

All in the name of protecting the rights of the natural mother, without, in my opinion, any consideration for the rights not of the foster mother, but for the rights of those two little girls.

Mr. President, there are 450,000 children in foster care across this country today. These children are spending far too great a portion of their lives in a legal limbo. Early childhood years are a crucial time in the development of any child. Indeed, there was a recent White House conference devoted to this very subject. It seems to me that as we pay more and more attention to what we all intuitively know—and that is how important the early years are in a child's development, and there was a whole magazine, in Newsweek, this past week, a special issue devoted to early childhood development. We realize, more and more, how precious and important those first few months, those first few years are, to the development of the child and who we become, and what we are is shaped in the first year, 2 years, 3 years, 4 years.

Is it not time that we reexamined in society how cavalier we are about having children who have been taken away from their parents, then sit in sort of a legal limbo, for a year, 2 years, 3 years or 4 years, all the while we, in society, we adults, try to reunify these families? But all the while, all the while, these children are growing up.

Mr. President, children do not have a second opportunity to have their childhood. You never have a second chance to be 2, 3, or 4. What is happening across this country in too many cases is that children are taken, put in a foster home—sometimes multiple foster homes—all the while we, as a society, wait until that magical time when the parents have been fixed—the natural parents. They have been cured, they no longer snort cocaine, they no longer drink alcohol all the time, they no longer abuse their children, and some day we hopefully will put them back, put these children who have been removed, back with these natural parents. I think, Mr. President, that we have to start worrying about the children's rights and less about the rights of the natural parents.

Every piece of new evidence shows us, Mr. President, that the system, the foster care system, is keeping children in foster care for too long. I think this should spur us to action. If any of the Members of the Senate want to become horrified, want to see what is wrong with our foster care system, let them read this story. I think it would shock any American to read it.

The Washington Post article that I just referred to outlines how the principle of making reasonable efforts to reunify troubled families is too often misinterpreted to mean reunifying families at all costs—even abusive families that are really families in name only. Abusive parents, abusive birth parents, are, today, Mr. President, given a second chance, a third chance, a fourth chance, a fifth chance, and on and on, to get their lives back together so then they can welcome their children back home. All the while, while they are trying to get their act together, their lives together, their poor little children are shuttled from foster home to foster home, spending their most formative years deprived of what all children should have—a safe, stable, loving, and permanent home.

The article that I just talked about describes a case where two children, twins, were abandoned by their natural mother, a natural mother who had serious substance abuse problems. These children were then placed in foster care for 3½ years while efforts were made to fix the mother, efforts were made to reunify that family. These particular children happened to be fortunate. They are probably the exception, because they spent the majority of that time with one person, Diane Hendel, who wanted to adopt them, Diane Hendel who nursed them back to health, who helped them get through some very, very tough times.

But now, Mr. President, the system says they cannot stay with the only person that they have known as their mother. They have to go back to their natural mother, the person who abandoned them in the first place. Mr. President, does that really sound like a good idea? I do not think so.

The article quotes child psychiatrist Marilyn Benoit of the Devereux Children's Center in Washington, DC:

> Three and a half years? And then the biological mother gets the children back? You have now disrupted the emotional development of those children. You, the court, have created a new abandonment. You have deliberately interjected separation and loss into their lives. What we know that does is disrupt development. You have depression. You have regression. You undermine a sense of trust. You introduce a sense of powerlessness. Children that age, what they want to develop is a sense of mastery, and you have done everything to thwart that, and you have really compromised that child's ability to move on.

Mr. President, I think that comment by a child psychiatrist confirms what all of us know, any of us who know anything about children. Children need a stable and permanent home, a permanent home where they will learn the skills of love, the skills of friendship and survival.

Mr. President, I think that Sister Josephine Murphy, who runs a home of severely abused children in Hyattsville, MD, is also exactly right. She is quoted in the article as saying the following:

> I know what they say, blood is thicker than water, and it is, but we're adults, and at some point we have to have the guts to say, "This is it. No more."

No more, Mr. President. Enough is enough. Who benefits from the current bias toward reunifying abusive families? Certainly not the children. Whose interests were taken into account when the decision was made to rip these two children away from the only mother that they ever knew? Was it the children's? I don't know any rational person who would say that was in the best interest of the child. In conclusion, Mr. President, let me quote from this article. There is a portion of the article on page 10 that describes the scene when these children were taken away from their foster mother.

> . . . Off they go. Goodbye to the toys. Goodbye to their drawings. Goodbye to their bedroom. Goodbye to the house. Goodbye to everything. Just like that. And then, goodbye to Diane. Who leaves the children, as ordered, so they can say hello a moment later to their new mother, who is the woman who conceived them and abandoned them and was charged with neglecting them and now, 3½ years after they were born and 2½ years after Diane took them in with the hope of adopting them, has been declared legally fit to take them with her to a new place, a strange place, their true home.
>
> Just like that.
>
> Goodbye.
>
> Hello.

Mr. President, we have before us in this Congress several bills, one that just passed the House, the Camp-Kennelly bill, one that has been introduced in the Senate, which I am a cosponsor of, the Chafee-Rockefeller bill. Both of these bills, while they will not solve this problem, I think will help because they say quite simply what we all know deep in our hearts the fact should be, which is, yes, whenever possible, whenever reasonable, we should try to reunify families; but while we do that, we should not forget what our ultimate goal should be, which is to be concerned about the safety and welfare of the children.

I think, Mr. President, if we focus on the child and focus on what is in the best interest of the child, we will have fewer crazy, ludicrous decisions, such as the one we have seen recounted in the Washington Post story of this past Sunday.

Mr. President, I thank the Chair and yield the floor.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 2, 1997, the Federal debt stood at $5,331,758,952,154.60. (Five trillion, three hundred thirty-one billion, seven hundred fifty-eight million, nine hundred fifty-two thousand, one hundred fifty-four dollars and sixty cents)

One year ago, May 2, 1996, the Federal debt stood at $5,100,093,000,000. (Five trillion, one hundred billion, ninety-three million)

Twenty-five years ago, May 2, 1972, the Federal debt stood at $425,052,000,000 (Four hundred twenty-five billion, fifty-two million) which reflects a debt increase of nearly $5 trillion—$4,906,706,952,154.60 (Four trillion, nine hundred six billion, seven hundred six million, nine hundred fifty-two thousand, one hundred fifty-four dollars and sixty cents) during the past 25 years.

COMMEMORATION OF THE WORK OF JUDY CAMPBELL

Mr. BAUCUS. Mr. President, today I rise to acknowledge the recent retirement of a long-time congressional staff member, a dedicated public servant and a loyal friend. On April 2, 1997, Judy Campbell, who for the past 10 years served as the financial clerk of the Senate Committee on Environment and Public Works, completed 36 years of congressional service. This institution is a better place because of her faithful service.

I first met Judy Campbell late in 1974, shortly after my election to the U.S. House of Representatives. She was one of the first individuals I hired on my congressional staff. Judy's ability and exceptional organizational skills were first brought to my attention by one of the most able and respected legislators of his generation, the late Congressman Richard Bolling of Missouri, for whom Judy had already worked for over a decade. Judy served as my office manager, first in the House of Representatives and then in the Senate, for 12 years.

In 1987, the chairman of the Senate Committee on Environment and Public Works, Senator Quentin N. Burdick of North Dakota, hired Judy and she soon became the committee's financial clerk. Judy served the committee and the Senate in that capacity under four chairmen—Senators Quentin N. Burdick, DANIEL PATRICK MOYNIHAN, JOHN CHAFEE, and myself. The hallmark of Judy's congressional service was always her professionalism. She worked with Democratic and Republican Members and staff with similar dedication and equal enthusiasm.

Judy has also been an invaluable resource to her colleagues on my personal staff, the committee and around the Hill. The process of hiring new staffers always involves a certain amount of coaching and training. Judy was particularly good in this role, and I know she was always willing to provide counseling and support to other committee financial clerks and office managers around the Hill.

Longevity was only one aspect of Judy's career. Through her work she epitomized dedication in public service. For 36 years, Judy has been one of the selfless and nameless individuals who, day in and day out, make the congressional branch of government function effectively, year in and year out. Judy's detailed knowledge of congressional operations and finances is legendary. She took seriously the public trust for the millions of dollars which were her responsibility over the years. To say Judy was prudent with taxpayer funds would be an understatement. In the mid-1970's, when America's ultimate tightwad—Jack Benny—died, the joke in my office was that Judy Campbell took his place.

Mr. President, this institution is a better place because Judy Campbell toiled here. She made a difference. Her many friends on Capitol Hill and I will miss her. I personally wish Judy and her husband Denny nothing but the best in retirement. As they complete construction of a new home this summer, we wish them many years of good health and enjoyment. On April 3, 1997, Judy realized a longtime dream. On that day she started a new career—that of a full-time grandmother.

Thank you, Judy, and good luck.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSION. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALLARD). Without objection, it is so ordered.

NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 79.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A resolution (S. Res. 79) to commemorate the 1997 National Peace Officers Memorial Day.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 79) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 79

Whereas, the well-being of all ctiizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our children's right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 117 peace officers lost their lives in the performance of their duty in 1996, and a total of 13,692 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1997, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1997, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate resume consideration of S. 672.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill.

The bill clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate continued with the consideration of the bill.

CLOTURE MOTION

Mr. SESSIONS. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 672, the supplemental appropriations bill:

Trent Lott, Ted Stevens, Mike DeWine, Bob Bennett, Tim Hutchinson, Richard G. Lugar, Pete Domenici, Pat Roberts, Connie Mack, Frank H. Murkowski, Richard Shelby, Craig Thomas, Chuck Grassley, Christopher S. Bond, Michael B. Enzi, Jeff Sessions.

MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that there now be a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

Mr. THURMOND. Mr. President, pursuant to section 303 of the Congressional Accountability Act of 1995 (2 U.S.C. 1383), a notice of adoption of amendments to procedural rules was submitted by the Office of Compliance, U.S. Congress. The notice publishes amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act. The amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

Section 304(b) requires this notice to be printed in the CONGRESSIONAL RECORD, therefore I ask unanimous consent that the notice be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OFFICE OF COMPLIANCE

The Congressional Accountability Act of 1995: Amendments to Procedural Rules

NOTICE OF ADOPTION OF AMENDMENTS TO PROCEDURAL RULES

Summary: After considering the comments to the Notice of Proposed Rulemaking published January 7, 1997 in the CONGRESSIONAL RECORD, the Executive Director has adopted and is publishing amendments to the rules governing the procedures for the Office of Compliance under the Congressional Accountability Act of 1995 (P.L. 104–1, 109 Stat. 3). The amendments to the procedural rules have been approved by the Board of Directors, Office of Compliance.

For Further Information Contact: Executive Director, Office of Compliance, Room LA 200, 110 Second Street, S.E., Washington, D.C. 20540–1999. Telephone No. 202–724–9250. TDD/TTY: 202–426–1912.

SUPPLEMENTARY INFORMATION

I. Background

The Congressional Accountability Act of 1995 ("CAA" or "Act") was enacted into law on January 23, 1995. In general, the CAA applies the rights and protections of eleven federal labor and employment law statutes to covered employees and employing offices within the Legislative Branch. Section 303 of the CAA directs that the Executive Director of the Office of Compliance ("Office") shall, subject to the approval of the Board of Directors ("Board") of the Office, adopt rules governing the procedures for the Office, and may amend those rules in the same manner. The procedural rules currently in effect, approved by the Board and adopted by the Executive Director, were published December 22, 1995 in the CONGRESSIONAL RECORD (141 Cong. R. S19239 (daily ed., Dec. 22, 1995)). Amendments to these rules, approved by the Board and adopted by the Executive Director, were published September 19, 1996 in the CONGRESSIONAL RECORD (142 Cong. R. H10672 and S10980 (daily ed., Sept. 19, 1996)). The revisions and additions that follow establish procedures for consideration of matters arising under Parts B and C of title II of the CAA, which became generally effective January 1, 1997.

Pursuant to section 303(b) of the CAA, the Executive Director published for comment a Notice of Proposed Rulemaking ("NPR") in the CONGRESSIONAL RECORD on January 7, 1997 (143 Cong. R. S25–S30 (daily ed., Jan. 7, 1997)) inviting comments regarding the proposed amendments to the procedural rules. Four comments were received in response to the NPR: three from Congressional offices and one from a labor organization. After full consideration of the comments received, the Executive Director has, with the approval of the Board, adopted these amendments to the procedural rules.

II. Consideration of Comments and Conclusions Regarding Amendments to Existing Rules

A. Section 1.04(d)—Final Decisions

One commenter noted that, although section 1.04(d) provides that the Board will make public final decisions in favor of a complaining covered employee, or charging party under section 210 of the CAA, as well as those that reverse a Hearing Officer's decision in favor of a complaining employee or charging party, section 1.04(d) does not specifically provide that decisions in favor of an employing office will be made public. Rather, such decisions may be made public in the discretion of the Board. The commenter suggested that the rules should provide either that all or none of the decisions be made public, asserting that, if section 1.04(d) were not so modified, there would be "inconsistent access" to decisions and "the impression that the Board's procedures are weighted against employing offices." Proposed section 1.04(d) is identical to section 416(f) of the CAA, and its language, therefore, should not and will not be altered, whatever the Board's ultimate practice with respect to the publication of decisions in favor of employing offices.

B. Section 1.07(a)

One commenter suggested that, if section 1.04(d) were not modified to provide for publication of all decisions, the term "certain final decisions" in section 1.07(a) should be defined and procedures should be established to challenge Board determinations regarding the publication of decisions. Section 1.07(a) has been modified to make it clear that the referenced final decisions are those described in section 416(f) of the CAA. As section 416(f) of the CAA makes clear which final decisions must be made public and grants the Board complete discretion as to publication of other final decisions, procedures for challenging determinations regarding publication are not warranted.

C. Section 5.01—Complaints

For the reasons set forth in Section III.C.10., *infra*, section 5.01(b)(2) will not be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215 of the CAA, as requested by a commenter.

D. Section 5.04—Confidentiality

One commenter suggested that section 5.04 be modified to clarify that proceedings before Hearing Officers and the Board are not confidential. However, with certain exceptions, pursuant to section 416(c) of the CAA, such proceedings are confidential and, therefore, the proposed rule cannot be modified as suggested by the commenter. However, the rule will be clarified to note the statutory exceptions to the confidentiality requirement. In addition, at the suggestion of another commenter, the rule will be modified to cross-reference sections 1.06, 1.07 and 7.12 of the procedural rules, which also relate to confidentiality.

III. Consideration of Comments and Conclusions Regarding Section 215 Procedures

A. Promulgation of the proposed amendments as substantive regulations under section 304

Two commenters restated objections to the Board's decision in promulgating its substantive section 215 regulations (143 Cong. R. S61, S63 (daily ed., Jan. 7, 1997)) not to adopt the Secretary's rules of practice and procedure for variances under the OSHAct (part 1905, 29 C.F.R.), and the Secretary's regulations relating to the procedure for conducting inspections, and for issuing and contesting citations and proposed penalties under the OSHAct (part 1903, 29 C.F.R.) as regulations under section 215(d)(2) of the CAA. The arguments offered by the commenters are substantially the same as those rejected by the Board in its rulemaking on this issue (143 Cong. R. at S63). The Board has fully explained its decision not to adopt Parts 1903 and 1905, 29 C.F.R., as regulations under section 215(d) of the CAA, and for rejecting the arguments made by the commenters. The Board did not consider the Secretary's regulations governing inspections, citations, and variances to be outside the scope of rulemaking under section 304 because they were "procedural" as opposed to "substantive." Instead, the Board did not adopt these regulations because they were promulgated to implement sections 8, 9, and 10 of the OSHAct, statutory provisions which are not "referred to in subsection (a)" of section 215. Accordingly, these regulations were not within the scope of the Board's rulemaking authority under section 215(d)(2). 143 Cong. R. at S63–64. Thus, the question whether the proposed regulations should have been issued under section 304 of the CAA cannot be addressed by the Executive Director in the context of this rulemaking.

Because the Board has determined that regulations covering variances, citations, and notices cannot be issued under section 215(d), the question is whether such regulations may be issued by the Executive Director under section 303. The essence of the commenters' argument in this rulemaking is that the Executive Director cannot do so because the procedures affect substantive rights of the parties. The commenters' position is based on the substance-procedure distinction that they believe demarcates the boundary between rulemaking under sections 215(d) and 304 and rulemaking under section 303.

As noted above, the Board did not exclude the subjects of variances, citations, and notices from its rulemaking based on a substance/procedure distinction, but because the Secretary's regulations covering these subjects were not within the scope of section 215(d). Similarly, the Executive Director is not barred from promulgating rules governing the procedures of the Office simply because those procedures might affect the substantive rights of the parties.

Contrary to the commenters' argument, the Board's earlier statement (in the context of its rulemaking under section 220(d) of the CAA) that rules governing procedures can be substantive regulations is not controlling with respect to the present issue. In its rulemaking proceeding under section 220(d), the Board determined that the subject matter of the Federal Labor Relations Authority's regulations, including certain regulations purporting to govern procedures of the Authority, were within the plain language setting forth the scope of rulemaking under section 220(d). The question raised by the commenters in that rulemaking was whether regulations falling within the scope of section 220(d) were nevertheless excluded because of their procedural label or character. The Board decided that they were not so excluded, and its statement that procedural rules can be considered substantive regulations was made in that context. *See* 142 Cong. R. S5070, 5072 (daily ed., May 15, 1996). Conversely, in its rulemaking under section 215(d), the Board determined that certain regulations were *not* within the scope of rulemaking under section 215(d), and it rejected the argument that regulations not falling within the scope of section 215(d) should nevertheless be included because of their substantive label or character. Thus, contrary to the commenters' arguments, there is no inconsistency in the underlying rationale of the Board in these two rulemakings. The Board's preambulatory remarks as part of the section 220(d) rulemaking seized upon by the commenters, when read in context, do not control the question here.

The question whether these rules can be promulgated under section 303 must begin and end with the language of the statute. Section 303(a) provides that "[t]he Executive Director shall, subject to approval of the Board, adopt rules governing the procedures of the Office, including the procedures of hearing officers, which shall be submitted for publication in the Congressional RECORD." 2 U.S.C. §1383(a). The regulations in issue plainly meet these criteria. So long as the Executive Director's regulations meet these criteria, the regulations may be promulgated under this authority, whether they affect substantive rights or not.

Given the Board's decision not to promulgate regulations governing the subject of variances, citations, and notices under section 215(d), if the Executive Director accepted the commenters' arguments and did not issue these rules under section 303, it would mean, for example, that no procedures would exist by which variances may be considered by the Board. The Executive Director believes that such a procedure should be provided employing offices. Because promulgation of such procedures is within the scope of the Executive Director's rulemaking under section 303, there is no basis upon which the Executive Director should refuse to address these matters under section 303.

B. References to the General Counsel's designees

Two commenters argued that references in the regulations to "designees of the General Counsel" are inappropriate on the theory that the CAA does not authorize the General Counsel to delegate his duties. To the extent that the commenters are arguing that the General Counsel is prohibited from assigning or designating others to perform the inspections and other responsibilities under section 215 of the CAA, such an argument is refuted by section 302(c)(4) of the CAA, which expressly authorizes the General Counsel to "appoint . . . such additional attorneys as may be necessary to enable the General Counsel to perform the General Counsel's duties." 2 U.S.C. §1382(c)(4). Similarly, 215(c) of the CAA provides that the General Counsel exercises the "authorities granted to the Secretary of Labor" by subsections (a), (d), (e), and (f) of section 8 of the OSHAct, and sections 9 and 10 of the OSHAct. Those sections in turn recognize that the Secretary may act personally or through an "authorized representative" with respect to many of these functions. *See* 29 U.S.C. §§657(e), (f), and 658(a). Thus, the proposed regulation is not inconsistent with section 215 or the provisions of the OSHAct incorporated thereunder.

One of the commenters also argued that the General Counsel may not utilize detailees or consultants in carrying out his duties, because section 302 of the CAA gives the Executive Director the authority to secure the use of detailees. However, section 302 does not limit the functions to which these detailees may be assigned within the Office. Similarly, although the Executive Director may procure the temporary services of consultants "[i]n carrying out the functions of the Office," nothing in the CAA suggests that the Executive Director is barred from obtaining and approving the services of consultants to assist the General Counsel in performing his duties. Indeed, the comprehensive inspections of Legislative Branch facilities were performed in large part through the use of detailees and consultants assisting the General Counsel. The commenters were aware of this use of consultants for this purpose. No claim was made that such inspections could not be conducted with the assistance of consultants.

More to the point, the General Counsel is statutorily responsible for exercising the authorities and performing the duties of the General Counsel as specified in section 215 and is accountable for decisions made therein. The proposed regulatory sections do not purport to delegate the General Counsel's statutory responsibilities to others. The regulations simply recognize that the General Counsel may utilize others to enable him to perform certain functions within those responsibilities (such as assisting in conducting investigations and inspections).

The commenters' implicit argument that the CAA requires the General Counsel to *solely* and personally perform those functions is, quite simply, wrong. It is clear that "those legally responsible for a decision must in fact make it, but that their method of doing so—their thought processes, their reliance on their staffs—is largely beyond judicial scrutiny." *Yellow Freight System, Inc.* v. *Martin*, 983 F.2d 1195, 1201 (2d Cir. 1993), quoting *KFC National Management Corp.* v. *NLRB*, 497 F.2d 298 (2d Cir. 1974), cert. denied, 423 U.S. 1087 (1976). Thus, the decision to assign or designate others (such as other attorneys in the Office, detailees or others) to perform functions related to the General Counsel's ultimate decisions under section 215 (e.g., whether to issue a citation, a notice and/or a complaint in a particular case) is not prohibited by the CAA or subject to review by individual employing offices, as argued by the commenters.

One of the commenters argued that employing offices should have an opportunity to pass upon the qualifications of individuals chosen by the General Counsel to conduct inspections through a specified process. Nothing in the CAA or the OSHAct authorizes adoption of such a procedure, and such a provision would interfere unduly with the General Counsel's enforcement responsibilities. Adoption of procedures to micro-manage the General Counsel's operations in this area would be improper in the absence of any statutory authority.

C. Inspections, Citations, and Complaints

1. Objection to inspection, entry not a waiver, advance notice of inspection, requirement of *ex parte* administrative inspection warrants (sections 4.04, 4.05, and 4.06)

Three commenters requested that the Executive Director issue regulations requiring the General Counsel to provide advance notice of an inspection to employing offices or to seek a warrant before conducting a nonconsensual search of employing offices. One commenter argued that the Supreme Court's decision in *Marshall* v. *Barlow's, Inc.*, 436 U.S. 307 (1978), which held that the Fourth Amendment's protection against unreasonable searches and seizures applies to nonconsensual inspection of private commercial property, applies to administrative inspections of legislative branch employing offices by another legislative branch entity; the commenter further argued that the rules should require that the General Counsel first notify the employing office of the intent to inspect, obtain written consent prior to inspections, and schedule an appointment with employing offices for such inspections. The other commenter argued that, regardless of whether the Fourth Amendment's protection applies equally to congressional offices, similar privacy interests apply to employing offices to enable them to conduct their legislative business free from unreasonable searches. These commenters asked that the procedural rules include provisions similar to those of section 1903.4 of the Secretary's rules, which were amended to authorize the Secretary to secure an *ex parte* administrative warrant upon refusal to consent to a search in response to the *Barlow's* decision. *See* 45 Fed. Reg. 65916 (Oct. 3, 1980) (Final rule amending section 1903.4, 29 C.F.R.). The third commenter also requested that the final regulations include the compulsory process/*ex parte* administrative warrants provisions of section 1903.4, but did not explain how inclusion of such a provision would be authorized by section 215 of the CAA.

It is not entirely clear that the Fourth Amendment's protections that bar the warrantless search of commercial premises apply (or apply with equal force) to inspections of a legislative branch office by another legislative branch entity, albeit an independent one. The protections of the Fourth Amendment were designed to protect privacy interests against intrusion by the government; it is, therefore, not obvious that they apply to prohibit one legislative branch enforcement entity (the General Counsel) from conducting an investigation of another legislative branch entity (an individual employing office). To be sure, there may be portions of an employing office to which individual persons' expectations of privacy may attach. See, e.g., *O'Connor* v. *Ortega*, 480 U.S. 709 (1987) (expectation of privacy in public employee's desk, files, and areas within his exclusive control); *Schowengerdt* v. *General Dynamics Corp.*, 823 F.2d 1328, 1335 (9th Cir. 1987) (reasonable expectation of privacy found to exist in areas of government property given over to an employee's exclusive control). But it is questionable whether an employing office, as a covered entity (as distinguished from the individuals holding positions within the office or working there), would be found to possess a privacy right to be free from administrative inquiries authorized by a statute duly enacted by Congress. Moreover, section 215(f)'s requirement that the General Counsel conduct a comprehensive inspection of all covered employing offices and other covered facilities on a regular basis and at least once each Congress may well defeat an otherwise reasonable expectation of privacy in such offices and other facilities. See, e.g., *United States* v. *Bunkers*, 521 F.2d 1217, 1219–20 (9th Cir.) (search of postal worker's locker authorized by regulation), *cert. denied*, 423 U.S. 989 (1975); *United States* v. *Taketa*, 923 F.2d 665, 672 (9th Cir. 1991) (valid regulation may defeat an otherwise reasonable expectation of workplace privacy); see also *Donovan* v. *Dewey*, 452 U.S. 593 (1981) (legislative schemes authorizing warrantless administrative searches of commercial property do not necessarily violate the Fourth Amendment).

In any event, whether *Barlow's* and its progeny apply in the context of the CAA is a question that need not be decided here. Section 215 does not provide a mechanism by which warrants may be issued. Section 215 contemplates the assignment of hearing officers, but only after a complaint has been filed by the General Counsel. *See* 2 U.S.C. §1341(c)(3). Moreover, there is no provision in the CAA that would allow such applications to be heard by federal judges. *Compare* 2 U.S.C. §1405(f)(3) (authorizing federal district court to issue orders requiring persons to appear before the hearing officer to give testimony and produce records). Thus, there is no statutory basis upon which such a procedure could be adopted by the Executive Director.

The commenters incorrectly assume that, absent a warrant procedure, the General Counsel would nevertheless enter a workspace over the objection of the employing office/s with jurisdiction over the area or control of the space involved. Just as it would be improper to assume that employing offices would engage in a wholesale refusal to allow inspections, it cannot be assumed that the General Counsel will attempt to force inspectors into work areas over the employing office's objection. *See* 29 U.S.C. §657(a)(2) (Secretary authorized "to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner . . ."). In the typical case, the General Counsel can be expected to ascertain the reason for the refusal and attempt to secure voluntary consent to conduct the inspection. If the employing office continues to refuse an inspection, there are options presently available to the General Counsel to secure access to the space. These options would include, among others, seeking such consent from the relevant committee(s) of the Congress that have responsibilities for the office space or work area involved, and seeking consent from the Architect of the Capitol and/or other entities that have superintendence or other responsibility for and authority over the facility and access to and/or control of the space involved. If such options are unavailing, the General Counsel could simply note the refusal of the employing office to allow the inspection in, for example, the inspection report submitted to the Congress. Of course, the Office assumes that employing offices will not withhold their consent.

The commenters also argued that advance notice should be given by the General Counsel to conform to protections recognized in the private sector context. One of the commenters specifically requested that the rules require the General Counsel to first schedule an appointment with an employing office prior to an inspection. Although the commenters argued that such notice is consistent with practice under the OSHAct, advance notice of inspections is the *exception*, not the rule, at OSHA. *See* 29 C.F.R. §1903.6; OSHAct section 17(f). Moreover, in enacting the CAA, the Congress understood that its incorporation of the rights and protections of the OSHAct included the standard practice and procedure at OSHA that advance notice would not be given. *See* 142 Cong. R. S 625 (daily ed., Jan. 9, 1995) (section-by-section analysis of the CAA submitted by Senator GRASSLEY) ("[T]he act does not provide that employing offices are to receive notice of the inspections."). Thus, the commenters' argument that advance notice of inspections is required by OSHA regulations and practice, or by the CAA, is not supported by the statute. Indeed, as one of the commenters acknowledged, its proposal requiring advance notice would require a re-writing of the inspection authority of section 8(a) of the OSHAct, applied by section 215, to read that the General Counsel is authorized "*upon the notice and consent of the employing office* to enter [without delay and] at reasonable times . . ." Adoption of a such a rule, which is plainly at odds with the underlying statute, would be improper.

One of the commenters argued alternatively that proposed section 4.06 be modified to include the provisions of section 1903.6, which authorizes advance notice in certain specified circumstances. The provisions of section 1903.6, with appropriate modifications, will be included as part of the final regulations, since such an enforcement policy is not deemed to add to or alter any substantive provision in the underlying statute.

This commenter also requested that section 4.06 be modified to require the General Counsel to issue a written statement explaining why advance notice was not provided to the employing office. Nothing under the CAA or the OSHAct authorizes or suggests such a requirement, nor would any purpose of the CAA be served. Thus, no such modification will be made.

Finally, section 4.05 (Entry not a waiver) will be modified to specifically refer to section 215 of the CAA, as requested by a commenter.

2. References to recordkeeping requirements (sections 4.02 and 4.07)

Two commenters objected to references in proposed section 4.02 of the regulations to "records required by the CAA and regulations promulgated thereunder," and a similar reference in section 4.07, on the theory that no recordkeeping requirements, even those that are inextricably intertwined with the substantive health and safety standards of Parts 1910 and 1926, 29 C.F.R., may be imposed on employing offices under the CAA. The commenters presented no different arguments than those fully considered and rejected by the Board in promulgating its substantive section 215 regulations. *See* 142 Cong. R. at S63. Because the Board has adopted substantive health and safety standards which impose limited recordkeeping requirements on employing offices (e.g., rules relating to employee exposure records), such records are subject to review during an inspection. The Executive Director thus has no basis for the proposed deletion.

3. Security clearances (section 4.02)

Two commenters suggested that section 4.02 of the proposed regulation be amended to provide that the General Counsel or other person conducting a work site inspection obtain an appropriate security clearance before inspecting areas that contain classified information. The General Counsel reports that he is in the process of obtaining, through the appropriate security division of the United States Capitol Police, security clearances for the General Counsel and the General Counsel's inspection personnel to enable them to have access to such areas, if access is required as part of a section 215 inspection. Section 4.02, and other sections as appropriate, will be amended to state that the General Counsel and/or any inspection personnel will be required to either have or obtain appropriate security clearance, if such clearance is required for access to the workspaces inspected.

4. Requests for inspections by employing office (section 4.03)

One commenter noted that, although section 4.03(b) provides that employing office requests for inspections must be reduced to writing on a form provided by the Office, there is no requirement in section 4.03(a) that employee requests be submitted on an Office-provided form. Section 4.03(a) will be modified to provide that employee requests be reduced in writing on an Office-provided form. The commenter has asked that any form developed be submitted for review and comment from employing offices prior to its approval. Since the form is merely an investigative tool of the General Counsel, there is no reason to require that it be "approved" by the Board prior to issuance. Inspection forms and other similar documents relating to the General Counsel's enforcement procedures are available from the General Counsel.

5. Scope and nature of inspection (sections 4.03 and 4.08)

One commenter has asked that section 4.03(2) be modified to provide that inspections will be limited to matters included in the notice of violation. Section 4.03(2) is based on virtually identical provisions of the Secretary's regulations, 29 C.F.R. §1903.11. Nothing in section 215 or the provisions of the OSHAct incorporated thereunder would authorize placing a limitation on the General Counsel's inspection authority, as proposed by the commenter.

Similarly, section 8(e) of the OSHAct, 29 U.S.C. §657(e), and proposed section 4.08 provide that a representative of the employer and a representative authorized by the employees shall be given an opportunity to accompany the inspector, and section 4.08 will not be modified to provide that parties be given the opportunity to seek immediate review of the General Counsel's determinations regarding authorized representatives, or to provide specific standards by which the General Counsel may deny the right of accompaniment, or that parties have a "fair" opportunity to accompany the General Counsel's designee during the inspection, as suggested by two commenters. As with the proposed modifications of section 4.03, nothing in section 215, the OSHAct, or the Secretary's rules and practice under the OSHAct, would authorize placing these limitations on the General Counsel's enforcement authorities. On the contrary, such a modification provides parties with a tool for delay, allowing an office to forestall prompt inspection and abatement of hazards while the parties litigate the issue of whether an employing office was denied a "fair" opportunity for accompaniment or whether a representative of employees is an appropriately authorized representative. Nothing in the OSHAct, as applied by section 215 of the CAA, would sanction such a rule.

6. Inspector compliance with health and safety requirements (section 4.07)

Two commenters requested that section 4.07 of the proposed regulations add the provisions of 29 C.F.R. §1903.7(c), which provide that health and safety inspectors take reasonable safety precautions to ensure that their inspection practices are not hazardous and comply with the employer's safety and health rules at the work site. This enforcement policy will be included within the final regulations.

7. Consultation with employees (section 4.09)

Section 4.09 tracks the provisions of section 1903.10 of the Secretary's regulations, which provide that inspectors may consult with employees concerning health and safety and other matters deemed necessary for an effective and thorough inspection, and that afford employees an opportunity to bring violations to the attention of the inspectors during the course of an inspection. A commenter has requested that section 4.09 be modified to require specific limits on the time, place, and manner of such consultations, and that employees be required to first put in writing violations that they intend to bring to the attention of inspectors during the course of an inspection. Nothing in section 215 of the CAA or the provisions of the OSHAct incorporated thereunder requires or permits the modifications requested by the commenter.

8. Inspection not warranted; informal review (section 4.10)

A commenter requested that proposed section 4.10(a) be revised to state that, after conducting informal conferences to review a decision not to conduct an inspection of a work site, the General Counsel "shall" (rather than "may") affirm, modify or reverse the decision. The final regulations will include the change suggested by the commenter.

A second commenter requested that the final regulations include the provisions of 29 C.F.R. §1903.12(a), which permit parties to make written submissions as part of the informal conference. The final regulations will include these provisions, as suggested by the commenter.

9. Citations (section 4.11)

Two commenters requested that section 4.11 of the final regulations include the language of 29 C.F.R. §1903.14(a) that "No citation may be issued under this section after the expiration of six months following the occurrence of any violation." The commenters argued that the proposed regulations "omit this important substantive right" under section 9(c) of the OSHAct. Section 9(c) of the OSHAct is a temporal limitation on the ability of the Secretary to issue a citation and thus is included within the scope of section 215(c). It applies regardless of whether or not a procedural regulation "implements" it. Nevertheless, because the proposed provision simply tracks the clear and unambiguous statutory provision of section 9(c) of the OSHAct and does not purport to create or modify any substantive right, it will be included in section 4.11 of the final regulations.

One commenter requested that section 4.11(a), which authorizes the General Counsel to issue citations or notices even if the employing office immediately abates, or initiates steps to abate the violation, be deleted. However, this provision tracks the language of section 1903.14(a) and is consistent with section 215 of the CAA. Thus, it will not be modified as requested by the commenter.

10. *De minimis* violations (sections 4.11 and 4.13)

Two commenters argued that the Executive Director should adopt provisions regarding "*de minimis*" violations, consistent with section 9(a) of the OSHAct and 29 C.F.R. §§1903.14 and 1903.16. Section 9(a) of the OSHAct provides, in relevant part, that "[t]he Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to *de minimis* violations which have no direct or immediate relationship to safety or health." Although OSHA formerly required inspectors to issue citations on *de minimis* violations under this provision, the practice has been abandoned. OSHA Field Inspection Reference Manual ch. III.C.2.g. (1994) ("De Minimis violations . . . shall not be included in citations. . . . The employer should be verbally notified of the violation and the [Compliance Safety and Health Officer] should note it in the inspection case file."). Thus, a provision enabling the General Counsel to issue notices for *de minimis* violations is of little practical utility under section 215. However, the text of section 215(c)(2)(A) authorizes the General Counsel to issue a "citation or notice," which reasonably would include a notice of *de minimis* violations. Including such a provision in these regulations is consistent with the CAA, and does not create a substantive requirement. Thus, sections 4.11 and 4.13 will be modified to provide that the General Counsel may issue notices of *de minimis* violations in appropriate cases, as requested by the commenters.

11. Failure to correct a violation for which a citation has been issued; notice of failure to correct a violation; complaint (section 4.14)

Section 4.14(a) of the proposed regulations provide that, "if the General Counsel determines" that an employing office has failed to correct timely an alleged violation, he or she "may" issue a notification of such failure before filing a complaint against the office. Two commenters argued that the proposed regulations are contrary to section 215(c)(2)(B) of the CAA because they do not require the General Counsel to issue a notification before filing a complaint. Similarly, these commenters argued that section 5.01 be modified to require the General Counsel to conduct a follow-up inspection as a prerequisite to filing a complaint under section 215. Nothing in section 215(c)(2)(B) *requires* the General Counsel to issue a notification or to conduct a follow-up inspection prior to filing a complaint. Instead, section 215 grants the General Counsel the authority to file a complaint after issuing "a citation or notification," if the General Counsel determines that a violation has not been corrected. 2 U.S.C. §1341(c)(3).

The section-by-section analysis of the CAA explains the basis for section 215(c)(2)'s language authorizing the General Counsel to issue a citation or a notice. It makes clear that section 215 does not require the General Counsel to issue a notification prior to filing a complaint where an employing office has failed to abate a hazard outlined in the citation: [Under section 215] the general counsel can issue a citation and proceed to file a complaint if the violation remains unabated. Or the general counsel may file a notification after the citation is not complied with, and then file a complaint. The general counsel may not file a notification without having first filed a citation which has not been honored. The choice whether to follow a citation with a complaint once it is evident that there has not been compliance, or to file a notification before the filing of the complaint, will normally turn on whether the general counsel believes that good faith efforts are being undertaken to comply with the citation, but the time period for complete remediation of the citation period has expired." 141 Cong. R. S621, S625 (daily ed. Jan. 9, 1995) (section-by-section analysis). Therefore, because the commenters' requested change is contrary to the statutory procedure outlined in section 215, it may not be adopted as a procedure of the Office under section 303.

12. Informal conferences (section 4.15)

One commenter requested that section 4.15 be modified to require the General Counsel to allow participation in an informal conference by persons other than the requesting party (complaining employee or employing office). Section 4.15, which states that such participation is "at the discretion of the General Counsel," tracks section 1903.19 of the Secretary's regulations and is consistent with section 215 of the CAA. Thus, it will not be modified as requested by the commenter. However, as requested by the commenter, section 4.15 will be revised to clarify that any settlement entered into between the parties to such a conference shall be subject to the approval of the Executive Director, to conform to section 414 of the CAA.

13. Notice of contest

A commenter argued that the procedural regulations should provide a procedure for filing notices of contest, as outlined in 29 C.F.R. §1903.17 and consistent with section 9(a) of the OSHAct. However, the changes proposed by the commenter would flatly contradict the statutory procedures outlined in section 215. As the Board noted in its rulemaking under section 215, the statutory enforcement scheme under section 215 differs significantly from the comparable statutory provisions of the OSHAct.

The enforcement procedures of the OSHAct are set forth in sections 8, 9, 10, and 11 of the OSHAct, 29 U.S.C. §§657–660. Section 8(a) of the OSHAct authorizes the Secretary's inspectors to conduct reasonable safety and health inspections at places of employment. 29 U.S.C. §657(a). If a violation is discovered, the inspector may issue a citation to the employer under section 9(a) of the OSHAct, specifically describing the violation, fixing a reasonable time for its abatement and, in his or her discretion, proposing a civil monetary penalty. 29 U.S.C. §§658, 659. Section 8(c) permits an employer to notify the Secretary that it intends to contest the citation. 29 U.S.C. §659(c). If the employer does not contest the citation within 15 working days, it becomes a final abatement order and is "not subject to review by any court or agency." 29 U.S.C. §659(b). Section 10(c) of the OSHAct also gives an employee or representative of employees a right to contest the period of time fixed in the citation for abatement of the violation. In either event, the Occupational Safety and Health Review Commission must afford the employer and/or the employee "an opportunity for a hearing." 29 U.S.C. §659(c). Section 10(c) also requires the Commission to provide affected employees or their representatives "an opportunity to participate as parties to hearings under this subsection." *Id.*

Rather than either incorporating by reference the statutory enforcement procedures of the OSHAct described above or adopting them in *haec verba* in section 215, the CAA provides a detailed statutory enforcement scheme which departs from the OSHAct in several significant respects. Section 215(c) makes reference to sections 8(a), 8(d), 8(e), 8(f), 9, and 10 of the OSHAct, but only to the extent of granting the General Counsel the "authorities of the Secretary" contained in those sections to "inspect and investigate places of employment" and to "issue a citation or notice . . . or a notification" to employing offices. Section 215(c)(1), (2). Other portions of sections 8, 9, and 10 of the OSHAct that do not relate to the Secretary's authority to conduct inspections or to issue citations or notices are not incorporated into sections 215(c). Instead, section 215(c) provides a detailed procedure regarding inspections and citations which, although modeled on sections 8, 9, and 10 of the OSHAct, differs in several significant respects from the OSHAct enforcement scheme.

For example, under section 10 of the OSHAct, the employer must initiate a contest within 15 days of receipt to prevent the citation from becoming final; under section

215(c), the General Counsel must initiate a complaint to obtain a final order against an employing office that fails or refuses to abate a hazard outlined in the citation. Section 10(c) of the OSHAct gives employees and representatives of employees a right to participate as parties before the Occupational Safety and Health Appeals Review Board; section 215(c)(5) does not provide such party participation rights to employees and suggests that only the General Counsel and the employing office may participate in any review of decisions issued under section 215.

Section 215(c) of the CAA outlines the specific procedures regarding variances, citations, notifications and hearings under section 215. Any procedural regulations adopted by the Executive Director under section 303 of the CAA cannot conflict with these statutorily-mandated procedures. See *United States* v. *Fausto*, 108 S.Ct. 668, 677 (1988) (the provision of detailed review procedures provides strong evidence that Congress intended such procedures to be exclusive); *Block* v. *Community Nutrition Institute*, 467 U.S. 340, 345–48 (1984) (omission of review procedures for consumers affected by milk market orders, coupled with the provision of such procedures for milk handlers so affected, was strong evidence that Congress intended to preclude consumers from obtaining judicial review); *Whitney Nat. Bank* v. *Bank of New Orleans & Tr. Co.*, 85 S.Ct. 551, 557 (1965) (where Congress has provided statutory review procedures, such procedures are to be exclusive).

Given the fact that section 215(c) sets forth a detailed enforcement procedure which is significantly different than the procedures of the OSHAct, it is reasonable to conclude that Congress did not intend the Board to presume that the regulations regarding such procedures would be "the same" as the Secretary's procedures, as they generally must be if they fall within the Board's substantive rulemaking authority under section 215(d)(2). See *Lorillard* v. *Pons*, 434 U.S. 575 (1978) (manner in which Congress employed incorporation by reference evidenced an intent on the part of Congress to assimilate the remedies and procedures of the FLSA into the ADEA, except in those cases where, in the ADEA itself, Congress made plain its decision to follow a different course than that provided for in the FLSA). Thus, the commenters' interpretation is not supported by section 215.

Here, there is no statutory authority for the filing and determination of notices of contest by employing offices. The only way in which a safety and health issue can be presented to a hearing officer is in connection with a complaint filed by the General Counsel. These procedural regulations cannot be used to engraft provisions not provided for in the statute and, more importantly, which conflict with the procedures expressly set forth therein. For the same reasons, there is no statutory basis upon which to create a procedure allowing an employing office to petition for modification of abatement dates (29 C.F.R. §1903.14a), as requested by this commenter.

14. Trade secrets

A commenter requested that the regulations include the provisions of section 1903.7, 29 C.F.R., relating to protection of trade secrets information. Section 1903.7 implements section 15 of the OSHAct, which provides that information obtained by the Secretary in connection with any inspection or proceeding under the OSHAct "which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code" shall be considered confidential. It is not clear that section 15 of the OSHAct applies to proceedings under section 215 of the CAA. However, the current procedural rules attempt to protect privileged or otherwise confidential information from disclosure in CAA proceedings. If any employing office possessed information that constituted a "trade secret" within the meaning of section 15, the Office's procedures recognize that confidential or privileged materials or other information should be protected from disclosure in appropriate circumstances. *See* section 6.01 (c)(3) and (d) of the Procedural Rules (authorizing hearing officers to issue any order to prevent discovery or disclosure of confidential or privileged materials or information, and dealing with claims of privilege). If employing offices maintain information that would constitute "trade secrets" within the meaning of section 15 of the OSHAct, protection against disclosure of such information should be extended to inspections and other information gathering under section 215. Accordingly, the final rules will include, with appropriate modification, the provisions of section 1903.7 as section 4.07(g).

D. Variances

1. Publication of variance determinations and notices (sections 4.23, 4.25, 4.26, and 4.28)

Two commenters requested that sections 4.23, 4.25, 4.26, and 4.28 specify the manner in which the Board's final determinations and other notices will be made public, either by publication in the CONGRESSIONAL RECORD or its equivalent. The regulations will be amended to provide that the Board shall transmit a copy of the final decision to the Speaker of the House and President pro tempore of the Senate with a request that the order be published in the CONGRESSIONAL RECORD. Since the CAA does not require publication of such orders in the CONGRESSIONAL RECORD, the decision to publish in the CONGRESSIONAL RECORD is solely within the discretion of Congress.

Hearings (sections 4.25 and 4.26)

Two commenters have suggested that the provisions regarding referral of matters appropriate for hearing to hearing officers in sections 4.25 and 4.26 of the proposed regulations be revised to replace "may" with "shall" to conform to the language of section 215. They further suggest that the references in section 4.25 and 4.26 requiring applicants to include a request for a hearing be deleted as unnecessary. After considering these comments and the statutory language, the regulations will be amended to provide for referral to hearing officers.

E. Enforcement policy regarding employee rescue activities

Two commenters argued that the regulations should include the provisions of subsection (f) of 29 C.F.R. §1903.14, which provides that, with certain exceptions, no citations may be issued to an employer because of rescue activity undertaken by an employee. However, this provision was adopted by the Secretary as "a general statement of agency policy" and is "an exercise of OSHA's prosecutorial discretion in carrying out its enforcement responsibilities" under the OSHAct. *See* "Policy on Employee Rescue Efforts," 59 Fed. Reg. 66612 (Dec. 27, 1994) (amending 29 C.F.R. pt. 1903 to add section 1903.7; noting that rule is effective immediately upon publication because "the rescue policy simply states OSHA's enforcement policy" regarding citations involving employee rescue activities). Because it is an enforcement policy, the Secretary reserves the right to modify it "in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act." 29 C.F.R. §1903.1. The General Counsel has stated his intention to follow, where not inconsistent with the CAA, the enforcement policies of the Secretary, which would include the policy on employee rescue activities. Thus, this policy will be expressly stated as part of the final procedural regulations at section 4.11(f), as requested by the commenters. However, so that such policies are consistent with the Secretary's part 1903 regulations, the final regulations will add the proviso of section 1903.1, 29 C.F.R., that, to the extent statements in these regulations at section 4.01 set forth general enforcement policies they may be modified in specific circumstances by the General Counsel on the same terms as similar enforcement policies of the Secretary.

F. Regulations governing inspections, citations, and notices in the case of Member retirement, defeat, and office moves

A commenter has requested regulations that would specify the employing office to whom the General Counsel should issue citations and notices in cases where circumstances have changed since the time of the alleged violation, such as when a Member dies, retires, or is not reelected, or when an employing office moves from one office to another. After considering the matter, the Executive Director has determined that it would be inappropriate to issue procedural rules governing these issues. The hypothetical situations posited by the commenter are better addressed by the General Counsel and ultimately, the Board, in the context of actual cases. When and if the situations hypothesized by the commenter occur, the General Counsel and the Board are better positioned to make determinations based on the facts presented. *See NLRB* v. *Bell Aerospace Co.*, 416 U.S. 267, 294–95 (1974) (use of adjudication rather than rulemaking within agency discretion).

G. Technical and nomenclature changes

Commenters have suggested a number of technical and nomenclature corrections in the language of the proposed regulations. The Executive Director has considered all of these suggestions and, as appropriate, has adopted them.

H. Additional comments

One of the commenters requested that the Executive Director review several proposed changes in procedural rules suggested by commenters in response to the earlier July 11, 1996 Notice of Proposed Rulemaking and either promulgate regulations to address these issues or supply a written response as to why such regulations are not necessary. These suggestions included: (1) changes in the special procedures for the Architect of the Capitol and Capitol Police; (2) a rule allowing parties to negotiate changes to the Agreement to Mediate; (3) a procedure by which the parties, instead of the Executive Director, would select Hearing Officers; (4) procedures by which the Office would notify employing offices of various matters; (5) additional requirements for the filing of a complaint; (6) changes in counseling procedures; and (7) a procedure which would allow parties to petition for the recusal of individual Board members.

As stated in the preamble of the Notice of Adoption of Amendments to Procedural Rules, such comments and suggestions were not the subject of or germane to the proposals made in that rulemaking. 142 Cong. R. H10672, H10674 and S10980, S10981 (daily ed., Sept. 19, 1996). Nor are they here. The Notice of this rulemaking clearly stated that the proposed revisions and additions to the procedural rules were intended to provide for the implementation of Parts B and C of title II of the CAA, which were generally effective on January 1, 1997, and to establish procedures for consideration of matters arising under those parts.

As stated in the September 19, 1996 Notice of Adoption of Amendments, the Office, like most agencies, reviews its policies and procedures on an ongoing basis. Where its experience suggests that additional or amended procedures are needed, it will modify its policies and propose amendments to its procedures, to the extent appropriate under the CAA.

Signed at Washington, D.C. on this 18th day of April, 1997.

RICKY SILBERMAN,
Executive Director,
Office of Compliance.

IV. Text of adopted amendments to procedural rules.

§1.01 Scope and Policy

These rules of the Office of Compliance govern the procedures for consideration and resolution of alleged violations of the laws made applicable under Parts A, B, C, and D of title II of the Congressional Accountability Act of 1995. The rules include procedures for counseling, mediation, and for electing between filing a complaint with the Office of Compliance and filing a civil action in a district court of the United States. The rules also address the procedures for variances and compliance, investigation and enforcement under Part C of title II and procedures for the conduct of hearings held as a result of the filing of a complaint and for appeals to the Board of Directors of the Office of Compliance from Hearing Officer decisions, as well as other matters of general applicability to the dispute resolution process and to the operations of the Office of Compliance. It is the policy of the Office that these rules shall be applied with due regard to the rights of all parties and in a manner that expedites the resolution of disputes.

§1.02(i)

(i) *Party*. The term "party" means: (1) an employee or employing office in a proceeding under Part A of title II of the Act; (2) a charging individual, an entity alleged to be responsible for correcting a violation, or the General Counsel in a proceeding under Part B of title II of the Act; (3) an employee, employing office, or as appropriate, the General Counsel in a proceeding under Part C of title II of the Act; or (4) a labor organization, individual employing office or employing activity, or, as appropriate, the General Counsel in a proceeding under Part D of title II of the Act.

§1.03(a)(3)

(3) *Faxing documents*. Documents transmitted by FAX machine will be deemed filed on the date received at the Office at *202-426-1913*, or, in the case of any document to be filed or submitted to the General Counsel, on the date received at the Office of the General Counsel at *202-426-1663*. A FAX filing will be timely only if the document is received no later than 5:00 PM Eastern Time on the last day of the applicable filing period. Any party using a FAX machine to file a document bears the responsibility for ensuring both that the document is timely and accurately transmitted and confirming that the Office has received a facsimile of the document. The party or individual filing the document may rely on its FAX status report sheet to show that it filed the document in a timely manner, provided that the status report indicates the date of the FAX, the receiver's FAX number, the number of pages included in the FAX, and that transmission was completed.

§1.04(d)

(d) *Final decisions*. Pursuant to section 416(f) of the Act, a final decision entered by a Hearing Officer or by the Board under section 405(g) or 406(e) of the Act, which is in favor of the complaining covered employee, or in favor of the charging party under section 210 of the Act, or reverses a Hearing Officer's decision in favor of a complaining covered employee or charging party, shall be made public, except as otherwise ordered by the Board. The Board may make public any other decision at its discretion.

§1.05(a)

(a) An employee, other charging individual or party, a witness, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation wishing to be represented by another individual must file with the Office a written notice of designation of representative. The representative may be, but is not required to be, an attorney.

§1.07(a)

(a) In General. Section 416(a) of the CAA provides that counseling under section 402 shall be strictly confidential, except that the Office and a covered employee may agree to notify the employing office of the allegations. Section 416(b) provides that all mediation shall be strictly confidential. Section 416(c) provides that all proceedings and deliberations of hearing officers and the Board, including any related records shall be confidential, except for release of records necessary for judicial actions, access by certain committees of Congress, and, in accordance with section 416(f), publication of certain final decisions. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of hearing officers and the Board under section 215. *See also* sections 1.06, 5.04 and 7.12 of these rules.

Subpart D—Compliance, Investigation, Enforcement and Variance Procedures Under Section 215 of the CAA (Occupational Safety and Health Act of 1970)

Inspections, Citations, and Complaints

Sec.
4.01 Purpose and scope
4.02 Authority for inspection
4.03 Request for inspections by employees and employing offices
4.04 Objection to inspection
4.05 Entry not a waiver
4.06 Advance notice of inspection
4.07 Conduct of inspections
4.08 Representatives of employing offices and employees
4.09 Consultation with employees
4.10 Inspection not warranted; informal review
4.11 Citations
4.12 Imminent danger
4.13 Posting of citations
4.14 Failure to correct a violation for which a citation has been issued; notice of failure to correct violation; complaint
4.15 Informal conferences

Rules of Practice for Variances, Limitations, Variations, Tolerances, and Exemptions

4.20 Purpose and scope
4.21 Definitions
4.22 Effect of variances
4.23 Public notice of a granted variance, limitation, variation, tolerance, or exemption
4.24 Form of documents
4.25 Applications for temporary variances and other relief
4.26 Applications for permanent variances and other relief
4.27 Modification or revocation of orders
4.28 Action on applications
4.29 Consolidation of proceedings
4.30 Consent findings and rules or orders
4.31 Order of proceedings and burden of proof

Inspections, Citations and Complaints

§4.01 Purpose and scope

The purpose of sections 4.01 through 4.15 of this subpart is to prescribe rules and procedures for enforcement of the inspection and citation provisions of section 215(c)(1) through (3) of the CAA. For the purpose of sections 4.01 through 4.15, references to the "General Counsel" include any authorized representative of the General Counsel. In situations where sections 4.01 through 4.15 set forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the General Counsel or the General Counsel's designee determines that an alternative course of action would better serve the objectives of section 215 of the CAA.

§4.02 Authority for Inspection

(a) Under section 215(c)(1) of the CAA, upon written request of any employing office or covered employee, the General Counsel is authorized to enter without delay and at reasonable times any place of employment under the jurisdiction of an employing office; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employing office, operator, agent or employee; and to review records required by the CAA and regulations promulgated thereunder, and other records which are directly related to the purpose of the inspection.

(b) Prior to inspecting areas containing information which is classified by an agency of the United States Government (and/or by any congressional committee or other authorized entity within the Legislative Branch) in the interest of national security, and for which security clearance is required as a condition for access to the area(s) to be inspected, the individual(s) conducting the inspection shall have obtained the appropriate security clearance.

§4.03 Requests for inspections by employees and covered employing offices

(a) *By covered employees and representatives*. (1) Any covered employee or representative of covered employees who believes that a violation of section 215 of the CAA exists in any place of employment under the jurisdiction of employing offices may request an inspection of such place of employment by giving notice of the alleged violation to the General Counsel. Any such notice shall be reduced to writing on a form available from the Office, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or the representative of the employees. A copy shall be provided to the employing office or its agent by the General Counsel or the General Counsel's designee no later than at the time of inspection, except that, upon the written request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the General Counsel.

(2) If upon receipt of such notification the General Counsel's designee determines that the notice meets the requirements set forth in subparagraph (1) of this section, and that there are reasonable grounds to believe that the alleged violation exists, he or she shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this section shall not be limited to matters referred to in the notice.

(3) Prior to or during any inspection of a place of employment, any covered employee or representative of employees may notify the General Counsel's designee, in writing, of any violation of section 215 of the CAA which he or she has reason to believe exists in such place of employment. Any such notice shall comply with the requirements of subparagraph (1) of this section.

(b) *By employing offices.* Upon written request of any employing office, the General Counsel or the General Counsel's designee shall inspect and investigate places of employment under the jurisdiction of employing offices under section 215(c)(1) of the CAA. Any such requests shall be reduced to writing on a form available from the Office.

§4.04 Objection to inspection

Upon a refusal to permit the General Counsel's designee, in exercise of his or her official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employing office, operator, agent, or employee, in accordance with section 4.02 or to permit a representative of employees to accompany the General Counsel's designee during the physical inspection of any workplace in accordance with section 4.07, the General Counsel's designee shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The General Counsel's designee shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the General Counsel, who shall take appropriate action.

§4.05 Entry not a waiver

Any permission to enter, inspect, review records, or question any person, shall not imply or be conditioned upon a waiver of any cause of action or citation under section 215 of the CAA.

§4.06 Advance notice of inspections

(a) Advance notice of inspections may not be given, except in the following situations: (1) in cases of apparent imminent danger, to enable the employing office to abate the danger as quickly as possible; (2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection; (3) where necessary to assure the presence of representatives of the employing office and employees or the appropriate personnel needed to aid in the inspection; and (4) in other circumstances where the General Counsel determines that the giving of advance notice would enhance the probability of an effective and thorough inspection.

(b) In the situations described in paragraph (a) of this section, advance notice of inspections may be given only if authorized by the General Counsel, except that in cases of apparent imminent danger, advance notice may be given by the General Counsel's designee without such authorization if the General Counsel is not immediately available. When advance notice is given, it shall be the employing office's responsibility promptly to notify the authorized representative of employees, if the identity of such representative is known to the employing office. (*See* section 4.08(b) as to situations where there is no authorized representative of employees.) Upon the request of the employing office, the General Counsel will inform the authorized representative of employees of the inspection, provided that the employing office furnishes the General Counsel's designee with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. Advance notice in any of the situations described in paragraph (a) of this section shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.

§4.07 Conduct of inspections

(a) Subject to the provisions of section 4.02, inspections shall take place at such times and in such places of employment as the General Counsel may direct. At the beginning of an inspection, the General Counsel's designee shall present his or her credentials to the operator of the facility or the management employee in charge at the place of employment to be inspected; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in section 4.02 which he or she wishes to review. However, such designation of records shall not preclude access to additional records specified in section 4.02.

(b) The General Counsel's designee shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately, any employing office, operator, agent or employee of a covered facility. As used herein, the term "employ other reasonable investigative techniques" includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.

(c) In taking photographs and samples, the General Counsel's designees shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. The General Counsel's designees shall comply with all employing office safety and health rules and practices at the workplace or location being inspected, and they shall wear and use appropriate protective clothing and equipment.

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employing office.

(e) At the conclusion of an inspection, the General Counsel's designee shall confer with the employing office or its representative and informally advise it of any apparent safety or health violations disclosed by the inspection. During such conference, the employing office shall be afforded an opportunity to bring to the attention of the General Counsel's designee any pertinent information regarding conditions in the workplace.

(f) Inspections shall be conducted in accordance with the requirements of this subpart.

(g) *Trade Secrets.*

(1) At the commencement of an inspection, the employing office may identify areas in the establishment which contain or which might reveal a trade secret as referred to in section 15 of the OSHAct and section 1905 of title 18 of the United States Code. If the General Counsel's designee has no clear reason to question such identification, information contained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled "confidential—trade secret" and shall not be disclosed by the General Counsel and/or his designees, except that such information may be disclosed to other officers or employees concerned with carrying out section 215 of the CAA or when relevant in any proceeding under section 215. In any such proceeding the hearing officer or the Board shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

(2) Upon the request of an employing office, any authorized representative of employees under section 4.08 in an area containing trade secrets shall be an employee in that area or an employee authorized by the employing office to enter that area. Where there is no such representative or employee, the General Counsel's designee shall consult with a reasonable number of employees who work in that area concerning matters of safety and health.

§4.08 Representatives of employing offices and employees

(a) The General Counsel's designee shall be in charge of inspections and questioning of persons. A representative of the employing office and a representative authorized by its employees shall be given an opportunity to accompany the General Counsel's designee during the physical inspection of any workplace for the purpose of aiding such inspection. The General Counsel's designee may permit additional employing office representatives and additional representatives authorized by employees to accompany the designee where he or she determines that such additional representatives will further aid the inspection. A different employing office and employee representative may accompany the General Counsel's designee during each different phase of an inspection if this will not interfere with the conduct of the inspection.

(b) The General Counsel's designee shall have authority to resolve all disputes as to who is the representative authorized by the employing office and employees for the purpose of this section. If there is no authorized representative of employees, or if the General Counsel's designee is unable to determine with reasonable certainty who is such representative, he or she shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.

(c) The representative(s) authorized by employees shall be an employee(s) of the employing office. However, if in the judgment of the General Counsel's designee, good cause has been shown why accompaniment by a third party who is not an employee of the employing office (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the General Counsel's designee during the inspection.

(d) The General Counsel's designee may deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. With regard to information classified by an agency of the U.S. Government (and/or by any congressional committee or other authorized entity within the Legislative Branch) in the interest of national security, only persons authorized to have access to such information may accompany the General Counsel's designee in areas containing such information.

§4.09 Consultation with employees

The General Counsel's designee may consult with employees concerning matters of occupational safety and health to the extent he or she deems necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of section 215 of the CAA which he or she has reason to believe exists in the workplace to the attention of the General Counsel's designee.

§4.10 Inspection not warranted; informal review

(a) If the General Counsel's designee determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a notice of violation under section 4.03(a), he or she shall notify the party giving the notice in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the General Counsel and, at the same time, providing the employing office with a copy of such statement by certified mail. The employing office may submit an opposing written statement of position with the General Counsel and, at the same time, providing the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employing office, the General Counsel, at his or her discretion, may hold an informal conference in which the complaining party and the employing office may orally present their views. After considering all written and oral views presented, the General Counsel shall affirm, modify, or reverse the designee's determination and furnish the complaining party and the employing office with written notification of this decision and the reasons therefor. The decision of the General Counsel shall be final and not reviewable.

(b) If the General Counsel's designee determines that an inspection is not warranted because the requirements of section 4.03(a)(1) have not been met, he or she shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new notice of alleged violation meeting the requirements of section 4.03(a)(1).

§4.11 Citations

(a) If, on the basis of the inspection, the General Counsel believes that a violation of any requirement of section 215 of the CAA, or of any standard, rule or order promulgated pursuant to section 215 of the CAA, has occurred, he or she shall issue a citation to the employing office responsible for correction of the violation, as determined under section 1.106 of the Board's regulations implementing section 215 of the CAA, either a citation or a notice of de minimis violations that have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the General Counsel, the employing office immediately abates, or initiates steps to abate, such alleged violation. Any citation shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the CAA, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.

(c) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection under section 4.03(a)(1), or a notification of violation under section 4.03(a)(3), a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.

(d) After an inspection, if the General Counsel determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under section 4.03(a)(1) or a notification of violation under section 4.03(a)(3), the informal review procedures prescribed in 4.15 shall be applicable. After considering all views presented, the General Counsel shall affirm the previous determination, order a reinspection, or issue a citation if he or she believes that the inspection disclosed a violation. The General Counsel shall furnish the party that submitted the notice and the employing office with written notification of the determination and the reasons therefor. The determination of the General Counsel shall be final and not reviewable.

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of section 215 has occurred.

(f) No citation may be issued to an employing office because of a rescue activity undertaken by an employee of that employing office with respect to an individual in imminent danger unless:

(1)(i) Such employee is designated or assigned by the employing office to have responsibility to perform or assist in rescue operations, and

(ii) The employing office fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(2)(i) Such employee is directed by the employing office to perform rescue activities in the course of carrying out the employee's job duties, and

(ii) The employing office fails to provide protection of the safety and health of such employee, including failing to provide appropriate training and rescue equipment; or

(3)(i) Such employee is employed in a workplace that requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and

(ii) Such employee has not been designated or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual; and

(iii) The employing office has failed to instruct employees not designated or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.

(4) For the purpose of this policy, the term "imminent danger" means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.

§4.12 Imminent danger

(a) Whenever and as soon as a designee of the General Counsel concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided for by section 215(c), he or she shall inform the affected employees and employing offices of the danger and that he or she is recommending the filing of a petition to restrain such conditions or practices and for other appropriate relief in accordance with section 13(a) of the OSHAct, as applied by section 215(b) of the CAA. Appropriate citations may be issued with respect to an imminent danger even though, after being informed of such danger by the General Counsel's designee, the employing office immediately eliminates the imminence of the danger and initiates steps to abate such danger.

§4.13 Posting of citations

(a) Upon receipt of any citation under section 215 of the CAA, the employing office shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employing office's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employing offices are engaged in activities which are physically dispersed, the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location, the citation may be posted at the location from which the employees operate to carry out their activities. The employing office shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The pendency of any proceedings regarding the citation shall not affect its posting responsibility under this section unless and until the Board issues a final order vacating the citation.

(c) An employing office to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Board, and such notice may explain the reasons for such contest. The employing office may also indicate that specified steps have been taken to abate the violation.

§4.14 Failure to correct a violation for which a citation has been issued; notice of failure to correct violation; complaint

(a) If the General Counsel determines that an employing office has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, he or she may issue a notification to the employing office of such failure prior to filing a complaint against the employing office under section 215(c)(3) of the

CAA. Such notification shall fix a reasonable time or times for abatement of the alleged violation for which the citation was issued and shall be posted in accordance with section 4.13 of these rules. Nothing in these rules shall require the General Counsel to issue such a notification as a prerequisite to filing a complaint under section 215(c)(3) of the CAA.

(b) If after issuing a citation or notification, the General Counsel believes that a violation has not been corrected, the General Counsel may file a complaint with the Office against the employing office named in the citation or notification pursuant to section 215(c)(3) of the CAA. The complaint shall be submitted to a hearing officer for decision pursuant to subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures of sections 7.01 through 7.16 of these rules govern complaint proceedings under this section.

§4.15 Informal conferences

At the request of an affected employing office, employee, or representative of employees, the General Counsel may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, or notice issued by the General Counsel. Any settlement entered into by the parties at such conference shall be subject to the approval of the Executive Director under section 414 of the CAA and section 9.05 of these rules. If the conference is requested by the employing office, an affected employee or the employee's representative shall be afforded an opportunity to participate, at the discretion of the General Counsel. If the conference is requested by an employee or representative of employees, the employing office shall be afforded an opportunity to participate, at the discretion of the General Counsel. Any party may be represented by counsel at such conference.

RULES OF PRACTICE FOR VARIANCES, LIMITATIONS, VARIATIONS, TOLERANCES, AND EXEMPTIONS

§4.20 Purpose and scope

Sections 4.20 through 4.31 contain rules of practice for administrative proceedings to grant variances and other relief under sections 6(b)(6)(A) and 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, as applied by section 215(c)(4) of the CAA.

§4.21 Definitions

As used in sections 4.20 through 4.31, unless the context clearly requires otherwise—

(a) *OSHAct* means the Williams-Steiger Occupational Safety and Health Act of 1970, as applied to covered employees and employing offices under section 215 of the CAA.

(b) *Party* means a person admitted to participate in a hearing conducted in accordance with this subpart. An applicant for relief and any affected employee shall be entitled to be named parties. The General Counsel shall be deemed a party without the necessity of being named.

(c) *Affected employee* means an employee who would be affected by the grant or denial of a variance, limitation, variation, tolerance, or exemption, or any one of the employee's authorized representatives, such as the employee's collective bargaining agent.

§4.22 Effect of variances

All variances granted pursuant to this part shall have only future effect. In its discretion, the Board may decline to entertain an application for a variance on a subject or issue concerning which a citation has been issued to the employing office involved and a proceeding on the citation or a related issue concerning a proposed period of abatement is pending before the General Counsel, a hearing officer, or the Board until the completion of such proceeding.

§4.23 Public notice of a granted variance, limitation, variation, tolerance, or exemption

The Board will transmit every final action granting a variance, limitation, variation, tolerance, or exemption under this part to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that such final action be published in the Congressional record. Every such final action shall specify the alternative to the standard involved which the particular variance permits.

§4.24 Form of documents

(a) Any applications for variances and other papers which are filed in proceedings under sections 4.20 through 4.31 of these rules shall be written or typed. All applications for variances and other papers filed in variance proceedings shall be signed by the applying employing office, by its attorney or other authorized representative, and shall contain the information required by sections 4.25 or 4.26 of these rules, as applicable.

§4.25 Applications for temporary variances and other relief

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance from a standard, or portion thereof, authorized by section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section with the Board. Pursuant to section 215(c)(4) of the CAA, the Board shall refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406. The procedures set forth at sections 7.01 through 7.16 of these rules shall govern hearings under this subpart.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A specification of the standard or portion thereof from which the applicant seeks a variance;

(4) A representation by the applicant, supported by representations from qualified persons having first-hand knowledge of the facts represented, that the applicant is unable to comply with the standard or portion thereof by its effective date and a detailed statement of the reasons therefor;

(5) A statement of the steps the applicant has taken and will take, with specific dates where appropriate, to protect employees against the hazard covered by the standard;

(6) A statement of when the applicant expects to be able to comply with the standard and of what steps the applicant has taken and will take, with specific dates where appropriate, to come into compliance with the standard;

(7) A statement of the facts the applicant would show to establish that (i) the applicant is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date; (ii) the applicant is taking all available steps to safeguard its employees against the hazards covered by the standard; and (iii) the applicant has an effective program for coming into compliance with the standard as quickly as practicable;

(8) A statement that the applicant has informed its affected employees of the application by giving a copy thereof to their authorized representative, posting a statement, giving a summary of the application and specifying where a copy may be examined, at the place or places where notices to employees are normally posted, and by other appropriate means; and

(9) A description of how affected employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties and the terms of the order shall be transmitted by the Board to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.26 Applications for permanent variances and other relief

(a) *Application for variance.* Any employing office, or class of employing offices, desiring a variance authorized by section 6(d) of the OSHAct, as applied by section 215 of the CAA, may file a written application containing the information specified in paragraph (b) of this section, with the Board. Pursuant to section 215(c)(4) of the CAA, the Board shall refer any matter appropriate for hearing to a hearing officer under subsections (b) through (h) of section 405, subject to review by the Board pursuant to section 406.

(b) *Contents.* An application filed pursuant to paragraph (a) of this section shall include:

(1) The name and address of the applicant;

(2) The address of the place or places of employment involved;

(3) A description of the conditions, practices, means, methods, operations, or processes used or proposed to be used by the applicant;

(4) A statement showing how the conditions, practices, means, methods, operations, or processes used or proposed to be used would provide employment and places of employment to employees which are as safe and healthful as those required by the standard from which a variance is sought;

(5) A certification that the applicant has informed its employees of the application by (i) giving a copy thereof to their authorized representative; (ii) posting a statement giving a summary of the application and specifying where a copy may be examined, at the

place or places where notices to employees are normally posted (or in lieu of such summary, the posting of the application itself); and (iii) by other appropriate means; and

(6) A description of how employees have been informed of the application and of their right to petition the Board for a hearing.

(c) *Interim order*—(1) *Application.* An application may also be made for an interim order to be effective until a decision is rendered on the application for the variance filed previously or concurrently. An application for an interim order may include statements of fact and arguments as to why the order should be granted. The hearing officer to whom the Board has referred the application may rule ex parte upon the application.

(2) *Notice of denial of application.* If an application filed pursuant to paragraph (c)(1) of this section is denied, the applicant shall be given prompt notice of the denial, which shall include, or be accompanied by, a brief statement of the grounds therefor.

(3) *Notice of the grant of an interim order.* If an interim order is granted, a copy of the order shall be served upon the applicant for the order and other parties, and the terms of the order shall be transmitted by the Board to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record. It shall be a condition of the order that the affected employing office shall give notice thereof to affected employees by the same means to be used to inform them of an application for a variance.

§4.27 Modification or revocation of orders

(a) *Modification or revocation.* An affected employing office or an affected employee may apply in writing to the Board for a modification or revocation of an order issued under section 6(b)(6)(A), or 6(d) of the OSHAct, as applied by section 215 of the CAA. The application shall contain:

(i) The name and address of the applicant;

(ii) A description of the relief which is sought;

(iii) A statement setting forth with particularity the grounds for relief;

(iv) If the applicant is an employing office, a certification that the applicant has informed its affected employees of the application by:

a. Giving a copy thereof to their authorized representative;

b. Posting at the place or places where notices to employees are normally posted, a statement giving a summary of the application and specifying where a copy of the full application may be examined (or, in lieu of the summary, posting the application itself); and

c. Other appropriate means.

(v) If the applicant is an affected employee, a certification that a copy of the application has been furnished to the employing office; and

(vi) Any request for a hearing, as provided in this part.

(b) *Renewal.* Any final order issued under section 6(b)(6)(A) of the OSHAct, as applied by section 215 of the CAA, may be renewed or extended as permitted by the applicable section and in the manner prescribed for its issuance.

§4.28 Action on applications

(a) *Defective applications.* (1) If an application filed pursuant to sections 4.25(a), 4.26(a), or 4.27 does not conform to the applicable section, the hearing officer or the Board, as applicable, may deny the application.

(2) Prompt notice of the denial of an application shall be given to the applicant.

(3) A notice of denial shall include, or be accompanied by, a brief statement of the grounds for the denial.

(4) A denial of an application pursuant to this paragraph shall be without prejudice to the filing of another application.

(b) *Adequate applications.* (1) If an application has not been denied pursuant to paragraph (a) of this section, the Office shall cause to be published a notice of the filing of the application, which the Board will transmit to the Speaker of the House of Representatives and the President pro tempore of the Senate with a request that the order be published in the Congressional Record.

(2) A notice of the filing of an application shall include:

(i) The terms, or an accurate summary, of the application;

(ii) a reference to the section of the OSHAct applied by section 215 of the CAA under which the application has been filed;

(iii) an invitation to interested persons to submit within a stated period of time written data, views, or arguments regarding the application; and

(iv) information to affected employing offices, employees, and appropriate authority having jurisdiction over employment or places of employment covered in the application of any right to request a hearing on the application.

§4.29 Consolidation of proceedings

On the motion of the hearing officer or the Board or that of any party, the hearing officer or the Board may consolidate or contemporaneously consider two or more proceedings which involve the same or closely related issues.

§4.30 Consent findings and rules or orders

(a) *General.* At any time before the reception of evidence in any hearing, or during any hearing a reasonable opportunity may be afforded to permit negotiation by the parties of an agreement containing consent findings and a rule or order disposing of the whole or any part of the proceeding. The allowance of such opportunity and the duration thereof shall be in the discretion of the hearing officer, after consideration of the nature of the proceeding, the requirements of the public interest, the representations of the parties, and the probability of an agreement which will result in a just disposition of the issues involved.

(b) *Contents.* Any agreement containing consent findings and rule or order disposing of a proceeding shall also provide:

(1) That the rule or order shall have the same force and effect as if made after a full hearing;

(2) That the entire record on which any rule or order may be based shall consist solely of the application and the agreement;

(3) A waiver of any further procedural steps before the hearing officer and the Board; and

(4) A waiver of any right to challenge or contest the validity of the findings and of the rule or order made in accordance with the agreement.

(c) *Submission.* On or before the expiration of the time granted for negotiations, the parties or their counsel may:

(1) Submit the proposed agreement to the hearing officer for his or her consideration; or

(2) Inform the hearing officer that agreement cannot be reached.

(d) *Disposition.* In the event an agreement containing consent findings and rule or order is submitted within the time allowed therefor, the hearing officer may accept such agreement by issuing his or her decision based upon the agreed findings.

§4.31 Order of Proceedings and Burden of Proof

(a) *Order of proceeding.* Except as may be ordered otherwise by the hearing officer, the party applicant for relief shall proceed first at a hearing.

(b) *Burden of proof.* The party applicant shall have the burden of proof.

§5.01(a)(2)

(a)(2) The General Counsel may file a complaint alleging a violation of section 210, 215 or 220 of the Act.

§5.01(b)(2)

(b)(2) A complaint may be filed by the General Counsel

(i) after the investigation of a charge filed under section 210 or 220 of the Act, or

(ii) after the issuance of a citation or notification under section 215 of the Act.

§5.01(c)(2)

(c)(2) *Complaints filed by the General Counsel.* A complaint filed by the General Counsel shall be in writing, signed by the General Counsel or his designee and shall contain the following information:

(i) the name, address and telephone number of, as applicable, (A) each entity responsible for correction of an alleged violation of section 210(b), (B) each employing office alleged to have violated section 215, or (C) each employing office and/or labor organization alleged to have violated section 220, against which complaint is brought;

(ii) notice of the charge filed alleging a violation of section 210 or 220 and/or issuance of a citation or notification under section 215;

(iii) a description of the acts and conduct that are alleged to be violations of the Act, including all relevant dates and places and the names and titles of the responsible individuals; and

(iv) a statement of the relief or remedy sought.

§5.01(d)

(d) Amendments to the complaint may be permitted by the Office or, after assignment, by a Hearing Officer, on the following conditions: that all parties to the proceeding have adequate notice to prepare to meet the new allegations; that the amendments, as appropriate, relate to the violations for which the employee has completed counseling and mediation, or relate to the charge(s) investigated and/or the citation or notification issued by the General Counsel; and that permitting such amendments will not unduly prejudice the rights of the employing office, the labor organization, or other parties, unduly delay the completion of the hearing or otherwise interfere with or impede the proceedings.

§5.04 Confidentiality

Pursuant to section 416(c) of the Act, except as provided in sub-sections 416(d), (e) and (f), all proceedings and deliberations of Hearing Officers and the Board, including any related records, shall be confidential. Section 416(c) does not apply to proceedings under section 215 of the Act, but does apply to the deliberations of Hearing Officers and the Board under section 215. A violation of the confidentiality requirements of the Act and these rules could result in the imposition of sanctions. Nothing in these rules shall prevent the Executive Director from reporting statistical information to the Senate and House of Representatives, so long as that statistical information does not reveal the identity of the employees involved or of employing offices that are the subject of a matter. *See also* sections 1.06, 1.07 and 7.12 of these rules.

§7.07(f)

(f) If the Hearing Officer concludes that a representative of an employee, a witness, a charging party, a labor organization, an employing office, or an entity alleged to be responsible for correcting a violation has a conflict of interest, he or she may, after giving the representative an opportunity to respond, disqualify the representative. In that event, within the time limits for hearing and decision established by the Act, the affected party shall be afforded reasonable time to retain other representation.

§7.12

Pursuant to section 416 of the Act, all proceedings and deliberations of Hearing Officers and the Board, including the transcripts of hearings and any related records, shall be confidential, except as specified in section 416(d), (e), and (f) of the Act. All parties to the proceeding and their representatives, and witnesses who appear at the hearing, will be advised of the importance of confidentiality in this process and of their obligations, subject to sanctions, to maintain it. This provision shall not apply to proceedings under section 215 of the Act, but shall apply to the deliberations of Hearing Officers and the Board under that section.

§8.03(a)

(a) Unless the Board has, in its discretion, stayed the final decision of the Office during the pendency of an appeal pursuant to section 407 of the Act, and except as provided in sections 210(d)(5) and 215(c)(6), a party required to take any action under the terms of a final decision of the Office shall carry out its terms promptly, and shall within 30 days after the decision or order becomes final and goes into effect by its terms, provide the Office and all other parties to the proceedings with a compliance report specifying the manner in which compliance with the provisions of the decision or order has been accomplished. If complete compliance has not been accomplished within 30 days, the party required to take any such action shall submit a compliance report specifying why compliance with any provision of the decision or order has not yet been fully accomplished, the steps being taken to assure full compliance, and the anticipated date by which full compliance will be achieved.

§8.04 Judicial Review

Pursuant to section 407 of the Act,

(a) the United States Court of Appeals for the Federal Circuit shall have jurisdiction over any proceeding commenced by a petition of:

(1) a party aggrieved by a final decision of the Board under section 406(e) in cases arising under part A of title II;

(2) a charging individual or respondent before the Board who files a petition under section 210(d)(4);

(3) the General Counsel or a respondent before the Board who files a petition under section 215(c)(5); or

(4) the General Counsel or a respondent before the Board who files a petition under section 220(c)(3) of the Act.

(b) The U.S. Court of Appeals for the Federal Circuit shall have jurisdiction over any petition of the General Counsel, filed in the name of the Office and at the direction of the Board, to enforce a final decision under section 405(g) or 406(e) with respect to a violation of part A, B, C, or D of title II of the Act.

(c) The party filing a petition for review shall serve a copy on the opposing party or parties or their representative(s).

REPORT ON THE U.S. COMPREHENSIVE PREPAREDNESS PROGRAM—MESSAGE FROM THE PRESIDENT—PM 32

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

The National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201), title XIV, section 1443 (Defense Against Weapons of Mass Destruction), requires the President to transmit a report to the Congress that describes the United States comprehensive readiness program for countering proliferation of weapons of mass destruction. In accordance with this provision, I enclose the attached report.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1997.*

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under the authority of the order of the Senate of January 7, 1997, the Secretary of Senate, on May 1, 1997, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bills:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

H.R. 1001. An act to extend the term of appointment of certain members of the Prospective Payment Assessment Commission and the Physician Payment Review Commission.

Under the authority of the order of the Senate of January 7, 1997, the enrolled bills were signed on May 1, 1997, during the adjournment of the Senate by the President pro tempore [Mr. THURMOND].

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on May 2, 1997, he had presented to the President of the United States, the following enrolled bill:

S. 305. An act to authorize the President to award a gold medal on behalf of the Congress to Francis Albert "Frank" Sinatra in recognition of his outstanding and enduring contributions through his entertainment career and humanitarian activities, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1786. A communication from the Secretary of Defense, transmitting, pursuant to law, notice of a retirement; to the Committee on Armed Services.

EC–1787. A communication from the General Counsel of the Navy, transmitting a draft of proposed legislation relative to the Chief of Chaplains, United States Navy; to the Committee on Armed Services.

EC–1788. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, proposed regulations relative to civil monetary penalties; to the Committee on Rules and Administration.

EC–1789. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the fabrication of bombs and others weapons of mass destruction; to the Committee on the Judiciary.

EC–1790. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report on the activities and operations the Public Integrity Section for calendar year 1995; to the Committee on the Judiciary.

EC–1791. A communication from the Executive Director the Federal Labor Relations Authority, transmitting, pursuant to law, the report for public information requests for calendar year 1996; to the Committee on the Judiciary.

EC–1792. A communication from the Director of the Administrative Office of the United States Courts, transmitting, pursuant to law, the wiretap report for calendar year 1996; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI:

S. 691. A bill entitled the "Public Land Management Participation Act of 1997"; to the Committee on Energy and Natural Resources.

By Mr. REID:

S. 692. A bill to require that applications for passports for minors have parental signatures; to the Committee on Foreign Relations.

By Mr. D'AMATO:

S. 693. A bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent; to the Committee on Finance.

By Ms. SNOWE:

S. 694. A bill to establish reform criteria to permit payment of United States arrearages in assessed contributions to the United Nations; to the Committee on Foreign Relations.

S. 695. A bill to restrict intelligence sharing with the United Nations; to the Committee on Foreign Relations.

S. 696. A bill to establish limitations on the use of funds for United Nations peacekeeping activities; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BENNETT (for himself, Mr. D'AMATO, Mr. HELMS, Mr. DODD, Mr. ASHCROFT, Mrs. HUTCHISON, and Mr. BROWNBACK):

S. Res. 82. A resolution expressing the sense of the Senate to urge the Clinton Administration to enforce the provisions of the Iran-Iraq Arms Non-Proliferation Act of 1992 with respect to the acquisition by Iran of C-802 cruise missiles; to the Committee on Foreign Relations.

By Ms. SNOWE:

S. Con. Res. 24. A concurrent resolution expressing the sense of Congress on the importance of the Eastern Orthodox Ecumenical Patriarchate; to the Committee on Foreign Relations.

S. Con. Res. 25. A concurrent resolution expressing the sense of the Congress that the Russian Federation should be strongly condemned for its plan to provide nuclear technology to Iran, and that such nuclear transfer would make Russia ineligible under terms for the Freedom Support Act; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI:

S. 691. A bill entitled the "Public Land Management Participation Act of 1997"; to the Committee on Energy and Natural Resources.

THE PUBLIC LAND MANAGEMENT PARTICIPATION ACT OF 1997

Mr. MURKOWSKI. Mr. President, I will take this opportunity to rise this afternoon to introduce a very important piece of legislation that I know the occupant of the chair will find interesting. It is called the Public Land Management Participation Act of 1997.

This legislation is intended to put the word "public" and the populace back into public land management and the word "environment," back into environmental protection.

Passage of this act will ensure that all the gains that we made over the past quarter of a century in creating an open, participatory Government which affords strong environmental protection for our public lands are really protected.

For those who thought that those battles were fought and won with the passage of the National Environmental Protection Act in 1969 and the Federal Land Policy Management Act in 1976, I have some bad news. There is one last battle to be fought.

Standing in this very Chamber on January 20, 1975, Mr. President, Senator Henry "Scoop" Jackson of Washington State spoke to the passion Americans feel for their public lands. He said:

> The public lands of the United States have always provided the arena in which we Americans have struggled to fulfill our dreams. Even today dreams of wealth, adventure, and escape are still being acted out on those far-flung public lands. These lands and the dreams—fulfilled and unfulfilled—which they foster are part of our national destiny. They belong to all Americans.

I quote and emphasize, Mr. President, "They belong to all Americans."

Amazingly—there exist today legal authorities by which the President, without the public process or congressional approval, can create vast land management units called national monuments, world heritage sites, and biospheric reserves.

Special management units which affect how millions of acres of our public lands are managed. What people can do on those lands is also affected, what the future will be for surrounding communities.

That is a powerful trust to bestow on anyone, even a President.

On September 12, 1996, the good people of Utah woke up to find themselves the most recent recipient of a philosophy that says, "Trust us. We are from the Government, and we know what is best for you." On that day, standing not in Utah but in the State of Arizona, our President invoked the 1906 Antiquities Act to create 1.7 million acres of national monument in southern Utah.

Notice, Mr. President, he did not do this in Utah. He did it in Arizona. One can only assume he might have had some protests if he had done it in Utah. The withdrawal, however, took place in Utah. It created a 1.7 million acre national monument in the southern part of the State. By utilizing this antiquated law, the President was able to avoid—that's right, avoid—Nation's environmental laws and ignore public participation laws as well. With one swipe of the pen, every shred of public input and environmental law promulgated in this country over the past quarter of a century was shoved into the trash heap of political expediency.

What happened in Utah last fall is but the latest example of a small cadre of administration officials deciding for all Americans how our public lands should be used. It is by no means the only one, Mr. President. As the Senator from Alaska, I have had a great deal of personal experience in this area.

In 1978, President Jimmy Carter created 17 national monuments in Alaska covering more than 55 million acres of lands. That is an area about the size of South Carolina. He withdrew these lands, with the stroke of his pen—no public process, no hearing, no participation from the State. This was then followed in short order by Secretary of the Interior Cecil Andrus, who withdrew an additional 50 million. A total of 105 million acres, Mr. President. All this land was withdrawn for multiple use without any input from the people of my State, the public, or the Congress of the United States. With over 100 million acres of withdrawn land held over Alaska's head, like the sword of Damocles; we were forced to cut the best deal we could. Twenty years later, the people of my State are still struggling to cope with the weight of these decisions.

I would not be here this afternoon if the public, the people of Utah and Congress, had not been denied a voice in the creation of the Grand Staircase-Escalante National Monument. I would not be here if environmental protection procedures had not been ignored.

But the people were denied the opportunity to speak. Mr. President, Congress was denied its opportunity to participate, and environmental procedure was simply ignored. The only voice we have heard was the President's. Without bothering to ask us what we thought about it, he told the citizens of Utah and the rest of the country that he knew better than we did what was good for us.

Now, this is an administration that prides itself in a public process. There was no public process here, Mr. President. We had been debating for some time the issue of Utah wilderness. It was ongoing, but the President, for political expediency, took it upon himself to invoke the Antiquities Act. It has been a long time since anyone has had the right to make those kind of unilateral public land decisions for the American public. Since the passages of the Federal Land Policy and Management Act in 1976, we have had a system of law underpinning public land use decisions. Embodied with this law is public participation. Agencies propose an action, they present the action to the public, the public debates the issue. The public can then appeal bad decisions, the courts resolve the disputes, and the management unit is then created.

Where was this public process, Mr. President, in the special use designation of 1.7 million acres of Federal land in southern Utah? The answer is clear: There wasn't any. Since the passage of the National Environmental Policy Act of 1969, activities which affect the environment are subject to strict environmental laws. Does anyone believe there was no environmental threat posed by the creation of a national monument?

Imagine how the sensitive natural features of the high desert environment would respond to the rhythmic pounding of unlimited hiking boots worn by legions of adoring visitors as they tromp through the area. Where is the NEPA compliance documentation associated with this action? There is not any.

The creation of specialized public use designations such as national parks and wilderness areas are debated within the Halls of Congress, right here. These debates provide for the financial and legal responsibilities which come with the creation of special management units.

Where are the proceedings from those debates? There aren't any, Mr. President. They simply don't exist because, in the heat of an election year, the administration determined that the public process, environmental analyses and congressional deliberations were simply a waste of time.

Mr. President, either you believe in a public process or you do not; you can't have it both ways. If we can no longer trust the administration to involve the public in major land use decisions, then where does it fall? It falls right here to the Congress.

Mr. President, the legislation which I offer today will require any future designations of national monuments, world heritage sites, or biospheric reserves to follow the public participation principles laid down under existing law over the past 25 years. No poetic images, no flowery words, no smoke and mirrors, just good old-fashioned public land management process.

Before these special land management units can be created, my legislation will require that the agencies gather and analyze resource data affected by the land use decisions; full public participation in the creation of these units with all appeal rights protected; compliance with the National Environmental Policy Act; congressional review and ratification, and Presidential signature.

No longer will an administration be able to sidestep public participation and environmental reviews to further political agendas. Nobody—not even the President of the United States—should be above the law.

The Public Land Management Participation Act will make all future land use decisions a joint responsibility of the public, the Congress, and the President—no more loopholes.

I don't question the need for national monuments, world heritage sites, or biospheric reserves. Sometimes they are needed to protect historic treasures, natural resources, et cetera. But if they are to serve the common good, they must be created under the same system of land management law that has governed the use of the public domain for the past 25 years.

There has always been a sacred bond between the American people and the lands they hold in common ownership. No one, regardless of high station or political influence, has the right to impose his will over the means by which the destiny of those lands is decided. This legislation reestablishes that bond.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 691

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Land Management Participation Act of 1997."

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that affect the use and management of all public lands owned or controlled by the Government of the United States.

SEC. 3. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLE IN DECLARATION OF NATIONAL MONUMENTS.

The Antiquities Act (16 U.S.C. 431a) is amended by adding the following new section:

"431b. PUBLIC AND CONGRESSIONAL ROLES IN NATIONAL MONUMENT DECLARATIONS.—(a) The Secretaries of the Interior and Agriculture shall provide an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans relating to the declaration of national monuments upon the lands owned or controlled by the Government of the United States pursuant to the authority of the Antiquities Act (16 U.S.C. 431).

"(b) In addition, the Secretary of the Interior and Agriculture shall, prior to any recommendations for declaration of an area,

"(i) ensure compliance with all applicable federal land management and environmental statutes, including the National Environmental Policy Act (40 U.S.C. 4321–4370d);

"(ii) cause mineral surveys to be conducted by the Geological Survey to determine the mineral values, if any, that may be present in such areas;

"(iii) identify all existing rights held on federal lands contained within such areas by type and acreage; and

"(iv) identify all State lands contained within such areas.

"(c) After such reviews and mineral surveys, the Secretary of the Interior or Agriculture shall report to the President his recommendations as to what lands owned or controlled by the Government of the United States warrant declaration as a national monument.

"(d) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to declaration as national monuments of each such area, together with a map thereof and a definition of its boundaries. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. After the effective date of Public Land Management Participation Act, a recommendation of the President for declaration of a national monument shall become effective only if so provided by an Act of Congress."

SEC. 4. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN WORLD HERITAGE SITE LISTING.

Section 401 of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1) is amended

(1) in subsection (a) in the first sentence, by

(A) inserting "(in this section referred to as the Convention)" after "1973"; and

(B) inserting "and subject to subsections (b), (c), (d), (e), and (f)" before the period at the end;

(2) in subsection (b) in the first sentence, by inserting ", subject to subsection (d)," after "shall"; and

(3) adding at the end the following new subsections:

"(d) If the area proposed for designation is not wholly contained within an existing unit of the National Park System, the Secretary of the Interior and Agriculture;

"(1) shall provide an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans relating to the designation of any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention."

"(2) After such review, the Secretary of the Interior or Agriculture shall report to the President his recommendations as to what lands owned by the United States warrant inclusion on the World Heritage List pursuant to the Convention."

"(3) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to the designation of any lands owned by the United States for inclusion on the World Heritage List pursuant to the Convention. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. After the effective date of Public Land Participation Management Act, a recommendation of the President for designation of any lands owned by the United States for inclusion on the World Heritage List shall become effective only if so provided by an Act of Congress."

"(e) The Secretary of the Interior or Agriculture shall object to the inclusion of any property in the United States on the list of World Heritage in Danger established under Article 11.4 of the Convention unless

"(1) The Secretary has submitted to the Speaker of the House and the President of the Senate a report describing the necessity for including that property on the list; and

"(2) The Secretary is specifically authorized to assent to the inclusion of the property on the list, by a joint resolution of the Congress enacted after the date that report is submitted.

"(f) The Secretary of the Interior and Agriculture shall submit an annual report on each World Heritage Site within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each site:

"(1) An accounting of all money expended to manage the site.

"(2) A summary of Federal full time equivalent hours related to management of the site.

"(3) A list and explanation of all nongovernmental organizations contributing to the management of the site.

"(4) A summary and account of the disposition of complaints received by the Secretary related to management of the site.".

SEC. 5. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN THE DESIGNATION OF UNITED NATIONS BIOSPHERE RESERVES.

Title IV of the National Historic Preservation Act Amendments of 1980 (16 U.S.C. 470a–1 et seq.) is amended by adding at the end the following new section:

"Sec. 403. (a) No Federal official may nominate any lands in the United States for designation as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(b) Any designation of an area in the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization shall not have, and shall not be given, any force or effect, unless the Biosphere Reserve is specifically authorized by an Act of Congress.

"(c) The Secretary of the Interior and Agriculture shall provide an opportunity for public involvement and by regulation shall establish procedures, including public hearings where appropriate, to give Federal, State, and local governments and the public, adequate notice and opportunity to comment upon and participate in the formulation of plans relating to the designation of any lands owned by the United States as a Biosphere Reserve under the Man and Biosphere Program of the United Nations Educational, Scientific, and Cultural Organization.

"(d) After such review, the Secretary of the Interior or Agriculture shall report to the President his recommendations as to what lands owned by the United States warrant inclusion as a Biosphere Reserve.

"(e) The President shall advise the President of the Senate and the Speaker of the House of Representatives of his recommendations with respect to the designation of any lands owned by the United States for inclusion as a Biosphere Reserve. Such advice by the President shall be given within two years of the receipt of each report from the Secretary. After the effective date of Public Land Participation Management Act, a recommendation of the President for declaration of a Biosphere Reserve shall become effective only if so provided by an Act of Congress.

"(f) The Secretary of State shall submit an annual report on each Biosphere Reserve within the United States to the Chairman and Ranking Minority member of the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate, that contains the following information for each reserve:

"(1) An accounting of all money expended to manage the reserve.

"(2) A summary of Federal full time equivalent hours related to management of the reserve.

"(3) A list and explanation of all nongovernmental organizations contributing to the management of the reserve.

"(4) A summary and account of the disposition of the complaints received by the Secretary related to management of the reserve."

SECTION-BY-SECTION ANALYSIS OF S. 691

SECTION 1. SHORT TITLE

Public Land Management Participation Act of 1977.

SECTION 2. PURPOSE

To ensure that the public and the Congress have both the right and a reasonable opportunity to participate in decisions that effect the use and management of all public lands owned or controlled by the Government of the United States.

SECTION 3. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLE IN DECLARATION OF NATIONAL MONUMENTS

This section amends the Antiquities Act by adding language that requires future National Monument Declarations be proceeded by full public participation and Congressional Ratification.

3(a) Directs the Secretaries of Interior and Agriculture to develop regulations that allow Federal, State, and local governments and the public to comment on and participate in the National Monument declaration process.

3(b) Directs the Secretaries to conduct mineral surveys and identify all existing rights on lands contained within proposed National Monument boundaries.

3(c) Authorizes the Secretaries of Interior and Agriculture to make recommendations to the President lands which warrant inclusion in a National Monument.

3(d) Authorizes the President to make recommendations to the Congress lands which warrant inclusion in a national monument. Further states that no declaration of a monument shall become effective until so provided by an Act of Congress.

SECTION 4. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN WORLD HERITAGE SITE LISTING

This section amends the National Historic Preservation Act by adding language that requires future World heritage Site designations be proceeded by full public participation and Congressional ratification.

d(1) Directs the Secretaries of Interior and Agriculture to develop regulations that allow Federal, State, and local governments and the public to comment on and participate in the World Heritage Site Listing process.

d(2) Authorizes the Secretaries of Interior and Agriculture to make recommendations to the President lands which warrant inclusion in a World heritage Site.

d(3) Authorizes the President to make recommendations to the Congress lands which warrant inclusion in a World heritage Site. Further states that no declaration of a World heritage Site shall become effective until so provided for by an Act of Congress.

(e) Directs the secretaries of Interior and Agriculture to object to the inclusion of property in the United states on a list of World heritage in Danger without explicit approval to do so by a joint resolution of Congress.

(f) Requires the Secretaries of Interior and Agriculture to submit an annual report to Congress detailing the cost of operating each World heritage Site, who contributed to the management of the site, and how any complaints about the site were handled.

SECTION 5. CLARIFICATION OF PUBLIC AND CONGRESSIONAL ROLES IN THE DESIGNATION OF UNITED NATIONS BIOSPHERE RESERVES

This section amends the National Historic Preservation Act by adding language that requires future Biosphere Reserve designations be proceeded by full public participation and Congressional ratification.

(c) Directs the Secretaries of Interior and Agriculture to develop regulations that allow Federal, State, and local governments and the public to comment on and participate in the Biosphere Reserve declaration process.

(d) Authorizes the Secretaries of Interior and Agriculture to make recommendations to the President lands which warrant inclusion in a Biosphere Reserve.

(e) Authorizes the President to make recommendations to the Congress lands which warrant inclusion in a national monument. Further states that no declaration of a Biosphere Reserve shall become effective until so provided for by an Act of Congress.

(e) Directs the secretaries of Interior and Agriculture to object to the inclusion of property of the United states without explicit approval to do so by a joint resolution of Congress.

(f) Requires the Secretaries of Interior and Agriculture to submit an annual report to Congress detailing the cost of operating the site, who contributed to the management of the site, and how any complaints about the site were handled.

By Mr. REID:

S. 692. A bill to require that applications for passports for minors have parental signatures; to the Committee on Foreign Relations.

PASSPORT LEGISLATION

Mr. REID. Mr. President, today I rise to introduce legislation which will help resolve a serious problem that plagues this Nation. Last year, and unless we do something this year, 1,000 young boys and girls will be abducted from their home and taken to foreign countries. Most of them will never come back to this country. These are young people who have every right to be in this country, but one of their parents gets a passport and takes them someplace.

This legislation I am introducing involves a young boy by the name of Mikey Kale. His father was Croatian. His father got a passport signed—not notifying the mother—and went to Croatia. This is one of the happy endings of these stories. This young boy was allowed to come home with his mother—not allowed to come home. She went through a lot of time and effort and spent a lot of money to get him so she could bring him home.

Most of the time the children never return. For example, Mr. President, this last week on ABC's "Prime Time," they featured a case very similar to the Mikey Kale case, a case that involved a mother who took a daughter to Costa Rica. She did not have custody of the child. Sole custody was awarded to the father. A warrant was issued for her arrest. For more than 3 years this father has searched, and suffered, trying to get back his daughter. He has been unable to do so. It appears, even pursuant to that television program, that they know where the child is, but because of the complexity of the law in Costa Rica, the child has not been allowed to return.

Extradition law, generally, does not include child abduction. So most parents are stymied. I repeat, 1,000 young boys and girls each year are abducted in this manner. Usually, these abductions take place during or after a contentious divorce, sometimes even by an abusive parent, many times by an abusive parent. At a time when these children are most vulnerable and most uncertain about their future, they are snatched and taken to a foreign country.

The tragedy of this wrong is best illustrated by an ordeal forced upon people from the State of Nevada. No family should have to go through what Fred and Barbara Spierer went through in 1993. Barbara's ex-husband obtained a passport for 6-year-old Mikey without Barbara's knowledge, consent or approval. On Valentine's Day, 1993, he abducted Mikey, boarded an airplane, and left for his country of Croatia, his native country. At that time, that country was, for lack of a better description, in a state of war. After tremendous emotional and financial efforts, the Spierers were able to get Mikey to come home.

I stress, this problem is more common than we would like to think. It has been suggested that we do something about it. This legislation will do that. What, in effect, this legislation would do is say if you are going to take a child outside the United States, you must have the signatures of both parents. If one parent has custody, then only that signature is required. If there is joint custody, it would take both signatures. It is not difficult to get the signatures of both parents to take a child outside the country. Thousands of parents throughout the United States are currently undergoing the same emotional and financial stress that the Spierers experienced. This simple change in the law would prevent future agony and distress.

As I indicated, Mr. President, few parents are as fortunate as the Spierers. Few will ever see their children again. Recovery rates for children, once they are in a foreign country, are extremely low. It is a sad fact that once a child leaves the United States, it is nearly impossible to get the child returned as most nations do not recognize custody orders from the U.S. courts.

As I said, most extradition treaties do not cover international parental abductions. Experience shows that foreign governments are generally reluctant to extradite parental abductors. Often when facing extradition, the abducting parents will hide the child with a friend or relative in a foreign country or even go to another foreign country, complicating things even more. This action prevents the child from ever being returned.

At any rate, getting a child returned in the United States is extremely expensive, far beyond the resources of most families. Many families have to spend in excess of $50,000 just in lawyers trying to retrieve their children, often, to no avail. Prevention is the only feasible way of dealing with international parental abductions. The best way to prevent international parental abductions is to make it more difficult for parental abductors to obtain passports for the minor children.

The aim of the Mikey Kale Passport Notification Act is prevention. It prevents parental abductors from obtaining U.S. passports for their minor children. This, Mr. President, seems the least we could do.

By Mr. D'AMATO:

S. 693. A bill to amend the Internal Revenue Code of 1986 to provide that the value of qualified historic property shall not be included in determining the taxable estate of a decedent; to the Committee on Finance.

THE ESTATE TAX HISTORY PRESERVATION ACT

● Mr. D'AMATO. Mr. President, I introduce legislation that will provide a new tax incentive for qualifying owners of national historic landmark houses that will encourage the preservation and public accessibility to these houses. It is designed to prevent private owners of historical properties from being forced to sell because of concern over the financial burden of Federal estate taxes.

Under current law, the value of historical property is included in determining the taxable estate of a decedent. This raises serious concerns to families that are maintaining and opening to the public these architectural historical homes. They are sharing these treasures with our Nation. To force the operation of these privately funded museum properties to end, due to fear over future estate tax burdens that will be thrust on their descendants is depriving our citizens the opportunity to enjoy the architectural wonders of these homes. Tourists in many States will be denied the opportunity to visit these homes and experience the heritage of these historical sites.

Mr. President, I propose that an estate tax exemption be provided for qualified historical properties. The number of historical homes that will qualify is modest since this legislation requires private, taxable ownership and national historical landmark status, as well as a willingness on the part of the owner to operate the premises as a museum subject to strict requirements. While the legislation has minimal effects on Federal revenues it plays a major role in preserving extraordinarily important properties.

This bill is an opportunity for the Government to encourage preservation of history. Historical homes help preserve the themes of our common heritage and highlight the unique pattern of each community. They contribute to the perpetuation of the historical fabric of our national life. They are a source of a community's pride in accomplishment and beauty.

Section 1(b)(7) of the National Historic Preservation Act of 1966 states that:

> Although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities to get maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust Historic Preservation in the United States to expand and accelerate their historical preservation programs and activities.

That is what this legislation does. It encourages private citizens to preserve historical properties rather than sell or develop them despite their desire to do so. Winston Churchill recognized the importance of preserving historical properties when in 1943 he said "We shape our buildings, and afterwards our buildings shape us".

Mr President, I urge my colleagues on both sides of the aisle to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the complete text of the bill be placed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S.693

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXCLUSION FROM ESTATE TAX FOR HISTORIC PROPERTY SUBJECT TO PRESERVATION EASEMENT.

(a) IN GENERAL.—Part IV of subchapter A of chapter 11 of the Internal Revenue of 1986 (relating to taxable estate) is amended by adding at the end the following new section:

"SEC. 2057. QUALIFIED HISTORIC PROPERTY.

"(a) GENERAL RULE.—For purposes of the tax imposed by section 2001, the value of the taxable estate shall be determined by deducting from the value of the gross estate an amount equal to the value of any qualified historic property included in the gross estate.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED HISTORIC PROPERTY.—

"(A) IN GENERAL.—The term 'qualified historic property' means any historic property if—

"(i) on or before the date on which the return of the tax imposed by section 2001 is filed, a qualified real property interest described in section 170(h)(2)(C) in such property is held by a qualified organization for the purpose described in section 170(h)(4)(A)(iv), and

"(ii) such property is covered by an agreement meeting the requirements of subsection (c) which is entered into on or before such date.

"(B) TREATMENT OF PERSONAL PROPERTY.—Such term includes personal property included within, or associated with, qualified historic property (as defined in paragraph (1)) if such personal property—

"(i) is held by the decedent holding such qualified historic property,

"(ii) has been so included within, or associated with, such qualified historic property throughout the 10-year period ending on the date of the decedent's death, and “(iii) is covered by the agreement referred to in subparagraph (A)(ii) which covers such qualified historic property.

“(2) HISTORIC PROPERTY.—The term ‘historic property’ means—

“(A) any building (and its structural components)—

“(i) which is designated as a National Historic Landmark under section 101 of the National Historic Preservation Act throughout the 10-year period ending on the date of the decedent's death,

“(ii) which was owned by the decedent or a member of the decedent's family (as defined in section 2032A(e)(2)) throughout such 10-year period, and

“(iii) which was originally used for residential purposes, and

“(B) any other real property to the extent reasonably necessary for public view and visitation of the property described in subparagraph (A).

“(3) QUALIFIED ORGANIZATION.—The term ‘qualified organization’ has the meaning given to such term by section 170(h)(3).

“(4) TREATMENT OF QUALIFIED HISTORIC PROPERTY HELD BY A CORPORATION.—In the case of a corporation all of the stock in which was held on the date of the decedent's death by the decedent or members of the decedent's family (as defined in section 2032A(e)(2))—

“(A) stock in such corporation shall be treated for purposes of this section as qualified historic property to the extent that the value of such stock is attributable to qualified historic property held by such corporation, but

“(B) the requirements of subsection (c) shall be met only if each member of the decedent's family holding such stock on such date sign the agreement referred to in subsection (c).

“(c) REQUIREMENTS FOR AGREEMENT.—

“(1) IN GENERAL.—For purposes of subsection (b)(1)(A)(ii), an agreement meets the requirements of this subsection if—

“(A) such agreement is a written agreement signed by each person in being who has an interest (whether or not in possession) in the historic property (other than the qualified organization),

“(B) such agreement is entered into with a State historic preservation agency (or similar State agency) and filed with the Secretary with the return of the tax imposed by section 2001,

“(C) such agreement provides that the only activities carried on at the historic property are activities which are substantially related (aside from the need for income or funds or the use made of the profits derived) to—

“(i) the public view and visitation of such property and the property described in the last sentence of subsection (b)(1) with respect to such property), and

“(ii) the maintenance and preservation of such property and surrounding areas for such public view and visitation,

“(D) such agreement provides that the historic property will be open to the public for a period of at least 20 years beginning on the date on which the return of the tax imposed by section 2001 is filed, and

“(E) such agreement provides that any admission fees (if any) shall bear a reasonable relationship to admission fees for other comparable tourist sites and shall be approved by such State historic preservation agency (or similar State agency).

“(2) TREATMENT OF FOOD, LODGING, AND MEETING FACILITIES PROVIDED TO GENERAL PUBLIC.—The regular carrying on—

“(A) a trade or business of providing lodging shall be treated as not substantially related for purposes of paragraph (1)(C),

“(B) a trade or business of providing food shall be treated as not substantially related for purposes of paragraph (1)(C) unless—

“(i) such food is only provided to individuals who pay the generally applicable admission fees (if any) for admission to the property by individuals to whom no food is provided, and

“(ii) only an insubstantial portion of the structures on the historic property is devoted to the provision of such food, and

“(C) a trade or business of providing facilities for meetings or events shall be treated as not substantially related for purposes of paragraph (1)(C) unless all of the net proceeds from such trade or business are used for maintenance or preservation of the historic property.

“(3) OPEN TO THE PUBLIC.—For the purposes of paragraph (1)(D), the 20-year period referred to in such paragraph shall be suspended during reasonable periods of renovation.

“(d) TAX TREATMENT OF DISPOSITIONS AND FAILURE TO COMPLY WITH AGREEMENT.—

“(1) IMPOSITION OF ADDITIONAL ESTATE TAX.—If, during the 20-year period referred to in subsection (c)(1)(D)—

“(A) any person signing the written agreement referred to in subsection (c) disposes of any interest in the qualified historic property, or

“(B) there is a violation of any provision of such agreement (as determined under regulations prescribed by the Secretary),

then there is hereby imposed an additional estate tax.

“(2) EXCEPTION FOR CERTAIN TRANSFEREES WHO AGREE TO BE BOUND BY AGREEMENT.—No tax shall be imposed under paragraph (1) by reason of any disposition if the person acquiring the property—

“(A) is a qualified organization or is a member of the family (as defined in section 2032A(e)(2)) of the person disposing of such property, and

“(B) agrees to be bound by the agreement referred to in subsection (b)(4) and to be liable for any tax under this subsection in the same manner as the person disposing of such property.

“(3) AMOUNT OF ADDITIONAL TAX.—

“(A) IN GENERAL.—The amount of the additional tax imposed by paragraph (1) with respect to any property shall be an amount equal to the applicable percentage of the excess of—

“(i) what would (but for subsection (a)) have been the tax imposed by section 2001 (reduced by the credits allowable), over

“(ii) the tax imposed by section 2001 (as so reduced).

“(B) APPLICABLE PERCENTAGE.—For purposes of subparagraph (A), the applicable percentage is the percentage determined in accordance with the following table for the year (of 20-year period referred to in subsection (c)(1)(D)) in which the event described in paragraph (1) occurs:

“If the event occurs during:	**The applicable percentage is:**
The 1st 12 years of such 20-year period	100 percent
The 13th or 14th year of such period	80 percent
The 15th or 16th year of such period	60 percent
The 17th or 18th year of such period	40 percent
The 19th or 20th year of such period	20 percent.

“(4) DUE DATE.—The additional tax imposed by this subsection shall be due and payable on the day which is 6 months after the date of the disposition or violation referred to in paragraph (1).

“(5) LIABILITY FOR TAX.—Any person signing the agreement referred to in subsection (c) (other than the executor) shall be personally liable for the additional tax imposed by this subsection. If more than 1 person is liable under this subsection, all such persons shall be jointly and severally liable.

“(6) CERTAIN OTHER RULES TO APPLY.—Rules similar to the rules of sections 1016(c), 2013(f), and 2032A(f) shall apply for purposes of this subsection.

“(e) OTHER SPECIAL RULES.—

“(1) COORDINATION WITH DEDUCTION FOR TRANSFER OF EASEMENT.—Section 2055(f) shall not apply to any interest referred to therein with respect to property for which a deduction is allowed under subsection (a).

“(2) DENIAL OF DEDUCTION OF INDEBTEDNESS ON EXCLUDED PROPERTY.—No deduction shall be allowed under section 2053 for indebtedness in respect of property the value of which is deducted under subsection (a).

“(3) SUBMISSION OF ANNUAL INVENTORIES OF PERSONAL PROPERTY.—The Secretary shall require the submission to the Secretary of such inventories of personal property which is qualified historic property as the Secretary determines are necessary for purposes of this section.”

(b) TECHNICAL AMENDMENTS.—

(1) Subsection (a) of section 1014 of such Code is amended by striking the period at the end of paragraph (3) and inserting “, or” and by adding after paragraph (3) the following new paragraph:

“(4) in the case of property the value of which was deducted under section 2057(a), the adjusted basis of such property in the hands of the decedent immediately before the death of the decedent.”

(2) Subparagraph (A) of section 2056A(b)(10) of such Code is amended by inserting “2057,” after “2056,”.

(3) The table of sections for part IV of subchapter A of chapter 11 of such Code is amended by adding at the end the following new item:

“Sec. 2057. Qualified historic property.”

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to the estates of decedents dying after the date of the enactment of this Act.●

By Ms. SNOWE:

S. 694. A bill to establish reform criteria to permit payment of U.S. arrearages in assessed contributions to the United Nations; to the Committee on Foreign Relations.

S. 695. A bill to restrict intelligence sharing with the United Nations: to the Committee on Foreign Relations.

S. 696. A bill to establish limitations on the use of funds for U.N. peacekeeping activities; to the Committee on Foreign Relations.

UNITED NATIONS REFORM LEGISLATION

Ms. SNOWE. Mr. President, today I am introducing a package of three bills which address the most critical issues affecting our relations with the United Nations. These are the U.S. arrearage in financial contributions to the United Nations, the sharing of U.S. intelligence with the United Nations, and U.S. contributions to U.N. peacekeeping activities.

The United Nations Reform Act of 1997 is a bill that I have been working on for over a year in my former capacity as chair of the Foreign Relations Subcommittee on International Operations. With the United Nations now entering its second half-century, the question being raised is not whether the United Nations can continue its growth for another 50 years, but whether it can survive as an important international institution for the next 5.

With a new Secretary of State who formerly served as U.N. Ambassador, with a new U.N. Ambassador who formerly served as a respected Member of Congress, and with a new U.N. Secretary General, I believe that we have a unique opportunity over the next 2 years to genuinely restore a bipartisan consensus on the United Nations within Congress and among the American people. That is the intent of this legislation, which sets reasonable and achievable reform criteria for the United Nations, linked to a 5-year repayment plan for the nearly $1 billion in arrearages that have built up in the U.N. system over the past few years.

The plan would set up a five-step annual process under which the President would each year have to certify that specific reform guideposts have been met at the United Nations, permitting the payment each year of one-fifth of outstanding U.S. arrearages.

In the first year, the President would have to certify that a hard freeze zero nominal growth budget at the United Nations had been maintained and that budgetary transparency at the world body had been enhanced through opening up the United Nations to member State auditing and fully funding the new U.N. inspector general office.

In the second year, the President would have to certify that U.S. representation had been restored to a key U.N. budgetary oversight body, the Advisory Committee on Administrative and Budgetary Questions [ACABQ].

In the third year, the President would have to certify that a longstanding U.N. peacekeeping reform goal had been achieved. This reform would ensure that the United States receives full credit or reimbursement for the very substantial logistical and in-kind support our military provides to assessed U.N. peacekeeping missions.

In the fourth year, the President would have to certify that a significant reform in the United Nations' budget process had been achieved. This reform would be to divide the U.N. regular budget into an assessed core budget and a voluntary program budget. The source of much of the United Nations' problems stems from the fact that the United Nations' assessed budget is increasingly used for development programs and other activities that should not be included in our mandatory dues for membership. This reform can be achieved without a revision in the U.N. Charter.

Finally, in the fifth year the President would have to certify that a major U.N. consolidation plan has been approved and implemented. This plan must entail a significant reduction in staff and an elimination of the rampant duplication, overlap, and lack of coordination that exists throughout the U.N. system.

Clearly, there is an urgent need to turn around the United Nations' dangerous slide into constant crisis, which could ultimately threaten the organization's usefulness as an important tool for addressing world problems. I am convinced that this can only be achieved through the kind of bold reform agenda that is set forth in this legislation.

Mr. President, I believe it is useful for us to look back on the original purpose of the United Nations, as it was envisioned 51 years ago. The United Nations was created from the ashes of World War II, with the hope of avoiding future world-wide conflagrations through international cooperation. The main focus for this mission was the Security Council, the only entity empowered under the U.N. Charter to act on the great questions of world peace. The General Assembly was intended to be a forum for debate on any issue that any nation wanted to bring before the assembled nations of the world. The U.N. Secretariat was to be a small professional staff needed to support the activities of the Security Council and General Assembly.

The U.N. system was also to conduct specific activities in technical cooperation, such as those undertaken by the International Civil Aviation Organization and the International Telecommunications Union. Finally, the United Nations was to have an important role in responding to international humanitarian crises. Most critical is the work of the U.N. High Commissioner for Refugees, who today protects over 40 million of the world's most vulnerable men, women, and children—particularly women and children, who comprise 80 percent of the world's refugees.

Regrettably, the United Nations system that exists today falls short of the intentions of its founders. There are two interrelated, fundamental problems with U.N. system. One is that there are those who attempted to use the world organization to advance agendas that frankly do not reflect world realities. The more the United Nations is used to transcend what some see as the harsh realities of the world and its Nation-State system, the less relevant the United Nations becomes to the real world in which we all live.

Closely related has been the massive and uncoordinated growth of the United Nations and its specialized agencies. The U.N. General Assembly and its related bodies in the specialized agencies have used the tool of the budget to grow the U.N. bureaucracy far beyond what is needed to respond to real world problems. The small professional staff of the U.N. Secretariat now approaches 18,000—counting the proliferation of consultants and contract employees—and the staff of the U.N. system worldwide now exceeds 53,000.

Too many nations simply do not find a compelling need for efficiency and budgetary restraint in the U.N. system. Of the U.N.'s 185 member nations, a near-majority 91 countries are assessed at the minimum .01 percent rate, paying essentially nothing toward U.N. budget. The top ten assessed countries—United States, Japan, Germany, France, Russia, Britain, Italy, Canada, Spain and Brazil—are billed for 78 percent of the U.N. budget, with the United States, at 25 percent, paying nearly twice that of any other country. In just 10 years of supposed zero-growth budgets, the U.N.'s budget has doubled. In the last 18 years the U.N.'s budget has tripled.

There are those who argue that all of the U.N.'s problems come from the United States. But the United Nation's difficulties with the United States arise from these deeply rooted problems within the U.N. structure itself. Even many supporters of the United Nations have characterized today's U.N. system as bloated, inefficient, duplicative, and disorganized. For instance, Canadian businessman and six-time U.N. Under-Secretary-General Maurice Strong has stated that the United Nations "could work better than it does today with less than half as many people." I believe it is significant, and encouraging, that the new Secretary General, Mr. Kofi Annan, has appointed Mr. Strong to be his top adviser on reform issues.

The surprising thing is that among serious analysts of the United Nations there is remarkable agreement on what needs to be done. The U.N. system needs to be significantly reduced in size and needs true consolidation among its far-flung, duplicative elements. The budget process needs similarly dramatic reform. The United Nations needs to concentrate on a few key achievable missions—security, humanitarian relief, purely technical cooperation—and refrain from its proliferating exercises in internal nation-building and grandiose missions of global norm-setting. All of these basic reform needs have been addressed in the U.N. reform legislation I am introducing today.

As complements to my U.N. reform bill, I am also introducing two U.N.-related bills which I sponsored in the last Congress. The first would protect U.S. intelligence information which is shared with the United Nations or any of its affiliated organizations by requiring that procedures for protecting intelligence sources and methods are in place at the United Nations that are at least as stringent as those maintained by countries with which the United States regularly shares similar types of information. This requirement may be waived by the President for national security purposes but only on a case by case basis and only when all possible measures for protecting the information have been taken.

This legislation grew out of my concern about reports of breaches of U.S. classified material by the United Nations in 1993, 1994, and in 1995 when the United Nations pulled out of Somalia. I am pleased to note that more attention is being paid by this body to the problems that can result when U.S. intelligence information is shared with international bodies. Condition 5 of the recently approved resolution of ratification for the Chemical Weapons Convention, which protects U.S. intelligence shared with the Organization for the Protection of Chemical Weapons, was based on my intelligence-sharing legislation.

To complete the package of three bills, I am introducing today the International Peacekeeping Reform Act of 1997 which I also sponsored in the 104th Congress. Before any funds can be made available for U.N. peacekeeping activities, this legislation requires the President to certify to Congress that hostilities have ceased and all parties agree to a U.N. peacekeeping role, that the percentage of the U.S. assessed share of the total cost of the operation does not exceed the percentage of the U.S. assessed share for the regular U.N. budget, and that adequate measures have been taken to protect U.S. intelligence information provided in support of the operation.

Furthermore, my bill would require that, if the operation is to include units of the U.S. Armed Forces to carry out combat missions, the President must certify that the operation advances U.S. security interests, that U.S. participation is critical to the operation's success, that the units will be under the operational command and control of the U.S. armed forces, and that the U.S. military personnel will be fully protected by the Geneva Convention of 1949 governing the treatment of prisoners of war. This legislation requires the President to notify Congress of the intent to support an international peacekeeping operation at least 15 days before any vote of the United Nations Security Council to establish, expand or modify such an operation. If the President determines that an emergency exists which prevents him from meeting the 15-day advance notice requirement, the notice is to be provided in a timely manner, but no later than 48 hours after the Security Council vote.

The three measures I am introducing today will, I believe, go a long way toward setting a new course in our relations with the United Nations. If we in Congress fail to rise to the challenge; if the U.N. attempts to defend an unsustainable status quo; if the Administration's new foreign policy team does not reach out to Congress to achieve a genuine bipartisan consensus on the need for U.N. reform; if the U.N.'s dangerous slide to expensive irrelevance continues, then we will have lost a unique opportunity for reform. If this should happen, it is not at all clear to me whether such an opportunity will soon return.

Mr. President, I urge my colleagues to consider the legislation I am introducing today as the best course for restoring the bipartisan consensus in this country on the United Nations.

Mr. Prsident, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 694

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United Nations Reform Act of 1997".

SEC. 2. PAYMENT OF UNITED STATES ARREARAGES IN ASSESSED CONTRIBUTIONS TO THE UNITED NATIONS.

(a) LIMITATION.—Notwithstanding any other provision of law, for each of the fiscal years 1998 through 2002, no funds shall be available for obligation or expenditure to the United Nations for the payment except under procedures of United States assessed contributions to the United Nations more than one year in arrears at the time of passage of this Act under United States Government accounting except under procedures under subsection (b);

(b) PROCEDURES FOR THE RELEASE OF UNITED STATES ARREARAGES TO THE UNITED NATIONS.—In accordance with procedures applicable to reprogramming notifications under section 34 of the State Department Basic Authorities Act of 1956, for each fiscal year 1998 through 2002, the President may make available for obligation or expenditure to the United Nations an amount not to exceed 20% of United States assessed contributions to the United Nations more than one year in arrears at the time of passage of this Act under United States Government accounting if on January 31 of each fiscal year 1998 through 2002 the President determines and certifies to the relevant committees of the Congress that the applicable reform criteria for each fiscal year has been met.

(c) DEFINITIONS.—As used in this section:

(1) RELEVANT COMMITTEES OF THE CONGRESS.—The term "relevant committees of the Congress" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

(2) APPLICABLE REFORM CRITERIA.—The term "applicable reform criteria" means—

(A) for fiscal year 1998 that the United Nations has maintained a zero nominal growth budget in United States dollar terms and has made all of its programs, offices and activities open to auditing by the national auditing and inspecting agencies of its member states to include, but not be limited to the United States General Accounting Office and the State Department Office of Inspector General, that the United Nations Office of Internal Oversight Services has been fully funded at its request level, and that all products of the Office of Internal Oversight Services relevant to United Nations budgetary and administrative matters are available to all United Nations member states;

(B) for fiscal year 1999 that all criteria for fiscal year 1998 continue to be met and that United States representation on the United Nations Advisory Committee on Administrative and Budgetary Questions has been restored;

(C) for fiscal year 2000 that all criteria for fiscal years 1998 and 1999 continue to be met and that procedures for assessing contributions for United Nations peacekeeping activities have been reformed to ensure that for all logistical, in-kind, and non-cash aid provided by the United States to support United Nations assessed peacekeeping activities that the United States either receives from the United Nations cash reimbursement for the full value of such aid or credit toward the payment of assessed contributions for peacekeeping operations;

(D) for fiscal year 2001 that all criteria for fiscal years 1998 through 2000 continue to be met and that the United Nations has divided its regular budget into a small "core" assessed budget representing only those activities determined by the General Accounting Office to be necessary for the United Nations to maintain its existence under the terms of the United Nations Charter and a voluntary "program" budget that would include all United Nations programs, developmental activities, regional activities, economic and social activities, and related staff; and

(E) for fiscal year 2002 that all criteria for fiscal years 1998 through 2001 continue to be met and that the United Nations has approved and implemented systemwide structural reform, entailing a significant reduction in staff, that would eliminate all outdated activities and program duplication and would encompass all relevant United Nations specialized agencies.

S. 695

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

The United Nations Participation Act of 1945 (22 U.S.C. 287 et seq.) is amended by adding at the end the following new section:

"SEC. 13. RESTRICTIONS ON INTELLIGENCE SHARING WITH THE UNITED NATIONS.

"(a) PROVISIONS OF INTELLIGENCE INFORMATION TO THE UNITED NATIONS.—(1) No United States intelligence information may be provided to the United Nations or any organization affiliated with the United Nations, or to any official or employee thereof, unless the President certifies to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives that the Director of Central Intelligence (in this section referred to as the 'DCI'), in consultation with the Secretary of State and the Secretary of Defense, has required, and such organization has established and implemented, procedures for protecting intelligence sources and methods (including protection from release to nations and foreign nationals that are otherwise not eligible to receive such information) no less stringent than procedures maintained by nations with which the United States regularly shares similar types of intelligence information. Such certification shall include a description of the procedures in effect at such organization.

"(2) Paragraph (1) may be waived upon written certification by the President to the appropriate committees of Congress that providing such information to the United Nations or an organization affiliated with the United Nations, or to any official or employee thereof, is in the direct national security interest of the United States and that all possible measures protecting such information have been taken, except that such waiver must be made for each instance such information is provided, or for each such document provided.

(b) PERIODIC AND SPECIAL REPORTS.—(1) The President shall periodically report, but not less frequently than quarterly, to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives on the types and volume of intelligence provided to the United Nations and the purposes for which it was provided during the period covered by the report. Such periodic reports shall be submitted to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives with an annex containing a counterintelligence and security assessment of all risks, including an evaluation of any potential adverse impact on national collection systems, of providing intelligence to the United Nations, together with information on how such risks have been addressed.

(2) The President shall submit a special report to the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate and the Committee on International Relations and the Permanent Select Committee on Intelligence of the House of Representatives within 15 days after the United States Government becomes aware of any unauthorized disclosure of intelligence provided to the United Nations by the United States.

"(c) LIMITATION.—The restriction of subsection (a) and the requirement for periodic reports under paragraph (1) of subsection (a) shall not apply to the provision of intelligence that is provided only to, and for the use of, appropriately cleared United States Government personnel serving with the United Nations.

"(d) DELEGATION OF DUTIES.—The President may not delegate or assign the duties of the President under Secretary (a).

"(e) RELATIONSHIP TO EXISTING LAW.—Nothing in this section shall be construed to—

"(1) impair or otherwise affect the authority of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure pursuant to section 103(c)(5) of the National Security Act of 1947 (50 U.S.C. 403-3(c)(5)); or

"(2) supersede or otherwise affect the provisions of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).".

S. 696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Peacekeeping Reform Act of 1997".

SEC. 2. LIMITATION ON THE USE OF FUNDS FOR UNITED NATIONS PEACEKEEPING ACTIVITIES.

(a) LIMITATION.—Notwithstanding any other provision of law, none of the funds made available to the Department of State under the account "Contribution for International Peacekeeping Activities" or any other funds made available to the Department of State under any law to pay for assessed or voluntary contributions to United Nations peacekeeping activities shall be available for obligation or expenditure to the United Nations to establish, expand in size, or modify in mission a United Nations peacekeeping operations unless, with respect to such peacekeeping operation—

(1) the President submits a certification to the appropriate congressional committees under subsection (c); and

(2) except as provided in paragraph (b), the President has notified the appropriate congressional committees of the intent to support the establishment of the peacekeeping operation at least 15 days before any vote in the Security Council to establish, expand, or modify such operation. The notification shall include the following:

(A) A cost assessment of such action (including the total estimated cost and the United States share of such cost).

(B) Identification of the source of funding for the United States share of the costs of the action (whether in an annual budget request, reprogramming notification, a rescission of funds, a budget amendment, or a supplemental budget request.

(b) PRESIDENTIAL DETERMINATION OF EXISTENCE OF EMERGENCY.—If the President determines that an emergency exists which prevented submission of the 15-day advance notification specified in paragraph (a) and that the proposed action is in the direct national security interests of the United States, the notification described in paragraph (a) shall be provided in a timely manner but no later than 48 hours after the vote by the Security Council.

(C) CERTIFICATION TO CONGRESS.—The President shall determine and certify to the Congress that the United Nations Peacekeeping operation described under paragraph (a) meets the following requirements:

(1) The operation involves an international conflict in which hostilities have ceased and all significant parties to the conflict agree to the imposition of United Nations peacekeeping forces for the purpose of seeking an enduring solution to the conflict.

(2) With respect to any assessed contribution to such United Nations peacekeeping activity, the percentage of the United States assessed share for the total cost of the operation is no greater than the percentage of the United States assessed share for the regular United Nations budget.

(3) In the event that the provision of United States intelligence information involving sources and methods on intelligence gathering is planned to be provided to the United Nations to support the operation, adequate measures have been taken by the United Nations to protect such information.

(4) With respect to the participation in the operation of units of the United States Armed Forces trained to carry out direct combat missions—

(A) the operation directly advances United States national security interests,

(B) the participation of such units is critical to the success of the operation,

(C) such units will be under the operational command and control of the United States Armed Forces, and

(D) any member of the United States Armed Forces participating in the operation would have access to the full protection of the Geneva Convention Relative to the Treatment of Prisoners of War (signed at Geneva, August 12, 1949) if captured and held by combatants to other parties to the conflict.

(d) DEFINITIONS.—As used in this section:

(1) the term "appropriate congressional committees" means the Foreign Relations and Appropriations Committees of the Senate and the International Relations and Appropriations Committees of the House of Representatives;

(2) the term "adequate measures" refers to the implementation of procedures for protecting intelligence sources and methods (including protection from release to nations and foreign nationals that are otherwise not eligible to receive such information) no less stringent than procedures maintained by nations with which the United States regularly shares similar types of intelligence information, as determined by the Director of Central Intelligence upon consultation with the Secretary of State and Secretary of Defense; and

(3) the term "direct combat" means engaging an enemy or hostile force with individual or crew-served weapons while being exposed to direct enemy fire, a high probability of direct physical contact with the enemy or hostile force, and a substantial risk of capture.

ADDITIONAL COSPONSORS

S. 181

At the request of Mr. GRASSLEY, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 181, a bill to amend the Internal Revenue Code of 1986 to provide that installment sales of certain farmers not be treated as a preference item for purposes of the alternative minimum tax.

S. 295

At the request of Mr. JEFFORDS, the names of the Senator from South Carolina [Mr. THURMOND] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 295, a bill to amend the National Labor Relations Act to allow labor management cooperative efforts that improve economic competitiveness in the United States to continue to thrive, and for other purposes.

S. 358

At the request of Mr. DEWINE, the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 419

At the request of Mr. BOND, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 494

At the request of Mr. KYL, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 494, a bill to combat the overutilization of prison health care services and control rising prisoner health care costs.

S. 548

At the request of Mr. ROBERTS, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 548, a bill to expand the availability and affordability of quality child care through the offering of incentives to businesses to support child care activities.

S. 570

At the request of Mr. NICKLES, the names of the Senator from Oklahoma [Mr. INHOFE], the Senator from Georgia [Mr. COVERDELL], the Senator from Colorado [Mr. ALLARD], the Senator from Texas [Mrs. HUTCHISON], and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 570, a bill to amend the Internal Revenue Code of 1986 to exempt certain small businesses from the mandatory electronic fund transfer system.

S. 652

At the request of Mr. GRAMS, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 652, a bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

SENATE RESOLUTION 79

At the request of Mr. KEMPTHORNE, the name of the Senator from Illinois [Ms. MOSELEY-BRAUN] was added as a cosponsor of Senate Resolution 79, A resolution to commemorate the 1997 National Peace Officers Memorial Day.

SENATE CONCURRENT RESOLUTION 24—RELATIVE TO THE EASTERN ORTHODOX ECUMENICAL PATRIARCHATE

Ms. SNOWE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 24

Resolved by the Senate (the House of Representativess concurring),

(a) FINDINGS.—The Congress finds that—

(1) the Ecumenical Patriarchate is the spiritual center for more than 250,000,000 Orthodox Christians world-wide, including approximately 5,000,000 in the United States;

(2) in recent years the Ecumenical Patriarchate has experienced a number of security threats in Turkey;

(3) His All Holiness Patriarch Bartholomew and those associated with the Ecumenical Patriarchate are Turkish citizens and have the full protection of Turkish law; and

(4) the reopening of the Halki School of Theology, the only educational institution for Orthodox Christian leadership in Turkey, would assist the long-term viability of the Ecumenical Patriarchate.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should—

(1) continue to support the Ecumencial Patriarchate's non-political, religious mission;

(2) encourage the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law; and

(3) use its good offices to encourage the reopening of the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

SENATE CONCURRENT RESOLUTION 25—RELATIVE TO THE RUSSIAN FEDERATION

Ms. SNOWE submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 25

Resolved by the Senate (the House of Representatives concurring),

(a) FINDINGS.—The Congress finds that—

(1) Iran is aggressively pursuing a program to acquire and/or develop nuclear weapons;

(2) the Director of Central Intelligence, in September of 1994, confirmed that Iran is manufacturing and stockpiling chemical weapons;

(3) Iran has opposed the Middle East peace process and continues to support the terrorist group Hezballah in Lebanon and radical Palestinian groups;

(4) Iran has asserted control over the Persian Gulf island of Abu Musa, which it had been previously sharing with the United Arab Emirates;

(5) during the last few years Iran has reportedly acquired several hundred improved Scud missiles from North Korea;

(6) Iran has moved modern air defense missile systems, tanks, additional troops, artillery, and a surface-to-surface missiles onto islands in the Persian Gulf, some of which are disputed between Iran and the United Arab Emirates;

(7) Iran has already taken delivery of as many as thirty modern MiG–29 fighter aircraft from the Russian Federation;

(8) The Russian Federation has sold modern conventionally powered submarines to Iran, which increase Iran's capability to blockade the Straits of Hormuz and the Persian Gulf; and

(9) the Russian Federation continues to move forward on implementing a commercial agreement to provide Iran with critical nuclear technology despite having been provided with detailed information by the President of the United States on Iran's nuclear weapons program in violation of the Nuclear Non-Proliferation Treaty.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Russian Federation should be strongly condemned for continuing to implement a commercial agreement to provide Iran with nuclear technology that could assist that country in its development of nuclear weapons, and

(2) the continued implementation of its commercial nuclear agreement with Iran makes the Russian Federation ineligible for United States economic assistance under the terms of the Freedom Support Act.

SENATE RESOLUTION 82—EXPRESSING THE SENSE OF THE SENATE TO URGE THE CLINTON ADMINISTRATION RELATIVE TO C–802 CRUISE MISSILES

Mr. BENNETT (for himself, Mr. D'AMATO, Mr. HELMS, Mr. DODD, Mr. ASHCROFT, Mrs. HUTCHISON, and Mr. BROWNBACK) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 82

Whereas the United States escort vessel U.S.S. Stark was struck by a cruise missile, causing the death of 37 United States sailors;

Whereas the China National Precision Machinery Import Export Corporation is marketing the C–802 model cruise missile for use against escort vessels such as the U.S.S. Stark;

Whereas the China National Precision Machinery Import Export Corporation has delivered 60 C–802 cruise missiles to Iran for use by vessels of the Iranian Revolutionary Guard Navy;

Whereas Iran is acquiring land batteries to launch C–802 cruise missile which will provide its armed forces with a weapon of greater range, reliability, accuracy, and mobility than before;

Whereas 15,000 members of the United States Armed Forces are stationed within range of the C–802 cruise missile being acquired by Iran;

Whereas the Department of State believes that "[t]hese cruise missiles pose new, direct threats to deployed United States forces";

Whereas the delivery of cruise missiles to Iran is a violation of the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note); and

Whereas the Clinton Administration "has concluded at present that the known types [of C–802 cruise missiles] are not of a destabilizing number and type": Now, therefore, be it

Resolved, That the Senate urges the Clinton Administration to enforce the Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note) with respect to the acquisition by Iran of C–802 model cruise missiles or to carry out an alternative policy that would address such acquisition in a manner similar to that provided for in that Act.

Mr. BENNETT. Mr. President, I am submitting today a resolution to address a matter that I consider vital to our national security. I have here a picture of the U.S.S. *Stark* that was disabled 10 years ago by an Exocet missile fired by the Iranians. Thirty-seven American sailors were killed in this disaster.

I call your attention to a new missile patterned after the Exocet, only it is described by its sales brochures as having a "mighty attack capability with great firepower." This is the C–802, an antishipping cruise missile. The sales group that is touting the mighty power of the C–802 is the Chinese. The Chinese have taken the Exocet and increased its power and increased its deadliness.

The C–802 is being shipped. This picture shows a Chinese vessel, on the deck of which there are five smaller vessels, each one of which is equipped with four C–802's. You can see them on the back of the ships. These are the smaller ships on the back deck of this larger cargo vessel.

Those ships are en route to Iran. The Chinese have now sold to Iran some 60 C–802's for their use in the Persian Gulf. Some 60 are mounted on 15 patrol boats. These patrol boats, again, have four missiles each.

If one missile could damage the *Stark* as badly as we saw in the first picture, you see what 15 missiles could do. But the Chinese are not stopping with shipboard missiles. Here is an example of a land-based C–802, and the Chinese are now in the process of selling these to the Iranians.

Why should we be concerned about the land-based C–802? Here is a map of the Persian Gulf. This land mass is Iran. There are 500 miles of Iranian coastal waters facing the Persian Gulf. This is the Strait of Hormuz through which a very large percentage of the world's oil must go every day, something in excess of 25 percent. The Iranians have repeatedly threatened to close the Strait of Hormuz if the rest of the world does not do what Iran wishes it to do in a variety of ways. We heard such a threat, again, over the weekend with the Iranians saying that if the Americans were to try to take any kind of retaliatory action against Iranian terrorism, they would close this Strait of Hormuz.

With land-based C–802's, they could hide them in caves or put them in other locations all along this 500-mile area, so that any shipping coming out of Kuwait, the United Arab Emirates, or Saudi Arabia into the Persian Gulf would be vulnerable to an attack from a land-based C–802. With 15 patrol boats, each one having 4 missiles, or 60 sea-based missiles, the Iranians could actually attack from either side, having the patrol boats out here on one side of the shipping lanes, with the land-based missiles on the other, and effectively seal off the world's supply of oil from the Middle East without too much difficulty.

In personal human terms, there are about 15,000 U.S. servicemen and servicewomen within the range of the C–802 missiles in the gulf.

Mr. President, there is a law known as the Gore-McCain Act passed in 1992 which says that foreign companies that deliver cruise missiles to Iran are subject to sanctions. I raised this issue with Secretary Albright, and I have raised it since in subsequent hearings. In January, Secretary Albright informed me that the administration will not enforce the terms of the Gore-McCain Act on the grounds that the missiles are not "destabilizing."

I am not quite sure what the word "destabilizing" means in this kind of a circumstance, but that is where the administration has chosen to come down.

I believe that a nondestabilizing missile can be just as deadly to a ship as a destabilizing missile. Once a missile is fired, it knows no semantic definition, as it goes on its course for a kill. Ask the sailors on the *Stark* whether the presence of the Exocet missiles were destabilizing in the circumstance in the Middle East or not. Thirty-seven of them are dead.

Given our obligation to those that we would place in harm's way in the name of this country, I believe the time has come to put this issue on the front burner. I have asked the administration about it. I have used the congressional oversight circumstance to bring it to their attention. Now, Mr. President, today, I submit a resolution outlining the sense of the Senate that the administration either enforce the Gore-McCain Act in this circumstance or take some other appropriate action.

Mr. President, I ask unanimous consent that the letter which I sent to Madeleine Albright on the 17th of April and a fact sheet relating to the C–802 missile be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, April 17, 1997.

Hon. MADELEINE K. ALBRIGHT,
Secretary of State,
Washington, DC.

DEAR SECRETARY ALBRIGHT: During 1996 Chinese defense companies delivered a number of missile boats to the Iranian Revolutionary Guard Navy. Each missile boat was armed with four C–802 cruise missiles. Recently, Deputy Assistant Secretary of State Robert Einhorn told the Senate, "These cruise missiles pose new, direct threats to deployed U.S. forces."

It is now my understanding that China is about to deliver the land variant of the C–802 to Iran. When the Iranian Revolutionary Guard acquires C–802s in quantity, it will have a weapon with greater range, reliability, accuracy, and mobility than anything currently in its inventory.

The delivery of advanced cruise missiles to Iran is a violation of the Gore-McCain Act. However, in answer to my query on this issue in January, you answered, "The Administration has concluded at present that the known transfers (of C–802s) are not of a destabilizing number and type."

However, I believe that the arrival of additional C–802s in Iran is a matter of grave concern to the United States, and the Administration has an obligation either to sanction the perpetrators or put in motion an alternative policy of equivalent strength.

Sincerely,

ROBERT F. BENNETT,
U.S. Senator.

C–802 FACT SHEET

U.S.S. Stark: American Navy escort vessel struck by two Exocet type cruise missiles in May 1987 killing 37 sailors and disabling the ship for sixteen months.

C–802: Chinese cruise missile similar to the Exocet and marketed for use against naval escort vessels. According to its manufacturer, the China National Precision Instrument Import-Export Corporation, the C–802 is characterized by "mighty attack capability, great firepower." It has a range of 120 km [75 miles] and a high explosive warhead of 165 kg [363 lbs.].

Iranian Revolutionary Guard Navy: Iran is believed to possess sixty C–802 missiles aboard 15 Chinese and French missile boats.

Land-based Variant: Iran is believed to be acquiring an undetermined number of C–802 missiles which will be mounted on Transporter-Erector-Launchers [TELs]. For over a year Iran has been constructing tunnels and other fortifications along its Persian Gulf and Gulf of Oman coastlines which could accommodate these TELs.

Threat to U.S. forces: 15,000 U.S. servicemen and women are potentially within range of these missiles. On April 11, Deputy Assistant Secretary of State Robert Einhorn told the Senate Governmental Affairs Committee, "These cruise missiles pose new and direct threats to deployed U.S. Forces." During 1996 Admiral Scott Redd, Commander-in-Chief of the U.S. Fifth Fleet declared the missiles to be a "360 degree threat which can come at you from basically anywhere at sea in the gulf or out in the Gulf of Oman."

U.S. Law: The Iran-Iraq Arms Non-Proliferation Act of 1992 (50 U.S.C. 1701 note) prohibits foreign persons from delivering advanced conventional weapons, including cruise missiles, to Iran.

Administration Position: The Administration "has concluded at present that the known types [of C–802 missiles] are not of a destabilizing number and type."

[Sources: New York Times, various Jane's publications]

AMENDMENTS SUBMITTED
SUBMITTED

SUPPLEMENTAL APPROPRIATIONS ACT

GRAMS (AND OTHERS) AMENDMENT NO. 54

Mr. GRAMS (for himself, Mr. JOHNSON, and Mr. DASCHLE) proposed an amendment to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; from the Committee on Appropriations; as follows:

At the appropriate place, insert the following new title:

TITLE ___—DEPOSITORY INSTITUTION DISASTER RELIEF

SEC. ___01. SHORT TITLE.

This title may be cited as the "Depository Institution Disaster Relief Act of 1997".

SEC. ___02. TRUTH IN LENDING ACT; EXPEDITED FUNDS AVAILABILITY ACT.

(a) TRUTH IN LENDING ACT.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Truth in Lending Act (15 U.S.C. 1601 et seq.) for transactions within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(b) Expedited Funds Availability Act.—During the 180-day period beginning on the date of enactment of this Act, the Board may make exceptions to the Expedited Funds Availability Act (12 U.S.C. 4001 et seq.) for depository institution offices located within any area referred to in subsection (a) if the Board determines that the exception can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

(c) Time Limit on Exceptions.—Any exception made under this section shall expire not later than the earlier of—

(1) 1 year after the date of enactment of this Act; or

(2) 1 year after the date of any determination referred to in subsection (a).

(d) Publication Required.—Not later than 60 days after the date of a determination under subsection (a), the Board shall publish in the Federal Register a statement that—

(1) describes the exception made under this section; and

(2) explains how the exception can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

SEC. ___03. DEPOSIT OF INSURANCE PROCEEDS.

The appropriate Federal banking agency may, by order, permit an insured depository institution, during the 18-month period beginning on the date of enactment of this Act, to subtract from the institution's total assets, in calculating compliance with the leverage limit prescribed under section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o), an amount not exceeding the qualifying amount attributable to insurance proceeds, if the agency determines that—

(1) the institution—

(A) had its principal place of business within an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, on the day before the date of any such determination;

(B) derives more than 60 percent of its total deposits from persons who normally reside within, or whose principal place of business is normally within, areas of intense devastation caused by the major disaster;

(C) was adequately capitalized (as defined in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o)) before the major disaster; and

(D) has an acceptable plan for managing the increase in its total assets and total deposits; and

(2) the subtraction is consistent with the purpose of section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

SEC. ___04. BANKING AGENCY PUBLICATION REQUIREMENTS.

(a) In General.—During the 180-day period beginning on the date of enactment of this Act, a qualifying regulatory agency may take any of the following actions with respect to depository institutions or other regulated entities whose principal place of business is within, or with respect to transactions or activities within, an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries, if the agency determines that the action would facilitate recovery from the major disaster:

(1) Procedure.—Exercise the agency's authority under provisions of law other than this section without complying with—

(A) any requirement of section 553 of title 5, United States Code; or

(B) any provision of law that requires notice or opportunity for hearing or sets maximum or minimum time limits with respect to agency action.

(2) Publication requirements.—Make exceptions, with respect to institutions or other entities for which the agency is the primary Federal regulator, to—

(A) any publication requirement with respect to establishing branches or other deposit-taking facilities; or

(B) any similar publication requirement.

(b) Publication Required.—Not later than 90 days after the date of an action under this section, a qualifying regulatory agency shall publish in the Federal Register a statement that—

(1) describes the action taken under this section; and

(2) explains the need for the action.

(c) Qualifying Regulatory Agency Defined.—For purposes of this section, the term "qualifying regulatory agency" means—

(1) the Board;

(2) the Office of the Comptroller of the Currency;

(3) the Office of Thrift Supervision;

(4) the Federal Deposit Insurance Corporation;

(5) the Federal Financial Institutions Examination Council;

(6) the National Credit Union Administration; and

(7) with respect to chapter 53 of title 31, United States Code, the Secretary of the Treasury.

SEC. ___05. SENSE OF THE CONGRESS.

It is the sense of the Congress that each Federal financial institutions regulatory agency should, by regulation or order, make exceptions to the appraisal standards prescribed by title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3331 et seq.) for transactions involving institutions for which the agency is the primary Federal regulator with respect to real property located within a disaster area pursuant to section 1123 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3352), if the agency determines that the exceptions can reasonably be expected to alleviate hardships to the public resulting from such disaster that outweigh possible adverse effects.

SEC. ___06. OTHER AUTHORITY NOT AFFECTED.

Nothing in this title limits the authority of any department or agency under any other provision of law.

SEC. ___07. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) Appropriate federal banking agency.—The term "appropriate Federal banking agency" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(2) Board.—The term "Board" means the Board of Governors of the Federal Reserve System.

(3) Federal financial institutions regulatory agency.—The term "Federal financial institutions regulatory agency" has the same meaning as in section 1121 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 3350).

(4) Insured depository institution.—The term "insured depository institution" has the same meaning as in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813).

(5) Leverage limit.—The term "leverage limit" has the same meaning as in section 38 of the Federal Deposit Insurance Act (12 U.S.C. 1831o).

(6) Qualifying amount attributable to insurance proceeds.—The term "qualifying amount attributable to insurance proceeds" means the amount (if any) by which the institution's total assets exceed the institution's average total assets during the calendar quarter ending before the date of any determination referred to in section ___03(1)(A), because of the deposit of insurance payments or governmental assistance made with respect to damage caused by, or other costs resulting from, the major disaster.

STEVENS AMENDMENT NO. 55

Mr. STEVENS proposed an amendment to the bill S. 672, supra; as follows:

On page 65, line 5, strike the amount "$41,090,000" and insert the amount "$81,090,000" and

On page 65, line 7, strike the amount "135,090,000" and insert the amount "$95,000,000".

FORD AMENDMENT NO. 56

Mr. STEVENS (for Mr. Ford for himself and Mr. McConnell) proposed an amendment to the bill, S. 672, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) Authority To Enter into Lease.—Notwithstanding any other provision of law, the Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) Term.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the entity leasing the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) Consideration.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lease, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the

building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

NOTICES OF HEARINGS

SUBCOMMITTEE ON PUBLIC HEALTH AND SAFETY

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the Public that a hearing of the Subcommittee on Public Health and Safety, Senate Committee on Labor and Human Resources will be held on Tuesday, May 5, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Protecting Public Health: CDC Project Grants for Preventable Health Services." For further information, please call the committee, 202/224–5375.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a executive session of the Senate Committee on Labor and Human Resources will be held on Wednesday, May 6, 1997, 9:30 a.m., in SD–430 of the Senate Dirksen Building. The following are on the agenda to be considered.

1. S. : Individuals with Disabilities Education Act Amendments of 1997.
2. Presidential nominations.

For further information, please call the committee, 202/224–5375.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Monday, May 5, for purposes of conducting a hearing before the full committee which is scheduled to begin at 10:30 a.m. The purpose of this hearing is to consider S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

OUTLOOK SCHOOL MCI/NASA PROJECT

• Mr. GORTON. Mr. President, I would like to pay tribute to the efforts of those individuals involved with the Outlook Elementary School project in Outlook, WA. Their tremendous generosity will provide the technology our students need to succeed in school and in life.

The importance of keeping our children abreast of technology is hard to exaggerate. The National Science Foundation reports that over 700,000 new technicians, scientists, mathematicians, and engineers must be found by the year 2010 simply to keep up with technological demands.

Business and political leaders from around the country have called for increased emphasis on technology in education. Some fear, however, that rural and small-town America could be overlooked in this effort. Seeing this potential problem, Astronaut Bonnie Dunbar enlisted the support of MCI in providing free computers and Internet access to the students of Outlook Elementary School in Outlook, WA. Bonnie Dunbar is a graduate of Outlook Elementary, and is a model and inspiration to many. In the hallway of this small school is the phrase "From Outlook to NASA." With the generosity of MCI, and the efforts of Bonnie Dunbar, more students will have the benefits of state-of-the-art technology, and also have the stars within their reach.•

SEAN J. WHITE

• Mr. LIEBERMAN. Mr. President, I rise today to acknowledge Sean J. White. Sean has been a member of the King & Low-Heywood Thomas School [KLHT] community since his freshman year. That same year he was elected treasurer of the student government. He also served as a ranking member of the Constitution Committee. Mr. White was a member of the school newspaper staff and became editor-in-chief of The Standard in 1997. He has been an active member of Model United Nations and Political Union, as the vice chairman. At the end of this year his term as chairman of the Political Union and as president of Model United Nations will begin.•

TRIBUTE TO HARRISON EITELJORG

• Mr. LUGAR. Mr. President, I rise today to pay tribute to Harrison Eiteljorg, a dear friend and longtime patron of the arts, who passed away last week at the age of 93. This afternoon, friends and family will gather in Indianapolis to remember Harrison and to celebrate his remarkable life.

Harrison Eiteljorg was the founder and chief benefactor of the Eiteljorg Museum of American Indians and Western Art. This museum, located in downtown Indianapolis, houses his extensive collection of paintings and sculptures of the American West, with works by Frederic Remington, Georgia O'Keefe, Albert Bierstadt, and Thomas Hart Benton. It also contains his collection of Indian artifacts, with costumes, weapons, ceremonial objects and masks representing tribes of the Midwest, Plains, and Northwest coast. The Eiteljorg collection is perhaps the finest of its type anywhere in the world.

Harrison Eiteljorg found absolute joy in the pursuit, discovery and acquisition of paintings and sculptures of the American West. Early in his life, business interests took Eiteljorg on frequent and extended trips to the West and Southwest. His interest in Indian artifacts and crafts developed at this time, together with his attraction to Western painting and sculpture.

Eiteljorg began assembling his collections in the late 1940's. His first piece was Olaf Weighorst's Cutting Horse, which depicts a cowboy about to rope a steer. As his collection grew, Eiteljorg tried to meet many of the artists whose works he purchased, in an effort to share a few moments of their lives. And, he gave his encouragement and financial support to several young artists, enabling them to devote full time and attention to their art.

Harrison Eiteljorg was also a supporter and active member of the Indianapolis Museum of Art. He became a member of the IMA Board of Trustees in 1962, served as board chairman from 1974 to 1983, and had been honorary chairman since 1987. In the 1980's, Eiteljorg made a gift to the IMA of more than 1,000 pieces from his collection of African and oceanic art.

As a former mayor of Indianapolis, I understand the importance of citizens being involved in their local communities. Harrison Eiteljorg's strong sense of civic responsibility and duty helped make Indianapolis a showcase for art and culture.

Harrison Eiteljorg's personal commitment to preserving the heritage of American Indians and the evolution of the West is to be commended. While he will be sorely missed, his important collections will continue to educate and enchant visitors to the Eiteljorg Museum and the Indianapolis Museum of Art for many years to come.•

AFRICAN-AMERICAN MEDAL OF HONOR RECIPIENTS

• Mr. TORRICELLI. Mr President, I rise today in strong support of Senator KEMPTHORNE's effort to provide Medal of Honor recipient Vernon Joseph Baker, and the heirs of Medal of Honor recipients Edward Carter and Charles Thomas, with retroactive compensation for their awards.

During World War II Mr. Baker was an Army 2d lieutenant serving with the 92d Infantry Division in Europe. During a 2-day action near Viareggio, Italy he single-handedly wiped out two German machinegun nests, led successful attacks on two others, drew fire on himself to permit the evacuation of his wounded comrades, and then led a battalion advance through enemy minefields. Mr. Baker is the only one of these three men still alive today, and he currently resides in St. Maries, ID.

Edward Carter, of Los Angeles, was a staff sergeant with the 12th Armored Division when his tank was destroyed in action near Speyer, Germany, in March of 1945. Mr. Carter led three men through extraordinary gunfire that left two of them dead, the third wounded, and himself wounded five times. When eight enemy riflemen attempted to capture him, he killed six of them, captured the remaining two and, using his prisoners as a shield, recrossed an exposed field to safety. The prisoners yielded valuable information. Mr. Carter died in 1963.

Charles Thomas, of Detroit, was a major with the 103d Infantry Division serving near Climbach, France, in December of 1944. When his scout car was hit by intense artillery fire, Mr. Thomas assisted the crew to cover and, despite severe wounds, managed to signal the column some distance behind him to halt. Despite additional multiple wounds in the chest, legs, and left arm, he ordered and directed the dispersion and emplacement of two antitank guns that effectively returned enemy fire. He refused evacuation until certain his junior officer was in control of the situation. Mr. Thomas died in 1980.

I commend Mr. Baker, Mr. Carter, and Mr. Thomas for their bravery and Senator KEMPTHORNE for leading this effort.

As a result of their heroics, these men had clearly met the criteria for being awarded a Medal of Honor, the Nation's highest award for valor. This medal is only awarded to a member of the U.S. armed services who "distinguishes themselves conspicuously by gallantry and intrepidity at the risk of their life and beyond the call of duty," with an act "so conspicuous as to clearly distinguish the individual above their comrades." However, because of the racial climate of the time and the segregated nature of the Army in 1945, African-Americans were denied the Medal of Honor. It is a sad testament to America's legacy of discrimination that although 1.2 million African-Americans served in the military during the Second World War, including Mr. Baker, Mr. Carter, and Mr. Thomas, none received 1 of the 433 Medals of Honor awarded during the conflict.

This past January our Nation took an important step in correcting this injustice by awarding Mr. Vernon Joseph Baker, and six of his dead comrades, the Medal of Honor during a long-overdue ceremony at the White House. This recognition of these men's extraordinary courage was a vindication for all African-American heroes of World War II. In order to further demonstrate our profound thanks to these brave men, I support Senator KEMPTHORNE's effort to retroactively compensate Mr. Baker, and the heirs of Mr. Carter and Mr. Thomas for the money that they would have received from the Army for receiving the Medal of Honor. The other three heros died as a result of the brave deeds which qualified them to receive the Medal, and thus would not have received any compensation by the military.

Each recipient of this Medal is entitled to receive a token monthly stipend from their respective branch of the military after they leave active duty service. In 1945 the stipend was $10 and today it has risen to $400. Since he was denied the Medal more than a half century ago, Mr. Baker and the survivors of Mr. Carter and Mr. Thomas, deserve to receive the same amount of money that they would have received had they been awarded the Medal at the close of World War II. America is profoundly thankful for the patriotism of these men, and awarding retroactive compensation to them is a simple way to express our gratitude for their service. For these reasons I stand today to recognize Mr. Baker, Mr. Carter, and Mr. THOMAS, and support retroactively compensating them for their accomplishments.●

JUVENILE CRIME

● Mr. FRIST. Mr. President, a few weeks ago in Nashville, three armed teenage thugs struck the youngest member of my staff with a pistol, robbed, and terrorized him. All three have lengthy juvenile records. Two were convicted of armed robbery at age 14 and served time in a juvenile facility. Last month, over the vehement objection of the prosecutor, both were released early for good behavior. It took these juveniles less than a month to rearm and commit another violent crime.

In Tennessee over the past 4 months, we have had a string of senseless murders which have left Tennesseans in a state of shock, fear, and confusion. One incident, for which arrests have been made, is the tragic story of the four members of the Lillelid family of east Tennessee. They were car-jacked at a rest stop on Interstate 81 and later found executed in a ditch, with multiple gunshot wounds to the head and chest. The mother, father, and 6-year-old daughter all died, while the 2-year-old son was shot twice, but survived. The police have arrested six people in connection to the murders—four adults and two juveniles—all are under 20 years of age.

This pointless tragedy is just one of many recent stories which have riveted the attention of people across Tennessee. The death of Charlie Thoet as he was closing a restaurant just outside of Nashville in January; the murder of Steve Hampton and Sarah Jackson as they were opening another establishment in February; the triple homicide of Robert Santiago, Robert Allen Sewell, and Andrea Brown and the attempted murder of Jose Alfredo Romirez Gonzalez at a fast food restaurant in March; and the most recent incident, the murders of Michelle Mace and Angela Holmes at an ice cream shop just last week, have left many across Tennessee questioning our society and its lack of respect for human life. All of these victims were hard working people with families and friends, hopes and dreams whose lives were brought to an end in a brutal, violent, senseless fashion.

Mr. President, I want to be very clear that in no way do I mean to suggest that all of these unsolved murders were caused by juveniles. However, the two cases first mentioned were cases with juvenile and very young adult offenders. And violent juvenile crime is growing across this country. From 1985 to 1994 arrest of juveniles for all serious violent offenses increased 75 percent; arrest for homicides increased 150 percent; and arrests of juveniles for weapon possession increased 103 percent. These statistics coupled with the fact that there will be a large increase in the number of juveniles early in the next century—by 2005 the number of males 14–17 will increase 25 percent—means that we are about to face a crime epidemic the likes of which this country has never experienced. The Justice Department estimates that in the next 13 years juvenile arrests for violence crimes will more than double and juvenile arrests for murder will increase by 45 percent.

So what do we do? Currently, less than 10 percent of juvenile offenders commit far greater than half of all juvenile crimes. Rather than adopt a shotgun approach, we need to focus our efforts to make it harder for this small portion of the population to continually commit crimes. In addition, it has been proven time and time again that adult repeat offenders often begin as juvenile repeat offenders and that the severity of the crimes only increase. We must interrupt the cycle of violence while the offender is still a juvenile.

I believe that the most important step we can take is make sure that these young people understand that there are consequences for their actions. In Tennessee, usually a juvenile will have been convicted of three crimes before he or she is considered for juvenile detection. I think we all realize that if these kids are caught doing something 3 times then that means they have probably done it closer to 20 times. I believe that a vital element in deterring crime is the certainty of punishment for first and second offenses. Juvenile offenders must know for certain that they are responsible and will be held accountable for their actions.

Criminals must also serve their entire sentence. If the teenagers, who attacked my staffer a few weeks ago, had served their full sentences, then that crime would never have happened. We do not have enough resources to capture and arrest every criminal several times. Once our police officers have put their lives on the line to catch a criminal, and our overworked, underpaid prosecutors have obtained a conviction, it is inexcusable for that criminal not to serve his or her full sentence.

There are other steps we can take to make sure it is easier for law enforcement and the courts to send a strong message to juvenile offenders. Most Americans would probably be surprised to learn that in most areas juveniles are not fingerprinted and their record of violent crimes are not weighed at all in adult criminal proceedings. They may also not be aware that in most States there is a minimum age for a juvenile to be bound over to adult court.

Crime, especially juvenile crime, is a problem for which our entire community must find the solution. Parents, teachers, law enforcement, judges, social services, and, yes, the business community as well, must play integral roles. I am very interested in a new project just getting underway in Memphis, TN, which will do just that. The Shelby County Tennessee Juvenile Offender Transition Program is an innovative new plan for a supervised, independent living center for juvenile offenders aimed at reducing recidivism and assisting youth to obtain the skills necessary to break the cycle of crime and to make the transition into a productive adulthood. The program includes education and vocational training requirements tailored to each participant, coupled with a highly structured mentoring program with area universities and a business sponsorship which includes part-time employment during the program with the prospect of employment after completion of the program or tuition reimbursement for continued education. The juveniles have to serve their entire sentence, but this program will give the juvenile court an alternative to sending these young people back to the neighborhoods and the problems where we know they will only get in trouble again and end up back in our courts and our prisons. It is not the solution to all of the problems we face with juvenile crime, but this is an innovative, new approach to assist some of our young people, those who we might be able to help, in making a positive change. The program calls on all aspects of our communities to find solutions and I believe that these efforts deserve our support.

Mr. President, I believe that it is time to take a long hard look at the areas I have highlighted and consider long overdue reforms to the juvenile justice system. There is consensus on several issues from both Republican and Democrats, and therefore, I think it is time for the U.S. Senate to address this most pressing concern of the American people.•

ADAM J. PLATZNER

• Mr. LIEBERMAN. Mr. President, I rise today to acknowledge Adam J. Platzner. Adam arrived at the Kind & Low-Heywood Thomas School [KLHT] in September 1994—sophomore year. Almost immediately following his arrival he was elected by his classmates to the Student Government as a case representative. He was appointed by the Student Government president to the position of direction of Student Government Development. He was also appointed chairman of the Constitution Committee. In these posts he not only raised money but he also supervised the formation of, and coauthored the new Student Government's constitution. Through his efforts the students now have representation on the board of trustees' committees. In the middle of April 1994, Mr. Platzner among other things, founded and was elected chairman of the Political Union. He was also elected vice president of the Student Body and chairman of the Student Council. Adam Platzner was chosen to represent the school as the ambassador to the Hugh O'Brien Youth Foundation's annual conference.

The following year—junior year—Mr. Platzner raised funds and chaired the Student Council. He was also selected to sit on the board of trustees' education committee—2-year term—and elected president of the Model United Nations Organization. Adam Platzner won the Outstanding Delegate Award at the Ivy League Model United Nations Conference, as well as the class prize for his hard work, leadership, and dedication In the city of New Rochelle, NY, Mr. Platzner was appointed to the Youth Court.

During his senior year he continued to lead the KLHT Political Union forward. In the beginning of the year he was appointed to lead Students Against Driving Drunk. It was in decline and Mr. Platzner's job is to turn it around. Adam Platzner continues to be a dedicated member of the KLHT community.•

EUROPEAN UNION BANANA TRADE INEQUITY

• Mr. INOUYE. Mr. President, I join today with my friend and colleague from Hawaii, Senator AKAKA, to congratulate Ambassador Charlene Barshefsky and her staff at the Office of the U.S. Trade Representative on their outstanding work to date in the World Trade Organization [WTO] action involving the European Union [EU] banana policy. On March 18, 1997, a neutral WTO panel charged with reviewing the banana case issued a detailed interim report finding the EU regime to be in violation of over 20 WTO principles. This represents more violations in a single case than has ever before been found in the history of the General Agreement on Tariffs and Trade and WTO dispute settlement.

Although narrow in scope, the one implication I am obliged to mention first relates to U.S. banana production. Hawaii has produced bananas commercially for almost 160 years. Bananas are Hawaii's seventh leading agricultural crop by value and show considerable promise for expansion and export. This growth potential is extremely important as Hawaii makes a critical transition from a large plantation style agricultural base in sugar and pineapple to a diversified crop base featuring a very wide range of tropical and subtropical products. While Hawaii is a small producer of bananas by global standards, the distortions to global banana trade caused by the EU banana import regime have taken a decisive toll on Hawaiian producers in the form of depressed producer prices. If the EU's panel report is adopted as expected, it will have a leveling effect on the prices received by Hawaii banana growers.

Other U.S. agricultural interests far beyond the banana sector also stand to benefit if the banana panel ruling is adopted in its present form. Farming interests throughout our country, including in Hawaii, share a widespread concern that international agreements do not adequately protect them against unfair foreign trading practices, particularly against repeat offenders like the EU. With the banana report now out in preliminary form, we are close to having in hand the most favorable, comprehensive findings ever rendered against a single EU agricultural policy. The Journal of Commerce properly described the ruling as "a welcome signal that the WTO will not simply acquiesce when Brussels requires all member nations to raise their trade barriers to the highest level imposed elsewhere in the union." I request that the Journal of Commerce editorial in which that quote appears, entitled "Ending banana inanity," be included in the RECORD immediately following our remarks today.•

Mr. AKAKA. Mr. President, I am pleased to join Senator INOUYE in encouraging the U.S. Trade Representative's continued pursuit of this case. The consequences of this interim WTO report are significant—not just for Hawaii, but for the U.S. agricultural community and for U.S. trading interests generally. Ambassador Barshefsky wisely recognized those implications when she joined with numerous other WTO members in calling for a WTO dispute settlement panel to condemn the EU banana import regime. The WTO panel acknowledged that in an increasingly interdependent global economy, governments will be held accountable for the adverse consequences their trade policies may have on foreign producing sectors, however large or small they might be. Hence, if the banana panel's interim report is adopted, as we expect it to be, small producing interests, such as the banana producers of

Hawaii will be entitled under the long arm of the WTO to all rights and interests guaranteed by that treaty. Since the success of small producing interests is a critical aspect of Hawaii's agricultural future, this long arm protection is of great reassurance to us.

Under the new WTO rules, if the banana report is adopted, the EU will face a stark choice: it will either have to dismantle this unlawful regime or face legal WTO trade retaliation. After decades of EU disregard of U.S. agricultural interests, a strict enforcement of that choice should establish an effective model for resolving future disputes with the EU and, equally important, should deter the EU from even engaging in unlawful agricultural policies in the first instance. Restored confidence in international dispute settlement should, in turn, help broaden the general view that trade agreements are a positive force in the promotion of U.S. agricultural trading interests.

The banana report promises to be helpful to U.S. agriculture in still another way. By clarifying the conditions under which agricultural tariff rate quotas [TRQ's] can be administered, the report should prevent countries from using TRQ's to accomplish the sort of nontransparent, discriminatory and restrictive non-tariff barriers that the Uruguay Round sought to eliminate.

In addition to the favorable precedent being set for American agriculture, the banana report also gives expansive life and coverage to the new WTO agreement governing services. The report found that U.S. service suppliers engaged in the wholesale distribution of fresh fruit have had their conditions of trade adversely affected by the EU regime in numerous ways, always to the direct benefit of EU corporate interests. The measure of U.S. harm as a result of these services violations may exceed $1 billion, a level well in excess of the harm normally implicated in international dispute settlement actions. By strictly upholding U.S. service supplier interests in this case, the panel has helped ensure meaningful, lasting protection of all U.S. sectors covered by the new international services accord.

In short, if adopted, the WTO banana report will represent an unambiguous win for multiple trading interests throughout our country. We accordingly ask our Senate colleagues to lend all necessary support to Ambassador Barshefsky and her staff to secure adoption and full implementation of this important WTO report.

The editorial follows:

[From the Journal of Commerce, Apr. 11, 1997]

ENDING BANANA INANITY

An interim ruling last month by a World Trade Organization dispute panel, calling on the European Union to overhaul its system of banana trade preferences, was a big achievement for the 40 countries—one-third of the WTO's membership—involved in the case. It showed that a rules-based trading system can yield just decisions even in complex and politically charged cases.

The banana case involved a decades-old system of trade preferences that European nations granted their banana producing former colonies in Africa, the Caribbean and the Pacific. For six of those countries, that preferential access left relatively slim quotas for Latin American producers, many of whom market their fruit through U.S.-based Chiquita Brands.

That difficulty was compounded when, in 1993, the EU sought to transform the voluntary preference program adopted by some of its member states into a uniform regime for the entire union. That meant forcing Germany, Belgium, the Netherlands and other EU states to impose caps on banana imports, driving up the price and limiting the supply of the Latin American bananas their consumers prefer.

In principle, the EU could have handled this change in a way that did not discriminate against third countries and break WTO rules. But Brussels took the opportunity to set up a whole new system that favored European banana marketing companies and put Chiquita Brands at a disadvantage. The mechanism was a Byzantine system of import and export licenses, which were made available to European marketers and to the foreign governments willing to cooperate with them.

Four countries—Colombia, Costa Rica, Venezuela and Nicaragua—were made an offer by the EU that they couldn't refuse: Agree to supply bananas under the EU regime or be punished with less access to the world's largest banana market. The EU also enlisted Caribbean politicians to defend the system it had set up to benefit European marketers. The result was that Chiquita saw its market share in Europe plunge by nearly 50%, costing it hundreds of millions of dollars.

The United States has fought this system in world trade bodies for years. Dispute panels of General Agreement on Tariffs and Trade, forerunner of the WTO, twice ruled that Europe's banana regime violates trade law, but the EU refused to honor those rulings. Washington's persistence may pay off yet, however, since the WTO's rules prevent a single nation from blocking a panel ruling.

To its credit, the three-member WTO panel withstood overheated lobbying by the EU and its allies in the Caribbean, who falsely charged that the United States was out to wreck the original preference program for former colonies. Instead, the panel identified the real issue: the right of investors in services—in this case, marketing and distributing bananas—to have a fair shot at a big market.

Moreover, the EU's claims notwithstanding the panel's interim ruling will not threaten Caribbean exports to Europe, which amount to 8% of Europe's banana imports. The only losers will be the big European banana trading firms, which will not longer be able to charge monopoly prices.

The ruling also is a welcome signal that the WTO will not simply acquiesce when Brussels requires all member nations to raise their trade barriers to the highest level imposed elsewhere in the union. The WTO allows this "leveling up," but also requires that exporters in third countries be compensated for their losses. The panel decision, if finalized, would require the EU to offer such compensation.

The decision is a victory for European consumers, who have been paying high prices as a result of the EU banana regime. If the interim ruling is finalized—as is expected—and the EU implements it as it should, Europe's long chapter of banana inanity may finally draw to a close.

WTO DISPUTE SETTLEMENT PANEL REPORT

Mr. GLENN. Mr. President, I rise to bring my colleagues' attention to a recent and very significant decision by a dispute settlement panel of the new World Trade Organization [WTO]. The case is extraordinarily complex and I congratulate Ambassador Charlene Barshefsky and her staff at USTR on their skillful handling of this matter on behalf of the United States.

To summarize the issue, the United States, Mexico, Ecuador, Honduras, and Guatemala went to WTO dispute settlement seeking an end to an EU banana trade regime which discriminates against banana exports from certain Latin American countries and against certain United States and Latin American banana marketing companies. The EU regime has deprived Latin American countries of market share and export growth in the EU and has taken business away from United States and Latin American banana marketers, giving that business over to European marketing firms.

The WTO panel's decision is a major victory for the United States and our Latin American partners in the case. The panel found that the EU banana regime is founded on over 20 violations of international trade agreements, including the General Agreement on Tariffs and Trade [GATT], the General Agreement on Trade in Services [GATS], and the Agreement on Import Licensing Procedures.

This case has implications much broader than simply the banana trade. The United States has many, very contentious, on-going agricultural trade disputes with the EU, and for that reason U.S. agricultural interests have been watching the banana case with great interest. First, this case is an example of the successful use of WTO dispute settlement to resolve these agricultural trade issues. Further, according to the American Farm Bureau, the panel's report "helps establish clear parameters for the implementation of agricultural tariff rate quotas [TRQ's]. These parameters will help prevent TRQ's from becoming the very type of nontariff barrier the Uruguay Round sought to eliminate."

In addition, this case is the first test of the General Agreement on Trade in Services. The United States was instrumental in ensuring that GATS was included in the final Uruguay Round Agreement. It is in our interest to see the MFN and "national treatment" obligations, traditionally applied to goods in trade agreements, now extend to services, an increasingly important portion of U.S. foreign commerce. The panel decision in the banana case interprets broadly the GATS protections against government policies which discriminate against foreign service suppliers. This is an important precedent and a significant victory for U.S. interests.

Once again, Mr. President, I complement USTR on a job well done and urge the administration to persevere through the inevitable appeal process, doing everything necessary to ensure that this important ruling is not undermined. I sincerely hope that, with the panel's decision in hand, a negotiated solution to end the discriminatory banana regime can be found. However, if not, the United States has a WTO-sanctioned right to retaliate, which we should not hesitate to invoke, if necessary, to achieve full EU conformity with the panel ruling in this case.

A HOPEFUL STEP FOR AMERICA'S FARMERS

Mr. DEWINE. Mr. President, I am very pleased to join with my distinguished colleagues from Hawaii, Senator INOUYE and Senator AKAHA, to congratulate Ambassador Charlene Barshesfsky and her team at the Office of the U.S. Trade Representative for the efforts they have taken in their case against the European Union [EU] banana regime, which is pending before the World Trade Organization [WTO]. I know this is an issue of interest not just for the three of us, but also my Ohio colleague, Senator GLENN, my distinguished friend from Utah, Senator HATCH, and the majority leader, Senator LOTT. Last week, the six of us joined together in a letter to Ambassador Barshefsky, expressing our appreciation for her office's great work to date.

The case in question was brought before the WTO by the United States, Mexico, Guatemala, Honduras, and Ecuador. Last March, a panel of the WTO made public an interim report, which found the EU banana regime to be in violation of more than 20 WTO principles. As the senior Senator from Hawaii pointed out, this one case has produced more violations than any other in the history of the WTO dispute settlement process.

I am sure one could ask why a Senator from Ohio would be interested in a trade dispute involving bananas. It's easy to answer: I am a Senator who represents a large number of farmers in Ohio. Ohio farmers produce agricultural goods for both domestic and international markets. Indeed, if American agriculture is to remain a growth industry, we need to increase our presence in world markets. It's that simple.

The hard fact for many farmers is that free and fair trade on the world stage hasn't always been simple, particularly when they have to go up against the EU. It is our job in Washington to achieve and advance trade agreements that protect and advance our agricultural interests. That can be easier said than done. It took years of negotiations before Congress finally ratified the General Agreement on Tariffs and Trade and supported the creation of the WTO. Despite this progress in our trade laws and agreements, I still hear from farmers who believe that international trade agreements don't do the job, or express a lack of confidence in the WTO system.

That's why I followed with great interest the case against the EU banana regime. The ultimate outcome of this case stands to shape both the real and perceived effectiveness of our U.S. trade team, and the WTO as a means to achieve those goals.

Last month's interim report represents the most significant and hopeful sign that our Nation's interests can be voiced effectively in the WTO. It's important to emphasize the interim report is a first step. The report still must be adopted by the WTO and the EU be compelled to achieve full conformity with its findings. If the WTO adopts the report, it will be the first time the United States has won a case brought against the EU in the WTO. If adopted, U.S. agricultural trade policy will stand at a vital crossroads. America's farmers have battled the EU's tough and predatory trade practices for decades. Now, it appears that the WTO is in a position to shift the balance toward fairness and respect for U.S. agricultural interests in two ways: First, by offering an impartial forum to hear and resolve trade disputes; and second, by serving notice to the EU that its past practices will not be tolerated.

Again, I congratulate Ambassador Barshefsky and her team for their persistent efforts to stand up for America's farmers before the WTO. I urge my colleagues to express their support as well. I hope we will see continued success as this report proceeds through the adoption process, and as other cases are brought before the WTO.

ORDERS FOR TUESDAY, MAY 6, 1997

Mr. SESSIONS. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m., on Tuesday, May 6. I further ask unanimous consent that on Tuesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 672, the supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I further ask unanimous consent that the first-degree amendments under the cloture motion be filed by 2:30 p.m., tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I now ask unanimous consent that on Tuesday, the Senate stand in recess from the hours of 12:30 to 2:15 in order for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SESSIONS. For the information of all Senators, tomorrow morning the Senate will resume consideration of S. 672, the supplemental appropriations bill. As previously announced, the Senate will recess from 12:30 to 2:15 in order for the weekly policy luncheons to meet. There is a pending amendment which will necessitate a rollcall vote. Senators will be notified as soon as possible as to the scheduling of that and other votes. In addition, we expect other amendments to the supplemental appropriations bill to be introduced tomorrow. Therefore, Senators can expect additional voting during Tuesday's session of the Senate. As a reminder to all Senators, a cloture motion was filed today. Therefore, all first-degree amendments must be filed by 2:30 p.m. to be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:06 p.m., adjourned until Tuesday, May 6, 1997, at 10 a.m.

EXTENSIONS OF REMARKS

IN HONOR OF WILLIAM LINCER

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to honor William Lincer, an outstanding gentleman and renowned musician, on the occasion of his 90th birthday.

William Lincer, violinist and teacher, was born in Brooklyn in 1907. At the age of 5, he began to study the viola and 2 years later gave his first recital. He was a member of the Gordon String Quartet, the Cleveland Symphony Orchestra, and for 30 years, the principal violist of the New York Philharmonic. In 1969, William Lincer was named professor of viola and chamber music at the Juilliard School of Music, a position from which he only recently retired.

His work as a soloist and teacher has been recognized by awards from the New York Herald Tribune, the American String Teachers Association, and the New York Viola Society. It is a tribute to his skill and commitment as a teacher that many of his students hold positions in orchestras and chamber groups and teaching positions throughout the world.

Mr. Speaker, I ask my colleagues to join with me in saluting William Lincer. He has made a great contribution to music in America and it is with gratitude that we honor him.

WILL THE RULE OF LAW SURVIVE CLINTON?

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, I am increasingly concerned about our Nation becoming a nation of men, not a nation of laws.

I am not alone in this concern. Paul Craig Roberts, one of the best columnists in the country, expressed his own concern in a recent Op Ed in the Washington Times. This is not a partisan issue, Mr. Speaker, but one involving the constitutional prerogatives of the House. I am not concerned if certain members of the executive branch dislike us. But they will respect the offices we hold and the institution in which we serve.

In the hopes that more Members will become more sensitive to the contempt in which this House is treated, I proudly place the Roberts article in today's RECORD.

WILL THE RULE OF LAW SURVIVE CLINTON?

(By Paul Craig Roberts)

Who would have dreamed that a U.S. citizen could return home from a visit to South America and feel that he had come back to a less ethical political system? But that's just the way I feel after my return from Chile.

A person must strain to find any shred of propriety anywhere in the Clinton Administration. Consider:

Attorney General Janet Reno stonewalls the U.S. Congress and refuses to appoint an independent counsel to investigate the illegal campaign contributions that poured into Mr. Clinton's re-election from foreigners seeking to control U.S. policy.

Whitewater Independent Counsel Kenneth Starr has been so thoroughly stonewalled by the Clinton administration and by witnesses protecting the Clintons that he has had to request an extension of the term of the grand jury that is investigating such felonies as perjury, obstruction of justice, concealment and destruction of evidence, and intimidation of witnesses. In his statement to the federal court, which granted the extension, Mr. Starr reported that the conduct of his investigation has been delayed "by a failure of persons and/or entities to make timely or complete production of documents pursuant to grand jury subpoena," that persons and entities have resisted compliance with grand jury subpoenas "even in the face of a motion to compel by the Independent Counsel," that "witnesses and entities have refused to be interviewed and/or to produce documents voluntarily" without subpoenas, and that witnesses seeking to avoid testimony have asserted privileges that "are unfounded and invalid."

What Mr. Starr's language means is that the Clinton administration is stonewalling the legal system of the United States, just as Caligula laughed at Roman law or what was left of it. Mr. Clinton is striving mightily to establish that he is above the law, and so far he is succeeding. He has even used the power of his office to evade a civil suit for sexual harassment.

Scandal follows scandal with such rapidity that the public cannot keep up. Whatever happened, for example, to Resolution Trust Corp. official John E. Ryan, who squashed his agency's investigation of the Whitewater banking scandal three years ago? Investigators and their supervisors testified before Congress that this was indeed the fact and produced tape recordings and other evidence of a coverup designed to protect the Clintons. Apparently, the coverup succeeded, because everyone was soon distracted by the next scandal.

Last November the Democrats stole (at least) two elections to the U.S. Congress, one in Louisiana and one in California. Republican Robert Dornan lost the California race by 984 votes. Orange County District Attorney Michael Capizzi has found that a single "immigrant rights" group (funded with $35 million in taxpayers' money) registered 890 noncitizens in the county and that most of them voted. California's secretary of state has also found hundreds of illegal voters and asked the U.S. Immigration and Naturalization Service for help in checking the voter rolls.

INS on orders from Washington not only refused any help in identifying illegal voters but also refused to comply with court-ordered subpoenas. Loretta Sanchez, the beneficiary of the illegal votes, also refuses to comply with a congressional subpoena for documents.

The INS and Loretta Sanchez, although not as powerful as the president, are having equal success in stonewalling Congress.

Republicans can be stonewalled because they are intimidated by the Democrats' audacity. Republicans simply do not know what to do when their opponents refuse to follow the rules. It presents them with a conflict that is too big for them to handle. They are embarrassed for their opponents, and they shy away from facing down such defiance of law. Republicans pretend that something less is happening, and they look to make a deal so they can "move on."

The media also shield the Clintons. Unable any longer to deny the appearance of impropriety, the media have turned it into a joke. The corruption has become something to laugh at, not to be serious about. Anyone who decries President Clinton's ethics is told it is unsophisticated to expect a bubba-boy from the South to be any different. Not even Yale and Oxford can turn a pig's ear into a silk purse; so what's the big deal?

But there is a big deal—the rule of law and the accountability of the executive. The rule of law is being shredded, and the precedent is being established that a Democratic president favored by the media is not accountable to a Republican Congress. The Republicans who are allowing this to happen are far greater villains than the Clintons.

TRIBUTE TO THE BRONX COMMUNITY COLLEGE HALL OF FAME RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the 19th Annual Bronx Community College Hall of Fame Run, a 10-kilometer race sponsored by Bronx Community College. This year's race will be held on May 3 starting from Bronx Community College in my congressional district of the South Bronx, NY.

The Hall of Fame Run was established in 1979 under the leadership of former Bronx Community College president Dr. Roscoe C. Brown, Jr., and continues under the presidency of Dr. Carolyn Grubbs Williams. The race brings together runners of all ages from the five boroughs of New York City to compete in a wholesome community event.

The run was named after the Hall of Fame for Great Americans, a national landmark established in 1900 to honor the achievements of men and women in science, the arts, humanities, business, and government. This beautiful landmark, designed by architect Stanford White, features a granite colonnade containing the bronze busts of 97 distinguished Americans.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

This year will mark my 16th year of participation in Bronx Community College Hall of Fame Run and I am thrilled to be part of this annual spring ritual. The event, which was originally a 10-kilometer race, now includes a 10-kilometer walk and a 2-mile fitness walk.

Mr. Speaker, I ask my colleagues to join me in recognizing the Bronx Community College Hall of Fame Run in its 19th year of uniting the community through healthy competition.

CONGRATULATIONS TO SISTER PATRICIA LYNCH

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Sister Patricia Lynch on her retirement as president of Holy Name Hospital in Teaneck, NJ, and on her half-century as a member of the Sisters of St. Joseph of Peace. Sister Patricia's career of compassion and caring for the ill and injured has been one true to the teachings of the Lord. She put her faith into practice, comforting the sick. She is an inspiration to us all.

Sister Patricia has not been your typical hospital CEO. She could be found in the emergency room at 2 a.m., comforting the family of an accident victim. She would embrace the colleagues of a heart attack victim. She would console cancer patients with stories of her own struggle with the disease.

Born in County Kerry, Ireland, Sister Patricia worked on the family farm before joining the Sisters of St. Joseph of Peace as a teenager and was sent to a convent in England during World War II. She came to the United States to work with orphaned children at the Barbara Givernaud Home in North Bergen, a facility operated by the Sisters of St. Joseph. She attended nursing school at Holy Name—also run by the Sisters of St. Joseph—became a registered nurse, and went on to earn her bachelor's degree in nursing from Catholic University in Washington. She earned a master's degree in health administration at St. Louis University and spent a year as a visiting fellow at the Sloan School of Management at the Massachusetts Institute of Technology.

Sister Patricia worked in Brooklyn, NY, as a home care nurse, directed an adult medical day care program in Newark and was the administrator of St. James Hospital from 1957 to 1964.

The former nursing student returned to Holy Name in 1964 and served the hospital in many different capacities, including head nurse, supervisor, administrator and, finally, president and CEO.

One of the highlights of Sister Patricia's first tenure at Holy Name was the establishment of the Regional Dialysis Center, the largest such facility based at a community hospital in the State. At the time, Government assistance did not cover dialysis treatment and many patients died. True to the spirit of her Christian beliefs, Sister Patricia refused to charge dialysis patients who could not afford to pay.

Sister Patricia left Holy Name in 1969 to become provincial leader and eventually international president of the Sisters of St. Joseph. In 1986, however, she returned as president and CEO, launching a variety of programs supporting women and children. She established an adult medical day care program, a program for pregnant women on Medicaid, day care for mildly ill children whose parents work, birthing centers, the Stella C. Van Houten Women's Outpatient Center and a Korean-language clinic. Over the years, she oversaw $50 million in expansion, including the addition of a one-story rehabilitation medicine building, a five-story addition, acquisition of state-of-the-art technology, and the BirthPlace—the first hospital in northern New Jersey to offer single-room maternity care. Sister Patricia's leadership clearly was essential to Holy Name's success in keeping pace with public health care needs. Her second tenure at Holy Name has been characterized as the decade of progress.

I worked closely with Sister Patricia in recent years to end insurance companies' new practice of paying for only a 24-hour hospital stay after giving birth. Sister Patricia made Holy Name available as the site of 1995 hearings on state legislation requiring that insurance companies pay for at least a 48-hour stay and was instrumental in seeing that measure signed into law in New Jersey. Last year, she was helpful in seeing the same law passed at the Federal level. She deserves the special thanks of women across the Nation for her dedicated work on this issue.

In recognition of her work, Sister Patricia has been honored as a Citizen of the Year by the New Jersey Academy of Medicine. She has received the Girl Scouts of America Outstanding Achievement Award, was named a Bergen County Pioneer Woman of the 1990s, and has received the Anti-Defamation League's Distinguished Community Service Award. She is a member of the American College of Health Care Executives, the American Hospital Association and the New Jersey Hospital Association, and a former trustee of the Catholic Hospital Association.

Sister Patricia's education and professional experience—coupled with her religious vows and beliefs—represent an invaluable ability to understand both the ideal world and the real world and narrow the gap between the two. I wish her continued luck and success in her work and the Lord's.

IN HONOR OF ST. STANISLAUS B. & M. PARISH

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay a respectful tribute to St. Stanislaus B. & M. Parish on the 125th anniversary of its founding. St. Stanislaus has a remarkable history that is closely interwoven with the development of the lower east side of Manhattan.

The parish of St. Stanislaus was founded in 1872 to introduce its Polish immigrant parishioners to New York society and culture and to serve as a vital link to their homeland. Its history of frequent relocations follows the patterns of many of the Polish residents and organizations of the lower east side. Since the first parish did not have its own building, services were held at various churches throughout New York. In 1875, the parish bought four buildings surrounding 318 Henry Street; the first mass was held there on December 18 of that year. In 1878, the parish purchased an existing church building at 45 Stanton Street. It was in the basement of this building that the first Polish parish school in New York opened in 1885.

The Polish immigrant community had grown so large by 1900 that the parish needed to expand. On May 3, 1901, the first mass was offered in St. Stanislaus' new 7th Street building, its current home; the parish school, which had been on hiatus, reopened in 1907 with 750 students.

St. Stanislaus parish would not have grown and prospered without its dedicated parishioners and priests. Throughout the years, the parish was overseen by Monsignor Strzelecki, Rev. Feliks Burant, Monsignor Karpinski, and Father Lucius Tyrasinski. The parish will enter its third century of service to New York's Polish community under Rev. Krzysztof Wieliczko, who was installed as pastor in 1996.

Mr. Speaker, I ask that my colleagues rise with me in this tribute to St. Stanislaus B. & M. Parish as it celebrates its 125th anniversary. I am honored to have such an important parish in my district continuing the Polish immigrants' traditions of their homeland and introducing them to the culture of their new home.

MR. HUANG'S BRIEFINGS

HON. GERALD B. H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, if you and other Members are like me, you like to keep a number of files handy for quick reference. And if any of you are keeping such a file on the administration scandals, here is one piece I'd like to recommend for it.

It is a recent editorial from the Washington Times, which has done an outstanding job of recording history as it happens. The editorial features 1 particular week in May 1995, which symbolizes the depth and magnitude of the scandal and its ramifications for our national and economic security.

I proudly place the editorial in today's CONGRESSIONAL RECORD, and strongly recommend that you both read it and file it.

MR. HUANG'S BRIEFINGS

It now develops that John Huang, the highly controversial former Commerce official and Democratic Party fund-raiser who has recently been asserting his Fifth Amendment rights against self-incrimination, used his top secret security clearance far more often than Commerce officials previously acknowledged. As The Washington Times' Jerry Seper reported this week, Mr. Huang received well over 100 classified intelligence briefings during his 18-month tenure at Commerce, nearly triple the 37 briefings that had been earlier reported by department officials.

At these briefings, Mr. Huang had access to "top secret" documents and classified information about China and Vietnam, where his former employer has substantial business interests. As previously reported by Mr. Seper, five months before he left Lippo, from which he received a nearly $1 million severance package, Mr. Huang obtained his security clearance, which he could have used to gain access to classified intelligence documents. Mr. Huang retained a security clearance for a year after he left Commerce. Lippo Group is a multi-billion-dollar Indonesia-based conglomerate whose associates have helped to bankroll both of Bill Clinton's presidential campaigns and whose owners, the Riady family, have bragged about placing their man at Commerce.

From the moment John Huang surfaced in October as a central player in the Democratic Party's unfolding fund-raising scandal, the Democratic party line had been that during his 18 months at Commerce he had no role in Asian policy. Indeed, the Clinton administration initially asserted that the duties of the former principal deputy assistant secretary of Commerce focused on administrative and personnel matters. Assurances were given that Mr. Huang recused himself from any and all matters that could conceivably involve his former employer. Considering his background as a longtime Lippo executive, it was vitally important before the presidential election to keep the lid on any influence Mr. Huang may have exerted at Commerce that could have benefitted Lippo or, worse, raised the specter of economic espionage.

Lippo, after all, is a banking partner of the Communist Chinese government. By selling a 15 percent share in the Hong Kong Chinese Bank four days after Mr. Clinton won the 1992 election, Lippo joined forces with China Resources Company Ltd., which Communist China's Ministry of Foreign Trade uses in its trade and foreign investment operations. The next year China Resources raised its stake to 50 percent, paying such a premium above net asset value that Mochtar Riady, chairman of Lippo Group, earned a $165 million profit. According to "Chinese Intelligence Operations," a book written by Nicolas Eftimiades, who serves as an analyst for the Defense Intelligence Agency, a military case officer from Guangzhou traditionally serves as a vice president of China Resources Company, where he "coordinates the collection activities of other intelligence personnel."

Imagine how such details would have been received in November had voters known then what was revealed this week. During one nine-day period in May 1995, according to information gathered by House Rules Committee Chairman Gerald Solomon:

On May 4, 1995, four hours after an aide delivered to Mr. Huang a document classified as "secret," Mr. Huang engaged in a 10-minute telephone conversation with Lippo's Los Angeles office.

On May 9, following a scheduled morning meeting at Commerce to discuss the status of a multibillion-dollar power plant in Taiwan, Mr. Huang called Lippo twice.

The next day Mr. Huang again telephoned Lippo's Los Angeles office after receiving "secret" documents. That night, according to his calendar, Mr. Huang met with China's ambassador.

On May 12, Mr. Huang called Lippo in Los Angeles once again, this time after a scheduled briefing by the Commerce Department's intelligence officer.

Altogether, Mr. Huang called Lippo more than 70 times from his Commerce office. He received at least nine calls from the Chinese embassy, met with Chinese government officials at least three times and attended breakfast at the Chinese embassy once.

In addition to participating in more than 100 classified briefings over an 18-month period, Mr. Huang somehow managed to visit the White House nearly 80 times, including one visit attended by the president, presidential fixer Bruce Lindsey, Lippo scion James Riady and Lippo Joint Venture partner and former Rose Law Firm partner Joseph Giroir in which it was decided that Mr. Huang would leave Commerce to become vice chairman of finance for the DNC.

Clearly, in its zeal to keep a lid on the exploding fund-raising scandal until after the the elections last year, the administration lied through its collective teeth about Mr. Huang's role as a Commerce official and the nature of the contributions he raised for the DNC.

TRIBUTE TO PROFESSOR HENRY A. SKINNER

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Prof. Henry A. Skinner, for his dedication to education and his service to the community of the South Bronx.

Skinner is a 1969 graduate of Bronx Community College. He obtained a bachelor's degree in education from the City College of the City University of New York, and a master's degree from Columbia University.

Professor Skinner has been teaching physical education during the past 25 years at his alma mater, Bronx Community College, in the Department of Health, Physical Education and Wellness.

Prior to his teaching position, Mr. Skinner worked for the New York City Department of Parks and Recreation, first as a supervisor, and later as the Bronx County Coordinator of Life Guard Personnel, Pool and Beach facilities.

As President Clinton said earlier this week, "citizen service is neighbor helping neighbor. It's part-time volunteers and full-time community service workers. It's communities coming together to solve common problems. And it is an essential part of what it means to be an American." Professor Skinner exemplifies that spirit, both in words of encouragement and in action.

Professor Skinner continuously volunteers his time to present workshops in high schools, hospitals, and religious institutions. He gives seminars on self-development, stress management, career opportunities, eastern philosophy, and on holistic health care.

In addition, since its inception 19 years ago, Skinner has coordinated the Bronx Community College Hall of Fame 10K race, a healthy competition which brings together runners of all ages from the five boroughs of New York City. He is also the president of unity and strength, the organization of minority faculty, staff, and administrators of Bronx Community College.

In 1994, he was honored with the distinguished Service Award from the Bronx Community College Foundation. And today, Mr. Speaker, it is an honor and a privilege for me to ask my colleagues to join me in recognizing Prof. Henry A. Skinner for keeping the spirit of volunteering well and alive and for giving so much back to the community.

CAPTAIN JAMES LINTON HUARD

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997.

Mr. DINGELL. Mr. Speaker, I rise today to recognize U.S. Air Force Captain James Huard, who today was laid to rest in Arlington National Cemetery, 25 years after his death.

Captain Huard was born on March 17, 1946 in Dearborn, MI. James was a 1964 graduate of Dearborn High School, where he participated in basketball, choir, operettas, and track. He was also very active in his church.

James went on to graduate from Central Michigan University. Upon completion of college, he became a math and science teacher at Woodworth Junior High School.

He soon decided to follow his dream to become a fighter pilot in the U.S. Air Force. James learned to fly F–4E Phantoms and left his beloved family to go defend his country in Vietnam. James was stationed at Ubon Royal Thai Air Base, Thailand with the 433d Tactical Fighter Squadron. On July 12, 1972 Captain Huard and his weapons system officer, Captain Samuel O'Donnell, Jr., were reported missing when their F–4E Phantom disappeared from radar somewhere over North Vietnam.

James' father passed away in 1991 without knowing the fate of his son. Late last year the U.S. Government was finally able to identify Captain Huard's remains from a group of 38, believed to be those of U.S. servicemen, that the Vietnamese Government returned in 1988. Captain Huard's remains were returned to his family on January 29 during a ceremony in California.

As the city's only MIA from the Vietnam War, the citizens of Dearborn have striven to keep the memory of James Huard alive for 25 years. The Vietnam Veterans of America Chapter 267, Dearborn, MI is named after him. An oak tree was dedicated in his honor in April 1973, which stands in front of Joshua Howard Elementary School. The James Huard Drive was dedicated in the fall of 1986. Finally, a monument in his honor was erected by the citizens of Dearborn, in front of Dearborn High School, where today there will be a service to coincide with the Arlington service. Seldom has one person engendered such an immense outpouring of emotion from a community.

Today my heartfelt wishes go out to James' family—his mother, wife, three sons, brother, and sister—who have had to endure the pain of not knowing their loved one's fate for 25 years. Today James Huard, American patriot and hero, is home and at peace.

TRIBUTE TO THE HILLSIDE, NJ, URBAN ENTERPRISE ZONE PROGRAM

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. PAYNE. Mr. Speaker, I would like my colleagues here in the U.S. House of Representatives to join me in applauding a program that has been extremely successful in my district. During its first year of implementation, the success of the Hillside, NJ Urban Enterprise Zone [UEZ] has exceeded the predictions of even its most ardent supporters.

The Hillside Urban Enterprise Zone Program has expanded Hillside's economic base by giving incentives for businesses to expand or relocate their operations. With this expansion and relocation comes the creation of new jobs and increased revenue for infrastructure improvements all without tax increases.

Through this program, approximately 107 businesses have been recruited to be members of the Hillside UEZ. A direct result has been investment commitments totaling over $9 million to be allocated for renovations, expansion, and new equipment purchases. Another positive byproduct has been the creation of over 150 new full-time jobs.

Furthermore, participating businesses also benefit by paying no sales tax on most tangible personal property and services and receiving credit against corporate business tax. In addition, qualified retail businesses may collect sales tax at half rate—3 percent on most taxable sales of tangible property. Hillside UEZ has been so successful that it has helped to attract at least nine new businesses into Hillside since its inception.

Programs like the Hillside UEZ help areas to raise their own infrastructure funds and hence do not rely solely on Federal dollars. This project has accumulated over $500,000 through the collection of the 3 percent sales tax, and at least 90 percent of these funds will be utilized for infrastructure and program improvements within the designated UEZ area.

Mr. Speaker, I am proud to bring this project from my district to the attention to the House, and I am sure that my colleagues will join me in applauding the accomplishments of the Hillside Urban Enterprise Zone.

PROFILE OF FRAN QUIGLEY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mr. HAMILTON. Mr. Speaker, I am inserting the attached article from the Indianapolis News into the CONGRESSIONAL RECORD.

[From the Indianapolis News, Apr. 24, 1997]

FROM THE OUTSIDE IN

(By Nelson Price)

Just about any way you look at it, he's an unusual chief of staff for a member of the U.S. Congress.

Fran Quigley lives in Indianapolis, not Washington, D.C.

He's a young, white man who works for an African-American woman, the first elected to the House of Representatives from Indianapolis.

He was a stay-home dad for two or three years.

Before that his most spectacular case as an attorney involved a class-action lawsuit against the Center Township trustee's office.

Ironically, Quigley, 34, met U.S. Rep. Julia M. Carson, a Democrat, when she was elected to the office he was suing on behalf of the city's homeless.

And Quigley, who comes from a large Catholic family long involved in social work and social-justice issues, is a lifelong political outsider and advocate for the disenfranchised.

Yet here he is in a fourth-floor office Downtown, serving as the top staffer for a politician.

"I've always been on the outside," Quigley says. "I'm sure I'll go back to being on the outside. This is an exception because Ms. Carson is an exception, a politician who personifies social-justice issues and who lifted herself out of poverty, racism and sexism."

His move from the outside "in" was baptism by fire. During Quigley's first day on the job, Jan. 3, Carson underwent open-heart surgery in Methodist Hospital.

The crisis came just four days before she was supposed to take the oath of office. But Quigley, a brown-haired, preppy-looking man, stresses that he never was a de facto congressman.

"Ms. Carson was in intensive care, but somehow managed to finagle a phone in there with her, which I'm told is unheard of," Quigley says. "Almost from the beginning, she was leaving phone messages for me starting at 5:30 in the morning."

Carson, 58, whose 10th Congressional District includes much of Marion County, arrived on Capitol Hill in early March.

Quigley remains in Indianapolis, overseeing five staff members here and five in Washington.

A congressional chief of staff based in a politician's hometown rather than in Washington is unusual. Quigley, who travels to the nation's capital about once a month, says Carson preferred the arrangement as a grass-roots way to deal with constituents. (U.S. Rep. Lee Hamilton's chiefs of staff usually have lived in Indiana.)

"Julia has a great find in Fran," says Richard Waples, an Indianapolis attorney. "He's an intelligent, caring person with a great, big heart."

Waples, then a lawyer for the Indiana Civil Liberties Union, teamed with Quigley, a public defender, to bring the class-action lawsuit against the Center Township trustee in the late 1980s.

BATTLED TO GET SERVICES

They sought a major expansion of the trustee's services to the homeless and won a blockbuster court ruling against then-Trustee Bill Smith. Then, as Quigley tells it, the lawyers battled daily to get the services provided to their clients. In the midst of the conflicts, Carson was elected trustee in 1990.

That set up Quigley's first encounter with his future boss, a meeting he assumed would be adversarial.

"It was anything but," he says. "Ms. Carson told me, 'Look, I've got a $17 million debt to deal with in this office. I don't want to have to pay a lot of lawyers. If your clients have problems, come directly to me.'

"Then she backed up what she said."

Quigley's efforts on behalf of the homeless are par for the course in his family. He grew up as the eighth of nine children in a household known for community involvement.

A FAMILY OF VOLUNTEERS

His father, Bill Quigley, has volunteered extensively for the Cathedral Food Kitchen, the Catholic Youth Organization and the St. Vincent de Paul Society; Bill Quigley received The Indianapolis Star's Jefferson Award in 1989 for his charitable activities.

Fran's mother, also named Fran, is a retired physical therapist. She is active in a Catholic group that promotes peace and has volunteered for many of the same organizations as her husband as well as Christ the King Catholic Church.

"I don't think we ever preached community involvement, at least in terms of verbalizing it," Mrs. Quigley says. "We just always tried to help our community and church. Frankly, we've learned as much about what the world needs from Fran and our other children as they have from us."

The younger Fran says his influences include his older brothers Bill Jr., a lawyer involved in social causes in New Orleans, and Tim, who headed up the Indianapolis Peace and Justice Center before moving to Kansas a few years ago.

Tim Quigley also was a stay-home dad for a while. So was one of Fran's brothers-in-law. With them as role models, the decision to stay home after his son was born seemed natural, Quigley says.

"It was the hardest job I ever had," he recalls, "but also the best."

Now, his wife, Ellen White Quigley, cares for the couple's two children while working part-time as an attorney. Their children are Sam, 5, and Kate, 3.

"Ellen and the kids have a 'stay-at-home' fun day each week," says Quigley, whose devotion to his family comes across in conversation. "I'm jealous when I leave in the morning to go to the office."

TAUGHT POVERTY LAW

Quigley didn't go directly from his home to the Carson campaign. In between was a stint at the Indiana University School of Law-Indianapolis. He taught a clinic on poverty law, overseeing students as they helped needy clients; Quigley is on a leave of absence to serve as Carson's chief of staff.

When Carson announced her candidacy last year, Quigley signed on as a volunteer. That led to the job offer after Carson defeated Republican Virginia Blankenbaker last November.

"I never would have predicted Fran would be in politics," his mother says. "One of his attributes—and I do think it's an attribute with Fran—is that he's very frank. He never says anything he doesn't believe. Many people in politics say what the listener wants to hear."

Cause-oriented as ever, Quigley says he and Carson have been talking about possible "community outreach" efforts for the office. They hope to establish "office" hours at libraries and community centers to be more accessible to the elderly, veterans and others.

"She's very driven, and she's not in office by accident," he says of Carson. "She's the smartest 'people person' I've ever known. Ms. Carson can meet someone and 'read' them instantly—correctly."

EXCESS DEFENSE SPENDING DISTORTS BUDGET BALANCING PROCESS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, as budget negotiations go forward, it is clear that the insistence on the part of many in both Congress and the executive branch on maintaining a military budget far beyond what is genuinely needed for American security threatens severe social hardship within the United States, and elsewhere in the world. The price of exempting the Pentagon from the budget discipline that is necessary to reach a balanced budget in the year 2002 is devastating cuts in the whole range of civilian programs—from health care and environmental protection within the United States through aid for local law enforcement in our communities onto economic assistance to fight poverty disease and nuclear proliferation overseas.

The New York Times editorial on April 30 addresses this issue in a forceful, lucid and persuasive fashion. I am inserting this editorial here:

[From the New York Times, Apr. 30, 1997]

A CHANCE TO SHRINK THE PENTAGON

With foreign military threats receding and pressure to balance the budget building, the Clinton Administration and Congress have a rare opportunity to reduce Pentagon spending to more reasonable levels. Maintaining American military superiority is vital, but it does not require an annual Pentagon budget of $250 billion.

Making reductions must begin with recognition that cold-war benchmarks are misleading. Arguing that a 1998 Pentagon budget of $250 billion is dangerously diminished because it falls 40 percent below the 1985 level is tomfoolery. It dodges the essential point that most defense spending from 1947 to 1992 was devoted to dealing with the Soviet Union and its allies, a threat that no longer exists.

Politicians should also recognize that Pentagon spending is a significant force only in communities with large defense manufacturers or military bases. Pentagon spending is not the flywheel of prosperity in a $7 trillion national economy.

Certainly, the United States cannot be complacent about its security. Iraq remains a threat to American interests in the Persian Gulf region. North Korea, strained by famine and heavily armed, could seek relief by renewing hostilities on the Korean Peninsula. China aims to be a military power in the decades ahead. Terrorism is a constant danger, and the need to send American troops abroad in peacekeeping roles is likely to grow. But no current or near-term peril comes anywhere close to the former Soviet threat.

The Pentagon is examining military requirements as part of its Quadrennial Defense Review, but do not expect much creative thinking from this exercise. The generals should be redesigning the American military to meet the threats of a new era, an exercise that might well slash budgets and discard the principle that America be able to fight two regional wars simultaneously.

That principle has justified an Army of 495,000 active-duty troops and a Navy with 12 aircraft carriers, just one less than the cold-war fleet. Scaling back to a more realistic one-war doctrine, plus sufficient air power to pin down an enemy elsewhere, would save $10 billion to $20 billion a year, even with more spending on stealth aircraft. Closing and consolidating bases and other support operations would produce additional savings.

Instead of looking seriously at these options, the generals are trying to determine how little they can cut within the Administration's five-year budget plan for the Pentagon. Under that plan, the budget would grow steadily, reaching $278 billion in 2002. It includes a whopping 40 percent increase in spending for new weapons.

It would be interesting to see where planning would lead if it were not governed by the Clinton Administration's escalating Pentagon budgets and the military's exaggerated threat assessments. It is not unreasonable to believe that American security can be adequately protected for considerably less than $240 billion a year.

INTRODUCTION OF THE COST OF HIGHER EDUCATION REVIEW ACT OF 1997

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. GOODLING. Mr. Speaker, I rise today in support of the Cost of Higher Education Review Act of 1997. Representative MCKEON and a bipartisan group of Members of this body have introduced this bill because we all share a common goal—we want college to be affordable for students and families across the country.

The current crisis in college affordability has been documented in various newsstories, as well as by the General Accounting Office in its report titled, "Tuition Increasing Faster Than Household Income and Public Colleges' Costs." Among the facts and figures contained in the report is the simple reminder that paying for a college education is one of the most costly investments facing American families today.

Certainly, students and parents are well aware of this simple fact. At the field hearings held by the Subcommittee on Postsecondary Education, Training, and Life-Long Learning chaired by Representative MCKEON, one consistent theme from students and parents is the reality that paying for college is a huge financial burden, and for some, it is simply out of reach.

Recent reports indicate that colleges have begun moderating their tuition increases and I am encouraged that the current rate of increase in tuition and fees is a vast improvement over prior years. I am also encouraged by the individual efforts of some college presidents who are restructuring their campuses in order to become more efficient and less costly, and sharing resources in order to control costs. But I think more can be done. Annual tuition increases of 5 to 6 percent continue to exceed the CPI rate of inflation and I think students, families, and taxpayers deserve to see a greater effort on the part of colleges to reduce those tuition increases.

The Commission established by this bill will review the cost controlling practices currently employed on some college campuses, as well as the underlying factors which impact tuition prices. Their analysis and recommendations for actions on the part of colleges, the administration, and the Congress will be vital to our goal of keeping college affordable for all Americans.

I strongly urge my colleagues to join in support of this legislation.

CITIZENSHIP USA

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. PACKARD. Mr. Speaker, the Immigration and Naturalization Service [INS] has tested me time and again. Today, my patience has run out. My district in southern California has one of the largest concentrations of illegal aliens. INS claims to be working to remedy this problem. They are failing miserably.

This morning, I learned that the Citizenship USA Program, which is run by the INS, has failed to properly screen nearly 180,000 aliens. These aliens were hastily naturalized without adequate background checks. Many more submitted the fingerprints of another person to avoid triggering a hit by the FBI. How many criminals has the INS allowed to become U.S. citizens? How many criminal aliens are lurking in our neighborhoods and preying on our children?

Mr. Speaker, yesterday I helped introduce legislation drafted by my colleague ELTON GALLEGLY. This bill would expand a pilot program currently operating in Anaheim and Ventura County, CA, which requires a 24-hour presence of INS agents at local jails in 100 counties with the highest concentration of illegal aliens.

Currently, our local law enforcement officials do not have the power to deport these criminal illegal aliens. This bill will place the proper authorities in the hands of our communities in order to send these criminal illegal aliens back over the border for good. In addition, because those who committed crimes are more likely to break the law again, this bill will pick up those who slipped through the cracks of the Citizenship USA Program. It is my hope that the INS will now correct the wrongs they have committed against law-abiding U.S. citizens. The INS must take appropriate action to deport those who are found to have submitted falsified documents to gain U.S. citizenship. It is the right thing to do for the safety of our children and the security of our neighborhoods. We must rid our streets of these criminal aliens.

INTRODUCTION OF THE COST OF HIGHER EDUCATION REVIEW ACT OF 1997

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. MCKEON. Mr. Speaker, I rise today to introduce the Cost of Higher Education Review Act of 1997.

In today's technology and information based economy, getting a high quality postsecondary education is more important than ever. For many Americans, it is the key to the American dream. As Chairman of the Subcommittee with jurisdiction over Federal higher education policy, I am responsible for the programs which provide Federal help in getting this education. However, my interest in higher education goes well beyond the role I play as Chairman. I am a parent and a grandparent. I know students who are pursuing or will pursue a postsecondary education. I have constituents, students and parents, who are worried about their ability to afford a college education.

Historically, the cost of getting a postsecondary education has increased at a rate slightly above the cost of living. However, a recent GAO report tells us that over the last 15 years the price of attending a 4-year public college has increased 234 percent, while the median household income has risen by only 82 percent, and the CPI only 74 percent. A recent survey of college freshmen found that concern over college affordability is at a 30-year high. Parents and students across the country are understandably worried about the rising cost of a college education. In order to control the cost of obtaining a college education, parents, students, and policy makers must work together with colleges and universities to slow tuition inflation, or for many Americans, college will become unaffordable.

This is not to say that there are not affordable schools. There are still some affordable schools and there are college presidents who are committed to keeping costs low. There are schools that are trying very innovative things to reduce tuition prices.

However, the trend in college pricing is truly alarming. This trend is especially alarming in that it only seems to apply to higher education. There are many endeavors and many businesses that must keep pace with changing technologies and Federal regulations. However, in order to stay affordable to their customers and stay competitive in the market, they manage to hold cost increases to a reasonable level.

The legislation I am introducing today will establish a commission on the cost of higher education. This commission will have a very short life-span. Over a 4 month period, the commission will study the reasons why tuitions have risen so quickly and dramatically, and report on what schools, the administration, and the Congress can do to stabilize or reduce tuitions.

There is a great deal of conflicting information floating around the country with respect to college costs. This commission will be comprised of seven individuals with experience and expertise in business and business cost reduction programs, economics, and education administration. Their job will be to analyze this information and give us a true picture of why costs continue to outpace inflation and what can be done to stop this trend.

Members of the commission will be appointed by the House and Senate leadership and the Secretary of Education. The commission will have 4 months to perform its duties. The commission will then sunset within 2 months of finishing its job. The cost for this commission will not exceed $650,000.

Mr. Speaker, this year we will be reauthorizing the Higher Education Act, which will provide $35 billion this year alone in Federal student financial aid. As we go through this process, our goals will be to:

Make higher education more affordable; Simplify the student aid system; and Stress academic quality.

In order to update and improve the Higher Education Act in a way that truly helps parents and students, a thorough understanding of tuition trends will be essential. The legislation I'm introducing today will give us that information, and shed light on a topic which is of the utmost concern to our constituents. I urge my colleagues to join me in this effort, and to cosponsor this important legislation.

THE MULTIFAMILY HOUSING REFORM AND AFFORDABILITY ACT OF 1997

HON. DEBORAH PRYCE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mrs. PRYCE of Ohio. Mr. Speaker, today I join my colleague from Virginia, Congressman MORAN, to introduce the Multifamily Housing Reform and Affordability Act of 1997.

Since the 1970's, section 8 rental assistance contracts have helped provide private, low cost housing to low income residents. Unfortunately, these contracts have begun to expire, and Congress must act now to ensure that federally-assisted housing will be available and affordable for our citizens with the greatest need.

The cost of renewing the section 8 contracts is skyrocketing; in fiscal year 1998 it will exceed $11 billion, or over one third of HUD's entire budget. The legislation that we are introducing brings section 8 spending under control while preserving this country's low income housing. This bill also sends the power to address this problem back to where it belongs—to the States and local communities directly affected by low income housing.

My own State of Ohio has the second highest number of expiring section 8 contracts in the Nation. Without reform of the program, thousands of Ohio residents and millions of people across the country face fear and uncertainty as their section 8 contracts begin to expire.

I look forward to working with my colleagues on both sides of the aisle to guarantee our citizens access to affordable housing.

INTRODUCTION OF THE MULTIFAMILY HOUSING REFORM AND AFFORDABILITY ACT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. MORAN. Mr. Speaker, today, I along with my colleague DEBORAH PRYCE, are introducing legislation to address HUD's mark-to-market approach and portfolio restructuring of section 8 housing. For the past 2 years, Congress has been faced with the question of how to address the pending expiration of section 8 contracts on some 800,000 units of affordable housing nationwide. During this fiscal year and with greater frequency into the next century, affordable rental housing units assisted under the section 8 program are at risk.

Properties assisted under the section 8 program and the many thousands of families, seniors, and disabled who live in section 8 housing, are hurt by uncertainty about the future. They are all at risk because this program must be reformed in order to survive. From a cost standpoint, program accountability and program administration by HUD, section 8 has become a convenient political scapegoat.

We must acknowledge that there is some truth in the criticisms made about this program. I have joined with my colleagues in questioning the long-term cost-effectiveness of maintaining the current HUD section 8 program. I am concerned when I read public accounts that document the fact that rents on section 8 assisted rental housing units are far above what could reasonably be considered market rates. I am concerned when this Government provides billions of dollars of rental subsidies only to be made painfully aware of the neglect, and in some cases, outright fraud committed by owners and managers of such assisted housing units. I am also concerned when HUD representatives say they lack the capacity to administer this program effectively. As a former mayor, I wonder who at the local level will be the first to step forward to take HUD's place. In an age when we have begun to end welfare as we know it, I am also concerned how we can justify the provision of rental assistance to individuals who are allowed to hold on to such assistance for an indefinite period of time. At the same time, thousands wait years for a chance to receive assistance that is in short supply.

These concerns have been discussed at length in Congress. The problems and concerns we face in the long-term provision of affordable housing in this country are well documented. A shrinking HUD budget and the cost of renewing section 8 at current rents are on a collision course destined to lead us to drastic measures and hard choices. Within the next 5 years, contracts on more than 2.7 million units, more than 90 percent of the entire section 8 low-income housing stock, will expire. Estimates show that by the year 2002, the cost to renew all contracts under the current program will be between $17 and $20 billion annually: a cost equal to HUD's entire current budget. Faced with this reality, we have relied for 2 years on Band-aids of demonstration programs and 1-year appropriations.

While I congratulate and respect the work and creativity of my colleagues in the House and Senate who have faced this issue, I believe the time for temporary fixes has ended. We must act to define and enact responsible legislation of a permanent nature. We owe that to the residents of this housing, to the responsible owners and managers who care for it, to the financial institutions that have a stake in its financial future and to the American public who have invested hard-earned tax dollars to support its development and preservation since the mid-1970's.

The proposal we are introducing today builds on a proposal introduced late last session by Senator CONNIE MACK. The principle focus of both our bills is to reduce the cost of the section 8 program and provide the certainty of continued housing assistance for those in need. This legislation provides a way to address this matter responsibly. Our reform proposal reins in exorbitant rental contracts that can reach 180 percent of the fair market rent. Existing debts on all FHA-insured properties are restructured to lower operating and maintenance costs, and bring Federal rent subsidies down to local market levels. In return, owners of multifamily housing must agree to maintain the property for low-income tenants for at least another 20 years.

Owners who wish to renew their section 8 contracts without going through the restructuring process can do so as long as the current rents do not exceed 120 percent of the fair market rent. In light of HUD's diminishing administrative capacity and budget reductions, the responsibility for restructuring can be assumed by State housing finance agencies or State-qualified local agencies. Residents should be given opportunities to comment and participate in the program. Negligent owners, who have materially violated their regulatory agreements, would be barred from the new program and encouraged to sell the property to resident groups, nonprofits, or other entities willing to participate in the new program. I would also not rule out strengthening the bankruptcy laws to increase recovery from negligent owners and imposing tougher sanctions on owners who abuse the new program. These reforms have a potential to save the program by preserving a large share of the existing units, reducing the number of potential evictions, lowering the risk to the FHA insurance fund and saving precious tax dollars.

In closing I welcome the interest and support of all Members who believe, as I do, that this issue must be resolved promptly and responsibly. I believe that the action taken here today is a step to encourage a more detailed discussion and thorough debate on an issue we can no longer defer. I look forward to working with my colleagues on the Banking Committee as well as the Appropriations Committee, on which I serve, who will take the lead in reaching a fair and reasonable solution.

GRACE REFORMED CHURCH CELEBRATES 100TH ANNIVERSARY

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. EHLERS. Mr. Speaker, I rise today to commemorate the 100th anniversary of Grace Reformed Church in Wyoming, MI. The names and faces of pastors and the location of the church may have changed over the years, but the spiritual mission and commitment of Grace Reformed Church have become stronger with each year of existence.

The history of the church actually dates back 101 years to 1896 when members of the Second Reformed Church and the Fifth Reformed Church met at Reelman's Hall to discuss combining their congregations. On February 18, 1897, the two churches formed Grace Reformed Church. Ten days later the congregation ordained and installed its first consistory, consisting of two elders and two deacons. The Rev. John Van De Erve served as the church's first pastor until 1901. During his 4 year tenure, Reverend Van De Erve oversaw the construction of a temporary facility to help ease the congestion problem Reelman Hall was experiencing. In 1899, the growing congregation began construction on a new church that would be dedicated during a 2 day service in April 1900.

Following the departure of Reverend Van De Erve, the congregation experienced a number of changes in the pulpit. In 1902, the Rev. J. H. Joldersma served as pastor for a 6 month period. He was replaced by the Rev. P.P. Cheff from 1903 to 1905. After Reverend Cheff's departure, Rev. Peter Braak took over as pastor and oversaw the construction of a new parsonage that was built on the grounds of the church so that pastors would no longer have to live in nearby rented apartments. After a 3 year assignment, Reverend Braak moved on and was replaced by the Rev. Lawrence Dykstra who served until 1912.

In 1912, the church began to move in a new direction with the introduction of the Rev. C.H. Spaan who to this day has served the longest tenure as pastor at the church. Reverend Spaan was a fixture at Grace Reformed for 26 years until poor health forced him to give up his duties in 1938. During his ministry, church members generously donated their time to help with several major improvement projects including the installation of a steam heating plant and the expansion of the auditorium's seating capacity. In addition, the church also built a new basement and added a new kitchen for church social events.

After the retirement of Reverend Spaan, the church welcomed the Rev. Theodore Schaap who served from 1938 to 1945. In October of 1945, the church welcomed the Rev. Henry C. Van Deelen to the congregation. During Reverend Van Deelen's pastorship, plans were made to establish a building fund for future expansion and remodeling projects and a celebration committee was established to prepare for the church's 50th anniversary in 1947.

In 1949, the Rev. Abraham Rynbrandt was installed as pastor and served until 1953. He was replaced by the Rev. James Schut in 1954 who remained with the church until 1959. The Rev. Rodger H. Dalman began service in 1959 and stayed with the church until 1965. During the early 1960's the church, under Dalman's leadership, moved forward with plans to build a new sanctuary at a new location. In 1963 the congregation approved preliminary building plans for their new home.

In 1964, the church sold their building on Caulfield Avenue and moved into a new facility on Burlingame Avenue. After selling their previous place of worship to New Hope Baptist Church, members of both churches held a joint worship service to celebrate a new beginning for both congregations. During the transition period, church members attended worship services at Lee High School while the finishing touches were being put on their new home. On April 26, worshippers celebrated their first Sunday in their new sanctuary and later held a week-long dedication ceremony to celebrate.

In 1965, the Reverend Dalman left the church for a new position in Wisconsin. He was replaced in 1966 by the Rev. Harry Brower who served until 1972. Rev. Mark De Witt was installed as pastor in 1973 and remained until 1985. During Reverend De Witt's service, the church dedicated a new pastor's study, consistory room, and nursery. The church also enlarged its seating area for worship services. Phase two of this improvement project was completed in 1990 and included an elevator and a covered lower entrance.

Rev. Louis H. Benes, Jr. was installed as pastor in 1986 and served for 10 years. On September 29, 1996, the Rev. Richard Veenstra was commissioned as interim pastor and remains in that position today.

As you can see, Mr. Speaker, Grace Reformed Church has come a long way from its humble beginning and has been an integral part of the Wyoming community for a century. The contributions of this church, its tradition, and commitment to God should serve as an example for others to follow. As the members of this church celebrate this remarkable feat, I ask my colleagues to join me in congratulating them on this very special anniversary.

STATEMENT FOR THE CONGRESSIONAL RECORD IN CELEBRATION OF POLISH CONSTITUTION DAY—MAY 3, 1997

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. KLECZKA. Mr. Speaker, May 3 marks the 206th anniversary of Europe's first written constitution.

It may come as a surprise to some that this constitution was produced in Poland. Scholars tell us the document was conceived in the spirit of the U.S. Constitution, which preceded it by just 4 years. It established the radical principle that the power to govern emanates from the people.

The Polish Constitution was signed in 1791, after 3 years of intense debate. It was the product of King Stanislaw August's renovation of the country. It recast Poland-Lithuania as a hereditary monarchy and abolished many of the eccentric and antiquated features of the old system. It ended the individual veto in Parliament and provided a separation of powers among the legislative, executive, and judicial branches of government. It established an elected judiciary, trial by jury, the concept of habeas corpus, and freedom of religion.

All this was done without bloodshed.

Nevertheless, the nobility saw the new constitution as a challenge to their stature. Its passage also alarmed autocratic states such as Russia, who viewed it as a threat to their domination of Poland.

In 1792, domestic and foreign reactionaries ended the democratization of Poland. Polish conservatives formed a confederation and appealed to Russia to restore the status quo. Enlisting Prussia's support, Russia invaded Poland under the pretext of defending its ancient liberties. Stanislaw August capitulated.

France, Russia, and Prussia abrogated the Polish Constitution, carried out a second partition of Poland in 1793 and placed the remainder of the country under Russian occupation.

Despite this defeat, the democratic ideals of the Polish Constitution lived on in the citizens who played a leading role in bringing an end to communism in Eastern Europe. And they continue to live on in a democratic Poland, borne of struggle.

Although the Polish Constitution was never implemented, it has gained an honored position in the Polish political heritage. Poland celebrates the anniversary of its passage as the country's most important civic holiday.

I'm proud to be of Polish descent and to honor Polish Constitution Day.

CELEBRATING 150 YEARS OF THE HISTORIC PLYMOUTH CHURCH OF THE PILGRIMS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. TOWNS. Mr. Speaker, today, it gives me great pleasure to participate in the celebration of the 150th anniversary of the founding of Plymouth Church of the Pilgrims which will begin this weekend, May 2 to 4, 1997.

Known as the "Grand Central Depot" of the Underground Railroad, the Plymouth Church was founded in 1847. Rev. Henry Ward Beecher was the first minister of the historic Plymouth Church of the Pilgrims and was considered to have been America's foremost clergyman of the 19th century. Beecher understood the value of using the church as an instrument for social reform and he took his influence beyond the pulpit and built Plymouth Church into a national institution. As in 1849, major political and social issues were challenged, especially equal rights for all America. Plymouth Church is in fact famous for having bought the freedom of a young slave girl, "Pinky," who once freed, became highly educated and returned to the church as an adult to thank them for her freedom. In keeping with the long tradition of the church, Plymouth continues to provide a wide array of services to the needy and less fortunate.

The landmark 1849 church building, which was designed to seat 2,050, was built to accommodate the overflow crowds who came to hear Beecher's legendary sermons. Other noted leaders who spoke from the pulpit include, Frederick Douglass, Martin Luther King, Jr., and Mark Twain. It is the only church ever visited by President Abraham Lincoln in New York City.

Mr. Speaker, I ask that you join me and our colleagues in recognizing the historic contributions of the Plymouth Church of the Pilgrims for the last 150 years.

PROMOTE FREEDOM AND DEMOCRACY IN VIETNAM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to urge my colleagues on the International Relations Committee to support the passage of H.R. 1253, the Foreign Relations Authorization Act and in particular section 217.

This provision calls upon the administration to ensure that expanded trade relations with Vietnam will promote, and not hinder, Vietnam's progress toward democracy.

As the Representative of the largest Vietnamese-American community in the United States, I am very concerned about the current situation in Vietnam.

The U.S. State Department 1996 Report on Vietnam shows that the government continues to grossly violate human rights by incarcerating prisoners of conscience.

While I believe in the Government of Vietnam's sovereign rights, we cannot ignore these offenses.

Currently, thousands of religious leaders and political dissidents remain in harsh prison labor camps.

As a symbol and promoter of freedom and democracy, the United States can influence and direct Vietnam toward a more democratic form of government where basic human and civil rights are respected.

I urge you to put the pressure on Vietnam to respect human and civil rights by supporting this bill.

RETIREMENT OF COLONEL JOSEPH F. SCHINDELHOLZ MARCH 31, 1997

HON. JOHN P. MURTHA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. MURTHA. Mr. Speaker, I'd like to take this opportunity to note the retirement of Joe Schindelholz, who has worked for a number of years as a congressional liaison for the Army and Army Reserves. Colonel Schindelholz did an excellent job and I very much enjoyed working with him. He is a very knowledgeable, capable, and professional officer and a credit to the Army. I know all my colleagues join me in wishing him health and happiness in his well-earned retirement.

Col. Joseph F. Schindelholz distinguished himself by continuous meritorious performance during 22 years of active Federal service in the U.S. Army and Army Reserve.

From 1971 to 1974, while assigned as executive officer 4th Armor Battalion, he distinguished himself by identifying key training and readiness requirements needs of his soldiers.

In March 1974, Colonel Schindelholz began his Army Reserve career assigned to the 274th Training Regiment as a training officer, retention officer, and company commander. He served with distinction in all positions as a drilling reservists for over 6 years.

In 1981, he entered the Active Guard/Reserve [AGR] program and was assigned to the Army Reserve Personnel Center where he served as a personnel management officer and operations officer. He developed career management models for reserve officers where none had existed in the past. His intense work with personnel matters provided innovative and comprehensive solutions to individual soldier professional development.

In 1984, Colonel Schindelholz served as a Fifth Army retention officer. He developed a retention program that was approved by FORSCOM and adopted as an Army-wide retention model for use by the Active and Reserve components.

From 1987 to 1990, he served as the general officer manager for the Chief, Army Reserve. During this assignment, he implemented a program for centralized management of Reserve general officers that is still the current management system.

Colonel Schindelholz spent his final 7 years of active duty working as a congressional liaison officer for Headquarters, Department of the Army and as chief of the Office of Policy and Liaison for the Chief, Army Reserve. His accomplishments in these assignments were invaluable to the development of an effective Reserve liaison team. He was responsible for developing a new structure for the Office of Policy and Liaison that has been instrumental in addressing critical Army Reserve issues with Congress. He has culminated his outstanding career in the Office of Policy and Liaison by his knowledge and professionalism in dealing with staff members of the Senate and House. Colonel Schindelholz' leadership was especially critical during a time when the role of the Army Reserve has expanded to a global presence with many new missions including our current presence in Bosnia. He also attacked the issue of downsizing and how it would impact the Army Reserve. His ability to convey the Army Reserve story to Members of Congress and their staff was invaluable to the continued vital role the Army Reserve plays in America's Army. He was also very adept at developing his subordinates so that the office had program officers with a wide range of experience and could also represent the Army Reserve in a professional manner. Colonel Schindelholz is a model of leadership, dedication to duty, selfless service, and loyalty in keeping with the highest traditions of military service and his efforts reflect great credit upon himself and the U.S. Army Reserve.

INTRODUCTORY STATEMENT ON THE MILLENNIUM SOCIETY ACT OF 1997

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to introduce the Millennium Society Act of 1997. In less than 3 years the citizens of the United States and the world will be counting down to perhaps the most anticipated event in a thousand years, the new millennium.

The Millennium Society is a 501(c)(3) charitable corporation founded in 1979 with a membership spanning six continents. It is a nonprofit, non-governmental, and non-political organization with the purpose of marking the year 2000 and celebrating the achievements of civilization. Also, since its incorporation, the Millennium Society has been raising funds to permanently endow the Millennium Scholars Program. This program is an international scholarship program that prepares young leaders from around the world by furthering their education, leadership abilities, cultural understanding, and dedication to freedom and peace. The Millennium Society is the longest standing organization formed solely to commemorate this historical event and has received the endorsements of a number of important and influential political leaders including President Clinton, Gen. Colin Powell, and former Presidents Carter, Reagan, and Bush.

Title I of the bill recognizes the Millennium Society as the official organization of the United States to coordinate activities in the United States and around the world to celebrate the new millennium in a manner which encourages international peace, freedom, and understanding.

Title II of the bill would authorize a sense of the Congress that the U.S. Postal Service should cooperate with the Secretary of the Treasury and the society to issue a postage stamp commemorating the end of the second millennium and the advent of the third millennium.

Mr. Speaker, I urge all of my colleagues to join me in passing this legislation. By supporting this legislation, this Congress has the opportunity to leave a legacy of learning for the leaders of tomorrow—at no net cost to the Government.

TRIBUTE TO HELEN BRADBURY WRIGHT

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. McINNIS. Mr. Speaker, Helen Bradbury Wright dedicated much of her 78 years to educating the Grand Valley's students.

For 35 years Mrs. Wright schooled students in the three R's. Throughout her career she taught every grade, starting with eight students in a on-room shanty and finishing as the kindergarten teacher at Columbus Elementary School.

Upon retiring, Mrs. Wright served on the District 51 School Board for 10 years.

But becoming an educator had not always been Mrs. Wright's aspiration. While in grade school, she wanted to become a secretary. However here instructor said, "No, Helen, you don't spell well enough to be a secretary. You are better suited to become a teacher."

Mrs. Wright left her Kannah Creek home to live in Grand Junction and attend Grand Junction High School, Mrs. Wright graduated in 1934. That summer she earned tuition money as a housekeeper, errand girl, and yardkeeper for a family in town.

In the fall of 1934, she enrolled in Grand Junction Junior College. While there, Mrs. Wright showed the tenacity necessary to achieve the title so many said suited her—teacher.

She worked for her room and board, attended classes at GJJC and graded papers for her tuition money. The National Youth Administration paid her 35 cents an hour as a grader and for extra money, she babysat for 50 cents a night. Every penny Mrs. Wright earned went toward her education—nothing was more important to her.

She enjoyed all aspects of school and was very active in the extracurricular activities. Each year the college produced a musical at the Avalon Theater. Mrs. Wright was a dancer in each production.

Lessons and school work demanded the most of her time. She studied diligently and made 'average grades".

"I was not an 'A' student or even a 'B' student many times," Mrs. Wright recalls. "We were graded on a curve and there were two students who were always so good that it pushed the average students into the 'C' bracket."

Dean Houston, her psychology professor, told the class that being average was OK in some professions. "He informed us that average people made good teachers because they could relate better to the majority of students," she said.

The second year of college proved to be one of her greatest challenges. She lost her job because the family needed a housekeeper fulltime. Then she waited tables at a cafe for a dollar a day plus tips, which back then were a nickel—if you were lucky. That December, Mrs. Wright got the mumps and missed a week of classes. After recovering from the mumps and working to make up the missed classes, Mrs. Wright caught scarlet fever. She missed a month of classes during the spring quarter—right before graduation. But with extra work and determination, Mrs. Wright graduated with her class in 1936. She applied for a 1-year teaching certificate and was offered a job teaching at Salt Creek. Before starting that job in September of 1936, Mrs. Wright taught summer school for 3 months in Moffat County.

In 1937, she entered Colorado State College of Education in Greeley to finish her education degree. She took classes in the summer and taught during the winter months, finally graduating from the teachers college in 1954.

After her first job at Timberlake School in Moffat County, she then taught at Salt Creek School near Collbran, Summit School in Unaweep Canyon, Pride School in Kannah Creek, Whitewater School, Purdy Mesa School, Rhone and Hunter schools near Fruita and finally 22 years at Columbus Elementary on Orchard Mesa. The last 9 years at Columbus, she taught kindergarten.

At the country schools, Mrs. Wright instructed students of all ages and grades. She; her husband, Leslie Wright, who worked for the Rio Grande Railroad; and two children, Don and Rena, often lived in the teacherage next to the schoolhouse.

After 35 years of teaching, Mr. Wright was not quite ready to give up working for education. She was elected to District 51 School Board. Serving for 10 years, teachers and students often saw Mrs. Wright sitting in the back of the classroom watching and listening. As an administrator, she did not want to lose touch with the students and teachers she represented.

Mrs. Wright attended 71 graduations during her school board tenure. Three of those graduations were very special. She handed diplomas to her grandchildren, Lisa Wright, Justin Carver, and Kristi Wright, when they graduated from Grand Junction High School in 1988, 1989 and 1991, respectively.

Mr. Speaker, I would like to recognize the hard work and dedication that Mrs. Wright put into her career in education and to thank her for the example she provided to so many of Colorado's youth.

FIGHTING WORLDWIDE PERSECUTION OF CHRISTIANS

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. WOLF. Mr. Speaker, I am submitting for the RECORD remarks made by Rabbi Irving Greenberg at a recent conference sponsored by the Center for Jewish and Christian Values. The conference examined the lessons learned from the Campaign on Soviet Jewry and how they can be applied to combat the growing problem of Christian persecution.

Rabbi Greenberg spoke eloquently about the obligation all people of faith have to defend the rights and freedoms of other people of faith.

I commend it to the attention of all Members of this body.

FIGHTING WORLDWIDE PERSECUTION OF CHRISTIANS

Rabbi GREENBERG. Good afternoon. As a rabbi, I'm here because of my long-standing admiration and friendship for Rabbi Yechiel Eckstein, who's the president of the International Fellowship of Christians and Jews, and a parent of the Center for Jewish and Christian Values, which sponsors this conference. But, of course, most of all I'm here to express solidarity as a rabbi for your protests, our protests, at the persecution of Christians worldwide. And I believe, as you do, that "whatever you do unto the least of these, you do unto me," and as a Jew, we have not forgotten the suffering, not only the suffering but also the suffering of being abandoned in your suffering. Nor have we forgotten the gratitude we feel to Christians for helping Jews in distress and travail in the Soviet Union come to Israel. I really do believe that your time has come, our time has come, for this issue to achieve the intention and the help that it truly deserves.

This is a meeting sponsored by the Center for Jewish and Christian Values. It seems to me this issue is simply and fundamentally a test of values. One of the fundamental values is that the human being, at least in the biblical tradition, is created in the image of God. The Talmud says that to be in the image of God bestows three fundamental dignities which every human being as an image of God is entitled to. The first is the dignity of infinite value, and that is why they say saving one life is like saving a whole world. The second is the dignity of equality. No suffering is less important, for we are all equally precious. And uniqueness. No human being can be replaced, should be replaced, or their suffering standardized or in some way dismissed as less important.

If I recognize another as a fellow human being in the image of God, then I recognize them as my own family, flesh of my flesh, bone of my bone, connected and in the image of the God whom I also am deeply grounded in. Under those circumstances, we feel an obligation if they are hungry to feed them, when they are enslaved to free them, and when they are persecuted to release them from the chains of oppression. That is why charity, in the Jewish tradition, is referred to not as "charity" but as "righteousness" or "obligation."

So this is a very simple test of values. Do we believe in these values and do we practice them? Or do they remain words? In the biblical tradition, which Christians share with Jews, we are partners with God in the perfection of the world. Partners with God in the abolition of war and the overcoming of oppression from war. Our love is backed by commitment or obligation, not just a feeling of love but a recognition that I am committed and obligated to act on that love.

And, of course, the third quality that follows from that is a steadfast persistent quality. That is to say, I do not stop at obstacles, nor am I simply a fair-weather friend.

We are obligated to our neighbor. The neighbor is the one who is inside my universe of moral obligation. Of course, many political figures have argued that that obligation stops at the border. Just as many in the name of or the spirit of economics would argue that the value and the importance of business means we must give a very narrow definition of the neighbor, lest our business and our jobs and our economy be hurt by application of moral standards to international trade. People are afraid, and this is a very powerful force in American foreign relations.

But, in fact, the contribution of our country and our people great American contribution of the 20th century, has been the opposite of this. That is to say, the contribution to recognize that the moral tradition, influenced by religion—and this is a country powerfully shaped by religious values—is to define the neighbor across national lines. The neighbor does not stop at the national border. And the neighbor is my family, and if I have a family I have a right to intervene and intercede for them even in foreign countries, so called. Now, when this started, the Soviet Jew movement was laughed at, but that's what happened. At the end, the United States government, through its laws, invoked the right to intervene in dictatorships and insist upon moral standards.

I would add one little footnote on the third value we're talking about today: the lesson of the Holocaust. Many studies have been done as to the survival rate of Jews during the Holocaust, and it's important and worth repeating. Ninety-five percent of the Jews in Poland and Lithuania died; 95 percent of the Jews in Denmark were saved. The difference was not the behavior of the Nazis, who, in each case, tried to kill, nor was the difference in the behavior of the Jews, who did the best they could to escape but mostly could not. The difference was the behavior of the bystanders. In those countries where the population turned its back and said, "That's not my concern," they died. In those countries where the population stood up and said, "This is bone of my bone, flesh of my flesh," they were saved.

I have a belief one should never underestimate the American people. Not only have they already shown remarkable achievements in this area in insisting upon moral standards, but I'd also like to add that the workers are not fools either. They see that in standing up to help the persecuted, that out of this confrontation came the erosion of dictatorship. Much of the breakdown of communism and the end of the nuclear threat to the world started from this standing up for the civil rights and the human and religious rights of Jews and other groups under Soviet domination.

This afternoon, therefore, we shift our picture, our concern from vision and recognition of the issues to practical and applied ways of action on the basis of that vision, and we have an extraordinary panel for you, for us to hear.

YOM HASHOAH; REMEMBERING THE HOLOCAUST

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. CAPPS. Mr. Speaker, this Sunday, May 4 is Yom Hashoah, Holocaust Remembrance Day. This solemn day caps off a week in which memorial events have been held in every corner of our Nation, including the city of Santa Barbara, which I am proud to represent.

Some may ask why, more than half a century after the Holocaust, we need to continue these commemorations? My response is that it is our sacred duty. Fifty years after World War II, or 500 years later, it will be incumbent upon us to do all that we can to learn the lessons of this terrible era and teach them to future generations so that such a catastrophe will never befall the Jewish people—or any people—again.

Nothing we can ever do will bring the 6 million who were murdered back to life. Nothing we can do or say will ever heal the searing wounds of those who survived. For them, the numbers burned into their arms and their other physical and emotional scars are a daily painful reminder of their suffering. But we can endow the sacrifices of the victims, living and dead, with everlasting significance if we undertake remembrance events in our community.

In my district, I was honored to participate in the opening of a remarkable exhibition in Santa Barbara featuring the art and sculpture of Theresienstadt. This breathtaking exhibit is sponsored by the Hillel Foundation of UCSB, the Jewish Community Relations Committee of the Santa Barbara Jewish Federation, the Santa Barbara County Arts Commission, the College of Creative Studies at UCSB, and the Austrian Cultural Institute of New York.

This event was particularly enlightening because it reminds us of the remarkable power of the visual arts to teach, to inspire, to move us.

I've joined my friends and neighbors in Santa Barbara at Yom Hashoah commemorations for many years, but this time was the first that I stood before them as their Congressman, with new obligations and new opportunities.

As a Congressman, I will be able to represent my community at the annual Yom Hashoah event in the Rotunda of our Nation's Capital on May 8.

As a Congresman, I saw the need to respond to the unwise and outrageous comments of one of my colleagues who criticized the airing of "Schindler's List" as "polluting the minds of our children" by organizing my own letter, signed by 40 Members, in support of this historic broadcast.

As a Congresman, I will proudly support the continuing Federal funding of the U.S. Holocaust Memorial Museum, which has helped fulfill our obligation to teach the lessons of the Holocaust to millions.

As a Congressman, I am supporting legislation to unlock, once and for all, the secret files on Nazi war criminals still being shielded by certain agencies of the U.S. Government because of outdated cold war national security concerns.

And as a Congressman, and particularly as a member of the Committee on International Relations, I will vote and speak up for continued U.S. assistance for the Jewish State, Israel, a state literally created out of the ashes of the Holocaust. Whatever the ups and downs of its internal political machinations, it is a moral, strategic and diplomatic imperative for the U.S. to support Israel and advance the cause of peace in the Middle East.

Mr. Speaker, before I came to Congress, I was a professor of religion. For many years, I taught my students the extraordinary book "Night" by Elie Wiesel, America's voice of conscience. Among Professor Weisel's most incisive observations is that when an event, like the Holocaust is unspeakable, it takes a while to learn the right words.

We will never learn all the right words to describe and explain the Holocaust. Yet by taking time each year to remember the dead, honor the living, and absorb the lessons of the Nazi era, will we add meaning to our own lives and those of future generations.

TRIBUTE TO GENE RAGAN: MAN OF THE YEAR IN ALABAMA AGRICULTURE

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to an outstanding figure in southern agriculture and a dear friend, Gene Ragan. Progressive Farmer magazine has recently selected Gene as its Man of the Year in Alabama agriculture. This is a prestigious honor only bestowed to agriculture's best and I can think of no one more suited to receive it than Gene.

Gene Ragan is an institution in the southern farming community, regularly hosting what many believe to be the Nation's longest running local television farm show. For viewers of WTVY–TV 4 in Dothan, AL, Gene has been a friend and an agriculture advocate for 38 years on his "Noon Farm Report." As Progressive Farmer notes: "Ragan has served with distinction as the voice of agriculture for many who no longer have day-to-day ties to farming." His audience today is considerably more urban than in 1959.

Gene's ties to agriculture actually extended back 50 years, beginning his career as an extension agent in Grady County, GA, in 1946.

In addition to farm broadcasting, Gene Ragan has ably served as farm consultant to Southtrust Bank in Dothan, and has used his expertise to organize the annual agriculture leadership conference which draws hundreds from across the Southeast.

A friend and ambassador for the family farm, Gene Ragan is a genuine lover of the land and this country. No one I know is a more credible advocate for environmental stewardship than Gene Ragan. His efforts on behalf of land grant colleges and research programs are also well known.

Always looking to the future, Gene is a consistent supporter of youth in agriculture, namely 4–H and FAA programs in the Tristate region of southeast Alabama, southwest Georgia, and northwest Florida.

I am personally indebted to and will never forget the help that Gene Ragan gave this young newspaper reporter many years ago. Gene Ragan is agriculture in the Wiregrass, and I congratulate him on his award and his continuing remarkable career in service to the farmer. Thank you, Mr. Speaker.

INTRODUCTION OF PRESIDENT CLINTON'S "AMERICA READS CHALLENGE ACT OF 1997"

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. CLAY. Mr. Speaker, I am pleased to introduce the America Reads Challenge Act of 1997, on behalf of President Clinton. This Act will help mobilize trained volunteers reading tutors and skilled reading specialists to ensure that every student can read by the end of the 3d grade. Over 5 years, the bill commits over $2.75 billion to local communities for afterschool, summer, and weekend tutoring in reading.

Specifically, this Act would fund 25,000 reading specialists and tutor coordinators to mobilize one million volunteer reading tutors. The program will serve areas with a high number or percentage of low income families, or areas with the greatest need for reading assistance. The program will be coordinated with existing early childhood and family literacy programs, such as Even Start and Head Start.

The program is designed to build on and support in-school reading programs, with a special emphasis on strong parental involvement. The bill provides for the Parents as First Teachers Challenge Grants that would provide $300 million to help parents help their children read well.

It is well documented that children who cannot read well by the end of third grade are more likely to drop out, and are less likely to succeed in school. Some 40 percent of our fourth graders scored below the basic level on recent national tests. The America Reads Challenge Act of 1997 will allow communities to create well-designed tutoring programs that will significantly improve student reading skills.

H.R. 1515 EPHIC LEGISLATION TO MAKE HEALTH INSURANCE AFFORDABLE FOR SMALL BUSINESS WORKERS AND THEIR SPOUSES AND CHILDREN

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday May 1, 1997

Mr. FAWELL. Mr. Speaker, William F. Goodling, Majority Leader Richard K. Armey, Representative J. Dennis Hastert, Representative Susan Molinari, Representative James A. Leach, Representative Owen Pickett, Representative James P. Moran, Representative William O. Lipinski, Representative Glenn Poshard, James A. Traficant, Jr., and Representative Gary A. Condit, are among the 113 cosponsors who are joining me today in introducing the Expanded Portability and Health Insurance Coverage Act [EPHIC].

Similar legislation is also being introduced in the Senate by Tim Hutchinson, and others. The bipartisan EPHIC legislation will make health coverage more affordable and accessible to millions of small business workers and their spouses and children. EPHIC will help make insurance more affordable, by expanding coverage and lowering costs; more accessible, by removing barriers and increasing choice through association plans; and more secure, by improving continuity of coverage and consumer protections.

The problem of the uninsured, both children and adults, is a problem of small businesses lacking access to affordable health coverage. Over 80 percent of the 40 million uninsured Americans live in families with an employed worker who is likely to work for a small employer or be self-employed. Over 80 percent of all uninsured children are in families with working parents. Nearly two-thirds of these parents work for small businesses.

To address the affordability problem of the uninsured, EPHIC would give franchise networks, union collectively bargained plans, bona-fide trade, business and professional associations ie.g., retailers, wholesalers, printers, agricultural workers, grocers, and churches—and organizations such as chambers of commerce and the National Federation of Independent Business [NFIB].the ability to form regional and national group health plans. These Association Health Plans would enjoy the economies-of-scale allowing them to fully insure or self-insure the workers, spouses, and children of America's small businesses, just as large- and mid-sized businesses have been able to do for 23 years under ERISA.

The pooling allowed under EPHIC will bring to America's small businesses immensely increased economies-of-scale to effectively bargain with providers and insurers, uniformity of plans, freedom from costly State mandated benefits, and significantly lower overhead costs. It is estimated that employers could save as much as 30 percent in overhead costs and that up to one-half of the 40 million uninsured would find accessible and affordable health care in the private market.

The newly formed Association Health Plans will be able to replicate for small- and medium-sized employers the recent success large employers have had in limiting health cost increases to less than the rate of inflation. EPHIC would thus expand coverage and do so through the private market without new taxes or costly mandates.

In summary, EPHIC will help millions of employees, especially those who work for small businesses, to obtain health insurance. Mandates have driven costs up and, if expanded, will further discourage employers from providing health insurance to their workers. In contrast, this legislation will lower costs and increase choice to make it easier for employees to purchase affordable health coverage.

PERSECUTION OF CHRISTIANS

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997.

Mr. GINGRICH. Mr. Speaker, the persecution of Christians is one of today's overlooked tragedies. On April 29, 1997, columnist A.M. Rosenthal of the New York Times addressed the torture of Christians in Asia, Africa and the Middle East. I enter Mr. Rosenthal's valuable insights into the Congressional Record

[From the New York Times, Apr. 29, 1997]

THE WELL POISONERS

(By A. M. Rosenthal)

They are outsiders among us. They use their foreign religion to poison our wells, and destroy our belief in ourselves and the God we must follow.

Throughout the persecution of Jews, that has been the accusation and justification: an evil religion of the evil outsider.

In their terror and helplessness, sometimes victims pleaded that the charge of foreignness was not true—look at us, we are like you—almost as if being different made their persecution at least explicable to the human mind.

Now foreignness is the weapon used by persecutors of Christians in Asia, Africa and the Middle East. Islamicist inquisitors use the weapon in the name of heavenly righteousness, the Chinese political police in the name of their frightened, last-ditch nationalism.

Both types of persecutors of Christians benefit from a peculiar protection—the attitude of many Western Christians that Christianity is indeed foreign to Asia and Africa, a valuable export certainly, but not really, well, indigenous, to the soil. So they see faraway Christianity as separate from themselves. This profits persecutors, by preventing the persecuted from getting the succor they need, and due them.

The aloofness of Christians to their distant persecuted is a denial of the reality that Christianity was not only born in the Mideast but spread wide and deep in Asia and Africa long before Islam or Western Christian missionaries arrived.

By now, according to David B. Barret's Annual Statistical Table on Global Mission, 1996, there are 300 million church-affiliated Christians in Asia, the same number in Africa—and 200 million in all of North America.

Americans are waking up to the persecution of Christians in Communist China. Their own Government, however, gives it zero priority compared with Washington's lust for the bizarre privilege of trade with

China granted by Beijing: to buy eight times more from China than China does from America.

But how many Americans know or care about the increasing persecution of Mideast Christians, like the 10 million Copts of Egypt—the largest Christian community in the region? Copts are vilified as outsiders, though they have lived in Egypt since the seventh century.

In February and March, 25 Copts were shot to death in Islamicist attacks on a church and a school. The attacks were part of the worst outbreak of Christian-killing in 25 years. And Islamic fundamentalists have been allowed to carry out year-round harassment of Copts, including destruction of churches that Copts then are not allowed to rebuild.

In early April Mustapha Mashour, "general guide" of the Muslim Brotherhood movement, a fountain of Mideast terrorism for 50 years, announced a new goal: to bar Copts from the army, police and senior government positions on the grounds that they were a fifth column. He also demanded that a "protection tax" be imposed on Christians, as in the time of the Prophet.

Elsewhere in the Mideast, persecution includes the Sudan's trade in Christian slaves. But the Egyptian Government boasts of fighting extremists and has received praise and billions from America.

In the U.S., a coalition of 60 human rights and ethnic organizations watches out for persecution of minorities under "Islamization." The coalition's definition is a political and cultural process to establish Islamic law, the Sharia, as the ruling principle of all society, to which all must conform.

This is what the Very Rev. Keith Roderick, an Episcopal priest, who is secretary general of the coalition, reports about Egypt:

"The government has created an atmosphere of bigotry and hatred toward the Coptic minority, allowing the Copts to become human safety valves for Islamic militants. . . . A significant reduction in [U.S. foreign aid] for Egypt would send a strong signal that the U.S. has adopted a serious priority objective in its foreign policy to eliminate Christian persecution."

Ignorance of the history or huge number of Christian worshipers in faraway countries tends to make American Christians, and Jews too, passive about the persecution of Christians. As long as passivity lasts, so long will persecution continue. It has always been so.

PROGRESS REPORT ON WOMEN'S HEALTH

SPEECH OF

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Ms. ESHOO. Mr. Speaker, I am here today to speak about the Reconstructive Breast Surgery Benefits Act of 1997 H.R. 164 and S. 609.

I am proud to be the original House sponsor of this critical legislation which will end the short-sighted insurance practice of denying coverage for post-mastectomy breast reconstruction based on the false assumption that the surgery is merely a "cosmetic" procedure. When in reality, reconstructive surgery is often an integral part of the mental and physical recovery of a woman who undergoes a traumatic amputation of her breast.

Specifically, the Reconstructive Breast Surgery Benefits Act requires health insurance companies that provide coverage for mastectomies to also cover reconstructive breast surgery resulting from those mastectomies (including surgery to establish symmetry between breasts).

Approximately 85,000 American women undergo a mastectomy each year as part of their treatment for breast cancer. While this is a life-saving procedure, it's also a horribly disfiguring operation. Studies have demonstrated that many women say that fear of losing a breast is a leading reason why they do not participate in early breast cancer detection programs. More than 25,000 mastectomy patients each year elect to undergo breast reconstruction.

Since I began my work on this bill, I've heard daily from so many who have relayed their own individual experiences to me. Karen Ingalls, for example—a breast cancer survivor from San Mateo, CA—read about my legislation and asked her coworkers to write to me if they support it. In just 4 hours, she collected signatures and comments from 120 people. Karen herself wrote, "I feel denial of coverage is just one more assault on [a] women's psyche. Something must be done to prevent this."

I sometimes hear from critics who ask why "all-of-a-sudden" there seems to be a congressional rush toward breast cancer legislation as opposed to other serious health care conditions. My answer to this question is that we, as representatives of our people, are responding to the needs of breast cancer patients because we have heard the stories of thousands of American women and men who have been victimized twice by breast cancer first by the disease, then by the callous treatment of insurance companies. I find it regrettable that there are those who find legislative responsiveness to constituent needs to be out of line. While comprehensive health care reform would have addressed many of the specific complaints being brought to members of Congress, the political reality today is that only incremental measures have a chance of becoming law at this time. The suggestions that Congress should ignore some festering health care problems just because all of them cannot be addressed simultaneously is a great way to ensure that everyone suffers equally. I much prefer helping those we can whenever possible starting with, but not limited to, breast cancer patients.

Mr. Speaker, I urge my colleagues to cosponsor H.R. 164, the Reconstructive Breast Surgery Benefits Act.

H.R. 1512, THE EDUCATION OPPORTUNITIES TAX ACT OF 1997

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. RANGEL. Mr. Speaker, today, I am introducing legislation, entitled the Education Opportunities Tax Act of 1997, which consists of tax provisions that are designed to expand educational opportunities in this country.

My bill would expand opportunities for students in K–12 and beyond. This goal is crucial to the country's social and economic well being. It's a well known fact, that without the proper educational tools, young people lose hope for the future. We have only to look at the high levels of crime, drug use, juvenile delinquency, teen pregnancy, and unemployment to know the value of a good education. Without basic academic opportunities, the future is bleak. My bill identifies communities that shoulder a disproportionate share of these social problems and offers a solution for hope.

The bill that I am introducing today is based largely on education tax incentives contained in the President's budget recommendations. My bill modifies the President's proposals in two major ways. Both modifications reflect many meetings with education providers and the business community over the last several years.

First, I believe that providing additional financial resources to assist families in meeting the cost of higher education is vitally important but not enough. We must do more to ensure that those students who wish to pursue higher education are prepared for the challenges of a college education. We also must work harder both to educate and train those students who choose or need to earn a full-time living after high school. In pursuit of this goal my bill would permit qualifying educational institutions to make this a reality. Therefore, my bill includes provisions to enhance academic achievement below the college level through public-private education partnerships. I believe that we must have greater private-sector involvement in our educational system, and my bill contains tax provisions designed to encourage that involvement. Those tax provisions, called education zone tax incentives, are based on the principles of public-private partnerships that underlie the empowerment zone legislation.

Second, I believe that a revised Hope scholarship credit is the most effective way of using the tax law to help families meet the cost of higher education. Therefore, rather than including the other education tax incentives proposed by the President in my bill, I have proposed an expansion of the President's HOPE scholarship credit and made modifications to it to ensure that all students, regardless of their family incomes, will receive the full benefit of the credit. In addition to the $1,500 credit for each of the first 2 years of college as proposed by the President, my bill provides a $1,000 credit for the third and fourth years of college education. The dollar limitations would not be reduced by the amount of Federal grants such as Pell grants, and the student would be required to maintain satisfactory academic progress to be eligible for the credit.

The HOPE scholarship credit, as originally proposed by the President, would have been refundable and available to low-income families who would not have income tax liabilities. The refundable aspect of the credit was eliminated in the President's fiscal year 1998 budget proposals because of concerns over the difficulty of administration by the Internal Revenue Service. I believe that no family should be denied the HOPE scholarship credit merely because its family income is too low and, therefore, I have provided a refundable HOPE credit in my bill for students from such families. I believe that I have addressed the concerns that caused the President to eliminate the refundability feature of the HOPE credit. In my bill, the refundable portion of the credit would be paid by the educational institutions on behalf of the Treasury Department in a manner similar to that used for other Federal assistance.

Although the bill that I am introducing today contains only tax provisions, I recognize that tax provisions alone cannot provide sufficient additional resources needed to assist students in obtaining a higher level of education. Therefore, I have also cosponsored two bills, H.R. 1435 and H.R. 1436, introduced by Representative BILL CLAY on April 24, 1977. Those bills would expand the Pell grant program, reduce student loan fees, and provide school construction funds.

Although our proposals may differ, President Clinton and I share the same goal. We both believe that a lack of resources should not prevent any American from receiving a college education. A college degree is increasingly vital in our society. Government can and should play an important role in ensuring that all Americans have access to higher education. I firmly believe that expanding educational opportunities is the most efficient way of ensuring equal opportunities in our society.

Currently, this Nation is enjoying one of the longest periods of economic expansion in its history, with low unemployment and continued creation of new jobs. Much of the credit for that rests with the deficit reduction efforts of the Clinton administration and the technological advantages that our industries enjoy over their competitors in other countries.

We will not remain competitive in the world economy unless we invest in our human capital to maintain that technological advantage. Any resources available after deficit reduction should be invested in human capital. A recent survey of economists by the Wall Street Journal found that 43 percent of the economists surveyed stated that increased spending on education and research and development would be the one policy with the most positive impact on the economy.

Amazingly, while the concept of investing in human capital goes unchallenged in debate, elected leaders are still spending more of our Nation's limited budget resources on back-end, punitive programs like law enforcement and prisons, rather than front-end investments like education and training that can really pay off in increased work force productivity.

Unfortunately, these skewed priorities are present at the local level, too. New York City spends $84,000 per year to keep a young man in Riker's Island Prison, yet only $7,000 each year to educate a child in Harlem.

We must change our priorities. Let's invest in the future of this country through our children. Let's bring the same zeal to encouraging and educating our children that we now apply to punishment and incarceration.

The following is a brief summary of the provisions contained in my bill:

1. PUBLIC-PRIVATE PARTNERSHIPS

The bill contains a financing mechanism designed to provide needed capital and expertise to establish partnerships between public educational institutions and private businesses.

(a) Local governments would be authorized to issue special bonds (or otherwise borrow money) to cover the cost of establishing specialized academic institutions. These institutions would have to be located in empowerment zones or enterprise communities or primarily serve disadvantaged students. Because of the tax credit described in subparagraph (b), this capital could be raised with no interest cost to the local government. No bonds could be issued for any school unless there were assurances of private business participation described in subparagraph (c). The required private business contributions and the terms governing the financing would be designed so that each member of the partnership would provide equal contributions.

(b) The Federal Government would provide a tax credit to purchasers of the special bonds (or holders of other evidence of indebtedness) described in subparagraph (a). The credit would be paid annually in an amount equal to a percentage of the bond (or indebtedness) face amount that would permit the raising of interest-free capital by the local government. There would be an overall national limit on the amount of financing eligible for the credit. The annual limitation would be $6 billion for 1998, 1999, and 2000. In order to avoid creating a tax-exempt bond with a substantial Federal guarantee, the credit would be included in income of the recipient and subject to tax.

(c) In order to be eligible for the special interest-free capital, the local government would have to secure written assurances of contributions from private business. Such contributions could consist of goods, expertise, training, or services. The businesses would benefit from current-law deductions for charitable contributions.

The bill also provides a tax credit to employers for hiring recent graduates of the schools established through these partnerships. The amount of the credit would be 20 percent of the first $6,000 of wages paid during the first year of employment if the student is hired before a 6-month period after graduation.

2. HOPE SCHOLARSHIP TAX CREDIT

The bill includes a nonrefundable and a refundable HOPE scholarship credit. The nonrefundable credit would be claimed by taxpayers on their income tax returns if they have sufficient tax liability to fully utilize the credit. This credit would be administered by the Internal Revenue Service. Taxpayers with incomes too low to receive the benefit of the full amount of the nonrefundable credit would be entitled to a refundable HOPE credit. The refundable credit would be paid by the institution at which the student is enrolled under procedures similar to those used in providing other Federal educational assistance.

For the first two years of college, the maximum amount of the credit would be $1,500 for a full-time student and $750 for a half-time student. For the third and fourth years of college, the maximum amount of the credit would be $1,000 for full-time and $500 for half-time. The limitations will be indexed for inflation.

The credit would be available for the first four years of post-secondary education. A part-time student would have to be at least a half-time student for the year.

The credit would be available on a per-student basis. To be eligible for the credit, the student would have to maintain satisfactory academic progress and remain "drug free" (not convicted of a felony involving drugs).

The credit would be available for qualified expenses incurred by the taxpayer, taxpayer's spouse, or taxpayer's dependent (as defined in Code section 151). Qualified expenses consist of tuition and fees required for enrollment or attendance. The credit would not be available to married taxpayers unless they file a joint return, and would not be available to nonresident aliens.

Expenses for this purpose would be net of grants, scholarships, and fellowships. Pell Grants and other nontaxable Federal scholarship assistance would not reduce the dollar limitation on the credit but like other scholarships would be offset against qualified expenses in determining the amount of credit.

The credit would be phased out over the following adjusted gross income levels: Joint filers, $80,000–$100,000; and Unmarried filers, $50,000–$70,000 (indexed for inflation beginning in year 2000).

The credit would be effective for expenses paid after December 31, 1996, for education furnished in academic periods beginning on or after July 1, 1997 (the beginning of the 1998 academic year).

COMMENDING JUDY AND HERB GALPERSON AS THE FIRST COUPLE OF SINAI TEMPLE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SHERMAN. Mr. Speaker, I rise today to commend and congratulate Judy and Herb Galperson as the first couple of Sinai Temple. The Galpersons represent the best of family life, professional life, and community involvement. Mencius, an ancient Greek writer, said that "The root of the state is in the family. The root of the family is in the person of its head." Herb and Judy are the root of their family and community.

On the professional level Judy has worked in public service as a coordinator of volunteers for the Edelman for city council campaign and as a deputy to councilman Edmund D. Edelman. She also makes use of her artistic talent and entrepreneurial spirit in her current position at an interior design company. Herb has had an existing career in law. Herb graduated from Brooklyn College in 1953, and then went on to New York University School of Law, where he received his J.D. and began practicing law. A short time later he followed his brother to Los Angeles and practiced on his own for a few years. Herb eventually joined the law firm of Rose, Klein & Marias.

The Galperson's most outstanding feature, an inspiration for all Americans, is dedication to community. Judy and Herb have been involved in every facet of community organization. She has been a member of the board of directors for the Otis Art Institute and a member of the Los Angeles County Music and Performing Arts Commission; He belongs to various bar associations and has been a officer and on the board of directors of several organizations, including president of the Southern California Applicants Attorneys Association. Judy and Herb have served together on several Jewish organizations and are life members of Southern California Hadassah. Recently, in recognition of Judy's contribution to the community, she was invited to the White House to participate in a dialog with First Lady Hillary Clinton and 12 other community member from across the country.

As for the Galperson's family life, Herb met Judith Arlene Harris in 1967 on a blind date and with a few short months they were married. Two years later, their first son, David, was born, followed by Robert. David received his J.D. degree from Southwestern School of Law, was admitted to the State bar of California, and currently practices law in San Bernardino. Robert received his B.A. from the Annenberg School of Communications, University of Southern California, and currently works in sales administration at Barth & Dreyfuss in Los Angeles. Their success in school and in their professional life would not have been possible without their parents' guidance and support. I congratulate Judy and Herb on raising two fine citizens.

The Galpersons have given an extraordinary amount of time and energy to serving the Los Angeles community. I honor them for their service and hope that they will serve as rolemodels for others. Once again I congratulate Judy and Herb Galperson as first couple of Sinai Temple.

SALUTING MISTY PUTMAN

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to a special East Texan, Misty Putman, a senior at Arp High School who recently was awarded the Horatio-Alger Scholarship for her uncommon valor and perseverance in the face of difficult circumstances. She was invited to Washington this week for a conference in recognition of this impressive award. Americans, young and old alike, could learn a great deal from this young woman.

Three years ago, Misty's father, Terry, died of a heart attack. As we know, the death of a family member can be a crippling blow, yet Misty's response revealed her strength of character and resolve. She came to the assistance of her mother, Donna, who was facing difficult financial circumstances. Misty began working almost forty hours a week at Brookshire's Grocery in Overton and continued as a full-time student at Arp High School, while her mother also held three jobs in order to meet their expenses.

Misty's perseverance and hard work resulted in her being awarded the $5,000 Horatio-Alger Scholarship. In doing so, she also gained the respect of her peers and her community, and she was recently honored during an awards ceremony at Arp High School. Misty plans to use this prestigious scholarship to attend either Tyler Junior College or Kilgore College in the fall, with plans for a future transfer to Stephen F. Austin University. She plans to major in sociology or criminal justice with hopes of becoming a probation officer, where she plans to use her life experiences to help those in need. We can anticipate that she will be most successful in whatever she pursues.

Mr. Speaker, there is no way to measure the positive impact Misty has had on her family, her school and her community. Young people like Misty are our Nation's future leaders, and their efforts will help keep America great. It is a privilege for me to represent such an outstanding young person from the Fourth District of Texas, Misty Putman.

COMMENDING OFFICER TIMOTHY J. MITCHELL

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. VISCLOSKY. Mr. Speaker, at a time when crime concerns are on every citizen's mind, those who have dedicated their lives to law enforcement are to be commended. I would like to make a special commendation to Officer Timothy J. Mitchell, a very devoted law enforcement officer from Indiana's First Congressional District. Officer Mitchell retired from the Schererville Police Department in April of this year. He will be honored by family, friends, and members of the Schererville Police Force at a testimonial dinner tomorrow night at Teibel's Restaurant in Schererville, IN.

Tim joined the Schererville Police Department on March 31, 1977, after receiving an honorable discharge with the rank of sergeant from the U.S. Air Force in 1976. He worked in both the patrol and detective division of the police force, and was promoted to the rank of corporal on February 15, 1984. During his career with the Schererville Police Department, Tim participated in the Officer Friendly Program. This program began within the northwest Indiana region in the early 1970's, and was designed to educate children on issues of safety and encourage communication between police officers and children. As Officer Friendly, Tim visited schools throughout the region, teaching lessons of safety to children during dangerous times of the year, such as Halloween and summer, and promoting such programs as Bicycle Safety.

Tim was also a participant in the Schererville Police Department's Drug Awareness Resistance Education program [DARE] for 2 years. The first Schererville police officer assigned to the DARE Program, Tim was instrumental in charting the program's course since its implementation in the department in 1989. As a DARE officer, he presented a program designed to encourage youth to "say no to drugs" by means of explaining the harmful effects of drugs. In addition, Tim took the initiative in further promoting the "say no to drugs" campaign by serving as a drug and alcohol instructor at Grimmer Middle School in Schererville, IN, as well as speaking on the subject for various organizations. Tim has chosen to utilize his experience and talents in teaching children by earning his bachelors degree in elementary teaching at Purdue University-Calumet. He hopes to spend his retirement teaching at Grimmer Middle School.

In recognition of his efforts, Tim was selected Schererville's Man of the year by a local newspaper in 1991. Recipients of this honor are selected for their tireless dedication and service to their communities by means of public service, leadership, or simply caring for their town. Tim was especially honored for his dedication to the promotion of drug education among northwest Indiana's young people.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in congratulating Officer Timothy Mitchell on his 20 years of service to the Schererville Police Department. His wife, Rhonda, and their children, Crystal and Terry, can be proud of his devoted service to the citizens of Schererville.

THE PUBLIC HAS A RIGHT TO KNOW ABOUT SECURITY BREACHES IN THE CLINTON ADMINISTRATION

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. SOLOMON. Mr. Speaker, in light of continued revelations about the extent to which a political appointee of President Clinton's had regular access to classified information and contact with a foreign conglomerate, not to mention officials of the People's Republic of China, it's about time the President cooperated in getting to the bottom of this. I have tried to impress upon President Clinton the importance and severity of the potential breaches at hand which could have very well taken place on his watch. Since the Attorney General is unwilling to appoint an independent counsel to investigate these matters, it is the duty of Congress to act on its constitutional authority to uncover any violations or penetration of our national and economic security and determine the principals involved. I have every confidence in Chairman BURTON and his Committee to determine the answers to those critical questions, but the President needs to understand the full implications himself and assist in every way possible.

I recommend to everyone the following article by his predecessor, former Chairman Bill Clinger, about the lack of cooperation in getting the full story out of the White House. It appeared in the Wall Street Journal. The synopsis: The Clinton White House spells the public's right to know n-o.

[From the Wall Street Journal, May 1, 1997]

A PATTERN OF STONEWALLING

(By William F. Clinger)

As the former chairman of the House Government Reform and Oversight Committee, I have watched with a great interest and sympathy the efforts of any successor, Rep. Dan Burton (R., Ind.), to get the Clinton administration to comply with his legitimate requests for information and documents. At issue this time is the investigation of questionable White House fund-raising activities and related national security issues. It is clear—as it often was during my tenure—that the administration is consistently resisting Congress's oversight efforts and denying the public its right to know the facts.

We are seeing the same pattern of dissembling stonewalling and lack of cooperation that I endured for four years, first as ranking GOP member and then as chairman of the committee. This pattern was established during the Clinton administration's first months in office.

In conjunction with the first lady's effort to reform the health care system, a number of task forces were established. Many members of these task forces were not full-time federal employees, yet notices of the meetings were never published, and the meetings were closed to the public. The Federal Advisory Committees Act mandates that advisory panels that make policy recommendations to the president must advertise their proceedings and open them to the public if nongovernmental individuals are members. Yet when my committee requested the names of the people serving on the task forces, then-White House Counsel Bernard Nussbaum told me: "Congressman, I don't have to give you that information, and I'm not going to give you that information, and you can't make me give you that information."

This open defiance of the committee's legitimate requests continued throughout my tenure:

Commerce Secretary Ron Brown refused to explain discrepancies in his financial disclosure statement despite repeated requests.

A "damage control" unit was established in the White House by Special Counsel Jane Sherburne, who reported directly to Deputy Chief of Staff Harold Ickes rather than to the White House counsel. Apparently, the sole purpose of this unit was to deny the committee as much information as possible and drag out document production as long as possible.

The White House counsel's office, under four successive counsels, refused to comply with repeated requests for documents related to the firing of the White House Travel Office employees.

In fact, then-White House Counsel Jack Quinn sat in my office a little over a year ago and informed me he would go to jail before turning over certain Travelgate documents. Unknown to us at the time, these documents,which the president asserted were "privileged," included the White House request to the FBI for Billy Dale's file seven months after Mr. Dale was fired in the 1993 Travel Office purge. This single document led to the discovery that hundreds of FBI files of Reagan and Bush appointees had been inappropriately gathered at the White House. FBI Director Louis Freeh called this an "egregious violation of privacy."

Mr. Quinn finally turned over 3,000 pages of documents, which the White House had spent months trying to withhold, on the morning the House scheduled a floor vote to hold Mr. Quinn in contempt if he didn't turn over the documents.

These are just a few examples of the stonewalling and defiance that have characterized the Clinton administration from the start and which continue up to my last days in office. Now this modus operandi continues in response to Chairman Burton's requests.

When the committee first opened its Travelgate hearings, I said: "If senior White House officials will bend the rules over so seemingly inconsequential an issue [as the White House Travel Office] and then spend two years keeping the true story from coming out, what lengths might they go to, to frustrate oversight of areas of far more serious consequence?" Now we are learning how the White House responds when serious national security matters are the subject of oversight.

The first hints of what is turning out to be a pattern of massive fund-raising abuses emerged in October 1996, when I first wrote Mr. Quinn asking for information about the activities of John Huang. His answer was conveniently delayed until after the election, and six months later the White House still hasn't fully responded.

In the passing months, key figures in this investigation, like John Huang and Webster Hubbell, have taken the Fifth Amendment, and others, such as Charlie Trie and DNC contributor Pauline Kanchanalak, have fled the country. With revelations that the Chinese Embassy in Washington may have been involved in funneling foreign funds into the 1996 campaign, serious matters of national security are at issue. The past patterns of obfuscation and hide-and-seek games with documents must not continue. The matters at issue simply are too serious.

For more than four years the president has promised cooperation with investigations—but his actions have been quite another story. As one who has walked this walk and listened to the president talk the talk, I encourage my former colleagues to continue aggressively pursuing the information to which Congress is entitled. You must expect that the Clinton administration will resist you at every step, but the issues at stake require the vigilance of serious congressional oversight and members of Congress committed to getting the facts to the American people.

A TRIBUTE TO BRIAN MAYER, OF MEDFORD, LONG ISLAND, RECIPIENT OF THE UNITED STATES MARINE CORPS' SILVER STAR MEDAL FOR HEROISM IN BATTLE DURING THE VIETNAM CONFLICT

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to Mr. Brian Mayer, a resident of Medford, Long Island, who learned just last week that he will be decorated with the U.S. Marine Corps Silver Star Medal for heroism during the Battle for Hue City, Vietnam, on February 22, 1968.

Though this recognition of Brian's remarkable courage under enemy fire comes nearly 30 years later, its significance to his family and the U.S. Marines whose lives he saved has not been lessened by time, for he has been credited with putting his own life in grave danger, several times exposing himself to enemy gunfire in order to rescue wounded comrades. Brian's heroism did not come without a price. While delivering wounded Marines to a medical aid station he was seriously wounded in action.

The Marine Corps will award Brian the Silver Star Medal after receiving several personal accounts from the wounded Marines of Lima Company that he pulled from the battlefield at Hue City. Working alone and without regard for his own safety, Brian drove a four-wheel drive mule into the middle of the raging firefight, loaded the dead and wounded on the mule and sped them to safety. Within minutes, Brian was back, evacuating more wounded Marines to the aid station. Two days later, Brian again rode his mule into a raging firefight to rescue wounded Marines. Again, he was successful in delivering his precious cargo to an aid station. But not without a price. Brian was wounded during that battle, and the scars of that injury have never fully healed.

Because Brian was attached to a different Marine battalion, the men of Lima Company did not know their rescuer. If not for the determination of Sgt. Joe McLaughlin, whose witness to Brian's actions inspired a 30-year search for the Marine who pulled so many injured men from that Vietnamese battlefield, this Nation may never have had the privilege of honoring Brian's heroism in service to his country. Brian's sense of patriotism and duty have been passed along to his son, Craig Mayer, a second lieutenant in the U.S. Marine Corps.

Mr. Speaker, even words of praise from this esteemed Chamber cannot carry the weight of gratitude offered by Dennis Freed, one of the Marines whom Brian Mayer saved during the Battle for Hue City, who said: "Brian Mayer is a true American hero, whose sacrifices and heroism will always remain an inspiration to us all. He is truly deserving of, and long overdue for recognition of that heroism and sacrifice." Mr. Speaker, I ask my colleagues to join me in honoring Brian Mayer, who was willing to lay down his own life, ultimately sacrificing his own well-being on the field of battle, in an effort to save the lives of his fellow U.S. Marines. Brian Mayer is a true American hero.

SALUTING THE STUDENTS OF ARCADIA HIGH SCHOOL

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. DREIER. Mr. Speaker, on April 26–28, over 1,250 high school students from 50 States and the District of Columbia came to Washington, DC to compete in the national finals of "We the People . . . The Citizen and the Constitution." After the first round of competition, the top ten teams met on Capitol Hill on April 28 where they demonstrated their knowledge of the Constitution before constitutional scholars, journalists, and lawyers. The competition simulated a congressional hearing in which students' oral presentations were judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues. That night, the winners were revealed, and I am proud to announce that the team from Arcadia High School in Arcadia, CA, took second place in the national competition.

The young scholars worked diligently to reach the national finals and place second overall. The distinguished members of the team that represented Arcadia High School were: Jon Baker, Joseph Cheung, Winne Ching, Anna Chung, Annie Chung, Steve Chung, Karen Dickinson, Scott Esposito, Nathan Flowers-Jacobs, Susan Fu, Jae Vyn Gan, David Han, Tracy Huang, Seoyoung Kim, Jonathon Lee, Michael Lee, Richard Lim, Winston Lin, Tsung-Lin Liu, Maggie Loo, Magaret Ng, Jina Noh, Margarita Ortiz, Harvard Pan, Nikka Rapkin, Christopher Tokeshi, Alexander Trifunac, Jack Wang, Jennie Wang, Wing Yung. I would also like to congratulate their teacher, Ron Morris, whose diligence and sacrifice greatly contributed to the success of the team.

The "We the People . . . The Citizen and the Constitution Program" is the most extensive education program in the country developed specifically to educate young people about the Constitution, the Bill of Rights and the principals and values that they represent. Clearly, the team from Arcadia High School showed their extensive knowledge on the significance of the Constitution and its place in history, and I salute them for their excellent showing at the national competition.

TRIBUTE TO JOSEPH GEMBUS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Ms. KAPTUR. Mr. Speaker, I rise today to honor Joseph Gembus of Rossford, OH who has taken from this life on Thursday, April 10, 1997 at the age of 85 years.

A man of integrity, humility, and true grit, Joe was a glassworker who gave of his energies to his profession, his family, and his community. Always a staunch and dignified defender of working people, he served as his union local's financial secretary for 23 years, retiring in 1977. Upon his retirement and in recognition of his tireless efforts on their behalf, his brothers and sisters in the union named the United Glassworkers Local 9 hall the Joseph F. Gembus Hall. Throughout his tenure with the union, he also served on the Toledo AFL–CIO Executive Board and as Vice-President of the State of Ohio AFL–CIO Executive Board. He served on the Wood County Democratic Executive Committee, MidAm Bank Advisory Board, and the City of Rossford Charter Commission.

Fiercely loyal to our Nation, Joe served in the U.S. Army during World War II, fighting in the China-Burma-India Theater. After his service, he joined the Rossford American Legion Post #533 and the Northwood VFW, where he was a life member. Never one to let his years slow him down, Joe was also a member of the Lady of Fatima Council of the Knights of Columbus, the Wood County Committee on Aging, and the Glassworkers Local 9 Cullet Club.

Joe now joins with his wife Mary, but leaves to this earth his sister, Angela Gembus, sisters-in-law Betty Torda and Kate Eckhart, and many nieces and nephews. They, and we, will miss him and cherish his memory and contributions in making our community a finer place in which to live.

WORKERS' COMPENSATION AND STRUCTURED SETTLEMENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1997

Mr. STARK. Mr. Speaker, I join today with Mr. SHAW, Mr. RAMSTAD, and a broad bipartisan group of cosponsors from the Ways and Means Committee in introducing legislation to make structured settlements available to men and women who have suffered severe physical injuries in the workplace.

I have been a long-time supporter of structured settlements, going back to the original 1982 legislation that enacted section 130 of the Internal Revenue Code to encourage the use of structured settlements for physical injuries in tort cases. I believe that making the structured settlements available for physical injuries suffered in the workplace is fully consistent with the original rationale and policy that lead to the enactment of the Code section 130 structured settlement tax rules.

People who suffer severe and permanently disabling physical injuries in the workplace have the same need as badly injured tort victims for long-term financial security to cover the expenses of ongoing medical care and daily life.

I look forward to working with my colleagues on the Ways and Means Committee and in the House to pursue adoption of this legislation.

TRIBUTE TO DR. J.C. LAUL

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 1, 1977

Mr. SKAGGS. Mr. Speaker, I rise today to pay tribute to and to thank Dr. J.C. Laul, a former worker at the Department of Energy's Hanford facility, and a constituent of mine.

Dr. Laul is a nuclear chemist and a nuclear engineer, with a Ph.D. from Purdue University. He spent 15 years at Hanford working on nuclear waste and environmental cleanup problems, analyzing whether that site was suitable for permanent storage of high-level nuclear waste.

Dr. Laul is also a whistleblower, and a friend of the taxpayers, who put his career on the line when he blew the whistle on fraud and mismanagement by Batelle, Inc., a DOE contractor. Five days after disclosing that Batelle inappropriately and illegally used equipment paid for by the Government, Batelle fired Dr. Laul, saying he had improperly disposed of a hazardous waste—a violation DOE later said Batelle used as an excuse to lay him off and silence him.

After losing his job, Dr. Laul brought a False Claims Act suit against Batelle and won, resulting in Batelle reimbursing DOE $330,000. Today I submit for the RECORD an article describing the case and reporting on Dr. Laul's vindication, and thank him for the important and honest work he did on behalf of this country. Dr. Laul lost his job because he had the nerve to stand up for what was right.

[From the Spokane Review, Mar. 16, 1997]

FEDS PAY IN BATTELLE FRAUD CASE

(By Karen Dorn Steele)

U.S. government investigators agreed that scientist Jagdish C. Laul was fired for turning in his managers for fraud.

A federal appeals court agreed Laul could sue the Hanford contractor for whom he worked for wrongful termination.

The government made the contractor, Battelle's Pacific Northwest National Laboratory pay back $330,000 for double-billing lab equipment—and even recommended Battelle managers be criminally prosecuted for fraud.

But who picked up the $750,000 tab for defending Battelle against Laul's lawsuit?

U.S. taxpayers.

Laul's case is the most recent example of a system that allows private nuclear contractors to rack up huge legal bills fighting whistleblowers—even when the contractor's in the wrong.

Battelle settled with Laul in January to head off a federal jury trial in Spokane.

The cost of his case to taxpayers includes the $250,000 settlement paid to Laul; $400,000 in legal fees to Battelle's outside law firm, Davis Wright Tremaine of Seattle; and about $100,000 in legal work and other Battelle costs to fight Laul.

If Laul had won at trial, taxpayers would have paid that bill, too. That's because of a Cold War agreement in which the U.S. government promised to pay all legal costs of its nuclear weapons contractors when they agreed to run the government's weapons plants.

The agreement, called indemnification, is still in effect today. It applies to Battelle, which works on Hanford cleanup and other government nuclear programs.

Under contract reforms pushed by the Clinton administration, the government plans to stop reimbursing contractors when a court rules against them, or if they're found guilty of reprisal in a whistleblower case.

The reforms don't yet apply to Battelle. Under its current contract, the company's top manager has to be involved in illegal retaliation before taxpayers won't pay their legal bills, said Carolyn Reeploeg, DOE's assistant chief counsel in Richland.

That will change in Battelle's new contract, currently under negotiation, Reeploeg said.

The reforms, which also apply to other Hanford contracts, "broaden protections for whistleblowers," she said.

But they don't go far enough, said Alene Anderson, Laul's attorney from the Government Accountability Project, a group that represents whistleblowers.

"The system is stacked against whistleblowers. They still let these cases get to the courthouse doorstep. Millions of taxpayer dollars can be spent before that," Anderson said.

Despite its settlement with Laul, Battelle still isn't admitting any wrongdoing in his firing. The company even denies Laul's a whistleblower.

"In our view, the taxpayers are served when contractors defend themselves from frivolous lawsuits," said Battelle spokesman Greg Koller.

But newly disclosed reports show the U.S. Department of Energy's inspector general recommended criminal sanctions in 1993 against Battelle managers for covering up the lab fraud reported by Laul.

The confidential reports were obtained under the Freedom of Information Act.

Battelle improperly modified a $210,000 piece of lab equipment, fired Laul and then lied to the Energy Department in a cover-up, the inspector general's investigation found.

The U.S. Justice Department made Battelle repay the government $330,000. Laul got $60,800 of that for his role in identifying the fraud under the Federal False Claims Act. He brought the claim in 1995.

Battelle's treatment of Laul demonstrates the company's "inability to conduct an unbiased investigation," said George Allen, the inspector general's investigator.

Battelle repaid the government with private contract revenue, not taxpayer money. The criminal charges were then dropped.

The dispute goes back a decade.

In 1987, Battelle purchased two $210,000 mass spectrometers to analyze chemicals for a government program at Hanford, Nevada and Texas to build a tomb for commercial wastes from nuclear power plants.

Laul, a 57-year-old geochemist, was a project manager doing groundwater studies for that program. It was canceled in 1988 when Congress decided to build a repository at the Nevada Test Site.

In 1990, Battelle illegally modified the spectrometer in the Hanford nuclear waste cleanup program, the inspector general's report said.

Battelle was "double billing" Hanford's former site contractor, Westinghouse Hanford Co., for the equipment by seeking reimbursement from both the civilian nuclear waste project in Nevada and the Hanford cleanup program, the report said.

The lab flap delayed progress in nuclear waste cleanup, including Hanford's single shell tank program, the most urgent and riskiest in the nation's weapons complex, the inspector general noted.

Those delays cost taxpayers $300,000, according to the report. That's in addition to the legal fees.

In October 1989, Laul reported the equipment misuse to DOE because he was angry his work would be jeopardized by modifying the machine.

Battelle fired Laul in May 1990, saying he had improperly disposed of hazardous waste—a violation DOE later said Battelle used as an excuse to fire him.

On at least two occasions, Battelle's legal spat with Laul could have been stopped.

Energy Department records show that John Wagoner, Hanford's top manager, was told by his own investigator in April 1991 that Battelle should settle with Laul because Battelle was at fault and likely would lose a jury trial.

Steve Abernethy, DOE's safety concerns manager, said in a report to Wagoner that Battelle fired Laul because he reported the fraud, not because he mishandled the chemical.

DOE should "direct PNL (Battelle) to quit spending contract funds to defend this case" and order a settlement with Laul, Abernethy said in his report.

Battelle strongly disagreed.

"We think there's no connection" between Laul's firing and his reporting the lab equipment dispute to DOE, Koller said in an interview last week.

An early DOE investigation by contractor Stone & Webster supported Laul's termination. But Abernethy said Battelle's legal department "may have obstructed" the investigation by having Battelle lawyers present at all employee interviews about Laul's conduct.

Laul used "very poor judgment" in disposing of the chemical, but that didn't justify firing him, Abernethy's report said. Termination "is a rather harsh and unprecedented punishment for a senior scientist that has had a distinguished 15-year career at PNL," he added.

The inspector general later agreed, saying Laul's complaints to DOE about the lab equipment led directly to his firing.

Wagoner referred the issue to an internal Battelle committee to decide whether Laul's treatment was consistent with DOE and Battelle whistleblower policies.

Battelle said the committee was "united" in concluding Laul was fired for "severe misconduct," Koller said.

But the inspector general's report disputed that.

"At least half of the six committed members found evidence of fraudulent management of the (Battelle) Lab. However, those findings were not reported back to John Wagoner," by Battelle managers, the inspector general's report said.

The committee's legal counsel was from Davis Wright Tremaine, the law firm taxpayers later paid $400,000 to litigate against Laul.

"This was a conflict of interest," Laul said last week. Battelle's Koller said it's "standard practice" for Battelle to use its outside law firm on such issues.

The DOE's inspector general report recommended criminal sanctions against Battelle for "theft, conspiracy and false statement."

"The U.S. attorney's office intends to prosecute the violations detailed in the July 1993 report," the report said.

A grand jury was convened last year in Spokane to consider criminal charges. But they were dropped when Laul won his Federal False Claims Act case, forcing Battelle to reimburse the government, said Assistant U.S. Attorney James Crum.

Laul sued Battelle in 1993 for wrongful termination. His claim was initially denied in U.S. District Court in Spokane. But he appealed to the 9th U.S. Circuit Court of Appeals, which ruled in his favor and ordered a jury trial.

A whistleblower trial was justified because Laul's immediate supervisor "drafted a memorandum only five days before Dr. Laul's termination calling for (his) termination because of his complaints to the DOE," the court said last June.

That's when Battelle offered to settle, Laul said.

He got the inspector general reports after he agreed in January to accept the offer.

"These reports show I could easily have prevailed at trial," Laul said.

Laul is now living in Boulder, Colo. He's taken loans against his house and depleted his savings in his long fight with Battelle.

Now, he's talking to Congress in an effort to make his case an issue in DOE contract reform.

"I stood up in the interest of DOE and had Battelle pay back $330,000, and then DOE turns around and pays back all the litigation costs to Battelle to fight my lawsuit.

"This just does not make any sense," Laul said.

AWARDING THE CONGRESSIONAL GOLD MEDAL TO FRANK SINATRA

SPEECH OF

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. BONO. Mr. Speaker, I rise in support of H.R. 279 and the awarding of a Congressional Gold Medal to a great American, Mr. Francis Albert Sinatra. Or, as the entire world knows him, Frank Sinatra. I also wish to commend my colleague, Mr. SERRANO of New York, for all his efforts on behalf of this legislation.

Aside from the fact that while growing up Frank Sinatra was my total hero, and I desperately wanted him to marry my sister so I could be related to him, Frank Sinatra helped define America for the rest of the world. He was the epitome of the American dream, rising from modest surroundings to become the biggest recording artist in the world. Although he was not a scholar, his impact on our national culture was enormous. And, it was a very positive impact. Frank became as identified with America as "mom and apple pie."

Everyone knows about Frank Sinatra's success as an entertainer. He made hundreds of hit records, was awarded three Oscars, received seven Grammys, a Peabody Award, and an Emmy. But many people don't know that he was also a great philanthropist and humanitarian. They may not know about this side of Frank Sinatra because of his modest nature and the quiet way he went about helping others. I know how often Frank Sinatra helped friends in need and total strangers. He contributed his name, time, and money to many, many worthwhile causes never desiring credit or recognition. But his generosity is legendary among those who know him. That is why he was honored with some of the Nation's most prestigious humanitarian awards—the Presidential Medal of Freedom, the Academy of Arts and Sciences' Jean Hersholt Humanitarian Award, the Life Achievement Award of the NAACP, and many others. In my community of Palm Springs, Frank Sinatra contributed generously to so many causes, including the creation of the Martin Anthony Sinatra Medical Education Center in honor of his father.

Mr. Speaker, it is my great honor to know Frank Sinatra, and I am proud to consider him a friend and inspiration. We are honoring a truly great American.

IN HONOR OF THE STUDENT CHAPTER OF THE SOCIETY OF HISPANIC PROFESSIONAL ENGINEERS

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to the student chapter of the Society of Hispanic Professional Engineers, which garnered first place at the National Academic Olympiad. The four triumphant team members will be honored by the Hispanic Organization of Students in Technology at the Fifth Annual Gala Banquet at Campino Restaurant in Newark, NJ.

The event celebrates the accomplishments of the New Jersey Institute of Technology's [NJIT] victorious College Bowl Team. The team was composed of four engineering majors: Rene J. Yandun, Fernando Teixeria, Pablo O. Delgado Jr., and Aldo Nina. This National Academic Olympiad, held during the National Technical and Career Conference

[NTCC] in Philadelphia, is a prestigious educational event sponsored by the companies such as Hewlett Packard, Kodak, Lucent Technologies, Amoco, Motorola, and Texas Instruments.

A series of valuable workshops were available at the conference, such as "The Academic Stress", "Student and Professional Workshop", "Creating Solutions for a Changing World", and "Improving your College Career—Making yourself more Marketable". Members of the student chapter of the Society of Hispanic Professional Engineers were able to enhance their professional college careers—185 of the top engineering corporations and government agencies were present and recruiting talented Latino student Latino corporate America. The conference also supplied entertainment for the participating students which included a gala reception where company executives and students mingled for an evening of celebration.

NTC '97 played an essential role in the futures of these Hispanic students. Conferences of this type augment the possibility for NJIT students to become involved with important members of the professional world. They have the opportunity to pursue internships or employment in their prospective careers. Finally NJIT has received its deserved national recognition for their achievements in competing against schools in various regions of our country.

I ask my colleagues to join me in recognizing the outstanding work of the Society of Hispanic Professional Engineers and those individuals being honored at its annual gala. The victorious College Bowl Team members serve as excellent examples for other members of the Hispanic Organization of Students in Technology to follow. I commend their accomplishments and am delighted with their progress in the engineering field.

IN HONOR OF JOHNNY VADNAL

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the lifetime achievement of Johnny Vadnal—band leader, master of the accordion, and Cleveland's Polka King.

Johnny Vadnal and his family—mother, Anna; brothers, Tony, Frankie, and Richie; and sister, Valeria—brought the joys and rhythms of polka music to Cleveland and the country for the past 50 years.

Johnny was the first polka band leader in the country to have his own television show in a major market. From 1949 to 1961, the Vadnals performed every Sunday afternoon at 1 o'clock on WEWS channel 5 in Cleveland.

In the late 1940's and early 1950's, the Vadnals played six nights a week. Johnny and his band were regulars at all the famous establishments including the Superior Ballroom, Twilight Gardens, Aragon Ballroom, and the Bowl Ballroom. Johnny was so popular at the Bowl Ballroom that not even Louis Prima drew a crowd like Johnny could.

At the height of his popularity, Johnny captivated 64,000 baseball fans at Cleveland Stadium when he introduced "The Baseball Polka" in 1950. Recording for RCA Victor, Johnny's biggest hits were the "Yes, My Dear" waltz, which sold 50,000 copies in its first week, "Two-Timing You," "The Slap Happy Polka," "The Prairie Polka," "The Mountain Climber," "No Beer on Sunday," "Blame in on the Waltz," "Clap Hands Polka," and his theme song, "The Wayside Polka." In 1983, Johnny wrote "My Alice Waltz" for his wife, and it was named polka song of the year.

Johnny's prodigious talent was matched only by the passion and sincerity with which he played. "All I can say is I play from the heart," he has said.

On May 7, the National Cleveland Style Polka Hall of Fame will salute Johnny Vadnal upon his retirement. Mr. Speaker, we are richer as a nation and more civilized as a people for Johnny's contribution to the culture.

IN HONOR OF OFFICER ANTONIO NARDINI AND HIS FELLOW POLICE OFFICERS: MAKING A DIFFERENCE EVERY DAY IN THE LIVES OF THE RESIDENTS OF BAYONNE

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. MENENDEZ. Mr. Speaker, I rise to pay tribute to a truly special gentleman, Police Officer Antonio Nardini of Bayonne, NJ. Officer Nardini's extraordinary efforts will be recognized during the 1997 Make a Difference Day Awards ceremony in Arlington, VA.

The awards presentation will celebrate the contributions of 11 unique individuals—including Officer Nardini—chosen from more than 1 million people, from all over the Nation, who participated in USA Today's Make a Difference Day on October 26, 1996. Anyone who knows Officer Nardini is not surprised that he would be included in this elite group. His work as a Drug Abuse Resistance Education [DARE] Officer has positively affected the lives of countless young people in Bayonne. When the idea for this ambitious hunger reduction project came to Officer Nardini, local schoolchildren were naturally inspired to pitch in and make a difference themselves.

The road which has led Officer Nardini to this special acknowledgment began on 23d Street in his hometown of Bayonne where he witnessed numerous people awaiting food distributions outside a local church. Upon closer inspection, Officer Nardini surmised that there were indeed a number of community food pantries struggling to provide for their needy constituencies. This dire situation was a call to action for Officer Nardini and his fellow officers to volunteer their time to help ease the situation. They promptly installed a collection bin in their precinct, setting the example which many then followed, including city hall, the housing authority, senior citizens complexes, and every library in town.

USA Today Weekend held its annual Make a Difference Day October 26, 1996. With Thanksgiving less than a month away, it gave people an opportunity to give thanks for all they have by helping others in need. On that morning, 7,500 children from 17 local elementary schools, along with other volunteers from corporate, union, and civic groups, took up the challenge of helping those less fortunate than themselves. They joined Officer Nardini and his fellow officers going door to door, collecting food donations that were loaded onto trucks which were donated by the city of Bayonne. At day's end, 22 trucks were brimming with donations, and helped save the Thanksgiving holiday for many families in need. Some of the day's harvest was distributed to food pantries in the community, to help them with their good work.

It is an honor to have an exceptional person like Officer Antonio Nardini residing in my district. He exemplifies the true meaning of community service. I am certain my colleagues will join me in recognition of this remarkable gentleman.

A TRIBUTE TO MICHAEL GREENE

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. SHERMAN. Mr. Speaker, I rise today in honor of an outstanding individual, Michael Greene. Mr. Greene has led a truly remarkable life, in which he has utilized his passion for music in the realms of business, philanthropy, and education.

While completing his degrees in business and marketing Michael began his career as a recording artist and producer. In a few years he became President and CEO of Apogee Recording Studios where he managed 5 publishing companies containing over 5,000 song titles. He then entered into the cable television industry, where he founded the Nation's first video music network, the Video Music Channel. He would later assume the position of vice president of Crawford Post Productions, helping turn his small company into a leader in the field of video and film properties. While Michael was extremely busy and successful in his work, he always made time to give back to his community.

Throughout his career Michael has acted as a steward of music and the arts, especially in regard to their continued presence in America's schools. In this era of shrinking budgets, musical education has increasingly been viewed as a nonessential element in primary and secondary education, making it one of the areas hit hardest by cutbacks. Michael has led several efforts to reverse this trend and to promote music education. He was a cofounder of the National Coalition for Music Education which works to empower communities around the Nation to take the necessary steps on the local level to ensure that music and the arts will continue to be taught in their local schools. He was also the founder of National Arts Advocacy Day which sought to bring congressional attention to the elimination of arts education.

Michael has worked extensively on the local level where, largely due to his work, the number of secondary music programs has doubled in the Los Angeles Unified School District since 1991. It seems Michael takes to heart the following observation by Joseph Addison: "A man that has a taste of music, painting, or architecture, is like one that has another sense." Indeed Michael's legacy will be the appreciation and enjoyment of the arts in children that might otherwise never have known the genius of Mozart or Van Gogh.

Michael's fortitude and conviction led him to be one of the first within the musical community to take a vocal stance against the scourge of drug abuse among musicians. He created "Substance Abuse in Music: an Industry Intervention," and has encouraged higher standards in the fight against drugs. His efforts were made in hope of diminishing the glorification of substance abuse in the music industry.

His work as a businessman, artist, and philanthropist has made him a leader in the music industry for many years. In 1988 his position became official, as he became the Recording Academy's president and CEO. Next week the University of Southern California will award him with a Doctor of Music degree during their commencement ceremonies. This kind of honor is fitting for an individual that has done so much for his country, and his passion—music. I am privileged to represent such an individual and look forward to working with him in the future.

TRIBUTE TO BISHOP G.E. PATTERSON

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. FORD. Mr. Speaker, I rise today to honor Gilbert Earl Patterson, Bishop in the Church of God in Christ, and Pastor of both the Temple of Deliverance Church and Bountiful Blessings Church in Memphis, TN.

Recognized as one of the foremost preachers in the world, Bishop Patterson preaches every Sunday to a congregation of over 11,000 members, and to an international television audience on Black Entertainment Television and the Turner Broadcasting Network. Through his enlightening and uplifting sermons, Bishop Patterson provides spiritual sustenance to tens of thousands of congregants and millions of television viewers and radio listeners around the world.

Bishop Patterson has had a distinguished career as a minister. He was born in Memphis and lived in Detroit throughout most of his teen years. He began his vocation in 1957 at the young age of 17 and continued from 1962 to 1975 as copastor of Holy Temple Church of God in Christ in Memphis. In 1975, he founded Temple of Deliverance. In addition to his service to the people as a minister, Bishop Patterson is also a scholar and published writer. He attended LeMoyne-Owen College in Memphis, the Detroit Bible Institute and holds an honorary doctorate from Oral Roberts University. He is a contributing writer to the Spirit Filled Bible.

On Wednesday, April 30, Bishop Patterson was honored by his congregation in Memphis, TN. Bishop Patterson's commitment to his fellow man and to the common good have had a tremendous impact on my life. I consider him a confidant and a friend, Mr. Speaker. That is why I ask you and my colleagues in the U.S. House of Representatives to join me in honoring this giant of a preacher, paragon of inspiration, and decorated soldier of the cloth, Bishop Gilbert Earl Patterson.

IN MEMORY OF HWANG MIEN LIN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Hwang Mien Lin, an influential journalist, publisher, and author from China and Cleveland, OH.

Mr. Hwang devoted his career to writing in the cause of liberty. He was born in Beijing, and became a journalist at the age of 18. During World War II, he fought against the Japanese occupation of Burma alongside England and the United States. He was one of a small number of brave soldiers who survived that conflict.

In 1944, Mr. Hwang was a cofounder of Newsdom Weekly, one of the leading anti-Communist magazines published in the Far East. By 1950, it was the first Chinese magazine published in both Chinese and English. Mr. Hwang was a central member of a group of writers and journalists who met with President Chiang Kai-shek and helped to formulate policy regarding mainland China.

Mr. Hwang was a widely read individual, a renaissance man, with a sharp intellect and a crisp writing style. When he retired in the late 1970's, he traveled back and forth between his home in Hong Kong and his children's homes in the United States. He is survived by daughters, Margaret Wong, Rose Wong, and Cecilia Wong of Shaker Heights; son, George Wong of Rocky River, and nine grandchildren. He will be missed by all who knew him and who read his work.

IN HONOR OF BENZION KLATZKO: A DISTINGUISHED GENTLEMAN MAKING A DIFFERENCE TO HIS COMMUNITY

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an exceptional gentleman, Rabbi Benzion Klatzko. Rabbi Klatzko and the officers of the Congregation Shaarey Tefiloh will have their installation celebrated at a brunch reception to be held in Perth Amboy, NJ.

Rabbi Klatzko was born in Cincinnati, OH, to Dr. Naftoli and Judy Klatzko. Under the guidance of his loving parents, Rabbi Klatzko grew up in a home that became a symbol to the community of Chesed and Hachnosas Orchim. This early family experience enabled Rabbi Klatzko to pass on his love of faith to the members of the congregation he now serves.

The pursuit of knowledge has always been important to Rabbi Klatzko. While a young man in Cleveland, OH, Rabbi Klatzko attended the Hebrew Academy of Cleveland under the leadership of Rabbi Nochum Dessler, as well as Telshe Yeshiva High School where he benefited from the tutelage of Rabbi Mordecai Gifter. After attending both Basis Medrash and the Center for Rabbinic Leadership, Rabbi Klatzko was ordained by Rabbi Avrohom Blumenkrantz at the Anshei Chemed in Far Rockaway, NY, in a Simicha ceremony, and subsequently also ordained at the Mirrer Yeshiva in Brooklyn by Rabbi Shumel Berenbaum and Rabbi Shraga Moshe Kalmanowitz.

Children and family have continued to be a major theme throughout Rabbi Klatzko's life. Married to the former Shoshana Juravel on June 30, 1988, Rabbi and Mrs. Klatzko's joyful union has produced five children; Yitzchok, Sholom Yedidya, Shira Sarah, Avi, and Elisha. The characteristically selfless Rabbi Klatzko has organized and financed a learning program for children of yungeleit, and opened a summer day camp for secular boys in San Jose, CA. It is Rabbi Klatzko's wish that he can some day serve a congregation in Israel. He has a tremendous interest in leading and teaching a growing Jewish community.

It is an honor to have such an outstanding community leader and caring individual become a resident of my congressional district. Rabbi Klatzko is a man of great conviction. I am certain my colleagues will rise with me and honor this remarkable gentleman.

EPISCOPAL HEALTH SERVICES: A MODEL OF SERVICE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. TOWNS. Mr. Speaker, I am pleased to highlight the grand opening and dedication of the Bishop B. Hucles Nursing Home in Brooklyn on May 8, 1997. The nursing home will be part of Episcopal Health Services, Inc. [EHS].

EHS is a not-for-profit organization dedicated to providing a continuum of quality health care services through hospitals, long-term facilities, and primary care centers from inner-city Brooklyn and Queens to Suffolk and Nassau Counties. For almost 150 years, the Episcopal Diocese of Long Island has overseen EHS as it set the standard for communhity based care in the region. Today, EHS is one of the 10 largest healthcare organizations in New York State.

The Bishop Henry B. Hucles Nursing Home is located only a few blocks east of the Homes for the Aged and Blind, and will continue the tradition of community service and individualized care by providing a new home for all of the current residents of Homes for the Aged and Blind. This new facility will provide state-of-the-art care for even more residents while reaching out to others in the community through day care activities and special programs. The Hucles Nursing Home will be able to accommodate 240 residents, will provide around the clock nursing care, serve as an adult day care center, provide pastoral care, and an array of other services.

I am delighted that the Bishop Henry B. Hucles Nursing Home will be available to service patients sorely in need of care. I commend Episcopal Health Services for its vision and execution in developing this outstanding service center.

WELFARE REFORM TECHNICAL CORRECTIONS ACT OF 1997

SPEECH OF

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. McCRERY. Mr. Speaker, I appreciate the opportunity to express my views on one particular provision of the technical corrections bill before us today. This provision has to do with the eligibility of children for SSI benefits, and changes made in determining eligibility in accordance with last year's welfare reform law. Public Law 104–193; current law defines the period for the Social Security Administration [SSA] to make childhood medical determinations to 1 year following enactment of the welfare reform law. That is, eligibility redeterminations need to be made in required cases by no later than August 22, 1997. However, there may be some cases inadvertently missed during that period. Such children could be discovered during a continuing disability review or other file review after August 22, 1997. SSA argues that these cases, once discovered, could be subject to the medical improvement standard rather than applying the new eligibility criteria. This would result in the continuation of benefits to children who did not meet the new eligibility criteria.

I disagree with this interpretation.

Congress intended that all children affected by these changes would be redetermined using the new eligibility criteria and not the medical improvement standard. The time period for redetermination contained in Public Law 104–193 was included solely for the purpose of forcing the Social Security Administration to make an expeditious completion of the redetermination of eligibility for all affected children. In fact, the record of the proceedings of the Ways and Means Committee will show that the Social Security Administration was directly questioned as to the amount of time needed to complete the redeterminations. Due to the administration's delay in releasing implementing regulations, the committee has decided to extend the period of time for SSA to determine the eligibility of any child receiving SSI benefits on August 22, 1996, whose eligibility may be affected by changes in the childhood eligibility criteria from 12 to 18 months. The committee expects SSA to comply with the direction of the law, and will hold the Commissioner of Social Security fully responsible for noncompliance.

IN HONOR OF BAYONNE ELKS LODGE 434: PROUD PARTICIPANTS IN ELKS NATIONAL YOUTH WEEK

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, May 5, 1997

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to an exceptional organization, the Bayonne Elks Lodge 434 as they participate in this year's Elks National Youth Week. A group of 30 young people will take part in an awards luncheon to be held at the Elks Lodge 434 in Bayonne.

The Benevolent and Protective Order of Elks, Bayonne Elks Lodge 434 is an organization committed to active involvement in the lives of community residents in the town of Bayonne. During their long history, the selfless efforts of these exceptional people have supported such diverse groups as veterans of all wars and handicapped children. Additionally, the Bayonne Elks Lodge 434 has promoted youth oriented causes related to drug awareness and annually holds a special youth day in recognition of the contributions of high school seniors to Bayonne.

I believe that the best way to ensure the future prosperity of our great Nation is to provide our young people with the broadest possible experiences from which they can learn and grow. Elks National Youth Week is a time when this philanthropic organization recognizes the achievements and contributions of our young adults. The Bayonne Elks Lodge 434, by holding their yearly youth day, affords high school seniors the chance to witness the governmental process firsthand. Students are assigned positions within city government, sworn into their positions, and tour Bayonne City Hall with the corresponding city official.

Through their participation in the Bayonne Elks Lodge 434 Annual Youth Day, the young people being honored are well on their way to becoming our future leaders of tomorrow. Each person has worked during their school careers and have overcome many obstacles. They are the premier students in their respective high schools. The people of Bayonne will undoubtedly one day benefit from the talents of these exceptional young men and women.

I ask that my colleagues join me in applauding the outstanding efforts of the Bayonne Elks Lodge 434. I am proud to have this exemplary organization working on behalf of the residents of my congressional district.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 6, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 7

9:15 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for cancer research programs of the Department of Health and Human Services.

SH–216

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To resume hearings on proposed legislation authorizing funds for programs of the Intermodal Surface Transportation Efficiency Act of 1991, focusing on safety issues and programs.

SD–406

Labor and Human Resources

Business meeting, to mark up the proposed Individuals with Disabilities Education Act Amendments of 1997, and consider pending nominations.

SD–430

Small Business

To hold hearings on the Small Business Administration's finance programs.

SR–428A

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.

SD–192

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Transportation, focusing on transportation infrastructure financing issues.

SD–124

Foreign Relations

European Affairs Subcommittee

To hold hearings on the Administration's proposed budget request for fiscal year 1998 for Central and Eastern Europe and the former Soviet Union.

SD–419

Governmental Affairs

To hold hearings to review the final report of the Commission on Protecting and Reducing Government Secrecy and the recommendations of the report, including recommendations for legislation to codify the classification system and enhance accountability.

SD–342

Judiciary

To hold hearings on S. 507, to establish the United States Patent and Trademark Organization as a Government corporation, and to revise the provisions of title 35, United States Code, relating to procedures for patent applications, commercial use of patents, and reexamination reform.

SD–226

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold hearings on proposed legislation authorizing funds for the National Science Foundation and Technology Administration.

SR–253

Judiciary

To hold hearings on pending nominations.

SD–226

Select on Intelligence

To hold closed hearings on the nomination of George J. Tenet, of Maryland, to be Director of Central Intelligence.

SH–219

MAY 8

9:30 a.m.

Appropriations

Military Construction Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for Army and defense military construction programs.

SD–138

Energy and Natural Resources

To hold a workshop to examine competitive change in the electric power industry, focusing on the effects of competition on fuel use and types of generation.

SH–216

Rules and Administration

To resume hearings to discuss revisions to Title 44, relating to the operations of the Government Printing Office.

SR–301

10:00 a.m.

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia Subcommittee

To hold hearings to examine the Government's impact on television programming.

SD–342

Judiciary

Business meeting, to consider pending calendar business.

SD–226

Commission on Security and Cooperation in Europe

To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).

SD–538

10:30 a.m.

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for hazardous materials transportation.

SR–253

Foreign Relations

Business meeting, to consider the Document Agreed Among the States Parties to the Treaty on Conventional Armed Forces in Europe (CFE) of November 19, 1990, adopted at Vienna on May 31, 1996 ("the Flank Document") (Treaty Doc.105-5), and other pending calendar business.

SD–419

2:00 p.m.

Banking, Housing, and Urban Affairs

Business meeting, to mark up S. 462, to reform and consolidate the public and assisted housing programs of the United States, and to redirect primary responsibility for these programs from the Federal Government to States and localities.

SD–538

Judiciary

To hold hearings on S. 191, to throttle criminal use of guns.

SD–226

5:00 p.m.

Armed Services

Closed business meeting, to consider pending military nominations.

SR–222

MAY 13

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 416, to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency, S. 417, to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002, and S. 186, to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States.

SD–366

Indian Affairs

To hold oversight hearings on the implementation of the Indian Employment, Training and Related Services Demonstration Act of 1992 (P.L. 102-477).

SR–485

10:00 a.m.

Commerce, Science, and Transportation

To hold hearings on State pre-emption of TELCO.

SR–253

2:30 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine barriers to entry at airports.

SR–253

MAY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine program efficiencies at the Department of Defense and the National Science Foundation.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.

SD–192

MAY 15

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine spectrum issues.

SR–253

Veterans' Affairs

To hold hearings to examine allegations of sexual harassment in the Department of Veterans Affairs.

SH–216

10:00 a.m.

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

2:00 p.m.

Commerce, Science, and Transportation

Science, Technology, and Space Subcommittee

To hold oversight hearings on staff reducations for fiscal year 1997 and 1998 for the National Weather Service.

SR–253

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.

SD–366

MAY 16

10:00 a.m.

Labor and Human Resources

To hold hearings to examine adult education programs.

SD–430

MAY 20

9:00 a.m.

Appropriations

Interior Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.

SD–124

10:00 a.m.

Labor and Human Resources

To hold hearings to examine the quality of various health plans.

SD–430

MAY 21

9:30 a.m.

Indian Affairs

To hold oversight hearings on programs designed to assist Native American veterans.

SR–485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.

SD–192

Judiciary

To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.

SD–226

MAY 22

9:30 a.m.

Energy and Natural Resources

To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.

SH–216

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to review the activities of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.
SD-430

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed "Public Land Management Responsibility and Accountability Act".
SD-366

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD-192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD-192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH-216

POSTPONEMENTS

MAY 6

10:00 a.m.
Judiciary
To hold hearings to examine encryption issues in the information age.
SD-226

SENATE—*Tuesday, May 6, 1997*

The Senate met at 10 a.m., and was called to order by President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Dear Father, our lives are polluted with noise. The blaring sounds of a noisy society bombard our ears and agitate our souls. The television set is seldom turned off. We turn on our car radio at the same time we turn the ignition key. Music is piped into everywhere we go, from the grocery to the gym. On the streets, horns blare, tires screech, and tempers flare. Meanwhile, people around us talk constantly trying to find out what they want to say in the welter of words. It's so easy to lose the art of being quiet.

Even in this quiet moment, our minds are racing, our nervous systems are on red alert and we're like sprinters waiting for the starter's gun to go off. Calm us down, Lord, so we can work creatively today.

Lord, we hear Your voice saying, "Peace, be still." We want the miracle of that stillness and accept it as Your gift. We breathe out the tension and breathe in the breath of Your spirit. In this time of prayer speak to us the whisper of Your love and assurance, grace, and guidance. Get us ready for a day in which we can be still inside while living in a noisy world. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator STEVENS, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, for the information of all Senators, this morning, the Senate will resume consideration of Senate bill 672, the supplemental appropriations bill. Currently, there is one pending amendment which will necessitate a rollcall vote. The leader will notify Senators as to the scheduling of the rollcall vote later this morning. In addition, we expect other amendments to the supplemental appropriations bill to be proposed today, and votes will be scheduled accordingly. Therefore, Senators can expect additional votes during today's session of the Senate.

As a reminder, a cloture motion was filed yesterday. Therefore, all first-degree amendments must be filed by 2:30 p.m. today to be in order. I remind all Senators that the Senate will recess from 12:30 to 2:15 today for the weekly policy luncheons to meet.

RESERVATION OF LEADER TIME

Mr. STEVENS. I ask unanimous consent that the leader time on both sides be reserved for later in the day.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that Senator KENNEDY be recognized for 10 minutes as in morning business and that Senator GRAMM of Texas be recognized later this morning for 10 minutes as in morning business during the consideration of this bill.

The PRESIDENT pro tempore. Without objection, it is so ordered. The distinguished Senator from Massachusetts is recognized.

SEVEN QUESTIONS ABOUT THE BUDGET AGREEMENT

Mr. KENNEDY. Mr. President, last Friday, the President and the congressional leadership announced that they had reached an agreement to balance the budget. I support the goal of balancing the budget by 2002, and I commend the President's emphasis on improving education, expanding health coverage for uninsured children, and extending the solvency of the Medicare trust fund.

But as the administration and the congressional leadership continue to negotiate the specific provisions of the agreement, and as more information about the agreement becomes available, a number of questions arise about the agreement.

First, what is the distribution of the benefits in the tax package over the first 5 years? The new and expanded tax breaks in the agreement raise the most troubling questions in this regard. The only beneficiaries of the agreement's reductions in the estate tax are the top 1 percent of households. Three-quarters of the benefits of the capital gains provisions will go to households with incomes in excess of $100,000. According to one tax expert, as much as 40 percent of the benefits of the tax cuts will go to the top 1 percent of taxpayers.

We know that the wealthy will receive large tax breaks under this agreement. It is fair to ask, how much, if any, of the major sacrifices under this budget are the wealthy being asked to share? Are the wealthy corporations being asked to give up any of the massive subsidies they receive under the current spending and tax laws? I urge the administration and the congressional leadership to make a detailed analysis of the proposed tax cuts available as soon as possible, so that Congress and the country can judge their fairness.

Second, what is the distribution of benefits in the tax package in the second 5 years? Because the capital gains tax break initially generates revenues as wealthy investors sell their assets to take advantage of the lower tax rate, an accurate assessment of its cost and fairness must examine a longer period of time.

According to an analysis of the Senate Republican leadership's tax proposals introduced this January conducted by the Center on Budget and Policy Priorities, the Republican capital gains tax cut cost $33 billion in the first 5 years, and then nearly tripled to $96 billion in the second 5 years. And their estate tax provisions, which cost $18 billion in the first 5 years, ballooned to $48 billion in the second 5 years. We must do all that we can to ensure that Congress does not repeat the mistake of the excessive 1981 tax cuts that led to the massive Reagan-Bush budget deficits.

Third, what spending cuts will pay for these increased tax cuts in the second 5 years? If the cost of the tax cuts in years 6 through 10 far exceeds the cost in years 1 through 5, will Congress face the impossible choice of making severe and unacceptable reductions in social programs, or doing nothing and acquiescing in a new round of deficits as far as the eye can see?

Fourth, what are the even longer-term costs of the tax breaks? By one estimate, the net cost of the tax breaks will reach $45 billion a year by the 10th year. Projecting those rates into the second 10 years—years 2008 through 2017—the cost of these tax breaks could exceed half a trillion dollars for that period.

The great danger is that these pressures on the deficit will explode exactly at the same time that the country faces the severe budget pressures caused by the retirement of the baby boom generation. We already know that we face intense long-run problems with Social Security, Medicare, and Medicaid. The last thing that we should do in the current budget agreement is to make those long-run problems worse.

Fifth, can the country realistically accept the increasingly tight caps on domestic investments even in the first

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

5 years? President Clinton correctly resisted deeper cuts sought by Republicans. But the agreement slashes domestic investments by at least $60 billion below the level needed to maintain the current level of services. That is roughly a 10-percent cut in real terms. Discretionary spending has remained relatively flat since 1991, and is already at its lowest level as a share of the economy in 60 years. These dramatic cuts will mean less for vital investments in areas such as research and development funded by the National Institutes of Health and the National Science Foundation, less for crime prevention and police officers on the street, less for repair and upgrading of our Nation's highways and bridges, less for education, health and safety, and the environment.

Can the country afford to continue to shortchange the key public investments needed to keep our economy strong into the next century? It is only through investment that the Nation can sustain needed economic growth. Using the definition of public investment accepted by the General Accounting Office—including education and training, public infrastructure, and civilian research and development—public investment accounted for 2.5 percent of the economy under President Reagan. Today, it has fallen to 1.7 percent of the economy. How much lower is Congress prepared to see it go?

Sixth, what is the distribution of domestic discretionary spending cuts under this agreement? After protecting high-priority spending items, the agreement will force deeper cuts in the unprotected areas. The Center on Budget and Policy Priorities found that 34 percent of the cuts in nondefense discretionary spending in the last Congress came from programs for those with the lowest incomes, such as programs for fuel oil assistance, child care, senior nutrition and meals for senior shut-ins, vaccinations for children, school lunches, drug abuse prevention, and Head Start. Programs for low-income Americans have already borne a disproportionate burden of deficit reduction. They should not have to bear an unfair burden under this agreement.

Seventh, will defense spending be able to live within this agreement? The Secretary of Defense is conducting a quadrennial defense review of strategy, force structure, and modernization needs. Is the spending anticipated in this agreement sufficient to meet the commitments that the Department feels are essential? If the defense spending levels in the agreement are not adequate to meet future security needs, how can we ensure that defense increases are offset by reductions in the tax breaks, and not by further reductions in needed domestic investments?

Before we adopt this agreement as a budget resolution, we must do our best to obtain serious answers to these serious questions. Fairness is a fundamental issue. It will be fundamentally unfair if a handful of super-wealthy Americans benefit lavishly from this agreement, while millions of average Americans and their families take it on the chin. A fairly balanced budget is achievable. But a budget that fails to balance the Nation's basic needs will not be worth the paper on which it is printed.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may speak for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I rise to thank the senior Senator from Massachusetts for raising very profound, important questions about this budget agreement. I came to the floor of the Senate yesterday, and I said that I really believed that there is a quiet crisis in our Nation when we don't make the kind of investments in providing opportunities for all the children in our country and that I find this budget to be woefully inadequate when it comes to such a question.

Mr. President, an agreement is fine, but the question is: At what cost? We don't want to leave a whole class of citizens behind. Mr. President, as I look at this budget, I have two questions, and the senior Senator from Massachusetts raised these questions in a very eloquent and important way.

The first question: If, in fact, we are going to have these tax cuts, which, as we look over the first 10 years and beyond, accelerate and you have cuts in the capital gains tax and estate tax disproportionately flowing to the top 1 or 2 percent, then cuts in programs that are important to vulnerable citizens—nutrition, education, housing, you name it—really are harsh. This represents no standard of fairness to have tax benefits disproportionately benefiting the wealthy and at the same time eliminating opportunities for some of our most vulnerable citizens, especially children.

Second, Mr. President, I said yesterday that I really worry about the symbolic politics—and I speak only for myself here. I said it yesterday, and I say it one more time, I speak more to my own colleagues in the Democratic Party.

It is going to become very difficult for us to be talking about the early years, childhood development, the importance of investing in children, and the fact that for one out of every four children under the age of 3 and 4 in America, and for one out of every two children of color in America, it is going to be impossible to talk about our schools and the physical infrastructure when we have a budget that does not invest in these children. We don't have one cent invested now in the physical infrastructure in our schools. Rotting schools don't send children a very positive message about themselves.

We know—the medical evidence is compelling—that we have to do so much more on the nutrition front, on the health care front, on the child care front, on the intellectual development front if all of our children in our Nation are going to be prepared for school, much less prepared for life. And there is precious little by way of investment in children and in educational opportunities for these children in America.

So, Mr. President, I rise to just simply say to my colleagues that it is going to become very difficult for Democrats or, for that matter, all of us in the House and in the Senate to say that we are for children, that we are for opportunities, that we believe in our national values and the quality of opportunity when we do not make the investment.

Mr. President, this is a budget without a soul. This is a budget without a soul. This is a budget that leaves too many Americans behind. This is a budget that will further intensify the profound problem of two Americas. We should have one America. We should have one America where all of our citizens—and let's start with our children and grandchildren—each and every one of them have the opportunity to reach their full potential. This budget doesn't make an investment in these children. This budget doesn't provide these children with these opportunities, and for the sake of tax cuts that in the main go to wealthy people, I don't see the standard of fairness. And I don't see the soul of this budget. I think we are making a terrible mistake.

So, Mr. President, as much as I respect colleagues—I see my good friend, Senator DOMENICI, on the floor—my work will be to try to raise the bar, have amendments, and improve this piece of legislation so that, as a matter of fact, we have a budget that represents an investment in the future. When I talk about an investment in the future, I talk about an investment in children. That includes poor children in America. I do not want to leave them behind.

Mr. President, I yield the floor.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER (Mr. SANTORUM). The Senate will resume consideration of S. 672, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Grams-Johnson amendment No. 54, to facilitate recovery from the recent flooding across North Dakota, South Dakota, and Minnesota by providing greater flexibility for depository institutions and their regulators.

PRIVILEGE OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that a member of my staff, Sarah Neimeyer, be granted the privilege of the floor during consideration of the votes relating to S. 672.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I say to my colleague from Alaska that I have several amendments that I am ready to proceed with. I don't know exactly what his plan is, so I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I thank the Senator.

I would be prepared to discuss the amendments that Senator WELLSTONE has shown to the committee. We are awaiting the arrival of the distinguished Senator from West Virginia. But I believe that it would be in order, if the Senator wishes, to lay down the amendment and discuss the one pertaining to low-income home energy assistance. And I would be pleased to discuss that with the Senator—pending the arrival of the Senator from West Virginia with regard to accepting it, however.

Mr. WELLSTONE. Mr. President, I have several amendments that I would like to offer and I would be more than willing to wait for the Senator from West Virginia, Senator BYRD, to come to the floor, if the Senator from Alaska so desires.

Mr. STEVENS. He sent word to go ahead with regard to amendments that we have seen so far.

AMENDMENT NO. 57

(Purpose: To strike section 304)

Mr. WELLSTONE. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes an amendment numbered 57.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 47, strike line 19 and all that follows through page 48, line 12.

Mr. WELLSTONE. Mr. President, I am going to lay this amendment aside and get to an amendment we may agree on. But I want to briefly mention the first two amendments that I have discussed with my colleagues.

Mr. STEVENS. Will the Senator yield?

Mr. WELLSTONE. Please.

Mr. STEVENS. Mr. President, we have only seen two of the Senator's amendments. We would like an opportunity to review them, if he would be so kind.

Mr. WELLSTONE. I would be pleased to. This is an amendment that has to do with brand name drugs for adults. I was going to simply offer it, lay it aside, and then go to the energy assistance amendment.

Mr. STEVENS. Mr. President, that is agreeable with the managers of the bill. I would like to have it laid aside and not be the pending amendment, if the Senator wishes. But we don't want to see a roadblock and have to get consent to move on to the other amendments.

Mr. WELLSTONE. I would be pleased to do that.

Mr. President, I ask unanimous consent that this amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 58

(Purpose: to make certain funds available, under the Low-Income Home Energy Assistance Act of 1981, to victims of flooding and other natural disasters)

Mr. WELLSTONE. I send an amendment to the desk

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota (Mr. WELLSTONE) proposes an amendment numbered 58.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters in Minnesota, North Dakota, and South Dakota, for fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

Mr. WELLSTONE. Mr. President, let me, first of all, say to my colleague from Alaska that I hope we will be able to eventually negotiate this out. We have been in contact with the Department of Health and Human Services to find out exactly what the need is in other States and see how we can make the best use of low-income energy assistance money to help people who have been the victims of floods.

So I thought, that while I know that my colleague is willing to perhaps take this, that I might start by explaining this amendment, unless my colleague has remarks which he wants to make at the moment.

Mr. STEVENS. Mr. President, if the Senator will yield, it would be my position that, if the Senator would delete the references to specific States, we would have no objection to the amendment. It is my understanding that the money is available and this would earmark $45 million for assistance under section 2604(g) of the Low-Income Home Energy Assistance Act. But there are other disaster areas that are covered by this bill. We see no reason why there should not be similar assistance in those areas.

There are some disasters from 1996 and some from the spring of 1997 covered by this bill. They are all within the assistance for fiscal year 1997. Being limited to the assistance that is in this bill for 1997, we would have no objection if it is not earmarked to specific States.

I don't know the extent of assistance that would be available outside of the three States mentioned, but I do believe there are circumstances that would warrant them because of the type of flooding that took place in the fall of 1996.

Mr. WELLSTONE. Mr. President, I say to my colleague, perhaps I will then lay out the rationale for this. The reason I hesitate is that perhaps we might need, in the agreement, to work on another number. In other words, the $45 million was based upon the very best advice that I received from Governors of our States about what we needed. It may be that we are going to talk about other States as well, which I am pleased to do, however, I just want to have some understanding of what the need is and whether or not this is enough funding. Altogether I think there is a contingency fund of over $200 million that Health and Human Services has in the LIHEAP program.

So, if my colleague would not mind, I would like to explain why I have offered this amendment. First of all, I very much appreciate the offer from the Senator from Alaska.

I also want to say at the very beginning that both Senator STEVENS and Senator BYRD have—I want people in Minnesota to know this—really left no stone unturned when it comes to this effort to get the assistance to people. I thank them.

Mr. STEVENS. Will the Senator yield further, Mr. President?

The Senator's amendment mandates the Secretary to make this available from the moneys that the Senator has mentioned. The Secretary has current authority to do it. It is discretionary. The effect of his amendment is to mandate that, of the moneys that are there, at least $45 million shall be available immediately for the disaster victims. I believe that the fund itself is for general population assistance for

LIHEAP projects. If the Senator will take out the reference to the specific States, what it means is that the $45 million is reserved for the purposes he seeks and, if there is additional money in there, for others. But we think this reserving money ought to be for victims of all disasters covered by the bill.

Mr. WELLSTONE. Mr. President, I again appreciate the Senator from Alaska and his wisdom on this matter. The Senator is quite correct.

A little bit of background about this: We have been working very hard with the administration over the last month to get them to release this contingency funding. I talked with the Office of Management and Budget and others about releasing some of this funding to the State of Minnesota. Under the best of all circumstances, you want to keep this contingency fund intact because you may need it for the summer cooling assistance. We don't normally think about that. But not too many summers ago we were faced with a tragic situation in our country where people actually died from the heat. I understand the need to keep some of that money in the contingency fund. It just so happens that this flooding and the extent of this devastation is unprecedented, and we are trying to take some of this fund to deal with an emergency—indeed, the emergency that confronts people in our States.

Let me, first of all, explain the reason for this amendment. This money is in a contingency fund to provide assistance to people who really need that assistance, who are really faced with an emergency situation, and that is the case in Minnesota and the Dakotas. But what we are faced with in Minnesota is the situation where many people are now going back to their homes and they are trying to rebuild their lives. This money, which can be delivered expeditiously and will help people repair their furnaces so that they can begin the process of rebuilding their lives by cleaning up and moving back into their homes.

If I could get both Senators' attention, if I could get the attention of the Senator from Alaska, I want to say to the Senator from Alaska and to the Senator from West Virginia that we will accept the very generous offer. We have now made some calls and this is fine with us.

Maybe I could summarize this amendment and we will be done with it, if that is OK.

Mr. President, in Minnesota alone, we have estimates of around $30 million to help people with their emergency energy needs. Once this amendment is accepted, and it will be and hopefully be part of this disaster relief bill, we are in a position, out in Minnesota, to deliver this assistance to people within a couple of weeks. We are talking about, roughly speaking, in Minnesota alone, about 16,000 households which will be eligible for this assistance.

So, I say to my distinguished colleague from Alaska, and I say to my distinguished colleague from West Virginia as well: Thank you. I want this assistance to help people in, not just three States, but other States as well. It sounds like this additional funding will really make a difference. It sounds like a small amount. I thank my colleagues, all of my colleagues, because, while it may sound like a small amount, given the context of the overall disaster relief bill, this will be a huge help. I have been receiving a lot of calls from State officials and from families in Minnesota saying: Look, we are going home. We are trying to rebuild our homes, trying to rebuild our lives. If you could get just a little bit of assistance to us to repair our furnaces, for example, this would make all the difference in the world.

I say to Senator STEVENS and Senator BYRD, you have helped make all the difference in the world for some families in Minnesota. I thank you and I am very pleased to have this amendment accepted.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, as Senator WELLSTONE has indicated, the effect of this amendment will be to dedicate a portion of the moneys that are available to the Secretary of Health and Human Services to make LIHEAP-type assistance available to victims of flooding and other natural disasters covered by the bill. It is moneys that are there and could be made available. This mandates making it available.

We believe under the circumstances that that is a proper thing to do. For this side, I am willing to accept the amendment.

Mr. President, I ask Senator BYRD if he is willing to accept the amendment.

Mr. BYRD. Yes, if the Senator will yield, I am happy to associate myself with the remarks of the distinguished Senator from Alaska.

Mr. STEVENS. I ask the Senator modify his amendment in accordance with our agreement by deleting the references to the States. Has he done that?

Mr. WELLSTONE. Mr. President, I say to the Senator from Alaska, I will so modify it.

The PRESIDING OFFICER. The Senator has a right to modify his amendment at this time.

Mr. STEVENS. As modified, it then reads "natural disasters for the fiscal year 1997," is that correct?

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 58), as modified, is as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters for the fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

Mr. STEVENS. I am prepared to accept the amendment of the Senator and ask for a vote.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 58), as modified, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Does the Senator wish to proceed to other amendments?

Mr. WELLSTONE. I am ready, but in deference to both Senators, they had wanted me to lay aside the extension of the drug patent?

Mr. STEVENS. Yes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alaska.

AMENDMENT NO. 60

(Purpose: To make a technical amendment to language in the manager's amendment)

Mr. STEVENS. Mr. President, the Department of Transportation has provide us a technical correction to some language that is in the nonemergency title of the bill. The correction in no way changes the scope or intent of our committee action and it has been cleared, now, on both sides. I offer it, to bring about the technical correction that has been sought by the administration through the Department of Transportation.

I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 60.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 1, page 37 of the bill, after the colon, strike all through "1997" on line 15 of page 37, and insert the following:

"*Provided further*, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996"

Mr. STEVENS. Mr. President, I ask for immediate consideration of the amendment.

Mr. BYRD. Mr. President, this side is in agreement with the distinguished Senator from Alaska with reference to this amendment. We are willing to accept it.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 60) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, so there is no misunderstanding, I ask unanimous consent that amendment No. 60 that I offered on behalf of the Treasury Department to make a technical correction to the bill be considered original text for the purpose of amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, does the Senator from Minnesota wish to proceed now?

Mr. WELLSTONE. Mr. President, I am ready to speak about the bill, the disaster relief bill, and how important it is to Minnesota. I am waiting on the amendment for Senator HOLLINGS.

Mr. STEVENS. Mr. President, if the Senator wishes to address the bill in any way, it is his privilege.

Mr. WELLSTONE. Mr. President, I thank the Chair. I will, just for a minute, suggest the absence of a quorum, and then I will be right back on the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from Texas is recognized for 10 minutes as in morning business.

Mr. GRAMM. Mr. President, I thank the distinguished chairman of the Appropriations Committee for giving me this time.

BUDGET DEAL

Mr. GRAMM. Mr. President, obviously, with the budget deal completed over the weekend, Members are trying now to look at the facts. What I would like to do in these 10 minutes is turn and look at the facts.

I know to many people in America, it may seem too good to be true to believe that we could give the President the largest increase in social spending that we have seen in America since the 1960's, in his own words, that we could give Republicans a tax cut and that we could give the American people a balanced budget all at the same time.

If all that seems too good to be true, it is for a simple reason: It is too good to be true. Let me begin by simply running through the budget very quickly.

Because the economy has been growing, this year we had an easier task of balancing the budget than we have had before. In fact, we only needed about $330 billion of deficit reduction in order to balance the budget. Let me outline how the budget agreement achieves that $330 billion of deficit reduction.

As many of you know, on Thursday night, at the very point where the budget agreement had reached an impasse, the budgeting arm of Congress, the Congressional Budget Office, miraculously discovered a revenue windfall where they reestimated, again, the rate of growth in the economy and the amount of taxes taken from the economy and, in the process, produced a revenue windfall that lowered the deficit by $225 billion. That one assumption of stronger economic growth provides 68 percent of the deficit reduction required to balance the budget.

The budget negotiators assumed a lower inflation rate which reduced the deficit by $15 billion, another 5 percent of the required deficit reduction. They assumed by balancing the budget, the economy will be stronger still, and we will get a balanced budget dividend with stronger economic growth, and they assumed that economic growth would provide $77 billion of additional deficit reduction, another 23 percent. In the final analysis, the deficit reduction in this budget can be divided in the following way: 96 cents out of every dollar of deficit reduction is simply assumed; 4 cents out of every dollar, $14 billion out of $330 billion comes from a change in public policy.

So why is the budget balanced in this budget? It is balanced because the negotiators assumed that it is balanced. Only $14 billion of the $330 billion of required deficit reduction comes from policy change.

What is very much real about the budget is discretionary spending. When the Speaker said this budget is the fulfillment of the Contract With America, I think if you go back and look at the 1996 budget that was passed by Congress, which embodied the Contract With America, you will see that over the 5 years of this current budget negotiation it spent $216 billion less on social spending than the budget deal that has just been completed. The budget we adopted last year spent $193 billion less on nondefense discretionary spending. The President's budget from last year spent $79 billion less on nondefense discretionary spending. And finally, if you take the President's budget as scored by CBO, with the across-the-board cuts in the last year, this budget agreement actually gives the President $5 billion more than he asked for in his own budget with the CBO adjustment and the automatic cut mechanism in the end.

In addition to this massive increase in discretionary spending, the budget entails a whole group of entitlements. It expands Medicaid in two different ways; it overturns welfare reform from last year and reinstitutes welfare benefits for illegal immigrants; it expands food stamps and, together with mandatory and entitlement programs, it spends roughly another $35 billion.

Then the major savings claimed in the budget is in Medicare, but virtually all these savings come from lowering reimbursement to doctors and hospitals, because what the negotiators did is they not only picked the number of $115 billion, but they committed to the Clinton policy. The only problem is that on a dozen occasions in the last 30 years, we have assumed a lower reimbursement rate for doctors and hospitals under Medicare, and each and every time this policy has not worked because the doctors and the hospitals have found ways around it. But we take every penny of that $115 billion of claimed Medicare savings and spend it on new entitlements and on new social programs.

Finally, we come to the tax cut which is funded by odds-and-ends, dogs-and-cats savings and by spectrum auction. This is selling the right to use spectrum. I remind my colleagues that the Appropriations Committee last year assumed $2.9 billion of spectrum broadcast auction to fund spending. When that auction actually occurred, it raised only $13.6 million, or, in other words, we got $1 for every $200 of spectrum auction we assumed last year.

But let me talk about the tax cut. We, in the budget, have an $85 billion net tax cut. Any tax cut beyond that we have to raise other taxes to pay for it. About $5 billion of that is offset by the lower CPI assumed in the budget and its impact on taxes, and that gets the net real tax cut down to about $80 billion. We commit in the budget to fund the President's education priorities which takes another $35 billion, though it is unclear at this point whether this was a 5-year commitment or 10 years. So we are now down to a $45 billion net tax cut.

I remind my colleagues that the full Republican tax cut cost $188 billion. In fact, a $500 tax credit per child cost $105 billion over 5 years. Capital gains, the way it is scored by the budgeting arm of the Congress, cost $33 billion. Our death and estate tax relief cost $18 billion, and our IRA expansion cost $32 billion. The point is, if you read the newspaper, it is as if we got an agreement to cut capital gains taxes, to reform death taxes and give a $500 tax credit. The reality is the net tax cut available will not pay for a third of that policy. What we are going to end up with, invariably, is a $500 tax credit but excluding middle-income Americans from the tax cut. I don't know how you are going to end up fitting the rest of these items into that limited space.

Finally, let me conclude by saying, well, what about the question, Is this deal worse than nothing? Let me give you two reasons why I believe it is and why I am going to oppose it.

No. 1, it assumes a balanced budget and, in the process, convinces America that we have really done something about the deficit when we have not. I am very concerned that that is going to take pressure off Congress to control spending. We are seeing in this budget agreement itself the largest increase in social spending since the 1960's, and I am afraid that by convincing people we have balanced the budget when, in fact, we just assume it is balanced, that that is going to open the floodgates for spending.

No. 2, and of at least equal importance, in Medicare, we reduce reimbursement for doctors and hospitals. We take the fastest-growing part of Medicare, home health care, and transfer it out of the Medicare trust fund, something we Republicans denounced as a fraud only 2 or 3 months ago. By doing these things, we now claim that we have saved Medicare for a decade.

I am concerned that this is going to trample on the emerging bipartisan consensus to do something to save Medicare. I am concerned that we are going to let 2 or 3 years pass where we believe we have done something about Medicare, or at least claim we have, when, in fact, Medicare, when you look at the payment for hospitals and doctors, will be a $1.6 trillion drain on the Federal budget in the next 10 years. I am afraid that by claiming we have done things we have not done—balance the budget, save Medicare—that we are going to undercut those real efforts. Those are efforts that desperately need to be undertaken.

Obviously, many people will have many different views on this subject. I am a firm believer in the Jefferson adage that good people with the same facts are going to disagree. But I wanted my colleagues to understand that I am not here this morning speaking with passion about some priority I have that is not contained in the budget. What I am trying to do is to, basically, get people to understand that we assume the budget is balanced, we don't institute any policy to balance it; that we are granting a massive increase in spending for social programs that someday will have to be paid for; we are creating new entitlement benefits; and we are continuing to talk as if we are going to have this massive tax cut when we have only $45 billion net available to pay for it. Trying to get $188 billion of tax cuts into a $45 billion allowable space is going to be very, very difficult and, in the end, a lot of people are going to be disappointed.

Let me, again, thank the distinguished chairman of the Appropriations Committee for giving me an opportunity to speak for 10 minutes as in morning business. I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, Senator DURBIN has asked for time to speak on the budget. I ask unanimous consent that he be permitted to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Illinois is recognized.

Mr. DURBIN. Thank you, Mr. President. I thank Chairman STEVENS for yielding this time in morning business.

AGREEMENT ON BALANCING THE BUDGET

Mr. DURBIN. Mr. President, it has only been a few weeks since this Chamber was the platform and the focus for a debate on amending the Constitution of the United States. Members of this Senate came to the floor, mainly Republican but some Democrats, and argued it was politically impossible for the leaders in this country to reach an agreement on a balanced budget absent an amendment to the Constitution which would require it, which would involve the Federal judiciary, which would have added language to the Constitution, binding language on future Congresses. And yet here we stand today, just a few weeks later, many of us in favor of, some opposed, but speaking to an agreement to balance the budget. Did it take a constitutional amendment? Of course not, it took leadership, leadership from both political parties.

I voted against that balanced budget amendment. I said then, as I say now, you do not need to amend the Constitution to meet your constitutional responsibility, and my responsibility is to make certain that we live within our means while our economy moves forward. And I am happy today that we can stand and discuss this balanced budget absent a constitutional amendment.

I want to acknowledge on the floor my colleague, Senator BYRD, of West Virginia. If you were to list his accolades, I think the one he would be proudest of is his role as guardian of the Constitution. He carries that Constitution in his pocket every day. He believes in it to his core that it embodies what America is all about. He does not take constitutional amendments very lightly, and he has effectively argued against the balanced budget amendment and others over the years.

Senator BYRD, this balanced budget agreement is a tribute to your tenacity and your commitment to the Constitution. History has proven you right again. A constitutional amendment was unnecessary. It took the will to bring about this agreement. And today we are debating such an agreement without a constitutional amendment.

On behalf of myself and those who really are grateful for the contribution you have made on behalf of the Constitution, I just want to acknowledge that today.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Illinois for his more than gracious, more than charitable comments. I very much appreciate them.

Mr. DURBIN. You are certainly welcome.

How did we come to this day? Make no mistake, if the American economy were struggling, if we faced high unemployment, slow economic growth, few housing starts, businesses failing, trade accounts in the red, we would not be standing here with any kind of an agreement to balance the budget. But that is not the case.

What propels us into this debate is the good condition of the American economy. Yesterday, the Dow Jones index broke a record, I believe. I cannot keep up with it. Up and down, up and down, but it has generally been up. We have seen the lowest unemployment figures in two decades. We have seen jobs created. People are building homes and starting businesses. America is moving forward. We feel good about it.

How did we get here? Is this just a matter of good luck? I think it is more than that. I think it goes back to an action taken by Congress in 1993, and not a popular one, I might add, when the President stood up and said, "I think we can move toward a balanced budget and keep the economy moving forward, and I want the support of Congress to do it." I was a Member of the House at that time. I joined the President, and I might tell you it was a partisan decision—not one single Republican vote in support of the President's plan, and yet we passed it. In the Senate it only passed when Vice President GORE cast the tiebreaking vote to enact the President's budget. We are lucky that he did because with that plan in 1993, we set the stage for this debate to bring the budget into balance. We set the stage for economic expansion, which is creating more revenues, so that we can sit down and talk about tax cuts and more money being spent on education and environmental protection. Absent the President's leadership, absent the Democrats in Congress standing behind him, this day might never have come. And yet it has. And we can be proud of it.

So let us talk about this agreement for a moment. Is this an agreement I would have written? No. I would have changed a lot of provisions here. It is a compromise. It is a bipartisan compromise. There are things which many Republicans are proud of which I would not have included. There are things which were not included but I think should have been. But make no mistake, this is a good agreement. It is good for this country. It is a good bipartisan compromise. It is one which not only reaches a balanced budget but says we are going to do it in a responsible way.

First, under the Republican Contract With America, which Speaker GINGRICH and many Republican Senators supported, we were to cut out of Medicare $270 billion over 7 years—a massive cutback in Medicare. They said it was necessary; you had to do it. And if you did not do it, Medicare was in peril. The American people knew better.

That $270 billion went way beyond what was necessary to strengthen Medicare. It created funds for a tax cut for wealthy people. And that was not fair. The President stood up and said, "I won't agree to it." When he threatened that veto, that particular proposal did not go forward. Where are we today?

The bipartisan compromise talks about a $115 billion cut over 5 years in Medicare and a guarantee to the American people that, for 10 years, Medicare will be solvent and strong. We have kept our word to the seniors in this country and those about to be seniors. They can rest assured that Medicare will be there. That is good. That is part of this agreement.

Medicaid. Medicaid is not just health insurance for poor people; it is health insurance for destitute elderly in nursing homes. That is where half the money in Medicaid goes. The elderly person in a nursing home who has spent down and has not a single thing left on Earth turns to Medicaid to keep them alive.

The Republican proposal originally to cut Medicaid was $160 billion over 7 years. We said it was too much. The President said it was too much. In this agreement it is down to $15 billion. We have brought it down to a manageable amount, one that will not endanger the health and security of the disadvantaged and elderly.

Education. My colleague from Texas, Senator GRAMM, got up a few minutes ago and talked about all this massive Federal spending. Well, let me tell you, America, families that get up every morning and wonder whether they can pay for their kids' college education expenses, this budget agreement will be a helping hand. We are going to allow you for the first time to deduct college education expenses on your income tax. Oh, it is still going to be expensive, but you are going to get a helping hand for the first time.

And, students, listen up. Get good grades, go to school, and there is a scholarship in here for you that will pay for most community colleges and some colleges and universities. Too good to be true? No. It is a commitment by the President that is embodied in this budget agreement that is good for this country.

Visit a couple with a new baby a couple days after the baby is born, and they are home and you go to visit them. You say, "What a beautiful little baby. Looks just like his dad," or "looks just like his mom. Is she sleeping at night? How is she taking her bottle?" And then, after a few minutes, "Have you thought about how you're going to pay for her college education?"

It is something we all think about. Next to our home mortgage, for most families in this country, this is what you worry about. "How am I ever going to put this money together?" This bill will help. It will not pay the whole thing, but it is going to help. It is responsive to the real needs that American families feel.

Middle-class tax relief. Not only when it comes to education to help working families pay for college and training expenses, but a child tax credit of $500 per child. What does it mean? Well, my daughter and her husband have a little baby boy, our grandson. We are so proud of him. He is going to be a year old in a few weeks.

My wife and I did not think much about this when we raised our kids, but my daughter and my son-in-law talk about day care. "Dad, what are we going to do about day care? It's expensive. We don't want to put Alex anywhere that isn't safe, quality day care. How are we going to pay for it?" They are lucky. They have two jobs, two incomes in their family. Some other families struggle with the same decision with fewer resources.

This child tax credit in here means a helping hand, $500 per child per year. It will not cover the cost of day care, but it will help. And shouldn't we help? Shouldn't we help working families? That is what this is all about.

We are finally responding to the real issues that real people talk about. I do not believe real American families sit around the family room and say, "What about campaign finance reform? What's going on with the latest investigation in Washington?" They do sit around and talk about paying for college, paying for day care. This budget agreement will address it.

The battle is not finished. There is another one before us. I hope we enact this budget agreement. Then we will address a tax bill. I think you are going to see some real differences in philosophy between Democrats and Republicans about whether the tax savings in that bill go to working families or wealthy people. I think they should go to working families.

I think we ought to, for example, give 100 percent deductibility of health insurance premiums for all self-employed people. All family farmers, all small businesses, those who are self-employed, should have the same benefits of hospitalization insurance deduction as the corporations do.

So, for American families, this agreement is a step forward. The President's leadership, a bipartisan compromise, has us on the road to a balanced budget in a responsible way.

I yield back my time.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Iowa is recognized.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. GRASSLEY. Mr. President, I would like to talk about our efforts to eliminate problem disbursements at the Department of Defense [DOD].

Problem disbursements are payments that were not matched with obligations before the bills were paid.

As we have learned in recent years, the failure to follow this very elementary internal control procedure leaves the Pentagon's financial accounts vulnerable to theft and abuse.

It leads to underpayments, overpayments, erroneous payments, and even fraudulent payments.

It leads to overdisbursed accounts.

That is when payments exceed available appropriations.

When that happens, you have a violation of the Anti-Deficiency Act. That is a felony.

Right now, Mr. President, the Defense Finance and Accounting Service [DFAS] Center at Columbus, OH, has about 2,700 contracts that are overdisbursed.

Those contracts have negative cash balances of $900 million-plus.

In a nutshell, the Pentagon's financial books are in a shambles.

Mr. President, that's not the Senator from Iowa talking.

That's coming straight from the horse's mouth—the DOD inspector general [IG] and the General Accounting Office [GAO].

That's what their audit reports say. They say: DOD's books are in such a mess that they can't be audited—as required by law—the Chief Financial Officers Act of 1990.

When the auditors can't conduct an audit, they issue a "disclamer of opinion."

Well, guess what?

DOD gets one disclaimer after another—year after year. It's a disgrace.

One way to clean up the books is to start matching disbursements with obligations before payments are made.

This is the stuff that's taught in basic accounting course 101 in college. It's square one, I know, but it's the right place to start.

And that's what the Senate has been telling DOD to do since 1994.

For 3 years now, we have been telling DOD to get on the stick and fix the problem.

This was done with the leadership and support of my friend from Alaska Senator STEVENS, and my friend from Hawaii, Senator INOUYE.

I thought we were really making progress—until I saw the new GAO report.

That's a May 1997 report. It says DOD is underestimating the dollar value of problem-disbursements by at least $25 billion.

DOD says it's an $18 billion problem.

That means we're really staring at a $50 billion problem—or worse.

Why would DOD grossly underestimate the problem like this, Mr. President?

We're looking at a classic bureaucratic trick. Blowing smoke to conceal the problem: Redefining the problem to make it look smaller.

This makes the Senate think the problem is getting fixed.

They want the Senate to ease up on the pressure. That's the goal, Mr. President, reduce the pressure.

Unfortunately, with problem disbursements at the $45 to $50 billion level, we right about where we started in 1994.

So this is no time to ease up on the pressure.

The unwanted pressure is being generated by our legislative initiatives.

We have gradually turned up the pressure in three successive appropriations bills as follows:

Fiscal year 1995 act—section 8137.
Fiscal year 1996 act—section 8102.
Fiscal year 1997 act—section 8106.

Mr. President, I ask unanimous consent to have printed in the RECORD those sections of the law.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PUBLIC LAW 103-335—SEPT. 30, 1994

* * * * *

SEC. 8137. (a)(1) The Secretary of Defense shall develop a plan for establishing and implementing a requirement for disbursing officials of the Department of Defense to match disbursements to particular obligations before making the disbursements. The Secretary shall transmit the plan to Congress not later than March 1, 1995.

(2) The Inspector General of the Department of Defense shall review the plan and submit the Inspector General's independent assessment of the plan to the congressional defense committees.

(b)(1) Not later than July 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $5,000,000 be matched to a particular obligation before the disbursement is made.

(2) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in an amount in excess of $1,000,000 be matched to a particular obligation before the disbursement is made.

(c) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (b) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(d) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(e) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (b) be matched to a particular obligation before the disbursement is made.

PUBLIC LAW 104-61—DEC. 1, 1995

* * * * *

SEC. 8102. (a) Not later than October 1, 1995, the Secretary of Defense shall require that each disbursement by the Department of Defense in the amount in excess of $5,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under subsection (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such subsection to that disbursement.

(c) The Secretary of Defense may waive a requirement for advance matching of a disbursement of the Department of Defense with a particular obligation in the case of (1) a disbursement involving deployed forces, (2) a disbursement for an operation in a war declared by Congress or a national emergency declared by the President or Congress, or (3) a disbursement under any other circumstances for which the waiver is necessary in the national security interests of the United States, as determined by the Secretary and certified by the Secretary to the congressional defense committees.

(d) This section shall not be construed to limit the authority of the Secretary of Defense to require that a disbursement not in excess of the amount applicable under subsection (a) be matched to a particular obligation before the disbursement is made.

PUBLIC LAW 104-208—SEPT. 30, 1996

* * * * *

SEC. 8106. (a) The Secretary of Defense shall require not later than June 30, 1997, each disbursement by the Department of Defense in an amount in excess of $3,000,000 be matched to a particular obligation before the disbursement is made.

(b) The Secretary shall ensure that a disbursement in excess of the threshold amount applicable under section (a) is not divided into multiple disbursements of less than that amount for the purpose of avoiding the applicability of such section to that disbursement.

Mr. GRASSLEY. Mr. President, under the law, DOD was required to start making the matches on checks over $5 million, and then gradually ratchet the thresholds down to zero.

At the $5-million level, DOD is really just scratching the surface.

DFAS/Columbus is where it happens.

DFAS/Columbus writes fewer than 1,800 checks per year that are $5 million or more. So what's the big deal? Matchups on 1,800 checks should be a piece of cake.

But when it came time to start phase 2 and lower the threshold to the $1 million checks, DOD balked.

DOD said "No"—even though it makes fewer than 11,250 payments over $1 million annually. DOD asked for more time.

Making the matchups on 11,250 checks ought to be Mickey Mouse stuff. Banks routinely do 500,000 to 1 million each day.

Mr. President, for 11,250 DOD checks versus up to 1 million checks for U.S. banks and DOD can't do it.

Why can't the Pentagon do it—with all its technological know-how?

Mr. President, I can't help but think that, maybe, the Pentagon bureaucrats don't want to clean up the books.

They like the mess. That way no one knows what is really going on, including them, and no one gets in trouble.

Well, thanks to the committee's determined leadership last year, our legislative reform effort is back on track. We regained some momentum.

DOD must now make matchups on all checks over $3 million, starting next month—June 30.

At the same time, DOD is supposed to be developing a detailed plan for moving first to the $1-million mark, and then on down to zero.

The IG is reviewing that plan right now and should be submitting an assessment to the committee soon.

After we study this report, we should be in a position to decide on how to proceed in the fiscal year 1998 bill.

I would like to mention one disturbing new development.

I was recently provided with evidence—DOD documents—that clearly indicates that DOD is not on board 100 percent with our effort.

This material pertains to program payments made at the DFAS/Columbus Center. It shows that DOD is using several random-allocation procedures for matching payments with appropriated moneys.

This procedure subverts the appropriations process and is guaranteed to create more unmatched disbursements—big time—along with a host of other legal problems.

I will have more to say on this later, once I have all the facts.

This new information tells me that we will need to apply more pressure to get the job done. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I am fully aware that my colleague from Minnesota has made a motion to strike——

Mr. STEVENS. Will the Senator yield for a moment for a housekeeping matter?

Mr. HOLLINGS. Certainly.

UNANIMOUS-CONSENT AGREEMENT—AMENDMENT NO. 54

Mr. STEVENS. Mr. President, I ask unanimous consent that at 2:15 today there be 5 minutes of debate equally divided between Senator GRAMS and the ranking member, and at the expiration or yielding back of the time, the Senate proceed to vote on the Grams amendment. That would make the rollcall vote at approximately 2:20 today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I thank the Senator.

May I inquire, is there any indication between you and Senator WELLSTONE that we might have some timeframe on this?

Mr. HOLLINGS. I will check and inform the chairman.

PRIVILEGE OF THE FLOOR

Mr. HOLLINGS. Mr. President, I ask unanimous consent that Bill Pratt, a fellow assigned to Senator DASCHLE, be given floor privileges during the consideration of S. 672.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, momentarily, while we see what may or may not be worked out with respect to the particular amendment——

Mr. BOND. Mr. President, may I ask consideration of my colleague to interrupt for a procedural question?

Mr. HOLLINGS. Yes.

Mr. BOND. Mr. President, I have a number of technical amendments and things that I will need to insert, and I will need a brief time period sometime between now and lunch. I wondered if the distinguished colleague from South Carolina would indicate if there is a time when I may do that.

Mr. HOLLINGS. I will be very brief.

Mr. BOND. I thank the Senator.

SHAM BALANCING ACT

Mr. HOLLINGS. Mr. President, as some say, "Eureka, I have found an honest man." Well, here, I have found an honest journalist. I don't know who wrote the editorial in USA Today on yesterday, but it is entitled "Sham Balancing Act Hides True Scope of the Deficit."

It is not my intent to come out and immediately take the so-called balanced budget plan and trash it. It moves in the right direction. But I want to be constant and persistent until we finally have not just the USA Today realize it has been a sham balancing act, but I want everyone to realize that it is in the law. Section 13301, signed by President Bush on November 5, 1990, says that thou shalt not in this Government use Social Security trust funds in any report of a so-called unified budget or unified deficit. It is the most fraudulent use of the word unified because, to the lay person, unified suggests it is net. In other words, the Government spends money and it also receives receipts or receives money. And the inference is, with unified budgets and deficits, that is the real net or true balance or true deficit. Totally false.

The truth of the matter is that we have been engaged in a sham now for several years respecting the use of trust funds. Right to the point, Mr. President, what we have is a list of these trust funds here that have been consumed and spent, not just borrowed. I have the March figures. As of the end of March—this is the most updated figure—Social Security will be owed $582 billion; Medicare, HI, $122 billion; SMI, $31 billion, for a total of $153 billion in Medicare.

Military retirees the land around, you should know they are spending your money, which has been set aside under the law for your retirement. That particular fund is $129 billion shy because of this deceit. Civilian retirement—all civil servants within the sound of my voice, remember, the civil service retirement trust fund has now been spent to the tune of $395 billion. Unemployment compensation that the small employer in America pays in regularly, as well as the large ones, that is shy some $51 billion, that particular savings amount. The highway trust fund—we borrowed that money, too, but not for highways. If anybody says a bridge is down, like in my backyard where we have been trying to get a river bridge that has been declared unsafe for 20 years now, that money is already spent to the tune of $22 billion. We can build a river bridge in each of the 50 States with the highway money used to obscure the size of the deficit, the debt, and the interest cost on that national debt. Airports and airways, $6 billion; railroad retirement, $18 billion; $63 billion in the Federal finance bank and the other particular trust funds, for a total of how much? $1.419 trillion. Now, we owe $1.419 trillion.

I have the updated figure just for Social Security as it relates to this particular editorial. I ask unanimous consent that this editorial be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, May 5, 1997]

SHAM BALANCING ACT HIDES TRUE SCOPE OF THE DEFICIT

Over exuberance isn't just a disease of the stock market. Just consider the expansive praise surrounding last week's budget deal between the White House and GOP congressional leaders.

"This balanced-budget plan is in balance with our values. It will help prepare our people for a new century," President Clinton declared of the five-year outline.

House Speaker Newt Gingrich was even more effusive: "We spent four months (with) people saying, 'What are you going to do? * * * Well, my answer is balance the budget, cut taxes, reform entitlements."

Not quite.

The deal, with $350 billion in spending reductions over five years, is a modest step forward. But it is more a product of good fortune than hard work.

The end of the Cold War has trimmed tens of billions from defense needs. And a high-employment, low-inflation economy has provided a $45 billion-a-year windfall in revenues.

Those factors alone have cut the budget balancers' work by about a third.

But good fortune takes second place to the budget tricks Clinton and Congress have performed and the blind eye they've given entitlement problems.

The fact is that the balanced budget in 2002 won't be balanced. Clinton and Congress avoided dealing with $450 billion worth of overspending over the next five years by simply counting surpluses borrowed from Social Security and other federal trust funds as income. In 2002, they rely on $100 billion borrowed from Social Security and other trust funds that year.

Worse, Clinton and Congress put off meaningful entitlement reform. The $23 billion a year in Medicare savings they agreed to will keep its trust fund solvent only until 2008—the year 76 million baby boomers begin flooding into retirement. Ignored totally was Social Security's need for an infusion of an extra $60 billion a year, starting now, to keep it viable.

Instead, Clinton and Congress passed out tax goodies that will sap $20 billion worth of revenue a year, with much of the benefit going to the rich.

The budget deal has its high points. It will trim the health-care bureaucracy and promote greater use of managed care. It cuts back some wasteful corporate welfare even as it invests more in a healthy start for kids that could provide savings later.

But tax giveaways promise to balloon the deficit when good economic times end, and lack of entitlement reform means the toughest budget work lies ahead.

Last week's deal thus earns some polite applause but no standing ovation.

Mr. HOLLINGS. Mr. President, it is another $456 billion that will be spent. So as of the year 2002, we look around at Social Security and everybody is saying, wait a minute, the baby boomers are going to come in 15 years, and the baby boomers will be in a foot race trying to get ahead of us politicians because we are way ahead of them spending this money. We will owe, in the year 2002, in excess of a trillion dollars. That is why this chart has been brought forward. Last year, when we said the annual deficit was $107 billion, the truth of the matter is, it was $261 billion. We borrowed, in order to make it $107 billion, or we spent from the various savings funds here at the Federal level, $154 billion. Why not borrow another $107 billion and call it balanced? That is the gamesmanship that is going on.

I went home over the weekend and they found $225 billion over at CBO. I have heard that my colleagues on the other side of the aisle were informed of this revenue before the Democratic negotiators were. They went back and forth with respect to OMB and CBO while knowing this extra money was available. You can see the gamesmanship involved. But the hard-core fact is that they have projected, up until now, $360 billion in interest costs on the national debt. That is, while we are debating, we are increasing spending a billion dollars a day for absolutely nothing and adding it to the national debt. So that by the end of the 2002, the debt will exceed $6 trillion, and the interest costs on that will be in excess of $500 billion.

So what will occur is, at the end of this particular budget that we are all talking about as balanced, domestic spending, which is cut from current policy, defense, which is cut from current policy, will be exceeded by the interest costs on the national debt. The whole time we are going through this charade, they said "sham balancing act" in this particular editorial, they totally ignore section 13301 of the Budget Act and ignore the reality that we will have spent in excess of $2 trillion in trust funds when we get through.

Mr. President, what we really have is a disaster on our hands. While we are talking about waiting for the baby boomers 15 years out, Social Security is paid for. The taxes are there. We have a surplus, supposedly, of $581 billion. But that $581 billion is not in the desk drawer; it is a little old IOU. We have a surplus in Medicare right this minute, which they are talking about going broke; in Medicare we have a $153 billion surplus. That is paid for. But they are all talking about deficits. Why? Because we are spending it and using this subterfuge of a unified budget, a unified deficit. Until we sober up from that, Mr. President, we are going down, down, down, adding to the debt each year, adding then to the interest cost each year, and then adding to the automatic spending, the spending on automatic pilot at a billion dollars a day. That is spending for absolutely nothing.

If we had been responsible—interest payments were only $75 billion when President Reagan came to town; we have added over $285 billion in interest spending; that $285 billion is what all of the particular negotiating since January has been about—we could have taken defense, research, technology, education, the environment, and all of these particular needs.

Point: We are spending the trust fund money up here in Washington. We are telling the people we are not spending it. "It is unified. Don't worry about it." And we are taking their savings fund and running away with it. And whoever is going to be around here on the bridge to the next century, remember. It is not going to be a bridge. We are going right straight over the cliff.

I yield the floor.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I extend my sincere thanks to the distinguished colleague and fellow Budget Committee Member from South Carolina.

Mr. President, as we begin the discussions today about the emergency supplemental appropriations measure, I thought it would be very important to touch on some of the important issues in this bill that reflect the spending items in the budget of the VA–HUD Independent Agency Subcommittee on which I serve.

The full committee appropriations recommendation includes for the emergency supplemental $3.5 billion for disaster relief for the Federal Emergency Management Agency, or FEMA. In the committee report we have recommended $2.5 billion more than the President's request of $979 million. The amount recommended represents FEMA's current estimate of what is needed to meet the requirements of all disasters currently on the books, and those disasters projected to occur in the balance of fiscal year 1997.

Approximately $1.1 billion of the funds provided are for disasters projected to occur based on the 5-year historical average cost of disaster relief.

The funds recommended, coupled with the $2 billion currently available in FEMA's disaster relief fund, would enable FEMA to meet fully all of the fiscal year 1997 and prior year commitments. Certainly our hearts go out to the people of North Dakota, South Dakota, Minnesota, and other areas stricken by disasters this year. I join with others in commending FEMA for the work that it has done to respond quickly to disasters. For those of us who live in States which have been struck by disasters, we sincerely appreciate the dedicated men and women of FEMA and their ability to respond quickly to those needs.

Having said that, I must notify my colleagues that FEMA's disaster relief expenditures are out of control. The subcommittee has been paying the price time and time again for FEMA's largess. It is as if we had a tanker truck that arrived to put out the fire. It puts out the fire but it leaves all of the valves open. So the water continues to spill out even after the fire is done, and that is what we are funding. We are filling up a tanker truck that still has the valves open. I commend the people for getting the truck there when the fire starts. But we need to get a handle on how much continues to run out after the fire is put out.

In the past 2 years, including this legislation before us today, we have cut almost $12 billion from other VA–HUD programs—principally low-income housing—to pay for FEMA disaster relief. Yet we have learned that these funds have gone to rebuild stadiums, golf courses, yacht harbors, and to replace fully, without any State cost share—partially damaged university hospitals, such as over $400 million in Federal repair costs by FEMA for the UCLA hospital because of the Northridge earthquake. Let me make that point again. Mr. President, we have spent $400 million in Federal repair costs for the UCLA hospital, a very important facility, a revenue-generating facility, and one which, frankly, has a lot more reserves than the U.S. Government.

In the past 2 years, hundreds of millions of dollars have paid for snow removal. There has not been a Federal disaster declaration for snow removal since 1979. I think there is little accountability in the program, and entirely too much discretion to waste taxpayers' dollars.

I also point out to my colleagues that we wouldn't need a supplemental for FEMA today if in 1996 the President's Chief of Staff had not recommended a $1 billion rescission from FEMA during the negotiations on the final bill last year. We knew these funds would be needed, but instead, following the administration's recommendation, Congress rescinded these funds to pay for administration priorities in other areas.

Moreover, equally disturbing is that to offset these FEMA costs, as well as an additional $100 million requested by the President for CDBG, community development block grant emergency funding, the bill would rescind over $4 billion from the programs and activities within the jurisdiction of the VA–HUD appropriations subcommittee, including $3.65 billion from unobligated HUD section 8 contract reserves.

The rescission of $3.65 billion in unobligated section 8 contract reserves places the renewal of section 8 contracts for fiscal year 1998 in jeopardy. As the people at HUD know full well, the cost of section 8 contracts will skyrocket over the next few years. In particular, the VA-HUD fiscal year 1997 Appropriations Act appropriated $3.6 billion to cover the cost of renewing expiring section 8 contracts for fiscal year 1997. The costs of renewing all section 8 contracts for fiscal year 1998, one year later, a total of $1.7 million expiring contracts, many of which are for the elderly and disabled, will require an appropriations of some $10.2 billion in budget authority for fiscal year 1998. The cost of expiring section 8 contracts rises to $11.9 billion in fiscal year 1999, $13.7 billion in fiscal year 2000; $15.1 billion in fiscal year 2001, and $16.4 billion in fiscal year 2002.

Just to go back, in the current year we had to find budget authority for $3.6 billion. For the coming year, $10.2 billion, almost a threefold increase, going up to $11.9 billion, up to $13.7 billion, up to $15.1 billion, up to $16.4 billion.

My colleagues will have a right to ask. Are we paying out that much more because we have that many new section 8 contracts? The answer is no. The answer is no. The answer is that in the past we have provided multiyear contracts for the section 8 program, 20-year contracts, and they built in all of the budget authority—the commitment to spend—in prior years. Because of the budgetary constraints, we have been shortening those. I think the direction from the Budget Committee is they want to get those down to 1 year. That means that we have to pick up the budget authority—the overall obligation to spend the money—in each appropriations cycle.

We have begun these ongoing programs that have built up. We have been spending the money on the programs. But the budget authority was appropriated in prior years. All that budget authority has expired. So we get almost a threefold increase in the budget authority required from the current year to that required for the next year just to keep the same people in the same section 8 houses.

We have done a great deal through this subcommittee working with the authorizing committee to reform HUD. Just recently HUD announced that they were carrying forward a demonstration program to deal with some very significant problems in excess subsidies for multifamily houses—the market-to-market portfolio reengineering process. We are doing all of that. But just to maintain our commitments requires new authority.

I am very pleased that the budget agreement recognizes—the President and the leaders of Congress recognize—that additional budget authority and some outlays have to go into section 8. But given all of that, we are looking at these tremendous increases in the section 8 requirements each year in the budget.

Yet, suddenly HUD, abruptly on April 17, found that it had $5.8 billion in unobligated and excess section 8 contract reserves. I think that is a rather cynical act. They know that we are going to have to spend all of this money. Yet, they offered up the budget authority that was in there already appropriated for them to fund FEMA obligations. When I met with Secretary Cuomo and his staff on March 12, they told me there was probably less than $1 billion in section 8 reserves on hand. The previous year, then Chief of Staff, Mr. Katz, testified that HUD estimated in fiscal year 1996 there was only about less than $.5 billion in excess section 8 contracts reserves.

Nevertheless, on April 17 of this year, in the middle of supplemental appropriations, HUD wakes up and finds not only $3.5 billion in excess unobligated section 8 reserves but it indicates that it will revise its section 8 contract reserve requirements so that there is in excess of $5.8 billion in unobligated reserves. It is a big jump from $460 million to $5.8 billion. That is a big problem, and, once again, it focuses our intention on the questions about management of HUD, an agency which the General Accounting Office has in the past designated as a troubled agency, the only department in the U.S. Government to have that dubious distinction.

The bottom line is that I still have little confidence in HUD's ability to estimate the amount of excess section 8 contract reserves, or its ability to manage the programs.

I do know, however, that there is a vital need to fund the section 8 program next year; that 1.7 million families are depending upon the renewal of section 8 contracts to preserve affordable and decent housing, and many of these are elderly and disabled. For that reason, the supplemental appropriations we are proposing would require HUD to recapture all excess unobligated section 8 reserves and preserve these funds in an account to help this committee fund the section 8 contract renewals next year. That, I think, is critical, Mr. President.

I honestly do not know how much section 8 assistance is unobligated in section 8 contract reserves, and, unfortunately, I don't believe HUD knows. I know that some PHA's, public housing authorities, have section 8 contract reserves and some don't. Mostly, I find it difficult to believe that HUD has audited 3,400 PHA's between March 12 and April 17 to determine, all of a sudden, that there was some $5.8 billion in excess reserves.

I have been a defender of HUD and a defender of the role of the Federal Government as a provider of housing and community development assistance. Yet, my support has been justified on the belief that the department is capable of reform and is capable of providing a meaningful contribution to housing and the community development needs of the Nation.

I will not belabor these issues today other than to say that we are confident that HUD has been shaken once again. We hope that the secretary and his new management team, with the assistance he is bringing in from the outside, will be able to implement a fiscal management system which will avoid these surprises and give the agency and the Congress some idea of how much is out there, what the obligations are, and how much we have built up.

I believe strongly that Federal commitment to section 8 housing must be preserved. Renewing these section 8 contracts is an existing commitment to low-income families in need of affordable, safe, secure housing. But HUD has to be reformed. We cannot find surprises of found money as Congress takes on the serious task of reforming the budget.

Mr. President, I said that we would have some technical amendments that we will offer before the 2:30 deadline. Those are currently being reviewed at the staff level. In consultation, we may be able to get an agreement on them. So I will not offer those at this moment. But we will submit those amendments as soon as they are ready, and prior to the 2:30 deadline.

I yield the floor.

I express my thanks to my distinguished colleague from South Carolina.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

AMENDMENT NO. 57

Mr. HOLLINGS. Mr. President, I think the pending business is an amendment by our distinguished colleague from Minnesota, Senator WELLSTONE, to strike an amendment that was included in the markup of the urgent supplemental at the Appropriations Committee level. I had this included. I think others had it, too. But in my particular instance, it was at the request of a constituent, Hoffman-La Roche, an eminent drug manufacturer, in the city of Florence. They are constructing a facility there now. We are very proud to have them. They are very responsible folks.

This particular issue was dealt with in full debate on the floor of the U.S. Senate last year by the distinguished Senator from Utah, who dealt with the matter of copyright and patent legislation as the chairman of our Judiciary Committee. What really occurred—it is sort of complicated, but what really occurred is there are two different rulings with respect to the longevity of a particular patent. Under the regular law, a patent is granted for 17 years from the date of the issuance of the patent. In the early 1980's, all patents in existence at that time were granted

2 extra years as recognition that the approval process was resulting in much shorter usable life for the patented drugs. In this case the approval process took 11 years. Along came the GATT agreement. Trying to conform to the global competition and the global rule of 20-year patents, we passed a law which allowed a company to choose to operate under the current U.S. system or to operate a patent for 20 years from the date of the filing of the patent. The courts interpreted these two laws in a way that denied Hoffman-La Roche this choice. I, as well as many Members of the Senate including the chairman of the Judiciary Committee, Senator HATCH, know this ruling to be in contravention to the intent of the laws in question and this amendment simply sought to right this wrong.

The drug in question is Toradol. It is a remarkable drug. Of course, it is the pain killing drug with which you can retain total consciousness, and it was administered to the President with his particular knee operation. The patent is to expire on May 16, 1997. As you can guess, the generic drug folks are interested whenever a patent expires, and my intention was to address the generic drug problem. Many a time the generic drug folks, along with consumer organizations, will come and say, "Oh, we can get it much cheaper." On that particular point, there is no question. The question is to not only make profits, but make enough for other reinvestments to make another miracle drug. So, while I have worked and defended the generic movement in our country, from time to time on close study you can see that the manufacturer himself has a cause and a case and it ought to be defended. That was the intent in this particular amendment.

Right to the point, everybody wants to either vote or dispose and move along with the underlying disaster supplemental measure rather than this one particular manufacturer and this one particular drug. Under the circumstances here on the floor, I have not been able to talk in caucus or to my colleagues about it. The fact is, I was told, when I came in this morning, it was being worked out.

Specifically, while we had taken care, I understand, of the drug administered orally with the generic drug folks and consumer groups that called with respect to it, the drug taken intravenously had not been cleared with the generic groups. While we have gone to great lengths to solve all the problems with and get this amendment cleared, we have not been able to do so. It was my hope that we could get the best of both worlds and provide a remedy for a company hurt by a misinterpretation of the law and also get generic competition onto the market faster than it would have without this amendment. That, I thought, was being worked out this morning, but I understand, now, the Senator from Minnesota has not agreed to that.

I will be prepared, under the circumstance here, to withdraw that amendment and not cause the colleagues to vote. But I do not think, technically or parliamentarily, you can withdraw a section of a bill. So I will be glad to go along with the Senator from Minnesota on a voice vote and vote along with him at this particular time, to see if we cannot get this straightened out.

The staff, floor and all, have been anxious. They are trying to move this particular bill. I know Senator STEVENS has been very anxious to do it. I appreciated being included in the Appropriations Committee version. I still think it is with absolute merit. But, under the circumstance, now I am prepared to go along with the motion of the Senator from Minnesota to strike and we will come back in at the appropriate time.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SESSIONS). Without objection, it is so ordered.

AMENDMENT NO. 67

(Purpose: To make technical and clarifying changes to title II, chapter 1 of the bill)

Mr. COCHRAN. Mr. President, I send to the desk an amendment to make technical and clarifying changes to title II, chapter 1 of the bill.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN] proposes an amendment numbered 67.

Mr. COCHRAN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, line 25, strike ", to remain available until expended" after "ters," and insert ", to remain available until expended" after "$18,000,000".

On page 11, line 25, after "disasters" insert "subject to a Presidential or Secretarial declaration".

On page 11, strike all between the word "similar" on line 25 and the word "to" on line 26.

On page 12, line 4, strike "the eligibility" and insert in lieu thereof "gross income and payment limitations".

On page 13, line 13, strike "cropland" and insert in lieu thereof "agricultural land".

On page 13, line 13, strike "cropland" and insert in lieu thereof "agricultural land".

On page 16, line 2, strike "$3,000,000," and insert in lieu thereof "$6,500,000".

Mr. COCHRAN. Mr. President, this amendment, as stated, makes technical and clarifying changes to the agriculture title to the supplemental appropriations bill. The changes have been approved by the ranking Democrat on the committee, Mr. BUMPERS, and the amendment has been cleared on both sides of the aisle.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to the amendment.

The amendment (No. 67) was agreed to.

Mr. COCHRAN. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m., having arrived, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:31 p.m., the Senate recessed until 2:15; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with consideration of the bill.

AMENDMENT NO. 54

The PRESIDING OFFICER. Under the previous agreement, the Senator from Minnesota is reserved 2 minutes 30 seconds.

Mr. GRAMS. Mr. President, we are going to be voting in a few minutes on the Grams-Johnson amendment that will help complement disaster relief efforts currently underway now in my home State of Minnesota, as well as North and South Dakota, by making it easier for farmers, homeowners, small businesses and local governments to help rebuild from the devastation that has been brought on by the floods.

Our amendment, simply put, will permit Federal regulators to provide temporary and targeted modifications to current banking regulations. It will permit homeowners, farmers, and small businesses to have faster access to a larger pool of credit. It will also help banks and credit unions to reopen their doors faster to serve their communities.

Also, Mr. President, the Grams-Johnson amendment is supported by the

Treasury Department, the Federal Reserve Board, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, and also the National Credit Union Administration.

Mr. President, I ask unanimous consent that a letter from NCUA in support of the amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL CREDIT UNION
ADMINISTRATION,
Alexandria, VA, May 5, 1997.

Hon. ROD GRAMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR GRAMS: Thank you for the opportunity to review the Depository Institution Disaster Relief Act of 1997 (S. 652). I want to applaud you and Senator Tim Johnson for introducing this disaster relief legislation and NCUA supports its quick passage.

The legislation is similar to bills passed by Congress in 1992 (P.L. 102–485) and 1993 (P.L. 103–76) to address the devastation wrought by natural disasters and make credit more easily available to farmers, homeowners and others through temporary exceptions in the Truth in Lending Act and Expedited Funds Availability Act, among others. Just last Friday, the NCUA Board took action to waive the requirement that natural person credit unions and corporate credit unions establish reserves on total loans of up to $50 million that will be made to members in disaster areas. We believe this policy change will enable credit unions to make loans at well below market rate.

The NCUA Board's recent action and already announced policy of postponing scheduled examinations, encouraging loans with special terms as well as reduced documentation and guaranteeing lines of credit through the National Credit Union Share Insurance Fund and the Central Liquidity Facility, dovetails your legislative efforts and hopefully will provide a measure of relief to credit unions and their members in Minnesota, North Dakota and South Dakota affected by the catastrophic flooding. Thank you again for the opportunity to comment on S. 652.

Sincerely,

NORMAN E. D'AMOURS,
Chairman.

Mr. GRAMS. Mr. President, the Grams-Johnson amendment has the support of the Senate Banking Committee chairman and ranking member.

I ask unanimous consent that Senator D'AMATO, Senator DASCHLE, and Senator BOND be added as cosponsors to this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, when I served in the House of Representatives, I authored similar legislation back in 1993 during the Mississippi River flooding. My legislation then received bipartisan support. It was signed into law by President Clinton as part of the supplemental appropriations bill for disaster relief. Since this legislation worked well to help those flooded communities rebuild in 1993, I urge my colleagues to support it today.

Mr. D'AMATO. Mr. President, I rise in support of the amendment offered by Senator GRAMS and Senator JOHNSON. I am pleased to be a cosponsor.

Mr. President, the Congress is moving swiftly to provide emergency assistance to the victims of the winter flooding in Minnesota, and North and South Dakota. The Supplemental is an appropriate and compassionate response by the administration and the Congress to the suffering of our fellow citizens.

Mr. President, this amendment addresses some of the important regulatory steps that can be taken to expedite overall efforts by communities, families, homeowners, farmers, and small businesses to recover from the devastation of the floods. This amendment would authorize the Federal financial regulators to make temporary exceptions to various Federal laws in order to maximize the availability of credit in these flood afflicted areas and expedite its delivery. The amendment will complement measures already instituted by some of the regulators to deal with financial stress in the flooded area. For example, the Federal Reserve Board has indicated that it may be appropriate for lenders to ease credit terms and restructure debts in certain cases. It is similar to legislation approved by Congress in 1992 and 1993.

Mr. President, I commend Senator GRAMS and Senator JOHNSON for developing this amendment and urge support for this helpful addition to overall flood relief efforts.

Mr. GRAMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have previously been ordered.

Under the previous order, the Senator from Minnesota has 25 seconds remaining.

Mr. GRAMS. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 54, offered by the Senator from Minnesota.

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Texas [Mrs. HUTCHISON], is necessarily absent.

Mr. FORD. I announce that the Senator from New Mexico [Mr. BINGAMAN], is necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 56 Leg.]

YEAS—98

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NOT VOTING—2

Bingaman
Hutchison

The amendment (No. 54) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 57

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have an agreement on the floor. Let me thank especially Senator HOLLINGS from South Carolina for his assistance.

Mr. President, I want to give a little bit of context for this amendment because I think it is important for people to know what has happened and what had to happen. This is about Toradol, which is manufactured by the Hoffman-La Roche Co.

By the way, I would like to thank the company. We had a very good discussion in my office yesterday with my staff. I appreciate their coming by. I understand exactly what they have been trying to do.

Also, Mr. President, I want to make it clear that this went through the process. This was an effort that many people thought was a worthy one. So this is not a bashing on my part at all.

Mr. President, the problem is as follows: This drug is an anti-inflammatory drug; very important. It can be taken orally, or it can be injected—very important—dealing with, for example, postoperative pain. It is a very important medication for pain reduction. About two-thirds to 80 percent of the market was in the injectable form.

The effort in this supplemental appropriations bill was to go ahead with a 14-month patent extension, which would have been for 14 months of market exclusivity for Toradol, this one drug. That means there would have been only one drug available; no alternatives. There is every reason to believe that, as a matter of fact, there is a generic alternative which would have been the same kind of assistance for people but at much less cost.

Mr. President, when we were making some projections about this, we felt that, on the basis of looking at the data, this would have been about a $350 million cost for consumers. I felt as a Senator that the one party that was left out of the negotiations was the consumer. I could say with a twinkle in my eye, in many ways I have always tried to be a Senator that pushes hard on the consumer end. While I think the company—I want to make this clear—Hoffman-La Roche Company has made some important arguments about the delays in getting drug approval, about some of the problems it had with GATT, and all of the rest, the fact of the matter is—this was my perspective, and this is the consumers' perspective—a 14-month patent extension would have been maybe $50 million to $60 million—maybe it was the injectable part, two-thirds of that—in additional cost passed on to consumers. I think we ought to be doing our very best to make sure that we get this kind of medication to consumers in the most cost-effective way possible.

So, Mr. President, I think the only unfortunate part was—not the process; I think people worked hard, and they worked in good faith—but I don't think there was the representation for the consumers.

This amendment knocks out this patent extension. Senator HOLLINGS joins me in this amendment. We agreed. I believe that Senators on both sides of the aisle are now comfortable with this agreement. This amendment knocks out that patent extension. I think this is the right thing to do for consumers.

This was an amendment that I offered for consumers in Minnesota and consumers in the country. I am very pleased that now, after some negotiation and discussion, we have agreement on this on the floor of the Senate.

I understand the position of the pharmaceutical companies in this particular case. Again, I appreciate their work. But ultimately I think my job is to represent not so much the pharmaceutical companies but the consumers. On this point, I think there was divergent interest. I wanted to come down on the side of consumers. I am really pleased that Senator HOLLINGS and other Senators have joined in this effort.

Mr. President, with that, I yield the floor. We can go further. I think we can proceed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I apologize to the Chair. I had a discussion about further proceedings.

Which amendment did the Senator call up?

The PRESIDING OFFICER. Amendment No. 57 by the Senator from Minnesota.

Mr. STEVENS. Thank you, very much.

I now have a copy of it. It is my understanding that the Senator from South Carolina is not going to object to this at this time. I will not oppose the amendment either. But I do want to say that, as a result of the amendment of the Senator from South Carolina, there have been a series of pharmaceutical groups that contacted us concerning the inequities of the long delay in the processing of Federal permits for the pharmaceuticals in this country. I believe this is a matter that should be taken care of in the legislative proposal, but, if it is not, we will address it further this year in the Appropriations Committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota.

The amendment (No. 57) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. WELLSTONE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I am informed that 110 amendments have been filed to this bill. We have assigned task forces from the staffs of the various subcommittees to review those amendments.

Mr. President, we will notify Members if we find amendments we would object to. But I ask all Members to notify us when they would like to call up their amendments. It is the leadership's hope that this bill will be finished by tomorrow evening. Obviously, with 110 amendments, it is going to be a long night. But I would appreciate it if we could have some idea of when those amendments would be called up. I am hopeful they will be called up soon.

AMENDMENT NO. 143

(Purpose: To provide for dredging and snagging and clearing of the Truckee and San Joaquin Rivers and the dredging of shoaling on the Chena River)

Mr. STEVENS. Mr. President, I ask the clerk to lay before the Senate amendment No. 143.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. REID, proposes an amendment numbered 143.

On page 18, line 15, following "fund:" insert the following: "*Provided*, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the federal Chena River Flood Control Facility:".

Mr. STEVENS. Mr. President, this is a direct use of funds that are already available. There is no budgetary impact on it. It deals with issues that the corps has informed us it needs authority for in three States. It has been cleared on both sides.

I urge adoption of the amendment.

Mr. LAUTENBERG. Mr. President, we have no objection on the Democratic side.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Nevada.

The amendment (No. 143) was agreed to.

Mr. STEVENS. Mr. President, I want to state that this amendment is by the Senator from Nevada that I called up. So it is not my amendment.

The PRESIDING OFFICER. The RECORD will be corrected to show that the amendment just agreed to was offered by the Senator from Nevada.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move that that motion be laid on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Would the Chair inform the Senator from Nevada what the pending business is.

The PRESIDING OFFICER. There is no pending amendment.

AMENDMENT NO. 171

(Purpose: To substitute for the Endangered Species Act waiver a provision agreed to in the House Appropriations Committee)

Mr. REID. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself and Mr. BAUCUS, proposes an amendment numbered 171.

Mr. REID. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46

California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

Mr. STEVENS. Will the Senator yield?

Mr. REID. I am happy to yield to the Senator.

Mr. STEVENS. I seek to inquire whether the Senator would be willing to enter into a time agreement on his motion to strike?

Mr. REID. Yes, I would. The ranking member of the committee wishes to speak. Other than that, I had no requests for time.

What does the manager of the bill suggest?

Mr. STEVENS. I am sure there are others interested in speaking. We have 110 amendments pending, so I will try to seek a time agreement on each amendment. I will defer this for a few moments until others involved are here. I would like to enter into a time agreement to vote on this amendment no later than 5:30, if possible.

Mr. REID. I will begin debate, I say to the distinguished chairman of the full committee, and while I am doing this, you will have the Cloakroom call to see how much time the ranking member and others wish to speak.

Mr. STEVENS. Mr. President, we will contact Members to talk about that.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VISIT TO THE SENATE BY THE PRESIDENT OF THE COLOMBIAN NATIONAL SENATE

Mr. GRAHAM. Mr. President, I introduce to the Senate the President of the Colombian National Senate, Senator Luis Londono.

RECESS

Mr. GRAHAM. Mr. President, I ask unanimous consent that the Senate stand in recess so Members might meet our friend from Colombia.

There being no objection, the Senate, at 3:59 p.m., recessed until 4:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GORTON).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. Who seeks recognition?

AMENDMENT NO. 171

Mr. REID. Mr. President, during the quorum call, and others matters that have taken place in the last few minutes, I have had the opportunity to speak in some detail with the chairman of the Environmental and Public Works Committee. He indicates to me that in the last little while serious negotiations have been undertaken with the administration and others interested in this problem that is now before the Senate. As a result of that, the chairman of the committee feels that this matter can be resolved. That being the case, I will at this time indicate to the manager of the bill that I am not going to proceed further. I will leave my amendment pending with the anticipation that we can work something out. I hope so.

I also say to my friend that we will probably need an hour and a half on this side if, in fact, we can't resolve this matter. But we can worry about that at some later time. That being the case, unless the manager has something else——

Mr. STEVENS. Mr. President, I regret that we can't seem to get much going here. The administration now has the Endangered Species Act amendment under review, the amendment pertaining to the sense of the Senate is under review, and the amendment pertaining to S. 2477 is under review. I would like to find out what is going on down there in that three-ring circus so we might get this bill going. I understand the Senator wants an hour and a half, but we will have a cloture motion tomorrow, apparently. It will be this Senator's recommendation, if we can't get this bill going, let's go out and then come back tomorrow and vote cloture. I was told I am trying to hold up this bill. I was told that last week. We have been on the floor here for 2 days. I am perfectly willing to go ahead with amendments—amendments even to strike provisions we put in the bill. We are not holding up this bill.

If we need a cloture motion to limit all debate, then I say the Senate should vote cloture tomorrow and do that. I am not addressing this to my good friend from Nevada. I understand what he is doing. There is a substantial possibility that it may be worked out with the administration. But I am not sure the administration has the urgency we seem to want to have for this bill. Mr. President, my recommendation to the leader is that if we don't get going here this afternoon, let's go out at 5 o'clock and come back tomorrow and get cloture. Then I know amendments will be voted on in orderly sequence. If we don't get cloture, we will understand, and the people from the disaster area will understand who wants the bill and who doesn't. I am very disturbed about this delay, as a matter of fact.

Mr. REID. Mr. President, I say to my friend from Alaska, that is why I am here. I wanted to move this thing along. Nevada is one of the 22 States that benefits from this legislation. We had a very serious problem around the first of the year with flooding. So I acknowledge the seriousness of this.

I say to my friend from Alaska, if there were a cloture motion filed, I would vote to invoke cloture. I think that we do have to move this thing along, and that is the reason I am here. But with my having spoken to the chairman of the full committee, I think it is appropriate that I give him every opportunity he can to see if something can be worked out.

Mr. STEVENS. If the Senator will yield, I meant no inference to the Senator from Nevada. He has been most cooperative. We just adopted his amendment by a voice vote because he was so cooperative in working out the terms of that amendment. I am sure we can go forward with his presentation now. But, clearly, without regard to the two of us on the floor now, the delays are taking place off the floor. I think it is time that we get the word out that we are just not going to sit around all day waiting for people to come to the floor. We still have the prerogative of going to third reading and cutting off all amendments.

Mr. REID. Mr. President, if I could respond, I haven't managed nearly the number of bills that my friend from Alaska has, but I have managed some bills, being a member of the Appropriations Committee and in other responsibilities I have had. I acknowledge that there are very few things in life more frustrating than being here, having a lot of work to do, and nobody shows up here. So I understand the feelings of the manager of this bill, the chairman of the full Appropriations Committee. This is important legislation. If we can't resolve this endangered species matter, let's bring it up, vote on it and get on to something else.

Having said that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, my colleague on the Appropriations Committee, the Senator from Nevada, was on the floor just a few moments ago to discuss a provision on an amendment that the chairman and other members of the committee helped me place in this supplemental appropriations that really is a critical issue when it comes to dealing with flooded areas and flood victims, and the rebuilding of structures as it relates to floods along many of the rivers of our country.

What we are finding out in Idaho is that, in certain instances, it is very difficult to rebuild the levy to once again provide that critical barrier between the human species and his or her property and an endangered species, in this instance because agencies simply can't agree. And, as a result, we go into these extended periods of consultation when the flood waters may be rising again, and the dike or the levy simply doesn't get built because there is not the opportunity, vis-a-vis the Endangered Species Act, to act immediately and quickly and responsibly to deal with these issues. We have found that in Idaho.

I think the folks in North Dakota and the folks along the Ohio are going to be finding that out very quickly now as the flood waters recede and they begin to look at rebuilding along the rivers and making some of the corrections necessary, and doing so in a quick and timely fashion, in this instance potentially preparing for an additional runoff. That has happened in Idaho because we have had early floods in the first week of January. Several of my counties were subject to the 100-year flood. My hometown of Midvale was under 4 feet of water. Those communities and the Federal agencies responded very quickly to build back those levies immediately, and were able to do so in almost all instances. But in St. Mary's, ID, where a flood occurred in 1996 in the winter in February, here we had actual construction of a levy stopped by the U.S. Fish and Wildlife Service because they said that EPA and the community failed to respond to the Endangered Species Act.

It is also interesting that in the delta area of California, Senators from California asked the Assistant Secretary of Interior to waive certain provisions so that citizens in that area could respond immediately, and, of course, that was done. The frustration often comes then when the agencies then step in after the fact and require very, very expensive and extremely costly mitigation. For example, in the area of St. Mary's, the U.S. Fish and Wildlife Service is suggesting maybe $100,000 worth of mitigation, maybe 30-plus additional acres of habitat needing to be replaced, even though in all instances there appeared to be adequate habitat in the area.

My provision in this bill, that the Senator from Nevada speaks of and is attempting to strike, covers only natural disasters and threats to public safety that occurred in 1996 and 1997. It eliminates the lengthy and unnecessary delay to flood control efforts. It is designed to allow Federal agencies and local communities to respond to human safety, to protect human life and to protect private property, and to protect those as the first line of defense in a flood and in the aftermath of a flood.

Eligible flood control projects are not required to consult prior to emergency efforts. In other words, the Senator from Nevada was referring to a provision that the House committee put in which said that, if it were a declared disaster—what I am suggesting is that, if the water is rising at an unprecedented rate and the local community and the flood control district think they needed to add another foot to the top of the levy, they can do so because it is an impending emergency. Right now it is impossible to do that, if by doing so they might damage habitat, or something that a Federal agency would declare to be a threatened habitat, or I should say a habitat that was threatened—obviously, an endangered species. What we are talking about is the ability to respond quickly. That is why this provision that I am talking about is in the bill.

My colleague, Senator KEMPTHORNE, has for the last good number of years worked overtime to try to produce a responsive reauthorization of the Endangered Species Act. He continues to do that. We are consulting now on adjustments and changes in this provision in the supplemental. My staff has met with JOHN CHAFEE's staff and Senator KEMPTHORNE's staff to try to work out these differences so that we can have this kind of timely response. It is critically necessary.

I cannot believe that the Senate of the United States would not say that human life and private property at a time of impending emergency or at the time of the declaration of emergency should not be protected and responded to in a timely fashion, and not to have to worry about an agency coming in afterwards, and saying, "Well, now you are going to have to spend hundreds of thousands of dollars to mitigate." Communities will respond. They will want to assure that that habitat is sound. But, first and foremost, they ought to have the right that they have always had in this country to protect themselves and their property. I don't care. The area in North Dakota ought to have that right. They ought not have to call Washington, DC, and the Fish and Wildlife Service, and say, "What may we do? We have private property and homes to protect, and we are going to ask you to spend 48 hours a week deciding what we may or may not do." That kind of time does not happen in an emergency environment.

I would also look at eligible flood control projects and allow them to perform restructuring and operation and maintenance directly related to the natural disasters or an imminent safety threat. That is what we are talking about here.

I will work, as we have. We spent yesterday and most of today with the chairman of the Environment and Public Works Committee, and the subcommittee chairman, Senator KEMPTHORNE, my colleague, to see if we can resolve this issue in the best interests. Certainly, I want to work with the Senator from Nevada on this issue to resolve it. But we are not going to create loopholes, nor are we going to let Federal agencies stand in the way of timely response to the private citizens and their need for protection of their person and their property. That is clearly the intent of the provision that is within the supplemental at this time. I cannot accept changes in that unless they have as their initial premise that very kind of thing. We just do not need to get at the business of a lengthy process here. That comes and always will come at a time when we can approach it much differently than the declared emergency, or the impending emergency that comes with the crisis.

We have so hamstrung the citizens of our country by laws that simply disallow them the right to protect themselves and to respond in a timely way. It is amazing to me—that very incident, in my opinion, that happened in the north end of my State in the last couple of months, as we knew we were headed into a runoff season of the year when that river and those dikes needed to be completed and, yet, we really saw a ho-hum attitude on the part of the agencies and a shutdown of operations that resulted in the dike not being prepared in a timely way.

That is the intent. Mr. President, we are working to resolve this issue. I hope we can do so. But for the time being, the language that is in the bill is important language and it meets the need that many in the House wanted, and that, obviously, many in the Senate believe are necessary also.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 56, AS MODIFIED

(Purpose: To authorize the Secretary of Defense to enter into a lease of property for the Defense Finance and Accounting Service at Lexington Blue Grass Station, Lexington, Kentucky)

Mr. STEVENS. Mr. President, yesterday we adopted an amendment that was presented by the Senators from Kentucky, Senators FORD and MCCONNELL.

Last evening that amendment was reviewed by the Department of Defense, and they have asked for one very technical correction. We have an understanding with them. It has been agreed to on both sides.

I send the modified amendment to the desk, and I ask unanimous consent that it be in order to present this amendment to be a substitute for the amendment that was adopted yesterday.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. FORD and Mr. MCCONNELL, proposes an amendment numbered 56, as modified.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) The Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERMS.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purposes of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an opinion provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) LIMITATION ON CERTAIN ACTIVITIES.—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in such fiscal year.

Mr. STEVENS. Mr. President, this really deletes a provision, as I said, "notwithstanding any other provision of law." It was technically not necessary, and the department did not wish that to be permanent law.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 56), as modified, was agreed to.

Mr. STEVENS. Have I substituted that completely for the amendment that was agreed to yesterday?

The PRESIDING OFFICER. Without objection, the amendment numbered 56 will be so modified.

Mr. STEVENS. We will delete the amendment that we agreed to yesterday?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment, as modified, was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 173

(Purpose: To make a technical correction to the fiscal year 1997 VA–HUD and Independent Agencies Appropriations Act concerning EPA State grants)

Mr. STEVENS. Mr. President, I have another amendment. It is a technical correction to the 1997 Veterans Administration and Housing and Urban Development appropriations bill as it relates to EPA State and tribal assistance grant account.

The language in this amendment ensures that should the EPA be required to take over a State environmental program grant, funds otherwise provided to the State would be available to EPA for administering the program.

This language represents no change in policy or procedure, and is deemed by the committee to be a technical amendment to existing law. It is an amendment presented in behalf of the chairman of the subcommittee, Mr. BOND.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BOND, proposes an amendment numbered 173.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title III, Chapter 10, add the following new section:

SEC. . The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to states and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal government of a program required by law in the absence of an acceptable State or tribal program.

Mr. STEVENS. I ask for the adoption of the amendment.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 173) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 174

(Purpose: To authorize the Environmental Protection Agency to make grants to the city of Bay City, Michigan, for environmental remediation, using funds previously appropriated for the Center for Ecology Research and Training)

Mr. STEVENS. Mr. President, I have another amendment which I shall send to the desk. It authorizes the EPA to make grants from funds previously appropriated for an EPA lab in Bay City, MI, all but 11 of which were rescinded in 1995, to the city of Bay City for environmental remediation after all claims are settled from the funds that are available.

Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM, proposes an amendment numbered 174.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title III, Chapter 10, add the following new section.

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

Mr. STEVENS. Mr. President, this is a technical amendment but does make available to the city of Bay City for environmental remediation the funds remaining available in the grant that was previously made.

Mr. ABRAHAM. Mr. President, today I join with Senator LEVIN to introduce an amendment which will help close the door on the canceled Center for

Ecology Research and Training [CERT], and end a difficult chapter for the city of Bay City, MI.

In the late 1980's, the Environmental Protection Agency [EPA] was working to develop a new laboratory to study land and marine ecosystems. After much consideration, Bay City, MI, was ultimately chosen as the location for this facility, and Congress appropriated over $100 million for the center's construction.

EPA, however, moved slowly on the CERT construction. After 5 years, only a small portion of the appropriated funds had been spent. Thus, CERT was still a long way from realization and became an easy target when the fiscal year 1996 rescission was considered. After considerable congressional debate, the project was canceled and almost all the remaining funds were rescinded.

Today, approximately $5.2 million of the already appropriated funds remain. These moneys are set aside for the EPA to settle CERT-related claims. In addition, as part of the arrangement to settle claims, EPA verbally agreed to direct the moneys remaining after all claims have been settled to the city of Bay City in the form of environmental grants. At present, however, there is no language which directs EPA to carry out this pledge, and if EPA is not given explicit direction, it will likely reprogram the funds. This language is needed, therefore, to instruct the EPA as to how the remaining funds will be spent.

The amendment offered by Senator LEVIN and me will permit Bay City to clean and restore the area to a level acceptable to the Michigan Department of Environmental Quality. Mr. President, this legislation is very important to Bay City. The loss of CERT was a great blow to the city. Bay City needs to heal the wound that is this promised but unfinished facility. It is my hope that this legislation will bring closure to this unfortunate affair.

Mr. President, I yield the floor.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 174) was agreed to.

Mr. STEVENS. I move to reconsider and I move the motion to reconsider be laid upon the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, those were amendments that were previously filed in the 110 that were filed for cloture. We have cleared those. We will clear amendments as they are brought to us if they are technical in nature, but those should be deleted from the amendments eligible for consideration after cloture.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I stated before that if we did not have a substantive amendment before the Senate before 5 o'clock, we would go into a period for morning business. After consultation with the leader, I announce that we will go into a period of morning business in just a few minutes. It will be the intention of the leadership to have a cloture vote at 9:30 a.m. tomorrow. We will proceed to see how we can move forward with this bill at that time.

It will be the policy of the leadership, and I support this policy, to not wait any longer for these amendments. There are too many side conferences going on, Mr. President, and there is no reason to wait all night for the possibility that we may have an amendment cleared for action this evening.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. Mr. President, the leader will determine at a later time today the actual time of convening tomorrow. But I am reminded that Members should have their second-degree amendments, to the amendments that have already been filed, filed before the 9:30 a.m. vote tomorrow. I announce on behalf of the leadership, there will be no further votes today.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

DISTINGUISHED CITIZEN OF THE YEAR, DR. ERNEST TOMASI

Mr. LEAHY. Madam President, earlier this year, the Sunday Rutland Herald and Sunday Times Argus had an article about a fellow Montpelier neighbor, Dr. Ernest Tomasi. Dr. Tomasi was named the distinguished citizen of the year by the Montpelier Rotary Club.

Madam President, I have known Dr. Tomasi my whole life. And my parents knew him even before I did. He is a remarkable man, and probably one of the last examples of a country doctor, even though he has always practiced in our capital city.

Dr. Tomasi, a man very proud of his Italian heritage, as was my late mother, was one who would make sure that everybody who needed a physician received that physician's care.

So many times people would come to him telling him that they could not afford a doctor's care but needed a doctor's care. They always got it. It would be remarkable if somebody were able to tally up all the people of central Vermont who were cared for by him but never received a bill because they could not pay for it.

I also think of the number of times as a youngster seeing him going out making house calls, and then even in later years, even after I became a U.S. Senator, seeing Dr. Tomasi with his battered bag heading off for house calls.

It was my privilege to see him in 1994, when he went back for the 50th anniversary of D-Day. He had landed on Normandy as a young medic and, as he said, was one of the only ones who went ashore without guns. He also tells some pretty horrific stories of what happened to the people who were landing. It was a mark of his bravery that even though he earned the Silver Star, the Bronze Star, the Purple Heart, and a Presidential Citation, this was never a part of his conversation, and only reluctantly did he go back for the 50th anniversary.

My wife and I had a chance to talk with him on different occasions while he was there. He was one of the brave, brave people President Clinton and General Shalikashvili and others referred to at that celebration.

Madam President, I ask unanimous consent that the article "Longtime Doctor Named Rotary's Citizen Of Year" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LONGTIME DOCTOR NAMED ROTARY'S CITIZEN OF YEAR

(By Art Edelstein)

Dr. Ernest Tomasi's medical office on Barre Street could well be the setting for a Norman Rockwell painting: The suite of rooms does not sparkle in medicinal white, there are no secretaries behind glass partitions, and the examining tables are from a bygone era.

But Tomasi can be forgiven the lack of high technology. Now semi-retired, he has practiced medicine locally for 50 years, delivering at least 1,000 babies. Along the way, he raised six of his own children, treated many patients without taking a fee and contributed to innumerable volunteer efforts.

His career has not gone unnoticed. Earlier this month, Tomasi received the Montpelier Rotary Club's Distinguished Citizen of the Year award for his many years of service to the community.

Tomasi, who turns 83 at the end of February, is a cheery man who doesn't boast about his formidable medical career and his years in the armed services.

"I think the fact that he has continued to practice medicine and is an old-style doctor interested in his patients first made him a great candidate," said Rotary President Roderic Sherman. "He is an outstanding example of good deeds."

"He has been providing services to anyone needing medical help for 50 years," said David Pinkham, who chaired the selection committee. "Dr. Tomasi provides services for barter, or free. He is an example of somebody doing something for others."

A Montpelier native, Tomasi graduated from St. Michael's high school on Barre Street, and from the University of Vermont medical school in 1942. After interning for a year in Waterbury, Conn., where he met his wife, he joined the U.S. Army.

Tomasi doesn't like to talk much about his role as a member of the D-Day invasion force that landed on the Normandy coast of France on June 6, 1944. He said his team of medics were brave men. "They were the only ones who went ashore without guns," he said.

Tomasi earned the Silver Star, Bronze Star, Purple Heart and the Presidential Citation.

Tomasi travelled back to France to celebrate the 50th anniversary of D-Day in 1994. The trip, paid for by his colleagues at the Central Vermont Hospital, brought back painful memories of his war years. "It was so horrible. I saw a lot of soldiers die," he said.

"I didn't want to go back to Omaha Beach; there were too many bad memories."

But there were some better memories of his tour of duty in Europe that he can smile about. In 1944, after the Allies began defeating the Germans, Tomasi and his unit liberated the first town on the German border near the Elbe River. There he delivered a baby girl. Years later he received a letter from that child when she became an adult.

"He doesn't talk much, especially about his trip to Europe in 1994," said his wife of 50 years, Barbara Tomasi. "He landed and all these boys around him were killed. Going back to the beach and cemetery were emotional."

While the war was an unpleasant experience, Tomasi did not shirk his responsibilities to his fellow veterans. He has been an active member of the American Legion and Veterans of Foreign Wars and has served as the Post doctor for 30 years.

After the war, Tomasi returned to Montpelier to practice medicine. He has witnessed many changes in the medical profession in his half-century of practice.

"It's all changing too fast," he said. "I wish I could live long enough to see how it comes out."

A surgeon, he no longer performs operations but continues to assist in them.

Tomasi began scaling back on his practice in 1994. Before then, his wife said, he kept a grueling schedule.

"He would work from 8 in the morning until 11 or midnight with a supper break," she said. "He did this until three years ago when he cut back on patients. He still makes occasional house calls."

Adera White, a friend and former nurse, said Tomasi is a special doctor.

"Through medicine, he's done much. He would treat people and not get paid; for years he never sent bills to any of his patients," she said. "Whoever felt they could pay, paid him. He wasn't in it for the money, that's for sure."

While Tomasi said he is thinking about retiring from medicine, his wife doubts he will quit his life's work.

"This is the only thing he has; he is devoted to his patients," she said. "He loves sports, but never had any hobbies. * * * I don't think he will ever retire."

TRIBUTE TO WALTER "PEANUT" KENNEDY

Mr. LEAHY. Mr. President, Walter "Peanut" Kennedy, the late Speaker of the House of Representatives came from the district of Chelsea, VT. They used a version of Vermont's old mountain rule. In a local form, mountain rule came from the town's unwritten agreement that State representatives alternate between the sides of the mountain that divided the town at every biennial election. It was about as good a reason for term limits as many I have heard argued on this floor in recent years.

It followed the real mountain rule in Vermont which alternated Governors from one side of the Green Mountains to the other side. Madam President, the Governor would come from the eastern side of the mountains in one election cycle and then from the western side in the next. Of course, they were all Republicans so it worked out very well throughout those years.

Since the town was overwhelmingly Republican and the candidate from either side of the mountain could not hope to succeed under any other party preference—the tradition more or less held until reapportionment of the legislature along the one man-one vote decision of the U.S. Supreme Court changed the nature of Vermont's system forever.

I preface my remarks today with this brief history so that you can appreciate the background from which this rough hewn, shrewd, humorous, and eminently fair gentleman rose to become a legislator, Speaker of the House, and his party's candidate for Governor in 1974.

With Peanut Kennedy's passing, we close the book on a period in Vermont when character, common sense, and honesty were alone sufficient to insure personal triumph and political success.

Peanut sold used cars—and they weren't all good cars. He would tell his customers—especially enthusiastic young farm boys who were making their first major purchase with hard earned money—to look beyond the flashy chrome and white wall tires. If necessary, he would further curb their enthusiasm by suggesting the vehicle had an estimated lifespan of the distance to the grocery store a half mile down the road.

Those were cars he kept on the lot only to have the pleasure of selling them to folks like you and me who could afford a lesson in the perils of used car negotiations.

"You don't want this car," he would finally tell a local customer and move him toward another part of the lot.

Peanut, rising to the chairmanship of the House Highway Committee, then Speaker and finally rewarded as his party's gubernatorial candidate, was rarely addressed as Walter. He retained his earthy sense of humor and Yankee mannerisms, offensive to the few—loved by the many. He was an antecedent of political correctness—fixed in his ways, colorful in his language, and prone to startle constituents, legislators, Governors and lobbyists with the frankness of his responses.

He hated ad hoc committees which he said were merely ways for political leaders to transfer decision malting responsibility to another body.

"Ad hoc," he once challenged a leader of his own party on the House floor, "Sounds like someone clearing his throat."

He once publicly described a Governor, who was concerned over a prolonged and politically debilitating debate over enacting his proposal for a sales tax as "nervous as a whore in church," over the prospects of passing his legislation. Kennedy never doubted the tax would be enacted, once the talking was over and the nervous legislators regained their courage to an unpopular, but necessary broad based tax to finance State government programs.

He was never a man to go off the record, he was never a man to go against his word.

When he ran for Governor in 1974 he traveled through southern Vermont extensively for the first time in years and became aware of the change taking place as a result of a revolution in transportation systems—many of which he had helped put in motion himself from Montpelier.

I think it was the first time he realized that Vermont was changing so dramatically from the community or farms and small, self-governing communities that settled problems at town meetings and pot luck suppers.

"It's not Vermont anymore," he told friends. The visit seemed to inhibit his candidacy and he failed to give Vermont a spirited campaign against a popular incumbent.

I traveled with Peanut Kennedy when he ran for Governor in 1974, and is probably an indication of the bipartisan nature of the man. Even though he was running for Governor on the Republican ticket, I for the Senate on the Democratic ticket, we would have occasions just because we wanted to be in each other's company that we would ride together from one function to another.

He had his big old black Imperial. I would hop in the car with him. Somebody would drive my car along behind. And I would be laughing so hard by the time I would get to the next place, I could barely remember my own lines as he would tell one story after another.

At home, with his wife Sylvia, he was a very private man and devoted husband. Vermonters shared his grief over the tragic death of his son in a fire. After the election in 1973, Kennedy returned to his business and quietly retired from the political arena which had taken him so far. But the State had changed and Peanut's beliefs and principles were too deeply ingrained.

Out State has lost a great public servant, and to those of us fortunate enough to have known him a great friend as well.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

UNANIMOUS-CONSENT AGREEMENTS—S. 672

Mr. STEVENS. Madam President, I wish to modify the previous statement I have made. And I now ask unanimous consent that the vote on the cloture motion take place at 10 a.m., tomorrow.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

Mr. STEVENS. Madam President, the Senate will be convening at 9:30—the majority leader will handle that part of it—but I ask unanimous consent that the time between the convening at 9:30 and 10 o'clock be divided equally between the Senator from West Virginia and myself.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Madam President, I ask unanimous consent that second-degree amendments must be filed before the hour of 10 a.m., before the hour of the cloture vote, that is, the second-degree amendments to the amendments that have been filed.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. STEVENS. So we are clear, now we will stay in a period of routine morning business, Madam President, under the previous unanimous-consent agreement until the leader decides to go through the closing procedure.

But just to make certain, that is the order of the Senate now, that we are in morning business with Senators permitted to speak for up to 5 minutes each?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, would you indicate what the pending business is.

The PRESIDING OFFICER. The Senate is in morning business.

SUICIDE IN AMERICA

Mr. REID. Madam President, in the wrap-up, in the final business that will take place here today, Senate Resolution 84 will pass. This is a resolution that deals with suicide prevention. Currently, there are 31,000 suicides every year in the United States; 83 people a day kill themselves.

I made some remarks earlier today that will be in the RECORD of the Senate on this subject. I just want to express my appreciation to those that are sponsoring this resolution. It is a bipartisan resolution. Senator COVERDELL has been the lead Republican on this issue. Madam President, he is the lead sponsor on this because in his State there is a very courageous man, a man named Jerry Weyrauch. Jerry is leading a national effort in this country to draw attention to this issue. He is doing it after having gone through the trauma of losing his daughter by suicide.

Suicide is something that affects many people. As indicated, 31,000 people a year kill themselves in this country. In my Senate office here in Washington, about 2 months ago, during a period of 4 weeks, three of my employees had relatives that killed themselves. One was an 11-year-old boy that hanged himself.

Suicide is something we have learned can be avoided. I became vocal about suicide after having participated in a hearing before the Senate Aging Committee last year. Mike Wallace, a person those of us in Government hate to get a call from, appeared before our Aging Committee. The hearing was on senior depression. Mike Wallace, in my opinion, Madam President, showed a lot of courage when he came before our committee and acknowledged—this very articulate TV personality appeared before our committee with a lot of humility—there were times in his life when he felt like he wanted to die, he was so depressed. The message he gave our committee was that there was no reason for him to feel this way. With a little bit of counseling and some medication, his life was changed.

It was at that hearing that I said to myself, and I indicated publicly, that it was time I acknowledged the fact that my father killed himself. It was something our family was embarrassed about, maybe even a little ashamed about. But with Mike Wallace talking the way he did, I thought it was something I should be more vocal about, and try to prevent others from going through the trauma that my family went through.

So, at that hearing, I said to the now Secretary of Defense, then Chairman Cohen, that I thought it would be a good idea if we held a hearing on senior suicide. We did. It was a remarkable hearing. We learned it is a problem. We learned, of course, with that hearing centering on senior suicide, what a tremendous problem it is across this country, especially in Nevada. Nevada leads the Nation in suicide and is twice—two times—the average for senior suicide. Nevada has a real problem.

We came to learn in that hearing that suicide cuts across all ages, it cuts across all economic lines, all social and economic boundaries. More people die from suicide in the United States than from homicide. That says a lot because there are tens of thousands of people, about 24,000 people a year in this country, who are murdered.

On an average day in this country, almost 2,000 adults attempt suicide. For young people, ages 15 to 24, suicide is the third leading cause of death, only behind unintentional injury and homicide. In 1992, more teenagers and young adults died from suicide than died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and chronic lung disease combined. We can take all of the people age 15 to 24 who died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia, influenza, and lung disease, and they do not equal the number of young people that killed themselves. Suicide is the eighth leading cause of death in the United States.

One of the things we have learned in these hearings, Madam President, is we do not know the cause of suicide. Why are the 10 leading States in the Nation all Western States? We do not know why. We need to know why. Why do males commit suicide, at rates and numbers for suicides, four times more than females?

Elderly adults have rates of suicide more than 50 percent higher than the Nation as a whole. We also know that seniors are much more adept at killing themselves. We know a youngster is not very good. About every 1 in 200 who attempts suicide is able to be successful; yet, 1 in 4 seniors are successful. Suicide is preventable.

As I indicated, we learned from the Mike Wallace hearing that a little bit of counseling and a little bit of medication is all that is needed. Most suicidal persons desperately want to live; they are just unable to see alternatives to their problems. Understanding and identifying the risk factors for this phenomenon and evaluating potential suicide prevention interventions must become a public health priority. So we must do something about this preventable public health tragedy. It is irresponsible and insensitive to allow victims and families to suffer in silence or to nationally hide our heads in the sand.

Those of us who have had experience with suicide wonder, is there more we could have done? Why did he do it? Why did she do it? But I think the important thing is to recognize the progress that has been made. It wasn't long ago, Madam President, that someone that committed suicide could not be buried in a public cemetery. They simply would not allow it. There were many religious boundaries that the family of someone that committed suicide could not go beyond. Things are changing for the better. They will become better, and this resolution is really an outstanding step in that direction.

I have acknowledged Senator COVERDELL and I appreciate his support, along with the two Senators from Louisiana, BREAUX and LANDRIEU, Senator MURRAY, and Senator WELLSTONE, those who have cosponsored this legislation. The lead person in the House of Representatives is JOHN LEWIS from Georgia. I am grateful to him for taking the lead in this.

But the most important thing we can do is not be insensitive. Again, it is irresponsible and insensitive to allow families and victims to suffer in silence or to nationally hide our heads in the sand and pretend it doesn't exist. We have to acknowledge the problem and we need to take the critical first step in doing something about it.

Today the Suicide Prevention Advocacy Network—the organization Jerry Weyrauch formulated, sponsored and pushed—delivered over 20,000 signed petitions from 47 States calling for the action that was accomplished here today. It is time to lift the veil of secrecy and begin the effort to heal the wounds and take the steps to prevent unnecessary loss of life. It is time to continue the effort for mental health parity and to ensure that all those who need assistance get the assistance they need, without stigma.

The resolution I offered today, I hope, will be the first step in focusing awareness on the need for suicide prevention and addressing the need for a national strategy. No life should be lost when there is an opportunity to prevent its loss.

Not one of the nearly 31,000 lives lost to suicide annually is insignificant. These are the children, parents, grandparents, brothers, sisters, friends, coworkers, and neighbors of each and every one of us. There are some things, I repeat, that we don't know. We have multiple suicides in families—families that appear to be the normal families. We have fathers committing suicide and sons committing suicide. We need to know more about this. Few of us can say we don't know someone who has been touched personally by this tragedy.

In addition to this legislation, I am going to continue to offer legislation which will be vital in taking necessary steps by calling for the establishment of injury control research centers, which will deal exclusively with the subject of suicide. We need a focal point where we can develop expertise on suicide, both of seniors and of children, and share this expertise with others interested in getting involved.

I also intend to ask the National Institutes of Health to conduct research into the treatment of clinical depression and suicide generally.

Again, I express my appreciation to Members on both sides of the aisle for supporting this resolution. It will be, I believe, the first step in acknowledging suicide as a national problem.

Madam President, I ask unanimous consent that a statement from the American Association of Suicidology and the American Psychological Association be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN PSYCHOLOGICAL ASSOCIATION
Washington, DC, May 5, 1997.

Hon. HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: On behalf of over 150,000 members and affiliates of the American Psychological Association (APA), I am writing to express support and appreciation to you and Senators Murray, Wellstone and Coverdell for the introduction of a Senate resolution recognizing suicide as a national problem.

The APA shares your concern that suicide rates among the elderly, adolescents, and young adults have increased dramatically in recent years. Since the 1950s, suicide rates among youth have nearly tripled. Between 1980 and 1990, the suicide rate increased by 30% in the 10 to 19 year-old age group. For older Americans over 65, the suicide rate increased nine percent between 1980 and 1992. Elderly Americans make up about 13 percent of the country's population, but account for about 20 percent of all suicides.

Although the reasons for this sharp increase are unclear, depression, living longer with chronic illness, and increasing social isolation of the elderly may play a role in the growing numbers of elderly Americans who take their own lives. In addition, alcohol abuse and substance abuse can dramatically raise the suicide risk, especially among youth. Alcohol and drugs, separately or in combination, are potent disinhibiting agents that foster impulsive and dangerous acts.

As the suicide rate can clearly be reduced and as mental and behavioral disorders which lead to suicide are increasingly treatable, the APA strongly supports the resolution and recommends funding for additional research, demonstration, evaluation, and intervention projects to reduce the rate of youth and elderly suicide.

Thank you again for your leadership on this critical issue.

Sincerely,
RAYMOND D. FOWLER, *Ph.D.*,
Executive Vice President and
Chief Executive Officer.

AMERICAN ASSOCIATION OF SUICIDOLOGY,
Washington, DC, 5 May, 1997.

Senator HARRY REID,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: I am writing on behalf of the American Association of Suicidology in support of your thoughtful, timely, and compassionate resolution recognizing suicide as a national problem and suicide prevention a national priority.

For too long we in America have suffered from the imported burden of stigmatizing both those who are suicidal and those affected by suicidal deaths. Suicides are often wrongly considered to be volitional deaths; this in spite of the fact that they are motivated by mental disorders and irrational thinking. Until we better educate our population to what we know about suicide and make a more concerted effort to prevent these tragic, premature, and often preventable deaths, we will continue to needlessly devastate thousands of newly bereaved family members, friends, and colleagues annually. Moreover, we can seriously impact the associated cost and burden of suicide to the American economy which is estimated to run into the tens of billions of dollars each year.

The operative word here is needless. We need not suffer these losses. We can make a difference.

Your resolution has long been needed and represents the type of initiative Congress can make for the public health of our nation. We applaud your efforts.

Sincerely,
ALAN L. BERMAN, *Ph.D.*,
Executive Director.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BROWNBACK). Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 5, 1997, the Federal debt stood at $5,332,472,495,590.76. (Five trillion, three hundred thirty-two billion, four hundred seventy-two million, four hundred ninety-five thousand, five hundred ninety dollars and seventy-six cents)

Five years ago, May 5, 1992, the Federal debt stood at $3,880,040,000,000. (Three trillion, eight hundred eighty billion, forty million)

Ten years ago, May 5, 1987, the Federal debt stood at $2,277,361,000,000. (Two trillion, two hundred seventy-seven billion, three hundred sixty-one million)

Fifteen years ago, May 5, 1982, the Federal debt stood at $1,055,630,000,000. (One trillion, fifty-five billion, six hundred thirty million)

Twenty-five years ago, May 5, 1972, the Federal debt stood at $426,078,000,000 (Four hundred twenty-six billion, seventy-eight million) which reflects a debt increase of nearly $5 trillion—$4,906,394,495,590.76 (Four trillion, nine hundred six billion, three hundred ninety-four million, four hundred ninety-five thousand, five hundred ninety dollars and seventy-six cents) during the past 25 years.

TRIBUTE TO JACK BARRY

Mr. JEFFORDS. Mr. President, I rise today to pay tribute to a valued member of the Vermont community, and a true friend, John W. "Jack" Barry, who passed away last Sunday at the age of 70. I had the pleasure of working with Jack for over 20 years as he hosted numerous radio and television shows in Vermont. He was a consummate professional with an amazing knack for the interview. When I was on the other side of Jack's mike, I felt as though we were just chatting—kind of catching up on what I'd been up to in Washington. I wouldn't want to give any of my colleagues the impression that Jack didn't ask the tough questions because he did. He asked many of them but he passed no judgment on the answers.

Although some would say that Jack began his illustrious career in 1948 as a radio show host at WJOY in Burlington, it actually started at the age of 4 when "Little Jackie Barry" performed recitations for his hometown radio station, WDEV of Waterbury. Over the years Jack worked for numerous radio stations in Vermont and around the Nation, and served for 2 years as Press Secretary for U.S. Senator PATRICK LEAHY. In the early 1970's he joined the State's public television station to moderate a wide array of programs to include, "Vermont this Week", "Vermont Report" and "Call the Governor". During the last 3 years, Jack served in public office as a State senator from Chittenden County.

Among his many honors, Jack was named Vermont's Sportscaster of the Year in 1972, elected to the Vermont Association of Broadcasters' Hall of Fame, selected as the Rutland Herald's Vermonter of the Year in 1991 and 1995, as well as being chosen to receive the Vermont Association of Broadcasting Award in 1981.

True to his nature, Jack took the time to give back to the community by serving as a board member and trustee of several organizations to include the Medical Center Hospital of Vermont, the Vermont Special Olympics, the United Way and the national board of the American Heart Association among many others.

I extend my most sincere condolences to his wife Bunny, his three daughters; Kathy Yagley, Maureen Ravely, and Bridget Barry Caswell as well as the entire Barry family. Jack had the deepest feelings for Vermont and its people. He was always respectful of others and their differing beliefs. It didn't matter whether they were the frequent callers on his radio show or constituents from Chittenden County, he called them by name, heard them out and genuinely thanked them for expressing their views.

Jack Barry exemplified what we should all strive to achieve.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT ON THE NATIONAL EMERGENCY CAUSED BY THE LAPSE OF THE EXPORT ADMINISTRATION ACT OF 1979—MESSAGE FROM THE PRESIDENT—PM 33

The Presiding Officer laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 6, 1997.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 4:06 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R 968. An act to amend title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1793. A communication from the Attorney General, transmitting, pursuant to law, a report relative to electronic surveillance; to the Committee on the Judiciary.

EC–1794. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report of an addendum to the Treasury audit plan; to the Committee on the Judiciary.

EC–1795. A communication from the Assistant General Counsel of the U.S. Information Agency, transmitting, pursuant to law, a rule entitled "Reinstatement of Exchange Visitors" received on April 5, 1997; to the Committee on the Judiciary.

EC–1796. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report on cocaine and federal sentencing policy; to the Committee on the Judiciary.

EC–1797. A communication from the Secretary of the Judicial Conference of the United States, transmitting, pursuant to law, a report relative to bankruptcy judgeships; to the Committee on the Judiciary.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. REID:

S. 697. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 698. A bill to amend the Energy Policy and Conservation Act to authorize the Secretary of Energy, by lease or otherwise, to store in underutilized Strategic Petroleum Reserve facilities petroleum products owned by foreign governments or their representatives, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BREAUX:

S. 699. A bill to suspend temporarily the duty on Diiodomethyl-p-tolylsulfone; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 700. A bill to provide States with greater flexibility in setting provider reimbursement rates under the medicaid program; to the Committee on Finance.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. HELMS, Mr. D'AMATO, and Mr. DURBIN):

S. 701. A bill to amend title XVIII of the Social Security Act to provide protections for medicare beneficiaries who enroll in medicare managed care plans, and for other purposes; to the Committee on Finance.

By Mrs. BOXER:

S. 702. A bill to amend the Individuals with Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders; to the Committee on Labor and Human Resources.

By Mr. ALLARD:

S. 703. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of expenses by a taxpayer in connection with the business use of the home; to the Committee on Finance.

By Mr. KOHL:

S. 704. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes; to the Committee on the Judiciary.

Mr. MCCAIN:

S. 705. A bill to amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast station from analog to digital transmission consistent with the Federal Communications Commission's Fifth Order and Report, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BOND:

S. 706. A bill to amend the Individuals with Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. LAUTENBERG:

S. 707. A bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others; to the Committee on the Judiciary.

S. 708. A bill to amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mrs. FEINSTEIN):

S. J. Res. 30. Joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, and Mr. COVERDELL):

S. Res. 83. A resolution recognizing suicide as a national problem, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, Mr. COVERDELL, Mr. BREAUX, and Ms. LANDRIEU):

S. Res. 84. A resolution recognizing suicide as a national problem, and for other purposes; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID:

S. 697. A bill to amend the Public Health Service Act to establish a program of providing information and education to the public on the prevention and treatment of eating disorders; to the Committee on Labor and Human Resources.

THE EATING DISORDERS INFORMATION AND EDUCATION ACT OF 1997

Mr. REID. Mr. President, today I am introducing the Eating Disorders Information and Education Act of 1997. This legislation would establish a program, as part of the Public Health Service Act, to provide information and education to the public on the prevention and treatment of eating disorders. Eating disorders include anorexia nervosa, bulimia nervosa, and binge eating disorders. Further, my bill would provide for the operation of toll-free telephone communications to provide information to the public on eating disorders. Such communications shall be available on a 24-hour, 7-day basis.

Anorexia nervosa, bulimia nervosa, and compulsive overeating are all serious emotional problems that can have life-threatening consequences. An eating disorder refers to a set of distorted eating habits, weight management practices, and attitudes about weight and body shape. Further, it is these distorted eating related attitudes and behaviors that result in loss of self-control, obsession, anxiety, guilt, and other forms of misery, alienation from self and others, and physiological imbalances which are potentially life threatening.

Anorexia nervosa is an intense and irrational fear of body fat and weight gain, a determination to become thinner and thinner, and a misperception of body weight and shape to the extent that the person may feel or see themselves as fat, even when emaciation is clear to others. These psychological characteristics contribute to drastic weight loss and defiant refusal to maintain a healthy weight for height and age. Food, calories, weight, and weight management dominate the person's life.

Bulimia nervosa is characterized by self-perpetuating and self-defeating cycles of binge eating and purging. During a binge, the person consumes a large amount of food in a rapid, automatic, and helpless fashion. This may anesthetize hunger, anger, and other feelings, but it eventually creates physical discomfort and anxiety about weight gain. Thus, the person purges the food eaten, usually by inducing vomiting and by resorting to some combination of restrictive dieting, excessive exercising, laxatives, and diuretics.

Eating disorders arise from a combination of longstanding psychological, interpersonal, and social conditions. Feelings of inadequacy, depression, anxiety, and loneliness, as well as troubled family and personal relationships may contribute to the development of an eating disorder. Our culture, with its unrelenting idealization of thinness and the perfect body, is often a contributing factor. Once started, eating disorders become self-perpetuating.

The Federal Government has taken a role in research into eating disorders. The National Institutes of Health [NIH] is sponsoring research to determine the causes of anorexia, the best methods of treatment, and ways to identify who might have a high risk of developing the disorder. Further, NIH, through its Division of Researcher Resources, supports 10 general clinical research centers throughout the country in which anorexia research is underway.

Researchers at the National Institute of Mental Health are studying the biological aspects and changes in brain chemistry which may control appetite. Although psychological or environmental factors may precipitate the onset of the illness, the study indicates that it may be prolonged by starvation-induced changes in body processes.

Althouth research into eating disorders is established and continuing, we need to provide help for those already trapped in the cycle of an eating disorder. That is why I offer my legislation today, to provide a resource to people who need help.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Ms. LANDRIEU):

S. 698. A bill to amend the Energy Policy and Conservation Act to authorize the Secretary of Energy, by lease or otherwise, to store in underutilized strategic petroleum reserve facilities petroleum products owned by foreign governments or their representatives, and for other purposes; to the Committee on Energy and Natural Resources.

THE STRATEGIC PETROLEUM RESERVE REPLENISHMENT ACT

Mr. AKAKA. Madam President, today I am introducing the Strategic Petroleum Reserve Replenishment Act, a bill to purchase oil for the strategic petroleum reserve using revenue obtained from leasing SPR storage capacity. Senators BINGAMAN and LANDRIEU join me in sponsoring this measure.

The strategic petroleum reserve is the cornerstone of U.S. energy security. During an oil emergency, the SPR is America's insurance policy against oil price shocks and economic disruption.

However, our insurance policy is not providing the level of coverage we need. Because of declining U.S. oil production our dependence on imports is dangerously high, and the situation will grow worse in the coming decade. According to the Energy Information Administration, U.S. dependence on oil imports will rise from the current level of 50 percent to 60 percent in the year 2010. As oil imports increase, the strategic petroleum reserve will provide less and less energy security.

The logical response should be to stockpile more oil. Yet, exactly the opposite is occurring. Some $315 million in revenue from the Operation Desert Storm drawdown was diverted to pay operating expenses rather than purchase replacement oil. Annual purchases of crude for the SPR have been halted, and we have begun to sell oil from the reserve as a deficit reduction measure. During fiscal years 1996 and 1997, the Department of Energy sold $450 million barrels of oil for this purpose. Congress and the administration share the blame for the sale of these strategic assets.

The most alarming development of all, however, was last week's announcement by the Department of Energy that it is seeking public comment on the future of the strategic petroleum reserve. The first question on the DOE comment notice was "Should the United States continue to maintain the SPR?" That's like asking whether the Titanic should carry life boats. The strategic petroleum reserve provides an essential umbrella of energy security and the importance of this asset will increase as we become more dependent on oil imports.

Like many Federal programs, the strategic petroleum reserve has become a victim of the balanced budget process. Congress and the administration are unable to muster the political will, or the scarce Federal dollars, to maintain or expand our emergency reserve.

My colleagues and I on the Energy Committee have proposed a modest initiative to purchase new oil for the reserve. The bill we have introduced today would finance the purchase of oil for the SPR using revenue obtained from the lease of excess SPR storage capacity.

With its current inventory, the SPR has more than 100 million barrels of available, but unused storage. A number of foreign governments have expressed interest in storing oil in the U.S. reserve to meet International Energy Agency responsibilities. Storing oil in our gulf coast facility would be far less expensive for these countries than constructing new storage capacity. The cost of constructing new capacity exceeds $15 per barrel, whereas the annual operating cost at SPR facilities is less than 50 cents per barrel. All of the revenue generated from such leases would be dedicated to the purchase of crude oil for the U.S. reserve.

During consideration of last year's reconciliation bill, the Senate adopted a proposal I offered that was nearly identical to the legislation I have introduced today. The Clinton administration has a mixed response to this proposal. They support legislation giving DOE the authority to lease idle SPR capacity to foreign governments, but they have reservations about dedicating leasing revenue for the purchase of new oil.

The legislation I am introducing today is an essential first step toward a more rational energy security policy. As the Senate Energy Committee considers the reauthorization of the strategic petroleum reserve, I will work with my colleagues on the committee to ensure that this measure is included as an amendment.

Madam President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 698

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strategic Petroleum Reserve Replenishment Act".

SEC. 2. LEASE OF EXCESS STRATEGIC PETROLEUM RESERVE CAPACITY.

Part B of title I of the Energy Policy and Conservation Act (42 U.S.C. 6231 et seq.) is amended by adding at the end the following:

"SEC. 168. UNDERUTILIZED FACILITIES.

"(a) IN GENERAL.—Notwithstanding section 649(b) of the Department of Energy Organization Act (42 U.S.C. 7259(b)) and any other provision of this title, the Secretary, by lease or otherwise, for any term and under such other conditions as the Secretary considers necessary, may store in an underutilized Strategic Petroleum Reserve facility a petroleum product owned by a foreign government or its representative.

"(b) EXCLUSION FROM RESERVE; EXPORT.—A petroleum product stored under subsection (a)—

"(1) is not part of the Reserve;

"(2) is not subject to part C; and

"(3) may be exported from the United States.

"(c) USE OF FUNDS.—Funds resulting from the leasing or other use of a Reserve facility under subsection (a) shall be available to the Secretary, without further appropriation, for the purchase of petroleum products for the Reserve.".

By Mr. BREAUX:

S. 699. A bill to suspend temporarily the duty on Diiodomethly-p-tolylsulfone; to the Committee on Finance.

TEMPORARY DUTY-FREE TREATMENT LEGISLATION

Mr. BREAUX. Mr. President, I rise today to offer legislation that would temporarily suspend, through the year 2000, the rate of duty applicable to imports of Diiodomenthyl-p-tolylsulfone, commonly referred to as "DMTS." Commercially, DMTS is known by the brand name AMICAL 48. It is a fungicide/mildewcide that is used in caulks, adhesives, plastics, textiles, and for other purposes. The preservative is of indisputable benefit to a host of industries engaged in the production, storage, and use of products subject to microbial degradation.

The current rate of duty on DMTS is 10.7 percent ad valorem. Under the Uruguay Round, this rate is scheduled to decrease by 0.6 percent per year until 2004, when it will reach and remain at 6.5 percent. The proposed legislation would provide for duty-free treatment of imports of DMTS from the date of enactment through the last day of the year 2000, and it is estimated that if this legislation is enacted, the reduction in duty collection will be a de minimis amount of about $250,000 to $350,000 per year.

Furthermore, because there is no substitute domestic product currently benefiting from the present rate of duty on DMTS, no adverse impact on the domestic preservatives industry is anticipated. It may also be that such a temporary suspension in the rate of duty will result in savings being passed along to the consumers of AMICAL 48. I therefore urge my colleagues to support the passage of this bill.

By Mrs. HUTCHISON:

S. 700. A bill to provide States with greater flexibility in setting provider reimbursement rates under the Medicaid Program; to the Committee on Finance.

LEGISLATION TO REPEAL CERTAIN MEDICAID PROVISIONS

Mrs. HUTCHISON. Mr. President, today I am introducing a bill to repeal the provider reimbursement requirements of the Boren amendment. This bill will provide States with greater flexibility in setting provider reimbursement rates under the Medicaid Program.

Under current law, States may set Medicaid payment rates at whatever level they choose for home and community-based services, but they must meet a minimum standard for nursing home and hospital reimbursement. This standard is prescribed by the Boren amendment, which requires that providers be reimbursed under rates the State "finds and makes assurances satisfactory to the Secretary are reasonable and adequate to meet the costs which must be incurred by efficiently and economically operated facilities in order to provide care and services in conformity with applicable State and Federal laws, regulations and quality and safety standards."

Although the law was designed to relax previous standards and increase flexibility, unfortunately the opposite has resulted. The use of vague and undefined terms in the amendment created problems, compounded by the Federal Government's decision not to issue regulations defining these terms. To add further confusion, the law, while requiring reimbursement rates to be "determined in accordance with methods and standards developed by the State," also requires the Federal Government to be satisfied with the State-determined rates. Implementing this requirement means State Medicaid plans must include both State processes for determining rates and the rates themselves, which are then subject to approval by the Secretary of Health and Human Services.

Moreover, beyond this federally imposed regulatory nightmare we've created for the States, many States, including Texas, have had to deal with substantial litigation resulting from the vagueness of the statutory language and lack of regulatory definitions. Some courts have viewed the

Boren amendment as a cost-based payment standard in which all cost incurred by the providers must be reimbursed. In these instances, States may be liable for significant sums to cover the retroactive rate increases ordered by the court for the group of providers involved in the suit, even if their rate schedule was approved by the Federal Government. In some cases, the additional payments made as a result of a court-ordered retroactive rate increase are not eligible for cost-sharing from the Federal Government.

For example, in 1993, the U.S. Court of Appeals for the Fifth Circuit found that the State of Louisiana Medicaid agency's findings on "reasonable and adequate" compensation for hospitals were inadequate, despite HCFA's approval of the State plan. In New York, the State's "minimum utilization adjustment" decreased reimbursement for psychiatric hospitals that operated at less than 75 percent capacity as a means to encourage "efficiency and economy." In another New York case, however, despite recognizing the many strong policy reasons behind the adjustments, the U.S. District Court for the Southern District of New York determined the State did not meet the procedural requirements of the Boren amendment. The decision not only has resulted in unjustified reimbursement increases for under-used facilities, but has also tied up the State in continuing litigation over retroactive damages.

Returning to the States the flexibility to negotiate Medicaid reimbursement rates would allow them to avoid or mitigate large increases in spending because of such suits, and follow the example of private-sector purchasers of health care services by selectively contracting with hospitals and nursing homes on a competitive basis. California's Selective Provider Contracting Program [SPCP] is a good example of the economic benefits of this type of program. Because of rapid increases in inpatient hospital costs and a budget shortfall, California passed legislation in 1982 allowing its Medicaid Program [Medi-Cal] to negotiate contracts with providers. SPCP contains the overall expenditures for hospital services reimbursed by the Med-Cal Program and assures adequate access to quality services for beneficiaries through a competitive, rather than a regulatory process. The process saves California an estimated $300 million per year. Illinois had a similar program for several years and saved an estimated $100 million annually, but it was discontinued following a change in administrations and a switch to a different system of reimbursement. The average Medicaid cost per day in Illinois has since risen substantially.

Both California and Illinois officials have been pleased with the high quality of care under this type of system. In addition to relying on strict regulations already in place for hospitals, both States independently audit hospitals for quality of care. Illinois contracted for a 2-year period, which meant that hospitals had to compete often to win contracts while maintaining quality standards.

Mr. President, programs such as those in California and Illinois exemplify the efficiency and innovation offered within our Federal system. It is time to give other States free rein to experiment with similar programs, thus creating a more cost-effective and higher quality Medicaid system for their beneficiaries. I hope all my colleagues will join me in cosponsoring this legislation to take a significant step in the direction of true Medicaid reform.

By Mr. GRASSLEY (for himself, Mr. CONRAD, Mr. HELMS, Mr. D'AMATO, and Mr. DURBIN):

S. 701. A bill to amend title XVIII of the Social Security Act to provide protections for Medicare beneficiaries who enroll in Medicare managed care plans, and for other purposes; to the Committee on Finance.

THE MEDICARE PATIENT CHOICE AND ACCESS ACT OF 1997

Mr. GRASSLEY. Mr. President, I rise today to offer bipartisan legislation to provide Medicare beneficiaries with the necessary tools and protections they need to choose the right health plan under the Medicare program for their individual health care needs. The bill I am introducing today, with my Democratic colleague, Senator CONRAD, whom I have had the pleasure to work with on many issues, is entitled the Medicare Patient Choice and Access Act of 1997. I am also joined by my Republican colleagues, Senator D'AMATO and Senator HELMS, and my Democratic colleague from Illinois, Senator DURBIN. Similar legislation has been introduced in the House by Representatives COBURN and BROWN. Representative COBURN'S bill currently has 91 cosponsors and has strong bipartisan support.

The bill I am sponsoring accomplishes a number of important objectives for Medicare beneficiaries and for the success of the Medicare program. We often talk about providing more choices of health plans for Medicare recipients, but we rarely discuss what they need to make the right choice. As Congress examines ways to encourage more options for Medicare beneficiaries through the growth of managed care, it is critical that there is a trusting relationship between Medicare enrollees and their health plans. Medicare is a Federal program. Therefore, it is our job to ensure that health plans participating in the Medicare program provide quality care to our Nation's elderly. Medicare recipients look to Congress to hold health plans accountable. The legislation I am introducing will encourage plans to compete based on the quality of care they provide and will give beneficiaries the necessary information they need make an informed choice.

The bill includes the following provisions: Provides beneficiaries with standardized consumer-friendly charts to compare health plans in their area (information such as disenrollment rates and appeals denied and reversed by plans are included in these charts); ensures that beneficiaries will receive fair treatment when health plans deny care by establishing a uniform and timely appeals process for managed care plans participating in Medicare; creates an atmosphere of trust between beneficiaries and their providers by prohibiting the use of gag clauses which restrict communications between providers and their patients; provides beneficiaries with the assurance that their health care provider will refer to specialists, when medically necessary, by expanding Medicare's restriction on the use of financial incentives in managed care to include not just physicians but all providers; given patients, especially those individuals who require specialized care, the assurance they will be able to see a specialist, as medically necessary, when they are enrolled in a managed care plan; and offers beneficiaries more choices by guaranteeing they will have the option, at the time of enrollment, to select a plan with coverage for out-of-network services (point-of-service plans are the fastest growing health plans in the private sector).

Many of the provisions in this bill are supported by research conducted by the General Accounting Office [GAO] and the Institute of Medicine [IOM]. In the Senate Special Committee on Aging, which I chair, we recently held a hearing on the importance of detailed health plan information in holding health plans accountable and improving the quality of care delivered. We heard from large health care purchasers such as the California Public Employees Retirement System [CalPERS] and Xerox Corp. on ways Congress could improve the Medicare program by providing comparative, standardized, information on participating health plans. We heard from the GAO and the IOM about ways the Health Care Financing Administration could be more cost-efficient by requiring that health plans standardize their information. These witnesses highlighted the costliness of high disenrollment rates among health plans and how rates are significantly reduced when beneficiaries are given accurate and detailed comparative information on available health plans.

Most importantly, we heard from a recent Medicare beneficiary and a representative of a Medicare Insurance

Counseling Assistance program on the lack of reliable, comparative information under the current Medicare program. The consistent theme from all these witnesses was the importance of trust between Medicare beneficiaries and their health plans. This trust in the program does not exist today, particularly in areas experiencing a rapid growth in managed care. However, by enacting the bill I am offering today which includes several incremental changes to the Medicare program, Congress can help to establish trust and rebuild confidence among our Nation's seniors in the Medicare program.

Many of the provisions in this bill are strengthening current law or providing beneficiaries protection in statute in addition to regulation. I believe it is the responsibility of Congress and administration to ensure that our Nation's elderly are getting quality, cost-effective care under the Medicare program. I urge my colleagues on both sides of the aisle to join me and Senator CONRAD in cosponsoring this very important bipartisan legislation.

Mr. President, I ask that a summary and full text of the bill be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S.701

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Patient Choice and Access Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There should be no unreasonable barriers or impediments to the ability of individuals enrolled in health care plans to obtain appropriate specialized medical services.

(2) The patient's first point of contact in a health care plan must be encouraged to make all appropriate medical referrals and should not be constrained financially from making such referrals.

(3) Some health care plans may impede timely access to specialty care.

(4) Some contracts between health care plans and providers may contain provisions which impede the provider in informing the patient of the full range of treatment options.

(5) Patients cannot make appropriate health care decisions without access to all relevant information relating to those decisions.

(6) Restrictions on the ability of health care providers to provide full disclosure of all relevant information to patients making health care decisions violate the principles of informed consent and the ethical standards of the health care professions. Contractual clauses and other policies that interfere with communications between health care providers and patients can impact the quality of care received by those patients.

(7) Patients should have the opportunity to access out-of-network items, treatment, and services at an additional cost to the patient which is not so prohibitive that they are deterred from seeing the health care provider of their own choice.

(8) Specialty care must be available for the full duration of the patient's medical needs when medically necessary and not limited by time or number of visits.

(9) Direct access to specialty care is essential for patients in emergency and non-emergency situations and for patients with chronic and temporary conditions.

SEC. 3. PROTECTION FOR MEDICARE HMO ENROLLEES.

(a) IN GENERAL.—Section 1876 of the Social Security Act (42 U.S.C. 1395mm) is amended—

(1) in subsection (c)(1), by striking "subsection (e)" and inserting "subsections (e) and (k)"; and

(2) by adding at the end the following:

"(k) BENEFICIARY PROTECTION.—

"(1) ASSURING ADEQUATE IN-NETWORK ACCESS.—

"(A) TIMELY ACCESS.—An eligible organization that restricts the providers from whom benefits may be obtained must guarantee to enrollees under this section timely access to primary and specialty health care providers who are appropriate for the enrollee's condition.

"(B) ACCESS TO SPECIALIZED CARE.—Enrollees must have access to specialized treatment when medically necessary. This access may be satisfied through contractual arrangements with specialized health care providers outside of the network.

"(C) CONTINUITY OF CARE.—An eligible organization's use of case management may not create an undue burden for enrollees under this section. An eligible organization must ensure direct access to specialists for ongoing care as so determined by the case manager in consultation with the specialty health care provider. This continuity of care may be satisfied for enrollees with chronic conditions through the use of a specialist serving as case manager.

"(2) OUT-OF-NETWORK ACCESS.—If an eligible organization offers to members enrolled under this section a plan which provides for coverage of items and services covered under parts A and B only if such items and services are furnished through health care providers and other persons who are members of a network of health care providers and other persons who have entered into a contract with the organization to provide such services, the contract with the organization under this section shall provide that the organization shall also offer to members enrolled under this section (at the time of enrollment) a plan which provides for coverage of such items and services which are not furnished through health care providers and other persons who are members of such a network.

"(3) GRIEVANCE PROCESS.—

"(A) IN GENERAL.—An eligible organization must provide a meaningful and expedited procedure, which includes notice and hearing requirements, for resolving grievances between the organization (including any entity or individual through which the organization provides health care services) and members enrolled with the organization under this section. Under that procedure, any member enrolled with the eligible organization may, at any time, file a complaint to resolve grievances between the member and the organization before a board of appeals established under subparagraph (C).

"(B) NOTICE REQUIREMENTS.—

"(i) IN GENERAL.—The eligible organization must provide, in a timely manner, to an enrollee a notice of any denial of services in-network or denial of payment for out-of-network care.

"(ii) INFORMATION REQUIRED.—Such notice shall include the following:

"(I) A clear statement of the reason for the denial.

"(II) An explanation of the complaint process under subparagraph (A) which is available to the enrollee upon request.

"(III) An explanation of all other appeal rights available to all enrollees.

"(IV) A description of how to obtain supporting evidence for the hearing described in subparagraph (C), including the patient's medical records from the organization, as well as supporting affidavits from the attending health care providers.

"(C) HEARING BOARD.—

"(i) IN GENERAL.—Each eligible organization shall establish a board of appeals to hear and make determinations on complaints by enrollees concerning denials of coverage or payment for services (whether in-network or out-of-network) and the medical necessity and appropriateness of covered items and services.

"(ii) COMPOSITION.—A board of appeals of an eligible organization shall consist of—

"(I) representatives of the organization, including physicians, nonphysicians, administrators, and enrollees;

"(II) consumers who are not enrolled with an eligible organization under this section; and

"(III) health care providers who are not under contract with the eligible organization and who are experts in the field of medicine which necessitates treatment.

Members of the board of appeals described in subclauses (II) and (III) shall have no interest in the eligible organization.

"(iii) DEADLINE FOR DECISION.—

"(I) IN GENERAL.—Except as provided in subclause (II), a board of appeals shall hear and resolve complaints within 30 days after the date the complaint is filed with the board.

"(II) EXPEDITED PROCEDURE.—A board of appeals shall have an expedited procedure in order to hear and resolve complaints regarding urgent care (as determined by the Secretary in regulations).

"(D) OTHER REMEDIES.—Nothing in this paragraph may be construed to replace or supersede any appeals mechanism otherwise provided for an individual entitled to benefits under this title.

"(4) NOTICE OF ENROLLEE RIGHTS AND COMPARATIVE REPORT.—

"(A) IN GENERAL.—Each eligible organization shall provide in any marketing materials distributed to individuals eligible to enroll under this section and to each enrollee at the time of enrollment and not less frequently than annually thereafter, an explanation of the individual's rights under this section and a copy of the most recent comparative report (as established by the Secretary under subparagraph (C)) for that organization.

"(B) RIGHTS DESCRIBED.—The explanation of rights under subparagraph (A) shall be in a standardized format (as established by the Secretary in regulations) and shall include an explanation of—

"(i) the enrollee's rights to benefits from the organization;

"(ii) the restrictions (if any) on payments under this title for services furnished other than by or through the organization;

"(iii) out-of-area coverage provided by the organization;

"(iv) the organization's coverage of emergency services and urgently needed care;

"(v) the organization's coverage of out-of-network services, including services that are additional to the items and services covered under parts A and B;

"(vi) appeal rights of and grievance procedures available to enrollees; and

"(vii) any other rights that the Secretary determines would be helpful to beneficiaries in understanding their rights under the plan.

"(C) COMPARATIVE REPORT.—

"(i) IN GENERAL.—The Secretary shall develop an understandable standardized comparative report on the plans offered by eligible organizations, that will assist beneficiaries under this title in their decisionmaking regarding medical care and treatment by allowing the beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with. In developing such report the Secretary shall consult with outside organizations, including groups representing the elderly and health insurers, in order to assist the Secretary in developing the report.

"(ii) CONTENTS OF REPORT.—The report described in clause (i) shall include a comparison for each plan of—

"(I) the premium for the plan;

"(II) the benefits offered by the plan, including any benefits that are additional to the benefits offered under parts A and B;

"(III) the amount of any deductibles, coinsurance, or any monetary limits on benefits;

"(IV) the identity, location, qualifications, and availability of health care providers in any health care provider networks of the plan;

"(V) the number of individuals who disenrolled from the plan within 3 months of enrollment and during the previous fiscal year, stated as percentages of the total number of individuals in the plan;

"(VI) the procedures used by the plan to control utilization of services and expenditures, including any financial incentives;

"(VII) the procedures used by the plan to ensure quality of care;

"(VIII) the rights and responsibilities of enrollees;

"(IX) the number of applications during the previous fiscal year requesting that the plan cover certain medical services that were denied by the plan (and the number of such denials that were subsequently reversed by the plan), stated as a percentage of the total number of applications during such period requesting that the plan cover such services;

"(X) the number of times during the previous fiscal year (after an appeal was filed with the Secretary) that the Secretary upheld or reversed a denial of a request that the plan cover certain medical services;

"(XI) the restrictions (if any) on payment for services provided outside the plan's health care provider network;

"(XII) the process by which services may be obtained through the plan's health care provider network;

"(XIII) coverage for out-of-area services;

"(XIV) any exclusions in the types of health care providers participating in the plan's health care provider network; and

"(XV) any additional information that the Secretary determines would be helpful for beneficiaries to compare the organizations that the beneficiaries are eligible to enroll with.

"(iii) ONGOING DEVELOPMENT OF REPORT.—The Secretary shall, not less than annually, update each comparative report.

"(D) COMPLIANCE.—Each eligible organization shall disclose to the Secretary, as requested by the Secretary, the information necessary to complete the comparative report.

"(5) RESTRICTIONS ON HEALTH CARE PROVIDER INCENTIVE PLANS.—

"(A) IN GENERAL.—Each contract with an eligible organization under this section shall provide that the organization may not operate any health care provider incentive plan (as defined in subparagraph (B)) unless the following requirements are met:

"(i) No specific payment is made directly or indirectly under the plan to a health care provider or health care provider group as an inducement to reduce or limit medically necessary services.

"(ii) If the plan places a health care provider or health care provider group at substantial financial risk (as determined by the Secretary) for services not provided by the health care provider or health care provider group, the organization—

"(I) provides stop-loss protection for the health care provider or health care provider group that is adequate and appropriate, based on standards developed by the Secretary that take into account the number (and type) of health care providers placed at such substantial financial risk in the group or under the plan and the number of individuals enrolled with the organization that receive services from the health care provider or the health care provider group; and

"(II) conducts periodic surveys of both individuals enrolled and individuals previously enrolled with the organization to determine the degree of access of such individuals to services provided by the organization and satisfaction with the quality of such services.

"(iii) The organization provides the Secretary with descriptive information regarding the plan, sufficient to permit the Secretary to determine whether the plan is in compliance with the requirements of this subparagraph.

"(B) HEALTH CARE PROVIDER INCENTIVE PLAN DEFINED.—In this paragraph, the term 'health care provider incentive plan' means any compensation arrangement between an eligible organization and a health care provider or health care provider group that may directly or indirectly have the effect of reducing or limiting medically necessary services provided with respect to individuals enrolled with the organization.

"(6) PROHIBITION OF INTERFERENCE WITH CERTAIN MEDICAL COMMUNICATIONS.—

"(A) IN GENERAL.—

"(i) PROHIBITION OF CERTAIN PROVISIONS.—Subject to subparagraph (C), an eligible organization may not include with respect to its plan under this section any provision that prohibits or restricts any medical communication (as defined in subparagraph (B)) as part of—

"(I) a written contract or agreement with a health care provider;

"(II) a written statement to such a provider; or

"(III) an oral communication to such a provider.

"(ii) NULLIFICATION.—Any provision described in clause (i) is null and void.

"(B) MEDICAL COMMUNICATION DEFINED.—In this paragraph, the term 'medical communication' means a communication made by a health care provider with a patient of the provider (or the guardian or legal representative of such patient) with respect to any of the following:

"(i) How participating physicians and health care providers are paid.

"(ii) Utilization review procedures.

"(iii) The basis for specific utilization review decisions.

"(iv) Whether a specific prescription drug or biological is included in the formulary.

"(v) How the eligible organization decides whether a treatment or procedure is experimental.

"(vi) The patient's physical or mental condition or treatment options.

"(C) CONSTRUCTION.—Nothing in this paragraph shall be construed as preventing an entity from—

"(i) acting on information relating to the provision of (or failure to provide) treatment to a patient; or

"(ii) restricting a medical communication that recommends 1 health plan over another if the sole purpose of the communication is to secure financial gain for the health care provider.

"(7) ADDITIONAL DEFINITIONS.—In this subsection:

"(A) HEALTH CARE PROVIDER.—The term 'health care provider' means anyone licensed under State law to provide health care services under part A or B.

"(B) IN-NETWORK.—The term 'in-network' means services provided by health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

"(C) NETWORK.—The term 'network' means, with respect to an eligible organization, the health care providers who have entered into a contract or agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

"(D) OUT-OF-NETWORK.—The term 'out-of-network' means services provided by health care providers who have not entered into a contract agreement with the organization under which such providers are obligated to provide items, treatment, and services under this section to individuals enrolled with the organization under this section.

"(8) NONPREEMPTION OF STATE LAW.—A State may establish or enforce requirements with respect to the subject matter of this subsection, but only if such requirements are more stringent than the requirements established under this subsection.".

(b) CONFORMING AMENDMENTS.—Section 1876 of such Act is amended—

(1) in subsection (a)(1)(E)(ii)(II), by striking "subsection (c)(3)(E)" and inserting "subsection (k)(4)";

(2) in subsection (c)—

(A) in paragraph (3)—

(i) by striking subparagraph (E); and

(ii) in subparagraph (G)(ii)(II), by striking "subparagraph (E)" and inserting "subsection (k)(4)";

(B) by striking paragraph (4); and

(C) by striking "(5)(A) The organization" and all that follows through "(B) A member" and inserting "(5) A member"; and

(3) in subsection (i)—

(A) in paragraph (6)(A)(vi), by striking "paragraph (8)" and inserting "subsection (k)(5)"; and

(B) by striking paragraph (8).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to contracts entered into or renewed under section 1876 of the Social Security Act (42 U.S.C. 1395mm) after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 4. APPLICATION OF PROTECTIONS TO MEDICARE SELECT POLICIES.

(a) IN GENERAL.—Section 1882(t) of the Social Security Act (42 U.S.C. 1395ss(t)) is amended—

(1) in paragraph (1)—

(A) by striking "and" at the end of subparagraph (E);

(B) by striking the period at the end of subparagraph (F) and inserting a semicolon; and

(C) by adding at the end the following:

"(G) notwithstanding any other provision of this section to the contrary, the issuer of the policy meets the requirements of section 1876(k) (except for subparagraphs (C) and (D) of paragraph (4) of that section) with respect to individuals enrolled under the policy, in the same manner such requirements apply with respect to an eligible organization under such section with respect to individuals enrolled with the organization under such section; and

"(H) the issuer of the policy discloses to the Secretary, as requested by the Secretary, the information necessary to complete the report described in paragraph (4)."; and

(2) by adding at the end the following:

"(4) The Secretary shall develop an understandable standardized comparative report on the policies offered by entities pursuant to this subsection. Such report shall contain information similar to the information contained in the report developed by the Secretary pursuant to section 1876(k)(4)(C).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to policies issued or renewed on or after the expiration of the 1-year period that begins on the date of enactment of this Act.

SEC. 5. STUDY AND RECOMMENDATIONS TO CONGRESS.

(a) STUDY.—The Secretary of Health and Human Services (in this Act referred to as the "Secretary") shall conduct a thorough study regarding the implementation of the amendments made by sections 3 and 4 of this Act.

(b) REPORT.—Not later than 2 years after the date of enactment of this Act and annually thereafter, the Secretary shall submit a report to Congress that shall contain a detailed statement of the findings and conclusions of the Secretary regarding the study conducted pursuant to subsection (a), together with the Secretary's recommendations for such legislation and administrative actions as the Secretary considers appropriate.

(c) FUNDING.—The Secretary shall carry out the provisions of this section out of funds otherwise appropriated to the Secretary.

SEC. 6. NATIONAL INFORMATION CLEARINGHOUSE.

Not later than 18 months after the date of enactment of this Act, the Secretary shall establish and operate, out of funds otherwise appropriated to the Secretary, a clearinghouse and (if the Secretary determines it to be appropriate) a 24-hour toll-free telephone hotline, to provide for the dissemination of the comparative reports created pursuant to section 1876(k)(4)(C) of the Social Security Act (42 U.S.C. 1395mm(k)(4)(C)) (as added by section 3 of this Act) and section 1882(t)(4) of the Social Security Act (42 U.S.C. 1395ss(t)(4)) (as added by section 4 of this Act). In order to assist in the dissemination of the comparative reports, the Secretary may also utilize medicare offices open to the general public, the beneficiary assistance program established under section 4359 of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1395b–3), and the health insurance information counseling and assistance grants under section 4359 of that Act (42 U.S.C. 1395b–4).

SUMMARY—MEDICARE PATIENT CHOICE AND ACCESS ACT OF 1997

The Medicare Patient Choice and Access Act of 1997 establishes certain standards and beneficiary protections for Medicare recipients enrolled in Medicare managed care plans. The legislation builds upon and strengthens existing law, which already provides some protections to Medicare beneficiaries. There is growing concern, however, that as more and more beneficiaries (currently 4.9 million Medicare beneficiaries with enrollment growth averaging 30% annually) enroll in managed care greater protections must be in place to ensure quality and access to care for seniors.

The bill would require the following:

Comparative Health Plan Information: Expands the consumer information that health plans must provide to beneficiaries under current law. Provides beneficiaries with standardized consumer-friendly charts to compare health plans. Requires the Health Care Financing Administration (HCFA) to include disenrollment data, which will contribute to greater competition among health plans. HCFA currently collects this data, but does not distribute it to beneficiaries.

Expedited Appeals Process: Provides an expedited appeals procedure, consistent with new regulations, and a 30 day resolution for grievances and appeals of health plan enrollees. Preserves current law allowing beneficiaries to appeal to the Secretary of the Department of Health and Human Services.

Prohibition of Gag Clauses: Prohibits gag rules, using the managed care industry's definition of "medical communication." This is an expansion of HCFA's current regulation banning the use of gag clauses regarding treatment options.

Expansion of Restrictions on Financial Incentives: Expands the current Federal law which places certain restrictions on the use of financial incentives to manage care from applying to physicians only to covering all providers.

Point-of-Service Option: Expands choice of health plans by guaranteeing enrollees the option of choosing a point-of-service plan at the time they enroll in a Medicare managed care plan.

Timely and Appropriate Access to Specialists: Gives enrollees the assurance they will be able to see a specialist in-network, as medically necessary. Current law requires that managed care health plans provide access to the full range of Medicare health care services. The bill expands and strengthens this provision.

Mr. HELMS. Mr. President, I certainly am not alone in having strong feelings that the senior citizens of America must not be deprived of their right to choose their own doctors.

Senator GRASSLEY's Medicare Patient Choice and Access Act of 1997, which I'm cosponsoring today, ensures choice, access, and quality care for senior citizens by guaranteeing enrollees the option of choosing a point-of-service plan at the time they enroll in a Medicare HMO.

Five years ago, I had a close but fortunate encounter with some remarkable medical doctors in my home town of Raleigh. My heart surgery and the very effective subsequent rehabilitation made it clear that I had been cared for by some of the most capable people in the medical profession.

I was free to choose the surgeon who performed the operation. Senior citizens enrolled in Medicare should have the same choice, and the bill I'm cosponsoring today will enable senior citizens who join HMO's to preserve their right to choose their doctor.

America's senior citizens depend on the health care coverage provided by the Medicare system, and those of us in Congress have a duty to make sure they will not be forced to give up their right to choose their doctors.

Mr. President, the Health Care Financing Administration—which, of course, administers Medicare—is now the largest purchaser of managed care in the Nation, accounting for about 18 million Americans. As of February 1997, 5 million Medicare beneficiaries were enrolled in managed care plans. This represents a 108-percent increase in managed care enrollment since 1993. Increased migration of the elderly into health maintenance organizations, and other types of managed care plans, will surely lower the costs of operating the vast Medicare system. And citizens who belong to a Medicare-supported HMO may increase their benefits for prescription drugs, eyeglasses, and hearing aids coverage not available through fee-for-service plans.

Without some moderating legislation, however, senior citizens could very well find themselves locked into coverage that limits them to services provided by HMO-affiliated doctors, other professionals and hospitals. No longer would senior citizens have the freedom to choose their own doctor.

Mr. President, consider, if you will, the predicament of a patient who requires heart surgery, and whose HMO will not approve the cardiologist with whom the senior has built up a longstanding relationship. Should that patient be required to wait for a year's time to change to a plan that will cover the cardiologist whom the patient knows and trusts?

We must provide a safety valve to protect seniors who find themselves in that position. A point-of-service option would enable patients to see physicians and specialists inside and outside the managed care network. If senior citizens are satisfied with the care they receive within the network, they will feel no need to choose outside doctors and specialists. Without such options, however, these senior citizens will be locked into a rigid system which may, or may not, give them the health care they need from people they most trust to provide it.

Mr. President, most Americans, whether their health is insured by private firms or by Medicare, enjoy their freedom to decide which medical professional will provide their care and treatment. According to polls I have seen, patients are willing to pay a little more for the ability to go out of network to be assured of seeing the doctors of their choice. As many as 70 percent of Americans over 50 years old declared in one poll that they would be unwilling to join a Medicare managed plan that denied them the freedom to choose their own physicians.

Building a point-of-service option into all health plans under Medicare will not interfere with the plan's ability to contain cost, nor will it limit their efforts to encourage providers and patients to use their health care resources wisely. It simply will ensure that health plans put the patient first.

The CBO indicated that a built-in point-of-service feature would not increase the cost of Medicare. In testimony before the Senate Budget Committee, CBO stated that:

> the point of service option would permit Medicare enrollees to go to providers outside the HMO's panel when they wanted to, and yet it need not increase the benefit cost to HMO's or to Medicare * * *

The Medicare Patient Choice and Access Act also includes patient protections and provisions ensuring Medicare participants' timely access to specialists and provides an expedited appeals process which requires patient grievances to be resolved within 30 days. Lastly, this bill expands the consumer information which must be provided to beneficiaries to help patients compare health plans. Unfortunately, although the Health Care Financing Administration collect vast amounts of data, virtually none of it is currently accessible to consumers.

So, Mr. President, I urge Senators to support the Medicare Patient Choice and Access Act, which will provide senior citizens with real patient protections and real choice in health care.

By Mrs. BOXER:

S. 702. A bill to amend the Individuals With Disabilities Education Act to clarify that a State is not required to provide special education and related services to a person with a disability who is convicted of a felony and incarcerated in a secure correctional facility with adult offenders; to the Committee on Labor and Human Resources.

SPECIAL EDUCATION FOR VIOLENT CRIMINALS LEGISLATION

Mrs. BOXER. Mr. President, today I introduce legislation to ensure that children across the country will not lose special education funds provided by the Individual With Disabilities Education Act or IDEA. My legislation will fix a loophole in IDEA that threatens to cut off special education funding to children in California and as many as 24 other States.

IDEA guarantees all children a "free and appropriate public education." Unfortunately, the Department of Education has interpreted this requirement with a bizarre twist. It has insisted that "all children" includes those felons who, because of the particularly violent nature of their crimes, are serving time in adult State prisons. The Department of Education has even insisted California provide special education classes to two murderers on death row. If California refuses to comply, it stands to loss all Federal funding for special education—over $330 million, which helps educate close to 600,000 children.

I believe California is correct to protest these guidelines.

To hold special education children hostage to juvenile murderers and rapists in the State's adult prison system is unconscionable. The $5 to $20 million it would cost to provide specialized classes for these violent felons would clearly be better spent on law-abiding citizens.

My colleagues should be aware that California is not alone in this predicament. Twenty-four other states have been cited for noncompliance with IDEA's prison mandate, and they may lose Federal special education aid if they fail to change their policies.

My bill would amend IDEA to clarify that those juveniles sent to adult prisons because of the violent nature of their crimes would not be subject to the IDEA special education requirement. Young adults housed in juvenile detention facilities will not be affected in any way.

This bill will not prohibit or hinder in any way a State's ability to provide special education to adult prisoners. It will only remove the Federal mandate requiring States to provide special education to juveniles remanded to adult prisons. Deciding which rehabilitation programs to provide to State prisoners properly rests with lawmakers in each State. States such as California should not have to fear the loss of critical Federal aid because they prefer to allocate scarce resources to educate noncriminals.

Mr. President, this is a commonsense proposal, and I hope the Senate will act on it expeditiously.

I ask unanimous consent that the full text of the bill be printed in the RECORD. I ask unanimous consent that a newspaper article on this subject also be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CLARIFICATION ON THE PROVISION OF SPECIAL EDUCATION AND RELATED SERVICES TO CHILDREN WITH DISABILITIES WHO ARE CONVICTED OF FELONIES.

Section 612(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(1)) is amended by adding at end the following: "The State is not required under the policy to assure a free appropriate public education to a person with a disability who is convicted of a felony and as a result of such a conviction, is incarcerated in a secure correctional facility.".

(b) DEFINITIONS.—Section 602(a) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)) is amended by adding at the end the following:

"(28) The term "secure correctional facility" means any public or private residential facility that—

"(A) includes construction fixtures designed to physically restrict the movements and activities of individuals held in lawful custody in such facility; and

"(B) is used for the placement, after adjudication and disposition, of an individual convicted of a criminal offense.".

[From the Los Angles Times, Apr. 18, 1997]

STATE SHOULD GIVE PRISONERS SPECIAL EDUCATION, U.S. SAYS

(By Richard Lee Colvin)

The federal government wants California to provide special education services to some imprisoned felons, including those serving life terms or on death row. And, to pressure the state to do so, the U.S. Department of Education is threatening to withhold $332 million that now goes to pay for the same services for public schoolchildren.

The issue arises from an Education Department interpretation of the 1975 law that requires schools to ensure that students with physical, emotional and learning disabilities receive a "free, appropriate public education" in return for federal aid.

The law does not specifically require that prisoners receive such services. Indeed, many other states do not provide them. Neither does the federal prison system.

Yet, because California extends services such as tutoring and vocational and speech therapy to juveniles until they turn 22, the federal government says prisoners up to that age cannot be discriminated against—even if they are behind bars for crimes including murder and rape or awaiting execution.

Privately, federal education officials acknowledge that withholding money from programs for schoolchildren to pressure the state would be highly unpopular and that they would be reluctant to go through with it.

Nonetheless, federal officials have continued to press the state to comply.

The Wilson administration has resisted the order, saying that screening inmates and creating an individualized plan for serving each of them would pose daunting logistic, financial, security and legal problems. State officials have been lobbying Congress to change the law.

In testimony before a congressional committee looking into the issue, Gregory W. Harding, the Department of Corrections chief deputy director, questioned the "appropriateness and wisdom of expending precious resources" on individuals who have "committed felonious and, in many instances, heinous crimes."

Harding also warned that inmates or their parents "would merely use this process to make unreasonable demands or to bring frivolous lawsuits against staff."

The state prisons house roughly 10,000 inmates between the ages of 16 and 21. No one knows for sure how many of those prisoners might have disabilities qualifying them for special education. Estimates have ranged between 10% and 25%. Cost estimates also range widely, from $5 million to $20 million annually.

Those numbers pale next to the $3.4 billion spent annually in California to provide special education for 590,000 students.

But the possibility of shifting any money to prisoners rankles educators because the federal government requires the states to provide special education to disabled children, but has never come close to providing its full share of the programs' cost. The law originally said the federal government could cover up to 40% of the cost of special education, but Washington has never put up more than 12% of the money and has now dropped its share to roughly 8%—draining money from local school district budgets.

"Our position is that we don't want to see any public education dollar—state or federal—be siphoned off to provide special education service . . . to youth in prison," said Lou Barela, a special education administrator in Solano County who has testified on the issue on behalf of a statewide administrators group.

Barela said it would be more expensive to provide services in prisons than in schools because of security risks. She said the state already has a huge shortage of trained special education teachers, and it will be even more difficult to find ones willing to work in prisons.

It is not uncommon for federal officials to threaten to withhold special education funding in order to get a state or a local school district to comply with a ruling. In 1994, the Los Angeles Unified School District was threatened with the loss of its special education funding if it did not revamp its procedures for assessing students' needs in a timely fashion. In the end, no money was withheld.

Federal education officials have scheduled a public hearing for next month in Sacramento to discuss when the state will begin to provide the services. That hearing will also consider a compliance agreement under which the state would have as long as three years to change its program.

The issue of providing special education services to inmates is one of many that have complicated action to extend the life of the landmark 1975 law, now known as the Individuals With Disabilities Act.

Last fall, after working on the reauthorization bill for two years, Congress adjourned without taking action. Among the other issues stalling the bill were questions about how federal money for the program is distributed and how students served by the program can be disciplined.

Representatives of both parties in the Senate and House and from the Clinton administration are in the middle of negotiations on the reauthorization bill and are expected to come up with a compromise in the next few weeks. In an effort to keep those negotiations on track, the parties, including those from the Department of Education, have agreed not to talk about whether they are making progress.

Repubican Rep. Frank Riggs of Windsor heads one of the subcommittees dealing with the reauthorization and has vowed in the past to change the law to exempt California from the order to serve prisoners.

"It is utterly unfair to take precious special education dollars away from students in the public schools to give those dollars to muggers, murderers and rapists," said Beau Phillips, Riggs' spokesman.

"For the U.S. Department of Education to threaten the special ed grant for the entire state of California because the state won't provide special education to 19- and 22-year-old killers is insane."

By Mr. ALLARD:

S. 703. A bill to amend the Internal Revenue Code of 1986 to clarify the deductibility of expenses by a taxpayer in connection with the business use of the home; to the Committee on Finance.

HOME OFFICE TAX LEGISLATION

Mr. ALLARD. Mr. President, today I am introducing legislation to fully restore the home office tax deduction. This legislation is necessary because a recent Supreme Court decision and subsequent IRS regulations have made it impossible for many small business entrepreneurs to use the home office tax deduction.

During my service in the House of Representatives I introduced this legislation in both the 103d and 104th Congresses. We made great progress in the 104th, and even included a full home office tax deduction in the Contract With America tax legislation. Unfortunately, that tax legislation was vetoed.

However, by the end of the last Congress we were able to reach agreement with the President on a number of small business tax changes, and among them was a restoration of the tax deduction for home space used for the storage of product samples. This year we should finish the job and restore the full home office tax deduction.

Increasingly, it is the little guy who gets squeezed by the tax system. While large corporations can rent space and deduct office and virtually all other expenses, many taxpayers who work out of their home are no longer able to deduct their office expenses.

Traditionally, the Tax Code has permitted individuals who operate businesses within their homes to deduct a portion of the expenses related to that home. However, over the past 20 years Congress, the courts, and the IRS have reduced the scope and usefulness of the deduction.

The most serious blow came in 1993 when the Supreme Court's ruling in the Soliman decision effectively eliminated the home office deduction for most taxpayers. Under the Supreme Court's new interpretation of "principal place of business" a taxpayer who maintains a home office, but also performs important business related work outside the home is not likely to pass IRS scrutiny.

This change effectively denies the deduction to taxpayers who work out of their home but also spend time on the road. Those impacted include sales representatives, caterers, teachers, computer repairers, doctors, veterinarians, house painters, consultants, personal trainers, and many more. Even though these taxpayers may have no office other than their home, the work they perform will often deny them a deduction.

According to the IRS, 1.6 million taxpayers claimed a home office tax deduction in 1991. While not all of these taxpayers were affected by the Court's decision, many were. Clearly, any taxpayers who operate a business out of their home must review their tax situation.

There are many reasons why a broad home office tax deduction is important. The deduction is pro-family. It helps taxpayers pursue careers that enable them to spend more time with their children. The deduction helps cut down on commuting and saves energy. The deduction recognizes the advances of technology—computer and telecommunciations advances mean that more and more individuals will be able to work for themselves and maintain a home office.

The deduction is a boost to women and minorities who are increasingly starting their own businesses. In fact, over 32 percent of all proprietorships are now owned by women entrepreneurs, and Commerce Department data reveal that 55 percent of these women business owners operate their firms from their home. In addition, there are now well over 1 million minority-owned small businesses and a good number of these are operated out of the home.

Finally, the home office tax deduction helps our economy. It benefits small businesses and entrepeneurs who develop new ideas, and create jobs. Many of America's most important businesses originated out of a home.

Small business is increasingly the engine which drives our economy. With large firms downsizing, entrepeneurs must pick up the slack. The importance of this trend is demonstrated by the job shift that occurred during the slow recovery from the most recent recession. During the period of October 1991 to September 1992 large businesses cut 400,000 jobs while small business created 178,000 new jobs. During the boom years of the 1980's, the vast majority of the 20 million new jobs created were in the small business sector.

It is critical that recent assaults on the home office tax deduction be reversed. That is why I plan to work hard to see that this change in law is enacted as soon as possible.

By Mr. KOHL:

S. 704. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 with respect to the separate detention and confinement of juveniles, and for other purposes; to the Committee on the Judiciary.

THE JUVENILE JAIL IMPROVEMENT ACT

Mr. KOHL. Mr. President, I rise today to introduce the Juvenile Jail Improvement Act of 1997.

We face a growing and frightening tide of juvenile violence. And that tide is threatening to swamp our rural sheriffs. It is increasingly common for rural sheriffs to face a terrible dilemma every time they arrest a juvenile—they either have to release a potentially violent juvenile on the street to await trial or they have to spend invaluable time and manpower chauffeuring the juvenile around their State to an appropriate detention facility.

Either way, the current system makes little sense and needs to be changed.

Let me explain how this dilemma works. In most rural communities, the only jail available is built exclusively for adults. There are no special juvenile facilities. But sometimes, the community can create a separate portion of the jail for juveniles. However, under current law, a juvenile picked up for criminal activity can only be held in a separate portion of an adult facility for up to 24 hours. After that, the juvenile must be transported—often across hundreds of miles—to a separate juvenile detention facility, often to be returned to the very same jail 2 or 3 days later for a court date. This system often leaves rural law enforcement crisscrossing the State with a single juvenile—and results in massive expenses for law enforcement with little benefit for juveniles, who spend endless hours in a squad car. Such a process does not serve anyone's interests.

And that is not all that rural sheriffs face. Even qualifying for the 24-hour exception can be a nightmare. That's because juveniles can be kept in adult jails only under a very stringent set of rules. Keeping juveniles in an adult jail is known as collocation. It can only be done if there is strict sight and sound separation between the adults and the juveniles as well as completely separate staff. For many small communities, making these physical and staff changes to their jails is prohibitively expensive.

So sheriffs faced with diverting officers to drive around the State in search of a detention facility may choose to let the juvenile go free while awaiting trial. This prospect should frighten anyone who is aware of the growing trend in juvenile violence.

Today, I am introducing legislation that is designed to cure this problem. My legislative solution is simple, straightforward and effective. It extends from 24 to 72 hours the time during which rural law enforcement may collocate juvenile offenders in an adult facility, as long as juveniles remain separated from adults. It also relaxes the requirements for acceptable collocation. After taking a hard look at how collocation rules have worked—and in what ways they have failed—this legislation comes to a reasonable compromise.

Mr. President, one of our most important goals in assuring that any changes to these rules do not sacrifice the safety and welfare of arrested juveniles. In addition to the growing fear about juvenile violence, we have witnessed a growing anger and frustration at juveniles. This frustration should not lead us to forget the painful lessons we learned many years ago about abusive and dangerous treatment of delinquent children. Twenty years ago, we learned about kids who were thrown in jail where they were victimized and abused by adult prisoners; or where, without proper supervision, they committed suicide; or, where, guarded by people who only had experience with adult prisoners, they were disciplined savagely. When we give into the temptation to throw juveniles in jail and teach them a tough lesson, we are often ill rewarded. So even as we loosen these collocation requirements, we must bear in mind that the juvenile justice system still has its principle goal rehabilitation not harsh retribution.

My conversations with administrators, sheriffs, and juvenile court judges have led me to conclude that we must bring greater flexibility—and less redtape—to the Juvenile Justice Act. It is my hope that this legislation—which offers greater flexibility while retaining important protections regarding the separation of juveniles from adults—will meet with strong support from the Senate. Thank you.

By Mr. McCAIN:

S. 705. A bill to amend the Communications Act of 1934 to establish statutory rules for the conversion of television broadcast station from analog to digital transmission consistent with the Federal Communications Commission's fifth order and report, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE DIGITAL TELEVISION CONVERSION ACT

Mr. McCAIN. Mr. President, I am pleased to introduce the Digital Television Conversion Act. This legislation codifies the rules and policies recently adopted by the Federal Communications Commission to govern the transition of the over-the-air television system from analog to digital broadcasting.

Mr. President, every American has a stake in the speedy and successful implementation of new digital broadcasting technology. Those of us who like to watch TV will benefit from crisper, larger video, CD-quality audio, and more channels of video programming choices. Even better, those of us who would prefer to interact with TV will find that the convergence of digital television and computer technology will make exciting new interactive video service offerings possible. The economy will benefit from the new jobs created by manufacturing new digital television receivers. The television broadcasting industry stands on the threshold of a transformation that will assure that over-the-air broadcasting isn't relegated to the slow lane on the digital information superhighway.

To enable this all to happen, the $100 billion television industry will be given extra channels of broadcast spectrum valued at up to $70 billion for free. In return, each television licensee will only be required to incur the cost of installing digital broadcasting equipment—a cost, I assure you, far below the estimated value of the new digital spectrum each broadcaster will be given—and, when the transition is complete, return the analog channels they now occupy, to be auctioned for other uses.

The new and improved services that will come from digitial television, plus whatever revenue is derived from auctioning the analog channels, is what the American people will get from the television industry in return. It is therefore absolutely imperative, Mr. President, to guarantee that this transition to digital takes place as quickly as conditions will reasonably allow. Put another way, Mr. President, it is incumbent upon us to make sure, on behalf of the American people, that the television industry actually crosses the digital threshold upon which it now stands.

And that is the reason I am introducing this legislation today. For the rules recently adopted by the Federal Communications Commission do not establish firm timetables and deadlines to govern the television industry's critically important digital conversion. For example, although the FCC set out target dates for television stations in each market to convert to digital, this conversion schedule is not binding on more than 90 percent of all television stations, and the Commission has not adopted any way to verify licensee's compliance with the nonbinding conversion schedule. Likewise, there is no rule requiring that television licensees return their current analog channels by any given date so they can be auctioned.

Given the tremendous promise that digital broadcasting holds for television licensees, why not simply rely on broadcasters to voluntarily implement a rapid transition out of their own best interests? The answer, Mr. President, is that different licensees may see their own best interests in different ways.

Some may see their own best interests served by delaying the conversion to avoid the added expenditure, at least until a majority of other stations take the plunge. This could produce a classic "chicken-and-egg" problem, especially in smaller markets: Local stations wait to convert until the cost comes down and until local viewers buy digital sets or converter boxes—but the cost won't come down and consumers won't buy digital sets or converter boxes because local stations aren't broadcasting in digital. It would be unfortunate that viewers in smaller markets, who probably stand to benefit the most from the diverse array of new services that digital broadcasting can provide, are most likely to fall victim to these perverse incentives.

And of course, Mr. President, there is that element of self-interest that any broadcaster, regardless of market size, might have: the perfectly understandable interest in retaining both the old analog and the new digital channel for as long as possible. But this, of course, would doubly enrich television licensees, who would already have been given their digital channel for free. It would also delay the ability to use the returned analog channels for different telecommunications services from which the public would benefit. Moreover, any delay in returning the analog channels would also affect the revenues realized from auctioning them. This has now become an especially important consideration with the bipartisan agreement between Congress and the White House to balance the budget by the year 2002: Revenues from the auction of these channels have been scored and included in the estimates on which this bipartisan budget agreement is based.

To be sure, many station licensees are apparently eager to get on with the job of conversion, although they sometimes foresee practical difficulties beyond their control getting in the way. In recognition of these potential problems, this legislation also codifies the FCC's standard for waiving the conversion schedule on a case-by-case basis. And in codifying the FCC's nonbinding analog channel giveback dates, the bill also recognizes the special circumstances faced by noncommercial broadcasters, and codifies the more liberal analog channel giveback target dates the FCC provided for these licensees.

Nor am I concerned, Mr. President, that some markets could lose over-the-air television if analog channel reversion deadlines are codified but, for some unforeseen reason, digital broadcasting does not take hold. Codifying the digital conversion timetables will assure that as many stations as possibly can convert to digital, will. And it is simply preposterous to think that, even if digital broadcasting somehow fails to take hold during the next 9 years notwithstanding this bill's legislative impetus for it to do so, further legislation extending the date for the give back of the analog channels would not swiftly be enacted.

In sum, Mr. President, those televisions broadcasters who are willing and eager to convert to digital will not be hurt in any way by codifying the deadlines and the waiver standard. It is only those licensees who, for whatever reason, might be less than anxious to make the transition who will have their feet held to the fire. Is this fair? You bet it is. We cannot be lax in our duty to guarantee, to the greatest extent we can, that consumers enjoy both the telecommunications benefits of digital television and the economic benefits of the analog channels' auction revenues.

By Mr. BOND:

S. 706. A bill to amend the Individuals With Disabilities Education Act to permit the use of long-term disciplinary measures against students who are children with disabilities, to provide for a limitation on the provision of educational services to children with disabilities who engage in behaviors that are unrelated to their disabilities, and to require educational entities to include in the educational records of students who are children without disabilities documentation with regard to disciplinary measures taken against such students, and for other purposes; to the Committee on Labor and Human Resources.

THE SCHOOL SECURITY IMPROVEMENT ACT OF 1997

Mr. BOND. Mr. President, today I am introducing the School Security Improvement Act of 1997. This legislation will make some needed reforms to the Individuals With Disabilities Education Act [IDEA]. The goal of this act is to preserve the rights of students with disabilities while granting local school districts more flexibility to discipline violent and disruptive students. This legislation also focuses on reducing litigation and unnecessary attorneys' fees.

Last week, I traveled through my home State of Missouri to discuss this measure with school district superintendents, principals, school board members, special education directors, and parents. The top two concerns mentioned, without exception, were safety and discipline of all students in the public school system. The rising incidences of school violence and current inflexible Federal mandates have made IDEA reform a high priority issue for educators and parents around the country. Current law prohibits removal of a disabled child from the classroom for more than 10 days—even if he or she becomes violent, commits a crime, or threatens other children—unless permission is granted by a parent. IDEA has created a separate category of students that are not bound by the rules of conduct required of their students, even when their behavior is not related to their disability.

My primary concern is creating a safe learning environment for all children. In attempting to provide good education services to disabled students, which I fully support, we have unfortunately created a situation where some kids can hide behind their disability in displaying some outrageous behavior. For instance, I know a case where a young man who sold drugs at school was still in the classroom a year later, even though his crime was not related to his disability. What does that say to other kids, particularly when for them the same crime would bring an automatic 1-year expulsion? In another horrendous case, a student stabbed a classmate with scissors and was back in the classroom in just 10 days.

The School Security Improvement Act of 1997 will eliminate the double standard that currently exists between special education and general education children. All students, disabled or not, should receive the same discipline for the same behavior. I believe this is appropriate when the behavior of the child is not related to their disability. Children must learn that there are consequences for violating the rules. Good education demands discipline and standards of conduct.

In an effort to ensure that the students, teachers, and school employees remain safe within the educational environment, this bill requires schools to include in the records of a child with a disability a statement of disciplinary action taken against the student and allows intrastate and interstate transfer of records from one district to another. The records issue has been brought to the forefront because of several instances when disabled students have caused serious problems and school officials were unaware that the student had a record of similar activities in other schools.

I believe that all students with disabilities need and deserve access to educational services to meet their individual needs. However, in those occasional circumstances when a student becomes so violent or dangerous, and their behavior significantly disrupts the educational process and they become a danger to themselves or others, or create an environment in which learning cannot occur, then the rights of others in the school to have a safe and effective learning environment must take precedence.

The School Security Improvement Act of 1997 will enable school administrators, those who are closest to the problem, to remove dangerous students with disabilities who pose a threat to the safety of others from the classroom and make temporary alternative placements to ensure the safety of all students until a more appropriate placement is determined. When these students are able to behave appropriately, they will be returned to the classroom.

The current IDEA provision requiring local school districts to reimburse attorneys' fees incurred by parents who elect to initiate litigation has had the predictable result of encouraging such litigation and of driving up special education costs. The dispute-resolution procedures has become extremely adversarial and costly. Studies have found that the amount of special education litigation has dramatically increased in recent years. Sadly, some parent attorneys seem encouraged to use due process, as a fishing expedition or to threaten districts with protracted litigation over non-issues as a tactic to force school districts to comply with parental demands.

This practice only serves to reduce district funds available to meet the needs of students with disabilities. Clearly, we need reasonable reforms to the dispute-resolution process to ensure that scarce educational funds are used for educational services for our children.

I firmly believe that children with disabilities must be guaranteed a free appropriate education. Yet no school district should have to cut services to any student so it can pay attorneys' fees. But, because of the explosion of litigation in this area, educational services for all students are being endangered.

Under the School Security Improvement Act of 1997, local school districts will be permitted to provide alternative educational placement for children who threaten the safety of others. For some children, it is absolutely appropriate to swiftly and permanently remove them from the regular classroom setting. The law should not prohibit local school officials from acting on their own authority to discipline dangerous and unruly students.

The School Security Improvement Act will give local school districts the authority and flexibility to ensure that the students and the personnel are provided educational and working environments that are safe and orderly.

Mr. President, when the Federal Government enacted IDEA, it promised to fund 40 percent of the national average per pupil expenditure. Today, the Federal Government funds only 7 percent. My bill contains a provision expressing a sense of the Senate that the Federal portion of educating students with disabilities should be fully funded. In recent years, costly regulations have dramatically increased, placing a tremendous strain on local school districts. The time and money spent on Federal mandates must be reduced, so that more time and resources can be spent in the classroom on school children. This money will help students by easing the financial burden on local school districts.

I know the feelings run high on this issue. We have a difficult job when it comes to balancing the needs of those with special needs with our responsibility to educate all children in the classroom, free of violence and disruption. I look forward to the upcoming reauthorization of IDEA and working with my colleagues in this effort to come up with a commonsense approach to improve our Nation's schools.

By Mr. LAUTENBERG:

S. 707. A bill to prohibit the public carrying of a handgun, with appropriate exceptions for law enforcement officials and others; to the Committee on the Judiciary.

THE CONCEALED WEAPONS PROHIBITION ACT OF 1997

Mr. LAUTENBERG. Mr. President, today I am introducing legislation, the Concealed Weapons Prohibition Act of 1997, that would prohibit individuals from publicly carrying a handgun.

The bill includes exceptions for certain people authorized to carry handguns under State law, such as law enforcement personnel and duly authorized security officers. States also could provide exemptions in individual cases, based on credible evidence of compelling circumstances warranting an exemption, such as a woman being stalked by someone who is threatening her. A simple claim of concern about generalized risks would not be sufficient to warrant an exemption; there would have to be a specified, credible threat.

Mr. President, common sense tells us that there are more than enough dangerous weapons on America's streets. Yet, incredibly, some seem to think that there should be more. These people want to turn our States and cities into a modern version of the old wild west, where everyone carries a gun on his or her hip, taking the law into their own hands. This is a foolhardy and dangerous trend.

Mr. President, this country is already drowning in a sea of gun violence. Every 2 minutes, someone in the United States is shot. Every 14 minutes, someone dies from a gunshot wound. In 1994 alone, over 15 thousand people in our country were killed by handguns. Compare that to countries like Canada, where 90 people were killed by handguns that year, or Great Britain, which had 68 handgun fatalities.

Mr. President, the Federal Centers for Disease Control and Prevention estimate that by the year 2003, gunfire will have surpassed auto accidents as the leading cause of injury-related deaths in the United States. In fact, this is already the case in seven States.

Mr. President, given the severity of our Nation's gun violence problem, we need to be looking for ways to reduce the number of guns on our streets. Yet, instead, many States recently have enacted laws to do the opposite, by making it easier for people to carry concealed weapons.

Unfortunately, Mr. President, concealed weapons make people less, not more, secure. In fact, there is near-unanimous agreement among law enforcement groups that concealed weapons laws are bad policy. These groups understand that when more people carry weapons on the streets, more routine conflicts escalate into deadly violence.

Mr. President, every day people get into everything from traffic accidents to domestic disputes. Maybe these arguments lead to yelling, or even fisticuffs. But if people are carrying guns, those conflicts are much more likely to end in a shooting, and death.

Concealed weapons laws also are likely to make criminals more violent. Think about it, Mr. President. If a criminal thinks that you might be carrying a concealed weapon, common sense tells you that he is much more likely to simply shoot first, and ask questions later.

Mr. President, another dangerous side-effect of having private citizens carry concealed weapons is the impact these unseen guns will have on law enforcement officers. Police officers would become reluctant to conduct even routine traffic stops if they knew that large numbers of citizens could be carrying concealed weapons.

You do not need to take my word for this, Mr. President. Just ask the men and women in law enforcement. In fact, the Police Executive Research Forum did just that. In their 1996 survey, they found that 92 percent of their membership opposed legislation allowing private citizens to carry concealed weapons. The most cited reason for this opposition was public safety.

Mr. President, the police of this country understand that the public carrying of handguns increases the likelihood of gun violence. Also, concealed weapons increase the chances that incompetent or careless handgun users will accidently injure or kill innocent bystanders. Unfortunately, States increasingly are allowing individuals to carry concealed weapons with little or no training in the operation of firearms. This means that many incompetent people are putting the public at risk from stray bullets.

Mr. President, although the regulation of concealed weapons has been left to States, it is time for Congress to step in to protect the public. All Americans have a right to be free from the dangers posed by the carrying of concealed handguns, regardless of their State of residence. And Americans should be able to travel across State lines for business, to visit their families, or for any other purpose, without having to worry about concealed weapons.

Congress has the constitutional authority to provide this protection, Mr. President, and there is a strong Federal interest in ensuring the safety of our citizens. Beyond the human costs of gun violence, crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation whose workers, suppliers, and customers are adversely affected by gun violence. Moreover, to ensure its coverage under the Constitution's commerce clause, my bill applies only to handguns that have been transported in interstate or foreign commerce, or that have parts or components that have been transported in interstate or foreign commerce. This clearly distinguishes the legislation from the gun free school zone statute that was struck down in the Supreme Court's Lopez case.

Mr. President, the bottom line is that more guns equals more death. This legislation will help in our struggle to reduce the number of guns on our streets, and help prevent our society from becoming even more violent and dangerous.

I hope my colleagues will support the bill, and ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 707

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This act may be cited as the "Concealed Weapons Prohibition Act of 1997".

SEC. 2. FINDINGS.

The Congress finds and declares that—

(1) crimes committed with handguns threaten the peace and domestic tranquility of the United States and reduce the security and general welfare of the Nation and its people;

(2) crimes committed with handguns impose a substantial burden on interstate commerce and lead to a reduction in productivity and profitability for businesses around the Nation whose workers, suppliers, and customs are adversely affected by gun violence;

(3) the public carrying of handguns increases the level of gun violence by enabling the rapid escalation of otherwise minor conflicts into deadly shootings;

(4) the public carrying of handguns increases the likelihood that incompetent or careless handgun users will accidently injure or kill innocent bystanders;

(5) the public carrying of handguns poses a danger to citizens of the United States who travel across State lines for business or other purposes; and

(6) all Americans have a right to be protected from the dangers posed by the carrying of concealed handguns, regardless of their State of residence.

SEC. 3. UNLAWFUL ACT.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), it shall be unlawful for a person to carry a handgun on his or her person in public.

"(2) Paragraph (1) shall not apply to the following:

"(A) A person authorized to carry a handgun pursuant to State law who is—

"(i) a law enforcement official;

"(ii) a retired law enforcement official;

"(iii) a duly authorized private security officer;

"(iv) a person whose employment involves the transport of substantial amounts of cash or other valuable items; or

"(v) any other person that the Attorney General determines should be allowed to carry a handgun because of compelling circumstances warranting an exception, pursuant to regulations that the Attorney General may promulgate.

"(B) A person authorized to carry a handgun pursuant to a State law that grants a person an exemption to carry a handgun based on an individualized determination and a review of credible evidence that the person should be allowed to carry a handgun because of compelling circumstances warranting an exemption. A claim of concern about generalized or unspecified risks shall not be sufficient to justify an exemption.

"(C) A person authorized to carry a handgun on his or her person under Federal law.".

By Mr. LAUTENBERG:

S. 708. A bill to amend title 23, United States Code, to provide for a national minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol; to the Committee on Environment and Public Works.

THE DEADLY DRIVER REDUCTION AND MATTHEW P. HAMMELL MEMORIAL ACT

Mr. LAUTENBERG. Mr. President, today I am introducing the Deadly Driver and Matthew P. Hammell Memorial Act, which would establish national minimum penalties for alcohol-related motor vehicle violations. It is a companion to S. 412, the Safe and Sober Streets Act, which I introduced last month along with Senator MIKE DEWINE of Ohio, a bill intended to make .08 blood alcohol content the national standard for impaired driving. I am proud to sponsor this legislation and when it is adopted, many lives will be saved.

However, Mr. President, we can also reduce fatalities and serious injury caused by drunk driving by having tougher penalties. Driving while intoxicated, or DWI, is one of the most prevalent crimes in this country. In 1992, more people were arrested for DWI—1.6 million—than for any other reported criminal activity including larceny or theft, or for drug abuse violations. By even reasonable standards this could be considered a kind of epidemic. And we need to start treating this epidemic.

A shocking number of DWI convictions are repeat offenders. When the National Highway Traffic and Safety Administration studied this issue, it found that about one-third of all drivers arrested or convicted of DWI each year are repeat DWI offenders. One study in California demonstrated the extent of this problem over the long term. It found that 44 percent of all drivers convicted of DWI in California in 1980 were convicted again of DWI within the next 10 years.

In my State of New Jersey, the problem is exacerbated by the fact that DWI offenses are treated as traffic violations as opposed to crimes. Unfortunately, Mr. President, too many people share this view of drinking and driving, with the result being that those who are charged with DWI often drink and drive again. While in New Jersey new laws and programs have been implemented to address the drunk-driving problem, and DWI arrests and convictions have declined, the problem of repeat offenders persists. Between 1994 and 1995 the number of two-time offenders actually increased from 4,495 in 1994 to 4,731 in 1995.

The danger of these repeat offenders is illustrated by the fact that drivers with prior DWI convictions are overrepresented in fatal crashes. These drivers have a 4.1 times greater risk of being in a fatal crash, as do intoxicated drivers without a prior DWI, and the risk of a particular driver being involved in a fatal crash increases with each DWI arrest.

Mr. President, it is time that we take this problem of repeat offenders seriously. The first time a driver is convicted of DWI, he or she must understand the severity of the crime which has been committed. If a person continues to ignore the law, and continues to drink and drive, the courts need to treat that person with the full force of the law, both to punish that person, and to protect the public at large.

That is why I am introducing the Deadly Driver Reduction and Matthew P. Hammell Memorial Act. This bill requires States to adopt mandatory minimum sentences for DWI offenders within 3 years or otherwise lose a portion of their Federal highway funding. The sentencing requirements are as follows: For a first-time conviction of a person operating a motor vehicle while under the influence of alcohol, their license is revoked for 6 months. A second conviction requires a 1-year suspension, and a third conviction for the crime of driving while impaired by alcohol results in the permanent revocation of that person's license.

If a State fails to adopt these minimum sentences by October 1, 2000, 5 percent of that State's Federal highway funds will be withheld. If a State fails to adopt these minimum sentences after another year, that State would then lose 10 percent of its allocated Federal highway funds.

Mr. President, sanctions work. In too many States, and in too many courts in this country, drunk driving is not taken seriously enough. We want to make sure that those who disobey the law by drinking and driving both understand the severity of their offense and are prevented from driving if they continue to break the law. These mandatory minimum penalties will meet these challenges.

When we talk about drunk driving, too often we talk about it in statistical terms. But there are real people attached to those statistics. In the spring of 1995, a young man, from Tuckerton, NJ, full of goodness and potential, was struck down by a drunk driver while he and his friend were in-line skating. Matthew Hammell was exceptional. All those who knew him talk about being touched by his kindness and caring. Like so many American boys, at one point he dreamed of being a baseball player, but as he matured he knew he wanted to be a missionary. His dream became living a life of helping others. But this dream, this young man, was taken away from all of us much too early when Robert Hyer, drunk and driving, struck Matthew with his car while passing another vehicle. Robert Hyer should not have been on the road. Not only was he drunk, but he had a history of driving drunk. Before this fateful incident, Hyer had been charged with DWI six times, though he was convicted only twice. Hyer lost his license in New Jersey in 1984, but somehow he obtained a North Carolina license just 2 years later. He was a habitual offender who kept bucking the system. A system which kept letting him go. A system which, in the end, was too late in responding.

Mr. President, it may be too late for Matthew Hammell, and all of the other Matthew Hammells whose spirits are taken from us too early, but it is now that we must become serious about drinking and driving. So, in his honor, and in the memory of all of our loved ones who do not get to achieve their potential due to the actions of drunk drivers, we have named this bill the Deadly Driver Reduction and Matthew P. Hammell Memorial Act. While I will be the first to admit that this bill is not enough, at least it is a start. Let us work together now so that such memorial acts are unnecessary in the future.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 708

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Deadly Driver Reduction and Matthew P. Hammell Memorial Act".

SEC. 2. MINIMUM PENALTY FOR AN INDIVIDUAL WHO OPERATES A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§162. National minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol

"(a) WITHHOLDING OF APPORTIONMENTS FOR NONCOMPLIANCE.—

"(1) FISCAL YEAR 2001.—The Secretary shall withhold 5 percent of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 2000, if the State does not meet the requirements of paragraph (3) on that date.

"(2) THEREAFTER.—The Secretary shall withhold 10 percent (including any amounts withheld under paragraph (1)) of the amount required to be apportioned to any State under each of paragraphs (1), (3), and (5)(B) of section 104(b) on October 1, 2001, and on October 1 of each fiscal year thereafter, if the State does not meet the requirements of paragraph (3) on that date.

"(3) REQUIREMENTS.—

"(A) IN GENERAL.—A State meets the requirements of this paragraph if the State has enacted and is enforcing a law that provides for a minimum penalty consistent with the following:

"(i) In the case of the first offense of an individual of operating a motor vehicle while under the influence of alcohol, revocation of the individual's driver's license for at least 180 days.

"(ii) In the case of the second offense of an individual of any alcohol-related offense while operating a motor vehicle (including operating a motor vehicle while under the influence of alcohol), revocation of the individual's driver's license for at least 1 year.

"(iii) In the case of the third or subsequent offense of an individual of any alcohol-related offense while operating a motor vehicle (including operating a motor vehicle while under the influence of alcohol), permanent revocation of the individual's driver's license.

"(B) TERMS OF REVOCATION.—A revocation under subparagraph (A) shall not be subject to any exception or condition, including an exception or condition to avoid hardship to any individual.

"(b) PERIOD OF AVAILABILITY; EFFECT OF COMPLIANCE AND NONCOMPLIANCE.—

"(1) PERIOD OF AVAILABILITY OF WITHHELD FUNDS.—

"(A) FUNDS WITHHELD ON OR BEFORE SEPTEMBER 30, 2002.—Any funds withheld under subsection (a) from apportionment to any State on or before September 30, 2002, shall remain available until the end of the third fiscal year following the fiscal year for which the funds are authorized to be appropriated.

"(B) FUNDS WITHHELD AFTER SEPTEMBER 30, 2002.—No funds withheld under this section from apportionment to any State after September 30, 2002, shall be available for apportionment to the State.

"(2) APPORTIONMENT OF WITHHELD FUNDS AFTER COMPLIANCE.—If, before the last day of the period for which funds withheld under subsection (a) from apportionment are to remain available for apportionment to a State under paragraph (1), the State meets the requirements of subsection (a)(3), the Secretary shall, on the first day on which the State meets the requirements, apportion to the State the funds withheld under subsection (a) that remain available for apportionment to the State.

"(3) PERIOD OF AVAILABILITY OF SUBSEQUENTLY APPORTIONED FUNDS.—Any funds apportioned under paragraph (2) shall remain available for expenditure until the end of the third fiscal year following the fiscal year in which the funds are so apportioned. Sums not obligated at the end of that period shall lapse or, in the case of funds apportioned under section 104(b)(5)(B), shall lapse and be made available by the Secretary for projects in accordance with section 118.

"(4) EFFECT OF NONCOMPLIANCE.—If, at the end of the period for which funds withheld under subsection (a) from apportionment are available for apportionment to a State under paragraph (1), the State does not meet the requirements of subsection (a)(3), the funds shall lapse or, in the case of funds withheld from apportionment under section 104(b)(5)(B), shall lapse and be made available by the Secretary for projects in accordance with section 118.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"162. National minimum penalty for an individual who operates a motor vehicle while under the influence of alcohol.".

By Mr. WARNER (for himself, Mr. INOUYE, Mr. THURMOND, and Mrs. FEINSTEIN):

S.J. Res. 30. A joint resolution designating March 1, 1998 as "United States Navy Asiatic Fleet Memorial Day," and for other purposes; to the Committee on the Judiciary.

U.S. NAVY ASIATIC FLEET MEMORIAL DAY

Mr. WARNER. Mr. President, I rise today to introduce legislation to recognize the sailors and marines who served in the U.S. Asiatic Fleet throughout the Far East. During the Asiatic Fleet's existence from 1910 to 1942, the fleet was an instrumental component of American national security and diplomacy.

The U.S. Asiatic Fleet, the successor to the old Asiatic Station and precursor to today's 7th Fleet, maintained an important presence throughout Southeast Asian waters. Initially operating between coastal China and the Philippines, the fleet's activities expanded to include operations in Russian waters and the straits and narrows encompassing Malaysia and Indonesia.

In these critical regions, the fleet's men and women supported American security interests and the safety of citizens abroad during civil wars and international conflicts. During one of the greatest natural disasters, the Yangtze flood of 1931, which killed 150,000 people, the fleet rendered aide and assistance to Americans and Chinese. Through these actions, the fleet demonstrated the commitment of the United States to an important area of the world during a dynamic period in history.

During the last years of Asiatic Fleet operations, sailors and marines courageously distinguished themselves by defending against the tidal wave of Japanese aggression. Facing the modern Japanese armada were the fleet's 3 cruisers, 13 WWI-vintage destroyers, 29 submarines and a handful of gunboats and patrol aircraft. Against overwhelming odds, the fleet defended the Philippines until the evacuation was ordered and fought the continued expansion of the Japanese throughout the South Pacific. Many of those defenders were captured or killed in these heroic battles.

It is important that we pause to remember the valor and spirit of these dedicated servicemen. For that reason, I am introducing a resolution which will designate March 1, 1998, the 56th anniversary of the sinking of the Asiatic Fleet's flagship, the U.S.S. *Houston*, by Japanese Imperial Forces, as "United States Navy Asiatic Fleet Memorial Day." I invite my colleagues to support this resolution.

ADDITIONAL COSPONSORS

S. 18

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 18, a bill to assist the States and local governments in assessing and remediating brownfield sites and encouraging environmental cleanup programs, and for other purposes.

S. 61

At the request of Mr. LOTT, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 61, a bill to amend title 46, United States Code, to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Maryland [Ms. MIKULSKI] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 191

At the request of Mr. HELMS, the names of the Senator from South Carolina [Mr. THURMOND], the Senator from Alaska [Mr. STEVENS], and the Senator from Missouri [Mr. ASHCROFT] were added as cosponsors of S. 191, a bill to throttle criminal use of guns.

S. 193

At the request of Mr. GLENN, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 193, a bill to provide protections to individuals who are the human subject of research.

S. 202

At the request of Mr. LOTT, the name of the Senator from Utah [Mr. HATCH] was added as a cosponsor of S. 202, a bill to amend title II of the Social Security Act to eliminate the earnings test for individuals who have attained retirement age.

S. 239

At the request of Mr. DASCHLE, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 239, a bill to amend the Internal Revenue Code of 1986 relating to the treatment of livestock sold on account of weather-related conditions.

S. 314

At the request of Mr. THOMAS, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 314, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

S. 335

At the request of Mr. WARNER, the name of the Senator from Louisiana [Ms. LANDRIEU] was added as a cosponsor of S. 335, a bill to authorize funds for construction of highways, and for other purposes.

S. 348

At the request of Mr. MCCONNELL, the names of the Senator from Oklahoma [Mr. INHOFE], and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 348, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to encourage States to enact a Law Enforcement Officers' Bill of Rights, to provide standards and protection for the conduct of internal police investigations, and for other purposes.

S. 449

At the request of Mr. WYDEN, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 449, a bill to prohibit the restriction of certain types of medical communications between a health care provider and a patient.

S. 456

At the request of Ms. MOSELEY-BRAUN, the name of the Senator from Ohio [Mr. GLENN] was added as a cosponsor of S. 456, a bill to establish a partnership to rebuild and modernize America's school facilities.

S. 460

At the request of Mr. BOND, the names of the Senator from Wyoming [Mr. THOMAS], the Senator from Texas [Mrs. HUTCHISON], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Idaho [Mr. CRAIG], the Senator from Ohio [Mr. DEWINE], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 536

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska [Mr. HAGEL] was added as a cosponsor of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 537

At the request of Ms. MIKULSKI, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 537, a bill to amend title III of the Public Health Service Act to revise and extend the mammography quality standards program.

S. 575

At the request of Mr. DURBIN, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 575, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals.

S. 617

At the request of Mr. JOHNSON, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 617, a bill to amend the Federal Meat Inspection Act to require that imported meat, and meat food products containing imported meat, bear a label identifying the country of origin.

S. 652

At the request of Mr. GRAMS, the name of the Senator from South Dakota [Mr. DASCHLE] was added as a cosponsor of S. 652, a bill to facilitate recovery from the recent flooding of the Red River of the North and its tributaries by providing greater flexibility for depository institutions and their regulators, and for other purposes.

S. 674

At the request of Mr. CHAFEE, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 674, a bill to amend title XIX of the Social Security Act to encourage States to expand health coverage of low income children and pregnant women and to provide funds to promote outreach efforts to enroll eligible children under health insurance programs.

S. 687

At the request of Mr. JEFFORDS, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 687, a bill to enhance the benefits of the national electric system by encouraging and supporting State programs for renewable energy sources, universal electric service, affordable electric service, and energy conservation and efficiency, and for other purposes.

S. 691

At the request of Mr. MURKOWSKI, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 691, a bill entitled the "Public Land Management Participation Act of 1997".

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 63

At the request of Mr. DOMENICI, the names of the Senator from Kansas [Mr.

BROWNBACK], the Senator from Rhode Island [Mr. CHAFEE], the Senator from Indiana [Mr. COATS], the Senator from Missouri [Mr. BOND], and the Senator from Oklahoma [Mr. INHOFE] were added as cosponsors of Senate Resolution 63, a resolution proclaiming the week of October 19 through October 25, 1997, as "National Character Counts Week".

SENATE RESOLUTION 71

At the request of Mr. WYDEN, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Rhode Island [Mr. CHAFEE], the Senator from New York [Mr. D'AMATO], the Senator from Iowa [Mr. HARKIN], the Senator from Connecticut [Mr. DODD], the Senator from Utah [Mr. HATCH], the Senator from Michigan [Mr. LEVIN], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. CLELAND], the Senator from Hawaii [Mr. AKAKA], the Senator from North Dakota [Mr. DORGAN], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Vermont [Mr. LEAHY], the Senator from Wisconsin [Mr. FEINGOLD], the Senator from Hawaii [Mr. INOUYE], the Senator from South Dakota [Mr. JOHNSON], the Senator from Illinois [Mr. DURBIN], the Senator from Virginia [Mr. ROBB], the Senator from Oregon [Mr. SMITH], the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Nebraska [Mr. KERREY], the Senator from New Mexico [Mr. BINGAMAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Massachusetts [Mr. KERRY], and the Senator from Kansas [Mr. BROWNBACK] were added as cosponsors of Senate Resolution 71, a resolution to ensure that the Senate is in compliance with the Congressional Accountability Act with respect to permitting a disabled individual access to the Senate floor when that access is required to allow the disabled individual to discharge his or her official duties.

SENATE RESOLUTION 79

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of Senate Resolution 79, a resolution to commemorate the 1997 National Peace Officers Memorial Day.

SENATE RESOLUTION 83—RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, and Mr. COVERDELL) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 83

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

Mr. REID. Mr. President, I come to the floor today to submit a Senate resolution which I hope will raise national awareness to the problem of suicide and one that recognizes suicide as a national public health problem needing attention.

I am pleased to have as cosponsors of this resolution Senators MURRAY, WELLSTONE, and COVERDELL. Their courage and leadership on this issue is appreciated.

Currently there are nearly 31,000 suicides annually in the United States—83 suicides per day; or 1 suicide every 17 minutes—with 12 of every 100,000 Americans taking their own lives.

Suicide cuts across all age, economic, social, and ethnic boundaries.

More people die from suicide than from homicide in the United States.

On an average day in this country, an estimated 1,900 adults attempt suicide.

It is estimated that there are 750,000 suicide attempts annually.

In 1994, the latest year for which we have statistical data, the 10 highest suicide rates, averaging twice those of the mid-Atlantic region, were found in States within the intermountain region of the west.

Unfortunately, my State of Nevada leads the Nation in this public health tragedy.

Mr. President, suicide is the eighth leading cause of death in the United States.

Males commit suicide at rates and numbers of suicides three to four times those of females.

Firearms are currently the most often utilized method of suicide by essentially all groups—that is males, females, young, old, white, nonwhite—and the rates are increasing.

Suicide rates have traditionally decreased in times of wars and increased in times of economic crises.

Rates of suicide are highest among the older adult population above 65. Last year I was pleased to call for a Senate Special Committee on Aging hearing which addressed this issue.

Elderly adults have rates of suicide more than 50 percent higher than the Nation as a whole and the young—15 to 24.

Youth—15 to 24 years of age—suicide rates increased more than 200 percent from the 1950's to the late 1970's. Following the late 1970's the rates for youth have remained stable or slightly lower, although current rates are also approximately 200 percent higher than in the 1950's.

For young people 15 to 24 years old, suicide is the third leading cause of death, behind unintentional injury and homicide. In 1992 more teenagers and young adults died from suicide than died from cancer, heart disease, AIDS, birth defects, stroke, pneumonia and influenza, and chronic lung disease combined.

The risk for suicide among young people is greater among young white males; however, from 1980 through 1992, suicide rates increased most rapidly among young black males. Although suicide among children is a rare event, the dramatic increase in the rate among persons 10 to 14 years of age underscores the urgent need for intensifying efforts to prevent suicide among persons in this age group.

Although there are no official statistics on attempted suicide, it is generally estimated that there are at least 8 to 20 attempts for each death by suicide.

Risk of attempted suicide is greatest among females and the young. Females have generally been found to make 3 to 4 times as many attempts as males. Estimate of the ratio of young attempted suicides to suicidal deaths have generally ranged between 100 to 1 and 200 to 1.

Mental health diagnoses are generally associated with higher risk of suicide. Groups/diagnoses at particular risk are the depressed, schizophrenics, alcoholics, and those with panic disorder.

Feelings of hopelessness—that is "there are no solutions to my problem"—are found to be more predictive of suicide risk than diagnoses of depression per se.

The socially isolated are generally found to be at high risk for suicide.

The vast majority of those who are suicidal display clues and warning signs.

It is estimated that at least 4.0 million Americans today are survivors of a loved one's suicide.

Mr. President, suicide is preventable. Most suicidal persons desperately want to live. They are just unable to see alternatives to their problems.

Understanding and identifying the risk factors for this phenomenon and evaluating potential suicide prevention interventions must become a public health priority.

Most suicidal persons give definite warnings of their suicidal intentions, but others are either unaware of the significance of these warnings or do not know how to respond to them.

We can and must do something about this preventable public health tragedy. It is irresponsible and insensitive to allow families and victims to suffer in silence or to nationally hide our heads in the sand.

By acknowledging the problem, we take the critical first step to doing something about it.

This week in Washington one such survivor, Mr. Jerry Weyrauch, who lost his 34-year-old physician daughter to suicide, is taking his personal loss and turning it into an opportunity for all Americans.

He has formed a group called the Suicide Prevention Advocacy Network [SPAN] which calls for a national suicide prevention strategy. While in Washington his group will deliver over 20,000 signed petitions from 47 States to Members of Congress calling for action.

His efforts are a classic American story of how one person with a cause can make a difference. I am pleased to see democracy work in such a commendable manner. This is indeed how our Government was set up to work and I am pleased to support his efforts, and those of SPAN, on behalf of so many Americans.

It is time to lift the veil of secrecy and begin the effort to heal the wounds and take the steps to prevent unnecessary loss of life.

It is time to continue the effort for mental health parity and ensure all who need assistance, get the assistance they need, without stigma.

The resolution I submit today with my colleagues I hope will be the first step in focussing awareness on the need for suicide prevention and addressing the need for a national strategy. No life should be lost when there is an opportunity to prevent its loss.

Not one of the nearly 31,000 lives lost to suicide annually is insignificant. These are the children, parents, grandparents, brothers, sisters, friends, coworkers, and neighbors of each and every one of us.

Few of us can say we do not know someone who has been personally touched by this tragedy.

I lost my father to suicide many years ago. I also know of several others who have just recently experienced the loss of a loved one to suicide.

Mr. President, I am honored to submit this resolution today and hope my colleagues will join me in taking the first step to making a difference in this very preventable public health tragedy.

I intend to offer legislation this session which will be vital in taking a necessary first step by calling for the establishment of injury control research centers which will deal exclusively with the subject of suicide. We need a focal point where we can develop expertise on suicide and share this expertise with others interested in getting involved.

I am pleased to lend my voice to this worthy cause and I am very happy to have Senator's MURRAY, WELLSTONE, and COVERDELL joining me in this effort.

I would also like to thank Jerry Weyrauch from SPAN and Dr. Lanny Berman from the American Association of Suicidology and Dr. Jane Pearson from the National Institute of Mental Health for their leadership in this field.

I also want to acknowledge the countless professionals and volunteers across America who staff the crisis call lines; facilitate the workshops and support groups determined to help survivors go forward after such a loss; organize and implement prevention programs; conduct the research and evaluation to understand the causes of suicidal behavior; provide the treatment and support; and the many brave families and survivors who go on helping others to put the pieces back together again.

Mr. President, we have before us today an opportunity to take the critical first step. I hope my colleagues will join me by overwhelmingly supporting this Senate resolution.

SENATE RESOLUTION 84—RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. REID (for himself, Mrs. MURRAY, Mr. WELLSTONE, Mr. COVERDELL, Mr. BREAUX, and Ms. LANDRIEU) submitted the following resolution; which was considered and agreed to:

S. RES. 84

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

AMENDMENTS SUBMITTED SUBMITTED

SUPPLEMENTAL APPROPRIATIONS ACT

WELLSTONE AMENDMENT NO. 57

Mr. WELLSTONE proposed an amendment to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; as follows:

Beginning on page 47, strike line 19 and all that follows through page 48, line 12.

WELLSTONE AMENDMENT NO. 58

Mr. WELLSTONE proposed an amendment to the bill, S. 672, supra; as follows:

At the end of title III, add the following:

SEC. 326. The Secretary of Health and Human Services shall—

(1) make available under section 2604(g) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(g)), $45,000,000 in assistance described in such Act to victims of flooding and other natural disasters in Minnesota, North Dakota, and South Dakota, for fiscal year 1997; and

(2) make the assistance available from funds appropriated to carry out such Act prior to the date of enactment of this section.

BYRD AMENDMENT NO. 59

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 81, beginning with line 1, strike all through page 85, line 9.

STEVENS AMENDMENT NO. 60

Mr. STEVENS proposed an amendment to the bill, S. 672, supra; as follows:

On line 1, page 37 of the bill, after the colon, strike all through "1997" on line 15 of page 37, and insert the following: "*Provided further*, That notwithstanding any other provision of law, such additional authority shall be distributed to ensure that States receive amounts that they would have received had the Highway Trust Fund fiscal year 1994 income statement not been understated prior to the revision on December 24, 1996; and that notwithstanding any other provision of law, an amount of obligational authority in addition to the amount distributed above, shall be made available by this Act and shall be distributed to assure that States receive obligational authority that they would have received had the Highway Trust Fund fiscal year 1995 income statement not been revised on December 24, 1996: *Provided further*, That such additional authority shall be distributed to ensure that no State shall receive an amount in fiscal year 1997 that is less than the amount a State received in fiscal year 1996"

FAIRCLOTH AMENDMENT NO. 61

(Ordered to lie on the table.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. 326.(a)(1) Notwithstanding any other provision of law, the Federal Communications Commission shall grant to Orion Communications of Asheville, North Carolina, a temporary authorization to operate an FM radio station in the vicinity of Asheville, North Carolina.

(2) Subject to subsection (b), the scope of the temporary authorization under this subsection shall be identical to the scope of the temporary authorization of Orion Communications to operate the radio station that was rescinded as a result of the actions taken by the Commission upon the remand of Bechtel v. Federal Communications Commission, 10 F.3d 875 (D.C. Cir. 1993).

(b) The temporary authorization granted under subsection (a) shall expire 6 months after the date of enactment of this Act.

HUTCHISON (AND GRAMM) AMENDMENT NO. 62

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . ENROLLMENT FLEXIBILITY.

(a) IN GENERAL.—Notwithstanding any other provision of law, any State plan (including any subsequent technical, clerical, and clarifying corrections submitted by the State) relating to the integration of eligibility determinations and enrollment procedures for Federally-funded public health and human services programs administered by the Department of Health and Human Services and the Department of Agriculture through the use of automated data processing equipment or services which was submitted by a State to the Secretary of Health and Human Services and to the Secretary of Agriculture prior to October 18, 1996, and which provides for a request for offers described in subsection (b), is deemed approved and is eligible for Federal financial participation in accordance with the provisions of law applicable to the procurement, development, and operation of such equipment or services.

(b) REQUEST FOR OFFERS DESCRIBED.—A request for offers described in this subsection is a public solicitation for proposals to integrate the eligibility determination functions for various Federally and State funded programs within a State that utilize financial and categorical eligibility criteria through the development and operation of automated data processing systems and services.

HUTCHISON AMENDMENT NO. 63

(Ordered to lie on the table)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. ___. AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) LISTING.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

"(C) AGREEMENTS.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

"(i) conservation agreement;

"(ii) pre-listing agreement;

"(iii) memorandum of agreement;

"(iv) memorandum of understanding; or

"(v) any other agreement designed to promote the conservation of any species;

agreed to by the Secretary and any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.".

(b) RECOVERY PLANS.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

"(6) AGREEMENTS.—The Secretary shall—

"(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—

"(i) conservation agreement;

"(ii) pre-listing agreement;

"(iii) memorandum of agreement;

"(iv) memorandum of understanding; or

"(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

"(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.".

BUMPERS AMENDMENT NO. 64

(Ordered to lie on the table.)

Mr. BUMPERS submitted an amendment intended to be proposed by himself to the bill, S. 672, supra; as follows:

On page 50, strike lines 1 through 11.

WARNER (AND OTHERS) AMENDMENT NOS. 65–66

(Ordered to lie on the table.)

Mr. WARNER (for himself, Mr. GRAHAM, and Mr. ABRAHAM) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 65

On page 39, strike "and fiscal" on line 12 and all that follows through line 18 and insert "income statement not been understated prior to the revision on December 24, 1996: *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):".

AMENDMENT NO. 66

At the appropriate place add the following:

"Notwithstanding any other provision of this act, the language on page 39, lines 12 through 18 is deemed to read, "had the Highway Trust Fund fiscal year 1994 income statements not been understated prior to the revision on December 24, 1996: *Provided further*, That the additional authority shall be distributed to ensure that States shall receive an additional amount of authority in fiscal year 1997 and that the authority be distributed in the manner provided in section 310 of Public Law 104–205 (110 Stat. 2969):".

COCHRAN AMENDMENT NO. 67

Mr. COCHRAN proposed an amendment to the bill, S. 672, supra; as follows:

On page 9, line 25, strike ", to remain available until expended" after "ters," and insert ", to remain available until expended" after "$18,000,000".

On page 11, line 25, after "disasters" insert "subject to a Presidential or Secretarial declaration".

On page 11, strike all between the word "similar" on line 25 and the word "to" on line 26.

On page 12, line 4, strike "the eligibility" and insert in lieu thereof "gross income and payment limitations".

On page 13, line 13, strike "cropland" and insert in lieu thereof "agricultural land".

On page 16, line 2, strike "$3,000,000," and insert in lieu thereof "$6,500,000."

WELLSTONE AMENDMENT NO. 68

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 16, between lines 10 and 11, insert the following:

FOOD AND CONSUMER SERVICE

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

For additional amount to carry out the special supplemental nutrition program under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $76,000,000, to remain available through September 30, 1998: *Provided*, That notwithstanding subsections (g) through (i) of that section, the Secretary shall allocate the amount through the formula in existence on the date of enactment of this Act or any other method the Secretary considers necessary.

BINGAMAN AMENDMENT NO. 69

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follow:

On page 48, strike lines 13 and 14.

JOHNSON (AND DASCHLE) AMENDMENT NO. 70

(Ordered to lie on the table.)

Mr. JOHNSON (for himself and Mr. DASCHLE) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 19, line 6, before the period, insert the following: ": *Provided further*, That, of the funds appropriated under this paragraph, $10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99-662; 100 Stat. 4128)".

GREGG AMENDMENTS NOS. 71–72

(Ordered to lie on the table.)

Mr. GREGG submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 71

At the appropriate place, insert the following:

SEC. . MODIFICATION OF REQUIREMENTS REGARDING RECOMMENDATIONS TO ENSURE THE SOLVENCY OF THE SOCIAL SECURITY TRUST FUNDS.

Section 709(a) of the Social Security Act (42 U.S.C. 910(a)) is amended—

(1) by striking "for any calendar year" and inserting "for any of the succeeding 75 calendar years";

(2) by striking "recommendations for statutory adjustments" and inserting "recommendations for specific statutory provisions"; and

(3) by inserting "in each of the succeeding 75 calendar years" after "not less than 20 percent".

AMENDMENT NO. 72

On page 57, between lines 3 and 4, insert the following:

SEC. 226. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1)(A) the officers of the Federal Government and the members of the European Union have had lengthy negotiations with regard to the establishment of a mutual recognition agreement with respect to good manufacturing practice (GMP) inspections of medical devices and pharmaceuticals and the processes of approving medical devices;

(B) in December 1996, the President urged the officers of the Federal Government and the members of the European Union to resolve the issues with respect to the negotiations, and enter into and implement the mutual recognition agreements;

(C) the officers of the Federal Government and the members of the European Union have not resolved the issues;

(D) the mutual recognition agreement would enhance the trade relationships between the United States and the European Union and generate regulatory savings with respect to medical devices and pharmaceuticals; and

(2) the harmonization of international standards is also necessary to facilitate commerce between the United States and foreign countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1)(A) the officers of the Federal Government and the members of the European Union should, on an expedited bases, conclude negotiations, enter into, and implement a mutual recognition agreement with respect to—

(i) good manufacturing practice inspections for medical devices and pharmaceuticals; and

(ii) the processes of approving medical devices; and

(B) the Secretary of Health and Human Services, in consultation with the Secretary of Commerce and other appropriate agencies, should facilitate the conclusion of negotiations between the members of the European Union and the officers of the Federal Government and accept the mutual recognition agreement;

(2) the Secretary of Health and Human Services should regularly participate in meetings with foreign governments to discuss and reach agreement on methods and approaches to harmonize key regulatory requirements and to utilize international standards; and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)) should have the responsibility of ensuring that the process, established by the Secretary of Health and Human Services and foreign countries, to harmonize international standards is continuous and productive.

HOLLINGS AMENDMENTS NOS. 73–74

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 73

At the appropriate place, insert the following: "*Provided further* that $400,000 be appropriated to renovate thirty-three miles of open channel and repair access road in the Willow Swamp Watershed caused by extended periods of heavy rainfall.".

AMENDMENT NO. 74

At the appropriate place insert the following:

"FOOD AND CONSUMER SERVICES

"The Emergency Food Assistance Program Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $99,600,000.".

CHAFEE AMENDMENT NO. 75

(Ordered to lie on the table.)

Mr. CHAFEE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 50, line 15, strike all through page 51 and insert the following:

"The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing the emergency provisions of the Endangered Species Act (16 U.S.C. 1531) and applying to 46 counties in California that were declared Federal disaster areas shall apply to—

"(a) all counties nationwide heretofore and hereafter declared Federal disaster areas at any time during 1996 or 1997, and

"(b) repair activities on flood control facilities in response to an imminent threat to human lives and property at any time during 1996 or 1997,

and in each instance shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.".

SPECTER AMENDMENTS NOS. 76–78

(Ordered to lie on the table.)

Mr. SPECTER submitted three amendments intended to be proposed by him to the bill, S. 672, surpa; as follows:

AMENDMENT NO. 76

At the appropriate place, insert the following:

SEC. . COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—The authority provided by subsection (a) terminates effective April 5, 1999.

AMENDMENT No. 77

At the appropriate place, insert the following:

SEC. . BASIC FORMULA PRICE.

Section 143(a) of the Agricultural Market Transition Act (7 U.S.C. 7253(a)) is amended by adding at the end the following:

"(5) BASIC FORMULA PRICE.—In carrying out this subsection and section 8c(5) of the Agricultural Adjustment Act (7 U.S.C. 608c(5)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, the Secretary shall use as factors that are used to determine the basic formula price for milk and any other milk price regulated by the Secretary—

"(A) the price of feed grains, including the cost of concentrates, byproducts, liquid whey, hay, silage, pasture, and other forage; and

"(B) other cash expenses, including the cost of hauling, artificial insemination, veterinary services and medicine, bedding and litter, marketing, custom services and supplies, fuel, lubrication, electricity, machinery and building repairs, labor, association fees, and assessments.".

AMENDMENT No. 78

Ordered to lie on the table to be printed Amendment intended to be proposed by Mr. SPECTER

At the appropriate place, insert the following:

SEC. . COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR CHEESE, BUTTER, AND NONFAT DRY MILK.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) REPORTING.—The Secretary may require dairy product manufacturing plants in the United States to report to the Secretary on a weekly basis the price they receive for cheese, butter, and nonfat dry milk sold through spot sales arrangements, forward contracts, or other sales arrangements.

(c) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsections (a) and (b) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

COATS AMENDMENT NO. 79

(Ordered to lie on the table.)

Mr. COATS submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. IMPLEMENTATION OF RATING SYSTEMS FOR TELEVISION PROGRAMMING.

Part I of title III of the Communications Act of 1934 (47 U.S.C. 301 et seq.) is amended by adding at the end the following:

"SEC. 337. RATING SYSTEMS FOR TELEVISION PROGRAMMING.

"(a) SYSTEM REQUIRED FOR GRANT OR RENEWAL OF BROADCAST TELEVISION LICENSE.—The Commission shall not grant or renew a license for a broadcast television station unless the person applying for the license submits to the Commission with the application evidence of—

"(1) in the case of an application for the grant of a license, a plan for the implementation of a system for rating the content of television programming to be broadcast by the station under the license; or

"(2) in the case of an application for the renewal of a license, evidence of the implementation as of the date of the application of a system for rating the content of television programming broadcast by the station.

"(b) SYSTEM REQUIRED FOR ASSIGNMENT OF TRANSITIONAL DIGITAL TELEVISION FREQUENCIES.—The Commission shall not assign transitional digital television frequencies to a broadcast television station unless the person licensed to operate the station submits to the Commission with the request for assignment evidence of the implementation as of the date of the request of a system for rating the content of television programming broadcast by the station.

"(c) RECOVERY OF CERTAIN TRANSITIONAL FREQUENCIES.—The Commission shall require a person assigned transitional digital television frequencies before the date of enactment of this section to surrender such frequencies to the Commission if the person does not submit to the Commission, before commencement of the use of such frequencies, evidence of the implementation of a system for rating the content of television programming to be broadcast using such frequencies.

"(d) SYSTEM ELEMENTS.—

"(1) IN GENERAL.—Each system for rating the content of television programming under this section shall provide a rating of the specific content of each pre-recorded program broadcast by the television station concerned.

"(2) SPECIFIC ELEMENTS.—The rating of a television program under such system shall—

"(A) include information regarding language content, sexual content, violent content, and any other element that the person implementing the system considers appropriate; and

"(B) be broadcast so as—

"(i) to appear in both visible and audible form;

"(ii) to appear at the beginning of the program, and every 30 minutes thereafter in the case of a program in excess of 30 minutes in length; and

"(iii) to permit the automatic blocking of display of the program using a feature to block display of programs with a common rating required under section 303(x).

"(e) REVIEW BY COMMISSION.—

"(1) PURPOSE OF REVIEW.—The Commission shall review each system for rating the content of television programming submitted under this section solely for the purpose of assuring that such system meets the requirements of subsection (d).

"(2) SCOPE OF AUTHORITY.—Nothing in this section may be construed to authorize or require the Commission to establish or require a specific system for rating television programming.

"(3) APPLICABILITY OF CONTENT-BASED STANDARDS.—Nothing in this section may be construed to limit the applicability to television programs covered by a system for rating television programming under this section of any content-based standards otherwise applicable to such programs under any other provision of law.

"(f) DEFINITION.—As used in this section:

"(1) ADVANCED TELEVISION SERVICES.—The term 'advanced television services' has the meaning given such term in section 336(g)(1).

"(2) TRANSITIONAL DIGITAL TELEVISION FREQUENCIES.—The term 'transitional digital television frequencies' means television frequencies allotted by the Commission for use by broadcast television stations for the transition of such stations from the broadcast of analog television services to the broadcast of advanced television services.".

SNOWE (AND KERRY) AMENDMENT NO. 80

(Ordered to lie on the table.)

Ms. SNOWE (for herself and Mr. KERRY) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . DISENTANGLEMENT OF MARINE MAMMALS.

Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and "to free a marine mammal from entanglement in fishing gear or debris," after "self-defense".

SNOWE AMENDMENTS NOS. 81–82

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

AMENDMENT No. 81

At the appropriate place, insert the following:

SEC. . TAKE-REDUCTION PLAN.

(a) Notwithstanding any other provision of law, or any decision by a Federal court to the contrary, the Secretary of Commerce may not issue a regulation to implement a take-reduction plan for Atlantic Large Whales pursuant to section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387) before May 1, 1998, except as provided in subsection (b) and (c).

(b)(1) The Secretary may, after consultation with the fishing industry, the States, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement a take-reduction plan for Atlantic large whales before May 1, 1998, if that plan is limited to any combination of the following—

(A) a program designed to obtain information on the movements and distribution, and on the incidence of fishing gear entanglement, injury, or mortality, of Atlantic large whales;

(B) a program providing for the disentanglement of Atlantic whales that have been entangled in fishing gear;

(C) a program to inform and educate the fishing industry and the public about the current status of Atlantic large whales, the threats of injury and mortality to such whales, including ship strikes, voluntary actions that can be taken by the fishing industry and the public to reduce the risk of fishing gear entanglement, injury, and mortality of such whales, and any other information that the Secretary deems appropriate;

(D) research on modifications to fishing gear, and new types of fishing gear, that reduce the risk of entanglement, serious injury, and mortality to Atlantic large whales, and the development and testing of prototypes of such fishing gear;

(E) the marking of fishing gear to identify the type of fishing gear involved in the entanglement of a marine mammal, and the location in which the gear was fished;

(F) the inspection of gear for the purpose of determining compliance with any gear marking requirement approved under subparagraph (E); and

(G) a program to reduce inactive fishing gear that poses a significant risk of entanglement, serious injury, or mortality to Atlantic large whales.

(2) For the purposes of this subsection, the term "inactive fishing gear" means fishing gear that remains in the waters of the United States but is no longer used in a viable fishing operation.

(c) the Secretary may, after consultation with the fishing industry, the states, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement that part of a take reduction plan for Atlantic large whales covering only areas designated as critical habitat for the Northern Right Whale before May 1, 1998. The issuance of a regulation under this subsection shall not constitute the implementation of a take reduction plan for the purposes of Section 118(f)(2) and 118(f)(5).

(d)(1)(A) Notwithstanding any other provision of law, the Secretary of Commerce shall, within 30 days after the enactment of this Act, reconvene the take-reduction team for Atlantic large whales.

(B) In reconvening the team referred to in subparagraph (A), the Secretary shall ensure that the membership of the team adequately reflects any significant regional differences in operating conditions within commercial fisheries and gear types that incidentally take Atlantic large whales, including, if necessary, the appointment of additional members to the team to reflect such regional differences.

(2)(A) Not later than 4 months after the date that the take-reduction team for Atlantic large whales has been reconvened, the team shall submit a draft take-reduction plan to the Secretary, consistent with the other provisions, of section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387).

(B) The take-reduction team shall meet no less than 4 times before the end of the 4-month period referred to in subparagraph (A).

(C) After the take-reduction has been reconvened, the team and the Secretary shall follow the procedures set forth in section 118(f)(7) of the Marine Mammal Protection Act.

(e) A permit pursuant to section 101(a)(5)(E) of the Marine Mammal Protection Act (16 U.S.C. 1371) shall be deemed granted for commercial fisheries interacting with Atlantic Large Whales, and listed under section 118(c), until May 1, 1998.

(f) Section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and "to free a marine mammal from entanglement in fishing gear or debris," after "self-defense".

AMENDMENT NO. 82

At the appropriate place, insert the following:

SEC. . TAKE-REDUCTION PLAN.

(a) Notwithstanding any other provision of law, or any decision by a Federal court to the contrary, the Secretary of Commerce may not issue a regulation to implement a take-reduction plan for Atlantic Large Whales pursuant to section 118 of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1387) before February 1, 1998, except as provided in subsection (b).

(b)(1) The Secretary may, after consultation with the fishing industry, the States, whale scientists, whale disentanglement specialists, and conservation organizations, issue a regulation to implement a take-reduction plan for Atlantic large whales before February 1, 1998, if that plan is limited to any combination of the following—

(A) a program designed to obtain information on the movements and distribution, and on the incidence of fishing gear entanglement, injury, or mortality, of Atlantic large whales;

(B) a program providing for the disentanglement of Atlantic large whales that have been entangled in fishing gear;

(C) a program to inform and educate the fishing industry and the public about the current status of Atlantic large whales, the threats of injury and mortality to such whales, including ship strikes, voluntary actions that can be taken by the fishing industry and the public to reduce the risk of fishing gear entanglement, injury, and mortality of such whales, and any other information that the Secretary deems appropriate;

(D) research on modifications to fishing gear, and new types of fishing gear, that reduce the risk of entanglement, serious injury, and mortality to Atlantic large whales, and the development and testing of prototypes of such fishing gear;

(E) the marking of fishing gear to identify the type of fishing gear involved in the entanglement of a marine mammal, and the location in which the gear was fished;

(F) the inspection of gear for the purpose of determining compliance with any gear marking requirement approved under subparagraph (E); and

(G) a program to reduce inactive fishing gear that poses a significant risk of entanglement, serious injury, or mortality to Atlantic large whales.

(2) For the purposes of this subsection, the term "inactive fishing gear" means fishing gear that remains in the waters of the United States but is no longer used in a viable fishing operation.

(c)(1)(A) Notwithstanding any other provision of law, the Secretary of Commerce shall, within 30 days after the enactment of this Act, reconvene the take-reduction team for Atlantic large whales.

(B) In reconvening the team referred to in subparagraph (A), the Secretary shall ensure that the membership of the team adequately reflects any significant regional differences in operating conditions within commercial fisheries and gear types that incidentally take Atlantic large whales, including, if necessary, the appointment of additional members to the team to reflect such regional differences.

(2)(A) Not later than 3 months after the date that the take-reduction team for Atlantic large whales has been reconvened, the team shall submit a draft take-reduction plan to the Secretary, consistent with the other provisions, of section 118 of the Marine Mammal Protection Act (16 U.S.C. 1387).

(B) The take-reduction team shall meet no less than 4 times before the end of the 3-month period referred to in subparagraph (A).

(C) After the take-reduction has been reconvened, the team and the Secretary shall follow the procedures set forth in section 118(f)(7) of the Marine Mammal Protection Act.

(d) A permit pursuant to section 101(a)(5)(E) of the Marine Mammal Protection Act (16 U.S.C. 1371) shall be deemed granted for commercial fisheries interacting with Atlantic Large Whales, and listed under section 118(c), until February 1, 1998.

(e) Section 101(e) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371(c)) is amended by inserting a comma and "to free a marine mammal from entanglement in fishing gear or debris," after "self-defense".

FEINGOLD AMENDMENTS NOS. 83–84

(Ordered to lie on the table.)

Mr. FEINGOLD submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 83

On page 7, line 24, insert before the period, the following: ": *Provided further*, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after September 30, 1997".

AMENDMENT NO. 84

On page 9, between line 2 and 3, insert the following:

(c) PROHIBITION.—(1) Congress makes the following findings:

(A) On November 27, 1995, the President affirmed that United States participation in the multinational military Implementation Force (known as IFOR) would terminate in one year.

(B) The President declared the expiration date of the mandate for IFOR to be December 20, 1996.

(C) The Secretary of Defense and the Chairman of the Joint Chiefs of Staff likewise expressed their confidence that IFOR would complete its mission in one year.

(D) The exemplary performance of the United States Armed Forces has significantly contributed to the accomplishment of the military mission of IFOR, and the courage, dedication, and professionalism of such personnel have permitted the separation of the belligerent parties to the conflict in Bosnia and Herzegovina and have resulted in a significant mitigation of the violence and suffering in Bosnia and Herzegovina.

(E) On October 3, 1996, the Chairman of the Joint Chiefs of Staff announced the intention of the President to delay the removal of the United States Armed Forces personnel from Bosnia and Herzegovina until March 1997 for operational reasons.

(F) Notwithstanding the assurances given to Congress by the President, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff of their resolve to end the mission of United States Armed Forces in Bosnia and Herzegovina by December 20, 1996, the President in November 1996 announced his intention to further extend the deployment of the United States Armed Forces in Bosnia and Herzegovina until June 1998 to participate in the multinational military Stabilization Force (known as SFOR).

(G) Before the announcement of the new policy referred to in subparagraph (F), the President did not request authorization by Congress of the policy that would result in the further deployment of United States Armed Forces in Bosnia and Herzegovina until June 1998.

(H) Although the cost of the United States Armed Forces deployment in Bosnia and Herzegovina was initially estimated at $2,000,000,000, the estimate has been revised upward to $6,500,000,000, more than three times the initial projected cost.

(I) Unless an end date for the deployment of United States Armed Forces in Bosnia and Herzegovina is established, the length of the deployment and the cost of the operation is likely to continue to increase.

(2) No funds appropriated or otherwise made available by this or any other Act for the Department of Defense or any other agency of the Federal Government may be obligated or expended for the deployment of the Armed Forces of the United States on the ground in Bosnia and Herzegovina after September 30, 1997.

(3) The prohibition in paragraph (2) does not apply to obligations and expenditures necessary to support the safe and timely withdrawal of the Armed Forces from Bosnia and Herzegovina.

(4) If requested by the President and authorized in a law enacted after the date of the enactment of this Act, obligations and expenditures otherwise prohibited under paragraph (2) after the date specified in that paragraph may be made during the 90-day period beginning on the day after that date.

HOLLINGS AMENDMENTS NOS. 85–87

(Ordered to lie on the table.)

Mr. HOLLINGS submitted three amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 85

On page 47, strike lines 14 through 18 and insert the following:

SEC. 303. (a) None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling in taking the 2000 census in a manner that cannot be reversed should Congress determine that only a direct enumeration 2000 census may be performed;

(b) The Senate Committee on Governmental Affairs shall review the current plans of the Bureau of the Census for conducting the decennial census in the year 2000 and it shall report back to the Senate not later than July 15, 1997, on the accuracy, objectivity, and cost effectiveness of employing statistical sampling in the conduct of the decennial census.

AMENDMENT NO. 86

On page 47, strike lines 14 through 18 and insert the following:

SEC. 303. None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling in taking the 2000 census in a manner that cannot be reversed should Congress determine that only a direct enumeration 2000 census may be performed.

AMENDMENT NO. 87

On page 47 of the bill, strike lines through 18.

GRAHAM AMENDMENT NO. 88

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 75, strike line 11 and all that follows through page 80, line 22, and insert the following:

TITLE VI—SOCIAL SECURITY ADMINISTRATION—SUPPLEMENTAL SECURITY INCOME

None of the funds appropriated or otherwise made available by this Act or any other Act for the Social Security Administration for fiscal year 1997 may be used to implement any termination or suspension of benefits under the supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) pursuant to section 402(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)).

DASCHLE AMENDMENTS NOS. 89–91

(Ordered to lie on the table.)

Mr. DASCHLE submitted three amendments intended to be proposed by him to the bill. S. 672, surpa; as follows:

AMENDMENT NO. 89

At the appropriate place, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT FOR THE CONSTRUCTION OF A PIPELINE TO CONNECT THE TOWN OF GETTYSBURG, SOUTH DAKOTA, TO THE MID-DAKOTA RURAL WATER SYSTEM

For the funding of a grant to the town of Gettysburg, South Dakota, to be used to pay the Bureau of Reclamation of the construction of a pipeline to connect the town to the Mid-Dakota Rural Water System, $1,500,000.

DEPARTMENT OF AGRICULTURE

CONSOLIDATED FARM SERVICES AGENCY

For the funding of an emergency community water assistance grant to the town of Gettysburg, South Dakota, under section 306A of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926a), $1,500,000.

AMENDMENT NO. 90

At the appropriate place, insert the following:

UNITED STATES FISH AND WILDLIFE SERVICE

PARTNERS FOR WILDLIFE PROGRAM

For the Partners of Wildlife Program of the United States Fish and Wildlife Service, $5,000,000 to pay private landowners for the voluntary use of private land to store water in restored wetlands.

AMENDMENT NO. 91

At the appropriate place, insert the following new section:

SEC. . EMERGENCY ASSISTANCE FOR THE CROW CREEK SIOUX TRIBE.

(a) DEFINITIONS.—In this section:

(1) BAD NATION COMMUNITY.—The term "Bad Nation Community" means the Bad Nation Community of the Crow Creek Indian Reservation, South Dakota.

(2) FORT THOMPSON COMMUNITY.—The term "Fort Thompson Community" means the Fort Thompson Community of the Crow Creek Indian Reservation, South Dakota.

(3) TRIBAL ADMINISTRATION BUILDING.—The term "Tribal Administration Building" means the administration building of the Tribe.

(4) TRIBAL FARM.—The term "Tribal Farm" means the Crow Creek Tribal Farm, located in the Crow Creek Indian Reservation, South Dakota.

(5) TRIBE.—The term "Tribe" means the Crow Creek Sioux Tribe of Indians, a band of the Great Sioux Nation recognized by the United States of America.

(b) EMERGENCY ASSISTANCE.—

(1) IN GENERAL.—In addition to the amounts appropriated under this Act for the Bureau of Indian Affairs of the Department of the Interior, there are appropriated to the Department of the Interior for use by the Bureau of Indian Affairs $1,200,000. The amount appropriated under this paragraph shall be used for the emergency response activities specified in paragraphs (2) through (5) to address damage to the Crow Creek Indian Reservation, South Dakota, caused by natural disasters.

(2) ROAD REPAIRS.—Of the amount appropriated under paragraph (1), $725,000 shall be used for road repairs, of which—

(A) $125,000 shall be used to make repairs to roads that service the Fort Thompson Community; and

(B) $600,000 shall be used to make repairs to roads that service the Bad Nation Community.

(3) MONITORING AND CLEANUP OF SEWAGE.—Of the amount appropriated under paragraph (1), $40,000 shall be used for the monitoring and cleanup of sewage discharges.

(4) TRIBAL FARM.—Of the amount appropriated under paragraph (1), $350,000 shall be used to repair damage to the irrigation pump on the Tribal Farm.

(5) TRIBAL ADMINISTRATION BUILDING.—Of the amount appropriated under paragraph (1), $85,000 shall be used to repair the Tribal Administration Building.

LEAHY AMENDMENT NO. 92

(Ordered to lie on the table.)

Mr. LEAHY submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 68, below line 24, add the following:

SEC. 406. Notwithstanding any other provision of law, funds appropriated for Dual Use Applications Programs in Public Law 104–208 (110 Stat. 3009–84) under the heading "Research, Development, Test and Evaluation, Defense-Wide" may be obligated by the Secretary of Defense for the Commercial Operations and Support Savings Initiative.

REID (AND BAUCUS) AMENDMENT NO. 93

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

REID AMENDMENT NO. 94

(Ordered to lie on the table.)

Mr. REID submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall—

(1) apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997; or

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect for the purposes of paragraphs (1) and (2) until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

KERREY (AND DORGAN) AMENDMENTS NOS. 95–96

(Ordered to lie on the table.)

Mr. KERREY (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 95

On page 55, strike lines 11 through 13 and insert in lieu thereof the following new language: "within that other contiguous country; (B) that exempts similar categories of flights operated by citizens of the United States and (C) the total amount to be collected in FY 1998 and each year thereafter from overflight fees is at least $50,000,000 per year."

AMENDMENT NO. 96

On page 55, strike lines 3 through 13 and insert in lieu thereof the following:

SEC. 320. (a) Section 45301(a)(1) of title 49, United States Code, is amended by—

(1) striking "government or of a foreign government" and inserting "government, a foreign government, or general aviation aircraft".

(b) Section 45301 of title 49, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) REBATES TO CERTAIN AIRLINES.—Out of the Airport and Airways Trust Fund, the Administrator shall make funds available to make payments to airlines providing domestic air service originating or terminating in States other than the 48 contiguous States of the United States that are charged overflight fees by a foreign country contiguous to the United States. The payments to any air carrier shall not exceed the amount such carrier was charged for overflight rights by that foreign country. The total payments made per year to airlines by the Administrator under this subsection shall not exceed $3,000,000.".

BUMPERS (AND OTHERS) AMENDMENT NO. 97

(Ordered to lie on the table.)

Mr. BUMPERS (for himself, Mr. BOND and Mr. WARNER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place add the following new section:

"SEC. . EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.

"Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking 'September 30, 1996' and inserting 'September 30, 1997'."

GRAHAM AMENDMENT NO. 98

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. 326. It is the sense of the Senate that funds provided by this Act for highways should be distributed in a manner that ensures fairness and equity.

WELLSTONE AMENDMENT NO. 99

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 33, line 22, strike "$58,000,000" and insert "$76,000,000".

MOSELEY-BRAUN AMENDMENT NO. 100

(Ordered to lie on the table.)

Ms. MOSELEY-BRAUN submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

On page 40, line 21, after the word "County", insert the following: ": *Provided further*, That $400,000 of the additional allocation for the State of Illinois shall be provided for costs associated with the replacement of Gaumer's Bridge in Vermilion County, Illinois".

McCAIN AMENDMENTS NOS. 101–113

(Ordered to lie on the table.)

Mr. MCCAIN submitted 13 amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 101

SEC. . Sections 4041(c)(3)(B), 4081(d)(2)(B), 4091(b)(3)(A)(1)(ii), 4261(g)(1)(ii), and 4271(d)(1)(A)(ii) of the Internal Revenue Code of 1986 are each amended by striking "September 30, 1997." and inserting "the date on which the Secretary and the Secretary of Transportation jointly determine that the aviation-related taxes imposed under section 4041, 4081, 4091, 4261, and 4271 of this title have been replaced by an alternative funding system.".

AMENDMENT NO. 102

SEC. . Section 4091(a)(3)(A) of the Internal Revenue Code of 1986 is amended to read as follows:

"(A) The rate of tax specified in paragraph (1) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997.".

(b) Section 4081(d)(2) of such Code is amended to read as follows:

"(2) AVIATION GASOLINE.—The rate of tax specified in subsection (a)(2)(A)(ii) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997.".

(c) Section 4041(c)(3) of such Code is amended to read as follows:

"(3) APPLICATION.—The rate of the taxes imposed by paragraph (1) shall be 4.3 cents per gallon after December 31, 1996, and before the date which is 7 days after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997.".

(d) Section 4261(g) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The taxes imposed by this section shall apply to transportation beginning after the seventh day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 and amounts paid for transportation beginning after that day."; and

(2) by striking "under paragraph (1)(B)" in paragraph (2).

(e) Section 4261(d) is amended—

(1) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—The tax imposed by subsection (a) shall apply to transportation beginning after the seventh day after the date of the enactment of the Airport and Airway Trust Fund Tax Reinstatement Act of 1997 and amounts paid for transportation beginning after that day."; and

(2) by striking "under paragraph (1)(B)" in paragraph (2).

AMENDMENT NO. 103

On page 41, strike lines 1 through 18.

On page 47, strike lines 6 through 13.

AMENDMENT NO. 104

On page 25, on line 11, strike all that appears after the phrase "as amended", through line 16, and insert in lieu thereof".".

AMENDMENT NO. 105

On page 37, strike lines 4 through 18.

AMENDMENT NO. 106

On page 36, starting on line 18, strike all that appears through page 37, line 3.

AMENDMENT NO. 107

On page 39, starting on line 22, strike all that appears after "1997" through page 40, line 21, and insert in lieu thereof".".

On page 42, starting on line 11, strike all that appears through page 43, line 4.

AMENDMENT NO. 108

On page 32, strike lines 1 through 18.

AMENDMENT NO. 109

On page 15, beginning on line 11, strike all after the phrase "as amended" through line 16, and insert in lieu thereof".".

AMENDMENT NO. 110

On page 50, before the period at the end of line 11, add the following new provisos: "*Provided*, That, within 60 days of the date of enactment of this Act, the Secretary of the Interior, in consultation with State and local government officials, shall submit to Congress a proposal to establish a process for recognizing and determining the validity or management of any right of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932)."

AMENDMENT NO. 111

Strike title VII of the Act, and insert in lieu thereof the following:

"SEC. 701. SHORT TITLE.

This title may be cited as the "Government Shutdown Prevention Act.".

SEC. 702. AMENDMENT TO TITLE 31.

(a) IN GENERAL.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

"§ 1311. Continuing appropriations

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year or a joint resolution making continuing appropriations is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any project or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2) Appropriations and funds made available, and authority granted, for a project or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the lower of—

"(A) the rate of operations provided for in the regular appropriation Act providing for such project or activity for the preceding fiscal year,

"(B) in the absence of such an Act, the rate of operations provided for such project or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year,

"(C) the rate of operations provided for in the House or Senate passed appropriation bill for the fiscal year in question, except that the lower of these two versions shall be ignored for any project or activity for which there is a budget request if no funding is provided for that project or activity in either version,

"(D) the rate provided in the budget submission of the President under section 1105(a) of title 31, United States Code, for the fiscal year in question, or

"(E) the annualized rate of operations provided for in the most recently enacted joint resolution making continuing appropriations for part of that fiscal year or any funding levels established under the provisions of this Act.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a project or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such project or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(d) An appropriation or funds made available, or authority granted, for a project or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such project or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any project or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such project or activity during the portion of such fiscal year for which this section applies to such project or activity.

"(d) Expenditures made for a project or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such project or activity for such period becomes law.

"(c) This section shall not apply to a project or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such project or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such project or activity to continue for such period.

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of projects and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the Judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch.".

(b) CLERICAL AMENDMENT.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(c) PROTECTION OF OTHER OBLIGATIONS.—Nothing in the amendments made by this section shall be construed to effect Government obligations mandated by other law, including obligations with respect to Social Security, Medicare, and Medicaid.

SEC. 703. EFFECTIVE DATE.

(a) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to fiscal years beginning with fiscal year 1998.

AMENDMENT NO. 112

On page 81, line 19, strike "98" and insert in lieu thereof "100".

AMENDMENT NO. 113

Beginning on page 50, strike line 12 and all that follows through page 51, line 25, and insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service that implements emergency provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) and applies to 46 California counties declared by the President to be major disaster areas under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall—

(1) apply to all counties nationwide with respect to which such a declaration is made at any time during 1997;

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect until the Assistant Secretary of the Army having responsibility for civil works determines that 100 percent of emergency repairs have been completed, except that the policy shall not remain in effect after December 31, 1998.

TORRICELLI (AND LAUTENBERG) AMENDMENT NO. 114

(Ordered to lie on the table.)

Mr. TORRICELLI (for himself and Mr. LAUTENBERG) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 57, between lines 3 and 4, insert the following:

SEC. . MICHAEL GILLICK CHILDHOOD CANCER RESEARCH.

(a) FINDINGS.—Congress finds that—

(1) during the period from 1980 to 1988, Ocean County, New Jersey, had a significantly higher rate of childhood cancer than the rest of the United States, including a rate of brain and central nervous system cancer that was nearly 70 percent above the rate of other States;

(2) during the period from 1979 to 1991—

(A) there were 230 cases of childhood cancer in Ocean County, of which 56 cases were in Dover Township, and of those 14 were in Toms River alone;

(B) the rate of brain and central nervous system cancer of children under 20 in Toms River was 3 times higher than expected, and among children under 5 was 7 times higher than expected; and

(C) Dover Township, which would have had a nearly normal cancer rate if Toms River was excluded, had a 49 percent higher cancer rate than the rest of the State and an 80 percent higher leukemia rate than the rest of the State; and

(3)(A) according to New Jersey State averages, a population the size of Toms River should have 1.6 children under age 19 with cancer; and

(B) Toms River currently has 5 children under the age of 19 with cancer.

(b) Study.—

(1) In general.—The Administrator of the Agency for Toxic Substances and Disease Registry shall conduct does-reconstruction modeling and an epidemiological study of childhood cancer in Dover Township, New Jersey, which may also include the high incidence of neuroblastomas in Ocean County, New Jersey.

(2) Grant to new jersey.—The Administrator may make 1 or more grants to the State of New Jersey to carry out paragraph (1).

(c) Authorization of Appropriations.—There are authorized to be appropriated to carry out this Act $6,000,000 for fiscal years 1998 through 2000.

BOXER AMENDMENT NO. 115

(Ordered to lie on the table.)

Mrs. BOXER submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

Strike title VI and insert the following:

TITLE VI—EXTENSION OF SSI FOR CERTAIN ALIENS

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) In General.—Subject to subsection (d), in the case of the specified Federal program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Act (8 U.S.C. 1612(a)(3)(A)), section 402(a)(2)(D)(i) of such Act (8 U.S.C. 1612(a)(2)(D)(i) is applied—

(1) in subclause (I), by substituting "September 30, 1997" for "the date which is 1 year after such date of enactment"; and

(2) in subclause (III), by substituting "September 30, 1997" for "the date of the redetermination with respect to such individual".

(b) Notice and Redetermination.—The Commissioner of Social Security shall notify any individual described in section 402(A)(2)(D)(i) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)(i)), as applied by subsection (a), who, on or after August 22, 1996, has been determined to be ineligible for the specified Federal program defined in section 402(a)(3)(A) of such Act (8 U.S.C. 1612(a)(3)(A)) solely on the basis of the application of section 402 of such Act (8 U.S.C. 1612), as in effect on the day before the date of enactment of this Act, that the individual's eligibility for such program shall be redetermined, and shall conduct such redetermination in a timely manner. Subject to subsection (d), any benefits that such an individual should have received under any such program during the period beginning on the date of the determination described in the preceding sentence and ending on September 30, 1997, were it not for the enactment of the Personal Responsibility and Work Opportunity Reconciliation act of 1996, shall be restored to that individual.

(c) Authorization of Appropriations.—There is authorized to be appropriated for payment of benefits resulting from the application of subsection (a) an amount not to exceed $125,000,000 for fiscal year 1997, to remain available without fiscal year limitation.

(d) Limitation of Application.—If the total amount of additional benefits to be paid as a result of the application of subsection (a) exceeds the amount appropriated pursuant to subsection (c), then the benefits payable to each individual made eligible by the application of subsection (a) shall be reduced on a pro rata basis.

GRAMM AMENDMENTS NOS. 116-119

(Ordered to lie on the table.)

Mr. GRAMM submitted four amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

Amendment No. 116

At the appropriate place, insert the following:

Sec. 501. (a) Notwithstanding any other provision of this Act, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act only that portion of non-defense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

Amendment No. 117

At the appropriate place, insert the following:

Sec. 501. Notwithstanding any other provision of this Act or only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) if the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

Amendment No. 118

At the appropriate place, insert the following:

Sec. . (a) Notwithstanding any other provision of this Act or any other law, each amount of budget authority provided in a nonexempt discretionary spending nondefense account for fiscal year 1997 for a program, project, or activity is reduced by the uniform percentage necessary to offset nondefense budget authority provided in this Act. The reductions required by this subsection shall be implemented generally in accordance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b) Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

Amendment No. 119

At the appropriate place, insert the following:

Sec. . Notwithstanding any other provision of this Act or any other provision of law, only that portion of nondefense budget authority provided in this Act that is obligated during fiscal year 1997 shall be designated as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985. All remaining nondefense budget authority provided in this Act shall not be available for obligation until October 1, 1997.

FEINSTEIN (AND COVERDELL) AMENDMENT NO. 120

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. Coverdell) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . CUSTOMS INSPECTIONS OF CERTAIN CARRIERS.

(a) Definitions.—In this section:

(1) Carrier.—The term "carrier" includes every description of carriage or other contrivance used, or capable of being used, as a means of transporting cargo on land, but does not include automobiles or aircraft.

(2) Hard narcotic.—The term "hard narcotic" means—

(A) a depressant or stimulant substance as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

(B) marihuana as defined in section 102(16) of such Act (21 U.S.C. 802(16));

(C) a narcotic drug as defined in section 102(17) of such Act (21 U.S.C. 802(17)); and

(D) an immediate precursor to a hard narcotic described in subparagraph (A) or (C), as defined in section 102(23) of such Act (21 U.S.C. 802(23)).

(3) Person.—The term "person" includes partnerships, associations, and corporations.

(4) Related person.—A person is related to another person if—

(A) the person bears a relationship to such other person specified in section 267(b) or 707(b)(1) of the Internal Revenue Code of 1986; or

(B) the person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986).

For purposes of subparagraph (A), "10 percent" shall be substituted for "50 percent" in applying sections 267(b)(1) and 707(b)(1) of such Code.

(b) List of Carriers, Shippers, and Importers.—

(1) In general.—Not later than January 1, 1998, the Secretary of the Treasury shall compile a list of all persons (including all related persons) who are carriers, shippers, or importers and with respect to whom property or funds have been seized by or otherwise forfeited to the United States in connection with hard narcotics-related activity within the 10 years preceding publication of the list.

(2) Updates.—The Secretary of the Treasury shall update the list described in paragraph (1) every 30 days.

(c) Inspection by Customs.—The Commissioner of Customs shall direct customs officers to conduct inspections of all carriers and cargo entered into the customs territory of the United States if—

(1) the carrier, shipper, or importer of such cargo is a person who is on the list compiled pursuant to subsection (b); or

(2) after consultation with the Administrator of the Drug Enforcement, the carrier, shipper, or importer of such cargo is a person whom the Administrator determines warrants inspection.

FEINSEIN AMENDMENT NO. 121

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPORT AND CERTIFICATION REQUIRED.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Transportation shall not approve the application of any Mexican motor carrier of property to provide service across the United States-Mexico international boundary line or by a Mexican owned or controlled enterprise established in the United States to transport international cargo in foreign commerce, until the report and certification described in subsection (b) are submitted to Congress and a joint resolution described in subsection (c) is enacted into law.

(b) REPORT AND CERTIFICATION DESCRIBED.—

(1) REPORT.—The report described in this subsection means a written statement submitted to Congress not later than September 1, 1997, by the President describing the following:

(A) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(i) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(ii) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(iii) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(iv) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(v) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(vi) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(vii) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(viii) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(ix) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(x) The augmentation and strengthening of bilateral cooperation.

(B) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(i) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(ii) implementing a comprehensive international drug interdiction and enforcement strategy; and

(iii) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208).

(2) CERTIFICATION.—The certification described in this subsection means a written statement submitted to Congress by the Secretary of Transportation certifying that—

(A) the operating authority described in subsection (a) shall not be granted to any Mexican motor carrier, driver, enterprise, or broker unless such carrier, driver, enterprise, or broker is aware of and is complying, while operating in the United States, with the Federal motor carrier safety rules;

(B) the Department of Transportation or the States in which the carrier will operate have in place a full-time enforcement program with respect to the requirements described in subparagraph (A); and

(C) the Department of Transportation or the States in which the carrier will operate have in place an on-going program of monitoring and evaluating the requirements described in subparagraph (A).

(c) JOINT RESOLUTION DESCRIBED; PROCEDURAL REQUIREMENTS.—

(1) IN GENERAL.—For purposes of subsection (a), a joint resolution is described in this subsection if it is a joint resolution of the 2 Houses of Congress and the matter after the resolving clause of such joint resolution is as follows: "That Congress authorizes the Secretary of Transportation to approve applications submitted by Mexican motor carriers of property, drivers, enterprises, and brokers to operate across the United States-Mexico international boundary line and by Mexican owned or controlled enterprises to transport international cargo in the United States, if the Secretary is satisfied that the carrier, driver, enterprise, or broker, as the case may be, meets United States safety, health, and operating standards, and any other applicable standard, for such operations.".

(2) PROCEDURAL PROVISIONS.—The requirements of this subsection are met if Congress adopts and transmits the joint resolution described in paragraph (1) to the President at any time after Congress receives the report and certification described in subsection (b).

HUTCHISON AMENDMENTS NOS. 122–125

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted four amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

AMENDMENT NO. 122

Beginning on page 76, line 7 strike "0.2" and insert "0.1".

AMENDMENT NO. 123

Beginning on page 76, line 7 strike "0.2" and insert "0.05".

AMENDMENT NO. 124

Beginning on page 75, strike line 17 and all that follows through page 78, line 15 and insert the following:

"(a) STATE ENTITLEMENT.—

"(1) IN GENERAL.—In addition to any other payment under this title, subject to the amount appropriated under subsection (g) for a fiscal year and paragraph (3), each State described in paragraph (2) shall, for the purpose of providing assistance to an eligible individual, as defined in subsection (e)(1), be entitled to a grant under this section for that fiscal year in an amount that bears the same ratio to the amount appropriated under subsection (g) as the number of individuals described in subsection (e)(1) bears to the total number of such individuals in all such States as of June 1, 1997, as determined by the Secretary.

"(2) STATE DESCRIBED.—A State described in this paragraph is a State in which at least 5000 noncitizens received benefits under the Federal program described in subsection (e)(2) in December 1996, according to the census population estimate as of July 1, 1996.

"(3) PRO RATA REDUCTIONS.—If the amount appropriated pursuant to subsection (g) is insufficient to pay the total amount of funds required to be paid to a State described in paragraph (2) under this section, then such funds shall be reduced on a pro rata basis.

"(4) REDISTRIBUTION.—

"(A) IN GENERAL.—With respect to any fiscal year, if the Secretary determines (in accordance with subparagraph (B)) that amounts under any grant awarded to a State under this section for such fiscal year will not be used by such State during such fiscal year, the Secretary shall make such amounts available in the subsequent fiscal year to 1 or more States described in paragraph (2) which apply for such funds to the extent the Secretary determines that such States will be able to use such additional amounts for the purpose of providing assistance to an eligible individual, as defined in subsection (e)(1). Such available amounts shall be redistributed among such States in the same manner as funds are distributed under paragraph (1).

"(B) TIME OF DETERMINATION AND DISTRIBUTION.—The determination of the Secretary under subparagraph (A) for a fiscal year shall be made not later than the end of the first quarter of the subsequent fiscal year. The redistribution of amounts under subparagraph (A) shall be made as close as practicable to the date on which such determination is made. Any amount made available to a State from an appropriation for a fiscal year in accordance with this paragraph shall be regarded as part of such State's payment for the fiscal year in which the redistribution is made.

AMENDMENT NO. 125

At the appropriate place, insert the following:

SEC. . AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) LISTING.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

"(C) AGREEMENTS.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

"(i) conservation agreement;

"(ii) pre-listing agreement;

"(iii) memorandum of agreement;

"(iv) memorandum of understanding; or

"(v) any other agreement designated to promote the conservation of any species;

agreed to by the Secretary and any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.".

(b) RECOVERY PLANS.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

"(6) AGREEMENTS.—The Secretary shall—

"(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—

"(i) conservation agreement;

"(ii) pre-listing agreement;

"(iii) memorandum of agreement;

"(iv) memorandum of understanding; or

"(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

"(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.".

CONRAD (AND DORGAN) AMENDMENT NO. 126

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. (a) The Secretary of Defense, in consultation with the Chairman of the Joint Chiefs of Staff and the National Defense Panel established under section 924 of Public Law 104–201 (110 Stat. 2626), shall take immediate action to ensure that a thorough assessment of the capabilities of all 94 of the B–52H bomber aircraft in active service in fiscal year 1997 is conducted.

(b) The report required by paragraph (1) of section 924(e) of Public Law 104–201 (110 Stat. 2627) shall include the assessment of capabilities required by subsection (a). The Secretary of Defense shall include the Secretary's views, and the views of the Chairman of the Joint Chiefs of Staff, on the assessment in the submission required by paragraph (2) of that section.

COVERDELL (AND FEINSTEIN) AMENDMENTS NOS. 127–128

(Ordered to lie on the table.)

Mr. COVERDELL (for himself and Mrs. FEINSTEIN) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 127

At the appropriate place in the bill, add the following:

TITLE —COUNTERDRUG ACTIVITIES

SEC. . REPORT ON COOPERATION BETWEEN UNITED STATES AND MEXICO IN COUNTERDRUG ACTIVITIES.

Not later than September 1, 1997, the President shall submit to Congress a report describing the following:

(1) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(A) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(B) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(C) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(D) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(E) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(F) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(G) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(H) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(I) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(J) The augmentation and strengthening of bilateral cooperation.

(2) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(A) implementing a comprehensive anti-drug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(B) implementing a comprehensive international drug interdiction and enforcement strategy; and

(C) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208).

SEC. . REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT NO. 128

At the appropriate place in the bill, add the following:

TITLE ___—COUNTERDRUG ACTIVITIES

SEC. ___. REPORT ON COOPERATION BETWEEN UNITED STATES AND MEXICO IN COUNTERDRUG ACTIVITIES.

Not later than September 1, 1997, the President shall submit to Congress a report describing the following:

(1) The extent of any significant and demonstrable progress made by the Government of the United States and the Government of Mexico, respectively, during the period beginning on March 1, 1997, and ending on the date of the report in achieving the following objectives relating to counterdrug cooperation:

(A) The investigation and dismantlement of the principal organizations responsible for drug trafficking and related crimes in both Mexico and the United States, including the prevention and elimination of their activities, the prosecution or extradition and incarceration of their leaders, and the seizure of their assets.

(B) The development and strengthening of permanent working relationships between the United States and Mexico law enforcement agencies, with particular reference to law enforcement directed against drug trafficking and related crimes, including full funding and deployment of the Binational Border Task Forces as agreed upon by both governments.

(C) The strengthening of bilateral border enforcement, including more effective screening for and seizure of contraband.

(D) The denial of safe havens to persons and organizations responsible for drug trafficking and related crimes and the improvement of cooperation on extradition matters between both countries.

(E) The simplification of evidentiary requirements for narcotics crimes and related crimes and for violence against law enforcement officers.

(F) The full implementation of effective laws and regulations for banks and other financial institutions to combat money laundering, including the enforcement of penalties for non-compliance by such institutions, and the prosecution of money launderers and seizure of their assets.

(G) The eradication of crops destined for illicit drug use in Mexico and in the United States in order to minimize and eventually eliminate the production of such crops.

(H) The establishment and implementation of a comprehensive screening process to assess the suitability and financial and criminal background of all law enforcement and other officials involved in the fight against organized crime, including narcotics trafficking.

(I) The rendering of support to Mexico in its efforts to identify, remove, and prosecute corrupt officials at all levels of government, including law enforcement and military officials.

(J) The augmentation and strengthening of bilateral cooperation.

(2) The extent of any significant and demonstrable progress made by the Government of the United States during the period beginning on March 1, 1997, and ending on the date of the report in—

(A) implementing a comprehensive antidrug education effort in the United States targeted at reversing the rise in drug use by America's youth;

(B) implementing a comprehensive international drug interdiction and enforcement strategy; and

(C) deploying 1,000 additional active-duty, full-time patrol agents within the Immigration and Naturalization Service in fiscal year 1997 as required by section 101 of division C of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104-208).

SEC. ___. CUSTOMS INSPECTIONS OF CERTAIN CARRIERS.

(a) DEFINITIONS.—In this section:

(1) CARRIER.— The term "carrier" includes every description of carriage or other contrivance used, or capable of being used, as a means of transporting cargo on land, but does not include automobiles or aircraft.

(2) HARD NARCOTIC.—The term "hard narcotic" means—

(A) a depressant or stimulant substance as defined in section 102(9) of the Controlled Substances Act (21 U.S.C. 802(9));

(B) marihuana as defined in section 102(16) of such Act (21 U.S.C. 802(16));

(C) a narcotic drug as defined in section 102(17) of such Act (21 U.S.C. 802(17)); and

(D) an immediate precursor to a hard narcotic described in subparagraph (A) or (C), as defined in section 102(23) of such Act (21 U.S.C. 802(23)).

(3) PERSON.—The term "person" includes partnerships, associations, and corporations.

(4) RELATED PERSON.—A person is related to another person if—

(A) the person bears a relationship to such other person specified in section 267(b) or 707(b)(1) of the Internal Revenue Code of 1986; or

(B) the person and such other person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986).

For purposes of subparagraph (A), "10 percent" shall be substituted for "50 percent" in applying sections 267(b)(1) and 707(b)(1) of such Code.

(b) LIST OF CARRIERS, SHIPPERS, AND IMPORTERS.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of the Treasury shall compile a list of all persons (including all related persons) who are carriers, shippers, or importers and with respect to whom property or funds have been seized by or otherwise forfeited to the United States in connection with hard narcotics-related activity within the 10 years preceding publication of the list.

(2) UPDATES.—The Secretary of the Treasury shall update the list described in paragraph (1) every 30 days.

(c) INSPECTION BY CUSTOMS.—The Commissioner of Customs shall direct customs officers to conduct inspections of all carriers and cargo entered into the customs territory of the United States if—

(1) the carrier, shipper, or importer of such cargo is a person who is on the list compiled pursuant to subsection (b); or

(2) after consultation with the Administrator of the Drug Enforcement, the carrier, shipper, or importer of such cargo is a person whom the Administrator determines warrants inspection.

SEC. ___. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

COVERDELL AMENDMENTS NOS. 129–130

(Ordered to lie on the table.)

Mr. COVERDELL submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 129

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—MISCELLANEOUS

SEC. 801. REPORT ON AN ALLIANCE AGAINST NARCOTICS TRAFFICKING IN THE WESTERN HEMISPHERE.

(a) SENSE OF CONGRESS ON DISCUSSIONS FOR ALLIANCE.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that the President should discuss with the democratically-elected governments of the Western Hemisphere, during the President's trips in the region in 1997 and through other consultations, the prospect of forming a multilateral alliance to address

problems relating to international drug trafficking in the Western Hemisphere.

(2) CONSULTATIONS.—In the consultations on the prospect of forming an alliance described in paragraph (1), the President should seek the input of such governments on the possibility of forming one or more structures within the alliance—

(A) to develop a regional, multilateral strategy to address the threat posed to nations in the Western Hemisphere by drug trafficking; and

(B) to establish a new mechanism for improving multilateral coordination of drug interdiction and drug-related law enforcement activities in the Western Hemisphere.

(b) REPORT.—

(1) REQUIREMENT.—Not later than October 1, 1997, the President shall submit to Congress a report on the proposal discussed under subsection (a). The report shall include the following:

(A) An analysis of the reactions of the governments concerned to the proposal.

(B) An assessment of the proposal, including an evaluation of the feasibility and advisability of forming the alliance.

(C) A determination in light of the analysis and assessment whether or not the formation of the alliance is in the national interests of the United States.

(D) If the President determines that the formation of the alliance is in the national interests of the United States, a plan for encouraging and facilitating the formation of the alliance.

(E) If the President determines that the formation of the alliance is not in the national interests of the United States, an alternative proposal to improve significantly efforts against the threats posed by narcotics trafficking in the Western Hemisphere, including an explanation of how the alternative proposal will—

(i) improve upon current cooperation and coordination of counter-drug efforts among nations in the Western Hemisphere;

(ii) provide for the allocation of the resources required to make significant progress in disrupting and disbanding the criminal organizations responsible for the trafficking of illegal drugs in the Western Hemisphere; and

(iii) differ from and improve upon past strategies adopted by the United States Government which have failed to make sufficient progress against the trafficking of illegal drugs in the Western Hemisphere.

(2) UNCLASSIFIED FORM.—The report under paragraph (1) shall be submitted in unclassified form, but may contain a classified annex.

AMENDMENT No. 130

On page 66, line 15, replace "$2,000,000" with "$1,600,000".

BIDEN (AND OTHERS) AMENDMENTS NOS. 131–133

(Ordered to lie on the table.)

Mr. BIDEN (for himself, Mr. REID, and Mr. ROTH) submitted three amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT No. 131

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) shall be provided by the Secretary of the Interior.

(b) IMMEDIATE CONTRIBUTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall make a contribution to each of the Delaware River Basin Commission and the Susquehanna River Basin Commission for fiscal year 1997 an amount of funds that bears the same proportion to the amount of funds contributed for fiscal year 1996 as the number of days remaining in fiscal year 1997 as of the date of enactment of this Act bears to the number 365.

AMENDMENT No. 132

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) shall be provided by the Secretary of the Interior.

AMENDMENT No. 133

On page 48, strike lines 15 through 23.

MURRAY AMENDMENT NO. 134

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

STATE OPTION TO ISSUE FOOD STAMP BENEFITS TO CERTAIN INDIVIDUALS MADE INELIGIBLE BY WELFARE REFORM

SEC. . Section 7 of the Food Stamp Act of 1977 (7 U.S.C. 2016) is amended by—

(a) inserting in subsection (a) after "necessary, and", "except as provided in subsection (j)," and

(b) inserting a new subsection (j) as follows—

"(j)(1) A State agency may, with the concurrence of the Secretary, issue coupons to individuals who are ineligible to participate in the food stamp program solely because of the provisions of section 6(o)(2) of this Act or sections 402 and 403 of the Personal Responsibility and Work Opportunity Act of 1996. A State agency that issues coupons under this subsection shall pay the Secretary the face value of the coupons issued under this subsection and the cost of printing, shipping, and redeeming the coupons, as well as any other Federal costs involved, as determined by the Secretary. A state agency shall pay the Secretary for coupons issued under this subsection and for the associated Federal costs issued under this subsection no later than the time the State agency issues such coupons to recipients. In making payments, the State agency shall comply with procedures developed by the Secretary. Notwithstanding 31 U.S.C. 3302(b), payments received by the Secretary for such coupons and for the associated Federal costs shall be credited to the food stamp program appropriation account or the account from which such associated costs were drawn, as appropriate, for the fiscal year in which the payment is received. The State agency shall comply with reporting requirements established by the Secretary.

"(2) A State agency that issues coupons under this subsection shall submit a plan, subject to the approval of the Secretary, describing the conditions under which coupons will be issued, including, but not limited to, eligibility standards, benefit levels, and the methodology the State will use to determine amounts owed the Secretary.

"(3) A State agency shall not issue benefits under this subsection—

"(A) to individuals who have been made ineligible under any provision of section 6 of this Act other than section 6(o)(2); or

"(B) in any area of the State where an electronic benefit transfer system has been implemented.

"(4) The value of coupons provided under this subsection shall not be considered income or resources for any purpose under any Federal laws, including, but not limited to, laws relating to taxation, welfare, and public assistance programs.

"(5) Any sanction, disqualification, fine or other penalty prescribed in Federal law, including, but not limited to, sections 12 and 15 of this Act, shall apply to violations in connection with any coupon or coupons issued pursuant to this subsection.

"(6) Administrative and other costs associated with the provision of coupons under this subsection shall not be eligible for reimbursement or any other form of Federal funding under section 16 or any other provision of this Act.

"(7) That portion of a household's allotment issued pursuant to this subsection shall be excluded from any sample taken for purposes of making any determination under the system of enhanced payment accuracy established in section 16(c).".

CONFORMING AMENDMENT

SEC. . Section 17(b)(I)(R)(iv) of the Food Stamp Act of 1977 is amended by—

(a) striking "or" in subclause (V);

(b) striking the period at the end of subclause (VI) and inserting "; or"; and

(c) inserting a new subclause (VII) as follows—

"(VII) waives a provision of section 7(j).".

DEWINE AMENDMENT NO. 135

(Ordered to lie on the table.)

Mr. DEWINE submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 34, between lines 2 and 3, insert the following:

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

ANIMAL DAMAGE CONTROL UNIT

For an additional amount for the eradication of rabies in the State of Ohio, $1,000,000.

MCCAIN AMENDMENT NO. 136

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 39, line 23, strike "shall" and insert "may".

On page 40, line 1, strike "shall" and insert "may".

On page 40, line 3, strike "shall" and insert "may".

On page 40, line 7, strike "shall" and insert "may".

On page 40, line 16, strike "shall" and insert "may".

On page 40, line 19, strike "shall" and insert "may".

COVERDELL AMENDMENT NO. 137

(Ordered to lie on the table.)

Mr. COVERDELL submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, between lines 9 and 10, insert the following:

TITLE VIII—SAVANNAH RIVER DEEPENING

SEC. 801. SAVANNAH RIVER DEEPENING.

Nothwithstanding section 203 of the Water Resources Development Act of 1986 (33 U.S.C. 2231), the Secretary of the Army shall use amounts made available for fiscal year 1998 for the Federal share of the costs of the feasibility study for the project for deepening of the Savannah River, Georgia, to reimburse the State of Georgia for amounts expended by the State to carry out the study at such time as the Secretary of the Army approves the feasibility report.

KEMPTHORNE AMENDMENTS NOS. 138–139

(Ordered to lie on the table.)

Mr. KEMPTHORNE submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 138

At the appropriate place, insert the following:

"(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing shall not be required under section 7(a)(2) or section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure, if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility, or structure to a condition that will provide for public health and safety.

"(b) MITIGATION.—In the event that the Secretary determines that an action to repair a flood control project, facility or structure under subsection (a) will result in the incidental take of an endangered species of fish or wildlife otherwise prohibited under section 9 of the Endangered Species Act, or a threatened species to which the incidental take prohibition of section 9 has been applied by regulation, the Secretary may propose reasonable and prudent measures to mitigate the impact of the action on the species. Any reasonable and prudent measures proposed under this subsection shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action."

AMENDMENT NO. 139

At the appropriate place, insert the following:

"(a) CONSULTATION OR CONFERENCING.—Consultation or conferencing under section 7(a)(2) or section 7(a)(4) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) for any action authorized, funded, or carried out by any Federal agency to repair a Federal or non-Federal flood control project, facility or structure, may be deferred until after the completion of the action if the Federal agency authorizing, funding or carrying out the action determines that the repair is needed to address an imminent threat to public health or safety that has resulted, or that may result, from a catastrophic natural event in 1996 or 1997. For purposes of this section, the term repair shall include preventive measures to anticipate the impact of a catastrophic event and remedial measures to restore the project, facility, or structure to a condition that will prevent an imminent threat to public health or safety.

"(b) MITIGATION.—Any reasonable and prudent measures proposed under section 7 of the Endangered Species Act to mitigate the impact of an action taken under this section on an endangered species, or a threatened species to which the incidental take prohibition of Section 9 has been applied by regulation, shall be related both in nature and in extent to the effect of the action taken to repair the flood control project, facility or structure. The costs of such reasonable and prudent measures shall be borne by the Federal agency authorizing, funding or carrying out the action."

BYRD AMENDMENT NO. 140

(Ordered to lie on the table.)

Mr. BYRD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 28, line 8, strike the words "in the Northern Plains states" and insert "in September 1996, and ".

FORD AMENDMENT NO. 141

(Ordered to lie on the table.)

Mr. FORD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 9, between lines 9 and 10, insert the following:

SEC. 108. AUTHORITY OF SECRETARY OF DEFENSE TO ENTER INTO LEASE OF BUILDING NO. 1, LEXINGTON BLUE GRASS STATION, LEXINGTON, KENTUCKY.

(a) AUTHORITY TO ENTER INTO LEASE.—Notwithstanding any other provision of law, the Secretary of Defense may enter into an agreement for the lease of Building No. 1, Lexington Blue Grass Station, Lexington, Kentucky, and any real property associated with the building, for purposes of the use of the building by the Defense Finance and Accounting Service. The agreement shall meet the requirements of this section.

(b) TERM.—(1) The agreement under this section shall provide for a lease term of not to exceed 50 years, but may provide for one or more options to renew or extend the term of the lease.

(2) The agreement shall include a provision specifying that, if the Secretary ceases to require the leased building for purpose of the use of the building by the Defense Finance and Accounting Service before the expiration of the term of the lease (including any extension or renewal of the term under an option provided for in paragraph (1)), the remainder of the lease term may, upon the approval of the lessor of the building, be satisfied by the Secretary or another department or agency of the Federal Government (including a military department) for another purpose similar to such purpose.

(c) CONSIDERATION.—(1) The agreement under this section may not require rental payments by the United States under the lease under the agreement.

(2) The Secretary or other lessee, if any, under subsection (b)(2) shall be responsible under the agreement for payment of any utilities associated with the lease of the building covered by the agreement and for maintenance and repair of the building.

(d) IMPROVEMENT.—The agreement under this section may provide for the improvement of the building covered by the agreement by the Secretary or other lessee, if any, under subsection (b)(2).

(e) *LIMITATION ON CERTAIN ACTIVITIES.*—The Secretary may not pay the costs of any utilities, maintenance and repair, or improvements under this lease under this section in any fiscal year unless funds are appropriated or otherwise made available for the Department of Defense for such payment in the such fiscal year.

HOLLINGS (AND OTHERS) AMENDMENT NO. 142

(Ordered to lie on the table.)

Mr. HOLLINGS (for himself, Mr. INOUYE, and Mr. DORGAN) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Children's Protection from Violent Programming Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) are readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Age-based ratings systems do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(10) If programming is not rated specifically for violent content and therefore cannot be blocked solely on the basis of its violent content, then restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(11) Studies show that warning labels based on age restrictions tend to encourage children's desire to watch restricted programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming based on the age of the child and not on the violent content of the programming.

(13) Absent the ability to block programming based specifically on the violent content of the programming, the channeling of violent programming is the least restrictive means to limit unsupervised children from the harmful influences of violent programming.

(14) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, or unable to afford the costs of technology-based solutions.

SEC. 3. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.

Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 718. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including new programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately revoke any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

"(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

SEC. 4. ASSESSMENT OF EFFECTIVENESS.

(a) REPORT.—The Federal Communications Commission shall—

(1) assess the effectiveness of measures undertaken under section 718 of the Communications Act of 1934 (47 U.S.C. 718) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(2) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives,

within 18 months after the date on which the regulations promulgated under section 718 of the Communications Act of 1934 (as added by section 2 of this Act) take effect, and thereafter as part of the biennial review of regulations required by section 11 of that Act (47 U.S.C. 161).

(b) ACTION.—If the Commission finds at any time, as a result of its assessment under subsection (a), that the measures referred to in subsection (a)(1) are insufficiently effective, then the Commission shall initiate a rulemaking proceeding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(c) DEFINITIONS.—Any term used in this section that is defined in section 718 of the Communications Act of 1934 (47 U.S.C. 718), or in regulations under that section, has the meaning as when used in that section or in those regulations.

SEC. 5. SEPARABILITY.

If any provision of this Act, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, is found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

SEC. 6. EFFECTIVE DATE.

The prohibition contained in section 718 of the Communications Act of 1934 (as added by section 2 of this Act) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

REID (AND STEVENS) AMENDMENT NO. 143

Mr. STEVENS (for Mr. REID for himself and Mr. STEVENS) proposed an amendment to the bill, S. 672, supra; as follows:

On page 18, line 15, following "fund:" insert the following: "*Provided*, That the Secretary of the Army is directed to use from available balances of the funds appropriated herein to perform such emergency dredging and snagging and clearing of the Truckee River, Nevada, and the San Joaquin River channel, California, as the Secretary determines to be necessary as the result of the January 1997 flooding in Nevada and California; and dredging of shoaling which has occurred downstream from the Federal Chena River Flood Control Facility:".

DOMENICI (AND OTHERS) AMENDMENT NO. 144

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. ROBERTS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, add the following:

SEC. . TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(a) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. . DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. . TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. . HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. . DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

STEVENS (AND OTHERS) AMENDMENT NO. 145

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. CHAFEE, Mr. D'AMATO, Mr. DEWINE, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

"JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),"."

On page 46, after line 25, insert the following:

"Public Law 104–208, under the heading titled "Education For the Disadvantaged" is amended by striking "$1,298,386,000" and inserting "$713,386,000" in lieu thereof."

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

"TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

"SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(A) IN GENERAL—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking "the date which is 1 year after such date of enactment" and inserting in lieu thereof "September 30, 1997"; and

(B) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting in lieu thereof "September 30, 1997"; and

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612)."

SANTORUM AMENDMENT NO. 146

(Ordered to lie on the table.)

Mr. SANTORUM submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

SEC. . REGARDING THE BUDGET TREATMENT OF FEDERAL DISASTER ASSISTANCE. SENSE OF THE SENATE.

The Senate shall find sufficient funding reductions to offset the costs of providing any federal disaster assistance.

DORGAN (AND OTHERS) AMENDMENTS NOS. 147–148

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. GRAMS, Mr. CONRAD, Mr. WELLSTONE, Mr. DASCHLE, and Mr. JOHNSON) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 147

On page 30, line 11, strike "$100,000,000" and insert "$400,000,000".

On page 72, line 10, strike "$3,650,000,000" and insert "$3,950,000,000".

On page 72, line 13, strike "$5,800,000,000" and insert "$6,100,000,000".

On page 72, line 13, strike "$5,800,000,000" and insert "$6,200,000,000".

AMENDMENT NO. 148

On page 16, line 20, strike "$54,700,000" and insert "$154,700,000".

On page 30, line 11, strike "$100,000,000" and insert "$400,000,000".

On page 72, line 10, strike "$3,650,000,000" and insert "$4,050,000,000".

DORGAN AMENDMENTS NOS. 149–151

(Ordered to lie on the table.)

Mr. DORGAN submitted three amendments intended to be proposed by him to the bill, S. 672, supra, as follows:

AMENDMENT NO. 149

On page 30, line 11, strike "$100,000,000" and insert "$400,000,000".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,200,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,200,000,000".

AMENDMENT NO. 150

On page 30, line 11, strike 1"$100,000,000" and insert "$400,000,000".

On page 72, line 10, strike "$3,650,000,000" and insert "$3,950,000,000".

On page 72, line 18, strike "$2,150,000,000" and insert "$1,850,000,000".

AMENDMENT NO. 151

At the appropriate place, insert the following:

SEC. . EMERGENCY USE OF CHILD CARE FUNDS.

(a) IN GENERAL.—Notwithstanding any other provision of law, during the period beginning on April 30, 1997, and ending on July 30, 1997, the Governors of the States described in paragraph (1) of subsection (b) may, subject to subsection (c), use amounts received for the provision of child care assistance or services under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 et seq.) and under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) to provide emergency child care services to individuals described in paragraph (2) of subsection (b).

(b) ELIGIBILITY.—

(1) OF STATES.—A State described in this paragraph is a State in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or that an area within the State is determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997.

(2) OF INDIVIDUALS.—An individual described in this subsection is an individual who—

(A) resides within any area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to flooding in 1997; and

(B) is involved in unpaid work activities (including the cleaning, repair, restoration, and rebuilding of homes, businesses, and schools) resulting from the flood emergency described in subparagraph (A).

(c) LIMITATIONS.—

(1) REQUIREMENTS.—With respect to assistance provided to individuals under this section, the quality, certification and licensure, health and safety, nondiscrimination, and other requirements applicable under the Federal programs referred to in subsection (a) shall apply to child care provided or obtained under this section.

(2) AMOUNT OF FUNDS.—The total amount utilized by each of the States under subsection (a) during the period referred to in such subsection shall not exceed the total amount of such assistance that, notwithstanding the enactment of this section, would otherwise have been expended by each such State in the affected region during such period.

(d) PRIORITY.—In making assistance available under this section, the Governors described in subsection (a) shall give priority to eligible individuals who do not have access to income, assets, or resources as a direct result of the flooding referred to in subsection (b)(2)(A).

DORGAN (AND OTHERS) AMENDMENTS NOS. 152–153

(Ordered to lie on the table.)

Mr. DORGAN (for himself, Mr. DASCHLE, Mr. JOHNSON, and Mr. CONRAD) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 152

At the appropriate place, insert the following:

SEC. . NONAPPLICABILITY TO EMERGENCY LOANS OF PROHIBITION ON LOANS FOR BORROWERS THAT HAVE RECEIVED DEBT FORGIVENESS.

Section 373(b)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 2008h(b)(1)) is amended by inserting after "loan under this title" the following: "(other than subtitle C)".

AMENDMENT NO. 153

On page 10, between lines 10 and 11, insert the following:

For guaranteed loans made to federally recognized Indian tribes under the business and industrial loan program established under section 310B of the Consolidated Farm and Rural Development Act (7 U.S.C. 1932) for the replacement of livestock lost during storms occurring during the winter season of 1995 and 1996 and the winter season of 1996 and 1997:

(1) For additional gross obligations for the principal amount of the guaranteed loans, to be available from funds in the Agricultural Credit Insurance Fund, $50,000,000.

(2) For the additional cost of the guaranteed loans (including the cost of modifying loans (as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)), $465,000.

FOOD AND CONSUMER SERVICE

EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act of 1977 (7 U.S.C. 2036(a)), the amount available for allocation under that section for fiscal year 1997 shall be $99,535,000.

DORGAN AMENDMENT NO. 154

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 85, after line 11, add the following:

TITLE VIII—ABATEMENT OF INTEREST ON UNDERPAYMENTS BY CERTAIN TAXPAYERS

SEC. 801. ABATEMENT OF INTEREST ON UNDERPAYMENTS BY TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.

(a) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 (relating to abatements) is amended by adding at the end the following:

"(h) ABATEMENT OF INTEREST ON UNDERPAYMENTS BY TAXPAYERS IN PRESIDENTIALLY DECLARED DISASTER AREAS.—

"(1) IN GENERAL.—If the Secretary extends for any period the time for filing income tax returns under section 6081 and the time for paying income tax with respect to such returns under section 6161 for any taxpayer located in a Presidentially declared disaster area, the Secretary shall abate for such period the assessment of any interest prescribed under section 6601 on such income tax.

"(2) PRESIDENTIALLY DECLARED DISASTER AREA.—For purposes of paragraph (1), the term 'Presidentially declared disaster area' means, with respect to any taxpayer, any area which the President has determined warrants assistance by the Federal Government under the Disaster Relief and Emergency Assistance Act.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to disasters declared after December 31, 1996.

CONRAD (AND OTHERS) AMENDMENTS NOS. 155–157

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. GRAMS, Mr. DORGAN, Mr. DASCHLE, Mr. WELLSTONE, and Mr. JOHNSON) submitted three amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 155

On page 16, line 20, strike "$54,700,000" and insert "$154,700,000".

On page 30, line 11, strike "$100,000,000" and insert "$400,000,000".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,100,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,100,000,000".

AMENDMENT NO. 156

On page 16, line 20, strike "$54,700,000" and insert "$154,700,000".

On page 31, line 13, strike "$3,500,000,000" and insert "$3,400,000,000".

On page 31, line 17, strike "$2,500,000,000" and insert "$2,400,000,000".

AMENDMENT NO. 157

On page 16, line 20, strike "$54,700,000" and insert "$154,700,000".

On page 72, line 10, strike "$3,650,000,000" and insert "$3,750,000,000".

On page 72, line 13, strike "$5,800,000,000" and insert "$5,900,000,000".

CONRAD (AND DORGAN) AMENDMENTS NOS. 158–159

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. DORGAN) submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 158

On page 45, between lines 7 and 8, insert the following:

For an additional amount under the heading "CHILDREN AND FAMILIES SERVICES PROGRAMS (INCLUDING RESCISSIONS)", $10,000,000, which shall be for making payments under the Community Services Block Grant Act (42 U.S.C. 9901 et seq.) to pay for emergency expenses resulting from the flooding in the upper Midwest and other natural disasters in fiscal year 1997, to remain available until expended: *Provided*, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That the $3,500,000,000 and $2,500,000,000 amounts under the heading "DISASTER RELIEF" under the heading "FEDERAL EMERGENCY MANAGEMENT AGENCY" under the heading "INDEPENDENT AGENCY" in chapter 6 of title II of this Act shall each be reduced by $10,000,000.

AMENDMENT NO. 159

At the appropriate place, insert the following:

SEC. . FLOOD INSURANCE.

Section 1306(c)(1) of the National Flood Insurance Act of 1968 (42 U.S.C. 4013(c)(1)) is amended by striking "30" and inserting "15".

CONRAD (AND OTHERS) AMENDMENT NO. 160

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DORGAN, and Mr. JOHNSON) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 13, line 15, strike "$10,000,000" and insert "$20,000,000".

CONRAD (AND OTHERS) AMENDMENT NO. 161

(Ordered to lie on the table.)

Mr. CONRAD (for himself, Mr. DASCHLE, Mr. DORGAN, Mr. WELLSTONE, Mr. JOHNSON, and Mr. GRAMS) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SECTION 1. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) is amended by adding at the end the following:

"TITLE VIII—ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS

"SEC. 801. ASSISTANCE FOR LOCAL EDUCATIONAL AGENCIES IN CASES OF CERTAIN DISASTERS.

"(a) ASSISTANCE.—

"(1) AUTHORITY.—The Director of the Federal Emergency Management Agency may provide the assistance described in paragraph (2) in any case in which the Director determines with respect to any local educational agency (including for the purpose of this section any other public agency which operates schools providing technical, vocational, or other special education to children of elementary school or secondary school age) that—

"(A) the agency serves in whole or in part an area with respect to which a major disaster has been declared by the President under section 401;

"(B) the Governor of the State in which the agency is located has certified the need for disaster assistance under this section, and has given assurance of expenditure of a reasonable amount of the funds of the government of the State, or of any political subdivision thereof, for the same or similar purposes with respect to the disaster;

"(C) the agency is utilizing or will utilize all State and other financial assistance available to the agency for the purpose of meeting the cost of providing free public education for the children attending the schools of the agency, but as a result of the disaster the agency is unable to obtain sufficient funds for such purpose and requires an amount of additional assistance equal to at least $10,000 or 5 percent of the agency's current expenditures during the fiscal year preceding the fiscal year in which the disaster occurred, whichever is less; and

"(D) in the case of any such disaster to the extent that the operation of private elementary schools and secondary schools in the school attendance area of such local educational agency has been disrupted or impaired by the disaster, the local educational agency has made provisions for the conduct of educational programs under public auspices and administration in which children enrolled in the private elementary schools and secondary schools may attend and participate, except that nothing contained in this section shall be construed to authorize the making of any payment under this section for religious worship or instruction.

"(2) ASSISTANCE.—The assistance referred to in paragraph (1) is the assistance the Director determines necessary to pay the costs of emergency operating expenses incurred by the local educational agency in educating students in public and private elementary schools and secondary schools who have been displaced by the disaster, including—

"(A) providing transportation costs for busing students to alternative sites;

"(B) replacing instructional and maintenance supplies, equipment, and materials (including textbooks) destroyed or seriously damaged as a result of the disaster, making minor repairs, and leasing or otherwise providing (other than by acquisition of land or erection of facilities) school and cafeteria facilities needed to replace temporarily the facilities which have been made unavailable as a result of the disaster; and

"(C) providing educational services to children who, as a result of damage to schools that the children attended prior to the disaster, were required to attend other schools.

"(3) Duration.—The Director may provide a local educational agency with assistance under this section for the period beginning on the date the disaster is declared by the President under section 401 with respect to an area served by the local educational agency and ending 18 months after the date.

"(4) Payments to other local educational agencies.—A local educational agency may use funds received under this section to make a payment to another local educational agency for the costs of emergency operating expenses incurred by such other local educational agency in educating students who are displaced by the disaster.

"(b) Authorization of Appropriations.—There is authorized to be appropriated for each fiscal year such amounts as may be necessary to carry out the provisions of this section. Pending such appropriation, the Director is authorized to expend (without regard for subchapter II of chapter 15 of title 31, United States Code) from any funds appropriated to the Federal Emergency Management Agency and at that time available to the Director, such sums as may be necessary for providing immediate assistance under this section. Expenditures pursuant to the preceding sentence—

"(1) shall be reported by the Director to the Committees on Appropriations and Education and the Workplace of the House of Representatives and the Committees on Appropriations and Labor and Human Resources of the Senate within 30 days of the expenditure; and

"(2) shall be reimbursed from the appropriations authorized by the first sentence of this subsection.

"(c) Report.—The report required under subsection (b)(1) shall constitute a budget estimate within the meaning of section 1109 of title 31, United States Code.

"(d) Application.—No payment may be made to any local educational agency under this section except upon application therefor which is submitted through the appropriate State educational agency and is filed with the Director in accordance with the regulations prescribed by the Director. In determining the order in which such applications may be approved, the Director shall consider the relative educational and financial needs of the local educational agencies which have submitted approvable applications. The Director shall complete action of approval or disapproval of an application within 90 days of the filing of an application.

"(e) Payments.—Amounts paid by the Director to local educational agencies under this section may be paid in advance or by way of reimbursement and in such installments as the Director may determine. Any funds paid to a local educational agency and not expended or otherwise used for the purposes for which paid shall be repaid to the Treasury of the United States.

"(f) Special Rule.—Funds available to carry out this section for any fiscal year shall also be available to carry out section 403 with respect to assistance for public and private elementary schools and secondary schools.

"(g) Bureau Funded Schools.—The Director may provide assistance to the Bureau of Indian Affairs for Bureau funded schools that are located in an area with respect to which a major disaster has been declared by the President under section 401 in a manner similar to the manner in which local educational agencies receive assistance under this section.

"(h) Definitions.—In this section:

"(1) Bureau funded school.—The term 'Bureau funded school' has the meaning given the term in section 1146 of the Education Amendments of 1978 (25 U.S.C. 2026).

"(2) Current expenditures.—The term 'current expenditures' has the meaning given the term in section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713).

"(3) Director.—The term 'Director' means Director of the Federal Emergency Management Agency.

"(4) Elementary school; secondary school; local educational agency; state educational agency.—The terms 'elementary school', 'secondary school', 'local educational agency', and 'State educational agency' have the meanings given the terms in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).".

CONRAD AMENDMENT NO. 162

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the end of title II, insert the following:

CHAPTER 6

COMMITTEE ON SMALL BUSINESS

SMALL BUSINESS INVESTMENT COMPANY ACT OF 1958 FEES

(a) In General.—For fiscal year 1997 and 1998, $4,800,000, to pay fees required under section 503(b)(7)(A) and paragraphs (2) and (3) of section 503(d) of the Small Business Investment Act of 1958 in connection with assistance authorized under title V of that Act of a borrower located in an area in which the President, pursuant to section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), has determined that a major disaster exists, or within an area determined to be eligible for disaster relief under other Federal law by reason of damage related to the 1997 flooding of the Red River of the North and its tributaries.

(b) CDC and Borrower Exempt From Fees.—For fiscal years 1997 and 1998, no borrower or certified development company shall be required to pay fees under section 503(b)(7)(A) and paragraphs (2) and (3) of section 503(b) of the Small Business Investment Act of 1958 that are paid by the funds appropriated under subsection (a) of this section.

CONRAD (AND DORGAN) AMENDMENT NO. 163

(Ordered to lie on the table.)

Mr. CONRAD (for himself and Mr. Dorgan) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

On page 10, between lines 10 and 11, insert the following:

For an additional amount for the "Agricultural Credit Insurance Fund Program Account" for the additional cost of providing assistance under the interest rate reduction program established under section 351 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1999) to agricultural producers that have been substantially affected by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), to remain available until expended, $10,000,000: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $10,000,000 that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.) is transmitted by the President to Congress: *Provided further*, That the amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of that Act (2 U.S.C. 901(b)(2)(D)(i)).

MURRAY AMENDMENT NO. 164

(Ordered to lie on the table.)

Mrs. MURRAY submitted an amendment intended to be proposed by her to the bill, S. 672, supra; as follows:

On page 17, between lines 13 and 14, insert the following:

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount to continue the assistance implemented by the National Oceanic and Atmospheric Administration in Washington, Oregon, and California (commonly referred to as the "Northwest Economic Aid Package") to provide disaster assistance under section 312 of the Magnuson-Stevens Fishery Conservation and Management Act (relating to the transition to sustainable fisheries) to salmon fishers that continue to suffer from a fishery resource disaster, $25,000,000, to remain available until expended: *Provided*, That the entire amount shall be available only to the extent that an official budget request for $25,000,000, that includes the designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, is transmitted by the President to Congress: *Provided further*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of such Act.

On page 72, line 10, strike "$3,650,000,000" and insert "$3,675,000,000".

On page 72, line 13, strike "$5,800,000,000" and insert "$5,825,000,000".

D'AMATO (AND CHAFEE) AMENDMENT NO. 165

(Ordered to lie on the table.)

Mr. D'AMATO (for himself and Mr. Chafee) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

Strike title VI and insert the following:

TITLE VI—EXTENSION OF SSI AND FOOD STAMPS FOR CERTAIN ALIENS

SEC. 601. EXTENSION OF SSI AND FOOD STAMP REDETERMINATION PROVISIONS.

(A) In General.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D)), as amended by section 510 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (Public Law 104–208; 110 Stat. 3009–673), is amended—

(1) in clause (i)—

(A) in subclause (I), by striking "the date which is 1 year after such date of enactment" and inserting "September 30, 1997"; and

(B) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting "September 30, 1997"; and

(2) in clause (ii)—

(A) in subclause (I)—

(i) by striking "April 1, 1997," and all that follows through "1977." and inserting "October 1, 1997, to an alien who received benefits under such program on the date of enactment of this Act."; and

(ii) by striking "August 22, 1997", and inserting "September 30, 1997"; and

(B) in subclause (III), by striking "the date of recertification" and inserting "September 30, 1997".

(b) NOTICE AND REDETERMINATION.—The Commissioner of Social Security, in the case of the specified Federal program defined in section 402(a)(3)(A) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(3)(A)), and the State agency, in the case of the specified Federal program defined in section 402(a)(3)(B) of such Act (8 U.S.C. 1612(a)(3)(B)), shall notify any individual described in section 402(a)(2)(D) of such Act (8 U.S.C. 1612(a)(2)(D)), as amended by subsection (a), who, on or after August 22, 1996, has been determined to be ineligible for any such specified Federal program solely on the basis of the application of section 402 of such Act (8 U.S.C. 1612), as in effect on the day before the date of enactment of this Act, that the individual's eligibility for such program shall be redetermined or recertified (as the case may be), and shall conduct such redetermination or recertification in a timely manner. Any benefits that such an individual should have received under any such specified Federal program during the period beginning on the date of the determination described in the preceding sentence and ending on September 30, 1997, were it not for the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, shall be restored to the individual.

(c) RESCISSION OF JOBS FUNDS.—

(1) IN GENERAL.—Of the funds made available under the heading "JOB OPPORTUNITIES AND BASIC SKILLS" in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

(2) CONFORMING AMENDMENT.—Section 403(k)(3)(F) of the Social Security Act (42 U.S.C. 603(k)(3)(F)) (as in effect on October 1, 1996) is amended by inserting "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled)," after "year,".

(d) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

D'AMATO (AND OTHERS) AMENDMENT NO. 166

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Mr. CHAFEE, Mr. DEWINE, and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled).".

On page 46, after line 25, insert the following:

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

Title VI—Supplemental Security Income Amendment

SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D) is amended—

(1) in clause (i)—

(A) in subclause (I), by striking "the date which is 1 year after such date of enactment" and inserting in lieu thereof "September 30, 1997"; and

(B) in subclause (III), by striking "the date of the redetermination with respect to such individual" and inserting in lieu thereof "September 30, 1997"; and

(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612).

BOND (AND OTHERS) AMENDMENT NO. 167

(Ordered to lie on the table.)

Mr. BOND (for himself, Mr. LEVIN, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

BOND AMENDMENTS NOS. 168–169

(Ordered to lie on the table.)

Mr. BOND submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 168

In Title III, Chapter 10, add the following new section.

SEC. . The funds appropriated in Public Law 104–204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to states and federally recognized tribes for multi-media or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal government of a program required by law in the absence of an acceptable State or tribal program.

AMENDMENT NO. 169

In Title III, Chapter 10, add the following new section.

SEC. . The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997.".

DASCHLE AMENDMENT NO. 170

(Ordered to lie on the table.)

Mr. DASCHLE submitted an amendment intended to be proposed by him to the bill, s. 672, supra; as follows:

AMENDMENT NO. 170

At the appropriate place, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY

GRANT FOR THE CONSTRUCTION OF A PIPELINE TO CONNECT THE TOWN OF GETTYSBURG, SOUTH DAKOTA, TO THE MID-DAKOTA RURAL WATER SYSTEM

For the funding of a grant to the town of Gettysburg, South Dakota, to be used to pay the Bureau of Reclamation for the construction of a pipeline to connect the town to the Mid-Dakota Rural Water System, $1,500,000.

REID (AND BAUCUS) AMENDMENT NO. 171

Mr. REID (for himself and Mr. BAUCUS) proposed an amendment to the bill, S. 672, supra; as follows:

AMENDMENT NO. 171

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

D'AMATO (AND OTHERS) AMENDMENT NO. 172

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Ms. SNOWE, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. DOMENICI, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, Mr. BIDEN, Mr. INOUYE, Mr. MURKOWSKI, Mr. DODD, Mr. KERREY, Mr. HATCH, Mr. GREGG, Mr. SMITH of New Hampshire, and Mr. FORD) submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following:

TITLE ___—WOMEN'S HEALTH AND CANCER RIGHTS

SEC. ___1. SHORT TITLE.

This title may be cited as the "Women's Health and Cancer Rights Act of 1997".

SEC. ___2. FINDINGS.

Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

SEC. ___3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 713. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

"(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(e) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 2706. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTION SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Reconstructive Surgery.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) Prohibition on Certain Modifications.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

"(d) Notice.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(e) Secondary Consultations.—

"(1) In general.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) Exception.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) Prohibition on Penalties or Incentives.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).".

(b) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(2) Special rule for collective bargaining agreements.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) In General.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

"SEC. 2752. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) Effective Date.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. ___6. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) In General.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan portability, access, and renewability requirements) is amended by redesignating sections 9804, 9805, and 9806 as sections 9805, 9806, and 9807, respectively, and by inserting after section 9803 the following new section:

"SEC. 9804. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) Inpatient Care.—

"(1) In general.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) Exception.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) Reconstructive Surgery.—A group health plan that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) Prohibition on Certain Modifications.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

"(d) Notice.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations premulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

"(1) in the next mailing made by the plan to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(e) Secondary Consultations.—

"(1) IN GENERAL.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES.—A group health plan may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (e).".

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking "9805" each place it appears and inserting "9806".

(2) The heading for subtitle K of such Code is amended to read as follows:

"Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements".

(3) The heading for chapter 100 of such Code is amended to read as follows:

"CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS".

(4) Section 4980D(a) of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

"Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.".

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking "and renewability" and inserting "renewability, and other".

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

BOND AMENDMENT NO. 173

Mr. STEVENS (for Mr. BOND) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . The funds appropriated in Public Law 104-204 to the Environmental Protection Agency under the State and Tribal Assistance Grants Account for grants to States and federally recognized tribes for multimedia or single media pollution prevention, control and abatement and related activities, $674,207,000, may also be used for the direct implementation by the Federal Government of a program required by law in the absence of an acceptable State or tribal program.

BOND (AND OTHERS) AMENDMENT NO. 174

Mr. STEVENS (for Mr. BOND, for himself, Mr. LEVIN, and Mr. ABRAHAM) proposed an amendment to the bill, S. 672, supra; as follows:

In title III, chapter 10, add the following new section:

SEC. . After the period for filing claims pursuant to the Uniform Relocation Act is closed, and from amounts previously appropriated for the Center for Ecology Research and Training (CERT), the Environmental Protection Agency (EPA) shall obligate the maximum amount of funds necessary to settle all outstanding CERT-related claims against it. To the extent that unobligated balances remain from such amounts previously appropriated, EPA is authorized beginning in fiscal year 1997 to make grants of such funds to the City of Bay City, Michigan, for the purpose of EPA-approved environmental remediation and rehabilitation of publicly owned real property included in the boundaries of the CERT project.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, to conduct a markup on S. 462, the Public Housing Reform and Responsibility Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, to conduct a hearing to examine the issues surrounding the shredding of Holocaust era documents by the Union Bank of Switzerland.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 6, for purposes of conducting a hearing before the Full Committee which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider the nomination of Elizabeth Anne Moler to be Deputy Secretary of Energy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Human Resources be authorized to meet for a Public Health and Safety Subcommittee Hearing on Protecting Public Health: CDC Project Grants for Preventable Health Services during the session of the Senate on Tuesday, May 6, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Select Committee on Intelligence by authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold an open confirmation hearing on the nomination of George J. Tenet to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NEAR EASTERN AND SOUTH ASIAN AFFAIRS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Near Eastern and South Asian Affairs Subcommittee of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence, of the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 6, 1997, at 2 p.m. to hold a hearing on Fixing a Broken System: A Review of OJJDP Mandates.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

FRANKLIN DELANO ROOSEVELT

● Mr. FEINGOLD. Mr. President, in the fall of 1940, Franklin Delano Roosevelt was attempting something audacious, unprecendented in American history—running for a third term as President. His opponent, Wendell Wilke of Indiana, a man with whom he would attempt to forge an alliance 4 years later, was gaining momentum. Roosevelt had waited until October to begin his formal campaign, but when he hit the trail, he did with characteristic gusto.

"I am an old campaigner," he told cheering audiences, "and I love a good fight."

Mr. President, it was the love of the fight, not in the sense of carrying a chip on one's shoulder, but more in the manner of relishing a challenge to one's ideas and abilities, that marked Franklin Roosevelt's character. That spirit motivated him in his fight against polio, sustained him during many a dark hour in the White House during the Depression and the Second World War and infused itself into his concept of a government that shrugged off old models of action—or inaction—and engaged in bold, persistent experimentation, seeking the best solutions for the pressing problems of the Nation.

His administration did many things considered audacious in Washington, including the creation of then-radical programs like Social Security. It is well-documented that one of the sources for some of Roosevelt's bold experimentation was the Progressive tradition in Wisconsin, which pioneered unemployment insurance and workers' compensation.

Mr. President, Franklin Roosevelt sometimes succeeded gloriously. Sometimes he failed. Sometimes he was helped by a fortuitous turn of events; other times, events frustrated his purposes. Through it all, however, he kept trying, kept experimenting, fueled by a restless intellect, guided by the constitutional responsibility of government to promote the general welfare of the people, and supported by a bedrock conviction that an honest attempt would, at the very least, yield a useful lesson and might well solve the problem.

Mr. President, last week we dedicated the Franklin Delano Roosevelt Memorial, a celebration of his memory, his accomplishments and, perhaps most importantly, his spirit. He was a man of enormous complexity and energy who embraced life and encouraged others to follow his example. His philosophy of encouraging boldness and creativity in the service of the common good and his insistence on an inclusive, not exclusive politics will serve us well in any time.●

TRIBUTE TO JOSHUA GAGNON FOR BEING NEW HAMPSHIRE'S CHAMPION ACROSS AMERICA

● Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to 10-year-old Joshua Gagnon from Merrimack, NH, for being chosen the New Hampshire champion by the Champions Across America Program of the Children's Miracle Network.

These champions are children who have triumphed over life-threatening health problems. Joshua, along with champions from other States, will represent the 7 million children treated at children's hospitals each year.

Joshua was only 3 years old when his family discovered his illness. An MRI revealed that he suffered from the Dandy Walker syndrome, which required an extensive shunt that extended from his brain to his stomach. In the past 7 years the shunt, which is susceptible to clogging, has required three replacements.

Another surgery Joshua had undergone was to correct a condition known as Streeter's dysplasia. The Genesis fund, which funds the National Birth Defects Center, made it possible for Joshua's webbed fingers and toes to be reshaped by a plastic/reconstructive surgeon. Even though he only has use of his ring finger and his pinky finger on his right hand, Joshua writes very well and loves to assemble model airplanes and cars.

Like any other boy his age, Joshua has many hobbies, such as reading, riding his mountain bike and playing basketball. He is very inquisitive and his sense of humor gives his mother many reasons to laugh.

Mr. President, I want to call attention to the uniqueness of children's health care and the importance of nonprofit hospitals for children. Joshua is an inspiring example for children and their families to fight the battle and beat the odds. He and the other champions show children in New Hampshire and across the Nation how to pursue a happy life, despite their illness. I am proudtorepresentJoshuaintheU.S. Senate.●

DR. NAN S. HUTCHISON BROWARD SENIOR HALL OF FAME INDUCTEES

● Mr. GRAHAM. Mr. President, today I would like to recognize and congratulate a group of outstanding citizens from Broward County. These men and women have each given a great gift to their communities—they have given of themselves.

Samuel Bonier, of Sunrise, has spent the last 4 years volunteering at the Daniel D. Cantor Senior Center. His activities include serving as an assistant bookkeeper, mail clerk and needed friend to the center's residents. Samuel is also concerned about the community's children and has donated his time to help feed and bathe children in the Ann Storch Center. For his selfless actions Samuel was awarded the Volunteer of the Month Award in 1994 by the Cantor Center.

Pearl Canady, of Fort Lauderdale, imparted her wisdom to countless students as a teacher for over 30 years in the Broward County School System. Pearl continues to serve her community as a member of the Area Agency on Aging's Advisory Council. Pearl's generous spirit has enhanced the lives of many.

Daniel D. Cantor, of Tamarac, is one of Broward County's leading Jewish community leaders. Daniel has been active in countless Jewish organizations, including the Jewish National Fund, Israel Bonds and United Jewish Appeal. He was indispensable in the campaign to help resettle Russian Jewry in Israel and in the United States.

Marie Antoinette Capazzi, of Plantation, has served as Social Director for the Senior Club of Plantation for over 20 years. Marie has also worked with the Red Cross distributing food to the needy. Because of her service to the community, May 11, 1983 was declared Marie Capazzi day by the city of Plantation. Marie was also acknowledged as 1996 Citizen of the Year by the Plantation Elks Club.

Chris Franklin, of Pompano Beach, has been a tireless advocate for the elderly. Chris has been extremely active with the Florida Silver-Haired Legislature to insure that the rights of the elderly are protected. Later this year Chris will be a delegate to the National Congress of Silver-Hairs.

Rickey Pine Garber, of Tamarac, works to improve relations between seniors and the police. She is involved in several organizations including Seniors and Lawmen Together and the Citizens Observation Patrol. Rickey also works with the Area Agency on Aging assisting both seniors and the young who are experiencing financial and social distress.

Nat Geier, of Sunrise, volunteers his time to several organizations throughout Broward County. As a result of his efforts in the Area Agency's Seniors for Seniors Dollar Drive, Nat has raised over $700 every year. In addition, Nat was instrumental in securing the first computers for Piper High School and Village Elementary.

David J. Mears, of Coral Springs, was instrumental in the founding of the city of Margate. David has been called the founding father of Margate because of his active role in developing the eastern section of the city. He has served as honorary mayor of Margate and is presently president of the Gold Coast Chapter of the National Association of Industrial and Office Parks.

Angelo Quatrociocchi, of Cooper City, is an active volunteer at Memorial Manor, a residential home for seniors. His activities include transporting residents to activities, assisting with meals, and playing his accordion and harmonica for the residents. Angelo continued to volunteer even after his wife, Josephine, died. His commitment to the community is unwavering.

Herman Small, of Hallandale, is an advocate for the community's elderly. For the past 10 years, Herman has been developing fundraising concepts for the Area Agency on Agency. Herman also educates the community's elderly on legislation that directly affects them.

Bertha Walker, a resident of Broward County for over 50 years, devotes her time to improving the community. She chaperoned local students on field trips and has been recognized by the YMCA for her dedication to the community's youth. Her contributions to the area's youth are appreciated by all.

Benjamin Wermiel, of Coconut Creek, has been contributing his time and energy to the community for 15 years. As secretary of the elderly interest fund, Benjamin raised $400,000 for the organization's Medivan Program. Benjamin is also the Broward coalition's representative to the Florida Health Care Campaign which seeks to provide universal health care to all Floridians. Benjamin has improved the lives of many residents in Broward County.

Florida and Broward County are fortunate to have these inspiring senior citizens who give so much to their communities. I congratulate them today and wish for them many more productive and healthy years.●

MAJOR LEAGUE BASEBALL PLAYERS SAY "NO" TO SPIT TOBACCO

● Mr. DURBIN. Mr. President, for far too long, tobacco and baseball have been almost synonymous. Dipping or chewing tobacco has been one of the rituals of baseball. Batters stepping out of the batters box to spit, fielders checking the pouch or tin tucked in their hip pocket, bullpen personnel having spitting contests—the fabric of baseball has been colored by the mix of tobacco juice and spit that accompany the use of smokeless tobacco.

Unfortunately, even major league baseball superheroes can't avoid the consequences of tobacco use. Players have found themselves addicted. What seemed to be a colorful and harmless ritual turned out to have a deadly undertow. Many ballplayers have had to deal with serious oral health problems caused by tobacco use. Some have lost a jaw when oral cancer invaded. Some have lost their life.

Fortunately, the tide is turning. I was involved in an effort several years ago to discourage the use of tobacco by ballplayers. It led to the banning of smokeless tobacco use in the field and in the clubhouse at the collegiate level and throughout the minor leagues.

Only the major leagues remain open to smokeless tobacco use, and even there the glorification of tobacco is subsiding. What the players and owners have been unwilling to mandate is gradually happening through education and the example of ballplayers who have been willing to take a stand. Smokeless tobacco use is on the decline.

Equally important, ballplayers are beginning to use their positions as role models for our Nation's youth to deliver the important message that you don't have to chew or dip to be successful on the field.

I attended this year's opening day game at Comiskey Park, home of the Chicago White Sox, and was pleased to see a full-page color ad with an important message. Beneath the pictures of one star from each major league team was this message: "We Agree! Chew, Dip, or Snuff Aren't Part of Our Game. Don't Make Spit Tobacco Part of Yours! Just Play the Game."

This message was brought to the fans at Comiskey Park as a public service by the Chicago White Sox and the National Spit Tobacco Education Program, a program sponsored by "Oral Health America."

The National Spit Tobacco Education Program, or NSTEP, is a multimedia, multiyear campaign to communicate to the American public that spit tobacco is not a safe alternative to cigarettes. This year, the initiative includes television and radio public service announcements during baseball broadcasts, an educational outreach to broadcasters and writers, in-stadium outreaches to the fans including scoreboard video messages, and intervention efforts to help current players who need assistance in quitting their use of spit tobacco.

This program is desperately needed. Spit tobacco leads to nicotine addiction, gum disease, and tooth loss, as well as mouth and throat cancer. Oral cancer is diagnosed in 30,000 people annually and kills approximately 8,000 people annually.

While spit tobacco used to be used primarily by older men, boys and young men are now the primary consumers of this deadly product. In Illinois, 10 percent of junior high and high school boys have used smokeless tobacco in the past month. Across the country, nearly 20 percent of high school boys are current users of spit tobacco, and the average age at which children first try the product is under age 10.

Moreover, the link between baseball and tobacco exists not only in the major leagues, but in the little leagues as well. According to a study by the Illinois Department of Public Health, 70 percent of children who report regular use of smokeless tobacco are members of organized sports teams.

The NSTEP program is an important part of the effort to reverse this trend and help our youngsters and budding all-stars to get off to a healthy tobacco-free start in life.

I would also like to commend the Chicago White Sox for their refusal to permit tobacco advertising at Comiskey Park.

The tobacco companies have used stadium billboards for two purposes: to promote their products to the fans in the seats and to get around the television advertising ban to pitch their products to the millions of fans sitting at home watching the game on television. Obviously, many of those fans are children —the very people the tobacco industry needs to hook on its products to maintain a steady base of customers.

Every year, the tobacco companies lose 2 million American customers. Four hundred thousand die of tobacco-related diseases and the rest quit smoking or die of other causes. To replace those smokers, dippers, and chewers, they must turn to our children, because very few adults start the dangerous practice of tobacco use.

The decision by the White Sox to forego the profits associated with tobacco advertising is an important step that helps reduce the barrage of marketing that reaches our Nation's children. Both that decision and the ballplayers' campaign against spit tobacco send an important message: that baseball and tobacco don't mix.

I applaud these actions by the players and the team, and I encourage every player and every team to follow these good examples.●

TRIBUTE TO ARTHUR AND ROENA MOSES ON THEIR 50TH WEDDING ANNIVERSARY

● Mr. SMITH of New Hampshire. Mr. President, I rise today to congratulate

Arthur and Roena Moses from Sanbornton, NH, on the celebration of their 50th wedding anniversary.

Arthur and Roena were united in marriage on March 2, 1947, in a double ring ceremony at the Congregational Church in South Danbury, NH. After a motor trip honeymoon around New England, the couple made their home in Sanbornton and have lived there for the past 50 years.

Arthur and Roena raised four children, Eugene, Gail, Jeffrey, and Barry Moses. Roena Moses grew up in South Danbury. She attended local schools and graduated from Franklin High School in 1945. She worked in the Franklin Public Library, and then for Cormier Hosiery until she retired in 1985. Today she spends her time knitting garments for newborn babies, and enjoys doing puzzles, camping, playing games, and visiting with all her friends. Roena has also contributed to the arts and crafts program at the Shaker Village in Canterbury, NH.

Arthur has lived his whole life in Sanbornton. He grew up at a farm and was a farmer for 40 years. He also worked for the New Hampshire Department of Transportation [DOT] in the maintenance division 3. Arthur retired in 1985 after working for 25 years at the same Tilton DOT location.

Arthur and Roena both enjoy camping. For the last several years Roena has been elected president and trail boss of the North American Family Campers Association [NAFCA] where she and her husband are charter members. Their journeys have taken them all over the United States, making friends wherever they go.

On March 2, 1997, Arthur and Roena celebrated their 50th wedding anniversary in the vestry of Sanbornton's First Baptist Church.

Mr. President, Arthur and Roena Moses provide an inspiring example of the joys of marriage. I am pleased to congratulate them on the celebration of their 50th wedding anniversary and I wish them luck and happiness in the years to come.•

TRIBUTE TO PATRICK H. WINDHAM

• Mr. ROCKEFELLER. Mr. President, I wish to pay a tribute to an individual who, in his service as a staff member in the U.S. Senate, has exemplified the qualities we all look for in a public servant, colleague, and human being. Patrick H. Windham just completed well over a decade of service in the Senate, always in some association with the Senator of South Carolina, Senator HOLLINGS, whom he holds in such obvious and deep esteem. Pat and his family are relocating to California to begin new professional opportunities. He will be sorely missed here by a wide range of admirers and colleagues in the Senate, the Clinton administration, and the extensive circle of people and organizations concerned with the issues that Pat has been so intensely involved with.

Educated at Stanford and Berkeley, and dubbed the "Godfather of Science and Tech" by colleagues, Pat began his public service career in 1982 as a legislative assistant to Senator HOLLINGS. Two years later, Pat was assigned to the Subcommittee on Science, Technology and Space and since has served as a invaluable senior advisor on this extensive range of issues to various members of the committee. Over the years, Pat has served with strong loyalty to the Senate and dedication to the public policy interests of the country as a whole.

My relationship with Pat stems from my own service as a member of the Senate Commerce Committee, and when I became chairman of the Science Subcommittee. With Pat assigned to the subcommittee, we have worked closely for years on legislative endeavors and the issues that fall in this jurisdiction. No one matches Pat's breadth of expertise, professional dedication, and personal commitment. I feel highly fortunate to be the beneficiary of his extensive talent and contributions.

Pat Windham's involvement in science and technology policy and legislation could fill volumes. Pat was instrumental in the 1988 conversion of the National Bureau of Standards [NBS] into the National Institute of Standards and Technology [NIST]. He strongly advocated expanding the mission of the old NBS. Thanks in large part to Pat Windham, NIST's mission now explicitly includes enhancing the competitiveness of American companies by providing appropriate governmental support for industry's development of precompetitive generic technologies and diffusing Government-developed technological advances to use in all segments of the American economy. Pat has tirelessly continued his involvement in framing NIST's role in U.S. policy in today's era of cutbacks.

Pat also contributed heavily to the development of the Advanced Technology Program [ATP] and the Manufacturing Extension Partnership [MEP]. Each of these programs grew out of real concerns over the competitiveness of American companies in the global marketplace. Created by the Omnibus Trade and Competitiveness Act of 1988, ATP encourages public and private cooperation in the development of precompetitive technologies with broad application across industries. Pat argued fiercely for retaining this successful program in the face of last Congress' attempt at eliminating this public-private industrial partnership. His dedication to these issues certainly contributed to the President's support of the ATP program, and its continued success. The Clinton administration's strong support of a program led to an increase in ATP funding in fiscal year 1997. And, today, the ATP awards almost 300 public-private partnership projects.

Pat Windham's contributions do not end here. He has been involved in technology-related projects including efforts promoting national metric conversion. He has steadfastly encouraged and promoted the translation of Japanese scientific and technological documents for use by scientists and engineers across the globe. His public policy concerns also have included legislative efforts to ensure that foreign-component parts meet U.S. standards for quality.

The Senate, and that includes me in particular, will miss Pat and his superb abilities as we address the vital issues in which he has been part. His dedication and loyalty have served as a role model for all those around him. On behalf of my own staff and myself, I offer good wishes to him and feel confident Pat will continue making a vital contribution to his fellow citizens and the country in his next chapter.•

CONGRATULATING STUDENTS FROM OUR LADY OF LOURDES ACADEMY IN MIAMI, FL

• Mr. MACK. Mr. President, I rise today to congratulate some very bright and promising students from the State of Florida who visited our Nation's Capitol last week to participate in the "We the People * * *" nationwide championship on the U.S. Constitution and Bill of Rights. I am pleased to announce that students attending the Our Lady of Lourdes Academy in Miami finished in first place.

At the 3-day competition, students demonstrated their knowledge of the Constitution, U.S. history, and current issues facing our Nation. Their diligent preparation and impressive demonstration of their knowledge propelled them to first place.

Led by their teacher, Rosie Hefferman, the following students competed on behalf of the Our Lady of Lourdes Academy: Melissa Alvarez, Sonia Borell, Jackie Chisholm, Annette Comas, Caroline DePosada, Dania Fyffe, Vanessa Harries, Jaqui Lage, Carolina Latour, Alicia Llosa, Giselle Perez, Jennifer Rodriguez, and Caroline Ulvert. I would also like to recognize the district coordinator, John Doyle, and the State coordinator, Annette Boyd Pitts.

I extend my sincere congratulations to these fine students, their families, and their teachers. They worked hard to achieve this impressive goal. Their parents and teachers long realized that education is an investment in our future and critical to our Nation's growth, and these students have acted on that sentiment. Students around the country should view their accomplishment as an inspiration as they seek to achieve their own goals.

I hope the students from Our Lady of Lourdes Academy enjoyed their experience while visiting Washington, DC, and that they will continue striving to excel in their studies. I wish them all the best in their future endeavors.•

JAMES R. THOMAS, JR.

• Mr. SARBANES. Mr. President, it gives me great pleasure to recognize James R. Thomas Jr., a civil engineer from Salisbury, MD, which I am proud to say is my hometown. Jim, who commands universal respect as a leader in both his profession and his community, will be installed on May 14 as president of the American Consulting Engineers Council.

As managing partner of the Salisbury engineering and architectural firm, George, Miles & Buhr, Jim's reputation as a dynamic and capable, yet modest, leader precedes him as he assumes the helm of the Nation's largest professional association focusing on the business interests of consulting engineers.

ACEC is comprised of 52 State and regional member organizations and represents 5,500 independent firms, which employ almost 200,000 professionals nationwide.

No stranger to ACEC, Jim served as a national director, then vice president, prior to his selection last year as president-elect. He has advanced steadily through the ranks of the organization, first with the Consulting Engineers Council of Maryland [CEC/MD], where he served in all the leadership posts, from secretary to president. His strong commitment to these professional organizations is clearly evident.

Jim has spent the last 28 years at George, Miles & Buhr, the largest civil engineering firm on the Delmarva Peninsula. The firm, which employs about 50 people, specializes in water and wastewater treatment systems and devotes 80 percent of its time to engineering projects. In 1993, George, Miles & Buhr received Engineering Excellence Awards from both ACEC and CEC/MD for its design of a biological nutrient removal demonstration plant at the Back River Wastewater Treatment Plant in Baltimore.

In addition to his professional achievements, Jim is a most dedicated and effective public servant.

His pro bono work on a crisis center for battered spouses earned him the honor of Rotarian of the Year in 1995. He is currently a director of the Salisbury Area Chamber of Commerce. In addition, Jim has served as president of the board at Trinity United Methodist Church and as a member of the boards of the Peninsula Regional Medical Center, the United Way of the Lower Eastern Shore, and the Salisbury-Wicomico Economic Development Corp. He has also been a long-time supporter of the Holly Center Foundation for the severely retarded.

As a parent and strong supporter of the public school system, Jim has served as president of the PTA's of both Fruitland Elementary and Bennett Middle Schools, where he and his wife, Kaye, sent their three children Andy, Tricia, and Betsy. For his efforts, the Maryland PTA gave Jim the Gold Seal Award.

Jim also has been honored by the Governor's Salute to Excellence. Both the United Way of the Lower Eastern Shore and the Holly Center Foundation have named him Volunteer of the Year. These honors are only a sampling of the many he has received in a lifetime of stellar community service.

A native of Cambridge, MD, and a graduate of the University of Maryland, College Park, where he earned his B.S. in civil engineering, the Salisbury community is truly fortunate to have claimed Jim Thomas for its own.

As ACEC's next president, Jim follows in the footsteps of another Marylander, Andrew J. Parker Jr., who was ACEC president from 1990–91. Likening the ACEC position to that of CEO of a large corporation—without the pay—Parker praised the leadership abilities of his Salisbury colleague last week.

Mr. President, in a newspaper interview, Jim Thomas said that his activism in ACEC is rooted in a desire "to give something back" to the profession. Clearly, he has already done so and, now, as president of the ACEC, he will have a further opportunity to make a contribution. It is gratifying to see him accorded this national recognition. I wish him continued success in this, and all of his future endeavors.•

TRIBUTE TO GERALDINE SYLVESTER ON HER RETIREMENT

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Geraldine Sylvester of Dover on her retirement after 25 years of service to Dover and the State of New Hampshire. Geraldine has ended a distinguished career as a State health leader, city councilor, businesswoman, educator and mother.

Gerry has been my friend for more than a decade. She grew up in Milton and graduated from Nute High School. She and her husband Bob raised 5 daughters and 2 sons and now have 16 grandchildren.

Geraldine served seven consecutive terms as a Dover city councilor beginning in 1970. In 1974–75 she also served as mayor. Geraldine officially retired as director of New Hampshire's Office of Alcohol and Drug Abuse Prevention in December 1996, which was the single State authority for substance abuse problems in New Hampshire. Geraldine was appointed for this post in 1983 by former Gov. John Sununu, and continued her service under Governors Judd Gregg and Steve Merrill.

Gerry is a woman of many talents who approaches any challenge with determination. She served in miscellaneous local, State, and Federal positions, such as the National Advisory Committee on Alcohol and Drug Abuse and Mental Health Problems. In 1980 she was a delegate to the National Republican Convention, chairwoman of the New Hampshire Small Business Advisory Council in 1978, and from 1976 to 1981 she became trustee of the New Hampshire Youth Development Center.

Gerry and Bob are also humanitarians. Their compassion is illustrated in the fact that, for 12 years, the Sylvester home was a group home for physically and emotionally distraught minors in the seacoast of New Hampshire.

Gerry and Bob founded GFS Manufacturing in 1971 in the garage of their house. Through the energy, dedication, and drive of Gerry and her family, the business grew and prospered. In 1978 they were named citizens of the year by the Greater Dover Chamber of Commerce.

Mr. President, Geraldine Sylvester has dedicated her time, talent, and energy to serving the residents of Dover in an exemplary way. I am proud to honor her outstanding community commitment, which is so important to the future and prosperity of Dover. We are indeed indebted to Gerry for her efforts. I thank her for her 25 years of dedicated service, commend her for an extraordinary job and say that I am privileged to call her my friend. I wish her every happiness and health for the years to come as she embraces retirement.•

THE GOOD WORK OF FOUR BIG TIMBER GRADE SCHOOL STUDENTS

• Mr. BAUCUS. Mr. President, I am very proud today to tell my colleagues in the Senate about four students from my home State of Montana: Ariel Overstreet, Amber Overstreet, Lindsey Hauge, and Taylor Gray. These young Montanans won first place in two separate NASA-sponsored national contests. Ariel took first place in the Intergalactic Art Contest in which she had to draw an original piece of art. Amber, Lindsey, and Taylor made up a team that took first place in the Future Aircraft/Spacecraft design competition. I congratulate them on their achievements.

These students have proven what most of us in Montana have known all along. Montana students are some of the brightest and best educated students in the country. And while we are proud of our students, we know that a lot of the credit must go to devoted teachers like Rolland Karlin and concerned parents like Anne Overstreet. These are the people behind the scenes who make sure that the education our children receive is top-notch.

Ariel, Amber, Lindsey, and Taylor are now visiting Washington, as part of their award. I was pleased to have a chance to meet them. They are fine representatives of Montana and their community of Big Timber.

Later on in their trip, these four youngsters will be visiting NASA's space camp. I hope that the opportunity to view NASA technology up close will feed their active minds.

Congratulations Ariel, Amber, Lindsey, and Taylor. I hope you enjoy your trip. And that you never lose your desire to achieve your dreams.●

ORDER FOR MEASURE TO BE PRINTED—S. 104

Mr. LOTT. Mr. President, I ask unanimous consent that S. 104, the Nuclear Waste Policy Act of 1997, as passed by the Senate on April 15, 1997, be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING SUICIDE AS A NATIONAL PROBLEM

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 84, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 84) recognizing suicide as a national problem, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 84) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 84

Whereas suicide, the ninth leading cause of all deaths in the United States and the third such cause for young persons ages 15 through 24, claims over 31,000 lives annually, more than homicide;

Whereas suicide attempts, estimated to exceed 750,000 annually, adversely impact the lives of millions of family members;

Whereas suicide completions annually cause over 200,000 family members to grieve over and mourn a tragic suicide death for the first time, thus creating a population of over 4,000,000 such mourners in the United States;

Whereas the suicide completion rate per 100,000 persons has remained relatively stable over the past 40 years for the general population, and that rate has nearly tripled for young persons;

Whereas that suicide completion rate is highest for adults over 65;

Whereas the stigma associated with mental illness works against suicide prevention by keeping persons at risk of completing suicide from seeking lifesaving help;

Whereas the stigma associated with suicide deaths seriously inhibits surviving family members from regaining meaningful lives;

Whereas suicide deaths impose a huge unrecognized and unmeasured economic burden on the United States in terms of potential years of life lost, medical costs incurred, and work time lost by mourners;

Whereas suicide is a complex, multifaceted biological, sociological, psychological, and societal problem;

Whereas even though many suicides are currently preventable, there is still a need for the development of more effective suicide prevention programs;

Whereas suicide prevention opportunities continue to increase due to advances in clinical research, in mental disorder treatments, and in basic neuroscience, and due to the development of community-based initiatives that await evaluation; and

Whereas suicide prevention efforts should be encouraged to the maximum extent possible: Now, therefore, be it

Resolved, That the Senate—

(1) recognize suicide as a national problem and declares suicide prevention to be a national priority;

(2) acknowledges that no single suicide prevention program or effort will be appropriate for all populations or communities;

(3) encourages initiatives dedicated to—

(A) preventing suicide;

(B) responding to people at risk for suicide and people who have attempted suicide;

(C) promoting safe and effective treatment for persons at risk for suicidal behavior;

(D) supporting people who have lost someone to suicide; and

(E) developing an effective national strategy for the prevention of suicide; and

(4) encourages the development, and the promotion of accessibility and affordability, of mental health services, to enable all persons at risk for suicide to obtain the services, without fear of any stigma.

Mr. LOTT. Mr. President, for the information of all Senators, Senate Resolution 84 recognizes suicide as a national problem, and it has been submitted by Senators REID, MURRAY, WELLSTONE, and COVERDELL.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 105-6 AND TREATY DOCUMENT NO. 105-7

Mr. LOTT. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following two treaties transmitted to the Senate on May 6, 1997, by the President of the United States: Agreement with Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, Treaty Document No. 105-6, and Agreement with Hong Kong for the Transfer of Sentenced Persons, Treaty Document No. 105-7.

I further ask unanimous consent that the treaties be considered as having been read the first time; that they be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification. I transmit herewith the Agreement Between the Government of the United States of America and the Government of Hong Kong on Mutual Legal Assistance in Criminal Matters, with Annex, signed in Hong Kong on April 15, 1997 (hereinafter referred to as "the Agreement"). I transmit also, for the information of the Senate, a related exchange of letters, with attached forms, signed the same date, and the report of the Department of State with respect to the Agreement.

The Agreement is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Agreement should be an effective tool in our continued cooperation with Hong Kong after its reversion to the sovereignty of the People's Republic of China on July 1, 1997, to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, "white-collar" criminals, and terrorists. The Agreement is self-executing.

The Agreement provides for a broad range of cooperation in criminal matters. Mutual assistance available under the Agreement includes: (1) taking evidence, testimony, or statements of persons, (2) providing information, documents, records, and items; (3) locating or identifying persons or items; (4) serving documents; (5) transferring persons in custody and others to provide assistance; (6) executing requests for search and seizure; (7) confiscating and forfeiting the proceeds and instrumentalities of crime and otherwise assisting in relation thereto; (8) delivering property, including lending exhibits or other items; and (9) and other form of assistance not prohibited by the law of the Requested Party.

I recommend that the Senate give early and favorable consideration to the Agreement and give its advice and consent to ratification so that the Agreement can enter into force no later than July 1, 1997, when Hong Kong reverts to the sovereignty of the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1997.*

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Agreement Between the Government of the United States and the Government of

Hong Kong for the Transfer of Sentenced Persons signed at Hong Kong on April 15, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Agreement.

At present, transfers of sentenced persons between the United States and Hong Kong (in either direction) are conducted pursuant to the 1983 multilateral Council of Europe Convention on the Transfer of Sentenced Persons, which is in force for both the United States and the United Kingdom, and which the latter has extended to Hong Kong. Effective July 1, 1997, however, when Hong Kong reverts to the sovereignty of the People's Republic of China, the Council of Europe Convention will no longer provide a basis for such transfers.

The agreement signed on April 15, 1997, will provide a basis for such transfers to continue after Hong Kong's reversion. The agreement is modeled after both the Council of Europe Convention and other bilateral prisoner transfer treaties to which the United States is a party. It would establish essentially the same procedures as are now followed with respect to transfers of prisoners between the United States and Hong Kong, and would continue the requirement that all transfers be consented to by the sentencing state, the sentenced person, and the receiving state. When the sentenced person has been sentenced under the laws of a State of the United States, the consent to the authorities of that State will also be required.

I recommend that the Senate of the United States promptly give its advice and consent to the ratification of this Agreement.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 5, 1997*.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

Mr. LOTT. Mr. President, before I go to the closing statement, I want to talk a little bit about where we are on the supplemental appropriations bill.

We began the debate on the supplemental appropriations bill on Monday, yesterday, and we have been on it today. We did have one recorded vote at about 2:30 this afternoon, I believe it was, and I expected that we would continue then to work through the amendments, with some recorded votes being required throughout the afternoon and even now late in the afternoon.

I understand some of the amendments are efforts to strike language in the bill. Perhaps they have been worked out and we will have some accommodation, perhaps, on the census issue. I understand the amendment of Senator WELLSTONE was worked out in some way or the other, and he is not going to offer his.

Then I received word that the Democrats decided they were not going to offer any more motions to strike, amendments to strike, or any amendments, until something was worked out with regard to the emergency continuing resolution.

Mr. President, I say to the ladies and gentlemen of America, this is supposed to be emergency supplemental appropriations. This is a piece of legislation, appropriations, to provide funds for our troops in Bosnia—and the funds that are involved there have been offset in this bill—and to provide disaster assistance to States all across America that have disaster needs.

What has happened? No. 1, the Democrats say, "We're not going to offer any more amendments until we get our way. We want to change the bill that was reported out of the Appropriations Committee, and unless it is changed to suit our desires, we won't come forward with any more amendments."

Then, we have before the Senate 109 amendments—109 amendments. Now, are we serious about this supplemental emergency appropriations or not? I do not believe there are 109 problems existing in this supplemental appropriations bill. That is certainly not the way to get this legislation moving quickly.

We will have a vote in the morning on cloture, I guess at 10 o'clock, to accommodate a request from the Democratic side. If we get cloture, then there will be 30 hours left on the supplemental. Under the rules of the Senate, you can have up to 1 hour on an amendment. That is only 30 amendments. There are 109 pending. I presume some of those will be wiped off the board if we get cloture.

I want to move the legislation. I am willing to work with the Democrats and with the White House on the issues where they have concerns, as we have on the census issue that has been before us.

But I want to serve notice now—and I am sending word to the Democratic leader—that we are going to have a cloture vote in the morning, but I am not filing another cloture motion tonight. I am not going to try to cut off debate on this supplemental. We need to get this work done. If we do not get the cloture motion passed tomorrow, if we do not invoke cloture and stop what appears to be sort of a slowdown filibuster, then we will just go to other issues or we will stay on this bill as long as it takes.

I have been told that we need to pass it right away because there are thousands of farmers and other people, small businesses in States in the Midwest and in the Dakotas, and my own State of Mississippi, that are going to need this help. It is throughout the country—in the Midwest, in the South, in the Far West. And yet now we are ready to go. It has been reported out of the Appropriations Committee last Thursday—or maybe it was Wednesday—but we only had 1 day go by legislatively before we brought this bill to the floor.

I want to emphasize, Republicans are ready to move this disaster relief bill now. We can complete it tomorrow. We should complete it tomorrow so that we can then go on to the comp time/flextime bill and do a little something to help the working mothers of America before we have Mother's Day. But we are prepared to work on the disagreements.

The way it works is the Senate acts, the committee acts, and then the Senate acts. The House, by the way, has to complete their work before we can pass the supplemental anyway. We go to conference and we continue to work out the disagreements.

The way it does not work is, if you do not get your way you stop, you know, offering amendments and you slow down the process.

So we will have the cloture vote tomorrow, and hopefully we will have an agreement to cut off the filibuster and we can move this bill through. But I want to talk a minute about what the problem is.

The President has indicated that he does not want legislation included in the bill that would prevent or avert another Government shutdown. This is not something that just was discovered last year. We have had problems over the years of getting to the end of the fiscal year and Presidents or Congresses not being satisfied with the state of the situation, and the President would veto a bill or the Congress would not send a bill to the President. We would run out of funds, and you would have these shutdowns.

We had them during the Reagan years. We had them during the Bush years. And now we have had them during the Clinton years. I think this is an irresponsible way to do business. We need to work through the process, but we should not endanger the people with the threat of a manmade disaster, which is what happens at the end of the fiscal year.

It does not have to be in this bill and it does not have to be a specific way, but what we need to do is to make sure that the American people know that we are working together on a budget agreement, we are going to be working together on the appropriations, each one of the 13 that comes through, and that they will know what they can count on.

If you are in education, you want to know what part the Federal Government is going to pay on it; if you want to visit a national monument, you would like to know that it is going to be open; if you are a private business man or woman, and you do business with some Federal facility, you would like to know that it is going to be open.

So all we want is some process that makes sure when we get to the end of this fiscal year that the numbers we have agreed to will be honored. But in the process we are not going to go through these, what I consider to be very irresponsible games, whether or not the Government is open or shut down.

So I hope that when we have—I am not going to file a cloture motion. I reiterate that. Generally speaking, if I do not have to file a cloture motion, that is well received. What I am saying is, we are ready to go. We need to work on a number of amendments that are still pending—amendments to change the bill, amendments to pay for the cost of the bill, amendments to strike various and sundry sections in the bill.

I think we have a good supplemental here the way it came out of committee. Probably nobody would say it was perfect. But it is time that we work out the disagreements, have debate, have votes, and move to final passage. We can do that tomorrow, or we can do it Friday, or we can do it some other time. But I want to make it clear that we are ready to go and we are ready to have the debate and have the votes, and then we will go on from there.

Mr. President, before I go to the closing script, would the Senator from South Dakota like to make some comments on these eloquent remarks I have been trying to deliver on this occasion?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I appreciate very much the chance to respond to the eloquence of my friend, the majority leader. And indeed his remarks are eloquent, although misinformed. And so I felt the need to come to the floor to clarify for the record and for his information our position with regard to the bill.

First of all, there is no Democratic position with regard to not offering amendments. I do not know where that information was generated, but I must tell you our hope is to expedite consideration of the bill.

The current amendment offered by the Senator from Nevada, Mr. REID, is being negotiated, as the majority leader indicated, and he was asked by Members on his side not to press for a vote until this can be negotiated. So in compliance with the request from the Republicans, we have not pursued a vote. But our desire is to offer amendments, to lay this one aside if the need may be, but, regardless, to move the bill along.

If a cloture motion is filed, I will encourage every member of our caucus to support it. And my expectation is they will. So we want to work with the majority leader in getting this legislation passed.

I share his concern about the large number of amendments. I urge our colleagues to be prudent in offering amendments. I must say, some people did not have the same opportunity as those in the committee to offer extraneous legislation. And that extraneous legislation is the source of some concern to many of us. I am hopeful that negotiations can lead ultimately to a successful elimination of many of these matters prior to the time we reach final passage.

I do not want to shut the Government down either. We have been through some very difficult times in the past Congress with regard to shutting the Government down. If that were the only concern, I do not think we would have a problem.

Our concern is the degree to which deep cuts are made in investments that we have already negotiated. And really it renders null and void the very budget agreement that I have enthusiastically endorsed that has culminated from our discussions last week. To say we are going to agree to certain levels of investments, and then deeply cut those in the very year that they were agreed upon, is not keeping very good faith. That would be the first concern we have with regard to this particular automatic continuing resolution provision.

The second concern was addressed by some of our colleagues on the other side, as reported in Inside Congress on April 18. It says Republicans support the automatic continuing resolution because it, would remove President Bill Clinton's upper hand in this year's budget talks and remove his ability to influence current appropriations bills. Those kinds of statements cause us to be very wary, frankly, about what the real motivation is here. We do not want to put the Congress on automatic pilot. We do not want to cut out the role the President ought to have as he negotiates with us what levels of investments we make in many of these areas. I do not know if there are political considerations here or not.

The best way with which to have a debate about this very important piece of legislation is to do it outside an emergency spending bill. I know the majority leader is working in good faith to see if we can find a reasonable compromise. I hope we can work together to make that happen.

As to the bill itself, nothing could be more important than for us to successfully conclude consideration of this legislation early this week and to get it off to the President as quickly as possible. The bill ought to enjoy the support of every Member of this body. The sooner we can get it off to the President, the better. The only way we can get it off to the President, without a veto, is to successfully conclude some negotiation with regard to the continuing resolution and these other very sticky issues that were not added on the floor but were added in the committee, even though they are extraneous to this particular bill. We would not be in the delay that we are now in were they not added in the first place. Because they were added, we now have to deal with that. They knew they were controversial when they were added, but they were added anyway. Now we have to contend with it. We are doing our best to work with the majority leader to do so successfully.

I thank the majority leader for his statement today and hope he will recognize that there is no delay on our side with regard to the consideration of this bill, and we will work with him as best we can under these circumstances to get it done as quickly as possible.

I yield the floor.

Mr. LOTT. Mr. President, I have to say I am very pleased to hear the Democratic leader say they are not delaying and they do not intend to delay. In this body, if you have one Senator who prefers not to vote for a while, he can pretty much make that happen. But if it is the Democratic leadership's intent not to delay, that is good news, and I am glad to hear that.

I presume, then, that based on that we will probably pass cloture tomorrow, and we can move on to dispense with the amendments that are pending in a reasonable time.

I think the Senator probably has the list of amendments that have been filed. As a matter of fact, there are only about 9 or 10 that state any purpose at all. Most of them have no statement of purpose on file.

Mr. DASCHLE. There are 54 Republican amendments out of the 120 amendments filed.

Mr. LOTT. I thought it was 61 Democrats and 48 Republicans.

The point I am making is I have a list here, 10 amendments indicated by 1 on our side, with no statement of purpose, and on the next page, 10 by your side. I think there is a lot of positioning and placeholding, and we understand that is the way it happens around here. I think if we could get cloture passed tomorrow and then work through the amendments that are still legitimately filed and we are concerned about, we can get those done tomorrow and bring this to a conclusion. If not tomorrow, at a reasonable time on Thursday so we can move on to other legislation. Of course, another thing, obviously, we would like to still hold the final passage until the House has acted. We may not actually be able to completely have the final passage until Thursday if the House has not acted by Wednesday, but we could complete everything and then have final passage on Thursday.

Now, with regard to the quote about not wanting the President to have the upper hand, that is right. I do not want him to have the upper hand. What we need to have is for nobody to have the upper hand. We need to have coequal positions: Congress has a certain responsibility, and the President has a certain responsibility and advantages. We need to find a way to work through that, where neither side can hold the other hostage, neither side. I am hoping we will find a way to do that over the next 24 hours or next 2 days.

With that, Mr. President, I am prepared to go to close.

ORDERS FOR WEDNESDAY, MAY 7, 1997

Mr. LOTT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Wednesday, May 7. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to consideration of S. 672, the supplemental appropriations bill, and that there be 30 minutes equally divided between the chairman and ranking member. I further ask unanimous consent that following the 30 minutes of debate, the Senate then proceed to a vote on the motion to invoke cloture on S. 672, with the mandatory live quorum waived.

Mr. DASCHLE. Reserving the right to object, I will not object, but I only ask my dear friend, the majority leader, whether he has prepared some time this week to take up the legislation he and I have discussed on occasion having to do with legislating on appropriations. That is a matter he and I have agreed to try to resolve at the earliest possible date, by rollcall vote. We would hope legislatively we could address it this week. We would not have this problem if we were not legislating on appropriations. We are doing that.

I know the majority leader shares my view because he said publicly on the floor this was a mistake. We are living with that mistake right now. The sooner we can expedite consideration of that particular legislative initiative, I think it would be very helpful, and it would solve a lot of his problems, reduce his headaches, and get us back to where we should be with regard to the appropriations process.

Mr. President, I have no objection to the unanimous-consent request.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. If I could comment briefly on that. I have said here before, last year, and I actually started working on that a couple of months ago, and as the Senator is probably aware, I met resistance on both sides of the aisle, on both sides of the Capitol, to a large extent from the appropriators, members of the Appropriations Committee. I do not want to put the blame just on them, but I, personally, think this has been abused over the years and is being abused now. This legislating on appropriations bills is not the way to do business.

However, as long as it is allowed under the rules, unless we can find some way to modify or change that, I am sure it will be used with great vigor on both sides of the aisle. That is not the way I think business should be done.

PROGRAM

Mr. LOTT. For the information of all Senators, there will be a cloture vote on the supplemental appropriations bill tomorrow morning at 10 a.m. In addition, Senators are reminded that all second degree amendments must be filed prior to the 10 a.m. cloture vote. If cloture is invoked, it is my intention to continue consideration of the supplemental appropriations bill and complete action, if not tomorrow—hopefully tomorrow—or as early Thursday, if possible, if it goes to the next day.

Senators who intend to offer amendments to this legislation should be prepared to offer their amendments during Wednesday's session. I urge them to come to the floor during the daylight and offer their amendments, because we have a job to do here, and if we cannot make good progress tomorrow, then we will be here tomorrow night on this bill. Senators should be aware there are a number of amendments filed to the supplemental, so Senators should expect a busy voting day tomorrow. We could have several votes during the day, and we will notify Senators as soon as possible with respect to the exact times of the rollcall votes occurring during the session.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:41 p.m., adjourned until Wednesday, May 7, 1997, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate May 6, 1997:

EXPORT-IMPORT BANK OF THE UNITED STATES

JAMES A. HARMON, OF NEW YORK, TO BE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001, VICE MARTIN A. KAMARCK, RESIGNED.

JACKIE M. CLEGG, OF UTAH, TO BE FIRST VICE PRESIDENT OF THE EXPORT-IMPORT BANK OF THE UNITED STATES FOR A TERM EXPIRING JANUARY 20, 2001, VICE MARTIN A. KAMARCK.

DEPARTMENT OF STATE

RICHARD SKLAR, OF CALIFORNIA, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR.

HOUSE OF REPRESENTATIVES—*Tuesday, May 6, 1997*

The House met at 12:30 p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS] for 5 minutes.

HONORING OUR NATION'S TEACHERS

Mr. BILIRAKIS. Mr. Speaker, today marks National Teacher Day, and I rise to recognize the important contributions and the hard work of our Nation's educators.

Our teachers will inspire our children's path to their futures, whether it is through teaching history, mathematics, English, or science. They will provide children with the framework for independent thought and innovation.

We in Congress are fighting to improve our education system. In order to be successful, we must shift power away from Washington and back into the hands of parents, teachers, and local officials, those who know our children the best.

I recently visited the Sunset Hills Elementary School in Tarpon Springs, FL, in my congressional district. While I was there, I met with teachers, students, and administrators. This school was built in 1958 and has approximately 500 students. Sunset Hills is often characterized as being a true neighborhood school, something which fosters a special pride within the community it serves. The school has a motto, Mr. Speaker, which is indicative of the character of its teachers and students. The motto is, "Where the future meets every day."

During my visit, I met the promising young boys and girls who are tomorrow's leaders. As soon as I entered the school, I was struck by the pride and dedication of the students, teachers, and school administrators.

At this point, Mr. Speaker, I would like to take some time to talk about some of the special people I met while visiting there. I want to commend Mrs. Kathy Davis on her hard work and dedication to the students of Sunset Hills. To my left here is a photograph which I took with Mrs. Davis and her students. She teaches the first grade and has done so for 20 years. During her tenure, Mrs. Davis has shaped the minds of hundreds of young people. I applaud her commitment to guide our children during their formative years in school. Her efforts help lay the foundation for her students' future years. I would also like to thank her students for welcoming me into her classroom. What a fine group of first graders.

Behind me, as I said earlier, is a picture of Mrs. Davis and her students which the class sent to me shortly after my visit to the school.

During my visit, I also met Sally Wakefield, who teaches English and language arts to fourth graders. She has taught at Sunset Hills for 19 years and is a wonderful and inspiring educator. Not only does she encourage her students to better communicate their ideas, she also oversees the student council, a body elected by the students. It was a privilege to meet her and I commend her commitment to excellence.

While at Sunset Hills, I took the time to speak with school administrators who shared with me the importance of school breakfast and lunch programs. I want to especially thank Dolores Ford, Joe Hornberger, Susan Honey, Betty Muzio, Stella Makryllos, Kathy Protus, and Gray Miller for their time. While teachers provide the basic tools for learning, these individuals help the Sunset students focus on learning by ensuring that they have adequate and nutritious meals every day.

School meals, as we know, are an integral part of our children's educational experience. In addition these programs enhance a child's physical and mental development.

Finally, I want to commend William Brewer, the principal of Sunset Hills Elementary. He is responsible for overseeing the day-to-day operations of the school. Let me say how impressed I was by the school's organization. Mr. Brewer is responsible for this success. His leadership serves as an inspiration to all of those at Sunset Hills.

Mr. Speaker, the teachers and administrators at Sunset Hills Elementary are meeting the rewarding challenges of educating their students. As we search for ways to improve our Nation's education system, I want my colleagues, teachers, parents, students, administrators, and local officials to know that I am dedicated—I think all of us are—to improving our Nation's education programs. Why? Just look at the faces of the Sunset Hills Elementary first grade class. They are responsible for our Nation's future.

INTRODUCTION OF POLICE COORDINATION ACT OF 1997

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from the District of Columbia [Ms. NORTON] is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, today I have introduced a bill that is of importance to every Member of this House if they have constituents who come to visit this city. It is called the District of Columbia Police Coordination Act of 1997.

What it does is very straightforward. It would make mandatory cooperative agreements between the Metropolitan Police Department and the Federal agencies so that they would have to come to terms with sending agency personnel to patrol areas around their own Federal buildings, donating or sharing equipment and supplies, sharing radio frequencies, and streamlining the process of arresting suspects. The U.S. attorney would be the coordinator.

This is so straightforward, why is it not happening already? We have got thousands of police, we have got 30 police forces in Washington, DC, and they all operate as private police forces. No coordination goes on. And so the hard-pressed District police, faced with violent crime, are duplicating efforts that could be going on downtown.

My bill seeks to introduce rationality and cost efficiency into a totally uncoordinated, very inefficient, and wasteful use of Federal police power.

We send many of our Federal law enforcement officers to the state-of-the-art facility at Brunswick, GA. Then we come back and capture them inside Federal buildings. One of the officers told me that in this day, when we are concerned about security, a Federal police officer in a Federal building, if he

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

sees a van, a suspicious looking van outside a Federal building, does not have the authority to go outside and ask that van to move along. We need to empower these police to do police work.

There is already good coordination between the Park Police, which has jurisdiction all over the whole city, but there are multiple police forces, such as the Government Printing Office police force, the Naval Observatory, the Federal Protection Service for the Federal buildings, the Library of Congress. The list goes on, and it is very long. Most of these officers are unable to make arrests except in the building or in the immediate environs of the building. Most do not even patrol the block around their Federal agency. Worse, on the few occasions in which they do intervene into unlawful activity, many call 911 to get a District police officer as if they were a regular citizen. Instead, they are people with arrest powers. I am talking about people who carry guns and cannot come outdoors to play with the thugs.

My bill says, hey, you get more money than the D.C. police, you get better pensions, you face a whole lot less crime. Come out here where the real crime is.

When the high crime rates went up in the District, there was a lot of blame to go around and a lot of it belonged to the District. Always, the District gets stinging criticism. Criticism of our own local police or death penalty rhetoric is not going to do anything to assist our police on the streets today, right now. Federal law enforcement officers should not be left underperforming when—by the way, they desperately want to perform because they lack the authority to render service commensurate with their police power and their arrest authority.

There is ample precedent for my bill. In 1992, this body passed my bill that freed the Capitol Police to go beyond the few blocks around the Capitol, and so they now patrol the high crime Capitol Hill area. This body understood immediately that we should not be training cops at the level we do and then failing to get the highest and best use of them. This is a period when we are losing policemen as if they were fighting wars. The high crime areas will always be patrolled by our own District police; but surely in the middle of town, thousands of police officers assigned to Federal agencies, who carry guns, who have police power, ought to be freed up to use that police power.

We are requiring greater efficiency from police these days. We are not responding simply to the call for more money. The call for greater efficiency is paying off. We see it in the large cities where crime rates have tumbled down. They can tumble down in this city, too. We are doing saturated arrests, and the crime rates have come down remarkably. How long can our police keep it up if we do not get help from police who are perfectly willing to, indeed, help?

I appreciate that many of those uniformed police came to stand with me this morning in a press conference. I ask the Congress and this House to pass my police coordination bill and help me get rid of crime in the District of Columbia.

TEACHER APPRECIATION DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Mississippi [Mr. PICKERING] is recognized during morning hour debates for 5 minutes.

Mr. PICKERING. Mr. Speaker, I rise today in recognition of National Teacher Appreciation Day to express my gratitude to teachers who have helped shape my life, and to my family, many of whom have taught, and continue to teach today. The theme of this year's National Teacher Appreciatiom Day is: One teacher can shape a child, one child can shape the world. I am thankful for this day so that we can praise those who shape not only our lives individually and our children and our communities but also shape our future.

My grandparents on my mother's side were both teachers; W.C. Thomas and Ivon Thomas. They came of age during the Depression. My grandfather became a principal at a small rural agricultural high school and then went on to teach at the junior college that serves my area. I had the benefit during the period in which I grew up of having adults come to me as a child and saying, "If it had not been for your grandfather, I would not have stayed in school, and I would not be what I am today."

It gave me a true appreciation and an understanding for the role of what teachers and those in the education community give to people. My mother was a teacher and was a director of a kindergarten program. I have three sisters. Today, one teaches fifth grade in Opelika, AL. My oldest sister has six children and home-schools. My other sister taught freshman composition at the University of Mississippi. My aunt, Karen Pickering, teaches fifth grade at Calhoun Elementary School.

□ 1200

I come to this day with appreciation for what teachers give, and I want to give specific praise to one teacher, one coach, who had a specific influence on my life and to whom I am not sure that I would be here as a Congressman today if he had not given me encouragement at a critical point in my life. His name is Lonnie Meaders. He began teaching and coaching in 1950, and he served the Jones County-city schools for almost 30 years. He was my junior high football coach. When I finished junior high, most people thought that I was too small and too slow to continue at the high school level. He encouraged me to continue playing when no one else did.

My 10th grade year, my first year in high school, I was the smallest on the team. I made up for the lack of size with an even greater lack of speed. In my 11th grade year, I began to play. In my 12th grade year, I had enough success on the field to earn a college football scholarship.

It was that experience of continuing to play when no one else thought that I could or should that gave me the confidence and gave me a foundation to believe that with hard work that I could succeed. It was Coach Lonnie Meaders who influenced not only my life, but countless others who went through the Laurel city schools. He was also the tennis coach, his 9th grade team went 18 years never losing a match. We are blessed to have those like Coach Meaders who teach us and encourage us at critical points in our lives.

I now have four children ages 7, 5, 3 and 1, and I want to thank Mrs. Harper, who teaches my oldest child today. She has brought a young, shy, 7-year-old out, and he is beginning to blossom as she encourages him on a daily basis.

My job in representing the teachers and the families of my district is to make sure that we give the resources, the freedom, and the flexibility to our teachers so that they can help shape the character of our children. Teachers can help establish the fundamentals upon which our children will prosper and, hopefully, one day succeed at whatever their dream may be.

For those who have taught me, to my family which has served the education community, I want to extend a special thank you to them all.

ENCOURAGING BROWNFIELD DEVELOPMENT

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997, the gentleman from Indiana [Mr. VISCLOSKY] is recognized during morning hour debates for 5 minutes.

Mr. VISCLOSKY. Mr. Speaker, I rise today to urge my colleagues to join me in promoting an effective way to encourage the redevelopment of abandoned, idled or underutilized commercial and industrial sites known as brownfields. Nationwide, brownfields are often overlooked for redevelopment because of real or perceived contamination. As a result, developers frequently turn to undeveloped greenfield sites. This creates a vicious cycle of lost tax revenues and job opportunities for local residents, while the brownfields are not cleaned up.

There is wide bipartisan support for measures that would encourage the redevelopment of brownfields. Although the specifics have not yet been worked out, I am pleased that the recent budget agreement contains a brownfields initiative to assist cities in cleaning up contaminated sites as part of a broader economic redevelopment strategy.

Effective brownfield redevelopment must create jobs, clean the environment and generate economic activity in our urban areas. However, we must not start a race to the bottom where cleanup standards are sacrificed on the altar of brownfield renewal. We must ensure that brownfield redevelopment does not become a back door to let polluters off the hook. A final product that does not meet these reasonable standards falls short of a readily achievable goal.

In March, I introduced the Brownfield Cleanup and Redevelopment Act, H.R. 1206. This legislation would establish a process whereby States with EPA-certified voluntary cleanup programs would be authorized to make final decisions regarding the cleanup of low- and medium-priority brownfield sites. To date, roughly three dozen States have implemented or are in the process of implementing voluntary cleanup programs. While these programs have been popular, the benefits of State cleanup programs will be significantly enhanced in the context of a Federal system that, first, encourages Federal-State partnerships; second, provides legal finality to the cleanup process; and, third, removes Federal requirements for certain procedural permits for cleanups conducted under certified voluntary State programs.

My bill would expedite the clean up of eligible brownfield sites while protecting human health and the environment and creating jobs. H.R. 1206 is designed to encourage the cleanup of brownfields by providing certainty and finality to owners or prospective purchasers that the EPA will not require additional cleanup after an EPA-approved State voluntary cleanup has occurred.

My bill makes clear that if State voluntary cleanup programs meet certain criteria and are certified by the EPA, then approved cleanups conducted by certified State programs could proceed in lieu of Superfund. However, under H.R. 1206, the EPA administrator would certify State voluntary cleanup programs based on several criteria including, first, adequate opportunities for meaningful public participation in the development and implementation of cleanup plans at eligible facilities; second, the provision of adequate technical assistance, resources, oversight and enforcement authority; and, third, certification from the State that the cleanup of an eligible facility is complete. In addition, certified State programs could modify Federal permit requirements for eligible facilities to expedite their cleanups.

However, this bill is narrowly targeted to address only sites that are not Superfund sites that are not included on the national priorities list or subject to enforcement actions. Further, under H.R. 1206 the EPA explicitly retains its authority to gather information on any brownfield site. If it is discovered that the site is contaminated in such a way that it would not be considered a low- or medium-priority brownfield, it will no longer be eligible as a facility under the legislation, and EPA would retain full enforcement authority under Superfund.

I also want to briefly highlight another bill I have introduced. It is H.R. 1462 which would authorize $20 million over 3 years to establish a pilot revolving loan fund for State voluntary cleanup programs. Because of their experience in administering targeted loan assistance programs, States are in a good position to use Federal funds to support local cleanup and redevelopment projects. Under H.R. 1462 States would provide a 20-percent match and begin repaying loans within 5 years.

Mr. Speaker, I urge my colleagues to sponsor these bills which will build upon existing redevelopment efforts. By creating a distinct beginning and end to the voluntary cleanup process, businesses and jobs will be more attracted to unproductive brownfields as opposed to undeveloped farmland and other greenfield sites.

TRIBUTE TO MY TEACHER, FATHER JOHN PUTKA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Colorado, Mr. BOB SCHAFFER, is recognized during morning hour debates for 5 minutes.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, today is National Teacher Appreciation Day, and we celebrate this all week long. I am reminded today especially of the teachers that have had such a profound influence in my life, and powerful influence at that, not the least of which was my father, a school teacher for his whole career, retired now; taught in a government-owned school system in which I did not live and did not have the chance to attend there, but he had the good sense to send me to another school where I had the opportunity to learn from this man here who I brought a picture of today.

Mr. Speaker, this picture is from January 7, and the man, this is me over here on the left, the man at the right here is Father John Putka who my colleagues will find at the University of Dayton presently. This was the day that I got sworn in, and this was a teacher who made the trip here to the U.S. Capitol to celebrate the occasion, and I have to tell my colleagues that there are many, many individuals throughout this country who have been inspired by Father John Putka.

Now he was my high school teacher at More High School in Cincinnati, OH. It is a Catholic school and one that is run by the Marianist Brothers, which Father Putka is a member of that holy order, and Father Putka was my senior Christian marriage teacher. Now he taught several different topics. His training is in political science, and in law, in philosophy and divinity, and he manages to bring all of those disciplines together in a way that has such a remarkable influence upon the lives of all of the students that have had an opportunity to sit in the chairs before him.

It is interesting about this picture itself, because when we were having it prepared and it was downstairs in one of the offices, one of the staff members who was preparing this did not want to part with it, and the reason was because she had the opportunity to learn from Father Putka too, as it turned out.

I have to tell my colleagues that it is unfortunate that there are not more students throughout the country that have a chance to learn in the kind of setting that I had an opportunity to learn in and that many students do throughout the country, but still not enough. I was able to attend this school because choice, school choice, was something that was available to me and to my family and to my brother and sister and others in my community. It was an opportunity for me to choose which kinds of education settings made the most sense for me. For me this was the setting that was most meaningful and most purposeful.

This was the setting under Father Putka where we learned quite a lot about character and character education. We learned quite a lot about our history as a great Nation, a nation where, as our Founders observed in our Declaration of Independence, is a nation where we are organized around certain God-given unalienable rights to life, liberty, and the pursuit of happiness and that our Founders appealed to the Almighty for the rectitude of their intentions, and in fact they pledged to each other their lives and their fortunes and their sacred honor with a firm reliance upon the protection of that same divine providence.

Now those are lessons that I would submit one does not learn everywhere. They are lessons that frighten some people when it comes right down to it because there are many people in government schools and in government settings and centralized bureaucracies who are afraid of the lessons that people like Father Putka teach their students. They are afraid that individuals might take his lessons seriously about not being conformed to this world, about renewal of the mind, that we may recognize what is good, what is bad, what is perfect, what is imperfect, what is proper and improper. Those are lessons that more and more students need to learn and need to hear, especially here in America.

Father Putka keeps in touch with his students; I can assure my colleagues of that. He kept in touch with me when I was a State senator back in Colorado. For 9 years I would hear from him frequently on issues that we were dealing with in the State legislature, issues dealing with family, issues dealing with life and death, euthanasia, all kinds of topics of those sorts. I spoke with him often about the relevance of our Constitution and the decisions that we make every day. A constitutional scholar, he has reminded me every single day, recalling from those lessons at More High School in his classroom about how we organize ourselves as Americans and how we are, in fact, governed by that Constitution.

Teachers like Father Putka understand full well that the students that they teach are in fact messengers that we send off to a distant time, and what message will they carry? They will be future leaders perhaps, they will be business leaders and government leaders and perhaps even spiritual leaders or maybe teachers themselves. What message will they convey?

Mr. Speaker, I can tell my colleagues that the message I am here to convey is that we have to move away from a centralized bureaucratic structure of public schooling. The Republican Party is committed to the freedom to teach and the liberty to learn. We believe full well that every student in America ought to have the same choices I did to choose the educational setting of their choice, the same kind of choices that occurred to our President here in Washington, DC.

Mr. Speaker, congratulations to all the teachers throughout the country today on this commemoration of their profession.

□ 1300

REVITALIZE PELL GRANT PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Massachusetts [Mr. McGOVERN] is recognized during morning hour debates for 5 minutes.

Mr. McGOVERN. Mr. Speaker, I rise this morning to express my strongest support for increased funding for the Pell Grant Program. In developing a national education strategy and in constructing an economic vision for the future, we must strive to ensure that every American who wants to go to college can, in fact, afford to go to college.

The tax system is one way of providing relief to families attempting to put a child through college, but tax credits and deductions alone will not make higher education more affordable for every working family.

As the Boston-based Education Resources Institute has reported, low-income students need grant aid to help cover tuition costs. Otherwise, an entire community could effectively be shut out of the American dream.

As I have met with the presidents of universities, community colleges, and vocational and technical schools throughout my congressional district in Massachusetts, I hear everyone saying the same thing: We need more grant aid and we need increased funding for Pell grants.

These educators understand that students are struggling to meet rising college costs. The average tuition in a 4-year public college in Massachusetts is over $4,000. The average private school costs nearly 4 times that amount. In 1980 through 1981, the average Pell grant award paid for 26 percent of the total annual cost of attending a 4-year public institution. Today the average award covers only 16 percent of that cost.

What happened? The problem with Pell grant funding comes not from institutions of higher learning, Mr. Speaker, but rather from a Congress that has neglected to keep financial aid awards consistent with the rising cost of living. In announcing the recent budget agreement, the White House noted that the President's mere $300 increase for Pell grant is the largest such increase in the past two decades.

This sad reality is an indictment of Congress' failure to truly commit itself to expanding educational opportunity for all of our young people. While congressional appropriations for Pell grants have increased modestly over the last 17 years, the real dollar amount for the grant when adjusted for inflation has actually decreased by 13 percent during this period.

The Pell Grant Program is the heart of Federal grant aid for families in need. It targets those students most likely not to attend college because of a lack of funds. These are the children of modest income working families and those of middle income families who are struggling to send several children to college at the same time.

Mr. Speaker, President Clinton has proposed raising the maximum Pell grant award from its present level of $2,700 to $3,000. But to be frank, this modest increase, while welcome, simply will not cut it. If education is truly at the top of our national agenda, our Federal investment must reflect this fact.

That is why Senator PAUL WELLSTONE and I have introduced legislation to increase the maximum Pell grant to $5,000, bringing the award to the level at which it was created, adjusted for inflation. This legislation is supported by respected groups like the American Jewish Committee, the National Urban League, the Education Trust, the National Association of La Raza, the National Association of Social Workers, the NAACP, and the U.S. Student Association.

The cost of increased funding for Pell grants is not prohibitive. Last year, the Pell Grant Program totaled $6.4 billion and benefited about 3.4 million students in this country. My bill requires about $7 billion more per year, less than three-tenths of 1 percent of the Federal budget. And we should remember that Pell grants pay a huge dividend in the form of a more productive, highly educated work force.

I am committed to balancing the budget, Mr. Speaker, and I believe every dollar that the Government spends must be viewed in this framework. But balancing the budget is all about making choices. And when it comes to investing in our children's education, I am absolutely convinced that America's future hangs in the balance.

On this issue then, we simply cannot pinch pennies. Every American child deserves the opportunity to become a productive member of our society. As we move into the 21st century, we must guarantee that no student who aspires to a college education is left behind simply because she or he cannot afford it. An ever adjusting Pell grant fund for inflation is one way to avert such a tragedy.

NATIONAL TEACHER APPRECIATION DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from South Dakota [Mr. THUNE] is recognized during morning hour debates for 5 minutes.

Mr. THUNE. Mr. Speaker, today I also want to pay tribute to the many teachers around this country. It is National Teacher Appreciation Day. My father was a teacher. In fact, I am probably one of the few people in this body that knows what it is like to live on a teacher's salary.

I did not have him for a class; although, my older brother Rich did. My brother Rich was a valedictorian of his class. My father's class was the only class in which he received a B. So maybe it is better that I did not have him as a teacher. But I want to pay tribute to the many people who have invested and poured their lives into preparing me for a better future, and I have been marred for life by the people who have invested and taken the time and energy and have been dedicated and committed to preparing and equipping me for the future that was ahead of me.

Today I stand here as a product of their investment. Today I am a little bit of Margie Peters, little bit of Mike McKernan, little bit of Coach Applebee. There are great lessons that have been learned, and there is no greater laboratory in which to learn those lessons, to impart knowledge and to instill values than in the classroom.

I would like to visit with Members just briefly today about one person in particular that had a profound impact on my life, and it was a basketball and track coach, a red-haired Irishman named Jerry Applebee. We do not get C–Span in the town in which I grew up, and so we have got his picture here. He probably will not see this. But I want to make reference to one game in particular that I recall as a senior in high school in which we had an opportunity to win the district basketball tournament. It would have been my last opportunity and his last opportunity to advance to the State tournament. And I had an opportunity toward the end of that game to make a shot that could have won that game and sent us on and advanced us in the playoffs. And as the play was called and the ball was inbounded and I received the ball and took the shot and missed it at the buzzer, with that perished our last opportunity at a State tournament and certainly his last opportunity as well.

I remember sitting in the locker room after that game was over and feeling dejected and responsible for the loss; and Coach Applebee, as was his custom, he came alongside, and the bus was getting ready to leave, and said, "John, the bus is ready to leave, it is time to go. And, by the way, track starts next week."

He learned and reinforced a lesson that has stuck with me for a very long time, and that is, it is not so much about winning or losing as it is about learning, and the lessons I learned along the way and the teaching and the coaching that I had the opportunity to sit under his guidance and leadership were some very important lessons that when you win, you win with grace, that when you lose, you lose with dignity, that you always play by the rules, and that you always play hard. That was his way.

I never asked whether or not Coach Applebee was a Democrat or a Republican. But it was interesting, because when I decided to seek my party's nomination for the U.S. Congress, he was one of the first people that came forward and helped. We had a little pie auction in my hometown of about 700 people, and he was the first one to step up and buy pies. In fact, I think he bought the first 4 or 5 pies and bid the price up on them because he wanted to make sure that nobody else thought that they were going to be able to get off easy.

That is one of the things I think that is characteristic of a lot of teachers around this country, and that is the personal time, the investment, the energy, the dedication, the commitment they make to building character into the next generation of Americans.

Today I want to thank those who had an impact on my life, a profound impact, as well as many others like them around this country who, day in and day out, go about their business and certainly it is not for the money because, particularly in our State, it is not a very lucrative profession, but they do it because they believe very strongly in helping to equip and helping to build a better future for our country.

So today we pay tribute, and I want to thank the many teachers around this country who are about the process of educating and preparing and building character into us and equipping us so that we might be the kind of people and achieve all the things we possibly can and strive for a better future as well for our kids and our grand kids.

* * *

GUAM'S QUEST FOR COMMONWEALTH CONTINUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from GUAM [Mr. UNDERWOOD] is recognized during morning hour debates for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, next year marks the 100th anniversary of the end of the Spanish-American War, with the territory of Guam being one of the spoils of that conflict. It has been 100 years since Guam has been a colony of the United States. And before that, Guam was a colony of Spain for over 200 years.

We are a people who can adapt and adjust to wars, typhoons and changes from outside forces. But we have been a colony of one Nation or another for far too long. We have taken steps to change our inability to make decisions for ourselves which govern our everyday lives. We have begun the journey for change in plebescite in 1982, and our journey for commonwealth status continues today.

The people of Guam, American citizens in the Western Pacific, will not remain colonized for another century. We have been loyal citizens under the American flag. We have developed economically to the point where we have a booming tourist industry, the envy of many Asian Pacific nations. We could develop even further if we did not have so much Federal constraints imposed upon us as an unincorporated territory.

To help us develop further, we are striving for an improved political relationship with the Federal Government through the Guam Commonwealth Act, H.R. 100. I introduced H.R. 100 on the first day of the 105th Congress. This important legislation embodies the aspirations of the people of Guam for more self-governance and signals to the American people that we are serious about changing from our current status under an organic act to a negotiated commonwealth status.

We embarked on this journey in 1982 when the people of Guam voted for commonwealth in a plebescite. A draft commonwealth proposal was presented to the U.S. Government, both the executive branch and the legislative branch. The Congress, through the House Subcommittee on Insular and International Affairs, held a hearing in 1989 in Hawaii. At that time, the administration raised a number of objections and the chairman of the subcommittee asked the Guam officials at the hearing to meet with the executive branch officials to resolve or narrow their differences on how best to structure a new relationship.

It has been 8 years since the executive branch has been meeting with the representatives of the Guam Commission on Self-Determination. Numerous meetings were held to discuss, debate and deliberate on a variety of issues embodied in the draft commonwealth proposal.

We have had to deal with an interagency task force of individuals who resisted changes to the status quo in traditional Federal territorial relations. We have worked with four Presidentially-appointed special representatives who led the Federal negotiations with Guam officials. It has been a taxing, debilitating experience filled with a few minor breakthroughs and a few major agreements on structuring a commonwealth, but we still have not reached final agreement.

After 8 years, we still do not have an official position from the administration; and this is true whether it was in the Bush administration or the current Clinton administration, whether they will support or oppose the Guam Commonwealth Act. I urge the administration to bring closure to this process so that Guam can assess its options on how best to proceed.

I personally asked the President last month to complete this long delayed process, but we are not going to wait for the answer. We are ready to move on to another playing field; namely, the U.S. Congress.

Last month, the Governor of Guam, bipartisan members of the Guam Commission on Self-Determination, and legislature, and I met with House and Senate committee members who have jurisdiction over insular issues. We were energized with the understanding of the issues and especially the renewed commitment by Chairman DON YOUNG to conduct a hearing on the Guam Commonwealth Act, perhaps this summer after the committee has concluded its consideration of Puerto Rico's political status legislation.

We thank Chairman YOUNG and the gentleman from California [Mr. MILLER], the ranking member, and Members of the other body for their commitment to work with me and other elected officials from Guam to move the Guam commonwealth process along.

As often is the case, congressional action on an issue is the driving force for change. By moving Guam commonwealth to the congressional level, it will force the administration to seriously decide whether to help Guam craft a new relationship or to oppose our quest for commonwealth. It is my hope that by the time we hold the hearings in Congress that the administration will conclude its review and consideration of Guam commonwealth.

The people of Guam are relying on the Congress, the branch of government which represents all of the people of this Union, to be fair to us and to be receptive to our quest for an improved relationship. One hundred years is too long.

THE INFLUENCE OF TEACHERS IN OUR LIVES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from New Jersey [Mr. PAPPAS] is recognized during morning hour debates for 5 minutes.

Mr. PAPPAS. Mr. Speaker, for many of us, what we are doing today and the person that we are today can be traced back, at least in part, to the influence that a particular teacher had on us. In so many ways, teachers, whether in grade school or high school, have encouraged us and inspired us as we grew.

The formidable years, those years in which we begin to think about what we want to be and the path of how to get there, are so many times guided by teachers. I know many people have chosen a profession or excelled in an area based on the influence of a teacher. That influence sometimes reaches well beyond guiding us through the four R's.

For anyone who has logged onto my web site or was at the Speaker's opening day reception, they know that I enjoy singing. Aside from recently joining with one of my colleagues, one of which was the gentleman from South Dakota [Mr. THUNE], in forming a congressional quartet, music has been a part of my life since childhood.

☐ 1315

My lifelong love of music and singing has been inspired by my elementary school music teacher, Mr. Erin Sanders. Mr. Sanders led us in song each week while he played the accordion at the Pine Grove Manor School in Franklin Township, NJ, where I attended.

He also taught each of us that was interested in learning to play a musical instrument. I recall with fondness how he would enthusiastically direct at both practice and especially at concerts.

I remember one day I had traveled into New York City with my father and, among other things, I purchased a conductor's baton. When I returned to school, I lent the baton to Mr. Sanders to use for an upcoming concert. At the end of the school year, I wrapped it and I left it for Mr. Sanders in his office, and I can still remember the smile on his face when he thanked me for it. It was a small offering to him for all he had given to me.

All of us should take the time to reflect on our own school experiences and remember those teachers and programs that made a difference. Sometimes it was not just what we were encouraged to do but also what we were encouraged not to do. Whether it was just talking, being confident, challenging us, or developing a talent, I hope we remember how Mrs. So-and-so or Mr. So-and-so took the time to make us feel special. Each of us are gifted in one way or another. Maybe you are an artist, mathematician, writer, runner, or singer, but whatever it is, never forget who was there when you needed someone's prodding or encouragement.

So as we celebrate National Teacher's Week, I want to say a special thank you to Mr. Sanders for the difference he made in my life.

HONORING OUR NATION'S TEACHERS

The SPEAKER pro tempore (Mr. MILLER of Florida). Under the Speaker's announced policy of January 21, 1997, the gentlewoman from Kentucky [Mrs. NORTHUP] is recognized during morning hour debates for 5 minutes.

Mrs. NORTHUP. Mr. Speaker, on this day when we honor our Nation's teachers, I would like to highlight the work of one accomplished educator in my district of Louisville, KY.

Jacqueline Austin spent 13 years as a classroom teacher before being named as principal of John F. Kennedy Elementary School. In her first year as principal, Mrs. Austin would arrive early at work and phone students to wake them up and ensure that they were coming to school. She says it was the only way she knew to improve the school's attendance rate, which was near the bottom of all of Jefferson County elementary schools.

Kennedy could be found at the bottom of a lot of other lists, not only in attendance but also in test scores and failure rates. In fact, more than 30 percent of John F. Kennedy's kindergartners and 23 percent of its first graders had failed a grade.

Located in one of the toughest housing projects in the city, Kennedy Elementary seemed to be a lost cause. But in the tradition of outstanding educators, Mrs. Austin set about finding ways to solve her school's problems. Her good friend, Ethel Minnis, wife of director of Career Workforce Education Bernard Minnis, made her aware of the Montessori style of education, which, as Jackie says, encourages students to be actively engaged in their own education.

Under the direction of Ms. Austin, Kennedy became the only public Montessori school in the Commonwealth of Kentucky. Now, 10 years after Jackie Austin was given this seemingly impossible task, John F. Kennedy Elementary is a model school. The student scores on the State tests have earned the school acclaim. It was recently named a Kentucky Pacesetter School for consistent academic achievement. Mrs. Austin herself was given the Milken Family Award for Excellence in Education.

Students run the school's in-house TV network, WJFK. Not only do they appear on air, but they also operate the cameras, produce, direct, and stage manage the broadcasts. Students run their own post office and take a mini civil service exam, and students run the Kennedy Financial Services, which teaches skills associated with banking as well as investing in stocks and bonds.

Jackie Austin's enthusiasm and work ethic have proven to be contagious. Parental involvement in the school is at an all-time high. Kennedy teacher Patti Barron says, "When you have a principal that works as hard as she does, we're willing to work as hard as we can." John F. Kennedy Elementary has risen like a Phoenix from the ashes of a once failing school.

Jackie Austin was on the front lines of this Nation's war against ignorance. She was innovative and determined not to let the enemy win. The results she has achieved exemplify what happens when educators are allowed to be independent and creative.

Mrs. Austin says, "Every child is a learner. With all of the outside distractions, we have to make learning dynamic and exciting." Jackie Austin has done just that. I was honored to meet her and tour her school, a modern day success story, where education and learning are paramount.

CONGRAULATIONS TO THE PRESIDENT AND HOUSE AND SENATE LEADERS FOR BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Virginia [Mr. MORAN] is recognized during morning hour debates for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, I rise to congratulate all the parties that were involved in the budget agreement reached over the weekend. While many of the details still have to be worked out, and of course many will say the devil is in the details. I think Members of this body would be hard-pressed to speak against a budget agreement that for the first time since 1969 gives us a real chance to balance the budget, to get our fiscal house in order.

I would have preferred that we postpone some of the tax cuts pay for more of them through savings in the tax Code. We are doing much of that. Each of us may find, as I say, particulars in programs that we think may be more endangered than before the budget agreement, but that is a product of compromise. Politics is the art of compromise, and it is about time we were able to get together to work in a constructive, cooperative spirit.

I congratulate the President and I congratulate the leaders of the House and Senate on both sides for coming forward with that spirit and getting the kinds of results they have.

If we oppose this, we invite far more harmful consequences to ourselves and particularly to future generations than any of those items we specifically object to could ever cause. Let us not blow this opportunity to do what is in everyone's best long-term interests. The bipartisan budget agreement will allow us to reach balance in the year 2002 without wreaking any havoc on the most important domestic discretionary programs, nor will it wreak havoc on the Defense Department budget.

We as Democrats can be proud of this agreement, since it will allow the Federal Government to continue to be an agent of positive change. We will be able to expand health care coverage to 5 million more needy underinsured children. We will be able to restore the safety net to legal resident aliens who were disenfracthised under last year's welfare bill, and we will be able to go home and justify our actions to a public that is too often skeptical that we are not doing anything that is in their best interests.

This agreement builds on the accomplishments of past deficit reduction efforts, most notably the 1993 deficit reduction package. Since adoption of that 1993 budget package, the deficit has been reduced 4 consecutive years to where it is now the lowest since 1981. It is down to $74 billion. This past year it was $107 billion; now we are talking about $74 billion. That is phenomenal, given where we started, from $290 billion in 1992.

The tax increases and the spending cuts enacted in 1993, contrary to much criticism at the time, has kept interest rates and unemployment low and the economy booming. The stock market has gone through the ceiling because they have to put their money on their analysis of where the future of this economy is going. That is why the stock market is booming. They see a rosy outlook. They know that our budget is in control.

Now, we hope that this agreement will also lay the foundation for more fundamental entitlement program reforms that must be dealt with before us baby boomers begin to retire. But this agreement deserves our support. The President and the leaders of the House and Senate deserve our support. We congratulate them.

At this point I would like to yield to my colleague and good friend, the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Speaker, I would like to join the gentleman from Virginia [Mr. MORAN] in congratulating the President and the Republican leadership and the Democratic leadership that played such an instrumental role in negotiating what is a very responsible budget that is going to benefit all American families. It is going to build upon the good work that has happened in this House in the last 4 years, when we have been able to reduce the deficit from what was $290 billion to what might be $75 billion this year. It is almost one-quarter of what it was 4 years ago.

This is not an achievement that belongs solely to the President; it is an achievement that also belongs to some of the Democrats who had the majority in the first 2 years of his Presidency, and also the Republicans who had control in the second 2 years. We have a package now that I think gives the promise and the hope to American families that we are going to eliminate the deficit in the next 5 years; that we will be able to start repaying the national debt while still protecting the priorities of our families in education and health care, as well as providing some much-needed tax relief with capital gains and inheritance tax.

I thank the gentleman for coming to the floor today and honoring some of the leaders of this country who have put us on the right track.

Mr. MORAN of Virginia. Mr. Speaker, I thank the gentleman for his very fine words and his message that needs to be listened to by everyone.

PRESIDENT CLINTON DELIVERS THE FIRST BALANCED BUDGET IN A GENERATION—HISTORIC AGREEMENT PROMOTES THE COUNTRY'S PRIORITIES

President Clinton has achieved a balanced budget agreement that includes critical investments in education, health care, and the environment while strengthening and modernizing Medicare and Medicaid—just as he promised last year. We have cut the deficit 63%—from $290 billion in 1992 to $107 billion last year. This historic achievement will finish the job, giving the American people the first balanced budget in a generation, while meeting the President's goals.

GOAL: TO ENSURE THAT EVERY 8-YEAR-OLD CAN READ, EVERY 12-YEAR-OLD CAN LOG ON TO THE INTERNET, AND EVERY 18-YEAR-OLD CAN GO TO COLLEGE

Largest Pell Grant Increase in Two Decades—4 million students will receive a grant of up to $3,000, an increase of $300 in the maximum grant.

Tax cuts targeted to higher education to make college more affordable for America's families.

An America Reads initiative to mobilize a million tutors to help three million children learn to read by the end of the third grade.

Expansion of Head Start—to achieve goal of one million kids in 2002.

Doubles funding to help schools integrate innovative technology into the curriculum.

GOAL: EXPAND HEALTH COVERAGE FOR AS MANY AS 5 MILLION UNCOVERED CHILDREN

Medicaid improvements and added Medicaid investments.

A new capped mandatory grant program that provides additional dollars to supplement states efforts to cover uninsured children in working families.

GOAL: SECURE AND STRENGTHEN MEDICARE AND MEDICAID

Extends the solvency of Medicare Trust Fund to at least 2007 through long overdue structural reforms.

Expands coverage of critical preventive treatments of diseases such as diabetes and breast cancer.

Preserves the federal Medicaid guarantee of coverage to our nation's most vulnerable people.

GOAL: STRENGTHEN ENVIRONMENTAL PROTECTION AND ENFORCEMENT

Accelerates Superfund cleanups by almost 500 sites by the year 2000.

Expands the Brownfield Redevelopment Initiative to help communities cleanup and redevelop contaminated areas.

Boosts environmental enforcement to protect public health from environmental threats.

GOAL: MOVE PEOPLE FROM WELFARE TO WORK AND TREAT LEGAL IMMIGRANTS FAIRLY

A Welfare-to-Work tax credit to help long-term welfare recipients get jobs.

Restores disability and health benefits for legal immigrants.

Restores Medicaid coverage for poor legal immigrant children.

Preserves food stamp benefits for people willing to work.

Provides States and cities with additional resources to move disadvantaged recipients into jobs.

GOAL: CUTS TAXES FOR AMERICA'S HARD WORKING FAMILIES

A Child Tax Credit to make it easier for families to raise their kids.

Tax cuts targeted to higher education to make college more affordable for America's families.

A Welfare-to-Work tax credit to help long-term welfare recipients get jobs.

Establishes additional Empowerment Zones and Enterprise Communities.

A MESSAGE FROM WEI JINGSHENG

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning hour debates for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, today from this center of freedom in this people's House, I come to raise my voice in support of a lonely voice for freedom halfway across the globe. I speak of Chinese dissident Wei Jingsheng.

Yesterday, in a New York Times editorial notebook piece, Tina Rosenberg wrote an article called Letters From a Chinese Jail: The Blunt Demands of Wei Jingsheng. She wrote:

> For nearly 20 years, the Chinese Government has sought to silence one of the world's most important political prisoners, Wei Jingsheng. Once an electrician in the Beijing Zoo, Mr. Wei is the strongest voice in China's democracy movement. He has spent all but six months of the last 18 years in prison and in labor camps, mostly in solitary confinement in conditions that would have killed a less stubborn man a long time ago, and may soon kill Mr. Wei, who is 46 and very ill.
>
> Now serving his second long sentence, he is watched around the clock by nonpolitical criminal prisoners who ensure that he does not put pen to paper.
>
> But during his first imprisonment he was permitted to write letters on certain topics to his family, prison authorities and China's leaders. Most were never sent. But they now have been translated and published. They form a remarkable body of Chinese political writing.
>
> The book, The Courage to Stand Alone, is published by Viking. It shows why the Chinese Government is so afraid of Mr. Wei. His weapon is simplicity. Unlike other Chinese activists, Mr. Wei does not worry about tailoring his argument to his audience and does not indulge in the Chinese intellectual tradition of flattering the powerful. He does not worry about being seen as pro-Western, or a traitor to China.
>
> He writes as if what is obvious to him, that China needs democratic freedoms, should be clear to anyone.

He has also been uncompromising. In 1978, Mr. Deng was fighting for control of the leadership and encouraged reformist thinking. Mr. Wei wrote a bold poster and was arrested in March 1979, given a show trial, and sentenced to jail for 15 years for simply writing a statement.

□ 1330

He was released 6 months before completing that sentence as part of China's bid to win the Olympics in the year 2000. He refused to leave before getting back letters the prison authorities had stolen. But once free, he immediately resumed his work for democracy. He was rearrested, and after a 20-month incommunicado imprisonment, he was sentenced to another 14 years.

Today the New York Times writes that there is no visible dissent in China, that activists went into exile, many were arrested, and others just simply gave up politics and turned their talents to commerce. But the moral force of his writing recalls the prison letters from other famous dissidents such as Martin Luther King, Jr.'s Letters from the Birmingham Jail, Michnik's Letters From Prison, and Havel's Letters to Olga. He is not a man of many words, and he was probably not writing with an eye to publication. But the most important thing that these other political dissidents had that Mr. Wei does not have is widespread international support.

All over the world dissidents look out for others to see that governments that are oppressing them are getting pressure from outside forces. Unfortunately, such is not the case, for Mr. Wei and his political dissidents do not have the world support. Their names are not widely known, and while some Americans and other officials have brought them up during talks with Chinese leaders, in general the outside world treats Beijing officials with deference due business partners.

Today Mr. Wei suffers from life-threatening heart disease. Because of a neck problem he cannot even lift his head. All indications are that he has not seen a doctor in more than a year. He is due to be released in the year 2009, if he lives that long.

Mr. Speaker, it is my belief that we in the West must stop allowing our insatiable desire for greater commerce and larger market shares to compromise any further our commitment to freedom of speech, freedom from religious persecution, and freedom from the dehumanizing repression that has brutalized Chinese dissidents for years now.

RECESS

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 32 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. SNOWBARGER] at 2 p.m.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We offer this prayer of Thanksgiving and praise to You, O God, for the gift of our lives and for the opportunities all about us. Our words of prayer are directed to You, gracious God, in response to Your mighty acts of love to us. The promises and the grace that You have given are more awesome than anything we could deserve or imagine. So strengthened by Your word and encouraged by Your spirit, we can meet each day with confidence and new resolve. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nevada [Mr. GIBBONS] come forward and lead the House in the Pledge of Allegiance.

Mr. GIBBONS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAXPAYERS SHOULD NOT PAY FOR CLEANUP OF NUCLEAR WASTE

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, who should be responsible for paying the $2.3 billion price tag for transporting nuclear waste? Should it be the nuclear power industry, who created and profited from it, or the American taxpayer?

Legislation now pending before the House will force taxpayers to pick up the tab for moving this lethal garbage through their own communities and maybe even through their neighborhoods. On top of that, this legislation would also use American tax dollars to pay for the storage of nuclear waste.

I think most Americans would agree that the cost of transporting and storing these hazardous materials should not have to be paid by innocent American taxpayers, but rather by those responsible, the nuclear power industry.

Let us save America's hard earned tax dollars and return the responsibility of waste to the big power companies.

SUPPORT THE PUBLIC SAFETY EMPLOYER-EMPLOYEE COOPERATION ACT OF 1997

(Mr. KILDEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KILDEE. Mr. Speaker, I rise today to urge my colleagues to join my good friend, the gentleman from Ohio [Mr. NEY], and myself in supporting H.R. 1173, the Public Safety Employer-Employee Cooperation Act of 1997. So far 70 Members of the House, both Republicans and Democrats, have added their names as cosponsors of this bill.

H.R. 1173 recognizes the fundamental right of police and firefighters to form and join unions and to bargain collectively with their employers over wages, hours, and working conditions.

H.R. 1173 does not create a Federal mandate. It does not affect existing State collective bargaining laws and it would prohibit strikes and lockouts.

This bill is supported by the International Association of Firefighters, the Fraternal Order of Police, the International Union of Police Associations and the National Association of Police Organizations.

Mr. Speaker, I urge my colleagues to join us in support of H.R. 1173.

IN APPRECIATION OF TEACHERS

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Mr. Speaker, today I rise in support and in tribute to Roger Kassebaum from Millard North High School in Omaha, NE. Roger is a high school teacher there and the lead curriculum design teacher for NASA's KidSat program. KidSat is a program in conjunction with Sally Ride, the former astronaut and current physics professor.

This program allows students on Earth to control, through the Internet, a still camera on the space shuttle. Photographs taken by the camera are downloaded to Earth via satellite, where students then learn to use them in class.

I have been in Roger's class and seen how much fun the kids have at learning and the way he teaches and enhances their learning. He is a tremendous teacher and one all should be proud of. I believe his innovative techniques could be duplicated by other teachers across this country. He makes learning fun. I can say from firsthand knowledge that Roger Kassebaum is the kind of teacher America can be proud of.

Thanks, Roger, for what you do for the future of our country.

FRANKLIN DELANO ROOSEVELT'S LEGACY

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise today to remind my colleagues that as we preserve the legacy of our great President, Franklin Delano Roosevelt with his memorial here in Washington, we must not forget the ideals that he upheld for the American people.

FDR once said, "The test of our progress is not whether we add more to the abundance of those who have much; it is whether we provide enough for those who have too little." Those words resonate true now more than ever.

As a Nation we must never forget our responsibility to the general welfare of all of our citizens. This means we have a duty to the mother who is without the resources to feed her infant, we have a duty to ensure that our poor children receive the same health care as their classmates, and, yes, we even have a duty to the immigrants who are struggling in a new country, for the words etched on the Statute of Liberty still read "Give us your tired, your poor, yearning to be free * * *."

Mr. Speaker, as we commemorate Franklin Roosevelt's legacy let us never forget that it was because of his dedication to those who had too little that many Americans now have so much.

IN APPRECIATION OF OUR TEACHERS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, as we recognize National Teachers Appreciation Week, I want to thank one of the teachers who helped instill in me a hard work ethic and desire to be the best I could be. My seventh grade teacher, Mrs. Annie Yoder, made a real difference in my life, and I owe part of my success to her. Mrs. Yoder, thank you so much for all you did for me and for the many other students that you diligently taught.

Education is vitally important to the well-being of our country, and during my visits to classrooms in the 10th District it has become increasingly clear to me teachers are among the most important keys to the success of our educational system. Teachers help lessons come alive and cultivate within all of us the love of knowledge. If knowledge is power, then teachers are the purveyors of this power. For this, we owe them not only our gratitude but respect and support as well.

If we want to truly respect and support our Nation's teachers, we must take educational control away from Washington and place it back with teachers and parents and local officials. To all the Mrs. Annie Yoders who have helped make us a better and brighter future, thank you, and I hope we can honor their hard work and dedication by not hindering what they do best, educating America.

CONGRESS SHOULD FIRE CIA AND HIRE CNN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Senate is about to confirm another director of the CIA, even though America found out about the collapse of the Soviet Union on CNN. America learned of the fall of the Berlin Wall on CNN. America found out about Saddam Hussein's invasion of Kuwait on CNN.

After all this, Congress keeps pouring billions of dollars into that big sinkhole called the Central Intelligence Agency. I say, with a track record like that, Congress does not need a Committee on the Budget; Congress needs a proctologist.

I think the record is real clear. Congress should fire the CIA and hire CNN. Maybe we will learn what is happening in the world.

TEACHERS PLAY VITAL ROLE IN FUTURE OF OUR NATION

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, National Teacher Appreciation Week gives us an opportunity to recognize the hard work and dedication of teachers across the country. Teachers every day inspire young students and help prepare our children for the next century.

One especially outstanding teacher in my community is Sharon Draper, an English teacher at Walnut Hills High School, recently named the National Teacher of the Year. Now Mrs. Draper is helping train other teachers by serving as an instructor at the Mayerson Academy in Cincinnati.

There are other teachers, of course, who deserve recognition back home in my district in Cincinnati: Susan Staub, a government teacher at Mercy High School; Tim Taylor at Oak Hills; Gene Jesse, at LaSalle, my alma mater; Mike Odioso at St. X; Jim Pharo at Seton; Jim Fiehre at Mt. Healthy; Mary Helen Beimesche at St. Ursula; Shad Stigle at Diamond Oaks, and the list could go on and on.

I want to also commend all those teachers just beginning their careers, like Shannon Crim at Lakota, who right now is completing her very first day as a teacher.

As a former schoolteacher myself, and as a parent, I appreciate the vital role good teachers play in the future of this Nation. Today and every day we should thank the teachers.

PROTECT OUR SENIORS

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, today I rise to support a resolution to protect our seniors from politically motivated cuts in Social Security, veterans benefits, and pensions.

This Congress must balance the Federal budget and we must do so in a manner that is consistent with our Nation's values and honors our commitments to older Americans. These citizens have worked hard all their lives and now only want a dignified retirement.

My North Carolina citizens have told me that we should not turn their cost of living adjustments into a political football behind closed doors in a Washington deal.

Mr. Speaker, the professionals at the Bureau of Labor Statistics should be allowed to do the job for which they are hired: determine the Consumer Price Index free of political pressure and protect our seniors.

NATIONAL TEACHER APPRECIATION WEEK

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I am here today as we set aside this week as Teacher Appreciation Week. If every Member of this House, and if, in fact, the people who are gathered in the gallery today and the people who are watching on television would just take a minute to carefully reflect on the people that have affected their lives, they would determine, as they tried to pick out the three people that had had the most impact on their lives, I think very few Americans, even very few Members of this Congress, would determine that one of those people was the President of the United States or that one of those people was a Governor of a State or that one of those people was even a Member of Congress. I think the overwhelming majority of people in our country, and certainly in this House, would think of, as they thought of people that had affected their lives, they would think of a mother and a father, they would think of grandparents, a Sunday school teacher. Almost everybody, if asked to name three people, would name a teacher, would name a member of that profession whose job it is to really expand human potential. There is no greater calling.

And as we recognize the teachers this week and as we appreciate teachers, I want to take a minute to reflect on one of my teachers. As I thought about the teachers I had had throughout school, I had a long, long list of great teachers, but one of my teachers, my 6th grade teacher, Mrs. Norma Knight, who is still living in Springfield, MO, really had an impact on me.

I have a picture of her here today, in fact. I have not had a picture that large of Mrs. Knight in my office for my entire career, but perhaps I should have, because she was the first person that really convinced me that it was OK to read.

Mr. Speaker, I ask unanimous consent to be given 1 additional minute.

The SPEAKER pro tempore. The gentleman is only allowed 1 minute under this order of business. The gentleman's time has expired.

Mr. BLUNT. Well, Mr. Speaker, I appreciate her efforts and appreciate the great job she did as a classroom teacher and her inspiration to me.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Members are reminded that they should avoid references to visitors in the gallery and to the television audience.

□ 1415

IN MEMORY OF SIXTH GRADE TEACHER NETTIE MESSINGER ON TEACHER APPRECIATION DAY

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, let me join with my colleagues. I did not come to speak on this subject, but just this Friday I attended the funeral of a sixth grade teacher that I had. She was more than an inspiration to one of the worst kids in the classroom, which was CHARLIE RANGEL, but it was fantastic that the more success I received politically, the better she thought I was as a student. How quickly they forget. I was so blessed to have had her, not only as a sixth grade teacher in Nettie Messinger but as someone who counseled me after I got out of the service, returned to high school and went on to college and law school.

There were so many, many students that she took this very, very personal relationship with. She did not just let you play hookey, she had to come by your house to let your parents know that you missed school.

On behalf of all of the students from old PS 89, some that get on TV and many others that do not, let me thank the teachers that follow the high tradition of real teaching as Mrs. Nettie Messinger did and join my colleagues in thanking all of our teachers, especially those in the public school system.

SUPPORT BIPARTISAN BALANCED BUDGET AGREEMENT

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Mr. Speaker, Thomas Jefferson was an enemy of deficit spending. In fact, he was so hostile to the idea that Government could saddle future generations with debt that he considered deficit spending a moral evil. He once wrote:

> We shall consider ourselves unauthorized to saddle posterity with our debts, and morally bound to pay them ourselves; and consequently within what may be deemed the period of a generation, or the life of the majority.

Well, we have ignored the words of Thomas Jefferson for too long. America is over $5 trillion in debt. Our children and grandchildren have been saddled with a debt that they did not create. We think that is wrong. In fact we think it goes against everything America stands for. The American dream means leaving a legacy of opportunity to our children and grandchildren, not $5 trillion in debt.

Let us heed the words of Thomas Jefferson and support the bipartisan balanced budget agreement.

TRIBUTE TO COACH JERRY FAUST ON TEACHER APPRECIATION DAY

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, this week is Teacher Appreciation Week and many of my colleagues today have been to the floor of the House to recognize teachers who have had an impact on their lives. In my case, I had such a teacher. His name was Jerry Faust who taught at Moeller High School. Beyond being a teacher there, he also was the head football coach. Myself and my eight brothers went to Moeller High School in Cincinnati. Many of us had Coach Faust not only as a coach but also as a teacher. He is someone who had tremendous impact not only on my life but on many of my colleagues in that school, teaching us to be leaders, teaching us to fight for what we believe in. I think it was Coach Faust who taught all of us in my family that there is nothing in this world that you cannot accomplish, nothing that you cannot succeed at if you are willing to work hard enough and if you are willing to make the sacrifices that are necessary. I think it is because of people like Jerry Faust, people like a lot of great teachers around America that a lot of us are here. It is really the basis of what has made America great.

Congratulations to all teachers in America.

TRIBUTE TO MIDDLE SCHOOL TEACHER JEAN KASK

(Mr. QUINN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. QUINN. Mr. Speaker, I too want to join my good friend, the gentleman from Ohio [Mr. BOEHNER] and my dear friend, the gentleman from New York [Mr. RANGEL], in paying tribute to our many teachers all across the country. In my particular district in Buffalo and western New York as a former middle school teacher myself, I would like to pay a special tribute today to our middle school world affairs/social studies teacher Jean Kask who is now retired. Mr. Speaker, when I walked over here from my office today and saw the hundreds of students right outside the building, it reminded me of those world affairs trips that Mrs. Kask would bring to this city, to this very floor, 300 eighth graders for 4 days for many, many, many years. The interesting thing about Mrs. Kask is while she had those skills that were important in the classroom, she also taught other teachers. I consider myself to be luckier than all the students she had because I taught alongside of her and learned just as much as the students did, if not more.

Mr. Speaker, I salute Jean Kask of Orchard Park Middle School and all of our teachers throughout the district and the country in this very important week.

PERIODIC REPORT ON NATIONAL EMERGENCY CAUSED BY LAPSE OF EXPORT ADMINISTRATION ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105-80)

The SPEAKER pro tempore (Mr. SNOWBARGER) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

As required by section 204 of the International Emergency Economic Powers Act (50 U.S.C. 1703(c)) and section 401(c) of the National Emergencies Act (50 U.S.C. 1641(c)), I transmit herewith a 6-month periodic report on the national emergency declared by Executive Order 12924 of August 19, 1994, to deal with the threat to the national security, foreign policy, and economy of the United States caused by the lapse of the Export Administration Act of 1979.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 6, 1997.*

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, May 7, 1997.

TRADE AGENCIES AUTHORIZATIONS

Mr. CRANE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1463) to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the U.S. Trade Representative, and the International Trade Commission, as amended.

The Clerk read as follows:

H.R. 1463

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CUSTOMS AND TRADE AGENCY AUTHORIZATIONS FOR FISCAL YEAR 1998 AND 1999.

(a) UNITED STATES CUSTOMS SERVICE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 301(b) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(b)) is amended to read as follows:

"(b) AUTHORIZATION OF APPROPRIATIONS.—

"(1) FOR NONCOMMERCIAL OPERATIONS.—There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in noncommercial operations not to exceed the following:

"(A) $668,397,000 for fiscal year 1998.

"(B) $684,018,000 for fiscal year 1999.

"(2) FOR COMMERCIAL OPERATIONS.—(A) There are authorized to be appropriated for the salaries and expenses of the Customs Service that are incurred in commercial operations not less than the following:

"(i) $901,441,000 for fiscal year 1998.

"(ii) $930,447,000 for fiscal year 1999.

"(B) The monies authorized to be appropriated under subparagraph (A) for any fiscal year, except for such sums as may be necessary for the salaries and expenses of the Customs Service that are incurred in connection with the processing of merchandise that is exempt from the fees imposed under section 13031(a) (9) and (10) of the Consolidated Omnibus Budget Reconciliation Act of 1985, shall be appropriated from the Customs User Fee Account.

"(3) FOR AIR AND MARINE INTERDICTION.—There are authorized to be appropriated for the operation (including salaries and expenses) and maintenance of the air and marine interdiction programs of the Customs Service not to exceed the following:

"(A) $95,258,000 for fiscal year 1998.

"(B) $98,226,000 for fiscal year 1999.".

(2) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 301(a) of the Customs Procedural Reform and Simplification Act of 1978 (19 U.S.C. 2075(a)) is amended by adding at the end the following:

"(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commissioner of Customs shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the operations of the Customs Service as provided for in subsection (b).".

(b) OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 141(g)(1) of the Trade Act of 1974 (19 U.S.C. 2171(g)(1)) is amended to read as follows:

"(g)(1)(A) There are authorized to be appropriated to the Office for the purposes of carrying out its functions not to exceed the following:

"(i) $22,092,000 for fiscal year 1998.

"(ii) $24,300,000 for fiscal year 1999.

"(B) Of the amounts authorized to be appropriated under subparagraph (A) for any fiscal year—

"(i) not to exceed $98,000 may be used for entertainment and representation expenses of the Office; and

"(ii) not to exceed $2,500,000 shall remain available until expended.".

(2) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 141(g) of the Trade Act of 1974 is amended by adding at the end the following:

"(3) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the United States Trade Representative shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Office to carry out its functions.".

(c) UNITED STATES INTERNATIONAL TRADE COMMISSION.—

(1) AUTHORIZATION OF APPROPRIATIONS.—Section 330(e)(2) is amended to read as follows:

"(2)(A) There are authorized to be appropriated to the Commission for necessary expenses (including the rental of conference rooms in the District of Columbia and elsewhere) not to exceed the following:

"(i) $41,980,000 for fiscal year 1998.

"(ii) $46,125,400 for fiscal year 1999.

"(B) Not to exceed $2,500 of the amount authorized to be appropriated for any fiscal year under subparagraph (A) may be used, subject to the approval of the Chairman of the Commission, for reception and entertainment expenses.

"(C) No part of any sum that is appropriated under the authority of subparagraph (A) may be used by the Commission in the making of any special study, investigation, or report that is requested by any agency of the executive branch unless that agency reimburses the Commission for the cost thereof.".

(2) SUBMISSION OF OUT-YEAR BUDGET PROJECTIONS.—Section 330(e) of the Tariff Act of 1930 is amended by adding at the end the following:

"(4) By no later than the date on which the President submits to the Congress the budget of the United States Government for a fiscal year, the Commission shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate the projected amount of funds for the succeeding fiscal year that will be necessary for the Commission to carry out its functions.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. CRANE] and the gentleman from New York [Mr. RANGEL] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

GENERAL LEAVE

Mr. CRANE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1463.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1463, a bill to authorize appropriations for fiscal years 1998 and 1999 for the U.S. Customs Service, Office of the U.S. Trade Representative, and the International Trade Commission.

I would first like to note that a full authorization for these three agencies has not been achieved since 1990, and that those authorizations expired in 1992. I was therefore pleased that the President's modest budget submission for 1998 for these agencies could be well received by the Committee on Ways and Means. This prudent approach allowed the committee to work in a bipartisan manner to authorize appropriations which matched the President's request.

Passage of H.R. 1463 will send a strong message to our colleagues in the Senate to develop the same bipartisan view that the committees of jurisdiction must reassert their authorities over these agencies through the budget process. The bill will also provide a guideline for the appropriations committees as they consider the levels of funding necessary for these agencies to fulfill their statutory functions. H.R. 1463 produces no increase in the Federal deficit.

While H.R. 1463 does not exceed the President's overall budget submission, the Committee on Ways and Means has made one important amendment to the authorizations for the Customs Service. The gentleman from Florida [Mr. SHAW] has acted to allocate additional resources within the Customs budget to that agency's law enforcement profile by authorizing appropriations over the next 2 years for additional equipment and Customs special agents to fight the war on drugs.

The role of the Customs Service, the Office of the U.S. Trade Representative and the International Trade Commission in advancing our bipartisan agenda for free and open trade should not be underestimated. I am proud to support H.R. 1463 and the statement it makes in continuing the work of these agencies.

Mr. Speaker, I reserve the balance of my time.

Mr. RANGEL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I too rise in support of H.R. 1463, as amended, to authorize fiscal year 1998 and 1999 appropriations for the U.S. Customs Service, the Office of the U.S. Trade Representative and the U.S. International Trade Commission.

As the gentleman from Illinois [Mr. CRANE], the subcommittee chairman, has reported, the bill came out of the Committee on Ways and Means by voice vote and is noncontroversial. It authorizes the funding levels requested by the President in his budget submission for each of these three major trade agencies.

The gentleman from Florida [Mr. SHAW], with my support, had an amendment that passed successfully that reallocates $5 million of the Customs commercial operations to drug interdiction efforts. We hope that these additional resources will effectively counteract the increased threat of drug smuggling in the south Florida area, as well as continued interdiction along the Southwest border and Puerto Rico. The additional drug enforcement funds will also enable Customs to increase the number of special agents dedicated to counter-narcotics and anti-money laundering activities, including their relocation to high threat drug zones.

H.R. 1463, as amended, provides the minimum funding levels necessary for the Customs Service, the U.S. Trade Representative, and the International Trade Commission to carry out their essential trade functions as mandated by the U.S. Congress. I urge support of this bill and urge my colleagues to pass it.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from California [Mr. MATSUI], the ranking member on the Subcommittee on Trade, and ask unanimous consent that he be allowed to yield time to other Members.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CRANE. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Oklahoma [Mr. Watkins].

Mr. WATKINS. Mr. Speaker, I rise in support of H.R. 1463, and I thank the Speaker for allowing me the opportunity to come to the floor today as we debate this important legislation to reauthorize the Office of the U.S. Trade Representative, the Customs Service and the International Trade Commission. I would like to also thank Ambassador Barshevsky and also Deputy Trade Representative Lang, and the entire staff at the USTR's office for all the work they do on behalf of the American people.

I am proud to come to the floor today and express my support for this legislation. H.R. 1463 will give the USTR's office the necessary resources to fight for fair treatment, and that is what we are asking for, fair treatment for American goods and services throughout the world.

As many of my colleagues know, I am an outspoken, strong advocate for the U.S. cattle and beef industry in their fight for open markets overseas. Since 1989, the European Union has had in place a ban on beef treated with growth producing hormones. Since these hormones are used in virtually all U.S. beef, this is a ban on all of our cattle people.

There is no scientific basis for this ban. These hormones have been proven safe in studies by the FDA, the Lamming Commission, the World Health Organization, and the EU's own Scientific Conference on Growth Promotion in Meat Production. This, Mr. Speaker, is merely a blatantly unfair economic trade barrier against our U.S. cattle people.

This ban has been in place for 8 years now, and costs American cattlemen hundreds of millions of dollars annually. Currently this case is before the WTO, the World Trade Organization, and a ruling is expected any day. I am confident that the Dispute Settlement Panel will rule on the basis of sound science and will find in favor of the United States.

However, I feel compelled to urge the USTR to remain vigilant in this case, to stay on guard. It is my understanding that even if the United States wins in this case, which it should based on all scientific evidence, it could take an additional 18 months or longer to end this dispute. This is wrong. This dispute has already drug on for some 10 years. This unmerited ban, unfair ban, coupled with the past 2 years of economic distress of the livestock industry, is a hardship on our producers and makes it hard for them to enjoy continued economic prosperity.

Mr. Speaker, I would like to ask the USTR's office to take two specific actions: First, to examine ways to speed up the WTO's dispute settlement process so that future disputes do not drag out for years and years at a time. I would like the USTR's office to come back to Congress, to the committee, with specific proposals to speed up the process, and will push for their adoption at the WTO. We in Washington must always remember that our failure to act promptly can do tremendous harm to the people we represent.

□ 1430

In many cases such as this one, justice delayed is justice denied.

The second action, I would also urge the USTR's office to continue to seek input and recommendations from the private sector, private sector businesses, and industries and agricultures, when negotiating agreements. There should never have been accepted a ban, hormone ban, on U.S. beef that could be sold to Europe. After all, as we evaluate these bans, these are unfair trade practices against the people that we represent that are trying to make a living.

Again, Mr. Speaker, I want to thank my colleagues for their leadership and also the ranking members on the committee for their strong support of H.R. 1463. And I ask all the leaders of the USTR to take some bold action, some stern action, and let us do what is necessary to have fair trade practices and free trade practices for the business industry that are counted on in this country.

Mr. MATSUI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1463, as amended, to authorize fiscal year 1988–99 appropriations for the U.S. Customs Service, the Office of the U.S. Trade Representative, and the U.S. International Trade Commission. The Committee on Ways and Means has a long tradition of strong bipartisan support for the work of these three major trade agencies within its jurisdiction. The bill recognizes and supports the essential functions and activities of these trade agencies by authorizing the funding levels requested by the President. The bill also reflects overall budgetary constraints by authorizing the minimum amounts necessary for each of these agencies to carry out their statutory responsibilities.

The Customs Service has undergone a major reorganization, and it is modernizing its operations in order to carry out its main functions of trade law enforcement and revenue collections in addition to illegal drug interdiction and cargo and passenger processing in an effective and cost-efficient manner. The authorized funding increase for Customs is only about 3 percent, and it reflects these savings while providing additional resources to counteract drug smuggling and to update equipment.

I might point out that the Customs Commissioner, George Weise, was formerly a member of the House Committee on Ways and Means staff. He was the staff director of the Subcommittee on Trade before resuming his role at the Customs Service, and Mr. Weise has announced recently that he will be retiring from that service, and we wish him the best of luck and obviously offer him all the congratulations for all the wonderful work he has done.

The authorization for the Office of U.S. Trade Representative covers cost to maintain current services and current staffing levels. The amounts are modest and justified for an agency which Congress has granted the primary responsibility for developing and coordinating the Nation's trade policies and for conducting trade negotiations. The ITC has streamlined its operations by reducing staff by over 20 percent since 1992, consolidating offices and increasing productivity. A 3-percent increase in authorization for the fiscal year 1998 maintains a current level of services and staff levels for the ITC to conduct its investigatory functions under the various import statutes and to apply objective analysis and advisory reports of the President and the Congress.

The bill also authorizes additional funds for the year 1999 requested by the ITC to cover the estimated costs to conduct so-called sunset reviews of 315 outstanding antidumping and countervailing duties orders as required by the Uruguay round implementation legislation of 1994. During the markup and also during the hearing on this particular matter, I indicated to the ITC officials that should they need more resources, given the fact that they have 315 antidumping and countervailing duty orders to review, they should come back to our committee because certainly we want to make sure that they complete these reviews in a timely manner.

I would now conclude, Mr. Speaker, that the Subcommittee on Trade has held oversight hearings on the budget request and reviewed the activities of all three of these agencies as indicated by the gentleman from Illinois [Mr. CRANE]. There is no known opposition to the authorization levels in the bill as reported by the committee, and I certainly urge passage of H.R. 1463.

Mr. SHAW. Mr. Speaker, I rise today in support of H.R. 1463, the Trade Agencies Authorization Act.

While this bill contains many worthy provisions, this legislation is especially deserving of support because it authorizes the resources necessary for the Customs Service to interdict the flow of illegal drugs into this country. As a Member of Congress from south Florida, I can attest that in my home State, the fight to keep illegal drugs from reaching our streets is an ongoing, daily battle, which we are losing.

Mr. Speaker, there are three main reasons why the Customs Service's interdiction efforts must be bolstered, and especially in south Florida. First, in the past few years, Congress and the administration have poured resources into such interdiction efforts as Operation Hardline along the Mexican border, and Operation Gateway in Puerto Rico. These operations did help stem the flow of illegal drugs into those areas. However, these operations had one unintended side effect: Drug traffickers began to avoid those areas, and redirected their smuggling efforts toward another major gateway of drugs into our country, south Florida.

Second, Customs agents in south Florida do not have the resources they need to effectively engage drug traffickers. Right now, smugglers' boats can outrun the older Customs Service vessels patrolling the waters off of Dade and Broward Counties. Simply put, Customs needs better and faster boats to combat this threat.

Finally, the drug lords already have a distribution network in place in south Florida, which greatly eases the distribution of their deadly product. And with 2,276 miles of coastline, along with countless inlets, coves, and tiny keys, the topography of Florida makes it attractive to drug smugglers.

For these reasons, during markup in the Ways and Means Committee of this bill, I offered an amendment that would redirect $10 million in the Customs Service budget toward interdicting drugs. My amendment transfers $5 million from the commercial account of the Customs Service budget equally per year to the noncommercial account, and the air and marine account. My amendment was enthusiastically supported by Mr. RANGEL, and passed the Committee by voice vote.

Furthermore, contained in the report accompanying H.R. 1463 is language making Customs aware that the purpose of my amendment is to shift funds toward rebuilding the marine interdiction program in south Florida, and to hire more special agents and intelligence officers dedicated to counternarcotics and money laundering. If the funds authorized in my amendment are fully appropriated and properly allocated, the Customs Service marine program in south Florida could return to its 1993 level—the year President Clinton took office.

Mr. Speaker, this reallocation of funds sends a strong message to the Customs Service that Congress wants a greater focus on interdicting illegal drugs, especially in south Florida. I urge my colleagues to support H.R. 1463.

Mr. CRANE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. MATSUI. Mr. Speaker, I also yield back the balance of my time.

The SPEAKER pro tempore (Mr. SNOWBARGER). The question is on the motion offered by the gentleman from Illinois [Mr. CRANE] that the House suspend the rules and pass the bill, H.R. 1463, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CONSUMER PRICE INDEX

Mr. SOUDER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 93) expressing the sense of the House of Representatives that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index.

The Clerk read as follows:

H. RES. 93

Whereas the Consumer Price Index currently informs our Nation's monetary policy, and determines both the level of taxes paid and the amount of government benefits received by millions of Americans, many of them on fixed incomes;

Whereas the Consumer Price Index is assumed in these uses to be an accurate and appropriate measurement;

Whereas the Consumer Price Index is only useful if it is a technical, not a political measurement;

Whereas it is of the utmost importance to maintain the integrity and objectivity of the determination process and of the reliability of the Federal statistical system;

Whereas it is the Bureau of Labor Statistics that has the expertise, tools, resources, and experience to maintain this integrity and objectivity; and

Whereas it is vital to protect our senior citizens and others on fixed incomes that we use the most appropriate and accurate criteria: Now, therefore, be it

Resolved, That any adjustments to the methodology used to determine the Consumer Price Index should be made by the Bureau of Labor Statistics alone.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Indiana [Mr. SOUDER] and the gentleman from Pennsylvania [Mr. FATTAH] each will control 20 minutes.

The Chair recognizes the gentleman from Indiana [Mr. SOUDER].

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 93 which expresses the sense of the House that any adjustments to the methodology to be used to determine the Consumer Price Index should be made by the Bureau of Labor Statistics. This resolution is consistent with the agreement for a balanced budget that was recently entered into between administration and congressional leaders and reaffirms our commitment that the Consumer Price Index should be based on sound and nonpartisan deliberation.

Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 93. Mr. Speaker, I am pleased that we are considering this resolution to protect the integrity of the process for adjusting the CPI, the Consumer Price Index. House Resolution 93 clarifies that adjustments of the CPI should be made solely by technicians at the Bureau of Labor Statistics, and it should not be left subject to the whims of politics.

I want to commend my colleague from Pennsylvania, Mr. FOX and the gentlewoman from New York, Mrs. MALONEY, the gentleman from Pennsylvania, Mr. ENGLISH, and the gentleman from Massachusetts, Mr. KENNEDY and others for their leadership on this important issue. I recognize that there has been extensive debate regarding the termination and accuracy of the CPI. However, as this resolution plainly acknowledges, the Bureau of Labor Statistics alone has the integrity, the objectivity and the experience to make this determination.

Mr. Speaker, the CPI should accurately reflect the rate of inflation and should not be manipulated for purposes of balancing the Federal budget. CPI adjustment could have a profound effect on the tax burdens of the American people. In addition, indexing affects the income of over 70 million Americans. Some 43 million Social Security beneficiaries, 4 million military and Federal civil service retirees and survivors, and 23 million food stamp recipients have their lives directly impacted by the CPI and changes thereto. Even the cost of lunches for 24 million children who participate in the school lunch program is affected.

So when we look at who is dependent on the accurate assessment of the index, then we understand how vitally important it is that we send this message that we will not allow seniors and our children to be pawns in the budget chess games, now or in the future. This legislation is supported by such groups as AARP, the National Council on Senior Citizens, the Council on Aging, the National Committee to Preserve Social Security and Medicare.

Mr. Speaker, I stand, as I am sure many of my colleagues will today, in full support of House Resolution 93.

Mr. Speaker, I reserve the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX], my friend, and the creator of this bill, and distinguished battler on behalf of senior citizens and somebody who is tireless in his pursuits of defending his constituents and those around the country from this potential raid on their dollars.

Mr. FOX of Pennsylvania. Mr. Speaker, I thank the distinguished congressional leader, the gentleman from Indiana [Mr. SOUDER] for yielding the time, and to my colleague, the gentleman from Pennsylvania [Mr. FATTAH] who has been at the forefront of assistance in the area of protecting our seniors and making sure we have balanced budgets. I appreciate as well the leadership of the gentlewoman from New York [Mrs. MALONEY], the gentleman from Massachusetts [Mr. KENNEDY], and the gentleman from Pennsylvania [Mr. ENGLISH] in this battle to make sure we do in fact preserve during a budget season that the CPI, the cost of living index, be one that is accurate, one that is fair, and we have relied on for many years the Bureau of Labor Statistics for that purpose.

My colleagues may recall historically that the Senate Finance Committee had considered a Boskin report which arbitrarily would have reduced by 1.1 percent the CPI. Those figures in our opinion did not reflect reality. The fact is, if we were to arbitrarily reduce by that percentage, we would see a $320 billion tax increase and we would unfairly disadvantage our seniors who, in fact, are looking to a cost of living allowance which is based on facts, that would take care of their needs and Social Security, the military retirement, and several other Federal programs.

We believe the CPI is one that should not be budget-driven or deficit-driven or politically driven. It should be an accurate measurement of what the cost of living index is in the United States and not be an artificial figure. And so we are very appreciative of the congressional bipartisan support we have received to date.

This is certainly a resolution which has support on both sides of the aisle, and as Nobel laureate Milton Friedman has said: I have very mixed feelings about introducing any kind of an arbitrary adjustment, an arbitrary adjustment to the CPI that would involve an increase in taxes.

Certainly Republicans and Democrats can join hands in protecting our seniors and in making sure we do not have tax increases.

So a yes vote for House Resolution 93 would certainly be a step in the right direction.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina [Mr. MCINTYRE].

Mr. MCINTYRE. Mr. Speaker, I rise in support of House Resolution 93, that any adjustment in the Consumer Price Index should be determined only by the Bureau of Labor Statistics. A reduction to the CPI would have a dramatic effect on everyone receiving cost of living adjustments, including military retirees and Social Security beneficiaries and would be a financial burden on our senior citizens.

The cost of living for the elderly has increased by a whopping 69.2 percent over the past 15 years. Increased medical costs have also played an important cost factor for older Americans that they face. It is absolutely critical that older Americans have a Social Security benefit that accurately represents their true cost of living. Any adjustment in the CPI has the potential to threaten their very livelihood, and therefore it is imperative that such a decision be made by those who are eminently qualified to handle it: the Bureau of Labor and Statistics.

I am pleased to support House Resolution 93 as a way to guarantee the integrity of the steadfast commitment that we have to our senior citizens.

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to the gentleman also from Pennsylvania [Mr. ENGLISH], my distinguished colleague and class member.

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I want to thank the distinguished Member from Indiana for yielding this time to me, and I would also like to thank the gentleman from Pennsylvania [Mr. FOX] for authoring this resolution of which I am a cosponsor.

Mr. Speaker, this resolution puts Congress on record ratifying a key component of last week's historic budget accord. What we propose to do is put Congress on record in favor of leaving the annual cost of living adjustments and changes in CPI to the experts, not bringing those changes into the political arena. We are putting the House on record as opposing politicizing the technical process of measuring inflation, and we are opposing injecting arbitrary budget-driven changes into the process of calculating the Consumer Price Index.

□ 1445

This resolution puts Congress on record, maintaining the integrity of this key statistical measure. In our view, any change in CPI should be done only after extensive study because we recognize the effect of a statutory adjustment. As some have proposed in the past, a statutory adjustment in the CPI would cut retirees' incomes, raise taxes, but at the same time create a huge budget windfall, which would make it so much easier for us in this Chamber to avoid making difficult decisions.

We have to recognize that getting to a balanced budget will be a difficult process. It will require tough decisions and real choices. There is no easy fix. There is no shortcut. Mr. Chairman, I strongly urge the House to join us in supporting this resolution.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Speaker, no one is proposing that Congress change the methodology of calculating CPI. Everyone agrees that only BLS should change the methodology for determining CPI, and anyone who suggests that the blue dog budget or any other budget proposal would change the methodology for determining CPI is distorting the issue for political purposes.

What the blue dog budget proposes is that BLS be given the resources and the authority to make whatever changes necessary to improve the accuracy of the CPI, change how CPI is used to index Government programs to the cost of living while BLS improves CPI.

I think it is important to remind all of us today that numerous experts, including BLS, have warned Congress about the limitations of using CPI to make cost-of-living adjustments. The Consumer Price Index was never intended to be used to make cost-of-living adjustments. Congress decided to use CPI as an approximation of increases in cost of living to index Government programs.

In testimony before the Senate Finance Committee, BLS Commissioner Katharine Abraham stated, "Although I believe that we can make important improvements in the CPI, I do not believe it is possible to produce a perfect cost-of-living measure."

That means that those who use the data we are able to produce should recognize the limitations of those data and exercise judgment accordingly concerning whether and how the data should be used. Adjusting the use of CPI to index Government programs is not a political fix or a budgetary gimmick.

Although there is no consensus on what changes should be made to the calculation of the CPI, there is broad agreement that continuing to adjust programs based on CPI provides increases greater than the cost of living. The blue dog budget proposes that we are adjusting the use of CPI or indexation to ensure that the cost-of-living adjustments for Government programs are accurate.

We cannot justify continuing a mistake that numerous experts have told us results in incorrect cost-of-living adjustments. Continuing to use CPI to index Government programs to inflation is an unnecessary drain on the Federal budget and the Social Security trust fund.

Mr. Speaker, I include the following for the RECORD:

WHY A LEGISLATED CHANGE IN THE USE OF CPI IS NECESSARY

Legislation reducing indexation based on CPI as an interim step will allow BLS to make corrections in CPI without facing the political pressure for a quick change in the calculations CPI in order to achieve savings.

It will take BLS several years to conduct the necessary research and experimentation to address the complex issues that result in the CPI overstating inflation. Congress should not pressure BLS to make changes in the calculation of CPI before the experts are able to do so properly. BLS Commissioner Katharine Abraham underscored this point in testimony before the Senate Budget Committee:

"If the BLS staff or other technical experts knew how to produce a true cost of living index on a monthly production schedule, that would be what we produce. . . . However, I believe we would gain little, and possibly do much damage to the credibility of our statistical system, if we were to move hastily to adopt untested techniques for producing offsets to the official CPI."

Federal Reserve Chairman Alan Greenspan concurred with the assessment of BLS about the difficulty of correcting CPI, stating in testimony before the Senate Budget Committee that "Even if BLS moves aggressively, some upward bias will almost surely remain in the CPI, at least for the next several years."

Simply directing BLS to correct the CPI quickly in order to meet budgetary needs ignores the very real difficulties that experts have identified that BLS must overcome in order to correct the problem. A budget that assumes substantial savings from a technical adjustment to CPI will fall short of achieving balance if BLS is unable to act quickly enough to meet budgetary timetables.

The federal government cannot afford to add billions to the national debt through higher spending and lost revenues because of the bias in the CPI that has been identified in over a dozen studies.

The federal government loses billions of dollars every year that government programs are overindexed for inflation. Since the impact of indexation is cumulative over time, even a short delay results in significant lost savings. Delaying the implementation of a CPI adjustment by one year reduces the savings by nearly one third. An adjustment of 0.4% implemented in 1999 would save $15.5 billion less than the same adjustment enacted in 1998.

Although there is no consensus on what technical changes should be made to the calculation of the CPI, there is broad agreement that continuing to adjust programs based on CPI provides increases greater than the cost of living. Alan Greenspan advised Congress that "If we cannot find a precise estimate for a certain bias, we should not implicitly choose zero as though that was a more scientifically supportable estimate . . . assuming zero for the remaining bias is the political fix."

A legislated change to indexation will compensate for the overstatement in CPI that economists have identified in the CPI that cannot be corrected through technical changes.

Many economists have warned that BLS may never fully eliminate the bias in the CPI. Some of the problems that cause the bias have no obvious solution. Other sources of bias are the result of ongoing problems resulting from changes in the economy that can never be fully corrected. After examining the ability of BLS to correct CPI, economist at the Federal Reserve Bank of Cleveland concluded that a legislated adjustment is necessary for this reason. "From a statistical perspective, there is no obvious way to 'fix' the CPI. . . . Because the CPI is not likely to be fixed soon, and because it probably contains an upward bias, the most practical course may be merely to adjust the cost-of-living estimate by some amount."

Even BLS has suggested that Congress consider adjusting how CPI is used to index government programs. In testimony before the Senate Finance Committee, BLS Commissioner Katherine Abraham state that "Although I believe that we can make important improvements in the CPI, I do not believe it to be possible to produce a perfect cost-of-living measure. This means that those who use the data we are able to produce should recognize the limitations of those data and exercise judgement accordingly concerning whether and how the data should be used."

Mr. SOUDER. Mr. Speaker, I yield such time as he may consume to my friend and distinguished colleague, the gentleman from New Jersey [Mr. SAXTON], a tax and economic policy leader.

Mr. SAXTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, when I heard first about the Boskin Commission report, I said, "Well, of course, if we are going to use the Consumer Price Index, the CPI, for a variety of things, it ought to be accurate. Of course, if we are going to use it to adjust entitlement benefits, it ought to be accurate. Of course, if we are going to use it to adjust from time on an annual basis the amount of taxes Americans pay, it ought to be accurate. Of course, if we are going to use CPI in the private sector to adjust leases and mortgages and things on a timely basis, it ought to be accurate."

Actually, the Bureau of Labor Statistics has done a reasonable job over the years in changing it from time to time. Every decade or so, the Bureau of Labor Statistics looks at the market basket that they measure and tries to make adjustments. But it was as far back as 1938, when renowned authors started to write that it was a difficult task, at best, and an impossible one perhaps to come up with an annual CPI year after year after year that was always accurate.

So, as we began to look at this issue and the issues that it affects, like taxes, like Social Security, and like in the private sector mortgages and leases, we stepped back and said to the Bureau of Labor Statistics, let us know how you can fix this because it would be a bad idea for Congress to make an arbitrary adjustment.

Let me show what happens in just one example as it relates to Federal income taxes. In the IRS Code, there are a number of features, including the personal exemption, that is right, the personal exemption, which is indexed, the standard deduction, which is indexed, and marginal tax brackets, which are also indexed for inflation. They go up each year depending on the increase in the cost of living as measured by the Consumer Price Index.

This chart shows the practical effect of an arbitrary 1.1 adjustment, as the Boskin Commission reported. In the early years, in 1997, it would be a relatively small adjustment, about something in the neighborhood of $5 billion in annual income to our Treasury. But as the years go by, that compounds because you build CPI on top of a CPI on top of a CPI; and, so, we would collect significantly more taxes each year until in the year 2008. Just 10 years from the inception, we would collect an additional $56.3 billion a year if we followed the recommendation of the Boskin Commission.

So those of us who are here who want to vote for increased taxes, it would be a really good idea to vote for a 1.1 reduction in the CPI. I know some of my colleagues are tired of me saying this because over the last couple of weeks we have had this budget proposal which we have been talking about; and, yes, part of it was an adjustment in CPI. So anybody who had voted for that, thankfully, has been taken out, anybody who had voted for that would have voted for a substantial increase in income taxes.

This chart shows what it means on the individual level, again starting with a relatively small increase on an individual basis, but by the year 2008, a family with two taxpayers would be paying an extra $405 annually in taxes because of the adjustment in the CPI.

This just gives an idea of how this compounds. So when you say to your Social Security beneficiaries back home we ought to have accurate numbers in the CPI because when we measure price stability we should be accurate, just understand how this compounds over the years, what it means in terms of additional taxes that Americans pay, and what it means in terms of fewer benefits Social Security beneficiaries will receive.

I again thank the gentleman from Indiana [Mr. SOUDER] for yielding this time, and I commend him and the gentleman from Pennsylvania [Mr. FOX] and others who have been involved in this effort for bringing this resolution to our attention and the floor.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY], who is a sponsor of this legislation.

Mrs. MALONEY of New York. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am asking my colleagues on both sides of the aisle to support the resolution I submit with my Republican colleagues, the gentleman from Pennsylvania [Mr. FOX] and the gentleman from Pennsylvania [Mr. ENGLISH] and my Democratic colleague, the gentleman from Massachusetts [Mr. KENNEDY].

H.R. 93 expresses the sense of the House that the Bureau of Labor Statistics alone should make any adjustments, if any are needed, to the methodology used to determine the Consumer Price Index. We argue national CPI is only useful if it is a technical, not a political, measurement.

The CPI is used to determine benefits for over 40 million Social Security recipients, as well as the benefits of millions of other pensioners. It is used to determine the cost-of-living adjustments in worker wage agreements, and the IRS uses it to determine deductions and tax brackets. That is why there is no room for political posturing with the CPI.

Let us stick with the facts of the matter, and the Bureau of Labor Statistics is the agency that is most qualified to determine those facts. Policy, not politics, has driven monetary policy; and policy, not politics, should drive the CPI statistics.

When Federal Reserve Chairman Alan Greenspan first explained that he thought the CPI exaggerates annual inflation, some saw the opportunity to cut the deficit without making the tough decisions. But millions would stand to lose critical income. This resolution maintains the integrity of the process and the independence of an agency which, like the Federal Reserve, ought to remain independent. I am asking for your support today for this resolution.

Mr. SOUDER. Mr. Speaker, I reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, could we have an understanding what time is available to each side?

The SPEAKER pro tempore [Mr. SNOWBARGER]. The gentleman from Pennsylvania [Mr. FATTAH] has 12½ minutes remaining, and the gentleman from Indiana [Mr. SOUDER] has 10 minutes remaining.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. STRICKLAND].

Mr. STRICKLAND. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of this resolution to ensure that the proper agency, the Bureau of Labor Statistics, maintains its authority over adjustments to the Consumer Price Index. I oppose efforts to change the CPI by congressional fiat. Such a proposal is nothing more than a quick-fix gimmick, an attempt to balance the budget by indiscriminately reducing cost of living and retirement benefits and, in the process, harming the most vulnerable in our society.

Some have argued that a lower CPI would only reduce Social Security checks by a few dollars. But in my district, a few dollars can often mean the difference between being able to pay for food, medicine and rent and not being able to pay for these essentials of daily living.

I believe in a balanced budget and I intend to fight for one, but it must be done fairly. Let us not balance the budget with tricks and gimmicks on the backs of seniors and children, but let us balance the budget by asking everyone to contribute their fair share.

Mr. FATTAH. Mr. Speaker, I yield 1 minute and 15 seconds to the gentleman from the great State of Florida [Mr. WEXLER].

Mr. WEXLER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in support of the resolution to help make certain that America's senior citizens and America's veterans get treated fairly as this Congress attempts to balance our budget by the year 2002.

The Consumer Price Index should be an economical calculation, not a political one. The Consumer Price Index and the cost-of-living raises should reflect that supposed basket of goods that each and every American will purchase each and every month. When the Department of Labor goes into America's drugstores and they look at the kinds of drug prescriptions that America's senior citizens have to purchase each month that cost $150 and $200 at a clip, they will understand that the cost-of-living supposed increases that may overstate inflation in fact are needed by America's senior citizens.

The cost-of-living inflation with respect to home health costs and the kinds of long-term health insurance that America's senior citizens need require us to make an economic calculation, not a political one, that truly reflects the true basket of goods that America's senior citizens and veterans are required to purchase each month.

Mr. FATTAH. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from Iowa [Mr. BOSWELL] to speak on this very important piece of legislation.

Mr. BOSWELL. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I think that we are kind of on the same frequency around here, but I am not too sure we understand. Today I voice my opposition to this resolution, House Resolution 93. It is merely a directive for change. Pressuring changes in the CPI does nothing more than politicize the entire CPI calculation in an attempt to avoid the hard choices required to balance our Nation's budget. This calculation should not be used as a political tool.

If the CPI needs to be adjusted, the Bureau of Labor Statistics is already charged with that responsibility. There is no need to politicize this topic. I am committed to balancing the budget but not by forcing cutbacks on our seniors and our veterans, nor by placing hidden tax hikes on the middle class.

□ 1500

Our seniors have already been subjected to large cuts in an effort to balance the budget and should not be singled out again with this politically motivated ploy. Hidden in all of the debate to change the CPI is a tax hike for every American.

The CPI is used to calculate the index for the standard deductions for income tax purposes. The end result of a politically motivated decrease in the CPI is especially damaging to our seniors and veterans, and that is unacceptable. I urge my colleagues to vote "no" on this misguided attempt to inject politics into the calculation of the CPI.

Mr. FATTAH. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Speaker, first of all, let me thank my good friend from Pennsylvania [Mr. FATTAH] for the efforts that he has made to try to make certain that we have a reasonable and accurate portrayal of exactly what the CPI is. I want to particularly thank the gentlewoman from New York [Mrs. MALONEY] as well as the gentleman from Pennsylvania [Mr. FOX] for their efforts.

Every once in a while an issue comes before the House of Representatives that unites Democrats and Republicans in our combined abhorrence to the patent unfairness that can occur due to the politicalization of an issue. That is exactly what has occurred with the CPI.

Make no mistake about it. This CPI issue went to the heart of what America stands for, whether or not we are going to go out and balance the budget of this country by simply increasing a hidden tax on the poor, the senior citizens, the veterans of this country, and the working families whose increases in their annual incomes are tied directly to the BLS stipulated numerical equation that determined what the level of those increases might be.

I have been a prime supporter of a balanced budget. I believe we ought to have a balanced budget. But I believe we ought to have a balanced budget by virtue of proper accounting and not by going in and reaching into the pockets of the poor and the vulnerable senior citizens.

People say let us have an accurate CPI; I say fine. But the truth of the matter is that, if we look at how much it costs to retire and what the cost of retirement really is for the average Social Security beneficiary in America, it is much higher than the cost of living for a lot of other people.

If we really want an accurate CPI, there are many CPI's in America. There are CPI's that are going to vary differently. If one is an elderly person who is retired and has a high cost of prescription drugs, if one has to take care of lots of medical bills, in every other account of the government we take into account the rising cost of health care. But in CPI, it is all melded together into one single number. We do not take into account the differences between what it costs to retire if one is elderly and what it costs to live if one happens to be much more wealthy.

I believe that the efforts that we have made here in the Congress, when I was able to go out and attract 55 Members of the Congress on both sides of the aisle to get a letter sent to President Clinton saying, if they were going to include this unconscionable act of lowering the CPI in the budget agreement, that we would have a separate vote on that issue on the House floor.

Second, we wrote letters to both the Chairman as well as the ranking member on the Committee on the Budget suggesting to them that this was an unfair and an unwarranted act by those individuals that were trying to balance the budget on the backs of our retirees.

So I say, if we want to go after Social Security, be honest with folks. Take on the people that are wealthy that have gotten more out of the system than they paid into it, but do not reach into the back pockets of the poor and the vulnerable in order to balance the budget of America.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentleman from Pennsylvania [Mr. FATTAH] for his leadership and really tapping into the heart of the issue. There is not a time that I am not visiting with constituents in my community, mainly seniors and veterans, who are concerned about what happens to them with a falsified political adjustment of the CPI.

Now, those of us who rise on the floor to argue for that protection of that number may get accused on many occasions of not wanting to balance the budget and wanting to throw money away; and we say no, we simply want to give to those who have been veterans and senior citizens, who have worked all of their lives, a fair shake.

How is it when we talk to seniors in our districts and they say to us, I cannot make ends meet. I do not know how I am going to eat at the end of the month. My prescription costs are enormous, and I cannot even pay for those.

This bill is clearly a very positive statement that says that the BLS should be the only entity that offers to merit the kind of analysis we need to deal with the CPI. I do not know any other institution, the Federal Reserve, the debate on the floor of the House, that would have the accuracy and integrity that would cause us to be able to support those who need us most.

I join my colleague, the gentleman from Massachusetts [Mr. KENNEDY], to say the most vulnerable are the ones that this House most needs to stand up on the side of. That is those who cannot come here and speak for themselves, do not walk the halls of Congress. But yet, every single day, we need to pay tribute to the years of work of our senior citizens and certainly the sacrifice that many of our veterans have given.

It saddens me when every time I hold a town hall meeting I hear seniors say, are you going to save the CPI or are we going to suffer even more? For that reason, let me add my support to this legislation and add my support to supporting the most vulnerable, particularly, if I might say, our seniors and our veterans. Let us give them a fair shake.

Mr. FATTAH. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota [Mr. MINGE], our final speaker.

Mr. MINGE. Mr. Speaker, Congress is ultimately responsible for determining the scope and extent of programs that have been established by Congress, and this includes retirement programs, it includes a tax system, it includes the Bureau of Labor Statistics operations.

I think that all of us understand and recognize that the Bureau of Labor Statistics established the Consumer Price Index several decades ago. It was to be an index that essentially reflected certain retail prices that were paid by American consumers. It was not intended to be an inflation index. It was not intended to necessarily be a cost-of-living index. Instead, it was simply an index that was established and continued based on traditions established at the Bureau of Labor Statistics.

Over the years, the Bureau of Labor Statistics identified inaccuracies in its own index, and occasionally it would implement changes, corrections it felt necessary. Usually these changes would be made without undue controversy, and sometimes the Bureau of Labor Statistics found itself under severe attack from Congress itself for making corrections to implement changes for a more accurate Consumer Price Index.

We face a parallel situation here in 1997. The Bureau of Labor Statistics is gun-shy. It knows that, if it makes the changes in CPI that are important for accuracy, it is treading on the toes of powerful interest groups in our political system.

We had the opportunity last week to seriously address this question in Congress, but with the new-found sum of $225 billion from the Congressional Budget Office, the decision was made: This is too tough, let us put it off the table. What is the consequence? We in Congress are not providing any guidance to the Bureau of Labor Statistics, as even the Bureau of Labor Statistics has indicated it needs some guidance from Congress. We are shirking our responsibility.

One group here has proposed such a change. The Blue Dog coalition proposed a budget with a correction, and with a flat COLA, to try to be fair to low-income Americans. I think that we should reexamine our goals here in this institution.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume.

Let me conclude by thanking my colleague, the gentleman from Indiana [Mr. SOUDER]. We came into the Congress together, and we served together on the House Government Reform and Oversight Committee and also on the Committee on Education and the Workforce, for his deliberations here this afternoon and his willingness to share time with the minority. This is a very important issue.

We heard my colleague just suggest that the Bureau of Labor Statistics was looking for guidance from the Congress. Well, that is the purpose of House Resolution 93. We are providing that guidance. We are saying that we have the confidence in their ability and their expertise to determine appropriately within the level of limitations that exist what is indeed appropriate consumer price fluctuations in the market, and we would like to not have this be driven by political decisions or budget decisions.

I do understand the legitimate and authentic interests of Blue Dogs and others who have moved us along this continuum of a dialog to the day that Congress will, I think, indicate through this expression that we want to see BLS handle this matter and handle it without political interference.

So I rise in support finally of House Resolution 93 and I thank my colleague, the gentleman from Pennsylvania [Mr. FOX] for his leadership on this matter.

Mr. Speaker, I yield back the balance of my time.

Mr. SOUDER. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Pennsylvania [Mr. FATTAH] for his leadership. I enjoy working with him in our committee. It is the type of thing we need to do more often working in bipartisanship and common interests because, while we may have disagreements from time to time about the best way to achieve solutions, we are legitimately concerned and share the common concerns about what is going on in our country. While we may disagree, sometimes, and more often than not, we are going to agree on what the problems are and even on what many of the solutions are, and this is one of the examples.

I also want to address some of the concerns raised by the distinguished gentleman from Minnesota, as well as from Texas concerning the Blue Dog budget and put this into kind of a summary of what we have heard here on the floor in debate. It is not likely that any Member is going to walk down to the floor and say, oh, I believe it ought to be calculated for political purposes.

There is a small group of people who are definitely committed to balancing the budget who believe that the CPI is incorrectly calculated. They have expressed their concerns, but that is not the way Congress works. Every time we change the CPI, we do not cut the deficit, we spend more money, and that is in fact what would happen.

Many Members who did not come down to the floor who have been doing their work in the back rooms, they have been anxiously trying to divide up what they were going to spend had we adjusted the CPI. They were not going to do that in front of the television cameras, they are going to do it in the back rooms.

I share some concerns that have been expressed that there has been some smoke and mirrors in the budget; we will see that as it unfolds in this agreement. But many of us believe that this should be a scientific process, not a political process, and it was coming to be a political process of how we could get more dollars away from senior citizens, away from families, away from veterans, so we could spend more for groups that were politically important to some Members or concerns about a TV ad here or a TV ad there. That is not the way we should adjust the CPI.

To summarize, this is a sense of Congress regarding the Consumer Price Index to take politics out of the process. The CPI is intended to provide as accurate as possible measurement of inflation and enables the Government to limit the impact of inflation for those most vulnerable to its bite.

The determination of the CPI also has significant long-term consequences on determining tax liabilities, as we heard from the gentleman from New Jersey [Mr. SAXTON] today. Our purpose today is to recognize that because of the tremendous importance of the CPI for average Americans, any modification of the CPI should be made by those most capable of doing so in the Bureau of Labor Statistics. It should not be a political football, it should not be something to try to take from one group to give to another. Its determination should be left in the hands of those most qualified to accurately measure inflation.

Senior citizens and taxpayers across this Nation owe thanks to my distinguished colleague from Pennsylvania, Mr. FOX, and his cosponsors, the gentleman from Pennsylvania, Mr. ENGLISH, the gentlewoman from New York, Mrs. MALONEY, and the gentleman from Massachusetts, Mr. KENNEDY. This decision should be based on the best policy, not on politics.

Mr. CAPPS. Mr. Speaker, I rise today in support of this resolution to affirm that any changes made to the Consumer Price Index [CPI] only be made by the Bureau of Labor Statistics [BLS]. This is a matter of grave importance to millions of Americans; it is not just a matter of accounting.

Recently, the Boskin Commission Report stated that CPI overstates inflation by as much as 1.1 percent. Since that time, commentators and some Members of Congress have urged that Congress take this recommendation and immediately lower the CPI. Lowering the CPI by 1.1 percent would result in increasingly large annual savings, starting at $6 billion in fiscal year 1998 and rising to nearly $70 billion in fiscal year 2002. That is certainly an incentive to lower the CPI.

But these savings would come in large part from reductions in the cost of living increases for Social Security recipients, veterans, and other Federal retirees. This is unfair and unjust. We should not balance the budget on the backs of seniors and others who have spent their lives in the service of their country.

More importantly, making such an arbitrary change would be wrong. The CPI should reflect the rate of inflation, not the need for politicians to balance the budget. I have full confidence in the BLS to make any necessary adjustments in a timely manner to reflect changing conditions in our economy.

I am one of nine cosponsors of this legislation. I have also written, along with several of my colleagues, to the President and Budget Committee Chairman KASICH urging them not to include an automatic CPI adjustment in the budget agreement and calling for separate vote on any adjustment should it be included in the budget resolution.

To a degree those efforts have been successful, as the budget agreement now only assumes a very slight change in the CPI. I oppose even that provision and will work with my colleagues to strike any such language from the budget resolution when it comes to the House floor should that be necessary.

I urge my colleagues to support this legislation.

Mr. SOUDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. SNOWBARGER]. The question is on the motion offered by the gentleman from Indiana [Mr. SOUDER] that the House suspend the rules and agree to the resolution, House Resolution 93.

The question was taken.

Mr. FOX of Pennsylvania. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SOUDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 93.

The SPEAKER pro tempore [Mr. SNOWBARGER]. Is there objection to the request of the gentleman from Indiana?

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

☐ 1515

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. GOODLATTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, May 1, 1997, amendment No. 9 offered by the gentleman from Illinois [Mr. JACKSON] had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

AMENDMENTS OFFERED BY MR. LAZIO OF NEW YORK

Mr. LAZIO of New York. I ask unanimous consent that the following amendments be considered en bloc, Mr. Chairman, and I will read off the following amendments:

Amendment No. 48 offered by the gentleman from Michigan [Mr. SMITH]; amendment No. 47 as printed in the RECORD offered by the gentleman from Pennsylvania [Mr. KLINK]; amendment No. 1 offered by the gentlewoman from Colorado [Ms. DEGETTE]; amendments Nos. 23 and 24 offered by the gentleman from Minnesota [Mr. VENTO]; amendment No. 49 offered by the gentleman from Mississippi [Mr. TAYLOR]; amendments Nos. 20 and 21 offered by the gentleman from Ohio [Mr. TRAFICANT]; amendment No. 28 offered by the gentleman from Nevada [Mr. ENSIGN]; and amendment No. 33 offered by the gentlewoman from Connecticut [Mrs. JOHNSON].

The CHAIRMAN. The Clerk will designate the amendments.

The text of amendment No. 48 is as follows:

Amendment No. 48 offered by Mr. SMITH of Michigan: Page 15, line 21, strike "includes" and insert "may include."

The text of amendment No. 47 is as follows:

Amendment No. 47 offered by Mr. KLINK: Page 69, line 14, after the period insert the following:

The Secretary shall require that each such agreement for local cooperation shall provide that, notwithstanding any order, judgment, or decree of any court (including any settlement order), before making any amounts provided under a grant under this title available for use for the production of any housing or other property not previously used as public housing, the public housing agency shall—

(1) notify the chief executive officer (or other appropriate official) of the unit of general local government in which the public housing for which such amounts are to be so used is located (or to be located) of such use;

(2) pursuant to the request of such unit of general local government, provide such information as may reasonably be requested by such unit of general local government regarding the public housing to be so assisted (except to the extent otherwise prohibited by law) and consult with representatives of such local government regarding the public housing.

The text of amendment No. 1 is as follows:

Amendment No. 1 offered by Ms. DEGETTE: Page 71, line 19, before the semicolon insert "and including child care services for public housing residents".

The text of amendment No. 23 is as follows:

Amendment No. 23 offered by Mr. VENTO: Page 104, line 24, insert after "program" the following: ", including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for this IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

The text of amendment No. 24 is as follows:

Amendment No. 24 offered by Mr. VENTO: Page 193, line 21, insert after "program" the following: ", including a family that includes a member who is an alien lawfully admitted for permanent residence under the Immigration and Nationality Act who would be entitled to public benefits but for title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996".

The text of amendment No. 49 is as follows:

Amendment No. 49 offered by Mr. TAYLOR of Mississippi: Page 287, after line 15, insert the following new paragraph:

(6) TREATMENT OF COMMON AREAS.—The Secretary may not provide any assistance amounts pursuant to an existing contract for section 8 project-based assistance for a housing project and may not enter into a new or renewal contract for such assistance for a project unless the owner of the project provides consent, to such local law enforcement agencies as the Secretary determines appropriate, for law enforcement officers of such agencies to enter common areas of the project at any time and without advance notice upon a determination of probable cause by such officers that criminal activity is taking place in such areas.

Page 287, line 16, strike "(6)" and insert "(7)".

The text of amendment No. 33 is as follows:

Amendment No. 33 offered by Mrs. JOHNSON of Connecticut:

Page 316, after line 19, insert the following new subsection:

(c) INELIGIBILITY OF SEXUALLY VIOLENT PREDATORS FOR ADMISSION TO PUBLIC HOUSING.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a public housing agency shall prohibit admission to public housing for any household that includes any individual who is a sexually violent predator.

(2) SEXUALLY VIOLENT PREDATOR.—For purposes of this subsection, the term "sexually violent predator" means an individual who—

(A) is a sexually violent predator (as such term is defined in section 170101(a)(3) of such Act); and

(B) is subject to a registration requirement under section 170101(a)(1)(B) of 170102(c) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(a)(1)(B), 14072(c)), as provided under section 170101(b)(6)(B) or 170102(d)(2), respectively, of such Act.

Page 316, line 20, strike "(c)" and insert "(d)".

Page 316, lines 21 and 22, strike "and (b)" and insert ", (b), and (c)".

Page 317, line 22, strike "(d)" and insert "(e)".

Page 318, line 13, strike "(e)" and insert "(f)".

Page 321, line 9, after "CHILDREN" insert "AND SEXUALLY VIOLENT PREDATORS".

Page 321, line 11, after the comma insert "the Federal Bureau of Investigation,".

Page 321, line 15, insert a comma before "and".

Page 321, line 18, after "under" insert the following: "the national database established pursuant to section 170102 of such Act or".

Page 321, line 19, after "program" insert ", as applicable,".

Page 323, line 12, after "criminal record" insert "(including on the basis that an individual is a sexually violent predator, pursuant to section 641(c))".

Page 323, line 21, strike "641(d)" and insert "641(e)".

The text of amendment No. 20 is as follows:

Amendment No. 20 offered by Mr. TRAFICANT:

Page 332, after line 2, insert the following:

SEC. 706. REGIONAL COOPERATION UNDER CDBG ECONOMIC DEVELOPMENT INITIATIVE.

Section 108(q)(4) (42 U.S.C. 5308(q)(4)) of the Housing and Community Development Act of 1974 is amended—

(1) by striking "and" after the semicolon in subparagraph (C);

(2) by redesignating subparagraph (D) as subparagraph (E); and

(3) by inserting after subparagraph (C) the following:

"(D) when applicable as determined by the Secretary, the extent of regional cooperation demonstrated by the proposed plan; and".

The text of amendment No. 21 is as follows:

Amendment No. 21 offered by Mr. TRAFICANT:

Page 335, after line 6, insert the following new section:

SEC. 706. HOUSING COUNSELING.

(a) EXTENSION OF EMERGENCY HOMEOWNERSHIP COUNSELING.—Section 106(c)(9) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(c)(9)) is amended by striking "September 30, 1994" and inserting "September 30, 1999".

(b) EXTENSION OF PREPURCHASE AND FORECLOSURE PREVENTION COUNSELING DEMONSTRATION.—Section 106(d)(13) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701(d)(12)) is amended by striking "fiscal year 1994" and inserting "fiscal year 1999".

(c) NOTIFICATION OF DELINQUENCY ON VETERANS HOME LOANS.—

Subparagraph (C) of section 106(c)(5) of the Housing and Urban Development Act of 1968 is amended to read as follows:

"(C) NOTIFICATION.—Notification under subparagraph (A) shall not be required with respect to any loan for which the eligible homeowner pays the amount overdue before the expiration of the 45-day period under subparagraph (B)(ii).".

The text of amendment No. 28 is as follows:

Amendment No. 28 offered by Mr. ENSIGN: Page 333, after line 2, insert the following new section:

SEC. 708. TREATMENT OF PHA REPAYMENT AGREEMENT.

(a) LIMITATION ON SECRETARY.—During the 2-year period beginning on the date of the enactment of this Act, if the Housing Authority of the City of Las Vegas, Nevada, is otherwise in compliance with the Repayment Lien Agreement and Repayment Plan approved by the Secretary on February 12, 1997, the Secretary of Housing and Urban Development shall not take any action that has the effect of reducing the inventory of senior citizen housing owned by such housing authority that does not receive assistance from the Department of Housing and Urban Development.

(b) ALTERNATIVE REPAYMENT OPTIONS.—During the period referred to in subsection (a), the Secretary shall assist the housing authority referred to in such subsection to identify alternative repayment options to the plan referred to in such subsection and to execute an amended repayment plan that will not adversely affect the housing referred to in such subsection.

(c) RULE OF CONSTRUCTION.—This section may not be construed to alter—

(1) any lien held by the Secretary pursuant to the agreement referred to in subsection (a); or

(2) the obligation of the housing authority referred to in subsection (a) to close all remaining items contained in the Inspector General audits numbered 89 SF 1004 (issued January 20, 1989), 93 SF 1801 (issued October 30, 1993), and 96 SF 1002 (issued February 23, 1996).

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. KENNEDY of Massachusetts. Mr. Chairman, reserving the right to object, for the purposes of clarification, would the chairman of the Subcommittee on Housing repeat just by number the various amendments, because I was having a hard time following exactly which ones they were.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, in the printed RECORD it would be amendment No. 1, amendment No. 48, amendment No. 47, amendment No. 23, amendment No. 24, amendment No. 49, amendment No. 20, amendment No. 21, amendment No. 28, and amendment No. 33.

I would mention also to the gentleman that the gentleman from Pennsylvania [Mr. HOLDEN] has offered an amendment listed in the RECORD as amendment No. 45. We are attempting to revise that amendment. That is presently at the desk. If I can, when I am recognized, I will ask for an additional unanimous-consent request to include the amendment of the gentleman from Pennsylvania in the en bloc application.

Mr. KENNEDY of Massachusetts. Continuing to reserve my right to object, Mr. Chairman, the gentleman is asking for unanimous consent to do so?

Mr. LAZIO of New York. When I am recognized, or if the gentleman would like, we can include the amendment offered by the gentleman from Pennsylvania [Mr. HOLDEN] in the en bloc request. We simply did not have it at the time we offered this. The language had not been drafted. But I am willing to include that en bloc to help accommodate the minority on this.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the clarification of the gentleman from New York on those various amendments. Those are the ones that I think his staff and my staff had agreed to offer en bloc. I appreciate the chairman's willingness to cooperate on this, the start of what could be a long day, or might not be so long if we continue along those lines.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. The Chair would ask the gentleman from New York [Mr. LAZIO] if all of the other amendments other than amendment No. 45 are as printed in the RECORD.

Mr. LAZIO of New York. Yes, Mr. Chairman, they are as printed in the RECORD. When it is appropriate, I would ask for recognition for another unanimous-consent request.

Mr. WATT of North Carolina. Reserving the right to object, Mr. Chairman, and I hope I am not planning to object, I just wanted to be clear. I missed the description of what was included.

The specific thing that I want to find out whether it is included is whether the gentleman has included the amendment offered by the gentleman from Florida [Mr. MCCOLLUM] on the occupancy standard.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, this amendment is not offered en bloc at this time. It is my understanding that the gentleman from Florida [Mr. MCCOLLUM] is offering that under title VII. I do not anticipate offering it en bloc.

Mr. WATT of North Carolina. Continuing my reservation of objection, Mr. Chairman, I would ask the gentleman, everything in this en bloc amendment is in title I?

Mr. LAZIO of New York. If the gentleman will continue to yield, Mr. Chairman, this en bloc amendment is a cross-title application, and some of these amendments are outside of the title that we are in, which is still title I, as I recall.

Mr. WATT of North Carolina. As long as I am assured that it does not include the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

Mr. LAZIO of New York. That is correct.

Mr. WATT of North Carolina. Mr. Chairman, I withdraw my reservation of objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that amendment No. 45, as modified, be included in the unanimous-consent request of amendments to be considered en bloc.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOLDEN:

SEC. 709. For the Tamaqua Highrise project in the Borough of Tamaqua, Pennsylvania, the Secretary of Housing and Urban Development may require the public housing agency to convert the tenant-based assistance under section 8 of the United States Housing Act of 1937 to project-based rental assistance under section 8(d)(2) of such Act, notwithstanding the requirement for rehabilitation or the percentage limitations under section 8(d)(2). The tenant-based assistance covered by the preceding sentence shall be the assistance for families who are residing in the project on the date of enactment of this Act and who initially received their assistance in connection with the conversion of the section 23 leased housing contract for the project to tenant-based assistance under section 8 of such Act. The Secretary may not take action under this section before the expiration of the 30-day period beginning upon the submission of a report to the Congress regarding the proposed action under this section.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York [Mr. LAZIO] that amendment No. 45, as modified, be included in the en bloc request?

There was no objection.

The CHAIRMAN. Is there objection to the original request of the gentleman from New York [Mr. LAZIO] that the amendments be considered en bloc?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, these are 11 amendments that have been offered by Members on both sides of the aisle that will serve, I think, to strengthen the bill and eliminate issues of controversy that we could accommodate. I am appreciative of the Members who have offered these amendments.

If I can go through briefly what we have done here, and I mean briefly, we have the amendment offered by the gentleman from Michigan [Mr. SMITH] that changes the definition of resident programs to include certain listed activities. I understand he worked with the gentleman from Massachusetts on that, and that that amendment now is not controversial.

There is the amendment offered by the gentleman from Pennsylvania [Mr. KLINK], amendment No. 47 and the other gentleman from Pennsylvania [Mr. DOYLE] which requires local cooperation and agreement when production of public housing on property not previously used as public housing is anticipated.

There is amendment No. 1 offered by the gentlewoman from Colorado [Ms. DEGETTE], and that provides that child care services for tenants is an eligible activity for operating expenses. I think that is certainly an appropriate amendment, and clarifies the intent of the sponsor of the legislation.

There is amendment No. 23 offered by the gentleman from Minnesota [Mr. VENTO], that clarifies that a family which includes a lawfully admitted resident would be eligible for the hardship exemptions for minimum rents in public housing as long as that person is a member of the family.

There is amendment No. 24 offered by the gentleman from Minnesota [Mr. VENTO], again, another amendment that speaks to hardship exemptions regarding choice-based or vouchers, and the other amendment spoke to public housing.

There is amendment No. 49 offered by the gentleman from Mississippi [Mr. TAYLOR], a very strong amendment that provides that section 8 project-based assistance will not be provided to projects unless the owners consent to allow law enforcement officials into the common areas of projects without advanced notice if they believe that a criminal activity is occurring.

There are amendments Nos. 20 and 21 offered by the gentleman from Ohio [Mr. TRAFICANT]. Amendment No. 20 increases and enhances our protections to ensure that there is regional cooperation under CDBG, the community development block grant, and this is an effort to try and encourage regional planning and economic development, which I think is a very strong amendment as well; and amendment No. 21 offered by the gentleman from Ohio [Mr. TRAFICANT], which extends home ownership counseling, and requires notification of availability of owner ownership counseling to veterans, a very strong amendment, speaking to our veterans and making sure they understand the availability of this counseling.

There is amendment No. 28 offered by the gentleman from Nevada [Mr. ENSIGN], which speaks to a problem that could conceivably require an adverse action involving some senior projects in the State of Nevada; the amendment offered by the gentleman from Pennsylvania [Mr. HOLDEN], which we have discussed; and the amendment offered by the gentlewoman from Connecticut [Mrs. JOHNSON], amendment No. 33, a particularly strong amendment.

I want to mention that some of these amendments speak to the issue of making sure there is safety and order in public housing. Simply because one has limited means in order to afford a rental unit or to purchase their own place does not mean that they should not have the absolute right to have peaceful enjoyment of those units.

There are several of these amendments that speak to that ability, and particularly that of the gentlewoman from Connecticut [Mrs. JOHNSON], amendment No. 33, which prohibits the admission of sexually violent predators to public housing. I am sure she will be speaking to that. It is a very important amendment. I wish we would have thought about it earlier, but I compliment the gentlewoman for having done it.

That is a description, generally speaking, of the amendments, 11 all told, offered by Members on both sides of the aisle, that I think again strengthens and enhances this bill and will allow us to move this bill forward from the strongest possible posture.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my amendment, which has been included in today's en bloc amendment, would ban violent sexual predators from public housing in this country. These are people who have been convicted of the worst crimes imaginable, and who have been identified as likely to repeat the offense. It is simply wrong for taxpayer dollars to be used to allow people who have stalked and attacked women and children to live where the majority of tenants are children and single mothers.

At a public housing project in Chicago recently, according to press reports, a previously convicted sex offender was charged with assaulting and molesting a 9-year-old girl who lived in the same building.

First, he allegedly abducted her as she was walking upstairs. Then he took her into an apartment, molested her, choked her until she was unconscious. He poured poisonous liquid down her throat and left her.

□ 1530

Mr. Chairman, my legislation will not eliminate violence against children. I wish it were that easy. But it will send a clear message that Congress is not going to use taxpayers' hard-earned money to provide subsidized public housing to people who have committed unspeakable acts of evil against children.

H.R. 2 for the first time gives housing authorities access to State information on registered sex offenders, and allows public housing officials to reject an application for subsidized housing if they have reason to believe the applicant poses a threat to other tenants. That is a giant step forward, and I commend the committee on their action.

But in addition, my zero tolerance amendment would mandate that public housing officials automatically reject any application from sexually violent predators.

Mr. Chairman, study after study has shown that many people, most people, in fact, guilty of violent sexual crimes against children repeat their offenses and attack many, many children. According to one report, 71 percent of all pedophiles knew their victims prior to the crime. The typical offender molests on average, on average, hear that, on average 117 children. That is right. Members heard it right, 117 children.

Nearly 40 percent of the inmates serving time in State prisons for violent sex offenses said their victims were 12 years old or younger. These statistics were supplied to me by the National Center for Missing and Exploited Children, which supports my amendment. What these statistics say really loud and clear is that it is time for zero tolerance.

I urge my colleagues to support the amendment and keep our children safe.

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the Johnson-Castle-Foley amendment, which the gentlewoman from Connecticut just spoke about, which is contained as part of the en bloc amendment, as was suggested by the sponsor of the legislation.

Under the zero tolerance for sexual predators amendment I am offering with the gentlewoman from Connecticut [Mrs. JOHNSON] and the gentleman from Florida [Mr. FOLEY], housing authorities and owners of public housing would be required to reject any application submitted to them by violent sexual predators.

Less than 2 weeks ago in my home State of Delaware, I spent the day with Delawareans living in Federal-assisted housing. I spoke with parents and children and got a firsthand look at life in public housing. During my visit I was approached by a little 4-year-old boy named Danny, who wanted me to toss a ball around with him. Danny's family lives in good, well-maintained public housing, working very hard to make ends meet.

I thought to myself, the last thing Danny's family needs to worry about is whether he could be stalked by a dangerous sexual predator living near them in public housing.

Mr. Chairman, according to HUD, there are currently over 1 million children nationwide living in public housing. In Delaware alone, over 3,500 children reside in taxpayer-subsidized housing.

According to an analysis published by the Bureau of Justice Statistics, two-thirds of convicted rape and sexual assault offenders said their victims were under the age of 18; nearly half said their victims were 12 years of age or younger.

Mr. Chairman, our amendment would require public housing authorities to automatically reject any application received from a convicted violent sexual predator. These individuals would have had to commit the most egregious crime against a child, as defined by the Jacob Wetterling provisions passed by this House and signed into law in 1994, in order to be denied public housing.

Under H.R. 2 as currently written, housing officials are given the authority to screen out applicants and their family members who are engaged in criminal activity. I amended the legislation in committee to give authorities access to State sex offender registration rolls, arming them with the most up-to-date and accurate information in order to properly screen out sex offenders. The zero tolerance amendment goes one step further by requiring public housing authorities to deny public housing to those individuals, violent sex offenders, who prey upon our children.

Mr. Chairman, we believe that parents have the right to sleep better at night, knowing that housing authorities are screening out and denying housing to the most violent sexual predators. If my colleagues believe in this right also, I urge them to support the zero tolerance amendment as part of the en bloc amendment to bar violent sexual predators from our country's public housing.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New York [Mr. LAZIO] and the Democratic handlers of this bill for including an amendment. It was brought to my attention when traveling the streets of Bay St. Louis with one of our police officers, Officer Ernest Taylor, the great frustration that he had come to witness, and that is that in the publicly owned, publicly operated housing areas of the city, they were able to, in a contract with those people who moved in, get their permission to search the common grounds of those publicly owned public housing areas at any time. Through that they had virtually eliminated crime in that part of town.

Unfortunately, it had shifted the crime, in particular, drug sales, to those things that were privately owned but publicly leased housing areas because similar contracts were not available under section 8 housing.

This amendment would allow for the consensual agreement between a landlord and a tenant, and this would require a consensual agreement between a landlord and a tenant that those privately owned but publicly leased properties, the common areas of them such as parking lots, courtyards, grounds, streets that run through a development, picnic facilities, the resident centers, basketball grounds, would be available so that with probable cause the police could search those people for any violation of the law and, in particular, drug sales.

The amendment that I am offering and the manager has been nice enough to accept would make owner consent a condition of participation in the section 8 program for property owners who are either entering a new contract or renewing an expiring contract. The Department of Housing and Urban Development estimates that 1.8 million section 8 contracts assisting a total of 4.4 million low-income persons are set to expire this year.

Currently law enforcement officials are allowed access to common areas of public housing units. However, the police must be invited on to section 8 housing projects by either the property owner or tenants in order to respond to a complaint.

This problem was pointed out to me by Officer Taylor of the Bay St. Louis Police Department. I recently accompanied him on his beat as a civilian participating in a ride-along program, and Officer Taylor is one example, also, of how the Cops Program works.

Officer Taylor explained to me that he and his colleagues have been able to eradicate nearly all the drugs and drug-related crimes in the city's publicly owned housing units through the success of the Cops Programs and HUD's Drug Elimination Grant Program.

Unfortunately, because of the increased police presence in the public housing common areas, many of the city's criminals have moved their drug trade and related criminal activities to the city's section 8 housing.

This is just not right. They are both publicly paid for. They are both a privilege for those people who live there. And it just makes common sense that people should be willing to give up a little bit in order to get subsidized housing and in order to eradicate crime from that part of town.

This amendment would provide local law enforcement with the flexibility they need to protect residents of section 8 housing programs from those who sell drugs and perpetrate violent crimes, the sort of crimes that the gentlewoman from Connecticut [Mrs. JOHNSON] was talking about.

In addition, the amendment is mindful of property owners' rights because the amendment does not apply to existing contracts, only those that are either new or those that are being renewed after expiring.

It is also mindful of the rights of citizens who live in public assisted housing, in that the police must have probable cause of a criminal activity taking place before they are allowed to venture into section 8 properties.

I want to thank Officer Taylor for bringing this problem to my attention. I want to thank the gentleman from New York [Mr. LAZIO] and the other managers of this bill for being willing to address it.

I encourage my colleagues to vote for the amendment.

Mr. TRAFICANT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to thank the chairman of the committee, the gentleman from New York [Mr. LAZIO], for the fine job he has done, and appreciate the fact that he has worked with me and my staff to work out a couple of important amendments.

I want to thank the gentleman from Massachusetts [Mr. KENNEDY] for also concurring with the chairman. I appreciate the job that he has done.

I would like to talk briefly about the two amendments. The first one deals with economic development initiative grants. It has a number of criteria but one of those criteria is not, let me say, is not getting the administration to look at regional cooperation.

Too many of our cities have become islands, set right in the middle with the outside unattached, and my simple little amendment says, let us look at the regional application when we decide if we are going to give these grants, and let us start involving all in that general metropolitan area that could help to turn things around.

The second one, though, I think is very important for veterans, it is very important for family homes, and it is very important to stave off foreclosures. Years ago, I had occasion to be sheriff in Mahoning County, OH, and I had noticed a couple unemployed steelworkers that missed one payment and the banks were moving on their homes.

So I resisted and I went and signed those transfer deeds, and they could not in fact foreclose on the homes without signing those transfer deeds. Little did I know they would end up putting me in jail. But they put me in jail, and it brought a spotlight to the whole problem, and we have been able to mitigate that.

When I came to Congress, we passed a little, simple law. That law says they have to give a 45-day notice of delinquency, and there shall be a 1–800 number given to that borrower that is behind and delinquent so that perhaps they could work out to save the family home. That has worked. The Traficant amendment deals with the issue that right now veterans, VA loans, the veteran does not get a notice until 105 days.

Here are the simple statistics. FHA-backed loans have much higher delinquency, but VA-backed loans have almost as much foreclosure. The reason is that 105-day notice is not timely. By that time it has gone so far delinquent, they cannot work it out. By applying that 45-day notice, it will provide for intervention and the saving of the family home by stopping foreclosures. In addition to that, it will also, in fact, save our Government an awful lot of money.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding to me.

I just want to speak in favor of this amendment. The gentleman from Ohio [Mr. TRAFICANT] put himself at great personal risk before he came to the Congress by standing up for the people in his district that were unfairly losing their homes.

I have seen in my own congressional district the same kind of actions taken by predatory practices of banks that send people, send individuals up to the statehouse. They find these deeds where elderly people have paid off all of their mortgages. They go in. They bang on the elderly individual's door, tell them that they need a new roof or new siding and the like, and the next thing we know they are paying these unbelievable rates of interest on the loan payments. And as a result, within 2 or 3 months, they end up losing their homes.

We actually had legislation that was passed in the Congress that would have prevented those kinds of actions in the last Congress. Unfortunately, on a very narrow vote on the Committee on Banking and Financial Services, this provision was knocked out. It is something that I note if the gentleman from Ohio [Mr. TRAFICANT] served on the Committee on Banking and Financial Services, he would have fought with us.

But it was unfortunate that a Member who offered the amendment to knock out that provision happened to come from his own district, the company that was sponsoring the legislation, which was ultimately too bad. And those are the kinds of, if somebody wants to do investigative reporting, that is the kind of investigative reporting that would be very helpful around here.

In any event, it seems to me that this is an important provision. I want to thank my good friend from Ohio for the fine work he does here in general and the work he has done on this bill.

Mr. TRAFICANT. Mr. Chairman, I want to thank the ranking member. I want to thank the Congress, thank the chairman and ranking member for accommodating this language. I think it will help to save family homes. I urge an "aye" vote on the en bloc amendments.

The CHAIRMAN. The question is the amendments offered by the gentleman from New York [Mr. LAZIO].

The amendments were agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT NO. 26 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 26 offered by Ms. WATERS: Page 57, strike lines 14 through 22 and insert the following:

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises.

Ms. WATERS. Mr. Chairman, I offer this amendment along with my distinguished colleague, the gentlewoman from Michigan [Ms. KILPATRICK] to retain current law relating to the administrative grievance procedure used in public housing agencies throughout the country.

Specifically, we propose that evictions, excepting those for criminal or drug-related activities, remain under the purview of the grievance procedure. The grievance procedure, in place since 1971 and amended in 1990 and 1994, has proven to be an efficient, low-cost procedure for resolving disputes.

H.R. 2 repeals current law by mandating that public housing agencies exclude all evictions from the grievance procedure, not merely drug or criminal related activity.

□ 1545

This mandate is bad public policy, inefficient and unfair and causes undue Federal interference.

Any concerns that the grievance procedure might not be appropriate in certain circumstances were addressed in 1990, when the law was changed to allow housing authorities to exclude evictions involving drug-related and criminal activity from the grievance procedure.

The negative effects of soaring litigation costs and an increasingly adversarial justice system are other reasons to encourage the use of the grievance process. To force the tenant who faces an eviction into a civil proceeding is to deny most tenants any opportunity for a just and mutually beneficial resolution to the problem. Study after study shows that tenants not represented by attorneys are at a tremendous disadvantage in civil proceedings.

Finally, the fact that this exclusion is mandated by the Federal Government on local public housing authorities flies in the face of local control that has informed much of this debate. There is plenty that needs changing in public housing. The grievance procedure is not one of them.

Ms. KILPATRICK. Mr. Chairman, will the gentlewoman yield?

Ms. WATERS. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Chairman, I am happy to cosponsor this amendment with our esteemed colleague from California, Ms. WATERS, who has provided leadership in this Congress for several years.

We are in a very intense debate on H.R. 2. We spent a couple days last week really talking about the issues, understanding that America has a very large poor, homeless population, many of whom have no homes and are homeless, others who will be homeless if H.R. 2 passes in its current form.

As the gentlewoman from California just stated, the grievance procedure, which is now a part of housing law, allows those with minor infractions, and I might highlight minor infractions, an avenue where they can discuss their concerns. As H.R. 2 allows HUD now to move much of the responsibility to local housing authorities, I believe it is imperative that we keep those grievance procedures intact.

The law also says that major infractions, that would include a breach of law or harm to health, those automatically would be evicted. But without a grievance procedure, public housing residents would have to go directly to court.

Our courts are already overburdened. The public defender's office has been cut drastically. The lawyers are overworked. And the people will be evicted. There is no avenue for those in public housing if H.R. 2 passes in its current form. So I support the Waters-Kilpatrick amendment. I would hope the rest here in the House support it.

We had a lot of debate last week about the work requirement, the 8 hours of volunteer work over the 25 hours that are already required for many people who live in public housing. Without this grievance procedure, I predict, and I hope it will not become law, that we will have more people who now have an avenue for minor infractions, such as noise, misplaced garbage, unruly children, to go to a tenants' council, a jury of their peers and decide what type of penalty short of eviction should be administered.

So I hope my colleagues support H.R. 2, the amendment that both the gentlewoman from California and myself are offering.

The CHAIRMAN. The time of the gentlewoman from California [Ms. WATERS] has expired.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

It is important that as we continue our debate on H.R. 2 that we think of the least in America. We all want changes in the public housing statutes, but what we do not want is to move people from their homes, move their children in the street and increase the homeless population.

The gentlewoman from California and I have thought this out thoroughly. It is a part of current law, the grievance procedure. As HUD moves to give more authority to local housing authorities, if we ask around the country, they want the procedure, they want to be able to deal with minor infractions so that their people can remain in public housing, become good citizens, and serve the public well.

So again, Mr. Chairman, we ask that our colleagues support the Waters-Kilpatrick amendment. Keep the grievance procedure and move to accept our amendment.

Mr. Chairman, my colleague from California, MAXINE WATERS, and I offered this amendment during committee consideration of H.R. 2. The amendment is very simple. The Waters/Kilpatrick amendment to H.R. 2 will reinstate current law. Residents of public housing agencies who have minor infractions would not be subject to a court hearing or immediate eviction. Residents who are guilty of activities that involve criminal activity, a threat to public health or safety, or the right to peaceful enjoyment would still be subject to eviction and a court procedure under the Waters/Kilpatrick amendment.

Currently, housing authorities administer grievance hearings in order to expeditiously and fairly resolve landlord/tenant disputes except those that involve evictions resulting from criminal activity or activity that threatens other tenant's health, safety, or right to peaceful enjoyment. The grievance process is presided over by an independent arbitrator and is similar to the popular alternative dispute resolution processes that precede or replace judicial action in many jurisdictions today. H.R. 2 amends current law by terminating a tenant's right to a grievance hearing if the hearing might result in an eviction and the tenant would have the right to pursue the issue in a court of law.

For example:

Infraction	Under H.R. 2	Under Waters/Kilpatrick
Didn't put the trash in the bin.	Go to court/eviction	Grievance hearing.
Kept a cow in your apartment.	Go to court/eviction	Go to court/eviction.
Children playing in the grass.	Go to court/eviction	Grievance hearing.
Selling drugs	Go to court/eviction	Go to court/eviction.
Painted the walls the wrong color.	Go to court/eviction	Grievance hearing.
Disturbing the peace	Go to court/eviction	Go to court/eviction.

H.R. 2 does away with grievance processes for non-criminal eviction in almost every State. Public housing tenants would be forced into court to resolve minor lease infractions. Grievance procedures protect tenants from homelessness. Finally, the grievance process is informal, non-intimidating, and saves taxpayers money.

In the interest of fairness, equality, and efficiency, I urge the adoption of my amendment.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise regretfully in opposition to the gentlewomen's amendment. This amendment would continue to create a dual system of resolving complaints, one for those people who may be equally poor, equally struggling but be in market rate units whose recourse is through the courts, and the current system that allows the most troublesome tenants to have two bites of the apple, both through the grievance procedure and then after that to elongate the whole process and move through the courts.

In this sense, the tenants that are potentially problem tenants are not easily removed. The housing authorities cannot quickly bring them before the court because they must go through this additional administrative grievance process that can be easily gamed.

We are saying both people in public housing and people outside of public housing must live by the same set of rules; that we have a common way of redressing grievances and violations of the law and violation of leases, and that is through the State court system.

The Waters amendment, which I think is well-intentioned, would allow a housing authority to exclude at its discretion only those individuals who were involved in activity that threatens the health, safety or right to peaceful enjoyment. That leaves a whole list or litany of other items that a tenant may be in violation of their lease for and for which they can force the housing authority to go first through this administrative grievance procedure and then, after that, they have the second bite of the apple, which is to go into the court system.

That is not available to anybody else throughout the country. If a tenant is a problem tenant elsewhere in the country outside of public housing, they must use the court system, which has been established to try and resolve these type of tenancy problems. That is the correct way of resolving these problems.

By creating a dual system that allows people in public housing to have two bites of the apple, to be able to go to first the grievance procedure and then through the court system, it perpetuates the potential trouble that is caused within the unit and potentially outside of the unit; it imposes additional burdens on the housing authority and on the management of the housing authority when they are desperately trying to struggle to ensure that there is peaceful enjoyment throughout the units and that the units are maintained in an appropriate way so that they can be easily let to somebody else when the need arises.

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, the gentleman did state correctly that not included in the grievance procedure at this time are those criminal acts and drug offenses. So we make sure that the most egregious offenses are not in the grievance procedure.

Would the gentleman agree that an offense such as not putting the trash in the bin or children playing on the grass should have to go to court rather than appearing before a grievance procedure that could be resolved?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, I would suggest that, in fact, the gentlewoman's amendment, as I read it, as I said before, I believe does affect those activities that threaten the health, safety, or right to peaceful enjoyment of the premises.

There are incidents, however, that may fall slightly below that threshold or may be questions of controversy as to whether they do or do not, and it shifts the burden to management to have to go through not one but two different processes. The point is that anybody else in life, when they are violating a part of the lease, are subject to having their differences resolved through the landlord-tenant courts. That is still available for people who are in public housing.

We encourage people in public housing, as we do with the management, to resolve their differences short of going to court. That is absolutely still possible.

We still want people in cases where there is minor differences to resolve them short of the judicial process. But if they cannot be resolved informally, then what we ought not be allowing is to have people who are problem people to have two bites of the apple and shift that burden entirely to the housing authorities.

And the people that are really burdened are not the managers or administrators of the housing authorities, but in fact the other residents that come perhaps after in that unit, that need that unit. It may not be available to them in the condition they may want or in other situations. It may in fact affect the whole unit.

The gentlewoman mentioned situations about trash and garbage. That may affect all the other tenants, if that has not been disposed of in an appropriate way.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I am not certain I am understanding the gentleman.

Is the gentleman saying if there are these minor infractions, that there will still remain in place a grievance procedure under H.R. 2?

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 1 additional minute.)

Mr. LAZIO of New York. Mr. Chairman, I would suggest to the gentleman that just as the case is now, we would encourage informal ways of resolving short of an administrative process with different procedures and prescriptions and short of the courts. We want people to work together to work out the most minor infractions. If they cannot be resolved, however, then certainly they have the courts to seek redress.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, I appreciate the gentleman suggesting that that is a process he would like to pursue. My understanding is that is exactly what the grievance procedure is.

In other words, the grievance procedure is set up to allow people that have a grievance, not a serious legal problem, but a grievance, to take that short of a legal case. So I think that procedure is set up to deal with exactly the kinds of cases that the gentleman described.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, the point again is that those issues can be resolved informally short of a formal process with rules and procedures.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman continue to yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, what kind of procedure would this be informally resolved with?

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 1 additional minute.)

Mr. LAZIO of New York. Mr. Chairman, I would suggest to the gentleman we do not need a procedure in order to resolve some of these smaller problems.

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will yield just on that point, how would the gentleman suggest that these are going to get resolved? The grievance procedure, I believe, is set up specifically to allow for a resolution of those disputes that are short of going to court.

As I understand it, we have not heard a lot of complaints about the grievance procedure, so my understanding is this is exactly the kind of procedure that I would think all of us in this Chamber would tend to support. Because what we want to do is say let us not overcrowd the court system if you do not like the color of the paint or if you have fish or dogs or something like that. We need some kind of procedure to solve this stuff.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, we would suggest that people resolve these issues the way they do in nonpublic housing, informally, working together, consensually, hopefully; if not, using whatever tools they have. There are people who have been involved in rent strikes, things like that, in order to resolve their problems. And if not, go to the courts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my two friends, the gentlewoman from California [Ms. WATERS], and the gentlewoman from Michigan [Ms. KILPATRICK].

I think their amendment is exactly on the money for exactly the reasons we just heard described. No one suggests that if there is a case that actually involves criminal activities that this should be resolved by a grievance procedure, but it does seem to me to be perfectly reasonable to suggest that we do not necessarily have to have every single dispute end up in court.

The notion, as anybody that has been in a dispute with a landlord, and having spent a few years in college and going through a few testy moments with landlords along the way, the truth is everybody has had problems and disputes with landlords. I think it is important that we set up an alternative procedure.

This is exactly where the courts nationally are going in terms of trying to suggest that we find alternatives to having every case end up in the court system.

I would also like to point out to the gentleman, my friend from New York, that there is, in fact, I think, an intimidation factor that takes place in this procedure. In far too many States, housing courts do not necessarily provide an attorney to a member of public housing. So what happens is, in all cases the housing authority is going to be represented by counsel.

□ 1600

The notion that if you paint the inside of your apartment the wrong color, if you happen to have dogs, this bill would prevent you from being able to have a dog, if you happen to have fish or other kinds of minor disputes. It does not seem to me that every one of these cases automatically ought to end up in a court situation. There is going to be a grave concern on behalf of the tenants if they have to end up going down to court in order to get a minor situation resolved that it is an unfair and unequal system.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. I thank the gentleman from Massachusetts for yielding. That is the crux of the amendment, exactly as the gentleman from New York [Mr. LAZIO] suggests. That when there is a minor dispute, when there is a minor disturbance, when there is some small infraction, that there is an avenue for the tenants to resolve it. If the current law which allows that is taken out, then there is no way to resolve it but to go to court, but to find an attorney.

That is the very reason why we want to keep the grievance procedures, for those minor situations, so the parties can talk them out. As we move from HUD to the housing authorities the administration's ability and the ability to watch over, to keep the property safe and clean, that has to be there. It has to be there.

Mr. KENNEDY of Massachusetts. If I could reclaim my time very briefly, if the chairman of the committee would rise for a colloquy.

Mr. Chairman, I wonder if the gentleman from New York, the chairman of the committee, might consider having the gentlewoman from California [Ms. WATERS] and the gentlewoman from Michigan [Ms. KILPATRICK] work with his staff to see whether or not there is a way to resolve this short of this amendment. Maybe we might be able to withdraw this amendment for the purposes of entertaining an opportunity and maybe go into one of the subsequent amendments and then come back to this debate if we cannot find a way of resolving it.

I would think that the chairman, if in fact the perception that we have on this side is true, that the grievance procedure is set up to avoid going to court, that it is in fact the kind of cooperative procedure that at least our side is being informed that it is, then it seems to me that there may be some way to adjust that that might meet the chairman's standards that would allow us to work around this particular issue. Would the chairman be willing to entertain such a proposal?

Mr. LAZIO of New York. If the gentleman will yield, certainly whenever the gentleman asks for me to try and enter into a discussion to try and see if we cannot find common ground, I would be happy to accommodate that. Let me also add that in order that we deal in reality, that I think from this side we would probably not be interested in anything that did not deal with the issue of bureaucracy, of having the sort of bureaucratic step here. So if there is some way of resolving or addressing the concerns, we can have a discussion about that and perhaps we can resolve it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I could not quite figure out whether the gentleman was saying there is no chance or there is a chance that we could work something out.

Mr. LAZIO of New York. There is always a chance when we talk.

Mr. KENNEDY of Massachusetts. In that case, why do they not try to get together. If the Chair could inform us as to what the proper procedure is to protect this amendment while there is an attempt made to work it out and then we could come back to it if there is no success.

The CHAIRMAN. Does the gentlewoman from California ask unanimous consent to withdraw the amendment at this time?

Ms. WATERS. Mr. Chairman, given the commitment of the chairman to work this out and bring it back to the floor, I ask unanimous consent to withdraw it for the time being, to be taken up before we finish the debate on the bill.

The CHAIRMAN. Is there objection to the request of the gentlewoman from California?

Mr. LAZIO of New York. Mr. Chairman, reserving the right to object, let me just add that if the application, and I would address this to the chairman if that is appropriate, when it might be appropriate to offer unanimous consent to allow the gentlewoman to resubmit or reoffer her amendment within the scope of this title before this title ends, I would be happy to, if she is withdrawing it with the right to reoffer it if we cannot resolve this within the title.

Ms. WATERS. I am withdrawing it with the right to reoffer it, yes.

The CHAIRMAN. The Chair would advise the gentlewoman from California and the gentleman from New York that if we are past title I at the time it is reoffered, it will take unanimous consent to reoffer the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, would it be possible then to allow her to reoffer this after title I?

The CHAIRMAN. If there is a unanimous-consent request and no objection is heard, it would be possible.

Mr. KENNEDY of Massachusetts. We can make that unanimous-consent request at this particular time, correct?

The CHAIRMAN. The Chair would entertain at this time any unanimous-consent request to return to title I for the purpose of this amendment only, or a modification thereof, at a future time.

Mr. KENNEDY of Massachusetts. Subsequent to title I, is that correct, Mr. Chairman?

The CHAIRMAN. That is correct. Is there objection?

Mr. LAZIO of New York. Mr. Chairman, if I could continue to reserve my right to object, I wonder if I could just prevail on the gentleman right now to withdraw his unanimous-consent request until we get near the end of the title. If it cannot be resolved, then we can talk about it. But we have some time right now to talk about it and we can do it within the title.

Mr. KENNEDY of Massachusetts. Mr. Chairman, to explain to the gentlewoman from California, I think the chairman has suggested that he would like us to act in good faith until we get near the end of title I. If we have not resolved it at the end of title I, I understand that he would not object to allowing the negotiation to continue beyond it. I would think, given the chairman's representation, we would be happy to accept those conditions.

The CHAIRMAN. Without objection, the amendment offered by the gentlewoman from California [Ms. WATERS] is withdrawn.

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment which has not been preprinted.

The Clerk read as follows:

> Amendment offered by Mr. WATT of North Carolina: Page 26, line 8, after the period insert the following: "The public housing agency shall ensure that each individual who provides work pursuant to the requirements under this paragraph receives compensation for such work at a rate that is not less than the minimum wage rate in effect under section 6(a)(1) of the Fair Labor Standards Act of 1938.".

Mr. WATT of North Carolina. Mr. Chairman, let me first say that I had preprinted in the RECORD an amendment which would have sought to strike the entire mandatory voluntarism requirement that this bill has contained in it. We had extensive debate about the mandatory voluntarism requirement last week, and it seemed to me that what people were saying was we want these people to work.

I want to make it clear that I also want everybody in America who is able-bodied and capable of working to work. I have never opposed in the context of welfare reform a work requirement. During the debate on welfare reform last year, I expressed serious reservations about forcing people to work without also making sure that jobs were available to them that they could work at. But I have never opposed having people work.

POINTS OF ORDER

Mr. LAZIO of New York. Mr. Chairman, could I just make a point of order, please?

The CHAIRMAN. The gentleman will state his point of order.

Mr. LAZIO of New York. Just an inquiry as to whether the amendment the gentleman from North Carolina is speaking to is amendment No. 27 as printed in the RECORD, or is it some other amendment?

Mr. WATT of North Carolina. Mr. Chairman, it is quite obvious the gentleman was not paying attention to what I was saying because I started my comments by saying this was not the amendment that was printed in the RECORD.

The CHAIRMAN. The Clerk reported an unprinted amendment.

Mr. LAZIO of New York. Mr. Chairman, I have an additional point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. LAZIO of New York. We did not have a printed copy. We now do. I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws his point of order.

Mr. WATT of North Carolina. I thank the gentleman. I apologize to the chairman, I thought he had a copy of the amendment. I had given it to the Clerk, and I thought she had given it to the other side. I was not trying to pull a fast one.

Mr. Chairman, this is not, I repeat, this is not the amendment that was printed in the RECORD. The amendment that was printed in the RECORD would have tried to amend the bill by striking out in its entirety the mandatory volunteer requirement. This amendment does not seek to strike out the mandatory volunteer requirement. What this amendment does is acknowledge the value of work but understand that work has associated with it the assumption that people will be paid, compensated for that work.

I do not now, have not ever opposed people working. In the context of welfare reform last year, my objections to the work requirement had to do with whether there were sufficient jobs available that people had the skills to work at. I did not oppose the work requirement, have not ever, will not ever. What I do oppose is requiring people to work without compensation. This amendment simply says that the public housing authorities will ensure that any individual who is required to work under section 105 of this bill, the so-called mandatory voluntarism requirement, would be assured of being compensated for that work, at a minimum, at the minimum wage that prevails in this country.

If we want people to be responsible, I do, also, all of us should, this should meet all of the criteria, all of the standards, all of the expectations that my friends on the other side have said this provision in the bill is intended to meet. In addition, it would provide some income for people that they could use, then, even if they wanted to require them to turn around and use the income that they got under this amendment to pay rent. I would not object to that.

But let me tell my friends, work for pay is honorable. Forcing people to work without paying them is an abomination, it is against the law, it is against the public policy of this country, and everybody in America understands that it is unfair and it is a way of simply singling out the poor. If we want to do something good for poor people, if we want to do something good for public housing residents, if we want to raise their esteem, pay them for the work that we are requiring them to do.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this issue has been fully vented by this House, I would suggest, it has been discussed in committee, in general the concept of community service, and now the gentleman from North Carolina offers this amendment which requires compensation.

Let me, if I can, just ask if the gentleman from North Carolina would engage me, if I could just ask some questions about this so I will understand.

The amendment, as I understand it, requires compensation. I wonder if the gentleman can tell me who would pay and what would be the mechanism for enforcement.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, the gentleman is aware that under the provisions of section 105 as currently written, under section 2 on page 26 which deals with employment status and liability, the last section of that contemplates that some of the volunteer work might be done directly for the public housing authority, because it says, unless the work is done for the public housing authority, there is no liability on the part.

So if there is direct work for the public housing authority, the public housing authority would have to pay for it. If they got the work from a nursing home or someplace external, then they would have to ensure that the external source paid. This does not address, and we are not imposing, additional monetary burdens on public housing authorities.

Mr. LAZIO of New York. If I could reclaim my time only because we are so limited, I only have less than 5 minutes now, one of my major problems with this, of course, is that it suggests that somehow we ignore the fact that people who are in public housing are receiving a benefit. It suggests that we are asking people to give community service. This is not voluntarism, it is not called voluntarism in the bill. It is community service. We are asking tenants to provide community service in return for a benefit. They are getting compensated.

The benefit of public housing, the apartment that they receive and in many cases the utilities that are paid are part of the compensation that people are receiving. In return we are asking the minimal amount of 2 hours a week, 15 minutes a day, 8 hours a month in return for the benefit of receiving an apartment, public housing and in many cases, as I say, the utilities as well.

□ 1615

Interesting, in my home, if I can because my time is so limited, I would say to the gentleman, in my home this week on Saturday I received a letter from an elderly lady who wrote to me. She had been watching the debate on television, and she had said that her Social Security check just about equaled the rent that she was paying in her market rate unit. She was older, she had lost her husband, she was a widow, and she said in her letter: Congressman, I would be pleased, ecstatic, to give at least 2 hours of my time a week. I am elderly. I know there are things I could do. She is exempted under the law, by the way. She would not have to. But she said she would be happy and pleased to give more than 2 hours a week. She thought that was a very fair deal.

And what we are saying, that for people who are receiving the compensation and receiving this apartment, in some cases a free apartment, in some cases free utilities, it is a very reasonable thing to ask people in return to give 15 minutes a day, 2 hours a week, 8 hours a month in return for that compensation.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to make sure that the gentleman heard my explanation. If we are trying to build self-esteem, give the people the money. Even if we turn around and say we are going to take the money back from them as rent, which gets them to exactly the same place that the gentleman has just articulated he wants to be, he wants them to pay for their housing. Give them the money. Pay them and then charge them rent if that is what he wants to do, but do not take away people's self-esteem.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, there is nothing in this bill that would deny people from going out and getting a job where they receive minimum wage or anything greater than that. As a matter of fact, all the incentives in this bill are to encourage work.

I also want to say to the gentleman and to this body that in fact community service is broader than just employment. It is something that can be as simple as planting flowers or painting or reading to children in the complex. It does not have to rise to the point of what we consider employment.

I would suggest to the gentleman that in the Charlotte housing authority they have complexes, as I know the gentleman is aware, called Earle Village. In that program there is a self-sufficiency program that residents are required to participate in.

The CHAIRMAN. The time of the gentleman from New York [Mr. LAZIO] has expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. LAZIO of New York was allowed to proceed for 2 additional minutes.)

Mr. LAZIO of New York. In that program people are required to volunteer at least 10 hours per month to assistant programs ranging from early childhood education to parenting to after-school tutoring to elementary and secondary school students to mentoring and support services for residents enrolled in job training programs and postsecondary educational programs.

This type of service, as the description goes, are included, but not limited to day and night care, job training program, recreation facilities, drug counseling, literacy and tutoring programs, and educational programs.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want the gentleman to know I am well aware of the self-sufficiency program at Earl Village. I know it personally. Let me assure the gentleman that there is not a mandatory requirement for work without being paid. Let me assure the gentleman from New York of that. He is simply wrong.

Mr. LAZIO of New York. If I could just reclaim my time, the example that I have that has been given to me, supplied to me by, I believe this is from HUD itself, says as a condition of living in Earl Village residents enrolled in the self-sufficiency program will be required, will be required to volunteer at least 10 hours per month to assistant programs ranging from as I described earlier. This is not discretionary for the resident.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Read that again because the gentleman from New York will see that that is something that has been proposed in the future. This is from a proposal, it is not from an implemented program, and the gentleman, he is just wrong. There is nothing in the self-sufficiency program at Earl Village in Charlotte, NC, that requires people to work without pay.

Mr. LAZIO of New York. Reclaiming my time, according to the information that we have from HUD that program is in effect, is the result of the HOPE self-sufficiency program that is in place, and I will read it again. Residents enrolled in the self-sufficiency program will be required——

Mr. WATT of North Carolina. Will be required.

Mr. LAZIO of New York. Will be required to volunteer at least 10 hours per month to assistant programs ranging from early childhood education, parenting, and the various programs that we have.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first let me address the substance of the amendment. The amendment objects to the notion of work without compensation, and if that was what was at issue here, I think the gentleman from North Carolina [Mr. WATT] would have a valid point. But very carefully this is a proposal—and I would stress again to this body, that was included in the administration's request to the Congress—which from the congressional side was tightened up so that enforcement is enforceable rather than representative of a rhetorical approach.

In any regard, the precept at issue is the notion of work for benefit. If you think about economics in general, sometimes one works for pay; sometimes our society has a barter element; that is the same techniques people used before the use of coin—barter—are increasingly used today.

And so this is, in effect, a barter arrangement. It is work for benefit, and indeed, it is an untaxed benefit.

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Mr. Chairman, I will in just a minute to the distinguished gentleman.

There is another point that I think it is very fair to raise. The gentleman from North Carolina [Mr. WATT] argues that this community service requirement is injurious to self-esteem. I would frankly assert that this body believes, or at least this side of the body believes, that work enhances self-esteem and that the community service provision, which is a work component, involves two precepts that are very American at their roots. Work is not a four-letter word to be considered pejoratively. Community service is something that has hallmarked this country.

So the notion here is to instill a work community service provision in return for a benefit, and if one does not want the benefit, obviously one has the option of not participating in the program.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Mr. Chairman, first let me yield to the distinguished gentleman from Illinois, and I would say to the gentleman from Illinois [Mr. JACKSON] that I think he has distinguished himself with his first amendment offerings to this body and he has made very cogent arguments that are not without merit. This side does not find them compelling; but a large number of Members do, which says that the gentleman has argued well and capably, and so I will first yield to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman for his very kind and gentle remarks. I guess I want to ask the gentleman to yield to a question, and that is:

Is the gentleman aware of any Federal benefit that the Federal Government or this legislative body has ever provided where work was in exchange for that Federal benefit from food stamps to Social Security to Medicare to mortgage deductions to mining rights to any form of corporate welfare? Have we ever required of any Federal benefit a work provision or mandatory volunteerism provision?

Mr. LEACH. Mr. Chairman, there are a number of analogous programs, none precisely like that, but the AmeriCorps program was designed in that direction, Federal work study programs are designed——

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Let me continue because the gentleman asked a very precise question. We have National Health Service Corps, medical grants that involve a requirement that people work in given circumstances in order to take advantage of Federal assistance. Obviously, military academies have some implications for work obligations.

I would also say there are State examples. I know the State of South Carolina in some public school systems has had a community service requirement for high school graduation that has been upheld by the courts as appropriate. But I think that the gentleman from Illinois [Mr. JACKSON] is also correct in his implication that there are aspects of this that are somewhat unique as well, and I will acknowledge that. But I would also say that it is the view of this side that this fits the heritage of this country, it fits the pioneer spirit of the 19th century, it fits our great American Presidents of this century, and at the risk of great presumption with the ranking member of the Subcommittee on Housing and Community Opportunity here, I would say that on our side of the aisle there is an assumption that the principle at issue is: "Ask not what the Federal Government can do for you, but ask what you can do for your community." This is leadership of, by, and for the poor, and that is not inappropriate.

Mr. Chairman, I yield to the gentleman from North Carolina.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, let me just say to the chairman of our Committee on Banking and Financial Services and for whom I have the utmost respect that every single one of the programs that he described has compensation associated with it, every single one of them, National Service, AmeriCorps, the whole range of things that the gentleman has described. That is the first point I would make.

The second point I would make is that there is not a President in this country for mandating bartering. If people choose to barter, if people choose to barter, that is a choice that they make, and let me say this last thing that I want to say in response, with the utmost respect and gentleness because I do not want it to be misunderstood, and I have the utmost respect for the gentleman.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. LEACH was allowed to proceed for 30 additional seconds.)

Mr. LEACH. Mr. Chairman, I continue to yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, many of the arguments that I have heard, the bartering argument, the whole range of arguments, are very, very similar to the arguments that were used to justify a system that existed in our country years ago that many of us would like to put behind us and never ever think about again, and it may well be that it is because of that that there is such a difference in perception on this issue. And I want to say that with the utmost of respect for the gentleman, and I have been very careful about how I said it. I tried to be at least.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has again expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 30 additional seconds.)

Mr. LEACH. Mr. Chairman, I appreciate very much the sensitivity and the candor of the gentleman from North Carolina, but I want it stressed again that this is an issue of work for benefit, it is an issue that has been endorsed by the administration, although not precisely with the tied-down ways that the committee has brought it before this body. It is not in any way intended to imply the truly tortuous circumstance the gentleman from North Carolina [Mr. WATT] sets forth. I think we have to listen carefully and respectfully, but I do not find the argument compelling.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me thank the chairman of the full committee, the gentleman from Iowa [Mr. LEACH], for his gentleness in our approach to addressing a very substantive section of this bill, and let me say, Mr. Chairman, without equivocation that Members on the Democratic side of the aisle believe in volunteerism. We believe in volunteerism if that definition, if Webster's definition of emanating from self-will, from self-determination, from one's own choice or one's own consent is the definition that we are all functioning from. We do not believe in a Government mandate called community work in section 105 of H.R. 2. If volunteerism means that we are urging and we are persuading people to volunteer, we support the thrust of General Powell's summit on volunteerism.

□ 1630

Community service work really is voluntary because it fosters pride and it fosters responsibility. Scout masters and den mothers who genuinely volunteer to lead Boy Scouts and Girl Scouts across our country should be lauded for their efforts, because that is genuine volunteerism.

Many PHA, Public Housing Authorities, already volunteer. They have crime watch, resident councils, cleanup efforts. This past Saturday in Chicago, in the public housing authorities, it was called "clean and green day." One year ago on Saturday they removed 319 tons of garbage from public housing.

The real issue that we are discussing here today is whether or not the Government should be mandating volunteerism. What is the Government doing anyway mandating a law about volunteerism? It is a contradiction in terms. Forced volunteerism is an oxymoron. I am kind of taken aback today because even Oliver North agrees with my position that the Government should not mandate volunteerism.

There is a difference, Mr. Chairman. We have a voluntary army, an all volunteer army, but when one volunteers for the army in the United States one is compensated. If one stays in the army long enough, one receives a pension, one receives points on one's home purchase and mortgage deductions. One receives Veterans' Administration benefits for volunteering into the army.

The chairman spoke of medical school scholarships. Yes, we give scholarships to medical students who will come and work in low-income communities, but they are paid for that service. AmeriCorps, they receive a stipend for their efforts. The Peace Corps, a stipend for their efforts.

I believe poor people should work. I know the gentleman from North Carolina [Mr. WATT], the gentleman from Massachusetts [Mr. KENNEDY], we believe that poor people should work, so why do we not create jobs? Why do we not put poor people to work? Why are we passing a law mandating that they give of their time to volunteer, or if they do not perform this requirement, face eviction from public housing.

We are talking about people who pay rent, and that is a common misconception out in the public, that people who live in public housing are getting something free from the middle class; they are receiving something free from those of us who are fortunate enough to be able to pay. That is not true. They pay rent. We are the landlord of people who pay rent in public housing, and the reality is we are also raising their rents.

What we should be trying to do, at least in this body, is fix some of these buildings, fix some of these public housing authorities so that the people we presently provide occupancy to, they can live in, first, and volunteer to help better their communities.

If work is the issue, why are we not mandating full employment in this bill? The chairman of the subcommittee, the gentleman from New York [Mr. LAZIO] he says, listen, what is wrong with 8 hours? Eight hours times 60, 480 minutes, divide that by 30 days. What is 15 minutes? We are talking 15 minutes.

No one volunteers in 15-minute segments. Just no one. Fifteen minutes. It takes 15 minutes to get from a public housing authority to the volunteer location where one is going to volunteer. Once they get there, then what? Most people will volunteer the entire 8-hour segment, Mr. Chairman, the entire 8-hour segment. Why 8 hours? Why one full shift of labor? Why not just pay them for their efforts? Why not put them to work?

I support the amendment of the gentleman from North Carolina [Mr. WATT]. I think it is an honorable amendment. It says that we should pay them at least the minimum wage for volunteering. Never since 1868, not since the passage of the 13th amendment, can we even make an argument that we as a Government have ever mandated one American volunteer to work without compensation. It has never happened. This is the first time since 1868 we have ever mandated that an American volunteer without providing them compensation. This is wrong, Mr. Chairman, and this is what we are fundamentally fighting against.

So, Mr. Chairman, I would like to ask a question to the distinguished chairman of the committee, the gentleman from Iowa [Mr. LEACH], if he would engage in a colloquy.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON was allowed to proceed for 1 additional minute.)

Mr. JACKSON of Illinois. Mr. Chairman, I would ask the gentleman from Iowa [Mr. LEACH], the chairman of the Committee on Banking and Financial Services, is the gentleman aware of any Federal volunteer program that mandates that one American volunteer without compensation of any Federal benefit that we have ever passed in this body?

Mr. LEACH. Mr. Chairman, if the gentleman would yield, first let me respond to the gentleman's vocabulary. This is a work-for-benefit program. Democrats describe it as mandatory volunteerism; our side describes it as work-for-benefit, and that is where the rub comes with regard to the circumstance.

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time, is there any work-for-benefit associated with the mortgage deduction that we provide for people who receive a middle class benefit, the tax break that we provide for them?

Mr. LEACH. Mr. Chairman, I think the gentleman makes a fair point. There is none.

Mr. JACKSON of Illinois. Mr. Chairman, is the gentleman aware of any volunteer effort that the government mandates of any American that they volunteer without compensation on the Federal books?

Mr. LEACH. Mr. Chairman, I am not, but again, I would stress, this is work-for-benefit.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

(By unanimous consent, Mr. JACKSON was allowed to proceed for 30 additional seconds.)

Mr. JACKSON of Illinois. Mr. Chairman, I would like to allow the chairman the opportunity to respond to the question.

Mr. LEACH. Mr. Chairman, I did respond to the last one.

Mr. JACKSON of Illinois. Mr. Chairman, I am sorry, I did not hear the response.

Mr. LEACH. Mr. Chairman, I said we define this as a work-for-benefit program.

Mr. JACKSON of Illinois. Mr. Chairman, reclaiming my time, for any Federal benefit, is the chairman aware of any work-for-benefit requirement on the Federal books at all?

Mr. LEACH. Mr. Chairman, if the gentleman would again yield, there are many analogous programs, but none precisely like this. There are also certain analogous programs at the State level.

Mr. JACKSON of Illinois. Mr. Chairman, might I ask why we are asking of poor people to face eviction for failure to volunteer?

The CHAIRMAN. The time of the gentleman from Illinois [Mr. JACKSON] has expired.

Ms. WATERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this amendment. I am so pleased that the gentleman from North Carolina [Mr. WATT] had the vision and gave this the thought that finally bring us to some point where we can correct the mistake that we have made in this bill. I would like to thank the gentleman from Illinois [Mr. JACKSON] for his persistence, working with the gentleman from North Carolina and others, in not allowing us to do something we will be ashamed of later on.

I think the gentleman from Illinois, in raising the questions that he raised of the chairman, really did help to point out how outrageously ridiculous this really is. When the chairman was not able to respond in any way to describe any other instance, any other policy of government that would cause people to work without pay, I really do think that answers the question in a very stark way.

I rise to support this amendment because I know an awful lot about public housing projects. I have spent a great deal of my life working with and trying to provide opportunities in public housing projects.

Let me say this: If this was a real work-for-benefit program, we may not object if the people work and we would reduce their rents for the time that they would put in. That would be, at least, paying them in some way. That is a work-for-benefit program.

As the gentleman from Illinois [Mr. JACKSON] outlined, they are paying their rent. If we want to do a program that is work-for-benefit, then say if one works for *x* number of hours, we will reduce one's rent, because we will give one an hourly wage. That is what this does, in a way. This amendment says if one works, one will, at least, get minimum wage.

Let me tell my colleagues what is important about this. I have been in the public housing projects when the housing authorities have contracted for work with outside entities, people who have come from long distances in southern California to do things like put up screen doors, do other kinds of work in public housing projects. I stood and I watched tenants saying, why can we not do that? Why can we not have those jobs?

People lined up begging to do the work. I got involved in negotiating with the public housing authority ways by which they could include the tenants when they do contracts for jobs in public housing, because nobody had the wherewithal or the sensitivity to understand that it is immoral to ask people to watch other people come into the housing project, contractors who do not live anywhere near the community, do the work, make the money, take it on out someplace else to spend, while people there are desperate lining up for jobs.

When there was an opportunity for the telephone company to lay cable, I went out and negotiated myself with the telephone company, and the people that they gave the jobs to loved every minute of it. Young people lined up as they were digging, doing hard work, to try and get a job.

This business about people in public housing projects not wanting to work is not correct. We should not treat poor people this way. They do want to work. My colleagues saw what happened up in New York when they had minimum-wage jobs, just poor people lined up around the block. This business that somehow we, as public policymakers, know better than the people who live there about what their motivations are and what they will do and what they will not do must stop.

Mr. Chairman, I will walk with my colleagues to any public housing project in America, and if we have jobs to offer, people will line up around the block. In addition to having negotiated for people to work who wanted jobs instead of letting the contractors come in and work without offering the jobs, I created some training programs inside public housing projects, and people lined up around the block to get in those training programs.

What did we find? We found that JPTA that replaced CETA does not work. We called them in to give the training, the people wanted the training, they wanted to be connected with the jobs. Many of them who are on welfare want to get rid of that welfare check. They want to go to work every day.

Mr. Chairman, I would not like my colleagues to use our power this way. I would not like my colleagues to put their foot on the necks of poor people rather than give them opportunity.

This amendment is correct. Pay them for work, and they will do the jobs. Pay them for cleaning and doing other kinds of things above and beyond their rent. They will do the work.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Obviously, there is much misunderstanding and confusion on the subject of work-for-benefit. Much has been questioned about what has this Congress done in the past with regard to requiring an individual to work in order to receive a benefit.

I brought it up on prior occasions, but I think it is so important to restate. Just last year this Congress, by majority vote by both parties, adopted a workfare requirement under the welfare reform act. It does not require 8 hours a month or 2 hours a week. In consideration for AFDC payments or food stamps or other programs of that sort, the individual must work 20 hours a week, 80 hours a month, in order to be eligible to maintain those benefits. Under the provisions of the act, that requirement goes up by the year 2000 to 30 hours per week.

The reasoning behind that and the reason why most Members of this Congress supported it is because many people who receive public assistance are in housing projects, not because they are not worthy but because they do not necessarily always have the skills to move from dependency to independence.

The gentleman from New York [Mr. LAZIO], chairman of the subcommittee, has rightfully described this new requirement as an opportunity, not as the other side would describe it as some sort of new slavery. In fact, what we are doing is giving people an opportunity by volunteering, getting into the community, seeing what job opportunities may be available, to develop job skills, to actually learn a skill perhaps while they are volunteering. It would leave them with the ability to ultimately get employment and walk away from public housing.

Now, when we look at the workfare requirement adopted by this Congress by majority vote by both parties just last Congress, we find that the 20-hour-per-week requirement is essential in order to get people to move to independence rather than dependency.

I had an interesting call last week as a result of our debate on the floor here about work-for-benefit. It was a working man from a family. He says,

> Do you know how many hours a week I work to pay for public housing? I work 40 hours a week. I pay my taxes, and it supports individuals in public housing. Now, I really do not mind that, but I would like to think that public housing is a temporary haven while a person gets back on his feet, gets those job skills and moves on and becomes a taxpaying citizen just like me. It should not be viewed as a retirement community where one gives up and does not try for himself or his family.

Unfortunately, that, in too many cases, has been the way public housing has been viewed.

This is going to continue to give valuable housing, decent public housing, to those individuals who otherwise could not find it, but give it on a temporary basis, simply saying, "We will help you if you take the first step, that first step being independence on your own."

Mr. JACKSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I thank the gentleman from Louisiana [Mr. BAKER] for yielding and I thank him for his work on the committee. I find him to be a very thoughtful member.

Mr. Chairman, maybe part of this has boiled down to semantics. We are not talking about work-for-benefit here, sir; we are talking about benefit for volunteering.

□ 1645

We are suggesting that when the Federal Government mandates a law that forces someone to volunteer, that there is some unconstitutionality suggested with that.

Mr. BAKER. Mr. Chairman, if I may reclaim my time, I will explain the reason for calling it voluntarism. As the gentleman categorizes it in some other fashion, we call it work for benefit. Although individuals do pay, and as the gentleman rightly pointed out, many suffer under the misconception that public housing residents do not pay for their opportunity to live there, they in fact do. But they live there with a subsidized rate. That means other taxpayers contribute to the public housing, enabling the family to live decently at a lower rate. What we are saying is because of that help, we are therefore asking you to take steps to help yourself and your own family, not unreasonable at all.

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, and I thank the gentleman for yielding to me, would the gentleman make the same argument for the middle-class tax break or the middle-class help we give in the form of a mortgage deduction?

Mr. BAKER. Reclaiming my time, Mr. Chairman, I would point out to the gentleman that in many cases there is work ongoing. An individual pays taxes; for example, with the home mortgage interest deduction, they are already paying taxes. They have to work, earn a salary, to become taxable. Once they become taxable, then they get benefits in the Tax Code.

One might well argue that a person living in his own home who has paid for it for 30 years with after-tax dollars, maybe that is unreasonable to say that the Government ought to give him a tax break. But I think taxes are too high in the country already, not too low, and I think that most people do not object to paying taxes as long as the programs that they are funding——

Mr. JACKSON of Illinois. Mr. Chairman, if the gentleman will continue to yield, there are people in public housing who pay taxes. We are talking about subsidized housing, not free housing. We were talking about affordable housing.

Mr. BAKER. Mr. Chairman, I certainly agree with the gentleman, but the original question was dealing with mortgage interest deduction, which goes to whether a homeowner has to pay more taxes on his home or less. I am suggesting that they pay too much already.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has expired.

(On request of Mr. JACKSON of Illinois and by unanimous consent, Mr. BAKER was allowed to proceed for 1 additional minute.)

Ms. WATERS. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, I would like to continue on the discussion about subsidies, Mr. Chairman. We have great subsidies in this country, particularly as it relates to agriculture. I was appalled when I learned Sam Donaldson, for example, was getting a great subsidy, as I suppose there are many other great Americans.

Would the gentleman ask Mr. Sam Donaldson to volunteer for that subsidy that he is getting, or any of the big corporations in America who are being subsidized, who get their check sent to them regularly? They do not even have to ask for it, but their land is subsidized and they get it. Is the gentleman going to track them down and ask them to do a little volunteer work in exchange for the millions they get?

Mr. BAKER. If I can reclaim my time, there are a lot of things I would like to ask Mr. Donaldson. I could put that on the list.

Ms. WATERS. Mr. Chairman, if the gentleman will continue to yield, there are many others. The question is, these people are getting big subsidies. They are getting dollars, a million dollars in subsidies, corporate America is. How are we going to get the volunteer time?

Mr. BAKER. Mr. Chairman, reclaiming my time, the money belongs to the Government. My view is that individuals work and corporations, as individuals, and individuals on farms, and then they have to pay those taxes. That is not something voluntary on their part. That is my problem.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. WATT of North Carolina and by unanimous consent, Mr. BAKER was allowed to proceed for 30 additional seconds.)

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I appreciate the gentleman yielding to me, Mr. Chairman. I just wanted to make sure the gentleman has read my amendment.

Mr. BAKER. I have it right here. It is very well written.

Mr. WATT of North Carolina. Under my amendment, Mr. Chairman, these people would pay taxes just like everybody else because they would be receiving at least the minimum wage, so I am where the gentleman is on this. If we can get people to pay taxes, let us do it. They cannot even pay taxes on the voluntarism.

Mr. BAKER. Reclaiming my time, Mr. Chairman, I would say to the gentleman, they would pay taxes only on the wages they receive for the work, not on the value of subsidy they receive from taxpayers.

Mr. KENNEDY of Massachusetts. I move to strike the requisite number of words, Mr. Chairman.

I would just like to mention a few of the programs, that maybe the principle that is being articulated by the other side of the aisle in terms of making certain that if someone gets something for nothing in this country they ought to volunteer, should then really embraced in terms of all of the programs that we provide for nothing to a whole large segment of the American people.

Mr. Chairman, there are a range of different programs and subsidies and really giveaways that the U.S. Government regularly gives to a broad section of our society. Those in almost every case line the pockets of very, very wealthy, powerful interests in this country, and they are never asked to volunteer at all. But when it comes to the people that occupy public housing, all of a sudden we are going to require them to meet a different standard, because they are getting something for nothing.

The truth is that I voted for, as has been the case that has been made by the gentleman from Illinois [Mr. JACKSON], the gentleman from North Carolina [Mr. WATT], and others, that we voted to make certain that people do not get something for nothing. We voted, I voted, to make certain under a specific provision of a welfare reform bill that you had to work if you are going to get the benefit. I think that is a perfectly reasonable standard for us to set in the Congress of the United States and as National Government policy.

But I would ask that it not just stop with the poor. Let us make certain that anyone in this country that pursues and receives the oil depletion allowance, which is where millions, if not billions, of dollars go, to the oil and gas industry, intangible drilling costs, let us make certain that they volunteer.

How about the set-asides in the farm programs? The gentleman from Iowa [Mr. LEACH], in the home State of that gentleman, where people get paid $1 million to simply not plant anything, maybe we should say to farmers that we are going to pay to not grow anything, that that is a pretty good program. Maybe they ought to be asked to volunteer. Maybe people from the district of the gentleman from Iowa ought to come forward and have to volunteer.

If we are going to say it for public housing, maybe we ought to make this across the board.

How about people that participated in the cellular phone auction, and made millions and millions of dollars simply by getting their name pulled out of a hat? They made $20 million overnight. Maybe they ought to be asked to give something back.

How about the public education system? We get that for free. Maybe we ought to ask them, everybody that is in public education, we ought to have a mandated law, everybody has to volunteer.

How about mining rights for $1? If one pays $1, they get to go out and mine all of our mineral rights. For $1, foreign corporations can come in and make $10 billion off the United States in the gold industry, but we do not ask them to volunteer.

How about the project-based section 8 owners, or the peanut farmers, or maybe the people that are building timber roads? Maybe we ought to ask everybody where we go out, use taxpayer money to build timber roads into the most pristine areas of our national forests, they get to go, identify specific trees they want to cut down, they chop them down and then they go and take them to the lumber mill, sell them off, they make the profit and the taxpayer gets the bill; maybe we ought to ask them to volunteer a little bit.

How about the sugar subsidy programs? If we ask everybody down in south Florida who gets a sugar subsidy, shall we say to them, hey, listen, by the way, we want you to go and volunteer to help at a homeless shelter? Maybe you ought to go out and help out AIDS patients a little bit.

How about people that get water rights out in the West, should we ask them to help out, or the grazing fees? How about everybody that gets a little bit of cheap power from the Tennessee Valley Authority? Should we ask every one of them to go out and volunteer a little bit?

How about Bonneville Power? We ought to ask everybody in Bonneville Power to go out and volunteer a little bit. They get more money, I guarantee it, than all these folks who get a little bit of money in public housing.

So sure, the rural housing programs. Let us go ask everybody at Gallo Wine, who are getting paid $650,000 this year to be able to go out and advertise Gallo wine abroad, maybe we ought to get the Gallos to come on out and volunteer a little bit. What do Members think?

How about people who make toilet seats for the Pentagon? We ought to get them to come out and help out.

There is a whole list of folks out there who do very, very well under government subsidies. I just figure, hey, gang, if this is good enough for everybody in public housing, then let us make it good enough for everybody. But let us not beat up the poor and use them as the bully pulpit, as the bully boys, to make our point that people ought to volunteer in America.

Ms. VELÁZQUEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the proposal of the gentleman from North Carolina [Mr. WATT] to compensate tenants forced to work under this bill. From funding cuts in vital assistance programs to heartless welfare reform, the Republican majority seems to do all it can to keep our poor in poverty.

Today's housing bill, H.R. 2, goes even farther by including a heartless forced work requirement. This amendment encourages work and is a first step toward self-sufficiency. We cannot expect families to make the transition from welfare to work if they have no income or a place to live. Housing residents should be given real paying jobs. Let us not kid ourselves that enforced labor without pay is voluntarism. It is not. This is the Government forcing people to work in exchange for Federal benefits.

The Watt amendment is fair, it provides fair pay for work. I strongly urge my colleagues to pass the Watt amendment.

Mr. WATT of North Carolina. Mr. Chairman, will the gentlewoman yield? yield?

Ms. VELÁZQUEZ. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding.

Let me just say, Mr. Chairman, that we have been debating this issue now since last week. The public has been debating it. It has been in the newspapers. The public understands this. My colleagues are going to make every single effort they can to wrap this debate in the flag. They are going to say it is uniquely American to have a barter system, it is uniquely American for people to volunteer. All of the flag enhancement kinds of things are being put in the backdrop of this debate.

Let me tell my colleagues, this is not about a barter arrangement, it is not about volunteering to volunteer; this is about mandating that people provide services without working, without being compensated. That is what this debate is about. We can make it sound all tidy and American and pretty if we wanted, but there is something about this that is just not right and we know it. We know it.

It brings back images that some of us never want to have brought back in this country. It is just not right, Mr. Chairman. My colleagues ought to understand that. The public understands that it is honorable for people to work and be paid for it. We understand that. But it is dishonorable to say to somebody, you go out and we force you to work and we are not going to pay you for it.

That is not an American concept. It is inconsistent with the American dream. It is inconsistent with the principles that we stand for in this country. I just cannot stand here and listen to my colleagues make it sound like somehow this has some kind of American history motive. It is wrong. It is inconsistent with our American history. In the final analysis my colleagues, I hope, will understand that and adopt this amendment.

All we are saying is, if you are going to have people work, please pay them for the work that they provide; and if you want to turn around and get them to pay for their housing, do it, but do not force them to work without compensation. I thank the gentlewoman from New York [Ms. VELÁQUEZ] for yielding.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think we simply need to state the obvious. There is no doubt that we in America can together make this place a better place to live. Voluntarism and the concept is not a pariah, but the gentleman from North Carolina [Mr. WATT] is trying to say and has said involuntary servitude is. We ended that.

☐ 1700

Therefore, it is time for us to move forward and accept the equality of every American, no matter what housing facility they live in. With that, I support the Watt amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT] for further comment.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentlewoman for yielding to me.

I do not want to get emotional about this. But there are some concepts in this country that we cannot wrap in the flag and hold up the flag and defend them and say, we are doing something that is uniquely American. This is not uniquely American. I hope that everybody on both sides of the aisle will understand that.

This is not an American concept. It is not something that has parallels in other areas of our life. I just hope that my colleagues will not put our country through this.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say that just from a personal experience working with public housing authorities, there has not been a time when I have gone to those communities and said, let us do a cleanup, let us work with our youth that they have not poured out their hearts, their souls, and their bodies to do this in a volunteer manner because they believe in a better quality community as well. Why can we not work with public housing residents in that manner? That is the appropriate manner. That is respecting them as decent, respectable, equal Americans.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I grew up in a household where we were encouraged to volunteer. We want to encourage every American to volunteer. It is the right thing to do. At Thanksgiving time, Christmastime, we volunteer in soup kitchens, we volunteer all across the country for people who are less fortunate than ourselves. The American people must be weary. I know my constituents are weary when the Federal Government would pass a law that only mandates that poor people, the people that we should be volunteering for, are being asked to volunteer for us and being made to do that or face an eviction from public housing. That is really the only issue that we are discussing here today.

There is nothing wrong with voluntarism. My colleagues on both sides of aisle believe in voluntarism. The problem is the Federal Government mandating a law in exchange for the Federal benefit of the right to live in an affordable house. We will evict them if in fact they do not volunteer. We require and attach that particular condition to no Federal benefits that I am aware of, and certainly since the passage of the 13th amendment have we ever attached such a condition onto an amendment.

I want to thank the gentlewoman from Texas for yielding to me. I certainly want to take this opportunity to thank my colleagues, certainly the distinguished chairman of this committee and the distinguished chairman of the subcommittee for their graciousness during the course of this debate.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, in conclusion, I thank the gentleman. Let me just simply say that voluntarism is one of the highest callings that any of us could be called to do. I realize that all of us have at our grandmother's knee, our family's homestead, been taught to share with those who are in need. We have been taught to do it Christmas, Thanksgiving, summertime, fall, any time of the year because we want to make sure that people have an opportunity to do better. Can that not be the call of this Congress on H.R. 2, that we simply encourage those who live in public housing to work along with every other American in their volunteer effort? Is not that the better way?

Mr. CASTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have listened to the debate, which is not dissimilar from both the debate that we had over in the committee and the debate that we had last week on this subject. I think there are legitimate issues being raised. I can understand them. I supported this concept in the legislation and I still do. I would just like to point out a couple of examples I have been through.

One was in the area of welfare reform. Delaware became one of the first States to mandate having to go to classes, having to go through job training or whatever it may be, not work per se, tantamount to having to do something. I suspected that the individuals that were asked to do that would be up in arms about it. I went to the first class, there were 18 women and 1 man there, to discuss this with them. And I was really amazed at how well they had received this opportunity.

Anyone who thinks that welfare recipients or people living in public housing are necessarily people who do not want to improve their lives, I think are wrong. I believe, given the opportunity, they are willing to reach out and help themselves.

We have had tremendous returns on this in Delaware. We are very proud of our record under both a Democratic Governor and a Republican Governor. We think it has worked extraordinarily well. Just 10 days ago I visited two housing authorities in Wilmington, DE, and Rehoboth Beach, DE, and spent time talking to some of the individuals living there, actually in the living room in one case.

They were telling me about the things they are doing which I would consider to be community work or voluntarism, whatever we want to call it, helping with kids, taking the kids to Great Adventure. Earning money for it, they were having a dance at night, teenagers were involved in it. We can call it work. We can call it voluntarism. We can say it is tantamount to work and they should be compensated, but these individuals were doing it willingly and there was a sense of community there. My judgment was that this is not as negative perhaps as it is being presented here, is the point which I am trying to make, although I think I understand the arguments that are being made at this point.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I thank the gentleman for yielding to me.

I would just like to make a couple very brief points first to the gentleman from North Carolina; the principles of community service and work are bedrock American values. There are other values as well. One is the value the gentleman raised, we do not want anything that approaches involuntary servitude. That is something all of us have to keep very carefully in mind.

In the background of this discussion is a public housing circumstance in many parts of the country that is, frankly, failed. All Members of Congress understand that. So the committee looked at models around the country. One of the models that came to the attention of the committee was a program in Milwaukee, WI, called the Hillside Terrace development, run by the city of Milwaukee. As a condition of occupancy, this particular housing project required that everyone sign a condition of occupancy statement that had a number of points, about eight. Let me mention three.

One was that every resident would enroll and actively participate in the neighborhood block watch program. A second was that every resident would agree to clean and maintain the common areas. A third condition was that every resident complete a given number of hours per month of volunteer service.

In the wake of this community participatory circumstance, the residents of this particular public housing project, Hillside Terrace, have managed to effect a dramatic reduction in the rate of crime in their area and they have upgraded the public housing stock.

Now, actually the conditions of occupancy required in this Milwaukee project are substantially more strenuous than the condition that is being requested in this bill. In fact, our bill does not go to anyone that has a job, that is in training, that is part of any sort of welfare work project of any nature.

This only goes to able-bodied citizens of a given appropriate age. So it goes to a fairly small grouping of people, under the premise that there should be work for benefit and based on the premise that some sort of new community participatory work aspect will not only be helpful to the individual in job skill development but helpful to the project itself and the rest of the community.

On our side, with the administration, we think this is very reasonable. I would just stress that in a sense because the administration is of the other party, of the gentleman's party, that this is a bipartisan circumstance. There is also an inner-party dispute, and we recognize that. But this is intended to be brought forth in as reasonable a way as possible.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. CASTLE] has expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Mr. CASTLE. Mr. Chairman, very briefly, this is an important point. I understand from talking to the chairman that the community work that we are talking about is very open-ended in terms of what it is. Is it work or is it volunteerism or whatever it may be. It may be a form of compulsory volunteerism. But it is open-ended. I think it makes a difference in terms of wages.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, let me first say I understand that the chairman is sincere. I know, I have the utmost respect for the chairman. I know he would not represent anything that he did not believe in. I respect that and I want to say that publicly.

But all of these things that the gentleman described are things that emanated from a community. They were not mandated by the Federal Government. I will tell the gentleman that

that is a substantial difference. The Federal Government has no such policies, and if we get on this slippery slope toward this, there is no way to cut it off, no way with integrity to cut it off.

The CHAIRMAN. The time of the gentleman from Delaware [Mr. CASTLE] has again expired.

(On request of Mr. JACKSON of Illinois, and by unanimous consent, Mr. CASTLE was allowed to proceed for 1 additional minute.)

Mr. CASTLE. I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I do want to make the distinction between things that emanate from the community that people buy into, they get together. They decide what they want to do. That is a form of their volunteerism. But mandating it is a whole different issue, in my opinion.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from North Carolina [Mr. WATT] will be postponed.

Are there further amendments to title I?

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

I want to protect the gentlewoman from California [Ms. WATERS] who was on the floor, and we have been negotiating the amendment, to, if we close title I, that that be closed subject to her being able to offer that amendment, and also the gentleman from Massachusetts [Mr. FRANK], out of fairness to both of them.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the chairman's willingness to try and protect our Members on our side with their amendments.

Ms. KILPATRICK. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from Michigan.

Ms. KILPATRICK. Mr. Chairman, as was stated earlier, we had agreed to come back with a redraft of the amendment, the Waters-Kilpatrick amendment that spoke to the grievance procedure. We have reworked it and we would like to offer it.

POINT OF ORDER

Mr. LAZIO of New York. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. LAZIO of New York. Mr. Chairman, I understand the amendment is not at the desk, that the legislative drafting has not been completed, and we have not had a chance to look at that.

PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think we would just like to make certain, I think the chairman of the subcommittee and myself would just like to make certain that their rights are protected to be able to come back. The Chair had explained to us earlier that as we got close to the end of title I that we needed to come back and make certain that there was time to draft the amendment. I think both the chairman of the subcommittee and myself are just trying to make certain that we have in fact protected fully the gentlewoman from Michigan [Ms. KILPATRICK], the gentlewoman from California [Ms. WATERS] and the gentleman from Massachusetts [Mr. FRANK].

The CHAIRMAN. There is no request pending for the Chair at the moment.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that when we close title I, it be subject to allowing the amendment by the gentleman from Massachusetts [Mr. FRANK], which is printed in the RECORD as No. 3, and amendment No. 26, which was offered by the gentlewoman from California [Ms. WATERS] and the gentlewoman from Michigan [Ms. KILPATRICK] to be offered subsequent to closing.

The CHAIRMAN. Is there objection to the request of the gentleman from New York to the offering of those amendments once the committee has read beyond title I?

There was no objection.

Ms. DEGETTE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to thank the gentleman from New York [Mr. LAZIO] and the gentleman from Massachusetts [Mr. KENNEDY] for accepting my amendment to allow local housing authorities to use their operating funds to provide child care services for public housing residents.

I know this issue pales in comparison to the last issue that was discussed but it really raises the reason why legislation like this is really not designed to empower poor people to go out and work when they live in housing projects. The fact that child care was omitted from the original legislation shows that there is a real lack of understanding of what we need to do to help public housing residents empower themselves and go to work.

□ 1715

The lack of day care can be devastating to poor families who are trying to work, who are trying to go into the work force, and it is the height of hypocrisy to impose all of the onerous restrictions that we see in this bill and to ignore child care. My amendment does not fix all of these unacceptable provisions, but what it does say is that the public housing authorities can use operating funds at their discretion for child care.

If we really wanted to look at thoughtful housing reform, we would look at a model that is in my district in Denver, CO. Warren Village is a program, a private program, that provides housing for single mothers who are trying to get back on their feet. Women can only live in this housing for 2 years and during those 2 years they are required to either work or take classes. However, most residents do both.

When the program first started, there was no child care available and it became quickly apparent that these working mothers could not afford to go through the program because there was absolutely no way they could fulfill job or education requirements and, at the same time, have no child care. Warren Village quickly started raising money to start an on-site child care program, a program which I visited a few months ago.

This child care program is one of the best in the country and what it does is teach the children of low-income housing residents that they can break the cycle at the same time their mothers are breaking the cycle. It is probably one of the main reasons that Warren Village has been so successful in getting women back on their feet. They are taking classes, they are getting job training, and, most importantly, they are keeping those jobs.

If we truly want to look at ways that we can help residents of public housing get back on their feet, it is vital that we have child care, and that is why I am so pleased that both the chairman and the ranking member have agreed to put this child care provision in the legislation.

Once we can fix the rest of the legislation and have a compassionate and thoughtful bill, we can help these residents keep their dignity and get back on their feet.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the gentlewoman's perceptive and, I think, important amendment to this bill.

The gentlewoman from Colorado [Ms. DEGETTE] has distinguished herself in the short time she has been in the Congress of the United States. This is important legislation that begins to look out after the needs of the mothers that are in public housing and to recognize the fact that because of the lack of support for child care that takes place in general in this country, that we have a tremendous disincentive from allowing these mothers to go to work.

If people in public housing have very, very low incomes, they do not have any of the kind of normal support services that many of the rest of us can take for granted. As a result, the idea of leaving a child alone versus going to work puts the mothers oftentimes in a very, very difficult dilemma.

I think the idea of allowing a portion of the operating subsidies to go to setting up this kind of child care is an important recognition of the bind that mothers are in. So I just wanted to take a moment to compliment the gentlewoman from Colorado and let her know that Members on both sides of the aisle very strongly support the amendment which she offered.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

I just wanted to note, because I think there was some confusion in the presentation that we accepted the gentlewoman's amendment in the bill.

It was completely the intent of the committee, it is the understanding of the committee that it is inherent in the qualified activities inherent in this provision of the bill that child care services were already incorporated.

The gentlewoman had a concern, a valid concern. The amendment was accepted by myself and by the committee, and I just want to make clear that that was the case because I think there was some impression somehow that we were less than cooperative in showing that we supported this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I do not know what that exchange was all about, but as the Democratic manager of this amendment, I never had any impression that the gentleman from New York was anything other than supportive of this amendment.

I appreciate the fact that the gentleman was cooperative in trying to make this a part of the en bloc.

Ms. DEGETTE. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from Colorado.

Ms. DEGETTE. Mr. Chairman, I also thank the gentleman, and I thought I made that clear in my statement, that I do understand that this is supported.

My only point is that I think it should have been in the original language of the bill, and I appreciate the cooperation in now putting it in because child care really is essential in these situations.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, this Member, and I believe this side of the aisle, strongly supports child care, additional funding for child care, and believes it was inherent in the provisions of the bill as to qualified activities.

But I am happy to clarify this language, and the gentlewoman's amendment does that, and I am happy to offer my support.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FRANK of Massachusetts:

Page 35, after line 23, insert the following new subsection:

(h) FULL FUNDING REQUIREMENT FOR MANDATORY EFFECT OF FAMILY SELF-SUFFICIENCY REQUIREMENTS.—

(1) IN GENERAL.—Notwithstanding any other provision of this section, if for any fiscal year sufficient amounts are not or have not been provided in advance in appropriation Acts for such fiscal year specifically for covering all costs to public housing agencies of entering into, monitoring, and enforcing the family self-sufficiency agreement requirements and all other costs arising from such requirements, a public housing agency shall not be required to comply with such requirements during such fiscal year, but may comply with the requirements during such fiscal year solely at the option of the agency.

(2) DEFINITION.—For purposes of this subsection, the term "family self-sufficiency agreement requirements" means the following requirements:

(A) ESTABLISHING TARGET DATES FOR TRANSITION OUT OF ASSISTED HOUSING.—The requirement under subsection (b) to enter into agreements under such subsection regarding target dates.

(B) ENTERING INTO FAMILY SELF-SUFFICIENCY AGREEMENTS.—The requirements under subsection (d)—

(i) to enter into agreements containing the terms under subparagraphs (A), (C), and (D) of subsection (d)(2) and containing the condition under the second sentence of subsection (d)(1) with respect to such terms; and

(ii) to include any such terms in agreements under subsection (d).

(C) ENFORCING AGREEMENTS.—Any requirements under this section to monitor, enforce, or give any force or effect to—

(i) an agreement entered into under subsection (b);

(ii) the terms included in an agreement entered into under subsection (d), pursuant to subparagraphs (A), (C), and (D) of subsection (d)(2); and

(iii) with respect to such terms, the condition included in an agreement under subsection (d) pursuant to the second sentence of subsection (d)(1).

Mr. FRANK of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. FRANK of Massachusetts. Mr. Chairman, I would just say to the chairman of the subcommittee, I hope he is not upset at any little confusion, it is just that being that agreeable will sometimes catch us off guard. But we will adjust to it, and we certainly do not want to discourage him from the pattern. So it is very much appreciated.

This is an amendment, Mr. Chairman, that deals with another piece of what we debated last week. We debated thoroughly last week the 8-hour work requirement. There is another requirement in this bill, in the same provision, and it has to do with a requirement that every housing authority in the country get into a negotiation, except it is really a mandate, with most of their tenants by which the family and the agency enter into an agreement.

Included pursuant to subsection (D)(2)(c), as a term of agreement under subsection (D),

Establishing a target date by which the family intends to graduate from, terminate tenancy in, or no longer receive public housing or housing assistance under title III. This section may not be construed to create a right on the part of any public housing authority to evict or terminate solely on the basis of the failure to comply.

Obviously, we want to try to encourage people to get out of housing. And my amendment says, which I have worked on with the gentleman from Illinois, that we will make this option; that is, we will empower the housing authority to do it if they want to, in case there was any doubt as to their legal authority, and we will even make it mandatory if we appropriate the funds for it.

CBO has said this will cost millions of dollars. Exactly how much we cannot be sure because it was lumped in with another provision together that would cost $35 million.

But I would urge Members to think about what they are doing. If this amendment is rejected, we are ordering every housing authority in the country to take on an added burden in which no more services are provided, no more is asked of the tenant except more paperwork. What it says is that every tenant who is covered by this will have to sign an agreement in which they will agree to work toward termination of living in public housing.

I do not know quite what it will mean. I do not know how valuable anyone can think this will be. If an individual is in a housing authority and they go to every single tenant and say let us talk about when you are getting out, I cannot for the life of me see the value of it.

I am prepared, however, to allow this to be done on an optional basis, but this is a mandate to every housing authority and it is unfunded. However, while it is a mandate that is unfunded, the ruling is that it is not an unfunded mandate. So we should distinguish. An unfunded mandate, apparently, is only to be the case where we require something which we have not previously provided any funds for. Here funds are provided to housing authorities, and this adds to the burden of the housing authorities with no additional money.

Particularly for small and middle-sized housing authorities, this is a very considerable burden. These are authorities which have all manner of things to worry about that now have to go and sit down with all the tenants who are covered, the large number of tenants, and work out this agreement, this self-sufficiency agreement.

Mr. Chairman, I think it is a good idea for people to get out of public housing, but the notion people can write themselves contracts that will get them out seems to me to impute a power to contracts that do not happen. Are we thinking that people will be sitting there and saying, gee, I am going to live in public housing forever; and then we say, no, no, we want you to sign a contract saying when you will get out, that that will be the first time it will occur to them to get out?

How does this add to the motivation for people to get out? Presumably we want people to be motivated to make more money. We want people to be motivated to be more successful. There are housing projects to live in which are not all that attractive. I think people already have incentives to get out. And if they do not, this adds nothing to it. It is simply a whole lot of paperwork.

And I will just say to the Members, Mr. Chairman, that if they vote for this, I think it is fairly easy to predict that 2 and 3 years from now they will have some pretty angry housing authority directors and personnel to account to and some pretty angry housing authority members. People are going to wonder why this is going to come down from Washington and order every housing authority to sign a contract of self-sufficiency with every member.

It is a useful goal, but it does not seem to me this accounts for it. Frankly, I thought Republicans were in the mode of cutting bureaucracy, and this goes exactly in the opposite direction if we do not make it optional.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word in order to enter into a colloquy with the gentleman from Massachusetts just briefly about the potential for a time limit on this amendment and whether the gentleman would consider if we set a 30-minute parameter on this debate, 15 minutes on each side, whether that would be something the gentleman might be interested in.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I have already used up 5. I did not know that. Thirty in addition?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, if the gentleman wants to add the 5 to his 15.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman will continue to yield.

Yes, I will take 30. The gentleman can take his 5 and 30 after that, sure.

Mr. LAZIO of New York. So, Mr. Chairman, I would take 15, and the gentleman would have a total of 20, with the 5 he has already used. Is that acceptable to the gentleman?

Mr. FRANK of Massachusetts. That would be acceptable.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that our agreement be implemented, please, and held in order.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I assume the gentleman intends for the time to be equally divided.

Mr. LAZIO of New York. Mr. Chairman, yes, the time would be equally divided between the gentleman from Massachusetts [Mr. FRANK] and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Pursuant to the unanimous-consent request, there will be 15 minutes on each side, 15 minutes managed by the gentleman from New York [Mr. LAZIO] and 15 minutes by the gentleman from Massachusetts [Mr. FRANK], on this amendment and all amendments thereto.

The Chair recognizes the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, this amendment does speak to the ability for us to implement both the self-sufficiency contracts that are the means by which tenants begin to outline the steps that they might take, voluntarily, with the housing authority, to return to self-sufficiency. It also speaks to the core issue of community work and community service that this House has been debating for the last several days.

Mr. Chairman, housing authorities in America receive from the Federal Government almost $3 billion a year to subsidize their operating expenses right now. Under the terms of H.R. 2, the bill before this House, housing authorities would continue to receive nearly $3 billion a year to subsidize their operating expenses.

According to the Congressional Budget Office, who has looked at this, this is not an unfunded mandate. They do not characterize it that way. As a matter of fact, their review of the provision in this bill suggests that, through the management changes made in this bill, through the flexibility that inures to the housing authorities, there will be savings, savings, to the housing authorities in excess of $100 million annually.

The idea that we would ask the housing authorities to do a little bit more so that they would change their mission from simply being a place where people receive their housing to broaden their mission to include the assistance of helping people transform to self-sufficiency, is a valid one.

□ 1730

It is a valid mission. It is an appropriate mission. We should be focusing on the core issues of poverty and not just on the symptoms of providing shelter. Because the issue of poverty is much broader than simply housing, although housing obviously is one of the core issues.

I would say that to ask housing authorities to do this minimal additional program of implementing self-sufficiency contracts and implementing the community work program in return for the great flexibility that they would receive under this bill, where over two dozen programs are consolidated into two, an operating fund and a capital grant, is not unreasonable. It is completely reasonable.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I wanted to ask, because these are laudable goals to help them get out, I assume that means a job, what are the housing authorities going to do? How are the housing authorities going to do job training? Then we are talking about a lot more. What is it that the housing authorities are going to do through this piece of paper?

Mr. LAZIO of New York. Reclaiming my time, I would say to the gentleman here, the housing authority's mission is going to be to help coordinate the efforts, to ensure that these self-sufficiency agreements have meaning, that they work with people who are tenants to ensure that if there are vocational training possibilities, if there are employment possibilities, if there are possibilities of working with the Job Corps, in résumé building, experiencing a vocational exposure that might be helpful in terms of working with a labor union, that those might be available to the individual, where they may begin to coordinate these type of supportive services that will get to the core issues of self-sufficiency and poverty.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to go back to the point that the gentleman made earlier in his remarks where he indicated that the housing authorities received this $3 billion a year, roughly, $2.9 billion. Does the gentleman understand that this requirement, according to

CBO, would require 1,100 additional employees by housing authorities throughout the country?

Mr. LAZIO of New York. Reclaiming my time, the CBO, Congressional Budget Office, estimate as I understand it speaks to not just this one issue of community service and community work or not just the self-sufficiency program but the vast panoply of programs that would be implemented under the terms of H.R. 2. What they also make clear is that there is a net savings of $100 million annually under this program when fully implemented. When this bill is fully adopted, there are administrative savings, just administrative savings alone, of $100 million annually, which more than absorbs all the costs associated with the implementation of this program.

I would also argue to this House and to the gentleman that again if what we are talking about is $35 million in the scheme of $3 billion that the public housing authorities are subsidized for, and yet in the end the objective that is fulfilled is that we begin to move people out of public housing under their own means, that we have achieved something very great and very important.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just want to quote from the CBO study that indicates not only would it require 1,100 new personnel, this particular program would also require $35 million a year. This is a debate that we had extensively earlier on in this bill, several days ago. The fact of the matter is that this is why we called this and why the gentleman from North Carolina [Mr. WATT] was perfectly appropriate in calling this an unfunded mandate.

The gentleman is right that the overall bill will save $100 million. The overall bill is going to save $100 million because they are going to throw out poorer people and take in richer people. The richer people's rent sticks to the CBO's account number; therefore, the bill is going to save money. It is not going to save money through programs like this. This is an expenditure. It is an expenditure that CBO claims is going to cost $35 million and will require 1,100 new employees.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Let me just say that is only for these two programs, not the whole panoply. Let me just say, if I thought this was going to work, I would not begrudge it. Read it. It is the most Rube Goldbergesque scheme. What we are going to do is talk these people out of living in public housing, get them to sign a contract. It is a lot of bureaucratic gobbledygook that will not work.

Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Massachusetts, and appreciate the opportunity to join him as a cosponsor of this provision. This amendment guards against the creation of an unfunded mandate in section 105 of this bill by ensuring that public housing authorities retain discretion not to implement self-sufficiency agreements unless sufficient funds are appropriated to cover the costs.

The self-sufficiency requirements in section 105 would force public housing authorities to create a new bureaucratic system and take on an enormous paperwork burden. It would require them to take on additional functions of assessing participants, managing case loads, retaining records on all participants and overseeing resident compliance. Housing authorities cannot perform that role without additional staff. Over half the housing authorities in this country have 100 or fewer units, which often means a staff of less than 5 people, with half of the staff being maintenance employees.

Mr. Chairman, in its report on the cost of H.R. 2, CBO tells us that community work and self-sufficiency programs will cost $65 million in the first year and $35 million annually after that. The report also estimates that housing authorities will have to hire over 1,100 personnel to staff such programs. In addition, H.R. 2 creates substantial liability costs if residents are harmed while fulfilling work requirements. Yet H.R. 2 authorizes no funding to cover any of these additional costs.

Mr. Chairman, where will we find the additional funds in the midst of efforts to balance the budget? Apparently we, as Members of Congress, do not have to worry about that, because this provision would pass the buck to public housing authorities to figure out how they should cover the costs. Will they be forced to raise rents even higher?

The subcommittee chairman claims this provision is not an unfunded mandate because public housing authorities can use their operating funds to cover the costs. I must emphasize to all Members of this Chamber, however, that public housing budgets have been cut by 25 percent over the past few years. Housing authorities are currently underfunded, receiving only 88 percent of the operating funds that they actually need. Housing authorities estimate overall operating costs at $3.3 billion but they currently receive only $2.9 billion.

In response to budget cuts, they have downsized substantially over the past few years. Since 1995 the CHA alone in Chicago has experienced roughly $80 million in budget cuts. In response to this, it has been forced to cut its staff by 1,300 employees. Mr. Chairman, housing authorities do not have the additional $35 million per year in their thinning budgets to implement this new program.

A second problem I have with section 105 is that aside from creating a bureaucracy and increasing costs, it will duplicate the function already being performed by welfare agencies who have trained staff to do such work. One of the goals of H.R. 2 is to increase local flexibility and control, yet section 105 directly contradicts those goals. If housing authorities have been creating successful self-sufficiency programs in the past few years, should we not leave it up to them to determine how many residents they can effectively serve at one time? Should we not allow them to determine whether a program is more successful when it is mandatory or when it is incentive-based?

Mr. Chairman, this amendment to H.R. 2 would provide housing authorities with that flexibility. It will ensure that if funds are not appropriated to pay for the cost of the self-sufficiency program, that public housing authorities will have discretion over how to implement locally designed self-sufficiency programs.

I urge my colleagues to support this amendment. If we truly care about making public housing more efficient, we must avoid the unnecessary duplication and burdensome unfunded mandates that this provision provides.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Iowa [Mr. LEACH].

Mr. LEACH. I thank the distinguished gentleman for yielding me this time.

Mr. Chairman, I would just make several brief points.

First, in terms of unfunded mandates, the CBO represents to the committee that this requirement is a condition of receipt of Federal funds rather than an unfunded mandate.

Second, I think the minority side has made an absolutely valid point that there is an additional burden for housing authorities implied here. On the other hand, I think it should be clear that there is some return for that burden. For example, if I am a housing authority director an my residents are obligated to help clean up the housing project under the community service requirement, I must say to myself, that is a real plus for my program. If my residents are obligated to participate in things like community watch programs, I must think that is a plus for my program.

I would also comment on two aspects of this whole issue of self-sufficiency. One of the things that all of us who have visited with our housing projects have come to understand is that to a greater and greater extent, housing or shelter is just one part of the challenge.

Many housing projects, of course, work closely with other community service organizations, such as community action programs. It is the rest of the services to residents that is often as, if not more important than the shelter aspect, although these services may be tied into shelter.

Self-sufficiency is a very positive and very important goal. What this Congress is saying with this particular provision is that there should be an obligation to look at these issues in a much more dramatic way, recognizing that many housing projects do a pretty good job in this area at this time.

I would like to return just for a moment to the Milwaukee model which has been represented to this Member as one of the most successful public housing projects in the country. I would point out that in the Milwaukee project a contractual relationship is required between tenants and the city of Milwaukee. The first two provisions are rather strenuous, especially the second one, but it is a very interesting model.

Provision No. 1 reads that as an occupant of public housing, the occupant will complete an employability assessment; No. 2 reads that the occupant understands and agrees that he or she must abide by the recommendations of the employability plan developed as a result of that assessment.

What these two points are in this Milwaukee model that has been represented to be one of the more successful programs in the country is exactly this: self-sufficiency. Based upon this kind of model, based upon discussions with program directors in areas that I am familiar with, I am impressed that it is not enough to look at public housing simply as a shelter program. Self-sufficiency is a very appropriate goal to move toward, recognizing again that the requirement is a modest additional burden.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

I want to respond and say no, I can see that the gentleman has defined it as not an unfunded mandate. It does require them to spend more money out of the same pot they are getting. My experience with a lot of housing authorities is they are underfunded already. But it also requires them to spend money on a lot of bureaucracy and paperwork. It does not provide one job trainer. It does not provide one person to find anybody any employment. What it does is mandate them to sit down and sign contracts with people, people who have no particular knowledge about this, and to say here is when I promise to move out of public housing. I promise to do this.

I am all for these goals, but they ought to be treated as real. This notion that wishing will make it so and that having an overburdened housing authority administer of people, sign these contracts with the tenants when nothing in here adds anybody a job, it does not create a job, it does not provide a job counselor, it is just a feel-good bureaucratic requirement of the sort that if it were not dealing with poor people and housing, Republicans would be belittling. But because it deals with the poor people and housing, they are all for it.

Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. I thank the gentleman for yielding this time.

Mr. Chairman, I wanted to ask a question of the chairman, if he would join me in a colloquy for about 30 seconds.

I wondered if the gentleman had any idea of the number of residents in the Milwaukee model and/or the costs of implementation of the Milwaukee model in Milwaukee, particularly as it has been applied in the public housing authorities.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Iowa.

Mr. LEACH. I apologize to the gentleman. I do not have those statistics with me. I will say it has been represented that this Milwaukee model has been very successful. As the gentleman knows, the whole Wisconsin turnaround in the whole area of welfare has been as impressive a turnaround as any in the country.

Mr. JACKSON of Illinois. Mr. Chairman, I have no argument that the Milwaukee model may be a successful model. I am simply suggesting that there may be costs associated with the Milwaukee model, and if there are costs associated with the Milwaukee model, and we multiply that times public housing authorities across the country, and since we are mandating a Federal law that requires public housing authorities to follow this particular model, we are simply suggesting that there should be costs associated or funds appropriated from our Congress in order to make that model possible for all public housing authorities.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 3 minutes to the gentlewoman from Oregon [Ms. HOOLEY].

□ 1745

Ms. HOOLEY of Oregon. Mr. Chairman, I rise to express my strong support for the Frank-Jackson amendment. As a former board member of the Clackamas County Housing Authority, I have firsthand experience in managing public housing. Having worked through the bureaucracy and redtape myself, I know that we need to restore some local control and increase efficiency.

I agree with many of the underlying goals of H.R. 2. The sponsors of the bill have argued, and I agree, that we need to do more to increase flexibility for local housing authorities and reduce unwarranted rules and regulations. We need to ensure that our scarce resources are being spent to provide affordable housing and quality services in the most cost efficient manner.

Unfortunately, H.R. 2 imposes a serious new unfunded mandate on public housing authorities in the form of a so-called self-sufficiency contract. While the bill would mandate that public housing authorities develop self-sufficiency agreements for each tenant and mandatory community service requirements, it does not authorize any funding to assist housing authorities in dealing with this administrative nightmare.

I have spoken with many of the housing authority directors in Oregon, and they have all expressed strong opposition to this burdensome requirement which would cost hundreds of thousands of dollars to implement. In fact, the Portland Housing Authority has estimated that the new self-sufficiency requirement could easily add $400,000 to the operating cost. This amendment would ensure that in the absence of sufficient funding to cover the costs of this mandate, public housing authorities will have discretion over whether to implement a self-sufficiency and community work program.

This is not an issue of volunteerism and community service. I support the voluntary efforts to increase community service and participation that frankly are underway in many of the communities across this country.

H.R. 2 cloaks the issue of costly unfunded mandates and compulsory work requirements behind the veil of volunteerism. Do not be fooled by the rhetoric. Self-sufficiency contracts impose a costly new burden on housing authorities that are already struggling to operate with shrinking budgets and increasing demand.

If we insist on imposing standard community work and self-sufficiency requirements on local housing authorities, we then must provide them with funding to meet that goal. If we want to provide local control and increased efficiency, we need to listen to our local housing authority directors, who strongly support this amendment as an alternative to the unfunded mandate of H.R. 2.

I urge my colleagues to take a stand against unfunded mandates and support the Frank-Jackson amendment.

Mr. LAZIO of New York. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I thank the gentleman from New York [Mr. LAZIO] for yielding this time to me and would like to observe that the requirements we are talking about, the so-called self-sufficiency requirements, Mr. Chairman, are several in nature, and I would perhaps ask that the gentleman might respond to a question to make it more clear to me.

One of the requirements is to supervise the work that would be engaged in under the work for benefit plan as has been outlined earlier. I am also understanding there is a separate part of the sufficiency requirement which would require that authority to visit with housing tenants to develop a plan. Is this a plan similar to, say, in the event a family gets in trouble with a credit card debt and they go to family debt counselors and they sit down with an individual and say here is what I owe, here is what I make, help me out; is it that kind of counseling process we are going through where an individual sits down and says I am in public housing, and here are my skills, and here is where I intended to be, or what is it that the gentleman is trying to require because it has been referred to as a kind of a Rube Goldberg thing?

Mr. Chairman, I think we are owed an explanation as to where we go on this. What does this do?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, the most cost effective thing that we can do is to move people to self-sufficiency. The goal here is to do just that, to improve neighborhoods, especially low-income neighborhoods and public housing areas and to get people, if we can, to focus on what they need to do to get to the end game, which will be in my opinion a job that will help support their family. The concept is, if I can, to work with the housing authority so that there can be ongoing discussion on how to get there, what path do we need to take to get to that end game?

Mr. BAKER. Mr. Chairman, does the gentleman ask, for instance, if they have job skills, and if they do not, does he suggest where they might go to get job training?

Is that sort of part of this process?

Mr. LAZIO of New York. Yes, I would imagine it would be.

Mr. BAKER. Mr. Chairman, so the short statement would be we are going to require housing authorities to spend some money to help the occupants finally get a plan for themselves, perhaps their family, to get out of public housing?

Mr. LAZIO of New York. Mr. Chairman, some of the most important work that is being done with the homeless right now involves supportive services and the type of counseling.

Mr. BAKER. Mr. Chairman, reclaiming my time, where people sat down with and where we could discuss what needs were needed to be met, how we got there and how we dealt with the inherent problems that people face and challenges they face that have led to them being in public housing to begin with?

Mr. LAZIO of New York. Mr. Chairman, that is exactly what we are trying to do here.

Mr. BAKER. Mr. Chairman, if I could reclaim my time, the gentleman is saying out of the $2.9 billion we are appropriating to housing authorities for operations, he is going to spend, I think the gentleman said, $35 million of this to actually help the occupants find a family plan and get on with life and perhaps get a job and then maybe even leave public housing.

That is what this is about?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, that is true. I would also add that this bill saves money. It saves in administrative expenses. And, yes, in this one area there are some additional requests in terms of expanding the mission, but overall this bill is a saver both for housing authorities and for the Federal Government.

Mr. BAKER. So if I am understanding, the bill in its present form would save us some money, help occupants of public housing ultimately get a job, perhaps leave public housing, and that is what is being objected to?

Mr. LAZIO of New York. It is.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 1 minute.

The gentleman could not be more wrong. We are not objecting to efforts to help people find jobs because there are not any in here. This has nothing to do with finding jobs. This has to do with having everybody sign a contract that has no meaning, no particular force apparently, and it is simply a lot of bureaucratic paperwork.

Apparently the notion is that earning a living never occurred to these poor people, that they were living in public housing and it never occurred to them that a job would be better than not a job because this does not provide job training, it does not provide job matching, it provides no services. It simply mandates that every housing authority sign a contract.

Now, some housing authorities might find that useful, but here is the point that I want to just reiterate. As the gentlewoman from Oregon said, this is a mandate from the Federal Government that every housing authority in America will go about that job in exactly this way. If they decide they have got to concentrate on 20 to 30 percent of the people who have a chance of being employed and they would do better working with them than with others, they cannot do that. They have to equally sign one of these pieces of paper with everybody.

Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding this time to me. I just want to make this point quickly distinguishing between this provision and the last provision we were debating.

The volunteer mandate requirement is a bad idea which was wasteful. This is a wasteful idea and therefore is bad. If we are going to require local governments to do something wasteful, at least we ought to be paying for it, and that is the point I want to make. There is a difference between being bad and therefore wasteful. This one is wasteful and therefore bad.

Mr. FRANK of Massachusetts. Mr. Chairman, I thank the gentleman from North Carolina, and I concede he is a man of his minute.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself 1 minute.

The idea, Mr. Chairman, that community work or self-sufficiency is wasteful or ridiculous or foolish I think mocks the attempts that some communities are making from Charlotte to Milwaukee to try and incorporate the sense of reconnecting people with their civic responsibility and helping out in a broad range of community service activities in their own backyard to try and better that community, better that neighborhood, better that project, even better that hall.

These efforts are valid, important efforts. Their aim is not to look the other way and just to maintain people. Their efforts ought to help transform, to deal with the root causes of poverty, to give people the tools to help them build those tools that they will need to go out, to graduate from public housing and then to make their own choices about where they can live, what they can do for their family. These are important, valid initiatives.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 20 seconds to say that I hope in his closing remarks the gentleman from New York [Mr. LAZIO] will tell us what those tools are. As far as the tools for getting better in the self-sufficiency, I have not found a tool. I did find an old tool catalogue that they are allowed to kind of read through, but nothing in here gets them any closer to a tool.

Mr. Chairman, I yield the remaining time to the gentleman from Massachusetts [Mr. KENNEDY].

The CHAIRMAN. The gentleman from Massachusetts is recognized for 3 minutes and 10 seconds.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, I want to thank my friend from Massachusetts, Mr. FRANK, and the gentleman from Illinois Mr. JACKSON, for offering this amendment. I think that this is an important amendment which gets to the heart of what this committee is all about.

I mean, what we see here is an attempt to use housing policy to create a new social engineering kind of notion that might appeal to a broad number of Americans but nevertheless is in fact social policy enacted under the housing bill.

Effectively, what the policy that I hear being talked about says is very simply that poor people work harder if we take things away, but rich people work harder if we give things to them. It is a kind of socialism for the rich and free enterprise for the poor. That is effectively the underlying message that this amendment really gets to, and I think that is the underlying message that is reinforced by H.R. 2.

We are not suggesting for a second that people who get a benefit should not work. I agree wholeheartedly. People that get a benefit ought to work. But what I do not think is that we ought to provide and take away from the very public housing authorities, all of those housing authorities that we love to now walk in front of, Democrats and Republicans alike, point out these great old housing monstrosities where we warehouse the poor, and we say look at this terrible thing that Lyndon Johnson and the Democratic House of Representatives and Congress and the like have brought about, all the support for public housing that just does not work. Look at it. Obviously this is terrible policy.

So what is our result? How are we going to fix that? What we are going to do in order to fix it is we are going to take some money away from it. We are going to say we are going to cut the budget. We cut it from $28 billion down to $20 billion. Now we are going to take the most important funding mechanism that housing authorities have to serve the poorest people in this country and provide them with basic shelter. We are going to go to the single fund that they rely on the most, their operating subsidies, and we are going to say, "We're going to go in, and we're going to give you another $65 million task. It is going to create a requirement where you're going to have to go out and hire 1,100 more people, but we're not going to give you a penny to do it because we think we can get some votes if we stand up there and look tough on the poor," if we point our finger at them and say, "You're sitting in that public housing, you're watching Oprah Winfrey, you're sitting there doing all these things, not working."

Mr. Chairman, if we stand up there and look like we are really getting tough on them, boy, that is going to appeal to the American people? I say let us reach inside and perhaps find a higher purpose than just getting votes. Why do we not try to fix public housing in this bill? Why do we not try to provide them not with $2.9 billion for their necessary operating subsidies? But HUD itself and the housing authorities themselves say that they need $3.3 billion.

And I understand they are going to come back and tell me that President Clinton only authorized $3.1 billion. They came in at $2.9. The truth of the matter is both numbers are too small. If we are really interested in trying to provide public housing, the kind of decent honorable housing that we expect as all Americans to receive, then we have to give them the full funding, which is $3.3 billion, and I just would appeal to the chairman of this committee to stop using this bill to ram through this housing and instead ram through good housing policy.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, once again this is the third day of debate of the bill, and the question is asked why could we not just do something to fix public housing? That is exactly what we are here in the business of doing.

Now, there are people who argue against change in this body, there are people who argue that what we are doing is fine, that it is OK to maintain super concentrations of poverty, that we should not be worried about transforming people to self-sufficiency. But this debate for the last 3 days and the days that will follow that we will debate this bill is in fact about self-sufficiency, it is about transformation, it is about community work and the work ethic and responsibility and those values that we think are important in every American community.

We reject the premise that this is entirely about money. Public housing authorities get $3 billion. In Chicago along State Street there are buildings that we in this body, people in this body, would not want to sleep in the worst day of their life, yet we have children, American children, living there with broken windows and broken doors and hallways that are filthy.

□ 1800

In New Orleans in a place called Desire, perversely, ditto. In those two examples, Mr. Chairman, it was not a lack of money, because those housing authorities left money on the table. Those housing authorities were failing in their basic mission to provide good, healthy housing for their own people while they still had money in their pockets.

So the argument that this is all about money and this is not about management and responsibility and transformation is to mock the facts, the facts. The facts are that in some American cities we have housing authorities that have been abysmal failures despite the billions that we have spent, and yet we look the other way and suggest that the only way to deal with this is to spend more money, but to continue the same process. We say on this side, and for many on the other side of the aisle, that that is nonsense.

I have been to Chicago, I have been to New York City, I have been to east New York, I have been to Washington, DC to see public housing. I have been to New Orleans, I have been to L.A., I have been to Phoenix. I know the face of public housing. What is amazing here is that the public housing residents themselves are the ones that are calling for much of this change. They are not the forces of defending the status quo, they are the ones that recognize that self-sufficiency and transformation and community work are valid, proper goals.

Mr. Chairman, I urge my colleagues to oppose this amendment.

The CHAIRMAN. All time on this amendment has expired.

The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 133, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment offered by the gentleman from North Carolina [Mr. WATT]; amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from North Carolina [Mr. WATT] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 286, not voting 7, as follows:

[Roll No. 103]

AYES—140

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clayton
Clyburn
Conyers
Costello
Coyne

Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Dingell
Dixon
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Olver
Owens
Pallone
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Scott
Serrano
Skaggs
Skelton
Slaughter
Snyder
Stark
Stokes
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Waters
Watt (NC)
Wexler
Wise
Woolsey
Wynn
Yates

NOES—286

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Andrews
Becerra
Clay
Kolbe
Reyes
Schiff
Waxman

☐ 1823

Mrs. McCARTHY of New York, Mrs. CHENOWETH, and Messrs. RIGGS, ENSIGN, MORAN of Virginia, and DEUTSCH changed their vote from "aye" to "no."

Ms. ROYBAL-ALLARD, Ms. MILLENDER-McDONALD, and Mr. LEVIN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 12, as follows:

[Roll No. 104]

AYES—168

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Clayton
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dixon
Doggett
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Fox
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Whitfield
Wise
Woolsey
Wynn
Yates

NOES—253

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert

Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Luther
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanchez
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)

NOT VOTING—12

Andrews
Becerra
Clay
Collins
Cox
Kolbe
Reyes
Schiff
Snowbarger
Stark
Waxman
Young (FL)

□ 1833

Ms. KAPTUR and Mr. FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore [Mr. LAHOOD]. Are there further amendments to title I?

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

There is language at the desk, I understand. We have been working out some language with the gentlewoman from California [Ms. WATERS]. The gentlewoman has graciously permitted us to work together with her to rewrite the amendment that she has offered, which is Amendment No. 26, in the RECORD.

The language is now acceptable to this Member, and I believe it is acceptable to the vast majority of Members on this side of the aisle. If I correctly state the position of the gentlewoman, she is consensually now offering this new language. We would be supportive of that.

I thank the gentlewoman for her flexibility in meeting our mutual concerns, which I think will lead to the protection of the people that she is concerned about, without adding additional layers of bureaucracy. I support the amendment.

AMENDMENT OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. WATERS:

Page 57, strike lines 14 through 22 and insert the following:

(b) EXCLUSION FROM ADMINISTRATIVE PROCEDURE OF GRIEVANCES CONCERNING EVICTIONS FROM PUBLIC HOUSING INVOLVING HEALTH, SAFETY, OR PEACEFUL ENJOYMENT.—A public housing agency may exclude from its procedure established under subsection (a) any grievance, in any jurisdiction which requires that prior to eviction, a tenant be given a hearing in court, which the Secretary determines provides the basic elements of due process (which the Secretary shall establish by rule under section 553 of title 5, United States Code), concerning an eviction from or termination of tenancy in public housing that involves any activity that threatens the health, safety, or right to peaceful enjoyment of the premises of other tenants or employees of the public housing agency or any drug-related criminal activity on or off such premises.

In the case of any eviction from or termination of tenancy in public housing not described in the preceding sentence, each of the following provisions shall apply:

(1) Such eviction or termination shall be subject to an administrative grievance procedure if the tenant so evicted or terminated requests a hearing under such procedure not later than five days after service of notice of such eviction or termination.

(2) The public housing agency shall take final action regarding a grievance under paragraph (1) not later than thirty days after such notice is served.

(3) If the public housing agency fails to provide a hearing under the grievance procedure pursuant to a request under paragraph (1) and take final action regarding the grievance before the expiration of the 30-day period under paragraph (2), the notice of eviction or termination shall be considered void and shall not be given any force or effect.

(4) If a public housing authority takes final action on a grievance for any eviction or termination, the tenant and any member of the tenant's household shall not have any right in connection with any subsequent eviction or termination notice to request or be afforded any administrative grievance hearing during the 1-year period beginning upon the date of the final action.

Mr. BAKER of Louisiana (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Ms. WATERS. Mr. Chairman, I would like to thank the gentleman from New York [Mr. LAZIO] for taking the time to help work out his concerns with the amendment that I had offered.

My amendment simply tried to make sure that there was some process by which people could, in the housing projects, could go through a grievance procedure.

The gentleman from New York [Mr. LAZIO] certainly thought that there should be some kind of informal procedure by which they could address their concerns. This will do it. This will put a time limit so that they, in fact, would have to bring this to the attention of the authorities within 5 days. And if they do that, then we put another time limit and the housing authority would have to react within a 30-day period of time.

I think this addresses the concerns of those who thought that these go on and on and on; they are not resolved. And even for those who go to court, they have used up a great deal of time in the bureaucracy of the housing authority addressing these issues. It appears that in some cases they may have been abusing the process by coming time and time again through the grievance procedure.

While I do believe it would have been best to just have one without limit, I accept this and so does the gentlewoman from Michigan [Ms. KILPATRICK]. We believe that rather than shut it down altogether, this does leave a door open and lets us see how it works. We believe that at least it would give people the ability to address their concerns without having to go into court and bear the expense of that. I do appreciate the opportunity to do that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from California [Ms. WATERS].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—PUBLIC HOUSING

Subtitle A—Block Grants

SEC. 201. BLOCK GRANT CONTRACTS.

(a) IN GENERAL.—The Secretary shall enter into contracts with public housing agencies under which—

(1) the Secretary agrees to make a block grant under this title, in the amount provided under section 202(c), for assistance for low-income housing to the public housing agency for each fiscal year covered by the contract; and

(2) the agency agrees—

(A) to provide safe, clean, and healthy housing that is affordable to low-income families and services for families in such housing;

(B) to operate, or provide for the operation, of such housing in a financially sound manner;

(C) to use the block grant amounts in accordance with this title and the local housing management plan for the agency that complies with the requirements of section 106;

(D) to involve residents of housing assisted with block grant amounts in functions and decisions relating to management and the quality of life in such housing;

(E) that the management of the public housing of the agency shall be subject to actions authorized under subtitle D of title V;

(F) that the Secretary may take actions under section 205 with respect to improper use of grant amounts provided under the contract; and

(G) to otherwise comply with the requirements under this title.

(6) Small Public Housing Agency Capital Grant Option.—For any fiscal year, upon the request of the Governor of the State, the Secretary shall make available directly to the State, from the amounts otherwise included in the block grants for all public housing agencies in such State which own or operate less than 100 dwelling units, ½ of that portion of such amounts that is derived from the capital improvement allocations for such agencies pursuant to section 203(c)(1) or 203(d)(2), as applicable. The Governor of the State will have the responsibility to distribute all of such funds, in amounts determined by the Governor, only to meet the exceptional capital improvement requirements for the various public housing agencies in the State which operate less than 100 dwelling units: *Provided*, *however*, That for States where Federal funds provided to the State are subject to appropriation action by the State legislature, the capital funds made available to the Governor under this subsection shall be subject to such appropriation by the State legislature.

(c) Modification.—Contracts and agreements between the Secretary and a public housing agency may not be amended in a manner which would—

(1) impair the rights of—

(A) leaseholders for units assisted pursuant to a contract or agreement; or

(B) the holders of any outstanding obligations of the public housing agency involved for which annual contributions have been pledged; or

(2) provide for payment of block grant amounts under this title in an amount exceeding the allocation for the agency determined under section 204.

Any rule of law contrary to this subsection shall be deemed inapplicable.

SEC. 202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

(a) Authority.—The Secretary shall make block grants under this title to eligible public housing agencies in accordance with block grant contracts under section 201.

(b) Performance Funds.—

(1) In general.—The Secretary shall establish 2 funds for the provision of grants to eligible public housing agencies under this title, as follows:

(A) Capital fund.—A capital fund to provide capital and management improvements to public housing developments.

(B) Operating fund.—An operating fund for public housing operations.

(2) Flexibility of funding.—

(A) In general.—A public housing agency may use up to 20 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 203(a)(2) to be funded with amounts from the operating fund.

(B) Full flexibility for small PHA's.—In the case of a public housing agency that owns or operates less than 250 public housing dwelling units and is (in the determination of the Secretary) operating and maintaining its public housing in a safe, clean, and healthy condition, the agency may use amounts from a grant under this title for any eligible activities under section 203(a), regardless of the fund from which the amounts were allocated and provided.

(c) Amount of Grants.—The amount of the grant under this title for a public housing agency for a fiscal year shall be the amount of the allocation for the agency determined under section 204, except as otherwise provided in this title and title V.

(d) Eligibility.—A public housing agency shall be an eligible public housing agency with respect to a fiscal year for purposes of this title only if—

(1) the Secretary has entered into a block grant contract with the agency;

(2) the agency has submitted a local housing management plan to the Secretary for such fiscal year;

(3) the plan has been determined to comply with the requirements under section 106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(4) the agency is exempt from local taxes, as provided under subsection (e), or receives a contribution, as provided under such subsection;

(5) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony;

(6) the agency has entered into an agreement providing for local cooperation in accordance with subsection (f); and

(7) the agency has not been disqualified for a grant pursuant to section 205(a) or title V.

(e) Payments in Lieu of State and Local Taxation of Public Housing Developments.—

(1) Exemption from taxation.—A public housing agency may receive a block grant under this title only if—

(A)(i) the developments of the agency (exclusive of any portions not assisted with amounts provided under this title) are exempt from all real and personal property taxes levied or imposed by the State, city, county, or other political subdivision; and

(ii) the public housing agency makes payments in lieu of taxes to such taxing authority equal to 10 percent of the sum, for units charged in the developments of the agency, of the difference between the gross rent and the utility cost, or such lesser amount as is—

(I) prescribed by State law;

(II) agreed to by the local governing body in its agreement under subsection (f) for local cooperation with the public housing agency or under a waiver by the local governing body; or

(III) due to failure of a local public body or bodies other than the public housing agency to perform any obligation under such agreement; or

(B) the agency complies with the requirements under subparagraph (A) with respect to public housing developments (including public housing units in mixed-income developments), but the agency agrees that the units other than public housing units in any mixed-income developments (as such term is defined in section 221(c)(2)) shall be subject to any otherwise applicable real property taxes imposed by the State, city, county or other political subdivision.

(2) Effect of failure to exempt from taxation.—Notwithstanding paragraph (1), a public housing agency that does not comply with the requirements under such paragraph may receive a block grant under this title, but only if the State, city, county, or other political subdivision in which the development is situated contributes, in the form of cash or tax remission, the amount by which the taxes paid with respect to the development exceed 10 percent of the gross rent and utility cost charged in the development.

(f) Local Cooperation.—In recognition that there should be local determination of the need for low-income housing to meet needs not being adequately met by private enterprise, the Secretary may not make any grant under this title to a public housing agency unless the governing body of the locality involved has entered into an agreement with the agency providing for the local cooperation required by the Secretary pursuant to this title.

(g) Exception.—Notwithstanding subsection (a), the Secretary may make a grant under this title for a public housing agency that is not an eligible public housing agency but only for the period necessary to secure, in accordance with this title, an alternative public housing agency for the public housing of the ineligible agency.

(h) Recapture of Capital Assistance Amounts.—The Secretary may recapture, from any grant amounts made available to a public housing agency from the capital fund, any portion of such amounts that are not used or obligated by the public housing agency for use for eligible activities under section 203(a)(1) (or dedicated for use pursuant to section 202(b)(2)(A)) before the expiration of the 24-month period beginning upon the award of such grant to the agency.

SEC. 203. ELIGIBLE AND REQUIRED ACTIVITIES.

(a) Eligible Activities.—Except as provided in subsection (b) and in section 202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may be used for the following activities:

(1) Capital fund activities.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) Operating fund activities.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing community work program under section 105, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

(b) Required Conversion of Assistance for Public Housing to Rental Housing Assistance.—

((1) Requirement.—A public housing agency that receives grant amounts under this title shall provide assistance in the form of rental housing assistance under title III, or appropriate site revitalization or other appropriate capital improvements approved by the Secretary, in lieu of assisting the operation and modernization of any building or buildings of public housing, if the agency provides sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimated cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title III for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Public housing agencies shall identify properties that meet the definition of subparagraphs (A) through (E) and shall consult with the appropriate public housing residents and the appropriate unit of general local government in identifying such properties.

(2) Use of other amounts.—In addition to grant amounts under this title attributable (pursuant to the formulas under section 204) to the building or buildings identified under paragraph (1), the Secretary may use amounts provided in appropriation Acts for choice-based housing assistance under title III for families residing in such building or buildings or for appropriate site revitalization or other appropriate capital improvements approved by the Secretary.

(3) Enforcement.—The Secretary shall take appropriate action to ensure conversion of any building or buildings identified under paragraph (1) and any other appropriate action under this subsection, if the public housing agency fails to take appropriate action under this subsection.

(4) Failure of PHA's to comply with conversion requirement.—If the Secretary determines that—

(A) a public housing agency has failed under paragraph (1) to identify a building or buildings in a timely manner,

(B) a public housing agency has failed to identify one or more buildings which the Secretary determines should have been identified under paragraph (1), or

(C) one or more of the buildings identified by the public housing agency pursuant to paragraph (1) should not, in the determination of the Secretary, have been identified under that paragraph,

the Secretary may identify a building or buildings for conversion and take other appropriate action pursuant to this subsection.

(5) Cessation of unnecessary spending.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a building or buildings meets or is likely to meet the criteria set forth in paragraph (1), the Secretary may direct the public housing agency to cease additional spending in connection with such building or buildings, except to the extent that additional spending is necessary to ensure safe, clean, and healthy housing until the Secretary determines or approves an appropriate course of action with respect to such building or buildings under this subsection.

(6) Use of budget authority.—Notwithstanding any other provision of law, if a building or buildings are identified pursuant to paragraph (1), the Secretary may authorize or direct the transfer, to the choice-based or tenant-based assistance program of such agency or to appropriate site revitalization or other capital improvements approved by the Secretary, of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such building or buildings pursuant to section 14 of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b));

(B) in the case of an agency receiving public housing modernization assistance by formula pursuant to such section 14, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to such building or buildings;

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of such building or buildings pursuant to section 5(j)(2) of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b); and

(D) in the case of an agency receiving assistance pursuant to the formulas under section 204, any amounts provided to the agency which are attributable pursuant to the formulas for allocating such assistance to such building or buildings.

(7) Relocation requirements.—Any public housing agency carrying out conversion of public housing under this subsection shall—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance or occupancy in a unit operated or assisted by the public housing agency;

(B) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title III (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing);

(C) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(D) provide any reasonable relocation expenses for families displaced by such action.

(8) Transition.—Any amounts made available to a public housing agency to carry out section 202 of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104–134; 110 Stat. 1321–279)) may be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, to carry out this section. The Secretary shall provide for public housing agencies to conform and continue actions taken under such section 202 in accordance with the requirements under this section.

(c) Extension of Deadlines.—The Secretary may, for a public housing agency, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

(d) Compliance With Plan.—The local housing management plan submitted by a public housing agency (including any amendments to the plan), unless determined under section 107 not to comply with the requirements under section 106, shall be binding upon the Secretary and the public housing agency and the agency shall use any grant amounts provided under this title for eligible activities under subsection (a) in accordance with the plan. This subsection may not be construed to preclude changes or amendments to the plan, as authorized under section 107 or any actions authorized by this Act to be taken without regard to a local housing management plan.

(e) Eligible Activities for Increased Income.—Any public housing agency that derives increased nonrental or rental income, as referred to in subsection (c)(2)(B) or (d)(1)(D) of section 204 or pursuant to provision of mixed-income developments under section 221(c)(2), may use such amounts for any eligible activity under paragraph (1) or (2) of subsection (a) of this section or for providing choice-based housing assistance under title III.

SEC. 204. DETERMINATION OF GRANT ALLOCATION.

(a) In General.—For each fiscal year, after reserving amounts under section 111 from the aggregate amount made available for the fiscal year for carrying out this title, the Secretary shall allocate any remaining amounts among eligible public housing agencies in accordance with this section, so that the sum of all of the allocations for all eligible authorities is equal to such remaining amount.

(b) Allocation Amount.—The Secretary shall determine the amount of the allocation for each eligible public housing agency, which shall be—

(1) for any fiscal year beginning after the enactment of a law containing the formulas described in paragraphs (1) and (2) of subsection (c), the sum of the amounts determined for the agency under each such formula; or

(2) for any fiscal year beginning before the expiration of such period, the sum of—

(A) the operating allocation determined under subsection (d)(1) for the agency; and

(B) the capital improvement allocation determined under subsection (d)(2) for the agency.

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the public housing agency, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the public housing agency to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the public housing agency, including backlog and projected future needs of the agency;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the public housing agency to carry out activities that provided a safe and secure environment in public housing units owned or operated by the public housing agency.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—

(A) IN GENERAL.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(i) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(ii) the number of public housing dwelling units owned or operated by the public housing agency;

(iii) the need of the public housing agency to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents; and

(iv) any record by the public housing agency of exemplary performance in the operation of public housing.

(B) INCENTIVE TO INCREASE INCOME.—The formula shall provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increase while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except to the extent that such benefit exceeds (i) 100 percent of the total amount of the operating allocation for which the agency is eligible under this section, and (ii) the maximum balance permitted for the agency's operating reserve under this section and any regulations issued under this section.

(C) Treatment of utility rates.—The formula shall not take into account the amount of any cost reductions for a public housing agency due to the difference between projected and actual utility rates attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. In the case of any public housing agency that receives financing from any person or entity other than the Secretary or enters into a performance contract to undertake energy conservation improvements in a public housing development, under which the payment does not exceed the cost of the energy saved as a result of the improvements during a reasonable negotiated contract period, the formula shall not take into account the amount of any cost reductions for the agency due to the differences between projected and actual utility consumption attributable to actions that are taken by the agency which lead to such reductions, as determined by the Secretary. Notwithstanding the preceding 2 sentences, after the expiration of the 10-year period beginning upon the savings initially taking effect, the Secretary may reduce the amount allocated to the agency under the formula by up to 50 percent of such differences.

(3) CONSIDERATION OF PERFORMANCE, COSTS, AND OTHER FACTORS.—The formulas under paragraphs (1) and (2) should each reward performance and may each consider appropriate factors that reflect the different characteristics and sizes of public housing agencies, the relative needs, revenues, costs, and capital improvements of agencies, and the relative costs to agencies of operating a well-managed agency that meets the performance targets for the agency established in the local housing management plan for the agency.

(4) DEVELOPMENT UNDER NEGOTIATED RULEMAKING PROCEDURE.—The formulas under this subsection shall be developed according to procedures for issuance of regulations under the negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code, except that the formulas shall not be contained in a regulation.

(5) REPORT.—Not later than the expiration of the 12-month period beginning upon the enactment of this Act, the Secretary shall submit a report to the Congress containing the proposed formulas established pursuant to paragraph (4) that meets the requirements of this subsection.

(d) INTERIM ALLOCATION REQUIREMENTS.—

(1) OPERATING ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for operating allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for operating subsidies under section 9 of the United States Housing Act of 1937 bears to the sum of such operating subsidy amounts plus the amounts appropriated for such fiscal year for modernization under section 14 of such Act.

(B) DETERMINATION.—The operating allocation under this paragraph for a public housing agency for a fiscal year shall be an amount determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of operating subsidies for fiscal year 1997 to public housing agencies (as modified under subparagraphs (C) and (D)) under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b).

(C) TREATMENT OF CHRONICALLY VACANT UNITS.—The Secretary shall revise the formula referred to in subparagraph (B) so that the formula does not provide any amounts, other than utility costs and other necessary costs (such as costs necessary for the protection of persons and property), attributable to any dwelling unit of a public housing agency that has been vacant continuously for 6 or more months. A unit shall not be considered vacant for purposes of this paragraph if the unit is unoccupied because of rehabilitation or renovation that is on schedule.

(D) TREATMENT OF INCREASES IN INCOME.—The Secretary shall revise the formula referred to in subparagraph (B) to provide an incentive to encourage public housing agencies to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the agency shall derive the full benefit of any increase in nonrental or rental income, and such increase shall not result in a decrease in amounts provided to the agency under this title. In addition, an agency shall be permitted to retain, from each fiscal year, the full benefit of such an increase in nonrental or rental income, except that such benefit may not be retained if—

(i) the agency's operating allocation equals 100 percent of the amount for which it is eligible under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b) of this Act; and

(ii) the agency's operating reserve balance is equal to the maximum amount permitted under section 9 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b) of this Act.

(2) CAPITAL IMPROVEMENT ALLOCATION.—

(A) APPLICABILITY TO APPROPRIATED AMOUNTS.—Of any amounts available for allocation under this subsection for a fiscal year, an amount shall be used only to provide amounts for capital improvement allocations under this paragraph for eligible public housing agencies that bears the same ratio to such total amount available for allocation that the amount appropriated for fiscal year 1997 for modernization under section 14 of the United States Housing Act of 1937 bears to the sum of such modernization amounts plus the amounts appropriated for such fiscal year for operating subsidies under section 9 of such Act.

(B) DETERMINATION.—The capital improvement allocation under this paragraph for an eligible public housing agency for a fiscal year shall be determined by applying, to the amount to be allocated under this paragraph, the formula used for determining the distribution of modernization assistance for fiscal year 1997 to public housing agencies under section 14 of the United States Housing Act of 1937, as in effect immediately before the effective date of the repeal under section 601(b), except that the Secretary shall establish a method for taking into consideration allocation of amounts under the comprehensive improvement assistance program.

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a public housing agency uses proceeds from the sale of units under a homeownership program in accordance with section 251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the agency under this section until sale by the agency, but in any case no longer than 5 years.

SEC. 205. SANCTIONS FOR IMPROPER USE OF AMOUNTS.

(a) IN GENERAL.—In addition to any other actions authorized under this title, if the Secretary finds pursuant to an audit under section 541 that a public housing agency receiving grant amounts under this title has failed to comply substantially with any provision of this title, the secretary may—

(1) terminate payments under this title to the agency;

(2) withhold from the agency amounts from the total allocation for the agency pursuant to section 204;

(3) reduce the amount of future grant payments under this title to the agency by an amount equal to the amount of such payments that were not expended in accordance with this title;

(4) limit the availability of grant amounts provided to the agency under this title to programs, projects, or activities not affected by such failure to comply;

(5) withhold from the agency amounts allocated for the agency under title III; or

(6) order other corrective action with respect to the agency.

(b) TERMINATION OF COMPLIANCE ACTION.—If the Secretary takes action under subsection (a) with respect to a public housing agency, the Secretary shall—

(1) in the case of action under subsection (a)(1), resume payments of grant amounts under this title to the agency in the full amount of the total allocation under section 204 for the agency at the time that the secretary first determines that the agency will comply with the provisions of this title;

(2) in the case of action under paragraph (2), (5), or (6) of subsection (a), make withheld amounts available as the Secretary considers appropriate to ensure that the agency complies with the provisions of this title; or

(3) in the case of action under subsection (a)(4), release such restrictions at the time that the Secretary first determines that the agency will comply with the provisions of this title.

Subtitle B—Admissions and Occupancy Requirements

SEC. 221. LOW-INCOME HOUSING REQUIREMENT.

(a) PRODUCTION ASSISTANCE.—Any public housing produced using amounts provided under a grant under this title or under the United States Housing Act of 1937 shall be operated as public housing for the 40-year period beginning upon such production.

(b) OPERATING ASSISTANCE.—No portion of any public housing development operated with amounts from a grant under this title or operating assistance provided under the United States Housing Act of 1937 may be disposed of before the expiration of the 10-year period beginning upon the conclusion of the fiscal year for which the grant or such assistance was provided, except as provided in this Act.

(c) CAPITAL IMPROVEMENTS ASSISTANCE.—Amounts may be used for eligible activities under section 203(a)(1) only for the following housing developments:

(1) LOW-INCOME DEVELOPMENTS.—Amounts may be used for a low-income housing development that—

(A) is owned by public housing agencies;

(B) is operated as low-income rental housing and produced or operated with assistance provided under a grant under this title; and

(C) is consistent with the purposes of this title.

Any development, or portion thereof, referred to in this paragraph for which activities under section 203(a)(1) are conducted using amounts from a grant under this title shall be maintained and used as public housing for the 20-year period beginning upon the receipt of such grant. Any public housing development, or portion thereof, that received the benefit of a grant pursuant to section 14 of the United States Housing Act of 1937 shall be maintained and used as public housing for the 20-year period beginning upon receipt of such amounts.

(2) MIXED INCOME DEVELOPMENTS.—Amounts may be used for eligible activities under section 203(a)(1) for mixed-income developments, which shall be a housing development that—

(A) contains dwelling units that are available for occupancy by families other than low-income families;

(B) contains a number of dwelling units—

(i) which units are made available (by master contract or individual lease) for occupancy only by low- and very low-income families identified by the public housing agency;

(ii) which number is not less than a reasonable number of units, including related amenities, taking into account the amount of the assistance provided by the agency compared to the total investment (including costs of operation) in the development;

(iii) which units are subject to the statutory and regulatory requirements of the public housing program, except that the Secretary may grant appropriate waivers to such statutory and regulatory requirements if reductions in funding or other changes to the program make continued application of such requirements impracticable;

(iv) which units are specially designated as dwelling units under this subparagraph, except the equivalent units in the development may be substituted for designated units during the period the units are subject to the requirements of the public housing program; and

(v) which units shall be eligible for assistance under this title; and

(C) is owned by the public housing agency, an affiliate controlled by it, or another appropriate entity.

Notwithstanding any other provision of this title, to facilitate the establishment of socioeconomically mixed communities, a public housing agency that uses grant amounts under this title for a mixed income development under this paragraph may, to the extent that income from such a development reduces the amount of grant amounts used for operating or other costs relating to public housing, use such resulting savings to rent privately developed dwelling units in the neighborhood of the mixed income development. Such units shall be made available for occupancy only by low-income families eligible for residency in public housing.

SEC. 222. FAMILY ELIGIBILITY.

(a) IN GENERAL.—Dwelling units in public housing may be rented only to families who are low-income families at the time of their initial occupancy of such units.

(b) INCOME MIX WITHIN DEVELOPMENTS.—A public housing agency may establish and utilize income-mix criteria for the selection of residents for dwelling units in public housing developments that limit admission to a development by selecting applicants having incomes appropriate so that the mix of incomes of families occupying the development at any time is proportional to the income mix in the eligible population of the jurisdiction of the agency at such time, as adjusted to take into consideration the severity of housing need. Any criteria established under this subsection shall be subject to the provisions of subsection (c).

(c) INCOME MIX.—

(1) PHA INCOME MIX.—Of the public housing dwelling units of a public housing agency made available for occupancy by eligible families, not less than 35 percent shall be occupied by families whose incomes at the time of occupancy do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes. This paragraph may not be construed to create any authority on the part of any public housing agency to evict any family residing in public housing solely because of the income of the family or because of any noncompliance or overcompliance with the requirement of this paragraph.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) FUNGIBILITY WITH CHOICE-BASED ASSISTANCE.—If, during a fiscal year, a public housing agency provides choice-based housing assistance under title III for a number of low-income families, who are initially assisted by the agency in such year and have incomes described in section 321(b) (relating to income targeting), which exceeds the number of families that is required for the agency to comply with the percentage requirement under such section 321(b) for such fiscal year, notwithstanding paragraph (1) of this subsection, the number of public housing dwelling units that the agency must otherwise make available in accordance with such paragraph to comply with the percentage requirement under such paragraph shall be reduced by such excess number of families for such fiscal year.

(d) WAIVER OF ELIGIBILITY REQUIREMENTS FOR OCCUPANCY BY POLICE OFFICERS.—

(1) AUTHORITY AND WAIVER.—To the extent necessary to provide occupancy in public housing dwelling units to police officers and other law enforcement or security personnel (who are not otherwise eligible for residence in public housing) and to increase security for other public housing residents in developments where crime has been a problem, a public housing agency may, with respect to such units and subject to paragraph (2)—

(A) waive—

(i) the provisions of subsection (a) of this section and section 225(a); and

(ii) the applicability of—

(I) any preferences for occupancy established under section 223;

(II) the minimum rental amount established pursuant to section 225(c) and any maximum monthly rental amount established pursuant to section 225(b);

(III) any criteria relating to income mix within developments established under subsection (b);

(IV) the income mix requirements under subsection (c); and

(V) any other occupancy limitations or requirements; and

(B) establish special rent requirements and other terms and conditions of occupancy.

(2) Conditions of waiver.—A public housing agency may take the actions authorized in paragraph (1) only if agency determines that such actions will increase security in the public housing developments involved and will not result in a significant reduction of units available for residence by low-income families.

SEC. 223. PREFERENCES FOR OCCUPANCY.

(a) Authority To Establish.—Each public housing agency may establish a system for making dwelling units in public housing available for occupancy that provides preference for such occupancy to families having certain characteristics.

(b) Content.—Each system of preferences established pursuant to this section shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(c) Sense of the Congress.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

SEC. 224. ADMISSION PROCEDURES.

(a) Admission Requirements.—A public housing agency shall ensure that each family residing in a public housing development owned or administered by the agency is admitted in accordance with the procedures established under this title by the agency and the income limits under section 222.

(b) Notification of Application Decisions.—A public housing agency shall establish procedures designed to provide for notification to an applicant for admission to public housing of the determination with respect to such application, the basis for the determination, and, if the applicant is determined to be eligible for admission, the projected date of occupancy (to the extent such data can reasonably be determined). If an agency denies an applicant admission to public housing, the agency shall notify the applicant that the applicant may request an informal hearing on the denial within a reasonable time of such notification.

(c) Site-Based Waiting Lists.—A public housing agency may establish procedures for maintaining waiting lists for admissions to public housing developments of the agency, which may include (notwithstanding any other law, regulation, handbook, or notice to the contrary) a system of site-based waiting lists whereby applicants may apply directly at or otherwise designate the development or developments in which they seek to reside. All such procedures shall comply with all provisions of title VI of the Civil Rights Act of 1964, the Fair Housing Act, and other applicable civil rights laws.

(d) Confidentiality for Victims of Domestic Violence.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family in public housing that was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

(e) Transfers.—A public housing agency may apply, to each public housing resident seeking to transfer from one development to another development owned or operated by the agency, the screening procedures applicable at such time to new applicants for public housing.

SEC. 225. FAMILY CHOICE OF RENTAL PAYMENT.

(a) Rental Contribution by Resident.—A family residing in a public housing dwelling shall pay as monthly rent for the unit the amount determined under paragraph (1) or (2) of subsection (b), subject to the requirement under subsection (c). Each public housing agency shall provide for each family residing in a public housing dwelling unit owned or administered by the agency to elect annually whether the rent paid by such family shall be determined under paragraph (1) or (2) of subsection (b).

(b) Allowable Rent Structures.—

(1) Flat rents.—Each public housing agency shall establish, for each dwelling unit in public housing owned or administered by the agency, a flat rental amount for the dwelling unit, which shall—

(A) be based on the rental value of the unit, as determined by the public housing agency; and

(B) be designed in accordance with subsection (e) so that the rent structures do not create a disincentive for continued residency in public housing by families who are attempting to become economically self-sufficient through employment or who have attained a level of self-sufficiency through their own efforts.

The rental amount for a dwelling unit shall be considered to comply with the requirements of this paragraph if such amount does not exceed the actual monthly costs to the public housing agency attributable to providing and operating the dwelling unit. The preceding sentence may not be construed to require establishment of rental amounts equal to or based on operating costs or to prevent public housing agencies from developing flat rents required under this paragraph in any other manner that may comply with this paragraph.

(2) Income-based rents.—The monthly rental amount determined under this paragraph for a family shall be an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

Nothing in this paragraph may be construed to require a public housing agency to charge a monthly rent in the maximum amount permitted under this paragraph.

(c) Minimum Rental Amount.—Notwithstanding the method for rent determination elected by a family pursuant to subsection (a), each public housing agency shall require that the monthly rent for each dwelling unit in public housing owned or administered by the agency shall not be less than a minimum amount (which amount shall include any amount allowed for utilities), which shall be an amount determined by the agency that is not less than $25 nor more than $50.

(d) Hardship Provisions.—

(1) Minimum rental.—

(A) In general.—Notwithstanding subsection (c), a public housing agency shall grant an exemption from application of the minimum monthly rental under such subsection to any family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of the imposition of the minimum rent requirement under subsection (c); (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) Waiting period.—If a resident requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. A resident may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the resident thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the resident from the applicability of the minimum rent requirement for such 90-day period.

(2) Switching rent determination methods.—Notwithstanding subsection (a), in the case of a family that has elected to pay rent in the amount determined under subsection (b)(1), a public housing agency shall provide for the family to pay rent in the amount determined under subsection (b)(2) during the period for which such election was made if the family is unable to pay the amount determined under subsection (b)(1) because of financial hardship, including—

(A) situations in which the income of the family has decreased because of changed circumstances, loss or reduction of employment, death in the family, and reduction in or loss of income or other assistance;

(B) an increase, because of changed circumstances, in the family's expenses for—

(i) medical costs;

(ii) child care;

(iii) transportation;

(iv) education; or

(v) similar items; and

(C) such other situations as may be determined by the agency.

(e) Encouragement of Self-Sufficiency.—The rental policy developed by each public housing agency shall encourage and reward employment and economic self-sufficiency.

(f) Income Reviews.—Each public housing agency shall review the income of each family occupying a dwelling unit in public housing owned or administered by the agency not less than annually, except that, in the case of families that are paying rent in the amount determined under subsection (b)(1), the agency shall review the income of such family not less than once every 3 years.

(g) Disallowance of Earned Income From Rent Determinations.—

(1) In general.—Notwithstanding any other provision of law, the rent payable under this section by a family whose income increases as a result of employment of a member of the family who was previously unemployed for 1 or more years (including a family whose income increases as a result of the participation of a family member in any family self-sufficiency or other job training

program) may not be increased as a result of the increased income due to such employment during the 18-month period beginning on the date on which the employment is commenced.

(2) Phase-in of rent increases.—After the expiration of the 18-month period referred to in paragraph (1), rent increases due to the continued employment of the family member described in paragraph (1) shall be phased in over a subsequent 3-year period.

(3) Transition.—Notwithstanding the provisions of paragraphs (1) and (2), any resident of public housing participating in the program under the authority contained in the undesignated paragraph at the end of section 3(c)(3) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) shall be governed by such authority after such date.

(h) Phase-In of Rent Contribution Increases After Effective Date.—

(1) In general.—Except as provided in paragraph (2), for any family residing in a dwelling unit in public housing upon the effective date of this Act, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon initial applicability of this title is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) Exception.—The minimum rental amount under subsection (c) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 226. LEASE REQUIREMENTS.

In renting dwelling units in a public housing development, each public housing agency shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) obligate the public housing agency to maintain the development in compliance with the housing quality requirements under section 232;

(3) require the public housing agency to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or public housing agency employees is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) contain the provisions required under sections 642 and 643 (relating to limitations on occupancy in federally assisted housing); and

(5) specify that, with respect to any notice of eviction or termination, notwithstanding any State law, a public housing resident shall be informed of the opportunity, prior to any hearing or trial, to examine any relevant documents, records or regulations directly related to the eviction or termination.

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES.

(a) Authority to Provide Designated Housing.—

(1) In general.—Subject only to provisions of this section and notwithstanding any other provision of law, a public housing agency for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) Priority for occupancy.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the public housing agency may make units in such developments (or portions) available on to the types of families for whom the development is designated.

(3) Eligibility of near-elderly families.—If a public housing agency determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the agency may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) Standards Regarding Evictions.—Except as provided in subtitle C of title VI, any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any public housing agency pursuant to this section.

(c) Relocation Assistance.—A public housing agency that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (A)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title III, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) Required Inclusions in Local Housing Management Plan.—A public housing agency may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the agency, as part of the agency's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; or

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term "supportive services" means services designed to meet the special needs of residents. Notwithstanding section 107, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) Effectiveness.—

(1) Initial 5-year effectiveness.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 107(a) of the public housing agency that the information complies with the requirements under section 106 and this section.

(2) Renewal.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an agency may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a public housing agency extends the effectiveness of a designation and information under this paragraph.

(3) Treatment of existing plans.—Notwithstanding any other provision of this section, a public housing agency shall be considered to have submitted the information required under this section if the agency has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) that has not been approved or disapproved before such effective date.

(4) Transition provision.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) before such effective date shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(f) Inapplicability of Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(g) Use of Amounts.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104–120) may also be used, to the extent or in such amounts as are or have been provided in advance in appropriation Acts, for choice-based rental housing assistance under title III for public housing agencies to implement this section.

Subtitle C—Management

SEC. 231. MANAGEMENT PROCEDURES.

(a) Sound Management.—A public housing agency that receives grant amounts under this title shall establish and comply with procedures and practices sufficient to ensure that the public housing developments owned or administered by the agency are operated in a sound manner.

(b) ACCOUNTING SYSTEM FOR RENTAL COLLECTIONS AND COSTS.—

(1) ESTABLISHMENT.—Each public housing agency that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) ACCESS TO RECORDS.—Each public housing agency shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) EXEMPTION.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an agency-wide basis.

(c) MANAGEMENT BY OTHER ENTITIES.—Except as otherwise provided under this Act, a public housing agency may contract with any other entity to perform any of the management functions for public housing owned or operated by the public housing agency.

SEC. 232. HOUSING QUALITY REQUIREMENTS.

(a) IN GENERAL.—Each public housing agency that receives grant amounts under this Act shall maintain its public housing in a condition that complies—

(1) in the case of public housing located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(2) in the case of public housing located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in paragraph (1), with the housing quality standards established under subsection (b).

(b) FEDERAL HOUSING QUALITY STANDARDS.—The Secretary shall establish housing quality standards under this subsection that ensure that public housing dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 328(c). The Secretary shall differentiate between major and minor violations of such standards.

(c) DETERMINATIONS.—Each public housing agency providing housing assistance shall identify, in the local housing management plan of the agency, whether the agency is utilizing the standard under paragraph (1) or (2) of subsection (a).

(d) ANNUAL INSPECTIONS.—Each public housing agency that owns or operates public housing shall make an annual inspection of each public housing development to determine whether units in the development are maintained in accordance with the requirements under subsection (a). The agency shall retain the results of such inspections and, upon the request of the Secretary, the Inspector General for the Department of Housing and Urban Development, or any auditor conducting an audit under section 541, shall make such results available.

SEC. 233. EMPLOYMENT OF RESIDENTS.

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking "public and Indian housing agencies" and inserting "public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(ii) by striking "development assistance" and all that follows through the end and inserting "assistance provided under title II of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs."; and

(B) in subparagraph (B)(ii), by striking "managed by the public or Indian housing agency" and inserting "assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking "public and Indian housing agencies" and inserting "public housing agencies and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(ii) by striking "development assistance" and all that follows through "section 14 of that Act" and inserting "assistance provided under title II of the Housing Opportunity and Responsibility Act of 1997 and used for the housing production, operation, or capital needs"; and

(B) in subparagraph (B)(ii), by striking "operated by the public or Indian housing agency" and inserting "assisted by the public housing agency or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996".

SEC. 234. RESIDENT COUNCILS AND RESIDENT MANAGEMENT CORPORATIONS.

(a) RESIDENT COUNCILS.—The residents of a public housing development may establish a resident council for the development for purposes of consideration of issues relating to residents, representation of resident interests, and coordination and consultation with a public housing agency. A resident council shall be an organization or association that—

(1) is nonprofit in character;

(2) is representative of the residents of the eligible housing;

(3) adopts written procedures providing for the election of officers on a regular basis; and

(4) has a democratically elected governing board, which is elected by the residents of the eligible housing on a regular basis.

(b) RESIDENT MANAGEMENT CORPORATIONS.—

(1) ESTABLISHMENT.—The residents of a public housing development may establish a resident management corporation for the purpose of assuming the responsibility for the management of the development under section 235 or purchasing a development.

(2) REQUIREMENTS.—A resident management corporation shall be a corporation that—

(A) is nonprofit in character;

(B) is organized under the laws of the State in which the development is located;

(C) has as its sole voting members the residents of the development; and

(D) is established by the resident council for the development or, if there is not a resident council, by a majority of the households of the development.

SEC. 235. MANAGEMENT BY RESIDENT MANAGEMENT CORPORATION.

(a) AUTHORITY.—A public housing agency may enter into a contract under this section with a resident management corporation to provide for the management of public housing developments by the corporation.

(b) CONTRACT.—A contract under this section for management of public housing developments by a resident management corporation shall establish the respective management rights and responsibilities of the corporation and the public housing agency. The contract shall be consistent with the requirements of this Act applicable to public housing development and may include specific terms governing management personnel and compensation, access to public housing records, submission of and adherence to budgets, rent collection procedures, resident income verification, resident eligibility determinations, resident eviction, the acquisition of supplies and materials and such other matters as may be appropriate. The contract shall be treated as a contracting out of services.

(c) BONDING AND INSURANCE.—Before assuming any management responsibility for a public housing development, the resident management corporation shall provide fidelity bonding and insurance, or equivalent protection. Such bonding and insurance, or its equivalent, shall be adequate to protect the Secretary and the public housing agency against loss, theft, embezzlement, or fraudulent acts on the part of the resident management corporation or its employees.

(d) BLOCK GRANT ASSISTANCE AND INCOME.—A contract under this section shall provide for—

(1) the public housing agency to provide a portion of the block grant assistance under this title to the resident management corporation for purposes of operating the public housing development covered by the contract and performing such other eligible activities with respect to the development as may be provided under the contract;

(2) the amount of income expected to be derived from the development itself (from sources such as rents and charges);

(3) the amount of income to be provided to the development from the other sources of income of the public housing agency (such as interest income, administrative fees, and rents); and

(4) any income generated by a resident management corporation of a public housing development that exceeds the income estimated under the contract shall be used for eligible activities under section 203(a).

(e) CALCULATION OF TOTAL INCOME.—

(1) MAINTENANCE OF SUPPORT.—Subject to paragraph (2), the amount of assistance provided by a public housing agency to a public housing development managed by a resident management corporation may not be reduced during the 3-year period beginning on the date on which the resident management corporation is first established for the development.

(2) REDUCTIONS AND INCREASES IN SUPPORT.—If the total income of a public housing agency is reduced or increased, the income provided by the public housing agency to a public housing development managed by a resident management corporation shall be reduced or increased in proportion to the reduction or increase in the total income of the agency, except that any reduction in block grant amounts under this title to the agency that occurs as a result of fraud, waste, or mismanagement by the agency shall not affect the amount provided to the resident management corporation.

SEC. 236. TRANSFER OF MANAGEMENT OF CERTAIN HOUSING TO INDEPENDENT MANAGER AT REQUEST OF RESIDENTS.

(a) AUTHORITY.—The Secretary may transfer the responsibility and authority for management of specified housing (as such term is defined in subsection (h)) from a public housing agency to an eligible management entity, in accordance with the requirements of this section, if—

(1) such housing is owned or operated by a public housing agency that is designated as a troubled agency under section 533(a); and

(2) the Secretary determines that—

(A) such housing has deferred maintenance, physical deterioration, or obsolescence of major systems and other deficiencies in the physical plant of the project;

(B) such housing is occupied predominantly by families with children who are in a severe state of distress, characterized by such factors as high rates of unemployment, teenage pregnancy, single-parent households, long-term dependency on public assistance and minimal educational achievement;

(C) such housing is located in an area such that the housing is subject to recurrent vandalism and criminal activity (including drug-related criminal activity); and

(D) the residents can demonstrate that the elements of distress for such housing specified in subparagraphs (A) through (C) can be remedied by an entity that has a demonstrated capacity to manage; with reasonable expenses for modernization.

Such a transfer may be made only as provided in this section, pursuant to the approval by the Secretary of a request for the transfer made by a majority vote of the residents for the specified housing, after consultation with the public housing agency for the specified housing.

(b) BLOCK GRANT ASSISTANCE.—Pursuant to a contract under subsection (c), the Secretary shall require the public housing agency for specified housing to provide to the manager for the housing, from any block grant amounts under this title for the agency, fair and reasonable amounts for operating costs for the housing. The amount made available under this subsection to a manager shall be determined by the Secretary based on the share for the specified housing of the total block grant amounts for the public housing agency transferring the housing, taking into consideration the operating and capital improvement needs of the specified housing, the operating and capital improvement needs of the remaining public housing units managed by the public housing agency, and the local housing management plan of such agency.

(c) CONTRACT BETWEEN SECRETARY AND MANAGER.—

(1) REQUIREMENTS.—Pursuant to the approval of a request under this section for transfer of the management of specified housing, the Secretary shall enter into a contract with the eligible management entity.

(2) TERMS.—A contract under this subsection shall contain provisions establishing the rights and responsibilities of the manager with respect to the specified housing and the Secretary and shall be consistent with the requirements of this Act applicable to public housing developments.

(d) COMPLIANCE WITH LOCAL HOUSING MANAGEMENT PLAN.—A manager of specified housing under this section shall comply with the approved local housing management plan applicable to the housing and shall submit such information to the public housing agency from which management was transferred as may be necessary for such agency to prepare and update its local housing management plan.

(e) DEMOLITION AND DISPOSITION BY MANAGER.—A manager under this section may demolish or dispose of specified housing only if, and in the manner, provided for in the local housing management plan for the agency transferring management of the housing.

(f) LIMITATION ON PHA LIABILITY.—A public housing agency that is not a manager for specified housing shall not be liable for any act or failure to act by a manager or resident council for the specified housing.

(g) TREATMENT OF MANAGER.—To the extent not inconsistent with this section and to the extent the Secretary determines not inconsistent with the purposes of this Act, a manager of specified housing under this section shall be considered to be a public housing agency for purposes of this title.

(h) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) ELIGIBLE MANAGEMENT ENTITY.—The term "eligible management entity" means, with respect to any public housing development, any of the following entities:

(A) NONPROFIT ORGANIZATION.—A public or private nonprofit organization, which shall—

(i) include a resident management corporation or resident management organization and, as determined by the Secretary, a public or private nonprofit organization sponsored by the public housing agency that owns the development; and

(ii) not include the public housing agency that owns the development.

(B) FOR-PROFIT ENTITY.—A for-profit entity that has demonstrated experience in providing low-income housing.

(C) STATE OR LOCAL GOVERNMENT.—A State or local government, including an agency or instrumentality thereof.

(D) PUBLIC HOUSING AGENCY.—A public housing agency (other than the public housing agency that owns the development).

The term does not include a resident council.

(2) MANAGER.—The term "manager" means any eligible management entity that has entered into a contract under this section with the Secretary for the management of specified housing.

(3) NONPROFIT.—The term "nonprofit" means, with respect to an organization, association, corporation, or other entity, that no part of the net earnings of the entity inures to the benefit of any member, founder, contributor, or individual.

(4) PRIVATE NONPROFIT ORGANIZATION.—The term "private nonprofit organization" means any private organization (including a State or locally chartered organization) that—

(A) is incorporated under State or local law;

(B) is nonprofit in character;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to low-income families.

(5) PUBLIC HOUSING AGENCY.—The term "public housing agency" has the meaning given such term in section 103(a).

(6) PUBLIC NONPROFIT ORGANIZATION.—The term "public nonprofit organization" means any public entity that is nonprofit in character.

(7) SPECIFIED HOUSING.—The term "specified housing" means a public housing development or developments, or a portion of a development or developments, for which the transfer of management is requested under this section. The term includes one or more contiguous buildings and an area of contiguous row houses, but in the case of a single building, the building shall be sufficiently separable from the remainder of the development of which it is part to make transfer of the management of the building feasible for purposes of this section.

SEC. 237. RESIDENT OPPORTUNITY PROGRAM.

(a) PURPOSE.—The purpose of this section is to encourage increased resident management of public housing developments, as a means of improving existing living conditions in public housing developments, by providing increased flexibility for public housing developments that are managed by residents by—

(1) permitting the retention, and use for certain purposes, of any revenues exceeding operating and project costs; and

(2) providing funding, from amounts otherwise available, for technical assistance to promote formation and development of resident management entities.

For purposes of this section, the term "public housing development" includes one or more contiguous buildings or an area of contiguous row houses the elected resident councils of which approve the establishment of a resident management corporation and otherwise meet the requirements of this section.

(b) PROGRAM REQUIREMENTS.—

(1) RESIDENT COUNCIL.—As a condition of entering into a resident opportunity program, the elected resident council of a public housing development shall approve the establishment of a resident management corporation that complies with the requirements of section 234(b)(2). When such approval is made by the elected resident council of a building or row house area, the resident opportunity program shall not interfere with the rights of other families residing in the development or harm the efficient operation of the development. The resident management corporation and the resident council may be the same organization, if the organization complies with the requirements applicable to both the corporation and council.

(2) PUBLIC HOUSING MANAGEMENT SPECIALIST.—The resident council of a public housing development, in cooperation with the public housing agency, shall select a qualified public housing management specialist to assist in determining the feasibility of, and to help establish, a resident management corporation and to provide training and other duties agreed to in the daily operations of the development.

(3) MANAGEMENT RESPONSIBILITIES.—A resident management corporation that qualifies under this section, and that supplies insurance and bonding or equivalent protection sufficient to the Secretary and the public housing agency, shall enter into a contract with the agency establishing the respective management rights and responsibilities of the corporation and the agency. The contract shall be treated as a contracting out of services and shall be subject to the requirements under section 235 for such contracts.

(4) ANNUAL AUDIT.—The books and records of a resident management corporation operating a public housing development shall be audited annually by a certified public accountant. A written report of each such audit shall be forwarded to the public housing agency and the Secretary.

(c) COMPREHENSIVE IMPROVEMENT ASSISTANCE.—Public housing developments managed by resident management corporations may be provided with modernization assistance from grant amounts under this title for purposes of renovating such developments. If such renovation activities (including the planning and architectural design of the rehabilitation) are administered by a resident management corporation, the public housing agency involved may not retain, for any administrative or other reason, any portion of the assistance provided pursuant to this subsection unless otherwise provided by contract.

(d) WAIVER OF FEDERAL REQUIREMENTS.—

(1) WAIVER OF REGULATORY REQUIREMENTS.—Upon the request of any resident management corporation and public housing agency, and after notice and an opportunity to comment is afforded to the affected residents, the Secretary may waive (for both the resident management corporation and the public housing agency) any requirement established by the Secretary (and not specified in any statute) that the Secretary determines to unnecessarily increase the costs or restrict the income of a public housing development.

(2) WAIVER TO PERMIT EMPLOYMENT.—Upon the request of any resident management corporation, the Secretary may, subject to applicable collective bargaining agreements, permit residents of such development to volunteer a portion of their labor.

(3) EXCEPTIONS.—The Secretary may not waive under this subsection any requirement with respect to income eligibility for purposes of section 222, family rental payments under section 225, tenant or applicant protections, employee organizing rights, or rights of employees under collective bargaining agreements.

(e) OPERATING ASSISTANCE AND DEVELOPMENT INCOME.—

(1) CALCULATION OF OPERATING SUBSIDY.—The grant amounts received under this title by a public housing agency used for operating fund activities under section 203(a)(2) that are allocated to a public housing development managed by a resident management corporation shall not be less than per unit monthly amount of such assistance used by the public housing agency in the previous year, as determined on an individual development basis.

(2) CONTRACT REQUIREMENTS.—Any contract for management of a public housing development entered into by a public housing agency and a resident management corporation shall specify the amount of income expected to be derived from the development itself (from sources such as rents and charges) and the amount of income funds to be provided to the development from the other sources of income of the agency (such as assistance for operating activities under section 203(a)(2), interest income, administrative fees, and rents).

(f) RESIDENT MANAGEMENT TECHNICAL ASSISTANCE AND TRAINING.—

(1) FINANCIAL ASSISTANCE.—To the extent budget authority is available under this title, the Secretary shall provide financial assistance to resident management corporations or resident councils that obtain, by contract or otherwise, technical assistance for the development of resident management entities, including the formation of such entities, the development of the management capability of newly formed or existing entities, the identification of the social support needs of residents of public housing developments, and the securing of such support. In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize public housing agencies or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

(2) LIMITATION ON ASSISTANCE.—The financial assistance provided under this subsection with respect to any public housing development may not exceed $100,000.

(3) PROHIBITION.—A resident management corporation or resident council may not, before the award to the corporation or council of a grant amount under this subsection, enter into any contract or other agreement with any entity to provide such entity with amounts from the grant for providing technical assistance or carrying out other activities eligible for assistance with amounts under this subsection. Any such agreement entered into in violation of this paragraph shall be void and unenforceable.

(4) FUNDING.—Of any amounts made available under section 282(1) for use under the capital fund, the Secretary may use to carry out this subsection $15,000,000 for fiscal year 1998.

(5) LIMITATION REGARDING ASSISTANCE UNDER HOPE GRANT PROGRAM.—The Secretary may not provide financial assistance under this subsection to any resident management corporation or resident council with respect to which assistance for the development or formation of such entity is provided under title III of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(6) TECHNICAL ASSISTANCE AND CLEARINGHOUSE.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

(g) ASSESSMENT AND REPORT BY SECRETARY.—Not later than 3 years after the date of the enactment of this Act, the Secretary shall—

(1) conduct an evaluation and assessment of resident management, and particularly of the effect of resident management on living conditions in public housing; and

(2) submit to the Congress a report setting forth the findings of the Secretary as a result of the evaluation and assessment and including any recommendations the Secretary determines to be appropriate.

(h) APPLICABILITY.—Any management contract between a public housing agency and a resident management corporation that is entered into after the date of the enactment of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 shall be subject to this section and any regulations issued to carry out this section.

Subtitle D—Homeownership

SEC. 251. RESIDENT HOMEOWNERSHIP PROGRAMS.

(A) IN GENERAL.—A public housing agency may carry out a homeownership program in accordance with this section and the local housing management plan of the agency to make public housing dwelling units, public housing developments, and other housing projects available for purchase by low-income families. An agency may transfer a unit only pursuant to a homeownership program approved by the Secretary. Notwithstanding section 107, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section. In the case of the portion of a plan regarding the homeownership program that is submitted separately pursuant to the preceding sentence, the Secretary shall approve or disapprove such portion not later than 60 days after the submission of such portion.

(b) PARTICIPATING UNITS.—A program under this section may cover any existing public housing dwelling units or projects, and may include other dwelling units and housing owned, operated, or assisted, or otherwise acquired for use under such program, by the public housing agency.

(c) ELIGIBLE PURCHASERS.—

(1) LOW-INCOME REQUIREMENT.—Only low-income families assisted by a public housing agency, other low-income families and, entities formed to facilitate such sales by purchasing units for resale to low-income families shall be eligible to purchase housing under a homeownership program under this section.

(2) OTHER REQUIREMENTS.—A public housing agency may establish other requirements or limitations for families to purchase housing under a homeownership program under this section, including requirements or limitations regarding employment or participation in employment counseling or training activities, criminal activity, participation in homeownership counseling programs, evidence of regular income, and other requirements. In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacement.

(d) FINANCING AND ASSISTANCE.—A homeownership program under this section may provide financing for acquisition of housing by families purchasing under the program or by the public housing agency for sale under this program in any manner considered appropriate by the agency (including sale to a resident management corporation).

(e) DOWNPAYMENT REQUIREMENT.—

(1) IN GENERAL.—Each family purchasing housing under a homeownership program under this section shall be required to provide from its own resources a downpayment in connection with any loan for acquisition of the housing, in an amount determined by the public housing agency. Except as provided in paragraph (2), the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase,

(2) DIRECT FAMILY CONTRIBUTION.—In purchasing housing pursuant to this section, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(f) OWNERSHIP INTERESTS.—A homeownership program under this section may provide for sale to the purchasing family of any ownership interest that the public housing agency considers appropriate under the program, including ownership in fee simple, a condominium interest, an interest in a limited dividend cooperative, a shared appreciation interest with a public housing agency providing financing.

(g) RESALE.—

(1) AUTHORITY AND LIMITATION.—A homeownership program under this section shall permit the resale of a dwelling unit purchased under the program by an eligible family, but shall provide such limitations on resale as the agency considers appropriate (whether the family purchases directly from the agency or from another entity) for the agency to recapture—

(A) from any economic gain derived from any such resale occurring during the 5-year period beginning upon purchase of the dwelling unit by the eligible family, a portion of the amount of any financial assistance provided under the program by the agency to the eligible family; and

(B) after the expiration of such 5-year period, only such amounts as are equivalent to the assistance provided under this section by the agency to the purchaser.

(2) CONSIDERATIONS.—The limitations referred to in paragraph (1) may provide for consideration of the aggregate amount of assistance provided under the program to the family, the contribution to equity provided by the purchasing eligible family, the period of time elapsed between purchase under the home-ownership program and resale, the reason for resale, any improvements to the property made by the eligible family, any appreciation in the value of the property, and any other factors that the agency considers appropriate.

(h) SALE OF CERTAIN SCATTERED-SITE HOUSING.—A public housing agency that the Secretary has determined to be a high-performing agency may use the proceeds from the disposition of scattered-site public housing under a homeownership program under this section to purchase replacement scattered-site dwelling units, to the extent such use is provided for in the local housing management plan for the agency approved under section 107. Any such replacement dwelling units shall be considered public housing for purposes of this Act.

(i) INAPPLICABILITY OF DISPOSITION REQUIREMENTS.—The provisions of section 261 shall not apply to disposition of public housing dwelling units under a home-ownership program under this section, except that any dwelling units sold under such a program shall be treated as public housing dwelling units for purposes of subsections (e) and (f) of section 261.

Subtitle E—Disposition, Demolition, and Revitalization of Developments

SEC. 261. REQUIREMENTS FOR DEMOLITION AND DISPOSITION OF DEVELOPMENTS.

(a) AUTHORITY AND FLEXIBILITY.—A public housing agency may demolish, dispose of, or demolish and dispose of nonviable or nonmarketable public housing developments of the agency in accordance with this section.

(b) LOCAL HOUSING MANAGEMENT PLAN REQUIREMENT.—A public housing agency may take any action to demolish or dispose of a public housing development (or a portion of a development) only if such demolition or disposition complies with the provisions of this section and is in accordance with the local housing management plan for the agency. Notwithstanding section 107, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

(c) PURPOSE OF DEMOLITION OR DISPOSITION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides sufficient evidence to the Secretary that—

(1) the development (or portion thereof) is severely distressed or obsolete;

(2) the development (or portion thereof) is in a location making it unsuitable for housing purposes;

(3) the development (or portion thereof) has design or construction deficiencies that make cost-effective rehabilitation infeasible;

(2) assuming that reasonable rehabilitation and management intervention for the development has been completed and paid for, the anticipated revenue that would be derived from charging market-based rents for units in the development (or portion thereof) would not cover the anticipated operating costs and replacement reserves of the development (or portion) at full occupancy and the development (or portion) would constitute a substantial burden on the resources of the public housing agency;

(5) retention of the development (or portion thereof) is not in the best interests of the residents of the public housing agency because—

(A) developmental changes in the area surrounding the development adversely affect the health or safety of the residents or the feasible operation of the development by the public housing agency;

(B) demolition or disposition will allow the acquisition, development, or rehabilitation of other properties which will be more efficiently or effectively operated as low-income housing; or

(C) other factors exist that the agency determines are consistent with the best interests of the residents and the agency and not inconsistent with other provisions of this Act;

(6) in the case only of demolition or disposition of a portion of a development, the demolition or disposition will help to ensure the remaining useful life of the remainder of the development; or

(7) in the case only of property other than dwelling units—

(A) the property is excess to the needs of a development; or

(B) the demolition or disposition is incidental to, or does not interfere with, continued operation of a development.

The evidence required under this subsection shall include, as a condition of demolishing or disposing of a public housing development (or portion of a development) estimated to have a value of $100,000 or more, a statement of the market value of the development (or portion), which has been determined by a party not having any interest in the housing or the public housing agency and pursuant to not less than 2 professional, independent appraisals of the development (or portion).

(d) CONSULTATION.—A public housing agency may demolish or dispose of a public housing development (or portion of a development) only if the agency notifies and confers regarding the demolition or disposition with—

(1) the residents of the development (or portion); and

(2) appropriate local government officials.

(e) COUNSELING.—A public housing agency may demolish or dispose of a public housing development (or a portion of a development) only if the agency provides any necessary counseling for families displaced by such action to facilitate relocation.

(f) USE OF PROCEEDS.—Any net proceeds from the disposition of a public housing development (or portion of a development) shall be used for—

(1) housing assistance for low-income families that is consistent with the low-income housing needs of the community, through acquisition, development, or rehabilitation of, or homeownership programs for, other low-income housing or the provision of choice-based assistance under title III for such families;

(2) supportive services relating job training or child care for residents of a development or developments; or

(3) leveraging amounts for securing commercial enterprises, on-site in public housing developments of the public housing agency, appropriate to serve the needs of the residents.

(g) RELOCATION.—A public housing agency that demolishes or disposes of a public housing development (or portion of a development thereof) shall ensure that—

(1) each family that is a resident of the development (or portion) that is demolished or disposed of is relocated to other safe, clean, healthy, and affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title III (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of the family into such housing);

(2) the public housing agency does not take any action to dispose of any unit until any resident to be displaced is relocated in accordance with paragraph (1); and

(3) each resident family to be displaced is paid relocation expenses, and the rent to be paid initially by the resident following relocation does not exceed the amount permitted under section 225(a).

(h) RIGHT OF FIRST REFUSAL FOR RESIDENT ORGANIZATIONS AND RESIDENT MANAGEMENT CORPORATIONS.—

(1) IN GENERAL.—A public housing agency may not dispose of a public housing development (or portion of a development) unless the agency has, before such disposition, offered to sell the property, as provided in this subsection, to each resident organization and resident management corporation operating at the development for continued use as low-income housing, and no such organization or corporation purchases the property pursuant to such offer. A resident organization may act, for purposes of this subsection, through an entity formed to facilitate homeownership under subtitle D.

(2) TIMING.—Disposition of a development (or portion thereof) under this section may not take place—

(A) before the expiration of the period during which any such organization or corporation may notify the agency of interest in purchasing the property, which shall be the 30-day period beginning on the date that the agency first provides notice of the proposed disposition of the property to such resident organizations and resident management corporations;

(B) if an organization or corporation submits notice of interest in accordance with subparagraph (A), before the expiration of the period during which such organization or corporation may obtain a commitment for financing to purchase the property, which shall be the 60-day period beginning upon the submission to the agency of the notice of interest; or

(C) if, during the period under subparagraph (B), an organization or corporation obtains such financing commitment and makes a bona fide offer to the agency to purchase the property for a price equal to or exceeding the applicable offer price under paragraph (3).

The agency shall sell the property pursuant to any purchase offer described in subparagraph (C).

(3) Terms of offer.—An offer by a public housing agency to sell a property in accordance with this subsection shall involve a purchase price that reflects the market value of the property, the reason for the sale, the impact of the sale on the surrounding community, and any other factors that the agency considers appropriate.

(i) Information for Local Housing Management Plan.—A public housing agency may demolish or dispose of a public housing development (or portion thereof) only if it includes in the applicable local housing management plan information sufficient to describe—

(1) the housing to be demolished or disposed of;

(2) the purpose of the demolition or disposition under subsection (c) and why the demolition or disposition complies with the requirements under subsection (c), and includes evidence of the market value of the development (or portion) required under subsection (c);

(3) how the consultations required under subsection (d) will be made;

(4) how the net proceeds of the disposition will be used in accordance with subsection (f);

(5) how the agency will relocate residents, if necessary, as required under subsection (g); and

(6) that the agency has offered the property for acquisition by resident organizations and resident management corporations in accordance with subsection (h).

(j) Site and Neighborhood Standards Exemption.—Notwithstanding any other provision of law, a public housing agency may provide for development of public housing dwelling units on the same site or in the same neighborhood as any dwelling units demolished, pursuant to a plan under this section, but only if such development provides for significantly fewer dwelling units.

(k) Treatment of Replacement Units.—

(1) Provision of other housing assistance.—In connection with any demolition or disposition of public housing under this section, a public housing agency may provide for other housing assistance for low-income families that is consistent with the low-income housing needs of the community, including—

(A) the provision of choice-based assistance under title III; and

(B) the development, acquisition, or lease by the agency of dwelling units, which dwelling units shall—

(i) be eligible to receive assistance with grant amounts provided under this title; and

(ii) be made available for occupancy, operated, and managed in the manner required for public housing, and subject to the other requirements applicable to public housing dwelling units.

(2) Treatment of individuals.—For purposes of this subsection, an individual between the ages of 18 and 21, inclusive, shall, at the discretion of the individual, be considered a family.

(l) Use of New Dwelling Units.—A public housing agency demolishing or disposing of a public housing development (or portion thereof) under this section shall seek, where practical, to ensure that, if housing units are provided on any property that was previously used for the public housing demolished or disposed of, not less than 25 percent of such dwelling units shall be dwelling units reserved for occupancy during the remaining useful life of the housing by low-income families.

(m) Permissible Relocation Without Plan.—If a public housing agency determines that because of an emergency situation public housing dwelling units are severely uninhabitable, the public housing agency may relocate residents of such dwelling units before the submission of a local housing management plan providing for demolition or disposition of such units.

(n) Consolidation of Occupancy Within or Among Buildings.—Nothing in this section may be construed to prevent a public housing agency from consolidating occupancy within or among buildings of a public housing development, or among developments, or with other housing for the purpose of improving living conditions of, or providing more efficient services to, residents.

(o) De Minimis Exception to Demolition Requirements.—Notwithstanding any other provision of this section, in any 5-year period a public housing agency may demolish not more than the lesser of 5 dwelling units or 5 percent of the total dwelling units owned and operated by the public housing agency, without providing for such demolition in a local housing management plan, but only if the space occupied by the demolished unit is used for meeting the service or other needs of public housing residents or the demolished unit was beyond repair.

SEC. 262. DEMOLITION, SITE REVITALIZATION, REPLACEMENT HOUSING, AND CHOICE-BASED ASSISTANCE GRANTS FOR DEVELOPMENTS.

(a) Purposes.—The purpose of this section is to provide assistance to public housing agencies for the purposes of—

(1) reducing the density and improving the living environment for public housing residents of severely distressed public housing developments through the demolition of obsolete public housing developments (or portions thereof);

(2) revitalizing sites (including remaining public housing dwelling units) on which such public housing developments are located and contributing to the improvement of the surrounding neighborhood; and

(3) providing housing that will avoid or decrease the concentration of very low-income families; and

(4) providing choice-based assistance in accordance with title III for the purpose of providing replacement housing and assisting residents to be displaced by the demolition.

(b) Grant Authority.—The Secretary may make grants available to public housing agencies as provided in this section.

(c) Contribution Requirement.—The Secretary may not make any grant under this section to any applicant unless the applicant certifies to the Secretary that the applicant will supplement the amount of assistance provided under this section with an amount of funds from sources other than this section equal to not less than 5 percent of the amount provided under this section, including amounts from other Federal sources, any State or local government sources, any private contributions, and the value of any in-kind services or administrative costs provided.

(d) Eligible Activities.—Grants under this section may be used for activities to carry out revitalization programs for severely distressed public housing, including—

(1) architectural and engineering work, including the redesign, reconstruction, or redevelopment of a severely distressed public housing development, including the site on which the development is located;

(2) the demolition, sale, or lease of the site, in whole or in part;

(3) covering the administrative costs of the applicant, which may not exceed such portion of the assistance provided under this section as the Secretary may prescribe;

(4) payment of reasonable legal fees;

(5) providing reasonable moving expenses for residents displaced as a result of the revitalization of the development;

(6) economic development activities that promote the economic self-sufficiency of residents under the revitalization program;

(7) necessary management improvements;

(8) leveraging other resources, including additional housing resources, retail supportive services, jobs, and other economic development uses on or near the development that will benefit future residents of the site;

(9) replacement housing and housing assistance under title III;

(10) transitional security activities; and

(11) necessary supportive services, except that not more than 10 percent of the amount of any grant may be used for activities under this paragraph.

(e) Application and Selection.—

(1) Application.—An application for a grant under this section shall contain such information and shall be submitted at such time and in accordance with such procedures, as the Secretary shall prescribe.

(2) Selection criteria.—The Secretary shall establish selection criteria for the award of grants under this section, which shall include—

(A) the relationship of the grant to the local housing management plan for the public housing agency and how the grant will result in a revitalized site that will enhance the neighborhood in which the development is located;

(B) the capability and record of the applicant public housing agency, or any alternative management agency for the agency, for managing large-scale redevelopment or modernization projects, meeting construction timetables, and obligating amounts in a timely manner;

(C) the extent to which the public housing agency could undertake such activities without a grant under this section;

(D) the extent of involvement of residents, State and local governments, private service providers, financing entities, and developers, in the development of a revitalization program for the development; and

(E) the amount of funds and other resources to be leveraged by the grant.

The Secretary shall give preference in selection to any public housing agency that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act).

(f) Cost Limits.—Subject to the provisions of this section, the Secretary—

(1) shall establish cost limits on eligible activities under this section sufficient to provide for effective revitalization programs; and

(2) may establish other cost limits on eligible activities under this section.

(g) Demolition and Replacement.—Any severely distressed public housing demolished or disposed of pursuant to a revitalization plan and any public housing produced in lieu of such severely distressed housing, shall be subject to the provisions of section 261.

(h) Administration by Other Entities.—The Secretary may require a grantee under this section to make arrangements satisfactory to the Secretary for use of an entity other than the public housing agency to carry out activities assisted under the revitalization plan, if the Secretary determines that such action will help to effectuate the purpose of this section.

(i) Withdrawal of Funding.—If a grantee under this section does not proceed expeditiously, in the determination of the Secretary, the Secretary shall withdraw any grant amounts under this section that have not been obligated by the public housing agency. The Secretary shall redistribute any withdrawn amounts to one or more public housing agencies eligible for assistance under this section or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee.

(j) Definitions.—For purposes of this section, the following definitions shall apply:

(1) Applicant.—The term "applicant" means—

(A) any public housing agency that is not designated as troubled pursuant to section 533(a);

(B) any public housing agency or private housing management agent selected, or receiver appointed pursuant, to section 545; and

(C) any public housing agency that is designated as troubled pursuant to section 533(a) that—

(i) is so designated principally for reasons that will not affect the capacity of the agency to carry out a revitalization program;

(ii) is making substantial progress toward eliminating the deficiencies of the agency; or

(iii) is otherwise determined by the Secretary to be capable of carrying out a revitalization program.

(2) Private nonprofit corporation.—the term "private nonprofit organization" means any private nonprofit organization (including a State or locally chartered nonprofit organization) that—

(A) is incorporated under State or local law;

(B) has no part of its net earnings inuring to the benefit of any member, founder, contributor, or individual;

(C) complies with standards of financial accountability acceptable to the Secretary; and

(D) has among its purposes significant activities related to the provision of decent housing that is affordable to very low-income families.

(3) Severely distressed public housing.—The term "severely distressed public housing" means a public housing development (or building in a development) that—

(A) requires major redesign, reconstruction or redevelopment, or partial or total demolition, to correct serious deficiencies in the original design (including inappropriately high population density), deferred maintenance, physical deterioration or obsolescence of major systems and other deficiencies in the physical plant of the development;

(B) is a significant contributing factor to the physical decline of and disinvestment by public and private entities in the surrounding neighborhood;

(C)(i) is occupied predominantly by families who are very low-income families with children, are unemployed, and dependent on various forms of public assistance; and

(ii) has high rates of vandalism and criminal activity (including drug-related criminal activity) in comparison to other housing in the area;

(D) cannot be revitalized through assistance under other programs, such as the public housing block grant program under this title, or the programs under sections 9 and 14 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), because of cost constraints and inadequacy of available amounts; and

(E) in the case of individual buildings, is, in the Secretary's determination, sufficiently separable from the remainder of the development of which the building is part to make use of the building feasible for purposes of this section.

(4) Supportive services.—The term "supportive services" includes all activities that will promote upward mobility, self-sufficiency, and improved quality of life for the residents of the public housing development involved, including literacy training, job training, day care, and economic development activities.

(k) Annual Report.—The Secretary shall submit to the Congress an annual report setting forth—

(1) the number, type, and cost of public housing units revitalized pursuant to this section;

(2) the status of developments identified as severely distressed public housing;

(3) the amount and type of financial assistance provided under and in conjunction with this section; and

(4) the recommendations of the Secretary for statutory and regulatory improvements to the program established by this section.

(l) Funding.—

(1) Authorization of appropriations.—There are authorized to be appropriated for grants under this section $500,000,000 for each of fiscal years 1998, 1999, and 2000.

(2) Technical assistance.—Of the amount appropriated pursuant to paragraph (1) for any fiscal year, the Secretary may use not more than 0.50 percent for technical assistance. Such assistance may be provided directly or indirectly by grants, contracts, or cooperative agreements, and shall include training, and the cost of necessary travel for participants in such training, by or to officials of the Department of Housing and Urban Development, of public housing agencies, and of residents.

(m) Sunset.—No assistance may be provided under this section after September 30, 2000.

(n) Treatment of Previous Selections.—A public housing agency that has been selected to receive amounts under the notice of funding availability for fiscal year 1996 amounts for the HOPE VI program (provided under the heading "public housing demolition, site revitalization, and replacement housing grants" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996 (42 U.S.C. 14371 note) (enacted as section 101(e) of Omnibus Consolidated Rescissions and Appropriations Act of 1996 (Public Law 104-134; 110 Stat. 1321-269)) may apply to the Secretary of Housing and Urban Development for a waiver of the total development cost rehabilitation requirement otherwise applicable under such program, and the Secretary may waive such requirement, but only (1) to the extent that a designated site for use of such amounts does not have dwelling units that are considered to be obsolete under Department of Housing and Urban Development regulations in effect upon the date of the enactment of this Act, and (2) if the Secretary determines that the public housing agency will continue to comply with the purposes of the program notwithstanding such waiver.

SEC. 263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) In General.—A public housing agency may convert any public housing development (or portion thereof) owned and operated by the agency to a system of choice-based rental housing assistance under title III, in accordance with this section.

(b) Assessment and Plan Requirement.—In converting under this section to a choice-based rental housing assistance system, the public housing agency shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the agency;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title III for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development;

(4) identify the actions, if any, that the public housing agency will take with regard to converting any public housing development or developments (or portions thereof) of the agency to a system of choice-based rental housing assistance under title III;

(5) require the public housing agency to—

(A) notify the families residing in the public housing development subject to the conversion, in accordance with any guidelines issued by the Secretary governing such notifications, that—

(i) the development will be removed from the inventory of the public housing agency; and

(ii) the families displaced by such action will receive choice-based housing assistance;

(B) provide any necessary counseling for families displaced by such action to facilitate relocation; and

(C) provide any reasonable relocation expenses for families displaced by such action; and

(6) ensure that each family that is a resident of the development is relocated to other safe, clean, and healthy affordable housing, which is, to the maximum extent practicable, housing of the family's choice, including choice-based assistance under title III (provided that with respect to choice-based assistance, the preceding requirement shall be fulfilled only upon the relocation of such family into such housing).

(c) Streamlined Assessment and Plan.—At the discretion of the Secretary or at the request of a public housing agency, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) Implementation of Conversion Plan.—

(1) In general.—A public housing agency may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the public housing agency, and the community.

(2) Disapproval.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) Other Requirements.—To the extent approved by the Secretary, the funds used by the public housing agency to provide choice-based rental housing assistance under title III shall be added to the housing assistance payment contract administered by the public housing agency or any entity administering the contract on behalf of the public housing agency.

(f) Savings Provision.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed before the effective date of the repeal under section 601(b) of this Act).

Subtitle F—Mixed-Finance Public Housing

SEC. 271. AUTHORITY.

Nothwithstanding sections 203 and 262, the Secretary may, upon such terms and conditions as the Secretary may prescribe, authorize a public housing agency to provide for the use of grant amounts allocated and provided from the capital fund or from a grant under section 262, to produce mixed-finance housing developments, or replace or revitalize existing public housing dwelling units with mixed-finance housing developments, but only if the agency submits to the Secretary a plan for such housing that is approved pursuant to section 273 by the Secretary.

SEC. 272. MIXED-FINANCE HOUSING DEVELOPMENTS.

(A) In General.—For purposes of this subtitle, the term "mixed-finance housing" means low-income housing or mixed-income housing (as described in section 221(c)(2)) for which the financing for production or revitalization is provided, in part, from entities other than the public housing agency.

(b) Production.—A mixed-finance housing development shall be produced or revitalized, and owned—

(1) by a public housing agency or by an entity affiliated with a public housing agency;

(2) by a partnership, a limited liability company, or other entity in which the public housing agency (or an entity affiliated with a public housing agency) is a general partner, is a managing member, or otherwise participates in the activities of the entity;

(3) by any entity that grants to the public housing agency the option to purchase the public housing project during the 20-year period beginning on the date of initial occupancy of the public housing project in accordance with section 42(l)(7) of the Internal Revenue Code of 1986; or

(4) in accordance with such other terms and conditions as the Secretary may prescribe by regulation.

This subsection may not be construed to require production or revitalization, and ownership, by the same entity.

SEC. 273. MIXED-FINANCE HOUSING PLAN.

The Secretary may approve a plan for production or revitalization of mixed-finance housing under this subtitle only if the Secretary determines that—

(1) the public housing agency has the ability, or has provided for an entity under section 272(b) that has the ability, to use the amounts provided for use under the plan for such housing, effectively, either directly or through contract management;

(2) the plan provides permanent financing commitments from a sufficient number of sources other than the public housing agency, which may include banks and other conventional lenders, States, units of general local government, State housing finance agencies, secondary market entities, and other financial institutions;

(3) the plan provides for use of amounts provided under section 271 by the public housing agency for financing the mixed-income housing in the form of grants, loans, advances, or other debt or equity investments, including collateral or credit enhancement of bonds issued by the agency or any State or local governmental agency for production or revitalization of the development; and

(4) the plan complies with any other criteria that the Secretary may establish.

SEC. 274. RENT LEVELS FOR HOUSING FINANCED WITH LOW-INCOME HOUSING TAX CREDIT.

With respect to any dwelling unit in a mixed-finance housing development that is a low-income dwelling unit for which amounts from a block grant under this title are used and that is assisted pursuant to the low-income housing tax credit under section 42 of the Internal Revenue Code of 1986, the rents charged to the residents of the unit shall be determined in accordance with this title, but shall not in any case exceed the amounts allowable under such section 42.

SEC. 275. CARRY-OVER OF ASSISTANCE FOR REPLACED HOUSING.

In the case of a mixed-finance housing development that is replacement housing for public housing demolished or disposed of, or is the result of the revitalization of existing public housing, the share of assistance received from the capital fund and the operating fund by the public housing agency that owned or operated the housing demolished, disposed of, or revitalized shall not be reduced because of such demolition, disposition, or revitalization after the commencement of such demolition, disposition, or revitalization, unless—

(1) upon the expiration of the 18-month period beginning upon the approval of the plan under section 273 for the mixed-finance housing development, the agency does not have binding commitments for production or revitalization, or a construction contract, for such development;

(2) upon the expiration of the 4-year period beginning upon the approval of the plan, the mixed-finance housing development is not substantially ready for occupancy and is placed under the block grant contract for the agency under section 201; or

(3) the number of dwelling units in the mixed-finance housing development that are made available for occupancy only by low-income families is substantially less than the number of such dwelling units in the public housing demolished, disposed of, or revitalized.

The Secretary may extend the period under paragraph (1) or (2) for a public housing agency if the Secretary determines that circumstances beyond the control of the agency caused the agency to fail to meet the deadline under such paragraph.

Subtitle G—General Provisions

SEC. 281. PAYMENT OF NON-FEDERAL SHARE.

Rental or use-value of buildings or facilities paid for, in whole or in part, from production, modernization, or operation costs financed under this title may be used as the non-Federal share required in connection with activities undertaken under Federal grant-in-aid programs which provide social, educational, employment, and other services to the residents in a project assisted under this title.

SEC. 282. AUTHORIZATION OF APPROPRIATIONS FOR BLOCK GRANTS.

There are authorized to be appropriated for grants under this title, the following amounts:

(1) Capital fund. For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002; and

(2) Operating fund.—For the allocations from the operating fund for grants, $2,900,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

SEC. 283. FUNDING FOR OPERATION SAFE HOME.

Of any amounts made available for fiscal years 1998 and 1999 for carrying out the Community Partnerships Against Crime Act of 1997 (as so designated pursuant to section 624(a) of this Act), not more than $20,000,000 shall be available in each such fiscal year, for use under the Operation Safe Home program administered by the Office of the Inspector General of the Department of Housing and Urban Development, for law enforcement efforts to combat violent crime on or near the premises of public and federally assisted housing.

SEC. 284. FUNDING FOR RELOCATION OF VICTIMS OF DOMESTIC VIOLENCE.

Of any amounts made available for fiscal years 1998, 1999, 2000, 2001, and 2002 for choice-based housing assistance under title III of this Act, not more than $700,000 shall be available in each such fiscal year for relocating residents of public housing (including providing assistance for costs of relocation and housing assistance under title III of this Act) who are residing in public housing, who have been subject to domestic violence, and for whom provision of assistance is likely to reduce or eliminate the threat of subsequent violence to the members of the family. The Secretary shall establish procedures for eligibility and administration of assistance under this section.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kennedy of Massachusetts:

Page 96, strike line 1 and all that follows through page 97, line 22, and insert the following:

(c) Income Mix.—

(1) PHA-wide requirement.—Of the public housing units of a public housing agency made available for occupancy by eligible families in any fiscal year of the agency—

(A) not less than 40 percent shall be occupied by families whose incomes do not exceed 30 percent of the median income for the area; and

(B) not less than 90 percent shall be occupied by families whose incomes do not exceed 60 percent of the median income for the area; except that, for any fiscal year, the Secretary may reduce to 80 percent the percentage under this subparagraph for a public housing agency if the agency demonstrates to the satisfaction of, the Secretary that such reduction would be used for, and would result in, the enhancement of the long-term viability of the housing developments of the agency.

(2) Prohibition of concentration of low-income families.—A public housing agency may not, in complying with the requirements under paragraph (1), concentrate very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the

income and occupancy characteristics of the public housing developments, and the buildings of such developments, of public housing agencies to ensure compliance with the provisions of this paragraph.

(3) AREA MEDIAN INCOME.—For purposes of this subsection, the term "area median income" means the median income of an area, as determined by the Secretary with adjustments of smaller and larger families, except that the Secretary may establish income ceilings higher or lower than the percentages specified in this subsection if the Secretary finds determines that such variations are necessary because of unusually high or low family incomes.

Mr. KENNEDY of Massachusetts (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

□ 1845

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I will yield if I can be allowed to extend my 5 minutes.

Mr. LAZIO of New York. Mr. Chairman, I will make the unanimous consent request for him.

Would it be acceptable to the gentleman if we could establish some reasonable time limitations, 20 minutes, 10 minutes on each side, in order to debate this issue?

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I think, as the gentleman knows, this amendment required a great deal of time in the full committee and, in fact, was very extensively debated at that time.

I would consider perhaps a full hour of debate, distributed equally, 30 minutes on each side. If we find there is less requirement for time, I would certainly enter into an idea of reducing time at some point throughout the debate.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, how does the gentleman react to, say, 20 minutes on each side, so it would be a total of 40 minutes?

Mr. KENNEDY of Massachusetts. Reclaiming my time once again, Mr. Chairman, as I say, I think an hour would be an appropriate period of time.

We understand the gentleman's reaction to this amendment, and I understand why he would like to limit it, but I do think this is one of the most important issues that is going to be faced in this legislation. And while I think there are other amendments that might be appropriate to reach some time limit agreements on, I think this goes to the heart of what public housing policy will be.

Mr. LAZIO of New York. Mr. Chairman, if the gentleman would continue to yield, I would say to the gentleman that I am prepared to withdraw the request. I know the gentleman wants to be heard. I respect that, I want to encourage that, and so if he needs the time, I will withdraw the request.

Mr. KENNEDY of Massachusetts. Mr. Chairman, reclaiming my time, I appreciate the gentleman doing so.

This amendment, I think, really gets to the heart of what our housing policy is going to be in this country. Right now we have a housing policy which indicates, and I would like to go up to the well, and can I get that chart brought up here, this chart indicates, I think very graphically, what will happen to public housing if H.R. 2 proceeds through the amendment process without change.

Right now 75 percent of all the housing units in this country, both project-based as well as in public housing combined go to people with incomes below 30 percent of median. These are the poorest people in our country. They are the fastest growing population in America. If we look at any of the population tables, we will find out among who and where our population is really, really expanding today. It is among the poorest of the poor.

Under the proposals that have been made by the Republican side, H.R. 2, the number of lower income people that would no longer be able to occupy public housing over the period of the next 10 years would drop from its current 75 percent of individuals that are below 30 percent of median income down to about 20 percent.

So what happens, Mr. Chairman, is a number of the very poor people in this country that would be able to occupy public housing would drop so dramatically that it would drop to just 20 percent of the units that would be occupied across the country would be at 30 percent of median income. Eighty percent of the units would go to people that are at 80 percent of median income. What that means is we will take people that have incomes of $40,000 a year or more and we will put them into public housing, and we will go to the very poor people and we will kick them out. That is what the heart of this debate is all about.

Nobody on the Democratic side, and I guarantee my colleagues that we will hear over and over and over again, for the next half-hour or hour as this debate goes on, that we want to keep the status quo. Nothing could be farther from the truth. No one is suggesting that we simply warehouse the poorest of the poor in these housing units. Under the Democratic proposals, we will reduce the number of very poor people to about 50–50 over a 10-year period. What we will not do is simply go in to the very poor and the very vulnerable; that in our rush to judgment about why public housing has failed, what we are going to do is just automatically throw out vast numbers of very poor people.

Now, we have cut the housing budget in America from $28 billion to $20 billion. We cut the homeless budget in this country by about 26 percent at the same time. So what we are doing, effectively, is we will be able to stand up at the end of passing this bill, which I am sure ultimately this bill might very well pass out of this Chamber, but effectively what we will have done is say we are going to revamp policy by taking in a lot more wealthier people, not wealthy but wealthier than the poor that exist there today, and by virtue of doing that we will save public housing. But what we will never debate is what happens to the very poor and the very vulnerable who will end up getting thrown out onto the streets as a result of these proposals.

We should not make it a policy of this country to simply say that we can look better as legislators.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, what this goes to is whether or not we simply enact laws to make us look good before the people of our country, by virtue of the fact that we now have sustained public housing but we do nothing about the fact that we still have poor people in America.

These are going to be very, very poor people that are going to have no shelter, that are not going to have homeless programs, that are essentially going to be thrown out on the street in order for us to look good.

I believe, Mr. Chairman, that we should have a better mix of working families in public housing. The Democratic alternative will achieve a better mix. We are not suggesting that poorly run housing authorities should not be taken over; that well-run housing authorities that have poorly run housing projects should not be taken away. What we are suggesting is that we ought not to walk away from our basic commitment to the very poor and the very vulnerable in the mix.

That is essentially what H.R. 2 will do, and I ask my colleagues in the House to recognize our responsibilities and to protect the very, very poor.

Mr. VENTO. Mr. Chairman, I rise in support of the Kennedy amendment.

Mr. Chairman, this is really a very significant amendment. As has been indicated by my colleague, the change in focus in terms of who is going to be in public housing is really the heart of this bill, and it is recognized that over the last decades that the income mix in public housing, for a variety of reasons, because of the preferences that we provided for entry and admission into public housing, has in fact result in lower and lower income individuals qualifying for public housing as a preference ahead of other families.

Clearly, only about one quarter of the families that really qualify for public housing actually have that available because the limited number, amount of production, and the inability to afford on a local and State and Federal basis additional public housing. Clearly there is a need to change that mix so that we can have a population that is more stable and is better integrated economically, and this bill does it in such a radical way that I think it really causes some significant problem.

As an example, the way H.R. 2 is set up right now, nearly 12.8 million Americans, including 5 million children and 2 million elderly and disabled which have acute housing problems, would be excluded by virtue of the types of targeting or preferences in this bill.

What the gentleman from Massachusetts is proposing is that we not maintain the income levels as they are today but that he would actually, in his graph that was presented here on the House floor, double the number; in other words, that 40 percent of the population, or 4 out of 10 of those in public housing would have incomes below 30 percent of median income. Furthermore, he would provide that 90 percent would have incomes of less than 60 percent of median income.

Mr. Chairman, in committee we evaluated what that median income was and we found in any number of urban communities that median income in those communities, 90 percent of median was in excess of $40,000 a year. So, actually, if we change the people or the individual families that we are serving and then suggest we can be successful only if families have such high incomes, that really is redefining the problem of what we are trying to deal with in the context of public and assisted housing.

Unfortunately, most individuals that do not have income, it is not an option that they have low income; it is a result of the fact that they are economic casualties in terms of our society unable to earn jobs, they are disabled, they have other problems that inhibit them from earning higher incomes.

While we want to move and change the mix of individuals in public and assisted housing, we do not want to, and we should not as a matter of policy, set in place income guidelines that completely exclude those that are among the very neediest in our society from that public housing today and tomorrow.

We know that this could or should be accomplished over a period of time when it is phased in, but nevertheless, the end result of the policy path that this bill places before us is one of excluding time and time again those families that have lower incomes that have the greatest need in the name of social engineering in terms of trying to build higher income individual families in those units; in other words, rewarding work, trying to provide some law enforcement in others, in many others to live in public housing to have a better mix.

The fact is that while those goals are good goals and goals we share, we do not think it needs to be done to the extent that is being portrayed in this bill. In fact, this method and this means of accomplishing it, I think it will very quickly change the status of public housing and our entire Federal response to public housing would come into question, because the question would be how is it that we are excluding so many low-income persons and at the same time maintaining substantial types of subsidies for those that have higher incomes that are in such public housing. I think that would lead to the demise and the questioning of looking for different means in terms of providing shelter for individuals. We no doubt would end up with more individuals that would be homeless, because that has been one of the priorities.

So I urge the adoption of the Kennedy amendment. I think it makes the necessary reforms without doing violence to the people that are intended to be served, the poorest of the poor in this Nation.

Ms. WATERS. Mr. Chairman, I move to strike the last word.

I rise in support of this amendment, Mr. Chairman. I think this is the construction of what this legislation is all about. Are we going to change radically the face of those who live in public housing or are we going to maintain public housing for those who cannot afford to live anyplace else?

It does not make good sense to me that we try to artificially design a mix for who should live in public housing. Let me tell my colleagues about public housing and what it is and why, perhaps, even that income level that we are trying to attract will not be interested in this public housing. Most of the people who live there really cannot afford to live anyplace else, because, if they could, they would.

We have not invested very much in our public housing. We have allowed our public housing to become run down. We have not supported HUD and its ability to keep this public housing up to date. And so we do have the poorest of the poor who are living in rundown housing.

The fact of the matter is in far too many places the Government of the United States of America is a slum lord.

□ 1900

We are allowing people to live in housing that is not oftentimes safe or sanitary. What is wrong with public housing? Certainly we need to support public housing and have a place for people who cannot afford to live anyplace else. But we have not placed in those public housing environments the kind of support systems that would keep people in safe environments.

For example, in many of these public housing units in our cities, we kind of pile poor people on top of each other without services. Many of the cities act as if the public housing is not a part of the city. And so what happens? The local police department is not inside the public housing, do not want to go there, do not want to take care of the people there; and they have oftentimes their own private police forces without the support of the local police to do the job of protecting the people there.

In addition to that, we pile poor people on top of each other. Yes, many of the mothers are welfare mothers. But do we have child care? Do we have a situation where mothers would have someplace to leave these children while they look for work, while they are in job training? No, we do not. One would think that in every public housing situation in America we would have child care because these are the people we say we want to go to work, these mothers who oftentimes are not trained, who would go into a job training program if they had someplace to leave their children. They do not have transportation. So it is not easy to get out, to go look for child care, to go look for jobs, to go look for job training.

One would think that the cities and the private industry councils and JEPTA, job employment partnership training agencies, would bring the services where the people are. Some of these housing projects are bigger than little towns in America. But do they have the services? There are no employment offices oftentimes anywhere near the public housing project. Oh, but we want the people to go to work. Beside the fact that there are no employment agencies, we do not have the job training, the private industry councils or the JEPTA programs inside; we do not have the child care; we do not have police departments. Many of them now are left basically to fend for themselves without any of the services of the county government or the city government.

One would think that the county and the city agencies would find ways by which to say, we will not place all of the services outside of the public housing projects; we will place them inside the housing projects so that people could easily access the services in order to mainstream them, to change their life-styles and their way of life.

We can come here and we can talk about ways of getting rid of them. Get rid of them if they do not volunteer. Get rid of them instead of having a grievance procedure.

We do not talk about how we can increase the quality of life for people who live in these public housing projects. Do we have youth centers in public housing projects for young people to be involved in sports activities? I have been in many throughout America who do not have anything for the young people of those communities. I support this amendment because we are not going to get a mix, because who wants to live there, given the lack of resources.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as we proceed with the majority's rope-a-dope strategy, I hope we can focus on the serious importance of this issue. Obviously public housing requires great change. The question is, in what direction? It is also important to inquire as to how it got to be a problem.

Public housing came to be a problem in substantial part because of inadequate resources. No one, certainly not the poor, thought it was a good idea to take the poorest of the poor and put them in very large buildings with no services and inadequate construction, in many cases not near any other facilities. Society decided to provide housing but, having decided that, decided a little later it ought to do it as cheaply as possible. So we created public housing which was destined to deteriorate.

But we should also remember that, as bad as the public housing is, no one lives there by force. As bad as public housing is, people live there voluntarily because it is the best they can get. As we denigrate and criticize and belittle public housing, remember that, when we do people the service of freeing them from this housing they live in voluntarily, we send them someplace worse. Unless we think they are totally insane, they live here voluntarily.

It is relevant to note that because the housing budget that will come forward, in addition to what it does about public housing, will deteriorate our alternative housing resources. So we will be critical of public housing, we will be calling for a diminution of public housing units, but at the same time we will be reducing any alternatives.

Indeed, I read in the New York Times Sunday that the chairman of the Committee on Ways and Means thought that one good way to raise taxes to offset some of the tax increases in the budget deal would be to kill the low income housing tax credit, so that it will produce even less housing. That is the context of the amendment of the gentleman from Massachusetts.

What the majority apparently says is this: We are not prepared to spend even as much on housing as we have. We know spending what we have spent has not been enough. How do we justify to ourselves spending considerably less? The answer is we will try to do much less.

One way they are going to try to do much less is by adopting the Lester Maddox theory of social service. Lester Maddox once said that he could not be expected to bring about prison reform until he was given a better class of prisoners to work with. Our Republican friends believe that there is not much they can do with poverty stricken people unless they get people who are not poor.

With the people who are not suffering from poverty, they are quite confident of their success. I am also confident. I am also confident that we will do better with people who have not been in the circumstances of poverty. Some people are in poverty because of circumstances; some of them, because they have got defects. There are people who do not work hard, who have disorganized personalities. I do not think the penalty for that ought to be homelessness. It certainly should not be the penalty for their children.

Because when we restrict the ability of the poorest of the poor to get into public housing, and, remember, we are cutting back in virtually every other housing program in this, and we are about to adopt a budget deal, I probably will not vote for it in the way it now looks, but we are going to adopt a budget deal that is going to restrict our ability to do housing in the future. So we are going to improve public housing not essentially by structural improvements, not by more resources for the poor. We are going to serve a better class of poor people, and by serving a better class of poor people, we will have better results.

If the end of this process was to judge how well housing authorities did, that would be rational. If the end is to be humane and compassionate to the poorest of the poor, it is not. This country is too well off to victimize that small number of people who will be victimized by this bill.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I agree with the gentleman's comments.

I was going to point out that, if we look at 50 to 80 percent of median income, only 5 percent of those renters with that type of income have a housing problem; 95 percent do not. So obviously serving that 5 percent, they are meeting their needs but as to the others they are not.

Mr. FRANK of Massachusetts. Mr. Chairman, I would say to the gentleman, I want to help them, but creating the war of the poor against the very poor is public policy at its worst. To make the very poor the enemy of the poor is a very grave mistake. What we do here is underfund the housing authorities. We are going to be rescinding some money.

Well, we have found that the housing department had saved more money than people had thought and had created some reserves. So we plan to rescind that and then we will claim that we cannot afford to help people. By the way, we should have added, it is not simply resources. I have heard people on the other side talk about how bad housing is.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, we ought to remember that for the 12 years before 1993, the Republicans controlled HUD, and for 8 of those years, under President Reagan, the most corrupt and inefficient Cabinet secretary in recent memory, Secretary Pierce, was in charge of HUD. Yes, there are serious problems there, but they are not the fault of the poor. They are not the fault of the people who have tried to help the poor. And the solution is not to say: You poor people are too much trouble, and we are going to deal with a better class of low-income people.

Mr. JACKSON of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Kennedy amendment to make targeting provisions in this bill more humane. We know that we face an affordable housing crisis in this Nation. There are 5.3 million Americans living under worst-case housing scenario needs. That is, they are forced to pay more than 50 percent of their income in rent or live under deplorable conditions. H.R. 2 will exacerbate this crisis by making public housing available to higher income residents who can pay higher rents at the expense of thousands of low-income families.

Without a firm commitment to the principle that housing is a right and not a privilege, we will never attain our stated objective of adequately housing our citizens, as demonstrated by our history. In the late 1960's, a White House conference on housing and urban issues called for 26 million new housing starts over the next 10 years in order to meet the housing needs of our Nation. That goal translated into 2.6 million housing starts each year, with 600,000 of those starts to be federally subsidized each year. The Nation has never even approximated that goal, and currently the figure is slightly more than 1.5 million new housing starts annually. As a result our affordable housing crisis has exploded where millions of Americans live paying entirely too much for housing or they live in unsanitary or unsafe conditions. That, Mr. Chairman, is a national disgrace.

When we talk about our priorities of enabling mixed income communities, which I believe is a laudable goal under ideal circumstances, we must be sure not to pull the housing safety net out from underneath the poorest and the most vulnerable Americans. Over the course of this debate, we will speak at length about the dangerous targeting provisions in this bill which set aside only 35 percent of public housing units for those earning below 30 percent of area median income, leaving the remainder of units to house people who earn up to 80 percent of area median income. In Chicago that means 65 percent of all public housing units could be set aside for people earning $44,650. Should we be displacing full-time minimum wage workers to make room for professionals who can better afford to find housing in the private market? Even at this point, this is obviously a false debate.

Let me be clear. When we target low-income tenants as those with incomes under 30 percent of median income in a large metropolitan area like Chicago, we are talking about those who earn $16,312. This is $5,000 more than a full-time minimum wage worker earns in a year and nearly $10,000 more than a welfare recipient. People who will necessarily be displaced by the proposed income mix equation will include vast numbers of the working poor. As a result, low-wage workers and Americans who are ostensibly encouraged to successfully make the transition from welfare to work will either be forced into homelessness or to forgo basic human necessities like health care, groceries, and clothing in order to find alternative shelter.

We must be vigilant, Mr. Chairman, in our efforts to ensure that, just at the time we are requiring the most from the most vulnerable among us, we do not remove the stability and the security of adequate housing, an essential resource as people attempt to move from welfare to work. When we considered this legislation in the last Congress, welfare reform had not yet been enacted. Seventy percent of the residents of the Chicago Housing Authority receive public assistance, and half of the residents are children. If there are not enough jobs to meet the welfare-to-work requirements, the potentially devastating implications of this bill are magnified.

Mr. Chairman, without this amendment to the targeting provision of H.R. 2, we are literally pulling the rug out from the poor and the working class Americans. Let us not make such a tragic mistake in the name of reform. I urge my colleagues to support the amendment.

Mr. Chairman, I would ask the gentleman from New York, chairman of the subcommittee, to engage me in a brief colloquy.

Is it the gentleman's expectation that working class Americans would be willing to move under the targeting provisions of this bill into Cabrini Green or into Robert Taylor Homes in the city of Chicago?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, it is the intent and the desire of myself and, I think, other Members in support of the bill that residents who are working and who are earning more are not forced to leave Cabrini Green but can stay there and continue to be role models in that area.

Mr. JACKSON of Illinois. I thank the gentleman for the clarification.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I listened carefully to what the gentleman said. He made a very good statement. I think the point here is that under the preferences set up in this bill that there will be no new applicants under 35 percent of income. They could apply but the fact is the local housing authority will decide whether an upper income person, admittedly 80 percent of median income, and my colleague said it was in excess of $40,000 in Chicago. I do not know if it is that high in St. Paul, MN, but I think it is close to it. And the fact is that others with lower income, the housing authority could just deny them. So it is possible that over a period of attrition, as people move out or move up in income, that public housing would have higher and higher income persons in it.

□ 1915

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me spend a minute or two kind of putting this in perspective for my colleagues.

First of all, they got this issue of pitting the very poor against the working poor. If my colleagues were in the process of expanding the number of public housing units or low-income housing units available throughout the country, I do not think anybody could argue with a policy that would say it would be beneficial to have an economic mix in the new housing units. But we are not expanding public housing, we are not expanding low-income housing under this bill, we are not giving a dime of new public housing or low-income housing under this bill. They have a fixed number of units that we are dealing with.

And so the question then becomes, "Do you give that fixed number of units to the poorest of the poor, or do you give some of those units to the poorest of the poor and some to the working poor?" But however we cut this up, they are pitting the very poor against the working poor, and so they have got an argument being made here that they can never win. We cannot win this argument.

Sure the working poor need subsidized housing, but the very poor need subsidized housing also, and if they do not get subsidized housing, they do not have any alternatives but to be put out on the street.

So the question then becomes are we going to serve less of the very poor and more of the working poor, or are we going to serve more of the very poor to keep them from being on the street?

Now that is kind of like saying to me, look, I got a class of students who cannot read. Sure, they will be better off if we put them in a class with some people who can read a little bit better than them, but for those spaces that they are giving to the kids who can read a little bit better than those who cannot read at all, we do not have any place for those people to go.

It is a no-win argument, and that is what this bill does. It puts us in a no-win situation. And all the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is doing is saying, look, we buy into the notion that it is a good thing to integrate housing economically, to have a mix of economic incomes in this housing; that is a good thing. But what are they going to do about those people who are forced out of public housing or subsidized housing who do not have anywhere to go other than homelessness? And that is what this is about.

We are in a no-win situation. We need to be allocating some more dollars to subsidized housing. We do not have enough. The numbers said that what are we serving; but what is the number of housing units, Mr. Ranking Member, that we are underserving?

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. There are about 16 million people that are eligible for public housing, and there are only about 4½ million people that are actually getting served in terms of families.

Mr. WATT of North Carolina. So I mean what are we arguing about here? The question is are we going to give working poor people a little more help and let some people go out on the street and increase homelessness, and that is what this bill does, or are we going to cut the equation some other way, as Mr. KENNEDY's amendment would do it, and I do not like either approach. But, Mr. Chairman, as between the two I certainly support Mr. KENNEDY's approach.

Mr. GONZALEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first, I must recognize with disappointment and chagrin the drastic impact that this bill will have on a nation's commitment to providing a decent, a safe, and an affordable place to live for those most in need. Our Republican colleagues charge that the debate should focus only on such a commitment and how it cannot be met under their budget and with scarcer Federal resources, yet they neglect the essential component of the debate on housing, the unassisted American families who have dire need for housing.

Mr. Chairman, these families are shut out of the private rental market because of the difficulty, in some cities the economic impossibility, for private owners to provide rental housing that is affordable to the poor. They are single-parent families supported by one minimum wage earner struggling to meet day care and juggling overlapping schedules. They are two-parent families who have suffered job displacement or trying to find a new job in order to support their families. They are the families at the bottom of the income ladder but who are grasping onto the ladder with two hands, struggling to reach the next rung.

Mr. Chairman, if my colleagues and I do not rise up and support the Kennedy amendment, we will have effectively pulled the ladder out from under that vulnerable family because we all know that a person cannot find employment if he or she has no home, no place of address, no phone, and we all know that a person cannot achieve in a job if he or she lives in unstable housing where children are in danger due to the unsafe living conditions and where the families' health and nutrition is suffering because their rent is eating up, literally speaking, all of their disposable income.

Obviously, there are wise policy reasons to provide affordable housing to those in need, but the next question to ask is, can we meet the needs of those families by targeting our public and assisted housing program as the gentleman from Massachusetts [Mr. KENNEDY] strongly suggests? Probably not, but we can meet those needs much better under the gentleman's amendment than under H.R. 2. The gentleman's amendment preserves a majority of housing assistance for those who need the most but balances that policy by also reserving housing assistance for those at relatively higher income levels in an effort to avoid the economic ghettoizing of the past.

Again, the need for subsidized housing is extremely great. Last year in a study released by HUD, we learned that 70 percent of the families at 30 percent or below the median area income has been and have suffered severe housing needs, meaning those families are living in substandard, unsafe, or are paying more than 50 percent of their disposable income to rent, or both. Yet we are reducing, even with the advances made by Mr. Kennedy's amendment, the availability of subsidized housing for those people in the name of economic integration. So we already will be keeping more families on the streets, reconcentrated in homeless shelters, or doubled up in the worst housing available.

But if this Congress fails the Kennedy amendment, the number of needy families without housing alternatives will grow by leaps and bounds, and all the good intentions of moving people to work and encouraging self-sufficiency will never be realized because people need stability in housing and sufficient disposable income to have the capability, let alone the wherewithal, to achieve, to succeed and be always grasping for the next rung on that ladder.

For all these reasons it is incumbent upon us to support the amendment of the gentleman from Massachusetts, [Mr. KENNEDY].

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words, and I yield to my distinguished colleague, the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Chairman, I want to thank my friend, the distinguished chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH] for yielding me the time, and I want to point the Houses's attention, if I can, to this diagram in response to the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

If we look over here at this diagram, we see over time, since 1992, how the average income in public housing has dramatically declined. This is not unique to one city or one community around the country. It is a generalization across the country that the median income for people living in public housing has dropped precipitously.

We see right over here from about 1980 until today the average median income in public housing has dropped from about 35 percent to about 17 percent, and as we see this line plummet down, so too could we track the downward trend in many low-income communities that have public housing around them; so too could we track the fact that basic services have been fleeing the low-income neighborhoods.

The gentlewoman from California was bemoaning the fact that there were not basic services. Mr. Chairman, the reason there is not basic services is because we have forced out the working poor from these very neighborhoods. That is why there are not enough people to support the local grocery store, that is why there is not enough people to support the local laundromat, that is why there is not enough people to ensure that we have basic banking services over here.

What we are talking about in H.R. 2 is to provide maximum flexibility to local communities while still assuring that the poorest of the poor are taken care of, because at least 35 percent of the units must be reserved for people at the lowest end of the economic ladder, below 30 percent of median income. But in this bill we say that no housing authority will be asked not to dedicate all of its units, if it wanted to, to people who are very poor, below 30 percent of median income. What we are trying to do is match our words and our rhetoric with our actions.

We are for mixed income, we are for keeping the working poor in public housing; we are not for punishing them. That is why we want to change the rent-setting rules. We are for local flexibility. This is very much about ensuring that the working poor can stay in there.

And let me say a few examples here. In Massachusetts in eight metropolitan counties families of four with two parents working full time making a $1.51 more than minimum wage will have to compete for 10 percent of public housing units if this amendment is adopted.

□ 1930

In Vermont, in 11 counties, a family of four with both parents working, making only 26 cents greater than minimum wage, will compete for only 10 percent. In Providence and in many counties in Rhode Island, the same families making $1.51 more than minimum wage will have to compete for 10 percent of the public housing units.

We are here to say that just because one is working does not mean that one ought to be biased against, it does not mean that one ought to be punished. We want to build that social capital capacity in public housing. We want to ensure that there are role models. We want to make sure that we do not force the working poor out, the people of modest income, simply because they have a job.

Mr. Chairman, back in 1968 under the Great Society when Lyndon Johnson was President, he signed into law a piece of legislation that would have targeted our resources to those people not making below 80 percent of median income, which is an absolute ceiling in our bill, but below 90 percent of median income.

However, what have we done over the years? This Congress year after year has said that there is more wisdom in Washington and we are going to impose more Federal preferences, and we are going to concentrate more poverty and we are going to drive more poor working people out of public housing and out of the inner city. So now we have doughnuts. We have decay in some inner city neighborhoods and we have the working poor, that would be stability, that would be the bedrocks of the community, moving out into the suburban areas.

We are trying to get that synergy of having the working poor and the poor live side by side because we think it is the right environment to help the very poor, because we know there is never going to be enough money, there will never be enough money to rebuild every building.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

Mr. LEACH. Mr. Chairman, I ask unanimous consent to proceed for an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. DAVIS of Illinois. Mr. Chairman, reserving the right to object——

Mr. LEACH. Mr. Chairman, I withdraw my unanimous consent request.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the requisite number of words.

In fact, Mr. Chairman, this is about building that type of synergy. This is about ensuring that we reconnect, reconnect people with their civic duty, reconnect the working class with the people that are unemployed. We are not saying that people who are unemployed are not worthy of public housing; we are just saying where we have concentrated the unemployed, the people of very low incomes in certain communities, it has proven to be disastrous.

That is why virtually every public housing authority across the country and every large public housing association that represents housing authorities that work with these tenants are in support of more local flexibility, are in support of our approach.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. The gentleman was talking about all of this local flexibility we are giving. I would ask the gentleman, where was that argument when we were talking about the local flexibility that we were trying to give them under the last section of the bill?

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, there is absolute local flexibility in terms of community work requirement. Any tenant and any housing authority can choose any number of ways in which they can fulfill that requirement.

This is basically about ensuring flexibility. This is putting your money where your mouth is. We have heard a lot of talk in this city about getting to mixed income, and when it comes down to the votes and doing something about it, people run and hide or they demagogue.

In fact, do not take my word for it. Listen to the housing authorities, the people who are rolling up their sleeves, who are doing this hard work month after month, year after year. They are asking for this. Even the best-run housing authorities in the country are finding that they are getting swamped by the social services needs when we concentrate, super concentrate poverty in some of our Nation's communities.

So we find the streets in Chicago with 4½ straight miles of public housing where virtually everybody is unemployed. What happens in that area? How many stores are in that area? How many banks are in that area? How many laundromats are in that area? There are none. I have been there, and the reason is that we have forced out the working poor that would support those basic services, that would help create the type of environment that we want for every American child.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think the gentleman from New York [Mr. LAZIO] has a very interesting chart, and I would just like to bring the attention of the gentleman to the chart that we brought.

The truth is that we believe in a lot of the rhetoric that the gentleman has just talked about. What I would like to point out to the gentleman from New York is that under our proposal, we are not suggesting that we continue public housing at 17 percent of median income. We are allowing, under the Democratic alternative, we would allow that the amendment that is before us, over the period of 10 years we would go to a 50–50 mix.

All I am trying to suggest is that it is not just because of the Federal preferences, it is not just because of the directives that have come from the Federal Government; it is because the sheer number of very poor people in this country has grown so substantially. I just think we have to deal with that issue.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, the issue is not just the amount of poor people, because we have quadrupled our spending in housing since 1980. This is not just about money. This is about basic management, about creating the right incentives, about ensuring that we have mixed income.

If I can just finish, if I could just finish my thought to the gentleman from Massachusetts [Mr. KENNEDY], the real controversy that we have here is that while we say we are for mixed income, we say we are for keeping the working poor in public housing, the net effect of the gentleman's amendment, if it is adopted, is to condemn another generation of residents, of young people, to live in that same area, the same environment of super concentrations of poverty.

That is happening here in our own Nation's Capital. We do not think we can take another year like this. We do not think we can take another 5 years, we surely do not think we can take another 10 years like this.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I appreciate the gentleman yielding. There is a long, long waiting list to get into public housing, very poor people. What does the gentleman propose to do with those people? The gentleman is saying that he does not want them condemned to public housing. The alternative is to condemn them to the streets.

Mr. LAZIO of New York. Mr. Chairman, reclaiming my time, we are going to spend over half of the additional spending in this budget deal on low-income housing. In addition, we spent over $1 billion on the homeless, which we will again.

Mr. DAVIS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was just thinking that if H.R. 2 is a friend of the working poor, then I am certain that the people in Robert Taylor, Henry Horner and Cabrini Green, and some other places that I know, would say, "Do not send me any enemies."

The more I listen to the debate, the more I am firmly convinced that no matter what the intent, no matter what the hope, no matter what the most basic desire, I am convinced that the outcome of H.R. 2 would become a part of the continuing attack on the poor, would become a part of continuing to strip the poor people of this country of their last ounce of dignity.

That is why I rise to support the Kennedy amendment, because it attempts and it does restore some of that basic humaneness to public housing, in the public housing act in this country. It contains the kind of flexibility that is needed, that will allow people to work and remain in public housing. Everybody that works does not necessarily earn enough money not to need a subsidy. That is why we need a minimum wage that gives people a livable wage.

So this amendment attempts to say to America that we do not necessarily have to try and throw out the baby with the bath water every time we attempt to correct something.

I would agree with those who suggest that public housing is in need of reform. I would agree with those who suggest that it is laudable for people to volunteer. As a matter of fact, I come from a history of volunteerism, so much so that people generally do not know the difference between what they do for work, what they do for pay, and what they do because it needs to be done.

However, when we force people, when we take away their pride, we take away their dignity, we take away their most basic and most human of all instincts, and that is to make decisions for themselves.

So I would hope that after the dust settles, after all is said and done, that we will come to our senses and realize that if America is to ever be the one

America that we talk about it being, then we have to say to all of its citizens that no matter what their status, we will look after their interests; no matter what their status, we believe that they can live with dignity and they can live with pride.

So I would hope that we would vote for the Kennedy amendment, that we would restore dignity, pride and meaning to the public housing act in this country.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, let me just take a minute and commend the gentleman from Illinois [Mr. DAVIS] for the powerful words that he has spoken and for the manner in which he has spoken them. A lot of us have been involved in this debate for 2 or 3 days now, and some of us may be losing perspective, but the gentleman was right on point.

I am fascinated by the argument that our chairman of the subcommittee has used with this chart here, because as I recall, all of us supported what we call scattered-site housing. To hear my Republican colleagues now come back and say that by encouraging scattered-site housing and the movement out to the suburbs, all of a sudden we have created the problem now where we have public housing that has an over-concentration of the very poor, is amazing to me.

We did not create this problem; the problem got created because we have too many poor people in this country and not enough public housing, not enough housing for people whether they are very poor or whether they are the working poor.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DAVIS] has expired.

(On request of Mr. WATT of North Carolina, and by unanimous consent, Mr. DAVIS of Illinois was allowed to proceed for 30 additional seconds.)

Mr. DAVIS of Illinois. Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for continuing to yield.

This whole notion that somehow we should just turn our backs on the poorest people in this country and let them go to the street, then I guess the next thing beyond this policy that is in this bill is they will be back in here a couple of years from now saying, well, we put all of these people on the street now, and now it is your fault because we were all trying to do something good.

Well, all of us are trying to do something good here. All of us are trying to do something good, and this holier than thou attitude, we have the right bill, we have the right cause, we are wrapping ourselves in the flag, is just ridiculous, and we should not be going through that in this body.

Mr. BAKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is very important to say that we do not believe we have all of the answers. All we have is the belief that what we have today simply does not work. We may well come back here, despite the chairman's best effort, next Congress and say, "Hey, guys, this did not do it. We're going to have to make some changes in the way we've tried it."

□ 1945

It was President Roosevelt who said, "We owe it to the American people to do bold things and try it, and and if they fail to work, come back, acknowledge it, and try again."

But to stand here together tonight after quadrupling the budget for housing four times over since 1980, I understand that the deal made in the budget, which I was not part of, of the $70 billion in discretionary spending, some $37 million is allocated to section 8 certificates over the next 5 years, with the effort made, honestly and frankly, to pour money into programs.

I will give the Members one that I do know, the section 235 program some years ago, an interest rate buydown program that allowed families to move in with interest rate subsidies, into homes. It was a good idea on paper. It did not work. People were taken from a poor public housing environment and placed into home ownership responsibilities. It was a disaster. The program was canceled because we did not do anything but provide for money.

This is more than just providing money. These are human beings. I listened to a Member earlier talk about the conditions in public housing. She is right: Dirty halls, doors off apartments where single women with children live. There was a suit at Desire Street housing project; a kid fell out of a window from a second story, was permanently disabled, and the window did not even have glass, did not have a frame, there was a hole in the wall. It had been reported to the housing authority for years.

Money spent on fire and smoke detectors; they were put in a warehouse, kept locked up for years, and a family died, the whole family. They have a lawsuit filed claiming damages against the housing authority. They still have not been paid. It is an outrage. It is an absolute outrage.

I share the frustrations some Members have on this side with our belief that by requiring people to work, by mixing families together of a different background and income level, that by counseling people with these silly schemes, that all this stuff is just simply going to make it worse. I do not believe that. I simply do not believe that.

What I know is what we have. It does not work. We need to take people who cannot read and give them an opportunity to learn, people who do not have job skills, and teach them how to work; people who have job skills, we need to get them into the community and do something where they live. There is nothing wrong with that.

But to say that we are going to allow more working poor into a public housing unit and bring their meager paycheck, despite the fact many call them rich, I cannot imagine raising a family of four in a city of New York on $30,000. I am sure people do it, but it has to be tough.

We are going to say to those people, no, you cannot come in and bring your families; and dads who go to work in the morning, and moms who stay home and try to take care of the kids, and kids, by the way, who go to school? You can run into individuals in public housing today, little kids, they have given up. That is why 13-year-olds shoot other 13-year-olds for tennis shoes, my friends, because they do not believe tomorrow will be any better than today. It is a terrible circumstance.

What I am suggesting is that taking the bold steps we take here tonight may not be the answer, but it has got to be better than what we have been doing for the last decade. Let us give it a try.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, first, I know we have now twice heard the argument that the budget deal is going to give all this money for section 8's. My understanding is that it is simply a renewal of the existing section 8's. That was originally cited as an answer to the question of the gentleman from North Carolina [Mr. WATT], when poor people are excluded from this because of the retargeting, where will they go? And the gentleman from New York said, well, we are giving all this money to section 8's. But that is to continue the existing section 8's. That is renewal. It does not add one unit. It prevents the loss of units. It does not add units.

I would say to the gentleman from Louisiana, I do not think there are solutions to these problems that exclude greater resources. I do not think you can counsel people into filling a hole in the wall.

Mr. BAKER. If I may reclaim my time, Mr. Chairman.

Mr. FRANK of Massachusetts. Mr. Chairman, when they talk about the budget deal, are they talking about the renewal of section 8's? And does the gentleman really consider the renewal of section 8's new resources for housing?

Mr. BAKER. I will respond to the gentleman on the housing information.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. WATT of North Carolina and by unanimous consent, Mr. BAKER was allowed to proceed for 3 additional minutes.)

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, let me say, when we spend $37 billion additional dollars, which is over half of the increase in discretionary spending, to meet the needs for affordable housing where we subsidize units that does not run with the people, that means every time somebody vacates that unit, it opens up for new people to come in and to get the benefit of that assisted housing. So it means that literally tens of thousands of Americans, in addition to who we are serving right now, will be able to get the benefit of that situation.

Mr. BAKER. Reclaiming my time just for a moment, I would simply make the point the gentleman's view is that more money is the answer. My view is more money has not been the answer. I think that is one of the issues.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. More money is part of the answer. When we are worried about the military, more money is the answer. When we are worried about space, more money is the answer. Money only gets denigrated when it is poor people who may get some.

I would also say to the gentleman from New York, first of all, we are talking about section 8, not public housing.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. BAKER was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, we are talking about the same number of section 8s. Yes, we are talking about renewing the existing section 8s. I am willing to bet most people who heard the gentleman when he talked about all this new money in the budget deal thought he was talking about new units. We now have a big waiting list. Maintaining the same number of units, preventing them from dropping, is not going to eat into the waiting list.

Mr. BAKER. Reclaiming my time, I would simply like to address the point that the question of more money has been demonstrated not necessarily always to be the answer, whether it is defense or whether it is any other appropriations measure. I think that is what the balanced budget deal is all about.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, let me make two quick points. No. 1, I want to tell the gentleman how much I respect the fact that he acknowledged he does not have the perfect solution.

Mr. BAKER. I have not heard one, either.

Mr. WATT of North Carolina. We are all interested in finding a better solution. I think one of the things we have been hearing over and over again is this bill is so perfect we cannot do anything to it to amend it and make it better. That is a bad, bad attitude about it.

Mr. BAKER. Mr. Chairman, if I could reclaim my time, I do believe the chairman did agree to amendments tonight, without objection, that were enhancements, so we are getting there.

Mr. WATT of North Carolina. If the gentleman will continue to yield, the second point I want to make is I understand that we try things. I have children and I tell them, hey, do not do this, you are making a mistake. Sometimes they have to go out and learn for themselves. But if you know that you have all these people on the waiting list with no housing for them——

Mr. BAKER. That is today.

Mr. WATT of North Carolina. And there is no place for them to go but either public housing or to the street; what is the answer? There is nothing in this bill that is addressing that.

Mr. BAKER. If I could reclaim my time, what the gentleman is suggesting, that we have people waiting today who cannot get access to housing, that is a tragedy, I agree. What I am saying is let us create a better environment where we do have public housing by enhancing the conditions for those who must live there. Certainly we have an unmet need, but let us do both.

The CHAIRMAN. The time of the gentleman from Louisiana [Mr. BAKER] has again expired.

(On request of Mr. KENNEDY of Massachusetts and by unanimous consent, Mr. BAKER was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would like to clarify some of the numbers utilized here this evening. First and foremost, we hear time and time again references back to 1980. I would point out to the gentleman from Louisiana as well as to the gentleman from New York that this country in 1980 spent $30 billion on affordable housing, and built over 300,000 new units of affordable housing for poor people in that year.

Prior to 1980 in this country we did not see a lot of homelessness, because we had a housing policy where we took care of the housing needs of our very poor. Since 1980, since Ronald Reagan was elected President, the housing budget in this country has been slashed and beaten unlike any other in the entire Federal budget. That is a decline. That is why we have the homeless.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BAKER. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I want to establish that the idea that more money and more money and more money is the answer to poverty is contradicted by the chart right behind the gentleman, which shows that since 1982, as median income has been going down, operating subsidies have been going through the roof, and we have not made a dent in poverty. We still have slums that have been subsidized by the Federal Government.

Mr. BAKER. I end where I began. Money is not always the answer.

Mr. BARRETT of Wisconsin. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do not think that anybody is going to say that money is going to solve all the problems, but I understand why the housing authorities want to have this mixed population move in. The reason they want to have it move in is because, with the pressure on their budgets, they simply cannot afford to run these units if they are only serving poor people, so they have to get rid of the poor people in order to stay within budget, so they have economic pressures to move the poor people, the very people that these programs were designed to serve, out of these units.

I also find it amazingly ironic when we are talking about having mixed populations. I, along with the gentleman from North Carolina [Mr. WATT], agree that it is appropriate to have mixed populations. But I do not think we would be having the same debate that we are having here tonight if the mixed population debate we are talking about was moving these poor people out in the suburbs. Then, all of a sudden, this would not be such a great idea. But somehow, by having them move into these housing projects, it is a different scenario altogether.

I also want to take a moment, with the indulgence of my colleagues on the floor tonight, to address an issue that was raised earlier this evening because it deals with a housing unit in my district; and that is the Hillside housing unit. Earlier this evening, it was represented to this body that the Hillside housing unit is a model for the Nation because it has a work requirement in the lease and that is correct.

That was actually put into the lease, and this will be interesting to my colleagues, at the request of the tenants. The tenants asked that this be included. And it was done because there were literally millions of dollars that were put into the Hillside housing unit in Milwaukee. This is a wonderful housing unit. Incidentally, Oprah Winfrey at one point lived in this housing unit, so that will give Members an indication that it is not a terrible housing unit.

But the irony is, when I was listening to this debate this afternoon, I called the housing unit and I said, "What's the story? Is this a good provision?" And they explained to me it was put in at the request of the tenants. And I said, "Is this something that you are applying to all the other housing units in Milwaukee?" And they said, "No, no, no. We are opposed to this mandate."

The reason they are opposed to this mandate is because, as the gentleman from North Carolina and the gentleman from Illinois have argued earlier tonight, is that the bureaucratic cost of administering this without any funds from the Federal Government makes it too onerous. So what we have done is we have taken a project that serves 180 families, basically, and we have extrapolated it now to national policy.

My feeling is that, if this is such a great idea, and I believe in local laboratories of democracy we should be doing what we tried to do, and that is give the local units, the local authorities the opportunity to do this, or we should give the tenants themselves the opportunity to do this. But to have this mandated by big brother in Washington I think flies in the face of logic. So I wanted to set the record straight on that.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thank the gentleman for yielding.

First of all, let me say to the gentleman from Louisiana and the gentleman from New York that I appreciate their willingness to engage in the colloquies that they have in this debate. I would just like to come back to the fact that we are not suggesting that simply resources alone are enough to solve this problem.

But when the gentleman from New York [Mr. LAZIO] suggests that resources are not an answer to poverty, I would suggest that more money really is an answer to poverty. I think that is the definition of "poverty" is not having enough money. But, in any event, I think that what we are trying to suggest on our charts is that nobody wants to perpetuate the status quo, nobody is suggesting that we continue warehousing the very, very poor in these monstrosities where only the very poor live.

We are trying to achieve a glide path so that the very, very poor are not going to be simply thrown out and not have any safety net to take care of them. All I would ask the gentleman is, if he really believes in his heart that this is the correct policy, then how can he pursue this policy without contributing more money to this entire program? If he is suggesting that the answer to public housing is to get more working families involved in public housing, then how does he justify doing that by not taking care of the same number of very poor people that we have in the past by simply abandoning them?

That is essentially what is going to take place under this legislation. So I ask the gentleman from New York, what is he going to do with those very, very poor people who are no longer going to receive any benefit from their government and we have cut the homeless budget at the same time?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I am happy to yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I think what distinguishes us is the fact that, under our program, under this bill, we are hopeful of creating environments where poor people can actually transition out, where we can actually make more availability. We are going to spend more money on the homeless than we ever have in our history this year.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BARRETT] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. BARRETT of Wisconsin was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, they are going to transition to where? The gentleman keeps saying they are going to transition to somewhere. He said before, we are going to spend all this money, it is just to renew the section 8, it is these same number of units. And this notion that they are going to transition to somewhere. Where? Oz? Fairyland?

This is out of sight, out of mind to the very poor. Of course we should make these changes. But, essentially, what the gentleman from Long Island [Mr. LAZIO] is saying is, dealing with these very poor people has not worked because they are too hard to deal with and let us start ignoring them and then we can claim success and God knows what will happen to them.

□ 2000

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me.

I think most of us could concede that income mix, H.R. 2's policy is going to be successful in terms of the working poor. The question is, at what price? At what cost? What happens? Do we have 16 million families in 4 million units? That is the problem.

The question is, who are we going to give priority to? My colleague is suggesting giving it to those who have upper income in this particular category, and the fact is that gentleman from Massachusetts' policy would be successful. We can concede that. But the fact is, how do we do it? How do we make that particular transition? I submit that is very important.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Chairman, I would just simply point out that the point I was making earlier is that we have miserable conditions today in two places. We have a waiting line. And we have terrible housing. What we are suggesting is let us try to improve the environment within the resources we have in those housing units. We certainly have a backlog with which we have to deal but that is there today.

My point is, are we going to simply ignore, as some perhaps think is appropriate, the conditions that people must live in now? The answer is no. Let us do something to improve the quality of life there. That is my point.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BARRETT] has again expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. BARRETT of Wisconsin was allowed to proceed for 1 additional minute.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, I would just point out the fact is that public housing is not the bleak picture that often is being portrayed here where we have some 75 troubled projects which do comprise a significant population of a half million or so people. There are many others that are very successful that are working in my communities, in the gentleman's community. In Milwaukee, public housing is among the best housing for low-income persons. It is working in St. Paul and Minneapolis. It is working in Milwaukee. We do have troubled housing projects some places though. This is the point in terms of what we are talking about here. As we change this so that it works in some of the troubled areas, let us not in fact do it on the backs of the poor. We are creating a class of individuals that are too poor for public housing now.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. BARRETT of Wisconsin. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to make the point that we have suggested that the reason for the problem that my colleague has articulated is because of the concentration of very poor people in public housing. When this argument shifts to the voucher program, we will no longer have the argument that we are simply putting all these poor people together in single projects.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. BARRETT] has again expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Mr. BARRETT of Wisconsin was allowed to proceed for 20 additional seconds.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, if the gentleman will continue to yield, under the voucher program people will be allowed to go across all city lines, go wherever they want. So whatever arguments my colleague is making today on the project based program or on public housing will not be appropriate to the voucher program which will come up tomorrow.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was rejected.

AMENDMENT NO. 5 OFFERED BY MR. FRANK OF MASSACHUSETTS.

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. FRANK of Massachusetts:

Page 102, strike line 1 and all that follows through line 7 on page 104, and insert the following:

SEC. 225. FAMILY RENTAL PAYMENT.

(a) RENTAL CONTRIBUTION BY RESIDENT.—A family residing in a public housing dwelling shall pay as monthly rent for the unit an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(b) MINIMUM RENTAL AMOUNT.—Each public housing agency shall require

Page 105, strike line 21 and all that follows through line 19 on page 106.

Page 107, strike ", except that" on line 2 and all that follows through line 5, and insert a period.

Mr. FRANK of Massachusetts. Mr. Chairman, first let me say to the gentleman from Massachusetts, I know he has pointed out that the rationale presented will not apply to section 8, but have no fear, they will come up with one tomorrow night; by tomorrow, overnight, they will come up with a new reason.

Mr. Chairman, this is a further effort to get some of the unnecessary bureaucratic gobbledegook out of this bill.

Last year we debated at length in this bill an effort by the majority to raise the amount of rent that tenants could be forced to pay. The maximum is now 30 percent. The majority was determined to raise it.

I have to say to those Members on the majority side who were here last year and a few on our side who loyally voted with the chairman and supported him on vote after vote to raise the rents, maybe they feel a little bit perturbed that that was all in vain because that part has now been given up. I admire the fact that this bill no longer tries to raise the rents of the poor.

Instead it tries to complicate them unduly and unnecessarily for the low income people and for the housing authorities.

We agreed last year, although I must say the chairman of the subcommittee last year was determined not to be agreed with, when we kept agreeing with him, but we agreed that having the 30 percent be a minimum as well as a maximum was a bad idea. Our amendment last year said it should not be a minimum. It said it should be a maximum.

This amendment says very simply the housing authorities can charge whatever rents they want by whatever method they want as long as that amount does not exceed 30 percent of income.

The chairman of the subcommittee is fond of having a flat rent charged for apartments. What this bill does, and it takes about five or seven pages to do it, it once again orders the housing authority to engage in a very complicated choice process. It says the housing authority will set a flat rent for the unit, and it will have a 30-percent maximum rent. And then it will have the tenant choose each year which one he wants. But if the tenant has chosen the flat rent and the tenant's income goes down, then the tenant can be given a hardship exemption. If the tenant has chosen the 30 percent and the tenant's income goes up, then she has an 18-month phase-in, and during the 18-month phase-in she has a 12-month reelection period.

It is a seven-page complication, frankly, I think to save a little bit of face because the chairman was determined to take a nick out of the Brook amendment. And they decided last year they had taken the wrong nick. But there are seven pages of complication. Once again, it orders it to every housing authority. The chairman is a fan of the flat rent method. Let the housing authorities decide. That might be appropriate for some housing authorities. It might be too difficult for others.

This amendment that I offer allows them to do that. It says to the housing authorities: You do whatever you want. If you want to tie it to income with a 30 percent cap, you can do that. If you want to give them a choice between a flat rent and a 30 percent, you can do that.

Are we now deciding that everywhere in the United States in every type of project there is this one method that works and that has to be done, and it is a method where you choose either a flat rent or a percentage of your income every year? But there is a way to get out of one and there is a way to get out of another, and it is, once again, piling on a complication. It is about the third or fourth additional mandate that we put on the housing authorities.

The alternative seems to me to be very simple. It says: No, there is no minimum. If you want to have a work incentive, you can have that. If you want to have a flat rent, you can have that. If you want to put a top of 20 percent, you can have that. You can do, as the housing authority, anything you want. You might decide for different tenants different things work.

The housing authorities might even want to experiment. My friend from Louisiana talked about the importance of experiments. Are we the only ones who can experiment? I do not think that is the best way to experiment. Why not give the housing authorities flexibility and let various housing authorities experiment with different types of rents rather than take the pet project of the chairman, which is this very complicated system. I hope, Mr. Chairman, that Members, before voting on this, will have a chance to read these seven pages.

In fact maybe instead of a vote on this we should have a test. And we will have a test on that. And if a majority of the Members can understand it and explain it, then we will have it enacted. And if a majority of the Members cannot, we will not have it enacted.

I have another provision that I want to suggest to my colleagues. They said that the tenants really want the work requirement and the tenants want the self-sufficiency.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. FRANK] has expired.

(By unanimous consent, Mr. FRANK of Massachusetts was allowed to proceed for 30 additional seconds.)

Mr. FRANK of Massachusetts. Mr. Chairman, I am going to propose an amendment later on that we have a tenants' referendum on these things. I do not doubt the sincerity of my colleagues in insisting that the work requirement and the self-sufficiency contract are really what the tenants want. They should want the tenants then to have a referendum on this because that would show how much they want it. And instead of this extraordinarily complicated seven-page scheme, why not simply say to the housing authorities: You can do flat rent if you want. You can do per unit rent. You can do a rent tied to income. The only thing you cannot do is go above 30 percent.

That is what this amendment says.

Mr. GONZALEZ. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to state my strong unequivocal support for the Frank amendment. It is simple. It is fair. And it is a reasonable compromise to the provisions of H.R. 2. It protects many of the Nation's most vulnerable from excessive rents. The Frank amendment caps, it does not set, income based rents at 30 percent of income. It provides for rent reform with ceiling rents and income disallowances. It allows the public housing authorities the flexibility to establish flat rent subsidies and eliminate the disincentives to earn additional income, just as the gentleman from New York [Mr. LAZIO] wants. And it requires the PHA's to establish market disciplines that are important to managing real estate and that rightfully are important to the chairman.

It does not permit PHA's to charge public housing residents flat rents that are higher than 30 percent of their limited incomes, as the Lazio provisions would permit and, along with other provisions of the bill, would encourage.

I believe that the provisions of H.R. 2 would tend to encourage flat rents set far higher than 30 percent of most of the public housing tenants' incomes, because the rents are to reflect market rents, not operating costs.

The Frank approach would tend to encourage rents set that were affordable to the overwhelming majority of the public housing residents, those whose incomes are 30 percent of median income.

I would like to remind the House of a few facts. Currently the average monthly rent paid by all public housing residents is $185, far less than operating costs or most market rents, and 75 percent of all current residents have annual incomes that are less than $10,000. Most public housing residents simply cannot afford to pay rents that equal operating costs or the market.

So the rent choice is hollow, also administratively burdensome and complicated. Few if any residents will choose to pay more than 30 percent of income for rent.

Finally, let me suggest that over time the rent setting methods in H.R. 2 could end up segregating the very poor in the worst and the most rundown developments. PHA's would direct families choosing to pay income based rents to those properties where the public housing authorities would lose the least money, and those who would agree to pay the higher flat rents would be steered, that is directed to the better properties. Although unintended, I believe that would be shameful.

I urge my colleagues to support the amendment of the gentleman from Massachusetts [Mr. FRANK]. It is a fair and a sensible compromise.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. GONZALEZ. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am delighted to have the support of a man who has done more for public housing, I believe, than any man who has served in the Congress of the United States, and for the tenants.

I want to point that the complications here are such that some people are going to get trapped by it, and some people are going to wind up paying more than 30 percent of their income because there is a very complicated set of calculations that have to be made. There is also the possibility of coercion. So it is unnecessarily complicated, and it may lead to periods where people will wind up paying more than 30 percent. My amendment says again they have total flexibility but it makes that impossible.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

I would like to engage in a colloquy with the chairman of the Subcommittee on Housing and Economic Opportunity. We worked on this, on a version of this amendment last year. And the chairman has, I think, shown great leadership by changing the amendment that was offered last year and recognizing the fact that we both have in common the desire to take away work disincentives.

I believe that the amendment that the gentleman from Massachusetts [Mr. FRANK has offered has not only the benefit of getting rid of the work disincentive but it also creates another perverse aspect of what is currently contained in H.R. 2. I would appreciate it if the gentleman from New York would explain how this concern is going to be dealt with.

□ 2015

Under the bill as it is currently written, it seems that there would be an incentive by an individual who is in public housing, that has an opportunity to move to a housing authority's building that happens to be better than the building that they are currently in, if they have a little bit of additional income and they can pay above 30 percent in order to choose a better unit in another housing project, and because of the last debate, where the gentleman indicated his desire for public housing to have a greater mix of working families, our concern, and I think the amendment of gentleman from Massachusetts [Mr. FRANK], gets at what will in fact be a disincentive for those working families to go to some of the worst housing projects.

If part of our solution of fixing some of these bad housing projects is to get more working families to go there, and if we have, however, in the bill an incentive that says, listen, if they are willing to actually pay 35 percent of their income, and then they get to go to a better housing project, does the gentleman not feel that we have in fact, not intentionally, but in a sort of in a quirk of the law, created a disincentive for the very projects that the gentleman wants to improve?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would say firstly that the object of H.R. 2 is to make sure there are no bad housing complexes.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, I was not interested in going into a long debate on all the benefits of the gentleman's bill. I wanted to understand how he was going to fix this problem we are trying to deal with.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman that it is a valid point; that we are looking to ensure that we do not have any bad housing.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I would be glad to have my amendment say that this does not take effect until we have no bad housing projects. Once that happens, then this could take effect.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, first of all, I would say to the gentleman from Massachusetts [Mr. FRANK] that I would be willing to buy into his last comment.

I would say also, that just as in the case with poor people or the working poor that are in nonpublic housing, those people that have the ability to make a choice to move into another public housing unit, when one becomes vacant, will probably exercise that choice, and that is great.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, what we are trying to suggest is that the gentleman has created a perverse incentive that will actually funnel people away from the housing projects that perhaps are undesirable and leave those to the very poor, which will make them not better but, over a period of time, will create the warehousing effect that the gentleman has just said for the last hour and a half he is opposed to.

So what we have here is a situation where the gentleman is saying he is opposed to the warehousing effect, but what he is really going to do is he is going to back door the warehouse effect by virtue of the fact that he has created an incentive for anybody that has enough income to pay a little bit above 30 percent where some of that money will stick to the back pocket of the housing authority. So the housing authority now has an incentive to get the people into the better housing projects.

So we end up with, I think, a very perverse consequence to the provisions the gentleman has included in this bill. And I think the amendment of the gentleman from Massachusetts [Mr. FRANK] gets to the heart of that, which is we should just go back to the plain old Brooke amendment, which the Republican Senator wrote several years ago, and it seems to have worked very well.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would say to the gentleman that the other choice that somebody has who is in public housing that does not like their unit is to leave public housing altogether, which would serve as it does right now to continue to concentrate the poor.

The discussion is whether to retain what we have right now, which taxes work and punishes working families, or to give them some other options and choices.

Mr. KENNEDY of Massachusetts. Reclaiming my time, Mr. Chairman, here again we have the situation where what we say is we are going to punish the poor and reward people that have a little bit more money. It is a perverse way of handling and dealing with a substantive problem.

Mr. TOWNS. Mr. Chairman. I rise today to express my deep concern about the future of families living in America's public housing developments. H.R. 2, the Housing Opportunity and Responsibility Act, represents a dramatic restructuring of public housing that will have consequences, perhaps unintended and detrimental to the millions of Americans the programs were intended to serve. I am especially concerned because this bill includes a section which would repeal the income-based rent cap of 30 percent in public housing, otherwise known as the Brooke Amendment.

In the borough of Brooklyn, which includes the 10th Congressional District which I represent, there are at least 33,485 public housing units—the second largest in New York City, and one of the largest in the Nation. A repeal of this rent cap, which has assisted families for decades, would lead to rent increases for numerous public housing residents and to further segregation for the poor. At a time when our Nation is facing an affordable housing crisis in which 5.3 million people are living under the worst housing conditions—paying more than 50 percent of their income in rent or living under substandard or deplorable conditions, this amounts to an outright abandonment of our commitment to adequate housing for poor and working class citizens.

Reform can be positive or negative. While I agree with my colleagues that our public housing system is in great need of comprehensive reform, I believe it is essential in any reform of public housing that we keep income-based rent at a 30 percent cap. Eliminating these provisions will exacerbate this affordable housing crisis by either forcing families into homelessness or causing them to forego basic human necessities such as clothing, food, and health care. About two-thirds of the families who would be affected by this provision would be families with children, including elderly grandparents raising their grandchildren. I also believe that in this time of fiscal restraint, Federal housing dollars should be targeted to those with the greatest need. According to HUD's study released in March 1996, Rental Housing Units at the Crossroads, 70 percent of the families below 30 percent of the area's median income have severe housing needs. Congress should pass a comprehensive housing reform bill that is responsive to Americans who are in need of housing assistance. I remain hopeful that the full House of Representatives will make further improvements to this bill.

The long history of public housing has many successes to its credit, and the lifting of current 30 percent rent cap will ultimately do more harm than good. I urge the adoption of the Frank amendment which would maintain a 30 percent rent cap.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. FRANK].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to House Resolution 133, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. FRANK] will be postponed.

Are there further amendments to title II?

AMENDMENT NO. 46 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment, No. 46.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. KENNEDY of Massachusetts:

Page 164, strike lines 1 through 4 and insert the following:

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated for grants under this section for each of fiscal years 1998, 1999, 2000, 2001, and 2002—

(A) $500,000,000, which shall be available only for use for activities under paragraphs (1), (2), and (3) of subsection (a); and

(B) such sums as may be necessary, which shall be available only for use for activities under subsection (a)(4).

Page 173, strike lines 8 through 13 and insert the following:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $3,700,000,000 for each of fiscal years 1998, 1999, 2000, 2001, and 2002.

(5) OPERATING FUND.—For the allocations from the operating fund for grants—

(A) $3,200,000,000 for fiscal year 1998; and

(B) for each of fiscal years 1999, 2000, 2001, and 2002, such sums as may be necessary to provide each eligible public housing agency with the full amount determined under the formula under section 204(c)(2) or 204(d)(1), as applicable, for such agency to cover operating expenses for the agency.

Mr. KENNEDY of Massachusetts. Mr. Chairman, this amendment goes to the basic issue of funding. Now, we have heard an awful lot of rhetoric this evening about how funding itself is not the major problem with public housing, it is not the major problem with poverty, but the truth of the matter is what we end up doing as a consequence of our condemnation of all these terrible public housing units is to then cut funding from almost $29 billion to just over $20 billion.

And I do not suggest for one moment that it is just the other side of the aisle that is guilty of this reaction, the truth of the matter is that the administration has come in with a budget that far underfunds the necessary, I think, levels that are required if we are going to actually deal with the issue of homelessness and shelter for our poor.

This amendment suggests that we do have the funds to achieve that in this country. We seem unwilling to take that money from other areas of the Government. When the Pentagon comes in last year and suggests that they want an additional request over and above what the Joint Chiefs of Staff requested on their behalf, we say here, here is $14 billion more than you even requested.

But when it comes to public housing, when it comes to the housing programs of this country, what we do is say, oh gosh, public housing is in terrible shape. What is our reaction? We cut it. We say, gosh, if we want to improve public housing in America, the best thing we can do is go out and cut funding for it.

I am not trying to suggest that the answer to getting people out of poverty at all times is to just give them money, but I would certainly suggest if we want to deal with homeless people on the street—I was out in California a couple of weeks ago, 2 or 3 weeks ago, and I was driving through one of the wealthiest sections of America, down through the streets of Beverly Hills, the most incredible palaces we have built in the United States of America. And all the people are walking around looking at all the stars' homes, and it is an absolutely lavish kind of neighborhood. And yet there was something astounding; that on almost every lawn of that neighborhood there was a homeless person lying on the grass.

My colleagues, we have a problem in this country where we have not built housing for the poor. Over the course of the last several years we have seen the number of housing units that we have not built because we have not provided funding to go to about three or four million units. If we take the number of housing units that stopped being built going back in 1980, which is about when we saw the rise in homelessness in America, we will find that, if we add up all those numbers, we did not build about three to four million housing units.

Over that same period of time, if we go to talk to the people of our country that work with the homeless families in America, we will find that their best estimates are that there are about three or four million people in this country. The two are directly related.

We must not have a direct policy in our Nation of not providing funding for the housing needs of our people, of our very poor people. I would love to say that every poor person in America is going to be able to go out and become a computer programmer. In my heart I do not believe that is the case. There are going to be people that this country has to take care of, and we have to find it within our souls, within our own compassion to say that is worth our investment.

This will not break the budget of America. Nobody is suggesting that the United States does not have the resources to accomplish this. We can cut a little bit of corporate welfare that we so lavishly provide all the big corporations of our country, that we provide to all the B–2 bombers and the F–22 and every other major weapon system that we say are so vital to our national security even though the cold war has ended.

What we want to suggest in this amendment is that when the public housing authorities and HUD come in and tell us that they need $3.2 billion for their operating subsidies and we are only giving them $2.9 billion, and as the gentleman from Massachusetts, Mr. FRANK, and others have indicated, we will then load up that $2.9 billion with $65 million for this program or other millions of dollars for that program, the truth of the matter is we are stripping away the very capability of these housing authorities to serve the very people we are asking them to.

So what do we do? We say to the housing authorities, well, that is OK. Since we are not giving you the money to be able to take care of the poor, you can just take in a few more of the richer poor people and you can jack up the rents on those you are taking in and, therefore, some more money will stick to your back pockets. We do not care what happened to the poor, because now we can say, oh, gosh, look at that; is that not a wonderfully beautiful public housing program? And, gee, we must have done a terrific job in the Congress of the United States because, boy, do we have great looking public housing.

We will not do a darn bit to take care of the very poor.

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. KENNEDY] has expired.

(By unanimous consent, Mr. KENNEDY of Massachusetts was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, we will not really take care of the poor, we are not going to take care of the homelessness. In fact, we will cut homeless people by 26 percent, we will cut the housing budget by 25 percent, and we will come in and nickel and dime them and scold them a few times and tell them a few more things to do with themselves, but we are sure as heck not going to give them any more money.

And, boy, if somebody stands up on the House floor and suggests maybe we should be putting enough money in to actually take care of these people, we say, oh, they just want to throw money at all the problems, and throwing money at poverty is not going to solve it. Well, I want to say to the gentleman that if we want to make public housing work for the people of this country, we ought to provide the operating subsidies that HUD as well as the housing authorities suggest that they need in order to be able to survive. And we should provide the capital grants that are necessary not only to continue the existing public housing but to improve that public housing.

If we do not put money into these projects, into these well run-down projects and help them rebuild themselves, how the heck will they ever actually get better? We have to put money into them. There have been very successful programs that have rebuilt these large public housing units, have created tenant ownership and done wonderful things. We need to provide the operating subsidies and the capital grants.

Mr. SOLOMON. Mr. Chairman, I rise in opposition to the gentleman's amendment.

Mr. Chairman, I was upstairs in my Rules office and I was listening to this debate while preparing a juvenile justice rule to bring to the floor here in a few minutes, but I was disturbed when I heard where this funding might come from, from the increases with the Kennedy amendment.

As I read the amendment, it says the amendment to section 282 (1) and (2) would increase authorization levels for the capital fund from $2.5 billion to $3.7 billion. Now, that is a $1.2 billion increase. And then it would, at the same time, increase the level of funding for operating subsidies from $2.9 billion to $3.2 billion. That is an increase of $300 million, as I am reading here.

I would just say to my good friend from Massachusetts, I have for years fought for the decent funding for the Department of Veterans Affairs. It was my legislation which created it, took it from being the Veterans Administration to a full Department of Veterans Affairs because they were not being funded properly.

At the same time, I wanted to try to create a separate subcommittee in the Committee on Appropriations so that the Department of Veterans Affairs would not be funded along with HUD and other independent agencies. The gentleman knows full well if this ever went through, a $1.2 billion increase in the capital fund and the increased level of funding for the operating subsidies, it would come directly out of the hides of veterans in this country. To me that is terribly, terribly irresponsible.

Even the veterans hospitals in Massachusetts, as they are in New York, have been hit by a redistribution of funds, and the gentleman's hospitals in Boston and in Albany, N.Y., and down in Dutchess County have suffered. This would just exacerbate that problem.

So the money comes out of one kitty, one 602(b) allocation, and we have to be very, very careful about where we take this money. This money will not come out of the defense budget, which is grossly underfunded. This will come directly out of Department of Veterans Affairs, HUD and Independent Agencies.

The gentleman is not going to vote to take it out of the Environmental Protection Agency.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield so I can explain to him where I am going to get the money?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, first of all, the gentleman understands that I am the No. 2 ranking Democrat on the Committee on Veterans' Affairs, and I would never stand for cutting the veterans programs. So I want to make sure the gentleman understands that. I have fought for them every year since I have been here.

Second, with regards to the issue of how we get these funds, there have been no 602(b) allocation and, in fact, the 602(b) allocation is simply a sham. I would hope the gentleman would support me in an effort to make sure this body, as a Congress of the United States, begins to take back control from the appropriators. And instead of being able to not shift money from the accounts within the Veterans Affairs or the space station or the housing agency, let us go after, and the gentleman can join with me, and maybe we should knock a little bit of that B–2 money out. What would the gentleman say to that? Knock a little of the F–22 out.

□ 2030

Then we ought to knock out a little of those corporate subsidies. We could do that if the gentleman supported me.

Mr. SOLOMON. Reclaiming my time, I ask the gentleman to abide by the rules of the House, please.

I do not know if the gentleman has gone to any recruiting offices around the country or in Massachusetts, but I have. I will tell the gentleman that right now, today, we are suffering because we are not getting a good cross-section of American young men and women enlisting in the military today. Why? Because they are worried about that career. We are going right back to the 1970's when the military families that we are serving were on food stamps, their pay grade was so low. We could not keep noncommissioned officers. We could not keep commissioned officers in the military because of what happened to our military budget.

During the 1980's we went through something called peace through strength and we rebuilt the military, we rebuilt the benefits for these young men and women who are eventually going to become veterans, whether it was from a full career or just having served 3 or 4 years. But we are sliding back.

I can tell the gentleman right now, the money is not going to come out of the defense budget. It is going to come out of that portion of the pie which is set aside for the Department of Veterans Affairs, HUD and independent agencies.

Mr. KENNEDY of Massachusetts. We have got to think big, Mr. Chairman.

Mr. SOLOMON. That is why we ought to defeat the Kennedy amendment on behalf of the veterans of this Nation.

Mr. FRANK of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman urged my friend to abide by the rules. It is easy to abide by the rules when one can change them at will, as the gentleman can who is chairman of the Committee on Rules. I would also say I am disappointed in him.

In the first place, he talked about those agencies which are grouped with HUD once the 602(b)s are there, and he said EPA and Veterans and HUD. Did NASA slip his mind? Was that an unintentional error? I guess it must have been. NASA is one of those agencies. The gentleman left NASA out. Maybe he thought some people might think that a manned space shuttle is less important.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, the gentleman ought to check the voting records. I voted to abolish NASA's Space Station program.

Mr. FRANK of Massachusetts. The gentleman may have voted to abolish it, but that does not entitle him to abolish it in his mind and act as if it was abolished. The fact is that the gentleman just said, if you give more money to HUD, it must come under the 602(b) process once an allocation is made from EPA or the Department of Veterans affairs. He left out NASA.

Mr. SOLOMON. Will the gentleman yield?

Mr. FRANK of Massachusetts. No, I will not yield. I would say to the gentleman, as he said to the gentleman from Massachusetts, abide by the rules. I just heard someone say that.

I would say to the gentleman that he unintentionally, I am sure, gave a very inaccurate picture. But even more important is this in this diversionary effort by the gentleman from New York.

Mr. SOLOMON. I insist that the gentleman be good-natured and yield briefly.

Mr. FRANK of Massachusetts. I would say to the gentleman I will not.

The fact is that there has been no 602(b) allocation this year. The fact is that the gentleman from New York comes up here on the wholly inaccurate premise that this must come from HUD, VA, EPA or the unstated NASA, which he has implicitly abolished, but that assumes there has been a 602(b) allocation.

Mr. SOLOMON. My good friend must yield.

Mr. FRANK of Massachusetts. The gentleman seems to have forgotten that his side forgot to do a budget this year. He not only forgot about NASA, he forgot to do a budget. There has been no 602(b) allocation, so his whole argument is nonsensical.

What the gentleman from Massachusetts talked about is more money from HUD. The gentleman from New York said that must come from one of these other agencies, but there has not yet been the basic decision that allocates that money. In fact, if the gentleman's amendment were to pass, we could then have the appropriators or the Committee on the Budget give more money for the whole 602(b) issue. I have never seen an issue of less substance brought forward.

I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I just would like to ask unanimous consent that I correct my remarks and include NASA.

Mr. FRANK of Massachusetts. I would have to say to the gentleman that I only have 5 minutes.

Mr. SOLOMON. And all the other independent agencies.

Mr. FRANK of Massachusetts. I have to say to the gentleman I only have 5 minutes. I do not have enough time for the gentleman to correct all his remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. FRANK of Massachusetts. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

Mr. FRANK of Massachusetts. Mr. Chairman, I do not want to set the precedent because I do not have enough time to entertain all the corrections that would be entailed.

The point is this, however. Money is denigrated whenever poor people are the recipients.

The gentleman from New York just correctly said that it would be very unfortunate for the veterans if they lost money. I agree. One reason I am skeptical about this budget deal is that among the items that will be capped in the budget deal will be the discretionary money for veterans' health, and I am unhappy with that, and I have been in a few veterans' hospitals lately.

When we talk about the military, the gentleman says we need more money. By the way, the gentleman from Massachusetts talked about cutting the B–2 bomber. I do not think that is a big recruiting item. We are told that we need more money for the Veterans Administration if we want to do better for veterans' health, and I agree. We are told we need more money for the military, if we think they are underfunded. I do not.

How come it is only when we talk about benefiting the poor that money somehow becomes irrelevant? Money is not some objectified thing in itself. It is a claim on resources.

What we are saying is a substantial part of the problem with public housing has been a lack of resources. The gentleman from New York said and the gentleman from Louisiana said there are housing authorities that are rotting; they have holes in the windows. Are we going to talk those holes away? Are we going to just give people counseling so that we fix heating systems?

Yes, for a lot of reasons there are serious physical deterioration problems. We are saying to you that all of your self-sufficiency contracts and your 8-hour-a-month work requirements, like them or not, do nothing, nothing to deal with these ongoing serious physical structural problems. The gentleman from Massachusetts is talking seriously about them.

To argue that you are going to transform, in fact, people on the majority side talk about public housing as this terrible, physically rotting sinkhole full of social problems, but somehow more money is irrelevant to dealing with them. It is the only context where poor people are the potential recipients where people on the other side are inclined to denigrate the value of money. When it comes to getting wealthy people to work hard, they need more money. When it comes to defending the country, we need more money. When it comes to health for veterans, we need more money. When it comes to fixing up the admittedly terrible conditions in much of public housing, money somehow becomes irrelevant.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words, and I yield to the gentleman from New York if he so desires, if he has further clarification he would like to make.

Mr. SOLOMON. Mr. Chairman, again my good friend from Massachusetts had said that somehow I left out NASA but I wanted to point out that I did in fact, when there was a vote on the floor about the space station, that I voted to eliminate it. I do not know how the gentleman voted, but I did so because we really did need that money for the veterans budget, that part of the 602(b) allocations.

But there are other issues out there. We have a supplemental budget coming up before us in an appropriation bill sometime this week or next week, and in that is the continued funding for our troops in Bosnia.

Those funds are going to come out of not somewhere else, they are going to come out of the defense budget. It is out of the operation and maintenance of the defense budget and the research and development that it gives our young men and women today the kind of state-of-the-art equipment that, God forbid if they ever have to go into a war, they are going to have. They are going to have night vision goggles so that they can see the enemy and the enemy cannot see them. Those are so terribly important. When you let the defense budget go down to what it has, you jeopardize that.

I have got an amendment, as a matter of fact, to the supplemental appropriations bill that is going to say instead of taking this money out of the operation and maintenance, which means out of housing for these young men and women and their families, we are going to try to take it out of Nunn-Lugar. Do my colleagues know what that is? It pays for the dismantling of defense missile systems in a lot of the former Soviet bloc countries.

Today, for instance, in Ukraine and Kazakhstan, those two countries have already been denuclearized, yet there is over $800 million in the pipeline for this money to be used. We are going to try to transfer that money from Nunn-Lugar and put it into paying for those troops in Bosnia, instead of taking it out of the operation and maintenance budget.

These are the kind of things that we ought to be doing. We ought to be protecting our young men and women, we ought to be providing proper funding so that they can depend on a good, honorable career in the military, and there is nothing more honorable. It is a lot more honorable career in the military than it is a career in the Congress. I wish I could have had a career in the military instead of in the Congress.

Mr. KENNEDY of Massachusetts. Mr. Chairman, some of us wish the gentleman had stayed in.

Mr. SOLOMON. I tell the gentleman from Massachusetts that I will get into that later on.

Mr. LEACH. If I could reclaim the time, I want to thank the gentleman from New York for his very thoughtful representation to this body as well as defense of the U.S. military and the veteran.

I would only like to make one comment, because in all of this discussion about programmatic grouping, 601(b), 602(b), whatever it may be, the fact of the matter is, the greater relevance is how did the committee come up with the figure? And the figure in this budget is precisely, dollar for dollar the recommendation of the Clinton administration. This committee has worked vigorously and cooperatively with the administration on this housing budget.

I make this point because the figure of the gentleman from Massachusetts is somewhat over 50 percent greater than the majority on the committee has recommended, which means it is 50 percent greater than the administration has requested. There are a lot of things we could do with more money in all sorts of Federal areas.

I, personally, think maybe housing has been a little more short-shrifted than I would like, but the fact of the matter is we are dealing with a budget dilemma. This committee has come up precisely with the administration request, and I know it does not fit all on your side of the aisle, but I would think the committee might well get some appreciation for how closely we have worked with the administration, how hard we have worked to defend a particular dollar level that is their request, and instead the amendments come in calling for 50 percent increases. That makes it pretty difficult to deal with, because it is out of the scope of budget constraints, as we all recognize, and not just this discussion between the veterans' programs and the housing programs.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I did not exclude the Clinton administration from their culpability in this low number on housing allocations. What I wonder is if the gentleman might respond to the idea that the gentleman, as chairman of the Committee on Banking and Financial Services, as someone who has taken a great interest in housing policy over the years, would not in fact take the lead in trying to suggest that the Clinton administration as well as many others have not put enough money into this, and let us at least have the fight on the House floor. Instead of requiring this to be held on the Democratic side, why not come up with a budget that actually meets the needs? Does the gentleman really believe that the housing projects that are in such terrible shape can be brought up to code if they do not have more money?

Mr. LEACH. First, let me respond to the gentleman. We have worked forthrightly to come up with the maximum approach we believe that could receive the majority's support in this body.

Second, I do believe very firmly that there are few areas of Federal programming that have had more glaring mistakes in them than a number of our public housing projects. And I believe that without reform, more money is money down the proverbial difficult hole.

All I can say is that from the majority's perspective, we have worked with the administration to come up with a credible number, with credible reform, and as we come to the floor, each amendment calls either for a return to the status quo or for money outside the budget constraints that have been worked out between the executive branch and Congress. It is in that context that I have a difficult time looking at some of these amendments.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 2 additional minutes.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I have to say to my friend with all sincerity, invoking the President is not an argument. Invoking the President, with whom you are free to disagree and disagree frequently, the fact that the gentleman coincide on this one, as the gentleman understands, is not an argument. It does not go to the merits.

Second, I have to say I am sorry to hear the gentleman talk about, oh, it is going to be money down a rathole. In some few places, yes. Nobody here is contesting the strengthening of HUD's ability to take over housing projects. We are all for that. But I will tell the gentleman that I have been to many of the housing authorities in my district and elsewhere, and they are well run; they are not ratholes, and giving them more money is not pouring money down a rathole. The gentleman knows that.

Mr. LEACH. Mr. Chairman, I recapture my time because the gentleman from Iowa has the time.

I would concur with the gentleman that many of these housing projects are very well run. I would like as a Member of Congress to be able to say "I can double your funds." But the fact is we have a totality of constraints placed in this body. Working with the administration may not be an argument in the sense of substance but it is a process circumstance of enormous import to this body that everybody in this body recognizes.

□ 2045

Mr. Chairman, what is being displayed on the floor today is an effort by a part of their wonderful political party that is saying we want to on this program increase substantially the resources as they argue on many other programs, and what the majority side is saying, that somehow there have to be limits when we are dealing with a totality of a budget of the nature we are dealing with.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman further yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. But many of us have also talked about substantial reductions, the space station, the B–2 bomber, areas that we consider——

Mr. LEACH. Mr. Chairman, to recapture my time, because it is my time, I would acknowledge to the gentleman that with the gentleman from New York and the gentleman from Massachusetts I had the same vote on the man orbiting laboratory issue. I also object to the B–2 bomber. And so all of us as individual Members have different judgments, but we have to live within the constraints of what the majority determines as well as the constraints of the executive branch.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(On request of Mr. FRANK of Massachusetts, and by unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. We are in the process, we are in the process of trying to determine what the majority determines. The majority, until it has voted on this, has not spoken yet. But finally I have to say I understand the gentleman can feel beleaguered sometimes when he says he is getting no appreciation for supporting the administration. I think my colleagues have to adopt what Harry Truman said with regard to friendship:

"If you want appreciation in Washington, get a dog."

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LEACH. Mr. Chairman, I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, my belief is that we are an authorizing committee, and as an authorizing committee it is not our responsibility to do the appropriations committees' work. We have a responsibility of telling the appropriators the funding levels that are necessary in order to achieve the kind of public housing policy that we believe is the right policy. It is up to the appropriators to then come back and tell us that they do not have enough money to do this or that or the other thing, and we have that fight out, and that is the process that the forefathers of this country set out in how they establish the rules of the House.

It seems to me that what has happened here is that we have allowed and that their side of the aisle has allowed the authorizing committees to simply be stifled. There is no debate between authorizers and appropriators any longer. This used to be a fight when the gentleman from Texas [Mr. GONZALEZ] ran this committee. It was a fight, and he put in more money, and we go to the appropriators, and every member of this committee would go before the Committee on Appropriations and fight for the programs that we believed in. That is not existing any longer. It is just that they give us a number and our colleagues accept it.

The CHAIRMAN. The time of the gentleman from Iowa [Mr. LEACH] has expired.

(By unanimous consent, Mr. LEACH was allowed to proceed for 1 additional minute.)

Mr. LEACH. Mr. Chairman, this gentleman does not accept the statements of the gentleman from Massachusetts. The fact of the matter is it is the responsibility of this committee to work realistically with the budget constraints that exist. The gentleman from Massachusetts [Mr. FRANK] knows very well, and I do not want to reference names, but in the past, bills were introduced in our committee with gigantic pie-in-the-sky numbers, and they never were credibly received in the appropriations process, and they should not have been.

This committee is an authorizing committee, is requesting credibility. It is coming with numbers that we will be defending, numbers that will be accepted, numbers that are supported by the administration, numbers that have realistic relationships with other Federal programs in a budget constraint time, and this committee also is coming with philosophical reform.

The combination of realistic numbers and realistic reform I think gives decent hope that public housing in America can be improved.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am having a little trouble following this debate because it sounds like everybody is saying the same thing, which is that we need more money. At least every once in a while I hear somebody on the other side acknowledge that we need more money, when they are running away from the notion that they are advancing that money will not solve the problem. And so that kind of has my head spinning. Maybe my head is spinning because it is so late tonight, but I keep hearing inconsistent philosophies from my colleagues here.

We were talking about opening new slots for working people and public housing so that working people could rotate out of public housing, and so we went around in a circle on that issue, and then we were talking about we always want to do what the President does, but the truth of the matter is the President does not even support this bill and the President has asked for additional funding for this purpose and our authorizing committee will not even ask for additional funding, even though we all acknowledge that we need the additional funding if we are going to rehabilitate public housing. We were talking about more flexibility for local housing authorities, and yet the bill keeps dictating various requirements from the Federal Government on local housing authorities.

So we are going around in circles that way, and now we are back here saying, hey, we are not going to ask for any more money because we are looking for credibility, and I do not know. What kind of credibility are we looking for? We got 16 million people out here that need housing, we got 4 million units, and nobody is saying we are going to build 12 million more housing units, but surely we need some more housing units and we need to rehabilitate the housing units that are not in good condition. And how are we going to do that if we on the authorizing committee do not take the fight and go to the appropriators and say we know we have got competing demands, we know we got budget constraints, but we need more money for housing in this country because we got 16 million housing families that need housing and we got only 4 million units?

We have got bad housing, which all of us acknowledge, and we need to rehabilitate it, and it seems to me that all of us on both sides have acknowledged that, and why Mr. KENNEDY's amendment would not be deemed a reasonable and good idea in that context I simply do not understand.

Maybe it is too late at night for me to understand. Maybe I have heard too many inconsistent rationales that I cannot understand.

Would the gentleman like for me to yield the balance of my time to him? Maybe he can explain it to me.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I appreciate the gentleman yielding. I think that the heart of this issue is where we believe our resources ought to be spent in this country. I understand that it is not popular to stand up for housing policy and for the homeless and to suggest that, if we even suggest that we want to put more money into homeless and housing issues, that we are going to be castigated as saying that we are maintaining the status quo, we are not willing to change. None of those things are true.

If anybody bothers to read our bill and recognizes that we give broad powers to the Secretary to take back badly-run housing agencies, well-run housing agencies that run badly run projects will also be taken back. We give broad powers, new powers at the local level, to accept many more working families to raise that to a 50/50 ratio over a period of 10 years.

I think that the housing reforms that we have constituted require us to have the faith that if we invest the money in these buildings that we can get them up to code and provide decent and affordable housing for the Nation's poor and vulnerable people, and I appreciate all the work that the gentleman from North Carolina [Mr. WATT] has done on this bill. He has done yeoman's work, and I am very proud to serve in the Congress with him.

Mr. HILL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am wondering if the subcommittee chairman would yield for a colloquy on some questions that I have with regard to this issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. HILL. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I would be happy to.

Mr. HILL. Mr. Chairman, first of all perhaps I am not the only Member here that is a little bit confused about the issue of the 602 allocation. As I understand, the funding, if we have an increase of funding in this area, that funding comes out of where? Would the gentleman from New York explain that for us?

Mr. LAZIO of New York. Sure. There is something called the 602(b)s, and they are a cap on the money that each of the 13 appropriations bills can spend. The way the rules work are that we cannot take money from another 602(b) area to put it into a separate and distinct area.

Now if I can illustrate that, that means that if we increase funding, in this case for a particular housing program, it must come from within that area that is under the jurisdiction of that particular appropriations subcommittee, and in that subcommittee we have environmental enforcement, veterans benefits and veterans affairs, NASA and housing; those are the main areas. And so as we increase one; for example, if we were to adopt this amendment and the effect of it would be to increase funding in one part of housing, the offset might be to get rid of home ownership programs also for people of low income. The offset might also be to deny health benefits for veterans, to illustrate a point. It might be to eliminate a NASA program or an EPA program. It could not be, under the rules, the budget rules that exist in this House, we could not go out and take money away from the defense budget. That is not the way the rules work.

Mr. HILL. Now as I understand it, some of these public housing authorities have capital funds that have not been spent. Am I correct that some of these are the public housing administrations that have some of the poorest housing? Is that correct?

Mr. LAZIO of New York. The gentleman is absolutely correct. As a matter of fact, last year we had in America housing authorities that did not spend in excess of $900 million in their capital account, and in several cases there were tens of millions of dollars that were left unspent by the worst housing authorities in the country. So while people were living in squalor, they were sitting on money.

The idea that money alone will fix the problem is wrong, it is not factual, and the fact that we need to create environments where competitive forces reign, where we demand levels of excellence in terms of management and we begin to change and transform the community so that working people can achieve their American dream and people who are unemployed can also follow that American dream.

Mr. HILL. Mr. Chairman, this bill is intended to create greater responsibility on the part of a lot of folks that are involved in public housing. We have talked some about the work requirement, if my colleague will, the community service requirement, which is an effort to create greater responsibility on the part of residents, and our goal here, as I understand it, is that by their involvement in those communities it will strengthen those communities.

This section of the bill is intended to create greater responsibility in terms of the public housing administrators; is that not correct?

Mr. LAZIO of New York. Mr. Chairman, in that sense we are giving more money to the public housing administrators to administer the programs. They can use it in many different ways, but getting back to the core issue, if we had an unlimited amount of money, I would suggest that virtually every Member in this Chamber would look to see if we could increase spending in some way to ensure that we get better housing.

But not every solution to help house and provide better opportunities for the very poor and for the working poor involves funding housing authorities. Some of it involves exploring home ownership options, some of it means working with not for profits like Habitat For Humanity which we have been involved in, and when we do this in a way in which we deal with our budget, meaning we have limited money and we have to have offsets, we are taking from one of those areas and we are prioritizing, and we are saying that area is not as valid in terms of our spending increases as this one, and we are fully funding the President's request in this case.

As a matter of fact, I would say to the gentleman, there have been cases in which I have been on the floor to ask for amounts over and above the President's request when the administration put forward a budget that would reduce funding for seniors, for senior housing, or when the administration put forward a request to cut housing for people who are disabled. I offered the amendments, and this House followed suit, and I am grateful to that to restore that funding.

□ 2100

Mr. HILL. Mr. Chairman, I ask unanimous consent to proceed for 1 more minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Montana?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would not have objected, because everybody else has been willing, if the gentleman who just had the time would acknowledge the fact that I am trying to get his attention.

Mr. Chairman, I would have been happy to yield to the gentleman from Montana [Mr. HILL] and given the gentleman more time, but the gentleman would never yield to me; no matter how many times I requested the gentleman to yield, he never yielded to me.

Mr. HILL. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Montana.

Mr. HILL. Mr. Chairman, I was engaged in a colloquy and at the end of that colloquy I would have been more than happy to yield to the gentleman from Massachusetts [Mr. KENNEDY], and had the gentleman appropriately waited until the end, I would have done so.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would be happy to yield to the gentleman from Montana now.

Mr. HILL. Mr. Chairman, I thank the gentleman from Massachusetts.

I have one last question.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I thought the gentleman was going to yield back to me.

In any event, let me reclaim my time briefly, Mr. Chairman, and if the gentleman from Montana has a question of me, I will be happy to yield to him.

Mr. HILL. Mr. Chairman, and then the gentleman will not object if I want another minute.

Mr. KENNEDY of Massachusetts. No, I will not.

Mr. Chairman, there is a very different way of thinking about this budget than the one that was just articulated between the two Members on the other side of the aisle. The truth of the matter is that there is no 602(b) allocation. We are not constrained within any number at this time. This is prior to when that entire procedure gets underway. Right now, we can come in and request whatever numbers we want. The appropriators are going to have to come in, and the Committee on the Budget is going to have to come up with what they feel is appropriate for us.

We can have fights about what we believe, whether or not the space station ought to be built; the space station would pay for these programs.

Mr. Chairman, my colleagues on the other side, if they read their own bill they will find, and we support the idea, that the funding that is contained, that is not unspent by housing authorities goes back to HUD and can be reallocated.

So yes, I am not trying to suggest that poorly run housing authorities ought to be able to continue to get this money. What we are trying to suggest is that we are not going to solve the problem of badly run housing projects unless we in fact give some more money to the people, in addition to the fact that we get a better income mix in those buildings.

We have a basic responsibility as authorizers to tell the appropriators that they do not just take a marching order from the Speaker of the House when he says, listen, here is the number, so then the chairman of the committee and the chairman of the subcommittee go, oh, OK, that is a realistic number, so therefore, we ought to take it.

I object when the gentleman from Iowa [Mr. LEACH] said earlier that we put big numbers up. Yes, there were some of us on the committee that feel we should put a lot more money into housing. Those bills were what I would call flagship bills. We never expected to get those bills that put $50 billion into housing. But, my goodness, we certainly expected to have the fight with the appropriators, and the gentleman from Texas [Mr. GONZALEZ] would put in at $38 billion levels all the years that I have served on the housing committee, since I first got here.

Mr. LEACH. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, first, a correction for the gentleman. We are in a world which everyone that has a point wants to identify the Speaker. I have not spoken to the Speaker on this issue. I have spoken to Secretary Cuomo. We have put in the administration-requested numbers.

The second point I would like to make, the gentleman is absolutely right. The former chairman of this committee put in higher numbers, but they have not gotten them. We are putting in numbers and we intend to get them.

The chairman of the subcommittee and I have fought very vigorously within the Republican caucus to insist that public housing programs not be eliminated, and we have made a major personal time commitment. And I would say particularly the chairman of this subcommittee, and must tell the gentleman from Massachusetts that the implications of his words that the majority leadership and the Committee on Banking and Financial Services refuses to go and support the committee, unlike prior leadership of the Committee on Banking and Financial Services, is invalid.

Beyond that, I know of no committee at any time in this body that has not cooperated more with the department of jurisdiction on the area under control, controlled by another political party.

The CHAIRMAN. The Chair would point out that the gentlewoman from Texas [Ms. JACKSON-LEE] controls the time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me yield to the gentleman from Massachusetts [Mr. KENNEDY] and subsequently to the gentleman from North Carolina [Mr. WATT].

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. The chairman of the committee, who I have great respect for and recognize the independence that he brings to his job, but it is also true that under the leadership that he has served as chairman of the committee we have seen the most precipitous drop in the history of housing. We went from $28 billion to $20 billion overnight without a single hearing, without ever debating this issue whatsoever, and that is what happened, and that is the real record.

I do not care to condemn my friend from Iowa, because I know that he had very little to do with that particular policy, but that is the record of what has occurred while the gentleman has been chairman of this committee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I yield to the gentleman from North Carolina [Mr. WATT], and I would also like to yield to the gentleman from Iowa [Mr. LEACH] if the gentleman from North Carolina [Mr. WATT] would make his point.

Mr. WATT of North Carolina. Mr. Chairman, I want to make my point quick, because I made this point in committee.

I do not doubt at all that our chairman has fought within the Republican Caucus for what we are talking about, but I do not know why we would not as a committee go on record in support of the Kennedy amendment that allows bipartisan support for this, both Republicans and Democrats. The gentleman from Iowa should not be fighting this battle in only the Republican Caucus. We should be taking this battle to the full House, and we should be doing it together. That is what I said earlier, everybody is saying the same thing, everybody agrees we need this money, and both sides ought to be saying it together, not just in a Republican Caucus.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has again expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 2 additional minutes.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield to the gentleman from Iowa [Mr. LEACH] so that he may respond.

Mr. LEACH. Mr. Chairman, let me respond in context, one is the context of restraint, the second is in the context of housing.

In the context of restraint, this committee has brought forth the administration's proposal. This side is marching in what might be considered surprising lockstep with the administration; the Democrat side is not.

The second point I would like to make that I think is very important, housing is a large issue, public housing is a subset issue. It is the belief philosophically of the Republican side that if we can constrain spending, reduce interest rates, we can expand housing in America. That is occurring. A higher percentage of Americans each year now are coming to own their own homes, putting a lower burden on the public side.

Now, we can take every single subset of Federal programs and make a case for increasing them. When we do that, the sum total of effect is an economy that dwindles. We on the Republican side are very conscious of the macroeconomic dimension of the need to restrain. Based on that, of all programs in America where the benefits become most clear-cut, it is housing. Homeownership in this country as a percentage is going up, and we are committed to continue to have that go up.

Ms. JACKSON-LEE of Texas. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would just like to point out that we have discussed the defense bill now and it sounds like we are back to supply-side economics.

The truth of the matter is I am in favor of a balanced budget. There is plenty of money in this budget, we just have to find out where we have to go spend it. All I am asking, all the gentleman from North Carolina [Mr. WATT] is asking, all the gentlewoman from Texas [Ms. JACKSON-LEE] is asking is that we go out and fight for money for the housing bill. Why go out and allow everybody else to grab the money? Go out and grab it with us, and we will help.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The amendment was rejected.

AMENDMENT NO. 31 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer Amendment No. 31.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31 offered by Ms. JACKSON-LEE of Texas: Page 120, line 2, strike "and".

Page 120, line 23, strike the period and insert a semicolon.

Page 120, after line 23, insert the following:

(3) in subsections (c)(1)(A) and (d)(1)(A), by striking "make their best efforts," each place it appears and inserting "to the maximum extent that is possible and";

(4) in subsection (c)(1)(A), by striking "to give" and inserting "give"; and

(5) in subsection (d)(1)(A), by striking "to award" and inserting "award".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me acknowledge the leadership of the Chairman and ranking member on a very difficult process and a difficult piece of legislation with varying perspectives, and I have offered my own perspective on issues involving a large number of my constituents who are in public housing or assisted housing. Houston is the fourth largest city in the Nation. Interestingly enough, as a southern city, we confront many of the ills that we see our eastern and northern counterpart cities facing.

I rise to offer an amendment that I believe can move forward in a bipartisan manner, and that is to alter the language that would mandate public housing authorities, their contractors and subcontractors, to be considered or to consider employing residents on projects funded with HUD dollars.

This will open up the widest range of job opportunities for residents and would be advantageous to the national economy. Again, let me emphasize that the language is to be considered, it is not a mandate to hire.

According to the National Public Housing Authority, there are many public housing residents who are looking for employment. This amendment addresses the job scarcity that affects many residents of public housing.

In fact, I was in a discussion some weeks ago where, going through my public housing developments, their main question is, where is the work? We would like to work. I think my counterparts throughout the Nation have heard the very same request.

We have checked on this particular amendment and it has no CBO impact. It is a cooperative amendment. It has the contractors, the businesses, the housing authority, the residents, working together.

This amendment will not only provide jobs for residents of public housing, it will increase moneys paid in rent to the housing authorities which assess rent schedules by the annual income of the residents. This amendment will also drive down the number of individuals who earn salaries below the average area mean. It will train young people in the housing developments. It will get families having a sense of pride and dignity as they work, to construct, to rehabilitate, to clean up, to landscape the areas of their housing and where they live. This will have a positive impact for public housing authorities, the Federal Government and the national economy.

Might I say that in my discussions with some of the contracting businesses, this is a positive for them. It is a positive for the unions. In fact, I might say that the unions have offered and wanted us to do more on job training in the housing developments so they could get more apprenticeships and have the individuals who live there, male and female, learn the building trades or learn landscaping.

So this is an amendment that says, let us make sure that those individuals who want to work, who live in housing developments, are considered for these very precious jobs.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

I want to compliment the gentlewoman from Texas [Ms. JACKSON-LEE] and announce that I am going to be supporting this amendment. I want to compliment the gentlewoman for her vision in terms of putting this amendment forward.

This amendment really does very much speak to one of the essential themes of this bill, which is to help recycle dollars, help to provide new opportunities for tenants, help to build skills; help to give people the kind of environment, even if they are of lower income, where they can transition back into the mainstream economy.

This amendment will help do that, I believe. I believe this sends a strong message out to public housing authorities throughout the country that this should be part of their mission, that they ought to be paying attention to their tenants, that they ought to be helping them build skills and they ought to be employing them, wherever possible.

So for these reasons, I am appreciative of the gentlewoman's amendment. I am happy to lend it my support, and I want to compliment her for the way she has handled it.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply say that sometimes we get involved in rhetorical debates. What the gentlewoman's amendment does is something that is very close to the self-sufficiency efforts that are underway as well, and I think it makes a great deal of common sense, as I think self-sufficiency efforts make a great deal of common sense, but this side does have to recognize that it is a slightly greater burden on the public housing authorities, but it is a burden worth putting on the public housing authorities.

□ 2115

That was the same point we were trying to make earlier with the self-sufficiency approaches. This tightens that up. It is complementary. It makes great sense.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I appreciate the gentleman's willingness to support this. We have disagreed on the self-sufficiency, but I really appreciate the fact that the gentleman realizes I am at a different level, but we are on common ground. That is that this gives dignity and self-esteem, but it also gives the ability for those individuals to get valuable training, job skills, that may be parlayed even beyond these contracts. I appreciate the housing authorities being willing to at least let those applicants, those residents, get to those potential employers and see what happens.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment as a substitute for amendment No. 50.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas: Page 152, line 2, strike "and".

Page 152, line 6, strike the period and insert "; and".

Page 152, after line 6, insert the following:

(7) how the agency will comply with the requirement under subsection (k)(3), if applicable.

Page 153, after line 15, insert the following:

(3) REPLACEMENT REQUIREMENT FOR PHA'S IN AREAS WITH PUBLIC HOUSING SHORTAGES.—

(A) IN GENERAL.—In the case only of public housing agencies described in subparagraph (B), such an agency may demolish or dispose of a public housing development (or portion of a development) only if the agency provides to the maximum extent that is possible an additional safe, clean, healthy, and affordable dwelling unit for each public housing dwelling unit to be demolished or disposed of. Such additional dwelling units may be provided for through acquisition or development of additional public housing dwelling units or as provided under paragraph (1).

(B) COVERED PHA'S.—A public housing agency described in this subparagraph is an agency whose jurisdiction includes any area within a metropolitan statistical area for which—

(i) the number of public housing dwelling units is less than 5,000 dwelling units.

Mr. LAZIO of New York (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me, as I am presenting this amendment, say to the ranking member, I thank him for the discussions that we have had on this very important issue. If I may, to the ranking member, just for a moment, I am not going to ask him to comment right now, but I would like to lay this out. We have had some very good discussions, and I would like to lay this amendment out and enter subsequently into a colloquy on this issue dealing with a very special problem that I have seen not only in communities like Houston, but in communities around the Nation, if I might.

Mr. Chairman, I recognize that for a long period of time the leadership dealing with the housing issues have looked at this question called one-for-one replacement. I recognize that many of our major cities with large public housing agencies, with dwelling units over the 10,000, 25,000, 50,000 level, have faced consternation regarding the question of lack of flexibility in reevaluating how best to serve those who need public housing.

Let me highlight that Houston and communities that have a small number of public housing dwelling units face a dissimilar problem or a problem that is very distinct and unique. That is, for example, Houston is a city with over 1.5 million, comparable to other cities around the Nation, but also equal to some of the problems that our rural communities have with respect to housing. In many instances, they have not had the necessity to demolish large numbers of units, or have the situation where they have units over 10,000.

In our community in particular, we had a certain housing structure that became the symbol for what happens when individuals believe that we cannot demolish and be constructive and go forward. It happens that Allen Parkway Village now has been partly demolished. There is an effort to rehabilitate a certain number of units and an effort now to replace a certain number of units.

The amendment that I offered was really a discretionary amendment. It simply said that if a particular community had less than 5,000 units and was planning on demolishing, they should make every maximum effort to provide healthy, clean, affordable public housing dwelling units, recognizing that this might help many of our rural communities, give them an incentive, if you will, to replace the housing units for those who most need it.

In my community we are presently looking at trying to replace the units for Allen Parkway Village. The difficulty is that now all of a sudden the properties around Allen Parkway Village have become lucrative for developers, and there is a falling back, if you will, a reneging, on the replacing of housing for my constituents and constituents who need it.

What I would simply offer to say, Mr. Chairman, is that I would hope, both with the ranking member and of course with the chairman, that we could work through this issue and determine that what we need most in the U.S. Congress is to assure affordable, clean, healthy housing for those who need public housing. Where there is a demolishing, if we can have a discussion that makes sure that we do not go backward, but we go forward; that we enable, if you will, the individuals who need public housing to have good, clean public housing.

I would like to yield to the gentleman, because I am offering to withdraw this particular amendment, even as it has been softened, to be able to work further on the generic problem, and the generic problem is trying to get housing in communities that do not have 50,000 units, 25,000 units, 10,000 units or 5,000 units, but have under that, and through demolishing have lost the ability to serve those communities and individuals in those communities.

Mr. LAZIO of New York. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I thank the gentlewoman from Texas. I appreciate the spirit with which we have been entering into discussions on the part of the gentlewoman. She has offered, and I appreciate that, to continue speaking with me and with members of my staff, the committee staff, rather, to ensure that we try and meet the needs of low-income people in terms of housing in rural areas. I understand that there is an equal need for housing in rural areas, and that we need to look to new tools to try and enhance what we have right now.

With respect to the gentlewoman's particular amendment, we are going to take a look at it, because we have no hearing record. I want to make sure that I understand the implications and consequences of the amendment, and then I hope we will have several different discussions about this, to see if we can explore some ways of trying to meet on mutual concerns to try and deliver more and better housing for low-income people in rural areas.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 30 additional seconds.)

Ms. JACKSON-LEE of Texas. I appreciate that, Mr. Chairman. I was hoping we could work in tandem and look at this issue so it could be represented in conference that there is a problem, not only with rural areas, I mentioned that, but cities that are not cities that have larger than 5,000 units.

In my instance, Houston is probably representative of some other cities that have less than that, or 2,500 units, who may have some problems on the replacement, and need to have that incentive to do so for those individuals.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the following Members be permitted to offer their amendments to title II, even after the reading has progressed beyond that title. That would be Mr. MORAN, printed amendment No. 51; the gentlewoman from New York, [Ms. VELÁZQUEZ], printed amendment No. 43. That would preserve their rights to offer their amendments tomorrow.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent that the amendment of the gentleman from Texas, [Mr. DELAY], also be protected, which is a correlary or related to the amendment of Mr. MORAN, and that he be permitted to offer his amendment to title II even after the reading has progressed beyond that title.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DOYLE. Mr. Chairman, the Klink-Doyle amendment will provide the general public with a simple practical protection from overzealous bureaucratic decisionmaking. It amends the local cooperation provision of section 202 of the bill to ensure that public housing authorities notify and consult with potentially impacted local governments when initiating new public housing programs, including those which stem from an order, judgment, or decree of any court.

Current law does contain limited notification requirements, and H.R. 2 improves on these stipulations. Some might assume that such provisions are adequate to guarantee that communities receive expedient notification and consultation. However, based on experiences in Allegheny County, PA and in cities across the country, we feel that the clarification provided by this amendment is essential.

For 2 years now, the citizens of Allegheny County have been working to comply with the provisions of a consent decree designed to redistribute public housing throughout the county. As HUD and the housing authority began to implement the decree, towns and boroughs were often treated as if their interests and input were unnecessary and unwanted. Thousands of citizens and numerous councils of government were outraged by their nearly total exclusion from any part of the decisionmaking process.

To address this situation, I brought local officials in Allegheny County together into an intermunicipal working group. This group has come to stand together and demand the notification that the people deserve. Many citizens and elected officials in this group have worked tirelessly and have had some success in bringing more openness to the implementation process. Unfortunately, our extraordinary efforts have not been enough. The people need the force of law to guarantee that, at a bare minimum, public housing authorities will keep them apprised of their activities.

Usually, when a housing authority seeks funding from HUD for a new public housing initiative, they must gain some degree of local approval. However, because funding for compliance with a consent decree does not come through normal HUD channels, notification requirements do not have to be adhered to. In other words, housing authorities can and do legally turn a blind eye to local interests. Mr. Chairman, I believe that this is clearly a loophole which needs to be closed.

Regardless if a public housing initiative is the result of a bureaucratic decision or a judicial decree, the public should have the right to review proposals which will affect their communities. A judicial mandate should not provide a license to ignore the rights of citizens, or be used as a justification to avoid public scrutiny. We must insist these decisions and debates are taking place in the light of day, not behind closed doors, and this amendment does simply that. It guarantees the public's right to know. I thank the Committee for agreeing to include Amendment No. 47 in the en bloc amendment which was earlier today approved by voice vote.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. JENKINS) having assumed the chair, Mr. GOODLATTE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, H.R. 2, to repeal the U.S. Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 478, FLOOD PREVENTION AND FAMILY PROTECTION ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–88) on the resolution (H. Res. 142) providing for the consideration of the bill, H.R. 478 to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that Act in building, operating, maintaining, or repairing flood control projects, facilities, or structures, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 105–89) on the resolution (H. Res. 143) providing for consideration of the bill, H.R. 3 to combat violent youth crime and increase accountability for juvenile criminal offenses, which was referred to the House Calendar and ordered to be printed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

AMERICA'S 39TH POET LAUREATE, ROBERT PINSKY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, this fall, the acclaimed poet Robert Pinsky will take his place as America's 39th poet laureate.

I am very proud to point out to my colleagues that Mr. Pinsky was born and raised and graduated from the public high school in my hometown of Long Branch, NJ, a historic seashore community that was the inspiration for many of his poems.

Mr. Pinsky is truly the right poet laureate for our time in history. In announcing his appointment, the Librarian of Congress, James H. Billingham, noted that his accomplishments in translation, his interest in making poetry accessible through digital technology on the Internet, and his own probing poetry promise an exciting year for us in Washington.

He follows in the footsteps of many great poet laureates, including Robert Frost, Gwendolyn Brooks, Robert Penn Warren, and Conrad Aiken.

The duties of the poet laureate have traditionally included promoting poetry in this country through seminars, workshops, and speaking engagements. Judging from Mr. Pinsky's rich imagination and creative use of language in the computer, I am sure we can count on him to make his mark on the poet laureates' role in a significant and lasting way.

Mr. Speaker, Mr. Pinsky is the author of five collections of poetry, including his most recent publication, "The Figured Wheel: New and Collected Poems 1965 to 1995."

□ 2130

He is the poetry editor of the weekly Internet magazine called Slate. In 1994, Mr. Pinsky translated Dante's "Inferno" from the Italian and won great national acclaim for the deep poetic talent displayed in this formidable task. The students at Boston University where he is a professor are certainly fortunate to have him teaching in their creative writing program.

I know that I reflect the views of my constituents when I express how proud I am that a native son of the Sixth Congressional District of New Jersey will hold the esteemed and historic title of Poet Laureate.

So at this time I would like to share with my colleagues a few of Mr. Pinsky's poems so that we might welcome him to Washington with a deeper appreciation of his outstanding poetry.

First of all, these are from the Figured Wheel which I mentioned. The first one, if I could read it briefly, Mr. Speaker, is about my home town of Long Branch, which is also Mr. Pinsky's home town, and he talks about the ocean, which we are all so very fond of since Long Branch is along the shore. It is called "A Long Branch Song."

Some days in May, little stars.
Winked all over the ocean. The blue
Barely changed all morning and afternoon.
The chimes of the bank's bronze clock;
The hoarse voice of Cookie, hawking
The Daily Record for 35 years.

I have to say, Mr. Speaker, that brings home to me because I remember Cookie who was hawking the Daily Record, our local newspaper, for a long time when I was growing up.

The next poem is also about Long Branch. It is a little longer but not much. I would like to read it, if I could, to my colleagues, Mr. Speaker. It is called "Long Branch, New Jersey."

Everything is regional,
And this is where I was born, dear,
And conceived,
And first moved to tears,
And last irritated to the same point.
It is bounded on three sides by similar places
And on one side by vast, uncouth houses.
A glum boardwalk and,
As we say, The Beach.
I stand here now
At the corner of Third Avenue and Broadway.
Waiting for you to come by in a car,
And count the red carlights
That rush through a fine rain
To where Broadway's two branches—North
Broadway and South Broadway—both reach
To the trite, salt, welcoming ocean.

I like to read that one, Mr. Speaker, because not only is Broadway near where I was born and grew up but it is also where my congressional office is, on Broadway.

The last one I would like to read, I hope there is time in the time I have allotted, is called "To My Father, for Milford S. Pinsky," who I remember was Robert Pinsky's father, a local obstetrician in Long Branch.

The glazed surface of the world, dusk.
And three mallard that land
In the dim lake, each
Scudding in a bright oval . . .
What chance, man, for the thin
Halting qualities of the soul?
Call this, prologue to an explanation,
Something like the way Uncle Joe Winograd
With a carpenter's flat silence
Might act on some given stretch
Of Uncle Italo Tarantola's lifelong
Lawyerly expanding monologue.
What I wanted, was to dwell
Here in the brain as though
At my bench, as though in a place
Like the live ongoing shop—
Between kitchen and factory—
Of a worker in wood or in leather.
Implements ranged in sizes and shapes,
The stuff itself stacked up
In the localized purposeful clutter
Of work, the place itself smelling
Of the hide, sawdust or whatever.
I wanted the exact words;
I wanted the way to pronounce
Evenly the judgment which a man
Who was quiet holds back as distinct
But not final in the presence
Of a good talker. I a good talker
Ask you a quiet man to recall the inside
Of a shop, glassdust and lenses
Everywhere, broken eyeglasses, forms
And odd pieces of paper, voices
Like phones ringing, tools
Broken and whole everywhere, mail
Unread, the sign—"Milford S." or
"Robert"—hanging like a straight face . . .
Surface, tyranny of the world visible,
Images that spread outward
From the brain like lines crazing—
Or like brief silvery ovals
That glide over the dark,
Ethereal, yet each wingbeat
Firm in time, of more
Substance than this, this mothlike
Stirring of words, work or affection.

TRIBUTE TO MARTIN STRAUSER

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentleman from Missouri [Mr. HULSHOF] is recognized for 5 minutes.

Mr. HULSOHF. Mr. Speaker, as you know, this is National Teacher Appreciation Week and today is National Teacher Day. I want to take time out to recognize the hundreds of men and women back home in Missouri's Ninth District whose dedication to educating our youth takes precedence over long hours and meager compensation. There are many who demonstrate such excellence within the classroom.

One shining example is Martin Strauser. For the last 30 years Mr. Strauser has taught at St. Clair High School. Just this past March Mr. Strauser was the proud recipient of the 1996 Educator of the Year Award. He was honored for his years of service, his contributions to the school system, and for helping thousands of young people throughout his lifetime.

According to his nomination letter, Mr. Strauser, quote, "has served as a fine example for high school students throughout his career." Many former students have given testimonials about his positive leadership.

Mr. Strauser, an industrial arts teacher, insists that one of his goals is to teach students not only occupational skills which will help them find future employment, but also to provide opportunities to teach students lessons in life to be successful.

Martin Strauser is known for his honesty, dependability and dedication to his profession and his students.

Mr. Speaker, Martin Strauser not only helps his students build shop projects, but helps young adults build their lives. Congratulations are in order for teachers like Martin Strauser, a lifelong educator and mentor.

TRIBUTE TO NANCY McROBERTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. SNOWBARGER] is recognized for 5 minutes.

Mr. SNOWBARGER. Mr. Speaker, it is appropriate that during Teacher Appreciation Week we pause to recognize the finest of those who have made positive differences in our lives and who likewise shaped the futures of our children and grandchildren.

It is my pleasure to recognize this evening a very special educator from my district, in fact from my home town of Olathe, KS. Nancy McRoberts is the 1997 Kansas Teacher of the Year. She was chosen as her district's nominee from among more than 30 teachers nominated by their staffs at their individual schools and was then selected Teacher of the Year from among 90 nominated teachers State-wide.

Nancy teaches family and consumer sciences at Olathe North High School. Her selection as Kansas Teacher of the Year recognizes her exemplary efforts in and out of the classroom during her more than 18 years as a teacher. She has also received the Superintendent's Personal Commitment to Excellence Award as well as her school's Faculty Eagle Award.

But Nancy's resume, as impressive as it is, cannot adequately convey the concern she shows for her students or the extraordinary commitment she has made to keeping pregnant teenagers and mothers in school. I had the pleasure of visiting with Nancy in the Capitol recently, and it was not hard to sense the fulfillment she gets from teaching. More importantly, her students sense it.

Nancy develops a close relationship with her students and quickly earns not only their trust but their respect. For instance, she has been known to call absent students at home to find out why they were not in school.

In addition to her normal classroom teaching duties, Nancy runs the Olathe school districts's Teens as Parents program, which endeavors to keep teen mothers and pregnant students in school until graduation. The program has been recognized as one of the best in the State and has earned the Kansas State Board of Education's Promising Practices Sunflower Award. Not only is she keeping students in high school, she also provides them with encouragement to continue their education beyond the 12th grade.

As a sponsor of the Future Homemakers of America Association, Nancy has organized students to purchase and donate bags of story books to young mothers they could read to their children, as well as to students in a local elementary school reading program. I might add that she is also a certified childbirth instructor and last summer interned at the Olathe Medical Center and Children's Mercy Hospital.

In one of the many newspaper articles written about this remarkable teacher, Nancy McRoberts said, "I see education as a field where you can make your mark in the world." Well, Nancy, you have made your mark, and it will echo through the lives of the students you have so conscientiously taught over almost 2 decades of public service.

It is my pleasure to honor and to thank the 1997 Kansas Teacher of the Year, Nancy McRoberts.

TRIBUTE TO CATHY PRIEST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. NEY] is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, just tonight I was talking to Rich Riley. He works for the Attorney General in Cleveland, OH. He has been a successful young man, and we were talking about his position. I was commending Rich on how well he has done service to the people of the State of Ohio. His comment, Mr. Speaker, was that he owes it, his success, to his teachers. That is what I am here about tonight. This week we celebrate National Teacher Appreciation Week.

As a teacher by degree, I know firsthand the work and dedication it takes to be an educator. That is why I would like to take a few minutes to commend one of the many great teachers in Ohio's 18th Congressional District.

Cathy Priest is in her 11th year at Coshocton High School in Coshocton, Ohio. Last year Cathy was named Ohio Teacher of the Year and Ohio University Educator of the Year.

As her representative in Congress, I would like to personally thank Cathy Priest for her wonderful accomplishments and service to her community and to her students.

Cathy teaches world history, American history, sociology, current events, and was student council advisor for 9 years.

In 1992, she began an ongoing video library project as a member of the technology committee for Coshocton High School. She is also a member of the video classroom resource team for the Discovery Channel and the Learning Channel. In the capacity of consultant and workshop facilitator, she provides professional development in the use of television to enhance curriculum, media literacy education, and on-line training.

Cathy has worked with media specialist Sandra Marvin to develop an extensive video library featuring cable in the classroom programming to meet curricular needs for grades K through 12. She also conducts staff development workshops designed to enhance the curriculum by using television as an instructional tool while also incorporating media literacy education.

Mrs. Priest received her BA in English and history from West Liberty State College in West Virginia, her Masters in social science from Ohio University, and is a graduate of the Harvard Institute of Media Education and the International Space Program. She also did postgraduate work at the University of Alabama and Ashland University.

Over the years, Cathy Priest has made a real difference in her community. She is a model teacher who inspires her students through dedication and hard work. In 1992, three of Mrs. Priest's students won a national academic contest sponsored by the Discovery Channel. As grand prize winners, she and her students traveled to Tanzania for an extended safari. In large part because of her hard work and belief in her students, they were able to take part in a truly exciting, life-changing experience.

Mrs. Priest is currently involved as a mentor for the Coshocton Youth Foundation. This first-of-its-kind organization is philanthropy by, with and for young people.

Recently Cathy has been chosen to represent the State of Ohio in the People's Republic of China for the U.S. China Conference on Education. This conference has been set up for educators to learn about one another's cultures, customs and country, as well as to forge educational partnerships for the 21st century. During the conference, Mrs. Priest will present a paper titled "Technological Literacy, an Educational Goal."

There is nothing more important, Mr. Speaker, to the future of our country than the opportunity for a high quality education for all Americans. I commend teachers all over the country who have chosen the important task of educating tomorrow's leaders. In order to build on and improve our education system, we need to emphasize what works; namely, back-to-basics education, parental involvement, safe and disciplined schools, and sending dollars to the classroom. If we work together as lawmakers, teachers and parents, I believe all of our children can reach the limits of their talents to exceed their ambitions and to progress beyond the dreams of their parents.

With a strong educational foundation and teachers like Cathy Priest, there is nothing our children can not do. For that, we will be forever indebted to our Nation's teachers.

□ 2145

HONORING DR. ROBERT LASLEY

The SPEAKER pro tempore (Mr. JENKINS). Under a previous order of the House, the gentleman from California [Mr. ROGAN] is recognized for 5 minutes.

Mr. ROGAN. Mr. Speaker, it is a great privilege for me to join my Republican colleagues tonight in recognizing Teacher Appreciation Week, and in doing so I want to recognize and pay special tribute to a teacher who does not live in my district and is one who in fact never even voted for me, but one that I love very deeply and one who has had a profound impact on my life. His name is Dr. Robert Lasley.

Let me tell my colleagues a little about Bob. First, he was born in Doud, IA, in 1930. His family moved to California in 1934 after his father's business failed as a result of the Depression. He had his first job when he was 4 years old picking prunes on a farm. He laughingly refers to his family as fruit tramps. They settled in Red Bluff, where he attended schools.

He first served his country in the United States Air Force when he enlisted in 1950. Then he transferred to the United States Army. He attended Officer Candidate School. He was commissioned as a second lieutenant in 1952. He served until 1956 and left the military as a first lieutenant with a wife and 3 children.

He entered City College of San Francisco in 1956 and became the first member of his family to attend college. He received his Bachelor's Degree in English in 1961, his Master's Degree in educational administration in 1971 and a Doctor of Education in 1983.

He married his present wife, Jerry, while he was teaching at Ben Franklin Junior High School in Daly City, CA. Between the two of them, they have 6 children. Now, when Bob was growing up, he was the first member of his family to attend college. Each one of Bob and Jerry's 6 children have college degrees, three of them have Master's Degrees.

Bob has taught at San Diego State University and Imperial Valley Campus. He served as a department chair in drama at San Francisco Community College and worked as a superintendent in the Hopeville, Gustine and Lamont School Districts.

But I want to go back to one of those assignments that I mentioned earlier, his tenure at Ben Franklin Junior High in Daly City, CA.

Mr. Speaker, in 1970 and 1971 I was an 8th grade student at Ben Franklin Junior High, and I had a rudimentary interest in government and politics and we had one elective class that we were allowed to pick, so I chose a class called Advanced Government, taught by Dr. Robert Lasley. There were three other boys in that class who were good friends of mine, one named Roger Mahan, one Clint Bolick, and one named Dan Swanson. It was an incredible class. For an entire year we had a model United States Congress, where we represented individual States.

Bob Lasley taught us parliamentary law. He taught us procedure, he taught us how to debate, he taught us how to introduce bills. Mr. Speaker, I still have my class notes from that 8th grade class, and the parliamentary law he taught me a quarter century ago still serves me well in this Chamber.

That class not only taught me an appreciation and a love for the institutions of government and particularly a reverence for this Chamber; it taught me how to be a better citizen and it taught every other child that went through that class how to be better Americans.

Bob did a good job in that class. Dan Swanson today is a senior partner at a prominent law firm in Los Angeles. Roger Mahan works for the United States House of Representatives serving as a consultant on the Committee on the Budget. Clint Bolick is one of the premier constitutional scholars and lawyers in the United States and is right down the street on Pennsylvania Avenue as the cofounder of the Institute for Justice.

I am the failure of the group, I am the one who went into politics and have the privilege of serving today in the Congress of the United States.

Those three friends and myself, if Bob were here, would offer him our heartfelt thanks for a life of public service and for what he has done for us. And if Bob is listening tonight, I want him to know that there are a generation of young people who have grown up under his tutoring and under his leadership. He has been a great teacher. He has been a role model. He has been truly an educator. He is a patriot and a very fine American, and so I salute him during Teacher Appreciation Week and I thank him from the bottom of my heart for all he has done for our community and for our country.

WELFARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. SAM JOHNSON], is recognized for 5 minutes.

Mr. SAM JOHNSON of Texas. Mr. Speaker, last Friday, Dr. Mike McKinney, head of the Texas Department of Health and Human Services, traveled to Washington. He had been invited by the Clinton administration to discuss a compromise to allow Texas to move forward with its welfare reform plan.

It has been 10 months since the administration promised Texas an answer. So everyone thought. They were ready to bring to the table a proposal that would give Texas the ability to move forward and start implementing its welfare reforms.

We were dead wrong. After a 2½ hour meeting with Clinton officials, Dr. McKinney left the meeting empty handed. The meeting was a charade, a scam, a total waste of time.

This just proves that the administration has no intention of ever granting Texas the authority to make reasonable changes to its welfare system.

The administration could care less about the parents and children who would benefit from these bold and innovative proposals. They only care about elections, money, labor, and power.

The President has lost sight of what the welfare bill he signed is all about. It is about flexibility, State control, and helping lift welfare recipients out of poverty into work and prosperity. It is for our children.

Now the President's Deputy Secretary of HHS, Kevin Thrum, said that the Texas plan violates certain Federal Law, lacks credibility. I guess the Secretary herself is unwilling to face the issue. The statement clearly contradicts an April 4th memo to the President from his boss, the Secretary of HHS, the Secretary of Agriculture, and the chief domestic policy adviser which allowed Texas far more leeway and discretion than he described.

It is simply amazing the political games that the administration is playing with the lives of welfare recipients and their children. The State of Texas simply wants to enter into a public-private partnership to streamline, integrate, and consolidate its welfare system into a one-stop center to help recipients and children receive benefits.

It has been estimated that this plan would save the Texas taxpayers over $10 million a month or $120 million a year. That is enough money to provide health care to an additional 150,000 children in Texas each year.

The administration's latest actions also continue to support the reported news accounts that the White House is beholden to the big labor union bosses. It seems that they own the White House. Their continued control of the President denies Texas the ability to help the poor and needy escape poverty.

The control is spelled out in plain English in the April 4th memo where a chart was drawn that lists three options. The first is the Texas proposal. The second is the union proposal. The third is a proposed administration compromise.

I wasn't aware—and I'm sure most Americans are not aware—that the welfare reform package signed by President Clinton called for union approval of welfare reform proposals.

Let me state once again, if the administration continues to put the unions' political agenda above the real concerns of the citizens of Texas, we will not hesitate, in both the House and Senate, to go forward with legislation to give Texas the approval it deserves.

Mr. Speaker, it is time for the President to do what's right. Our States are our most valued resource. Texas and any other State should have immediate approval so they can make welfare reform real and help the children and the needy families of America.

A SUCCESSFUL EDUCATIONAL PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Pennsylvania [Mr. GOODLING] is recognized for 60 minutes as the designee of the majority leader.

Mr. GOODLING. Mr. Speaker, we hear a lot about programs that fail, and I have seen a lot of them, financed by Federal taxpayers. I would like to talk a little bit tonight about a program that appears to be successful.

During my career in teaching and counseling, I saw a lot of National Defense Education Act money poured down the drain, millions of dollars, billions of dollars, primarily because there was no plan. The money was there; we were told to spend it. I watched then as a principal a lot of well-meaning programs that were instituted during the sixties that failed also, because, again, no planning.

I can remember both as a principal and as a superintendent receiving title I money, chapter 1 money. Normally we were told that this money was available in about October. School had already started in September. No planning. Money wasted.

I finally said, as a superintendent, to my early child education expert, "There must be something we can do with this Federal money to break the cycle of dependency, the cycle of illiteracy, the cycle of dropouts," because we pretty well knew which children were going to have trouble when they came to school because we had seen older brothers and sisters, we had seen parents all having trouble in school.

We decided that we have to look at the entire family, and I do not know why it took us 30 years since then to understand that nationally, that if you do not deal with the entire family, there is no way we can ever break the cycle of dependency on government, no way we can break the cycle of illiteracy.

And so she suggested that we work with the three and four-year-olds and their parents. So we began a program starting in the homes because we wanted to be in a position to help the parents learn the kind of parenting skills that are necessary so that the parent can become the child's first and most important teacher; so that the parent understands what it is you and I would normally do with our preschool children to help them become reading ready.

When I came to Congress, we introduced this as Even Start. Now, I am not here to tell my colleagues that all Even Start programs are successful in the country, just like so many other programs, but I am here to say that the most recent study would indicate that if the program is implemented the way it was supposed to be, if all four elements are part of that program, it appears to be quite successful.

What are those key elements? First of all, working with the parents, improving their literacy skills.

I remember an advertisement that was on television a year ago that drove the point home over and over again. The father was sitting on a chair and had his small child on his lap. What the father did not want the child to know was that he was, if not illiterate, functionally illiterate. So he was attempting to read to his child, which is what we hope every parent can do. The child, however, realized that the father was faking it and the child, even as small as he was, was correcting the father.

It was obvious that the father wanted to do what the father knew was right, and that was to read to his child and read with his child. But he could not. So the parenting skills and the literacy skills of the parent are very important.

The preschool program also deals with reading readiness, and it is part of this entire program. Many children will come to first grade. If there are 30 in a class, there may be 30 different reading levels. Some will not be ready to read until January or February. They are now a half year behind. If, unfortunately, they receive a social promotion at the end of the year, it is not long until they have dropped out, not physically because they are not allowed to, but have pretty well dropped out of any academic participation.

So those parenting skills, the early childhood reading readiness skills, the adult literacy skills are all part of the program, and then a period for parent and child interaction so that the parent can put to use what they have learned in the program.

We have recently had, as I indicated, an evaluation. They took 30 programs from about six or seven different States, 30 programs where they knew all four components were very effectively put into being as part of the program.

I have said many, many times that after 30 years we should know where every chapter 1 child is and what they are doing as adults. We should know where every Head Start child is, what they are doing. Has it made a difference in their life? This program has only been in effect since actually 1989 and we do have some important results, and I would like to point out some of those.

As I indicated, the study covered programs of excellence in Arizona, California, Kentucky, New York, Pennsylvania, and Texas. The charts that I will show will demonstrate how effective these programs have been.

I do want my colleagues to keep in mind that in 1993 a single parent with two children receiving average benefits from AFDC, food stamps, Medicaid, housing assistance, WIC, and school meals received about $17,209 in direct payments or benefits. If the parent had four children, that amount was $25,000. More than half of the adults described in this Even Start research study reported public assistance as the primary income of their family, a total of $5.2 million each year for 260 families based on 1993 rates.

Now, the important thing is the rate of reduction. The rate of reduction in dependence on welfare seen in these studies that I will show to other Even Start programs, approximately 45 percent of those adults would be off public assistance or would have significantly reduced assistance within 4 years, a reduction each year of $2.6 million for every 500 families enrolled. The program apparently does work.

The first chart, these are Even Start youngsters in the lightly shaded area in kindergarten, and in the dark shaded area are youngsters in kindergarten who did not have the Even Start experience. And we can see the whole way across the obvious benefits of those children who were in an Even Start program.

The first is academic performance. Considerably higher. The second was motivation to learn. Again, considerably higher. The third was family support. Very, very important, because when we started our program, when I was superintendent, these families did not participate. They were embarrassed to come to PTA meetings, they were embarrassed to come to parent-children conferences. Here they are, family support, way above those who did not have that experience.

Relationship with other students. Again, way above. Attendance. Above all other students. Behavior. Considerably above all other students. Self-concept. Way above. And the last, probable success.

□ 2200

These were the ratings given by their current kindergarten teachers, those in good Even Start programs, and I keep emphasizing that, and those without that benefit.

On the second chart, my colleagues will see something that is extremely important. In so many programs, we discover that there is not a lasting effect, that it all wears off in a short amount of time. This is third grade. These are students now who went through the Even Start Program but now are in third grade.

These are the percent of the children who are rated by their current third grade teacher as average or above. The first, academic performance; second, motivation to learn; third, family support; fourth, relationship with student; fifth, attendance; sixth, self-concept; and seventh, over here, probable success. That is third grade. As I indicated, so many times we discover that what we thought was a good concept and a good program really did not pay off in the long run.

Mr. Speaker, the next chart deals with findings from Even Start family literacy research, and it deals with the percent of children receiving grades of satisfactory or above. Again the lightly shaded area are those children who had Even Start experiences, and the dark-colored are those without.

The first is reading, way above. Second is language, even higher. And the third is math. Again these are the percent of children receiving grades of satisfactory or above. And the Even Start youngsters, in good programs, the 30 that were chosen for this study, are doing exceptionally well.

Mr. Speaker, the next chart deals with percent of children having test scores at the level of average or above. Again, reading, language is almost off the chart, and math is way up.

Now some statistics about the children and their successes in their classes and the parents that are engaged in the schooling of their children. The percentage of the Even Start children rated average or above in their class by their current grade school teacher: 65 percent on overall academic performance, 77 percent on motivation to learn, 82 percent on support from parents, 87 percent on relations with other children, 88 percent on attendance, 82 percent on classroom behavior, 71 percent on self-confidence, 74 percent on probable success in school.

After participating in high quality Even Start family literacy programs, we have some good statistics about the adults, the parents who are participating: 62 percent of those parents that received their GED or some other high school equivalency certificate; 50 percent obtained a job or a better job; 40 percent are enrolled in some form of higher education or training; 45 percent reduced the amount of public assistance they received because of their improved employment; 3 percent no longer receive any public assistance.

What else have we found out about the adults that have participated in the program? Keep in mind, I mentioned these were parents and adults who were very reluctant to participate in anything in the community or participate at all in any school programs. What they have found among their accomplishments frequently identified through the interviews are, membership on school advisory committees, leadership roles in PTA or other school parent organization. They obtained their citizenship, they volunteer in schools. They volunteer in community libraries. They are teaching church classes. They register to vote and are voting. They are using community resources more effectively. They have established neighborhood development organizations and work actively in neighborhood improvement projects. They are tutoring other adults in programs or others who are seeking citizenship. They are helping the Even Start programs with recruitment. And they are practicing family planning. Those are the positive events or the positive results that we are finding in the Even Start programs that work.

So many times, we are quick to judge particularly public education and quick to badmouth public education.

Mr. Speaker, I want everyone to understand that the teachers did not ask for a prohibition to deal with unruly students. As a principal, I would last 30 seconds today, because everyone knew in the school that I was the authority figure. It was not the teachers who broke down the discipline that we once had in all schools. It was the parents. It was not the teachers who reduced or dumbed down academic achievement. Again, it was the parents.

Now my colleagues say: You have a lot of courage to make those kinds of statements. I also have a lot of experience. I saw my most talented teachers become very disillusioned. Why? Because parent after parent of a capable child would come to me, come to the teacher and say: Do you not realize my child is in football, basketball, a drum majorette, chorus, band and everything under the sun; and, therefore, they do not have time to do what you expect as a teacher.

A very demanding teacher, a teacher who believes that we must secure excellence from our students becomes very disillusioned when that happens.

It was not the teacher that brought that about. It was not the teacher or the administrator who brought about the decline in discipline in the schools. We should all recognize that, and we should all see whether there is not some way that we can join together and bring about a return to demanding quality, to demanding excellence and demanding behavior that is fitting for a public setting such as a school.

Even Start is a program, as I indicated, that apparently is working. The research is showing that to be true, if the program is run properly, if they demand excellence, and if they expect participation of parents and students.

I take my hat off during this week, which I am not allowed to wear on the floor of the House, incidentally, to those who are out there in the field doing their very best under very trying conditions to make sure that our children are ready for the 21st century so we can be a very competitive Nation; because what was will not be good enough in the 21st century. Those teachers and those administrators cannot do it alone. They need all parents, they need the community support, they need everybody pulling together.

NAFTA

The SPEAKER pro tempore (Mr. JENKINS). Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, a lot of attention has been focused on our relationship with Mexico, especially these last couple of days as the President prepared for his trip to visit Mexico and during his trip yesterday and today and his trip with Latin leaders in Central America, I believe tomorrow. He is in Mexico, the President, as we speak, meeting with President Zedillo on a number of important issues. They will be discussing drugs, they will be discussing immigration, and those are both very serious problems facing both of our countries. I wish them the best in trying to move a step or two closer to resolving those very difficult issues.

The drug issue, of course, is particularly disturbing, and it is a two-way street. We are both to blame for the problem with drugs affecting both of our people. Mexico is shipping it here. Seventy percent of the cocaine and 25 percent of the heroin coming into the United States comes through Mexico. We have created this insatiable unfortunate demand for it in this country. We need to work on both sides of the border to get this under control.

One of the problems with controlling it coming over here, of course, is the open border policy that we have with Mexico that was put into place during the North American Free Trade Agreement. And, of course, this open border policy allows trucks to pass over the border almost unimpeded, without inspection. In Texas there are about 11,000 trucks that will cross the border each and every single day from Mexico. One out of 200 get looked at, inspected, and one can read stories daily in the press of police finding trucks coming over the border once they are here, there was one story the other day in New York City where they opened up a truck that was carrying bananas and as they got into the cargo, they found cocaine, and it happens almost on a daily basis here in the United States. So this drug issue is a very serious one and we wish them all the best.

We had a serious debate as some of my colleagues may recall in this Chamber not too very long ago about drugs. There will be a serious discussion, as I say, in Mexico City. But one issue that is being just glossed over, just mentioned in passing, is the performance of the North American Free Trade Agreement, better known as NAFTA. We had, as my colleagues all remember, a very vigorous and a healthy and a strong and a deliberative debate on this issue 4 years ago. We are now into the 40th month of NAFTA. It was this same agreement that in effect economically married our two nations. We became almost one, because we broke down the barriers of trade. That is what free trade is all about, breaking down the barriers completely. I believe that this agreement deserves more than just a passing reference by our colleagues, by the national media, and by our two leaders.

I want to discuss on this floor tonight the issue of NAFTA and the prospects of expanding NAFTA, which by the way includes not only Mexico but Canada, expanding it to other Latin American countries, or the Caribbean Basin or most immediate and most discussed is expanding it to Chile.

I want to discuss in just a minute or two some of the things that NAFTA has done, some of the devastating things that NAFTA has done to the workers in this Nation. But before I do that, let me mention a few things that it has not done, because my colleagues will hear none of this in the talks they have in Mexico this week or the media coverage of the President's trip. Above all else, the supporters of NAFTA said, 40 months ago, that it would create 200,000 jobs in the United States and, more importantly, they said, it would create this huge consumer market in Mexico, a country of approaching 100 million people. That is what NAFTA would do, create this market where we could ship all these goods to Mexico, because they would have a strong and vibrant and prosperous middle class.

□ 2215

Mr. Speaker, those of us who have examined closely NAFTA for 40 months know these claims just do not pass the test of time, and you know what? We have a right. We knew that you could not create a consumer market in the Nation where workers make a dollar an hour, in a Nation where business and Government and the official union annually agree to suppress wages through something called el pacto. It is an agreement between business, the government and the unions to keep wages low. Actually it is a broader agreement than just that. It is an agreement that the Government gives the business, the multinational corporations that come down to Mexico, that it will guarantee their investment by keeping wages low, by not leveling any taxes against these corporations, which by the way are needed in order to develop the infrastructure so that the people who live near the plant and work at the plant can live with clean air and clean water, which they do not now, and I will talk about that in a second.

So the corporations pay no taxes, they pay very low wages to people, but it is an agreement, it is a strategy that was put together by the Government and the leaders of the unions in the business community. And we knew that the multinational corporations wanted to use Mexico as a labor market, not as a consumer market. And what do I mean by a labor market?

Mr. Speaker, they wanted to use the inexpensive labor of a dollar an hour or less, and it is less now. It was a dollar an hour when we were discussing NAFTA. It is down to about 70 cents an hour or about five or six dollars a day for an 8-hour day, a productive day, by the way, because the Mexican workers are hard workers and good people. They have just got everybody against them. They have got the Government against them, they have got this phony union that works with the Government in the business community, and of course they have the multinationals against them, and they are all by themselves looking for someone to stand up and say:

We deserve the right to earn a decent wage, we deserve the right to assemble, we deserve the right to bargain for our bread, we deserve the right to collectively bargain, the right to strike, to withhold our work. But they do not have that right.

Now there is something called the maquiladora, and people when they hear that term used, "What is a maquiladora?" It is an area along the Mexican-American border from Texas to California. On each side of the border there is a strip of land. Maquiladoras refer to the Mexican area just across the American border in Texas, New Mexico, Arizona and California because workers in those maquiladora factories that line this border today, as I said, are no longer making a dollar an hour. They are making 70 cents a hour.

Mr. Speaker, the multinational corporations took full advantage of the economic crisis in Mexico which contributed to this drop in the wages. Some of you may recall when we argued NAFTA the gentleman from New

York [Mr. LAFALCE] and myself and others got up and we said the peso is overvalued, it is going to crash, and when it crashes, the wages of the workers in Mexico will fall through the floor, there will be a financial crisis, and someone is going to have to bail out all these investors, these big shooters that invested because of NAFTA. Someone is going to have to take care of these big financial institutions.

And so we did; we guaranteed the money. We saved a collapse, a total collapse, which may or may not happen in the future because I think the peso is starting to be overvalued again. But nonetheless, the peso crashed, and we said it would crash, and it was one of the reasons we said we did not like that NAFTA because it was overvalued.

It was a huge financial crisis in Mexico, and people all over the country overnight had the value of their labor and their savings diminished by 40 percent. Now if you could imagine that, waking up tomorrow and knowing your life's savings, what you were earning that week, what you had saved, what you invested was 40 percent less, and that is what happened.

These corporations have expanded employment in the maquiladora by over 40 percent since NAFTA took effect, 40 percent. In Mexico the workers are not buying more consumer goods. On those wages it takes nearly a half a day's works to buy a carton of milk, and they work. They work hard. They do not last too long.

I visited 2 months ago the maquiladora down in Tijuana, and I went to the Hyundai plant and the Samsung plant and the Panasonic plant. You have got all these multinational large facilities, modern facilities. A lot. But you know you do not see any automobiles parked near there. Workers do not have the money to buy automobiles. You got an automobile factory in the maquiladora area. There are not any cars there. People do not have money to buy a car. What Henry FORD did in the early part of this century was say I am going to pay my workers a decent wage so they can buy the automobiles that they produce, and he dramatically increased their wages to $5 an hour.

Mr. Speaker, they take the opposite approach, the multinationals in Mexico. They keep wages at 70 cents an hour so you make five or six dollars a day. Try to buy milk on that because the milk is not any more expensive or any less expensive than it is here, believe me.

And you know, this is a remarkable fact. We sell more consumer goods to the small Nation of Switzerland, which is in the center of western Europe, small little country, a mountainous country, Switzerland, about 6 million people. We sell more goods to Switzerland than we do to the almost hundred million people in Mexico. But they are making more goods in Mexico and shipping them here. That is exactly what the maquiladoras in NAFTA were designed to do.

A surge in imports since NAFTA has exploded our trade deficit with Mexico. Before NAFTA, we were running about a $2 billion trade surplus with Mexico. We were selling them more, $2 billion worth more, of goods then they were selling us. Since NAFTA it is a $16 billion deficit.

One of the reasons are obvious. They do not have a class of people that can buy our goods if the value of their peso devaluated 40 percent and they are making 70 cents an hour. What are they going to buy? And the other reason of course is that these corporations are establishing their businesses right across the border and taking advantage of this inexpensive labor and then shipping the products right back here, right back here, and it does not take a PHD in economics to figure out that when you are buying things from Mexico that used to be made here you are losing jobs.

No, those 2,100 jobs have not materialized here as the NAFTA supporters said. What we do know is that nearly 120,000 American workers have been certified by the Government as loosing their jobs as a result of NAFTA, and using the same formula that NAFTA proponents used to estimate jobs gained in 1993 some people have suggested that we have lost up to 600,000 jobs.

So that is what NAFTA has done, and let me just say something about the people who lost their jobs because this is an interesting story.

People say, "Well, you know you are talking about these job losses. I mean isn't the economy doing well, BONIOR? I mean the unemployment rate is down to 4.9 percent. I mean the economy and consumer confidence is up."

Well, the fact of the matter is that those people who lost those jobs, they found other jobs here in this country, but studies that I have seen show that they have found those jobs at about two-thirds of what they were earning in their former jobs.

So what happens when that occurs? Well, they work a second job, or the other spouse goes to work, or they are working two or three jobs, and what happens when that occurs? The parents are not home when their children come home from school. They are not there to see them play soccer. They are not there to go to their school activities. And then the whole social fabric of our society starts to unravel a little bit.

So wages have an impact not only on what you can take home and what you purchase and what you have in terms of security for yourself and your family, but they have a social consequence as well.

The sad thing is what NAFTA has done.

Mr. Speaker, we have discussed this before on this floor, and I want to discuss it again tonight. It is the issue of using NAFTA as a weapon, and I choose that word carefully, "as a weapon," to dampen the efforts of workers here in America to earn a decent wage and seek the right to organize and collectively bargain, and I really want to focus on it tonight because I believe that this was the intention of NAFTA all along, to give corporations a license, in effect to pursue a race to the bottom strategy to drive down wages to bust unions and to move the living standard of Americans to a lower level.

And of course, as I say, Americans resist that. They will work two and three jobs in order to maintain that standard of living, but when they do that, they give up something else that is very precious to them, and that is time with their families. They give up their family life. They give up part of their spiritual life. They give up other things that create an atmosphere of community and caring and loving.

And I can tell you right now that we should not stand for this because our fathers and our mothers and our grandparents and our ancestors, they fought too hard and they fought too long over these past 100 years for the right to assemble, the right to organize, the right to collectively bargain, the right to earn a decent wage, the right to work in safe working conditions and on, and on, and on.

Corporations are now using NAFTA to erode these rights, not by changing the law in this case, but by pitting workers against each other and by threatening to move jobs to the lowest cost labor market available, and NAFTA gives them a license to do that because it protects their investment in Mexico. It does not require them to raise Mexican standards up to ours. It practically guarantees them that they will not be caught because NAFTA does not give workers a real voice in this decision. All it does is it says, "Let's talk." If corporations are violating worker rights, no sanctions, no fines, no consequences; if you are lucky, maybe a little discussion.

NAFTA put a stamp of approval on all of this behavior, and it should be a crime what some of these corporations are doing since NAFTA took effect.

Downward pressure on wages; look at this chart right here. NAFTA puts downward pressure on U.S. wages. Sixty-two percent of U.S. employers threaten to close plants rather than negotiate with or recognize a union, implying or explicitly threatening to move jobs to Mexico.

This was a study that was done at Cornell University. Sixty-two percent, a study that was done which the Department of Labor refused to release, and you can understand why when you see these numbers.

□ 2230

Basically this says that the corporations were going to the workers and saying, and I will demonstrate this vividly in just a second, you do not take a freeze in wages or a cut in wages or a cut in your health care benefits or your pension benefits; we are going south and you are not going to have any job at all. Yet, when workers in Mexico try to organize and try to form unions and try to fight for better pay and to try to take away this bargaining chip that the multinationals and corporations in this country are using on workers, what happens? I will tell my colleagues what happens. They get thrown in jail.

I was witness to a discussion with one of the leaders of the colonia, which is a village of workers who work in the Maquiladora in Tijuana, who told me that he got the line at this factory to stop. The workers protested because people were losing their fingers and their hands, and as a result of that, he got fired for organizing this work stoppage. And when he tried to organize an independent union because the union that was there is in cahoots with the government and the company, as are 95 percent of the unions in Mexico, when he tried to form an independent union he was arrested and thrown in jail.

Four years ago, we put our stamp of approval on the whole schematic that I have just developed here.

Mr. Speaker, let me read a passage from this Cornell study, because it will show our colleagues just exactly what NAFTA has done. This passage I am going to read discusses why companies, after an effort by workers to organize in the United States, have fled to Mexico at double the rates since NAFTA took effect than before NAFTA. I quote the study: The fact that the post-election plant closing rate has more than doubled, that is here, since NAFTA was ratified, suggests that NAFTA has both increased the credibility and the effectiveness of the plant closing threat for employers and embolden increasing numbers of employers to act upon that threat.

In fact, it goes on to say, in several campaigns the employer used the media coverage of NAFTA debate to threaten the workers. It threatened the workers with moving their plant to Mexico if the workers were to organize. In several campaigns the employers used the media coverage of NAFTA debate to threaten the workers that they were going to move their plant if the workers were to organize.

Mr. Speaker, let me now turn to a few examples of how corporations have used NAFTA to drive down wages in the United States, to do exactly what this Cornell study has suggested. Last week the gentleman from Ohio [Mr. KUCINICH] reminded us that one of the most dramatic examples took place in Michigan.

In 1994 workers were attempting to organize an ITT automotive plant in Michigan. The company was resisting. The company used the threat of moving to Mexico in a very blatant fashion. During the organizing campaign the management took apart an assembly line in the plant, shrink-wrapped it and loaded it on 13 flatbed trucks with bright pink signs that read, "Mexico transfer jobs." Mexico transfer jobs.

The same company drew employees from the Mexican facility to videotape Michigan workers on a production line which the supervisor claimed they were considering moving to Mexico. So they bring these Mexican workers up here, they videotape the American workers working on the line. The American workers say, "What is going on?" They say, "Well, we are videotaping the line because this production line is going to move to Mexico."

That type of threat is still going on today, and of course, needless to say, the union lost the election in that plant.

Let me show my colleagues another chart here. Companies use NAFTA to drive down wages for American workers. Just 2 months ago, a company called NTN Bauer used this same exact flyer which can be seen trying to undermine an organizing drive in McComb, IL.

As my colleagues can see, the flyer makes a blatant threat. It says if the worker decides to join the UAW, their jobs may go south for more than just the winter. The leaflet notes there are Mexicans willing to do their job for $3 and $4 an hour. The free trade treaty allows this.

The fact of the matter is, these jobs are being done not for $3 or $4 an hour, they are being done for 70 cents an hour. This is perhaps one of the most blatant example of how companies are using NAFTA to stop the wages from going up, and benefits. It is happening every day and 62 percent of employers are doing the same thing.

The author of the Cornell study, professor Kate Rothenbrenner, concluded the following, and I quote. This is her conclusion: NAFTA has created a climate that has emboldened employers and terrified workers. I want to repeat that again: NAFTA has created a climate that has emboldened employers and terrified workers.

These same companies that promised to create jobs under NAFTA, but who are instead using it as a threat to drive down wages in this country, now want to expand into other nations without any protection for workers. This problem will only get worse because it is not only Mexico that is being used as a bargaining chip. NAFTA supporters, as I said earlier, would like to add next Chile to NAFTA, but the nation of Chile is being used as a bargaining chip as well.

Mr. Speaker, some of my colleagues may be familiar with a recent strike of workers at Goodyear Tire & Rubber Co. More than 12,500 workers went on strike to demand decent wages and benefits and limiting outsourcing. That is when the company decided to produce parts in another country, and pretty soon we have this part and that part and we have the whole thing being produced elsewhere. Outsourcing of course is a major concern of workers in this country, especially in the manufacturing sector, in the industrial manufacturing sector.

Well, as I said, one of the major issues of that strike was the announcement by Goodyear that it was transferring production from its Akron, OH plant to Santiago, Chile, resulting in 150 lost jobs in order to lower labor costs. So this is a trend that will continue on and on and on unless we seriously address the issues of wages and workers' rights in our trade agreements.

People suggest to me, well, we cannot do that. We cannot address the environment and workers' wages and workers's rights in these agreements, and the reason we cannot do that is because the other countries that we are bargaining with will not allow it. If we just go along with them, and we improve their economies or we help improve their economies and their people become more prosperous and middle class, that will bring with it the freedoms that we cherish and have worked so hard for in this country. That is the other argument against the position that I and others take.

The fact of the matter is that history has shown that if we do not address these things in these agreements, they just do not get addressed at all; that there is no countervailing force in Mexico or in some of these countries to bring prosperity and to bring a rising middle class, and there is no historical proof that when this is done, democratization flourishes.

Democratization flourishes when people are allowed to assemble and bargain for their own bread and their own rights. The unions have brought depth and dignity to democracy in this country and in Western Europe and they can do it in Latin America, they can do it in Asia, as they are doing it now in Korea, by the way, they can do it in Africa and they can do it in other places, other developing countries. But they have to have the ability to come together without having the fear of being thrown in jail.

All we are asking our Government to do is to take these principles that made us so strong, that made us the envy of the world, that gave rise because of organized labor to the largest and most prosperous middle class the world has ever known, to allow those principles, those democratic principles to be used in Mexico and other developing countries in the world. That is what we are after, so that workers there and workers here can benefit.

Not this insatiable race to the bottom, to the lowest standard.

NAFTA is a flawed agreement. It is not just about Mexico. It is about giving corporations a license to do this to workers.

It is unconscionable what they are doing on the border and the Maquiladora area, these multinational corporations, dumping their sewage and their plant effluents into the rivers that the people live right next to, bathe in, drink out of. The American Medical Association said that these corporations have created a cesspool of infectious disease. That is their words. They refuse to be taxed in order to provide an infrastructure to clean up this pollution.

These manufacturing jobs that pay a decent wage, allow workers to send their kids to college, talking about the jobs that we have here, buy a home, take a nice vacation, have a secure retirement with good health care, they are going to be gone unless the country wakes up and decides that it wants to export our worker values and principles, not our jobs, so that the workers in Mexico and in other places can have lives like we have developed over the last 100 years.

We are creating jobs in this Nation, but they are not the types of jobs that can sustain this economy. We are going to wake up one morning and we are going to hit a hollowed bottom, a hollowed bottom, where the top 20 percent or the top 25 percent in America are doing very, very well, but then they are going to discover the folks below them, their earning power is slipping and slipping and slipping and slipping, and they pretty soon will not have the wherewithal to purchase the products that they once made. In the not so distant future, clearly this is going to catch up to us.

Mr. Speaker, this debate we are engaged in tonight is not simply about tariffs, investment rules, and trade agreements, it is in essence about our economic future. It is about whether or not we as a nation will go forward with the bright and wonderful hope of exporting our principles of democracy and our right to organize and the right to collective bargaining, and all of those things that helped make us prosperous, or we are going to go backward and we are going to export greed that denies people the ability to come together in a community to better their own lives.

This is nothing more than a masquerade for greed. That is what we are dealing with here. I do not say that flippantly. I have thought about this and I have tried to rationalize it from the perspective of those who argue on the other side, and I have looked at the data and I have talked to the workers, both here and there, and I have come to the conclusion it is about greed.

Nobody will say no to the rapacious and inexorable march of the multinational corporations today, and it is very, very scary. There is no countervailing force. We have indifferent government, we have weakened, if nonexistent labor, and we have an economic, how should I describe it, intertwined media with the economic powers that be in this country, the multinationals, so that that independent message is very, very difficult to penetrate.

I must say, though, that I have sensed a little bit of hope. As we all remember during the NAFTA debate, at least I certainly remember, I suspect a lot of people do, but I certainly do, the New York Times was unabashedly in favor of NAFTA. There was an editorial board and a columnist there that I respect very much for their integrity, for their depth, their knowledge, but I really had a serious disagreement over this issue. I remember coming to the floor and railing against the New York Times, I was so mad one evening, and taking off on a little box they have in the left-hand top corner of the front page every day that says, "All the news that is fit to print."

But in the last several months, I have noticed that a few editorials in the Times are starting to address indirectly, not directly but indirectly, the question of poverty in Latin America.

☐ 2245

There was one, I think, that was just this morning that talked about how the wealth is not reaching them because of the growth in Latin America, which needs to grow. It needs to grow at a 6 or 7 percent clip to keep up with its population growth. But the wealth has been going to a select few. As I just described, in Mexico we have huge numbers of people, huge numbers of people that are falling further and further behind, who are working harder and harder to make ends meet.

So the wealth is just moving to the top, and we are exacerbating the problems of the poor and the working poor. I would take that argument a step further. The New York Times, in an editorial today, came up with a series of formulas to try to eradicate this problem and focus attention on the poor and working poor. But my suggestion to you is that until you get the governments and the multinational corporations dealing fairly and honestly and with integrity with the workers, that is not going to happen. It will not happen. They have enslaved, they have enslaved a generation of workers.

I hope they keep examining and looking at this, because I do not think that they can come to any other conclusion than that. There are a couple of people at the Times, Abe Rosenthal, Bob Herbert, wonderful people, Duke Collins, who I think share my view with respect to these trade agreements: That we need to have them, that they are helpful to all concerned if done well, but that what we have been doing is taking us back to the 19th century and not forward.

I regret to say that my President, who I respect so much on so many other different issues, we have such a difference of opinion on this one. I would like for him to go down to a maquiladora area. I would like for him to talk to the workers in those colonias, to see for himself what we are talking about here, to see the pollution, to see the despair, to see the hopelessness and the alienation.

Someone is going to have to lead an international effort, Mr. President, on wages, on labor rights, on environmental rights. It might as well be us. We have benefited more than anyone else in the world. We have, and our European cousins. We need to share that with the workers in Asia and Africa and Latin America and the Caribbean Basin. We have to hold the multinational-transnational corporations responsible.

In conclusion, Mr. Speaker, let me again at the end of my comments here wish President Zedillo and President Clinton and all the Latin leaders in Costa Rica tomorrow well in their discussions, and I look forward to a vigorous debate as we proceed to discuss this fast-track trade authority. With China, which will, I assume, follow that, or precede it, but certainly will be before us within the next 4 or 5 months, these trade issues are terribly, terribly important because of the globalization efforts underway, and tearing down borders, marrying our countries to each other economically, and creating a situation in which workers will have hopefully a fair and a decent ability to compete.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. REYES (at the request of Mr. GEPHARDT) for today and tomorrow, Wednesday, May 7.

Mr. SCHIFF (at the request of Mr. ARMEY) for today and the balance of the week on account of medical reasons.

Mr. KOLBE (at the request of Mr. ARMEY) for today and tomorrow on account of traveling to Mexico with the President.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. VISCLOSKY, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. MICA, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, on May 13.

Mr. CANNON, for 5 minutes, on May 7.

Mr. SAM JOHNSON of Texas, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

Mr. BRADY, for 5 minutes, today.

Mr. NEY, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. SCHUMER.
Mr. CAPPS.
Ms. DELAURO.
Ms. LOFGREN.
Mr. BONIOR.
Mr. KILDEE.
Mr. UNDERWOOD.
Ms. WOOLSEY.
Mr. KANJORSKI.
Mr. HASTINGS of Florida.
Mr. BARRETT of Wisconsin.
Mr. FROST.
Mr. DOYLE.
Mr. WAXMAN.
Mrs. LOWEY.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. MANZULLO.
Mr. WALSH.
Mr. SHUSTER.
Mrs. JOHNSON of Connecticut.
Mr. NEY.
Mr. LEWIS of California.
Mr. SHIMKUS.
Mr. ROGERS.
Mr. MCKEON.
Mr. EVERETT.
Mr. YOUNG of Florida.
Mr. BOB SCHAFFER of Colorado.
Mr. SOLOMON.
Mr. RILEY.

(The following Members (at the request of Mr. BONIOR) and to include extraneous matter:)

Mr. SAM JOHNSON of Texas.
Mr. SNOWBARGER.
Mr. GOODLATTE.
Ms. NORTON.
Mrs. EMERSON.
Mr. CHRISTENSEN.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On May 6, 1997:

H.R. 968. An act to title XVIII and XIX of the Social Security Act to permit a waiver of the prohibition of offering nurse aide training and competency evaluation programs in certain nursing facilities.

ADJOURNMENT

Mr. BONIOR. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 50 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 7, 1997, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3130. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Rural Rental Housing (RRH) Assistance (Rural Housing Service) [Workplan Numbers 96–009 and 96–010] (RIN: 0575–AC15) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3131. A letter from the Under Secretary for Rural Development, Department of Agriculture, transmitting the Department's final rule—Processing Requests for Section 515 Rural Rental Housing (RRH) Loans (Rural Housing Service) [Workplan Number 95–001] (RIN: 0575–AB93) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3132. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Referral of Known or Suspected Criminal Violations [12 CFR Part 617] (RIN: 3052–AB33) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3133. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—1997 Marketing Quota and Price Support for Flue-Cured Tobacco [Workplan Number 96–053] (RIN: 0560–AF00) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3134. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—Amendments to the Peanut Poundage Quota Regulations [Workplan Number 96–033] (RIN: 0560–AE82) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3135. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on Safe and Drug-Free Schools and Communities National Programs—Grants to Institutions of Higher Education, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3136. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on Safe and Drug-Free Schools and Communities National Programs—Federal Activities Grants Program, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Education and the Workforce.

3137. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Announcement of Proposal Guidelines for the Competition for the 1997 National Brownfields Cleanup Revolving Loan Fund Demonstration Pilots [FRL–5822–7] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3138. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; Minnesota [MN41–01–7266a; FRL–5820–8] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1))(A); to the Committee on Commerce.

3139. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Indiana [IN54–1a; FRL–5819–3] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3140. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of State Implementation Plan; Utah; Standards of Performance for New Stationary Sources [UT–001–0003a; FRL–5818–6] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3141. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Promulgation of Reid Vapor Pressure Standard; Michigan [MI50–01–7257; FRL–5819–5] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3142. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, South Coast Air Quality Management District [CA 192–0037a; FRL–5816–9] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3143. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Cle Elum, Washington) [MM Docket No. 96–233, RM–8908] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3144. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Grenada, Mississippi) [MM Docket No. 96–130, RM–8818] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3145. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Humboldt, Kansas) [MM Docket No. 96–217, RM–8880] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3146. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Amargosa Valley, Nevada) [MM Docket No. 96-180, RM-8863] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3147. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service [MM Docket No. 87-268] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3148. A letter from the Associate Managing Director—Performance Evaluation and Records Management, Federal Communications Commission, transmitting the Commission's final rule—Advanced Television Systems and Their Impact upon the Existing Television Broadcast Service [MM Docket No. 87-268] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3149. A letter from the Assistant Legal Advisor for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

3150. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Financial Assistance for Research and Development Projects to Strengthen and Develop the U.S. Fishing Industry [Docket No. 960223046-7086-02; I.D. 031897A] (RIN: 0648-ZA09) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3151. A letter from Director, Bureau of Prisons, Department of Justice, transmitting the Department's final rule—Postsecondary Education Programs for Inmates (Bureau of Prisons) [BOP-1035-F] (RIN: 1120-AA35) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3152. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report regarding the economic policy and trade practices of each country with which the United States has significant economic or trade relationships, pursuant to 15 U.S.C. 4711; jointly, to the Committee on International Relations and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. LINDER: Committee on Rules. House Resolution 142. Resolution providing for consideration of the bill (H.R. 478) to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures (Rept. 105-88). Referred to the House Calendar.

Mr. SOLOMON: Committee on Rules. House Resolution 143. Resolution providing for consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses (Rept. 105-89). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CALVERT (for himself, Mr. ABERCROMBIE, Mr. STUMP, Mr. BONO, Mr. ROYCE, Mr. BROWN of California, Mr. HAYWORTH, Mr. HUNTER, Mr. CANADY of Florida, Mr. GILMAN, Mr. MCCOLLUM, Mr. BONILLA, Mr. BARR of Georgia, Mr. MICA, Mr. HYDE, Mr. GREENWOOD, Mr. MILLER of Florida, Mr. BILBRAY, Mr. SHIMKUS, Mr. SOLOMON, Mr. LEWIS of Kentucky, Mr. WATTS of Oklahoma, Mr. QUINN, Mr. WYNN, Mr. HOLDEN, Mr. GREEN, Mr. NORWOOD, Mr. BROWN of Ohio, Mr. MCKEON, Mr. SAXTON, Mr. LEWIS of California, Mr. SAM JOHNSON, Mr. GUTKNECHT, Mr. MANTON, Mr. BILIRAKIS, Mr. ENGLISH of Pennsylvania, Mr. MASCARA, Mr. PETERSON of Minnesota, Mr. JENKINS, Mr. EVERETT, Mr. FROST, Ms. LOFGREN, Mr. COOKSEY, Mr. SMITH of New Jersey, Mrs. KELLY, Mr. GEKAS, Mr. ARMEY, Mr. RAMSTAD, Mr. SKELTON, Mr. MEEHAN, Mr. DOYLE, Mr. BISHOP, Mr. REGULA, Mr. VENTO, Mr. DICKS, Mr. FOLEY, Mr. ROHRABACHER, Ms. KAPTUR, Mr. THOMAS, Mr. ENSIGN, Mr. ROEMER and Mr. SMITH of Michigan):

H.R. 1532. A bill to amend title 18, United States Code, to create criminal penalties for theft and willful vandalism at national cemeteries; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1533. A bill to amend title 23, United States Code, relating to environmental improvements, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. GALLEGLY:

H.R. 1534. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution; to the Committee on the Judiciary.

By Mr. GIBBONS:

H.R. 1535. A bill to amend the Public Law 99-548 to expand the right of the city of Mesquite, NV, to purchase certain public lands in the vicinity of the city; to the Committee on Resources.

By Mr. GOODLATTE (for himself and Mr. GOODE):

H.R. 1536. A bill to amend title 18, United States Code, to reduce the size of grand juries; to the Committee on the Judiciary.

By Mrs. MEEK of Florida:

H.R. 1537. A bill to amend subchapter III of chapter 13 of title 31, United States Code, popularly known as the Anti-Deficiency Act, to allow the United States to enter into contracts or obligations during a lapse in appropriations if the President determines that a sufficient appropriation is likely to be made for that purpose before the end of the fiscal year, and for other purposes; to the Committee on Government Reform and Oversight.

By Ms. NORTON:

H.R. 1538. A bill to direct certain Federal law enforcement agencies to enter into cooperative agreements with the Metropolitan Police Department of the District of Columbia to assist the department in crime prevention and law enforcement activities in the District of Columbia; to the Committee on Government Reform and Oversight, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NORWOOD (for himself, Mr. TURNER, Mr. OXLEY, Mr. DEAL of Georgia, Mr. KLINK, Mr. HASTERT, Mr. BOUCHER, Mr. GILLMOR, Mr. WHITFIELD, Mr. GORDON, Mr. CRAMER, Ms. CARSON, Mr. CLEMENT, Mr. SMITH of New Jersey, Mr. JENKINS, Mr. DUNCAN, Mr. OBERSTAR, Mr. MURTHA, Mr. RILEY, Mr. PETERSON of Minnesota, Mr. KINGSTON, Mr. KUCINICH, and Mr. DEFAZIO):

H.R. 1539. A bill to amend the Communications Act of 1934 to require the Federal Communications Commission to preserve low-power television stations that provide community broadcasting, and for other purposes; to the Committee on Commerce.

By Mr. PETERSON of Minnesota:

H.R. 1540. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. PRICE of North Carolina (for himself and Mr. HORN):

H.R. 1541. A bill to amend the Federal Election Campaign Act of 1971 to require that communications advocating the election or defeat of a candidate for election for Federal office contain specific information regarding the sponsor of the communication and whether or not the communication is authorized by the candidate involved; to the Committee on House Oversight.

By Mr. BURTON of Indiana (for himself, Mr. GILMAN, Mr. BUNNING of Kentucky, Ms. ROS-LEHTINEN, Mr. ACKERMAN, Mr. ENGEL, Mr. HASTINGS of Florida, Mr. BORSKI, Mrs. MALONEY of New York, Mr. FOLEY, Mr. WOLF, Mr. EHRLICH, Mr. KING of New York, and Mr. MANTON):

H. Con. Res. 73. Concurrent resolution concerning the death of Chaim Herzog; to the Committee on International Relations.

By Mr. HASTINGS of Florida:

H. Con. Res. 74. Concurrent resolution concerning the situation between the Democratic People's Republic of Korea and the Republic of Korea; to the Committee on International Relations.

By Mr. BEREUTER:

H.J. Res. 144. Resolution to express support for the bicentennial of the Lewis and Clark expedition; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. MARTINEZ, Mr. GOODE, Mr. PARKER, Mr. SAWYER, and Mr. ABERCROMBIE.

H.R. 38: Mr. PASCRELL, Mr. MICA, Mrs. MORELLA, Mr. WISE, and Ms. DELAURO.

H.R. 65: Ms. KAPTUR, Mr. MICA, Mr. CHAMBLISS, Mr. WISE, Mr. GORDON, and Mr. BROWN of California.

H.R. 66: Mr. WHITFIELD, Ms. WOOLSEY, Mrs. CUBIN, and Mr. SENSENBRENNER.

H.R. 76: Mr. HINCHEY, Mrs. EMERSON, Mr. SPRATT, Mr. OLVER, Mr. BROWN of California, Mr. LAMPSON, Mr. PALLONE, Mr. LINDER, Mr. CHAMBLISS, Mr. LATOURETTE, Mr. DIAZ-BALART, Mr. SANDERS, Mr. WEXLER, Mr. BOYD, Mr. NEY, Mr. ALLEN, Mr. COMBEST, Mr. WISE, Mr. TRAFICANT, and Ms. SANCHEZ.

H.R. 96: Mr. POMEROY and Mr. CHAMBLISS.

H.R. 107: Ms. KAPTUR, Mr. GEJDENSON, Mr. MCINTYRE, Mr. LEWIS of Kentucky, and Mr. CRAPO.

H.R. 124: Mr. WELDON of Florida.

H.R. 125: Mr. MANZULLO.

H.R. 145: Mr. SKELTON, Mr. STARK, Mr. HAMILTON, and Mr. WEXLER.

H.R. 192: Mr. WHITE, Mr. TRAFICANT, Mr. LIVINGSTON, Ms. SANCHEZ, and Mr. MCINNIS.

H.R. 197: Mr. CRANE, Mr. MCDERMOTT, Mr. ENGLISH of Pennsylvania, Mrs. KENNELLY of Connecticut, Ms. DUNN of Washington, Mr. CAMP, Mr. LEWIS of Georgia, Mr. NEAL of Massachusetts, and Ms. LOFGREN.

H.R. 202: Mr. POSHARD and Mr. MALONEY of Connecticut.

H.R. 216: Mr. TIERNEY.

H.R. 230: Mr. WEXLER.

H.R. 303: Mr. DIAZ-BALART, Ms. KAPTUR, Mr. CHAMBLISS, Mr. WISE, Mr. GORDON, and Mr. BROWN of California.

H.R. 306: Mr. BONIOR, Mr. FAZIO of California, Mr. STUMP, and Mr. PASTOR.

H.R. 399: Mr. DAVIS of Virginia, Mr. KIM, Ms. WOOLSEY, Mr. FRANK of Massachusetts, and Mr. PETERSON of Minnesota.

H.R. 404: Mr. PASTOR, Mr. ENGLISH of Pennsylvania, Mr. PETRI, and Ms. STABENOW.

H.R. 407: Mr. HASTINGS of Florida, Ms. DEGETTE, and Mr. MURTHA.

H.R. 414: Mr. TALENT, Mr. TRAFICANT, Ms. SANCHEZ, and Mr. MCINNIS.

H.R. 446: Mr. MARTINEZ.

H.R. 475: Mr. KINGSTON.

H.R. 521: Mr. PORTER, Mr. TIERNEY, and Mr. ROGERS.

H.R. 531: Mr. KLECZKA, Mr. HERGER, Mr. LEWIS of Georgia, Mr. ENGLISH of Pennsylvania, Mr. NEAL of Massachusetts, and Mr. ENSIGN.

H.R. 532: Mr. LEWIS of Georgia, Mr. CALLAHAN, Mr. HEFLEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BACHUS, Mr. HOUGHTON, Mr. LAMPSON, and Mr. SESSIONS.

H.R. 556: Ms. ESHOO.

H.R. 577: Mr. ENGEL.

H.R. 641: Mr. PICKERING.

H.R. 650: Mr. PARKER and Mr. BORSKI.

H.R. 695: Mr. ROHRABACHER and Mr. COOKSEY.

H.R. 715: Mr. BAKER and Mr. DAVIS of Virginia.

H.R. 753: Ms. HOOLEY of Oregon, Mr. TORRES, Mr. TRAFICANT, Mr. RANGEL, and Mr. UNDERWOOD.

H.R. 754: Ms. LOFGREN, Mr. CLEMENT, Mr. DIAZ-BALART, Mrs. MEEK of Florida, Mr. ENGEL, Ms. DEGETTE, Mr. WISE, and Mr. MARTINEZ.

H.R. 768: Mr. KNOLLENBERG.

H.R. 804: Mr. BAKER.

H.R. 815: Mr. LIPINSKI, Mrs. JOHNSON of Connecticut, and Mr. WELDON of Florida.

H.R. 866: Ms. DANNER.

H.R. 877: Mr. BACHUS, Ms. LOFGREN, Mr. FATTAH, Mr. LIPINSKI, and Mr. NETHERCUTT.

H.R. 880: Mr. SKEEN, Mr. BLUNT, Mr. CRAMER, Mr. BURTON of Indiana, Mr. STUMP, and Mr. SCHIFF.

H.R. 897: Mr. DOYLE.

H.R. 902: Mr. MARTINEZ, Mr. HANSEN, Mr. NETHERCUTT, and Mr. NEY.

H.R. 910: Mrs. ROUKEMA.

H.R. 916: Mr. SOLOMON, Mr. POMEROY, Mr. BOUCHER, Mr. BALDACCI, Mr. LAMPSON, Mr. PALLONE, Mr. OLVER, Mr. ISTOOK, Mr. REGULA, Ms. DELAURO, and Mr. CRAPO.

H.R. 947: Mr. HULSHOF, Mr. MARTINEZ, and Ms. WOOLSEY.

H.R. 950: Mr. CONYERS and Mr. CLAY.

H.R. 956: Ms. KAPTUR and Mr. SENSENBRENNER.

H.R. 965: Mr. BAKER.

H.R. 978: Mr. GUTIERREZ.

H.R. 986: Mr. DEAL of Georgia, Mr. TIAHRT, and Mr. SAM JOHNSON of Texas.

H.R. 991: Mr. SALMON.

H.R. 1022: Mr. HYDE.

H.R. 1023: Mrs. MCCARTHY of New York, Mr. HULSHOF, Mr. CALVERT, Ms. LOFGREN, Ms. DANNER, Mr. THOMPSON, Mr. ROTHMAN, Mr. PETERSON of Minnesota, Mr. CAPPS, Mr. LEACH, and Mr. OBERSTAR.

H.R. 1031: Mr. BAKER and Mr. BRYANT.

H.R. 1036: Mr. MILLER of Florida, Mr. PAUL, Mr. SOLOMON, Mr. GIBBONS, Mr. METCALF, Mr. COBLE, Mr. NEUMANN, Mr. LARGENT, and Mr. CHRISTENSEN.

H.R. 1054: Mr. BUNNING of Kentucky, Mr. WICKER, Mr. COOK, Mr. BONO, Mr. DOOLITTLE, and Mr. ROHRABACHER.

H.R. 1060: Ms. DANNER, Mr. COMBEST, Mr. DIAZ-BALART, Mr. BOUCHER, Mr. THORNBERRY, Mr. PACKARD, and Mr. GREENWOOD.

H.R. 1062: Mr. WHITFIELD and Mr. CRAPO.

H.R. 1070: Mr. GONZALEZ, Ms. KILPATRICK, Ms. PELOSI, Mr. KASICH, Mr. SCOTT, and Mr. MCGOVERN.

H.R. 1101: Mr. BUNNING of Kentucky, Mr. BISHOP, Mr. ENGLISH of Pennsylvania, Mrs. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. KUCINICH, Mr. GONZALEZ, Mr. WATTS of Oklahoma, Mr. YATES, Mr. FROST, Mr. UNDERWOOD, and Mr. HINCHEY.

H.R. 1102: Ms. NORTON, Mr. HILLIARD, Mr. CLYBURN, Mr. FORD, Ms. RIVERS, Mr. BROWN of California, and Mr. FROST.

H.R. 1104: Mr. HORN, Mr. QUINN, and Mr. FARR of California.

H.R. 1111: Mr. DEFAZIO, Mr. KUCINICH, Ms. KILPATRICK, Ms. SLAUGHTER, Mr. MARTINEZ, Mr. ROTHMAN, Mr. PARKER, and Mr. MORAN of Kansas.

H.R. 1117: Mr. DELAHUNT, Mr. ROTHMAN, Mr. FROST, Ms. RIVERS, Mr. KUCINICH, and Mr. BOUCHER.

H.R. 1126: Mr. CAMPBELL.

H.R. 1130: Mr. TIERNEY and Mr. EVANS.

H.R. 1132: Mr. GONZALEZ, Mr. DEFAZIO, and Mr. TORRES.

H.R. 1134: Mr. CASTLE and Mr. MATSUI.

H.R. 1151: Mr. FALEOMAVAEGA, Mr. WEYGAND, Mr. CONDIT, Mr. COYNE, Mr. TORRES, and Mr. KOLBE.

H.R. 1161: Mr. PAPPAS, Mr. SAXTON, Mr. SAM JOHNSON, and Mr. BILIRAKIS.

H.R. 1162: Mr. BAKER.

H.R. 1169: Mr. WELDON of Pennsylvania, Ms. CHRISTIAN-GREEN, Mr. SAM JOHNSON, Mr. SMITH of New Jersey, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. WOOLSEY.

H.R. 1173: Mr. WEXLER, Mr. CLAY, Mr. WYNN, Mr. GONZALEZ, Mr. FROST, Mr. MCHALE, Mr. HILLIARD, Mr. MCGOVERN, Mr. OBERSTAR, Mr. FORD, Mr. RAHALL, Mr. DAN SCHAEFER of Colorado, Mr. GUTKNECHT, Ms. STABENOW, Ms. MCKINNEY, Mr. SHERMAN, Mr. RAMSTAD, Mr. SABO, Mr. CONDIT, Mr. MATSUI, Mr. BONIOR, Ms. MCCARTHY of Missouri, Mr. CRAMER, Ms. CHRISTIAN-GREEN, Mr. BARRETT of Wisconsin, Mr. WISE, Mr. BLUMENAUER, Mr. HINCHEY, Mr. VISCLOSKY, Mr. MCNULTY, Mr. EVANS, Mr. CARDIN, Ms. LOFGREN, Mr. DELAHUNT, Mr. ALLEN, Mr. STRICKLAND, Mr. FAZIO of California, Mr. LANTOS, Mr. BROWN of California, Mr. GREEN, Mr. NEAL of Massachusetts, Ms. FURSE, Mr. COBLE, Mr. WELLER, Mr. BERMAN, Mr. RIGGS, Mr. SMITH of New Jersey, Mr. MEEHAN, Mr. METCALF, Mr. LEWIS of Georgia, Ms. KILPATRICK, Mr. BISHOP, Mr. STUPAK, Mr. HOYER, Mr. GORDON, Mr. FILNER, Mr. POSHARD, Mr. SCHUMER, Ms. DANNER, Mr. HALL of Ohio, Mr. BROWN of Ohio, Mr. BARCIA of Michigan, Mr. MALONEY of Connecticut, Mr. MANTON, Mr. WALSH, and Mr. SCHIFF.

H.R. 1227: Mr. MCKEON, Mr. TALENT, Mr. CUNNINGHAM, Mr. LATHAM, and Mr. CRAPO.

H.R. 1259: Ms. KILPATRICK.

H.R. 1270: Mr. BALLENGER, Mr. JOHN, Mr. SENSENBRENNER, Mr. CALLAHAN, Mr. INGLIS of South Carolina, Mrs. MYRICK, Mr. LINDER, and Mr. BOYD.

H.R. 1295: Mr. LUTHER and Mr. LATHAM.

H.R. 1301: Mr. BARRETT of Wisconsin, Ms. SLAUGHTER, Mr. FATTAH, Mr. BALDACCI, Mr. WEYGAND, and Mr. BROWN of California.

H.R. 1311: Ms. STABENOW, Mr. HINCHEY, and Mr. MANTON.

H.R. 1323: Mr. LEWIS of Georgia and Mr. TIERNEY.

H.R. 1329: Ms. LOFGREN, Ms. PELOSI, and Mr. SANDERS.

H.R. 1348: Mr. ORTIZ, Mr. WELDON of Pennsylvania, Mr. SOLOMON, Mr. WATTS of Oklahoma, Mr. MCHALE, Mr. FORBES, Mr. HALL of Texas, Mr. CHABOT, Mrs. FOWLER, Mr. COOKSEY, Mr. EVERETT, Mr. LEWIS of Kentucky, and Mr. TIAHRT.

H.R. 1350: Mr. BARCIA of Michigan.

H.R. 1353: Mr. TORRES.

H.R. 1354: Mr. BISHOP, Ms. DEGETTE, Mr. HINCHEY, Mr. RANGEL, and Ms. SLAUGHTER.

H.R. 1356: Mr. ENSIGN, Mr. FILNER, Mr. FALEOMAVAEGA, Mr. BISHOP, Mr. BILBRAY, Mr. OLVER, and Mr. CHAMBLISS.

H.R. 1357: Mr. CHAMBLISS and Mr. TRAFICANT.

H.R. 1358: Mr. KLECZKA.

H.R. 1370: Mr. MALONEY of Connecticut.

H.R. 1375: Mr. MCDERMOTT, Mr. SKAGGS, Mr. REGULA, and Mr. BALDACCI.

H.R. 1378: Mr. PORTER, Mr. FRELINGHUYSEN, Mr. DEAL of Georgia, Mr. SPENCE, Mr. MCCOLLUM, Mr. BARTLETT of Maryland, Mr. THORNBERRY, Mr. BAKER, Mr. SAM JOHNSON, and Mr. RYUN.

H.R. 1385: Mr. FATTAH.

H.R. 1398: Mr. PAPPAS and Mr. HOLDEN.

H.R. 1428: Mr. BAKER, Mr. LIPINSKI, Mr. WELDON of Florida, and Mr. ROHRABACHER.

H.R. 1464: Mr. HOUGHTON.

H.R. 1492: Mr. SENSENBRENNER.

H.R. 1496: Mr. WELLER.

H.R. 1503: Mr. BURR of North Carolina.

H.R. 1511: Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. FORD, and Mr. KNOLLENBERG.

H.J. Res. 54: Ms. ROS-LEHTINEN.

H.J. Res. 70: Mr. CALVERT and Mr. DAN SCHAEFER of Colorado.

H. Con. Res. 44: Mr. PORTER.

H. Con. Res. 52: Mr. FORD, Mrs. LOWEY, Mr. TORRES, and Mr. SNYDER.

H. Con. Res. 65: Mr. WHITFIELD, Mr. SAXTON, Mr. TORRES, Mr. NADLER, Mr. BLAGOJEVICH, Mr. GEJDENSON, Mr. KILDEE, Mr. MCCRERY, Ms. PELOSI, and Mr. MANTON.

H. Res. 132: Mr. GONZALEZ, Mr. DAVIS of Illinois, Mr. FALEOMAVAEGA, and Mr. MCGOVERN.

H. Res. 138: Mr. FATTAH, Mr. FLAKE, Ms. NORTON, and Mr. KILPATRICK.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 478

OFFERED BY: MR. BOEHLERT

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1. Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flood Prevention and Family Protection Act of 1997".

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) does not delay flood control facility repairs that are required to respond to an imminent threat to human lives and property.

SEC. 3. AMENDMENTS TO ENDANGERED SPECIES ACT OF 1973.

Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following new paragraph:

"(5)(A)(i) Consultation and conferencing under paragraphs (2) and (4), with respect to a project to repair or replace a flood control facility located in any area in the United States that is declared a Federal disaster area in 1997, shall only be required in the same manner and to the same extent as would be required for that project if it were carried out in the area in California that is subject to the United States Fish and Wildlife Service Policy on Emergency Flood Response and Short Term Repair of Flood Control Facilities, issued on February 19, 1997.

"(ii) This subparagraph shall not apply to projects in a Federal disaster area after the earlier of—

"(I) the date the Assistant Secretary of the Army for Civil Works determines that all necessary emergency repairs to flood control facilities in the area have been completed; or

"(II) December 31, 1998.

"(B)(i) Consultation and conferencing under paragraphs (2) and (4), with respect to any project to repair a flood control facility in response to an imminent threat to human lives and property, shall only be required in the same manner and to the same extent as would be required under the policy referred to in subparagraph (A)(i) for a project that is substantially similar in nature and scope.

"(ii) This subparagraph shall not apply after December 31, 1998.

"(C) This paragraph shall not affect the authority of the President under section 7(p).".

H.R. 478

OFFERED BY: MR. CAMPBELL

(Page and line numbers refer to H.R. 478 as introduced in the House)

AMENDMENT NO. 2: Page 3, after line 12, insert the following new line after the word 'authorization':

where necessary to protect human life or to prevent the substantial risk of serious property damage.

Page 4, after line 8, insert the following new line after the word 'authorization':

where necessary to protect human life or to prevent the substantial risk of serious property damage.

H.R. 478

OFFERED BY: MR. TAUZIN

AMENDMENT NO. 3: In section 3 of the bill, insert "(where necessary to protect human life or to prevent the risk of serious property damage") after "operation of a project or a facility" each place it appears.

H.R. 478

OFFERED BY: MR. TAUZIN

AMENDMENT NO. 4: On page 3, strike lines 10 through 15 and insert instead:

"(B) consists of maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility or structure; or

"(C) consists of the operation of a project or facility in accordance with a previously issued Federal license, permit or other authorization where necessary to protect human life or to prevent the risk of serious property damage.".

On page 4, strike lines 7 through 12 and insert:

"(B) consists of maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility or structure; or

"(C) consists of the operation of a project or facility in accordance with a previously issued Federal license, permit or other authorization where necessary to protect human life or to prevent the risk of serious property damage.".

H.R. 1469

OFFERED BY: MR. CRAPO

AMENDMENT NO. 1: At the end of title III, add the following new title:

TITLE IV

DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION LOCK-BOX LEDGER

SEC. 401. (a) Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX LEDGER

"SEC. 314. (a) ESTABLISHMENT OF LEDGER.—The Director of the Congressional Budget Office (hereinafter in this section referred to as the "Director") shall maintain a ledger to be known as the "Deficit Reduction Lock-box Ledger". The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three parts: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) The Director shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of that bill by the Senate, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(2) The Director shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that bill; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that bill.

"(3) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—An used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.".

(b) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new items:

"Sec. 314. Deficit reduction lock-box ledger.".

TALLY DURING HOUSE CONSIDERATION

SEC. 402. There shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported.

DOWNWARD ADJUSTMENT OF SECTION 602(A) ALLOCATIONS AND 602(B) SUBALLOCATIONS

SEC. 403. (a) Section 602(a) of the Congressional Budget Act of 1974 is amended by adding at the end the following new paragraph:

"(5) Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 314(d)) for a fiscal year, the amounts allocated under paragraph (1) or (2) to the Committee on Appropriations of each House upon the adoption of the most recent concurrent resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 314(c)(2). The revised levels of budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) Section 602(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(5) to an allocation under that subsection, the chairman of the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under subparagraph (A) to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 314(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

PERIODIC REPORTING OF LEDGERS

SEC. 404. Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 314(a).".

DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS

SEC. 405. The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 602(a)(5) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 6 of the Deficit Reduction Lock-box Act of 1997, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority shall be reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays shall be reduced by $ [insert appropriate amount of reduction] for the budget year and each outyear." Notwithstanding section 904(c) of the Congressional Budget Act of 1974, section 306 of that Act as it applies to this statement shall be waived. This adjustment shall be reflected in reports under sections 254(g) and 254(h) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EFFECTIVE DATE

SEC. 406. (a) This title shall apply to all appropriation bills making appropriations for fiscal year 1998 or any subsequent fiscal year.

(b) As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

EXTENSIONS OF REMARKS

COMMEMORATING THE HOLOCAUST

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. MANZULLO. Mr. Speaker, I am honored to be able to take this opportunity to commemorate the more than 8 million people—6 million of whom were Jewish—who a little more than a half century ago were brutally, deliberately, and systematically exterminated in a state-sponsored effort to annihilate their religious, cultural, and ethnic existence. All across the United States, Americans are commemorating Yom Ha'Shoah—Remembrance Day for those who a couple of generations ago were exterminated in the death camps of Nazi Germany.

Today, I join millions of my fellow Americans and people all over the world in remembering the victims of the Holocaust. I also unite with those from around the country, including my constituents of the Jewish Federation of Greater Rockford, IL, to recognize those who risked their lives and those who died trying to intervene and save those who were targets of systematic extermination.

The Jewish Federation of Greater Rockford is commemorating Yom Ha'Shoah by paying tribute to the "Righteous Gentiles," those non-Jews who risked death to help save the lives of Jews and others from Hitler's killing machine. These courageous people acted out of a conviction that they simply could not stand by and witness so great an injustice, so horrific a crime perpetrated against fellow human beings. In my district, I am privileged to have one of the surviving Righteous Gentiles, Irene Opdyke, addressing the Jewish Federation of Greater Rockford. Her presence alone is a testament to human compassion in the face of grave personal danger. Yet, her words of wisdom as she relates her personal experiences at saving lives will remind us of what courageous and conscientious people can do and should do when injustice is acted out on a grand scale.

We all admire the actions of the Righteous Gentiles. For it was through their courageous efforts to save those condemned to the gas chambers and firing squads that a remnant survived to preserve for us the memory of those who perished, as well as a personal account of the atrocities of that time. In essence, we are all survivors of the Holocaust. Although most of us never experienced its horrors first hand, we carry with us the knowledge and memory of those who did. We subscribe to the common value that human life is precious and abhor the evil committed by the perpetrators of the Holocaust. Therefore, as survivors we must rededicate ourselves to the proposition that we can never again allow the Holocaust to recur. We must never forget our sense of duty—bravely exemplified by the Righteous Gentiles and others—nor neglect our sense of compassion for the welfare of our fellow man. In the words of Elie Wiesel, Holocaust survivor and honorary first chairman of the Holocaust Council, [We cannot] allow anyone or anything to deprive [us] of the great, great miracle which renders a human being sensitive to others."

Mr. Speaker, 1997 marks the 3,300th year of the establishment of the city of Jerusalem. This year is also the 30th anniversary of the reunification of Jerusalem after the Six-Day War. While there will be ceremonies recognizing these events, we must not forget to pause again this year in solemn remembrance of Yom Ha'Shoah. I urge all of us to take time out to remember those who died in the Holocaust and I commend those such as the Jewish Federation of Greater Rockford and Irene Opdyke who remind us of our obligation to never forget.

CHIEF MASTER SERGEANT DIX RETIRES FROM AIR FORCE AFTER 24 YEARS; A DISTINGUISHED CAREER IN ACTIVE DUTY, RECRUITING AND RESERVES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. WALSH. Mr. Speaker, I rise today to congratulate Chief M. Sgt. Ronald W. Dix upon his retirement and to ask my colleagues to join me in thanking Chief Dix for his 24 years of service and for his symbolic representation of all that is good about our Armed Forces, and particularly those of the U.S. Air Force and Air National Guard.

Chief Dix was on active duty with the Air Force from September 5, 1961 to September 4, 1965, serving as protocol NCO at Wheelus AFB, Tripoli, Libya and at Lindsay Air Station, Weisbaden, Germany. During this time, Chief Dix was also a member of the 37th Air Defense Missile Squadron at Kinchloe AFB, Sault St. Marie, MI.

In January 1978, he joined the Air National Guard, accepting an assignment in the Base Preparedness Office. In 1981, he was reassigned to active duty as a recruiter. Chief Dix was instrumental in attracting and inspiring young men and women to join the Air Guard in service to their country. In 1984, he was assigned as training NCO in the Civil Engineer Squadron of the 174th Fighter Wing and participated in many overseas deployment.

During his final time with the New York Air National Guard, Chief Dix served as the facilities manager for the entire Hancock Field Air National Guard Base. Some of his decorations for meritorious service include: The Air Force Good Conduct Medal, the Air Force Achievement Medal with four devices, the Air Reserve Meritorious Service Medal with five devices, the National Defense Service, the Armed Forces Expeditionary Medal, the Air Force Outstanding Unit Award, the Air Force Overseas Long and Short Tour Ribbon, the Air Force Longevity Service Award, the Small Arms Expert Marksmanship Ribbon, the New York State Commendation Medal and the New York Conspicuous Service Cross.

Upon completion of such exemplary service to our Nation, I commend Chief Dix and wish him well in retirement.

TRIBUTE TO THE DEDICATION OF THE BAUMGARTNER HOUSE HISTORICAL DESIGNATION PLAQUE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BONIOR. Mr. Speaker, the history of the United States is one of a colorful patchwork, stitched by people of diverse backgrounds and cultures. Today, the Fraser Historical Commission with the people of the town of Fraser, will celebrate their history by decorating the Baumgartner House with a Michigan historical marker.

In 1856, John Christian Baumgartner, a native of Bavaria, became one of the first landowners in Fraser when he purchased 80 acres of land. With his wife and children, Mr. Baumgartner erected a magnificent farm house with outbuildings.

The architecture of the home is German rundlborgenstil, meaning round-arched windows. Windows are the focal point of the home and are surrounded by corbelling. The house is a perfect symmetrical square, made entirely of brick. This type of architecture is rare in Michigan but was popular in the United States from the 1840's to the 1860's.

This unique home, complete with a grain farm, orchard, and outbuildings was inhabited by the Baumgartner family until 1907. Four families dwelled in the home until in 1981 when the city of Fraser purchased the home and converted it into a museum.

It is important that monuments to our past are preserved for future generations to witness. I would like to congratulate the people of Fraser for their commitment to preserving our past for our future.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

AWARDING CONGRESSIONAL GOLD MEDAL TO FRANK SINATRA

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SNOWBARGER. Mr. Speaker, I rise perhaps in lone opposition to H.R. 279, authorizing up to $30,000 for a congressional gold medal for Frank Sinatra. While I have no doubt that the resolution will be approved by a majority of the House, I cannot in good conscience join in support of this extravagance at a time when we are asking all Americans to join in the effort to balance the Federal budget.

Although I have long admired Mr. Sinatra's talent and enjoyed his work, I do not believe this is an appropriate use of $30,000 of tax money—an amount higher than the per capita personal income in my district.

THE CITY OF DUBOIS, 125 YEARS OF HISTORY AND VITALITY

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SHUSTER. Mr. Speaker, I rise today in recognition of the 125th anniversary of the founding of one of the great cities in my congressional district, the city of DuBois in Clearfield County, PA.

DuBois is a prosperous community, rich in history and spirit. Located on a scenic plateau at the top of the Allegheny Mountains where the Eastern Continental Divide marks the flow of its waters, the DuBois region first attracted Native Americans who used its rich forestry and streams for hunting and fishing. The land became open to settlement after the Indian purchase of 1783. John Rumbarger purchased 250 acres in 1865, and he later laid out the town site in 1872. About the same time, John DuBois constructed his lumber mills, and by 1876 the name of the town was changed to DuBois. His lumber operation flourished because of the area's dense virgin timber, numerous streams, and easy access to the railroads. Shortly after the mills opened, coal veins were discovered in the west end of town. DuBois lumber and coal, along with Titusville oil, became the principal freight for the railroad for many years. In the words of resident historian Jason Gray, "It was the lumbering that started DuBois and it was mining and railroading that kept it moving."

DuBois has continued to prosper over the past 125 years, by virtue of its prime location and its people's strong work ethic. The town has remained an attractive location for business and industry, continuing in its historical role as a commercial center because of its proximity to Interstate 80 and PA Routes 119 and 219. The DuBois-Jefferson County Airport is also located nearby and serves as a gateway to Pittsburgh and other international airports. Though ideally located for such industries as trucking and interstate commerce, the area has also become a solid leader in such major industries as powdered metals, glass, and meter and spring manufacturing.

Nevertheless, there is more to a town than its commerce and economy. A community's character is also vital to those seeking an exceptional quality of life. True to form, DuBois does not disappoint in this category either. The beauty and serenity of the surrounding hills truly make it an ideal place to live. Each season distinctly enhances the town's natural beauty, whether it be the colorful fall foliage or the peaceful blanket of winter's snow. Recreation and other activities abound within the area. Ethnic festivals, parades, fireman's fairs, church suppers, and youths sports are embraced by the community as a whole and evoke a sense of hometown atmosphere to native residents and newcomers alike. Visitors are not viewed as strangers as is so often the case today, but treated as family. I know this from personal experience for the residents have gone out of their way to make me feel at home during each of my visits.

Mr. Speaker, I am indeed privileged to serve such a idyllic and distinguished community. I urge you and all of our colleagues to join me in wishing the citizens of DuBois a very happy 125th anniversary with positive outlook for another 125 years of continued growth and prosperity.

TRIBUTE TO ROBERT R. SMITH

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. LOFGREN. Mr. Speaker, I rise today in tribute to Robert R. Smith, of Morgan Hill, CA, who will be honored May 31, 1997, by the Santa Clara Valley Water District and others on the occasion of his retirement. I ask that you and the other Members of this distinguished body join me to pay special tribute to his important achievements in the area of water management.

Bob has been helping to manage the Santa Clara Valley Water District's Water Utility Enterprise over the last 7 years, which includes design, construction and operations programs involving groundwater recharge, importation of water from the U.S. Bureau of Reclamation and the State of California, water treatment and reclamation. His contributions to western water management span a career of over 33 years, 15 of which have been in management at the Santa Clara Valley Water District.

A native of Michigan, Bob is a graduate of Michigan Technological University. He began his career at the Los Angeles County Flood Control and Water Conservation District in a variety of civil engineering positions in the areas of hydraulics and project management. During the course of his distinguished career, Bob served as superintendent of the water operations and maintenance at the northern Colorado Water Conservancy District and manager/district engineer at the Monterey County Flood Control and Water Conservation District, before joining Santa Clara Valley Water District. Bob first served as flood control manager at Santa Clara then was appointed in 1990 as assistant general manager of the water utility.

Bob Smith's leadership has been central to the successes the district has achieved in addressing the flood control needs and water supply challenges of Santa Clara County. His expertise and thoughtful approach to both management and technical issues continue to manifest themselves in the breadth and quality of the district's programs and projects.

Bob Smith provided a major contribution to the successful implementation of the district's ongoing planning, design, and construction of its $500 million flood control program featuring Federal assistance from both the U.S. Army Corps of Engineers and the Federal Natural Resources Conservation Service. He worked closely in negotiations with numerous Government agencies, and in collaborative discussions with State and Federal agencies in developing district solutions. His work with the district's congressional delegation over the years set the tone and standard for an emerging new era of cooperation and Federal involvement in our county. His vision and personal efforts in the establishment of State and Federal water policy at the administrative and legislative levels have been tremendous, including his participation in the resolution of the diverse issues relative to the Sacramento-San Joaquin Bay Delta.

Bob Smith epitomizes the best of a public agency executive. The high regard in which he is held throughout the California water resources establishment and in private industry marks Bob as one of our most effective and respected water leaders. He is known throughout the State for his technical expertise and insightful leadership. He has inspired and mentored many executives, and is a highly respected role model for many young managers.

Mr. Speaker, one of Bob Smith's best qualities is his love and tremendous support for his family. Bob and Lolly and their children Leeanne and her husband Fred, and Robbin and her husband Oke, have built a warm family life in Morgan Hill and now the grandchildren Merideth, Miranda, and Conner are nearby, which makes life that much sweeter. While Bob and Lolly will now have more time to spend with family at their second home in Montana, we hope we can call on Bob in the future to seek his counsel on water policy matters. He will be missed tremendously at the district and in the county and State water circles. Please join me in wishing Bob and his family well and in thanking him for his outstanding service to the district and to the community.

IN HONOR OF NINIAN SMART

HON. WALTER H. CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. CAPPS. Mr. Speaker, as the world becomes smaller, and as globalization becomes more and more a fact of life, it behooves us to know as much as we can about a multiplicity of cultures and the religious traditions that inform them. Today, May 6, 1997, the University of California, Santa Barbara, is celebrating Ninian Smart Day to recognize the extraordinary achievements of one of its faculty members in stimulating, extending and deepening cultural and religious understanding.

During a lifetime of service to academic communities on virtually every continent on the globe, Professor Smart has worked proficiently and diligently to increase knowledge about the nature and function of religion in human experience. Professor Smart is the only person to have served as a department chair in exemplary universities in both the United States (the University of California) and in England (Lancaster University). In addition, he has probably trained more Ph.D.'s serving throughout the world than any other scholar. And the books he has written, together with his television documentaries, have been widely acknowledged and highly praised. Mr. Speaker, Ninian Smart's contribution to scholarship as well as his personal contribution to increased religious understanding is truly remarkable.

On this day, his 70th birthday, greetings will come his way not only from appreciative colleagues and students within the United States, but also from Great Britain, Europe, Asia, Australia, and Africa. Today, on his birthday, I too wish to pay my respects to him, thank him for his superlative work and continuing friendship, and trust that he has some sense of all that he has done to bring the religious and cultures of the world together in a manner that is harmonious, constructive, and congruent with a hopeful human future. On this special day, I too wish to sing happy birthday to my esteemed and dear friend.

TRIBUTE TO THE DAUGHTERS OF ISABELLA 100TH ANNIVERSARY

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BONIOR. Mr. Speaker, today I would like to honor the Daughters of Isabella who will celebrate their 100th anniversary this month. This group of extraordinary women have dedicated their time, talent, and devotion to God to improve the welfare of people around the world.

In 1897, in New Haven, CT, the Daughters of Isabella were founded upon the principles of unity, friendship, and charity. Like their patroness, Queen Isabella of Spain, the Daughters of Isabella have been known for their philanthropic contributions and their devotion to God and the Catholic Church. Over the years, their membership has grown to 38,000 members in 22 States and 42,400 members in the provinces of Canada.

Together as sisters, the women have combined resources and energy to bring aid and sympathy to those who need it. Over the years the Daughters of Isabella have participated in social, charitable, spiritual, and international programs. Their vision has included support for programs such as St. Elizabeth's Home for unwed mothers, support for refugees in the Holy Land, Make a Wish Foundation, Babies with AIDS, and Hospice of Michigan.

For 100 years, the Daughters of Isabella have been an indispensable member of the Catholic Church and their communities. Their efforts have touched the lives of many individuals and families around the world. I ask my colleagues to join me in congratulating the Daughters of Isabella on their historic anniversary and the celebration of their future.

CONGRESSMAN DALE E. KILDEE HONORS PONTIAC CENTRAL/DELPHI FIRST TEAM

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. KILDEE. Mr. Speaker, I rise today to recognize the continued collaboration of some remarkable students with dedicated members of the private sector. This collaboration has resulted in national recognition and a renewed commitment to high academic success.

One year ago, I had the privilege of standing before you on behalf of a group of students from Central High School, located in Pontiac, MI, and the staff of Delphi Interior and Lighting of Troy, MI. These people created a team to compete in the Fifth Annual FIRST [For Inspiration and Recognition of Science and Technology] national competition. Their efforts resulted in the award for best new team. This year, they returned to competition and were honored with the competition's highest award, the Chairman's Award for overall excellence. Rewarding their efforts, President Clinton has invited them to the White House to demonstrate their winning entry.

Under the supervision of Central faculty members Birta Allen, Michael Martus, Michael McIntyre, Robert Rich, and Arthur Williams, the student team includes: Glynn Gooch, Travis Hilliard, Myder Ly, Tanea Andrews, Kristy Bell, Brandon Breault, Steven Carpenter, Alfredo Cobos, Armand Collins, Katie Curran-Morris, Modesto De La O, Tabitha Durham, Balam Embarcadero, David Goldsmith, Jessica Golem, Benjamin Graham, Regina Griffin, Janine Harper, Alicia Harris, Danielle Harvey, Hmong Her, Betty Kelley, Chong Lee, Moua Lee, Misty Lewis, Ronnitrea Pilgrim, Bianca Potter, David Potter, Angela Soldan, Paul Taylor, Natalie Walker, Houa Yang, Lisa Yang, Mary Yang, and Pa Yang.

Members of the Delphi engineering team include: Dr. Joseph Johnson, Hassan Anahid, Mike Aubry, Craig Blanchard, Robert Brooks, Michael Ciavaglia, Norm Cooper, Fred Conlon, Joe Cranston, Ken Katterheinrich, Saundra Marion, Mark Nicholas, Randy Poole, William Priest, Lloyd Rogers, Charles Salmonowicz, David Sedlak, Ken Siegfried, Ronald White, Ronald Wilde, Kimberley Will, and Joe Ottenbaker.

Mr. Speaker, at a time when the future of our young adults is a constant concern, I am happy to honor these exemplary individuals. This team is a perfect example of what can be accomplished through a strong partnership between our students and the community, and only by encouragement and reinforcement will they truly success.

A TRIBUTE TO ANTHONY H. EVANS

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Dr. Anthony H. Evans of San Bernardino, CA. Dr. Evans is retiring after a long and distinguished career including the last 15 years spent as the president of California State University, San Bernardino.

Dr. Evans became the second president of Cal State University, San Bernardino, in 1982. As president and professor of history, he has led one of California's newest public 4-year institutions located in one of California's fastest growing areas. With an undergraduate and graduate enrollment totaling 12,500 students, the university is comprised of five schools including business; education; social and behavioral sciences; humanities; and natural sciences.

Cal State, San Bernardino, has thrived under Dr. Evans' leadership. The university's physical space more than doubled between 1986 and 1995 with a $100 million building program. The campus population has more than doubled since 1982 with over 12,000 students, 435 faculty, and 627 staff now calling the university home. The academic program has expanded from 47 bachelor's and master's degrees and 14 teaching credentials to 62 total degrees and 18 teaching credentials in 15 years.

Prior to coming to Cal State, Dr. Evans was the provost and vice president for academic affairs at Eastern Michigan University. In addition to serving as the chief academic officer and teaching in the department of history, he also served for 1 year as acting president and executive vice president of the university.

Dr. Evans' diverse background also includes a stint at the Department of State where he was a specialist in Far East affairs. He worked for 2 years in Thailand in the economic development program and for 2 years in South Korea as the Director of Programs for the Peace Corps. He also worked for 3 years in Washington, DC, as the Director of Planning for the Peace Corps, coordinating operations and programs in 69 developing countries. Dr. Evans, who holds a Ph.D. in U.S. history from the University of California at Berkeley, has also been active in numerous professional and civic organizations at the local, State, and Federal level.

Mr. Speaker, Dr. Evans has made, and continues to make, a tremendous difference in the lives of countless people throughout southern California. I ask that you join me and our colleagues in recognizing the remarkable achievements of this gifted gentleman and wishing Dr. Evans and wife, Lois, many more years of health and happiness.

HONORING THE WHITLEY COUNTY BOARD OF EDUCATION'S ANTI-DRUG CAMPAIGN

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. ROGERS. Mr. Speaker, I rise today to commend the Whitley County Board of Education and the students of Whitley County, KY, on their remarkable campaign to fight illegal drugs.

Last week, I met with school officials and students from Whitley County. They briefed me on their aggressive campaign to discourage drug use and protect their children from drug dealers. I was very impressed with their grassroots effort to bring this issue to the forefront in their county.

The citizens of Whitley County are clearly behind this campaign—and I have the evidence to prove it. I recently received a petition with over 17,000 signatures from concerned citizens in Whitley County who want to protect our families from illegal drugs. This effort is a clear sign that the people of Whitley County are charting the course for a brighter future.

This petition was sent to local, State, and national officials to emphasize their concern on this issue. Their petition states:

> We hereby declare that the cultivation, manufacturing, and trafficking of illegal substances in our community is having an extremely negative impact on our youth. We request that you expand the education efforts relative to prevention of substance abuse and to include teaching criminals, through their arrest, conviction and imprisonment, that we do not want drugs sold to our children.

I am very proud of the people of Whitley County and their effort to protect our children from the destructive forces of illegal drugs. I would also like to thank the superintendent of schools, Lonnie Anderson, for his dedication to this campaign. Furthermore, I would like to thank the drug-free schools coordinator, Cathy Stout, for her hard work on this issue.

Mr. Speaker, America's future is seriously jeopardized by illegal drug use. Winning this battle is essential to make our Nation a better place. The citizens of Whitley County have set a strong example for the rest of us to follow and I commend them for their hard work to protect their community.

HONORING THE LEGACY OF JACKIE ROBINSON

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. UNDERWOOD. Mr. Speaker, as a lifelong Dodger fan, it gives me extreme pleasure to pay tribute to one of America's great heroes, Jackie Robinson.

Jackie Robinson demonstrated amazing athletic ability as a young man. We all know of his greatness on the baseball field, but what many forget is that while he was a student at UCLA, Robinson lettered in four sports; football, basketball, track, and, or course, baseball. Ironically, it is widely believed that baseball was actually his weakest sport.

Robinson made significant contributions to America's pastime as a ball player. But more lasting than those are his contributions to our Nation by the man he was both on and off the field. This young ball player challenged America's preconceptions about African-Americans and helped break the sterotypes of inferiority which were pervasive in white America 50 years ago.

In the April 15, 1997, edition of the Washington Post, Michael Wilbon describes a historic bridge between Jackie Robinson and Tiger Woods and goes on to say that, "this isn't just about sports, however, the venue is sports, and, as is often the case, sports is the earliest setting for significant social change."

The most radical thing Robinson may have ever done was simply walk out onto the field. Because the moment he stepped onto Ebbets Field, he was on equal footing with his teammates and his opponents. The rules of segregated America no longer applied and America got just a glimpse of equality—an equality we haven't yet reached. But the athletic field is ultimately one of the few places—like the battlefield—where one's talents and abilities cannot be mitigated. They can keep you from playing—as people afraid of equality will try. But once you get on the field, equality and all its blessings begin to manifest themselves. Once Jackie took the field, there was no turning back. It was not because there weren't those who tried to turn back, it was not because everyone wanted to move forward, but it was because of Jackie's unshakable faith in equality and his incredible athletic ability that moved us all forward.

And all of us moved forward 50 years ago when Jackie put on his cleats—all of us, white and black, those of us who are neither, and most especially those of us who weren't even born yet.

It is for this reason that I am concerned that today's America, despite some social progress and despite the great interest in sports as a venue for social advancement as well as entertainment, does not fully appreciate his efforts. It is striking that so many young people do not fully appreciate the legacy of Jackie Robinson, not for the generation that endured that time in America's history, but for today's generation and for generations yet to come.

His unique combination of courage, grace, intelligence, athletic ability and tenacity marks Jackie Robinson as a great human being. He turned his cleats into weapons for social change as well as stealing bases. He used his bat for justice as well as base hits. He used his glove not just to catch baseballs—or even catch hell, which he certainly did—but as a way to turn the hard heads of bigotry into respectful, even admiring minds. It reminds one of the smoothness of turning a hard grounder into a quick but graceful double play.

I thank you Jackie Robinson for making baseball the great game that it is. But I thank you more for helping America challenge itself to be a greater nation and to be true to its promise for democracy and opportunity for all.

We are all part of the great American project to perfect democracy for each and every generation. It is clear that Jackie Robinson did more than his share. In fact, he carried the load of an entire generation.

TRIBUTE TO ABEL SCHRADER

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SHIMKUS. Mr. Speaker, I rise today to commend a young man who exemplifies the hard work and dedication of the people of the 20th District of Illinois. This individual has worked extremely hard for the past 3 years in order to earn himself a spot among the best Class A basketball players in the best basketball State in America.

This young man is Abel Schrader, of Okawville, IL. Mr. Speaker, Abel has demonstrated the all-around ability, leadership, and attitude it takes to lead the Okawville Rockets to 20 wins and only 5 losses this past season.

As a 3-year starter on the varsity squad, Abel has led the team in 3-point shots, rebounds, assists, steals, blocked shots, and free throws. He scored almost 50 percent of the teams's total points in the past season, he ranks among the top three scorers ever in Okawville history, and he holds the record for the highest scoring average in a season.

He also averaged over 27 points per game this past season earning second team All-State honors and the honor of being named the Belleville News-Democrat's Class A Player of the Year.

Mr. Speaker, I would like to congratulate Abel Schrader and all of the Okawville Rocket basketball team on a job well done.

CONGRATULATING LISA-ANNE FURGAL OF LARGO, FLORIDA FOR RECEIVING THE "PRUDENTIAL SPIRIT OF COMMUNITY AWARD"

HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. YOUNG of Florida. Mr. Speaker, I rise today to honor an outstanding high school student from Largo, FL. Lisa-Anne Furgal has been awarded the Prudential Spirit of Community Award for her outstanding volunteer service to her community. She will represent the State of Florida here in Washington, DC at a national event honoring those high school and middle school students who have shown a deep commitment to their communities and to helping others.

Lisa, a student at Largo High School, founded an organization called YOUTH which stands for Youth Out To Help, and informs people in her community about volunteer opportunities. Twenty-five to forty hours of her busy week are dedicated to meeting with board members, planning a newsletter, and collecting donations. YOUTH also publishes a booklet of nonprofit organizations where other students can volunteer their time or direct their donations. In Lisa's own words, "Volunteering enables you to make a positive impact on the world."

The sacrifice Lisa has made to serving others should be an example to us all. Many times it seems our responsibilities make free time more scarce than we would like. But taking a minute away from our business, and looking for ways we can volunteer, can make a significant difference in another person's life at a time when they need help. I hope that young and old alike take notice of the needs that many have in our country. And if we can pull together, one community at a time, with the exceptional leadership of individuals like Lisa-Anne Furgal, we will see positive changes in the lives of the people who are in need.

TRIBUTE TO THOMAS DENEWITH

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BONIOR. Mr. Speaker, I rise today to congratulate Thomas Denewith, principal at L'Anse Creuse High School North. The Michigan Association of Secondary School Principals has recognized Mr. Denewith as Macomb County Principal of the Year.

Mr. Denewith's career began as a teacher and coach in the 1960's. He taught high school at his alma mater, St. Mary's in Mt. Clemens. The many triumphs and obstacles of teaching taught him how to work with students, parents, and the community. In 1974, Mr. Denewith brought his knowledge and experience to L'Anse Creuse Public Schools.

He began his tenure at L'Anse Creuse Schools as an assistant principal of L'Anse Creuse High School. In 1980, Mr. Denewith became principal of L'Anse Creuse High School North. His talents and vision have created a safe haven for learning. His drive to improve the high school through numerous programs has resulted in the school earning National Exemplary School status in 1994-96.

The secret to Mr. Denewith's success is what he calls "teacher empowerment", a program designed to create a healthier, more open work environment. The idea behind the program is to give each person on staff an equal voice concerning the issues of the school. The teachers are given a positive role in how the school is run and communication is kept open.

Mr. Denewith is also committed to creating an environment where diverse groups can work together and resolve conflict. He initiated a "communications training camp" designed to help students deal with disputes. Each fall, 65 students from diverse backgrounds are sent to camp to learn nonviolent alternatives for settling a conflict. The program teaches students to accept different cultures and communicate with each other, a skill they can take back to their classmates and use throughout their life.

Mr. Denewith understands that parents play a critical role in the education of our youth. He has established a parent organization which discusses the importance of building relationships between students, parents, and school staff. Knowing that learning does not start or stop in the schools, Mr. Denewith has been committed to strengthening the bond between home and school.

I am pleased to honor Principal Denewith for the determination and respect that he has given to his students, staff, and community everyday. Over the years, Mr. Denewith's dedication to learning has not wavered. Many of us can learn from the lessons he teaches to our next generation of leaders.

HONORING DR. GERALD TIROZZI FOR HIS CONTRIBUTIONS TO THE FIELD OF EDUCATION

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. DELAURO. Mr. Speaker, on May 9, 1997, my good friend, Dr. Gerald Tirozzi, is being honored by the Farnam Neighborhood House for his years of service to the city of New Haven. I am very pleased to recognize Dr. Tirozzi's extraordinary career in the field of education.

As a nation, nothing should be a higher priority than the education of our kids. How and what our children learn in school will have direct repercussions for the future of our country. Talented, energetic, and dedicated educators are the best way to ensure our kids have a strong beginning. Gerry Tirozzi has devoted his life and career to making certain our kids have every opportunity to succeed. Born and raised in New Haven, CT, Gerry began teaching science in a New Haven school in 1959.

His career has now taken him far from that school but his heart remains in the classroom. In the past 35 years, he has held a number of positions of leadership in the field of education and has an exceptional record of accomplishments. He has always focused on raising the expectations we have of our students. Gerry truly believes that all our kids have the ability to excel and, while serving as Connecticut's commissioner of education, instituted reforms that significantly raise academic standards for students. Every parent wants their child to have the best education and Gerry's work in this State has helped make that possible.

On January 19, 1996, Gerry was appointed Assistant Secretary for Elementary and Secondary Education at the U.S. Department of Education by President Clinton. This appointment has given Gerry the opportunity to serve not only the city of New Haven and the State of Connecticut, but to have an impact on kids in every community in the country. A tireless advocate, Gerry has used this position to continue his lifelong goal of improving education for all children.

Gerry's contributions to education at the local, State, and national level will be honored by Farnam Neighborhood House with the Community Service Award. Located in New Haven, Farnam is a community center which runs social and educational programs for children through seniors. A terrific asset to the New Haven community, Farnam brings people together and gives kids a positive way to spend time. As a child, Gerry was a member of Farnam and worked as a game room supervisor there during his college years. I commend Farnam Neighborhood House and I applaud Gerry's association with this great organization.

Dr. Tirozzi's work has touched countless children and made significant improvements in the quality of their education and their lives. I am proud to rise today on his behalf.

INTRODUCTION OF THE GRAND JURY REDUCTION ACT OF 1997

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. GOODLATTE. Mr. Speaker, today I am introducing legislation—the Grand Jury Reduction Act of 1997—to reduce the size of the Federal Government by reducing the size of Federal grand juries.

In our effort to streamline the judicial process and cut wasteful Federal spending, we cannot afford to leave any stone unturned. A good place to begin is with the size of Federal grand juries. In fact, the Judicial Conference recommended a reduction in grand jury size as long ago as 1974.

Currently, grand juries consist of at least 16 to a maximum of 23 jurors. Indictments may be found only upon the concurrence of 12 or more jurors. According to the Administrative Office of the U.S. Courts, in fiscal year 1992 the average number of grand jurors sitting on a grand jury in session was 19.8. And some grand juries sit with only 16 jurors, the number necessary for a quorum under present law.

A panel of 23 is administratively unwieldy, costly, and unnecessary. In fiscal year 1992 total grand jury payments totalled $16,526,275—that's $67 per day per juror. By reducing the size of Federal grand juries to a minimum of 9 and a maximum of 13, as proposed by the Judicial Conference Committee on the Administration of Criminal Law 20 years ago, we will see significant cost savings as well as a necessary streamlining of the judicial process.

The Grand Jury Reduction Act is a practical, as well as a fiscal, reform. In a 1977 hearing on this issue, the Counsel of the Administrative Office of the U.S. Courts testified: "our experience is that it is easier to summon a smaller panel than a larger one from throughout the larger districts." Therefore, reducing the size of grand juries will make the grand jury process more efficient.

The Grand Jury Reduction Act amends 18 U.S.C. 3321 to reduce the number of grand jurors necessary for a grand jury to be impaneled, and reduces the number needed to produce an indictment. Under this legislation, grand juries will consist of a minimum of 9 jurors, and a maximum of 13, with 7 required to indict. The bill does not in any way change the process or the standards required for grand juries—it only affects their size.

The Judicial Conference Committee on Court Administration and Case Management will be addressing this issue at its meeting next month, and the full Judicial Conference is likely to take a formal position on the legislation this year. I remain confident that, after reviewing the issue, the Conference will endorse the Grand Jury Reduction Act of 1997.

I am pleased to have my good friend and colleague, VIRGIL GOODE—D–VA—join me in this effort to streamline the judicial process and reduce the size and cost of government. I urge each of my colleagues to support the Grand Jury Reduction Act.

TRIBUTE TO THE LATE DR. RICHARD RIOUX

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. McKEON. Mr. Speaker, I rise today in tribute to a special friend and dedicated public servant whom we lost April 28, 1997, in Santa Clarita, CA.

Dr. Richard Rioux was the executive director of the Los Angeles County Antelope Valley Rehabilitation Centers in Acton and Warm Springs where he worked hands-on with more than 22,000 residents recovering from alcohol and drug addiction. Here he pioneered the development of an innovative literacy training program which has helped thousands of people attain the skills and knowledge necessary to be productive and responsible citizens.

Born in Fall River, MA, Richard moved to California in 1958, where he later became a Fulbright Scholar and student at California State University Northridge. Having earned his bachelor's degree, he then moved onto his doctorate in history from the University of Southern California.

Along with his accomplishments as an award-winning photographer, columnist, and author, Richard served as the founder and first president of his beloved Stevenson Ranch Town Council. In addition he was an avid sports enthusiast, having run 26 marathons and having climbed Mt. Whitney seven times. Most importantly, Richard was a devoted husband to his wife, Suzanne and father to Regina, Stephanie, Natasha, and Jeremy.

Known as "Doc Rioux," Richard could often be found in old town Newhall helping local merchants, seniors, and students. His warm smile and constant fellowship inspired others to embrace life's hardships and successes with remarkable strength and courage. Let me today join with his family and friends in remembering Richard Rioux and thanking him for the encouragement and love he gave our community. May the Lord bless him and keep him well. We will miss him and cherish his memory.

HONORING THE ACHIEVEMENT OF THE MONTGOMERY ACADEMY FORENSICS TEAM

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. EVERETT. Mr. Speaker, I am proud to bring to the attention of this House the accomplishments of a fine group of students from my congressional district. On March 22, 1997, the Montgomery Academy Forensics Team garnered the State forensics championship at the Alabama Forensic Educators Association State Tournament.

This represents the third such title in a row for Montgomery Academy and is quite an achievement when you consider that the Montgomery Academy Forensics Team has only been in existence since 1991. The school's enthusiasm for and dedication to forensic excellence can be measured in the growth of its forensic team's membership, from 15 to 140 in just 6 years.

I wish to congratulate all the members of the Montgomery Academy Forensics Team for their achievements and adherence to the highest standards. They can be proud of their work and we can be proud to know that forensic medicine will be enhanced through the contributions of outstanding Alabama young people such as these.

TRIBUTE TO REV. HOWARD L. RICE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to a remarkable scholar, spiritual leader and individual, Rev. Howard Rice. Reverend Rice is being honored for his outstanding career in the Presbyterian Church. I wish I could join his family, friends, and colleagues in celebrating his accomplishments and now his retirement.

Reverend Rice graduated from Caroll College in Waukesha, WI. After leaving Wisconsin, where he was born and raised, he attended the McCormick Theological Seminary in Chicago. While there, he realized a passion for inner-city ministry. Following graduation from McCormick, Howard served as a pastor in Minneapolis. He was then asked to return to Chicago where he successfully merged three small and struggling congregations into one interracial and bilingual church. In 1968, he was called to the San Francisco Theological Seminary to serve as professor of ministry. In this position, he was successful in coordinating student internships and vocational counseling program. During his career, he was also a strong advocate of women in the ministry, demonstrated by the number of women graduates contributing to church and social work across the Nation.

Howard Rice's career as a minister is both distinguished and admirable. In 1986 he was the recipient of the McCormick Theological Seminary Distinguished Alumnus Award. He also received honorary doctor of divinity degrees from Carroll College and Whitworth College in Spokane, WA.

Mr. Speaker, it is with great pleasure and pride that I pay tribute to Rev. Howard Rice. Throughout the course of his outstanding career, he has had a positive influence on many lives. I extend my congratulations and best wishes on his retirement. And I wish his wife Nancy, and their family, the best.

HONORING RAOUL WALLENBERG

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to honor an outstanding individual who is credited with saving thousands of lives in the face of Nazi tyranny and under the threat of certain death. Raoul Wallenberg belongs—or belonged—to one of the most famous families in Sweden, the large Wallenberg family. It is a family that has contributed Sweden with bankers, diplomats, and politicians during several generations.

Raoul's father, Raoul Oscar Wallenberg, was an officer in the navy, and cousin to Jacob and Marcus Wallenberg, two of Sweden's most famous bank and industrial men during half a century. Raoul was born August 4, 1912, 3 months after his father's death. His mother, Maj Wising Wallenberg, remarried Fredrik von Dardel in 1918.

Raoul's grandfather, Gustav Wallenberg, took care of Raoul's education. The plan was for him to continue the family tradition and become a banker, but he was more interested in architecture and trade.

In the year 1930 Raoul Wallenberg graduated with top grades in Russian and drawing. After his army service he traveled to the U.S.A. in 1931 to study architecture at the university in Ann Arbor, MI. In 1935 he received his bachelor degree in science and returned back to Sweden. But the market for architects was small in Sweden. Instead his grandfather sent him to Cape Town in South Africa where he practiced at a Swedish firm selling building materials. After 6 months his grandfather arranged a new job for him at a Dutch bank office in Haifa, Palestine—now Israel.

It was in Palestine he first met Jews that had escaped Hitler's Germany. Their stories of the Nazi persecutions affected him deeply. Maybe not only because he had a very humane attitude to life, but also because he owned a drop of Jewish blood—Raoul's grandmother's grandfather was a Jew by the name of Benedicks whom arrived to Sweden by the end of the 18th century—after his return from Haifa in 1936 Raoul Wallenberg resumed his old interest for business.

Through Jacob Wallenberg's good contacts in the business world Raoul was eventually brought together with Koloman Lauer, a Hungarian Jew. He was a director of a Swedish based import and export company specializing in food and delicacies.

Thanks to Raoul Wallenberg's excellent language skills, and thanks to his freedom of movement in Europe, he was a perfect business partner for Lauer..Within 8 months Raoul Wallenberg was a joint owner and international director of the Mid-European Trading Company.

Through his trips in Nazi occupied France and in Germany itself, Raoul quickly learned how the German bureaucracy functioned. He had also made several trips to Hungary and Budapest, where he visited Lauer's family. Hungary was still a relatively safe place in a hostile surrounding.

RAOUL WALLENBERG—BACKGROUND TO HIS MISSION

During the spring of 1944 the world had awoken and realized what Hitler's final solution to the Jewish problem meant. In May 1944 the first authentic eyewitness report reached the Western World of what happened in the extermination camp at Auschwitz. It came from two Jews who managed to escape the German gas chambers.

Hitler's plans for total extermination of the Jews of Europe became known. In Hungary, which had joined Germany in the war against the Soviet Union in 1941, there still lived an estimated 700,000 Jews at the beginning of 1944.

When the Germans lost the battle of Stalingrad 1943, Hungary wanted to follow Italy's example and demand a separate peace. Hitler then called the Hungarian head of state Miklós Horthy and demanded continued solidarity with Germany. When Horthy refused to meet the demands, Hitler invaded Hungary on March 19th 1944. Soon after that the deportations of Jews started. The destination was Auschwitz-Birkenau in southern Poland, and a certain death.

The Germans started deporting the Jews from the countryside, but the Jewish citizens of Budapest knew that their hour of fate was also soon to come. In their desperation they sought help from the embassies of the neutral countries, where provisional passes were issued for Jews with special connections to these countries.

The Swedish legation in Budapest succeeded in negotiating with the Germans that the bearers of these protective passes would be treated as Swedish citizens and exempt from wearing the yellow star of David on their chest. It was Per Anger, a young diplomat at the legation in Budapest, who initiated the first of these Swedish protective passes.—In 1982 Per Anger was also awarded the honor of "righteous among the nations" by Yad Vashem in Jerusalem for his heroic actions to save Jews during the war.

In a short period of time the Swedish legation issued 700 passes, a drop in the ocean compared to the enormous amount of Jews being threatened. The legation requested immediate staff reinforcements from the foreign department in Stockholm.

In Sweden at the same time the World Jewish Congress had a meeting in Stockholm. The most important issue was organizing a rescue operation for the Hungarian Jews.

In 1944 the U.S.A. established The War Refugee Board [WRB], an organization with the purpose of saving Jews from Nazi persecution. The WRB soon realized that serious attempts were being made from the Swedish side to rescue the Jewish population in Hungary. The WRB's representative in Stockholm called a committee with prominent Swedish Jews to discuss suitable persons to lead a mission in Budapest for an extensive rescue operation. Among the participants was Raoul Wallenberg's business partner Koloman Lauer, chosen as an expert on Hungary.

The first choice was Folke Bernadotte, chairman of the Swedish Red Cross and relative to the Swedish king. After Bernadotte was disapproved by the Hungarian Government, Koloman Lauer suggested that his business partner Raoul Wallenberg should be asked. Lauer emphasized that Wallenberg had made many trips to Hungary while working for their joint company. Raoul was considered too young and seemed inexperienced, but Lauer was persistent. Raoul was the right man according to him—a quick thinker, energetic, brave and compassionate. And he had a famous name.

Soon everybody had approved Wallenberg. At the end of June 1944 he was appointed first secretary at the Swedish legation in Budapest with the mission to start a rescue operation for the Jews. Raoul was very excited to go to Hungary, but first he wrote a memo to the Swedish foreign department. He was determined not to get caught in the protocol and paper work bureaucracy of diplomacy. He demanded full authorization to deal with whom he wanted without having to contact the ambassador first. He also wanted to have the right to send diplomatic couriers beyond the usual channels.

RAOUL WALLENBERG—THE RESCUE OPERATION

When Raoul Wallenberg arrived in Budapest by July 1944, it was late. Under the leadership of Adolf Eichmann the Germans had already sent away more than 400,000 Jewish men, women, and children. They had been deported on 148 freight trains between May 14 and July 8. When Wallenberg came to Budapest there were only about 230,000 Jews left.

The German "SS" officer Adolf Eichmann was now preparing a plan that in 1 day would exterminate the whole Jewish population in Budapest. In a report to Berlin he said that "the technical details will take a few days."

If this plan had been but into action Raoul Wallenberg's mission had been meaningless. Then the Jewish issue would have been permanently solved for the part of Hungary. The head of state Miklós Horthy meanwhile received a letter from the Swedish king Gustav V with an appeal that the deportations were canceled, one train with 1,600 Jews was stopped at the border and sent back to Budapest.

Oddly enough the German authorities approved the cancellation of the deportations. The explanation may have been that Heinrich Himmler, one of the top Nazi officials, during this time played a high level game for peace. He thought he could negotiate a separate peace with the western allies and might have thought he'd stand a better chance if the pressure on the Jews was decreased. Adolf Eichmann could do nothing but wait.

At this time minister Carl Ivar Danielsson was head of the Swedish legation. His closet man was secretary Per Anger. Raoul Wallenberg now headed the department responsible for helping the Jews. Before Wallenberg arrived the head of the Red Cross in Hungary, Valdemar Langlet, helped the Swedish legation. Langlet rented buildings for the Red Cross and put signs like "The Swedish Library" and "the Swedish Research Institute" on its doors. These buildings were then used as hiding places for Jews.

Raoul Wallenberg's first task was to design a Swedish protective pass to help the Jews against the Germans and Hungarians. He had previous experience that both the German and Hungarian authorities were weak for flashy symbols. He therefore had the passes printed in yellow and blue with the coat of arms of the Three Crowns of Sweden in the middle, and added the appropriate stamps and signatures on it. Of course Wallenberg's protective passes had no value what so ever according to international laws, but it provoked respect. To begin with Wallenberg only had permission to issue 1,500 passes. Quickly though he managed to negotiate another 1,000, and through promises and empty threats to the Hungarian foreign ministry he eventually managed to raise the quota to 4,500 protective passes.

In reality Wallenberg managed to issue more than three times as many protective passes. He controlled a staff of several hundred coworkers. There were all Jews and thanks to their work with Wallenberg they didn't have to wear the degrading yellow star.

In August 1944, the Hungarian head of state Horthy fired his pro-German prime minister Sztójay and let General Lakatos succeed him. The situation for the Jews improved considerably. Through diplomatic pressuring, mediated and emphasized by Raoul Wallenberg, the responsibility to "solve the Jewish issue in Hungary" was taken away from Adolf Eichmann.

Now Wallenberg thought his department at the legation could be dismantled and that he himself could return to Sweden. He expected the invading and winning troops of the Soviet Union to soon take over Budapest.

October 15 the head of state Miklós Horthy declared that he wanted peace with the Soviets. But his radio speech had barely been broadcast until the German troops took command. Horthy was overthrown immediately and replaced by the leader of the Hungarian Nazis, Ferenc Szálasi. He was the leader of the Arrow Cross organization, who was just as feared as the German Nazis for their cruel methods against the Jewish population. Adolf Eichmann returned and received free hands to continue the terror against the Jews.

Raoul Wallenberg kept on fighting in spite of the ruling powers of evil and appeared often as an unwelcome witness to the atrocities. In many cases he managed to save Jews from the clutches of the Nazis with his firm action and courage as his only weapon.

Now Raoul started to build his Swedish houses. It was some 30 houses in the Pest part of the city where the Jews could seek refuge. A Swedish flag hung in front of the door and Wallenberg declared the house Swedish territory. The population of the Swedish houses soon rose to 15,000.

During this time Eichmann started his brutal death marches. He went through with his promised deportation plan by having large number of Jews leave Hungary by foot. The first march started November 20, 1944, and the conditions along the 200 kilometer long road between Budapest and the Austrian border were so horrendous that even the Nazis themselves complained.

The marching Jews could be counted in the thousands along never-ending rows of starving and tortured people. Raoul Wallenberg was in place all the time to hand out protective passes, food, and medicine. He threatened and he bribed, until he managed to free those with Swedish passes.

When Eichmann's killers transported the Jews in full trains Wallenberg intensified his rescue efforts. He even climbed the train wagons standing on the tracks, ran along the wagon roofs, and stuck bunches of protective passes down to the people inside. The German soldiers were ordered to open fire, but were so impressed by Wallenberg's courage that they deliberately aimed too high. Wallenberg could jump down unharmed and demand that the Jews with passes should leave the train together with him.

Raoul Wallenberg's department at the Swedish legation grew constantly and finally kept 340 persons busy. Also in their building lived another 700 persons.

Wallenberg searched desperately for suitable people to help, and found a very powerful ally in Pa'l Szalay, a high ranking officer in the police force and an Arrow Cross member—after the war Szalay was the only Arrow Cross member that wasn't executed. He was set free instead in recognition for his cooperation with Wallenberg.

The second week of January 1945 Raoul Wallenberg found out that Eichmann planned a total massacre in the largest ghetto. The only one who could stop it was General August Schmidthuber who was commander in chief for the German troops in Hungary.

Wallenberg's ally Szalay was sent to deliver a note to Schmidthuber explaining that Raoul Wallenberg would make sure that the general would be held personally responsible for the massacre and that he would be hanged as a war criminal after the war. The massacre was stopped in the last minute thanks to Wallenberg's action.

Two days later the Russians arrived and found 97,000 Jews alive in Budapest's two Jewish ghettos. In total 120,000 Jews survived the Nazi extermination in Hungary.

According to Per Anger, Wallenberg's friend and colleague, Wallenberg must be honored with savings at least 100,000 Jews.

RAOUL WALLENBERG—WHAT HAPPENED TO HIM?

On January 13, 1945, an advancing Soviet troop saw a man standing and waiting for them in front of a house with a large Swedish flag above the door. In fluent Russian, Raoul Wallenberg explained to a surprised Russian sergeant that he was Swedish chargé d' affaires for those of the Russians liberated parts of Hungary. Wallenberg requested, and was given permission to visit the Soviet military headquarters in the city of Debrecen east of Budapest.

On his way out of the capital on January 17—with Russian escort—Wallenberg and his driver stopped at the Swedish houses to say good-bye to his friends. To one of his colleagues, Dr. Ernö Petö, Wallenberg said that he wasn't sure if he was going to be the Russians guest or their prisoner. Raoul Wallenberg thought he'd be back within 8 days—but he has been missing since then.

If Raoul Wallenberg is alive or not is uncertain. The Russians proclaim that he died in Russian captivity on July 17, 1947. A number of testimonies indicate though that he was alive and that he still could be alive.

In November 1944, Wallenberg had established a section in his department that under his supervision would make a detailed financial support plan for the survived Jews. The Russians did not at all have the same views of Jews and presumably couldn't therefore understand that a person had devoted his soul to save them. Therefore it was of importance to Wallenberg to explain his rescue operation.

The Russians probably believed that Wallenberg and another reason for his rescue efforts. They probably suspected him to be an American spy too. Most certainly they were skeptical to Raoul Wallenberg's contact with the Germans also.

Raoul Wallenberg and his driver Vilmos Langfelder never returned from Debrecen. According to reliable testimonies they were arrested and sent to Moscow. They were arrested by NKVD, and organization that later changes its name to KGB. Wallenberg and Langfelder were placed in separate cells in the Lubjanka prison according to eye witnesses.

Wallenberg wasn't the only diplomat in Budapest though that aroused the Soviets suspicion. The Swiss legation had also run extensive rescue operations for the Hungarian Jewish population. The Russians arrested a secretary of their legation together with a clerk and sent them to the Soviet Union. However the Swiss succeeded in getting them extradited with Soviet citizens detained in Switzerland.

It would take some time though until authorities in Stockholm got concerned over Raoul Wallenberg's disappearance. In a letter to the Swedish ambassador in Moscow, the Russian Vice Foreign Minister Dekanosov declared that "the Russian military authorities had taken measures and steps to protect Wallenberg and his belongings."

The Swedes, of course, expected Raoul Wallenberg to come home soon. When nothing happened Raoul's mother, Maj von Dardel, contacted the Russian ambassador in Stockholm, Aleksandra Kollontaj, whom explained that she could be calm, since her son was well kept in Russia. To the Swedish foreign minister Christian Gũnthers wife, Aleksandra Kollontaj said at the same time that it would be best for Wallenberg if the Swedish Government wouldn't stir things up. Kollontaj was called back to Russia meanwhile, and the issue took a new turn.

On March 8, 1945 the Soviet controlled Hungarian radio announced that Raoul Wallenberg had been murdered on his way to Debrecen, probably by Hungarian Nazis or Gestapo agents. This created a certain passiveness with the Swedish Government. Foreign minister Östen Udén and Sweden's Ambassador in the Soviet Union presumed that Wallenberg was dead. In most places however, the radio message wasn't taken seriously.

Many persons have drawn the conclusion that Sweden had an opportunity to negotiate for Wallenberg's release after the war but that the Swedish side missed the chance.

From 1965 there is a speech from Sweden's prime minister at the time, Tage Erlander, which is included in a collection of documents regarding the research around Raoul Wallenberg. Erlander concluded that all efforts that had been done shortly after the war were without results. In fact, the Soviet authorities had even denied knowledge of Wallenberg. Between 1947 and 1951 nothing new occurred. But when foreign prisoners started to be released from Russian jails many testimonies came regarding Raoul Wallenberg's faith after January 1945.

February 6, 1957, the Russians announced that they had made extensive investigations and found a document most likely to be regarding Raoul Wallenberg. In the handwritten document it was stated that "the for you familiar prisoner Wallenberg passed away this night in his cell". The document was dated July 17, 1947 and signed Smoltsov, head of the Lubjanka prisons infirmary.

The Russians regretted in their letter to the Swedes that Smoltsov deceased in May 1953, and that Abakumov had been executed in connection with cleansing within the security police. The Swedes were very distrustful toward this declaration, but the Russians have till this day stuck to the same statement.

Testimonies from different prisoners who had been in Russian jails after January 1945 tell, in contradiction to the Russian information, that Raoul Wallenberg was imprisoned during the whole 1950's.

In 1965 the Swedish Government published a new official report on the Wallenberg case. An earlier white book had been released in 1957. According to the new report Erlander had done everything in his power to find out the truth about Raoul Wallenberg.

Now the Wallenberg case went into a phase when nothing much happened. The stream of war prisoners from the Soviet Union decreased, and the testimonies were few. By the end of the 1970's though the case was brought up again. According to the Swedish foreign department two very interesting testimonies were the basis for a note to Moscow requesting the case to be reexamined. The answer from the Kremlin was the same as earlier—Raoul Wallenberg died 1947. On the grounds of additional material considered reliable, foreign minister Ola Ullsten sent another request in the beginning of the 1980's regarding Raoul Wallenberg to the Russian chief of government Aleksej Kosygin. The reply was the same as usual—Raoul Wallenberg died in 1947.

Is Raoul Wallenberg alive today? During the 1980's the interest for Wallenberg grew around the world. In 1981 he became an honorary citizen of the United States of America, 1985 in Canada, and 1986 in Israel, and all over the world the large opinion that still think he's alive, demand that he be released from his Russian captivity.

In Sweden and other countries—mainly U.S.A.—Raoul Wallenberg associations work endlessly to find answers to what happened to Raoul Wallenberg. In spite a large number of secret documents opened after the fall of the Soviet Union in 1991 Raoul Wallenberg's fate remains a mystery.

After his incomparable help efforts Raoul Wallenberg was put into a life long imprisonment, a cruel destiny for a man who sacrificed everything to give his fellow man a chance for a life in freedom. He is still celebrated and honored around the world for his heroism, courage and his fight for human rights.

In honor of his efforts to rescue the innocent from the scourge of Nazi oppression, the United States Postal Service has honored this great international hero and honorary American citizen with a stamp. On April 24, I was proud to stand with other Americans while the stamp was issued during ceremonies at the United States Holocaust Memorial Museum, of which I am a proud member of the board.

Joining me was my friend and colleague, Congressman TOM LANTOS, the only Holocaust survivor ever elected to Congress. Acting on legislation sponsored by Congressman LANTOS, President Ronald Reagan approved a special act of Congress making Wallenberg an honorary American citizen—a distinction awarded to only two other individuals—Sir Winston Churchill and Mother Teresa of Calcutta, India who was so named just this year. The Postal Service issued a stamp honoring Churchill in 1965. It is appropriate that we honor Raoul Wallenberg with a U.S. stamp. In this age devoid of heroes of his caliber, he is the original upon which other heroes should be modeled.

The new postage stamp features a profile portrait of Wallenberg on the telephone. In the background, a group of Holocaust survivors look over his shoulder. A Schutzpass is included in the upper left corner.

Burt Silverman, the designer of the stamp, is an established artist whose work has appeared on the cover of The New Yorker Magazine.

A TRIBUTE TO SARAH HEGARTY

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, It is a great honor for me to pay tribute today to a young woman who is a fighter and a winner on the soccer field, on the basketball court, and in life.

Sarah Hegarty, a student at Divine Savior Holy Angels High School in Milwaukee was in intensive care last year for more than 6 weeks following emergency surgery for intestinal complications, and has spent 6 months in the hospital since March 1996. Last week, the former all-conference soccer player and starting guard on Divine Savior's State championship basketball team was crowned queen of her prom. And while Sarah continues to patiently wait for a small-bowel transplant, she manages to live and enjoy life to the fullest extent possible.

I commend the following article which appeared in Sunday's Milwaukee Journal Sentinel about this courageous young woman to the nation's attention. Indeed, we can all learn a great deal from Sarah Hegarty's determination and persistence.

SARAH WAITS FOR THE BEEP

She hasn't had a bite to eat since March 20, 1996.

Sarah Hegarty, the prom queen of Divine Savior Holy Angels High School, has used fluids and a feisty disposition to stay alive.

At the prom, the announcement of her election as queen was given a roar of approval.

"I was in shock," Sarah said.

Shocking Sarah, who is 16, takes a lot because Sarah has had to contend with her life being jolted apart in the past 13 months: A former all-conference soccer player and starting guard on a state independent championship basketball team, Sarah was in intensive care for six weeks last year after an emergency operation for an intestinal obstruction that nearly killed her.

She has had 12 surgeries and has been under general anesthesia 23 times because she had to be anesthetized just so medical personnel could change her surgical dressing. For 12 hours every day, liquid nourishment is fed into her through a line that has been inserted in her chest.

While her classmates ate dinner at the prom, she drank water.

While her classmates danced, she did, too, but a few minutes at a time.

"I'd have to take breaks every five minutes," she said. "I'd dance and then I'd sit down and have a glass of water."

Sarah is a competitor, with full speed the only marking on her dial. If you call her fiery, make it a conflagration, not just a spark. When she has a goal, don't get in her way because you can't stop a Sarah at full throttle. As expected, the prom couldn't wear down her exuberance, and Sarah had a great time, which lasted until 3 a.m. That's when she arrived home and hooked herself up to her nourishment, which she couldn't disconnect for 12 hours.

"Maybe it's the spunk, the tough side of her in sports, that has helped her in her coping," her mother, Dolly, said.

WAITING FOR THE BEEP

The family is governed by a beeper—when it goes off, they know they have to head to the airport. After a small-bowel donor is found, Sarah and her family will have six hours to get her into transplant surgery at a hospital at the University of Nebraska in Omaha. An air ambulance is available, 24 hours a day.

"Despite it being a nightmare, she manages to cope with it better than anyone else," her mother said, "It's her feisty spirit," she said and laughed."Which sometimes drives me crazy."

Sarah immediately recalled her mother getting angry in Sara's pre-illness days when a soccer referee would card her, meaning the ref was warning her or throwing her out of a game for a 90-mph infraction.

Sarah also recalled a technical foul she received in a basketball game after she absolutely, no question about it, cleanly and superbly blocked a shot that a conference star was trying to make. The ref, obviously biased in favor of the star, called a hacking foul on Sarah, and Sarah slightly questioned his brain power, or maybe it was his ability to find his whistle without help.

"He gave me the technical right away," Sarah said, "because I'd been talking to him earlier" about calls so highly questionable that even the ref's mother would have objected.

So this last year has not been easy for Sarah, as she missed school and sat on the bench while her teammates handle the referees. Her illness has stopped her from doing anything but cheer.

"It's been frustrating," Sarah said.

Asked about the transplant, she said, "I can't wait."

"We're anxiously awaiting Omaha," her mother said.

They have been told that a transplant may not be found for 6 to 9 months. Meanwhile, Sarah keeps doing what she can, as long as she doesn't stray far from beeper and nourishment.

"I'm connected 12 hours a night . . . and sometimes, if I'm thirsty, I'll go on it during the day," she said. "I carry around a backpack and I keep it in there," she said, indicating the equipment she needs to connect to the line into her chest.

Prior to the prom, when friends told Sarah that she had been elected to the prom court, "I started laughing," she said. "I thought they were joking."

The announcement of queen is not made until prom night, so she and her date, Kevin Tante, 16, a student at Marquette University High School, were startled. There were tears and cheers and one bop: Sarah's best friend, Mary Friar, shouted, "Yes, yes, yes," pumped her fist in the air and accidentally bopped the person standing next to her.

When someone becomes as ill as Sarah has been, it tilts the world within touch: Her illness has become a battle for everyone close to her, including friends, teachers, four sisters and a brother, and, of course, her parents, Dolly and Jerry. Sarah has been unlucky in what happened, but lucky that a crowd showed up to help her.

"Literally hundreds of people visited her in the hospital," Mrs. Hegarty said.

Sarah has spent a total of six months in hospitals, and she's looking forward to her next stay. She wants the transplant now. This minute. Blow the whistle, ref, and let's get going.

This teenager and prom queen and hard-driving athlete who hasn't eaten in more than a year has already made a list. She has marked the name of every restaurant she's going to charge into when she gets home from Omaha.

IN HONOR OF OLDER AMERICAN'S MONTH

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to announce that the month of May has been designated Older American's Month. The 335 senior centers in New York City will join with over 10,000 senior centers nationally and the Council on Senior Centers and Services in coordinating the Older American's Month celebration in New York City.

Senior centers and programs are vital in meeting the educational and social needs of our Nation's seniors. Centers provide a sense of community and fellowship necessary for seniors often living alone. Senior programs add immeasurably to the quality of life as well as emotional and physical well-being. I also know the value of senior centers from personal experience—they were a great benefit to my grandparents.

By naming this month Older American's Month, we are acknowledging the vital work that goes on every day to create safe havens and nurturing environments for seniors. I know all my colleagues in the House of Representatives will join me in applauding their efforts and wishing all our seniors centers many more years of success.

COMMENDING MRS. CLEO CHANDLER

HON. BOB RILEY

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. RILEY. Mr. Speaker, when Jan and Dean wrote their 1963 classic hit song "Little

Old Lady From Pasadena," little did they know that nearly three decades later, Cleo Chandler would bring the familiar lyrics to life—racing not a "Super Stock Dodge" but a 1965 Chevy Chevelle in the International Hot Rod Association's stock eliminator class.

Cleo began her drag racing career in 1983, at age 68, when her son gave her the car as a Christmas gift. Apparently, after receiving the car, Cleo was so determined to become a drag racer that she would practice starts in her driveway. However, rumor has it that because her driveway was so short, Cleo would have to immediately hit the car's brakes to bring it to a stop before speeding into oncoming traffic. Sure enough, when Cleo finally made it to her first race, she got to the starting line, hit the accelerator, took off-and, true to her conditioned response, immediately hit the brakes.

Since then though, the 81-year-old great-grandmother has managed to score an impressive racing record. In 1992, at age 76, she won her first national event and has appeared in four more IHRA national event finals. Cleo has set three IHRA world records in stock eliminator class and was chosen Stock Car Driver of the Year in 1993 by Car Craft magazine.

Mr. Speaker, I would like to take this opportunity to commend Cleo for all of her accomplishments. She is truly an inspiration and proof to us all that you never get old if you are young at heart.

TRIBUTE TO CINDY THRESHER AND ALLEN WINCHESTER—TWO MISSOURI SCHOOL TEACHERS

HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mrs. EMERSON. Mr. Speaker, as we celebrate National Teacher Appreciation Week, I want to pay tribute to two very special teachers from the Eighth Congressional District of Missouri.

First, there's Mrs. Cindy Thresher. Mrs. Thresher is Missouri's 1997 Teacher of the Year recipient. She has taught for 29 years—the past 16 years at Lucy Wortham James Elementary School in Saint James School District.

Mrs. Thresher is known for her hands-on approach to teaching and learning, a style that sometimes requires students to create unique learning environments. For example she has transformed her classroom into a rain forest, a desert, and the surface of the moon. In these projects she involves other faculty members, visitors from the community, and most importantly, parents.

For the past 3 years, Mrs. Thresher has led several statewide school improvement initiatives. She's a member of the original group of teachers and educators who helped write the "Show-me Standards"—Missouri's statewide academic standards.

Today I also want to pay tribute to Mr. Allen Winchester, a government teacher at Gideon High School. Mr. Winchester has inspired and pushed students to play an active role in taking pride in and attracting new business to their community.

The St. Louis Post-Dispatch newspaper even highlighted his achievements in Gideon. Mr. Winchester has always stressed to his students, "We have all the potential in the world. We just have to think big. If you think you can succeed you will. You just can't quit. If you can't climb over a brick wall, keep hitting it until it falls. Change the way people think." With this tenacity he is finding success by bringing the real world into the classroom.

Mr. Winchester refers to his teaching style as "authentic learning," which he says trains students in the basics and then lets them apply what they've learned. His students took that to heart, and in the last year, through their efforts, the town of Gideon helped renovate the community from the inside out by cleaning up public property and tearing down old buildings. To put a new face on this community spirit, Mr. Winchester's students erected a new welcome sign, planted flowers, and even created an Internet Web page showing off the town and school district to new businesses and other visitors.

Mr. Speaker, with teachers like Cindy Thresher and Allen Winchester guiding and teaching our students, our future looks much brighter. I commend them and all of our Nation's educators who prepare our children today to be the leaders of tomorrow.

REMARKS OF LEE TENG-HUI

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I recently had the privilege of traveling with the Speaker of the House on a congressional delegation trip to Asia. We had the opportunity to meet with some of the most dynamic leaders of the Pacific rim. I wanted to share with the rest of our colleagues the important remarks of Lee Teng-hui, President of the Republic of China on Taiwan.

PRESIDENT LEE TENG-HUI'S ADDRESS TO THE SPEAKER'S DELEGATION TO THE REPUBLIC OF CHINA ON TAIWAN ON APRIL 2, 1997

Honorable Speaker Gingrich, Honorable Representatives, Ladies and Gentlemen: Good morning. This is a very important moment. On behalf of the people and the government of the ROC on Taiwan, I would like to extend my heartiest welcome to all of you. Particularly, I would like to express my sincere appreciation to you for your decision to visit my country out of such a busy schedule on your Asia evaluation tour. The time of your stay is very short, but the most important thing is that you didn't forget this island ROC on Taiwan. It has at least two very significant meanings: First, the ROC on Taiwan is the best friend of the United States in the world and the symbol of American value system and idealism, Freedom and Democracy. Second, the island is geographically important for US military strategy in the West Pacific area, and particularly in North-East Asia.

Domestically, the ROC on Taiwan is now considered a fully free country by the Freedom House based in New York City following our first direct popular presidential election in March 1996. In order to improve our competitiveness, we are now in the process of streamlining the government structure through constitutional reform and establishing an Asian Pacific Regional Operations Center here.

Our mainland China policy remains unchanged. Eventual reunification of China under freedom, democracy, and social justice is still our future goal, but the fact remains: China is divided. We in the ROC in Taiwan would like to use the next thirty years to build an even more free, democratic and prosperous country, so that when the opportune time arises, we can hold talks of reunification with the other side on an equal footing.

In the interest of time, I would like to listen to you; any questions put forward to me are welcome. As to the purposes of this trip, you already mentioned in the news conference on the 23rd of March. We have already prepared answers to those questions, and will provide the materials to you for your convenience. Thank you very much for your attention. Now, I would like to listen to your comments and advice.

AVOID POLITICAL TINKERING WITH THE CPI

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. KANJORSKI. Mr. Speaker, I rise today out of concern for all senior citizens. As you may know, I represent one of the oldest congressional districts in the country. In fact, well over 20 percent of the people living in my district are aged 65 or older. Many of my constituents consequently depend on Social Security. Because many of those receiving Social Security live near the poverty level and because Social Security often represents their only source of income in retirement, they especially depend on their annual cost-of-living adjustments COLA's to maintain their standards of living.

As my colleagues should be aware, the Federal Government currently calculates the annual COLA for Social Security recipients using the consumer price index for wage earners [CPI–W]. Because the market basket used to determine the [CPI–W] does not precisely reflect those goods and services purchased by senior citizens, some fear that the elderly may actually experience a higher rate of inflation. Therefore, the Bureau of Labor Statistics [BLS] at the request of Congress has for a number of years calculated an experimental price index for the elderly. As a result, the BLS found in 1994 that the CPI–W may actually understate the annual inflation rate for the elderly by four-tenths of a percentage point on average.

This difference comes as a consequence of two well-known factors. First, older Americans spend more of their income on out-of-pocket costs for medical care, despite coverage by Medicare. Second, medical care prices have risen faster than the average of all other prices. If the price of medical care increases faster than average, then, other things being equal, the actual inflation experienced by senior citizens will be more rapid than is described by the CPI–W.

Despite evidence that the CPI–W may understate the rate of inflation for the elderly, many people still have the perception that the measure overstates inflation. In a time of budgetary pressures, many policymakers have consequently come to view adjusting the CPI as the panacea for balancing the budget because curbing COLA's would reduce budget deficits and ease long-term entitlement funding. COLA's are such an important issue because about one-third of Federal budget outlays are automatically adjusted each year given changes in the CPI–W.

I have closely followed all of the debate about whether the BLS overestimates inflation when it calculates the consumer price index. Therefore, when the budget negotiators announced their deal late last week. I was relieved to learn that they did not agree to any risky political tinkering with the CPI. A political determination in this matter would have compounded the efforts of Government economists to determine the accuracy of the measure. Moreover, it would have led to greater public confusion about the issue and distrust in the accuracy of Government statistics generally. Still further, any political effort to manipulate this statistic downward would have likely had a significant negative impact on those elderly individuals living close to the poverty line.

Instead of a politically motivated vote on the accuracy of the CPI, what is needed is a factual, technical determination based on sound economic analysis. Despite the well-publicized findings of the Boskin Commission, several economists have recently issued reports that the CPI may understate inflation. The BLS has the expertise, tools, resources, and experience to weigh the conflicting evidence and develop an accurate and appropriate inflation measure. Moreover, allowing the BLS to make this determination will help to maintain the integrity, objectivity, and the reliability of the Federal statistical system.

Ultimately, I believed that people should receive an accurate inflation adjustment, not one that gives them an unintended bonus or reduction. I, therefore, encourage the Bureau of Labor Statistics to continue its efforts to identify the most appropriate and accurate criteria for measuring inflation. I would also be interested in learning of the agency's recommendations on whether Congress should use the CPI for the elderly to adjust Social Security benefits and other programs for the elderly. Further, I encourage my colleagues in Congress to continue to protect our senior citizens and others on fixed incomes in any future effort to balance the budget.

Mr. Speaker, thank you for allowing me to raise this important issue. The Bureau of Labor Statistics alone should make adjustments, if any are needed, to the methodology used to determine the Consumer Price Index. In the upcoming weeks and months, I, for one, will continue to vigilantly watch the actions of the Bureau of Labor Statistics on this issue. I am also certain that senior citizens will also continue to closely examine the actions of my colleagues on this matter.

TRIBUTE TO MICHAEL SCHULTE

HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BARRETT of Wisconsin. Mr. Speaker, It is a great honor for me to pay tribute today to one of Milwaukee County's truly outstanding citizens. As the Men's Club of Shorewood, WI, gathers this week to honor Michael Schulte as its 1997 Man of the Year, I would like to take a moment to reflect on the achievements of this exceptional individual.

From 1985 until last month, Mike Schulte served as a village trustee of Shorewood, serving as village president for more than 6 years. Under Mike's strong leadership, Shorewood grew and thrived as one of Wisconsin's most efficient and productive communities.

During his tenure, enhanced 911 emergency service and the North Shore Public Safety Communication Center were established. Mike ensured that Shorewood was an active participant in the "East-West Corridor Transit Study," and formed the village's employee committees. In addition, Mike was extremely dedicated to making critical improvements to Shorewood's schools and infrastructure, while ensuring that the community's natural beauty was preserved during its development.

Mike was Shorewood's voice on the Milwaukee County Intergovernmental Cooperation Council, the Milwaukee Metropolitan Sewerage District Executive Committee, and the North Shore Fire Department Board of Directors. His unfailing dedication and tireless work on behalf of all of Shorewood's residents will be long remembered. Having worked personally with Mike on a number of occasions, I can personally attest to his leadership skills, professionalism, and generosity.

The only thing that's more important to Mike than Shorewood is the quality time he can spend with his wife Barbara, and three children Kathryn, Jon, and Eric. I am certain that in his retirement from public life that he will enjoy countless hours with his wonderful family in the years to come.

While I am sorry that the work of Congress here in Washington will prevent me from attending the banquet in Mike's honor, I ask my colleagues to join me in offering our warmest thanks to Mike. Congratulations and thank you for all that you have done.

TRIBUTE TO MILAM ELEMENTARY SCHOOL

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. FROST. Mr. Speaker, I rise to congratulate Milam Elementary School, its principal, teachers, parents, and also the incredible students who have all today earned national acclaim through the Title I Recognition Program.

The Title I Recognition Program honors 99 title I schools which have achieved success based on six very important criteria. Those criteria were: First, providing opportunity for all children to meet advanced level of performance; second, professional development; third, positive coordination with other programs; fourth, developing a curriculum and instruction methods to support a high standard of achievement; fifth, partnership among schools, parents, and communities; and sixth, 3 years of successful achievement data.

The honored schools were selected through a vigorous, competitive process coordinated and managed by the various State Education Agencies. The award was presented today, May 6, at the International Reading Association Conference in Atlanta, GA.

Title I provides funds to schools to assist them in helping at-risk children achieve a high academic standard in school. Nearly 70 percent of all children participating in title I receive reading instruction and over 40 percent receive instruction in mathematics.

Mr. Speaker, I would once again like to congratulate Vickie Overton, the Milam Elementary School principal, and everyone associated with the school's title I program. They have made Milam Elementary School a symbol of what the title I program can achieve.

INTRODUCTION OF THE DISTRICT OF COLUMBIA POLICE COORDINATION ACT OF 1997

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Ms. NORTON. Mr. Speaker, today, I am introducing a bill that will introduce rationality and cost efficiency into the almost totally uncoordinated, extraordinarily inefficient and wasteful use of Federal agency police power in Washington, DC. My bill will free 30 or more Federal law enforcement agencies to give direct assistance to the Metropolitan Police Department [MPD] and will get a much increased bang for the Federal buck as well as additional police protection for District residents, commuters, and tourists. The point of my bill is the highest and best use of their valuable police powers.

Few are aware of the great number of overlapping Federal law enforcement agencies in the District. A CRS survey that I requested shows that there are at least 30 agencies with the authority to arrest and to carry firearms. Many of these agencies get state-of-the-art training at the Federal Law Enforcement Training Center [FLETC] in Brunswick, GA, considered the best police training facility in the country. The MPD does not receive this superior level of training because the District cannot afford to send our officers to the Georgia facility. Yet the MPD is left to respond to calls for assistance not only from residents but also from the Federal officers while responding to one of the highest crime cities in the country without their assistance.

Examples of Federal law enforcement agencies that would be affected are Federal Protection Services, Library of Congress Police, U.S. Park Police, Government Printing Office Police, Naval Observatory and Walter Reed Army Medical Center.

Despite often excellent training, these and other Federal law enforcement agencies are pitifully constrained in their ability to utilize this costly training. The Federal taxpayer is getting very little protection at a very high price because the Federal law enforcement agencies are treated essentially as private police forces. Most of these officers are unable to make arrests except in the building or on the immediate grounds. Most do not patrol in the immediate vicinity surrounding their agencies, but leave that job to the overburdened MPD. On the few occasions when they do intervene in an unlawful activity, many can only call 911 as if they were citizens without arrest powers. By phone, they inform the MPD of the crime that may be occurring within sight of the agency because Federal agencies and the MPD do not share the same radio frequencies. To its credit, Park Police Officers in Rock Creek Park overcame the obstacle by simply loaning their counterpart officers in the MPD a police radio and vice versa. Federal officers who do make an occasional arrest merely hand over the suspect to the MPD and do not do any of the paperwork, leaving the MPD with hours of processing that keep officers off the streets. Although they work in the same city, there is little, if any, routine sharing and donation of equipment between Federal agencies and the MPD at a time when the President has called on Federal agencies to help the District. What little coordination that is done comes on an ad hoc basis, without any central entity or authority to coordinate agency efforts.

Therefore, today I am introducing the District of Columbia Police Coordination Act of 1997. The bill directs Federal law enforcement agencies to enter into cooperative agreements with the MPD to assist the department in crime prevention and law enforcement activities in the District. Matters that must be included in these agreements include sending agency personnel on patrol in areas immediately surrounding their respective agencies, sharing and donating equipment and supplies, sharing radio frequencies, and streamlining the processing of suspects. The U.S. attorney will act as the coordination entity for purposes of implementing the bill.

Federal police officers usually earn more than D.C. police, have access to better training, have better benefits and working conditions, yet perform almost none of the services that the MPD officers perform. The District has had to cut other vital services to raise the number of officers while Federal officers are treated like high-priced night watchmen. Yet high crime rates and police assassinations are quick to get the attention of Congress. Stinging criticism of the MPD and death penalty rhetoric will do nothing to assist D.C. police officers. Federal law enforcement officers should not be left underperforming only because they lack the authority to render service commensurate with their police power and arrest authority.

I have had success with a similar bill. In 1992 Congress passed Public Law 102-397, my bill that now allows the Capitol Police to patrol an area three times greater than previously. Instead of patrolling only adjacent to the Capitol grounds, where there is virtually no crime, the Capitol Police now patrol the neighborhood. Under my bill, Federal law enforcement agencies would accomplish the same results through cooperative agreements that take into account their own agency needs, assist the MPD officers in avoiding duplicate actions, and coordinate their work for maximum efficiency.

I believe most Members of the House and Senate would be alarmed that Federal tax dollars contribute so little to the protection of areas around Federal facilities and want a more cost-efficient system. The Congress came to this same conclusion when it reacted to crime in the Capitol Hill neighborhood by freeing its own Capitol Police to patrol beyond the immediate area of the Capitol. The District of Columbia Police Coordination Act of 1997 will give the Congress the opportunity to apply the same approach to Federal law enforcement officers assigned to other Federal facilities.

IN RECOGNITION OF THE 30TH ANNIVERSARY OF THE FLANDERS ELEMENTARY SCHOOL IN SOUTHINGTON, CT

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mrs. JOHNSON of Connecticut. Mr. Speaker, it is with great pride and admiration that I rise and pay tribute to the Flanders Elementary School in celebration of 30 years of unwavering service and dedication to the children and families of Southington, CT. The school's commitment to the education and well-being of children is worthy of distinction.

On May 2, 1997, the Flanders Elementary School celebrated its 30th anniversary in its current building. The school, its students, their parents and the Flanders School PTA celebrated this joyous occasion and I am proud to recognize their achievement.

For the past 30 years, the faculty of the Flanders Elementary School have excelled in their efforts to educate the children of Southington, CT. They have helped to create a foundation of learning that will stay with the children throughout their lives. It is a testament to the enduring values of education and 30 years have passed and the school has not wavered from its original mission. The teachers have forged ahead with the same commitment and dedication as when the school was founded. They deserve our appreciation and admiration, for it is the continuing success of their students that makes us all proud. I would like to commend the Flanders Elementary School for its service and wish it continued success in the years to come.

HONORING HEBRON VOLUNTEER FIRE COMPANY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. SOLOMON. Mr. Speaker, this is a very special year for the Hebron Volunteer Fire Company in the southern part of Washington County in upstate New York.

Earlier this year, the company celebrated its 50th anniversary. On August 29, the Hebron Fireman's Auxiliary will celebrate its own 20th anniversary.

Mr. Speaker, I'm an old volunteer firefighter myself, having served with Queensbury Central in my hometown for 20 years. Volunteer firefighters are special people to me. In my rural areas like ours, they save countless lives and billions of dollars worth of property every year. They're increasingly well-trained and dedicated to the protection of their neighbors. They come from all walks of life, and make many sacrifices and run many risks. This, Mr. Speaker, is the American spirit of voluntarism at its finest.

And the Hebron Volunteer Fire Company is typical in this regard. I've had a chance to meet many of their members, and they are real heroes. So are the women involved in the auxiliary, who offer vital support in a number of ways. Under the leadership of Alice Coldwell, auxiliary president, working closely with fire company president David Getty, the people of Hebron continue to be well-served.

Mr. Speaker, today let us rise to wish both the firefighters and auxiliary of Hebron a happy anniversary and many more years of outstanding service.

TRIBUTE TO KENNETH E. SCOTT

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. BOB SCHAFFER of Colorado, Mr. Speaker, I rise today to pay tribute to Kenneth E. Scott, a Kiowa, CO, rancher and farmer who made many contributions to his community before passing away at the age of 93.

Ken was born in Missouri and came to Colorado as a young man where he met and married Lyndall Deming. They ranched and farmed on Comanche Creek for over 50 years, raised their four children there and also ran a family owned truck company.

Ken took a lifetime interest in education and served on the local school board. He was vice president of the Elbert County Historical Society and was very active in agriculture organizations. He was a member of the Comanche Creek Grange, the Elbert County and Colorado Farm Bureaus, the Elbert County Livestock Association, Colorado Cattlemens Association, and the Wheat Growers Association.

Additionally, Ken cared very much about this great country and its politics. Because he believed in protecting the many freedoms Americans enjoy, he became actively involved in the Republican Party and served as Elbert County chairman for more than 20 years. He worked tirelessly to elect good people who would protect those freedoms.

Mr. Speaker, I am honored to pay tribute to this very hardworking, humble man who gave so much to his family, the many friends he made over the years, and the community in which he lived. He embodie ican spirit.

RECOGNIZING JUDGE LINTON LEWIS AS A HERO

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. NEY Mr. Speaker, in a historic decision, the Ohio Supreme Court recently upheld the Perry County court case in which Perry County common pleas judge, Linton Lewis, ruled that Ohio's current education financing system is unconstitutional due to the inequity of funding between wealthy and poor school districts.

The court gave the Ohio General Assembly 1 year to enact a better and constitutional system of providing funding for public schools. The court also gave Judge Lewis responsibility for, and veto power over, the final legislative product. Judge Lewis did not ask for the job he was assigned and the State's top judges anticipated the criticism he would receive. In his concurring opinion, Justice Andrew Douglas praised Lewis for the magnificent job he did handling the case and credited him with being "unswayed by partisan interests, public clamor, or fear of criticism."

Mr. Speaker, I have a long personal history of supporting the Perry County court case, and I am extremely pleased with the Ohio Supreme Court's ruling upholding Judge Lewis' decision. However, after reading what some news sources from Ohio had to say about the ruling, it is obvious that not everyone agrees on the court's decision or the school funding issue. One news source stated that "education policy for 11 million Ohio residents will be dictated in a rural fly speck on the State map—by a county judge who answers to less than one-thousandth of our population."

Mr. Speaker, I take strong exception to these comments. Ohio's children from poorer areas in the State deserve the same educational opportunities as the children in wealthier school districts, and it is about time that Ohio address the inequities that exist in the current school funding formula. This formula was challenged by a student in Perry County who was forced to sit on the floor to take a test because his school could not afford enough chairs for all of its students. There was an elementary school which is in my district that did not have running water. For the longest period of time, the students had to walk across the street to a gas station when they needed to use the restroom.

This list of funding inequities could go on. When you have a situation where children in wealthy school districts receive up to three times as much funding for education as those in poor school districts, something needs to be done to rectify the situation, and I applaud Judge Lewis and the supreme court's courage in making this ruling and standing by Ohio's less fortunate children.

In conclusion, Mr. Speaker, I firmly believe that Judge Linton Lewis is a hero for Ohio's schoolchildren and should, therefore, be recognized by the U.S. House of Representatives for his heroic stance on behalf of Ohio's children.

PERSONAL EXPLANATION

HON. JON CHRISTENSEN

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. CHRISTENSEN. Mr. Speaker, last Thursday I was unavoidably detained and missed rollcall vote No. 102, a Jackson amendment to H.R. 2. Had I been present, I would have voted "no," and I would like the record to show that I would have voted against the amendment.

PROGRESS REPORT ON WOMEN'S HEALTH

SPEECH OF

MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 1997

Mr. SANDLIN. Mr. Speaker, I would first like to thank Representative CONNIE MORELLA, Representative LOUISE SLAUGHTER, and the Congressional Caucus for Women's Issues for holding this special order on women's health and for raising the awareness of women's health issues through the past 20 years.

I also come to you today to address issues of great concern to me as a husband, father of two sons and two daughters, concerned citizen, and diligent representative of east Texans. We have made tremendous strides in the area of women's health this century, but we have far to go. Women's health is more vulnerable than men's health for a number of reasons, ranging from demographics to specific diseases, and we must continue to recognize that women have special health care needs.

While health care costs are soaring for the entire population, women earn, on the whole, less than men. Women of reproductive age pay 68 percent more out-of-pocket health care costs than men, a larger percentage of women hold part time and clerical jobs without health insurance, and women tend to live longer than men. As a result, women are disproportionately affected by rising health care costs. Pregnant women in particular face significant costs and high risks. In 1991, only two-thirds of black, Hispanic, and American Indian women received early prenatal care.

Because this segment of the population is so vulnerable, Congress created the supplemental nutrition program for women, children, and infants, called the WIC Program, 23 years ago. Since then, WIC has proven very effective at improving women's health and reducing health care costs. Pregnant women on Medicaid who participate have better health, are more likely to receive prenatal care, and have children with better learning abilities, higher rates of immunization, and better weight. The General Accounting Office has calculated that every dollar spent in the WIC Program saves $3.50 in Social Security and Medicaid benefits.

Congress has threatened to reduce funding for this essential program below the President's request. The proposed budget cuts of $36 million could cut 180,000 women and children out of the program, leaving women with improper nutrition and potentially impairing the development of as many children. We will soon be voting on this issue, so let us make this commitment now to save money for the Government and show compassion for this vulnerable group in our population.

In addition to economic vulnerability, women face unique risks simply because of their gender. Though awareness of breast cancer risks has risen for years, the death rate has not fallen and the incidence rate has risen steadily. Now, one in eight women will develop breast cancer in her lifetime; 2.6 million women are estimated to have the disease, and economic costs from medical expenses and lost productivity due to breast cancer have risen to $6 billion annually.

These women are daughters, sisters, mothers, grandmothers, friends, and colleagues, and we owe it to them to redouble our efforts to detect, treat, and prevent this devastating disease. We must extend our efforts to educate and reach out to those women who are not now receiving regular mammograms, especially lower income women who have been proven to be less likely to receive a mammogram. And we can extend coverage of Medicare to cover more frequent and earlier mammograms to detect and remove breast cancer at a lower cost and with less damage.

We have to make this commitment to the women of America. What is good for the women of this country is good for the country as a whole. We cannot allow these health risks to go unchallenged, and we must make improving the health of women a goal for this Congress.

TRIBUTE TO CANTOR ISAAC BEHAR

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing the distinguished career of Cantor Isaac Behar, who is retiring from Sephardic Temple Tifereth Israel after serving for 27 dedicated years.

Cantor Behar was born in Shumen, Bulgaria. He studied both religion and music at the Yeshiva in Sophia, Bulgaria, and later graduated from the Musical Academy in Bucharest, Romania.

In 1959 Cantor Behar moved to Israel, where he served as a music teacher and musical adviser at a school in Tel Aviv. In 1962 he was appointed as cantor of Congregation Yehuda Halevi in Mexico City, where he also served as the director of the Choir de Union Sefardi.

Then in 1969 he was invited to Sephardic Temple Tifereth Israel in Los Angeles, where he served as the senior cantor until his recent retirement on December 31, 1996. During his many years at Sephardic Temple Tifereth Israel, Cantor Behar has been an inspiration to the entire congregation, but particularly to the young people. He was regarded not only as their cantor, but also as a teacher, mentor, and adviser.

Cantor Behar educated and entertained his congregation with his original compositions of Sephardic sacred music and music for Shabbat and for the Yamin Noraim. His lyrical voice and knowledge of Judaism have been shared with a wider audience through his two albums, the first of which was recorded in Mexico City, and the second in Los Angeles entitled "Songs of the Sephardic People." The congregation of Sephardic Temple Tifereth Israel owes a great debt of gratitude to Cantor Behar for his long and successful tenure as cantor.

I ask my colleagues to join me in honoring Cantor Isaac Behar for his dedicated service and record of achievement and in wishing him great happiness and success in the future.

INTRODUCTION OF PRESCRIPTION DRUG BENEFIT EQUITY ACT

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mrs. LOWEY. Mr. Speaker, last week, I introduced the Prescription Drug Benefit Equity Act—Federal legislation that would ensure that Americans are free to obtain their prescription drugs from a neighborhood pharmacy rather than through the mail.

This bill will protect consumers' choice and help keep local pharmacists in business. It will put a stop to an emerging trend that has forced some individuals to obtain their medications through the mail.

Mr. Speaker, some health coverage policies require patients to pay significantly more to use their local pharmacist. A few have eliminated that option altogether. That's not right.

Hard-working Americans should not be forced to entrust their health to pharmacists working at a firm thousands of miles away. They deserve the right to continue seeing the neighborhood pharmacists they've grown to trust.

While most plans do not require beneficiaries to purchase medication through the mail, a growing number of plans are now charging consumers substantially more for the privilege of using their neighborhood pharmacist. That includes the Federal Employee Health Benefits Plan, which charges Federal employees nothing for mail order prescriptions, but a 20-percent copay for medications purchased through their neighborhood pharmacist.

In an era when health care costs are eating away at the earnings and savings of too many Americans, especially our seniors, forcing them to pay significantly more to use their trusted pharmacist really means no choice at all. My bill will eliminate this cost discrepancy and give Americans a real choice.

Mr. Speaker, the Prescription Drug Benefit Equity Act will give consumers peace of mind. Purchasing medication through the mail means no face-to-face interaction with a pharmacist. This one-on-one relationship is critical to consumers who rely on their pharmacist to ensure that a prescribed drug not only is right for them, but that they can obtain the product without the fear that it will be damaged, delayed, or lost in the mail.

Many people are satisfied with their mail order service. That's great. This bill is not designed to eliminate the mail order industry. It is simply designed to give customers a choice, and through that choice—peace of mind. Under my bill, those who are happy with their mail order can continue using it. However, those who prefer the trip to their neighborhood drug store would have that option as well—no extra charge.

There is an equally important benefit of this legislation. The Prescription Drug Benefit Equity Act will help keep community pharmacists in business. Neighborhood pharmacies have played an important role in our communities for as long as any of us can remember. My bill will ensure that local pharmacists can compete on a level playing field with large mail order firms. That's good news for pharmacists and good news for patients.

Mr. Speaker, I am proud to introduce the Prescription Drug Benefit Equity Act and invite my colleagues to join me in support of this sensible measure.

SENATE—*Wednesday, May 7, 1997*

The Senate met at 9:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy Lord God, who has commanded Your people to have no other gods before You, we pray for the honesty to face any idols in our hearts that compete with You as absolute sovereign of our lives. We confess that sometimes we can slip into the idolization of the approval of people, the accolades our work can produce, the success that can become addictive, the human power that can become a seduction of the secondary.

As we begin this new day, we want to clear out the throne room of our hearts and evict all those things that clamor for the first place in our lives. We belong first, foremost, and always to You, and are here to glorify You by serving our Nation.

With our priorities clear, we pray in the words of William Cowper:

The dearest idol I have known
 Whatever that idol be
Help me to tear it from Thy throne
 And worship only Thee.

Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator STEVENS of Alaska, is recognized.

SCHEDULE

Mr. STEVENS. Mr. President, on behalf of the majority leader, this morning the Senate will resume consideration of S. 672, the supplemental appropriations bill. Under the order, there will be 30 minutes of debate, equally divided between myself and Senator BYRD, with the cloture vote occurring on S. 672 following that debate. All Senators should anticipate that the vote will occur at approximately 10 a.m. this morning.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The PRESIDING OFFICER. The Senate will resume consideration of S. 672, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Reid/Baucus amendment No. 171, to substitute provisions waiving formal consultation requirements and "takings" liability under the Endangered Species Act for operating and repairing flood control projects damaged by flooding.

UNANIMOUS-CONSENT AGREEMENT

Mr. STEVENS. Mr. President, I now ask unanimous consent that it be in order to file second-degree amendments until 10 a.m. this morning.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

Mr. STEVENS. Following that vote, additional amendments are expected to the supplemental appropriations bill. Rollcall votes will occur throughout today's session. It is the majority leader's intention to complete action on the bill as soon as possible, so Members who intend to offer amendments should be prepared to do so as soon as possible during today's session.

Mr. President, there are 109 amendments filed to this bill. I plead with the Senate to vote cloture on this bill so we will have a means of managing this bill. It is a disaster relief bill.

I now yield 5 minutes of the time allocated to me to Senator HAGEL for the purpose of making a statement as in morning business, and ask that the statement appear at the appropriate place in the RECORD after the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nebraska.

(The remarks of Mr. HAGEL pertaining to the introduction of S. 709 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

AMENDMENT NO. 140

(Purpose: To modify eligibility for emergency rail assistance funds in the bill)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BYRD, proposes an amendment numbered 140.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 28, line 8, strike the words "in the Northern Plains states" and insert "in September 1996, and".

Mr. STEVENS. Mr. President, this modifies the eligibility for emergency rail assistance funds under the bill. It has been cleared on both sides.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 140) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. BYRD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, later this morning, the Senate is going to vote, as I said, as near to 10 o'clock as possible. I regret that this step is necessary. I didn't think it would be necessary to have cloture. Senator BYRD and I have spent 2 days trying to resolve difficulties on the bill regarding amendments. As I said, 109 first-degree amendments are pending with regard to this bill. We simply cannot wait to move on the legislation. It does have millions of dollars for assistance to victims of the disasters. Those disasters, Mr. President, occurred in 33 States.

The bill provides $1.8 billion to the Department of Defense for overseas contingency operations. This is for money that has already been spent on activities in Bosnia and Southwest Asia, and it replaces the funds that are critical to operating and maintenance accounts and personnel accounts to assure regular training and quality-of-life programs for the Department of Defense personnel through the remainder of 1997.

Let me make that clear. The money has been spent, but it was spent from very critical accounts under the power of the Presidency. We need to reprogram moneys into those accounts in massive amounts to assure that in the last quarter of this year, there is regular training and maintenance of our readiness.

Now, last night, we commenced a bipartisan review of all the amendments presented by 2:30. We hope we can work out or accept many of those. I urge any Member who is serious about the appropriations and has an amendment to this bill that is germane, to come to the floor so we can clear as many of the amendments as possible. It is my intention, after consulting with Senator BYRD, to take a very strict view to amendments in a post-cloture environment. I think that is what the Senate will want to do—consider germane amendments and move forward to this bill. Nongermane legislative amendments will be subject to a ruling by the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Chair, and that will be taken up after cloture. But as I said, this is an emergency, although the funds—like the Department of Defense funds, money is being spent on the disaster now from other accounts available to the executive branch, so we must replace that money and make further money available.

We have placed the money to keep the Government going, where the money has been borrowed for a short period of time, under the procedures available for disasters. We must make these moneys available. This is a 500-year flood, Mr. President. This is one of the most severe disasters we have had since the Johnstown flood. If we are successful here, I think we can proceed very quickly.

The distinguished chairman of the Budget Committee has concluded the budget agreement. He will manage the budget presentation following the action on this bill. That is my understanding. We hope that we will be able to get that budget agreement through the Senate and then be able to proceed on the 1998 appropriations bills. So I ask Members to defer nonemergency matters until we bring up those bills.

Now that we have a budget agreement, we are certain we will be moving regular appropriations bills very quickly. Many of the amendments presented here to this bill are amendments that would be germane to the regular appropriations bills for the various agencies. But they are not germane to this bill. So I hope that there is a strict ruling by the Chair on the germaneness of these amendments that have been filed.

Now, we have worked several days to try and bring about compromises in several areas, such as the amendment pertaining to the continuing resolution concept that is in the bill, the census and endangered species. I hope that we can effect a compromise on each of those issues. If not, let's have the vote. We waited all afternoon yesterday to take up these issues. As the Chair knows, we were finally forced to recess last night so that we could get the control factor that will come from the cloture process.

As I said, I didn't think it would be necessary. As a matter of fact, I told the floor staff I didn't think we should even file that cloture motion. They thought we should, and I am glad we did. They were right and I was wrong.

Senator BYRD and I are going to work out the shortest time agreement possible on any amendments today. We expect to have many votes. I believe that we will begin to call up amendments from the eligible list as soon as the Chair rules on the amendments under cloture. As a matter of fact, we are available to take up amendments before 10 o'clock if anybody wants to come over and try to work one out before that time.

I have taken the bulk of my time, Mr. President. Let me, again, thank Senator BYRD for his cooperation. We have moved numerous amendments in a bipartisan fashion already. Later today, Senators CONRAD and DORGAN have asked us to meet with the mayor of Grand Forks, and we will do that. We are going to see some television footage. I saw some, as a matter of fact, on the news, but we intend to promise the mayor that we are going to finish this bill and get it to the President as soon as possible.

I am happy to yield the remainder of the time to Senator BYRD, if he wishes time at this time.

Mr. BYRD. Mr. President, I thank my colleague. I do not need more than a minute or so.

I shall vote for cloture, and I urge my colleagues on this side of the aisle to vote for cloture. We have been on the bill now 3 days. It is an emergency bill. The people who have been stricken by floods throughout the several States are in need of help. We should not delay matters here very long.

I also hope that many of the 110 amendments that have been filed will go away without being called up. There are others against which points of order would lie, and I intend to join with my friend and colleague, Mr. STEVENS, in making points of order against amendments that are not germane as he sees fit to do so. He is the manager of the bill, and I want to cooperate with him as much as possible.

So I hope that we can get on with the bill today and make good progress and, hopefully, complete action on it earlier than the close of business tomorrow. Mr. President, I yield the floor.

Mr. President, I yield the remainder of my time to Mr. STEVENS.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alaska.

Mr. STEVENS. Thank you.

Mr. President, I want to raise the issue of a provision that is in the bill concerning section 2477 of the Revised Statutes—43 United States Code 932.

Some groups have been alleging in the press that the provision in the supplemental bill before us regarding rights-of-way under section 2477 of the Revised Statutes is going to result in roads across our national parks and wilderness. That is simply not true. These false allegations are being made in order to scare our constituents and to convince Members to oppose our provision.

Rights-of-way under Revised Statute 2477 were granted by statute from 1866 to 1976, when the provision was repealed. At the time of the repeal, all existing rights-of-way were specifically protected.

Rights-of-way under R.S. 2477 are granted across Federal lands not reserved for public uses.

When Congress sets aside land for a park or wilderness, that land is reserved for that purpose. Once the park or wilderness is created, no new right-of-way can be created under Revised Statute 2477.

This means that only rights-of-way that were created prior to the reservation of the land for a park or wilderness are valid under R.S. 2477.

To create a right-of-way under R.S. 2477, there must either have been public use of a right-of-way or an affirmative act of a State indicating that it accepted the grant and intends to use it for a public highway.

Most of this Nation's most famous parks were created during the 110 years that Revised Statute 2477 was available. Yellowstone was created in 1872.

Yosemite, Kings Canyon, and Sequoia were created in 1890. The Grand Canyon was set aside in 1908.

Denali, then known as Mount McKinley, was created in Alaska in 1917. Katmai in Alaska was established in 1918, and Glacier Bay National Park was created in 1925.

Zion National Park in Utah was created in 1919, with Bryce Canyon following in 1923, and the Arches National Park in 1929.

Throughout the 50 or more years of each of these parks' existence, a Revised Statute 2477 right-of-way could have been asserted, even before the provision was repealed. Yet, these parks have not been paved by public highways.

Congress began creating wilderness areas in 1964—12 years before Revised Statute 2477 was repealed. Section 5 of the Wilderness Act specifically preserves existing private rights.

It has been 20 years since Revised Statute 2477 was repealed and over 30 years since the creation of many major wilderness areas. During the 30 years of the policy of wilderness the same practice that the provision in the supplemental seeks to continue was in effect.

Yet, during those 30 years, we have not seen any of our wilderness areas covered with roads under Revised Statute 2477.

In Alaska, where 60 percent of the wilderness areas exist, we have already dealt with the issue. The Alaska National Interest Lands Conservation Act has numerous provisions that specifically deal with access to wilderness areas. Nothing in this provision changes the law regarding rights-of-way in Alaska.

On the contrary, the provision seeks to keep the pre-existing policy and specifically denies the Secretary of the Interior the right to unilaterally change the policy contrary to what Congress has said many times and what the courts have said many times. As a matter of fact, Congress has spoken three times in the past 2 years on this and stated that the Secretary cannot change the existing law and policy by regulation or by edict.

The people who claim this provision will lead to roads across wilderness areas and parks already created by Congress are just plain wrong.

What is at issue here are areas that are not yet wilderness or that have been recently added by Executive action to our parks and monuments.

Mr. President, every time Congress has addressed that subject, it has protected valid existing rights, even in the creation of national parks and wildlife refuges.

Wilderness areas by definition don't have any roads. The environmental groups and the Department of the Interior are seeking to cut off valid rights-of-way in certain areas of the West so that those areas may be proclaimed wilderness.

I hope that the Senate understands this. If the Secretary of the Interior and these groups are allowed to prevail, then areas that do have existing valid rights-of-way, which should by law be given some consideration and may ineligible to become wilderness areas, could be created as additional wilderness and national park areas by Executive order or secretarial edict.

If they can keep the R.S. 2477 right-of-way from being recognized under State law, as they have been created for the past 130 years, then those areas would be roadless and eligible for wilderness designation by Congress.

That is the issue here. There are valid, existing rights-of-way across some of these areas. They have been used for decades by the public in the West. Those areas are not capable of being established as wilderness areas. But that is not for us to decide here.

All this provision does is maintain the status quo. If there are valid existing rights under R.S. 2477, they had to be created more than 20 years ago, before 1976.

The provision simply prevents the Secretary of the Interior from prejudging the issue in the ongoing review of which remaining Federal areas should be wilderness. This only preserves rights-of-way that already exist. It does not create new rights or new roads.

I hope that the Senate will seriously consider the issue that is coming before us today regarding Revised Statute 2477. Our intent is merely to keep the policy that has existed in the past and which has been protected by every act of Congress that I know of. The valid existing rights were protected. Those rights have been defined as far as rights-of-way under State law for 130 years.

This Secretary of the Interior now wants to have them decided under Federal law that his regulations would establish. That is contrary to the policy of Congress. It is contrary to the decisions of the courts of the United States, and it should not be done by secretarial edict.

As I said, we have acted in the National Highway System Designation Act of 1995, in the 1996 Interior appropriations bill and in the 1997 Interior appropriations bill to prevent those regulations from being issued. Now the Secretary wishes to announce a policy. That policy is that in the future the validity of the rights will be determined by Federal law. That is contrary to a whole series of court decisions and contrary to the acts of Congress that specifically recognize valid existing rights under State law.

Mr. President, I hope that this is going to be a short day. But I want to tell the Senate that it is our intention, as Senator BYRD has announced, to enforce the cloture motion. I call again on the Senate to vote for cloture. Give the managers of this bill the control that comes from the cloture process, and we will assure this bill passes to provide money to those in the disaster areas. The bill affects disasters in 33 States, Mr. President. We will give this bill to the conference and to the President as quickly as possible.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 208

Mr. STEVENS. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS] proposes an amendment numbered 208.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in the bill insert the following:
>
> None of the funds made available in the Foreign Operations, Export Financing, and Related Programs, 1997, (as contained in Public Law 104-208) may be made available for assistance to Uruguay unless the Secretary of State certifies to the Committees on Appropriations that all cases involving seizure of U.S. business assets have been resolved.

Mr. STEVENS. Mr. President, this is an amendment that we hope will bring about an awareness of Government officials of Uruguay of a very sad situation with regard to the fishing assets from Washington State and Alaska that were entered into in a joint venture with a seafood company in Uruguay.

What happened was that the assets of the Americans were seized after they were in Uruguay territory, and the joint venture that was supposed to be forthcoming was dissolved by actions of the Uruguay citizens.

I offer this amendment sort of in frustration, trying to see if we can work out with the Uruguay Embassy here and officials in the State Department at Montevideo a resolution of this problem.

I hope that it has the salutary effect of calling the attention of the Uruguay Government to a very unsatisfactory development with regard to our business relationships.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment (No. 208) was agreed to.

Mr. STEVENS. Mr. President, this is the time for filing of second-degree amendments, I remind Senators. It is also the time set for the vote on cloture motion.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will read.

The assistant legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on S. 672, the supplemental appropriations bill.
>
> Trent Lott, Ted Stevens, Mike DeWine, Bob Bennett, Tim Hutchinson, Richard G. Lugar, Pete Domenici, Pat Roberts, Connie Mack, Frank H. Murkowski, Richard Shelby, Craig Thomas, Chuck Grassley, Christopher S. Bond, Michael B. Enzi, and Jeff Sessions.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the call of the quorum has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on S. 672, the supplemental appropriations bill, shall be brought to a close?

The yeas and nays are required.

The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 57 Leg.]

YEAS—100

Abraham
Akaka
Allard
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Coats
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Enzi
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg

Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

The PRESIDING OFFICER (Mr. ALLARD). The Senate will please come to order.

On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. STEVENS. Mr. President, Senator BYRD and I are overwhelmed by the support of the Senate for this bill. I hope that will be demonstrated in the hours to come.

Mr. CHAFEE. Mr. President, might we have order, please? It is very difficult to hear.

The PRESIDING OFFICER. The Senate will please come to order.

The Senator from Alaska.

Mr. STEVENS. Mr. President, we would like to work up a schedule, rotating from one side to the other with amendments. I want to state to the Senate the amendments that have been filed touch or concern every one of our 13 subcommittees. Those subcommittees' staffs are standing by now to confer with any Member who really wants to pursue one of these 109 amendments that have been filed.

I ask the Chair to help us keep order. We would anticipate, for the information of the Senate, with the concurrence of the two leaders, that we would proceed with the D'Amato amendment and then the Bumpers amendment and, if possible, another amendment and have our first series of stacked votes sometime around 12:30 to 1 o'clock.

We will keep the Senate informed, but I do want the Senate to know we will try to stack votes so that none will occur prior to approximately 12:30 to 1 o'clock.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

AMENDMENT NO. 166

(Purpose: To rescind JOBS Funds, extend the transition period for aliens receiving SSI funds, and for other purposes)

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Reid amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. I ask that amendment No. 166 be called up and that Senator FEINSTEIN's name be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. CHAFEE, Mr. DEWINE, Mr. SPECTER, Mrs. FEINSTEIN, and Mrs. BOXER, proposes an amendment numbered 166.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

"JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading in Public Law 104-208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the "," the following: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),"."

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

"TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

"SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

"(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D) is amended—

"(1) in clause (i)—

"(A) in subclause (I), by striking the date which is 1 year after such date of enactment and inserting in lieu thereof September 30, 1997; and

"(B) in subclause (III), by striking the date of the redetermination with respect to such individual and inserting in lieu thereof September 30, 1997; and

"(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Act of 1996 (8 U.S.C. 1612)."

Mr. D'AMATO. Mr. President, on behalf of myself, Senator CHAFEE, Senator DEWINE, Senator FEINSTEIN, and Senator SPECTER, I call up this amendment because, notwithstanding the attempt—and I appreciate it—by the Appropriations Committee initially to deal with a very vexing problem, the problem of immigrants and the problem of legal immigrants and the problem really dealing with legal immigrants, most of whom are, a good percentage are disabled and who are elderly who would otherwise be cut off August 22, notwithstanding that they came into the country legally, that they are currently receiving benefits, that if these benefits were to be cut off in some States, they would be faced with little, if any, help.

In other States, the burden would be a tremendous one on some of the local municipalities and the States. This amendment would continue the existing funding of those legal immigrants—let's understand, we are talking about people who came into this country legally; we are talking about people who obeyed the law; we are talking about, for most cases, senior citizens, elderly, and disabled—to continue their SSI benefits.

Mr. President, it seems to me that this is a prudent way in which to handle what could otherwise be a very disastrous problem for 500,000 people, most of whom are elderly, in this country. That is a half-million people. That is a lot of people who would be facing tremendous hardship, many who have no one in a position to be of any kind of assistance. For others, without their SSI payments and cut off from food stamps, their families would be in perilous situations even attempting to give them modest help.

Let me say that I am deeply appreciative of the leadership that has been displayed by the Senate majority leader, the chairman of the Senate Appropriations Committee, and our distinguished colleague from West Virginia, in attempting to deal with this problem in a way that will give us additional time.

Again, we are not talking about people who came into this country illegally, people who are trying to take advantage of the system. We are taking an opportunity to give the Congress of the United States and the President sufficient time to work out a program that will see to it that the system is not abused but, by the same token, see to it that people are not disadvantaged as a result of the significant work of the Congress in bringing about workfare as opposed to welfare.

Let me say what the situation is in terms of New York. In New York, we are talking about 80,000 legal immigrants who now would be facing termination of benefits—80,000. Again, Mr. President, the vast number who are senior citizens, many of them have tremendous language barriers, many of them have been in this country for a number of years, some not long enough to qualify for Social Security benefits, all of them here legally. Mr. President, 70,000 of these people are in the city of New York.

What an incredible impact that would be to the city, to the State, and to other communities. As I look around, I see my colleagues from California, who have the same kind of problem. I see my colleague from Rhode Island. It is a tremendous problem that would be created. That was never our intent in terms of reforming the welfare system. Ours was to create an opportunity for workfare, not a system that entraps people. Ours says to those who are capable of going out and holding a job or getting into a job training program that you just cannot take advantage of the system. But I do not believe it was one in which we envisioned just cutting off those people who cannot do for themselves. We are a compassionate country. We are a country which is ready and recognizes the need to help those citizens who cannot do for themselves.

So, let me say this. The Social Security Administration estimates that SSI recipients who received notices of possible termination of benefits are made up of—let me just give you an idea who these half a million people are: 72 percent are women; 41 percent are over the age of 75; 18 percent are over the age of 85. Are we going to say to those people, 18 percent over the age of 85, "go out and get a job"? What are we going to do?

Mrs. BOXER. Will the Senator yield on that point for a question?

Mr. D'AMATO. Certainly.

Mrs. BOXER. Mr. President, I thank the Senator from New York for offering this amendment. I say to him, and I am sure Senator FEINSTEIN will amplify this, that this is so crucial to our State, as he has said, and I know the Senator is aware—and I will put this in the form of a question—that in the budget agreement that was reached among all parties, this issue was recognized. What the Senator from New York is doing is carrying over this agreement, that these people need the certainty of assistance because they are very old, they are very frail, they are very disabled, and what the Senator is doing is, in essence, saying that that agreement ought to really apply right now and these people should not be under the threat of a cutoff. So he is restoring SSI to legal immigrants until all the new details are worked; am I correct in that?

Mr. D'AMATO. That is correct. What we are doing is providing the Congress, as well as these people, an additional 6 weeks from August 22. A good number of these people during this period of time will be qualified as citizens, understanding, if you look at the age category of them, many of these people are elderly, there was never an impetus. It is very difficult. They have language barriers, disabilities, problems in communication and transportation. The immigration offices are swamped with those people who are attempting and who are eligible for citizenship.

When you look at this, if close to 20 percent are over 85, we are talking about almost 100,000, and most of them women, who are over the age of 85, who may have disabilities, who may have language problems just trying to qualify them for citizenship. In some cases, they will not have to take the ordinary test. But how do we get them that information? How do we get them there in time? It cannot be done between now and August 22. New York City Mayor Giuliani is engaged in an outreach program to contact many of these elderly immigrants and give them an opportunity to qualify for full citizenship; therefore, they would not have to be concerned with the cut off in benefits.

So for all of those reasons, this additional time will also give us and our colleagues an opportunity—as well as the administration—to examine what the program will be in the fullness of time after October 1.

Mrs. BOXER. Mr. President, I ask the Senator to add me as a cosponsor.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the Senator from California, Senator BOXER, be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I thank Senator CHAFEE for his support and leadership and, again, the leaders of the Appropriations Committee, Senator STEVENS, and the ranking minority member from West Virginia, Senator BYRD, for their leadership, for their compassion in understanding and finding the resources to make this extension available. Senator BYRD has always demonstrated a great compassion and concern for senior citizens in particular, and they are the ones who would be most victimized if we were not to continue this action. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I rise to support the D'Amato-Chafee resolution. I am very pleased to be a cosponsor. I want to point out that two cities in this Nation are impacted more than any other, and that is the city of Los Angeles and the city of New York. In California alone, there are 310,000 legal immigrants currently receiving SSI benefits. Under the present law, they all go off on August 22, regardless of need.

I want to clear the air somewhat, because the administration proposal, accepted by the Budget Committee, does not cover elderly legal immigrants. In other words, if you are 85 years old and monolingual in another language, you cannot get a job, but come August 22, under the agreement, you would be out on the streets. Either you are homeless or else it is a transfer to the local government to be picked up by the counties' general assistance grant.

This proposal of Senator D'AMATO's essentially takes that August 22 deadline and extends it to October 1, giving us time to work with the administration, work with the Appropriations Committee and try to see if there is not a better solution.

If only disabled are covered, which is currently the case under the proposed bipartisan agreement, this means that only refugees and asylees who have exhausted the 7 years would be eligible for SSI only if they are disabled. This impacts 61,360 people in California; 60 percent of those who are disabled and 40 percent of the elderly would not be affected by this legislation.

So we have a ways to go in reconciling what is really out there in terms of problems of people who are elderly and the proposal that is part of the bipartisan agreement. The D'Amato proposal extends that deadline by 2 months and gives us an opportunity to work this out. I think it is extraordinarily important that that happen.

Additionally, I pay my compliments to the Senator from Rhode Island. Senator CHAFEE and I have a bill which would extend SSI for all of those who are presently covered by SSI, not prospectively, not for newcomers, but for those people already in this country for whom we have certain responsibilities who are unable to have any other source of income to support themselves. Our bill, I think, is the long-term solution that is the most viable.

So I thank Senator D'AMATO—he is also a cosponsor of the Chafee-Feinstein bill—for offering this, and I am very hopeful that a dominant majority of this body will see the wisdom in adopting it.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

AMENDMENT NO. 145

(Purpose: To rescind JOBS Funds, extend the transition period for aliens receiving SSI funds, and for other purposes)

Mr. D'AMATO. Mr. President, for the purpose of technical adjustment, I ask unanimous consent that the clerk instead report No. 145 in place of amendment No. 166 and that that be the pending amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, so that the RECORD properly reflects the cosponsors, in addition to myself, they are Senator CHAFEE, Senator DEWINE, Senator SPECTER, Senator FEINSTEIN, Senator KOHL, Senator MOYNIHAN, and Senator KENNEDY as well.

The PRESIDING OFFICER. Without objection, amendment No. 166 is withdrawn.

The amendment (No. 166) was withdrawn.

The PRESIDING OFFICER. The clerk will report amendment No. 145.

The legislative clerk read as follows:

The Senator from New York [Mr. D'AMATO], for himself, Mr. CHAFEE, Mr. DEWINE, Mr. SPECTER, Mrs. FEINSTEIN, Mr. MOYNIHAN, Mrs. BOXER, Mr. KOHL and Mr. KENNEDY, proposes an amendment numbered 145.

Mr. D'AMATO. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 44, strike all after line 19, through line 2 on page 45, and insert in lieu thereof the following:

"JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

"Of the funds made available under this heading in Public Law 104–208, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year.

"Section 403(k)(3)(F) of the Social Security Act (as in effect on October 1, 1996) is amended by adding after the ',' the following: 'reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1997 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),'."

On page 46, after line 25, insert the following:

"Public Law 104–208, under the heading titled 'Education For the Disadvantaged' is amended by striking '$1,298,386,000' and inserting '$713,386,000' in lieu thereof."

On page 75, strike all after line 10 through line 22 on page 80, and insert in lieu thereof the following:

"TITLE VI—SUPPLEMENTAL SECURITY INCOME AMENDMENT

"SEC. 601. EXTENSION OF SSI REDETERMINATION PROVISIONS.

"(a) IN GENERAL.—Section 402(a)(2)(D) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612(a)(2)(D) is amended—

"(1) in clause (i)—

"(A) in subclause (I), by striking 'the date which is 1 year after such date of enactment' and inserting in lieu thereof 'September 30, 1997'; and

"(B) in subclause (III), by striking 'the date of the redetermination with respect to such individual' and inserting in lieu thereof 'September 30, 1997'; and

"(b) EFFECTIVE DATE.—Subsection (a) takes effect as if included in the enactment of section 402 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1612)."

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, first, I congratulate Senator D'AMATO for his work on this amendment which will mean so much to so many people who he has well described as being the frailest in our society.

I also pay tribute to Senator FEINSTEIN with whom I have worked on a program similar to this for the long-term solution, as she pointed out. It may well be that we will turn to that when we start the new fiscal year.

I also want to salute Senator DEWINE, who is not on the floor at this moment. I hope he will be here soon. But I wanted to pay tribute to him because he has worked very hard on it.

Mr. President, I would like to extend my thanks to the distinguished chairman of the Appropriations Committee, the Senator from Alaska, and the distinguished ranking member of that committee, the Senator from West Virginia, who have agreed to accept this amendment. I am very appreciative of that.

I am speaking on behalf of 3,750 legal immigrants—legal immigrants—in my State who would face the loss of these SSI benefits but for the passage of this legislation, which I hope will be accepted in the House likewise. That group of 3,750 Rhode Island seniors, as the Senator from New York has described, fits in that typical pattern of 18 percent being over 85 and so forth.

Mr. President, this is a good amendment. What it does, it gets us through the remainder of this fiscal year and gives us a little breathing time.

Mr. President, as you know, in the underlying bill there is a block grant of $125 million. This replaces that. I think that is wise because a block grant would cause a lot of problems in its distribution, trying to set up a new system to get the money out. The continuation of the existing system of the SSI benefits is, I believe strongly, the right way to go.

So this is an occasion where I think we can all celebrate a little bit. I was strongly supportive of the welfare reform bill that we passed last year. I believe in it. I think it is working.

At the time when we foresaw the difficulties that were going to come up under this particular group, I supported legislation to take care of them. That did not pass. I believe it was the legislation of the Senator from the State of California. It did not pass. But now we are attacking that problem.

As I mentioned before, I think it is coming out in a very satisfactory way. So I want to thank the Chair. And, again, I do want to point out that Senator DEWINE is deeply interested in this, as is Senator SPECTER. Senator DEWINE may be on the floor a little later. I want to extend my appreciation to his work on this and also to the leadership of both parties in the Senate for permitting this to be accepted.

Thank you very much.

Mr. D'AMATO. Mr. President, I understand that there may be somebody in opposition. But at this point, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, let me simply say, I am just going to look at one statistic again and put it in terms of not just saying 18 percent of all of those are over the age of 85. We are talking about 90,000 people, seniors—90,000. Many of them, again, are disabled. Many of them have problems with the language. All of them are here in this country legally. Let us understand that. Let us understand that three-quarters of those people, better than 65,000, are women.

Are we really going to say to grandmothers, grandparents, to the elderly, to the frailest of the frail, "No more will we meet even your minimum needs"? That is not what this country is about. That is certainly not what I intended nor do I think any Members intended when we voted for the reform of the welfare system. I voted for that. I think we did the right thing.

I think we can make this bill a much better bill by not only continuing this program now, but then we will argue, and it will give us an opportunity for those to come forward and have a fuller discourse in the future. But certainly, certainly, we should not terminate it now.

Again, I want to thank the chairman of the Appropriations Committee, Senator STEVENS, and the ranking member, Senator BYRD, for their understanding and their support of this legislative correction. It is a correction. It is one. And there is nothing wrong with saying we can do it better, we erred at this point in time. I did.

Let me tell you, I was concerned that there were many people who were taking advantage of the system. There were those who said and pledged, "Yeah. We'll take care of our elderly, our relatives," and instead of doing that, they gamed the system and put them right into SSI. Well, that is wrong. We should see to it that that does not take place. But for us now to say, with one fell swoop all of them will be disadvantaged who are presently receiving, that is something that I would not in good conscience support.

I yield the floor.

Mr. DEWINE. Mr. President, I am pleased to join with my colleagues from New York and Rhode Island, Senator D'AMATO and Senator CHAFEE, in offering this amendment to extend Supplemental Security Income [SSI] coverage to disabled, legal immigrants until the end of the fiscal year. This amendment is consistent with the recent agreement between the congressional leadership and President Clinton to allow disabled, legal immigrants to continue receiving SSI and Medicaid benefits.

First, let me commend my friends from New York and Rhode Island, Senator D'AMATO and Senator CHAFEE, for their extraordinary efforts on behalf of legal immigrants. It is safe to say that the bipartisan agreement to restore SSI and Medicaid benefits to disabled, legal immigrants would not have been made without their leadership.

Plain and simple, this is an issue of fairness—fairness to those who played by the rules to become legal immigrants, only to see those rules changed to their detriment.

While the budget agreement provides hope to legal immigrants, a temporary measure is needed to protect those immigrants who would stand to benefit from the budget agreement. That's the purpose of the amendment we are offering today. As my colleagues know, the 1996 welfare law bans legal immigrants from receiving SSI benefits beginning August 22, 1997—1 year after the day the law was signed. This 1-year transition period was designed to give legal immigrants time to obtain citizenship without losing eligibility, and to provide State and local governments time to adjust to increased demand for general assistance.

The Social Security Administration estimates that roughly 525,000 legal immigrants currently receiving SSI could lose benefits under current law. Of that number, roughly 3,000 are from Ohio—and more than half of those immigrants, roughly 1,700 reside in Cuyahoga County. Many of these immigrants will seek and obtain citizenship and thus, can still receive SSI. However, many disabled immigrants currently receiving Federal support may not be able to become citizens. It is this population that stands to lose the most if current law is not changed.

The Jewish Community Federation of Cleveland brought to my attention several families that would be affected if the law is not changed. Lev and Ada Vaynshtock, ages 64 and 60 respectively, came to this country from Moldova in 1991. They reside in Cleveland.

Ada has passed her citizenship exam and is eagerly waiting to become a U.S. citizen. Lev's memory is getting worse and worse after open-heart surgery, and may never become a citizen. Both currently are eligible for SSI. Ada certainly will be able to retain her SSI eligibility when she gains citizenship, but Lev stands to lose this eligibility. If he outlives Ada, he will have no benefits at all—unless we act to change the law.

They are just one of many elderly Russian families—families that because of mental or physical disability, stand to lose their SSI benefits later this summer. It is for them, and for countless others, that compelled a bipartisan group of Senators to seek changes in the law to protect elderly people.

Let me emphasize to my colleagues that our efforts on behalf of disabled legal immigrants does not alter the key policy changes made in last year's welfare and immigration reform bills. Our efforts do not alter the basic policy change made last year that sponsors of legal immigrants need to take more financial responsibility for legal immigrants. Newly arrived immigrants still will have to abide by the 1996 welfare and immigration laws.

Again, we're here to help those already here, those already disabled immigrants who played by the rules. Although Congress and the President have made a commitment to help this population, it may not be until the beginning of the fiscal year before that relief is provided. We cannot hold disabled, legal immigrants hostage to the legislative process, especially when they stand to lose benefits in a few short months.

Again, our efforts have been bipartisan. I want to commend the chairman of the Appropriations Committee and the chairman of the Finance Committee, Senator STEVENS and Senator ROTH, and of course our majority leader, Senator LOTT, for working to place a temporary measure in the existing bill. The amendment we offer today simply expands that effort, to ensure that all immigrants who stand to retain their benefits because of the budget agreement are not denied benefits while the details of this agreement are worked out. What this amendment offers is certainty—the certainty that these immigrants will continue to receive benefits for an additional 6 weeks.

In short, the budget agreement reflects our long-term commitment to fairness. By passing this amendment, we can take a short-term first step to realize that long-term goal.

Mr. MOYNIHAN. Mr. President, I rise as an original cosponsor of the amendment offered by my colleague from New York to extend Supplemental Security Income [SSI] benefits to elderly and disabled legal immigrants through the end of September. Under last year's welfare legislation, which I opposed, these individuals are to lose their SSI benefits in August. The budget agreement recently reached would restore SSI benefits to many of these individuals. I support that effort, although more should be done. This amendment will ensure that there is no interruption of SSI benefits while legislation necessary to implement the budget agreement is considered.

It is a welcome measure of compassion where there has been too little of late.

Mr. KOHL. Mr. President, I rise today as an original cosponsor of the Chafee-D'Amato amendment regarding SSI benefits to legal immigrants and refugees. I am pleased to support this important first step to correct a significant mistake of last year's welfare bill.

As you know, this amendment would extend the eligibility of disabled and elderly legal immigrants to the Supplemental Security Income Program. These people, including approximately 5,000 in my home State of Wisconsin, were scheduled to lose their SSI benefits in August of this year. As my colleagues from California, New York, Rhode Island, and elsewhere have explained, many others would have been similarly affected all across the country.

While many legal immigrants will become citizens by the August deadline, without this amendment, State officials estimate that approximately 3,000 elderly and disabled legal immigrants living in various Wisconsin communities would have been cut off from their only source of support. These are people who cannot work and who would not be able to live or take care of their families without outside help. If the Federal Government abandoned them, their most basic needs—shelter, food, medical help—and the accompanying costs, would have fallen on the shoulders of, and quite potentially overwhelmed, State and local resources.

Wisconsin has already decided to continue medical assistance to SSI recipients. And the recently hatched budget deal contains even more comprehensive remedies for the next fiscal year—two encouraging bits of news. Nonetheless, the extension of benefits from August to October will provide crucial help until those long-term remedies take effect.

Mr. President, I supported the new welfare law. Policy reforms to move people from welfare to work were laudable and long overdue. Yet throughout the welfare debate I also supported numerous attempts, all of which failed, to soften the bill's restrictions on benefits to legal immigrants and refugees.

Simply put, the welfare bill went too far. It was too harsh on legal immigrants who come to this country with every intention of working hard and contributing to our economy and cultural melting pot. It also was too harsh on refugees and asylees who come to this country to escape persecution in their native lands. To this latter group, the United States made and continues to make a unique commitment of assistance and guidance to help them rise above adversity and build a new life for themselves and their families.

Wisconsin has been enriched by many different ethnic groups throughout its history. That said, I would like to take this occasion to discuss a population that has been hit particularly hard by the welfare changes—the Hmong and other highland peoples—who came to Wisconsin and other parts of the country as refugees from Southeast Asia. Since coming, they have faced the challenges of integrating into American society. Many arrived in this country illiterate because they did not have a written language at home and have had a difficult time fulfilling the educational requirements of the citizenship application. In August, many of the Hmong would have lost the SSI benefits that they have relied upon to cope with these challenges.

Like most legal immigrants before and since, the Hmong and their children have strengthened our communities. But some of my colleagues may not know of the Hmong's invaluable contribution to the United States before ever setting foot in Wisconsin or anywhere else on American soil.

Mr. President, Americans owe a debt of gratitude to the Hmong. Most of them fled their native country at the end of the Vietnam war, fearing retribution for having fought for the United States alongside American soldiers and helping us through what was a very difficult time in our history.

While no disabled or elderly legal immigrants should be left without help, I am particularly pleased to cosponsor the Chafee-D'Amato amendment on behalf of the Hmong. It would be unconscionable to abandon the Hmong in their time of need. They put their lives on the line in defense of all that Americans hold dear—our freedom, our prosperity, and our way of life. Today, Congress has taken a very small step toward repaying their priceless service to all Americans.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. The Senator from California sought recognition on this amendment?

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Chair.

I would just like to add to my earlier comments with some of the specific numbers from each of the big States of people that would not be covered by the bipartisan budget agreement.

These are elderly people.

In California it is 163,900. In Florida it would be 44,310. In Illinois 13,360; in Massachusetts 13,410; in New York 65,340; and in Texas, 32,640. These are people who are above the age of 65.

It is my understanding that the administration, with Members in the other House, may have reached an agreement whereby they would agree to try to certify some of these people as disabled. But, nonetheless, these are the people, at least in the statistics of the Social Security Administration, who would be dropped off come August 22 for sure right now.

I think this is living testimony, in terms of numbers of people, to the argument that Senator D'AMATO, Senator CHAFEE, and I are making that: Let us extend this by 2 months and see what we can do to effect a reasonable system where people will not become homeless or a major transfer onto county general assistance rolls.

I thank the Chair and yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I hope all Members understand, however, we are entirely in agreement with statements made so far concerning these legal immigrants who will be covered by this procedure. Hopefully, pursuant to the budget agreement, we will continue a policy of caring for people who are here legally now.

But I hope everyone, including the Immigration Service, is on notice it applies to those who are here now. In the future, I hope that we will enforce the commitment made by those who sponsor legal immigrants to maintain those people that they sponsor in the event they become indigent and cannot support themselves. That is the commitment that we must see carried forward once again in our basic law of protecting immigration.

Again, it is my desire at this time, Mr. President, to ask the Senate to set aside the D'Amato amendment. This amendment and the Bumpers amendment will be voted upon sometime before 1 o'clock today. That is our hope. There may be further proceedings with regard to the D'Amato amendment. I do not want to jeopardize them. But I do ask unanimous consent that we temporarily set aside the D'Amato amendment at this time so we may proceed with the Bumpers amendment.

The PRESIDING OFFICER (Mr. HUTCHINSON). Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the Reid amendment be temporarily set aside while I offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 64

(Purpose: To strike section 310, relating to R.S. 2477 rights-of-way)

Mr. BUMPERS. Mr. President, I call up amendment No. 64.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arkansas [Mr. BUMPERS] proposes an amendment numbered 64.

Mr. BUMPERS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 50, strike lines 1 through 11.

Mr. STEVENS. Will the Senator yield at this point?

Mr. BUMPERS. Yes.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that Anne McInerney be given privileges of the floor during the duration of this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, for Members of this body who have not dealt with this issue on the Energy and Natural Resources Committee, this is a slightly complex amendment. I am going to simplify it as best I can. We have had several hearings in the Energy Committee on it, but it deals with an issue that sounds so bizarre you would not believe it was actually on the statute books of this country.

In 1866, Congress passed a bill which has become popularly known as R.S. 2477, Revised Statute 2477. What that law did, as part of the 1866 mining law, was to validate public highways built across unreserved public lands.

That does not mean much, so here it is. The United States owns 350 million acres of land in the lower 48 States. Since 1866, we have set aside millions and millions of acres in wilderness areas, national parks, monuments, all kind of things since 1866. But bear in mind, the R.S. 2477 statute said "unreserved lands," so that meant all of the public lands the United States owns that have not been set aside for another purpose. The effect of that, of course, was, from 1866 until 1976 when it was repealed, anybody who claimed a footpath, almost a cow trail, a sled trail, hiking trails, almost anything would qualify as a highway under the language in this bill.

A lot of highways were built under these R.S. 2477 rights-of-way between 1866 and 1976, and we are not contesting a single one of those.

What we are saying is, the provision put in this bill by the Senator from Alaska [Mr. STEVENS] simply says we are going to let State law determine what is and is not a public, valid right-of-way.

This, admittedly, is primarily an Alaska, Utah, and probably Idaho issue. It does not affect my State. There are some of the Western States that have these rights-of-way. But in any event, here is what the law said as we passed it in 1866. "[T]he right-of-way for the construction of public highways across public lands, not reserved for public uses, is hereby granted."

As I say, that includes dogsled trails, that includes footpaths, it includes any kind of a path. And there are literally thousands and thousands of them that have been claimed.

Mr. President, I will come back to how the language in this bill will work in just a moment. But listen to this. The State of Alaska has passed a law making every section line in Alaska a right-of-way and subject to having a highway built on it. I am reluctant to say this, but if you build on just half the rights-of-way that Alaska is claiming, you would not be able to travel. There would be too many roads to get around.

In any event, I want to make it crystal clear that this amendment has nothing to do with existing highways that have been built under the 1866 law.

Mr. President, there have never been regulations crafted to deal with this issue. In the 1930's there was sort of a half-hearted regulation, but not really anything.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Now, Mr. President, I want to make another point crystal clear, and it is this: When I said a moment ago that the effect of this amendment would allow State law to determine what constitutes a valid existing right-of-way, it would take away the Secretary of the Interior's ability to determine what was a highway. In short, all of these thousands and thousands of so-called R.S. 2477 right-of-way claims all over the West would become valid.

Now, bear in mind, there is another facet to this, and that is the Secretary in January of this year set out a policy which effectively repealed a policy established by Donald Hodel when he was Secretary of Interior in 1988. The Hodel policy—it is not a regulation; we have never had a rule or regulation, it was simply a policy statement—was that just about anything could qualify as a highway.

Now, whether the Hodel policy stated that the States shall have exclusive rights to determine what a right-of-way is, I do not really know right now, but I can tell you, if section 310 passes, State law will determine what is going to happen to thousands of rights-of-way in this country that cross national parks, wilderness areas, monuments, and any other land in the West that was set aside after these claimed rights-of-way existed.

Let me give an example. Assume that there are 20 rights-of-way that the State of California would claim cross Yosemite National Park. They claim those rights-of-way were established before Yosemite became a national park. It was unreserved Federal land before, and these rights-of-way were across that Federal land. Later on, we establish Yosemite National Park. Under this section, if the Stevens language stays in this bill, which has absolutely no business being in this bill, but if my amendment is defeated, that means that California law will dictate what highways can be built across Yosemite National Park—not the National Park Service, not the Federal Government, but the State of California.

Think of all the thousands of rights-of-way that could be claimed in Alaska. Mr. President, just for openers, here are some of the claims that have been filed. These are not all the claims that Alaska, Utah, Idaho, and other States have as to what constitutes a valid right-of-way. These are the ones that have actually been filed with the Secretary of Interior and requested to be declared an existing valid right-of-way on which they can build a four-lane superhighway, if they desire. Alaska has 256 claims on file, but they have God knows how many—thousands that they could claim. Idaho has 2,026 on file, and Utah has 6,173 claims filed in the Secretary's office. Those are a lot of potential highways across Federal lands, and the Federal Government could not stop them no matter what kind of highway they wanted to build.

When I started off telling you how bizarre this was, just think about that. When we held our first hearing in the Energy Committee on what to do about these so-called R.S. 2477 rights-of-way, I may have been dense, but it took me a long time to understand that we were really talking about something serious. I never heard of anything so bizarre in my life. Yet, the chairman of the Appropriations Committee—we all represent our States, and I am not holding him guilty of anything. I am just saying the rest of us do not have to follow suit. He is chairman of the committee and he puts this in a supplemental appropriations bill designed to aid areas hurt by natural disasters, including help for the people of Arkansas. There is $6.5 million for debris removal in streams as a result of a tornado on March 1 in Arkansas. There is $3.5 million in this bill to allow an all-black community just outside Little Rock to tie into the Little Rock sewer system. Virtually the entire community of College Station was wiped out, a community of less than 500 people, and they cannot build new homes or borrow money to build new homes until they get on the sewer system. And the chairman, very graciously, and the committee, very graciously, accepted my amendment to put $3.5 million in there to accomplish that. How many nights did we look at the Dakotas and Minnesota, which was a veritable lake?

Mr. President, do you know the name of the bill we are considering? It is the emergency supplemental appropriations bill. The R.S. 2477 issue is no emergency. The language I am trying to strike was put in there and it had nothing to do with any kind of disaster or emergency. It was put in there to accommodate primarily the States of Alaska, Utah, and Idaho. I have nothing against any of those States, but I tell you what I do have, I do have a strong feeling about protecting the citizens of this country and the Federal lands which they all own. Some of it is in my State—admittedly, not as much as in Alaska and some Western States—but every single Member of the U.S. Senate has a solemn obligation, occasionally, to stand on their hind legs and say no to such things as this.

Every Senator has or will have a letter on his desk from Secretary Babbitt saying he will strongly urge the President to veto this $8 billion bill if this provision is left in it. Why wouldn't he? My point is, why are we, U.S. Senators, holding the people of North Dakota, South Dakota, and Minnesota hostage to an amendment that should not be on this bill? It is not an emergency. It is not even an appropriations measure.

Mr. President, I get terribly exercised about things like this because I think I have a solemn duty to bring this to the attention of the Senate. In January of this year, Secretary Babbitt, not popular with Western Senators—but that has nothing to do with this amendment. What it does have to do with this amendment is whether or not we are going to allow every single State who can identify a pig trail that was used by human occupants any time between 1866 and 1976, across lands that have subsequently been made national parks, monuments, and wilderness areas, whether we are going to allow those States to determine that those trails are now highways and then build highways on them with no input from the Secretary.

So Secretary Babbitt, in January of this year, issued a policy—not a rule, not a regulation, but a policy. Here is what his policy said. It defines a highway to be "a thoroughfare used by the public for the passage of vehicles carrying people or goods." Now, Secretary Babbitt's policy also allows for the abdication of State law to the extent consistent with Federal law, which, of course, makes Federal law dominant, as it should be.

Nobody is trying to punish Alaska. Nobody is trying to punish Idaho. Nobody is trying to punish Utah. What we are trying to do is say these sacred parks and monuments that we have developed over the years—Yellowstone, Yosemite, Bryce Canyon, Saguaro, you name it—you cannot let the States just walk in and willy-nilly start building highways across those places. If you do not vote for my amendment, that is precisely what you are voting for.

Mr. President, I hope the Senate will pay attention to this issue—as I say, this is an arcane issue. Most people in this country do not have a clue that a law such as R.S. 2477 ever existed. I want to get help to the people of my State who have been devastated by tornadoes. I want to get help to people in California who have suffered from floods, to the Dakotas and Minnesota, one of the most awesome things we have ever watched on television. This bill is designed to help them. That is what a compassionate, caring government does.

One of the reasons I voted against the constitutional amendment to balance the budget is because it would have prohibited the Congress from appropriating money to help people who had suffered that kind of disaster because it would unbalance the budget. You could not do it without a 60 percent vote of both Houses, and if you did not get it, they just suffered. That is what would happen a lot of times.

I am not going to belabor this. I have made the point as well as I can. I see the junior Senator from Alaska on the floor. I yield the floor.

Mr. MURKOWSKI. Mr. President, I appreciate the remarks of my friend from Arkansas. But the Senator from Arkansas says that this is not an emergency, and, as a consequence, this particular provision that is in the appropriations supplemental should not be here. Well, he is absolutely wrong because this is an emergency. It's a raid on the Western States of this Nation. The reason it is a raid, Mr. President, is because we are going to change the rules all of a sudden. Why are we changing the rules? Because the Secretary of the Interior doesn't want the States to continue to have the rights that we have had for 130 years. We have had a law for 130 years, a law that ensures access across public lands, which specifically addresses that there was some kind of a highway, some kind of an access in existence prior to October 21, 1976.

Now, the Secretary of the Interior proposes to take this authority away from the States and give it to the Federal Government. That is why it is an emergency. We are fighting for survival. Here is a picture of my State of Alaska. I hope the Senator will take a good look at it, because here is Alaska today, Mr. President—a State with 33,000 miles of coastline. You can see our highway system here. We had one new highway built in the last 20 years, the Dalton Trail, which parallels the pipeline. This is an area one-fifth the size of the United States, Mr. President.

If the motion to strike prevails by the Senator from Arkansas, our traditional access routes will be eliminated. Let me show you a map, Mr. President, of the State of Arkansas. There is the highway system in Arkansas, Mr. President; it's a fully developed State. It has been a State of the Union for over 100 years. My State has been in existence for 39 years. Here is a map of Arkansas today—roads all over the place. They are necessary for the economy of the area. I don't take issue with the road system. These roads came about in the development over a long period of time in the State, as we would anticipate. So there we have the basic issue.

The Senator from Arkansas says that virtually any access across public land would be provided if indeed this portion that he wants to strike remains in the legislation. Well, let me tell you, as chairman of the committee with jurisdiction over R.S. 2477, I'll just say that the rights-of-way are the future vitality of our State.

Despite all the rhetoric that has been made about this provision, it simply amounts to a tightening of a permanent moratorium placed on the Federal Government last year. It is that simple. What we want to do is keep in place the law as it has been for 130 years, keep the departmental regulations as they have been codified since 1932, I believe, and again in 1974.

Now, the only thing that has changed in this debate is the level to which the administration will go to provide scare tactics to influence this process. Let me state here that I find some of the rhetoric coming out of the Interior Department concerning this provision absolutely reprehensible.

I have a copy of a letter the Secretary of Interior sent to the chairman of the Appropriations Committee last week. At best, this letter shows an alarming ignorance of the history, topography, and the economy of the Western States. At worst, it shows the level of deceit that this administration is evidently willing to go to in order to mislead the American public about this issue.

Now, in this letter there is a claim that a provision in this bill will create some 984,000 miles of new highways in Alaska, based on a 1923 Alaska law creating section-line rights-of-way. That is a fallacy, Mr. President. This is in a State—my State—which currently has just over 13,000 total miles of roads, along with the marine highway system. Alaska has a population of about 600,000, a budget deficit, and the last road built in Alaska cost more than $6 million per mile, down from Whitehorse to Skagway, the U.S. portion.

If you take the miles the Secretary is talking about in his scare letter, you would have to spend just roughly $6 quadrillion to build these proposed roads in our State—more money than even the current administration could even dream up in taxes.

The Secretary contends that this is going to happen because the section-line law exists in Alaska. Here are some facts about that. The State has had a section-line law on the books since 1923. That is the one correct statement in Secretary Babbitt's letter. The State has had the ability to assert section lines since 1923. There are no current rights-of-way based on section lines in Alaska. The State has never filed a section-line right-of-way. We have the right, but we also have the self-discipline. According to the Governor's office during last year's hearing, the State has no intention to ever file a section-line right-of-way. The fact is, section lines have little or no practical application as transportation corridors in Alaska due to the difficulty of the terrain.

Second, the Secretary also states:

> My efforts over the past several years have been directed to establish a clear, certain, and fair process to bring these claims to conclusion . . . the public will be poorly served by Congressional action that has the effect of rescinding the Department's current orderly manner of proceeding to deal with the right-of-way claims.

I find that statement interesting, considering what the Secretary wrote us in 1993, which was:

> I have instructed the BLM to defer any processing of R.S. 2477 assertions except in cases where there is a demonstrated, compelling, and immediate need to make such determinations.

So, in fact, the administration's orderly process of dealing with these claims is to take no action whatsoever.

Well, Mr. President, the fact is, if an R.S. 2477 was not in existence on October 21, 1976, it will not and cannot, by definition, be created now. This is what the statement of my friend from Arkansas suggests will lead to simply an open and arbitrary selection of areas across public land. He said, "Just about anything, anybody, any excuse, will get you access." It will not, Mr. President. It is misleading and it is inappropriate to suggest that. You must have had in existence on October 21, 1976, evidence of utilization of that area as a trail, as a highway, some kind of route.

Let me show you what we have here, Mr. President. This is a map made in 1917, before Alaska became a State. What it shows here is rather interesting, because this is what this issue today is all about. It is about access, early access. The two definitive identifiers in red here are winter stage lines and U.S. Government winter U.S. trails to Fairbanks. We didn't have a highway system. These two large red routings were trails, winter trails. In the summertime, they were used as wagon trails. That was access into the interior. Today, these two represent highways. These greens are the R.S. 2477's that provide access routes across public lands, so that we can get from Fairbanks out to McGrath, we can get from Nome out to the gold fields, across public lands.

Let me show you why it is so important in Alaska relative to having the assurance of access across public lands. This is Alaska. Every color you see is a Federal withdrawal, Mr. President. Take a look at it. Federal withdrawal. Now, how in the world are we going to get from the southern part of the State to the northern part of the State through all these colors, because the only area that the State controls are the white areas? We have to have access. This law gives us that access. That is why this is an emergency. It is an emergency because the Secretary wants to take that authority away. We have had the authority for 130 years.

Look at what we have done with it, relative to highways in Alaska. We haven't wandered all over the place. We have 13,000 miles of roads. But we have to have access, and that is why it is so vital that this matter be addressed now. We have to have access down from Prudhoe Bay. We have a little, tiny corridor, 3 miles wide. This is all Federal withdrawal. How are we going to get east and west if we don't have this provision? We simply can't get there from here. So while it doesn't mean much from the standpoint of the constituents in Arkansas, who have a State that is fully developed with a road system that looks like this, we have a situation where it is the lifeblood and the future of our State to have the assurance that we are going to have access, because the Federal Government basically owns our State.

The Secretary wants to take that authority away from us. The senior Senator from Alaska and I and the Senators from Utah are all sensitive to the realities associated with this. This is our lifeblood. We have to have it. It is an emergency. It is necessary now. The administration and the Secretary want to take the authority away from the States and give it to the Federal Government. We all know what that means, Mr. President. That means disaster.

The fact is, again, if an R.S. 2477 was not in existence on October 21, 1976, it will not and cannot, by definition, be created now. So when we look at those old maps of Alaska, we have to go back and ascertain and prove that we have had a trail, we have had a sled dog trail, we have had a regular route of access. If we can prove that, then we have a right to public access across the land. That is what this issue is all about. It is a legitimate States rights issue. The only thing is, most of the States aren't affected anymore. But some of the Western States are, and it is our lifeblood.

The problem, of course, is the prevailing attitude of the Secretary of the Interior, who basically controls public land in our State—his particular attitude toward allowing us—which we can do under current law—to get across those public areas. But that is going to be taken away. And as a consequence of that, Mr. President, we are at the absolute mercy of the Secretary of the Interior if the motion to strike by my friend from Arkansas prevails.

I am not going to speak about what happened in Utah last fall. The Senators from Utah are here to state that. It is a perfect example of what happens when a small cadre of administrative officials take it upon themselves to decide how America's public lands should be used. I have worked with my friend from Arkansas for a long time. We have been able to work on many issues that we agree upon. But during that time, we have had different approaches to some issues. In 1995, a number of Western Senators, upset about the Department of the Interior's proposed regulations on R.S. 2477, sought to place the language in the proposed highway bill overturning the effect of the proposed regulations.

Many of my colleagues will remember that the final passage of that bill was delayed until late in the evening until we could resolve the issue during the day. The Senator from Arkansas and I met to discuss the issue. We didn't come out with any finality about how to solve the R.S. 2477 debate. But we did agree for the time being placing a moratorium on the Department from issuing any regulations. That made sense.

So in the 1995 national highway bill there appeared a 1-year moratorium on the department from issuing any rules or regulations on the issue. For the most part, this held the status quo, as it has been for the past, as I said, 130 years in terms of R.S. 2477 right-of-way.

I, along with a number of Western Senators, introduced Senate bill 1425 last Congress to set out an orderly process by which people can submit their right-of-way claims to the department to seek formal recognition. My friend from Arkansas opposed that, and in the end we agreed upon compromise legislation that passed out of the committee. The compromise legislation placed a permanent moratorium on the Government by stating, "No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act."

It is this language that was placed in last year's Omnibus Appropriations Act, and is law today. We agreed to only prevent final rules and regulations in the hope that the Department would work on developing a more reasonable recognition process that could be submitted to Congress for approval. Unfortunately, it has been about 8 months now since that legislation passed, and there is no indication that the Secretary has any intention of submitting regulations. Instead, what the Secretary has decided now to do is to shred the longstanding departmental policy regarding R.S. 2477 regulations and replace it with his own. That is why this is an emergency now. It is the lifeblood of the Western States who are still developing and need access, and need the assurance that we will be able to cross public land as long as we are able to prove that we have traditionally used that access route prior to 1976—a wagon trail, a snow machine trail, a dog sled trail. And it doesn't mean much in New York. It doesn't mean much in Arkansas. But in Alaska that is how we can get there from here. We simply have to have that assurance.

The real difference between the provision in the bill before Congress today and the permanent moratorium passed last year is that there is less likelihood that the administration will be able to find a way to skirt around congressional intent with this provision.

Mr. President, in my State these were coveted promises that we were advised would be available to us when we accepted statehood—that we would have the opportunity to access across public land based on traditional utilization, trails, rights, and so forth.

To make the statement that almost anywhere indiscriminately one could claim a route across public land, or parks, or recreation areas is absolutely absurd. The only areas, again, that have any justification for consideration under R.S. 2477 are the historical areas of use prior to 1976 across unreserved public lands.

So, Mr. President, as we conclude this debate, I encourage my colleagues to dismiss the rhetoric suggested by my friend from Arkansas who is, obviously, carrying the weight of the Secretary of the Interior. But when he makes statements that just about anybody or any excuse is justifiable in coming across public land is unrealistic. When he suggests that this is no emergency and should not be on the appropriations supplemental, he is wrong because it is an emergency. They are going to take this away from us by administrative fiat. That is the bottom line.

So here we are today, Mr. President, responsibly; 13,000 miles of road, an area one-fifth the size of the United States. This action by the Secretary of the Interior would eliminate the right that we have as a State, and the commitments that we had coming into the Union, to have the assurance that we would have continued access across public land.

So I encourage my colleagues on this vote to recognize the significance of what this means to Western States. This was a promise made by the Federal Government—a commitment that they are proposing to take away. It is unrealistic. It is unjust.

This belongs in here because we need the continued assurance that we will have an opportunity, and in an orderly manner, to pursue, if you will, access that was guaranteed when Alaska became a State and when other Western States came into the Union.

I yield to the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I thank my colleague from Alaska for the excellent remarks he has made. He has summarized this as well as anyone could. He is an expert in this area.

And I compliment my colleague from Utah for the work he is doing in this area. He is a great leader in this area. I personally appreciate the leadership that he has provided. He will show through descriptive evidence some of the problems that we have.

Let me just say this: I also want to thank Senator STEVENS, the senior Senator from Alaska. Both he and Senator MURKOWSKI have provided our colleagues with a good overview of where the situation now stands, why the language in the supplemental appropriations bill is necessary, and why Senators should oppose the amendment of our good friend and colleague, Senator BUMPERS.

I want to commend Senators MURKOWSKI and STEVENS for their leadership on this matter. They know and understand the issue better than anyone else in this body. When it comes to preserving rights-of-way over public lands for State and local governments, there are no better advocates than the two of them, and certainly the senior Senator from Alaska, who himself served in the Interior Department. I am pleased to join with them today, and I thank them on behalf of the citizens of my State for leading this effort.

For several years now the Department of Interior and the U.S. Congress have been at odds over that Department's effort regarding vested property rights essential to states and local governments throughout the west. On at least three occasions, Congress has blocked promulgation of Interior Department regulations intended to regulate retroactively the terms and conditions of the establishment of certain highway rights-of-way vested between the middle of the last century and 1976.

As Senator MURKOWSKI indicated, the Department of Interior, frustrated by Congress, is now attempting to do indirectly that which it cannot do directly. The Department is attempting to implement the blocked regulations under the guise of a new policy guidance issued on January 22 of this year. This guidance promotes a concept of Federal law which preempts State law, in spite of the fact that Federal courts have found State property laws applicable to issues such as vesting and scope of the right-of-way as a matter of Federal law.

What is at stake here for those of us in the West is the preservation of what amounts to the primary transportation system and infrastructure of many rural cities and towns. The rights-of-way in question are found in the form of dirt roads, cart paths, small log bridges over streams or ravines, and other thoroughfares and ways whose development and use was originally authorized in 1866 during the homesteading activities that led to the establishment of western communities. They have been created over time and by necessity. In many cases, these roads are the only routes to farms and ranches; they provide necessary access for school buses, emergency vehicles, and mail delivery. These highways—and we are obviously not using the term "highway" in the modern sense—traverse Federal lands, which in Utah comprises nearly 70 percent of Utah's total acreage, and they have been an integral part of the rural American landscape for over a hundred years. Congress created these rights-of-way in 1866; Secretary Babbitt is now attempting to eliminate, if not devalue, them in 1997.

Let me set forth for my colleagues, in as brief a form as possible, the black letter principles applicable to this issue and why the disposition of this matter is so critical to those of us representing public lands States.

As has been stated, Revised Statutes 2477 states, in its entirety:

> SEC. 8. And be it further enacted, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted. (§8 of the Act of July 26, 1866, 14 Stat. 253, later codified at 43 U.S.C. §932, repealed October 21, 1976.)

In 1976, Congress adopted the Federal Land Policy and Management Act of 1976 (FLPMA) that repealed these 26 words known as R.S. 2477. At the same time, Congress included language protecting these valid existing rights, thus making the actions of the Department of Interior after passage of FLPMA subject to those rights. FLPMA explicitly states this:

> Nothing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this act * * * All actions by the Secretary concerned under this Act shall be subject to valid existing rights. (FLPMA §§701 (a) and (h), 43 U.S.C. §1701 notes (a) and (h).)

From 1938 until the repeal of R.S. 2477 in 1976 by FLPMA, regulations published by the Department of Interior made it clear that the executive branch had no role to play in determining or regulating the validity or scope of R.S. 2477 rights-of-way. The regulations explicitly stated that:

> No application should be filed under R.S. 2477, as *no action on the part of the Government is necessary*. 43 C.F.R. §2822.1-1 (1972, emphasis added).

They further provided that:

> Grants of rights-of-way referred to in the preceding section become effective upon the construction or establishment of highways, in accordance with the State laws, over public lands, not reserved for public uses. 43 C.F.R. §2822.2-1 (1972).

In other words, the grant of a right-of-way was a unilateral offer that vested automatically upon an act of acceptance. A published Interior Department decision said essentially the same thing as early as 1938:

> This grant [R.S. 2477] becomes effective upon the construction or establishing of highways, in accordance with the State laws, over public lands not reserved for public uses. No application should be filed under this act, as no action on the part of the Federal Government is necessary." (56 I.D. 533 (May 28, 1938).)

The current published Interior regulations state that if administration of any pre-existing right-of-way under regulations promulgated pursuant to FLPMA would diminish or reduce any rights "conferred by the grant or the statute under which it was issued, * * * the provisions of the grant of the then existing statute shall apply." This language was explained in the Department's final rulemaking as follows:

> In carrying out the Department's management responsibilities, the authorized officer will be careful to avoid any action that will diminish or reduce the rights conferred under a right-of-way grant issued prior to October 21, 1976.

FLPMA also provides:

> Nothing in this title [43 U.S.C. §§1761 et seq.] shall have the effect of terminating any right-of-way or right-of-use heretofore issued, granted or permitted. However, with the *consent* of the holder thereof, the Secretary concerned may cancel such a right-of-way or right-of-use and in its stead issue a right-of-way pursuant to the provisions of this title. (43 U.S.C. §1769 (emphasis added).)

These explicit provisions make it clear that the local and the State governments that hold R.S. 2477 rights-of-way have always been entitled to exercise them in accordance with their duly constituted authority and in accordance with the applicable provisions of State law without interference from the Federal Government. No action by Congress would allow any interference by Federal agencies with the exercise of these rights in accordance with State law. The current Department of Interior regulations merely confirm Congress' intent that the agencies honor these vested property rights.

Past efforts to define any of the key words in the original R.S. 2477 statute and to determine their original intent have created many different and varied opinions. Words such as "construction" and "highway" have been the subject of many analyses by lawyers and other experts on public land issues. Even Secretary Babbitt in his policy guidance of January 22 provides a definition of a "highway" as it pertains to R.S. 2477 that, in my opinion, is inconsistent with legal precedents. For example, Federal courts have honored the common law definition of "highways," which basically requires only that the route be open to the public to travel at will. Here are just a few of the statements the courts have made which elucidate this point:

> The act of Congress [43 U.S.C. 932—then R.S. 2477] does not make any distinction as to the methods recognized by law for the establishment of a highway. It is an unequivocal grant of right of way for highways over public lands, without any limitation as to the method for their establishment, and hence a highway may be established across or upon such public lands in any of the ways recognized by the law of the State in which such lands are located. Any other *conclusion would occasion serious public inconvenience. (United States* v. *9.947.71 Acres of Land*, 220 F. Supp. 328 (D. Nev. 1963), quoting *Smith* v. *Mitchell* (1899) 21 Wash. 536, 58 P. 667, at 668.)
>
> The parties [including the Department of Interior of the United States] are in agreement that the right of way statute [R.S. 2477] is applied by reference to state law to determine when the offer of grant was accepted by the construction of highways.

In Colorado, and in Utah, the term "highways" includes footpaths.

Highways under 43 U.S.C. 932 can also be roads formed by the passage of wagons, etc., over the natural soil.

In Colorado, mere use is sufficient: "It is not required that 'work' shall be done on such a road, or that public authorities shall take action in the premises. Use is the requisite element, and it may be by any who have occasion to travel over public lands, and if the use be by only one, still it suffices."

The Secretary's new policy states that "a highway is a thoroughfare * * * for the passage of vehicles carrying people or goods from place to place." This policy blatantly ignores the history of legal decisions in this area by insisting that a R.S. 2477 right-of-way must provide for the passage of a vehicle. How did the Secretary arrive at this definition? By what authority can he overlook decades of legal opinions and insert his own philosophy or interpretation of the original statute to create this critical definition? There can be no solid foundation upon which he takes this leap of interpretation, except his own desire to rewrite these opinions to say or mean something different. The decisions stand for themselves. This body cannot allow the Secretary's new policy guidance to go unchallenged.

Let me underscore the importance of this issue by stating several critical facts.

First, it is clear from the record that the Department of Interior understood that FLPMA did not grant authority to the Bureau of Land Management [BLM] to diminish any prior valid existing rights. It is also clear that many counties in western States have been maintaining the transportation infrastructure across Federal lands for many decades without interference from the Federal land managing agencies, particularly the BLM, according to legal and regulatory precedents.

However, current actions by Interior and the Department of Justice contradict these express provisions of FLPMA. For example, the Secretary's new policy guidance of last January states that the BLM should not process R.S. 2477 assertions in the absence of a demonstrated, compelling, and immediate need to make such determinations. Thus, BLM has been precluded from addressing R.S. 2477 questions administratively, to the extent it might otherwise have done so.

And, Department of Justice officials have been telling county governments that they cannot maintain their R.S. 2477 rights-of-way without first obtaining the permission of the BLM. It is a catch-22 of a serious nature. The BLM is not addressing R.S. 2477 rights-of-way on the lands they manage, while right-of-way holders are being told they cannot exercise the rights unless BLM addresses them first. For this reason, several western counties have been sued by the United States, based on complaints that assert that the counties have violated the law by maintaining roads without first seeking permission from the BLM or the National Park Service. These complaints, as well as other public statements made by Department of Justice officials, assert that permission from the land managing agencies is required before a county can take any action to exercise its rights.

The BLM or the Justice Department has told more than one county in Utah that they should seek FLPMA rights-of-way, more accurately described as conditional use permits than true rights-of-way, because there is no R.S. 2477 process in place and because BLM cannot authorize activities on R.S. 2477 rights-of-way without first going through a process. Counties are threatened with lawsuits if they exercise their rights as they have in the past.

I recently brought this matter and these current facts to the attention of Attorney General Janet Reno in a letter detailing the history of R.S. 2477. Among several things, I asked her if she was aware of Secretary Babbitt's policy guidance of January 22 and whether her office was consulted as to the legal sufficiency of terms defined within the policy. I asked her because, in the end, if this or any other government policy is challenged in court, the Department of Justice will have to defend it, and the lack of consistency on definitions and other wording contained in that policy could lead to insupportable and unnecessary litigation. Her response to my letter indicates that while her office was aware of the Secretary's January policy statement, she does not say conclusively that Justice was consulted. The letter closes by stating that "the final determination (on the policy guidance) * * * rests with the Secretary." The answer to my query is obvious.

This is interesting in light of the fact that the chief of the General Litigation Section of the Environment and Natural Resources Division at the Department of Justice wrote a letter to the Department of Interior's solicitor on January 29 asking that Secretary Babbitt's policy guidance be modified to reflect any future adjudication of R.S. 2477 rights-of-way claims. The Secretary later released a memorandum dated February 20 making this clarification in the policy statement.

My point in raising this matter is this: when it comes to establishing a new policy on such a technical issue as R.S. 2477 rights-of-way, where the definition of key words and phrases—like "highway" and "construction"—is of paramount importance, the Government's own legal authorities who may have to defend those definitions should be consulted.

To say the least, this situation is intolerable for holders of R.S. 2477 rights-of-ways. Attempts to rectify this situation in an amicable fashion, either through regulation or legislation, have proved futile. Now, Secretary Babbitt is skirting both the letter and spirit of recent congressional direction regarding R.S. 2477 rights-of-way through his policy guidance of last January. If he is serious about bringing closure to this matter once and for all and in a way that is in the best interests of the public and local and State governments that hold R.S. 2477 rights-of-way, then I encourage him to work with the Congress, not against it.

Mr. President, some claim that R.S. 2477 rights-of-ways are nothing more than dirt tracks in the wilderness with no meaningful history, whose only value to rural counties arises from the hope of stopping the creation of wilderness areas. Nothing could be further from the truth. No one is suggesting that we turn these rights-of-way into six-lane, lighted highways with filling stations, billboards, and fast food restaurants, as Secretary Babbitt alluded to in his recent letter threatening a veto recommendation if this bill is not amended. Yet, these rights-of-ways constitute an important part of the infrastructure of the western States.

My colleagues can think of it this way: Let's say your front yard belonged to someone else—the Federal Government, for example—and the gravel driveway was the only way to get to your house from the street. The Secretary's policy guidance would have the effect of denying you the use of your driveway. You would have to haul your groceries to your front door from the street.

A simple illustration, perhaps, but one that shows the importance of these R.S. 2477 rights-of-way to the people in the West.

There is no pressing environmental reason to change the R.S. 2477 rules other than to make Federal land more pristine than it has been since the pioneers settled the West. In most cases in Utah, this is absolutely impossible, since some of Utah's R.S. 2477 rights-of-way, like Utah State Highway 12 near Bryce Canyon National Park, are paved and heavily traveled. What would those opposing the full exercise of these rights-of-way have the State of Utah do—dig up the blacktop, remove the pavement, erase the yellow markings, and reclaim this road in the form it existed prior to 1866? That is ludicrous. And, we may as well sell off Bryce Canyon because no one will be able to get there. The right-of-way has been developed over time with improvements to it pursued in the name of protecting public safety and welfare.

Mr. President, any disposition of issues related to rights-of-way across public lands is of utmost concern to States like Utah with public lands. These rights-of-way provide the backbone of our transportation infrastructure and have deep historic and traditional roots in the overall development of the West. There are regulatory and legal precedents that should be followed and adhered to when these rights-of-way are administered. The

Secretary's policy guidance of January 22 is not consistent with this law, precedent, or custom, which is why the language in the supplemental appropriations bill is necessary.

I urge my colleagues to reject the Bumpers amendment.

I thank my colleagues from Alaska and I thank my colleague from Utah for their leadership on this matter, and in particular I would like to thank my colleague from Utah for allowing me to go first here because I am conducting a hearing over in the Judiciary Committee and I need to get back. So I am grateful to him for his courtesy in allowing me to do this. I hope that our colleagues will vote down the Bumpers amendment. It just plain is not fair to the West. What Secretary Babbitt is doing is not fair to the West. In fact, it is extreme and it flies in the face of many precedents of law that have existed and do currently exist.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I ask unanimous consent that privileges of the floor be granted to Cordell Roy for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. I thank the Chair.

There is an old line in politics that applies in campaigning that says when you are explaining, you are losing. And there would be those who say, because of the technicalities of the explanations we have to give about this fairly technical matter, we are probably losing the issue.

However, if you are explaining, it does not necessarily mean you are wrong. I am going to do my best to try to be as simple in my explanation today because we are not wrong on this one. This is not an issue where the Senators from the Western States are trying to do something improper for the rest of the country, something parochial just for ourselves. These are fundamental issues and they should be clearly explained and understood.

I would like to focus on one road and one circumstance that will help explain this matter. I picked this road because it is perhaps the most controversial R.S. 2477 road in all of Utah. It has a very romantic name. Its been called the Burr Trail. I do not know who Burr was, and I do not know what trail he or she made across this land in the first place. I suppose at some point somebody will tell me all of that. Frankly, as I read about it in the newspapers and heard people talk about the Burr Trail before I became a Senator, I had visions of a footpath going through a forest. That is what a trail means to me. And then I was elected to the Senate and had to get into the details.

This is, Mr. President, a picture of the Burr Trail. As the Presiding Officer can clearly see, this is a road. It is 28 feet wide. It is a well-traveled road. I have been on it. No, I did not need an all-terrain vehicle to get on it. I was on it in a street-legal vehicle, driving along it. It is used, whatever Mr. or Mrs. Burr anticipated, as the principal way the residents of Garfield County can get from one end of that county to another. It happens to run through the Capitol Reef National Park. It was with the full consent of the Federal Government that the western Burr Trail across BLM lands was improved. The lands in dispute have to do with the 8 miles of road that go through the Capitol Reef National Park.

This sign the Presiding Officer cannot see, as far away as he is, says, "Entering Capitol Reef National Park." I would call your attention to this sign as a guidepost because I am now going to show you a second picture of the Burr Trail taken somewhat after the first one, and here again is the identifying sign to show you where we are. There is one difference. If you would remember from the first picture, you will see that this is a blind curve. As you are coming down the Burr Trail here, if there is traffic coming the other way, you are not going to be able to see it. It is a blind curve. There could be an accident. Under R.S. 2477, the responsibility of maintaining the Burr Trail lies with the county. They own it. It is a right-of-way that they have received according to Federal law. The county went out and cut off 4 feet of land. As I said, the Burr Trail is 28 feet wide. As it got to this particular point, it narrowed to only 20, so the county decided to widen it to 24—not 28, not widen this curve as wide as the rest of the road but just take 4 feet off so you get a little bit of a view around the blind curve. They did that under their existing rights established by the Congress.

Well, the reaction that occurred in the Interior Department would have had you believe they had gone into Yellowstone National Park and bulldozed Old Faithful. Interior officials were sent from Washington, DC, to Garfield County, sat down across the table from Garfield County officials and demanded that those officials immediately sign over their right to any meaningful management authority over the right-of-way. They also assured them that if county officials did not, they could face the full power and force of the Federal Government in Federal courts in the form of an aggressive legal action.

This is not the only sin these county officials committed by creating an opportunity to see around the corner, by taking 4 feet off of an area that was, they understood, legitimately within their right-of-way. When they took this action, they did not realize they were setting off such an enormous controversy.

County officials did some other things on this road. They also made some improvements where the washboard effect had been created. They made some improvements where there had been debris that got on the road. They did changes in a normal maintenance circumstance, and for this they are now in Federal court with the full force of the U.S. Justice Department accusing them of all kinds of terrible environmental sins.

I am sorry, Mr. President, I do not see the terrible environmental sin, going from the first circumstance of this kind of a curve to this circumstance; of taking a road that is 28 feet wide, narrows going around that curve to 20, and saying, no, we will make it go around the curve at 24 feet. I do not know that this merits the kind of wrath that has been brought down by the Interior Department on the officials of Garfield County. But that is what we are faced with.

That is what we are talking about here, Mr. President. It has little or nothing to do with the road. It has little or nothing to do with the county maintaining this kind of right-of-way. It has to do with is who is going to make the decisions. The Federal Government is determined they will make the decisions whether the Congress gives them the right to do it or not. They will ride roughshod over the rights of the States and the counties whether the Congress gives them the authority or not. When the Congress specifically refused to give them the authority, this Secretary of the Interior said, "All right, if the Congress won't give me the authority, I will usurp it. I will take it on my own and see if the Congress has the willingness to demand that I live up to prior agreements."

That is what this amendment is all about, a demand that the administration live up to prior agreements. That is what it is all about, the issue of can the States depend on the acts of Congress in terms of maintaining their existing rights.

Mr. President, I would like to show you another picture. This one is not as controversial as the first pictures we have just seen. Those who say R.S. 2477 roads are mere trails, R.S. 2477 roads are mere footpaths, here is a picture of an R.S. 2477 road in the State of Utah. Why do I pick this particular one? Not because it is paved; there are plenty of R.S. 2477 roads in Utah that are paved. I picked this one because this is the road that millions of tourists will take when they come to the newly created Grand Staircase-Escalante National Monument. This is the road those tourists will have to use to come see the 1.7 million acres that the President spoke about so lyrically on the south side of the Grand Canyon last September. It runs for about 70 miles.

If we decide that the Secretary is right and the Federal Government has jurisdiction over this road, I can tell you what the counties will decide. You take away their property rights in this road and the counties will say, "Since you have taken our property rights, you maintain the road. It is not our road anymore, let's allow the Federal Government maintain it." This is the kind of responsibility we are going to give to the Bureau of Land Management if we accept the motion of the senior Senator from Arkansas.

Frankly, as a member of the Appropriations Committee, I do not want that responsibility. I do not want to take on additional Federal financial burdens. When there is a county more than willing and able to maintain the road, I say, why don't we let it do it? We will not let it do it because the Secretary of the Interior says, "We want jurisdiction. We want jurisdiction over this road. We cannot trust the county to maintain the road."

I ask you, Mr. President, does this demonstrate that the county cannot be trusted to maintain the road?

No, the real issue is that there are a number of roads in rural Utah that the Federal Government officials want closed. That is why they want to take away the property rights of those roads away from the counties, because they wants the roads closed. They want the roads shut down. The impact of shutting down the roads will be that, ultimately, people will move from the county because they cannot conduct commerce anymore. Ultimately, they would like to see southern Utah rid of human beings except those who work in motels and in fast-food places, people who have tourist oriented jobs. But they want no other jobs down there because they do not want any other economic activity in southern Utah to continue.

Mr. MURKOWSKI. I wonder if my friend from Utah will yield for a question?

Mr. BENNETT. I will be happy to yield.

Mr. MURKOWSKI. Isn't a good deal of this debate about exactly what a highway is? And hasn't the Secretary, in effect, taken the assumption that he has the authority to change the terminology of what a highway is?

Mr. BENNETT. I ask my friend from Alaska if he has a definition of what a highway is, in these circumstances. If he would share it with the Senate, I will be happy to yield the floor to allow him to do that.

Mr. MURKOWSKI. I might just add, has my friend from Utah concluded his statement?

Mr. BENNETT. I probably concluded prior to the time when I quit talking, but I got carried away.

The PRESIDING OFFICER (Mr. ROBERTS). The Senator from Alaska.

Mr. MURKOWSKI. I thank my friend from Utah for yielding. I would like to highlight, specifically for the benefit of my friend from Arkansas, who is back on the floor, what this debate is about. It is about what a highway is.

Looking at the State of Arkansas, it is quite clear what a highway is. A highway is, as indicated on the highway map of the State of Arkansas, extended networks of access across the State, traditionally used for recreation, commerce, and so forth. The question we have here before us is the definition by the Department of Interior, how they are defining a highway. In 1988, the Department, after months of discussion and consultations with the Western States, developed its official policy on the R.S. 2477 right-of-way. That policy worked in conjunction with the States, as they defined historically what a highway was. I will quote this definition, because this is what this debate is boiling down to:

> A definite route on which there is free and open use for the public. It need not necessarily be—

And this is the key.

> It need not necessarily be open to vehicular traffic, for pedestrian or pack animal or trail may qualify.

It does not have to be for an automobile; pedestrian, pack animal, trail may qualify. That is where we have been in this debate up until now, and that is why it is appropriate that this be in here, to ensure that we will have that definition as opposed to what the Secretary of Interior has arbitrarily proposed in changing it.

He proposes to state that, through an action used prior to October 21, 1976, "by the public for the passage of vehicles [cars] carrying people or goods from place to place." That is the change. That is the significance. He is doing this arbitrarily. He is saying that no longer is pedestrian access or pack trail or wagon trial adequate. It must be vehicles.

Mr. President, in 1917 they did not have very many vehicles in Alaska. We do not have very many today. But the point is, we have trails. We have to have the right, as evidenced by those trails, as we look at the restrictions that Federal withdrawals have placed on our State. And here they are, Mr. President. How in the world are we going to get across Federal lands? All these colors—the brown, the green, the cream—these are the Federal holdings in the State of Alaska. The only thing that belongs to the State that we have access through are the white areas.

The point I want to make is, how in the world are we going to get a highway across from the Canadian border to the Bering Sea without crossing Federal land? We cannot do it. How are we going to get north? How are we going to cross all these Federal areas without this basic right that we had when we became a State 38 years ago? We are simply not going to be able to do it, unless we have this law that states specifically that the interpretation of a highway is for pedestrians, pack animals, to qualify. Because, Mr. President, if you look again at Alaska today, this is our highway network. That is where we are. That is our highways, 1,300 miles. We have a road north-south to Seward, a road over to the Canadian border. We have nothing to the west—absolutely nothing. This is an area one-fifth the size of the United States.

My point is, under the law as it is currently stated, you must have proof of a traditional route across public land, prior to 1976, to qualify. The Secretary proposes to change that. He would say you have to have had a road. That eliminates Alaska. It eliminates much of Utah, and several other Western States are affected. That is where we are.

I am reading from a definition of "highway."

> The term "highway" is the generic name for all kinds of public ways. Whether they be carriage ways, bridle ways, foot bridges, turnpike roads, railroads, canals, ferries, navigable rivers, they are considered highways.

But that is going to change under this definition. So, clearly what we are talking about is keeping in place the law that has been for 130 years in the departmental regulations as they have been codified since 1932, and again in 1994.

The fact is, if R.S. 2477 was not in existence prior to October 1976, it will not and it cannot be, by definition, created now. So there is no threat here to public land. There is no threat to the parks. This is all a smokescreen.

The reality is, we will simply be assured of having the rights-of-way across public land that we were promised as opposed to it being taken away. So I urge my colleagues to recognize the significance of what this inclusion means, why it is appropriate that it be there, why it is an emergency right now, and why I encourage all Members to reflect on the significance of this. The motion proposed by the Senator from Arkansas should be stricken, because it simply does not belong in the sense of his offering the amendment to strike this section.

So, I see my friend, the senior Senator from Alaska, is seeking the floor. I yield the floor at this time, other than again to remind all my colleagues, what we are trying to do here is keep in place a law that for 130 years has provided us with the protection, the assurance that we would be able to cross public land if, indeed, we had valid proof that we had used the routes prior to 1976. So we would have the assurance of being able to proceed with the orderly development of our State.

I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I have been involved in this issue now for a substantial portion of my life. I was in the Interior Department during the Eisenhower administration, 1955 to 1961. At the end of that period, I was the Solicitor of the Interior Department. During that period, we obtained statehood for Alaska. The whole question of what our rights would be as a State was debated at length, not only in the Congress but in the White House and the old Bureau of the Budget.

The Revised Statute 2477 was the basis for really the modernization of the West. And when we came to the period of the seventies—and I was here as a Senator—when the proposal was made to repeal R.S. 2477 in 1974, I had a very long debate with Senator Haskell of Colorado at the time, and we subsequently did not pass the bill in that Congress.

In 1976, when the rights-of-way bill was brought up again, we discussed at length the protections that would assure that the commitment that was being made to the Western States, in general, and Alaska, in particular, would be ironclad. So at my insistence, the 1976 act contained three specific statements.

The first one is in section 701(a):

> Nothing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act.

Again in section 701(f):

> Nothing in this Act shall be deemed to repeal any existing law by implication.

And in section 701(h):

> All actions by the Secretary concerned under this Act shall be subject to valid existing rights.

Starting in 1993, the Secretary of Interior attempted to ignore all of those guarantees and say that as manager of the Federal lands, he has the inherent right to ignore that law and to issue regulations to change this concept, so that the valid existing rights will be determined by Federal law and not by State laws as they have for 130 years. There has never been, before this administration, any attempt to define the rights-of-way across Federal land by Federal law. They have been determined by the general law of each State, and ours are no exception in Alaska.

But very clearly, we have three times now spoken here in the Congress to try and stop this move by the Secretary of the Interior and his Department to change this tradition. We did it in the National Highway System Designation Act, we did it in the Interior appropriations bill for 1996, and the Interior appropriations bill for 1997. Now, however, what we are trying to stop is his announcement of a policy which will govern all Federal lands. It is not regulation, it is a statement of policy now. Congress prohibited the use of funds, we prohibited the issuance of regulations, but now he says he is going to announce a policy, a new edict, and that is that there is a Federal law pertaining to rights-of-way and they will define that and it will not be based on State law at all.

What we are talking about, as my colleague from Alaska has said and the Senators from Utah have said, is the process by which all of the West obtained the rights-of-way that ultimately became the road system of the West.

In Alaska, because of our situation prior to statehood, the Federal Government built the highways when we were a territory, and it built one main road. It was really built for the aid of the war effort. The Alaska highway came up through Canada, and then came down through Alaska at our eastern border, and came to our major city of Anchorage. It came through Fairbanks and then down into the Anchorage area. That was one main road. Since then, we have built some arterials off that. We had a long time convincing the Congress that we were a State and we ought to have equal treatment under the National Highway Acts. Now we have that.

Now we come to the period where this administration wants to assert, by virtue of Federal supremacy, a concept that, on over 100 million of acres of land that were reserved by the Congress in 1980—and, incidentally, they were specific in terms of recognizing valid existing rights at that time, too—now this administration wants to say none of these rights under the Revised Statute 2477 shall be recognized on Federal lands in Alaska, period.

The Federal Government owns more than 68 percent of Alaska's land. As my colleague has pointed out, the State of Alaska is a checkerboard with Native land, Federal land, and State land and very little private land. But the right of access to the private land through the State land and the Native land is of necessity such that rights-of-way across some Federal lands are required if we are to have a road system to serve the State as a whole ultimately.

This is not a simple question for Alaskans. What it really comes down to is a question of can we trust the Federal Government? We had a long debate here that went on for 3 years. The record is absolutely clear that the Congress, at that time, agreed that we had these rights and that they had to be protected if Revised Statute 2477 was to be repealed. I have to say, from 1976 to 1993, there was no question about it. But now, because of the onslaught of a direct mail advertising campaign by extreme environmental groups who have painted us as being the arch devils of management, they claim that we are trying to establish some new rights across Federal lands. By definition, none of the rights that could vest after 1976—they are all prior to 1976, and they were protected by Congress and they were across lands that were not reserved in 1976.

I think the real problem here is the people who are doing this are unwilling to accept the decisions made by Congress. Every Congress has said we are not going to interfere with valid existing rights. Again, these rights are vital to a State such as ours. I really cannot deal with it without going back over a whole history of what has been done in our State.

Let me say, our amendment is simple. It continues the same policy the Congress has voted on three times now, and it says this new policy concept of the Department of the Interior—not a regulation, not a rule, both of those were prohibited by past actions, not an order that was also prohibited—but this new concept of a policy, they can't do it in any way. If they want to do it, they can send up a proposal to Congress, let us debate it, and we will see what the law will be for the future, and we will see as a result of what they are doing if there is any compensation due to the people whose rights are condemned by Federal action. This is a way around the whole concept of trying to compensate people for the absolute extinguishment of rights that were created and protected by Congress through past actions.

Some have suggested that almost a million new miles of roads and claims would be asserted by virtually anybody, anyone. Mr. President, I tire at trying to answer false statements like that. As my colleague has said, we have 18,000 miles of roads in an area one-fifth the size of the United States now. We can only build those roads with highway funds that are available, and at the cost of roads, it is just not possible for us to contemplate a million miles of road. We are not contemplating even doubling what we have now. We are contemplating just some small roads to connect various villages and communities that are near the road system that exists now, and even that will be over a period of years.

This is a process that we believe that the Congress ought to recognize. We create no new rights-of-way across Federal land. We only recognize those that were in existence before 1976, and we preserve those rights once more on the same basis that they have been available throughout this country for 130 years based upon State law. The courts have asserted, past administrations have asserted—I don't know of anyone, as I said, in the past who has asserted that there was a Federal law that determined how rights-of-way were created across Federal land.

There is the specific right-of-way concept where people are coming and asking permission to cross Federal land to build pipelines or build transmission lines for various uses of Federal land, and that is what the Trans-Alaska Pipeline Right-of-way Act was all about.

But we believe that in terms of what we are doing now, I am told—I don't know if Senator MURKOWSKI mentioned this—we asked the Department of Natural Resources of Alaska to tell us what rights-of-way might be capable of being asserted. There were 1,900 originally reviewed, and 700 were found to be on State land. Of the remaining 1,200, about 560 appeared to qualify as potential rights-of-way. The State deferred 400 of those because they crossed Federal withdrawals. That is to be looked at at a later time, and we are now proceeding with very few of them. I have been told that so far, we have used about 10 of these rights-of-way in the time that we have been a State, which is now almost 40 years. Mr. President, you don't use them until the highway system gets to the point where you can use them to extend it on out. So Congress protected those rights-of-way for the future so that when the highway system starts to expand, it will be possible to get to those communities.

My last comment to the Senate will be this. My colleague and I labor here for land that is so far away that we are closer to Tokyo than we are to Washington, DC. We spend a great deal of our time trying to convince the Congress to keep the commitments that were made to us as we sought and fought for statehood because we wanted to be partners in the Union.

Now it seems that people from other States are doing everything they can to turn us back into a federally dominated territory. That is why we are here on the floor. We wanted to be a State to protect our rights. That is our No. 1 duty, to see to it that the commitments made to our State are kept by the Federal Government. And it is very hard to do right now. It is very hard to do when there are people in the administration who want to just be those who dictate to our State.

I cannot emphasize this enough to the Senate, this is not a new subject. We have done in this bill what we did three times before. We have acted to prevent the Secretary of the Interior continuing on this course of trying to change the law that guarantees the protection of valid existing rights under Revised Statute 2477.

Mr. President, I mentioned my own background on this subject. But I have to say, one of the reasons that I am concerned about it is because, as a young lawyer in the Interior Department, I remember some of the fights that existed in the 17 Western States that had public lands before we became a State. This same battle took place before, but in different ways, where agencies of the Federal Government just tried to block the use of lands. But no one ever thought of creating a Federal rights system and taking unto themselves the power to determine what rights existed prior to that time. That is what the Department is trying to do now. They are trying to say, "Wait a minute. We're the managers of this land. All this land is still under our domination and, therefore, we're going to tell you how you cross this land."

The Department of the Interior has done something—I used to tell our people in the Interior Department when I was there: "We do not own this land, you and I. We are the stewards of this land. It's owned by the people of the United States." But if you hear these people talk now in the Department of the Interior, it is their land. They own it.

I have to tell you, Mr. President, it will be a cool day in Hades when Alaskans will allow them to do that. I hope that the Senate will stand by us in this battle, which is just a continuation of battles we have fought here on many other issues to protect our rights as a State.

These rights ultimately will be used by the State of Alaska to build public highways. We do not have a county system. Our population base is small. We have a borough system, but basically the roads in Alaska are built by the State. So in our State the rights are basically protected by the State and the State nominates those areas where it wants to proceed to utilize the rights-of-way that were created prior to 1976.

I do think, Mr. President, that if there is anything that I would like to leave with the Senate, it is that at some time or other every Senator is going to have to come out here and say, "In the days gone by, a compromise was reached regarding an issue in my State, and the decision was made and put into law."

All I want you to do is recognize an act of a prior Congress in committing the United States to a course of action that must be followed now if States rights are to mean anything. This is a basic States rights issue to me, to have the ability to provide the expansion of the transportation system to meet the growing needs of people in a frontier area. If the Senator's amendment is adopted, the Secretary of the Interior will be free to issue an edict that future rights in Alaska will be determined by the Secretary of the Interior.

What does that do? It returns us back to 1958, to the territorial days. We would not be a State. No State is dominated by a Cabinet officer. We were as a territory. We had an Office of Territories in the Department of the Interior when I was at the Department of the Interior. And Alaska was one of the desks in the Office of Territories. That person carried all of the decisions of the Secretary of the Interior with regard to Alaska. As a matter of fact, Alaska used to call him the "Great White Father." Well, there is not a Great White Father for Alaska now. There are 100 Senators here and 435 people over there who have something to do with making decisions regarding what happens to the rights of the people of the State of Alaska.

I urge the Senate to stand by us and maintain the course, that we will live by the law and not by edicts of changing personnel in changing administrations as the years go by.

Mrs. BOXER. Mr. President, I rise today to discuss Senator BUMPERS' amendment to strike section 310 of the supplemental appropriations bill related to rights-of-way across public lands.

I support Senator BUMPERS' amendment because it strikes language in the supplemental appropriations bill which is not only highly controversial and bad for public lands, but it also has nothing to do with emergency funding—the purpose of this supplemental appropriations bill.

Rights-of-way is a principle of property use that allows for continued use of a pathway across public land when it can be proven that the path existed before the land was reserved for Federal designation—so a road that existed prior to the designation of the Yosemite National Park would be a valid right-of-way.

In our Nation, any individual or local government can claim a right-of-way. The validity of this claim must then be determined.

In 1988, then Secretary of the Interior Hodel developed policy guidelines for dealing with right-of-way claims over public land.

The Hodel policy effectively deferred authority over rights-of-way determination to States and provided very broad guidelines to assist States in making these determinations. The guidelines allowed for a right-of-way to be granted if merely a large rock or vegetation was removed from an area. Once a right-of-way authority is granted, a small dirt footpath through Yosemite National Park could be converted to a six-lane paved highway.

The Hodel policy makes it much easier for right-of-way claims to be asserted through many of our most precious environmental areas—including designated national parks, wildlife refuges, and wilderness areas.

In January 1997, Secretary Babbitt revoked the Hodel policy, and instituted revised policy guidelines in an effort to put the Federal Government back in charge of protecting our remaining Federal lands.

The Babbitt policy establishes a Federal process whereby right-of-way claims are evaluated. This policy would not allow a six-lane highway to tear up our precious national parks. It would ensure the rights-of-way be granted only for major roads that require such authority. And any alteration of the land would be susceptible to all Federal environmental regulations.

Secretary Babbitt is unable to follow normal procedure for regulations—proposing rules in the Federal Register, receiving public comment, and promulgating final rules—because of provisions included in the past two Interior appropriations bill which prohibit such actions. In fiscal year 1996, the Secretary was entirely prohibited from promulgating rules concerning rights-of-way; and for fiscal year 1997, the Secretary is only able to propose such rules if expressly authorized by an act of Congress.

If we are not allowed to move forward with Secretary of Interior Babbitt's policy, States will have the authority to determine the validity of existing rights-of-way claims. We therefore create the potential for destruction of valuable Federal lands—lands that belong to all the people of our Nation.

Vast areas may be prohibited from wilderness designation because of right-of-way claims that scar the land. In my State of California, the current number of claims is relatively low. However the potential for claims is thought to be quite high. The Bureau of Land Management estimates that the 12 claims currently pending cover hundreds of miles of roads through California's unique wilderness areas.

Remaining land in California's Mojave Desert, Death Valley, and Joshua Tree poses a serious potential problem should there be a right-of-way claim.

With the California Desert Protection Act, Congress was finally able to protect these unique lands. The language of the bill now threatens the very protection we worked so hard to achieve.

There are few remaining natural lands which have been held in trust by the Federal Government for all people to enjoy. These precious natural resources must be held to a high uniform standard which protect only valid rights-of-way claims while promoting environmentally responsible management of our Federal lands. These are Federal lands, and as such should be governed by Federal policy and procedure.

In a letter to Chairman STEVENS and Senator BYRD, Director of the Office of Management and Budget Frank Raines and Secretary of Interior Bruce Babbitt have both stated that they will recommend the President veto this legislation should this language be included. This is not the time to risk veto of legislation which will provide necessary aid and disaster relief to those who desperately need it.

We saw the disastrous results that occurred from the salvage logging rider. This amendment is just that—an unnecessary, antienvironmental rider which could devastate our remaining public lands.

I urge my colleagues to support Senator BUMPERS' amendment. We must not prevent the administration from establishing necessary procedures for dealing with remaining right-of-way claims.

Mr. BAUCUS. Mr. President, I rise today to speak in favor of Senator BUMPERS' motion to strike section 310 from the Supplemental Appropriations Act. This section should be removed from the Supplemental Appropriations Act for two reasons. First, it could harm our Nation's wilderness areas, national parks, and wildlife refuges. Second, it is wrong as a matter of principle to tie controversial issues to flood disaster relief. We simply should not play politics when people's lives are in the balance.

In 1976, Congress enacted the Federal Land Management Policy Act and thus repealed an 1866 statute that allowed practically unrestricted road construction across our public lands. Congress agreed, however, to recognize the legitimacy of highways constructed as of 1976.

In essence, the appropriations rider reinstates a 1988 policy that broadly defined highways to include foot paths, pack trails, and even dog-sled routes. If these paths are recognized as highways constructed prior to 1976, then they can be upgraded and enlarged to full roads, even if they run through existing wilderness areas, national parks, or wildlife refuges. These areas are national treasures. They are visited by millions of Americans every year. We should not let them be roaded without careful thought and deliberation.

This rider hits close to home for me. This provision could allow roads to be built through spectacular wilderness in Montana. Often, we have to speculate about what the effect of a piece of legislation will be. In this case, speculation is not necessary.

An R.S. 2477 claim has been filed to build a road through the middle of one of Montana's most popular wilderness areas. Fortunately, that claim was recently rejected by the Department of the Interior. If this rider becomes law, this and other claims could be granted with devastating effect to our Nation's wilderness areas.

Equally disturbing, this section could prevent Montana roadless areas from being designated as wilderness in the future. I have carried bills in the Senate to designate Montana's spectacular Rocky Mountain Front as wilderness. This is an area of soaring mountain peaks, crystal clear streams, and untrammeled meadows. Bills to designate this area as wilderness have received bipartisan support and have passed the Senate.

If section 310 becomes law, the Rocky Mountain Front and other roadless lands in those bills could be denigrated. If section 310 becomes law, the Senate may lose its right to decide whether to designate those lands as wilderness.

And section 310 applies to more than wilderness lands. Section 310 would even affect our national parks and wildlife refuges.

But this vote is about more than the roads that could be built across our Nation's wildlands.

This vote is also about people who have suffered through an unusually harsh winter in Montana and are seeking disaster relief. This vote is about people in North Dakota who have suffered devastating floods.

Let me read what the paper in my State's capitol wrote yesterday about section 310. In an editorial entitled "An Ugly Kind of Politics," the Helena Independent Record writes:

> This sort of thing might be business as usual in Washington, but we think the specter of Clinton being forced to veto a flood-relief measure because of tacked-on skulduggery is way out of line. We suspect it wouldn't sit too well either with flood victims in the Dakotas—and, perhaps, potential flood victims in Montana as well. Politics is seldom pretty, but this is downright ugly.

Mr. President, I agree with this assessment, and I ask unanimous consent that the complete text of this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Helena Independent Record]

AN UGLY KIND OF POLITICS

It might not be anything new to the halls of the Congress, but that doesn't make recent stealth legislation by Alaska's senior senator any easier to take.

Sen. Ted Stevens, R-Alaska, is chairman of the Appropriations Committee, which is writing an emergency bill authorizing $5.5 billion in relief for flood victims.

This is vital, must-pass legislation that everybody agrees needs quick approval. So Stevens tacked onto the bill a pet piece of new legislation that would make it far easier to build roads through federal parks, refuges and wilderness areas.

The measure, based on a Civil-War era law, would give the government less control over right-of-way claims.

Contending the legislation would make the federal government effectively powerless to prevent the conversion of foot paths, sled-dog trails, jeep tracks, ice roads and other primitive transportation routes into paved highways, Interior Secretary Bruce Babbit urged President Clinton to veto the measure if Stevens' provision remains in the bill when it reaches his desk.

This isn't the only deceptive legislation going on. The Alaska Wilderness League is complaining that Stevens and other representatives from that state are trying to rig the federal budget process to allow oil drilling in the Arctic National Wildlife Refuge.

The league says lawmakers may have to vote against a balanced budget deal to save the wilderness area.

According to oil-drilling foes, Alaskan politicians are working to have colleagues include estimated oil drilling revenues of $1.3 billion into budget allocations without mentioning that the revenues will have to come from opening the wildlife refuge to development.

This sort of thing might be business as usual in Washington, but we think the specter of Clinton being forced to veto a flood-relief measure because of tacked-on skulduggery is way out of line. We suspect it wouldn't sit too well either with flood victims in the Dakotas—and, perhaps, potential flood victims in Montana was well. Politics is seldom pretty, but this is downright ugly.

Mr. BAUCUS. Mr. President, the American people are losing faith in our political system. And they are losing faith because of the way that politics is played. Because of this type of rider.

How will the disaster victims in the Dakotas feel if their aid is delayed because some want to play a game of poker where the stakes are incredibly high? Where the stakes are the blankets that flood victims need to stay warm or where the stakes are pumps that are needed so that people can drink clean water?

And what of the people in other States?

Oregon stands to receive almost $140 million from the supplemental appropriations bill.

Louisiana, $116 million.

For other States such as Maine, Vermont, and Virginia, the amount of the funds is somewhat smaller, but the need is no doubt just as great.

People in all 50 States receive funds from this bill. People in all 50 States will be affected if we allow politics to delay this bill.

This money will help Americans who have lost their homes, their businesses, and all of their earthly possessions. To block this funding or to delay it through the use of these types of riders is just plain wrong.

To force the American people to accept new roads through their national parks or wilderness areas, just to get their disaster relief is equally wrong.

Mr. President, the supplemental appropriations bill is the wrong place to play politics. I ask my Senate colleagues to vote to strike these riders as a matter of policy and as a matter of principle.

Mr. STEVENS. Mr. President, as I have already reviewed in some detail, section 2477 of the Revised Statutes, R.S. 2477, granted rights-of-way for the construction of public highways across unreserved Federal lands.

Congress passed this law in 1866 and the provision was later recodified at section 932 of title 43 of the United States Code.

By permitting travel across Federal lands, R.S. 2477 facilitated the settlement of the West. The rights-of-way granted pursuant to R.S. 2477 remain land access routes for rural residents.

R.S. 2477 was repealed in 1976 by section 706 of the Federal Land Policy and Management Act [FLPMA]. Again, I point out to my colleagues, section 701(a) of FLPMA expressly states that "Nothing in this Act * * * shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act."

Further, section 701(f) says that nothing in FLPMA "shall be deemed to repeal any existing law by implication." And section 701(h) specifically states that "All actions by the Secretary concerned under this Act shall be subject to valid existing rights."

Three times in the same act Congress made it clear that nothing in FLPMA gave the Secretary of the Interior the power to terminate valid existing rights. We meant it then and we mean it now. The Secretary is ignoring the law and all existing precedents with his proposed policy that effectively terminates valid existing rights under R.S. 2477, which for over 120 years have been determined under State law.

Regulations in place in 1976 provided that the validity of the right-of-way should be determined by State law. Likewise, Federal courts have found State property laws control assertions of an R.S. 2477 right-of-way.

In Alaska, which we still call the Last Frontier, R.S. 2477 rights-of-way are still being used by miners, trappers, and others traveling across specific tracts of unreserved public land.

The Interior Department in the 1980's saw the need for the Federal Government to recognize these trails for what they were—public access routes. Interior adopted a policy in 1988 which for the most part kept Alaskans out of court.

Elsewhere, Federal courts were being asked to quiet title on lands with an R.S. 2477 right of way, and these courts looked to State law to decide if there had been construction of a highway.

In August 1994, Interior published new proposed regulations which would have established Federal definitions for key terms in R.S. 2477. According to Interior, where there was a conflict between the Federal definitions and State law, under the proposed regulations the Federal rules would prevail.

This approach would have redefined existing property rights. It would also have the incongruous result of having some R.S. 2477 rights of way quiet title actions adjudicated under State law and others under Federal law.

Soon after Interior proposed these new rules, resolutions were introduced in the House and Senate urging the Secretary to withdraw them. The comment period was subsequently extended through August 1995.

In late 1995, Congress placed a 1-year moratorium on any rulemaking regarding R.S. 2477 rights of way. The fiscal year 1996 Interior appropriations law, enacted in 1996, also included a similar moratorium.

Congress acted a second time in 1996. Section 108 of the General Provisions of the fiscal year 1997 Interior appropriations law permanently requires congressional authorization of any rules and regulations developed by agencies to address the recognition, validity, and management of R.S. 2477 rights of way.

This measure, agreed to by Congress last fall, was not vetoed, nor was there ever a threat of veto that I was made aware of.

However, in January 1997, the Secretary sought to evade this law by issuing "policy guidance" which provides a process for recognizing R.S. 2477 claims only "where there is a demonstrated, compelling, and immediate need." This process is similar to that in the disputed regulations which Congress has prohibited by law since 1995. Issuance of this policy circumvents the legal requirement to have congressional approval of agency rulemaking concerning R.S. 2477 rights-of-way.

Section 310 of the supplemental appropriations bill, S. 672, prohibits the use of funds appropriated for fiscal year 1997 and thereafter "to promulgate or implement any rule, regulation, policy, statement or directive" issued after October 1, 1993, regarding the rights-of-way Congress granted by R.S. 2477. The October 1, 1993, date makes it clear that Interior cannot do by policy what it by law cannot do by regulation. Under section 310, Interior can continue to implement Federal policy with respect to R.S. 2477, but only those policies and regulations previously agreed to prior to the attempted change that Congress has repeatedly rejected.

Section 310 is needed to enforce the requirement that Congress first authorize any rules regarding R.S. 2477 rights-of-way. Allowing the January 1997 policy to remain in place vitiates the Administrative Procedures Act and the express directives of the Congress, which were approved by the President.

Section 310 will not, as some suggest, open up Alaska's wilderness areas and parks to almost a million new miles of roads upon the assertion of claims by "virtually anyone."

First, as I have said, section 310 only tightens the standing mandate that agencies obtain specific authorization from Congress, which includes our elected representatives of public lands States, before issuing rules that would effectively deny valid, existing property rights under R.S. 2477 in those States.

In short, this provision creates no new rights-of-way across Federal land which were not in existence before 1976. It merely preserves rights-of-way which were established at least 20 years ago, but still have not been recognized by the Interior Department.

R.S. 2477 rights of way are not exempted from environmental, health and safety, and other laws to protect the public.

Second, with respect to all existing rights of way, I am assured by the Governor of Alaska that our State will not be paved over. The Alaska Department of Natural Resources completed a study recently to identify the list of rights of ways my State might assert as public highways under R.S. 2477.

Some 1,900 were initially reviewed, but 700 were found to be on State land and not subject to this Federal law.

Of the remaining 1,200, only 558 appear to qualify as R.S. 2477 rights of way.

So far the State of Alaska has filed only one quiet title action.

The State of Alaska also advises me that it will not file rights-of-way across section lines, unless of course there is a preexisting trail that otherwise constitutes an R.S. 2477 right-of-way.

Asserting rights-of-way across section lines alone would be a fruitless exercise. Mere geography tells us that we don't need roads across mountain tops.

Cost is another reason. I'm advised that it costs $6 million to build 1 mile of road in my State.

I proposed section 310's funding restrictions in good faith, with the confidence of having stood on this floor over 20 years ago debating the legislation that ultimately became FLPMA.

On July 8, 1974, the Senate debated S. 424, the bill that the Senate passed in the 93d Congress and was reintroduced in the 94th Congress as S. 507. S. 507 was the bill that ultimately became FLPMA.

In July 1974, I was assured by Senator Haskell, chairman of the relevant subcommittee within Interior and Insular Affairs, that our young State would have the same chance as other Western States to develop a road system based on the pattern of use its settlers established and the laws the State enacted.

Senator Haskell told this Chamber it was the intent of Congress that all existing R.S. 2477 rights-of-way would be determined according to the law of the State the right-of-way was in. In fact Senator Haskell cited a specific North Dakota case, Koleon versus Pilot Mound Township, as the basis for the committee's understanding of the law. That case said an R.S. 2477 right-of-way is established "if there is use sufficient to establish a highway under [the] laws of the state." I refer my colleagues to the Congressional Record of July 8, 1974, page S22284.

Today, I am proposing that we uphold the intent of the Congress of 20 years ago and the intent of the 104th Congress as well.

Last fall Congress agreed to a provision in the fiscal year 1997 appropriations law requiring agencies to seek congressional authorization of R.S. 2477 rulemaking. Section 310 of the supplemental asks nothing new, it merely prevents Interior from doing by agency policy what Congress prohibited it from doing by formal rulemaking.

I urge my colleagues to reject this amendment so that Interior understands it cannot circumvent the will of Congress through sleight of hand.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. STEVENS. I was going to go to this other desk and see if I could get the Senator from Arkansas into a colloquy regarding the timing of the votes that we might have.

Mr. BUMPERS. I am very amenable, I say to the Senator. I would suggest a 20-minute time limit on the remainder of this amendment equally divided.

Mr. STEVENS. May I ask that the cloakrooms check that out and get us a time that is agreeable. The timeframe is agreeable to me, but I think some Members may be out of the building now, and we want to get the time set.

But why doesn't the Senator take the floor now?

I will yield the floor.

As soon as we can get worked out between the leadership on the two sides the timeframe that can be agreed to as to the vote on this amendment and on the D'Amato amendment——

Mr. BUMPERS. I understand that our side needs to check. We have people coming and going. I assume that is what the Senator has concern about.

Mr. STEVENS. That is correct.

Mr. MURKOWSKI. I believe there may be a second degree pending.

Mr. BUMPERS. There will not be a second degree.

Mr. STEVENS. It is my understanding that the Parliamentarian will rule that the other two amendments are not properly drawn under the process of cloture for those to be considered.

I will state, though, that the suggestion made by Senator McCain was a good one. When we get to conference, if we do with this provision, I intend to find some way to accommodate his suggestion that we ask the Secretary to come forward with a proposal to be debated that might set the policy for future utilization of these rights-of-way throughout the West. We will pursue that in conference.

But there will be no other amendment, my friend.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. BUMPERS. Mr. President, I will not belabor the points that have been made time and again here.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUMPERS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS. Mr. President, I had a Senator ask me earlier if I felt that I was right about this amendment. Let me answer that question for any Senator who would ask the same question. I have never felt more comfortable with a position in my life than I do on this. It has nothing to do with Alaska or Utah or Idaho. What it has to do with is saying this language of the senior Senator from Alaska, No. 1, has no business in this bill; No. 2, if it did, it is a terrible amendment; No. 3, men and women of good will could sit down and work out a sensible policy for the Department of the Interior and require them to report back to us with regulations or something else.

But under the existing law, what the amendment of the Senator from Alaska does is to return the determination of whether these thousands and hundreds of thousands of miles of claimed rights-of-way constitute a highway within the definition of the Hodel policy. It is a question of whether or not we are going to allow rights-of-way simply because they were claimed to be there before 1976 when we repealed R.S. 2477, whether we are going to allow the use of those rights-of-way to cross wilderness areas, national parks, monuments, all kinds of protected Federal areas.

I submit to you that the people of this country, if they knew the substance of this debate, that we were actually considering the Stevens amendment to this bill, if they knew what the implications of that were, they would be up in arms. I cannot believe—not to denigrate my good friends from these Western States who have a deep and abiding interest, an understandable and deep and abiding interest, in this issue—I cannot believe that more than 3 percent of the people of this country would condone granting applications for highways across these areas because there was some kind of a footpath or a trail or something else, even vegetation that had been tromped down.

Under the Hodel policy in 1988, Donald Hodel had a policy that said: If you have cut high vegetation, you had a lot of weeds and you cut them down, that constitutes a highway.

Have you ever heard anything as ridiculous as that in your life?

Mr. MURKOWSKI. Would the Senator from Arkansas yield for a question?

Mr. BUMPERS. Yes.

Mr. MURKOWSKI. I thank my friend.

I wonder if the Senator from Arkansas feels it is appropriate that the Secretary of the Interior arbitrarily has gone ahead and changed the definition of what a highway was. Is it right for the Secretary to take a previous policy that was worked out in conjunction with the States where there was a definitive highway definition in the historical terms—and I quote—"as a definite route or right-of-way that is freely open for all use, it need not necessarily be open to vehicular traffic, or a pedestrian or pack animal trail may qualify"—and as a consequence, isn't it true that this was the policy of the Department of the Interior until earlier this year when Secretary Babbitt, behind closed doors—not a public policy; behind closed doors, without consultation—unilaterally changed this definition? And isn't it true that the new definition now reads, "a thoroughfare used prior to October 21, 1976, by the public for the passage of vehicles carrying people or goods from place to place"? He changed the definition.

Is that, I ask my friend from Arkansas, appropriate and fair and part of a public process, or, indeed, is that not a simple dictate by the Secretary who arbitrarily changes the interpretation of what was Federal law? Is that right, I ask my friend from Arkansas, and correct?

The PRESIDING OFFICER (Mr. GREGG). The Senator from Arkansas.

Mr. BUMPERS. Let me answer the question this way, Senator. I did not hear a single soul complain when Donald Hodel established his policy in 1988. It is only the Babbitt policy of 1997 that seems to be objectionable.

There is no question, if you want to raise the question about the authority of the Secretary to issue a policy, if Secretary Hodel has the right to issue a policy, why does his successor, Bruce Babbitt, in 1997, not have the right to reverse that policy?

Let me go ahead and say that the Senator quoted the Hodel policy correctly, but he did not go quite far enough. Here is what Donald Hodel's policy said about the requirements needed to prove what constitutes construction of a highway: "Construction is a physical act of readying the highway for use by the public according to the available or intended mode of transportation, foot, horse, vehicle, et cetera." Horse—that is right—vehicle, foot, those all constitute highways.

His policy goes on to say, here are some examples of what constitutes construction of a highway: "removing high vegetation." Go out and cut the weeds, it becomes a highway. "Move a few large rocks out of the way," it becomes a highway, or "filling in low spots"—all of those may be sufficient to show construction for a particular use.

Now, Senator, let me ask you a question, does that make any sense to you?

Mr. MURKOWSKI. I will respond relative to the issue that is before the Senate here, and that is the manner in which the Secretaries—Hodel on one occasion and, today, Secretary of the Interior Babbitt—have acted.

First of all, as I indicated, Secretary Babbitt, behind closed doors, without consultation with Western States, unilaterally changed the definition. Don Hodel did not. Don Hodel worked out a policy in conjunction with the States defining a highway and its history, and it was done in consultation with the States.

My friend from Arkansas should recognize that is a significant difference. This Secretary is moving on his own volition to interpret as he sees fit. The previous Secretary of the Interior brought in the Western States affected and they worked out a definition and a process. Now the definition has changed to any vehicles, and the appropriateness of that is what I question the Senator from Arkansas with regard to the motivation.

It is here that one Secretary developed a public process.

Mr. BUMPERS. Mr. President, I reclaim the floor.

We ought to pin a Medal of Freedom on Bruce Babbitt.

Mr. MURKOWSKI. Where?

Mr. BUMPERS. He revoked a policy that said any time you mow high weeds, apply to us and we will give you a right-of-way to build a four-lane highway over that footpath. Move a few rocks out of the way, we will consider that a highway and allow you to build on it. Fill in a few low spots, we will make it a highway and you build it. Even if it is across a national park or across a wilderness area or across a national monument, a historic area that we have set aside. Can you think of anything more insane than giving States the right to build highways across Federal lands no matter where they are, simply because somebody mowed some high weeds or because somebody moved a few rocks?

While I am at it, Senator, before I get into it with you, let me also point out, here is the Babbitt policy. This is the policy that reversed the 1988 Hodel policy. I want you to listen to this. I have a letter from Bruce Babbitt in which he says he will urge the President to veto this bill if the Stevens amendment is not taken out of it. I ask unanimous consent to have that printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF THE INTERIOR,
Washington, DC, April 30, 1997.

Hon. TED STEVENS,
Chairman, Committee on Appropriations,
U.S. Senate, Washington, DC.

DEAR SENATOR STEVENS: I am writing to express strong opposition to the provision concerning Revised Statute 2477 that I am informed you intend to include in the pending Emergency Supplemental and to a proposed amendment by Senator Craig concerning application of the Endangered Species Act to the operation, maintenance and repair of flood control structures.

In light of my strong concerns, if either of these proposals or similar extraneous and controversial endangered species amendments are included in the emergency Supplemental when it is presented to the President for his signature, I would be compelled to recommend that he veto the legislation.

R.S. 2477. Two decades after the repeal of R.S. 2477, the profusion of unresolved pre-1976 claims presents a planning and management problem for federal land managers and other landowners, and uncertainty for potential right-of-way holders and users of public land. My efforts over the past several years have been directed to establishing a clear, certain, and fair process to bring these claims to conclusion.

I am informed that your provision would prohibit the expenditure of funds in 1997 and thereafter to "promulgate or implement any rule, regulation, policy, statement or directive issued after October 1, 1993 regarding the recognition, validity, or management of any right of way established pursuant to R.S. 2477." I am also informed that proposed report language states that it is the intention of the provision to "restore the prior practice of deferring to the law of the State in which a right of way is located for purposes of determining the recognition, validity, and management of such right of way."

The public will be poorly served by Congressional action that has the effect of rescinding the Department's current orderly manner of proceeding to deal with right-of-way claims and, at the same time, prevents the Department from issuing final rules governing claims under R.S. 2477. The proposed language does not clarify the process for handling right-of-way claims under R.S. 2477, but would add to the uncertainty and confusion of that process.

If the proposed provision requires the Department and the courts to defer to state law, as the proposed report says it does, the consequences could be devastating. Such a requirement could effectively render the Federal government powerless to prevent the conversion of footpaths, dog sled trails, jeep tracks, ice roads, and other primitive transportation routes into paved highways. The proposed amendment could even result in a decision validating a right-of-way that runs through the secure area of a military installation. Under your proposal, the military could be prevented from regulating traffic on these alleged rights-of-way.

That result would be fundamentally inconsistent with modern statutes that provide access to and across Federal lands, and would fatally undermine the principles these laws embody, such as public land retention, comprehensive land planning, public involvement in land use decisions, compliance with environmental laws, and mitigation of negative environmental impacts.

The practical implications of the blanket adoption of state law can be seen, for instance, in Alaska, where state law first adopted in 1923 and later upheld in the state Supreme Court provides for a claim of highway easement either 66 or 100 feet wide, across each section line in the entire state. These sections cross the state on a grid one mile apart, both horizontally and vertically. Thus state law purports to create over 984,000 miles—almost one million miles—of "highways" in the State of Alaska, roughly 300,000 miles of which cross National Wildlife Refuges, 160,000 miles of which cross National Parks, and 137,500 miles of which cross conveyed lands of Native Alaskans.

In some states, state law may not differentiate between Federal and private lands for purposes of right-of-way claims. Deferring to state law could result in R.S. 2477 rights-of-way being granted over private property that has long since passed out of Federal ownership.

Endangered Species Act. Senator Craig's proposed amendment would provide a broad exemption from the provisions of sections 7 and 9 of the Endangered Species Act for operation, maintenance, repair and reconstruction of any Federal or non-Federal flood control project, facility or structure.

The Department agrees with the need to minimize flood damages and to protect residents in flood prone areas. In January 1997,

> the Fish and Wildlife Service implemented the emergency provisions of the Endangered Species Act for the California counties that were declared Federal disaster areas to facilitate rapid and effective response to damaged flood management systems that minimize the risks to life and property. On February 19, 1997, the Director of the Service issued a policy statement further clarifying and articulating our emergency policy under the ESA, which allows disaster response measures to be implemented immediately without prior consultation with the Service under section 7 of the ESA.
>
> The proposed amendment goes far beyond the FWS policy and the current provision of the ESA. It would waive compliance with the Act in a broad range of non-emergency situations. Routine operation and maintenance would be exempt if their purpose was compliance with any current Federal, state or local public health or safety requirement, even if there is no emergency in effect or reasonably anticipated.
>
> Under the amendment, for example, virtually all Federal and non-Federal projects in the Columbia River basin could be exempt from ESA requirements. If these projects were no longer required to protect endangered fish stocks, such as Pacific salmon, other public agencies and the private sector would have to significantly increase their conservation efforts to compensate for the expected loss of important fishery resources that would occur. This could have severe, long-term economic impacts for the logging, mining, irrigation, navigation, water supply, recreation, and commercial fishing industries in the region.
>
> The Department strongly supports the proper operation and maintenance of flood control facilities to avoid threats to human life and property. We also strongly support the protection and conservation of important natural resources. The proposed amendment assumes that these two goals are inconsistent and mutually exclusive. I believe they are not. As the February 19 policy statement demonstrates, it is possible to reconcile both goals, protecting human life and property without abandoning the Nation's commitment to protection of our natural heritage.
>
> Sincerely,
>
> BRUCE BABBITT.

Mr. BUMPERS. Now, Mr. President, I hate to read to my distinguished colleague, but it will be helpful to clarify the record about this "terrible" Babbitt policy. He did not think it was a good idea to allow the States to come in here and claim a right-of-way simply because somebody moved a few rocks out of the way no matter where it was located.

Mr. STEVENS. I want to talk to you about that, in particular, if the Senator will yield.

Mr. BUMPERS. I yield.

Mr. STEVENS. That is initiation of a highway. You move a few rocks, you cut down the right-of-way, you eliminate—it does not say "weed"—the brush, and you start to build a highway. The question before Hodel at the time was, what is the initiation of highway, not what is a right-of-way?

I say to my friend that highways today came from wagon trails. In my State, some of our highways came from dog sled trails, from the trails that were cut by people who did use horses in those days, or by people who use snowshoes when they were delivering mail on their backs with packs. Some of them were developed in the 1920's, 1930's, 1940's, 1950's, 1960's, until 1976. They are today, but we have not had the money or capability to extend the highways because there are other problems of getting to those areas before we turn them into highways. They are not different from the roads that lead to Arkansas or, as I remember my youth, the slow train through Arkansas. That is a highway now. Maybe they leave Arkansas now rather than go in as they did in those days, but what I am telling you is we are asking for nothing more than what was the process of modernization throughout the West. It was by foot, by wagon, by horse trail. Then when there were vehicles, there were vehicles.

But in our State, we have areas where vehicles have not yet been on the ground. A substantial part of our State cannot be reached by road. You know that. It can only be reached by air. We still have the process of extending those roads out into those areas so we can have surface transportation.

You cannot turn R.S. 2477 into a right-of-way over which a vehicle has gone and protect our rights.

Mr. BUMPERS. Senator, let me answer that by saying the fact that Alaska was, until recently, a frontier State, as was all of the West not too many years ago. To suggest that simply because the West was settled by pioneers who made wagon tracks or where they had footpaths where they tried to get to the West, to suggest that all of those routes across Federal lands—let me finish, sir.

Mr. STEVENS. That was Federal lands.

Mr. BUMPERS. That is the very point I am getting ready to make.

Simply because somebody drove a covered wagon or group of covered wagons over land heading west, or it was a footpath used by people who walked on it, to suggest those paths now constitute a highway, simply by mowing weeds on it, by moving a few rocks and showing that you did some construction, how foolish can we be?

Mr. STEVENS. That is the very basis of the western highway system today, those rights-of-way that went across Federal lands. The whole West was Federal land.

Mr. BUMPERS. And anything you built prior to the repeal of this law in 1976 is yours. Nobody is trying to take that away from you.

Mr. STEVENS. In 1976, Alaska was 18 years old. We were just trying to get in the Highway Act.

Mr. BUMPERS. I want to make two points, one to the junior Senator from Alaska. When he talks about how Bruce Babbitt did all of this behind closed doors last year—with no consultation—last year, the Senator will recall that we tried our very best through a public process to come up with a definition of these roads. As a matter of fact, the Secretary went through the process of trying to develop a rule as to what a road was, issued it for public comment, got over 3,000 comments, and the Senators from Alaska went ballistic and said, "No, we do not want any part of that. We are not about to let you." You remember when we blocked him from proceeding further with that.

Then you come here today saying this should have been done in a more sensible way, when it was the Senators from that side of the aisle who stopped him from doing it.

Mr. STEVENS. Will the Senator yield?

Mr. BUMPERS. Yes, I yield.

Mr. STEVENS. There is no sensible way for an edict to come from Washington denying the right of a State under Federal law. I am not seeking a more sensible way. I am telling him No! No! No! You cannot do this. If we cannot get that between us, then you do not understand me. You cannot do this. This is a right of our State.

Mr. BUMPERS. The Senator has no right to complain. He says to the Secretary, "No, no, no." He should not come to this floor squawking, because he stopped the Secretary from trying to come up with some kind of a sensible rule.

So, in 1997, and I have been trying to get to this for about 15 minutes, here is the policy that the Secretary of the Interior issued. It is a good, sane, sensible policy. If the Stevens amendment on this bill stays in, he torpedoes this policy of 1997, and we go back to the abomination called the Hodel rule.

Now, you choose. If you think the Hodel rule was right—as I say, by moving a few stones, mowing a little grass, anything to try to make it look like you have been doing a little construction, or you listen to the policy developed by Secretary Babbitt, and here is the first item:

> An entity wishing the Secretary or any agencies of the Department of Interior to make a determination as to whether R.S. 2477 right-of-way exists shall file a written request with the Interior agency having jurisdiction over the lands underlying the asserted right-of-way, along with an explanation of why there is a compelling and immediate need for such a determination.

Surely, nobody objects to that.

> The request should be accompanied by documents and maps that the entity wishes the agency to consider in making its recommendations to the Secretary. If, based on the information provided, the agency does not believe a compelling and immediate need for the determination exists, it should, without further examination, recommend the Secretary defer processing until final rules are effective.

That is the policy, "until final rules are effective," and there is absolutely nothing wrong with that.

No. 2, "The agencies shall consult the public land records, maintained by BLM to determine the status of the lands over which the claimed right-of-way passes. If such lands were withdrawn"—that means the Federal Government took the lands out and made a wilderness area of them, or a national park or some other Federal purpose; that is what is called reserving the lands—"if they determine that these lands have been withdrawn by the Federal Government or otherwise made unavailable pursuant to R.S. 2477 at the time the highway giving rise to the claim was allegedly constructed and remained unavailable through October 21, 1976, the agencies will recommend the Secretary deny the claim."

Now, all that says is, if this was not a claim for an existing right-of-way prior to the time we repealed R.S. 2477, it should be denied. Nobody would argue with that. That is the reason we repealed R.S. 2477, was to stop the nonsense.

No. 3, "If the lands were not withdrawn, reserved or otherwise available"—now, that means that the Federal Government had not taken the land and used it for some other purpose such as a national park, "the agency will examine all able documents and maps and perform an on-site examination to determine whether construction on the alleged right-of-way had occurred prior to the repeal of R.S. 2477 on October 21, 1976."

Again, the agency will deny the claim if it had not been a right-of-way prior to the repeal of 2477.

No. 4, Highway: "The agency shall evaluate whether the alleged right-of-way constitutes a highway."

Here is the key to this whole thing. "A highway is a thoroughfare used prior to October 21, 1976."

That is the date of the repeal. An alleged right-of-way constitutes a highway if it was a thoroughfare prior to the repeal of 2477.

If the agency determines that the alleged right-of-way does not constitute a highway, the agency will deny the claim. Why shouldn't they? That is the reason we repealed it. We don't want any claims coming in on highways that were not in existence at the time we repealed the law.

Mr. MURKOWSKI. Will my friend yield?

Mr. BUMPERS. No. I will finish reading, and then I will yield the floor.

The role of State law: He says, "In making its recommendations, the agency shall apply State law in effect from 1976 to the extent that it is consistent with Federal law."

Mr. MURKOWSKI. It is Federal law now.

Mr. BUMPERS. Let me finish, please.

All he is saying is that in this ruling the State law will apply as long as it is consistent with Federal law. To do anything else, to issue a rule of any other kind, gives the States carte blanche over all unreserved Federal land. They will decide what a right-of-way is. They will decide which ones they want to build roads on.

Finally, "The agency will make recommendations on the above-described issues to the Secretary, and the Secretary will approve or disapprove of those recommendations."

Mr. STEVENS. Will the Senator yield just for one second and answer one question?

Mr. BUMPERS. All right.

Mr. STEVENS. What the Secretary is doing now concerns taking action under the Federal Land Policy and Management Act, and section 701(h) of the law is specific "All actions by the Secretary concerned * * * shall be subject to valid existing rights." By what power does he redefine now what was a valid existing right in 1976? He wasn't Secretary in 1976. What happens to the women who are out there in those small villages and cities today? They have to be flown into town to go to the hospital. It is going to take a few miles to get the roads to them. And we are going to get the roads to them, as long as we have the right to build the roads. We have the ability to deliver mail by road rather than by air. The Senator from Arkansas and others have been telling us, "Stop that subsidy for Alaska." And for their mail, it costs $100 million more a year to deliver mail in Alaska because it all goes by air rather than similar places in the southern 48 because there it goes by road.

By what right does this Secretary of the Interior determine what was a valid existing right in 1976?

Mr. BUMPERS. First, the first thing the Secretary has to do before he can approve an application is to determine whether it was a valid existing right before 1976.

Mr. STEVENS. No, he doesn't. The law is the law. There were laws in place in 1976 which defined those rights. He is now going to try to redefine the law to determine whether they were existing rights in 1976.

Mr. BUMPERS. Let me ask this question. What right does Don Hodel have to set out what an existing right was in 1988?

Mr. STEVENS. I am glad the Senator asked that question of me.

If you want to look at what happened, Secretary Hodel approved in 1988 a series of proposals that came to him from the Bureau of Land Management, the Park Service, and the Fish and Wildlife Service within his Department. He did not write that. He approved the work of a series of bureaus in his Department. It was not what this Secretary is doing. This Secretary is coming along as the Secretary and issuing an edict to change all of that. This, in 1988, was the work of long-term public servants who had great experience in managing.

As a matter of fact, if you want to look at the 1993 report to Congress on R.S. 2477 by the Department of the Interior—I have it right here—you will see that there was consultation with the Governors, there was consultation with the State directors in Utah and Alaska, the areas where there was a substantial amount of R.S. 2477 claims.

One of the things that I might add to this, my friend, is our Governor, who is a member of the party of the Senator from Arkansas, sent word to the current Secretary of the Interior that he was disturbed because he was not consulted before this was done. In the prior time, when the tables were turned and there was a Democratic Governor in the State of Alaska, Secretary Hodel did consult with him. He consulted with him. They had memos from the State. They had memos from Utah. They had memos from the BLM, Park Service, Fish and Wildlife Service, from throughout the West. That is what Hodel approved.

Mr. MURKOWSKI. Will the Senator yield on this subject?

Mr. STEVENS. Hodel approved a series of papers that were presented by those agencies, and said—his statement is a one-page statement, which the Senator has been reading. So the words that the Senator was reading were not Hodel's words. The Secretary's approval is on a memorandum from the Assistant Secretary for Fish and Wildlife, Assistant Secretary for Minerals and Management, the BLM, and it is an approval of the policy statement concerning R.S. 2477. Hodel did not develop that policy. The Department developed it. All the agencies developed it in consultation with the States involved, and with the State offices of the various portions of this Department.

So the Senator is overlooking that.

Mr. BUMPERS. The Senator from Alaska is saying that Donald Hodel, who was Secretary of the Interior, had nothing to do with the development of policy—that the Department did it. Now does the Senator separate the Secretary of the Interior from the Department of the Interior?

Mr. STEVENS. All Hodel had to do was sign his name to one page. He did not do it. It was the Department that developed this policy after consultation with a series of States and a series of agencies.

Mr. MURKOWSKI. Will the Senator yield?

Mr. BUMPERS. Everybody knows exactly why Don Hodel came up with that policy—because the Western Senators threatened him probably with death if he didn't. Everybody knows that policy was crazy. It was done for political purposes. We all know that. I am not going to debate that.

Mr. STEVENS. That sounds like something people accuse me of. I have been threatened with death.

Mr. BUMPERS. I have never accused the Senator of being political.

Did the Senator want to ask a question?

Mr. MURKOWSKI. Mr. President, I ask if the Senator from Arkansas is aware of the circumstances under which the Secretary of the Interior initiated his arbitrary decision recognizing what the law says. I have a chart here. I will ask my friend from Arkansas relative to what R.S. 2477 says. The statute's authority grants right-of-way for the construction of highways over public lands not reserved for public use. We have defined, if you will, what it means as far as a highway is concerned.

Mr. BUMPERS. Let me interrupt.

Mr. MURKOWSKI. It is defined specifically under the law as pedestrian, or a pack animal trail may qualify. The Department's own regulations in 1938, state when a grant becomes self-effective. The grant refers to the section becoming effective upon the construction or establishment of a highway in accordance with the State law. That is the law of the land, the State law over public lands not reserved for public use. "No application should be filed under R.S. 2477, as no action on the part of the Federal Government is necessary." That is the law.

What Secretary Babbitt is doing is saying you have to file. He is changing and reinterpreting the law 20 years after it was repealed.

I ask the Senator if that is not a correct interpretation of what this Secretary is doing. He is changing the law. He is saying you must file. The law says you don't have to file.

Is not that correct? I ask my friend from Arkansas. Is he not redefining the law?

Mr. BUMPERS. We repealed that in 1976. That law was repealed. We are not debating that.

Mr. MURKOWSKI. That is what prevailing regulations stated during the entire time that the act was in effect. What this Secretary has done, unlike Hodel, who met with all the other Governors—let me add for the RECORD at this time the letter from our Governor dated January 29 to the Secretary.

DEAR MR. SECRETARY: I wish to express my dismay about your issuance of a revised policy on R.S. 2477 rights-of-way determinations without consultation with the State of Alaska or, to my knowledge, other Western States. The department not only failed to seek comment or input from Alaska, it did not even pay the courtesy of informing the state that it planned such a revision. Further, the department did not even notify the state when it released the revised policy publicly.

Don Hodel didn't do that. Don Hodel met, my friend, the senior Senator said, with a Democratic Governor of my State and consulted on the policy. He did it publicly in an open process. It was the input of the Western States that brought the withdrawn definition and policy together. This Secretary changed that definition and simply suggested that it be the passage of vehicle traffic, and that is contrary to the law.

Mr. President, I ask unanimous consent the letter from Governor Knowles be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF ALASKA,
OFFICE OF THE GOVERNOR,
Juneau, AK, January 29, 1997.

Hon. BRUCE BABBITT,
Secretary of the Interior, U.S. Department of the Interior, Washington, DC.

DEAR MR. SECRETARY: I write to express my dismay about your issuance of revised policy of RS 2477 rights-of-way determinations without consultation with the State of Alaska or, to my knowledge, other Western states. The department not only failed to seek comment or input from Alaska, it did not even pay the courtesy of informing the state that it planned such a revision. Further, the department did not even notify the state when it released the revised policy publicly.

This initiative is troubling not only because it violates the spirit of the Congressional prohibition on further interior development of RS 2477 policy contained in last year's appropriations bill, but because it expressly revokes the department's 1998 policy that was negotiated over several months with Alaska and other Western states. The new policy undermines several provisions that were carefully crafted to the Alaska situation, for instance the definition of "highway."

Mr. Secretary, I wish to maintain a good working relationship with the Department of the Interior, but this requires a bilateral effort. I will discuss this RS 2477 issue with you at our appointment next Tuesday.

Sincerely,

TONY KNOWLES,
Governor.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, I don't think many minds are being changed with this debate. I don't see any reason to pursue it because we have a 180-degree difference of opinion on it. I personally think that the law is fairly clear on it. The policy of Donald Hodel is clear. He didn't consult with the public. He consulted with the two Senators from Alaska and the Governor of Alaska, and perhaps some other Senators from the West, which is understandable. The only reason I know that is not because I know it for a fact. It is just that I know he issued a policy that was very pleasing to those Senators.

Mr. STEVENS. Will the Senator yield right there?

Mr. BUMPERS. Yes.

Mr. STEVENS. Does the Senator recall who was in the majority in the Congress at that time?

Mr. BUMPERS. I know who the executive branch was. I know who the President of the United States was.

Mr. STEVENS. Hodel did not consult with these Senators because the management of the Congress was under the party of the Senator from Arkansas at that time. If there was any complaint about what Hodel did, that should be in the RECORD. At the time, the Congress did not object to what Hodel did because it was the process that came through consultation with Western States, Western Governors, with the agency's State offices throughout the West and was sent up to him by the Assistant Secretaries for Fish and Wildlife and the Bureau of Land Management up to the Secretary for approval. That is not what is happening now.

Mr. BUMPERS. I have to make this point one more time. The Senator talks about Don Hodel consulting with everybody. Bruce Babbitt had 3,000 comments from the public. Why is it that Don Hodel with a few Republican Senators and Congressmen around him developed a policy—why was that so wonderful with a few people sitting behind a closed door to decide the policy, and Bruce Babbitt gets 3,000 comments? And what happens? The first thing that happens is an amendment on an emergency supplemental, which has absolutely no business being there, to stop him from implementing a ruling. Three thousand people have commented on it.

It just depends on whose ox is being gored. We all know that.

Mr. STEVENS. Will the Senator yield for just a second? This has nothing to do with whose ox is being gored. I am surprised there are only 3,000. After all, all they have to do is press a button, and say, "Send out another 3 million direct mail pieces to all of these people that are involved in this extreme environmental movement in this country." And I would be surprised if it was only 3,000. But those people aren't the Governors of the Western States. They aren't the Senators that represent Western States. And they are not the people within the BLM and others who are professionals in this field. This is coming at us now as edict on high. This is supremacy of the Federal Government. I have to tell you. I have dedicated my life against that. I think the Senator should remember that. We have been out here before saying you can't make laws from the executive branch. It must come through Congress.

Mr. BUMPERS. Mr. President, let me just say this to the Senator from Alaska. It isn't often that I say this. But when I read the Senator's comment on this emergency supplemental and I realize what the effect of it would be, for once in my life thank God for the supremacy of the Federal Government.

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

Mr. STEVENS. Will the Senator yield for just a second?

The PRESIDING OFFICER. Who seeks recognition?

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. I believe the senior Senator from Alaska would like to make a statement.

Mr. President, while my senior Senator addresses the Senate floor schedule, let me remind the Senator from Arkansas once again——

Mr. STEVENS. Will the Senator yield?

Mr. MURKOWSKI. I suggest the absence of a quorum.

Mr. STEVENS. No. No.

Mr. President, I ask unanimous consent that at 2:10 today there be 5 minutes equally divided in the usual form prior to a vote on or in relation to the D'Amato amendment No. 145, to be immediately followed by a 4-minute time period equally divided in the usual form prior to a vote on or in relation to the Bumpers amendment No. 64, and that further, prior to the votes, no other amendment be in order to these amendments or to the language proposed to be stricken.

The PRESIDING OFFICER. Is there objection?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. Is there objection?

Mr. MURKOWSKI addressed the Chair.

Mr. BUMPERS. I am not sure I understood that. We are going to have 5 minutes of debate on D'Amato?

Mr. STEVENS. There is 5 minutes equally divided on D'Amato. That was the request of your side, I might say to the Senator, and then a vote on the D'Amato amendment. And then there will be, after that vote, 4 minutes equally divided on the Senator's amendment to strike, and there would be a vote on the Senator's amendment. Neither will be subject to amendment after this agreement.

Mr. BUMPERS. And this will all begin when? The first vote will take place at——

Mr. STEVENS. At 2:10 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. STEVENS. Mr. President, if I get the agreement, I will ask later that the second vote will be a 10-minute vote, but I cannot do it yet. I thank the Senator.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I think we have gone on perhaps long enough on this, but there are a few things that need to be said relative to the debate that has just occurred. And while my friend from Arkansas indicated that we had repealed FLPMA, with regard to FLPMA, I think it is important the record reflect that under Revised Statute 2477 we established and have always maintained the basis for determining the right of public access across public lands.

So that has been maintained in the law. I think it is further noteworthy to recognize that the Hodel policy recognized the historic use of a route. If it was historically a footpath, it was recognized as a footpath. If it was a wagon trail, then it was recognized as a wagon trail. If it was a wagon trail that was used in general commerce over an extended period of time, then it justified obviously inclusion under the concept of Revised Statute 2477.

In summation, Mr. President, what is happening here I think is a result of what happened as late as last year in Utah where we had a perfect example of a small group within the administration taking it upon themselves to decide for all Americans how our public lands should be used. As the debate has indicated, those of us from Alaska are particularly sensitive, as we can speak from long personal experience on this topic. All of the experience teaches us that decisions affecting the use and classification of our public lands must be left in the hands of a public process, not one Secretary of the Interior who decides on his own as a consequence of actions within the Department, without a public policy, that he is going to change the procedure unilaterally and redefine what constitutes an adequate method of transportation across public lands, and that is what this Secretary did, unlike Secretary Hodel.

Actions from this administration put the public's right to participate in the decisionmaking process, as far as I am concerned, on the endangered species list.

Mr. President, allowing this administration, and that is what the proposal from the Secretary of the Interior does, to rewrite public land law use through the enactment of regulations is much the same as putting the fox in charge of the chicken coup.

The reason we in Alaska are a little reflective upon this is the history of our State. In 1966, the Secretary of the Interior—we entered into statehood in 1959—Secretary Udall decided on his own to intercede in Alaska and simply stopped processing land selections authorized under the Statehood Act. We entered into the State of the Union with a commitment of 104 million acres. The land was being transferred to the State. He stopped the process. He did not ask anyone, just did it. In January 1969, he withdrew all public lands in Alaska from all forms of appropriation except mining claims—no public input, no congressional action. This was the so-called land freeze, superfreeze. A few other names which would be inappropriate in this Senate Chamber come to mind.

It happened again in 1978, deja vu, this time with Jimmy Carter, who stepped in and decided on his own what was best for the management of our public lands, and using the 1906 Antiquities Act he created 17 national monuments. These monuments encompassed slightly more than 56 million acres of land, an area the size of the State of South Carolina. It did not stop there. This was followed in short order by Secretary of the Interior Cecil Andrus who withdrew an additional 50 million acres. In total that arbitrary action by the Secretary of the Interior withdrew 105 million acres. That is more than the entire State of California. All this land was withdrawn from multiple use without any input from the people of Alaska, any input from the public, any input from Members of Congress.

I ask you, can you understand why we are sensitive? With all these actions held over Alaska's head, we were forced to cut the best deal we could. Twenty years later, the people of our State are still struggling to cope with the weight of these decisions. When they say you forget history, why, I say you are doomed by it, doomed to repeat it if you do not remember. So as long as we stand in this Chamber people will not be allowed to forget what happened when the public and the Congress are excluded from the public land management decisions.

When my friend from Arkansas says that this does not belong in this legislation, that it does not belong because it is not an emergency, he is absolutely wrong. It is an emergency. This is an action arbitrarily proposed by the Secretary of the Interior now. It is contrary to law, and it has to be stopped.

Mr. President, again, the fact is if R.S. 2477 was not in existence on October 21, 1976, it will not and it cannot by definition be created now. We have no problem with that. We want that to be the case. What we do not want is the Secretary to arbitrarily suddenly come to the conclusion that if vehicle travel has not proceeded over these routes prior to October 21, 1976, there is no justification for inclusion.

So in closing, Mr. President, I wish that we did not have to address this issue at this time, but it is an emergency for the Western States. It belongs on the first legislative vehicle that we can get the attention of the Congress relative to taking action. I thought we put this to an end in a bipartisan manner last year when we enacted a permanent moratorium on future actions by the Department, but that was not good enough for the Secretary. So behind closed doors this Secretary has sought to disregard the spirit and the intent of our previous action.

We have no other alternative, Mr. President, but to pursue this in a manner to continue to have available the viability of historical transportation routes that were in existence across our State, so that we can bring our State together, recognizing the huge amount of Federal withdrawal that is evidenced on this chart by the colored areas that represent all Federal withdrawals as compared to the white areas which simply address the State holdings. So one can readily see the necessity of having the option to establish, if you will, access routes across traditional trails that existed that were dog sled routes, or footpaths, that were used for commerce prior to that 1976 date. We simply have to have the assurance that that will remain as the law of the land and we can continue to allow, after our short 39 years of existence as a State, the development of our State, we can be bound together. That is why it is an emergency and that is why I commend my good friend and senior Senator for putting this in this legislation because there is no question it is an emergency of the highest nature in the State of Alaska and certainly affects the other Western States as well as we have seen the withdrawal of 1.6 million acres under the Antiquities Act in Utah by this administration.

I thank the Chair and I yield the floor.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska, Senator.

Mr. STEVENS. I want to remind the Senate now, and I will do so later just prior to the vote, in this year's Interior appropriations bill, signed by the President last fall, after serious negotiation with the administration, conducted by the previous chairman of this Appropriations Committee, at my request this section was put in that bill, section 108:

> No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management or validity of a right-of-way, pursuant to Revised Statute 2477, 43 U.S. Code 932, shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act.

Now, that was the compromise last year as we began this fiscal year. We believe it is an emergency when we return to Washington to find that the Secretary of the Interior has issued a policy, a statement, edict, fiat, whatever you want to call it, but he has in effect changed the law, in his opinion, purported to change the law in a way that he believes is not covered by that very strong statement:

> No final rule or regulation of any agency of the Federal Government pertaining to the recognition, management or validity of a right-of-way, pursuant to Revised Statute 2477. . . shall take effect unless expressly authorized by an act of Congress subsequent to the date of enactment of this act.

That is this Congress. We have very clearly said, and the President of the United States agreed, that any change regarding the validity of rights-of-way shall be authorized by an act of Congress, and yet if we do not take this action that is in this bill that policy statement will guide all members of the Interior Department with regard to approval of the applications of Western States for rights-of-way under the law, a law that was agreed to in 1976 and expressly reserved all existing rights-of-way.

I think it is a very clear issue, notwithstanding all of the flak that is out there in these direct mail pieces that are stimulating every newspaper from here to Washington State. It is just too bad that editors have not learned how to read because if they would read what the law is, I do not see how they can come to the conclusions that they do in some of the editorials I have read today. I hope the Members of the Senate are not swayed by those editorials because they certainly are not based upon the law or the facts of the situation.

Mr. President, I will suggest the absence of a quorum awaiting my friend. We do have some matters that we can take care of. I might state for the information of the Senate that we have an indication from the Parliamentarian that only 33 of the 109 amendments that were filed are proper under cloture. Members should consult, if they wish to do so, the staff of either side to find out the situation with regard to their amendment. Senator BYRD and I have agreed that if we can we would like to cooperate with Members on matters that are true emergencies, particularly for those people who are from the disaster States, and there are 33 of those, Mr. President. But we are compelled to rely upon the actions of the Parliamentarian under the rule unless we can find some way to accommodate the changes that would be necessary to validate the amendments involved. So I urge Members of the Senate to determine whether the amendments they have filed prior to cloture are now valid after cloture.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. STEVENS. Mr. President, I ask unanimous consent the Senate stand in recess until 10 minutes after 2.

There being no objection, at 1:42 p.m., the Senate recessed until 2:10 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GREGG).

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 145

The PRESIDING OFFICER. The question recurs on amendment No. 145 by the Senator from New York.

There are 5 minutes equally divided. Who yields time?

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask unanimous consent that Senator GRAHAM of Florida, Senator WYDEN, and Senator LAUTENBERG be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, make no mistake about it, I support the provisions that have broken the chain of welfare dependency, welfare that became a narcotic, and it trapped people. I think that our reform of the welfare system was good, intended and long overdue.

However, there have been some unintended consequences that are devastating. I do not believe we ever wanted to take 500,000 basically senior citizens and say that "you're going to be cut off," senior citizens who are here in this country legally, receiving SSI benefits, who abided by the rules, and now simply terminate them.

Let me give you a profile of these legal immigrants who received their notice of termination. Seventy-two percent of them are women. They are over the age of 65. Forty-one percent of them are over the age of 75. And almost 20 percent, or close to 100,000, are over the age of 85.

Are we really going to say that we are going to take close to these senior citizens, the vast bulk of them women, who have infirmities, who have problems with the language, and say, "Come August 22, you are off the roll notwithstanding that you came here legally, notwithstanding that you met all of the requirements"?

What our amendment does is simply say we are giving, to October 1, the continuation of assistance. And, hopefully, many of these people who have these infirmities will be able to qualify as citizens. It will give us additional time to deal with what otherwise would be a catastrophe for many of these people.

Mr. President, young, able-bodied recipients should be required to report to a job. They should be challenged. There should not be an automatic pass to welfare assistance. But certainly not the aged, the infirmed, those who need help.

We are a country of compassion. That is why I urge my colleagues to support this amendment, which is sensible.

The PRESIDING OFFICER. The Senator's time has expired.

Who yields time in opposition?

The time will run.

The time allocated has expired.

The question is on agreeing to amendment No. 145.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 89, nays 11, as follows:

[Rollcall Vote No. 58 Leg.]

YEAS—89

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inouye
Jeffords
Johnson
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Warner
Wellstone
Wyden

NAYS—11

Allard
Ashcroft
Coats
Enzi
Faircloth
Gramm
Gregg
Inhofe
Nickles
Smith (NH)
Thomas

The amendment (No. 145) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. McCAIN.

I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, we had 5 minutes before that vote. I ask unanimous consent that there be 1 more minute added so that we have 4 minutes on this one.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I yield 1 minute to the Senator from New York. I think every Senator would like to hear the Senator from New York on this one.

The PRESIDING OFFICER. The Senator from New York is recognized.

HAPPY BIRTHDAY, SENATOR DOMENICI

Mr. D'AMATO. Mr. President, I am just going to be a few seconds. Twenty-five years ago, a young man came to the Senate. He, indeed, has enriched the Senate with his leadership, with his integrity, and with his very presence. The fact of the matter is, he is the son of Italian immigrants and comes from the great State of New Mexico. It is Senator PETE DOMENICI's 65th birthday. Senator DOMENICI, happy birthday.

[Applause.]

Mr. DOMENICI. I want you all to know that is why I was so careful to protect senior citizens in the budget deal.

[Laughter.]

Thank you all very much. It is great to be with you. I love the Senate. I hope I am doing my share, like all of you are, to keep this a great institution and an important part of American history and our future. Thank you very much.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 64

The PRESIDING OFFICER. Under the previous order, amendment No. 64 is now in order. There are 4 minutes of debate equally divided.

Who yields time?

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. Mr. President, in 1866, Congress passed a mining law called Revised Statute 2477. Here is what it said:

> The right-of-way for the construction of public highways across public lands, not reserved for public uses, is hereby granted.

That was the law until 1976 when we repealed it. And we repealed it because there are literally thousands and thousands of potential rights-of-way, which the States could claim for purposes of building a highway across Federal lands. In 1988, Donald Hodel, who was the Secretary of the Interior at the time, established a policy. Listen to this:

> Under that policy, a right-of-way could be established by mowing high vegetation, by moving a few rocks, by filling in low spots.

The State of Alaska has passed a law making every section-line in the State a right-of-way, over 900,000 miles. Here is the kicker, Mr. President. These rights-of-way would cross national parks, wilderness areas, national monuments, and other protected areas. These highways cross all of those areas that we have since taken out of the public domain and made national parks and other reserved areas.

If we don't pass this amendment, every State—but particularly Alaska, Utah, and Idaho—will have the right to build roads on every one of those claimed rights-of-way, according to the language of the Stevens amendment. This issue is not an emergency. To hold the people in the Dakotas and Arkansas and other States hostage for something as foolish as this is, would be foolish in the extreme.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STEVENS. Mr. President, I yield myself 1 minute. Alaska has not even been surveyed yet. There aren't many surveyed section-lines in my State yet, except in very few portions of the State. The Nation's national parks have coexisted safely under Revised Statute 2477 for over 100 years. Our wilderness areas have not been paved, despite all the threats we have had. We have had 30 years of the Wilderness Act under Revised Statute 2477 and there has been no complaint at all.

Last fall, we put in the appropriations bill for the Interior Department this section:

> No final rule or regulation of any agency of the Federal Government pertaining to recognition, management, or validity of a right-of-way pursuant to Revised Statute 2477 shall take effect, unless expressly authorized by an act of Congress subsequent to enactment of the date of this act.

That was agreed to by the administration. The President signed that bill. It came about after negotiation with the President, as a matter of fact.

Now, by edict, the Secretary of the Interior has determined a new policy will go into effect and he will make property laws for the Federal Government establishing how rights-of-way are created on Federal lands throughout the West. It should not happen.

I yield to the Senator from Arizona.

Mr. McCAIN. Mr. President, we have heard a very spirited debate on the issue of rights-of-way across Federal land today. Both sides are passionate.

On one hand, States worry that the Federal Government will exercise their authorities to invalidate, bona-fide historic rights-of-way. On the other hand, the Interior Department worries that States will liberally define their rights-of-way which could pose environmental threats to Federal lands, including parks and wildlife refuges.

Mr. President, I believe that there is ample room for principled compromise in this dispute. States should not be denied their bona-fide rights-of-way, nor should excess or unreason be permitted to threaten our Nation's parks and pristine areas.

Clearly this situation must be resolved, because if this stalemate persists, and the Secretary is precluded from proceeding under reasonable parameters, I don't believe we will have any official process or method for administratively assessing a claim. Such a stalemate serves the interest of no one and cannot stand.

I've been engaged in an effort to find a process by which the Secretary, Governors, and local officials can work together to determine what constitutes a valid right-of-way; what methods and standards will be used to recognize the claim, and how such rights will be managed.

I believe we can achieve a reasonable compromise and an appropriate process. While time does not permit us to reach an agreement before we must vote now, I will continue to work with the Senators from Alaska, Senator BUMPERS, and the Interior Department to try and reach some agreement that we can all be proud of, one which will protect States rights, Federal interests and most of all the public interest.

I appreciate the Senator from Alaska's support for that effort and I look forward to working with him to resolve this matter before the conference.

Mr. STEVENS. Mr. President, I move to table the amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska to lay on the table the amendment of the Senator from Arkansas. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Ms. COLLINS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 59 Leg.]

YEAS—51

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Burns
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Domenici
Dorgan
Enzi
Faircloth
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchison
Inhofe
Inouye
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—49

Akaka
Baucus
Biden
Bingaman
Boxer
Breaux
Bryan
Bumpers
Byrd
Chafee
Cleland
Collins
Daschle
Dodd
Durbin
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Harkin
Hollings
Hutchinson
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Snowe
Torricelli
Wellstone
Wyden

Mr. HATCH. I move to reconsider the vote.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. STEVENS. I move to reconsider that action.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 231

Mr. HOLLINGS. Madam President, the distinguished chairman, Senator STEVENS, and myself, Senator GLENN, Senator LAUTENBERG, Senator GREGG, and others now have worked out the Department of Commerce compromise on the census. I have an amendment that reflects that compromise at the desk, and I ask unanimous consent that the amendment be in order and the clerk be allowed to report.

The PRESIDING OFFICER. Is there objection?

Mr. STEVENS. What was the request?

The PRESIDING OFFICER. The request is that the amendment from the Senator from South Carolina be in order.

Mr. STEVENS. We have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. I thank the distinguished Chair.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. STEVENS, Mr. GREGG, and Mr. GLENN, proposes an amendment numbered 231.

Mr. HOLLINGS. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47 strike lines 14 through 18 and insert the following:

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

Mr. HOLLINGS. Madam President, what it allows is the Census Bureau to continue to plan to conduct a census that uses statistical sampling but the Congress under the leadership here of the distinguished Senator from Alaska, and our chairman and ranking member of the Governmental Affairs Committee, which has jurisdiction as the authorizing committee, can change that in the future after careful review and oversight.

There is a deep misgiving among some of the Members with respect to any kind of taking of polls or handling of numbers or statistics particularly after somehow the Immigration and Naturalization Service at the Department of Justice naturalized a million immigrants to be able to vote last November. And so it is natural that they wanted to make certain that the statistical sampling related to the year 2000 census be taken in a totally professional manner. We have it, we think, on course to be as professional as it can be. Ms. Riche and the professional staff at the Bureau of the Census are just outstanding.

What the Members need to understand that what really occurred after the 1990 census was it became clear that all kind of undercounting and overcounting occurred, varying in areas. The undercount was especially severe among low-income people, minorities, and rural areas. Congress told the Census to find a way to conduct the next census in a more accurate way at less cost. The Census Bureau went to the National Academy of Sciences. The National Academy of Sciences, after a thorough study, says go ahead, send the forms out, which are really reported back about some 60 percent or so. We get another 30 percent by going around door to door, through telephone calls, and followup. That last 10 percent is next to impossible in some places to find, in the innercity, in the rural areas, and in areas with high native American populations. Some of the census takers themselves—we got some 300,000 earning around $13 an hour—they might get fatigued some afternoons or near a weekend, or not be willing to enter into some areas or buildings. The way it was handled in 1990, the followup was far too subjective.

So the Academy of Sciences looked at, studied, and have had the best of minds in a bipartisan fashion—this has not been a partisan issue—and they recommended that census find a new way to estimate those hard to reach populations. They told census to use the same statistical methodologies that the bureau uses for all its products that this Nation relies on. They recommended to go ahead with this kind of sampling advancing forward to take the census for fiscal year 2000.

We really were disturbed in the Appropriations Committee that if we did not allow it to continue at this particular point—this is absolutely not final, of course—that we were going to set a course whereby we were going to have to spend another half a billion bucks trying to go door to door with the same ailments and disturbances and inaccuracies that we suffered back in the 1990 census. And we would end up not only paying more but getting back into court with lawsuits again and everything else of that kind.

Mind you me, there is over $100 billion in Federal programs allocated according to this census data, the Members of the House of Representatives are apportioned according to this census, and we want to be as nonpartisan and as thorough and as scientific as we can possibly be in its taking.

To the credit of the Governmental Affairs Committee, which is the authorizing committee, they have been working diligently on this issue. Our distinguished chairman, Senator THOMPSON of Tennessee, I have talked with him, and our ranking member, Senator GLENN. They have already experienced two hearings which have more or less confirmed that we are on course, but they have yet to finalize any action taken this particular year.

So what we wanted to do at the moment in this particular emergency supplemental was not stop anything but express our outright concern that this particular census is not to be used politically. It has to be done professionally.

I thank the distinguished chairman of our Appropriations Committee, Senator STEVENS, and his distinguished staff for going along working with the Department of Commerce and myself all last evening and this morning. I think this particular compromise here will allow us to continue on course but not lock in the short form irrevocably. Census can continue to do its planning and dress rehearsals to ensure that the next census is more accurate.

With that said, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Madam President, I commend my colleagues, Senator STEVENS and Senator HOLLINGS, for working out this amendment, because it will let the Census Bureau proceed with planning and testing of statistical sampling.

We need the best possible information before making a final call on the design of the 2000 census. The language we have agreed upon, as my distinguished colleague from South Carolina has just said, will let us get that information and get it in good shape, I believe. Thousands of Americans are waiting for the disaster relief to be provided by the legislation on the floor today, and they need this money to rebuild their homes and their lives. I am very relieved we are working together to get this aid to those needy people.

I know full well the Census Bureau's plan to use sampling is highly controversial. I do not like sampling any better than anybody else. The only problem is, there is no better way to get a more accurate count of all the people in this country than by using all the regular procedures we have used before plus the sampling. There is no better way, even though none of us like it. We wish it were a perfect situation where we could go out and count every single American, just like the Constitution says we are supposed to do. But, as Senator HOLLINGS said just a moment ago here, you cannot do that. We normally do not get full returns on all the census reports. We wind up traditionally with about 10 percent of the people not sending returns back, even though census takers call multiple times on their domicile or their businesses. So we wind up having to do some sampling to get a more accurate census, and that is what the whole thing is all about.

So, it is controversial. Some people say the sampling does not meet the constitutional requirement for an actual enumeration. Those are the words, "actual enumeration," in the Constitution. Some say sampling is inherently subjective because it is based on statistical assumptions, as it has to be.

We have been arguing about this ever since 1990, when post-census surveys showed that 1.6 percent of the population had been missed. That may not sound like a big figure, but it is big if you are laying out plans for Federal appropriations that have to apply to these certain areas. The Bush administration decided finally not to use sampling to adjust that census. They decided the census statistical adjustment plan had too many problems. Here we are 7 years later. I must admit that, like my colleagues on the Appropriations Committee, I, too, have some reservations about sampling.

But we have to remember that the Census Bureau is not looking at sampling because they think it is the ideal method. Quite the contrary, an accurate, direct count would be the best. The problem is, a direct count has never worked in the past. And every census is more difficult than the last one. That is because our population keeps getting larger. It is more mobile. It is more culturally diverse, while public cooperation keeps declining. That is why the bureau is looking at new approaches.

A complete sampling ban would require the bureau to cancel current testing plans and contracts, and that would just waste money that has already been spent for good purposes.

A complete ban would require hurried development of new plans for next year's Census Dress Rehearsal. That would waste more money. Finally, a complete ban would require hurried development of a new plan for conducting the 2000 census. That would require many more census takers and would cost a lot more money. This is the tragic part, it might lead to a much less accurate census, more litigation, and more suspicion of Government. The language we have worked out prevents all that waste and keeps all our options open. At the same time, it lets the Census Bureau know the seriousness of our concerns.

Let me tell you a little bit about the 2000 census—something the Governmental Affairs Committee is looking at right now. The census will set a new record as the largest peacetime mobilization in American history. The Bureau will hire 600,000 temporary workers, knock on 120 million doors, and count about 270 million people.

By statute, the entire process has to play out smoothly over 9 months. The questions will begin on Census Day, April 1, and the results have to be given to Congress by December 31. Census Bureau officials tell us that, if they use sampling, they can keep the cost of the 2000 census down to about $4 billion, a little less than the 1990 cost of $25 per household. Without sampling, it will cost the taxpayers a whole lot more—perhaps as much as another billion dollars.

Most important of all, the census is a highly serious enterprise. It is the process we use to make sure that every American—every American—is fairly represented in the governing of this great country. It is so fundamental to our democratic system that the Constitution specifically requires an actual enumeration of our population once every 10 years.

These facts tell me that the decennial census calls for our very best thinking, our very best planning, and the very best scientific tools the statistical community has to offer. To quote the Commerce inspector general:

> We continue to believe that, if carefully planned and implemented, sampling can be employed by the Bureau in the 2000 census to produce overall more accurate results than were produced in the 1990 census, at an acceptable cost. We further believe that the Congress should allow the Bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. According to the bureau's plan, fundamental work on all potential uses of sampling will be finished by December 1997. We do not believe an informed design decision can be made until this work is completed and the various design components are tested during the April 1998 dress rehearsal.

I think the Commerce IG gave us some very good advice, because some hard facts have begun to emerge from the wealth of opinion about sampling.

Fact: The Bureau has been using statistical sampling in the decennial census for decades. The census long form—which goes to only one in six households—is a perfect example of a kind of sampling that is widely accepted. If Congress bans sampling completely, we will not be able to use sampling for the long form any more. But the information gathered by the long form is still required by law. So we will have to send the long form to every single household across the country. And the American taxpayers will have to foot the bill.

Another fact: It is inherently impossible to count everybody correctly the traditional way. All the experts agree on that. There will never be enough time or money. There will always be people not at home no matter how many times the census taker calls. When President George Washington received the first census data in 1790, he also got an estimate of the undercount. That has been the story ever since. In 1990, the census missed 10 million people. It counted 6 million people twice. And it counted another 10 or 20 million people in the wrong place. After that experience, everyone involved agreed that a better plan, a scientific plan, had to be developed for 2000.

Another fact: The undercounted people are some of the most vulnerable in our society, minorities, poor people, both rural and urban, the non-English speaking, the homeless. These are the people we are excluding from the democratic process.

Still another fact: Virtually all statisticians say that our scientific tools have been developed and tested to the point that we can finally fix the undercount problem. That view is supported by GAO, the Commerce IG, the National Academy of Sciences and a host of other professional organizations.

Yes, 1990 sampling methods were flawed. That is precisely why the Census Bureau has spent 7 years developing a reliable plan for 2000. It is precisely why the Census Bureau needs to keep testing and planning, and it needs to go on with that right now and not have it cut off.

What about the constitutional arguments? On April 16, at one of our committee's two recent hearings on the census, we heard testimony from Wisconsin's Attorney General James Doyle. He led the charge against sampling in 1990 because statistical adjustment of that census would have given California an additional House seat at Wisconsin's expense. Mr. Doyle testified recently:

> I think the Constitution requires that we make the best effort we can to an actual headcount, and I recognize that is a very complex task, and I recognize that within that task, we have to leave a good deal of discretion to the Census Bureau to, in fact, make some counts where you are not actually counting actual human beings.
>
> For example, you go to a locked apartment building and you go back there 5, 6, 7 times. At some point, somebody has to make a reasonable estimate on how many people are in that locked apartment building, and there are other kinds of procedures that the Census Bureau has built up over time to try to build that accuracy.
>
> So I recognize that there has to be a good deal of discretion given to do things other than summon everybody to Bethlehem and count how many people are there.

At the same hearing, we also heard testimony from Stuart Gerson, the Assistant Attorney General who advised the Bush administration not to adjust the 1990 census.

Mr. Gerson said, and remember, this is a person who advised against sampling in the Bush administration:

> Whatever an enumeration means, it does mean an accurate count and that should be our guideline—it does appear that the Constitution would permit a statistical adjustment if it would contribute to an accurate count.

Note the caveat: "if it would contribute to an accurate count." Both of those legal experts agree, and again, one of them led the fight against adjustment in 1990, that the key to the constitutional requirement for an "actual enumeration" is accuracy. They both agree that sampling is legally acceptable under two conditions: The Census Bureau has to make a good faith effort to count everybody the traditional way; and the Bureau has to demonstrate that sampling improves accuracy.

Let us look at whether the Census Bureau's plan can meet those requirements. The plan itself was described in our committee hearing of March 11. We heard from Commerce Secretary William Daley, from Ev Ehrlich, the Commerce Under Secretary for Economic Affairs, and from Martha Richey, Director of the Census Bureau. As they explained, the first proposed use of sampling is to help count people who don't send back their census questionnaires by mail. The Bureau won't even start this sampling until after they have first made the greatest effort in the history of census-taking to convince Americans to send back their questionnaires.

First, questionnaires will be mailed to every household found on the combined Census/Postal Service national address list. To insure the most complete national address list possible, the Bureau will also get several updates from local governments. Every household in America will get precensus letters and post-mailout reminders. Questionnaires will be available in town halls, post offices, community centers, and even stores. And finally, the Bureau plans an aggressive outreach campaign of school presentations, community meetings and paid advertising—all to give every single American every possible opportunity to participate and be counted in the time-honored way. I would say that passes the first test of constitutionality, a good faith effort to do an actual head count.

Even with all this effort, experts project that only 65 percent of the American public will be counted using these methods. Our population is just too big, too mobile, too diverse, and too apt to ignore Government requests for information—even when it is this important.

The question for the Bureau is, how do we count that last 35 percent? As the lawyers have told us, the Constitution and Federal law require our best effort.

The census plan is to follow up the mail process with a large sample of those who did not send back a questionnaire. That sample will be large enough to make sure that census takers contact at least 90 percent of the people in each census tract. Yes, that means census enumerators will go into communities, just as they always have, to count at least 90 percent of Americans in the traditional way, by headcount. Then, and only then, will statistics be used to estimate the last 10 percent of the population.

What about the second constitutional requirement? Can the Bureau demonstrate that sampling improves accuracy? At our second oversight hearing on April 16, we heard testimony from Prof. Lawrence Brown of the Wharton Business School. He strongly opposed adjustment of the 1990 census based on the sampling plan the Bureau used to generate the "corrected" counts. Professor Brown didn't think the Bureau's sample was large enough, and he didn't think the statistical model was valid. But he told our committee last month that the Census Bureau's plan for 2000 addresses the concerns he had in 1990. He told us the Bureau's plan can work. And he told us we will again have an undercount if we do not use sampling.

On the charge that sampling is inherently subjective, Professor Brown said:

> Certainly, there is some subjectivity in how the process is designed and how the analysis is—conducted. But if all of this planning is done in advance, it is very very hard for me to see how one could direct these subjective decisions towards any desired goal.

Notice the caveat: "if all of this planning is done in advance. * * *" That is just what the Census Bureau proposes to do over the next year. And this new language we have agreed on today will permit that work to move ahead and still give Congress the final decision.

As Professor Brown's testimony proved—even for experts who questioned sampling in 1990—the Census Bureau seems to be on the right track for 2000. At this point in time, it is very hard to find even one statistician who doesn't think that sampling should be able to improve the accuracy of the 2000 census. The Bureau is doing its research; it is testing its plans; and it is having its plans reviewed by experts.

Everything the Governmental Affairs Committee has learned so far tells me we need to keep the sampling debate open. And we need to give the Census Bureau a fair hearing. To disrupt the planning process now would set the Bureau back a year or more. And it would lock the Bureau and the Congress into a traditional census that we know will cost much more and we know will be inaccurate.

I have already told you that I have some personal reservations about sampling. I wish it were possible to get an actual head count directly on every single American. I am sure the American public has concerns as well. We all get survey calls at home, around dinner time, usually. We also know about polls—surveys that conclude one thing or another—often depending on who paid for the poll. We know all this. We know that surveys can be used in many different ways. So, we have to agree that the Census Bureau has a very heavy burden to prove to Congress and the American people that its survey methods are objective and scientifically sound, and that they will produce accurate, reliable information. The Constitution requires no less.

What is critical right now is for census to continue its planning process—continue to appear before congressional committees—as it is doing before our committee—and continue to explain and review its plans. Only after this process is complete can we decide if the 2000 census will be a success.

At this point in the debate, I am less worried about the constitutional and scientific issues than I am about the Census Bureau's management capacity. GAO and the Commerce IG agree with me on that. The viability of sampling depends on the Bureau's capacity to design and faithfully execute a good plan. Our debate here today proves that Congress is not yet sure of the Bureau's abilities.

The Bureau has to give us more information. And we have to be willing to listen. The Bureau also has to show us that they have the management capacity to carry out a sampling plan if we approve it. These are the questions I think we should be focusing on.

It is time for some plain talk—about the stakes involved here. Most of those people undercounted in last census were poor, and many of them belong to ethnic and racial minorities. We cannot tolerate any undercount. Our system of government guarantees equal representation for all Americans—regardless of race, ethnicity or economic circumstances—certainly regardless of political affiliation. I can only hope that my colleagues will not trade off this fundamental principle of democratic government for assumptions about partisan political advantage.

Let me remind you about where the undercount is found. Look at the States that had high undercounts in 1990—New Mexico, 3.1 percent; Montana, 2.4 percent; Texas, 2.3 percent; Mississippi, 2.1 percent; Idaho, 2 percent. This is not a Democratic versus Republican issue. The undercount is a problem for every Member of this body. We undercount people in rural areas—that is a third of the 1990 undercount. We undercount people who are renters rather than homeowners. And we undercount over 12 percent of native Americans who live on reservations.

Let's not throw away our opportunity to fix the undercount, without taking a good hard look at whether we have to and what are our options. Funding formulae, equal protection, civil rights, State and local planning, school building, targeted aid, business planning—almost every aspect of American life—would benefit from the best possible census in the year 2000.

My heart goes out to all the Americans who are counting on us for the disaster relief this bill will provide. I want go give them that relief. I want to vote for this bill. So, I strongly urge my colleagues to join me in supporting this amendment. I congratulate Senator HOLLINGS, Senator STEVENS, and their staff for working this out. Let the Census Bureau get on with planning what could be the best census, the finest census in American history. And let us get on with providing relief to those tens of thousands disaster victims who are counting on us.

Madam President, I yield the floor.

Mr. THOMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. I thank the Chair.

Madam President, I commend and agree with my colleague on the Governmental Affairs Committee, Senator GLENN, with regard to the purpose of the census and how important it is. I commend Senator HOLLINGS and Senator STEVENS for working out some language that will get us over this temporary hurdle and will not cause us to have to stop in midstream and make a decision today as to exactly what we ought to do, because I do not think anybody knows exactly what we ought to do right now. I do not think attention has been focused on this issue.

We in the Governmental Affairs Committee, however, have been focused on it for a while. When I became chairman, we had a meeting on the staff level and started to engage the people at the Census Bureau and the Department of Commerce and explained to them what our intentions were in terms of having hearings and gathering information as to the right way to proceed.

We have had two hearings, as Senator HOLLINGS has pointed out, considering specifically these sampling issues that we are talking about, keeping in mind how important it is.

It is important that people have confidence in this census. Clearly, we base a lot of things on it in terms of distribution of Federal moneys, academic research, and things of that nature that are dependent on it, and last, but not least, the apportionment for the House of Representatives. So we need to do it cautiously and carefully and not based on who is going to benefit politically in the outcome, not based on some supposition of what the outcome is going to be.

I made a commitment early on that we would hear this fairly, we would bring in the experts and proceed carefully, but that the administration was going to have to convince us and the American people that the way they were going to proceed would be a fair, objective way. Of course, that brings us to the heart of the sampling issue, and it is not an easy issue to resolve. In fact, I think we are right in the middle of resolving it. We have asked for a lot of additional information in order that the Census Bureau can convince us that this will be done in the right way.

Everybody is for doing something about the undercount, which I think most people agree that we have. We need to do something about this. We need to proceed in the fairest, most objective way in order to address that particular problem.

But the question still is out there whether or not sampling is the right way to proceed. In the first place, I think we need to realize that the proposal that is on the table now really involves two levels of sampling: 90 percent is contact directly, 10 percent is sampling, and then there is another level of sampling which is supposed to take care of the undercount. So we have a couple of different levels of sampling. It has not been perfected yet.

Back in 1990 when they did the census, they considered adjusting the census numbers based on sampling. Based upon the information that they initially had there, they made an error of one seat. One State would have improperly gotten a seat and another State would have improperly lost a seat. They caught it in time and decided not to use sampling back then.

There are constitutional issues; there are legislative issues. It is not just a constitutional question. We are familiar with the fact that the Constitution requires, in some people's minds, an actual head count. It is somewhat debatable, but to some legal experts, it is even a greater question as to whether or not Congress has constructed a legislative pattern that would forbid sampling.

There has been a lot of sampling legislation passed and some of it is inconsistent. It would be a tragedy, indeed, if we went through all this process and we used sampling and spent $4 billion in order to carry this out and then find out we did not have the constitutional authority or that we have the constitutional authority but did not have the legislative authority. So if we go through with sampling, I think we are going to need additional legislation to clear that up.

There is another question involved as far as the expense. Some of the witnesses originally told us that if we did not sample, it would cost us an extra billion dollars. We are getting information now which says the cost would be much less than that. We need to clear that up.

I think this is an appropriate way to proceed, but I want to emphasize to the administration, and I want to emphasize to the Census Bureau, that those of us who will be dealing with this thing directly are going to be looking to them to convince us and convince the Senate and convince the American people that they will conduct this thing in a fair and objective way. A lot of people are concerned that this administration, which has shown in times past the willingness and the ability to use the authority of the administration for political purposes—witness the Immigration and Naturalization Service before the election last time—that an administration that is willing to do that would be willing to tamper with this process.

It is a matter that is somewhat new to us in this body for this particular purpose—that is, one of apportionment—and it is not going to be something we will readily latch on to. I am not saying it is the wrong thing to do, but I am saying the burden is on the administration, the burden is on the Census Bureau, not only that this is scientifically acceptable, which I think a lot of people think it is, but, second, that we are not going to have to be worrying about some people in a bureaucracy somewhere who are going to be having their fingers on the scales of justice, as has happened in other instances.

So, with that, I leave it for another day. I look forward to working with the members on the committee and others on the Appropriations Committee in trying to come up with the best system that is fair to everybody, not based on who benefits or who suffers from a political standpoint, but based on what is fair and accurate, not only in terms of the result, but in terms of the process in getting to that result.

With that, I thank the Chair.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Madam President, the amendment that Senator HOLLINGS has presented is acceptable, and I am pleased to cosponsor it. It is a provision that I put in the bill, or I offered as an amendment to the bill when it was in committee.

A full count of the population for the purpose of apportioning seats in the House of Representatives is required by the Constitution. Article I calls for an "actual Enumeration * * *" and section 2 of the 14th amendment reads: "Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State * * *". Title 13 U.S.C. section 195 states: "Except for the determination of population for purposes of apportionment of Representatives in Congress among the several States, the Secretary shall, if he considers it feasible, authorize the use of the statistical method known as "sampling" in carrying out the provisions of this title."

When the Secretary of Commerce declined to approve a statistical adjustment to the 1990 census, at least 50 law suits were filed. The Supreme Court upheld the Secretary's decision in one of these cases, Wisconsin versus City of New York. The Court held that the Constitution "vests Congress with virtually unlimited discretion in conducting the 'actual Enumeration' * * * Through the Census Act, 13 U.S.C. section 141(a), Congress has delegated its broad authority over the census to the Secretary." The Court noted that the adjustment being recommended to the Secretary in 1990 differed from other statistical adjustments used in 1970 and 1980 because it "would have been the first time in history that the States' apportionment was based upon counts in other States."

If a sample is employed for the 2000 census, endless litigation challenging the constitutionality of using this technique is likely. By directing the Census Bureau today to employ a full count, we are giving the Bureau sufficient time to redirect their efforts before 2000. The additional cost of a full count is estimated to be $400 million. The increase is bound to be less than the Government's cost of defending against lawsuits which will result from using a sample.

There is also an issue of fairness. The Census Bureau will get a 90-percent count of a census tract and use sampling to determine the remaining 10 percent of the population in that census tract. An estimation does not seem to be a fair way of determining the population.

The Census Bureau has claimed a full count of the population without sampling will cost an additional $400 million. As soon as this amendment prohibiting the use of sampling appeared, the cost went up to $1 billion.

I have reviewed the most recent Census Bureau cost sheet, and it seems to me the Census Bureau can do a full count well within the range of $400 to 500 million. Any attempt to claim it will cost a billion dollars is a red herring to deflect attention away from the real issue, and that is the constitutionality of conducting the count by sampling.

The cost of the census should not be an issue. Under the Constitution, Congress has the duty to direct an "actual Enumeration" of the American public for purposes of apportionment. When carrying out our constitutional responsibilities, cost is immaterial.

In 2000, The Census Bureau wants to estimate 10 percent of the population of this country. In 2010, the Census Bureau may want to estimate 30 percent of the population. The Census Bureau claims sampling will solve the problem of undercounting. It is difficult for me to accept that an estimation will ensure everyone is counted.

Concern about not counting all Americans is not a new issue. Then-Secretary of State Thomas Jefferson was in charge of the first U.S. census in 1790, and he was gravely concerned that there had been an undercount.

The Census Bureau, in an effort to devise new techniques to ensure the most complete count possible, has determined that conducting a sample of nonrespondent citizens on a census tract level is the most effective means of achieving numerical accuracy. Which is more important? Numerical accuracy or distributive accuracy?

On March 20, 1996, the Supreme Court held that distributive accuracy was more important than numerical accuracy in deciding Wisconsin versus City of New York. In this case, the Court upheld the Secretary of Commerce's decision not to approve statistical adjustment to the 1990 Census. The Census Bureau plans to sample in each census tract across the Nation. They plan to estimate who lives in a neighborhood or village based on a sample.

The Census Bureau claims the language in this bill as reported from committee will require them to send a long form to all households.

The Census Bureau says sending a long form to one out of every six households is a sample, and thus the language in this bill would require them to send the long form to all homes. The language in this bill was not intended to prohibit the Census Bureau from using the short form. I would have no objection to amending the language to ensure the Census Bureau can continue to use the long and short forms.

The question arose: what would happen to a census form that was mailed in late, after the Bureau had begun a post-census sampling process? The original answer was that the late response would be discarded because it would interfere with the sample established by the Census Bureau. Since the actual enumeration of citizens has a long and venerable history, this answer was a shocker.

The Bureau now says that a late response will be counted, even if it came from a household that was not in the followup sample area. They admit this will complicate the estimation process. Obviously the inconvenient appearance of a real person's response does damage to a theoretical sampling construction.

The Governmental Affairs Committee has held two hearings on the plans for Census 2000, including one exclusively on the legal and statistical propriety of using sampling. There are many troubling questions about the Census Bureau's plan to implement sampling techniques in the next census.

The problem of undercounting in the cities has been a problem, and the Bureau says sampling will help correct this undercount. But what about the problem of undercounting in rural areas? Does the Census Bureau really know what it doesn't know? We are asking to take the remainder of this year to scrutinize the Census Bureau's plans for the next census, and particularly their plans to use sampling techniques.

Sampling could well be inaccurate, illegal, or unconstitutional. Congress must decide whether sampling is consistent with the Constitution's requirement that the census should be an "actual Enumeration" of the American public for the purpose of providing a basis for apportioning Congressional representation among the States.

In the 1990 census, the Bureau made extensive efforts to reduce the undercount of actual persons. It sought out "traditionally undercounted populations" and expanded assistance for non-English-speaking residents. But there was no plan to create hypothetical respondents, although there was an effort to statistically adjust the total. This adjustment was ultimately rejected by the Secretary of Commerce.

That is the problem now. The sampling would be the basis for an educated guess under the proposal that was presented to us. I am pleased to see the text has been modified so what we are concentrating on is the constitutional requirement to enumerate the population for the next census, and on that basis, I support the amendment.

I yield the floor.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Madam President, when it comes to sampling, I think everyone should understand that we are very familiar with it. Almost every product put out by the census, or from data supplied by the Census Bureau is based on sampling. We quote the gross domestic product. The Federal Reserve, Alan Greenspan and others use GDP and inflation statistics based on very small samples. The monthly unemployment rate that all the members listen for. Well, that is based on sampling of some 60,000 household of the 115 million households in this Nation. That is less than 1 percent. And, with the full decennial census, the Bureau has been using sampling for the long form for almost 60 years.

And if there is one group that really believes in sampling, it is Members of Congress. We come here with a poll taken, every one of us. And for a State my size with 3.5 to 4 million people, a sample of 870 to represent that number of people is readily considered authoritative. So we are doing the best and we are doing it professionally. I believe that we are on course now with this particular compromise.

Madam President, I ask unanimous consent that my complete statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR HOLLINGS REGARDING THE CENSUS

Madam President, the bill before us is an emergency supplemental appropriations bill to deal with flooding, other natural disasters, and support for our troops in Bosnia. It also includes a provision that was inserted by the majority that prohibits the Census Bureau from using funds to conduct or plan to use statistical sampling in any way in the conduct of the year 2000 decennial census.

The census of the United States is required under Article I, section 2 of the Constitution. Since the original census in 1791, it is a basic government function that is performed every ten years. To many in this body it probably seems like a dry, academic subject. The census is about data and numbers. It is the sport of demographers and statisticians.

Yet, the census impacts Americans' daily lives in so many ways. Clearly, as noted in Article I, it is the basis for apportionment in the House of Representatives. It also has become the basis upon which over $100 billion in Federal program aid is allocated. Programs from Low Income Energy Assistance to Community Development Block Grant to Transportation grants all rely on census data. But, the census also is the main vehicle with which we are able to describe the characteristics of our democratic society. It tells us how many men and women live in each State and in our nation. It tells us about racial diversity and employment and literacy. Having accurate and unbiased population and economic statistics is a basic requirement for a democratic nation as diverse and geographically varied as the United States.

CENSUS HAS STRIVEN FOR MORE ACCURACY

The history of the census has been one of progressively seeking more detailed information about our people. And, it is a history of striving for more accuracy in the accounting for the residents of this nation.

The Senators who put this prohibition in the bill seem to think that by proposing the use of statistical sampling to aid the census enumeration, that the Census Bureau has broken new ground. Well, that's just not the case. The accuracy of the census was brought into question with the very first census. When Thomas Jefferson transmitted the census data in 1791, he also provided his own estimates. He stated that "we are upwards of four millions; and we know in fact that the omissions have been very great." You might say that he provided the first "post enumeration survey." Through much of the 19th Century, the Census was run by Marshals who reported to the U.S. Senate. They didn't have standard procedures and census forms did not exist until the 1830's. In fact, the Census Bureau itself was not created until 1902.

Statistical sampling dates back to 1940. In that year Dr. Demming, the noted management expert who once worked for the Bureau, proposed the use of sampling in the conduct of census. It was adopted to reduce the number of Americans who received detailed questions that we now call the census Long Form. Similarly, the issue of undercounting the poor and minorities always has been a problem. When this nation adopted the draft to prepare for the Second World War, the census first realized the magnitude of this problem. When the call went out to serve the nation, we found that 3 percent more men were in this country than the Census Bureau had estimated in the 1940 decennial census. Among black males, 13 percent more showed up to the call of duty than the census said even resided in America.

Relative to statistical sampling, it is used in almost every type of data that the Census Bureau collects and uses for its products. It is used in the Long Form so that only 1 in 6 Americans are asked detailed questions about employment, housing, family background, etc. A very small sample is used to get economic data every month so we can tell Alan Greenspan and Wall Street if Gross Domestic Product increased, or if inflation has increased. Take unemployment. Every month every Senator listens to what the monthly unemployment rate is. "It's about jobs" as our former Trade Representative Mickey Kantor would say. Well that unemployment data is collected by the Census Bureau. It is based on a survey of only 60,000 households out of 115 million households in this country. That is a sample of far less than 1 percent! So with this census issue, let's not act as though the use of statistical sampling is something new or some gimmick adopted by the census. The fact is that our Census Bureau is the Federal Government's premier statistical agency.

THE 1990 CENSUS DEBACLE AND STATISTICAL SAMPLING

Now, the current situation we find ourselves in is an outgrowth of the 1990 census debacle. The 1990 census was the most expensive census we had every conducted and for the first time it was LESS accurate than previous censuses. It is widely acknowledged that it was seriously flawed. Nearly 10 million people were NOT counted and 6 million people were counted twice. There were lawsuits by groups that were undercounted. Suits that ended up in the Supreme Court six years later. So Congress told the Census Bureau to figure out how to do a census that is: (1) more accurate and (2) more cost effective.

The Census Bureau did the right thing. It went to an outside group of experts. They went to the National Academy of Sciences in 1993 and asked for their recommendations. The Academy studied the issue and recommended that the Census Bureau incorporate statistical sampling in the conduct of the year 2000 census. The academy concluded that a rerun of the 1990 process would produce even less accurate data in the year 2000 and would cost more per household, primarily because voluntary citizen cooperation with the census is declining. They concluded that traditional census taking methods will always yield a differential undercount because some populations are just hard to count, such as rural and inner city poor people. The Academy recommended, in fact, that the Census Bureau continue to work until it achieved a 70 percent response from residents and then use statistical sampling for the remaining 30 percent.

The professionals at the Census Bureau adopted the Academy's recommendation—a well designed statistical sample to correct over and undercounting before the census counts are finalized. The only change they made was to reduce the amount of sampling. They concluded that they would work until 90 percent of residents were counted and use direct statistical sampling to estimate the remaining 10 percent.

Now, Madam President, I think there is a great deal of confusion on how the census is conducted and what is meant by these numbers. The Federal Government sends every resident a census short form. The Census Bureau makes extensive efforts to get these forms returned. Approximately 65 percent of the population does so. After that the greatest expense of the census comes into play. The question is how much effort and how much do we have to spend to get people to respond who have not sent back their questionnaires. The Census Bureau makes phone calls, goes door to door, and literally employs an army of 300,000 census takers to find individuals and households who did not respond. In the past, one of the reasons for inaccurate counts, is that finding those "hard core" of non-respondents is quite subjective. It isn't easy. These are in remote rural areas and in poor urban areas. It is commonly acknowledged that follow-ups are not conducted in a scientific fashion. It is a well known fact that census takers would rather falsify data than go into some of those areas.

In the case of the Census Bureau's plan, they are proposing to estimate those remaining 10 percent of impossible to reach non-respondents. They are proposing to do so in a scientific way that is statistically reliable. It is a methodology that takes subjective judgement out of the process.

THIS AMENDMENT CASTS A WIDE NET

The amendment in this bill not only prohibits the Census Bureau from moving forward with its statistical sampling plans I've discussed, but it also casts a very wide net and prohibits all other statistical sampling. It would prohibit the Long Form from being sent to 1 in 6 Americans. This type of sampling has been underway for almost sixty years. So, the Census lawyers tell us that every American would have to be sent the Long Form under this congressional prohibition. It would prohibit the Census from working with the Postal Service and sampling to find vacant housing units that are currently on address lists. It would prohibit the Census from carrying out statistical sampling in its dress rehearsals that are now underway. It would prohibit the Census from planning to do quality assurance samples to ensure that census data is not falsified by census takers. It is, in short, a clumsily worded amendment that is quite far reaching in its consequences.

Now during our debate in Committee, the Chairman criticized the Long Form. I believe the gist of what he said was that the Long Form asks too many questions of too many people. Well, Mr. President, I'd like to know which questions. Questions about industry were added in 1820. Veteran status in 1840. Education in 1850. Housing in the 1930's and 1940's. Income level in 1940. We added a category to determine if a respondent considered themselves to be of Hispanic origin in 1970. Telecommunications questions began in 1980. In each case these questions came about because Congress directed them in statute.

ISSUE BELONGS WITH THE AUTHORIZATION COMMITTEE

This amendment doesn't belong in an appropriations measure, especially an emergency appropriations bill. It belongs with the Committee of oversight, the Governmental Affairs Committee. Now the irony is that the Senate Governmental Affairs Committee has been, in fact, holding oversight hearings on the year 2000 decennial census. They have heard from a number of outside witnesses and they have been hearing the pros and cons on statistical sampling.

Senator Glenn has written to Senator Stevens and Senator Byrd requesting that his Committee be allowed to continue to do its job. That the Appropriations Committee not interfere. He is right.

INCREASES COSTS

What the Appropriations Committee should be concerned about regarding this issue is the cost. The irony is that the amendment inserted by the Chairman will greatly increase the costs of the year 2000 decennial census. The current estimate for the total cost of the 2000 census is $4 billion! If the Census Bureau is required to make a full enumeration effort and NOT allowed to sample for 10 percent, then the costs will increase to $4.4 billion to $4.5 billion. That's because we will keep on the payroll that army of door-to-door census takers who will make around 13 dollars an hour.

The Commerce Department tells us that if you look at the cost impact of all the ramifications of this prohibition, including prohibiting sampling for the Long Form—then the cost of the year 2000 census will be about $1 billion higher. So through this amendment the Appropriations Committee, which is supposed to be concerned about the budget and costs, will be taking a $4 billion census and turning it into a $5 billion census.

So we tasked the National Academy of Sciences to come up with a methodology is more cost effective and accurate census. If we approve the prohibition in this bill we will be doing the opposite. We will be conducting a less accurate and more costly census.

There is a sense of absurdity about all this. The costs I have cited are the full multi-year costs of conducting the census. We are starting from a fiscal year 1997 Census Bureau year 2000 decennial census appropriation of only $84 million. That was a cut of about 21 percent from the President's FY 1997 request of $106 million. Under the Census Bureau's $4 billion plan using sampling, the appropriation needs to grow to $2.3 billion within three years. Dollars are tight. Our section 602(b) allocations for our Commerce, Justice, and State Subcommittee have been billions below the President's request for our Subcommittee. And, the Census Bureau competes against the Justice Department and the Judiciary which now account for two-thirds of our bill.

The reality is that Senator Stevens and the Committee are not going to give us the money to fund the Census Bureau's less expensive $4 billion plan using sampling let alone his notion of a $5 billion census that employs no sampling.

And that is what disturbs me most. We have an agency that is trying to economize and find a way to save costs. And here is the Appropriations Committee getting into an area outside our jurisdiction and then telling them to do their job in a more expensive way. I truly fear that we are going to mess up the year 2000 census. That it will be the least accurate census ever.

CONCLUSION

I have received a number of letters from outside interest groups, from demographers and statisticians asking me to get this onerous language out of the bill. Senator Glenn's observations have been especially forceful. Yesterday, our Committee received a letter from the Commerce Department's Inspector General who has done a great deal of work on the Census. I will include the full statement in its entirety, but let me just quote a few lines:

"We strongly disagree with this provision. We believe that such a prohibition would make it almost impossible for the Census Bureau to carefully research, test and implement an optimal design for the 2000 census. Over the past two years, we have issued reports, testified, and briefed bureau, departmental, and congressional principals and their staff members on our support for the use of statistical sampling in the 2000 census. We continue to believe that, if carefully planned and implemented, sampling can be employed by the bureau in the 2000 census to produce overall more accurate results than were produced in the 1990 census, at an acceptable cost. We further believe that the Congress should allow the bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. Halting the design effort at this critical juncture would mean that the substantial effort made to date would be left incomplete and unevaluated.

Madam President, I have been working with Chairman Stevens and Senator Gregg trying to find a reasonable compromise on this issue. It clearly was not their intention to require the long form to be sent to every American. And, it is the concern of many members on the opposite side of the aisle that the Census Bureau not proceed with statistical sampling for the short form in a manner that is irreversible.

Accordingly, I am pleased to report that we have worked out a compromise amendment that achieves both aims. It allows planning and preparation by the Census Bureau to continue and it allows the Committee of Jurisdiction, the Senate Government Affairs Committee, to continue its review and oversight of the Census' plan for the year 2000 decennial census. Finally, the compromise allows the Census Bureau to continue to send the long form to only 1 in 6 Americans and to therefore get essential data.

Madam President, I think this is a good compromise and I trust my good friend the senior Senator from Alaska will uphold the Senate position in Conference with the House.

Mr. HOLLINGS. Madam President, I ask unanimous consent that the letter from the inspector general, the Department of Commerce, and the letter from Secretary Daley be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF COMMERCE,
THE INSPECTOR GENERAL,
Washington, DC, May 5, 1997.

Hon. ROBERT C. BYRD,
Ranking Minority Member, Committee on Appropriations, U.S. Senate, Washington, DC.

DEAR SENATOR BYRD: We have learned that S. 672, the Supplemental Appropriations and Rescissions Act of 1997, as reported out of the Committee on Appropriations, includes a provision that would prohibit any appropriated fiscal year 1997 funds to be used to plan for the use of statistical sampling in the 2000 decennial census. We strongly disagree with this provision. We believe that such a prohibition would make it almost impossible for the Census Bureau to carefully research, test, and implement an optimal design for the 2000 census. Over the past two years, we have issued reports, testified, and briefed bureau, departmental, and congressional principals and their staff members on our support for the use of statistical sampling in the 2000 census. We continue to believe that, if carefully planned and implemented, sampling can be employed by the bureau in the 2000 census to produce overall more accurate results than were produced in the 1990 census, at an acceptable cost. We further believe that the Congress should allow the bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. Halting the design effort at this critical juncture would mean that the substantial effort made to date would be left incomplete and unevaluated.

The bureau has only recently decided on the type and degree of sampling to be used in the 2000 census. These decisions are driving the bureau to complete the required research on important details. According to the bureau's plan, fundamental work on all potential uses of sampling will be finished by December 1997. We do not believe an informed design decision can be made until this work is completed and the various design components are tested during the April 1998 dress rehearsal. Even if the prohibition against the use of funds for sampling is lifted in fiscal year 1998, we believe that the bureau will simply not have enough time to develop a complete, detailed sampling design for testing in the dress rehearsal. Consequently, the bureau will not be able to conduct a "one-number census" using sampling in 2000 without a significant risk of reduced accuracy, increased cost, and delay. Some of our specific concerns are discussed below.

SAMPLING AND ESTIMATION RESEARCH

If appropriated funds cannot be used for sampling work, important research needed for key sampling design decisions will not occur. Various aspects of this research are interdependent, with one research result feeding into others. For example, according to its research plan, the bureau is scheduled to decided in October on the optimal sampling designs for both nonresponse follow-up and the postal vacancy check. Included in this research is determining how the different sampling applications affect one another at different levels of geography. This information will, in turn, feed into a decision on the optimal Integrated Coverage Measurement survey design, scheduled for December. Aspects of this decision include how to allocate the survey sample to each state to ensure equity among states; which combination of demographic characteristics to focus on to reduce the differential undercount; and how to deal with people who have moved either into or out of a household. Additionally, critical work on how to combine all the different enumeration methods into "one number" may be irretrievably delayed.

STAFFING

The bureau will not be able to hire or contract for the expertise needed to conduct and oversee the sampling and estimation work. Specifically, the bureau will not be able to acquire the staff resources it needs to complete work on the "one number census;" it will not be able to gain much needed information on the effects of sampling on accuracy at the block and small tract areas; and it will not be able to convene an expert oversight panel this summer, as planned.

COSTS

Prohibiting the use of sampling in the 2000 census would drive up cost and drastically reduce the accuracy of the census. Although, the cost increase cannot be precisely estimated, depending on the response to the initial mailing, it is clear that the additional costs would involve hundreds of millions of dollars.

We strongly urge the Committee to allow the bureau the freedom to complete its work on sampling and then select the optimal census design based on all of the available information. To do otherwise would leave the 2000 census in a most precarious position. We are available to discuss these concerns with you and/or your staff at your convenience. Please feel free to call me at (202) 482-4661 or Jessica Rickenbach, our Congressional Liaison Officer, at (202) 482-3052.

Sincerely,

FRANCIS D. DEGEORGE.

THE SECRETARY OF COMMERCE,
Washington, DC, April 29, 1997.

Hon. ERNEST F. HOLLINGS,
U.S. Senate, Senate Committee on Appropriations, Washington, DC.

DEAR SENATOR HOLLINGS: I am writing to urge deletion of language contained in the supplemental appropriations bill that would prohibit the Census Bureau from using fiscal year 1997 money to prepare for the use of sampling in the decennial census. The Administration strongly opposes this provision in the disaster relief supplemental.

This language is premature. It would short circuit a process that is underway in other Congressional committees to evaluate the use of sampling in the decennial census. This matter is far too important to be decided without full debate. A prohibition on statistical sampling this year also will seriously impair our ability to develop and plan for the best possible decennial census.

This provision will result in a less accurate, more costly Census 2000. The country deserves an accurate census count that is right the first time. We should not repeat the same mistakes of the 1990 decennial census which did not utilize sampling. Using the failed techniques of the 1990 census would result in an unacceptable undercount. This undercount can be virtually eliminated with statistical sampling.

Congress instructed us to convene the Nation's experts through the National Academy of Sciences. They concluded that statistical sampling is the most reliable method for ensuring an accurate census.

Sincerely,

WILLIAM M. DALEY.

Mr. HOLLINGS. I thank my distinguished chairman, Senator STEVENS.

Mrs. BOXER. Madam President, the emergency supplemental appropriations bill contains language that prohibits the Census Bureau from preparing to use any funds in the current fiscal year to "plan or otherwise prepare for the use of sampling in taking the 2000 decennial census." I opposed this provision in the committee markup because the National Academy of Sciences [NAS], at the request of Congress, found sampling resulted in a more accurate census and that without sampling, the national effects have long-standing negative ramifications. I support Senator HOLLINGS' amendment.

A statistical sampling study was done by the National Academy of Sciences at the request of Congress. Others continue to question if sampling produces accurate data. I welcome that debate, but I believe this is not an issue to be decided in the emergency supplemental appropriations bill. There have been several congressional hearings on this subject, and I support that those committees should be given the opportunity to finish their work. I believe it would be unwise for Congress to stop further work on this issue in an emergency supplemental. Other supporters of using statistical sampling include the American Statistical Association, the Population Association of America, and the National Conference of Mayors.

Sampling results in a more accurate census. The National Academy of Sciences concluded from their study that sampling was necessary for an accurate census count, and strongly recommended its use in the 2000 census to account for nonresponding households. The census is responsible for counting all residents in this country, including those overlooked by traditional polling methods. The process of sampling helps the Cersus Bureau count U.S. residents that may not respond to traditional outreach methods, that is, those who do not speak English well, or those who can not read or write proficiently. Big cities all across this country are home to many of these overlooked Americans. Relying solely on mailed responses and face-to-face visits, so-called direct enumeration, while critical, will guarantee an inaccurate census because we will essentially be saying if we can not find you, then we will not count you, and therefore you do not exist. The Constitution does not tell us to only count those who are at home, or who has time to fill out the form. The Constitution says every resident must be counted.

Without sampling, the effects have long-standing negative ramifications. The National Academy of Sciences found in the 1990 census racial minorities were severely undercounted, compared to whites. Without sampling, the costs will increase due to added manpower and work hours involved. More census takers will have to be hired, trained and will have to knock on more doors, requiring a greater drain on the Nation's resources. For the 1990 census, those forms that were not returned by mail cost the U.S. Government at least 6 times more to enumerate than those who mailed back their forms. Using field staff to find the most reluctant respondents raised the cost as much as 18 times.

Because of California's large racial minority population, California was more severely harmed by the undercount than other States. We need an accurate census because many important Federal programs depend on census data to allocate funding. In the 1990 census, it is estimated that 837,557 Californians were not counted, which caused California to be shorted more than $5 million in several Federal programs.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 231) was agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Madam President, we have five amendments that, as soon as

Senator FEINGOLD has presented his position on one amendment, we will be able to handle by consent.

I urge Senators to come to the floor to see if we can work out these amendments. We still have some 26 eligible amendments. When I am able to confer with the Senator from West Virginia, I do want to announce a policy with regard to amendments that the Parliamentarian has indicated are not in order under cloture.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Madam President, what is the pending business?

The PRESIDING OFFICER. The pending business is the Reid amendment No. 171.

Mr. FEINGOLD. Madam President, I ask unanimous consent that the Reid amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 83

(Purpose: Prohibit use of funds for ground deployment in Bosnia after September 30, 1997)

Mr. FEINGOLD. Madam President, I call up my amendment No. 83 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 83.
>
> On page 7, line 24, insert before the period, the following: ": *Provided further*, That none of the funds made available under this Act may be obligated or expended for operations or activities of the Armed Forces relating to Bosnia ground deployment after September 30, 1997".

Mr. FEINGOLD. Madam President, I rise today to offer an amendment to the Supplemental Appropriations Act that would effectively set an end date for deployment of ground troops in Bosnia.

The Supplemental Appropriations Act of 1997 provides an additional $1.5 billion in fiscal year 1997 funds for the ongoing Bosnia operation. But what my amendment will do, Madam President, is seek to set a date certain for the withdrawal of U.S. troops from participation in the NATO-led Stabilization Force, or SFOR. Specifically, it prohibits the use of funding provided for under the Supplemental Act for United States Armed Forces in Bosnia and Herzegovina after September 30, 1997, the end of our current fiscal year.

Madam President, I recognize very sincerely that the Dayton Accord and the deployment of the NATO-led Implementation Force, IFOR, to enforce it, has not been without some real benefit. People are no longer dying en masse in Bosnia. And U.S. troops, in conjunction with troops from other countries, should be warmly applauded for having largely succeeded in enforcing the military aspects of the agreement. We should also be very thankful that there have been virtually no casualties.

I think a special note should be made to commend the courage and the dedication of the U.S. military personnel in the region. These men and women continue to work tirelessly in an environment which has been challenging and very complex. Service men and women from across the United States have served in this mission with distinction and there should be no confusion between the honor and the admiration which they have earned and, Madam President, the need to terminate this operation.

The issue of whether the United States should continue to deploy ground troops in Bosnia is a separate question from the outstanding performance of our military forces.

Madam President, I have had strong reservations about United States troop deployment in Bosnia ever since it was initially announced in 1995. As some in this Chamber may recall, I was one of only a few Members of Congress, and the only Democrat in the Senate, to vote against the deployment of U.S. men and women to support the Dayton Accord.

I said then that I doubted the value of a heavy U.S. investment in the region. I felt then that administration promises to have American men and women out of the region within a year's time were unrealistic and would not be kept. And I questioned then whether or not the Dayton plan would level the playing field between the Serbs and Moslems such that peace would reign in the region.

So where are we today, Madam President? United States troops have now been on the ground not just for a year in Bosnia, but for nearly 18 months. And the concerns that I had then remain with us today.

My concerns, Madam President, are twofold. One has to do with a mandate for a military operation that continues to grow, yet has increasingly less value. The other relates to the ever-spiraling cost of United States involvement in Bosnia.

Let me first take up the question of the mandate under which our troops are operating.

Madam President, when, in late 1995, the President first announced he would be sending United States forces to Europe to participate in the IFOR mission, he and many others promised the Congress and the American people that the IFOR mission would be over within 1 year. And this promise was reiterated by the President on several occasions and continually backed up by senior American military and diplomatic officials in public statements and in testimony before Congress, including in response to my own questions in the Senate Foreign Relations Committee. There were repeated assurances that this would be over within 1 year.

We all understood that that promise meant that our military men and women would be withdrawn from the region by December 1996, or at least very shortly thereafter. But, Madam President, in November 1996, the President announced that he would extend the U.S. mission for an additional 18 months. A mission that was promised to be only 1 year was just suddenly and very quietly extended by 18 months beyond that year through June 1998, for participation in the NATO force now known as the Stabilization Force, or SFOR.

Despite the baptism of a new mission, Madam President, we all know that SFOR, although a bit more limited in scope, in reality represents just an extension of the original IFOR mandate that was supposed to expire within 1 year. The President's announcement of an extended deadline signaled that the United States would continue to be drawn deeper into a situation from which it has become harder and harder to extricate itself.

Madam President, the war in Vietnam was called a quagmire. We referred to continued United States troop deployment in Somalia as "mission creep." I fear that the Bosnia operation is presenting the same dilemma. With indicted war criminals still at large, refugees still unable to return to their homes, and the timing for upcoming local elections still in doubt, there will obviously continue to be many reasons to call for an ongoing U.S. military presence on the ground without any clear end in sight.

In the meantime, in the heart of the conflict is the fact that the strategic political goals of the warring factions remain unchanged.

Madam President, I have a copy of a November 26, 1996, editorial from the Wisconsin State Journal. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:-

> [From the Wisconsin State Journal, Nov. 26, 1996]
>
> BOSNIA MISSION DEVOID OF VISION
>
> President Clinton said a year ago that most U.S. troops would be out of Bosnia within a year. Now he says the United States is prepared to keep troops in that shattered Balkans nation for another 18 months.
>
> Here's a preview of what Clinton's decision could mean for those troops as the North Atlantic Treaty Organization mission in Bosnia drags on.

> For 11 months, displaced Muslims have been waiting patiently for the NATO force to deliver on the biggest promise made to them through the Dayton peace agreement: The right to return to their homes.
>
> For refugees living in camps near the town of Celic this month, patience ran out.
>
> After learning that their empty homes in Gajevi and Koraj were being blown up by the Serbs, the refugees tried to take matters into their own hands. About 600 of them, mostly women and children accompanied by some armed men, tried to walk back to their villages.
>
> They were turned back by American soldiers who got caught in a crossfire between the Muslims and the Serbs. No Americans were hit, but one Muslim man was killed by Serb gunfire.
>
> When the American troops returned to Celic the next day to confiscate weapons from a Bosnian army storage site, an angry crowd of several thousand blocked their way. "Pretty soon rocks were bouncing off helmets and soldiers were being spit on," one soldier told the Chicago Tribune.
>
> Almost a year after the Dayton peace agreement committed U.S. troops to Bosnia, U.S. commanders there describe the situation on the ground not as "peace" but rather the "absence of war." Almost no freedom of movement exists. Few refugees have been able to return to their homes and elections two months ago, while essentially fair, only served to harden deep ethnic divisions.
>
> Nothing has been done to make the Serbs accept resettlement of the Bosnians, and NATO commanders have not been able to do anything to track down war criminals responsible for "ethnic cleaning" during Bosnia's long civil war.
>
> So, what's the point? Why does Clinton propose to keep American troops in Bosnia, long past his original schedule?
>
> U.S. Sen. Russ Feingold, D-Wis., said he believes the whole Bosnia policy was "sold on a phony basis" to Congress and the American people. Meeting this month with members of the State Journal editorial board, Feingold observed, "Three billion dollars later, we're still in this thing. We continue to be drawn deeper and deeper into a situation from which we appear unable to extricate ourselves."
>
> By leaving the U.S. mission in Bosnia open-ended, Clinton gives the Serbs every reason to continue thumbing their nose at the Dayton agreement and our European allies less reason to take ownership of a peacekeeping mission that should be their primary concern.
>
> Members of both parties in Congress are starting to ask hard questions about the goals and duration of the U.S. mission in Bosnia. It's time to hold Clinton's feet to the fire—before American troops find themselves caught in the middle again.

Mr. FEINGOLD. Thank you, Madam President.

This editorial, in one of our State's leading newspapers, notes as follows:

> By leaving the United States mission in Bosnia open-ended, [President] Clinton gives the Serbs every reason to continue thumbing their nose at the Dayton agreement and our European allies less reason to take ownership of a peace-keeping mission that should be their primary concern.

By this analysis, the presence of U.S. troops may actually serve to harden rather than soften the ethnic tensions in the area. The longer the Moslem refugees are prevented from returning to their homes, the more determined they are of the right to do so. At the same time, the Serbs are thwarting resettlement efforts and ignoring indictments from the War Crimes Tribunal against their own leadership.

As this newspaper editorial reminds us, the "U.S. commanders [in Bosnia] describe the situation on the ground not as 'peace' but rather as the 'absence of war.'"

Madam President, I believe that the open-endedness of this mission may actually be helping to keep the warring parties from truly fulfilling their commitments under the Dayton accord.

Madam President, let me turn to my second major concern. And it is really the crux of this amendment. That relates to the bill that the United States taxpayer is bearing with regard to the Bosnia operation.

Congress and the American people were originally told that the Bosnia mission would cost the United States taxpayer some $2 billion; a lot of money. Then sometime in 1996 that estimate was revised up to $3 billion. But subsequent to the President's announcement extending the deadline for troop withdrawal, we learned that cost estimates have been revised again, and now, according to statements by the Department of Defense on this matter, the figure is estimated to be at a minimum, by the middle of 1998, $6.5 billion for this Bosnia operation. Madam President, that represents a more than threefold increase from the administration's original estimate.

To put this in perspective, the United States over the course of 30 months in Bosnia—in Bosnia alone—expects to have spent an amount equivalent to just over half of what our country spends in the entire world in our foreign operations budget for the current fiscal year.

What we have here with United States involvement in the Bosnia operation is not just mission creep, it has become dollars creep for the United States Congress and the American people. And this is all happening at the very moment, at the very key moment when we are straining hard to eliminate the Federal deficit. We need to plug up the hole in the Treasury through which funds continue to pour into the Bosnia operation.

In the supplemental request before us today, the administration is asking the Congress now to sign off on an additional $1.5 billion for the Bosnia operation. This request represents only a portion of the threefold increase in the estimate. So it is clear to me—and I think it is clear to everyone—that this request will not be the last. It is just another installment on this $6.5 billion cost that we already know the Bosnia operation is going to involve.

Madam President, what my amendment would do is retain the Bosnia-related funding in the supplemental, but it would prohibit the use of those funds after the end of the current fiscal year. This amendment would then effectively establish an end date for the deployment of ground troops in Bosnia. This is the only hope we have to plug up that hole in the Treasury.

By establishing an end date for the funding of the deployment of U.S. troops, I would like to think that my amendment serves a dual purpose. First, it prevents mission creep, and, second, I think it would put an end to the dollars creep that is beginning to become very troubling with regard to the Bosnia operation.

At this point, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HAGEL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 177 TO AMENDMENT NO. 83

(Purpose: To change the date for prohibition of use of funds for ground deployment in Bosnia)

Mrs. HUTCHISON. Mr. President, Senator FEINGOLD's amendment, I think, certainly lays down a marker. Senator FEINGOLD and I cosponsored an amendment—actually a resolution—earlier that asked that we have more parameters around this Bosnia mission because many of us were concerned that we did not know enough about what would be done.

As you know, the administration has missed one deadline. It was supposed to be a 1-year mission. That was passed 5 months ago. Now we are facing another commitment for a resolution that I think is June 30, 1998. Not only has the administration said that June 30, 1998, would be the end of the Bosnia mission, but Secretary Cohen has been very firm in saying I promise the Congress that is the end, and he is planning for that. I want to make sure that is set in concrete, that Congress speaks on this issue, and that Secretary Cohen has the ability to plan by knowing that the funds would be cut off in this supplemental appropriation at June 30.

Now, Senator FEINGOLD has a September 30, 1997, date in his amendment, so I am going to ask unanimous consent to call up second-degree amendment No. 177 to the Feingold amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

> The Senator from Texas [Mrs. HUTCHINSON] proposes an amendment numbered 177 to amendment No. 83: Strike out "September 30, 1997" and insert in lieu thereof "June 30, 1998."

Mrs. HUTCHISON. This is a simple amendment. It basically says what the administration has promised is going to happen, and that is June 30, let us go ahead and plan so that we can let everyone know, our allies know, that that is a firm date. The President has said so. The Secretary of Defense has said so. As Senator FEINGOLD said earlier, I think we have accomplished the mission the President wanted to accomplish. I do not think it serves a purpose for us to be taking funds from training, from readiness of our troops for this mission in Bosnia. In fact, that is why we are here doing the supplemental today. We are trying to put the money that has gone into Bosnia back into the defense budget. We need money for parts. We need money for airplanes. We need money for training and retraining the troops that have come out of Bosnia. We need to have the money for the pay raises and the quality of life for our military.

That money has been spent in Bosnia. I am not going to quibble about spending the money in Bosnia because if my troops are there, I want them taken care of. But I do not want to hurt our ability to train the other troops for readiness to make sure we are able to fight two simultaneous or nearly simultaneous major regional conflicts.

So we have a job to do. That is what the supplemental is for. My second-degree amendment does in fact put a June 30, 1998, deadline, which is the promise of the President, onto this amendment. Then I think all of us will be ready to prepare for the eventual withdrawal of our troops and that money going into our training and our spare parts and our airplanes and all of the factors to make sure that our troops are ready to go in case of need.

I thank the Chair. I appreciate Senator FEINGOLD taking this initiative and for his work on this very important issue.

Mr. FEINGOLD. Mr. President, I want to commend the Senator from Texas for her leadership regarding the issue of troop deployment in Bosnia, and will support her second-degree amendment.

The language drafted by the Senator from Texas changes the date of the funding prohibitions in my amendment, as she indicated, from September 30, 1997, which is the end of the current fiscal year, to June 30, 1998, which is the date the administration is now using as its target end date for this mission.

Of course, Mr. President, I would have preferred the earlier date, the September 30, 1997 deadline, which would effectively require the administration to begin plans to withdraw at least some of our troops starting tomorrow. That would be the quickest way for the United States to get out of a situation that, I think, is getting worse the longer we stay there.

But I, of course, recognize there are concerns from a number of Senators that trying to dismantle an operation the size of the United States troop deployment in Bosnia within a 5-month timeframe would be difficult to accomplish. I also recognize that there is more support in this body for the later date that the Senator from Texas has suggested. There are many Members who are willing to allow the mission to continue through June of next year if, in exchange for that, they get a solid, firm, and irrevocable commitment to an end date. So I am prepared to support the end date of June 30, 1998.

A point I want to emphasize is that if Congress does not establish an end date to our involvement in Bosnia, this mission will continue to drag on and on and on. Therefore, I am willing to accept the second-degree amendment of the Senator from Texas. I congratulate her for her efforts in this area. I have joined as a cosponsor of a freestanding bill that she is introducing to also help us accomplish this goal. Regardless of the result of today's debate, she and I will continue to press for an end date to this deployment.

Mr. STEVENS. Mr. President, the original amendment would prohibit the expenditure of funds after September 30, 1997. There are no funds in the bill for defense to be spent after September 30, 1997. The amendment of the Senator from Texas would prohibit spending funds after June 30, 1998. No funds in the bill will be expended after June 30, 1998. So the amendments take on an image perspective, from the point of view of this Senator. I am certainly not going to oppose them on that point. But I emphasize that they are just a statement of policy. It amounts to a sense-of-the-Congress position about the expenditure of funds. They would not be a barrier to the expenditure of funds under the circumstances of this bill.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. STEVENS. Yes.

Mrs. HUTCHISON. I know what we are really doing is supplementing the money already spent on Bosnia. But I appreciate the fact that the Senator from Alaska says that this is a sense of the Senate and that it does say that all of us now are serious about the end strategy, the preparation for the end strategy. The President has promised it and the Secretary of Defense promised it. Now Congress will, in a sense, be saying, look, this is real, this is now something that we are all in agreement on; the time has come for to us make sure that we have that end game in sight and that the money for training and quality of life will be there for our troops all along the way.

So I appreciate the Senator from Alaska pointing that out. I do agree that it will be a sense of the Senate. I think it will be a unanimous one, and I think it will be significant.

Thank you, Mr. President.

Mr. STEVENS. Mr. President, I have been informed that others wish to speak on this amendment. Under the circumstances, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 131

(Purpose: To provide funding for the Delaware River Basin Commission)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BIDEN, Mr. REID, and Mr. ROTH, proposes an amendment numbered 131.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 48, strike lines 15 through 23 and insert the following:

SEC. 306. DELAWARE RIVER BASIN COMMISSION; SUSQUEHANNA RIVER BASIN COMMISSION.

(a) COMPENSATION OF ALTERNATIVE MEMBERS.—During fiscal year 1997 and each fiscal year thereafter, compensation for the alternate members of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328) and for the alternate members of the Susquehanna River Basin Commission appointed under the Susquehanna River Basin Compact (Public Law 91–575) shall be provided by the Secretary of the Interior.

(b) IMMEDIATE CONTRIBUTION.—As soon as practicable after the date of enactment of this Act, the Secretary of the Interior shall make a contribution to each of the Delaware River Basin Commission and the Susquehanna River Basin Commission for fiscal year 1997 an amount of funds that bears the same proportion to the amount of funds contributed for fiscal year 1996 as the number of days remaining in fiscal year 1997 as of the date of enactment of this Act bears to the number 365.

Mr. STEVENS. Mr. President, this amendment deals with Delaware and Susquehanna River Basin Commissions. It was offered by Senators BIDEN, REID, and ROTH. It would direct the Secretary of the Interior to provide compensation to the Federal representative to the Delaware and the Susquehanna River Basin Commissions, without indicating who that individual would be.

The second-degree amendment makes the Secretary of the Interior, or his designee, the representative. It does not provide for compensation above that otherwise earned by that employee of the Department of the Interior. I trust that both amendments will be before the Senate at the same time. The second one is amendment No. 224.

AMENDMENT NO. 224 TO AMENDMENT NO. 131

(Purpose: A 2nd degree amendment to amendment No. 131 providing that the Federal representative to the River Basin Commissions shall be the Secretary of the Interior or his designee)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. DOMENICI, proposes an amendment numbered 224 to amendment No. 131.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike line 5 of amendment No. 131 and all thereafter and insert the following:

The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehana River Basin Commission appointed under the Susquehana River Basin Compact (Public Law 91–575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328).

Mr. STEVENS. I urge adoption of amendment No. 224.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 224) was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment No. 131.

The amendment (No. 131), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 70

(Purpose: To set aside certain funds for the project consisting of channel restoration and improvements on the James River in South Dakota)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. JOHNSON, for himself, and Mr. DASCHLE, proposes an amendment numbered 70.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 19, line 6, before the period, insert the following: ": *Provided further*, That, of the funds appropriated under this paragraph, $10,000,000 shall be used for the project consisting of channel restoration and improvements on the James River authorized by section 401(b) of the Water Resources Development Act of 1986 (Public Law 99–662; 100 Stat. 4128)".

Mr. JOHNSON. Mr. President, I have to my right a satellite image of the James River in South Dakota; on the left, depicting the river in its normal course prior to the flooding. On the right is a satellite image showing the current state of the James River—swollen, in places miles across, with water in a circumstance where less than 5 percent of the farmland in the James River Valley, from North Dakota to Nebraska, will be planted this year. This imagery was provided by the aerial data center in South Dakota. I think it very ably shows the dire circumstances that people in the James River area are facing.

Amendment No. 70 is an amendment offered by myself and by my colleague, Senator DASCHLE, which addresses the extensive damage that has taken place in the James River Valley and which needs to be addressed. This amendment addresses the problem, where up to 75 percent of the trees in this area have been lost, where bank sloughing and levee sloughing has filled the channel and reduced its capability to handle water. The amendment would provide a $10 million appropriation through the Corps of Engineers to the James River Water Development District to use for the badly needed repair and restoration work on the James River.

This is a 25-percent cost share. I am pleased that this amendment has been cleared and approved by the majority and the minority of the Environment and Public Works Committee. I thank Senator CHAFEE and Senator BAUCUS and their staffs for their willingness to work with us on these amendments. I also thank the appropriators, Senator STEVENS and Senator BYRD, Senator DOMENICI and Senator REID from the Energy and Water Appropriations Subcommittees and their staffs, for their willingness to work with us on the language of this amendment, and to accept it as part of the supplemental appropriations legislation being considered by the Senate today.

Mr. President, this amendment will go a long way toward restoring the James River and its water-carrying capacity, to restore its wildlife, to restore the economic life of the area on either side of this river, and it will do a great deal to assure residents of this area that we will not see flooding of this magnitude, of this devastating scope, any time soon again.

I had the opportunity to fly over the James River to take an aerial survey of this area this past month, flying out of Pierre, SD, flying over Mitchell, then back over Aberdeen, over Sand Lake Wildlife Refuge to gain a full appreciation of the magnitude of this flood.

We have a great deal of flood problems in other areas of South Dakota, but this amendment addresses the dire circumstances that the people in the James River Valley face.

I thank, again, my colleagues for their cooperation and their assistance with this amendment. It certainly is my hope that we can very expeditiously pass the supplemental appropriations bill, get it to the President's desk for his signature and to get on with rebuilding the lives of our communities, of our businesses and of our families, in this case, in the James River Valley.

I yield back the remainder of my time, Mr. President.

AMENDMENT NO. 225 TO AMENDMENT NO. 70

(Purpose: A second degree amendment to amendment No. 70 making funds contingent upon a finding by the Secretary of the Army that channel restoration and improvements of the James River constitute an emergency)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for himself and Mr. DOMENICI, proposes an amendment numbered 225 to amendment No. 70.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On line 7 of amendment No. 70, following "(Public Law 99–662; 100 Stat. 4128)"; insert the following: "if the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency."

Mr. STEVENS. Mr. President, the first-degree amendment by Senators JOHNSON and DASCHLE would provide $10 million of funds provided in this act for the flood control and coastal emergencies and would be used for channel restoration and improvements on the James River.

My second-degree amendment inserts the requirement that the $10 million be provided only if the Secretary of the Army determines that the need for channel restoration and improvement constitutes an emergency.

I urge adoption of the amendments.

The PRESIDING OFFICER. The question is on the second-degree amendment.

The amendment (No. 225) was agreed to.

The PRESIDING OFFICER. The question is on the first-degree amendment, as amended.

The amendment (No. 70), as amended, was agreed to.

Mr. STEVENS. I move to reconsider that vote on both amendments and ask that the motion be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 90

(Purpose: To provide funding for the Partners in Wildlife Program of the United States Fish and Wildlife Service to pay private landowners for the voluntary use of private land to store water in restored wetlands)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DASCHLE, proposes an amendment numbered 90.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

UNITED STATES FISH AND WILDLIFE SERVICE PARTNERS FOR WILDLIFE PROGRAM

For the Partners in Wildlife Program of the United States Fish and Wildlife Service, $5,000,000 to pay private landowners for the voluntary use of private land to store water in restored wetlands.

Mr. STEVENS. Mr. President, I ask unanimous consent that it be in order to consider a technical modification to amendment number 90.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I send that modification to the desk.

The PRESIDING OFFICER. The Senator has that right.

The amendment is so modified.

The amendment (No. 90), as modified, is as follows:

On page 21, strike line 7 through the word "fire" on line 11 and insert the following: "For an additional amount for "Resource Management", $8,350,000, of which $3,350,000, to remain available until September 30, 1998, is for fish replacement and for technical assistance made necessary by floods and other natural disasters and for restoration of public lands damaged by fire, and of which $5,000,000, to remain available until September 30, 1999, is for payments to private landowners for the voluntary use of private land to store water in restored wetlands."

Mr. STEVENS. The amendment, as modified, would provide an additional $5 million to the Fish and Wildlife Service to pay private landowners for the voluntary use of private land to store water in restored wetlands. These funds were not provided to any specific region and should be allocated on a competitive basis.

This amendment has been cleared on both sides and the version I have submitted to the desk is a modification of the original amendment No. 90. I urge its adoption.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 90), as modified, was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 144

(Purpose: To make technical amendments with respect to education)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. DOMENICI, for himself, Mr. BINGAMAN, Mr. BROWNBACK, and Mr. ROBERTS, proposes an amendment numbered 144.

Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, add the following:

SEC. . TECHNICAL AMENDMENTS RELATING TO DISCLOSURES REQUIRED WITH RESPECT TO GRADUATION RATES.

(A) AMENDMENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended—

(1) in subsection (a)(3)(B), by striking "June 30" and inserting "August 31"; and

(2) in subsection (e)(9), by striking "August 30" and inserting "August 31".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by subsection (a) are effective upon enactment.

(2) INFORMATION DISSEMINATION.—No institution shall be required to comply with the amendment made by subsection (a)(1) before July 1, 1998.

SEC. . DATE EXTENSION.

Section 1501(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491(a)(4)) is amended by striking "January 1, 1998" and inserting "January 1, 1999".

SEC. . TIMELY FILING OF NOTICE.

Notwithstanding any other provision of law, the Secretary of Education shall deem Kansas and New Mexico to have timely submitted under section 8009(c)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7709(c)(1)) the States' written notices of intent to consider payments described in section 8009(b)(1) of the Act (20 U.S.C. 7709(b)(1)) in providing State aid to local educational agencies for school year 1997–1998, except that the Secretary may require the States to submit such additional information as the Secretary may require, which information shall be considered part of the notices.

SEC. . HOLD HARMLESS PAYMENTS.

Section 8002(h)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(C) for fiscal year 1997 and each succeeding fiscal year through fiscal year 2000 shall not be less than 85 percent of the amount such agency received for fiscal year 1996 under subsection (b).".

SEC. . DATA.

(a) IN GENERAL.—Section 8003(f)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(f)(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "expenditure," after "revenue,"; and

(B) by striking the semicolon and inserting a period;

(2) by striking "the Secretary" and all that follows through "shall use" and inserting "the Secretary shall use"; and

(3) by striking subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to fiscal years after fiscal year 1997.

Mr. DOMENICI. Mr. President, I rise today to offer the following amendment to S. 672. This amendment involves the New Mexico Department of Education's intent to take credit for $30 million of Federal impact aid funds. I am offering this amendment on behalf of the 331,000 public school children of New Mexico.

New Mexico is one of three States in the country which uses an equalization formula to distribute educational moneys among its school districts. Presently, 40 out of New Mexico's 89 school districts qualify for $30 million dollars' worth of impact aid. The New Mexico Department of Education relies on impact aid in calculating the amount of State funds which will be used to equalize educational funding among all 89 school districts.

Without this amendment, the New Mexico Department of Education would not be permitted to consider $30 million of impact aid in its formula for distributing State education moneys among its school districts. The inability to consider Federal funds would create an imbalance in the distribution of educational funds between non-impact aid school districts and impact aid school districts.

This amendment allows the U.S. Department of Education to recognize as timely New Mexico's written notice of intent to consider impact aid payments in providing State aid to school districts for the 1997–98 school year.

Mr. BROWNBACK. Mr. President, I rise to give some remarks on an amendment being offered today by myself and by Senator ROBERTS as well as my colleagues from New Mexico, Senator DOMENICI and Senator BINGAMAN.

This amendment, which is revenue neutral, is critically important to education in the State of Kansas.

It should be noted that this amendment does not cost the Federal Government any money. In fact, it simply allows the Department of Education in Kansas to grant deductibility in the school finance formula for impact aid funding. Without this amendment it is likely that the Kansas taxpayers would have to pay an extra $6 million in taxes to fully fund the State's education programs.

This amendment corrects for a potentially very expensive technicality. I therefore urge the timely consideration of this very important and time sensitive amendment.

Mr. STEVENS. These technical amendments were passed by the Senate unanimously April 16. The bill is now pending in the House. These are amendments that are deemed to be important and should be considered on a timely basis. That is why they are being added to the bill at this time.

I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The amendment (No. 144) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. I ask unanimous consent that I may speak as in morning business for not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENDER SCHIZOPHRENIA

Mr. GORTON. Mr. President, by all accounts, Lt. Kelly Flinn has had a remarkable Air Force pilot's career. Becoming an astronaut was her childhood dream; becoming an Air Force pilot was an achievement accomplished upon completion of her basic pilot training in December 1994. She was the most distinguished graduate of her training class, rated exceptionally qualified to fly a B-52 bomber, an assignment earned from her high class ranking.

Today, she is confined to a desk job, stripped of her security clearance, grounded, publicly disgraced. On May 20 the Air Force will court martial her for adultery.

The United States military has experienced its share of scandal in the past 5 years. In Aberdeen, MD, a court-martial jury recently convicted an Army drill sergeant of raping six soldiers under his command. In 1991 the Tailhook scandal rocked the Navy and the Marines. In both instances women were physically abused by their colleagues or superiors, on military facilities or at military functions. The acts committed against these women range from the lewd to the violent.

Lt. Kelly Flinn stands accused of conducting an affair with a married man, a civilian, who lied to her about his martial status. Their relationship was for all intents and purposes a private matter; they did not attend military functions together or while she was in uniform. If she is convicted, she will be grounded forever, dismissed from the Air Force and could even spend time in prison.

I call attention to this particular case because I believe it speaks to the highly publicized gender schizophrenia we are witnessing as the military grapples with women's role in our Armed Forces. On one hand, women have had a traditional, but non-expanding role in the military. On the other hand, we are shocked by what appears to be a pervasive resistance to women in the ranks, and the scandals that bear the most extreme illustration of this behavior and mindset. Put differently, assimilation to the military's rules of conduct is separate and distinct from assimilation of the military's culture.

The Armed Forces are institutions premised on order and command, governed rigidly by rules, written and implied; by codes, some memorized and some unspoken. In some instances however, the strict application of military codes appears to suspend reasonable judgment about the seriousness of the offense committed.

In this case, clearly, the punishment does not appear to fit the crime. As Lieutenant Flinn says, "I fell in love with the wrong man." For this offense, which she committed unknowingly because Mr. Zigo lied about being legally separated from his wife, her Air Force career is slated to come to an ignoble end.

Lets not forget that of those 140 Navy officers involved in Tailhook, none were court-martialed.

It is difficult for me as an officer who served for more than 20 years as an Air Force judge advocate, to imagine that no other officer at Minot Air Force Base has committed the offense of which Lieutenant Flinn stands accused.

Wisdom and good judgment seem clearly to demand a dismissal of the criminal charges against Lieutenant Flinn and the substitution of nonjudicial or informal sanctions. I trust that the Air Force will promptly see the wisdom of this suggestion.

Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 5 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

FCC RULING

Mr. BINGAMAN. Mr. President, this morning the Federal Communications Commission made its ruling on implementation of the Universal Services Fund. They passed it by a 4-to-0 vote supporting the findings of the Federal-State joint board. This decision by them has opened the door to affordable Internet access for schools, libraries, and hospitals throughout this country.

I want to congratulate Commissioner Hundt and his colleagues on the Commission for their leadership and their commitment to putting technology to work in our schools and in our communities.

I also want to congratulate my colleagues, Senator SNOWE, Senator ROCKEFELLER, Senator Exon, and Senator KERREY, especially, for their leadership in proposing the Universal Services discount as a provision in the Telecommunications Act which we passed last year.

Their hard work on behalf of education technology was critical in getting us to this point.

This Universal Services Fund will provide telecommunications discounts of between 20 and 90 percent, depending in part on the income levels of families in the particular school communities.

I have done some back-of-the-envelope calculations about my State, and, as far as I can determine, the FCC's decision could mean a discount of more than 70 percent for many New Mexico schools.

Education technology is important to my State. We have all seen how it can allow even the smallest or most isolated school across the State to develop a level playing field with larger school districts and, in fact, with wealthier States.

In a cost-effective manner, education technology can provide advanced courses and access to amazing amounts of information for all of our students.

That is why I am very proud. In 1994, we passed an act that I proposed entitled "Technology in Education Act." That act will provide $200 million to America's schools for purchase of advanced technology. It has brought $1.7 million to my home State of New Mexico this year alone.

I support the President's request in his budget to increase the Technology Literacy Challenge Fund from $200 million this year to $425 million next year.

The 1994 Technology in Education Act also created the Regional Technology in Education Consortia, these consortia providing schools and school districts with the technical assistance that they need to be full participants in this information age.

This technical assistance will be more needed than ever now that the telecommunications costs will be less of an obstacle to schools seeking connections to the Internet.

Our country has also made some progress in raising the awareness of the need for high academic standards. I serve on the National Education Goals Panel, and, as such, I have supported the effort to build a nation of learners, and education technology is an important part of doing that.

One of the things that we have to do a better job of clearly is training teachers to be comfortable with this new technology. I believe we need to pursue legislation on this area this Congress. I hope to have a part in that.

In my view, the educational technology movement will change the way people teach and learn from now on.

Distance learning is more than delivering instruction any time and anywhere, although that is an important part of what is involved. It is also about giving teachers the resources that they need to be effective as learning coaches. It is about empowering students to explore and learn in ways that are best for them as individuals.

Today's FCC ruling is an important step forward. I urge my colleagues in the Senate to help ensure that our teachers and schoolchildren have the best technology that we can offer as we prepare them for the 21st century.

Thank you, Mr. President.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. LIEBERMAN. I thank the Chair.

SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

The Senate continued with the consideration of the bill.

AMENDMENT NO. 83 AND AMENDMENT NO. 177

Mr. LIEBERMAN. Mr. President, I rise to speak in opposition to amendment No. 83 offered by the Senator from Wisconsin to S. 672, the underlying bill. I gather that Senator FEINGOLD's amendment has been second-degreed by the Senator from Texas with amendment No. 177.

In brief, the underlying amendment to the supplemental appropriations bill would prohibit the use of funds for ground deployment in Bosnia after September 30 of this year, 1997. The second-degree amendment changes the date of September 30, 1997, to June 30, 1998.

Mr. President, after all the debate and discussion here on the floor of this Senate for the last 6 years, really after all of the diplomatic effort by our Government and other governments in Europe and throughout the world regarding the conflict in Bosnia, after all of the blood that has been spilled in Bosnia with hundreds of thousands of people displaced and killed, and after the heroic service of the American soldiers that have been part of IFOR and SFOR, joined with soldiers of other countries in separating the warring parties in the former Yugoslavia and stopping the conflict and beginning the peaceful reconstruction of that land, it is fundamentally inconceivable to me that the Senate here on an amendment to this supplemental appropriations bill would direct the military to pull out of this conflict, to walk away, in my opinion, before the job is done, to do something that is not in the best traditions of American diplomacy, let alone the American military.

So, Mr. President, I strongly oppose these two amendments.

If I may, I would like to take just a few moments to recall with my colleagues some of what has happened in this Chamber, in the former Yugoslavia, and in the capitals of the world regarding this conflict and why it is as important as I think it is that our actions are as constructive and courageous as I believe they are. This action would be, by virtue of this amendment, without the appropriate hearings by the relevant committees, without hearing from our military and civilian leadership, without even hearing from those such as Ambassador Holbrooke who negotiated the Dayton peace agreement—it would be so wrong for us to adopt these amendments.

Mr. President, the conflict that broke out in the former Yugoslavia was one of the byproducts, if you will, of the collapse of the former Soviet Union. There are times, of course, when a war is over—in this case I speak of the cold war—when a time of instability and uncertainty prevails, and there are those who will seek to take advantage of that uncertainty with military force to turn the circumstance to their own benefit. That is the context in which I have always viewed the war that broke out in the former Yugoslavia. It is not, as we have said over and over again, that there are any saints in that particular region of the world.

But it was clear to me that there was an intentional act of war, aggression, and genocide against people based on their religion, for the most part, if they happened to be Bosnian Muslims, by Serbia. That raged on and on—not stopped by the powers in Europe—raged on and on, as we witnessed continually on our television sets one horror after another. It was hard to believe that in the heart of Europe once again so soon after the end of the Second World War we were seeing aggression and genocide, even concentration camps for some period of time.

We debated this here at great length in this Chamber. The United States, I think for reasons that were misplaced, I believe, in 1991 became part of imposing an arms embargo on the parties in the former Yugoslavia. The aim was to try to avoid conflict or to avoid the spread of conflict by keeping arms out of there—apparently well intentioned. Yet, the effect of it was horrendous and devastatingly unfair because the Serbs, by virtue of the division of the country, retained most of the war-fighting capacity and armaments manufacturing capacity of the former Yugoslavia. The Bosnians did not have that capacity.

So, not only did the world stand by as the war went on and not intervene, but we were prohibiting the Bosnians, the Muslims, from obtaining the arms that they needed to defend their families, their neighbors, and their country.

Former Senate majority leader, Senator Dole, led the effort to raise the arms embargo. It was a bipartisan effort in which I was honored to join with him in which we contended, if you will, with two successive administrations, one of each political party.

Finally, after repeated attempts, in the spring of 1995 we were able to obtain a majority in this Chamber to lift the arms embargo. This was in response to one story after another of horror in Srebrenica, in all of that city, mass slaughter of people, discovery of concentration camps with bodies all around. And after that embargo was lifted, an act of real leadership by this administration, by the President, in calling for NATO strikes, which so many of us here continued to say, "Strike from the air. Make the Serbs pay for their aggression." No one is doing anything to stop them. No one is doing anything which would indicate that the rest of the world cares about what is happening there or will care if this once again becomes a wider war in Europe, bringing in the neighbors all around, including the potential to bring in two of our allies in NATO, namely, Greece and Turkey.

Force was used. The Serbs responded. The Dayton peace began. Ambassador Holbrooke was sent in by the President in one of the most extraordinary exercises in diplomatic leadership that we have seen in recent times, where the Dayton peace accord was signed leading to the so-called IFOR presence in Bosnia.

Mr. President, we have been at a fork in the road in Bosnia before, forks that would have, if we took one turn, left the people of Bosnia to their own devices, the outcome to be decided by brute strength and savagery unknown in Europe for 50 years, risking the expansion of that violence to other parts of Europe with possibly much greater harm to our vital interests there. The other fork is the one we ultimately took, to try to stop the violence and bring peace, order, and justice back to the former Yugoslavia.

The Dayton accords happened because the United States finally exercised its leadership and, with NATO, used collective power to bring the conflict to an end. IFOR was created to assure that territorial and other military-related provisions of the Dayton agreement were achieved. But although stopping the fighting was a necessary condition for achieving the goal of assuring the continuity of the single State of Bosnia and Herzegovina, it was never considered as a sufficient condition for achieving that goal.

Unfortunately, it was this part of the agreement that received the vast majority of the attention and debate in the United States. American opponents of U.S. participation made dire predictions of disaster and casualties, and the result was a very narrow mission statement and an arbitrary 1-year time limit for IFOR deployment. I opposed that 1-year time limit because I believed that only when IFOR's success could be combined with the implementation of the civilian elements of the agreement at Dayton—rehabilitation of infrastructure, economic reconstruction, political and constitutional institutions in Bosnia-Herzegovina, promotion and respect for human rights, return of displaced persons and pursuit of indicted war criminals—would it be possible for us to end our participation there.

When some have started to talk about withdrawing on June 30, 1998, I said again I hope that we will be in a position to do that, but has it ever made sense in a military involvement to announce the date by which we are withdrawing, leaving those who would benefit from our withdrawal, who would try to take advantage of it, to lay in wait until that withdrawal, until that withdrawal which would leave them a clear field to proceed back to war and savagery and the threat of a wider conflict which inevitably will cost us more than we have spent to stop the conflict and prevent that wider war in the former Yugoslavia.

So where are we, Mr. President, in the execution of the tasks we set at Dayton? I would say we are part of the way to our goal. We have officially declared IFOR successful and its mission complete. The first part of that task was accomplished magnificently by our forces. The violence stopped, an environment of relative stability emerged and not one IFOR member, thank God, was killed as a result of military action. This performance was due to the skill and professionalism of the IFOR soldiers, to the reputation accorded NATO and its soldiers and ultimately to the sine quo non of all of this, which is American leadership.

But executing the essential second part of the task has not been as successful. The progress in rebuilding Bosnia has been slow, due in part to the difficulty of overcoming the antagonism engendered by a tragic war and the effects of a creation of ethnic areas, but it is also due to the fact that rebuilding a country is much harder than stopping the fighting, and we have given far less focus and far less support for the difficult tasks necessary to rebuild Bosnia than we gave to the military tasks.

The mission of IFOR was very narrowly stated, and we avoided many opportunities for IFOR to support some of the most important civilian parts of the agreement. Most notable to me was our failure to direct IFOR or some international body to apprehend the indicted war criminals that bear such a large part of the responsibility for the afflictions of this fated land, the freedom of which, flaunting the indictment of an internationally constituted war crimes tribunal, will prevent genuine peace in Bosnia from ever occurring. These criminals are still at large. They can be seen, particularly Mr. Karadzic, one of the main perpetrators of the war crimes, indicted by an established international tribunal, seen almost daily controlling so much of what happens in the Serb part of Bosnia, still at large. And that freedom remains a profoundly serious impediment to attempts to build a civil society with functioning democratic institutions.

Still we have made progress. The efforts of Ambassador Holbrooke reduced but clearly did not eliminate the deleterious effects of the war criminals. Elections for national leaders have been held. The government is functioning. So we have reason to be extremely grateful for the military and political successes that have been achieved. These successes have been extraordinarily important.

Today we come to another fork in the road as a result of these amendments not considered at length by this Chamber, certainly not yet. As before, one fork would leave the people of Bosnia to their own devices regardless of what the condition on the ground was, first on September 30 of this year, an extraordinarily early date, and then on June 30, 1998. If we take the fork that leads to withdrawal on a date certain, it is axiomatic, it is without doubt that our NATO allies will follow us on the way out. They have said repeatedly: We went in together; we are going to go out together. This will probably lead either to the renewal of violence, bloodshed, genocide, rule of those willing to deploy the most savage force. At least I would guess it will lead to partition.

Some will say that does not matter, but I believe it matters a great deal, not just to the people of Bosnia but to stability in Europe, which has always mattered to the United States—in fact, drew us into two world wars in this century at the cost of thousands of American lives.

I have always seen our involvement in Bosnia as preventive. It is an attempt to prevent a wider conflict that would cost us more in blood, American blood, American lives and, yes, American money. As Ambassador Holbrooke recently pointed out in a letter in Foreign Affairs:

> A single Bosnia with two entities was the essential core of the Dayton agreements. The boundary line was to be similar to a boundary between two American States rather than a boundary between two nations. But the Serbs were at Dayton under duress and few expected they would voluntarily accept such a concept. Indeed, they have acted to undermine execution of the political and economic tasks, and are trying to turn the boundary line into a line of partition and ultimately into one of complete separation.

Mr. President, why is partition, which I would see as the least devastating result of a hasty American retreat from Bosnia, why is it wrong? In my opinion, it is wrong morally, strategically and politically. Partition of Bosnia would be morally wrong because it would reward the aggression and the genocide that all of us have decried. But it would also be dangerous.

Partition is strategically wrong because it contains within it seeds of violence. The history of places where partition has occurred is sad and bloodied, and they all continue to draw us into their sadness and blood. Ireland and Cyprus are examples that still threaten America and threaten the international order as a result of partition after many decades. The problems engendered by partition in Bosnia would, in my opinion, be even worse because Bosnia would end up partitioned not just into two parts but into three parts—the Muslim part, the Serbian part, and the Croatian part. The endless battles over the partition lines would have a high probability of impacting others in the neighborhood—Albania, Greece, Bulgaria and Macedonia. And partition is particularly politically wrong because it would send a profoundly undesirable signal to ethnic activists in other places where boundaries were arbitrarily drawn and which politically divide historic ethnic groups, and that is that aggression will be rewarded with partition.

Mr. President, if we were to withdraw in June 1998, let alone September 30, 1997, without successful implementation of Dayton's civil tasks, the Serb strategy will have succeeded. The fact is that, setting these amendments aside, soon we will conduct the first of the periodic assessments of SFOR, the follow-on force to IFOR. While these assessments might be envisioned by some as opportunities to determine if we can withdraw our forces even faster, I believe we should use them in an orderly, thoughtful way as opportunities to conduct a real debate about how we can successfully conclude all the tasks laid out at Dayton and achieve the objective we agreed on: A single Bosnia, where peace, justice, and the rule of law prevail.

Mr. President, there are lives on the line here and they are American lives as well as Bosnian lives. We ought not after the money we have invested, the lives we have risked, the conflict we have stopped, the blood we have saved, the order we have returned to Europe, the larger war we have avoided, by virtue of an amendment not heard by the relevant committees direct the end of what up until this time has been a signal act of American leadership, American courage, American preventive diplomacy, American force used in the interest of peace and order and justice.

So I strongly oppose the amendment, and I urge my colleagues to do the same. I thank the Chair.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I rise in strong opposition to both of these amendments, notwithstanding my great respect for the Senator from Wisconsin, and I mean that sincerely. I have great respect for him. But I think this is another in a series of bad ideas this floor has produced over the last 5 years with regard to Bosnia.

Mr. President, I echo the sentiments expressed by my friend from Connecticut. Let me say it in a slightly different way. In my view, we could have avoided the tragedy, the extent of the tragedy in Bosnia, had we the courage, the foresight to lift and strike 4 years ago, had we stood up to that war criminal Milosevic in Serbia and had we made clear to Tudjman in Croatia that we would broker no alternative but their ceasing and desisting. Every time America has spoken and followed up its speech with action, we have produced the results that we suggested would occur.

It is a sad commentary, Mr. President, that there is no leadership in Europe. There is no leadership in Europe. And the ability of the Europeans to get together and solve the problem in their own backyard and keep it from spreading into other people's front yards is nonexistent based upon their actions for the previous 5 years, until the United States led, but led at a moment and a time when our options were reduced relative to the ones that existed a year or two earlier.

The Senator from Connecticut and I initially never argued that American troops should be put on the ground in Bosnia. We felt very strongly that could have been avoided had we used our airpower, had we lifted sanctions to allow the Bosnian Government—that at that moment was still multiethnic—to have a chance to fight for itself. But that is water under the bridge. That is past. We are left with Dayton, which was making the best out of a bad circumstance. The end result of Dayton is that we will have invested about $5 billion by September of this year, plus America's prestige and American forces on the ground in Bosnia.

I must tell you straight up, I am opposed even to the administration's announcement that we withdraw and have a drop-dead date for June 1998. But I think it borders on the ridiculous for the U.S. Senate to instruct the President that we must withdraw as early as the initial proposal called for, in September.

Mr. STEVENS. Will the Senator yield right there?

Mr. BIDEN. I will be happy to.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I ask the Senator if he would kindly do us the favor and not turn this into a motion to instruct. It merely says "no funds can be spent after June 30, 1998." I say to the Senator from Delaware, there are no funds available after September 30, 1997, under this bill. The amendment is merely a sense-of-the-Senate resolution in disguise.

Mr. BIDEN. Mr. President, I thank my friend from Alaska. He is absolutely correct. What he has said, as I translate it, is this amendment does not mean anything in the legislative sense.

But I promise you, I promise you, if this amendment passes today, it will mean something to the Republika Srpska; it will mean something in Mostar; it will mean something in Belgrade; it will mean something in the Balkans; it will mean something in Paris; it will mean something in Moscow. It will mean something where it matters, and what matters is what the rest of the world believes our resolve is.

We sometimes do not focus closely enough, and I acknowledge I do not, as well. But we have a situation in Croatia right now where the President of Croatia is very ill. To call him a very strong man is putting it mildly, and it connotes everything that goes along with strongman, a guy who is no box of chocolates. There is already a battle for succession going on in Croatia between the nationalists, those who to this day wish to see the partition of Bosnia, and those who are democrats, who want to become part of the West.

If we announce now that the U.S. Senate want American troops out of there, either this September or next June, we give succor to those in Croatia who will argue the following: "With the United States gone, no peace can hold, partition is the answer, and we are going to get our piece."

The same is taking place in Belgrade. Milosevic is a war criminal. He is a thug. Remember the history of why this war took place in the first place. What happened there was, in effect, a referendum as to whether or not Bosnia would stay part of Yugoslavia. There was a vote. The voters said we want to set up an independent nation-state. They set it up, recognized by the United Nations, and Milosevic sent the Yugoslav National Army across the river. He supplied and gave cover for the use of force against the Muslims and Croats, and he instituted a war of aggression. He and his cronies instituted a policy of ethnic cleansing, a phrase I do not think any of us ever thought we would hear again. They actually talked about it out loud. That was their policy.

Mr. President, our good friend, Mr. Milosevic, is on his last legs in Belgrade. Why, at this moment, are we going to indicate to him that there is a consensus in this country that the United States should walk away? Why are we going to do that now? What possible good would that do?

Secretary Cohen, a man we all respect, has guaranteed we will be out of Bosnia in June 1998. He has said this in private meetings, in private arguments with me, and in public discussions. The President has said it. Madeleine Albright has acknowledged it. As I said, I think that, in and of itself, is a mistake. For us to come along now and announce to the world that we are not going to appropriate moneys is a mistake—and I acknowledge these are moneys we could not appropriate anyway. But they are not going to understand all that. All they are going to understand is that the United States of America, the U.S. Senate, has told the President he has to get out of there.

I echo the phrase my friend from Connecticut used. He said, when has it ever made sense for us, in a circumstance where there is the potential for or the immediate past presence of war, to announce that we are going to leave and give a lead time to that announcement? When has that ever benefited us?

Our only hope for the peace process is to continue to have an international force remain in Bosnia through June 1998. At least through June 1998. By then, several things will have shaken themselves out, one of which is the political situation in Croatia and the other is the political situation in Serbia.

I am going to refrain from doing what I want to do, speak in more depth about this, because my friend from Alaska is technically right. He is right that this does not mean anything legislatively. I just want it to be known that there are voices in the Senate that think this is a very bad policy. When this amendment is written about, when this is discussed in other capitals of the world, they should understand not all of us share this view.

This is not a sound policy. At this moment, it is my hope and expectation that the administration is leaning on our European allies to make it clear to them that we are willing to support a European-led follow-on force in Bosnia, composed of European troops, after the SFOR mandate ends. Remember what we said: We are going to remove American forces from Bosnia. We did not say we are disengaging in every military sense from Bosnia. The President did not say that, thank God, and I hope he will not say that.

What we should be doing now, and what I hope we are doing now, is meeting with our NATO allies to explain to them that we are willing to have a forward force based in Hungary to back them up. We are willing to use our airpower and our intelligence apparatus to assist them. We are willing to use the capacity of our naval forces in the Adriatic to help maintain peace and security in Bosnia. This takes time. This amendment undercuts every possible option that exists between now and June 1998 by announcing now that the U.S. Senate does not support the continued presence of the United States of America in that part of the world.

I do not fully understand what both my friend from Wisconsin and the Senator from Texas are saying. I acknowledge the Senator from Alaska is correct. This is meaningless in a legislative sense. But I do not understand what my two friends hope to accomplish here. Their amendment says, "Provided further, that none of the funds made available under this Act may be obligated or expended for operations or activities of the armed forces relating to Bosnia ground deployment after June 30, 1998."

Does that mean we cannot use our intelligence apparatus? Does that mean we cannot have forward deployment in Hungary? Does that mean we cannot use our airpower? Maybe it does. Maybe it does not. But I tell you one thing: To merely suggest that we are going to pull out U.S. ground forces is a bit disingenuous as well.

So, again, I do not want to take any more time of the Senate except to say that this is a well-intended, very bad idea. It is a very bad idea. It does not serve U.S. interests. It does not serve us or aid us in our ability to lead an alliance in carrying out its responsibilities in Europe, in Bosnia. And it does not lend any support to those in both Serbia and in Croatia who are trying to change the political landscape of both those countries, which will have an impact upon the circumstance in Bosnia.

So, again, I say as I yield the floor, with due respect to my friend from Wisconsin, I think this is a serious mistake. I hope the Senate will not go along with this suggestion.

I yield the floor.

Mr. JOHNSON. Mr. President, I have to my right a satellite image of the James River in South Dakota; on the left, depicting the river in its normal course prior to the flooding. On the right is a satellite image showing the current state of the James River—swollen, in places miles across, with water in a circumstance where less than 5 percent of the farmland in the James River Valley, from North Dakota to Nebraska, will be planted this year. This imagery was provided by the aerial data center in South Dakota. I think it very ably shows the dire circumstances that people in the James River area are facing.

Amendment No. 70 is an amendment offered by myself and by my colleague, Senator DASCHLE, which addresses the extensive damage that has taken place in the James River Valley and which needs to be addressed. This amendment addresses the problem, where up to 75 percent of the trees in this area have been lost, where bank sloughing and levee sloughing has filled the channel and reduced its capability to handle water. The amendment would provide a $10 million appropriation through the Corps of Engineers to the James River Water Development District to use for the badly needed repair and restoration work on the James River.

This is a 25 percent cost share. I am pleased that this amendment has been cleared and approved by the majority and the minority of the Environment and Public Works Committee. I thank Senator CHAFEE and Senator BAUCUS and their staffs for their willingness to work with us on these amendments. I also thank the appropriators, Senator STEVENS and Senator BYRD, Senator DOMENICI and Senator REID from the Energy and Water Appropriations Subcommittees and their staffs, for their willingness to work with us on the language of this amendment, and to accept it as part of the supplemental appropriations legislation being considered by the Senate today.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I would like to take this opportunity to respond to remarks in opposition to Senator HUTCHISON's amendment by the Senator from Connecticut and the Senator from Delaware.

Let me, first of all, reiterate a couple of points about my attitude and the attitude of most Senators about this amendment and its purpose. First of all, no one can even begin to criticize what a wonderful job our troops and our military have done in Bosnia. In fact, all we can do is offer praise and gratitude. I feel that way, in particular, about the wonderful job some of our folks from Wisconsin, whom I have had a chance to speak with about this, have done.

Second, I want to reiterate that I believe this mission has accomplished some very, very positive things. It certainly has not accomplished all that would have been hoped. But to suggest somehow that this mission has not accomplished anything in terms of saving lives and in terms of trying to resolve the situation would be wrong, and I do not suggest that.

I also want to acknowledge that the two Senators who spoke in opposition to the amendment, the Senator from Connecticut and the Senator from Delaware, are two of the great leaders on this issue, two of the most compassionate Senators when it comes to being concerned about the tragedy in Bosnia, and I learned that fast when I came here to the United States Senate. I wish that we could be in agreement on this particular issue about how long this mission should continue, because we have been allies on many aspects of the Bosnia operation in the past.

In fact, Mr. President, I just remind my colleagues that when I arrived here in 1993, the first resolution I ever submitted, was to simply lift the arms embargo that was being enforced against all the areas in the region, all the people in the region, but, in particular, the Bosnian Muslims.

The reason I came to that position was because of the inspiration of the Senator from Delaware who had taken the lead in developing the concept of lifting the arms embargo prior to my arrival in the Senate. When I got here, I joined with other Senators, in fact, I think I was the first one in that Congress to introduce a resolution to lift the arms embargo. The Senator from Connecticut and the Senator from Delaware and I and others all got up and talked about the important right of self-defense, the importance of people being able to defend themselves. We thought that they should be given arms to defend themselves, the right that they have, I believe, under unalienable human rights and under article 51 of the U.N. Charter to defend themselves. That is where many of us wanted to go.

As the Senator from Connecticut indicated, we tried very hard. We won a vote on the Senate floor on a bipartisan basis, although, regrettably, it was not carried all the way through. I still believe that was the best answer to this situation. But, we did not get that done in a timely manner and, as a result, I think we were essentially forced into the Dayton accord. I think some of our European allies made sure, in effect, that we would be forced into sending troops into the region.

So when many of us spoke about the importance of lifting the arms embargo, we discussed that it was the right thing for the Bosnians. But it was a way to prevent us from becoming ensnared in a military operation that we would not be able to get out of, where American men and women would be forced into a situation where an endgame or departure justification would be difficult to find.

That is how we got to where we are today, unfortunately. That is why I have offered this amendment, and I believe it is one of the reasons the Senator from Texas has offered her second-degree amendment.

When the Senator from Connecticut—and I say this with all respect, because I simply know no one who is more concerned about the situation, and I know at a very personal level as well, as a Senator, that he cares as deeply, perhaps more deeply than any other Senator about what is going on in Bosnia—but when he says it is inconceivable that we would try to do this on this bill in this way, let me suggest what I consider to be inconceivable.

It is inconceivable to me that we would not have a clear debate on this issue when the initial understanding that was given to the American people about this is that it would cost $2 billion and be over within 1 year. I took every opportunity I could in the Foreign Relations Committee and in every other meeting that I had on this subject to ask the question: Is it truly the intent to be out of there in 1 year? And the answer was always yes. Even when it was just a few months before the December 1996 deadline, I asked many leading military and State Department officials about this. I said, "Is it going to be over in a year?" And they said, "Well, yes, give or take a few weeks."

The American people and the Congress were led over and over to believe that this was a 1-year operation.

Then, really quite quietly, it was extended. It was extended by 18 months beyond that deadline, to a minimum of June of 1998. And even then, when I asked whether or not that is the end of the line for this operation, the remark has been simply, "We hope so, we think so, we think it's possible."

What is also inconceivable to me is that we add another $1.5 billion in this supplemental bill and then tell the American people what we are on track to do is to spend not just $2 billion—in fact, we are already in for $3 billion—but that the minimum estimate now is $6.5 billion through the middle of 1998. To me it is somewhat inconceivable that we would simply move in that direction without a full and thorough debate with regard to these numbers.

Where is the public accountability on this? Where is the congressional accountability with regard to the expenditure of those kinds of funds and with regard to the duration of an operation that was promised to be over within 1 year?

Others have suggested today that somehow this is an unprecedented kind of amendment, but all I can do is refer my colleagues to what we did when it came to the Somalia operation. The distinguished Senator from West Virginia offered an amendment, which we voted on on October 15, 1993, that provided for a cutoff date for the expenditure of funds with regard to Somalia.

No one knows better the power of the purse of the Congress than the Senator from West Virginia, and he knows that that is the heart and the soul of congressional power when it comes to military operations. Both the Senator from Connecticut and the Senator from Delaware voted for the amendment that Senator BYRD offered that would cut off the funds for Somalia by a date certain. We signaled what we were going to do in that situation —we signaled it clearly—because we knew that it was time for us to get out.

You know what is sad about that one. In the Somalia case, we waited until something bad happened. We waited until a tragedy occurred. We waited until we had essentially no choice but to extricate ourselves from a situation that became a mess. I am very pleased to be able to say today that we are not in that situation yet in Bosnia. I hope we never will be. But to wait for that moment to signal clearly when we intend to get out is the worst thing we can do in terms of our credibility in the world. To wait for a moment like that and then just run out of Bosnia because the public support may evaporate is the worst thing we can do in terms of our credibility. I do not think any of us regard what happened in Somalia as one of the finest hours in our diplomatic, military or foreign policy moments.

So, Mr. President, let me simply say that this is a situation where we all have to decide whether we are just going to let this $1.5 billion go forward without asking serious questions. The Senators who are opposed to me and Senator HUTCHISON on this said we have not had proper hearings on our amendment. They have indicated they want to have a real debate on this matter.

That is the whole point.

We have not had real hearings on this. We have not had a real debate on whether we should spend $6.5 billion on Bosnia by the middle of 1998 or on the possibility of even more. We have not had a real national discussion about whether we should go forward with this. I think the American people and the Congress should be engaged in that kind of discussion.

So let me conclude by saying that I think this amendment is appropriate. It does not go too far. It does not hamstring our military. There are opportunities for providing more funds later, if needed, for extending the operation, if needed. All this does is signal that neither this body nor this country is going to simply let this continue without any real consideration and public debate of where we are heading—especially since the operation is already costing $6.5 billion and has already more than doubled the duration that was originally promised.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we should be signaling two things relative to Bosnia, in my judgment. The first is what this resolution would signal, which is that it is our intent to have our ground combat forces out of Bosnia by June of next year. It is important that we send that signal; it is important that we send that signal clearly. But it is also important that we do an additional thing, and that is that we let our European allies and the world know that in the event that there is a need for a follow-on force after June of 1998, that it is the Europeans who must provide that follow-on force and it is not our intention to participate with ground troops in that follow-on force.

Will a follow-on force be necessary? I think it will be. I have visited Bosnia. I have spent a lot of time there. In my judgment, there is no way that millions of refugees can be repatriated to their homes, that war criminals can be captured and tried by June of next year. If there is no follow-on force in Bosnia, the likelihood is that the progress which has been made will disintegrate and will evaporate, and then what we have done in Bosnia will have been to no avail.

We have accomplished some very important things in Bosnia, and we should try, if we can, to protect them, but—and here I agree with the Senator from Wisconsin—we should carry out our mission, which ends in June of 1998, signal to our allies clearly and tell them in advance that it is our intention that our ground combat forces will be out of there in June of 1998, but that we would expect that they would show some leadership under a new component of NATO, called the European Security and Defense Identity, to provide the follow-on forces which might be needed after June of 1998.

Can we do both of those at one time? Can we say that it is our intention that our own forces on the ground leave by June of 1998 but that we expect there is a need or a likely need for a follow-on force and we would be supportive of that force—without having our own troops on the ground—through logistics and intelligence and other means of supporting a European follow-on force as part of NATO? Can we signal both of those things at once? I believe we can. I believe we should. I believe this resolution does not do that, and that is the difficulty with this resolution.

Because of the nature of postcloture that we are in, it is restricted in language to what it says, which, as the Senator from Alaska points out, really has no meaning whatsoever since none of these funds will be spent, in any event, after October 1 of 1997. They cannot be and are not going to be.

So in one sense this resolution has no legislative meaning whatsoever, through no fault of my friend from Wisconsin, by the way. He had no choice. In order to be germane in a post-cloture situation, he had to phrase it this way.

But the signal that he wishes to send is an important signal, one that I happen to want to join him in sending, providing it can be sent with a second signal which is so critical that we send, which is that a new initiative inside of NATO be utilized for any follow-on force, and we are willing to support that or at least are open to supporting that European initiative inside of NATO.

I want to spend just a couple of moments on that initiative. It is not well known. It is an important initiative. The Europeans have asked for additional leadership in NATO for many, many years.

Finally, at the June 1996 Berlin North Atlantic Council ministerial meeting, there was a new initiative adopted, as part of NATO. It is called the European Security and Defense Identity initiative [ESDI]. What it does, it permits the European NATO nations—these are our allies in NATO—with NATO consent, to carry out operations under the political control and strategic direction of the Western European Union, using NATO assets and NATO capabilities.

So using NATO assets and capabilities under the strategic direction of the Western European Union, a European initiative is being put in place as we speak.

What NATO has agreed to do is to identify the types of what are called separable but not separate capabilities, assets, headquarters, and command positions that would be required to command and conduct these Western European Union-led operations and which could be made available, subject to unanimous consent agreement in the North Atlantic Council.

In addition, NATO agreed to develop appropriate multinational European command arrangements within NATO to command and conduct the Western European Union-led operations.

And, finally, in support of these arrangements, NATO agreed to conduct, at the request of and in coordination with the Western European Union, military planning and exercises for illustrative missions which were identified by the Western European Union. Included in those missions are humanitarian assistance, conflict prevention, peacekeeping, and peace enforcement operations. All from peacekeeping to peace enforcement are included in the missions which are now being organized.

The ability of our European allies to work together so professionally in Bosnia, with French and British commanders responsible for two of the three multinational division sectors and with the overall American commander having a multinational staff, convinces me that there is no reason to question the ability of a European-led follow-on force to succeed in Bosnia. There is no reason, either, why the Partnership for Peace nations should not be included as they have been in Bosnia in both IFOR and SFOR.

So we have a mechanism now which is being planned to provide, or which could provide, to be more accurate, the follow-on force to be sure that peace does not unravel in the European neighborhood. The United States should remain involved with logistics, intelligence, and other support activities. But under this resolution there is no provision for that.

This resolution, because of the way it had to be phrased, ends up saying that none of these funds can be obligated or expended for the activities of armed forces relating to Bosnia ground deployment.

Well, should we not consider at least a provision of intelligence support, logistics support, other support activities for a European follow-on force? I think we ought to.

During the Armed Services Committee hearing in February on the defense budget, Secretary Cohen responded to my questions by stating the following:

> I would agree with you that following our departure in June of 1998, I believe there has to be some sort of force in Bosnia. I do not think there is any possibility of ending so many decades, if not centuries, of ethnic conflict in a matter of two or three years.

Secretary Cohen continued:

> So I think some international type of a force will be necessary. I agree with you that the ESDI, the so-called European Security and Defense Identity, is something that is very worthwhile to pursue.

And he added:

> I think it is something we should pursue and make it very clear we are leaving and that something will have to replace it, and hopefully it will be something along the lines of the ESDI.

That is a double message, not a single message.

The amendment before us, regrettably, has the first of those two messages only and is not able to cover the second part of that message. That is the difficulty with the pending resolution, in my judgment.

General Shalikashvili, who was there with Secretary Cohen, said the following:

> Following our departure in June 1998, it is very possible that a follow-on force will be required. I think a European force under the WEU is certainly an appropriate candidate for that.

So he, too, reached the same kind of conclusion.

So, Mr. President, I think that we should not at this time state in resolution form or any other form that we will not be willing to play a supporting role in Bosnia after June 1998. Because, after this operation is, hopefully, turned over to our NATO allies, assuming it continues at all, which I think is likely then acting under the Western European Union, they, I believe, will need this kind of support—not our combat forces on the ground—but those other kinds of support. And that is the complexity which is not reflected in this resolution.

Finally, it is my intent during the consideration of the defense authorization bill to be offering language along the lines that I have just described. I hope that at that time we can have the kind of full debate on the future of our forces in Bosnia that this issue really requires.

During the authorization bill, that debate can take into consideration both the need, in my judgment, to make the clear statement to our allies in Europe that it is our intent to be out of there in June 1998, but can also outline what we would be willing to do should they determine to stay on after June of 1998 in Bosnia. And while it is complex, it is essential. While it has two points to the message, both points are, nonetheless, essential.

So I think, because this resolution is too narrow in its scope and sends only one of two messages and it is essential that both be sent simultaneously, that it would be a mistake for us to adopt this resolution at this time in this form. But I would look forward to my friend from Wisconsin working with us in the Armed Services Committee to design a resolution which does contain the message that he has in his amendment but also the second part of that message as well.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. I will be very brief because I think I may be the last person to address this amendment tonight.

I first want to acknowledge the contribution made in the debate by Senators LEVIN, LIEBERMAN, BIDEN, and others who spoke so eloquently about the reasons why this amendment is ill-advised. I have great respect and admiration for the distinguished Senator from Wisconsin and the Senator from Texas, but I must say, passage of this amendment, as well intended as it might be, is unwise. First, as the Senator from Alaska has noted, this amendment has no real legislative effect because it appropriates money only for this fiscal year ending September 30, 1997. But it does have a profound effect in the message it sends to people around the world, especially in that part of the world most directly affected by our actions and by our intentions.

For us to say unequivocally that regardless of circumstance, regardless of the situation, regardless of whether or not there is peace and the kind of stability we have been able to achieve now in the last couple of years, that we are removing every vestige of U.S. military presence, in my view, sends exactly the wrong message.

We need to be very careful about the message we send. We need to ensure that our military presence there has the maximum effect for as long as it may be required. It is somewhat ironic to me that the same people—and I am not referring to any particular Senator in this regard—but many of the same people who advocate a permanent presence in NATO where we do not see any specific need for a U.S. presence today are those who are arguing against our presence in Bosnia.

Mr. President, I think our military efforts in Bosnia have been a spectacular success. And they have been successful because we have had strong, bipartisan support in Congress for our military presence that sends a clear message to the people in the region.

That message says clearly that we want the genocide to stop. We want the warring parties to come to terms. We want to recognize the extraordinary effort that has already been made by those who are putting their lives on the line to ensure that we succeed in retaining the peace and stability and long-term political viability of the region.

U.S. policy through the Dayton accords has succeeded stopping the killing in Bosnia and in helping Bosnians forge longer term stability. We have succeeded in doing something of great consequence. I just hope that we recognize what a tremendous contribution it has been. While we all want to see that day when the United States forces are no longer deployed in Bosnia, we want them to come home with confidence, knowing that, regardless of whether we are there or not, we will continue to see the kind of success that we have experienced since implementation of the Dayton accords began in December 1995. But for us to say with certainty today that we know exactly when that date is, is shortsighted and ill-advised. I hope for those reasons the Senate will reject that amendment.

I yield the floor.

Mr. McCAIN. Mr. President, I join the Senator from South Dakota in his remarks.

Mr. President, I think I am going to have to call for the yeas and nays on this amendment because I think it is of serious import.

I also believe that we should be out of Bosnia. I had severe reservations as to going in. I ended up supporting the President, as did the former majority leader, Senator Dole. But for us to say that unequivocally under no circumstances will American presence be there a long time from now, I think would be, from a precedent-setting standpoint, very dangerous and, second of all, would be a message that I am not sure we want to send at this time.

There are some very bad people in Bosnia, Mr. President, as we all know. And if the administration was unequivocally on record or the United States Congress was on record as saying that under no circumstances could there be an American presence in Bosnia as of a certain date, I think it would have the unintended consequence of encouraging those very bad people.

Mr. President, I think it is something that we should work out with the administration. It is well known that the present Secretary of Defense, a former Member of this body, has stated we will be out by June 1998. But that is not a firm administration policy. And there are certain proposals as far as a United States presence is concerned, both on sea and in the air, as well as possibly in a neighboring country. I am not sure that this amendment would not affect those options as well.

The distinguished chairman of the Appropriations Committee points out very accurately that we do not have any money anyway at that time, so this would be largely a symbolic vote. But, Mr. President, I believe that if I were one of our European allies or someone who had an interest in the situation in Bosnia, either as a participant or an observer, I would say that this is a very strong message and one that we do not want to send.

I also remind my colleagues that, yes, we have the right to cut off funding, we have that constitutional right as a body. But it is always the last resort. Cutting off funding is the last resort that we seek in order to salvage Americans when they are placed in great danger.

I suggest that this is the first option. If June 1998 begins to approach and it looks like the administration is in an open-ended commitment, I think we would have plenty of opportunity at that time. We would be considering lots of legislation in order to express our views on this issue. But to act at this time, I think, would send a very, very unfortunate and even dangerous signal.

I was just in conversation with the Senator from Alaska and he pointed out that we did, indeed, cut off funding in the Somalia situation, but that was also with the agreement of the administration that they were leaving at that time. All of us were outraged at the wanton murder of some brave young Americans whose bodies were dragged through the streets of Mogadishu. There is no doubt in that situation there was agreement that we were going to leave.

The Bosnia situation is very fluid, it is very dangerous. I want us out, too, but I greatly fear if we passed a resolution at this particular time mandating such a thing—for example, cutting off all funds—that this would be an action that would have some unintended consequences associated with it. One of the major consequences I just mentioned is to encourage our adversaries and the enemies of peace in that poor, unfortunate land, who, I think, might take this as a signal to just wait, rather than seek national reconciliation, wait until the Americans leave and then really ignite the bloodletting and the conflict.

Mr. President, I have to oppose this amendment, certainly at this time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I ask that we have the vote on the amendment.

The PRESIDING OFFICER. The question is on agreeing to the second-degree amendment.

The amendment (No. 177) was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the first-degree amendment, as amended.

The amendment (No. 83), as amended, was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I want to state for the record what I believe the Senate just agreed to in supporting the amendment offered by the Senator from Wisconsin that would prohibit the obligation or expenditure of funds available in S. 672, the supplemental appropriations bill, for operations or activities of the United States forces stationed on the ground in Bosnia.

This amendment in no way endorses the actions taken unilaterally by the President to extend the presence of United States forces in Bosnia for an additional 18 months beyond the 1-year time frame stipulated in Senate Joint Resolution 44.

The President never consulted with the Congress to extend the presence of United States forces in Bosnia, and the Senate has not voted, by accepting this amendment, to approve the President's decision to extend the presence of United States forces in Bosnia until June 1998.

The Secretary of Defense and the Chairman of the Joint Chiefs of Staff testified before the Senate Armed Services Committee in October 1996 that United States forces would not be withdrawn from Bosnia until March 1997. They did not consult with the Congress about this short extension, and they assured the committee at the time that there were no plans to extend the presence of United States forces in Bosnia beyond that time frame. However, they did note for the record that the North Atlantic Treaty Organization was reviewing whether a continued NATO force presence was needed beyond the March 1997 time frame. The Secretary of Defense and the Chairman of the Joint Chiefs promised that the Congress would be consulted prior to agreeing to extend the United States force in Bosnia. In fact, the President assured the American public prior to the Presidential election in November that United States forces would not be in Bosnia beyond the time-frame necessary to safely withdraw.

Very shortly after the United States elections in November 1996, the President announced his intention to support a decision by NATO to extend the presence of a NATO force in Bosnia to implement the Dayton agreement. Following the recommendation of the NATO that a NATO presence remain in Bosnia, the President announced in December 1996 that United States forces would remain in Bosnia, as part of a NATO force until June 1998.

Once again, I want to emphasize what agreeing to this provision does not do—it does not provide congressional approval for the President's unilateral decision to extend the presence of United States forces in Bosnia beyond the 1-year time frame he announced in November 1995 to the American public.

The President has not consulted with the Congress on his decision to extend the participation of United States forces in a NATO operation in Bosnia. The President has not sought approval of the Congress for that decision to extend the presence of United States forces in Bosnia until June 1998. The Senate has not provided its approval, or authorization for the President's decision to extend the presence of United States forces in Bosnia. The amendment merely ensures that U.S. forces are taken care of, until such time as they are withdrawn in June 1998, whether or not substantial progress is achieved in the civil implementation of the Dayton agreement, as the President promised. The amendment does not constitute congressional authorization or approval to extend the presence of United States forces in Bosnia.

Mr. FAIRCLOTH. Mr. President, I want to make clear, that had the Senate taken a rollcall vote on Senator HUTCHINSON's amendment to Senator FEINGOLD's amendment, I would have voted no on the Hutchinson amendment. I want our troops home as soon as possible, and I am strongly supportive of any effort to bring them home as quickly as possible.

The President promised that our troops would be home in December 1996. He clearly mislead the Congress and the American people when he made this promise.

Only after the election was over did the President make his decision to extend our troop deployment, even though he knew full well that our troops would not be coming home in December, well before the election.

The Bosnian mission is going to cost the taxpayers of this country $6.5 billion. The question is what will be changed after our troops have been there this long, and we have spent this amount of money. I contend that little will be changed. When the deployment was made, a principle question was whether the United States had an exit strategy. It now appears that we may have no exit.

Again, I was strongly supportive of the Feingold amendment, and I would have liked to have seen it passed without change.

AMENDMENT NO. 97

(Purpose: To extend the dredging participation in the Small Business Demonstration Program Act of 1988)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BUMPERS, for himself, Mr. BOND, and Mr. WARNER, proposes an amendment numbered 97.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriations place add the following new section:

"SEC. . EXPANDING SMALL BUSINESS PARTICIPATION IN DREDGING.

"Section 722(a) of the Small Business Competitiveness Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by striking 'September 30, 1996' and inserting 'September 30, 1997'."

Mr. STEVENS. Mr. President, this is a simple amendment which extends the expanding small business participation in dredging section of the Small Business Competitive Demonstration Program Act of 1988 to September 30, 1997.

I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 97) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 76

(Purpose: To require the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and to require the Secretary to report to Congress on the rate of reporting compliance)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. SPECTER, for himself, Mr. SANTORUM, Mr. FEINGOLD, and Mr. KOHL, proposes an amendment numbered 76.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. to the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) CONFIDENTIALITY.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) REPORT.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) TERMINATION OF EFFECTIVENESS.—the authority provided by subsection (a) terminates effective April 5, 1999.

Mr. STEVENS. Mr. President, I ask that Senators SANTORUM, FEINGOLD, and KOHL be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am an original cosponsor of amendment No. 76, offered by the Senator from Pennsylvania [Mr. SPECTER] which requires the Department of Agriculture to collect and disseminate, on a weekly basis, statistically reliable information on bulk cheese prices throughout the Nation. Secretary Glickman has already initiated this price survey with the voluntary cooperation of cheese manufacturers using existing administrative authorities of the Department. The amendment offered by the Senator from Pennsylvania [Senator SPECTER] requires the Secretary to continue doing so until April 5, 1999. However, because the Secretary has already implemented this cheese price reporting initiative using existing authorities, I wanted to clarify that he can continue to collect and report this cheese price information after April 5, 1999 using the same authorities he is using currently.

Does the chairman of the Senate Agriculture, Nutrition and Forestry Committee, Mr. LUGAR, concur that the sunset provision in section (d) of amendment No. 76 in no way affects or diminishes the Secretary's existing authority to continue the voluntary collecting and reporting of cheese price information from cheese manufacturers after April 5, 1999?

Mr. LUGAR. I concur with the Senator from Wisconsin [Mr. FEINGOLD].

Mr. STEVENS. Mr. President, this deals with the collection and dissemination of information on prices received for bulk cheese. It requires the Secretary of Agriculture to collect and disseminate statistically reliable information from milk manufacturing plants on prices received for bulk cheese and requires a report to Congress on the rate of reporting compliance.

I urge adoption of the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 76) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. NICKLES. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Mr. President, earlier today, I voted against the D'Amato amendment, which would reinstate SSI benefits for legal nonresidents. I think 11 Senators voted against that amendment.

Mr. President, I rise to make a statement about why I voted against that amendment. I know a lot of people said they voted for it because it is part of the budget package that was agreed to by the leadership of Congress and the President. They wanted to reinstate that. They said they might as well do it anyway because the budget is going to pass and the benefit will be reinstated. That may well be. These individuals will lose their benefits for 2 weeks in August and the month of September—6 weeks—if that happens. But I didn't think that was the reason why it should be put in the urgent supplemental.

Some colleagues probably voted with me on that because they didn't think it belonged in there, that it can be included in the budget package. It may well be included in a budget package. That is when we will do the entire budget.

So my point is—I informed my colleagues on this side of the aisle—if we have other amendments on this supplemental that try to pull out various pieces of the budget package and put it into the supplemental, and they say, "Everybody has agreed, the leadership has agreed, that we are going to spend more money for education, let's go ahead and put it in the supplemental, we are going to spend more money for children that do not have health care, we will put into a supplemental"—I disagree. This is supposed to be an urgent supplemental. It is supposed to be helping people with disaster assistance, and not to be prefunding part of the budget package.

At least I for one—and I am the only one—in the future, if we find other amendments that try to maybe prefund the budget agreement, I am going to object.

Also, I want to touch on this a little bit. Some people said, "Well, we need to undo part of this welfare package." I happen to be one that disagrees with that. We passed significant welfare reform, and I think rightfully so. We said, yes, we are going to provide more benefits for citizens than noncitizens. Somebody said they are here legally. That is correct.

Let me give a couple of facts. Since 1882, an alien who was likely to become a public charge has been subject to exclusion from the United States. Since 1917, an alien who becomes a public charge within 5 years of entry has been subject to deportation from the country. That continues to be the immigration policy, that aliens within our Nation's borders should not depend on public resources to meet their needs, but rather rely on their own capabilities and the resources of their families and their sponsors. That is the way it should be.

Families of immigrants who enter the United States signed affidavits of support. By these affidavits of support they pledge to provide for the immigrants themselves and not put them on public assistance. That is a pledge. That says they will not become a public charge. That is to make sure that when people come to the United States, they are seeking citizenship and freedom, and not seeking welfare.

We found with this program, unfortunately, despite these policies, that large numbers of sponsors have failed to live up to their obligations, both their moral obligations and their financial obligations.

Just a couple of facts: In 1986, just over 200,000 noncitizens were receiving SSI welfare benefits. In 1996, that figure had grown to 800,000, 4 times as many in a period of 10 years. It didn't double or triple—4 times as many; it went from 200,000 to 800,000 in the last 10 years. The Social Security Administration predicts that the number of noncitizens receiving benefits would grow to 1 million by the end of the decade.

So this is exploding. A lot of people are bringing their families over, saying, "Yes, you can be on welfare. You can be on welfare for life. You get cash payments, cash assistance, several hundreds of dollars per month, and be eligible for Medicaid concurrently." It is a pretty good deal. A lot of people said, "I want in on that." So they would come over and totally ignore the affidavits of support that they and their families pledged they would not became a public charge.

In the welfare bill that we passed last year, they should get around this by becoming citizens. Now, I know a lot of people are becoming citizens. Some people said, "Well, the States don't have the resources. Not everybody can become a citizen." You have minimal English requirements. Maybe they are not able to make that. The States save millions, and collectively the States save billions of dollars in the welfare changes we made last year. There is plenty of money to provide assistance to those people that really need some help.

Total noncitizen applications for SSI alone increased almost 600 percent from 1982 to 1994, compared to just a 49-percent increase amongst citizens. Most noncitizens apply for welfare within 5 years of arriving in the United States.

Mr. President, I want to make these comments. I know that in the budget package we have—I hope that we will pass a budget package—we are going to address this issue. I know, in all likelihood, for most noncitizens we will be continuing SSI payments for those noncitizens who are already here or already here at the time of enactment of the welfare bill. That may well be. I might support it as part of an overall package.

But I voted in opposition to this being added to the supplemental because I didn't want to cherry-pick a few of the things out of the budget package and say, "Let's put it on this supplemental too." This wasn't going to happen. No one would lose benefits now for another 3 months. Our objective is to pass the reconciliation bill to implement the balanced budget by July 4, a full month and a half before you would have discontinuance of benefits. So we would have time to rectify the situation if we have not reached the budget agreement.

So, Mr. President, I just make mention of that, and maybe forewarn my colleagues. At least this Senator's intention is to object strenuously if future efforts are made to put parts of the budget package onto this urgent supplemental.

Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

AMENDMENT NO. 107

(Purpose: To strike earmarks for unrequested highway and bridge projects, parking garages, and theater restoration)

Mr. McCAIN. Mr. President, I call up amendment No. 107.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Arizona (Mr. McCAIN) proposes an amendment numbered 107.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 39, starting on line 22, strike all that appears after "1997" through page 40, line 21, and insert in lieu thereof ".".

On page 42, starting on line 11, strike all that appears through page 43, line 4.

Mr. McCAIN. Mr. President, this amendment strikes earmarks to fund for highway projects:

$3.6 million for the 2002 Olympics planning in Utah;

$450,000 for the ATR Institute to continue the Santa Teresa border technologies project in New Mexico;

Additional funding for Warrior Loop project in Alabama;

$12.6 million to complete the William H. Natcher Bridge in Maceo, KY;

Additional funding for Highway 17 Cooper River bridges replacement project in South Carolina;

$100,000 for 86th Street Highway Project in Polk County, IA;

And discretionary authority to spend additional funds to repair or reconstruct any portion of Highway 1 in San Mateo, CA, that was destroyed in 1982 and 1983;

The set-aside of $12.3 million for discretionary authority to construct the parking garage at a VA medical center in Cleveland, OH;

Earmark of $500,000 from previously appropriated funds for a parking garage in Ashland, KY, to instead restore the Paramount Theater in that city.

Mr. President, this supplemental appropriations bill was an emergency appropriations bill. The title, as we all know, is an emergency supplemental bill.

Mr. President, the earmarks I find included in this bill and others are not, in my view, of an emergency status. Let me talk about a few other earmarks that are in this bill.

Language that makes College Station, AR, eligible for rural housing service program assistance.

By the way, Mr. President, I understand that College Station, AR, has been badly damaged by a tornado, and that is probably a project that would qualify under emergency supplemental parameters.

It makes the cost of repairing the Wapato irrigation project nonreimbursable;

$15 million emergency funding for research on environmental risk factors associated with breast cancer. Report language lists Rhode Island, Pennsylvania, New Hampshire, New Jersey, Utah, New York, and California as States which should be considered for "competitive grants." In other words, the other States are not considered for competitive grants.

There is a $10 million earmark for phase 2 of nonemergency transportation planning at Yosemite Valley which is offset by rescission of clean coal technology funding;

$5 million for development of the Legislative Information System in the Office of Secretary of the Senate which is transferred from other Senate appropriations.

Let me say on that particular one, Mr. President, that I think the Legislative Information System in the Office of Secretary of the Senate is important. I do not think it qualifies as an emergency.

Earmarks funds for highway projects, including $3.6 million for 2002 Olympic planning in Utah;

$1.95 million earmarked for Colorado to provide security for the Denver Summit of Eight;

Set-aside of $12.3 million for discretionary authority to construct a parking garage, which I mentioned earlier;

$3 million earmarked from the Justice Department counterterrorism fund for Ogden, UT, preparation for 2002 Winter Olympics.

By the way, Mr. President, we are going to start totaling up how much Federal money is going to be spent on the Olympics in Utah. I would guess that it will match or exceed the amount of Federal dollars that were spent in Atlanta.

Mr. President, I am proud that these Olympics are being held in the United States and that we win these competitions for having the Olympics held here in the United States of America. Mr. President, I think the taxpayers ought to know what the cost is to the taxpayers.

Mr. President, I am reminded, as I look over this list, of the need for the line-item veto.

This is another graphic example of why the line-item veto is necessary. These projects do not qualify as emergencies, yet they are placed in.

For many years I have come down here and complained about this kind of activity. I don't think it does us any good, Mr. President, to do these things and call them emergency supplementals. What it does is provide grist for the talk show mill. It provides ammunition for those who believe we do not act in a responsible fashion. It makes it more difficult for us to go home and say that we are trying to be careful of every dollar we spend that the taxpayers so much care about—things like EPA to provide a Federal grant to Middlebury, VT, to complete a project in 1997;

Direct expenditures for study of flood control mitigation at Lualualei Naval Magazine in Hawaii;

Special emphasis on need for flood prevention efforts at Devils Lake and Ramsey County Rural Sewer System.

We can't afford to do this. We are trying to embark on an effort to balance the budget by the year 2002. We are going to ask the American people to make sacrifices as we embark on this effort. There will be some reductions in spending.

Yet, at the same time we are appropriating $250,000 to replace salmon fry killed during an April snowstorm in New England, and $1.1 million to complete fire restoration at Bosque Del Apache National Wildlife Refuge.

So the bill has grown, I am told, from around $4.4 billion to over $8 billion. Much of that is necessary spending.

Let me repeat again. In no way do I believe that we have any other obligation but to help those people who are victims of natural disasters. We have that obligation. It is a proper role of Government.

If some of these projects that I mentioned are important and worthwhile projects, I believe they should be subject to the normal authorization and appropriations process. So my amendment would eliminate a few of those.

Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. STEVENS. It is my intention, Mr. President, to move to table this amendment at a later time.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BROWNBACK. Mr. President, I rise in support of the McCain amendment numbered 107, and state that I am not here to oppose any of the emergency relief being put forward. I think that is important and I think it is appropriate.

I also think we ought to pay for it as we go along. We are going to every year somewhere in this country have a disaster. Each year we do this and then we have a disaster and we do not pay for it and it adds to the deficit and we create this mortgage disaster for the country on a long-term basis. We really ought to pay for it. That is another separate debate.

I am here to support this issue and this amendment in removing those items that are not emergency appropriations. I do not want to speak about the validity or the need to do any of these specific projects that are in here. I think that can rest for another day. But the question is, are these emergencies or not? Are they things that should appear in an emergency appropriations bill?

I think Senator McCAIN has articulated very well the list that he has put forward in this amendment. I ask unanimous consent to have printed in the RECORD that list that Senator McCAIN has been working on, and we have worked in support of his amendment, to put this in as a part of the RECORD that these may be good promises.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OBJECTIONABLE PROVISIONS IN S. 672, SENATE-REPORTED FISCAL YEAR 1997 SUPPLEMENTAL APPROPRIATIONS BILL

BILL LANGUAGE

P. 25: Makes costs of repairing Wapato irrigation project nonreimbursable. [See report p. 22]

P. 32: $15 million emergency funding for research on environmental risk factors associated with breast cancer. Report language lists Rhode Island, Pennsylvania, New Hampshire, New Jersey, Utah, New York, and California as states which should be considered for "competitive" grants. [See report p. 27]

P. 36–37: $10 million earmarked for phase 2 of non-emergency transportation planning at Yosemite Valley (offset by rescission of clean coal technology funding). [See report p. 32]

P. 37: $5 million for development of Legislative Information System in the Office of the Secretary of the Senate (transferred from other Senate appropriations). [See report p. 33]

P. 39–40: Earmarks of funds for highway projects, including: $3.6 million for 2002 Olympics planning in Utah; $450,000 for the ATR Institute to continue the Santa Teresa border technologies project in New Mexico; additional funding for Warrior Loop project in Alabama; $12.6 million to complete the William H. Natcher Bridge in Maceo, Kentucky; additional funding for Highway 17 Cooper River Bridges replacement project in South Carolina; $100,000 for 86th Street Highway Project in Polk County, Iowa; and discretionary authority to spend additional funds to repair or reconstruct any portion of Highway 1 in San Mateo, California, that was destroyed in 1982–1983. [See report p. 34–35]

P. 41: $1.95 million earmarked for Colorado to provide security for Denver Summit of Eight (June 20–22) concurrently with Oklahoma City bombing trial. [See report p. 35]

P. 42: Set-aside of $12.3 million for discretionary authority to construct parking garage at VA medical center in Cleveland, Ohio. [See report p. 36]

P. 42–43: Earmark of $500,000 from previously appropriated funds for a parking garage in Ashland, Kentucky, to instead restore the Paramount Theater in that city. [See report p. 36–37]

P. 47: $3 million earmarked from Justice Department Counterterrorism Fund for Ogden, Utah, preparation for 2002 Winter Olympics. [See report p. 41]

REPORT LANGUAGE

P. 8: Directs transfer of $11.2 million in F–15 program contract savings to fund acquisition and installation of High-Speed Anti-Radiation missile target systems on Air National Guard F–16 aircraft.

P. 13: $10.8 million for emergency expenses to repair damage to fish hatcheries in the Pacific Northwest.

P. 14: Directs Small Business Administration to provide disaster loans for housing repair and replacement in Arkansas even when no local building permit has been granted.

P. 16: Special emphasis on need for flood prevention efforts at Devils Lake and Ramsey County Rural Sewer System in North Dakota.

P. 17: Directs expenditures for study of flood control mitigation at Lualualei Naval Magazine in Hawaii and flood preparedness and warning plan for Reno, Nevada.

P. 19: $250,000 to replace salmon fry killed during April snowstorm in New England, and $1.1 million to complete fire restoration at Bosque Del Apache National Wildlife Refuge, New Mexico.

P. 21: Provides $9.5 million above request for Park Service construction projects, allocated specifically for 8 parks for which no funds were requested and increases funding for 5 other parks above requested amount.

P. 22: Earmarks $486,000 for restoration of Markleeville guard station in region 4 of the National Forest System (Idaho, Nevada, California).

P. 38: Directs EPA to provide Federal grant to Middlebury, Vermont, to complete project in 1997.

Mr. BROWNBACK. These projects may be worthwhile. They may be things that we should finance, even though we are over $5.4 trillion in debt. Maybe they are things we need to do, but they are not emergencies. This is an emergency supplemental. We should remove the name "emergency" from it if that is the case, and we are just going through on a regular supplemental proceedings bill.

I know a lot of people worked very hard in putting these together. At the end of the day, I think as you go down Senator McCAIN's list and ask, is the $250,000 to replace salmon fry killed during an April snowstorm in New England, is that truly an emergency? Are some of the things he listed, spoke about, truly emergencies? I think one would have to conclude under any reasonable review of those that they are not emergencies. They may be things we ought to do, but they are not things we should do here. They are not things we should do in this bill.

I urge my colleagues to vote for the McCain amendment, to not table this issue, and pull these out and deal with these in the regular process in which they should dealt with.

I yield back the remainder of my time.

Mr. McCONNELL. Mr. President, I have come to the floor to strongly oppose the McCain amendment to strike the funding designation for two items I have proposed to the legislation being considered, the Natcher Bridge and the grant redirection for the Paramount Theater in Ashland.

The proponents of this amendment are wrong to characterize these two provisions as wasteful and unnecessary. The fact of the matter is that these are important projects to the communities of Owensboro and Ashland, KY. Elimination of these two provisions will not save a single dime. In fact, this amendment would unnecessarily waste more tax dollars.

Mr. President, in 1992, a special purpose grant was included in the VA-HUD appropriations bill giving $1 million to the city of Ashland to construct a parking garage. City officials have studied this proposal further and determined that it would be more cost effective to purchase existing lots. This alternative will add more parking spaces overall and at a lower price. The city has requested that the remaining funds be used to restore a downtown landmark, the Paramount Theater.

Now, if the McCain amendment passes, the city of Ashland would be left with a grant mandating that they build a parking garage that will yield fewer spaces at a greater cost. Mr. President, this makes no sense.

Mr. President, this supplemental appropriations bill also provides for a long overdue funding correction in Federal-aid highway funding. This bill will provide Kentucky with $29.8 million to correct the funding shortfall. I was able to include language that directs the State of Kentucky to provide $12.6 million of the $29.8 million allocated for completion of the Natcher Bridge. This will ensure the completion of Natcher Bridge.

Again, by striking the language, not one dime will be saved and the bridge will be left unfinished. Keep in mind every year this bridge is left unfinished the total cost of the project increases. So again, this amendment would waste scarce tax dollars and delay the completion of this important project.

Mr. President, I believe the supporters of the amendment have mischaracterized this amendment and are doing a disservice to taxpayers and the citizens of Kentucky. I strongly oppose this amendment.

Mr. STEVENS. Mr. President, I have to oppose the amendment of the Senator from Arizona.

With regard to the funds for the Paramount Theater, for instance, in Kentucky, these are funds that were already made available for a parking garage there in the same area, and those funds are being reprogrammed to another project that is involved in the same area which is a historic landmark.

We have another funding request here concerning the VA hospital. These funds were appropriated in 1997 for this project, but unfortunately the authorizing language was left out of the Veterans Housing Act. What we are doing is going through the act again and reappropriating it with authorizing legislation. That is a technicality, really.

We do have the money, and there are highway funds allocated, in addition to those already allocated in Utah, that will be allocated for the planning and engineering design of projects for the Olympics. These are the Winter Olympics for 2002, a very historic thing to have Olympics in our country. Just as every country, we have to have special parking lots, special entrances, security involved in roads, streets, and highways in connection with the Winter Olympics. That is a noble use of funds for those projects. Of course, the highways and roads and parking lots are usable afterward. I do not argue about that. There is no question about the need for getting going now to allocate those funds for those highway projects that do meet the criteria of past allocations.

We have a whole series of other problems that the Senator mentioned. I only say that some of them may be small disasters, such as the salmon problem which the Senator has mentioned. Others are items that we put in the bill because of the timeliness of the construction that is required.

I will probably be making comments further tomorrow on other matters of the bill to try to explain some of these items. There are items here in several departments, and the Senator has pointed them out, that are not disaster related. That is why this is an emergency and supplemental appropriations bill. These amendments go to the supplemental portion, normal supplemental allocation of funds for items to be completed this year. These are moneys to be used in the remainder of fiscal year 1997.

I am sad to say I do oppose the amendment of the Senator. I understand what he is doing. For the Senator's benefit, I hope he understands what I am saying. Senator McCAIN has become the chairman's large image on the wall, and I have to tell everyone that has an amendment that is presented to our committee in connection with supplementals or even annual bills, "You better be sure we have the justification to get these by the Senator from Arizona because he is our watchdog." We need watchdogs and we appreciate them, but I have to say I will be glad to tell the Senator sometime about the 1,000 amendments we did not approve. We had more than 1,000, I might add, suggested to our committee. These are the ones that survived.

I defend what we have done, and under the circumstances, it would be my intent to table when the Senator is finished with his remarks.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. I think it is important to point out that the Senator from Alaska has been very cooperative and has been very helpful. I appreciate that. I also appreciate the various influences that the Senator is under. I appreciate his understanding. I look forward to working with him as we go through the process. He and I, I believe, along with the Senator from West Virginia, have a clear understanding of where they stand and where I stand, and that relationship is characterized by nothing but respect and, indeed, affection. I appreciate the Senator from Alaska and I do not intend to call for a recorded vote on the motion to table.

Mr. STEVENS. I do ask that the amendment be tabled, and I move to table this amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment No. 107.

The motion to lay on the table the amendment (No. 107) was agreed to.

Mr. STEVENS. I move to reconsider the vote, and I move to lay it on the table.

The motion to lay on the table was agreed to.

U.S. COURTHOUSE IN MONTGOMERY, AL

Mr. SHELBY. Mr. President, I would like to thank the Senator from Rhode Island for his assistance with several issues affecting the U.S. courthouse to be constructed in Montgomery, AL. Last fall, $6 million was included in Public Law 104–208 to help offset cost escalations resulting from: An error made by GSA during its Time Out and Review exercise; inflation; required security upgrades; historic preservation; and, heating, ventilation, and air conditioning improvements.

Because this supplemental project funding cannot be obligated by GSA without authorization by the Committee on Environment and Public Works, I have worked closely with Senator CHAFEE and other members of the authorizing committee to secure their approval. Appropriately, Senator CHAFEE and others wanted to make sure that this additional funding would not cause the project in Montgomery to exceed the GSA benchmarking and project budgeting process. At my and Senator CHAFEE's request, GSA confirmed in a letter dated April 21, 1997, that this additional $6 million will not cause the Montgomery project to exceed its benchmark. That is, this additional funding is necessary for GSA to complete the very critical and basic features of a modern courthouse facility.

Mr. CHAFEE. The Senator from Alabama is correct. After numerous conversations with GSA officials, and after receiving the GSA letter my colleague referred to, I have confirmed that the $6 million included in last year's Omnibus Appropriations Act is necessary and appropriate for the courthouse project in Montgomery. Indeed, the additional $6 million will not cause this project to exceed its GSA benchmark cost. As such, I have no objection to GSA obligating these funds and encourage the agency to move expeditiously on this project.

Mr. President, let me make it clear that absent the extraordinary circumstances faced by this project, I would insist upon authorizing the additional money through the committee resolution process, in accordance with the 1959 Public Buildings Act. As the Senator from Alabama mentioned at the outset, this project has already incurred cost increases as the result of delayed construction starts. A GSA budgeting error on Montgomery has yielded inflationary cost increases of $2.6 million. In addition, the project recently suffered a bid bust which threatens to delay construction further unless additional funds are provided expeditiously. This project must proceed as soon as possible to prevent further wasteful expenses.

Mr. SHELBY. I appreciate the Senator from Rhode Island's assistance on this matter and am thankful for his recognition of the special circumstances. As the former chairman of GSA's appropriations subcommittee, I am fully aware and supportive of the need to abide by national project cost standards.

AGRICULTURAL CREDIT ISSUES

Mr. DASCHLE. Mr. President, many farmers and ranchers in South Dakota have contacted me over the past few months to express their concerns with the eligibility requirements and availability of Department of Agriculture disaster loans. I had hoped these could be addressed in the supplemental appropriation bill.

Mr. DORGAN. I share the concerns of my colleague from South Dakota. Our States have witnessed the most devastating series of winter storms and spring flooding in memory. Our producers need help in rebuilding their farming and ranching operations. However, I am afraid the credit needs of many farm and ranch families are not being met.

For example, some producers cannot access USDA's Emergency Disaster Loan Program, even though they have a qualifying disaster loss. Others, Native American tribes, do not have a loan program available to them to replace livestock lost during the disaster. I believe it is important that we give them an opportunity to rebuild their lives and livelihoods, by giving serious consideration to updating the programs.

These are the reasons I filed amendments cosponsored by Senators DASCHLE, CONRAD and JOHNSON.

Mr. LUGAR. Mr. President, I am sensitive to the concerns expressed by my colleagues. At the same time, significant reforms were made to USDA lending programs by the 1996 FAIR Act. I want to maintain the integrity of these reforms, and therefore believe that any measures which would substantially alter the basic terms of the lending programs should be subject to review by the Committee on Agriculture, Nutrition and Forestry.

Mr. DASCHLE. I support the amendments offered by my colleague from North Dakota but understand the concerns of the distinguished Senator from Indiana. Would my colleague from Indiana agree to a review by the Committee on Agriculture, Nutrition, and Forestry, of these and other disaster related credit issues affecting farmers and ranchers?

Mr. LUGAR. Mr. President, I believe that is a constructive idea. The committee will review not only the issues raised by the Senator from South Dakota and our other colleagues, but potentially also other issues relating to rural credit, including the effectiveness of certain USDA loan guarantee programs, an issue brought to my attention recently by several community bankers.

Mr. DORGAN. While I would prefer to see passage of my amendments, I also understand the chairman's concern and will not offer them today. I would encourage the Senator from Indiana to move expeditiously. Rural Americans from our region need some help soon.

1997 DISASTER IN THE RED RIVER VALLEY

Mr. GRAMS. Mr. President, a good deal has been said about the terrible devastation in Minnesota in the Red River Valley and along the Minnesota River. When we visualize the disaster, we picture communities like Ada, Granite Falls, East Grand Forks, Montevideo, Breckenridge, Moorhead, and Warren submerged in river water. I have seen most of these communities first hand and have at once anguished over their loss and admired them for their courage. We tend to overlook some other folks in Minnesota who were equally devastated by the terrible floods that came so soon on the heels of a very long and blistering cold winter. We tend to overlook the same folks who, year-in and year-out, are charged with an enormous responsibility: feeding the world.

It is estimated that over 3 million acres of prime farmland were under water at the height of the flooding. These are the same acres that Minnesota farmers use to produce much of the world's supply of potatoes, wheat, sugar, barley, corn, and soybeans. In short, without any exaggeration, this disaster upset the bread basket of the world.

But, I am inexpressibly proud to report to my colleagues that it takes more than "hell and high water," as the Grand Forks Herald put it, to keep Minnesota's farmers down. As a matter of fact, despite the absolutely staggering statistics—3 million acres under water, the loss of 2,300 farm homes, 2,500 farm buildings, 3,400 pieces of farm equipment, countless fences, 10,000 head of cattle, hogs, and sheep, 130,000 poultry, 2.3 million pounds of milk, and 15 percent of Minnesota's stored crop—Minnesota farmers have not shrunk from their occupation, or indeed, their avocation. Minnesota farmers have not shrunk from their job of feeding the world. In fact, I want my colleagues here to know that within 1 week of this calamity, every farmer that could manage, was back in the field. Mr. President, when one reflects on all the adversity Minnesota farmers have experienced in recent years—highlighted by the drought of 1988, the floods of 1993, the harsh winter storms in 1996 and 1997, and now the flooding—it instills in me a solid respect for our Minnesota farmers who work through whatever Mother Nature throws at them—and sometimes even get the best of her.

But, just like everyone else, even the hardiest of people need a hand from time to time. And, this is such a time. That is why I am pleased that the disaster relief we now consider provides some $18 million in additional emergency loan assistance and $77 million in emergency conservation cost-share dollars. I am also pleased this legislation, which I trust will have speedy consideration and passage, provides $50 million for a livestock indemnity program to help livestock producers.

Mr. President, on behalf of Minnesota farmers and ranchers, I am grateful for the commitment Congress and the President have made to those who guarantee America has the most abundant, most affordable, and most wholesome food supply in the world.

Consistent with this commitment, I hope the administration, particularly the Department of Agriculture, will help our farmers through this difficult time. Specifically, in recent days, I have expressed to the Secretary of Agriculture my concern and the concern of many farmers and Farm Service Agency personnel in Minnesota over some very important matters. First, I am concerned the existing emergency loan assistance (ELA) Program may not assist all our disaster-stricken producers as the Federal Emergency Management Agency and the Small Business Administration assist homeowners and businesses. Second, under current Federal Crop Insurance Corporation regulation, I am concerned that farmers may not be able to plant in time to ensure their crops are fully insured until fully harvested. And, third, I am concerned about many of our farmers who lost program or non-program crops in storage since these crops were largely uninsured. In the interest of equity for Minnesota's disaster-stricken farmers, I hope the Secretary will use his existing authorities to work with me to prevent these inequitable results.

Mr. President, some time ago, Rudyard Kipling fondly wrote about the one who could:

> watch the things [he] gave [his] life to, broken, and stoop and build 'em up with worn-out tools . . . [or] make one heap of all [his] winnings, and risk it on one turn of pitch-and-toss, and lose, and start again at [his] beginnings, and never breathe a word about [his] loss.

I suspect Rudyard Kipling would have had a profound respect for Minnesota farmers.

Mr. MCCAIN. Mr. President, the supplemental appropriations bill should allow the Federal Aviation Administration [FAA] to spend additional funding on commercially available explosive detection systems for the Nation's airports, rather than for only one type of system as proposed by the House. The House bill provides an additional $40 million for the FAA to purchase this one system, while the Senate bill provides no additional funding. When the conference report returns to the Senate floor, however, we should make sure that any additional funding given to the FAA can be used to purchase whatever explosive detection equipment it believes will do the best job.

The development and deployment of various devices that can detect explosives are a key component of the overall security for commercial aviation. Unfortunately, the House version of the supplemental appropriations bill does not move us in this direction because it earmarks additional funding for only one type of explosive detection system. This earmarking does not provide for a multilevel approach to security as recommended by the White House Commission on Aviation Safety and Security. In its recent report, the Commission suggested that various explosive detection systems should be implemented at the Nation's airports because each one has its strengths and weaknesses. The Commission also urged FAA to deploy commercially available systems while continuing to develop, evaluate, and certify such equipment. Additionally, the General Accounting Office has criticized the FAA for ignoring a strategy more heavily focused on integrating several different procedures and technologies for detecting explosives. Explosive detection devices vary in their ability to detect the types, quantities, and shapes of explosives. For example, one device excels in its ability to detect certain explosive substances but not others. Other devices cannot detect explosives in certain shapes.

The FAA believes that the greatest threat to aviation is explosives placed in checked baggage. It was an explosive placed in a checked bag that brought down Pan Am 103 more than 8 years ago with the loss of 270 lives. In response to this tragedy, the Congress approved the Aviation Security Improvement Act of 1990. Among other things, the legislation directed the FAA to certify explosive detection equipment. It also established a goal of having new explosive detection equipment in place by November of 1993. The TWA Flight 800 accident last July, however, highlighted the fact that no new explosive detection devices had been deployed in the United States since the Pan Am bombing. Congress responded, in part, in the Federal Aviation Reauthorization Act of 1996 by mandating that the FAA immediately deploy commercially available explosive detection equipment.

The threat of terrorism against the United States has increased and aviation is, and will remain, an attractive terrorist target. The terrorist threat faced by the United States overseas has been with us for some time, as illustrated by the bombing in Saudi Arabia of the United States barracks. However, other incidents, such as the bombings of the World Trade Center in New York and the Federal building in Oklahoma City have also made terrorism an issue at home. In 1994, the Federal Bureau of Investigation reported that the most important development concerning terrorism inside the United States was the emergence of radical terrorist groups with an infrastructure that can support terrorists' activities. That same year, the State Department reported an increase in attacks by radical fundamentalist groups, who operate more autonomously than state-sponsored, secular terrorist groups. Fundamentalist groups are more difficult to infiltrate. Consequently, it is difficult to predict and prevent their attacks.

Given the potential for a terrorist act against aviation, explosive detection systems should be deployed as quickly as possible. As the General Accounting Office reported in January 1994, terrorists' activities are continually evolving and present unique challenges to the FAA and law enforcement agencies. The bombing of Philippines Airlines Flight 434 in December 1994, which resulted in the death of one passenger and injuries to several others, illustrates the extent of terrorists' motivation and capabilities as well as the attractiveness of aviation as a target. According to information that was uncovered by accident in early January 1995, this bombing was a rehearsal for multiple attacks on specific United States flights in Asia.

Today, various explosive detection devices are commercially available for checked and carry-on baggage and could improve security. Some of these devices are already being used in foreign countries such as the United Kingdom and Israel. Other devices are under development and may soon be available. We must untie the FAA's hand and allow them to dedicate additional resources to the technologies they believe would be the most effective in detecting explosives. To see that this occurs as quickly as possible, any additional funding appropriated by the Congress should be available to purchase commercially available explosive detection devices. By taking such action we can move toward deploying the best systems for the Nation's airports.

Mrs. BOXER. Mr. President, I want to take this opportunity to thank Senator STEVENS, the chairman of the Appropriations Committee, and Senator HARRY REID, the ranking member for the Subcommittee on Energy and Water Development, for their help in obtaining the Senate's unanimous consent for an amendment I had requested to the disaster supplemental appropriations bill.

The Senate on Tuesday accepted the amendment offered by Senator STEVENS for Senator REID that would allow the U.S. Army Corps of Engineers to conduct emergency dredging and snagging and clearing of the San Joaquin River, CA, as well as the Truckee River, NV, channels. Funding for this operation would be obtained from available balances from the $137 million appropriated by the Senate for operations and maintenance for corps navigation projects.

I had previously requested $10 million for this operation for about 20 sites along the San Joaquin River, which filled with debris and sediment from the January 1997 floods in California. As a result of this flooding, the capacity of the San Joaquin was severely diminished and poses a threat of continued flooding before the flood season is over. The scope of this debris and fill was not evident until the river flows had receded. At that point, however, the emergency authority for corps' clearing operations had passed.

The hazard to navigation and to flooding posed by the debris fill is now quite obvious. What is less obvious is the obstruction that the deposited debris and sediment created to the migration and passage of anadramous and other fish, some of which are federally listed as endangered or threatened.

I appreciate Senators STEVENS' and REID's help on this amendment and urge their continued support for this provision when we conference with the House.

FUNDING FOR U.S. ARREARS TO THE UNITED NATIONS

Mr. GRAMS. Mr. President, I rise to discuss a provision in the fiscal year 1997 supplemental appropriations bill which has received little attention so far, but would fund $100 million to begin paying U.S. arrears to the United Nations.

As the chairman of the Subcommittee on International Operations, I believe U.N. reform should be one of Congress' top foreign policy priorities this year. I know that this view is shared by the Republican leadership and other influential Members in both the House and Senate.

There is general consensus among Republicans, and, perhaps, even some agreement among Democrats, that the only way to get real reforms enacted at the United Nations is by linking the payment of U.S. arrears, in legislation, to their achievement. The appropriation of $100 million in fiscal year 1997, which is even earlier than the administration had requested, for a down payment on U.S. arrears demonstrates congressional seriousness on this issue.

I want to thank the chairman of the Appropriations Committee, Senator STEVENS, and Senator GREGG, chairman of the Appropriations Subcommittee on Commerce, Justice, State and Judiciary, for working so closely with the Foreign Relations Committee on this provision.

In the past, there has not always been such a cooperative spirit between the authorizing and appropriating committees on funding for foreign affairs and, therefore, I very much appreciate the efforts that Senators STEVENS and GREGG have made to consult with those of us on the Foreign Relations Committee.

Indeed, I am supporting this fiscal year 1997 appropriation to pay U.S. arrears because the bill specifically states that such funding must be subsequently authorized. The language reads that "none of the funds appropriated or otherwise made available by this Act for payment of U.S. arrearages to the United Nations may be obligated or expended unless such obligation or expenditure is expressly authorized by the enactment of a subsequent act."

This language explicitly reinforces the role of the Foreign Relations Committee in authorizing or approving any funding for U.S. arrears. Therefore, let me make absolutely clear what I believe must happen before this $100 million appropriation for fiscal year 1997 can be expended.

First, as I stated earlier, any legislation authorizing payment of U.S. arrears must condition such payment on the achievement of specific, meaningful U.N. reforms.

Second, legislation authorizing any payment of U.S. arrears must be a comprehensive, multiyear plan. I would not support a 1-year authorization bill, which would simply allow the $100 million appropriated in fiscal year 1997 to be expended, but would fail to outline a longer-term vision for how this issue should be addressed.

U.S. arrears provide crucial and unique leverage that can help encourage the United Nations and its member states to finally enact budget, personnel, and structural changes that will have a lasting, positive impact on how the United Nations functions. We should not squander or dilute this leverage by failing to enact comprehensive legislation that lays out exactly what the United States expects from the United Nations in exchange for almost $1 billion.

Republicans have developed and proposed a 5-year plan to repay all legitimate arrears to the United Nations as long as specified reforms are achieved. This 5-year plan is fiscally responsible because it gives Congress a reasonable opportunity to find funding for U.S. arrears within the international affairs budget, known as the 150 account. It is sensible because it gives the United Nations a realistic timetable for enacting some of the more difficult reforms. And it is accountable to the American taxpayers by ensuring that the dollars the United States sends to the United Nations will go toward a more efficient organization.

Just last year, President Clinton proposed a 5-year repayment plan for U.S. arrears. But this year, the administration has declined to support our responsible approach and, instead, insisted that it wants all arrears paid in full by the end of fiscal year 1999.

As part of this request, the administration asked that Congress provide $100 million for arrears in fiscal year 1998 to give it diplomatic leverage in negotiating U.N. reforms. With the provision in S. 672, Congress has indicated that it is willing to begin paying back arrears even sooner, provided that an authorization bill is enacted and provided that the United Nations meets the reform conditions stipulated in that bill for the release of arrears in fiscal year 1997.

Mr. President, in the next few weeks, the Foreign Relations Committee will be moving toward its markup of the fiscal year 1998–99 State Department authorization bill. Included in that bill will be our 5-year plan for paying U.S. arrears in exchange for U.N. reforms. If the administration wishes to have funding available to pay arrears in fiscal year 1997 or in future years, it would do well to give this legislation more serious consideration and embrace its commonsense provisions to advance meaningful reform at the United Nations.

Mr. STEVENS. I cannot announce there will be no more votes, but it is not our intention to call upon amendments that would require votes tonight. We do expect to start very early in the morning and have a vote at approximately 10 o'clock in the morning on one amendment and then a period of debate on Senator BYRD's amendment to strike the continuing resolution proposal in the supplemental emergency bill. We will have a vote on that. It is our intention to finish this bill tomorrow evening.

I might say to Senators who have amendments, I urge them to come and present their amendments and try to work out, to the extent we can, time agreements on obtaining time tomorrow. It will be very much in short supply, Mr. President. We are going to move to go to third reading at or around 6 o'clock. I say that again: We are going to move to go to third reading at or around 6 o'clock if that is parliamentarily possible at that time. I think it will be.

AMENDMENT NO. 169

(Purpose: To increase the number of units available for FHA insurance under the HUD/State Housing Finance Agency Risk-Sharing program)

Mr. STEVENS. Mr. President, I send amendment No. 169 to the desk.

The PRESIDING OFFICER. There is a pending amendment.

Mr. STEVENS. Mr. President, I ask unanimous consent that the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. For the purposes of the remaining amendments, I ask the Reid amendment not come before the Senate before tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will read the amendment.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS], for Mr. BOND, Mr. SARBANES, Mr. D'AMATO, and Ms. MIKULSKI, proposes an amendment numbered 169.

Mr. STEVENS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Title III, Chapter 10, add the following new section:

SEC. . The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 is amended by striking out "on not more than 12,000 units during fiscal year 1996" and inserting in lieu thereof: "on not more than 12,000 units during fiscal year 1996 and not more than an additional 7,500 units during fiscal year 1997.".

Mr. STEVENS. This is to increase the number of units available for FHA under the HUD/State Housing Finance Agency Risk-Sharing Program. It is a matter that deals with adding units for 1997.

It is cosponsored by, as I understand it, by Senators SARBANES, D'AMATO and MIKULSKI.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. STEVENS. Mr. President, I ask the amendment be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 169) was agreed to.

Mr. STEVENS. I move to reconsider the vote and I move to lay it on the table.

The motion to lay on the table was agreed to.

AMENDMENTS NOS. 232, 233, AND 234, EN BLOC

Mr. STEVENS. Mr. President, I ask unanimous consent that three amendments on behalf of Senator CONRAD be considered and agreed to en bloc. I am going to send those amendments to the desk in a minute. These amendments have been cleared by the chairman and ranking member of the subcommittee. They provide additional emergency disaster funding for farm operating loans and flood plain easements and offset these additional amounts.

I send these three amendments to the desk and ask they be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Alaska [Mr. STEVENS] for Mr. CONRAD, proposes amendments Nos. 232, 233 and 234, en bloc.

Mr. STEVENS. I ask unanimous consent that the reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 232, 233, and 234), en bloc, are as follows:

AMENDMENT NO. 232

(Purpose: To make an additional $10,000,000 available for the cost of subsidized guaranteed farm operating loans under Title II, Chapter 1)

On page 9, line 21, strike "emergency insured" and insert in lieu thereof "direct and guaranteed".

On page 9, line 25, strike "$18,000,000, to remain available until expended" and insert in lieu thereof "$28,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $10,000,000 shall be available for subsidized guaranteed operating loans".

On page 10, line 3, strike "$18,000,000" and insert in lieu thereof "$28,000,000".

AMENDMENT NO. 233

(Purpose: To reduce funding for The Emergency Food Assistance Program commodity purchases to offset emergency disaster funding for subsidized guaranteed farm operating loans and additional funding for flood plain easements)

On page 74, between lines 4 and 5, insert:

FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000.

AMENDMENT NO. 234

On page 13, line 1, strike "$161,000,000" and insert "$171,000,000".

On page 13, line 15, strike "$10,000,000" and insert "$20,000,000".

Mr. STEVENS. They are, as I said, necessary to assure that funding during a disaster period now on emergency basis are available for farm operating loans and flood plain easements and the offsets for those amounts that are necessary.

I ask the amendments be agreed to en bloc.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments (No. 232, 233, and 234), en bloc, were agreed to.

Mr. STEVENS. I move to reconsider the vote.

Mr. BYRD. I move to lay it on the table.

The motion to lay on the table was agreed to.

INTERIOR PORTION

Mr. DASCHLE. I would like to engage my colleague Senator GORTON, the chairman of the Subcommittee on Interior and Related Agencies, in a colloquy on the Interior portion of the bill.

Mr. GORTON. I am happy to do so.

Mr. DASCHLE. As the Senator knows, the Dakotas and many upper Midwestern States were battered by a series of storms this winter and spring. Many of the States affected by weather-related emergencies are still battling and will not have a complete or accurate assessment of the damage until later this spring. Indian tribes, many of which live in remote areas, are among those whose communities suffer most in this kind of disaster.

Mr. GORTON. I fully appreciate the sentiments of the Senator from South Dakota. The President's request for emergency funding for the Bureau of Indian Affairs is $10,800,000. The Appropriation Committee's recommendation, based on updated information about the costs associated with these storms, is $20,566,000. Of the additional amount included in the committee-reported bill, $1,059,000 is directly attributable to the efforts of Senator DASCHLE.

Mr. DASCHLE. I want to thank the committee for adding $1,059,000 to the supplemental spending bill for the Bureau of Indian Affairs. I am particularly grateful to the efforts of Senators GORTON, STEVENS and BYRD in working to ensure sufficient funding in this bill to mitigate the impacts of this year's weather disasters on so many tribes, including those in South Dakota. It is my hope that of the funds appropriated in the bill for the Bureau of Indian Affairs, the Bureau will consider the additional needs of the Cheyenne River Sioux Tribe for welfare assistance costs, the Mni Sose Intertribal Water Rights Coalition to support their work in helping the tribes of my region obtain disaster assistance, the Crow Creek Sioux Tribe for snow removal, and the Flandreau Santee Sioux Tribe for snow removal.

Mr. GORTON. I agree that the Bureau should consider the additional needs you have identified in distributing the funds provided.

Mr. DASCHLE. Since the markup, I have received a request for an additional $1,200,000 for emergency assistance for the Crow Creek Sioux Tribe in South Dakota. The Crow Creek community of Fort Thompson suffered damages that require road repairs, monitoring and cleanup of sewage, repairs to the tribal administration building, and repair to the irrigation pump on the tribal farm. Is it the chairman's belief that these repairs can be accomplished within the funding provided?

Mr. GORTON. Within the $20,566,000 provided for the Bureau of Indian Affairs, an estimated $4,736,000 has been identified for emergency needs in South Dakota, including emergency assistance for the Crow Creek Sioux. In distributing these amounts, I agree that the Bureau should take into consideration additional needs, including those of the Crow Creek Sioux, to the extent that Bureau policy regarding historical priorities for funding Indian roads, tribal administration buildings and irrigation projects is met. In addition, the Bureau must consider the availability of funding through other Federal agencies, including the Federal Emergency Management Agency and the Federal Highway Administration's emergency road program [ERFO].

Mr. BYRD. Mr. President, I concur with the Subcommittee Chairman that the Bureau should give consideration to the additional requirements identified by the Crow Creek Sioux tribe, as well as other tribes. The funds provided are to address the most critical health and safety and emergency response needs associated with the disasters. If the additional emergency appropriations are not sufficient to address all requests from all tribes, the Bureau of Indian Affairs will have to prioritize the requests, but they are encouraged to consider the particular needs in South Dakota.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 59

(Purpose: To strike title VII)

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order for me to call up amendment No. 59.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 59.

On page 81, beginning with line 1, strike all through page 85, line 9.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the very last sections of this bill, title VII, beginning on page 81, line 1, through page 85, line 9, contains language which its proponents call the Government Shutdown Prevention Act. I believe it could be more aptly dubbed the Adequate Oversight Prevention Act. During a committee markup of this emergency disaster assistance bill, after considerable debate, my motion to strike this proposal was defeated by a party line vote of 13 yeas to 15 nays.

The language of title VII is the same language as is contained in S. 47, which was introduced some weeks ago by Senators MCCAIN, HUTCHISON, STEVENS, and others. The provisions provide that if any of the 13 regular appropriations bills for fiscal year 1998 do not become law prior to the beginning of the fiscal year on October 1, there will be an automatic appropriation for each such program, project or activity contained in that bill at the arbitrary rate of 98 percent of the funding that was provided for the program, project or activity in the corresponding regular appropriations act for fiscal year 1997. This level of funding would continue for each appropriation bill for the entirety of fiscal year 1998, unless another continuing resolution or a separate appropriation bill is enacted into law to replace it.

If these provisions were in effect for the entire fiscal year for all 13 regular appropriations bills, the effect could be cuts totaling $35 billion, or 7 percent below President Clinton's discretionary budget request. This level of cuts would cause severe devastation to worthy national efforts in law enforcement, education, transportation and transportation safety, Health and Human Services, and a host of other programs throughout the Federal Government.

Mr. President, I am especially concerned about the impact that this so-called Government Shutdown Prevention Act would have on our law enforcement agencies and the Federal courts. For these agencies, this proposal would, in fact, be a shutdown bill. It would itself be a severe setback in the war on crime and illegal narcotics. We finally have seen positive results from our efforts to bolster the Justice and Treasury Departments and our anticrime programs. The Bureau of Justice Statistics' most recent crime reports show that we are finally turning the corner on violent crime in America. They report a decline of 12.8 percent in violent crime—rape, robbery and assault. There is far too much crime in America. But we are starting to win the war, we hope. We should be enhancing our efforts, as the President's budget proposes. Instead, this shutdown proposal would hurt our law enforcement agencies, our men and women in uniform, as much as any terrorist or Mexican drug cartel or gang or organized crime figure could hope to. It would cause an about-face and undercut Federal law enforcement right in the midst of battle.

Let us look briefly at what this shutdown proposal would mean to specific

Federal law enforcement agencies. These are conservative estimates that were supplied by the agencies themselves.

This proposal would cut the Federal Bureau of Investigation by $261 million below the President's budget request. It would eliminate at least 2,281 positions, including 965 FBI agents and 1,316 support staff. Reductions would include 199 agents that investigate domestic terrorism and 175 agents that develop capabilities to counter the threat from chemical, biological, and nuclear materials. We have been adding positions to the FBI to deal with terrorist acts like the bombings in Oklahoma City and at the Atlanta Olympics. This would reverse the gains that we have made in mobilizing a Federal response to domestic and international terrorism.

Funding would not be available to complete the new FBI laboratory at Quantico, VA. We are all concerned with reports of problems in the operations of the current laboratory at headquarters. The FBI must have state-of-the-art facilities and continue to be the world's premier law enforcement forensic laboratory. We need to complete this $130 million laboratory, which is so important to Federal, State and local law enforcement.

Funding would not be available to continue the telephone carrier compliance effort called for under the Communications Assistance For Law Enforcement Act. All Senators know just how rapidly the telecommunications industry is changing. Telephones are now portable, and they are adopting digital technologies. Without funding for retrofitting telephone switches, we will be unable to conduct court-ordered wiretaps of drug dealers and organized crime and national security threats. This shutdown proposal would cut the Drug Enforcement Administration by $106 million. It would require the DEA to absorb $36 million in must-pay bills for cost-of-living adjustments, inflation and contract costs. It would force DEA to stop hiring agents, and we would not be able to provide for the 168 new special agents that are proposed in the President's budget.

DEA would have to cut back, rather than increase, its efforts to combat methamphetamine, or "meth," as it is known, and drug trafficking in cocaine and heroin by the Colombian and Mexican cartels. DEA estimates that this bill would require a reduction in force of up to 263 special agents. It would stop dead in the water DEA's efforts to expand mobile enforcement teams that sweep through rural communities to weed out drug dealers. And it would severely set back our efforts to combat illegal narcotics on the southwest border, in Texas, California, New Mexico and Arizona.

This shutdown proposal would strike a blow against our efforts to make American borders secure against illegal immigration and drug smuggling. It would devastate the Customs Service and the Department of the Treasury and the Immigration and Naturalization Service in the Department of Justice. The proposal would cut $64 million and 201 agents from the U.S. Customs Service. It would result in reductions in antismuggling and drug-interdiction efforts, efforts that are important in keeping American borders safe and secure.

But reductions in staffing are only one component of keeping the borders secure. The reduction would also delay acquisition of high-energy detection systems and eliminate funding for border passenger processing systems. These systems identify attempts to smuggle illegal chemicals, refrigerants, and illegal aliens across the border. The reduction would also delay funding for the automated targeting system, which increases Customs' capability to conduct intensive border inspection.

This proposal would destroy the progress that we have made in building up the capability of the Border Patrol and the Immigration and Naturalization Service. These efforts really started with hearings on illegal immigration that I held in 1994 when I served as chairman of the Appropriations Committee. The INS advises that this bill would require the reduction of $385 million and would severely impact major enforcement programs such as detention and deportation, investigations, work site enforcement, and the apprehension of illegal aliens. This bill would stop dead in their tracks our efforts to build up the Border Patrol by 1,000 agents per year. We just reaffirmed this commitment in last year's immigration bill. The Border Patrol and INS advise that if they have to operate at 2 percent below current levels during fiscal year 1998, they will have to eliminate at least 1,671 personnel that were added just this year.

One of the real success stories in Federal law enforcement has been our Bureau of Prisons. We are putting away more criminals under lock and key and keeping them away from the public for longer periods. I fear that this shutdown bill would reverse this progress. The prison system advises us that this bill would require a reduction of $119 million from the President's budget request. They would be unable to activate a new medium security prison in Beaumont, TX. There would be no funds for the annualization costs of six new prisons scheduled for activation this year, resulting in the loss of more than 7,300 beds. We have been funding new construction. Now we need to have the money to staff and operate these institutions. Overcrowding would increase to 23 percent for the overall Federal prison system, rather than the planned goal of 12 percent for fiscal year 1998. Of course, we have learned that overcrowding is unsafe and often leads to institutional disturbances. Mr. President, we should not and we must not risk the safety of our dedicated correctional officers who serve in the Federal prisons throughout this country.

This shutdown proposal would require the reduction of $110 million and at least 280 personnel at the U.S. attorney offices across the country. This would impact our ability to prosecute violent criminals and criminal aliens. In case after case, from the current Oklahoma City bombing case in Denver to the World Trade Center bombing case, we turn to dedicated assistant U.S. attorneys to represent the people of the United States. All our investigations by the FBI, DEA and other agencies will come to naught; our investigations of the Mafia, drug traffickers, terrorists and violent criminals will be meaningless if we cannot rely on our prosecutors to fight in court and gain a conviction for these criminals. This provision would reduce prosecutors, increase caseloads, and delay prosecution.

This is a bad idea. This proposal would force the U.S. marshals to eliminate 61 positions hired in fiscal year 1997. The marshals are responsible for custody of presentenced Federal prisoners, finding fugitives, administering the court security program, and protection of Federal judges. They have advised us that with this reduction of $28 million, they would be unable to complete security improvements and projects at prisoner transportation holding areas. Since Oklahoma City, we have tried to build up court security with equipment and security guards, and we must not let down our guard.

I would be remiss if I did not discuss this proposal's impact on the Federal judiciary, our third branch of the Government. In short, the impact would be devastating. It would require a reduction of $425 million from the budget request for the courts. It would require the reduction of over 3,500 positions. The judiciary estimates that appellate and district courts would be reduced by almost 1,200 positions. There would be reduced staff in courtrooms for filings, motions, pleadings and scheduling of cases. The bankruptcy court's clerk's offices would be forced to eliminate approximately 1,000 clerks. This reduction would increase the backlog in issuing discharges, closing cases and processing claims. Probation and pretrial services would be reduced by approximately 1,330 positions. The supervision of offenders and defendants would be cut in half. Panel attorney payments would have to be suspended as early as July 1998. Mr. President, what we are talking about is failing to provide for basic constitutional rights like the right to be represented by counsel.

For education, the effects of full-year funding for 1998 at 98 percent of 1997 levels would also do great harm. College aid would be cut by $1.8 billion, 400,000 students would lose Pell grants, 52,000 children would be cut from Head Start, and aid to 2,000 local school districts would be cut.

For Health and Human Services, dramatic cuts would occur to the NIH, Ryan White and the Indian Health Service and, moreover, WIC would serve several hundred thousand fewer women, infants and children in 1998, and the Veterans Administration would have to deny care to 200,000 veterans.

In the area of transportation safety, the FAA would be unable to hire the additional 500 air traffic controllers, 325 flight inspection and certification personnel and 173 security staff included in the 1998 budget.

Why anyone would think that enacting such a measure is a good idea is beyond me. Should we fail to enact one of the 13 bills, this so-called automatic measure would go into effect for up to 1 year, making mindless cuts in many beneficial programs like the ones I have mentioned, and yet all the while continuing funding in other programs that may have been slated for elimination because they are no longer needed.

This is mindless legislating. It is very much like saying because we have missed the deadline for the budget resolution, which we have by more than 2 weeks this year already, we should enact legislation which says we will just use last year's budget resolution minus 2 percent across the board and get on with our business.

Furthermore, the same delayed budget resolution has made it highly likely the Senate will be unable to pass all of the appropriations bills in a timely fashion and, therefore, highly likely that this automatic provision will be used. This is not to mention the obvious possible misuse of the automatic provision which could be employed by the majority if it were intent on cutting certain programs and could not get the minority or the President to go along. All that has to occur is for an appropriations bill to conveniently bog down beyond October 1, and the cuts I have previously mentioned could very magically occur without further consideration by the Appropriations Committee and without any further vote by the Senate.

I appreciate the ingenuity and the political acuity demonstrated by the authors of this device, but I would like to remind us all that making political trump cards on an emergency disaster bill may not be appreciated by the American people, especially the disaster victims who are waiting for our help.

It should be obvious to everyone that this is some kind of political ploy, else the attempt would not be made to attach it to a bill the President naturally would find very difficult to veto. In fact, if one can believe what one reads in the press, the reasons for this proposal are set out rather starkly in an article which appeared in the April 18, 1997 issue of a publication called Inside the New Congress. That publication discusses this so-called automatic CR provision under a heading entitled "Automatic PR."

Mr. President, I will continue my statement in support of my amendment on tomorrow. I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. Mr. President, I understand the concern of the Senator from West Virginia. I hope that he will then understand why the Senator from Texas, Senator HUTCHISON, and I have an amendment to raise the spending to a full 100 percent of the previous year rather than 98 percent, rather than force the impact that the Senator from West Virginia, as always, so eloquently described. So, therefore, I hope that the Senator from West Virginia will have no objection to a unanimous-consent request to lay aside his amendment so I can bring up my amendment, No. 112, which calls for 100 percent funding at the previous year's level and, that way, I hope that most of the concerns that the Senator from West Virginia has will be allayed and he then, of course, hopes that many of his concerns he voiced will be addressed.

So, Mr. President, I ask unanimous consent to lay aside the pending amendment and call up amendment No. 112.

Mr. BYRD. Mr. President, I object for the time being. It might not be that on tomorrow morning I will have objection. I am not sure. I would just like——

Mr. McCAIN. I say to the Senator from West Virginia, if he will yield.

Mr. BYRD. Yes.

Mr. McCAIN. I, of course, will have to make a motion to table the amendment of the Senator from West Virginia and ask for an immediate vote, because I believe that it is only fair to raise the spending level to 100 percent. I think that it is important for us to do that. I think the Senator from West Virginia, or his staff, knew that Senator HUTCHISON and I had planned on doing that when the original schedule was we were going to bring up his amendment and ours tomorrow morning.

So I hope that the Senator from West Virginia will agree to allow our amendment for 100 percent funding to be considered and his amendment be laid aside.

Mr. BYRD. Mr. President, as I say, I might not object tomorrow morning, but as of now, I would like to object and give the matter a little thought.

The PRESIDING OFFICER. Objection is heard. The Senator from Arizona has the floor.

Mr. McCAIN. Mr. President, I intend to talk for quite a while on the issue and hope that perhaps sometime this evening the Senator from West Virginia will find it agreeable to raise the spending level, which is a very important part of this legislation, to 100 percent.

Frankly, I do not understand the rationale of why we cannot go ahead and just have that done and move forward with the debate on the issue itself. The issue itself is whether we are going to subject the American people, citizens, both Federal workers and non-Federal workers, to the hardship and the incredible discomfort and sometimes the wrecking of entire lives as a result of a shutdown of the Government.

In 1995, there were thousands of people in my State, non-Federal workers—non-Federal workers—who, unfortunately, were dislocated because of the shutdown of the Government and, therefore, not allowed to ever recover as the Federal workers were.

Some people have questioned what we are trying to do here and why. Perhaps their memories are not as good as mine as to the impact on my State and the Nation. I received this information from the Office of Management and Budget.

The National Park Service facilities were closed. On an average day, 383,000 people visit National Park Service facilities. Potential per day losses for businesses in communities adjacent to national parks could reach $14 million due to reduced recreational tourism.

As a result of the closing of Yosemite National Park, Mariposa County declared a state of emergency and asked Governor Wilson of California to declare the county an economic disaster area and, therefore, eligible for State aid.

Access to and use of national forests was restricted. The Forest Service-operated campgrounds, monuments and visitor centers were closed in the 155 national forests. No timber sales activities, including preparation, advertising and award of sales, occurred. Harvesting continued for sales awarded prior to the shutdown.

FHA mortgages and housing vouchers were halted. On an average day, the Federal Housing Administration processes 2,500 home purchase loans and refinancing totaling $230 million worth of mortgage loans for moderate- and low-income working families nationwide.

Last January of 1996, HUD was unable to renew 49,000 vouchers and other section 8 rental subsidies for low- and moderate-income households, which could have led to the eviction of those families.

Applications for passports were not processed. Foreign visitors were unable to obtain visas. On an average day, the

State Department receives 23,000 applications for passports. On an average day, the State Department issues 20,000 visas to visitors, who spend an average of $3,000 on their trips, for a total of $60 million. Foreign students studying in the United States and home for the holidays were unable to obtain visas to return to the United States for their classes.

Veterans' benefits were not delivered. When the continuing resolution provided funding for certain benefits and payments, it expired and consequently contractors providing services and supplies to hospitals were not paid and benefits for January were not paid in February.

In addition, approximately 170,000 veterans did not receive their December Montgomery GI bill education benefits and did not receive benefits in January. Funding had lapsed for processing veterans' claims, for rehabilitation counseling, and veterans were unable to obtain VA guaranteed home loans.

Programs for the elderly were at risk. Some 600,000 elderly Americans faced the loss of Meals on Wheels, transportation, and personal care provided by the Health and Human Services Administration on Aging because the continuing resolution was not passed.

Contractors that handled Medicare claims were not paid. Approximately 24,000 contracting employees were involved in paying Medicare claims which averages about $3.5 billion per week, and most had to self-finance payrolls and other expenses or stop their activities. Federal funds to States for Medicaid were limited and will be limited in the case of another shutdown. In December 22 States received only 40 percent of the estimated quarterly payment for Medicaid. Without further action, the Federal match for Medicaid and its 36 million beneficiaries, including 18 million children, would have run out in late January.

Mr. President, I intend to talk more about the impact of the shutdown last time and the potential impact this time of a shutdown.

Let me just say that in some quarters, the Congress of the United States is not held in the highest esteem. When we shut down the Government because of our failure to agree with the President of the United States, that esteem plummets even further. What we did to the American people, average citizens who had no control over the situation, in December of 1995, is unconscionable and should not and cannot be repeated.

The whole purpose of what Senator HUTCHISON and I are trying to do, with the able leadership and assistance of the Senator from Alaska, is to make sure it does not happen again. We cannot let this kind of thing happen again. Too many innocent lives are injured and harmed permanently.

I understand the very eloquent statement of the Senator from West Virginia about what a shutdown would do at 98 percent. That is why the Senator from Texas and I are willing to raise it to 100 percent of the previous year's funding. Every program will be funded at the previous year's funding level until such time as there is agreement.

Mr. President, there are many other arguments that have been made against this shutdown-of-the-Government provision, one of them being perhaps there would be no incentive for the executive branch and legislative branch to agree on an appropriations bill.

We all know that there are many, many issues addressed in appropriations bills, far more than I would like, many of which I have complained about from time to time. There are policy changes, if I may be so crass, a great deal of earmarked spending which I have objected to from time to time.

It is still clearly in the interest for there to be an agreement. And it is still clearly in our interest to work together with the President of the United States. But, Mr. President, the option of such irresponsible behavior on the part of both branches that we would shut down the Government again is not thinkable and inexcusable, and I will not be a party—I will not be a party—to a situation again where the citizens of my State, who I am responsible for, when I have that responsibility will suffer as they did.

I note that the Senator from Wyoming is in the chair as the Presiding Officer. He knows the devastation that was wreaked in the national park—I believe Grand Teton in Jackson Hole—when the national park was shut down. We cannot have that repetition, and will not. And I would hope that the administration would continue to negotiate with us so we can avoid this and at the same time come to an agreement where we can prevent a future shutdown of the Government.

I would hope that the Senator from West Virginia would change his mind and agree to setting aside his amendment so that we may take up the 100 percent funding. And I intend to make that motion in a very short time again.

Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I want to thank my colleague from Arizona for his leadership in this area, because actually the Senator from Arizona and I have talked about this ever since the Government shutdown and then last year when we did not have a shutdown, but it really was not the normal course of negotiations when you get toward that September 30 deadline.

We have a freestanding bill that will in fact take care of the needs of Government after September 30, if we do not have an appropriations agreement. But then when we started looking at the fact that this is the supplemental appropriations bill, the first bill that has really hit the floor from the Appropriations Committee—it is May—if we waited much later than this I think perhaps agencies could say, "Well, but we can't plan."

I think it is important that the Federal agencies know exactly what is going to happen. I think it is important that we lay the groundwork in the first bill that we have on the floor in May before the September 30 deadline of how the process of appropriations is really going to work.

So that is why Senator MCCAIN and I introduced this, which we actually thought and hoped would have bipartisan support. We thought that if we did something that would say this is the way we are going to do it, if we put it on the table, that everybody would agree, because clearly no one wants to shut down Government. The President certainly does not. I am sure the distinguished minority leader from North Dakota does not. I am sure that Senator BYRD from West Virginia would not want to shut down the Government, and neither do any of us.

So what we are trying to do is say, how can we accomplish this in an orderly way? Senator MCCAIN and I and Senator LOTT and Senator STEVENS believe that this is the time to do it, so that we are not talking in the heat of a negotiation that is not going well on September the 29th of this year. What we are saying is we are going to run Government responsibly.

We had 98 percent of the 1997 expenditure level. Since that original amendment was filed, there has been a budget agreement. There has been a budget agreement between the President and Congress that has yet to pass Congress but nevertheless it is laying some parameters of higher spending levels going into 1998. But what we do not have is exactly what the policy is going to be in that 1998 level of expenditure. So there still is going to be negotiation about where the appropriations go within an agency's budget and what the policies might be.

So it is very important that we continue to work on making sure that we do not have a Government shutdown because there may be legitimate disagreements that cannot be solved by September 30. Of course, we hope they will be solved, but we all have seen that many times this has not happened because we have a President who is a Democrat and we have a Congress that is Republican, and sometimes our priorities are different. And we need the ability to negotiate in good faith without the hammer of a shutdown of Government over our heads.

So since we had the budget agreement that came into play that does have higher spending levels for 1998, Senator MCCAIN and I are willing to go from 98 percent to 100 percent, because letting the agencies continue to spend at the same levels that they are spending now seems to be reasonable since we now know that the levels will be higher.

There was a time last year when the President submitted his budget that the spending levels were not higher. Congress, in its original budget resolution, did not have the same 1998 level of expenditures. They are higher. So now that we know that, I think the 100 percent of present spending is certainly reasonable.

You know, I go back to what I said in the first place. If you cannot continue to run Government at a 2 percent discount or 100 percent of what you had last year, then you probably should not be managing a Federal agency because everybody has had to cut their budgets from time to time. They have had to cut them a lot more than 2 percent in small businesses around our country, in families that are trying to make ends meet because they have two kids in college at the same time. People have to stretch. And they do not quite understand why their hard-earned tax dollars are out there and we cannot cut back 2 percent on Government expenditures that are actually their expenditures because they are paying for this Government.

But 100 percent, since we are going to be going to higher levels, is fine and I can go along with that. I am certainly willing to try to make sure that we do not disrupt Government, but I think we need to take the step. I think we need to go forward and say, here is how we are going to run the appropriations process. I think every American can understand that if we do not have the ability to negotiate, without the threat of shutting down Government, that we are not going to be able to stand on our principles. Perhaps the President does not feel that he can stand on his principles. And we would like to be able to do that and come to terms in the normal course of business.

So that is why we are trying to plan ahead. That is why we are trying to make sure that the Government is not shut down, that Federal employees who would like to come to work, but cannot because it is a law that they cannot, are not in any way put to the test of wondering if they are going to be able to make ends meet because their salary will not be there. I cannot imagine, in my wildest dreams, that Congress would not pay the salaries of people who would like to come to work but cannot because of some artificial deadline that says Government stops if we do not have an appropriations bill.

So we are trying to keep that from happening so that Federal employees will not be forced to take leave, so that veterans will not worry whether their benefits are going to be there, so that people who are traveling back from college to home will not be unable to do that because perhaps they do not have their passport, so that people will not be inconvenienced with their long-awaited family vacation to the Grand Canyon or the Washington Monument. I think it is important that we take this process step.

There is one other point I think is very important to make. And Senator STEVENS has made it many times on the floor, but I think it bears repeating, because there is somehow the implication that the flood victims in North Dakota, with whom all of us have great sympathy, might not get the payments they need to start rebuilding.

In fact, Mr. President, they are getting the money now. There is no holdup in the emergency money that the flood victims are getting for rebuilding their homes or their office buildings. In fact, they are getting that money now. What we are talking about is a supplemental appropriations that would refill the coffers of the Federal Emergency Management Agency so that it will be ready for the next emergency. And we are trying to make sure that we cover all the expenditures that we are having to make right now.

But does anyone, for 1 minute, think that the loan processors and the people who are processing the claims of the flood victims in North Dakota are sitting there waiting for an appropriations bill to come through? Does anyone really believe that that is not going forward right now? I hope not, because nothing could be further from the truth.

In fact, the Federal Emergency Management Agency is on the job. They are on the spot. They are beginning to rebuild in North Dakota. And the money is there for them, as it should be. But what we are talking about is making sure that the money that is being spent now is replenished. So we have time to do this in the right way.

I think many people are concerned that there are other parts of this bill besides the emergency appropriations supplemental for North Dakota flood victims and for the people who are serving in Bosnia that—in fact, I would just make the same point for those in Bosnia who are serving there. They are not not getting what they would have. It is not as if this billion dollars that we are appropriating is going to do something that they do not now have. We are giving our young men and women who are protecting our country—if they are deployed to Bosnia on that mission, they are getting everything that they need to do that job.

But what we are talking about in this supplemental appropriations is replenishing the money that has been taken out of the Department of Defense for training, for equipment, for spare parts, for quality of life issues, such as housing and pay raises for our military.

We are putting the money back in that has been spent from the Department of Defense. And the Department of Defense does indeed need that money. And we are going to make sure that it goes in so that we do not interrupt the training and the equipment purchases and the spare parts purchases and the airplane purchases that are needed for our Defense Department.

So we are replenishing the coffers, but no one that is on a mission in Bosnia or a flood victim in North Dakota is not getting the services that have been authorized in previous legislation, previous bills for the Federal Emergency Management Agency.

So I want to make sure that everyone understands the money is going out. But there are some concerns among many of our colleagues on both sides of the aisle about some of the other parts of the bill. There are some clearly nonemergency, nonsupplemental needs that are being met in this bill. And I think some people are questioning whether maybe that should be put off to an appropriations process that is not in any way supplemental but is just the normal course of business.

So I think certainly debate is warranted. We do not want to in any way rush something through, because the people that need this money are getting the money that they need. I hope that we will be able to move forward on this.

I hope that at some point all of us will be able to vote on a continuing resolution that will assure that our Government goes along in an orderly way, that we also are able to negotiate in an orderly way on September 30 of this year if we do still have differences. We need to provide for those differences in an orderly way. And that is what our bill is trying to do.

I certainly appreciate the leadership of the Senator from Arizona. I am certainly with him on the McCain-Hutchison Government Shutdown Prevention Act which we believe very strongly is a matter of principle, it is a matter of responsible Government, it is a matter of fulfilling our responsibility to the Federal employees who serve our country, to the men and women in uniform that serve our country, to the people of our country who depend on Government services, such as running the parks and passports and veterans' benefits. All of these people deserve to know that we will make sure that they are taken care of in an orderly way, even if we have not been able to come to agreements on some appropriations bills by September 30.

Thank you, Mr. President.

I certainly appreciate once again the Senator from Arizona coming up and trying to make sure that we talk about this in an orderly way.

I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arizona.

Mr. McCAIN. I want to thank the Senator from Texas for her commitment to the people of her State and her efforts now for a long time to make sure that never again do we put the American people through the trauma of a Government shutdown.

I, as a conservative, believe in a minimal role of Government, but I am not a Libertarian. I do believe that there is a role for Government, and that is to provide basic and fundamental services to our citizens. That did not happen during the Government shutdown. I think we have an obligation to see that it does not happen again.

Mr. President, I want to point out again, we have been in negotiations with the White House on this issue. I believe the President of the United States, along with the Senator from West Virginia, who has many Federal workers in his State and many people who are dependent on the Federal Government, does not want another shutdown of the Government. I am still hopeful that at some point before we have a real showdown here and a possible veto of this very much needed supplemental appropriations bill, emergency supplemental appropriations bill, that we can get an agreement worked out that would prevent a shutdown of the Government ever again.

I have a lot to say, and I know that the Senator from West Virginia does, too. In fact, we were discussing the outlines of a unanimous consent agreement where the Senator from West Virginia would consume about 2½ hours tomorrow on this issue before we would vote on it. I look forward to that debate. I do not think we will need that much time.

I always pay attention to the arguments and discussions of the issues as articulated by the Senator from West Virginia. There is no one more respected in this body than the Senator from West Virginia. Some day he may leave, I am sure it will be after I do, but if and when he ever does, we will lose the corporate memory and the standards of conduct and behavior that was handed down to us by our predecessors. That flame is kept alive by the Senator from West Virginia. Over the past 10 years when I have been in the Senate in the company of the Senator from West Virginia, we have engaged in spirited but always respectful debate, occasionally on issues that the Senator from West Virginia feels the most passionate about—the line-item veto, of course, comes to mind.

I must admit again—I am almost sorry I brought it up—but I must admit again that the Senator from West Virginia has won the first round, a major victory in a Supreme Court decision concerning the line-item veto. I say to my friend from West Virginia the words of the famous philosopher Casey Stengel, "It isn't over till it's over," and I am glad the U.S. Supreme Court has expedited their procedures to give us a final rendering on this issue.

I yield to the Senator from Texas for a question.

Mrs. HUTCHISON. Mr. President, I correct the RECORD, because it was in fact the great philosopher Yogi Berra who said, "It ain't over till it's over." I did not want that to go unchallenged.

Mr. McCAIN. I thank the Senator from Texas, who is always in tune with the world's great philosophers, for correcting me on that, and I appreciate that.

But back to the issue at hand, I hope the Senator from West Virginia recognizes that I do take to heart his admonitions concerning a 98-percent funding as opposed to a full funding. It is clearly our intention to make this 100 percent funding, and that we could debate this issue on those parameters. I think it would be not as useful for us to be conducting this debate on this issue of the Prevention of the Shutdown of Government Act under conditions which would not prevail in the event of a final vote on this issue.

I respectfully, again, request the Senator from West Virginia if he would allow me to raise this to 100 percent and perhaps we could adjourn and discuss this issue tomorrow where we would have more attention from our colleagues and the American people. I do not mind debating and discussing this issue tonight, and the Senator from West Virginia and I have spent many evenings in debate and discussion, but I think with the importance of this issue, that it deserves tomorrow where we have, frankly, our friends in the media who will pay more attention and perhaps report this issue to the American people in a more accurate fashion than tonight.

So, having said all that, I request of my friend from West Virginia if I could make a unanimous consent agreement to set aside the pending amendment and call up amendment 112 for purposes of consideration and voice vote, and then return to the amendment of the Senator from West Virginia.

Mr. BYRD. Reserving the right to object, first of all, I appreciate very much the kind remarks that the distinguished Senator from Arizona has made in my direction. I can reciprocate by saying there is no Senator in this body who works harder, and few, perhaps, who work as hard and as effectively as does the distinguished Senator from Arizona. He amazes me with his ability to come up with amendments on almost every bill, and he seems to be conversant on virtually any subject to come before the Senate. I admire him for that.

Mr. President, whether it is 98 percent or 100 percent, I have to oppose such an amendment. I join with the Senator in expressing the hope that we can discuss this tomorrow where we, hopefully, will have a larger audience.

I prefer not to accede to his request tonight. I have lined up several speakers who are ready to speak on this language that is in the bill, and that is the language I attempted to strike in the committee earlier when we had markup. The Senator will get a vote one way or another on his proposal, I am sure. I hope, however, he would not press the request tonight, and let us return in the morning and think about it overnight. It may be I would accede to the request then, or I might not. But whether I do, he will find ways to get a vote on his amendment, or, as he says, he will move to table mine. He has several alternatives open to him. I hope we would not press the matter tonight, and we will come back, and, after a good night's rest, I will be prepared to take another look at it.

So I am constrained to object tonight, Mr. President.

The PRESIDING OFFICER. The objection is heard.

Mr. McCAIN. Mr. President, I am, of course, disappointed in the response of the Senator from West Virginia. I guess at this time I have to contemplate an amendment to table the motion of the Senator from West Virginia based on the grounds that if other speakers came and spoke on this issue, Mr. President, they would not be speaking about it in its entirety, in its actuality, when the entire Senate would decide on this issue.

In fact, I have already gotten a taste of that debate by saying that it would make all these draconian cuts to different programs, et cetera. I do not feel it is appropriate not to have an agreement that we should debate the issue as the Senator from Texas and I intended. I say that with all respect. I do not think it is appropriate not to have a debate and discussion until the true parameters and the intention of the sponsors of the amendment are taken into consideration.

So, Mr. President, in a moment I will suggest the absence of a quorum and then decide as to whether I will move to table, and call for a recorded vote at this time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. We had almost arranged for an amendment to be called up at 9 o'clock, to be voted on at 10 o'clock, and I discussed with Senator BYRD, does the Senator have any objection if we set aside this situation now and took up that other amendment and have it argued between 9 o'clock and 10 o'clock and come back to this amendment at 10 o'clock.

Mr. MCCAIN. I think that would be a reasonable compromise. I thank the Senator for his indulgence.

Mr. STEVENS. I am informed another Senator involved in that cannot be here before 10 o'clock.

Mr. MCCAIN. I do not see any other option I have except to move to table the amendment.

Mr. STEVENS. Mr. President, under the circumstances, under the informal agreements we have entered into before, I ask the vote on that motion to table be carried over until 10 o'clock in the morning; is that agreeable?

Mr. MCCAIN. Yes.

Mr. STEVENS. The vote will not occur tonight, and we will try to work in another amendment and take up this vote on this motion to table at a later time.

Mr. MCCAIN. I say, in due respect to the Senator from Alaska, I cannot agree at this moment that we will not have a recorded vote on a motion to table tonight. I have to reserve that right.

Mr. STEVENS. That is correct, because we still have to ask for unanimous consent, Senator, and we have not gotten that. I stated that is our intent not to have a vote tonight. We will try to work out this triangle and see if we can get the other amendment in before the vote, and if we can, we will do our best.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The assistant legislative clerk proceeded to call.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I want to make it clear to the Senator from West Virginia that I am not trying to preclude debate and discussion on his amendment, and I would like to have an agreement which would allow, obviously, what the Senator from Texas and I are seeking, and that is raising to a 100 percent level, but also I would not presume, after all these years, to make a motion to table which would prevent the Senator from West Virginia in making full use of whatever time he feels necessary to debate this very important issue. I want to make that clear.

Mr. BYRD. Mr. President, I thank the distinguished Senator for his characteristic courtesy and generosity. I would hope that we could wait until tomorrow so we could have more time, so that others on my side could be here to participate in the debate. And may I say, it may very well be that, by the time the sun rises on tomorrow, I may decide to remove my objection and let the Senator proceed with his amendment.

Mr. STEVENS. May I inquire if the Senator would agree that we could come in and start the debate earlier? I know the Senator didn't want to vote until later because of other Senators' arrival. Would the Senator agree that we could come back on the bill before 10? We are trying to finish by 6 o'clock tomorrow night. So the proceedings at that time could start.

Mr. BYRD. Could we begin at 9:30?

Mr. STEVENS. I would be delighted. I shall convey that to the leader. That will not be a vote; that will be continued debate.

Mr. BYRD. Exactly. Leave everything in the status quo until that moment.

Mr. STEVENS. We have other agreements we may get tonight pertaining to other Members. I will go back to a quorum call if everybody is finished.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment of the Senator from West Virginia be set aside and the amendment which is at the desk, No. 112, be called up for immediate consideration.

Mr. BYRD. Mr. President, reserving the right to object. I hope that the Senator will simply ask unanimous consent that the "98 percent" be changed to "100 percent" so that my amendment may not be set aside.

UNANIMOUS CONSENT AGREEMENT

Mr. MCCAIN. Mr. President, I ask unanimous consent that the pending amendment be raised from "98 percent" to "100 percent" of funding.

The PRESIDING OFFICER. For clarification, the words "98 percent" appear on line 19 of page 81; is that where you are changing that?

Mr. MCCAIN. Yes. I asked that it be changed to 100 percent.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, again, I thank the Senator from West Virginia, as always, for his courtesy. I look forward to a spirited elocution and informative debate on tomorrow.

I thank the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Mr. WARNER. Mr. President, I rise to associate myself with comments made previously by my colleagues, Senator MCCAIN and Senator HUTCHISON. I rise in support of the Government Shutdown Prevention Act and the efforts to add this to the supplemental appropriations bill. This provision will create a statutory continuing resolution to safeguard Federal and military pay in the event of a Government shutdown. Further, it would provide for continuing appropriations for key Government functions in the event of a spending impasse like we suffered in 1995.

This provision, when attached to the emergency supplemental, will only take effect if the appropriations acts do not become law or if there is no continuing resolution in place at the beginning of the new fiscal year on October 1.

Although I am a strong supporter of the balanced budget and the reconciliation process, I am deeply concerned that our Federal employees could again be held hostage to the politics of the budget process between the Congress and the administration. Our Nation's dedicated civilian and uniformed Federal personnel should never again be penalized for the inability of Congress and the administration to agree on spending priorities.

As stated in a 1991 GAO report on Government shutdowns, closing the Government does not save money. In fact, the GAO reported that a mere 3-day workweek shutdown would cost taxpayers between $245 and $600 million. In this time of tight budgetary constraints, such irresponsible actions make no sense.

Mr. President, with more than 300,000 Federal employees and retirees in the Commonwealth of Virginia, the effects of a Government shutdown, even one of a short duration, would be devastating to our local economy.

The impact of the shutdown over the 1996 Federal budget spread beyond just our Federal employees in the metropolitan Washington region. It caused a ripple effect well beyond the Capital Beltway. From trips canceled due to lack of passports; to the closure of our National Parks and the economic impact on those communities who depend on tourists for their economic well-being; to our prisons and VA hospitals that must ask vendors to supply food on credit—the shutdown created havoc.

Federal employee are not the only group that is affected by a Federal Government shutdown. Thousands of companies, who contract with the Government, would be impacted unless a safety net is in place. These firms are dependent upon revenues for services and goods rendered, in order to keep their doors open and to continue paying their employees.

By an overwhelming majority, the American people are still fearful of the reoccurrence of a Government shutdown. Our Federal employees remember November 14, 1995, and the following 6-day shutdown as Congress feuded over the 1996 Federal budget, at a total cost to the taxpayer of $800 million. They remember December 15, 1995, when the Government shut down again, this time for 21 days, at a total cost of $520 million.

I applaud the Republican leadership of Senator McCAIN and Senator HUTCHISON. By providing this safety net against a potential trainwreck, we are changing the way that Government does business. We cannot continue business as usual when we play politics and appear cavalier in attitude toward our Federal employees—both civilian and military.

Mr. ABRAHAM. Mr. President, the bill before us addresses the effects of natural disasters which occurred in the Midwest and California. I would like, right now, to address a portion of the bill that is designed to prevent a manmade disaster. That provision, the safety net continuing resolution for fiscal year 1998, would, as Senator McCAIN has made clear, prevent a Government shutdown in the event the regular annual appropriation bills are not enacted into law by October 1.

Mr. President, just over a year ago, on April 26, 1996, President Clinton signed legislation which ended a 7 month budget stalemate. That stalemate involved no fewer than 15 continuing resolutions, 2 full-fledged Government shutdowns—one lasting a record 27 days—and numerous Presidential vetoes. By President Clinton's own account, it cost the taxpayers $1.5 billion.

But the costs of this shutdown went beyond this $1.5 billion. Thousands upon thousands of Federal employees were furloughed. Thousands of small businesses, particularly those near national parks closed during the Government shutdown, suffered crippling loss of business. And American citizens suffered innumerable inconveniences, many of them quite serious.

For example, Mr. President, 10,000 new Medicare applications, 212,000 Social Security card requests, 360,000 individual office visits and 800,000 toll-free calls for information and assistance were turned away each day. Hundreds of thousands of ordinary Americans were inconvenienced, or had to temporarily forego benefits for which the Government requires things like Social Security cards, because we could not reach a budget agreement.

And the problems did not stop there. Some of our most vulnerable people suffered from the Government shutdown: 13 million AFDC recipients, 273,000 foster care children, over 100,000 children receiving adoption assistance services and over 100,000 Head Start children had their services delayed. And I have not even mentioned the 9 million Americans whose vacations and outings were ruined because they were turned away from our national parks and museums.

Mr. President, we must prevent this situation from occurring ever again. The Government shutdown caused inconvenience, occasional trauma, and a wide-spread increase in the cynicism of the American people, now more convinced than ever that our executive and legislative branches of Government are incapable of doing their jobs.

We can do our jobs, Mr. President, and we must see to it that we do them without allowing the Federal Government to again shut down. We must come to grips with the fact that, under current rules, Government shutdowns are a risk that must be addressed. 1995 was not the first year in which we had a Government shutdown. Over the last 20 years there have been numerous such occurrences, and even more numerous stopgap funding bills passed at the last minute to prevent them.

Part of the problem Mr. President, is our complicated budget process. As currently constituted, this process seems designed to confuse the people as they seek to understand what we are doing and exactly who is holding up agreement. In addition, Mr. President, the American people have elected divided government. They have chosen a President with one set of priorities, and a majority in Congress that in some ways has significantly different priorities.

As a result of a convoluted process and conflicting priorities, we are in the midst of a 2-year budget stalemate. I sincerely hope that the budget agreement announced on Friday will produce tax relief for the American people, a balanced budget by 2002, sufficient funding for our national defense, and much-needed spending restraint. If it includes these things, Mr. President, we may at last see an end to the budget stalemate.

But we cannot sit idly by in the hope that all will be well. We can and must strive in the meantime to ensure that this year no shutdown will occur even if the budget deal breaks down.

That is why I am urging my colleagues to support provisions in this continuing resolution that would put a safety net under our Government, and under the American people. It would create a statutory continuing resolution, triggered only if the appropriations acts do not become law or if there is no governing continuing resolution in place. This legislation would ensure that the Government does not shut down by funding Government programs next year at 98 percent.

What this means, Mr. President, is that the Federal Government, in case of a budget impasse, would be funded at a level sufficient to continue essential services—sufficient to prevent any real inconvenience to the American people—without undermining the incentive to pass appropriations bills on time.

It is my hope that we will not need this provision. It is my conviction that we should enact it so that the American people will continue to receive the services they expect from their Federal Government even if there is a budget impasse. I urge my colleagues to support this important, safety net provision.

The PRESIDING OFFICER. Is there further debate on the amendment?

Mr. BYRD. Mr. President, I ask unanimous consent that my pending amendment be set aside temporarily.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 235

(Purpose: To assure sufficient funding for Essential Air Service under the Rural Air Service Survival Act)

Mr. STEVENS. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Alaska [Mr. STEVENS], for Mr. KERREY, for himself, and Mr. DORGAN, proposes an amendment numbered 235.

Mr. STEVENS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place in the bill insert the following new language:
>
> SEC. . Section 45301(b)(1)(A) of title 49, United States Code, is amended inserting before the semicolon "and at least $50,000,000 in FY 1998 and every year thereafter".

Mr. STEVENS. Mr. President, it is my understanding that the proponents of amendments Nos. 95 and 96 agree to this language. This new language is to be a substitute for the proposals before the body regarding international flight user fees. It has been agreed to by both sides and, therefore, is ready for passage.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 235) was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MORNING BUSINESS

Mr. STEVENS. Mr. President, I ask unanimous consent that we now go into a period for routine morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. FOREIGN OIL CONSUMPTION FOR WEEK ENDING MAY 2

Mr. HELMS. Mr. President, the American Petroleum Institute reports that for the week ending May 2, the United States imported 8,106,000 barrels of oil each day, 805,000 barrels more than the 7,301,000 imported during the same week 1 year ago.

Americans relied on foreign oil for 55.9 percent of their needs last week, and there are no signs that the upward spiral will abate. Before the Persian Gulf war, the United States obtained approximately 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply—or double the already enormous cost of imported oil flowing into the United States—now 8,106,000 barrels a day.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 6, the Federal debt stood at $5,337,028,737,421.51.

One year ago, May 6, 1996, the Federal debt stood at $5,096,257,000,000.

Five years ago, May 6, 1992, the Federal debt stood at $3,882,040,000,000.

Ten years ago, May 6, 1987, the Federal debt stood at $2,278,744,000,000.

Fifteen years ago, May 6, 1982, the Federal debt stood at $1,057,151,000,000, which reflects a debt increase of more than $4 trillion (4,279,877,737,421.51) during the past 15 years.

TOBACCO TAXES

Mr. KENNEDY. Mr. President, last Friday's Wall Street Journal published the results of an April 1997 poll it conducted with NBC News. One of the questions in the survey deserves special attention.

The poll asked whether the American people support increasing cigarette taxes by 43 cents a pack, and returning much of the revenues to the States to provide health care for the Nation's uninsured children.

An overwhelming 72 percent of the respondents favored this proposal, which is contained in the legislation that Senator HATCH and I introduced last month.

The detailed breakdown of the responses shows that the plan has broad support among people of all ages, incomes, races, educational backgrounds, party affiliations, and geographic regions. Support is at least two-to-one in all 36 groups, and it is three-to-one or even four-to-one in 17 of the groups.

North and South, East and West, the American people support the Hatch-Kennedy bill.

I ask unanimous consent that the detailed breakdown of the Wall Street Journal-NBC News poll may be included in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

Question: Two Senators, a Republican and a Democrat, have proposed increasing cigarette taxes by 43 cents a pack, and giving much of the money raised to help states provide health insurance for uninsured children. Based on this description, do you favor or oppose this plan?

WALL STREET JOURNAL/NBC NEWS POLL—APRIL 26–28, 1997

[Figures in percentage]

	Favor	Oppose	Not Sure
All adults	72	24	4
Men	67	30	3
Women	76	20	4
Northeast	73	20	7
Midwest	73	26	1
South	69	28	3
West	74	23	3
Whites	70	26	4
Blacks	80	16	4
Age 18–34	73	25	2
Age 35–49	74	23	3
Age 50–64	66	30	4
Age 65 and over	72	21	7
Under $20,000 income	74	23	3
$20,000–$30,000	76	21	3
$30,000–$50,000	70	28	2
Over $50,000	70	26	4
Urban	76	21	3
Suburb/towns	70	26	4
Rural	70	28	2
Registered voters	73	23	4
Non–registered adults	65	32	3
Democrats	79	18	3
Republicans	67	29	4
Independents	69	27	4
Clinton voters	80	17	3
Dole voters	64	31	5
Liberals	79	19	2
Moderates	79	19	2
Conservatives	64	31	5
Professionals/managers	76	21	3
White collar workers	77	20	3
Blue collar workers	62	35	3
High school or less	66	30	4
Some college	75	22	3
College graduates	75	21	4

CONSERVATION RESERVE PROGRAM

Mr. GORTON. Mr. President, the Conservation Reserve Program, a program vitally important to my State and many others, has recently been threatened on many fronts. I would like to make clear my intentions and views on several matters relating to the CRP.

Last week Congressman BOB SMITH was successful in passing H.R. 1342, legislation requiring USDA to reenroll winter crop land not accepted in the new CRP for one year. For the record, H.R. 1342 has received strong support from producers in my State and like Chairman SMITH, I, too, am very concerned for winter crop producers throughout the country. Unfortunately, we have received a loud message from the President that he strongly objects to the bill and would veto the measure if passed by Congress.

Knowing the President would veto H.R. 1342, I felt it necessary, at the very least, to send a letter to Secretary Glickman requesting that he permit producers to begin preparing CRP ground immediately for fall planting. I would like producers in my State to know that I will continue to work with Secretary Glickman to see that he addresses this problem. Further, let it be known, that I will oppose any attempt to cap or earmark enrollments to the Conservation Reserve Program.

Yesterday, 13 Senators joined me in sending a letter to Secretary Glickman outlining three critical issues concerning the Conservation Reserve Program. Let me now outline the issues raised in the letter.

First, producers throughout the country are currently faced with serious uncertainty as to whether or not their bids to enroll land in the CRP will be accepted. I believe it is very important for Secretary Glickman to notify producers this month whether their offers are accepted. I understand that Secretary Glickman is sympathetic to this problem and has announced he will notify all producers by late May. I have expressed my concern to Secretary Glickman and have encouraged him to allow producers to immediately begin preparing their land for fall planting of winter crops without penalty. This will allow producers to begin ground preparation in the event they are not accepted into the program. Producers in my State are concerned they will not have enough time nor enough moisture in the ground to grow winter crops if they do not begin preparing their land immediately. Simply put, time is running out for producers in my State. I understand that Secretary Glickman is willing to help solve this problem and I am hopeful that he will address this situation in a timely fashion.

Second, the House Appropriations Committee has placed a provision in the Emergency Disaster Supplemental bill capping CRP enrollments at 14 million acres. Many Senators, including myself, believe that this cap threatens the environmental commitment we made when we passed, and the President enacted, the 1996 Farm Bill. As a member of the Senate Appropriations Committee, I will work hard to see that this provision is omitted during the Emergency Disaster Supplemental Conference.

Third, the President has proposed reducing CRP enrollments by 2 million acres to pay for the development rights of Crown Butte, Inc. I believe, as do many other Senators, that any cap or reduction in CRP enrollments would jeopardize the commitment Congress made to improve water quality, enhance wildlife habitat, and reduce wind and soil erosion.

In closing, I thank my colleagues for their support. The CRP is a vitally important program and I look forward to working with my colleagues and Secretary Glickman as we address these concerns.

Mr. President, I ask unanimous connsent that our letter to Secretary Glickman be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. Senate,
Committee on Agriculture,
Nutrition, and Forestry,
Washington, DC, May 6, 1997.

Hon. Dan Glickman,
Secretary of Agriculture, U.S. Department of Agriculture, Washington, DC.

Dear Mr. Secretary: We are writing to bring to your attention three matters of concern regarding the Conservation Reserve Program (CRP).

First, it is critically important that you fulfill the pledge you made in your April 29 letter to House Agriculture Committee Chairman Bob Smith that producers will be notified by late May of whether their offers to enroll land in the CRP have been accepted. As you are well aware, growers whose offers are not accepted into the program will not have enough time, nor the appropriate weather conditions, to prepare their current CRP acreage for fall planting. We understand that you are sympathetic to this unfortunate predicament and ask that you rectify this situation immediately. We seek your prompt approval of ground preparation practices necessary for fall planting of winter crops on all expiring CRP acreage without loss of payments. Specifically, we request that producers be permitted to remove cover crops without penalty beginning immediately.

Second, we applaud your opposition to any effort that would cap or earmark CRP enrollments. Like you, we believe the provision by the House Appropriations Committee to cap CRP enrollments at 14 million acres would jeopardize USDA's efforts to improve water quality, enhance wildlife habitat, reduce wind and soil erosion, and enroll additional acres under the Department's continuous signup initiative. We will be working hard to see that this provision, or any similar effort, is struck during the Emergency Supplemental Appropriations Conference. We welcome your support in this effort.

Third, we do not support President Clinton's proposal to reduce CRP enrollment by 2 million acres to pay for the development rights of Crown Butte Mines, Inc. We believe that limiting CRP enrollments would threaten the substantial environmental commitment we made when Congress passed and the President enacted the Federal Agriculture Improvement and Reform Act of 1996.

We strongly encourage you to address the time sensitive nature of our request. Winter crop producers throughout the country are in serious jeopardy and if they so choose, should be allowed to prepare their land for fall planting immediately.

We look forward to hearing from you and appreciate your support for an extremely important program.

Sincerely,

Richard G. Lugar.
Slade Gorton.
Gordon Smith.
Dirk Kempthorne.
Patty Murray.
Sam Brownback.
Chuck Hagel.
Tom Harkin.
Larry E. Craig.
Conrad Burns.
Ron Wyden.
Pat Roberts.
Max Baucus.
Michael B. Enzi.

MESSAGES FROM THE HOUSE

At 2:26 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R 1463. An act to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the United States Trade Representative, and the International Trade Commission.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R 1463. An act to authorize appropriations for fiscal years 1998 and 1999 for the Customs Service, the Office of the United States Trade Representative, and the International Trade Commission; to the Committee on Finance.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1798. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, a rule (RIN1121–AA24) received on April 24, 1997; to the Committee on the Judiciary.

EC–1799. A communication from the Assistant Attorney General, Office of Justice Programs, Department of Justice, transmitting, pursuant to law, a rule entitled "Young American Medals Program" (RIN1121–AA37) received on April 24, 1997; to the Committee on the Judiciary.

EC–1800. A communication from the Regulatory Policy Officer of the Bureau of Alcohol, Tobacco, and Firearms, Department of the Treasury, transmitting, pursuant to law, a rule entitled "Residency Requirements for Persons Acquiring Firearms" (RIN1512–AB66) received on April 21, 1997; to the Committee on the Judiciary.

EC–1801. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Visas" received on April 28, 1997; to the Committee on the Judiciary.

EC–1802. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a rule entitled "Visas" received on April 28, 1997; to the Committee on the Judiciary.

EC–1803. A communication from the Chairman of the Federal Communications Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1996; to the Committee on the Judiciary.

EC–1804. A communication from the Acting General Counsel of the Office of Community Oriented Policing Services, Department of Justice, transmitting, pursuant to law, a rule entitled "Solid Waste Programs" (FRL5670–6) received on May 5, 1997; to the Committee on the Judiciary.

EC–1805. A communication from the Chairman of the U.S. Sentencing Commission, transmitting, pursuant to law, a report relative to sentencing guidelines; to the Committee on the Judiciary.

EC–1806. A communication from the Acting Chair of the National Indian Gaming Commission, transmitting, a draft of proposed legislation relative to assess fees; to the Committee on Indian Affairs.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Donald Rappaport, of the District of Columbia, to be Chief Financial Officer, Department of Education.

Hans M. Mark, of Texas, to be a Member of the Board of Trustees of the Barry Goldwater Scholarship and Excellence in Education Foundation for a term expiring April 17, 2002. (Reappointment)

Anthony R. Sarmiento, of Maryland, to be a Member of the National Institute for Literacy Advisory Board for a term expiring September 22, 1998.

Susan E. Trees, of Massachusetts, to be a Member of the National Council on the Humanities for a term expiring January 26, 2002.

Marsha Mason, of New Mexico, to be a Member of the National Council on the Arts for a term expiring September 3, 2002.

Gerald N. Tirozzi, of Connecticut, to be Assistant Secretary for Elementary and Secondary Education, Department of Education.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HAGEL:

S. 709. A bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

By Mr. BREAUX:

S. 710. A bill to amend the Internal Revenue Code of 1986 to extend the credit for producing fuel from a nonconventional source to taxpayers using biomass fuel sources in the generation of electricity through the use of a suspension burning process; to the Committee on Finance.

By Mr. BREAUX (for himself, Mr. Bryan, Mr. D'Amato, and Mr. Frist):

S. 711. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Finance.

By Mr. MOYNIHAN (for himself and Mr. Helms):

S. 712. A bill to provide for a system to classify information in the interests of national security and a system to declassify such information; to the Committee on Governmental Affairs.

By Mr. DODD (for himself and Mr. DeWine):

S. 713. A bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. AKAKA (for himself, Mr. Daschle, Mr. Inouye, Mr. Hollings, Mr. Wellstone, and Mr. Jeffords):

S. 714. A bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans' Affairs; to the Committee on Veterans Affairs.

By Mr. COVERDELL (for himself and Mr. Cleland):

S. 715. A bill to redesignate the Dublin Federal Courthouse building located in Dublin, Georgia, as the J. Roy Rowland Federal Courthouse; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself, Mr. Baucus, Mr. Burns, Mr. Gorton, Mr. Kempthorne, and Mr. Enzi):

S. 716. A bill to establish a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle and beef, and for other purposes; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. Harkin, Mr. Lott, Mr. Kennedy, Mr. Coats, Mr. Dodd, Mr. Gregg, Ms. Mikulski, Mr. Frist, Mr. DeWine, Mr. Enzi, Mr. Hutchinson, Mrs. Murray, Ms. Collins, Mr. Warner, Mr. McConnell, and Mr. Reed):

S. 717. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Labor and Human Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GREGG (for himself and Mr. Smith of New Hampshire):

S. Res. 85. A resolution expressing the sense of the Senate that individuals affected by breast cancer should not be alone in their fight against the disease; to the Committee on Labor and Human Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HAGEL:

S. 709. A bill to protect private property rights guaranteed by the fifth amendment to the Constitution by requiring Federal agencies to prepare private property taking impact analyses and by allowing expanded access to Federal courts; to the Committee on Governmental Affairs.

THE PRIVATE PROPERTY FAIRNESS ACT OF 1997

Mr. HAGEL. Mr. President, I rise today to introduce the Private Property Fairness Act of 1997. This bill will help ensure that when the Government issues regulations for the benefit of the public as a whole, it does not saddle just a few landowners with the whole cost of compliance. This bill will help enforce the U.S. Constitution's guarantee that the Federal Government cannot take private property without paying just compensation to the owner.

The dramatic growth in Federal regulation in recent decades has focused attention on a very murky area of property law, a regulatory area in which the law of takings is not yet settled to the satisfaction of most Americans.

The bottom line is that the law in this area is unfair. For example, if the Government condemns part of a farm to build a highway, it has to pay the farmer for the value of his land. But if the Government requires that same farmer stop growing crops on that same land in order to protect endangered species or conserve wetlands, the farmer gets no compensation. In both situations the Government has acted to benefit the general public and, in the process, has imposed a cost on the farmer. In both cases, the land is taken out of production and the farmer loses income. But only in the highway example is the farmer compensated for his loss. In the regulatory example, the farmer, or any other landowner, has to absorb all of the cost himself. This is not fair.

The legislation I am introducing today is an important step toward providing relief from these so-called regulatory takings. I know my distinguished colleague, Senator Hatch, intends to introduce an omnibus private property rights bill, and I look forward to working with him. My bill is a narrowly tailored approach that will make a real difference for property owners across America. It protects private property rights in two ways. First, it puts in place procedures that will stop or minimize takings by the Federal Government before they occur. The Government would have to jump a much higher hurdle before it can restrict the use of someone's privately owned property. For the first time, the Federal Government will have to determine in advance how its actions will impact the property owner, not just the wetland or the endangered species. This bill also would require the Federal Government to look for options other than restricting the use of private property to achieve its goal.

Second, if heavy Government regulations diminish the value of private property, this bill would allow the landowners to plead their case in a Federal district court, instead of forcing them into the U.S. Court of Federal Claims. This means, for example, that Nebraskans can have their case heard in a Nebraska courthouse; they won't have to travel to Washington, DC, at their own expense to seek relief. This bill makes the process easier, less costly, and more accessible and accountable so all citizens can fully protect their property rights.

For too long, Federal regulators have made private property owners bear the burdens and the costs of Government land use decisions. The result has been that real people suffer.

Joe Jeffrey is a farmer in Lexington, NE. Like most Americans, he is proud of his land. He believed his property was his to use and control as he saw fit.

Then he met the U.S. Fish and Wildlife Service and the Army Corps of Engineers.

In 1987, the long arm of the Federal bureaucracy reached onto Mr. Jeffrey's property in the form of wetlands regulations. Mr. Jeffrey was notified that he had to destroy two dikes on his land because they were constructed without the proper permits. Nearly 2 years later, the corps partially changed its mind and allowed Mr. Jeffrey to reconstruct one of the dikes because the corps lacked authority to make him destroy it in the first place.

Then floods damaged part of Mr. Jeffrey's irrigated pastureland and changed the normal water channel. Mr. Jeffrey set out to return the channel to its original course by moving sand that the flood had shifted. But the Government said "no." The corps told him he had to give public notice before he could repair his own property.

Then came the Endangered Species Act.

Neither least terns nor piping plovers—both federally protected endangered species—have ever nested on Mr. Jeffrey's property. But that didn't stop the regulators. The U.S. Fish and Wildlife Service wanted to designate Mr. Jeffrey's property as "critical habitat" for these protected species.

The bureaucrats could not even agree among themselves on what they wanted done. The Nebraska Department of Environmental Control wanted the area re-vegetated. But the U.S. Fish and Wildlife Service wanted the area kept free of vegetation. Mr. Jeffrey was caught in the middle.

This is a real regulatory horror story. And there's more.

Today—10 years after his regulatory struggle began—Mr. Jeffrey is faced with eroded pastureland that cannot be irrigated and cannot be repaired without significant personal expense. The value of Mr. Jeffrey's land has been diminished by the Government's regulatory intrusion—but he has not been compensated. In fact, he has had to spend money from his own pocket to comply with the regulations. The Fish and Wildlife Service asked Mr. Jeffrey to modify his center pivot irrigation system to negotiate around the eroded area—at a personal cost of $20,000. And the issue is still not resolved.

Mr. President, we do not need more stories like Joe Jeffrey's in America. Our Constitution guarantees our people's rights. Congress must act to uphold those rights and guarantee them in practice, not just in theory. Government regulation has gone too far. We must make it accountable to the people. Government should be accountable to the people, not the people accountable to the Government.

What this issue comes down to is fairness. It is simply not fair and it is not right for the Federal Government to have the ability to restrict the use of privately owned property without compensating the owner. It violates the principles this country was founded on. This legislation puts some justice back into the system. It reins in regulatory agencies and gives the private property owner a voice in the process. It makes it easier for citizens to appeal any restrictions imposed on their land or property. It is the right thing to do. It is the just and fair thing to do.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Private Property Rights Act of 1997".

SEC. 2. FINDINGS.

The Congress finds that—

(1) the ownership of private property plays an important role in the economic and social well-being of the Nation;

(2) the protection of private property from a taking by the Government without just compensation is an integral protection for private citizens incorporated into the United States Constitution by the fifth amendment and made applicable to the States by the fourteenth amendment;

(3) Federal agency actions that restrict the use of private property and result in a significant diminution in value of such property constitute a taking of that property and should be properly compensated;

(4) Federal agencies should consider the impact of agency actions, including regulations, on the use and ownership of private property; and

(5) owners of private property that is taken by a Federal agency action should be permitted to seek relief in Federal district court.

SEC. 3. STATEMENT OF POLICY.

The policy of the Federal Government is to protect the health, safety, and general welfare of the public in a manner that, to the extent practicable, avoids takings of private property.

SEC. 4. DEFINITIONS.

For purposes of this Act—

(1) the term "agency" means a department, agency, independent agency, or instrumentality of the United States, including any military department, Government corporation, Government-controlled corporation, or other establishment in the executive branch of the United States Government;

(2) the term "agency action" means any action, inaction, or decision taken by an agency and includes such an action, inaction, or decision taken by, or pursuant to—

(A) a statute, rule, regulation, order, guideline, or policy; or

(B) the issuance, denial, or suspension of any permit, license, or authorization;

(3) the term "owner" means the person with title, possession, or other property rights in property affected by any taking of such property; and

(4) the term "taking of private property" means any action whereby private property is taken in such a way as to require compensation under the fifth amendment to the United States Constitution.

SEC. 5. REQUIREMENT FOR PRIVATE PROPERTY TAKING IMPACT ANALYSIS.

(a) IN GENERAL.—To the fullest extent possible—

(1) the policies, regulations, and public laws of the United States shall be interpreted and administered in accordance with the policies under this Act; and

(2) subject to subsection (b), each agency shall complete a private property taking impact analysis before taking any agency action (including the promulgation of a regulation) which is likely to result in a taking of private property.

(b) NONAPPLICATION.—Subsection (a)(2) shall not apply to—

(1) an action in which the power of eminent domain is formally exercised;

(2) an action taken—

(A) with respect to property held in trust by the United States; or

(B) in preparation for, or in connection with, treaty negotiations with foreign nations;

(3) a law enforcement action, including seizure, for a violation of law, of property for forfeiture or as evidence in a criminal proceeding;

(4) a communication between an agency and a State or local land-use planning agency concerning a planned or proposed State or local activity that regulates private property, regardless of whether the communication is initiated by an agency or is undertaken in response to an invitation by the State or local authority;

(5) the placement of a military facility or a military activity involving the use of solely Federal property;

(6) any military or foreign affairs function (including a procurement function under a military or foreign affairs function), but not including the civil works program of the Army Corps of Engineers; and

(7) any case in which there is an immediate threat to health or safety that constitutes an emergency requiring immediate response or the issuance of a regulation under section 553(b)(B) of title 5, United States Code, if the taking impact analysis is completed after the emergency action is carried out or the regulation is published.

(c) CONTENT OF ANALYSIS.—A private property taking impact analysis shall be a written statement that includes—

(1) the specific purpose of the agency action;

(2) an assessment of the likelihood that a taking of private property will occur under such agency action;

(3) an evaluation of whether such agency action is likely to require compensation to private property owners;

(4) alternatives to the agency action that would—

(A) achieve the intended purposes of the agency action; and

(B) lessen the likelihood that a taking of private property will occur; and

(5) an estimate of the potential liability of the Federal Government if the Government is required to compensate a private property owner as a result of the agency action.

(d) SUBMISSION TO OMB.—Each agency shall provide the analysis required under this section as part of any submission otherwise required to be made to the Office of Management and Budget relating to an agency action.

(e) PUBLIC AVAILABILITY OF ANALYSIS.—An agency shall—

(1) make each private property taking impact analysis available to the public; and

(2) to the greatest extent practicable, transmit a copy of such analysis to the owner and any other person with a property right or interest in the affected property.

SEC. 6. ALTERNATIVES TO TAKING OF PRIVATE PROPERTY.

Before taking any final agency action, the agency shall fully consider alternatives described in section 5(c)(4) and shall, to the maximum extent practicable, alter the action to avoid or minimize the taking of private property.

SEC. 7. CIVIL ACTION.

(a) STANDING.—If an agency action results in the taking of private property, the owner of such property may obtain appropriate relief in a civil action against the agency that has caused the taking to occur.

(b) JURISDICTION.—Notwithstanding sections 1346 or 1491 of title 28, United States Code—

(1) a civil action against the agency may be brought in either the United States District Court in which the property at issue is located or in the United States Court of Federal Claims, regardless of the amount in controversy; and

(2) if property is located in more than 1 judicial district, the claim for relief may be brought in any district in which any part of the property is located.

SEC. 8. GUIDANCE AND REPORTING REQUIREMENTS.

(a) GUIDANCE.—The Attorney General shall provide legal guidance in a timely manner, in response to a request by an agency, to assist the agency in complying with this Act.

(b) REPORTS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act and at the end of each 1-year period thereafter, each agency shall submit a report to the Director of the Office of Management and Budget and the Attorney General that identifies—

(A) each agency action that has resulted in the preparation of a taking impact analysis;

(B) the filing of a taking claim; and

(C) any award of compensation pursuant to the just compensation clause of the fifth amendment to the Constitution.

(2) PUBLICATION OF REPORTS.—The Director of the Office of Management and Budget and the Attorney General shall publish in the Federal Register, on an annual basis, a compilation of the reports of all agencies made under this paragraph.

SEC. 9. PRESUMPTIONS IN PROCEEDINGS.

For the purpose of any agency action or administrative or judicial proceeding, there shall be a rebuttable presumption that the costs, values, and estimates in any private property takings impact analysis shall be outdated and inaccurate, if—

(1) such analysis was completed 5 years or more before the date of such action or proceeding; and

(2) such costs, values, or estimates have not been modified within the 5-year period preceding the date of such action or proceeding.

SEC. 10. RULES OF CONSTRUCTION.

Nothing in this Act shall be construed to—

(1) limit any right or remedy, constitute a condition precedent or a requirement to exhaust administrative remedies, or bar any claim of any person relating to such person's property under any other law, including claims made under this Act, section 1346 or 1402 of title 28, United States Code, or chapter 91 of title 28, United States Code; or

(2) constitute a conclusive determination of—

(A) the value of any property for purposes of an appraisal for the acquisition of property, or for the determination of damages; or

(B) any other material issue.

SEC. 11. EFFECTIVE DATE.

This Act shall take effect 120 days after the date of enactment of this Act.

By Mr. BREAUX (for himself, Mr. BRYAN, Mr. D'AMATO, and Mr. FRIST):

S. 711. A bill to amend the Internal Revenue Code of 1986 to simplify the method of payment of taxes on distilled spirits; to the Committee on Finance.

THE DISTILLED SPIRITS TAX PAYMENT SIMPLIFICATION ACT OF 1997

Mr. BREAUX. Mr. President, I rise today with Mr. BRYAN, Mr. D'AMATO and Mr. FRIST to introduce the Distilled Spirits Tax Payment Simplification Act of 1997, a bill more readily known as All-in-Bond. This bill would streamline the way in which the government collects federal excise tax on distilled spirits by extending the current system of collection now applicable only to imported products to domestic products as well.

Today wholesalers purchase foreign bottled distilled spirits in bond—tax free—paying the Federal excise tax directly after sale to a retailer. In contrast, when the wholesaler buys domestically bottled spirits—nearly 86 percent of total inventory—the price includes the Federal excise tax, pre-paid by the distiller. This means that hundreds of U.S. family-owned wholesale businesses increase their inventory carrying costs by 40 percent when buying U.S. products, which often have to be financed through borrowing.

Under my bill, wholesalers would be allowed to purchase domestically bottled distilled spirits in-bond from distillers just as they are now permitted to purchase foreign produced spirits. Products would become subject to tax on removal from wholesale premises. This legislation is designed to be revenue neutral and includes the requirement that any wholesaler electing to purchase spirits in bond must make certain estimated tax payments to Treasury before the end of the fiscal year.

All-in-Bond is an equitable and sound way to streamline our tax collection system. I hope my colleagues will join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Distilled Spirits Tax Payment Simplification Act of 1997".

(b) REFERENCE TO 1986 CODE.—Except as otherwise expressly provided, whenever an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

SEC. 2. TRANSFER OF DISTILLED SPIRITS BETWEEN BONDED PREMISES.

(a) IN GENERAL.—Section 5212 is amended to read as follows:

"SEC. 5212. TRANSFER OF DISTILLED SPIRITS BETWEEN BONDED PREMISES.

"Distilled spirits on which the internal revenue tax has not been paid as authorized by law may, under such regulations as the Secretary shall prescribe, be transferred in bond between bonded premises in any approved container. For the purposes of this chapter, except in the case of any transfer from a premise of a bonded dealer, the removal of distilled spirits for transfer in bond between bonded premises shall not be construed to be a withdrawal from bonded premises.".

(b) CONFORMING AMENDMENT.—The first sentence of section 5232(a) (relating to transfer to distilled spirits plant without payment of tax) is amended to read as follows: "Distilled spirits imported or brought into the United States, under such regulations as the Secretary shall prescribe, may be withdrawn from customs custody and transferred to the bonded premises of a distilled spirits plant without payment of the internal revenue tax imposed on such distilled spirits.".

SEC. 3. ESTABLISHMENT OF DISTILLED SPIRITS PLANT.

Section 5171 (relating to establishment) is amended—

(1) in subsection (a), by striking "or processor" and inserting "processor, or bonded dealer";

(2) in subsection (b), by striking "or as both" and inserting "as a bonded dealer, or as any combination thereof";

(3) in subsection (e)(1), by inserting ", bonded dealer," before "processor"; and

(4) in subsection (e)(2), by inserting "bonded dealer," before "or processor".

SEC. 4. DISTILLED SPIRITS PLANTS.

Section 5178(a) (relating to location, construction, and arrangement) is amended by adding at the end the following:

"(5) BONDED DEALER OPERATIONS.—Any person establishing a distilled spirits plant to conduct operations as a bonded dealer may, as described in the application for registration—

"(A) store distilled spirits in any approved container on the bonded premises of such plant, and

"(B) under such regulations as the Secretary shall prescribe, store taxpaid distilled spirits, beer, and wine, and such other beverages and items (products) not subject to tax or regulation under this title on such bonded premises.".

SEC. 5. BONDED DEALERS.

(a) DEFINITIONS.—Section 5002(a) (relating to definitions) is amended by adding at the end the following:

"(16) BONDED DEALER.—The term 'bonded dealer' means any person who has elected under section 5011 to be treated as a bonded dealer.

"(17) CONTROL STATE ENTITY.—The term 'control State entity' means a State, a political subdivision of a State, or any instrumentality of such a State or political subdivision, in which only the State, political subdivision, or instrumentality is allowed under applicable law to perform distilled spirit operations.".

(b) ELECTION TO BE TREATED AS A BONDED DEALER.—Subpart A of part I of subchapter A of chapter 51 (relating to distilled spirits) is amended by adding at the end the following:

"SEC. 5011. ELECTION TO BE TREATED AS BONDED DEALER.

"(a) ELECTION.—Any wholesale dealer or any control State entity may elect, at such time and in such manner as the Secretary shall prescribe, to be treated as a bonded dealer if such wholesale dealer or entity sells bottled distilled spirits exclusively to a wholesale dealer in liquor, to an independent retail dealer subject to the limitation set forth in subsection (b), or to another bonded dealer.

"(b) LIMITATION IN CASE OF SALES TO RETAIL DEALERS.—

"(1) BY BONDED DEALER.—Any person, other than a control State entity, who is a bonded dealer shall not be considered as selling to an independent retail dealer if—

"(A) the bonded dealer has a greater than 10 percent ownership interest in, or control of, the retail dealer;

"(B) the retail dealer has a greater than 10 percent ownership interest in, or control of, the bonded dealer; or

"(C) any person has a greater than 10 percent ownership interest in, or control of, both the bonded and retail dealer.

For purposes of this paragraph, ownership interest, not limited to stock ownership, shall be attributed to other persons in the manner prescribed by section 318.

"(2) BY CONTROL STATE ENTITY.—In the case of any control State entity, subsection (a) shall be applied by substituting 'retail dealer' for 'independent retail dealer'.

"(c) INVENTORY OWNED AT TIME OF ELECTION.—Any bottled distilled spirits in the inventory of any person electing under this section to be treated as a bonded dealer shall, to the extent that the tax under this chapter has been previously determined and paid at the time the election becomes effective, not be subject to such additional tax on such spirits as a result of the election being in effect.

"(d) REVOCATION OF ELECTION.—The election made under this section may be revoked by the bonded dealer at any time, but once revoked shall not be made again without the consent of the Secretary. When the election is revoked, the bonded dealer shall immediately withdraw the distilled spirits on determination of tax in accordance with a tax payment procedure established by the Secretary.

"(e) Equitable Treatment of Bonded Dealers Using LIFO Inventory.—The Secretary shall provide such rules as may be necessary to assure that taxpayers using the last-in, first-out method of inventory valuation do not suffer a recapture of their LIFO reserve by reason of making the election under this section or by reason of operating a bonded wine cellar as permitted by section 5351.

"(f) Approval of Application.—Any person submitting an application under section 5171(c) and electing under this section to be treated as a bonded dealer shall be entitled to approval of such application to the same extent such person would be entitled to approval of an application for a basic permit under section 104(a)(2) of the Federal Alcohol Administration Act (27 U.S.C 204(a)(2)), and shall be accorded notice and hearing as described in section 104(b) of such Act (27 U.S.C. 204(b)).".

(c) Conforming Amendment.—The tables of sections of subpart A of part I of subchapter A of chapter 51 is amended by adding at the end the following:

"Sec. 5011. Election to be treated as bonded dealer.".

SEC. 6. DETERMINATION OF TAX.

The first sentence of section 5006(a)(1) (relating to requirements) is amended to read as follows: "Except as otherwise provided in this section, the tax on distilled spirits shall be determined when the spirits are transferred from a distilled spirits plant to a bonded dealer or are withdrawn from bond.".

SEC. 7. LOSS OR DESTRUCTION OF DISTILLED SPIRITS.

Section 5008 (relating to abatement, remission, refund, and allowance for loss or destruction of distilled spirits) is amended—

(1) in subsections (a)(1)(A) and (a)(2), by inserting "bonded dealer," after "distilled spirits plant," both places it appears;

(2) in subsection (c)(1), by striking "of a distilled spirits plant"; and

(3) in subsection (c)(2), by striking "distilled spirits plant" and inserting "bonded premises".

SEC. 8. TIME FOR COLLECTING TAX ON DISTILLED SPIRITS.

(a) In General.—Section 5061(d) (relating to time for collecting tax on distilled spirits, wines, and beer) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following:

"(5) Advanced payment of distilled spirits tax.—Notwithstanding the preceding provisions of this subsection, in the case of any tax imposed by section 5001 with respect to a bonded dealer who has an election in effect on September 20 of any year, any payment of which would, but for this paragraph, be due in October or November of that year, such payment shall be made on such September 20. No penalty or interest shall be imposed for the period from such September 20 until the due date determined without regard to this paragraph to the extent that tax due exceeds the tax which would have been due with respect to distilled spirits in the preceding October and November had the election under section 5011 been in effect.".

(b) Conforming Amendment.—Section 5061(e)(1) (relating to payment by electronic fund transfer) is amended by inserting "or any bonded dealer," after "respectively,".

SEC. 9. EXEMPTION FROM OCCUPATIONAL TAX NOT APPLICABLE.

Section 5113(a) (relating to sales by proprietors of controlled premises) is amended by adding at the end the following: "This subsection shall not apply to a proprietor of a distilled spirits plant whose premises are used for operations of a bonded dealer.".

SEC. 10. CONFORMING AMENDMENTS.

(1) Section 5003(3) is amended by striking "certain".

(2) Section 5214 is amended by redesignating subsection (b) as subsection (c) and by inserting after subsection (a) the following:

"(b) Exception.—Paragraphs (1), (2), (3), (5), (10), (11), and (12) of subsection (a) shall not apply to distilled spirits withdrawn from premises used for operations as a bonded dealer.".

(3) Section 5215 is amended—

(A) in subsection (a), by striking "the bonded premises" and all that follows through the period and inserting "bonded premises.";

(B) in the heading of subsection (b), by striking "A Distilled Spirits Plant" and inserting "Bonded Premises"; and

(C) in subsection (d), by striking "a distilled spirits plant" and inserting "bonded premises".

(4) Section 5362(b)(5) is amended by adding at the end the following: "The term does not mean premises used for operations as a bonded dealer.".

(5) Section 5551(a) is amended by inserting "bonded dealer," after "processor" both places it appears.

(6) Subsections (a)(2) and (b) of section 5601 are each amended by inserting ", bonded dealer," before "or processor" .

(7) Paragraphs (3), (4), and (5) of section 5601(a) are each amended by inserting "bonded dealer," before "or processor" .

(8) Section 5602 is amended—

(A) by inserting ", warehouseman, processor, or bonded dealer" after "distiller"; and

(B) in the heading, by striking "**by distiller**".

(9) Sections 5115, 5180, and 5681 are repealed.

(10) The table of sections for part II of subchapter A of chapter 51 is amended by striking the item relating to section 5115.

(11) The table of sections for subchapter B of chapter 51 is amended by striking the item relating to section 5180.

(12) The item relating to section 5602 in the table of sections for part I of subchapter J of chapter 51 is amended by striking "by distiller".

(13) The table of sections for part IV of subchapter J of chapter 51 is amended by striking the item relating to section 5681.

SEC. 11. REGISTRATION FEES.

(a) General Rule.—The Director of the Bureau of Alcohol, Tobacco, and Firearms shall, in accordance with this section, assess and collect registration fees solely to defray a portion of any net increased costs of regulatory activities of the Government resulting from enactment of this Act.

(b) Persons Subject to Fee.—Fees shall be paid in a manner prescribed by the Director by the bonded dealer.

(c) Amount and Timing of Fees.—Fees shall be paid annually and shall not exceed $1,000 per bonded premise.

(d) Deposit and Credit.—The moneys received during any fiscal year from fees described in subsection (a) shall be deposited as an offsetting collection in, and credited to, the account providing appropriations to conduct the regulatory activities of the Government resulting from enactment of this Act.

(e) Limitation.—The aggregate amount of fees assessed and collected under this section may not exceed in any fiscal year the aggregate amount of any net increased costs of regulatory activity referred to in subsection (a).

SEC. 12. COOPERATIVE AGREEMENTS.

(a) Study.—The Secretary of the Treasury shall study and report to Congress concerning possible administrative efficiencies which could inure to the benefit of the Federal Government of cooperative agreements with States regarding the collection of distilled spirits excise taxes. Such study shall include, but not be limited to, possible benefits of the standardization of forms and collection procedures and shall be submitted 1 year after the date of enactment of this Act.

(b) Cooperative Agreement.—The Secretary of the Treasury is authorized to enter into such cooperative agreements with States which the Secretary deems will increase the efficient collection of distilled spirits excise taxes.

SEC. 13. EFFECTIVE DATE.

(a) In General.—Except as provided in subsection (b), the amendments made by this Act take effect on the date which is 120 days after the date of enactment of this Act.

(b) Exceptions.—

(1) Establishment of distilled spirits plant.—The amendments made by section 3 take effect on the date of enactment of this Act.

(2) Special rule.—Each wholesale dealer who is required to file an application for registration under section 5171(c) of the Internal Revenue Code of 1986 whose operations are required to be covered by a basic permit under sections 103 and 104 of the Federal Alcohol Administration Act (27 U.S.C. 203, 204) and who has received such basic permits as an importer, wholesaler, or as both, and has obtained a bond required under subchapter B of chapter 51 of subtitle E of such Code before the close of the fourth month following the date of enactment of this Act, shall be qualified to operate bonded premises until such time as the Secretary of the Treasury takes final action on the application. Any control State entity (as defined in section 5002(a)(17) of such Code, as added by section 5(a)) that has obtained a bond required under such subchapter shall be qualified to operate bonded premises until such time as the Secretary of the Treasury takes final action on the application for registration under section 5171(c) of such Code.

By Mr. MOYNIHAN (for himself and Mr. HELMS):

S. 712. A bill to provide for a system to classify information in the interests of national security and a system to declassify such information; to the Committee on Governmental Affairs.

THE GOVERNMENT SECRECY ACT OF 1997

Mr. MOYNIHAN. Mr. President, I am pleased to join with my colleague from North Carolina, Senator HELMS, in introducing the Government Secrecy Act of 1997. Congressmen LARRY COMBEST of Texas and LEE HAMILTON of Indiana are introducing companion legislation in the House of Representatives this afternoon. The four of us, along with eight other distinguished individuals, served for the past 2 years on the Commission on Protecting and Reducing Government Secrecy.

Earlier today, the four of us testified together at a hearing of the Committee on Governmental Affairs called by Chairman THOMPSON to review the

Commission's report, issued in March. The legislation that we introduce today is intended to implement one of the core recommendations of that Commission: The need for a statute establishing the principles to govern the classification and declassification of information. The remarks that follow track my testimony before the Governmental Affairs Committee this morning.

We begin by defining our subject. "Secrecy is a form of government regulation." It can be understood in terms of a now considerable literature concerning how organizations function. Begin with the German scholar Max Weber, writing eight decades ago in his chapter "Bureaucracy" in "Wirtschaft und Gesellschaft" (Economy and Society):

> Every bureaucracy seeks to increase the superiority of the professionally informed by keeping their knowledge and intentions secret. Bureaucratic administration always tends to be an administration of "secret sessions"; in so far as it can, it hides its knowledge and action from criticism. The pure interest of the bureaucracy in power, however, is efficacious far beyond those areas where purely functional interests make for secrecy. The concept of the "official secret" is the specific invention of bureaucracy, and nothing is so fanatically defended by the bureaucracy as this attitude, which cannot be substantially defended beyond these specifically qualified areas.

Normal regulation concerns how citizens are to behave. As the administrative state developed in the United States, beginning with the Progressive Era at the turn of the century and expanding greatly under the New Deal, legal scholars began to ask just what these new rules were. Were they laws? If not, then what? In 1938, Roscoe Pound, chairman of the American Bar Association's Special Committee on Administrative Law and former Dean of the Harvard Law School, attacked those "who would turn the administration of justice over to administrative absolutism . . . a Marxian idea," and inveighed against those "progressives, liberals, or radicals who desire to invest the National Government with totalitarian powers in the teeth of constitutional democracy . . ."

We managed to get a handle on that system, in no small measure through the efforts of Erwin Griswold, also a dean of the Harvard Law School, and others who decried the fact that administrative regulations equivalent to law had become increasingly important to everyday life and yet were not available to the public. One year after Professor Griswold published a seminal article calling for the publication of such rules and regulations, Congress enacted the Federal Register Act of 1935. Eleven years later, in 1946, working from the recommendations made in 1941 by the Attorney General's Committee on Administrative Procedure, chaired by Dean Acheson, Congress enacted the Administrative Procedure Act.

Thus, today our system of public regulation is public indeed. Regulations are both widely accessible and subject to the APA's set of procedural requirements—bringing a degree of order and accountability to this regime.

Secrecy, by contrast, concerns what citizens may know, but the citizen does not know what may not be known. Our Commission states:

> Americans are familiar with the tendency to overregulate in other areas. What is different with secrecy is that the public cannot know the extent or the content of the regulation.

Thus, secrecy is the ultimate mode of regulation; the citizen does not even know that he or she is being regulated. It is a parallel regulatory regime with a far greater potential for damage if it malfunctions.

Flowing from this understanding of secrecy as regulation is the recognition that, to paraphrase Justice Potter Stewart's opinion in the Pentagon Papers case, when everything is secret, nothing is secret. We state:

> The best way to ensure that secrecy is respected, and that the most important secrets remain secret, is for secrecy to be returned to its limited but necessary role. Secrets can be protected more effectively if secrecy is reduced overall.

It is time to reexamine the foundations of that secrecy system. The Information Security Oversight Office report to Congress last week estimated the direct costs of secrecy at $5.2 billion in 1996 alone. The same Office reports that in 1995 we had 21,871 original new top secret designations and another 374,244 derivative top secret designations. Meaning that, in a single year, roughly 400,000 new secrets were created at the Top Secret level alone—the disclosure of any one of which would cause exceptionally grave damage to the national security.

It is also time to examine the appropriateness of security arrangements put in place during an earlier age, when the perceived threats were so different from those of today. In 1957, the only previous commission established by the Congress to examine the secrecy system—the Commission on Government Security—issued a report that, for any number of reasons—in particular the fact that its core recommendation that amounted to prior restraint of the press—did nothing to change the prevailing mode. Although the Commission did understand classification as a cost; its report "stresses the dangers to national security that arise out of overclassification of information which retards scientific and technological progress, and thus tend to deprive the country of the lead time that results from the free exchange of ideas and information."

When the Commission on Government Security presented its report to President Eisenhower and the Congress, we still were consumed with concerns about a Federal Government infiltrated by ideological enemies of the United States. Today, the public and its representatives have few such concerns; indeed, today it is the U.S. Government that increasingly is the object of what Edward Shils in 1956, in "The Torment of Secrecy," termed the "phantasies of apocalyptic visionaries."

We are not proposing putting an end to secrecy. It is at times terribly necessary and used for the most legitimate reasons. But secrecy need not remain the only norm: We must develop a competing culture of openness, fully consistent with our interests in protecting national security, but in which power is no longer derived primarily from one's ability to withhold information.

I am struck in this regard by a most remarkable letter that I received on March 25 from George F. Kennan, professor emeritus at the Institute for Advanced Study in Princeton, NJ, in response to our Commission report. As lucid and thoughtful as ever at age 93, Professor Kennan builds a compelling case for the proposition that much of our secrecy system arose out of our efforts to penetrate the obsessively secretive Soviet Communist regime of the Stalin era. And that the system we put in place remains largely intact today, even as that adversary has disappeared. Professor Kennan writes:

> It is my conviction, based on some 70 years of experience, first as a government official and then in the past 45 years as an historian, that the need by our government for secret intelligence about affairs elsewhere in the world has been vastly over-rated. I would say that something upwards of 95% of what we need to know about foreign countries could be very well obtained by the careful and competent study of perfectly legitimate sources of information open and available to us in the rich library and archival holdings of this country.

I ask unanimous that the full text of Professor Kennan's letter be inserted in the RECORD.

I should note further that Professor Kennan's conclusion about the share of information available from open sources also has been reached by other notable observers of the secrecy system—the estimable George P. Shultz among them.

Developing a culture of openness within the Federal Government requires that secrecy be defined in statute. A statute will not put an end to overclassification and needless classification, but it will help by ensuring that the present regulatory regime cannot simply continue to flourish without any restraint. Classification should proceed according to law; classifiers should know that they are acting lawfully and properly. We need to balance the possibility of harm to national security against the public's right to know what the Government is doing, or not doing. We should establish by statute that secrecy belongs in the realm of national security and must serve that interest alone. It should not be employed as a badge of office or a status symbol.

Thus we propose this statute, the Government Secrecy Act of 1997. As noted, Representatives COMBEST and HAMILTON are cosponsoring a companion measure in the House of Representatives. This legislation—defining the principles and standards to govern classification and declassification, and establishing within an existing agency a National Declassification Center to coordinate responsibility for declassifying historical documents—is drawn directly from the Commission's recommendation for such a statute, as set out in the summary and in chapter I of our report.

I look forward to reviewing the legislation, as well as the other findings and recommendations of the Commission, with Members of this body, as well as our colleagues in the House of Representatives, executive branch officials, and interested persons outside of Government, in the weeks ahead.

I send the bill to the desk and ask unanimous consent that it be printed in the RECORD and be referred to the appropriate committee.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 712

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Secrecy Act of 1997".

SEC. 2. PURPOSE.

It is the purpose of this Act to promote the effective protection of classified information and the disclosure of information where there is not a well-founded basis for protection or where the costs of maintaining a secret outweigh the benefits.

SEC. 3. FINDINGS.

The Congress makes the following findings:

(1) The system for classifying and declassifying national security information has been based in regulation, not in statute, and has been governed by six successive Executive orders since 1951.

(2) The Commission on Protecting and Reducing Government Secrecy, established under Public Law 103–236, issued its report on March 4, 1997 (S. Doc. 105–2), in which it recommended reducing the volume of information classified and strengthening the protection of classified information.

(3) The absence of a statutory framework has resulted in unstable and inconsistent classification and declassification policies, excessive costs, and inadequate implementation.

(4) The implementation of Executive orders will be even more costly as more documents are prepared and used on electronic systems.

(5) United States taxpayers incur substantial costs as several million documents are classified each year. According to figures submitted to the Information Security Oversight Office and the Congress, the executive branch and private industry together spent more than $5.2 billion in 1996 to protect classified information.

(6) A statutory foundation for the classification and declassification of information is likely to result in a more stable and cost-effective set of policies and a more consistent application of rules and procedures.

(7) Enactment of a statute would create an opportunity for greater oversight by the Congress of executive branch classification and declassification activities, without impairing the responsibility of executive branch officials for the day-to-day administration of the system.

SEC. 4. CLASSIFICATION AND DECLASSIFICATION OF INFORMATION.

(a) CLASSIFICATION FOR NATIONAL SECURITY REASONS.—The President may, in accordance with this Act, protect from unauthorized disclosure information in the possession and control of the executive branch when there is a demonstrable need to do so in order to protect the national security of the United States. The President shall ensure that the amount of information classified is the minimum necessary to protect the national security.

(b) PROCEDURES FOR CLASSIFICATION AND DECLASSIFICATION.—

(1) IN GENERAL.—The President shall, to the extent necessary, establish categories of information that may be classified and procedures for classifying information under subsection (a). The President shall, concurrently with the establishment of such categories and procedures, establish, and allocate resources for the implementation of, procedures for declassifying information previously classified.

(2) PUBLICATION OF CATEGORIES AND PROCEDURES.—

(A) The President shall publish notice in the Federal Register of any categories and procedures proposed to be established under paragraph (1) with respect to both the classification and declassification of information, and shall provide an opportunity for interested agencies and other interested persons to submit comments thereon. The President shall take into account such comments before establishing the categories and procedures, which shall also be published in the Federal Register.

(B) The procedures set forth in subparagraph (A) shall apply to any modifications in categories or procedures established under paragraph (1).

(3) AGENCY STANDARDS AND PROCEDURES.—The head of each agency shall establish standards and procedures for classifying and declassifying information created by that agency on the basis of the categories and procedures established by the President under paragraph (1). Each agency head, in establishing and modifying standards and procedures under this paragraph, shall follow the procedures required of the President in paragraph (2) for establishing and modifying categories and procedures under that paragraph.

(c) CONSIDERATIONS IN DETERMINING CLASSIFICATION AND DECLASSIFICATION.—

(1) IN GENERAL.—In determining whether information should be classified or declassified, the agency official making the determination shall weigh the benefit from public disclosure of the information against the need for initial or continued protection of the information under the classification system. If there is significant doubt as to whether information requires such protection, it shall not be classified.

(2) WRITTEN JUSTIFICATION.—

(A) ORIGINAL CLASSIFICATION.—The agency official who makes the decision to classify information shall identify himself or herself and shall provide in writing a detailed justification for that decision.

(B) DERIVATIVE CLASSIFICATION.—In any case in which an agency official classifies a document on the basis of information previously classified that is included or referenced in the document, that agency official shall identify himself or herself in that document.

(d) STANDARDS FOR DECLASSIFICATION.—

(1) INITIAL CLASSIFICATION PERIOD.—Information may not remain classified under this Act for longer than a 10-year period unless the head of the agency that created the information certifies to the President at the end of such period that the information requires continued protection, based on a current assessment of the risks of disclosing the information, carried out in accordance with subsection (c)(1).

(2) ADDITIONAL CLASSIFICATION PERIOD.—Information not declassified prior to or at the end of the 10-year period referred to in paragraph (1) may not remain classified for more than a 30-year period unless the head of the agency that created the information certifies to the President at the end of such 30-year period that continued protection of the information from unauthorized disclosure is essential to the national security of the United States or that demonstrable harm to an individual will result from release of the information.

(3) DECLASSIFICATION SCHEDULES.—All classified information shall be subject to regular review pursuant to schedules each agency head shall establish and publish in the Federal Register. Each agency shall follow the schedule established by the agency head in declassifying information created by that agency.

(4) ASSESSMENT OF EXISTING CLASSIFIED INFORMATION.—Each agency official responsible for information which, before the effective date of this Act—

(A) was determined to be kept protected from unauthorized disclosure in the interest of national security, and

(B) had been kept so protected for longer than the 10-year period referred to in paragraph (1),

shall, to the extent feasible, give priority to making decisions with respect to declassifying that information as soon as is practicable.

(e) REPORTS TO CONGRESS.—Not later than December 31 of each year, the head of each agency that is responsible for the classification and declassification of information shall submit to the Congress a report that describes the application of the classification and declassification standards and procedures of that agency during the preceding fiscal year.

(f) AMENDMENT TO FREEDOM OF INFORMATION ACT.—Section 552(b)(1) of title 5, United States Code, is amended to read as follows:

"(1)(A) specifically authorized to be classified under the Government Secrecy Act of 1997, or specifically authorized, before the effective date of that Act, under criteria established by an Executive order to be kept secret in the interest of national security (as defined by section 7(6) of the Government Secrecy Act of 1997), and (B) are in fact properly classified pursuant to that Act or Executive order;".

SEC. 5. NATIONAL DECLASSIFICATION CENTER.

(a) ESTABLISHMENT.—The President shall establish, within an existing agency, a National Declassification Center, the functions of which shall be—

(1) to coordinate and oversee the declassification policies and practices of the Federal Government; and

(2) to provide technical assistance to agencies in implementing such policies and practices, in accordance with this section.

(b) FUNCTIONS.—

(1) DECLASSIFICATION OF INFORMATION.—The Center shall, at the request of any agency and on a reimbursable basis, declassify information within the possession of that agency pursuant to the guidance of that agency on the basis of the declassification standards and procedures established by that agency under section 4, or if another agency created the information, pursuant to the guidance of that other agency on the basis of the declassification standards and procedures established by that agency under section 4. In carrying out this paragraph, the Center may use the services of officers or employees or the resources of another agency, with the consent of the head of that agency.

(2) COORDINATION OF POLICIES.—The Center shall coordinate implementation by agencies of the declassification policies and procedures established by the President under section 4 and shall ensure that declassification of information occurs in an efficient, cost-effective, and consistent manner among all agencies that create or otherwise are in possession of classified information.

(3) DISPUTES.—If disputes arise among agencies regarding whether information should or should not be classified, or between the Center and any agency regarding the Center's functions under this section, the heads of the agencies concerned or of the Center may refer the matter to the President for resolution of the dispute.

(c) NATIONAL DECLASSIFICATION ADVISORY COMMITTEE.—

(1) IN GENERAL.—There is established a 12-member National Declassification Advisory Committee. 4 members of the Advisory Committee shall be appointed by the President and 2 members each shall be appointed by the majority and minority leaders of the Senate, the Speaker of the House of Representatives, and the minority leader of the House of Representatives.

(2) MEMBERSHIP.—The members of the Advisory Committee shall be appointed from among distinguished historians, political scientists, archivists, other social scientists, and other members of the public who have a demonstrable expertise in declassification and the management of Government records. No officer or employee of the United States Government shall be appointed to the Advisory Committee.

(3) DUTIES.—The Advisory Committee shall provide advice to the Center and make recommendations concerning declassification priorities and activities.

(d) ANNUAL REPORTS.—The Center shall submit to the President and the Congress, not later than December 31 of each year, a report on its activities during the preceding fiscal year, and on the implementation of agency declassification practices and its efforts to coordinate those practices.

SEC. 6. INFORMATION TO THE CONGRESS.

Nothing in this Act shall be construed to authorize the withholding of information from the Congress.

SEC. 7. DEFINITIONS.

As used in this Act—

(1) the term "Advisory Committee" means the National Declassification Advisory Committee established under section 5(c);

(2) the term "agency" means any executive agency as defined in section 105 of title 5, United States Code, any military department as defined in section 102 of such title, and any other entity in the executive branch of the Government that comes into the possession of classified information;

(3) the term "Center" means the National Declassification Center established under section 5(a);

(4) the terms "classify", "classified", and "classification" refer to the process by which information is determined to require protection from unauthorized disclosure pursuant to this Act in order to protect the national security of the United States;

(5) the terms "declassify", "declassified", and "declassification" refer to the process by which information that has been classified is determined to no longer require protection from unauthorized disclosure pursuant to this Act; and

(6) the term "national security of the United States" means the national defense or foreign relations of the United States.

SEC. 8. EFFECTIVE DATE.

This Act shall take effect 180 days after the date of the enactment of this Act.

INSTITUTE FOR ADVANCED STUDY,
SCHOOL OF HISTORICAL STUDIES,
Princeton, NJ, March 25, 1997.

Senator DANIEL P. MOYNIHAN,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR: Thank you for your note of the 7th, and for the copy of your recent talk at Georgetown, which I have read with deep appreciation.

There are several points you touched on in that talk which, were we sitting at leisure around a fireside, I would like to pursue. I cannot treat them all here. But there is one matter on which you did not specifically mention but which lies close to the subject you had in mind, and on which I am moved to say a word. It is a matter on which I have long looked for, but never found, a suitable chance to comment publicly.

It is my conviction, based on some 70 years of experience, first as a government official and then in the past 45 years as an historian, that the need by our government for secret intelligence about affairs elsewhere in the world has been vastly over-rated. I would say that something upwards of 95% of what we need to know about foreign countries could be very well obtained by the careful and competent study of perfectly legitimate sources of information open and available to us in the rich library an archival holdings of this country. Much of the remainder, if it could not be found here (and there is very little of it that could not) could easily be non-secretively elicited from similar sources abroad.

In Russia, in Stalin's time and partly thereafter, the almost psychotic preoccupation of the Communist regime with secrecy appeared to many, not unnaturally, to place a special premium on efforts to penetrate that curtain by secretive methods of our own. This led, of course, to the creation here of a vast bureaucracy dedicated to this particular purpose; and this latter, after the fashion of all great bureaucratic structures, has endured to this day, long after most of the reasons for it have disappeared. Even in the Soviet time, much of it was superfluous. A lot of what we went to such elaborate and dangerous means to obtain secretly would have been here for the having, given the requisite quiet and scholarly analysis of what already lay before us.

The attempt to elicit information by secret means has another very serious negative effect that is seldom noted. The development of clandestine sources of information in another country involves, of course, the placing and the exploitation of secret agents on the territory of that country. This naturally incites the mounting of a substantial effort of counterintelligence on the part of the respective country's government. This, in turn, causes us to respond with an equally vigorous effort of counterintelligence in order to maintain the integrity of our espionage effort. But for a variety of reasons, this competition in counterintelligence efforts tends to grow into dimensions that wholly overshadow the original effort of positive intelligence procurement that gave rise to it in the first place. It takes on aspects which cause it to be viewed as a game, played in its own rights. Unfortunately, it is a game requiring such lurid and dramatic character that it dominates the attention both of those that practice it, and of those in the press and the media who exploit it. Such is the fascination it exerts that it tends wholly to obscure, even for the general public the original reasons for it. It would be interesting to know what proportion of the energies and expenses and bureaucratic involvement of the C.I.A. is addressed to this consuming competition, and whether one ever stacks this up against the value of its almost forgotten original purposes. Do people ever reflect, one wonders, that the best way to protect against the penetration of one's secrets by others is to have the minimum of secrets to conceal?

One more point. At the bottom of the whole great effort of secret military intelligence, which has played so nefarious a part in the entire history of great-power relationships in this passing century, there has usually lain the assumption by each party that if it did not engage to the limit in that exercise the other party, working in secret, might develop a weapon so devastating that with it he could confront all others with the demand that they submit to his will "or else".

But this sort of anxiety is now greatly outdated. The nuclear competition has taught us that the more terrible the weapons available, the more suicidal becomes any conceivable actual use of them. With the recognition of the implications of this simple fact would go a large part of the motivation for our frantic efforts of secret intelligence. In this respect, too, this is really a new age. It is time we recognized it and drew the inescapable conclusions.

There may still be areas, very small areas really, in which there is a real need to penetrate someone else's curtain of secrecy. All right. But then please, without the erection of false pretenses and elaborate efforts to deceive—and without, to the extent possible—the attempt to maintain "spies" on the adversary's territory. We easily become ourselves, the sufferers from these methods of deception. For they inculcate in their authors, as well as their intended victims, unlimited cynicism, causing them to lose all realistic understanding of the interrelationship, in what they are doing, of ends and means.

Forgive me for burdening you with this outburst. I am not unloading upon my friends, in private letters, thoughts I should probably have brought forward publicly long ago. I have to consider that this is the only way I can put some of these thoughts into words before, in the case of a person 93 years of age, it becomes too late.

Warm and admiring greetings.

Very sincerely,

GEORGE KENNAN.

Mr. HELMS. I am pleased to join Senator MOYNIHAN today in introducing a bill that would for the first time place in statute the Government system for the classification of information. To date this has been accomplished solely through Executive order.

The statute is based on the recommendations contained in the report of the Commission to Protect and Reduce Government Secrecy chaired by my colleague PAT MOYNIHAN, the senior Senator from New York. The Secrecy Commission achieved a unified report of recommendations—a feat that should not be underrated, especially in Washington.

The Commission, by law, had the twin goals of studying how to protect important Government secrets and simultaneously reducing the amount of classified documents and materials. All Commissioners began their deliberations with the premise that Government secrecy is a form of regulation that, like all regulations, should be used sparingly, and certainly never for the goal of keeping the truth from the American people. Commissioners also began the process recognizing that over-classification can actually weaken the protections of those secrets that truly are in our national interest.

All the same I am obliged to begin with a reiteration of the obvious—that the protection of true national security information remains vital to the wellbeing and security of the United States. The end of the cold war notwithstanding, the United States continues to face serious and long-term threats from a variety of fronts. While Communist and anti-American regimes, such as North Korea, Cuba, Iran, and Iraq, continue to wage a war of espionage against the United States, new threats have arisen as well.

Most alarming, perhaps, is the growing trend of espionage conducted not by our enemies but by American allies. Such espionage is on the rise especially against U.S. economic secrets. According to a February 1996 report by GAO, classified military information and sensitive military technologies are high priority targets for the intelligence agencies of U.S. allies.

At first blush, a push to reduce Government secrecy may seem at odds with these increasing threats. I am convinced it is not. The sheer volume of government secrets—and their cost to the taxpayers and U.S. business—is staggering. In 1996 the taxpayers spent more than $5.2 billion to protect classified information. We know all too well from our own experiences that when everything is secret nothing is secret.

Secrecy all too often then becomes a political tool used by executive branch agencies to shield information which may be politically sensitive or policies which may be unpopular with the American public. Worse yet, information may be classified to hide from public view illegal or unethical activity. On numerous occasions I, and other Members of Congress, have found the executive branch to be reluctant to share certain information, the nature of which is not truly a national secret, but which would be potentially politically embarrassing to officials in the executive branch or which would make known an illegal or indefensible policy.

I have also found that one of the largest impediments to openness is the perverse incentives of the Government bureaucracy itself in favor of classification, and the lack of accountability for those who do the actual classification. I strongly endorse the Commission's recommendation of adding individual accountability to the process by requiring original and derivative classifiers to actually identify themselves and include within the documents a justification of the decision to classify.

The only way to change a bureaucracy is to reverse the incentive to classify. A good example of how to change this lack of bureaucratic accountability is a provision contained in H.R. 3121—legislation which we approved in the Foreign Relations Committee last year that was signed into law. Previously, details on U.S. commercial arms sales to foreign governments were not made available to the public unless a citizen requested that the State Department make it public. The incentive therefore was to keep the information closely regulated. H.R. 3121 provides that all arm sales will be made public unless the President determines that the release of the information is contrary to U.S. national security interest. Although this may appear to be a small nuance, the bureaucratic incentive is changed enormously to favor openness. Shifting the burden in this way can introduce more openness into the system and force the bureaucracy to identify true national security threats.

I am convinced, however, that the single most important recommendation of our Commission that Congress should focus on is the concept of creating a life cycle for secrets. This means that all information, classified and unclassified alike, has a life span in which decisions must be made regarding creation, management, and use. This kind of rationalization would shift the burden to favor openness and reduce some of the costs associated with declassification.

I would add a note of caution to the Commission's work on declassification, however. In the course of the 2 years of its work, the Commission became very interested in the declassification of existing documents and materials. In a perfect world, if information remains relevant to true U.S. national interests it should remain classified indefinitely. Information that does not compromise U.S. interests and sources should be made public. We all realize, however, that this is a tremendously costly venture. In fact, the Commission was unable to come up with solid data on the true cost of declassification.

In this era when Congress has finally begun to grasp the essential need to reduce Government spending and balance the budget, the issue of balancing costs and benefits is an essential one. The financial costs to the American taxpayers must be balanced against the necessity of the declassification. The real lesson to take from the work of this Commission is the need to redress for the future the problems of over classification and a systematic process for declassification, so that the costs and timeliness of declassification does not pose the same economic and regulatory burdens on future generations. At the same time, it may be too costly to declassify all of the countless classified documents now in existence.

With this caveat in mind, I hope the Congress will focus on bringing government-wide rationalization to the classification process. It is an area where tough congressional oversight is long overdue.

By Mr. AKAKA (for himself, Mr. DASCHLE, Mr. INOUYE, Mr. HOLLINGS, Mr. WELLSTONE and Mr. JEFFORDS):

S. 714. A bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

REAUTHORIZATION OF THE NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM LEGISLATION

Mr. AKAKA. Mr. President, I rise to introduce a measure which permanently authorizes the Native American Veteran Housing Loan Program. I am pleased that Senators DASCHLE, INOUYE, HOLLINGS, WELLSTONE, and JEFFORDS have joined me in cosponsoring this important measure.

In 1992, I authored a bill that established a 5-year pilot program of direct home loans to assist native american veterans who reside on trust lands. This pilot program, administered by the Department of Veterans Affairs [VA], provides direct loans to native American veterans to build or purchase homes on trust lands. Previously, native American veterans who reside on trust lands were unable to qualify for VA home loan benefits. This disgraceful treatment of native American veterans was finally corrected when Congress established the native American Direct Home Loan Program.

Despite the complexities of creating a program that addresses the needs of hundreds of different tribal entities, VA has successfully entered into agreements to provide direct VA loans to members of 46 tribes and Pacific Island groups, and negotiations continue with other tribes. Since the program's inception, 127 native American veterans have been able to achieve home ownership, and none of the loans approved by the VA have been foreclosed.

Unfortunately, the authority to issue new loans under this remarkably successful program will cease on September 30, 1997. This would be tragic and devastating to a number of native American veterans who want to participate in this program. Although VA has proposed a 2-year extension for the program, it fails to address the basic reason this program exists—equity. Native American veterans who reside on trust lands should be afforded the same benefits available to other veterans. Without this program, home loan benefits to native Americans living on trust lands will cease. This is the only program available for native American veterans who live on trust lands to finance a home for themselves and their families. There are no alternatives available.

Permanent authorization of this program will ensure that native American veterans are provided equal access to services and benefits available to other veterans. I urge my colleagues to support this important legislation.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 714

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT AUTHORITY FOR NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM.

(a) PERMANENT AUTHORITY.—Section 3761 of title 38, United States Code, is amended by striking out subsection (c).

(b) CONFORMING AMENDMENTS.—(1) Section 3761(a) of such title is amended—

(A) by striking out "shall establish and implement a pilot program" and inserting in lieu thereof "shall carry out a pilot program"; and

(B) by striking out "shall establish and implement the pilot program" and inserting in lieu thereof "shall carry out the pilot program".

(2) Sections 3761(b) and 3762(i) of such title are each amended by striking out "pilot program" and inserting in lieu thereof "program".

(3) Section 3762 of such title is amended—

(A) in subsection (b)(1)(E), by striking out "pilot program established under this subchapter is implemented" and inserting in lieu thereof "program under this subchapter is carried out"; and

(B) in subsection (c)(1)(B), by striking out the second sentence.

(4)(A) The subchapter heading for subchapter V of chapter 37 of such title is amended by striking out "PILOT".

(B) The section heading for section 3761 of such title is amended to read as follows:

"§3761. Native American Veteran Housing Loan Program".

(C) The table of sections at the beginning of chapter 37 of such title is amended—

(i) in the item relating to subchapter V, by striking out "PILOT"; and

(ii) by striking out the item relating to section 3761 and inserting in lieu thereof the following new item:

"3761. Native American Veteran Housing Loan Program.".

By Mr. CRAIG (for himself, Mr. BAUCUS, Mr. BURNS, Mr. GORTON, Mr. KEMPTHORNE, and Mr. ENZI):

S. 716. A bill to establish a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving national, regional, and provincial trade-distorting differences between the countries with respect to the production, processing, and sale of cattle and beef, and for other purposes; to the Committee on Finance.

LEGISLATION TO ESTABLISH CATTLE AND BEEF COMMISSION

Mr. CRAIG. Mr. President, I rise to introduce a bill of critical importance to our Nation's cattle industry. The joint United States-Canada Commission on Cattle and Beef is designed to resolve some of the existing differences in trade practices between the two countries.

I want to thank a number of my colleagues who are joining me as original cosponsors of this legislation. The cosponsors of this bill include Senator BAUCUS, Senator BURNS, Senator GORTON, Senator KEMPTHORNE, and Senator ENZI.

As a former rancher, I have a firsthand understanding of the challenges that face the cattle industry. The prolonged down cycle is especially troubling because it affects the livelihoods of thousands of ranching families in Idaho and across the country.

These beef producers are the largest sector of Idaho and American agriculture. Over 1 million families raise over 100 million head of beef cattle every year. This contributes over $36 billion to local economies. Even with the extended cycle of low prices, direct cash receipts from the Idaho cattle industry were almost $620 million in 1995. These totals only represent direct sales; they do not capture the multiplier effect that cattle ranches have in their local economies from expenditures on labor, feed, fuel, property taxes, and other inputs.

Over the years, cattle operations have provided a decent living and good way of life in exchange for long days, hard work, and dedication. While the investment continues to be high, the returns have been low in recent years.

The problems facing the cattle industry in recent years are complex. The nature of the market dictates that stable consumption combined with increased productivity and growing herd size yield lower prices to producers. This, combined with high feed prices and limited export opportunities, has caused a near crisis.

Many Idahoans have contacted me on a number of cattle industry issues. Some suggest the Federal Government intervene in the market to help producers. However, many others have expressed fear that Federal intervention, if experience is any indication, will only complicate matters and may also create a number of unintended results. I tend to agree with the latter. Time and again, I have seen lawmakers and bureaucrats in Washington, DC, albeit well intentioned, take a difficult situation and make it worse. This does not mean that I believe Government has no role to play. I have supported and will continue to support Government involvement in areas like trade, where individual producers cannot help themselves.

This bill recognizes a number of barriers to international trade that adversely affect American beef producers. The bill is meant to elevate the importance of all trade issues and specifically address some of the pending cattle trade issues between the United States and Canada.

The United States-Canada Commission on Cattle and Beef is a measure designed to provide immediate, short-term solutions to some of the serious trade problems facing the cattle industry. Specific cattle issues that could be resolved with further discussion include animal health requirements and the availability of feed grains. The bill creates a commission composed of three people from each country along with a number of other nonvoting advisors. Within 30 days of passage, the Commission must be in place and within 6 months must issue a preliminary report on how to resolve the existing differences between United States and Canadian trade.

I know that a number of my colleagues have legislation pending in regards to the cattle market. I would comment that I see this bill as a starting point, not an ending point for cattle industry issues and I urge my colleagues to support this legislation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. JOINT UNITED STATES-CANADA COMMISSION ON CATTLE AND BEEF.

(a) ESTABLISHMENT.—There is established a Joint United States-Canada Commission on Cattle and Beef to identify, and recommend means of resolving, national, regional, and provincial trade-distorting differences between the United States and Canada with respect to the production, processing, and sale of cattle and beef, with particular emphasis on—

(1) animal health requirements;

(2) transportation differences;

(3) the availability of feed grains; and

(4) Other market-distorting direct and indirect subsidies.

(b) COMPOSITION.—

(1) IN GENERAL.—The Commission shall be composed of—

(A) 3 members representing the United States, including—

(i) 1 member appointed by the Majority Leader of the Senate;

(ii) 1 member appointed by the Speaker of the House of Representatives; and

(iii) 1 member appointed by the Secretary of Agriculture;

(B) 3 members representing Canada, appointed by the Government of Canada; and

(C) nonvoting members appointed by the Commission to serve as advisers to the Commission, including university faculty, State veterinarians, trade experts, and other members.

(2) APPOINTMENT.—Members of the Commission shall be appointed not later than 30 days after the date of enactment of this Act.

(c) REPORT.—Not later than 180 days after the first meeting of the Commission, the Commission shall submit a report to Congress and the Government of Canada that identifies, and recommends means of resolving, differences between the United States and Canada with respect to the production, processing, and sale of cattle and beef.

By Mr. JEFFORDS (for himself, Mr. HARKIN, Mr. LOTT, Mr. KENNEDY, Mr. COATS, Mr. DODD, Mr. GREGG, Ms. MIKULSKI, Mr. FRIST, Mr. DEWINE, Mr. ENZI, Mr. HUTCHINSON, Mrs. MURRAY, Ms. COLLINS, Mr. WARNER, Mr. MCCONNELL, and Mr. REED):

S. 717. A bill to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1997

Mr. JEFFORDS. Mr. President, today along with 16 of my colleagues, I am introducing the Individuals with Disabilities Education Act Amendments of 1997. This legislation is the product of 4 months of intensive discussion among members of the committee, the House Committee on Education and the Workforce, and officials from the U.S. Department of Education.

The process followed in developing this legislation was unprecedented and demonstrates the high priority all involved place on the importance of the education of children with disabilities, their parents, and their educators.

Many people and organizations have helped us to develop this legislation. I would like to name just a few.

First and foremost, I wish to thank the Majority Leader TRENT LOTT for his unwavering support, and, in particular for the assistance of his Chief of Staff, Dave Hoppe. It is my firm belief that without their commitment to the process that we could not have produced this bill.

I would also like to thank my colleagues Senators KENNEDY, COATS, HARKIN, and GREGG, and especially, Chairman GOODLING, Mr. CLAY and our other colleagues in the House, and Secretary Riley, and Assistant Secretary Heumann.

I also wish to especially thank Senator FRIST, who set the direction and standard that led us in our efforts to reauthorize IDEA in the last Congress.

I introduce this bill in a much different climate than the one in which Congress first addressed the issue. In 1975, responding to numerous Federal court cases, Congress passed Public Law 94–142 which guaranteed all children with disabilities a "free and appropriate public education," and promised that the Federal Government would contribute 40 percent of the costs of special education. It is 22 years later and today we are on the threshold of honoring that commitment.

Our efforts in drafting this legislation are driven by a common belief that education is our No. 1 national priority, and that meeting the needs of our children includes meeting the needs our 5.1 million children with disabilities. In this bill we address several important issues: How to increase the flow of Federal dollars to local school districts; how to expand opportunities for children with disabilities to participate and succeed in the classroom along with their nondisabled peers; and how to ensure the appropriate participation of children with disabilities in State and district-wide assessments of student progress.

I hope all of my colleagues will support this legislation when it is considered. It's importance has been demonstrated by the collaborative process in which it was developed, and the valuable group of Americans it is intended to serve.

Thank you, Mr. President.

ADDITIONAL COSPONSORS

S. 2

At the request of Mr. ROTH, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 2, a bill to amend the Internal Revenue Code of 1986 to provide tax relief for American families, and for other purposes.

At the request of Mr. GRAMM, his name was added as a cosponsor of S. 2, supra.

S. 4

At the request of Mr. ASHCROFT, the names of the Senator from Maine [Ms. SNOWE], and the Senator from Indiana [Mr. LUGAR] were added as cosponsors of S. 4, a bill to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

S. 124

At the request of Mr. GRAMM, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 124, a bill to invest in the future of the United States by doubling the amount authorized for basic science and medical research.

S. 143

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 143, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for a minimum hospital stay for mastectomies and lymph node dissections performed for the treatment of breast cancer.

S. 231

At the request of Mr. LAUTENBERG, his name was added as a cosponsor of S. 231, a bill to establish the National Cave and Karst Research Institute in the State of New Mexico, and for other purposes.

S. 394

At the request of Mr. HATCH, the name of the Senator from New York [Mr. MOYNIHAN] was added as a cosponsor of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 479

At the request of Mr. GRASSLEY, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 479, a bill to amend the Internal Revenue Code of 1986 to provide estate tax relief, and for other purposes.

S. 535

At the request of Mr. MCCAIN, the names of the Senator from Pennsylvania [Mr. SPECTER], the Senator from Kentucky [Mr. MCCONNELL], and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 535, a bill to amend the Public Health Service Act to provide for the establishment of a program for research and training with respect to Parkinson's disease.

S. 536

At the request of Mr. GRASSLEY, the names of the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 536, a bill to amend the National Narcotics Leadership Act of 1988 to establish a program to support and encourage local communities that first demonstrate a comprehensive, long-term commitment to reduce substance abuse among youth, and for other purposes.

S. 609

At the request of Mr. KENNEDY, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 609, a bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive breast surgery if they provide coverage for mastectomies.

S. 685

At the request of Mr. COCHRAN, his name was added as a cosponsor of S. 685, a bill to amend the Internal Revenue Code of 1986 to extend the work opportunity tax credit for an additional fiscal year.

SENATE CONCURRENT RESOLUTION 21

At the request of Mr. MOYNIHAN, the names of the Senator from Hawaii [Mr. AKAKA], the Senator from Delaware [Mr. BIDEN], the Senator from Washington [Mr. GORTON], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of Senate Concurrent Resolution 21, a concurrent resolution congratulating the residents of Jerusalem and the people of Israel on the thirtieth anniversary of the reunification of that historic city, and for other purposes.

SENATE RESOLUTION 58

At the request of Mr. ROTH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of Senate Resolution 58, a resolution to state the sense of the Senate that the Treaty of Mutual Cooperation and Security Between the United States of America and Japan is essential for furthering the security interests of the United States, Japan, and the countries of the Asia-Pacific region, and that the people of Okinawa deserve recognition for their contributions toward ensuring the Treaty's implementation.

AMENDMENT NO. 59

At the request of Mr. LAUTENBERG his name was added as a cosponsor of amendment No. 59 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 76

At the request of Mr. SPECTER the names of the Senator from Pennsylvania [Mr. SANTORUM], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Wisconsin [Mr. KOHL] were added as cosponsors of amendment No. 76 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 100

At the request of Ms. MOSELEY-BRAUN the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of amendment No. 100 intended to be proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 131

At the request of Mr. SPECTER his name was added as a cosponsor of amendment No. 131 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 145

At the request of Mr. D'AMATO the names of the Senator from California [Mrs. FEINSTEIN], the Senator from New York [Mr. MOYNIHAN], the Senator from California [Mrs. BOXER], the Senator from Wisconsin [Mr. KOHL], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Oregon [Mr. WYDEN], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Maryland [Ms. MIKULSKI], the Senator from Florida [Mr. MACK], the Senator from Nevada [Mr. REID], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of amendment No. 145 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

At the request of Mr. REED his name was added as a cosponsor of amendment No. 145 proposed to S. 672, supra.

AMENDMENT NO. 166

At the request of Mr. D'AMATO the names of the Senator from California [Mrs. FEINSTEIN], the Senator from New York [Mr. MOYNIHAN], and the Senator from California [Mrs. BOXER] were added as cosponsors of amendment No. 166 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

AMENDMENT NO. 169

At the request of Mr. BOND the names of the Senator from Maryland [Mr. SARBANES], the Senator from New York [Mr. D'AMATO], and the Senator from Maryland [Ms. MIKULSKI] were added as cosponsors of amendment No. 169 proposed to S. 672, an original bill making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes.

SENATE RESOLUTION 85—RELATIVE TO BREAST CANCER

Mr. GREGG (for himself and Mr. SMITH of New Hampshire) submitted the following resolution; which was referred to the Committee on Labor and Human Resources:

S. RES. 85

Whereas individuals with breast cancer need a support system in their time of need;

Whereas breast cancer is a disease of epidemic proportions, with 43,900 individuals in the United States expected to die from breast cancer in 1997, and 1 out of every 8 women in the United States expected to develop breast cancer in her lifetime;

Whereas the millions of family members, including spouses, children, parents, siblings, and other loved ones of person's with breast cancer can offer strong emotional support to each other in addition to the support they offer to patients and survivors dealing with their challenges;

Whereas it is important that the United States as a whole support the family members and other loved ones of individuals with breast cancer in addition to supporting the individual with breast cancer; and

Whereas 1997 brings the 25th anniversary of the National Cancer Program providing research, training, health information dissemination, and other programs with respect to the cause, diagnosis, prevention and treatment of cancer, rehabilitation from cancer, and the continuing care of cancer patients and their families: Now, therefore, be it

Resolved, That it is the sense of the Senate that an environment be encouraged where—

(1) the family members and loved ones of individuals with breast cancer can support each other in addition to the individual with breast cancer; and

(2) everything possible should be done to support both the individuals with breast cancer as well as the family and loved ones of individuals with breast cancer through public awareness and education.

Mr. GREGG. Mr. President, I rise today to submit, for myself and Senator SMITH of New Hampshire, a Senate resolution expressing the sense of the Senate that individuals afflicted with breast cancer should not be alone in their fight against the terrifying disease. With Mother's Day coming up this Sunday, May 11, it seems especially appropriate that we recognize the extent to which our society is affected by this disease, as well as the importance of supporting breast cancer patients and their family members and friends who are all meeting the challenges of this disease at the side of their loved one.

In 1997, it is estimated that 1 out of every 8 women will develop breast cancer in her lifetime and nearly 44,000 individuals will die of the disease this year. In New Hampshire alone there are 12,700 women living with breast cancer, and 230 women are expected to die of this terrible disease in 1997. With each of these individuals come loved ones who are also impacted. It is imperative to have a strong support system not only for individuals with breast cancer but for the family and friends who make up their support system. Our recognition of the millions of people who are dealing with similar struggles can help both the breast cancer patients and their loved ones to stay strong during their times of need.

With this resolution, we hope to encourage an environment in New Hampshire, and across the Nation, where support is provided to both the individuals with breast cancer as well as their family and friends through public awareness and education, and where family members and loved ones of individuals with breast cancer support each other in along with the individual facing breast cancer.

AMENDMENTS SUBMITTED SUBMITTED

THE GOVERNMENT SHUTDOWN PREVENTION ACT SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1997

CONRAD AMENDMENT NO. 175

(Ordered to lie on the table.)

Mr. CONRAD submitted an amendment intended to be proposed by him to the bill (S. 672) making supplemental appropriations and rescissions for the fiscal year ending September 30, 1997, and for other purposes; as follows:

In lieu of the matter to be inserted by said amendment, insert: On page 31, line 22, after the word "facilities," insert the following: ": *Provided further*, That of the funds made available under this heading, up to $20,000,000 may be transferred to the Disaster Assistance Direct Loan Program for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): *Provided further*, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $21,000,000 under section 417 of the Stafford Act: *Provided further*, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: *Provided further*, That the entire amount of the preceding proviso shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress".

DORGAN AMENDMENT NO. 176

(Ordered to lie on the table.)

Mr. DORGAN submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

At the appropriate place, insert the following: "*Provided further*, That, notwithstanding the provisions of section 903(a)(2) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3243(a)(2)), the Secretary of Commerce may make a grant to restore electrical and gas service to areas damaged by flooding and other natural disasters: *Provided further*, That a project funded by a grant made under the preceding proviso shall, for purposes of section 704(e)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3214(e)(1)), be considered to be an authorized project."

HUTCHISON AMENDMENT NO. 177

Mrs. HUTCHISON proposed an amendment to the bill, S. 672, supra; as follows:

Strike out "September 30, 1997" and insert in lieu thereof "June 30, 1998."

HUTCHISON AMENDMENTS NOS. 178–179

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted two amendments intended to be proposed by her to the bill, S. 672, supra; as follows:

Amendment No. 178

Strike out "September 30, 1997" and insert in lieu thereof "June 30, 1998."

Amendment No. 179

At the appropriate place, insert the following:

SEC. . AGREEMENTS UNDER THE ENDANGERED SPECIES ACT OF 1973.

(a) Listing.—Section 4(b)(1) of the Endangered Species Act of 1973 (16 U.S.C. 1533(b)(1)) is amended by adding at the end the following:

"(C) Agreements.—In determining whether a species is an endangered species or a threatened species, the Secretary shall take into full consideration any—

"(i) conservation agreement;

"(ii) pre-listing agreement;

"(iii) memorandum of agreement;

"(iv) memorandum of understanding; or

"(v) any other agreement designed to promote the conservation of any species;

agreed to by the Secretary, any other Federal agency, State, State agency, political subdivision of a State, or other person, including the reasonably expected future beneficial effects to the species of every provision of the agreement that has been implemented or is reasonably likely to be implemented.".

(b) Recovery Plans.—Section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f)) is amended by adding at the end the following:

"(6) Agreements.—The Secretary shall—

"(A) give the highest priority to development and implementation of a recovery plan for a species for which the Secretary has entered into a—

"(i) conservation agreement;

"(ii) pre-listing agreement;

"(iii) memorandum of agreement;

"(iv) memorandum of understanding; or

"(v) any other agreement designed to promote the conservation of any species;

(whether before or after the listing of the species as endangered or threatened) with any other Federal agency, State, State agency, political subdivision of a State, or other person; and

"(B) ensure that the commitments made by the Secretary in the agreement are fulfilled before funds are expended on the development and implementation of any other recovery plan.".

LUGAR AMENDMENTS NOS. 180–81

(Ordered to lie on the table.)

Mr. LUGAR submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

Amendment No. 180

Strike all after **"SEC. ——"** and insert the following: **COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.**

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) Confidentiality.—All information provided to, or acquired by the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) Report.—Not later than 150 days after the date on enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) Termination of Effectiveness.—The authority provided by subsection (a) terminates effective April 5, 1999.

Amendment No. 181

"Strike all after **"SEC. ——"** and insert the following: **COLLECTION AND DISSEMINATION OF INFORMATION ON PRICES RECEIVED FOR BULK CHEESE.**

(a) In General.—Not later than 30 days after the date of enactment of this Act, the Secretary of Agriculture shall collect and disseminate, on a weekly basis, statistically reliable information, obtained from cheese manufacturing areas in the United States on prices received and terms of trade involving bulk cheese, including information on the national average price for bulk cheese sold through spot and forward contract transactions. To the maximum extent practicable, the Secretary shall report the prices and terms of trade for spot and forward contract transactions separately.

(b) Confidentiality.—All information provided to, or acquired by, the Secretary under subsection (a) shall be kept confidential by each officer and employee of the Department of Agriculture except that general weekly statements may be issued that are based on the information and that do not identify the information provided by any person.

(c) Report.—Not later than 150 days after the date of enactment of this Act, the Secretary shall report to the Committee on Agriculture, and the Committee on Appropriations, of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry, and the Committee on Appropriations, of the Senate, on the rate of reporting compliance by cheese manufacturers with respect to the information collected under subsection (a). At the time of the report, the Secretary may submit legislative recommendations to improve the rate of reporting compliance.

(d) Termination of Effectiveness.—The authority provided by subsection (a) terminates effective April 5, 1999.

CRAIG AMENDMENTS NOS. 182–195

(Ordered to lie on the table.)

Mr. CRAIG submitted 14 amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

Amendment No. 182

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) Consultation and Conferencing.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) Flood control projects.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) Takings.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) Flood control projects.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

Amendment No. 183

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) Consultation and Conferencing.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) Flood control projects.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) Takings.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) Flood control projects.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

Amendment No. 184

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) Consultation and Conferencing.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a) is amended by adding at the end the following:

"(5) Flood control projects.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) Takings.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) Flood control projects.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose, during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

Amendment No. 185

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) Consultation and Conferencing.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) Flood control projects.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) Takings.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) Flood control projects.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

Amendment No. 186

In lieu of the matter proposed to be inserted, insert the following:

SEC. 331. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) Consultation and Conferencing.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) Flood control projects.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) Takings.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) Flood control projects.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 and 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

Amendment No. 187

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) Consultation and Conferencing.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) Flood control projects.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

AMENDMENT NO. 188

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997;

"(B) to address a catastrophic natural event that occurred during 1996 or 1997; or

"(C) to comply with a Federal, State, or local public health or safety requirement that was violated during 1996 or 1997 as a result of a threat or event referred to in subparagraph (A) or (B).".

AMENDMENT NO. 189

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

AMENDMENT NO. 190

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

AMENDMENT NO. 191

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

AMENDMENT NO. 192

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

AMENDMENT NO. 193

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(A) CONSULATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

"(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

AMENDMENT NO. 194

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

AMENDMENT NO. 195

In lieu of the matter proposed to be inserted, insert the following:

SEC. 311. COMPLIANCE WITH THE ENDANGERED SPECIES ACT OF 1973 IN CONNECTION WITH FLOOD CONTROL PROJECTS.

(a) CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following:

"(5) FLOOD CONTROL PROJECTS.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL PROJECTS.—For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a Federal or non-Federal flood control project, facility, or structure—

"(A) to address a critical, imminent threat to public health or safety that arose during 1996 or 1997; or

"(B) to address a catastrophic natural event that occurred during 1996 or 1997.".

GORTON AMENDMENT NO. 196

(Ordered to lie on the table.)

Mr. GORTON submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following on page 21, after line 15:

"For an additional amount for 'Resource Management', $5,000,000, to remain available until September 30, 1999, for payments to private landowners for the voluntary use of private land to store water in restored wetlands."

STEVENS AMENDMENTS NOS. 197–207

(Ordered to lie on the table.)

Mr. STEVENS submitted 11 amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 197

At the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogramming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 198

At the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogramming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 199

At the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogramming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 200

At the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogamming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 210

AT the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogramming approval procedure specified in section 605 of Public Law 104–208.

AMENDMENT NO. 202

At the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogamming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 203

At the end of the amendment add the following: "*Provided further*, That additional amounts made available may not be obligated pursuant to the reprogamming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 204

At the end of the amendment add the following: "*Provided further*, that additional amounts made available may not be obligated pursuant to the reprogramming approval procedure specified in section 605 of Public Law 104–208."

AMENDMENT NO. 205

In lieu of the matter proposed insert the following:

SEC. . None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling or any other statistical method [(including any statistical adjustment)] in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the several States that cannot be reversed by future congressional action.

AMENDMENT NO. 206

In lieu of the matter proposed insert the following:

SEC. . None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling or any other statistical method [(including any statistical adjustment)] in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the several States that cannot be reversed by future congressional action.

AMENDMENT NO. 207

In lieu of the matter proposed insert the following:

SEC. . None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the use of sampling or any other statistical method [(including any statistical adjustment)] in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the several States that cannot be reversed by future congressional action.

STEVENS AMENDMENT NO. 208

Mr. STEVENS proposed an amendment to the bill, S. 672, supra; as follows:

At the appropriate place in the bill insert the following:

None of the funds made available in the Foreign Operations, Export Financing, and Related Programs, 1997, (as contained in Public Law 104-208) may be made available for assistance to Uruguay unless the Secretary of State certifies to the Committees on Appropriations that all cases involving seizure of U.S. business assets have been resolved.

GRAMS AMENDMENT NO. 209

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the amendment No. 78 proposed by Mr. SPECTER to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. MARKET TRANSITION CONTRACTS FOR MILK PRODUCERS; TERMINATION OF CURRENT MILK MARKETING ORDERS AND MILK PRICE SUPPORT PROGRAM.

(a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended to read as follows:

“SEC. 141. MARKET TRANSITION CONTRACTS FOR MILK PRODUCERS.

“(a) DEFINITION OF MILK PRODUCER.—In this section:

“(1) IN GENERAL.—The term ‘milk producer’ means a person that was engaged in the production of cow's milk in the 48 contiguous States on September 15, 1996, and that received a payment during the 45-day period before that date for cow's milk marketed for commercial use.

“(2) INCLUSIONS.—The term ‘milk producer’ includes a person considered to be a producer-handler that satisfies the requirements of paragraph (1).

“(b) MARKET TRANSITION CONTRACTS AUTHORIZED.—The Secretary shall offer to enter into a contract (referred to in this section as a ‘market transition contract’) with willing milk producers, under which the milk producers agree, in exchange for payments under the contract, to comply with applicable—

“(1) conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

“(2) wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

“(c) TIME FOR CONTRACTING; TERM.—

“(1) TIME FOR CONTRACTING.—The Secretary shall begin to offer to enter into market transition contracts as soon as practicable after the date of enactment of this paragraph.

“(2) TERM.—The term of each market transition contract shall extend through December 31, 2001.

“(d) ESTIMATION OF PAYMENTS.—At the time the Secretary enters into a market transition contract, the Secretary shall provide an estimate of the payments anticipated to be made under the contract for calendar year 1997.

“(e) TIME FOR PAYMENTS.—

“(1) INITIAL PAYMENT.—The Secretary shall make the payment for calendar year 1997 under a market transition contract as soon as practicable after the date of enactment of the Supplemental Appropriations and Rescissions Act of 1997.

“(2) SUBSEQUENT PAYMENTS.—The Secretary shall make subsequent payments under a market transition contract not later than January 15 of each of calendar years 1998 through 2002.

“(f) PAYMENT RATE.—The Secretary shall calculate payments under a market transition contract for a calendar year based on the maximum rate that the Secretary determines may be paid using savings derived for the calendar year from the termination of Federal milk marketing orders, and the milk price support program, by amendments made by the Supplemental Appropriations and Rescissions Act of 1997.

“(g) CONTRACT PAYMENTS BASED ON PRODUCTION HISTORY.—

“(1) IN GENERAL.—

“(A) HISTORIC PRODUCTION.—The Secretary shall determine the historic annual milk production for each milk producer that enters into a market transition contract on the basis of milk checks reflecting payments for commercial marketings of cow's milk or such other records of commercial marketings or product sales as may be acceptable to the Secretary.

“(B) HUNDREDWEIGHTS.—Each milk producer's historic annual milk production shall be expressed in terms of hundredweights of milk.

“(2) PRODUCERS WITH 3 OR MORE YEARS OF PRODUCTION.—In the case of a milk producer that has been engaged in the production of milk for at least 3 calendar years during the period from 1992 through 1996, the milk producer's historic annual milk production shall be equal to the average quantity of milk marketed by the milk producer during the 3 years of the period in which the largest quantities of milk were marketed by the milk producer.

“(3) PRODUCERS WITH FEWER YEARS OF PRODUCTION.—

“(A) IN GENERAL.—In the case of a milk producer not covered by paragraph (2), the Secretary shall assign the milk producer a historic annual milk production equal to an annualized average of the monthly quantity of milk marketed by the milk producer during the period in which the milk producer has been engaged in milk production.

“(B) ENDING DATE.—The Secretary shall not consider months of production after December 31, 1996.

“(h) CALCULATION OF PAYMENT AMOUNT.—The total amount to be paid to a milk producer under a market transition contract for a fiscal year shall be equal to the product of—

“(1) the payment rate in effect for that fiscal year under subsection (f); and

“(2) the historic annual milk production for the milk producer determined under subsection (g).

“(i) ASSIGNMENT OF PAYMENTS.—

“(1) IN GENERAL.—The right of a milk producer to a payment under a market transition contract shall be freely assignable by the milk producer.

“(2) NOTICE.—The milk producer or assignee shall provide the Secretary with notice, in such manner as the Secretary may require in the market transition contract, of any assignment made under this subsection.

“(j) EFFECT OF VIOLATION.—

“(1) TERMINATION OF CONTRACT.—

“(A) IN GENERAL.—If a milk producer subject to a market transition contract violates any requirement described in subsection (b), the Secretary may terminate the producer's market transition contract.

“(B) FORFEITURE AND REFUND.—On the termination, the milk producer shall—

“(i) forfeit all rights to receive future payments under the contract; and

“(ii) refund to the Secretary any payment under the contract received by the producer after notification of the violation, together with interest on the payment as determined by the Secretary.

“(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation of a market transition contract does not warrant termination of the contract under paragraph (1), the Secretary may require the milk producer subject to the contract to—

“(A) refund to the Secretary any payment under the contract received by the producer after notification of the violation, together with interest on the payment as determined by the Secretary; or

“(B) accept an adjustment in the amount of future payments otherwise required under the contract.

“(k) MARKET TRANSITION CONTRACTS.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall affect any payment under any market transition contract.”.

(b) TERMINATION OF MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(A) in the first sentence of paragraph (2)—

(i) in subparagraph (A), by striking “Milk, fruits” and inserting “Fruits”; and

(ii) in subparagraph (B), by inserting “milk,” after “honey,”; and

(B) by striking paragraphs (5) and (18).

(2) CONFORMING AMENDMENTS.—

(A) Section 2(3) of the Agricultural Adjustment Act (7 U.S.C. 602(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking “, other than milk and its products,”.

(B) Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(i) in paragraph (6), by striking “, other than milk and its products,”;

(ii) in paragraph (7)(B), by striking “(except for milk and cream to be sold for consumption in fluid form)”;

(iii) in paragraph (11)(B), by striking “Except in the case of milk and its products, orders” and inserting “Orders”;

(iv) in paragraph (13)(A), by striking “, except to a retailer in his capacity as a retailer of milk and its products”; and

(v) in the first sentence of paragraph (17), by striking the second proviso.

(C) Section 8d(2) of the Agricultural Adjustment Act (7 U.S.C. 608d(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the second sentence.

(D) Section 10(b)(2) of the Agricultural Adjustment Act (7 U.S.C. 610(b)(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iii) in the first sentence of clause (i) (as so redesignated), by striking “other commodity” and inserting “commodity”.

(E) Section 11 of the Agricultural Adjustment Act (7 U.S.C. 611), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking “and milk, and its products,”.

(F) Section 715 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103–111; 107 Stat. 1079; 7 U.S.C. 608d note), is amended by striking the third proviso.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date that is 1 year after the date of enactment of this Act.

GRAMS AMENDMENT NO. 210

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the amendment No. 77 proposed by

Mr. SPECTER to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. MARKET TRANSITION CONTRACTS FOR MILK PRODUCERS; TERMINATION OF CURRENT MILK MARKETING ORDERS AND MILK PRICE SUPPORT PROGRAM.

(a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended to read as follows:

“SEC. 141. MARKET TRANSITION CONTRACTS FOR MILK PRODUCERS.

“(a) DEFINITION OF MILK PRODUCER.—In this section:

“(1) IN GENERAL.—The term ‘milk producer’ means a person that was engaged in the production of cow’s milk in the 48 contiguous States on September 15, 1996, and that received a payment during the 45-day period before that date for cow’s milk marketed for commercial use.

“(2) INCLUSIONS.—The term ‘milk producer’ includes a person considered to be a producer-handler that satisfies the requirements of paragraph (1).

“(b) MARKET TRANSITION CONTRACTS AUTHORIZED.—The Secretary shall offer to enter into a contract (referred to in this section as a ‘market transition contract’) with willing milk producers, under which the milk producers agree, in exchange for payments under the contract, to comply with applicable—

“(1) conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

“(2) wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

“(c) TIME FOR CONTRACTING; TERM.—

“(1) TIME FOR CONTRACTING.—The Secretary shall begin to offer to enter into market transition contracts as soon as practicable after the date of enactment of this paragraph.

“(2) TERM.—The term of each market transition contract shall extend through December 31, 2001.

“(d) ESTIMATION OF PAYMENTS.—At the time the Secretary enters into a market transition contract, the Secretary shall provide an estimate of the payments anticipated to be made under the contract for calendar year 1997.

“(e) TIME FOR PAYMENTS.—

“(1) INITIAL PAYMENT.—The Secretary shall make the payment for calendar year 1997 under a market transition contract as soon as practicable after the date of enactment of the Supplemental Appropriations and Rescissions Act of 1997.

“(2) SUBSEQUENT PAYMENTS.—The Secretary shall make subsequent payments under a market transition contract not later than January 15 of each of calendar years 1998 through 2002.

“(f) PAYMENT RATE.—The Secretary shall calculate payments under a market transition contract for a calendar year based on the maximum rate that the Secretary determines may be paid using savings derived for the calendar year from the termination of Federal milk marketing orders, and the milk price support program, by amendments made by the Supplemental Appropriations and Rescissions Act of 1997.

“(g) CONTRACT PAYMENTS BASED ON PRODUCTION HISTORY.—

“(1) IN GENERAL.—

“(A) HISTORIC PRODUCTION.—The Secretary shall determine the historic annual milk production for each milk producer that enters into a market transition contract on the basis of milk checks reflecting payments for commercial marketings of cow’s milk or such other records of commercial marketings or product sales as may be acceptable to the Secretary.

“(B) HUNDREDWEIGHTS.—Each milk producer’s historic annual milk production shall be expressed in terms of hundredweights of milk.

“(2) PRODUCERS WITH 3 OR MORE YEARS OF PRODUCTION.—In the case of a milk producer that has been engaged in the production of milk for at least 3 calendar years during the period from 1992 through 1996, the milk producer’s historic annual milk production shall be equal to the average quantity of milk marketed by the milk producer during the 3 years of the period in which the largest quantities of milk were marketed by the milk producer.

“(3) PRODUCERS WITH FEWER YEARS OF PRODUCTION.—

“(A) IN GENERAL.—In the case of a milk producer not covered by paragraph (2), the Secretary shall assign the milk producer a historic annual milk production equal to an annualized average of the monthly quantity of milk marketed by the milk producer during the period in which the milk producer has been engaged in milk production.

“(B) ENDING DATE.—The Secretary shall not consider months of production after December 31, 1996.

“(h) CALCULATION OF PAYMENT AMOUNT.—The total amount to be paid to a milk producer under a market transition contract for a fiscal year shall be equal to the product of—

“(1) the payment rate in effect for that fiscal year under subsection (f); and

“(2) the historic annual milk production for the milk producer determined under subsection (g).

“(i) ASSIGNMENT OF PAYMENTS.—

“(1) IN GENERAL.—The right of a milk producer to a payment under a market transition contract shall be freely assignable by the milk producer.

“(2) NOTICE.—The milk producer or assignee shall provide the Secretary with notice, in such manner as the Secretary may require in the market transition contract, of any assignment made under this subsection.

“(j) EFFECT OF VIOLATION.—

“(1) TERMINATION OF CONTRACT.—

“(A) IN GENERAL.—If a milk producer subject to a market transition contract violates any requirement described in subsection (b), the Secretary may terminate the producer’s market transition contract.

“(B) FORFEITURE AND REFUND.—On the termination, the milk producer shall—

“(i) forfeit all rights to receive future payments under the contract; and

“(ii) refund to the Secretary any payment under the contract received by the producer after notification of the violation, together with interest on the payment as determined by the Secretary.

“(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation of a market transition contract does not warrant termination of the contract under paragraph (1), the Secretary may require the milk producer subject to the contract to—

“(A) refund to the Secretary any payment under the contract received by the producer after notification of the violation, together with interest on the payment as determined by the Secretary; or

“(B) accept an adjustment in the amount of future payments otherwise required under the contract.

“(k) MARKET TRANSITION CONTRACTS.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall affect any payment under any market transition contract.”.

(b) TERMINATION OF MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(A) in the first sentence of paragraph (2)—

(i) in subparagraph (A), by striking “Milk, fruits” and inserting “Fruits”; and

(ii) in subparagraph (B), by inserting “milk,” after “honey,”; and

(B) by striking paragraphs (5) and (18).

(2) CONFORMING AMENDMENTS.—

(A) Section 2(3) of the Agricultural Adjustment Act (7 U.S.C. 602(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking “, other than milk and its products,”.

(B) Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(i) in paragraph (6), by striking “, other than milk and its products,”;

(ii) in paragraph (7)(B), by striking “(except for milk and cream to be sold for consumption in fluid form)”;

(iii) in paragraph (11)(B), by striking “Except in the case of milk and its products, orders” and inserting “Orders”;

(iv) in paragraph (13)(A), by striking “, except to a retailer in his capacity as a retailer of milk and its products”; and

(v) in the first sentence of paragraph (17), by striking the second proviso.

(C) Section 8d(2) of the Agricultural Adjustment Act (7 U.S.C. 608d(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the second sentence.

(D) Section 10(b)(2) of the Agricultural Adjustment Act (7 U.S.C. 610(b)(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iii) in the first sentence of clause (i) (as so redesignated), by striking “other commodity” and inserting “commodity”.

(E) Section 11 of the Agricultural Adjustment Act (7 U.S.C. 611), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking “and milk, and its products,”.

(F) Section 715 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103–111; 107 Stat. 1079; 7 U.S.C. 608d note), is amended by striking the third proviso.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date that is 1 year after the date of enactment of this Act.

GRAMS AMENDMENT NO. 211

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the amendment No. 76 proposed by Mr. SPECTER to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. MARKET TRANSITION CONTRACTS FOR MILK PRODUCERS; TERMINATION OF CURRENT MILK MARKETING ORDERS AND MILK PRICE SUPPORT PROGRAM.

(a) IN GENERAL.—Section 141 of the Agricultural Market Transition Act (7 U.S.C. 7251) is amended to read as follows:

"SEC. 141. MARKET TRANSITION CONTRACTS FOR MILK PRODUCERS.

"(a) DEFINITION OF MILK PRODUCER.—In this section:

"(1) IN GENERAL.—The term 'milk producer' means a person that was engaged in the production of cow's milk in the 48 contiguous States on September 15, 1996, and that received a payment during the 45-day period before that date for cow's milk marketed for commercial use.

"(2) INCLUSIONS.—The term 'milk producer' includes a person considered to be a producer-handler that satisfies the requirements of paragraph (1).

"(b) MARKET TRANSITION CONTRACTS AUTHORIZED.—The Secretary shall offer to enter into a contract (referred to in this section as a 'market transition contract') with willing milk producers, under which the milk producers agree, in exchange for payments under the contract, to comply with applicable—

"(1) conservation requirements under subtitle B of title XII of the Food Security Act of 1985 (16 U.S.C. 3811 et seq.); and

"(2) wetland protection requirements under subtitle C of title XII of that Act (16 U.S.C. 3821 et seq.).

"(c) TIME FOR CONTRACTING; TERM.—

"(1) TIME FOR CONTRACTING.—The Secretary shall begin to offer to enter into market transition contracts as soon as practicable after the date of enactment of this paragraph.

"(2) TERM.—The term of each market transition contract shall extend through December 31, 2001.

"(d) ESTIMATION OF PAYMENTS.—At the time the Secretary enters into a market transition contract, the Secretary shall provide an estimate of the payments anticipated to be made under the contract for calendar year 1997.

"(e) TIME FOR PAYMENTS.—

"(1) INITIAL PAYMENT.—The Secretary shall make the payment for calendar year 1997 under a market transition contract as soon as practicable after the date of enactment of the Supplemental Appropriations and Rescissions Act of 1997.

"(2) SUBSEQUENT PAYMENTS.—The Secretary shall make subsequent payments under a market transition contract not later than January 15 of each of calendar years 1998 through 2002.

"(f) PAYMENT RATE.—The Secretary shall calculate payments under a market transition contract for a calendar year based on the maximum rate that the Secretary determines may be paid using savings derived for the calendar year from the termination of Federal milk marketing orders, and the milk price support program, by amendments made by the Supplemental Appropriations and Rescissions Act of 1997.

"(g) CONTRACT PAYMENTS BASED ON PRODUCTION HISTORY.—

"(1) IN GENERAL.—

"(A) HISTORIC PRODUCTION.—The Secretary shall determine the historic annual milk production for each milk producer that enters into a market transition contract on the basis of milk checks reflecting payments for commercial marketings of cow's milk or such other records of commercial marketings or product sales as may be acceptable to the Secretary.

"(B) HUNDREDWEIGHTS.—Each milk producer's historic annual milk production shall be expressed in terms of hundredweights of milk.

"(2) PRODUCERS WITH 3 OR MORE YEARS OF PRODUCTION.—In the case of a milk producer that has been engaged in the production of milk for at least 3 calendar years during the period from 1992 through 1996, the milk producer's historic annual milk production shall be equal to the average quantity of milk marketed by the milk producer during the 3 years of the period in which the largest quantities of milk were marketed by the milk producer.

"(3) PRODUCERS WITH FEWER YEARS OF PRODUCTION.—

"(A) IN GENERAL.—In the case of a milk producer not covered by paragraph (2), the Secretary shall assign the milk producer a historic annual milk production equal to an annualized average of the monthly quantity of milk marketed by the milk producer during the period in which the milk producer has been engaged in milk production.

"(B) ENDING DATE.—The Secretary shall not consider months of production after December 31, 1996.

"(h) CALCULATION OF PAYMENT AMOUNT.—The total amount to be paid to a milk producer under a market transition contract for a fiscal year shall be equal to the product of—

"(1) the payment rate in effect for that fiscal year under subsection (f); and

"(2) the historic annual milk production for the milk producer determined under subsection (g).

"(i) ASSIGNMENT OF PAYMENTS.—

"(1) IN GENERAL.—The right of a milk producer to a payment under a market transition contract shall be freely assignable by the milk producer.

"(2) NOTICE.—The milk producer or assignee shall provide the Secretary with notice, in such manner as the Secretary may require in the market transition contract, of any assignment made under this subsection.

"(j) EFFECT OF VIOLATION.—

"(1) TERMINATION OF CONTRACT.—

"(A) IN GENERAL.—If a milk producer subject to a market transition contract violates any requirement described in subsection (b), the Secretary may terminate the producer's market transition contract.

"(B) FORFEITURE AND REFUND.—On the termination, the milk producer shall—

"(i) forfeit all rights to receive future payments under the contract; and

"(ii) refund to the Secretary any payment under the contract received by the producer after notification of the violation, together with interest on the payment as determined by the Secretary.

"(2) REFUND OR ADJUSTMENT.—If the Secretary determines that a violation of a market transition contract does not warrant termination of the contract under paragraph (1), the Secretary may require the milk producer subject to the contract to—

"(A) refund to the Secretary any payment under the contract received by the producer after notification of the violation, together with interest on the payment as determined by the Secretary; or

"(B) accept an adjustment in the amount of future payments otherwise required under the contract.

"(k) MARKET TRANSITION CONTRACTS.—Notwithstanding any other provision of law, no order issued for any fiscal year under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 902) shall affect any payment under any market transition contract.".

(b) TERMINATION OF MILK MARKETING ORDERS.—

(1) IN GENERAL.—Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(A) in the first sentence of paragraph (2)—

(i) in subparagraph (A), by striking "Milk, fruits" and inserting "Fruits"; and

(ii) in subparagraph (B), by inserting "milk," after "honey,"; and

(B) by striking paragraphs (5) and (18).

(2) CONFORMING AMENDMENTS.—

(A) Section 2(3) of the Agricultural Adjustment Act (7 U.S.C. 602(3)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking ", other than milk and its products,".

(B) Section 8c of the Agricultural Adjustment Act (7 U.S.C. 608c), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(i) in paragraph (6), by striking ", other than milk and its products,";

(ii) in paragraph (7)(B), by striking "(except for milk and cream to be sold for consumption in fluid form)";

(iii) in paragraph (11)(B), by striking "Except in the case of milk and its products, orders" and inserting "Orders";

(iv) in paragraph (13)(A), by striking ", except to a retailer in his capacity as a retailer of milk and its products"; and

(v) in the first sentence of paragraph (17), by striking the second proviso.

(C) Section 8d(2) of the Agricultural Adjustment Act (7 U.S.C. 608d(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended by striking the second sentence.

(D) Section 10(b)(2) of the Agricultural Adjustment Act (7 U.S.C. 610(b)(2)), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended—

(i) by striking clause (i);

(ii) by redesignating clauses (ii) and (iii) as clauses (i) and (ii), respectively; and

(iii) in the first sentence of clause (i) (as so redesignated), by striking "other commodity" and inserting "commodity".

(E) Section 11 of the Agricultural Adjustment Act (7 U.S.C. 611), reenacted with amendments by the Agricultural Marketing Agreement Act of 1937, is amended in the first sentence by striking "and milk, and its products,".

(F) Section 715 of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1994 (Public Law 103–111; 107 Stat. 1079; 7 U.S.C. 608d note), is amended by striking the third proviso.

(3) EFFECTIVE DATE.—The amendments made by this subsection take effect on the date that is 1 year after the date of enactment of this Act.

GRAMS AMENDMENT NO. 212

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the amendment No. 78 proposed by Mr. SPECTER to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . REPEAL OF CONSENT OF CONGRESS FOR NORTHEAST INTERSTATE DAIRY COMPACT.

Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is repealed.

GRAMS AMENDMENT NO. 213

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the amendment No. 76 proposed by Mr. SPECTER to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . REPEAL OF CONSENT OF CONGRESS FOR NORTHEAST INTERSTATE DAIRY COMPACT.

Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is repealed.

GRAMS AMENDMENT NO. 214

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the amendment No. 77 proposed by Mr. SPECTER to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . REPEAL OF CONSENT OF CONGRESS FOR NORTHEAST INTERSTATE DAIRY COMPACT.

Section 147 of the Agricultural Market Transition Act (7 U.S.C. 7256) is repealed.

McCAIN AMENDMENT NO. 215

(Ordered to lie on the table.)

Mr. McCAIN submitted an amendment intended to be proposed by him to the amendment No. 113 proposed by Mr. McCAIN to the bill, S. 672, supra; as follows:

On page 2, line 14, delete the period at the end of the sentence and insert in lieu thereof the following: ". The Secretary of the Interior may apply the policy referred to in this section to all counties nationwide that were declared Federal Disaster Areas at any time prior to 1997.".

D'AMATO (AND OTHERS) AMENDMENT NO. 216

(Ordered to lie on the table.)

Mr. D'AMATO (for himself, Ms. SNOWE, Mrs. FEINSTEIN, Mr. HOLLINGS, Mr. MOYNIHAN, Mr. DOMENICI, Mr. FAIRCLOTH, Ms. MOSELEY-BRAUN, Mr. BIDEN, Mr. INOUYE, Mr. MURKOWSKI, Mr. DODD, Mr. KERREY, Mr. HATCH, Mr. GREGG, Mr. SMITH of New Hampshire, and Mr. FORD) submitted an amendment intended to be proposed by them to the bill, S. 672, supra; as follows:

At the end of the pending amendment, insert the following:

TITLE ___—WOMEN'S HEALTH AND CANCER RIGHTS

SEC. ___1. SHORT TITLE.

This title may be cited as the "Women's Health and Cancer Rights Act of 1997".

SEC. ___2. FINDINGS.

Congress finds that—

(1) the offering and operation of health plans affect commerce among the States;

(2) health care providers located in a State serve patients who reside in the State and patients who reside in other States; and

(3) in order to provide for uniform treatment of health care providers and patients among the States, it is necessary to cover health plans operating in 1 State as well as health plans operating among the several States.

SEC. ___3. AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as added by section 603(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 702(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 713. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

"(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(e) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).".

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of such Act, as amended by section 603 of the Newborns' and Mothers' Health Protection Act of 1996 and section 702 of the Mental Health Parity Act of 1996, is amended by inserting after the item relating to section 712 the following new item:

"Sec. 713. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___4. AMENDMENTS TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (as added by section 604(a) of the Newborns' and Mothers' Health Protection Act of 1996 and amended by section 703(a) of the Mental Health Parity Act of 1996) is amended by adding at the end the following new section:

"SEC. 2706. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTION SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

"(d) NOTICE.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted—

"(1) in the next mailing made by the plan or issuer to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(e) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES OR INCENTIVES.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan or coverage involved under subsection (e).".

(b) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to group health plans for plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

SEC. ___5. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Subpart 3 of part B of title XXVII of the Public Health Service Act (as added by section 605(a) of the Newborn's and Mother's Health Protection Act of 1996) is amended by adding at the end the following new section:

"SEC. 2752. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER AND SECONDARY CONSULTATIONS.

"The provisions of section 2706 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after the date of enactment of this Act.

SEC. ___6. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) IN GENERAL.—Chapter 100 of the Internal Revenue Code of 1986 (relating to group health plan portability, access, and renewability requirements) is amended by redesignating sections 9804, 9805, and 9806 as sections 9805, 9806, and 9807, respectively, and by inserting after section 9803 the following new section:

"SEC. 9804. REQUIRED COVERAGE FOR MINIMUM HOSPITAL STAY FOR MASTECTOMIES AND LYMPH NODE DISSECTIONS FOR THE TREATMENT OF BREAST CANCER, COVERAGE FOR RECONSTRUCTIVE SURGERY FOLLOWING MASTECTOMIES, AND COVERAGE FOR SECONDARY CONSULTATIONS.

"(a) INPATIENT CARE.—

"(1) IN GENERAL.—A group health plan that provides medical and surgical benefits shall ensure that inpatient coverage with respect to the treatment of breast cancer is provided for a period of time as is determined by the attending physician, in consultation with the patient, to be medically appropriate following—

"(A) a mastectomy;

"(B) a lumpectomy; or

"(C) a lymph node dissection for the treatment of breast cancer.

"(2) EXCEPTION.—Nothing in this section shall be construed as requiring the provision of inpatient coverage if the attending physician and patient determine that a shorter period of hospital stay is medically appropriate.

"(b) RECONSTRUCTIVE SURGERY.—A group health plan that provides medical and surgical benefits with respect to a mastectomy shall ensure that, in a case in which a mastectomy patient elects breast reconstruction, coverage is provided for—

"(1) all stages of reconstruction of the breast on which the mastectomy has been performed; and

"(2) surgery and reconstruction of the other breast to produce a symmetrical appearance;

in the manner determined by the attending physician and the patient to be appropriate, and consistent with any fee schedule contained in the plan.

"(c) PROHIBITION ON CERTAIN MODIFICATIONS.—In implementing the requirements of this section, a group health plan may not modify the terms and conditions of coverage based on the determination by a participant or beneficiary to request less than the minimum coverage required under subsection (a) or (b).

"(d) NOTICE.—A group health plan shall provide notice to each participant and beneficiary under such plan regarding the coverage required by this section in accordance with regulations promulgated by the Secretary. Such notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan and shall be transmitted—

"(1) in the next mailing made by the plan to the participant or beneficiary;

"(2) as part of any yearly informational packet sent to the participant or beneficiary; or

"(3) not later than January 1, 1998;

whichever is earlier.

"(e) SECONDARY CONSULTATIONS.—

"(1) IN GENERAL.—A group health plan that provides coverage with respect to medical and surgical services provided in relation to the diagnosis and treatment of cancer shall ensure that full coverage is provided for secondary consultations by specialists in the appropriate medical fields (including pathology, radiology, and oncology) to confirm or refute such diagnosis. Such plan or issuer shall ensure that full coverage is provided for such secondary consultation whether such consultation is based on a positive or negative initial diagnosis. In any case in which the attending physician certifies in writing that services necessary for such a secondary consultation are not sufficiently available from specialists operating under the plan with respect to whose services coverage is otherwise provided under such plan or by such issuer, such plan or issuer shall ensure that coverage is provided with respect to the services necessary for the secondary consultation with any other specialist selected by the attending physician for such purpose at no additional cost to the individual beyond that which the individual would have paid if the specialist was participating in the network of the plan.

"(2) EXCEPTION.—Nothing in paragraph (1) shall be construed as requiring the provision of secondary consultations where the patient determines not to seek such a consultation.

"(f) PROHIBITION ON PENALTIES.—A group health plan may not—

"(1) penalize or otherwise reduce or limit the reimbursement of a provider or specialist because the provider or specialist provided care to a participant or beneficiary in accordance with this section;

"(2) provide financial or other incentives to a physician or specialist to induce the physician or specialist to keep the length of inpatient stays of patients following a mastectomy, lumpectomy, or a lymph node dissection for the treatment of breast cancer below certain limits or to limit referrals for secondary consultations; or

"(3) provide financial or other incentives to a physician or specialist to induce the physician or specialist to refrain from referring a participant or beneficiary for a secondary consultation that would otherwise be covered by the plan involved under subsection (e).".

(b) CONFORMING AMENDMENTS.—

(1) Sections 9801(c)(1), 9805(b) (as redesignated by subsection (a)), 9805(c) (as so redesignated), 4980D(c)(3)(B)(i)(I), 4980D(d)(3), and 4980D(f)(1) of such Code are each amended by striking "9805" each place it appears and inserting "9806".

(2) The heading for subtitle K of such Code is amended to read as follows:

"Subtitle K—Group Health Plan Portability, Access, Renewability, and Other Requirements".

(3) The heading for chapter 100 of such Code is amended to read as follows:

"CHAPTER 100—GROUP HEALTH PLAN PORTABILITY, ACCESS, RENEWABILITY, AND OTHER REQUIREMENTS".

(4) Section 4980D(a) of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(c) CLERICAL AMENDMENTS.—

(1) The table of contents for chapter 100 of such Code is amended by redesignating the items relating to sections 9804, 9805, and 9806 as items relating to sections 9805, 9806, and 9807, and by inserting after the item relating to section 9803 the following new item:

"Sec. 9804. Required coverage for minimum hospital stay for mastectomies and lymph node dissections for the treatment of breast cancer, coverage for reconstructive surgery following mastectomies, and coverage for secondary consultations.".

(2) The item relating to subtitle K in the table of subtitles for such Code is amended by striking "and renewability" and inserting "renewability, and other".

(3) The item relating to chapter 100 in the table of chapters for subtitle K of such Code is amended by striking "and renewability" and inserting "renewability, and other".

(d) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to plan years beginning on or after the date of enactment of this Act.

(2) SPECIAL RULE FOR COLLECTIVE BARGAINING AGREEMENTS.—In the case of a group health plan maintained pursuant to 1 or more collective bargaining agreements between employee representatives and 1 or more employers ratified before the date of enactment of this Act, the amendments made by this section shall not apply to plan years beginning before the later of—

(A) the date on which the last collective bargaining agreements relating to the plan terminates (determined without regard to any extension thereof agreed to after the date of enactment of this Act), or

(B) January 1, 1998.

For purposes of subparagraph (A), any plan amendment made pursuant to a collective bargaining agreement relating to the plan which amends the plan solely to conform to any requirement added by this section shall not be treated as a termination of such collective bargaining agreement.

HOLLINGS AMENDMENTS NOS. 217–218

(Ordered to lie on the table.)

Mr. HOLLINGS submitted two amendments intended to be proposed by him to the bill, S. 672, supra; as follows:

AMENDMENT NO. 217

Strike all after the section number in the pending amendment and insert the following:

None of the funds available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to plan or otherwise prepare for the conduct of the year 2000 decennial census in a manner that is not the most cost effective and in a manner that will not provide for greater accuracy in estimating population than the year 1990 census.

AMENDMENT NO. 218

Strike all after the section number in the pending amendment and insert the following:

None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make plans irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

FEINGOLD AMENDMENT NO. 219

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to amendment No. 84 submitted by him to the bill, S. 672, supra; as follows:

On page 4, line 6, strike out "September 30, 1997" and insert in lieu thereof "June 30, 1998".

FEINGOLD AMENDMENT NO. 220

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to amendment No. 83 submitted by him to the bill, S. 672, supra; as follows:

Strike out "September 30, 1997" and insert in lieu thereof "June 30, 1998".

FEINGOLD AMENDMENT NO. 221

(Ordered to lie on the table.)

Mr. FEINGOLD submitted an amendment intended to be proposed by him to amendment No. 76 submitted by Mr. SPECTER to the bill, S. 672, supra; as follows:

On page 3, line 1, strike "The authority provided by subsection" and insert in lieu thereof "Subsection".

REID (AND BAUCUS) AMENDMENTS NOS. 222–223

(Ordered to lie on the table.)

Mr. REID (for himself and Mr. BAUCUS) submitted two amendments intended to be proposed by them to the bill, S. 672, supra; as follows:

AMENDMENT NO. 222

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall—

(1) apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997; or

(2) apply to repair activities on flood control facilities in response to an imminent threat to human lives and property; and

(3) remain in effect for the purposes of paragraphs (1) and (2) until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

AMENDMENT NO. 223

Beginning on page 50, strike line 15 and all that follows through page 51 and insert the following:

The policy issued on February 19, 1997, by the United States Fish and Wildlife Service implementing emergency provisions of the Endangered Species Act and applying to 46 California counties that were declared Federal disaster areas shall apply to all counties nationwide heretofore or hereafter declared Federal disaster areas at any time during 1997 and shall apply to repair activities on flood control facilities in response to an imminent threat to human lives and property and shall remain in effect until the Assistant Secretary of the Army for Civil Works determines that 100 percent of emergency repairs have been completed, but shall not remain in effect later than December 31, 1998.

STEVENS (AND DOMENICI) AMENDMENT NO. 224

Mr. STEVENS (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 131 submitted by Mr. BIDEN to the bill, S. 672, supra; as follows:

Strike line 5 of amendment #131 and all thereafter and insert the following:

The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehana River Basin Commission appointed under the Susquehana River Basin Compact (Public Law 91–575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328).

STEVENS (AND DOMENICI) AMENDMENT NO. 225

Mr. STEVENS (for himself and Mr. DOMENICI) proposed an amendment to amendment No. 70 submitted by Mr. JOHNSON to the bill, S. 672, supra; as follows:

On line 7 of amendment #70, following "(Public Law 99-662; 100 Stat. 4128)", insert the following:

If the Secretary of the Army determines that the need for such restoration and improvements constitutes an emergency.

STEVENS (AND DOMENICI) AMENDMENT NO. 226

(Ordered to lie on the table.)

Mr. STEVENS (for himself and Mr. DOMENICI) submitted an amendment intended to be proposed by them to amendment No. 132 submitted by Mr. BIDEN to the bill, S. 672, supra; as follows:

Strike line 5 of amendment #132 and all thereafter and insert the following:

The Secretary of the Interior or his designee shall serve as the alternate member of the Susquehana River Basin Commission appointed under the Susquehana River Basin Compact (Public Law 91–575) and the alternate member of the Delaware River Basin Commission appointed under the Delaware River Basin Compact (Public Law 87–328).

HOLLINGS AMENDMENT NO. 227

(Ordered to lie on the table.)

Mr. HOLLINGS submitted an amendment intended to be proposed by him to amendment No. 79 submitted by Mr. COATS to the bill, S. 672, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. . CHILDREN'S VIOLENCE PROTECTION.

(a) SHORT TITLE.—This section may be cited as the "Children's Protection from Violent Programming Act".

(b) FINDINGS.—The Congress makes the following findings:

(1) Television influences children's perception of the values and behavior that are common and acceptable in society.

(2) Broadcast television, cable television, and video programming are—

(A) uniquely pervasive presences in the lives of all American children; and

(B) are readily accessible to all American children.

(3) Violent video programming influences children, as does indecent programming.

(4) There is empirical evidence that children exposed to violent video programming at a young age have a higher tendency to engage in violent and aggressive behavior later in life than those children not so exposed.

(5) Children exposed to violent video programming are prone to assume that acts of violence are acceptable behavior and therefore to imitate such behavior.

(6) Children exposed to violent video programming have an increased fear of becoming a victim of violence, resulting in increased self-protective behaviors and increased mistrust of others.

(7) There is a compelling governmental interest in limiting the negative influences of violent video programming on children.

(8) There is a compelling governmental interest in channeling programming with violent content to periods of the day when children are not likely to comprise a substantial portion of the television audience.

(9) Age-based ratings systems do not allow parents to block programming based solely on violent content thereby rendering ineffective any technology-based blocking mechanism designed to limit violent video programming.

(10) If programming is not rated specifically for violent content and therefore cannot be blocked solely on the basis of its violent content, then restricting the hours when violent video programming is shown is the least restrictive and most narrowly tailored means to achieve a compelling governmental interest.

(11) Studies show that warning labels based on age restrictions tend to encourage children's desire to watch restricted programming.

(12) Technology-based solutions may be helpful in protecting some children, but may not be effective in achieving the compelling governmental interest in protecting all children from violent programming when parents are only able to block programming based on the age of the child and not on the violent content of the programming.

(13) Absent the ability to block programming based specifically on the violent content of the programming, the channeling of violent programming is the least restrictive means to limit unsupervised children from the harmful influences of violent programming.

(14) Restricting the hours when violent programming can be shown protects the interests of children whose parents are unavailable, unable to supervise their children's viewing behavior, do not have the benefit of technology-based solutions, or unable to afford the costs of technology-based solutions.

(c) UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING.—Title VII of the Communications Act of 1934 (47 U.S.C. 701 et seq.) is amended by adding at the end the following:

"SEC. 718. UNLAWFUL DISTRIBUTION OF VIOLENT VIDEO PROGRAMMING NOT SPECIFICALLY BLOCKABLE BY ELECTRONIC MEANS.

"(a) UNLAWFUL DISTRIBUTION.—It shall be unlawful for any person to distribute to the public any violent video programming not blockable by electronic means specifically on the basis of its violent content during hours when children are reasonably likely to comprise a substantial portion of the audience.

"(b) RULEMAKING PROCEEDING.—The Commission shall conduct a rulemaking proceeding to implement the provisions of this section and shall promulgate final regulations pursuant to that proceeding not later than 9 months after the date of enactment of the Children's Protection from Violent Programming Act. As part of that proceeding, the Commission—

"(1) may exempt from the prohibition under subsection (a) programming (including news programs and sporting events) whose distribution does not conflict with the objective of protecting children from the negative influences of violent video programming, as that objective is reflected in the findings in section 551(a) of the Telecommunications Act of 1996;

"(2) shall exempt premium and pay-per-view cable programming; and

"(3) shall define the term 'hours when children are reasonably likely to comprise a substantial portion of the audience' and the term 'violent video programming'.

"(c) REPEAT VIOLATIONS.—If a person repeatedly violates this section or any regulation promulgated under this section, the Commission shall, after notice and opportunity for hearing, immediately revoke any license issued to that person under this Act.

"(d) CONSIDERATION OF VIOLATIONS IN LICENSE RENEWALS.—The Commission shall consider, among the elements in its review of an application for renewal of a license under this Act, whether the licensee has complied with this section and the regulations promulgated under this section.

"(e) DEFINITIONS.—For purposes of this section—

"(1) BLOCKABLE BY ELECTRONIC MEANS.—The term 'blockable by electronic means' means blockable by the feature described in section 303(x).

"(2) DISTRIBUTE.—The term 'distribute' means to send, transmit, retransmit, telecast, broadcast, or cablecast, including by wire, microwave, or satellite.".

(d) ASSESSMENT OF EFFECTIVENESS.—

(1) REPORT.—The Federal Communications Commission shall—

(A) assess the effectiveness of measures undertaken under section 718 of the Communications Act of 1934 (47 U.S.C. 718) and under subsections (w) and (x) of section 303 of that Act (47 U.S.C. 303(w) and (x)) in accomplishing the purposes for which they were enacted; and

(B) report its findings to the Committee on Commerce, Science, and Transportation of the United States Senate and the Committee on Commerce of the United States House of Representatives,

within 18 months after the date on which the regulations promulgated under section 718 of the Communications Act of 1934 (as added by subsection (c) of this section) take effect, and thereafter as part of the biennial review of regulations required by section 11 of that Act (47 U.S.C. 161).

(2) ACTION.—If the Commission finds at any time, as a result if its assessment under paragraph (1), that the measures referred to in paragraph (1)(A) are insufficiently effective, then the Commission shall initiate a rulemaking proceeding to prohibit the distribution of violent video programming during the hours when children are reasonably likely to comprise a substantial portion of the audience.

(3) DEFINITIONS.—Any term used in this subsection that is defined in section 718 of the Communications Act of 1934 (47 U.S.C. 718), or in regulations under that section, has the same meaning as when used in that section or in those regulations.

(e) SEPARABILITY.—If any provision of this section, or any provision of an amendment made by this Act, or the application thereof to particular persons or circumstances, if found to be unconstitutional, the remainder of this Act or that amendment, or the application thereof to other persons or circumstances shall not be affected.

(f) EFFECTIVE DATE.—The prohibition contained in section 718 of the Communications Act of 1934 (as added by subsection (c) of this section) and the regulations promulgated thereunder shall take effect 1 year after the regulations are adopted by the Commission.

STEVENS AMENDMENT NO. 228

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to amendment No. 110 submitted by Mr. MCCAIN to the bill, S. 672, supra; as follows:

In amendment number 110, beginning with the word "provisos:" on line 2, strike all through "proposal" on line 6 and insert in lieu thereof "sentence:

"Consistent with the restriction in the preceding sentence and within 90 days of the date of enactment of this Act, the Secretary of the Interior, in consultation with State and local government officials in each affected State, shall submit to Congress a proposal that defers to State law and incorporates the rules, regulations, and policies applicable to the Bureau of Land Management regarding rights of way established pursuant to Revised Statutes 2477 (43 U.S.C. 932), as such rules, regulations, and policies were in effect prior to October 1, 1993, and the recommendations of affected State and local government officials".

GREGG AMENDMENT NO. 229

(Ordered to lie on the table.)

Mr. GREGG submitted an amendment intended to be proposed by him to the bill, S. 672, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SEC. 326. SENSE OF THE SENATE.

(a) FINDINGS.—Congress finds that—

(1)(A) the officers of the Federal Government and the members of the European Union have had lengthy negotiations with regard to the establishment of a mutual recognition agreement with respect to good manufacturing practice (GMP) inspections of medical devices and pharmaceuticals and the processes of approving medical devices;

(B) in December 1996, the President urged the officers of the Federal Government and the members of the European Union to resolve the issues with respect to the negotiations, and enter into and implement the mutual recognition agreement;

(C) the officers of the Federal Government and the European Union Commission are meeting to resolve the issues.

(D) the mutual recognition agreement would enhance the trade relationships between the United States and the European Union and generate regulatory savings with respect to medical devices and pharmaceuticals; and

(2) the harmonization of international standards could facilitate commerce between the United States and foreign countries.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1)(A) the United States should continue to press its negotiating objectives in order to maintain both the high United States health and safety standards and to facilitate trade between the United States and the European Union.

(B) assuming the European Union Commission demonstrates the necessary flexibility, the officers of the Federal Government and the European Union Commission should on, an expedited basis, conclude negotiations, enter into, and implement a mutual recognition agreement with respect to—

(i) good manufacturing practice inspections for medical devices and pharmaceuticals; and

(ii) the processes of approving medical devices; and

(C) the Secretary of Health and Human Services, in coordination with the USTR and other appropriate agencies, should facilitate the conclusion of negotiations between the European Union Commission and the officers of the Federal Government with respect to the mutual recognition agreement;

(2) the Secretary of Health and Human Services should separately participate in meeting with foreign governments to discuss and reach agreement on methods and approaches to harmonize key regulatory requirements and to utilize international standards and

(3) the Office of International Relations of the Department of Health and Human Services (as established under section 803 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 383)), in coordination with USTR, should have the responsibility of ensuring that the process established by the Secretary of Health and Human Services and foreign countries, to harmonize international standards, is continuous and productive.

(4) This section shall become effective one day after the date of enactment.

FEINSTEIN AMENDMENT NO. 230

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to amendment No. 171 submitted by Mr. REID to the bill, S. 672, supra; as follows:

On line 3, strike all that follows and insert the following:

"(5) FLOOD CONTROL LEVEES.—Consultation or conferencing under paragraph (2) or (4) is not required for an agency action that consists of operating, maintaining, repairing or reconstructing a federal or non-federal flood control levee for any area subject to flooding.".

(b) TAKINGS.—Section 9(a) of the Endangered Species Act of 1973 (16 U.S.C. 1538(a)) is amended by adding at the end the following:

"(3) FLOOD CONTROL LEVEES.—For purposes of this subsection, an activity of a federal or non-federal person is not a taking of a species if the activity consists of operating, maintaining, repairing, or reconstructing a federal or non-federal flood control levee for any area subject to flooding.".

HOLLINGS (AND OTHERS) AMENDMENT NO. 231

Mr. HOLLINGS (for himself, Mr. STEVENS, Mr. GREGG, and Mr. GLENN) proposed an amendment to the bill, S. 672, supra; as follows:

On page 47 strike lines 14 through 18 and insert the following:

SEC. 303. None of the funds made available in any appropriations Act for fiscal year 1997 may be used by the Department of Commerce to make irreversible plans or preparation for the use of sampling or any other statistical method (including any statistical adjustment) in taking the 2000 decennial census of population for purposes of the apportionment of Representatives in Congress among the States.

CONRAD AMENDMENTS NOS. 232–234

Mr. STEVENS (for Mr. CONRAD) proposed three amendments to the bill, S. 672, supra; as follows:

AMENDMENT NO. 232

On page 9, line 21, strike "emergency insured" and insert in lieu thereof "direct and guaranteed".

On page 9, line 25, strike "$18,000,000, to remain available until expended" and insert in lieu thereof "$28,000,000, to remain available until expended, of which $18,000,000 shall be available for emergency insured loans and $10,000,000 shall be available for subsidized guaranteed operating loans".

On page 10 line 3, strike "$18,000,000" and insert in lieu thereof "$28,000,000".

AMENDMENT NO. 233

On page 74, between lines 4 and 5, insert:

"FOOD AND CONSUMER SERVICE

THE EMERGENCY FOOD ASSISTANCE PROGRAM

Notwithstanding section 27(a) of the Food Stamp Act, the amount specified for allocation under such section for fiscal year 1997 shall be $80,000,000."

AMENDMENT NO. 234

On page 13, line 1, strike "$161,000,000" and insert "$171,000,000".

On page 13, line 15, strike "$10,000,000" and insert "$20,000,000".

KERREY (AND DORGAN) AMENDMENT NO. 235

Mr. STEVENS (for Mr. KERREY, for himself and Mr. DORGAN) proposed an amendment to the bill, S. 672, supra; as follows:

At the appropriate place in the bill insert the following new language:

SEC. . Section 45301(b)(1)(A) of title 49, United States Code, is amended by inserting before the semicolon "and at least $50,000,000 in FY 1998 and every year thereafter".

NOTICES OF HEARINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR–301, Russell Senate Office Building, on Wednesday, May 14, 1997, at 9:30 a.m. to receive testimony on the Campaign Finance System for Presidential Elections: The Growth of Soft Money and Other Effects on Political Parties and Candidates.

For further information concerning this hearing, please contact Stewart Verdery of the committee staff on 224–2204.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Oversight of SBA's Finance Programs—Part II." The hearing will be held on May 15, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FOREIGN RELATIONS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 7, 1997, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, May 7, at 10 a.m. for a hearing on government secrecy.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 7, 1997 at 10 a.m. to hold a hearing on S. 507, the Omnibus Patent Act of 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session on the Senate on Wednesday, May 7, 1997 at 2 p.m. to hold a judicial nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, May 7, 1997, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for an oversight hearing on SBA's finance programs on Wednesday, May 7, 1997, which will begin at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 7, 1997, at 2 p.m. to hold a closed hearing on the nomination of George J. Tenet to be Director of Central Intelligence.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SCIENCE, TECHNOLOGY, AND SPACE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Science, Technology and Space of the Senate Committee on Commerce, Science and Technology be authorized to meet on May 7, 1995, at 2 p.m. on the National Science Foundation and Technology Administration fiscal year 1998 budgets.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Wednesday, May 7, 9:30 a.m., on the reauthorization of the Intermodal Surface Transportation Efficiency Act [ISTEA] and safety issues and programs.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

WENATCHEE NATIONAL FOREST

• Mr. GORTON. Mr. President, it is my pleasure today to express my deep gratitude and pride in recognizing the Wenatchee National Forest as a recipient of the Salvage Sale Showcase Award under the U.S. Forest Service's Fiscal Year 1995 Timber Salvage and Recovery Program.

The Wenatchee National Forest encompasses 2.2 million acres of Washington's finest forest lands—lands providing for an abundance of recreational activities and employment and resource opportunities for Washington State residents. In July 1994, however, a lightning storm followed by a severe fire, threatened to suddenly demolish this majestic landscape within days.

When the last flame had been extinguished, the damage was daunting. Three fires of unprecedented intensity had consumed 186,000 acres of Wenatchee National Forest lands, destroying 37 homes and 76 outbuildings and threatening the lives of human beings who had dared to cross its massive path. Firefighters from various parts of the country, 8,000 in all, fought valiantly to save the precious resources endangered by runaway wildfires. It is to their credit that so many homes, communities, and human lives are intact today.

Determined and resolute, the employees of the Wenatchee National Forest went to work. Less than 2 months after the first spark ignited, the largest emergency rehabilitation effort ever undertaken by the Forest Service was launched with the cooperation of other Federal, State, county, and local agencies. The rehabilitation effort addressed and executed projects which included erosion control, road rehabilitation, wildlife habitat, helicopter seeding, and collaborative learning. The effort was successfully completed by mid-November 1994, for $18 million—$2 million under budget.

With the worst behind them, Forest managers looked ahead toward long-term forest health and sustainability. Interdisciplinary teams consisting of personnel from all six ranger districts combined their knowledge and knowhow to develop the necessary environmental documents. Within 11 months, these teams assembled an astounding 10 environmental analyses and 1 environmental impact statement. Science-based decisionmaking rendered a total of 22 timber sales, resulting in landscape level fuel treatment on over 30,000 acres. Nearly 138 million board feet of fire killed or damaged timber was offered for sale.

Salvage was the key to this vision. Removing dead and dying trees provided the much needed opportunity to reduce stress and preserve larger, healthier trees. In addition, salvage logging in the Wenatchee has enhanced wildlife habitat and supported the perpetuation of ancient forest conditions. Mr. President, it is for this very reason that I sponsored timber salvage legislation in the spring of 1995. Not only was the forest able to begin healing and promoting catastrophic fire prevention through salvage operations, it was also able to provide a significant amount of timber for the public benefit.

In conclusion, I want to congratulate and commend the efforts of all of those who contributed to the successful and innovative restoration of the Wenatchee National Forest. Their accomplishments over the past 3 years are proof positive that we can effectively balance environmental and economic concerns in our national forests if we give local forest managers the flexibility they need to do their jobs. The employees of this forest are outstanding examples of the teamwork desperately needed throughout our national forest system. Because of their professionalism, tenacity, and courage, the Wenatchee National Forest is on its way back to health and sustainability. My congratulations to them on a job well done. Keep up the good work.●

WEST VIRGINIA MOTHER OF THE YEAR, KELLY L. GEORGE

● **Mr. ROCKEFELLER.** Mr. President, it is my great honor today to rise to congratulate Kelly L. George of Cabell County in West Virginia. Kelly has been selected by American Mothers, Inc., as the West Virginia Mother of the Year, and I commend them for their choice.

As a father of four children, I know how important it is to have a strong mother figure in the family, and Kelly is exactly that for her family. She continues to instill the value of high academic achievement to her children Vincent, Victor, Valerie, Von, and Vanessa. She works very hard to provide a spiritual foundation for her children, and she also takes on the enormously important task of teaching strong family values.

But this is not all that Kelly George does. Like my wife Sharon, Kelly balances her tasks as a mother with her duties in an active career. Kelly has an impressive list of accomplishments outside the household. She is on the Thomas Hospital Board of Trustees, is a Kanawha County Parks and Recreation Commissioner, and chair of the West Virginia Board of Risk and Insurance Management. She is also a life member of General Federation of Women's Clubs and the National Committee of State Garden Clubs, as well as international chair for the Pilot International World Association. On top of all this, she is a legislative analyst, a historian, and the author of "Rhythms, Remembrances and Recipes."

Imagine combining all of these activities with her educational background in the West Virginia public schools, Marshall College, Cambridge School of Radio and Television, and Drake School of Drama and with the tremendous job of being a mother. Most of us would find difficulty in staying active just in these tasks outside the home, but Kelly is able to balance those with her role as a mother.

I know Kelly personally and know that she is a phenomenal person who is enormously talented. I am proud to say that Kelly George is the West Virginia Mother of the Year for 1997–98. And I congratulate her on this tremendous achievement.●

HONORING ARMAND D'AMATO, SR.

● **Mr. D'AMATO.** Mr. President, I rise to pay tribute to my father, Mr. Armand D'Amato, Sr. of Island Park, NY. He is being honored on May 8, 1997, for his role as the founder of the Island Park Chamber of Commerce, which celebrates its 50th anniversary this month. I would like to take this opportunity to commend my father for his lifelong commitment to making his community a richer, more prosperous and safer place to live.

One of Armand D'Amato's most important and lasting contributions to his community was the founding of the Island Park Chamber of Commerce in 1947. The chamber was, and remains today, a vital tool in developing the economic potential of Island Park. As a small businessman and the first president of the chamber of commerce, serving in that position for 9 years, dad recognized that economic prosperity should not be taken for granted and that only through vigilance and hard work is a community's economic well-being safeguarded.

Armand D'Amato was born in Newark, NJ, the second of nine children born to Italian immigrants who traveled to America from Avalino, Italy while still teenagers. As a child, he rarely heard English spoken in his home. It was not until he attended elementary school at the age of 5 that he began to learn English. At a time when Italian immigrants in America were subjected to unfair discrimination, the obstacles dad encountered as a child taught him valuable lessons about the realities and hardships of life, and instilled in him a determination to succeed.

After earning his bachelor's degree from Montclair State Teachers College and his master's from New York University, Dad served his country overseas during World War II. He and my mother, Antoinette, settled in Island Park in 1945. Since that time, he has been energetically involved in the public life of Island Park.

Armand D'Amato's dedication to his community did not stop with the founding of the Island Park Chamber of Commerce. He was also instrumental in founding the American Alliance to Combat Crime and Violence, an organization sponsored by the Island Park Chamber of Commerce dedicated to making Island Park a safer place to live and raise a family. He also founded the Island Park Taxpayer Association in 1953, the Tri-Community Council of Island Park in 1954, and served as district governor of the Nassau County Lion's Club in 1963.

During the 1970's and 1980's, dad served as director of business research at the nassau County Department of Commerce and Industry and organized the Business Resource Center at Nassau Community College.

My father's vigorous commitment to public service and the values he has instilled in his family are reflected by the career paths chosen by his two sons. My brother, Armand D'Amato, Jr., served in the New York State Assembly for 14 years. And my own career in public service was certainly inspired by his active involvement in the community.

Armand D'Amato has worked his entire life to make Island Park a better place to live. His dedication and commitment to the concept of community service has had an immeasurable impact on the lives of the citizens of Island Park. My father personifies the spirit of community leadership to which others should aspire, and I am proud to join in honoring him.●

NATIONAL ARSON AWARENESS WEEK

● **Mr. CLELAND.** Mr. President, I rise today to highlight National Arson Awareness Week, a massive community based arson prevention program sponsored by the Federal Emergency Management Agency [FEMA], which began Sunday, May 4, and continues through Saturday, May 10.

This program is of particular importance to me because a city in my own State—Macon, GA—has been chosen as one of the three pilot cities. The program will focus on a week of special events aimed at educating high-risk neighborhoods on how to prevent arson and on the importance of getting community members involved. The success of this program is vital not only in Macon but in the other two pilot cities, Charlotte, NC, and Utica, NY, because they will serve as models for future American cities.

National Arson Awareness Week was inspired by the national arson prevention initiative, which was announced by President Clinton on June 19, 1996, in response to the rash of church burnings, most of which occurred in the South. The President asked James Lee Witt, Director of FEMA, to coordinate, in partnership with the Department of Justice, the Department of the Treasury, and the Department of Housing and Urban Development, available Federal, State, local, and private resources for arson prevention.

Arson is a growing national problem. One out of every four fires in this country is intentionally set. Over 500,000 arson fires occur each year, causing an estimated 750 fatalities and over $2 billion in property damage.

These acts of violence can destroy the very base of a community, but they can be prevented. Mr. President, I ask that you and all of my colleagues recognize this week and the three cities for taking firm hold of this problem and proudly pulling their communities together to prevent future arson fires.•

C.W. "MAC" McCLELLAN

• Mr. ABRAHAM. Mr. President, I rise today to pay my respects to a longtime dear friend, C.W. "Mac" McClellan. Mac passed away on Sunday, May 4th, at his home in Harbor Springs, MI, following a long and valiant fight with cancer.

My wife Jane and I came to know Mac during his countless years of volunteer service to the Michigan Republican Party. While I have met many exceptional people during my time in politics, I have yet to encounter anyone more dedicated to the causes they believed in as was Mac, nor do I anticipate I will anytime soon.

To his wife Ruth and son David, my deepest sympathies. Please know you and your loved ones are in my thoughts and prayers.

Any one of a litany of titles could aptly describe Mac: Army Air Corps pilot, Air Force Reserves lieutenant colonel, General Motors executive, civic activist, father, and husband, to name just a few. For me, Mac will always be warmly remembered as my friend.

Mac McClellan never asked any more of others than he was willing to give of himself. He was blessed with a tireless devotion and a boundless spirit, and those who knew Mac are indebted to him for leaving our lives richer than he entered them. He will be greatly missed, but not soon forgotten.•

KOSRAE AND THE FEDERATED STATES OF MICRONESIA: OUR FRIENDS IN THE SOUTHWEST PACIFIC

• Mr. AKAKA. Mr. President, for the last two weeks, I have had the great pleasure of sponsoring two Congressional fellows from the island of Kosrae. Mr. Lyndon Jackson and Mr. Charleton Timothy, legislative aides for the Government of Kosrae, have been working in my office since April 22 and will be leaving on May 9. They have been sent to Washington at the request of the speaker of the Kosrae State Legislature, the Honorable Hiteo S. Shrew, to learn more about our Nation's legislative and governmental processes.

For their benefit, I thought I might take this opportunity to make some observations about Kosrae. As some of my colleagues know, Kosrae is one of the most beautiful islands in the Pacific, located just 5 degrees north of the equator, about 2,500 miles southwest of Hawaii. While only 42 square miles in size, it is well known throughout the region for its lush topography, beautiful beaches, clear blue waters, and rich coral reefs.

I should tell my colleagues that the splendor of Kosrae is not exaggerated. My one and only visit to Kosrae took place fifty years ago this year, shortly after the end of World War II, when I had the good fortune to help crew the *Morning Star*, a schooner sent by the churches of Boston, MA, as part of a Christian mission to islands in Micronesia. The island was remarkably beautiful at that time, and I have been told that this continues to be the case.

Although experiencing significant cultural changes over the past several decades, Kosrae's 8,000 inhabitants enjoy a casual, family oriented lifestyle. Fishing is a significant recreational and commercial activity. Kosrae is a major exporter of tuna to Guam and other Pacific islands. The island also has an abundance of citrus products and is particularly known for its sweet tangerines. And Kosrae handicrafts, such as their unique coconut baskets and trays, are renowned throughout the region.

Kosrae is a single-island state that is part of the Federated States of Micronesia [FSM], formerly known as the United Nations Trust Territory of the Pacific Islands. As trustee of the territory in the years following World War II, the United States was responsible for preparing the islands for eventual self-government, by helping develop their political, economic, and social institutions.

In 1978, the four territorial districts of Yap, Chuuk, Pohnpei, and Kosrae organized to form the Federated States of Micronesia, an action which became effective 1979 after the adoption of the Federation's draft constitution. The Federated States comprise 607 small islands, totaling only 270 square miles of land, spread across more than 1 million square miles of the Pacific.

In 1986, after years of negotiations with our government, the FSM entered into the Compact of Free Association. The trusteeship was terminated at that time. The United States exercised no further administrative responsibility, and the island nation became fully self-governing. The terms of the compact generally provided for a framework of United States assistance, in return for which the FSM delegated security responsibility to the United States. This agreement has been in effect since November of 1986 with renegotiation of its financial provisions to start in November of 1999.

Mr. President, in the period since the signing of the compact, the close relationship between the United States and FSM has in some respects become stronger. The FSM has established constitutional governments at the national, state, and municipal levels that are patterned after our own. And in appreciation for our investment in Micronesia's quest for self-sufficiency, the FSM has reciprocated by maintaining strong political, economic, educational, and cultural ties.

The FSM has also been a strong supporter in the United Nations on key issues of concern to the United States For instance, the FSM has consistently voted with the United States on such major issues as the situation in Bosnia, the Middle East peace process, and human rights in Iran and Iraq.

Mr. President, I expect the strong relationship between the peoples of Micronesia and the United States to grow stronger and richer in the years ahead, as the FSM's experiment in American-style democracy continues. As the November 1999 date for renegotiating the compact of Free Association draws closer, I hope that my colleagues who have not yet had an opportunity to do so will take the opportunity to visit this unique and lovely place, and to acquaint themselves with the needs of Micronesia's people as well as the unique opportunities that the region offers our nation.•

FAMILY-FRIENDLY TELEVISION

• Mr. BOND. Mr. President, today I wish to talk about yet another sign of the decline of American culture.

What ever happened to the family hour? This is the complaint I have heard from many moms and dads in Missouri.

It wasn't so long ago that parents could sit down with their school age and even preschool children to watch television from 7–8 p.m. and not be worried about the content of the programs.

For many years, the major television networks voluntarily ran programs during the first hour of prime time that were considered family friendly, that is, without profanity, violence, or adult themes.

Shows like "Happy Days," "MASH," "The Waltons," "Little House on the Prairie," and "The Cosby Show" gave us wonderful family entertainment in the evening, not to mention the fact that they were great revenue producers for the networks.

Now, however, if you turn on the television at that time, you are met with images so graphic, so sexual, or so violent, that you have to channel flip to keep your children from seeing them, or have them leave the room, or turn the television off.

The Media Research Center here in the Washington area will issue a report later today on the content of family hour programming.

Last year they found that vulgar language was used commonly during the first hour of prime time. They found that sex outside of marriage was portrayed during the family hour eight times more often than sex within marriage.

Mr. President, American families have enough forces working against them—struggling to make ends meet, competing priorities, not enough time together—not to be able to relax together during the evening and enjoy a television program that isn't violent, or graphic, or full of profanity.

That is why I am joining with many other Senators and Congressmen to ask Hollywood television executives to bring back the family hour. We're not mandating this. We're not passing a law to force it. We're simply putting a little polite pressure on the networks to ask them to think about American families when they set their programming.

Now, they may take the line that it is up to parents to make sure they monitor their children's TV watching. And I agree. But, what we are saying is, give parents some good choices. Give us programming that we can watch together, as a family.•

ARSON EDUCATION

• Mr. GLENN. Mr. President, arson poses a serious but preventable threat to our society. This week, the Federal Emergency Management Agency [FEMA] is launching a community-based campaign entitled, "Target Arson."

Developed by FEMA in conjunction with the National Arson Prevention Initiative, "Target Arson" will educate young people on the dangers of fire, the importance of parental control of access to matches and cigarette lighters, and the need for adults to set good examples for children. I have long been a supporter of efforts to prevent and combat arson. During my second term in the Senate, I sponsored legislation that was enacted that requires the Federal Bureau of Investigation [FBI] to include arson statistics in its Uniform Crime Reports. This legislation increased our ability to detect, prevent, and prosecute arson crimes.

One out of four fires is intentionally set. More than 500,000 fires were set deliberately last year, over one-half of which were set by juveniles. These fires killed more than 500 people and caused approximately $1 billion in property damage. Through this education campaign, "Target Arson" will emphasize the 100 percent preventable nature of this offense.

Mr. President, I join FEMA and its director, James Lee Witt, in supporting this important educational program. I urge my colleagues to support arson education in the schools in their States.•

APPOINTMENTS BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, after consultation with the Republican leader, pursuant to Public Law 104–201, appoints Charles B. Curtis, of Maryland, to the Commission on Maintaining United States Nuclear Weapons Expertise.

The Chair, on behalf of the Democratic leader, pursuant to Senate Resolution 105, adopted April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments to the Senate Arms Control Observer Group: The Senator from Massachusetts [Mr. KERRY] and the Senator from Illinois [Mr. DURBIN].

ORDERS FOR THURSDAY, MAY 8, 1997

Mr. STEVENS. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:15 a.m. on Thursday, May 8.

I further ask unanimous consent that, on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, and there be a period for morning business until the hour of 10 a.m., with Senators permitted to speak therein for up to 5 minutes each with the following exceptions:

Senator FEINGOLD will be allowed 20 minutes; Senator DOMENICI, or his designee, 15 minutes; and Senator GORTON, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. Mr. President, I further ask unanimous consent that following morning business, the Senate resume consideration of the pending business, S. 672, and that Senator WARNER be recognized at that time in order to call up an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. STEVENS. Mr. President, for the information of all Senators, tomorrow, following morning business, the Senate will resume consideration of the supplemental appropriations bill.

At 10 a.m. Senator WARNER will be recognized to offer his amendment.

It is the intention of the manager—myself—that a vote to table the Warner amendment occur sometime around 10:30 a.m. Senators should be prepared to vote on the Warner amendment at 10:30 a.m.

There is not a time agreement on that. But when this Senator can get the floor, I will make a motion sometime around 10:30 to table the Warner amendment.

Following the disposition of the Warner amendment, it is our expectation to continue to debate the Byrd amendment. And additional votes will occur on Thursday. It is the intention of the leadership still to try to finish this bill. I felt we could finish it by tonight, but it will be finished by the time we close tomorrow night because there are events planned for the weekend. We will finish the bill tomorrow night.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. STEVENS. Mr. President, pursuant to the previous request, I ask that the Senate stand in adjournment.

There being no objection, the Senate, at 8:02 p.m., adjourned until Thursday, May 8, 1997, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, May 7, 1997*

The House met at 11 a.m. and was called to order by the Speaker pro tempore [Mr. SHAW].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 1997.

I hereby designate the Honorable E. CLAY SHAW, Jr. to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We are grateful, O God, that Your word points us in the way of peace and reconciliation in our lives, our communities, and in our world. And just as Your design calls us to be Your people and to do Your will, so too You have given us minds and strength to use in ways that heal the wounds of division in the land and promote justice for every person. Thus we pray, gracious God, for discernment and wisdom in our common tasks, that we will use the abilities You have given us in honor of all and in service to every person. In Your name we pray, amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey [Mr. PASCRELL] come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

JUVENILE JUSTICE BILL PROMOTES SAFETY IN THE CLASSROOM

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, this week we are honoring this Nation's teachers, those hardworking men and women who under increasingly difficult circumstances train and mold young minds. The work teachers do today will influence those young Americans every day of their lives, and they are to be commended for their dedication.

As my colleagues know, too many of our Nation's schools have become havens for drugs and gangs, endangering our children and our teachers. When we consider the Juvenile Crime Control Act later today, we are going to do something about this problem. Language I was able to incorporate into the legislation with the cooperation and support of the gentleman from Florida [Mr. MCCOLLUM], the chairman, will permit cities and counties to use Federal block grant funds to protect students and teachers from gangs and drugs and violent crime in their schools.

Mr. Speaker, when parents send their children off to school, they should not have to worry about their safety. The same goes for the families of those who teach our children. Sadly, we cannot guarantee their safety, but we can help. We can pass the Juvenile Crime Control Act today.

IN MEMORY OF REV. DR. ALBERT MOSES TYLER

(Mr. PASCRELL asked and was given permission to address the House for 1 minute.)

Mr. PASCRELL. Mr. Speaker, today I address the House on the passing of a great man, a great American, Rev. Dr. Albert Moses Tyler, who died at 93 years of age in Paterson, NJ.

He was a minister for 69 years, and head of St. Luke's Baptist Church in Paterson for 62 years. He spoke softly about our dignity and human rights but always intensified his efforts to make sure that our civil rights are protected.

We have lost a great American, but his legacy lives on. I try in this House to carry on his great model of principles which he brought forth.

SUPPORT H.R. 3, JUVENILE CRIME CONTROL ACT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the junior high school that I went to in Athens, GA, had strict discipline. Students were taught to respect each other, to respect teachers, and to respect the institution.

The high school, however, that I went to had a different view of discipline, that is to say, a very spotty record, if any, on it. When I was in 10th grade, a student pulled a gun on another one in a basketball game I was playing in, and then another time a student was shot on the campus. When I was in high school, I had a group of students jump on me and beat me up. Without discipline, students somewhat behaved in a bad fashion.

Currently today teenagers account for the largest portion of all violent crime in America. Offenders under the age of 18 commit more than one-fifth of all violent crime. If this trend continues, we will have a 31 percent increase in juvenile offenders by the year 2010.

H.R. 3 addresses this. It tries to make our school yards and our streets safer from juvenile offenders. I hope that my colleagues will support me in supporting it.

FAIRNESS IN HIGHWAY FUNDING

(Mr. CLEMENT asked and was given permission to address the House for 1 minute.)

Mr. CLEMENT. Mr. Speaker, I rise today in support of the transportation bill, better known as the ISTEA bill. It is a bill which has brought unprecedented flexibility and authority to local governments and provided our communities with valuable means of intermodal transportation. But there is one problem with the transportation bill: the highway funding formula.

Since the passage of ISTEA in 1991, Tennessee has received a mere 79 cents on the dollar for every dollar contributed to the Federal Highway Trust Fund by State motor fuel users. This formula, based on outdated historic percentages from the years prior to 1991, perpetuates the strength of Northeastern States and does not follow the growth trends of the Sunbelt States like Tennessee.

This nonsense must end this year and a new transportation bill must guarantee a more equitable minimum allocation to all 50 States. Tennessee is the Volunteer State, but we will no longer volunteer unjustly our funds to States with less growth and more roads and rail. Let us bring about equity and fairness to all 50 States and do it this year.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SAFE SCHOOLS

(Mrs. KELLY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. KELLY. Mr. Speaker, as Members probably know by now, this week is Teacher Appreciation Week, and we are very grateful for all of them. As a former teacher, I have learned from experience that the best way we can truly appreciate teachers and their students is to make certain that they are provided with the safest possible learning environment.

This week in Congress we are going to begin to work on legislation to ensure safe classrooms by removing violent juveniles. We are going to work to accomplish this by reforming our juvenile justice system.

But this will only be the first step in a series we are going to take in this Congress to reduce crime in our schools and in our communities. The next step will be through strong prevention programs when we move to reauthorize the Juvenile Justice and Delinquency Act this summer.

We need safe classrooms for teachers and for students. We can accomplish this through our focus on both the areas of prevention and punishment. I ask for all of my colleagues to join me in support of safer schools when we pass both the Juvenile Crime Control Act and reauthorize the Juvenile Justice and Delinquency Act.

CONDOMS SUBJECT TO MILITARY SCRUTINY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even though the Pentagon is cutting costs and talented officers are being forced out, the Pentagon spent $90,000 last year to study condom preference and the failure rates of condoms in the military.

If that is not enough to kill your rabbit, the Pentagon still does not know if a Patriot missile can stop the Silkworm, but they know for sure which condom can save the Republic. What is next, Mr. Speaker, a $100,000 study to find out if soldiers prefer boxer shorts over briefs? If women in the military prefer Maidenform over Wonder Bra?

Beam me up. I say with this study the Pentagon has reached the apex of their condominium. There is no budget crisis in the District of Columbia. There is a common sense crisis in the District of Columbia.

I yield back the balance of any heretofore untested condoms still subject to military scrutiny.

NUCLEAR WASTE BILL

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, the nuclear waste bill currently before the House is a bill that will destroy the environment and endanger the lives of our constituents. In a letter to my office, Deputy Secretary of Energy Charles B. Curtis stated the following: "If S. 104 and its companion bill, H.R. 1270, were presented to the President in its current form, the President would veto the bill." Mr. Curtis goes on to say: "This bill would provide no practical opportunity to designate an alternative to Yucca Mountain as an interim storage site because it does not provide enough time to designate, license and construct a facility at another site by the year 2002."

The situation is very clear. This bill could potentially devastate our districts, the environment in our districts, and will be vetoed by the President. Is it really worth voting to destroy the environment in order to bail out the nuclear power companies on a bill that has no chance of becoming law?

FUNDING FOR WIC

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the Committee on Appropriations has rejected the Clinton administration request for WIC funding. What a surprise.

The WIC Program is one of the most successful Federal programs that has ever been created. The WIC Program reduces the incidence of low-birthweight babies, infant mortality and anemia. This is a program that serves some of the most at-risk infants in the country, many of whom are Latino or Afro-American babies.

The Republicans say we do not need to spend that money on these needy children. Instead, the Republicans tell us we need a capital gains tax cut which will put billions of dollars in the pockets of their rich friends. This is crazy. First they try to cut school lunches to hungry children. Now they literally want to take milk away from hungry infants. For shame.

SUPPORT HIGHWAY TRUST FUND FAIRNESS ACT

(Mr. SANFORD asked and was given permission to address the House for 1 minute.)

Mr. SANFORD. Mr. Speaker, ISTEA will be reauthorized this year. ISTEA sets the funding formula by which gas taxes are spread across our country, and I think with it will come the chance to make a real stand for the simple theme of fairness.

Fairness is the most fundamental of all American precepts. It is the idea on which the Revolutionary War was built. It was the idea behind the Boston Tea Party. It was the idea behind the civil rights movement. Yet right now with our gas tax formula, we have a formula that leaves South Carolina losing $50 million a year, California losing over $200 million a year, Florida losing over $200 million a year, while a handful of States up in the Northeast receive disproportionate amounts of money. That is not fair.

The gentleman from Oklahoma (Mr. LARGENT), the gentleman from Tennessee (Mr. CLEMENT), and myself have a Highway Trust Fund Fairness Act which would address this inequity. There are a number of other proposals to address this inequity. The point that I think we all need to remember is that it needs to be addressed and it needs to be fixed.

FAIRNESS IN BALANCED BUDGET PROCESS

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, I regard it as an outrage that more and more pressure is being placed on the Bureau of Labor Statistics to change their approach of determining how the Consumer Price Index, the CPI, is being determined, with the goal of lowering it. Frankly, this is nothing more than a cheap, back-door way of balancing the budget on the backs of the elderly by cuts in Social Security, by not giving them an increase which honestly reflects the rate of inflation.

In the State of Vermont, in my view, not only is the current CPI not too high, it is too low. Elderly people are more dependent upon health care and prescription drugs than the general population, and the cost of health care is rising much faster than the general rate of inflation.

Mr. Speaker, in Vermont and throughout this country, millions of elderly people are trying to survive on $7,000 or $8,000 a year. Let us not cut their Social Security checks and make their lives even more difficult. Let us move toward a balanced budget, but let us not do it on the backs of the weakest and most vulnerable Americans, including our senior citizens.

□ 1115

NO LEARNING TAKES PLACE WITHOUT DISCIPLINE AND SAFETY

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, during Teacher Appreciation Week, I hope everyone in Congress will support our efforts to make schools safe for teachers and children.

As a teacher for 24 years, I know firsthand that without safety and discipline in the classroom, no teacher can teach and no student can learn.

Congress is examining what works and what is wasted in the area of safety and discipline as part of our ongoing Education at the Crossroads project.

I hope everyone in Congress will vote for the Juvenile Crime Control Act this week. This bill will reform the juvenile justice system, it will make violent juvenile offenders accountable for their actions. It will help keep violent juveniles out of our classrooms and off our playgrounds. These steps will help us fulfill our moral obligation to provide our children with a good education so that they will have the tools to achieve the American dream.

EDUCATIONAL EXCELLENCE

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to urge my colleagues to support educational standards of excellence for every child in this Nation. I know setting House standards is the best way to achieve educational excellence. Our students are working hard, and their teachers and parents strive to give them the support that they need. We must give them the tools to make the most of their God-given ability.

Last week we dedicated a memorial to this century's greatest President, Franklin Delano Roosevelt. It is fitting that we honor FDR as a leader who brought this country back from our worst economic calamity ever and brought us to the brink of greatness and our triumph over global tyranny.

One of FDR's guiding principles is captured by his observation that we will all be better off when we all are better off.

As the 105th Congress considers measures to strengthen education in this country, we must heed FDR's words and expand educational opportunities to all the children in America.

THERE IS NO ACCURATE WAY TO MEASURE CPI

(Mr. PAUL asked and was given permission to address the House for 1 minute.)

Mr. PAUL. Mr. Speaker, using the CPI to measure cost of living adjustments is nothing more than a feeble attempt to measure dollar depreciation. This is no more accurate than using stock and bond prices to measure inflation.

I have a lot of reservations and think we are making a serious mistake by delivering to the Bureau of Labor Statistics the authority to manipulate the CPI numbers. This is ducking our congressional responsibility, and it is a back-door way to raising taxes and manipulating the entitlements. I think, most importantly, it fails to recognize the basic flaw in our system, and that is the monetary policy and a depreciating of currency.

But we have a lame duck President quite willing to accept the responsibility and to accept more executive legislative powers from the Congress, something the Constitution does not authorize. But here we have a President quite willing to, behind the scenes, raise taxes and manipulate the cost of living.

The truth is there is no accurate way to measure the cost of living index.

EXPRESSION OF ADMIRATION FOR LT. GOV. JOSEPH E. KERNAN

(Ms. CARSON asked and was given permission to address the House for 1 minute.)

Ms. CARSON. Mr. Speaker, I want to take a brief moment to share my pride and admiration for our Indiana Lieutenant Governor Joe Kernan.

Today, May 7, marks the 25th anniversary when Joe Kernan was shot down by the enemy over North Vietnam and held a prisoner of war for the succeeding 11 months.

Joe Kernan, a 1968 graduate of Notre Dame, was sent to Vietnam in 1972 aboard the USS *Kitty Hawk*, never set foot in Vietnam until his plane, where he was a navigator, was shot down and he was taken a prisoner of war. He was a prisoner of war for 11 months, he was repatriated in 1973 and continued on active duty with the Navy until 1974, December. The Combat Action Ribbon, two Purple Heart medals and the Distinguished Flying Cross are among the military awards that the Lieutenant Governor has received.

Mr. Speaker, he is an ordinary man. He worked for Procter and Gamble in Cincinnati. He moved to South Bend where he became mayor and the city's controller. He was elected mayor in 1987, served there 9 years, longer than any other mayor in South Bend's history, and in 1996 he and Gov. Frank O'Bannon were elected to the top posts in Indiana's government. Joe and his wife are natives of South Bend.

I just wanted to say today that Joe Kernan exemplifies what the court envisioned in that he is at the home of the brave at the land of the free.

IMPEACHMENT: A POLITICAL REMEDY TO A POLITICAL PROBLEM

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute.)

Mr. BARR of Georgia. Mr. Speaker, in reviewing what we can do with regard to activist Federal judges who usurp the authorities of the legislative or executive branches, I was impressed by an article written on March 20 in the Washington Times by Paul Craig Roberts who said, there is no clearer, sounder, and firmer grounds for impeachment of judges than the violation of the constitutional oath, and there is no clearer, sounder, or firmer evidence that this oath has been violated than when judges violate the separation of powers and usurp the political functions of government. This has been understood by everyone since the day the Constitution was written.

As one professor noted, in the constitutional design of the Founding Fathers, especially Alexander Hamilton's discussion of the Federal judiciary in the Federalist Papers, the ultimate recourse in the event the judiciary usurps legislative powers is impeachment by Congress. This has been thoroughly understood in every period of our history.

Writing in the Harvard Law Review in 1913, Wrisley Brown, whose investigation led to the impeachment of Judge Robert W. Archibald, said impeachment is a political remedy to a political problem. It is directed against a political offense, it culminates in a political judgment, it imposes a political forfeiture, it is a political remedy for the suppression of a political evil with wholly political consequences.

PERSONAL EXPLANATION

Ms. HOOLEY of Oregon. Mr. Speaker, for the record, on rollcall vote 103 I mistakenly pressed "aye" instead of "no." My vote should have been recorded as a "no."

DUNN AMENDMENT TO H.R. 3, JUVENILE CRIME CONTROL ACT OF 1997

(Ms. DUNN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mr. Speaker, we have an opportunity this week to do something about the safety of our children's schools. Every day children go to school in fear, not because they have a math test, but because the child next to them may harm them.

Tomorrow, I will offer an amendment to H.R. 3, the Juvenile Crime Control Act of 1997, to make our schools safer.

My amendment would take Megan's Law one step further. It would require States to submit a plan to the Attorney General, describing a process by which parents would be notified of a juvenile sex offender's enrollment in the elementary school or secondary school their child attends. This amendment strengthens Megan's Law by forewarning parents about juvenile sex offenders who may have fallen through the cracks even with community notification.

For example, some children attend schools outside their communities.

Parents in this situation may be unaware that their son or daughter is attending school with a juvenile sex offender. My amendment would forewarn these parents as well as those whose children attend schools within their communities.

We cannot let what happened to Megan Kanka happen again. Not in any community, especially not on a playground during recess.

TODAY IS NATIONAL TOURIST APPRECIATION DAY

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, as all those in the gallery may not recognize, but today is National Tourist Appreciation Day, and this week is National Tourism Week. It is time to reflect that travel and tourism in America is our largest service export industry, the second largest employer in the United States and the third largest in retail sales. In 1996, tourism in the United States generated an estimated $467 billion in total expenditures. It directly employs 6.6 million Americans and indirectly employs 8.9 million.

In 1995, 236,000 new jobs were created as a direct result of domestic and international tourism in the United States. American travelers spent alone $685,000 per minute on travel and tourism, and international travelers spent $151,000 per minute in the United States.

In my district, travel and tourism brings in $1.5 billion a year and more than 20,000 jobs. This week more than 3,000 communities across the United States will participate in recognizing the importance of travel and tourism. I encourage my colleagues to do the same.

BALANCING THE BUDGET, CUTTING TAXES

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, what if Americans were to ask this question: "What are the politicians in Washington up to these days?" If you were to say, "Oh, they are doing exactly what we told them to do, balancing the budget, cutting our taxes, putting our fiscal house in order," if you were to say that, who would believe you?

It is time to believe. After 28 years of budget deficits, this Congress has an agreement with the President to balance the budget by 2002, if not later. Four years after the largest tax increase in our history, this Congress has an agreement with the President to change direction and cut taxes.

A lot of folks on the other side cried hysterically that we could not balance the budget and cut taxes at the same time. But this agreement does just that. This agreement is the first step in a new direction, government living within its means and tax relief for working families.

Let us take this first step and pass this historic balanced budget agreement. Let us do it for our kids.

FUNDING FOR WIC PROGRAM

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, as we begin to work out the details of last week's balanced budget agreement, we need to remember that the choices that we make in this body reflect the values of our Nation. Next week this Congress will have an opportunity to cast an important vote about our budget priorities when we vote on funding for the Women, Infants and Children program.

Will this Congress vote to take milk, cereal, and formula off the breakfast tables of needy families, or will we vote to give this program the additional $38 million in funding that it needs to prevent 180,000 women and children from being removed from the WIC Program?

As we watch this budget agreement take shape, we need to vote to uphold the values of this Nation. We can start by fully funding the WIC Program, because it is a program that works. For every dollar spent, we save $3.50. It is a program that provides assistance to some of the most vulnerable members of our society. Democrats are united in our opposition to WIC reductions, and I urge my Republican colleagues to join us in voting to restore the full amount of the President's request for WIC.

HIGHWAY FUNDING

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, I rise to talk about the fairness in the way that we distribute our highway trust funds in America. The State of Arkansas is geographically centered in the heart of America. As this country expands its trade with our neighbors to the north and to the south, we will need to have adequate highways in order to accommodate this trade and to build vital arteries to connect us with the rest of the Nation.

More important than building a network for commerce, it is important that we have safe highways upon which Arkansas families can drive. There is a 43-mile strip of mountainous highway in my district that has in itself accounted for more than 1,500 automobile accidents in the last 9 years. It has been called one of the most dangerous roads in the Nation.

Clearly it is time that Arkansas taxpayers receive their fair share of highway funding. We are part of that group called "donor States," meaning that we pay more in highway taxes than we receive back. Arkansas is 16th in the Nation for the number of interstate highway miles. It places 41st in the amount of highway funding it receives.

I understand that we need a national highway network, but the step 21 proposal that I support provides a more equitable and fair distribution in the way we distribute our highway funds. For that reason, I am the 100th Member to support it and I ask for everyone to join with me in that.

ISTEA FUNDING EQUITY

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, the time is right for funding equity. Mr. Speaker, I rise to urge my colleagues to support funding equity when the House considers the ISTEA reauthorization bill. According to a GAO report, the current funding formula used to distribute billions of transportation funds is flawed.

My State of Florida is a perfect example of what is wrong with the formula. Florida is the fourth most populated State, third in the number of automobiles on the road, third in the number of automobiles miles traveled, third in the amount of money that our citizens contribute to the Federal Highway Trust Fund. Yet, Florida's average return on each dollar has been 79 cents since 1956, 45th in the Nation.

□ 1130

Under the fourth year of ISTEA, Florida will drop to 77 cents for every dollar, 46th in the Nation. The ISTEA reauthorization bill must include a formula that is based on current reasonable and appropriate factors.

JUVENILE CRIME

(Mr. ADERHOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADERHOLT. Mr. Speaker, as we consider this week the issue of juvenile crime and the ramifications that it has on our schools, I would like to express my concern about this important issue. By the year 2010, there will be a 31-percent increase in the number of juveniles in our country. Unfortunately, the problem of juvenile crime is predicted to increase drastically as well unless we act now.

Kids today commit crimes because they know they can get away with it. A juvenile that commits a cold blooded murder can be back on the street in most cases in less than 1 year.

We must realize that juveniles can be just as dangerous as adults and begin to treat them accordingly. The system must be reformed.

Kids in America today need the support of teachers and families and churches so that they can know the difference between right and wrong, and they need to know that a crime of any sort will not be tolerated regardless of age. Our children and our children's children deserve to have the same environment to learn that all of us had growing up.

SO-CALLED BALANCED BUDGET AGREEMENT

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I just want to comment briefly on the so-called balanced budget agreement that was reached between the President and the House and Senate Republican leadership last week. I say so-called because it is really in the nature of an agreement to agree. There are many things that are not filled in there, many questions that are not answered that we just do not know yet.

But one thing that is clear is that $90 billion will have to be cut for the next 5 years from nondefense discretionary spending. We do not know how it is going to be cut, and we will not know that because those decisions will be made year by year by the Committee on Appropriations. But out of $290 billion, for everything the Government spends other than on entitlements, interest on the national debt and the military, for housing, for education, for transportation, for law enforcement, crime prevention, Head Start, issuing passports, research and development, everything that we think of when we think of what the Government does, other than entitlements and the Armed Forces, we are going to have to take $90 billion out of what is necessary to maintain the current level of services. That is going to be a major hit on our population. I simply urge caution.

HIGHWAY FUNDING SHOULD BE A FAIR DEAL FOR STATES

(Mr. BRADY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADY. Mr. Speaker, on this day in 1626 a wise Dutchman named Peter Minuit traded $24 of trinkets for the island of Manhattan. It is commonly agreed that Minuit received the better end of that deal.

When it comes to highway funding, however, a lot of taxpayers find themselves on the opposite end of the situation, on the bad end of the deal. For every dollar we send to Washington for highway funding, we receive back less than 78 cents. Twenty-five other States find themselves in the same position. Even though Federal law says we ought to receive 90 cents for every dollar, 18 States do not even receive that. Donor States are fast growing.

In Texas, we are a large State, very diverse, big infrastructure needs, and we are the entryway for our trade with America's largest partner, Mexico. This year as we address transportation issues, let us make sure we are giving taxpayers the fair deal they deserve.

SUPPORT WIC FUNDING

(Ms. SLAUGHTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SLAUGHTER. Mr. Speaker, I rise to express my objection to the proposed cuts in the WIC Program contained in the supplemental appropriations bill that is being considered by the House Committee on Appropriations.

The women, infants, and children's program, known as WIC, is widely known as one of the most effective and cost-effective programs this Government operates. By providing nutritious food to pregnant women and infants, the WIC Program helps to ensure that babies who are born to low-income women get the full nutrition they need to develop and to grow properly. It is estimated that every dollar invested in WIC saves at least $3.50 in future expenditures on Medicaid and other programs.

The administration recommended $76 million, but it has been cut to $38 million in the supplemental bill, which means that 180,000 children and pregnant women will go unserved and hungry.

Now, we should be ashamed of ourselves for taking the food literally out of the mouths of babes, and I am pleased to know that my colleague, the gentlewoman from New Jersey [Mrs. ROUKEMA], plans to offer an amendment to restore the important funding, and I shall certainly be supporting that. The richest country in the world cannot let its vulnerable citizens go without food for lack of political backbone, and I urge the support of my colleagues.

WIC FUNDING

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, the gentlewoman from New York who just spoke talked about cuts in the WIC Program, and I think it is time that we set the record straight.

Funding for the WIC Program in the current fiscal year is at $3.7 billion, the highest level ever spent for this very important program. Beyond that, we have added $38 million in additional funding to try to ensure that all of those people, women, infants, and children, get the food that they need throughout the rest of this fiscal year. People in the administration who run these programs say $38 million is enough to cover this current fiscal year.

I would also add that there is about $100 million left over from prior year funding for the WIC Program, and any suggestion that Congress is cutting the WIC Program simply is not true. We are increasing the amount of money in the supplemental appropriation bill that will be on this floor next week by $38 million for the WIC Program.

FUNDING AND JUVENILE JUSTICE

(Mr. BLAGOJEVICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLAGOJEVICH. Mr. Speaker, in many communities across our country, people are living in Hobbesian states of nature where life is nasty, beastly, brutish and, all too often, very, very short. The reason is that there is a dramatic rise in juvenile crime across this country.

The number of homicides committed by juveniles increased five times the rate of homicides committed by adults. Arrests for juveniles committing violent crimes will more than double during the next 15 years.

The need to address this problem clearly requires a comprehensive approach, yet the juvenile justice bill that is being attempted to be passed here in Congress only provides money for 12 States to address this problem, 12 States that include Wyoming and Vermont.

In America, Mr. Speaker, one-third of juvenile crimes occur in four cities: in Detroit, Los Angeles, New York, and Chicago. Yet under this bill, while Wyoming and Vermont receive funding to address juvenile crime, cities like Detroit, Chicago, and Los Angeles receive not a dime. It seems to me, Mr. Speaker, if we are going to address juvenile crime in a comprehensive way, we ought to apply our funding from sea to shining sea and do it in the places where juvenile crime occurs.

H.R. 1500 HURTS UTAH EDUCATION

(Mr. CANNON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CANNON. Mr. Speaker, I rise today regarding H.R. 1500, a bill introduced last week by the gentleman from New York, to designate 5.7 million acres in Utah, almost all of it in my district, as wilderness.

Within the 5.7 million acres in H.R. 1500 are more than half a million acres of school trust lands, and those are lands that are given to Utah in statehood to support our schools.

By surrounding these school trust lands with wilderness, H.R. 1500 would dramatically hurt their value, hurting Utah schools. The fact is, there is not one word in H.R. 1500, not one, that would protect the value of Utah's school trust lands either by trading the lands out or by providing cash value. That is why the Utah State School Board, Utah PTA, the Utah school superintendents and Utah Education Association all oppose H.R. 1500 as written.

The sponsor says he does not want to hurt Utah's school children, but that is exactly what H.R. 1500 does.

WIC FUNDING

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I just wanted to contradict what my colleague from Ohio on the Republican side just said about the WIC Program. The bottom line is that the $76 million in supplemental funds are needed for the WIC Program.

The information submitted by 50 States to the Agricultural Department in early April specifically says that they will have to drop, many of those States will have to drop women, infants, and children from WIC before the end of the fiscal year if no supplemental funding is provided. And the documents that these States filed with the Agriculture Department in early April basically took into account all unspent funds from fiscal year 1996.

The proposed $76 million supplemental funding requested by the administration takes these funds into account. So it is simply not true that there is carryover money that is going to be available to make up for this difference. When we are giving these estimates and we are saying that we need the $76 million extra, it takes into account those carryover funds.

I would point out, Mr. Speaker, that these estimates in these reports and the requests for this additional funding in many cases is coming from States governed by Republican Governors.

TEACHER APPRECIATION WEEK AND JUVENILE CRIME

(Mr. SESSIONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SESSIONS. Mr. Speaker, this is Teacher Appreciation Week, and these hard-working individuals deserve to be recognized for their outstanding effort.

America's teachers provide an essential ingredient to the success and future of this country. Despite the commitment and dedication of these people, there is a pressing issue looming over our classrooms, and that is juvenile violence. Juvenile violence and crime is a constant threat to the safety of both students and teachers alike. In 1996, Texas authorities reported that of the 123,218 violent offenses committed statewide, 6 percent of these were committed by juveniles, and they resulted in the juvenile arrests of these people.

This problem must be remedied, not only in the 5th District of Texas, but across America. I am supporting the juvenile crime bill, one that will ensure that teachers will have a safe environment to teach and the students will be in a safe and secure classroom, one that is free of fear.

I think that we all agree that there is enough obstacles waiting for our children in their adult lives. I think we must make our childhood safe for those children and open to learning.

FUNDING FOR WIC

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me talk about the ABC's of a mother's love. As we celebrate Mother's Day this week, let me tell my colleagues about women and infants and children, the WIC Program, which is facing a drastic cut. It is a shame that in the Committee on Appropriations, Republicans voted 28 to 24 to not give the $78 million needed to fund and to help mothers love their children. It is a shame as we speak that 180,000 women, infants, and children are falling off the rolls every single day.

The $38 million is not enough. The ABC's of a mother's love is to provide for those children. Those mothers dependent on the WIC Program to help their infants and children are now being deprived with this budget, but as well with the $38 million, that is not enough.

We need full funding for the WIC Program to show a mother's love. In tribute to mothers this Mother's Day, let us give full funding, as Democrats want, for women, infants and children, which is what America stands for.

CONGRATULATING SILVER CHARM

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, sports enthusiasts around the world were treated to a stunning race Saturday during the 123d Kentucky Derby. Silver Charm raced neck and neck with Captain Bodgit from midstretch to the wire, with Silver Charm winning by a head.

Not only was this a thrilling contest, it was also noteworthy that Silver Charm and Captain Bodgit are both Florida-bred horses, born and trained in the rich horse country surrounding Ocala, my hometown. Silver Charm is a product of Dudley Farm in Ocala, and Silverleaf Farm in Ocala is home for the horse that sired Silver Charm, Silver Buck. In addition, Captain Bodgit is a product of Marion County, bred at Ocala's Still Lake Farm.

This was the first Run for the Roses victory for a Florida horse since Unbridled won in 1990. Florida stands second only to Kentucky in breeding Derby horse winners.

Mr. Speaker, speaking for my fellow citizens from Ocala, I know that we are honored but not surprised that an Ocala horse would place first and second in the Kentucky Derby. I look forward to seeing how the Florida horses fare in the Preakness.

□ 1145

SUPPORT THE PRESIDENT'S SUPPLEMENTAL REQUEST FOR THE WIC PROGRAM

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, they say a word to the wise is sufficient. Why, then, do we not get the message here in Congress when we are told over and over again the importance of the care that we give to our children in their earliest moments of life? It is hard to believe, with all the new information we have, why the Committee on Appropriations voted last week to reduce the President's supplemental request for the WIC Program, the program for women, infants, and children, by 50 percent, cutting $38 million from the budget.

That money is really not nearly enough anyway for WIC to serve those who are currently eligible. Even at this $38 million supplemental funding level, more than 180,000 women, infants, and children who presently survive because of WIC will lose this life-sustaining program. Some States, including my own State of California, are already moving to remove people from the WIC Program. The program pays for itself. Indeed, it is an investment. The GAO has reported that each dollar spent on WIC saves us $3.50 in expenditures for Medicaid and SSI for disabled children and other programs.

As we prepare for Mothers Day, as families across the country set the table to honor our mothers, let us have a place at the table for the women, infants, and children of America who are poor. Support the President's supplemental request.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 900

Mr. TRAFICANT. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 900.

The SPEAKER pro tempore (Mr. SHAW). Is there objection to the request of the gentleman from Ohio?

There was no objection.

PROVIDING FOR ACCEPTANCE OF STATUE OF JACK SWIGERT OF COLORADO IN NATIONAL STATUARY HALL

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight be discharged from further consideration of the concurrent resolution (H. Con. Res. 25), providing for acceptance of a statue of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall, and for other purposes.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

Ms. KILPATRICK. Mr. Speaker, reserving the right to object, will the gentleman from California kindly state the purpose of the concurrent resolution?

Mr. THOMAS. Mr. Speaker, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from California.

Mr. THOMAS. Mr. Speaker, I thank the gentlewoman for yielding to me.

Mr. Speaker, House Concurrent Resolution 25 is a resolution to nominate and dedicate the statue of Jack Swigert to represent the State of Colorado in Statuary Hall. The resolution was introduced by the honorable gentleman from Colorado [Mr. DAN SCHAEFER], for the Republican delegation of Colorado. The resolution provides for a ceremony in the Capitol Rotunda to commemorate the occasion of the dedication.

As most people know if they have ever roamed the Capitol, there are a number of statues located in important rooms in the Capitol. Most of these statues emanate from the ability of each State to send two statues representing distinguished people in the history of the State. Colorado had sent only one. That was Dr. Florence Sabin. If the name is familiar in terms of medicine, and it was an excellent choice as a statuary representative for Colorado.

Similarly, the dedication and statue that we are offering in this resolution is a wise choice on the part of Colorado.

The dedication ceremony for the statue on May 22, 1997, at 11 a.m. will recognize Jack Swigert, native of Denver, a U.S. Air Force pilot, a recipient in 1970 of the Presidential Medal for Freedom, the command module pilot of the Apollo 13 mission, and an elected Representative to the House of Representatives from Colorado.

Unfortunately, Jack Swigert was not able to assume his position, and in a special election, the honorable gentleman from Colorado [Mr. DAN SCHAEFER] was elected to replace him. So it is especially noteworthy that the gentleman sponsoring the resolution was the gentleman who had the honor of replacing Jack Swigert.

Mr. Speaker, I will offer an amendment, when the gentlewoman withdraws her objection, which was passed by the committee when the resolution was considered.

Ms. KILPATRICK. Mr. Speaker, I thank Chairman THOMAS for that explanation.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Colorado.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I rise today in celebration of Jack Swigert and this concurrent resolution, House Concurrent Resolution 25, which does provide for the acceptance of a statue of Mr. Swigert presented by the people of the State of Colorado for placement in National Statuary Hall.

I, along with Colorado citizens, anticipate a very moving and wonderful event for the unveiling of our second statue in the U.S. Capitol Rotunda. This tribute has particular significance to me. As some Members may know, I came to Congress, as the gentleman from California [Mr. THOMAS] indicated, in a special election in the spring of 1983, and this special election was necessary because Jack Swigert died before being sworn in as the first elected Representative in the Sixth District of Colorado. I am honored to follow in his footsteps and am excited to be part of this historic event, recognizing his contributions to both the State and the Nation.

Jack was born in Denver and excelled in both academics and athletics. After graduating from the University of Colorado at Boulder, he joined the U.S. Air Force and went on to log over 2,900 hours of flight with the Air Force, the Air National Guard, and NASA. Then in 1970 he served as command module pilot of the famed Apollo 13 mission, the one that blew a hole in its side and had to circle the Moon and came back and landed.

After he did do that, he got into politics and decided to run for Congress in 1982. It was a successful campaign. I can remember nominating him to this particular position.

This is sad simply because before he could actually take office, he passed away on December 27, 1982, and, of course, we all wanted him to at least be here long enough to take the oath of office after all of the things that he had been through.

It is clear that Jack exemplified the true American spirit. He was a competitor, he was an achiever, he was a pioneer in his field. It is with great pleasure that I take part in honoring his spirit by accepting this statue. I thank so much the Lundeen brothers who did the sculpturing, and thank the Colorado Legislature and the Jack Swigert Memorial Commission, and all my colleagues in Colorado and in the congressional delegation, for all the work we have done.

I look forward to May 22, when we will be able to celebrate the fruits of that labor. I thank very much the gentlewoman for yielding, and I thank the gentleman from California [Mr. THOMAS] for moving so quickly on this resolution.

Mr. THOMAS. If the gentlewoman will continue to yield, Mr. Speaker, I would like to take this time to briefly explain the amendment that we will shortly consider when the gentlewoman withdraws her objection.

The amendment removes section 2 of the resolution and makes a technical correction in the title. As is customary with these resolutions, section 2 of the resolution, as introduced, requested that 6,555 copies of a transcript of the ceremony be printed for use by the House of Representatives and the Senate. It was to be paid for with taxpayers' funds.

The gentleman from Colorado [Mr. DAN SCHAEFER], the sponsor of the resolution, requested that this printing request be removed from the resolution, and the amendment that we are offering does that. I just want to note that pursuant to the letter of the gentleman from Colorado, the reason we are removing the taxpayer-funded documents is that there will be a memorial document printed, but any costs associated with that memorial document will be paid for with private funds, rather than public funds. That money will come from the Jack Swigert Memorial Commission.

I thank the gentlewoman.

Ms. KILPATRICK. Mr. Speaker, with that explanation from Chairman THOMAS, as well as the gentleman from Colorado [Mr. DAN SCHAEFER], I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 25

Resolved by the House of Representatives (the Senate concurring), That (a) the statue of Jack Swigert, furnished by the State of Colorado for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the State of Colorado for providing this commemoration of one of its most eminent personages.

(b) The State of Colorado is authorized to use the rotunda of the Capitol on May 22, 1997, at 11 o'clock, ante meridiem, for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such action as may be necessary with respect to physical preparations and security for the ceremony.

(c) The statue shall be displayed in the rotunda of the Capitol for a period of not more than six months, after which period the statue shall be moved to its permanent location in National Statuary Hall.

SEC. 2. The transcript of proceedings of the ceremony shall be printed, under the direction of the Joint Committee on the Library, as a House document, with illustrations and suitable binding. In addition to the usual number, there shall be printed 6,555 copies of the document, of which 450 copies shall be for the use of the House of Representatives, 105 copies shall be for the use of the Senate, 3,500 copies shall be for the use of the Representatives from Colorado, and 2,500 copies shall be for the use of the Senators from Colorado.

SEC. 3. The Clerk of the House of Representatives shall transmit a copy of this concurrent resolution to the Governor of Colorado.

AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer a committee amendment.

The Clerk read as follows:

Amendment offered by Mr. THOMAS: Page 2, strike out lines 11 through 20 (and redesignate accordingly).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. THOMAS].

The amendment was agreed to.

The CHAIRMAN. The question is on the concurrent resolution.

The concurrent resolution was agreed to.

TITLE AMENDMENT OFFERED BY MR. THOMAS

Mr. THOMAS. Mr. Speaker, I offer an amendment to the title.

The Clerk read as follows:

Title amendment offered by Mr. THOMAS: Amend the title so as to read: "Concurrent resolution providing for acceptance of a statue of Jack Swigert, presented by the State of Colorado, for placement in National Statuary Hall.".

The title amendment was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 25.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CONSUMER PRICE INDEX

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the resolution, House Resolution 93.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Indiana [Mr. SOUDER] that the House suspend the rules and agree to the resolution, House Resolution 93, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 16, not voting 18, as follows:

[Roll No. 105]

YEAS—399

Abercrombie
Ackerman
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—16

Barr
Blumenauer
Boswell
Campbell
Forbes
Hall (TX)
King (NY)
McDade
Minge
Owens
Paul
Stenholm
Taylor (MS)
Taylor (NC)
Visclosky
Waters

NOT VOTING—18

Aderholt
Allen
Andrews
Archer
Becerra
Brown (OH)
Clay
Edwards
Gutierrez
Hunter
Kaptur
Kolbe
Manton
Metcalf
Rangel
Reyes
Schiff
Sessions

☐ 1214

Mr. HALL of Texas, Ms. WATERS, and Mr. OWENS changed their vote from "yea" to "nay."

Messrs. GEJDENSON, GILCHREST, and PETERSON of Pennsylvania changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. ALLEN. Mr. Speaker, I ask that the Record reflect that this morning I was unavoidably detained on rollcall vote 105, House Resolution 93, and that if I had been present, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. BROWN of Ohio. Mr. Speaker, earlier today I was detained on official business and unfortunately was unable to cast my vote on House Resolution 93. Had I been present, I would have voted "yea" on this resolution, which expresses the sense of the House that if any adjustment is made to the consumer price index that it should be made by the Bureau of Labor Statistics.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 991

Mr. RAHALL. Mr. Speaker, on May 6, 1997, the name of the gentleman from Arizona, Mr. Matt Salmon, was inadvertently added as a cosponsor of H.R. 991 instead of adding the name of the gentleman from Texas, Mr. Max Sandlin.

I apologize for this unintended error and respectfully ask unanimous consent that the name of the gentleman from Arizona, Mr. Matt Salmon, be removed as cosponsor of H.R. 991 and that the name of the gentleman from Texas, Mr. Max Sandlin, be added as cosponsor of H.R. 991.

The SPEAKER pro tempore (Mr. Shaw). Is there objection to the request of the gentleman from West Virginia?

There was no objection.

HOUSING OPPORTUNITY AND RESPONSIBILITY ACT OF 1997

The SPEAKER pro tempore. Pursuant to House Resolution 133 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2.

☐ 1217

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, with Mr. Combest (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, May 6, 1997, the amendment by the gentlewoman from Texas [Ms. Jackson-Lee] had been disposed of and title II was open for amendment at any point.

Pursuant to the order of the Committee of that day, the following Members may offer their amendments to title II even after the reading has progressed beyond that title:

Amendment No. 51 by the gentleman from Virginia [Mr. Moran];

Amendment No. 43 by the gentlewoman from New York [Ms. Velázquez]; and

Amendment No. 2 by the gentleman from Texas [Mr. DeLay].

AMENDMENT NO. 5 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. Frank] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. Frank of Massachusetts:

Page 102, strike line 1 and all that follows through line 7 of page 104, and insert the following:

SEC. 225. FAMILY RENTAL PAYMENT.

(a) Rental Contribution by Resident.—A family residing in a public housing dwelling shall pay as monthly rent for the unit an amount, determined by the public housing agency, that does not exceed the greatest of the following amounts, (rounded to the nearest dollar):

(A) 30 percent of the monthly adjusted income of the family.

(B) 10 percent of the monthly income of the family.

(C) If the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(b) Minimum Rental Amount.—Each public housing agency shall require

Page 105, strike line 21 and all that follows through line 19 on page 106.

Page 107, strike ", except that" on line 2 and all that follows through line 5, and insert a period.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 172, noes 252, not voting 9, as follows:

[Roll No. 106]

AYES—172

Abercrombie
Allen
Baldacci
Barcia
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Gordon
Green
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOES—252

Ackerman
Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham

LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lucas
Manzullo
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Andrews
Becerra
Clay
DeFazio
Edwards
Gutierrez
Kaptur
Reyes
Schiff

☐ 1235

Ms. SANCHEZ and Mr. SNYDER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. EDWARDS. Mr. Speaker, earlier today I missed rollcall votes 105 and 106. Had I been present, I would have voted "yes" on both votes.

AMENDMENT NO. 30 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. COMBEST). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 30 offered by Ms. JACKSON-LEE of Texas:

Page 99, strike line 12 and all that follows through line 25 on page 99, and insert the following:

SEC. 223. PREFERENCES FOR OCCUPANCY.

(a) IN GENERAL.—Except for projects or portions of projects designated for occupancy pursuant to section 227 with respect to which the Secretary has determined that application of this section would result in excessive delays in meeting the housing needs of such families, each public housing agency shall establish a system for making dwelling units in public housing available for occupancy that—

(1) for not less than 50 percent of the units that are made available for occupancy in a given fiscal year, gives preference to families that occupy substandard housing (including families that are homeless or living in a shelter for homeless families), are paying more than 50 percent of family income for rent, or are involuntarily displaced (including displacement because of disposition of a multifamily housing project under section 203 of the Housing and Community Development Amendments of 1978) at the same time they are seeking assistance under this Act; and

(2) for any remaining units to be made available for occupancy, gives preference in accordance with a system of preferences established by the public housing agency in writing and after public hearing to respond to local housing needs and priorities, which may include—

(A) assisting very low-income families who either reside in transitional housing assisted under title IV of the Stewart B. McKinney Homeless Assistance Act, or participate in a program designed to provide public assistance recipients with greater access to employment and educational opportunities;

(B) assisting families identified by local public agencies involved in providing for the welfare of children as having a lack of adequate housing that is a primary factor in the imminent placement of a child in foster care, or in preventing the discharge of a child from foster care and reunification with his or her family;

(C) assisting youth, upon discharge from foster care, in cases in which return to the family or extended family or adoption is not available;

(D) assisting families that include one or more adult members who are employed; and

(E) achieving other objectives of national housing policy as affirmed by the Congress.

Page 100, line (1) strike "(c)" and insert "(b)".

Page 100, line 4, after "preferences" insert "under subsection (a)(2)".

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me say, although I appreciate very much some of the common ground that the chairman and ranking member have shared and supported amendments that I have offered regarding job training and jobs, allow me to say that the general direction of this particular legislation regarding housing I have a great disagreement with, as many of my friends and associates on this side of the aisle. One of the ones is the effort behind this particular amendment which has to do with keeping in the Federal preferences dealing with housing particularly for the poorest of the poor and homeless.

I recognize that we are looking at this issue from different colored glasses, but might I just share with colleagues that in Houston alone in October 1996 the University of Houston Center for Public Policy indicates that there are 9,216 homeless persons. It also showed in the Houston office of the Veterans' Administration that there were 9,216 individuals who are homeless, 3,500 were homeless veterans. New York City alone has 100,000 homeless families on any given night. The National Coalition for the Homeless cites that 7 million families were identified as homeless.

Therefore, my issue is that we must have a housing system that not only appeals to our working families, affordable housing, but it also responds to those individuals who need quality housing who are the poorest of the poor. It is my sense that Federal preferences heretofore had done that, allowing for local authorities to be able to address themselves to the disabled, senior citizens and as well the homeless. That is the reason as well why I spoke earlier this week on the question of one-for-one replacement, not to talk about the issues in Chicago or New York or California but to talk about the issues in cities like Houston and rural communities where the one-for-one replacement is still needed because of the low number of public housing dwelling units for the poorest of the poor, homeless individuals as well as veterans as well as the working very poor.

I would ask the gentleman from Massachusetts [Mr. KENNEDY] if he would, because this issue is so very important, HUD statistics show there is a 40-year wait for public housing in New York, a 12-year wait for public housing in Chicago, a 22-year wait in Philadelphia, a 20-year wait in Dade County, FL, and in my city alone, a large number of individuals, some 20,000, on the waiting list. I would like to see us work through this issue.

I will be withdrawing this amendment but not withdrawing my pain and my concern that the least of those, the most vulnerable, need housing.

Mr. Chairman, I yield to the gentleman from Massachusetts [Mr. KENNEDY] to engage in a colloquy to try and work through this issue.

Mr. KENNEDY of Massachusetts. First of all, let me thank the gentlewoman from Texas [Ms. JACKSON-LEE] for the efforts she is making on behalf of the constituents which she represents and with regard to constituencies outside of her congressional district who also are suffering as a result of not enough affordable housing being made available in the Houston area.

This is a problem that is not just unique to Houston. The truth is that, if we look at what the gentlewoman from Texas [Ms. JACKSON-LEE] is attempting to do, her efforts are stymied largely because we simply do not have enough resources in this bill to begin to build any new units of affordable housing. This bill in a tragic sense, I think, indicts the housing policies of this country. Despite the fact that the largest single growing portion of our population is the poorest of the poor in the United States of America, this bill does not contain funding for a single new housing unit. And so when we get into very tight communities such as the Houston market, where there is very little affordable housing stock, and since we have gotten rid of the one-for-one requirement, the one-for-one requirement means, if we are going to take a housing unit out of circulation, that we have to replace it with a new housing unit so that we do not lose the total number of units available to a local community.

While that was a positive development for many years, because of the lower funding levels, it meant that we found many housing projects throughout the country where we found boarded-up projects because the local housing authority was no longer able to afford to build a whole new housing project, and so they would have to keep the old housing projects in existence. It is a terrible dilemma.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired.

(On request of Mr. KENNEDY of Massachusetts, and by unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. Mr. Chairman, in conclusion what I would suggest to the gentlewoman from Texas is that she has done some fine work on this issue. She adds to the debate and she has, I think, brought to the floor the issue of the downside risk of the repeal of the one-for-one requirement.

I think that there are some provisions we have included in the bill that can provide some assistance in terms of mixed income housing with an amendment that the gentleman from New York [Mr. LAZIO] was willing to accept in the committee. But I do believe that this is not going to completely suffice a housing market such as the Houston market. I look forward to working with the gentlewoman from Texas [Ms. JACKSON-LEE], and I hope the gentleman from New York [Mr. LAZIO], if the chairman would just acknowledge for one moment, that in housing markets such as the Houston market, the repeal of one-for-one, while desirable as a national policy, can create difficulties in specific marketplaces where we simply do not have enough housing units to meet the needs of the very poor.

The CHAIRMAN. The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has again expired.

(By unanimous consent, Ms. JACKSON-LEE of Texas was allowed to proceed for 1 additional minute.)

Mr. KENNEDY of Massachusetts. In conclusion, I would like to suggest that I think that this is an issue that the gentleman from New York, the chairman, has shown, while a commitment to the repeal of one-for-one, a recognition that this is going to have some anomalies in terms of how this is going to affect specific communities.

I am sure the chairman of the committee as well as the ranking member would like to work with the gentlewoman from Texas [Ms. JACKSON-LEE] to try to address the specific concerns of the Houston community.

□ 1245

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY] and I thank the gentleman from New York [Mr. LAZIO] for what he is about to respond, and hoping that we can work through conference on this issue.

Mr. LAZIO of New York. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, let me just comment that in fact there is no doubt that we need to look to new tools to develop additional units of housing, affordable housing, wherever we can. That is really the intent of H.R. 2. Within H.R. 2 we are allowing for those buildings that are under considerable physical stress, where they really are in deep need of modernization and would otherwise be torn down that the tenants at least be given vouchers so they would be able to use over and above what we have right now, incremental vouchers, new vouchers, so that people can go out there and use them to search for housing.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman from Massachusetts [Mr. KENNEDY] for his leadership, and I know that one-for-one replacement is something we will keep working on for those kinds of communities. I thank the gentleman from Massachusetts [Mr. KENNEDY] very much for his leadership.

The CHAIRMAN. Is there objection to the gentlewoman from Texas [Ms. JACKSON-LEE] withdrawing her amendment?

There was no objection.

The CHAIRMAN. The amendment offered by the gentlewoman from Texas [Ms. JACKSON-LEE] is withdrawn.

AMENDMENTS OFFERED BY MS. VELÁZQUEZ VELAZQUEZ

Ms. VELÁZQUEZ. Mr. Chairman, I offer two amendments, and I ask unanimous consent that amendments 43 and 44, as modified, be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The Clerk read as follows:

Amendments offered by Ms. Velázquez:

Page 104, lines 12 and 13, strike "not less than $25 nor more than $50" and insert "not more than $25".

Page 193, strike lines 4 and 5 and insert the following:

(B) shall be not more than $25; and

Ms. VELÁZQUEZ. (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

Mr. LAZIO of New York. Mr. Chairman, reserving the right to object, I ask unanimous consent, and I understand that the gentlewoman's staff and our staff have been working together to try and provide some parameters for time, and that there has been a tentative agreement that we would set the time limit at 30 minutes equally divided, half of that controlled by the gentlewoman from New York [Ms. VELÁZQUEZ] and half controlled by myself; and I make that unanimous-consent request.

Mr. Chairman, I do this for the purpose of assuring that we have this time limitation.

The CHAIRMAN. The gentleman from New York may inquire, but we can only dispose of one unanimous-consent request at a time.

Mr. LAZIO of New York. Mr. Chairman, then I reserve the right to object at this point.

Mr. Chairman, if I could just make an inquiry of the gentlewoman from New York?

The CHAIRMAN. Under the gentleman's reservation of objection the gentleman may inquire of the other side anything he needs to know to determine whether or not he will object.

Mr. LAZIO of New York. If I can inquire of the gentlewoman if that correctly reflects her understanding, that we can have a time limitation of 30 minutes, 15 minutes controlled by either side, 15 minutes controlled by myself, 15 minutes controlled by the gentlewoman from New York in order to consider her en bloc application, and I am wondering if that meets with the gentlewoman's approval?

Ms. VELÁZQUEZ. Mr. Chairman, if the gentleman will yield, I would not object to the unanimous consent request.

Mr. LAZIO of New York. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Mr. LAZIO of New York. Mr. Chairman, I ask unanimous consent then, to ensure that there is time limitation on the en bloc amendment of 30 minutes, that 15 minutes be controlled by the gentlewoman from New York [Ms. VELÁZQUEZ] and 15 minutes controlled by myself.

The CHAIRMAN. And on all amendments thereto; is that correct?

Mr. LAZIO of New York. On all amendments thereto; yes, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New York.

There was no objection.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, once again we are debating a housing bill that is an insult to poor families. Instead of truly helping people move into the work force, this bill includes provisions that threaten a very basic and human need, access to safe affordable and clean housing. If we are really going to help families climb out of poverty and into lives of dignity, decency, and safety, they must have a fair chance to succeed.

Across America millions of households pay more than half of their income on rent. H.R. 2 adds to the burden on the poorest families by raising minimum rents to between $25 to $50. Fifty dollars may not seem like much, but it may force the very, very poor to choose between food and shelter.

By limiting the minimum rents to no more than $25, my amendment provides a basic protection for the most disadvantaged Americans. It is the final safety net for families that have suddenly fallen on extremely hard times. I strongly urge the adoption of these provisions.

My colleagues, families that live in public housing are willing to pay rent. But, consider the 300,000 households who are protected by my proposal. They live in absolute poverty. They are parents who have lost their jobs or have to pay unexpected medical expenses. They are families climbing out of homelessness.

The chairman of the Subcommittee on Housing and Community Opportunity often points out that H.R. 2 includes exemptions for some families. Yet, consider the context. First, the Republican Congress cuts PHA budget to the bone and now they want to force PHA's to grant exemption, exemptions that work against their own financial interests.

As if this was not bad enough, H.R. 2 forces struggling families to jump through intimidating, bureaucratic hoops to get hardship waivers. That is not a helping hand. That is harassment.

My colleagues, if this legislation passes, it will create an underclass of people that cannot even afford public housing. Worst of all, with 600,000 people already pushed into homelessness by Republican budget cuts and shortages of homeless shelters, the poorest of the poor will have no place to turn. For a country that prides itself on the American dream, we cannot allow this to happen.

Mr. Chairman, I urge all of my colleagues to support my amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. BAKER].

Mr. BAKER. Mr. Chairman, I thank the chairman for yielding this time to me. This of course is another important amendment aimed at limiting the important reforms that Chairman LAZIO and the Republicans are proposing with regard to the utilization of public housing.

What has been previously agreed to is that if an individual leaves public housing and gets employment, that the person who makes more money will be able to keep it under the provisions of this bill. Under the old system, which the gentleman from Massachusetts [Mr. FRANK] was attempting to adopt earlier with an amendment rejected by the House, as the person's income would go up, so concurrently would the amount of rent paid, which is certainly not an incentive for a family struggling to go out and try to find additional work for the family to make additional income when the rent increase takes away the extra benefit of that effort.

This amendment would then reach inside the housing authority's discretion and say that the maximum rent someone could be required to pay in a hardship circumstance would be $25 down to zero, so that we are attempting to train individuals in homeownership skills, the idea that one should work, take care of their family, and make some contribution toward one's own shelter.

The Velázquez amendment would say that any individual who has access to public housing could pay zero. If you homeowners in America have that luxury and that the proposal as put together by the chairman, ranging to $25 to $50 minimum rent, to be determined by the housing authority, would also put in the hands of the authority the ability to look at that individual and say, yes, you have an unusual circumstance and temporarily we will grant you access to housing at a minimal level. But understand, public housing is not intended to be a retirement home. This is transitional housing, and while you are here we expect you to learn what skills are required to be an effective homeowner, and making a contribution toward your own housing is certainly an important part of that lesson.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I think this is an important amendment. I think that people perhaps are unfamiliar with exactly the kinds of circumstances that many of the very poor people that are occupying public housing units face on a day-to-day basis.

The truth is that, if we look at the kinds of people that have just lost their job or people that have had long-term unemployment, people that have had severe medical problems, if you look at the kinds of circumstances where in some States, for instance, the State of Texas, where your total welfare benefit can be as low as $188 a month, I just talked to the gentlewoman from Florida [Mrs. MEEK] and asked her what the basic welfare benefit was in the State of Florida. She said it was under $200 a month. I was wondering what, which my friend from North Carolina [Mr. WATT] suggested, the welfare benefit in the State of North Carolina might be.

Certainly it can sound like this is not very much money. But the truth of the matter is, if you look at what raising these minimum rents from $25 to $50 can actually incur, there will be over 340,000 families in these circumstances whose rents will increase by $315 a year.

That does not seem like a lot of money to people who can occupy this Chamber. But if you cannot occupy this Chamber and you look at the kinds of circumstances that people that have these very minimum incomes, that are on AFDC, this can be very hurtful. It can mean whether or not a baby is going to be fed. It can mean whether or not the medicine is going to be bought. It can mean whether or not the children are going to wake up hungry or go to bed hungry.

These are the kinds of real-world issues that I feel far too many families in these circumstances face every day. So I would hope that we can find it in our hearts to support a minimum rent of $25, but we do not have to turn around and raise that to $50.

Mr. LAZIO of New York. Mr. Chairman, I reserve the balance of my time. time.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida, [Mrs. CARRIE MEEK].

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentlewoman from New York [Ms. VELÁZQUEZ] for yielding the time.

Mr. Chairman, I would like to say that, No. 1, I graciously support the amendment of my colleague, the gentlewoman from New York [Ms. VELÁZQUEZ]. Like many of my colleagues in this body, I know from whence my colleague is coming. I know what the background is and the need for this amendment.

First of all, there are some false assumptions that I need to talk about quickly. One false assumption is that people are going to have jobs. That is a false assumption. My colleague wants to take care of these people who have tried very hard to get a job but who will not have a job. If they get one, it will last only 2 or 3 months or more.

The second thing the gentlewoman is trying to do is to be sure that the welfare reform bill works so that people can maintain housing and keep their quality of life going, as poor as it is. I do not want to see my colleagues put too much emphasis on the housing authorities on this bill.

I have worked with them over the years. They are good people. But many times there is too much discretion in the way they make their decisions that something that you would like to see done in terms of an exemption, two-thirds of the families that we have been talking about are affected by this.

I think the amendment is a good one, and I think that we cannot dictate according to circumstances all over this country how much a person should pay. I thank the gentlewoman from New York [Ms. VELÁZQUEZ] for bringing this amendment to the attention of this House, and I am asking the support of my colleagues for the amendment of the gentlewoman from New York.

Mr. Chairman, I rise in support of this good amendment. We often talk about doing the right thing. Voting in support of this amendment is the right thing.

The amendment would require local housing authorities to set minimum rents of $0–$25 for public housing and assisted housing. Under the bill, minimum rents would be set between $25 and $50 monthly.

We know that some residents of public housing and assisted housing will lose their SSI benefits under the Welfare Reform Act of 1996. This would place an added burden on individuals already financially strapped and may result in the eviction of those simply unable to pay.

The Velázquez amendment does not dictate how much a tenant will pay. It recognizes that depending on the immediate circumstances, some tenants cannot afford to pay even a dollar for rent. We may not want to admit it—but there are still v-e-r-y poor people in our country.

For people with little or no income, the $25–$50 threshold required in the bill, shuts them out of the housing market. Mr. Speaker, I cannot think of a city in America that wants to increase its homeless population.

The amendment also authorizes HUD to develop exemptions for families faced with unanticipated medical expenses, families who have lost their welfare benefits, and persons unemployed.

The bill allows local public housing authorities to determine hardship exemptions. I will not comment about the myriad of exemptions and scope of some exemptions that will come out of this newly granted authority.

Mr. Chairman, approximately two-thirds of the families affected by the new minimum rent requirement would be families with children. Let's do the right thing to keep families in safe affordable housing. Support this good amendment.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Indiana, [Ms. JULIA CARSON].

Ms. CARSON. Mr. Chairman, I thank the gentlewoman for yielding. I too want to commend the gentlewoman from New York [Ms. VELÁZQUEZ] for having the foresight, the compassion, the sensitivity, and the understanding to offer her amendment.

Prior to becoming a Member of the U.S. Congress, I headed a welfare agency in the city of Indianapolis. When I took it over, it had a $20 million deficit. When I left, it had $20 million in the bank. We took care of poor people. We got people off of welfare and put them into jobs and into training and into educational experiences.

We did not do that by being cruel. We did not do that by removing a safety net, as this bill would do ultimately; and that is to annihilate the Brooke amendment to raise from $25 to $50 a month the minimum rent that persons would have to pay in public housing.

We understand, by virtue of my past experience, that there are a lot of people that are responsible who want to take care of their families but life's circumstances do not allow them temporarily to do that. We should not pass a punitive measure against somebody who finds themselves in circumstances over which they have no control. I support the amendment enthusiastically.

□ 1300

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. JACKSON].

Mr. JACKSON of Illinois. Mr. Chairman, I want to rise in support of the Velázquez amendment, which sets a minimum rent of zero to $25 and a waiver for our Nation's most vulnerable who find themselves caught in situations of extreme hardship. I thank the gentlewoman from New York for her strong commitment to those who need our help the most and appreciate her advocacy on behalf of this critical issue.

I want to first begin with a point of clarification. Public housing, as the other side has referred to it, is not transitional housing. It is affordable housing, and it is not free housing. It is affordable housing because the private market does not build homes for poor people and that is why the Government is in the housing business.

I urge my colleagues to oppose the onerous provision of H.R. 2 which establishes a minimum rent for public housing and choice-based rental assistance recipients and provides only a voluntary waiver for hardship situations. While $25 to $50 does not seem like anything to most of us fortunate enough to have a steady stream of income, a minimum rent above $25 would pose a genuine hardship on families who are earning little or no income. This is especially true in the case of families who have lost or are at risk of losing their welfare benefits, are unemployed, are transitioning from homelessness, or are unexpectedly burdened by unanticipated medical expenses. For families caught in such desperate straits, $50 may just constitute too high a monthly expense.

Mr. Chairman, this provision could unduly burden 340,000 families across the Nation if all public housing authorities implemented this rent scheme. Two-thirds of the families affected by this would be families with young children. Last year in the State of Illinois, 4,464 families were adversely impacted by the $25 minimum rent. Doubling this figure would force our neediest constituents to survive under further strain to provide food, medicine, and clothing for their children.

Mr. Chairman, these are basic human necessities which we take for granted. In this Nation, which is considered an economic superpower in the world community, how can we demonstrate concern for those struggling to survive under such desperate conditions?

Mr. Chairman, I thank the gentlewoman from New York for offering this critical amendment and I urge my colleagues to support this measure.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from the Virgin Islands [Ms. CHRISTIAN-GREEN].

Ms. CHRISTIAN-GREEN. Mr. Chairman, I thank the gentlewoman from New York.

I rise today in support of the amendment offered by my colleague from New York and I commend her for compassion and courage in offering it.

If enacted, the Velázquez amendment would allow the Secretary of Housing and Urban Development to create certain classes of hardship and accordingly set a minimum rent under this category of no more than $25.

I come from an area, Mr. Chairman, where in recent years we have been ravished by one devastating hurricane after an another. Thousands of my constituents were left homeless and jobless after these storms. It would be unconscionable if, in the face of such unexpected and devastating loss, a family would face eviction because there was no flexibility to provide them with a period of adjustment by setting their monthly rent at a lower level than the minimum $25 that H.R. 2 would now require.

Overall, Mr. Chairman, I am deeply concerned that this bill before us today, the so-called Housing Opportunity and Responsibility Act, is yet another in a series of actions being taken against the poor of our Nation. If H.R. 2 wants to live up to its charge, then we must pass the Velázquez amendment, and I urge my colleagues to do so.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I urge adoption of the Velázquez amendment. Some of the reasons have been stated and I will briefly allude to them.

The fact is that both amounts of money we are talking about are very small: $25 a month, $50 a month. But for people who do not have it, because they are suddenly faced with an unanticipated medical emergency, because they are in transition between homelessness and having housing, because they have just lost their job and for some reason cannot get unemployment insurance, because they have applied for public benefits but the public benefits have not come through yet, because they have lost their welfare benefits, and we have in recent years set up a myriad of ways that people can lose their welfare benefits even when they should not, because they are unemployed, for whatever reason, $25 can be a huge amount of money. There is no reason to change the current situation where the public housing authority can set the minimum and substitute a system where the person has to seek a waiver, go through the bureaucracy, and wait the time at a time of crisis in their own lives. There is no reason to do that. It really adds nothing to this bill.

Second, I want to address myself to the comment made by the gentleman from Louisiana who said public housing is not permanent housing, it is not a retirement home, it is transitional housing. Well, it is not transitional housing for many people. People in public housing whose only sin is that they are making $5 or $6 or $7 an hour, they are making minimum wage or they are making $7 an hour and they cannot afford housing on the permanent market, that is permanent housing for them.

Until we decide that the minimum wage ought to be a living wage, ought to be a wage where people can afford housing on the private market, and I think the people on that side of the aisle do not agree with that kind of philosophy, I do not think anybody would vote for a $12 or $13 minimum wage, I am not too sure how many people would on this side either, but until we do something like that, there are going to be millions of people in this country working 40 or 50 hours a week, paying taxes and not having enough money to get housing on the private market. For them, public housing is the only possible permanent home. home.

Ms. VELÁZQUEZ. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I rise in support of the Velázquez amendment and urge my colleagues to support the amendment.

The bill provides for a minimum rent of $50 per month. Ms. Velázquez's amendment provides for a minimum rent of $25 a month. And I am sure, and I am glad, that most American citizens probably cannot relate to what all this bickering is about. Twenty five dollars a month, $325 a year, is peanuts to most people, and that is fortunate in America.

But there are some of us who remember when $325 a year, $25 a month, was a major, major difference between our ability to eat and not eat. And it is important to us to look out for people in our country who for whatever reason, often for reasons not of their own making, they are between jobs, they are down on their luck, so to speak, as we used to say, and they simply do not have the money.

So, we are talking about for some people in this country, the issue of whether they have housing or whether they do not have housing, whether we put more people on the street or whether we provide some compassion and provisions for them to have a roof above their heads.

For that reason, I want to applaud the gentlewoman from New York, [Ms. VELÁZQUEZ], for bringing this amendment to us and encourage my colleagues in the House to support the amendment. It will make this bill a better bill.

Ms. VELÁZQUEZ. Mr. Chairman, I yield myself 1 minute.

My colleagues, once again we are telling disadvantaged families that they do not matter, that they are expendable, all in the name of a capital gains tax cut.

I call on all of my colleagues to ask themselves if there is anyplace left for compassion in this Congress.

Mr. Chairman, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I yield myself such time as I may consume.

Let us, if we can, fix the parameters of this debate. Under the terms of H.R. 2 we ask every tenant to pay a minimum rent. That minimum rent can be set by the local housing authority at between $25 and $50 per month. There are people who object to the fact that a minimum rent is established, or that it is established at that range from $25 to $50 a month.

The amendment of the gentlewoman from New York would suggest that the minimum rent ought to be from $0 to $25, so that their minimum rent might be $5 a month or $4 a month.

The very idea that we have been talking about so much over the last 4 days is that we need additional help for more people, that there is need out there for more people. But when we say to a family who receives public housing, and very often the additional benefit of utilities, that they do not have to do anything, they do not even have to pay a minimum rent of $25 or $30 or $35, what we are saying to the people who are on the waiting list, to people who cannot even get into public housing to begin with and who are paying market rate is, they are going to have to wait out there a whole lot longer because this family is not willing to do its fair share.

Now, in this bill we establish exemptions. We establish exemptions. We say in the bill, and I am going to read exactly from the bill, if I can:

> The local housing agency shall grant an exemption to any family unable to pay such amount because of financial hardship which shall include situations in which, one, the family has lost eligibility or is awaiting an eligibility determination for Federal, State or local programs. Two, the family would be evicted as a result of the imposition of the minimum rent requirement under the subsection. Three, the income of the family has decreased because of changed circumstances, because of loss of employment. Four, a death in the family has occurred, as well as other situations as may be determined by the agency.

So, we are providing the broad exemptions that families might possibly need if they were faced with the hardship of having to pay $25 or $30 or $35 or $40 or $50 as a minimum rent for the use of their unit, and in addition to the utilities.

Mr. BAKER. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Louisiana.

Mr. BAKER. Mr. Chairman, I just wanted to return briefly for a moment to the issue of permanent versus temporary housing. The gentleman raised the issue in his remarks that it is difficult to justify to the hundreds of people who may be waiting, who are willing and anxious to occupy the housing and pay $25, where an individual who may be fully competent of paying is paying nothing; that this bill then sets in motion a minimum requirement that just like a homeowner, they must make some contribution toward their shelter.

It is not that we are going to be callous. We are going to look at their individual situation, and if they have a problem, tell us about it. Sure, we might waive the rent requirement for a month or two while they get back on their feet, but again, this is not a permanent situation.

The gentleman earlier said that public housing should be permanent. There could be no more significant philosophic difference on this issue than that single point. Taxpayers will agree to help a person who is having a bad day and say to them, "We will help you with social programs, with shelter, whatever it takes to get you back on your feet, but we are not going to pay for a retirement community where you refuse to take actions to improve your own circumstance."

Tolerance is fine, help is fine, but saying to someone that they make no contribution toward their housing at all, forever, there is a limit to which taxpayers will not go, and I think we are finding it.

I thank the gentleman for yielding.

Mr. LAZIO of New York. Mr. Chairman, I again yield myself such time as I may consume, to note that the amendment of the gentlewoman from New York goes beyond once again where the administration is, because the administration sets a minimum rent of $25. It also goes beyond, interestingly, where the Democratic substitute is at right now, and I would suggest that maybe the Democratic substitute, for those people who would support this amendment, perhaps they would want to amend their substitute now to reflect the gentlewoman's concerns.

The reality is; the reality is that we are asking for a sense of mutual obligation and responsibility just like we were talking about in terms of community service and community work; that yes, they will be helped; yes, they will receive an apartment; yes, they often will receive their utilities also paid for, but in return we ask for something. We are going to ask for community service. We are going to ask them, subject to their ability to pay and their ability to ask for a hardship exemption if they cannot pay, to pay at least a minimum rent of between $25 and $50.

□ 1315

I wonder what kind of a statement that makes. If we say that people cannot pay that, that that is asking too much, what kind of a statement does that make to people that are equally poor, have an equally low income, and are not fortunate enough to be in public housing? They may be paying not $25 or $50 but they may be paying $200 or $300 or $400 monthly, or maybe more than that, for their apartment to keep a roof over their heads.

I know the gentleman from Massachusetts had a question. I will be happy to yield briefly for the gentleman, because again, we both had equal time. We have limited time here.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. I appreciate the gentleman yielding.

Mr. Chairman, I do not think people are objecting, Mr. Chairman, to the idea that there should be minimum rents. I think what the gentlewoman from New York is trying to point out is that there are circumstances in places like Texas, I would venture to guess maybe Louisiana, I know in Florida, where the monthly payments on welfare are below $200; in the State of Texas, it is $188; that becomes a significant portion, and going up to $50 in those circumstances really can mean whether the child is going to get enough food to eat.

Mr. LAZIO of New York. Reclaiming my time, Mr. Chairman, that is precisely why we have hardship exemptions which would allow a housing authority in a special case to say you might not have to pay anything at all that particular month, but for those people who have the capacity to pay, that they will pay.

I just want to mention, many people are familiar with PHDAA, an association of relatively large housing authorities. They went out and surveyed their membership. About 800 housing authorities, local housing authorities, charged more than $25. In no case, in no case, none, did anyone get evicted because of a failure to pay that minimum rent.

So the idea, the concept, that people are going to be thrown out because they are being asked to pay $25 a month or $30 a month with hardship exemptions if they have special circumstances is not factually correct. It is not borne out by the evidence. It does identify the division between the two sides of this debate, between those who say that people ought to be asked to do what they possibly can, and those people who think that people ought to be asked to do nothing.

Ms. VELÁZQUEZ. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentlewoman from New York.

Ms. VELÁZQUEZ. Mr. Chairman, does the gentleman think that the local housing authorities are facing budgetary constraints? And this is not that they do not want to grant exemptions, just that we cannot trust that they will do that because they are facing fiscal and budgetary constraints.

Mr. LAZIO of New York. If I can reclaim my time, I think once again the information that I just provided to this body was that over half of the membership of large housing authorities who charge minimum rents in excess of $25, in their experience, universally, not one person was evicted who was asked to pay minimum rent. In this case, in addition to that, we have in this bill protections, additional protections, additional exemptions that can be given to a family in time of particular need. It is the least that we can ask.

Even the administration, and I would suggest even the Democratic substitute, acknowledges the fact that a minimum needs to be set, and it mocks the idea of having a minimum when we say that the minimum ought to be between zero and $25. For that reason, I would have to oppose the gentlewoman's amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. VELÁZQUEZ].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. MORAN OF VIRGINIA

Mr. MORAN of Virginia. Mr. Chairman, I offer amendment No. 51.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 51 offered by Mr. MORAN of Virginia:

Page 99, after line 11, insert the following new subsection:

(e) OPTIONAL TIME LIMITATION ON OCCUPANCY BY FAMILIES FOR PHA'S WITH WAITING LISTS OF 1 YEAR OR LONGER.—

(1) 5-YEAR LIMITATION.—A public housing agency described in paragraph (2) may, at the option of the agency and on an agency-wide basis, limit the duration of occupancy in public housing of each family to 60 consecutive months. Occupancy in public housing occurring before the effective date of this Act shall not count toward such 60 months.

(2) APPLICABILITY ONLY TO PHA'S WITH WAITING LISTS OF 1 YEAR OR LONGER.—A public housing agency described in this paragraph is an agency that, upon the conclusion of the 60-month period referred to in paragraph (1) for any family, has a waiting list for occupancy in public housing dwelling units that contains a sufficient number of families such that the last family on such list who will be provided a public housing dwelling unit will be provided the unit 1 year or more from such date (based on the turnover rate for public housing dwelling units of the agency).

(3) EXCEPTIONS FOR WORKING, ELDERLY, AND DISABLED FAMILIES.—The provisions of paragraph (1) shall not apply to—

(A) any family that contains an adult member who, during the 60-month period referred to in such paragraph, obtains employment; except that, if at any time during the 12-month period beginning upon the commencement of such employment, the family does not contain an adult member who has employment, the provisions of paragraph (1) shall apply and the nonconsecutive months during which the family did not contain an employed member shall be treated for purposes of such paragraph as being consecutive;

(B) any elderly family; or

(C) any disabled family.

(4) PREFERENCES FOR FAMILIES MOVING TO FIND EMPLOYMENT.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(5) PREFERENCES FOR FAMILIES MOVING TO FIND EMPLOYMENT.—A public housing agency may, in establishing preferences under section 321(d), provide a preference for any family that—

(A) occupied a public housing dwelling unit owned or operated by a different public housing agency, but was limited in the duration of such occupancy by reason of paragraph (1) of this subsection; and

(B) is determined by the agency to have moved to the jurisdiction of the agency to obtain employment.

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) EMPLOYMENT.—The term "employment" means employment in a position that—

(i) is not a job training or work program required under a welfare program; and

(ii) involves an average of 20 or more hours of work per week.

(B) WELFARE PROGRAM.—The term "welfare program" means a program for aid or assistance under a State program funded under part A of title IV of the Social Security Act (as in effect before or after the effective date of the amendments made by section 103(a) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996).

Mr. MORAN of Virginia. Mr. Chairman, Federal low-income housing assistance programs were originally designed to be transitional, helping people find temporary, decent shelter. They were never intended to be permanent. The reality today, though, is that many families know no other experience than a public housing environment.

Today, in too many cases this housing assistance is creating reverse incentives for its beneficiaries to improve their situation and become self-sufficient. According to HUD, 40 percent of the residents of public housing leave within 3 years, 31 percent leave within 10 years, and about one-third live in public housing for more than 10 years.

This amendment will not affect the majority of residents, and it completely exempts the elderly and the handicapped. But because of the Federal budget constraints that have been imposed, we cannot increase the number of federally assisted low-income housing units. It is not going to happen.

We need to determine how, though, we can justify extending indefinitely public housing assistance to residents who may be capable of improving their economic well-being while we deny others who are equally deserving.

The fact is that there are three times as many people on waiting lists equally deserving as there are people in public-assisted housing units. Within my congressional district there is a 2-year waiting list and it has been closed, leaving thousands of families, equally deserving, unable to even apply.

This is not fair. Across the country thousands of well-deserving and eligible families, many spending more than 50 percent of their income on substandard housing, have been told they have to wait at least 2 years, and then hopefully they can get on a waiting list.

Mr. Chairman, we do not know what the total of such families are, precisely, but we know that in most cases waiting lists are closed. Let us be fair. Let us open up access to more deserving families. Across the Nation 13 million households were eligible to receive Federal housing assistance last year, slightly more than 4 million. Less than a third did receive such assistance.

The amendment that I am offering gives local housing authorities the option, the option, it is up to them, to impose a 5-year time limit on those individuals and families who are not elderly, not disabled, and who are not already employed at least 20 hours a week. The amendment builds on the self-sufficiency contract that is part of this bill.

Adoption of this amendment is going to enable local housing authorities to use an incentive to encourage tenants to use assisted housing in the way it was originally intended. Since housing assistance to some tenants could be limited to 5 years, a higher number of rental units can be recycled more frequently. Publicly assisted housing can be more accessible to more people.

It is the fairest thing we can do. I urge support for the amendment.

Mr. LAZIO of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to say that the gentleman from Virginia needs to be complimented by this body. There are few Members who are more active in the area of housing, who understand the consequences of bad housing, than the gentleman from Virginia who has in his background experience at the local level in dealing with housing authorities and with assisted housing.

The gentleman's points are valid points. The wait lists are long. The amount of people that are there in public housing for a generation, permanently, are too great. In fact, I think what the gentleman's amendment seeks to do is to end the sense of generations being in public housing. It is a statement that public housing should not be considered a way of life, but sort of a step up or transition to self-sufficiency, in an effort to try and recycle that benefit so as many Americans as possible can use it in their time of need.

Unfortunately, the way the system works now, when a family moves into public housing there is not much incentive for them to move back out, back into the system, because we do not deal with the root causes of poverty. We just deal with the symptom of shelter. In that sense, because there is no incentive or no time limitation, no encouragement to move through the system, there are literally millions of Americans that are waiting and do not have the benefit of having a subsidized unit.

I wanted to just, if I could, yield to the gentleman from Virginia, if he could just speak to exactly the tenants that might be affected by this. Would it be just anybody? Would it be seniors and elderly? I wonder if he can just describe that.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. LAZIO of New York. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, no seniors would be affected, no people who are disabled, no one who would have difficulty in achieving an income. There are a lot of people in assisted housing that simply do not have the ability to support themselves because of disabilities, or because of age or whatever. This only applies to families that are able bodied, that have been able to use assisted housing for 5 years, and it also only applies, I would emphasize to the chairman and thank him for his kind words, it only applies if there are waiting lists.

If there are no waiting lists, in other words, if there are no equally deserving families waiting to use that unit, it does not apply, so that it takes no assisted housing units off the market. All it does is to expand assisted housing to more people who are equally deserving.

Mr. LAZIO of New York. I thank the gentleman. Let me say, Mr. Chairman, I think this is a very valid, very progressive amendment. I think the gentleman speaks to some of the concerns that many of us have in terms of assuring that more Americans have the benefit of public housing.

I should say, I am concerned a bit about the fact that we were not able to move last year's bill through conference to the President's desk for signature. I think we tried to certainly develop some broad reforms that boldly moved forward and helped to transform the entire population in public housing.

I am a little concerned about the amendment offered by the gentleman. While I think it is a very good amendment, I am only concerned that it not be sort of veto bait, or it would stop the momentum of the reforms we have in this bill, because we are trying so desperately in this bill to create that sense of self-sufficiency, self-reliance, of building work skills, of transitioning back to the work force where people can have the choice of moving out of public housing and into the work force, where they make their own choices for housing, employment, and different choices for their family.

So I just voice that concern, which is not a policy concern, but really a concern that may affect the ability for us to move this bill through the Chamber, given what I anticipate might be the opposition by some Members from the Democratic side of the aisle and potentially over in the other body, and perhaps in the White House.

I just lay that out there as a potential concern. At the same time, I want to compliment the gentleman from Virginia for his work on this amendment, for his work on housing in general, for his sense that public housing ought to be a place where there are law-abiding people, where we do not tolerate failure and do not tolerate crime, and it is integrated into the community, and is looked upon not as something that people run away from or look the other way from, but in fact as a magnet to help strengthen the community.

Mr. MORAN of Virginia. If the gentleman will continue to yield, Mr. Chairman, so it is the gentleman's considered judgment that even though this amendment might pass in the House, that it might jeopardize final enactment of this bill?

If that is the case, Mr. Chairman, that is an important consideration. I want to hear from my colleague, the gentleman from Massachusetts [Mr. KENNEDY], on the bill, but I will respond subsequently.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the requisite number of words.

First of all, Mr. Chairman, I want to just acknowledge the fine work that my good friend, the gentleman from Virginia [Mr. MORAN], has done on housing and a number of other issues in his career in the Congress. I appreciate it, and have worked very closely with him on a number of issues.

This is one where we have a very, very strong disagreement in terms of the ultimate resolution or consequences that this amendment could bring down upon what I believe are some of the most poor and vulnerable people in this country.

While I think he does this with the best instincts to try to prod people to go back to work, I think the difficulties that this could ultimately impose on the poorest people in this country are really almost unimaginable, when I think of the innovation and creativity that this body has come up with over the course of the last few days on this housing bill alone, to find every way possible to punish the poor, in the thought that somehow if we punish them enough that they will finally work their way out of poverty.

□ 1330

That is ultimately the goal of these amendments. It is not just this amendment. It is the amendment to go minimum rents $25 to $50. It is a very tough amendment to argue against. My colleagues say there is a lot of very poor people that are on welfare. They get $188 a month, going up to $50, that is going to take away some of their food. My colleagues say, no, if we raise that minimum rent, boy, we will get them to go to work; let us go out and kick out all the poor people.

In this bill we are going to go from 75 percent targeting to people with 30 percent of median incomes or less. That is the very poor people of the country. That is the vast majority of people that live in public housing, the vast majority of people that get section 8 vouchers. And yet what we are going to do is say, no, with the rate, the way to fix the public housing programs is to jack up the rents on those people that are there, and then what we are going to do is bring in a lot wealthier people to occupy the units.

It is a brave new world we are establishing. Boy oh boy, I will bet that sooner or later we are going to have public housing that looks terrific. The only trouble is no poor people are going to live in it. What we are going to end up with is a system where we have made ourselves look good and we can walk around and boast about the fact that we have gotten all these work incentives for the poor which basically take a cattle prod to the poor. And then what we are going to do, because the justification of actually lowering the dollar amounts on how much goes into the housing bill is because of the budget agreement, which is an argument we went through late last evening.

The truth of the matter is we are going to spend under this budget agreement $35 billion on capital gains tax reductions. So there is an incentive. We have an incentive for the rich to get richer by giving them an incentive to get richer by lowering their taxes. But the way we are going to get the poor to work harder is to get the cattle prod out and give them a little jab. That is essentially what this bill does. That is effectively what I think the ultimate resolution of this amendment will be, that we are going to then go out, if we look at the facts, it would be one thing if we had millions of people in public housing who were just sitting there languishing.

The amendment, I believe, addresses a nonexistent problem. The median stay of households in public housing is 4 years. Most households, over 71 percent, live in public housing less than 10 years. And 40 percent stay less than 3 years. Those who remain longer are generally the elderly and disabled. I am sure that we could go out, and I am sure the gentleman from Virginia [Mr. MORAN] has found individual cases where there is an exemption. That should not be. But to try and suggest that at a period of time where we have a new welfare reform bill which is going to throw people off of welfare, where we have a legal immigrant program which is essentially going to deny legal immigrants even SSI benefits, and then we are going to come back and now say we are going to take away your housing, I mean, what are we going to do?

Then we have also cut the homeless budget by 25 percent. So what we end up with is people on the street. Then everybody drives around in their cars and they look around at all the people on the street and think, gosh, that is terrible. My goodness, this homeless situation is terrible in America, and, boy, I wish those people down in Washington would pass some laws to take care of homelessness because this is a shame.

I mean, Mr. Chairman, ultimately it is unpopular for us to stand up here and fight on all these issues. It sounds like we are defending the status quo. But underneath the status quo is a basic fundamental judgment that we say we are going to take care of poor and vulnerable people. If they want to castigate us as looking like all we are trying to maintain is the status quo because we try to stand up for very poor and vulnerable people, so be it. But that is what the value judgment is. And I am proud to stand with it.

Mr. PAUL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have been debating the housing bill now for quite a few days. And it seems like we spend most of our time, probably 99 percent of our time, debating two versions of government housing. For those of us who believe that more houses and better houses could be produced in a free market and in a free society, it is a bit frustrating. But the debate goes on.

I sincerely believe that everybody in the debate has the best of motivation, the desire is to be compassionate and to help poor people get homes. The tragedy is that we have been doing this for a good many years and have had very little success and this attempt now, again well motivated, to change the management of the housing program to a more local management program really leaves a lot to be desired.

On one side of the aisle we find out that the biggest complaint is that we do not have enough money, and the complaint is that the budget has been greatly reduced. But the way I read the figures, the numbers are going up over $5 billion this year, so there is going to be a lot more money in this HUD program compared to last. It is said on the other side that we are going to save $100 million in management at the same time we are spending a lot more money. Much has been said about how do we protect the rights of the individuals receiving public housing, and I have recognized that this is a very serious concern. Yet when we have a government program, it is virtually impossible to really honor and respect. And straightforward protection of individual rights is very difficult.

I am concerned about the victims' rights, those people who lose their income, who lose their job because of government spending and government programs. It is said that we are trying very hard to take money from the rich and give it to the poor so the poor have houses. But quite frankly, I am convinced that most of the taxation comes from poor people. We have a regressive tax system. We have a monetary system where inflation hurts the poor more than the rich. And there is a transfer of wealth to government housing programs.

Unfortunately, everybody agrees the poor are not getting houses. And so many of the wealthy benefit from these programs. It is the rich beneficiaries, those who receive the rents and those who get to build the buildings are the most concerned that this government housing program continues.

Until we recognize the failure of government programs, I think we are going to continue to do the wrong things for a long time to come because there is no evidence on either side that we are really challenging the concept of public housing. There are two visions of one type of program on government housing. Some day somewhere along the line in this House we have to get around to debating the vision of a free society, a free society with a free market and low taxes, and a sound monetary system will provide more houses for the poor than any other system.

Much has been said about the corporate welfare and much has been recognized that corporations do benefit. But I am on the record very clearly that I would not endorse anything where a corporation or the wealthy get direct benefits from these government programs, whether it is the housing program or Eximbank or whatever.

I am also very cautious to define corporate welfare somewhat differently than others. Because when we give somebody a tax break and allow them to keep some of their own money, this is not welfare. It is when we take money from the poor people and allow it to gravitate into the hands of the wealthy, that is the welfare that has to be addressed and that is the part that we seem to fail to look at endlessly whether it is the housing program or any other program.

It is true, I think that it is very possible for all of us to have a vision which is designed to be compassionate and concerned about the injustice in the system. I do not challenge the views of anyone, but neither should my motivations be challenged because I come down on the side of saying that a free society and a constitutional government would not accept any of these programs because they have not worked and they continue to fail.

The real cost of this program and all programs unfairly falls on the poor people. Yet we continue endlessly to do this and we never suggest that maybe, maybe there is an alternative to what we are doing. We have so many amendments tinkering with how we protect the rights of the poor. I think that inevitably is going to fail because we are not smart enough to tinker with the work requirements.

Quite frankly, I have been supportive of a work requirement as an agreement to come into public housing, very, very reluctantly and not enthusiastically, because I am convinced that the management of a work program of 8 hours a month is going to outcost everything that we are doing.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this amendment. I would like to simply address something the gentleman from Texas said a moment ago. He said that while if we lower taxes, if we had lower interest rates, if we changed our general economics, you would do a lot for housing for the poor. Maybe and maybe not. I am not going to address that.

The fact of the matter is that whatever we do in our general policies, maybe eventually if we change them in the right direction, I tend not to agree with the gentleman as to what the right direction is, maybe eventually we would be providing, the private sector would be building more housing for the poor. It would be very nice if that were so and if that could be made so.

But the fact is that today in many, many areas of the country, maybe in the whole country, I do not know, but certainly in many areas of the country, it is simply impossible for the private sector without subsidy to produce housing affordable by low income working people, not to mention by people who may be on public assistance or on SSI or disabled or what have you.

It simply is impossible in many areas of the country today for the private sector, and they will tell you that, any builder in New York or any place, in many places, they will tell you that given the cost of building, the cost of land, the cost of money, the cost of labor, et cetera, they cannot build housing other than for upper income people and maybe the top of the middle class, certainly not for low income people.

As long as that is true, we are going to need government subsidized housing programs for low income and moderate income people. That was the basic idea of the Housing Act of 1937. That is still the basic idea of public policy today. I hope it remains so, that it is ultimately our responsibility, as a collective people represented through government, to help those who, given their best efforts, cannot help themselves.

Should we require their best efforts? Of course. But for those who may be working at minimum wage jobs or even at jobs that pay $10 an hour, $11 an hour and cannot afford housing in the private market, we should help them. It is our duty to help them, to the extent that they cannot help themselves, because everybody has a right, assuming they contribute what they can, to food and clothing and shelter. I would add health care.

Public housing may have been conceived in 1937 initially. I was not around. It may have been conceived initially as temporary until the Depression was over, until things changed. But the fact is that we need public housing today and we need it on a permanent basis for many, many people who cannot and will not be able to earn enough money to get out of it, to pay for decent housing in the private sector.

For working people, this amendment is a bad idea if it were applied to them, but there are also people who are not working. What about someone who is 45 years old and is disabled? We just passed welfare reform. Under the welfare reform bill, people are mandatorily kicked off the welfare rolls after 5 years.

Now, we did not pass sufficient job training funding to enable these people, all of them or most of them, to get decent jobs. We did not pass sufficient child care funding to enable single mothers with children, all of them or most of them, to be able to take care, to have someplace secure to put their kids in a decent environment when they go to work. Those things we did not do. They are too expensive.

Now to add that someone who is on welfare, who is trying to get off welfare, who is trying to get a job and we have a 4.9-percent official unemployment rate in this country, the lowest it has been in decades, but what is really a 12-percent unemployment rate, if we count the people who are not officially in the job market because they have been discouraged, they could not find a job for 6 months or 8 months or 1 year and stop looking, for the people who never got into it because they have no marketable skills where they dropped out of high school and they are on street corners hustling or something, if we count those who are employed part time when they need full-time jobs, the real unemployment rate in terms of people who need jobs, want jobs and cannot get them is probably closer to 12 percent.

As long as that is true, until we find a way of telling Mr. Greenspan that when we have higher economic growth, it is a good thing, not a terrible thing, that creating more jobs or higher wages is a good thing, not a bad thing, until we change those policies, until we can generate jobs for whoever wants them, we have a need for welfare programs. We have a need for low income housing programs without time cutoffs and certainly that goes for working people.

So let us address those problems. Because what happens under the Moran amendment to someone who may not be working, is trying to find a job and cannot and is thrown off welfare and is thrown out of their home?

Mr. Chairman, I submit this is not a very well targeted amendment, although well intentioned.

□ 1345

Mr. KENNEDY of Massachusetts. Mr. Chairman, I ask unanimous consent that, first, the gentleman from Virginia [Mr. MORAN], be given 3 minutes to respond to some of the issues that have been brought up and perhaps be able to work out this amendment with the gentleman from New York [Mr. LAZIO].

I also would have a question of the gentleman from New York with regard to what the gentleman's intentions are for the rest of the day, if in fact this amendment can be dealt with in the next few minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts [Mr. KENNEDY] that the gentleman from Virginia [Mr. MORAN] be given 3 additional minutes to speak in addition to the time he has already spent?

There was no objection.

Mr. KENNEDY of Massachusetts. Mr. Chairman, would it be appropriate if we could clarify with the gentleman from New York what the intent of the chairman would be for the next half-hour or so?

The CHAIRMAN. The gentleman from Virginia [Mr. MORAN] has the floor.

Mr. LAZIO of New York. Mr. Chairman, may I be recognized for a unanimous-consent request?

The CHAIRMAN. Does the gentleman from Virginia [Mr. MORAN] yield for a unanimous-consent request?

Mr. MORAN of Virginia. Mr. Chairman, I yield to the chairman for a unanimous-consent request.

Mr. LAZIO of New York. I thank the gentleman for yielding. I was going to ask for a unanimous consent to give us additional time, but if I can take some of the gentleman's time, I will be glad to extend that if he needs additional time.

It is my intention that we rise in about 10 or 15 minutes, or 2 p.m., to conduct the other business of the House and that we reconvene.

I know the gentleman is enthusiastically looking forward to finishing this bill, and we are hopeful of addressing it again tomorrow and I hope we can wrap it up tomorrow.

I think the gentleman's amendment which might be next might be best held off until tomorrow. I am happy to start it now, but I think for continuity purposes, the gentleman from Massachusetts may want to have his amendment heard tomorrow.

Mr. KENNEDY of Massachusetts. If the gentleman from Virginia will yield, but the only concern I have is that sometimes what we might see happen is not get to this targeting amendment tomorrow but rather sometime on Tuesday, prior to when the vast majority of the membership comes back.

I know that the floor manager over there, from the office of the gentleman from Texas [Mr. ARMEY], would never think of doing such a thing, but nevertheless we might fall into that category, which would be unfortunate because I do think this gets to the heart of the debate.

So I want to work out with the chairman some assurance that we would have an opportunity to debate this.

Mr. LAZIO of New York. Mr. Chairman, I cannot imagine that virtually every Member on this side of the aisle would not want to be present to hear the gentleman from Massachusetts make his case on his amendment, so I think the gentleman's concern is probably unfounded.

Mr. KENNEDY of Massachusetts. I thank the gentleman, Mr. Chairman.

Mr. MORAN of Virginia. Mr. Chairman, I ask unanimous consent to strike the requisite number of words, at which time I think we would conclude debate on this amendment. That would be my purpose.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. MORAN of Virginia. Mr. Chairman, first of all, as the gentleman from Massachusetts suggested, there are some issues that need to be cleared up.

My two friends and colleagues on my side have entered a good deal of rhetorical information into this debate. Some of it was not specific to this particular amendment, though, I would suggest. In the first place, we talk about punishing low-income families, and I would suggest to the gentleman from Massachusetts that while there are 1 million low-income families who are in publicly assisted housing, there are three times that many who are equally low-income who are not in publicly assisted housing. And if we are talking about punishing people, those people are effectively being punished by being denied assisted housing, and that is the purpose of this amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from Massachusetts.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I would point out briefly that that gets to the heart of this debate, and that is ultimately what H.R. 2 is about, is picking up the pieces after we have cut the housing budget in this country last year with no debate, no hearings, from $28 to $20 billion.

When we do that, then ultimately we are not going to ever get to meeting the needs of the millions of families that the gentleman is talking about. But the gentleman's amendment is not going to do anything more to meet those needs.

Mr. MORAN of Virginia. Mr. Chairman, reclaiming my time, I thank the gentleman for his comments on the underlying bill. They are not particularly pertinent to this particular amendment because this amendment opens up access to people. It only applies when there are equally deserving people who have not had the access to assisted housing, many of whom are paying 50 percent of their income.

I would suggest to my colleague from New York, when he talks about handicapped people, and so on, being affected, they are all exempted from this amendment, the handicapped, the elderly. There are a number of exceptions. I would suggest to my colleague to read the amendment and he will be assured of that fact.

Now, let me address myself to the comments of the chairman. The chairman suggested that passage of this bill might be jeopardized by inclusion of this amendment. I think this amendment might very well pass within the House, but he may very well be right and I would accept his judgment in terms of enactment. I want this bill to be enacted, and I would just like to take a couple of minutes to tell my colleagues why.

I lost a very close friend in Alexandria who was a police officer. He was shot in a public housing project at a place, a unit, which had been dealing drugs for years. It was an intergenerational business, apparently. We were helpless to do anything about it. And I will never forget his wife at the hospital looking up to me and saying how will I ever tell his two sons that daddy will never come home again. And the reason that happened is because we did not act responsibly on publicly assisted housing.

This does. The many screening and eviction procedures that are allowed under this bill are absolutely necessary, and the people that they benefit the most, the most, are people living in publicly assisted communities. They desperately need the housing authority to exercise responsible judgments and to exclude people who are going to tear down the quality of life for a lot of them, to exclude criminals and drug addicts and people who are drug dealers. That needs to be done. It will be done by this bill.

There are a number of other provisions in this bill which make a lot of sense. They are more important than this particular provision, as important as I think this is. I will leave this at this, this amendment, but I would ask the gentleman from New York, if I do withdraw it at this time, would the gentleman attempt to get some type of pilot demonstration program within the conference that might enable us to get some experience on how such an amendment would work?

Mr. LAZIO of New York. Mr. Chairman, will the gentleman yield?

Mr. MORAN of Virginia. I yield to the gentleman from New York.

Mr. LAZIO of New York. Mr. Chairman, I think that the gentleman's idea and obviously his passion are right on the mark, and I will do whatever I can to work in conference, if this bill is adopted, and I am hopeful it will, with the VA's strong support, that we will be able to begin to make some headway and create some type of demonstration project so that we can establish that this works just the way the gentleman says it will.

I will also commit to the gentleman that if for any reason that does not bear fruit, and I am hopeful that it will and I will fight for it, that we will hold hearings, my committee will hold hearings and I hope the gentleman will testify before that hearing.

Mr. MORAN of Virginia. With that assurance, Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from Virginia [Mr. MORAN] is withdrawn.

Mr. BLUNT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had intended to come and speak in favor of the amendment. I would now speak in favor of the demonstration project idea if the amendment is to be withdrawn. I was the chairman of the Missouri Housing Development Commission for some time. We worked with housing authorities. We had even in 1985 a billion dollars in bonded obligations to assist with housing.

I think we stand here today with a housing program that is well-intentioned but has failed. It has become a place where people go and stay not because of disability or age or infirmity, but because of no sense of being able to leave that system or having to leave that system.

I think the idea of rotating people in and out of public housing, being sure that all people have access to public housing that would qualify for public housing, and also effectively giving notice to people who move into public housing on the first day that they are likely not there to stay, that there is some end in sight to their being in that particular subsidized environment, is a positive aspect.

I think the problems we see in public housing with crime, with a lack of role model, with a life based on that kind of dependence on a government program, is largely eliminated by the concept that the gentleman from Virginia has offered as an amendment and now offers as a pilot program, that we look to see what would happen if, in fact, people are on a list, not only a waiting list for public housing, but a list that would have some opportunity to really become part of that system, a system where people are moving in and out as they move toward more and more independence; a system which, as the bill of the gentleman from New York, allows people to seek greater economic opportunity without being penalized for that opportunity by agreeing to a fixed rent instead of 30 percent of their income. Whatever their income is, of course, they would still have that option.

I think we see a housing program, again, that was well-intentioned, that has not worked as it should work. It is time to make that program work better. And under this proposal, this is not a proposal that eliminates funding for public housing. In fact, this is a proposal that substantially increases funding for public housing. It just makes a commitment for housing that works better; makes a commitment for housing that does not lead to the many problems that people that are in public housing today have been victims of.

I think the bill is a good bill. I thought the amendment was a good amendment. I want to speak in favor of the gentleman's idea that there be a pilot in this bill that would allow that to become part of what we are trying to do in housing and let us see if it works, Mr. Chairman.

Mr. MORAN of Virginia. Mr. Chairman, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Virginia.

Mr. MORAN of Virginia. Mr. Chairman, I want to thank the gentleman for his remarks, his insight and for sharing his experience with the Missouri Housing Authority with us. I thank the gentleman for his remarks.

The CHAIRMAN. If there are no further amendments to title II, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—CHOICE-BASED RENTAL HOUSING AND HOMEOWNERSHIP ASSISTANCE FOR LOW-INCOME FAMILIES

SUBTITLE A—ALLOCATION

SEC. 301. AUTHORITY TO PROVIDE HOUSING ASSISTANCE AMOUNTS.

To the extent that amounts to carry out this title are made available, the Secretary may enter into contracts with public housing agencies for each fiscal year to provide housing assistance under this title.

SEC. 302. CONTRACTS WITH PHA'S.

(a) CONDITION OF ASSISTANCE.—The Secretary may provide amounts under this title to a public housing agency for a fiscal year only if the Secretary has entered into a contract under this section with the public housing agency, under which the Secretary shall provide such agency with amounts (in the amount of the allocation for the agency determined pursuant to section 304) for housing assistance under this title for low-income families.

(b) USE FOR HOUSING ASSISTANCE.—A contract under this section shall require a public housing agency to use amounts provided under this title to provide housing assistance in any manner authorized under this title.

(c) ANNUAL OBLIGATION OF AUTHORITY.—A contract under this title shall provide amounts for housing assistance for 1 fiscal year covered by the contract.

(d) ENFORCEMENT OF HOUSING QUALITY REQUIREMENTS.—Each contract under this section shall require the public housing agency administering assistance provided under the contract—

(1) to ensure compliance, under each housing assistance payments contract entered into pursuant to the contract under this section, with the provisions of the housing assistance payments contract included pursuant to section 351(c)(4); and

(2) to establish procedures for assisted families to notify the agency of any noncompliance with such provisions.

SEC. 303. ELIGIBILITY OF PHA'S FOR ASSISTANCE AMOUNTS.

The Secretary may provide amounts available for housing assistance under this title pursuant to the formula established under section 304(a) to a public housing agency only if—

(1) the agency has submitted a local housing management plan to the Secretary for such fiscal year and applied to the Secretary for such assistance;

(2) the plan has been determined to comply with the requirements under section 106 and the Secretary has not notified the agency that the plan fails to comply with such requirements;

(3) no member of the board of directors or other governing body of the agency, or the executive director, has been convicted of a felony; and

(4) the agency has not been disqualified for assistance pursuant to title V.

SEC. 304. ALLOCATION OF AMOUNTS.

(a) FORMULA ALLOCATION.—

(1) IN GENERAL.—When amounts for assistance under this title are first made available for reservation, after reserving amounts in accordance with subsections (b)(3) and (c), the Secretary shall allocate such amounts, only among public housing agencies meeting the requirements under this title to receive such assistance, on the basis of a formula that is established in accordance with paragraph (2) and based upon appropriate criteria to reflect the needs of different States, areas, and communities, using the most recent data available from the Bureau of the Census of the Department of Commerce and the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction. The Secretary may establish a minimum allocation amount, in which case only the public housing agencies that, pursuant to the formula, are provided an amount equal to or greater than the minimum allocation amount, shall receive an allocation.

(2) REGULATIONS.—The formula under this subsection shall be established by regulation issued by the Secretary. Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, any proposed regulation containing such formula shall be issued pursuant to a negotiated rulemaking procedure under subchapter III of chapter 5 of such title and the Secretary shall establish a negotiated rulemaking committee for development of any such proposed regulations.

(b) ALLOCATION CONSIDERATIONS.—

(1) LIMITATION ON REALLOCATION FOR ANOTHER STATE.—Any amounts allocated for a State or areas or communities within a State that are not likely to be used within the fiscal year for which the amounts are provided shall not be reallocated for use in another State, unless the Secretary determines that other areas or communities within the same State (that are eligible for amounts under this title) cannot use the amounts within the same fiscal year.

(2) EFFECT OF RECEIPT OF TENANT-BASED ASSISTANCE FOR DISABLED FAMILIES.—The Secretary may not consider the receipt by a public housing agency of assistance under section 811(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, or the amount received, in approving amounts under this title for the agency or in determining the amount of such assistance to be provided to the agency.

(3) EXEMPTION FROM FORMULA ALLOCATION.—The formula allocation requirements of subsection (a) shall not apply to any assistance under this title that is approved in appropriation Acts of uses that the Secretary determines are incapable of geographic allocation, including amendments of existing housing assistance payments contracts, renewal of such contracts, assistance to families that would otherwise lose assistance due to the decision of the project owner to prepay the project mortgage or not to renew the housing assistant payments contract, assistance to prevent displacement from public or assisted housing or to provide replacement housing in connection with the demolition or disposition of public housing, assistance for relocation from public housing, assistance in connection with protection of crime witnesses, assistance for conversion from leased housing contracts under section 23 of the United States Housing Act of 1937 (as in effect before the enactment of the Housing and Community Development Act of 1974), and assistance in support of the property disposition and portfolio management functions of the Secretary.

(c) RECAPTURE OF AMOUNTS.—

(1) AUTHORITY.—In each fiscal year, from any budget authority made available for assistance under this title or section 8 of the

United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) that is obligated to a public housing agency but remains unobligated by the agency upon the expiration of the 8-month period beginning upon the initial availability of such amounts for obligation by the agency, the Secretary may deobligate an amount, as determined by the Secretary, not exceeding 50 percent of such unobligated amount.

(2) USE.—The Secretary may reallocate and transfer any amounts deobligated under paragraph (1) only to public housing agencies in areas that the Secretary determines have received less funding than other areas, based on the relative needs of all areas.

SEC. 305. ADMINISTRATIVE FEES.

(a) FEE FOR ONGOING COSTS OF ADMINISTRATION.—

(1) IN GENERAL.—The Secretary shall establish fees for the costs of administering the choice-based housing assistance program under this title.

(2) FISCAL YEAR 1998.—

(A) CALCULATION.—For fiscal year 1998, the fee for each month for which a dwelling unit is covered by a contract for assistance under this title shall be—

(i) in the case of a public housing agency that, on an annual basis, is administering a program for not more than 600 dwelling units, 7.65 percent of the base amount; and

(ii) in the case of an agency that, on an annual basis, is administering a program for more than 600 dwelling units—

(I) for the first 600 units, 7.65 percent of the base amount; and

(II) for any additional dwelling units under the program, 7.0 percent of the base amount.

(B) BASE AMOUNT.—For purposes of this paragraph, the base amount shall be the higher of—

(i) the fair market rental established under section 8(c) of the United States Housing Act of 1937 (as in effect immediately before the effective date of the repeal under section 601(b) of this Act) for fiscal year 1993 for a 2-bedroom existing rental dwelling unit in the market area of the agency, and

(ii) the amount that is the lesser of (I) such fair market rental for fiscal year 1994 or (II) 103.5 percent of the amount determined under clause (i),

adjusted based on changes in wage data or other objectively measurable data that reflect the costs of administering the program, as determined by the Secretary. The Secretary may require that the base amount be not less than a minimum amount and not more than a maximum amount.

(3) SUBSEQUENT FISCAL YEARS.—For subsequent fiscal years, the Secretary shall publish a notice in the Federal Register, for each geographic area, establishing the amount of the fee that would apply for public housing agencies administering the program, based on changes in wage data or other objectively measurable data that reflect the costs of administering the program, as determined by the Secretary.

(4) INCREASE.—The Secretary may increase the fee is necessary to reflect the higher costs of administering small programs and programs operating over large geographic areas.

(b) FEE FOR PRELIMINARY EXPENSES.—The Secretary shall also establish reasonable fees (as determined by the Secretary) for—

(1) the costs of preliminary expenses, in the amount of $500, for a public housing agency, but only in the first year that the agency administers a choice-based housing assistance program under this title, and only if, immediately before the effective date of this Act, the agency was not administering a tenant-based rental assistance program under the United States Housing Act of 1937 (as in effect immediately before such effective date), in connection with its initial increment of assistance received;

(2) the costs incurred in assisting families who experience difficulty (as determined by the Secretary) in obtaining appropriate housing under the programs; and

(3) extraordinary costs approved by the Secretary.

(c) TRANSFER OF FEES IN CASES OF CONCURRENT GEOGRAPHICAL JURISDICTION.—In each fiscal year, if any public housing agency provides tenant-based rental assistance under section 8 of the United States Housing Act of 1937 or housing assistance under this title on behalf of a family who uses such assistance for a dwelling unit that is located within the jurisdictional of such agency but is also within the jurisdiction of another public housing agency, the Secretary shall take such steps as may be necessary to ensure that the public housing agency that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).

SEC. 306. AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for providing public housing assistance under this title, such sums as may be necessary for each of fiscal years 1998, 2000, 2001, and 2002 to provide amounts for incremental assistance under this title, for renewal of expiring contracts under section 302 of this Act and renewal under this title of expiring contracts for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect the effective date of the repeal under section 601(b) of this Act), and for replacement needs for public housing under title II.

(b) ASSISTANCE FOR DISABLED FAMILIES.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for choice-based housing assistance under this title to be used in accordance with paragraph (2), $50,000,000 for fiscal year 1998, and such sums as may be necessary for each subsequent fiscal year.

(2) USE.—The Secretary shall provide amounts made available under paragraph (1) to public housing agencies only for use to provide housing assistance under this title for nonelderly disabled families (including such families relocating pursuant to designation of a public housing development under section 227 or the establishment of occupancy restrictions in accordance with section 658 of the Housing and Community Development Act of 1992 and other nonelderly disabled families who have applied to the agency for housing assistance under this title).

(3) ALLOCATION OF AMOUNTS.—The Secretary shall allocate and provide amounts made available under paragraph (1) to public housing agencies as the Secretary determines appropriate based on the relative levels of need among the authorities for assistance for families described in paragraph (1).

(c) ASSISTANCE FOR WITNESS RELOCATION.—Of the amounts made available for choice-based housing assistance under this title for each fiscal year, the Secretary, in consultation with the Inspector General, shall make available such sums as may be necessary for such housing assistance for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to requests from law enforcement and prosecutive agencies.

SEC. 307. CONVERSION OF SECTION 8 ASSISTANCE.

(a) IN GENERAL.—Any amounts made available to a public housing agency under a contract for annual contributions for assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act) that have not been obligated for such assistance by such agency before such effective date shall be used to provide assistance under this title, except to the extent the Secretary determines such use is inconsistent with existing commitments.

(b) EXCEPTION.—Subsection (a) shall not apply to any amounts made available under a contract for housing constructed or substantially rehabilitated pursuant to section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983.

SEC. 308. RECAPTURE AND REUSE OF ANNUAL CONTRACT PROJECT RESERVES UNDER CHOICE-BASED HOUSING ASSISTANCE AND SECTION 8 TENANT-BASED ASSISTANCE PROGRAMS.

To the extent that the Secretary determines that the amount in the reserve account for annual contributions contracts (for housing assistance under this title or tenant-based assistance under section 8 of the United States Housing Act of 1937) that is under contract with a public housing agency for such assistance is in excess of the amounts needed by the agency, the Secretary shall recapture such excess amount. The Secretary may hold recaptured amounts in reserve until needed to enter into, amend, or renew contracts under this title or to amend or renew contracts under section 8 of such Act for tenant-based assistance with any agency.

SUBTITLE B—CHOICE-BASED HOUSING ASSISTANCE FOR ELIGIBLE FAMILIES

SEC. 321. ELIGIBLE FAMILIES AND PREFERENCES FOR ASSISTANCE.

(a) LOW-INCOME REQUIREMENT.—Housing assistance under this title may be provided only on behalf of a family that—

(1) at the time that such assistance is initially provided on behalf of the family, is determined by the public housing agency to be a low-income family; or

(2) qualifies to receive such assistance under any other provision of Federal law.

(b) INCOME TARGETING.—Of the families initially assisted under this title by a public housing agency in any year, not less than 40 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

(c) REVIEWS OF FAMILY INCOMES.—

(1) IN GENERAL.—Reviews of family incomes for purposes of this title shall be subject to the provisions of section 904 of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 and shall be conducted upon the initial provision of housing assistance for the family and thereafter not less than annually.

(2) PROCEDURES.—Each public housing agency administering housing assistance under this title shall establish procedures that are appropriate and necessary to ensure that income data provided to the agency and owners by families applying for or receiving housing assistance from the agency is complete and accurate.

(d) Preferences for Assistance.—

(1) Authority to establish.—Any public housing agency that receives amounts under this title may establish a system for making housing assistance available on behalf of eligible families that provides preference for such assistance to eligible families having certain characteristics.

(2) Content.—Each system of preferences established pursuant to this subsection shall be based upon local housing needs and priorities, as determined by the public housing agency using generally accepted data sources, including any information obtained pursuant to an opportunity for public comment as provided under section 106(e) and under the requirements applicable to the comprehensive housing affordability strategy for the relevant jurisdiction.

(3) Sense of the congress.—It is the sense of the Congress that, to the greatest extent practicable, public housing agencies involved in the selection of tenants under the provisions of this title should adopt preferences for individuals who are victims of domestic violence.

(e) Portability of Housing Assistance.—

(1) National portability.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a public housing agency may require that any family not living within the jurisdiction of the public housing agency at the time the family applies for assistance from the agency shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from such agency, lease and occupy an eligible dwelling unit located within the jurisdiction served by the agency. The agency for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) Source of funding for a family that moves.—For a family that has moved into the jurisdiction of a public housing agency and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another agency, the agency for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other agency under that agency's contract.

(3) Authority to deny assistance to certain families who move.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) Funding allocations.—In providing assistance amounts under this title for public housing agencies for any fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an agency in the preceding fiscal year as a result of this subsection.

(f) Confidentiality for Victims of Domestic Violence.—A public housing agency shall be subject to the restrictions regarding release of information relating to the identity and new residence of any family receiving housing assistance who was a victim of domestic violence that are applicable to shelters pursuant to the Family Violence Prevention and Services Act. The agency shall work with the United States Postal Service to establish procedures consistent with the confidentiality provisions in the Violence Against Women Act of 1994.

SEC. 322. RESIDENT CONTRIBUTION.

(a) Amount.—

(1) Monthly rent contribution.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the public housing agency determines is appropriate with respect to the family and the unit, but which—

(A) shall not be less than the minimum monthly rental contribution determined under subsection (b); and

(B) shall not exceed the greatest of—

(i) 30 percent of the monthly adjusted income of the family;

(ii) 10 percent of the monthly income of the family; and

(iii) if the family is receiving payments for welfare assistance from a public agency and a part of such payments, adjusted in accordance with the actual housing costs of the family, is specifically designated by such agency to meet the housing costs of the family, the portion of such payments that is so designated.

(2) Excess rental amount. In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) for such family) such entire excess rental amount.

(b) Minimum Monthly Rental Contribution.—

(1) In general.—The public housing agency shall determine the amount of the minimum monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the agency considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the agency, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) Hardship provisions.—

(A) In general.—Notwithstanding paragraph (1), a public housing agency shall grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of financial hardship, which shall include situations in which (i) the family has lost eligibility for or is awaiting an eligibility determination for a Federal, State, or local assistance program; (ii) the family would be evicted as a result of imposition of the minimum rent; (iii) the income of the family has decreased because of changed circumstance, including loss of employment; and (iv) a death in the family has occurred; and other situations as may be determined by the agency.

(B) Waiting period.—If an assisted family requests a hardship exemption under this paragraph and the public housing agency reasonably determines the hardship to be of a temporary nature, an exemption shall not be granted during the 90-day period beginning upon the making of a request for the exemption. An assisted family may not be evicted during such 90-day period for nonpayment of rent. In such a case, if the assisted family thereafter demonstrates that the financial hardship is of a long-term basis, the agency shall retroactively exempt the family from the applicability of the minimum rent requirement for such 90-day period.

(c) Treatment of Changes in Rental Contribution.—

(1) Notification of changes.—A public housing agency shall promptly notify the owner of an assisted dwelling unit of any change in the resident contribution by the assisted family residing in the unit that takes effect immediately or at a later date.

(2) Collection of retroactive changes.—In the case of any change in the rental contribution of an assisted family that affects rental payments previously made, the public housing agency shall collect any additional amounts required to be paid by the family under such change directly from the family and shall refund any excess rental contribution paid by the family directly to the family.

(d) Phase-In of Rent Contribution Increases.—

(1) In General.—Except as provided in paragraph (2), for any family that is receiving tenant-based rental assistance under section 8 of the United Stats Housing Act of 1937 upon the initial applicability of the provisions of this title to such family, if the monthly contribution for rental of an assisted dwelling unit to be paid by the family upon such initial applicability is greater than the amount paid by the family under the provisions of the United States Housing Act of 1937 immediately before such applicability, any such resulting increase in rent contribution shall be—

(A) phased in equally over a period of not less than 3 years, if such increase is 30 percent or more of such contribution before initial applicability; and

(B) limited to not more than 10 percent per year if such increase is more than 10 percent but less than 30 percent of such contribution before initial applicability.

(2) Exception.—The minimum rent contribution requirement under subsection (b)(1) shall apply to each family described in paragraph (1) of this subsection, notwithstanding such paragraph.

SEC. 323. RENTAL INDICATORS.

(a) In General.—The Secretary shall establish and issue rental indicators under this section periodically, but not less than annually, for existing rental dwelling units that are eligible dwelling units. The Secretary shall establish and issue the rental indicators by housing market area (as the Secretary shall establish) for various sizes and types of dwelling units.

(b) Amount.—For a market area, the rental indicator established under subsection (a) for a dwelling unit of a particular size and type in the market area shall be a dollar amount that reflects the rental amount for a standard quality rental unit of such size and type in the market area that is an eligible dwelling unit.

(c) Effective Date.—The Secretary shall cause the proposed rental indicators established under subsection (a) for each market area to be published in the Federal Register with reasonable time for public comment, and such rental indicators shall become effective upon the date of publication in final form in the Federal Register.

(d) Annual Adjustment.—Eash rental indicator in effect under this section shall be adjusted to be effective on October 1 of each year to reflect changes, based on the most recent available data trended so that the indicators will be current for the year to which they apply, in rents for existing rental dwelling units of various sizes and types in the market area suitable for occupancy by families assisted under this title.

SEC. 324. LEASE TERMS.

Rental assistance may be provided for an eligible dwelling unit only if the assisted family and the owner of the dwelling unit enter into a lease for the unit that—

(1) provides for a single lease term of 12 months and continued tenancy after such term under a periodic tenancy on a month-to-month basis;

(2) contains terms and conditions specifying that termination of tenancy during the term of a lease shall be subject to the provisions set forth in sections 642 and 643; and

(3) is set forth in the standard form, which is used in the local housing market area by the owner and applies generally to any other tenants in the property who are not assisted families, together with any addendum necessary to include the many terms required under this section.

A lease may include any addenda appropriate to set forth the provisions under this title.

SEC. 325. TERMINATION OF TENANCY.

Each housing assistance payments contract shall provide that the owner shall conduct the termination of tenancy of any tenant of an assisted dwelling unit under the contract in accordance with applicable State or local laws, including providing any notice of termination required under such laws.

SEC. 326. ELIGIBLE OWNERS.

(a) Ownership Entity.—Rental assistance under this title maybe provided for any eligible dwelling unit for which the owner is any public agency, private person or entity (including a cooperative), nonprofit organization, agency of the Federal Government, or public housing agency.

(b) Ineligible Owners.—

(1) In general.—Notwithstanding subsection (a), a public housing agency—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial or participation takes effect.

If the public housing agency takes action under subparagraph (B), the agency shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

(2) Prohibition of sale or rental to related parties.—The Secretary shall establish guidelines to prevent housing assistance payments for a dwelling unit that is owned by any spouse, child, or other party who allows an owner described in paragraph (1) to maintain control of the unit.

SEC. 327. SELECTION OF DWELLING UNITS.

(a) Family Choice.—The determination of the dwelling unit in which an assisted family resides and for which housing assistance is provided under this title shall be made solely by the assisted family, subject to the provisions of this title and any applicable law.

(b) Deed Restrictions.—Housing assistance may not be used in any manner that abrogates any local deed restriction that applies to any housing consisting of 1 to 4 dwelling units. Nothing in this section may be construed to affect the provisions of applicability of the Fair Housing Act.

SEC. 328. ELIGIBLE DWELLING UNITS.

(a) In General.—A dwelling unit shall be an eligible dwelling unit for purposes of this title only if the public housing agency to provide housing assistance for the dwelling unit determines that the dwelling unit—

(1) is an existing dwelling unit that is not located within a nursing home or the grounds of any penal, reformatory, medical, mental, or similar public or private institution; and

(2) complies—

(A) in the case of a dwelling unit located in a jurisdiction which has in effect laws, regulations, standards, or codes regarding habitability of residential dwellings, with such applicable laws, regulations, standards, or codes; or

(B) in the case of a dwelling unit located in a jurisdiction which does not have in effect laws, regulations, standards, or codes described in subparagraph (A), with the housing quality standards established under subsection (c).

Each public housing agency providing housing assistance shall identify, in the local housing management plan for the agency, whether the agency is utilizing the standard under subparagraph (A) or (B) of paragraph (2).

(b) Determinations.—

(1) In general.—A public housing agency shall make the determinations required under subsection (a) pursuant to an inspection of the dwelling unit conducted before any assistance payment is made for the unit.

(2) Expeditious inspection.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the public housing agency. The performance of the agency in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the agency.

(c) Federal Housing Quality Standards.—The Secretary shall establish housing quality standards under this subsection that ensure that assisted dwelling units are safe, clean, and healthy. Such standards shall include requirements relating to habitability, including maintenance, health and sanitation factors, condition, and construction of dwellings, and shall, to the greatest extent practicable, be consistent with the standards established under section 232(b). The Secretary shall differentiate between major and minor violations of such standards.

(d) Annual Inspections.—Each public housing agency providing housing assistance shall make an annual inspection of each assisted dwelling unit during the term of the housing assistance payments contracts for the unit to determine whether the unit is maintained in accordance with the requirements under subsection (a)(2). The agency shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary, the Inspector General for the Department of Housing and Urban Development, and any auditor conducting an audit under section 541.

(e) Inspection Guidelines.—The Secretary shall establish procedural guidelines and performance standards to facilitate inspections of dwelling units and conform such inspections with practices utilized in the private housing market. Such guidelines and standards shall take into consideration variations in local laws and practices of public housing agencies and shall provide flexibility to authorities appropriate to facilitate efficient provision of assistance under this title.

(f) Rule of Construction.—This section may not be construed to prevent the provision of housing assistance in connection with supportive services for elderly or disabled families.

SEC. 329. HOMEOWNERSHIP OPTION.

(a) In General.—A public housing agency providing housing assistance under this title may provide homeownership assistance to assist eligible families to purchase a dwelling unit (including purchase under lease-purchase homeownership plans).

(b) Requirements.—A public housing agency providing homeownership assistance under this section shall, as a condition of an eligible family receiving such assistance, require the family to—

(1) demonstrate that the family has sufficient income from employment or other sources (other than public assistance), as determined in accordance with requirements established by the agency; and

(2) meet any other initial or continuing requirements established by the public housing agency.

(c) Downpayment Requirement.—

(1) In general.—A public housing agency may establish minimum downpayment requirements, if appropriate, in connection with loans made for the purchase of dwelling units for which homeownership assistance is provided under this section. If the agency establishes a minimum downpayment requirement, the agency shall permit the family to use grant amounts, gifts from relatives, contributions from private sources, and similar amounts as downpayment amounts in such purchase, subject to the requirement of paragraph (2).

(2) Direct family contribution.—In purchasing housing pursuant to this section subject to a downpayment requirement, each family shall contribute an amount of the downpayment, from resources of the family other than grants, gifts, contributions, or other similar amounts referred to in paragraph (1), that is not less than 1 percent of the purchase price.

(d) Ineligibility Under Other Programs.—A family may not receive homeownership assistance pursuant to this section during any period when assistance is being provided for the family under other Federal homwownership assistance programs, as determined by the Secretary, including assistance under the HOME Investment Partnerships Act, the Homeownership and Opportunity Through HOPE Act, title II of the Housing and Community Development Act of 1987, and section 502 of the Housing Act of 1949.

SEC. 330. ASSISTANCE FOR RENTAL OR MANUFACTURED HOMES.

(a) Authority.—Nothing in this title may be construed to prevent a public housing agency from providing housing assistance under this title on behalf of a low-income family for the rental of—

(1) a manufactured home that is the principal residence of the family and the real property on which the home is located; or

(2) the real property on which is located a manufactured home, which is owned by the family and is the principal residence of the family.

(b) Assistance for Certain Families Owning Manufactured Homes.—

(1) Authority.—Notwithstanding section 351 or any other provision of this title, a public housing agency that receives amounts under a contract under section 302 may enter into a housing assistance payment contract to make assistance payments under this title to a family that owns a manufactured home, but only as provided in paragraph (2).

(2) LIMITATIONS.—In the case only of a low-income family that owns a manufactured home, rents the real property on which it is located, and to whom housing assistance under this title has been made available for the rental of such property, the public housing agency making such assistance available shall enter into a contract to make housing assistance payments under this title directly to the family (rather than to the owner of such real property) if—

(A) the owner of the real property refuses to enter into a contract to receive housing assistance payments pursuant to section 351(a);

(B) the family was residing in such manufactured home on such real property at the time such housing assistance was initially made available on behalf of the family;

(C) the family provides such assurances to the agency, as the Secretary may require, to ensure that amounts from the housing assistance payments are used for rental of the real property; and

(D) the rental of the real property otherwise complies with the requirements for assistance under this title.

A contract pursuant to this subsection shall be subject to the provisions of section 351 and any other provisions applicable to housing assistance payments contracts under this title, except that the Secretary may provide such exceptions as the Secretary considers appropriate to facilitate the provisions of assistance under this subsection.

SUBTITLE C—PAYMENT OF HOUSING ASSISTANCE ON BEHALF OF ASSISTED FAMILIES

SEC. 351. HOUSING ASSISTANCE PAYMENTS CONTRACTS.

(a) IN GENERAL.—Each public housing agency that received amounts under a contract under section 302 may enter into housing assistance payments contracts with owners of existing dwelling units to make housing assistance payments to such owners in accordance with this title.

(b) PHA ACTING AS OWNER.—A public housing agency may enter into a housing assistance payments contract to make housing assistance payments under this title to itself (or any agency or instrumentality thereof) as the owner of dwelling units (other than public housing), and the agency shall be subject to the same requirements that are applicable to other owners, except that the determinations under section 328(a) and 354(b) shall be made by a competent party not affiliated with the agency, and the agency shall be responsible for any expenses of such determinations.

(c) PROVISIONS.—Each housing assistance payments contract shall—

(1) have a term of not more than 12 months;

(2) require that the assisted dwelling unit may be rented only pursuant to a lease that complies with the requirements of section 324;

(3) comply with the requirements of sections 325, 642, and 643 (relating to termination of tenancy);

(4) require the owner to maintain the dwelling unit in accordance with the applicable standards under section 328(a)(2); and

(5) provide that the screening and selection of eligible families for assisted dwelling units shall be the function of the owner.

SEC 352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 322(a)(1).

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the public housing agency. Amounts in the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The public housing agency making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the agency for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by public housing agencies and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 329, the term "gross rent" shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

SEC. 353. PAYMENT STANDARDS.

(a) ESTABLISHMENT.—Each public housing agency providing housing assistance under this title shall establish payment standards under this section for various areas, and sizes and types of dwelling units, for use in determining the amount of monthly housing assistance payment to be provided on behalf of assisted families.

(b) USE OF RENTAL INDICATORS.—The payment standard for each size and type of housing for each market area shall be an amount that is not less than 80 percent, and not greater than 120 percent, of the rental indicator established under section 323 for such size and type for such area.

(c) REVIEW.—If the Secretary determines, at any time, that a significant percentage of the assisted families who are assisted by a public housing agency and are occupying dwelling units of a particular size are paying more than 30 percent of their adjusted incomes for rent, the Secretary shall review the payment standard established by the agency for such size dwellings. If, pursuant to the review, the Secretary determines that such payment standard is not appropriate to serve the needs of the low-income population of the jurisdiction served by the agency (taking into consideration rental costs in the area), as identified in the approved community improvement plan of the agency, the Secretary may require the public housing agency to modify the payment standard.

SEC. 354. REASONABLE RENTS.

(a) ESTABLISHMENT.—The rent charged for a dwelling unit for which rental assistance is provided under this title shall be established pursuant to negotiation and agreement between the assisted family and the owner of the dwelling unit.

(b) REASONABLENESS.—

(1) DETERMINATION.—A public housing agency providing rental assistance under this title for a dwelling unit shall, before commencing assistance payments for a unit (with respect to initial contract rents and any rent revisions), determine whether the rent charged for the unit exceeds the rents charged for comparable units in the applicable private unassisted market.

(2) UNREASONABLE RENTS.—If the agency determines that the rent charged for a dwelling unit exceeds such comparable rents, the agency shall—

(A) inform the assisted family renting the unit that such rent exceeds the rents for comparable unassisted units in the markets; and

(B) refuse to provide housing assistance payments for such unit.

SEC. 355. PROHIBITION OF ASSISTANCE FOR VACANT RENTAL UNITS.

If an assisted family vacates a dwelling unit for which rental assistance is provided under a housing assistance payments contract before the expiration of the term of the lease for the unit, rental assistance pursuant to such contract may not be provided for the unit after the month during which the unit was vacated.

SUBTITLE D—GENERAL AND MISCELLANEOUS PROVISIONS

SEC. 371. DEFINITIONS.

For purposes of this title:

(1) ASSISTED DWELLING UNIT.—The term "assisted dwelling unit" means a dwelling unit in which an assisted family resides and for which housing assistance payments are made under this title.

(2) ASSISTED FAMILY.—The term "assisted family" means an eligible family on whose behalf housing assistance payments are made under this title or who has been selected and approved for housing assistance.

(3) CHOICE-BASED.—The term "choice-based" means, with respect to housing assistance, that the assistance is not attached to a dwelling unit but can be used for any eligible dwelling unit selected by the eligible family.

(4) ELIGIBLE DWELLING UNIT.—The term "eligible dwelling unit" means a dwelling unit that complies with the requirements under section 328 for consideration as an eligible dwelling unit.

(5) ELIGIBLE FAMILY.—The term "eligible family" means a family that meets the requirements under section 321(a) for assistance under this title.

(6) HOMEOWNERSHIP ASSISTANCE.—The term "homeownership assistance" means housing assistance provided under section 329 for the ownership of a dwelling unit.

(7) HOUSING ASSISTANCE.—The term "housing assistance" means choice-based assistance provided under this title on behalf of low-income families for the rental or ownership of an eligible dwelling unit.

(8) HOUSING ASSISTANCE PAYMENTS CONTRACT.—The term "housing assistance payments contract" means a contract under section 351 between a public housing agency (or the Secretary) and an owner to make housing assistance payments under this title to the owner on behalf of an assisted family.

(9) PUBLIC HOUSING AGENCY.—The terms "public housing agency" and "agency" have

the meaning given such terms in section 103, except that the terms include—

(A) a consortia of public housing agencies that the Secretary determines has the capacity and capability to administer a program for housing assistance under this title in an efficient manner;

(B) any other entity that, upon the effective date of this Act, was administering any program for tenant-based rental assistance under section 8 of the United States Housing Act of 1937 (as in effect before the effective date of the repeal under section 601(b) of this Act), pursuant to a contract with the Secretary or a public housing agency; and

(C) with respect to any area in which no public housing agency has been organized or where the Secretary determines that a public housing agency is unwilling or unable to implement this title, or is not performing effectively—

(i) the Secretary or another entity that by contract agrees to receive assistance amounts under this title and enter into housing assistance payments contracts with owners and perform the other functions of public housing agency under this title; or

(ii) notwithstanding any provision of State or local law, a public housing agency for another area that contracts with the Secretary to administer a program for housing assistance under this title, without regard to any otherwise applicable limitations on its area of operation.

(10) OWNER.—The term "owner" means the person or entity having the legal right to lease or sublease dwelling units. Such term includes any principals, general partners, primary shareholders, and other similar participants in any entity owning a multifamily housing project, as well as the entity itself.

(11) RENT.—The terms "rent" and "rental" include, with respect to members of a cooperative, the charges under the occupancy agreements between such members and the cooperative.

(12) RENTAL ASSISTANCE.—The term "rental assistance" means housing assistance provided under this title for the rental of a dwelling unit.

SEC. 372. RENTAL ASSISTANCE FRAUD RECOVERIES.

(a) AUTHORITY TO RETAIN RECOVERED AMOUNTS.—The Secretary shall permit public housing agencies administering housing assistance under this title to retain, out of amounts obtained by the authorities from tenants that are due as a result of fraud and abuse, an amount (determined in accordance with regulations issued by the Secretary) equal to the greater of—

(1) 50 percent of the amount actually collected; or

(2) the actual, reasonable, and necessary expenses related to the collection, including costs of investigation, legal fees, and collection agency fees.

(b) USE.—Amounts retained by an agency shall be made available for use in support of the affected program or project, in accordance with regulations issued by the Secretary. If the Secretary is the principal party initiating or sustaining an action to recover amounts from families or owners, the provisions of this section shall not apply.

(c) RECOVERY.—Amounts may be recovered under this section—

(1) by an agency through a lawsuit (including settlement of the lawsuit) brought by the agency or through court-ordered restitution pursuant to a criminal proceeding resulting from an agency's investigation where the agency seeks prosecution of a family or where an agency seeks prosecution of an owner;

(2) through administrative repayment agreements with a family or owner entered into as a result of an administrative grievance procedure conducted by an impartial decisionmaker in accordance with section 110; or

(3) through an agreement between the parties.

SEC. 373. STUDY REGARDING GEOGRAPHIC CONCENTRATION OF ASSISTED FAMILIES.

(a) IN GENERAL.—The Secretary shall conduct a study of the geographic areas in the State of Illinois served by the Housing Authority of Cook County and the Chicago Housing Authority and submit to the Congress a report and a specific proposal, which addresses and resolves the issues of—

(1) the adverse impact on local communities due to geographic concentration of assisted households under the tenant-based housing programs under section 8 of the United States Housing Act of 1937 (as in effect upon the enactment of this Act) and under this title; and

(2) facilitating the deconcentration of such assisted households by providing broader housing choices to such households.

The study shall be completed, and the report shall be submitted, not later than 90 days after the date of the enactment of this Act.

(b) CONCENTRATION.—For purposes of this section, the term "concentration" means, with respect to any area within a census tract, that—

(1) 15 percent or more of the households residing within such area have incomes which do not exceed the poverty level; or

(2) 15 percent or more of the total affordable housing stock located within such area is assisted housing.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 374, STUDY REGARDING RENTAL ASSISTANCE.

The Secretary shall conduct a nationwide study of the choice-based housing assistance program under this title and the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937 (as in effect pursuant to section 601(c) and 602(b)). The study shall, for various localities—

(1) determine who are the providers of the housing in which families assisted under such programs reside;

(2) describe and analyze the physical and demographic characteristics of the housing in which such assistance is used, including, for housing in which at least one such assisted family resides, the total number of units in the housing and the number of units in the housing for which such assistance is provided;

(3) determine the total number of units for which such assistance is provided;

(4) describe the durations that families remain on waiting lists before being provided such housing assistance; and

(5) assess the extent and quality of participation of housing owners in such assistance programs in relation to the local housing market, including comparing—

(A) the quality of the housing assisted to the housing generally available in the same market; and

(B) the extent to which housing is available to be occupied using such assistance to the extent to which housing is generally available in the same market.

The Secretary shall submit a report describing the results of the study to the Congress not later than the expiration of the 2-year period beginning on the date of the enactment of this Act.

Mr. LAZIO of New York. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. ROGERS] having assumed the chair, Mr. GOODLATTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes, had come to no resolution thereon.

FLOOD PREVENTION AND FAMILY PROTECTION ACT OF 1997

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 142 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 142

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 478) to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that Act in building, operating, maintaining, or repairing flood control projects, facilities, or structures. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from New York [Ms. SLAUGHTER], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 142 is an open rule providing for consideration of H.R. 478, the Flood Prevention and Family Protection Act of 1997. This rule provides for 1 hour of general debate divided equally between the chairman and the ranking minority member of the Committee on Resources.

House Resolution 142 makes in order the Committee on Resources amendment in the nature of a substitute as an original bill for the purpose of amendment.

□ 1400

The rule also provides that the Committee on Resources amendment in the nature of a substitute shall be considered as read.

Mr. Speaker, this rule continues the approach of according priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. It is not a requirement, but I believe it will facilitate consideration of amendments.

Finally, House Resolution 142 provides for one motion to recommit with or without instructions, as is the right of the minority Members of the House.

Mr. Speaker, this is a standard open rule and the Rules Committee has ensured that all Members who wish to modify the bill through the amendment process have every opportunity to offer their amendments.

The legislation that this rule brings to the floor will amend the Endangered Species Act of 1973 to improve the ability of individuals, local, State, and Federal agencies to comply with the act in building, operating, maintaining, or repairing flood control projects, facilities, or structures. In short, H.R. 478 will simply allow flood control experts the ability to repair and maintain existing man-made flood control structures in order to help protect American citizens and their homes, businesses, and farms from the destruction of rising flood waters.

Let me be very clear. We all support species protection, and the Endangered Species Act has been instrumental in the preservation of a number of threatened species since becoming law. However, in some cases the programs of the Endangered Species Act have had an effect which is opposite the intent, and they often have a detrimental impact on the affected communities. It is also compromising human lives.

This is one such case in which we should make a small modification where human lives are at stake. Unfortunately, the rigidity of current law has placed obstacles in front of those who wish to repair and maintain flood control structures.

We heard testimony in the Committee on Rules of the opportunities to avoid flood tragedies that were lost because bureaucratic redtape delayed necessary levy repairs. Rather than taking the proactive endeavors that would repair levees, State and local officials were bogged down in studies and mitigation requirements that have resulted in levee failures, significant economic damage, and the loss of human life.

It is my hope that this modification in the Endangered Species Act will save lives, safeguard property, protect species whose habitats are near flood control structures, and significantly reduce the demand for massive annual appropriations for emergency relief.

H.R. 478 was favorably reported out of the Committee on Resources by the vote of 23 to 9, and the open rule was unanimously approved by the Committee on Rules. I urge my colleagues to support the rule so that we may proceed with general debate and consideration of the merits of this very important bill.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Georgia for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this open rule and urge my colleagues to support it so that all our alternatives and potential improvements to this legislation may be considered.

The bill made in order by the rule, however, concerns me a great deal. Even the name of the bill, "the Flood Prevention and Family Protection Act" is misleading. This legislation will neither prevent floods nor will it protect families from floodwater. Instead, it takes political advantage of the recent tragedies associated with flooding in various States and uses them to attack one of our Nation's landmark environmental laws, the Endangered Species Act.

This bill is overbroad, and would open a gaping hole in the Endangered Species Act. It would permanently exempt the reconstruction, operation, maintenance, and repair of all dams, hydroelectric facilities, levees, canals, and other water-related projects from the safeguards and protections of the Endangered Species Act, whether these projects are Federal or non-Federal. There are literally thousands of dams and other structures nationwide that have flood control as a purpose. Under this ill-advised legislation, almost all water-related projects, from repairing levees to operating massive hydroelectric facilities, would be exempt from the Endangered Species Act, meaning that no consultation whatsoever would be required regarding those projects' potential effects on endangered species or their habitats.

Moreover, the bill is unnecessary. The Endangered Species Act is already flexible enough to allow expedited review for improvements or upgrading to existing structures in impending emergencies. And, most important, the act already allows exemptions for the replacement and repair of public facilities in Presidentially declared disaster areas. And the Fish and Wildlife Service has already issued a policy statement clarifying that flood-fighting and levee repairs are automatically exempted from the Endangered Species Act if they are needed to save lives and property.

However, it is important for us to point out that the Endangered Species Act did not cause floods. I believe that is an act of nature.

If there are burdens that are imposed by the Endangered Species Act on landowners, we should look for ways to reduce the burdens without compromising the protection of our vanishing wildlife. But legislation that reduces those burdens by eliminating the protection of endangered species is not reform; it is repeal.

I had hoped that after last year's disastrous attempts to gut our Nation's landmark environmental laws, that bills like H.R. 478 would be put to rest, but I was wrong. Now it appears that the American people will witness a more insidious repeat of the 104th Congress, one in which back-door attempts to chip away at environmental protections are brought to the floor under the guise of protecting families.

Mr. Speaker, while I do not oppose this open rule, I strongly urge my colleagues to defeat the bill that it makes in order.

Mr. Speaker, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I have no disagreement with the rule, but I do strongly disagree with the direction that this bill takes in terms of its representations and action fundamentally undercutting seriously the Endangered Species Act, an act which should be reauthorized and dealt with on its merits as opposed to these single shots and, I might say, a broad attempt here today to suspend the application of the Endangered Species Act to a wide range of regular activities dealing with the repair, the reconstruction, the maintenance, and even the operation of various water projects.

Mr. Speaker, we are aware that when water projects are put forth and justified, they are justified on the basis of a series of different criteria and purposes. One of those purposes is flood protection, another might be for navigation, it may be for power production and certainly for recreation and the enhancement of the natural features, the wildlife and other flora and fauna that might be present in the project areas.

What we see here is that in the reconstruction, in this whole series of operation and other activities, that this would be completely suspended. We would not look at one of the significant factors that are involved in such project. Under the Endangered Species Act, there have literally been 25 to 40,000 consultations. This suspends any consultation with the Fish and Wildlife Service as to the aspects of that impacting the flora and fauna that may be endangered, may be threatened, or may be candidate species, we would not have a consultation with them, we would not have conferencing, and, finally, we would suspend the provision if they in fact do damage, what we call takings within the Endangered Species Act, would also be null and void.

Doing this under the auspices of somehow protecting safety and health and life, in fact I think that the supposition that somehow that the Endangered Species Act is responsible for the flooding and the loss of life in California has not been demonstrated. In the hearings on this matter, there was evidence that they had an 11-year project and that this segment was the last phase of the project that was not rehabbed and constructed for a whole variety of reasons, some of which were financing and other activities. There was a determination on how they would proceed with this. It is true that it does take time to discuss and to talk about the impacts of replacing or building flood control projects, but it hardly was the basis in which a natural phenomenon, a hydrological event in terms of rainfall, a hydrological-meteorological event, I might say, that heavy rainfall and snow melt which occurred and caused that particular catastrophic event. We have seen this happen over and over again recently by the House in recent years. Very often in fact if the environmental rules were followed with regard to how we treat watersheds and wetlands, we would see a lot less of this flooding and a lot more capacity of an area to absorb that type of a natural event that occurs. The effort to use the endangered species as the scapegoat and responsible for this problem is wrong. This measure being proposed is not just for emergency situations. This would be a permanent exemption by amending the Endangered Species Act, as I said, for a broad range of activities, for dredging, as an example, and that occurs in the Mississippi water basin, it occurs in Florida, all of those activities. The endangered species would be exempt in those instances, there would be no consultation, there would be no protection of the endangered or threatened species or candidate species in those instances.

Mr. Speaker, we will have an opportunity during the debate to vote for the Boehlert-Fazio amendment which will provide a temporary exemption which will sunset when the emergency is gone, which will deal with the aftermath, the floods, and other types of damage that may be done to water projects so that we are not under the necessity to have the rules and regulations when there is a legitimate emergency or crisis situation, we can deal with it. This bill, of course, in its current form, the administration has reported that they are going to veto it. All of the major environmental groups across this country are opposed to it.

Mr. Speaker, this harkens back to the last Congress when repeatedly we were on this floor with a multitude of environmental bills that attempted to repeal the bipartisan heritage of environmental policy that has been developed in the last 30 years. This is the first opportunity that Members have had to stand up and to say no to that type of head-in-the-sand operation with regard to environmental legislation. I hope Congress will say no today on the major bill and vote for the Fazio-Boehlert amendment which will be offered to make this a reasonable targeted attempt at policy with a sunset.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. ROGERS). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 415, nays 8, not voting 10, as follows:

[Roll No. 107]

YEAS—415

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer

Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—8

DeFazio
Filner
Furse
Hinchey
Kennedy (RI)
McNulty
Stabenow
Vento

NOT VOTING—10

Andrews
Becerra
Blunt
Burr
Clay
Cox
Gejdenson
Reyes
Schiff
Taylor (NC)

☐ 1434

Mr. MCNULTY changed his vote from "yea" to "nay."

Mr. MARTINEZ changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. ROGERS). Pursuant to House Resolution 142 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 478.

☐ 1437

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 478) to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that act in building, operating, maintaining, or repairing flood control projects, facilities, or structures, with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from California [Mr. POMBO] and the gentleman from California [Mr. MILLER] will each control 30 minutes.

The Chair recognizes the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, at this time I would like to point out to the Members that we are beginning debate on what is a very important bill. It is very important to my district, it is very important to the Central Valley of California, but it is also very important to the Nation as a whole.

We are undertaking an effort to put some common sense into the maintenance, management of our flood control system. It is not a broad-based bill; it does not go after all of the problems that we would like to fix with the Endangered Species Act, but it does go after one specific problem that we have had, and that problem is that the routine maintenance of our levee system has not been allowed to continue, has not been allowed to happen on a timely basis because of the implementation of this act the way that it is being implemented in California today.

Mr. Chairman, I yield 4 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the full committee.

Mr. YOUNG of Alaska. Mr. Chairman, the bill before us is H.R. 478, the Flood Prevention and Family Protection Act of 1997.

The Committee on Resources reported the bill to the House on April 10 by 29 votes, including 6 Democratic votes.

As my colleagues know, in the last Congress I made the reauthorization and reform of the Endangered Species Act a top priority of my committee. I am one of the few Members, in fact probably the second Member of this whole body, who voted for the Endangered Species Act in 1973.

I have supported the goals of the Endangered Species Act throughout my 25 years in Congress. However, as an early supporter I can tell my colleagues that today, 24 years later, I am sorely disappointed in the way that this law, with its good goal, has been abused by environmentalists, both in and out of our Government, who use this law not to protect wildlife and endangered species, but to control the use of lands. I believe the professional environmentalists have taken an extreme position on this bill, favoring beetles and their habitat over the protection of human life, property, and environment.

May I stress that in California, the big flood break that started there is because we were trying to mitigate where the Corps of Engineers said it had to be fixed, an area that had beetle habitat. And after 6 years they finally said: Yes, you can repair. After $10 million, we can repair the levee next summer. Guess what? The levee broke, as the Corps said it would break. Right here, right here is the statement, 6 years later the levee did break. We lost three lives and millions of dollars of damage done to private property and the agricultural base of California. Guess what? We even lost the elderberry bush. So what did we accomplish? Nothing.

Now, I am going to suggest to my colleagues that H.R. 478 by the gentleman from California [Mr. POMBO] and the gentleman from California [Mr. HERGER] is a solution to a problem. All it does is give us the authority to in fact maintain levees, maintain levees. My colleagues will hear later on today about an amendment that says great things but does nothing. In fact, it makes it worse than it is right now.

So I am asking all of my colleagues in this room to keep in mind my position. First, the process, the committee process, and second, do we truly cherish human life, do we cherish the property, and should we put up roadblocks under an agency with a law that cherishes beetles over human life? We lost the elderberry bush, we lost lives, in fact, we lost great amounts of tax dollars.

The amendment later on to be offered by the gentleman from New York [Mr. BOEHLERT] says yes, we can repair the levee after the break or we can repair the levee or work on it if it is in imminent danger right now. No one defines who spells that out. Nor in fact will it give us an opportunity to maintain a levee prior to.

I come from an area in California, originally born there, and I went through four floods. I am going to suggest respectfully, for those that say that this bill is gutting the Endangered Species Act, I ask my colleagues, did they vote for the Endangered Species Act? No. The gentleman from California [Mr. MILLER] did not vote for it; the gentleman from California [Mr. FARR] did not vote for it; the gentleman from New York [Mr. BOEHLERT] did not vote for it. I did.

I went through the hearing process. I knew what was intended. What we are trying to do is fix a small part of the Endangered Species Act and make it more logical and it can be applied to the protection of human life and property that must be protected. That is our responsibility.

Mr. Chairman, I urge a "no" vote on the amendment offered by the gentleman from New York [Mr. BOEHLERT] and very frankly a big "yes" vote on H.R. 478.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, I rise in strong opposition to this bill which would gut the Endangered Species Act. Make no mistake about it. The bill would, and I quote, exempt any maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility or structure, and it goes on and on.

□ 1445

H.R. 478 bears no resemblance to the benign, narrow bill its sponsors describe. H.R. 478 is advertised as a targeted response to an emergency situation. Yet, this bill would exempt from the Endangered Species Act any work at any existing flood control facility, even if there was no conceivable threat to public safety. Is a blanket exemption to the Endangered Species Act necessary to respond to or to prevent emergency? Obviously not.

H.R. 478 is advertised as a way to provide relief to communities that have suffered or will suffer from disasters. Yet, this bill is so broad that it would never be signed into law. Can a bill that never becomes law help a single person? Obviously not.

H.R. 478 is advertised as being pro-environment. Yet, this bill is vehemently opposed not only by every environmental group, but by such sportsmens' group as Trout, Unlimited, and by conservative wildlife management groups such as the International Association of Fish and Wildlife Associations. Would a pro-environment bill be opposed by the entire environmental community? Obviously not.

H.R. 478 is advertised as striking a balance between human needs and the preservation of wildlife, yet this bill would prevent any wildlife consideration from being taken into account in managing such areas as the Everglades or the Columbia River Basin, or the Colorado River. Can a bill simultaneously do away with wildlife considerations and provide any protection for endangered species? Obviously not.

The deficiencies in this bill are, indeed, glaringly obvious. We cannot ignore them simply because this bill is being proposed in the wake of tragic floods. This bill has little to do with responding to floods and everything to do with using them as political cover.

However, we must not be distracted by shouting "flood" in a crowded congressional Chamber. Does this mean that the Endangered Species Act does not need to be reformed? No. But today's debate is about emergency measures, not about comprehensive reform. Does this mean that Congress does not mean to make any changes to the Endangered Species Act in response to floods? No. But we respond with moderate, targeted, sensible solutions to real problems.

Mr. Chairman, we have to respond with moderate, targeted, sensible solutions to real problems, solutions that can get signed into law. I will offer a substitute that fits that description, a measure that will work as advertised.

Mr. Chairman, I urge my colleagues to read H.R. 478 to understand its expansive impact. We must not allow legitimate concerns about flooding to wash away 25 years of effort to preserve endangered species. We have better ways to protect human lives and property, the goal we all share. I ask my colleagues to oppose H.R. 478 and to support the Boehlert substitute.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I come to the well as an expert in what can happen when levees are not sufficient to withstand raging flood waters. Three weeks ago the city of Grand Forks went under. We have a city of 50,000, the second largest city in my State, which sustained hundreds of millions of dollars of damage. In fact, the Federal Reserve Board of St. Paul has estimated that the damage in Grand Forks and through the Red River Valley, the property damage alone is $1.2 to $1.8 billion.

Mr. Chairman, I believe an ESA exemption sufficient to address levee repair, where necessary to protect human life or prevent substantial property damage, only makes very basic sense. This body must evaluate and weigh conflicting priorities on critical issues like the one before us. Clearly we have to come down on the side of protecting human life. We have to come down on the side of preventing major property damage. We have to protect levees. Let us pass this bill, as amended by the gentleman from California [Mr. CAMPBELL].

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we are here as lawmakers. I will not disagree with anything that has been said by the previous speakers, but I think they have failed to read the law that they are asking the Members to adopt. That law as it comes to the floor says that consultation conferencing is not required for any agency for the reconstruction, the operation, the maintaining or repairing of Federal or non-Federal flood control projects, facilities, or structures. Then it lists the reasons why. But it also says it will also apply when it consists of maintenance, and including operation of a facility in accordance with previously issued Federal license, permit, or other authorized law.

What this says is that you no longer have to consult or confer with people when you are going to build a dam, when you are going to operate a dam, when you are going to build any kind of structure. Why is this consultation important? It does not say just in floods. It says any time, any time. It could be just clear, beautiful, sunny weather; ignore the endangered species, ignore the species, because endangered species goes into looking at all species.

I happen to represent a lot of fishermen. Their fish depend on water quality and water flows. What this is saying is that the farming interests here or the interests of those who maintain levees should supersede the rights of those who benefit from the water.

That is not what this Congress wants to do. The problem with this bill is not the intent, because I think the intent is supportable. The problem with this bill is the way it has been drafted and comes to the floor. It makes a hole so wide that nobody in their right mind would want to have these broad exemptions.

Mr. Chairman, I have been through those floods that the gentleman from Alaska [Mr. YOUNG] talked about. I am a fifth generation Californian. I was through the floods of 1986 in the Sacramento Valley, and nobody raised this issue. There was as much water in 1986 as there was this year.

I was through the floods in 1995, in the Salinas Valley. Do you know what? People said the river was not dredged because of the Endangered Species Act, but then they went back to the record and could find no proof there was ever any issue there with the Fish and Wildlife Service of any endangered species.

The water has something to do with floods. I do not think we an ought to blame it all on the species, and some of those species we use for commercial purposes, particularly the fishermen. I stand in opposition to this bill, in support of a strong commercial fishery industry, in support of a balanced approach to problem-solving.

If Members remove this, I will tell them what is going to happen. People are going to enter the opposition through lawsuits. The consultation process is to avoid lawsuits. It is to essentially mitigate disputes before they happen. If we want to exempt that in emergency purposes, then do it for emergency purposes, not just for all time, forever.

Therefore, the bill in its present state is just too broad. It needs to be amended. It needs at this time to be defeated.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. SMITH], chairman of the Committee on Agriculture.

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, now I remember why I retired 2 years ago. It has to do with the exaggeration of this place, and at times, the exaggeration of the issues. It seems to me reasonable people ought to come to reasonable concerns about the past, at least, and learn from them.

In 1996 there was devastation in California with floods, and the Corps of Engineers and others said, come forward here, look at what we must do. We must repair and maintain these canals, or we are going to lose people, lives, and property. That did not occur for many of the reasons that we have heard from the gentleman from California [Mr. POMBO] and others.

What happened? We had the devastation of another flood. We will have another one in the future. So I suggest to all of us here, we ought to take a look at the past and learn from it, allow us to maintain these canals. Why do we not think about human life, as well as we think of snakes and beatles, especially if we have somebody telling us we have human life at stake here. Hey, who are we protecting in this body, anyway, if we have the choice? We are going to protect more endangered species by this bill than we do without it. Why? What happens when we have a tragic flood? It is like what happens when you have a tragic fire. It burns everything, floods destroy everything. How many endangered species do Members think were lost in this flood of 1996? I recommend much more, many, many more than we would have protected had they given us this bill.

This bill saves lives, it saves endangered species, and it saves property. I thought that is what we were all about.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I rise today in strong support of the Fazio-Boehlert amendment. I supported this amendment in the Committee on Appropriations, and I think this is a real commonsense amendment. Basically, what it says is that any activity that is needed for the repair of flood control projects is exempted from the consultation process of ESA. But this amendment goes far beyond that. It says we are going to exempt any project anywhere in the country that is involved in flood control. That is an overreach. It is not what we should be doing here today.

Mr. Chairman, I happen to believe, I am a strong believer in the Endangered Species Act, even though up in my State we have had terrible problems with the marbled murrelet, the northern spotted owl, and salmon. But what we have done is worked with the Fish and Wildlife Service. We have had consultation, and we were able to work out solutions that protect the environment, that protect species. The Fish and Wildlife Service has already, in California, exempted the work that has to be done to fix the levees and do the repairs. Mr. Chairman, the underlying bill, frankly, is unnecessary.

Second, what in essence we are doing here today with the Boehlert-Fazio amendment is putting into statute what the Fish and Wildlife Service has already done, and which this administration strongly supports. That is going out there and doing the fixes that are necessary to help the people that are hurt.

This amendment goes beyond that and says any flood control project in the entire country is exempted from the Endangered Species Act. I am ashamed of the other side who presents this, because they tried this same thing last year and they were defeated when many Republicans, Republicans who would support the Endangered Species Act, deserted and stood with those of us in the House who believe we should have some concern about species.

We are a specie. The health of the ecosystem is important not only to the species, but also to the humans. In our long-term best interest, I think we are in better shape when we work with the agencies and come up with rational solutions. So let us not overreach, let us not try to use the floods in California to gut the ESA, let us legislate today carefully and competently. Let us accept the Fazio-Boehlert amendment, which gets to the heart of what needs to be done, without overreaching.

Mr. POMBO. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HERGER], the author of the bill.

□ 1500

Mr. HERGER. Mr. Chairman, today I wish to speak on behalf of my legislation, H.R. 478, the Flood Prevention and Family Protection Act of 1997. This legislation addresses a critical need that can be found in virtually every district in the United States. Not one area of this country does not possess some structure created for the sole purpose of flood control.

Levees and other flood control structures work well to preserve human life and animal habitat when they are properly designed, constructed, maintained, and repaired. If left unrepaired or improperly maintained, these structures have the potential of failing during flood events and imperiling human life and the environment.

This year alone, floods have devastated areas across the United States. Rising waters have taken lives and destroyed property in California, Nevada, Oregon, Washington, North Dakota, Minnesota, and the entire Ohio River Valley. Controlling these floods is a national responsibility that requires a national solution.

It amends the Endangered Species Act to allow flood experts to repair and maintain existing man-made flood control structures. The ESA was never intended to compromise human life, yet that is exactly what happens each time a levee or other needed flood control project is postponed or delayed due to extensive and costly regulations mandated by the ESA.

Since 1986, after devastating floods weakened levees along the Feather River in my northern California district, flood control officials near the community of Arboga, CA, attempted to repair and reconstruct their failing levee system. In 1990, a U.S. Army Corps of Engineers report determined repairs should occur on the Arboga levee as expeditiously as possible, stating, "Loss of life is expected under existing conditions, without remedial repairs, for major flood events."

Despite this acknowledgment, more than 6 years of mitigation passed before permission was finally granted to begin repairs in the summer of 1997. Unfortunately, it was too late for the residents of Arboga. Levee officials were required to spend 6 years, and on January 2, at 12:20 a.m., the levee broke in the very location predicted 7 years earlier.

We have a photo of that. As you can see by this photo, a levee failure is a traumatic event. Homes are lost, property is destroyed, and critical habitat is irreparably damaged. More importantly, human lives are put in jeopardy and often lost.

The levee break at Arboga took the lives of three people. The first was 75-year-old Claire Royal, a retired elementary school teacher who had taught school for 20 years at Far West Elementary School and Beal Air Force Base.

The second was 55-year-old grandmother Marian Anderson. Marian was also the wife of levee manager Gene Anderson, who, ironically, was out inspecting other portions of the levee when his wife was drowned.

The third person that drowned that night was World War II veteran Bill Nakagawa. Bill had served in World War II with the famed and distinguished Japanese-American 442d Combat Team of the U.S. Army in the European Theater. He was found in his home one-quarter mile away from the broken Arboga levee.

Thirty-two thousand other people were driven from their homes, 25,000 square miles of property and critical habitat were flooded, and more than 600 head of livestock, cows and horses, were drowned.

If H.R. 478 had been in place, this tragedy could have been avoided. Repairs would have been allowed to begin back in 1990 when the critical nature of the levee's condition was first noticed. Instead of proceeding directly with construction, however, officials were required to spend 6 years and more than $10 million on studies and delaying mitigation that was eventually washed away in the January 2 floods.

This example occurred in my district in northern California, but the same thing could happen virtually in every other district across the United States. All it takes is a flood control structure and a listed species. Necessary and require repairs and maintenance will be delayed.

I urge Members' support of this legislation.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I thank the gentleman from California for yielding me the time.

Mr. Chairman, I think all of the Members in the Chamber to one extent or another believe in the provisions of the Endangered Species Act. Whether you think that it is exactly right or whether you think it is mostly right, most of us do agree that there is a need to protect certain species that are either threatened or endangered.

The problem with the bill of the gentleman from California [Mr. HERGER] is that those projects which it exempts tend to be where many endangered species live. That creates a very difficult situation for those of us who would like to maintain a balance in the endangered species area, simply because the exempted projects and the exempted parcels of land are the home for many of these species. So that makes it very difficult.

I know my good friend, the gentleman from California [Mr. CAMPBELL], has some language which he will offer later in the form of an amendment which moves toward changing the situation somewhat. He adds the language that says that the exemption will be in effect where necessary to protect human life and to prevent the substantial risk of serious property damage.

I wish I could support the Campbell amendment. However, by the very nature of the location of flood control projects, they are built to protect from the risk of substantial damage to property, life, and limb. And so I would suggest to my friend, the gentleman from California [Mr. CAMPBELL], that his language simply maintains the status quo as contained in the Herger bill and does not really have the effect that I know he intends it to have.

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, my amendment would apply to the broadest part of the Herger-Pombo bill. What it would do is to take it from, I think, a very broad and too broad expansion down to the specific case, "where necessary to protect human life or to prevent the substantial risk of serious property damage." In that sense I believe it is really quite limiting. I confess, although it might have been because I did not hear all of the gentleman, though I tried, that I do not understand his point, in what sense my amendment was inadequate.

Mr. SAXTON. I contend, Mr. Chairman, that flood control projects are built only where there is a risk of significant loss of property, life, or limb. Therefore, the gentleman, by exempting only those projects which fall under that category, by nature of the definition exempts all of the projects that the gentleman from California [Mr. POMBO] exempts in his original bill.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I represent the State of Louisiana, which drains about 43 States. The district I represent sees the water coming through every year. Every year the water in the Mississippi River alone rises above the level of the inhabitants of the city of New Orleans by about 17 feet, 17 feet below sea level. In the case of a hard flood, hurricane conditions, we are told we could expect 27 feet of water in New Orleans if we do not protect our levees.

The choice you will face today will be a choice between making sure that the very precious funds available for the reconstruction, maintenance, and repair of existing levees and facilities designed to protect human lives, that those precious funds are in fact spent to do that. Or the choice will be to adopt the California solution.

This is the California problem. This is the set of regulations that levee maintenance people have to undergo in California in order to repair a levee. Testimony after testimony was heard at our committee of levee managers, both those who represent the State and local levee boards and those on Federal projects, who tell us that time and time again the precious dollars available to repair those levees had to be spent on mitigation projects demanded by the Fish and Wildlife Service and the Interior Department, projects that took those precious dollars away and, more important, took the time away from those necessary repairs. The gentleman from California [Mr. HERGER] read us the results: human lives lost, massive flooding.

Let me put it as clearly as I can to my colleagues. We will have a choice between an amendment that seeks to give America the California problem, the Boehlert amendment will simply codify this Federal solution in California and give it to Louisiana and the rest of the Nation, or a choice to say very simply that endangered species, yes, ought to be protected but not with levee board funds, not with funds designed to repair and rebuild and fit levees to protect human lives.

Whether we are for protecting animals and plants and the endangered species or not, and I think we all are, we ought to be for the proposition that when precious dollars and time is available to save precious human lives, that it ought not be spent on other worthwhile things. That money ought to go to build levees and repair them and keep people safe. If we vote today to put this California problem in place for the rest of America, we will be condemning citizens of this country to death and property to destruction all over this country.

We in Louisiana depend upon levees. Every Member of our delegation, Democrat and Republican, has signed onto the Pombo bill. Every member of our delegation, Democrat and Republican, urban and rural, understands how critical maintenance of levee construction projects, maintenance of levee facilities are to the health and safety of our communities.

The city of New Orleans today is protected by something called a Bonne Carre spillway. It is a set of gates that open up water from the Mississippi River and spills it out into Lake Pontchartrain. Do we like doing that to the lake? No. We do it to keep the water levels down because in New Orleans today, if you go to our fair city, you will see ships plying the Mississippi above the level that people live. We need to pass the Pombo bill, defeat the Boehlert amendment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy. I do agree with my colleague the gentleman from Oregon [Mr. SMITH], that we ought to learn from the past. But I am afraid that debate here today is largely beside the point.

First and foremost, the bill today addresses something that simply is not a problem. The information I have received from my State, and we know something about flooding; if it is not wet, if we are not under water, we are wet in Oregon. We have had lots of flooding. But we have had our experience that the opportunities under the ESA right now, the emergency consultation, do provide adequate provisions in dealing with problems. To the extent that we think that it needs clarification, the amendment offered by the gentleman from New York [Mr. BOEHLERT] and the gentleman from California [Mr. FAZIO] here will address that.

But I think the arguments that we are hearing today are reinforcing a tragic notion that somehow we are going to engineer our way out of the flooding. We have spent billions of dollars treating our water systems as machines and there is the notion, the false notion, that somehow by passing more levee construction, more money, that we are going to stop it. The fact is there are only three things that we should do to try and learn from the past, that will make a difference.

First and foremost, we should stop having people build in harm's way and help move people who are there out, rather than spending money time and time again to rebuild where God does not want them.

Second, we have to stop relying on building new dams and levees which simply make the problem worse, move the problem downstream. Why has the State of California had three floods of the century over the last 111 years? It is not getting better after $38 billion.

And, last but not least, when we have paved 53 percent of the wetlands in the lower 48 States, you do not have any place for this water to go. It still comes down and we have floods. For heaven's sake, people who have simplistic ideas that we can go ahead and continue to pave our wetlands are sadly mistaken. Without changes in our thinking, we are going to continue to be wasting lives and money and coming back year after year with these sad, sad presentations.

I urge adoption of the amendment offered by the gentlemen from New York and California.

☐ 1515

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY of California. Mr. Chairman, I rise in support of the Pombo-Herger legislation and in opposition to the Fazio-Boehlert amendment.

I believe very strongly that we have an opportunity to make a responsible modification to our Endangered Species Act to ensure that we can establish that balance in terms of how do we protect the health and safety of people and the economic livelihood of many of our communities, at the same time not unduly endangering many endangered species.

A lot of people have to keep in mind that a lot of these flood control projects and levies were established, they had to go through a NEPA process, had to be developed in accordance with the Endangered Species Act, had to provide mitigation at that time. And now all too often we are finding for them to do the ongoing maintenance of these projects is that Fish and Wildlife, unfortunately, is asking them for additional mitigation just to maintain the projects that were built according to the NEPA and according to our environmental laws. What we are asking here is just, I think, a responsible step forward.

I would also point out that I think this is actually going to result in environmental enhancement, because if we have a flood control district and a levy district that knows that they can maintain their levies, that they will not be threatened if they allow for habitat to be established, they do not have that incentive to go out and sterilize these.

I think the Pombo-Herger legislation is a responsible step forward, and I urge its passage.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Colorado [Ms. DEGETTE].

Ms. DEGETTE. Mr. Chairman, I rise today in opposition to H.R. 478, a bill which would gut the Endangered Species Act and which would be disastrous to imperiled species and ecosystems.

It is inconceivable to me how blame has been placed so readily and so callously on the Endangered Species Act for causing and aggravating the recent flooding in California. This is simply not the case. Rather, a shortage of funds, design flaws, and water management practices all contributed to this flood damage.

This bill exempts the reconstruction, operation, maintenance, repair, rehabilitation or replacement of any flood control facility from the requirement to protect endangered species at any time. Any activity related to a flood control facility, such as dredging, would be exempted from these requirements.

It is here, however, that the legislation's true effect is revealed. The ESA exemption to flood control facilities is permanent. As a result, the exemption would not have to be examined within the wider context of the total ESA provisions.

Currently, protection for endangered species is distributed equally among all parties which impact that species. This bill would remove flood control activities from the responsibility and shift it to others. That is why I support the substitute amendment. I urge my colleagues to do so, and I urge them to oppose this inaptly named legislation.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I want to engage the gentleman in a colloquy to clarify the intent of the amendment to section 7(A)(5)(B) and sections 9(A)(3)(B), which allows maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control facility, including operation of the facility in accordance with a previously issued Federal license, permit or other authorization.

Would it be the gentleman's understanding that these types of facilities are operating under authorizations which were granted after passing environmental reviews necessary at the time of the project, facility or the structure was built?

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, I would say to the gentleman that, yes, that is my understanding.

Mr. LEWIS of California. With regard to that same language, is it the gentleman's intent that when these licenses or permits expire these types of facilities will be fully subject to the provisions of the Endangered Species Act just as any other similar facility seeking a license, permit or authorization?

Mr. POMBO. Yes, that is my intent.

Mr. LEWIS of California. With regard to the reconstruction, repair, operation and maintenance of flood control facilities, is it the gentleman's understanding that replacement work would not extend beyond the physical footprint of the original project, facility or structure?

Mr. POMBO. Yes, that is my intent.

Mr. LEWIS of California. Mr. Chairman, I appreciate the gentleman clarifying that.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I thank my colleague for yielding me this time.

After the disastrous floods of this winter I came back to Congress not only intent on finding the funds in the supplemental appropriations bill to deal with the needs of the constituents that those of us in the Central Valley of California represent, but to deal with the Endangered Species Act so that we could put the system, the complex flood control system, back in place by next winter.

I took an approach which was consistent with the advice I was given from the chairman of the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], and the chairman of the Subcommittee on Energy and Water Development, the gentleman from Pennsylvania [Mr. MCDADE], and that was to come up with an amendment that would not be controversial and in some way impede the passage of the supplemental appropriations bill.

We drafted language that dealt with the emergency up through the end of next calendar year and provided, in addition, for special procedures if imminent danger to life and property were to occur. That language was adopted unanimously by the Committee on Appropriations after some fine-tuning. It was expanded to cover the entire country at the request of the gentleman from Louisiana [Mr. TAUZIN] and the gentleman from Mississippi [Mr. PARKER].

I now find we are having a vote on a separate standing authorization bill, which I believe is really a vote on what language will ultimately be added to the appropriations supplemental when it finally comes to the floor, probably next week. There is no real hope of this separate bill going to the President.

The language that the gentleman from California [Mr. POMBO] is advocating has explicitly been opposed by the administration and a veto has been threatened. Just today, after a number of weeks of conversation, we were told they would accept the language that the Committee on Appropriations passed unanimously that the gentleman from New York and I bring forward today.

I want to deal with the art of the possible. I want to deal with the immediate problem that our constituents face, and that is to get the flood control system they have helped pay for over a long period of time—along with the Federal taxpayer—back to a point where they can feel protected.

I understand the need to thoroughly review the Endangered Species Act. I would like to see it brought to the floor in totality. I would like to see us work our will on changes that are required in it, not just single-shot changes like this one. I hope that can be accomplished in this Congress. But I do not want this very hot issue, where emotions are obviously boiling over, to impede the approach that I have taken, which will be signed as part of the supplemental, which will help the people that I represent just as the two gentlemen from California, Mr. POMBO and Mr. HERGER, and others do.

If this Boehlert amendment that has come from the Committee on Appropriations, which it passed unanimously, can pass this floor, it will be signed into law. But if the Pombo bill that is before us today is somehow to survive this process and go to the President as part of the supplemental appropriations effort it will bring down the entire bill; not a result that helps the people of California who have been victimized by this flooding. I, therefore, support the Boehlert substitute.

Mr. POMBO. Mr. Chairman, I yield 1 minute and 15 seconds to the gentleman from California [Mr. RADANOVICH].

Mr. RADANOVICH. Mr. Chairman, I rise to support of H.R. 478, the Flood Prevention and Family Protection Act of 1997.

Flood control is a necessity, not a luxury, and unfortunately opponents of the measure see the world much differently. A recent letter from the environmental lobby, which is opposed to this legislation, stated:

> H.R. 478 would give dam-managing agencies * * * carte blanche to destroy aquatic wildlife in the name of flood control.

Does anybody really believe this is what these local decisionmakers have in mind? This kind of extreme rhetoric is a symptom of the controversy surrounding the current environmental debate. If we are ever going to address today's environmental problems, we can no longer rely on yesterday's solutions.

The proponents of the status quo, I believe, are less concerned about protecting endangered species than they are in giving up Federal control of environmental decisionmaking to local authorities. How many species survived the recent levy washout in California? How much habitat was destroyed? How many people died?

The proponents of H.R. 478 are not opposed to species protection; they are simply opposed to policies that undermine our ability to protect people from the dangers of floods.

This bill makes a commonsense change in the Endangered Species Act to help prevent flooding before it occurs, not just in dealing with it after. I urge my colleagues to support H.R. 478.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yieldin me this time.

I would like to list a number of things here. Everyone here wants to save the lives of people, and everyone here wants to put people out of harm's way, and I would assume that everyone here wants to understand the natural mechanics of the flow of water and the mechanics of creation, how things work.

No. 1, this area in California is already exempted as a result of section 7 of the Endangered Species Act from consultation. This area declared a disaster is exempted from the Endangered Species Act.

No. 2, the amendment of the gentleman from New York, [Mr. BOEHLERT], goes a little bit further than already existing law to ensure that repairs are made at least by December 1998, and it can be extended beyond that.

I am going to amend the Boehlert substitute by ensuring that we have some sense of understanding as far as what maintenance means and the cost of mitigation.

Now, the present bill on the floor, whether it is the present bill or whether the present bill is amended by the gentleman from California, [Mr. CAMPBELL], exempts in a blanket manner the Corps of Engineers from ESA consideration in the following areas: Dams, reservoirs, erosion control, beach replenishment, levies, dikes, walls, diversion channels, channel operations, draining of agricultural lands, you name it, the list goes on and on and on.

Now, the issue here is an emergency. We are dealing with an emergency with the present law. With the Boehlert amendment we will ensure that what we see here will be repaired. But I want my colleagues to take a close look at what they see here. We see levies, we see when levies fail they cause great problems in the other picture.

The problem is, as far as I am concerned, and we are missing the mark in this debate, is that we are dealing with, at least, a 500-year-old engineering design. That design is called levies. Most of the levies in the area of California were built 100 years ago. In 1997, we have better engineering skills. Levies, by their very nature, increase the level of the water and increase the speed of the water. Levies exacerbate upstream and downstream flooding. Levies fail because they conflict rather than conform to the natural processes of the water.

A gentleman earlier, from Oregon, said that if we had more areas where the water could meander into, more wetlands, then we might have nuisance flooding every once in a while, but the problem is when we channel that water and speed up that water and we raise the level of that water, not only do we have flooding, we have major flooding. And not only do we have major flooding with this faulty design of levies, we have human misery.

So, it is about time that we have some sense of understanding as to the construction of these levies. My fear is that if we pass the bill in its present form or even with the Campbell amendment, we will once again give people the false impression that levies will protect their lives and property, and that simply is not true.

Levies, by their very nature, the design of levies are going to fail, whether they have been maintained or whether they were some of the best levies and they met all the standards. I think if we look at the levies in this picture they look like they are pretty well maintained, the grass is cut, we do not see a lot of bushes. Whether this was the best maintained levy in that district of California or whether it was the worst maintained levy in that district of California, levies are designed to fail, and if we bring the people of this country some tranquil sense that we are going to protect them, this bill will not do it.

□ 1530

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. I thank the gentleman from California [Mr. POMBO] for yielding time.

The bill that was offered before us will be amended in a manner that has been described by a number of speakers. I would like to take a moment and say what my amendment does. It limits the Herger-Pombo bill to those existing projects, so it is not for all new projects as has been said; it has to be for existing projects only, that previously have received a Federal license, and then this qualification: "where necessary to protect human life or to prevent the substantial risk of serious property damage."

I do not know what sort of a project my colleague would like to delay where its purpose is to protect human life and to prevent substantial risk of serious property damage. That is a very narrowing amendment. It makes Herger-Pombo much more constrained to a real case of need. I just cannot see who would be opposed to letting a project go ahead where it fits those criteria, necessary to protect human life, or to prevent the substantial risk of serious property damage.

Finally, on the Boehlert amendment, which we will vote on in a bit, bear in mind that that amendment only applies to imminent threats. Oftentimes we know the river is going to rise, but it is not rising yet. For that reason we need Herger-Pombo as amended by my amendment.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, H.R. 478 is an extreme and environmentally dangerous bill that expands the waiver of the Endangered Species Act requirements to a broad range of non-emergency situations. This bill would allow for an ESA waiver for the daily routine maintenance and repair of any existing flood project anywhere in the Nation. This exemption would apply to all projects, Federal and non-Federal, at any time regardless of flood threat.

H.R. 478 would subject large tracts of land to environmental hazards and damage by denying them the protection of the ESA. The Boehlert-Fazio substitute is a bipartisan substitute that is in response to this excessive measure. The substitute allows for ESA exemptions to true emergencies including prospective emergencies. H.R. 478 proposes extreme sweeping changes to the ESA legislation, changes which I cannot endorse. The Boehlert-Fazio substitute allows us to address emergency repairs and gives us the opportunity to debate broader ESA issues at a later date. I am very much in support of the Boehlert-Fazio substitute for this reason.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Chairman, there are lots of Americans who work hard every day to make ends meet and spend their weekends with their kids or work in the yard who are searching for a little bit of common sense to come into government programs. I do not know if there is a clearer example of where a dose of common sense is needed than in this bill. There are levees that need to be fixed. Many of them will not be fixed without this bill, at least not fixed in time to stop the devastation. If they are not fixed, then not only are people's homes destroyed or lives lost, but the habitat is also destroyed of the animals and plants that we are trying to protect.

The base bill, I think, is the least that we can do that will make a difference in people's lives. If we wait under the Boehlert amendment until the water comes rolling down the canyon, it is too late at that point to do anything to save them. It makes sense to maintain the levees to prevent the flooding, to begin with, rather than wait until it gets into that situation and then try to run in and come to the rescue. This is a dose of common sense, and it is the least that we can do to save this badly flawed legislation.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I am from a State that was very hard hit by flooding this past winter. As a result, I am very concerned about anything that might be responsible for costly damages my constituents had experienced. So I called Oregon's Governor's office. I asked him to find out whether the Endangered Species Act had in any way contributed to the flooding in Oregon. The answer was a resounding no.

Let me read from a letter from the director of Oregon's Emergency Management Department, quote:

> As the director of the State's emergency management agency, I want to let you know that consideration of endangered species has not caused unreasonable delays in implementing flood recovery in Oregon.

She went on to say:

> The ESA includes an emergency consultation process. Consultation by telephone usually allows emergency response to proceed with the least disruptive action.

In other words, the Endangered Species Act does not cause or exacerbate flood damages in my State. The bill is not needed.

But there is something worse about this bill. Not only will it not help prevent flood damages, it will cause a huge unintended consequence. That consequence is further loss of fishing jobs in our beleaguered sports and commercial salmon fishing industry.

Let me read from the Pacific Coast Federation of Fishermen's Association, that said about H.R. 478: "The ESA is a necessary tool for West Coast salmon recovery. A blanket exemption of this sort would lead to widespread extinction of large portions of the Pacific salmon fishery industry. Such a categorical exemption," as is in this bill, "grants a license to kill this Nation's valuable aquatic resources."

They go on to say that this is hidden ostensibly in the name of flood control. Mr. Chairman, I want to tell my colleagues that this license to kill will kill jobs in my State. It will kill jobs on the West Coast of this country. It is a bad bill. It is hiding the Endangered Species Act under this emergency. It is not a flood control bill. Vote "no" on H.R. 478.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. I thank the gentleman from California for yielding me time.

Mr. Chairman, debates like this make me wonder what we are doing here. I thought this was a House that put together laws that represented the people. I thought there was a phrase once said that laws were to be made of the people, by the people, and for the people. It seems that this debate is trying to tilt to laws of the beetle, by the beetle, and for the beetle. That is the debate, Mr. Chairman. Are we going to expend all kinds of resources and human energy to protect a beetle, or are we going to remember the people in this debate? Are we going to remember Bill Nakagawa, an 81-year-old very distinguished World War II veteran and hero who risked his life to fight for life of the humans, property of the humans, and Bill Nakagawa died in this flood in California.

Mr. Chairman, it is time we get our priorities straight in this debate.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Chairman, I want to join my colleagues in strong support for H.R. 478. This bill is probably the most commonsense solution and needed piece of legislation that I have encountered in the 105th Congress.

Earlier this year, several States experienced severe flooding, including my State, the State of Nevada. Many people's lives and futures were put in jeopardy or lost because levees did not hold. The underlying question behind this is why. The reason is clear. Several of the levees were not adequately maintained or repaired to properly contain the water because of these very same governmental regulations.

H.R. 478 applies commonsense solutions to the Endangered Species Act when the act affects flood control projects. Let me state that the current law only allows the waiver of the ESA after a disaster happens. H.R. 478 amends the law to allow maintenance activities on flood control facilities to take place before a disaster strikes, not afterward.

Mr. Chairman, human life cannot be balanced against the life of a beetle or any other non-human species.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. HILL].

Mr. HILL. I thank the gentleman for yielding this time.

Mr. Chairman, the debate has been a little bit confusing here, but, simply stated, H.R. 478 places protection as a priority above redtape. When confronted with the need to make repairs to our Nation's flood control structures, delays can be fatal to people, to wildlife, and to the environment. Flood control structures work to preserve human life and animal habitat. It is important to everyone that they are properly designed, properly constructed, and maintained and repaired. If they fail when left unrepaired or improperly maintained, people, habitat, and the environment all lose.

Mr. Chairman, this bill is a commonsense approach to maintaining existing flood control facilities when there is a direct threat to public safety and human life. I urge my colleagues to support it.

Mr. POMBO. Mr. Chairman, I yield 1¾ minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Chairman, the eastern border of my district has 200 miles of Mississippi River frontage. I can tell my colleagues that when the Mississippi River floods, the wildlife head to our levees. If we are going to talk about truly protecting wildlife, then I think the best way to do that is to have a levee that is structurally sound, well-maintained and able to withstand the extraordinary floods that we have had in the past few years.

Our levee boards, our drainage districts that work on a daily basis to maintain these levees, who touch and see and feel and who actually have some experience with the levees, oppose the Boehlert amendment and support H.R. 478. These folks have to face the daily threat of the Department of Interior and the EPA swooping down on them because they disturbed wildlife while doing some sort of general maintenance work, all in the name of endangered species. If we cannot do preventative maintenance, then the levees fail and we do not protect anything. As a matter of fact, our Department of Conservation every 2 years has to spend $1 million to put the wildlife habitat back together. If the levees were intact, that would not be the case. That is just taxpayer dollars. If we cannot do preventative maintenance, the levees will fail, we will not protect anything, we will not save the communities, the people in those communities or the birds, the fish and the beetles. We have to be able to perform maintenance that prevents levee failures. As the gentleman from Nevada [Mr. GIBBONS] says, current ESA provisions allow repairs only after natural disasters have begun to destroy human life and property and only after the President declares this a Federal disaster area.

I urge support for H.R. 478. Let us put people first for a change.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania [Mr. PETERSON].

Mr. PETERSON of Pennsylvania. Mr. Chairman, we have heard again and again today that H.R. 478 guts the Endangered Species Act. Is that true? Does it open the floodgates? I have listened to the evidence and the answer is no, no, no.

The Endangered Species Act is very important when we build levees, when we build dams, how we locate them, how it is going to affect creatures and people and protect people. But today we just want to maintain them. We want to keep them working so they perform what they were built to do.

The Endangered Species Act bureaucracy has failed us with endless delays. It has not worked. Does it open the door? No, we only can use it when there is critical imminent threat to public health and safety or to address catastrophic events, to make sure that our structures work.

I have listened to this debate carefully. There has been no evidence given that we are gutting the Endangered Species Act or endangering it in any way. It is a common sense bill brought about by the failure of the bureaucracy that has enforced the Endangered Species Act to prevent us from just repairing the structures that have been built to protect this country.

Mr. MILLER of California. Mr. Chairman, I yield 30 seconds to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I have been on the Interior appropriations subcommittee for 21 years and when the new Republican majority took over, one of the first things they did was cut out the money for the work that is necessary under the Endangered Species Act.

□ 1545

It was gutted in our committee, and the reason they are having difficulty in getting consultation done and other work done on the ESA is because they cut out the money for the bill, the money for the work.

Now if my colleagues are truly sincere about what they are trying to do today, they would offer an amendment to put the money back in so they could do the consultation.

Mr. POMBO. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I rise in support of the Pombo bill. Unfortunately, in the areas needing flood control facilities the maintenance of these facilities have been compromised by excessive mitigation requirements. While I and most of us do not quarrel with the need to take strong measures to conserve endangered species, we strongly disagree with placing species conservation priorities above flood control projects.

Mr. Chairman, what we need to be doing is trying to fix levees, streams, before we get to a flooding stage, and we think that what Mr. Pombo's bill does is allow us to protect the people in those areas. Let us fix those levees and streams, let us get to doing the job of doing that, and in doing that we think in the long term we will save species and we will save human life and property.

So, I would urge all my colleagues to support the Pombo bill, and I would congratulate him on this effort.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have heard a lot of reasons why we should gut the Endangered Species Act with this legislation. Unfortunately, most of them just turn out not to be true. We are told that the floods in northern California in the Yuba City area happen because of endangered species. But listen to what the Sacramento Bee, the newspaper of record, tells us, and what the Corps of Engineers tells us, and what the Fish and Wildlife Service tells us.

The fact of the matter is the Fish and Wildlife Service signed off on that project in 1990, 1992, and 1994, but what happened? The local agency came in and asked that it be delayed so it could be built larger. Then the person who lost the bid came in and sued and delayed the project. That is why the project, it had nothing to do with endangered species.

We are told that somehow the floods in central California happened because of endangered species, that the lower San Joaquin failed. We had levees that were designed for 8,000 cubic feet per second; that had 80,000 cubic feet per second come through there in a flood, 10 times the amount of water. These were perfectly maintained levees, according to the Corps of Engineers. They failed because 10 times the amount of water.

The Coachella bypass, 10 times the amount of water that that levee was designed for came through that river and blew out those levees. Those levees were perfectly maintained, according to the Corps of Engineers.

What we have here is a ruse. The same coalition that brought us the repeal of the Endangered Species Act from our committee last year is bringing this to the floor. The same coalition that brought us logging without laws that almost devastated the forests of this country now brings us levees without laws. This is nothing more than to blow a hole in the Endangered Species Act that far exceeds the holes blown in the levees by 10 times the amount of anticipated water.

Historic floods, historic amounts of water, but what is their answer? Their answer is to repeal and exempt large, integrated, publicly subsidized water projects from any compliance with the Endangered Species Act, and that should not be allowed because the record is clear. Nobody can point to the Endangered Species Act in this case of suggesting that is why these levees broke. That is not what the corps said.

But the most important point is this. Mr. BOEHLERT's amendment allows all of those levees to be fixed, and it allows all of those levees to be maintained in anticipation of an eminent threat to health or safety. That is Mr. BOEHLERT's amendment. We do not have to blow a hole in the Endangered Species Act to take care of this problem. This problem will be taken care of by the substitute offered by the gentleman from New York [Mr. BOEHLERT] and the gentleman from California [Mr. FAZIO].

More importantly, that substitute will be signed into law. The rest of this is an interesting exercise, but the President has already said he would veto it.

So the point is this: The evidence is clear. These levees failed, these well-maintained levees failed, because of 10 times the amount of water blew through these levees than was anticipated before, and that was true up and down the State of California. And when the gentleman from Louisiana [Mr. TAUZIN] waves that book of regulations, that is California law, that is not Federal law.

Mr. POMBO. Mr. Chairman, I yield 10 seconds to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I just want to refute what the ranking member said. We did not repeal the Endangered Species Act, nor did we attempt to. We tried to rewrite it without any help from the minority at all, and this administration has been asked many times, and they sit on their fat never mind. No, I am not yielding any time. The gentleman said we repealed; we did not. We tried to do what is right.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in conclusion on the debate, I would just like to say that the point is we have drafted a bill which is designed to allow routine maintenance and operation of the levee system in California. That is what it is designed to do.

We have heard a lot of statements that have been made here today which are factually untrue. It does not gut the Endangered Species Act, it does not blow a hole in the Endangered Species Act; none of that is true. What it does is it allows regular routine maintenance of the levee system to happen on a timely basis. That is what it allows.

Mr. Chairman, the entire levee system was built to protect peoples' lives and property. Why do our colleagues find it so difficult to put that as a priority of the levee system? Is it so difficult for them to place people as the No. 1 priority of our levee system, of our flood control system?

Mr. Chairman, this is a simple bill that has a targeted, very narrow problem that we are trying to correct. That is what we are after at this time. All of the stuff we keep hearing from the minority really is just an effort to block passing on control to the local district managers and giving them the opportunity to manage their levee system.

Mr. BISHOP. Mr. Chairman, the Flood Prevention and Family Protection Act before us today provides an opportunity to restore a small amount of critically needed balance to the Endangered Species Act.

The Psalmist raises the question:

> What is man, that Thou art mindful of him? . . .
>
> For Thou hast made him a little lower than the angels, and hast crowned him with glory and honour.
>
> Thou madest him to have dominion over the works of Thy hands;
>
> Thou hast put all things under this feet.
>
> All sheep and oxen, yea, and the beasts of the field;
>
> The fowl of the air, and the fish of the sea, and whatsoever passeth through the paths of the seas. . . .

This bill gives this body an opportunity to clearly state what a majority of my constituents believe: the preservation of human life should take priority over the preservation of endangered species.

In July 1994, the Flint River in my State of Georgia flooded. Several lives and substantial property, including cropland, were lost in that flood.

If a local flood control official in Georgia needs the flexibility to prepare for a future flood on the Flint River, I want that official to have the flexibility needed to do what it takes. I do not want the Endangered Species Act to stand in the way of protecting the lives and property of the people I represent.

It is only common sense that any major flood is devastating to every plant and animal in its path.

Let's not be fooled into believing that an otherwise preventable flood will not further endanger the very plants and animals the Endangered Species Act was designed to protect.

Mr. LEVIN. Mr. Chairman, I am adamantly opposed to H.R. 478. This legislation is a transparent effort to gut the Endangered Species Act.

Supporters of this bill would have us believe that the Endangered Species Act was somehow responsible for the tragic floods that occurred earlier this year in the Midwest and California. There is simply no evidence to support their claim that the Endangered Species Act was in any way linked to these events. Both the Interior and Commerce Departments have emphatically stated that there were no cases where it could be demonstrated that the implementation of the Endangered Species Act caused any flood structure to fail. The truth is that the floods in California and the Midwest were the result of storms that were unprecedented in recent history. Reservoirs and levees were simply overwhelmed.

It should be noted the Endangered Species Act already contains emergency waiver provisions that permit the President to grant exemptions to ESA regulations in major disaster areas.

The legislation before us would undermine the basic protections of the Endangered Species Act. H.R. 478 would prevent species protection from being taken into account at any existing dam, levee or flood control project, even in cases where there is no conceivable threat to public safety.

Earlier this week, I received a letter from the sponsor of this legislation that contained a picture of water pouring over a breached levee with the admonition, "Let's work to Prevent this from Happening. Support H.R. 478." I wonder that the author of this letter did not also attempt to link the Endangered Species Act to last summer's crash of TWA Flight 800 or, for that matter, the sinking of the Titanic. Even the name of this bill is misleading. The "Flood Prevention and Family Protection Act" will neither prevent floods or protect families.

We should do everything humanly possible to reduce the possibility of future flooding. To that end, we must look to the real causes of these disasters. We should not use these tragedies to undercut the Endangered Species Act. I will support the substitute offer by Mr. BOEHLERT which allows repairs to flood control projects to go forward anywhere there is an imminent threat to human lives or property. Should the Boehlert substitute fail, I urge the defeat of H.R. 478.

Mr. MILLER of California. Mr. Chairman, the assault on the basic environmental laws of this country is underway once again on the floor of the House of Representatives. Some 2 years ago, it was the "logging without laws" rider that legitimized devastating timber practices in utter disregard for the Nation's environmental protection and resource management laws.

Now we are presented with H.R. 478—the "levees without laws" proposal. This legislation pretends to be responsive to the victims of recent flooding, but its provisions go far beyond flood relief.

"Levees without laws" pretends to promote protection of families. But it really protects those who would sanction the permanent management of dams and other facilities without regard for the ESA, regardless of any danger of flooding.

We are once again being asked to legislate by anecdote: A Member cites a case where a levee failed, although there is plenty of doubt—and no real evidence—that the ESA had anything to do with that failure. And off we go: waiving the ESA on every flood control facility, anywhere in America, for repairs, reconstruction, maintenance, whatever; not just for this flood season, not just for imminent flood threats, but for any reason, and forever.

Let me tell you how far-reaching and damaging H.R. 478 would be, because the impact of passing this bill will not only be on the endangered species. It will be on your water districts. On your constituents who enjoy fishing. On commercial fishing operations. On logging companies and employees in your districts. On the economy of towns and counties you represent.

This bill doesn't wipe out the ESA, much as its sponsors would like to do. It just creates a great big exemption for levees and dams and other flood control facilities. Let me tell you what that means. If these projects are excused from making their contribution to ESA protection and mitigation, the whole burden is going to pass to those further downstream whose actions may impact on the species. The flood control district may escape its responsibilities, the farmer may escape his responsibilities. But that means that all the more impact will be felt by those other individuals, businesses, and activities that also affect the species.

This is directly contrary to the way we have been moving in species management protection. In California, where few have thought there was much chance for it, we have brought irrigators and cities and environmentalists and fishermen together and pounded out agreements on how to apportion water and how to manage our resources. It isn't easy and it doesn't always work quickly; but everyone stays at the table and negotiates because they know their interests are best protected by their being there and participating.

But H.R. 478 tells the levee districts and the flood control districts: You're free to do whatever you want that affects endangered species, as long as you can call it maintenance or repairs or operations. You get to get up and walk away from the table, and pass all those responsibilities and burdens on to other people and economic interests in your community.

You alone do not need to consult with anyone else; you do not need to participate in the species protection program, even though excusing you may well double or triple the burden for the logging industry, or municipalities, or the fishing industry, or the recreation industry.

This isn't speculation; this is what is going to happen if we exempt maintenance and operational requirements of dams to protect endangered fish, like salmon in the Pacific Northwest. That is what H.R. 478 will do. The Everglades ecosystem could be devastated if the central and south Florida flood control project no longer has to consider endangered species with respect to water diversions and flows. Decisions on outflows in the Sacramento-San Joaquin Delta and San Francisco Bay will no longer have to consider impacts on delta smelt or winter run chinook. In the Upper Colorado Basin, purchases, sales, and exchange of water rights, which users have come to rely on, would cease.

That is what H.R. 478 will do.

Now, no one—and I stress that again, no one—is saying that the ESA should interfere with efforts to repair and rebuild damaged facilities, or to make necessary repairs to prevent flooding from occurring. The Fish and Wildlife Service has approved such waivers. The Army Corps of Engineers has agreed. An amendment to rewrite H.R. 478 to permit those emergency actions is going to be offered later today by the gentleman from New York [Mr. BOEHLERT].

But that is not what H.R. 478 does.

There is no urgent need for those provisions of H.R. 478 that go beyond the relief for flood victims and prospective flood areas, as provided in Mr. BOEHLERT's amendment. The additional issues raised in H.R. 478 are extraneous to the debate over flooding. They deserve to be addressed during the comprehensive debate over reauthorization of the Endangered Species Act in the Committee on Resources. Our committee, however, has not yet begun that debate, and it is premature and inappropriate to bring these complicated issues before the House when we simply will not have the time nor expertise to address such wholesale changes to the ESA.

Let us keep the focus where it belongs today: On the floods of 1997 and what we should do to alleviate the damage and loss of those who have suffered or who might suffer from future flooding.

As both the Corps of Engineers and the Department of Interior have stated, as many of the witnesses that testified at our hearing stated—the California levees broke because there was too much water, not because of the ESA. The rains and the melting snowpack combined to produce water that were 10 times the normal rates in some cases.

Waiving the ESA is not going to stop floods. We have to consider many options: restoring channel complexity, wetlands protection, and setback levees, so that we can catch the water where it falls instead of dumping it down stream. We need to look at forest management policies that allow upstream clear cutting and the construction of logging roads which lead to erosion and slides that not only destroy valuable fisheries habitat, but contribute to downstream floods as well.

We should provide more direct and indirect aid for moving homes and businesses out of the hazard zone, and we must limit the circumstances where we will permit the use of Federal funds to rebuild in harm's way. Existing levees systems should be re-engineered to ensure that they maximize flood hazard reduction. Rather than relying solely on repairs to existing levees, the Corps of Engineers should review the causes of the breaks and determine whether levees should be moved or constructed differently to withstand future floods. Finally, we need to look at how project planning and contracting processes and local funding issues slow the repairs and maintenance that need to be done.

This bill does not address any of those problems, however. Instead, it focuses on one single aspect of the flood control planning process and takes a sledge hammer to the ESA.

Please remember this bill is not about flood protection. It is an initial, and a sweeping, weakening of the Endangered Species Act that applies to any activity, on any flood control project, at any time, rain or shine. Flooding, or the threat of flooding, does not even have to be an issue.

If this bill passes, no flood control project will ever be required to mitigate for its maintenance activities ever again. Nor will there be a requirement for mitigating the impacts of replacement, repair, rehabilitation, or operational activities regardless of whether these activities were conducted to protect human lives or property, and regardless of the impacts on endangered species.

Now if there were no alternative but to choose between human lives and property or an endangered species, the argument would be different. But there is an alternative. We can provide the flexibility that is needed in the event of floods and flood threats, and we can do that without destroying the Endangered Species Act. We can achieve those goals by supporting the Boehlert substitute without modification when it is offered.

Mr. PACKARD. Mr. Chairman, it is unbelievable that an outdated law to protect endangered species is causing catastrophic harm to animals, humans, and agriculture. In my home State of California, the floods of 1997 have already caused the deaths of nine people and more than $1.6 billion in total damage. If flood control structures had been properly maintained, this loss of life and property could have been avoided. Unfortunately, the Endangered Species Act prohibits much-needed maintenance of these areas. In fact, the very animals who kept the flood control structures from being repaired in the first place were also displaced and killed by the devastating floods.

In January 1997, California experienced the worst flooding in State history. However, California was not alone. Numerous other States were ravaged by flood waters. Most recently, the citizens of North Dakota saw the waters destroy their towns and homes. It is horrible to see the loss of life and property which resulted from the devastating floods. However, it is far worse to realize that some of this damage could have been avoided.

Mr. Chairman, I applaud my dear friend and colleague WALLY HERGER for introducing the Flood Prevention and Family Protection Act which attempts to prevent the disaster of flooding. As a proud cosponsor of this bill, I know that we must prevent these disasters before they occur. Once the floods have destroyed our homes, there is little we can do to restore the photo albums and family treasures. However, we can take the appropriate steps toward avoiding future flooding problems by enacting this bill. This legislation will allow for proper maintenance, repair, and reconstruction of existing dams, levees, and other flood control systems. Not only will this bill save lives and ecosystems, but homes and family memorabilia. I am very pleased to support this legislation today.

Ms. ESHOO. Mr. Chairman, I rise in opposition to H.R. 478, the so-called Flood Prevention and Family Protection Act of 1997.

This bill will not provide any more protection beyond current law to those who live in areas threatened by flooding. Instead it will create a giant sinkhole in the Endangered Species Act.

Right now, without passage of this bill, the Endangered Species Act has provisions that allow for expedited review for improvements or upgrades to existing structures in emergencies.

This bill will permanently exempt the reconstruction, operation, maintenance, and repair of all flood control projects, including dams, hydroelectric facilities, levees, and canals. This means that operations like those designed to revive the salmon on the Pacific Coast could be threatened and possibly suspended. As Secretary of the Interior Bruce Babbitt has pointed out this could exempt the entire Columbia River basin from provisions of the Endangered Species.

Some Members have said that the Valley elderberry longhorn beetle delayed repairs which caused the levees to collapse. However, as my colleague, Mr. MILLER, has pointed out the levees that failed in the Central Valley failed not because they were not repaired, but because there was 10 times the amount of water than the levees were designed to withstand.

H.R. 478 is not a flood prevention bill. Instead it is a backdoor assault on the Endangered Species Act, and I urge my colleagues to adopt the substitute offered by Mr. BOEHLERT and Mr. FAZIO and reject H.R. 478.

Ms. PELOSI. Mr. Chairman, the bill before us today is an ill-advised, destructive approach to a law that was intended to protect species from extinction, not to be manipulated as a substitute for poor disaster response.

Natural disasters affect human lives and can be devastating to local communities and economies. My community has certainly experienced its share of natural disasters and I know firsthand the difficulties people encounter in rebuilding their homes and lives in the aftermath of such devastation. We should be sensitive and responsive to these human needs, and we should address them on an immediate basis. Residents in flood-prone areas should be protected and added steps can be taken to ensure the safety of people and their property in these areas. Response to the California flood disaster should not be used as an excuse to obliterate the law that gives lasting defense to the survival of threatened species on Earth.

In an emergency threatening human lives the current law provides for the Endangered Species Act to be waived.

But H.R. 478 goes to the extreme in allowing a nonemergency exemption of the act with the result of permanently decimating the intent of the ESA. It would codify actions now considered damaging to the protection of species the law was intended to protect. H.R. 478 will not prevent floods, but it will prevent needed environmental protection of threatened species.

The Pacific Coast Federation of Fishermen's Associations advises a vote against H.R. 478 on the basis of the potential threats to restoration of northern California salmon populations under the ESA. In their letter they emphasize:

> The California Central Valley is the source of most of the West Coast's remaining salmon harvests. Eliminating ESA-driven water reforms in the California Central Valley Project would seriously damage Washington's Oregon's and California's salmon harvests, wiping out tens of thousands of fishery jobs as far north as Alaska which those resources now support.

The arguments linking flood damage to the ESA are unfounded. In the Statement of Administration Policy, OMB states:

> The administration of ESA by the Fish and Wildlife Service [FWS] and the National Marine Fisheries Service has not resulted in significant delays in construction or proper maintenance of flood control facilities. For example, during the recent California flooding, FWS implemented ESA provisions which allowed emergency actions in disaster areas to be taken quickly without the Act's normal "prior consultation" requirements.

In the Dissenting Views filed with the committee report to H.R. 478, it is noted that both the Department of the Interior and the Corps of Engineers,

> were emphatic that there were no cases where it could be demonstrated that the implementation of the ESA caused any flood structure to fail, or where the presence of any listed species prevented the proper operation and maintenance of flood control facilities.

H.R. 478 is a misdirected attack against an imaginary enemy. The Endangered Species Act did not cause California's devastating floods. Our response to this disaster can be positive—let's repair or replace the damaged flood control facilities under the current ESA waiver and work together on sound water management policies that will protect people and the environment into the future.

This is the most important environmental vote to come before the House in this session. We should not revisit the rancor of the last Congress where the majority went against the mainstream of public sentiment which favor greater protections for our environment. In a letter to Members of Congress, the President of Republicans for Environmental Protection states that

> the American people do not want to see our environmental laws weakened. And they certainly do not want to see such things accomplished by bad, opportunistic legislation such as H.R. 478.

I urge my colleagues to join the bipartisan initiative and support Boehlert-Fazio amendment and to vote against final passage of H.R. 478.

The Endangered Species Act must not be another casualty of the floods.

Mr. POMBO. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flood Prevention and Family Protection Act of 1997".

Mr. POMBO. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. PURPOSE.

The purpose of this Act is to reduce the regulatory burden on individuals and local, State, and Federal agencies in complying with the Endangered Species Act of 1973 in reconstructing, operating, maintaining, or repairing flood control projects, facilities, or structures to address imminent threats to public health or safety or catastrophic natural events or to comply with Federal, State, or local public health or safety requirements.

SEC. 3. AMENDMENTS TO ENDANGERED SPECIES ACT OF 1973.

(a) ACTIONS EXEMPT FROM CONSULTATION AND CONFERENCING.—Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following new paragraph:

"(5) Consultation and conferencing under paragraphs (2) and (4) is not required for any agency action that—

"(A) consists of reconstructing, operating, maintaining, or repairing a Federal or non-Federal flood control project, facility, or structure—

"(i) to address a critical, imminent threat to public health or safety;

"(ii) to address a catastrophic natural event; or

"(iii) to comply with Federal, State, or local public health or safety requirements; or

"(B) consists of maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility, or structure, including operation of a project or a facility in accordance with a previously issued Federal license, permit, or other authorization.".

(b) PERMITTING TAKINGS.—Section 9(a) of such Act (16 U.S.C. 1538(a)) is amended by adding at the end the following new paragraph:

"(3) For purposes of this subsection, an activity of a Federal or non-Federal person is not a taking of a species if the activity—

"(A) consists of reconstructing, operating, maintaining, or repairing a Federal or non-Federal flood control project, facility, or structure—

"(i) to address a critical, imminent threat to public health or safety;

"(ii) to address a catastrophic natural event; or

"(iii) to comply with Federal, State, or local public health or safety requirements; or

"(B) consists of maintenance, rehabilitation, repair, or replacement of a Federal or non-Federal flood control project, facility, or structure, including operation of a project or a facility in accordance with a previously issued Federal license, permit, or other authorization.".

The CHAIRMAN. Are there any amendments to the committee amendment in the nature of a substitute?

AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I offer an amendment. It is printed in the RECORD as No. 2.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. POMBO:

Page 3, after line 12, insert the following new line after the word 'authorization': where necessary to protect human life or to prevent the substantial risk of serious property damage.

Page 4, after line 8, insert the following new line after the word 'authorization': where necessary to protect human life or to prevent the substantial risk of serious property damage.

MODIFICATION TO THE AMENDMENT OFFERED BY MR. POMBO

Mr. POMBO. Mr. Chairman, I ask unanimous consent to correct line references in my amendment as follows:

The reference to page 3 after line 12 should be page 3 after line 15, and the reference to page 4 after line 8 should be page 4 after line 12.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The text of the amendment, as modified, is as follows:

Page 3, after line 15, insert the following new line after the word "authorization": "where necessary to protect human life or to prevent the substantial risk of serious property damage".

Page 4, after line 12, insert the following new line after the word "authorization": "where necessary to protect human life or to prevent the substantial risk of serious property damage".

Mr. POMBO. Mr. Chairman, in an effort to reach a consensus on this bill we have worked long and hard. I have met with Members of the minority repeatedly, I have met with Members of my own party who had concerns repeatedly. We have narrowed the bill substantially from the way it was first introduced. But as of last night, or as of yesterday, there were still concerns that maybe the bill could be interpreted to be more broad than the intention.

Because of that and in consultation with the gentleman from California [Mr. CAMPBELL] a decision was made that we would add additional language to the bill which would narrow the scope and meet his concerns.

Having said that, I yield to the gentleman from California [Mr. CAMPBELL].

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, for purposes of debate, what I would like to do is inform my colleagues and friends on the other side of this issue that I would like to use the 4 minutes, but then I would be happy to engage in debate with any colleague on their time. I will stay here for that purpose.

Here is what my amendment does: I believe that the present Herger-Pombo bill is too broad. I have great respect for my two colleagues from California, but I believe they created an exemption that was too broad. So I began to speak with them and I said, "What is the real focus of your concern?" They point out that the real focus of their concern is when a levee bursts, when there is harm to human life or substantial risk to properties in that kind of context.

So I said, "Why do we not limit your amendment to the specific cases we just discussed?" They agreed. Here is what the amendment says: After all of the provisions that we have talked about regarding a maintenance, rehabilitation, repair or replacement of a Federal or non-Federal flood control project, after all of those, the limitation would now be imposed: "where necessary to protect human life or to prevent the substantial risk of serious property damage."

That being my amendment, I offered that to my colleagues; and they were kind enough to say that they would accept it. I put to my colleagues, give me the case when you would not be in favor of expediting maintenance, rehabilitation, repair or replacement when it is necessary to protect human life? I just do not think anyone would have such a case. Or where it is necessary to prevent the substantial risk of serious property damage?

With that limitation, it is no longer true that the Herger-Pombo bill runs a serious risk of "blowing a hole in the Endangered Species Act." The bill is now limited to restoration of existing projects that already have a Federal permit where necessary to protect human life or prevent the substantial risk of serious property damage.

It was raised in debate by one of my colleagues, the gentleman from New Jersey [Mr. PALLONE], that we ought to await the comprehensive Endangered Species Act reform before adopting an amendment such as mine, or a proposal such as mine.

I remember when I first came to Congress in 1989, we began talking about the Endangered Species Act. When I left in 1992, we were still talking about the Endangered Species Act. We never got a chance to reauthorize the Endangered Species Act. We are really playing with people's lives to say, let us wait until we have the overall omnibus Endangered Species Act.

What we have now is a proposal dealing with a specific crisis and the steps necessary to prevent other crises. I would love to see the Endangered Species Act amended in order to take this into account, but we cannot wait for that to happen.

Lastly, in my opening remarks, the subject of the Boehlert amendment has been raised. I have a very good friendship with the gentleman from New York [Mr. BOEHLERT]. I admire him immensely. But I do refer to the fact that his amendment refers to imminent threat, there has to be an imminent threat—except for the case the repairs of those properties that were damaged in California in the most recent flooding. Imminent threat means that the water is already rising.

Mr. BOEHLERT. Mr. Chairman, would the gentleman form California yield?

Mr. CAMPBELL. Mr. Chairman, I cannot, but I am happy if the gentleman would yield me time on his time to conduct a discussion. That was what I said at the start. So I will stay here for that debate, Mr. Chairman. I look forward to debating the gentleman from New York [Mr. BOEHLERT].

But the phrase in the amendment of the gentleman from New York [Mr. BOEHLERT] is, "in response to an imminent threat to human lives and property." And contrast that with my phrase, "where necessary to protect human life or to prevent the substantial risk of serious property damage."

It is all the difference in the world between waiting for the disaster to be so imminent. Are you going to have to build up the berms higher, or can you take the action in advance when the imminent threat is not yet upon you, but where it is wise to act.

I have only one final remark in my opening remarks, and that is that my good friend, the gentleman from New Jersey [Mr. SAXTON], said that my amendment was broad enough so that everything would be included in it. That is not so. Perhaps in debate further I will be able to illustrate why, as my time is presently expired.

Mr. FARR of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, while the gentleman from California [Mr. CAMPBELL] is there, maybe I can have a colloquy with him. Is it the intent of the gentleman that his amendment will affect all of section B?

Mr. CAMPBELL. Mr. Chairman, if the gentleman will yield, it is my intent to affect all of section B.

Mr. FARR of California. OK. Mr. Chairman, on my own time, the issue raised here is whether this amendment really does anything to the bill. Remember, we are dealing with the issue of flood control projects. Flood control and the purpose of flood control is to control damage done by excessive water.

I do not think that the amendment is material to really what the purpose of the bill is, which is to drive a hole in the Endangered Species Act by exempting from that act consultation for operations. Remember, there is nothing in the language in this bill that even mentions the word "levee," yet everybody who got up and proposed it said that this was a levee bill.

This is about operations of water facilities, operations forever, not just when it rains, not just when there is flood damage, it is operations. Operations is why so many people are concerned about this, particularly the fishermen.

□ 1600

The reason, the gentleman from California [Mr. CAMPBELL] knows, is that in California with the Sacramento River the whole issue of water flow releases is to try to control the water temperature so that we can maintain a salmon run. If there is not enough water, the water gets too warm and then the species that lives in that water cannot survive. So the purpose of trying to make sure that when we are operating a flood control district, that we consult in this process, is so that we get all of the concerns on the table.

The Corps of Engineers has interpreted this "structures and projects" to mean dams, to mean pumps, levees, dikes, channels, draining systems, dredging projects, reservoirs, and even beach erosion control. In the committee the issue was raised that it was going to include beach erosion control, and the author indicated that he would accept an amendment to that, although we do not see it in the bill at all.

So the bill on the floor with the gentleman's amendment I do not really think ensures that we are going to be able to continue to maintain these facilities for all the interested parties that rely on water usage, and that is the purpose of flood control districts.

Mr. CAMPBELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, my purpose in asking for 5 minutes now is to complete my one last comment regarding the point made by the gentleman from New Jersey [Mr. SAXTON], and then to yield to anyone who wishes to engage in debate. I see my colleague from California [Mr. POMBO], wants a word, but let us save some time for debate, because I do wish to have the opportunity for anyone who wishes to debate me on this to do so.

The one last thing I wished to comment on was the point of the gentleman from New Jersey [Mr. SAXTON], Mr. Chairman, and that was that my amendment was too broad because everything would fit in it, in that all flood control is done to prevent risk of loss of life, or serious property damage. This is not quite correct because my amendment deals with maintenance, rehabilitation, repair or replacement; it does not deal with construction.

For instance, once the flood control device, the berm, has broken, then there is no further imminent loss of property, nor any further imminent loss of life. The imminent loss of life, the threatened, or the likely prospect of it, is when the tension is building up behind the berm. Once that is broken, as to whether that particular part is reconstructed or not would no longer pose a question of the necessity to protect human life, because it has already broken, that pent-up pressure is gone. Nor would it any longer present a substantial risk of serious property damage.

So I hope that answers the question of my good friend from New Jersey. I would be happy to yield to him further if he wants to respond to it. But I believe I responded to his point. I believe I responded to the other points, as well.

This is a sensible improvement on Herger-Pombo. I do not see anyone in the Chamber who ought to oppose this amendment. I would go further to say that this makes a such a further improvement that the Boehlert amendment is unnecessary, and on that there may be further debate. However, on whether my amendment is desirable, I just do not think there is further dispute.

Mr. Chairman, I yield to my friend, the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding. I just wanted to add, in response to a statement by the gentleman from California [Mr. FARR] and the gentleman from California [Mr. MILLER], even if this legislation were to pass and be signed into law, I have a list from an environmental impact statement for the Sacramento River system control plan which listed the following Federal laws which must be complied with before the levee repairs could begin:

National Historic Preservation Act, Archaeological and Historical Preservation Act, Archaeological Resources Protection Act, Preservation of Historic Properties, Abandoned Shipwreck Act reviews, Clean Air Act, Clean Water Act, Coastal Zone Management Act, the Endangered Species Act, the Estuary Protection Act, the Federal Water Project Recreation Act, and it goes on and on and on. It has over 20 Federal laws and State laws that we had to abide by before we could repair the levee.

All we are asking for is to allow us to maintain our levees. That is all we are asking for, to protect human life and private property. This is not that difficult.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, I will now yield to anyone who wishes to debate me on this amendment. If there anyone who wishes to debate me?

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from California.

Mr. FARR of California. Mr. Chairman, why is the word "levee" in here? It is projects. It is all of these projects.

Mr. CAMPBELL. Mr. Chairman, reclaiming my time so that I might respond, there is more then one form of flood prevention, and a levee would be only one form. There are other forms of flood prevention.

Mr. FARR of California. Mr. Chairman, there are dredging projects.

Mr. CAMPBELL. Mr. Chairman, I reclaimed my time to answer the question and I am almost done.

The purpose here is that whatever project it is that will be necessary to prevent—not just be helpful but be necessary to protect human life or to prevent substantial risk of serious injury—I wish to cover; and if that is more than a levee, it is for a good purpose, because it has that qualifier, where necessary to protect human life or prevent substantial property loss.

Now I yield to my colleague. Go right ahead.

Mr. FARR of California. Mr. Chairman, I appreciate that explanation.

My point that I made to the gentleman from California [Mr. POMBO] was that I think the bill goes far beyond what he originally intended, because it goes into projects that are greater than levees. It goes into dredging, it goes into dams, it goes into beach erosion, and I do not think that was what the intent was as a result of the problem that occurred in the Sacramento Valley.

Mr. CAMPBELL. Mr. Chairman, again reclaiming my time, as to all of those, I remind my good friend from California, as to all of those, the language I just announced would apply, that in answer to the gentleman's question earlier, the limitation "where necessary to protect human life" or the limitation "where necessary to prevent the substantial risk of serious property damage" applies to all of B.

Mr. CAMPBELL. Mr. Chairman, I yield to the gentleman from California [Mr. POMBO].

Mr. POMBO. Mr. Chairman, it was mentioned, dredging, dams. Could they dredge, if the gentleman's language was adopted as part of this bill, could they go in and dredge under that language?

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, they could, only where necessary to protect human life or to prevent substantial risk of serious property damage. Off the top of my head, that would be a very narrow case.

The CHAIRMAN. The time of the gentleman from California [Mr. CAMPBELL] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. CAMPBELL was allowed to proceed for 2 additional minutes.)

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL. I yield to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, the gentleman portrays as a qualification a very high threshold, "where necessary to protect human life or serious property damage." I think I have it right. I was trying to get a copy of it. In searching two areas of the bill, both undertaking to eliminate the clause undertakings and consultation and conferencing, is that correct?

Mr. CAMPBELL. Mr. Chairman, I would say in response, not quite. The phrase is "necessary to protect human life or to prevent the substantial risk," just if I could answer, taking my time back to answer your question fully, "or to prevent the substantial risk of serious property damage."

Mr. VENTO. Mr. Chairman, if the gentleman would continue to yield, of course that is an additional qualifier, risk. So, for instance, if I am riding barges up and down the Mississippi, and I represent a community on the Mississippi, and it is portrayed that in order to maintain the channels so that the barge would not run into one of the wing dams, that then, which would run the risk of deck hands on the barge just falling off and perhaps drowning in the river, would that be an adequate test then, to prevent the loss of these individuals from falling in the river and drowning?

Mr. CAMPBELL. Mr. Chairman, reclaiming my time, not necessarily. The reason is I did not say just to prevent risk or minimize risk or lower risk. I intentionally said prevent substantial risk, which would be to say that you would have to bring the probability of it happening from a high number down to a low number.

Mr. VENTO. Mr. Chairman, if the gentleman would yield down, I think the issue is being portrayed as some sort of a crisis. Is it a crisis to in fact go through the National Environmental Protection Act and the Clean Water Act and other activities, and all of a sudden the Endangered Species Act would not be important in terms of trying to prevent, for instance, that barge, because if we did not have the channel, it might run into a bridge and cause serious property damage?

MR. CAMPBELL. Mr. Chairman, reclaiming my time in order to answer, lest we run out of time.

Mr. VENTO. Mr. Chairman, I would say to the gentleman, I will ask for more time if we run out.

Mr. CAMPBELL. Mr. Chairman, I am just worried that I will not get to answer.

Mr. VENTO. Mr. Chairman, I am pleased because I would not want the gentleman to think that there is not concern or opposition about his amendment or that it solves the problem, because I do not think it does.

Mr. CAMPBELL. Mr. Chairman, I would say to the gentleman to please proceed as long as he likes and then I will respond. I apologize for the interruption.

The CHAIRMAN. The time of the gentleman from California [Mr. CAMPBELL] has expired.

(On request of Mr. VENTO, and by unanimous consent, Mr. CAMPBELL was allowed to proceed for 1 additional minute.)

Mr. CAMPBELL. Mr. Chairman, if the gentleman would allow me to say that there is need for something less than imminent risk, because imminent is what the Boehlert amendment proposes, and more than ordinary maintenance. What I am trying to do is get at the prevention where the threat is high.

So if we want to go just with the imminent risk of something about to happen, then that is Boehlert. It is not good enough. Now, however, should we allow any old dredging, any old maintenance without ESA; no, that is not my desire. it has to be to prevent a substantial risk of serious property damage, or necessary to protect human life.

Mr. VENTO. Mr. Chairman, if the gentleman would further yield, the gentleman is a very good attorney and learned in law. The gentleman in the well is just a humble science teacher. But I would suggest to the gentleman that in fact this will be used. As it affects this particular law, I have no objection to it in terms of what is down here. It may be somewhat of an improvement, but I do not think it gets to the criticisms and the concerns that I have and frankly the Boehlert-Fazio amendment deals with in this bill.

I thank the gentleman for yielding.

Mr. CAMPBELL. Mr. Chairman, I thank the gentleman for his courtesy.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would inquire of the chairman of the subcommittee, I do not think there is any opposition here to accepting this amendment. We believe it is basically a restatement of law, and we have a long night ahead of us.

Mr. POMBO. Mr. Chairman, if the gentleman would yield, I do intend on accepting the amendment.

Mr. MILLER of California. Mr. Chairman, that is fine with us.

Mr. POMBO. Mr. Chairman, if the gentleman would continue to yield, this is a friendly amendment. The committee is in agreement with the work that the gentleman from California [Mr. CAMPBELL] has done and we intend on accepting the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. POMBO], as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute offered by Mr. BOEHLERT:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Flood Prevention and Family Protection Act of 1997".

SEC. 2. PURPOSE.

The purpose of this Act is to ensure that the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.) does not delay flood control facility repairs that are required to respond to an imminent threat to human lives and property.

SEC. 3. AMENDMENTS TO ENDANGERED SPECIES ACT OF 1973.

Section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)) is amended by adding at the end the following new paragraph:

"(5)(A)(i) Consultation and conferencing under paragraphs (2) and (4), with respect to a project to repair or replace a flood control facility located in any area in the United States that is declared a Federal disaster area in 1997, shall only be required in the same manner and to the same extent as would be required for that project if it were carried out in the area in California that is subject to the United States fish and Wildlife Service Policy on Emergency Flood Response and Short Term Repair of Flood Control Facilities, issued on February 19, 1997.

"(ii) This subparagraph shall not apply to projects in a Federal disaster area after the earlier of—

"(I) the date the Assistant Secretary of the Army for Civil Works determines that all necessary emergency repairs to flood control facilities in the area have been completed; or

"(II) December 31, 1998.

"(B)(i) Consultation and conferencing under paragraphs (2) and (4), with respect to any project to repair a flood control facility in response to an imminent threat to human lives and property, shall only be required in the same manner and to the same extent as would be required under the policy referred to in subparagraph (A)(i) for a project that is substantially similar in nature and scope.

"(ii) This subparagraph shall not apply after December 31, 1998.

"(C) This paragraph shall not affect the authority of the President under section 7(p).".

Mr. BOEHLERT. Mr. Chairman, this substitute would accomplish what the sponsors of H.R. 478 only claim to do. That is, it would ensure that the Endangered Species Act never subverts emergency work to prevent or respond to floods, while keeping fundamental species protection intact.

Here is precisely what this substitute would do. First, in disaster areas it would allow the repair or replacement of flood control facilities to move forward without prior consultation with the Fish and Wildlife Service. This would mean, to use my opponents' terminology, that no redtape or faceless bureaucrats could prevent emergency repairs from proceeding immediately.

Second, in places that are not disaster areas, let me stress, not disaster areas, my substitute would allow repairs to move forward without prior consultation whenever a flood control project poses an imminent threat to human life or property.

Now, the sponsors of H.R. 478 ought to like that language. It is taken from the one targeted section of their bill.

Third, the substitute makes clear that we are not limiting in any way the President's authority to issue further exemptions in disaster areas.

Fourth, the substitute is an amendment to the Endangered Species Act.

I need to emphasize these points because the opposition has repeatedly mischaracterized this amendment. In this substitute, we have responded to virtually every real concern we have heard about the ESA and flooding. We have heard that the ESA has prevented repairs from taking place. This substitute ensures that repairs can take place.

We have heard that repairs are needed not only in disaster areas, but throughout the country. This substitute addresses potential disasters as well as actual ones.

This substitute clarifies language in the supplemental appropriation that was approved by voice vote, so it can hardly be accused of appealing to a narrow constituency. So what have we done? Again, we have responded to what we have heard is actually or potentially harmful about the ESA and emergency situations.

However, here is what we have not done. We have not used these legitimate concerns as an excuse to undermine fundamental species protection. H.R. 478 would emasculate the Endangered Species Act. Our substitute, while creating new exceptions, would keep the law fundamentally intact.

Most endangered species live along or in waterways. H.R. 478's blanket exemption for flood control projects, even with the language of the gentleman from California [Mr. CAMPBELL], threatens any species that depend on waterways to survive.

The endangered species actions that have been taken to protect salmon, whooping crane, sea turtles, manatees, and other creatures would not have been possible if H.R. 478 had been in effect.

□ 1615

Protecting newly listed species would be virtually impossible under the bill. That is why this bill is opposed by every environmental group, by Republicans for Environmental Protection, by American Rivers, by the International Association of Fish and Wildlife Agencies, by Trout Unlimited, by the American Canoe Association; by just about any group, large or small, that has any interest in protecting our waterways and their denizens.

It is not that these groups do not care about human beings. It is not that these groups are all in agreement on ESA reform. It is that they understand that H.R. 478 is quite literally a case of overkill. My substitute accomplishes H.R. 478's stated objectives without threatening the environment.

Let me add, Mr. Chairman, that I do not claim that my substitute takes care of every legitimate concern with the Endangered Species Act. Some Members, for example, have concerns with the cost of mitigation. But our express purpose here today is to take care of narrow problems related to emergency situations. Mitigation is a broad and fundamental issue that must be addressed in the context of comprehensive ESA reform. I daresay that a comprehensive bill would not reform mitigation in the ham-handed way envisioned by H.R. 478.

Let us not hold up emergency legislation because additional concerns must be addressed at a later time. My substitute would be signed into law and would provide real relief for real people facing real emergencies. H.R. 478 would not be signed into law and will not help anyone. By voting for it, I would suggest Members would be making the wrong move. I urge my colleagues to support balance, moderation, a real solution for a legitimate problem.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the so-called Boehlert amendment, here, let me go through something. It fails to protect human life and the environment. It is too little too late. It allows only emergency repairs when disaster has already occurred or is threatening. By the way, it protects Federal employees from the ESA penalties for impacting habitat, but keeps the penalties for local officials. It ties their hands. They cannot maintain these levees.

By the way, it is only temporary. I want the gentleman from California [Mr. FAZIO] to hear this, it is only temporary. It is only temporary. It is only temporary until 1998. It retains unfunded mandates on States and local governments, and frankly, would continue further delay through encouraging litigation. This is a charade of amendments. This is an amendment that does nothing. In fact, I do not know why the gentleman is even offering it. It does nothing, absolutely zero.

May I remind the gentleman, it says, "This paragraph shall not apply after December 31, 1998." That says you only have time to repair the existing breaks, the ones that broke. I am not really worried about the ones that broke, and I feel sorry for the people, but I want to prevent those breaks and the dollars we have wasted. May I stress, $10 million was used to mitigate. They finally agreed last week to repair the levee. It was supposed to cost $3 million, now $13 million. The levee breaks, which we were told it was going to break, and we lose the lives, we lose the property, and guess what, we lost the habitat. We lost the habitat. We ought to be proud of what the ESA has been able to do.

Mr. Chairman, this amendment guts the so-called Herger-Pombo bill. I think that is really what they are trying to do is gut it. They are trying to put a charade out and trying to protect a few people who might be directly affected by supposedly not supporting the Pombo-Herger bill, but in reality, it does nothing. It, in fact, is worse, because it takes the California doctrine and applies it to the rest of the Nation.

As I have told people before, if they want California's problems and the bureaucracy, then vote for the Boehlert amendment. Mr. Chairman, I suggest respectfully, if Members want to solve a problem, then they will vote for the Herger-Pombo bill. They will make this bill a reality. They will make this bill save lives, save property.

By the way, I heard somebody today say we have to change the way man is living. We have to give more room to let the water go out and meander like it did back in the year 1600. Think about that a moment. That means the whole city of Houston is gone. Some people might like that. It means the whole city of New Orleans will be gone. I would not like that. It means probably Sacramento would be gone, too, period, and flooded out. I am sure the gentleman from California would not like that.

Probably, I might suggest respectfully, if we want to follow this theory of the so-called environmental groups who are supporting Boehlert, we all ought to be drowned. Think about that a moment. I will admit, I lived on a levee. I was born on the Sacramento River. I looked out on that river every morning when I got up. I watched it flood.

Yes, we could not dredge. I admit that now. Then we did. I will tell the Members something; those levees were built way back during the Gold Rush days. We rebuilt them. It has given California one of the finest standards of living in the world. It has protected people and property, and it is a system that does work.

We can talk about the thousands and thousands and thousands of acres and feet of water that go down and are wasted and going into the ocean, and by the way, I want the gentleman from California [Mr. MILLER] to hear that. We had a drought in California a few years ago, does the gentleman remember that? We had no water. Now they have water clear up to their elbows.

I am suggesting respectfully if they want to take and have the Endangered Species Act, stop repairing those levees, then, very frankly, they can vote for the Boehlert amendment. We can forget lives, we can forget property, we can forget those people that live all around this great Nation of ours near water flow.

I know some of us would like to have more wetlands. I know how they can create wetlands. They can flood Sacramento, the city of Sacramento, the capital, by the way; they can flood every major city, and they will have wetlands. I do not believe in that. I think it is important we allow this tool to be available for the local people, that this tool be available for the Federal people, so we can in fact solve the problems of the flood.

It is wrong not to maintain these levees. Some people say they did not cause the flood. We have documentation with the Corps of Engineers where they did say this area will break if it is not addressed, and it did break. So do not tell me that these areas did not create floods.

I will say, every break, by the way, is not caused by the Endangered Species Act, but we can have both. We can have the Endangered Species Act and we can have the people.

The CHAIRMAN. The time of the gentleman from Alaska [Mr. YOUNG] has expired.

(On request of Mr. POMBO and by unanimous consent, Mr. YOUNG of Alaska was allowed to proceed for 1 additional minute.)

Mr. YOUNG of Alaska. Mr. Chairman, we can have the endangered species protected and the people protected. I want to keep stressing that. We have heard people talk about my wanting to repeal the Endangered Species Act. I never attempted to repeal the Endangered Species Act.

I had 17 hearings with the gentleman from California [Mr. POMBO], and we had hundreds of witnesses testify before us that the system is not working, and I want to fix it. I want to protect the endangered species, but I want to also have man's involvement in the protection of the endangered species. I do not want to join the SSS's club. I don't want to belong to that club. Some Members want to shoot, shut up, and shovel. I do not want anything to do with that. What I want is protecting the species, and the act today is not working.

I asked the gentleman from California and this administration, Mr. Babbitt and Katie McKinney and the President, to come down and give me some suggestions. They did not do that last year. They sat quietly and beat our brains out because we tried to improve the act. They said we tried to repeal it. We did not do that. We tried to improve it, and it should be improved.

The CHAIRMAN. The time of the gentleman from Alaska [Mr. YOUNG] has again expired.

(On request of Mr. MILLER of California and by unanimous consent, Mr. YOUNG of Alaska was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I tried to make the point in general debate, and as the gentleman knows, we have levee failures in our State and we have had them across the country, and there is very little or sketchy evidence, in my opinion, that says it is due to ESA.

But also, the Corps of Engineers in fact requires annual maintenance of the levees that includes mowing, burning, vegetation removal, filling in of burrow sites; all of the things the gentleman and I associate in the Sacramento Delta with that.

Mr. YOUNG of Alaska. Reclaiming my time, Mr. Chairman, only if it is in consultation with the Fish and Wildlife, and they agree to it.

Mr. MILLER of California. This is an annual requirement of the maintenance of the levee by the Corps. Fish and Wildlife signs on.

Mr. YOUNG of Alaska. If it is a federally controlled levee. If it is a district, such as in the Sutter Basin, if that is under district control then Fish and Wildlife can only give them the authority, and they do not have that authority. That is what happened out in the Yuba County area. They would never give them the right to do that.

Mr. MILLER of California. That is not the case, if the gentleman will continue to yield, Mr. Chairman. Both in the Chowchilla River and in the San Joaqain there were perfectly annually maintained levees that failed because instead of 8,000 cubic feet, Yuba was more, and that was not about maintenance.

Mr. YOUNG of Alaska. Reclaiming my time, we cannot say there will never be another flood, I will not say that, but it is ridiculous to allow a flood because we were supposedly protecting the habitat of the elderberry beatle, which they have never seen, by the way. This is the greatest thing in the world. They were protecting the habitat, the elderberry bush, when the levee went out. Guess what, this took the elderberry bush. So what have we accomplished, besides losing 3 lives and millions of dollars? Why cannot we take those few dollars we have left in the Treasury and address that problem?

Mr. Chairman, I am just suggesting what we have to do is vote down the Boehlert amendment. Very frankly, it is ill-conceived. It is an attempt to gut the bill. I understand where the gentleman is coming from. But the bill as written by the gentlemen from California, Mr. WALLY HERGER and Mr. POMBO, as it came out of the committee is a bill that will solve the problem.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is appropriate, as we discuss this amendment, to consider what is happening in California as repairs to levees are proposed. We heard the testimony of flood managers and levee managers from California before this bill was passed through our committee. I want to give an example of what happened, as the chairman of our committee just alluded to.

A repair was requested to a project in California on the west bank of the Mokelumna River that would involve approximately .37 of an acre, one-third of an acre. This is what the Interior Department required in a letter of instruction to those wanting to repair the levee.

First, they would have to find every single elderberry bush in that one-third of an acre and transplant it. They would have to transplant it to an acreage five times as big. They would have to plant new elderberry bushes, five times as many as they transplanted from the old site. In addition, biologists had to be on site to monitor the transplanting of these elderberry bushes.

Second, they had to provide to a resource agency or a private conservation organization fee title. They had to buy the land and give it to this organization to maintain these elderberry bushes. It had to be maintained, and money had to be provided to maintain it in perpetuity. Understand, the levee may not be maintained in perpetuity, but the elderberry bushes will be.

Third, the qualified biologists had to be on site managing everything that was done. There had to be written documentation that all conditions would be carried out in perpetuity. There had to be an annual assessment of the facility to mechanically pull out any weeds. Biologists and law enforcement agencies had to have full access to the project at all times to monitor it. Permanent fencing had to go up.

Every five elderberry seedlings had to have two other types of species planted next to it, because apparently the beatles like other species. Every year for a period of 10 years, qualified biologists had to come in, assess the elderberry bushes, and make reports. Maps showing where every individual adult beatle was and the exit holes that were observed in each elderberry plant had to be analyzed, the survival rates of the plants and the beatles had to be reported on. Get this, the on-site personnel, who were supposed to be repairing the levee, had to go to school for instructions regarding the presence of elderberry beatles. They had to go to beatle school.

Mr. Chairman, all of this was done for one-third of an acre. I have showed Members the large book. The bill we are debating today does not say you cannot protect these beatles. It does not say you cannot have sites to put elderberry bushes and raise beatles on if you want to do that. It simply says that the money that was to be spent on this one-third acre to construct the repairs to this levee should be spent to repair this levee, and not to do this beatle protection program.

It simply says that when this levee was in dire need of repair, we should have done it. We should have done it on time. We should have saved those five lives that were lost in California because levees like this failed. It says that across America we ought to recognize that the good environmental things we do to protect beatles are fine, and we ought to find the money and fund it to do that if they are important to us, but we ought not to take it out of funds necessary to repair bridges and levees.

The Boehlert amendment says, in effect, that this California system ought to be the system we use across America.

□ 1630

In Louisiana, when the Mississippi levee, as it is in north Louisiana, is 6 feet too short, we are in serious trouble and we have to do a mitigation program, too, like the California program. Unless the flood is imminent and we are about to be flooded, the Boehlert amendment gives us no relief. In fact, the Boehlert amendment says if we do not build the repairs before a certain date, forget it; we still have to go through the beetle program of California.

The Boehlert amendment says, in effect, that in Louisiana and every State, we are going to get letters like this compelling our levee managers to do what they had to do in California. The Boehlert amendment says that we are going to see loss of lives in our State like we saw in California.

We maintain levees all over my State. Levee managers try to do a good job. When the Federal Government contributes a dime to that levee construction, when it contributes one dime, it requires the State manager of the levee or the local manager to assume full liability if the levee fails.

Here is the situation. The Federal Government says: You are fully liable if the levee fails; but, by the way, if you try to fix it, we are going to put you in a beetle protection program instead, and you cannot fix the levee.

When it fails and people flood and lives are lost, it is on your nickel; it is your responsibility.

The Boehlert amendment, Mr. Chairman, is a phoney solution. If we want to solve this problem, if we want to make sure that in Louisiana and every State we fix levees, then we need to vote for the Pombo bill.

Mr. BONILLA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the Boehlert amendment and for H.R. 478, the Pombo bill. Let me say first of all that I am as committed as any other American in this country to preserving clean air and water and to preserving wildlife across this Nation. But this debate is not about preserving wildlife and saving species in this country. What we do is we stand here today, 25 years after the Endangered Species Act was enacted, trying to figure out how we got to this position in the first place. The authors of that law never intended for us to have this battle today. What we are standing here talking about is groups that are way out there on the fringe who have figured out a way to use this law to now impose power, their personal agenda over communities across this country.

Do we think for one second that they care about these beetles or these bugs or these snails or these creatures all across the country that in many cases are just used in court documents and have never even been seen by the groups that are pushing to try to save these species? That is not what this is about. This is about power.

If I could engage the gentleman from California [Mr. POMBO] in a colloquy for just a second, let me just show another instance of how we have gotten out of control. Is it true that there is a fly that is classified as a maggot in California that is on the endangered species list and then caused a delay of construction of a hospital that a community needed?

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. BONILLA. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, yes; that is correct. It was in southern California. It was a fly that was listed as endangered, and the result of that was that we had a hospital delayed because of that.

Mr. BONILLA. It cost millions of dollars, if I am correct.

Mr. POMBO. Mr. Chairman, it was several hundred thousand dollars per fly.

Mr. BONILLA. The groups that are in favor of spending this money and delaying a hospital that a community needed were quoted in an article in the Washington Post as saying that this maggot is actually a national treasure and was worth spending this money on. Is the gentleman aware of that?

Mr. POMBO. Mr. Chairman, I am aware of that. I did see the article that they considered it a national treasure and that it was worth delaying the opening of a hospital for several months and the spending of several hundred thousand dollars per fly by the taxpayers of Riverside County.

Mr. BONILLA. Mr. Chairman, there was a quote that said, it is a "fly you can love."

The point I am making here is that the folks that oppose the gentleman's bill and oppose what we are trying to do here are the same folks that are quoted as saying this maggot is a fly we could love and do not care how it affects the community at hand. That is the point I am trying to make.

Mr. POMBO. Mr. Chairman, if the gentleman will continue to yield, I think that the point is they are opposed to any change in the Endangered Species Act regardless of how good a cause it is.

Mr. BONILLA. Now, what we have had is, we have had people lose their lives in California. When is it going to stop? What we are talking about here is human life. We are talking about human rights. In many cases, these folks who are thinking maybe somewhere in the cosmos up there that perhaps these bugs and beetles and snails are more important. I frankly do not understand how someone can think like that. What we are talking about here today is we are either standing with us for human rights and human life or we are standing with the bugs and the slugs and the scrubs. Get real.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is a difficult situation because I believe that the goals of the bipartisan coalition that supports the Boehlert amendment and the goals of the gentleman from California [Mr. CAMPBELL] and the goals of the gentleman from California [Mr. HERGER] and the gentleman from California [Mr. POMBO] are all the same. But what makes this difficult is that there are two approaches, one which is reasonable and can become law, and the other which is somewhat less reasonable and in my opinion cannot become law.

Why is it that it cannot become law? It is really pretty simple if we know the process in Washington, DC. We have received, for example, strong vibes, strong statements from the administration that it will not become law with the Herger-Pombo language even as amended by the gentleman from California [Mr. CAMPBELL].

So this is an exercise in futility and in fact I will not yield at this time. And so why we would send a bill out of this House escapes any rational explanation that I can think of.

Second, if we send this bill to the Senate, which I do not think we will do unamended, if we send this bill to the Senate, I know some Senators and I know Members of both parties in the other House that will not vote for the Pombo-Herger language either. And as we all know, the Senate requires 60 votes in order to get cloture and to come to a vote on final passage. I do not think there are anywhere near 60 votes in the other House for the Pombo-Herger language. And as a matter of fact, I can count votes pretty well in this House, too. And I do not think the Pombo-Herger language with the Campbell amendment is going to pass in this House either.

So as the accusations have kind of flown back and forth between the bipartisan coalition and those who would like to have it the other way, I think everybody should keep in mind that we both have the same goal and that there is one proposal that can make it to meet that goal, and that happens to be embodied in the Boehlert amendment.

Why can Pombo-Herger become law? Well, it is being advertised as a very narrow bill, which with regard to flood concerns, the bill basically makes significant changes in ESA in the areas under consideration, which are levees. I think it is important for us to recall that most endangered species live along waterways. And so the very critters that ESA tries to protect are being directly and adversely affected in large numbers by the Herger bill. The bill would exempt further from ESA consideration specifically from the requirements to consult with the Fish and Wildlife Service and the takings prohibition any activities related to any existing flood control project.

I must add at this point that I disagree with the gentleman from California [Mr. CAMPBELL], my friend. The reason we accepted his language is because we think it does not change the Pombo-Herger bill at all. The reason for that is that the language that the gentleman from California [Mr. CAMPBELL], my friend, has included is quite specific and is added to the language of the Pombo bill and the language that is added to talks about the routine operation, maintenance, rehabilitation, repair or replacement of Federal or non-Federal flood control projects. And here is the new language: where necessary to protect human life or to prevent the substantial risk of serious property damage.

Why are levees built? Why do they exist in the first place? To protect human life or to prevent substantial property damage.

So the language that was added to the Herger bill simply states again what the purpose of the levee system is and I do not think does anything to change the original intent at all and continues, therefore, to have the Herger language applied to the entire flood control system in our country as we know it.

In addition to that, the law applies, the Herger language applies regardless of whether this is any conceivable threat to the public. This would prevent any project reviewed to prevent damage to existing listed species, and it would make it virtually impossible to protect new species.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SAXTON] has expired.

(By unanimous consent, Mr. SAXTON was allowed to proceed for 2 additional minutes.)

Mr. SAXTON. Mr. Chairman, those are the basic reasons that Secretary Babbitt has indicated some disagreement with this bill. That is the basic reason that I think the President will veto the bill. Those are the basic reasons that I think the Senate will not pass the bill. And those are the basic reasons why I think the bill unamended by BOEHLERT will fail here today.

Now, the Boehlert amendment, on the other hand, will be targeted at what Pombo and Herger claim correctly that their complaint is that ESA prevents vital repairs to levees and other flood control projects, and we agree. We think relief is needed. We believe that our amendment, therefore, will exempt the repair of flood control projects from the consultation requirements of ESA all across the country, not just in California. It applies to both disaster areas and to any place where a project poses an imminent threat to human life or property and, as I said, it applies nationwide.

So this amendment, this bill as amended by the gentleman from New York [Mr. BOEHLERT] can become law. It goes to accomplish the purposes of the gentleman from California [Mr. HERGER] and the gentleman from California [Mr. POMBO]. I believe that we should vote for it on a bipartisan basis. I think we should get behind it wholeheartedly and pass this amendment so that we can have a bill that becomes law.

The CHAIRMAN. The time of the gentleman from New Jersey [Mr. SAXTON] has again expired.

(On request of Mr. CAMPBELL, and by unanimous consent, Mr. SAXTON was allowed to proceed for 2 additional minutes.)

Mr. CAMPBELL. Mr. Chairman, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from California.

Mr. CAMPBELL. Mr. Chairman, there were two points I would like the gentleman to give a very candid, honest answer to. First of all, is it the gentleman's understanding that the President's veto threat applies to Herger-Pombo even as amended by Campbell.

Mr. SAXTON. Mr. Chairman, I do not believe that the gentleman's well-intended amendment changes the bill at all and, therefore, I believe the President's veto threat remains in effect.

Mr. CAMPBELL. Mr. Chairman, if the gentleman will continue to yield, I am going to ask him a slightly different way. Is the gentleman's understanding of a veto threat expressed by the White House after the White House was informed of the existence of the Campbell amendment?

Mr. SAXTON. Mr. Chairman, it is my opinion that the White House believes, as I do, that the well-intended language of the gentleman from California does not change the bill at all in terms of its practical application to the entire flood control system as we know it in this country and, therefore, it is my opinion, I have not talked to the White House about this, but it is my opinion that the veto threat remains.

Mr. CAMPBELL. Mr. Chairman, has the gentleman talked to the White House or any spokesperson for the White House since the Campbell amendment became known?

Mr. SAXTON. Mr. Chairman, if I may reclaim my time for a moment, before I respond, I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I think the gentleman makes a very important point because under the Pombo legislation as amended by Campbell, the threshold that is required is the ordinary threshold we use for any public works project and any maintenance of any public works project, because that is always the rationale for the expenditure of the public moneys.

So we still have the position where we could get into extensive maintenance which could include flushing out the bottom of Shasta Dam and destroying downstream habitat. You could get into massive rehabilitation of levees. You could move levees from 50-year protection to 100-year protection.

So the Campbell amendment simply does not do anything to mitigate the concerns that the White House and many of us have about this legislation, because it is such a low standard. It is the same standard we use for any public works project.

So I think the gentleman makes a very good point, that if we want to take care of this problem and we want to take care of it on a timely basis and we want to respond to these people who have, who have been flooded out and those who may be in the future, the Boehlert-Fazio approach is the only one that is going to get us there.

I thank the gentleman for his remarks.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to this bill and in support of the Boehlert-Fazio amendment.

This measure's portrayal after the floods, the basic underlying measure is misleading and inaccurate and is an attempt to misuse the tragic loss of human life as a basis for a wholesale retreat from the Endangered Species Act.

☐ 1645

I would ask those who would disagree with me to simply look at the facts. I sat in the hearing, I heard some of the panels of witnesses, and the Endangered Species Act had, in the final analysis, nothing to do with causing the floods in California and the upper Midwest.

Anecdotal explanations will not do for this debate. According to the preliminary report of California Governor Wilson's flood emergency team, unprecedented water flows were simply too much for that channel. Designed capacities and sustained high flows saturated and further weakened levees. In fact, as the gentleman from California, the ranking member, Mr. MILLER, has pointed out, 10 times the flow capacity.

When one adds to this fact that these levees had silty and sandy soil beneath a top layer of clay, the claims that the ESA or fauna or flora protection are somehow to blame for that, this is clearly the result of a catastrophic act of God and even becomes more ridiculous in considering it.

Blaming the floods of 1997 on the Endangered Species Act would have been like Noah blaming the great flood on the animals he brought with him on the ark. It just does not make sense. It does not add up.

What is evident is the design and intent of some special interests to exploit these human tragedies as a basis and a scapegoating of the Endangered Species Act. This is incredible, it is not fair, and it is not the way we should make decisions or laws.

So why are we here today? We are debating this when there are thousands of flood victims working to rebuild their homes and their lives in the wake of these horribly destructive natural events this year.

Mr. Chairman, the Boehlert-Fazio amendment provides us the opportunity to repair the flood damage that has occurred. I submit that that will carry the day. What we need, of course, is action on that. We need to get the supplemental bill passed. And the fact is that some are trying to use this as a basis to write this measure into law.

Frankly, I thought we were through and had passed the dark shadow of some of the problems in the last session for the last few years that have persisted in the Congress but, apparently, this is yet not the case. Are we to suspend every law and regulation that affects or impacts the construction of water projects? Are we so concerned about the nourishment of beaches that the Endangered Species Act, the National Environmental Protection Act, Coastal Zone Protection, all of that should be disregarded because it represents somehow a qualification or encumbrance on that particular activity? I think not.

I think that this effort is wrong. I think the Boehlert-Fazio amendment is a well-tailored amendment to address the major issue that we have before us. I would hope that this Congress would act positively on that amendment and respond to what is necessary.

This legislation, the underlying legislation, virtually suspends almost all water projects and activities, from dredging, as I said, the channel nourishment, from the law. This would affect almost every district, as some have said, in the country because most of us have some water projects of a sort in our area.

The law actually can work and does work smoothly. From time to time we do run into issues where there are threatened or endangered species, but the type of requirements that were outlined here as an example of redtape, simply do not hold up in most of the jurisdictions that we represent.

This is an important law, along with the other laws that we have to protect clean water, to deal with the issues that arise when water projects and activities go on. It is wrong to scapegoat, as I said, one law in this instance, and I think that the motives and the effect of this is negative and reflects badly on this Congress and body in terms of dealing with facts rather than anecdotal stories.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding to me, and I think he raises a very important point.

If we want to scapegoat the Endangered Species Act, we can, but the mounting evidence is, in these floods, that the Endangered Species Act was a nonfactor. In central California we had 10 times the amount of water come through the river channel than the levees were designed to hold. We had somewhere between 70 and 80,000 cubic feet per second in a channel that was designed for 8,000 cubic feet per second.

Further north in the Yuba City area we had the failure of a levee. We had the failure of a levee in the area of where maintenance was talked about. But the fact of the matter is, over the last decade the Fish and Wildlife Service has signed off on a number of plans.

The CHAIRMAN. The time of the gentleman from Minnesota [Mr. VENTO] has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. VENTO was allowed to proceed for 3 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman continue to yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, what happened was the local levee agency, the local flood control agency kept coming back to the Corps and making additions to the levees. Change orders.

Those of us who know about military expenditures know the cost goes up because of change orders. They kept changing the design, and in this case the levee. The costs kept going up. They had to come back through budget cycles to get the money. Then the person who lost an open bid to do the work sued, saying the process was illegal, held the bid up and delayed the project. Had nothing to do with the Fish and Wildlife Service and ESA. The fact is they signed off on all these changes on all these projects.

So we can scapegoat the ESA, and people can come down here, and we saw a little while ago in the well, and we can rail against the slugs and bugs and we can rail against the ESA. I would suggest that, for the most part, that is the genesis of this bill.

If we look at the people who are supporting this legislation, they are the same people that supported this legislation in our committee, if the gentleman will remember, that basically just gutted the Endangered Species. They said we can save the species but we could not save the habitat. Hello? Where are the species supposed to go?

So we have the same coalition. We can rail against it and feel good, and we can try to tell our constituents that this levee failed and that levee failed because of the Endangered Species. The gentlemen from Louisiana were up here talking about how they maintain their levees and how they have to dump water into their lake. They are doing that today. They are doing that today.

There is nothing in the Boehlert amendment that requires the California mitigation plan. These are scare tactics. These are simply scare tactics, and the gentleman from Minnesota is making a very good point; that we ought to make this based upon the evidence and the information available. And the evidence and the information available simply does not add up that we should be blowing a hole through the Endangered Species Act with this legislation.

And make no mistake about it, that is what part B of this legislation does, it blows it right out of existence with respect to all of the activities in large, integrated flood control and western water projects. They simply escape their liabilities.

Mr. VENTO. Mr. Chairman, reclaiming my time, I appreciate the gentleman's observations.

I would just point out also that the underlying legislation here is permanent. It is a permanent change in terms of the Endangered Species Act as applies to water projects, which I might add, to my colleagues, is not a small activity that goes on in this country in terms of the amount of dollars. It is an important activity, one that is vital, but it has to be done and channeled.

I would say more often than not that those environmental requirements, including the Endangered Species Act, are the best money we can spend. They are the best money because they have held accountable this Congress from the type of wasteful projects that are repeatedly brought to this floor. So I do not think the environmental laws of this Nation, including the Environmental Protection Act and the others, if anything, they have limited the type of wasteful spending in project after project.

And if it does not work perfectly, let us improve it. Let us not permanently exempt all these projects. Let us adopt the Boehlert and Fazio substitute, which is a temporary fix and something that needs to be addressed.

Mr. SHADEGG. Mr. Chairman, I move to strike the requisite number of words, and I rise to join this debate and speak very strongly in favor of H.R. 478, as amended by the Campbell amendment, which has been accepted, and to speak very strongly in opposition to the Boehlert amendment.

Let me explain my reasoning. We heard a lot of discussion about anecdotal information. I think it is important to focus on the language and the problem that is before us. Let me begin first with the language of the Boehlert amendment and make an argument and make a suggestion for why I think it does not do what is essential at this moment in time.

The Boehlert language says that we could waive the essential requirements only when there is an imminent threat to human lives and property. The key word is "imminent" threat. I suggest we look at those words.

I went to Webster's International Collegiate Dictionary and looked up the word imminent. The word imminent is defined. Two definitions. The first: "Ready to take place." And the second, "Hanging threateningly over one's head."

What that means, Mr. Chairman, is that we would have to wait until the threat was hanging threateningly over our head. We could not do the necessary maintenance until the flood waters were headed our way. That is a serious problem with that language, and let me illustrate that.

In my State of Arizona we do not have waters that rise slowly over a period of days. We do not have waters that rise over a period of weeks. We have flash floods, flash floods that occur in an instant, flash floods that come up within a matter of hours and rise instantaneously.

This language would make it virtually impossible. We cannot predict a summer thunderstorm. We cannot predict the quantity of water that it is going to dump. We cannot predict it in advance. But under the Boehlert language, since we would have to wait until that threat was hanging threateningly over our head, we would be essentially precluded from doing the necessary maintenance.

Now, let us look by contrast at what has been accomplished with the Campbell amendment to the original Pombo bill. I think it offers ample protection, ample protection for anyone concerned. And why? Why does it go beyond the argument of my friend, the gentleman from New Jersey [Mr. SAXTON], that it does not add anything in the bill? Where is he wrong in that?

Let us look again at the language. The language says that the exemption would apply only where necessary to protect human life or where necessary to prevent substantial risk of serious property damage.

Well, let us go back to the words that are being used. First, it is where necessary. It is not where it would be reasonable for the protection of human life. It is not where it would be good for the protection of human life. It is not limited to where it would be helpful for protection of human life. It does not even apply if it is desirable for the protection of human life. It says, instead, where it is necessary for the protection of human life or necessary to prevent a substantial risk of serious property damage.

Again, let us look at the words and go to the dictionary definition. I pull out Webster's New Collegiate Dictionary and once again the definition of necessary is: "An indispensable item or essential."

We are not talking about just casual need or desire or reasonable or good or helpful. We are talking about where it is essential to protect human life or essential to prevent the substantial risk of serious property damage. That is what we are talking about.

This is not a waiver, a blanket waiver any time anyone feels like it. And as one of my colleagues on the other side pointed out quite early, these issues get litigated. In this case, the litigation will focus on this question: Does someone just want to do this levee work? That does not cut it. Is it good to do this levee work? That would not qualify under the law. If it would be helpful to do the work involved, that does not meet the standard. If it would be desirable to do this kind of maintenance work to protect human life or to avoid a substantial risk of property damage, that does not meet the test.

It is defined, as amended by the amendment of the gentleman from California [Mr. CAMPBELL], as necessary. Understand what necessary means. Necessary means essential or indispensable. That affords the protection which the other side refuses to recognize.

Now, perhaps the arguments on the other side were framed before the Campbell language came forward. Perhaps we discussed the threat of a veto before the President knew of the language. But I suggest to my colleagues that this language does do what is necessary to enable us to prevent and to protect against potential flood damage but not to wait until the waters are literally rising. And in my State of Arizona, that is a condition which cannot be met because of the flash flood conditions we face.

Mr. Chairman, I urge my colleagues to support the bill, as amended by the gentleman from California, and to oppose the Boehlert amendment.

AMENDMENT OFFERED BY MR. DICKS TO AMENDMENT NO. 1 IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BOEHLERT

Mr. DICKS. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. DICKS to amendment No. 1 in the nature of a substitute offered by Mr. BOEHLERT:

On page 2, line 15, strike "an imminent" and insert in lieu thereof "a substantial".

Mr. POMBO. Mr. Chairman, at this time, I reserve a point of order against the amendment.

The CHAIRMAN. The point of order is reserved.

The gentleman from Washington [Mr. DICKS] is recognized for 5 minutes on his amendment.

Mr. DICKS. Mr. Chairman, I rise to offer this amendment because I agree with the gentleman from Arizona, and I think the words "a substantial threat" are better for us here than an "imminent threat" for many of the reasons he described. I think it will allow earlier action.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I think the gentleman's amendment provides necessary clarifying language, and I am willing to accept that. I think it is constructive, and I thank the gentleman very much.

Mr. DICKS. Mr. Chairman, I ask for a vote on the amendment.

□ 1700

The CHAIRMAN. Does the gentleman insist on his point of order?

Mr. POMBO. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman withdraws the point of order.

The question is on the amendment offered by the gentleman from Washington [Mr. DICKS] to the amendment in the nature of a substitute offered by the gentleman from New York [Mr. BOEHLERT].

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. CALVERT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of H.R. 478 introduced by my friends, the gentleman from California [Mr. HERGER] and the gentleman from California [Mr. POMBO], and in opposition to the Boehlert substitute.

In January 1993 in my district, in the Temecula-Murrieta area of California, over $10 million worth of damage occurred in the old town area of Temecula and Murrieta when the Murrieta Creek overflowed its banks. It is not a theory, it is not my imagination. I was there, I saw it happen.

Interestingly enough, the county of Riverside, the county flood control agency, had for months if not years attempted to get permission from the Federal authorities to do necessary repairs and cleaning out of that Murrieta Creek bottom. They were unable to get those permits. Because of that, that damage occurred. Furthermore, there was so much debris within that creek bottom, it went on down through Murrieta Creek and joined into the Santa Margarita Creek and went on through that area, and there was so much debris, it created an artificial dike for a while while the water accumulated behind it. Eventually that broke, and the water went through and hit the dike that protects the helicopters at Camp Pendleton in California. That dike broke, and that water cascaded without any warning on to the military base and I believe approximately $75 million worth of helicopters were destroyed because of that.

We could have solved that problem. This was absolutely solvable. All we had to do was just clean out that river bottom. We were unable to do it. Fortunately since then we have been able to clean out the river bottom. We have been able to do that but unfortunately with a lot of effort. Just this last year we tried to clean it out, up until just a couple of weeks before the rainy season began, we still had a very difficult time getting the necessary permits to keep it cleared out. I have had a lot of disasters in my county. I am the same county, of course, that had the problem with the fire breaks and the inadequacy of the fire breaks and the Winchester fires in the same year which destroyed many homes of folks that could have been protected if fire breaks had been allowed. This bill does not address that. I would like to get into that somewhere down the road. But it does address necessary protection to flood control channels which protect life and property. If we cannot protect life and property and be Members of this Congress, I do not know what we can do.

Please support the gentleman from California [Mr. HERGER], the gentleman from California [Mr. POMBO] and oppose the gentleman from New York [Mr. BOEHLERT] and let us move forward with this.

Mr. DINGELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York.

I have listened to the debate with a great deal of interest this afternoon. I have heard my colleagues who offer the legislation talk about the intention of the original authors of the Endangered Species Act. They were right. They said we did not want to prevent people from protecting their homes and avoiding calamities and taking steps necessary to repair after.

I have also listened to my colleagues on the side who are pushing the amendment offered by my good friend, the gentleman from New York [Mr. BOEHLERT]. They have said that the purpose of the original Endangered Species Act was to see to it that we protected precious species from being extinguished by the hand of man. Both are right. I think it is good that we should take steps to protect endangered species from being extinguished. I think it is also right that we should protect people. That leaves us a choice between the amendment offered by the gentleman from New York and the original piece of legislation. Interestingly enough at the time that the legislation was written, I was the chairman of the subcommittee. In fact, I was the author of the legislation. I thought it was good legislation then, and I still think it is good legislation. The distinguished gentleman from Alaska, if I recall correctly, was a member of the committee at the time we wrote that legislation. He is now chairman of the Committee on Resources, and I am delighted to see that because he is a fine chairman and a dear friend of mine. But I would observe to my colleagues that in choosing between the extinction and the extermination of species and the protection of human life, the choice here really is quite simple. That is, to adopt the amendment which was wisely and prudently offered by the gentleman from New York [Mr. BOEHLERT] and to reject the basic language of the bill, because the basic language of the bill does not just protect human life, it gives an absolute absolution, it gives an immunity bath to the wiping out of any species in connection with the construction, reconstruction, amendment, repair, or other things of some kind of a flood control project. It goes as far as drains and dams and it goes as far as fishways and protection of fishways. It goes even to things like beach erosion. I am not sure that that is necessary for the protection of human life. It allows anything to be done without any consultation or anything else. The Boehlert amendment says that if there is substantial danger to human life, all those things are waived. Substantial danger. We have just changed it to deal with the concerns that were expressed about imminent.

The bill also affords reasonable time limitations in terms of how long this will go. The Committee on Resources is not going to close up its business tomorrow. It is going to be here. They will have oversight and look at the way that this legislation should be conducted and I think that is the way the Congress should function, and I commend the committee for what it is it does. The legislation they have brought before us is not good legislation. The legislation as amended by the amendment offered by the gentleman from New York would be good legislation. It would be legislation of which we could be proud. It would carry out the two purposes of the debate today. First, the protection of endangered species. If some of the proponents of this amendment would really like to talk to me about what they really have in mind, I would like them to tell me why we ought to wipe out species that are precious in terms of the gene pool, or that lend unique and rare quality to the life that we all enjoy in this world of ours. Or why it would be useful for us to sacrifice those kinds of species when there might be some future importance to them, to human beings going even beyond the simple knowledge that that species might be there.

Let us talk about doing something and doing something quickly. The amendment offered by the gentleman from New York [Mr. BOEHLERT] makes it possible for us to have immediate relief. This legislation will whistle through the House if that amendment is adopted and it will whistle through the Senate because both bodies are looking for something to do. It also will be signed by the President.

Now, the alternative is the adoption of the bill as it is laid before us, an immunity bath for any misbehavior under the Endangered Species Act which would relate to flood control projects. The President is not going to sign the bill as it now is. And so all of us are going to go home and we can tell our constituents about the wonderful speeches we made about how we were protecting people from floods. But the real answer is, if Members really want to protect people from floods, if we really want to do a wise and careful job of legislating, if we really want to protect endangered species and if we want to protect people, if we want to deal with the problems of floods and repairs and to do it responsibly and thoughtfully, adopt the amendment that is offered by the gentleman from New York and reject the bill as it is now drawn.

Mr. HERGER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong opposition to the Boehlert amendment and in support of H.R. 478. I want to make perfectly clear what is at stake with maintaining and repairing flood control structures across the United States. In 1986, California was hit with what was up to that time the worst flooding in recorded history. This photo shows an example of the devastation. Members can see how the water in Linda in northern California in my district was up to the bottom of the road signs. In that disaster, 13 lives were lost and more than $400 million worth of damage was caused. After this tragic flood, the Army Corps of Engineers spent 4 years to study what levees needed to be repaired. Under the Boehlert substitute, the deadline would have been surpassed because the Boehlert substitute limits the time in which flood control experts can repair the levees to only 1½ years. Our Nation would in fact be worse off under the Boehlert substitute than under existing law which does not limit the window for making repairs nor does it require after-the-fact mitigation. Even if the repairs could be accomplished within the time limit, the Boehlert amendment would still require local communities to pay for costly environmental mitigation after the levee was repaired. The Boehlert substitute makes national law a policy that requires local officials to play Russian roulette with limited tax dollars by forcing them to choose between making necessary repairs or facing undetermined mitigation costs. It writes a blank check for the Fish and Wildlife Service to charge local communities whatever they want in mitigation costs. This is clearly another major unfunded mandate. But by far the worst part of the Boehlert substitute is that it does nothing to prevent flood disasters from occurring in the first place. The Boehlert substitute would only allow flood control structures to be repaired after a catastrophe occurs, only after lives have been lost, and only after the loss of wildlife that the ESA is supposed to protect. Why should a law prevent the repair of a flood control structure only to have that structure give way and take lives and devastate wildlife?

Mr. Chairman, the Boehlert substitute simply defies common sense. Under H.R. 478, flood ravaged areas around the Nation could find comfort in knowing that they will have the regulatory relief necessary to do everything in their power to prevent flooding. When a levee, like this one in this photo, broke in my district on the Feather River on January 2, 1997, three people were drowned. Claire Royal, a 75-year-old retired elementary school teacher, was found drowned near her car in which she had been attempting to flee the flood waters. Marian Anderson, a 55-year-old mother of 10, was found drowned near her car in which she had been attempting to flee the flood waters. Bill Nakagawa, an 81-year-old World War II veteran who served with the famed and distinguished Japanese-American 442d Combat Team, was found drowned in his home a quarter mile away from the broken levee.

Ask yourselves this: Would Claire Royal, Marian Anderson, and Bill Nakagawa, been better off under the Boehlert amendment that only allows repairs after the disaster has hit, or would they have been better off under our legislation, H.R. 478, that allows flood control officials like Mrs. Anderson's husband, the manager of the broken levee, to make the repairs while the sun is shining and the high waters are not present?

Mr. Chairman, the Boehlert substitute is worse than current law and does nothing to protect communities from future devastation from floods. I urge my colleagues to vote "no" on the Boehlert substitute and "yes" on final passage of H.R. 478.

The CHAIRMAN. The time of the gentleman from California [Mr. HERGER] has expired.

(On request of Mr. DICKS, and by unanimous consent, Mr. HERGER was allowed to proceed for 3 additional minutes.)

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I think the gentleman will be happy to know that we take care of his primary concerns.

First of all my amendment does not deal with only after. We deal with prior to. We have made an adjustment as a result of the Dicks amendment to mine which I accepted. So if there is a substantial threat, we can do the repair work prior to. That is very important.

☐ 1715

Mr. HERGER. Mr. Chairman, reclaiming my time, let me ask the gentleman, is their not a 1½ year time limit on his bill? Does his bill not expire on December 31, 1998? Yes or no?

Mr. BOEHLERT. If the gentleman will yield, no. The answer is "no."

Mr. HERGER. It is not written into the bill that it expires?

Mr. BOEHLERT. If the gentleman will yield, I would be glad to respond to the question.

Mr. HERGER. Yes.

Mr. BOEHLERT. Mr. Chairman, what we do is 1998 is the time, and we do this for a very logical reason. What this Congress too often does is passes sweeping legislation for time immemorial. We want to try this as a pilot project. We think our colleague has a good idea; we want to assist him.

Mr. HERGER. Let me reclaim my time. Could the gentleman from New York be specific on when it expires in his legislation?

Mr. BOEHLERT. Sure; the end of calendar year 1998, a pilot program to see how it works.

Mr. HERGER. OK; that is what I thought. I reclaim my time.

It ends on the end of calendar year 1998. That is 1½ years from the day. That does nothing to help future floods. And I might mention this study that was done was asked for in 1986 after another flood there, which I am sure the gentleman from New York may have fought us doing something about then. We did a study that determined the levee that broke where Mrs. Anderson was drowned, the Corps of Engineers in 1990 said that there will be a loss of life unless this levee is repaired. For 6 years the Corps of Engineers jumped through hoops trying to mitigate for an elderberry plant, and, no I will not—tried to mitigate for this.

This is serious. We had three people drown in our district because of those who have taken over the environmental movement, and it will not even allow for simple commonsense legislation that puts people, puts people ahead of endangered species. All we are talking about is repairing levees.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, there is some obligation to go to the accuracy of the remarks he is saying. There is no limitation on debate.

The CHAIRMAN. The time of the gentleman from California [Mr. HERGER] has again expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. HERGER was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman suggested somehow that the Endangered Species Act prevents these projects from going forward.

Mr. HERGER. That is correct, because it does.

Mr. MILLER of California. I mean the gentleman can stand up in the well and say whatever he wants, but he has some obligation to be accurate. But the fact of the matter is it is a water resources act, so if the gentleman from California does what he wants to do, it requires that mitigation be temporary, not the Endangered Species Act.

The gentleman says the amendment offered by the gentleman from New York [Mr. BOEHLERT] would have prevented the report from going forth; there is nothing in the amendment that prevents the report from going forward. And the gentleman says it would be worse than existing law, and the fact is what he does is waive the provisions of existing law requiring consultation.

So the gentleman can get up here and rail against the Endangered Species Act. We have some obligation to be accurate in terms of the facts we present to the House.

Mr. HERGER. The fact is, and I will reclaim my time, the fact is that the gentleman from New York [Mr. BOEHLERT] stated in a question I asked him that his legislation sunsets on December 31, 1988. That is 1½—I have the time—this is very serious. We have lost three of my constituents in this levee break because of an Endangered Species Act that for 6 years kept mitigating for an elderberry plant and put a plant—Mr. Chairman, I have the time—that mitigated for 6 years, spent $9 million on a repair that would have only cost $3 million that finally, after jumping through 6 years of hoops, this repair was due to be done this summer.

Guess what? It was about 6 months, too late for the lives of three Americans and constituents of mine.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. HERGER. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, is the gentleman aware of any maintenance activities in his district that were delayed because of mitigation, the implementation of the Endangered Species Act?

Mr. HERGER. I am aware of a number in my district that are delayed, and specifically the one that I have related to not only was delayed but it was delayed from 1990 until the summer, which has not come yet, of 1997, and prior to that time after 6 years the levee broke.

The CHAIRMAN. The time of the gentleman from California [Mr. HERGER] has again expired.

Mr. POMBO. Mr. Chairman, I ask unanimous consent the gentleman be given an additional 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

Mr. DICKS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

Mr. FORBES. Mr. Chairman, I move to strike the requisite number of words.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I just want to say to the gentleman from California [Mr. HERGER], and I understand his concern and it is legitimate, had the Boehlert language been in effect we would not have had that 6-year delay that he refers to. The fact of the matter is our substitute amendment is designed to take care of those situations. We want to prevent them from happening in the future.

Mr. FORBES. Mr. Chairman, I rise today in strong support of the substitute amendment offered by the chairman of the Subcommittee on Water Resources and Environment of the Committee on Transportation and Infrastructure, the gentleman from New York [Mr. BOEHLERT].

Before us we have an amendment that strikes the requisite balance between providing for the timely repairs to our Nation's flood control infrastructure and protecting valuable endangered species such as salmon and steelhead.

If we fail to adopt the Boehlert amendment, we will be left with a bill that threatens thousands of miles of our Nation's most valuable endangered species habitat.

The threat H.R. 478 poses to rivers and streams across America was highlighted for me in a recent letter from one of America's leading sports fishing organizations, Trout Unlimited. I would like to read to my colleagues what our friends from Trout Unlimited are saying:

> Enactment of H.R. 478 would undercut trout and salmon protection and recovery efforts nationwide. There are literally thousands of dams and other structures nationwide that have flood control as a purpose. H.R. 478 would give dam managing agencies, such as FERC, the Bureau of Reclamation, and the Army Corps of Engineers carte blanche to conduct or authorize construction, maintenance, repair, and operation of dams and other structures in the name of flood control regardless of the impacts of those actions on listed species. This is a prescription for species extinction and further erosion of once thriving sport and commercial salmon fisheries on both coasts of the Nation.

It is for these reasons that our Nation's premier sports fishing organizations have united in strong opposition to H.R. 478. However, these same fishermen are supporting the Boehlert amendment as a reasoned approach providing balance to a very obvious problem and necessitating that truly needed repairs to our Nation's flood control structures that are not unduly delayed by the Endangered Species Act.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman, I rise also in strong support of the Boehlert amendment which strikes a balance between protecting valuable endangered species and providing for the timely repairs to our Nation's flood control infrastructure.

This year's massive flooding has been a great American tragedy, and it would be irresponsible if this House does not consider how to reduce the likelihood of such tragedies from occurring again in the future. But Congress should not use this as an excuse to undercut the Endangered Species Act which, rhetoric aside, was not responsible for the rash of flooding.

The passage of H.R. 478, unamended, will not guarantee increased safety. Instead, the bill's broad blanket exemptions to the Endangered Species Act would have environmental impact far beyond the stated goal of protecting human life and property.

I believe that the substitute offered by the gentleman from New York [Mr. BOEHLERT] is a reasoned approach to assuring that truly needed repairs to our Nation's flood control structures are not unduly delayed by the Endangered Species Act.

Today we are provided with a stark choice of one of our Nation's most important environmental policies. We can either vote to exempt millions of acres and thousands of miles of rivers from any endangered species protections, or we can vote to provide meaningful relief to those actually facing true flood control emergencies.

Do the right thing. Support the Boehlert substitute.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. FORBES. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I rise in strong support of the Boehlert amendment.

As my colleagues know, today we are provided with the stark choice of one of our Nation's most important environmental policies. We can either vote to exempt millions of acres and thousands of miles of rivers from any endangered species protection, or we can vote to provide meaningful relief to those actually facing true flood control emergencies.

Let me put it in even more stark terms for my colleagues. They can vote for a measure that is strongly opposed by every major fishing and environmental group in the country, a measure that will most certainly be vetoed by the President, or they can vote for a measure that is supported by fishermen and environmentalists and can be signed into law.

What do Trout Unlimited, the American Canoe Association, the Atlantic Salmon Federation, the Federation of Flyfishers and the International Association of Fish and Wildlife Agencies all have in common? The litany goes on. They all support the Boehlert substitute and strongly oppose H.R. 478.

As noted in a recent letter I received from the International Association of Fish and Wildlife Agencies, "The language in H.R. 478 is a broad overreach which goes way beyond circumstances related to disaster response measures and could significantly affect the recovery of endangered fish stocks, such as Pacific salmon."

> We respectfully urge you to oppose any legislative proposal which contains this language. We do support the substitute language to H.R. 478.

Join me in supporting the Boehlert substitute. The only measure that can actually be signed by the President—the only measure that makes environmental sense—the measure that will provide real relief to those affected by flooding.

The CHAIRMAN. The time of the gentleman from New York [Mr. FORBES] has expired.

Mrs. MORELLA. Mr. Chairman, I ask unanimous consent that the gentleman from New York [Mr. FORBES] have 3 additional minutes.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

Mr. YOUNG of Alaska. I object.

The CHAIRMAN. Objection is heard.

Mr. DOOLITTLE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the Boehlert amendment is extremely ill-considered. I really wonder, as a member of the authorizing committee that passed the Herger-Pombo bill out, you read the language, it simply says, "Consultation and conferencing is not required for any agency action that A, consists of reconstructing, offering and maintaining or repairing Federal or non-Federal flood control project, facility or structure."

Mr. Chairman, this really is a good debate. I am glad we are having it. We have been trying to get to this debate for over 2 years now in the Congress. It really is going to come down, I guess, between a very extreme application of the law, as is presently the case, by the bureaucrats and the Fish and Wildlife Service and NMFS and others, or whether we are going to have a reasoned, balanced approach.

In our State of California alone, there are over 6,000 miles of levees. There is the picture of one, on the far right, that broke. We have 6,000 miles of aging levees that have been built over the decades. Only 2,000 miles of those are even federally constructed levees. The rest are non-Federal.

Since we have had the Endangered Species Act and the very extreme interpretations and additions that have come about over the years, we now find ourselves with tremendous aging, unstable levees in much of our State. We know it has been documented.

The scientists have said that we live in an era of heightened volcanic activity with dramatically increasing weather changes. Just to illustrate this point, we have a hydrologic history in our State that goes back to about the turn of the century, and yet the five largest storms of record have all occurred since 1954 in the State of California.

We may be facing these kinds of floods every year for the next few years. We need to begin now. We need to protect public safety and human life so that we do not have repeats of this kind of a scene. My heavens, how can we be debating this in this fashion when we have seen scenes all over the country of people whose lives have been ruined, who have been up to their necks in water, who have been forced to move out?

They showed a special, I think on Prime Time Live here last week, talking about New Orleans, the district of the gentleman from Louisiana [Mr. TAUZIN] when they had the floodings in the 1920's. Seven hundred thousand people were rendered homeless. Are we going to countenance policies like we have in the law today that will preclude the adequate maintenance and repair of these levees in order to prevent this from happening?

This is outrageous, Mr. Chairman. We ought to defeat the Boehlert amendment. It is a bad amendment. It is calculated to stymie this very legitimate effort to allow local agencies or the Federal or the State agencies to do what needs to be done to protect people's lives and property.

I am sorry, that comes ahead of a bug or a plant. I think the issues are pretty well defined in that regard.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I think the gentleman from California [Mr. DOOLITTLE] would agree that what happened here is we had a 500-year flood, a catastrophic event, that caused all this damage. It was certainly not the Endangered Species Act. How can my colleague possibly blame it on protection of habitat and species?

Mr. DOOLITTLE. Mr. Chairman, reclaiming my time to answer the question of the gentleman. You can have a 500-year flood every year in a row for 3 or 4 years. That does not mean they happen every 500 years.

We had a 500-year flood. We had a 250-year flood a couple years before that in parts of the State. So, yes, I blame it on the Endangered Species Act. It does not allow flood control agencies to protect and maintain these levees without jumping through all the hoops that the gentlemen from California [Mr. POMBO] and [Mr. HERGER] and others have described.

It is absurd that we have to spend $10 million in mitigation on a project that costs $3 million to construct.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. DOOLITTLE. I yield to the gentleman from Washington.

□ 1730

Mr. DICKS. Mr. Chairman, as I remember, there were a lot of people offering amendments to cut out funding for the Corps of Engineers and also money for the Endangered Species Act that could have been utilized for these purposes. I think if the gentleman goes back and looks at the record, he will see that some of those amendments are a part of the reason why he did not get more of a response on these issues.

Mr. DOOLITTLE. Mr. Chairman, let me just say this is reasonable language that allows the maintenance and repair of levees without having to go through this absurd, years-long, multimillion-dollar process to protect people's lives and property. It is an extreme policy under the law now, and we are about to change it. Vote "no" on Boehlert and vote "aye" on the underlying language.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment. I think all of us, if cool heads prevail, would have some understanding that, yes, there are problems with the Endangered Species Act; and I think we would all recognize that there are problems with maintenance on various levees. I think we would all recognize that there are costs associated with mitigation.

If we look at the maintenance and we look at what has to be mitigated, it is hard to tell what comes first, the chicken or the egg, but there are serious problems with maintenance and mitigation. I will offer an amendment in a little while to try to deal with those problems.

Mr. Chairman, I stand here today to address the emergency issue at hand, and that is the levees and the levee system that failed, especially in these 48 counties in California, and how do we repair those levees right now. I am supporting the Boehlert amendment because the Boehlert amendment goes beyond present existing law to repair the levees up to 1998. Now, I would be the first one to say that some of those levees might not be ready in 1998 and we are going to have to extend that.

I would also be one of the first people to say that there is a problem with understanding how to maintain a levee so that we do not have to deal with an elderberry bush or a small yellow snake; we can just clear that elderberry bush, fill in that snake hole, fill in that rat hole. I recognize that we have to deal with the situation that we are now presented with, and that is the safety of human beings that rely on the levee system. We have to deal with that.

However, I would go further, Mr. Chairman, and say the weaknesses here today, when we focus on the photograph that the gentleman from California showed us, the breach in the levee and the woman being carried down with the fast-moving water, I would say that the real weakness, if we look at the big picture, is not with the Endangered Species Act. The real big picture here is not with maintenance or mitigation. The real picture here, the weakness, is within State and Federal approaches to flood management. The weakness is with the current labyrinth of dams and levees. The weakness is with land use planning and our attempts to engineer rivers.

In this debate do we need to understand the mechanics of natural processes? Can we protect people behind levees for a 500-year flood that may happen 2 or 3 years in a row, and the answer is no. Do we want to repair the existing levees? You bet we do. Do we want to resolve the problem of maintenance? You bet we do. Do we want to resolve the problem of mitigation? You bet we do. Do we need to find a solution for the mitigation costs? The answer to these questions is yes.

I feel at this point that the gentlemen from California, [Mr. POMBO, Mr. HERGER and Mr. CAMPBELL], my friends, their motivations are right on target to resolve the problem of flood control, particularly with levees. I just happen to think that they go a little bit too far at this particular point.

Do we want people to move off the levees or out of these cities? The gentleman from Louisiana said, do we want people to move out of New Orleans? The answer is no. Do we want people to move out of Sacramento? The answer is no. Do we want people that are behind levees right now to have to move and go someplace else? The answer is no.

However, my question is—and I know that we want to protect those people behind those levees and clear up the problems with maintenance and clear up the problems with mitigation costs. I fear, though, that if we say adopt the present bill in front of us, that there will be a sense of protection that tranquility will prevail, and we will then begin to expand the levee system and we will put more people in harm's way.

For this reason, Mr. Chairman, at this point, I support the amendment of the gentleman from New York [Mr. BOEHLERT]. I will offer an amendment to help resolve the problem of maintenance and mitigation costs. I will yield to the gentleman from California, and then I will yield to the other gentleman from California.

Mr. POMBO. Mr. Chairman, the gentleman, I believe, understands the Boehlert amendment and understands the main bill that the gentleman from California [Mr. HERGER] and I put together. Does the Boehlert amendment allow maintenance of the levee system?

Mr. GILCHREST. Mr. Chairman, reclaiming my time, the Boehlert amendment, in my understanding, does not address the maintenance, the long-term maintenance. The gentleman is correct.

The CHAIRMAN. The time of the gentleman from Maryland [Mr. GILCHREST] has expired.

(On request of Mr. POMBO, and by unanimous consent, Mr. GILCHREST was allowed to proceed for 3 additional minutes.)

Mr. GILCHREST. Mr. Chairman, the Boehlert amendment deals with the existing emergency, which is to repair the levees up to 1998.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, if the area was declared a disaster area from the floods of 1997, they allow us to repair the damages from the floods in disaster areas from 1997?

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I would say two quick things. No. 1, the Boehlert amendment ensures that repairs that were broken take place in the levee system; but No. 2, if the levees are maintained—and this is what I want to do in my study—if the levees are maintained and cut the grass and deal with the issues, we are not going to have an elderberry bush grow up.

So my amendment, which will amend the Boehlert amendment, I think, will deal with the problem of maintenance.

I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I thank the gentleman and I appreciate his argument. There is a reason we go through the process of endangered species. There is a reason we go through environmental impact statements.

Mr. Chairman, last year the Congress talked about spending $1 billion for one dam in California, one dam, $1 billion or more. We went through the assessments, we looked at the environmental assessments, we looked at the alternatives. What did we do? We changed the way we operate at Folsom Dam. We strengthened the levees. We did not build the $1 billion dam for the biggest floods in our State, and that system worked perfectly.

That is why we go through these assessments, because good environmental practices and the taxpayers' interest coincide so very often. We could have chosen to build a $1 billion dam, we did not have to. And now for very little money, I think that is the point the gentleman makes, there is a reason for doing this.

Mr. GILCHREST. Mr. Chairman, reclaiming my time, I thank the gentleman from California, I thank both gentlemen from California, and even the other gentleman from California. There are a lot of people from California here.

I think that we all have to recognize that yes, there have been some extremes, and there are some examples. And the gentleman from California [Mr. HERGER] described an example where some maintenance was held up because of the Endangered Species Act, because of the problems with maintenance and because of the problems of mitigation costs.

Those are real issues that actually happened and create layers of bureaucracy that we are trying to swim through, pardon the pun. However, Mr. Chairman, at this point, I think this House would more adequately address the problem if we vote for the Boehlert amendment, which will end in 1998 and in that process ensure that repairs are taking place. In a minute I will offer an amendment to the Boehlert amendment that will deal with the maintenance and the mitigation costs.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. GILCHREST. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, the gentleman has said that the Boehlert amendment does not address maintenance. The gentleman's amendment is asking for a GAO study. So neither one deals with the real problem that we have of preventive maintenance.

Mr. FAZIO of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Boehlert amendment. I know that the Endangered Species Act is not as well-known to the rest of the country as it is to those of us in California who live with it on a regular basis, and I think that perhaps we speak with more emotion than many of the other people who engage in our debate, perhaps with the exception of the gentleman from Louisiana [Mr. TAUZIN], who exceeds us all. But let me say something that I think has been lost in this entire discussion.

The approach that the gentlemen from California, Mr. POMBO and Mr. HERGER, are taking is not at odds with the approach that was taken by the full Committee on Appropriations unanimously and the essence of the substitute that the gentleman from New York, Mr. BOEHLERT, has brought to us on the floor today.

We may have differences of opinion about the Endangered Species Act, and I, for one, would like to bring the authorization out and go through it line by line on this floor and resolve our various points of difference. But no matter how we feel about that, the bill, as reported out by the Committee on Appropriations coming to this floor next week, contains language which makes a difference for the people who are impacted by this flooding in California.

That amendment was based on a simple premise, that emergency repairs should go forward without any ESA requirements for mitigation or prior consultation to impede them. In other words, for the next, what, 17 months through the end of next year, we believe the districts, the State, and the Federal agencies responsible for putting back in place the flood control system that was rendered ineffective by the winter storms can do so without reference to the Endangered Species Act. That is the thrust of the Boehlert substitute.

Now, it may not be enough to satisfy some, and I understand that there is need for some ongoing approach, maybe expedited approaches that would get through the redtape of bureaucracy more quickly, maybe some things that would provide commonsense permits for our local communities to proceed with on important flood control projects.

We need to talk about streamlined process that gets these projects underway in a construction season, which is already limited by salmon runs and other requirements. We also need to discuss incentive-based approaches to get improved compliance with the Endangered Species Act. We need to make a more cooperative and less heavy-handed bureaucratic approach.

That is all to be done in an approach that could, I think, get broad bipartisan support on this floor as it relates to the entire Endangered Species Act; not a single-shot approach to flood control, but one that would affect all of our districts and that would move us further down the road toward, I think, some understanding of how we can live with this law.

But get this: This Boehlert substitute, which is the only language that the President will sign, we got that message clearly today, is all we can accomplish in this short timeframe. The President will veto the Pombo bill, even as amended, because it is a fundamental rewrite of the ESA that we made up here on the floor, people adding amendments and subtracting amendments.

I mean, the bottom line is we have not done our homework, we have not done the job that needs to be done. We are reacting out of emotion, and I understand that. I feel as the gentleman from California [Mr. HERGER] does about the deaths that have occurred in northern California, the devastating loss of property, and the cost to the taxpayers at every level.

But the solution to this problem is not to take the Endangered Species Act out and shoot it, we can fix it; but it is to deal with all of the other environmental laws that we have not even talked about like the NEPA statute that affects consultation as well and, more importantly, to get the resources we need to fix the levees.

We need State and local taxpayers and property owners and the Corps of Engineers to come up with a comprehensive approach to this solution. We need a flood bond act to pass in California. I am hopeful one will in the next calendar year, in the election either on the spring or fall ballot.

We need to work together on that and not make it appear that the Endangered Species Act has caused the floods. It has, I believe, contributed to delays, I believe perhaps has contributed to additional costs, yes. That is an irritant, that can become a serious problem, but it is not the reason we have the floods. We need to focus on what we can do together to bring about the mix of funding sources that will get on top of this, and I would like to fix the Endangered Species Act in the context of a repair to that entire statute and not just because we have had to suffer in California and in other parts of the country this winter.

□ 1745

I think this effort that the gentleman from New York [Mr. BOEHLERT] has made is designed to get both sides together to give us something we can say to the people of California and other parts of the country who have lost property and lives, and I think we can get the system back up and operating.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has expired.

(On request of Mr. MILLER of California and by unanimous consent, Mr. FAZIO of California was allowed to proceed for 2 additional minutes.)

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I want to commend the gentleman for his remarks. I think he in fact makes maybe the most reasoned presentation so far on the floor. That is that we have all heard from our constituents and we have all heard from our colleagues, problems with implementation, management, and enforcement of the Endangered Species Act. That is a well known fact on the floor of this House.

The fact is that we have watched and we have battled over this thing over the many years. But the gentleman makes a point; if we really want to address this, it has to be done in a reasoned fashion. We have to bang it out. The gentleman from California [Mr. POMBO] started an effort last year and that came to naught. The gentleman from Alaska [Mr. YOUNG] has approached me this year about whether or not there is a chance to get a group of people to sit down and discuss this. The gentleman from New York [Mr. BOEHLERT], the gentleman from New Jersey [Mr. SAXTON], and the gentleman from Maryland [Mr. GILCHREST] have talked to Members in their caucus about this.

Mr. Chairman, the fact of the matter is we are arriving at a point where there is a critical mass of people who believe that we have an obligation to address this in a comprehensive fashion. I think that is the important way to go about it.

But to use this vehicle as a means of now just driving a large hole into it with respect to huge, huge integrated water projects throughout the western United States, through much of the area of flood control projects, I think would be a terrible mistake. We can do the Boehlert-Fazio amendment. That is doable. The President will sign it. We can take care of this immediate problem. Then we can start with the very hard, difficult work, and that is getting a comprehensive review and changes with this act so in fact it can work for the rest of our economy.

Mr. FAZIO of California. Mr. Chairman, reclaiming my time, I want to congratulate the ranking member. I am sure the gentleman from California [Mr. POMBO] and the gentleman from Alaska [Mr. YOUNG] are pleased to hear that kind of commitment, because we all know that kind of work has to be done.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, one of the realities here, too, is when people are talking about protecting flood control projects, that is one thing. But then there is going to be a higher burden on the farmers, on the miners, on the other industries, because we are going to have to do this protection at some point.

The CHAIRMAN. The time of the gentleman from California [Mr. FAZIO] has again expired.

(By unanimous consent, Mr. FAZIO of California was allowed to proceed for 2 additional minutes.)

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. FAZIO of California. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to clear up one matter. Earlier in the debate when I was in the well, there was some question about the position of the White House. The gentleman from California just reiterated a position that I thought was valid, and that was that the White House, the President, would not sign the Pombo bill in its current form. I am also aware that calls have been made to the White House in the subsequent couple of hours. Would the gentleman bring us up to date on what he believes the position of the White House is?

Mr. FAZIO of California. Mr. Chairman, I believe the White House remains opposed to the Pombo bill, as amended, and supports the Boehlert alternative, which is the only thing we can accomplish in this short time frame; maybe not from the standpoint of many Members the best, but it is what is doable. It is what we can bring home to our constituents in need. We can then go back and take a more comprehensive approach. The committee can do its work. We will not be supplanting them here on the floor.

I do think that is the most constructive thing. What I really want to get across is this bill, as we know, is not going to pass the Senate. It is not going to even come to the President for a veto. It is a vehicle for debate. It is a vehicle to air a problem. Now, let us not lose sight of the fact that we owe it to our constituents to help them with a short-term crisis. Mr. Chairman, I urge Members to support the Boehlert substitute.

Mr. POMBO. Mr. Chairman, I ask unanimous consent that debate on this amendment be limited to 30 minutes, 15 minutes on each side, equally divided.

The CHAIRMAN. And all amendments thereto?

Is there objection to the request of the gentleman from California?

Mr. GILCHREST. Reserving the right to object, Mr. Chairman, and I do not want to object, but I would like to ensure that my amendment be protected in this time frame.

Mr. POMBO. The request is to the Boehlert amendment and all amendments thereto. I will assure the gentleman that I do not have any objection to his amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. POMBO] will control 15 minutes, and the gentleman from California [Mr. MILLER], the ranking minority member, will, I assume, control the other 15 minutes.

PARLIAMENTARY INQUIRY

Mr. DICKS. Parliamentary inquiry, Mr. Chairman.

Mr. Chairman, is it not the regular order that Members who are standing are recognized for a portion of the 30 minutes?

The CHAIRMAN. The request was to expedite and divide in half the control of the time, so the Chair exercised discretion to carry out that allocation which was clearly in agreement.

Mr. MILLER of California. Mr. Chairman, it is my understanding that it is 15 minutes a side. I ask unanimous consent to yield half my time to the gentleman from New York [Mr. BOEHLERT], half of my 15 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. BOEHLERT] will control 7½ minutes.

AMENDMENT OFFERED BY MR. GILCHREST TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BOEHLERT

Mr. GILCHREST. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST to the amendment in the nature of a substitute offered by Mr. BOEHLERT:

At the end of the amendment add the following new section:

SEC. . GAO STUDY OF MITIGATION REQUIRED FOR LEVEE MAINTENANCE PROJECTS.

Not later than 6 months after the date of the enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a nationwide study of the costs and nature of mitigation required by the United States Fish and Wildlife Service and the National Marine Fisheries Service, pursuant to consultation under section 7(a) of the Endangered Species Act of 1973 (16 U.S.C. 1536(a)), for flood control levee maintenance projects; and

(2) submit to the Congress a report on the findings and conclusions of the study.

Mr. POMBO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GILCHREST. Mr. Chairman, I ask that the amendment to the amendment in the nature of a sustitute be adopted.

The CHAIRMAN. The question on the amendment offered by the gentleman from Maryland [Mr. GILCHREST] to the amendment in the nature of a substitute offered by the gentleman from New York [Mr. BOEHLERT].

The amendment to the amendment in the nature of a substitute was agreed to.

Mr. POMBO. Mr. Chairman, I yield 4 minutes to the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman from California for yielding time to me.

Mr. Chairman, I wanted to address the Boehlert amendment. We have heard the gentleman from California [Mr. FAZIO] speak very eloquently to the fact that we need to put off consideration because, after all, hopefully we will be dealing with the Endangered Species Act. But if we think for one minute that the entire act will not evoke more emotion and more concern than this particular bill does, then we are not thinking clearly, again.

Certainly, organizations like Trout Unlimited and the Sierra Club will be lobbying any commonsense reform to the Endangered Species Act. The Boehlert amendment simply codifies into law that which is already being used by rules and regulations, and it is not working. The issue is, when are we going to put humans and human property above the lives of a beatle or a snail or various other species?

These agencies have not been using common sense as they regulate. In Idaho, we have a highway that goes into a little town, Grangeville, that was being washed out because of flooding. Yet, the National Marine and Fisheries Service and the Fish and Wildlife Service would not let us repair that highway. Instead, they allowed a huge amount of siltation and sediment load to occur in those streams and rivers that have been set aside as critical habitat for the salmon because this agency was not willing to make a decision.

In the little town of Julietta the flooding occurred, and the sewer system up there was threatened with the settling ponds, and the Fish and Wildlife Service insisted that the town plant willows and other bushes on the dikes in order to protect the steelhead, and yet the settling ponds were flooding and effluent was going into another river that is critical habitat for the salmon.

Mr. Chairman, the fact is that when agencies are left to their own, they are mixing up their priorities. We are simply, in this body today, trying to reestablish the priorities. Yes; these are not extreme emotions, and these are not extreme solutions that we are looking to. Mr. Chairman, as I look at these pictures, it does evoke emotion. It is of great concern to us. I think we need to do the responsible thing. We need to support the Pombo amendment and we need to defeat the Boehlert amendment.

Mr. Chairman, I rise in support of H.R. 478, the Flood Prevention and Family Protection Act, and in opposition to the Boehlert-Fazio substitute.

There is a great deal of misinformation being spread around here today, I want to clear some of this up.

Fact—under current law, the Endangered Species Act allows necessary repair work to levees and flood control structures only after flooding has begun to destroy human life, property and wildlife habitat, and only after the President declares the flooded area a disaster.

In other words, flood prevention repairs can begin only after there is a devastating flood. That is not prevention, Mr. Chairman, and is yet another example of the inflexible nature of the ESA.

Fact—H.R. 478 does not gut the ESA, as some claim. If H.R. 478 becomes law, the NEPA process will still provide Federal agencies with an opportunity to ensure flood control measures do not harm endangered species.

Fact—this is not a problem limited to California's 1997 winter floods. We have heard and will hear more ESA horror stories throughout the day. But, Mr. Chairman, let me tell you about my home State of Idaho. We, too, were flooded in Idaho this winter. On New Years Day this year, streams became torrents of water, dykes were breached, levees were blown-out all over Idaho. I personally flew over the flooded areas to see firsthand the devastation. Livestock and other property were lost. Fourteen counties in Idaho were declared disaster areas.

In Idaho, a river is eroding a county road near Grangeville—a road that is the sole access to a housing development. Because of the geological structure of the area, this is the only place that a road is possible. The river is cutting away at the bank and the road, pouring sediment into the river. This sediment impacts the endangered salmon.

Yet, the National Marine and Fishery Service [NMFS] is holding up repair until they can determine if the repair will be harmful to the endangered salmon. This is a dangerous situation because an entire community can be cutoff, and at the very least, travel over this road is hazardous. In the short term, repairs may impact the salmon, yes, but in the long term, the community and the salmon would benefit—sediment would no longer be pouring into the stream, and the citizens can safety travel over the road.

Another example from Idaho, a stream bank on the edge of the town of Julietta—population 488—was breached by flooding. The water continues to threaten Julietta's sewer system. But the U.S. Fish and Wildlife Service is requiring Julietta to plant shrubs and willows to mitigate impacts to the steelhead, a species that is proposed but not listed as endangered.

The problem is that the planting on the stream bank isn't even in the town of Julietta, and is out of Julietta's control. Additionally, the steelhead isn't even listed. The levee remains breached, and Julietta remains at risk—even through the river remains high and the snow pack in the mountains is at record levels. All forecasts point to another flood.

What we have in Idaho, then, Mr. Chairman, is sediment pouring into a stream—impacting both humans and fish—and the possibility of sewage effluent entering a river—again impacting fish and humans. Grangeville and Julietta and the fish are impacted by the inflexible nature of the ESA, and are at risk. This has also affected the species the ESA was meant to protect—this is simply unacceptable, especially in these emergency situations.

North Dakota recently experienced flooding—and who knows where it could happen next.

Is this the intent of the Endangered Species Act? Is it to be implemented in such a way that communities are threatened? I say no. We must provide the flexibility to protect our citizenry from flooding and in the end, as in the case of Grangeville, protect the endangered species, the salmon.

H.R. 478 does not gut the ESA. This is a good bill which merely provides the flexibility to allow our citizens to prepare and try to prevent disasters.

The Boehlert-Fazio substitute will not work. in fact, it will make the current situation worse. The substitute subjects the repair or replacement of all flood control projects in disaster areas around the National to requirements established by the U.S. Fish and Wildlife Service for projects located in declared disaster ares in California. That's right, Boehlert-Fazio is limited to only California, and authorizes repairs only through 1998. What about my State of Idaho? What about future threats and disasters?

Passing legislation that gives the FWS dominion over people sets up a very dangerous precedent—and is a real threat to families across America. The FWS has already shown that it puts the interests of wildlife over property rights. With the Boehlert substitute, the FWS would have the legal authority to place the interests of wildlife before the safety of people. The safety of people and wildlife should be treated at the same level.

What's worse, the Boehlert-Fazio substitute provides no coverage for maintenance, either before or after flood disasters. As we in the West know, maintenance of dykes and levees is absolutely crucial to flood protection. The Boehlert-Fazio substitute makes existing law worse.

With that, Mr. Chairman, I urge my colleagues to vote for H.R. 478, and vote against the Boehlert-Fazio substitute.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, let us think about it for a minute. We would think that there was never a disaster in America before the Endangered Species Act. That act was adopted when Nixon was President in 1972. We wait until 1997 to get up and say that all the floods in California were a result of the Endangered Species Act? Then what they do is to bring an amendment to the floor which, frankly, the reason we are having such a long debate on is that it was very poorly drafted. It was poorly drafted because it opens a huge hole.

If we look on page 2, and I hope all of us will read these bills, because that is what we are sworn in office to do as lawmakers, it says on line 21 that the consultation and conferencing under the paragraphs in this bill are not required for any agency; not required, not required. This is the big loophole.

Mr. Chairman, before coming to the Congress I served in the California Legislature. I drafted bills that created water districts and irrigation districts. Before that I was on the board of supervisors. I sat on water districts and irrigation districts, and on air boards and transportation boards. The reason we have the consultation process in law is so we can avoid the unforeseen problems that come about when you start tampering with nature.

If we are going to do levees and build dams and operate them, we are going to have downstream effects. Those downstream effects can affect people's livelihood. We do not want to exempt that process, because what happens if we do not have that consultation in the beginning, we are going to end up with someone filing a lawsuit in court, and if there is any way to delay a project, just get it tied up in the courts where nobody wins except the lawyers.

I have all the respect in the world for the people that came and wanted to try to deal with the regulatory issues when it comes to floods, but this bill, the way it was drafted, is the wrong approach.

I rise today in support of the Boehlert amendment. Many of the people who spoke in favor of this bill who gave these causes are California legislators. They never got up after the 1986 flood, where we lost lives, and blamed it on the Endangered Species Act. They never took action before when they were in Congress to amend the act.

Do not make any bones about it, this bill, the way it came to the floor, opens a door far beyond what those who tell us they just want to kind of make the process a little bit expeditious really intend to do.

Every time we make a decision to dig, drill, cut, build, repair, we are going to affect something. I assure the Members that they have to have a process where people talk about that before the effects are known, before the effects of the construction are placed upon those that have a negative effect.

I urge Members to support the Boehlert amendment. It is a reasonable approach. It can get signed into law. If we really want to correct the problem, we want it to become law. That is what the President will sign. I urge an "aye" vote.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentlewoman from Missouri [Mrs. EMERSON].

Mrs. EMERSON. Mr. Chairman, it pains me to have to rise and speak against the amendment of my dear friend, the gentleman from New York [Mr. BOEHLERT]. Mr. Chairman, it will not help my district in Missouri, and I realize that that sounds a little bit selfish, but the fact is that my job here is to protect the folks back home, and that is what I need to do.

Let me explain by telling the Members about a couple of situations in my district. We have a small town called East Prairie, where the integrity of its levees are greatly threatened. This is a poor town and it is very prone to flooding every year. Because of this, there are a lot of folks who live on welfare in East Prairie because no companies want to come to East Prairie and locate because they keep getting flooded out.

□ 1800

So we have no jobs. We have lots of welfare recipients and we do not have any prospects for getting new jobs until our levees can be fixed and we can get two pumping stations to help keep those levees strong and maintain them.

I need to know what I can tell the folks in East Prairie, MO, who desperately want to find work. Am I going to tell them that they ought to move away because Fish and Wildlife or the EPA thinks that the pallid sturgeon in our region is more important than them?

And then several miles up the river in a place called Commerce, MO, right on the river we have another problem. If we had a flood half as bad as they had in Grand Forks, the Army Corps of Engineers tells us that we would have a huge chocolate tide coming in because our levees cannot hold the water and, it would spread all the way through our district, southern Missouri, all the way to Helena, AR, the home of our colleague, the gentleman from Arkansas [Mr. BERRY] and the President's home State.

Our levee simply cannot manage that influx of water. We stand to lose half a million lives, several interstates, schools, businesses, private property. It is a terrible situation.

Our landowners, for example, we have to wait 2 years to have an environmental impact statement to tell us if we can even get a permit to fix this. That is not right. Our landowners in both these cases have offered five times the mitigation to maintain and repair these levees, but we are told by the EPA and Fish and Wildlife that since this is not natural wildlife they will not accept that, but five times hundreds of thousands of dollars of mitigation and it is unacceptable.

So what do I tell these folks in my district? What do I tell them when their lives are in harm's way on a daily basis? That we have to wait 2 years to even try to fix this problem?

So anyway, that is my problem. That is my concern. I sure think that the Pombo-Herger bill is going to help our folks in southern Missouri a lot more than that of my friend, the gentleman from New York [Mr. BOEHLERT].

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Washington [Mr. DICKS].

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] is recognized for 3 minutes.

Mr. DICKS. Mr. Chairman, I thank the gentlemen very much for yielding me the time.

I rise in very strong support of the Boehlert amendment. I think the Boehlert-Fazio amendment is carefully crafted. It gets the job done but it does not create this great big broad exception in the Endangered Species Act.

Let me just read to my colleagues, I think very careful language that addresses why the bill as reported, the Pombo bill, is unacceptable. The bill would permanently exempt the reconstruction, operation, maintenance, and repair of all dams, hydroelectric facilities, levees, canals, as well as a host of other water-related activities, from the safeguards and protections provided in the Endangered Species Act. There are literally thousands of dams and other structures nationwide that have flood control as a purpose.

H.R. 478 is clearly unnecessary. There is no credible evidence suggesting that the ESA has worsened flood damage. In fact the ESA is already flexible enough to allow expedited review for improvements or upgrades to existing structures in impending emergencies.

The ESA also allows exemptions for replacement and repair of public facilities in presidentially declared disaster areas. The Fish and Wildlife Service issued a policy statement clarifying how the agency is implementing these emergency provisions in the 46 California counties that were declared Federal disaster areas this year. Under the policy, flood fighting and levee repairs are automatically exempted from the ESA if they are needed to save lives and property.

By the way, just to read again the statement by the administration, the administration strongly opposes H.R. 478 because it would exempt all flood control projects from consultation and taking requirements of the Endangered Species Act. The administration clearly supports minimizing flood damage and protecting the residents living in flood-prone areas, but does not believe that H.R. 478 will achieve these purposes. Because of severe economic and environmental impacts that would be caused by H.R. 478, the Secretary of the Interior would recommend that the President veto the bill in its current form.

Mr. Chairman, that is why I think the Boehlert-Fazio substitute, which is carefully crafted, which deals with the emergency situation, which in essence codifies in law what the President has already done in California through his declaration, is the right way to proceed. This will be in conjunction with what we are doing on the supplemental appropriations bill.

I just hope Members really do understand that this amendment is aimed at weakening the Endangered Species Act and I think will produce a very negative consequence to the timber industry, to agriculture and mining who will have restrictions laid on them because of this exemption.

Mr. BOEHLERT. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, we are down to the last few minutes of this debate on the Boehlert substitute. I think it is important to point out here that there are some things that we can get done today which will become law and there are some things that we ought not to get done today which frankly cannot become law.

One of the things which cannot be done today is that we cannot make major changes to the Endangered Species Act because if we were to do so, we would have to have the cooperation of the administration, and the administration has clearly stated as late as the last couple of hours that the Pombo-Herger language is unacceptable and, therefore, it cannot become law.

What can happen today is the adoption of this amendment, the Boehlert substitute, which can then become the base bill which can pass this House, which I believe can pass the Senate and which I believe can be signed into law, which will grant the constituents of the gentleman from California [Mr. POMBO] and the gentleman from California [Mr. HERGER] and the folks from North and South Dakota and the other flood stricken areas the relief that they need in order to repair the flood control systems that have been damaged by the floods.

Mr. Chairman, I just want to urge every Member to do what I have concluded is the right thing in order to pass this aid along, not in the form of money but the opportunity to get things done quickly and in a way that nobody seems to object to, particularly the administration whose cooperation we once again need.

I commend the gentleman from New York [Mr. BOEHLERT] for his hard work, as well as the gentleman from California [Mr. POMBO], who has a different approach, but I think that in the interest of moving the process forward and in the interest of getting the relief to the folks who need it the most, that there is only one answer and that answer is to vote "yes" on the Boehlert substitute.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. LEWIS].

Mr. LEWIS of California. Mr. Chairman, I thank my colleague for yielding me the time.

Mr. Chairman, there are two experiences I have had in my life that I would like to point to in setting up my share of this discussion. In 1938 we had a major flood in California. I was 4 years old. I remember it clearly, dropping a ping pong ball outside my back window and it dropped about 12 to 18 inches and hit the water and floated out through the back fence. At that point in time, I understood clearly that nature could have a very big impact upon our lives and that disasters were of great potential that we needed to pay great attention to.

The next event involved the late 1960's, when my colleague from California who is standing over here and I discovered the word environment. And it was a very important development before all of us recognized that mankind was having an impact upon our environment that we needed to pay very careful attention to. As a result of that and the work involving that, I once chaired a committee that developed the toughest air quality management district in the country. I take a back seat to nobody in terms of environmental questions.

But when we find ourselves in a circumstance like that which California is experiencing now, where a major flood control project in southern California would be held up by the wooly star, which is nothing but a cactus that is almost laughable except it gets a little purple flower for about 2 weekends a year; when indeed the kangaroo rat is having a huge impact upon development in the Central Valley where these floods have recently taken place; when the Delhi Sands flower-loving fly is impacting not only the development of a county hospital but the economy and the flood control in the very region I am worried about in the south lands. That would suggest to me that the environmental movement has some way gotten into the hands too often of those people who are on the very fringes of this entire discussion.

It is time to make sense out of the Endangered Species Act. It is time to recognize that these flood control mechanisms in the Central Valley are critical to the health and welfare of our people. And we should not allow extreme voices to dominate this debate.

If we defeat the Boehlert amendment and the Fazio amendment today and we go forward with this bill, we will set up a discussion that will for the first time in many, many a year cause everybody of good faith to say, hey, we have to make sense out of this thing. There is no doubt that my public is concerned about the environment, but they do not want to have idiocy prevail.

To suggest that these gentlemen on my side of the aisle are interested in gutting the Endangered Species Act is less than a service to the process we are about here. Indeed, we have gone to extremes, and it is about time we took sensible voices to the bargaining table between now and the time the President ever sees this bill and make sure that endangered species that are important to all of us truly have their place in this debate, a very valuable place; but also people, a very valuable species, ought to have a place in this debate as well.

Mr. Chairman. I rise today in strong support of the Flood Prevention and Family Protection Act of 1997. This legislation was introduced by my colleagues Congressman WALLY HERGER and Congressman RICHARD POMBO following the January floods in California which devastated the San Joaquin and Sacramento Valleys. This legislation, which enjoys wide bipartisan support, has been drafted in an extremely focused manner to correct a serious deficiency in the Endangered Species Act as it relates to the interplay between wildlife habitat and flood control projects, facilities and structures.

I also want to thank my colleagues TOM CAMPBELL and BILLY TAUZIN for their thoughtful input and positive changes to this important legislation. The voices these members add to the debate help move this discussion in a positive direction. Their recommendations are welcomed by my colleagues and I who have long-standing concerns over the excesses of the Endangered Species Act and its oft-times arbitrary application.

H.R. 478 allows the reconstruction, maintenance, repair and operation of existing flood control projects before a flood event occurs—not after the damage has been done. This is a critical point. Opponents of this legislation believe that we should sit on our hands while a 100-year flood event wipes out people's property, species habitat and existing flood control projects. This makes absolutely no sense. I cannot believe that opponents of this measure think that endangered species like the delhi sands flower loving fly and the kangaroo rat should have the same priority as the protection of human lives and property. That's right, the extreme environmental groups place species protection over the protection of humans. I hope my colleagues listening to this debate don't have the same set of priorities. The fringe environmental community wants you to believe that this measure guts or rips the heart out of the Endangered Species Act. Nothing could be further from the truth. It simply adjusts shortcomings with the ESA.

The County of San Bernardino, which I represent, is responsible for constructing, operating and maintaining hundreds of miles of flood control facilities. These facilities are designed to protect people and property from flood damage—not provide habitat for endangered species. The Santa Ana River Mainstem Project and the Seven Oaks Dam are located in my congressional district. These projects are responsible for the protection of millions of lives and billions of dollars of property in Riverside and Orange Counties. I certainly don't believe that the millions of people who are protected by these projects feel that we should wait until after a major flood catastrophe to repair these projects.

As a result of the Endangered Species Act and its ever-changing interpretation and the ever-increasing list of threatened and endangered species, the mitigation requirements on many flood control facilities are cost prohibitive. In fact, the permitting process has become so costly and time consuming that critically needed projects are now often delayed and abandoned. At the very least, we need to provide State and local flood control professionals with the ability to repair existing flood control investments before disaster strikes. It is unfortunate that the regulatory burden on the permitting process has become so encumbered that the public, in many instances, no longer receives the same level of flood protection they once enjoyed.

Make no mistake, this legislation can also reduce Federal costs associated with future flood disasters. As chairman of the Appropriations Subcommittee responsible for the annual budget of the Federal Emergency Management Agency, I know full well the impacts that natural disaster supplementals have on other Federal programs. Prior to the 104th Congress, Congress and the Administration simply added the costs of disaster recovery to the deficit. Congress has now taken the responsibility of fully offsetting federal disaster recovery spending from other important federal programs. In fact, the disaster supplemental which will be on the House floor next week uses housing programs as an offset for disaster spending. While I don't believe that we should have to pit housing and other programs against disaster relief, these will continue to be the tough choices we face unless we get a handle on the costs of disasters.

The Herger-Pombo Flood Prevention and Family Protection Act is one such tool we can use to decrease the exorbitant costs of future flood disasters.

Let's give some relief to the past and future flood victims by providing flood control professionals the tools they need to do their job effectively. As Governor Wilson stated in a May 6 letter to Congressmen HERGER and POMBO, "this bill will make it much easier to avoid loss of life and property by expediting preventative maintenance prior to flooding with the expectation that this would reduce the risk to life and property during the flood itself."

I urge my colleagues to put people first. Support H.R. 478 and oppose the Boehlert-Fazio amendment.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are coming to the end of this debate. Let me just suggest that the experience in Congress is not very good when we try to write wholesale exceptions to an individual law without considering the impact elsewhere.

We did this 1½ years ago with logging without laws. Not only did we devastate a lot of the forests in the Pacific Northwest and elsewhere, but we found out we had horrible impacts in terms of landslides this year that killed people because of lack of restrictions on where cuts were made. We also see that we are having an impact on the commercial fisheries and on jobs.

Now we come to it is essentially levees without laws. This Government, the taxpayers, have spent billions and billions of dollars taking the great rivers of this country that ran across thousands of miles, that have filled hundreds of miles of flood plains, and we have forced them into very narrow rivers with very high levees. Should we be surprised when every now and then the rivers jump out of those levees? That is what happened this year.

But there is no indication at all that that happened because of the Endangered Species Act, and yet we are on the floor today talking about blowing a huge hole in the Endangered Species Act because we are angry about the floods. But the demonstration is simply this, we had too much water for the existing design of the levees and the water blew those levees out. It had nothing to do with the Endangered Species Act.

We had river flows that most of us in our lifetime have never seen in the State of California, they had never seen in North Dakota, they had never seen in the Midwest. It had nothing to do with the Endangered Species Act. It had to do with the fact that so much water was coming through that there was no capacity of the levees to hold.

We ought to be very careful before we accept a wholesale retreat on the Endangered Species Act with respect to huge publicly subsidized Federal water projects in the West and elsewhere.

I say that because of this: If you get these exceptions, then the burdens of meeting the requirements of the Endangered Species Act fall on the commercial fishermen, they fall on the logger, they fall on the miner, they fall on the municipalities, because that burden has to be met somewhere else. And if the levee districts can escape their obligation under the Endangered Species Act, we will be looking to the people in the forests, we will be looking to the people in the commercial fishing industry to try to pick up that burden.

I hope that we would vote for the Boehlert-Fazio amendment and reject Pombo.

□ 1815

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I am grateful to the gentleman for yielding me this time.

I want my colleagues to understand that today they have a choice between going home and telling people they did something about levees and levee reconstruction or going home and saying that they made wonderful speeches and brought down the legislation which could have helped those people; that they have assured a veto or a filibuster in the Senate which will kill this legislation.

I want to give my colleagues one example of what this means. In the West, salmon streams now are faced with a situation where salmon are becoming endangered species. What this says is that we are stripping those homeowners and others along the shore of the protection of Federal flood control, but we are also doing something else, we are stripping the salmon, which is one of God's great gifts to the people of the Western United States, of all protection. And we will find the great runs of salmon being a matter of cold hard history with those species now gone from the western rivers.

Mr. Chairman, I urge my colleagues to vote for the amendment of the gentleman from New York and against the legislation.

Mr. BOEHLERT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are coming to the close of a spirited and very serious debate, and I want to commend all those who have participated for the seriousness of purpose.

My substitute addresses the stated objective of H.R. 478 in a manner that does not violate a very important piece of legislation, the Endangered Species Act, and in a manner that is friendly and sensitive to the environment.

We have a choice. Do we want to solve a problem or do we want to beat up on the Endangered Species Act? I do not find the Endangered Species Act, despite the fact that it is so well-intended, to be perfect. It requires some refinement. But that is another debate for another day. This purpose today is to address an emergency situation.

We have been faced with an emergency situation and we have come up with an emergency response, a response that allows the repair work to go forward not just after the fact, as some have been concerned with, but prior to the fact if there is a substantial threat.

Now, the crafters of H.R. 478 will tell my colleagues that their bill is narrowly crafted. Be wary of that. Do not buy anything from that, because their bill would exempt from the Endangered Species Act maintenance, rehabilitation, repair, or replacement of a Federal or a non-Federal flood control project, facility, structure. The list goes on and on. A blanket exemption.

We have heard expressed here in eloquent terms how important the Endangered Species Act is to America. Do we just want to throw it out? The answer is clearly no. But no law is more important than human life, and we want to protect human life, and that is why we have the exemptions we do in this bill. When human life is threatened, when there are substantial property investments threatened, we do not want a lot of bureaucrats and red tape and a lot of paperwork saying, well, we are sorry. We do not want people to be in harm's way so we provide exemptions for that.

Now, let me tell my colleagues something. People will say, well, the gentleman from New York, [Mr. BOEHLERT] and the gentleman from Michigan, [Mr. DINGELL] and some of the others are against flood control projects. They do not want to build any public works projects to protect the American people. How wrong they are. Because I am chairman of the Subcommittee on Water Resources and Environment that brought to this floor last year a $4 billion, 4-year program for flood control and important activities like that which are so essential to California, not just California but New York, too.

So I suggest to my colleagues, if our desire is to beat up on ESA, go ahead. But that is not what we are here to address. We are here to address an emergency. We are here to legislate.

I have been told by the administration that H.R. 478, even as amended, will not be signed into law by the President of the United States. So we can have all the grand speeches we want, all the press releases we want, but we will not have legislation to deal with real problems affecting real people in a real emergency. My bill will be signed by the President. The administration has said so. So that is very important.

Finally, let me point out that my language, my proposal, was passed unanimously by voice vote in the Committee on Appropriations on a bipartisan basis. But that was not good enough. The committee was upset and they objected to it. That is why we are here. Support an environmentally friendly substitute. Let us do the people's business.

Mr. POMBO. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, the gentleman from New York, [Mr. BOEHLERT] is accurate on a few things, and I appreciate that he has come to the floor with his amendment. And if it did what he said it did, I would wholeheartedly support it. I would be the first person down here saying that it was a great piece of legislation and that we all should support it. But it does not do what he says it will do.

It absolutely does not accomplish the goals that we set out. He says it does. His statement says it does. The things that he passed out says that it accomplishes what we want, but it does not.

We do have a choice today, my colleagues. We have a very definite choice. What the amendment of the gentleman from New York would allow is that this break in the levee, it would allow us to fix that. It would not waive mitigation. It would not waive the Endangered Species Act. It would defer the Endangered Species Act until it was repaired.

Well, what is the difference between that and current law? Nothing. The policy that was sent out by the U.S. Fish and Wildlife Service on February 19 said exactly what the gentleman wants to do. He says the administration will sign it. Well, of course they will sign it, they issued it. Of course they will. It does not take care of the problem that we have, and that is to prevent this from happening.

I would like to show my colleagues, if I may, something that is very real. This is a picture of a levee bank. This is the picture of a levee bank right now. We can see the condition that it is in. They were prevented from maintaining that bank, clearing the brush out so that it could handle the 500-year flood, so that they could handle the amount of water that went through there.

They wanted to do it. They were told they could not until they went through a lengthy bureaucratic red tape mess.

But take a look at that picture a little closer. As they got a little closer in the boat, we begin to see just how bad this is. And we go a little bit closer and we can see the hole, the hole through the levee. We did not see it in the first picture because it is covered with brush, but we can see it if we get up 2 feet away. I know my colleagues cannot see this, but there is a man standing inside that hole.

That is the other side of the river where they had a boil coming up with water pouring out. That is the reality of what we are trying to do.

The amendment of the gentleman does absolutely nothing about this. The gentleman's amendment does nothing on preventive maintenance. It does not allow us to maintain that levee system.

What it does do is it says if the President declares it a disaster area in 1997, from this year's flood, then we can fix it. We can go back and fix that break. It does nothing to take care of an ongoing maintenance problem so that we do not have to come back and do this again year after year after year. It falls short of the goal. It accomplishes nothing.

Yes, we do have a choice. We can go home and tell our constituents that we actually did something about this problem or we can do what Congress has done for the past 40 years: Put up something that looks good, feels good and does absolutely nothing, because that is what the gentleman is giving us, nothing.

The gentleman keeps talking about what is in our particular bill. It consists of maintenance, rehabilitation, repair or replacement of a Federal or non-Federal flood facility if there is a threat to human life or serious property damage. We can maintain our levees if there is a threat to human life. We can rehabilitate our levees if there is a threat to human life. We can repair if there is a threat to human life and a substantial risk of the loss of private property. That is what we are asking for.

All of this stuff about gutting the act and everything else is just talk. We are asking for the chance to maintain our levees. What the gentleman is telling us is he is telling us that the airplane crew can provide maintenance on that aircraft as soon as it crashes and the people are dead, but until that point we are sorry.

Vote no on the Boehlert amendment and yes on the base bill.

Mr. PORTER. Mr. Chairman, I rise in strong support of the Boehlert amendment. We are all aware of the substantial needs of the victims of the recent floods and we should do all we can to help them. As currently provided in the supplemental emergency bill, all repair of flood control projects in federally declared disaster areas are exempt from ESA regulations. This language was approved by the Full Appropriations Subcommittee. However, since there were concerns over the ESA causing a delay in the construction of flood control projects—although there is no evidence that the ESA is directly accountable to this claim—Mr. BOEHLERT has offered this amendment to be sure that repairs to flood control projects will not be delayed anywhere where there is an imminent threat to human lives and property. This will help current flood victims and dispel any concerns over future maintenance and repairs.

H.R. 478 is not a bill to help flood victims. It is a poor attempt to weaken the Endangered Species act under the guise of emergency provisions. There are acknowledged problems with the ESA that should be addressed in a complete reauthorization bill, but these should not be addressed piecemeal during times of crisis.

Support the Boehlert amendment to alleviate immediate problems and leave other concerns for complete ESA reauthorization.

The CHAIRMAN. All time has expired.

The question is on the amendment in the nature of a substitute, as amended, offered by the gentleman from New York [Mr. Boehlert].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BOEHLERT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 227, noes 196, not voting 10, as follows:

[Roll No. 108]

AYES—227

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)

Bass
Bentsen
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kingston
Kleczka
Klink
Klug
Kucinich
LaFalce
LaHood
Lampson
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Petri
Porter
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Rivers
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Schumer
Scott
Sensenbrenner
Serrano
Shays
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Upton
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates

NOES—196

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Dickey
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Ensign
Everett
Ewing
Fowler
Gallegly
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
John
Johnson, Sam
Jones
Kasich
Kim
King (NY)
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Regula
Riggs
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Royce
Ryun
Salmon
Sandlin
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Young (AK)
Young (FL)

NOT VOTING—10

Andrews
Barton
Becerra
Clay
Delahunt
Filner
Foley
McKinney
Reyes
Schiff

□ 1850

The Clerk announced the following pair:

On this vote:

Mr. Filner for, with Mr. Foley against.

Messrs. KLINK, NEUMANN, WELLER, and SMITH of Michigan changed their vote from "no" to "aye."

So the amendment in the nature of a substitute, as amended, was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. DELAHUNT. Mr. Speaker, I was unavoidably detained and missed rollcall No. 108. Had I been present, I would have voted "yes."

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. BONILLA] having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee, having had under consideration the bill (H.R. 478) to amend the Endangered Species Act of 1973 to improve the ability of individuals and local, State, and Federal agencies to comply with that Act in building, operating, maintaining, or repairing flood control projects, facilities, or structures, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Speaker, on Rollcall 90 I was recorded as in favor of the Roemer amendment to H.R. 1275. This was an error. As a supporter of the Space Station, I ask that the RECORD show my intentions to vote "nay" on the Roemer amendment.

ANNOUNCEMENT OF SCHEDULE FOR THE REMAINDER OF LEGISLATIVE DAY

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, I have an announcement to make.

The bill that was just on the floor has been pulled, and we are about to take up a rule on the Juvenile Crime Control Act. There will be about a 45-minute vote on it, and then that will be the last vote of the night. In the meantime those that are on the floor now, they are welcome to leave or take seats so that we can take up this last matter before the House today.

JUVENILE CRIME CONTROL ACT OF 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 143 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 143

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 5(a) of rule XXI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment except as specified in the report, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. BONILLA). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes time to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for debate purposes only.

Mr. Speaker, today in this Nation we are faced with a situation where the State and local juvenile justice systems are failing to hold young offenders accountable for their criminal activity.

This rule is designed to give the House a fair and efficient procedure for considering legislation to try to attack the problem of juvenile crime. This rule does provide 1 hour of general debate on the Juvenile Crime Control Act.

In order to allow consideration of the amendment of the Committee on the Judiciary in the nature of a substitute, the rule waives the prohibition against appropriating on a legislative bill. There is one minor technical provision which does allow unexpended amounts which are repaid into a fund to be used for future payments without going through the appropriation process. This is what requires the waiver.

The rule provides that eight specified amendments may be offered on the House floor. Of these eight amendments, six are offered by the Democrats. This procedure is more than fair to the minority. If Republicans had been treated so well when we were in the minority, we would have thought we had died and gone to heaven, Mr. Speaker.

□ 1930

In order to expedite the voting process, the rule provides a vote-stacking authority to the Chairman of the Committee of the Whole.

Finally, the rule guarantees the minority one last chance to offer its best alternative and a motion to recommit which may certainly contain instructions.

Mr. Speaker, we are going to have to get a little more order, because we are coming to a very important part of the debate on this very important issue.

Mr. Speaker, juvenile criminals are a threat to the lawmaking, taxpaying citizens of this Nation to an extent that they have never been before. In order to demonstrate the extent of the problem we are dealing with, let me just provide my colleagues with some very startling facts, and these are really startling.

For example, only 10 percent of violent juvenile offenders, now that is violent juvenile offenders, those that commit things like murder and rape and robbery and assault, 10 percent of them receive any sort of prison confinement.

Let me repeat that one more time. Only 10 percent of violent juvenile offenders that commit murder and rape and robbery and assault receive any kind of jail time at all.

Many juveniles receive no punishment at all. Almost 40 percent of violent juvenile offenders who come into contact with the justice system have their cases dismissed, 40 percent of them with these very serious crimes.

In many cases, by the time the courts finally lock up an older teenager on a violent crime charge, that offender has a long list of violations with arrests starting way back in the early years. According to the Justice Department numbers, 43 percent of juveniles in State institutions had more than 5 prior arrests and 20 percent had been arrested more than 10 times. Approximately 80 percent of those offenders had previously been on probation.

When encounters with the juvenile justice system teach juvenile offenders that they are not accountable for their wrongdoing, I say to my colleagues, the system has to be broken.

In America today no population poses a greater threat to public safety than the juvenile criminals who are back out on the street before they even serve any jail time. Teenagers account for the largest portion of all violent crime in America. Older teenagers, ages 17 and 19, are the most violent of all age groups. More murder and robbery is committed by 18-year-old males than any other group, and more than one-third of all murders are committed by offenders under the age of 21.

The number of juveniles arrested for weapons offenses has more than doubled in the last 10 years. Between 1965 and 1992 the number of 12-year-olds arrested for violent crimes rose 211 percent, the number of 13 and 14-year-olds rose 301 percent, and the number of 15-year-olds rose 297 percent.

I say to my colleagues, something is wrong; this system is broken. What should give us the greatest concern of all is that this dramatic increase in youth crime has occurred in the midst of declining youth population in this country. In other words, while youth population is declining, juvenile crime is escalating at an alarming rate.

While it is true that the Federal Government does not have jurisdiction over the great majority of juvenile crime, Federal law does provide an important model for the States. The Federal Government also can provide assistance to States and localities in their efforts to combat juvenile crime.

The legislation made in order by this rule, the Juvenile Crime Control Act, is designed to provide the necessary leadership and assistance, and I would ask for a "yes" vote on this rule and on the legislation that it makes in order.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from New York [Mr. SOLOMON], my colleague and my dear friend, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong opposition to this rule. Juvenile crime is a very serious issue for which a lot of people have solutions, and unfortunately this closed rule will allow very few of those good ideas to come to this floor.

Mr. Speaker, in the last 10 years the juvenile crime rate has increased 28 percent. Juvenile crime has become a very serious problem, and we do not have to look far to find it. Within the last year, 7 youngsters have been murdered in a rash of brutal gang violence in the Benning Road area of Washington, DC. Mr. Speaker, Benning Road is not Timbuktu; Benning Road is 10 minutes from this very building.

Nationwide it is not much different, either. Everyday 5,711 juveniles are arrested in the United States. A young man in Los Angeles was recently arrested for vandalism. He fancied himself as a graffiti artist and was charged $99,000 in restitution. He said, "That's what I like to do, and I'm going to do it no matter what."

Mr. Speaker, these days more and more people care less and less about the consequences of their actions, whether it is gang killings, robberies, violent crimes, or graffiti, and we need to do something about it.

Mr. Speaker, we must do everything we possibly can to make sure that our children do not turn to crime, but I do not believe that this bill does what it should. I do not believe this bill is anywhere near perfect, and I do not believe Members who want to change parts of this bill should be prevented from doing so.

Sixteen germane Democratic amendments were offered and only 5 accepted. The Republican bill we are considering today makes a few good steps but, Mr. Speaker, it stops at the jailhouse door. This bill locks kids up and throws away the key. If a child is 13 or older, Mr. Speaker, if a child is 13 or older, he or she can end up in prison not with other juveniles but with adults.

Mr. Speaker, this is the most horrible idea that I have heard in a long while. Young people should be held responsible for their actions, but we can help them change before it is too late, because for many juveniles it is really not too late. Ninety-four percent of all juvenile arrests are for nonviolent offenses. These children can be changed before they turn to worse offenses.

However, for many of the inmates in the adult jails, the time for change is long gone. These people in the best cases will teach the young people new tricks, and in worst cases they will prey upon them, and in some particularly tragic cases they will kill them.

This is no way to turn a young person's life around. In fact, statistics show that if we try a juvenile as an adult, the crime rate will escalate.

Furthermore, this bill also does absolutely nothing to stem the high number of juvenile crimes and accidents involving handguns. It does not take the very simple and the very effective step of requiring guns to have child safety locks so that if a child picks up the parent's gun, they cannot hurt themselves or anyone else.

We on the Democratic side offered an amendment to require gun manufacturers to have safety locks. It was defeated on a party line vote.

Mr. Speaker, I believe we owe our children to steer them in the right direction before they get in trouble. I do not believe that kids are born bad. I believe they are made bad by absent parents, by abusive environments, and by drug pushers. We need to give these kids a chance to be good. We need to give local police the ability to stop the sale of illegal guns and drugs to these children. We need to intervene early, at the first signs of trouble, and we need to support community initiatives for after-school activities and mentoring programs.

Mr. Speaker, these programs work. They provide positive role models and the children respond. They provide positive incentives and the children respond, and they provide a chance, and Mr. Speaker, the children respond.

I know it may not sound tough; I know it is becoming fashionable to punish, punish, and punish, but I, for one, would much rather see a young person playing basketball at midnight than scared for his life in some dangerous adult prison.

Mr. Speaker, juvenile crime is not hopeless and neither are these children. In my home city of Boston, we have just seen how successful prevention efforts can be. Three years ago our juvenile firearm homicide rate was 16 percent. Last year, the Boston police department lowered our juvenile firearm homicide rate to zero. That means that not one young person was killed last year in a city of about 600,000 people. That is progress.

The city of Boston uses strong community policing programs and programs like Operation Cease Fire, which uses shared intelligence to suppress violent flare-ups quickly. However, even in Boston we have a long way to go. Juvenile murders may be down, but juvenile drug use is up.

We should be giving youngsters something positive to do after school, and putting child safety locks on guns would go a long way to reducing violent crimes. Unfortunately, this will not happen under this bill, but it should. Mr. Speaker, whether it is the housing projects in Boston, Detroit, Southeast Washington, we owe to our children to help them back on the right path before they grow up. We need to enforce the law, intervene when children first start acting up and prevent young people from turning to crime in the first place.

Juvenile justice should be rehabilitative, not punitive. So I urge my colleagues to defeat this rule, and if it is not defeated, to join the International Union of Police Associations and the International Brotherhood of Police Officers and support the Democratic Juvenile Control and Prevention Act.

Mr. Speaker, let us not give up on our children before it is too late.

Mr. SOLOMON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Sanibel, FL [Mr. GOSS].

(Mr. GOSS asked and was given permission to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, I thank my friend from New York, the distinguished chairman of the Committee on Rules, [Mr. SOLOMON] for this time. I rise today in very strong support of this rule. It will allow fair consideration of the Juvenile Crime Control Act of 1997.

We have been able to accommodate the minority, allowing votes on five Democratic amendments, including a full substitute. In addition, of course, the House will consider one Republican amendment, and of course the minority has the option to offer a motion to recommit. I have every confidence that we are going to have a full debate and the minority has many avenues to speak.

This bill has had extensive review, with forums being held throughout the country in order to ensure that the measures it takes will effectively deal with what is one of the most difficult and troubling aspects in our fight against crime today, and that is the aspect of our Nation's young people.

I know, talking to colleagues on the floor and in the cloakrooms and around town, that Members are coming to grips with this issue. I recently met with the Juvenile Justice Advisory Board in my own district in southwest Florida to discuss some of the problems we are having. Florida is a pretty progressive State. We do have the equivalent of gun lock laws and things like that, good safety issues, but we still have an awful lot of youth crime.

In an honest discussion with both teens and adults on the Juvenile Justice Advisory Board, I heard firsthand about a system that is failing both troubled children and our society at large. Our juvenile justice system fails to respect teens by ignoring or glossing over their misdeeds, and this in turn breeds a lack of respect for laws and civil society among our teens as well.

Respect is still part of our vocabulary in this country. We need to remember that.

☐ 1915

We need innovative approaches tailored to local needs. I hope this bill, by setting a strong example, will spur this kind of change.

At the national level, according to the Department of Justice, 17- and 18-year-olds are the most violent of all age groups. Let me say that again. The most violent of all age groups are 17-year-olds and 18-year-olds. Younger criminals are getting increasingly violent.

It is long past due that we make juvenile offenders understand there are real consequences for criminal behavior. Right now, as Chairman SOLOMON has said not once but twice, and I will say again, only 1 in 10 violent juvenile offenders receives any confinement. If Members do not learn or hear anything else in this debate, remember that statistic. Our youngest career criminals are getting away with the most heinous crimes over and over again, and it is not just gang warfare. Wake up.

I am pleased that H.R. 3 will address this by allowing and encouraging tough penalties, rather than perpetuating the slap-on-the-wrist approach.

I urge my colleagues to support this rule. It will get the debate done, and it will get it done fairly. I urge support for this bill. It will do something America will be proud of and needs desperately.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Oregon [Mr. BLUMENAUER].

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I strongly urge a no vote on this rule. Every day 1 million children go home in this country to households with loaded guns. Fifty-five percent of the guns in this country are loaded, kept in homes. It results in the death of approximately 16 children a day, and for every child who is killed, there are approximately 5 who are seriously wounded.

If this gun lock proposal would come to the floor, an element that both sides of the gun control issue agree upon, which 80 percent of the American public support, if the Committee on Rules in their wisdom would allow us to bring this before the House, it would overwhelmingly pass, and next year at this time there would be dozens of children alive, hundreds who would not be wounded, including the accidental deaths and use in violent crime.

I strongly urge a no vote on the rule. Send this back, and allow us to give something that all Americans can agree on.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from Middleburg, NY, [Mr. BEN GILMAN], one of the most effective Members of our body and chairman of our Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

I am pleased to rise in strong support of the rule, H.R. 3, the Juvenile Crime Control Act, legislation which helps address a multitude of problems facing our Nation's juvenile court system. We have witnessed a doubling in drug use among teenagers every year since 1993. At the same time there has been a steady decrease in the numbers of young people who view the dangers of drug use as any serious, legitimate problem.

That softening of attitude toward drugs and the increased abuse of substances are major factors in the subsequent rise in the crime rate of those under the age of 18. In fact, just last Sunday, on ABC's "Meet the Press," FBI Director Louis Freeh stated that the central problem that fuels violence, particularly juvenile violence, is drug use, drug selling, drug dealing, and drug trafficking.

For the past several years law enforcement agencies have attempted to meet the challenge posed by the rise in juvenile crime, and especially in violent crime. Regrettably, our police and prosecutors are hampered by a system which restricts information sharing and discourages serious punishment. This legislation moves to correct those shortfalls.

There are those who would say this bill focuses too much on punishment and not enough on prevention. I have long been a believer in prevention programs as a method for deterring youth crime. However, I do believe that once an individual has committed a violent felony, it is often too late for prevention.

Mr. Speaker, prevention has its place. Yet, I submit that it has no place with those who have decided to forgo alternate routes but instead focus on a life of violent crime. Those criminals should face punishment and accountability for their actions, not excuses offered by their apologists, who are more interested in advancing some social theory than protecting the law-abiding community.

Accordingly, I ask our colleagues to join in supporting this legislation which moves to address the growing problem of violent youth crime.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from California [Ms. LOFGREN].

Ms. LOFGREN. Mr. Speaker, I rise in strong opposition to this rule. Mr. Speaker, last week we had an open rule on patents. That is an important issue. Today we had an open rule on endangered species and flooding. My district has flooded three winters in a row. That is an important issue. But neither one of these issues rises to the importance of juvenile delinquency and the threat it poses for our country.

Mr. Speaker, I think that to have 200 minutes to discuss the issues of juvenile delinquency and what as a country we can do about them is not appropriate.

The underlying bill before us takes the $1.5 billion currently slated to flow into our States and communities from the Violent Crime trust fund and puts it all into a scheme of mandatory trial of teenagers as adults. The interesting thing is that from our analysis, arguably only 12 States are going to even be allowed to apply for the funding because the others do not have the scheme required by the act.

Mr. Speaker, I do not think $1.5 billion for 12 States—and not one cent for prevention—is what this country needs to address juvenile delinquency. There are certainly young people who need to be tried as adults. There are young people who have done horrible things. But we know that doing nothing but punishment will not solve our problem.

My friend Mark Klaas, whose wonderful daughter was murdered, said something along these lines: "To say that we are curing crime with prisons is kind of like saying we are going to cure disease by building cemeteries." It is too late to deal with the problem only after the fact. We need to lend our efforts to preventing crime as well.

We also need to have all of the energies and all of the thoughts of every Member of this body, not just one party line vote. We need to have rigorous debate, not 200 minutes. I would urge a no vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in opposition to the Republican rule and the McCollum bill. There is no question that we have to get tough on juvenile crime. Everyone in today's Chamber agrees on that issue. The debate is, how are we going to do that, and how serious are we going to be about stopping juvenile crime.

The rule that we have before us prevents the true debate from ever taking place, the true debate that must take place on how to get juvenile justice.

With this closed rule, the Republicans prove that they do not want to hear the truth about this issue. They do not want to hear the facts. Here are the facts. The facts show that kids sentenced to adult facilities have higher recidivism rates than kids punished in the juvenile system. Listen to that. What the Republicans want to do is seek a solution that worsens the problem and does not improve the situation.

Fact two: Facts show that kids face shorter, I repeat, shorter and easier sentences in the adult system than they would under the juvenile court judges. It makes perfect sense. You have a teenager in front of you versus a hardened criminal 30 years, 40 years old. If you are the judge and you have overcrowding, who are you going to sentence?

The fact of the matter is and the statistics, let me repeat, the statistics prove this, that the kids that are violent criminals get less time, which I do not think is what the gentleman wants to do, but which he ends up advocating for in supporting the Republican bill.

Finally, Mr. Speaker, I think we need to get beyond the myths of this and we need to get to the facts. That is what we are not going to get to under this Republican closed rule because it will not give us the adequate time to debate this issue.

Finally, Mr. Speaker, let me say how disturbed I am that we are not even going to include a child lock safety device with the purchase of firearms. It is, to me, shameful in this country, when we have 16 kids getting killed every day, that the Republican bill has no provision for a child safety lock to be sold with guns. That is another reason to vote against this rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just say to my good friend, the gentleman from Rhode Island [Mr. KENNEDY] that if he examines the rule, that almost all of the time is allocated to the Democratic Party. All of the amendments that were made in order were mostly Democrat. I think there was one Republican. We cannot be any more fair than that.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. BILL MCCOLLUM], one of the most respected Members of this body when it comes to these kinds of issues. He is a member of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I just want to address under this rule for 1 minute what the purpose of this legislation is all about today, because there are some misperceptions about it.

The reason why this legislation is out here is because the juvenile justice system of the Nation is broken. This is primarily a State and local matter in the sense that most juveniles are tried in State and local courts. There are only about 300 a year that are tried in Federal court. Usually those are for peculiar reasons of where the crimes are committed, Indian reservations, et cetera.

The problem we face is that roughly one-fifth of all violent crime in this country today is committed by those who are under the age of 18. That is 1 out of every 5 murders, rapes, armed robberies, assaults, et cetera.

This is a shocking number in and of itself, but when we consider the fact that the majority, the highest number or percentage of any group that commits murder in this country are 18-year-olds, the largest number of any age group that commits rapes are 17-year-olds, that 64 percent of all violent juvenile crime is committed by those under the age of 15, and then we see that in the juvenile justice system, of those who are found and adjudicated of having been guilty of a serious violent crime, only about 10 percent are ever incarcerated in any kind of an institution, juvenile detention facility or otherwise. It is remarkable. The average length of stay for those that are is less than 1 year. I think that is a serious problem.

Even more serious is the fact that when we look at the juvenile justice system for the early delinquencies, where we really ought to be addressing this problem for vandalizing a home or a store, running over a parking meter, doing graffiti on the wall of a warehouse, usually law officers do not even take these kids before juvenile courts like they used to. There are no consequences these kids see.

Juvenile judges, when they do get hold of a youngster for one of these kinds of misdemeanor crimes, usually it is 10 or 12 times before the juvenile judge on average before there is any kind of a sanction. That means community service or restitution or doing whatever we might think of as a relatively mild sanction.

So is it any wonder in a system like this that when somebody gets to be 16 years old, has a long list of doing these offenses, that when they get a gun in their hands they do not hesitate to pull the trigger because they do not think there are going to be any consequences to doing it?

This bill is about repairing the juvenile justice system and putting consequences back in there. It does in it in two ways. One, it provides for a model Federal system for those limited number of juveniles who come into contact with the Federal system. Two, it provides $1.5 billion over 3 years, $550 million a year in grants, incentive grants to the States and local communities to spend as they see fit, generally, on fighting juvenile crime.

It provides just simply four basic qualifiers to get this money, because we want the States to take action and change the way they are behaving with respect to juvenile justice.

It requires that they have a sanction of some sort for the very first delinquent act of a juvenile delinquent, and graduated sanctions for every delinquent act that is more serious than the first one thereafter.

It would require that prosecutors at the State level be given the discretion to prosecute, it does not require they do so, those of 15 years of age or older who commit serious violent crimes, and we are talking about murder, robbery, rape, that sort of thing.

It would require that for those who have committed at least one lesser offense, for the second one, and they commit a felony, the records be kept on them. Third, it requires parents to have some accountability for not the juvenile acts, but for whatever the juvenile judge designates them to.

□ 1930

This bill does not contain prevention provisions in the sense that traditionally we think of them before we come in contact with the juvenile justice system, because we have two other bills where we deal with that. One will be out here in about a month on the Office of Juvenile Justice Delinquent Prevention from the Committee on Education and the Workforce. That deals with $150 million in prevention grant programs. It is a traditional area we need to work on, and we all are interested in that.

It also is true that we are going to have an effort to reauthorize or authorize and have appropriated about $500 million again this year for the general crime prevention block grant program that we instituted last year to go to the cities and the counties to fight crime as they see fit which, of course, includes fighting juvenile crime.

So there are going to be a lot of prevention programs funded out here on other bills before one comes in contact with the juvenile justice system.

This bill tonight is designed to repair a broken juvenile justice system. That is the single most important prevention thing right now that I can think of that we can do, even though there are other matters that need to be dealt with when it comes to juvenile crime. That is what this bill is about, not about anything else. It is very narrowly focused, designed to repair the Nation's broken juvenile justice system that is not working today, to get more funds, more probation officers, more judges, more detention facilities, and to get sanctions started for the early juvenile delinquent acts.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York [Mrs. MCCARTHY].

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in opposition to the rule.

The rule to H.R. 3, the Juvenile Crime Control Act of 1997, does not allow Members to engage in a full and fair debate about reducing juvenile crime and making our schools safe. The closed rule denies Congress the opportunity to discuss child safety lock legislation. Child safety locks can help make our schools and our streets safer for our children. The loaded and unlocked guns are being taken from our homes continuously and used to commit juvenile crimes in our schools. Failure to allow this debate on safety locks is expensive for the American people. We in the health care system know that it costs us almost $3.5 billion, but, more than that, we are losing our children.

According to National Safe Kids Campaign Chairman C. Everett Koop, locks and load indicators could prevent more than 30 percent of unintentional firearm fatalities.

Child safety locks are not expensive. Child safety locks will reduce the cost to the American taxpayers associated with juvenile crime.

This is not the same old debate about gun control. This is about reducing violence and its associated costs.

The amendment we would like to debate would simply require federally licensed firearms dealers to sell child safety locks with firearms. Nobody's guns are going to be taken away. There will be no further Federal requirements for purchase.

It is a simple safety lock. We have bills that make it impossible for children to get into an aspirin bottle. Do my colleagues not think we should do the same thing with a gun?

Therefore, I urge my colleagues to oppose this rule. Let us try and save some kids these days.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER], a fighter for gun control.

Mr. SCHUMER. Mr. Speaker, I thank our ranking member of the Committee on Rules for his generous cession of time.

Whatever we think of the bill that is before us, and there are a lot of opinions, the rule proves one thing: The Republican leadership is scared of the NRA. We already know the Republican Party opposes reasonable measures against gun violence, but now they are saying we cannot even talk about it.

The Republicans want to make guns a four-letter word on the House floor, no discussion allowed. Their whole legislative strategy is built around a single objective of preventing the House from even voting on gun safety measures. When we are talking about youth violence, Mr. Speaker, there is nothing more relevant than guns.

The reason juvenile crime is so much more violent today than ever before is because youth gangs are so well armed. Back in the 1960's, there was plenty of anxiety and plenty of gangs and plenty of young men on the streets angry, but all they had was their fists and people did not come home in coffins and in body bags. Now guns in many of our cities are everywhere. We are refusing to even debate that issue.

Every amendment we have offered to this bill that would deal with the underground gun market, a simple trigger lock provision that my colleague, the gentlewoman from New York, talked about. Or stiff mandatory sentences on kingpin gun traffickers, the NRA has always told us punish the criminal. These gun traffickers are among our worst criminals, and my colleagues would not even allow us to debate it in the bill. Every amendment has been ruled not germane. Mr. Speaker, this is a gag rule on preventing gun violence. The whole bill has been set up so that gun amendments can be kept off on technical grounds.

Members know we are right about guns, but we are so afraid of the gun lobby we will not even put the issue to a vote. That is the true, behind-the-scenes story of this bill, that the NRA is writing the script.

The gentleman from Florida, the chairman of the Crime Subcommittee, has been working for months on this legislation. He has been very open to input from the minority, and for that I thank him. In fact, the gentleman from Florida [Mr. MCCOLLUM] brought the Committee on Rules a manager's amendment that would have added to this bill a whole series of provisions proposed by myself, the gentlewoman from New York [Mrs. MCCARTHY] and the administration on guns. But the Republican leadership is keeping that manager's amendment out of the bill, an amendment by the majority's own subcommittee chairman.

There is one and only one reason for this, so that the minute anyone says the word gun violence, gun control, the Republicans can jump up and say, out of order. That is a shabby way to legislate. I urge Members to vote against the rule.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume.

As I look at this legislation, I just wonder, because there have been mentions of some gun lock safety equipment. This bill does not deal with gun lock safety. That legislation perhaps could come again at some future time.

I think what we really do need to do is to talk about the relationship with the White House. Let us call attention first, I would like to call attention to the fact that we Republicans have been in office here for about 2 years and 2 months or so, and I wonder where all this legislation was prior.

Mr. Speaker, I yield to the gentleman from Florida [Mr. MCCOLLUM], chairman of the subcommittee, to perhaps answer that question of what happened to the manager's amendment and the relationship with the White House.

Mr. MCCOLLUM. Mr. Speaker, I would like to make a comment. I think that there is an explanation in order. I had offered a manager's amendment yesterday including a number of things before the Committee on Rules that are in the President's bill that are perfectly acceptable and I think ultimately should be passed into law, including enhanced penalties for those who are trafficking in guns with juveniles or juveniles who commit violent crime with a gun and so on. But the truth of the matter is that we were in negotiations with the administration, the leadership, my leadership, all through the day yesterday and even today attempting to come to some accommodation around the edges with respect to these matters, and they were apparently unsuccessful.

I was not involved in all of those, but I know that they were going on at the highest level. I think those negotiations will continue and that ultimately we will have a lot of these provisions that we can pass out here on the floor. But they are not part of this bill. I would like to have been able to put them in there. It would be nice to pass it all at one time. But we will have other opportunities and other days to do this. Today is not the only day.

What we are focusing on today and tomorrow is repairing a broken juvenile justice system. That is the highest priority. We should not diminish its importance. I think my colleagues on both sides of the aisle should recognize that fact, argue if they want about what maybe else we should do in addition to this, understand there is nothing more important to fighting violent juvenile crime or juvenile crime at all than repairing the Nation's collapsing juvenile justice system and putting what is necessary in there to get sanctions back into the system for those early delinquents acts so that we can get consequences and that kids understand there will are consequences for their juvenile acts. I think that is very, very important.

Mr. MOAKLEY. Mr. Speaker, I yield 15 seconds to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, would the gentleman from New York, my colleague, chairman of the Committee on Rules, answer a question?

The gentleman said maybe some other time we can bring the trigger-lock legislation to the floor. Will the gentleman give us a commitment that we will bring that legislation to the floor at some point before this legislative year is out?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SCHUMER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, the gentleman is a member of the Committee on the Judiciary, is he not?

Mr. SCHUMER. Mr. Speaker, I am.

Mr. SOLOMON. Mr. Speaker, that is the committee. I suggest the gentleman take it up with his committee.

Mr. SCHUMER. So the answer is, the gentleman will not give us a commitment.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, guess which State in the Union has the most aggressive juvenile justice laws? The State of North Carolina. If we measure it based on who tries and convicts more juveniles as adults, it is North Carolina. One-fifth of the juveniles tried, convicted, and sentenced as adults are in North Carolina.

The Republicans talk about do the adult crime, serve the adult time. We do it in North Carolina. But guess what? Under this bill, North Carolina would not qualify for funds under this bill. They say they want us to be aggressive, lock them up. But, no, they will not give us any funds under this bill. In fact, of all the 50 States, 39—at least—of the States do not qualify for funds under this bill, including North Carolina, which has the most aggressive laws.

Now, why? Because in North Carolina the judge decides whether somebody is going to be tried as an adult rather than the prosecutor deciding, and the Federal Government under this bill would require that the prosecutor make that decision rather than the judge making that decision. So we are going to be deprived of funds unless we change our laws to comply with the Federal law.

Does that make any sense? What we have found out is that one of the few States under this bill that would qualify is the State of Florida, which is the State of the sponsor of this bill. In fact, once we keep investigating, we may find that the only State in the Union that will qualify for funds under this bill is the State of Florida, the State of the gentleman from Florida [Mr. MCCOLLUM].

What everybody ought to be asking themselves is, does my State get anything under this bill? The answer is going to be no for at least 39 out of the 50 States. We ought to reject this bill. Reject the rule. Send it back and let us do something worthwhile.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts [Mr. DELAHUNT], a gentleman who has dealt with teenage juvenile delinquency for some 21 years and has compiled an outstanding record, and is now serving in Congress with us.

Mr. DELAHUNT. Mr. Speaker, I rise in opposition to this rule for very similar reasons that were just articulated so eloquently by the gentleman from North Carolina. This rule denies the House the opportunity to vote on an amendment that I had intended to offer, that I had tried to offer which would have ensured that every State, every city, every town, and every county would be eligible to access the $1.5 billion authorized in this bill. It is important to understand that the bill before us, as others have articulated, imposes conditions on State and local governments—mandates, if you will—before they even have a chance to file an application to access that $1.5 billion.

In fact, to qualify just to access the $1.5 billion, approximately 40 States would be forced to legislate massive changes in how they deal with juvenile offenders.

□ 1945

They would be compelled to enact laws that have not been proven to be effective and, in my opinion, will actually increase crime by sending kids to graduate schools for crime, and it does not make any sense.

We should know that only 12 States can even file an application under the terms of this bill, and it is unclear whether even all of them would qualify. Once again we have Washington telling the States and local governments what to do. Washington has the answers. Well, Washington does not have the answers. The State and local governments do.

As my friend from Massachusetts, Mr. MOAKLEY, stated in his opening remarks, the city of Boston has not had a single juvenile murder since July 1995, almost 2 years. They instituted a plan, a local plan, that combined prevention, intervention, prosecution, and treatment. They knew what they were doing. They did not need Washington to tell them what to do. Yet under this bill Boston would not qualify for funding despite those remarkable results. That does not make sense to me, but Washington knows best.

If those from California, those from Ohio, and Pennsylvania, Texas, or Illinois, just to name a few, want to access some of these Federal dollars to try the Boston approach, they cannot do so because their laws do not meet the conditions in this bill. But again, Washington knows best.

The reality is that Washington cannot know best because there is no Federal experience in this area, no Federal juvenile justice system, no courts, no judges, no detention centers, no probation departments. In fact, as the primary sponsor indicated, there are fewer than 200 juveniles currently serving Federal sentences, compared with the 300,000 juvenile offenders locked up in State juvenile facilities.

Given those facts, we have no business imposing national standards on the States and localities that are working to solve the problem of juvenile justice. Let us help them, not tell them what to do.

Mr. SOLOMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Bolivar, MO, Mr. ROY BLUNT, one of the outstanding new Members in this body.

Mr. McCOLLUM. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Speaker, I thank the gentleman for yielding to me for the moment.

I just want to respond to the fact that nobody expects this bill to be something that every State or maybe any State qualifies for right now. The whole purpose is for incentive grants.

The idea is to get the juvenile justice system in this country going again. No State has to do anything under this bill. There is no mandate in here. But if the States want the money, then they will have to at least demonstrate that they are punishing, sanctioning with some sanction, for the very first juvenile delinquent act and every one thereafter.

Then once they get the money, they can spend it as they want to fight juvenile crime. But that is the idea.

Mr. BLUNT. Mr. Speaker, reclaiming my time, I rise in support of the rule, I rise in support of this concept. Normally, I would be on the side of my friend from Massachusetts on this issue, because I think these are issues that are generally best left to the States.

But I think, clearly, juvenile crime has exceeded the bounds of the States. It is clearly an interstate problem. It is clearly a problem that trafficks easily from one State to another.

I also disagree with the idea that this puts juvenile criminals in a graduate school for crime. They have already been in a graduate school for crime. We call that graduate school for crime gangs.

Now, this is not about Dennis the Menace. This is not about somebody violating a few rules. This is not about Dennis the Menace; it is about Billy the Kid. And I think we need to stop Billy the Kid. I think we need to stop that pattern where actually, in gangs, they turn to the young gang members and tell them to commit the crime because they are not going to have to face the penalty.

This is something that States will benefit from. States like Missouri and Massachusetts and North Carolina can meet the requirements of the bill and can qualify.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. BLUNT. I yield to my fellow freshman, the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, I ask my friend from Indiana if he is ready and prepared to go back and tell his Governor, to tell his State legislature that we have the answers here in Washington and they cannot be resolved by the State of Indiana and by the communities in Indiana? Is that what the gentleman is suggesting to me?

Mr. BLUNT. Mr. Speaker, I would say to the gentleman that, being from Missouri, I would be glad to tell the Governor of Indiana that, but I will also tell the Governor of Missouri that.

I think this is a problem that, as we have seen crime decline all over the country in total statistics, we have seen juvenile crime rise rapidly.

Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the gentleman from California, Mr. DUKE CUNNINGHAM, a very respected Member of this body.

Mr. CUNNINGHAM. Mr. Speaker, the gentlewoman a moment ago spoke on trigger guards, and I understand she had a personal family loss and I do not know how I would handle that myself. I would also let the gentlewoman know I am a member of the NRA, and that I have trigger guards, or my weapons are all in safes and my daughters and my son have been taught how to use those in a safe manner.

In fact, the keys are in a different position, in case one of their friends walks in and finds it, so they will not have an accident.

But I would also advise my friends on the other side to look into COSCO, who shipped in 2,000 fully automatic AK-47's. The actual gun runners themselves were in the White House and contributed to the DNC; Mr. Huang, who contributed and arranged $366,000 for COSCO, a company owned by the Communist Chinese.

I would ask that they look into the M-2's that were going down to Mexico to disrupt those elections, so they put leftists in their legislature. And do my colleagues know where the AK-47's were impacted and headed for in San Francisco, in my State of California? They were targeted for the inner city gangs. These are fully automatic weapons, which we do not sanction.

But I would ask for a little bit of clarity when my colleagues point fingers. Let us take a look at where the threats are in this country and let us try to stop them, but we also need to look inwardly.

Mr. SCHUMER. Mr. Speaker, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for his courtesy, and I would make two quick points. On the gentleman's first point, as an NRA member, the gentleman has safety provisions on his guns. For automobiles we require, and throughout America, that people wear seatbelts. There is no difference here. The gentleman is good that he does it; other people do not. We can save lives by requiring them.

Second, on the gentleman's other point on the importation of assault weapons, we have tried in this House to get amendments to the floor to allow that to happen. Repeatedly, we were not allowed.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, I would ask the gentleman's help in stopping the Communist Chinese COSCO from taking over Long Beach Naval Shipyard.

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. MILLENDER-MCDONALD].

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I would say to the gentleman from California [Mr. CUNNINGHAM] that he should really stop his propaganda on COSCO. He is ill-advised, and therefore he should stop that with reference to COSCO and Long Beach.

Mr. Speaker, I rise today in strong opposition to the rule on H.R. 3, the Juvenile Crime Act of 1997. This closed rule would severely limit our ability to offer important amendments to this legislation. I am particularly concerned that the rule precludes amendments to protect children from the accidental discharge of firearms.

As elected Representatives we have an important responsibility to advocate for our Nation's children by prohibiting the transfer of a firearm without a child safety lock as an integral component.

Every year hundreds of children between the ages of 1 and 19 are killed by the unintentional discharge of handguns. Since 1987, more than 4,000 innocent boys and girls have lost their lives through unintentional firearm deaths.

The loss of these young children can be prevented, which is why I have authored the Firearm Child Safety Lock Act of 1997. This legislation would prohibit any person from transferring or selling a firearm in the United States unless there is a child safety lock.

Further, this legislation would prohibit the transfer or sale of firearms by federally licensed dealers and manufacturers unless a child safety lock is part of its assembly.

However, legislation is not enough. Responsible handgun owners should child-proof their firearms whether they have children or not. I have outlined a number of child-proofing options and would like to submit them for the RECORD.

The Firearm Child Safety Lock Act of 1997, once enacted, will prevent the future loss of lives of our innocent children. These are our children, our sons and our daughters, and the future of this country. As parents and leaders it is our obligation to protect our children from senseless deaths caused by the unintentional discharge of firearms.

This is not gun control, this is a safety measure. If gun owners want to be nice people, as stated by the NRA's president, Wayne LaPierre, then they would support this amendment and curb the senseless deaths of our country's children due to unintentional discharge of firearms. For this amendment and other amendments I urge my colleagues to oppose this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am not sure if my good friend from California is still on the floor of the House, but it is disappointing when my friend from California accuses adults of gun running but he wants to lock up the children.

I rise to oppose this rule because I thought we could come to the floor of the House and reasonably look at the statistics on juvenile crime and juvenile crime prevention and really respond accordingly. I thought, for example, that we would understand that this bill is nothing but a punitive bill with no resources to address the questions of concern in making sure that we prevent juvenile crime.

One, we want to expose the records to the public rather than giving the records only to school officials and social service agencies. We do not want to rehabilitate the child; we want to punish the child so that they never have the opportunity to be rehabilitated. We want to house children in this bill without looking at the ramifications of housing children with adults.

We had amendments that I offered that were not accepted by the Committee on Rules. I am disappointed in that, not because we need to discuss more air on the floor of the House, but really what we need to do is put a bill together that we can all support.

Certainly, I think it is very important that even though we all talk about we believe in the safety of guns, it does not appear to be reasonable that a simple act of having a trigger lock could not be an amendment for this particular bill.

I hope this bill goes off the floor of the House, goes back to being addressed and assessed, and realizes that the best thing to do for all of us is that helping children should be the key element of juvenile law coming out of this Congress. We should, in fact, make sure we do not house children with adults, and we should, in fact, make sure that we can provide the amount of prevention dollars, and we should protect children from the unwarranted use of a gun and protect them from the detrimental act of the reckless use of a gun.

Mr. Speaker, I rise to speak in opposition to the rule on H.R. 3, The Juvenile Crime Control Act of 1997. As a member of the Judiciary Committee, I have spent a great deal of time over the last 2 months analyzing and debating the problem of juvenile crime. I am sure that my colleagues on both sides of the aisle would agree with that this is a very complex and controversial issue. It is for these reasons that I am disturbed that H.R. 3 was not given an open rule.

There are a number of provisions in H.R. 3 that cause me grave concern. In an attempt to remedy some of the more grievous provisions in H.R. 3, my colleagues and I offered amendments to the Rules Committee. Very few of these amendments—amendments that I believe would have garnered great support, support on both sides of the aisle—were made in order.

In particular, I am troubled that no amendments were made in order addressing the controversial issues of housing juveniles in adult prisons and releasing juvenile records to the public. In partnership with Mr. WATT, I prepared an amendment addressing the problem of housing juveniles with adults. Our amendment required that for States and local governments to be eligible to receive grant funds they must house juveniles who are tried as adults separately from adult inmates in facilities so that they have no contact with adult inmates until they reach 18 years of age.

I also had an amendment which would have ensured that predisposition juveniles would have no contact with adults in prison. My amendment did not address the juvenile who has been convicted of a violent crime. In fact, my amendment attempted to protect those children who have not yet even been found guilty from the dangers of housing them with adults. Without this amendment there is a very real possibility that an innocent child will be mistakenly arrested and suffer in prison in the company of adults.

On any given day approximately 2,400 children are held as juveniles in adult jails. Over the course of a year more than 65,000 children are held in adult jails.

Adult jails, however, are very different from facilities designed for juveniles. In particular, most adult facilities have inadequate rehabilitation programs, health or education programs for juvenile offenders. Most juvenile facilities have a full educational program for incarcerated youth. Juvenile facilities also have additional programs such as exercise and recreation. In contrast, too often, children held in adult jails spend all day sitting in their cells.

Additionally, all available evidence suggests that placing juveniles in adult jails places them in very real and very serious danger. They are at serious risk for rape, assault, and even murder. A 1989 study by Jeffrey Fagan titled "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy" showed that children housed in adult facilities are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, and 50 percent more likely to be attacked with a weapon than juveniles confined in a juvenile facility.

On April 25, 1996, six adult prisoners murdered a 17-year-old boy while he was incarcerated in the juvenile cellblock of an adult jail in Ohio.

In Idaho, a 17-year-old boy held in an adult jail for not paying $73 in traffic fines was tortured over a 14 hour period and then finally murdered by other prisoners in his cell.

In Ohio, a 15-year-old girl who had never been in trouble before ran away from home for 1 night. Although she voluntarily returned to her parents, she was put in the county jail by a juvenile court judge "to teach her a lesson." On the fourth night of her confinement, she was sexually assaulted by a deputy jailer.

It is already too easy to find examples of children who have been assaulted or lost their lives needlessly in adult jails. We have a responsibility to act and stop there from being many more.

A third provision in Mr. McCollum's bill that causes me grave concern is that which opens juveniles records to the public. The juvenile justice system was founded on the principle that juvenile offenders are children and as such should not be held to the same standard of culpability as adult offenders. The juvenile justice system has been based on the premise of rehabilitation; to provide the juvenile access to programs and life skills that he or she has not gained in the community. When the juvenile reenters the community he or she is to begin fresh without the public stigma of a criminal record.

H.R. 3, however, requires that in order for States and local governments to be eligible to receive grant funds they must maintain records for any adjudication of a juvenile who is adjudicated delinquent for conduct that if committed by an adult would constitute a felony in a records system equivalent to that maintained for adults who commit felonies. My amendment would have deleted this requirement for both States and local governments and also stated that in the Federal system juvenile records would not be available to the public as required by H.R. 3. Instead, the amendment required that juvenile records be made available only for official purposes.

Like my colleagues, I am very concerned about the rising rate of juvenile crime. I agree that to protect the public from certain of these juvenile offenders law enforcement officials and certain social service organizations must have access to juvenile records. I am convinced, however, that publicly disclosing the court records of juveniles will permanently stigmatize the child at an early age which will follow the child into adulthood; thus, inhibiting efforts to rehabilitate the child as well as the child's future employment and educational opportunities. It seems to me that to burden an already fragile child with this additional handicap is extremely unwise for both that child and for society in general.

I urge my colleagues to vote against this modified close rule and in so doing open the debate on juvenile justice to address a number of the most concerning provisions of H.R. 3.

Mr. SOLOMON. Mr. Speaker, I yield 4½ minutes to the gentleman from Florida [Mr. McCollum] the distinguished chairman of the subcommittee.

□ 2000

Mr. McCOLLUM. I thank the gentleman for yielding me this time.

Mr. Speaker, I believe tonight as we prepare to vote on this rule, we need to understand this whole process in concept and in construct.

Back a few years ago, we passed some provisions of law here in the Federal arena designed to encourage the States to do what we call truth-in-sentencing. That is, we found that we have people who commit violent crimes that were going through a revolving door and serving only about one-third of their sentences. They wound up in that situation with a status where they hardly were in before they were out in many cases. They went right back on the streets and were committing violent crimes. While that was primarily State crimes they were committing, we thought an incentive grant program was a good idea and we had a pretty overwhelming majority pass a provision that said that if States pass laws that will require that repeat violent felons serve at least 85 percent of their sentences, then they are going to get a very large sum of money from the Federal Government in the form of a grant program, to construct more prisons with, to help them in the process back home that they need these resources for. We did accomplish that.

In fact, now the national average, because more than 20 States have qualified for this money, not many if any qualified at the beginning, because more than 20 now have gone out and done it, we see that the national average for time served in this country has gone up from a third of the sentence to nearly 50 percent of the time in a violent offense that is served. It is a model for what we are out here trying to do today. We are trying to create another incentive grant to the States that says: States, here is money to spend as you want to fight violent juvenile crime. You can start at the early levels, do what you want to basically with it, more judges, more probation officers or whatever, but if you are going to do that, then we expect you to do the four things we think are really critical to reviving the juvenile justice system to put consequences back in it again. Because we are seeing law enforcement officers not even taking kids before juvenile courts because they do not expect them to get any kind of punishment. If a kid vandalizes a store or spray-paints a building, should that youngster not get some consequences, community service or something for that even if it is the first offense? The answer is clearly yes. Because they do not get consequences, then that bad behavior is more likely to continue. If we do put consequences for those early juvenile delinquent crimes, then we are less likely to get more violent crimes from these juveniles later on. It is common sense. It is what all juvenile court authorities tell us and have told my subcommittee.

So we have put out a little core group of things to qualify to get the money. Then you can spend it as you want to. We are not telling the States how to spend the money, but we are telling the States: Here is a carrot, here is something like we did with the truth-in-sentencing grants, if you do these things, three or four simple things, the primary one of which is to start sanctioning the very first delinquent act and then have graduated sanctions for every delinquent act thereafter, such as community service and so on, then you can get the money. And if you have the provision that allows your prosecutor, which most States do but not all, allows your prosecutor to try as an adult a 15-year-old or older who commits a serious violent felony, that is important. And, third, we need you to keep records. Records are not being kept the way they should be. We do not know how these juveniles are doing. If they have committed a felony, that has to be a felony and it has to be the second offense. It could have been a misdemeanor spray-painting the house or whatever the first time. Only then. But then if they do and they have committed a felony, then you have got to keep the records and make them available just as you would for adults. And you have got to let judges, the judges do not have to do this, you have got to let your judges hold parents accountable, not for the juvenile delinquent act but when the juvenile delinquent comes before them, for that parent to be instructed by the court: Here is what we want you to do to oversee your child. If you do not do it, you might get a fine or maybe you will do community service. These are the things that are broken nationwide. It is a national crisis. We really need to do it.

We are not doing as some on the other side would say, characterizing this as telling the States what to do. We are trying to create a national interest in this with a little bit of money knowing the States have got to come forward with a lot more resources if juvenile judges in this country are to do the jobs they all want to do and enough probation officers are hired to do it. That is what this is all about.

There are a lot of other things we have to do. We hope someday that families are put back together again. We do not want the situations where we have so many single parents out there and no role models. We want truancy laws corrected, we want more education for our kids, we want to get at the gang problems, we want to do a lot of other things we do not do in this bill. There will be other bills, there are going to be other bills that address those matters as best we can, though many of them frankly have to be addressed in the local communities and money is not the answer to all of them. Volunteer time, organization and effort is. Yes, there are other things. But tonight the one thing we are voting on is a rule that would allow a juvenile justice repair bill to go through to provide incentives to the States.

Mr. MOAKLEY. Mr. Speaker, I yield the balance of my time to the gentleman from New Jersey [Mr. Pascrell].

The SPEAKER pro tempore (Mr. Bonilla). The gentleman from New Jersey is recognized for 2½ minutes.

Mr. PASCRELL. Mr. Speaker, I thank the gentleman from Massachusetts for yielding me time on this disappointing rule, on which I rise in strong opposition.

Yes, we need to repair our juvenile justice system, but first we need to get our priorities in order and that is what we should be about. I speak as a former mayor of a large city and now as a Congressman from the Eighth District. While I am pleased that this House is going to take a good look at our juvenile justice system and how we can improve it, the majority is denying us the opportunity to discuss commonsense anti-gun violence efforts as part of this legislation.

Our priorities should be about those young people who are in the galleries listening to us debate this issue, and how we can prevent violence from occurring in our streets. Every day American youths are injured and killed by guns. A staggering 1 in every 4 teenage deaths are gun-related. These numbers do not even take into account the number of crimes committed by juveniles with guns. Few factors have had as direct an impact on the increase in violent youth crime over the last 10 years as have guns. Juvenile arrest records for weapons law violations are up 103 percent since 1985, a rate that is clearly unacceptable to all of us in this room.

This House is only fooling itself if we believe for a second that we can effectively address the issue of youth violence without addressing gun violence. If we are truly serious about making our streets and neighborhoods safer, keeping those young kids safe and alive, we need to get serious and have gun violence addressed in this juvenile bill.

The Democratic substitute that we originally brought to the Committee on Rules would have addressed the gun issue. The real losers under this rule are the millions of Americans who live in fear of violent youth crime, mixed up with gangs and armed to the teeth. The majority is keeping us from implementing commonsense rules.

This is for young people. If we truly love them and wish to protect them, then let us put the amendments before this body.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise people sitting in the gallery that they are prohibited from reacting to speeches on the floor.

Mr. SOLOMON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from New York is recognized for 2¼ minutes.

Mr. SOLOMON. Mr. Speaker, we have heard a lot of rhetoric here today. I think the gentlewoman, I believe it was from Texas, made the statement that she was concerned that this bill before us today was going to put children in jail. Let me inform the gentlewoman and anybody else in this Chamber that for the last 40 years we have coddled criminals in this country, and we have made it very, very difficult for the people that suffered under those criminals.

What this legislation does is, yes, it does lock up children. Who are those children that we want to lock up under this bill? They are those that are old enough to commit murder and rape and brutal assaults against women and children in this country. They deserve to be in jail. This bill before us is going to send that kind of a message.

There are a lot of myths about this bill. I will include for the RECORD a list of all of those, there are 10 of them, that explain some of the rhetoric that has taken place in this debate.

In closing, let me just say this. Watch for the vote on final passage of this bill and Members will see that all of the talk in opposition to it was a lot of rhetoric, because this bill will pass overwhelmingly, and will send a message to these young rapists and murderers and brutal assaulters of women and children in this country: We are not going to stand for it any longer.

Mr. Speaker, I include the following for the RECORD:

TOP 10 DEMOCRAT MYTHS ABOUT H.R. 3 AND THE JUVENILE JUSTICE SYSTEM

MYTH 1: PROSECUTORS WILL BE FORCED TO TRY JUVENILES AS ADULTS

H.R. 3 mandates that certain juveniles be prosecuted as adults. Federal prosecutors must choose between prosecuting these juveniles as adults or not prosecuting at all.

FACT: PROSECUTORS HAVE DISCRETION IN EVERY CASE

H.R. 3 allows prosecutors in every instance to either refer a juvenile offender to State authorities, prosecute the offender as a juvenile, or proceed against the offender as an adult. In the case of murder and other serious violent felonies, H.R. 3 includes a presumption that juvenile 14 or older should be charged as an adult, but the prosecutor has the discretion to charge the offender as a juvenile.

MYTH 2: JUVENILES WILL BE HOUSED WITH ADULTS

H.R. 3 will allow the federal government to incarcerate juveniles in the same cell with adult criminals. Moreover, juveniles prosecuted as adults will be housed with adults after they are convicted.

FACT: JUVENILES WILL NOT BE HOUSED WITH ADULTS

H.R. 3 explicitly prohibits housing juveniles with adults. There can be absolutely no regular contact between juveniles and adults criminals during any stage of the justice process.

MYTH 8: ALL PUNISHMENT AND NO PREVENTION

The Republican approach to addressing the juvenile crime problem is narrow-mined: it focuses solely on punishment and is silent on prevention.

FACT: PREVENTION PLUS

Accountability is prevention: When youthful offenders face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages states to provide a sanction for every act of wrongdoing, starting with the first offense, and increasing in severity with each subsequent offense, which is the best method for directing youngsters away from a path of crime while they are still amenable to such encouragements.

Moreover, this bill is only part of a larger legislative effort to combat juvenile crime. The prevention funding in the Administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. In addition, that bill will be a small but significant part of the more than $4 billion dollars which will be spent by the federal government this year on at-risk and delinquent youth.

MYTH 4: H.R. 3 IS BIG GOVERNMENT AT ITS WORST

H.R. 3 takes a one-size-fits-all approach by strictly limiting how localities can spend their grant funds.

FACT: LOCAL GOVERNMENTS HAVE FLEXIBILITY

Under H.R. 3, States and local governments have extensive flexibility. H.R. 3 provides funds to States and units of local government to be used for a wide variety of juvenile crime-fighting activities ranging from building and expanding juvenile detention facilities, establishing drug courts and hiring prosecutors to establishing accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies.

MYTH 5: H.R. 3 ATTEMPTS TO MICRO-MANAGE THE STATES

H.R. 3 sends the message that Washington-knows-best: States must do it the federal government's way or no way. H.R. 3 places so many requirements on States in order to receive funding that few States will want to qualify.

FACT: LIMITED INCENTIVES TO ACHIEVE BENEFICIAL REFORMS

Creating incentives for the States to reform their juvenile justice systems is desperately needed. When encounters with the juvenile justice system teach juvenile offenders that they are not accountable for their actions, the system is broken. Never before has there been a greater imperative for the juvenile justice system to be working than now. Too many jurisdictions are held captive by bureaucrats that strictly adhere to the old, discredited juvenile justice philosophy that young criminals are not responsible for their actions. Many Republican governors have put forward juvenile justice reform proposals that have been blocked by liberal legislators. Like our truth-in-sentencing incentive grant program, we can help our allies at the State level to transform America's justice system.

MYTH 6: VERY YOUNG OFFENDERS ARE NOT THE PROBLEM

H.R. 3 is over-reaching in that it unnecessarily expands the list of serious violent crimes for which 13 year-olds can be prosecuted. There is no evidence which proves that 12-, 13-, or 14-year-olds are any more dangerous than they were 20 years ago.

FACT: YOUTHFUL BUT DANGEROUS

Juveniles 15 and younger were responsible for 64 percent of the violent offenses handled by the juvenile courts in 1994. Between 1965 and 1992, the number of 12-year-olds arrested for violent crime rose 211 percent; the number of 13- and 14-year-olds rose 301 percent; and the number of 15-year-olds rose 297 percent.

MYTH 7: THE ADULT COURT SYSTEM IS MORE LENIENT ON JUVENILES

Juveniles tried in adult criminal court are more likely to have their cases dismissed and serve shorter sentences than juveniles referred to juvenile court.

FACT: MOST JUVENILES ARE HELD ACCOUNTABLE IN THE ADULT SYSTEM

According to GAO, most juveniles prosecuted for serious offenses in adult criminal court are convicted and incarcerated. Barely one-third of juveniles prosecuted for serious offenses in juvenile court are convicted and confined. Juveniles prosecuted in criminal court are subject to the same sentencing guidelines as adult defendants in criminal court. While a few studies show that juvenile property offenders may not receive longer sentences in adult court, several studies show that violent juveniles receive longer sentences in adult criminal court than in juvenile court.

MYTH 8: VIOLENT JUVENILES ARE ALREADY EFFECTIVELY TREATED AS ADULTS

Juvenile judges are already waiving large numbers of serious violent juveniles into the adult system, H.R. 3 would limit the power of juvenile judges to make these decisions.

FACT: LEAVING IT UP TO JUVENILE JUDGES IS NOT GOOD ENOUGH

In 1994, only 1.4% of all delinquency cases—the same percentage as in 1985—are transferred to adult court. Juvenile court judges transfer just under three percent of violent juvenile offenders to adult criminal court. For juveniles to be held accountable for their violent acts, prosecutors must have a say in this process!

MYTH 9: PREVENTION IS RESEARCH-PROVEN

The Republican approach to fighting juvenile crime ignores the fact that prevention is cost-effective and research-proven. After-school programs and drug treatment programs should be included in H.R. 3 since so little is being done in those areas.

FACT: FEDERALLY-FUNDED PREVENTION HAS PROVEN "INEFFECTIVE"

According to a comprehensive Justice Department-commissioned study published last month, "Recreational, enrichment, and leisure activities such as after school programs are unlikely to reduce delinquency" * * * "Midnight basketball programs are not likely to reduce crime." Programs like it may actually increase the risk of delinquency by combining lower-risk and high-risk students in the same activity and by providing space for high-risk youth to interact.

Moreover, according to the General Accounting Office, the federal government already funds for at-risk and delinquent youth: 21 gang intervention programs, 35 mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

MYTH 10: LESS CONFINEMENT, NOT MORE

We need more prevention and alternatives to incarceration not more detention cells. Juveniles need to be diverted away from a life of crime, not thrown in prison in the prime of youth.

FACT: JUVENILES ARE NOT HELD ACCOUNTABLE

Because our juvenile justice system is so woefully inadequate, juveniles quickly learn, "I can beat the system." Only 10 percent of violent juvenile offenders—those who commit murder, rape, robbery or assault—receive any sort of institutional "placement out-side the home." The small percentage of juveniles who are placed in confinement for such violent offenses will be back on the streets in an average of 353 days. Almost half of all juveniles arrested for violent offenses receive probation, fine, restitution, or community service.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 252, nays 159, not voting 22, as follows:

[Roll No. 109]

YEAS—252

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manzullo
Mascara
McCarthy (MO)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Tanner
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—159

Abercrombie
Ackerman
Allen
Baldacci
Barcia
Barrett (WI)
Bentsen
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dixon
Doggett
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Matsui
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Veláquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOT VOTING—22

Andrews
Becerra
Berman
Boucher
Clay
Dicks
Dooley
Ehrlich
Filner
Gephardt
Greenwood
Harman
Linder
Martinez
McKinney
Pelosi
Pombo
Schiff
Stark
Talent
Tauzin
Yates

□ 2028

Ms. DEGETTE and Messrs. FARR of California, OWENS, OBERSTAR, and

BARCIA changed their vote from "yea" to "nay."

Mrs. MORELLA and Mr. MASCARA changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. BONILLA). Pursuant to House Resolution 143 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3.

□ 2030

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, with Mr. KINGSTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentlewoman from Texas [Ms. JACKSON-LEE] will each control 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me begin by expressing my appreciation to the chairman of the full Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], my good friend, for his leadership and to the gentleman from Michigan [Mr. CONYERS], the ranking member of the full committee, and the gentleman from New York [Mr. SCHUMER], the ranking member of the Crime Subcommittee, and their staffs for their cooperation in the development of this product that we have out here tonight, H.R. 3. The gentleman from New York [Mr. SCHUMER] in particular has worked very cooperatively on this bill. We disagree on some issues, but we have worked in good faith and have reached as much consensus as possible.

Mr. Chairman, today we begin consideration of one of the most important issues we will tackle in this Congress: The issue of juvenile crime. Every effort we undertake as lawmakers to improve the lives of our fellow citizens, whether it is about education, health care, housing, or flood control, the success of every effort depends upon the existence of an ordered society. If Americans are afraid to walk to the corner grocery store, or must worry about the safety of their children at school, economic growth, or improved education does little good.

The clear truth is, Mr. Chairman, our constituents should be worried. America's juvenile justice system is broken. Violent juvenile crime is a national epidemic, and unless something is done quickly, it will soon get considerably worse.

Listen to these statistics: Offenders under the age of 18 commit more than one out of every five violent crimes in America; that is one-fifth of all murders, rapes, robberies, and assaults. In 1995, they committed nearly 2 million crimes; 18-year-olds committed more murders than any other age group and 17-year-olds, more rapes. Juveniles 15 and younger were responsible for 64 percent of the violent offenses handled by the juvenile courts in 1994.

Here is the really bad news: If these trends continue, juvenile arrests for violent crimes will more than double by the year 2010. The FBI predicts juveniles arrested for murder will increase 145 percent, forcible rape arrests will increase 66 percent, and aggravated assault arrests by 129 percent.

Why? In the remaining years of this decade and throughout the next, America will experience a 31-percent increase in teenagers as the children of baby boomers come of age. In other words, we are going to have a surge in the population group that poses the biggest threat to public safety.

Mr. Chairman, many academics and some in law enforcement fail to recognize the magnitude of this looming crisis. They cite the decline of the rate of violent crime in each of the last 4 years as proof that the fear of crime that permeates society is unfounded.

Yes; the rate of violent crime per capita has gone down, but it is four times higher than it was in 1960. In that year, this country experienced 160 violent crimes per 100,000 people. In 1995, there were 685 violent crimes for every 100,000 people. Last year's 10 percent decline hardly put a nick in this. There is a real danger of immediate and sharp reversal with the teen population boom ready to spring on us in the coming decade.

We are here tonight because the juvenile justice system is unprepared for this coming storm. It is broken, and its failures have contributed to the magnitude of the present problem.

Statistics paint a picture of a juvenile justice system in collapse. The percentage of violent juvenile offenders who are sentenced to confinement has actually decreased in the last 4 years. Only 10 percent of violent juvenile offenders receive any sort of institutional confinement, and that small percentage is back on the street in an average of 353 days. In other words, a juvenile who commits a cold-blooded murder can be walking our neighborhood in less than a year.

Of course, most juveniles receive no punishment at all. Nearly 40 percent of violent juvenile offenders who come into contact with the juvenile justice system have their cases dismissed. It is not unusual for a youngster to come before a juvenile judge 10 or 12 times before any punishment is imposed. By the time the courts finally lock up an older teen for a violent crime, the offender has a long rap sheet starting in the early teens, or maybe younger. According to the Justice Department, 43 percent of juveniles in State institutions had more than 5 prior arrests, and 20 percent had been arrested more than 10 times.

Perhaps even worse, juveniles who vandalize stores or homes or write graffiti on buildings rarely come before a juvenile court. Police officers seldom see these kids and seldom refer them into custody, knowing there is little chance that they will receive punishment. Kids do not fear the consequences of their actions because they are rarely held accountable, and that is where the rub really lies in this whole situation.

We are looking at a case, for example, of Daniel Doe in Ohio. What is wrong with the juvenile justice system?

At age 12, Danny was arrested for vandalizing a neighbor's house. He had spray painted the walls, wrecked the furniture, and even went so far as to drown the pet bird in the bathtub. At 14 his criminal behavior had escalated to burglarizing an apartment. In the process he beat an elderly resident who died several days later from complications. For this crime he was convicted of involuntary manslaughter.

Danny then entered the adult criminal justice system at the age of 19 when he brutally beat a middle-aged woman in the act of burglarizing her home. He was sentenced for his crime, but by that time his juvenile arrest record had been erased. For the second time in the eyes of the law, Danny was treated as a first-time offender. The judge, ignorant of his violent past, gave him probation. Danny then went on to beat an elderly man to death in yet another burglary 2 months later.

Who knows how many earlier minor crimes were not referred by police or adjudicated without punishment? Could Danny's life of violent crime have been prevented by an effective juvenile justice system? I would submit that perhaps it could have been.

Crimes committed by juveniles are primarily handled by the States, but the collapse of the system has created a national crisis. Congress needs to provide incentives to the States to stimulate a core of critically and urgently needed repairs of the juvenile justice system, just as it did 2 years ago when faced with violent adult criminals who were serving about a third of their sentences. Congress then enacted a truth-in-sentencing grant program offering money for prison construction to States which change their laws to require violent offenders to serve at least 85 percent of their sentences. More than 20 States have now done so, and the average time served nationally is approaching 50 percent.

A similar grant program is at the heart of H.R. 3, the Juvenile Crime Control Act of 1997, before us tonight. It is $1.5 billion over 3 years that would be provided in this bill to States and local communities to hire more juvenile judges, probation officers or prosecutors, construct juvenile detention facilities or whatever they decide they need to improve their juvenile justice system. To qualify for a grant, a State would have to assure the Justice Department that it has accomplished four core reforms.

First, there must be a sanction such as community service for the very first act of juvenile delinquency and graduated sections for each delinquent act thereafter. Police and prosecutors must take young vandals before juvenile courts, and judges must impose punishment. If kids see the consequences to their early delinquent acts, far fewer will evolve into violent criminals.

Next, the State must ensure that prosecutors have the discretion to prosecute as adults juveniles 15 and older who commit serious violent crimes. Such teenagers need to be locked up for a long time, the same as violent criminals 18 and older.

Third, States must establish a recordkeeping system for juveniles adjudicated delinquents. This system would ensure that the records of any young offender adjudicated a delinquent two or more times are treated for the purposes of maintenance and availability the same as adult criminal records if the second offense or a later one is a felony. Today's common practice of keeping juvenile records sealed and erasing them when a juvenile reaches 18 must be stopped for those who are repeat violent offenders.

Last, State law must not prevent a judge from holding parents accountable, not for the delinquent act of the child, but for fulfilling a responsibility directed by the court at the time a sanction is imposed on a juvenile for a delinquent act. Juvenile judges must be given the authority to fine or otherwise sanction parents for not following court orders designed to force a parent to act responsibly in overseeing a child's behavior.

Without these core reforms and without an infusion of dramatically greater resources by the States to match the Federal funds, juvenile justice systems of our Nation cannot be revived. There are many things that need to be done to fight juvenile crime, but none are more critical than repairing our juvenile justice system.

The second thing this bill does is to establish a model Federal system for holding juveniles accountable for their crimes. These model procedures are designed to give prosecutors the control they need to protect the public, to give judges the authority they need to impose meaningful sanctions against all juvenile offenders, and to hold parents of juveniles responsible for supervising their children and to give law enforcement officials the records they need to know the criminal history of young criminals much like we are asking the States to do if they qualify to receive the block grant money under this proposal.

Under these procedures, no juveniles will be in prison with adults. Under current law, which is unchanged by this bill, all juvenile prisoners must be separated from adults. To those who say otherwise, I say read the bill. The committee rejected two provisions from the President's bill which would have loosened this standard.

Third, H.R. 3 enhances the Federal Government's tools for targeting, in limited situations, the most dangerous juvenile criminals. This bill is not a takeover of juvenile justice. It does not expand Federal authority. But when Federal enforcement is needed such as when State and local law enforcement officials are overwhelmed by violent street gangs, this bill will make Federal law enforcement more effective in protecting the public.

Finally, Mr. Chairman, let me briefly touch on the issue of prevention. We will hear a lot from the other side about prevention and the perceived inadequacies of this bill in the area of preventing crime. Well, I have three brief responses to this concern.

First, when there are real consequences for juvenile crimes, and when there are these real consequences, particularly crimes committed by younger offenders, we can stop criminal careers before they have a chance to get started. In other words, holding juveniles accountable is prevention.

Second, we must all remember that this bill is only a part of a larger legislative effort to deal with juvenile crime. The prevention funding in the administration's juvenile crime bill is in the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill within the next several weeks. That bill will be a small but significant part of the billions of dollars that will be spent by the Federal Government this year to prevent crime.

Third, I still support the funding for block grants passed in the Contract With America that are now being used by local governments for crime prevention and supportive law enforcement. I will be working with appropriators to find the funds necessary to support both the juvenile justice grants in this bill and the more general purpose public safety block grants that were passed in the last Congress as a part of the appropriations process.

So Mr. Chairman, I look forward to the debate on this bill. I urge my colleagues to support H.R. 3 and begin the process of repairing America's collapsed juvenile justice system.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, when we started this process, I recognize that the gentleman from Florida sought out a great deal of data. As I have indicated earlier in my discussions on the floor regarding juvenile crime, it would really be nice if this was a bipartisan effort. But obviously, H.R. 3 is not a bill that addresses the question of juvenile crime prevention and real solutions.

Today, in a hearing before the Committee on the Judiciary, we heard from the Concerned Alliance of Men. It so happens that they say they cure crime, violent crime among youngsters, with a hug. Many of us would look at this in a very skeptical manner, but if my colleagues heard those gentlemen today, they would realize that we can prevent juvenile crime. We can prevent it with targeted efforts toward recognizing that prevention is important.

I asked the chairman why prevention and prevention efforts cannot be in this juvenile crime bill proposed by the Committee on the Judiciary. We have done it before. We did it in the 1994 crime bill. It worked.

This legislation will not make us safer but only divert attention from real and more difficult solutions. We need a balanced approach that encompasses both punishment and prevention. The juvenile justice systems were first established in the United States at the turn of the century, to emphasize rehabilitation for youthful offenders.

Today's youth may or may not be more troubled than in the past, but a system that treats juveniles differently than adults seeking through a combination of measured punishment treatment and counseling, to divert them from destructive paths and keep them within the fold of responsible law-abiding citizens still is an important and real approach in which we should go.

□ 2030

To be sure, violent and dangerous youth must be prevented from inflicting additional suffering. But the chairman recognizes that as the Judiciary Committee traveled across the country, it is well known that the bulk of juvenile crime falls within a small number of States.

We have good kids in America. Those that need help need it by way of counseling, prevention, and other means other than locking up juveniles with adults. We do not need to hear about six adult prisoners who murdered a 17-year-old boy while he was incarcerated in a juvenile cell block in an adult jail in Ohio. Do we need to hear about, in Idaho, a 17-year-old boy held in an adult jail who was tortured and then murdered by other prisoners; or in Ohio, a 15-year-old who was raped while she was incarcerated? Why do we not have an amendment that separates adults from juveniles?

Recognizing that the Rand Corp. is not the most liberal think tank in this country, it has recently issued a report demonstrating that crime prevention efforts aimed at disadvantaged kids are more effective than tough prison terms in keeping our citizenry safe.

Then, what about the trigger lock? What an interesting approach H.R. 3 takes by refusing to stand up to the National Rifle Association, when 80 percent of Americans say a trigger lock is a valid approach to preventing juvenile crime. It does not seem to make sense. It does not seem that we are on a balanced approach.

The 1994 crime bill authorized funding for numerous juvenile prevention programs, as I said earlier. Since Republicans gained the majority, we have spent not a single cent for prevention. It seems we have missed the boat. We have missed the trigger. We have missed our direction. We are misguided. Rather than with a hug, recognizing that we can save more children with prevention, we now have on the floor of the House H.R. 3, in total disregard of all of the current knowledge that we have, and the body of law and the body of knowledge that says we can save our children with a better approach, more prevention.

Mr. Chairman, I rise to voice my concerns regarding H.R. 3, the Juvenile Crime Control Act of 1997. As a member of both the Judiciary Committee and the Democratic Caucus's Juvenile Justice Task Force, I have spent a great deal of time over the last months analyzing, discussing and debating this bill and I find the bill very troubling.

I want to say first that I agree that the enormous rise in the rate of juvenile crime is a serious problem that we, in this Congress, must address. I recognize that those persons who commit the most heinous crimes, be they juveniles or adults, must be punished. I am concerned, however, to see this bill focus on harsher penalties for juvenile offenders rather than addressing the reasons that so many children turn to crime in the first place. It seems to me that the failure to address these underlying reasons is terribly short-sighted. If we really hope to solve this problem and to reduce violence, we must address both parts of the equation—prevention and punishment.

Most public policy analysts confirm that early prevention programs offer the best hope to stem juvenile crime. They emphasize the importance of better schools and more job training, recreation and mentoring programs. Such initiatives provide children with positive role models and increase economic opportunities.

H.R. 3 allows children as young as 13 years old to be tried in adult court. Evidence, however, suggests that children tried as adults have a higher recidivism rate than comparable children tried as juveniles. Children tried as adults reoffend sooner, commit more serious offenses, and reoffend more often. For example, in Florida which pioneered mandatory waiver of juveniles into adult courts in the early 1980's, a recent study compared the recidivism rate of juveniles transferred to the adult criminal courts with those kept in the juvenile system. The study concluded that youths tried as adults commit even more crimes after release than do those allowed to remain in the juvenile system. Another study, comparing New York and New Jersey juvenile offenders, shows that the rearrest rate for children sentenced in juvenile court was 29 percent lower than the rearrest rate for juveniles sentenced in the adult court system.

There are a number of other provisions in H.R. 3 that I find disturbing such as that allowing juveniles to be housed predisposition in prison with adults and that making juvenile records available to the public.

Housing of juveniles in adult prisons places them in very real and very serious danger. A 1989 study by Jeffrey Fagan titled "Youth in Prisons and Training Schools: Perceptions and Consequences of the Treatment-Custody Dichotomy" shows that children in adult institutions are five times more likely to be attacked with a weapon than juveniles confined in a juvenile facility. This fact is evidenced by a number of cases. On April 25, 1996, six adult prisoners murdered a 17-year-old boy while he was incarcerated in the juvenile cellblock of an adult jail in Ohio. In Idaho, a 17-year-old boy held in an adult jail was tortured and finally murdered by other prisoners in the cell. In Ohio, a juvenile court judge put a 15-year-old girl in adult county jail to teach her a lesson. On the fourth night of her confinement, she was sexually assaulted by a deputy jailer.

There are already enough tragic stories to document the ill-advised policy of housing juveniles with adults and in adult prisons. Do we really want to place more children in such a position of danger?

With respect to the release of juvenile records to the public, I am again troubled. The juvenile justice system was founded on the principle that juvenile offenders are children and as such should not be held to the same standard of culpability as adult offenders. The juvenile justice system has been based on the premise of rehabilitation; to provide the juvenile access to programs and life skills that he or she has not gained in the community. When the juvenile reenters the community he or she is to begin fresh without the public stigma of a criminal record.

I agree that to protect the public from certain of these juvenile offenders law enforcement officials and some social service organizations must have access to juvenile records. I am convinced, however, that publicly disclosing the court records of a juvenile will permanently stigmatize the child at an early age which will follow the child into adulthood; thus, inhibiting efforts to rehabilitate the child as well as the child's future employment and educational opportunities.

H.R. 3 is a flawed, one-sided piece of legislation. It focuses our energy and attention exclusively on only one-part of what is a complex problem. We must pursue a more balanced approach. If we are truly serious about stemming the tide of juvenile crime—and I do not doubt the sincerity of everyone in this body on that question—we must provide both punishment and prevention. The answer to the juvenile crime problem will not be found in the building of more prisons or the imposition of harsher sentences. We will only be successful in our battle against this crisis when we stop the creation of these young criminals.

Mr. Chairman, I share the concern about the problem of juvenile crime that led to H.R. 3. I do not, however, share H.R. 3's vision of a solution to this problem and I urge my colleagues to vote against H.R. 3.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT], a very active and strong proponent of the issues we are discussing in this bill.

Mr. WATT of North Carolina. Mr. Chairman, for the first time in this House I am going to speak from the Republican side, because I want to remind my Republican friends of a few things.

Mr. Chairman, let me put this bill in historical perspective. Go back through the whole history of America. At the Federal level, we have never, ever had a Federal juvenile judge. Never have we had a Federal juvenile probation officer. Never have we had a Federal juvenile facility.

The reason for that is that all throughout our history, juvenile justice has been a matter of State and local law. Yet, my conservative Republican colleagues all of a sudden have decided that we are going to federalize juvenile justice in this country. We do not even do a good job of criminal justice for adults, yet we are going to federalize and tell the States what they are going to do in the arena of juvenile justice.

Mr. Chairman, something is wrong with that. Something is also wrong with the fact that only 11 States, at most, will be eligible for any kind of grant under this bill. My State, where one-fifth of the juveniles have been tried and convicted and incarcerated as adults, in the whole United States the State of North Carolina still will not be eligible for funds under this bill. Why? Because we do not have open juvenile records; because our judges decide who gets prosecuted as an adult if they are a juvenile, not our prosecutors deciding it. We do not have a law that holds parents, sanctions parents if they do not closely supervise their children.

Three out of the four requirements to get funds under this bill we do not meet in North Carolina. We have the most aggressive juvenile justice system in America in North Carolina. Guess what States qualify for funds under the bill? The principal sponsor, his State qualifies. I would encourage all of us to look at what States qualify and defeat this bill.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to acknowledge there are provisions that require a State to qualify. I would doubt very many States technically qualify right now, because the purpose of the grant program the gentleman from North Carolina is talking about, the heart of this bill, is an incentive grant program to get the States to repair their broken criminal justice system.

The idea here is that we are attempting to get the States to move in the direction of doing things that are not very hard for them to do. I think 25 States, and I do not know that my State of Florida qualifies, the gentleman says the Justice Department says so, but I do not see that they do, because I do not see the courts sanctioning those early juvenile delinquent acts. I do not see them taking the first juvenile delinquent act in every case and giving some sort of punishment to it. I do not see the police referring the cases there. I do not think that happens in any State. But it is not hard to get there. The laws do not have to be changed, the States just have to start doing it.

In the case of the prosecutions with regard to adult offenses, very easy; all they have to do is give the flexibility to the prosecutors. They do not have to prosecute 15-year-olds and older that commit violent felonies as adults.

The recordkeeping requirements are easy to enact, and the question of allowing judges, I think most States probably do, but maybe a few do not, juvenile judges to hold parents accountable for things the judge charges them to do, very easy to qualify. But technically I suspect every State is not qualifying right now, but they are given a year to do that. That is the reason, the raison d'etre, for the existence of this bill; to repair, to encourage the States with a carrot, not a stick, to repair the broken juvenile justice system of this Nation.

I will yield to anybody saying that this is a primarily State function, not a Federal function, but we have a national crisis, and we need to do that.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I thank the gentleman for yielding, Mr. Chairman.

Is it not ironic that the gentleman's State qualifies, and no other State in America qualifies?

Mr. McCOLLUM. Mr. Chairman, if I can reclaim my time, the gentleman said it did. I do not know that any qualify. I do not believe Florida qualifies.

Mr. WATT of North Carolina. What good is the bill if no one qualifies?

Mr. McCOLLUM. Florida does not qualify, in my opinion.

Mr. COBURN. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Oklahoma for the purposes of a colloquy.

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding.

The purpose of this colloquy is to discuss the grant program under the provisions of H.R. 3, and to ask the chairman as to his consideration for the youth challenge programs as presently run by the National Guard. There are 15 of them, and they have done a wonderful job in terms of improving the opportunities for young people.

There have been now over 30,000 young people go through that program. There is only one now incarcerated in the entire United States that has worked through that program. It is one of the Government programs that is effective, that works, that restores self-respect, restores dignity, and restores responsibility in young people that are at risk.

My question, Mr. Chairman, is will these youth challenge programs in the State of Oklahoma and other States qualify under this bill for the grant, the block grant moneys?

Mr. McCOLLUM. Mr. Chairman, I would say to the gentleman, yes, they would qualify. The local communities make that decision.

On page 24 of the bill, item number 11, it says one of those things for which they would qualify is programs establishing and maintaining accountability that work with juvenile offenders who are referred by law enforcement agencies or which are designed in cooperation with law enforcement officials to protect students and school personnel from drug, gang, and youth violence. So it would qualify under these provisions, in answer to the gentleman's questions.

Mr. COBURN. Mr. Chairman, I thank the gentleman.

Mr. WATT of North Carolina. If the gentleman will yield further, Mr. Chairman, the gentleman's State is going to have to do all these crazy mandatory things before this challenge thing is going to give him a dime worth of money.

Mr. McCOLLUM. Mr. Chairman, reclaiming my time, there are no crazy mandatory things in this bill. There are four core things that I have reiterated several times over tonight that the State must do to qualify for an incentive grant. We have lots of Federal grant programs out here in many areas on the books today which have far more restrictive elements in it than this does.

Democrats, on their side of the aisle, for years they have had all kinds of restrictions on how to spend money, how they spend money on various programs when they get it. We do not restrict that to any degree here. What we restrict is the qualifiers that have always been imposed in enormous numbers by the other side of the aisle.

Now tonight they are out here complaining about the three or four little things we want to have done to repair the juvenile justice system to qualify for Federal grant programs to repair that system.

Mr. Speaker, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. SCOTT], a former member of the Subcommittee on Crime, and a strong and knowledgable person on these very vital issues.

Mr. SCOTT. Mr. Chairman, I thank the gentlewoman from Texas for yielding time to me.

Mr. Chairman, we know how to reduce crime. We know what works. We know what does not work. Studies have shown that Head Start, Job Corps, drug rehabilitation, truancy prevention, those kinds of programs that give young people constructive things to do with their time and adult interaction, those that increase their education and job opportunities, those are the kinds of things that work. Job Corps, Head Start, and others have been shown to save more money than they cost by reducing crime and reducing future welfare expenses.

Mr. Chairman, we know what sounds tough and does not work. We know that the sound bite—if you do the adult crime, you do the adult time—we know that if you treat more juveniles as adults, all of the studies show that the crime rate, the violent crime rate will go up if we codify that sound bite.

We know mandatory minimums have no deterrent effect on juveniles, because they do not make those kinds of calculations. They act impulsively. So we know what works, we know what does not work. We also know that when we say we are not tough, we have to recognize that we are already jailing more people in America than anywhere else on Earth. We have some communities that have more young people locked up in jails than they have in college.

We know that more money in prisons cannot possibly have, since we lock so many people up already, cannot possibly have an effect on the crime rate. So it makes no sense, waiting for the children to mess up and then lock them up, when it is cheaper to invest in crime prevention programs and prevent them from getting in trouble in the first place.

For example, the Rand study shows that parental training, the money put into that program, is three times more cost effective than the three-strikes-and-you-are-out, good, tough-sounding sound bite.

So we have today's bill, with the major provisions—treat more 13-year-olds as adults, and more young people treated as adults—proven to increase violence; more exposure to mandatory minimums constantly, with no effect or deterrence; more money for prisons that cannot possibly do any good, since most States are already spending more in prisons than they are in higher education. Those are the kinds of things that do not make any difference at all.

So we have a choice. We can pass this good-sounding but ineffective bill, or we can defeat the bill and focus our attention on proven, cost-effective initiatives which will actually reduce the crime rate and make our streets safer.

I would hope we would defeat the bill, Mr. Chairman, and focus our attention where it can do some good.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, the gentleman from Virginia [Mr. SCOTT] has just made a valid point. Let me simply share for the RECORD, the average cost of incarcerating a juvenile for 1 year is between $35,000 and $64,000 a year. In contrast, Head Start costs $4,300 per child.

Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], who has been an active participant on this and the Juvenile Task Force.

Ms. LOFGREN. Mr. Chairman, we think about juvenile delinquency, and we know it is a serious problem in our country. I think it is very easy for us to lose our way, however, because we do not, as a country, often make the distinction between what we need to do for justice compared to what we need to do for public safety. The two are not always the same.

For those who have been victimized by crime, there is never a fair answer. But we do know that victims of crime seek justice. They seek to be made whole. They seek punishment for those who did harm to them or to a loved one.

☐ 2100

That is a human emotion that we all feel and share, and our hearts go out to victims of crime. However, punishment does not always mean that we will have a system that keeps us safe. Our job as legislators is to acknowledge and to provide for victim's need to have justice in the system, but in a more generic way to take thoughtful, accountable, cost-effective steps to prevent more victims from being created, and to make sure that we have a safe society.

The problem with H.R. 3 is that it takes $1.5 billion and puts it into systems that have not worked instead of putting it into systems that will keep us safer. We know when we look at the Federal aspects of the bill that it is very extreme. Automatic trial of 14-year-olds without judicial review who are alleged to have committed certain offenses will not make us safer.

When we look at the system put in place for the States, we have already heard the comments that most States will not be eligible for funds. We also have received a communication today from the National Conference of State Legislatures pleading with us to oppose the mandates that are embodied in H.R. 3.

We know that an ounce of prevention is worth a pound of cure. We should listen to the Nation's police chiefs. Nine out of ten of the police chiefs of America, in a recent survey, say that America could sharply reduce crime if government invested in some early prevention programs. Police chiefs picked investments in kids by a 3 to 1 margin over other alternatives, including treating and trying juveniles as adults.

So, yes, let us hold young kids accountable when they need to be. There are some teenagers who need to be tried as adults, who need to be held to adult standards. Our system provides for that, and it should. But if we do only that, if we neglect the thousands and millions of young people who are starting to go off track right now, we will never get ahead of this problem and we will do a disservice to public safety.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK], an ex-police officer who knows about prevention.

Mr. STUPAK. Mr. Chairman, we have a substitute that will be offered tomorrow which is a tough bill, it is smart and it is balanced.

The bill put forth by the majority party tonight is not smart and it is not balanced and its toughness only comes from trying to lock up young people. We have a carrot, says the majority. That carrot is based upon 197 juveniles that we have in the Federal system. Of those 197, 120 are Native Americans.

So we have 77 juveniles and we are using these 77 juveniles to be the carrot for the 300,000 juveniles that are around the States. So we tell them we have these certain incentives, these certain carrots, and therefore if they do what we tell them to do, we will make available $1.5 billion to punish young people.

The National Conference of State Legislatures wrote to all of us today and said the bill is an unfunded mandate. The Federal Government is now going to apply, and I will quote, "new rules nationwide regarding juvenile records, judicial discretion, parental and juvenile responsibilities; these present new obstacles for the States that need Federal funds." And, therefore, they oppose the bill. The State legislatures, the council oppose the bill.

What have you done? You give zero money for early intervention, zero money for detention, zero money for prevention, and instead you want to try 15-year-old kids as adults with the option of trying 13-year-old kids as adults and you say that they got to do what Congress says; if not, they get no money. Only 12 States will get money; well, maybe 11. My State of Michigan will receive no money.

You say you do not know what is in there. Your own report from the conference, your own report from your committee, the majority and minority report lists the 12 States. Thirty-eight States plus the District of Columbia cannot partake in this bill. And this is a balanced approach to law enforcement?

You say you are going to get tough because if you get tough, you will stop crime before it starts. Well, I was a cop. I was there. The old ways do not work. If we continue down your way of locking up every kid who steps out of line, we cannot arrest our way out of this problem. We are going to lose a whole other generation of young people. We will lose a whole other generation of young people as we are trying to be tough, and we have this carrot based on 197 juveniles who are in the Federal system, 197 juveniles.

If we take a look at the bill, your bill does not address what the communities need. Communities have come to us and said, give us flexibility. Let us work with our own communities. The problems in northern Michigan are much different than the problems in Florida or L.A. or Boston. They need flexibility. They do not need more Federal mandates.

Mr. Chairman, I will submit the letter the National Conference of State Legislatures addressed to Members of Congress in opposition to H.R. 3.

Mr. Chairman, I include for the RECORD the letter from which I quoted:

NATIONAL CONFERENCE OF
STATE LEGISLATURES,
Washington, DC, May 7, 1997.

DEAR MEMBER OF CONGRESS: We are writing to express our opposition to mandates in H.R. 3, the Juvenile Crime Control Act of 1997. Mandates in existing law require that states deinstitutionalize status offenders, remove juveniles from jails and lock-ups, and separate juvenile delinquents from adult offenders. Under H.R. 3, the federal government would apply new rules nationwide relating to juvenile records, judicial discretion and parental and juvenile responsibility. These present new obstacles for states that need federal funds.

States are enacting many laws that attack the problem of violent juvenile crime comprehensively. Many have lowered the age at which juveniles may be charged as adults for violent crimes; others have considered expanding prosecutors' discretion. Without clear proof that one choice is more effective than the other, Congress would deny funding for juvenile justice to states where just one element in the state's comprehensive approach to juvenile justice differs from the federal mandate.

The change of directions ought to make Congress wary of inflexible mandates. For example, until federal law was changed in 1994 states were forbidden to detain juveniles for possession of a gun—because possession was a "status" offense. The federal response was not merely to allow states to detain children for possession, but to create a new federal offense of juvenile possession of a handgun. (Pub. L. 103-322, Sec. 11201). The advantage of states as laboratories is that their choices put the nation less at risk. This bill would make the nation the laboratory.

NCSL submits that the proposed mandates, however well-intentioned, are short-sighted and counter-productive. We urge you to strike the mandates from H.R. 3.

Sincerely,

WILLIAM T. POUND,
Executive Director.

Mr. McCOLLUM. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, in response to what the gentleman has just said, I am sure there are some legislatures and maybe the whole council, as he has said, who do not want to see this passed because they do not like anything that we put out there in the way of a carrot, if you will, or an incentive in a grant program. They did not even like the prison grant program we put out a couple years ago. I do not know if there are many Federal programs that go out there without anything attached to them saying they have to do something to qualify to get the money.

The truth of the matter is, we held 6 regional crime forums in the last two years, the Subcommittee on Crime, around the country where we invited every State's attorney general to help us get together juvenile judges and probation officers and people who worked in the juvenile justice system to hear what the problems were, to understand what was really wrong out there. And they all said to us, there is a crisis, there is a problem. It is beyond the scope of what we can do here at home. We are not getting the legislatures of the States to respond to us. We do not have anybody lobbying for us. Please help us.

Mr. Chairman, I yield 5 minutes and 15 seconds to the gentleman from Arkansas [Mr. HUTCHINSON], a member of the subcommittee.

Mr. HUTCHINSON. Mr. Chairman, I rise in strong support of H.R. 3, the Juvenile Crime Control Act of 1997. As a former Federal prosecutor and, more importantly, as a parent of a teenager, I want to express my thanks to the gentleman from Florida, the chairman of the Subcommittee on Crime, for his important work on this issue.

I have to be honest, Mr. Chairman, that I had some reservations about this bill in the beginning, but I read the bill, I studied the bill. And after hearing the testimony in committee and the concerns of law enforcement and the statements of professionals who deal with the juvenile issues, I am convinced that this bill will improve, first of all, our Federal system of handling juveniles and, secondly, it will encourage the States to enforce accountability in their dealings with juvenile crimes.

Before I get into the substance of the bill I want to take a moment and congratulate our States and localities and our cities on the work that they are doing on this important issue. A number of State legislatures have recognized a growing threat of juvenile crime and have taken swift action to crack down on the serious offenders.

However, there is still work to do and there are many jurisdictions that have not taken that action. This bill sets out a model program for States to follow, and this is important, if they so choose. Contrary to what some reports have indicated and what some have said, nothing in this bill imposes mandates on the States. Participation in the block grant program is entirely voluntary and changes in the law only apply to the Federal courts. It is not an unfunded mandate by any means.

The bill itself provides a great deal of flexibility to the States as they set about to reform juvenile crime procedures. The block grant provisions provide significant resources to the States and localities to fight juvenile crime.

Just this day I received a request from the prosecuting attorney of Washington County, Fayetteville, AR who is a Democrat-elected prosecuting attorney. He says that juvenile crimes are on the upswing in this country and funds are badly need to assist our juvenile deputy prosecutors and to fund programs that attempt to stop juvenile crime before it occurs, and he asks support for this bill.

So it is important for the States that they have this flexibility, that they have the opportunity for these funds.

The block grant is to be used for a wide variety of purposes, leaving discretion at the local level who are on the front lines. What works in New York City may not work in northwest Arkansas. Law enforcement officials in each locality must have the discretion and the latitude to design their own crime-fighting plan, and this bill allows that flexibility to exist.

I did have a couple of concerns on the bill that were addressed very clearly in the committee, and the chairman was very cooperative in addressing my concerns. One was on the issue of juvenile records. Under the original bill, juveniles who were adjudicated as delinquents would have their records made public in the same manner as adults. This was amended during the committee process, very importantly, so that now a first-time offender, a one-time offender will maintain those records as confidential as a juvenile delinquent.

But repeat offenders are a different story. The second time around as a juvenile delinquent, their records will become available for public scrutiny, and I do believe this is an important change. In Arkansas we will have to change the law to a certain extent, but I believe it is a positive change.

The second concern centered on the criteria the States must meet for the block grant programs. One of the benchmarks of the block grants would be that the States would have to assure that juveniles age 15 and older are treated as adults if they commit, not any crime, but a serious violent crime, and also that the prosecutor has the authority to determine whether or not to prosecute such juveniles as adults.

Again, my reading of the bill, and I have talked to the chairman of the Subcommittee on Crime about this, is that in Arkansas there would be no need for change in legislation because the prosecutor has the discretion whether to file charges as an adult or as a juvenile. The court does have an opportunity to review that decision if a proper motion is made, but the prosecutor has the initial discretion whether or not to file charges in a serious violent crime case.

So I think those changes made the bill better. I think it is a very good bill. It gives flexibility to the States and it allows the States to adopt programs with funds available for them that will really meet the needs of juvenile crime, as was indicated by the Democrat prosecutor from Washington County who asked me to support this today.

Mr. Chairman, I believe that this is a good bill. In closing, let me emphasize that the prosecution of juveniles as adults under this bill is reserved for only the most heinous offenders, commission of serious violent crimes and serious drug offenses. They must carry appropriate punishment. This legislation goes a long way toward fixing a system that fails to hold juveniles accountable for their actions. I am very pleased to support it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 15 seconds to say that it is clear 38 States will not be able to participate under this legislation. Thirty-eight States with millions of children will be deprived of having the opportunity to prevent juvenile crime and rehabilitate our children.

Mr. Chairman, I yield 3 minutes to the gentleman from Rhode Island [Mr. KENNEDY], who has had a constant interest in the area of juvenile law and juvenile crime.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I thank the gentlewoman from Texas for yielding me the time. I would like to also add from the outset that my State is among those 38 States that cannot even begin to access any of the funds under this bill. I might add it just shows how this bill is not a serious bill, because if it was serious in trying to change the effect of juvenile crime, it would certainly address the fact that it ignores 38 States of these United States from having access to the funds in this bill to do the kinds of things that our States feel make a difference in reducing crime.

□ 2115

I just want to make one statement, a simple statement about this bill, and that is it does nothing, nothing to solve the problems that we are facing in juvenile crime and, in fact, it makes the problems worse.

The facts show that we have a problem here. The facts show that kids sentenced to adult facilities have a higher recidivism rate than those sentenced to juvenile detention centers. Guess what this bill wants to do? It wants to send more of them to adult facilities. In essence, this bill is ignoring the facts.

Second, the facts are that these kids will face shorter sentences. Because as I said earlier, judges, when faced with a teenager versus a hardened criminal, guess what the judge is going to do? They will not give them nearly the sentence they would otherwise get in the juvenile court. Guess what this bill does? Ignores the facts and sends the kids to adult jails where they will not be given the harsh sentences where those kids might need it.

Third fact. These kids, if they are sent to the adult facilities, and as I said the sentences are shorter, they will come out meaner than we ever could have imagined them ever ending up if we had sent them to a juvenile center. And anybody listening to this program tonight on C-SPAN will understand me when I tell them that sending teenagers to adult correctional systems as the means to reduce recidivism, when we know the recidivism rates are higher amongst kids that go to the adult correction systems, give me a break.

I want to add one more thing. It is scandalous. I say it is scandalous that we have minorities, African-Americans, that constitute 15 percent of our population, and guess what? They constitute 72 percent, I say to the gentleman from Florida, 72 percent in our juvenile system. What does the gentleman's bill do about that?

We passed a law in this Congress in the early seventies that dealt with it. It was called the Office of Juvenile Justice and Delinquency Prevention. And one of the mandates of that legislation was to say this country ought to address the problem that 15 percent of our population is being incarcerated at the rate of 72 percent. It is scandalous. It is scandalous. And the gentleman's bill does nothing, I repeat, nothing, but exacerbate that problem.

This Congress, with statistics like that, should turn the other way and think again before we adopt a bill that, as I said, ignores these fundamental facts.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. McCARTHY], who has firsthand knowledge on some of these very vital issues.

Mrs. McCARTHY of New York. Mr. Chairman, I rise in opposition to H.R. 3. This juvenile justice debate is personal and emotional to me because it is a debate about saving lives.

As I visit schools in my district in New York and talk to the kids in grade school, middle school and high school, I hear firsthand that they are sick of living in fear of violence.

In order to reduce violence and save lives we have to effectively attack juvenile criminals. H.R. 3 does not effectively address basic juvenile crime issues. Rather, the bill before us tonight is a collection of overly prescriptive, top-down, Washington-knows-best mandates.

Furthermore, the legislation completely fails to address the gun issues, and we cannot seriously discuss juvenile crime without the gun epidemic facing this country.

In order to save lives we have to allow our States and local governments to utilize programs that they know work best. This bill will not even let New York take advantage of the money that we need. This legislation ties the hands of local judges and prosecutors. If our State and local governments want to access badly needed Federal funds, they must submit to certain requirements in this bill.

Unfortunately, statistics show that the prescriptions that we are forcing down our local governments' throats may not be the best option for local crime problems. In fact, recent success in local communities such as Boston may not even qualify for Federal funding under this bill.

Under this bill, Congress is saying, We will take your tax dollars but you cannot take them back. It does not matter if you have already committed to saving kids' lives by getting tough on juvenile crime, you have to do what we say or else you will not get your hard-earned tax money back. That is wrong.

There is another important personal issue for me that has been completely left out of this bill. We have taken a pass on the high priority issue of reducing gun violence. The sponsor of this bill states that we can wait for a while and deal with this issue later. I rise to say that we cannot wait. Juvenile justice is about saving lives, and I support certainly not this bill.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will inquire again on the time, please.

The CHAIRMAN. The gentlewoman from Texas [Ms. JACKSON-LEE] has 9¼ minutes remaining, and the gentleman from Florida [Mr. McCOLLUM] has 7¾ minutes remaining.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Chairman, I came to Congress after having served in the Texas Senate where last session we passed what I believed to be one of the toughest juvenile justice reforms in the Nation. Now I come to Congress and find that this Congress, in H.R. 3, is going to tell the State of Texas that our tough juvenile justice bill is not good enough, not good enough to qualify for the Federal funds that we want to provide.

The legislatures in the 50 States do not need the Congress telling them how to run the juvenile justice system. We have a letter that we received today from the National Conference of State Legislatures opposing the mandates of H.R. 3.

In Texas we have gotten tough on crime and we have also recognized that we must invest in prevention of juvenile crime. We must begin the process of investing in early childhood intervention, in supporting our families and our communities, and being sure we attack the root causes of crime, and being sure that our Nation invests in our children.

This is the role that the Federal Government can fulfill. We need to keep our kids off of drugs. We need to keep our streets safe. We need to give our children the kind of training that they need in early childhood. This is where $1.5 billion in Federal funds needs to be spent, not on telling our States that they are not tough enough on crime.

In Texas our Republican governor and our Democratic legislature passed tough juvenile justice laws. We do not need the Congress to tell them it was not good enough.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, I want to thank the gentleman from Florida for his leadership on this bill and to make some points that I think are relevant as to why it should be supported.

First, under H.R. 3, prosecutors will have discretion in every case. It allows prosecutors in every instance, Mr. Chairman, to either refer juvenile offenders to State authorities, prosecute the offender as a juvenile, or proceed against the offender as an adult only in the case of murder and other serious violent felonies.

It also should be pointed out that H.R. 3 finds that we will make sure that juveniles will not be housed with adults. H.R. 3 expressly prohibits housing juveniles with adults.

Furthermore, under H.R. 3 we have prevention plus. Look at it this way, Mr. Chairman, accountability is prevention. As a former assistant DA from Pennsylvania, I can tell my colleagues that when youthful offenders come to our courts and face consequences for their wrongdoing, criminal careers stop before they start. H.R. 3 encourages States to provide a sanction for every act of wrongdoing, starting with the first offense and increasing in severity with each subsequent offense, which is the best method, I submit, for directing youngsters away from a path of crime while they still are amenable to such encouragements.

Moreover, this bill is only part of a larger effort to combat juvenile crime. The prevention funding in the administration's juvenile crime bill falls under the jurisdiction of the Committee on Education and the Workforce. That committee will be bringing forth a juvenile crime prevention bill in the next several weeks. In addition, that will be a significant part of more than $4 billion which will be spent by the Federal Government this year on at-risk and delinquent youths.

The programs we are talking about include 21 gang intervention programs, 35 community policing and crime prevention mentoring programs, 42 job training assistance programs, 47 counseling programs, 44 self-sufficiency programs, and 53 substance abuse intervention programs.

Under H.R. 3, local governments will have flexibility. State and local governments will be able to have funds to be used for a wide variety of juvenile crime fighting activities, ranging from building and expanding juvenile detention facilities, and establishing drug courts and hiring prosecutors to establish accountability-based programs that work with juvenile offenders who are referred by law enforcement agencies.

Mr. Chairman, I ask my colleagues to support H.R. 3.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SANDLIN], a former trial judge in the great State of Texas that had juvenile law jurisdiction.

Mr. SANDLIN. Mr. Chairman, today in this greatest of all countries we obviously face a problem, a problem of juvenile crime.

I rise as the father of four children, a youth baseball, basketball, softball coach, a former judge, a former chairman of a juvenile committee in Texas. Based upon that experience, I am convinced of one thing. Our focus in this Congress and in this country should be on one thing. We have kids with problems. We do not have problem kids.

If we send our children to school hungry, needing medical care, with no hope for a quality education, they will not succeed. We cannot expect them to succeed, and neither would we succeed under those same circumstances.

As a former judge, I have heard thousands of juvenile cases. Thousands. I agree that we need to teach children and juveniles to be responsible. Some children absolutely must be incarcerated. But if we think that by merely incarcerating children that we are going to solve these problems, we are wrong. If we think it will serve as a deterrent, we are fooling ourselves.

I will tell my colleagues one thing I learned as a judge. Children are fearless. They are fearless. They make no connection like adults do between the commission and what happens.

I have heard a lot of talk tonight about there is nothing that happens on the first offense or second offense. I do not know about anywhere else, but in Texas that is not so. That is absolutely not so.

Treating children as adults and spending more and more and more tax dollars to prosecute children and locking them up without addressing the problems that are underlying those juvenile problems is just false investment and it simply will not work. If we are committed to solving the juvenile problem in this country, we need to sponsor legislation that creates jobs, that puts families first, that sponsors education, that supports intervention.

Do we need to be tough on crime? We sure do. I have compared H.R. 3 and the Democratic substitute. I have noticed the Democratic substitute, the Juvenile Offender Control and Prevention Act, extends the age at which juveniles may be incarcerated, expands the use of Federal juvenile records and funds police officers, but it is balanced in a way that H.R. 3 is not.

These are local problems, these are local programs funded by local families. We do not need a Washington mandate to tell Texans what to do about Texas problems. It will not work.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey [Mr. PASCRELL], a very strong advocate of this issue and a member of the task force.

Mr. PASCRELL. Mr. Chairman, I thank the gentlewoman for yielding me this time. I rise in strong opposition to H.R. 3 and in support of the Democratic substitute.

We in Government have no higher responsibility to those we serve than to provide for the protection and to do all within our power to make our streets and neighborhoods safe.

□ 2130

We owe it to our constituents to confront the issues of crime head-on, not just chest pounding and tough talk. That is why I rise today in support of the Democratic substitute to the juvenile justice bill. Our substitute represents the only real balanced approach to solving the problem of youth violence. In contrast to our balanced approach, the bill of the gentleman from Florida [Mr. McCOLLUM] takes the most extreme approach to juvenile justice reform and is filled with tough-sounding provisions which have never been proven to reduce violent crime.

The bill of the gentleman from Florida [Mr. McCOLLUM] provides absolutely no funding for initiatives that focus on preventing crimes before they occur because 98 percent of young people in this country do the right thing. Those are the kids we should be supporting and worried about. I have had to deal with youth violence on a day-to-day basis. I understand the fight that we are facing. In Paterson, NJ, we were able to reduce crime 36 percent in 6 years. We did not achieve this reduction by tough talk and posturing. We had the folks on the streets to work with the folks that walk the streets, the brothers and sisters in blue. We achieved it by taking real steps, implementing real prevention and community policing initiatives.

After I was elected, I formed a public safety advisory committee composed of police officers, prosecutors, judicial officials and others who have had great success in crime fighting, Mr. Chairman. I charged them with the task of reviewing our current juvenile justice system. An interesting thing happened last week. When I asked the committee to reconvene and share their opinions, to a person, every one of them acknowledged that there is a real need to be tough on these juveniles committing violent crimes. We should concentrate on how we prevent kids from ever becoming involved in crime in the first place.

They expressed the belief that we must concentrate on keeping young children from ever getting into crime. That is just what the Democratic substitute does. Our legislation cracks down on gangs and juvenile drug dealers and prescribes harsh graduated penalties for those convicted of crimes. We must recognize that only a very small handful of youths are convicted of crimes. In here, in a very specific article in Jersey, ordered to reduce the juvenile jail crowding in our State.

This is not how you fight crime. It is how you pound your chest and get people to think that you are doing something about it and you are not.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just wanted to clarify something that the gentleman from Florida [Mr. McCOLLUM], the chairman of the Subcommittee on Crime, said. He said he had these conferences, hearings all around the country. I think he said he had six of them. I was at one of those hearings myself. The information I recall hearing was almost identical to what the gentleman from Texas [Mr. SANDLIN], the juvenile judge, who just ceased being a juvenile judge, said at that hearing.

I wanted to yield to the gentleman from Virginia [Mr. SCOTT]. He attended almost all of these hearings. My recollection is just different from our chairman's about what people were saying at these hearings. I wondered if the gentleman from Virginia [Mr. SCOTT] might tell us what his recollection of those hearings was.

Mr. SCOTT. Mr. Chairman, if the gentleman will yield, I would say that at some of those hearings, we found the need to try some juveniles as adults, but the fact is that without any change in the law, most juveniles tried as adults today are tried as adults for nonviolent offenses. That is, we have gone all the way down the list of offenses, and they are already being tried as adults and they will not be affected by this legislation.

Mr. McCOLLUM. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. RIGGS], the distinguished chairman of the key subcommittee of the Committee on Education and the Workforce.

Mr. RIGGS. Mr. Chairman, I am pleased to join the debate. All I have to tell my colleagues is that this debate feels a little bit like deja vu all over again, to quote Yogi Berra. Unfortunately when we debate crime-related issues in the House, we seem to get into the yin and yang of Republican politics and we seem to promote this notion that punishment and prevention are mutually exclusive.

I actually despair listening to the debate that sometimes I think there are those Republicans, my Republican colleagues, who would be inclined obviously to vote for a punishment bill but against a prevention bill, and perhaps it is the other way around on this side of the aisle with some of our Democratic colleagues who might be more inclined to vote for a prevention bill but have real reservations, some of which we have heard tonight and for very legitimate reasons, about a punishment bill.

Be that as it may, I am very pleased to tell my colleagues that I am happy to be teaming up with the gentleman from Florida [Mr. McCOLLUM], the chairman. We want an approach that is tough on punishment but smart on prevention.

A few weeks ago we were out in southern California, we heard from the police chief there in Westminster and Orange County, CA, Jim Cook, who is running a model program that is targeted on gang suppression. He told us: Look, before you can even talk about prevention, you have got to get the worst of the worst, the bad actors, if you will, off the streets.

Another person used this analogy of a running bathtub, that you could pull the plug but of course the bathtub would not drain unless you turned off the faucet. That is of course where prevention comes into play. It is just really critically important.

So while I support the notion of graduated sanctions, realize that by conditioning Federal grant funding to the States on graduated sanctions, that creates an even greater strain on the juvenile justice system infrastructure and, hopefully, obviously we can be part of the solution there in providing more funding for juvenile justice housing and then for the whole, all of the services in the juvenile justice system from police, to probation, to the courts, more prosecutors and defenders.

While we want to do all of that, we again have to take a prevention approach. I agree with my colleague on a bipartisan basis, speaking as another former street cop who worked the streets for 8 years that we are not going to arrest our way out of this problem. Therefore, we are hard at work in our Subcommittee on Children, Youth and Families on a juvenile justice and delinquency prevention bill. We hope that we can bring it to the floor actually about the same time as we bring the vocational education bill which will also be targeted at young people who are at risk of dropping out or at risk of coming into contact with the juvenile justice system, the great majority of our young people, by the way, who are not college bound or who, if they go to college, will not complete college.

I really do believe we can bring a good bill out here on prevention that will take an interagency and multidisciplinary approach that will require the schools, the police, the prosecutors, probation and community-based organizations to work together to design the right crime-fighting and delinquency prevention strategies for their communities that we can hopefully drive the resources locally to encourage flexibility and innovation.

Again I ask Members to be aware as we conclude general debate tonight and approach debate on amendments and obviously votes leading up to final passage tomorrow that the gentleman from Florida [Mr. McCOLLUM], the chairman, again and I are very, very committed to taking a cooperative approach. I personally want to make it a bipartisan one, as I think the gentleman from Virginia [Mr. SCOTT] would attest, since we have been in discussions over a period now of several weeks and hope ultimately that through our combined efforts we can show our constituents, and show the country that we are serious about cracking down on juvenile crime but we recognize ultimately prevention is the answer.

We have got to focus more time, more resources on those young people who are at risk of coming into contact with the juvenile justice system or who, if they are in the juvenile justice system, can through intensive services hopefully be diverted out of the juvenile justice system before they graduate to adult crimes and adult prisons.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I wish I could come to this well and simply say that we had reached an accommodation. I think what we have really reached is that this bill should be pulled and we should join the gentleman from California [Mr. RIGGS] with the prevention bill that he is now proposing, simply because that is the emphasis that we should have.

Statistics already show in the State of the gentleman from Florida [Mr. McCOLLUM] that those juveniles housed in those adult facilities, the recidivism rate is higher than any other group of juveniles. In this bill we have no protection for juveniles who might be raped. We have no language that protects juveniles from the abuse that occurs when housing them with adults. In this bill only 12 States might qualify.

In this bill, if 23 other States increase their penalties, they still would not qualify. In this bill, the block grant moneys can be used for prison construction but they cannot be used for money for prevention.

This bill is not supported by the administration. This bill does not allow for judicial review, some sensitivity and discretion to decide whether juveniles should be transferred to the adult court. We, too, want to be not soft on crime, we want to prevent crime, but we realize with juveniles there is value, as the Concerned Alliance of Men said, to giving them a hug.

I think this bill is misdirected, wrongheaded, going in the wrong direction. When we ask the question simply, what would I want to happen to my own child, when we ask that question, then we have the answer. This not H.R. 3.

What we are doing to the children of America is not rehabilitating them. What we are doing to the American people is simply saying that Washington knows best. When we do the right thing, unless it is as hard, harsh and detrimental as we want in Washington, we will not do it and allow them to have the discretion to do the right thing in their States. This bill does not respond to the needs of Americans and certainly it says take the $64,000 and lock them up rather than the $4,000 to prevent crime and give them an early head start.

Mr. Chairman, I would ask that we support the Democratic substitute and that we do the right thing on behalf of our juveniles in this country and embrace them and save them and prevent crime.

Mr. McCOLLUM. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Florida is recognized for 1¾ minutes.

Mr. McCOLLUM. Mr. Chairman, I would like my colleagues to understand what I do, I think, about all of this debate tonight and, that is, that most kids are good kids, and nobody is going to dispute that. Most Americans do not commit crimes. In fact, as the gentleman from California [Mr. RIGGS] said earlier, we want to get at those and prevent crimes as much as possible. There is a bill coming out that will work on that from his committee very shortly.

We also have a lot of other programs as we mentioned by the gentleman from Pennsylvania [Mr. Fox] directed at prevention. This does not mean, though, that we should not have an improvement in the juvenile justice system of this Nation that is broken and is not working for those who do commit crimes, and if they are the most heinous of crimes, the murderers, the rapes, the robberies that unfortunately some who are slightly under 18 do commit, and the most egregious of all crimes some of these kids who are frankly quite a bit older in this regard than they act in some of the movies, I think those kids ought to be taken up and locked up and treated as adults. Yes, there is a high recidivism rate among those kids who commit these kind of crime. It is going to be because they are the worst of the worst and they are going to be hardest to rehabilitate. They are the ones we are probably not going to rehabilitate. But the truth is we need to correct the juvenile justice system not so much for those kids, though we need to lock those up or encourage the States to do that. We need to get at the kids in the juvenile justice system just like the prevention programs the gentleman from California [Mr. Riggs] is going to bring out who have not yet quite gotten there, who have committed the less serious offenses, the vandalization of homes, the spray painting of buildings, and so forth, and have sanctions imposed on those kids so they will understand there are consequences to their misbehavior. I am convinced from listening to experts all over this country that kids who understand there are consequences when they really are in the system do not commit a lot of other acts they otherwise would. We will have far fewer juvenile criminals in the system if we put consequences of sanctions on minor offenses back into the system again. That is what this bill does. It repairs the juvenile justice system with an incentive grant program.

We need to pass H.R. 3 tomorrow. I encourage my colleagues to do it for that reason.

Mr. CONYERS. Mr. Chairman, given the growing concern of American citizens over the juvenile crime problem, we need to carefully examine this issue and its root causes and look for ways not just to punish juvenile offenders, but for ways in which we can prevent children from becoming criminals in the first place.

Some of my colleagues believe that the very least we must do to address our juvenile crime problem is to lock up violent juveniles. I have no argument with incarcerating violent offenders, but to my mind, the very least we must do is to attempt to stop these kids before they become violent offenders. Locking up more and more kids is not the answer. We cannot afford it and eventually these kids will get out.

And what will happen when they do get out? We will have a group of young adults who have spent many of their formative years in jail. What can we logically expect them to have learned there except for how to be better and more dangerous criminals?

Yet now, in the current political climate where no penalty is ever considered too severe, many of my colleagues want to treat kids as adults and lock them up for longer and longer periods—even though study after study has shown that this approach is totally ineffective.

Traditionally, juvenile court judges have given juveniles longer sentences than the judges in adult courts. The worst offenders at the juvenile level may often appear quite tame compared to what the criminal courts see every day.

Anyway, all of the talk about treating younger and younger offenders as adults misses the point. It is too little too late.

We need to deal with kids before they become violent offenders, not after. The Rand Corporation—hardly a bastion of liberalism—has recently issued a report demonstrating that crime prevention efforts aimed at disadvantaged kids are more effective than tough prison terms in keeping our citizenry safe. Since this study doesn't play that well politically, I guess we are just going to ignore it.

As adults, we need to take more responsibility for our country's juvenile crime problem. Children are not born criminals, we make them into criminals either through our neglect or our mistreatment or a lack of economic opportunities.

We are treating juveniles more harshly at the same time as we are spending less on their education, less on after-school and development programs, and less on child protective services.

We are also allowing our children to be exposed to more and more violence, not only on television, at the movies and in popular music, but in the streets, at school, and even in their own homes. A significant majority also refuses to stand up to the National Rifle Association and acknowledge the danger guns pose to our youth, despite the large number of teenagers (not to mention adults) killed by gun violence every year.

In fact, at the juvenile crime meetings Chairman McCollum convened around the country last Congress, without fail at every one of those meetings—in Philadelphia, in Atlanta, in Boston, in Chicago, in Dallas, and in San Francisco—local officials have noted the problem of juveniles and guns and urged Federal action on this front. Yet Mr. McCollum's bill does absolutely nothing to limit juvenile access to handguns. I guess the Republicans are only interested in addressing juvenile crime in ways that pass NRA scrutiny.

Although the 1994 crime bill authorized funding for numerous prevention programs, since the Republicans gained the majority, none of that money has been appropriated. Therefore, it cannot be argued that prevention has failed. We haven't even begun to try prevention programs. Before we lose an entire generation to the criminal justice system, we have an obligation to make every effort to assist children in making the right choices and to offer them meaningful alternatives to crime.

As with guns, at Chairman McCollum's juvenile crime meetings around the country, local officials stressed the importance of prevention programs and Mr. McCollum professed to agree that prevention programs are a necessary part of the effort to stem crime. Yet the bill we consider here today offers little in the way of prevention.

The lock 'em up approach taken by H.R. 3 will do little if anything to stem the rising tide of juvenile crime with which the majority professes to be so concerned. Once again, we are trying to fool the American public into thinking we are doing something about crime when we are actually only politicizing crime. If this bill becomes law and the juvenile crime rate fails to decrease, we will have only ourselves to blame for the further public disillusionment and cynicism about politics as well as for the escalating juvenile crime problem.

The CHAIRMAN. All time for general debate has expired.

Mr. McCOLLUM. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Gilchrest] having assumed the chair, Mr. Kingston, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3) to combat violent youth crime and increase accountability for juvenile criminal offenses, had come to no resolution thereon.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

EXTENDING ORDER OF THE HOUSE OF APRIL 23, 1997 THROUGH JUNE 12, 1997

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the order of the House of April 23, 1997, be extended through Thursday, June 12, 1997.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 2145

APPOINTMENT TO ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

The SPEAKER pro tempore (Mr. Sununu) laid before the House the following communication from the Honorable Richard A. Gephardt, a democratic leader of the House of Representatives:

CONGRESS OF THE UNITED STATES,
OFFICE OF THE DEMOCRATIC LEADER
Washington, DC, May 7, 1997.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 2702 of 44 U.S.C., as amended by Public Law 101–509, I hereby appoint the following individual to the Advisory Committee on the Records of Congress: Dr. Joseph Cooper of Baltimore, MD.

Yours very truly,

RICHARD GEPHARDT.

APPOINTMENT AS MEMBERS TO THE ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 3(a) of Public Law 86–380, the Chair announces the Speaker's appointment of the following Members of the House to the Advisory Commission on Intergovernmental Relations:

Mr. SHAYS of Connecticut and

Mr. SNOWBARGER of Kansas.

There was no objection.

APPOINTMENT AS MEMBER TO THE CONGRESSIONAL AWARD BOARD

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of Section 4 of the Congressional Award Act (2 U.S.C. 803), the Chair announces the Speaker's appointment of the following Member of the House to the Congressional Award Board:

Mrs. CUBIN of Wyoming.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

IN COMMEMORATION OF TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire [Mr. SUNUNU] is recognized for 5 minutes.

Mr. SUNUNU. Mr. Speaker, I rise this evening in commemoration of Tax Freedom Day, which this year falls on May 9. Tax Freedom Day is that day that Americans work to simply to pay their taxes and obligations to their State, Federal and local governments.

Tax Freedom Day is a symbol of the burden that we put on American families all across this country. Over 35 percent of our country's national product, what we produce every year is absorbed in taxes by our State, Federal and local governments. This is more than the average family pays in food, shelter, and clothing combined. Those essentials that they need for their daily existence, they pay more in taxes every year.

Mr. Speaker, this burden consumes more and more of our economy every year, and it makes it difficult for families to get by. Where they used to be able to exist and enjoy a good quality of life with a single wage earner, today the typical family is more often required to have two wage earners, and that is just not fair. It is the burden that our tax system places on that hard-working family.

Second, taxes represent not just a burden but a price, a price that we pay on everything in our economy. It is a price that we pay on productive work, it is a price that we pay on savings and investment, it is a price that we pay on job creation. And as most people would agree, when we raise the price on anything we get less of it, but if we lower the price on those things we get more. If we lowered the price with lower taxes, we get more productivity, more savings, and more job creation, and similarly with the high tax burden that we face today, as one would expect, we get lower productivity, lower rates of savings and lower rates of job creation.

Third, the high Federal tax burden that we put on our working families keeps control centralized here in Washington. Money, particularly in the form of taxes, is power, and if we put all the money and all the tax revenues here in Washington, control them from here in Washington, it becomes a place of power, as one would expect. But if we can take the money out of Washington and put it back in the pockets of working Americans, we make Washington less important, and we make the family, the individual in a city or town more important.

And I think fundamentally that is the direction we should be headed in. This is, after all, your money that we are talking about. When we speak about government revenues or tax revenues, we are talking about the hard-earned dollars that we collect here in Washington, that we take from the individual or the working family or the business and then we distribute. We should never forget what the source of that income is.

So when we talk of lowering taxes and when we talk of Tax Freedom Day and the need to move that day back so we work less time to pay our taxes, remember we are talking about reducing the burden on families, reducing the price that we pay for economic growth and reducing the concentration of power here in Washington and giving more freedom and more responsibility back to our city or town.

This past week Congress and the President came to an agreement to try to do something about the tax burden Americans face, and our balanced budget plan balances our Nation's books for the first time in 30 years, provides tax relief that will make a difference for the average working family and begin to lift these burdens. A $500 per child tax credit that we hope to enact later in this year will put money back in the pockets of a typical working family. We certainly hope to enact the State tax reform and capital gains tax reform that will stop the burden on small and family-owned businesses. What can be more discouraging to someone thinking about starting a business than to know if they are successful, if they achieve their goals, then the capital gains tax rate they will have to pay will be as high as 28 or 30 percent, and even worse, if they want to leave that business in their family, they can pay a death tax as high as 55 percent.

And this is not just a tax burden that effects business owners, or small or family business owner. It effects every employee that works for that business and even the customers that buy the product from a small business. It effects every facet of our economy, in small and family businesses, or where most of the job creation take place.

By putting money back in the pockets of working Americans this budget plan that we have come to an agreement on this past week will give more power and control, more freedom and opportunity to the average American.

Still we cannot lose sight of the long-term goal with regard to trying to move back that Tax Freedom Day, and that long-term goal is fundamental reform of our tax system, dramatic reform of the Tax Code to make it simple and fair. There is nothing more unfair than to have working Americans labor under the belief that someone with more money or, better, a tax accountant, than they can somehow avoid paying their fair share of taxes.

By moving forward in the end of this session and next session with fundamental tax reform, we will continue the fight to put freedom and responsibility back in the hands of the average American.

COMMEMORATING TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, I rise today to congratulate the Republican leadership, the President, and the Democratic leadership on coming together to balance the Federal budget and also to commemorate Tax Freedom Day for all taxpaying Americans.

Mr. Speaker, before being elected to represent the 20th district of Illinois, I spent 6 years as the Madison County treasurer. After inheriting an office of 30 employees from the previous treasurer, I reduced the office staff to 20, automated the office, and returned a

$20,000 pay raise to the people of Madison County.

This was not easy for me or my family to do, but I felt the sacrifice was necessary to begin streamlining what I thought was a bureaucratic office, while providing better, more efficient service, and saving the hard-earned money of the taxpayers of Madison County. However, this kind of sacrifice is not uncommon in Madison County or America.

Mr. Speaker, every year millions of taxpaying Americans must tighten their belts to make the car payment, pay off the mortgage on their homes, feed their children, and pay their taxes. However, we should endeavor to change our budget and tax codes so that Americans might better provide for their family, instead of working over 5 months of the year simply to pay taxes to the Government.

Because of the recent balanced budget agreement made by our Nation's leaders, almost every taxpayer will better be able to provide for their family without worrying about an ever increasing debt to be handed to our children.

Mr. Speaker, if we continue to spend at our current rates and if we continue to let our deficit balloon, our children and my children will inherit a debt from which they may never recover. If they are not in bed tonight, my sons are watching. To David, who is 4, and Joshua, who is 2, I say, I am working late tonight to secure your future. I love and miss you and will see you soon.

It is my hope that on Tax Freedom Day, May 9, 1997, we can celebrate the resurgence of a budget philosophy which we have not adopted since 1969, and that is to spend only as much as we take in, as does every American taxpayer. For the future of our country and for the future of our children, we must sacrifice and tighten our belts.

Mr. Speaker, as the Government, as a body, and as representatives of the people, we have an obligation to the American people to hold the line on taxes and wasteful Government spending. We have an obligation to work to move Tax Freedom Day to April 9, and then to March 9, and so on.

In conclusion, Mr. Speaker, the people of the 20th district and I want to again thank the Republican and Democratic leadership and the President for agreeing on a balanced budget plan. We thank them for confronting unnecessary tax burdens, making it easier for working families and the forgotten middle class to provide for their children and for working to ease the burden which rests on the shoulders of the American taxpayer.

The family farmers thank them for working for relief from the death tax. The small business owners, homeowners and entrepreneurs thank them for capital gains tax relief. The seniors thank them for saving Medicare, guaranteeing its solvency into the next century. Millions of children thank them for the $500 per child tax credit. All Americans, including future generations, thank them for planning to balance the budget by 2002.

TRIBUTE TO STEWART B. McKINNEY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut [Mr. SHAYS] is recognized for 5 minutes.

Mr. SHAYS. Mr. Speaker, Stewart McKinney, my predecessor, a member of this House and our friend, died 10 years ago today.

On that day 10 years ago, many of his colleagues came to this Chamber to mark the moment and express their grief, their admiration, their condolences, their remembrances. It was a deeply moving, impromptu tribute to a man whose life for me and the people of Connecticut's Fourth Congressional District continues to define the term "representative."

So I think it is fitting that the House pause once again, 10 years later, to reflect upon the life, the work, and the spirit of Stewart B. McKinney, a Representative.

A generosity of spirit marked all he did. He gave.

A man of virtually boundless affability, he gave his warmth and courtesy to clerks, elevator operators, and Capitol police as readily as to his House colleagues, Cabinet Secretaries and Presidents.

A man of considerable means, he gave the use of his cars and his houses to staff and friends.

A man of keen intellect and insight, he gave his tenure here not to the cause of self-advancement but to the causes of public housing, homelessness, and outcast Amerasian children.

□ 2200

A self-avowed urbanist from a strongly suburban district, Stewart McKinney gave life to what others only preach about: urban revitalization. He stayed on the Committee on Banking and Financial Services when others moved on to the Committee on Commerce, the Committee on Ways and Means, or the Committee on Appropriations, because he wanted to improve public housing and economic development.

Without regard to party positions, he helped draft and enact the law to save New York City from financial default. He stayed on the District of Columbia Committee when many advised him to move on to more powerful assignments, because he believed in cities. He believed the solution to D.C.'s problems contained the answers to Bridgeport's and Norwalk's and Stamford's—cities he represented in the 4th Congressional District.

In doing so, he represented his constituents while giving a voice and a vote to those who live in view of this building, but have no voting representation in this Chamber.

In the end, he gave what he no longer had, the physical strength to spend the night outside on a subway grate to demonstrate the plight of homeless people. His death from AIDS-related pneumonia came soon after.

Despite a background of wealth and privilege, he represented us because he remained one of us. I think he was as proud of dropping out of Princeton as he was of his degree from Yale.

If his wife, Lucie, did not beat him to it, he would be the first to tell you his family wealth was hers. In his hobbies of collecting convertibles and rebuilding houses, in his devotion to his family and staff, in the symbol of the Mickey Mouse telephone he used in his Cannon office, he maintained a healthy, well-grounded perspective on the triumphs and frustrations of daily life.

It is too commonly called the common touch, but there was nothing common about Stewart McKinney. Yet, throughout his 17 years in Congress, through Vietnam, Watergate, the energy crisis, and all of the other burning issues of his day, he was as comfortable in a VFW hall in Bridgeport as the country club in Greenwich.

Sometimes one group was more comfortable than the other to see him, but he had the ability to diffuse anger, soften opposition, and bring common sense to bear in uncommon circumstances.

He was at once an idealist and a realist, straddling that contradiction as cheerfully and as fearlessly as he faced being labeled a moderate or liberal Republican when it was not meant as a compliment by those in his own party.

He took his work seriously, but he never took himself too seriously, disdaining the pomposity and puffery of official Washington.

He represented all of us because of all that he was. In a floor speech after Stewart's death his 1970 classmate and former colleague, Bill Frenzel, said we ought not "to put wings on the dog," by glossing over all the things that made him so real to so many. He smoked too much. He could get frustrated and angry at the glacier pace of deliberative process. He hated missing so much of his children's lives. And I know he was frustrated to have been in the political minority all of his public life.

But in his weaknesses, frustrations, failures, and foibles, he represented the struggles and contradictions each of us faces everyday.

Stewart McKinney died of AIDS. His wife, Lucie, carries on his work as chairman of the Stewart B. McKinney Foundation, dedicated to providing housing to persons and families with

HIV disease. In this work, she daily transforms the cause of his death into the causes of his life: housing and care for those society might otherwise overlook.

Because he was here in this Chamber, our Nation is better, our horizon brighter, our represented democracy richer. Ten years after his death, he still represents to me and many others the compassion, the vision, the good humor, and the common sense to which we aspire as individuals, Representatives, and a Nation.

Stewart McKinney was truly a great Representative and it is a privilege to serve in the office that he once served.

Mrs. MORELLA. Mr. Speaker, I am pleased to join my colleague and good friend, Congressman SHAYS, in paying tribute to our former colleague, Congressman Stewart McKinney, who passed away 10 years ago today.

Stew McKinney was a very special man, who brought a keen intellect and sense of humor to this body. His commitment to the housing needs of this Nation, particularly the homeless, was unquestioned. In fact, his death was hastened by his insistence on spending a night on a grate near the Capitol in bitter cold in order to bring attention to the need for more funding for homeless shelters. Following his death, Congress approved legislation to authorize the McKinney Homeless Assistance Act, which has been a lifeline for the homeless.

Stew was a moderate Republican, and was active in the so-called "92 Group," the organization of moderate Republicans devoted to reaching a House majority in 1992. Stew would have been thrilled to have learned that his efforts helped lead to that outcome only 2 years later, and he would certainly have been an active force in the Tuesday Group, of which I am a member.

Stew's death from AIDS led to increased public awareness of HIV/AIDS and helped to bring the reality of the epidemic to Congress. At the time of his death, AIDS was still someone else's disease—his death was a wake-up call to Congress.

I only had a few months to get to know Stew—I had just begun my service in Congress in 1987. But during that brief time period, I had the privilege of working with him on several issues. He was an inspiration to me and to many Members, and he is missed.

Ms. DELAURO. Mr. Speaker, today, on the 10th anniversary of the death of Stewart McKinney, we marvel again at the indelible mark made by this incredible legislator and human being. Stew was a truly remarkable person, who cared deeply about other people and their lives. He was far above partisanship and division, working passionately on the issues to which he dedicated his life and which ultimately contributed to his death.

Stew was committed to solving problems which weren't high profile or trendy. He worked to secure safe housing for all Americans at a time when our Nation preferred to look the other way, and caught the pneumonia which led to his death while sleeping on a grate in the rain with homeless men and women to draw attention to their plight. He worked to preserve the salt marshes and natural habitats of the Long Island Sound, acknowledging their importance long before being "green" was popular. He inspired his family and friends to advocate for people with AIDS, the disease he contracted from a blood transfusion, at a time when most politicians, celebrities, and high-profile people of all walks of life chose not to become involved.

Stewart McKinney's life is memorialized in three refuges which bear his name: the Stewart B. McKinney Housing Act, the Stewart B. McKinney National Wildlife Refuge, and the McKinney Foundation, which provides emergency shelter to, and operates two residences for, people with AIDS. This week, as we debate the reauthorization of the housing programs about which Stew cared so deeply, may we all be blessed with the compassion, the foresight, and the commitment which he brought to the House floor.

Mr. TRAFICANT. Mr. Speaker, I would like to pay tribute to the memory of a former colleague, Stewart B. McKinney. Ten years ago we lost a well-respected and dedicated Member and today we hold this special order to pay tribute to his memory.

During his time in Congress, Mr. McKinney worked tirelessly for his constituents and for the causes in which he believed. His distinguished career was characterized by numerous triumphs, successes that made an impact on the lives of all Americans. While I did not have the opportunity to work very closely with Mr. McKinney, his reputation as an honest and admirable man always proceeded him. He will live forever in our hearts and in our memories for the work that he did and for the fine example that he set.

Mrs. KENNELLY of Connecticut. Mr. Speaker, I rise today to commemorate the life of my dear friend and our former colleague, the late Stewart McKinney. Today is the tenth anniversary of his death.

It is hard to believe that so much time has passed. I still remember the night of his death, many of us gathered spontaneously, here on the House floor to find comfort in remembering him. But vivid as that memory is, my memories of Stew himself have even more life.

Let me say it plainly: Stew was always a man of principle. In every sense, he was a dedicated, thoughtful and earnest legislator, willing to take on the battles of those who are scarcely visible in this society. We remember his work for the homeless: I still carry with me an indelible image of Stew, spending a cold winter night outdoors to focus the public eye on what many had not wanted to see before. That was not a public relations ploy—it was a call to America's conscience. And I am very proud that Congress responded with passage of the Stewart McKinney Homelessness Assistance Act. Today, the fight he started continues.

Stewart McKinney also authored and passed legislation to create the Connecticut Coastal Wildlife Refuge, which has been renamed in his honor. This important legislation protected some of our most threatened wetlands along the Connecticut coast on Long Island Sound. And today, those of us in Connecticut and the Northeast can still continue to enjoy the beauty of these fragile but important areas—thanks to Stew.

Stew's compassion and dedication created a lasting legacy. But his most unique quality, in my opinion, was his love of all people. He was gifted in human understanding and compassionate in his words and in his actions. Stew demonstrated this remarkable ability here in Congress and back home in Connecticut, and I feel very lucky and privileged to have had the opportunity to serve with Stewart McKinney during my tenure in Congress. He was a great man and a great American.

Finally, let me thank Mr. SHAYS, for setting up this special order to honor the life and memory of his predecessor Stewart McKinney.

Mr. GILMAN. Mr. Speaker, I join in thanking our colleague the gentleman from Connecticut [Mr. SHAYS] for his consideration in reserving time for this tribute to our late colleague.

I remember Stew McKinney well, and find it hard to believe that 10 years have transpired since we lost him. Stew was an outstanding leader, a far-sighted legislator, and a gentleman in the truest sense of the word.

Stew McKinney is so well remembered today because so many of the causes he championed are causes which are still important to us today. He recognized the problem of homelessness long before we realized that this problem was touching virtually every community in the United States and much of the housing legislation which was subsequently enacted into law bears his indelible stamp. Stew McKinney was warning us all in this Chamber of the epidemic of AIDs long before it became fashionable to do so and long before the bulk of us realized that this health threat would touch all facets of our society.

As a Member representing a district in southeastern New York, I had the opportunity to work closely with Stew regarding the future of several raillines which cross the State border into Stew's Connecticut district. I was always impressed with Stew's attitude of "what is best for all the people" as opposed to the all too common attitude of "what is best for my own district" only.

The world has been a lesser place for 10 years due to the loss of Congressman Stewart McKinney. Let us all resolve to emulate his gentlemanly demeanor in all of our endeavors, and let us resolve to rededicate this Chamber to the standards of excellence which he established during his long, distinguished career in this Chamber.

GENERAL LEAVE

Mr. SHAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of my special order.

The SPEAKER pro tempore (Mr. GILCHREST). Is there objection to the request of the gentleman from Connecticut?

There was no objection.

TAX FREEDOM DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, I rise today to discuss a very important day that occurs annually and will occur this Friday. The day that I am referring to is Tax Freedom Day. This is the day in which the average American worker will finally stop working for Uncle Sam. This year Tax Freedom Day is May 9. That is 1 day later than last year; 1 more day that the American worker works for the Government.

For the first 128 days of this year, every day that people in America have gone to work, they have only been working for Government. That is just wrong. For those of us who live in New Jersey, Tax Freedom Day will come on May 11, again 1 day later than last year. While the day that we pay our taxes, April 15, never changes, the number of days that we must work to pay those taxes has increasingly grown later into the year.

In 1993, Tax Freedom Day was May 2, 122 days into the year. On average, the American worker will spend 2 hours and 49 minutes of each 8-hour workday to pay their taxes, both Federal and State. That is more than the same worker would spend on clothes, 20 minutes, and housing and household maintenance, 1 hour and 20 minutes, transportation, 34 minutes, health and medical costs, 59 minutes. Somehow, that just does not sound right, and it does not sound like we have our priorities straight.

Day after day we discuss and debate proposals to help improve the quality of life for America's families, but how can we expect families to save, to pay for a child's education, to buy health insurance or so many other things when government continues to take and take more and more each year. More than anything else, what we need to give back to the American people is their time and their money.

Just tonight, many of our colleagues spoke about the problem of juvenile crime, a very important issue for so many communities and families. How can we truly claim to live in a free society when the very freedom that we love to talk about is not available until May 9.

Since the early 1990's, Tax Freedom Day has grown later and later, and we must reverse this trend. This Congress has continued the discussion that was begun in the last Congress on giving families and individuals tax relief and balancing the budget. That discussion must continue to move forward, and we must act this year so that the next year Tax Freedom Day is earlier in the year and not later, as has been the case.

DEATH TAX SHOULD BE PUT TO DEATH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. McINNIS] is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, I would like to speak this evening for a few moments about the death tax. That is a tax that the U.S. Government applies to many of us, will apply to many of us, the second your heart stops beating. It is a tax which will get to us quicker than the undertaker will get to us. It is a tax on success in our country. It is a tax against the average American family in our country. It is a tax that destroys families.

In our country, 70 percent of small business will not survive a second generation. In our country, 87 percent of small business will not survive a third generation. What is a big component of this failure for small business or family farms, and homes, to go from one generation to the next generation? What is that awful, heat-seeking missile? It is the death tax administered upon average Americans in this country by the U.S. Government.

Now let us take a look at the taxes that we have in this country. We have a Federal tax, we have a State tax, we have a local tax, we have a property tax, we have a sales tax, we have an airplane ticket tax, we have a heating fuel tax, we have tax after tax after tax. But that is not enough for a government that sometimes finds it too easy to become greedy to get money out of our wallets. They have to do one more strike at us, one more strike at our hard work, one more strike at our families' ability to try and pass something on to the next generation, and it is called the death tax.

Think about it. If you have somebody that thinks that they can justify when the Government comes in and taxes you, and by the way, this is money that you have already been taxed on for the most part, a government that comes in and taxes you on your death, if you have a friend or family that thinks they can justify it, sit down and visit with them. The next time you have coffee in the morning, the next time you get together with some friends, say hey, can anybody in this group justify or figure out why the Government wants to tax you on your death, why the Government wants to take the money that you spent your entire life working for and give it to Uncle Sam instead of allowing you to pass it on to your family, and by the way, keep it in your local community? Now, do not kid yourself, this applies to the average American.

For example, a person who began faithfully contributing 10 percent of their salary to a 401(k) starting at age 25 and who earned $41,000 a year by age 50 can hardly be considered a Rockefeller. Nonetheless, if you do the math, this person could accumulate $900,000 in their pension fund by the age of 60, and by 63 they could have enough in their 401(k) to face a success tax, a death tax, on their distributions from that account. It is not fair. We in this country suffer not just from our family farms and our family ranches, but anybody who begins to accumulate any success at all as a result of their hard work in this country, will be taxed by this Government upon their death. It is not fair.

I have a friend who built up a business, who sold his business last year. Unfortunately, he got hit with capital gains taxation, 29 percent. Then, unfortunately, he found out he had terminal cancer. Three months later he died. The effective rate on his estate is 73 percent, and this is income that was taxed before. What happens?

This gentleman made a good living. He supported 75 percent of the operating costs of his local church. What happened this year to the local church? The family had to say, we have to send that money to the Capitol. That money goes to Uncle Sam under the death tax. We can no longer support the local church. We cannot pass our business, we have a fire sale of our business. We have to sell our father's home that we had hoped the other family, his sister in this case, could move into, because we cannot afford to pay this tax. We have to have cash for Uncle Sam, and that cash, that debt accumulates the second you die. It is patently unfair.

In this country there is no other tax that I can think of that is more unjustified, more destructive of the American family than the death tax, and it is about time that Congress got together and stopped this unfair taxation. It is sucking the money out of the family, it is sucking the money out of the community, and it puts it into a bureaucracy that cannot spend it near as well.

So I urge all of my colleagues to join myself and many others in signing on to the bill which will eliminate the death tax once and for all in this country and let one family pass their hard work on to the next generation and the next generation.

Mr. Speaker, if we want to do something for our children, get rid of the death tax.

HOPE FOR EARLIER TAX FREEDOM DAYS IN FUTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah [Mr. COOK] is recognized for 5 minutes.

Mr. COOK. Mr. Speaker, I appreciate the opportunity to speak tonight about Tax Freedom Day. Tax Freedom Day this year is a day of both dismay and hope. A day of dismay because May 9, the day that Americans finally stop working for the Government and start working for their families, comes later this year than it has any other previous Tax Freedom Day. A day of hope, however, because this Tax Freedom Day comes a week after an historic budget accord between Congress and the White House which for the first time in years offers hope of tax relief for the American people.

□ 2215

I hope to be able to stand here with Members next year in honor of a Tax Freedom Day that comes way before May 9 because of the budget accord and the tax relief it promises.

As a freshman who until a few months ago eyed Washington, DC and Congress through the eyes of a private citizen, I am thrilled with this budget accord. I have read many of the news reports and the opinion pieces, as I am sure you have, that attacked this accord or advised caution.

But to me, this accord and other actions we are taking this year make the 105th Congress, along with the 104th Congress, stand out as Congresses that listen to the American people in a way that Congress has not done for decades.

Let me give a few examples. Recent polls show that 61 percent of Americans believe the IRS has too much power. We have before us this year the IRS Accountability Act that would make IRS agents criminally liable for abuses of power. Fifty-eight percent of Americans believe their Federal income taxes are simply too high.

The budget accord we vote on next week provides a remarkable net tax relief of $85 billion over 5 years, and $250 billion over 10 years. Sixty-nine percent of Americans polled believe we need to fundamentally overhaul and simplify the Federal Tax Code. Further, a startling 70 percent of Americans believe loopholes in our current tax laws allow people that earn the same amount of money they do to pay widely lower taxes. This Congress has heard those Americans. This Congress has brought this country closer to tax reform than we have been in decades, to the brink, I hope, of real tax simplification.

Tax Freedom Day is often a day of dismay as we realize with each passing year our freedom from slavery to a bloated Federal Government comes later and later. But tax freedom this year is a day of hope. I look forward to working with Members in the coming year to make that hope a reality for this country.

EXPRESSING APPRECIATION FOR MEMBERS' SUPPORT ON HOUSE RESOLUTION 93

The SPEAKER pro tempore (Mr. GILCHREST). Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise tonight to address the House for purposes of thanking my colleagues today for approving House Resolution 93.

House Resolution 93 expresses the sense of Congress with regard to the Consumer Price Index, and that the Bureau of Labor Statistics be the sole agency that determines what the level of the cost of living index should be.

My colleagues may recall that it was not long ago in the Senate that the Boskin Commission came out and said we ought to artificially reduce a budget-driven number or a deficit-driven number or politically-driven number, to reduce by 1.1 percent the CPI. Later facts disclosed that there was not really evidence to support that arbitrary decrease.

In fact, I am happy to report that the vote today of 399 to 16 shows overwhelming bipartisan support within this House, and I believe now within the Senate, to make sure we protect our senior citizens by making sure that the Bureau of Labor Statistics is the sole decision maker when it comes to making the CPI adjustment.

This legislation was supported by the American Association of Retired Persons, AARP; the National Council on Aging; the National Council on Senior Citizens; the National Committee to Preserve Social Security and Medicare. Furthermore, it was supported by veterans groups, and I am pleased also to report that the chairman of the House-Senate Joint Economic Committee, the gentleman from New Jersey, Mr. JAMES SAXTON, supported the bill as well.

It is because we want to make sure that taxes will not be raised and because we want to make sure we protect the pensions for our seniors; whether they be military or Social Security or other programs for which we have Federal retirement programs, we want to make sure our seniors are protected.

In fact, had we made that arbitrary allowance for a reduction of the CPI, it would have cost taxpayers approximately $320 billion. So this is certainly a step in the right direction. As we move forward to a bipartisan balanced budget for this next fiscal year, we know that the House has gone on record today, on behalf of our seniors and all taxpayers, saying that the CPI should not be a politically driven number, should not be one controlled by a deficit-driven number or any kind of politics, but the Government agency of the Bureau of Labor Statistics should determine that number, in fairness to our seniors, to our families, and to all of our citizens.

I thank the House for its bipartisan support, and I look forward to other issues that protect our seniors and all taxpayers.

ANOTHER NAME FOR THE DEATH TAX: THEFT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, a lot of controversy was generated recently when Deputy Treasury Secretary Lawrence Summers stated that anyone who wants relief from the inheritance tax, the death tax, is selfish. He later retracted that remark, but revealed a basic philosophy shared by many high officials in our Government. I am an original cosponsor of two bills dealing with the death tax.

The first, introduced by my good friend, the gentleman from California, Mr. CHRIS COX, would totally repeal the death tax. The other, sponsored by appropriations chairman, the gentleman from Louisiana Mr. BOB LIVINGSTON, would increase the inheritance tax, the death tax, exemption from $600,000 to $1.2 billion.

By the way, the budget agreement between congressional leaders and the President lifts the exemption to that level, but over a period of years. We should do it immediately. At least this is a step in the right direction.

I want to emphasize again that I am a deficit hawk. I have opposed some tax cut proposals because they were not accompanied by corresponding spending cuts. It would have made it much harder, if not impossible, to balance the budget in the near future.

However, I would point out that the Federal Government receives virtually no benefit from the death tax. In fact, it probably loses money. It sounds incredible, but it is true. According to Investors Business Daily, the death tax accounts for only about 1 percent of all Federal taxes collected. What is worse is that the IRS spends as much as three-fourths of that 1 percent to collect the tax.

When we add in lost businesses, lost jobs, and lost output, the death tax becomes a net loser in terms of Federal tax dollars. In other words, after all the grief it causes small business owners and farmers, the death tax ends up costing more, at least as much or more than it brings in.

We often hear from death tax supporters that repealing or reforming it would be a tax cut for the rich. It simply is not true. The very wealthy spend thousands of dollars on accountants and attorneys to find ways around the death tax, such as setting up trusts. But average people cannot afford such tax dodges, so they have to pay the death tax.

In a recent editorial the Seattle Times pointed out that when the tax was first enacted in 1916 it primarily affected the very wealthy. Quoting now from the editorial, "Times have changed. Today's farmers, ranchers, lumbermen, merchants, and small- and medium- and large-family business owners alike feel the crunch of estate taxes. The estate tax is out of date and out of step with the Nation's proud tradition of supporting family-owned businesses."

Mr. Speaker, the death tax harms small businesses and threatens their very survival. According to the Small Business Survival Committee, 60 percent of family businesses fail to survive in the second generation, and 90 percent do not make it to the third generation. A leading cause of their demise: the death tax.

This also harms the Nation's economy. As the head of a family business grows older, there is little reason to expand his or her company. When a company goes out of business or is sold to a large corporation, people lose their jobs. A study and research on the economics of taxation indicates that if the death tax had been repealed in 1993, by the year 2000 the gross domestic product would be $79 billion greater and 228,000 more people would be employed.

Mr. Speaker, another reason we need to reform or even repeal the death tax is that it is inherently unfair. The money a person earns during his or her lifetime is taxed over and over again in the form of income taxes, capital gains, taxes on investment, taxes on interest. When someone dies, is it fair for the government to take another 55 percent of a lifetime accomplishment? Absolutely not.

A constituent of mine from Oak Harbor, Washington recently wrote, and I quote:

> People work and pay taxes all their living years to pass on to their children and grandchildren some assets: a house, a farm, a business. Upon death the government wants to tax the estate again, taking the lion's share. I call that theft.

When we take into consideration that the death tax hurts business, harms the economy, is unfair to many families, and that it does not really raise any net money to help reduce the deficit, there is only one conclusion that can be reached: There is no logical reason to continue the death tax.

H.R. 3, THE JUVENILE CRIME CONTROL ACT, AND THE JUVENILE OFFENDER CONTROL AND PREVENTION ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. STUPAK] is recognized for one-half of the time remaining before midnight as a designee of the minority leader.

Mr. STUPAK. Mr. Speaker, tonight I am joined by many of my colleagues as we want to talk about H.R. 3, the so-called Juvenile Crime Control Act, put forth by the majority party.

Mr. Speaker, as co-chair with the gentlewoman from California, Ms. ZOE LOFGREN and the gentleman from Virginia, Mr. BOBBY SCOTT, for the last 3 months we have held hearings, we have held meetings to try to fashion a bill that could really treat juveniles with justice, with compassion, with punishment, with treatment, with education, and a comprehensive plan. We have brought forth such a bill, and it will be the substitute tomorrow.

Mr. Speaker, before we talk about the substitute we are going to propose, let me just for a few moments reflect back a little bit on the debate we had here tonight. In the past 3 months that the Democratic Party has been working on our juvenile justice bill, we learned a couple of things.

We learned, No. 1, that most juvenile crime, contrary to what we heard here tonight, is not murders, it is not rape, it is not robbery. The most common crime is what we call MDOP, malicious destruction of property. It occurs between 3 p.m. and 8 p.m. That is what most of the juvenile crime in this country is.

We learned that in the Federal Government we have control over 197 juveniles. One hundred ninety-seven juveniles. Of that 197, 120 are Native Americans or are on reservations, and we have jurisdiction over them. So we are talking about 77 individuals that we as a Federal Government have control over.

The States, on the other hand, they incarcerate or have under their control up to 300,000 juveniles per year. What has the majority party recommended? That the Federal Government, in its infinite wisdom, basically take control of the juvenile justice system for the whole country. We base that knowledge upon 197 juveniles that we happen to have some control over in this year of 1997.

We heard so much about Tax Freedom Day a little bit ago, and a bloated Federal Government, and all the majority party are these great deficit hawks. Yet, they want to spend $1.5 billion over the next 3 years to incarcerate juveniles, according to Washington standards, according to our standards. Whatever we pass in H.R. 3, that will be the standard.

Mr. Speaker, that is no way to deal with juvenile justice, it is no way to deal with juveniles in this country. We are here tonight. We spent 2 hours on the bill. We will have approximately 2 hours tomorrow; 4 hours on juvenile justice. We heard what a great problem it is throughout this country, and it is. Can the 105th Congress not give us more than 4 hours on juvenile justice? We have been working on a HUD bill, housing and urban development bill, for over 1 week. Yet, when it comes to crime and juveniles, we can only spend 4 hours.

Mr. Speaker, tomorrow I will be proud to introduce the Stupak-Stenholm-Lofgren-Scott-Delahunt-Mel-Watt substitute. It is going to be our Juvenile Offender Control and Prevention act. It is a tough bill. It is a smart bill. It is a balanced bill. It is tough in the area of providing comprehensive treatment, education, and prevention for juvenile delinquency. We give the local communities, not the Federal Government but the local communities, the flexibility to decide what they need to stop violence in their community. It is the local communities that must determine how to stop violence; not the State, not the Federal Government, but our local communities.

□ 2230

We in our 3 months of hearings got together with police officers, probation officers, judges, teachers, parents, and what is needed to fight this problem we have of juvenile delinquency in this country? They said, give us the flexibility to address our individual needs.

I come from northern Michigan. My largest town is maybe 20,000 people. I have a very large rural, sparsely populated area. Our problems are much more different than Boston or south central LA. And what have the experts said? We should give the local communities the flexibility to do what will work in their community. What will work in northern Michigan is greatly different from what is going to work in Boston or LA or Alabama.

Sixty percent of the 1.5 billion we use, the same money that the majority party is going to use, we are going to take about 60 percent of our money over the next 3 years; and it will be used for prevention, early intervention and treatment of juveniles. We are going to do that by strengthening the family. We are going to provide for safe havens for after school. Why? Because as I said earlier, most crime occurs between 3 and 8:00 p.m. and it is vandalism.

We have drug prevention, drug treatment and drug education. Each community must base their initiatives and it should be based upon research, proven research, cost-effective efforts, because we want to be smart with the taxpayers' money, smart in our approach as we prevent serious violent juvenile crime.

The McCollum bill, the majority bill, gives us zero money for prevention, zero money for early intervention, zero money for detention, zero money for prevention. Instead the majority bill wants to try 15-year-olds as adults and after they convict them, then they are going to tell you, you have to lock up that 15-year-old with adult prisoners. There is no option and there is also an option. There is also an option with the majority bill to even try juveniles as young as 13 years old, 7th graders and 8th graders as adults. That is their bill. Get tough, lock them up, put them away and do not worry about it. That is coming from the Federal Government who has no experience in this area.

Instead, the minority party, the Democratic substitute will have a smart, tough and balanced bill. We are going to be tough on juveniles in that right now underneath the Federal system, juveniles can only stay until 21 years old. We are going to extend that time for violent juvenile offenders. They are going to be incarcerated through age 26 in our bill. We are going to expedite the time that a judge will only have 90 days, and it will be the judge who will make the decision. He will have 90 days to decide whether or not to transfer a juvenile from juvenile court to adult court; not the prosecutor, not the popular elected thing, because we are going to take politics out of juvenile crime.

We are going to let the judges decide where they are empowered to enforce the law, not the political speech. We are going to increase the penalty for those juveniles who are using a gun in a crime, something that has not been done before. We are going to increase that penalty. If they are going to use a gun in a crime, punishment will be swift and severe.

We are going to expand the use of records, juvenile records for law enforcement purposes. We will require mandatory restitution in juvenile offenses. And once a juvenile is determined delinquent, the court is only going to have 20 days to finally impose sanction and penalties and not drag it on.

And all of the States in our bill will benefit, all States including the District of Columbia can benefit because the money will go to local units of government based on tough, smart research, proven research based upon local community initiatives.

Mr. Speaker, that is not like the majority party. What do they want to do? We are going to mandate what we have to do, what States have to do, and if they do not do it, they get no money.

Mr. DELAHUNT. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Mr. Speaker, the gentleman has referenced several times that, if the States do not comply with the mandates that this bill provides, the mandates that many of us disagree with based on very sound public policy, because as indicated, we are hurt time and time and time again that these initiatives, these mandates simply do not work.

But what happens to that $1.5 billion? For those States that make the decision that they want to chart their own course? I would ask the gentleman if he knows what happens to that $1.5 billion? Is it then spread among the very few States that do comply?

Mr. STUPAK. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. DELAHUNT] on his inquiry. If we look at the report put forth by the gentleman from Florida [Mr. MCCOLLUM] and the Juvenile Crime Control Act of 1997 out of the Committee on the Judiciary, they lay out on page 78, despite the fact he claimed he had no knowledge of it tonight, but on page 78 it says, we propose this program for several reasons.

First, as written, it appears only 12 States, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Mississippi, Nebraska, New York, North Carolina, I know that is under some dispute with the gentleman from North Carolina [Mr. WATT], Vermont and Wyoming, would possibly qualify for funding. The other 38 States and the District of Columbia do not qualify. It is 1.5 billion spread among 11 or 12 States.

Mr. DELAHUNT. Mr. Speaker, if the gentleman will continue to yield, I was stunned this afternoon to hear the primary sponsor of this bill could not even confirm that his own State of Florida could comply with the mandates of his proposal which would, coming from Washington, again tell the States that do have the experience how to handle violent juvenile crime. It just absolutely stunned me to hear that. I respect the gentleman. I know that he is a man of deep convictions. But I would think that this Congress, this body would not want to vote on such a significant piece of legislation until every Member knew exactly whether his or her State would be in compliance with the mandates that the bill puts forth. And to hear the primary sponsor acknowledge that he did not know himself whether the State of Florida would qualify I found incomprehensible.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, in following up on this point, because I think that the Democratic substitute took long months of deliberation to confront the issue of being strong both on preventing juvenile crime and as well addressing the question of violent juvenile crime.

Texas is considered a State that has addressed the question of violent juvenile crime, and it is not a State that is viewed as one that takes lightly the seriousness of juvenile crime. In fact, it is a State considered tough on crime. Texas, Far West, will not be eligible for these funds.

At the same time, they will tell my good friend from Boston that his program is not a valid approach; his prevention program, his method of now 2 years without one single homicide is not valid. I would simply say to the gentleman from Michigan that I will leave him with this question: We need to consider what we would like to happen to our own children in this instance. I am sorry that the deliberation and those who designed this bill, H.R. 3, did not think of that. For we can see in the large gap between locking them up and lack of prevention dollars, they did not give the consideration to how they would want their children to be thought of and handled.

Mr. STUPAK. Mr. Speaker, reclaiming my time, I think that is the question we should ask here, it is $1.5 billion, only 12 States at best can enjoy that $1.5 billion. We are spending that much money on a few juvenile delinquents in a select number of States. And what do we tell all of the rest of the children in this country? And we cannot provide health insurance. But yet we are going to spend $1.5 billion over the next 3 years for 12 States to lock up some kids because the majority party feels they are going to get tough on it.

What has the National Conference of State Legislatures wrote to us today and said, this is ludicrous. Stop this. You are putting on unfunded mandates. You, the Federal Government, are telling us what to do and giving us very little money. And we all have to comply and you have no experience in this field. Washington is telling us how we have to do it. They have missed the whole point here. I really hope that our Members reject the majority bill tomorrow and accept the Democratic substitute.

Let me finish up with a few more words here before I yield to the gentlewoman from California, my good friend. Our bill, the Democratic bill that took us 3 months to put together and many hearings, we target violent kids. We crack down on juvenile gangs. And if you commit a crime with a gun and you are a juvenile, the punishment will be swift and severe.

I was a police officer. The gentleman from Florida [Mr. MCCOLLUM] said tonight, we are sending a message; we are going to stop crime before it gets started because we are going to be tough on everyone. It does not work that way. I was on the street for 13 years. It does not work that way.

Mr. DELAHUNT. Mr. Speaker, I think it is so important to understand, and I have heard the Chair of the Subcommittee on Crime say again and again and again that we are sending a message. I think that he fails to understand that those violent juveniles that he wishes to take off the street, and I agree with him, are not going to be deterred. There is no such thing as deterrence when we are talking about that hard core juvenile. Incapacitation, yes, but if we are going to lock them up, let us not lock them up in an adult prison where they are going to receive the very best training in terms of violent crime. They are going to receive a Ph.D. in violent crime if we send them to adult institutions. I promise you that. That is my experience as a prosecutor in the Metropolitan Boston area for over 20 years.

Ms. LOFGREN. Mr. Speaker, will the gentleman yield?

Mr. STUPAK. I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I think it is worth pointing out, as a member of the Committee on the Judiciary, I was distressed that this bill received just 12 hours, really, of discussion. And there were a lot of things that are unknown.

For example, we did know that only arguably 12 States would qualify. I must point out, California is not among those 12. But we did not specify who gets the excess funds. So it is possible that Florida gets California's money or not. This is a real issue because right now the money we are talking about, the $1.5 billion, is in the violent crime trust fund.

Those funds are currently flowing to States and localities. Every State is getting some of that money and so it will be a real loss to cops and prosecutors who are currently getting funding if States do not qualify and we know some do not and some will never. So this is important.

I know you have a few closing remarks but this bill is flawed in so many ways that I hope to have an opportunity to go through some of them, because I think so many of our Members have been busy on budget or other, HUD or other items that they have not yet had a chance to really go through the bill line by line as we have on the Committee on the Judiciary and as the gentleman has as one of the co-chairs of our committee. I hope to go through a couple of other points when the gentleman finishes his presentation.

Mr. STUPAK. Reclaiming my time, Mr. Speaker, the gentleman from California [Mr. RIGGS] came down and he said he hoped to put on something with a bill later this year with prevention. I think we all know, we all have a couple terms here now, that tomorrow never comes in Congress. It is what we are doing today.

This juvenile prevention bill or juvenile control, Juvenile Justice Act, whatever they are calling it now, that is where it is today. It promises something tomorrow, and it will never come because there will be some new crisis we will jump to. But we are not going to arrest our way out of it.

The gentleman from California [Mr. RIGGS] was correct. He was a police officer for 8 years. He said the same thing. He said it is absolutely right. You cannot arrest everyone and you cannot lock them all up and expect to solve this problem. There has to be a combination here of prevention, treatment and early intervention and intense supervision and, yes, there are some that we will have to lock up. We should be there to assist.

Ms. LOFGREN. Mr. Speaker, if the gentleman will continue to yield, he is absolutely right.

We need to do all of the things. We need to do prevention, intervention, we need to incarcerate some kids and in some cases there are some very tough kids who need to be tried as adults in my opinion. But to say that the $1.5 billion can go to those 12 States for incarceration because we are going to have a prevention bill coming, that prevention bill has $70 million. So the $70 million for prevention versus the $1.5 billion for trying young people as adults, that is not a balanced program. That is an extreme program and one of the reasons why we should not approve H.R. 3 tomorrow.

□ 2245

Mr. STUPAK. Mr. Speaker, reclaiming my time, one of the real great spokespersons, articulate individual in this whole matter, has been the gentleman from North Carolina, Mr. WATT, who points out to us time and time again that North Carolina has more than its share of prosecuting young people and has probably the most severe and toughest juvenile justice laws on the books, and it has not always worked, and I yield to the gentleman for his comments.

Mr. WATT of North Carolina. I thank the gentleman for yielding. I want to correct my colleagues on one point. They keep saying there are 12 States that qualify. I want to assure them that North Carolina was included in the list of States that, according to the report, qualified, but I have a letter from the State of North Carolina in my file——

Ms. LOFGREN. So we are down to 11, maybe?

Mr. WATT of North Carolina. We are down to definitely a maximum of 11.

And understand that there are four criteria that a State has to meet to get these funds. What we found out was that North Carolina, as aggressive as we are, as much as North Carolina supports the philosophy of the bill the gentleman from Florida professes to support, that we do not meet three out of the four requirements. We fail on three out of the four requirements.

We do not have open juvenile records; we do not allow the prosecutor, by himself, to decide whether to prosecute as an adult, because we think it is reasonable for a judge to make that determination; and we do not sanction parents who fail to supervise their children. We do not punish the parents for that.

Those are three of the four requirements and we fail on those three, so we do not get any of the money, even though we have some of the toughest juvenile laws in America.

Mr. DELAHUNT. Will the gentleman yield?

Mr. WATT of North Carolina. I would be happy to yield.

Mr. DELAHUNT. Mr. Speaker, I think that every Member of Congress, before he or she casts a vote, has an obligation to the people that he or she represents to check, as the gentleman from North Carolina did, with the Attorney General of their respective States, because it is my belief that the gentleman is correct. There are probably maybe one or two or maybe three States that could even file an application to secure funding from that $1.5 billion pot. This just does not make any sense.

And those mandates, and they are mandates, are an attempt by a segment of this House to impose national standards in terms of juvenile justice, and they have, as has been stated and restated, no experience.

I wanted to pose the question to my friend and colleague on the Committee on the Judiciary, the former U.S. Attorney in Arkansas, Mr. HUTCHINSON, whether he ever tried a juvenile case as a United States attorney. I daresay that his answer would have been no, because there is no Federal system.

They do not know what they are talking about, and yet it is fascinating, because I was reading the Orlando Sentinel of May 9, 1996, just about a year ago, and there was a statement there by the Chair of the Subcommittee on Crime, the primary sponsor of this bill, and he was referring to more than $500 million for law enforcement block grants. He stated, and these are his words, "Local communities can now tailor programs to meet their particular needs instead of using Federal crime fighting dollars," and this is a quote, "for Washington-knows-best prevention initiatives. This recognizes that what works in Spokane may not work in Orlando and it encourages local innovation to fight crime."

So what the gentleman from Florida would suggest is that when it comes to prevention, we will not have mandates, I guess, but when it comes to intervention and to prosecution and to treatment, we better have mandates because we in Washington know best. I daresay that one of the few States, it appears, and he does not even know, the State of Florida probably complies with these mandates.

I wonder if we examined the statistics for juvenile violence in Florida, where it has been tested, whether it works. I am willing to challenge the gentleman from Florida to review the statistics on juvenile violence in Florida with the statistics on juvenile violence in Massachusetts.

Under the gentleman's bill, and I know what we have done there, and I know it worked and I know we are heading in the right direction, but under the McCollum proposal, we do not have access to expand our efforts and we will not qualify for that $1.5 billion. That just does not make sense.

Mr. STUPAK. Mr. Speaker, I yield to the gentlewoman from California.

Ms. LOFGREN. Mr. Speaker, I think it is important, because as so many of our colleagues, as I said earlier, have not really had a chance to take a look at this bill, and the vote will be tomorrow, that we go through some of the flawed elements of H.R. 3, and they are serious.

As others have mentioned, there are currently, I think last year there were, I think, 197 juveniles in the Federal system. However, under the bill we are mandating, in the case of 14-year-olds, requiring prosecution of 14-year-olds as adults without any discretion on the part not only of judges but without any discretion on the part of prosecutors either. Further, the bill permits prosecution of 13-year-olds as adults in the Federal system.

Now, I think most of us know that even very young children can do truly awful things and that there are occasions, and opinion is divided, but I believe there are even very young children sometimes who need to be held to an adult accountability. But to automatically make that decision without doing a case-by-case review is not supported by the facts and will not make us safer.

There is another issue in the bill that I think many Members need to be aware of, and it is a proposed massive expansion of the Federal role in juvenile delinquency and law enforcement.

Under the bill, and there will be an amendment tomorrow, there is a whole series of Federal offenses, including conspiracy to commit offenses. Included are virtually all drug crimes and drug trafficking crimes. Now, no one likes drug trafficking. No one approves of it. But when we include conspiracy to commit a drug trafficking crime, the truth is that we are talking about having Federal police having the ability to go into towns and cities throughout this country and prosecute and arrest 13-year-olds standing on the street corner, part of urban street gangs.

I trust our local police, I think, a whole lot more to do that. I think I trust our local DA and our local judges a whole lot more to do that local law enforcement job than the creation of a U.S. police force. I think that is something that needs attention on the part of Members.

Finally, I think we need to take a look at who, even at this late date—and this has been quickly done—who is on which side of these issues. We already know that the State legislatures oppose the bill. I just got letters in today from the United Methodist Church, the Presbyterian Church, the United Church of Christ, the Evangelical Lutheran Church, and the Churches of Christ all urging Members of this House to oppose H.R. 3. Why? They realize that the scheme outlined in the bill not only will not make our country safe, but it is inimical to our Christian faith. And I think all of us need to pay close attention to the guidance that the clergy is giving to us in this matter.

Finally, the gentleman from Florida, as chairman of the committee, did mention, and I think we need to review this, that there is some $4 billion in funding for prevention anyway in the government. The YMCA, the Young Men's Christian Association, did an analysis of that assertion, and I am going to make it available to Members tomorrow morning in the mail, but I think it is worth pointing out that included in that $4 billion are things that have nothing to do with prevention. And the YMCA concludes that the programs and the funding is not correct. It is misleading.

I know the gentleman did not intend to mislead, but I think it is important that the Y's analysis be made available to the public.

With that, I would simply say that our bill is tough on crime, it recognizes that young people do need prosecution, but it also understands if we only do that, it is saying we have to have more victims before we respond.

As Mark Klaas said, "Saying that we are building prisons to solve crime is like saying we are building cemeteries to solve the problem of the deceased."

Mr. STUPAK. Mr. Speaker, I thank the gentlewoman for all the work she has done on this and look forward to the continued fight tomorrow, and with that I yield to the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Speaker, I thank the gentleman from Michigan for yielding me this time and also for helping with this special order.

I think it is a very important issue because we fundamentally have a choice. We can do what works to reduce crime, or we can do what sounds good, makes maybe good politics but does not do anything about the crime rate. Unfortunately, we cannot do both.

We know what works. We have seen studies of Head Start, recreation, boys and girls clubs, Big Brothers, Big Sisters, a number of programs that work to reduce crime. These have been proven. They are cost effective. They keep kids out of trouble. They do not get in trouble in the first place, and, of course, that strategy has the added advantage that people do not have to be brutalized because there are no victims when we have prevented the crimes.

People have suggested that we are not tough or that we are choosing between punishment or prevention. They ignore the fact that in some communities we already have more of our young people in jail today than in college. Our incarceration rate in America is the largest in any country on Earth.

The average internationally of people being locked up is about 100 people per 100,000 population. Canada about 117, Mexico 97, Japan less than 50 per 100,000, the United States is already above 500, almost 600 people per 100,000. I have jurisdictions in my Congressional District that lock up about 1,500 people per 100,000. Fifty in Japan, 117 in Canada, 1,500 city of Richmond. So we cannot suggest that we are not cracking down on crime.

The fact is that the little money in this bill for prisons cannot possibly make any difference. This bill has a total national funding of $500 million. Virginia's portion of that on a per capita basis will be around $10 million.

Now, we are already in the middle of a prison expansion program where we are going to be spending, when it is all phased in, another billion dollars a year for new prisons. New prisons. Not all prisons, new prisons. With this bill, instead of $1 billion it will be $1.01 billion. Obviously, that cannot possibly make a difference.

Or that $10 million can be used in initiatives that will help juveniles by increasing the number of juvenile probation officers, with better supervision or other initiatives that will actually make a significant reduction in recidivism.

□ 2300

We should always address our problems and not just come up with solutions that have nothing to do with the problem.

We have heard, for example, earlier today that the highest crime rate is for those 17 to 19 years of age. One thing that strikes one right off the bat is that those 18 to 19 are not covered by the bill, they are treated as adults and are not even affected by revision in juvenile laws.

For those 17 years of age that commit serious offenses, they are going to be treated as adults. As a matter of fact, we treat so many juveniles as adults right now that more than half of those treated as adults are treated as adults for nonviolent offenses. We have gone all the way down the offenses where most of the children treated as adults are for nonviolent offenses. Our problem is that we do not treat enough juveniles as adults, we treat too many. The third is that we do nothing about those 14 to 16 and disturb their trajectory for those going into crime. If we do nothing to change that trajectory, 3 years from now when they are 17 to 19, we would have done nothing about the crime rate. If we expect the rate to be lower than it is today 3 years from now, we have got to focus on the 14- to 16-year-olds and even younger and prevention must be the focus in our juvenile crime rate.

We must also address the facts. The fact is that if we treat more juveniles as adults, the violent crime rate will go up. There are no exceptions in studies of that premise. That if we increase the number of juveniles treated as adults, the violent crime rate amongst juveniles will increase.

The Families First alternative will focus where the money can do some good. It will strengthen families and empower children to stay out of trouble. As I said, it is not a question of prevention or punishment. We are already punishing. There are things in this bill, like we know that treating more juveniles as adults will increase violent crime. They have things to publicize records of juveniles. If they are treated as adults, if it is a serious offense, their trials will be public as adults, their records will be public. There is no evidence that that public notoriety will do anything to reduce crime. In fact, we have had evidence that, in fact, some juveniles will create crimes in order to get the notoriety. We want to focus on things that will actually make a difference, and that is why I am supporting the Families First alternative.

We already punish children more severely than anywhere else on Earth. If we are going to do anything about reducing crime, we have got to focus the extra money on prevention and not on counterproductive soundbites that do not address the problem.

The gentlewoman from California [Ms. LOFGREN] mentioned the question of conspiracies and said if you find people on the street committing drug crimes, if all they have on a juvenile is a conspiracy, that means they did not find him doing anything, he was sitting up late at night where they agreed to commit a crime, when he woke up the next morning, he went on to school and did not do anything. But he is part of the conspiracy. When the others go commit the crime, he can be found guilty of conspiracy, subject to mandatory minimums, and the way this bill is crafted, the judge would have no alternative but to sentence him with the mandatory minimums without any consideration to his prior record, to his role in the crime, to the seriousness of the crime, to his amenability to treatment, anything like that. He will be subject to the mandatory minimum, disrupt his education, and we know that he will be much more likely to commit crimes in the future because he comes out without the education. We need to support the Families First alternative because it addresses the problem. I am delighted to participate with the gentleman from Michigan in this special order to promote that alternative.

Mr. STUPAK. The gentleman makes an interesting point that in his prison construction of $1 billion in new prison construction in Virginia, even if you receive your $10 million if you ever met the Federal standards or the Federal mandates, remember, that is just $10 million to help you build a prison. That is not what it costs for the guards and everything else that goes in. The smallest cost in prison is the construction. The most expensive, 80 percent, is for personnel, the cost to operate. We are leaving the States with that extra burden of now having to operate it. We will pay for the brick and mortar, but now you have to operate it.

Mr. SCOTT. If the gentleman will yield; if we are spending $1 billion, plus $10 million is $1.01 billion, it will have zero effect on the crime rate. We need to put the money where it will actually make a difference.

Mr. WATT of North Carolina. If the gentleman will yield on that point, that gets me to another real concern, because we are building all these prisons. I think what ultimately ends up happening is what this bill allows to happen, which is, we will end up putting juveniles in jail with adults, which has been absolutely contrary to policies that we have been supporting.

In fact, all the evidence confirms that children who are housed with adults are five times more likely to be sexually assaulted, twice as likely to be beaten by staff, 50 percent more likely to be attacked with a weapon. In 1994, 45 children died while they were confined in State adult prisons or detention facilities, including 12 murders and 16 suicides.

I just do not want to receive any more letters like this one. I am not one that usually comes and makes policy by anecdote, but this one I could not resist, because it is from a father. He is describing to me as his Representative the plight of his son.

He said, "My 16-year-old was certified and sentenced to 8 years." That means he was certified as an adult. Sentenced to 8 years. This was his first offense. He was being raped, beaten for money or sex too many times. This is in the adult facility. Before this he went to the warden asking for protective measures, only to be laughed at. Finally you get to the bottom line here. His ultimate decision was suicide.

So this kid gets convicted, sentenced as an adult, with adults, sexually abused, and ends up committing suicide. That is just not something that we want to have happen based on our policies.

Mr. DELAHUNT. If the gentleman will yield, what I find interesting is that the gentleman from Florida has this unfounded belief and confidence that if the juvenile is incarcerated in the adult system, that when he leaves the adult system he will come back into the community and be a positive, contributing member of his neighborhood, his community, and his State. The reality is that that has simply been proven time and time and time again to be false.

If we are going to have an opportunity to chart and influence a different course for the juvenile offender, our only hope is a strengthened juvenile justice system. That is what we should be about. There are portions of the bill which I think everybody on this side could support because it goes to fund programs, and this is my reading, within the juvenile justice system that could improve it. But why these mandates that would deny States access to the funding?

What the gentleman is trying to do in this particular area is to nationalize what has historically been reserved to the States, and that is the juvenile justice system. What I find interesting is that there are some areas that he appears to understand that the States can do some positive initiatives and that can genuinely be a laboratory, if you will, for experiments that may or may not work. But he has not provided any evidence whatsoever other than just simply standing up and saying, "We're going to send a message."

These young men, they are not going to read the CONGRESSIONAL RECORD tomorrow. They are not going to examine the statute. They are not going to be deterred. They think and act and respond differently. They are not going to be deterred.

Mr. STUPAK. I yield to the gentleman from Virginia.

Mr. SCOTT. Mr. Speaker, I think this special order points out how we are not focused on the problem. We need to focus on the problem of juvenile crime. The bill that we considered earlier today and will be considering again tomorrow misses the point. It spends all of its money after the fact dealing with juveniles, treating more juveniles as adults when we know that that does not work. We know that drug rehabilitation programs cost about 5 percent of sending somebody to jail, reduces recidivism 80 percent, so it is cheaper and more effective. Those are the kinds of effective programs that we should be focused on. I am delighted to participate with the gentleman from Michigan, the gentleman from Massachusetts and the others that were here so we can show that some of us are actually trying to reduce crime. Although it may not be as politically popular, we are focused on the issue. I am delighted to work with the gentleman on this. We need to get away from the soundbites and back on the point. The Families First agenda does that.

Mr. STUPAK. I thank the gentleman from Virginia [Mr. SCOTT] for all of his work and being the cochair of the Democratic Task Force on Crime, I will continue to work throughout the rest of the 105th Congress with the gentleman and with the gentleman from Massachusetts [Mr. DELAHUNT], a new Member from Boston who has been of great help to us.

In summation, the Families First juvenile justice bill that we will be presenting tomorrow morning at approximately 10:30 as a substitute to the McCollum bill, really it indicates that we need a balanced approach to the problem of juvenile crime, an approach that would include enforcement, intervention, prevention, and, of course, detention for those violent individuals who have to be detained. It would be based upon smart, cost-effective, community-based initiatives, proven initiatives through research as we have seen in Boston, in Minnesota, and other places around this Nation when we have let local communities determine what is best for them in their communities to deal with their problem of juvenile crime.

BIPARTISAN BUDGET AGREEMENT

The SPEAKER pro tempore [Mr. GILCHREST]. Under the Speaker's announced policy of January 7, 1997, the gentleman from Georgia [Mr. KINGSTON] is recognized for the remaining time before midnight as the designee of the majority leader.

Mr. KINGSTON. Mr. Speaker, I want to say to my friend from Michigan that he still will see me in the gym bright and early in the morning, and I hope I will see both of the gentlemen because they have been a little sluggish lately.

Mr. Speaker, I have with me the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from Pennsylvania [Mr. FOX]. We wanted to talk about the budget agreement that took place on May 2, last Friday. We think it is very important, very, very significant. Unlike other budget agreements, this agreement was hammered out on a bipartisan basis, and instead of having the promises now and the spending reductions later, it has the promises now and the spending reductions now.

The bill basically does five things which I think are truly significant. First, it balances the budget by 2002. Second, it provides tax relief for middle-class families now, not 5 years from now, not in 2002, but it does it now, in recognition that middle-class families need a tax cut and that tax cuts can, in fact, promote growth, which is one of the easiest ways to reduce the deficit. Third, this bill addresses the Medicare problems and solves Medicare's immediate concerns for the next 10 years. Fourth, it has major entitlement reform which, as the Speaker knows, is about 51 percent of our entire annual expenditures.

□ 2315

Then No. 5, it includes funding for many, many of our important domestic programs such as transportation, housing, and education.

I think if you look at this budget, Mr. Speaker, it is certainly not perfect, but it is a very significant step in the right direction. I believe that we have a great opportunity, an opportunity which is at hand in this Congress to get something done with it.

Mr. Speaker, with those introductory remarks, let me yield to the gentleman from New Jersey [Mr. PAPPAS] who is a freshman and came here with the idealism that all of us come here and, I think, most of us never lose, but Mr. PAPPAS is from the private sector. He is a businessman, he is a family man; he knows the importance of balancing your budget and what it means to American middle-class families.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman from Georgia for yielding. As he said, I come from the private sector in New Jersey, and in New Jersey one of the things that is unique is the State government is required to have a balanced budget, as are the 21 county governments, as are the 567 municipal governments, as are the 610 or 611 school districts, and as are each of the businesses and families within our great State.

While having come from the private sector, I also served as a county government official for almost 13 years and was president of our State Association of Counties, and for us that was something that was commonplace, having to adopt a budget each year, and balance it and live within our means, live within the means of the property taxpayers that would pay the bill, and the programs that we would initiate, if they were voluntary, were programs that we felt our taxpayers could support both through their financial support as well as programs that we felt that they felt were within the scope of our obligation to our citizenry.

And I am very excited, too, with you and so many of us here on both sides of the aisle to see a plan that will bring us to a balanced budget.

You know, for those of us that are football players, the last time that the New York Jets won their last Super Bowl was the same time that the Federal Government last balanced its budget, and for any of you here or any of you out there that may be watching us that may be Jets fans, you will remember that that was 1969.

Mr. KINGSTON. Joe Willie Namath.

Mr. PAPPAS. That is right, and that is an awful long time.

Mr. KINGSTON. Mr. FOX.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate my colleague taking this time to address very important issues to our colleagues about balancing the budget and adopting a bipartisan budget which will help American families and to make sure that those who are in the world of work will get a break.

The balanced budget we all have been seeking, Alan Greenspan says if we finally adopt it here, we are going to make sure we reduce our costs for mortgages, we will reduce the cost of the interest for car payments and also the interest of cost for college loans.

This legislation, the balanced budget, also calls for the CPI to be in accordance with the Bureau of Labor Statistics so our seniors will be protected by still having their COLA's and for pensions and for Social Security.

It also calls for the kind of tax relief American families need. We are talking about capital gains reduction for individuals and businesses.

Last time we had significant reductions of capital gains was the Reagan administration and the Kennedy administration, and in both cases we saw an increase in savings and investment and growth, and the $500-per-child tax credit, that would be a great assistance to American families.

So I am very much buoyed up by the fact that this budget looks like it is a step in the right direction, and I believe that because we are working on both sides of the aisle to get it achieved. I think this is certainly something that is a milestone that we have not had, as our colleague from New Jersey [Mr. PAPPAS] said, not since I graduated college.

Mr. KINGSTON. I did not know you were that old. I was just in junior high at the time.

Mr. Speaker, we have been joined by the gentleman, the only gentleman on the floor who represents a district outside of the eastern time zone, and so his folks are probably just finishing up dinner out in Arizona. But we have with us the gentleman from Arizona [Mr. HAYWORTH] who the gentleman from New Jersey [Mr. PAPPAS] may know is a former football player himself and a sports newscaster.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia, and I am pleased to join with my colleagues in New Jersey and Pennsylvania.

Mr. Speaker, my colleague from Georgia is correct because in the great State of Arizona it is only about 8:20 in the evening, and so folks are getting home from work, and they have had a chance to sit down and read the newspaper and watch television news and visit with their families, maybe get the young ones to bed, and now they turn their attention to matters that affect their lives. And indeed, Mr. Speaker and colleagues, as I traveled around the Sixth District of Arizona this past weekend, holding town halls in the Globe-Miami area, the Cobra Valley, great resource-laden area, copper mines, down to Florence, AZ, and finally into the small town of Coolidge, AZ, we talked a great deal, and I listened a great deal to Arizona families and their concerns, and because those town halls occurred on Saturday, in the wake of Friday's historic announcement, there was a great deal of interest and excitement about the notion that finally in Washington, DC people quit playing the blame game and looked for solutions.

Mr. Speaker, I heard time and again from residents of the Sixth District of Arizona how pleased they were that Congress is getting down to business and working to enact a balanced budget. As our colleague from New Jersey pointed out, the last time that occurred was 1969, the year that Americans landed a man on the Moon. In fact, Mr. Speaker, the flag behind you was taken to the Moon and returned to this Chamber by our astronauts of Apollo 11, and it begs the question, if we could put a man on the Moon, then certainly, if we can reflect our national will in that way, certainly we can move to save money and to allow our citizens to hang onto their money because it is theirs, they earn it, send less of it here to Washington and transfer money, power, and influence out of

Washington, DC and into the several States, and, most importantly, keep money in the pockets of hard-working Americans for them to save, spend, and invest on their families as they see fit.

So that is what I bring back from the Sixth District of Arizona. To be certain, there is a lot of interest in working out the details, and I welcome this time with my colleagues from Georgia, New Jersey, and Pennsylvania, Mr. Speaker, as we talk more about tax relief for working families, as we talk about the dynamics of trying to work out this agreement, as we realize up front that challenges remain in the formulation of all the plans; but as we also welcome, even as we acknowledge, that no document crafted by man in this institution or any other can be considered perfect. Perhaps now we have at long last a meaningful start.

In fact if my colleague from Georgia will indulge me, let me simply read, Mr. Speaker, into the Record the first couple of sentences in the lead editorial in today's Washington Times. I think it sets the proper historical perspective.

Quoting now:

> Unlike the detailed spartan and loophole-laden deficit reduction legislation passed by Congress in the 1980's outlining paths toward reaching a balanced budget within several years, the budget agreement struck last week between President Clinton and the GOP-controlled Congress appears sufficiently calibrated to reach its target. Most important, that goal is being achieved while providing for substantial tax cuts.

Mr. FOX of Pennsylvania. If the gentleman will yield, I think what is significant is that we are no longer talking in Washington about whether or not we are going to balance the budget, but when, and now we have an agreement on when: the year 2002.

Now as you say, the details, of course, are to be worked out, but what I think is also exciting, Mr. Speaker, about this new budget is it is going to offer some assistance to families who want to pass down a business to the rest of the family that follows them, that they inherit without the tax eating up all the hard-earned economic assistance that went into the business or went into the family farm, and this budget is going to have estate tax relief that families surely need out in agricultural areas and certainly in small businesses. That is what makes America great. By having this estate tax relief, I think this budget becomes an even brighter one for American people.

Mr. KINGSTON. Mr. Speaker, if the gentleman will yield, let me ask the sportscaster here. The 1969 World Series, New York Mets?

Mr. HAYWORTH. Mr. Speaker, the New York Mets lost in last place that year.

Mr. KINGSTON. Was it 1970 that they came back?

Mr. HAYWORTH. They defeated the Baltimore Orioles.

Mr. Speaker, there are some denizens of this area. Indeed, as we look at the Speaker pro tempore, Mr. GILCHREST, tonight and realize that he hails from the great State of Maryland, that may be something that he would rather forget, but knowing it was the year of the Miracle Mets and sadly, ironically, the last year of what should be commonplace instead of miraculous, and that is a balanced budget.

But the gentleman from Georgia [Mr. KINGSTON] is quite right, the Mets defeated the Orioles in that World Series 1969 that led to a great book, "The Year The Mets Lost Last Place."

Mr. KINGSTON. The distinguished Speaker pro tempore from Maryland sitting there might not like it, but I think it is important for my colleagues to realize how far back in time we are talking about.

I will give you an example. My dad was a tight-fisted college professor and, raising 4 kids, did not want to spend a lot of money on a car for the teenagers. He bought a 1971 Ford Maverick in 1971. The sticker price on that car, as my colleagues may remember, was $1,995. That is what you could get a Ford Maverick for in 1971.

That was a long, long time ago. Driving that Maverick down the road, you could fill up the tank at 25 to 28 cents a gallon. I think it is important for everyone to realize how far back in time we are going since the budget was balanced. Neal Armstrong was walking on the Moon that year.

But let me ask this, let us move ahead. We have had budget deals. We had lots of them during the Reagan administration. We had the Bush administration's budget deal. We had one with Clinton. This one is different in that it has so much of the savings and tax cuts now. The benefits are now.

I have said to the folks back home that New Year's Day, actually January 2 every year, we promise we are going to lose weight. We say, okay, now is the time and we make that New Year's resolution and we feel real good about it. But then come February there is a wedding, and come March there is something. March, of course, in Savannah we have St. Patrick's Day. Everybody is going to resume festive activities then. But as the year goes on, you get a little bit further away from your New Year's resolution and you are not losing that weight.

I think that it is important for us to realize that, as significant as that decision is, the resolution on May 2 to go on a diet once and for all to balance the budget, it still is going to take discipline. We do not just celebrate and go home. That is one thing the four of us have learned as relative newcomers to Congress is that this is the first step.

The Speaker and the leaders have all acknowledged that this budget agreement is significant, but do not go home. You have to watch the process and you have to push because there is going to be a lot of discipline and there will be lot of times down the road where the special interest groups come to us in June, in July, in August during the appropriations cycle and say, just a little bit more here, another billion here, another billion there, a new entitlement; and we are going to have to have the discipline to say, no, we cannot do that.

Mr. HAYWORTH. Mr. Speaker, if the gentleman would yield, a point that I think is important here, and we would be less than candid with the American people, Mr. Speaker, if we did not take into account the cynicism, yes, even the skepticism that greets this agreement.

Indeed, this morning in the lead editorial of the Arizona Republic in my great State, there was voiced in the editorial some skepticism about the plan. But Mr. Speaker, as the American people join us tonight, I think it is important that they realize that the proof is in our most recent history, that with this Congress and the change in majority status here beginning in 1995 with the 104th Congress, the proof was in the pudding, the proof was in the actions.

For example, the elimination of almost 300 wasteful and duplicative government programs, in the process, a savings of some $53 to $54 billion. So my colleague from Georgia, Mr. KINGSTON, is correct; much remains to be done.

□ 2330

The other thing that makes this different, what was pointed out in the lead editorial of the Washington Times this morning, is that the loopholes are not there. Indeed, the challenge now becomes to craft a document, the details of which will be worked out, of course in consultation with the minority, but with the special philosophical underpinnings of our new majority in the Congress of the United States to adhere to a simple notion that is the following: This wealth does not belong to the Government, it belongs to the American people who voluntarily send their tax dollars to Washington.

It is our job to be a good steward of those tax dollars, and to make sure that we have a government that operates within sound fiscal bounds, and at the same time we do so on less of the people's money so that money stays in their pockets.

As the first Arizonan in history to sit on the Committee on Ways and Means, I look forward to a very busy time in the next several weeks as we work out the details of tax reductions in capital gains, perhaps the elimination, or certainly a drastically reduction in what we could more accurately call the death tax that my colleague from Pennsylvania talked about.

As we look at that $500 per child tax credit, so vital to American families who need to save, spend and invest more of their hard-earned money and send less of it here to Washington, that is the challenge before us, even as we work out the details, not with legislative loopholes or some sort of sleight of hand, but we get about the hard work of the details of governance, which is why we were sent here in the first place.

Mr. FOX of Pennsylvania. Will the gentleman yield?

Mr. HAYWORTH. Mr. Speaker, I gladly yield to my friend from Pennsylvania [Mr. Fox].

Mr. FOX of Pennsylvania. Mr. Chairman, we are very proud that the gentleman is on the Committee on Ways and Means so that he can exert his considerable leadership on some important reforms, not least of which would be to reform the IRS. Of all of the districts, for that matter Pennsylvania, my colleague knows the way the law is written today, the burden is on the taxpayer, that says that the taxpayer is presumed to be guilty that they did not file or that they did not remit correctly. And instead I think, and I think many of us do and our constituents back home think that burden of proof should be turned around.

Some of the abuses that have taken place to some of our constituents have to be addressed. And I hope that the Committee on Ways and Means, working on reforms to balance the budget and making sure we have bipartisan initiatives that help the people, will also look into how we can make that agency work more responsibly.

Mr. HAYWORTH. Mr. Speaker, I think that is a point well taken, and I would also add that let us give credit where credit is due. Indeed the leadership on this issue comes from both sides of the aisle. Our good friend from Ohio, [Mr. TRAFICANT], has been insistent on this type of legislation, and I do not think we can overstate this to the American people too emphatically.

As we know, and my colleague from Pennsylvania being a distinguished attorney, I do not hold that against him, but it has been a basic tenet of Western jurisprudence that the burden of proof does not rest with the accused; instead, with those who make the accusations. Yet, we have turned that in tax law to where it is completely reversed, and some would say that reverse indeed is a perversity of the system, for when one is called in and questioned about one's returns, the burden of proof falls not on the Internal Revenue Service, instead it falls on the accused taxpayer. Indeed, there is not the presumption of innocence; instead, there is a presumption of guilt.

So I salute my colleague from the other side of the aisle, the gentleman from Ohio [Mr. TRAFICANT], for being a leader on this issue. And I champion the fact that here again is another example, despite the tendencies and temptations of one-upsmanship and snappy rejoinders and spinarama that emanates out of Washington, DC, there are people of goodwill from both major political parties willing to put that aside and work for what is best for the American people.

Rest assured, there will be differences, and indeed we should champion those differences here in this, what one of our forebears called this temple of democracy. But with that in mind, let us work together to deal with reforming the IRS, changing the IRS as we know it, working hard to put money and allow American taxpayers to keep that money in their pocket and rein in the size and influence of this behemoth we now call the Federal Government. I know our colleague from New Jersey has thoughts on that as well.

Mr. PAPPAS. Mr. Speaker, I could not agree with the gentleman more. Earlier I was here standing in the well and talking about Tax Freedom Day. That is just a couple of days away, and each year it seems to go later and later and later. In my State it is May 11, whereas nationwide it is May 9. Some people in this Chamber and around the country feel that we cannot cut taxes and balance the budget at the same time. I am of the opinion that we can do both and I think that we do need to cut taxes to spur economic growth, but also to force us here in the Congress to reduce spending, and I think that that is the only way that we are going to be able to do that.

A lot of people that may be watching may be saying, what does balancing the budget do for me, and what does it do for my family? The Concord Coalition, which is a very well-respected organization, had done an analysis that I am sure in all congressional districts, but they did one for the 12th District of New Jersey, which I represent.

Their research showed that the average home in the 12th District of New Jersey, the central part of the State, costs approximately $205,200. If that were borrowed, 100 percent mortgage, which is unusual, if all of it were borrowed with 8 percent interest over a 30-year mortgage, the mortgage holder would pay $1,505.68 a month. A 2-percent reduction in interest rates on a 30-year mortgage, which Dr. Greenspan and so many economists around the country have said would result from a balanced budget, 2-percent reduction in interest rates over that 30-year period of time would result in a $1,230.28 payment, a savings of $275.40 a month. If that same mortgage holder, that same homeowner, that same family put that savings into a bank account earning 4.5 percent interest, a typical rate of return, over that same period of time, that would turn into $209,134.95. That is enough to buy another house, put a kid through college, put several kids through college.

Mr. HAYWORTH. I just want, for purposes of emphasis, to ask my colleague from New Jersey to read that total again, assuming the savings with a 2-percent reduction in interest rates. This is for an average family owning a home with a 30-year fixed mortgage in your district in New Jersey, what would that savings be?

Mr. PAPPAS. On a monthly basis, $275.40, and over a 30-year period at 4.5 percent interest, $209,134.95, a significant amount of money.

Mr. HAYWORTH. Indeed, and I think it is very important, Mr. Speaker as we are here, to thank the gentleman from New Jersey for giving us a tangible answer of why balancing the budget is so vitally important. This is not some sort of esoteric economic goal for its own sake. It is not the notion of in the realm of cosmic reality trying to put our house in order because of a love of symmetry.

The fact is, it can help families save more, invest more, plan for their own futures, and that is why it is vital. Every family in this Nation has an economic stake in seeing a balanced budget, not because of some far-flung concept, but because of the glaring realities of the challenges of life that they will confront as we prepare to move into the next century.

While there are some cynics who would say of economists, you could lay all economists end to end and still never reach a conclusion, we are compelled to take a look at the testimony of Dr. Greenspan when he testified in the 104th Congress in front of the Committee on the Budget and when he said he was absolutely convinced that a balanced budget would lead to a genuine reduction of up to 2 full percentage points in the prime interest rates.

Mr. KINGSTON. Mr. Speaker, it is interesting that we talk about this. If we think about the interest that we are spending right now, as the gentleman knows, the second largest expenditure in our national budget each year is interest on the $5.1 trillion national debt.

Now, we are not paying down the principal, we are only paying the interest. That interest costs a little over $600 per person. Middle class families, a family of four, is paying about $2,400 a year in taxes simply on the interest; $2400 a year would pay for several months' mortgage payments. It would pay for lots and lots of groceries, depending on how many kids one has. If one has teenagers one could probably count on it getting through the week or something like that. But it would pay for a nice vacation, it would pay for a secondhand car, or at least a good portion of it, and that would just be if one could get rid of that one item on the budget.

Now, what this is going to do is this is not going to pay off the debt, but what it will do is say that the debt is not going to get bigger so that interest portion will not get bigger and bigger every single year.

We still have lots of unfinished work, but what this does is it gives us a fighting chance, gives our children a fighting chance on that $5.1 trillion debt.

One of the definitions that I have read lately on $1 trillion is, if we had $65 million in a boxcar, how long would the train have to be with boxcars full of $65 million in order to equal to $1 trillion. If my colleagues want to guess, 240 miles long to get to $1 trillion, and our debt is $5 trillion. Every single school kid that gets on the steps of the Capitol or that we see in the rotunda is going to have to pay off that debt during their lifetime. It is the equivalent of taking our children out to eat, having a big meal and passing them the tab on the way out the door. It is not fair.

Mr. Speaker, this balanced budget agreement gives our children a fighting chance against that massive debt. So I think it is a step in the right direction, and it is the initial step.

Mr. PAPPAS. Mr. Speaker, if I could just mention, 240 miles, that is a little bit longer distance from my home in New Jersey to Washington, D.C. And every time I travel back and forth I will have to think about that and recognize that, when we look at the vast expense of our Nation, 240 miles is a relatively short period of time, but I travel it twice a week, and I will have to remember that. It is something very, very tangible that people can understand.

Kids born today have a $200,000 debt that they are responsible for.

Mr. KINGSTON. Mr. Speaker, it was $187,000 in the 104th Congress, the other gentleman will know.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman will yield, I think it is important to also note about this budget, not only are we going to have the tax reductions we talked about, a balanced budget that the gentleman from New Jersey [Mr. PAPPAS] has outlined which is very important, but we are also going to have additional educational assistance in this form of assistance with grants and loans so that every student has a chance to go to college. I think that is certainly the kind of bipartisan effort that this Congress has made with the White House in order to bring about a meaningful budget.

Mr. HAYWORTH. Mr. Speaker, I think that is a valuable note, but also I think the challenge is for us to find those good ideas to enact into law that can help empower educators on the local level, and I am glad my colleague from Pennsylvania, Mr. FOX, brought this up.

It will be my honor on Saturday to offer the commencement address at my alma mater. North Carolina State University was created in essence by an act of Congress. The Federal Land Grant Act in the 1860's, the Morrill land grant set aside federally controlled land to several States for the establishment of institutions of higher learning so that those citizens who, in the past had not had an opportunity for a college education, could receive an education.

□ 2345

I think it is vital, indeed, borne out of experience in the 104th Congress, to take a look, commensurate with our conservative principles of holding the line on spending, recognizing the power of the several States, realizing that education cannot be micromanaged from Washington, and mindful of that historic act I am going to present in the commencement address, and indeed, I have spoken with majority leadership both in the House and Senate, and the chairman of the committee of jurisdiction here in the House, what I would call the Federal Land Grant Act for Elementary and Secondary Schools here in the United States.

Let me tell the Members, it is borne of a practical experience in the 104th Congress. The small town of Alpine, AZ, almost located on the border of Arizona and New Mexico, was confronting a crisis because the tax base in that area has essentially been eviscerated through the actions of some Federal judges to stop timber harvests, and through several other actions, the tax base has shrunk.

At the same time, there is the challenge of holding the line, or perhaps even, candidly, a decrease in what we call in legislative parlance PILTS, payment in lieu of taxes, in so many areas that have vast Federal lands; that working with the people of Alpine, I was able to enact legislation in the closing days of the 104th Congress, with the help of my colleagues who were here at that point in time, to convey 30 acres of federally controlled land to the Alpine school district for a significant savings when it came to the construction of new school facilities.

To get that done, we had to follow almost, I would not call it a crazy quilt, but it was a path that is seldom followed to get this done. So it will be my intent, as I will outline in the commencement address on Saturday, to offer in this body the Federal Land Grant Act for Elementary and Secondary Schools, so those rural school districts from coast to coast will have an opportunity to save funds, to have land conveyed voluntarily at no cost to the Federal Government for those lands that are already held in trust by the United States for these local school districts; not to micromanage the curriculum from Washington, not to dictate the policies, what should go on in the classroom, but simply as another tool, commensurate with our constitutional authority, and also the examples of history, to empower people to make local decisions in areas as important as education.

Indeed, I am indebted, I am indebted to the people of Alpine, AZ, who stepped forward with a commonsense idea; and in so doing, yes, to help their local community, offered a prototype for other school systems around the country. I am indebted to my alma mater for an education that gives us a sense of history that can be applied to the problems we face today, and on into the next century.

So let us again call, mindful of our historical legacy, for this Federal land grant program for elementary and secondary schools, so that we can empower these local communities, who are desperately in need of holding onto their own funds. And it is that type of thinking, I would submit, Mr. Speaker, from people of good will of both sides of the aisle that can make a difference as we prepare for the next century.

Mr. KINGSTON. Mr. Speaker, I believe that the gentleman is correct in that we are going to move in that direction. I think we are going to find lots of ways to kind of creatively get out of the bureaucratic entanglement that so many of our communities have gotten into, and so many of these I would say disappointments which the government has caused to local economies and people and so forth.

The gentleman had mentioned some of the savings to the middle class through college education opportunities and so forth. One of the very practical and I hope immediate measures is this $500 per child tax credit that is in the budget. The gentleman from Pennsylvania [Mr. FOX] mentioned it earlier. It is something that American middle-class families need.

We talk so often about let us do something for the children. Why do we not just let the parents keep more of the money that they are earning and let them do that for the children? If you have a family of two, that is $1,000 a year that you can spend for groceries, for clothes, for textbooks, for whatever your child's needs are. That is something for the American middle class that is overdue to them.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman will continue to yield, I would like to take off on the point that our good friend, the gentleman from Arizona, just raised.

First of all, we appreciate the gentleman's leadership and creativity on educational initiatives, but we also agree that it is left to the States to determine when Federal money goes forward for transportation, for books or school lunch; that is where the 501 school districts in my own State of Pennsylvania would determine how that is used, and as the gentleman from New Jersey [Mr. PAPPAS] said earlier, the 600-plus school districts from his own State.

One of the things we can do with higher ed is restore the deductibility on higher education. When the employer provides an educational assistance, that should be a tax benefit for the employer and not make it a gift for the students, so there is a real incentive to do that higher ed. And also make deductibility for parents who provide the payments for college loans, to give them the tax credit, because these kinds of ideas are not Republican or Democrat, they are good for America.

So I think the gentleman's initiatives, the gentleman from Arizona [Mr. HAYWORTH], are certainly a step in looking at the Government and saying we do not have to do it the way we did yesterday, let us look at it differently; what can we do for our secondary education and our primary schools?

Mr. HAYWORTH. I am struck by the energy and the enthusiasm, the creativity of those who join us in this 105th Congress: our colleague, the gentleman from New Jersey [Mr. PAPPAS], and also one of your colleagues, the gentleman from Pennsylvania [Mr. PITTS], who outlined I think as a former school teacher really what I call the human equation when it comes to Federal dollars involved in education, as they exist today. Because our good friend, the gentleman from Pennsylvania, has come up with a notion of a resolution for dollars to the classroom, saying that henceforth it should be our goal to be mindful of the human equation; for the 6 to 8 percent of funding that the Federal Government supplies to school districts around the Nation, 90 percent of that money should get into the classroom to help teachers teach and help students learn, and 10 percent should be reserved for bureaucrats and buildings and the cost of administration, a 9 to 1 difference.

Because our initiative should be focused upon local control, upon sending those resources to where those resources can make the most difference, and, in the case of the proposed land grant legislation that I hope to introduce shortly, even finding ways where money does not have to be spent, per se, but we can use those historical examples that have served us well educationally in the past to offer hope for the future.

Mr. PAPPAS. Mr. Speaker, one of the things that we have not touched upon, and I know our time is just about up, I just wanted to mention, each of us have parents or grandparents who are dependent upon the Medicare program, and so many of our constituents. Certainly in portions of my district the senior citizen population is quite significant, and their needs are something that I have always tried to attend to.

Prior to my election to Congress I was a member of our county board of freeholders. One of my areas of responsibility was our county office on aging and the programs for our elderly citizens. That is a portion of our population that is growing at a greater rate than younger folks.

This agreement that we are all here to talk about and to help educate people in our country about, and I hope they are as excited about it as we are, one of the important parts of this is entitlement reform, and an effort to preserve Medicare beyond 2001 or 2002, when the trustees of the Medicare program have said it is going to go broke. It adds about 10 years to the life of that program.

I have a 94-year-old grandmother. We are going to be celebrating Mothers Day in just a few days. I am very fortunate to have her here and be able to celebrate that with her. People like her will benefit from it, and if I know her and the kind of shape that she is in come 10 years from now, she will probably be saying, make sure you do something about Medicare.

□ 2355

Mr. KINGSTON. Mr. Speaker, we have about a minute each to wrap up.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank the gentleman from Georgia [Mr. KINGSTON] for taking out this hour so we have a chance to discuss with our colleagues about the importance of balancing the budget, making sure that we move along in a bipartisan fashion. We are no longer having Government shutdowns. We are making sure that the country moves forward while still having fiscal responsibility, having educational opportunity, continuing environmental protection, but making sure that the American family has a chance to retain more and more of the money they earn and less of it going to Washington by regulation, less of it going to Washington in duplicative spending from the State government or the local government.

I think this is certainly an idea whose time has arrived in Washington, to balance our budget just like State governments do, just like county governments do and school governments. The American people have to balance their budget each week, and it is about time Congress put that interest payment off the American people and make sure we keep more money for them, for their own necessities of life, and not have Washington dictate to them how their money is spent.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Georgia for yielding to me and my colleagues from Pennsylvania and New Jersey for joining us tonight.

It is obvious to the American people, while challenges confront us in working out details and, indeed, some would say those details may from time to time bedevil us, we do have a basic blueprint for changing the culture in Washington, for taking a step, regardless of party label, to transfer money, power, and influence out of this city and back into the hands of the American people.

And with that and with the framework of this historic agreement, over a 10-year period of time, one-quarter of a trillion dollars in tax relief, in tax cuts for the American people, whether for job creation and economic expansion or with a drastic change to the unfair death tax or, importantly, early on now this $500 per child tax credit, governed by this simple notion: The money does not belong to the government. It belongs to the people, and the people should hang onto more of their own money to save, spend, and invest and send less of it here to this city.

Mr. PAPPAS. Mr. Speaker, I thank the gentleman from Georgia for initiating this and for allowing us to participate. The American people want us to balance the budget. That is why they sent the gentleman from New Jersey [Mr. PAPPAS], and I think that is why they sent each of my colleagues as well.

What excites me about this, besides that, we have real numbers that are going to bring this budget into balance by the year 2002, permanent tax relief; the estate tax reform that will allow so many family owned businesses and farms in districts such as mine to be able to be passed down from one generation to the next. There are so many people, men and women in our country and our districts that have worked all of their lives to build a business or to maintain a farm, to be able to pass that legacy on to their children.

Unfortunately, the existing Tax Code prevents many of those folks from passing something on to their children and then for them to pass it on to their grandchildren. I am excited and honored to be a part of this Congress that is going to enact that kind of significant and permanent tax relief for our citizens.

Mr. KINGSTON. Mr. Speaker, the gentleman from Pennsylvania [Mr. FOX], the gentleman from New Jersey [Mr. PAPPAS] and the gentleman from Arizona [Mr. HAYWORTH] and I close with this, I want to submit it for the RECORD also, an op-ed from the Washington Times by Tod Lindberg. He says:

> My rule of political progress goes something like this: First you lock in everything you can get; then you denounce it as grossly inadequate. If you get the order wrong, the perfect becomes the enemy of the good, and in an unholy alliance with the bad, the perfect crushes the good every time. Therefore, I like the budget deal. Can I imagine a better one? Very easily; but I have no particular reason to think that my musings are going to be enacted by Congress and signed by the President.

In short, the deal is the only game in town. What it leads us to, Mr. Speaker, is a smaller government, lower spending, lower taxes and a balanced budget and that, Mr. Speaker, is a very good start. Mr. Speaker, I include for the RECORD the editorial to which I referred:

[From the Washington Times, May 7, 1997]

THE ART OF THE BALANCED BUDGET DEAL

(By Tod Lindberg)

My rule of political progress (which is not original to me) goes something like this: First, you lock in everything you can get; then you denounce it as grossly inadequate. If you get the order wrong, the perfect becomes the enemy of the good—and in an unholy alliance with the bad, the perfect crushes the good every time.

Therefore, I like the budget deal. Can I imagine a better one? Very easily; but I have no particular reason to think my musings are going to be enacted by Congress and signed by the president into law any time soon. The deal is the only game in town.

The budget deal before us would: 1) balance the budget by 2002; 2) do so while cutting taxes. The past four years have seen a huge shift in the terms of the fiscal debate in this country: from whether to increase taxes or not in order to reduce the deficit en route to a balanced budget (the animating principle of the disastrous 1990 budget deal and President Clinton's 1993 deficit reduction package, which passed Congress without a single Republican vote), to whether to cut taxes or not while balancing the budget—two points the president is now prepared to support. This deal codifies the latter two in law; to me, this is progress.

I'll leave the liberal arguments against the deal to the other side. But here are some notes on some of the conservative arguments against it.

It allows discretionary spending to grow. So it does, and that is not desirable. But there are now caps, and the caps prevent domestic spending growth from even keeping pace with inflation. That means real declines over time.

The spending caps become floors. They may; the task of fiscally conservative members of Congress will be to keep making the case that these caps are too high—against liberals who will say they are too low. But the conservatives would have had to make exactly the same case in the absence of this deal, too.

The reforms in Medicare are just price controls. Actually, so's the current system; nothing new there. We still need Medical Savings Accounts in Medicare and elsewhere. But surely there are some savings that can be extracted from the current system short of MSAs. Now we will see.

The deal doesn't reform Medicaid significantly. True; but this is a GOP problem as well as a Democratic problem. Governors from both parties hated the per-head caps that were under discussion. Medicaid needs reform no less (but no more) than it did before the deal.

The tax cut is small. Yep. But it's a tax cut, one that will apparently include a reduction in the capital gains rate from its current level (which is where it was when Jimmy Carter left office). The per-child tax credit, though not meaningful in terms of promoting economic growth, will mean a lot to the middle-income families who qualify for it. As for Mr. Clinton's favored college tuition tax credits, they are merely foolish, not dangerous. And none of the other tax cuts happens without his signature.

It enshrines government in its current bloated size and scope. Some folks seem to think that this is the end of politics for the duration of the agreement. That's simply wrong. The problem is that Republicans weren't able to articulate their thoughts on the size and scope of government in a fashion that voters found so compelling they were willing to turn over both the legislative and executive branches to the GOP. Conservatives will not be hindered in making that case by an agreement that says government will live within its means while cutting taxes.

It's "balanced-budget liberalism." I don't think there is such a thing as balanced-budget liberalism. If the budget is balanced, liberalism has mutated into a less virulent species—by moving to the right. I think that merely shifts the center to the right, which is to the advantage of conservatives.

It relied on a $225 billion cash infusion thanks to new revenue estimates. Less than people think. Of that $225, about $108 billion went toward inserting (tougher) CBO revenue projections. That's not spending. About $20 billion of it went toward avoiding a legislative fix of the consumer price index, leaving a smaller fix possible under current law in the hands of the Bureau of Labor Statistics (I'd like to see CPI fixed altogether, but in the context of tax relief). About $10 billion went to keep from fixing Medicaid, and (yippee) we get $7 billion more in transportation. Bike paths for everybody! That leaves $80 billion—a nice insurance policy.

Defense is getting cut too much. Yes. But the sentiment to increase it is not yet there. Proponents will need to make the case more urgently.

Mr. Clinton will be weaker, and the deal terms will be better, as the scandals unfold in the summer. Oh, promise me. Anyway, if that's true, Republicans ought to take the occasion then to stuff something down his throat he hasn't swallowed here. MSAs, maybe?

Birth of an entitlement: KiddieCare. Yes, that's quite bad. No point in pretending otherwise. Question: If there is no deal, can it be stopped? And does it really trump a balanced budget with tax cuts?

Perfect? Hardly. Progress? Definitely. After all, Rome wasn't burned in a day.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. YATES (at the request of Mr. GEPHARDT) for today, Wednesday, May 7, after 7:30 p.m., on account of illness.

Mr. FILNER (at the request of Mr. GEPHARDT) after 3:30 p.m. today, and Thursday, May 8, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. McINNIS) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, on May 14.

Mr. BOB SCHAFFER of Colorado, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. SHAYS, for 5 minutes, today.

Mr. PAPPAS, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Mr. HANSEN, for 5 minutes, on May 8.

Mr. McINNIS, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at the request of Mr. STUPAK) to revise and extend her remarks and include extraneous material:)

Mrs. KENNELLY of Connecticut, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. McINNIS to revise and extend their remarks and include extraneous material:)

Mr. ROGAN.
Mr. EVERETT.
Mr. BONO.
Mr. GREENWOOD.
Mr. JENKINS.
Mr. GILMAN.
Mr. McCOLLUM.
Mr. EWING.
Mr. HOSTETTLER.
Mr. MANZULLO.

(The following Members (at the request of Mr. STUPAK to revise and extend their remarks and include extraneous material:)

Mr. KUCINICH.
Mr. KENNEDY of Rhode Island.
Mr. BOYD.
Mr. FAZIO of California.
Mr. HAMILTON.
Mr. STARK.
Mr. TRAFICANT.
Mr. WAXMAN.
Mr. KENNEDY of Massachusetts.
Ms. CARSON.
Ms. JACKSON-LEE of Texas.
Mr. McGOVERN.
Mr. POSHARD.
Mr. TORRES.
Ms. SLAUGHTER.
Mr. BENTSEN.
Mr. ACKERMAN.
Mr. WISE.
Mr. LEVIN.
Mr. LaFALCE.
Mr. HINCHEY.
Mr. GEJDENSON.
Ms. EDDIE BERNICE JOHNSON of Texas.
Mr. ENGEL.
Mr. LANTOS.
Mr. GUTIERREZ.
Ms. PELOSI.
Mr. FORD.
Mr. COYNE.
Mr. KLINK.
Mr. RUSH.

ADJOURNMENT

Mr. HAYWORTH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 midnight), the House adjourned until tomorrow, Thursday, May 8, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3153. A letter from the Administrator, Cooperative State Research, Education, and Extension Service, transmitting the Service's final rule—Small Business Innovative Research Grants Program; Administrative Provisions [7 CFR Part 3403] (RIN: 0524–AA08) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3154. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize debt buybacks and sales for debt swaps of certain outstanding concessional obligations under title I, Agricultural Trade Development and Assistance Act, pursuant to 31 U.S.C. 1110; to the Committee on Agriculture.

3155. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Paraquat; Pesticide Tolerances for Emergency Exemptions [OPP–300479; FRL–5713–2] (RIN: 2070–AB78) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3156. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerances for Emergency Exemptions [OPP–300481; FRL–5713–6] (RIN: 2070–AB78) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3157. A letter from the General Counsel, Department of the Navy, transmitting a draft of proposed legislation to waive certain provisions of title 10, United States Code, relating to the appointment of the Chief of Chaplains of the U.S. Navy; to the Committee on National Security.

3158. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize debt paybacks and sales for debt swaps of certain outstanding concessional obligations under the Foreign Assistance Act of 1961, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

3159. A letter from the General Counsel, Department of the Treasury, transmitting a draft of proposed legislation to authorize debt relief for poor countries, pursuant to 31 U.S.C. 1110; to the Committee on International Relations.

3160. A letter from the General Counsel, Department of the Treasury, transmitting the Department's final rule—Maintenance of and Access to Records Pertaining to Individuals [49 CFR Part 10] (RIN: 2105–AC57) received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3161. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Intergovernmental Personnel Act Mobility Program [5 CFR Part 334] (RIN: 3206–AG61) received April 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3162. A letter from the Acting Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic; Catch Specifications [Docket No. 961204340–7087–02; I.D. 110196D] (RIN: 0648–AI13) received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3163. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Reductions [Docket No. 961227373–6373–01; I.D. 042397A] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3164. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast and Western Pacific States; West Coast Salmon Fisheries; 1997 Management Measures [Docket No. 970429101–7101–01; I.D. 042497B] (RIN: 0648–AJ09) received May 7, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3165. A letter from the Acting General Counsel, Department of Justice, transmitting the Department's final rule—FY 1996 Police Corps Program (Office of Community Oriented Policing Services) [28 CFR Part 92] (RIN: 1105–AA47) received May 1, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3166. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act; Validity of Nonimmigrant Visas (Bureau of Consular Affairs) [Public Notice 2536] received April 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3167. A letter from the Assistant Secretary of the Army (Civil Works), the Department of the Army, transmitting a report on the food damage reduction project for Las Cruces, NM, pursuant to Public Law 104–303, section 101(a)(20) (110 Stat. 3665) (H. Doc. No. 105–81); to the Committee on Transportation and Infrastructure and ordered to be printed.

3168. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AeroSpace Technologies of Australia Limited (formerly Government Aircraft Factories), Nomad Models N22S, N22B, and N24A Airplanes (Federal Aviation Administration) [Docket No. 95–CE–31–AD; Amdt. 39–10004; AD 97–09–08] (RIN: 2120–AA64) received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3169. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Classified Information: Revision [Docket No. OST–96–1427] (RIN: 2105–AC51) received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3170. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Goffs, CA (Federal Aviation Administration) [Airspace Docket No. 97–AWP–7] (RIN: 2120–AA66) received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3171. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Fees for Air Traffic Services for Certain Flights Through U.S.—Controlled Airspace; Technical Amendments (Federal Aviation Administration) [Docket No. 28860; Amendment No. 187–8] (RIN: 2120–AG17) received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3172. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D Airspace; Dallas Addison Airport, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–34] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3173. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Killeen, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–35] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3174. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Weslaco, TX (Federal Aviation Administration) [Airspace Docket No. 96–ASW–36] received May 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3175. A letter from the Chief Counsel, Bureau of Public Debt, transmitting the Bureau's final rule—Offering of United States Savings Bonds, Series EE [Department of the Treasury Circular, Public Debt Series No. 1–80] received May 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3176. A letter from the Assistant Commissioner (Examination), Internal Revenue Service, transmitting the Service's final rule—Mining Industry Excess Moisture [Coordinated Issue] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3177. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Long-Term Care Services and Insurance [Notice 97–31] received May 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

3178. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to authorize certain programs of the Federal Aviation Administration, and for other purposes, pursuant to 31 U.S.C. 1110; jointly, to the Committees on Transportation and Infrastructure and Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER. Committee on Transportation and Infrastructure. House Concurrent Resolution 49. Resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby (Rept. 105–90). Referred to the House Calendar.

Mr. SHUSTER. Committee on Transportation and Infrastructure. House Concurrent Resolution 66. Resolution authorizing the use of the Capitol Grounds for the 16th annual National Peace Officers' Memorial Service (Rept. 105–91). Referred to the House Calendar.

Mr. SHUSTER. Committee on Transportation and Infrastructure. House Concurrent Resolution 67. Resolution authorizing the 1997 Special Olympics Torch Relay to be run through the Capitol Grounds (Rept. 105-92). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BONO (for himself and Mr. GOODE):

H.R. 1542. A bill to provide certain immunities from civil liability for trade and professional associations; to the Committee on the Judiciary.

By Mr. DELLUMS:

H.R. 1543. A bill to amend the Immigration and Nationality Act to permit certain nonimmigrant aliens to study in publicly funded adult education programs if the alien provides reimbursement for such study; to the Committee on the Judiciary.

By Mr. GEKAS (for himself and Mr. FRANK of Massachusetts):

H.R. 1544. A bill to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits; to the Committee on the Judiciary.

By Mr. GUTIERREZ:

H.R. 1545. A bill to amend the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to eliminate the numerical limitations relating to cancellations of removal and suspensions of deportation; to the Committee on the Judiciary.

By Mr. HAMILTON (for himself and Mr. COMBEST):

H.R. 1546. A bill to provide for a system to classify information in the interests of national security and a system to declassify such information; to the Committee on Government Reform and Oversight, and in addition to the Committee on Intelligence (Permanent Select), and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HEFLEY:

H.R. 1547. A bill to provide for notification regarding crimes committed by diplomats; to the Committee on International Relations.

By Mr. PORTER:

H.R. 1548. A bill to suspend until January 1, 2001, the duty on Diiodomethyl-p-tolylsulfone; to the Committee on Ways and Means.

By Mr. RAMSTAD (for himself, Mr. KLECZKA, Mrs. EMERSON, Mr. CAMPBELL, Mr. CASTLE, Mr. DAVIS of Virginia, Mr. EHLERS, Mr. FROST, Mr. GILCHREST, Mrs. JOHNSON of Connecticut, Mr. KLUG, Mr. LAZIO of New York, Mr. MCNULTY, Mr. NETHERCUTT, Mr. WALSH, Mr. WAMP, and Mr. WOLF):

H.R. 1549. A bill to establish a commission to be known as the Harold Hughes-Bill Emerson Commission on Alcoholism; to the Committee on Commerce.

By Mr. SCARBOROUGH (for himself, Mr. HOSTETTLER, Mr. TRAFICANT, Mr. KING of New York, Mr. CUNNINGHAM, Mr. WATTS of Oklahoma, Mr. SOUDER, Mr. HASTINGS of Washington, Mr. KIND of Wisconsin, and Mr. NEY):

H.R. 1550. A bill to provide for the withdrawal of most-favored-nation status from Iran, Iraq, Libya, and Syria, and to provide for the restoration of such status with respect to Syria if the President determines that Syria is participating in the Middle East peace process in good faith; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 1551. A bill to amend title 23, United States Code, to ensure that local officials are permitted to participate in the selection of certain surface transportation program projects undertaken in areas of less than 50,000 population, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. HEFLEY:

H.J. Res. 77. Joint resolution proposing an amendment to the Constitution of the United States to provide that Federal judges be reconfirmed by the Senate every 10 years; to the Committee on the Judiciary.

By Mr. BARCIA of Michigan (for himself, Mrs. KELLY, Mr. BAKER, Mr. BILIRAKIS, Mr. BOSWELL, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Mr. CAMP, Mr. COBLE, Mr. COSTELLO, Mr. CRAMER, Mr. DAVIS of Florida, Mr. DAVIS of Virginia, Mr. DINGELL, Mr. DOOLEY of California, Mr. EDWARDS, Mr. EHLERS, Mr. EVANS, Mr. FAZIO of California, Mrs. FOWLER, Mr. FROST, Mr. GILMAN, Mr. GOODE, Mr. HAYWORTH, Mr. HOEKSTRA, Mr. HYDE, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KING of New York, Mr. KLECZKA, Ms. KILPATRICK, Mr. KNOLLENBERG, Mr. LEVIN, Mr. LIPINSKI, Mr. LUTHER, Mr. MCHALE, Mr. MICA, Ms. MOLINARI, Mr. PASTOR, Mr. PRICE of North Carolina, Mr. QUINN, Mr. RAMSTAD, Mr. ROHRABACHER, Mr. ROTHMAN, Mr. ADAM SMITH of Washington, Mr. SMITH of Michigan, Ms. STABENOW, Mr. STUPAK, Mr. TANNER, Mrs. TAUSCHER, Mrs. THURMAN, Mr. UPTON, Mr. WALSH, Mr. WELDON of Florida, and Mr. WELLER):

H. Con. Res 75. Concurrent resolution expressing the sense of the Congress that States should work more aggressively to attack the problem of violent crimes committed by repeat offenders and criminals serving abbreviated sentences; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. BOUCHER, Mr. FROST, and Mrs. CLAYTON):

H. Con. Res. 76. Concurrent resolution expressing the sense of the Congress that any capital gains exclusion on the transfer of a primary residence enacted by the 105th Congress should take effect on January 1, 1997; to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

60. By the SPEAKER: Memorial of the Legislature of the State of Oklahoma, relative to House Concurrent Resolution No. 1013 memorializing Congress to request the Secretary of the U.S. Department of Agriculture to take certain action regarding the Export Enhancement Program; and directing distribution; to the Committee on Agriculture.

61. Also, memorial of the Legislature of the State of Washington, relative to Senate Joint Resolution No. 8008 memorializing the Congress of the United States to enact appropriate legislation to retain the battleship U.S.S. *Missouri* (BB 63) at a selected site on the mainland; to the Committee on National Security.

62. Also, memorial of the Legislature of the State of Hawaii, relative to House Concurrent Resolution No. 107HD1 urging the U.S. Congress to proceed with the funding of the new carrier known as CVN-77, and homeporting the ship at Pearl Harbor; to the Committee on National Security.

63. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to a Senate resolution memorializing the Secretary of the U.S. Treasury to prevent Government subsidized foreign competition in the production of U.S. currency paper; to the Committee on Banking and Financial Services.

64. Also, memorial of the Legislature of the State of Montana, relative to House Joint Resolution 18 urging Congress to enact legislation to revise the process by which new drugs, biological products, and medical devices are approved by the U.S. Food and Drug Administration; to the Committee on Commerce.

65. Also, memorial of the House of Representatives of the State of Alabama, relative to House Resolution 288 urging the U.S. Environmental Protection Agency to reaffirm the existing air quality standards for ozone and particulate matter; to the Committee on Commerce.

66. Also, memorial of the Senate of the State of Hawaii, relative to Senate Resolution No. 42 urging the Congress of the United States to prohibit the participation of American corporations in the deforestation of tropical rainforests; to the Committee on Commerce.

67. Also, memorial of the Legislature of the State of Washington, relative to House Joint Resolution 4005 requesting that, except for needed buffer zones, the present boundaries of the Department of Energy's Hanford control zone on the Wahluke Slope be reduced to the areas south of the Columbia River and that the Wahluke Slope presently under the custody and control of the Department of energy be transferred in total to the counties of Grant, Franklin, and Adams for the purpose of returning the land to its former agricultural use; to the Committee on Commerce.

68. Also, memorial of the Senate of the State of Georgia, relative to Senate Resolution 205 urging the President and Congress of the United States to support the admission of the Republic of Poland to the North Atlantic Treaty Organization; to the Committee on International Relations.

69. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 415 memorializing the Congress of the United States to direct the General Accounting Office to update its 1987 report on Federal grant-in-aid formulas; to the Committee on Government Reform and Oversight.

70. Also, memorial of the Legislature of the State of New Mexico, relative to Senate Joint Memorial 26 requesting the Congress of the United States to support H.R. 260 before Congress to create a Guadalupe-Hidalgo Treaty Land Claims Commission; to the Committee on Resources.

71. Also, memorial of the Senate of the Commonwealth of the Mariana Islands, relative to Senate Resolution No. 10-32 expressing support for Guam's quest for Commonwealth status; to the Committee on Resources.

72. Also, memorial of the General Assembly of the State of Nevada, relative to Assembly Joint Resolution No. 2 urging Congress to amend the Recreation and Public

Purposes Act or to enact other legislation to facilitate the use of Federal land for affordable housing; to the Committee on Resources.

73. Also, memorial of the General Assembly of the State of Rhode Island, relative to a Senate resolution memorializing Congress to enact a constitutional amendment protecting the Nation's natural resources; to the Committee on the Judiciary.

74. Also, memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 38 urging the Congress of the United States to support the passage of the Streamlined Transportation Efficiency Program for the 21st Century [STEP 21]; to the Committee on Transportation and Infrastructure.

75. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 571 memorializing the President and Congress of the United States to provide full Federal funding to replace the Woodrow Wilson Bridge, its interchanges and approaches; to the Committee on Transportation and Infrastructure.

76. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 495 memorializing Congress to reauthorize the Federal Surface Transportation Program by replacing outdated formulas with factors reflecting use, such as those identified in STEP 21; providing better equity in the distribution of highway funds to States; and authorizing funding for multimodal transit services and highways; to the Committee on Transportation and Infrastructure.

77. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 401 memorializing the Congress of the United States to authorize and fund the construction of a veterans' medical facility in northern Virginia; to the Committee on Veterans' Affairs.

78. Also, memorial of the Senate of the Commonwealth of Massachusetts, relative to a Senate resolution memorializing Congress and the President of the United States to reject proposals to consolidate and close veterans hospitals; to the Committee on Veterans' Affairs.

79. Also, memorial of the General Assembly of the Commonwealth of Virginia, relative to House Joint Resolution No. 618 memorializing the Congress of the United States to continue the Low Income Housing Tax Credit Program; to the Committee on Ways and Means.

80. Also, memorial of the Legislature of the State of Oklahoma, relative to House Concurrent Resolution No. 1010 encouraging the U.S. Congress not to repeal certain tax incentives on former Indian reservations; encouraging Congress to request the Internal Revenue Service to recognize and comply with certain Federal law and issue certain ruling; and providing for distribution; to the Committee on Ways and Means.

81. Also, memorial of the Senate of the State of Georgia, relative to Senate Resolution 387 strongly urging the United States Congress and the United States International Trade Representative to recognize the economic and environmental benefits of Georgia's magnificent forest resources, strongly urging that the Congress and the United States Trade Representative not rescind the international trade agreement limiting the amount of subsidized Canadian lumber imported duty-free into the United States; to the Committee on Ways and Means.

82. Also, memorial of the House of Representatives of the State of Georgia, relative to House Resolution No. 360 requesting the U.S. Congress to authorize through legislation one or more State pilot projects to ascertain the feasibility of devolving the unemployment insurance system back to State control; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. YOUNG of Florida introduced a bill (H.R. 1552) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Blue Hawaii;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 4: Mrs. NORTHUP, Mr. BERRY, Mr. RUSH, Mr. DAVIS of Illinois, Ms. HOOLEY of Oregon, Mr. MALONEY of Connecticut, Mr. CANNON, Ms. RIVERS, Mr. ADAM SMITH of Washington, Ms. LOFGREN, and Mr. ROGAN.

H.R. 18: Mr. SNOWBARGER, Mr. HINCHEY, Mr. ENGEL, and Mr. LEACH.

H.R. 58: Mr. LEWIS of California, Mr. HOEKSTRA, and Mr. WICKER.

H.R. 96: Mr. GOODLING and Mr. MCHALE.

H.R. 108: Mr. FILNER, Ms. LOFGREN, Ms. HOOLEY of Oregon, and Mr. ROTHMAN.

H.R. 135: Ms. KILPATRICK, Mr. MARTINEZ, Mr. BLAGOJEVICH, Mr. DOYLE, Mr. BARCIA of Michigan, Mr. MCINTYRE, and Mr. TRAFICANT.

H.R. 144: Mr. SMITH of New Jersey and Mrs. NORTHUP.

H.R. 146: Mr. PARKER and Mr. BURR of North Carolina.

H.R. 209: Mr. FALEOMAVAEGA and Mr. LIPINSKI.

H.R. 339: Mr. ADERHOLT.

H.R. 366: Mr. DAVIS of Illinois.

H.R. 382: Mr. ENGEL.

H.R. 383: Mr. FRELINGHUYSEN and Mr. ENGEL.

H.R. 407: Mr. EDWARDS, Ms. VELÁZQUEZ, Ms. STABENOW, Mr. ENGEL, and Mrs. JOHNSON of Connecticut.

H.R. 418: Mr. RILEY and Mr. PASCRELL.

H.R. 446: Mr. SAWYER.

H.R. 457: Mr. KOLBE.

H.R. 475: Mr. COSTELLO, Mr. SISISKY, Mr. PASCRELL, and Mr. LUCAS of Oklahoma.

H.R. 483: Mr. TORRES and Mr. COYNE.

H.R. 500: Mr. HINCHEY and Mr. PAPPAS.

H.R. 519: Ms. CARSON and Mr. HALL of Texas.

H.R. 543: Mr. DAVIS of Illinois, Ms. PRYCE of Ohio, Mr. HOSTETTLER, Mr. PACKARD, Mr. ROTHMAN, Mr. WHITFIELD, Mr. YOUNG of Florida, and Mr. BERMAN.

H.R. 551: Mr. BORSKI.

H.R. 586: Ms. BROWN of Florida, Ms. STABENOW, and Mr. WATTS of Oklahoma.

H.R. 589: Mr. ROHRABACHER.

H.R. 622: Mr. COBLE.

H.R. 630: Mr. RIGGS, Mr. FARR of California, Mr. HORN, and Mr. MILLER of California.

H.R. 695: Mr. MORAN of Virginia, Mr. GALLEGLY, and Mr. CAMP.

H.R. 754: Mr. TORRES.

H.R. 790: Mr. LUCAS of Oklahoma.

H.R. 814: Ms. BROWN of Florida.

H.R. 816: Mr. GREENWOOD.

H.R. 857: Ms. CHRISTIAN-GREEN and Mr. SNOWBARGER.

H.R. 922: Mr. WELDON of Florida.

H.R. 923: Mr. WELDON of Florida.

H.R. 953: Mrs. LOWEY.

H.R. 965: Mr. WHITE.

H.R. 970: Mr. KIM, Mr. COOKSEY, Mr. LUCAS of Oklahoma, and Mr. BURTON of Indiana.

H.R. 991: Mr. SANDLIN, Mr. PASCRELL, and Mr. BOSWELL.

H.R. 1015: Mr. TIERNEY, Mr. OLVER, and Mr. MCGOVERN.

H.R. 1050: Ms. CHRISTIAN-GREEN.

H.R. 1061: Mr. MCHUGH and Mr. MCDADE.

H.R. 1076: Mr. ENGEL.

H.R. 1101: Mr. HORN.

H.R. 1134: Mr. PETERSON of Minnesota.

H.R. 1145: Ms. DANNER, Mr. ROYCE, Mr. BACHUS, Mr. SESSIONS, Mr. SOUDER, Mr. SNOWBARGER, Mr. COMBEST, Mr. RYUN, Mr. PAUL, Mr. BRYANT, Mr. CALLAHAN, Mr. WATTS of Oklahoma, Mr. CLEMENT, Mr. WATKINS, and Mr. BARR of Georgia.

H.R. 1168: Mr. LAHOOD, Mr. NETHERCUTT, Mrs. EMERSON, Mr. WICKER, Mr. MCHUGH, Mr. SESSIONS, Mr. BLUNT, Mr. BARRETT of Nebraska, Mr. EDWARDS, Mr. HILL, Mr. GILLMOR, Mr. BARTLETT of Maryland, Mr. HOBSON, Mr. SISISKY, Mr. TALENT, Mrs. NORTHUP, Mr. PAXON, Mr. HOLDEN, and Mr. COMBEST.

H.R. 1172: Mr. BILIRAKIS, Mr. MCINTOSH, Mrs. MYRICK, Mr. SHAW, Mr. SHAYS, and Mr. STEARNS.

H.R. 1203: Mr. KIM.

H.R. 1231: Mr. BEREUTER and Mr. FRANK of Massachusetts.

H.R. 1232: Mr. BROWN of California, Ms. ROS-LEHTINEN, and Mr. GALLEGLY.

H.R. 1241: Mr. TURNER, Mr. CONDIT, Mr. BLUMENAUER, and Mr. RIGGS.

H.R. 1245: Ms. RIVERS.

H.R. 1266: Mr. SOLOMON and Mr. SENSENBRENNER.

H.R. 1279: Mr. TOWNS, Mr. DUNCAN, Mr. WATTS of Oklahoma, Mr. PACKARD, Mr. CLEMENT, Mr. FOX of Pennsylvania, Mr. PORTER, and Ms. DANNER.

H.R. 1281: Mr. CONYERS, Mr. SKAGGS, Mr. JACKSON, Ms. KAPTUR, Mr. ABERCROMBIE, Mr. PALLONE, Mr. NADLER, Mr. CLAY, Mr. YATES, Mr. KLECZKA, Mr. MCNULTY, Mr. DINGELL, Mr. MILLER of California, Mr. DELLUMS, Mr. CAMPBELL, Mr. HALL of Ohio, Mr. STUPAK, Mr. SABO, Mr. CONDIT, Mr. PASTOR, Mr. EVANS, Mr. HILLIARD, Ms. LOFGREN, Mr. GONZALEZ, and Mr. SAWYER.

H.R. 1321: Mr. BARRETT of Wisconsin.

H.R. 1323: Mr. MCGOVERN.

H.R. 1329: Mr. DELLUMS, Mr. MEEHAN, Mr. FROST, and Mr. DEFAZIO.

H.R. 1335: Mr. BURTON of Indiana, Ms. CARSON, Mr. CLEMENT, Mr. FATTAH, Mr. FOX of Pennsylvania, Mr. GUTIERREZ, Mr. NEY, Mr. RANGEL, Ms. RIVERS, and Ms. WATERS.

H.R. 1348: Mr. DICKEY, Mr. COBURN, Mr. HOSTETTLER, Mr. HILLEARY, Mr. PITTS, Mr. SNOWBARGER, Mr. DOOLITTLE, Mr. BURTON of Indiana, Mr. GRAHAM, Mr. NORWOOD, Mrs. CUBIN, Mr. SAXTON, Mr. RADANOVICH, and Mr. THORNBERRY.

H.R. 1350: Mr. CAMP.

H.R. 1353: Ms. HOOLEY of Oregon and Mr. MEEHAN.

H.R. 1401: Mr. LEWIS of Georgia and Mrs. TAUSCHER.

H.R. 1415: Mr. RAHALL, Mr. DOOLITTLE, Mr. TURNER, Mr. BOUCHER, Mr. SALMON, and Mr. LIPINSKI.

H.R. 1418: Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. LAFALCE, Ms. LOFGREN, and Mr. QUINN.

H.R. 1427: Mr. BROWN of California.

H.R. 1438: Mrs. MALONEY of New York, Ms. DELAURO, Mr. GEJDENSON, and Mr. CONYERS.

H.R. 1445: Mr. MEEHAN, Mr. FRANK of Massachusetts, Mr. FILNER, Mr. LAFALCE, and Ms. LOFGREN.

H.R. 1474: Mr. MARTINEZ.

H.R. 1475: Mr. HOSTETTLER.

H.R. 1480: Mr. FROST and Mr. ETHERIDGE.

H.R. 1492: Mr. GOODLATTE.

H.R. 1503: Mr. TALENT, Mr. DAVIS of Virginia, Mr. ENGLISH of Pennsylvania, and Mr. MCINTOSH.

H.R. 1507: Mr. SPRATT, Mr. DELLUMS, Mrs. MALONEY of New York, Mr. FILNER, Mr. BROWN of California, Mrs. MEEK of Florida, and Ms. ROYBAL-ALLARD.

H.J. Res. 26: Mr. GOODLATTE.

H.J. Res. 54: Mr. CAMPBELL and Mr. MCINTYRE.

H.J. Res. 72: Mr. MEEHAN, Mr. ROYCE, Mr. DUNCAN, Mrs. NORTHUP, Mr. TALENT, and Mr. ENGLISH of Pennsylvania.

H.J. Res. 75: Mr. FRELINGHUYSEN, Mr. MASCARA, Mr. CAMPBELL, Ms. SANCHEZ, Mr. EHRLICH, Mr. FROST, Mr. LIPINSKI, Ms. CHRISTIAN-GREEN, Mr. PORTER, Mr. BROWN of Ohio, Mr. DAVIS of Virginia, Mr. BOEHNER, Mr. WHITFIELD, Mr. RADANOVICH, Mr. LATHAM, Mr. HERGER, Mr. HASTINGS of Washington, Mr. BONILLA, and Mr. RYUN.

H.Con. Res. 13: Mr. POMEROY, Mr. EVERETT, Mr. MOLLOHAN, Mr. KLINK, Mr. NEAL of Massachusetts, and Mr. LEWIS of California.

H. Con. Res. 35: Mr. COBURN.

H.Con. Res. 48: Mr. CALLAHAN.

H. Con. Res. 55: Mr. HINCHEY, Mr. VISCLOSKY, Mr. PORTER, and Mr. PAPPAS.

H. Con. Res. 60: Mr. DAN SCHAEFER of Colorado, Mr. LAMPSON, Mr. MCINNIS, Mr. MCNULTY, Mr. MCGOVERN, Mr. ADERHOLT, Mr. PORTER, Mrs. NORTHUP, and Mr. JEFFERSON.

H. Con. Res. 64: Mr. PARKER.

H. Con. Res. 65: Mr. LIPINSKI, Ms. DUNN of Washington, Mr. GILMAN, Mrs. MINK of Hawaii, Mr. TIERNEY, Mr. ROTHMAN, Mr. GREEN, Mr. SCARBOROUGH, Mr. FILNER, Ms. KAPTUR, and Mr. DELAHUNT.

H. Con. Res. 68: Mr. LIPINSKI.

H. Res. 23: Mr. HORN, Mr. ENGLISH of Pennsylvania, and Mr. HILL.

H. Res. 104: Mr. MCGOVERN.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of Rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 900: Mr. TRAFICANT.

H.R. 991: Mr. SALMON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

10. By the SPEAKER: Petition of the Maryland Student Legislature, relative to a resolution concerning the indefinite extension of the Voting Rights Act; to the Committee on the Judiciary.

11. Also, petition of the city of Sonoma, CA, relative to Resolution 20–1997 requesting the 105th Congress to reauthorize Federal funding from section 8 of the Intermodal Surface Transportation Efficiency Act [ISTEA]; to the Committee on Transportation and Infrastructure.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2

OFFERED BY MR. NADLER

AMENDMENT NO. 52: Page 335, after line 6, insert the following new section:

SEC. 709. TRANSFER OF SURPLUS REAL PROPERTY FOR PROVIDING HOUSING FOR LOW- AND MODERATE-INCOME FAMILIES.

(a) IN GENERAL.—Notwithstanding any other provision of law (including the Federal Property and Administrative Services Act of 1949), the property known as 252 Seventh Avenue in New York County, New York is authorized to be conveyed under a public benefit discount to a non-profit organization that has among its purposes providing housing for low-income individuals or families provided, that such property is determined by the Administrator of General Services to be surplus to the needs of the government and provided it is determined by the Secretary of Housing and Urban Development that such property will be used by such nonprofit organization to provide housing for low- and moderate-income families or individuals.

(b)(1) PUBLIC BENEFIT DISCOUNT.—The amount of the public benefit discount available under this section shall be 75 percent of the estimated fair market value of the property, except that the Secretary may discount by a greater percentage if the Secretary, in consultation with the Administrator, determines that a higher percentage is justified due to any benefit which will accrue to the United States from the use of such property for the public purpose of providing low- and moderate-income housing.

(2) REVERTER.—The Administrator shall require that the property be used for at least 30 years for the public purpose for which it was originally conveyed, or such longer period of time as the Administrator feels necessary, to protect the Federal interest and to promote the public purpose. If this condition is not met, the property shall revert to the United States.

(3) DETERMINATION OF FAIR MARKET VALUE.—The Administrator shall determine estimated fair market value in accordance with Federal appraisal standards and procedures.

(4) DEPOSIT OF PROCEEDS.—The Administrator of General Services shall deposit any proceeds received under this subsection in the special account established pursuant to section 204(h)(2) of the Federal Property and Administrative Services Act of 1949.

(5) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States and to accomplish a public purpose.

EXTENSIONS OF REMARKS

CONGRATULATIONS TO CONGREGATION OF ST. JOHN'S LUTHERAN CHURCH ON THEIR 125TH ANNIVERSARY

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. EWING. Mr. Speaker, I wish to take this opportunity to offer my congratulations and commendation to the people of St. John's Lutheran Church in Bloomington, IL. During 1997 the congregation is celebrating its 125th anniversary.

St. John's has been a very integral part of the Bloomington community for all of the 125 years since the church was established. St. John's has played a central role in bringing the people of this community together, helping them through the difficult events of life, and strengthening and nourishing their faith. Bloomington has always been a closely knit community where neighbors look out for each other, and St. John's is part of the glue that keeps the community together.

St. John's was around when Bloomington was a small farm town and has seen the community grow into one of the most dynamic and expanding cities in Illinois. St. John's will continue to serve the people of Bloomington into the next century and for many years to come.

Again, I want to offer my congratulations and thanks to the people of St. John's Lutheran Church for their commitment and service over the years.

IN HONOR OF NICK NARDI

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Nick A. Nardi, a union leader for over 35 years who has worked tirelessly for his members and for his community.

Nick began his union career as a business representative for the International Brotherhood of Teamsters, Local 416. Nick earned the respect of his peers, and they chose him for higher union office. Nick rose to secretary-treasurer and later to president.

His fellow union leaders quickly recognized Nick's leadership qualities and appointed him as a trustee of joint council 41. Nick rose to become president of the joint council last year.

Nick distinguished himself as a labor leader who emphasized the importance of organizing, resolving grievances quickly, and helping members win a better life for themselves and their families. Nick helped to keep the Teamsters on the front line of fighting for justice. The Teamsters are a leading force for defending the rights of all working people as they fight for fair trucking laws along the border with Mexico. They are a crucial counterforce to the evergrowing power of large corporations. They are a voice for ordinary people.

Nick has made sure that the voice was heard and put into daily practice. Nick has ensured that union members had access to low-cost financial services through his service on the board of directors of the Ohio Teamsters Credit Union. Nick has given generously of his time, helping community nonprofit organizations such as the Salvation Army, City Mission, and Holy Family Cancer Home.

Mr. Speaker, let us recognize the achievements of Nick Nardi, who will receive the Tree of Life Award from the Jewish National Fund of Cleveland, OH, on May 28, 1997.

PREVENTION PROGRAMS THAT WORK

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. COYNE. Mr. Speaker, too often in our discussions on juvenile crime, we forget to acknowledge and celebrate the young people who succeed despite tremendous adversity. I rise today to acknowledge one such young man and the organization that helped him realize his full potential.

Thomas Washington, a former gang member and high school dropout, is now a role model for other young people in his community. Thomas grew up in Point Breeze, a neighborhood in the East End area of Pittsburgh. It is a neighborhood that suffers from gang activity and juvenile crime. Despite a loving, caring, supportive mother, Thomas got involved in gang activity. He was kicked out of three different high schools and had no sense of direction. Then Thomas got involved with the Pittsburgh YMCA's East End Youth Outreach Program.

The Pittsburgh YWCA had established the East End Youth Outreach Program in five of Pittsburgh's poorest neighborhoods in an effort to reduce crime and juvenile delinquency. This program encouraged and helped Thomas and other former gang members to start their own business, the Deluxe Landscaping Co. Now, a lot of young people from Thomas' neighborhood seen him working rather than hustling. They see through Thomas' example that there are positive, legitimate ways to earn a living and contribute to the community.

As we prepare to consider juvenile crime legislation, I would encourage my colleagues not to forget young people like Thomas Washington and organizations like the Pittsburgh YMCA. Prevention programs have an important role to play in reducing juvenile crime and helping young people through the often difficult transition to adulthood. I urge my colleagues not to ignore the need for prevention programs in addressing the problem of juvenile crime.

A TRIBUTE TO COMMUNICARE HEALTH CENTERS' 25TH SILVER ANNIVERSARY

HON. VIC FAZIO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. FAZIO of California. Mr. Speaker, I rise today to pay tribute to an organization which has provided health care to low-income residents of California's Yolo County for one quarter of a century.

CommuniCare Health Centers was founded in 1972 for the express purpose of providing access to high quality, affordable medical and dental services for individuals and families with limited financial resources, lack of insurance, language, and cultural barriers, and/or addiction to drugs and alcohol.

During this time, CommuniCare has successfully served as Yolo County's health care safety net for medically indigent populations as a result of multiple funding sources that include Federal title X moneys for family planning services as well as from other Federal and State programs, foundation grants, and private citizen support.

CommuniCare furthers the success of innovative public/private partnerships through its cooperative programs with other health care organizations such as Sutter Davis Hospital, Sutter West Medical Group, Kaiser Permanente, Woodland Healthcare, and the University of California, Davis Medical Center as well as various county and city agencies both public and private. In addition, critically needed health care services are provided by dedicated staff and management as well as over 200 physicians, dentists, mid-level practitioners, and trained community workers who volunteer their time with no compensation to help their Yolo County neighbors in need.

By virtue of committed staff and volunteers along with the philanthropic community and government support, CommuniCare serves as a model system for successfully serving a traditionally underserved population. I urge my colleagues to join me today as I honor CommuniCare Health Centers on its silver anniversary.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE CONSUMER PRICE INDEX

SPEECH OF

ROBERT B. ADERHOLT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. ADERHOLT. Mr. Speaker, During rollcall vote No. 105, I was unavoidably detained. Had I been present, I would have voted "yes." I ask unanimous consent that the RECORD reflect my support for House Resolution 93, and that I be permitted to submit a statement for the RECORD.

I am proud to speak today in favor of House Resolution 93. This resolution states that Congress should not change the consumer price index. If any changes are found to be necessary, they should be made by the Bureau of Labor Statistics, the Federal agency with the necessary technical expertise and resources.

Many Federal programs including Social Security, Medicare, and Veterans' benefits are tied to the consumer price index in order to determine cost-of-living adjustments based on inflation. Congress simply lacks the technical knowledge required to properly deal with any change in the consumer price index. Only the Bureau of Labor Statistics can adequately evaluate and address the situation. This resolution today makes this crystal clear.

The consumer price index should not be politicized, nor should the budget be balanced through budgetary gimmicks. It is imperative that our Nation's seniors be protected. Promises have been made to our seniors that cannot be broken. I am committed to making sure that our Government keeps the promises it has made to the generation that saw us through some of the darkest moments of the 20th century.

ON ERIC DORENKOTT'S ATTAINMENT OF EAGLE SCOUT

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Eric Dorenkott of Fairview Park, OH, who will be honored this month for his recent attainment of Eagle Scout.

The attainment of Eagle Scout is a high and rare honor requiring years of dedication to self-improvement, hard work and the community. Each Eagle Scout must earn 21 merit badges, 12 of which are required, including badges in: lifesaving; first aid; citizenship in the community; citizenship in the Nation; citizenship in the world; personal management of time and money; family life; environmental science; and camping.

In addition to acquiring and proving proficiency in those and other skills, an Eagle Scout must hold leadership positions within the troop where he learns to earn the respect and hear the criticism of those he leads.

The Eagle Scout must live by the Scouting Law, which holds that he must be: trustworthy, loyal, brave, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, clean, and reverent.

And the Eagle Scout must complete an Eagle project, which he must plan, finance, and evaluate on his own. It is no wonder that only 2 percent of all boys entering Scouting achieve this rank.

Eric's Eagle project involved publicizing the Tot Finders Program to parents groups in Fairview Park. In the Tot Finders Program, parents receive special stickers which, when put in the windows of children, identify the children's location to firemen in case of fire.

My fellow colleagues, let us join Boy Scouts of America Troop 401 in recognizing and praising Eric for his achievement.

TRIBUTE TO PUBLIC SERVICE EMPLOYEES

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to pay tribute to public service employees at all levels of government in observation of Public Service Recognition Week.

As we observe Public Service Recognition Week, I would like to invite my colleagues to join with me in reflection upon and appreciation of the many contributions of men and women who, in a vast array of capacities, have chosen to dedicate their lives to serving the common good. Every day Federal employees do an incredible job of providing the people of our Nation with vital services. Through their outstanding efforts, these employees ensure the stability and continuity of our Government, but unfortunately, do not always receive due credit for their actions. That is why it is so important that we take this time to remember all the good work that Federal employees perform.

Mr. Speaker, I wish to commend all government employees for their work, and in particular, recognize and thank all the Federal employees in Massachusetts as they celebrate Public Service Recognition Week.

"UPWARD BOUND" HONORS 71 EAST BAY AREA STUDENTS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize the achievements of a remarkable group of young people from Hayward, CA, who are being honored for their participation in the California State University—Hayward Upward Bound program.

On Saturday, May 24, 1997, Cal State-Hayward will host its Seventh Awards Recognition Banquet. Seventy-one Upward Bound program participants, 19 of whom are graduating East Bay Area seniors, and their parents will be honored.

In the summer of 1965, the Upward Bound program began in colleges and universities across the country, to recruit low-income students in the 8th, 9th, and 10th grades for participation in this college awareness program. The Cal State-Hayward program was later established in the fall 1990, and provides tutoring instruction, counseling, career orientation, and assistance in defining career goals, applying for college admission, and filling out financial aid applications.

The type of student selected for participation in upward bound is a very special one. These low-income students, chosen for their potential and desire to achieve, have had the opportunity to experience educational development and personal growth within a college setting while still in high school. Upward bound students work tirelessly in either the academic year sessions or summer sessions which consist of tutorial sessions during the week, complimented by Saturday sessions for field trips and cultural activities.

Students are referred to upward bound through school administrators, instructors, counselors, or community agencies who have recognized low-income students who would otherwise have been without the resources and guidance so necessary to the college preparation process. As a result, many of these students will be the first in their families to receive a 4-year degree.

As we maintain that educating our young people is priority No. 1, I am inspired by these real-life testimonials to the obstacles students can conquer when given a boost. We congratulate them on their achievement, admire their dedication, and wish them well in any endeavor they choose.

Printed below are the names of the students to be honored at this year's banquet:

Ninth Grade: Diana Ascencio, Tennyson; Andrea Bozant, Mt. Eden; Gabriel Cortez, Hayward; Stephanie Jones, Hayward; Robyn Moss, Hayward; Alberto Williams, Hayward; Pablo Chavez, Dublin; Tiana Gaskins, James Logan; Marco Palomino, James Logan; Gabriela Peña, James Logan; Jason Wells, James Logan; Ruby Lopez, San Lorenzo; Bogdana Marchis, San Lorenzo; Nocmi Arrieta, Tennyson; Peng Lim, Tennyson; Gaby Bressler, Hayward; Joshua Jones, Hayward; Eujenia Garcia, Hayward; Ana Gutierrez, Hayward; Vanessa Perez, Hayward; Marion Thurmond, Hayward; Damali Burton, Castro Valley; Andrea Williams, Castro Valley.

Tenth Grade: Noel Amezquita, James Logan; Emiliano Leyba, James Logan; Alisha Lovett, James Logan; Arnid Ramamoorthy, James Logan; Monifa Willis, James Logan; Steve Hayes, Hayward; Carlos Bressler, Hayward; Mario Guerrero, Hayward; Mahasin Mu'min, Hayward; Lissette Padilla, Hayward; Tanea Rhea, Hayward; Jose Herrera, Tennyson; Saila Molina, Tennyson; Michael Martin, San Lorenzo; William Watkins, San Lorenzo; Juan Flores, Arroyo; Ed Santana, Arroyo; Michael Boykin, Castro Valley; Ariana Sanchez, Richmond.

Eleventh Grade: Darryl Hampton, James Logan; Feliza Montes De Oca, James Logan; Reyna Nava, James Logan; Sonia Abrego, Mt. Eden; Michael Barrett, Mt. Eden; Ricshell Bunton, Mt. Eden; Phuong Nguyen, Mt. Eden; Oliver Chang, San Lorenzo; Anthony James, San Lorenzo.

Twelfh Grade: Joy Hadden, James Logan; Sylvia Mora, James Logan; Nicole Poston, James Logan; Jarrad Woods, San Lorenzo; Edward Gorton, San Lorenzo; Miguel Lopez, San Lorenzo; Raymond Chan, Tennyson; Miguel Dueñas, Tennyson; Houng Huynh, Tennyson; Tim Lin, Tennyson; Carlos Martin, Tennyson; Reocel Mercado, Tennyson; Mariano Preciado, Tennyson; Yazmin Ramirez, Tennyson; Kiet Truong, Tennyson; Brant Guerrero, Hayward; Larry Leatherwood, Hayward; Rebecca Akin, Hayward; Claudia Flores, Arroyo.

TRIBUTE TO MR. BILL CROOKSTON

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. WAXMAN. Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Bill Crookston, who will be honored on June 5, 1997 at the Annual Installation Ceremonies for his past year of exemplary leadership as the President of the Santa Monica Chamber of Commerce.

In addition to serving as President of the Chamber of Commerce, Mr. Crookston remained active both as President of the Santa Monica Jaycees and as a member of the Rotary Club of Santa Monica, confirming his commitment to community service and leadership.

During his tenure as president, Mr. Crookston maintained the delicate balance between addressing economic challenges while also providing the Chamber's membership and the community increased services, benefits, and programs.

Under Mr. Crookston's leadership, the partnership between the city of Santa Monica and the Chamber of Commerce was strengthened through a number of projects, including the school to work and career education program, the homeless assistance program, health and safety programs, and environmental programs.

Mr. Crookston approached his duties with a mixture of compassion and a strong business sense, encouraging cooperative efforts between the business community and community service agencies that serve Santa Monica's youth, families, seniors, and homeless populations. The members of the Chamber of Commerce and the residents of the city of Santa Monica owe Mr. Crookston a debt of gratitude for his devoted leadership.

I ask my colleagues to join me in honoring Mr. Bill Crookston for his successful term as president of the Santa Monica Chamber of Commerce and in wishing him happiness and success in the future.

HONORING WILLIAM E. THOMSON, JR. OF PASADENA, CALIFORNIA

HON. JAMES E. ROGAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ROGAN. Mr. Speaker, many community leaders do great public service; too few are recognized for their outstanding achievements. One who deserves our recognition is William E. Thomson Jr. of Pasadena, CA.

Bill is a graduate of Bucknell University and Georgetown University Law Center. He is a member of the bar in California, Virginia, and Ohio, as well as the U.S. District Court in California, the Ninth Circuit Court of Appeals, and the U.S. Supreme Court.

A long-time resident of Pasadena, Bill has earned a reputation as a man of civic duty and responsibility. He was elected to the Pasadena City Council in 1981 and served continuously until this month, and was elected mayor and served in that capacity from 1988 until 1990.

Bill's leadership role carried him far beyond the council chambers. He has lobbied on behalf of the city before the Los Angeles County Board of Supervisors, California State Legislature, and U.S. Congress. For more than a decade he has served as lead negotiator for the Rose Bowl and its related events. He helped to bring the Olympics, two Super Bowls and World Cup Soccer to Los Angeles County. His professional successes have also given him the distinction of being recognized in Who's Who in American Law.

Bill has dedicated his career to his friends and neighbors in Pasadena, Los Angeles County and to the people of this Nation. His work on behalf of our State has given us innumerable benefits and touched countless lives.

Our communities are built on the foundation of good people. As we look to make our neighborhoods better places in which to live and provide a better life for our children, we need only look to Bill to find inspiration, motivation and ideals. To this dedicated public servant, parent, and citizen, we owe our utmost gratitude and heartfelt thanks.

HONORING DR. EVA C. WANTON

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. BOYD. Mr. Speaker, today we honor one of the academic worlds finest, Dr. Eva C. Wanton, founding dean of Florida Agricultural and Mechanical University's School of General Studies. Through her 30-year career at Florida A & M University, her record of quality teaching, service, and research reflects a commitment to improved educational opportunities for all students and a commitment to a better quality of life for her north Florida community.

For all of Dr. Wanton's academic achievements, I'm sure nothing compares to the personal relationships she has developed with her students, her faculty, and her community. Dr. Wanton has put her words into action. She has not merely stood by on the sidelines giving instructions on how to achieve, but rather she has led through her actions. Every student who has walked through her doors has been enriched through the experience of knowing Dr. Wanton. How many of us have had that one teacher or professor that we can look back and say? "My life was changed or positively impacted by an educator who went that extra mile because he/she saw the potential in me." If our young people are to succeed in today's world, we must have more individuals like Eva Wanton.

Today I rise to personally thank Dr. Wanton for the extra effort she takes to make a difference in north Florida. She is a precious gift to our community. We should all set our goals so high, because when we do, there is no limit to what we can achieve.

PERSONAL EXPLANATION

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 7, 1997

Mr. KENNEDY of Rhode Island. Mr. Speaker, I regretfully missed rollcall vote No. 99, on May 1, 1997. If I had been present for that vote I would have voted "nay."

VOLUNTARISM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 7, 1997 into the CONGRESSIONAL RECORD.

THE SUMMIT ON VOLUNTARISM

Most observers of American life have noted a renewed interest in community, a response in part to the all too obvious social problems of homelessness, poverty, crime, and drug abuse. One of the underpinnings of our democracy, long noted by historians, is that Americans constantly form associations of all shapes and sizes to deal with the challenges of the day. Last week's high-profile summit on voluntarism in Philadelphia was designed to provide firepower to change the dynamics of voluntarism. It was clearly an impressive event, but my guess is that the overall effort is going to require a more involved strategy and considerable follow through.

OVERVIEW

The Summit For America's Future was quite an event. It had powerful rhetoric, a long list of good intentions, and impassioned calls for volunteers from Presidents Clinton, Bush, Carter, and Ford and from retired General Colin Powell. The summit's goal of improving the lives of 2 million children by the year 2000 is certainly a good one.

The summit seeks to mobilize volunteers and corporate money to help these children and make up for a scaled-back federal effort by providing children with mentors, safe places after school, health care and job skills, and an opportunity to perform community service themselves. All in all it was hard to escape the spirit of the summit and the spirit of voluntarism. The challenge to every group, business, and citizen is to give young people the support they need.

The benefits of volunteering are obvious. It not only raises the quality of life for a lot of people, it builds a sense of community, breaks down barriers between people, and develops leadership. I was greatly impressed during the floods that came to southern Indiana with the leadership that emerged in trying to see that food, services, and shelter were made available to the victims.

The extent to which corporate America is embracing volunteerism is also impressive. Hundreds of companies have donated time and money toward the summit's goals. They are pledging to mentor students, provide activities for children after school, offer health services, help students to develop marketable skills, and donate equipment and services to schools. The traditional view that companies are only responsible for earning a profit appears to be outdated.

ASSESSMENT

I am always impressed with how generous Hoosiers are with their own time, ideas, and resources. I think of countless groups I have visited—religious organizations, foundations, corporations, not-for-profits, even the volunteer firemen who risk their lives for us. Their work brightens our lives and our communities. They serve as a marvelous antidote to the constant stream of news reports of crime and violence.

I do not draw the conclusion from their good activities, however, that government needs to do nothing. Anyone who has worked deeply on our country's most intractable social problems knows that it will take both private and public efforts to get the job done. There are about 40 million poor people in America and they literally need everything—better education, better health care, more food, more clothing, more skills training.

The floods in Indiana showed us the virtues and the limits of voluntary action. Bagging the sand and providing meals and clothing were wonderful examples of volunteer achievement, but the money from the federal and state governments is necessary to rebuild the communities. Throughout American history, volunteerism and government have worked together. We all know that government programs have a lot of gaps and failures. Volunteers can fill some of those gaps but probably not all of them.

The overall statistics on volunteerism are impressive. 93 million Americans volunteer. They contributed a stunning 20 billion hours of their time in 1995—that's 220 hours per person. But a closer look at the figures raises some questions. Almost 5 billion of those hours are informal volunteering like baby sitting for a neighbor and baking cookies for a school fair, and many others are volunteer hours at theaters, museums, boards, and commissions. While extremely worthwhile, such efforts don't always address some of the core problems of our society. Less than 10% of those 93 million volunteers work in human services, and fewer than 4% are tutors or mentors. Much volunteer work is done for local churches, which is certainly valuable, but only about 10–15% of volunteering done through the churches goes into the community.

Volunteer effort can also be poorly organized and managed. I am told by people who organize volunteers that there are usually many when a disaster strikes or when help is needed for one-time events like a walk-a-thon or even building a home for a poor family. The real problems come with sustained efforts to deal with the problems of poor children, needy seniors, and the poor. Volunteer services—especially improving the lives of children through mentoring—needs to be performed one-on-one over a long period of time and often in very low-income neighborhoods. It is hard to get volunteers for those kinds of tasks. Most volunteering is done in a very tight circle of familiar friends, places, and activities.

CONCLUSION

The big question that emerges from the summit, of course, is its legacy. Will this unprecedented bipartisan celebration of volunteerism be an historic launching point to help children and decaying neighborhoods or will it be just another media extravaganza that will fade over time? The central challenge is aimed at the millions of at-risk children in this country. They come from poor families that are often dysfunctional. Many overcome steep odds to lead productive lives but many others do not, at a high cost to society over a lifetime.

The summit has given us a chance, just a chance, to do something really important. It certainly signals a fresh start, and it will inspire many Americans to volunteer. Those who have worked on our intractable social problems are probably entitled to a degree of skepticism about its impact and follow through, but the real task is how to make things different this time. Commitments have been made and the challenge is to see if the American people can be inspired and energized to enhance the future of the children.

HONORING ESTHER KELLER

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ENGEL. Mr. Speaker, today I would like to speak in praise of Esther Keller for her work and dedication to the people of the 17th Congressional District. Esther retired last month after 20 years of service and while I wish her the best, I will truly miss her. In fact, she was one of my first staff members when I was first elected to public office 20 years ago.

She has worked hard and well and with little public recognition, except among the many she has helped. She gave constituents what they want and deserve most from government: Help with a problem they cannot solve themselves. She initially worked out of a trailer in Co-op City before we moved indoors to an office which I still maintain.

Esther has been an integral part of my public life from the beginning. She worked long hours to help the people of the district, working with those who had difficulties with the Social Security system giving guidance when they could not find their way through the intricacies of the bureaucracy. She brought her own special kind of charm so that people who were receiving her help also felt comfortable.

All Members of Congress know the value of a staff member who wants to help those in need of help. In the time Esther worked for me I came to appreciate her willingness and her determination to give her all to the constituents. She treated them as her own, using all of her ability to assure them that someone did care and would help. I salute her and wish her the very best in her retirement. I and all the people of the 17th Congressional District will miss her.

BUFFALO GENERAL HOSPITAL SCHOOL OF NURSING

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. LAFALCE. Mr. Speaker, I would like to call to the attention of my colleagues that today, May 7, 1997, the Alumni Association of the Buffalo General Hospital School of Nursing, in Buffalo, NY, is dedicating a permanent exhibit honoring the hospital's School of Nursing.

Buffalo General's School of Nursing was founded April 5, 1877 as the Training School for Nurses. It was the first such school west of New York City and is the second oldest hospital school of nursing in the United States. The school's nurse graduates have served our Nation in five wars: Spanish-American War, World War I, World War II, Korean war, and Vietnam war.

Among the school's many notable graduates was Lystra Gretter, class of 1888. She is best remembered for chairing the committee that wrote the Nightingale Pledge—later adopted as the official pledge of graduate nurses from accredited schools throughout the United States.

Mr. Speaker, I ask that you and my colleagues join me in honoring the Buffalo General Hospital School of Nursing for its 120 years of training nurses to care for our citizens.

COMING HOME: JAPANESE-AMERICAN HIGH SCHOOL STUDENTS OF 1942–1945—A SPECIAL GRADUATION CEREMONY

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday May 7, 1997

Ms. PELOSI. Mr. Speaker, I rise today to recognize the Japanese-Americans who received honorary high school diplomas from the San Francisco Unified School District in a special graduation ceremony on May 6 at the Bill Graham Civic Auditorium in San Francisco.

The honorees were denied the opportunity to graduate from high school in San Francisco during World War II. The issuance of Executive Order 9066 by President Franklin Delano Roosevelt on February 19, 1942, set into motion the incarceration of 120,000 Japanese-Americans including the honorees and their families for the remainder of World War II. The internees were given only 48-hour notice to sell or store their belongings, and evacuate their homes before they were herded into 10 internment camps across this Nation. They were surrounded by barbed wire and watched over by armed military guards.

Most of the honorees were only 17 or 18 years old at the time. They were removed from school as security risks. Yet, they were American citizens, the American-born sons and daughters of parents who emigrated from Japan.

More than 50 years later, the honorees and their fellow internees are in the senior years of their lives. In the past decade or so, our Government has apologized and awarded reparations. The Civil Liberties Public Education Fund now supports efforts to educate others about the internment experience.

The honorees' experiences are living symbols of a shameful period in American history which we must not repeat. As one of the planners of the ceremony expressed, it is a privilege to be part of a program that will enlighten so many, especially the students in our school system.

Mr. Speaker, I commend the individuals involved and the San Francisco Unified School District in planning this event to acknowledge the legacy of the Japanese-American experiences. I am grateful to the honorees for coming forward and sharing of themselves. I am proud to salute them.

TRIBUTE TO JAMON CHARLES WILLIAMS

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is with great sadness that I rise to pay special tribute to a remarkable individual who has distinguished himself by his exceptional accomplishments in both academics and athletics. Mr. Jamon Charles Williams passed away on Thursday, April 17, 1997.

Jamon attended Memorial High School in San Antonio, TX, and was in the top 15 percent of his senior class. He was a Presidential Classroom Scholar and had plans to pursue an Engineering career at one of the six colleges where he had already been accepted.

Jamon was co-captain of Memorial's basketball team and was named to the 27-AAAA District Basketball team. His athletic ability and his desire to build team morale allowed him to lead his high school basketball team to many victories. In addition, Jamon was the president of the Black Student Union.

Mr. Speaker, all of San Antonio grieves for the family and friends of Jamon Williams. Mr. Williams was an extraordinary leader, an exemplary student, and a highly respected member of the San Antonio community. He inspired those that he worked with, won the devotion of his friends, and earned the gratitude of his community. I ask my colleagues assembled here to join me in honoring the life of Mr. Jamon Charles Williams.

SUPPORTING MORE EQUITABLE HIGHWAY FUNDING PROPOSALS

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. JENKINS. Mr. Speaker, I rise today to bring the attention of the Congress to an issue of inequity facing my home State, the State of Tennessee. This inequity is the current funding formula of the Federal highway trust fund.

As most of you know, there are a number of States in the Union which are called donor States. These States pay into the highway trust fund through various taxes, but receive less money than they remit to the Federal Government. For example, based on the most recent Federal Highway Administration figures, the State of Tennessee receives approximately 82 cents for every $1 contributed to the fund.

However, there are a number of States which receive well over $1.50 for each $1 they remit to the trust fund. This is unfair. Tennessee's transportation needs, in many cases, are just as critical as those States which receive a disproportionate lion's share of the trust fund proceeds.

There are a number of proposals seeking to reach a more equitable solution to this funding disparity, and I urge all Members of this body, especially those of us in the donor States, to support reasonable changes in the funding formula to ensure that each State's transportation needs receive adequate funding.

CONFLICT OVER THE WESTERN SAHARA

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. TORRES. Mr. Speaker, the Secretary General of the United Nations recently asked former Secretary of State, James A. Baker III, to make a fresh assessment of the situation regarding the long-standing conflict over the Western Sahara.

As my colleagues may know, the United Nations have been attempting to resolve conflicts which have gone on over more than 20 years between the Sahrawi Republic and the government of Morocco. The United Nations currently maintains a peacekeeping force in this region, and so far a resumption of armed conflict has been avoided.

Mr. Baker's recently completed visit to this region has brought renewed hope that a bridge to resolving the current impasse might be forthcoming.

His Excellency the Honorable Mohamed Abdelaziz, President of the Sahrawi Republic and Chairman of the Polisario Front, has made a noble gesture of goodwill toward the peace process by initiating the release of 85 Moroccan prisoners of war. His Excellency extended his hand of friendship, a gesture which I trust is appreciated and reciprocated by our friends in Morocco.

Mr. Speaker, I am inserting into the RECORD a letter which I recently sent to President Abdelaziz congratulating him on his gesture of goodwill toward the peace process in Western Sahara.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 6, 1997.

His Excellency the Honorable MOHAMED ABDELAZIZ, *President of Sahrawi Republic, Chairman of Polisario Front, Washington, DC.*

Your Excellency: I send you my personal greetings and best wishes. My office had the pleasure of being briefed by your Ambassador Said on your recent visit with Mr. James A. Baker, representing the Secretary General of the United Nations.

I have been informed of your extraordinary gesture of goodwill towards the process of peace in Western Sahara, I am referring to your decision to release some 85 Moroccan prisoners of war being held by your army. This is a most generous gesture and expression of your commitment to the current efforts to bring peace to your region.

Your actions speak well for the prospects of cooperation and consultation in Western Sahara. I trust that your generosity and vision will be reciprocated by Morocco and that Mr. Baker can be an instrument of reconciliation and resolution for the problems which have plagued your people for too many years.

Your gesture is deeply appreciated and understood.

Sincerely,

ESTEBAN E. TORRES,
Member of Congress.

A YEAR OF SUCCESS FOR THE REPUBLIC OF CHINA

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ROHRABACHER. Mr. Speaker, later this month on May 21, the Republic of China on Taiwan will mark a historic milestone. It will be the 1-year anniversary of President Lee Teng-hui's inauguration as China's first democratically elected President. President Lee's election was the culmination of a 10-year process of democratization and economic reforms which transformed the Republic of China into an economic powerhouse and a model for other emerging democracies in the world.

It was just a year ago that the People's Republic of China was launching missiles across the Taiwan Strait in the vicinity of Taiwan's main ports. This crude attempt to intimidate Taiwan's 21 million people, as they prepared themselves to elect their national leadership and, failed miserably. That failure for the PRC was great triumph for Taiwan. President Lee was overwhelmingly elected with 54 percent of the vote. In doing so, the people of Taiwan demonstrated their commitment and resolve to the democratic values we all share. I was proud to organize the congressional delegation which traveled to Taipei last year to witness President Lee's swearing in. I organized that trip because I respect and admire what President Lee has accomplished, and I am proud to call him my friend.

The past 12 months of President Lee's leadership has been a time of continued achievement and success for Taiwan. The Republic of China remains the United States seventh largest trading partner and best ally in Asia. In spite of the PRC's efforts to undermine Taiwan's free market, Taiwan's stock market has soared 36 percent and official reserves in Taiwan now exceed $90 billion. All of these achievements are a testament to the successful policies of President Lee and his government.

Mr. Speaker, I also want to take this opportunity to point out that we are also approaching the first anniversary of the appointment of John Chang as the Republic of China's Foreign Minister. Mr. Chang has a long and illustrious career as a diplomat, having served previously as Minister of Overseas Chinese and as head of the North American Division. I and many of my colleagues know about Mr. Chang's work and leadership, and I would like to take this opportunity to salute his success in keeping our bilateral relationship, while not official, for now, as warm and strong as ever.

Finally, Mr. Speaker, this month also marks the anniversary of Mr. Jason Hu's first year as the representative of the Taipei Economic and Cultural Office [TECRO]. TECRO serves as the ROC's unofficial embassy here in Washington. Ambassador Hu previously served as President Lee's spokesman, and was a vital part of President Lee's team during the election. Since arriving in Washington, Ambassador Hu has developed many warm relationships with Members of this body and has worked tirelessly to insure United States-Republic of China relations continue to improve.

Mr. Speaker, the ROC is a beacon of democracy in a region of the world too often shrouded in the darkness of oppression and tyranny. The ROC is our friend and partner, and Mr. Speaker, I would like to thank you for stopping in Taiwan during your recent trip to Asia. And I want to thank you for speaking for me when you remarked that the United States should defend Taiwan if attacked. Once again, congratulations President Lee, Minister Chang and Ambassador Hu on a successful year of remarkable accomplishments.

ELIMINATING NUMERICAL LIMITATIONS RELATING TO CANCELLATIONS OF REMOVAL AND SUSPENSION OF DEPORTATION

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. GUTIERREZ. Mr. Speaker, today I am introducing a bill to amend the Immigration and Nationality Act and the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to eliminate the limits relating to cancellations of removal and suspensions of deportation.

The new immigration law requires individuals applying for suspension of deportation—now changed to cancellation of removal—to establish good moral character, 10 years of continuous presence in the United States, and exceptional and extreme hardship to a spouse or child who is either a U.S. citizen or legal permanent resident. It also established that the Attorney General may not cancel the removal and adjust the status and suspend the deportation of a total of more than 4,000 aliens in any fiscal year.

The Executive Office for Immigration Review [EOIR] has announced that immigration judges have already granted 4,000 applications in the current fiscal year and ordered immigration judges to discontinue approving more suspension of deportation cases. Many eligible applicants, including refugees, will now be deprived of a way to legalize their status. We must take action to correct this situation as soon as possible.

The original intention of this section of the law was never to arbitrarily deny this form of relief to eligible people. The original language, as approved by the Judiciary Committee, restored the Attorney General's discretion to grant relief to eligible aliens who had not been admitted with the condition that an annual ceiling be placed on the number of adjustments of status granted. Nevertheless, the original language was changed during the floor consideration of the bill and the Attorney General now may not cancel the removal and adjust the status to permanent residence of more than 4,000 aliens in any fiscal year.

This unfortunate change could result in the unnecessary deportation of thousands of immigrants who may have fled their homes seeking safety and protection in the United States.

Very simply, my bill would remove the existing 4,000 cap and allow the immigration courts to use their discretion in suspension of deportation—cancellation of removal—proceedings.

NATIONAL ARSON AWARENESS WEEK

HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. WISE. Mr. Speaker, I rise today to acknowledge National Arson Awareness Week and to support efforts to prevent arson such as the Target Arson project.

As a Member of Congress, I have supported fire prevention efforts on the floor of the House of Representatives and in West Virginia. Most of my work has been helping our children learn valuable fire safety lessons. Two years ago I worked with the Martinsburg Fire Department and the Berkeley County Office of Emergency Services to have a fire prevention video produced. The video, "House on Wheels Fire Education," was distributed to all elementary schools in West Virginia with the assistance of State Farm Insurance.

Arson is different from most other crimes. It is a cowardly criminal act. It is committed without regard to who might be hurt. Innocent victims, even firefighters can be harmed by an arsonist. Each year 1,000 people die from an estimated 332,000 arson fires. Direct property loss is in excess of $1.6 billion. Since 1984 arson fire deaths have increased 33 percent.

Unfortunately, West Virginians were not spared from the scourge of arson. The United States Fire Administration's Annual Report to Congress states that in 1994, 18.4 percent of all reported fires in West Virginia were caused by arson, with losses exceeding $1.6 million.

Earlier this week I participated in an arson investigation demonstration with Captain, West Virginia's only four-legged arson investigator. Captain is an arsonist's worst nightmare. He is a black labrador retriever who works for the State of West Virginia and is trained to locate the origins of arson incidents.

Additionally, the Federal Emergency Management Agency and local firefighters, police officers and other members of the community are participating in Target Arson, a public awareness campaign that is part of National Arson Awareness Week. Target Arson is aimed at educating our children and the general public about the dangers of arson, its consequences and how to prevent it.

Let us pause, Mr. Speaker, during National Arson Awareness Week to honor all those men, women and four-footed allies dedicated to fighting the war against arson and urge all Americans to support their efforts.

PERSONAL EXPLANATION

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ENGEL. Mr. Speaker, I was necessarily absent during rollcall votes 92 through 97. If present, I would have voted "no" on rollcall 92, "aye" on rollcall 93, "aye" on rollcall 94, "aye" on rollcall 95, "aye" on rollcall 96, and "aye" on rollcall 97.

HONORING THE REVEREND DR. C.B.T. SMITH FOR 45 YEARS OF DEDICATION TO THE DALLAS COMMUNITY

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today to congratulate and recognize the retirement of a great friend, the Reverend Dr. C.B.T. Smith, the minister of the Golden Gate Missionary Baptist Church. C.B.T. Smith has played a prominent role in the African-American community during his 45 years of service at his church in the city of Dallas. The reverend demonstrated a life long commitment to the ministerial needs of our community in Dallas, and his service is exemplified by his more than 50 years of service in the gospel ministry.

During his tenure, Dr. Smith has been a staunch supporter of education and has become well known for his work on the local, State, and national levels, promoting positive opportunity through education.

Dr. Smith's congregation gathered to commemorate his retirement in a weekend-long tribute which began April 11, 1997.

When Dr. Smith came to Dallas, he began to organize and create ministries which would give access to all who wished to attend church especially those who could not make it to Sunday worship.

He created a prison ministry and a bus ministry to continue to provide outreach to people who needed his service the most. He believed in feeding his flock first, through starting the First Christian Welfare and Storehouse Ministry, the Sunday School on Wheels Ministry, and a senior citizens ministry.

His most ambitious undertaking was when he launched the ARMS [Adult Rehabilitation Ministry], a residential drug and alcohol treatment facility for men.

All of these ministries which he set forth were to bring a sense of belonging to those who felt disenfranchised. He wanted to make sure that everyone who wanted to could feel a part of this community and attend his ministry.

Mister Speaker, I ask my colleagues assembled here to join me in recognizing my good friend and the fine minister from the Golden Gate Missionary Baptist Church, the Reverend Dr. C.B.T. Smith, for his many years of dedicated service to the city of Dallas. All of Dallas and the State of Texas are lucky to have such a fine minister, and I am sure that he will, in some way, continue to look after us in some capacity in his retirement.

TRIBUTE TO SISTER MARGARET CAFFERTY, PBVM

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Ms. PELOSI. Mr. Speaker, it is with a mixture of sadness and deep gratitude that I rise today in tribute to an American woman who devoted her life to the causes of civil rights and social and economic justice.

Margaret Cafferty, a sister of the Presentation Sisters, is her name. And her death on April 20, 1997, at her motherhouse in San Francisco after a battle with bone cancer, leaves her native city, her country, and the global community a proud legacy of a staunch and persuasive defender of justice for all, especially the poor and oppressed.

Born in San Francisco on December 8, 1935, Sister Cafferty was the daughter of John Cafferty and Mildred Sinks. Sister Cafferty's sense of social justice was nourished from the cradle by her father, a coal miner, and her mother, who where both active in the struggle for labor rights.

In 1953, Margaret Cafferty entered the community of the Sisters of the Presentation. Her early assignments included teaching high school in San Francisco and in Los Angeles where she challenged her students to become aware of the social needs surrounding them. In 1968, she moved more directly into social action, working as a pastoral minister in the predominantly African-American community of Sacred Heart Parish in San Francisco. At the same time, she pursued and earned her masters of social welfare at the University of California at Berkeley.

As an educator, community organizer, and social justice leader, Sister Margaret pioneered new models of building a community within parishes. She successfully cultivated partnerships with labor, government, business, and the academic community in pursuit of justice. She fought tirelessly for civil rights in the African-American community of San Francisco, with the United Farm Workers, and with refugees from Central America. She led her order's participation in the Sanctuary Movement. She sought to know first hand the plight of the poor, visiting the migrant camps in California, the slums in our inner cities, and the poor communities on Mexico, Guatemala, Nicaragua, and El Salvador where her sisters worked. She was a bridge-builder and a peacemaker, She lived out the maxim, "If you want peace, work for justice."

On numerous occasions, she was called upon to exercise her exemplary leadership skills by working with the National Conference of Catholic Bishops, the Leadership Conference of Women Religious [LCWR], NETWORK, the Catholic organization which lobbies Congress on social justice issues, and by her own order. She exerted unparalleled leadership in building dialog within the Roman Catholic Church about the role of religious women. She never hesitated to speak the truth, to find opportunity in crisis, to identify hope within the most desperate hour.

From 1981 to 1990, the Presentation Sisters elected her to be superior general, and from 1992 until her untimely death, she served as the executive director of the LCWR.

As her sisters declared, "While Sister Margaret's contributions to the communities she served as an organizer and an advocate for the underserved were far-reaching, she will be remembered by bishops and beggars, by legislators and labor leaders, by friends and foes alike as an extremely gracious, articulate, determined and compassionate woman of faith who will be sorely missed."

Mr. Speaker, I ask my colleagues to join me in extending condolences to Sister Margaret's sister, Ellen Cafferty, herself a missionary in Guatemala, and to the Union of the Sisters of the Presentation [PVBM].

TRIBUTE TO LARRY SMITH

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. FORD. Mr. Speaker, I rise today to honor one of my constituents, Mr. Larry Smith. On May 8, 1997, the Environmental Protection Agency and the Environmental Law Institute chose Mr. Smith as winner of the 1997 National Wetlands Award. The award honors individual citizens who have dedicated their lives to preserving wetlands through programs and projects at the regional, State, and local level.

For years, Mr. Smith has been a leader and a pioneer of the environmental movement in Memphis. His work to protect wetlands and prevent toxic pollution has benefited every Memphian. He has made a critical difference in saving the wetlands along the Wolf River, a tributary of the Mississippi River, which snakes through southwestern Tennessee and through my congressional district. This river is important, not only for its scenic beauty, but because it's surrounding wetlands recharge the underground aquifers which have provided the pristine drinking water the citizens of Memphis and Shelby County have enjoyed for decades.

Mr. Smith has shown great skill as a grassroots organizer and educator of the public about the importance of protecting our environment. He has marshaled citizen concern about environmental issues, which has spurred our public officials to act to protect the environment.

I know how committed Mr. Smith is to the environment, because I have worked closely with him to develop and introduce legislation that will protect the public from toxic wastes. On January 27, 1997, an explosion at a hazardous waste facility in Memphis exposed the citizens of the neighborhood to a cloud of toxic chemicals and polluted a nearby creek. Thankfully, no one was injured, but at least two highly toxic chemicals, toluene and xylene were released into the environment. With the experience and expertise of Mr. Smith, I introduced H.R. 843, the Common Sense Toxics Buffer Zone Act, a bill which would require a 5,000-foot buffer zone between any residential community, school, day care, or church and the expansion or construction of a hazardous waste facility.

Mr. Smith stands as an example for all of us to follow. He is a steadfast soldier in the fight for clean water, clean air and the heritage of our national wilderness. I urge my colleagues to join me in recognizing Mr. Smith for receiving this prestigious award.

THE COMMUNITY RIGHT TO KNOW AMENDMENT

SPEECH OF

RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 6, 1997

Mr. KLINK. Mr. Speaker, I rise today to support the en block amendment offered by Chairman LAZIO because it includes my simple community right to know amendment, which I offered with my good friend and neighbor, MIKE DOYLE .

As a former member of the Banking Committee I would like to thank my colleagues, Chairman LAZIO and Representative KENNEDY along with their staffs for working with us on this efforts. I realize that more work will be needed in conference and I look forward to working together to ensure that this is included in the final bill.

Our amendment attempts to avoid disastrous situations like the one that happened in our area, when HUD nearly paid $92,000 for homes valued at less than $50,000, almost twice the market value.

Luckily this did not take place, because Mr. DOYLE and I were able to bring it to HUD's attention in time for HUD to investigate, and stop the purchase.

No, the purchase was not stopped because of resistance from the community.

It was stopped because when HUD investigated the sale they discovered that the purchase did not even meet basic HUD criteria: the units were concentrated together; without access to public transportation, shopping, or employment opportunities; and the cost was above HUD's top purchase price.

I submit, Mr. Speaker, that all of this would have been avoided if the housing authority and the locality had only worked together.

This amendment is not meant to be divisive, nor is it driven by NIMBY'ism. I am a strong supporter of public housing, and believe that every community has a responsibility to provide shelter for our poor, and less fortunate residents.

Mr. Speaker, let me explain what we are trying to do. The block grant section of the bill codifies the requirement that local housing authorities, and local governments work together. This is nothing new. Already, HUD requires housing authorities to go to the local governments in which new public housing is proposed and get them to sign local cooperation agreements as part of the application for federal dollars. Obviously, notification is implicit in that process.

We support this process, and think that local communities and the housing authorities should work together.

The problem arises when housing authorities act pursuant to a court order or a consent decree. That is what happened in our area. Pursuant to a consent decree the housing authority needed to distribute up to 23 single family homes throughout the county.

Mr. Speaker, we have no problem with public housing in our community. Nobody wants to keep people out. In fact, at both the local and the State level Democrats and Republicans alike want this to be a success and are willing to work together to ensure that it is. Our hope though, along with HUD, and in concurrence with the consent decree, is that we are able to pay a fair market value for the requisite number of homes, and have them disbursed throughout the community.

Mr. Speaker, the goal of the court that recipients of public housing, living in homes purchased pursuant to the consent decree blend into the community, and that we avoid concentrated public housing communities.

Mr. Speaker, this is our goal. Yet, Mr. Speaker, unlike every other application for federal public housing dollars the law is ambiguous as to notification requirements when it comes to consent decrees and court orders.

Mr. Speaker, I fully support the provision in the bill that would require HUD to "consult with units of local government" in the process of negotiating a settlement to housing litigation. This goes a long way toward avoiding the problems we have experienced, but it still does not adequately address consent decrees which have been entered into before this bill takes affect.

Our amendment eliminates this confusion by requiring notification. Regrettably, had the housing authority notified the borough, they could have worked together to a successful end—we would have avoided controversy, and saved the taxpayers thousands of dollars.

I urge you to support the Klink/Doyle Community Right to Know amendment.

CONGRATULATING PRESIDENT LEE AND THE PEOPLE OF THE REPUBLIC OF CHINA

HON. MAURICE D. HINCHEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. HINCHEY. Mr. Speaker, I would like to congratulate the Republic of China and its President, Lee Teng-Hui, on the anniversary of Taiwan's first Presidential election. In 1996 President Lee became the first freely-elected President in the history of China. President Lee, who received over 54 percent of the popular vote, has proven that strong leadership does not come from strong-arming the people. Over the past year, his administration has continued to build on the same cornerstones our own country was founded on: freedom of religion, freedom of speech, and the pursuit of economic freedom through private enterprise.

Ever since the Republic of China was founded 86 years ago, we have enjoyed a very friendly relationship. Part of that friendship has been based on the Republic of China's strong foreign policy leaders. The Republic of China's newest Minister of Foreign Affairs, John Chang, has done an outstanding job of continuing this tradition. Prior to his appointment last year as Minister of Foreign Affairs, Mr. Chang worked more than 30 years to promote better relations between our two countries. Educated here in the United States, Mr. Chang served as the Director of North American Affairs in Taipei, and most recently the Minister of Overseas Chinese Affairs. Many Members of Congress have had the opportunity to meet with him over the past year, and I am sure they join me in congratulating him on a successful first year.

Mr. Speaker, I also would like to congratulate Taipei's Representative here in Washington, Ambassador Jason Hu. Ambassador Hu has worked hard to strengthen the political and economic relationship between our two countries. Ambassador Hu has been instrumental in helping Chung Hwa, the newly privatized Taiwanese telecommunications company, open an office here in Washington. Chung Hwa is seeking to purchase more than 10 billion dollars worth of U.S. goods and services. Ambassador Hu's leadership in promoting political and economic relations between our countries is an invaluable resource to our continued friendship. Recently, Dr. Hu received an honorary doctoral degree from the University of Southampton where he studied from 1976 to 1978, earning a master's degree in social science from the Department of Politics. Dr. Hu later earned his Ph.D. in 1985 from Oxford University. Mr. Speaker, I wish to congratulate President Lee for having so wisely chosen a scholar/diplomat to represent the Republic of China in the United States.

A little more than one year ago, Mr. Speaker, the Republic of China held free and fair Presidential elections despite military bullying by the People's Republic of China. The PRC claims to hold elections, but the entire world knows that the people on the mainland have no choice in deciding their political leaders. That is not the case with the Republic of China, which has a multi-party system, respect for individual rights and a robust economy based on free trade. Therefore, it is particularly appropriate to take this opportunity to congratulate the people of the Republic of China, President Lee, foreign Minister Chang and Ambassador Hu on a very successful year. I know my colleagues join me in wishing them continued success in the future.

HONORING RIVERSIDE MEMORIAL CHAPEL

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ENGEL. Mr. Speaker, I am proud to speak in honor of the Riverside Memorial Chapel which is celebrating its 100th anniversary. It can be said that the Riverside Chapel has been a mirror of the Jewish community of New York City which it has served so faithfully for the past century.

It started in 1897 when Louis Meyers provided a horse-drawn funeral livery service on the lower East Side. These modest beginnings reflected the state of Jews in New York as recent emigrants. The company followed a newer generation to Harlem and in 1926 made a landmark move to Amsterdam Avenue and 76th Street, still the signature location of what was to become Riverside Chapel.

This spectacular four-story building, with its Gothic style chapel and hand-painted religious frescoes, had an implicit dedication to the sensibilities of the three main streams of Judaism. In 1933 Edward and Herman Meyers, grandsons of Louis Meyers, bought the company, renamed it Riverside Memorial Chapel and opened chapels in Far Rockaway and Miami Beach. After World War II, Riverside expanded by purchasing the adjoining building and building new chapels in Brooklyn, the Bronx, and Mount Vernon.

Riverside has also expanded throughout the country to establish a national presence so that as Jews left New York City they could still have a "Riverside" funeral. Riverside Chapel has acquired a sterling reputation for service, thanks in part to my close friend, Senior Vice President David A. Alpert. Riverside Chapel is a landmark in New York City which has earned our praise.

COMMEMORATING THE 135TH ANNIVERSARY OF D.C. EMANCIPATION

HON. DONALD A. MANZULLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. MANZULLO. Mr. Speaker, last month, I had the honor of participating in an event commemorating one of the greatest events in our Nation's history—the 135th anniversary of the emancipation of the District of Columbia. On April 16, 1862, President Abraham Lincoln signed into law legislation freeing the more than 3,000 slaves owned by residents of the District of Columbia. The action occurred 9 months before Lincoln's Emancipation Proclamation took effect on January 1, 1863.

The mission to free the slaves in the District of Columbia began following a discussion in early 1862 between President Lincoln and Senator Sumner of Massachusetts. During the conversation, Sumner asked the President if he knew who was the largest slaveholder in the United States. President Lincoln must have been jolted when Sumner answered, "It is you, Mr. President."

At that time, the Federal Government controlled the District of Columbia, where more than 3,000 slaves were held in bondage. Shortly thereafter, Congress passed legislation to free the slaves in the District of Columbia, and President Lincoln signed the D.C. Emancipation Proclamation. The first of our Nation's slaves had been set free.

This week, many great people came together in the District of Columbia to celebrate this momentous event. Among them was a wonderful woman named Loretta Carter Hanes, who along with her son, Peter, helped revive the annual program commemorating the D.C. Emancipation Proclamation. I must also thank my distinguished colleague, Representative ELEANOR HOLMES NORTON of the District of Columbia, for her great work in the district and her diligence in making sure the commemoration ceremony continues year after year.

I was honored to be included in the commemoration program at the U.S. Department of the Interior. Sponsored by the U.S. National Park Service and D.C. Reading Is Fundamental, Inc., the 2-hour program featured reflections on history and prayers for the future. Particularly moving were the beautiful spiritual songs performed throughout the program. They represented the powerful hopes of the slaves as they one day dreamed of freedom.

Overall, it was an amazing program celebrating an amazing event in history. The only disappointing point of note were the hordes of empty seats in the main auditorium at the Department of the Interior. There should be standing room only for a program of this magnitude.

After speaking with the organizers of this year's event, we determined the D.C. emancipation commemoration would get more exposure—and thus more attendance—by presenting it in the Capitol next year. Not only should we encourage our schools to offer this program to their students, but Members of this body should attend as well.

I, also would like to bring attention to a related event that is going to take place tonight at the Smithsonian Institution's Hirshhorn Museum and Sculpture Garden. This event is called the International Emancipation Day Initiative Program and will examine the abolition of chattel slavery by the British Empire within its colonies on August 1, 1834, a historic action which fueled abolitionists movements worldwide. Included at this event, Peter Hanes will speak and exhibit literature about D.C. emancipation. He will also introduce D.C. emancipation historian C.R. Gibbs, noted author, journalist, and historian of the African Diaspora.

OPPOSITION TO H.R. 2—THE HOUSEING OPPORTUNITY AND RESPONSIBILITY ACT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. RUSH. Mr. Speaker, I rise today to vigorously call for defeat of H.R. 2—The Housing Opportunity and Responsibility Act—or, more appropriately, Dooms Day Legislation. H.R. 2 is another example of the "Contract on America." And we know that the Contract on America is a contract on poor people—more than 1.4 million families who live in public housing across our country.

I oppose this draconian bill for many reasons. They include the new power that the bill gives to local public housing authorities to raise rents. This will drive thousands of low-income working families out of public housing. Public housing must be preserved for low-income people who need it most.

But let me discuss a major reason I oppose H.R. 2. It does absolutely nothing to move public housing residents closer to real jobs at real wages. Section 105—one of the more vicious parts of this bill—is the provision to require forced volunteerism and to establish "self-sufficiency contracts." H.R. 2 requires that nonelderly and nondisabled residents of public housing who cannot find jobs have to perform 8 hours a month of something called "community service." The bill also requires that residents and the public housing authority sign an agreement as part of the lease. This "agreement" is supposed to set goals for self-sufficiency. And one of the goals is a timetable for families to leave public housing when they become self-sufficient.

But how are millions of public housing residents supposed to become self-sufficient, when Congress refuses to appropriate money to rebuild our communities? Now that would create real jobs at real wages. Instead of passing H.R. 2, this Congress ought to be holding hearings this week on H.R. 950—The Job Creation and Infrastructure Restoration Act of 1997. This bill, cosponsored by more than 45 Members of Congress and over 100 organizations, including city councils, calls for $250 billion to launch a major public works program that could put millions of people to work rebuilding schools, roads, hospitals, and highways.

Self-sufficiency contracts make no sense. No public housing residents should be forced to sign such contracts when H.R. 2 contains no money for jobs or supportive services to help people find jobs. And why is this Congress considering a law that requires community work in return for receiving Federal assistance? Do we require "volunteer work" in exchange for the right to receive other types of Federal assistance such as farm subsidies, LIHEAP, corporate welfare, or loan guarantees?

Section 105 of H.R. 2 is a threat to working people, especially low-wage workers. The "forced volunteers" required by section 105 threatens to displace thousands of low wage workers currently employed by public housing authorities. If Congress passes a law that requires millions of hours of free labor by public housing residents, then public housing authorities will find no need to pay wages and benefits to other workers who currently perform vital security, maintenance, and other jobs.

Mr. Speaker, you can count on my vote against H.R. 2. And you can count me in to continue to fight with public housing residents across this country to preserve the people's right to affordable housing. Thank you very much.

INTERSTATE 69 COMPLETION CRITICAL ISSUE FOR AMERICA'S HEARTLAND

HON. JOHN N. HOSTETTLER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. HOSTETTLER. Mr. Speaker, I am pleased to offer the following resolution from the Vanderburgh County commissioners for my colleagues' consideration here in the Congress. It is but one of the latest examples I see daily confirming that there is widespread, deep support to complete Interstate 69 through my home State of Indiana and through America's heartland down to Texas.

I see this evidence daily through my work as the founder and cochairman of the Interstate 69 caucus in the Congress. This caucus includes 37 members, including Representatives and Senators, from all points of the political spectrum.

As this historic Congress continues its work, Mr. Speaker, we need to push for a reauthorization of Federal highway spending to give States greater flexibility and more of the money that we all pay in taxes every time we gas up our cars and trucks. I think that need is well expressed in this resolution approved recently by the Vanderburgh County commissioners in Evansville, IN, and I commend it to the attention of my colleagues.

RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE COUNTY OF VANDERBURGH

Whereas, the Board of Commissioners of Vanderburgh County recognize that it has an important role to play in the economic development of Vanderburgh County; and

Whereas, the extension of Interstate 69 from Indianapolis to Evansville is an integral element of economic growth and prosperity for Southwestern Indiana; and

Realizing, that Southwestern Indiana does not have direct interstate access to its Capitol in Indianapolis, nor in any other North-South direction; and

Recognizing, that the expansion of Interstate 69 from Indianapolis to Evansville and then toward Mexico will greatly expand domestic and international commerce; and

Whereas, Vanderburgh County can attain only limited benefit from future expansion of trade without direct interstate access to the North and South;

Be It Resolved That, on this 10th day of March, 1997, the Board of Commissioners of Vanderburgh County endorsed the proposed extension of Interstate 69 from Indianapolis to Evansville and eventually on to Laredo, Texas for the purpose of creating a vital transportation link that will lead to the expansion of intrastate, interstate, and international trade; thus, providing a catalyst for creating numerous jobs and providing economic security for its inhabitants; and furthermore, we call upon our counterparts in all Southwest Indiana Counties along the proposed Interstate 69 route to adopt a similar resolution in support of said project.

RICHARD E. MOURDOCK,
President.
BETTYE LOU JERREL,
Vice President.
PATRICK TULEY,
Member.
Board of Commissioners of Vanderburgh County.

COMMEMORATING NATIONAL TOURISM WEEK

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. MCCOLLUM. Mr. Speaker, I rise today to commemorate National Tourism Week. The designation of May 4 to 10 is a great way to deliver the message that travel and tourism are vital to the U.S. economy. Today, May 7, is actually Tourist Appreciation Day. Approximately 3,000 communities are expected to participate in this celebration with awareness campaigns to stress the importance and success of tourism in the United States.

I know it seems odd to tout the importance of something that many of us take for granted. It seems that as long as there are planes, trains, and automobiles, people will travel. But the positive impact of tourism is incredible. In fact, tourism is America's largest services export industry, second largest employer, and third largest retail sales industry. This is a $440 billion industry, directly employing 6.6 million Americans.

Perhaps one of tourism's biggest benefits is on our trade situation. We continue to worry about our trade deficit. However, as the leading export, tourism drew more than $80 billion in expenditures by 43.4 million international visitors, creating a $19.5 billion surplus. It is staggering to think that international visitors spend $218 million per day on their trips to the United States.

On a more local level for me, Orlando and the entire State of Florida are popular tourist destinations. The mix of climate, theme attractions and natural beauty are instant draws to my district and State. I have the honor and pleasure to represent the Orlando area and see firsthand the benefits tourism can bring. The revenues generated by people visiting our State allow the State legislature to keep State taxes low. Florida still does not have a State income tax for this reason. Employment in Florida, especially central Florida, remains strong. Over 650,000 jobs are supported in Florida by tourists.

But aside from the economic benefits of tourism, Mr. Speaker, we simply must recognize the other bonuses of tourism. Vacations yield families quality time together. Traveling to new and interesting places is educational for people of all ages. International tourism promotes cultural and political understanding among different peoples. The list is virtually endless.

Mr. Speaker, I believe it is important to realize the importance of tourism to the U.S. economy and that our efforts in Congress reflect that. It is my hope that my colleagues will take note of National Tourism Week and Tourist Appreciation Day. We cannot afford to discount this critical industry.

NATIONAL TEACHER'S APPRECIATION WEEK

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today out of respect for National Teachers' Appreciation Week. Without a doubt, there is not a group of individuals that add more to our nation's future than the men and women who are in the classrooms with our children everyday. They are the ones who hold in their hands the future of our country's greatest resource. If any group of individuals deserves our recognition, it is these dedicated individuals that should always be the true objects of our gratitude.

As we move into the 21st century, our teachers are one of our most important resources; for without an educated and disciplined generation coming into power in our great democracy, we can not maintain our preeminent economy and scientific community.

Each of us can, no doubt, remember a teacher who affected the way we thought about the world around us. We can remember a teacher who changed the way we thought about what we wanted to do with our lives. Today is the day to try and evoke those memories and pay tribute to their work.

We have to keep these important people in perspective. These are the people who lead our children daily through their lessons, and give them the knowledge that they will take into later life. What can be a more important role in our communities and more deserving of our recognition.

Consequently, we should use this week to renew our commitment to our Nation's teachers. They are the backbone of our educational system. No matter what policy or funding we provide in this body, these are the people who walk into the classroom each and every day and do the kind of work we can only value in the highest sense.

I have worked with my teachers in the 18th Congressional District and they are extremely special. Every time I walk into our schools their enthusiasm for their work is self evident.

I want to pay my respects to each and every one of our teachers across this great Nation, in classrooms in our elementary schools, middle schools, high schools and our colleges and universities. I greatly admire them; and I offer them my thanks and sincere appreciation.

TRIBUTE TO THE STERLING HEIGHTS LIONS CLUB

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. LEVIN. Mr. Speaker, I rise to congratulate Sterling Heights Lions Club today, in recognition of their dedication of their new facility in Sterling Heights, MI.

For over 26 years, the Sterling Heights Lions Club has been dedicated to serving their community and helping those in need. They have undertaken countless projects, ranging from fundraising at festivals, raffles, and fairs to building playgrounds for disabled children to supporting students in youth exchange programs. Their efforts are as varied as their talents. Truly, our community is privileged to have in our midst such a dedicated group of individuals whose tremendous contributions have assisted so many in need of support.

It is especially fitting, as many of our public leaders have recently addressed our Nation on the importance of volunteering, that my brother, Senator CARL LEVIN, joins me in recognizing the Sterling Heights Lions Club. Their many years of service to the community are truly commendable and we wish them many more in their new facility.

CONCERNING LEGAL REFORM

HON. SONNY BONO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. BONO. Mr. Speaker, I rise today to introduce the Trade and Professional Association Free Flow of Information Act, and ask my colleagues to join me by cosponsoring this important legislation.

Unfortunately, our society has become increasingly litigious, especially within the area of product liability. Many product actions involve small business owners who find themselves involved in extensive, complex class-actions lawsuits involving numerous litigants. Most often, these small business owners do not possess the resources to research problems and collect the information they need to mount a credible, effective defense. In many cases, these business people turn to their professional association for help.

Many associations have the staff and resources to provide research and information gathering services to their local members; indeed, this is but one of the many important roles played by associations at the local, State, and Federal level. However, as more and more association members request information—and the association attempts to fulfill the requests placed by its members—the association could find itself more deeply involved in litigation. And perhaps faced with liability, as a result.

This threat may cause associations to hold back in providing assistance so desperately needed by small business owners. As a result, there is less information flowing between associations and association members—information that could help avoid litigation in the first place. This free flow of information from associations to their membership often works in the public interest to alert consumers to the characteristics of various products before a possibly defective product is placed into commerce on a widespread basis.

My bill would primarily accomplish three goals. First, it would grant associations limited protection from liability when acting in good faith to provide information to their members. Only in cases of fraud or misrepresentation would an association be subject to a lawsuit for providing much-needed information and services to their members. This will set a national standard by which associations can provide information to their members without the threat of litigation.

Second, it would protect associations from burdensome subpoenas unless a clear case can be made that the information possessed by the association is vital to a particular case or is unavailable from any other source. I must make an important distinction—this provision does not prevent associations from being served with subpoenas. It merely ensures that the information requested is vital to a particular action and unavailable from any other source. This further serves to encourage associations to develop and catalogue information beneficial to their members.

Finally, the bill establishes a level of qualified privilege between association and member to ensure that confidential materials can be provided for the benefit of association members. This provision is based on joint defense privilege currently recognized by state and federal courts. This privilege is qualified in the sense that it can be overcome should a judge determine that the party seeking materials has a clear and compelling for the information

It is my sincere hope that the provisions of my legislation will allow associations to continue to actively disseminate valuable information to their members while safeguarding current legal protections against fraud and abuse. The goal of the Trade and Professional Association Free Flow of Information Act is one I believe I share with a majority of my colleagues—a reduction in costly litigation through the free flow of information generated by associations for their members. I urge my colleagues to cosponsor this legislation.

HONORING STUDENTS IN FREE ENTERPRISE

HON. JAMES C. GREENWOOD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. GREENWOOD. Mr. Speaker, I rise today to pay tribute to an outstanding organization in Bucks County, the Students in Free Enterprise, located at the Bucks County Community College.

Students in Free Enterprise [SIFE] is a nonprofit, international organization including over 400 chapters on the campuses of U.S. colleges and universities. SIFE has continually encouraged the free-enterprise system through educational programs since its inception more than 20 years ago by Sam Walton, founder of Wal-Mart. Students in the organization dedicate their time and resources to helping others develop leadership, teamwork, and communication skills through learning, practicing, and teaching the principles of free enterprise. SIFE is not only involved with the encouragement of the free-enterprise system, but has worked closely with many national and international charitable organizations such as the American Red Cross, the American Lung Association, and the Civil Air Patrol on various projects. The student organization at the Bucks County Community College has also instituted programs such as Reading Empowers and Directs Youth [READY] and Children Are Really Extra Special [CARES] to teach children important computer skills.

The Students in Free Enterprise is a valuable asset to the people of Pennsylvania. In honor of their many charitable and civil contributions, I join my colleagues in the Pennsylvania House of Representatives in recognizing May 20, 1997, as Students in Free Enterprise Day.

I congratulate them on this day as they continue their mission of helping people achieve their dreams through free-enterprise education.

HONORING LONG ISLAND'S BEST AND BRIGHTEST

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ACKERMAN. Mr. Speaker, I rise to congratulate three extraordinary young people who have been selected for USA TODAY's 1997 All-USA High School Academic First Team. The Academic First Team is composed of 20 individuals who were selected from among 6,826 high school students from across the Nation. It is both humbling and inspirational to listen to the accomplishments of these dynamic individuals.

Joshua Gewolb, of Port Washington, NY, has spent substantial time exploring the makeup of a solar cell. In fact, he was actually able to compress the basic architecture of a solar cell, into a single molecule, thus increasing the overall efficiency of the cell. Joshua also received a $2,600 grant for his work which was used to purchase new equipment for his high school. In addition, Joshua is the editor of the newspaper at Paul Schreiber High School, and has won awards in speech and writing. If this wasn't enough, Joshua is also an accomplished cellist. He will be attending Harvard in the fall.

Davesh Maulik, of Roslyn, NY, has conducted world-class math research on the root permutations of polynomials. He has won three first place prizes at worldwide competitions. In addition, Davesh plays the violin in a chamber ensemble and is the senior editor of Roslyn High School's literary magazine. Davesh will be joining Joshua at Harvard University in the fall.

Joseph Turian, of Great Neck, NY, skipped a grade in elementary school and completed high school in 3 years. Thus, he will be graduating from Great Neck North High School at the age of 16. Joseph has done extensive work in the area of computer science. He taught a computer to write fairy tales of its own design and has also conducted substantial research on computer graphics. Joseph is also the editor of his high school newspaper and is a singer with the New York City Opera Children's Chorus. Joseph will also be attending Harvard University.

These three scholars truly embody the ideals of innovation, perseverance, and leadership. I ask all of my colleagues to join me in honoring and congratulating these young men, on their many accomplishments, and extending to them our best wishes for continued success.

THE TRIUMPHANT SPIRIT: DAYS OF REMEMBRANCE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. LANTOS. Mr. Speaker, as you and my colleagues know, this week marks the annual Days of Remembrance (Yom HaShoah), a time when ceremonies are held throughout the world to remember the six million victims of the Holocaust. It is most appropriate that each year we put aside our other routine daily activities and remember those victims of intolerance, racism, and unmitigated evil.

Mr. Speaker, this year to mark the occasion of the Days of Remembrance, my colleague and good friend from New York, BENJAMIN GILMAN, and I are sponsoring a very special exhibit here on Capitol Hill—"The Triumphant Sprint," the work of Nick Del Calzo. This outstanding display, which will be in the Cannon rotunda from May 6 through May 17, is a unique collection of portraits and stories in which the subjects, the photographer, the editor and the author all embody magnificent and inspiring aspects of what has come to be known as the American dream.

Denver photographer Nick Del Calzo, a journalist and former media consultant, is living his dream by pursuing his third career, documentary portraiture.

Del Calzo, a first generation American and one of seven children of Italian immigrant parents, traveled to Europe in 1991 to create portraits of his own relatives in Italy, Belgium, and France. He took an unplanned detour to Dachau, the Nazi death camp he had studied as a student. Though not Jewish, Del Calzo became compelled to document the Jews who survived that and other killing camps. Over 5 years, he photographed 145 American survivors, and over those 5 years, again and again, he looked into the eyes of those who had witnessed man's most heinous horrors. Del Calzo's photography captures so powerfully and eloquently the abysmal pain and suffering they endured, and it also reflects the ability of the human spirit to transcend tragedy and to assert the power of good over evil. Del Calzo's work is part of a unique photo collection—both an exhibit and now, a magnificent and moving photographic book, all under the title of "The Triumphant Spirit."

These Jewish survivors in the book, and so many others like them, are the ultimate metaphor of the American dream. They survived the attempted genocide by Adolf Hitler's Third Reich when, from 1939 to 1945, six million European Jews were systematically murdered. They had the courage to survive, and now they have the courage to relive and share their stories. Each survivor's story is different, yet each so similar in their pain and tragedy. Each person is one of a few or the only survivor of their families. Each survivor's experience is dotted with poignant incidents of happenstance that defined the difference between life and death. Each is a story of luck, determination, devotion, and survival. Each story is a triumph of the human spirit. The survivors come from across America. Some are famous, some have led quiet and humble lives. Each came to this country with hope for a better life. It was here they fashioned their dreams, their futures, and their families with all that was afforded them in this land of opportunity. Their lives are lasting reminders about how precious is freedom, how enduring is the human spirit and how dangerous is intolerance.

Nick Del Calzo has noted: "The day will come when the last Holocaust witness will perish and these voices will be silenced forever. My hope is that by capturing their portraits and their messages, they can continue to inspire future generations and continuously rekindle hope for brighter tomorrows."

The portraits are truly inspirational. Some are against the backdrop of our Nation's most precious symbols of freedom and peace: the Lincoln Memorial, the Liberty Bell, the Statue of Liberty and others. And some are in moving settings that speak volumes about each survivor's life in this country.

Del Calzo was encouraged through this project by his confidant and, later, editor of the book, Linda J. Raper of Richmond, IN. Again and again, against obstacles, suspicion and discouragement, these two individuals worked tirelessly as they crisscrossed the country, without financial reward, to make this extraordinary project a reality. Their contribution to the story of the survivors and to the education of all who must know what happened in the Holocaust is so very important. Through their work and travels, they have endeared themselves to so many survivors and their families who are grateful, not only for their work and dedication, but for their understanding, and devotion, particularly as non-Jews, to continue to tell the story. Nick and Linda were joined in their efforts by a second generation American, Renee Rockford, the daughter of a Holocaust survivor who appears in the book. A journalist and freelance writer in Denver, Renee eloquently captured in words the touching and painful stories of each of the survivors in the book. She has traveled throughout the world with her father in search of surviving family members, and now has put into words, sometimes for the first time, what these people endured. Never having found any of his six brothers and sisters, parents, grandparents, aunts or uncles, Rockford's father, David Bram, felt that his most important purpose was to keep their story and his story alive, and the Triumphant Spirit accomplishes that goal. In his portrait in the book, Bram, an Auschwitz survivor, is holding what is for him a precious momento and symbol of the destroyed communities and peoples of Europe, a Torah scroll confiscated and warehoused by the Nazis, and now on permanent loan to Bram's congregation in Colorado Springs, CO. That scroll is all that is left of an annihilated community in Czechoslovakia.

But what the survivors came to know and understand was that America was a different place where their freedom to create a life, choose their religion and pursue their dream was simply a question of hard work. And work they did. The survivors of the Triumphant Spirit represent everything from the largest envelope privately-owned manufacturer in the U.S., successful real estate developers, protectors of civil rights, artists, authors, educators, poets, doctors and researchers, mothers and fathers and much more. My wife, Annette, and I are fortunate enough to be included among those survivors immortalized by Del Calzo. Not only have these people made enormous contributions to the foundation and fabric of our great country, but they will continue to do so as their stories endure and inspire us with their triumphant spirit.

Mr. Speaker, I urge my colleagues to take the time in the next 2 weeks to see this outstanding exhibit.

THE RECOVERY NETWORK

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize a part of the solution to our Nation's problem with addiction. The Recovery Network was founded by a group of concerned citizens who are answering the call to do more in this era when government is being told to do less. At no cost to the taxpayer, this system will provide those in need with a direct connection to help. Addictions to drugs, alcohol, gambling, and other problems will be addressed in the privacy of people's homes, so that those taking the first step toward recovery can deal with doing so without a harsh public watching every move.

Mr. Speaker, I have a better description here with me and I am inserting this into the RECORD. I commend it to all of my colleagues and Americans everywhere:

RECOVERY NETWORK,
Santa Monica, CA.

The Recovery Network: providing political leaders with an issue of importance to every citizen.

In every city throughout the United States political leaders and community groups have focused major efforts and limited resources on the growing problem of drug and alcohol abuse. The cost in human suffering and diminished self-worth cannot be measured in the loss of productive work, crime, domestic violence and child abuse, or the large expenditures in local, state and federal financed programs.

The social cost of these problems is having an impact on other services demanded by citizens. Alcoholism and chemical dependency alone cost taxpayers, insurers and businesses more than $166 billion.

Finding solutions has eluded government officials, law enforcement and community leaders. With the dramatic cuts in funding from tax revenue, the problem will continue to plague government at all levels. Now, with ever-decreasing resources, more and more government leaders have come to the realization that new solutions are needed to solve social problems. The President and the Congress have called for a commitment by corporate America to use their resources to turn the tide in all areas that affect the lives of our citizens.

It is in that spirit that a group of concerned citizens and television professionals joined with professionals in the television industry, prevention experts and those in the recovery community to create the Recovery Network. This innovative cable network is working with established local recovery organizations in every state to deal with drug, alcohol and other substance dependencies, as well as eating disorders, compulsive gambling and depression, to a name a few.

The Recovery Network will provide a direct connection to those in need in the privacy of their homes. Real people. Real solutions. At no cost to the taxpayer. An answer to those never-ending issues leaders in government should enthusiastically endorse.

The Recovery Network is private enterprise helping to solve public problems through locally oriented programs created and supported by the national network. To do it, the Recovery Network must secure two hours of cable time each day on city-franchised cable systems. Within two years, this privately financed venture will seek a full-time, 24-hour-a-day link into every home to provide round-the-clock public education services to people in need of life-changing guidance to reclaim their lives.

For the first time, the Recovery Network offers a positive and innovative use of cable that provide daily programs to the homes of an estimated 88 million Americans affected by substance abuse and dependency.

30 million are children of alcoholics.

50 million are addicted to nicotine.

80 percent of all crime cases are alcohol- or drug-related.

The social impact is clear. The political advantage is positive.

In every local cable community, the Recovery Network is working closely with a partnership of local community organizations and foundations providing care to the people in need. Those care providers cannot reach all the people in need of their services. The Recovery Network expands that capability to every home wired to cable in their community.

This cable connection offers its viewers more than a presentation of the problem, more than direct involvement with real solutions but also a direct link to sources of information. The Recovery Network allows viewers to interact with others through a 24-hour crisis response hotline, 7 days a week, 365 days a year, as well as a support service offered on the Internet.

Support of the Recovery Network's search for a two hour link into every home through a cable system provides a real solution to the never-ending need to confront the problems of drug and alcohol addiction and provide real solutions through local government-franchised cable provider.

The Recovery Network gives political leaders, public officials, unions and the local recovery community a real tool to confront an issue of concern to every citizen at no cost to the taxpayer.

IN HONOR OF ITT AUTOMOTIVE

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mrs. SLAUGHTER. Mr. Speaker, I rise today to pay special tribute to a distinguished company located in New York's 28th Congressional District: ITT Automotive.

ITT Automotive, which employs 3,800 workers at its electrical systems plant in Rochester, NY, was awarded the 1997 Quality Cup for manufacturing on May 2, 1997. ITT Automotive received the Quality Cup Award for creating an advanced modular windshield wiper system that met stringent quality and safety requirements for the Chrysler minivan and provided added value for the automotive industry supply chain. The employees heading the award-winning quality team include team leader Craig Hysong, Robert Price, Richard Fisher, Michael Kinsky, and Jeannine Marciano, all from ITT Automotive's electrical systems plant in Rochester.

No company could be more deserving of this award than ITT Automotive. The Quality Cup, given by the Rochester Institute of Technology and USA Today, honors companies and individuals who excel in the pursuit of quality.

In addition to the RIT/USA Today award, the ITT Automotive team members also were honored with Chrysler's Award for Excellence. Thee honors add to a long list of other awards that ITT Automotive has received in the past few years, including such prestigious honors as Ford's Q1, General Motors' Mark of Excellence, and Chrysler's Pentastar awards, as well as honors from Honda, Toyota, Mazda, Audi, and other international manufacturers. Last year the plant also received a Governor's Award from the State of New York for environmental protection programs that minimize hazardous wastes, reduced solvent air emissions, and improved energy efficiency.

These awards are a testament to ITT Automotive's workers and management, and I am delighted that RIT, USA Today, and Chrysler have chosen to recognize ITT Automotive for its strong record of quality. ITT Automotive represents the very best in American business: Putting its customers first, trusting its employees, and building quality into products and services. I am proud of its success, its achievement, and of the contribution it makes to our community. Congratulations to everyone at ITT Automotive who shares in this honor.

WORCESTER, WESTBOROUGH, STERLING, AND HOLDEN SENIOR GIRL SCOUTS EARN GOLD AWARD

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. McGOVERN. Mr. Speaker, last Sunday, May 4, I was privileged to be present when six young women from the cities of Worcester and Holden, MA, received the Gold Award, the highest achievement a girl can earn in Girl Scouting. These awards are a demonstration of the high values, commitment and goals of these remarkable women. They represent the future leaders of our communities and Nation—indeed, I expect that one of them will one day serve in the U.S. House of Representatives or the U.S. Senate.

The requirements for earning the Gold Award are rigorous and demand a significant commitment of time, effort, and personal initiative. Typically a young woman will invest 3 or 4 years of personal development, leadership activities, community service, and career exploration in preparation for the Gold Award Project. In the Gold Award Project, each girl reaches out to serve some segment of the community—of her world—in a meaningful and long-lasting way. She must develop and execute a special project, at least 4 months in length, that is original, challenging, solves a need, incorporates outside experts, and can be sustained after she leaves. The project must be approved and evaluated for successful completion by the Montachusett Girl Scout Council's Gold Award Committee of Worcester, MA. The project is truly an express of each girl's creativity and individuality.

The six young women honored on May 4, 1997, are Angela M. Achorn of Westborough, Geralyn Dion of Sterling, Martha Miriam Douty and Margaret Aria Felis of Worcester, and Katherine R. Hebert and Patricia Anne Owens of Holden.

For her Gold Award final project, Angels M. Achorn of Westborough compiled and distributed a 52-page book, "Preschools, Daycare, Activities and Other Services" for families of young children in the Westborough, Northborough, Marlborough, Hopkinton, Grafton, Shrewsbury, and Worcester areas. The book helps families new to the area know what programs are available for their children. Two hundred copies have been distributed and are available for reference in local libraries.

Working extensively with the Sterling Historical Commission, Geralyn Dion's Gold Award project, "Historic Sterling," included a tour of Sterling's historical sites for fifth graders studying American History, the installation of interpretive signs at eight historical sites in town, and the production of a video documentary of these sites. Copies of the video have been donated to the Sterling Education Association, Houghton and Chocksett Schools, Conant Public Library, Clinton Continental Cablevision, the Sterling Historical Commission, and other community groups.

Martha Douty of Worcester developed an activity program called Creative Arts for Autistic Children for her Gold Award final project. Working with the students and staff at the New England Center for Children, she established and conducted a weekly interactive program for the residents which the center plans to continue.

Gold Award recipient Margaret Felis of Worcester organized and founded a local chapter of the Maids of Athena, a social and community service organization for girls of Hellenic descent. The Saint Spyridon Cathedral-based group works to assist the Orthox Food Pantry and to support the needy within the Greek-American community in central Massachusetts. The group plans to expand their service project to include the wider Worcester community.

For her Gold Award final project, Katherine Hebert of Holden designed a training program to revitalize the outdoor skills of older girls, who then became mentors to younger girls. She designed and managed an event where girls between 5 and 17 years of age learned outdoor skills together, increased their ability to live comfortably in the out-of-doors, and experienced the program possibilities of a local conservation area.

Patricia Anne Owens of Holden chose to address the needs of the Holden Recreation Department for nature education resources at Trout Brook Park for her Gold Award project. She collected, cataloged, and presented to the department a wide range of resources that will be used as program ideas and aids for groups using the Trout Brook facility. Among the materials she helped to have donated are a microscope, ponding equipment, nature guides, and other hands-on equipment and materials.

The Montachusett Girl Scout Council serves over 10,000 girl members from the age of 5 through 17 and 2,600 adult members in 61 cities and towns in central Massachusetts. They are a member agency of the United Way.

TRIBUTE TO INDIANA LT. GOV. JOSEPH E. KERNAN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Ms. CARSON. Mr. Speaker, I want to take a brief moment to share my pride and admiration for our Indiana Lt. Governor, Joe Kernan. Today, May 7, marks the 25th anniversary of when Joe Kernan was shot down by the enemy over North Vietnam and held prisoner of war for the succeeding 11 months.

Joe Kernan, a 1968 graduate of Notre Dame, had never set foot in Vietnam until he was shot down by the enemy while serving as a Naval flight officer in the Vietnam war. He was repatriated in 1973 and continued on active duty with the Navy until December 1974. The Combat Action Ribbon, two Purple Heart medals, and the Distinguished Flying Cross are among the military awards that the Lieutenant Governor has received.

Joe Kernan was elected to the office of mayor of South Bend in 1987. He served as the city's mayor for 9 years, longer than any other mayor in South Bend's history. In 1996, he and Governor Frank O'Bannon were elected to the top two positions in Indiana government. Joe and his wife, Maggie, have a home in South Bend.

Twenty-five years today, May 7, 1972, the life of Joe Kernan was turned upside down. He was flying over Vietnam at 4,500 feet, conducting bomb damage assessment, when his plane was hit with anti-aircraft fire.

Lest we forget the courageousness and dedication of our Vietnam veterans on behalf of all of us. Lest we forget in the words of Joe Kernan, "'* * * hope and faith played an important role."

And in recalling the prose of the poet, "Joe Kernan exemplifies the true meaning of the land of the free, and home of the brave."

CONGRATULATIONS TO MY GOOD FRIEND SAMMY DAVIS, AN AMERICAN HERO

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. POSHARD. Mr. Speaker, I rise today to acknowledge my good friend, Sammy Davis, an American hero and a proud citizen of Robinson, IL.

On May 9, 1997, a new Federal building in St. Louis will be named after Sammy Davis. Let me tell you about this brave man. He is a local Congressional Medal of Honor winner. He was awarded this prestigious award after fighting off a Viet Cong attack and rescuing three wounded men west of Cai Lay, in South Vietnam on November 18, 1967. Sammy, a private first class in the Army, served as a cannoneer with Battery C, Second Battalion. Fourth Artillery, Ninth Infantry Division at a remote fire support base. Around 2 a.m., the base was under heavy attack by the Viet Cong. Sammy, just newly turned 21, provided cover for a gun crew trying to direct artillery fire on the enemy. But their howitzer was directly hit, throwing him into a foxhole. Rather than heeding warnings to take cover Sammy bravely ran back to the howitzer, which was on fire, loaded and fired it. The recoil knocked him off his feet, but he valiantly climbed back on under heavy fire. He was injured when a motor round exploded just a few yards away, however, he again loaded the howitzer and fired four more times.

Even though Sammy was injured and unable to swim, he used an air mattress and a machine gun to rescue three wounded soldiers on the opposite bank and fired his gun into the dense vegetation to prevent the Viet Cong from advancing. During this intense battle Sammy kept firing away and protected the two soldiers remaining. Because of his courageous effort there were only casualties, no deaths. Sammy refused to be medically treated and jumped on another howitzer, continued firing, breaking off the Viet Cong attack, enabling him to escape with his life.

Not long after this battle Sammy was medically discharged and returned to the Indianapolis-Mooresville, IN area, where some of his family resided. While Sammy was in Vietnam his family moved to Robinson, IL. He then met his wife, Peggy Martin, and they have raised three children, two sons, Beau and Blue, who attend Lincoln Trail College and Vincennes University, and a daughter, Nicole Newkirk. Sammy is also blessed with a 21-month-old granddaughter, Stevie Raye, who is very much the "light" of his life.

Mr. Chairman, the Medal of Honor is the highest award given for the heroic deeds Sammy dared to accomplish in his youth, and it is a great pleasure for me to celebrate the dedication of the Federal building to Sammy Davis for his outstanding service to the U.S. Army. It is due to people like Sammy, who put their lives on the line to save others, that have truly made the United States the symbol of freedom worldwide. I am sure Sammy does not see himself as a hero and felt he was just doing his duty, but he is a hero in my eyes, and in the eyes of his family and the community of Robinson, IL.

TRIBUTE TO WILLIAM WOODROW CARTER: ALABAMA'S SMALL BUSINESS PERSON OF THE YEAR

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. EVERETT. Mr. Speaker, I rise to pay tribute to a distinguished businessman and outstanding citizen of my congressional district, Mr. William Woodrow Carter of Brundidge, AL. Mr. Carter has been honored as Alabama Small Business Person of the Year for 1997 by the U.S. Small Business Administration.

Woodrow Carter is one of 53 honorees selected from all 50 states, the District of Columbia, Puerto Rico/Virgin Islands and Guam based on criteria stability, financial strength, leadership resulting in business growth, ability to overcome adversity, response to changes in the market, and community and business citizenship.

Woodrow, together with his brother Charlie, founded Carter Brothers in 1936 with 10 employees. Today, his business has grown to employ 200 people and has diversified from the production of agricultural equipment to lawn mowers and garden equipment to go-karts. But that's not the real award winning story.

After Woodrow's business suffered extensive damage in a 1989 tornado, he didn't choose to close it down, but rather enlisted the support of his family and employees to rebuild. Remarkably, portions of his business were up and running within a few days.

Today, Carter Brothers Manufacturing of Brundidge is an example of a prosperous, ever adaptive small business, which continues to provide quality to the customer and solid employment to the community. This is quite a feat when you consider the financial, market and government-driven obstacles which often block small business development.

Mr. Speaker, I'm proud to congratulate my constituent, Mr. William Woodrow Carter for his contribution to Alabama's economic well-being. He deserves the mantle of Alabama's Small Business Person of the Year.

ADOLPH KOEPPEL HONORED BY THE TILLES CENTER FOR THE PERFORMING ARTS

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my constituents of the fifth congressional district, the overseers of the Tilles Center for the Performing Arts, and the countless friends and supporters of the arts as they gather on May 10 to honor Adolph Koeppel.

Adolph Koeppel has served as a distinguished and dedicated member of the Tilles Center since its inception. This week, he will receive the first Gilbert Tilles Lifetime Achievement Award, in recognition of Mr. Koeppel's ongoing sponsorship of the annual Tilles Center engagement of the New York City Opera National Company. Beginning next fall, a Tilles Center Scholarship Award will be made annually in honor of Adolph and Rhoda Koeppel to encourage the development of young artists and of new audiences for the arts.

Adolph Koeppel's devotion to the cultural life of Long Island is matched by his dedication to his profession. As the founding partner of Koeppel Martone Leistman and Herman, Mr. Koeppel has emerged as a leading tax certiorari attorney, and has gained wide recognition for his legal prowess among those practicing law in New York, the District of Columbia, and Florida. Indeed, Mr. Koeppel has established a reputation that readily emerges as a yardstick by which countless future legal efforts must be measured. His published works are voluminous and are used by practitioners as guideposts to addressing complex tax-law issues.

Mr. Speaker, there are few individuals with a career so intense and demanding as Adolph Koeppel's who can readily take a hobby and make it into a second career. Yet Adolph Koeppel has turned his love of philately into a professional endeavor. He has produced four books on the tax revenue stamps of India, and will soon be publishing a fifth volume that will serve as the definitive work on Italian fiscal stamps.

Yet of all his accomplishments and achievements in a career so diverse and time-consuming, Adolph Koeppel's personal achievements are his crowning success. He and his wife, Rhoda, are the parents of two exceptional daughters, Pamela and Lesley, who have in turn blessed the Koeppels with three granddaughters, Melissa, Jennifer, and Tara.

Mr. Speaker, it is at a time such as this, when our country eagerly searches for heroes who readily bring forth those strong values so endearing and meaningful, that we are enriched by Adolph Koeppel's enormous contributions of leadership, scholarship, and family love. I, therefore, ask my colleagues to join with me in this most deserving salute to Adolph Koeppel.

CONGRATULATING FIFTH WARD COMMUNITY REDEVELOPMENT CORP. AND BANK UNITED FOR SELECTION AS OUTSTANDING COMMUNITY INVESTMENT AWARD

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. BENTSEN. Mr. Speaker, I rise to congratulate the Fifth Ward Community Redevelopment Corp. and Bank United for their selection as one of the Nation's outstanding community redevelopment partnerships. They are being recognized this week by the Social Compact as recipients of the Outstanding Community Investment Award. This award is given to partnership-based organizations and individuals for exceptional achievement and leadership serving and investing in the future of American neighborhoods. This partnership is the first Texas-based initiative to be recognized by the Social Compact, a coalition of leaders from throughout the financial services industry who have joined forces to increase investment in America's lower income neighborhoods.

The Fifth Ward is one of Houston's poorest neighborhoods, but it has a rich history and great potential. Home to the late Barbara Jordan and Mickey Leland, as well as George Foreman, Joe Sample, and the Jazz Crusaders, it is located in close proximity to downtown. Once the vibrant heart of Houston's oldest and largest African-American community settled by freed slaves at the end of the Civil War, it is a community with a rich heritage and an indelible tradition of strong religious leadership. But hard numbers conjure up a different image: median income is just $7,600; 62 percent of the residents live in poverty; and 800 vacant lots and abandoned houses litter the community.

In this environment of opportunity and challenge, the Fifth Ward CDC and Bank United Partnership has ventured to help the community reclaim its heritage as a neighborhood of choice. In an area that has not seen any new construction in 50 years, the partnership has built 77 new homes. Their strategy has been to construct high quality homes that will attract both middle-class families drawn to the neighborhood's rich history and downtown location, while also creating affordable home ownership opportunities so minimum-wage families can begin building an equity stake in the community. The Fifth Ward CDC has established their own construction company, which has allowed them to limit housing cost to about $10,000 below what commercial developers would charge. It has also provided 27 full-time jobs for neighborhood residents.

The Fifth Ward CDC and Bank United have formed a truly exceptional partnership that can serve as a model for other communities. They should be commended for their vision, their readiness to take risk, and most of all, for investing resources to help this community reclaim its heritage as a vibrant neighborhood of choice.

HONORING HEBREW HOSPITAL HOME

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 7, 1997

Mr. ENGEL. Mr. Speaker, the Hebrew Hospital Home has had as its mission, since its founding, the care and nurturing of the chronically ill and frail elderly. It has succeeded splendidly at this and celebrates its 20th anniversary of moving to its present location by announcing the good news that it will break ground on a 16,000 square foot addition adjacent to its building.

The Hebrew Hospital Home has expanded from its original 50 beds since its founding in 1928 to a capacity of 480 beds, an expansion made possible by the 1977 move to its present facility in Co-op City. The range of medical aid offered by this non-sectarian home includes on-site medical, dental, laboratory, radiology, ophthalmology, podiatry and pharmacy services. There are also specialized rehabilitative services such as physical and occupational therapy and speech and hearing services.

It has a highly trained professional staff of 650 persons of which 20 per cent live in the community. The Hebrew Hospital Home also has two state of the art outreach programs which recognize the desire of many elderly to stay in their own homes. It also developed the first and most innovative program to deal with Alzheimer's disease or dementia, a program providing services in the evening, the most difficult time for many of these patients. The Home also provides social work services and recreational services which range from on-site beauty salons and barber shops to trips to Broadway and other locations.

A society is truly valued by how it treats its elderly. The Hebrew Hospital Home is a shining example of how it should be done. I salute them on their anniversary and their expansion.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 8, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 13

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Housing and Urban Development.

SD–138

Energy and Natural Resources

To hold hearings on S. 416, to extend the expiration dates of existing authorities and enhance U.S. participation in the energy emergency program of the International Energy Agency, S. 417, to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002, and S. 186, to amend the Energy Policy and Conservation Act with respect to purchases from the Strategic Petroleum Reserve by entities in the insular areas of the United States.

SD–366

Indian Affairs

To hold oversight hearings on the implementation of the Indian Employment, Training and Related Services Demonstration Act of 1992 (P.L. 102–477).

SR–485

10:00 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on environmental programs.

SD–192

Budget

Business meeting, to mark up a proposed concurrent resolution on the fiscal year 1998 budget for the Federal Government.

SD–608

Commerce, Science, and Transportation

To hold hearings on State pre-emption of TELCO.

SR–253

Judiciary

To hold hearings on S. 610, to implement the obligations of the United States under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, known as "the Chemical Weapons Convention" and opened for signature and signed by the United States on January 13, 1993.

SD–226

Commission on Security and Cooperation in Europe

To resume hearings to examine the process to enlarge the membership of the North Atlantic Treaty Organization (NATO).

SD–538

2:00 p.m.

Appropriations

To hold open and closed (SD–124) hearings on counterterrorism issues.

SD–192

2:30 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine barriers to entry at airports.

SR–253

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on S. 39, to revise the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean.

SR–253

MAY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine program efficiencies at the Department of Defense and the National Science Foundation.

SR–253

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD–366

Rules and Administration

To hold hearings on the campaign finance system for presidential elections, focusing on the growth of soft money and other effects on political parties and candidates.

SR–301

MAY 15

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine spectrum issues.

SR–253

Small Business

To resume hearings on the Small Business Administration's finance programs.

SR–428A

Veterans' Affairs

To hold hearings to examine allegations of sexual harassment in the Department of Veterans Affairs.

SH–216

10:00 a.m.

Labor and Human Resources

To resume hearings on proposed legislation authorizing funds for programs of the Higher Education Act.

SD–430

10:30 a.m.

Appropriations

Foreign Operations Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1998 for foreign assistance programs, focusing on combatting infectious diseases worldwide.

SD–138

2:00 p.m.
Commerce, Science, and Transportation
Science, Technology, and Space Subcommittee
To hold oversight hearings on staff reductions for fiscal year 1997 and 1998 for the National Weather Service.
SR-253

Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold joint hearings with the House Committee on Resources Subcommittee on Forests and Forest Health to review the Columbia River Basin Environmental Impact Statement.
SD-366

MAY 16

10:00 a.m.
Labor and Human Resources
To hold hearings to examine adult education programs.
SD-430

MAY 20

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of the Interior.
SD-124

10:00 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Capitol Police Board, the Congressional Budget Office, and the Office of Compliance.
S-128, Capitol

Labor and Human Resources
To hold hearings to examine the quality of various health plans.
SD-430

MAY 21

9:30 a.m.
Indian Affairs
To hold oversight hearings on programs designed to assist Native American veterans.
SR-485

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense, focusing on Air Force programs.
SD-192

Judiciary
To hold oversight hearings on the Federal Bureau of Investigation, Department of Justice.
SD-226

MAY 22

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the financial implications of restructuring.
SH-216

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to review the activities of the Substance Abuse and Mental Health Services Administration, Department of Health and Human Services.
SD-430

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold a workshop on the proposed "Public Land Management Responsibility and Accoutability Act".
SD-366

Judiciary
Antitrust, Business Rights, and Competition Subcommittee
To hold hearings to examine the antitrust implications of the college bowl alliance.
SD-226

JUNE 4

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD-192

JUNE 11

10:00 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1998 for the Department of Defense.
SD-192

JUNE 12

9:30 a.m.
Energy and Natural Resources
To resume a workshop to examine competitive change in the electric power industry, focusing on the benefits and risks of restructuring to consumers and communities.
SH-216